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PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, November 18, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, may Your spirit fill our hearts and lives with the bounty of Your love. Grant to those responsible for the concerns of our Nation the earnest desire for the things that make for peace and fill people everywhere with dedication for integrity and compassion. Enable those who call upon You to rise above the common level of life that justice will roll down like waters, and righteousness like an ever-flowing stream. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7942. An act to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7584. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 7724. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes; and

H.R. 8061. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8061) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. BUMPERS, Mr. DURKIN, Mr. MAGNUSON, Mr. MATHIAS, Mr. SCHMITT, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7584) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. MAGNUSON, Mr. EAGLETON, Mr. INOUYE, Mr. BURDICK, Mr. DECONCINI, Mr. BUMPERS, Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. LAXALT, Mr. GARN, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7724) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBERT C. BYRD, Mr. HOLLINGS, Mr. BAYH, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. DURKIN, Mr. STEVENS, Mr. YOUNG, Mr. HATFIELD, Mr. BELLMON, Mr. MCCLURE, and Mr. LAXALT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the House amendment to the bill (S. 1142) entitled "An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. BURDICK, Mr. MOYNIHAN, Mr. MITCHELL, Mr. STAFFORD, Mr. CHAFEE, and Mr. SIMPSON, to be the conferees on the part of the Senate.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ALICE W. OLSON

The Clerk called the bill (H.R. 5160) to amend the act entitled "An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson."

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California.

There was no objection.

DR. HALLA BROWN

The Clerk called the Senate bill (S. 1578) for the relief of Dr. Halla Brown.

There being no objection, the Clerk read the bill, as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall pay to Doctor Halla Brown, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $700,000, less any amount certified to the Secretary of the Treasury by the Secretary of State pursuant to subsection (b). Such sum represents the

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

uncompensated portion of the loss incurred by Doctor Halla Brown for injuries suffered in an automobile accident on April 20, 1974, in Washington, District of Columbia, involving Alberto Watson-Fabrega, a diplomat accredited to the Republic of Panama, which loss is uncompensated by the Republic of Panama, or by personal insurance.

(b) The Secretary of State shall certify to the Secretary of the Treasury the amount, if any, paid in connection with the loss described in subsection (a) to Doctor Halla Brown by the Republic of Panama during the period of April 20, 1974, to the date of enactment of this Act.

(c) The payment made pursuant to subsection (a) to Doctor Halla Brown shall be in full satisfaction of all claims of Doctor Halla Brown against the Republic of Panama arising from such automobile accident.

(d) After the date of enactment of this Act, any amount paid by other parties in settlement of any claim of Doctor Halla Brown against the Republic of Panama arising from such automobile accident shall be subrogated to the United States.

SEC. 2. No amount in excess of 10 per centum of the sum paid to Doctor Halla Brown in accordance with the first section of this Act shall be paid to or received by any agent or attorney for services rendered in connection with this claim. Violation of this section is a misdemeanor, and any person convicted thereof shall be fined not more than $1,000.

With the following committee amendment:

Page 1, line 6: Strike "$700,000" and insert "$500,000".

The committee amendment was agreed to.

● **Mr. SENSENBRENNER.** Mr. Speaker, although I initially had some reservations about this legislation, I will not object to its consideration. The bill provides relief for Dr. Halla Brown, who was seriously injured in an automobile accident in 1974 caused by an uninsured Panamanian diplomat.

Because of the unique circumstances regarding the accident and this country's diplomatic immunity laws which were then in effect, I want to emphasize that this bill is not to be regarded as a precedent. As the report of the Committee on the Judiciary (H. Rept. 76–1265) indicates, Dr. Brown was unable to seek compensation from the negligent driver because the diplomatic immunity laws which were in effect in 1974 fully shielded the diplomat from legal liability. This situation existed despite the fact that the United States was a signator of the 1961 Vienna Convention, which provided for more restricted diplomatic immunity.

Although the Convention was recommended for ratification by the Senate in 1965 and ratified by the President in 1972, our diplomatic immunity laws were not modernized to bring them into harmony with the 1961 Vienna Convention until 1978, 4 years after Dr. Brown's accident.

I have been assured by the Department of State that there is no other case comparable to Dr. Brown's accident, which occurred prior to the enactment of Diplomatic Relations Act of 1978, for which S. 1578 might be considered a precedent. With respect to any new accidents which may occur, the compulsory insurance provisions of the 1978 law provide a basis for injured U.S. citizens to seek recovery by requiring foreign diplomats to carry satisfactory automobile insurance and by creating as a matter of Federal law a substantive right of an injured party to proceed directly against the diplomat's insurance company.

I have reviewed the State Department regulations and the specific procedures for enforcing the compulsory insurance provisions in the Diplomatic Relations Act of 1978. I approve of the rule promulgated by the State Department to assure that foreign diplomats comply with American law and expect that it will continue to enforce vigorously these compulsory insurance provisions.

I include these regulations into the RECORD:

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to request that the Office of the Chief of Protocol of the Department of State be furnished as soon as possible, and not later than February 18, 1980, a list in duplicate, giving the names of the duly accredited diplomatic officers and family members whose automobiles are registered in the District of Columbia. The list should also furnish for each automobile information concerning the number of the certificate of title and the District of Columbia DPL license plate number used during the 1979 registration year, the year and make of the automobile and the name of the insurance company and policy number. Official vehicles and automobiles of the Chief of Mission should be included in the listing. With the exception of the low-number plates for the official automobile of the Chief of Mission, tabs will be issued for the plates in use in 1979, rather than new license plates for the registration year 1980, and must be displayed thereon not later than March 31, 1980. Tabs may be obtained beginning March 17.

The procedure with regard to the issuance of District of Columbia 1980 license plates will be as follows:

THE OFFICIAL AUTOMOBILE FOR THE CHIEF OF MISSION

Applications for 1980 registration will be forwarded to the Department of State by the Bureau of Motor Vehicle Services, Department of Transportation, Government of the District of Columbia, and will be available at the Office of the Chief of Protocol, Room 1237, on and after March 17. A special low number will be reserved for each Chief of Mission by precedence. The application for this tag should be picked up for stamping with the Mission seal and returned to Room 1237 by the close of business March 19. License plates bearing these special low numbers may be obtained on and after March 24 in Room 1237. If the Chief of Mission operates more than one automobile, the one which is to bear the low number must be identified. The 1979–80 low-number plate currently in use in each Mission must be returned to the Office of the Chief of Protocol.

When a Chief of Mission permanently leaves post, the low-number license tags issued on the basis of precedence, whether personally-owned or Government-owned, must be returned promptly to the Department of State, so that the normal order of precedence may be maintained. A new number will be assigned to the incoming Chief of Mission after precedence has been determined.

AUTOMOBILES FOR THE DIPLOMATIC STAFF OF THE MISSION

Applications for 1980 registration will be forwarded to the Department of State by the Bureau of Motor Vehicle Services and will be available in Room 1237 on and after March 17. The applications, after they have been properly stamped with the Mission seal, should be taken to the Bureau of Motor Vehicle Services, 301 C Street, Northwest, where tabs which will validate 1979 license plates may be picked up.

AUTOMOBILES FOR THE MEMBERS OF THE MISSIONS WHO RESIDE IN THE DISTRICT OF COLUMBIA AND WHOSE NAMES APPEAR IN THE DEPARTMENT'S LIST ENTITLED "EMPLOYEES OF DIPLOMATIC MISSIONS"

It is requested that a list, in duplicate, of all members of the nondiplomatic staffs and family members who reside in the District of Columbia be furnished the Office of the Chief of Protocol, giving the number of the certificate of title, the license plate number used during the 1979 registration year, the year and make of automobile, and the name of the insurance company and policy number. Tabs will be issued to validate 1979 District of Columbia "WN" plates. Members of the administrative and technical staffs, together with members of their families forming part of their respective households, who are not nationals of or permanently resident in the United States, will be exempt from the payment of the registration fee, but will be required to pay the inspection fee. Others will be required to pay both the registration and inspection fees.

The applications will be forwarded to the Department of State by the Bureau of Motor Vehicle Services and will be available in Room 1237 on and after March 17. If any of these applications are inadvertently sent by the Bureau of Motor Vehicle Services to the person concerned, they should be brought to Room 1237 of the Department of State for processing. After the seal of the diplomatic mission is placed thereon, the applications should be taken to the Bureau of Motor Vehicle Services, 301 C Street, Northwest. It is also requested that those members of the staff of the Missions resident in the District of Columbia who do not have "WN" license plates exchange the plates which they possess at the District of Columbia Bureau of Motor Vehicle Services for correct plates in this series. The Office of the Chief of Protocol will appropriately stamp the applicable registration certification.

AUTOMOBILES FOR MEMBERS OF THE MISSIONS WHO RESIDE IN THE STATE OF VIRGINIA

While only a small number of mission members will be required to renew their Virginia automobile registration at this time due to the staggered renewal system in effect in that state, a listing, in duplicate, of all vehicles registered in Virginia must be submitted, furnishing the same information as is requested for District of Columbia residents.

Members of the Missions will receive a renewal certificate prior to the expiration of current registration. The Mission seal should be placed on the certificate and the certificate forwarded, by diplomatic note, to the Protocol Office for appropriate stamping.

Gratis Virginia automobile registration is issued to diplomatic officers and their family members and to members of the administrative and technical staffs, together with members of their families forming part of their respective households, who are not nationals of or permanently resident in the United States.

AUTOMOBILES FOR MEMBERS OF THE MISSIONS WHO RESIDE IN THE STATE OF MARYLAND

A listing, in duplicate, of all mission personnel and family members, whose vehicles are registered in the State of Maryland must be furnished. The same information should be provided as is requested for District of Columbia residents.

New Maryland vehicle license plates will be issued for the 1980–1981 registration year. Renewal certificates will be sent by the Maryland Motor Vehicle Administration directly to registered owners. The certificates for all mission personnel and family members should be collected and brought to the Protocol Office, Room 1237, by March 1 or earlier, if possible. The mission seal should not be placed on these certificates until after they have been processed by the Protocol Office. Missions will be informed when the certificates can be picked up. The seal of the mission should then be placed on the certificates in the same block as and directly below the Protocol Office stamp. The certificates may then be mailed to the Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Glen Burnie, Maryland 21062, or taken to one of the area branch offices where the plates will be issued. For the convenience of the missions, the addresses and telephone numbers of the area offices are given below:

College Park Office, 5112 Berwyn Road, College Park, Maryland, 20740. Telephone: 345–6900.

Forestville Office, 7801 Parston Drive, Forestville, Maryland, 20028. Telephone: 736–1000.

Gaithersburg Office, 15 Metropolitan Grove Road, Gaithersburg, Maryland, 20760. Telephone: 948–3177.

Waldorf Office, Route 301 and Garner Road, Waldorf, Maryland, 20601. Telephone: 645–2606.

The Missions are reminded that diplomatic plates may be obtained only from the Motor Vehicle Administration in Glen Burnie or at the branch offices in College Park and Gaithersburg.

Diplomatic license plates are issued free of charge to diplomatic officers and members of their families. Free regular series Maryland license plates are issued to vehicles of members of the administrative and technical staffs of the missions, together with members of their families forming part of their respective households, who are not nationals of or permanently resident in the United States.

The Secretary of State invites the special attention of the Chiefs of Mission to the following points:

"Personnel of the Missions and their family members are expected to comply with local automobile inspection requirements, maintain the required liability insurance and observe local traffic laws and regulations applicable to both parking and operation of their automobiles. Flagrant violations of regulations forbidding parking in front of fire hydrants, on sidewalks, or blocking driveways will subject the owner to the risk of his or her automobile being towed away despite immunity from legal process.

"Respecting automobile liability insurance, attention is invited to the Chief of Protocol's circular note of May 22, 1979, informing the Chiefs of Mission of Department of State regulations establishing liability insurance requirements in accordance with the Diplomatic Relations Act of 1978 and requesting that certain information be furnished.

"Section 151.8 of the regulations, transmitted with the referenced note, provides that all missions must furnish, periodically, evidence satisfactory to the Department of State that the required insurance is in effect. Submission of the information regarding insurance in the requested automobile listings will satisfy this requirement and will hereinafter be required in conjunction with the annual renewal of District of Columbia and Maryland automobile registration in March of each year.

"Applications for initial District of Columbia, Maryland, and Virginia automobile registration, and renewal of Virginia registration will be processed by the Protocol Office only if the required insurance information is provided in the covering diplomatic note.

"It is required that the Missions and the diplomatic staffs thereof, including the members of the families of diplomatic officers, who are entitled to diplomatic license plates, obtain and place on their motor vehicles DPL plates rather than ordinary license plates, and that those employees of the Missions entitled to WN plates obtain plates in this series.

"Diplomatic officers and members of their families who reside in Maryland, but whose vehicles are currently registered in the District of Columbia should obtain Maryland diplomatic license plates by April 1, 1980.

"Members of the Missions should possess vehicle operators' permits issued by the jurisdictions where their vehicles are registered.

"Misuse of all DPL and WN license plates must be carefully guarded against by the Missions. Except when special permission is obtained from the Department of State to retain such plates as souvenirs, these tags must be returned to the Protocol Office at the termination of official duties of the person to whom they were issued, or at the time of sale of the vehicle unless the plates are transferred by the privileged owner to another vehicle registered in his or her name."

Any questions concerning this matter should be directed to the Office of the Chief of Protocol (telephone numbers: 632–3170, 632–3171, or 632–1034).

Department of State, *Washington, January 28, 1980.*●

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 7584, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. Rostenkowski). Is there objection to the request of the gentleman from Iowa? The Chair hears none and, without objection, appoints the following conferees: Messrs. Smith of Iowa, Alexander, Early, Hightower, Hefner, Whitten, O'Brien, Andrews of North Dakota, and Conte.

There was no objection.

CONGRESSWOMAN GLADYS SPELLMAN

(Ms. MIKULSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MIKULSKI. Mr. Speaker, I take the well as a proud colleague of Gladys Spellman, one of the most active, productive, and hard-working Members of the Maryland delegation and of the Congress.

As we all know, Gladys is ill right now. She is in the hospital so she cannot be here on the floor of the Congress where she has been such a regular, faithful participant.

But we also know the Gladys is a fighter. She fights for her constituents and she fights for the issues she believes in.

I know that same fighting spirit is at work right now. And I believe Gladys will win this fight as she has won so many.

Until she comes back, we in the Maryland delegation will work as a team to carry on her activities. When she comes back we will welcome her joyfully.

CONGRESSWOMAN GLADYS SPELLMAN

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, I want to join my colleagues from Maryland in hoping for a speedy and swift recovery for Congresswoman Gladys Spellman. It has been my pleasure to serve with her in the House. She brought a vast experience and background to the House, which has served the office in good stead.

I am looking forward to resuming a strong working relationship with Congresswoman Spellman in the 97th Congress. In the meanwhile, all of us in the delegation will do all we can to carry on while she is temporarily ill.

CONGRESSWOMAN GLADYS SPELLMAN

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, Gladys Noon Spellman has just added a resounding victory to her list of political and professional achievements—an 81-percent vote in the November 4 general election.

This overwhelming endorsement by residents of the Fifth Congressional District shows that her constituents appreciate, as we in Congress do, her sensitivity, her perspective, and her concern for people.

She continues to earn well-deserved praise for her leadership in Federal employee benefit issues, where she chairs a vital subcommittee; for her forthright and stalwart support for the rights of women; and for her understanding of the many problems confronting State and local governments.

She is truly an asset not only to Prince Georges County and to Maryland, but to the Nation.

Gladys and her constituents have our

prayers for a speedy recovery—we need her here in the House, and we eagerly await her return.

The fact that her constituents reelected GLADYS overwhelmingly, in spite of her illness is ample evidence that we should do everything we can to insure that she comes back to the House, where she has so thoroughly demonstrated her effectiveness.

CONGRESSWOMAN GLADYS SPELLMAN

(Mr. BARNES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNES. Mr. Speaker, I know that Members on both sides of the aisle share my view that it is tragic that our colleague, the gentlewoman from Maryland, GLADYS SPELLMAN, is not with us here today. It is strange to stand in this Hall without her presence, because she has spent so much time on this floor and all of us came to respect the contribution that she has made here.

I rise today simply to urge all of our colleagues, my constituents, her constituents, and others around the Nation, to join in prayers that she will be back here quickly and working with us in the next Congress.

I am confident that the spirit she has shown here on the floor of the House so many times is going to pull her through the struggle she is engaged in now. I look forward to continuing to serve in this great institution with GLADYS SPELLMAN.

CONGRESSWOMAN GLADYS SPELLMAN

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, our colleague the gentlewoman from Maryland (Mrs. SPELLMAN) has been fighting a valiant fight since October 31 when she became ill; but because of her diligence and hard work here in the House, she received overwhelming support from her constituents in her reelection victory on November 4.

I hope that all of you will join us in praying for her speedy and complete recovery.

APPOINTMENT OF CONFEREES ON H.R. 7724, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none and, without objection, appoints the following confereees: Messrs. YATES, MCKAY, LONG of Maryland, DUNCAN of Oregon, MURTHA, DICKS, GINN, WHITTEN, MCDADE, REGULA, BURGENER, and CONTE.

There was no objection.

CONGRESSWOMAN GLADYS SPELLMAN

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I rise today in support with my colleagues from Maryland in the valiant fight that our Member from Maryland is going through in the hospital. Those of us that have worked with GLADYS, and I have only been privileged to work with her for the last 2 years, have known what a great individual she is, what a good person she is to work with.

We all are wishing her a speedy and a hurried recovery and to join us once again on the floor of this body.

Mr. BAUMAN. Mr. Speaker, will the gentlewoman yield at that point?

Mrs. BYRON. I would be pleased to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, may I join in the sentiments expressed by my colleague from western Maryland. I think it is a view unanimously shared by our delegation.

□ 1210

PEACETIME DRAFT REGISTRATION SHOULD NOT BE CANCELED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, there is an article in the Washington Post this morning that Senator HATFIELD will ask President-elect Reagan to cancel draft registration. If Ronald Reagan wants to take a giant step backward in military preparedness, then he should cancel draft registration.

Our young men aged 19 and 20 have come through for this Nation. Well over 94 percent have registered.

Peacetime registration has taken the Selective Service System out of the deep freeze and made it an ongoing organization again. The information gathered on registering will save the Nation at least 60 days' time in case of a national emergency.

Mr. Speaker, it just does not make sense to cancel peacetime registration.

PROPOSED CHANGES IN SOCIAL SECURITY SHOULD BE REJECTED

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I rise to voice my early and firm opposition to one recommendation of President-elect Reagan's task force on social security.

I understand that the task force will submit, and the President-elect will give serious consideration, to a proposal that would gradually raise from age 65 the eligibility age for receiving retirement benefits. Though I commend the new administration for its earnest examination of financing and policy alternatives to insure the financial stability of the trust funds in future years, I strongly object to this particular recommendation.

It has been demonstrated that although such a change might not adversely impact all, it would be particularly devastating for those workers forced to retire because of ill health or an inability to find a job. In fact, more than half of those retiring under social security do so before age 65, even though many of these workers have low incomes as well.

Such a change would also harshly impact minorities much more profoundly, because their longevity is generally lower than that of the white population and many had jobs that were not covered by social security until very recently. Any change in the eligibility age would only further aggravate an already inequitable situation for minorities.

Finally, this proposed change would abrogate the perceived contract made with today's workers who are paying higher taxes for retirement benefits they expect to receive at age 65 or earlier. Certainly the long-range financing dilemma of the social security system must be thoroughly reviewed, yet we must reject proposals such as this which penalize those who expect and must depend on retirement benefits the most.

Rather, we should examine methods of attracting more participating workers to strengthen the financial base of the system. Also at this time we must develop positive incentives for workers to postpone retirement such as fully eliminating mandatory retirement, enhancing benefits for those who postpone retirement past age 65, further liberalizing earnings limitations, and promoting older worker retraining and jobs programs.

REPUBLICAN MORALITY

(Mr. MATTOX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATTOX. Mr. Speaker, 6 years ago a President of the United States resigned in utter disgrace, forced from our highest office by the shame of his own actions.

Many of that President's closest advisers went to jail for their criminal deeds. And that man—who did so much damage to the American system, who created a mood of distrust which all people in public office must overcome—that man himself was saved from the ultimate humiliation of prison only by the pardon of his handpicked successor.

And yet—and it saddens me to consider what this says about the importance of morality in our Nation today—that resigned President, Richard M. Nixon, last week was the honored guest of Adm. Hymen G. Rickover on a man-of-war of the U.S. Navy.

Richard M. Nixon was the honored overnight guest of Admiral Rickover on the U.S.S. *Cincinnati*, a nuclear submarine.

Our Republican friends are fond of talking of morality. They are fond of demanding the elimination of waste and extravagance.

That a man who brought our highest office into criminality should become the honored guest of our Navy, that a ship and crew would put to sea at cost to the American taxpayers for the purpose of entertaining Richard Milhouse Nixon, must indeed shock my Republican friends.

I should think they would be on their feet demanding the right to speak out against this symbol of moral decay in the land, this waste, this abuse, this extravagance.

But perhaps they will remain silent. Perhaps they have forgotten what he did to our Nation.

And perhaps, too, our Admiral Rickover will see fit to take that other symbol of integrity—Spiro Agnew—to sea. Perhaps he will invite Agnew for a brief voyage aboard the U.S.S. *Eisenhower*.

I am sure that if that should happen, my Republican friends will rise up in indignation and outrage.

SUGGESTED CHANGES IN SOCIAL SECURITY SYSTEM SHOULD BE REJECTED BY REAGAN ADMINISTRATION

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. FERRARO. Mr. Speaker, this morning's news reported the recommendations to be made by President-elect Reagan's task force on social security. Of course, we do not know whether the new President will accept all, or any, of these suggestions. I, for one, hope he will give them the consideration they deserve, and that he will take the action which is in the best interests of the millions of Americans whose retirement income depends upon social security. I hope he will throw them out.

If, however, he does not, he will be breaking a promise he made to the American people. In the face of criticisms about his previous stands on social security, candidate Reagan stood before members of senior center after senior center and announced his support for the system, and his intentions not to tamper with it.

Now, we see his key advisors recommending changes so sweeping, and so detrimental, that they signal the end not only to social security reforms, but to the integrity of the system as it has developed over the past 40 years.

I will be watching closely to see how the new President reacts to these recommendations. If they are accepted, I hope every Member of this body, Republican and Democrats alike, will join together to defeat them. And, that they will join me in watching the actions of the Reagan administration to see that campaign promises are not broken and trusts are not betrayed.

MR. SPEAKER, WHY DO YOU NOT WANT THE HOUSE OF REPRESENTATIVES REPRESENTATIVE?

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, just this morning I returned from a very worthwhile series of discussions with members of the European Parliament. We discussed many problems of mutual interest to representative democracies.

One of the more embarrassing moments for me came when a European Parliament member wanted me to explain why after the recent elections when the people had so clearly spoken about the direction they wanted the United States to take, why would the Speaker of the House, virtually ignoring the election, make statements representing the position that he planned to retain key committee ratios which would be clearly designed to thwart the results of the recent election.

Mr. Speaker, I did not have a good answer. Why are you so adamant about making sure the House of Representatives, the "people's branch" in this great representative democracy, is not going to, if you have your way, reflect the will of the people?

In short, Mr. Speaker, why do you not want the House of Representatives representative?

THE COMMITTEE-PACKING PROPOSAL

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I sincerely hope you were misquoted in the press last week about wanting to pack three committees with more than two-thirds Democrats next year when your party will comprise only 56 percent of the House. I hope you were misquoted because such an arbitrary and capricious proposal would be not only inappropriate but highly improper for a Speaker of the House to make.

Mr. Speaker, I need not remind you that you are the principal elected officer of all of the House, and as such one of your most solemn duties is to preserve the authority and binding force of parliamentary law, including the impartial protection of minority rights and privileges under our rules and precedents. And one of the most important minority rights under our precedents is equitable representation on House committees. To quote from Deschler's Procedure, chapter 17, section 6.1:

> In both the House and Senate, the party ratios on standing committees tend to reflect the relative membership of the two parties in the House and Senate as a whole.

If I had time I could also cite the precedents from Hind's IV, section 4467 and 4477, which indicate that this minority representation rule dates back at least to 1828. I cannot imagine that any Speaker, in his role as the impartial protector of minority rights and enforcer of our precedents, would advocate throwing out the window one of the most important of those rights and precedents for narrow partisan advantage. Such advocacy would be a betrayal of trust by the office of Speaker.

If the rules of the House mean nothing, then perhaps the Golden Rule should—of doing unto others as you would have them do unto you. In these politically volatile times, it would ill behoove the majority to get off on the wrong foot in the 97th Congress when the shoe may well be on the other foot in the 98th Congress.

☐ 1220

APPOINTMENT OF CONFEREES ON H.R. 8061, DISTRICT OF COLUMBIA APPROPRIATIONS, 1981

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and, without objection, appoints the following conferees: Messrs. DIXON, NATCHER, STOKES, MCKAY, CHAPPELL, WHITTEN, PURSELL, RUDD, and CONTE.

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 448, SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 810 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 810

Resolved, That upon the adoption of this resolution it shall be in order to move, section 305(a)(1) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the United States Government for the fiscal years 1981, 1982, and 1983, and the first reading of the resolution shall be dispensed with. After general debate, which shall be confined to the resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the resolution shall be in order except the following: (1) amendments recommended by the Committee on the Budget which shall not be subject to amendment except pro forma amendments for the purpose of debate; (2) amendments, which may be considered en bloc, if offered by Representative Latta of Ohio, and said amendments shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Latta and the chairman of the Committee on the Budget, and said amendments shall be in order even after the adoption of an amendment or amendments to the same portion of the resolution; and (3) an amendment or amendments pursuant to section 305(a)(6) of the Congressional Budget Act of 1974 changing any figure or figures in the resolution to the extent necessary to achieve mathematical consistency, and said amendment or amendments shall not be subject to amendment except pro forma amendments for the purpose of debate.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for purposes of debate only to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 810 provides debate and amendment procedures for the consideration of House Concurrent Resolution 448, the second concurrent resolution on the budget for fiscal year 1981. The resolution was ordered reported from the Committee on Rules by a voice vote on November 17, 1980.

The rule before us, House Resolution 810, waives section 305(a)(1) of the Budget Act, the 10-day layover rule. The rule further provides that general debate be limited to 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. This is a reduction of the 10 hours of debate time provided in the Budget Act. The budget resolution would also be considered as having been read for amendment under the 5-minute rule.

Mr. Speaker, this is a modified closed rule allowing only specified amendments which may not be amended. Amendments offered by Representative LATTA are in order and may be offered en bloc or separately. A total of 1 hour's debate time is allocated for the Latta amendments with the time equally divided and controlled by Mr. LATTA and the chairman of the Budget Committee. In addition to being nonamendable, the Latta amendments would not be subject to a demand for a division of the question.

It is my understanding that my colleague on the Rules Committee plans to offer two amendments.

Only two other types of amendments are in order. First, amendments recommended by the Budget Committee. Such amendments, if offered, are expected to be of a technical nature. Second, after the House has completed consideration of the budget resolution, it would be in order to offer any amendment or amendments necessary to achieve mathematical consistency. To allow adequate consideration of these two types of amendments, debate time may be extended by the offering of pro forma amendments.

This Congress is currently working to conclude its business under serious time constraints. The rule is designed to provide the House with a reasonable, efficient procedure for the consideration of the budget resolution, while protecting the rights of the minority.

I urge the adoption of the House Resolution 810.

At this time I yield for purposes of debate only to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, reluctantly I must oppose this rule is it does not allow the minority and this House a full and fair consideration of a very important matter, to wit, the second budget resolution. It prohibits all amendments with the exception of three narrowly limited amendments. The only one of these exceptions which is intended to allow any substantive change is the second.

Under the second exception, as the ranking minority member of the Budget Committee, I am allowed to offer amendments which may be debated for 1 hour. This sounds reasonable until one realizes that the rule is drafted so as to restrict the scope of the one amendment which the minority asked the Rules Committee to make in order.

Yesterday in the Rules Committee, the minority leader, the gentleman from Arizona (Mr. RHODES), along with the gentleman from California (Mr. ROUSSELOT) and I, sought to have a single two-part amendment made in order. One of our amendments would have required a germaneness waiver which the Rules Committee refused to grant.

Our proposal was a straightforward and simple one. The first part required that the Congress complete action on the budget reconciliation bill (H.R. 7765) before adjournment of this Congress sine die. The second budget resolution is based on the assumption that the reconciliation bill will be enacted. If it is not enacted, the deficit figure in this second budget resolution will have to be increased by approximately $10 billion—$10 billion. Before the election, the chairman of the Committee on the Budget and the others took the position that a second budget resolution should not be considered until Congress had completed action on the reconciliation bill. After the election, many of the same Members changed their position. Now they are prepared to let the reconciliation bill take second place and maybe never be enacted at all.

In order to make the figures in this budget resolution factually acceptable, the first part of our amendment would simply require passage of the reconciliation bill before adjournment sine die of this Congress. The second part of the amendment we sought to have made in order was designed to provide the new President of the United States authority to control Federal spending in order to stay within the totals of any second budget resolution.

At present title X of the Congressional Budget Impoundment Control Act requires the President to spend funds appropriated by Congress even if he does not feel they are necessary.

□ 1230

This might explain why we have had the tremendous explosion in Federal spending in this country that has caused the inflation affecting every single individual within our land. When we ponder the fact that in 1977 the total budget of this country was $402 billion and now we have before us a budget of $631 billion you get some idea of the fantastic growth of Federal expenditures and the need to contain them.

Now, the only way the new President can get around a mandate to spend is to utilize the awkward and time-consuming rescission and deferral procedures. In order to give him the tools necessary to do the job, our amendment proposes to put the Congress on record in favor of amending the continuing appropriation bill to suspend until the end of this current fiscal year the provisions of title X of the Congressional Budget and Impoundment Control Act. If enacted, this would mean that for this period of time the President could make necessary reductions in spending. Unless we do suspend this title, the President is required to spend every single penny that Congress appropriates, with no way out except the deferral and rescission procedures.

If we want the President to cut spending—and the American people have spoken on this subject loud and clear—we cannot tie his hands.

Under this rule that we have before us, the minority is denied the opportunity to offer this necessary amendment. Worse than that, we cannot defeat the previous question and then amend the rule. The Parliamentarian's office has already indicated that an amendment to the rule which would make in order these proposals would be ruled nongermane. So we are left with a situation where we have no other option than to oppose this unfair rule and send it back to the Rules Committee for correction.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield at that point?

Mr. LATTA. I will be happy to yield to my colleague, the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague's yielding.

If we were fortunate enough to vote down the previous question, could the gentleman then offer a rule to accommodate his alternative budget proposal?

Mr. LATTA. No. The Parliamentarian's office has informed us that, since it would be nongermane, it can only be waived by the Rules Committee. So we would have to go back to the Rules Committee for a new rule.

Mr. ROUSSELOT. I thought the House was the final decisionmaker in these issues.

Mr. LATTA. Apparently in this case it is not. We will have to go back to the Rules Committee for a new rule.

Mr. ROUSSELOT. Is there a precedent for that?

Mr. LATTA. Well, apparently so.

Mr. ROUSSELOT. So again, we are having it stuffed down our throats as a minority. We do not have an opportunity to offer our alternative budget, is that correct, because of a "technicality," that they will not let the gentleman, as a ranking member of the Budget Committee, offer a substitute even though I understand the chairman of the Budget Committee did not object to you offering it? He did not agree with it, but he did not object; is that correct?

Mr. LATTA. That is correct.

Mr. ROUSSELOT. The chairman, the gentleman from Connecticut (Mr. GIAIMO)?

Mr. LATTA. We had an understanding in the Budget Committee with the chairman. He acknowledged that yesterday before the Committee on Rules, that he had no objection. But the Rules Committee has spoken on this. And I might say, along party lines.

Mr. ROUSSELOT. It was along party lines?

Mr. LATTA. That is right. The Republicans wanted a rule made in order to waive the germaneness rule, and our Democratic friends, having the 2-to-1 majority, outvoted us. So it is just a matter of not having the votes in the Rules Committee.

Mr. ROUSSELOT. So even though the chairman of the Budget Committee had agreed with the gentleman, even though he did not agree with the contents of the gentleman's substitute, but he agreed that it should be made in order, the Rules Committee decided to run even contrary to his agreement with the gentleman; is that correct?

Mr. LATTA. Well, he had agreed with me that we could offer our amendments.

Mr. ROUSSELOT. That is what I mean.

Mr. LATTA. But at the time he did not know what amendments we were going to offer.

Mr. ROUSSELOT. When did the Rules Committee leadership decide to turn against even the chairman of the Budget Committee in his agreement with you?

Mr. LATTA. As the gentleman knows, we met on yesterday.

Mr. ROUSSELOT. Yes.

Mr. LATTA. And that is when their decision was made.

Mr. ROUSSELOT. Well, I think it is unfortunate, Mr. Speaker, that those kinds of manipulations and sleight of hand have been imposed on the House and that they do not even have an opportunity to vote on the minority's alternative budget. But maybe the American people—I think they did wake up in the last election as to how unreasonable these technicalities can be—will judge this matter for the transparent effort it is.

Mr. LATTA. Let me say to my friend that there is more involved than just technicalities. It is a matter of spending and inflation.

Mr. ROUSSELOT. I know what is involved.

Mr. LATTA. It is the inflation which is being inflicted on the people of this great country of ours. And they want something done about it. They do not care a hoot about technicalities. They want something done. And they do not want to see this tremendous explosion that is taking place in Federal spending.

Mr. ROUSSELOT. Does the gentleman mean in the Federal spending side of the budget?

Mr. LATTA. That is correct. They want something done about it. And when you look at the figures that we had here just when we passed the first concurrent budget resolution, we had about $613 billion in spending; and now we are considering about $631 billion, down from $648 billion.

Mr. ROUSSELOT. Who proposed the $648 billion expenditure?

Mr. LATTA. These are the figures necessary to carry out actions taken by this Congress. The Giaimo substitute brings this figure down to $631.75 billion. So there is a tremendous explosion just since June when we passed the first concurrent resolution.

Mr. ROUSSELOT. That was just last spring.

Mr. LATTA. That is correct. That was last June, if my memory serves me correctly. The American people want to see this excessive spending come to an end. And, as I pointed out earlier, in 1977 we had a budget of $402 billion and this figure is now up to $631 billion. Now this is the root cause, I might say, of the inflation that we have in this country.

Mr. ROUSSELOT. No doubt about it.

Mr. LATTA. And they want something done about it, and they do not care a hoot about the technicalities.

Mr. ROUSSELOT. When you say "they," the gentleman means the Democratic leadership?

Mr. LATTA. I am talking about the American people. They do not give a hoot about technicalities involved; they want something done. And they voted on November 4 to do something about it. Now it behooves this Congress, even though it is a lameduck Congress, to do something about it. If they are going to take up this second budget resolution, they ought to be doing something about it.

Frankly, I would have preferred that this second budget resolution go over until the new Congress comes in, in January; but our Democrat friends wish to come forward with it, and they have the votes to do it.

Mr. ROUSSELOT. That is because they want more spending.

Mr. LATTA. But they ought to be listening to the American people. They have spoken. They want something done. We ought to give the new President the tools to do what the American people voted for on November 4.

Mr. ROUSSELOT. So what the gentleman is telling us, then, is that the big spenders still have more to say in this House.

Mr. LATTA. Well, it is still a lameduck session, as the gentleman knows.

Mr. ROUSSELOT. I thank my colleague.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 143, not voting 66, as follows:

[Roll No. 638]

YEAS—223

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Burton, John
Byron
Carr
Cavanaugh
Chisholm
Clay
Coelho
Crockett
D'Amours
Daniel, Dan
Danielson
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Duncan, Oreg.
Early
Edgar
Edwards, Calif.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frost
Gaydos
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Gore
Gramm
Gray
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hance
Hanley
Harris
Hawkins
Hefner
Heftel
Hightower
Holtzman
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McHugh
McKay
Maguire
Markey
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Nedzi
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Ratchford
Richmond
Roberts
Rodino
Roe
Rosenthal
Rostenkowski
Russo
Sabo
Santini
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Steed
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
White
Whitley
Whitten
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—143

Abdnor
Andrews, N.Dak.
Archer
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bereuter
Broomfield
Brown, Ohio
Broyhill
Buchanan
Butler
Campbell
Carney
Carter
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crane, Philip
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Findley
Fish
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Grassley
Green
Grisham
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hansen
Heckler
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
Madigan
Marks
Marlenee
Marriott
Martin
Michel
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Myers, Ind.
Pashayan
Paul
Porter
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stump
Symms
Tauke
Thomas
Trible
Vander Jagt
Walker
Wampler
Weiss
Whittaker
Winn
Wydler
Wylie
Young, Fla.

NOT VOTING—66

Ambro
Anthony
Applegate
Ashley
Badham
Beard, R.I.
Bethune
Bevill
Bolling
Brooks
Burgener
Burlison
Burton, Phillip
Chappell
Cheney
Cleveland
Collins, Ill.
Corman
Cotter
Crane, Daniel
Daschle
Davis, S.C.
Devine
Dickinson
Dougherty
Eckhardt
Ford, Mich.
Fuqua
Garcia
Ginn
Harkin
Harsha
Holland
Horton
Jenrette
Kelly
Lewis
McCloskey
McCormack
McEwen
McKinney
Mathis
Moffett
Moorhead, Pa.
Murphy, N.Y.
Neal
Nolan
O'Brien
Petri
Rangel
Reuss
Rose
Roybal
Scheuer
Spellman
Stark
Stewart
Stockman
Taylor
Thompson
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Young, Alaska

☐ 1250

The Clerk announced the following pairs:

Mrs. Spellman with Mr. Bethune.

Mr. Thompson with Mr. McKinney.

Mr. Phillip Burton with Mr. Bob Wilson.

Mr. Brooks with Mr. McEwen.

Mr. Bevill with Mr. Dickinson.

Mr. Applegate with Mr. Daniel B. Crane.

Mr. Ambro with Mr. Petri.

Mr. Davis of South Carolina with Mr. O'Brien.

Mr. Fuqua with Mr. Stockman.

Mr. Ginn with Mr. Cleveland.

Mr. McCormack with Mr. Cheney.

Mr. Moorhead of Pennsylvania with Mr. Harsha.

Mr. Murphy of New York with Mr. Horton.

Mr. Neal with Mr. Lewis.

Mr. Charles Wilson of Texas with Mr. Young of Alaska.

Mr. Roybal with Mr. Taylor.

Mr. Rangel with Mr. Burgener.

Mr. Nolan with Mr. Devine.

Mr. Reuss with Mr. Kelly.

Mr. Stark with Mr. Whitehurst.

Mr. Stewart with Mr. Williams of Ohio.

Mr. Scheuer with Mr. McCloskey.

Mr. Rose with Mr. Eckhardt.

Mr. Ashley with Mr. Anthony.

Mr. Harkin with Mr. Holland.

Mr. Mathis with Mr. Jenrette.

Mr. Corman with Mr. Chappell.

Mr. Moffett with Mr. Beard of Rhode Island.

Mr. Cotter with Mr. Charles H. Wilson of California.

Mr. Burlison with Mrs. Collins of Illinois.

Mr. Garcia with Mr. Daschle.

Mr. RINALDO and Mr. LENT changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON PAY ADJUSTMENT FOR THE FEDERAL STATUTORY PAY SYSTEMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-381)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, November 18, 1980.)

SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. GIAIMO. Mr. Speaker, pursuant to the provisions of House Resolution 810, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, pending that motion, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter during the consideration of House Concurrent Resolution 448.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 448) with Mr. NATCHER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the provisions of House Resolution 810, the first reading of the concurrent resolution will be dispensed with.

Under the rule, the gentleman from Connecticut (Mr. GIAIMO) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. LATTA) will be recognized for 1½ hours.

The Chair now recognizes the chairman of the committee, the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, my colleagues, there are two things which Congress should and must do before it completes work for the year and goes home. One is, it must take care of its appropriation bills. The other is that it must adopt a budget resolution for the fiscal year approaching.

This year this Congress has been extremely tardy in doing either. The fiscal year started October 1, 1980, that is fiscal year 1981. We are already into it.

☐ 1300

I believe we have three appropriations bills passed. All of them have passed this body. The other body still has many to pass and conference action to take place in that area. There will then have to be final action by both bodies.

Absent passage of the appropriation bills, we are having to conduct the affairs of Government on the continuing resolution. That is not the healthiest way to conduct the business of this Government and of this Nation. The function of adopting a budget is essential because it is the only real tool that we have in Government to exercise necessary and needed disciplines on our spending habits. It does not work as well as I would like to see it work but without it we will have no discipline to curb our spending appetites.

What a budget resolution basically does is set a ceiling and it says for this fiscal year that your total spending cannot exceed that ceiling. It sets a revenue floor and says: For this fiscal year your revenues cannot fall below that floor. The ceiling we set on outlays, therefore, is extremely important because it acts as a discipline. In the first budget resolution we set a ceiling of $613 billion. That was back in the spring when we put together the first budget resolution, the target resolution which we passed in this House on June 12. Since that time, much has happened to the economy. We have gone into a recession. Revenues have fallen off. Inflation has gone higher.

Because of all those factors, we have had uncontrollable growth, if you will, in many areas of the Federal budget, in interest payments, in unemployment compensation, in trade adjustments, in welfare payments, indexations for higher inflation in our social security payments, more money needed in defense because of the higher cost of fuel and petroleum, and many, many other factors. These are known are reestimates, reestimates of what the Government will spend in the coming fiscal year. Our latest reestimates, those of the Government, the Office of Management and Budget, confirmed by CBO, confirmed by our committees and confirmed actually by all who study budget estimates, show that we have had tremendous upward movement of what we will need this year for our existing programs.

In addition to that, Congress has made certain decisions as it has progressed in its spending bills and its appropriation bills. There have been add-ons and reductions brought about by congressional action.

In addition to that, we had to make a policy judgment as we put this budget resolution together as to what major policy changes that would take place in this Congress in fiscal year 1981. We had to take cognizance that it is most likely Congress next year, in calendar year 1981, will pass a tax bill somewhere in the magnitude of $30 billion. It will most likely take effect around the middle of the calendar year and will have a fiscal year impact of about $5 billion, thereby reducing revenues by $5 billion to $5.5 billion.

These changes to the current law stated in pending bills, these changes brought about by congressional action or by inflation or by recession, cumulatively have resulted in the following reestimates:

What we figured would cost $613 billion for fiscal year 1981 outlays now will cost us $648 billion and there is very little disagreement with that figure. It is established as I said by OMB, by CBO, by the House Budget Committee. I believe the Senate Budget Committee marked up much earlier before the elections and had a lower figure. I believe their most up-to-date figures will be near that mark and I dare say from what I read in the newspapers it is also the size the President-elect and his transition team and his economic advisory group indicates is the magnitude of Federal spending, about $648 billion.

Mr. Chairman, that means, with the given revenues from our estimates, that we can anticipate a budget deficit of $38 billion. Not counting the fact that reconciliation, about which there will be more heard later in this debate I am sure, reconciliation must still pass the Congress. It is in its closing days now and I am hopeful it will be passed this week. If we do not pass reconciliation, we do not get the benefit of the $10 billion in savings reconciliation gives us and we would have to add that to our deficit bringing us up to $48 billion.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I want to compliment our chairman on the statement he is making and I would like to reemphasize the point our chairman has just made: If this Congress does not pass reconciliation, we can add in $10 billion more to the deficit.

Mr. GIAIMO. There is no question about that.

Mr. LATTA. Mr. Chairman, I think the House should be aware of that fact and keep it in mind during these next couple of hours.

Mr. GIAIMO. The gentleman will recall I said we will hear more about that later. I just want to alert everyone to that point.

The sum of $648 billion then is the true, most accurate estimate of what this Government will spend in fiscal year 1981. Of course, with the revenues of $606.7 billion, we would have a deficit as I said of $613 billion in revenues. Clearly, a $38 billion is unacceptable to most Members of Congress, in my judgment. I know it is unacceptable to the American people and I know there is a demand that we do something about this runaway budget, if you will, or this hemorrhaging budget as it has been lately characterized.

We must trim and reduce expenditures. Where? Where should it be done? I have my ideas. Each and every one of you has his or her ideas. However, that is not the function of the budget resolution. The budget resolution deficit deals with the aggregate number and says: Your total spending shall not exceed x billions of dollars. We leave it to the Congress, to the future Congress, if you will, we leave it to the Congress which comes in here in January. And we leave it to the President-elect who will come in here January 20, to recommend where savings and reductions can be made.

☐ 1310

I believe then that we had to recommend to this body in this resolution a ceiling which was lower than the $648 billion.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

Mr. GIAIMO. Mr. Chairman, I yield myself an additional 5 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. Now the question is, What would be the proper ceiling on Federal outlays that we should recommend to this body and to the other body?

After much discussion, we decided to recommend to this body a spending ceiling not of $648.7 billion, but a ceiling of $631.7 billion. This would be a $17 billion reduction, resulting in a $13 billion reduction in the deficit from $38 to $25 billion. We could have recommended a larger reduction.

The Members have heard the numbers. The President-elect's economic team has made many statements in the last several days and in the last week about what they think the accurate level of Federal spending should be. I have heard different numbers mentioned, all numbers being below the $631 billion which this committee is recommending to this body.

In fact, the lowest number that I have heard mentioned from the President-elect's team is about $621 billion in outlay. That is cutting outlays by $27 billion, rather than by $17 billion.

We took all of these factors into account when we marked up this resolution, and we believe that what we are recommending to the Members is a fair proposal. It says, we feel confident that the incoming administration and the Congress, which will be under their control, House and Senate, can——

Mr. SHUSTER. Mr. Chairman, will the gentleman yield on that point.

Mr. GIAIMO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I am sure the gentleman did not want to misspeak himself. I might be incorrect, but I think I heard him say that the House would be under the control of the Republicans. Of course, that is not the case.

Mr. GIAIMO. Well, I do not want to give the gentleman a lesson in American history, I will say to my good friend.

Mr. SHUSTER. I am certainly amenable to being educated.

Mr. GIAIMO. There is no question that the House is in Democratic control. But for all effects and purposes on legislation next year, I would say that the new administration could well have effective control on budgetary matters, knowing the complexion of some of my colleagues on this side of the aisle.

Mr. SHUSTER. We are thrilled to hear it. I thank the gentleman.

Mr. GIAIMO. The gentleman will not have that excuse any longer now that he is in the minority, I will say to the gentleman. The gentleman will be in effective control of the White House and of the Congress of the United States.

Mr. SHUSTER. We welcome the opportunity. Thank you.

Mr. GIAIMO. I know the gentleman does. I am going to try to help the gentleman be successful, because the gentleman is going to need all of the help he can get. I am going to try to help the gentleman as a private citizen. I have told him that.

Getting back to my point, we recommended a 2-percent reduction to reduce the outlay ceiling from $648 billion to $631 billion.

The President-elect has stated on numerous occasions that he could find a 2-percent reduction in outlays. In fact, he says he can find it without cutting programs. He can find it in fraud, waste, and abuse.

Some of his advisers recommend that they cut more than 2 percent, that they go below $631 billion down to $621 billion. There is nothing in this resolution which prohibits them from doing so. This is a ceiling. They can stay under the ceiling. If they can get further below the ceiling, God bless the Republic. It will be to the advantage of the Nation if they do. And I hope they do.

So they are not impeded in any way from making greater cuts if they want to or can.

And this resolution does not impede them from doing that.

So one cannot say that this resolution in any way ties their hands. They can cut the 2 percent, or they can reduce more than 2 percent, and also it leaves to the administration totally the areas of where these reductions are going to be made.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GIAIMO) has again expired.

Mr. GIAIMO. Mr. Chairman, I yield myself an additional 2 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. The President will have to come up under our law with rescissions and deferrals to the Congress. The committees of the Congress, in most cases the Appropriations Committees, will have to act on those rescissions and deferrals, and the necessary reductions will have to be made there. They will suggest where they are made. We do not do it here in this resolution. We take an across-the-board approach. We set the aggregate figures, which should please my friend, the gentlewoman from Maryland, and it is a good idea that we do it that way; and we leave to the committees where the actual cuts will be made.

I do not think anything could be fairer than this resolution.

Now this body is going to hear it told that this is no time for Congress to be adopting a budget resolution. Why not? The law says we should. The law says we should have done it as of September 15. We have been tardy in doing it. Why were we tardy? We all have our reasons, and the Members will hear them.

I think in the immediate weeks before political campaign for relection, it was most difficult to get people to vote for a budget resolution with a $38 billion or a $25 billion deficit. That may have been one of the reasons. There may be others.

But we are going to be told that we should not tie the new administration's hands and we should wait until January to adopt a budget. It is the responsibility of this Congress to adopt a budget. It is the responsibility of this Congress to do its duty—late perhaps, but better later than never. It is a discipline which should be established in order to try to save the taxpayer's dollars.

But we are going to hear something else today.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GIAIMO) has again expired.

Mr. GIAIMO. Mr. Chairman, I yield myself an additional 2 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. This body is going to be told, let us do away with the Anti-Impoundment Act. Let us give the power to impound back to the President. In other words, Congress, do not make cuts next year. Let the President decide where the cuts will be made and let him arbitrarily, without having to get permission from the Congress, make the cuts. That is the way it used to be done here up until 1974. I very much doubt that Congress wants to go back to that way of doing business.

So I urge the Members of this body to adopt this resolution as quickly as possible, hopefully, and I am convinced and positive and certain, that we will have a reconciliation bill before this week is out and we can vote on that; and then truly we would have made a contribution to the long-suffering taxpayers of this Nation who are begging us to get some disciplines in our spending habits, to curb our spending appetities and to begin to be more frugal and thrifty with the taxpayers' money.

I urge the adoption of this resolution.

☐ 1320

Mr. LATTA. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, let me say at the outset of my remarks that this is the last budget resolution that my good friend, the gentleman from Connecticut, is going to be handling.

Let me say to the gentleman, BOB, we are going to miss you immensely and we all wish the gentleman much happiness and good health on that golf course down there in Florida when he gets an opportunity to get down there and play a little bit; but the gentleman from Connecticut has been a great asset in the Committee on the Budget and has been a great Congressman. I know the people of Connecticut are going to miss the gentleman, as we are. It has been a pleasure for me to work with him, as I have for so many years.

Let me say that I could not disagree with much that the chairman of the committee has said about this resolution. I might disagree a little bit with why we are here today and with some of the figures. I want to just refresh our memories a little bit when we talk about this budget process and how tremendously successful it has been. Well, maybe it has been somewhat successful, when we look back, however, at where the budget was the year immediately prior to the time we adopted this new budget process, we find that in 1975 our total budget was $326 billion. Today we have a budget resolution before us of $631 billion, which is almost double what it was in the year 1975.

Now, someplace along the line somebody has failed. I do not want to lay the blame on anybody or on any particular committee, but it might explain why we have some of the inflation in this country today that we have. We want to do something about it. I think everybody wants to do something about inflation and the buck cannot be passed beyond this Hall right here. We have an opportunity to do something about it and I think that we should.

Well, let me just point out a couple of things that our good chairman has pointed out for a matter of emphasis. First we have to pass reconciliation in this Congress or we are going to add $10 billion to the deficit—$10 billion. The figures that the gentleman has presented and that are before this House at the moment assume that this $10 billion will be saved. I have not seen since we returned from the election much movement toward passing reconciliation; so I hope that this assumption will be correct and that this Congress will act on the reconciliation matter before we adjourn sine die.

Let me also point out that the chairman has indicated that this is a 2-percent reduction that he has proposed to the Budget Committee and is now before this House. Well, let us examine the 2 percent. It is 2 percent from what? Well, it is 2 percent from the total outlay figure of $648.7 billion that was presented to the Budget Committee, this is an increase above the figure of $613.6 billion that this House passed in the first concurrent resolution in June, which is a very sizable increase. The chairman is reducing that $648.7 billion figure by $17 billion; however, we must admit and acknowledge and point out to the Members of this House that the cuts, so to speak, from the figure that was presented to us does not spread 2-percent across-the-board, as we have read, because defense, interest and the undistributed offsetting receipts, are not affected.

Let me reemphasize that. Defense, interest, and the undistributed offsetting receipt functions are not affected; so what actually is happening in these other functions is that we are cutting by about 4 percent, not 2 percent.

Let me just indicate the change in a few functions to give you some idea as to what is happening. Let us take the health section. It is being reduced from an outlay figure of $65.2 billion to $62.7 billion.

The income security function is being reduced from $231 billion to $222 billion. I think this is quite important when we look at function 150, the international affairs function. This function is being reduced very slightly, $10.8 billion to $10.4 billion.

Now, I think it behooves every Member to get a copy of this sheet showing specifically how these various functions are being reduced and in what proportions, because some of them are cut more deeply than others.

Let me say that I am one of those who believe that this matter should be put off until after the new administration comes into place on January 20. Why the new administration?

Because the new administration will have to live with these figures, unless we have a third concurrent budget resolution, until September 30, 1981.

Now, certainly, in all fairness to the new administration, we ought to permit the new administration to have some input into this budget resolution, since they have to live with it for 9 months.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. LATTA. Now I will be happy to yield to my chairman.

Mr. GIAIMO. The new administration is saying they want to cut the spending ceiling below $631 billion. Is the gentleman telling us they cannot live with $631 billion?

Mr. LATTA. I am not saying what they can live with.

Mr. GIAIMO. Well, they are telling us.

Mr. LATTA. What I am saying is that in all fairness to the new administration, they should have some input into these figures that they are going to have to live with.

Let me say as far as figures are concerned, I concur with those people who are saying maybe we can get down to $620 billion. We ought to give them an opportunity to do it.

Mr. GIAIMO. They can do it.

Mr. LATTA. We should not just come along and say that we are going to take 2 percent or 4 percent or 3 percent off each one of these functions with the exclusions that I have already indicated. We ought to get into programs and get rid of those programs that we do not need in toto. We should not just dillydally around. There are a lot of programs that I can think of right offhand that we ought to get rid of and maybe this new administration is thinking in the same vein. We should not keep the bad programs; we ought to get rid of them and maybe we should not be cutting the good ones by 2 or 4 percent. Certainly in income security, we are going to hear from these people on social security and the other people on welfare and so forth that we are cutting too deeply.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. LATTA. Yes. I will be happy to yield.

Mr. GIAIMO. You know, in the committee the other day, there was a proposal supported by the gentleman from Ohio and some others in the minority, by the gentlewoman from Maryland (Mrs. HOLT) that we reduce the deficit from $648 billion down to $623 billion. That is even more than what we are suggesting as a reduction. The gentleman cannot argue both sides of this issue.

Mr. LATTA. Let me say to my chairman, I am not arguing both sides. As I indicated to the gentleman just before I concluded my previous statement, I am not talking about any particular functions or any particular figures. I am saying that in all fairness to the new administration, the second concurrent budget resolution should have been put off until January, until they had an opportunity to take a look at it. Maybe they would have come up with $635 billion. Maybe they would have come up with $625 billion, but they ought to have had an opportunity to take a look at it.

Mr. GIAIMO. They had that opportunity.

Mr. LATTA. I have talked to Mr. Weinberger and they have a list that they want considered by this Congress and since they are going to have to live with this budget resolution for 9 months, unless we come up with a third concurrent budget resolution, which I am here and now predicting this Congress will undoubtedly come up with, they ought to have an opportunity to have some input.

□ 1330

Mr. MATTOX. I wanted to make sure the Members know that the new administration did have input into this budget.

Mr. LATTA. They did?

Mr. MATTOX. Yes. They had input in it. Mr. Reagan throughout the campaign, both preelection and postelection campaigning indicated that he could cut this budget by 2 percent.

Mr. LATTA. Let me say to my friend, since he brings up that Mr. Reagan indicated that he could cut it 2 percent, he was not talking about cutting all programs; he was talking about cutting the total amount being recommended in the budget resolutions. He was not talking about taking 2 percent from every single program. He was talking about getting into programs specifically, and there is a difference.

As I indicated to the gentleman and to the House, they ought to have an opportunity to get rid of some of these bad programs that we do not need, that are wasting money.

Mr. MATTOX. If the gentleman will yield further to me?

Mr. LATTA. I yield to the gentleman.

Mr. MATTOX. It is my understanding, and from what my reading has been of what Mr. Reagan indicated, he indicated he was going to cut a minimum of 2 percent from fraud and waste without going into the heart of those programs. But should he want to go into the heart of some of these programs, we are setting a ceiling; and I am sure of this, if the new President is able to prevail upon this Congress to cut these programs lower, and it comes out to a much lower amount, I think he is going to find the Budget Committee is going to be happy.

Mr. LATTA. Let me say in the past that they have not been very happy to cut programs.

Mr. MATTOX. I think the Budget Committee would be very happy if we thought we could prevail.

Mr. LATTA. But we have been kind of lonesome on our side in looking for reductions.

Mr. MATTOX. I would remind the gentleman that he is one of the few that at times has acted rather responsibly toward the budget process. If the gentleman can get the rest of his colleagues on his side of the aisle, I will guarantee that he is going to get some on this side of the aisle that will gladly cut some of these programs and cut them deeply, and I assure the gentleman that I will be voting with him to do that. But I will say that I think the gentleman is going to have a tough time with the new President in meeting just his basic commitment of 2 percent. If he can get more, that is fine. I hope he can, and I will be supporting him if he can.

Mr. LATTA. Let me say to my friend that I have heard it said we are handing the new administration a budgetary time bomb.

I do not know whether we are or whether we are not. But I do not want to look at this figure of $648 billion and then come along and say, "Well, we can get by with $631 billion by achieving a 4-percent cut in all of these functions with the exception of a few such as defense and a couple of others." I think Mr. Reagan has an opportunity with this new administration, a new Senate, and recently some more help in this Congress toward fiscal restraint about doing something about some of these programs that ought to be terminated period, and not just keeping them in being by taking off 2 or 4 percent from them. I think that is the proper way to go. But we do not have the votes to do that. So that is just water over the dam. But I do not think this is proper.

I might say that the argument is heard that we have an obligation under the law to pass a budget resolution. Certainly we did. We argued here in September that by September 15 the law said we ought to do something about this, clearly. But we did not get any response from the other side other than the fact that we ought to wait until after the election. We waited and now we have the country speaking out in no uncertain terms that they want some reductions, they want to do something about this exploding spending spree that we have been on in this Congress for so long, and hopefully we can do something about it.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield to my friend from California.

Mr. JOHN L. BURTON. I just would like to commend the gentleman on his reelection.

Mr. LATTA. I would like to commend the gentleman also on his reelection.

Having said that, I reluctantly find myself, once again, in the position of opposing the budget resolution our distinguished chairman has brought out of the Budget Committee. My opposition stems not from the sums themselves in this resolution, but rather from the fact, as I have already stated, I believe the consideration of any budget resolution in this lameduck, 96th Congress is ill-advised and inappropriate.

Just let me explain that during September and early October when the Congress was in session the majority leadership of this House used every excuse under the sun to muster ways and means of avoiding the passage of the second budget resolution, even though the law specifically required we act by September 15. The reason for this intentional inaction was no secret to anybody. The majority did not want to admit that the budget it had passed last June had become a budget deep in deficit only a few months later, and they especially did not want this fact known too loudly and too far across the land before the election. I can understand that.

But at that time my friend, the chairman of the Budget Committee, argued that the House could not consider a second budget resolution until after it had completed action on the omnibus reconciliation bill. I agreed with him then and I still agree with him. We should not consider a budget resolution until we have passed the $10 billion worth of savings in the reconciliation bill.

Unfortunately, apparently the chairman has changed his position from last September and we are now considering the second budget resolution without first having passed the omnibus reconciliation bill.

Had this past election given President Jimmy Carter 4 more years in the White House and had the Democrats maintained a majority in the other body and suffered only modest losses in the House, then I would probably be joining the gentleman from Connecticut (Mr. GIAIMO) in urging passage of a second budget resolution in this lameduck session of this Congress. But under those circumstances it would have been appropriate for the Democrats to fashion a fiscal policy for the new Congress and the reelected President because their economic policy would have been approved by the voters of this country.

My colleagues and I know this is not the case. It would be ungracious of me to dwell on the scope and the magnitude of the people's repudiation of the majority economic policies other than to say it was devastating and nearly complete. The voters made clear in overwhelming numbers that they wanted a change, and a change in economic policies.

To a very great extent the voters decided this last election on economic grounds and in doing so they favored by a substantial margin the programs and policies of the Republican rather than the Democratic Party.

In short, this 96th Congress no longer enjoys the support and the confidence of the American people and, therefore, should not be attempting to dictate the economic game plan for the 97th Congress and the new President-elect.

I know we will hear arguments that failure to pass this budget resolution will lead to the collapse of the congressional budget process and so on and so forth. Do not believe that for a moment.

Over the past 5 years the majority party has folded, bent, mutilated the budget process any time it was needed to accommodate their pet spending programs or appeared politically expedient. If we were concerned about curbing the big spending appetites of this Congress, then we should have passed the budget back in September so we could have curbed this last-minute spending spree this lame duck Congress is now engaged in.

We are being told somehow it is important to have a budget resolution in effect during the period of time after the 96th Congress adjourns and before the new President and the 97th Congress takes office. I consider that nonsense. What we are really being asked to do is to tie the hands of the new President and the new Congress. If we are really to believe all of this rhetoric about cutting spending, then the best thing this Congress could do would be to drop everything and devote its full energy to passing the omnibus reconciliation bill.

Nothing of consequence will happen if we put the budget resolution over to the new Congress. But should we fail to pass the reconciliation bill, it will die along with the 96th Congress. It will have no standing whatsoever in the 97th Congress and we will have to start over from ground zero. I consider that to be a real economic disaster. Should the reconciliation bill not pass in this Congress, then immediately we add $10 billion to the deficit. That, I will say to my friend, will have a much more devastating effect on interest rates, capital investment, and inflation than merely postponing the budget resolution ever could have.

☐ 1340

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding. I just wanted to rise and support his statement and his position, and express my appreciation for his leadership on this issue. I could not agree more. The budget is hemorrhaging. The credit markets and financial markets are very skittish about what the Congress is going to do to the budget. Not only is the budget out of control in terms of 1981, as the gentleman just pointed out, but 1981's budget authority has an impact on spending in fiscal year 1982 and on into 1983. It seems to me highly reasonable and responsible and prudent for this body to wait, as the gentleman suggested, until the new administration gets a chance to make some important decisions on the last three-quarters of the fiscal year 1981 budget. The new administration also deserves a chance to take a look at it together with the 1982 budget. The credit markets, and particularly long-term interest rates, are severely affected by this out-of-control budget process. If we are truly to bring down long-term interest rates and achieve our goals of restoring full employment without inflation, I agree with the gentleman that it is absolutely imperative for the new administration to be able to act immediately to restrain spending in 1981.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LATTA. I yield myself 5 additional minutes. I yield to the gentleman.

Mr. KEMP. I would just conclude by thanking the gentleman again and suggesting that, if we truly want to restore budget restraint it is likewise absolutely necessary to get the economy growing again through tax and regulatory reform. Until we get economic growth up, and get inflation down, there is ultimately no way to bring about significant long-term restraint in Federal payments tied to the rates of inflation and unemployment, and the prudent budgeting that is a prerequisite for stabilizing this Nation's economy and its currency again.

I thank the gentleman for his statement. I look forward to working with him on this policy.

Mr. LATTA. I want to thank my friend from New York and commend him for the leadership he has shown in this area over the past several years since he has been in the Congress and for pointing out the very pitfalls that we now are confronted with in this Nation.

We need to do the thing that the gentleman has advocated for so long. Let me say about all of this borrowing, our first concurrent resolution put the public debt at $935 billion; but here in this resolution, it has to go to $971 billion—a $971 billion public debt limit. That is down from $985 billion as forecast by the resolution that we had presented to us in the Committee on the Budget.

We are in a perilous state in our economy and we have to do something about it. Let me turn for a few moments to the budget resolution now before us. Our distinguished chairman has already told us about how it calls for spending cuts of $17 billion. Mind you, these spending cuts are out of a projected 1981 spending total of $648 billion which is $35 billion above the 1981 budget we adopted only last June. Even with the so-called cuts, the budget is $18 billion above the level we set for ourselves in the first budget resolution.

Far be it for me to object to reductions in the rate of growth of Federal spending, but cutting or restraining growth of spending is really not the issue here. Looking at what the Committee on the Budget did after exempting Defense, interest and undistributed offsetting receipts, it cut 4 percent—4 percent—out of every other function of the budget across the board.

You and I know that in the middle of a fiscal year we cannot and should not make equal percentage reductions in every single program. As I pointed out, we ought to be terminating some of these programs in toto. Moreover, if the Committee on the Budget was serious about actually making spending reductions of $17 billion, it would have provided the means for the Congress and the new President to make those savings; but does the Committee on the Budget order the committees of the Congress, through reconciliation, to make the $17 billion worth of cuts? The answer is simply no. It does not.

It does not even require the Congress to pass the $10 billion reconciliation bill left over from the first resolution. Did the Committee on the Budget recommend that the President be given powers to reserve and impound funds to help achieve the $17 billion in savings? Again the answer is clearly no.

These last two problems I will attempt to remedy as I pointed out in speaking on the rule when it comes time to offer amendments. Certainly I would hope that we would get some support on the majority side for these two corrective actions that must be taken.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. I yield 5 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, it is extremely important for the House to adopt this budget resolution. In urging that the House do that, I would like to respond to some of the arguments that have been raised here, because I, frankly, for the life of me do not understand why for the first time we do not have both Republicans and Democrats joined together in supporting what I think is a budget resolution that makes a great deal of sense. It makes a great deal of sense. It recognizes not only the importance of getting a budget resolution in place, but in fact reaches out and says, "We do have to look at proposed spending reductions that the new administration is going to offer."

What is wrong with that? That is, in fact, the joining of the hands to say we do need to reduce this budget by $17 billion in order to get the deficit down to roughly $25 billion. It acknowledges what President-elect Reagan has said with regard to a 2-percent reduction. It says, "Let us hear his recommendations."

I think it is extremely important that for the first time, as a symbol of the willingness of the Congress to work together in trying to get budget discipline, we do join together, that we do recognize the proposals that he and his administration will be making, and that we do incorporate them in the Budget Resolution for 1981. That is what this budget resolution does. That is what this budget resolution does.

The argument is made, "Let us wait and adopt a budget resolution in this session of Congress." If that is done, that essentially undercuts the budget process entirely. I know the budget process has been mutilated in parts. We should have had a second budget resolution in place as of September 15; but surely that does not justify destroying the process itself. If we do not have a second budget resolution in place by the time we have concluded this session, there will be no ceilings in terms of the Committee on Appropriations, so that they, in fact, could exceed any ceilings that were established by the first budget resolution.

If we do not pass a budget resolution, there is, in fact, a point of order that could lie against adjournment of the Congress. The reality is that we need, under the Budget Act, to complete action on a second budget resolution or we do not have a budget process. We do not have a budget process. The reality is are we really going to take up a second budget resolution in February when we should be starting work on the budget resolution for fiscal year 1982? That is what we ought to be focusing on then; and that is why this resolution should be in place. It can be modified. We will probably have, most likely, a third budget resolution. That is the place to modify any kind of budget resolution for 1981.

I would urge on the Members from a procedural point of view, from a Budget Act point of view, to adopt a second budget resolution so that we get it in place.

Second, it can be modified. What we have said here is the President-elect has made a recommendation for roughly a $17 billion reduction, roughly $13 billion off the deficit. We are prepared to hear his recommendations as to where those cuts ought to come from, and that legitimately is an area that the President-elect will want to address. As a matter of fact, his advisers and the President-elect are addressing that issue today, and I commend him for that. We want to listen to those recommendations, and that is what this resolution provides. It says to President Reagan and to his administration, come forward to the Congress with your proposals, with your recommendations as to where these reductions can take place, and we will listen. Want to work with you in trying to achieve those reductions.

Let me assure the Members of Congress there were members of the Committee on the Budget who were not satisfied with the $38 billion deficit.

□ 1350

Many of us were preparing proposals to reduce that deficit because we felt the House would not adopt it or the Congress would not adopt it. But we had the opportunity, with the President-elect having set a 2-percent reduction, to say, "Let us take his proposals, let us take his recommendation and incorporate it into this budget resolution. He has said we can get a 2-percent reduction based on waste, fraud, and abuse. Let us build that into this resolution."

Let me read from the language of the report itself, which I think says it more clearly than anything else.

> President-elect Reagan's statement on spending cuts amounts to a 2 percent reduction in spending outlays.

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has expired.

Mr. GIAIMO. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

Mr. PANETTA. The language of the report continues:

> He contends that this reduction can be made by elimination of fraud, waste and abuse without cutting actual spending programs. The committee's recommendation is consistent with the proposal of President-elect Reagan. It will give him the opportunity to translate his budgetary program into administrative reality. If it should turn out, however, that the Reagan administration is unable to realize these reductions solely through the elimination of fraud, waste and abuse, it will be necessary to cut programs or adjust budget resolution figures on a third budget resolution in fiscal year 1981.

Frankly, that says it all. That says it all. We are prepared to accept his recommendation on waste, fraud and abuse, but we also recognize if he cannot make it there, then we will have to cut programs and he will then be able to make those recommendations as a part of a third budget resolution.

So, first of all, the budget process is essential, in terms of getting that second concurrent resolution in place. Second, it provides the flexibility to the new administration to make their recommendations.

Third, let me speak specifically to the issue of reconciliation. Reconciliation is now operating on the same track as the budget resolution. We have had 8 committees of the House and 9 committees of the Senate meeting in 12 subconferences on reconciliation in order to try to come up with $10 billion in savings. Let me say that 8 of those subconferences have concluded, that we are only looking at 4 subconferences, and in 2 of those areas we expect that they will be resolved within the day. There are only four outstanding areas. One relates to the highway program and the Public Works Committees. We expect that that will be resolved today. The second area relates to the Post Office and Civil Service Committee. That committee will be meeting tomorrow, and we expect a resolution with regard to that conference. The third conference, which relates to nutrition, reductions in Education and Labor, will be meeting this afternoon at 4 o'clock, and we fully expect the resolution on that subconference.

The last is Ways and Means, and the staff of Ways and Means and the Finance Committee are meeting today to develop, hopefully, a compromise in that area.

We are hopeful we can complete reconciliation, in terms of agreements, certainly by the end of this week.

So reconciliation is moving on the same track as this budget resolution. Both are together. Both are important. Both need to be maintained in their tracks. Obviously, if reconciliation fails, there is no question that we have hurt the budget process. There is $10 billion out there. If those $10 billion are not passed, then we have a 40 percent increase in the deficit immediately. $10 billion will be added.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, I want to thank the gentleman for yielding and also to commend him for his work in this area on reconciliation. He has worked tirelessly. The gentleman has seen the amendment I will be offering on reconciliation and, as we talked earlier, hopefully, we will have his support for that.

Mr. PANETTA. As I stated to the gentleman, the amendment that says we ought not to adjourn this Congress sine die until we pass reconciliation, I am fully in accord with.

Mr. LATTA. I thank the gentleman.

Mr. PANETTA. And I will support it.

The important point is that if reconciliation does not pass, it will not only add to the deficit, but we lose a very important budget tool. Whether it is President Carter or President Reagan, I do not care who it is, the fact is that we will not be able to implement reductions unless we get committees in the Congress to do their job. Reconciliation is the one tool, the one tool that says to committees, "Come up with a set amount of savings, review those programs and implement those savings, in terms of the targets that are established."

This is the first time in budget history that we are using reconciliation as a tool, and it has to work. It has to work if the budget process will work. Otherwise, we are talking about restoring the impoundment powers to the President. There is no question about that. If we cannot do our job. If we cannot implement the budget process, if we cannot implement reconciliation, then we ought to hand it to the President because we cannot do it.

So it is important, in terms of the role of Congress as the third branch, in implementing budget discipline, to pass this concurrent budget resolution and to also pass reconciliation. I think we have the opportunity here for the first time to move together with the administration toward budget discipline, toward showing the country that we are sincere about controlling spending and about directing our country in the future.

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, we have been through horrendous years of runaway budgets that have imposed terrible inflation and tax burdens on the American people and strangled the economy. I would remind the House that we have just completed a fiscal year in which Federal spending increased by $85 billion, or 15 percent.

Some Members like to talk in lofty terms about supporting the budget process, but I would remind the House that a process is only as good as the implementation of it and the results it produces.

The 96th Congress has utterly failed to exercise any reasonable level of control of Federal spending. Spending exploded, and so did the hopes and dreams of millions of Americans caught in the waves of inflation, taxation, and economic stagnation. Look at the prime rate today. We at least have to send a signal that we are concerned.

The people spoke loudly on this subject in the November 4 election, voting to sweep away the incumbent administration. As the gentleman from Ohio said this lameduck session of the old Congress should not be trying at this late date to make fiscal policy for the new administration and the new Congress that will take over in January.

With respect to the 1981 budget resolution before us, I have several observations. It is $18 billion higher than the first budget resolution we adopted last spring, it is not a cut, and it ought to be laid to rest without further ado. We felt no urgency to pass a second resolution by September 15 which is required by law.

The chairman of the Budget Committee said it represents a 2-percent cut, but not enough people are asking this question: "A cut from what?"

Allow me to trace the awful history. We adopted a first budget resolution for 1981 with outlays of $614 billion. Then the administration presented us with a July estimate that 1981 spending would actually reach $634 billion. Then, last week, the House Budget Committee majority offered us a spending estimate of $649 billion, up $35 billion from the first resolution.

I am pleased that that was too much for our chairman. I am pleased that he proposed to cut it by $17 billion, bringing the sum down to $632 billion, but keep in mind that it is not a real cut. It is not only $18 billion higher than the spending envisioned by our first budget resolution, but is $53 billion over last year's outlays.

President-elect Reagan has spoken of bringing it down to about $620 billion, which is $12 billion less than the sum approved by the Budget Committee majority. I believe the House should wait to review the new President's proposals before adopting a second budget resolution for 1981. We should let the new Congress work its will on the proposals of the new President.

□ 1400

Mr. GIAIMO. Mr. Chairman, I yield 7 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, this spring we passed a budget resolution. Many of us went out into the countryside and trumpeted the fact that we had balanced the budget. We all knew that was not true. The day before we passed it, the Speaker said that the deficit would be $25 billion. When the Budget Committee came back to do its job, a job that should have been done before we adjourned to go home for the elections, that deficit turned out to be not $25 billion, but $38.4 billion.

We now have a proposal before us to begin with a $38.4 billion deficit and make a 2-percent across-the-board cut. Many are startled to hear Members sitting on the Republican side of the aisle say, "We are opposed to that 2-percent cut."

It sounds awfully self-righteous to hear people who have consistently voted for more spending in this Congress talking about making a 2-percent cut. What I would like to do here this afternoon is talk about why there is a hook in this 2-percent cut; why it is a potential problem or circumstance under which we might give our new President a hand grenade rather than a budget resolution. I would like to talk about a process under which I think those who are concerned about balancing the budget can support this budget resolution, can move through this lameduck session and go home so that the new Congress with a new mandate can do business here.

When we talk about a 2-percent across-the-board cut beginning with the $38.4 billion deficit, we are going to exclude defense; we are going to exclude interest and offsetting receipts. So, we are talking about, in fact, a 3.58-percent cut in each category in terms of planning totals. Now, you and I know that the only total that is binding is the aggregate total, but I would like to start out by explaining why this across-the-board cut will not work.

Let us just take two categories: Health and income security. In health, in terms of our new budget totals on which these cuts would be made, we have controllable outlays of only $4.5 billion.

We are talking about a cut in outlays of $2.5 billion. That is a 55-percent cut that we are proposing in controllables under the health function. Who here believes that we are going to make a 55-percent cut in the controllables under the health function? I suspect nobody does.

In the 600 function, income security, we are talking about, with this 3.58-percent cut across-the-board, $8.9 billion in cuts in income security. There are only $16.9 billion of controllables in income security. That is a 52-percent cut in income security. Who here believes that we are in fact, by the time we adopt a realistic budget and by the time we pass appropriations, going to cut income security controllables by 52 percent? I personally do not. There may be others who do.

The problem with this budget is not in the budget itself. I believe the President can put out a program to cut 2 percent from the budget. I think double that amount could be cut, but I do not believe it can be cut across-the-board. The real danger here, the real hook in this whole proposition, is that if we pass this budget resolution and if we use this resolution as a guideline for passing appropriations, we are going to pass appropriations for the health and income security functions that everybody in this House knows are underfunded; functions that we know are going to run out of money at the end of the year; functions where funds are going to have to be raised.

On the other hand, I submit that in other areas, by passing appropriation bills on the basis of this budget, we are overfunding many areas of this budget, areas that will have to be cut more than 3.58 percent in order to have a realistic chance of cutting the $17 billion target. Many of these areas have experienced significant growth since the first budget resolution.

If we look at where the deficit has grown to prior to the across-the-board cut, international affairs is up by over 13 percent. I submit that if this Congress is forced to cut the budget, that is where many of the cuts are going to be.

Community and regional development, up by over 25 percent from the first budget resolution. I submit that is an area that is going to be cut. And finally, general purpose fiscal assistance is up by over 12 percent, and that is an area that is going to be cut.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GIAIMO. Mr. Chairman, I yield 7 additional minutes to the gentleman from Texas.

Mr. GRAMM. I thank the chairman for yielding the time.

I think there is a solution to this process. I personally feel that I can support this second budget resolution to save the Budget Act, to impose a budget which calls for a 2-percent reduction. I do not see any danger in the budget resolution itself, but I see great danger in passing these appropriation bills because, in passing these appropriation bills at these levels, we are underfunding income security; we are underfunding health; we are overfunding categories that are going to have to be cut, and our new President is going to be forced to go with rescission. I submit that rescissions are going to be difficult to implement if we pass the appropriation bills.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I will be happy to yield.

Mr. GIAIMO. I think the gentleman is making some good points here, and I want to make it eminently clear that we understand what is being said and what we are doing. You know that a budget resolution in fact does not accomplish reductions or add-ons in spending. They have to be done by the appropriation committees, is that not right?

Mr. GRAMM. Yes, sir, they do.

Mr. GIAIMO. You also know that what is binding in our resolution is the aggregate number, not the functional breakdown.

Mr. GRAMM. That is correct.

Mr. GIAIMO. And we, in our across-the-board efforts, removed defense and interest and offsetting receipts. Then we arbitrarily applied it across the board to the programs that were left. You realize that does not preclude the President or the spending committees from making the cuts elsewhere, is that not so?

Mr. GRAMM. My concern, Mr. Chairman, is basically this: My concern is that if we pass this budget resolution with a commitment, or in fact a likelihood, that we are going to pass appropriation bills, that those appropriation bills will come in at levels that are unsustainable in health and income security, and that are above levels that the House will ultimately choose in cutting the $17 billion, and I am concerned, therefore, that it will put the new President in a position of trying to go back and to rescind those appropriation bills.

What I would like to propose is that we pass the budget resolution, and that we pass the continuing resolution to be in effect to the end of March. This would be a clear signal to many of these bureaus that cuts are coming from the new President. The President would be starting fresh. I believe the 2-percent cut can be made, but I do not want to bind the President with appropriation bills and put him in a position of trying to make the cuts before the money is spent; putting him in a position of having to rescind.

Mr. GIAIMO. If the gentleman will yield further, you realize that when we pass the budget resolution, we give a lump-sum allocation to the Appropriations Committee. It is not so much for Defense and so much for Agriculture and so much for income security. It is a total lump-sum appropriation to the full Appropriations Committee, which then is free to break it down as it wishes among the various functions. Their hands are not tied.

I understand your problem and I respect your concern. You are suggesting that we pass this resolution, and you are also suggesting that we should carry on with a continuing resolution rather than to complete action on any of the appropriation bills in the coming days and weeks—this year, let us say. Certainly, you are suggesting that none of the major appropriation bills with heavy sums of money be enacted into law because it would be more difficult for the President to set up his rescission and deferral programs.

☐ 1410

Of course, he is going to have that problem irrespective of this budget resolution.

Mr. GRAMM. Mr. Chairman, it seems to me that the President will be in a stronger position with a continuing appropriations bill which is terminated and which will send a signal to all agencies of Government that a new budget is going to be written. I think that will represent an impediment to their spending, in advance, in anticipation of the cuts that might come.

I think we give the President a new slate. I think that is what the American people want. We want to save the budget process. The American people want to give the new President a chance to make the cuts.

I think my colleagues would agree that those cuts probably cannot be made across-the-board. When the President said he could find 2 percent, I do not think the President was saying he could find it in every category. I believe there are those in this body who would be concerned about tying the President's hands who could very willingly and enthusiastically support this budget resolution if they were assured that we would operate on a continuing resolution and we would adopt no appropriations bills in the lameduck session.

Mr. GIAIMO. Mr. Chairman, would the gentleman yield?

Mr. GRAMM. I will be glad to yield to the gentleman from Connecticut.

Mr. GIAIMO. I cannot give my colleagues any assurances, as you well know, as to what will happen in the appropriations process and the continuing resolution which will be forthcoming. However, I dare say from what we have learned and heard and read, it is highly questionable that many of the appropriations bills will be enacted into law this week and the week that we will be in session in December. In that case there would have to be a continuing resolution. If there is one, there is no question in my mind that this Budget Act makes provision, with the ceilings, to continue the operations of the Government on continuing resolutions into May.

Mr. GRAMM. Would the gentleman be supportive of that procedure?

Mr. GIAIMO. Well, I would have to say that I would much prefer that Congress did its business and completed all its work. That would mean adopting all its appropriations bills. However, having said that, I think it is totally unrealistic in the days remaining. I do not think that Congress will, in fact, adopt many of the appropriations left to be considered, particularly in the Senate.

So, as a practical matter, I think you are going to have to have a continuing resolution to cover a very large portion of the unfinished appropriations.

Mr. GRAMM. I would like to conclude by saying I could enthusiastically support this budget if I had assurance that we would operate on continuing resolutions. However, if we are going to adopt appropriations bills using this budget as a vehicle, I think it represents an impediment to the President.

Mr. LATTA. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank the gentleman from Ohio for yielding. I would like to commend the gentleman from Texas last in the well for a reasonable and responsible statement with regard to this budget resolution.

Mr. Chairman, it is certainly not responsible for a lameduck Congress to fashion a budgetary straitjacket for the new incoming Reagan administration and the 97th Congress.

This resolution supposedly will allow the new administration to cut 2 percent in waste, fraud, and abuse from existing Federal programs.

However, that 2-percent cut has been written into a budget that is $59.1 billion or 10.3 percent higher in projected outlays and $81 billion or 15.4 percent higher in projected taxes than the third 1980 budget resolution passed by Congress last June.

Congress should not insist upon passing the binding congressional budget resolution for fiscal year 1981 right now.

Rather, Congress should allow the 97th Congress to enact its own budget.

If this resolution is passed, we should also provide the Reagan administration with some greater flexibility than the so-called 2-percent cut for waste, fraud, and abuse.

The Reagan administration will need tools with which to cut much greater amounts of Federal spending.

We should allow the new President to reserve funds authorized and appropriated by this Congress through adoption of the proposed Republican substitute, that will suspend for 1 year title 10 of the Budget Control and Impoundment Act of 1974.

Why should the President-elect and his administration be required to spend all funds for programs authorized and funded by a Congress whose economic policies have just been repudiated at the polls by the American people?

Elementary fairness would seem to dictate that we give the new incoming administration the greatest possible amount of needed flexibility to reduce Federal Government spending.

This proposed 1-year suspension of title 10 of the Budget Act, which prohibits the President's reservation of funds authorized and appropriated by Congress, would provide such flexibility.

Certainly if the fiscal year 1981 budget is to be finalized by the 96th Congress it must be done with the firm understanding that the $10 billion reconciliation package is also adopted before the end of this Congress.

Unless the Democrat leadership can give us its solemn pledge that the reconciliation bill will be enacted into law before the 96th Congress adjourns sine die, this budget resolution should be defeated.

As a member of the House Budget Committee I am greatly disappointed in the refusal of the majority to acknowledge the possibility of savings through major reform of runaway social welfare spending programs.

For example, refusal to press for major reform of the $10 billion food stamp program has contributed to making a farce of the committee's work and the Budget Act.

In the next session of Congress, I hope that much greater attention will be paid to the enormous need for legislative savings, especially in the overbloated social welfare spending programs.

We should also recognize the need for

a firm limit on Federal spending as a percentage of gross national product.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MATTOX).

Mr. MATTOX. Mr. Chairman, I rise in support of the second budget resolution. I believe it is extremely important that we pass this resolution with as little partisan wrangle as possible. It has always been the responsibility of the Congress to set forth plans for the fiscal year. No amount of rhetoric about mandates or election returns, election results, is really going to alter that fundamental responsibility.

This resolution provides the flexibility for the new administration to meet its preimposed campaign commitments. It calls for a tax cut, an increase in defense spending, a reduction in spending based upon elimination of waste, fraud, abuse, and a substantially lower deficit than originally estimated.

This plan is not set in concrete. It can be altered and changed to accommodate the future plans of the next Congress or the next administration when they have the lawful responsibility to make those plans.

I wish to bring to the attention of the Members, though, that there are some disturbing clouds that are on the political horizon. There are those in the Reagan transition team who are now making plans to talk about the cutting of social security benefits and other kinds of benefits.

Mr. Chairman, I want to tell my colleagues, this budget cannot be balanced on the backs of our senior citizens and on the backs of those people who are on retirement incomes. It cannot be done and it should not be done. I hope my Democratic colleagues will make sure it does not happen. I hope the new advisers to President-elect Reagan will take a closer look at the budget, and perhaps they already have, because they will find it is really hard to make those 2-percent cuts they are talking about.

Mr. Chairman, I would hope that they would get on with finding the waste they are talking about. But it appears we are already seeing one campaign pledge reneged on and that is the pledge to try to balance the budget and make these 2-percent cuts on waste, fraud, and abuse. I submit that it is going to be a hard thing to do. The Committee on the Budget has provided a window through which the new administration can make those recommendations. I hope they can find some of the fraud, waste, and abuse and also some of the programs that are not working, but for goodness' sakes, let us not do it on the backs of the senior citizens.

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Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, yesterday the Republican Policy Committee met to review this whole matter. We came to the conclusion that this budget resolution is a meaningless exercise unless the new administration is given the tools so that it can really deal with these issues, unless there are teeth put into this mechanism. We believe that without reconciliation and without giving the new Reagan administration 1-year impoundment capability, this is just another futile exercise.

Mr. Chairman, we are told this sets a ceiling. Well, without the teeth it is some ceiling. We had a $613 billion first budget resolution. We had a $633 billion second budget resolution from the Senate and then a $649 billion proposed second budget resolution before the so-called 2-percent cut. So in the matter of just months we are faced with $36 billion in increased spending and, of course, a 2-percent cut is not really an across-the-board 2-percent cut at all, as the distinguished ranking member from Ohio has pointed out.

We think if the House is really serious in giving the President the tools to control spending, they would support the amendments which are going to be offered by the distinguished ranking member of the Committee on the Budget. Unless those amendments are adopted, that of both reconciliation and of 1-year impoundment capability, we think that this resolution should not be passed and that instead we should give the new Reagan administration the opportunity to come forward with their own proposals. After all, what is the rush now? Many of us were in the well here last summer and early fall pointing out that September 15, before the beginning of the fiscal year, was the time to pass a second budget resolution, not now in a lameduck Congress where over 60 Members of the Congress will not be returning; not now when a new administration has been elected. We are already into this new fiscal year. We will be 4 months into the new fiscal year before Governor Reagan, President-elect Reagan, takes office. It will take at least another 2 months to get the Congress to act on his proposal, so we are looking at 6 months.

We were told by the distinguished chairman of the Committee on the Budget this lameduck Congress—I think I am quoting the gentleman accurately—that, while we passed the resolution, it "leaves it to the new Congress and the new President to say where the cuts should come."

If we are going to leave it to the new Congress and to the new President to say where the cuts should come from, why do we not simply leave it to the President and the new Congress to deal with this whole question of the budget for next year as best he can, even though we readily say that we will be 4 to 6 months into the budget.

Unless teeth are put into this, this is a meaningless exercise. Rather than adopt a meaningless exercise, if these amendments to be offered by my distinguished friend from Ohio are not passed, then I respectfully say this budget resolution should be defeated.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I rise in support of this budget resolution and strongly urge my colleagues to support it.

Mr. Chairman, this budget resolution sends out some very important signals. One of those signals is that this Congress has a spirit of cooperation with the incoming administration, that we want to work with this incoming President in a mutual effort to bring our fiscal policy in line, to reduce those pressures on inflation.

Second, this budget resolution is a signal that this Congress is responding positively to the overwhelming mandate of the American people in the election just a few days ago.

I particularly want to pay tribute at this time to the distinguished chairman of the Committee on the Budget (Mr. GIAIMO). It was that gentleman's wisdom primarily which put this budget resolution together. It responds and cooperates with the President-elect in that after the election the President-elect and his advisers did state that 2 percent of the budget could be cut out, or a total of $13 billion. This budget resolution accommodates that statement precisely. In fact, since that time some of the advisers of the President-elect have said deeper budget cuts could be made. Clearly what that President-elect said can be accomplished in this budget resolution.

I have heard it said in the debate today that it would not be responsible for this Congress, a lameduck Congress, to deal with a budget resolution. I have heard it said that since the September 15 deadline passed and the final budget resolution was not enacted, that we should just go on to the next Congress and deal with it at that time.

I think this Congress has a responsibility under the law to deal with this final budget resolution this year before we adjourn. The fact that we missed the September 15 deadline is something that I think was wrong but we did not take it up at that point and I think on both sides of the aisle we know why. We were so far into the political season we could not reach a consensus on anything that was in the realm of reality.

The fact that politics prevented it from being enacted by September 15 should not let us shirk our responsibilities under the law to pass a budget resolution before this Congress adjourns sine die. That is what the law says we ought to do and that is what we ought to do.

I have also heard it said that this budget is higher by x billions of dollars—what is it, $33 billion or so higher now than it was when the first budget resolution was passed last spring. The implication is that Congress has gone on some spending spree with massive new programs since the first budget resolution was passed. Nothing could be further from the truth.

Mr. Chairman, the higher budget figures are not due to the fact that Congress has been enacting new spending programs. If we look at it we find it is primarily due to three factors, most of which are based on assumptions, assumptions you have to make in a given period of time in order to construct a budget. One of those assumptions is what will the unemployment rate be 18 months down the road?

Last spring, the best advice this Committee on the Budget received was that unemployment would be somewhere on the order of 7.5 percent through fiscal year 1981. Since that budget resolution, that unemployment prediction has been revised. For every 1 percent you miss unemployment projection, you miss the budget target by somewhere between $20 billion and $25 billion.

So we did miss by some, what the unemployment figure would be. However, I think the unemployment projection in this budget resolution is realistic.

Mr. Chairman, the budget is higher for another reason: natural disasters. We had to assume that the historic spend-out rate on natural disasters would be approximately what it has been in the past. Well, it is going to be substantially more since we could not anticipate the disaster payments brought on by Mount St. Helens. We could not anticipate the tremendous drought disaster in the entire West and Southwestern United States, and that created a higher budget figure.

Third, Mr. Chairman, this spend-out rate on defense programs is higher than it was anticipated in the spring.

Mr. Chairman, when we look at these higher figures it is not due to the fact that Congress went on a spending spree. It is due to the fact that on basic programs that are already in the law, the assumptions that we anticipated in the spring proved to be somewhat in error in the fall.

Mr. Chairman, this budget is indeed flexible. It, indeed, does accommodate an incoming administration. It does accommodate a tax cut that can be further acted upon next year. It does accommodate the 2-percent spending cut that the President-elect said could be achieved. I think it is our responsibility, our duty to send the signal to this country, to the financial markets that we are serious.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GIAIMO. Mr. Chairman, I yield the gentleman from Oklahoma 2 additional minutes.

☐ 1430

We are serious about our legal obligations to put together a budget, and we should pass this budget resolution.

Now even if we balance the budget this year, that is not the end of the game. What we need to do is set in place consistent spending restraint over a period of 5 years that will tell the financial markets, "You do not have to keep those interest rates so high to accommodate inflation, because your Government is dedicated to defeat inflation." I hope that next year we will put that kind of long-term spending restraint in place.

So I urge my colleagues to put politics aside, to pass this budget resolution and to give the flexibility and the cooperative spirit that is needed between Congress and the incoming President to deal responsibly with budget policies.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Ohio.

Mr. REGULA. I commend the gentleman for his comments on spending restraints. My question is this: Given a choice, would the gentleman have preferred that the restraint in the second resolution that is before us today have been selectively exercised on the functions rather than to be prorated on a percentage basis?

Mr. JONES of Oklahoma. Given a choice under these circumstances, I think we are doing it the right way that we provide the flexibility to the incoming administration, because we do not know and should not try to dictate to the new President where precisely these spending cuts should occur. I think we ought to have that latitude in the budget so that the new administration can deal with the precise spending cuts in their own fashion.

Mr. REGULA. If the gentleman will yield further, would not it have been a better choice to put the 2-percent cut in the allowance function rather than try to distribute it on the individual items with the exception of defense?

Mr. JONES of Oklahoma. Well, I do not necessarily agree with that. I think that the way the budget is constructed, that we do provide the flexibility for the administration. Frankly, I agree with what the gentleman and one of the gentleman's colleagues, the gentlewoman from Maryland (Mrs. HOLT) has said in the past, that we should not be as precise. We should deal more in the aggregate.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Chairman, our illustrious Speaker in analyzing the election results declared on November 12, "The people of America have spoken, and America comes first, party comes second."

For the good of the Nation, we must provide our new President with the tools to hold down Federal spending. We must adopt the Latta amendment.

President Reagan may need the power to impound Federal funds. We all know that the economic assumptions upon which the budget is based can change. Just recently, the recession brought a new wave of spending demands that increased this year's budget. Rather than forcing a rise in deficit spending, these demands could be met by the responsible impoundment of funds by the President. By granting this authority, Congress will build an important backstop to prevent a larger deficit which can only result in greater Federal credit demands, increased interest rates, and more harm to the economy.

My colleagues across the aisle today are apparently very willing to accept a 2-percent spending cut proposal made by the President-elect. To help guarantee that spending is held in check, we must also grant the power to prevent unforeseen entitlement program increases, interest changes, or economic shifts from damaging the economy.

One sure way to prevent a larger deficit is to pass the Reconciliation Act. The Latta amendment simply states what Congress voiced earlier this year: The Reconciliation Act must be passed this session.

Reconciliation has become an important step in the budget process, one that imposes discipline and responsibility. I am sure my colleagues will agree that the hard work of the Budget Committee and Chairman GIAIMO should not be swept away. The Nation needs fiscal restraint, the Nation demands fiscal restraint. Reconciliation will take a large step in meeting that demand.

Earlier this month the American people voted for new leadership and a new direction. For this Congress to refuse to provide the means by which the new administration may abide by the budget constraints we impose is unfair. In the bipartisan spirit voiced by our Speaker, I urge that we adopt the Latta amendment for the good of the Nation.

Mr. GIAIMO. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I have been listening to the debate for some time, and I am trying to picture how I would feel if I were—and I really think I am—a member of the public that we keep speaking of. I am not on the Budget Committee. I am listening hopefully in a very objective way to what is happening here.

I hear the chairman of the Budget Committee saying that it is time we recognize a problem that is obviously uppermost in the minds of the American public and in the Congress, that we take some steps now to bring about a reduction in spending. It seems that this is the issue that the American public felt very strongly about in this past election.

I must admit in my own district I did not run on that issue at all. And fortunately for me and hopefully for the people I represent, they did not seem to object to that.

My opponent ran very much on the basis that we at all cost had to have a balanced budget.

But here we are acting and I think taking a reasonable step in a reduction of spending that is now being proposed in this budget. Of all the people I never expected to suddenly turn against cutting the budget are my former Republican colleagues who now are saying, "Wait a minute. Let us not do this now. Let us wait until next year," and as we know, when we talk about doing this in January, we are just kidding because there is no way we are going to do this in January, but February; and "then let us pass this resolution," which would mean that we were passing it, I guess, for approximately 6 months before a new program and budget has to come in.

It seems to me that what the people would like to see today is the Congress to begin to act and to stop postponing and putting off things that we should be doing immediately.

Now, some of my Democratic colleagues and some of my Republican colleagues who perhaps feel that cuts are too severe even in the 2-percent cut, I might say to them, we would be far better off perhaps to accept the 2-percent cut and to vote for this than to let it alone and find out the cuts may be even greater in January or February.

I would suggest that we look at this program now as taking some bitter medicine. I look down on table 5 at the functions and the cuts, and some of them really concern me greatly, because I do not believe some of these cuts should be made, such as cuts in education and in health and in other areas effecting senior citizens.

Nevertheless, this is the option we now have. I would think, to seriously talk about rejecting this, postponing all action and saying to the public that came out and voted in this last election, "Just wait another 2 months, 3 months, and we finally will do something about this spending question," I would like to suggest the time to act on this legislation is now. I think we have the opportunity and whether we like all of the implications of it or not, let us vote and pass this resolution.

I yield back the balance of my time.

□ 1440

Mr. LATTA. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I take this time to respond to the gentleman from New York (Mr. PEYSER). Apparently, the gentleman has missed the objectives we have in mind here. We thought that since the people had spoken on spending, the exploding budget deficit and inflation, that they wanted a new administration. They are going to get a new administration in January. They are going to get a new Congress in January. Perhaps this new Congress which they elected on November 4 ought to take a look at it. It is not too far fetched, so to speak, to believe that they should have that opportunity. That is what we are talking about.

We are not talking about increasing spending. We are talking about reducing spending. We are talking about fairness, fairness to the new administration that is going to have to live under this budget for 9 months after taking office. That is what we are talking about and we are also talking about some amendments that I hope the gentleman will support when they are offered later on.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield to my friend, the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LATTA. Mr. Chairman, I yield myself 1 additional minute.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for yielding. The reason I brought up the point I did was that after our Budget Committee chairman and the Budget Committee had acted on this 2-percent reduction, I read in the papers the following day the report of the advisers of the President-elect saying that he actually felt that the 2 percent was too little a cut and that that presented no problem at all to President-elect Reagan and his people. It is for that reason at least that we start on this program. I just do not understand the problem.

Mr. LATTA. May I reclaim my time. The new President is talking about cutting spending in particular programs. He is not talking about any across-the-board, cut-everything, matter. He is talking about getting into programs that we might do away with, without anybody being hurt other than a few bureaucrats. I can think of one program that we are going to be voting on according to the schedule this week, and that is the Legal Services Corporation.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. LATTA. Mr. Chairman, I yield myself 1 additional minute.

Here is a third of a billion dollars being thrown to 4,000 lawyers across the country so that they can stir up trouble. We do not need that. Well, we can start with this program later this week; if I were President of the United States that would have been done yesterday. It would not be tomorrow. It would have been yesterday. We can save that third of a billion dollars. There have been a lot of programs like this that the new administration will be taking a look at; they are not talking about a 2-percent cut or a 4-percent cut, across the board.

Mr. PEYSER. Mr. Chairman, if the gentleman will yield further to me, perhaps the gentleman could explain one thing to me. Is it not possible for the incoming administration within the scope of this resolution to make those changes anyway, or is it impossible? I mean, can President-elect Reagan not make the changes as the gentleman is suggesting right now within the resolution?

Mr. LATTA. We would hope it would not follow the guidelines that they set forth here.

Mr. PEYSER. But he does not have to, is my understanding.

Mr. LATTA. Well, if we vote for the amendments that I will be offering shortly, then maybe we can give him the tools to work with.

Mr. PEYSER. I thank the gentleman.

Mr. LATTA. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, it is interesting to note the concern about getting this passed in view of the fact that even in 1979 in the absence of an election we did not get a second budget resolution until about November 29 and then not until June of 1980 did we pass the third budget resolution, which really fixed the final figures for fiscal 1980.

We are suggesting that maybe the second resolution if done under the new administration would obviate the necessity of going to a third one to reduce the figures and readjust them in light of cuts that can be achieved in selective areas.

I do rise in support of the budget resolution more so than in support of the measure before us today. Frankly, I do not believe that this lameduck Congress should be considering a second budget resolution in view of the election result of 2 weeks ago. The time to consider a second budget resolution is no later than September 15 as provided and, indeed, required by the Budget Act. Missing the September 15 date, if done in good faith is certainly a pardonable sin; but coming now in this form is bad for the struggling congressional budget process. We should put off consideration of this resolution until the new Congress is seated and the new President states his fiscal priorities.

I do want to make two general observations which I think are very important to the survival of the budget process. First, I believe that completing action on the reconciliation mandated by the first budget resolution is crucial to both the budget process and economic recovery.

I might say that the majority, as well as the minority in the Budget Committee, have made a sustained effort to accomplish this objective. I commend the members that have led this fight.

Under the present budget process, reconciliation is the most powerful weapon available to rein in Federal spending. I do think that in conjunction with this we need the second portion of the Latta amendment, and that is for the right of the President to impound funds. It makes the President a partner in this effort to put a curb on Federal spending. Without passing reconciliation, the deficit will increase by about $10 billion this year and considerably more in future years. What is really needed is a tough sunset law, but until that day arrives we should put increasing emphasis on reconciliation as a means of reducing Federal fiscal largesse.

I would urge my colleagues to support the Latta amendments, because I think they are both important tools in accomplishing a restraint in Federal spending. This is what we received by way of a message from the voters.

My second observation relates to the need for reforming the budget process. The Budget Act was passed 6 years ago and no substantive changes have been made since then. Now that we have had this experience of 6 years with the budget process, the time is ripe for taking a hard look at how we dealt with the budget with the intent of producing badly needed reforms.

In this vein, I call my colleagues' attention to section 4 of the budget resolution which calls for a full scale review of the Budget Act in the congressional budget process.

Again, I might add that this has bipartisan support in the Budget Committee.

I believe that the budget process is an absolutely essential tool to respond to the voters' concerns and that we need to take a look at how we can make it more effective.

Mr. PEYSER. Mr. Chairman, will the gentleman yield for a question?

Mr. REGULA. Yes.

Mr. PEYSER. I am not clear on something. The gentleman said that under an amendment to be offered that the new

President would have the right of impoundment; is that correct?

Mr. REGULA. That is right.

Mr. PEYSER. Now, does that mean that the President can, in effect, without any action of the Congress simply say we are not going to spend *x* billion dollars for this?

Mr. REGULA. I think any language of that type that is ultimately developed ought to have some type of a fail-safe system; but I do believe that the President needs a stronger authority to not spend money, because his is a management function. He is the Chief Executive.

We had a hearing in the Budget Committee yesterday about the vast amount of waste in the field of contracting out.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LATTA. Mr. Chairman, I yield to the gentleman 3 additional minutes.

Mr. REGULA. We likewise saw our story in the Post this morning about the failure of agencies to collect debts. It seems to me that if the Chief Executive is to be an effective manager, and that is the challenge of the 1980's for us as well as the President, that he needs some enhanced tools.

Mr. PEYSER. Mr. Chairman, if the gentleman will yield further, the question I have, I gather this is repealing the provisions of title X of Public Law 93-344, which was the Congressional Budget and Impoundment Control Act. That would basically, as I understand it, give the new President the same authority and the same rights that President Nixon had at the time he impounded, I believe nearly $20 billion, and finally forced the Congress into taking this action just to protect what we felt was the American people and the Congress. Now we are giving it back to the President. I do not agree with this action.

Mr. REGULA. I think we made a mistake and it was due to conditions that existed at that time that flowed out of a number of circumstances, that we made a mistake in taking this tool away from the Chief Executive. President Kennedy used it effectively also and Presidents throughout recent years have used the impoundment tool.

We do need, as part of this change, some type of fail-safe to give Congress some opportunity to respond to impoundments.

Mr. PEYSER. I do not think there is anything suggested, if the gentleman will yield further, in that point; but that will perhaps come up when the amendment is discussed.

I thank the gentleman for yielding and I will just say that it seems to me that the one thing the American public has made very clear to us, not just in this election, but in the elections since 1972 is basically they do not want the Congress to abrogate all their rights on what are absolutely crucial issues to the American public.

□ 1450

It seems to me that is what this would do.

Incidentally, the Republican side also went along with this very clearly to protect the Congress and to assert the Congress right not to give up the features. Now we have the reversal.

Mr. REGULA. I just want to conclude, Mr. Chairman, by commending the chairman of the Budget Committee, our distinguished friend from Connecticut (Mr. Giaimo). Being chairman of the committee has never been easy or very much fun. But I will say this, that Bob Giaimo's successor will find some very large shoes to fill in the next Congress. I think he has done a great service to the Congress and to the American people in his role as chairman of this committee.

Mr. GIAIMO. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois (Mr. Simon).

Mr. SIMON. Mr. Chairman, first of all I would like to join my colleague from Ohio (Mr. Regula) in praising the efforts of our retiring Budget Committee chairman. This will be the last time, other than the conference committee—we hope it will be the last time—that we will be on the floor while he serves as chairman discussing a budget resolution. His job has not been an easy one and he has handled it in an exemplary manner, with courage, with tact when that has been necessary. We have been well served as Members of Congress and the Nation has been well served by Bob Giaimo's service.

Let me touch on just a few points very briefly. One is a nonissue that I keep hearing coming up again and again, and that is we have not passed this by September 15. I would simply point out to my colleagues that if we pass this resolution today and if we have fast conference committee action—which we expect—we will be passing this resolution this year earlier than we passed it last year. Last year we passed it on November 28 and we did not have all of the speeches.

Maybe something happened this year that did not happen last year called an election that had something to do with all of those speeches. But I think that is not really germane to the fundamental question.

The question is, first: Is the 2-percent cut a reasonable cut? I think we have to say at this point, with the mood of the Congress being what it is, that it is a consensus cut.

But let me add, because I have heard that this is going to be coming out of waste, fraud, and abuse, and I have heard another word that seems to be entering our lexicon in the last few days called extravagance. I do not think we can take 2 percent out of these programs, out of waste, fraud, and abuse. I think we have to be realistic. We are going to be cutting into some programs, and there is going to be some damage some places. We are going to hear about it.

A second issue has been touched upon by my two colleagues on the Budget Committee from Ohio, and that is the impoundment question. I think we have to, as Members of the House, and our colleagues over in the other body also, be extremely careful in giving this kind of authority to the executive branch. I might very well support some kind of an authority to the executive branch that authorizes them to take a cut of 2 percent, 3 percent, some specific figure, from programs, but just to massively impound programs and to, in effect, kill the programs without going through a legislative veto I think is absolutely unwise.

We tend to go in extremes on legislative-executive power. I recall a few years ago my colleague from Illinois, John Anderson, standing up when Gerald Ford was President. He pointed to us on this side of the aisle and he said, "The trouble with you Democrats is you think Richard Nixon is still President of the United States," as we were putting on amendment after amendment constraining the President in what he could do in the area of foreign affairs. John Anderson was right. In many areas we are still restricting the executive branch too excessively.

But it would be moving toward the other end of the pendulum if we once again give the executive branch the power to, in effect, veto programs without giving us a chance to override that veto.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I will be pleased to yield to my distinguished colleague from Ohio (Mr. Regula).

Mr. REGULA. I thank the gentleman for yielding. I think we are really in agreement here that as a result of the section 4 in this resolution and looking at the budget process we ought to also examine and give some type of management tool to the President in the field of impoundment. Is that a fair statement?

Mr. SIMON. I do believe that. I think the executive branch ought to have a little greater flexibility than it now has. But I think we have to fashion that tool very carefully so that the executive branch cannot just run roughshod over programs that have been passed overwhelmingly by Congress.

Let me just add finally, in conclusion, that the resolution is one that all Members ought to support on both sides of the aisle. It is balanced. It moves in the direction of a balanced budget in a slow, steady way. It is a fiscally responsible, prudent budget resolution that does not impact too much on some of the programs that many of us believe in. But it will hurt some, and we should all recognize that.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. Fenwick).

Mrs. FENWICK. Mr. Chairman, I am not a member of the Budget Committee either, but to this member of the public it does not seem like a symbol of nonpartisanship, this whole exercise. It seems like a mousetrap.

I feel that something is being prepared not in the spirit of the public interest, but more in the nature of one-upmanship. We are playing another game with the public interest.

I may be wrong. I am not an expert in economic affairs. But I think this is how it strikes the general public. Our newspapers have reflected this.

There is a widespread cynicism or skepticism that this is some sort of a mousetrap for the incoming administration.

I do not often take issue with my colleague from Illinois, that it does make a difference whether an election is coming up or not. If there is a requirement that we should present the second budget resolution by the 15th of September it should be a matter of honor to do that before the election. I do not think it can be so lightly tossed aside as something unimportant because in a nonelection year it was so treated. We must be more careful about procedure. We must have a more orderly system. We ought to have an agreed way in which we do things and that ought to be the way in which they are done. There is good reason for establishing these rules. We ought to live up to them.

If we do not establish a consensus for order, we have chaos repeatedly. My colleagues remember the nights when we have been here at 4 o'clock in the morning, voting on billion-dollar tax cuts.

☐ 1500

But I would like to go to something else. Congress, as we all know, is subject to pressure, and the gallant chairman of our Committee on the Budget has spoken to us in passionate terms, begging us again and again not to give in to one pressure or another. We know it. If we were honest, would we not admit it? Would we not know exactly what we are doing when we vote for 50-percent increases in an $800 million bill in 1 year, knowing what is going to happen? Do we not remember that the Inspector General told us that there was $6 or $7 billion of fraud, waste, and mismanagement in one agency alone? Are we so forgetful, or do we not believe them? The waste is there. I do not think this 2 percent across the board is wise because who knows what we will find? There may be waste and fraud in one, and we would not want to touch another.

I would also like to say I do not want to hear any more about balancing the budget on the backs of the poor.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. LATTA. I yield 1 additional minute to the gentlewoman from New Jersey.

Mrs. FENWICK. Every single time somebody tries to correct an obviously fraudulent program, that is what you hear. Where does the poor public come out? Where does it all wind up in the long run? On the backs of the people who are trying to make this country run. That is important, too. Nobody wants to stop food stamps; nobody wants to stop social security; nobody wants the poor to be suffering in this country or go hungry in this rich country of ours. It would be intolerable.

Certainly those who love these programs would be wise to help us find that fraud, waste and mismanagement, because of the scandals that erupt daily. I have three in my State now, three in one program. The scandals that erupt daily discredit the programs, infuriate the voters, infuriate the people whose taxes are paying for all of this. We have to pay some attention. That is what we are going to have to do if we believe in these programs.

The CHAIRMAN. The time of the gentlewoman has expired.

The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the very distinguished and successful chairman for allowing me this time to speak on this pending resolution. This resolution seems to me to reflect the slogan of President-elect Ronald Reagan insofar as it calls for a 2-percent, across-the-board cut to domestic, nondefense programs. It assumes that what President-elect Reagan is saying is true, that there is something like $13 billion in fraud, waste, and abuse which apparently has yet to be ascertained; but President-elect Reagan did not say—and neither does this resolution—where that is, so we have to look at the results of what this resolution is calculated to bring about, not just its politics.

The results of the resolution are to require across-the-board cuts, cuts that have no basis in real terms, no rationality in their allocation, because none are specified, and no concern for the fate of the people and the programs to be affected, notwithstanding what the gentlewoman just said about not wanting to hear about poor people and budgets being balanced on their backs, which, of course, unfortunately is the truth.

It has always been true: The most vulnerable elements in any given change are the ones that are going to suffer the impact, and who are the most vulnerable in all of these budgetary and economy drive oriented actions?

But months from now when these cuts are being enforced—and though this may be a lameduck session, so despicably characterized but which I myself cannot see the reason for it inasmuch as it is a legitimate session with legitimate Members in it, acting legitimately and during the course of a legitimate session—but nevertheless, I want to remind my colleagues that I am not here in that status. I will be here when the consequences of the actions here will be faced. There will be many who I am sure will be disclaiming any responsibility then; but if we put in this mandate what we are doing, then I think we are responsible for it.

I have, the record will show, supported because I think the chairman and his colleagues have done a wonderful job under the circumstances in a very divisive election year, but I am one of those that did not originally vote for the budget reform for the very reasons that you all are debating about today.

I believe that the authorizing and appropriating committees work hard to assure that their programs are needed and that the money in those programs is spent effectively and to good purpose, because I have equal respect for the members of the Committee on Appropriations and the authorizing committee. Yet in adopting an across-the-board cut as we are doing here, we are saying that all those efforts have failed; we are saying that no matter where we look, no matter what we effect, any nondefense program has to be cut back arbitrarily. It does not matter how well that program has run, how effectively it has been administered. We are saying that if it is not defense related, it is going to get a cut.

The truth is that there are some programs that are better than others and have worked. There are some programs that are more justified perhaps, more necessary perhaps, than others; yet in adopting this kind of a cut, we are, in effect, denying that truth.

It is our responsibility to assess these things, our responsibility to set priorities. I am afraid this resolution in itself does none of that. It simply adopts a slogan and denies responsibility for the results. Frankly, if my vote is needed, it will be there, but in good conscience, I never have supported this approach at any time in my legislative career whether here or in the senate in Texas or the city council of San Antonio.

The CHAIRMAN. The time of the gentleman has expired. The Chair now recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague from Ohio for yielding. I rise with some concern about functional category 050, "national defense." According to the way I interpret the budget, there is $1.3 billion more in this second budget resolution than there was in the first budget resolution.

In the report on page 9 on national defense, the second paragraph provides:

> The Committee believes that the targets established for National Defense in the First Budget Resolution provided for essential force levels, improved readiness, and modernization. However, since these targets were established the House has acted to provide substantial improvements in military pay and allowances, such as, increases in housing allowances and improvements in the medical care program. Consequently, in the Second Budget Resolution, the Committee is recommending an increase to cover these changes.

My question is, the $1.3 billion according to this report is for these categories in national defense and for nothing else. Is this a safe assumption, Mr. Chairman?

I yield to our good friend from Connecticut.

Mr. GIAIMO. Would the gentleman repeat the question, just the last part?

Mr. MYERS of Indiana. It says that the increase in national defense is for improvements in the medical care programs, military pay and allowances, and housing allowances. In other words, there is no money for hardware; is that correct? The increase in the second budget resolution over the first is for these categories in national defense, these provisions in national defense, and nothing for hardware?

Mr. GIAIMO. Yes.

Mr. MYERS of Indiana. This morning we had a request—and we had a hearing before the Subcommittee on Energy and Water Development which handles nuclear weapons—a request from the administration for a $112 million supplemental appropriation. Under the first budget resolution our committee was within $14 million of the allocation, and the administration this morning said it was most essential that we have this supplemental appropriation of $112 million. Where is the money to be found in this budget?

☐ 1510

Mr. GIAIMO. Was the gentleman asking me a question?

Mr. MYERS of Indiana. Yes. I yield to my chairman.

Mr. GIAIMO. I was not listening to the gentleman. I am sorry. I was trying to get some information for the gentleman on the earlier question.

Mr. MYERS of Indiana. I wanted to explain why I asked the question.

Mr. GIAIMO. I did not hear the gentleman's question.

Mr. MYERS of Indiana. This morning the administration came before our Subcommittee on Appropriations for Energy and Water Development, which handles nuclear weapons, as the chairman knows.

Mr. GIAIMO. Yes.

Mr. MYERS of Indiana. They requested a supplemental appropriation for $112 million to meet what they say are the provisions in the nuclear weapons stockpile memorandum. They had to have this $112 million in supplemental appropriations. And our allocation to that subcommittee, we are within $14 million of meeting our allocation. Where are we going to get the $112 million for this very urgent appropriation? Where are we going to find it in the budget?

Mr. GIAIMO. You know, you are talking about an appropriations bill. This is going to get rather complicated here. But there are obligational authorities which you have in unexpended and unobligated funds which can take care of that.

Mr. MYERS of Indiana. $14 million?

Mr. GIAIMO. Oh, my heavens, you have many billions of dollars in unexpended and unobligated funds in the Appropriations Committee from prior years.

Mr. MYERS of Indiana. But not in allocations in national defense to the committee.

Mr. GIAIMO. I suspect that what they may be talking about—and I have not seen that or seen what your committee has done—but I do not think it is 1981 money. I think it is prior-year money.

Mr. MYERS of Indiana. According to the continuing resolution, which, of course, we have already passed, our energy and water bill, and it has been signed into law——

Mr. GIAIMO. Does the gentleman want to know whether you are within the allocation?

Mr. MYERS of Indiana. I know we are not. We are up to within $14 million, and we have a request now of $112 million.

Mr. GIAIMO. $14 million?

Mr. MYERS of Indiana. $14 million. And we have a request for $112 million supplemental. We only have, according to the allocation given to us, $14 million left.

Mr. GIAIMO. We do not give you allocations. Your committee gives you the allocation.

Mr. MYERS of Indiana. But you are going to give us $1.3 billion, and in the report you say it is for these pay increases.

Mr. GIAIMO. The allocation that you are talking about is the allocation that was in the first budget resolution. This is the second budget resolution which will have higher numbers.

Mr. MYERS of Indiana. $1.3 billion?

Mr. GIAIMO. The gentleman is talking about the allocations in the first part.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MYERS) has expired.

Mr. LATTA. Mr. Chairman, I yield 3 additional minutes to the gentleman from Indiana.

Mr. GIAIMO. If the gentleman will yield further, if we pass this resolution it will have higher numbers, obviously, and then an allocation will be made to the Appropriations Committee, a total allocation. The gentleman's committee will then break that down into the various functions and the various subcommittees. And that is what your dollar numbers would be measured against.

Mr. MYERS of Indiana. Now, if the chairman will allow me to recite once again, according to your report, there is $1.3 billion more in the second resolution than there was in the first.

Mr. GIAIMO. Yes.

Mr. MYERS of Indiana. On page 9 you say this is for—and I repeat—military pay, allowances, increases in housing, improvements in medical care programs.

Mr. GIAIMO. Yes; that is why we had to raise the allocation.

Mr. MYERS of Indiana. But where is the $112 million for this supplemental going to come from? Out of these funds, for pay, and so forth? Then we are going to be short of pay money. You are providing this for pay, according to your report.

Mr. GIAIMO. You are going to have to stay within your allocation which the overall Appropriations Committee gave you, or you will be beyond the allocation. As a matter of fact, I suspect in the defense function you may well be short, insofar as the first budget resolution is concerned. Your Appropriations Committee and mine saw fit to break down those allocations and to put more in the Labor-HEW section, and it did not give enough in the defense section.

The gentleman will recall that there was quite a discussion about that in our committee. But that was all in the first budget resolution, with the first allocations and the target allocations. When we pass this one, we hope that we will be able to have enough to take care of all of the breakdowns in the allocations by your committee.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Chairman, I think the other thing the gentleman from Indiana has to keep in mind is that this is not an appropriation bill.

Mr. MYERS of Indiana. I realize that.

Mr. SIMON. So when there is a description in the report in general, it does not mean that your Appropriations Committee has to follow that 1 penny. You can go in any direction you want to.

I was in a hearing yesterday where there was an indication, so far as I was concerned, that we could save some more money on consultants' fees. Your committee might very well lop off $100 million, or something, there, and put it for that specific use.

Mr. MYERS of Indiana. According to the report, which I see now, in your allocations, the bill already passed and signed into law is $109 million over what you have authorized for energy. Well, it is $110 million. So if we are going to have to lop off someplace $110 million plus this $112 million the administration is requesting for nuclear weapons, we are in trouble.

Mr. SIMON. Is the gentleman suggesting that our figure should be higher here?

Mr. MYERS of Indiana. In national defense, I suggest that that might be true. I am afraid that you are not realistic in national defense, with the administration's request.

Mr. GIAIMO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, at the outset, let me express my appreciation to our distinguished colleague, the chairman of the Budget Committee, for yielding this time to me. I want to address myself only very briefly to the Latta substitute.

It seems to me that it is fairly well in line with what one has come to expect from that side of the aisle. I do not think that the situation really has changed very much as a result of the recent election except that, come the change of administration, I suppose there will be a greater coordination between the executive branch and the Republicans in this House.

My concern primarily is with my party and its representatives on the Budget Committee and in this committee in the House. It seems to me that, despite some of the statements to the contrary, the budget resolutions, both the first and the second, in fact do ride on the backs of the poor.

The second budget resolution takes the pain and suffering which has been inflicted in the first budget resolution a step or two further by cutting back on, for example, child nutrition programs and education and training functions.

Now, I can understand how the President-elect and his new administration, having campaigned as they had, would want to incorporate into the budget of this House and of the Congress generally a 2 percent across-the-board cut, even though I cannot for the life of me see how they are going to find waste and fraud and abuse and extravagance, anywhere near that extent.

What I do not understand and what I think is totally unjustifiable is for the Democratic Party to play along with that kind of mythology and fantasy of the Republican Party. In point of fact we are giving them the weapons to cut the heart out of basic domestic programs.

Mr. Chairman, we are once again presented with a budget resolution based on faulty and erroneous assumptions, most prominently the projected and unspecified 2-percent cut in Government spending. I reject the priorities established in both the first and second resolutions, which ignore the facts of economic distress in this country, and urge its disapproval.

This resolution, as did the first, emphasizes defense, providing in terms of real growth, 3.5 percent in outlays. Instead of meeting the genuine economic needs of our citizens, this misplaced emphasis on defense leaves the Federal Government unable to provide the basic social services our citizens require. Its priorities are the wrong priorities.

This resolution does not provide for a balanced Federal budget, but a deficit of $25 billion. But when the first resolution was debated on the House floor, we were told that cuts were required in the social services areas so that the budget could be balanced. We were told that reconciliation was necessary so that the budget could be balanced. Yet here we are with a deficit of $25 billion. The assumptions in both these resolutions are askew.

This second resolution contains a number of assumptions which I do not believe, based on their merits, should be enacted or assumed under this resolution. The resolution assumes that a $32 billion tax cut will be passed, that the administration can achieve an undefined 2-percent reduction in the budget, and that reconciliation will be enacted.

The Budget Committee apparently has taken President-elect Reagan at his word: He says he can cut Government spending by 2 percent simply by eliminating fraud, waste, and abuses, without cutting actual services. There certainly is waste and abuse in various Federal programs; and I support efforts to eliminate this loss of dollars. Every dollar lost through abuse or waste is one less dollar for those who desperately need the services that dollar provides. However, it is easy to say that 2 percent of all Federal funds are misused; it is quite another matter to locate, and eliminate this waste. By imposing a rigid 2 percent, I fear, and I believe the Budget Committee shares this fear, that rather than taking on the difficult task of searching out waste and abuse, that instead, actual programs levels will be severely cut. Let us look at the committee's report on this resolution. It states the obvious:

> If . . . the Reagan administration is unable to realize these reductions solely through the elimination of fraud, waste, and abuse, it will be necessary to cut programs or adjust budget resolution figures in a third budget resolution in fiscal year 1981.

Why are we, a Democratic majority, performing this unwise hatchet job on Democratic programs traditionally under attack by the other party? Entire programs could be eliminated if the committee loses this game of political poker. Why are we playing games with domestic services? Certainly, not because there is no longer any need to feed schoolchildren, provide jobs for the unemployed, or improve mass transit. It is entirely possible that public service employment programs, and perhaps all of the title VI of CETA, could be eliminated in pursuit of this cutback. Can we really believe that the proposed $2 billion cut in budget authority in function 500, which provides for education, training, and employment programs mean only a reduction in fraud and abuse? If there is abuse and waste in these programs, how do we know how much there is? How can the committee make blanket assumptions about where this fraud and abuse can be found, while at the same time assuming that the defense programs are free of any waste? Does the committee mean to imply that there is no waste, fraud, or abuse in that function, that for some unknown reason it is concentrated solely in the areas of social services and human needs?

Indeed, why is the 2-percent cut necessary? I do want to locate any wasted Federal dollars. However, establishing an arbitrary 2-percent reduction will not balance the Federal budget, and will have little or no effect on the rate of inflation. According to the Congressional Budget Office, cutting the Federal budget by $15 to $20 billion—roughly equivalent to a 2-percent cut—will reduce inflation by only one-tenth to two-tenths of 1 percent. The possible consequences of taking this risk are just too great to justify whatever gains are envisioned.

The resolution also includes a $32 billion tax cut to become effective next July 1. Again, how can the committee ask us to adopt a resolution which assumes a tax cut whose provisions are unknown? What will be the nature of this $32 billion reduction in Federal revenues? Will it be accomplished by a rollback in social security payroll taxes? This would certainly be the most direct way to reduce the unduly heavy burden wrought by recent increases in social security taxes. A rollback of these taxes is one of the few ways to insure that tax relief will actually be afforded to those who are most adversely affected by increased taxes. I seriously doubt that this will be the direction of the Reagan taxcutters.

This unknown $32 billion tax cut, I submit, will only fuel inflation and further reduce the already insufficient resources we have to meet the Nation's needs. Combined with the President-elect's commitment to increase the defense budget, the tax cut would leave us without Federal moneys to feed schoolchildren, hire the unemployed, or provide low-cost housing. Such programs, and their participants, can only suffer.

Advocates of a tax cut argue that revenues would in fact increase because the economy would receive a much-needed stimulus. But any short-term stimulus a tax cut may provide would soon be eliminated because of the higher inflation rate to which it would contribute.

Finally, the resolution assumes that a reconciliation measure will be enacted, bringing a host of cuts in a variety of programs. But reconciliation is not the appropriate means of achieving savings in the Federal budget. It should not have been applied to the first budget resolution, and it should not be assumed now.

The priorities of this second budget resolution are simply misplaced. When people are hungry and out of work, we cannot expect to provide for them in a budget that is lean everywhere but in defense, and tax cuts as well. And we should not be giving a Republican administration a free rein to make a 2-percent cut in the budget without any limits on where the cuts should be made.

I urge my colleagues to join me in voting against the second budget resolution.

• Mr. GOLDWATER. Mr. Chairman, one of President-elect Reagan's most respected economic advisers recently described the Federal budget as "hemorrhaging," and there can be little argument that he is absolutely correct, and unless we apply a tourniquet, the patient may not survive.

The cuts have got to be made. The decisions are not going to be easy, but we either do it or the long term picture for interest rates, investment and economic stability is going to be grim.

There have been numerous explanations about what happened on November 3. There are diverse groups claiming credit or bestowing blame for the winds of change that blew through this land. Each may be partially right, but I think there is one thing we can be assured of—the people are not pleased and if there is a mandate, that mandate is for change.

Before the election, there were those of us who tried very hard to get the reconciliation and budget process completed. The leadership and the majority for their own reasons overrode this effort. There were those of us who believed that the budget process should not be left in the hands of a lame duck session and that we who were elected to the 95th Congress should have finished our chores before we went home to campaign. The leadership and the majority did not agree with this presumption.

Well, between now and then, things have changed. We had a chance before the election to act as a duly elected 95th Congress, but the voters have repudiated the 95th Congress. Fairness seems to dictate that we accommodate the wishes of the voters and give the new administration and the new Congress a chance to carry out their mandate.

It seems to me that the better part of valor would be for this Congress to step down gracefully and give the new Washington majority the leeway and the tools to start picking up the pieces.

We ought to defeat the budget resolution. This Congress was unconcerned about a month and a half delay in complying with the Budget Act, and I see no reason to get too worked up about delaying it another month and a half. It wasn't my decision to ignore the law and thus the September 15 deadline. We have already broken the law, so let us not have any delusions about the letter of the law.

We should also not have any delusions about the spirit of the election, and in this case, I believe it reasonable and fair to adhere to that spirit and defeat this resolution.●

● Mr. FRENZEL. Mr. Chairman, as usual, the budget resolution is a little bit controversial. The majority on the committee feels it has made a 2-percent cut in the outlay levels recommended in the first budget resolution as modified by reassessment. The minority believes the committee report is deficient in that it provides no specificity in the cuts, nor a means to accomplish the reductions.

I agree with the minority position, of course. The Congress has proved in the difficulty in dealing with reconciliation that its rhetoric on spending cuts is superior to its execution.

In any case the budget is too high. If we are serious, as I believe we should be, about tax cuts and real increases in military spending, we have to be just as serious about cutting other spending. The budget before us is not serious enough about spending reductions.

I am even more disappointed about amendments which were not made in order than I am about the large numbers in this budget. Unless we force reconciliation, and unless we reinstate impoundment in some form, the Budget Act is probably not worth keeping.

Absent these amendments the budgets of the future will continue to grow as fast as they have grown in the past. That is reason enough for me to vote against this budget.●

● Mr. LEE. Mr. Chairman, my distress and concern over the second concurrent budget resolution reported by the Budget Committee is substantial. The resolution appears to cut Federal spending for fiscal 1981 by $17 billion, an amount equal to approximately 2 percent of the total budget. In fact, however, the Budget Committee refused in its conference report to specify which programs should be cut or to require the Congress to reconcile the $17 billion to enforce the mandated budget reduction.

The President-elect is firmly committed to cutting the 1981 budget by 2 percent, and that commitment enjoys the full strength of my support and, I feel sure, that of the incoming Members of the Congress. Passage of this resolution by the 96th Congress would indeed leave the new administration with a mandate to make these spending cuts, but it would hamstring its efforts to accomplish this task.

Our good friend and colleague, Mr. LATTA, will offer an amendment prohibiting the Congress from adjourning sine die until action has been completed on the Omnibus Reconciliation Act of 1980, and providing that the anti-impoundment provisions of the Congressional Budget Act may be suspended to provide President-elect Reagan a tool to realize the budget reduction goal. The House Rules Committee has already refused to permit a vote on the impoundment issue as a part of our action today, however, and it is doubtful Mr. LATTA will be allowed to offer his amendment on the floor.

If we are to avoid tying President-elect Reagan's hands in his attempts to restore strength to the Nation's economy, we must oppose the rule under which this bill is to be considered. That failing, we must vote against the budget resolution itself.

The Democratic leadership has used every excuse it could muster to delay consideration of the second budget resolution for fiscal 1981. Now that the election is over, the majority is in a sudden rush to pass this budget legislation—legislation that should have passed the 96th Congress more than 2 months ago.

The intent of the majority leadership is painfully transparent. The electorate of this country voted for individuals they felt would rectify the outright politicization of our economy, and we who will be a part of the 97th Congress owe it to them to deliver. I would submit that this leadership no longer truly represents the will of the people of this country, and our acquiescence in allowing this body to pass the legislation before us during the lameduck session would represent a gross injustice to the many individuals who are counting on us to bring this country out of its economic tailspin and into a new era of strength and prosperity.

I urge my colleagues to join in opposing the second budget resolution for fiscal year 1981 as reported.●

● Mr. DERWINSKI. Mr. Chairman, I rise to point out to the House that in at least one aspect the second budget resolution is out of focus with the real legislative world, and that issue is the cost-of-living allowance for Federal retirees.

The resolution, as I understand it, assumes legislative action in the conference on the reconciliation bill resulting in the reduction in COLA outlays for fiscal year 1981. The legislative facts do not support this assumption.

My colleagues will recall that when the reconciliation bill, H.R. 7765, was before the House the Bauman amendment was adopted by a vote of 309 to 72, to strike from the bill any COLA reduction and to retain the existing law with respect to twice-a-year adjustments. Therefore, as far as the House version is concerned, COLA reductions are not at issue in conference.

The Senate version of reconciliation would have eliminated the September 1980 COLA adjustment at an estimated savings of $523 million, but, of course, that adjustment of 7.7 percent has already taken place and has been included in the October and November annuity payments.

If, as the second budget resolution presumes, the March COLA adjustment is eliminated under the Reconciliation Act it would require the House conferees to first reject the stated position of the House and second to exceed the bounds of conference.

Mr. Chairman, I think it is, at best, misleading to project a budget savings that is unfeasible to accomplish in the legislative arena.●

● Mr. GRAY. Mr. Chairman, I rise in support of the recommended second concurrent budget resolution for fiscal year 1981.

But before I begin my remarks concerning the second resolution, I would like to take this opportunity to commend the chairman of the House Budget Committee, the distinguished ROBERT GIAIMO, for his outstanding leadership and dedication to this Congress and to this Nation for over two decades. As chairman, he has guided the Budget Committee through one of its most tumultuous years and has fought to uphold the integrity of the congressional budgetary process. His absence will be felt and he will be missed.

The second concurrent budget resolution for fiscal year 1981 represents a reasonable and realistic approach to meeting our country's needs for this fiscal year.

Not only does it leave room for House-passed fiscal year 1981 appropriation bills, but it also makes provision for a few key and essential supplemental appropriations that are expected during this fiscal year, providing a total of $689.5 million in budget authority, $631.75 million in outlays, and $606.7 million in revenues.

Of particular interest and concern to me is the new youth employment initiative, which has been provided for in this budget. As we all know, unemployment continues to be one of the most pervasive problems facing the youths of this Nation today. In my district alone close to two out of every three teenagers is out of work. This translates into an unemployment rate of more than 60 percent among teenagers alone, with the unemployment rate among minority adults hovering around 25 percent. Earlier this year, the House recognized this problem and passed the Youth Act of 1980, a bill which provides for employment and training opportunities for millions of disadvantaged youths throughout the country.

Consistent with the passage of this important piece of legislation the second budget resolution includes approximately $2.05 billion in budget authority and $50 million in outlays for startup of this important program during the 1981 fiscal year. This amount will be sufficient to cover the expected costs of this program since it is not expected to start until September 1981.

Additionally, the budget makes provision for other House-passed bills, including additional program funding for those permanent and entitlement programs which are directly affected by fluctuations in the economy, as well as other expected supplemental appropriations for discretionary programs. For example, there is included in this budget approximately $2.1 billion in budget authority and outlays, above the first budget resolution, for unemployment compensation, as well as an increase of $700 million in budget authority and outlays for extended supplemental unemployment benefits; $1.6 billion for good assistance; and $1.1 billion for disaster loans.

This budget continues to support federally guaranteed student loans, as well as educational grants, with an increase of $700 million in budget authority and $300 million in outlays for the basic educational opportunity grant program; and it also provides sufficient funding to cover the current public service employment program levels, consistent with the House-passed Labor-HEW appropriations bill.

As most of us know, the recession we are experiencing has had a devastating impact on our local governments and its citizens. Local governments face the same economic problems that we do in the Federal Government. But their fiscal woes are magnified due to the continual erosion of Federal support, both directly and indirectly, which has occurred over the past few years. Recognizing these factors, and consistent with the recently passed general revenue-sharing bill, the budget resolution includes an additional $1 billion in budget authority and $850 million in outlays for antirecession fiscal assistance. This will go far in relieving much of the burden which has been placed on our cities due to severe economic conditions and reduced Federal and State support of local programs.

The second resolution also provides $5.4 billion in tax relief for fiscal year 1981. To provide a much needed stimulus to the economy, both the Congress and the new administration have committed themselves to some form of tax relief during the year, and this reduction in revenues is consistent with those policies and should form the basis of the much needed economic recovery. I am concerned though about the exact nature and form the tax cut might take. In testimony before the Budget Committee, earlier this year, both administration and private sector economists warned against massive income tax reductions, as they could lead to a rekindling of our inflationary woes. It is imperative that any tax relief in fiscal year 1981 be aimed at revitalizing American industry and improving our overall productivity. This would have the related effect of reducing our unemployment rates as well as stabilizing the economy.

There are many areas in the budget in which I would like to have seen some additional expansion as I am sure my colleagues on the Budget Committee would agree. But this budget does represent a reasonable, responsible, and realistic response in meeting our Nation's needs, given the increasingly complex political and economic agendas which will face this Nation in the future.

Consistent with the President-elect's self-imposed challenge and a national voter mandate, as witnessed by the recent elections, the Budget Committee reduced spending by approximately $17 billion or 2 percent across the board. President-elect Reagan and his advisers have repeatedly asserted that he could squeeze and trim off at least 2 percent of the projected fiscal year 1981 budget without, and I quote, "eliminating or endangering the integrity of existing programs." The committte's recommendation will no doubt provide him the flexibility to identify what he has termed, "program waste, extravagance, abuse, and fraud." It should be understood that the committee recommendation, although not specific, is in fact aimed toward the elimination of fraud and abuse only and does not assume reductions in current services provided by federally supported programs. Mr. Reagan's advisers have also recently advised us that the next administration intends to cut Federal spending by an additional 2 to 3 percent, bringing total Federal outlays to a level in the neighborhood of $620 billion.

I am concerned that the potential impact of this $28 billion reduction in the fiscal year 1981 budget could be devastating, especially in our human survival programs; programs which were created and designed to provide a measure of economic and social parity for our Nation's disadvantaged.

This resolution does not make cuts in individual programs as that is the job of the new President as well as the pertinent committees in Congress. The resolution is reasonable and fair and it is essential that it be passed during this lameduck session. To do otherwise, runs the risk of a more devastating and severely restrained budget during the 97th Congress.

I urge each of you to join me in supporting the committee resolution.●

Mr. LATTA. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Does the gentleman from Ohio (Mr. **Latta**) yield back the balance of his time?

Mr. LATTA. I yield back the balance of my time, Mr. Chairman.

Mr. GIAIMO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Does the gentleman from Connecticut yield back his time?

Mr. GIAIMO. I yield back my time, Mr. Chairman.

The CHAIRMAN. All time has expired.

Pursuant to House Resolution 810, the concurrent resolution is considered as having been read for amendment under the 5-minute rule. No amendments are in order except: First, amendments recommended by the Committee on the Budget which shall not be subject to amendment, except pro forma amendments for the purpose of debate; second, amendments which may be considered en bloc if offered by Representative **Latta** of Ohio and said amendments shall not be subject to amendment and said amendments shall be in order even after the adoption of amendments to the same portion of the resolution; and third, amendments pursuant to section 305(a) (6) of the Congressional Budget Act of 1974 changing any figure or figures in the resolution to the extent necessary to achieve mathematical consistency, and said amendments shall not be subject to amendment, except pro forma amendments for the purpose of debate.

The concurrent resolution reads as follows:

H. CON. RES. 448

That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1980—

(1) the recommended level of Federal revenues is $606,700,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $400,000,000;

(2) the appropriate level of total new budget authority is $689,500,000,000;

(3) the appropriate level of total budget outlays is $631,750,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $25,050,000,000;

(5) the appropriate level of the public debt is $971,000,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $46,000,000,000; and

(6) the appropriate level of total gross obligations for the principal amount of direct loans is $73,550,000,000 and the appropriate level of total commitments to guarantee loan principal is $76,400,000,000.

SEC. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1980, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $171,800,000,000;

(B) Outlays, $158,700,000,000.

(2) International Affairs (150):

(A) New budget authority, $23,500,000,000;

(B) Outlays, $10,400,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, $6,150,000,000;

(B) Outlays, $5,950,000,000.

(4) Energy (270):

(A) New budget authority, $5,350,000,000;

(B) Outlays, $8,150,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, $11,900,000,000;

(B) Outlays, $13,100,000,000.

(6) Agriculture (350):

(A) New budget authority, $5,250,000,000;

(B) Outlays, $2,050,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, $5,300,000,000;

(B) Outlays, $1,400,000,000.

(8) Transportation (400):

(A) New budget authority, $21,850,000,000;

(B) Outlays, $20,050,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, $9,750,000,000;

(B) Outlays, $11,200,000,000.

(10) Education, Training, Employment and Social Services (500):

(A) New budget authority, $32,600,000,000;

(B) Outlays, $30,250,000,000.

(11) Health (550):

(A) New budget authority, $67,100,000,000;

(B) Outlays, $62,700,000,000.

(12) Income Security (600):

(A) New budget authority, $244,650,000,000;

(B) Outlays, $222,700,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, $21,600,000,000;

(B) Outlays, $21,350,000,000.

(14) Administration of Justice (750):

(A) New budget authority, $3,950,000,000;

(B) Outlays, $4,350,000,000.

(15) General Government (800):

(A) New budget authority, $4,450,000,000;

(B) Outlays, $4,350,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New budget authority, $6,750,000,000;

(B) Outlays, $7,350,000,000.

(17) Interest (900):

(A) New budget authority, $73,650,000,000;

(B) Outlays, $73,650,000,000.

(18) Allowances (920):

(A) New budget authority, $800,000,000;

(B) Outlays, $950,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, —$26,900,000,000;

(B) Outlays, —$26,900,000,000.

SEC. 3. (a) The Congress projects the following budgetary levels for fiscal years 1982–1983—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1982: $682,100,000,000;

Fiscal year 1983: $778,300,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:

Fiscal year 1982: $000,000,000;

Fiscal year 1983: $000,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1982: $754,450,000,000;

Fiscal year 1983: $821,800,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1982: $695,950,000,000;

Fiscal year 1983: $755,300,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:

Fiscal year 1982: −$13,850,000,000;

Fiscal year 1983: +$23,000,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1982: $1,017,850,000,000;

Fiscal year 1983: $1,031,850,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1982: $46,850,000,000;

Fiscal year 1983: $24,000,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1982 and 1983 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1982:

(A) New budget authority, $193,300,000,000;

(B) Outlays, $179,450,000,000.

Fiscal year 1983:

(A) New budget authority, $218,100,000,000;

(B) Outlays, $201,700,000,000.

(2) International Affairs (150):

Fiscal year 1982:

(A) New budget authority, $17,100,000,000;

(B) Outlays, $10,200,000,000.

Fiscal year 1983:

(A) New budget authority, $17,850,000,000;

(B) Outlays, $10,600,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1982:

(A) New budget authority, $6,250,000,000;

(B) Outlays, $6,350,000.

Fiscal year 1983:

(A) New budget authority, $6,200,000,000;

(B) Outlays, $6,700,000,000.

(4) Energy (270):

Fiscal year 1982:

(A) New budget authority, $7,350,000,000;

(B) Outlays, $9,250,000,000.

Fiscal year 1983:

(A) New budget authority, $8,950,000,000;

(B) Outlays, $10,700,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1982:

(A) New budget authority, $12,450,000,000;

(B) Outlays, $12,750,000,000.

Fiscal year 1983:

(A) New budget authority, $13,400,000,000;

(B) Outlays, $13,050,000,000.

(6) Agriculture (350):

Fiscal year 1982:

(A) New budget authority, $5,400,000,000;

(B) Outlays, $4,000,000,000.

Fiscal year 1983:

(A) New budget authority, $5,150,000,000;

(B) Outlays, $4,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1982:

(A) New budget authority, $6,100,000,000;

(B) Outlays, $3,050,000,000.

Fiscal year 1983:

(A) New budget authority, $6,550,000,000;

(B) Outlays, $3,100,000,000.

(8) Transportation (400):

Fiscal year 1982:

(A) New budget authority, $21,550,000,000;

(B) Outlays, $20,800,000,000.

Fiscal year 1983:

(A) New budget authority, $22,500,000,000;

(B) Outlays, $22,600,000,000.

(9) Community and Regional Development (450):

Fiscal year 1982:

(A) New budget authority, $8,600,000,000;

(B) Outlays, $9,000,000,000.

Fiscal year 1983:

(A) New budget authority, $9,200,000,000;

(B) Outlays, $8,300,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1982:

(A) New budget authority, $33,800,000,000;

(B) Outlays, $33,050,000,000.

Fiscal year 1983:

(A) New budget authority, $36,550,000,000;

(B) Outlays, $34,850,000,000.

(11) Health (550):

Fiscal year 1982:

(A) New budget authority, $79,250,000,000;

(B) Outlays, $73,250,000,000.

Fiscal year 1983:

(A) New budget authority, $89,150,000,000;

(B) Outlays, $82,650,000,000.

(12) Income Security (600):

Fiscal year 1982:

(A) New budget authority, $276,100,000,000;

(B) Outlays, $248,100,000,000.

Fiscal year 1983:

(A) New budget authority, $300,150,000,000;

(B) Outlays, $269,150,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1982:

(A) New budget authority, $23,350,000,000;

(B) Outlays, $22,750,000,000.

Fiscal year 1983:

(A) New budget authority, $24,900,000,000;

(B) Outlays, $24,450,000,000.

(14) Administration of Justice (750):

Fiscal year 1982:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,350,000,000.

Fiscal year 1983:

(A) New budget authority, $4,650,000,000;

(B) Outlays, $4,650,000,000.

(15) General Government (800):

Fiscal year 1982:

(A) New budget authority, $4,650,000,000;

(B) Outlays, $4,550,000,000.

Fiscal year 1983:

(A) New budget authority, $5,000,000,000;

(B) Outlays, $4,850,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1982:

(A) New budget authority, $6,950,000,000;

(B) Outlays, $7,100,000,000.

Fiscal year 1983:

(A) New budget authority, $6,500,000,000;

(B) Outlays, $6,550,000,000.

(17) Interest (900):

Fiscal year 1982:

(A) New budget authority, $76,700,000,000;

(B) Outlays, $76,700,000,000.

Fiscal year 1983:

(A) New budget authority, $77,700,000,000;

(B) Outlays, $76,700,000,000.

(18) Allowances (920):

Fiscal year 1982:

(A) New budget authority, $950,000,000;

(B) Outlays, $950,000,000.

Fiscal year 1983:

(A) New budget authority, $900,000,000;

(B) Outlays, $900,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 1982:

(A) New budget authority, −$29,700,000,000;

(B) Outlays, −$29,700,000,000.

Fiscal year 1983:

(A) New budget authority, −$31,600,000,000;

(B) Outlays, −$31,600,000,0000.

SEC. 4. The Congress recognizes that (other than for certain minor changes adopted at the start of the Ninety-sixth Congress as revisions to the rules of the House) there have been no changes to the Budget Act of 1974. It is the sense of the Congress that after six years of experience under the Budget Act, the time is right for considering revisions and modifications to the Budget Act so as to improve the congressional budget process. Accordingly, the Congress believes that a full-scale review of the Budget Act and the congressional budget process should be undertaken without delay.

The CHAIRMAN. Are there any committee amendments at this time?

Mr. GIAIMO. No, Mr. Chairman.

The CHAIRMAN. There are no committee amendments.

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AMENDMENT OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: Insert after section 4 the following new section:

SEC. 5. Pursuant to section 310 of the Budget Act, it shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on H.R. 7765, the Omnibus Reconciliation Act of 1980.

The CHAIRMAN. Pursuant to House Resolution 810, the gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes, and the gentleman from Connecticut (Mr. GIAIMO) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, this amendment now before us really does not need any explanation. It is self-explanatory. It states that Congress may not adjourn sine die until it has completed action on H.R. 7765, the omnibus reconciliation bill. In my opening remarks, I pointed out that unless this reconciliation bill was adopted prior to the end of the 96th Congress, then the budget deficit would go up by $10 billion. It is as simple as that.

Remember, reconciliation was ordered as part of the first budget resolution last June; at this moment, it is still in conference. Since the start of this lameduck session, not one of the conference subcommittees has met to resolve the many outstanding differences between the House and Senate versions of this bill. Although I am informed that several of these conference subcommittees have scheduled meetings, there is no guarantee they will, left to their own devices, reach an agreement in the next few days. Therefore, my amendment serves notice that the 96th Congress will not adjourn until these conference subcommittees have completed their work and both houses of Congress have passed the conference report.

Mr. GIAIMO. Mr. Chairman, I agree with what the gentleman from Ohio is trying to do here. Basically, what he is saying is that this body should complete its action on the reconciliation bill before we adjourn sine die and terminate this Congress. Certainly, I could not disagree with that. I think it is essential. I think it is necessary. I think it means saving $10 billion, and I would agree with the amendment and on my side here we are disposed to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: Insert after section 5 the following new section:

SEC. 6. It is the sense of the Congress that the appropriate committees of the House of Representatives and the Senate make in order as part of any continuing appropriation bill for fiscal year 1981 language providing for the repeal of provisions of title X of Public Law 93-344, the Congressional Budget and Impoundment Control Act, effective upon enactment of such continuing appropriation and to continue no later than September 30, 1981.

POINT OF ORDER

Mr. FROST. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Texas wish to be heard at this time?

Mr. FROST. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FROST. Mr. Chairman, I make a point of order that the amendment offered by the gentleman from Ohio is not germane to House Concurrent Resolution 448, revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

This amendment would make it the sense of the Congress that any continuing appropriation bill for fiscal year 1981 contain language that would repeal for 1 year the impoundment provisions of the Congressional Budget and Impoundment Control Act of 1974.

The concurrent resolution implements certain directives of the Congressional Budget and Impoundment Control Act. The provisions establishing the concurrent budget resolution procedure are contained in the first nine titles of the act which are cited in Public Law 93-344 as the Congressional Budget Act of 1974. They have no relation to, nor are they derived from, title X, which is cited as the Impoundment Control Act of 1974.

It would seem clear, then, that the intent of the act was for concurrent resolutions on the budget to address the internal budget process of the Congress rather than addressing the impoundment process to be followed between the executive and the legislative branches as established by statute.

To include directives concerning impoundment in a concurrent budget resolution, then, would be outside the intent of the statute and beyond the scope of the resolution, thus rendering them nongermane.

While the specific language of the Latta amendment would not amend the Congressional Budget and Impoundment Control Act, the ultimate effect would be to do so. The Latta amendment would require, as a sense of the Congress, that a continuing appropriation bill contain language repealing for 1 year the impoundment provisions of title X of the Congressional Budget and Impoundment Act. In all likelihood, any amendment to such a continuing appropriation bill would be nongermane. Further, if a continuing appropriation bill were introduced with such language, it would be subject to referral to the Committee on Rules, which has jurisdiction over amendments to the Budget Act.

While jurisdiction over a legislative matter is not the sole test of germaneness, it is an important consideration. For example, Deschler's Procedure at chapter 28, section 4.26, states:

> To a bill reported from the Committee on Ways and Means providing for a temporary increase in the public debt ceiling for the current fiscal year (not directly amending the Second Liberty Bond Act), an amendment proposing permanent changes in that act and also affecting budget and appropriations procedures (matters within the jurisdiction of other House committees) was held not germane.

It may be argued that an amendment directing the offering of a nongermane amendment in and of itself could be considered nongermane. Argument has been proposed that section 4 of House Concurrent Resolution 448 provides a basis of germaneness for the Latta amendment. Section 4 contains sense of the Congress language stating that, "A full-scale review of the Budget Act and the congressional budget process should be undertaken without delay." This language does not require any specific action be taken to change the budget process or to amend the Budget Act. The Latta amendment would extend the scope of the sense of the Congress language in section 4 to require that a specific amendment repealing the impoundment provisions of the Budget Act be adopted.

The precedents indicate such action would be nongermane. For example, Deschler's Procedure at chapter 28, section 33.23, states:

> An amendment requiring the availability of funds "under this or any other Act" for certain humanitarian assistance was held to go beyond the scope of the pending bill and was ruled out as not germane, affecting funds in other provisions of law.

I would contend, Mr. Chairman, that the Latta amendment is nongermane.

The CHAIRMAN. Does the gentleman from Ohio (Mr. LATTA) desire to be heard on the point of order?

Mr. LATTA. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair would be delighted to hear the gentleman.

Mr. LATTA. Mr. Chairman, let me say that I wish the gentleman from Texas had not made his point of order, because I could guess what the Chair's ruling is going to be. We had this matter before the Rules Committee, and we asked specifically before the Rules Committee, as I pointed out earlier in the day, that the Rules Committee grant us a waiver, which they had the power to do, so that this amendment of mine could be made in order. Along straight party lines, it was decided that it would be in the best interests of the country not to grant the waiver.

I disagree with it being in the best interests of the country because, while the resolution before us purports to cut spending by $17 billion, it does not force on this Congress or the next Congress, or give to the President, the tools needed to accomplish these cuts.

□ 1530

This resolution contains no reconciliation instruction which could force the committees of the Congress to come up with the spending cuts of $17 billion. Likewise, it gives the President no power whatsoever to accomplish these cuts by executive direction. This amendment would address this deficiency if it were allowed without the point of order. It provides that it is the sense of the Congress that when it takes up the continuing resolution for the 1981 appropriations, it will include language which suspends, for the remainder of fiscal year 1981 only, the anti-impoundment provisions of the Budget Act. What it would do, then, is give the President-elect the ability to keep Federal spending within the ceiling established in this budget resolution should the Congress be unable to do so.

Keep in mind that when the Congress removed the President's ability to impound funds in 1974, it also took upon itself the responsibility of controlling Federal spending through the congressional budget process. Clearly, the Congress has failed to live up to its side of the bargain. No one can argue that it has been responsible in controlling the growth in spending. What my amendment does do is to recognize this fact. For fiscal year 1981 only, it gives back to the President the ability to impound funds. Hopefully, by the end of 1981, Congress will have improved the budget process and improved its own performance significantly so that it may reassert its role as the country's keeper of the purse strings. If so, and I for one certainly hope it does, then we will allow these emergency impoundment provisions to lapse. But until we get our own house in order, we have no choice than to give the President the powers to do the job the Congress cannot do or has not done.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded. The point of order is sustained.

The Chair now recognizes the gentleman from Ohio (Mr. LATTA).

AMENDMENT OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: At the end of the concurrent resolution, add the following new section:

"SEC. 6. It is the sense of the 96th Congress that the appropriate committees of the House of Representatives and the Senate make in order on an appropriate legislative vehicle, language providing for the enactment of a ceiling on spending in fiscal year 1981 at the levels established by this resolution. Such ceiling on fiscal year 1981 expenditures should also direct the President to reserve such amounts as may be necessary to remain within the ceiling, provided that such reservations are applied equitably in order to retain the important spending priorities adopted by Congress."

The CHAIRMAN. The gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes, and the gentleman from Connecticut (Mr. GIAIMO) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, this amendment merely says in so many words that we live within the ceilings established by the second concurrent budget resolution that we are now considering. That is all it does. It is a fair request. I think this House should adopt it without any question at all. If we mean what we are going to do here today, and if we pass this resolution, we ought to mean what we are doing and we ought to live within those restrictions.

Mr. PANETTA. Mr. Chairman, would the gentleman yield?

Mr. LATTA. I yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, this is essentially, though, a waiver of the Impoundment Act with regard to the President's power; is that correct?

Mr. LATTA. No. I would say to the gentleman that is not correct. It says absolutely nothing about the Impoundment Act itself. If the gentleman would read the language, it says:

> It is the sense of the 96th Congress that the appropriate committees of the House of Representatives and the Senate make in order on an appropriate legislative vehicle, language providing for the enactment of a ceiling on spending in fiscal year 1981 at the levels established by this resolution.

This means the resolution we are now considering.

> Such ceiling on fiscal year 1981 expenditures should also direct the President to reserve such amounts as may be necessary to remain within the ceiling, provided that such reservations are applied equitably in order to retain the important spending priorities adopted by the Congress.

So, as the gentleman will see, it says absolutely nothing about the Impoundment Act. As a matter of fact, if you had made the point of order against it on the grounds that it was repealing or touching the Impoundment Act the point of order would have been overruled.

Mr. PANETTA. Mr. Chairman, would the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. PANETTA. Under the amendment, as I read it, it says it also directs the President to reserve such amounts as may be necessary to remain within the ceiling.

Mr. LATTA. Mr. Chairman, that is the ceiling established by the concurrent resolution now before us.

Mr. PANETTA. I understand that, but we are giving the President the power to reserve amounts. That is essentially another way to approach impoundment. We are essentially saying the President can in effect hold back those sums if we reach those ceilings.

Mr. LATTA. No, that is not exactly what the difference is between that and the Impoundment Act. Under the Impoundment Act, he would not have to pay attention to the ceilings. If he did not want to spend money, he would not have to, notwithstanding the ceilings. But here, when you exceed the ceiling, then he can say, "We are not going to use that money."

Mr. PANETTA. But essentially, we are giving the President powers with this amendment that he does not have today.

Mr. LATTA. There is no question about that, or we would not be proposing the amendment.

Mr. PANETTA. I understand that, but in order to give him those powers we are saying essentially the discretion will not lie with the Congress; the discretion will lie with the President once we have reached those ceilings.

Mr. LATTA. That is correct, when we get to the ceiling established by the concurrent resolution that this House will probably act on today. So, if we mean what we say we mean in this resolution, that we shall have $631 billion of outlays in fiscal year 1981, if we mean that, then this says when we exceed that the President will say, "The Congress has spoken, so we are not going to exceed that amount of money."

Mr. PANETTA. If the gentleman will yield, under present law and power, the Congress under the Budget Act has a point of order against any amendments that breach the ceiling.

Mr. LATTA. Let me say that the gentleman knows and I know that that can be waived and, second, the entitlement spending cannot be touched.

Mr. PANETTA. I think that that is where the pressure ought to be, though. Instead of giving the President additional powers that he does not have today, the Congress has a responsibility to insure that we stay within the ceiling and that is where the responsibility ought to lie.

Mr. GIAIMO. Mr. Chairman, would the gentleman yield?

Mr. LATTA. I yield to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I would just like to get this clear in my mind. With the gentleman's amendment, the Congress would determine when the ceiling was reached; is that not correct?

Mr. LATTA. Well, I do not think we could determine when the ceiling has been reached. However, they certainly could determine that down at OMB when they have expended up to the ceiling. There are a lot of ways that they can determine that. The Treasury Department could also determine it.

Mr. GIAIMO. Mr. Chairman, let me use my own time to explain my position.

The CHAIRMAN. The Chair would like to state that the gentleman from Connecticut (Mr. GIAIMO) has 29 minutes remaining, and the gentleman from Ohio (Mr. LATTA) has 23 minutes remaining.

The Chair now recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I am committed to the achievement of a balanced Federal budget and to greater accountability by all those at Federal, State, and local government levels who are responsible for spending the Federal taxes our people pay.

Throughout my service in this House I have worked for and advocated the exercise of tighter controls over Federal spending. I have consistently supported efforts to insure that the taxes paid by our people are used in the most economically effective way to achieve the goals our people have set for the Nation and for the services provided to them by their Federal taxes.

Last March, as inflation approached an annual rate of 19 percent and as monetary and credit restraints were imposed to stop the inflationary spiral, there grew up in the country a strong public sentiment that government spending must be curbed if economic stability were to be maintained.

For nearly 9 days, Members of this body, the Senate and the administration labored over the budget to find ways of arriving at a balance between revenues and the levels of spending for needed programs it was recommended that some $18 billion be cut from the proposed budget. When the first budget resolution was passed on June 12, it reflected the desired balance. In my view, the American public approved.

During the months that followed, however, it became apparent that a confluence of interest pressure and changing economic assumptions underlying the budget projections would result in yet another Federal deficit fiscal year.

If the deficit is unavoidable it was because along with the public demand for fiscal restraint there was also an equally vocal public demand for decreased taxes and continued programs. Thus, when the second budget resolution was constructed it accounted for a tax cut that will approximately reduce revenues this fiscal year by $5.4. The projected decrease in revenue, coupled with increased outlays necessitated by mandatory programs has effectively thwarted the dedicated attempt of the House to exercise tighter control over fiscal policy.

Mr. Chairman, 2 weeks ago, on election day, the American people sent this Congress a mixed bag of signals demanding change.

They voted for a tax cut; our Budget Committee has made provision in this second budget resolution for a tax cut.

They voted for elimination of waste, fraud, and abuse in Federal programs; our Budget Committee has brought us a resolution providing for that.

They voted for increased spending in defense; our Budget Committee's resolution excludes defense from the across-the-board funding level cut provisions.

They voted for a balanced budget; our Budget Committee has recognized this in bringing us a tight resolution which shortens the reins of further Federal program growth.

They voted for fiscal accountability by the Congress and we in this House must demonstrate our willingness to be accountable rather than pass the buck to the next Congress and the next administration.

Mr. Chairman, I recite these facts because they point up the ambivalence of the American public on the question of Federal spending. The public wants fiscal responsibility. The public perceives balanced Federal budgets as a means to stop inflation in its tracks. But, the public is also reluctant to endure the cuts in programs which benefit them personally.

The budget process we have adopted in this Congress is the only realistic way of addressing that public ambivalence. We have a responsibility to identify and maintain those priorities that best serve the public. We also have an obligation to provide for the relief in taxes and spending that the public demands. This resolution, though not perfect, substantially addresses those concerns.

It provides for a proportional, but discretionary 2-percent cut in spending which accommodates the desires of the new administration for eliminating waste, fraud and abuse, and improving program efficiencies. At the same time, it fulfills the dictates of the law and sustains the principles of good budgeting for which this House has so long strived.

If we do not enact this measure, then it is clear that politics as usual is more important than responsible discharge of our obligation to set responsible and responsive fiscal policy for this Nation.

Mr. GIAIMO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to make this as clear as I can and then yield to my friend from Ohio (Mr. LATTA) if necessary, so that we understand what we are doing here.

Under the present law, Congress determines what the ceiling should be on expenditures and Congress determines when that ceiling is reached or breached, as we have to do here from time to time. Is that not correct?

Mr. LATTA. Yes, we do that. And, if we want to write a little legislative history as to how this shall be determined, I am perfectly willing to do that.

Mr. GIAIMO. So that it would be our ceiling, set by the House and Senate which would be controlling, not OMB or anyone else. That is a ceiling that the Congress sets.

Now, Congress does not breach that ceiling; is that not correct, I will say to my friend from Ohio? We do not allow bills on the floor which breach the ceiling because they would be subject to a point of order. Therefore, how does the ceiling get breached?

This gets awfully complicated. The ceiling gets breached by reestimates. We get mid-session review, OMB reviews, what the estimated expenditures will be in Agriculture, in the food stamp program, the price of gasoline for the Armed Forces and on and on and on. When the reestimates come in, and they come in periodically, it is conceivable that the reestimates could bring us over the ceiling. At that time, the power that you want to give to the President would be triggered in.

Now, when that happens, the President then is going to reserve, as the gentleman likes to call it—I call it by its correct name which is impoundment—he is going to impound and hold back money. But under the law he cannot hold back on entitlement obligations. They have to be spent. They have to be paid out.

□ 1540

He is going to have to reserve on the discretionary programs. And, you know where he is going to find those discretionary programs, my friends? In the defense budget. That is where he is going to find them.

You give the President this kind of reservation, the power to reserve the expenditures of money and when you eliminate from that the mandatory, the uncontrollables, and the entitlements, you leave sitting there the discretionary programs. I think 70 or 85 percent of the discretionary programs are in the area of national defense, and I am sure we do not want to see the cuts there. So I do not think that is going to work.

Mr. Chairman, let us look at the history of impoundment. This Congress in the many years that I served in it abrogated its duties and did not bite the bullet and did not make the hard decisions and allowed Presidents to do so. They did it in the area of foreign policy and it got so bad that we finally at long last had to pass a War Powers Act taking back to ourselves in the legislative branch many of the powers which we had abrogated to the executive branch, to the President. We all remember those days. We do not want to return to the days before we had a War Powers Act.

Mr. Chairman, in those days, also, Presidents used to impound money, Presidents used to arbitrarily say: Congress voted to build this aircraft carrier but I decided we are not going to build it.

We will remember the famous battle President Eisenhower had over whether or not to spend the money Congress had voted for an aircraft carrier.

Throughout the years we appropriated money for HUD, highways money, and other programs, and Presidents, all Presidents—Republican and Democrat alike—used to decide: We are not going to spend that money, we are going to hold up on it, and Congress was powerless to do anything. It was an open constitutional question as to whether or not Presidents of the United States had the power to impound.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Chairman, I yield myself 5 additional minutes.

Impoundment grew and grew during the years I was in Congress and it reached its heights under President Nixon when he impounded—I believe it was in either 1973 or 1974—he impounded $20 billion. I ask, my friends, that you think of what $20 billion worth of 1973 dollars means in terms of 1980 dollars and you will see the magnitude of this problem.

Mr. Chairman, the power to impound is the power to set priorities. If the President can say, "I am going to hold back the money here and here and here," then the President is writing the laws and not the Congress of the United States. And that is what gave rise in 1974 to the creation of the Budget Control and Anti-Impoundment Act.

We all speak of the Budget Act, but I always include the whole title because we must not forget that part of it: The Anti-Impoundment Act. It said: "Presidents agreed to give up their right to impound." They said: "We won't do it. Congress passes the law, makes the appropriations, says where the money will be spent, and that the President will live with that. If the President does not like what Congress has done, he will give up the right to impound but will send up to Congress instead a rescission or deferral bill suggesting to Congress where they ought to rescind or defer." That is the present law.

In return for that, the Congress had to discipline itself. It took the power away from the President and had to assume it itself. It did that by the Budget Act. That is what it is all about. That is what we are doing here.

We said, "We will discipline ourselves. We will limit spending. We will set a ceiling and a floor on revenues and we will live within that discipline."

Mr. Chairman, that is what is involved in the Budget Control and Anti-Impoundment Act and that is what we have been doing these numerous years.

Now, I for one want to exercise discipline. I for one want to see us get control over Federal spending. I think Federal spending is out of control. I am retiring from Congress, as you know, this year and as a private citizen in January I submit to you I shall work as hard as I can as a private citizen to influence government and everyone I can persuade to do what they can to get control over spending. We have got to do that in order to get control over inflation and to have a healthy economic climate out there for our people. Otherwise we are inviting economic disaster.

I have said, and I say again, if we in Congress will not do the difficult job, if we will not discipline ourselves and exercise that discipline and make the tough decisions and say no to people once in awhile when they ask for programs and money, then we are going to have to give that power back to the President. And we are going to have to give the President back the power to impound.

But not today. This Congress is not ready to give up its obligation and duty. This Congress is not ready to concede to the people that it is powerless to do anything about overspending. In fact, this Congress should be enthusiastic after this great election.

Why, you are going to have such an enthusiasm here in the next Congress, you are going to have such drive and vigor as a result of the election that you are all going to come here and you are going to show the American people how you can exercise your responsibilities. For Heaven's sakes, give those new Congressmen and Senators a chance. Do not cut them off now, do not say, "We cannot handle it, we are incapable of exercising fiscal restraint. We are going to dump this back in the President's lap." Do not do it.

I urge you, do not do it. Do not turn back history.

Remember the impoundment fights around here in the days of Richard Nixon. Let us not go back to that now, particularly when we have this exciting new Congress that is going to come in and solve these problems.

Mr. LATTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say as I was listening to my committee chairman, I noted apparently the gentleman did not pay much attention to the amendment to which he was directing his remarks. We have a different amendment before us now. He was pointing out the ills of the Impoundment Act itself and pointing out that it gives the President the power to determine where these cuts are going to be made.

Had the gentleman only paid attention to the amendment now before the House and read the last portion of the last sentence in my amendment, the gentleman would have found that such ceiling on fiscal year 1981 expenditures should also direct the President to reserve such amounts as may be necessary to remain within the ceiling, "provided that such reservations are applied equitably in order to retain the important spending priorities adopted by the Congress."

The gentleman spoke to the other amendment. The gentleman did not pay attention to what is in this amendment. It was a fine speech but it was directed against the wrong amendment.

I now yield to my friend, the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Mr. Chairman, I thank the gentleman for yielding. I would like to remind my distinguished friend from Connecticut that earlier in the year during consideration of the second and third budget resolution for fiscal year 1980, the gentleman from Illinois had attempted to get a rule to provide for substantially the same kind of language embodied in the amendment of the gentleman from Ohio (Mr. Latta). Again, in consideration of the first budget resolution for 1981, we made that effort. The gentleman will recall at that time we had no idea what the results of the election might be. Conceivably the President would perhaps be reelected.

☐ 1550

But here I was as a Republican and having gone through all this trauma that we have gone through over the last several years on this budget resolution and trying to resolve these differences among ourselves, willing to give the President—in that case a Democratic President—the opportunity to make some selective cuts to live within the ceiling that we would prescribe. At the time during the course of that exchange, I think it will be abundantly evident that we specifically would require there be no program axed or eliminated, that where reductions were made they would be limited to not more than 10 percent in any one given category. As the gentleman from Ohio (Mr. Latta) points out, according to the lanaguage of this amendment, those reservations would be applied equitably in order to retain the important spending priorities adopted by this Congress and not to surrender the authority which we have for making these adjustments and determining these priorities.

I happen to think that we are at that juncture now, where given the current uncertain economic climate this amendment should be adopted.

I think it is widely recognized by now that we Republicans are attending this lameduck session under protest.

The Congress should have completed action on the appropriation bills and the budget resolution months ago, but because the figures were so bad it was all put over until the election had passed.

There is no sense in plowing over that ground again. We are here to play out one last political game with the Budget Act. Frankly, I do not think this delicate fabric we call a budget process can stand one more political tug of war in this House but the majority is determined to give it one anyway.

I have to commend Chairman Giaimo. There are few Members of the majority who have stuck their neck out more often. He believed something ought to be done about the uncontrollables and he spoke out. He believed in reconciliation and he spoke out, if to no avail. He believed in the budget process with a bipartisan ferver and resolve that I respect.

I suspect this, his last budget resolution is not so much that of a bipartisan chairman, but that of a loyal Democrat who wants to go out in style. I am sure he is looking forward to the adoption of this resolution, knowing full well of its pitfalls. He can go home to Connecticut next year and watch a Republican administration, a Republican Senate, and a more Republican House wrestle with his last bit of handiwork.

When I first heard about the good chairman's swan song resolution, I thought I had died and gone to heaven. I am not accustomed to the Democratic majority promoting tight budgets with spending cuts and lowered deficits. I had to pinch myself. Unfortunately, I was still alive and in the same place; here, in the House of mirrors on the Washington midway.

The carnival barkers are all here, enticing us toward a deficit that is $10, maybe $15, billion away from reality and spending cuts made of silly putty. We ought to dress in clown suits and hang trapezes from the rafters. Because this is the center ring of the circus that has been playing under this big top for all too long.

So what do we do with this budget?

I think you cease playing games and call the bluff. We will see your budget and raise you reconciliation and impoundment.

During the initial debates on the 1980 budget more than a year ago, I proposed the limited restoration of Presidential impoundment power for your own President. I did not propose it once, but three times. This year during debates on the 1981 budget, I proposed it again, not for a Republican President, but a Democratic President.

Now we are proposing it again. If you are serious about this resolution then give the President the power to enforce it. Give him the authority he has always had to make the spending cuts stick. Give your budget meaning. Give it credibility.

Give Chairman Giaimo a legacy. The first budget in years that actually worked. If you proposed this document in jest, that is fine. We have all had a good laugh. But do not carry the charade too far.

Presidents throughout history have had the power to reserve or impound funds. You restricted that power in 1974, and we have had problems ever since. If you agree to eliminate those restrictions, I think the new administration can turn this Halloween trick into a treat.

I have been in the thick of every floor fight over a budget resolution since we adopted the Budget Act 6 years ago. Many of us have. I think in all sincerity, Chairman Giaimo and the rest of us know what those fights have done to the budget process. We have virtually destroyed it. I say we because I speak in a bipartisan sense. All of us must share some of the blame for using and abusing the budget process. Just once, I would like to see us put down our swords and take time out from the wars to apply some first aid to the budget process. What better time. It is a lameduck session. There is little to lose or gain. We may not get another opportunity like this one. You give us impoundment. We will take your budget. That is it. That is all there is.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

I would like to support the amendment the gentleman from Ohio is offering. I do not like the idea of impoundment any more than any other Member of this body, but the purpose of this amendment is to try to make effective the ceiling that we are establishing by this resolution. We have had the experience of a ceiling being breached, and we have had to come back here for a third and fourth budget resolution, an unfortunate step and one that makes, I believe, mockery to some degree of our earnest attempt to provide a ceiling.

Now, I see no harm in saying that this ceiling is to be made effective by the cooperation of the President in a pro rata or equitable reduction of any overage that results from reestimates or from any other way.

The amendment has been carefully drawn so that his discretion is directed to maintain the spending priorities adopted by the Congress in the resolution. But it makes a partner of him, in effect, in trying to avoid the breaching of the ceiling.

I think we should make the ceiling effective, and we should enlist a President who, after all, no matter who he is, is anxious to work with the Congress to achieve a fiscal policy that will be effective. We do not want to come back here and have additional supplemental appropriations made necessary by changed circumstances, and while I dislike the process of impoundment, I think it is relatively less bad than an ineffective fiscal policy; and that seems to be all we have been able to achieve so far as a result of some of the imperfections of our Budget Reform Act.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I would like to ask the gentleman a question. This afternoon we have heard a lot of talk about discipline in this process. Is there any real discipline if the gentleman's amendment is not adopted?

Mr. LATTA. They can exceed the ceiling.

Mr. WALKER. There is no real discipline in the budget process if, in fact, the gentleman's amendment is not adopted? Is that not correct?

Mr. LATTA. There is not any reconciliation as far as the $17 billion, as the gentleman from Connecticut, the chairman of our committee, took out of this. There is not. And certainly the reconciliation amendment that was adopted here earlier applied only to the $10 billion that we are not having in the conference, but it did not apply to the $17 billion that the gentleman from Connecticut has taken out.

Mr. WALKER. If the gentleman would yield further, I think it is important to recognize that point, because I think what the chairman of the Budget Committee said about the need for discipline is absolutely essential, but what we have shown in recent history is that there is no discipline in the budget process. We have piled up massive deficits, and there has been no attempt whatsoever by Congress to really get control of the process.

Now, it seems to me what the gentleman is saying is that we ought to enlist the President's help. We ought to make certain he is a part of this disciplinary process, and that in fact we then end up with some means of controlling the financial affairs of this country.

So I, too, would like to support the gentleman's amendment. I think it is an important addition to what we are doing here today.

Mr. LATTA. I thank the gentleman for his support and for his comments.

Mr. GIAIMO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, make no mistake about it, this is a surrender of power by the Congress to the President, and as such, it does involve a revision of the Impoundment Act.

Read the language of the amendment carefully. This is simply another backdoor approach to the previous amendment that the Chair ruled out of order initially under the Impoundment Act. It says that such ceilings of fiscal year 1981 expenditure should also direct the President to reserve such amounts as may be necessary to remain within the ceiling provided that such reservations are applied equitably in order to retain the important spending priorities adopted by the Congress.

There are two important words that have to be identified here. One, is the power of the President to "reserve." We are giving the President the power to reserve amounts. He does not have that today.

Second, he is to determine whether it is to be "applied equitably." Whose decision is that? It is not the Congress. It is not the committee's. It is the President's, to exercise his discretion as to whether he will equitably share this reservation of power.

In order to confirm this, look at the definitions within the Impoundment Act itself. The Impoundment Act under section 1011 of that act defines that a deferral of budget authority is a withholding or delaying of the obligational expenditures of budget authority, whether by establishing reserves or otherwise.

What the Republicans are doing in this amendment is allowing the President to establish a reserve. Certainly it is within the ceilings and the breaching of the ceilings, but it is handing the President the authority to determine where those reserves will be made, what programs will be reduced, what agencies will be hit. We are surrendering to the President that authority. It may be a little, but basically it is undermining the Impoundment Act totally because it is handing him discretion and power that he does not possess today. That is why it is important to reject this amendment.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Illinois.

Mr. SIMON. I agree with the point the gentleman has made. There is one other point, and that is that we should learn in the process of all of our lawmaking that we had better be precise about what we want and what we mean, and under this particular amendment, no one knows what is meant, what is "equitable."

If the President takes 25 percent from one program and 1 percent from another program, is that complying with this particular amendment? I do not think that anyone, the author of the amendment or anyone else, can tell us whether that complies or not. So not only on the grounds that the gentleman has suggested, but on the ground that it is not clear where we are going, what we are doing, the amendment ought to be defeated.

Mr. PANETTA. I thank the gentleman. I think the gentleman has stated it correctly. What we are essentially doing here is setting aside the Impoundment Act. It may be a little piece, but make no mistake about it. It is giving up powers that we reserve to ourselves. We are handing to the President open authority to decide where and how these reductions are to be made. That authority rests with the Congress today. We can make a point of order. We can hold to those ceilings, and that is where the discipline has to be made.

□ 1600

If we do not do it here in the Congress, we can surrender it. This is essentially a surrender. We ought to exercise the discipline to stay in those ceilings. That is why the amendment ought to be rejected.

Mr. LATTA. Mr. Chairman, I yield myself 30 seconds.

Let me say in answer to the statement just made that the Congress can control spending by itself. The proof of the pudding is in the eating. We have not done it here and we ought to let the President-elect have some tools with which he can carry out the wishes of this Congress in this resolution.

Now, if you really mean what you say in this resolution, you will vote for this amendment. If you do not mean it, you ought to vote against it. It is just as clear as that.

Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I do not know what the Members of the majority party are so disturbed about in the language of the Latta amendment now before us. It is rather like kissing your wife through a screen door. It is no more than a sense of Congress resolution. The amendment says if we mean what we say in this budget resolution including the 2-percent cut in spending, then this amendment asks the appropriate legislative committees of Congress to provide an executive mechanism to enforce the ceilings. If the Congress cannot live by the spending ceilings in this resolution, that the President will reserve the amounts in excess in order to enforce the spending limits you say you want in this budget resolution.

You know, the one person I have heard quoted throughout this debate today over and over is the President-elect of the United States, Ronald Reagan. This resolution, we are told, embodies his campaign promise of a 2-percent cut in Federal spending by elimination of waste, fraud, corruption, or whatever the cause of that waste. Now this used to be known as a meat ax approach in cutting across the board. Some of us have approved those kinds of cuts in the past on the theory that if you hold down spending, they will have to cut it somewhere.

So what this amendment says is, be sincere about the proposal that you are making. If you want Ronald Reagan to be your leader, as you say you do, and you want to abide by his 2-percent cut across the board, give him the power to address the possible likelihood that the Congress of the United States collectively will not be able to carry out the spending ceilings expressed in this resolution now before us.

This amendment is a little extra insurance. If it is adopted, perhaps it will never have to be used, because we all know that a Democratic House and a Republican controlled other body and a Republican President in the White House working together hand in glove without disagreement, all as a result of the 1980 elections, want to control spending. They want to cut the budget. They want to balance the budget.

Religion has finally come to this Chamber. We talked about conversion some months ago in the case of liberals suddenly supporting a balanced budget. Now, today we have the evidence of the conversion. They have come to the rail and accepted the religion of a balanced budget that we are working toward and suddenly we have a 2-percent cut. And all we are saying in this simple little amendment is let us put something in the collection plate in the way of enforcement of the 2-percent cut. That is what we are talking about. So this is what in essence is, indeed, as the gentleman from Ohio has often said, a simple little amendment. It does not do anything except allow our new President to force Congress to live under the spending levels that we write into this resolution.

Now, if you vote for this resolution on passage, surely you can live with a mechanism that might enforce it.

So do not get yourselves in a terrible uproar about this. This is not impoundment. Shades of Richard Milhouse Nixon are not being revisited upon us. This is Ronald Wilson Reagan. We are making America great again. This is a new day for America, a new day because I know the people on that side of the aisle have adopted him as their President-elect even before he delivers his state of the Union address. They have adopted his 2-percent cut in spending even before he asks it. So give him the tools to finish the job, as Churchill said in that great hour of Britain's darkest night when being attacked: "Give me the tools and I will finish the job."

So we hope you will vote for the amendment that the gentleman from Ohio proposes. Let the President have the possibility of forcing Congress to do what you say you want to do and that is cut down on Federal spending.

I urge a vote for this magnificently drafted and germane amendment.

Mr. NELSON. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I would like to say to my colleagues, the people did more than elect President Ronald Reagan to be our next President of the United States. The people also elected 435 Members of Congress. We are the elected representatives of the people. We have a certain responsibility.

I do not understand the sudden concern that the Congress must now relinquish what is its responsibilty and suddenly say that we need another control. We need the President, who was just elected, to keep us out of trouble.

Well, I respect the new President to be of the United States, but I also respect the Congress who was also elected to do their job.

I do not understand this amendment. I am wondering whether the gentleman from Ohio and others on the Republican side are now willing to accept the resolution with the 2-percent cut, because certainly if they want to be sure a ceiling is maintained on spending, they would like to know that less money is going to spent to start with; so we have a lower ceiling. It would seem to me very inconsistent to have the Republicans opposing, as we have heard now the 2-percent cut in spending, and then say, "Let us give the President the right of restricting the amount of money that we are going to spend in the Congress."

We are trying with the resolution to restrict spending. I think that is what we ought to do today; but certainly to go along with this amendment, which as my friend, the gentleman from California, said a few moments ago becomes a backdoor approach to going back to the old theory of impoundment, of having some way that the President can stop the Congress from the wild spending that is being pictured.

The Congress is trying and is acting responsibly. We are suggesting today that we start cutting spending. We are seeing resistance from the Republican side, who took this position in the past and now that the Democrats have taken a position to cut spending, they are saying, "No, we don't want to cut it today. Let's wait until sometime next year and at the same time let us give the President the right of sort of shutting down on the Congress if it feels it is getting out of hand."

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I would be glad to yield to my friend, the gentleman from California.

Mr. ROUSSELOT. I thank my colleague for yielding. I just want to try to help the gentleman better understand the Latta amendment. There is nothing in his amendment that says that we are trying to prevent Congress from cutting spending, or that the minority is against the 2-percent cut—we are obviously for the 2-percent cut. That is not the statement and the gentleman cannot put the words in our mouths on the Republican side.

Mr. PEYSER. I did not say that. I did not say the President was doing that. I said it was the gentleman's side, the Republicans.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NELSON. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. PEYSER. I simply said that the Members on the gentleman's side of the aisle who have spoken have resisted the resolution that would cut the budget by 2 percent.

Mr. ROUSSELOT. Wrong. The Republicans would support a 2-percent cut, if that was the only issue at stake in this budget.

Mr. PEYSER. That you have resisted.

Mr. ROUSSELOT. Wrong. The Republicans and Mr. LATTA support not only a 2-percent cut in spending, but a reduction to $620 billion.

Mr. PEYSER. Well, I am sorry. I am not yielding to the gentleman, because I have heard the ranking member of the gentleman's committee, the Budget Committee, very clearly oppose the 2-percent resolution at this time.

Mr. ROUSSELOT. That is wrong, and we so state.

Mr. PEYSER. Very clearly, that is not wrong. That is what the whole subject has been about now. Now, if the gentleman is willing to get up now and say that he supports the resolution with a 2-percent cut, maybe there might be a different attitude on this particular amendment; but I do not happen to think we need this amendment.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I would be glad to yield to the gentleman from Ohio.

Mr. LATTA. If the gentleman will take this amendment on his side, the gentleman will have almost unanimous support for this budget resolution. It is just that simple.

Mr. PEYSER. Is the gentleman saying that he supports the 2 percent?

Mr. LATTA. This resolution, with the amendments. Take them and you are home free.

Mr. PEYSER. Well, I do not understand why they are related, and I believe that the amendment should be defeated.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. NELSON. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I rise in opposition to the amendment. I do so with certain mixed feelings because I totally believe that we have got to cut the budget, that our deficits are too high and that we need to have a balanced budget. While this resolution is a step in the right direction it does not go far enough.

The American people on November 4 expressed themselves loudly that they want to have a reduction in Federal spending and they elected an administration and a Congress which is committed to that; but what the people of America did not do on November 4 was try to abrogate the Constitution of the United States and to reestablish a period of an imperial Presidency and a tyranny in the White House.

□ 1610

Article I, section 1 of the Constitution says that the Congress has the legislative power. The Supreme Court and the Constitution have said that the Congress is the body where the appropriations to fund this Government shall reside and for the Congress to be responsible and accountable to the people.

I have voted for the budget cuts, for the balanced budget, and for reductions, and will do so again today, even beyond the reduction that this budget resolution has. But I am very concerned that my good friends on the other side of the aisle are attempting to restore a period that goes back to the days of Richard Nixon and Watergate and Ehrlichman and Haldeman where there was a Presidency that was not under the control of the elected Congress.

There was not a vote on November 4 to establish a Presidential dictatorship in this country. There was not an effort to abrogate the Constitution. This amendment would establish a line-item appropriation veto in the President. The Constitution does not permit that.

This Congress has the responsibility and must bear the consequences of its actions, pure and simple. The President has in place, under the Budget and Impoundment Control Act, every recourse at his disposal to defer or rescind appropriations and send them to the elected Congress to have approval or disapproval.

If we ever go back to a situation where the American people, through their elective representatives, lose that control then we are resorting and returning to a period of an imperial Presidency, which brought us to times that the American people said they do not want anymore. I would hope that this amendment is not only defeated but that it does not signal during the next Congress this type of political game playing and reversion to bygone eras.

I intend to work cooperatively with the new President of the United States and to help him restrain spending and fight inflation, and to work with my colleagues on both sides of this aisle to accomplish that purpose. But in that process let us not try to repeal the important controls which the Founding Fathers of this Nation wrote into the Constitution. They were familiar with the tyranny of an executive department which ignores the law. The American people have recently had unfortunate experiences with this problem. The people who wrote the Budget Control and Impoundment Act knew the same thing.

It is interesting to me that this amendment was not proposed either by the Democrats or the Republicans for the last 4 years.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LATTA. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. CONABLE. I would like to say to the gentleman that the impoundment was not solely the Nixon era's aberration; it goes back to Thomas Jefferson. Thomas Jefferson refused to spend the money for a gunboat to fight the Indians out on the Missouri River because he did not think that was an appropriate thing to do, even though the Congress wanted him to do it.

As to the question of gamesmanship, it seems to me that if we are serious in this budget resolution and want to establish a ceiling that will stick, we ought to be willing to enlist the branch of the Government that spends the money we appropriate to enter into a partnership with us to try to keep that ceiling inviolate rather than permitting it constantly to be penetrated, whether by design or by accident.

Mr. LEVITAS. If the gentleman will let me reclaim my time to respond to that, I agree with the gentlemen. I am willing to do that. When the new President sends over the deferrals and rescissions, I suggest the gentleman watch how we vote. I intend to support cuts. I intend to support more restraint but I do not want to abandon the Constitution.

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the Latta amendment because it would give the tools to the President to effectively achieve the necessary cuts for fiscal year 1981.

Clearly the majority of Members of this Congress have found it difficult to make budget cuts. We can see this by looking at our reconciliation process. It has taken half of this year to try and make $6.6 billion worth of cuts and we have not even passed reconciliation yet. And now the majority's proposal would ask the President to make approximately $13 billion in cuts from the deficit. Further, the Budget Committee is complicating this request by not giving the President a full fiscal year to work with, as we had with reconciliation. In addition, our budget chairman claims that these are 2 percent across-the-board cuts. This is a misnomer. With defense, interest, and offsetting receipts left untouched, many of these cuts in effect become 4-percent cuts.

How can we effectively ask the new President to do something which has been a tremendous and difficult task for this Congress? Do we now demand miracles of our Presidents? Let us not try to interpret a President-elect's words before he has taken office and try to enforce our interpretation of them. Amidst our current economic woes, the President needs all the support we can give him.

The Budget Committee refused to specify which programs would be cut, nor did it provide the means to accomplish them. If we are going to force cuts on the fiscal year 1981 budget through the adoption of spending ceilings, then we must be prepared to give the President the mechanism necessary to accomplish these reductions.

This is why I support the Latta amendment. The Latta amendment retains the same spending ceilings but allows the new administration to shape its own economic policies without changing any of Congress spending priorities.

Contrary to the insinuations from the other side of the aisle, this is not a return to the Nixon era of unwarranted impoundments. The Latta amendment is a limited provision and it is not a backdoor approach to try as the majority claims it would be. I am sorry my colleague from California (Mr. PANETTA) has left the floor because I think he should listen to this. The budget resolution retains control over impoundment as long as Congress does not go over its established budget ceilings. Congress is not relinquishing its budget authority in this resolution.

If Congress lives within its budget ceilings and is really serious about that, the President of the United States can not withhold any funds.

I do not think it would be bad to go back to the concepts of a republic held by Thomas Jefferson. I am sorry some of my colleagues did not realize that many Presidents have used that technique of impoundment and I think it has been used with great restraint by most Presidents. I fear that Mr. Roosevelt was the one that used the power in an objectionable way first. And then there was Lyndon Johnson, but we will talk about history another time.

So let me repeat: If Congress lives within its budget ceilings, the President will not need to impound. If this Congress, and the future Congress, is serious about a change, about living within its ceilings, we will have no problem. By passing the Latta amendment, we give the President the power to withhold funds if Congress has in fact overspent.

I say to my colleagues, this Congress has been guilty of overspending time and time again.

One of my colleagues said, "Who got the mandate?" I think it was my colleague from New York (Mr. PEYSER). I can tell the gentleman. President-elect Reagan got a very substantial mandate to do just what he promised to do, balance the budget by 1983 and restrain spending to the best of his ability. But my colleague from Georgia (Mr. LEVITAS) is right. It is the Congress that appropriates the dollars. If we live within our ceilings, the President cannot impound one thing under this amendment. So to answer my colleague from Connecticut (Mr. GIAIMO), if we are serious about not going too far beyond this authorization bill by mortgaging the future, as we have done in too many cases under the entitlement programs, if Congress would really start looking at those authorizations seriously, we would not have to have a President begin to impound because Congress would be living up to its responsibility.

Why has my colleague from Ohio (Mr. LATTA), offered this? He has offered this because Congress has not lived up to its responsibility to live under budget controls. This Congress has not lived up to its responsibilities to restrain spending. I say that the majority in this Congress, not the minority, has been irresponsible in going far beyond the budget limitations that we were supposedly setting for ourselves.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield.

Mr. PEYSER. I would like to suggest to the gentleman I do not try to take away the election victory and the great victory that President-elect Reagan has had.

Mr. ROUSSELOT. The gentleman could not if he wanted to.

Mr. PEYSER. I do not want to because that is what the people wanted. The people also wanted us on the majority side. The Democrats have a majority in this House because most of the people of this country want them here.

Mr. ROUSSELOT. They also gave us a new majority in the other body, I would say to the gentleman.

Mr. PEYSER. That is fair enough. But let us not put ourselves in some secondary role. We have a rule here, and I think we ought to stay with it. That is to maintain control of this budget and not to relinquish our authority to the President.

□ 1620

The CHAIRMAN. The time of the gentleman has expired.

Mr. LATTA. I yield 1 additional minute to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank my colleague for yielding. I would just say to my colleague, the gentleman from New York (Mr. PEYSER), that if we had really lived up to our responsibilities to restrain spending, this amendment would not be offered today. But we have not. We have exceeded the limitations over and over again in all of those functional categories. The gentleman knows it as well as I do. I will say to my colleague that there was a pretty heavy mandate as it related to many of those statewide races in many areas of this country, including the gentleman's own State, where it was clear that the people of those several States wanted better restraint on spending. They wanted a balanced budget. They no longer wish to tolerate the irrational deficit financing that this majority leadership in this Congress has constantly pushed us to. I believe that the gentleman from Ohio (Mr. LATTA) has offered a rational amendment. It does not give unlimited powers to the President. He cannot do one thing if it is beyond the budget ceiling. The Latta amendment is what the American people want and voted for. I urge my colleagues to support it.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Florida (Mr. NELSON).

Mr. NELSON. I yield myself 1 minute, Mr. Chairman.

If the gentleman from Georgia (Mr. LEVITAS) will take the well, I will use my minute to ask him a question. This gentleman from Florida is well aware of the gentleman from Georgia's leadership in successfully attaching legislative vetoes to all kinds of bills—amendments, by the way, which have had overwhelming majorities in passing these legislative vetoes. I would like to ask the gentleman from Georgia his opinion of the philosophical consistency of his efforts for legislative vetoes and resisting today's attempts to give the executive branch of government the power to impound funds without congressional approval.

Mr. LEVITAS. I thank the gentleman. If the gentleman would yield, I think it is exactly the same principle that is involved. It simply says that the Congress has the responsibility under the Constitution which it must assume the responsibility for exercising. It is, in fact, a legislative veto.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSON. I yield the gentleman 1 additional minute.

Mr. LEVITAS. If the President wants to impound funds, which may be a very wise move on his part, then that recommendation in the form of a resolution should come back to the Congress, and Congress should be in a position of exercising a veto over it if that be the desire of the elected Representatives of the people. It is cut out of the same cloth exactly.

Mr. GIAIMO. I have no additional requests for time, Mr. Chairman. I yield back the balance of my time.

Mr. LATTA. I yield myself such time as I may consume. I think one of the saddest days in the history of this Congress, since I have been here, and one of the saddest for the taxpayers of this country, is when we enacted, without my vote, this anti-impoundment legislation which forces the President of the United States to spend taxpayers' dollars he feels should not be spent.

When you look at the figures, you can see what has happened. In 1975, when this act went into effect—the Budget and Impoundment Act—$326 billion was our total budget. Today, we are considering a budget of $631 billion. Something has gone wrong. Something has failed. We are merely asking in this amendment now before the House for the authority for the President of the United States to impound funds after the amount provided in the resolution has been reached until the end of September 1981. I think that is a reasonable request. Still, the opposition has to bring in Watergate and Richard Nixon. This is not impoundment per se, there is as much difference between this amendment and impoundment as there is day from night. If we mean what we say in this resolution—and I hope we do—that we are going to restrict spending to $631 billion, you will support the amendment.

If you do not believe in what you will be voting on, then turn down the amendment. Say to the American people and the taxpayers there that we do not need it; we do not mean it; we do not mean to put any restrictions on ourselves. We are going to force the President to spend above the ceiling.

As has already been pointed out, the gentleman from Connecticut (Mr. GIAIMO) reduced this total from $648 billion to $631 billion. However, there was no attempt to force a reconciliation of this $17 billion in spending. Without any amendment, we will not be giving the President the tools needed to reduce that $648 billion in spending to $631 billion. Is that fair? Is that reasonable? I think not.

If we mean we are going to reduce the $648 billion in spending to $631 billion, the only thing left for us to do is to pass this amendment. If there is anybody here on the floor that can tell me how you are going to do that without this amendment, I will be glad to yield to that Member right now and you can explain to the House and to the taxpayers of this country how you are going to do it. I do not find any takers, so it follows we should pass this amendment. It only goes until September 30, 1981.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. Chairman, I withdraw my point of order of no quorum.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 232, not voting 46, as follows:

[Roll No. 639]

AYES—154

Abdnor
Andrews, N.Dak.
Archer
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn
Bereuter
Broomfield
Broyhill
Buchanan
Butler
Campbell
Carney
Carter
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Fenwick
Findley
Fish
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hammerschmidt
Hansen
Harsha
Heckler
Hillis
Hinson
Hollenbeck
Hopkins
Horton
Hutchinson
Hyde
Ichord
Jeffords
Jeffries
Johnson, Colo.
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDonald
McKinney
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Michel
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Pashayan
Paul
Petri
Porter
Pritchard
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stockman
Stump
Symms
Tauke
Thomas
Trible
Vander Jagt
Walker
Wampler
Whittaker
Williams, Ohio
Winn
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.

NOES—232

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
Ashley
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Burton, John
Byron
Carr
Cavanaugh
Chappell
Chisholm
Clay
Coelho
Conyers
Crockett
D'Amours
Danielson
Daschle
Davis, S.C.
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
English
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Glickman
Gonzalez
Gore
Gray
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Holland
Holtzman
Howard
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek

Kostmayer
LaFalce
Leach, La.
Leath, Tex.
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McHugh
McKay
Maguire
Markey
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Nedzi

Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Pursell
Rahall
Ratchford
Reuss
Richmond
Roberts
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Skelton
Smith, Iowa
Solarz

St Germain
Stack
Staggers
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
White
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolpe
Wright
Wyatt
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—46

Anthony
Beard, R.I.
Bethune
Bevill
Bolling
Brooks
Brown, Ohio
Burgener
Burlison
Burton, Phillip
Cleveland
Collins, Ill.
Corman
Cotter
Crane, Daniel
Dodd

Fary
Garcia
Gibbons
Ginn
Holt
Jenrette
Kelly
Lederer
Lewis
McCloskey
McCormack
McDade
McEwen
Murphy, N.Y.
Neal
Nolan

O'Brien
Patterson
Rangel
Rose
Sebelius
Spellman
Taylor
Thompson
Ullman
Weaver
Whitehurst
Wilson, Bob
Wilson, C. H.
Wolff

□ 1640

The Clerk announced the following pairs:

On this vote:

Mr. Burgener for, with Mrs. Spellman against.

Mrs. Holt for, with Mr. Fary against.

Mr. Lewis for, with Mr. Ginn against.

Mr. McCloskey for, with Mr. Corman against.

Mr. O'Brien for, with Mr. Cotter against.

Mr. Taylor for, with Mrs. Collins of Illinois against.

Mr. Whitehurst for, with Mr. Garcia against.

Mr. Bethune for, with Mr. Rangel against.

Mr. Brown of Ohio for, with Mr. Thompson against.

Mr. Cleveland for, with Mr. Anthony against.

Mr. Daniel B. Crane for, with Mr. Wolff against.

Mr. Kelly for, with Mr. Murphy of New York against.

Mr. Bob Wilson for, with Mr. Lederer against.

Messrs. WYLIE, GILMAN, and CLAUSEN changed their votes from "no" to "aye."

Mr. ERTEL changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GIAIMO. Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the concurrent resolution, as amended, be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. FOLEY, having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, had directed him to report the concurrent resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the concurrent resolution, as amended, be agreed to.

The SPEAKER pro tempore. Under the statute, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 191, answered "present" 1, not voting 37, as follows:

[Roll No. 640]

AYES—203

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Burlison
Byron
Cavanaugh
Chappell
Chisholm
Coelho
Conyers
Crockett
D'Amours
Danielson
Daschle
Davis, S.C.
de la Garza
Derrick
Dicks
Dingell

Dixon
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
English
Ertel
Evans, Ga.
Fascell
Fazio
Ferraro
Fisher
Flippo
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Glickman
Gore
Gray
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Holland
Howard
Hubbard
Huckaby
Hutchinson
Hutto
Ireland
Jenkins
Johnson, Calif.
Jones, N.C.

Jones, Okla.
Jones, Tenn.
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Leath, Tex.
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McHugh
McKay
Maguire
Markey
Matsui
Mattox
Mavroules
Mica
Mineta
Minish
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murtha
Musto
Natcher
Nedzi
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Rahall

Ratchford
Reuss
Roberts
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Sabo
Scheuer
Seiberling
Shannon
Simon
Skelton
Smith, Iowa
Solarz

St Germain
Stack
Staggers
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Ullman
Van Deerlin
Vento

Walgren
Watkins
Waxman
White
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Yates
Young, Mo.
Zablocki
Zeferetti

NOES—191

Abdnor
Andrews, N.Dak.
Applegate
Archer
Ashbrook
Badham
Bauman
Beard, Tenn.
Bereuter
Bouquard
Broomfield
Broyhill
Buchanan
Burton, John
Butler
Campbell
Carney
Carr
Carter
Cheney
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Dellums
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Findley
Fish
Fithian
Florio
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison

Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hillis
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Hughes
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Kastenmeier
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDonald
McEwen
McKinney
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moore
Moorhead, Calif.

Mottl
Murphy, Pa.
Myers, Ind.
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Russo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stark
Steed
Stockman
Stump
Symms
Tauke
Thomas
Trible
Vander Jagt
Vanik
Volkmer
Walker
Wampler
Weaver
Weiss
Whittaker
Williams, Ohio
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—37

Anthony
Bafalis
Beard, R.I.
Bethune
Bevill
Bolling
Brooks
Brown, Ohio
Burgener
Burton, Phillip
Collins, Ill.
Corman
Cotter

Crane, Daniel
Dodd
Fary
Garcia
Ginn
Jenrette
Lederer
McCloskey
McCormack
McDade
Murphy, N.Y.
Neal
Nolan

O'Brien
Patterson
Rangel
Rose
Santini
Spellman
Taylor
Thompson
Whitehurst
Wilson, Bob
Wilson, C. H.

□ 1700

The Clerk announced the following pairs:

On this vote:

Mrs. Spellman for, with Mr. Bob Wilson against.

Mr. Rangel for, with Mr. Burgener against.

Mr. Cotter for, with Mr. McCloskey against.

Mr. Corman for, with Mr. Taylor against.

Mrs. Collins of Illinois for, with Mr. O'Brien against.

Mr. Ginn for, with Mr. Whitehurst against.

Mr. Fary for, with Mr. Bafalis against.

Mr. Thompson for, with Mr. Daniel B. Crane against.

Mr. Garcia for, with Mr. Brown of Ohio against.

Mr. Anthony for, with Mr. Bethune against.

Until further notice:

Mr. Bevill with Mr. Charles H. Wilson of California.

Mr. Murphy of New York with Mr. McDade.

Mr. Brooks with Mr. Beard of Rhode Island.

Mr. Jenrette with Mr. Neal.

Mr. Lederer with Mr. Nolan.

Mr. Phillip Burton with Mr. Rose.

Mr. Santini with Mr. Dodd.

Mr. Patterson with Mr. McCormack.

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b), rule XXVII, the Chair announced that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the "yeas" and "nays" are ordered, or on which the vote is objected to, under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after these motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. If I may inquire, did I understand the Chair to say that votes on suspensions would be postponed until later today?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BAUMAN. Does the Chair know how many suspensions will be called today?

The SPEAKER pro tempore. There are two motions to suspend the rules.

FEDERAL LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' DEATH BENEFITS ACT OF 1980

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5888) to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§ 8148. Death benefits for law enforcement officers and firefighters

"(a) For the purpose of this section—

"(1) 'law enforcement officer' means an employee—

"(A) the duties of whose position are primarily to perform work directly connected with—

"(i) the control of crime or juvenile delinquency;

"(ii) the enforcement of the criminal laws; or

"(iii) the protection of Federal officials, public buildings or property, or foreign diplomatic missions; and

"(B) who, at the time the personal injury referred to in subsection (b) of this section is sustained, is—

"(i) engaged in the detection of crime;

"(ii) engaged in the apprehension of an alleged criminal offender;

"(iii) engaged in the keeping in physical custody of an alleged or convicted criminal offender; or

"(iv) assaulted, subjected to the conduct of criminal activity, or exposed to risk, in the line of duty;

"(2) 'firefighter' means an employee the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or who is employed under the authority of section 2105 (a)(1)(F) of title 5, United States Code, whose job description requires the performance of firefightng duties as an additional rather than as a primary duty and who, at the time the personal injury referred to in subsection (b) of this section is sustained, is engaged in such work in the control or extinguishment of a fire or other emergency operation;

"(3) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased law enforcement officer or firefighter (as defined in paragraphs (1) and (2)) who, at the time of such law enforcement officer or firefighter's death, is—

"(A) 18 years of age or under;

"(B) over 18 years of age and a student; or

"(C) over 18 years of age and incapable of self-support because of physical or mental disability;

"(4) 'dependent' means substantially reliant for support upon the income of the deceased law enforcement officer or firefighter;

"(5) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body; and

"(6) 'detection of crime' means the physical pursuit, investigation, or interviewing of any individual at a crime scene, but shall not include laboratory investigation, studies, or other similar acts of a nondangerous nature.

"(b)(1) In any case in which the Secretary of Labor determines, under regulations prescribed pursuant to this section, that a law enforcement officer or firefighter has died as the direct and proximate result of a personal injury inflicted by an outside force and in the line of duty, the Secretary shall pay a benefit of $50,000 as follows:

"(A) if there is no surviving child of such law enforcement officer or firefighter, to the surviving spouse of such law enforcement officer or firefighter;

"(B) if there are one or more surviving children and a surviving spouse, one-half to the surviving children in equal shares and one-half to the surviving spouse:

"(C) if there is no surviving spouse, to the surviving children of such law enforcement officer or firefighter in equal shares; or

"(D) if none of the above, to the dependent parent or parents of such law enforcement officer or firefighter in equal shares.

"(2) In any case in which the Secretary determines, upon a showing of need and prior to taking action that the death of a law enforcement officer or firefighter is one with respect to which a benefit will probably be paid, the Secretary may make an interim benefit payment not exceeding $3,000 to the individual entitled to receive a benefit under paragraph (1) of this subsection.

"(3) The amount of an interim payment to any individual under paragraph (2) of this subsection shall be deducted from the amount of any final benefit paid to such individual.

"(4) In any case in which there is no final benefit paid, the recipient of any interim payment under paragraph (2) of this subsection shall be liable for repayment of such amount. The Secretary may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(5) The benefit payable under this section shall be in addition to any compensation or other benefit that may be due under this subchapter or from any other source, but shall be reduced by payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4–531(1)).

"(6) No benefit paid under this section shall be subject to execution or attachment.

"(7) No benefit shall be paid under this section—

"(A) if the law enforcement officer or firefighter's death was caused by the intentional misconduct of the law enforcement officer or firefighter or by such law enforcement officer or firefighter's intention to bring about such death;

"(B) if voluntary intoxication of the law enforcement officer or firefighter was the proximate cause of death; or

"(C) to any individual who would otherwise be entitled to a benefit under this section if such individual's actions were a substantial contributing factor to the law enforcement officer or firefighter's death.

"(c) The Secretary may prescribe rules, regulations, and procedures to carry out the purpose of this section. Such rules, regulations, and procedures will be determinative of conflict of laws and issues arising under this section. Rules, regulations, and procedures prescribed under this section may include regulations governing the recognition of agents or other persons representing claimants under this section before the Secretary. The Secretary may prescribe the maximum fees which may be charged for services performed in connection with any claim under this section before the Secretary, and any agreement in violation of such rules and regulations shall be void.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Death benefits for law enforcement officers and firefighters.".

(b)(1) Section 8101(9) of title 5, United States Code, relating to definition of "child", is amended by inserting after "means" the following: ", except as provided in section 8148(a)(3) of this title.".

(2) Section 8101(12) of such title, relating to definition of "compensation", is amended by striking out "Fund, but this does not in any way reduce the amount of the monthly compensation payable for disability or death:" and inserting in lieu thereof the following: "Fund, except that—

"(A) this paragraph does not in any way reduce the amount of the monthly compensation payable for disability or death; and

"(B) such term does not include benefits paid under section 8148 of this title;".

SEC. 2. The authority to make payments under section 8148 of title 5, United States Code (as added by the first section of this Act), shall be effective only to the extent provided for in advance by appropriation Acts.

SEC. 3. The amendments made by this Act shall take effect September 23, 1976, and shall apply with respect to injuries sustained on or after such date.

The SPEAKER pro tempore. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KILDEE) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill provides a $50,000 death benefit to the survivors of Federal law enforcement officers and firefighters who die as result of injuries sustained in the line of duty. Unlike many bills which we considered here in the Congress, this bill is relatively inexpensive. The Congressional Budget Office estimates this bill will have a $500,000 cost annually.

The bill addresses itself to a basic equity issue at relatively little cost to the Government. It is similar to a program that is already in place for State and local governments. We are all aware that the occupations covered by this bill are specially hazardous. I feel that, at a minimum, we have a duty to provide adequately for the families of officers who are killed while protecting us. In this area, it is rather ironic that the Federal Government does a better job of providing for the employees of State and local governments than it does for its own employees.

Let me point out how insufficient the existing FECA benefits are. For the average Federal firefighter with two or more children, FECA would provide between $10,363 and $11,595 annually. I do not think any of us can reasonably assert such an income is sufficient for a family.

Many State and local governments provide additional benefits for public safety officers killed in line of duty.

Rather than creating disparity, this legislation will create more equity and provide parity.

In closing, I would like to state that we have a responsibility toward those of whom so much is demanded. If we demand that someone face danger, we should provide, then, some compensating factors. It is a major injustice to ask someone to risk his or her life and then not make adequate provision for those who are dependent upon that person's income.

This bill would extend to Federal public safety officers a benefit that the Federal Government already provides to State and local public safety officers.

I urge my colleagues to vote for this legislation.

□ 1710

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, in order to clarify the scope of coverage under the bill, I would like to address a question to the sponsor of the bill, the gentleman from Michigan.

I am concerned that some people performing law enforcement activities may not be included in this legislation.

As the gentleman knows, there are people who are trained for law enforcement purposes, wear badges and uniforms, and have the power of arrest who are not defined as law enforcement officers under existing law.

Could the gentleman tell me if people such as customs agents, Federal protective officers, and postal security police are covered under this bill?

Mr. KILDEE. Yes. They would be covered. The cost estimates include them.

Mr. WEISS. I assume that the chairman of the subcommittee, the gentleman from Rhode Island, concurs in that?

Mr. KILDEE. I conferred with him, and he does concur.

Mr. WEISS. I thank the gentleman for the clarification.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill creates death benefits for Federal firefighters and law enforcement personnel. It is being sold to us on the argument that it will provide equity. This argument is based upon the fact that there is a law now on the books, passed a few years ago, providing Federal death benefits for State and local firefighters and law enforcement personnel who are killed in the line of duty.

Mr. Speaker, the approach to this bill is to amend the Federal Employees Compensation Act. Therefore, the administration of the Public Safety Officers' Benefits Act, providing benefits to State and local law enforcement and firefighter personnel, will be different.

The interpretation of this bill will be under the Federal Employees Compensation Act.

The administration—and I would hope, even though there is not rapt attention at this time in the House, that my colleagues would hear this—the administration opposes this bill.

The Office of Management and Budget in a letter to the committee outlines its opposition. The Department of Labor has expressed its opposition to this bill. The fact is this bill does not provide equity. When the State and local benefit act came out of the Committee on the Judiciary in 1976, it was with the express rejection of this concept of extending these death benefits to Federal officials. The reason given was that there is not only double-indemnity insurance, group insurance, available to these Federal employees, but there also is compensation under the Federal Employees Compensation Act.

The reason I mention the administration under the Federal Employees Compensation Act is that the benefits provided under this bill may well go to people who have heart attacks on the claim that it was job related. I think it is altogether likely that under the current interpretations under the Federal Employees Compensation Act those claims will be made and very likely will be honored.

If we pass this bill, I predict that in a few short years the State and local employees will be coming back to Congress saying, "It is not now equitable for us to receive only $50,000, because Federal employees get $50,000 plus double-indemnity insurance, plus Federal Employees Compensation. So the equity argument will again be made and will start a game of leapfrog, each one trying to get back ahead of or equal to the other.

There is good reason for the administration to oppose this bill. It is not equitable. It is not fair to other Federal employees. We have employees who put their life on the line in the Defense Department who get no such benefit.

These Federal employees are properly compensated now, properly compensated in an equitable fashion with other Federal employees, get benefits that are equal to or greater than State and local firefighters and enforcement personnel, and therefore this bill should be rejected.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois (Mr. McCLORY), a member of the Committee on the Judiciary.

Mr. McCLORY. Mr. Speaker, I think what this measure does is to demonstrate what can happen when we adopt a bad policy in the first place, which was the policy of providing a Federal bounty or gratuity as a death benefit for firefighters, as we did, I would judge, about 10 or 12 years ago.

Now the reason for the Federal involvement in that subject was that at that time we had the Vietnam war going on. There were violent protesters. The violent protesters would set fire to buildings or at least start a fire, and then when the firemen would come, the demonstrators or rioters would attack the firemen; and it was on that basis that the Congress decided that a Federal responsibility was involved. So, therefore, we provided that we would pay this death benefit to the firefighters who were going out there to react against the demonstrators who were demonstrating because of a national policy of involving our Nation in an unpopular war.

Now, as a result of that, pursuant to that, then after the firefighters got their benefit, then we moved on to the police beneficiaries, and I think in the last Congress there was an effort—whether it was successful or not, I do not know—but it was to include volunteer rescue workers, and to use that program as a basis for now establishing another entirely new program for Federal firefighters and Federal law enforcement officers seems to me to be an aberration and a distortion of the entire legislative process. I can understand the opposition of the administration to this. I can understand why we should reject this measure on the basis of principle; the principle underlying it is wrong. I think we should not perpetuate that bad principle, but we should reject this legislation and restudy the wrong we have done in the past.

Mr. ERLENBORN. I thank the gentleman for his comments.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5888, to provide for lump-sum payments to Federal police and firefighters killed in the line of duty because of some outside force.

I believe that need to provide to our brave Federal law enforcement officers and firefighters the same kind of benefits we provided to local law enforcement officers and firefighters under the Public Safety Officers' Benefits Act in 1976.

By passing this bill today, as I hope we will, we say to those individuals who risk their lives to protect Americans who work in or visit public buildings or to enforce Federal laws that the financial security of their loved ones is important to us.

I might point out, Mr. Speaker, that the House has passed legislation providing for similar benefits to be paid to the survivors of Foreign Service officers and Central Intelligence Agency employees killed in the line of duty.

Accordingly, I urge my colleagues to support this legislation.

Mr. Speaker, I include the following summary of the provisions of H.R. 5888 be inserted at this point in the RECORD:

H.R. 5888—POLICE AND FIREFIGHTERS DEATH BENEFITS

PROVISIONS

H.R. 5888 amends the Federal Employees Compensation Act (FECA) to provide a $50,000 lump-sum payment to survivors of Federal law enforcement officers or firefighters (including Federal officers protecting Federal buildings and National Guard technicians) killed in the line of duty because of some outside force. This benefit shall be in addition to the death benefits currently provided under FECA. A $3,000 interim benefit may be paid to survivors and deducted from the $50,000 award, if granted; in hardship cases, if the award is not granted, the interim payment need not be repaid. Finally, these death benefits shall be paid only to the extent that appropriations are available; and shall apply only to persons who are injured fatally on or after October 1, 1980.

BACKGROUND

In 1976, Congress passed the Public Safety Officers' Benefits Act. In recognition of the rise in crime and violence across the nation and its toll on local police and firefighters, the Act provided a $50,000 death benefit for the survivors of such State and local employees killed on duty. Congress had found that: State and local firefighters and police faced great danger in their work not only from fires and risks typical of their work, but also from snipers and rioters; these employees frequently could not obtain comprehensive life insurance; and State and local workmen's compensation and insurance plans afforded meager benefits. A similar death benefit for Federal law enforcement officers and firefighters was rejected under the rationale that those employees already received superior benefits through the FECA (up to 75% of salary in survivors' benefits).

The committee reports that the State workmen's compensation death benefits are comparable to FECA death benefits. Since survivors of State and local police and firefighters receive State workmen's compensation death benefits in addition to the $50,000 Federal death gratuity, the committee submits that survivors of Federal law enforcement officers and firefighters are not receiving equal benefits for equally hazardous duty.

Mr. KILDEE. Mr. Speaker, the gentleman from Illinois, for whom I have great respect, indicated that when we passed this bill for the local police and firefighters that we created a nexus, because of their involvement in disturbances. I submit that the nexus for the Federal police and firefighters exists by the very nature of their employment. We need not create it. It is not an inequity. I would call this parity. I was not in the Congress, but I think that bill was an excellent bill to provide that protection for those police and firemen. I have known police and firemen whose families are the beneficiaries of that law.

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Now, I think that if we did at that time create that nexus, we should recognize the nexus that already exists for our own police and firemen.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding. I want to rise in support of this legislation.

I find it hard to understand how we can differentiate between police officers and fire officers on this type of work.

I would also like to say that Federal officers at this time are always involved basically with risks that one way or another are based on national policy, just by the very nature of their jobs themselves.

I think that this is overdue and I think we should support it with the necessary majority to guarantee its passage.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I started this bill a year or so ago because it is something that is badly needed. I had a tragedy in my own Federal district involving a Federal enforcement officer, a man by the name of Timberlake, a very fine gentleman who was performing his duties in the Tampa office when suddenly he was set upon by a lawbreaker. Timberlake tried to escort him from the building, as any good law enforcement officer would and to put him under custody. A gun battle ensued in which Timberlake was killed. Every time I go into that Federal building, I can see the bullet marks in the building today, the bullet marks in the elevator that they have had to cover up with a rug.

It can happen to any of us. It can happen to any Federal law enforcement officer at any time. Mine is a rather peaceful district.

I was on the floor a number of years ago when we took care, Mr. Speaker, of the local people. I do not know of anybody who is on the floor with me at that time, except perhaps a few members of the Committee on the Judiciary who did not think we were taking care of our own Federal law enforcement officers, the firemen and the policemen. They risk their lives every day for us. I can testify firsthand about that.

I want to correct something that I know the gentleman from Illinois made a mistake on. It is about the heart attacks. The committee report specifically covers that point. I should not even try to elaborate on it. Most heart attacks are considered diseases and are not compensible under this bill. Only some outside force, like the introduction of carbon monoxide or some heavy blow upon the person that perhaps would precipitate a heart attack may qualify under this; but I do not want to try to change the language of the committee report.

This is a good, sensible bill, where we are taking care of the people that I thought we were taking care of a number of years ago. We ought to pass it. It is only common decency and justice to do it.

Mr. ERLENBORN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, on the issue of heart attacks, I would like to clarify that. I know the gentleman from Florida is sincere in that he did not intend the bill to cover heart attacks. I know the committee was sincere in writing in the report their intentions; but, of course, what so often is forgotten in this Chamber is that the courts do not necessarily even look at committee reports until first they find an ambiguity in the law.

There was testimony from the Department of Labor that the interpretation of injury, personal injury, under the Federal Employees Compensation Act includes heart attacks caused by pressures of the workplace; so if we follow the present interpretation of the Federal Employees Compensation Act, which no doubt will be followed without any reference to any language in a conference report or a committee report, it was the opinion of the witness from the Labor Department before our committee that an extension of these benefits will go to those with heart attacks, very likely with ulcers and other things that may ultimately cause death, but could be attributed to pressures in their job.

Therefore, I believe I am accurate. I hope the bill will be defeated.

Mr. KILDEE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have dealt very carefully with the question of heart attacks. The diseased heart, unless there is some external force, is not covered by that. That language is in the committee report.

I cannot judge what any court may rule; but I assume in the next few years there will be judges appointed who will perhaps look at conference or committee reports.

● Mrs. CHISHOLM. Mr. Speaker, H.R. 5888, the Federal Law Enforcement Officers' and Firefighters' Death Benefits Act of 1980, provides a $50,000 Federal death benefit to the survivor or survivors of a Federal law enforcement officer or firefighter whose death was directly or proximately caused by an outside force in the line of duty.

I am particularly concerned with the impact that this legislation will have on the survivors of Federal firefighters. The Department of Labor has stated that firefighting is one of the most hazardous professions. Yet despite the severe occupational hazards which confront firemen, many States have not provided sufficient death benefits for survivors.

For example, in my own congressional district two firefighters were recently killed in the line of duty while attempting to quell fires in abandoned buildings. Both firefighters had large families with immediate financial needs. In this society, we have a moral obligation to compensate the families of firefighters who risk their lives to protect the lives and property of others.

H.R. 5888 will provide much needed death benefits for the survivors of firefighters. This is a simple matter of equity which I hope my colleagues will recognize by passing this legislation as part of today's Suspension Calendar.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 5888, as amended.

The question was taken.

Mr. **ERLENBORN**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The **SPEAKER** pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 7724, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. **YATES**. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow to file a conference report on the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for fiscal year 1981, and for other purposes.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING IN ORDER ON THURSDAY OF THIS WEEK OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT AND ANY AMENDMENTS IN DISAGREEMENT THERETO ON H.R. 7724, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Mr. **YATES**. Mr. Speaker, I ask unanimous consent that it be in order to call up on Thursday of this week, or any day thereafter, the conference report and any amendments in disagreement thereto on the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR AGREEING TO SENATE AMENDMENTS TO HOUSE AMENDMENTS TO S. 1656, NATIONAL FISHERY DEVELOPMENT ACT

Mr. **BREAUX**. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 811) providing for agreeing to the Senate amendments to the House amendments to the bill (S. 1656), to provide for a national program of fisheries research and development, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 811

Resolved, That upon the adoption of this resolution the bill (S. 1656) to provide for a national program of fisheries research and development, and for other purposes, with the Senate amendments to the House amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that:

(1) the Senate amendment to the House amendment to the text of the bill be, and the same is hereby, agreed to with an amendment as follows:

"In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That this Act may be cited as the "American Fisheries Promotion Act".

TITLE I—RESEARCH AND DEVELOPMENT REGARDING UNITED STATES FISHERIES

SEC. 101. RESEARCH AND DEVELOPMENT PROJECTS AND PROGRAMS.

AMENDMENTS TO SALTONSTALL-KENNEDY ACT.—Section 2 of the Act of August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act, 15 U.S.C. 713c–3), is amended—

(1) by striking out subsections (b), (c), (d), and (e);

(2) by redesignating subsection (a) as subsection (b);

(3) by inserting immediately before subsection (b) (as so redesignated) the following new subsection:

"SEC. 2. (a) DEFINITIONS.—As used in this section—

"(1) The term 'person' means—

"(A) any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands;

"(B) any fishery development foundation located in Alaska; and

"(C) any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation not located in Alaska), nonprofit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802) and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State referred to in paragraph (3),

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity or, in the case of a nonprofit entity, exercise control in the entity that is determined by the Secretary to be the equivalent of such ownership, and

"(iii) nationals of the United States and citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting the ownership and control requirements referred to in clause (ii).

"(2) The term 'Secretary' means the Secretary of Commerce.

"(3) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

"(4) The term 'United States fishery' means any fishery, including any tuna fishery, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

"(5) The term 'citizen of the Northern Mariana Islands' means—

"(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802).";

(4) by amending subsection (b) (as to redesignated)—

(i) by inserting "Fund.—" immediately after "(b)" and before the first word of such subsection,

(ii) by striking out "Secretary of the Interior" the first place it appears therein and inserting in lieu thereof "Secretary",

(iii) by striking out "and used by the Secretary of the Interior" and inserting in lieu thereof "only for use by the Secretary", and

(iv) by striking out clauses (1), (2), and (3) and inserting in lieu thereof the following: "(1) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c), and (2) to implement the national fisheries research and development program provided for under subsection (d)."; and

(5) by adding immediately after subsection (b) (as so redesignated) the following:

"(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—(1) The Secretary shall make grants from the fund established under subsection (b) to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

"(2) The Secretary shall—

"(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

"(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

"(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

"(3) No application for a grant under this subsection may be approved unless the Secretary—

"(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

'(B) evaluates the proposed project as to—

"(i) soundness of design,

"(ii) the possibilities of securing productive results,

"(iii) minimization of duplication with other fisheries research and development projects,

"(iv) the organization and management of the project, "(v) methods proposed for monitoring and evaluating the success or failure of the project, and

"(vi) such other criteria as the Secretary may require.

"(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

"(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

"(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

"(C) The recipient of the grant must submit to the Secretary periodic project status reports.

"(5)(A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part or all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

"(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out, the project. The Secretary shall establish (i) the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

"(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

"(d) NATIONAL FISHERIES RESEARCH AND DEVELOPMENT PROGRAM.—(1) The Secretary shall carry out a national program of research and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures), if not adequately covered by projects assisted under subsection (c), as the Secretary deems appropriate.

"(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing—

"(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

"(B) a description of all pending projects assisted under subsection (c) or carried out under paragraph (1), in addition to—

"(i) a list of those applications approved and those disapproved under subsection (c), and the total amount of grants made, for the current fiscal year, and

"(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) during the current fiscal year; and

"(C) an assessment of each project assisted under subsection (c) or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

"(e) ALLOCATION OF FUND MONEYS.—With respect to any fiscal year, not less than 50 percent of—

"(A) the moneys transferred to the fund under subsection (b) or any other provision of law with respect to that fiscal year; and

"(B) such existing fund moneys carried over into that fiscal year;

shall be used by the Secretary during that fiscal year to provide financial assistance for projects under subsection (c); and the remainder of such moneys in the fund shall be used to implement the national fisheries research and development program established under subsection (d) during that fiscal year.

"(2) Moneys accruing to the fund established under subsection (b) for any fiscal year and not expended with respect to that year shall remain available for expenditure under this section without fiscal year limitation.".

SEC. 102. UNITED STATES FISHERY TRADE OFFICERS.

(a) APPOINTMENT.—For purposes of carrying out export promotion and other fishery development responsibilities, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall appoint not fewer than six officers who shall serve abroad to promote United States fishing interests. These officers shall be knowledgeable about the United States fishing industry, preferably with experience derived from the harvesting, processing, or marketing sectors of the industry or from the administration of fisheries programs. Such officers, who shall be employees of the Department of Commerce, shall have the designation of fishery trade officers.

(b) ASSIGNMENT.—Upon the request of the Secretary, the Secretary of State shall officially assign fishery trade officers to such diplomatic missions of the United States as the Secretary designates (three of which shall be those in Brussels, Belgium; Rome, Italy; and Tokyo, Japan) and shall obtain for them diplomatic privileges and immunities equivalent to those enjoyed by foreign service personnel of comparable rank and salary.

(c) FUNCTIONS OF FISHERY TRADE OFFICERS.—The functions of fishery trade officers appointed under subsection (a) shall be—

(1) to increase the effectiveness of United States fishery export promotion efforts through such activities as the coordination of market development efforts and the provision of services and facilities for exporters of United States fishery products;

(2) to develop, maintain, and make available to interested persons listings of (A) trade, government, and other organizations that are concerned with, or have an interest in, international trade in United States fishery products, and (B) United States fishery products available for such trade;

(3) to prepare quarterly reports regarding (A) the supply, demand, and prices of each United States fishery product exported, or for which there may be export potential, to the foreign nation or area concerned, and (B) the trade barriers or incentives of such nation or area that affect imports of such products;

(4) to prepare monthly statements regarding the prices for each fishery product for which there may be United States export potential to the foreign nation or area concerned; and

(5) to carry out such other functions as the Secretary may require.

(d) ADMINISTRATION.—The Secretary of State and the Secretary shall enter into cooperative arrangements concerning the provision of office space, equipment, facilities, clerical services, and such other administrative support as may be required for fishery trade officers and their families.

TITLE II—FINANCIAL ASSISTANCE WITH RESPECT TO FISHING VESSELS AND FISHERY FACILITIES

SEC. 201. GUARANTEE OF OBLIGATIONS FOR FISHING VESSELS AND FOR FISHERY FACILITIES.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280) is amended as follows:

(1) Section 1101 is amended by adding at the end thereof the following new subsections:

"(i) The term 'citizen of the Northern Mariana Islands' means—

"(1) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of Northern Mariana Islands; or

"(2) a corporation, partnership, association, or other entity formed under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in paragraph (1) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

"(j) The term 'fishery facility' means—

"(1) for operations on land—

"(A) any structure or appurtenance thereto designed for the unloading and receiving from vessels, the processing, the holding pending processing, the distribution after processing, or the holding pending distribution, of fish from one or more fisheries,

"(B) the land necessary for any such structure or appurtenance described in subparagraph (A), and

"(C) equipment which is for use in connection with any such structure or appurtenance and which is necessary for the performance of any function referred to in subparagraph (A); or

"(2) for operations other than on land, any vessel built in the United States used for, equipped to be used for, or of a type which is normally used for, the processing of fish;

but only if such structure, appurtenance, land, equipment, or vessel is owned by an individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands or by a corporation, partnership, association, or other entity that is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802), and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States; and

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity and nationals of the United States or citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting such ownership requirement.

"(k) The term 'fishing vessel' has the meaning given such term by section 3(11) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(11)); and any reference in this title to a vessel designed principally for commercial use in the fishing trade or industry shall be treated as a reference to a fishing vessel.

"(l) The term 'United States' when used in a geographical context with respect to fishing vessels or fishery facilities includes all States referred to in subsection (j)(i).".

(2) Section 1103(f) is amended by inserting immediately before the period the following: "; except that—

"(1) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(1), and

"(2) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(2),

but the aggregate amount reserved for the purposes set forth in paragraphs (1) and (2) must equal 10 percent of such sum.".

(3) Section 1104 is amended—

(A) in subsection (a)—

(i) by striking out "(D) in the fishing trade or industry; or (E)" in paragraph (1) and inserting in lieu thereof "; or (D)";

(ii) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, reconditioning, or purchase of a vessel or vessels owned by citizens or nationals of the United States or citizens of the Northern Mariana Islands which are designed principally for research, or for commercial use in the fishing trade or industry;";

(iii) by striking out "or" at the end of paragraph (4) (as redesignated by clause (ii));

(iv) by striking out "or (3)" in paragraph (5) (as so redesignated) and inserting in lieu thereof "(3), or (4)", and by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(v) by adding immediately after paragraph (5) the following:

"(6) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made for, the construction, reconstruction, reconditioning, or purchase of fishery facilities; or

"(7) financing the purchase of fishing vessels or fishery facilities, the construction, reconstruction, reconditioning, or purchase of which was guaranteed under this title, that are sold at foreclosure instituted by the Secretary, or are sold by the Secretary following purchase at foreclosure, and the reconstruction or reconditioning thereof.

Any obligation guaranteed under paragraph (6) shall be treated, for purposes of this title, in the same manner and to the extent as an obligation guaranteed under this title which aids in the construction, reconstruction, reconditioning, or purchase of a vessel; except with respect to provisions of this title that by their nature can only be applied to vessels.";

(B) by adding at the end of subsection (b) the following:

"The Secretary may not establish, as a condition of eligibility for guarantee under this title, a minimum principal amount for any obligation covering the reconstruction or reconditioning of a fishing vessel or fishery facility. For purposes of this title, the reconditioning of a fishing vessel or fishery facility does not include the routine minor repair or maintenance of the vessel or facility.";

(C) in subsection (d)—

(i) by striking out "No" and inserting in lieu thereof "(1) Except as provided in paragraph (2), no"; and

(ii) by adding at the end thereof the following:

"(2) In applying paragraph (1) with respect to commitments to guarantee, and the guarantee of, obligations for fishing vessels and fishery facilities used for underutilized fisheries, the Secretary of Commerce may apply an economic soundness test that is less stringent than that which would apply but for this paragraph.

"(3) No commitment to guarantee, or guarantee of, an obligation may be made by the Secretary of Commerce under this title for the purchase of a used fishing vessel or used fishery facility unless—

"(A) the vessel or facility will be reconstructed or reconditioned in the United States and will contribute to the development of the United States fishing industry; or

"(B) the vessel or facility will be used in the harvesting of fish from, or for a purpose described in section 1101(j) with respect to, an underutilized fishery."; and

(D) in subsection (g)—

(i) by inserting "(1)" immediately after "(g)"; and

(ii) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Commerce shall establish with the Fund the following subfunds:

"(A) The standard fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d)(1) apply.

"(B) The underutilized fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d)(2) apply.

"(C) The general subfund which shall contain all moneys received for, and incident to, the guarantee of obligations for vessels other than fishing vessels.".

(4) The first sentence of section 1105(d) is amended by inserting immediately before the period at the end thereof the following: ", and shall be paid from the appropriate subfund required to be established under section 1104(g)(2)".

Sec. 202. Loans Under the Fish and Wildlife Act of 1956.

(a) Loan Authority Until October 1, 1982.—During the period beginning on the date of the enactment of this Act and ending at the close of September 30, 1982, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") may make loans from the fisheries loan fund established under subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) only for the purposes set forth in subsections (b) and (c) of this section. Except to the extent that they are inconsistent with, or contrary to, this section, the provisions of such section 4 shall apply with respect to loans made for such purposes.

(b) Loans To Avoid Default on Obligations Covering Fishing Vessels.—(1) The Secretary may make loans for the purpose of assisting obligors to avoid default on obligations that are issued with respect to the construction, reconstruction, reconditioning or purchase of fishing vessels and that—

(A) are guaranteed by the United States under title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280, relating to Federal ship mortgage insurance); or

(B) are not guaranteed under such title XI, but the fishing vessels concerned meet the use and documentation requirements, and the obligors meet the citizenship requirements, that would apply if the obligations were guaranteed under that title.

(2)(A) Within the 30-day period beginning on the date of the enactment of this Act in the case of fiscal year 1981, and before the beginning of fiscal year 1982, the Secretary shall estimate the number, and the aggregate amount, of loans described in paragraph (1)(A) for which application will likely be made during each of such fiscal years and shall reserve that amount in the fisheries loan fund for the purpose of making such loans during such year (or if such amount is larger than the fund balance, the Secretary shall reserve the whole fund for such purpose).

(B) If any moneys are available in the fisheries loan fund for each such fiscal year after subparagraph (A) is complied with for that year, the Secretary shall use such moneys for the purpose of making loans described in paragraph (1)(B) during that year.

(C) At an appropriate time during each of fiscal years 1981 and 1982, the Secretary shall compare the actual loan experience during that year with the estimate made for that year under subparagraph (A) and if the Secretary determines, on the basis of such comparison, that the demand for loans described in paragraph (1)(A) will be less than estimated, the Secretary shall, for the fiscal year concerned, apply moneys reserved for such loans for the purpose of making loans described in paragraph (1)(B) and, to the extent not utilized for loans described in paragraph (1)(B), for the purpose of making loans under subsection (c).

(3) The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. Each such loan shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purpose of this subsection. In establishing such terms and conditions, the Secretary shall take into account, among such other factors he deems pertinent, the extent to which the obligations concerned have been retired, and the overall financial condition of the obligors. The interest rate on loans made under the authority of this subsection shall not exceed that rate determined by the Secretary to be sufficient to cover the costs incurred in processing and servicing of such loans.

(c) Loans To Cover Operating Losses.—(1) If the Secretary determines that moneys will be available in such fisheries loan fund for fiscal year 1981 or 1982, or both, after loans under subsection (b) are provided for that year, the Secretary may make loans for the purpose of assisting owners and operators of fishing vessels to cover vessel operating expenses in cases where an owner or operator incurs, or may incur, a net operating loss within such fiscal year.

(2) Each loan made by the Secretary under this subsection shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purposes of this subsection. The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. The interest rate on loans made under this subsection shall be the rate prevailing for loans made under the Emergency Agricultural Credit Act of 1978 (7 U.S.C. preceding 1961 note).

(d)(1) Subsection (c) of section 4 of such Act of 1956 (16 U.S.C. 742c(c)) is amended by striking out the third, fourth, and fifth sentences thereof.

(2) The amendment made by paragraph (1) shall take effect on September 1, 1980.

TITLE III—AMENDMENTS TO THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Chapter 1—PHASED REDUCTION OF FOREIGN FISHING, IN FISHERIES SUBJECT TO THE EXCLUSIVE FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES

Sec. 301. Phased Reduction of Foreign Fishing.

Section 201(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C 1821 (d)) is amended to read as follows:

"(d) Total Allowable Level of Foreign Fishing.—(1) As used in this subsection—

"(A) The term 'base harvest' means, with respect to any United States fishery, the total allowable level of foreign fishing during the 1979 harvesting season.

"(B) The term 'harvesting season' means the period established under this Act by the Secretary during which foreign fishing is permitted within a United States fishery. For purposes of this subsection, a harvesting season is designated by the calendar year in which the last day of the harvesting season occurs, regardless whether fishing is not permitted on that day due to emergency or other closure of the fishery.

"(C) The term 'calculation factor' means, with respect to each United States fishery, 15 percent of the base harvest.

"(D) The term 'reduction factor amount' means, with respect to each United States fishery, for any harvesting season after the 1980 harvesting season—

"(i) an amount equal to 15 percent of the base harvest for that fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 75 percent of the calculation factor;

"(ii) an amount equal to 10 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 50 percent, but less than 75 percent, of the calculation factor; or

"(iii) an amount equal to 5 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated previous harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 25 percent, but less than 50 percent, of the calculation factor.

For purposes of this paragraph, the term 'designated preceding harvest season' means—

"(I) until a reduction factor amount is first achieved under this paragraph with respect to the fishery concerned, the 1979 harvesting season, and

"(II) after such amount is first achieved, the most recent harvesting season in which a reduction factor amount was achieved.

"(E) The term 'phased reduction fishing level' for any United States fishery during any harvesting season after the 1980 harvesting season is the base harvest for the fishery reduced by—

"(i) an amount equal to the reduction factor amount for that harvesting season; and

"(ii) an amount equal to the increased level of harvest by vessels of the United States over the level achieved by such vessels in the 1979 harvesting season for the fishery.

"(F) The term 'United States fishery' means any fishery subject to the exclusive fishery management authority of the United States.

"(2) The total allowable level of foreign fishing, if any, with respect to any United States fishery for each harvesting season after the 1980 harvesting season shall be—

"(A) the level representing that portion of the optimum yield of such fishery that will not be harvested by vessels of the United States as determined in accordance with the provisions of this Act (other than those relating to the determination of phased reduction fishing levels), or

"(B) the phased reduction fishing level determined pursuant to paragraph (3) for the harvesting season.

"(3) For each United States fishery, the appropriate fishery management council, on a timely basis, may determine and certify to the Secretary of State and the Secretary the phased reduction fishing level for that fishery for each harvesting season after the 1980 harvesting season.

"(4) If with respect to any harvesting season for any United States fishery for which the total allowable level of foreign fishing is determined under paragraph (2) (B), the Secretary, in consultation with the Secretary of State and on the basis of any recommendation of any appropriate fishery management council, determines that any portion of the optimum yield for that harvesting season will not be harvested by vessels of the United States, the Secretary of State, in accordance with subsection (e), shall allocate such portion for use during that harvesting season by foreign fishing vessels; except that if—

"(A) the making available of such portion (or any part thereof) during that harvesting season is determined to be detrimental to the development of the United States fishing industry; and

"(B) such portion or part will be available for harvest in the immediately succeeding harvesting season, as determined on the basis of the best available scientific information;

then such portion or part shall be allocated for use by foreign fishing vessels in such succeeding harvesting season. The determinations required to be made under subparagraphs (A) and (B) of the preceding sentence shall be made by the Secretary in consultation with the Secretary of State and on the basis of any recommendation of any appropriate fishery management council.".

Sec. 302. Allocation of Allowable Levels of Foreign Fishing.

(a) Amendments.—The last sentence of section 201(e)(1) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821 (e)(1)) is amended to read as follows: "All such determinations shall be made by the Secretary of State and the Secretary on the basis of—

"(A) whether, and to what extent, such nations impose tariff barriers or nontariff barriers on the importation, or otherwise restrict the market access, of United States fish or fishery products;

"(B) whether, and to what extent, such nations are cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;

"(C) whether, and to what extent, such nations and the fishing fleets of such nations have cooperated with the United States in the enforcement of United States fishing regulations;

"(D) whether, and to what extent, such nations require the fish harvested from the fishery conservation zone for their domestic consumption;

"(E) whether, and to what extent, such nations otherwise contribute to, or foster the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

"(F) whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing in such fishery;

"(G) whether, and to what extent, such nations are cooperating with the United States in, and making substantial contributions to fishery research and the identification of fishery resources; and

"(H) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.".

(b) Taking Effect of Amendments.—The amendments made by subsection (a) shall apply with respect to the 1981 harvesting season and harvesting seasons thereafter (as defined in section 201(d)(1) of the Fishery Conservation and Management Act of 1976, as amended by section 301).

Sec. 303. Permit Fees.

(a) Interim Fees.—(1) Effective with respect to permits issued under section 204 (b) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(b)(10)) for 1981, paragraph (10) of such section is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "Such fees shall be formulated so as to ensure that the receipts resulting from the payment of the fees under this paragraph for permits issued for 1981 are not less than an amount equal to 7 percent of the ex vessel value of the total harvest by foreign fishing vessels in the fishery conservation zone during 1979. The fees collected by the Secretary under this paragraph for permits issued for 1981 shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

(b) Permanent Fees.—Effective with respect to permits issued under section 204 (b) of such Act of 1976 after 1981, paragraph (10) of such section is amended to read as follows—

"(10) Fees.—Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish a schedule of such fees which shall apply nondiscriminatorily to each foreign nation. The fees imposed under this paragraph shall be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this Act (including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement, but excluding costs for observers covered by surcharges under section 201(i)(4)) during each fiscal year the same ratio as the aggregate quantity or fish harvested by foreign fishing vessels within the fishery conservation zone during the preceding year bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during such preceding year. The amount collected by the Secretary under this paragraph shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) for so long as such fund exists and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

Sec. 304. Fishery Development Objectives.

Section 2(b)(6) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801(b)(6)) is amended by inserting immediately before the period at the end thereof the following: ", and to that end, to ensure that optimum yield determinations promote such development".

SEC. 305. FISHERY MANAGEMENT COUNCIL TRAVEL FUNDS.

The second sentence of section 302(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(d)) is amended by striking out the period and inserting in lieu thereof the following: ", and other nonvoting members may be reimbursed for actual expenses.".

SEC. 306. NOTICE OF AVAILABILITY OF MANAGEMENT PLANS.

Section 305(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1855(a)) is amended by inserting "a notice of availability of" immediately after "Federal Register (A)".

Chapter 2—FULL OBSERVER COVERAGE PROGRAM

SEC. 311. ESTABLISHMENT OF FULL OBSERVER COVERAGE PROGRAM.

Section 201 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821) is amended by adding at the end thereof the following new subsection:

"(i) FULL OBSERVER COVERAGE PROGRAM.—(1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

"(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign vessel may be waived by the Secretary if he finds that—

"(A) in a situation where a fleet of harvesting vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the by-catch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the by-catch species are being complied with;

"(B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone—

"(i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or

"(ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(2) United States observers, while aboard foreign fishing vessels, shall carry out such scientific and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act.

"(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under such section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

"(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

SEC. 312. EFFECTIVE DATE.

The amendment made by section 311 shall take effect October 1, 1981, and shall apply with respect to permits issued under section 204 of the Fishery Conservation and Management Act of 1976 after December 31, 1981.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONGRESSIONAL REVIEW OF REGULATIONS.

(a) IN GENERAL.—No regulation promulgated by the Secretary of Commerce to implement—

(1) Section 2 of the Act of August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act, 15 U.S.C. 713c-3) as amended by section 101 of this Act;

(2) the amendments made by title II of this Act relating to the guarantee of obligations under title XI of the Merchant Marine Act, 1936 covering fishing vessels; or

(3) the amendments made by title III of this Act as they apply to the establishment of fees for foreign fishing permits issued after 1981, the establishment of a full observer coverage program, and the allocation of allowable levels of foreign fishing under the Fishery Conservation and Management Act of 1976;

shall have force and effect—

(A) Unless a copy of the regulation is submitted to each House of Congress on the same day and while each House is in session; and

(B) before the close of the period of 60 days following the day on which the regulation is submitted to Congress in accordance with subparagraph (A).

(b) PROCEDURAL PROVISION.—In computing the 60-day period referred to in subsection (a)(B), any day in which either House of Congress is not in session because of an adjournment of more than 5 days to a day certain, or an adjournment of the Congress sine die, shall be excluded.

SEC. 402. APPLICATIONS AND FILINGS FOR COMPENSATION FOR CERTAIN FISHING VESSEL AND GEAR DAMAGE.

(a) IN GENERAL.—If—

(1) any owner or operator of a fishing vessel who suffered, after September 17, 1978, and before the date of the enactment of this Act, damage to, or loss or destruction of, such vessel or fishing gear used with such vessel, but did not apply for compensation therefor under section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) within the 60-day period prescribed in subsection (c)(1) of such section; or

(2) any commercial fisherman who suffered, after September 17, 1978, and before the date of the enactment of this Act, damages compensable under title IV of the Outer Continental Shelf Lands Act of 1978 (43 U.S.C. 1841 et seq.), but who did not timely file a claim therefor within the 60-day period prescribed in section 405(a) of such Act;

such owner or operator may make application for compensation with respect to such damage, loss or destruction under such section 10, and such commercial fisherman may file a claim for compensation for such damages under such title IV, to the Secretary of Commerce, within the 60-day period beginning on the date of the enactment of this Act.

(b) SPECIAL PROVISIONS.—(1) Notwithstanding any other provision of law—

(A) any application or filing timely made under subsection (a) shall be treated by the Secretary of Commerce as an application timely made under such section 10(c)(1), or as a filing timely made under such section 405(a), as the case may be, with respect to the damage, loss, or destruction claimed; and

(B) any claim for fishing gear loss that was pending on June 1, 1980, before the United States-Union of Soviet Socialist Republics Fisheries Claims Board or the American-Spanish Fisheries Board shall be treated by the Secretary of Commerce as a timely application made, on the date of the enactment of this Act, under such section 10(c)(1) for compensation for such loss.

(2) Section 403(c)(2)(A) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1843(c)(2)(A)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof "and the party admits responsibility;".

SEC. 403. AMENDMENTS TO FISHERMEN'S PROTECTIVE ACT OF 1957.

Section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) is amended as follows:

(1) Subsection (a) is amended by adding at the end thereof the following:

"(4) The term 'resulting economic loss' means the gross income, as estimated by the Secretary, that a fishing vessel owner or operator who is eligible for compensation under this section for damage to, loss of, or destruction of, a fishing vessel or the fishing gear used with such vessel will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the vessel or gear, or both, are repaired or replaced and available for use.".

(2) Subsection (b) is amended—

(A) by inserting "and for any resulting economic loss", immediately after ", or both," in the matter preceding paragraph (1); and

(B) by striking out paragraph (2)(B) and inserting in lieu thereof the following:

"(B) is attributable to any other vessel, whether such vessel is a vessel of the United States.

For purposes of subparagraph (B), there shall be a rebuttable presumption that any damage, loss, or destruction of fishing gear is attributable to another vessel.".

(3) Subsection (c) is amended by inserting "and resulting economic loss" immediately after "destruction" in the matter appearing immediately before paragraph (1).

(4) Subsection (d) is amended—

(A) by inserting ", and resulting economic loss," immediately after destruction in paragraph (1); and

(B) by amending paragraph (2) to read as follows:

"(2) The amount of compensation awarded to any vessel owner under this section shall be—

"(A) the depreciated replacement cost, or the repair cost, whichever cost is less, of the fishing vessel or the fishing gear concerned; and

"(B) 25 percent of any resulting economic loss. Any amount determined pursuant to subparagraph (A) or (B) shall be reduced to the extent that evidence indicates that negligence by the vessel owner or operator contributed to the cause or the extent of the damage, loss, or destruction and shall be further reduced by the amount of compensation, if any, that the vessel owner or operator has received or will receive with respect to the damage, loss, destruction, or resulting economic loss through insurance, pursuant to any other provision of law, or otherwise.".

(2) the Senate amendment to the House amendment to the title of the bill be, and the same is hereby, agreed to with an amendment as follows:

"In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"An Act to provide for comprehensive research and development regarding United States fisheries, to expand the fishing vessel and fish processing capacity of the United States, and for other purposes.".

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. (FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American Fisheries Promotion Act is the most significant fisheries legislation in many years. The enactment of this measure will determine the course of fisheries development in the United States for decades to come. The purposes of this legislation will be accomplished at no additional cost to the U.S. taxpayer.

Coupled with existing Federal financial assistance and research and development programs, the passage of the Fishery Conservation and Management Act of 1976 raised high hopes for rapid and full development of our industry. The American Fisheries Promotion Act responds to the grim fact that our hopes for the U.S. fishing industry have not been realized. More than 3 years after the enactment of the FCMA, U.S. fishermen harvest only 33 percent, by volume, and 66 percent, by value, of the total catch in the FCZ.

Taking into account the decreased total allowable harvest since 1976, the U.S. displacement of foreign fishing in the FCZ has been only 1 percent per year, by volume, and less than 3 percent per year, by value. Foreign fishermen took from our zone, in 1979, fish valued at $470 million, $37 million more than the value of their catch in 1976.

U.S. imports of fisheries products have actually grown from $1.6 billion in 1976, to $3.8 billion in 1979. Last year our fisheries trade deficit was $2.7 billion, a $1 billion increase over the 1976 level. The imbalance of our fisheries trade represented 10 percent of the overall national balance of trade deficit.

Twenty percent of the fish products that enter world trade from some 80 countries are destined for the United States. American consumers spent $12.6 billion for fish products in 1979, of which $6.3 billion was for imports.

With full development of our fishery resources by U.S. fishermen, this country would become a net exporter of fish products and gain 43,000 new jobs in the next decade for our people. To achieve these goals, to overcome the many problems facing our industry, the enactment of the American Fisheries Promotion Act is essential.

The House passed the bill on September 23, 1980. Days later, the measure was returned with substantial amendments. The bill before the House today is a compromise proposal which is intended to respond to the concerns of the other body to the maximum extent possible.

LOANS

Major sectors of our fishing industry are suffering unusually severe economic difficulties. Increased costs of operation (fuel, in particular), soft markets, competition from subsidized foreign imports, and even adverse environmental conditions are creating real hardships. The gulf region where hundreds of shrimp boats are reportedly tied to the dock, is in particularly serious trouble.

According to the National Marine Fisheries Service (NMFS), as much as $36 million in vessel loans guaranteed by the Federal Government could go into default. Key Production Credit Associations (PCA's) in the Northwest fear substantial losses in the fleets in that region.

The present situation is serious, but is likely to be of short duration. Immediate assistance is needed to avoid long-term problems. At the present time, the resources available for assistance are quite limited. The Secretary of Commerce has announced an aid package that cannot possibly be fully adequate and must be regarded as only a first step. The funding is severely limited, the interest rates are high, and those eligible for help are relatively few in number.

The response of the American Fisheries Promotion Act is revitalization of the fisheries loan fund, permitting emergency loans to be made until September 30, 1982. Because there is an important interest in avoiding U.S. taxpayer liability due to title XI defaults, the bill provides that the Secretary of Commerce would for each fiscal year estimate the amount of money needed to protect federally guaranteed loans and would reserve those funds for that purpose. Immediately thereafter, the Secretary could release moneys to assist other vessel owners in danger of default. What funds then remained could be used to assist historically successful fishermen who were incurring or in danger of incurring net operating losses.

Interest rates on loans to avoid default would be set to cover administrative costs only. The interest rate for loans to respond to net operating losses would be the same as for farmers under the Emergency Agricultural Credit Act of 1978; that is, the charge would be variable, depending on the cost of money to the Federal Government.

FISHERIES RESEARCH AND DEVELOPMENT

The Saltonstall-Kennedy Act was intended to assure that fisheries development would not want for adequate funding. Thirty percent of import duties on fish products were to be applied directly to R. & D. programs. Unfortunately, this has not happened. The American Fisheries Promotion Act would attempt to make certain that the original intent of S-K was carried out. Moreover, the bill would place the emphasis of the S-K program where it really belongs, on industry-initiated projects. The fishermen and fish processors know best what R. & D. work needs to be done.

The House-passed bill provided for priority S-K projects to deal with fuel efficiency, marketing and fish quality standards. The other body removed that provision on the theory that it was not essential. The House today would agree to that deletion. However, this bill retains the provision deleted by the other body from the earlier House-passed measure requiring that fishery foundations be eligible for S-K funding only if they are U.S.-controlled. However, a special exception to the rule has been carved out for Alaska, at the request of Senator STEVENS.

LOAN GUARANTEES

The vessel obligation guarantee program established by title XI of the Merchant Marine Act has played a useful role in assisting the expansion of the U.S. fishing fleet. However, the processing sector has not been able to utilize the program and remains seriously undercapitalized. The bill would, therefore, amend title XI to extend its availability to shoreside fisheries facilities and to confirm its use for floating fish processors, as well. This extention was favored by the Committee on Merchant Marine and Fisheries and is reflected in the measure passed by the other body. The limitation to 75 percent U.S.-controlled enterprises would apply to these extended benefits.

The bill also provides other useful amendments to the vessel obligation guarantee program. Most importantly, 10 percent of the $10 billion available under the title XI program for all guarantees would be identified for fishing vessels. Eligibility would be limited to concerns that are 75 percent U.S.-owned. In line with the preferences of the other body, the bill expressly requires the reconstruction or reconditioning of used vessels purchased under title XI to be carried out in the United States.

Much of the purpose of this bill is to stimulate the development of species that are underutilized or not utilized by U.S. fishermen. The bill before the House would encourage guarantees for these new fisheries, a provision deleted from the bill as passed earlier by this body.

PHASED REDUCTION OF FOREIGN FISHING

As I have noted, foreign fishing in the U.S. fishery conservation zone has been reduced only marginally since the enactment of the FCMA. As the report of the Committee on Merchant Marine and Fisheries on the American Fisheries Promotion Act notes, the fact is that, as long as foreign nations are permitted to continue a high level of fishing, much of it subsidized, in the U.S. zone, and at the same time to deny access by U.S. fish exports to important markets, the American industry will be unable to achieve full development of our fishery resources.

The experience of the last several years has demonstrated that the device of optimum yield (OY) has not provided adequate recognition of the interest of the United States in improved utilization of its fisheries by its own citizens. Biological factors have played too great a role, and economic interests have not been sufficiently taken into account. This approach has tended to ignore the plain language of the FCMA in section 3(18), which defines OY to include economic and other domestic considerations and to serve the overall interests of the Nation.

Under the bill, each fishery management council would choose whether to continue with the previously established system or adopt a new formula which would provide for a phased reduction of foreign fishing on target species. For each season and for any fishery, the council could choose, in its discretion, the system it determined to be more advantageous.

The phased reduction formula provides that, as U.S. fishing performance increases to specified levels in any fishery, the level of foreign fishing in that fishery will be reduced by a certain greater increment. The greater the U.S. performance, the greater the reduction of the level of foreign fishing. Thus, the system would provide a predictable reserved amount of fish which would be reasonable in relation to the demonstrated growth potential of U.S. fishermen in each fishery. Continued U.S. growth would bring further reserves.

Some or all of what U.S. fishermen did not catch from the reserve amount could be held until the following year, if the fish would survive until then and if an earlier release would be detrimental to U.S. fishermen. This is consistent with the principle of optimum utilization. Determinations of whether and to what extent the surplus would be withheld or released in the phased reduction formula would be based on the recommendations of the councils.

In conjunction with the new formula, the councils could also lower the OY in appropriate circumstances, and this would result in a further reduction of foreign fishing, in view of the fact that U.S. fishermen always retain preferential access to the resource. Of course, in no year could there be a release to foreign fishermen of an amount of fish that in combination with the U.S. preferential catch, would exceed the OY for the fishery.

On the other hand, in the unlikely event the OY rose above, or the domestic catch fell below, previous levels, that resulting surplus, too, could be released to foreign fishermen, but only on the basis I have outlined. In the final analysis, the key point is that the release of unused fish could be delayed a year to serve the economic interest of U.S. fishermen. That is a very major step forward for fisheries development.

It is worth reviewing the specific formula for the phased reduction of foreign fishing. The first phased reduction in any fishery would occur when U.S. fishermen increased their catch in that fishery by a certain amount over their 1979 level of harvest. There would be three such thresholds and three corresponding levels of reduction of foreign fishing. If U.S. fishermen increased their harvest from 25 up to 50 percent, from 50 percent up to 75 percent, or from 75 percent or more of 15 percent of the 1979 total allowable level of foreign fishing (TALFF) in a fishery, the TALFF for the following year would be reduced by an amount equal to 5 percent, 10 percent, or 15 percent, respectively, of the 1979 TALFF for that fishery.

In a large volume fishery, such as pollock, it might take U.S. fishermen several years to increase their catch enough to reach the lowest threshold. However, in smaller fisheries, the highest threshold might be achieved in a single season. Each time a threshold was achieved, that level of U.S. harvest would be the base upon which an additional increase in U.S. fishing would have to be achieved to attain the threshold for a further percentage reduction of the TALFF.

Let me illustrate. Say, in 1979, the TALFF for a fishery was 10,000 tons and the U.S. catch was 1,000 tons. To get the first percentage cut out of TALFF in accordance with the phased reduction, the U.S. catch would have to increase by 375 tons—25 percent of 15 percent of the 1979 TALFF—over its 1979 level, for a total U.S. catch of 1,375 tons. The reward for U.S. fishermen the next year would be a reduction of TALFF by 500 tons. That reduction would, of course, be in addition to the reduction equal to the increase in the U.S. catch; that is, TALFF would be 9,125 tons—10,000, minus the sum of 375 tons which the United States actually harvested and the 500 tons reward. The United States could grow into what would be, in essence, a special 500-ton reserve. Further such reductions of TALFF would be triggered by additional U.S. catch increases meeting the 375-ton target level.

In accordance with the formula, additional, larger increases in the U.S. catch would result in additional, larger reductions of TALFF. That is, if U.S. fishermen increased their catch in the fishery by 750 tons—50 percent of 15 percent of 1979 TALFF—over their harvest level when they achieved the earlier threshold, they would receive the benefit of an additional 1,000-ton cut in TALFF, the following year—plus a further cut equal to their actual increase in performance, that is, 750 tons. TALFF would then be lowered to 7,375 tons.

Thus, the system offers real advantages to U.S. fishermen. Predictability would be enhanced. Surpluses could be held over until succeeding harvesting seasons. The economic benefits would be considerable. This provision is consistent with the treaty under negotiation at the Third U.N. Law of the Sea Conference. Our chief negotiator and the Department of State have approved the precise language set out in these provisions of the bill.

Although the other body deleted an earlier version of this provision, I believe that the current provision responds to all reasonable concerns.

ALLOCATIONS OF SURPLUS FISH

Improved access for U.S. fish products to foreign markets is an essential condition to the rapid development of our fishing industry. Trade barriers maintained against our products by foreign countries are at unacceptably high levels. Ironically, it is these very countries which also are provided lucrative opportunities to fish in our zone. Worst of all, many of the fish that are caught by foreign vessels in the FCZ return to the United States as imports and contribute to the substantial deficit of our balance of payments. Value is added primarily in foreign countries, not in the United States.

The American Fisheries Promotion Act places strong emphasis on the linkage between allocations of our surplus fish and the willingness of potential foreign recipients to provide improved export opportunities for U.S. fish products, purchase more U.S. fish exports, and transfer technology to the U.S. industry. In particular, I expect that foreign nations which reduce tariff and nontariff barriers on U.S. fish exports will receive appropriate consideration, in return, on TALFF allocations.

However, cooperation of foreign nations in avoiding gear conflicts with U.S. fishermen and in assuring the effectiveness of our conservation, management, and enforcement programs remains essential and international cooperation on research is still very important. These factors cannot be ignored in making future allocations. The recognition by the bill of domestic consumption by foreign nations of fish harvested by their own vessels in the U.S. zone is intended to insure that basic nutritional requirements of those nations are considered in the award of allocations.

These provisions are consistent with international practice and the positions of the United States at the Third United Nations Conference on the Law of the Sea.

OBSERVER COVERAGE

A prerequisite to development of U.S. fisheries is effective conservation and management of the fish stocks. Unfortunately, enforcement has fallen far short of what is required. The resources of the Coast Guard and NMFS are very limited and there is a clear need to augment them with extensive observer coverage. Moreover, much of the expense incurred in Coast Guard and NMFS enforcement is borne by U.S. taxpayers. On the other hand, observers are paid for directly, and in advance, by foreign fishermen.

I am appalled that there were 382 violations of the FCMA in 1979 by foreign fishermen and that there were many cases of seriously underreported foreign catches. In recent days, there have been additional, very serious violations. NMFS believes that:

> The most effective means available to us in our efforts to control this problem is the use of increased observer coverage on board foreign fishing vessels, coupled with continued use of permit sanctions and recommendations for high penalties.

Consequently, the bill mandates 100-percent observer coverage, with exceptions limited to certain specified circumstances. Mother ship fleets must have observers on processing vessels and on so many of the harvesting vessels as needed to obtain a representative sample of the by-catch.

The bill also recognizes that certain vessels may be in the U.S. zone for too brief a period or be too small or otherwise unfit for observers to be placed aboard. Examples would be vessels operating in a future Canadian effort on albacore in the U.S. zone, by bilateral agreement, and the Japanese tuna fishing vessels in the Western Pacific Council area.

INCREASED FEES ON FOREIGN FISHING

No country in the world charges foreign fishermen less than does the United States for the privilege of fishing within 200 miles. NMFS estimates that, in 1979, the cost of administering the FCMA was $160,588,000. Yet the fees that we collected, less refunds, amounted to $14.5 million. Foreign fishermen took from our zone $470 million worth of fish. But the U.S. taxpayer bore more than $140 million in the expenses of running the zone. Clearly, that is an unacceptable situation and amounts to a subsidy by U.S. citizens of foreign fishing operations.

Under the American Fisheries Promotion Act, fee receipts for foreign fishing in the U.S. FCZ for 1981 must be no less than 7 percent of the ex-vessel value of the foreign harvest in the U.S. FCZ in 1979. This is about double the previous level.

After 1981, foreign fishing fees imposed under section 204(b) (10) of the FCMA, as amended, shall be at least an amount sufficient to return to the United States an amount which bears to the total costs of carrying out the provisions of the FCMA—including, but not limited to, fishery conservation and management, fisheries research, administration and enforcement, but excluding reimbursed observer costs—during each fiscal year the same ratio as the aggregate quantity of fish harvested by foreign fishing vessels within the fishery conservation zone during the preceding year bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during such preceding year.

The original House-passed bill contained a provision not in the committee-reported measure. That provision limited fees, so that they would not render foreign fishing uneconomic in any fishery. Since we agreed to this provision only reluctantly, we can easily agree to its deletion, as in the bill passed by the other body.

How the United States decides to spend the money from fees on foreign fishermen is entirely a domestic affair. The American Fisheries Promotion Act provides that fees on foreign fishermen will go first to the fisheries loan fund, to the extent needed, and then to the general fund of the Treasury.

FISHERY TRADE OFFICERS

American businessmen find it difficult to market their products abroad, not only because of the barriers that are imposed by foreign governments, but also because the United States does not have adequate fisheries reprsentation in forign countries. There are only two U.S. fisheries attaches in the entire world. But there are many countries in which U.S. fish products might find substantial markets. Therefore, the American Fisheries Promotion Act provides that there shall be at least six fishery trade officers in key foreign capitals. The duties of these officials will be to maintain an up-to-date assessment of market opportunities and barriers abroad and to provide marketing assistance to U.S. exporters. This is an important task and I expect that it will be pursued vigorously.

CONCLUSION

The American Fisheries Promotion Act provides the kind of response to fisheries development that is required for the solution of the multitude of problems facing the U.S. fishing industry. Each one of the components of the bill has been carefully thought out during months of consideration. Hearings on the subject have been extensive and there has been close cooperation between the Congress, the administration, and the industry in moving this legislative proposal. I look forward to the swift enactment of this measure. The support for the proposal has been overwhelming, leaving no doubt as to where the national interest lies. The enactment of the bill will at last set fisheries developement in the United States on the right course.

☐ 1730

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation which has already passed the House in a slightly different form. As has been explained by the chairman of our subcommittee, my good friend from Louisiana, the Senate adopted amendments to the bill which necessitate further action by the House.

With approximately one-fifth of the world's marine fishery resources located off the U.S. coasts, it might be expected that our fishing industry would be strong and prosperous. Unfortunately, this is not the case. U.S. landings of fish have not kept pace with our population growth. In fact, annual landings have remained relatively constant since 1960—and as the demand for fish has increased, U.S. fishermen have supplied a declining share of the market. The result is that imports have jumped sharply. In 1979, we imported $3.8 billion in fishery products, a $1 billion increase from 1976. Our net fisheries trade deficit of $2.7 billion represented approximately 10 percent of the U.S. balance-of-payments deficit last year.

The bill before us today establishes a framework for resolving these problems and for developing the U.S. fishing industry. Although it is substantially similar to the bill which passed the House, the measure before us today differs in one significant respect. The legislation we are now considering extends the fishing vessel loan guarantee program to include onshore fishery facilities. The inclusion of this provision in the legislation is essential to the full development of the U.S. fishing industry. To fully demonstrate the need for this program it is necessary to trace the history of the U.S. fishing industry in the past decade.

A report by the National Marine Fisheries Service indicates that the U.S. fishing fleet has increased by about two-thirds since 1970, most of it occurring after the enactment of the Fishery Conservation and Management Act. In the same period, shoreside processing capacity increased by only one-third. This growth differential has restricted the overall expansion of the U.S. industry and has caused severe problems in the harvesting sector. For example, most west coast fishing vessels are fishing at far below their full capacity because U.S. processors cannot handle the harvest.

Several factors contribute to this disparity between the capacity of the harvesting sector and that of the processing sector. Chief among these is the nature of the processing industry itself. According to National Marine Fisheries Service statistics, the average processing plant employs only 21 people. The General Accounting Office reports that 42 percent of the processing plants have gross sales under $100,000 and another 41 percent have gross sales of between $100,000 and $1 million. Only 17 percent of U.S. processing plants have gross annual sales of more than $1 million and only 2.4 percent, 43 plants, have annual sales of over $10 million. The processing industry is clearly limited in its ability to generate expansion capital.

If expansion capital cannot be generated internally, often it can be borrowed. However, another GAO report concludes that this is not the case for most U.S. processors. The report states:

> Lending institutions often perceive the development of non-traditional fisheries as a high-risk endeavor. As a result, financing can be difficult to obtain . . . Nearly all lenders we interviewed thought those interested in non-traditional fisheries development would have trouble getting funds.

Unfortunately, the development of the U.S. fishing industry will require the industry to expand beyond its traditional fisheries and to move into the so-called nontraditional species.

The small size of most processing plants coupled with lender skepticism have combined to retard the development of the U.S. processing industry. Investment uncertainty regarding the development of nontraditional fisheries, however, extends to both harvesters and processors. Nevertheless, capital expenditures and growth have far outstripped those in the processing sector. This has occurred despite the fact that the average fishing company is smaller than the average processor.

Despite these facts, the harvesting sector, unlike the processors, has found the capital to expand into nontraditional fisheries. The reasons for this growth are, in large part, the existence of the fishing vessel loan guarantee program, which provides Federal loan guarantees for fishing vessels.

After studying the growth potential and the capital needs of the U.S. fishing industry, the General Accounting Office concluded:

> Legislative changes to the Fishing Vessel Obligation Guarantee Program to include . . . processors of non-traditional fish could help create a more favorable economic environment to accelerate the domestic development of non-traditional fisheries.

Extending the loan guarantee program to onshore fishery facilities will be a major stimulus in the development of the fishing industry. This stimulus, coupled with the other provisions of the bill which restructure existing programs to enhance the U.S. industry will bring significant benefits to the economy. Development of the U.S. fishing industry would, by 1990, create 43,000 new jobs, and $1 billion per year to the national economy, and double our fish exports to $2.1 billion. Increased U.S. fisheries production would dramatically decrease our demand for foreign harvested and processed fish, thereby reducing our fisheries trade deficit. None of these benefits will flow to the industry and to this country unless expansion capital is available.

It is for these reasons that I support the legislation now before us and in particular I support the extension of the loan guarantee program to include onshore fishery facilities.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I would like to take this opportunity to commend both the chairman of the subcommittee, the gentleman from Louisiana (Mr. BREAUX), and the ranking minority member, the gentleman from New Jersey (Mr. FORSYTHE), for the hard work they have done to bring this bill once again to the floor of the House. I believe the bill as we see it today is a better bill than the one the House originally passed. As a member of the committee, I ask my colleagues in the House to support this bill and I hope this bill will become law and a part of the accomplishments of the Committee on Merchant Marine and Fisheries and the whole House for the 96th Congress.

Mr. BREAUX. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Speaker, I believe this is a better version of the American Fishery Promotion Act than the one the House passed on September 23. I do rise in support of the bill.

I, too, want to commend the chairman and the ranking minority member for their able efforts on behalf of this legislation.

This bill has been thoroughly discussed. It was discussed in September and most of the Members I think are familiar with it. Today I just want to comment briefly on two improvements that were not in the version the House considered in September and are in the bill before us today.

First is the restoration of a provision to extend the title XI loan guarantee program to shore-side seafood processors. In recent years the harvesting sector has received substantial Federal assistance and has expanded beyond the ability of our processors to handle the fish our fishermen can catch. This is an unfortunate situation and it has led to limits being placed on the amount of fish that our fishermen can sell and to a disturbing increase in foreign investment in and control of our processing industry.

Extension of the loan guarantee program directly recognizes and addresses that problem. It will help our processors to develop and expand. I only regret the bill does not also include an extension of the capital construction fund to onshore processors, which would have been an even more viable piece of assistance to them. I hope we can act on that in the 97th Congress.

The other improvement I would like to note is the amendment to the Fishermen's Protective Act. This act compensates fishermen for fishing gear that is lost or damaged due to foreign fishing and acts of God. The amendment before us today further improves this worthy program by lengthening the filing period and providing compensation for lost income as well as for lost gear.

This gives appropriate recognition that fishermen need more time to file a complicated application for a new program and it provides for a level of compensation closer to the actual economic losses incurred.

Mr. Speaker, the act before us is, in my judgment, the most comprehensive fisheries development bill in the recent history of the U.S. Congress. Our fishing industry sorely needs the help the bill provides. The bill accomplishes all of these purposes that I have described and that the chairman and ranking minority member have described without any increased cost to the American taxpayer by virtue of an increase in foreign fishing fees.

For all of these reasons, Mr. Speaker, I urge my colleagues to support and to pass this bill.

Mr. BREAUX. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. FRENZEL) a member of the Committee on Ways and Means.

Mr. FRENZEL. I thank the gentleman for yielding. When this bill was on the floor previously the gentleman indicated that he would endeavor to keep out of the bill in its future forms those parts of the bill relating to Ways and Means Committee jurisdiction. Specifically that was the capital construction fund and more specifically the use of the capital construction funds for onshore facilities.

□ 1740

I am advised that the bill now with the amendment that the gentleman is suggesting includes the use of the capital construction fund for onshore facilities, opening up a whole new item in our Tax Code.

Mr. BREAUX. If the gentleman will let me reclaim my time, I think we can settle this quickly. As the gentleman is aware, the Senate bill which passed the House, which passed the capital construction fund, added that in because of the efforts of the ranking minority member. At that time the gentleman from Alaska was very insistent that this be included. The bill that came back to the House then had the capital construction fund in it. The bill we are considering this evening has taken that out once again to try to accommodate those members of the Committee on Ways and Means who felt it was appropriately under the jurisdiction of the Committee on Ways and Means.

Mr. FRENZEL. If the gentleman will yield further, then there is no provision in here to use the capital construction fund for onshore facilities.

Mr. BREAUX. The gentleman is correct, and I would urge that he convey that feeling and sense of the House to the gentleman from Alaska of his party.

Mr. FRENZEL. I thank the gentleman for his contribution. I will be delighted to do so.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding and would like to commend the chairman of the committee and the ranking member, the gentleman from New Jersey (Mr. FORSYTHE) for their efforts on behalf of this legislation.

Mr. Speaker, we presently import two-thirds of all the fishery products we consume in this country. A few years ago this body enacted a bill to extend our fishing jurisdiction 200 miles, with the hope of exploiting that new resource for our own domestic consumption. However, the events have been such that we have not been able to take advantage of that resource. This legislation is necessary if we are going to make it possible for our own domestic fisherman, our processors, and others who are involved in this enterprise, to gear up and compete more effectively for this resource so in the long term we can effectively phase out foreign fishing and phase in domestic fishing. This is not only important for the coastal communities that rely on fishing for their own economic stability, but it is also important to the American consumer. If we can catch and process that resource and put it into our own market, and perhaps even export some of the resource, then I think that all segments of the American economy will benefit. So I rise in full support of this legislation.

Mr. JOHN L. BURTON. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I thank the gentleman for yielding. I do not know if this pertains to this bill, but the salmon fishermen in the district that I represent and in the districts throughout northern California have run into a problem where their fishing season was totally curtailed. Both the gentleman in the district north of me and I were somewhat helpful in providing them with SBA assistance to get over this. I do not believe that this legislation deals with it, but would the Committee on Merchant Marine and Fisheries be the one that would start a program of stocking the fisheries and creating more salmon and having more salmon spawned so that there could be a longer season, because we found the people in our area literally thrown out of business because of that. I know this specific bill does not deal with that, but it does deal with the problem of our California north coast fishermen, and I think it goes all the way up into, if I am not mistaken, where they curtailed the season.

Mr. BREAUX. I would say in trying to respond to the gentleman from California there are a number of pieces of legislation that do deal with it. The Northwest salmon enhancement bill would provide funds for the type of programs the gentleman is speaking of. It is not in this legislation, although the gentleman's salmon fishermen could benefit from some of the loan programs we do have in this particular legislation.

Mr. JOHN L. BURTON. But there will be legislation forthcoming in the next Congress that would provide that, because, as I understand it, it is Oregon, Washington, and most of northern California where they were told they cannot fish any more, period.

Mr. BREAUX. The gentleman is basically correct in that we have a bill that has passed the House and is now pending in the Senate that would, hopefully, do that.

Mr. JOHN L. BURTON. In other words, we have already acted on that and are waiting for the other body.

Mr. BREAUX. Let me go ahead and reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from New Jersey (Mr. FORSYTHE) wish to yield?

Mr. FORSYTHE. I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Could I have the attention of the gentleman from Louisiana (Mr. BREAUX). It is my understanding that this bill is essentially directed toward a fishery development program in the ocean resource species, and the gentleman is attempting to differentiate between this bill and the so-called Northwest enhancement bill to which we offered an amendment to take care of the California situation in the gentleman's colloquy with my friend, the gentleman from California (Mr. JOHN L. BURTON); is that not true?

Mr. BREAUX. If the gentleman will yield, the gentleman has correctly stated the situation.

Mr. CLAUSEN. If we are unable to gain passage of the legislation in this session, clearly I am hopeful that we would have an opportunity to address that early next year, because we are running out of time and I hope we can rely on the two gentlemen, the gentleman from Louisiana and the gentleman from New Jersey, in this next session of Congress to address that problem.

Mr. BREAUX. If the gentleman will yield, I will say we still have the members of the Northwest delegation, including both gentlemen from California, who are presently engaged in trying to get that legislation accepted in a compromise fashion. At present I am totally committed to moving in that direction and would certainly support it.

Mr. CLAUSEN. I thank the gentleman.

Mr. JOHN L. BURTON. Would the gentleman yield to me to pose a question to the chairman?

Mr. FORSYTHE. I yield to the gentleman from California.

Mr. JOHN L. BURTON. As I understand these quotas proposed by the management councils, they were established under the 200-mile bill. Could the gentleman in his oversight process find out if they are really doing their job right or if they are being overzealous?

Mr. BREAUX. If the gentleman from New Jersey (Mr. FORSYTHE) would yield so I may respond, I would say that the chairman of the subcommittee has tentatively scheduled oversight hearings to look into the problem the gentleman has just mentioned.

Mr. JOHN L. BURTON. I would appreciate if the gentleman would keep me apprised of the date. I thank the gentleman.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding. I just want to add my voice to that of the gentleman from Louisiana, the gentleman from New Jersey, and others in support of the bill. I believe all controversy has been worked out and the bill should be passed without further ado.

● Mr. MURPHY of New York. Mr. Speaker, the Committee on Merchant Marine and Fisheries spent considerable time during the 96th Congress in the development of legislation which, I think, will greatly assist in the development of the U.S. fishing industry.

The legislation is H.R. 7039. It passed the House on September 23, 1980. Because the Senate had previously passed related legislation, S. 1656, the House adopted the Senate bill after substituting the language of H.R. 7039, and returned S. 1656, as amended, to the Senate. Subsequently, on September 30, 1980, the Senate adopted substantial further amendments to S. 1656 and returned it to the House.

Today, the Members of the House are being asked to agree with the Senate amendments to the House amendments to S. 1656, with additional amendments.

In general, S. 1656, with the amendments under consideration today, is substantially the same as H.R. 7039, as reported by the Committee on Merchant Marine and Fisheries. I will briefly explain some of the major provisions of S. 1656 as it is before the House for consideration.

The most immediate assistance to be provided by the legislation would be in the form of emergency loans. The fisheries loan program, which recently had the administration moratorium on it lifted, would be revitalized for a period of 2 years with priority given to vessel owners who are in arrears on their mortgage payments. If funds are available after taking care of the priority loans, then loans could be made to vessel owners for operating expenses. It is estimated that about $30 million will be available for such loans during fiscal year 1981 and a larger amount—as much as $50 million, or more—during fiscal year 1982. The funds for these loans would come from increased foreign fishing fees which would be earmarked for this program.

Additional financial assistance would be offered in the form of loan guarantees. The present title XI obligation guarantee program, which authorizes guarantees for financing construction and reconstruction of fishing vessels and merchant vessels, would be broadened to provide guarantees for high risk venture fishing vessels and the purchase of used fishing vessels, neither of which are allowed under present law, and for the construction and reconstruction of shoreside fisheries facilities.

Long term assistance would be provided in a number of other ways. First, the highly successful Saltonstall-Kennedy (S-K) Act would be rewritten. Presently, the S-K Act mandates that the Secretary of Commerce receive an amount equal to 30 percent of the gross receipts from customs duties on imported fish and fisheries products and that he use such funds to develop and increase markets for U.S.-produced fisheries products. The legislation would rewrite the act to allow these funds to be used for projects relating to any aspect of the fishing industry. It is estimated that $35 million will be available under the S-K Act for fiscal year 1981, $55 million for fiscal year 1982, and $74 million for fiscal year 1983. These funds should be of valuable assistance in promoting the sale of domestically produced fisheries products both in the United States and abroad.

To further assist in promoting the sale of such products in foreign markets, the legislation would require the Secretary of Commerce to appoint at least six fisheries trade officers to serve full time overseas. In addition, when making foreign allocations of surplus fish, the Secretary of State would be required to take into consideration whether such nations impose tariff or nontariff barriers on the importation of U.S. fisheries products. These provisons should help tremendously in opening up new export opportunities for U.S. fisheries products.

Other aspects of the legislation which will provide support for an expanded U.S. fishing industry include a 100-percent observer program on all foreign fishing vessels operating within the FCZ; an increase in foreign fishing fees from the present level of about $14 million per year to a level equal to the cost of administering the FCMA as it relates to foreign fishing, which could be as much as $80 million; and provision for the eventual phaseout of foreign fishing within the FCZ which has only been reduced marginally since the enactment of the FCMA.

Mr. Speaker, I urge the prompt passage of S. 1656, as amended.●

● Mr. ASHLEY. Mr. Speaker, I rise in strong support of S. 1656, as amended.

Historically the United States was one of the world's major producers of fishery products. In fact, before the Second World War and until 1959, the United States ranked second only to Japan in size of catch. By 1965 we had dropped to sixth place. In 1978, we regained fourth place and remain there today.

The major part of the increase in the U.S. catch is due to the passage of the Fishery Conservation and Management Act of 1976. However, this act cannot alone restore the American fishing industry to its former position of eminence. Recognizing this fact, early in the 96th Congress the Committee on Merchant Marine and Fisheries began consideration of legislation which would be of assistance in revitalizing the U.S. fishing industry. In June 1980, the committee reported legislation, H.R. 7039, which was intended to accomplish this purpose and it was drafted in such a way that it would result in little cost, if any, to our taxpayers. H.R. 7039 passed the House on September 23, 1980. Subsequently, the House passed a similar bill earlier passed by the Senate, S. 1656, and returned S. 1656 to the Senate with the language of H.R. 7039. On September 30, 1980, the Senate returned the bill to the House with additional amendments. The House is now being asked to return the bill again to the Senate with further additional amendments.

S. 1656, as it is before the House for consideration today, is substantially the same as H.R. 7039, as reported by the committee. Briefly explained, S. 1656, as amended, would amend a number of existing laws to promote the development of the U.S. fishing industry. One of these laws is the 1939 Saltonstall-Kennedy Act—known as the S–K Act. Currently, the S–K Act mandates that the Secretary of Commerce receive an amount equal to 30 percent of the gross receipts from custom duties on imported fishery products and use such funds to develop and increase markets for U.S. produced fishery products. The legislation would rewrite the S–K Act to include products which relate to any aspect of the fishing industry and to require that at least 50 percent of the S–K funds be used to support fisheries development activities carried out in cooperation with the domestic fishing industry.

To assist in promoting the sale of U.S. produced fish in foreign markets, the legislation would require the Secretary of Commerce to appoint at least six fisheries trade officers to serve overseas.

To assist in the expansion of our catching and processing capability, in particular into the underutilized fisheries, the legislation would extend the existing title XI obligation guarantee program, which guarantees financing for construction and reconstruction of fishing vessels and merchant vessels, to shoreside fisheries facilities and to fishing vessels involved in high-risk ventures.

Another important section of the bill is a provision designed to expedite the phase-down of foreign fishing in our 200-mile fisheries zones. The mechanism called for by the bill would provide for an automatic 15-percent reduction in the amount of fish that would have been allowed to be caught by foreign fishermen in 1981, except for this provision, with further reductions in increments of 10 or 15 percent in future years, depending on increased harvests by U.S. fishermen. In other words, except for the first 15 percent automatic reduction, there would be no further reductions in foreign allocations unless our fishing industry proportionately increases its harvesting capability. Any reserve set aside for U.S. fishermen as a result of this formula could be allocated to foreign fishermen whenever the Secretary of State determines such reserve would not be caught by U.S. fishermen.

Two other provisions of the bill interrelate with each other. One of these provisions would require the Secretary of Commerce to collect from foreign fishermen sufficient license fees to return to the United States an amount equal to the cost of administering and enforcing the provisions of the 200-Mile Act as such cost relates to foreign fishing versus domestic fishing. These fees, which ordinarily have been going into the general fund of the Treasury, would be earmarked for loans to U.S. fishermen during the next 2 years. Priority would be given first to vessel owners who are about to default on mortgages on their vessels, and second to vessel owners who are seeking funds for operating expenses.

Mr. Speaker, I urge the adoption of S. 1656, as amended.●

Mr. BREAUX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and agree to the resolution (H. Res. 881) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FEDERAL LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' DEATH BENEFITS ACT OF 1980

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5888, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 5888, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 313, nays 56, not voting 63, as follows:

[Roll No. 641]

YEAS—313

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Applegate
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Bedell
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Broyhill
Buchanan
Burton, John
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Chisholm
Clausen
Coelho
Conte
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Davis, Mich.
de la Garza
Dellums
Derrick
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Goldwater
Gonzalez
Goodling
Gore
Gramm
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Tex.
Hamilton
Hammerschmidt
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Jacobs
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Reuss
Richmond
Rinaldo
Rodino
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Shannon
Sharp
Shelby
Shumway
Simon
Skelton
Smith, Iowa
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauzin
Thomas
Traxler
Trible
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitley
Whitten
Williams, Mont.
Williams, Ohio
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—56

Archer
Ashbrook
Ashley
Badham
Beilenson
Bereuter
Cavanaugh
Cleveland
Clinger

Coleman
Collins, Tex.
Conable
Corcoran
Crane, Philip
Danielson
Dannemeyer
Derwinski
Erdahl
Erlenborn
Fenwick
Forsythe
Fountain
Frenzel
Glickman
Gradison
Grassley
Hagedorn
Hance
Hansen
Holtzman
Ichord
Jeffords
Jeffries
Kramer
Latta
Lee
Lungren
McClory
McDonald
McEwen
Martin
Miller, Ohio
Paul
Regula
Rhodes
Ritter
Robinson
Rudd
Sebelius
Sensenbrenner
Shuster
Smith, Nebr.
Stangeland
Stockman
Tauke
Whittaker

NOT VOTING—63

Alexander
Anthony
Beard, R.I.
Beard, Tenn.
Bethune
Bevill
Bolling
Brooks
Broomfield
Brown, Ohio
Burgener
Burlison
Burton, Phillip
Butler
Clay
Collins, Ill.
Conyers
Corman
Cotter
Crane, Daniel
Crockett
Daschle
Davis, S.C.
Deckard
Early
Fary
Ford, Tenn.
Garcia
Giaimo
Ginn
Hall, Ohio
Hanley
Ireland
Jenkins
Jenrette
Kelly
LaFalce
Lederer
McCloskey
McCormack
McDade
McKay
Mathis
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Patterson
Rangel
Roberts
Rose
Satterfield
Spellman
Taylor
Thompson
Ullman
Waxman
Whitehurst
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wydler

☐ 1800

The Clerk announced the following pairs:

Mr. Hanley with Mr. Brown of Ohio.
Mr. Alexander with Mr. Wydler.
Mr. Corman with Mr. O'Brien.
Mr. Anthony with Mr. Whitehurst.
Mrs. Spellman with Mr. Taylor.
Mr. Crockett with Mr. Bob Wilson.
Mr. McKay with Mr. Beard of Tennessee.
Mr. Roberts with Mr. Deckard.
Mr. Satterfield with Mr. Bethune.
Mr. Thompson with Mr. Hall of Ohio.
Mr. Waxman with Mr. Butler.
Mr. Murphy of New York with Mr. Kelly.
Mr. Neal with Mr. Burlison.
Mr. Ullman with Mr. McCloskey.
Mr. Nedzi with Mr. Broomfield.
Mr. Phillip Burton with Mr. McDade.
Mr. Clay with Mr. Burgener.
Mr. Jenkins with Mr. Beard of Rhode Island.
Mrs. Collins of Illinois with Mr. Conyers.
Mr Cotter with Mr. Jenrette.
Mr. LaFalce with Mr. Lederer.
Mr. McCormack with Mr. Mathis.
Mr. Davis of South Carolina with Mr. Daschle.
Mr. Bevill with Mr. Daniel B. Crane.
Mr Brooks with Mr. Early.
Mr. Fary with Mr. Garcia.
Mr. Giaimo with Mr. Ford of Tennessee.
Mr. Ginn with Mr. Ireland.
Mr. Rose with Mr. Patterson.
Mr. Rangel with Mr. Nolan
Mr. Charles Wilson of Texas with Mr. Charles H. Wilson of California.

Mr. PASHAYAN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

● Mr. DASCHLE. Mr. Speaker, I was unavoidably detained during consideration of H.R. 5888, the Federal Police and Firefighters' Death Benefits Act. Had I been present, I would have voted "aye."●

PERSONAL EXPLANATION

Mr. BAFALIS. Mr. Speaker, I was unavoidably detained on the vote on final passage of House Concurrent Resolution 448.

Had I been present, I would have voted "nay."

CENTRAL VALLEY PROJECT ON SUISUN MARSH

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4084) to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 15, strike out "of the Bureau".

Page 3, lines 4 and 5, strike out "Bureau of Reclamation", and insert "Water and Power Resources Service".

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Louisiana?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, and I will not object, I make this reservation of objection in order to ask our chairman to explain briefly what the Senate amendments are.

Mr. BREAUX. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield.

Mr. BREAUX. Very briefly, Mr. Speaker, this bill has already passed the House under suspension of the rules without a recorded vote. Basically, it merely designated an area in California and provided for a cooperative agreement between the State of California and the Department of the Interior to mitigate the adverse impact of a Federal project on this marsh area in the State of California.

The reason why we had to come back to the House with this legislation is because the Senate made two minor, technical changes. First, the Senate inserted the new name of the old Bureau of Reclamation; second, the Senate postponed authorization from fiscal year 1981 to fiscal year 1982.

We are merely concurring in those two technical amendments, and it is necessary that we bring it back in this form.

Mr. FORSYTHE. There is no substantive change in the legislation?

Mr. BREAUX. There is no substantive change at all. We are merely agreeing to two technical amendments the Senate added to the bill.

Mr. FORSYTHE. Mr. Speaker, I urge support of the bill and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Louisiana?

Mr. FAZIO. Mr. Speaker, reserving the right to object, and I will not object, I simply want to thank Mr. FORSYTHE, the ranking minority member of the committee and Chairman BREAUX for their expeditious handling of this measure, which is very important to me and my district. I thank them very much for their assistance.

Mr. Speaker, I simply wish to express my gratitude to the members of the House Interior and Merchant Marine and Fisheries Committees and of the Senate Environment and Public Works and Energy and Natural Resources Committees for the good work they have done to pass this bill, H.R. 4084.

The bill provides some water quality protection for the Suisun Marsh in California, which is a prime waterfowl habitat and a key link for migrating fowl on the Pacific flyway. Beyond the immediate protection of water quality, the bill establishes a working relationship between the State and Federal agencies involved in the Sacramento-San Joaquin Delta's salinity problems, and therefore constitiutes a very constructive first step toward the beneficial balancing of interests in that critical area.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BREAUX. Mr. Speaker, we are very pleased that the gentleman was able to appear and bring this matter to the attention of the committee. Hopefully, this legislation will correct a probem that affects the entire State of Caifornia.

● Mr. ASHLEY Mr. Speaker, I rise in support of H.R. 4084, as amended by the Senate.

H.R. 4084 passed the House on December 10, 1979. As it passed the House, the bill would authorize the Secretary of the Interior to enter into a cooperative agreement with the State of California to provide for the mitigation of the adverse effects on the fish and wildlife resources of the Suisun Marsh caused by the water diversion of the Federal Central Valley project

There would be authorized to be appropriated to the Secretary of the Interior $2.5 million for fiscal year 1981 to cover the Federal share—50 percent—of the costs of the mitigation facilities now under construction.

Mr. Speaker, the bill will greatly assist in a joint effort to restore the wildlife habitat of Suisun Marsh and I fully support the passage of H.R. 4084, with the

Senate amendments thereto, all of which are technical in nature.●

● Mr. MURPHY of New York. Mr. Speaker, I rise in support of H.R. 4084, with the Senate amendments thereto. H.R. 4084 would require the Secretary of the Interior to enter into a cooperative agreement with the State of California to mitigate the adverse impacts of the Bureau of Reclamation's Central Valley project on the Suisun Marsh. The cooperative agreement would require the Secretary to reimburse the State of California for half of the cost of mitigation facilities now under construction by the State. These mitigation facilities, estimated to cost $5 million, are intended to lessen the impact of reduced fresh water flows and increased salinity levels in the Marsh that have been caused by State and Federal water diversions.

The Suisun Marsh is an extremely valuable fish and wildlife area. Reclamation and land utilization for intensive agriculture and urbanization have reduced California's wetland habitat from over 5 million acres to less than 500,000 acres. The Suisun Marsh represents fully 10 percent of the remaining acreage. The Marsh provides habitat for a wide variety of birds, mammals, and fish, including upwards of 1 million waterfowl during the winter months. The Marsh is unusual in that it is located adjacent to the San Francisco metropolitan area. All too often the Federal Government has concentrated its wildlife conservation activities away from the major urban centers of the country. We have an opportunity here to preserve an area that is not only ecologically significant, but is also readily available to the cross-section of people that live in the San Francisco metropolitan area.

Mr. Speaker, H.R. 4084 passed the House on December 10, 1979. On October 1, 1980, the Senate passed the bill with amendments, which were strictly technical in nature.

I urge the House to concur in the Senate amendments to the bill.●

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE HONORABLE PETER H. KOSTMAYER

The SPEAKER pro tempore laid before the House the following communication from the Honorable Peter H. Kostmayer:

Hon. Thomas P. O'Neill, Jr.,
Speaker of the House,
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: On November 5, 1980, I was served with a witness slip and subpoena from the Court of Common Pleas for Bucks County, Commonwealth of Pennsylvania. The subpoena was issued upon application of the District Attorney for my tesimony in a case pending in that court.

In accordance with the provisions of House Resolution 722, adopted on September 17, 1980, this is to notify you of the receipt of the subpoena.

Sincerely,

Peter H. Kostmayer,
Member of Congress.

LEGAL SERVICES CORPORATION SHOULD BE RE-FUNDED

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, there is currently some controversy as to whether or not the Congress should provide funding next year for the Legal Services Corporation.

I have in my hand an editorial from the Los Angeles Times of Tuesday, October 14, 1980, pointing out how attorneys working for a Legal Services group which was funded by Legal Services Corporation helped 30 low-income southern California families retain their homes which otherwise would have been taken from them by fraud. The editorial from the Times is very illustrative of the fine work done by Legal Services Corporation and the agencies which it supports, and I set it forth for the benefit of my colleagues.

[From the Los Angeles Times, Oct. 14, 1980]

Stamping Out a Scam

That more than 30 low-income Southern California families who lost their homes in a fraud scheme will get their property back should serve as a warning to the unscrupulous people who prey on the poor or poorly educated that their victims are no longer defenseless. There are lawyers who care and will work long hours to undo the frauds that these con artists perpetrate, and there are now laws to curb such double-dealing.

As Times staff writer Henry Weinstein found last year, more than 1,000 Southern California residents unwittingly signed over their homes to so-called foreclosure counselors. The homeowners thought they were receiving financial help to escape foreclosure; instead, they were pushed even further into trouble.

Earlier this year, several bills went into effect aimed at preventing such bad deals. In summary, these measures tighten up practices at foreclosure sales, including a requirement of wider notification before such sales are held; make it illegal for a person dealing in foreclosures to take "unconscionable advantage" of a homeowner; require clear notice in mortgage default notices that a person could lose his home if he does nothing to pay the money he owes; and allows an "unconscionable contract" to be voided by a consumer. These bills will only be as good as their enforcement, which ought to be vigorous.

Even with the new laws on the books, more remains to be done. The federal Department of Housing and Urban Development has been remiss in making sure that people with federally insured loans know their rights. The financial community needs to look more closely at any transactions it handles involving foreclosed properties sold at absurdly low prices. The Legislature should reject attempts to cut financial support for the attorney general's consumer fraud unit, just as Congress should be wary of eroding the Legal Services Corp. budget that finances local Legal Aid attorneys, such as those who initially called attention to the foreclosure scam in Los Angeles.

The new laws didn't help people like Dorothy and Irving Hunt, who lost their home in January, 1978. But fortunately they had the help of lawyers through Public Counsel, the public-interest arm of the Los Angeles County and Beverly Hills bar associations. Dozens of lawyers, including those from Legal Aid, eventually got involved as knowledge of the problem spread. Ultimately, 17 or 20 lawyers were involved for weeks in hammering out the settlement announced late last week. The legal profession is honored by the diligence of those who helped people who could not help themselves.

UNITED STATES SHOULD ABSTAIN FROM VOTE TO SEAT KHMER ROUGE GOVERNMENT IN UNITED NATIONS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUNGREN. Mr. Speaker, when I was home prior to the election time I saw one of my constituents and friends, Scotty Deeds, who happens to be the father of one of two American boatsmen discovered to have been tortured and murdered by the Pol Pot regime in 1978. When this gentleman wrote to the State Department to protest the U.S. vote at the United Nations to seat this very same regime all he received back was a limp reply which I am placing in the Record which says little more than "We have to do it to thwart the Vietnamese."

I will be the first to insist on the illegitimacy of the Vietnamese-imposed government in Cambodia, but by what strange logic does it follow that Pol Pot and his minions are legitimate representatives of the Cambodian people?

Having so brutalized his own people, destroyed most every vestige of culture and modernity in Cambodia—Pol Pot has engendered nothing but fear and contempt in the hearts of Cambodians. To add to the absurdity, the Khmer Rouge do not even control a substantial portion of the Cambodian land mass.

The only reasonable course for the United States to pursue in this matter is to wash our hands of the whole dirty business by abstaining from the vote at the U.N. This is the only thing we can do to honor those people of Cambodia.

Department of State
Washington, D.C., October 31, 1980.

Prof. Cameron S. Deeds,
California State University,
Department of Physical Education,
Los Angeles, Calif.

Dear Professor Deeds: Thank you for your correspondence to President Carter concerning the U.S. position on Kampuchean representation at the United Nations General Assembly.

We condemn and abhor the human rights abuses of the Pol Pot regime and would never favor its return to power. Our position on the question of UN creditation in no way implies any support or recognition for that regime. However, replacing the Democratic Kampuchea (Pol Pot) delegation with the Heng Samrin representatives would indicate international acceptance of a government imposed and maintained by foreign aggression in violation of the U.N. Charter—and thus reduce hopes for the withdrawal of the Vietnamese troops and self-determination for the Khmer people.

The other frequently cited alternative would be to vote to keep the seat empty. We believe that choosing this option would imply wavering on the part of those who had gone on record against the illegal Vietnamese occupation. Both the opponents and defenders of Vietnamese military aggression in Kampuchea have viewed adoption of the "empty seat formula" as a step toward legitimization of the regime the Vietnamese imposed. In addition, we are reluctant to establish the precedent of an empty seat in the United Nations—a measure which could be used in the future against other countries' credentials for hostile political purposes.

The United States has actively sought a permanent settlement which satisfies the aspirations of the people of Kampuchea as well as the interests of all countries in the region. Our position is based on extensive consultations with the Association of South East Asian Nations (ASEAN) and other friendly countries in Asia, and is consistent with our common desire to bring about an end to foreign intervention in Kampuchea and the emergence of a genuinely independent, neutral and humane government there. We will continue to work for such a solution.

Sincerely,

William J. Dyess,
Assistant Secretary of State for Public Affairs.

VOYAGER SHOWS SPACE IS OUR FUTURE

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, the universal awe which greeted the beautiful and dramatic photos sent back to Earth from Voyager I as it approached and passed Saturn is evidence that mankind has not lost its interest in space exploration but is, indeed, still looking to the stars and the heavens beyond for new challenges and greater insights.

Explorations of the universe we inhabit have always been a driving force in our basic makeup. Instinctively, mankind has always known that opportunity expands both through greater knowledge gained in crossing new frontiers and through the very spirit of challenge which induces us to cross the frontiers.

This House, as well as the Senate and all others involved in shaping our space program, deserve recognition and praise for the courage and foresight demonstrated in earlier times when the challenges of space were unflinchingly faced and ultimately overcome.

As we now await our next great space adventure, the manned space shuttle, it is heartening to know the broad appreciation our efforts in space have evoked from a number of sources.

As an outstanding example of the type of support our space program enjoys, I am inserting the following editorial from the November 17 edition of the Wall Street Journal into the Congressional Record and commend it to each of you as a sound argument for continued affirmative support for a vigorous and farsighted program of space exploration:

Saturn and Beyond

Not since Neil Armstrong alighted on the surface of the moon have television audiences world-wide marveled at such remarkable images as those sent back from Saturn by the Voyager spacecraft. These visions arouse certainly man's cosmic consciousness, but they also give rise to more mundane considerations. Is it all worth the cost?

The Voyager probes, which by 1989 will have surveyed Jupiter, Saturn, Uranus and Neptune, took advantage of a unique opportunity. It was the first time since the development of space technology that the outer planets of our solar system were in proper alignment for a spacecraft to travel such distances. Another probe of Uranus and Neptune probably cannot be attempted for 175 years, when the planets again will be in alignment. The $460 million cost of the project would thus appear well spent. But what of future spending plans?

America's space program is in the midst of an extensive retrenchment. A host of major proposals have already been abandoned. Our biggest ongoing project, the Space Shuttle, which will permit repeated flights into space, has been delayed by technical and financial difficulties. Over the next decade, the U.S. space agency would like to launch new probes to Jupiter, Saturn and Mars, but they would cost more than $2 billion.

The space program has not been the victim of a fundamental decline in U.S. wealth. Rather, it has fallen prey to a political establishment with other priorities. In theory those priorities, in essence putting the daily needs of the poor and elderly ahead of a reach for the stars, had much to recommend them. But an argument now can be made that they were pushed too far, destroying the incentives of people who were neither weak or elderly.

The space program's inspiring vision of the future and of man's infinite capabilities yields sustenance to the soul, whereas unnecessary dependence on government handouts shrinks self-esteem and self-confidence. That should be weighed in the balance in making the budget choices that will be necessary after a decade of fiscal irresponsibility. The space program still deserves a high priority for the future, particularly in light of its relatively modest cost and potential yields.

We do not yet know what the Voyager probe will return in basic knowledge of the universe, only that the scientists are excited by what they are learning. We do know that the space effort of the past is already returning many practical results, in international communications, micro-circuitry and computer capabilities, for example.

It is the linkage of the bits and pieces of munications, micro-circuitry and computer past scientific discoveries which now affords us the benefits of our modern, technological world. For that we are all indebted to the labors of ages past. As Voyager probes the outer reaches of our solar system, man expands the boundaries of knowledge. For that future generations will be forever indebted to us.

☐ 1810

A TRIBUTE TO THE HONORABLE JOHN W. WYDLER ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Horton) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, as we move toward final adjournment of this 96th Congress, it is appropriate that we pause and salute those colleagues who for one reason or another will not return for service in the next Congress. I have requested this special order today to pay tribute to my friend John Wydler, who is voluntarily leaving the Congress after giving 18 years of very dedicated and productive service to his constituents in New York's Fifth Congressional District. While his constituents were the most immediate beneficiaries of his service, it can also be said that John Wydler worked hard for his State, for his region, for his country, and indeed for the free world.

John no doubt caught many of his friends and congressional observers by surprise earlier this year when he announced his retirement. He is, after all, a ranking Member in the House, one who continues to enjoy wide popularity and respect not only among his constituents but also among his colleagues here in the Congress. He has been, and to this day continues to be, an aggressive and effective legislator.

John Wydler is leaving Congress during the very prime of his public life. He is ambitious enough to begin a new career and I want to take this time to wish him the very best in his new endeavors.

If his past is any indication, his new career will be a resounding success. After leaving Brown University to serve in the Air Force during World War II, John returned to college where he was named to Phi Beta Kappa and at the end of his junior year was accepted at Harvard Law School. After graduating from law school in 1950 and after winning admittance to the New York State Bar later that year, he entered the practice of law. From 1953 to 1959 he worked in the U.S. Attorney's Office where he prosecuted criminal cases for 3 years and handled civil cases for 3 years. He was appointed in 1959 to the New York State Investigation Commission. By 1962 John Wydler was ready to run for Congress; he has been running and winning ever since.

I have worked closely with John during those 18 years. We have served side by side as members of New York's State delegation and as members of the House Committee on Government Operations. I can tell you without hesitation that he is a tireless worker, and that he believes in and fights for an efficient and sensitive Federal Government. Whether he was fighting for general revenue sharing—which he did effectively just last week—or for nuclear energy or for a strong national defense or for increased efficiency in Federal agencies and departments, John Wydler has fought tenaciously and proudly. As cofounder of the Congressional Suburban Caucus in 1977, he has frequently led floor fights to assure that suburban areas of this Nation are treated fairly by the Federal Government. As ranking member of the House Science and Technology Committee, he has vigorously defended and promoted scientific endeavors and achievements.

Mr. Speaker, JOHN WYDLER has earned our respect, our admiration, and our gratitude for a job well done. I salute JOHN today and wish him, his lovely wife Brenda, and his children Chris, Kathy, and Elizabeth a lifetime of peace, happiness, and success.

Mr. Speaker, at this point I will yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I appreciate my friend, the gentleman from New York (Mr. HORTON) yielding and I thank him for taking this special order to pay tribute to our friend, JACK WYDLER.

Mr. Speaker, my dear friend and esteemed colleague, JACK WYDLER, will be retiring from Congress at the end of the 96th Congress and I am sure that others in this body feel the same regret that I do at losing his talent, intelligence, knowledge, and energy.

JACK WYDLER and I were first elected in the same year and have shared 18 years of experience on the Committee on Science and Technology and its predecessors.

During that time JACK WYDLER has been a tireless and dedicated worker who carefully balanced national goals and priorities while constantly serving as a vigorous watchdog of the public purse.

In our roles as chairman and ranking minority member of the Committee on Science and Technology, JACK WYDLER and I have developed a working rapport which transcends party lines and permits our committee to function efficiently and harmoniously.

The list of JACK's personal accomplishments in Congress is too comprehensive to catalog completely but his leadership role in helping develop a national energy policy, on our space program, and on industrial revitalization of the Nation will certainly rank among his major accomplishments over the years.

Not only will I miss the reassuring presence of JACK WYDLER in this Hall as a friend, but I will feel deeply the loss of his valued counsel as a colleague.

He has served with distinction in this House and has brought only honor and credit to the Fifth District of New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman from Florida (Mr. FUQUA). The gentleman from Florida (Mr. FUQUA) and I also came together to the 88th Congress. JACK WYDLER, DON FUQUA, and I have also served together on the Committee on Government Operations during these 18 years.

I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York (Mr. HORTON) for arranging his time this evening so that we are able to pay our respects to a great colleague.

Mr. Speaker, it is with sincere regret that I rise to note the impending retirement of my good friend and colleague, the gentleman from New York, Congressman JACK WYDLER.

Throughout his 18 years of service to his district, his State, and his Nation as a Member of the House of Representatives, Congressman WYDLER has played a key role in the creation and implementation of some of the most important and effective programs in our Nation today. In his capacity as the ranking minority member of the Committee on Science and Technology, JACK WYDLER has been a driving force behind much or our energy legislation and policy. As the ranking minority member of the Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations, he has performed an invaluable service for every one of our communities through his role in the development and continuation of the general revenue sharing program. Congressman WYDLER's contributions to the Government Operations Committee's oversight functions have made a critical difference in the degree of efficacy and efficiency with which the executive branch agencies function.

It has been my pleasure to work closely with Congressman WYDLER on a number of national issues of mutual concern and to work with him in his capacity as dean of our New York Republican delegation and as vice chairman of the New York bipartisan delegation. Our delegation, and our entire State have benefited greatly from the leadership, and dedication which Congressman WYDLER has consistently demonstrated throughout his service in Congress.

I join my colleagues in wishing Congressman WYDLER and his family sincere best wishes for success, health, and happiness in whatever new endeavors he may pursue.

The Fifth District of New York State, our New York congressional delegation, and the House of Representatives will miss the colleague and friend that we have had in Congressman JACK WYDLER.

Mr. HORTON. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN).

I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, New York is losing one of its best and most articulate Members at the end of this session with the retirement of JOHN WYDLER from the House, better known to his friends as JACK. More than that, however, we are all losing a good friend. Through the years, JACK has always proved himself to be good company, a sympathetic confidant, a worthwhile adversary at times, and a strong ally when help was needed.

I should note, Mr. Speaker, that we are losing JACK—and a great many others of quality—primarily because we have adopted rules which discriminate against persons of no great wealth, people who have families to house and feed and kids to educate. Through the years JACK built up a solid law practice which did not conflict at all with his congressional duties. Our rules forced him to choose between continuing in the House or assuring his family's financial security. There was no real choice for JACK, but the loss, frankly, is ours and the Nation's. I wonder just how many good people we must lose in this body before we do something to halt the leaving of such qualified Members.

But the reality is that JACK is retiring after this session and I feel his going is a grievous loss. When former President Ford was minority leader of this House, he recognized JACK's abilities quickly and asked him to serve as untitled floor leader, and he performed well for the minority leader and the party during that period. In recent years, he has been ranking minority member of the Science and Technology Committee and he has played a pivotal role in key legislative matters, particularly in terms of development of nonpetroleum energy sources. There is no question in my mind that the loss of his expertise in this field alone will be a tremendous loss for the country.

But for all of the knowledge that departs the House with the leaving of JOHN WYDLER, my sense of loss will be personal. JACK and Brenda Wydler are good people and they have provided my wife and me with many enjoyable moments that will be remembered for the rest of our lives.

JACK and I have idled away many an evening in good natured disagreement on issues, people, and causes, but I have yet to ever hear him say a mean-spirited thing about those who disagreed with him. He has a dry and wry sense of humor that protects him from the virus called self-importance that infects some of us now and then, and he has an unerring sense of logic that stimulates the rest of us to work harder in refining our concepts. Whether I and some others in this body have ever refined those concepts well enough to please my friend JACK remains in some doubt to this day, I might add.

But if JACK and I have failed after 18 years of service together to convince each other of our own undeniable wisdom, there is no question that January's beginning of the new Congress will be less stimulating, if for no other reason than the simple fact JACK will not be with us. JACK almost certainly would call this kind of thinking rash sentimentality with no solid foundation in logic. I, of course, would agree as to the sentimentality though it is hardly rash, and would strongly disagree with his conclusions as to the foundation of the sentiment. We may have to discuss this at length before the end of the session. JACK, good health and happiness to you and yours.

Mr. HORTON. Mr. Speaker, I thank the gentleman from New York (Mr. ADDABBO).

Mr. Speaker, I yield to the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Speaker, I want to join with the many friends of Representative JACK WYDLER in expressing both my very best wishes for his continued success and happiness as well as my personal regret at his decision to leave the House of Representatives. It has been my distinct pleasure to serve with Representative WYDLER on the House Science and Technology Committee during the past 6 years. Despite our party differences I can honestly say that there are few Members of this body for whom I have greater respect or affection. Representative WYDLER has been more than generous in sharing his experience and his advice with those of us who were new to Congress and to the committee. He has consistently put the good of this Nation ahead of personal or political benefit. His leadership in the development of a sound energy policy to steer America through the difficult years ahead will remain as a monument to his foresight, judgment, and efforts in the House of Representatives. Although our service together will come to end with the adjournment of the 96th Congress, I look forward to his continued friendship and advice for many Congresses to come.

Mr. HORTON. Mr. Speaker, I thank the gentlewoman from Tennessee.

I yield to the gentleman from New York (Mr. Green).

Mr. GREEN. Mr. Speaker, I want to thank the gentleman in the well, my colleague, the gentleman from New York, for taking this special order so we may pay a well deserved tribute to our colleague, the gentleman from New York (Mr. Wydler).

Our colleague, Jack Wydler, a fellow New York Republican, is retiring after 18 years of truly distinguished service in the Congress. Jack has represented the citizens of the Fifth District in New York since 1962.

Jack has played a key role in Congress during these 18 years. Currently he is ranking minority member on the Committee on Science and Technology. In addition, Jack is ranking minority member of the Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations.

Jack's work has been outstanding on both of these committees. On the Science and Technology Committee he has worked diligently to develop a national energy policy. Among other things, his work on the Government Operations Committee has been critical to the success of general revenue sharing.

In recognition of this outstanding work, he was sent to Congress on nine occasions by the voters of his district. On each of these occasions he has received convincing electoral majorities.

When describing the talents of a congressional colleague it is easy to go overboard; perhaps say more than is deserved. With Jack this is impossible. He has been an important part of Congress for almost two decades. As a friend, I will miss him. As a congressional colleague, he will be hard to replace.

Mr. HORTON. I thank the gentleman from New York (Mr. Green).

Mr. Speaker, I yield to my colleague from the 35th District of New York (Mr. Conable).

Mr. CONABLE. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's leadership in giving us a chance to express our thoughts on the retirement of Jack Wydler.

Jack is a good guy. He is a direct guy. He is an honest guy. He says what he thinks. He has been a pleasure to work with. He is strength. He is discipline. He is thoughfulness. He is all the things that Congressmen ought to be.

I salute him on the occasion of his retirement because his service has made a difference. It has made a difference to his colleagues, too, who have enjoyed working with him and I wish him the happiest possible retirement. I know he is going to be a very busy, active man, whatever he does. But he has left many friends behind him here. I hope he will come back and visit them often, because association with Jack will continue to be a pleasure in the future as it has been in the past.

Mr. HORTON. Mr. Speaker, I thank the gentleman from New York (Mr. Conable).

I yield to the gentleman from New York (Mr. Carney).

Mr. CARNEY. I thank the gentleman for yielding. I commend the gentleman in the well, Mr. Horton, for taking this time to salute Jack Wydler.

As a freshman Member of the delegation from New York, we have all heard stories of how hard it is to enter into this august body and find our way around. I was privileged to have someone like Jack Wydler lend to me the guidance of his 18 years experience here. I know what that has meant to me personally as a representative of Long Island, from New York State, and, of course, as a Representative in this body.

I can appreciate just how much he has done for our Nation, our State, and our area of Long Island. I can say I will sorely miss Jack. I wish him and his lovely wife, Brenda, the best in their retirement. I am sure he is not going to retire as we know retirement to be. He will pursue an active life.

I wish him the best. I would hope, as our colleague just stated, that he will be here present on the Hill in years to come to lend that same advice as he has not only to me, but to everyone from New York and in this Congress.

Mr. HORTON. Mr. Speaker, I thank the gentleman for his remarks.

I yield to the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from New York yielding.

Mr. Speaker, I am honored to have this chance to speak in behalf of a gentleman who has distinguished himself for many years as a topnotch legislator and Representative for the people of the Fifth District of New York. Although I am certain we all wish John Wydler well in his future pursuits, I must say his absence will be strongly felt in these Chambers.

I have personally found a good friend and colleague in Jack, and I have often turned to him for professional expertise. He has contributed much to the legislative progress achieved by the House since his election in 1962, often with his hard-fought battles both on the floor and in his committee assignments.

Although we agree on many issues, Jack and I have not always been on the same side of the legislative fence. Whether we were proponents or opponents, he always represented his position fairly, and I have had great respect for his tenacity when fighting for something in which he strongly believed. That was certainly evidenced last week in his tireless efforts for State revenue sharing.

Jack's name is almost synonymous with revenue sharing; certainly he has added much to that program and fought hard for its preservation. Likewise, his contributions to energy legislation has left its mark. His nuclear energy expertise will especially be missed as we move forward with decisions on the future of this energy source.

John Wydler's appearance in Congress preceded my own by 4 years, and I feel especially privileged to have had the opportunity of serving alongside this skillful statesman for my entire congressional career. I will miss his presence, but am certain that the legacies he leaves behind will be with us for many years to come and will continue to be a marked contribution to this Nation. I wish him well as he leaves us.

Thank you.

Mr. HORTON. Mr. Speaker, I thank the gentleman from Mississippi for his remarks.

I yield to the gentleman from New York (Mr. Lent).

Mr. LENT. Mr. Speaker, I thank the gentleman from New York and commend him for setting aside this time this evening for Jack Wydler's colleagues to pay tribute to him.

Mr. Speaker, it is a privilege and an honor to join in this tribute to our good friend and Long Island colleague, Jack Wydler. I was shocked and saddened when Jack announced his intention to retire earlier this year. It is seldom that a member of the minority party in the House of Representatives exerts the influence and leadership which Jack Wydler has given us.

He has won the respect of the entire House of Representatives for his truly remarkable ability to develop support for his legislative goals. Just this past week, we were given a demonstration of Jack Wydler's leadership and legislative abilities, when he played a major role in getting House approval of the extension of the general revenue-sharing program despite attempts to cripple or reduce this most valuable program.

By using his comprehensive knowledge of House rules and parliamentary procedures, Jack helped insure that the revenue-sharing extension would be passed—unscathed—by the House of Representatives.

Jack has also been tremendously effective as the cochairman of the Suburban Caucus in mobilizing the representatives of suburban areas into an effective bipartisan force to insure fair treatment for suburban areas at the hands of the Congress. No one has been more diligent in this effort than Jack Wydler.

His legislative leadership has also been of major importance in this position as ranking Republican on the House Committee on Science and Technology. His has been a major influence in helping to keep our great Nation in the forefront of scientific achievement and advancement.

But in all of these legislative activities, Jack Wydler has not neglected the needs of his constituents in the "Fabulous Fifth" District of New York. We who have worked with Jack in the Long Island congressional delegation well know his constant efforts on behalf of the "fabulous Fifth." We have respected and admired his untiring efforts for his constituents.

It is an indication of the effectiveness of his legislative and constituent activities that Jack Wydler has been a top vote-getter in Nassau County in each of the nine successful contests he has waged for congressional office.

We know that had he chosen to become a candidate for a tenth term, there would have been no contest. Jack Wydler would have won going away. He has had a truly outstanding career in the U.S. Congress.

There is no doubt, Mr. Speaker, that our Nation will sorely miss Jack Wydler and his total dedication to the betterment of our great country. There is no doubt that his constituents will miss his careful attention to their needs.

But for us who know Jack Wydler as a friend, Mr. Speaker, the sense of loss will be greater. For we shall miss his skillful leadership, and his cheerful, capable presence in this Chamber and in the committee rooms. We hope he will return frequently to visit his friends here.

I know that you join me in wishing Jack Wydler, his lovely wife Brenda and their three fine children the very best that life has to offer in the coming years.

□ 1820

Mr. HORTON. I thank the gentleman and I now yield to the gentleman from Kansas (Mr. Winn).

Mr. WINN. Mr. Speaker, it gives me a great deal of pleasure to stand in this well today and pay tribute to an outstanding leader and a fine gentleman, Jack Wydler. I have had the pleasure of working with Jack on the Science and Technology Committee for the past 14 years. During that time, the committee has evolved from a jurisdiction covering the space program to one that encompasses all civil research and development. And throughout that evolution, Jack has played a key leadership role. He has displayed a great deal of wisdom in recognizing, many years ago, the importance of technological development to the well-being of this Nation. He has been an outspoken advocate in all areas of science including space, energy, and environment. However, he has always tempered that advocacy role with reason and logic. When it was apparent that problems existed, he was always the first to offer constructive criticism.

In my opinion, though, his greatest accomplishment has been in the field of energy. The leadership that he has provided in keeping alive the concept of increasing energy supply is equalled by none. For this reason, the Nation owes him a debt of gratitude.

But his leadership is far deeper than just being an outspoken advocate. His style of working with his colleagues has brought an additional dimension to his leadership, a dimension that encourages and motivates the involvement of others.

As a consequence, I extend my congratulations to Jack for an outstanding career in the Congress. I also want to extend my best wishes to him in whatever endeavor he pursues.

Mr. HORTON. Mr. Speaker, I now yield to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. Mr. Speaker, I am extremely pleased to participate today in this tribute to our friend and colleague, Jack Wydler.

As one who has shared assignments on the Government Operations Committee and the Science and Technology Committee, I can certainly attest to the vast wealth of knowledge and wisdom which Jack has brought to bear on legislation within the jurisdiction of our common committees. His hard work and dedication have truly been inspirations to me. And, I would like to take this opportunity to express my deep personal appreciation to Jack for his leadership and his guidance.

Working with Jack in our committees as well as on the floor of this House has been a real privilege for me. Moreover, it has been a real pleasure. Jack possesses an uncanny combination of skill and wit which have brightened up many a tense and seemingly irresolvable situation.

It is with the utmost respect and a deep sense of loss that I join with my colleagues here today to pay tribute to Jack on the occasion of his retirement from this body. We will certainly miss you, Jack, and I extend my best wishes to you and your family for many healthy and happy years to come.

Mr. HORTON. I thank the gentleman, and I yield to the gentleman from California (Mr. Royer).

Mr. ROYER. Mr. Speaker, I rise to join the army of friends who have been and will be singing the praises of Jack Wydler today. His service as the ranking minority member of the Committee of Science and Technology was a special meaning to me, as a new, minority member of that committee. Jack gave me insights into the committee hearing processes that I could not have otherwise gotten. His ability to cut through testimony offered by witnesses at a hearing and extract from them, as unwilling as they may be, hard answers to his questions of substance left me in awe. In this day and age of flowery bureaucratese, his pragmatic, no nonsense, plain English approach to any matter which came before the committee was not only refreshing but served many times as the vehicle for illumination and understanding of the complex problems for the committee.

I would be mistaken if I did not pause here in my remarks concerning Jack and his many invaluable services to the Science and Technology Committee to restate my tremendous admiration and support for Jack for his successful amendment to the general revenue-sharing measure which we just passed last week. It is my firm conviction that his leadership and courage in drafting and persuasively arguing to a successful conclusion this amendment has the portent of staving off fiscal disorganization and perhaps even bankruptcy for our State, county, and local communities which are so dependent on revenue sharing for their continued provision of necessary public services. As a member of the San Mateo County California Board of Supervisors for two terms I can bear personal witness to the value of general revenue-sharing funds to State and local entities. Every State and local elected official in this land owes a debt of gratitude to Jack Wydler for his fortitude in this matter.

In conclusion I would merely state that I consider it an honor and a privilege to have served with Jack. I certainly will not soon forget his many contributions to Congress in general and to my own personal life specifically. It is then, with a great deal of pride, that I join with my colleagues in honoring Jack during this special order and I would associate myself with the remarks of those colleagues who have gone before and who will go after me at this time.

□ 1830

Mr. HORTON. I thank the gentleman.

I yield to the gentleman from New Hampshire (Mr. Cleveland), who came to the 88th Congress with Jack Wydler and myself and who also has announced his intention to retire. I take this occasion to say to the gentleman from New Hampshire (Mr. Cleveland) that I have enjoyed our association together and consider him one of the stalwarts on the Hill. I am sorry to see him leave.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman for yielding.

I thank the gentleman for having obtained this special order so that some of us who have known Jack Wydler specially well, can place in the Congressional Record a few brief words of praise, a few words of special remembrance for Jack and his family.

As the gentleman in the well, the distinguished Member from New York, Frank Horton, knows, we—and I say we, the gentleman in the well, Jack Wydler, myself and others, came to Congress 18 years ago, and we have enjoyed a particularly warm and friendly relationship.

In regards to Jack Wydler, I have had the pleasure and privilege of not only knowing him professionally as a Congressman, but I have known his family. His son Chris attends Dartmouth College, which is in my district in New Hampshire, and his charming wife Brenda and his two lovely daughters, Kathy and Elizabeth, have visited my wife and myself in New Hampshire. So this is a very personal message that I would like to leave in the Record.

As the gentleman knows, I have been serving on the House Administration Committee. As the gentleman in the well also knows, the members of the minority party, the Republican Party, from time to time, have had some difficulty in obtaining the staff that we felt was necessary to represent the Republican point of view on some of the major committees and issues. One of the points I would like to make for the record, and it is a point in Jack's favor, is that when he bacame the ranking minority member of the Committee on Science and Technology, he led the battle for fair staffing for the minority. With the help of myself and other Members on both sides of the aisle the House Administration Committee recognized the merits of his position.

As a result, Congressman JACK WYDLER put into position on the Committee on Science and Technology one of the finest minority staffs that we have had here on the Hill. Much of his outstanding work in regards to atomic energy and nuclear research, which probably will be his great monument as he leaves the House, and it will be an enduring monument, has been a result not only of his own energy and effectiveness as a debater and as a student of government, it will also be the result of that fine staff which he assembled.

Most of the other speakers tonight have touched on his many other outstanding accomplishments. It would be redundant for me to repeat that litany of praise.

To conclude my brief remarks, it has been a pleasure to have been associated with JACK WYDLER. It has been a pleasure to have known his family. He should take much satisfaction as he leaves Congress not only in his accomplishments here, but in knowing that he leaves at an age that will still give him future career possibilities, and excellent ones. It must also be of great pleasure to JACK that he will now have more time to spend at his home in Long Island and with his family.

I thank the gentleman again.

Mr. HORTON. I thank the gentleman for his heartfelt remarks on the retirement of our friend and colleague, JACK WYDLER.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from New York, who also happens to be a retiring Member and one for whom I have the highest regard. We will have a special order for him this Thursday, to pay honor and tribute to him for his service in the Congress. We are sorry to see him leave.

Mr. McEWEN. I thank the gentleman for that and for taking this special order to recognize our colleague, JACK WYDLER.

As our dean, the gentleman from New York (Mr. HORTON), has already said, JACK is leaving, as the gentleman before me, the gentleman from New Hampshire (Mr. CLEVELAND). after 18 years in this Congress.

One of the great joys that I have had over the past 16 years, as I watched my seniors by one Congress, the gentleman from New York (Mr. HORTON), the gentleman from New Hampshire (Mr. CLEVELAND), the gentleman from New York (Mr. WYDLER), and others, is the way they developed in their roles as legislators and the leadership they have taken in various fields.

I say to the gentleman from New York, the dean of our delegation, with JACK in the field of revenue sharing, which I think is one of the great innovations of the years I have been in Congress of a new approach to the Federal and State and local relationships and the work that JACK WYDLER has done in the areas of his committee responsibility in the field of science, no one has been a greater advocate of meeting the needs of America's energy through research and development, through the technology that America has always had and can further produce to meet our needs. So much has already been said on that.

Let me just say that one of the great pleasures I have had in some recent years now has been to share a supper table many, many evenings here in Washington with the gentleman who just spoke from New Hampshire (Mr. CLEVELAND), and with JACK WYDLER and others where we had an opportunity, away from this floor, away from on the record, just share our views and our concerns; and I think how much so many of us have benefited from this type of exchange, not just here in the Halls of Congress, but as we meet informally and in a more relaxed atmosphere.

So as I leave here, as the gentleman from New Hampshire and the gentleman we honor, Mr. WYDLER, I am going to take some very cherished memories I would say to the gentleman in the well of those occasions.

I look forward to seeing JACK WYDLER go on. He is at a good age to go on into other areas. I am sure the intellect and ability that he has will come to bear on whatever he undertakes. And so to JACK and to his lovely wife, Brenda, and his son Chris, and daughters, I wish the very best and again, I thank the gentleman for affording this opportunity of saying these words about him.

● Mr. RHODES. Mr. Speaker, it is with a considerable sense of sorrow and regret that I join with my colleagues in this special order marking the occasion of the retirement of my good friend from Long Island, Congressman JOHN WYDLER.

When he first entered the House in 1963, JACK was appointed to what then was known as the Committee on Science and Astronautics. In the 18 intervening years, he has risen to become the ranking minority member of what we now know as the Committee on Science and Technology. In the course of that period of nearly two decades, he also has come to be known as one of the Nation's leading experts on space and energy related research and technology.

In times that have seen the mass popularity of America's space program dwindle, and the future of energy from nuclear power become unclear, JACK WYDLER has provided this Congress, and the Nation, with the long-range perspective we must have to fully understand the extent of the problems before us, and the work necessary to resolve them. JACK has continued to emphasize the need for more research in these areas, and to point out the many unforeseen side benefits that have come from many aspects of the space research and exploration programs.

During his years of service here, JACK WYDLER has come to be known as a Congressman's Congressman. He is a Member to whom others turn for advice and counsel. As the ranking member of his committee, JACK has been an integral and valued part of the Republican leadership team.

I join my colleagues, on both sides of the aisle, in wishing JACK the best in his future endeavors. But, I know that when the 97th Congress convenes in January, he will be sorely missed.●

● Mr. COUGHLIN. Mr. Speaker, it is a pleasure to have this opportunity to acknowledge the retirement of a colleague, the Honorable JOHN W. WYDLER, from the House of Representatives. After 18 years of distinguished service to New York's Fifth Congressional District and the Nation, JACK's presence in the House will be missed by all those who have had the honor of serving with him.

A well-respected Member of the House, JACK has had a firm devotion to the responsibilities of his office. In assessing JACK's significant contributions to the House, I want to point out his record of broad accomplishment in varied fields such as energy, and in particular nuclear energy, and revenue sharing. His outstanding integrity and skill as a legislator while serving on the Government Operations and Science and Technology Committees was admired and appreciated both by Democrats and by Republicans.

Although JACK and I have sometimes clashed over programs and principles, it was always with the tolerance and understanding that recognized the other's beliefs. JACK was a firm leader who never hesitated to fight for a cause in which he believed. His dedication to the principles in which he believes, and to his constituents welfare, provides a shining example to all Members of the House. I will always appreciate JACK's willingness to share his wisdom and guidance over the years I have known him.●

● Mr. DINGELL. Mr. Speaker, I wish to join with my colleagues in honoring my good friend and colleague, JOHN WYDLER, on his pending retirement from the House of Representatives. He has been an active Member of this body who has distinguished himself with an impressive list of accomplishments.

JOHN has earned great respect from his colleagues, particularly as ranking minority member of the Committee on Science and Technology and as ranking minority member of the Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations.

JOHN also is one of my hard-working colleagues on the Congressional Board of the Office of Technology Assessment where his active participation and contributions to that body have indeed been a tremendous asset.

In the area of energy policy, JOHN WYDLER has been particularly supportive of legislative efforts to formulate responsible legislation. Even though JOHN serves on the other side of the aisle, he has been most cooperative in my efforts as chairman of the Energy and Power Subcommittee.

Indeed, JOHN has gained much respect and numerous friends during his most outstanding career in the House of Representatives. Both Democrats and Republicans alike will miss JOHN for he has set a prime example of honesty, integrity and constructive participation in the legislative process.●

● Mr. CORRADA. Mr. Speaker, our departing colleague, JACK WYDLER, leaves the House of Representatives with a record of distinction and honor.

Congressman WYDLER's departure from this body caps a distinguished career in the Congress of the United States, and his expertise and leadership on such matters as continuation of the general revenue sharing will leave a void in this legislative body.

JACK WYDLER's service on the Science and Technology Committee and his work on the Government Operations Committee was always borne with good grace, and with the intelligence and insight necessary to handle the many complex matters before these two committees.

In a time of crisis as far as energy is concerned, JACK WYDLER mastered the intricacies of a field that is in the forefront of those we must grapple with in the coming decade.

In a year when continuation of the general revenue-sharing concept was in question, JACK WYDLER performed ably and I believe it fair to say the House vote last week to continue this program was in strong measure due to his legislative capabilities and leadership.

As he leaves this Congress, I would like to join everyone in wishing him well in his future endeavors and the service he has given the people of his congressional district and our Nation during the past 18 years.●

● Mr. ANDREWS of North Dakota. Mr. Speaker, I am proud to rise to join in these much deserved tributes to our great friend and colleague, JACK WYDLER.

JACK and I came to the House in the same year, 1963, though he was elected in the regular November election of 1962, while I came in October of 1963 as the result of a special election. We have been good friends ever since, and I am honored to have served with him.

As a key member of the Science and Technology Committee, the rest of us have gotten accustomed to looking for his advice and leadership in the vitally important area of energy legislation. It is thanks to leaders like JACK WYDLER that we have begun to make some sense out of this complicated and highly important problem. We hope we can continue to count on him for his great counsel in the years ahead.

Mr. Speaker, our departing colleague is also leaving the House as the ranking minority member of the Government Operations Subcommittee on Intergovernmental Relations and Human Resources, where he not only supplied keen insight into the committee's oversight responsibilities, but of even greater national note, was a strong force in the development and maintenance of the revenue sharing program.

It is Members like our colleague from New York, JACK WYDLER, whom this body, his district, and the whole Nation will greatly miss in the years ahead. We wish him well in the years ahead.●

● Mr. QUILLEN. Mr. Speaker, I would like to take this opportunity to congratulate Congressman JACK WYDLER on his many years of outstanding service in the House of Representatives.

The tremendous work he has done in serving his constituents and our Nation is a shining example for others to follow, and his efforts will long be remembered. His record of accomplishments shows a great deal of dedication and ability, as well as determination and personal integrity.

As ranking minority member on the Science and Technology Committee and the Subcommittee on Intergovernmental Relations and Human Resources of the the Committee on Government Operations, he has been very effective and made many important contributions to this country.

I know he will continue his high level of service as he retires from the Congress. We will all miss him, but I am sure the future holds many more wonderful things in store.

I am confident that all of my colleagues join with me in paying tribute to JACK WYDLER and extending to him our sincere best wishes for the years that lie ahead.●

● Mr. SENSENBRENNER. Mr. Speaker, JACK WYDLER's 18 years in Congress have been ones of excellence, he has had a truly distinguished career.

JACK has done an outstanding job as cochairman of the Suburban Caucus. He helped me considerably on the Fair Housing Act amendment. That amendment failed by 1 vote, but without his help it would not even been that close.

JACK has had a truly distinguished career in the Congress. He leaves us as the ranking minority member of the Committee on Science and Technology and as ranking minority member of the Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations. On the Science Committee, JACK has played a key role in the energy legislation and is considered one of the Congress' foremost experts on nuclear matters. He has also been a major force behind the general revenue program.

In his years in Congress JACK has made many friends and gained admirers from all sides of the political spectrum.●

● Mr. LEE. Mr. Speaker, colleagues, I am pleased to be provided this opportunity to join you in this special order for my friend and fellow New Yorker, JACK WYDLER.

Mr. WYDLER has represented both his constituents and all New Yorkers with prestige and dignity during his tenure in this House, and has been an ardent advocate of the Empire State's people and attributes. His distinguished service record in the area of energy legislation has been of significant help to America's most perplexing difficulty; and most recently, Mr. WYDLER's efforts to assure the passage of a revenue sharing bill leave virtually every community in America in his debt.

Mr. Speaker, I submit that the loss of Mr. WYDLER will be deeply felt in this Chamber, in the New York State congressional delegation and in all places where his public service has come to represent hard, diligent work that bears fruit.

My congratulations are extended to Mr. WYDLER today for the fine example he has provided for the new Members of this House during his years of service here. At the same time, I add the thanks of my constituents and all of JACK WYDLER's friends in the State of New York.●

● Mrs. SNOWE. Mr. Speaker, there are many here who have been here longer than I, and are better qualified to comment on the long, distinguished, exemplary career of our colleague, JACK WYDLER. So I will leave the history to them, and tell of the JACK WYDLER I have known for the past 2 years.

JACK is not the type to walk softly. In a House Chamber that often resembles a cabaret in that it is easy to find a song and dance, you can get a straight answer from JACK WYDLER. His candor and honesty have been a breath of fresh air in a House Chamber too often stifled with magniloquent, but meaningless banter.

JACK will be missed for many reasons: One of the more important being that he has been an excellent role model for younger Members. He always does his homework, is well prepared, and presents his case efficiently and effectively. The result being he gets results. We need look no further than his actions on this House floor last week, when at the 11th hour, he shepherded the Revenue Sharing Reauthorization Act through this House.

In a business where expediency is the constant temptation, JACK has stuck with, and fought for, principle. We cannot ask for much more from our elected representatives. He will be missed.

I congratulate him on 18 years of distinguished service, and wish him well in whatever lies ahead.●

○ Mr. MICHEL. Mr. Speaker, as this Congress winds down to its conclusion, we are faced with the traditional mixture of joy and sadness. We are glad that a new Congress will soon begin, with many new faces and new hopes and new energies, a sign to the Nation and the world that our Nation, as ever, has the capacity for renewal.

But at the same time we are sad because many of our colleagues will not be with us in the next Congress. One of the most respected congressional leaders who has declared his intention to retire is JACK WYDLER.

JACK has ably served the people of his district since 1962 and is nationally known and respected for the fine work he has done on the general revenue sharing program. As ranking member of the Committee on Science and Technology and as ranking minority member of the Subcommittee on Governmental Relations and Human Resources of the Committee on Government Operations he has played a key role in such matters as energy legislation and oversight responsibilities. He will be missed not only because of the dedication and ability he has brought to his duties but also because he is admired on both sides of the aisle as a man and as a Congressman.

My very best wishes go to JACK and his family as he prepares to leave the Congress.●

● Mr. YOUNG of Florida. Mr. Speaker, the gentleman from New York should be commended for setting aside this time to honor one of our most distinguished colleagues, the Honorable JACK WYDLER.

guished colleagues, the Honorable JACK

As we prepare to begin the 97th Congress, my thoughts return to January 1971, when I first took my seat in the House of Representatives, and I remember how much there was to learn in a short period of time. Fortunately, I had the privilege of meeting Jack Wydler early in my freshman term. Jack took time out of his busy schedule to help guide me through those early weeks of my first term, and I remain grateful that he took such a personal interest in my career.

Now, after 18 years of serving this country so well, Jack will not be on the floor when the 97th Congress convenes in January. He will not be there to provide guidance to those freshmen Members looking for help as I was 10 years ago.

Not only will Jack be missed for his leadership, his expertise in the field of energy legislation will also be missed at a time when the future of the Nation's energy supply is a major issue. As the ranking minority member on the Committee on Science and Technology, Jack has been involved with key energy legislation. Jack has also been a leader in the expanding general revenue sharing program which is so important to each of our districts.

In his 18 years of service to this body, Jack has handled each of his responsibilities admirably. But more importantly, he has gone out of his way to do those things that are not part of his official duties. We will miss Jack, but those who will miss him most will be the newly elected Members who never had the opportunity to learn from him.●

● Mr. BROOKS. Mr. Speaker, I want to join in this tribute to John Wydler, who has been such a worthy adversary for these many years on the Committee on Government Operations. It was John's misfortune to be in the minority during his years of service, but that did little to diminish his influence and his accomplishments.

Through his legislative and parliamentary skills, his sound political instincts and his persistence, he helped shape much of the legislation that emerged from our committee, and put his stamp on our reports and investigations.

John's performance was in the best tradition of the two-party system. I have enjoyed doing battle with him and I will miss him in the 97th Congress.●

● Mr. ROBINSON. Mr. Speaker, I rise to concur heartily in the expressions of respect and regard which have been addressed to our distinguished colleague from New York, John Wydler. He was well established in his fine career here—in his fifth term—when I came to the House, and I recall now his gracious extension of friendship and counsel to a new Member. It was my privilege to serve with him for a time on the Committee on Government Operations, to the work of which he has given such conscientious and effective attention over the years, particularly as ranking minority member of the Subcommittee on Intergovernmental Relations and Human Resources. Our colleague has had a particular concern for cooperation among the tiers of government, and he has been a consistent opponent of excessive centralization of governmental responsibility in the Federal establishment to the disadvantage of the States and localities.

As his active involvement in numerous community organizations has testified, the gentleman from New York never has succumbed to Potomac fever. His commitment to the needs of his constituency has charted the course of his service here. At the same time, our colleague has applied his inquiring mind and sound judgment to exciting and portentious policy issues in the area of governmental interaction with the community of science.

As ranking minority member of the Committee on Science and Technology, his role in recent years has been a major one in the formulation and oversight of major Federal programs intended to encourage research and development looking toward the preservation and enhancement of the quality of life on our planet.

While I am glad to salute the gentleman from New York today, and to wish him well in his future endeavors, and every health and happiness for the fine Wydler family, it is with regret that I join my colleagues in the realization that we will not have the benefit, in the 97th Congress, of the energy, the balanced counsel and the constructive legislative craftsmanship of our friend from Garden City, Long Island.●

● Mr. KEMP. Mr. Speaker, it is with a mixture of joy and sadness that I join my friend, Frank Horton, and other Members of this body in paying tribute to a truly fine servant of the people of New York State and America, John Wydler.

I am filled with happiness and gratitude for his faithful service and outstanding contributions to the extension of American freedom. I am saddened that we will no longer have the benefit of his leadership, counsel, and wisdom in our day-to-day deliberations and proceedings.

John Wydler's 18 years in the U.S. House of Representatives have indelibly marked the future of our Nation and its people, for the better.

While it would have been easier for him to have merely voted his conscience and to have provided services to his constituents, John Wydler has not only performed well in these matters, but has consistently made the extra effort that has made him an exceptional congressional leader.

In a period of our history when man's knowledge and technology are making unparalleled quantum leaps, John Wydler has provided superb leadership as the ranking minority member of the Committee on Science and Technology. He is, as some of my colleagues have noted, an exemplary expert on nuclear matters.

Like the faithful and loyal fighting man he was in World War II, he has faithfully been a major force in the Congress behind the implementation and continuation of the general revenue program, a program which I had the pleasure of helping him and others of us to initiate early in my own congressional career.

At a time when the Federal Government's ability to effectively function and deliver lawfully mandated services to the American people is increasingly suspect, John Wydler has provided skillful and pathfinding service in his role as a member of Government Operations.

While his daily presence will be missed, we will have his legacy and continuing counsel.

I wish him and his family the very best.

I speak for myself, personally, and for those I am privileged to represent, in saying, John, we owe you our lasting thanks for a job well done.●

● Mr. CORCORAN. Mr. Speaker, I feel a great sense of sadness knowing that our distinguished colleague from New York (Mr. Wydler) will not be with us when the House convenes on January 5 to begin the 97th Congress. When I first arrived here, I was privileged to be on the same subcommittee of the House Government Operations Committee on which Jack Wydler served as the ranking Republican member. In fact, my maiden speech on the House floor dealt with the countercyclical assistance issue which was reported by this subcommittee. Although Jack and I were on opposite sides of the matter, I grew to respect his judgment and legislative prowess. Since then I have worked with him on various other legislative issues, especially nuclear energy-related subjects.

Finally, just last week, Jack Wydler led the House in the successful effort to reauthorize the revenue sharing program with the States' share intact for the last 2 fiscal years. He is a fine and hard-working legislator not only on behalf of his constituents in New York, but for all the people of this country.

We are all going to miss Jack and I wish him and his family the best in the future. He is truly an outstanding Member of Congress.●

● Mr. VAN DEERLIN. Mr. Speaker, Jack Wydler and I came to Congress together in 1962—he as a new Republican Member, I as a Democrat. Next month we shall leave it together. These have been 18 trying and tumultuous years, with the political fortunes of our two major parties shifting as if on a pendulum through the malaise of Vietnam and the shock of Watergate—to say nothing of recent blows to the national economy.

Everything considered, the wonder is that we in Congress have maintained the warm feeling that we feel for one another, quite apart from the political throes of a given moment. I doubt that on most of this body's serious business Jack Wydler and I have voted together more than 5 percent of the time. And yet as we make our departure, I know I shall look back on our association in these stormy times with fondness and genuine respect for him.

All in all, the 88th Congress was quite a class.●

● Mr. BROWN of California. Mr. Speaker, I would like to take this opportunity to express my gratitude and admiration to my distinguished colleague JACK WYDLER upon this occasion honoring his retirement from Congress. I commend the fine service he has given to the Nation and Congress throughout his 18 years of untiring effort in the House of Representatives.

As ranking minority member of the Committee on Science and Technology, he has had a key role to play not only in advancing energy legislation, but also in legislation that promotes innovation and productivity in our Nation. He has held deep interest and firm belief in the reindustrialization of America and the invigoration of technological innovation. An example of this commitment came during the Committee on Science and Technology markup of the NSF authorization for fiscal year 1981. Upon a motion by JACK, the committee adopted a provision that requires NSF to provide funding for university-based innovation centers.

JACK was also a strong right arm in helping guide the "Stevenson-Wydler Technology Innovation Act of 1980" through Congress. As a token of deep appreciation for his key role in advancing this legislation, the Committee on Science and Technology included his name in the title. That bill has now become Public Law 96–480. This act paves the way towards cooperation in technological innovation between Government, industry, and academia.

JACK WYDLER has been an indispensable asset to the legislative activities of the Subcommittee on Science, Research and Technology and the Committee on Science and Technology. He has left a tremendous imprint on the national effort to promote U.S. technology.●

● Mr. FISH. Mr. Speaker, I join my colleagues in wishing JACK WYDLER the very best on his retirement from the Congress. JACK is a dear friend and an extremely able legislator. I will miss his contributions to our debates as we continue to shape the Nation's future.

JACK WYDLER had already been in Congress for 6 years when I was first elected in 1968. From the start, he was open, informative, and we quickly became good friends. As a fellow Member of the New York Delegation, JACK was very helpful in pointing out specific issues of interest to the State. Over his 18 years in Congress, JACK WYDLER continually responded to the needs of both his State and his constituency in compiling an enviable legislative record.

JACK and I have worked closely together on the Science and Technology Committee for 4 years. Under his steady leadership, the minority on the committee has initiated vital legislation and effected many efficient and fair compromises. I was always confident of our success with JACK as our guide.

I will sorely miss JACK's leadership, but not his friendship, as something of such great value transcends the halls of the Congress. I am sure that JACK WYDLER will be as successful in his private life as he was in the public eye. His skills and his personable nature will insure his prosperity throughout his life.●

● Mr. BINGHAM. Mr. Speaker, although a loyal, articulate, and vigorous member of the opposite party, JACK WYDLER never let partisan politics interfere with good personal relationships.

He was always cheerful and courteous to other Members and was a good traveling companion.

As vice chairman of the New York delegation, he presided fairly when needed, and he was a stalwart fighter for New York City, as well as for New York State.

My wife and I wish to JACK and Brenda great happiness in the future and satisfaction in whatever they undertake to do.●

● Mr. GOLDWATER. Mr. Speaker, I have known many Congressmen during my 12 years as a representative, but never have I known a public servant more dedicated than JOHN WYDLER. And so it is with great pleasure that I rise to pay tribute to my friend and committee colleague who is retiring at the end of this congressional session. His popularity at home and in this Chamber is a glowing tribute to JOHN's ability as an outstanding Congressman.

For 18 years, JOHN has represented his congressional district and served this Nation with fairness, honesty, and hard work. As ranking minority member of the Science and Technology Committee, he has become highly respected in the field of nuclear energy and nonproliferation policy. Having visited 20 countries over the past 3 years, JOHN has provided this Congress and our country with valuable guidance in the U.S. approach to nuclear nonproliferation policy.

Our committee will sorely miss JOHN WYDLER, as will his constituents. But if there is anythng about a man which leaves him forever remembered as an effective leader, it is his ability to leave behind with his colleagues his ideas and values. JOHN's ideals and values will not be lost on any of us. I wish him luck and Godspeed in his new role as a private citizen.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, today I rise to pay tribute to my distinguished colleague from New York, the Honorable JACK WYDLER, who is retiring after 18 years of service to us and to our country. JACK's remarkable career in both public and private life has included a broad spectrum of success. He has been an instrumental leader in developing a successful general revenue sharing program, coming to the aid of many towns and cities. I had the honor of serving with JACK who is a key member of the Government Operations Subcommittee on Intergovernmental Relations and Human Resources. His energy expertise, as seen in the Science and Technology Committee and the conference committee of the recently passed Energy Security Act will be sorely missed.

In addition, the House of Representatives will miss JACK's friendship and many talents. JACK can be proud of his many accomplishments in the Congress. He has ably served this House, his district, and this great country. I wish him luck in the years ahead.●

● Mr. MOTTL. Mr. Speaker, it is a pleasure to join in the tribute to my good friend JOHN WYDLER of New York as he ends 18 years of service in this House.

JOHN WYDLER's contribution to this country will continue to be felt long after he is back in New York devoting himself to his family and his law practice.

His service on the Government Operations Committee, the Science and Technology Committee, and as a leader in the Republican Party will serve as a tribute and memorial which many of us can only hope for.

His commitment to suburban America led him to join with me in forming the House Suburban Caucus in hopes of bettering the lives of the millions of Americans who make their homes in suburbia.

Just last week, we saw on the floor of the House his talents and dedication as he shepherded the Revenue Sharing Act to passage.

His voice has always been a stabilizing influence.

While he will be sincerely missed, we wish him well in the years to come and will always value his consul and friendship.●

● Mr. SCHULZE. Mr. Speaker, it gives me great pleasure to join with my colleagues in praise and recognition of the Honorable JACK WYDLER and his long and distinguished record in the House of Representatives.

It is obvious to anyone who knows JACK that it would be impossible to even mention more than a few of his many accomplishments in a minute or two. However, for myself and my constituents in Chester, Del., and Montgomery Counties in Pennsylvania, I would like to take this opportunity to thank JACK WYDLER for his pathfinding role in developing a comprehensive suburban policy for the United States. His vision in this area led to his cofounding of the Suburban Caucus, and he has been an effective and articulate advocate of suburban issues before the executive branch.

JACK, this House will sorely miss your clear perspective, your energy, and your dry wit. But this body and the Nation will continue to reap the benefits of the truly substantial contribution you have made during these past 18 years.

We wish you well.●

● Mr. COLLINS of Texas. Mr. Speaker, I appreciate the gentleman yielding so I can join in expressing my deepest respect for Jack W. WYDLER of New York. JACK has always been one of the hardest working Members of Congress, as well as one of our most effective Members. His record of leadership on Science and Technology and on Human Resources has been summed up the past 18 years on the pages of the CONGRESSIONAL RECORD. WYDLER has been in the middle of every floor fight.

JACK always stands for fiscal integrity combined with agency responsibility. Speaking as our leading member on the Republican side, what he lacked in the votes, he offset with his logic and factual presentation as his committee brought their bills to the floor.

JACK has been a fighter in the House. He believed in what he stood up for. He fought hard for every point that would build for a most efficient governmental operation.

After 18 record years in Congress we will be missing JACK. We will miss his vigorous gait, his friendly smile, and his enthusiastic outlook. Going back to Long Island with Brenda will be a rewarding experience. JACK is young and dynamic. We will be hearing from him in law and business as he moves into new leadership responsibilities.●

● Mr. RINALDO. Mr. Speaker, this House marks the end of an era with the retirement this month of our colleague, JOHN W. WYDLER, who has ably and effectively represented the residents of New York's Fifth Congressional District since his election in 1962.

During his 18 years of service, he has loyally championed and creatively contributed to legislation significantly advancing the welfare of our Nation.

He has exhibited a spirit of challenge, a dispassionate dignity and an intelligent assurance that he has served to remind us that existence without purpose is not heroic living and that life, to be eminently satisfying, must seek ends rewarding to all Members of our national body. I express my gratitude for the noble service he has extended to the American people.●

● Mr. GLICKMAN. Mr. Speaker, I rise to join my colleagues in congratulating our good friend, JACK WYDLER, on the fine service he has given this Nation and in wishing him well in the years ahead.

As a member of the Committee on Science and Technology where JACK has ably served as ranking minority member, I can speak from experience about the wisdom and dedication this man has given the job of representing his constituents. While we have not agreed on each and every issue, without exception, I can say that I have always been able to count on JACK WYDLER to be forthright and honest. There has never been any question where he stood on the issues.

I appreciate the counsel that JACK has given me since I came to the House 4 years ago. Particularly in conjunction with the work of our Committee on Science and Technology, having the benefit of his expertise and experience has been invaluable. It will be sorely missed.●

● Mr. RUSSO. Mr. Speaker, with the departure of Representative JACK WYDLER the Congress is losing an able legislator and the people of his district an outstanding representative. During his years here JACK has demonstrated his capacity for hard work and for understanding the important issues of the day.

In so many areas, JACK has excelled in not only knowledge but in productivity. In the process, he has won respect from both sides of the aisle and from people familiar with his accomplishments.

We all owe JACK a debt of gratitude for his contributions. He has made his mark and can leave Congress feeling the satisfaction of a job well done. I know he leaves with all our best wishes for continued success.●

● Mr. BROWN of Ohio. Mr. Speaker, I have had the honor and privilege of serving on the Committee on Government Operations since my election to this House in 1965 with the distinguished gentleman from New York, the Honorable JOHN W. WYDLER.

As fellow members of the Subcommittee on Intergovernmental Relations and Human Resources, JACK and I have worked closely together on a great many issues, always to my great benefit and often, because we have won more battles than we have lost, to the benefit of the Nation.

I am particularly grateful to JACK WYDLER for his leadership on the creation and continuation of the general revenue sharing program. JACK has the high distinction of being one of the principal architects of the most successful intergovernmental assistance ever created by the Federal Government. Contrary to the great bulk of aid programs which originate in this body, the general revenue sharing program is characterized by high efficiency and a concentraton of decisionmaking at the levels of government closest to the people.

Just last week, JACK WYDLER led the effort to preserve the general revenue sharing program on the floor of the House against efforts by some Members to eliminate it. It was my pleasure and privilege to support JACK in that effort and, assuming positive action in the Senate, it appears that we may be successful.

I also would like to pay tribue to JACK WYDLER's efforts to promote the development of a safe nuclear power capability for the United States. As the ranking Republican on the House Energy and Power Subcommittee for the past 6 years, I know very well how desperately this Nation will need that safe nuclear power generation capability in the years ahead. It is an issue that remains to be resolved and I regret that JACK will not be here in future years to help us in that effort.

Mr. Speaker, I join the many friends of JACK WYDLER in wishing him well in his endeavors after leaving the House at the end of this session. His retirement is a great loss to the Nation and a very personal loss for me as well.●

● Mr. DRINAN. Mr. Speaker, it is a source of regret that JOHN WYDLER will be leaving the House of Representatives. He has had a very distinguished career in this body and leaves us all in his debt.

JOHN WYDLER had a distinguished career even before coming to the House in 1962. He graduated from Brown University where he received a Phi Beta Kappa key and subsequently received his law degree at the Harvard Law School. He served in the U.S. attorney's office for many years handling both criminal and civil cases. JOHN WYDLER also distinguished himself in his military service in the China-Burma-India theater.

During his 18 years in the House, JACK WYDLER rose to become the ranking minority member of the Committee on Science and Technology and also the ranking minority member of the Subcommittee on Intergovernmental Relations and Human Resources of the committee where his contributions have been very important.

We all know that JACK WYDLER will have another distinguished career. We send to him and to his wife, Brenda, and his three children our gratitude for his countless contributions and our sincere best wishes.●

● Mr. MURPHY of Illinois. Mr. Speaker, the retirement of JACK WYDLER from Congress is a great loss to the Nation. For 18 years, JACK has faithfully and ably represented the people of his district in New York; more than that, JACK has represented the best interests of this Nation. JACK has brought the qualities of intelligence, leadership, and determination to his job as few people have; it is no surprise, therefore, that JACK is widely known as an expert in the technical subject of nuclear power, and is a recognized force behind the creation and continuation of general revenue sharing.

I will miss JACK WYDLER, and I know the 97th Congress will be lacking one of its finest and most capable Members. Mr. Speaker, I wish JACK WYDLER the very best as he pursues his career outside this body. I do hope, however, that he will give his advice to future Congresses so that his positive impact will continue to be felt.●

● Mr. MITCHELL of New York. Mr. Speaker, I would like to take this opportunity to honor one of our retiring colleagues, the Honorable JACK WYDLER of New York. I want to express both my deep personal regard and considerable professional respect for this 18-year veteran of the House of Representatives. As the dean of the New York Republicans—and as a close friend—JACK has been an immense help to me in my efforts to effectively represent my constituents. I have always valued his guidance, his assistance and his friendship. I will continue to treasure them.

JACK WYDLER has had a long and distinguished career in the House. He is presently the ranking minority member of two important committees—the Committee on Science and Technology and the Subcommittee on Intergovernmental Relations of the Governmental Operations Committee. In those positions, he has served as a voice of experience, reason, and integrity in two of the major issues confronting our Nation over the past decades—energy and federalism.

JACK WYDLER has played a major role in the development of our Nation's energy policy and has become a recognized expert on nuclear energy. Most recently, we have again witnessed JACK's legislative skills and substantive expertise as he again fought to preserve a keystone of fiscal federalism—the general revenue sharing program.

Throughout his celebrated career, JACK has demonstrated his sincere desire to serve. He has served the constituents of the Fifth Congressional District of New York by providing them with the best possible representation. He has served his congressional colleagues—on both sides of the aisle—by being a diligent legislator and a faithful friend. And he has served our Nation by acting as a responsible leader in addressing the pressing problems of our time.

I am sure that JACK will continue to serve. I am also sure that we in the House will certainly miss him.●

● Mr. ROE. Mr. Speaker, I am extremely proud to rise today and join in this well deserved salute to a good friend and an outstanding lawmaker, Jack Wydler.

After 18 years of service in the House of Representatives, Jack has decided to seek new horizons in the business world. I am sure that you will all agree with me that a man of Jack Wydler's stature will be sorely missed in the Halls of Congress.

While Jack and I are from different political parties, we both share the same concerns for our Nation, including the continuing deterioration of our urban centers and the need for the continuation of revenue sharing to insure that basic services for our citizens will still be maintained during these tough economic times.

Jack Wydler in that sense is truly a "man for all seasons." The needs of his constituents always came before any devotion to party labels.

I have had the great pleasure of serving with Jack on the House Science and Technology Committee, where he was ranking minority member. Over the years, Jack Wydler has become one of the Nation's top experts in the field of nuclear energy. His leadership in that area paved the way for the passage of legislation that is finally setting the United States on the road to energy self-sufficiency. His determination to insure that America has a safe and sane nuclear energy policy has done much to dissipate the arguments of those who would prefer us to have a nonnuclear energy future.

Perhaps the word "energy" is the best we have in our vocabulary to describe Jack Wydler. Anyone who has worked closely with Jack will quickly relate the dynamic atmosphere he creates.

I for one would not like to be the man who replaces Jack Wydler in Congress. As they say in show business, he is "one hard act to follow." ●

● Mr. REGULA. Mr. Speaker, as a new Member of this body, I was initiated into the Wydler, McEwen, Cleveland, Keating, et al. evening roundtable at the Capitol Hill Club. This group provided one of the delightful and instructive experiences that made my early years in this body more productive.

Much will be said about Jack Wydler's legislative abilities and dedication. I can only add an emphatic and heartfelt "Amen" to every tribute paid to our colleague, Jack.

The American people owe a debt of gratitude to the voters of the Fifth District of New York for providing this body with a leader that cared about our Nation with the same devotion and intensity that he gave to his constiuents.

On a personal note, I will treasure my friendship with Jack Wydler. He is a perceptive colleague whose companionship is always welcome and whose "chutzpah" in Detroit, 1980, provided a highlight of the convention for my wife, Mary, and myself.●

● Mr. ERLENBORN. Mr. Speaker, the final closing of a Congress fills us with mixed emotions. We are faced with a vacuum of sorts by our colleagues who will be leaving, whether by their own choice or by the voters' choice. In the case of those who, like John Wydler, have decided they want to move on to other things, the joy outweighs the feeling of loss, but the feeling of loss is heavy, nevertheless.

The feeling is heavy for me because Jack has been a good friend. He has also been an expert to whom many of us have often turned for advice in nuclear energy matters and Government organization. He has worked arduously for the people of New York's Fifth District and for the causes he has espoused.

Still, I feel a sense of joy about John Wydler's leaving the Halls of Congress. He can leave with a sense of accomplishment, a sense of honor, and a deep sense of satisfaction. That should carry him forward to success and contentment in his new pursuits.●

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A TRIBUTE TO FRED KAHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Goldwater) is recognized for 5 minutes.

● Mr. GOLDWATER. Mr. Speaker, a number of people have had a profound effect on my life, some whose names would be familiar to you, some not. Beginning with my father, whom I consider to be my constant inspiration and source of courage, all my other personal heroes have the proverbial tough act to follow. But one person in particular has been head and shoulders above the crowd in garnering the respect and admiration of everyone whose life he touches.

Fred Kahan, western regional executive vice president of the Jewish National Fund, is retiring after 42 outstanding years of service to humanity. In the years I have been privileged to know him, I have never failed to come away from meeting with him wondering how he manages to do so many things, so well. Everyone seems to know him and Rose, his lovely wife, and helpmate.

Fred has never limited himself to religious interests; his activities have been as broad and complex as the sprawling area in southern California he adopted so many years ago. He has served as both a commissioner for the city and county of Los Angeles, he is the past treasurer of the Los Angeles Community Redevelopment Agency, and is currently traffic commissioner of the city of Los Angeles.

His good works are known far and wide, and I am but one of many people who have benefited from his time and attention. To know Fred Kahan as a friend is to learn what friendship is all about. No tribute to him could be too generous. I am proud to be a part of this opportunity to honor him.●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Grassley) is recognized for 5 minutes.

● Mr. GRASSLEY. Mr. Speaker, I would like to recognize the passing of former Congressman Charles B. Hoeven of Iowa, an Alton lawyer who represented northwest Iowa in the U.S. House of Representatives for 22 years. He died in Orange City, Iowa, on Sunday November 9, 1980, at the age of 85.

Mr. Hoeven, a Republican, represented Iowa's previous Eighth District which was changed to the Sixth District in 1961—from 1943 until 1965. He was elected to the 78th Congress in 1943 and served until he retired in 1965. The two things that Mr. Hoeven considered to be most important in his political career were his service as ranking minority member of the Agriculture Committee, and, second, his work on the Floyd River Flood Control Project.

During his distinguished public career, Mr. Hoeven was a Sioux County attorney from 1925 to 1937, president of the Iowa County Attorney's Association, and president pro tempore of the Iowa Senate, in which he served from 1937 to 1941. In addition, he served on the board of directors of the Alton Savings Bank.

Charles B. Hoeven was born at Hospers, Iowa, on March 30, 1895. The Hoeven family moved to Alton, Iowa, in 1901, where Charles attended the Alton Public School and graduated in 1913. He was the son of Gerrit and Lena Weiland Hoeven. Mr. Hoeven also attended and graduated from the State University of Iowa with a B.A. in 1920 and an LL. B. in 1922, and was an affiliated member of the Phi Alpha Delta Legal Fraternity.

He was admitted to the Iowa State Bar Association in 1922 and 24 years later to practice before the U.S. Supreme Court. Mr. Hoeven was awarded the certificate of accomplishment by the State University of Iowa in 1947, received honorary degrees from Morningside College (1965), Westmar College 1965), and Buena Vista College (1963); Honored Iowans Award, Buena Vista College; and Distinguished Service Citation, Northwestern College (1964).

Mr. Hoeven was wed to Velma Ruth Pike from Toledo, Iowa, in 1928. Charles and Velma had two children, Charles Pike Hoeven of Slater, Iowa, and Pauline Ruth Marshall, of Ackley, Iowa. In addition. they have five grandchildren.

I could not fully detail all of Mr. Hoeven's achievements and contributions to our great Nation; please allow me to outline a few of his accomplishments which I believe warrant our praise and admiration: Former president of the Alton Rotary Club; temporary and permanent chairman of the Iowa Republican Judicial Conference, 1942; former president, Sioux County Bar Association; Iowa delegate to the Republican National Convention in San Francisco, 1964; former president, 3-B Judicial Bar Association; member, United Presbyterian Church, Alton, Iowa; delegate to the National American Legion Conventions in Miami, Cleveland, New York, St. Louis, Chicago; charter member of Floyd Post 200, American Legion, Alton, Iowa; member of Masonic bodies; member, VFW, disabled American Veterans, and Veterans of World War I.

I know my colleagues in the House join me in paying tribute to Charles Hoeven. He left an impressive record of public service to the people of Iowa and the Nation. Mr. Hoeven leaves an indelible impression on our memories of a man who achieved uncommon good in Congress and society. I believe that we, and indeed the entire Nation, can draw inspiration from his achievements. We will miss the gentleman from Iowa in the years ahead—and above all, the independent judgment which he exercised in furtherance of his congressional duties. I welcome this opportunity to pay my respects and express my high regard to Charles Hoeven.●

SUBCOMMITTEE ON CRIME TO HOLD SECOND HEARING ON H.R. 7903, SPORTS VIOLENCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS), is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, on Wednesday, November 19, 1980, at 9:30 a.m. in 2237 Rayburn House Office Building, the Subcommittee on Crime of the House Committee on the Judiciary will hold its second hearing on H.R. 7903. The bill, sponsored by the Honorable RONALD M. MOTTL, provides penalties for excessive violence during professional sports events.

The witnesses for the November 19 hearing are Mr. Pete Rozelle, commissioner, National Football League, New York, N.Y.; Mr. John H. Ziegler, president, National Hockey League, Montreal, Canada—accompanied by Gilbert Stein, vice president and general counsel, National Hockey League; Mr. Simon P. Gourdine, deputy commissioner, National Basketball Association, Mr. Philip A. Woosnam, commissioner, North American Soccer League; Mr. Henry J. Peters, general manager, Baltimore Baseball Club (representing Commissioner Bowie Kuhn); and Mr. James Reynolds, deputy chief, General Litigation Section, U.S. Department of Justice.

Any interested person or organization wishing to submit testimony for the record of the hearings on H.R. 7903 or desiring further information should address their communications to the Subcommittee on Crime, Committee on the Judiciary, 207-E Cannon House Office Building, Washington, D.C. 20515. Telephone: (202) 225-1695.●

LATVIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 62 years ago, on November 18, 1918, the modern Republic of Latvia was established as a free and independent nation and these courageous people proclaimed to the world their right as a nation to stand proudly among free countries.

Latvia has enjoyed her independence for only 22 years when, in 1940, the Soviet Union invaded and occupied Latvia, Lithuania, and Estonia and forcibly annexed these Baltic States into the Soviet Union. Tens of thousands of these valiant people were murdered or sent to forced labor camps during those tragic days.

Today, only old maps of Europe show Latvia as a distinct entity, but the newer ones display her territory as part of the Soviet Union. However, the U.S. Government and other great Western powers have steadfastly maintained a policy of nonrecognition of the forcible annexation of Latvia. All Americans must continue to encourage the heroic Latvian people in the continuing struggle for freedom and speak out against the Soviet policies of Russification and their brutal attempts to absorb the Baltic States and destroy them as national and cultural entities.

Mr. Viktors Viksnins, president of the Chicago Latvian Community Center located in my district, has forwarded to me a publication entitled, "Report on the Implementation of the Helsinki Final Act of August 1, 1975 in Soviet Occupied Latvia," and excerpts from that report about current conditions in Latvia follow:

EXCERPTS FROM REPORT

To this day, freedom and national independence are denied to the Baltic nations. They are subjected to the oppressive rule imposed upon them by the Soviet Union in 1940. The Estonian, Latvian, and Lithuanian peoples have never acquiesced to the loss of their national independence; they have never accepted Soviet rule as legitimate or permanent.

ARMED RESISTANCE AGAINST SOVIET OCCUPATION

From the end of World War II to 1952, Baltic freedom fighters fought against Soviet rule in a protracted guerrilla war. While the exact number of people killed during those years is not known it is estimated that in Lithuania alone about 50,000 fell in the field of battle. The hopeless armed struggle finally had to be abandoned, but clandestine underground resistance has continued in all three Baltic countries.

ORGANIZED DISSIDENT ACTIVITY

For the most part, the underground activities of organized dissident groups in Soviet-occupied Latvia fall within the realm of national independence and human rights. These activities have been undertaken by a broad cross section of society brought together by common goals.

Practicing of any religion in occupied Latvia is severely restricted. Latvians are predominantly Lutherans, and the Lutheran Church is experiencing direct and active persecution. All churches and church property have been nationalized and have to be hired from the Government. Many churches have been vandalised, demolished, closed down or converted to other uses. The Orthodox Cathedral has been converted into a planetarium, while the Lutheran Cathedral in Riga and other churches have been converted into concert halls and even into grain storing facilities (Allaži).

Both in 1941 and in the period following Soviet re-occupation of Latvia, there was a large scale Soviet persecution of Church leaders and members. Mr. Grivans testified that in 1948 approximately one-third of the Latvian Lutheran clergy were arrested; most of those who survived their imprisonment were not released until 1956. In addition, all religious faiths in occupied Latvia are experiencing difficulties in training a sufficient number of young people to replace the present generation of clergy. The difficulties can be attributed to the restrictions imposed by Soviet authorities on theological training and the unfavorable conditions for religious practice, especially the restrictions on religious instructions for those under 18 years old. Even more serious than the bureaucratic interference is the political harassment of believers. The imprisonment of about 30 percent of Latvian Lutheran ministers and the threats against Rev. Smits have already been mentioned.

Russification of the subject peoples in the Soviet Union takes place on different levels and by various means and can be viewed within the framework of the country's expansionist policies. The Soviet policy toward its minorities or national groups can best be described as one of systematic assimilation or so-called internationalization of the Soviet peoples. To accomplish this goal all means at the disposal of the State and the Communist party are utilized—state laws curtailing the rights of the member republics of the Soviet Union, centrally regulated educational and cultural policies, mass media, etc. Propaganda dealing with the nationality question stresses ever closer ties between peoples and exults in their intermingling. This is described as a legitimate process toward the development of a multinational Soviet State.

The deliberate russification of Latvia began immediately after the country's forced incorporation into the Soviet Union, on June 17, 1940, and continued after World War II with three successive waves of mass arrests and deportations, in 1941, 1944/45 and 1948/49. These events provide the basis for the russification policy of the Latvian people and exhibit all the characteristics of genocide as defined by the United Nations resolution.

This policy, established in the forties, continues to be implemented today in the field of politics, economics, culture and education. Demographic changes are brought about by the manipulation of centralized economic policies. Centrally directed cultural and educational policies, designed to curtail the creativity of a national culture, are implemented, as well as forced assimilation and the relegation of the Latvian language to a secondary role. Finally, the existence of the Latvian people is being threatened by increased immigration of non-Latvians into Latvian territory, and the forceful suppression of any opposition to the process of russification.

Mr. Speaker, I was glad to contact the chairman of the U.S. delegation to the follow-up meeting in Madrid of the Conference on Security and Cooperation in Europe on behalf of the Chicago Captive Nations Committee earlier this year, and copies of my letter and the response from the Department of State follow:

WASHINGTON, D.C.,
August 8, 1980.

Hon. GRIFFIN B. BELL,
Chairman, U.S. Delegation, The Madrid Conference on Security and Cooperation in Europe, Follow-Up Meeting, Department of State, Washington, D.C.

DEAR MR. CHAIRMAN: Please be advised that a few months ago, both Houses of Congress passed overwhelmingly House Concurrent Resolution 200, and I am enclosing a copy of this legislation for your review. As you will note, the Congress resolved that "it is the sense of the Congress that the President, in order to assure true and genuine peace in the Baltic region and in Europe in general, should instruct the United States delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in

Europe to seek full implementation of Principle VIII of the Helsinki Final Act concerning equal rights and self-determination of peoples."

For your information I am enclosing a copy of the Resolution recently approved by the Captive Nations Committee in Chicago which resolves "That the United States at the Madrid conference, firmly declare itself on behalf of human rights and the rights of nations to live free, independent lives as was solemnly expressed in the principles of the Atlantic Charter, the United Nations Declaration of Human Rights and in the principles of the Helsinki Agreement."

As you know, the Soviet communist empire is brutally suppressing the freedoms, languages, and religions of the peoples of the captive nations it occupies by using murder, torture, and exile, and I would be most appreciative if you would let me know on behalf of the Chicago Captive Nations Committee, and the many American ethnic groups it represents, the actions being planned by you and your delegation at the Follow-Up Meeting in Madrid "to seek full implementation of Principle VIII of the Helsinki Final Act concerning equal rights and self-determination of peoples."

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., September 3, 1980.

Hon. FRANK ANNUNZIO,
House of Representatives,
Washington, D.C.

DEAR MR. ANNUNZIO: Judge Griffin Bell, the Chairman of the United States Delegation to the Madrid CSCE Meeting, has asked me to thank you for and respond to your letter of August 8, 1980 concerning the Baltic States and the other nations of Eastern Europe.

We are well aware of and sympathetic to the purposes of House Concurrent Resolution 200 and appreciate your transmitting it and the resolution of the Captive Nations Committee of Chicago to us. Thorough and candid discussion of Soviet implementation failings with respect to the principles of respect for human rights and fundamental freedoms and equal rights and self-determination of peoples was a major part of the U.S. participation at the Belgrade CSCE Meeting 1977–1978. I can assure you that it will be again.

Our delegation will make it clear that the United States continues actively to maintain its non-recognition policy with respect to the forcible and illegal incorporation of the Baltic States into the Soviet Union. We will also speak out explicitly on the need to achieve full implementation of all provisions of the Final Act if true security and cooperation are to be achieved in Europe. We shall do this by the means that appear most appropriate and effective in the circumstances of the conference, and we will be vigorous both in our presentation and in our pursuit of agreement on concrete steps intended to improve the situation in Eastern Europe as envisaged by the Final Act.

Sincerely yours,

WARREN ZIMMERMAN,
Deputy Chairman.

Mr. Speaker, the Latvian people know from bitter experience that civil rights and elemental freedoms are the concern of all mankind, and on the occasion of the 62d anniversary of Latvian Independence Day, I am privileged to join with Americans of Latvian descent in the 11th District I am honored to represent, in Chicago and all over this Nation who continue to work and pray for the day when Latvia will once more be free.●

WHEN YOUR HEAD IS IN THE SAND, THERE'S A LOT STILL EXPOSED

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, it is indeed depressing to face the reality that we still are not doing what we should to solve our energy problem. The facts concerning this matter were clearly set down in an article published in yesterday's Wall Street Journal. This article, which was paid for by Dresser Industries, and which I am including at the close of my remarks, contains answers to fundamental energy questions by a highly qualified and experienced scientist, Dr. George R. Hill. I am including a brief resume of his qualifications and experience after his article.

Dr. Hill in his statements includes all of the significant factors we face in the energy question. His statements include all of the sources which are available for us to develop and use—petroleum, coal, nuclear, oil shale, etcetera. I share his lament:

> But we are not developing any of these resources as well or as fast as we might.

As Hill says, if we do not move out with these resources, militarily we are a sitting duck. Our national security is absolutely dependent on decreasing our energy dependence.

Since the President-elect was the only candidate who advocated moving out aggressively in all of the areas Hill mentions—petroleum, coal, nuclear, et cetera—we may have an opportunity to do what we must for survival. It behooves us to get behind such an effort. The Congress can and must play a major part in getting our available energy resources in use.

I highly commend to you the following statements of Dr. Hill.

[From the Wall Street Journal, Nov. 17, 1980]

WHEN YOUR HEAD'S IN THE SAND, THERE'S A LOT STILL EXPOSED

Q. Dr. Hill, what is your assessment of our energy situation today?

A. We are living in a dream world. There is plenty of gasoline. There were no electrical brownouts this summer. There appears to be no shortage of heating oil for this winter. The natural gas companies are promoting sales again. The problem is that all dreams end. Ours will end, too, sooner or later.

Q. What will end it?

A. I'm not sure. The OPEC nations could stop production or raise prices beyond anyone's ability to pay, or several oil-dependent nations could start a war over Middle Eastern oil supplies. Or something could happen to close the Straits of Hormuz through which flows a third of the world's oil supplies—anything of this order.

Q. And if one of those things happens, then what?

A. Then it's a toss up whether we survive or not.

Q. Couldn't we just make do with less?

A. We would have to make do with less. A great deal less, when you consider that we depend on OPEC for almost half the oil we use in this country, and we have nothing to take its place. Reduce our oil supply by 40 percent and you would see factories shutting down, ships sitting at their docks, driving limited to official and emergency purposes. There would be massive shortages of food and other goods, and unemployment would be beyond anything we can imagine.

We would be easy pickings by any dictator who promised "to lead us out of this mess." Militarily, we would be a sitting duck.

Q. You think something like this will happen?

A. We have done nothing to prevent it.

Q. Can we prevent it?

A. Not in the short term. We might have, had we started seven years ago after the first oil embargo. Now we are facing a catch-up time of five, maybe ten years before we can turn the situation around.

Q. Ten years? It didn't take us that long to gear up for World War II!

A. That's true. But energy wasn't a problem in 1940. Also, we weren't hamstrung by a federal bureaucracy as we are today. And we had Pearl Harbor to shock us into action.

Q. Are you saying it will take a Pearl Harbor to bring us around to solving our energy problem?

A. I hope that something less will do it. But the OPEC embargo didn't convince anyone. Or gasoline lines. Or Iran. Or the Russian invasion of Afghanistan. And today we are listening to—sleeping through—the news of war between Iraq and Iran. I am wondering what it will take to wake this country up to the need to develop its own energy resources.

Q. Is energy self-sufficiency another dream, or do we have the resources to be self-reliant?

A. We have the resources.

Q. What are they?

A. Petroleum, coal, oil shale, natural gas, nuclear power, hydroelectric, plus the potential of greatly increased use of geothermal, solar and other supplementary power sources. You name it, we've got it. We are better off in some areas than others, but we are not developing any of these sources as well or as fast as we might.

Q. Why not?

A. It's popular right now to blame Congress and, of course, some Congressmen can be blamed for shortsightedness and for lacking the courage to stand up to highly vocal anti-growth pressure groups. But the real hangup is not with Congress. It is with the regulatory agencies. Here you have layer upon layer of bureaucrats, some unable or unwilling to make a decision, and others who seem to be deliberately sabotaging the energy program.

Q. Sabotaging? How?

A. By leaving proposals in the "in" box for months. By encouraging—and even financing—activist groups to drag out the process in public hearings or by bringing spurious lawsuits. Or by silently backing demonstrators—even training them at taxpayer's expense. Or by confusing the public with oversimplified statements about the promise of solar power or alarming them with statements against nuclear power plants. It all has the same result—to freeze us in our tracks.

Q. Why are they doing this?

A. They are not together on that. As Tom Hayden, one of the Chicago Seven said, "First we make the revolution, then we decide what for." But, in general, they advocate more government control over the sources of production, and greater distribution of wealth. They also want a no-growth society free of all risks, even if this means turning back the calendar on progress. Such a society, of course, denies opportunity to those at the bottom of the economic ladder and takes away individual freedoms. It also ignores the threat to our national security and to that of other nations friendly to us.

Q. Are they succeeding in that?

A. I think they are. That is why, in my opinion, we are seeing virtually no progress in developing our water and mineral resources. That's why nuclear power is in such turmoil. That's why there have been no significant increases in coal production, even though we have enough coal in the United

States to last for hundreds of years, and even though we can make everything from coal that we can from petroleum.

Q. Dr. Hill, since coal is your special area of expertise, let me ask you—of all our energy resources, isn't burning coal the most dangerous to the environment?

A. It would be if we went back to burning it the way it was done during the industrial revolution. But we don't have to do it that way today. We now have the technology to mine coal, to burn it, or to process it or convert it into other usable energy forms—and to do all these things in ways that are safe to the environment and to human life.

Q. What about such things as "acid rain"?

A. Coal is taking a bum rap for acid rain. It's true that rain is more acidic in some parts of the world than in others, but it is just possible that this is largely due to the burning of high sulphur oil, not to coal, alone.

Fortune magazine, not long ago, made a case for the build-up of acid rain in the northeastern U.S. by saying that the sulfates from the west were being carried east by the prevailing winds, and that this was the reason for high concentration of sulfates over the eastern U.S. But, then, you would expect to see a gradual buildup of sulfate concentrations all across the United States rather than just in the east. But you don't.

Q. When coal is burned, it does produce more carbon dioxide than oil or natural gas. There are those who fear that, if enough carbon dioxide reaches the atmosphere, it will cause world temperatures to increase—which is the so-called "greenhouse effect"—and melt the polar ice caps, causing tidal flooding and the like. What do you say to this?

A. Well, for one thing, there seems to be a cooling of world temperatures right now, which goes contrary to that theory. But let's assume that the amount of carbon dioxide in the atmosphere does continue to build.

At the rate of less than ½ of 1 percent a year, which is the rate of increase determined by the World Climate Conference in 1979, it would be sometime in the middle of the next century before the buildup would become significant.

In their view, and mine, that is plenty of time to conduct the research we need to find ways of controlling the effects of carbon dioxide from fossil fuel combustion on climate. It is also time enough, if necessary, to redirect many aspects of the world economy and energy production.

The plain fact is that what we know about carbon dioxide does *not* justify delaying the expansion of coal use. That's not just my opinion. It was the conclusion reached by more than 80 scientists from 16 countries who participated in the World Coal Study in January of this year.

I do not want to belittle the genuine concerns people have about developing any of our energy resources, coal included, but the truth is we are faced with a much more immediate threat to life than a buildup of carbon dioxide or acid rain.

For the next ten years, we must see to our *survival*.

That means we must develop every energy and fuel resource that we can. We will continue to work to ensure that our survival occurs in a world that is pleasant and safe to live in. In the meantime, we cannot afford to stand around with our heads in the sand.

This energy problem is not going to solve itself.

Dr. George R. Hill is the Envirotech Professor in the Department of Chemical Engineering at the University of Utah.

He was Director of the Fossil Fuel Power Plants Department and Assistant Director for the Fossil Fuel and Advanced Systems Division of the Electric Power Research Institute (EPRI), Palo Alto, California.

Prior to joining EPRI, Dr. Hill was Director of the Office of Coal Research at the U.S. Department of the Interior. He joined the Department of the Interior in 1972, after serving as Dean of the College of Mines and Mineral Industries at the University of Utah for six years.

Earlier, Dr. Hill served as professor and department chairman in the Department of Fuels Engineering at the University of Utah.

The author of over 90 scientific and technical publications, Dr. Hill was the recipient of the American Chemical Society's Storch Award in 1971 for contributions to fundamental research on the chemistry and utilization of coal and related materials.

Dr. Hill serves on the Board on Mineral and Energy Resources of the National Academy of Science and National Academy of Engineering, where he is serving as the Chairman of the Editorial Board for *Chemistry of Coal Utilization* for the 1980 updated version. He is also a member of the Fossil Energy Advisory Committee of the Department of Energy, and he serves as a member of the State of Utah Energy Conservation and Development Council.

THE INVISIBLE DICTATORS

(Mr. SYMMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SYMMS. Mr. Speaker, on November 5 of this year Judge Clifford E. Sanders, Court of Appeals for the State of● Tennessee, delivered an address at the College of Idaho in my hometown of Caldwell. Judge Sanders discussed the growth of the Federal Government and the threats to personal liberty that result from Government intrusion into all facets of our society.

I would like to take this opportunity to commend Judge Sanders remarks to my colleagues in Congress:

Judge Sanders is a constituent of our friend and colleague, JIMMY QUILLEN of Tennessee.

THE INVISIBLE DICTATORS

I am honored to have the opportunity to speak to an institution with the traditional academic excellence of the College of Idaho. I know each of you is a superior person, otherwise you would not be here. I know you think freely, with freedom of thought, and are freedom-loving people.

As freedom-loving people, I am sure you are aware of the power of our Federal Government as it exists today and I am sure you are also aware of the oppressive role it plays in our everyday lives—how it restricts our liberties, our freedoms, our businesses, our institutions, and even our colleges and universities.

We feel the bureaucratic agencies entwining our lives as we would the tentacles of a giant octopus being wrapped around our bodies and gradually, but surely, restricting our ability to ward off its clutches. Let us look for a moment at what has made all of this bureaucratic control of our lives possible.

Certainly, it was the purpose of our Founding Fathers to break the shackles of oppressive government when they adopted the Declaration of Independence. And it was the purpose of the framers of our Constitution that they and their posterity should forever be free of big, oppressive, government. The framers of our Constitution realized the people would never ratify a constitution providing for a strong central government.

The right to govern must remain in the several States if a strong central government is to be avoided. Under our Constitution the only power given to Congress to regulate business is: "To regulate commerce with foreign nations and among the several States, and with the Indian tribes."

Within the framework of this artfully-drawn and delicately-drafted document of freedom our people lived for 150 years without interference in their lives and businesses until the mid-1930's. We grew from a fledgling Nation to the greatest and strongest Nation in the world. We survived great wars, including the internal strife of the civil war and the devastations of World War I.

We had reached the point where we were not only the strongest nation in the world, we were the freest people in the world . . . the symbol to the world of a free people. Then came the Depression of 1930, followed by the election of Franklin D. Roosevelt as President of the United States.

Roosevelt decided the interest and well-being of the people of the country could no longer be served by freedom from a strong central government.

His first efforts to control American business was called the National Recovery Administration (or NRA).

The Supreme Court of the United States held the NRA was unconstitutional since it was an effort by the Federal Government to control industry "not engaged in interstate commerce." Roosevelt, incensed over his defeat in attempting to control industry, but realizing the American people would never ratify a constitutional amendment broadening the powers of the Federal Government, set out to pack the Supreme Court.

It was his avowed purpose to appoint new judges to the Supreme Court who would interpret the Constitution in such manner as to give the Federal Government broad enough power to do what he wanted to do. Thanks to the statesmanship of Senator Harry Byrd of Virginia, Roosevelt's sinister plan was defeated.

Unfortunately, however, he ultimately accomplished indirectly what he was unable to do directly. He succeeded in passing through Congress a bill which would make each member of the Court at that time eligible for retirement with full pay for life.

There followed a succession of retirements from the Court. Each vacancy was filled by a Roosevelt appointee until he had a majority of the Court filled by politicians with little or no judicial experience, who valued political expediency over judicial integrity, and with a firm commitment to the President to satisfy his desires in constitutional interpretation.

The coup de grace came to the Constitution as it had been recognized, applied and interpreted by stalwart, intellectual jurists of both the Federal and State courts for 150 years when Justice Frankfurter, a Roosevelt appointee, announced, "there are going to be some important shifts in constitutional interpretation."

There followed the ruling of the Roosevelt court that Congress was not limited to "regulate commerce with foreign nations and among the several States," as stated in article 8(3) of the Constitution—but Congress was permitted to regulate the business of persons or companies which might affect commerce.

Beginning with the case of *National Labor Relations Board* vs. *Jones-Laughton Steel Company* in 1937, the New Deal Supreme Court, in a series of cases, held that Congress can do anything it pleases to regulate commerce in the United States, even local trade, if Congress alludes it will affect Interstate Commerce.

The Supreme Court has held the 10th amendment of the Constitution (which prohibits the Federal Government from exercising powers not granted by the Constitution) to be mere rhetoric.

Elevator operators have been officially declared by the Supreme Court to be engaged in Interstate Commerce because they work in buildings which house firms that do business across State lines.

Farmers who raise grain and feed it to livestock on their farms are said by the Supreme Court to be engaged in Interstate Commerce because the grain they raised and fed on their farms may have prevented an equivalent amount from moving in Interstate Commerce.

As an outgrowth of the vast power conferred upon Congress by the Supreme Court there has developed a system of "administrative law" that now violates almost every fundamental principle of liberty written into the Constitution and the Bill of Rights.

As the power of Congress to govern our lives and our businesses grew, they lost sight of the American free enterprise system. Congress conceived it to be their responsibility to protect the people from themselves.

Today there are literally hundreds of Federal regulatory agencies operating under some department of government. No one seems to know how many there are, but they run into the hundreds, and their mode of operation is all virtually the same.

Although the purpose for which most of the agencies were created sounded lofty in purpose and were intended to improve the American life, they have become multi-headed monsters over which no one has any control—not even the Congress that created them.

Our Constitution established a Federal Government of three branches—legislative, executive, and judicial.

One fundamental principle guiding and motivating the founding Fathers who wrote the Constitution was that concentration of political power is fatal to liberty.

Time and again delegates to the Constitutional Convention of 1787 warned one another that to form a government in which it is possible to combine the legislative, executive, and judicial functions in one branch would be to create a more oppressive government than the one the American colonists had rebelled against.

Unfortunately, the regulatory agencies which have become such a vast part of our Federal system have merged into them the powers of all three branches of government.

These agencies have become a fourth branch of our Government and "invisible dictators" within our Federal Government.

What I am about to say will not come as a surprise to some of you because you are aware of the "invisible dictators" in our Federal Government.

To most of you, however, I think you will find it shocking. You will stand in dismay, and even disbelief.

But, did you realize that over 95 percent of the Federal laws which control your personal lives and property have never been passed by the Congress of the United States?

Although you may be sent to jail, heavily fined, or your property confiscated for violation of these laws, most of them were never heard of by a Congressman or Senator.

I know you are asking now, "If I am subject to such stringent laws, and they were not passed by Congress, where in the world did they come from?"

They were written by one of our "invisible dictators."

At this point I know there are those of you who are saying, "Look, man, I live in a free country, under a representative form of government where no one man can make the laws. Only the State legislature or the Federal Congress can make laws governing my life and property."

That was a dream of our Founding Fathers, but unfortunately it has been lost for our generation.

Now that I have shattered your dream, let me tell you the facts of life.

As Congress has created the vast number of administrative agencies they have delegated broad authority to the administrative officer of each agency to make such rules and regulations as he deems necessary to carry out the purposes of the laws he administers and enforces. His administrative rules and regulations have the force of "law" and the administrator can change the "law" to suit his individual whim without consulting anyone.

The only thing an administrator has to do to create or change a law is to publish it in a publication known as the "Federal Register." 30 days after it is published it becomes the law of the land—and you and I have no choice but to obey it.

You may ask, "what is the Federal Register?" It is a daily publication put out by the Government Printing Office. Each issue may run from 300 to 1,000 pages filled with new rules and regulations promulgated by the Federal agencies.

In 1979 alone, 11 cabinet departments, 36 agencies, and roughly 1,200 advisory groups issued 7,636 new regulations, most of which became laws regulating our lives and businesses.

What happens when a taxpayer runs afoul of an administrative law?

The agency that exercised the legislative power to make the law exercises the executive power to investigate its violation.

After making the investigation, the same regulatory agency exercises judicial power to make findings of guilt and assesses penalties.

To attempt to touch upon specific laws promulgated by the various agencies would be impossible, but let me touch briefly on some figures and incidents which typify the oppressiveness of these bureaucratic agencies on American business, individuals and institutions.

The Occupational Safety and Health Administration, called OSHA, formally came into existence in April, 1971. It hastily compiled some 100,000 safety standards to impose on employers. Many of them were adopted without any review to determine what they required, how they should be applied and whether they were adequate or practical.

On May 29, 1971, OSHA published these regulations in the Federal Register. They consumed over 250 pages in the Register.

In June they published an additional 17 pages of regulations in the Federal Register—and all of this became law within 30 days—binding upon every business which employs one or more people, whether it be a proprietorship, partnership or corporation.

These regulations apply to 4.4 million employers, employing 65 million workers in the United States, or on the outer continental shelf or in the Nation's territories, possessions, and protectorates.

In its first fiscal year of operations OSHA cited employers for 102,860 violations—an average of 8,571 per month. In March, 1973, it issued over 18,000 citations. By 1978 that figure had jumped to 134,000 citations with proposed penalties of over $20,000,000.

Included in OSHA's law is a penalty of $1,000 fine and up to 6 months in jail for any person to give an employer advance notice of an OSHA inspection.

Because of their dictatorial powers, these agencies have stifled productivity, curtailed and eliminated competition, forced consumer cost to the sky and are a contributing force in national inflation.

Minimum costs place the price of regulation in the name of "public interest" in this country at an unbelievable figure of $100 billion dollars per year. . . . That is an average of $2,000 per year for each American family.

The Federal Register, in which the dictatorial agencies proclaim their demands had its first full year of publication in 1937. That year it printed 3,450 pages of administrative monologue. By 1973 that figure had leaped more than 10-fold, to 35,591 pages. And last year it exceeded 77,000 pages.

Let me give you some typical examples of abuses heaped upon American businessmen by these "invisible dictators."

At U.S. Steel's Clarion works in Clarion, Pa., the Environmental Protection Agency required the construction of a large hood that would trap the fumes from the plant's coke ovens. The hood was built at a cost to U.S. Steel of $3.7 million.

After it was constructed it was discovered that 800 H.P. fans inside the hood caused more pollution than the coke ovens themselves.

Also, OSHA inspectors decided the hood produced a noisy, unsafe working condition and prohibited its use.

The end result is the two agencies wasted $3.7 million of U.S. Steel's money.

Dow Chemical gave up trying to build just one petrochemical plant in California—because the regulations by the dictators in Washington would not allow them to do so.

But before they gave up this effort it had cost the company $650,000 for an environmental impact report; $100,000 for an environmental statement for the U.S. Army Corps of Engineers; $25,000 for a special study on the effect of the plant on the particular county in which it is located; $125,000 for a study on the risks of spills and cleanup; $200,000 to build two air monitoring stations "so we'll all know what the air was like before and after the plant is built;" and $50,000 for a study of conditions on the bottom of the Sacramento River near where the plant was to be located.

The Dow studies were the result of the arbitrary and dictated needs of no less than 71 Federal regulatory agencies.

Company spokesmen have claimed that the cost of Federal regulations for their corporation was $147,000,000 in 1975, $186,000,000 in 1976, and a startling $268,000,000 in 1977.

General Motors recently released its latest figures for their cost of providing information to Federal regulatory agencies for 1979. It estimates that it utilized the equivalent of 26,600 full-time employees, at a cost of $1,943,000,000.

The figures mentioned above are but a token of examples of the economic impact of the "invisible dictators" upon our businesses.

Your Senator, James A. McClure, in an issue of the American Legion magazine, addressing his opposition to OSHA, said: "Paying a Federal bureaucrat $30,000 a year to warn farmers that wet cow manure might be slippery is a graphic example of how completely ridiculous the OSHA administration has become. OSHA not only costs Americans billions, but it cripples the free enterprise system."

Not only do businesses in this country suffer at the hands of these "invisible dictators," but the academic freedom of our colleges and universities is threatened.

Only 20 years ago American colleges were free to choose their own faculty, their own students, and their own curriculum. They could conduct research on almost any subject they chose. They could set whatever standards they thought best for residency and parietal rules and student conduct, from monastic to freewheeling.

Today they have lost these freedoms. They must justify to Federal agencies, in detail, their admissions and faculty hiring decisions, as well as many of their parietal rules.

On June 4, 1976, 17 pages of "Sex discrimination" regulations appeared in the Federal Register, citing as its mandate Title IX of the Higher Education Act of 1972. Through these regulations the Dept. of Health, Education and Welfare proclaimed controls over virtually every aspect of college life from admissions policy and physical education classes to off-campus housing.

The bureaucrats enforce their mandates to the colleges and universities by withholding Federal funds.

When Grove City College, a small, independent college in Pennsylvania, refused to comply with one of H.E.W.'s mandates H.E.W. could not use its bludgeon of withholding Federal funds because Grove City had always turned its back on such help. However, some 700 of Grove City's 2,200 students were getting Federal loans or grants, all of which went directly to the students. In an effort to force compliance H.E.W. threatened to punish these students by withholding their loans and grants.

Even if a college or university could escape regulation by refusing all forms of Federal aid and forbidding its students from accepting any Federal assistance, it would still have the Internal Revenue Service to contend with.

IRS regulations provide it may deprive an institution of its "educational" and "nonprofit" status unless it falls into line with what IRS considers "public policy." In practice, no institution of higher learning can escape their dictatorial regulations.

As of 1975 faculty members at Harvard University spent some 80,000 hours of their time complying with Federal regulations.

At the University of North Carolina the task of compiling Federal reports "swamped" the university's computer: as one administrator recalled, "all other uses of the computer stopped. For a 6-month period we did nothing but HEW reports."

President John A. Howard of Rockford College in Illinois, in speaking of the regulations, said: "Government has imposed a policy which says that academic competence shall no longer be the supreme determining factor in faculty appointments. Academic freedom is now a thing of the past, and Federal subsidy has been the bludgeon employed to demolish it."

Dr. Roche, of the American Association of Presidents of Independent Colleges and Universities, in addressing himself to the regulations, said: "The issue at stake is not equal treatment for minority groups or women. The issue is whether academic freedom and independent education are to endure in America."

Former Congresswoman, Edith Green (D.-Oregon), the author of title IX of the Higher Education Act, said:

"If I or others in the House had argued that this legislation was designed to do some of the things which HEW now says it was designed to do, I believe the legislation would have been defeated. I, myself, would not have voted for it, even though I feel very strongly about ending discrimination on the basis of sex."

I could spend the entire evening talking to you about the abusive tactics used by these dictators upon our people, businesses and institutions. Many of the abuses are as unbelievable as the existence of the dictatorial agencies themselves.

Let us ask ourselves, "is there any way we can extricate ourselves from the shackles of the dictatorial agencies we now have governing our lives?"

If we travel down the same road we have traveled for the past 40 years, the answer is "definitely, no."

Let us be honest with each other and let us be honest with ourselves. We no longer have a government of the people, by the people, and for the people.

We now have a government of dictators and professional politicians.

The original concept of electing U.S. Senators for 6 years and Members of Congress for a term of 2 years was designed with the belief these people elected to Congress would express the will of the people.

Unfortunately, the way our system has worked, once a man is elected to Congress he is perpetuated there for most of his life. He ceases to be a representative of the people, but becomes a professional politician. With each passing year he gains more seniority, resulting in more power in the political circles in which he lives.

With his increased political power there comes a greater desire to maintain the status quo. He becomes less sensitive to the real needs of his constituants and more a part of the bureaucracy he has helped to build.

After George Washington had served two terms as President, he was strongly urged to serve longer, but declined, insisting the welfare of Government could not be served by one man's perpetuating himself in office.

If we are to get back to a representative form of Government, we must limit the length of time a man can serve in the U.S. Senate and the U.S. Congress—which will require an amendment to the Federal Constitution.

The conventional way in which our Constitution has been amended in the past has been by a ⅔ vote of both Houses of Congress proposing the amendment and then its being ratified by the legislatures of ⅔ of the several States.

It is unlikely that a resolution to restrict the power and the terms of office of Senators and Congressmen would ever pass either House of Congress.

Fortunately, the framers of our Constitution foresaw the possibility of a need for amendment which would not be popular with the Congress. They, accordingly, provided for an alternative method of amendment which has been used but once.

Article V of the Constitution provides that upon a vote of the legislatures of ⅔ of the States a Constitutional Convention shall be called to pass upon amendments to the Constitution. The proposed amendments shall then be ratified by the legislatures or State conventions of ¾ of the States.

I suggest that we, as citizens of the various States in which we live, call upon our legislators to be the standard bearers in a call by the several States for a Constitutional Convention to amend the Constitution to restore the provisions written out of it by the Supreme Court—to prohibit Congress from delegating authority to any one man or group of men to write laws governing our lives and our property—to limit the term a man or woman can serve in the U.S. Senate or Congress.

I would also favor an amendment making the Federal judiciary accountable to the electorate, the same as our State judiciary.

With the adoption of such amendments, then and only then, can we restore a representative form of government to this country.

Then and only then, we can break the shackles of the "invisible dictators."

Then and only then, we can return to a government of the people, by the people and for the people. ●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Garcia (at the request of Mr. Wright), for the balance of the week, on account of necessary absence.

Mr. Bethune (at the request of Mr. Rhodes), for today, on account of serious illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sensenbrenner) to revise and extend their remarks and include extraneous material:)

Mr. Goldwater, for 5 minutes, today.

Mr. Regula, for 5 minutes, today.

Mr. Grassley, for 5 minutes, today.

(The following Members (at the request of Mr. Fazio) to revise and extend their remarks and include extraneous material:)

Mr. Conyers, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Stokes, for 60 minutes, on December 2, 1980.

Mr. Edwards of California, for 60 minutes, on December 3, 1980.

Mr. Fazio, for 60 minutes, on December 3, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Symms and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $982.50.

(The following Members (at the request of Mr. Sensenbrenner) and to include extraneous matter:)

Mr. Derwinski, in two instances.

Mr. Bereuter.

Mr. Lee.

Mr. Collins of Texas, in three instances.

Mr. Shumway.

Mr. Dornan, in two instances.

Mr. Fish.

(The following Members (at the request of Mr. Fazio) and to include extraneous matter:)

Ms. Ferraro in two instances.

Mr. McDonald in five instances.

Mr. Mineta in two instances.

Mr. Yatron.

Mr. Fuqua in five instances.

Mr. Stark.

Mr. Clay.

Mr. Waxman.

Mr. Harris.

Mr. Skelton.

Mr. Weiss.

Mr. Drinan.

Mr. Zablocki in two instances.

Mr. Roe.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2357. An act to eliminate the amount in controversy requirement for Federal question jurisdiction.

ADJOURNMENT

Mr. BAILEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Wednesday, November 19, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5635. A letter from the Chairman, Federal Election Commission, transmitting a request for supplemental appropriations for fiscal year 1981, pursuant to section 310(d)(1) of the Federal Election Campaign Act of 1971, as amended; to the Committee on Appropriations.

5636. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the family housing maintenance function at England Air Force Base, La., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5637. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to Switzerland (Transmittal No. 81–02), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

5638. A letter from the District of Columbia Auditor, transmitting copies of various reports issued by his office, pursuant to section 455 of Public Law 93–198; to the Committee on the District of Columbia.

5639. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the determination of the Deputy Secretary of State that the international security assistance programs of the United States for fiscal year 1981 are in compliance with the human rights requirements of section 502B of the Foreign Assistance Act of 1961, as amended, pursuant to section 502B (a)(2) of the act; to the Committee on Foreign Affairs.

5640. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of the Federal Republic of Germany to transfer certain U.S.-origin defense equipment to Spain, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

5641. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Switzerland (Transmittal No. 81–02), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5642. A letter from the Administrator of General Services, transmitting a followup report on the recommendations contained in the report of the National Transportation Policy Study Commission dated June 1979 pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

5643. A letter from the Administrator of General Services, transmitting a followup report on the recommendations contained in the President's Export Council dated July 23, 1979, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

5644. A letter from the Administrator of General Services, transmitting a followup report on the recommendations contained in the report of the Advisory Committee on Federal Pay dated August 27, 1979, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

5645. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the four Internal Revenue Service Centers, in Covington, Ky., Andover, Mass., Kansas City, Mo., and Ogden, Utah, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

5646. A letter from the Comptroller General of the United States, transmitting a report on formulation and coordination of U.S. international energy policies (ID–80–21, September 30, 1980); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, Foreign Affairs, and Ways and Means.

5647. A letter from the Comptroller General of the United States, transmitting a report on selected features of U.S. nuclear nonproliferation law and policy (EMD–81–9, November 18, 1980); jointly, to the Committees on Government Operations, Foreign Affairs, and Science and Technology.

5648. A letter from the Comptroller General of the United States, transmitting a report on the mental health care of jail inmates (GGD–81–5, November 17, 1980); jointly, to the Committees on Government Operations and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN of Oregon (for himself and Mr. Ullman):

H.R. 8359. A bill to amend the Internal Revenue Code of 1954 to exempt from the Federal motor fuels excise taxes fuel used in aircraft while engaged in certain activities related to planting, caring for, and harvesting of trees and other natural resources; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 8360. A bill to increase the monthly basic pay of a certain officer of the Armed Forces and to make subsequent increases in pay and allowances for such officer reflective of changes in the Consumer Price Index; to the Committee on Armed Services.

H.R. 8361. A bill to provide authority for additional nominations for consideration for appointment to the U.S. Military, Naval, and Air Force Academies; to the Committee on Armed Services.

By Mr. CONYERS:

H.J. Res. 631. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 632. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week"; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H. Con. Res. 450. Concurrent resolution expressing the sense of Congress with respect to the International Year for Disabled Persons; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELSON:

H.R. 8362. A bill for the relief of Equity Advertising Agency, Inc.; to the Committee on the Judiciary.

H.R. 8363. A bill for the relief of Seattle Post-Intelligencer; to the Committee on the Judiciary.

H.R. 8364. A bill for the relief of The News Tribune; to the Committee on the Judiciary.

By Mr. MURPHY of Pennsylvania:

H.R. 8365. A bill for the relief of Kap Sun Butka; to the Committee on the Judiciary.

By Mr. CHARLES WILSON of Texas:

H.R. 8366. A bill for the relief of Oscar Raul Espionoza-Madariaga, Ines Grov Espinoza, Claudia Paola Espinoza Grov, and Felipe Andres Espinoza Grov; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 325: Mr. Ottinger.

H.R. 503: Mr. Findley.

H.R. 3677: Mr. Wirth.

H.R. 4805: Mr. Patterson and Mr. Conte.

H.R. 7643: Mr. Tauke.

H.R. 7688: Mr. Gray, Mr. McDade, Mrs. Heckler, Mrs. Collins of Illinois, Mr. Evans of Delaware, Mr. Hance, Mr. White, Mr. Dickinson, Mr. Whitehurst, Mr. Roth, Mr. Wyatt, Mr. Clay, Mr. Mitchell of Maryland, and Mr. Dornan.

H.R. 7773: Mr. Chappell and Mr. Hutto

H.R. 7793: Mr. Wolpe.

H.R. 8031: Ms. Ferraro.

H.R. 8083: Mr. Solarz.

H.R. 8099: Mr. Minish.

H.R. 8289: Mr. Clausen.

H.J. Res. 215: Mr. Boland.

H.J. Res. 300: Mr. Marriott.

H. Con. Res. 446: Ms. Ferraro, Mr. Kogovsek, Mr. Loeffler, Mr. Rinaldo, Mr. Wolpe, and Mrs. Byron.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

634. By the SPEAKER: Petition of the Montgomery County Board, Hillsboro, Ill., relative to the general revenue sharing program; to the Committee on Government Operations.

635. Also, petition of the Board of County Commissioners of Carlton County, Minnesota, relative to the general revenue sharing program; to the Committee on Government Operations.

636. Also, petition of the Village Board of Trustees of Atlantic Beach, N.Y., relative to the general revenue sharing program; to the Committee on Government Operations.

637. Also, petition of the Klamath County Board of Commissioners, Oregon, relative to the general revenue sharing program; to the Committee on Government Operations.

638. Also, petition of the Board of Commissioners of Shelby County, Tenn., relative to the general revenue sharing program; to the Committee on Government Operations.

639. Also, petition of the Board of County Commissioners of Salt Lake County, Utah, relative to the general revenue sharing program; to the Committee on Government Operations.

640. Also, petition of the Board of Supervisors of Cumberland County, Va., relative to the general revenue sharing program; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6386

By Mr. BUTLER:

—On page 2, after line 12, add the following new section:

"Sec. . That section 1006(b)(1)(5) of the Legal Services Corporation Act (42 U.S.C.

2996e(b)(5)) is amended by striking the following: 'except as permitted by law in connection with such employees own employment situation'.

On page 2, after line 12, add the following new section:

"SEC. . That section 1006(f) of the Legal Services Corporation Act (42 U.S.C. 2996e (f)) is amended by deleting the word 'sole'."

By Mr. LUNGREN:

—Page 2, line 11, strike out "$380,000,000 for the fiscal year 1982, and $450,000,000 for the fiscal year 1983.", and insert in lieu thereof "and $343,791,000 for the fiscal year 1982."

By Mr. LUNGREN:

—Page 2, line 11, strike out "$380,000,000", and insert in lieu thereof "$343,791,000".

Page 2, line 12, strike out "$450,000,000", and insert in lieu thereof "$367,856,000".

By Mr. SENSENBRENNER:

—On page 2, after line 12, add the following new section:

"SEC. . Section 1007(a) of the Legal Services Corporation Act, Public Law 93-335 as amended by Public Law 95-222 (42 U.S.C. 2996f(a)) is amended by adding a new subsection '(11)'.

"(11) in every fiscal year, whenever the private bar demonstrates the willingness and ability to deliver legal assistance consistent with section 1007(a)(3), make available substantial amounts of funding to provide the opportunity for legal assistance to be rendered to available clients by private lawyers."

By Mr. SHUMWAY:

—Page 2, after line 12, add the following new section:

SEC. 2. Section 1007 of the Legal Services Corporation Act (42 U.S.C. 2996f) is amended by adding at the end thereof the following new subsection:

"(l) No funds appropriated under this title for fiscal years 1981, 1982, or 1983, and made available by the Corporation, either by grant or contract, may be used to provide legal assistance to any individual unless such individual (1) is a citizen of the United States, (2) is lawfully admitted for permanent residence in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), (3) is admitted to the United States as a nonimmigrant under section 101 (a)(15) of such Act (8 U.S.C. 1101(a)(15)), or (4) is admitted to the United States as a refugee under section 207 of such Act (8 U.S.C. 1157).".

H.R. 6628

By Mr. CORCORAN:

—Page 8, after line 23, insert the following new section:

SEC. 108. The Nuclear Regulatory Commission shall use such funds as may be necessary from the amounts authorized to be appropriated under this Act to resume and complete proceedings on the Generic Environmental Statement on Mixed Oxide Fuel (GESMO) which were terminated pursuant to the order of the Commission dated December 23, 1977.

H.R. 6811

By Mr. YOUNG of Florida:

—On page 2, line 8, strike "$3,240,000,000" and insert in lieu thereof "$2,400,000,000" and on line 15, strike "$3,240,000,000" and insert in lieu thereof "$2,400,000,000".

—On page 2, line 12, strike the period and insert the following: ": *Provided further*, That such contributions shall to the extent possible avoid being provided under a Continuing Appropriations Act, unless such Act extends for an entire fiscal year."

—On page 2, line 12, strike the period and insert the following: "in five annual installments of $648,000,000 for each fiscal year beginning with fiscal year 1981 and ending with fiscal year 1985.".

—On page 2, line 12, strike the period and insert the following: "in four annual installments of $810,000,000 for each fiscal year beginning with fiscal year 1981 and ending with fiscal year 1984.".

—On page 2, line 15, strike out "without fiscal year limitation" and insert in lieu thereof "for the period beginning with fiscal year 1981 and ending with fiscal year 1983" and on page 2, line 16, insert ", which shall remain available until expended" after "Treasury".

—On page 2, line 25, strike the period and insert the following: ": *Provided*, That all documents pertaining to and including the agreement are made available to the House of Representatives and the Senate of the United States.".

—On page 3, line 4, strike "five" and insert in lieu thereof "four".

—On page 3, line 5, strike the period and insert the following: "by the President.".

—On page 3, line 17, strike "if" and insert in lieu thereof "shall be required to be".

—On page 5, line 4, strike "to" and insert the following: "not more than".

—On page 5, beginning on line 6, strike "That the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts." and insert in lieu thereof: "That any subscription to additional shares shall be made only after the amount required for such subscription has been appropriated.".

—On page 5, line 8, strike the period and insert the following: ": *Provided further*, That the President shall to the extent possible avoid providing the subscription or any part of the subscription under a Continuing Appropriations Act, unless such Act extends for an entire fiscal year.".

—On page 5, beginning on line 9, strike out "without fiscal year limitation" and insert in lieu thereof "for the period beginning with fiscal year 1981 and ending with fiscal year 1985" and on page 5, line 13, insert ", which shall remain available until expended" after "$359,733,570".

—On page 5, line 11, strike "to" and insert in lieu thereof "not more than".

—On page 5, line 13, strike "$359,733,570" and insert in lieu thereof "$300,000,000".

—On page 9, strike lines 1 through 19.

—On page 9, immediately after line 19, insert the following new title IV and redesignate accordingly: Title IV—Human Rights, section 401, title VII of Public Law 95-118 (22 U.S.C. 262d), is amended by adding the following new section:

United States Governor of the International Bank for Reconstruction and Development,

"SEC. 705. The President shall direct the the United States Governor of the International Development Association, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Bank to propose and seek adoption of an amendment to the Articles of Agreement for their respective institutions to establish human rights standards to be considered in connection with each application for assistance."

SENATE—*Tuesday, November 18, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, may Thy spirit descend upon us that we may stand in the full stature of our humanity to do Thy will as we see it. Grant to us the unimpaired use of all the powers with which Thou hast endowed us.

Deliver us from foolish discontent, from envy which fails to count life's blessings and from jealousy which sears the soul and scars the personality. Save us from regrets about things which cannot be altered. Give us grace to accept the inevitable and to serve Thee gladly. So grant that, cleansed from self and from sin, our lives may bring joy to others and contentment to ourselves, through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 18, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. ROBERT C. BYRD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting minority leader.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. EXON). The Chair recognizes the majority leader.

SAKHAROV SPEAKS OUT

Mr. ROBERT C. BYRD. Mr. President, in June of this year I shared with my colleagues a remarkable document, entitled "Letter from Exile," written by Andrei Sakharov, a renowned Soviet scientist and human rights advocate.

Once again, Mr. Sakharov has spoken out from his internal exile in Gorki, a Russian city closed to foreigners. His letter, published in the British scientific journal, Nature, was excerpted in the Washington Post.

Mr. Sakharov exposes the truth of his conditions in Gorki, in contrast to recent statements in the official Soviet press. His doctor, his aunt, and his son's fiance are prevented from seeing Sakharov. He is not allowed to make telephone calls. He reports that his correspondence is "carefully inspected by the KGB" and only a fraction of it reaches him.

But such isolation cannot stop the truth. In the United States and other countries, Mr. Sakharov's voice is heard. He reminds those of us who live in freedom that not all the world is so blessed. He reminds us that basic human rights are systematically squashed in the Soviet Union, in violation of the Helsinki Agreements.

In his first letter from exile, Mr. Sakharov concluded. "Our only protection is the spotlight of public attention on our fate by friends around the world." Those of us who are free to speak out must help to keep the spotlight focused on Andrei Sakharov.

I ask unanimous consent that Mr. Sakharov's most recent letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAKHAROV SPEAKS OUT

(Two months ago, scientists from several nations met at The Hague to protest the Soviet Union's treatment of Andrei Sakharov, the nuclear physicist and prominent dissident who was exiled from Moscow to the closed city of Gorki in January. Last week, the British scientific journal Nature published a letter from Sakharov, replying to statements about him made at the conference. What follows is excerpted from Sakharov's letter:)

My isolation in Gorki is of an entirely different nature than appears from the conference. There is no scientific library opposite my home, to which I might have access. Opposite there is only mud and piles of rubbish. I have no contact with scientists in Gorki, not because there are only secret institutes here, but because I am in a state of almost total isolation, deprived of the possibility of meeting anybody at all apart from my wife and two people from Gorki, who obtained permission for this from the KGB. And one visit from my university colleague, also by permission of the KGB. Any others are kept away by a militiaman, on duty around the clock, one meter from the door.

I don't even get to know about the majority of visitors, and they have great trouble. After some time I merely learn of people who are close to me. Our friend and doctor, who traveled from Leningrad, was not admitted nor was our 82-year-old aunt from Moscow. They do not even admit my son's fiance, who has lived with us nearly three years, Liza Alekseeva. The authorities will not allow her out of the country to join the person she loves, she is subjected to persecution, threats of physical and legal reprisals.

To describe my situation, I might add that I have no telephone and it is not possible to make a call from a post office. I am deprived of the medical aid of those doctors who used to treat me; my correspondence is carefully inspected by the KGB and only a fraction of correspondence reaches me. In the house where I live there is a personal radio jamming device, which was even in operation before jamming of radio transmissions was resumed in the U.S.S.R.

In July my wife found two KGB agents in the flat. Who had entered through a window and, without the knowledge of the militiaman on duty, rummaged through my papers and erased tape recordings. Illegal entry like this, the purposes of which may be even more dangerous, has happened before. I have not received a reply to a single one of my letters or telegrams to officials. Two months ago I sent a letter to the vice president of the Academy of Sciences of the U.S.S.R., E. P. Velkihov, and would like to hope for a reply.

The Soviet press, Soviet representatives abroad and some of my Soviet colleagues during foreign missions, in contacts with people in the West who are concerned about my fate, in an attempt to disorganize my defense, assert that I am against détente, have spoken out against SALT and have even permitted the divulgence of state secrets; they also emphasize the mildness of the measures taken against me. My attitude and open way of life and actions are well known and show how absurd these accusations are.

I have never infringed state secrecy, and any talk of this is slander. I regard thermonuclear war as the main danger threatening mankind, and consider that the problem of preventing it takes priority over other international problems; I am in favor of disarmament and a strategic balance. I support the SALT II agreement as a necessary stage in disarmament negotiations. I am against any expansion, against Soviet intervention in Afghanistan, but in favor of aid to refugees and the starving throughout the world. I regard as very important an international agreement on refusal to be the first to use nuclear weapons, concluded on the basis of a strategic balance in the field of conventional weapons.

I do not make it my task to give special support to the viewpoint of western governments, or anyone else, but express precisely my own viewpoint on matters causing me anxiety. As for the mildness of the measures taken against me, they are not as severe as the terms of imprisonment lasting many years for my friends and scientists—prisoners of conscience Sergei Kovalev, Yuri Orlov, Toli Shcharansky, Tanya Velikanova, Viktor Nekipelov—nor as the fate of those awaiting trial—Aleksander Lavut, Leonard Ternovsky, Tanya Osipova and many others.

But my banishment, without trial in infringement of all constitutional guarantees, the isolation measures applied, interference of the KGB in my life, are completely illegal and inadmissible as an infringement of my personal rights and as a dangerous precedent of the actions of the authorities, who are casting aside even that pitiful imitation of legality in the persecution of dissidents that they displayed in recent years. Only a court has the right to establish that a law has been infringed and to define the manner of punishment. Any deliberations about culpability and mercy without a trial are inadmissible and against a person's rights.

Therefore, I insist on a public trial, and attach fundamental importance to this.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no requests for my time. I yield it back.

The PRESIDING OFFICER. Under the standing order, the minority leader has 4 minutes remaining.

Mr. STEVENS. Mr. President, I yield back the remainder of the leader's time on this side.

RECOGNITION OF SENATOR HAYAKAWA

The PRESIDING OFFICER. Under the previous order, the Senator from California (Mr. Hayakawa) is recognized for not to exceed 15 minutes.

Mr. HAYAKAWA. I thank the Chair.

THE AVAILABILITY OF PRESIDENTIAL ELECTION RESULTS

(INTRODUCTION OF S. 3204 THROUGH S. 3207)

Mr. HAYAKAWA. Mr. President, on Tuesday, November 4, while many people in our Western States were waiting to cast their vote for our country's next President, word was received an hour and a quarter before polls closed in the west coast States that President Carter had conceded the election to Ronald Reagan. A great many of those potential voters turned around and went home. Even before that, the National Broadcasting Corp., in feverish competition with ABC and CBS, announced projections that showed Ronald Reagan to be the winner in the Presidential race.

Several Members of Congress may have lost their bids for reelection because many people, on hearing these projections and President Carter's concession, failed to vote. Lines formed up at polling places simply broke up as people went home, they simply dissolved. After 6 o'clock, many polling places were empty. People had gone home.

One of the most important privileges we Americans have is the right to cast a vote for our choice of candidates for the Office of President. The results of that race often have a substantial effect on the races for the House and Senate, and the State assemblies, which are decided on the same day. The practice of projecting the Presidential winner on the basis of 1 or 2 percent of the returns certainly does not create a climate which best insures a fair election and maximum participation in the elective process. But at present we find the press telling us who has won the Presidential race after receiving only a tiny fraction of the actual returns.

Part of our problem this past election day came from the polls taken by the television networks of voters who had just finished casting their ballots—the so-called exit polls. We cannot prevent the press from taking this kind of poll, nor can we stop them from making predictions based on such a poll. But we can keep the press from having access to any actual election results until everyone has had the opportunity to vote. At least in this way, each voter would be assured that early predictions are based only on conjecture.

I would like to point out that Mayor Diane Feinstein bitterly complained that many Democrats running for local office were narrowly defeated in San Francisco because voters went home early after hearing the network projections on the President's concession.

Congressman Al Ullman of Oregon, chairman of the House Ways and Means Committee, also lost narrowly and complained for the same reasons.

I wish the news media were willing to curtail their own guesswork activities and join us in the attempt to encourage every voting age citizen to participate in the election process. However, what we have today is a race among the networks which has overshadowed the importance of the race for the Presidency. This is absurd.

Our problems this year are not new; we first had trouble when early election results were broadcast in 1960. In the years since 1960 several bills have been introduced in Congress to deal with the problem, but a solution has never been enacted. It is time to wake up and face the reality of the situation; it is time to enact a solution.

Because of the seriousness of this problem, I am offering not one, but four different proposals for a solution. Each of these bills provides the means to make the results from the Presidential race available at the same time across the country. I am offering four different measures in order to insure that each of the possible solutions is given thorough consideration, to insure that any potential problems are thoroughly aired, and to allow the selection of a solution which will best serve our country's needs.

The first proposal sets an hour for all the polls to close simultaneously. The polls on the east coast would be open from 9 a.m. to 9 p.m., and the central, mountain, and Pacific time zones would have hours from 8 a.m. to 8 p.m., 7 a.m. to 7 p.m., and 6 a.m. to 6 p.m. respectively. Alaska and Hawaii, which do not fall within these time zones, would be given extra voting hours on the preceding Monday evening. None of the results would be released until all the polls had closed Tuesday at 9 p.m. eastern standard time.

The second proposal is very similar to the first, but it sets the simultaneous closing time at 8 p.m. eastern standard time. Our Western States would have the option of opening their polls for a few hours on Monday evening. Again, no results could be released until the simultaneous closing time on Tuesday.

Another idea has been suggested by Congressman Biaggi of New York. With this measure, election day would be changed to the Sunday following the first Monday in November. The polls across the country would open and close simultaneously, opening at noon eastern standard time and closing at 9 p.m. eastern standard time.

This means that they would open at 9 a.m. Pacific standard time and close at 6 p.m. Pacific standard time.

Since the hours of voting are shortened with this proposal, it is necessary to have the polls open on a day that is not a normal working day.

As for the objection against voting on Sunday, Representative Biaggi has made a survey of the matter and has made some inquiries of a number of clergymen. I ask unanimous consent to have printed in the Record excerpts from a speech delivered by Representative Mario Biaggi on August 19, 1980.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

> During the early stages of preparing this legislation, I was concerned about the impact such a proposal might have on American church life. In an attempt to address these concerns, I contacted various religious leaders throughout the Nation to obtain their views. Interestingly, the response has been favorable.
>
> In fact, the president of the U.S. Catholic Conference, the Most Reverend John R. Quinn, wrote:
>
> The proposal for Sunday voting is one that should receive serious study and discussion. I cannot see how it would react negatively on church obligations but might rather emphasize the moral aspects of voter responsibility for all citizens. . . . Voting on Sunday, then, could be quite consistent with Catholic social ministry.
>
> An official from the Episcopal Church Center, the Reverend Charles A. Cesaretti, responded:
>
> The possibility of having Sunday as an election day raises no problems from a religious standpoint. Many States have already repealed their "Blue Laws" or had them declared unconstitutional. Your suggestion will cause a healthy debate and that is most welcome.
>
> Regarding the proposal to establish voting hours on a real-time basis, an official for the United Presbyterian Church in the United States of America, Donald J. Wilson, wrote:
>
> There would appear to be considerable merit in setting the voting hours on a real-time basis as you propose.
>
> The President of the United Church of Christ, Avery D. Post, added:
>
> I do want to identify positively with your suggestion that elections be held on a real-time basis.

Mr. HAYAKAWA. Mr. President, my final proposal is the most simple. It would require that the results of the Presidential race be embargoed until all the polls across the country have closed. No State would have to change the hours that the polling places are open; there would be no need to change the day that elections are held. There would be no potentially unconstitutional restrictions placed on the press. Any election officer who releases results of the Presidential election before the last poll in Alaska closes would be subject to a penalty. However, the results of local elections for State and local offices, the House of Representatives and the Senate could be released as usual.

I am submitting for the RECORD a chart which displays the differences in each bill that I have outlined today. Each one offers a workable solution to the problem that we faced on November 4. We cannot allow the continuation of the current situation when it causes a person to turn away from the polls because his vote has become meaningless.

In recent years we have witnessed a declining number of the people who are eligible to vote make that simple effort. This is the only opportunity many people have to participate in their own governing process. This participation is guaranteed by our Constitution, it is up to us to insure that the guarantee is meaningful.

Mr. President, I ask unanimous consent to have printed in the RECORD a table which shows the differences between the four plans.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DIFFERENCES BETWEEN THE FOUR ELECTION LAW REFORM PROPOSALS OFFERED BY MR. HAYAKAWA

Designation of voting day	Voting hours	Time of release of results
	PROPOSAL NO. 1	
1st Tuesday after the 1st Monday, with additional hours on Monday for Alaska and Hawaii.	9 a.m. to 9 p.m. e.s.t. for continental United States, with additional hours on Monday for Alaska and Hawaii.	9 p.m. e.s.t.
	PROPOSAL NO. 2	
1st Tuesday after the 1st Monday, with the option of extra hours on Monday.	All polls close at 8 p.m. e.s.t.; may be open for a total of 12 hr prior to that time.	8 p.m. e.s.t.
	PROPOSAL NO. 3	
1st Sunday after the 1st Monday in November.	All polls open from noon to 9 p.m. e.s.t.	9 p.m. e.s.t.
	PROPOSAL NO. 4	
Same as current law (1st Tuesday after the 1st Monday in November).	Same as current law (left up to the States).	At the time the last poll in the Nation closes.

E.s.t.—Eastern standard time.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent to have printed in the RECORD the four bills, each of which suggests a solution to the problem I have outlined.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of title 3, United States Code, is amended by adding the following:

"TIME FOR CLOSURE OF POLLING PLACES

"SEC. 1a. (a) Notwithstanding section 1, whenever such electors are to be chosen by election, the polling places in such elections shall remain open for a total of twelve hours. However, all polling places nationwide shall be closed at 9 post meridiem (eastern standard time) except that any such polling place shall not be closed until all qualified voters who present themselves at such polling place before 9 post meridiem (eastern standard time) for the purpose of voting shall have had a reasonable amount of time to cast their ballots.

"(b) Notwithstanding section 1, States which would find it necessary to open their polling places prior to 6 ante meridiem local time in order to remain open for 12 hours may allow such polling places to open on such first Monday in November for the balance of the total 12 hour voting period.

"(c) No person shall make public any information with respect to the number of votes cast at a presidential general election to elect such electors prior to the closing of all polling places, including Alaska and Hawaii.".

(b) The chapter analysis for chapter 1 of title 3, United States Code, is amended by inserting after the item relating to section 1 the following:

"1a. Time for closure of polling places.".

S. 3205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of title 3, United States Code, is amended by adding the following:

"TIME FOR CLOSURE OF POLLING PLACES

"SEC. 1a. (a) Notwithstanding section 1, whenever such electors are to be chosen by election, the polling places in such elections shall remain open for a total of twelve hours. However, all polling places nationwide shall be closed at 8 post meridiem (eastern standard time) except that any such polling place shall not be closed until all qualified voters who present themselves at such polling place before 8 post meridiem (eastern standard time) for the purpose of voting shall have had a reasonable amount of time to cast their ballots.

"(b) Notwithstanding section 1, States not on eastern standard time may open after 8 post meridiem (eastern standard time) on such first Monday in November but shall be closed at 11 post meridiem (eastern standard time) until the Tuesday next, but the polling places for such elections may not remain open for more than a total of twelve hours.

"(c) No person shall make public any information with respect to the number of votes cast at a presidential general election to elect such electors prior to the closing of all polling places, including Alaska and Hawaii.".

(b) The chapter analysis for chapter 1 of title 3, United States Code, is amended by inserting after the item relating to section 1 the following:

"1a. Time for closure of polling places.".

S. 3206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 2 of title II of the Revised Statutes is amended by inserting after section 25 (2 U.S.C. 7) the following:

"SEC. 25a. Notwithstanding section 25, the Sunday next after the 1st Monday in November in calendar years 1982, 1984, 1986, and 1988, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter.".

(b) The chapter analysis for chapter 2 of title II of the Revised Statutes is amended by inserting after the item relating to section 25 the following:

"25a. Time of election for 1982, 1984, 1986, and 1988.".

SEC. 2. (a) Title 3, United States Code, is amended by inserting after section 1 the following:

"TIME OF APPOINTING ELECTORS FOR 1984 AND 1988

"SEC. 1a. (a) Notwithstanding section 1, effective in calendar years 1984 and 1988, the electors of President and Vice President shall be appointed, in each State, on the Sunday next after the first Monday in November.

"(b) Polling places in elections to determine the electors of President and Vice President, held in calendar years 1984 and 1988, shall be opened in each State at the hour of 12 noon and remain open until 9 post meridiem (eastern standard time), at which time the polling places shall be closed, except that any such polling place shall not be closed until all qualified voters who present themselves at such polling place before 9 post meridiem (eastern standard time) for the purpose of voting shall have had a reasonable amount of time to cast their ballots.".

(b) The chapter analysis for chapter 1 of title 3, United States Code, is amended by inserting after the item relating to section 1 the following:

"1a. Time of appointing electors for 1984 and 1988.".

SEC. 3. Not later than September 30, 1989, the Federal Election Commission shall transmit to the President and to the Congress a report regarding the amendments made by this Act, including—

(1) an analysis of any effects which the amendments made by this Act may have upon the percentages or patterns of voter participation in elections to choose Senators, Members of the House of Representatives, or the electors of President and Vice President, and

(2) recommendations for such legislative or other action as the Federal Election Commission considers appropriate.

S. 3207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 29 of title 18, United States Code, is amended by inserting the following:

"§ 618. Early disclosure of presidential election results

"(a) It shall be unlawful for any person to make public any information with respect to the number of votes cast at a presidential general election for any candidate for the office of President of the United States prior to the closing of all polling places, including those in the States of Alaska and Hawaii.

"(b) Violation of the provisions of this section is punishable by a fine of not to exceed $1,000, or imprisonment of not to exceed one year, or both.".

(b) The table of sections for chapter 29, United States Code, is amended by adding at the end thereof the following:

"618. Early disclosure of presidential election results.".

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, that Senators may speak during that period, and that it not extend beyond 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND CONCURRENT BUDGET RESOLUTION, 1981-83

Mr. ROBERT C. BYRD. Mr. President, as I indicated yesterday, it would be the intention of the leadership to proceed to the consideration of Senate Concurrent Resolution 119, the second concurrent budget resolution. Mr. BELLMON and Mr. HOLLINGS are here, and they will manage the resolution.

I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 119, Calendar No. 1003.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 119) revising the congressional budget for the United States Government for the fiscal years 1981, 1982, and 1983.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HOLLINGS. Mr. President, we are only 2 days behind in this matter. Last year, there was much discussion relative to a second concurrent budget resolution. As a matter of fact, the second concurrent budget resolution on which we operated during the last fiscal year, was agreed to on November 16 of last year.

So, even with all the interruptions of the national election and everything else, we have been pursuing the matter as diligently as we can.

I appreciate the distinguished majority leader having brought up this matter at this time, so that we can set some kind of budgetary levels until at least the new administration has had time to come in and set its course.

Mr. President, an old song reminds us that many things can change from May to December. December is still a few weeks away, but things have already changed dramatically since we first considered the 1981 budget in May.

A new President has been elected. The leadership of the Senate is about to change hands. And the course of the economy has been anything but steady. Uncertainty, radical ups and downs in the stock and credit markets, and surprises on the political scene have been the order of the day. This year, the forecasters and polltakers are wearing out their erasers a lot faster than usual.

But some of the most important things—the really fundamental things—have not changed. For better or worse, fiscal policy will continue to make a decisive difference in the health of our economy. A policy of fiscal discipline will continue to be the cornerstone of any successful effort to break out of our current economic dilemma.

In May, we made a bipartisan judgment that sound fiscal policy must be based on spending discipline across the board. No intervening changes in the political or economic landscape have altered the basis for that judgment.

So the Budget Committee's recommendation for a second budget resolution for 1981 maintains the steady course we set for ourselves in May.

It reduces the Federal share of GNP from 23 percent in 1980 to 22.7 percent in 1981 and 20.7 percent in 1985.

It calls for a 1.4-percent reduction in real Federal spending as compared to the budget for fiscal 1980. Although the total outlays will increase in terms of inflated dollars, when the effects of inflation are factored out so that real spending power is measured, this budget contains increases in such key areas as national defense, medicare and medicaid, and indexed income support programs that have been pushed up by the course of the economy.

All other spending programs in this budget have been cut by a total of more than 15 percent in real terms compared to the 1980 budget.

I wish to reiterate that, Mr. President, because while there was some misgiving with respect to the loss of the balanced budget that we adopted in our first concurrent resolution. We realize now that that has been changed in the context of an additional percent in unemployment, here again our friend, the distinguished Senator from Oklahoma, our ranking minority member, was more nearly on target.

CBO in June was projecting 9 percent unemployment for 1981 and he was cautioning that was an overreaction. But even with a part of that overreaction when we sat down, the committee did its very best to maintain some kind of budget discipline still tending toward the balanced budget if at all possible. In that context all spending programs in this budget other than those I have just mentioned which are indexed, and defense, have been cut by a total of more than 15 percent in real terms compared to the 1980 budget.

Of course, in view of the hopes we held in May, the fact that this budget contains a deficit of $17.9 billion is a disappointment. But we must face reality. Forces beyond the control of this body have upset our plans for balanced books. And these new budget squeezes have come about without the help of major new spending programs.

More unemployment and higher inflation are among the elements that we cannot legislate away.

Despite the disappointment of losing the balanced budget, however, let us not lose sight of the dramatic savings this budget achieves.

A deficit of $17.9 billion amounts to a $41.1 billion improvement over the 1980 deficit. That means $41.1 billion less pressure on the credit markets. And it means we are $41.1 billion closer to the goal of a balanced budget. In the face of the challenges we have had to overcome, that $41.1 billion achievement is a very substantial one.

Despite the need for savings, this budget also addresses the needs of those who are hardest hit by the effects of the recession. It provides more than $343 million in 1981 outlays for human services and for programs to ease the effects of the recession.

But the Budget Committee resisted the temptation to throw money at the recession, just as it is coming to an end. We have rejected the call for massive new spending that would take hold too late to stop the layoffs and would set back too severely our efforts to reverse the course of inflation.

This budget recognizes, however, that some spending needs demand a generous response. It includes a $174 billion investment to get on with the job of repairing the all too obvious weaknesses in the state of our Nation's defenses.

This budget makes no provision for a tax reduction at the present time. In a few months we will have a new President. According to the Speaker of the House, the President we have right now would veto a tax cut bill. In a few months, we will have more data on the course of the economy. The data we have right now is a collection of mixed signals. The committee is not necessarily opposed to a 1981 tax cut. But there is no reason and certainly no need to pick a number out of the air and guess at what our future needs will be.

Let me digress on the point that the Speaker of the House of Representatives said the President would veto it. The distinguished Senator from Oklahoma and I had an opportunity to have an off-the-record session with the outstanding economic and financial minds of this country the latter part of May, the very beginning of June, just before adoption of the first budget resolution, and the subject of unemployment was the main subject of concern. We had been talking about 7.5-percent unemployment for the fiscal year 1981, and many of the preliminary indicators were showing that we would be lucky to get by with an average of 7.5, that the average would be nearer 9 percent. As a new Budget Committee chairman as well as a candidate for reelection I was dead serious about this problem, so I asked these experts:

> Now with all the talk about what the projections could be, let me ask you before you make that firm projection by the middle of July when it was due what can I do and what can this Budget Committee and what can Congress do now to offset the 9 percent unemployment that you see coming down the pike this early?

Specifically, I could not go to the electorate on November 4 and say I had done nothing.

Surprisingly, that is exactly what was

recommended. The economists all said nothing. They said:

> Senator, what you should be concerned about is 1982 and 1983. If you had wanted to offset the 9 percent impact here in November, the end of this year and the first quarter of 1981, you should have acted some 18 months ago. Your concern now is the business cycle in 1982 and 1983 that we not again go into a spiraling inflation at the end of 1982 and another deeper and longer-lasting recession in 1983. In order to offset that what we really need after the election is a tax cut on the supply side of a nominal amount of around $20 billion. It should be a very modest, very nominal amount in the initial stage with a promise in the future, namely in the outyears, 1982, 1983, 1984, and 1985. It could grow. But in no event should you be going for a stimulus which will start us right back into the inflation, for the across-the-board tax cut which would go into the mainstream of consumerism and defeat any attempts to defeat inflation.

We collect some $281 billion in individual income taxes and if we enacted a 10 percent across-the-board tax cut, we would lose $28 billion revenues. Trying to get us into the black, which we are all trying to do right now, would be very difficult but more than anything else we would assure a very violent and long-lasting inflationary period.

So, I say a tax cut now in November is not a good idea. Not just because the President or the Speaker of the House of Representatives quoting the President has said he is going to veto it. On the contrary, I could not support it because it would not be in the country's best interest just now, and that is the reason I would not support it.

I think those economists generally were on target. I think that none of us can really tell, economists and otherwise, and we have to do the best we can. It is very difficult with big Government, big labor, big industry, an international economy, an international recession, and international cartels in oil pricing, to sit here as one little body and twist a lever here of spending and a little bit there and come out with just the right economic answer.

But the inflation is of such a lasting and persistent nature that all of us agree that the first order of business is to get the Government back into the black. And that is why I want revenues. It is not that I am not politic. I believe in the size of Government being cut back and I would like to go to my constituents and say, "Look what I have done. I have cut back and I have given you a big tax cut and we have shown those so and so's in Washington."

It might momentarily make a pleasant headline, but I can tell you right now it does not get us past the inflation which is the worst of all tax increases. So the committee believes that we should wait until the next Congress to consider a responsible revenue policy.

And along that line I would presume, as this budget resolution calls for, that we will be having a third concurrent budget resolution. I would presume that at the very first of the year that would be one of the things that President-elect Reagan would submit. He will have a new Congress, new leadership, at least in the U.S. Senate, and we hope to cooperate and see that every chance is given, not just for his success as President but for the country's success economically. So we will be looking at it at that time and I hope that a pattern is set that can really defeat this inflation.

This budget includes a series of recommendations for improvement in the management and control of Federal lending activities.

Finally, this budget is, in part, a product of the historic reconciliation legislation each House of Congress passed earlier this year. It took courage for the Senate to cut back on $8 billion worth of spending that was once considered immune from scrutiny. It took courage to close $4 billion worth of tax loopholes.

If the conference on reconciliation is successfully concluded, as we hope and expect, that courage will be rewarded in a multibillion-dollar reduction in the size of the 1981 deficit. With that much of a savings at stake, I do not think it is necessary to dwell on the importance of bringing the conference to a successful conclusion.

But I might add and emphasize that we have met with the various chairmen of the committees. I met with Senator Long in Finance a couple of times on yesterday. We had a meeting, Congressman Giaimo and myself, as cochairmen of that particular conference. We conferred again this morning trying to prompt and urge the parties to reconcile their differences and maintain the principle of reconciliation, that there is no such thing as uncontrollables; on the contrary, we can cut back if the Congress has a mind to do it.

(Mr. BRADLEY assumed the chair.)

THE BUDGET AND THE ECONOMY

Mr. HOLLINGS. Mr. President, the first budget resolution for 1981 represented the most stringent spending plan in recent memory. It not only limited the growth of Federal spending; it called for $6 billion in savings from existing law. And it set the stage for the first balanced budget since 1969.

That balance was premised on a mild and brief recession, and the premise was not a wildly optimistic one. On the contrary, our economic assumptions were a bit more pessimistic on the strength of the economy than the consensus view of the major private forecasters.

A deeper recession than the forecasters predicted at the time of the first resolution—with higher unemployment and no relief from inflation—has upset our plans for balanced books. But things are not as grim as CBO or many forecasters thought in June and early July. Therefore, the Budget Committee at its August markup assumed an unemployment rate for 1981 of 8.5 percent, below the CBO June forecast of 9 percent but still a very cautious estimate.

We were also realistic, however, about prospects for somewhat worse inflation than CBO had forecast. We realized too that inflation and high interest rates go together. We added more interest costs to the budget in our August markup than the CBO June forecast would have required. All of these forecast changes were within CBO forecast ranges and were suggested by incoming data on the economy.

Since that August markup, events have not only shown that we were right to move in the direction we did. The recession that took hold more quickly than expected seems to have ended just as abruptly. The unemployment rate dropped back to 7.5 percent in September and the leading indicators kept rising.

Mr. President, the Budget Committee recommends a consistent and responsible fiscal plan that is characterized by three fundamental features: Continued restraint in the face of inflation; a refusal to sacrifice sound economic judgment for the sake of preserving a balanced budget; and a rejection of massive stimulus as a response to the recession.

Let me summarize each of these features in turn:

First, we can neither run nor hide from the fact that inflation remains our most serious underlying concern.

In testimony before the Budget Committee, Charles Schultze, Chairman of the Council of Economic Advisers, summed up the challenge: "There is a momentum to inherited inflation" he said. "Wages and prices chase each other, influenced by expectations about inflation in the future. Unless some force actively works against that inherited inflation, it tends to keep going unabated."

It is up to us to exercise that restraining force. The public demands it. The very integrity of our economy depends on it. In the end, all of our citizens—those who are underprivileged and those who are comfortable—can only achieve a better future if inflation is squeezed out of our economic system.

This budget accepts that responsibility. It preserves the spending cuts mapped out in the first resolution.

The Senate-passed reconciliation bill, together with other savings legislation already enacted or underway, will eliminate many billions of dollars in 1981 spending. Each of us has constituents who will not welcome those cuts. For those who reaped the benefits, poorly targeted spending and unproductive subsidies were nice to have. But the American people cannot afford such plums. We have begun to break the logjam of unjustified spending that has been such a heavy drag on our efforts over the years to bring the budget more firmly under control.

As passed by the Senate, the reconciliation bill could save $500 million in child nutrition program reforms, $1.4 billion in medicare and medicaid reforms, $1.7 billion in unemployment insurance reforms, $800 million through the elimination of twice-anual cost of living increase adjustments for civilian government and military retirees, $600 million in higher education programs, and $400 million in veterans programs, plus savings in dozens of other programs.

I would be glad to discuss with my distinguished ranking Member exactly where we are on some of those because, obviously, it is going to be difficult to hold that cost-of-living increase and several of the other things that we have been so hopeful of keeping in the reconciliation process.

These 1981 spending savings can only be achieved, however, through a successful resolution of the current reconciliation conference. With the good faith and hard work that have already been demonstrated by the conferees from both Houses, we have good reason to be confident that success will be realized.

Beyond reconciliation, the following is only a sampling of major areas of spending restraint assumed in this budget resolution. All of the savings are expressed in terms of 1981 outlays compared to outlays for 1980:

A no-growth policy for EPA construction grant, research, and regulatory programs for a savings of $100 million;

Cuts in untargeted public employment programs totalling $200 million in savings;

A $600 million savings in water resource projects construction and operations, representing a 10-percent cut;

A restriction of international development programs to current law levels, cutting almost $200 million from the President's request;

A phasing-out of the CETA title VI countercyclical public service employment program by the end of fiscal 1981, for a savings of $1 billion;

No liberalization of the trade adjustment assistance program proposed in H.R. 1543, saving $1.3 billion;

A one-third reduction in general revenue sharing for a savings of $1.7 billion.

All told, Mr. President, as I mentioned earlier, the recommended budget calls for a 1.4-percent real reduction in overall Federal spending. And when increases for such key areas as defense, medicare and medicaid, and indexed income security programs are factored out, the real-terms savings amount to more than 15 percent.

Many armchair analysts describe the recent election as a popular revolt against reckless Government spenders. That is all very dramatic. But the truth is—under the congressional budget process—the rebellion has come quietly from within. We are determined to cut back further on Federal spending; but we will not be launching a bold new trend. We will be sustaining a drive that started 2 years ago.

According to the Advisory Commission on Intergovernmental Relations, per capita Federal spending peaked in real terms in 1978. In 2 years time, the budget process has reduced the individual citizen's Federal spending burden by a full 2 percent in constant dollar terms. We have cut back on real per capita domestic spending by 3 percent while defense spending has risen by 1 percent per capita in real terms.

That achievement must be seen in perspective. For more than half a century, Federal spending continued to grow in real per capita terms. The leadership of Congress has changed hands many times. Presidents have come and gone. The political fortunes of Democrats and Republicans have ebbed and flowed. But the big spending trend kept right on coming, or rolling along, as the song Old Man River says.

We have already turned that trend around. We have to keep up the good work. But good work it has been. And this budget maintains that positive course.

Some of the spending cuts contained in this budget are long overdue. Some of them are painful and can only be accepted with reluctance. But a price must be paid for restraint. In offering this budget recommendation to the Senate, the committee is insisting that the price must be paid.

The second basic element of our recommendation rejects the idea that we can hold to the totals of the first resolution and keep the budget in balance despite the forces that have thrown it into deficit.

No Senator regrets the loss of the balanced budget more keenly than your chairman does. But we must live in the real world. In the course of this debate, it may be argued that we can save the balanced budget. But we could only win that victory by undermining our security or by imposing unacceptable burdens on our economy and on our people.

I might emphasize there, Mr. President, with the $17.9 billion, that actually in budget authority we have had a real add on in 1981 over 1980 in the defense function of $29.1 billion. We could well have gone, Mr. President, substantially lower, to just an $11 billion add on to that function, and then we could have talked about the balanced budget still.

So the emphasis should be that in addition to the desire to get the Government back in the black, there is still the equal desire to play catchup ball with respect to our national defense and our national security.

If we hope to succeed in promoting a steady economic recovery, we cannot abandon the discipline we accepted in May. But neither can we pile another $17.9 billion heap of spending cuts on top of those we have already endorsed.

We cannot ignore the events that have changed the economic landscape since the first resolution was passed. We cannot wish away the spending rates that have developed, largely flowing from past appropriations. And we cannot snatch away the protections for the poor, the elderly, and the unemployed that are built into our laws. It is those protections—unemployment compensation, food stamps, social security, and so on—that have caused the deficit to reappear with higher inflation and unemployment.

Let us look at the components of the $17.9 billion deficit contained in this budget: $7.6 billion results from the recession's effects on unemployment compensation and other income support payments; $5.7 billion results from Defense spending increases required to let our military forces stay even with inflation and to meet revised spend-out estimates; $1.6 billion results from the impact inflation has had on programs other than Defense; and $4.5 billion results from outlay reestimates in non-Defense programs and from a few program changes in non-Defense areas such as building up the strategic petroleum reserve and boosting support for the Export-Import Bank to better our balance of payments.

This is a matter of interest, of course, to our distinguished ranking minority member, the Senator from Oklahoma, because he tried with various amendments to put caps on the outlay figures. We say, of course, the way to control spending is at the budget authority level, not the outlay level. So there it is. In previous years the Congress has approved budgetary levels in the Department of Defense and now they have accelerated those in a revised spend outflow. As a result, they have jumped some $4 billion upwards.

We were talking about $153.7 billion, I think it was, in the 050 function in the first concurrent resolution. We met at the White House with President Carter about taking care of the pay increase he endorsed aboard the deck of the *Nimitz*, and also the amounts we thought were necessary to keep us current.

At that time, we pointed out to the President that in July, with the accelerated spending being monitored by our Congressional Budget Office and the staff in the Senate Budget Committee, he was going to have a higher defense figure than one that had been characterized as "cheating social programs."

On that basis, short of the mark, along came the $157.7 billion that the President was submitting, and that was the revised spendout course that the administration took. And, of course, with the increased inflation, we have added another $1 billion or so to keep in constant dollar amounts of appropriations necessary for those things approved under the first concurrent budget resolution.

So there is $5.7 billion in defense spending increases required to let our military forces stay even with inflation and meet revised spendout efforts.

Who is going to come forward and get a majority vote to cut defense spending? The majority now in both Houses, perhaps, or at least on the Senate side, would be for even further increases. And that is what our new President is speaking about in his administration. So we had to go up at least that amount. We could not cut it.

We could not cut the authorized level of unemployment compensation and unemployment-related programs. Recession's effect is there and the people are there. We did refuse to liberalize and extend adjustment assistance to secondary impacted industries. But there is $7.6 billion of spending driven by higher unemployment and there is not too much discretion there.

Now let us look at the $1.6 billion that we have with inflation on programs other than defense.

On this point there is some information which should be included. I will ask the staff to make a copy of this so I can insert it into the RECORD.

I think one of the greatest misnomers that our friends in the free press picked up, and we should once and for all end the arguments and the dialog, is with respect to a tax cut merely amounting to a cut on the increase in taxes. I wish it were so. I wish it were so.

The idea is that with this inflation people ratcheted up in the income tax bracket. There are billions and billions of additional revenue dollars flowing to the National Treasury which are not needed. They are just put on new programs and you develop a tremendous slush fund of moneys to be expended. That inflation, in other words, does not cost the Government.

That is false, absolutely false. Inflation costs the Government just as well as it costs the individual. Here is what has happened.

Let us set aside in our minds the offsetting social security tax increases. Neither side is talking about that in this particular discussion. There are some $11 or $12 billion on the amount we gave. We gave a 14.3-percent increase in social security in July and we could not pick up five votes on either side of this Capitol to try to hold it down to 7 percent or half of that amount.

That cost us some $16.8 billion. Now we are going to have to put in taxes and the taxes are not going to quite take care of that amount, as I see it at the present time. We are not talking about windfall profits, because they are needed to pay out more money in energy assistance to the poor and the needy and the disadvantaged, put some of that into synthetic fuels, put it in these different programs around. We are not talking about the windfall profit tax when we talk about this $85 billion in new taxes coming next year.

Let us look at the some $60 billion that comes about as a result of inflation. What happens to the Federal Government? You see, the rise in tax burden due to inflation—what we call bracket creep—is not $60 billion. On the contrary, that, by itself, is $9.4 billion. And we admonish that there are some around within the sound of my voice that did not get that bracket creep. I would enjoy that creeping up on me.

The fact is that when you get the bracket creep, you get your income increased. The labor unions, the workers of America, have adjustments and otherwise, the people in Government itself—they have gotten certain pay increases across the board, and they are getting more money. As a result, they do get into a higher bracket. But, obviously, the majority of the working people, I believe, in this country are not subject to bracket creep. I should like to have that bracket creep disease catch hold of me and creep up on me and give me a little more money so I could join the group. They all act as though it is some kind of virus to be avoided. I have been trying to catch it and cannot. I was accused of trying to catch it, incidentally, in the campaign. I will speak about that later. In any event, that is a $9.4 billion rise in the tax burden because their pay has increased and they get into a higher pay bracket.

Then we have the rise in the tax base. This is a broad spectrum of middle America coming forward from the lower income tax brackets where they are not paying any tax, who come in and pay taxes for the first time. The total rise in that category of tax receipts due to inflation or the rise in the tax base due to inflation is $51.5 billion. So we have a total rise in tax receipts due to inflation of $60.9 billion.

So, momentarily, yes, let us look at it. There is a fund so we all say for a minute, let us see what we are going to do as budgeteers, where we can start cutting and everything else. Then we look at the particular programs—the Departments, the heads, the programs in Defense, the programs in all the other Departments. First, they indexed nondefense programs. The increase in spending due to inflation in all the effectively indexed nondefense programs is $24.5 billion. We look at defense and that increase to an amount—ascribable, of course, to the defense inflator—of $16.3 billion. That would get the same amount of defense we previously appropriated for without the rise in inflation.

Then we get the other nonindexted programs that cost $4.8 billion. And, of course, the interest rates, we see in the morning news, has now gone to 16.25 percent prime, different from the interest rate of around 4 percent for 3-month Treasury bills. That goes up and costs us, before we even have the meeting of the committee, $18 billion. It is always rather amusing, Mr. President. We are talking to the reporters, all talking about cutting, and they have already increased it through inflation $18 billion right there.

We are talking about cutting budgets. That just shows now that with those increases, trying to hold the line without cutting any programs, that is a sum total of $63.6 billion. So, actually, the change in the 1981 deficit due to inflation is plus $2.7 billion. So the first thing that we have to do, when we sit around the table, due to inflation, is not take some slush fund and divide it around. We have started behind the goal line to the tune of some $2.7 billion before we got a first down. We have to get back some $2.7 billion to get up to the line of scrimmage economically. That is one of the biggest misunderstandings that we have, economically, in our country when we start talking about our budgets. I have the explanation for this, but I do not want to belabor the Senate any more at this time. I shall try to close my remarks and elaborate on it further in debate.

Mr. President, I ask unanimous consent that a document entitled "The Estimated Effects of Inflation in the Federal Budget for Fiscal Year 1981" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ESTIMATED EFFECTS OF INFLATION IN THE FEDERAL BUDGET IN FISCAL YEAR 1981

Budget increase, fiscal years 1980–81

[In billions of dollars]

Rise in tax burden due to inflation (bracket creep)	$ 9.4
Effects of rise in tax base due to inflation	51.5
Total rise in tax receipts due to inflation	60.9
Increase in spending due to inflation:	
Indexed nondefense programs	24.5
Defense, increase ascribable to rise in defense deflator	16.3
Other nonindexed programs	[1] 4.8
Interest, difference from interest rates around 4 percent for 3-month Treasury bills	18.0
Total	63.6
Change in fiscal year 1981 deficit due to inflation	+2.7

[1] The Senate-reported Second Budget Resolution included this amount to *partially* cover inflation in nonindexed programs other than defense. However, the Second Budget Resolution did *not* fully protect such programs against inflation. If we had done that, it would have added another $10.9 billion to the spending in the budget.

NOTE. It has been estimated by CBO that in general inflation decreases the deficit by $3 to $6 billion per percentage point, implying that the 1981 deficit would be $30 to $60 billion higher without the inflation of around 10 percent forecast for FY 1981. Such general estimates do not apply to FY 1981 for the following reasons:

1. The $30 to $60 billion estimate does not include the effect of inflation on interest rates.

2. The $30 billion estimate assumes that the Consumer Price Index rises no faster than the GNP deflator. The CPI rises 4.6 percentage points more than the deflator in FY 80 and 1.1 point more in FY 81, and as a result FY 81 indexed outlays rise faster than the tax base.

3. The $30 to $60 billion estimate does not include the amount required to offset the effect of inflation in defense spending, or the amounts by which nonindexed functions other than defense were increased to partly or wholly maintain real spending levels in the face of inflation.

Mr. HOLLINGS. Mr. President, there is $4.5 billion that results from outlay reestimates in nondefense programs and from a few program changes in nondefense areas such as building up the strategic petroleum reserve and boosting support for the Export-Import Bank to better our balance of payments.

Mr. President, these outlay reestimates are particularly annoying to the Senator from Oklahoma and myself. When we judiciously, conscientiously sit around, go from early morning to late at night, break up at 11:15 p.m. and come back and mark up and try to hold a quorum, working our dead-level best to keep this entire thing in line, and we are fussing over $100 million here or $200 million—we never think it is peanuts. We think it is highly important. Then, all of a sudden, we come back and get the economists' reestimates. All of a sudden, we did not spend it, but there has been spent in the reestimates some $4 billion, $5 billion, and $6 billion. In this particular case, around $3 billion came out of those reestimates.

I remember we put $1.1 billion in for the Eximbank, an additional amount for the strategic petroleum reserve. But we are trying to work out a system, not just to get better projection but to say what we mean and mean what we say and have it respected when we try to give a very formal and valid approval of that concurrent resolution.

We lose credibility when we come in and hold our colleagues back $100 million here, $50 million there, cannot accept that amendment, vote to foreclose this and that, then come back and find ourselves billions out of line due to what they want to call reestimates.

Mr. President, these unavoidable increases total $19.4 billion. When we deduct the $200 million surplus in the first resolution and also account for increased revenues, it is self-evident how the $17.9 billion deficit came into being.

But what is not self-evident is room for cutbacks. What is not self-evident is the impact that a spending cut to balance the budget would have on the security and well-being of the American people.

One possible scenario is presented on page 14 of the committee's report. We could balance the budget by cutting back on military operations and personnel, delaying procurement of much needed weapons, heightening the dangers of our dependency on foreign oil by cutting back on SPRO, putting an end to any program to clean up hazardous waste dumps, causing 50,000 elderly and disabled Americans to lose their SSI benefits—and so on and so on. At this point, I ask unanimous consent to have printed in the RECORD a breakdown of the potential cuts set forth in the committee's report.

I think our colleagues ought to have it in the RECORD facing them so they can see exactly what that would mean.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Implications of Maintaining the First Resolution Unchanged

During the Committee's deliberations, a proposal was made to ignore the re-estimates brought about by the recession and by the most recent data on the cost of programs under existing law. The Committee rejected that proposal. It would be both unrealistic and unwise to proceed as if nothing has changed since the First Resolution was adopted by Congress. The implications for our security, for the economy, and for the well-being of the American people inherent in such a policy are enormous.

The following is a summary of the effects which could result from a decision to maintain the First Resolution totals unchanged. Other, equivalent reductions might be made, but budget cuts of the same magnitude and sensitivity would be necessary to hold the budget to the First Resolution totals.

FUNCTION 050—NATIONAL DEFENSE

Reduce defense fuel purchases by 30 percent in FY 1981 which could reduce steaming hours by approximately 500,000 hours and flying hours by approximately 1,000,000 hours and could force major changes in readiness training.

Reduce both military and civilian personnel levels by 25,000 which could mean the elimination of one Army division and an increase in the shortfalls in military personnel manning levels.

Reduction in O&M activities by 5 percent which would force significant reductions in training, maintenance, supply, and base support activities.

Delay procurement and R&D efforts for such strategic and tactical programs as: 11 ground-launched cruise missiles; 20 tomahawk missiles; a new strategic bomber; Trident II R&D and Minuetman III initiatives; 570 XM-1 tanks; and 2 AEGIS ships.

A $5.7 billion cut in outlays could require a $9.5 billion reduction in budget authority if the reduction were to be spread across the entire defense budget. Any smaller reduction in budget authority would place the emphasis of the reduction primarily on manpower and O&M.

FUNCTION 150—INTERNATIONAL AFFAIRS

Reduce admissions of Indochinese refugees from 14,000 to 7,000 per month.

Reduce Public Law 480 concessional food sales by 1.5 million tons.

Reduce Eximbank direct loan level by $1.7 billion; if competitive financing cannot be found elsewhere, loss of this level of American exports could result in loss of 68,000 jobs.

Delay payments of economic support to U.S. friends and allies such as Israel, Egypt, and Turkey.

Reject the President's request for increased security measures in American embassies abroad; currently, most embassies cannot hold out for several hours against a mob attack.

Reduce new appropriations for the Agency for International Development, the World Bank's soft-loan window, and the Inter-American Development Bank to one-half of the FY 1979 level.

FUNCTION 250—GENERAL SCIENCE, SPACE AND TECHNOLOGY

Delay launch of space shuttle beyond March 1981 and jeopardize defense intelligence missions in 1983.

FUNCTION 270—ENERGY

Delay construction of the two SRC's and jeopardize cost-sharing agreements between the U.S./Germany and Japan on SRC II and between DOE/private sector on SRC I.

Reduce financing of feasibility studies and/or cooperative agreements for development of synthetic fuels plants.

Delay exploration and development of the Naval Petroleum Reserves in Colorado and Wyoming for oil and oil shale.

Preclude meeting the mandate of the Energy Security Act to acquire 100,000 barrels of oil per day for SPRO.

FUNCTION 300—NATURAL RESOURCES AND ENVIRONMENT

Slow construction activities at over 100 water resources projects and possibly halt construction on 30-40 projects.

Prevent any land acquisition for parks and eliminate urban park rehabilitation. (Reduced operating hours at national parks and wildlife refuges could result.)

Preclude legislation to clean up hazardous waste dumps.

Terminate the wastewater treatment plants construction grant program. (This would require rescinding $3.5 billion already allocated to the States and providing no new funds for the program in FY 1981.)

Reduce enforcement of hazardous waste, clean air and clean water permits by up to 70 percent.

FUNCTION 350—AGRICULTURE

Make possible higher loan rates for grain in the farmer-owned reserve than in the Senate-passed and House-reported legislation. (Since higher loan rates are unlikely, this would leave more outlays than necessary available in the function.)

FUNCTION 370—COMMERCE AND HOUSING CREDIT

Discontinue FmHA rental assistance programs, eliminate the interest credit program, and/or speed up income from receipts by requiring foreclosure on defaulted rural housing mortgages.

FUNCTION 400—TRANSPORTATION

Withhold payments to States to honor prior-year obligations (would risk law suits).

Sharply curtail highway construction or rescind funds for roads damaged by disasters such as Mt. St. Helens.

Ensure no room for additional Conrail funding which is expected to be recommended in FY 1981.

Affect Amtrak operations and probably require 30 percent reduction in service and deferral of equipment and capital purchases.

Further reduce transit operating subsidies.

Reduce levels for FAA operations 14 percent below FY 1980 and 16 percent below CBO estimates of funding needs for FY 1981.

Require withholding of payments to honor prior-year obligations for ship construction which could risk law suit against Federal Government.

FUNCTION 450—COMMUNITY AND REGIONAL DEVELOPMENT

Preclude about $400 million in disaster relief and flood insurance payments. (Victims of flooding all across the country would not receive reimbursement on their insurance claims. The Government would have to refuse to honor its contractual obligations on flood insurance contracts. The Government would have to cease obligating funds for disaster relief—as a result victims of Hurricane Allen would not receive aid.)

FUNCTION 500—EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Add over a billion dollars for education jobs programs to the budget authority levels which the Committee deems sufficient.

FUNCTION 550—HEALTH

Cause about 800,000 newly unemployed people to lose their entitlement to health care under medicaid.

Force about 28 million aged and disabled people eligible for medicare to pay, on the average, $143 per year more for their health care than they do now.

Cut funding for health services, such as community health centers and alcohol and drug abuse centers, by 8 percent.

FUNCTION 600—INCOME SECURITY

Cause over 1 million unemployed people to lose benefits under the unemployment insurance and trade adjustment assistance programs.

Cause over 30 million elderly and disabled people not to get their social security checks on time at the end of FY 1981.

Deprive about 800,000 people now on the AFDC rolls of their benefits.

Cause about 50,000 elderly and disabled people to lose their SSI benefits.

FUNCTION 700—VETERANS' BENEFITS AND SERVICES

Cause a cutback in the October 1980 increase in compensation benefits for veterans suffering from service-connected disabilities (only a 2.9 percent increase would be provided instead of 14.3 percent).

FUNCTION 750—ADMINISTRATION OF JUSTICE

Require FY 1981 absorption of the effects of the 1980 supplemental in several Federal law enforcement programs. This could mean a reduction of:

225 work years in the Federal Bureau of Investigtion;

105 work years in the Immigration and Naturalization Service;

90 work years in the Drug Enforcement Administration.

FUNCTION 800—GENERAL GOVERNMENT

Require the Internal Revenue Service to overcharge the Social Security Administration for the services they perform (the re-estimate involved reduced receipts), or else cut down on tax enforcement programs.

Mr. HOLLINGS. Mr. President, certainly, it would be possible to come up with any number of alternative lists. This is not the only list, but these are some of the things that are cut. They are discussed in the committee's consideration of cuts. We want to relay something realistic. We have had all kinds of amendments coming in. We get percentage amendments, we get program amendments, we get fraud and abuse amendments, whatever it is. I have never been able to find just where that fraud is that everybody talks about.

Our good friend, Joe Califano, made a statement one time that there was $7 billion in HEW. That is the worst thing that ever happened to the budget process because people walk out and say, "Let us cut $7 billion out."

But where do we find it? What do we do? We enforce the law, we get better enforcement at the local level.

I might elaborate on the food stamp program, where enforcement is at the local level.

Time and again, we have candidates on the trail saying, "I will put them to work, not give them those benefits."

That is the law today. That is the Federal policy today. Whose responsibility is it to enforce that law? Do they want us to hire the FBI or Federal agents?

I can say here and now, I have that one budget, we have 7,700 FBI agents. If we had Federal enforcement on food stamp law, we would have to add another 10,000.

I had to fight with the distinguished Senator, he and I are fighting on the same side, to be sure we did not cut back 1,000 agents at the Federal Bureau of Investigation this past year in the budget we adopted on the last evening.

What does it mean? I will get to the point.

The Senator from South Carolina has over $160 million in benefits given out when we look to food stamp recipients. They have a 4-percent sales tax law on foodstuffs. So, the State of South Carolina is making at least $6.8 million out of that program from their sales tax on food payments.

We go down there and ask what enforcement they have, and less than $100,000 of that amount went to the enforcement of the food stamp law. But they blame the Senator from Oklahoma and the Senator from South Carolina and the Federal Government for this giveaway program. There they are.

Maybe, when we talk about fraud, if that is what the Congress wants, let us add 10,000 agents and clean that up. But we will be getting a bigger bureaucracy and Government.

I like law enforcement to be contained at the local level. I like the power of the security, and the public welfare, and everything else, at the local level. The crimes of murder and other things of that kind are State responsibilities. So we have tried to make certain we did not get into that.

But I can say here and now we should look at this chart. I can see President-elect Reagan with those notebooks. I can feel for him because when I got this chairmanship from Senator Muskie—and I have been walking around with those notebooks for about 5 years—then I had to start reading them in detail. So, let the distinguished President-elect now look into those notebooks and give us the programs and let us not have any more of his political cheerleaders.

I respect our President-elect. I will cooperate with him and I will help him. There is no doubt in my mind we have a good chance of moving his Government back into the black. But we cannot do it by engaging in polemics and headlines and nonsensical talk about finding the fraud.

The way to find the fraud is to enforce the law, and the way to enforce the law, unfortunately, is more Federal bureaucracy, or putting some penalty on the States.

I have thought many times that we ought to have a provision that all moneys not expended, received as a result of this particular act, shall revert to the Federal Treasury; namely, that $6-odd million that is not being used for enforcement, at least bring it back to Washington. Maybe that would bring economic pressure to have them do something at the State level.

Some of us might be able to construct such a list and do so—convinced that the Nation would be better off for the change. But is there any one list that would command the support of 51 Senators?

Mr. President, let us behave like grownups.

Let us not make believe that nothing has changed since May. Let us not close our eyes and wish real hard that the recession would go away.

The press gallery will soon see indignant news releases issued by righteous fiscal watchmen condemning their spendthrift colleagues for throwing the balanced budget away. But we all know better.

We cannot pull out the props from under an economy that is expected to be in the early and fragile recovery stage in fiscal 1981. We cannot make billions of dollars of additional spending cuts when the cuttable cloth just is not there.

What we can do and what the Budget Committee recommends is to cut the deficit from some $60 billion to less than $18 billion.

What we can do is stick to the spending discipline and steady plan for continued restraint that will balance the budget as soon as it is practical to do so.

This budget recommendation is a carefully crafted approach to comprehensive fiscal responsibilities. It is not a simple thing. It is not the stuff from which snappy political slogans are made. Its virtues are difficult to summarize in a news release—let alone on a bumper sticker.

But this budget recommendation is a responsible and measured approach to the fiscal responsibilities of this body.

The third basic feature of this budget is twofold. We have provided for the needs of those who are hardest hit by the recession and we have provided for renewed attention to the need for jobs and job training. But we have rejected the call for massive new stimulus.

As Federal Reserve Chairman Volcker told the committee, it would be a cruel hoax to save a few jobs through economic stimulus this year, only to take the jobs of many more Americans by provoking a more severe recession 1 or 2 years down the road.

We must break the cycle of recession and inflation-caused hardship followed by knee jerk Federal spending, followed by still more inflation, still more unemployment, and still more suffering.

This budget opts for a more moderate and well-reasoned approach. It will help us break that pointless pattern of good intentions and bad results.

It addresses the needs of the needy and creates more jobs for the jobless.

It increases public service jobs for the hard core unemployed by 25 percent over the 1980 level.

It provides for a 20-percent increase in the Job Corps program.

It allows for an increase of almost 200 percent in funding for child welfare services reform.

It provides for a 13-percent increase in the Headstart program in order to accommodate the inclusion of 13,000 additional children.

It makes room for full cost-of-living increases in social security, SSI, railroad retirement and veterans compensation programs. Those increases total $22.3 billion over 1980.

It accommodates full funding of the food stamp program, for an increase of $1.3 billion.

It provides funding for low-income energy assistance totaling $2 billion—a 25-percent increase over the 1980 level.

It allows for $30.2 billion in subsidized housing programs. That funding will pay for an additional 271,000 housing units in addition to the 3 million units already funded.

Mr. President, the list rolls on from there. This budget provides adequately for the needs of the disadvantaged. It will produce many thousands of new job opportunities. But it will not saddle the economy with a wave of massive stimulative spending that can only have unfortunate effects in the long run.

The economy is not falling apart. On the contrary, the recovery has begun. But at the same time, inflation has sped up again. We must avoid creating conditions for yet another round of devastating inflation.

TAX POLICY

Mr. President, this budget recommendation contains a fiscal 1981 revenue floor of $615.1 billion. The only policy changes accommodated by the recommendation are enactment of reconciliation, establishment of the cleanup "Superfund" and an extension of airport and airway taxes.

The recommended budget makes no provision for a general tax reduction.

At the time the committee marked up this recommendation, we were convinced that the weeks before a general election were not an ideal time to consider the wisdom of a tax reduction in any form—let alone to review the merits of one approach over another.

We were convinced that election year pressures would create at least the appearance of distorted judgments regarding the most prudent tax cut policy.

We were convinced that it would be wise to wait for more complete economic data before making such an important policy decision.

The election, of course—for better or worse—is now behind us.

But other concerns remain. During this fiscal year, we will experience a fragile recovery from the recession. And just as that recovery is getting underway, demands on the Nation's credit markets are increasing. With a major tax reduction, the Federal Government's borrowing needs will accelerate. And those needs will compete with the needs of private industry.

A new increase in interest rates would be the most likely result. Surely we have had enough of that. And such a new increase, in turn, could easily slow the recovery down still further before the the stimulative effects of a tax cut could take hold.

Even when the tax reduction became effective, higher interest rates would surely wash out most of the benefits. And the burden would fall most heavily on the housing and automobile sectors of the economy—the very sectors that have been hardest hit by the recession.

Higher deficits and skyrocketing interest rates are two ingredients of disaster. But both can be avoided.

Serious spending restraint could prevent a tax cut from producing those effects. Successful completion of the reconciliation process, enactment of appropriations bills within the budget resolution targets, and other demonstrations of Congress willingness to control spending would pave the way for significant tax reductions.

But until such spending restraint is demonstrated, provision in this budget for a tax cut would be premature. Until the new administration and the new Congress arrive in town, and until the shape of the economy becomes more clear, we are very well advised to exercise patience and resist the call for snap judgments now.

Now that Congress has decided not to adopt a tax cut during the lameduck session, we cannot prejudge the outcome of the debate that will come next year.

For all of these reasons, the committee believes that the revenue floor should not accommodate a major tax cut. We must avoid creating room for an excessive reduction and we must avoid creating obstacles to a joint congressional-Presidential effort to construct an appropriate, consistent economic and fiscal policy.

THE CREDIT BUDGET

The credit budget totals recommended by the committee are $68.3 billion for direct loans, $75.1 billion for primary loan guarantees, and $53.1 billion for secondary loan guarantees.

These totals are based on the administration's July estimates of credit activities adjusted to accommodate student loan programs at the level in the Senate-passed higher education authorization bill.

These targets are based on the administration's estimates of fiscal year 1981 credit activities and are expected to accommodate the demand for these programs in the coming year. The only adjustment made by the Budget Committee was to accommodate student loan programs at the level in the Senate-passed higher education reauthorization.

For the first time this year, the Congress established targets for Federal credit activity in the budget resolution. This includes both loan and loan guarantee programs. In addition, the first resolution contained "sense of the Congress" language calling on the President and Congress to limit, through the appropriations process, the on- and off-budget credit activity of the Federal Government to the levels specified in the resolution.

This latter provision was intended to encourage containment of those credit activities—including those of the Federal Financing Bank—for which the administration had not proposed specific limitations in appropriations bills.

After enactment of the first concurrent resolution, the Senate Budget Committee established a Special Subcommittee on the Control of Federal Credit to evaluate the credit budget.

Chaired by Senator **Metzenbaum**, the special subcommittee requested information from Federal agencies on credit and held a series of hearings in order to build a base of information from which to formulate recommendations for improving congressional control over credit activities.

In addition, the subcommittee monitored congressional action on this system of credit control.

In action on the second budget resolution, the committee adopted three recommendations made by the special subcommittee.

First, the committee recommends continuation of credit targets like those in the first resolution. The committee does not recommend at this time that the Congress set binding ceilings on credit programs.

Second, the committee recommends that the aggregate targets be broken down into functional totals and into primary and secondary guarantees.

Breaking down the aggregate targets will permit comparison of direct spending, tax expenditures and credit activities within each function.

Third, the committee recommends continuation of the "sense of the Congress" language in the first resolution, calling upon the President and the Congress to limit on- and off-budget credit activities through the appropriations process.

The committee also has taken two actions recommended by the special subcommittee which will facilitate further development of the credit budget in the next Congress. First, we have requested the CBO to integrate a system for reporting and tracking legislation authorizing and appropriating loan guarantees into the regular congressional budget scorekeeping process. Second, we have requested assistance from the OMB in establishing a standard definition of defaults.

The committee believes that these and other followup actions will allow us to move toward greater congressional control of credit activities.

BUDGET HIGHLIGHTS

Mr. President, the following is a breakdown of budget highlights within the four major categories of Federal spending programs.

NATIONAL DEFENSE AND INTERNATIONAL AFFAIRS

The committee's recommendation for national defense spending preserves the commitment to a much-needed enhancement of our military capabilities that we made in May. Congress has recognized that a significant real increase is needed to counterbalance Soviet military improvements.

To keep us moving in that direction, the committee recommends $173.6 billion in budget authority and $159.4 billion in outlays for fiscal 1981.

Military pay and compensation benefits in the form of an 11.7-percent pay raise for our military personnel and the Nunn-Warner benefits package have been enacted by Congress and must be budgeted for.

This budget accommodates those initiatives, along with the accelerated level of procurement, R. & D., operations and maintenance, and training activities that are necessary to maintain an effective and reliable fighting force.

For the International Affairs function, the recommended budget provides $24.2 billion in budget authority and $10.6 billion in outlays.

As compared to the first budget resolution, a small cut is proposed for international development assistance. Also, greater-than-anticipated disbursements by the Export-Import Bank have produced a $1 billion increase in outlays.

These outlays result from the Bank's support of fast-disbursing commercial jet aircraft sales and from reduced support for slower disbursing programs such as nuclear reactor exports.

This budget makes room for full on-budget treatment of the President's request for Eximbank's long-term financing of American exports, rather than burying it off-budget. This accounts for the increase in budget authority over the first resolution.

The committee's recommendation assumes that Eximbank will provide $5.4 billion in direct loans, rather than the President's request for $4.4 billion in direct loans plus $1 billion of off-budget financing by the Treasury.

The committee continues to oppose new off-budget financing while supporting a competitive position for American exports.

HUMAN RESOURCES

This budget is generous in its emphasis on human resources programs. More than half of the outlays in this budget—54 percent—are spent on these programs.

Fiscal 1981 totals for human resources programs are $376.2 billion in budget authority and $343.4 billion in outlays.

But this budget also recognizes the need for spending restraint in human resources as well as in other programs. Most of the savings to be achieved through the reconciliation process—$2.9 billion in budget authority and $5.3 billion in outlays—are in human resources programs.

In the area of education, training, employment, and social services, the committee recommends funding of a new initative to provide basic employment-oriented education and training for disadvantaged youths to combat high unemployment, particularly among minority youth.

The committee also recommends sufficient funding increases to allow for expansion of the Job Corps, and to partially compensate for inflation in employment and training programs targeted on the chronically unemployed.

The committee recommendation also assumes substantial reforms in student loan programs for higher education. Many of these reforms have since been enacted in H.R. 5192. Other increases recommended by the committee are full funding for the title XX program, which provides social services to the poor, and an increase in funding for child welfare services.

Also recommended are increases in funding to fully compensate social services and nutrition programs for the elderly against inflation.

The committee continues to assume the major savings in programs of lower priority which were assumed in the Senate-passed first budget resolution, including termination of the Young Adult Conservation Corps in fiscal 1981, and a phasing out of the CETA title VI countercyclical public service employment program by the end of this fiscal year.

In the area of health, the committee recommendation assumes the enactment of legislation that would provide improved health care services under medicaid to over 12 million low-income children. Funding to expand medicare benefits and services beginning in fiscal 1982 is also assumed.

Countering these program increases are substantial savings through medicare and medicaid reimbursement reforms which were included in the Senate-passed reconciliation bill.

The committee also assumes one-half the reductions proposed by the President in funding for health education programs that do not adequately address current and projected health manpower shortages.

For income security, the committee continues to recommend enactment of reforms to make the railroad retirement program solvent, as proposed by the President. Full benefits and cost-of-living increases are assumed for social security recipients.

The committee also recommends enactment of reforms in the civil service retirement programs.

The committee recommends full funding for the food stamp program at the CBO-projected level of $10.5 billion.

The committee continues to assume substantial savings in child nutrition programs which have been passed by the Senate and by the House in the reconciliation bill. Unlike the House, the Senate assumes that these changes will be made permanent.

The committee recommends funding for the low-income energy assistance program at a level of $2 billion in fiscal 1981. This represents a 25-percent increase over the fiscal 1980 level.

For veterans' benefits and services, the committee recommendation assumes a 14.3-percent cost-of-living increase for disability compensation benefits. This increase has been enacted since the committee reported this budget resolution.

The committee also assumes enactment of a new and improved GI bill program to attract more enlistees of higher quality to the Armed Forces. Also assumed are various reductions in veterans' education programs which were part of the Senate-passed reconciliation bill, and which have since been enacted into law.

The committee recommendation assumes the enactment of legislation requiring private health insurers to reimburse the VA for medical treatment provided to insured veterans for non-service-connected disabilities.

The committee recommendation also assumes legislation eliminating certain dental benefits. Savings from these proposals will not be realized until fiscal 1982. These proposals were assumed for fiscal 1981 in the first budget resolution and in the President's budget.

COMMERCE AND COMMUNITY DEVELOPMENT

For programs involving commerce and community development, the committee recommends $49.9 billion in budget authority and $45.3 billion in outlays for fiscal year 1981.

For commerce and housing credit, the first and second budget resolution policy assumptions are identical. The committee recommendation generally assumes continued support for existing housing and thrift insurance programs at a current law level, but would allow an inflation allowance to maintain the fiscal year 1980 level of reservations for the section 202 program of housing for the elderly and handicapped.

The recommendation, like the first budget resolution, assumes a reduction of $500 million below the level of the President's January request in subsidies for the Postal Service. For the remaining programs in this area, the recommendation is the current law level.

For transportation, the recommendation is similar to the first resolution in most areas and continues to assume significant savings through enactment of a reconciliation bill.

As in the first resolution, recommended highway funding levels reflect fiscal year 1981 outlay savings as a result of congressional action to reduce fiscal year 1980 highway obligations. Savings in budget authority of $300 million for highway programs are recommended, consistent with the Senate's reconciliation bill. Funding levels continue to provide for highway spending priorities, especially safety-related construction and roads damaged by disasters such as Mount St. Helens.

For railroads, air and other transportation, the recommendation is unchanged from the first resolution. Funding levels are adequate to support the present Amtrak system, but reflect outlay savings from enacted legislation which prohibits Amtrak's use of capital grants to reduce indebtedness. Funding levels for airport development programs would permit modest increases over fiscal 1980 levels, but reflect reductions from the Senate-passed bill expected through reconciliation.

The recommendation proposes to restrain Federal aid for mass transit to levels in the Senate-passed first budget resolution. For discretionary capital grants, the reduced funding level should be adequate to permit the completion of operable segments of rail transit construction and extension projects currently underway. The committee notes that the recommended funding levels still represent an outlay increase in mass transit spending of more than 250 percent since fiscal year 1975.

As in the first resolution, the recommendation for community and regional development reflects the high priority that Congress attaches to Federal assistance to encourage economic development, while at the same time staying with the budgetary restraint necessary to control inflation. The recommendation continues to assume funding restraint for community development block grants, urban development action grants, section 312 rehabilitation loans, and regional development programs. Funding for the proposed economic development administration development finance program could be accommodated at the level of the President's budget request.

The recommendation would accommodate funding for SBA disaster loans based upon the usual assumption of CBO estimates for a normal disaster year. Because of the enactment of Public Law 96–302, the recommendation assumes that most agricultural disaster lending would be carried out through the Farmers Home Administration. After the second resolution was reported, the administration requested an additional appropriation of $1.3 billion because agricultural losses due to the summer drought, which began before the enactment of Public Law 96–302, can still be financed with SBA disaster loans.

For administration of justice, the policy assumptions for the first and second budget resolutions are the same. The committee recommendation would accommodate the administration's march request for criminal justice grant assistance, adequate primarily for juvenile justice delinquency prevention funding. For other programs in the function, such as law enforcement activity by the Department of Justice and other agencies to control organized crime, public corruption, drug trafficking and illegal immigration, as well as prevention of racial and ethnic discrimination, the recommendation is for current law funding.

For general government, the second budget resolution policy assumptions are the same as the first.

For general purpose fiscal assistance, the recommendation continues the assumptions of the first resolution. Funding for the local share of general revenue sharing could be accommodated at current law levels. No funding allowance is provided for either the States share of general revenue sharing or for countercyclical fiscal assistance.

NATURAL RESOURCES

For natural resources programs, the committee recommends $30.3 billion in budget authority and $28.9 billion in outlays for fiscal year 1981.

The committee recommendation would allow science activities to keep pace with inflation in fiscal year 1981. Civilian space programs would be increased by about 7 percent over fiscal 1980 as requested by the President. This would allow for the on-schedule continuation of the space shuttle development program to meet civilian and military needs.

For energy, the committee recommends increased funding above the first budget resolution levels begininng in fiscal year 1981.

The committee recognizes the important relationship between the Nation's energy needs and our economic and military security and, therefore, supports a broad range of energy supply and energy conservation activities.

Included in the committee's recommendation are the construction of energy supply demonstration plants, continued energy supply and conservation activities, funding of the solar/conservation bank, implementation of an away-from-reactor nuclear waste storage program, and recommencement of oil acquisition for the strategic petroleum reserve as mandated in the Energy Security Act.

During the last year, the committee has been encouraged by the decline in the level of oil imported into the United States. However, the committee realizes that continued Federal support of energy supply and energy conservation initiatives will be required as the Nation continues to strive for energy independence.

For natural resources and environment programs, the committee recommends funding at higher levels than provided for in the first budget resolution. The committee's recommendation would accommodate higher outlays caused by faster construction of water resource projects and wastewater treatment plants, and by flood control activities. The resolution also includes an allowance for funding of a hazardous substances cleanup fund or "superfund." It is expected that this fund would generate sufficient new revenues to yield a net decrease in the deficit this year.

For agriculture, the committee recommendation reflects continued strong Federal support for the agricultural sector, but acknowledges the improvements in farm prices that have occurred since the first budget resolution. In recognition of the improved agricultural prices, outlays for farm price supports are reduced.

The resolution includes an allowance for initiatives expanding the Federal crop insurance program and for increasing loan rates for grain in the farmer-owned reserve program. The increased funding levels for agricultural research and services assumed in the first budget resolution are maintained.

CONCLUSION

Mr. President, there are those who argue that there is not much point in adopting this budget resolution before the 96th Congress goes home—that we should leave the business of finalizing the 1981 budget to the incoming Congress.

But there are three persuasive reasons why we should not take that advice.

First, and most simply, the law requires that we adopt a second budget resolution before adjourning this Congress.

Second, all along, the majority has been in favor of adopting a second resolution before we adjourn. And it is only very recently that some Members of the minority have begun to have second thoughts.

Third, and perhaps most important, it is essential that we keep faith with the budget process itself.

Lately, there has been much talk in this body about the concept of spending control. There has been much ado about the need to get a firmer grip on the budget. There has been much in the way of renewed commitment to a policy of fiscal discipline.

Well, none of those commitments will be well served if we allow the budget process to wither on the vine. And that would be one possible consequence of adjourning this Congress without a budget.

Since 1975, the budget process has helped restore to Congress the leading role in determining the size and shape of the Federal budget. The process has allowed us to cut the annual rate of growth of Federal spending by almost 25 percent. It has given us the means to determine far more rationally where Federal investments are going, where they should be going, and where they should not go at all.

Mr. President, we cannot risk the infliction of permanent damage to that process. We cannot go home without a second budget resolution unless we are prepared to come back and face the possibility of having no working budget process at all. At a time when the people have so clearly given us a mandate to better control the Federal purse strings, we will make a grave error if we break the tool that gives us our best opportunity to succeed.

This is a responsible, realistic and well designed budget. But more than that, it is a vital link in a 5-year series of budget plans that we simply cannot afford to undo.

Mr. BELLMON. Mr. President, I believe the Senator made a remarkably good statement. I am serious when I say that I join our chairman in the thrust of the remarks he has been making to the Senate.

I believe he has been saying a great many things that need to be said. I wish that more Members were present to hear the excellent statement that Chairman HOLLINGS has made.

Mr. President, I commend the Senator for the remarkable job he has done as chairman after being thrust into this new responsibility suddenly upon the resignation of Senator Muskie. It has been an honor and a pleasure to work with Senator HOLLINGS. I will miss this opportunity in the months ahead.

Mr. President, the budget we have before us today will be my last as ranking member of the Budget Committee. I regret that in its present form it is somewhat misleading and out of date.

As most of us know, there were great hopes but mixed expectations when the congressional budget process began 5 years ago. For those who expected it alone to produce a balanced Federal budget, it has been a disappointment. The budget process has not produced a balanced budget, but neither has it served as a launching ramp for new spending proposals as some earlier suggested would be the case. Instead, we have learned again, what we always should have suspected—that the legislative process can only lead, inform and monitor. It cannot force a result which the Congress and American citizens support and which they choose not to produce. And, Mr. President, I submit that if the process has made congressional decisions regarding economics and priorities more deliberate—better informed—then it has been a successful endeavor.

I am convinced one of the lessons of the recent election is that the voters are ahead of the Congress in their desire for fiscal prudence. The budget process is the best thing we have going in this body to accomplish that objective.

But, Mr. President, the process has been more than a successful endeavor. For example, it has helped in many ways to restrain runaway pension benefit programs; helped redesign a costly school lunch program; helped fend off large increases in farm price support programs; helped eliminate the 1 percent "kicker" in Federal retirement and twice a year indexing of many other programs; and pushed for a more rational disaster relief and loan program. None of these reductions were easy—they all had their constituents. But the budget process placed them in a context where difficult priority decisions could be more easily and rationally made.

I strongly believe that the successes Congress has achieved through the budget process can be attributed, in great part, to the unbiased, real and up-to-date budget information which has been included in budget resolutions. Though the spending estimates often change due to unforeseen economic circumstances they have never knowingly been other than the best available facts.

When the budget was marked up nearly 3 months ago, the $633 billion outlay ceiling was based upon an economic scenario with a fiscal year inflation rate of 10.9 percent, an unemployment rate of 8.5 percent, and an interest rate on 3-month Treasury bills of 10.13 percent. As we all realize now, more recent information indicates that the unemployment rate is too high in our forecast—and some of us predicated that at the time—and the inflation and interest rate forecast too low. Again, there were those who felt this would be the case.

In the latest month alone, inflation was 12.7 percent and the 90-day Treasury bill rate was 14.2 percent. Unemployment, on the other hand had fallen to 7.6 percent. Economic reestimates alone would increase the $633 billion budget for fiscal year 1981 by $1 billion at a minimum. Later estimates on spend out for entitlement programs indicate that outlays for these programs are understated by about $2.5 billion, unless legislative changes are made in the programs.

In light of these conditions, it seems to me almost certain that some changes—significant changes—are going to be made in our budget resolution when we get to conference.

But, Mr. President, that is not all. Appropriation actions thus far, even allowing for the $6.4 billion reconciliation savings which we still assume will occur, amount to $2.5 billion above the $633 billion. Disaster relief adds another $1.8 billion in appropriations requirements above the amount contained in the reported version of the second budget resolution. Thus, the budget we see before us is already out of date—it is wishful thinking—and is understated by about $7.8 billion. I should hasten to add that this figure does assume passage of the $6.4 billion fiscal year 1981 reconciliation provisions the Senate adopted earlier and does not take account of a possible $4 billion increase that CBO informs us could occur if various agencies such as the Government National Mortgage Association or Farmers Home Administration fail to sell various loan assets at the rate we have assumed in this budget resolution.

Nevertheless, I believe that the $633 billion spending level is more appropriate in today's inflationary and overtaxed times than the $640 or $648 billion level that reestimates would introduce. Therefore, I intend to propose an amendment requiring the reconciliation of $7.8 billion of anticipated fiscal year 1981 outlays so that the $633 billion of spending can, in fact, be realistically achieved. It will not be an easy task. Indeed, Congress has not yet shown the ability or resolve to achieve the $6.4 billion of reconciliation savings recommended by Congress first budget resolution. Yet, prudence and fiscal responsibility demands that we try to cut back and honesty requires that we recognize the necessity of program and appropriations reductions if the $633 billion mark is to be achieved.

What I am saying is that this figure is unrealistic unless we accomplish the $7.8 billion of reconciliation, which I will propose in an amendment in due course.

Mr. President, this will be my 13th budget resolution. Over this 5-year span, the budget process has grown in many ways. Reconciliation has been shown to be an effective and essential tool for budgetary control; 5-year budget totals are included in the resolution. Congress has presented a credit budget detailing total anticipated direct loans and loan guarantees—and has recommended appropriation limitations on these totals. The monitoring system has become more skillful and, as knowledge has grown, the Budget Committee has become more adept at working with other committees in achieving their common objectives. I fervently hope and expect that cooperation and coordination between the Budget Committee and other committees of the Senate and the House will expand and grow, and this certainly is essential.

Yet, more can be done, and I should like to sketch some of my own recommendations as to areas for further exploration:

My first suggestion is this: That Congress adopt the practice of budgeting and appropriating for a biennium. This would make possible the division of the session into first, a legislative and authorizing session, and second, a budgetary and appropriations session.

The biennial budgeting and appropriations process would greatly reduce the work of Congress and lessen the load on the executive branch, which spends an enormous amount of time preparing annual budgets and testifying in support of budget requests. Any emergency spending needs could be dealt with through supplementals as is currently the case.

Biennial appropriations would tend to slow down the escalation of costs of Government since new or increased spending proposals could only be considered once each 2 years rather than annually, which is now the case.

Second, Mr. President, I would stress the need for greater attention to multiyear budgeting. So little of this year's or even next year's budget can realistically be curtailed. Conversely, over time, no portion of the budget is "uncontrollable." But, persistent attention to only this year's outlays ignores and diverts attention from the more flexible outyear spending and cost-cutting possibilities. I would suggest that the Budget Committee's 5-year spending projection receive greater attention—perhaps even be used as the baseline for each year's spending decision.

Third, I would encourage Congress to enforce greater accountability for the spending decision by requiring outlay management by the executive branch and monitoring by Congress. Budget authority is a useful concept—the only means of defining and controlling longer term budget costs, but outlays should not be forgotten or ignored. It is the rate of outlay which directly impacts the Federal deficit and, in turn, pressures on interest rates; and it is the rate of outlay which eventually determines the need for reappropriations and the degree of budgetary overrun.

Finally, the credit budget is a laudable addition to the budget process, but the role that the credit budget plays should be more fully understood and expanded. Loan guarantees often substitute for direct expenditures and have much the same macroeconomic impact. They should be compared, on a mission basis, with direct spending in the budget to determine if overall priorities are being properly assessed and addressed. In all cases loan guarantees should be subject to an appropriations limitation. In a similar vein, serious consideration should be given to bringing the $20 billion-plus of off-budget spending within the budgetary framework.

The agencies are under Federal control, are part of the Federal debt subject to limitation, impact macroeconomic activity and the credit markets, are often used to draw on budget spending off the budget, but presently escape scrutiny of Congress as a budgetary item. Mr. President, I have more thoughts on ways in which the budget process might be strengthened and hope to enumerate those ideas before this session is completed.

We should all remember the fiscal chaos existing prior to the 1974 Budget Act. There was no systematic method of matching spending and income. The shortcomings of the system prior to the 1974 Budget and Impoundment Control Act were obvious to everyone: each congressional authorizing and appropriating committee would pass whatever spending legislation they deemed worthwhile without any perspective of overall budgetary constraint or economic impact. Appropriations bills, after they had been worked over by the Appropriations Committees, were consistently amended after they were brought to the floor, and the amendments always added money rather than cutting back.

I recall vividly the time we approved on the Senate floor some 18 amendments to the HEW bill, a bill which already had been dealt with generously in the Appropriations Committees. It is one of the main accomplishments of the budget process that that sort of thing does not happen any longer. We were always surprised to find out how large a deficit we had run up. There was no tracking or planning mechanism, and that certainly is not the case any longer. We now know on every vote whether or not we are adding to our deficit; and there is no reason for any Member of Congress to pretend that he or she does not understand what is going on on the Senate floor, day by day, so far as budget matters are concerned.

The deficit was whatever the difference was between revenues and spending—there was neither a tracking nor a planning mechanism. Criticisms not withstanding, the 1974 act has changed all that. It should be noted that previous attempts to accomplish something similar had failed. The Legislative Reorganization Act of 1946 provided for an annual legislative budget. But, after several attempts, the concept was abandoned. In 1950, Congress experimented with an omnibus appropriation bill which was tantamount to an aggregate budget. They did not use this approach in subsequent years, however. In 1968, 1969, and 1970 Congress enacted 1-year ceilings on Federal spending but the numerous exemptions and lack of an enforcement and monitoring mechanism made the procedure less than satisfactory.

But, Mr. President, let there be no mistake—Congress and the country must have a budgeting process. Until now, the greatest strength of the process has been honesty and precision in a climate of bipartisan cooperation on the Senate side. It has been a surprisingly even-handed effort to control Federal spending and reach agreement on spending priorities in a world of insatiable and diverse wants. I greatly admire the fortitude and intelligence which Senator Muskie and now Senator HOLLINGS have demonstrated as they chaired the

Budget Committee, and I particularly appreciate the support and counsel given by Senator DOMENICI since the inception of the budget process.

I also commend both the majority and the minority staff for the highly professional way they have approached budgetary matters and for the tremendous contribution they have made in making the process succeed as well as it has.

All together, the other members, the chairman and staff have made service on the Budget Committee both meaningful and pleasant.

I commend all those who have helped the budget process work as well as it does and urge continued and expanded support for this essential endeavor in helping to achieve fiscal responsibility for the country.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Florida?

Mr. HOLLINGS. Mr. President, I yield to the Senator from Florida.

Mr. CHILES. I thank the distinguished chairman.

Mr. President, there are two major reasons why I think it is important that we pass the second budget resolution for fiscal year 1981 at this time.

First, we need to demonstrate our commitment to the process by which Congress can restrain Federal spending. Since the Constitution vests taxing and spending authority in Congress, fiscal restraint must start here. The budget process is not perfect, and I would like to see us do some things to strengthen it, but it has still enabled us to hold off major new programs and achieve significant cutbacks in some areas.

The second reason is to show our commitment to a steady fiscal policy of restraint in the face of raging inflation. I think there has been too much of a tendency in both Congress and the administration to overreact to temporary fluctuations in the economy. The minute unemployment increases a bit, some people panic and say, "Well, there goes the balanced budget; since we're going to have a deficit anyway, we might as well forget about the pain of making budget cuts."

We on the Budget Committee have tried to avoid that sense of panic. This second budget resolution takes account of economic and programmatic reestimates since last spring's first resolution, but it does not add new programs. It reaffirms our commitment to the savings in the reconciliation bill, and I hope the conference committee will soon bring us an agreement on those cuts.

Mr. President, a steady, long-term course of fiscal restraint is what the economy needs and it is what the people want. The Senate Budget Committee set out on this course 2 years ago, when we moved to multiyear budgeting in the fiscal year 1979 budget resolution. We set out a course then of long-term spending restraint which would allow room for significant tax cuts after the budget is balanced.

It was in 1978 and 1979 that most economic projection indicated that moderate economic growth and moderate budget restraint would produce a balance in 1981. In the first budget resolution for 1980, Congress formally went on record, promising the public a balanced budget in fiscal year 1981. Others have gone off that track, but we, I think, on the Budget Committee have been steady.

I believe that is still the proper course for us to follow. When the economy slows down, it slows down our progress toward a balanced budget, but we should not let it change our direction. We found out early on in the budget process that we cannot control Federal spending in any 1 year. We found out that 75 percent, or more, of outlays are due to prior year contracts or entitlement legislation already on the books. But those entitlements are not uncontrollable for Congress. Our job is to write laws, including changing old laws that now cost too much. This budget resolution keeps us on that path of restraint, particularly if we enact the laws necessary to reduce the future-year costs.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table which shows the momentum of Federal spending under current laws.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—BUILDUP OF THE FISCAL YEAR 1981 FEDERAL BUDGET (FIRST RESOLUTION ASSUMPTIONS)

	Total budget		Aid to State and local governments	
	Budget authority	Outlays	Budget authority	Outlays
Fiscal year 1980 current law base	648.9	560.7	100.5	86.8
Program or caseload changes	−5.0	+32.2	+3.7	+2.6
Required inflation adjustments	+24.9	+17.3	+2.1	+2.6
CBO current law estimate for fiscal year 1981	668.9	610.2	106.3	91.9
Discretionary inflation adjustments	+20.6	+9.0	+5.1	+1.4
CBO current policy estimate for fiscal year 1981 (First Resolution)	689.4	619.3	111.4	93.3

Source: U.S. Congressional Budget Office calculations prepared for U.S. Senate Budget Committee, March 1980. Totals may not add due to rounding.

Mr. CHILES. Mr. President, this data was prepared by the Congressional Budget Office for our development of the first resolution. While economic conditions have changed some of the numbers, the basic point remains clear.

In addition to required inflation adjustments of $17.3 billion, primarily for our retirement programs, the current law spending base includes over $32 billion of program or caseload estimates. They include everything from a greater number of people retiring onto social security, to increased spending on weapons systems as they proceed from development to procurement, to more college students applying for guaranteed loans. While all of those increases occur without new legislation, they represent real growth in the budget, since more people are getting more services than in the prior year. That is why Federal spending keeps taking a larger share of the gross national product year after year, even without enacting any new spending legislation.

While many of those increases are top national priorities, they must be recognized as real increases and they must be offset by reductions in other areas. We cannot hide behind the concept of uncontrollable spending to avoid making difficult legislative changes.

Mr. President, while this budget resolution continues our policy of overall fiscal restraint, it is certainly not a standstill budget. Within the overall limits, we have made room for major new initiatives by cutting back old programs.

We all recognize the need to strengthen our national defense, and we provide for an 8.3 percent real growth in defense spending. That is an increase of $29 billion of budget authority and $23 billion in outlays over the 1980 levels.

Overall, domestic programs are cut back about $12 billion below current law levels to make room for that growth. However, even in domestic programs we have suggested tradeoffs that will allow top priority new programs to go ahead. We will allow moderate growth in space, science, and technology programs which provide the basis for long-term productivity in our economy.

By reforming student loan programs and cutting back on the public jobs part of CETA, we have made room for a new youth education and employment initiative, as well as increasing education for the handicapped and disadvantaged. By cutting back on duplicative social work training programs, we have allowed increases for nutrition and social service programs for the elderly.

The budget resolution leaves room for the full cost increases necessary for social security and veteran's pensions and compensation. By requiring better cost control in medicaid and medicare, we have made room for the child health assessment program, which would replace a poorly performing medicaid program for needy children.

Mr. President, this is the kind of forward-looking approach to fiscal restraint that this country wants. Our people have real needs, and Government must play a role in meeting some of those needs. But we must get beyond the old approach of adding new programs on top of old programs, especially where those old programs are no longer working. We need to cut back outmoded or inefficient programs to make room for new priorities. That is the approach of this budget resolution, and I certainly hope we can carry it out.

Mr. President, I join in saying that this, I guess, is the last budget resolution that the distinguished ranking minority member, the Senator from Oklahoma (Mr. BELLMON) will help lead the Senate to, I hope, passage of, and I join in reiterating how much I have enjoyed working with him on the Budget Committee and what I think his role of leadership has played in bringing the Budget Committee from the Budget Act even from its infancy into its development, and the constructive and bipartisan endeavor that he has made at all times, I think, to see that we had a Budget Act that has some power and some teeth, that lends direction to the country in trying to assess what our national priorities are and how we could live within the means of Government to tax the people to provide for those priorities.

I think he has performed admirably and given great leadership in propelling the budget process along, and we will certainly miss him in the Senate.

Mr. BELLMON. Mr. President, I thank my friend from Florida.

It is with some reluctance and even sorrow that I face the end of my service in the Senate, but knowing that there will be Members here such as the distinguished senior Senator from Florida makes me feel somewhat better about the future not only of the budget process of the Senate but the whole country. It has been a real honor to be associated with Senator CHILES during these 12 years.

Mr. HOLLINGS. Mr. President, I want to thank the distinguished Senator from Oklahoma for his kind remarks. There is no more challenging and no more difficult task, really, than this budget process. Within it all, we have to have the confidence, we have to have the respect of colleagues on both sides of the Capitol as well as both sides of the political aisle. And while it had not become so crystal clear, obviously, in the election just a week or so ago, the people have felt sort of frustrated that no one was in control and there was no way to stop the spending.

There has been a move over the past 5, almost 6, years to bring a balance, both to the fiscal approach of our responsibilities and to the priorities that the country would set for itself through its Congress.

Senator BELLMON has contributed the most to that particular success. He has worked around the clock on this budget process very conscientiously. It is with that feeling of respect that we all have for him that we listen very closely whenever he takes a position on a particular matter.

We are going to miss him. We know that. I have talked with Senator DOMENICI, who will succeed him, and our leagues on the Democratic side. We will go through some trying times.

I think the fact that we are able to bring this second budget resolution to the floor at this time is significant. As I say, we are only 2 days off of last year's schedule. We all know the reason why.

But the fact is we did act conscientiously. We did hold the line, just before the national election, on two very compulsive political motivations; namely, the stimulus program what I have delivered, what I can get for you, what I can do. It is nice in the rhetoric to talk about hope and disregard the inflationary impact in the long range; or, on the other hand, to talk about how you have been brought the Daniel in the lion's den approach, that we have taken this Goliath Washington Government and cut it back down in size; we have given you a tax cut.

We showed tremendous discipline and self-control in rejecting those actions back in August. I think that we ought to move forward now and do our best to get the best results we can—without too much change, I think, would be the better result—so that then President Reagan can bring in his programs, perhaps his resolution at the first of the year.

I have tried to counsel on my side of the aisle that we should not try to make records, whereby, I was for education, so I proposed this amendment, even though it was defeated. We could go into that, but time is limited.

We are trying to break our necks by Tuesday for Thanksgiving and then we come back on the following Monday and we adjourn sine die by December 5. So we are all fully aware and apprised of the fact that whatever occurs is going to have to occur in a few legislative days here and this is no time for making records or to try to make history and go back and find out what we did before or afterward.

The truth of the matter is that if we can hold tight at these levels, they are not far off from the House side. Actually, in outlays, they are only $1.2 billion different out of a $633 billion bill. So if we can get it to the House, where we really have to struggle most of the time, and hold it there and bring it to a conclusion, which I am convinced we can, we will have passed a resolution on both sides. Then the House Ways and Means Committee meets tomorrow and on Thursday and I hope by Thursday evening will bring the reconciliation process to a close there. We can have a conference on the budget resolution, perhaps, on Friday or Monday and do our work there before Thanksgiving. That is my hope at this time.

I would express appreciation, on the Democratic side for the consideration given to me by my colleagues in the Senate, because we all believe that in the country we only have one President. We will support President-elect Reagan. He ought to be given a chance to speak. The people have spoken very loudly and very clearly on November 4.

Let us do our duty here and bring this to a conclusion so that we can clear the deck for whatever action is taken by the new administration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAUCUS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, in connection with the second budget resolution, which we are now considering, I believe the Members of the Senate will be interested in knowing why it is that this resolution is some $17.9 billion higher than the first resolution, which Congress adopted earlier this year, and particularly to see where these increases have occurred.

For instance, of the $17.8 billion increase, $5.7 billion is in defense outlays, $1.1 billion in international affairs. There is $8.85 billion of the increase that is in income security.

I ask unanimous consent that a table showing both the amount of the increases and the functions in which increases occur be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1981 BUDGET

[In billions of dollars, fiscal years]

	1981 SCR		1981 FCR		1981 President's Mid-Session Rev.[1]		1981 SCR compared to			
							FCR		President's Mid-Session Rev.	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
050 National defense	173.6	159.4	170.5	153.7	171.4	159.5	+3.1	+5.7	+2.2	−0.1
150 International affairs	24.2	10.6	23.6	9.5	24.1	10.6	+.6	+1.1	+.1	
250 General science, space, and technology	6.6	6.2	6.6	6.1	6.6	6.2		+.1		
270 Energy	6.3	7.4	6.7	6.8	7.2	7.3	−.4	+.6	−.9	+.1
300 Natural resources and environment	11.9	13.1	11.7	12.1	12.5	13.3	+.2	+1.0	−.6	−.2
350 Agriculture	5.5	2.2	5.5	2.3	5.4	1.9		−.1	+.1	+.3
370 Commerce and housing credit	5.2	.5	5.1		5.7	.8	+.1	+.5	−.5	−.3
400 Transportation	20.7	19.3	22.1	18.75	23.4	19.7	−1.4	+.55	−2.7	−.4
450 Community and regional development	8.7	9.7	8.8	9.2	9.1	10.3	−.1	+.5	−.4	−.6
500 Education, training, employment, and social services	30.6	29.4	31.7	29.5	33.1	31.3	−1.1	−.1	−2.5	−1.9
550 Health	70.0	63.6	71.2	61.7	70.2	64.8	−1.2	+1.9	−.2	−1.2
600 Income security	253.0	228.4	249.5	219.55	256.4	230.3	+3.5	+8.85	−3.4	−1.9
700 Veterans benefits and services	22.6	22.0	21.7	21.2	22.8	21.9	+.9	+.8	−.2	+.1
750 Administration of justice	4.3	4.6	4.2	4.6	4.3	4.6	+.1			
800 General government	4.8	4.5	4.6	4.3	4.7	4.5	+.2	+.2	+.1	
850 General purpose fiscal assistance	6.2	6.7	6.2	6.8	6.8	7.3		−.1	−.6	−.6
900 Interest	70.1	70.1	72.2	72.2	70.1	70.1	−2.1	−2.1		
920 Allowances					1.8	1.5			−1.8	−1.5
950 Undistributed offsetting receipts	−24.7	−24.7	−24.7	−24.7	−24.8	−24.8			+.1	+.1
Total	699.6	633.0	697.2	613.6	711.0	641.1	+2.4	−19.4	−11.4	−8.1
Revenues		615.1		613.8		621.8		+1.3		−6.7
Deficit (−) or surplus (+)		−17.9		+.2		−19.3		−18.1		−1.4
Public debt		961.8		935.1		NA		+26.7		NA

[1] As reestimated by CBO.

Mr. BELLMON. Mr. President, I see that the distinguished senior Senator from New Mexico, who will shortly be chairman of the Budget Committee, a great honor and a great responsibility, is on the floor. I yield to him.

Mr. DOMENICI. Mr. President, I thank my good friend from Oklahoma. While I was not here, I say to Senator BELLMON, for all of his remarks, I am aware of his observations and what he told the Senate about the second budget resolution outlay figures and budget authority figures. I commend him for his statement.

Mr. President, I do not have a very lengthy statement. Suffice it to say at the outset that I agree with the Senator's analysis and I shall contribute a few of my own remarks with reference to it.

Mr. President, I oppose the second concurrent budget resolution in the form presently pending before the Senate for 1981. I do so because I believe the resolution total for outlays for 1981 of $633 billion is an inaccurate and, therefore, misleading figure. It may be as much as $15 billion below the actual spending that the policies we adopted during markup of the resolution in the committee will cost this country. I do not rise in opposition because I want to add more, but, rather, because the policies set forth are going to yield an expenditure somewhere around $15 billion more than that stated in the dollar figures for outlays in 1981.

For instance, on page 21 of the recommendations of the House Budget Committee on the 1981 resolution, spending is estimated at $648.7 billion for the next year. That is almost $16 billion higher than the estimate of outlays under the resolution now before us. Even allowing for the difference in bases used by the two committees, it is obvious that spending will be, under the policies adopted by the committee during markup, higher than the $633 billion used in discussing the resolution this morning.

Mr. President, let me quote from the report of our own committee and what it said about reestimates, since this was a source of great debate during markup in August of this year:

> During the committee's deliberation, a proposal was made to ignore the reestimates brought about by the recession and by the most recent data on the cost of programs under existing law. The committee rejected that proposal. It would be both unrealistic and unwise to proceed as if nothing has changed since the first resolution was adopted by Congress.

Mr. President, I stated then, when the Senate was deciding not to bring up the second resolution at that time, that delay would cost money. The most recent reestimates used by the House when it marked up this month proved that I am right. Spending has accelerated, as we feared. Now we are so near the end of the session that we may not be able to achieve the reconciliation that is necessary to keep the spending down to the $633 billion level.

Mr. President, some think that, because we are going to adopt a second resolution and it puts the functional totals in and the total figure, by some miraculous effect, if the figure is 633 but the laws in effect—current law and current policies—are going to spend more, there is an automatic cut. Obviously, there is not. Something has to be done, some act has to take place, some laws have to be changed. The only instrument we have used or attempted to use to do that is that, most frequently, we adopt a third resolution to accommodate the new spending. At least, we tried this year to reconcile with a reconciliation bill—that is for the year we are in, not 1981.

This reconciliation bill says certain current laws have to be changed and they are changed in that bill, thus effecting a savings in outlays that is going to occur. What is happening now is that we are going to put $633 billion in, knowing that it is going to be more, but we have not provided any tools. The tools ought to change the law. There is not enough time to change the law or to reconcile with a summary type bill that Congress would have to consider, no matter how late it is. And we would, as a budget committee, be telling the institution—and hopefully, they would listen and support us—that certain things must be changed as enumerated in the reconciliation instruction or the $633 billion will become just another total, which we shall add to as things happen in the next 3 to 4 months.

I think if we had acted earlier, before the House put out its budget, which I think, again, is unrealistic and, therefore, misleading, we would now be able to go to conference with a reconciliation instruction and it would be that reconciliation instruction that would give this Congress the real tools to keep spending down.

As things stand now, this is really not an honest budget. It is, in a sense, a phony budget. It contains numbers that, although they have been done with some diligence, are really plucked out of the air, without the mechanism necessary to make the numbers real or binding.

The situation has changed since we met in August to devise our budget. Spending, as many of us warned then, has proven to be more out of control than many of us thought. Note, that these reestimates are not the result of deteriorating economic conditions, as earlier reestimates were.

I repeat, the reestimates are not the result of deteriorating economic conditions as earlier reestimates were.

No, these reestimates are the result of spending that is occurring more rapidly than predicted under existing law, and that is beyond direct appropriations and entitlements.

If we do not change existing law—if we do not have a reconciliation instruction in this resolution or similar tool—then we must admit that this budget cannot be achieved. And, I believe that the chairman of the committee would agree with this analysis.

The $633 billion is not going to happen unless something is changed about current law. For the most part, Congress is charged with changing those laws. It will not happen.

There is no longer impoundment authority in an executive and they are not automatic. I repeat, merely because a budget resolution has been passed that says we will not spend more than $633 billion.

In fact, as an aside, one of the salutary reasons for passing a resolution, $633 billion or otherwise, is that at least one tool will be available early next year when the last of those appropriation bills come running across the Senate. The last one, if it is a big appropriation bill, will probably break the budget. It will break the cumulative total.

We do not have any authority and the institution has not given anyone authority to go function-by-function. But probably, if we pass a resolution, even the $633 billion, the only salutary thing is the last appropriation bill passed will be subject to a point of order.

I hope it is a big appropriation bill so there will be some latitude to have some kind of real argument on not passing it, and perhaps even forcing changes that back up into others to get to whatever the number is.

But the truth is that $633 billion is unrealistic and it is only salutary for the reason I just described.

Now, the situation as I indicated has changed. I am delighted to say that our good chairman called our ranking Republican Dr. BELLMON last year. He did that on the economic assumptions, not these new spendouts that are unrelated to economic assumptions, because only as to the interest which has gone up are the economic assumptions relevant.

We had a very high unemployment figure for 1981. Senator BELLMON said that would plug in too much money in this budget because it will not be that bad. It turns out that Senator BELLMON and the economists advising him were more right than the CBO, more right than OMB, more right than President Carter and his economic advisers, including Mr. Schultze, because it is closer to 7.5 than the original 9—was it 9?

Mr. HOLLINGS. We took the 8.5, Dr. BELLMON's figure.

Mr. DOMENICI. We went somewhat toward Dr. BELLMON's figure, but we are still higher than has really occurred.

So I believe the analysis I have made here has been detailed in Senator BELLMON's remarks as to where these increases, these outlay expectations, which are going to occur under current law are.

I voted reluctantly to bring this resolution to the floor earlier this year.

I think most reports supported it. The record will clearly indicate we did that to bring it to the floor. We did not support the policy statements in it, and I regret to say I do not believe we will support those policy statements here again, unless they are accompanied with a policy statement, called reconciliation, which clearly defines the problem in terms of outlay excesses that are going to occur.

I believed that it was faulty, and I still believe that it is flawed today. Then, I had hoped we would make room for a tax cut, which seems inevitable in 1981. I had hoped we would have reconciliation to cut spending by changing presently enacted laws. I contended then, as I do now, that spending is nearly out of control and that the basic laws of this land must be changed if we are to once again control the voracious appetite of the Federal Government. This new budget—a budget that ignores the effect of Government program spending—shows most dramatically how entitlements and similar programs in the budget are driving Federal spending beyond our control and expectations.

Next year we will move in this body, I hope, to change laws so that we can control more of Federal spending. But, right now we have the chance to begin that long-overdue process. By changing this resolution to reflect reality—the reality of new spending reestimates—and by then cutting back through the tool of reconciliation, we can get a headstart on the long, and painful, process of restoring control to the budget.

But, if we fail to take these steps here today, we will be defrauding the American people and playing games with the Federal budget. Our legacy from this Congress will be a larger deficit than this resolution predicts, and more spending that the resolution admits. That seems an unwise legacy to leave the American people—who have so dramatically spoken for change this month.

I have no doubts. We talk about a new mandate, new expectations, a new President, new ideas. I have no doubt our new President will send us recommendations to trim this budget.

I hope everyone understands that we know there are no authorities vested in him, there is no impoundment even of a specific nature, that while we will be able to administratively cut, administratively indicate where programs are controllable, they will control them, nobody ought to expect we will not get recommendations that clearly require we change laws, that we alter the current laws of this land, if we bring this under control.

So I think we ought to honestly assess our own laws. That is what a reconciliation amendment is, that I hope the distinguished Senator from Oklahoma will offer. I will wholeheartedly join him.

I hope the present majority will let us vote on that. It would be a clear indication that we understand the nature of the problem that it is of our own making, and that it requires that we act. Nobody is going to act for us. That is what reconciliation would actually do.

I thank the ranking Republican and the chairman for yielding time to the Senator from New Mexico. I look forward to the conference in the waning days, and next year, hopefully, working with the Senator.

Mr. HOLLINGS. I am looking forward to working with the distinguished Senator from New Mexico. He has been in the Senate and has worked very diligently. He knows the budget.

I know what he means when he says he has a feeling that his figure of $633 billion could be exceeded.

But I am sure he does not contend that what we did was phony. We had up-and-down votes.

What we tried our best to do is that we were talking about this one particular subject, the $8.5 billion. Any time that we consider 1 percent of additional unemployment, immediately in our minds, is almost a $30 billion add-on to the deficit.

Twenty billion dollars or a bit more of income tax revenues is lost and then the spend-out of trade adjustment assistance, unemployment compensation, increased food stamps, and the other unemployment related programs are somehow always increased, as well as claims for medicare and medicaid. So we thought hard about that. Rather than taking the 9 percent unemployment, for example, we took 8.5 percent.

It could be that Dr. BELLMON was more right than either of the groups—the economists or the committee itself. It could be more nearly the 8 percent level or, rather, 0.5 percent less of unemployment and 0.5 percent less that is necessary to take care of unemployment compensation, trade adjustment assistance, food stamps, and down the line. In that regard, spending would be a little lower figure.

On the other hand, these technical reestimates come out of the Congressional Budget Office. I am going to be working with my new chairman, Senator DOMENICI; and if he has a scheme and a mode to make sure that we do not get these reestimates, I will go along with him.

I really do not wonder too much about a record we make here, with respect to President-elect Reagan, whether he is going to make it or otherwise. I hope he is going to make it; because if he does, we are all going to win. If he does not make it, it will not make any difference what we said back in November, before he took office. It sounds good for us in public office from time to time, but I think he has a chance.

It is going to be a tough thing, and it is not going to be this budget resolution. What it is going to be, in essence, is how he approaches his tax cut, whether he minimizes it, whether he restricts it to the supply side, or whether he tries to increase it even further.

The Senator from New Mexico and I have talked about the spend-outs, but it is not just the reestimates. I understand that now there are further amounts they would like to spend on defense, and I have tried to hold the line.

At 3 o'clock today, in 15 minutes, there will be a hearing before the Defense Appropriations Subcommittee for a $1.5 billion add-on for a rapid deployment force. I have withstood that, because in the Defense Subcommittee markup on appropriations, we have fairly well filled out the authorizing and the authorizing bill. I think we have in there $163.4 billion. We came right up to that point, including the pay raise and buying equipment—tanks, planes, and so forth. So $1.5 billion, if it is necessary to accommodate it now, we will have to increase this 050 figure.

So we have some decreases as to which some could come to the floor and legitimately say, "Let's take this out." But the Senator from New Mexico and I know that those reestimates might be used for part of the cushion to stay within the $633 billion.

It was the Domenici-Hollings amendment that had the 5 percent add-on for defense in the Budget Committee. So the Senator from New Mexico and I have been working on the same side of the street on national defense, but I do not think we should increase it another $1.5 billion.

I believe that the new administration should look at this particular budget, as well as all the other budgets, realizing that we have a $29.1 billion add-on in budget authority, 1981 over 1980.

I counter this by asking, why come here in November, around Thanksgiving day, when we had the Afghanistan situation last December, a year ago, and all of a sudden start deploying a rapid deployment force? We found $4 billion the previous summer in accelerated spending from former years. We have not had any real hearing on both sides, and we cannot debate that further. I have resisted it and will resist it on this floor if someone tries to add those amendments.

So we are back down to the bottom line, and the bottom line is that the concurrent budget resolution process is nothing more than a discipline, and the bottom line is that of maintaining that discipline, come what may. Reconciliation is a limited economic or budgetary tool.

I stated at the time we had the 86-to-0 vote on the reconciliation of about $10 billion that we were working diligently. I stated at that time that you could not force feed the legislator. You could not go to the chairman of the Committee on Finance and tell him what he is going to do, or tell the Committee on Appropriations, or tell the Committee on Governmental Affairs or any of the others.

On the contrary, those matters will have to come from within. If they do come from the budget side, we will have to work with them and persuade and make sure of their commitment ahead of time, if we are going to call it reconciliation.

The Senator from New Mexico and I are the ranking members now. As chairman, I can propose a budget cut, and I tried. But it is the orderly process of give and take and compromise and, ultimately, of maintaining discipline.

I know that Senator BELLMON will return to the Chamber soon with a record he wants to make. I hope he will not persist in making the point as to a vote on the situation. While we had the votes to cut the budget, we did not get into reconciliation. We have not been able to consider it with the committees.

I know what I have been going through. For one, the chairman of the Finance Committee felt very badly that what they wanted to do on the House side was to talk only about tax spending and not tax saving. He thought that if he got it compromised, those items between the House and the Senate, they would get up from the table and leave him. He is a pretty clever and cogent negotiator, and he said, "Wait a minute. I stop." We finally got Chairman GIAIMO to agree that was not good and that we should be talking about tax savings, so he came back. Then, the staff could not get together.

So we have been trying to get these things worked out. We had an 86-to-0 vote, and still are having difficulties, which sort of emphasizes the limited tool of reconciliation.

Mr. DOMENICI. I could not agree more with the Senator's assessment, when we consider all the resources we have put into CBO, as well as the executive branch with OMB. Imagine how far they must be off in trying to give us 2-, 3-, and 4-year projections, which we all know we need to develop an economic game plan. I could not agree more that it is absolutely ridiculous to have little sheets being passed around, stating that one of these expert offices has a new estimate of the spend-out in the military function or in 750. We have to solve that; and when the Senator from South Carolina said we are going to work on it, I believe we are.

Mr. HOLLINGS. We should.

I have the greatest respect for President Carter. He came around on defense and ended up supporting it, and I supported him. However, back in June, at the time he had become committed to support for the Nunn-Warner pay benefits, there was a conference at the White House at which it was reported that the add-ons for defense constituted a cheating of the social programs and that we could not spend any more of this defense money.

At that time, we had $153.7 billion. Chairman GIAIMO and I met at the White House with the Director of the OMB, Mr. McIntyre. We were talking about this same defense figure, and I was trying to counsel with the President. I said to him, "After all, you are saying that this figure is too high, and in 6 weeks, by the middle of July"—I think we adopted it on June 12—"you are going to come with a higher figure."

So help me, in August he came out with a figure of $157.4 billion or so instead of $153.7 billion, which was about $4 billion more than he was talking about as being too high.

There was the President of the United States and the Director of the Office of Management and Budget $3 billion to $4 billion off within a 6-weeks' time in a very formal conversation with the chairman of the House Budget Committee and the chairman of the Senate Budget Committee. That is very distressing to me.

Mr. DOMENICI. That was supported on the basis that was a reassessment of the spending under current law.

Mr. HOLLINGS. There the Senator goes. That is right.

Mr. DOMENICI. That was of $4 billion.

Mr. HOLLINGS. That is right. It came to about $4 billion.

We were even up a little more. We had to add on inflation. We are now at $159.4 billion, I think it is, something like that in the 050 function.

So Senator DOMENICI and I when we went in there to try to hold that balanced budget then we had the President finally come in with even a higher figure than us. We had to even go higher than him to keep the program at the level adopted in the first concurrent resolution.

This is not an easy task. One of the biggest culprits is one of the reassessment that sets the Senator and me off and totally destroys our credibility when we are working conscientiously out here to fashion a discipline.

Mr. DOMENICI. Mr. President, before the Senator yields the floor, I wonder if he will just yield 2 additional minutes to the Senator from New Mexico.

Mr. HOLLINGS. I yield.

Mr. DOMENICI. Mr. President, I have a list of reestimates just to show the Senate where some of these numbers come from found in the U.S. House of Representatives Committee on the Budget recommendations for the second concurrent resolution for this year dated November 10, 1980, pages 277, 278, and 279, including the major differences between the House of Representatives and the Senate second budget resolution function by function.

In a nutshell, $648.7 billion is what they estimate to be the outlays, and we are here today, just to recall, where we are saying $633 billion. My arithmetic says that is $15.7 billion off that reestimate that the House of Representatives has made using the best available information.

Mr. President, I ask unanimous consent to have printed in the RECORD the list to which I have made reference.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJOR DIFFERENCES BETWEEN HOUSE AND SENATE SECOND BUDGET RESOLUTION—BY FUNCTION

[In millions of dollars]

	Budget authority	Outlays
Senate-reported resolution	699, 600	633, 000
050 National defense	−1, 800	−700
Senate reestimate of First Resolution based on new economic assumptions	(−2, 600)	(−1, 900)
House assumes no pay absorption	(+890)	(+847)
Reductions made in House-passed appropriation bills	(−334)	(+122)
Supplemental benefits in excess of Nunn-Warner	(+422)	(+422)
Reconciliation House assumes elimination of one COLA while Senate specifically assumes elimination of September COLA	(−100)	(−100)
Other differences	(−78)	(−91)
150 International affairs		+200
Senate assumes an Export-Import Bank program which is $0.4 billion higher than that assumed in the recommendation	(−390)	(−51)
Senate assumes lower program levels for Food for Peace and other foreign assistance programs	(+439)	(+300)
Pay raise—House counts in function 920	(−49)	(−49)
250 General, science, space, and technology	−50	
House counts pay raise in function 920	(−39)	(−39)
Other differences, primarily rounding	(−11)	(+39)
270 Energy	−400	+1, 050
Energy supply as in energy and water appropriation bill and House Interior appropriation bill	(−99)	(−96)
Energy conservation as in energy and water appropriation bill and House Interior bill	(+110)	(−6)
Emergency energy preparedness as provided in continuing resolution, SPRO fill-rate of 400,000 BFD versus 165,000 BPD	(−617)	(+980)
Information, policy and regulation as in the House Interior appropriation bill and in Energy and Water Act	(+235)	(+187)
Pay raise—House counts in function 920	(−28)	(−28)
Other differences	(−1)	(+13)
300 Natural resources and environment	+850	+500
Water resources	(+250)	(+305)
Recreational resources	(+268)	(+132)
Pollution control and abatement	(+232)	(−2)
Pay raise—House counts in function 920	(−190)	(−190)
Other differences	(+290)	(+255)
350 Agriculture	−100	−50
Miscellaneous differences	(−64)	(−14)
Pay raise—House counts in function 920	(−36)	(−36)
370 Commerce and housing assistance	+200	+950
New rural home ownership program not in House-passed agriculture appropriation bill	(−100)	(-----)
Pay raise—House counts in function 920	(−50)	(−50)
Senate assumes increase for sec. 202 housing not in House-passed HUD-independent agency appropriation bill	(−50)	(-----)
Senate makes different assumptions for SBA than in House-passed State-Justice appropriation bill	(+155)	(−14)
Latest reestimate for Federal Savings and Loan Insurance Corporation	(-----)	(+862)
Other differences	(+245)	(+152)
400 Transportation	+2, 500	+1, 550
Senate lower highways and no reestimate	(+300)	(+744)
Senate mass transit below fiscal year 1980, does not reflect public law appropriation bill for fiscal year 1981	(+1, 535)	(+272)
Anticipated supplemental for Conrail, Amtrak, Coast Guard activities	(+719)	(+600)
Other differences	(−54)	(−66)
450 Community and regional development	+1, 800	+1, 950
Senate does not assume pending SBA disaster loan supplemental and projected additional needs	(+1, 777)	(+1, 638)
Senate assumes EDA funding above continuing resolution	(−324)	(−16)
Tennessee Valley Authority funding	(+139)	(+33)
Other differences	(+208)	(+295)
500 Education, training, employment and social services	+4, 000	+2, 050
Senate reductions in CETA	(+1, 285)	(+1, 334)
Senate reductions in elementary and secondary education	(+246)	(+343)
Less for forward funding of youth initiative	(+1, 475)	(−50)
Senate excludes funds to cover basic education grants shortfalls	(+695)	(+312
Senate assumes less for student loans	(+131)	(+89)
Other differences	(+168)	(+22
550 Health	+1, 250	+1, 600
House assumes higher utilization of medicare services	(+975)	(+855)
House assumes higher funding for discretionary health program based on Labor HHS appropriation bill	(+404)	(+214)
House recommendation assumes higher medicaid costs due to economic assumptions	(−290)	(−188)
Senate assumes larger reconciliation savings for medicaid and medicare	(+156)	(+670)
Other differences	(+27)	(+33)
600 Income security	+2, 700	+3, 150
Economic assumptions	(−482)	(−1, 202)
Legislative savings in reconciliation bill	(+1, 127)	(+1, 822)
Federal supplemental benefits	(+680)	(+680)
Low-income energy assistance	(−200)	(−200)
Payments for operation of low-income housing	(+234)	(+183)
House-passed legislation	(-----)	(+180)
Salaries and expenses	(-----)	(+300)
Trade adjustment assistance and other appropriated unemployment compensation benefits	(+1, 200)	(+1, 038)
Estimating differences	(+141)	(+349)
700 Veterans benefits and services	+400	+200
Reestimates for readjustment program	(+486)	(+486)
Other differences	(−86)	(−286)
750 Administration of justice	−50	−50
Various other small program differences	(+100)	(+100)
Pay raise—House counts in function 920	(−150)	(−150)
800 General government	−50	
Indian land claims	(+82)	(+54)
Unspecified reduction	(+48)	(+56)
Pay raise—House counts in function 920	(−171)	(−171)
All other differences	(−9)	(+61)

	Budget authority	Outlays
850 General purpose fiscal assistance	+1,050	+950
Antirecession fiscal assistance	(+1,000)	(+830)
All other differences	(+50)	(+120)
900 Interest	+3,550	+3,550
Interest on the debt due to T-bill interest rate change	(+3,600)	(+3,600)
Miscellaneous legislation	(−50)	(−50)
920 Allowances	+850	+1,000
Fiscal year 1981 pay raise	(+1,230)	(+1,217)
Across-the-board-cut	(−415)	(−184)
950 Undistributed offsetting receipts	−2,200	−2,200
OCS receipts	(−1,700)	(−1,700)
Trust funds interest	(−400)	(−400)
Employees share of employee retirement	(−100)	(−100)
House recommendation	714,000	648,700

Mr. DOMENICI. Mr. President, I yield the floor.

UP AMENDMENT NO. 1771

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an unprinted amendment numbered 1771:

On page 2, line 16, strike out "$633,000,000;" and insert "$615,000,000,000;".

On page 2, line 22 strike out "−$17,900,000,000;" and insert "0;".

BALANCED BUDGET AMENDMENT

Mr. PROXMIRE. Mr. President, what this amendment would do would be to balance the budget—balance the budget. It is that simple.

I think it is about time we balanced the budget. Everyone talks about balancing the budget. Everyone talks about holding down spending. Everyone talks about fighting inflation. Let us do it. Let us do it.

Heaven knows with the economic conditions now if ever we are going to balance the budget we should do it now. Is that not right?

Mr. DOMENICI. We surely should.

Mr. PROXMIRE. We have inflation. We projected inflation at about 10 percent. On the basis of the GNP deflator it is 9.8 percent and on the basis of CPI it is 10.9 percent. It comes out to about 10 percent or so. If we cannot balance the budget now, especially after the message from the election, we are never going to balance the budget. Forget about the hypocritical talking saying we are always going to have an unbalanced budget, we are always going to have inflation. If we mean business this is the time to do it. The country has never spoken so overwhelmingly as they did in the election which was so surprising and shocking. We should get the message. Let us balance the budget.

This amendment is going to do it. We will see who believes in balancing the budget and who does not.

Mr. DOMENICI. The Senator is asking me, but I did not have a chance to answer.

Mr. PROXMIRE. I wished to make sure the Senator heard my question in full.

Mr. DOMENICI. I wanted to say we surely should. But the Senator's amendment will not balance the budget.

But aside from that, it is a wonderful idea.

Mr. PROXMIRE. I expected that response.

What this amendment does is to take the $17.9 billion deficit they say they have and reduces it.

My staff worked on this and I worked on this kind of thing before. I realize we can say if we cut spending by this much we are also going to cut revenues by a certain amount. We have to adjust for that. I am perfectly willing to do it.

We have tried very, very hard to get the figure, and no one can come up with it. If the Budget Committee staff, and they have a fine staff, a big staff, a well-paid staff, can come up with a figure that is needed to do this, I will amend my amendment. We started to put in $21 billion or $20.9 billion. We do not know precisely what it is. We came as close as we could, and we propose a balanced budget on the basis of outlays. We can also do it on the basis of obligational authority or some other figure, but we figured that reducing outlays to equal revenues is the way to balance the budget.

NOW IS THE TIME

Mr. President, as I say, the time has come to do it. We have, as I say, a 9.8 percent projected inflation in 1981 on the basis of the GNP deflator. We have a 10.8 inflation on the basis of CPI.

Those figures may be wrong. It may be 12 percent or 8 percent. But what we know is we are going to have very high inflation.

As the distinguished chairman of the Finance Committee, Senator LONG, knows, it is always easier to balance the budget in periods of inflation than in periods of deflation. Yes, expenditures increase in periods of inflation, but revenues increase much more, if we are going to have a big increase in tax revenues in the coming year because people are going to be moved into a higher income bracket, individuals, corporations, and others, and revenues are going to increase and they are going to increase sharply, and that is another reason why we should be in a position at long, long last in this coming year 1981 to balance the budget.

HIGH INTEREST RATES

Mr. President, we also have a very serious problem of high interest rates. We all bewail high interest rates.

It reminds me of an old W. C. Fields story.

W. C. Fields had a thing about liquor and drinking and he enjoyed it and he made no bones about it. He said: "I always keep a stimulant handy in case I see a snake, which I also keep handy."

In this case, of course, for many of us interest rates are what we like to keep handy. Boy, it is great to hit the old Federal Reserve Board. They cannot strike back. They never do. No one likes high interest rates. Even the bankers do not like high interest rates. It is painful for them. It is terrible for homebuilding, and we like to keep interest rates down.

Mr. President, if we are honest about it one way within our control where we can have some effect in the long run on interest rates is to hold down Federal spending and have a conservative fiscal policy to balance the budget.

ALMOST TWO DECADES OF DEFICITS

Some people argue let us do it gradually, let us just reduce the size of the deficit in 1981 to what it was in 1980, that is the way to balance the budget. We have been following that old medicine show now for years. Where have we gotten? For the last 19 years we have balanced the budget exactly once. In 18 of those years we had a deficit. In most of those years it was a big deficit, a fat deficit, a deficit that undoubtedly meant the Federal Government was in the capital market borrowing money. When the Federal Government borrows money the Federal Government does not borrow a few hundred million dollars. It borrows billions and billions and billions of dollars.

Right now our national debt is over $800 billion. It is by far the biggest element in the capital markets. It is certainly the most dynamic element of driving up rates of interest.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to my friend from Louisiana.

Mr. LONG. It sounds to me like my friend is behind the times. It is not $800 billion. It is over $900 billion. It is almost a trillion dollars.

Mr. PROXMIRE. I thank my good friend from Louisiana.

I try to be conservative in all ways including making sure I do not overstate anything and, of course, these figures are different but I am sure that my good friend from Louisiana is correct. He is one of the outstanding experts in the world for that matter on U.S. finance. And he says that the deficit is now over $900 billion, probably close to a trillion dollars, and he is right.

So when I said $800 billion I was being not only conservative I was being wrong. It is bigger than that.

Another reason for balancing the budget is if we do not balance the budget this year there will be another tens of billions of dollars of deficit added to this burden and bidding up the cost of money.

HOMEBUILDING DEVASTATED

Last year in February all of us were visited by our homebuilders. We had coming into Washington from Wisconsin some 200 homebuilders and these fellows were not just in trouble, they were flat on their backs. These good firms, good people, hard-working people, honest people, and very able people, who had been able to make a go of it through thick and thin.

Where usually a small firm would sell maybe 30 or 40 houses a year, they were selling 5 or 6; where they usually had 50 employees, they would have 4 or 5. They were in desperate shape.

One small firm was having to pay $50,000 a month in interest on their unsold inventory.

Mr. President, what impressed me about that remarkable group of people is that they did not ask for a new housing program. They did not ask for more money. They said, "The one thing we want is to get off our backs. Cut spending, balance the budget. That is what is killing us. These high interest rates are going to kill us."

And they were dead right, as long as you continue spending more than you take in.

I told them that I did not support any new housing program for them; that I would not support any program that would provide any kind of a bailout. And they were delighted. They gave me a standing ovation. They said, "What we want is for you to hold down spending. That is what we want."

I think the country should have given the message to those of us here in Congress that that is what the country wants, too.

STOP INFLATION

Mr. President, the American people are angry about the runaway inflation. They lay the blame at the door of those of us who serve our Government in Washington. No one can look honestly and objectively at the election returns from November 4 without recognizing that one clear explanation cuts through the rest—inflation. Sure, nearly 8 percent of our people suffer unemployment. But 100 percent of our people suffer inflation. Yes, our people are concerned about the low level of readiness of our Armed Forces. They recognize we will have to spend more for higher pay, for a more intense level of training, to buy more planes and tanks and ships. But our people also want us to solve that problem without vast increases in military spending. Or if we do increase military spending vastly, they expect us to make larger reductions in spending in other areas of government so overall spending increases slow down.

In this peacetime year we have pushed the Federal budget as a proportion of our gross national product to near the highest peace time level in our history.

I think the distinguished manager of the bill indicated that it had come down from 23.1 to 22.7. But I think he would have to agree that it has rarely been near that high and it is the highest point achieved in many periods of war. We know there can be no way such a level of spending can be consistent with stable prices.

Yes, indeed other economic developments have aggravated inflation. The energy shortage played a role. The wage-price momentum with higher prices shoving up wages so that workers retain most of their real income which in turn shoves up prices—this momentum cycle accounts for much of our underlying rate of inflation. The summer heat and drought will drive up food prices in the next 6 months. The alarming drop off in productivity with the corresponding increase in wage costs also shoves up prices.

But the persistent month-after-month—year-after-year, relentless rise of overall Federal spending, with much of it increasing demand without any corresponding increase in supply. Here is a major cause of inflation that we can and must do something about and the time to do that has come.

The more we cut the budget resolution now the easier it will be for the incoming Congress and the incoming administration to hold down spending and meet its first and biggest problem—getting Government spending under control.

The Budget Committee has made a noble effort to hold down spending. All year—first Senator Muskie then Senator HOLLINGS with gallant assistance from Senator BELLMON, Senator DOMENICI and others have pleaded with the Senate to say no to popular programs. They have won some very tough battles. And they have done far more than the rest of us. But clearly they are still a long, long way from slowing let alone stopping, this hemorrhaging of Federal spending.

Our decision today to cut the resolution sharply below their recommendation will give us plenty of pain in slashing programs some of which are excellent, but if we are honest with ourselves we must admit we have no real alternative. Obviously the Senate cannot make the reductions we should make by cutting programs we do not like. Every single program we would reduce has majority and in many cases overwhelming approval of this body—in both parties. But cut them we must, because the whole cost has simply grown too big.

DO WE MEAN BUSINESS

The vote on this budget resolution amendment will determine whether or not we really mean business in resolving to hold down Federal spending. How can we possibly say we do mean business if we refuse to make the kind of reductions that any anti-inflation program worthy of the name requires? Does anyone really believe we can march into the anti-inflation battle waving the flag of price stability—having approved a budget resolution that increases Federal spending by billions of dollars?

Here is one area of anti-inflation policy over which we have clear and convincing control. We here in Congress do not have the power of the sword. Under the Constitution we do have the power of the purse. How much we spend depends on us. The issue has become very simple. Do we believe in fighting inflation or do we not? If we do, the amendment makes sense.

AMENDMENT WOULD BRING THE FISCAL YEAR 1981 BUDGET RESOLUTION INTO BALANCE

A year ago, Mr. President, I offered an amendment to the budget resolution which would have brought the budget for fiscal year 1980 into balance. I did that in April of 1979, about a year and a half ago.

We were told at that time that this was not the time, this was not the place, but that next year—fiscal year 1981—we would have a balanced budget.

As I say, we have waited a long time for this. They say to do it gradually, but how gradual can you get? How gradual can you get? After all, should we not balance the budget twice in 20 years? We have only done it once. Is it not about time we did it again?

As a result of the attitude at that time, my amendment was defeated by a vote of 67 to 23. It was truly a bipartisan effort. Forty-five Democrats and twenty-two Republicans voted "no." Only 10 Democrats and 14 Republicans voted "aye."

ANOTHER CHANCE

Now we are in fiscal year 1981. The budget resolution before us indicates that there will be a deficit of $17.9 billion, with revenues of $615.1 billion and outlays for fiscal year 1981 of $633 billion.

These figures are out of date. Everyone knows that. They are figures from last August. Nonetheless they are the only figures before us and they are the figures on which we have to work.

GREATER NEED

The need for a balanced budget today is even greater than it was a year ago. Inflation is at the double digit level—over 12 percent. The prime interest rate today is 16.4 percent and will no doubt go to 17 percent soon.

We face a rampaging, roaring inflation.

The monetary authorities have done as much as they can do alone to halt inflation. They have tightened money as much as is possible.

NEED BUDGET CUTS

What they need is help from the fiscal or budgetary side. And that, constitutionally, is the duty of Congress.

Nothing would send a signal throughout the country that we mean business than to propose and provide a balanced budget for fiscal year 1981.

Mr. President, inflation is eating away at the society. It is making life very difficult for millions of working men and women. It is bringing tragedy to older people on fixed incomes who cannot make ends meet.

THE POOR ARE THE VICTIMS OF INFLATION

Some people say that if you balance the budget, you hurt the poor. Nothing could be farther from the truth. Nothing.

The fact is that the prime victims of inflation are the poor. It is an inconvenience for the rich; it is heartbreaking for the poor—heartbreaking. Only 25 percent of this budget helps the poor in any way. There is no reason why we cannot target and provide protection for the poor while having a budget which is far less than the one we have and far less inflationary.

Mr. President, the unbalanced budget is a major reason why productivity is low and why business is unable to replace old machinery with new machinery.

People are worse off than they have been. Except for a lucky few or speculators, everyone is hurt by this rampaging inflation.

Prices are taking the elevator while wages are taking the stairs.

FAILURE TO ACT

Last year we said not now. And again this year Congress is refusing to face up to the facts.

The time is now. This is the place. This resolution is the opportunity.

Therefore, Mr. President, I am proposing today this amendment, based on the Budget Committee figures, to bring the fiscal year 1981 budget into balance.

I propose to reduce outlays from $633 billion to $615.1 billion, in order to match revenues. I propose to substitute zero for the deficit of $17.9 billion.

In other words, the effect of my amendment is for the Senate to say that for fiscal year 1981 revenues will equal outlays and there will be no deficit.

If there is any argument about these figures, I am prepared to accept an amendment by the committee which would provide a balanced budget.

But these are the figures the committee gave us. These are the figures we have to work with. And these are the figures I am proposing, subject only to a technical correction by the Budget Committee, if they so suggest.

Mr. President, this is a simple amendment. This amendment would bring a balanced budget for fiscal year 1981. It is desperately needed if the economy is to survive as we have known it. Now is the time. This is the place.

Let us have a vote now on whether or not the Senate is going to support a balanced budget this year—the balanced budget promised last year when my amendment was offered.

This amendment sets the overall figures. It does not tell the Budget Committee or the authorizing committees where or in what categories they must cut.

It gives the committee the overall estimates and the overall ceilings.

A vote for this amendment is a mandate for a balanced budget under the budget process this year—a year when it is desperately needed.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. RIEGLE). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the temptation is great. We are all for a balanced budget. The temptation is great to say, "I accept the amendment," and then all those conferences that they are having with President-elect Reagan would start right outside the door. They would be playing games saying, "We knocked that much out." Let him find it and how to do it. I do not think we ought to play games.

I am willing to have a vote up-or-down, but before doing that, I think the amendment ought to be explained in several regards.

No. 1, the amendment is irresponsible from the standpoint of really trying to balance the budget. If you will notice very closely, the amendment only knocks out the $17,900,000,000 and calls it balanced. That is what the distinguished Senator from Vermont, Senator Aiken, said we should do in Vietnam, to declare victory and come on home.

What we would do here on the Senate floor is to say we have declared it balanced and go on home, that it would be balanced.

It would be far from being balanced. Mathematically, we find when we talk about countercyclical stimulative action, local public works and all these other things being stimulative, but similarly when you cut, you cut off income, you cut off payrolls, and when you cut by about $18 billion, the mere fact of cutting $17.9 billion is that you are still going to be out of balance. We all know that, and it will be by the tune of about $3 or $4 billion.

Where does the Senator say to cut it? He would hope in the aftermath of the election that everybody would come politically and use the limerick of the Senator from Louisiana, to cut him and the other fellow behind the tree, but not me. I do not know how the thing goes.

Sixty-one percent of the controllable budget is the defense function. So if you cut some $18 billion, 61 percent would be about $11 billion which would come out of that function. Conscientiously, I do not think that over a handful of Senators really want to do that today.

With respect to how to do it, itemizing it, the distinguished Senator from Wisconsin certainly knows how that can be done. He is almost an economist in his own right. He is chairman of the Banking Committee, and former chairman of the JEC. We have tried to bull's-eye the task at hand. The motion was made when we had this under consideration by the Budget Committee on the second concurrent resolution, on pages 14, 15, 16, and 17.

You will see there, Mr. President, the different functions that would have to be curtailed, or an itemization of them. This is about $19 billion worth.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the itemization.

There being no objection, the itemization was ordered to be printed in the RECORD, as follows:

IMPLICATIONS OF MAINTAINING THE FIRST RESOLUTION UNCHANGED

During the Committee's deliberations, a proposal was made to ignore the re-estimates brought about by the recession and by the most recent data on the cost of programs under existing law. The Committee rejected that proposal. It would be both unrealistic and unwise to proceed as if nothing has changed since the First Resolution was adopted by Congress. The implications for our security, for the economy, and for the well-being of the American people inherent in such a policy are enormous.

The following is a summary of the effects which could result from a decision to maintain the First Resolution totals unchanged. Other, equivalent reductions might be made, but budget cuts of the same magnitude and sensitivity would be necessary to hold the budget to the First Resolution totals.

	Outlays (billions)
Function 050: National defense:	
Reduce defense fuel purchases by 30 percent in fiscal year 1981 which could reduce steaming hours by approximately 500,000 hours and flying hours by approximately 1,000,000 hours and could force major changes in readiness training	−$3.0
Reduce both military and civilian personnel levels by 25,000 which could mean the elimination of one Army division and an increase in the shortfalls in military personnel manning levels	−.4
Reduce in O. & M. activities by 5 percent which would force significant reductions in training, maintenance, supply, and base support activities	−1.9
Delay procurement and R. & D. efforts for such strategic and tactical programs as: 11 ground-launched cruise missiles; 20 Tomahawk missiles; a new strategic bomber; Trident II R. & D. and Minuteman III initiatives; 570 XM-1 tanks; and 2 AEGIS ships	−.4
A $5.7 billion cut in outlays could require a $9.5 billion reduction in budget authority if the reduction were to be spread across the entire defense budget. Any smaller reduction in budget authority would place the emphasis of the reduction primarily on manpower and O. & M	(−5.7)
	−5.7
Function 150: International affairs:	
Reduce admissions of Indochinese refugees from 14,000 to 7,000 per month	−.1
Reduce Public Law 480 concessional food sales by 1.5 million tons	−.2
Reduce Eximbank direct loan level by $1.7 billion; if competitive financing cannot be found elsewhere. loss of this level of American exports could result in loss of 68,000 jobs	−.2
Delay payments of economic support to United States friends and allies such as Israel, Egypt, and Turkey	−.3
Reject the President's request for increased security measures in American embassies abroad; currently, most embassies cannot hold out for several hours against a mob attack	−.1
Reduce new appropriations for the Agency for International Development, the World Bank's soft-loan window, and the Inter-American Development Bank to ½ of the fiscal year 1979 level	−.2
	−1.1
Function 250: General science, space, and technology: Delay launch of space shuttle beyond March 1981 and jeopardize defense intelligence missions in 1983	−.1
Function 270: Energy:	
Delay construction of the two SRC's and jeopardize cost-sharing agreements between the United States/Germany and Japan on SRC II and between DOE/private sector on SRC I	−.1
Reduce financing of feasibility studies and/or cooperative agreements for development of synthetic fuels plants	−.2
Delay exploration and development of the naval petroleum reserves in Colorado and Wyoming for oil and oil shale	−.1
Preclude meeting the mandate of the Energy Security Act to acquire 100,000 barrels of oil per day for SPRO	−.5
	−.6
Function 300: Natural resources and environment:	
Slow construction activities at over 100 water resources projects and possibly halt construction on 30–40 projects	−.2
Prevent any land acquisition for parks and eliminate urban park rehabilitation. (Reduced operating hours at national parks and wildlife refuges could result.)	−.1
Preclude legislation to clean up hazardous waste dumps	−(*)
Terminate the wastewater treatment plants construction grant program. (This would require rescinding $3.5 billion already allocated to the States and providing no new funds for the program in fiscal year 1981.)	−.4
Reduce enforcement of hazardous waste, clean air and clean water permits by up to 70 percent	−.1
	−1.0
Function 350: Agriculture: Make possible higher loan rates for grain in the farmer-owned reserve than in the Senate-passed and House-reported legislation. (Since higher loan rates are unlikely, this would leave more outlays than necessary available in the function.)	+.1
Function 370: Commerce and housing credit: Discontinue FmHA rental assistance programs, eliminate the interest credit program, and/or speed up income from receipts by requiring foreclosure on defaulted rural housing mortgages	−.5

	Outlays (billions)
Function 400: Transportation:	
Withhold payments to States to honor prior-year obligations (would risk law suits)	−.1
Sharply curtail highway construction or rescind funds for roads damaged by disasters such as Mount St. Helens	−.1
Ensure no room for additional Conrail funding which is expected to be recommended in fiscal year 1981	−.3
Affect Amtrak operations and probably require 30 percent reduction in service and deferral of equipment and capital purchases	−.1
Further reduce transit operating subsidies	−.1
Reduce levels for FAA operations 14 percent below fiscal year 1980 and 16 percent below CBO estimates of funding needs for fiscal year 1981	−.3
Require withholding of payments to honor prior-year obligations for ship construction which could risk law suit against Federal Government	−.1
	−1.1
Function 450: Community and regional development: Preclude about $400 million in disaster relief and flood insurance payments. (Victims of flooding all across the country would not receive reimbursement on their insurance claims. The Government would have to refuse to honor its contractual obligations on flood insurance contracts. The Government would have to cease obligating funds for disaster relief—as a result victims of Hurricane Allen would not receive aid.)	−.4
Function 500: Education, training, employment, and Social services: Add over a billion dollars for education and jobs programs to the budget authority levels which the Committee deems sufficient	+.1
Function 550: Health:	
Cause about 800,000 newly unemployed people to lose their entitlement to health care under medicaid	−.5
Force about 28 million aged and disabled people eligible for medicare to pay, on the average, $143 per year more for their health care than they do now	−1.0
Cut funding for health services, such as community health centers and alcohol and drug abuse centers, by 8 percent	−.3
	−1.7
Function 600: Income security:	
Cause over 1 million unemployed people to lose benefits under the unemployment insurance and trade adjustment assistance programs	−5.6
Cause over 30 million elderly and disabled people not to get their social security checks on time at the end of fiscal year 1981	−.6
Deprive about 800,000 people now on the AFDC rolls of their benefits	−.9
Cause about 50,000 elderly and disabled people to lose their SSI benefits	−.2
	−7.3
Function 700: Veterans' benefits and services: Cause a cutback in the October 1980 increase in compensation benefits for veterans suffering from service-connected disabilities (only a 2.9 percent increase would be provided instead of 14.3 percent)	−.2
Function 750: Administration of justice: Require fiscal year 1981 absorption of the effects of the 1980 supplemental in several Federal law enforcement programs. This could mean a reduction of: 225 work-years in the Federal Bureau of Investigation; 105 work-years in the Immigration and Naturalization Service; 90 work-years in the Drug Enforcement Administration	−.05
Function 800: General government: Require the Internal Revenue Service to overcharge the Social Security Administration for the services they perform (the re-estimate involved reduced receipts), or else cut down on tax enforcement programs	−.04
Total	−19.6

Mr. HOLLINGS. Mr. President, we see from that insertion exactly how much it would be.

In defense at the bottom of page 14, we would include the figure minus $3 billion there, and to reduce both military and civilian levels by 25,000 would be minus $0.4 billion. Reducing O. & M. activities by 5 percent would be a minus 1.9.

Delay procurement and R. & D. would be minus $400 million. Then a $5.7-billion cut in outlays would require $9.5-billion reduction in budget authority. So that $5.7 billion then would be added to the international affairs of minus 1.1. It could well be.

We had pretty close votes several times. I tried my best to take up different items with my colleagues, trying to get around to everybody to find out where I could get support to try to hold this to a balanced budget.

I do not criticize the intent or thrust of the Senator from Wisconsin. He is sincere and I am sincere and we are trying to do it. But we must do it in a responsible fashion. When we get down to it, that is where we begin to lose the votes. Each man in his own mind can find $18 billion in a $633-billion budget, but where can he find people who, once they look at it and determine exactly what is lost or left out, will give any kind of support for it?

Specifically, Mr. President, it is not outlays but budget authority that must be cut, if you really want to balance. You could cut outlays, but the budget authority is there and then comes forward funding. The amendment would have to be totally redrawn and the Senator would have to itemize. Then we could go down item-by-item and all colleagues would then realize exactly what the Senator has in mind.

Perhaps his approach is the better approach, to let everyone make up in his own mind what he is voting for and say, "Well, we saved $18 billion."

The fact of the matter is it cannot fly, it should not fly. We cannot go about it in this particular way. We have to reconcile our differences between the House and Senate and keep pretty well near the mark. We cannot avoid the inflation.

As I itemized the amounts in my opening remarks, with the amount responsible for inflation, and going down the list to see exactly what would be eliminated, we found not just the inflation amounts. I know inflation costs us and it cannot be avoided nor can the interest costs. We had inflation on the matter of the defense budget.

Here are the amounts. We said $7.6 billion resulted from the recession's effect on unemployment related programs. If we eliminated this particular approach in the $18 billion, we would have to say to Senators LEVIN and RIEGLE and our friends in Michigan, and those in Illinois and all around, the unemployed, those unemployed as a result of the recession, "Under the law you might be entitled to unemployment compensation but you will not receive it."

There was a $5.7 billion in defense spending increases to keep our military forces even with the board on the projected program, playing catchup ball there.

There was $1.6 billion from the impact inflation has on the other programs.

There was $4.5 billion resulting from the outlay reestimates. We would have to say the amounts then for the strategic petroleum reserve, which they are now coming forward with, will not be filled.

Just yesterday, the distinguished Senator from New Jersey (Mr. BRADLEY) and others came on and added on an amendment to accelerate that. The Senate voted overwhelmingly to go along with that particular program. This is where we made room in the budget for it.

Similarly, for the Export-Import Bank to correct our imbalance in the balance of payments, the $1.4 billion we put in for the Eximbank would have to come out.

We have tried to draw the picture two different ways. We have not played games. We said it was a very difficult task. We stayed in session days and days trying to bring out the first June balanced resolution. We found it was next to impossible. Now, as the distinguished Senator from New Mexico has emphasized, even $633 billion is perhaps a conservative figure.

On behalf of the committee, at this time I would have to oppose the amendment.

I would be glad to yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I think Senator BELLMON will return shortly. I just want to take a couple of minutes.

I think Senator PROXMIRE knows I have the greatest respect for him as a Senator, for his record of understanding where inflation comes from, and fiscal restraint.

I do not know how to tell the Senator this, but his amendment is a joke. What our good friend is doing is saying, "Well, what are the estimated revenues?" I am not arguing the technical point of reflows; I am just arguing a broad, basic issue. Whatever the best estimates of revenues are for this year, we will just go over and put a number down, and that is the amount of money we are going to spend.

No one could wish more than I that we could start this whole process over, appropriating—we did not have any budget process all these years, until 5 or 6 years ago. Expenditures of this Government were added up when we added up all the appropriations bills. When we finished that, we knew what we were going to spend. At least, this process has come along and said, let us make a little sense of it all.

But, Mr. President, just because we put a number in in the second resolution that is equal to the revenues, then say, "We want everybody to vote on a balanced budget," that does not mean that we are going to have a balanced budget. It does not mean that we have used any of the tools that force this institution, first, to vote on what it wants to do, and then have the courage to vote changes in the laws and cuts in appropriations.

Those tools are available. The principal tool is to come up with the total figure; then, in good conscience, look at the current law and say, where current law is not going to yield this, we tell the institution in the resolution, "Here is what you have to change." That process is known as reconciliation.

There is not even that in here. Almost half the appropriations bills have passed. The entitlements are running their normal course. There is nothing in this amendment that even suggests where we are going to cut. If I read it right, we add up the columns of budget authority and they do not equal the total figure. They are still what they used to be.

So, Mr. President, the budget authority is added up. That is what causes spending. We have not even changed those to equal 605 or any comparable figure that will yield 605. So, if we want once again to take a resolution and vote it here, as we have a number of times, "resolved that we want a balanced budget"—maybe when we are finished with this, I say to the chairman he and I shall come to the floor with another resolution. We shall call it a brand new scheme of things as this one is. We shall say, "Here is a sense of the Senate that it is time to balance the budget" and we shall get a vote.

We have done that a number of times, have we not, I ask the chairman? We have tried to put it in statutes: balance the budget by 1980. But nobody changes the laws in this country that cause spending. We give them one on COLA to change the cost-of-living increase from two a year to one a year, and we go to committee and moan and do not do it.

We propose a change to beneficiaries of medicaid, maybe a little $1 billion in savings, $2 billion in 1 year. How long have we been in conference on that? Two months?

Maybe what we ought to do is take Senator Proxmire's amendment and say, once again, a very distinguished Senator has come to the floor and proposed something good, something decent, something we really want to do, we have been wanting to do it for so long; but nobody wants to bite the bullet, and this amendment does not bite any bullet. This amendment just changes a few numbers and says, "Now is the time."

Mr. President, let me say, so that everyone will understand, I do not think there has been a public figure on the scene for the last 12 years that is any more dedicated to cutting the outlays of the National Government than President-elect Reagan. He has spoken about that for years. He got nominated by my party and the people of this country elected him. He met with the best economists around. He met with the budget people that the chairman and I know who have been in OMB. He does not even believe that the United States of America can have a balanced budget this year.

Six-hundred five billion dollars—even President-elect Reagan knows that we must add to military in the out years—and I remind everyone that we must; that we have to have tax cuts; that we hope the economy begins to grow at a steady pace over the foreseeable future. He and his best advisors are saying. "The reality of things is that we hope we can get it in 1983." Maybe they can get it in late 1982, but they are saying 1983.

Mr. President, I do not really want to make light of a serious proposal, but does anyone believe that, because a Senator came down here and changed six or eight numbers in an amendment—a wish list, a cumulative wish list, just a whole bunch of billions he took out and put a new number in—does anyone really believe that this is a serious approach to bringing Government under control? This is a sort of standing vote that we really wish that something like this could miraculously happen.

Mr. President, I hate to say it that way. I want to be part of a 2- or 3-year curtailment, cutting back on the enormous growth of Government. I have now figured it out in simple terms; it is 14-percent real growth in the budget of the United States in each of the last 4 years, for a total of 56-percent growth in 4 years. And the Senate's proposal of 633 is cutting back from what it would otherwise be. It is making people change things.

Does anyone believe, really believe, that they take $28 billion out of that by changing a few numbers? That is what this amendment is about. I regret having to say it that way. I honestly hope that, at some point, perhaps while I am chairman of the Committee on the Budget—when it will fall on me to take the chairman's place and, hopefully, do as well as he has done—I hope we shall be here with real proposals, where the laws have been changed or are about to be changed, so we can have a balanced budget. Mr. President, it just seems to me that this approach is not the way.

Unless the distinguished chairman has some objection, at the appropriate time. I should like very much to table this proposal and ask for the yeas and nays on the tabling motion. But I do not want to do it until everyone who wants to talk has had a chance.

Mr. PROXMIRE. Mr. President, my good friend from New Mexico has indicated that this is far more extreme than what President-elect Reagan wants to do. I point out to my good friend from New Mexico that President-elect Reagan would balance the budget in 1983, possibly in 1982, but he would do it with a big tax cut. There is no tax cut here. I am not proposing a tax cut. I am proposing a 3-percent shaving of Federal spending, a 3-percent reduction.

Obviously, if we are going to have a 30-percent tax cut, which President-elect Reagan has plans to do—cut taxes 10 percent this year, 10 percent next year, and 10 percent the year after that—we are going to have to have a far more massive reduction in spending than I have recommended here.

Mr. President, how long can we accept these alibis? It is ridiculous to come in and say we cannot cut 3 percent from this budget. We know we can cut 3 percent. That is all I am asking. As a matter of fact, it is, if anything, a little less than a 3-percent reduction.

Mr. President, my good friend from South Carolina (Mr. Hollings) has indicated that he tried in committee to work toward a balanced budget, and I am sure he did. Nobody has had a finer record than Senator Hollings, or Senator Domenici, for that matter, in trying to work to hold down spending. They have lost a few battles, but have won more than they lost. I know they have tried hard in their committee to do it. Mr. President, the way to get the Budget Committee and the Appropriations Committee, on which I happen to serve, to act in the way that Senator Hollings has tried to persuade his committee to act to balance the budget is for the Senate to tell them to do it. Then they have no alternative.

Priorities are tough. Senator Hollings went through some very fine programs. There are no easy programs to cut. To say we will cut fraud and waste enough to balance the budget is ridiculous, as it is ridiculous to pick out some specific program we all recognize is wrong and say we can balance the budget if we cut it.

Every single program we have, every one, is in there because a majority, and now a substantial majority, of the Senate wants it, and probably in many cases the majority in the country wants it.

But we have to fight inflation by holding down spending and make those tough choices. The way is for the U.S. Senate to direct the Budget Committee to balance the budget. We can do it. We are close to it.

It is not as if we had to cut $100 billion, or make the cuts President Reagan will have to make if he has an enormous increase in military spending, much of which is justified and much of which is not, and a huge reduction in taxes, and then balance the budget.

We do not ask that, but say that in 1981 that without any reduction in taxes, and, of course there will be a big increase in revenues because we have an expected inflation rate of 10 percent, the huge increase in revenues should enable us to balance the budget in 1981.

My friend from New Mexico says that this is a joke. I cannot understand that. I really cannot. I have been in this body 23 years and I see nothing humorous or ridiculous or unrealistic about a proposal to make a 3-percent reduction in our overall spending, when the loud, clear, and most emphatic message of our country on November 4 was to cut spending, hold it down.

The reduction would still give us an increase over what spending was in the preceding year. It would be a much more modest increase, but a slim increase.

There are projects that I could mention which we could cut. But that would be up to the Budget and Appropriations Committees. I might favor cutting water projects. Other Senators would oppose that. I might favor cutting the Exim Bank, or CETA, or public works, or the EPA.

I think we could find substantial reductions which we could make. Whenever we do it, whether now or in 1981 or 1982, it will be extraordinarily painful for us, but we must do it. We must make this kind of reduction if we are going to have any kind of an acceptable, believable anti-inflation policy.

Mr. President. I yield the floor.

Mr. HOLLINGS. Mr. President, I am heartened by what the distinguished Senator from New Mexico (Mr. Domenici) has stated about President-elect Reagan.

If the President-elect is serious, and I am convinced he is. and I agree with the Senator's appraisal, no one is more serious than President-elect Reagan in trying to bring the U.S. Government back into the black, and he will have to try to help with all of us in educating. He will be in the bullpen, the educator or persuader.

The only way he can do it is take a little bit more realistic position relative to this octopus Washington government and its finances.

When we say he is talking in terms of 1982, then we get in step so we can march forward together.

If there were a way at this point in time, for Senator BELLMON and I and the Senator who sponsored amendments on the food stamp laws to get the college kids off it in June, we keep trying to bring credibility into the programs at their initiation, very well conceived, but they have gotten out of kilter, and we try to bring them back in line.

But when we talk in terms of running at a $60 billion deficit, then trying to add, in addition to adding on $29.1 billion to defense, loss of revenue from an across-the-board tax cut, of an additional $20 to $29 billion over the year, and then talk about balanced budgets, the people are smarter than that. I think we ought to honor their intellect.

Fortunately, the people saw, and see at this particular time, the difficulties. I think that is what we ought to do, start getting on to the programs.

I think the general reaction against fraud, and waste, and size, and everything else, is good. But we have to get a majority vote on a particular part.

So when the President-elect looks at all those big notebooks and starts looking at the leadership, the budget chairmen on both sides of the aisle, that is the teamwork and educational process it will take for us to succeed, because inflation kills Democrats, Republicans, poor people, rich people, everybody alike.

When we get back into the black with our hands on inflation, then we can go back into the partisan programing where I like a particular program and I think it is for the good of the country, but another will resist that and think a different program is really needed, and which should come first and to what degree.

That is fine. But for the last 10 years we have run up deficit after deficit after deficit.

As the distinguished chairman of the Finance Committee just admonished me, just barely under $1 trillion in national debt, and it continues to grow like Topsy.

So I am glad we are all beginning to level up. Let us go ahead with this resolution.

I yield to the Senator from Wisconsin.

UP AMENDMENT NO. 1771, AS MODIFIED

Mr. PROXMIRE. Mr. President, I send a modification of my amendment to the desk. I ask that my amendment be modified as indicated.

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an unprinted amendment numbered 1771, as modified.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 1, strike out "$615,900,000,000", and insert "$610,900,000,000".

On page 2, line 12, strike out "$699,600,000,000" and insert "$675,300,000,000".

On page 2, line 16, strike out "$633,000,000,000", and insert "$610,900,000,000".

On page 2, line 22, strike out "—$17,900,000,000", and insert "$0".

Mr. PROXMIRE. Mr. President, what this does is recognize what Senator DOMENICI and Senator HOLLINGS have properly pointed out, that this first amendment, which I sent to the desk, intended to balance the budget by simply reducing expenditures to the level of revenue, would not do it because the reduction in expenditure would also reduce the revenues according to the estimates.

I have taken that into full account, and this modified amendment would make a reduction of approximately $22 billion—$21.9 billion, to be precise.

In doing so, it would allow for the fact that there would be a reduction in revenues and that, even allowing fully for the reduction, the budget would be in balance in 1981, based on the assumptions made by the Budget Committee and the budget resolution as brought to the floor.

Many of those may be outdated. This is not August. This is November. By the time the year is completed, of course, there could be many changes.

But, under the circumstances, given the facts we have, this is the best we can do in the way of proposing it to the Senate, with an opportunity to vote for a balanced budget.

Of course, there is one very important caveat. That is, the amendment does not allow for any tax reduction. If there is any certainty in this world, it is that we will have one next year.

But that is something we should face with our eyes open and recognize that one of the prices we pay for a tax cut probably will be that we will have a bigger deficit, if not an unbalanced budget, because of it.

So I hope the distinguished Senator from South Carolina and the Senator from New Mexico will recognize that I am offering this in good faith as an attempt to truly try to balance the budget, given the assumptions that face us.

Mr. HOLLINGS. Mr. President, I accept the intent of the Senator from Wisconsin, and I commend him for it. We are making progress. That now is more, as we say in the game, budgetarily sound, in his approach with his amendment. The only thing now is for our colleagues to make up their minds as to which particular items are cut, which programs are cut.

I am sure that the distinguished Senator would never want to take a poll to find out the sentiment in Wisconsin with a multiple-choice quiz, because he would have to list those things. Here, they are not listed. I think it should be pointed out that if it were taken in its proportional amount, it would still be cutting approximately $6 billion out of national defense, which we could not afford to cut.

We have the increases in unemployment compensation, which are particularly needed now in the automotive belt. They really have been hit very hard in that area. We have had to extend the time. We have not liberalized it as to secondary industries. But I cannot see Congress taking an entitlement program for unemployment compensation and saying, "We have balanced the budget by cutting $7.6 billion out of payments. We just are not going to pay you."

Then there are those who would say, "In the $633 billion, rather than putting us on the bread line with no benefits, could not you do this or that?" They would start listing all the particular items—in international affairs, in transportation, in natural resources, in parks, and other programs within the budget, as well as defense.

So it really does not bring us to the point of balancing off priorities. I hope the Senator will not approach this budgetary task in this fashion, because it would cut us down; and in conference, I would have no idea what the Senator from Wisconsin had in mind when he offered his amendment.

However, I do commend the Senator for his corrections to the amendment. It is a good step in the right direction.

Mr. PROXMIRE. If the Senator from New Mexico wants to move to table, it is all right with me. I want the yeas and nays.

Mr. DOMENICI. I know that Senator BELLMON does not desire to speak, and I will wait until a sufficient number of Senators are present.

Mr. President, I believe that the fact that the Senator has added some $5.9 billion to this clearly is an improvement. It points up, to the extent that that much is proposed to be cut out of the budget, that there will be that kind of impact on the overall economy, so this figure has come out higher.

Actually, my reference to the fact that this is totally unrealistic did not change. It still is. It has been modified to reflect a more realistic set of facts based upon the approach of Senator PROXMIRE that just by plugging in a new number, we can wish away the deficit and wish in a balanced budget. In that respect, that has not been changed.

I hope everyone understands that Senator PROXMIRE has responded to my notion that even the distinguished President-elect and his best economists do not believe that we could have a balanced budget in this year or even next year. His response is that he is not going to provide for a tax cut in his approach and the President-elect is. I hope everyone understands that is the case. But I do not think anyone really believes that the United States is not going to have a tax cut in 1981 or in 1982 or in 1983.

Senator PROXMIRE may really believe that we could get this country going again without any tax reform, either of the type proposed by the Finance Committee or otherwise, and that just by doing this miraculous budget change to balance everything, we will be on the way to recovery. I do not think that.

I believe that the next 3 to 4 years unequivocally demand that we have tax reform on the supply side, on the production side. Whether it is 10–10–10 as to the personal is not really relevant to this discussion.

Everyone should know that the good Senator from Wisconsin contemplates none. He says that is how we will get a balanced budget—leave the tax rates at the highest level of the Republic, and yet we are going to get rid of inflation and bring on productivity, because we change six or seven numbers in this resolution, and we can vote for this theory of a Christmas gift, a balanced budget. It is an absolute impossibility.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

FAVOR TAX CUTS

Mr. PROXMIRE. The Senator is putting me in the position of being against tax cuts. I have been for every tax cut proposed—the mind of man runneth not to the contrary. And I will continue to do so.

I have voted for a lot of spending cuts, and I believe that if the Senator will match my spending cuts with the tax cuts, he will feel that I have earned the right to vote for tax reductions. I have a right to make a proposal which in my judgment will balance the budget next year. Then we have to come to the point of whether we cut taxes. Many people will argue, "Let's cut more taxes and cut spending correspondingly, so we can balance the budget."

I do not make the assumption for 1 minute that we should not have a tax cut next year. I think we should. I voted for Kemp-Roth. I cannot think of a tax cut for which I have not voted, because the way we get a more viable and vibrant and expanding economy is to ease the burden on the American taxpayer. I believe that, in the long run, that is the way we can increase revenue. But to do that, we have to hold down spending. One cannot on one hand say, "I believe in cutting taxes, but I do not believe in cutting spending."

Some Senators will vote for my amendment because they want to balance the budget; others will vote for it on the ground that they want to reduce spending as much as possible, so that when they do vote for a tax cut, they will have earned it.

Mr. DOMENICI. Mr. President, in my discussions, I have in no way passed judgment on what the record of the Senator from Wisconsin earns him or does not earn him. I really made my argument on the tax cuts, because I assumed that he would stand up and say what he has said. I know that the Senator is a strong proponent of fiscal restraint and tax cuts to get this economy going again.

However, this $610.9 billion does not have any room for a tax cut. We can do that afterward, as everybody else is saying, but I want everyone to know that this is not a matter of working a miracle.

START NOW

Mr. PROXMIRE. We have to start somewhere and sometime. This is the way to start, and this is the time to start. This is the way for those who believe in holding down spending to put their money where their mouth is. Next year, if we have an opportunity, let us cut it more.

Mr. DOMENICI. The Senator is talking about earning things. I know that the good Senator from Wisconsin knows that I, too, have earned a record of being for cutting this Government, and I have done everything I can.

I regret to be here on the floor opposing the kind of paper cut the Senator from Wisconsin is recommending here, even though it is only a paper cut and a kind of wishful idea. I regret having to oppose it, because I hope it could happen.

Since we have enough Senators in the Chamber—if the Senator has had all the time he needs to respond—I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

● Mr. CHILES. Mr. President, it is with great reluctance that I will vote to table Senator PROXMIRE's amendment to cut the total spending down to the level necessary to achieve a balanced budget. I have actively worked through the Budget Committee to move us toward a balanced Federal budget, which is our first defense against inflation. I am willing to make the tough cuts necessary for a balanced budget, and I have offered many amendments on appropriations and authorizing bills to make billions of dollars in cuts. Unfortunately, Senator PROXMIRE's amendment does not cut any programs. He does not specify whether the $20 billion would come from defense, or social security or what. I think we ought to be cutting that amount from the budget, but I do not think we can do it in 1 year. If the Congress had accepted the multiyear program of fiscal restraint I offered in 1978, we would be at that lower spending level now. If we hold to the future-year levels of restraint in this budget resolution we can get to balance in 1982 or 1983. I am pledged to hold to that restraint, but we have to look responsibly and see what programs we are cutting. That is why I cannot vote for an amendment like Senator PROXMIRE's, even though I agree completely with its goal.●

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The PRESIDING OFFICER (Mr. BOREN). Are there other Senators desiring to vote?

The result was announced—yeas 72, nays 18, as follows:

[Rollcall Vote No. 472 Leg.]

YEAS—72

Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatfield
Hayakawa
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Matsunaga
McClure
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schmitt
Simpson
Stafford
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Williams
Young

NAYS—18

Boren
Boschwitz
Byrd,
  Harry F., Jr.
DeConcini
Hatch
Heflin
Helms
Humphrey
Jepsen
Lugar
Morgan
Nunn
Pressler
Proxmire
Roth
Stewart
Stone
Zorinsky

NOT VOTING—10

Armstrong
Durkin
Gravel
Kennedy
Magnuson
Mathias
McGovern
Melcher
Schweiker
Weicker

So the motion to lay on the table Mr. PROXMIRE's amendment (UP No. 1771) was agreed to.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stands in recess until 10:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HOLLINGS. On our time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOYNIHAN ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President. I ask unanimous consent that after the two leaders are recognized on tomorrow, Mr. MOYNIHAN be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND CONCURRENT BUDGET RESOLUTION, 1981–83

The Senate continued with the consideration of the concurrent resolution.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1772

(Purpose: To add reconciliation and point of order provisions to the Second Budget Resolution for Fiscal Year 1981)

Mr. BELLMON. Mr. President, I have an amendment at the desk. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) for himself and Mr. DOMENICI, proposes an unprinted amendment numbered 1772.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, following line 18, add new sections 4, 5, and 6.

LEGISLATION SUBJECT TO A POINT OF ORDER

SEC. 4. After Congress has completed action on this Budget Resolution, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, amendment, or conference report providing additional new budget authority for such fiscal year or providing new spending authority described in 401(c)(2)(C) on the Budget Act to become effective during such fiscal year, if—

A. The enactment of such bill, resolution, amendment or conference report would cause the allocation to or subdivisions by a committee or subcommittee pursuant to section 302 of the Budget Act to be exceeded; or

B. If the bill, resolution, amendment, or conference report is reported by or under the jurisdiction of a committee which has not reported to its House the subdivisions required under section 302 of the Budget Act.

RECONCILIATION

SEC. 5. Pursuant to section 310(a) of the Budget Act, the Committees on Appropriations shall report legislation reducing spending for fiscal year 1981 contained in laws or in reported bills or resolutions within their jurisdiction by $4,400,000,000 in budget authority and $5,900,000,000 in outlays for fiscal year 1981, and shall report such legislation no later than twenty days (during which Congress is in session) after Congress completes action on this resolution.

SEC. 6. Pursuant to section 310(a) of the Budget Act the Senate Committee on Finance and the House Committee on Ways and Means shall report recommended changes in laws within their jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $1,300,000,000 in budget authority and $1,900,000,000 in outlays, and are instructed to report such recommendations no later than twenty days (during which Congress is in session) after Congress completes action on this resolution.

Mr. BELLMON Mr. President, I shall undertake to explain the amendment and be brief so we can move ahead.

This amendment would help Congress to live within the budget which we adopt. It would require the Appropriations and Finance Committees to report legislation within 20 days after adoption of the budget, counting only days when Congress is in session to reduce spending so we can live within this budget we have agreed to. Otherwise, we will inevitably run out of money.

The amendment would add a new section 4, which would make subject to a point of order legislation which would cause the allocation to the various committees under a budget resolution to be exceeded.

In other words, if we adopt section 4, it would not be in order, for example, to consider an expansion of trade adjustment assistance or unemployment insurance, unless the Finance Committee had the funds available in its allocation to pay for such an initiative.

Similarly, we could not go along, adopting one appropriations bill after another, knowing the bills we adopt exceed the amounts in the budget for them, and wind up late in the year either having to cut back on an appropriation bill, probably defense, because it happens to be the last one we consider, or else we find ourselves busting the budget.

Mr. President, what happens is that we pass a budget resolution anticipating certain spending levels, then we exceed those levels on bill after bill. Then we come down to the last bill and try to cut enough there to make up for our earlier excesses. What part of this amendment would do is try to get us to stay within our allocations bill by bill and not wind up trying to correct our errors on the last bill we consider, which, in many cases, is the defense bill.

Mr. President, there are some who may characterize this as an attempt to impose the Budget Committee's will on the Senate. Mr. President, it is no such thing.

This amendment is about truth in budgeting, Mr. President. It is about sound management and sensible benchmarks against which to measure how we stand with respect to the budget that we have already agreed to.

It does not even seek to enforce the functional totals in the budget resolution. It does seek to insure that one committee will not be able to spend money intended for programs in another committee's jurisdiction.

We tried to get at the same problem with the delayed enrollment provision Congress adopted in the first budget resolution. But, from the Senate's point of view, delayed enrollment leaves something to be desired, as bills are enrolled in the House which originates them, which means appropriation bills are enrolled in the House.

A mechanism which allows both Houses a more equal role in deciding what is held and what goes forward is clearly preferable from the Senate's point of view.

The point of order under section 311 of the Budget Act has worked reasonably well to help us enforce the budget at the aggregates. Our amendment simply expands this concept to include a point of order should a committee overspend its allocation.

Mr. President, we believe this is an idea whose time has come, and I urge the Senate to adopt it.

The amendment also adds sections 5 and 6, providing reconciliation directions which are essential if the numbers in this budget are to be achievable. This amendment deals with the essence of honest budgeting. Congress cannot pay for all the programs assumed in this budget within the spending totals recommended.

None of us want a higher deficit, so we offer the only honest alternative: Instructions to the two committees which, between them, have in their jurisdiction over 90 percent of Federal outlays, to reduce spending.

In the case of the Finance Committee, section 6 of the amendment directs legislative savings of $1.3 billion in budget authority and $1.9 billion in outlays in fiscal year 1981. These are the amounts by which the latest estimates of Finance Committee programs exceed the amounts assumed for those programs, in this budget resolution.

Mr. President, if I may have the Senate's attention, all we are asking the Finance Committee to do is the same thing we asked them to do in the first budget resolution. This is not draconian; it is simply trying to get us to stay with the decision we have already made.

In the case of the Appropriations Committee, section 5 of the amendment requires reductions in enacted or reported bills or resolutions by $4.4 billion in budget authority and $5.9 billion in outlays. The main reason these reductions are necessary is that the Appropriations Committee actions on the eight fiscal year 1981 appropriation bills reported or enacted thus far, together with later foreseeable requirements, will exceed the amounts available under this resolution by $3.7 billion in budget authority and $4.3 billion in outlays. The remaining amounts to be reconciled in the amendment result primarily from higher interest costs. It is appropriate to include these amounts in the reconciliation instruction to the Appropriations Committees because those committees will be faced next spring with the problem of absorbing overages in other programs, if Congress holds to the aggregate totals provided in this resolution.

Mr. President, I feel that the effort to assure truth in budgeting must continue. That is what this amendment is about and I urge its adoption.

Mr. President, I yield to my cosponsor,

the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have talked on this subject before the Senate earlier this afternoon. With regard to my opening remarks and as I talked about other amendments, particularly the one that we just tabled, I think the Senate understands my approach to this budget and the budget process and this amendment, which obviously comes very late. We have not had a lot of time to discuss it with other Senators, but this puts into words what I have really been saying all afternoon: If the reestimates for this budget are correct, then the $633 billion figure is going to turn out to be wrong. Entitlement programs and direct appropriations which have already passed, plus some supplemental items that everybody knows are going to occur, will automatically break this budget. Once again, after going through all the trouble of trying to have a balanced budget early in the year, then coming up with a deficit that is in this one, we shall be forced early next year to change again and tell the American people the truth; that without changes in the law, without some enforcement mechanisms to be applied against pending legislation, there will be an additional deficit added to the $633 billion.

As I said before, there is nothing miraculous about the second budget resolution; there is nothing self-executing about it. Yes, a point of order will lie on the last appropriation if it exceeds the total of $633 billion. But, basically, we already know that is going to happen. We already know that, with the entitlements and the present trend of appropriations, it is going to happen. And this amendment, basically, is a mechanism for making sure that $633 billion, is, indeed, enforceable and that it ends up being the outlay number for the budget of the United States. There are a few things that are different in it, but, for the most part, its major thrust is a reconciliation.

Mr. President, I do not think we want to leave the impression that we are blaming anyone. The truth of the matter is that the way the Budget Act reads, the way the first resolution is drawn, it is just very difficult to keep track, to do the crosswalks and to do the estimating. I think Senator BELLMON and I are convinced that, even though there has been a great deal of effort by a number of committees to do that and do it properly, the truth of the matter is that we are going to be significantly over unless something like this—a reconciliation mandate and enforcement of certain of the crosswalk allocations—takes place.

Mr. President, I do know the distinguished chairman of the full committee does not favor this amendment. I hope he understands that this is Senator BELLMON's and Senator DOMENICI's approach to trying to make the process work.

We are not accusing anyone. We are merely saying that it is not going to end up being $633 billion unless something like this is voted in by the Senate. So that it is the will of the Senate, so that it, in turn, will work its will on the committees that have jurisdiction over certain entitlements and appropriation bills.

That is, basically, what it is.

I know that there are some who do not think this is an appropriate amendment, that it might be subject to a point of order. I personally think it fits right in the Budget Act.

Reconciliation is mentioned there. I certainly think a budget with this reconciliation in it would be appropriate.

I hope the Senate has an opportunity to vote on this.

We do want to make a point, whether we vote on it or not, that these are the kind of things that will have to happen. The bullet will have to be bitten in a number of ways. The prescription is found in this amendment. It is the medicine, whether we like it or not. To stay at $633 billion, certain things will have to be changed, certain activities that are planned and in progress will have to be altered, and this provides a way to do that.

I thank my good friend from Oklahoma for yielding me some time on this amendment.

Mr. HOLLINGS. Mr. President, we have worked very closely, all three of us have the same good intent.

However, in looking at this particular rules change and reconciliation, there are certain observations that should be made. I am likely to be put to the task of raising a point of germaneness.

Yes, reconciliation is definitely in the Budget Act. But of course, it was not in our second concurrent budget resolution.

We had our opportunities then and we discussed every which way to get hold of this. There were very close votes.

The Senator from Oklahoma made a motion to bring us back down, but only in a more responsible way, item by item, coming down some $18 billion.

We tried to cut back in that fashion. We did not try in this second resolution because, as bullish as we were with respect to the successes at that time on reconciliation, the House 2 years ago could not pronounce the word. This past year, they seem to have invented reconciliation.

Now, with an 86-to-0 vote on the Senate side, our colleagues in the House have been working in good faith. But there are certain important Members who have been holding the line and holding their ground, and, as chairmen, feel that we are telling them exactly what to do. That is the inherent difficulty and flaw with respect to reconciliation.

It is an important tool, but it is a limited tool. Limited, Mr. President, to those times and places where we are in the particular mood and tempo that we were in at the time of the 18 percent interest rates, in April, May, and June.

At that particular time, even before, in February, we felt so keenly with respect to the impending inflation and recession that we called our people back in from both Houses and said, "Let us resubmit the January budget."

We thereupon moved forward on reconciliation. The economy had not changed that much.

We still have very high inflation with a 16.25-percent prime rate. But, politically, we do have a new President who is coming on board to try to make his particular programs work.

I do not want to do the way we did with our great friend from Wisconsin and say, "You choose all the places," but we have not chosen them here. Let us look at the record.

Al Smith used to say, "Here we are," and that is reconciliation for some $7 billion in outlays. There is the record. That is a lot of hearings and committees.

I am not talking about rules changes but the reconciliation part.

It is awfully involved. It takes a lot of committees and chairmen.

Like Andrew Jackson, whether the Court has made its decision, let them enforce it.

Do we know what happened in those days?

I think in all candor that we have to move responsibly on this particular score, and reconciliation being a limited tool, we ought to treat it as such and not come at the last minute, "Where do you cut?"

I think President-elect Reagan is trying to make up his mind right now on what can fly, and what should fly, where he can get a consensus, and how he can persuade.

I do not know.

Let us assume, because I am for cutting back, with the great respect I have for both Senator BELLMON and Senator DOMENICI, suppose I said, "Fine, let us take the amendment." If we accept it on behalf of the committee, then I would have to sit back and have a caucus among ourselves and say, "Who do we tell what, and where, and in what amount?"

So we have not really fathomed this and gone through it very thoroughly.

On the matter of changing the rules, actually budget resolutions do not become law, and they should not be used to make law. They are limited, intentionally limited. We are on limited time.

The reason we have this strong germaneness amendment, I say to my future chairman, is that we do not want to come back later in 1981 and have set a bad precedent where we have a budget worked out and then have open sesame on the resolution.

It was clearcut. Germaneness, as I understand as a practicing Senator, mostly derives from Senate precedent, not Senate rules, with one glaring exception, and that is with respect to the Budget Act itself. That is intentional because coming back with all the various items like that, it was thought at the time we adopted that, we should put in a strong provision in section 305(b) that all amendments to budget resolutions should be germane and should have been discussed and considered. Otherwise, we can put on any kind of riders, or particular things, and never get a budget resolution passed.

I do not think we want to pass that particular precedent. I would be pressed to perhaps have to raise that point. I am convinced our distinguished ranking member does not want to take that course at this particular time.

I hope we withhold on the reconciliation if for no other reason, and my plea is not just for the good of the order, it is for the good of the new administration.

We are not going to get it done, we know, as a practical matter. We are trying, by this Thursday evening, to get the other reconciliation of $8 billion.

But now, to come on Tuesday afternoon—tomorrow is Wednesday, and take a resolution and carry forward and say that there is another $7 billion to save the chairmen would throw up their hands and we would lose the $5 billion. Like the dog with the bone in the stream, looking at a bigger bone, we would lose what we are about to attain here this week, which we worked on so long all year.

I think that principle should be established. The House agrees. We ought to fix it at whatever amounts we can compromise and negotiate. But, heavens, let us not upset the entire applecart, without hearings, or otherwise, and go into a reconciliation. We have not given any kind of instructions.

No one has proposed the particular cuts. The only real one that is out there, of course, is the defense cut, which we increased markedly, and I do not want to cut it in any manner. In fact, in order to hold it, I have promised the brethren that I would not bring up any increases for the rapid deployment force.

Downstairs this afternoon is a hearing on defense appropriations. They wanted another $1.5 billion, and we resisted that, trying to hold the discipline we have in the time we have, to get this resolution and reconcile it with the House.

I do respect the Senator from Oklahoma and the Senator from New Mexico for what they really want here and for which they are making a record.

We will have to cut where we can, and we will have to do it more or less the way we did it on the package that is now in conference, and that is to find out from the chairmen.

Some people forget the history of the meetings we had in March, one Sunday afternoon. We had the chairman of the Agriculture Committee there, talking about what could be done with food stamps, and we had the chairman of the Finance Committee and the chairman of the Ways and Means Committee, and they were making their suggestions. Therein is the success thus far of reconciliation.

It was not that we were wise economic thinkers and budgeters, that we said we now have a majority of a vote for what we think should be done and sought out the chairmen and said. "Do it." I do not think we would get anywhere if this were enacted this afternoon.

Mr. DOMENICI. Mr. President, I say to my good friend, the chairman of the committee, that I do not want to establish a precedent here today that would limit the offering of a reconciliation amendment on a second concurrent resolution just because it was adopted by a majority vote in the committee. I hope that will not be the parliamentary ruling, but I do not want to take such a risk, and I will confer with Senator BELLMON before we proceed.

I just want to make this point: It seems to me that we do not know the dimension of reconciliation as a tool. I appreciate the description of it by the Senator from South Carolina, that it should not have broad application and that it is very special, a limited—I think those were his words—type of tool. I am not sure of that. I think we are just beginning to understand and to mature in this budget process.

However, one thing is certain: If Congress, subsequent to a first resolution—which first resolution began setting guidelines for the cutting back of the Federal Government—if the committees then do not act to change the appropriate laws, which I believe the Senator and I will agree is the way this thing should work, and when you have a first resolution that assumes a number of current laws must be changed in order to get to that figure you are putting in the first resolution, the logical thing is for the committees to act to change them. That is the most logical way.

However, let us assume that they do not and that we end up year after year with a second concurrent being substantially higher than the first. Reconciliation may end being a very broad tool, and we may even be using it well beyond anything we have thought. It may be the way that we collectively—not the Senator and I and the committee—come down here and say, "Here is the second concurrent resolution. Nobody changed the rules of the game until the last 3½ or 4 months, between the first and the second. What do you want? Do you want this big deficit to continue, or do you want to order yourselves to change substantially some laws?"

I believe this is an area we should be thinking about.

Mr. HOLLINGS. The Senator from New Mexico is the incoming chairman, and we will make a record on that as members of the Budget Committee. It is a technical point. There is no question about reconciliation being a very important tool under the Budget Act. It could be broader; and if we could do it broader, I believe that the Senator and I would like it to be broader. But I do not want to set a precedent that, just because we, as members of the committee, agreed that it is not germane. Then another member would have to hold back for a resolution and say, "You're just making rules for the brethren on the committee, and if you're not on the committee, you're going to get technical with us." I think that would destroy our credibility.

I am making it only on that point. That is the only reason.

Mr. DOMENICI. I do not know why this amendment on reconciliation would be ruled out of order; but I hope that the distinguished chairman is not suggesting that if he were to move it, he would move it on the basis that it was not part of the second resolution as reported by the committee. Perhaps there is some other reason for making the point of order, but, I think that would be a very dangerous one.

What the Senator really is saying, then, is that the tool of reconciliation is not available to a majority of this institution in the second resolution or a third resolution. Even in this situation—unless what? Unless a majority of the committee voted to put it in.

Mr. HOLLINGS. Unless the subject was even broached. We could have had a motion of reconciliation in the committee's considerations but it was not even mentioned before the committee. You do not have to have a majority vote on a particular motion, but as a matter of fact, the subject was never even mentioned in our markup.

Mr. DOMENICI. I know that the Senate understands that I am thinking out loud about this. Senator BELLMON and I will confer shortly on what we want to do. But I do not want to concur that that is the distinction—that whatever we do, we will do here and have a point of order.

I fail to see how failure to discuss in a committee a matter which is within the prerogative of the committee would be denied to the Senate as an institution because it was not discussed in the committee. I certainly do not want my failure to respond or at least to talk about that to be taken to mean that I agree that that would be a distinction.

Let me talk about the first part of the amendment, the reduction subject to a point of order. I commend the staff who helped Senator BELLMON with this amendment. Ultimately, something like that section 4, permitting points of order to lie well before the cumulative total of bills passed exceeds the cumulative total on the budget, will have to be worked out.

I am not sure that we have all the wisdom. It is the kind of thing that I believe should be worked out in the months to come, with the chairmen of the committees, maybe even on a trial basis.

We have now found that a point of order which lies when the first appropriation bill finally exceeds the cumulative total has worked a couple of times but that as an implementing tool for budgetary restraint, it is a very meager tool. By the time it comes about, we already have passed almost all the appropriation bills. The entitlements would be well on their way to spending out, and we just are not going to get retroactive type changes at that late date.

The crosswalk mechanism, while it has been a very superb internal tool, is subject to interpretation. The House sometimes does it differently from the Senate, but there is no real hammer. I do not mean a Budget Committee hammer, but the institution has not given itself a very good handle to a measure breaching the budget and to be able to do something about it.

So I think this amendment serves a very good purpose. It clearly indicates one of the shortcomings. It is right around the corner and it points out in the reconciliation section that in order to get to $633 billion at least two of the major committees of the Senate are going to have a very serious problem confronting themselves in terms of changing some existing appropriations and changing some existing laws.

I think a new President does not have any alternative. These kinds of recommendations and others will be there. There will not be any magic wand. There will be no impoundment. There will be no Executive authority. It will be back on our lap and these committees will be hearing from a new President talking to the people of this country about these kinds of things, and that is why Senator BELLMON and I offered this. We want everyone to know this is going to have to happen and we are going to exceed $633 billion.

So, from my standpoint we are making the point. I do not want to have this amendment challenged as far as its germaneness because I think that is far too important an issue, but I really do think the substance of it is an important issue also.

Having said that, I will yield the floor and hope before we do anything further after Senator BELLMON talks we might confer a bit as to the next course.

Mr. BELLMON. Mr. President, I thank my friend from New Mexico.

I believe he has made some very cogent points here that deserve the attention of the Senate.

I remind Chairman HOLLINGS of what happened this year when the Appropriations Committee made its allocations. I believe the Senator was one of those most affected by what happened. It seemed that those allocations were made in sort of a pro forma manner by the staff of the Appropriations Committee without the matter ever being taken by the members of the committee and many of us were amazed and distressed to find how the staff decided to allocate the funds the budget resolution made available for appropriation, and there was quite a controversy.

We had to back up, as the Senator will remember, and start over again with a new set of allocations.

One thing I am trying to do with this amendment is to make the allocation process more meaningful because it is a very meaningful part of the appropriations and the budgetary process, but the way it is looked upon now, it is sort of a ministerial duty that the staff performs and, therefore, the members of the Appropriations Committee do not feel especially bound by it, and when we exceed the allocations no one pays much attention because there is some assumption it will all finally come out in the wash, but it does not work that way.

But the purpose of this amendment, at least one purpose, is to make Members aware of the fact that when we adopt an allocation in the Appropriations Committee we mean it and we intend to enforce it, and that is the main thrust of this amendment.

As far as the point the chairman of the committee raised about our legislating on a budget resolution, I agree with him in the context in which he spoke; but, after all, title 3 of the Budget Act is enacted as an exercise of the rulemaking power of Congress and the proposal we had before us, the amendment which I have introduced with the Senator from New Mexico, is temporary in that it applies only to this resolution. It is not changing the law nor is it lasting legislation. It applies just to the resolution that we are dealing with.

In my opinion, it is a reasonable extension of what is already in title 3 of the Budget Act and it is a logical extension of the enforcement mechanisms in the first budget resolution.

The resolution as it now stands, as Senator DOMENICI so well pointed out, is unrealistic. It is simply impossible to live within it. The next Congress will be faced with a third resolution and to me that is a situation we should try to avoid by being honest and realistic by what we do here today.

There are several areas where spending can be reduced. I am not going to recite them all for the Senate, but I have a lengthy list before me that I will be glad to discuss, such things as trade adjustment, food stamps, the public service jobs under the WIN program, and the disaster programs. We passed a bill to change the way the disaster programs operate. The administration decided to put it over until next year before it goes into effect, and that is costing us a lot of money. This list goes on and on and on.

It is not unrealistic to expect that if we did pass a reconciliation motion, the Appropriations Committee could go back and take a look at the appropriations that are already approved and find ways to save the money we are discussing here.

CBO estimates congressional action to date, plus the additional amounts contemplated in this resolution for fiscal year 1981, total some $6.2 billion of budget authority and $7.8 billion of outlays more than the spending totals in the resolution, and that is what my amendment would try to correct.

Unless we act now to cause reductions in spending already on the books, we are likely either to have a cutback in areas like defense and disaster assistance or we are simply going to bust the budget.

If we expect to reach the goal of fiscal restraint and priority setting, we need a strong budget process. We simply cannot continue to revise the budget every spring.

If my memory serves me right, Mr. President, we have had a third budget resolution in 3 of the last 4 years. So it is getting to the place that Congress does not pay much attention to the resolutions because they figure there will be another one later on when we can make room for the spending in which we are now engaging.

I wish to see us get to the point when we pass the resolution we mean to stick by it, that we attach the proper importance to all the elements that go into the budgetary process and we do not find ourselves having to pass one resolution after another just in order to make room for our excesses.

I believe we should adopt the budget and then live with it, and the only way we can realistically expect to live with the budgets once they are adopted is to face reality at the time we are voting on them.

Now, then, Mr. President, having said all of those things, I have to agree with my friend from New Mexico it would be a mistake if we did push this thing clear to the point of having a point of order raised.

I think we perhaps helped enlighten the Senate about what the issues are in our colloquy this afternoon.

I shall suggest the absence of a quorum while we discuss a matter.

Mr. HOLLINGS. Before doing that, if the Senator does not mind just for one second if the Senator will yield.

Mr. BELLMON. I yield.

Mr. HOLLINGS. Let us talk very seriously about it. Look, I was not in on the drawing of this and I am not trying to be technical because if I sat around the table with staff and the distinguished Senators the first thing I would remember is exactly what the Senator from Oklahoma pointed out, the difficulty that we had in the Appropriations Committee.

I say to Senator DOMENICI what they were doing is, No. 1, making false allocations. There is nothing in his rule to change that. Let us say all three of us agree unanimously this is great. The truth of the matter is it will not control the allocations. Why not? For the simple reason that in the allocation they were ready, willing, prepared and had taken to allocating all they wanted to right up to all the particular limits and moving everything over to supplementals.

Senator BELLMON and I had it stopped. They had $20 billion in the Appropriations Committee allocated mentally amongst the subcommittee chairmen over the supplementals. There were the pay raises. We will get to that next year. There were different other things. They had all these things listed. The Senator will remember.

Mr. BELLMON. They also moved $4 billion out of defense.

Mr. HOLLINGS. That is a difference from what the allocation was. Of course, they can take that.

There is a second point. We would have to write a rule and make it crystal clear in enforcement that they could not allocate all around; that they cannot put it all in one particular bill, if they want to, and come out and pass that bill with a big fat allocation and then no more allocation for anyone else and say we have to have the money for this. We have to think about that.

Third, we have to think about the differences in committees whereby the Ways and Means Committee or Appropriations Committee sort of dovetail, but on the Ways and Means side they do not have the health function and over here the Finance Committee does have it.

We have different subcommittees and different allocations there.

So I think we would have to hit down as colleagues and work that rule over trying to go in the same direction so we would all have an understanding at the time. So I wanted to make that clear.

Then, finally, I say to Senator BELLMON, on the matter of days, if we pass this by tomorrow then we have Thursday and Friday—3 days. We have Monday and Tuesday. It is going to be hard to hold a quorum here on Tuesday heading for Thanksgiving, with flights out of town. Otherwise let us give us 2 days. That is 4 days. We will come back Monday, December 1 and go out December 5. That is 5 days. That is 9 days at most and really about 7 working days.

We have to do in 20 days of this particular Congress what we have been working on all year long. We are still trying to get it under this 9-day wire on this other one.

I think we should really take note of that, even though the intent is agreed with. I wish we could fix it in there and on that basis, Mr. President, I will suggest the absence of a quorum.

Mr. DOMENICI. Mr. President, will the Senator withhold that and will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. DOMENICI. Does the Senator mind just talking with me a little about this?

Mr. HOLLINGS. No.

Mr. DOMENICI. I think we are really talking about something tremendously important.

Mr. HOLLINGS. The Senator is right. I agree.

Mr. DOMENICI. Does the Senator not think that the Budget Committee and the budget process in the future, without the Budget Committee being the dictators, should not tell anyone exactly what should be in any appropriations bill?

Mr. HOLLINGS. That is right.

Mr. DOMENICI. Does the Senator not think we have to find a way that the major committees would agree to a process that would be clearly understood in terms of the sum of the parts equal no more than the total provided?

Mr. HOLLINGS. Exactly. There is no question about it. I think part of a rule should state, as the Senator has stated it so succinctly, that in the allocations the entire amount for a fiscal year with no regard to supplements or be included in those allocations. That is one thing that would make sure of this.

Mr. DOMENICI. Mr. President, one thing that would help, it seems to the Senator from New Mexico, would be if there would be more symmetry between the appropriations bills and the functions in the budget.

Mr. HOLLINGS. Right.

Mr. DOMENICI. I understand there is one appropriation bill—and Senator Hollings and Senator Bellmon know more than I—that crosses 10 or 12 functions. Is that possible?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. One bill that you would have to pick pieces out of.

Mr. HOLLINGS. Like, for example, in Foreign Operations, you have Senator INOUYE with the Foreign Operations Subcommittee and I have the State Department. He has AID but I have the Foreign Service. It is split around.

Historically, these different functions have come under Justice, Commerce, the Judiciary and related agencies. I have 123 separate budgets under that one alone. Many times we have to work it out and see exactly, particularly in our State matters, between where that function should be, because we find the State Department was whipsawing us back and forth. We have to get together as chairmen to make sure that does not occur. The Senator is very right about that. And it is more reconciled and consonant now than what it was, let us say, 5 or 6 years ago.

Mr. DOMENICI. Mr. President, I say to the chairman that it seems to me that some movement in the direction of making this more enforceable, more self-policing, and more understood by the Members of the——

Mr. HOLLINGS. More understandable. I think once you have a rule of the nature that the two good gentlemen are suggesting, then that is something for the good of the body. In other words, all the Senators could know and they would all know the allocation and they would all know the amount and they would all know when they would exceed it.

Because one of the big headaches the Senator from New Mexico is going to have is to find where his family and his children are, because the time you think you are going to see them, they are going to grab you by the nape of the neck and say, "Come immediately to the floor." I do not care what time it is. At any time there is a point of order, the budget is exceeded. And you get this and you are grabbing a bunch of paper and appearing on the floor. Before long, the Senator's staff and everybody else is sick to death of seeing you. All you do is keep coming up here and raising a point of order—"You are over the budget."

And if the Members themselves had a little bit better idea of the discipline and the allocations and the limits, then, in doing it themselves, many a times these things are done innocently—I would say a majority of the times. A lot of times, the staff knows what they are doing—and the staff can smile, but they know what they are doing.

But the Senators are really trying to play it fair, because you have to give and take and you are going to meet yourself coming around the corner anyway.

So, yes, I would agree with the Senator on some kind of limitation. I will work with the Senator on a change of the rules. I just hope we do not try to do it this afternoon, because the Senator knows the conference we have and the job we have.

Mr. DOMENICI. The point I want to close on is that what we are talking about here today is not selfishly in the interest of the Budget Act or the Budget Committee.

Mr. HOLLINGS. But selfishly in the interest of the body of the whole.

Mr. DOMENICI. That is right.

If there is a commitment by the body to get anywhere in terms of fiscal restraint, then there ought to be a genuine willingness to get together, the chairman and ranking members of the major committees, and face up to this kind of a problem that we have and collectively come up with some way to make it understandable so that the goal can be reached.

We do not want to invite people to find a way to get around this process, do we? We want to invite a process that everybody can live with.

Mr. HOLLINGS. We want it understood. We want it appreciated and, thereby, supported. Unless it is, in the first instance, understood—work with these defense boys on this defense budget. I have had good experience there. They are speaking in an unknown tongue. They have more pieces of weaponry and letters and initials. And they look at you like you are dumb because you do not speak in the unknown tongue of all the phases of weaponry and everything else and the different buys and what have you. They might think they are smart. But, as a result, that is why a lot of Members come here and say, "The dickens with it."

I think the Senator is right on target. The more we can understand the limitations in each one of the committees, understand that this is an assist with them in their particular budget and we are not hamstringing them the better off we all are. They are more or less fixing their limits.

It might be a general oversight decision by the body as a whole on the adoption of the particular first or second concurrent resolution. But once done, they can do that, rather than running up to the floor raising those points, because that is going to be the harassment the Senator will face in January.

And when the Senator gets those calls, do not bother to call me, thank you very much.

Mr. DOMENICI. Yes, I understand.

Let me make this last point and see if Senator HOLLINGS and Senator BELLMON would agree with this.

When we have an appropriations bill pending and we are voting on it, everybody writes out on this yellow paper, "This bill is within the budget."

Mr. HOLLINGS. Right.

Mr. DOMENICI. You stand up, and I am quite sure the Senator's is. Now, I am not picking on any committee. It just happens that I am talking about an appropriations bill.

But the truth of the matter is we do not know whether any of those appropriations are really within the budget. We do not know whether they are going to end up that way. The supplementals that come down the line, the things that have been left out, the difference between the appropriations here and the appropriations in the House, it is rather rare that we can say unequivocally that this appropriation is within the budget. Is that not true? I am not being critical, I am just saying, as a matter of the way it is going to end up.

Mr. HOLLINGS. Yes, but within reason. We have acted honestly and above board. We have not hidden anything.

Mr. DOMENICI. I do not mean there has been any deception.

Mr. HOLLINGS. Well, that is the main point. I do not think we have deceived anybody when we say that.

Mr. DOMENICI. We just do not have a clear-cut process.

Mr. HOLLINGS. That is right. I agree with the Senator on that.

Mr. BELLMON. Mr. President, in line with what has been said here this afternoon—and this has been a very enlightening colloquy for those of us who have been on both the Budget and Appropriations Committees. But this whole problem could be solved—I will not say easily solved—if we could use the same functional assignments in the Appropriations Subcommittees as we use in the marking up of the budget which the administration uses in the preparation of their budget.

We on the Appropriations Committee, I think, need to join the 20th century. We need to go through the subcommittees and get them in line with the functions that the executive branch uses and the Budget Committee uses. Then we will not have to worry about the crosswalks, we will not have this business of several committees dealing with subject matter that is in one function. That is an enormous undertaking.

Mr. HOLLINGS. Mr. President, I say to Senator BELLMON that the fault therein lies with the economists. I think, as a Senator and as a member of the Appropriations Committee, I think about these particular functions. But they come along with function 600, income security, and any and everything is under there, social security, all kinds of payments, trade adjustment assistance, unemployment compensation, and everything else.

Why do they not list those functions over in the Office of Management and Budget the way the Congress does and let us get our CBO and everything else and pass a bill and tell them, when they submit a budget to the President of the United States, they will submit a budget that is understandable along with the Congress.

These committees are not that far apart between the House and Senate—I mean the aberration of the Ways and Means and Finance with respect to the health functions. But we all know over here that when you get 050—is that not grand? What does that mean? That means we, as budgeteers, can preen and prune and dance around like we know a heck of a lot. We know that part of it is in energy, and that is the nuclear. We know parts are under Senator HUDDLESTON with military construction. And then parts are under Senator STENNIS with Defense. That is three of them right there.

Why do they not say military construction? Why do they not say nuclear? Why do they not say Defense, like we are saying up here, rather than just giving us an 050 and those kinds of things?

The fault lies downtown in the way they have been submitting this to us. Because they ought to get in step with the Congress, in my opinion. We will be here. They have a 4-year term. This is a continuing body.

Mr. DOMENICI. Well, somebody ought to get in step with someone.

Mr. President, I say to Senator HOLLINGS that I am committed to make it more understandable and more reasonable. I really appreciate the discussion today, because I really think, for those who are on the committee that understand, we want the other committees to be working with us, we do not want to be dictating. We want to have some collegial activities with reference to changing this budget process. I hope they do not understand anything we have said today to be aspersions on any of the committees. They are acting well within their jurisdiction and certainly within the purview of the Budget Act. We just have to modernize the whole setup, including the budget itself.

I thank the Senator for his observations.

Mr. HOLLINGS. Mr. President, I have to correct the record. There is a fourth thing, and that is the critical materials. That is under the HUD budget. That was the fourth item.

Mr. BELLMON. Mr. President, before the Senator from New Mexico leaves the floor, I would simply like to say that I believe this has been a valuable colloquy, because it does point out one of the major problems that I hope the new administration and the new Republican leaders of Congress can deal with. It has been a tremendous frustration all these years and I hope it can be brought to a successful conclusion.

Mr. President, I have not had a chance to discuss this with the Senator from New Mexico, but I am willing to withdraw the amendment if the Senator agrees.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, as I said earlier, I believe the discussion we had regarding the amendment I offered was valuable. It should help point up to the Senate some problems with the present budget procedures which I hope the next Congress can deal with along the lines of the amendment.

But I agree with the statements made by the chairman that the time constraints at the present time are such that it is unlikely we can accomplish what I set out to do with the amendment in cooperation with the House. Therefore, based on what has been said by both the present chairman and Senator DOMENICI, who will be the new chairman, I believe we accomplished our objective and I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HOLLINGS. I thank the distinguished Senator from Oklahoma.

Mr. President, what we are trying to do is propound a unanimous-consent request in conformance with the previous order set by the distinguished majority leader whereby we are coming in, as I understand it, at 10:30 tomorrow morning, with an order for 15 minutes for the distinguished Senator from New York (Mr. MOYNIHAN), and the usual time for the leaders on both sides.

So our hope would be that we could vote on final passage at 11 o'clock, unless we have the Dole amendment. If the Dole amendment were presented, if the Senator from Kansas had his amendment, then the regular rule would apply, there would be an hour to a side on the Dole amendment, and any amendments to the Dole amendment would be a half hour; that is, under the rules, 15 minutes to the side with any time there similarly for motions and points of order, and anything else that may be raised, because we do not know. We have not seen the Dole amendment.

I am not trying to be abstract or tricky, but to cover the Members in a fair and comprehensive way.

That is how I tried to propound the request. Is that all right on the Senator's side of the aisle?

Mr. BELLMON. That is agreeable.

Mr. CRANSTON. Let us wait a moment.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum and, under unanimous consent, divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. CRANSTON. Mr. President, following discussions between those who are handling this measure and those who have amendments to offer, as well as their representatives, I offer the following unanimous-consent request:

I ask unanimous consent that the Senate return to the consideration of Senate Concurrent Resolution 119 no later than 11 a.m. tomorrow; that at that time there be 2 hours equally divided for discussion of the tax cut issue or for Senator DOLE to offer an amendment on the tax cut issue.

Following disposition of the Dole amendment, if it is offered, and amendments or motions relating thereto, I ask unanimous consent that Senator BUMPERS be recognized to offer an amendment and that there be 20 minutes equally divided on that amendment.

Following disposition of the Bumpers amendment, I ask unanimous consent that there be 30 minutes of debate, equally divided between Senator HOLLINGS and Senator BELLMON, with no amendments to be in order; that the Senate proceed, without any intervening motions or points of order, to the consideration of House Concurrent Resolution 448; that all after the resolving clause be stricken and that the text of Senate Concurrent Resolution 119, as amended, if amended, be inserted in lieu thereof; that the Senate proceed immediately, without further amendment, motion, or point of order, to a vote thereon, and that any motion to reconsider be decided without debate.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. There should be added after the Bumpers amendment that it then be in order to consider the amendment by the distinguished Senator from Florida (Mr. CHILES), the time to be limited to 10 minutes, 5 minutes to each side; that after the Chiles amendment, the managers of the bill will have 30 minutes, 15 minutes to a side.

We would have the Dole amendment, the Bumpers amendment, and the Chiles amendment, and with no further amendment, we would move to final passage, and the remainder of the request will be part of the agreement.

The PRESIDING OFFICER. Does the Senator from California accept that modification?

Mr. CRANSTON. Yes.

Mr. BELLMON. Mr. President, how much time is reserved for the Bumpers amendment?

Mr. CRANSTON. Twenty minutes, equally divided.

I so modify my request.

The PRESIDING OFFICER. Is there objection to the request as modified? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That the Senate resume consideration of S. Con. Res. 119 at no later than 11:00 A.M. on Wednesday, November 19, 1980. *Ordered further,* That two hours of debate be allowed on either an amendment to be offered by the Senator from Kansas (Mr. Dole) or on a discussion of the tax cut issue to be equally divided and controlled by the Senator from South Carolina (Mr. Hollings) and the Senator from Kansas (Mr. Dole). *Ordered further,* That there immediately follow a Bumpers amendment with debate limited to twenty minutes, followed by a Chiles amendment with debate limited to ten minutes, followed by thirty minutes of debate on the Resolution to be equally divided and controlled by the Senator from South Carolina (Mr. Hollings) and the Senator from Oklahoma (Mr. Bellmon). *Ordered further,* That following this debate the Senate proceed to the consideration of H. Con. Res. 448 and that the text of S. Con. Res. 119 be deemed to have been adopted as a substitute therefore and that without any intervening action the Senate proceed to vote on the House Resolution as amended, with the motion to reconsider to be decided without debate.

Mr. CRANSTON. I thank all concerned.

FISCAL YEAR 1981 APPROPRIATIONS: STATE, JUSTICE, COMMERCE AND THE JUDICIARY

Mr. LEAHY. Yesterday I cast a vote against H.R. 7584, the fiscal 1981 appropriations bill for the Departments of State, Justice, Commerce and the judiciary. I voted against final passage of the bill for one reason—the rider it contained to prevent the Department of Justice from participating in litigation in which the remedy of busing is even potentially involved. This rider goes far beyond the issue of busing. Congress is essentially telling the courts that although an illegality has been identified, the remedy they have proposed will not be allowed. This rider brings the legislative branch into conflict with the judicial branch, and impinges on its independence, an independence which is guaranteed in the Constitution and vital to the workings of our way of government.

I voted against this appropriation bill after much reflection and not without regret. While I feel very strongly about this rider—as well as the rider concerning the Soviet grain embargo, both of which have absolutely no place on an appropriation bill in the first place—this bill does contain a number of programs that are both worthy and important. These programs, and a number of new programs, have been under discussion for almost a year now, and should not be sidetracked or delayed.

I realize that there is not much time left in this session of Congress. While I hope the President will veto this bill, as Attorney General Civiletti is recommending, I also hope that in that event, Congress will act quickly to reconsider a clean bill, a bill without the busing rider. It is true that most of the programs for which this bill appropriates funds could continue to operate at last year's level under a continuing resolution. However, this would not allow funds for a number of significant program increases or new proposals that are so necessary and that have taken so long to develop. Final adjournment is fast approaching, but we should make every effort to pass a fiscal 1981 appropriation for these departments and programs—without the onerous busing rider.

I would like to take a few minutes to comment on some of the programs in the bill that I consider to be particularly valuable and which will require a full 1981 appropriation. These programs have national as well as international significance, and the funding levels provided in this bill will have a significant impact on their future success.

The programs are many: International marketing programs, SBA small business development centers, the women's business enterprise program, and the Commission on Security and Cooperation in Europe. Other funding priorities include improvements in the Economic Development Administration, an acid rain initiative, joint State and local law enforcement grants, regional economic development commissions, Immigration and Naturalization Service, and the Worldwide Information Trade System.

This bill includes funding for the creation of the international marketing programs authorized by the Small Business Export Expansion Act of 1980. These programs will equip many small businesses wishing to export with the tools they need to do so, and will make a valuable contribution to U.S. employment and to our balance of trade.

This appropriation bill also includes a significant boost for the SBA small business development centers (SBDC) program. This program will provide funding for the establishment of SBDC's to assist in small business management, financial and operational counseling, and small business employment and resource development programs.

While the committee has not granted the full request for the special women's business enterprise program, it has provided funds and guidance to improve the responsiveness of SBA's programs to the needs of women entrepreneurs. Women entering the business sector and attempting to establish their own enterprises continue to meet with resistance and obstacles which their male counterparts may not. The funding and direction given by the committee will help assure that women will be able to compete on an equal basis and become strong competitors in the business world.

As a member of the Council on Security and Cooperation in Europe (CSCE), I am particularly concerned that it not be bound to last year's level of funding. The international meeting currently underway in Madrid underlines the complexity of the problems we are facing in our efforts to improve the human condition around the world. This small, objective commission has the awesome task of monitoring the compliance of other nations—as well as with our own—with previous commitments to improve human rights and protect the free exchange of ideas. As awareness of these problems grows, so does the task and the responsibilities of the commission.

Finally, additional funds for the Immigration and Naturalization Service will help us better patrol our borders and speed our response to the influx of refugees. Passage of this 1981 appropriation will assure continued operation of the Worldwide Information and Trade System (WITS) to deliver export information to the public and private sectors—a key component of our efforts to promote exports and improve our balance of trade.

LANE KIRKLAND AND AFL–CIO IN INTERNATIONAL AFFAIRS

Mr. HATCH. Mr. President, I would like to bring to the attention of the Senate some examples of the highly worthwhile and praiseworthy work accomplished by Lane Kirkland and the AFL–CIO in the area of international affairs. The American media has seldom noted this vital effort to maintain and expand the role of free trade unions throughout the world. Not only have reporters who cover economic affairs and labor issues ignored these efforts, but those correspondents who cover foreign policy issues also seem to be unaware of the foreign policy work of our trade union leaders.

Mr. President, it is my hope that in the future the Senate Labor Committee will be able to review these efforts in order to bring them public recognition and provide at least moral support for them. We may wish to consider extending financial support to them as well. Today I will only suggest three areas that have particularly impressed me. In the future, I intend to bring other successes of the AFL–CIO in international affairs to the attention of the Senate.

First, let me point to the sizable efforts by the Soviet Union that the work of the AFL–CIO is in part designed to counter. According to Prof. Roy Godson's study, the Kremlin and Labor, Moscow trains over 10,000 labor leaders a year in short courses in the U.S.S.R. and at regional centers. The Soviets take labor very seriously—the doctrine of Marx and Lenin allows them no other choice—and they maintain world organizations and conference diplomacy carefully crafted to mask the kinds of realities about labor in the Soviet bloc that the Polish strikes have made clear for all to see. The Academy of Science in Moscow has an institute of international labor movements, many Soviet embassies abroad have labor movement specialists, and the World Federation of Trade Unions (so-called) and Soviet efforts in the International Labor Organization in Geneva all combine to present a difficult challenge to the AFL–CIO.

Second, as an example of the kind of challenge Lane Kirkland has met so well, I will submit for the Record an article by an official of the Labor Department concerning the agenda and issues for the International Labor Organization that sets out very well the tasks which Mr. Kirkland has faced. I understand from informal reports that he was most successful this year at the Geneva conference of the ILO which, unfortunately, I was unable to attend because of our notorious workload last summer.

Mr. President, aside from the programs for training and liaison with foreign trade unions which serve as countervailing efforts to the Soviet Union and aside from the work of the AFL–CIO in the International Labor Organization, there is a third area which may have the most direct benefits to our own working men and women.

This is the series of programs sponsored by various unions and the AFL–CIO that seek useful, relevant lessons for our country by examining in detail the approaches of foreign governments or foreign trade unions. I was especially impressed by the recent report, which I submit for the Record, of a delegation of the International Woodworkers of America and the American Labor Education Center which studied occupational safety and health practices in Sweden, West Germany, and Austria.

The group included local union safety staff and met with their counterparts. I commend this brief report to my colleagues. The trip was sponsored by a private foundation, but this may be the type of activities that Congress could usefully consider supporting with the cooperation of union leaders who may wish to learn how their foreign counterparts handle specific issues in the workplace.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

American Wood Products Workers Study European Job Safety Systems

(By Matt Witt)

A delegation from the International Woodworkers of America and the American Labor Education Center has completed a month-long tour to study occupational safety and health practices in Sweden, West Germany, and Austria. Group members, including local union safety committee representatives, union safety staff, and government officials from Washington State and British Columbia, visited 20 sawmills, papermills, hardboard plants, and logging operations in the three countries. They met with local union and management officials at each site and spoke to officials of unions, companies, and government agencies.

THE SWEDISH METHOD

The Swedish system is the most comprehensive. Its centerpiece is a national Work Environment Fund, created in 1972 and financed by a 0.1 percent payroll tax on all employers. Its board includes equal representatives of labor and management, plus a chairperson who is a retired union president. The fund primarily finances research and training. Its annual budget for work environment research is approximately $22 million, with topics including control of noise, toxic substances and stress, ergonomics, and health effects of various work schedules.

Proposals are presented to the fund by researchers in universities and private firms, then reviewed by committees of employers and union representatives in each industry. Under a special current project, the fund is spending more than $1 million to train union staff members to both evaluate research proposals and generate more of their own.

In the wood products industry, one environmental research group has been working in 15 sawmills, a similar group has concentrated on factories, such as furniture and prefab housing plants, and another has worked in forestry under an additional $1 million fund grant. These groups include engineers, doctors, professors, psychologists, and representatives of the unions, employers, and equipment manufacturers. Their achievements are explained to the unions' regional safety representatives, at the fund's expense, who pass the results on to local union stewards.

The International Woodworkers of America delegation observed many operations which, aided by research findings, are now meeting Sweden's standard for average daily noise exposure of 85 decibels. (The U.S. standard is 90 decibels.) In sawmills visited by the delegation, airborne dust levels were reduced below 1 milligram per cubic meter through use of enclosures for saws and local ventilation. Pentachlorophenols, widely used as wood preservatives in the United States, have been removed from Swedish mills because of concern about their effect on workers' reproductive systems. Chain saw-related hand and wrist injuries in the logging industry were reduced by 90 percent between 1967 and 1976, chiefly due to innovative designs for hand guards. Following the introduction of chain brakes, foot and leg injuries were reduced by more than 50 percent in one year.

Since 1974, the fund has paid for the training of about 250,000 local union safety stewards and supervisors (from a work force of 4.1 million). Individual employers pay the lost-time wages (nearly $30 million per year) for those in training.

The 40-hour basic courses cover such topics as workplace planning, noise, ventilation, toxic substances, illumination, ergonomics, and psychosocial factors such as job satisfaction. Training is conducted by the unions in "study circles" rather than in the formal classroom style used in the United States. Trained study circle leaders, who generally are workers rather than safety technicians, guide the discussions. Written materials and film strips explain basic principles, which are then applied by the students during special workplace inspections. A study circle graduate goes back to work with lists of conditions which must be corrected.

COMMITTEES CREATED

Under a combination of national laws and contracts, there must be enough elected safety stewards at every workplace with 5 employees or more to cover each work area on each shift. Each workplace with 50 employees or more must have a labor-management safety committee with more than half of its members elected by the union. In smaller workplaces, a committee must be created if the workers feel it necessary; otherwise, a representative from the appropriate union region performs the committee functions. The committees (or the regional representatives) have the right to:

Veto any plans for new machines, materials, or work processes for health and safety reasons.

Decide how to spend the company health and safety budget which is usually negotiated through local bargaining.

Approve the selection and direct the work of the company doctor, nurse, safety engineer, or industrial hygienist.

Review all corporate medical records, monitoring results, and other information on hazards.

Shut down dangerous operations until hazards can be corrected.

Decide how much time (all company paid) they need to do their safety committee work.

The role of the Swedish government is primarily to set health and safety standards and to make inspections when safety committees are unable to resolve problems or do not have the necessary technical expertise. The National Board of Occupational Safety and Health, the Swedish counterpart to the U.S. Occupational Safety and Health Administration (OSHA), has one inspector for every 400 workplaces (compared to OSHA's one for more than 3,000). Swedish inspectors can levy fines and have health and safety changes made, at the employer's expense, if the company has failed to comply with a previous directive.

In West Germany and Austria, the delegation observed a health and safety system based on the "works council"—committees which represent workers on all types of grievances. These committees do not have any independent powers like those in Sweden, and are not necessarily an arm of the local union. German and Austrian workers cannot be required to join their union (and in many industries a majority does not), yet the works council is elected by all employees at each operation. Training for works council members is conducted in classroom format, dealing mainly with economic issues rather than health and safety.

In both West Germany and Austria, most responsibility for standard setting, inspections, training, and workers' compensation is borne by insurance institutes in each industry. The institutes are run jointly by management and labor and financed by premiums based on industry and company safety records. Those in the wood products industry do not conduct or sponsor any significant amount of health and safety research, leaving that to employers and equipment manufacturers.

After returning home, the delegation persuaded its international union convention to authorize an experimental project in which the union will attempt to set up Swedish-style research committees. The union is conducting a health and safety survey of its members who use chain saws, and will then ask logging companies, saw manufacturers, and government officials to help improve saw design. The union is also asking the Consumer Product Safety Commission to consider the views of professional chain saw users before approving new safety standards. Union officials say they hope to gradually adapt other aspects of the Swedish system, such as company-paid research funds and paid training for safety committee members, through future regional and local contract negotiations.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PAY ADJUSTMENT FOR THE FEDERAL STATUTORY SYSTEMS IN OCTOBER, 1980—PM 266

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the provisions of section 5305 of Title 5 of the United States Code, I hereby report on the pay adjustment I ordered for the Federal statutory pay systems in October 1980.

The Secretary of Labor, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management, who serve jointly as my agent for Federal pay, found that an overall increase of 13.46 percent in General Schedule rates of pay would be appropriate if comparability with private enterprise salary rates for the same levels of work were to be achieved. The Advisory Committee on Federal Pay recommended that the findings of my agent be implemented.

After considering the findings of my agent and the recommendation of the Advisory Committee on Federal Pay, I determined that economic conditions affecting the general welfare necessitated a lesser increase in accordance with the alternative plan provisions of section 5305(c) of Title 5 of the United States Code. Accordingly, on August 29 I sent to the Congress an alternative plan which called for an increase of 9.1 percent at each grade, except that the full comparability increase would take effect to the extent that it did not increase a rate of pay to more than $9,069 per year. Neither House of Congress disapproved this alternative plan so on October 16, I signed Executive Order No. 12248 implementing it.

Under this Executive Order:

—The scheduled rates of any under the General Schedule were increased by an overall 9.11 percentage in accordance with the alternative plan. (This is a correction of the overall percentage figure forwarded to Congress on August 29, 1980.)

—The scheduled rates of pay under the other statutory pay systems, the Foreign Service and the Department of Medicine and Surgery of the Veterans Administration, were increased by an overall 9.10 percentage in accordance with the alternative plan.

—The scheduled rates of pay for the Vice President and the Executive Schedule and Congressional and Judicial salaries were increased under the provisions of Public Law 94–82, based on the overall 9.11 percentage increase in the rates of pay under the General Schedule.

—The scheduled rates of pay for the Senior Executive Service were increased under the provisions of section 5382 of Title 5 of the United States Code based on the new rate of pay for GS–16, step 1, of the General Schedule and the new rate of pay for level IV of the Executive Schedule. (The rates included in this Order are a correction of the rates forwarded to Congress on August 29, 1980.)

—The scheduled rates of pay and allowances for members of the Uniformed Services were increased 11.7 percent in accordance with the provisions of section 801 of Public Law 96–342, approved September 8, 1980.

I am transmitting herewith copies of the reports of my Pay Agent and the Advisory Committee on Federal Pay, the alternative plan, and the Executive Order I promulgated to put this pay adjustment into effect. Also included is Executive Order 12249 which puts into effect a new Foreign Service Schedule authorized by section 403 of the Foreign Service Act of 1980 (Public Law 96–465, approved October 17, 1980), in accordance with the provisions of section 5305 of Title 5 of the United States Code.

JIMMY CARTER.

THE WHITE HOUSE, *November 18, 1980.*

MESSAGES FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3765) to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion, including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities.

The message also announced that the House insist upon its amendment to the bill (S. 885) to assist electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resoures, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. DINGELL, Mr. STAGGERS, Mr. OTTINGER, Mr. SHARP, Mr. SWIFT, Mr. GORE, Mr. UDALL, Mr. KAZEN, Mr. WEAVER, Mr. CARR, Mr. PATTERSON, Mr. KOGOVSEK, Mr. BROYHILL, Mr. BROWN of Ohio, Mr. MOORHEAD of California, Mr. CLAUSEN, Mr. LUJAN, and Mr. SYMMS as managers of the conference on the part of the House.

At 1:18 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SMITH of Iowa, Mr. ALEXANDER, Mr. EARLY, Mr. HIGHTOWER, Mr. HEFNER, Mr. WHITTEN, Mr. O'BRIEN, Mr. ANDREWS of North Dakota, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MCKAY, Mr. LONG of Maryland, Mr. DUNCAN of Oregon, Mr. MURTHA, Mr. DICKS, Mr. GINN, Mr. WHITTEN, Mr. MCDADE, Mr. REGULA, Mr. BURGENER, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. MCKAY, Mr. CHAPPELL, Mr. WHITTEN, Mr. PURSELL, Mr. RUDD, and Mr. CONTE as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4926. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, 46 selected acquisition reports and the SAR summary tables for the quarter ended September 30, 1980; to the Committee on Armed Services.

EC–4927. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf-stocking and custodial services functions at McClellan Air Force Base, California, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4928. A communication from the Acting Assistant Secretary of the Air Force, transmitting, pursuant to law, notice of a study with respect to converting the military family housing maintenance function at Davis Monthan Air Force Base, Arizona, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4929. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on Presidential Advisory Committee recommendations to the report entitled "MFN Status for PRC and U.S.S.R."; to the Committee on Banking, Housing, and Urban Affairs.

EC-4930. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Increasing Commuting By Transit And Ridesharing: Many Factors Should Be Considered"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4931. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of passengers on board and the on-time performance of each train operated by the Corporation for June 1980; to the Committee on Commerce, Science, and Transportation.

EC-4932. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on Presidential Advisory Committee response to the report entitled "National Transportation Policies Through the Year 2000"; to the Committee on Environment and Public Works.

EC-4933. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Treasury Should Keep Better Track Of Blocked Foreign Assets"; to the Committee on Foreign Relations.

EC-4934. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to November 13, 1980; to the Committee on Foreign Relations.

EC-4935. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to November 7, 1980; to the Committee on Foreign Relations.

EC-4936. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Alternative Work Schedules Experiment: Congressional Oversight Needed to Avoid Likely Failure"; to the Committee on Governmental Affairs.

EC-4937. A communication from the District of Columbia Auditor, transmitting, pursuant to law, copies of certain reports prepared by the District of Columbia Auditor; to the Committee on Governmental Affairs.

EC-4938. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on Presidential Advisory Committee recommendations on the report entitled "Report on the Fiscal Year 1980 Pay Increase Under the Statutory Pay System"; to the Committee on Governmental Affairs.

EC-4939. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on certain aliens whose petitions have been accorded third and sixth preference classification under section 204(d) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4940. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the audit report of the American Red Cross prepared by the Army Audit Agency for the year ended June 30, 1980; to the Committee on Labor and Human Resources.

EC-4941. A communication from the Commissioner on Aging, Department of Health and Human Services, transmitting, pursuant to law, a report on legal services in compliance with the Older Americans Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment, and without recommendation:

S. 1480. A bill to provide for liability compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HAYAKAWA:

S. 3204. A bill to establish provisions governing the day and times for the election of electors of the President and Vice President: to the Committees on Rules and Administration.

S. 3205. A bill to establish provisions governing the day and times for the election of electors of the President and Vice President: to the Committee on Rules and Administration.

S. 3206. A bill to establish temporary provisions governing the day and times for the elections of Senators, Members of the House of Representatives, and electors of the President and Vice President; to the Committee on Rules and Administration.

S. 3207. A bill to restrict the release of results from Presidential elections until all polls are closed; to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3208. A bill to provide a method of making U.S. food production expertise available to developing countries through establishment of food and population centers and associated programs operated by U.S. land-grant institutions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE:

S. 3209. A bill to provide financial assistance to the States to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 3210. A bill to amend the Internal Revenue Code to permit a taxpayer to reduce his windfall profit tax liability by 25 percent of the amount of excess profits taxes he has paid state government; to the Committee on Finance.

By Mr. HATCH:

S. 3211. A bill to amend titles XVIII and XIX of the Social Security Act to expand the coverage of home health services in general, to extend the coverage of home health care provided by proprietary providers and the coverage of community home health services provided by hospitals, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. DURKIN):

S. 3212. A bill to designate the "Thomas J. McIntyre Federal Building"; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA:

S. 3204. A bill to establish provisions governing the day and times for the election of electors of the President and Vice President: to the Committee on Rules and Administration.

S. 3205. A bill to establish provisions governing the day and times for the election of electors of the President and Vice President; to the Committee on Rules and Administration.

S. 3206. A bill to establish temporary provisions governing the day and times for the elections of Senators, Members of the House of Representatives, and electors of the President and Vice President; to the Committee on Rules and Administration.

S. 3207. A bill to restrict the release of results from Presidential elections until all polls are closed; to the Committee on the Judiciary.

AVAILABILITY OF PRESIDENTIAL ELECTION RESULTS

(The remarks of Mr. HAYAKAWA when he introduced the above bills appear earlier in today's RECORD.)

By Mr. BELLMON:

S. 3208. A bill to provide for a method of making U.S. food production expertise available to developing countries through establishment of food and population centers and associated programs operated by U.S. land-grant institutions; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD AND POPULATIONS CENTERS ACT

● Mr. BELLMON. Mr. President, I am today introducing a bill which is intended to make this country's enormous agricultural expertise available to areas of the world where the food/population balance is in danger.

The success of America's agriculture is the envy of much of the world. While there are many elements which contribute to American agriculture's excellent record, one of the most important is the contribution which the land-grant system has made in conducting research and extension which has made available to food producers a constant supply of new knowledge related to food production. No other nation has come close to developing the scientific and technological foundation upon which U.S. agriculture is based.

When the 1975 amendments to the foreign aid bill were adopted, Congress included title XII which was intended to make available to the administrators of our foreign aid programs the expertise of the land-grant system. For reasons which I will not discuss here, title XII has been virtually unutilized and the result is the contribution which the land-grant institutions could make in solving the world food/population problems has not been fully realized. Half a decade has now been wasted and there is little prospect that the present structure for delivery of U.S. foreign aid will overcome the institutional hangup so that title XII can be effectively activated.

The purpose of this bill is to end the imbroglio by providing a method for land-grant institutions to work directly with the Secretary of Agriculture in developing a method of sharing the expertise with developing countries which ask for such involvement.

Mr. President, briefly the bill would operate as follows:

First. A university would work through the Secretary of Agriculture to select a developing country which the university felt would benefit by food and population expertise in which the university excells.

Second. The Secretary of Agriculture is authorized to provide funds to the university for an evaluation of food needs and agricultural potential of the host country.

Third. After the evaluation has been concluded, a proposed plan for developing the host country's agricultural resources to meet the food and nutrition needs of the population will be prepared under the guidance of the land-grant university.

Fourth. The bill provides that, once the evaluation has been completed and a plan has been agreed to, food and population centers will be established in the host country to assist in the development of the food-producing potential.

Fifth. The host country will be expected to participate in the costs of the evaluation, planning, and establishment of food and population centers and in carrying out resource development on a cost-sharing basis mutually agreed to. In no case shall the host country's contribution be less than 10 percent.

Sixth. The operation of the food and population centers and associated programs will be under the direction of the land-grant institution which will report annually to the Secretary of Agriculture on the progress being made.

Seventh. The bill authorizes a 10-year period for the operation of the program and makes available up to $100 million to the Secretary for paying for associated costs.

Mr. President, over the last 10 years, the United States has invested over $58 billion in its foreign aid efforts. While considerable good has been accomplished with this money, there seems to be no end to the demands upon our Government for aid to our less fortunate neighbors. One of the problems is that the present system of foreign aid seems to consist of a patchwork approach. The purpose of this legislation is to cause a careful evaluation of the needs and potential of developing countries to be made and to harness the enormous potential of the U.S. land-grant system to work in tandem with the host country in finding a solution to the world's developing food and population crisis.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food and Population Centers Act".

FINDINGS AND PURPOSE

SEC. 2. Congress finds that the world food supply and population growth is approaching dangerous imbalance in many parts of the world threatening world stability and vital U.S. interests. The Congress further finds that U.S. land-grant colleges have made highly significant contributions to improving domestic food production and have the capability to improve food production in many friendly countries. The purpose of this Act is to create the structure for bilateral efforts involving host countries and U.S. land-grant institutions to improve the food/population balance of developing nations which request and support the establishment of food/population centers.

SEC. 3. (a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "land-grant institutions" means a land-grant institution established for the benefit of agriculture and mechanical acts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

(c) The term "host country" means a country which requests establishment of a food/population center and in which such a center is established under this Act.

EVALUATION OF NEEDS

SEC. 4. The Secretary, in cooperation with the Secretary of State, shall contract with eligible land-grant institutions for the conduct of an evaluation of food needs and agricultural development in cooperating countries which request such evaluation. Such evaluation will determine:

(a) the likelihood of a serious food shortage by the end of the twentieth century in the host country;

(b) the potential resources to meet the food and nutrition needs of the indigenous population, including agriculture resources that may be developed for export;

(c) a population growth rate that exceeds the annual rate of increase in the food supply produced domestically; and

(d) the existence of government policies that discourage domestic production of food.

PLANNING GRANTS

SEC. 5. (a) (1) The Secretary shall make grants to land-grant institutions to cover costs of the evaluation and development of a plan to establish an agriculture and food center (or centers) in any country as well as proportionate costs of associated food and population programs.

(2) The centers to be established by land-grant institutions under this Act shall encourage agricultural development, strive toward the elimination of hunger by promoting a balance between population and food supply, and enhance economic and political stability in the host countries by—

(A) developing the capacity to coordinate multilateral development efforts by international agencies, charitable organizations, United States private enterprise, the United States Government, and the host country;

(B) offering agricultural and managerial expertise to the host country to promote efficient use of available land and other resources;

(C) encouraging the indigenous population to utilize improved methods of food production, storage, transportation, distribution, processing, and consumption; and

(D) stimulating the removal of disincentives to food production.

(b) The plan developed under a grant provided under this section shall—

(1) contain a thorough evaluation of the manner in which food centers would function in order to meet the needs of the host country, initial plans for developing the potential for host country food production, and establish a program for reaching and maintaining lasting food/population balance;

(2) develop a plan for the establishment of food/population centers as needed;

(3) provide an analysis of the expertise and funds needed to implement the plan and establish and operate the centers where applicable;

(4) provide for a country by country evaluation process over the period covered by the plan, including periodic (but not less often than annual) reports to the Secretary and to Congress; and

(5) contain such other information as the Secretary may stipulate.

(c) A land-grant institution applying for a grant under this section shall submit an application to the Secretary in such farm and under such conditions as the Secretary shall establish. The Secretary shall determine the terms and conditions of a planning grant under this section. The final plan of each grantee shall be submitted to the Secretary on a date to be determined by the Secretary but in each not later than 2 years after approval of the planning grant.

GRANTS FOR CENTERS

SEC. 6. (a) The Secretary may make grants to land-grant institutions to establish and operate food and population centers as well as programs established pursuant to a plan land-grant institution seeking a grant under section 5 and approved by the Secretary. A land-grant institution seking a grant under this section shall submit to the Secretary its final plan prepared pursuant to a planning grant under section 5. The Secretary and a land-grant institution may revise or alter a plan submitted by the land-grant college under section 5 for purposes of the Secretary approving the plan for implementation under this section.

(b) Grants may not be made under this section unless all parties have entered into agreements under section 7.

AGREEMENTS

SEC. 7. (a) (1) Upon approval of a plan submitted by a land-grant institution under section 6, the Secretary shall, in cooperation with the Secretary of State, enter into an agreement with the host country with regard to the establishment of food population centers in such country.

(2) (A) An agreement between the Secretary and the host country shall include such terms and conditions as recommended by the land-grant institution involved and approved by the Secretary.

(B) Such agreement shall provide assurances from the host country that such country will match the contribution of the United States for any costs necessary to establish and operate the center and associated programs. Such matching contribution by the host country may consist of resources or services, provided that both parties agree. The Secretary may provide varying levels of host country contributions depending upon circumstances but in no case shall the host country contributions be less than 10 percent of the overall cost.

(3) No center may be established unless the Secretary has entered into an agreement

with the host country. The Secretary shall have the discretion to close any center if the Secretary determines that a host country has seriously breached the agreement, or the conditions in the host country no longer support the presence of a center.

(b) If an agreement is entered into between the Secretary and a host country, the Secretary shall make grants to the land-grant institution for which a plan has been approved to establish a center and associated program in such country under Section 6. Grants shall be awarded on such terms and conditions as the Secretary may require.

DURATION OF PROGRAM AND REPORT

SEC. 8. (a) The Secretary shall submit a report to Congress one year after the date of the enactment of this Act, and annually thereafter, regarding the centers established under this Act.

(b) No amounts may be paid under this Act after the date 10 years after the date of the enactment of this Act unless further authorized by an Act of Congress.

AUTHORIZATION OF APPROPRIATION

SEC. 9. (a) There is authorized to be appropriated $100,000,000 to establish not less than twenty centers and to fund approval programs as provided in this Act. Such amounts shall be available until expended without regard to fiscal year limitation.

(b) With regard to funds available to establish and operate centers under this Act, not less than 80 percent of such funds shall be available for programmatic activities and not more than 20 percent of such funds shall be available for administrative activities.●

By Mr. DOLE:

S. 3209. A bill to provide financial assistance to the States to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States, and for other purposes; to the Committee on the Judiciary.

CRIMINAL JUSTICE CONSTRUCTION REFORM ACT

● Mr. DOLE. Mr. President, on February 2, 1980, the eyes of this Nation were focused on the New Mexico penitentiary which was the scene of an unprecedented rampage of killing. The prison's design follows the 100-year-old tradition of a series of long double-tiered cellblocks and dormitories for the efficient warehousing of the residents. The New Mexico penitentiary is not this country's worst penitentiary, although it has been described as unfit for human habitation.

The New Mexico Penitentiary is typical of American prisons, which generally are underfunded, understaffed, and filled far beyond capacity. In some prisons two or more inmates are housed in single-man cells, bunks are lined up side-by-side in the dormitories and some men sleep on the floor because of the crowded conditions. Stabbings and rapes occur with garish frequency. Guards are ill paid. Medical treatment is inadequate. There are not enough prison jobs or classes so most of the prisoners are idle for hours on end.

Mr. President, it was reported in this morning's New York Times that in the first 8 months of 1980, felony reports—covering everything from murder to drug possession to car theft—totaled 407,630, an increase of 18.7 percent over the same period last year and 11.1 percent over the same period in 1976, the previous peak year for serious crimes. The number of serious crimes in New York City is virtually certain to set a record this year and their occurrence is continuing to shift from high-crime areas to middle-income neighborhoods. Trend data from several years, beginning in the early 1960's, suggest that there is an 18-month lag between increases in reported crime and a corresponding impact on the inmate population. In general, New York City has 10 percent of the Nation's reported crime and it generally is a bellwether for current trends in the United States. These data suggest that as overloaded as our criminal justice system is now, the situation will be much worse in the coming months.

Mr. President, I send to the desk a bill that I am introducing that addresses the problems that exist in our Nation's jails and prisons. Additionally, this legislation is designed to improve rural courthouses, detention centers, halfway houses, reformatories, workfarms, and community-based facilities as well as police facilities.

The primary purpose of this bill is to provide technical and financial assistance to the States and local governments to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States.

Under S. 3209 a Criminal Justice Facilities Administration would be established within the Department of Justice to make grants to the State and local governments for the construction and modernization of criminal justice facilities. In making grants to a State, the Administrator will take into account the population of the State and the volume of criminal justice activity. To insure that this agency operates smoothly, the administration will prepare and submit an annual report to the President, for transmittal to Congress on the activities and programs of the administration.

STATE PLANS

A State will be required to submit a State plan for a 7-year period. The plan will set forth a comprehensive statewide program for the construction and modernization of criminal justice facilities within the State. The State plan will include innovations and advanced techniques in the design of such facilities.

This legislation requires States to submit plans to modernize prison industries and work release programs. Additionally, to the extent that it is permissible under State law, convict labor could be used in projects that are funded by S. 3209.

HISTORIC PRESERVATION

Many criminal justice facilities have historic significance although some have been allowed to deteriorate and are in various States of disrepair. Since these buildings are important landmarks that are vital to the identity of the State and our Nation's sense of history, S. 3209 will encourage State plans to include the renovation and remodeling of these kinds of facilities, particularly county courthouses.

DUAL PURPOSE

Today many school buildings are not being used because they were built for an era when Americans had larger families. With today's trend toward smaller families, there is a lack of students to fill these schools. To prevent this kind of wasted resource, S. 3209 provides that to the extent practical criminal justice facilities be designed so that they could be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built. The dual purpose concept has particular relevance in the design of neighborhood justice centers and station houses for law enforcement personnel.

Mr. President, it is important to note that the Federal funds that are made available under this bill are not designed to supplant State or local funds, but are intended to be used to increase the amounts of funds that generally are available for the construction and renovation of criminal justice facilities in the State.

Whenever more than $500,000 is spent on the construction or modernization of a criminal justice facility under criminal justice statutes that are presently in existence, the construction shall be consistent with the State master plan. The Senator from Kansas believes that this provision will prevent government waste by requiring a unified Federal effort in a particular State.

DEMONSTRATION GRANTS

The Administrator of the criminal justice facilities shall have the authority to make demonstration grants to the States. The demonstration grants would be designed to test the applicability of advanced practices to the design, construction and modernization of criminal justice facilities. These demonstration grants can also be used to test the need for the construction and modernization of criminal justice facilities.

CLEARINGHOUSE

Mr. President, a clearinghouse on the construction and modernization of criminal justice facilities will be established under this legislation. The clearinghouse will collect information pertaining to the construction and modernization of criminal justice facilities together with explanations of how the construction program can be used to improve the administration of the criminal justice system within each State. This information would be disseminated to architects, planners, and public officials interested in construction and modernization of criminal justice facilities.

CRIMINAL JUSTICE DEVELOPMENT BONDS

In an effort to generate additional funds for the construction and modernization of prison facilities, State and local agencies will be able to make bonds available. The Senator from Kansas has studied the various tax advantages that these development bonds will present to investors and it is hoped that these bonds will result in increased funding for construction and modernization projects.

REALITY

Mr. President, the Senator from Kansas has suggested two funding sources for this legislation, revenue bonds and a direct Federal appropriation of $6.5 billion over 7 years. It is my intention to offer these funding proposals in an effort to get Congress moving in this area.

In light of the top priority given by

the incoming administration to cutting taxes and balancing the Federal budget, it is not the Senator from Kansas' belief that funds will be made available in the budget for the immediate, full-scale implementation of this proposal. However, S. 3209 is designed to serve as a catalyst for discussing between Members of Congress and representatives from criminal justice agencies and interested groups. It is imperative that this dialog begin as soon as possible since there is an urgent need for concerted action in this area. This need is underscored by the fact that courts have already mandated the construction of an estimated $3 billion for prison facilities to replace or upgrade facilities that fail to meet constitutional standards. This figure will increase sharply with the implementation of legislation passed by Congress this year that grants the Department of Justice broad new authority to institute lawsuits against State and local agencies over alleged deprivation of rights of inmates residing in State owned, operated, or controlled facilities. Presently, in too many jurisdictions, funds are not available for construction, even if mandated by the courts.

What I do suggest is that this bill could serve as a vehicle for drawing attention to the critical shortfall in funding for criminal justice construction, a shortfall that grows worse with each passing day. Reformers who call for determinate sentencing legislation must also face hard reality that the net effect is to fill the corrections system to the overflowing mark.

Hopefully Congress will face the hard choice next year and seek to reorder national priorities to deal with these pressing needs.

Mr. President, I ask unanimous consent that S. 3209 and a summary of S. 3209 be printed in the RECORD at this point.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Construction Reform Act".

TITLE I—FINDINGS AND DEFINITIONS

DECLARATION OF POLICY

SEC. 101. The Congress finds that—

(1) the amount of criminal justice activity within the States continues to increase;

(2) the physical plants and institutions serving State and local criminal justice are becoming increasingly overloaded and obsolete;

(3) a relatively small amount of State and local resources are available to modernize, assist, replace, upgrade, and expand criminal justice facilities;

(4) in the case of correctional facilities many inmates are being housed in conditions which fail to meet the constitutional tests for humane treatment;

(5) court facilities particularly at the county level are well over 100 years old and are in desperate need of restoration, preservation, or replacement;

(6) police training and operational facilities are often obsolete or inadequate;

(7) a relatively small amount of Federal financial assistance has been made available for the construction or improvement of criminal justice facilities in contrast to a large amount of Federal financial assistance for other public institutions such as hospitals, sewage treatment systems, highways, airports, institutions of higher education, parks, and public works of all kinds, such as dams and soil conservation projects;

(8) some of the construction for criminal justice facilities is obsolete before the construction is completed, and other construction of criminal justice facilities does not follow advanced practices for the design and suitability of such facilities;

(9) State and local resources applied to the construction and improvement of criminal justice facilities are grossly inadequate and in some instances are just not available;

(10) Federal financial assistance from a variety of sources available for the construction improvement of criminal justice facilities have been made available without comprehensive planning designed to determine the relevance of the facilities to criminal justice needs to future crime trends or population projections; and

(11) the quality, efficiency, effectiveness, and dignity of justice has been severely affected by the lack of adequate resources for the construction and improvement of criminal justice facilities.

DEFINITIONS

SEC. 102. As used in this Act—

(1) The term "Administration" means the Criminal Justice Facilities Administration.

(2) The term "Administrator" means the Administrator of the Criminal Justice Facilities Administration.

(3) The term "correctional facility" means any prison, jail, reformatory, workfarm, detention center, pretrial detention facility, community-based correctional facility, halfway house, or other institution designed for the confinement or rehabilitation of individuals charged with or convicted of any criminal offense, including juvenile offenders.

(4) The term "construction" includes the preparation of drawings and specifications for criminal justice facilities; erecting, building, acquiring, altering, remodeling, improving, or extending such facilities; and the inspection and supervision of the construction of such facilities. The term does not include interest in land or off-site improvements.

(5) The term "criminal justice" means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, (A) police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, (B) activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), (C) activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and (D) programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency.

(6) The term "criminal justice facilities" includes—

(A) court facilities;

(B) law enforcement facilities including facilities used for police training;

(C) facilities used for the prosecution of criminal offenses and for public legal defender activities;

(D) facilities used for probation or parole authorities or for preadjudication and post-adjudication of offenders or for the supervision of parolees;

(E) facilities used for juveniles who have been adjudged delinquent or who are neglected juveniles awaiting trial or for juveniles receiving care or treatment;

(F) facilities used for the treatment, prevention, control or reduction of narcotic addiction;

(G) correctional facilities; and

(H) any other facility used for any criminal justice purpose in the State.

(7) The term "facilities" includes any buildings and related facilities, initial equipment, machinery, and utilities necessary or appropriate for the criminal justice purpose for which the particular facility was constructed.

(8) The term "modernization" means any program or project designed to improve the operation of criminal justice facilities in any State including but not limited to projects designed to improve the care of and the rehabilitation of individuals subject to the criminal justice system.

(9) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(10) The term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia.

TITLE II—GRANTS FOR THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

PROGRAM AUTHORIZED

SEC. 201. The Administrator of the Criminal Justice Facilities Administration is authorized to make grants to States in accordance with the provisions of this title for the construction and modernization of criminal justice facilities beginning October 1, 1982, and ending September 30, 1988.

ALLOTMENT

SEC. 202. (a) (1) From the sums appropriated pursuant to section 314 for each fiscal year, the Administrator shall allot not more than 3 per centum thereof among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands according to their respective needs.

(2) From 85 per centum of the remainder of such sums, the Administrator—

(A) shall allot to each State an amount which bears the same ratio to 50 per centum of such 85 per centum as the number of individuals in such State bears to the number of individuals in all States, and

(B) shall allot to each State an amount which bears the same ratio to 50 per centum of such 85 per centum as the volume of activity of the criminal justice system and the total expenditures on the criminal justice system for that State for the year preceding the year for which the determination is made, determined in accordance with criteria established by the Administrator, bears to the volume of activity of the criminal justice systems and the expenditures on the criminal justice systems for all States.

For the purpose of this paragraph, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(3) The remainder of the sums appropriated pursuant to section 314 shall be used by the Administrator to carry out the provisions of section 206, relating to demonstration grants.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Administrator determines will not be required, for the period such allotment is available, for carrying out the purposes of this title shall be available for reallotment from time to time, on such dates during such period as the Administrator may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Administrator estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c)(1) The population of a State and of all States shall be determined by the Administrator on the basis of the most satisfactory data available to the Administrator.

(2) The volume and activity of a criminal justice system of a State and the total expenditures of a State and for all States shall be determined by the Administrator after establishing criteria for measuring such volume, activity, and expenditures.

STATE PLANS

SEC. 203. (a) Any State desiring to receive its allotment of Federal funds under this title shall submit a State plan for a 7-year period, with such annual revisions as are necessary, which is consistent with such basic criteria as the Administrator may prescribe under section 204. Each such plan shall—

(1) provide for the administration of the plan by a State agency which is generally representative of State agencies and agencies of units of general local government concerned with the criminal justice system in that State;

(2) sets forth a comprehensive statewide program for the construction and modernization of criminal justice facilities within the State;

(3) provide satisfactory assurance that the control of funds granted under this title and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this title and that a public agency will administer such funds and property;

(4) provide assurances that the State agency will pay from non-Federal sources the remaining costs of the programs for which application is made;

(5) provide a comprehensive statewide plan for criminal justice programs to be carried out in the facilities for which assistance is sought under this title;

(6) provide assurances that, in order to improve the operation of the criminal justice system within that State, projects assisted under this title will incorporate innovations and advanced techniques in the design of such facilities.

(7) provide assurances that the personnel standards and programs of the institutions and facilities which will be assisted under this title will reflect advanced practices:

(8) provide assurances, in the case of criminal justice facilities that are correctional institutions, that the State will encourage the modernization of prison industry and work release programs to be conducted in facilities assisted under this title;

(9) provide assurances, in the case of any criminal justice facility that is a landmark or has historic significance, that the State will encourage renovation and remodeling of such a facility;

(10) provide assurances that, to the extent practical, criminal justice facilities will be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built, with particular emphasis upon neighborhood justice centers and substation houses for law enforcement personnel;

(11) provide assurances that the State will, to the extent permitted by State law, encourage the use of convict labor in projects assisted under this title;

(12) provide assurances that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of projects for the construction and renovation of criminal justice facilities not assisted under this title;

(13) provide for appropriately balanced allocation of funds between the State and units of general local government within the State and among such units for projects for the construction and modernization of criminal justice facilities;

(14) provide for appropriate review of procedures of actions taken by the State agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or any combination of such units for assistance under this title;

(15) demonstrate the willingness of the State and any units of general local government to assume the costs of improvements assisted under this title after a reasonable period of Federal assistance;

(16) demonstrate the willingness of the State to contribute technical assistance or services for projects described in the plan and for projects contemplated by units of general local government or combinations of such units contemplated by the plan;

(17) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the construction and renovation of criminal justice facilities in the State;

(18) provide for such fund accounting, auditing, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title; and

(19) provide for the maintenance of such data and information, and for the submission of such reports, in such form and at such time and containing or accompanied by such information as the Administrator may reasonably require.

(b) The Administrator shall approve any State plan and any modification thereof only if—

(1) the State plan, or modification, complies with the requirements set forth in subsection (a); and

(2) the Administrator determines that the program set forth in the State plan contributes to encouraging advanced practices in the administration of criminal justice within the State; and

(3) the State plan or modification contains assurances that all State and local criminal justice officials within the State will cooperate in carrying out the provisions of the plan or modification.

BASIC CRITERIA

SEC. 204. As soon as practicable after enactment of this Act, the Administrator shall, after consultation with the heads of other appropriate Federal agencies, by regulation prescribe basic criteria to be applied by the State agency under section 203. In addition to other matters, such basic criteria shall provide—

(1) the general manner in which the State agency will determine priority of projects based upon (A) the relative needs of the area within such State for criminal justice facilities, (B) the relative ability of the particular public agency in the area to support a program of construction or modernization, and (C) the extent to which the project contributes to an equitable distribution of assistance under this Act within the State; and

(2) general standards of construction and modernization for criminal justice facilities of different classes and in different types of location.

LIMITATION ON OTHER PROGRAMS INVOLVING THE CONSTRUCTION OR MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

SEC. 205. (a) Whenever any project constructed with assistance under an Act set forth in subsection (b) of this section involves the construction or modernization of a criminal justice facility in excess of $500,000 then, notwithstanding any other provision of law, the construction or modernization of such facility shall be—

(1) consistent with the master plan submitted under section 203 of this Act; and

(2) comply with the advanced practices required under clause (7) of such section 203.

(b) The provisions of subsection (a) of this section apply to—

(1) the Public Works and Economic Development Act of 1965,

(2) the Consolidated Farm and Rural Development Act,

(3) title I of the Housing and Community Development Act of 1974,

(4) the National Historic Preservation Act of 1966,

(5) the Omnibus Safe Streets and Crime Control Act of 1968,

(6) the Juvenile Justice and Delinquency Prevention Act of 1974, and

(7) chapter 319 of title 18, United States Code, relating to the National Institute of Corrections.

DEMONSTRATION GRANTS

SEC. 206. (a) From sums reserved pursuant to section 202(a)(3), the Administrator is authorized to make grants and to enter into contracts with States for the conduct of demonstration projects designed to test—

(1) the applicability of advanced practices to the design, construction, and modernization of criminal justice facilities, and

(2) the need for the construction and modernization of criminal justice facilities in order to improve the administration of criminal justice in the States.

(b) No grant may be made and no contract may be entered into under this section unless an application is made to the Administrator at such time, in such manner, and containing or accompanied by such information as the Administrator may reasonably require.

CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

SEC. 207. The Administrator shall establish and operate a clearinghouse on the construction and modernization of criminal justice facilities, which shall collect and disseminate to the public information pertaining to the construction and modernization of criminal justice facilities, together with ways of using the construction program to improve the administration of the criminal justice system within each State. The Administrator is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse established or designated under this section.

INTEREST SUBSIDY FOR CRIMINAL JUSTICE FACILITY CONSTRUCTION BONDS

SEC. 208. (a) The Secretary of the Treasury is authorized to pay to any State or political subdivision thereof which issues obligations described in section 103 (a) of the Internal Revenue Code of 1954 which are issued as part of an issue substantially all of the proceeds of which are to be used to provide criminal justice facilities such amounts as may be necessary to reduce the cost to the issuer of such bonds to a rate of interest not in excess of 5 per centum per annum. Such payments shall be made only upon application of the issuer made in such form, in such manner, and at such time as the Secretary may require.

(b) Payments under subsection (a) may be made in advance, by installment, or in any other manner determined by the Secretary to be appropriate under the circumstances, and may be made on the basis of estimates, if necessary, with corrections in later payments to the extent necessary to compensate for overpayments or underpayments arising out of errors of estimate or otherwise.

(c) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of subsection (a).

(d) The payment, by the Secretary of any amount under subsection (a) to a State or a political subdivision thereof, shall not affect the status of any such obligation under section 103 of such Code, nor shall it cause the interest thereon to be excludable only in part under such section.

TITLE III—ADMINISTRATION PROVISIONS

ESTABLISHMENT OF ADMINISTRATION

SEC. 301. (a) here is established an agency within the Department of Justice to be known as the Criminal Justice Facilities Administration.

(b) (1) The Administration shall be headed by the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. Under the supervision and direction of the Attorney General the Administrator shall be responsible for the exercise of all of the functions of the Administration and shall have authority and control over all activities and personnel of the Administration.

(2) There shall be in the Administration a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator.

FUNCTIONS OF THE ADMINISTRATION

SEC. 302. In order to carry out the purposes of this Act, the Administration shall—

(1) make grants to States for the construction and modernization of criminal justice facilities in accordance with title II;

(2) provide for the widest practical and appropriate dissemination of information obtained from the programs and projects assisted under this Act; and

(3) prepare and submit a report to the President, for transmittal to the Congress, at least once each year on the activities and programs of the Administration, together with such recommendations, including legislative recommendations, as the Administrator deems appropriate.

ADMINISTRATIVE PROVISIONS

SEC. 303. (a) The Administrator is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Administration;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(4) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in the Administrator or in the Administration, including the establishment of priorities to be applied by each applicant State in implementing its State plan, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(6) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organizations;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his functions under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $125 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

STATISTICS AND SURVEYS

SEC. 304. The Administrator is authorized to make grants to or enter into contracts with public agencies, including the Bureau of Justice Statistics of the Department of Justice and the Bureau of the Census of the Department of Commerce, to collect and analyze statistical information concerning the construction and modernization of criminal justice facilities assisted under this Act.

PAYMENTS

SEC. 305. (a) The Administrator shall pay each fiscal year to a State which has a plan approved pursuant to this Act for that fiscal year the Federal share of the cost of carrying out the plan.

(b) The Federal share for each fiscal year shall be 75 per centum of the cost of the State plan.

(c) The Administrator shall pay to each State which has an application approved pursuant to section 206, 75 per centum of the cost of such application.

(d) Payments under this section may be made in installments, in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

NONDISCRIMINATION PROVISION

SEC. 306. (a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this Act.

(b) The provisions of paragraphs (2) through (4) of section 815(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by the Justice System Improvement Act of 1979) shall apply to the administration of subsection (a) except that all references to the Office of Justice Assistance, Research, and Statistics shall be construed to be the Administration.

WITHHOLDING

SEC. 307. Whenever the Administrator, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 203;

(2) that there has been a failure to comply substantially with any requirement set forth in the application of a locality approved pursuant to the State plan; or

(3) that in the operation of any program or project assisted under this Act there is a failure to comply substantially with any applicable provision of this Act;

the Administrator shall notify such State of his findings and that no further payments may be made to such State under this Act (or in his discretion that the State shall not make further payments under this Act to specified localities affected by the failure) until the Administrator is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Administrator may authorize the continuance of payments with respect to any program or project assisted under this Act which is being carried out pursuant to such State plan and which is not involved in the noncompliance.

RECOVERY OF PAYMENTS

SEC. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this Act—

(1) the owner of the facility shall cease to be a State or local public agency; or

(2) the facility shall cease to be used for the purposes (including any designated alternative purpose specified in the State plan) for which it was constructed, unless the Administrator determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so;

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

REVIEW AND AUDIT

SEC. 309. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

NONAPPLICATION OF PRISON INDUSTRY PROVISIONS

SEC. 310. (a) The provisions of section 1761 of title 18, United States Code, shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program or project assisted under this Act if the convicts or prisoners—

(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender; and

(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State government to other individuals on the basis of their employment, such as workmen's compensation, but such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary; and

(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

(b) The first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding after "section 1761(c) of title 18, United States Code" a comma and the following: "or the provisions of section 309(a) of the Criminal Justice Construction Reform Act".

DONATION OF SURPLUS PROPERTY

Sec. 311. Section 203 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(o)(1) The Administrator is authorized, upon the recommendation of the Administrator of the Criminal Justice Construction Administration, to donate surplus property to any State for the construction and modernization of criminal justice facilities assisted under the Criminal Justice Construction Reform Act. Such donation shall be without cost to the State except for the costs of care and handling such property.

"(2) For the purpose of this subsection, the term 'State' has the same meaning as specified in section 3 (9) of the Criminal Justice Construction Reform Act.".

COMPENSATION OF THE ADMINISTRATOR AND THE DEPUTY ADMINISTRATOR

Sec. 312. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Administrator, Criminal Law Reform Administration.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Administrator, Criminal Law Reform Administration.".

PROHIBITION

Sec. 313. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

AUTHORIZATION OF APPROPRIATIONS

Sec. 314. (a) There are authorized to be appropriated $500,000,000 for the fiscal year 1982, and $1,000,000,000 for the fiscal year 1983 and for each of the succeeding fiscal years ending prior to October 1, 1988.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available until expended.

SUMMARY OF THE CRIMINAL JUSTICE CONSTRUCTION ACT

PURPOSE

The proposed legislation establishes the Criminal Justice Construction Administration (CJCA) as an agency within the Department of Justice. The primary function of this agency would be to make grants to states and territories for the construction and modernization of criminal justice facilities.

FUNDING

Funding for this legislation would come from three sources: a direct federal appropriation of $6.5 billion over seven years, criminal justice development bonds and a trust fund.

BLOCK AND DEMONSTRATION GRANTS

Funds would be made available to the states and territories through block grants and demonstration grants. Block grants would be awarded based on the volume of criminal justice activity within the state and total state expenditures on the criminal justice system. The Administrator of the CJCA would have the authority to award demonstration grants. Demonstration grants would be for projects that were designed to modernize criminal justice facilities and to improve the administration of criminal justice.

STATE PLANS

This legislation requires a state master plan be developed detailing plans for the construction and modernization of criminal justice facilities within the state before the state can receive its allotment of federal funds.

Under this legislation, the state plans should encourage the modernization of the prison industry and work release programs that are conducted within the criminal justice facility.

Additionally, the state plans should encourage the remodeling and renovation of criminal justice facilities that have historic significance.

The legislation permits the use of inmate labor in the construction of projects under this legislation.

EXISTING LEGISLATION

Under this bill, whenever more than $500,000 is spent on the construction or modernization of a criminal justice facility under existing federal statutes that affect the construction or modernization of that facility must be consistent with the state master plan.

CLEARINGHOUSE

A clearinghouse on the construction and modernization of criminal justice facilities is created under this bill. The function of the clearinghouse will be to collect and distribute information to architects, planners, and criminal justice officials on the construction and modernization of criminal justice facilities.

PRISON MADE GOODS

As drafted, this legislation allows for the transportation in interstate commerce of goods that are produced by inmates who are working with a program or project that is assisted under this Act.●

By Mr. MOYNIHAN:

S. 3210. A bill to amend the Internal Revenue Code to permit a taxpayer to reduce his windfall profit tax liability by 25 percent of the amount of excess profits taxes he has paid State government: to the Committee on Finance.

FAIR DEAL AMENDMENT OF 1980

Mr. MOYNIHAN. Mr. President, I am introducing a bill today at the request of assembly speakers in five States: New York, New Jersey, Massachusetts, Connecticut, and Michigan. The measure has been referred to by the press as the "Fair Deal Amendment."

It would serve two purposes. First, it would limit the risk of multiple taxation of oil companies' windfall profits. The Federal Government already taxes these profits. Many States are considering doing so, as well. Under my bill, any oil producer who has paid special State taxes on his profits would be given credit on his Federal windfall tax return for 25 percent of the taxes he has so paid.

This is proposed out of fairness to the oil companies. It does not seem right that the various governments—State and Federal—should be able to tax away entirely the new profits that oil companies are realizing as a result of oil-price decontrol. There must be a limit.

I am also acting out of self-interest. The oil companies may already adjust their Federal windfall taxes for any "severance taxes" they have paid to State governments. A severance tax is a tax that is levied on each barrel of oil as it is "severed" from the ground. Texas has one. So do Alaska and most other oil-producing jurisdictions.

Any adjustment, whether it be for severance taxes or for State excess profits taxes, costs the Federal Government money. We will forego $1 billion in revenue this fiscal year because of the severance tax adjustment, according to the Joint Tax Committee staff. That is $1 billion that we are sharing with the oil-producing States.

I see no reason to hand back money, in effect, to the producing States, while doing nothing for States that are oil consumers.

Second, the bill I am introducing would permit States to prohibit their excess profits taxes on oil companies from being passed through to the public.

New York enacted a gross receipts tax on oil companies on June 18. The tax is 2 percent of each company's gross receipts attributable to sales of petroleum products in New York. It applies to every oil company that does business or that owns or leases property in the State.

The tax may not be passed through to local consumers. Section 182 of the tax statute reads in part:

> The tax imposed by this section and any penalty which may be assessed under this subdivision shall be a liability of the oil company, shall be paid by such company and shall not be included, directly or indirectly, in the sales prices of its products sold in this state.

On September 19, a Federal district court judge in Syracuse struck down the antipassthrough provision, declaring it to be in conflict with Federal oil policy. Because of the Constitution's supremacy clause, conflicts between State and Federal law are resolved in favor of the Federal Government.

The case was *Mobil Oil Corp., et. al.* v. *Tully*, No. 80–CV–543 (N.D. New York, September 19, 1980). The decision is being appealed.

In July, a similar antipassthrough provision was invalidated in Connecticut. There, the State also had a 2-percent gross receipts tax. The tax applied only to integrated oil companies—companies that are engaged primarily in the refining and distribution of petroleum products and that distribute such products to wholesale and retail outlets for sale in Connecticut.

The law forbade such companies from raising their wholesale prices in Connecticut by more than they raised their prices in "all ports on the eastern coast of the United States."

The judge termed the provision a form of price control. The State could not exercise such control, he said, because it would contradict the policy of decontrol recently chosen by the Federal Government. The case was *Mobil Oil Corp. et al.* v. *Dudno*, No. H–80–359 (D. Conn. July 9, 1980).

Mr. President, Stanley Fink, the speaker of the New York State Assembly, has prepared a brief paper describing the "Fair Deal Amendment." I ask unanimous consent that his paper, together with the bill I am introducing, be printed at this point in the Record.

There being no objection, the bill and the paper were ordered to be printed in the Record, as follows:

S. 3210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.—This Act shall be cited as the "Fair Deal Amendment of 1980".

Sec. 2. Allowance of State Excess Profits Tax Adjustment.—Section 4987 of the Internal Revenue Code of 1954 (relating to the amount of windfall profit tax on domestic crude oil) is amended by adding at the end thereof the following new subsection—

"(d) Tax Reduced by Excess Profits Tax Adjustment.—The total amount of tax imposed on a producer of crude oil for any taxable period shall be reduced by the amount of excess profits tax adjustment for that period provided by section 4996(d)."

Sec. 3. Excess Profits Tax Adjustment Defined.—Section 4996 of such Code (relating to definitions and special rules) is amended by redesignating subsections (d), (e), (f), (g) and (h) as subsections (e), (f), (g), (h) and (i) respectively, and by adding a new subsection (d) as follows—

"(d) Excess Profits Tax Adjustment.—For purposes of this chapter—

"(1) In general.—The excess profits tax adjustment with respect to any producer of crude oil shall be 25 percent of the excess profits taxes actually paid by such producer during the taxable period.

"(2) Excess profits tax defined.—For purposes of this subsection, the term 'excess profits tax' means a tax

"(A) imposed by a State with respect to the gross receipts of oil companies, and no other companies, from sales within the State, or

"(B) imposed by a State on a fraction of the total windfall profit of a producer of crude oil, provided the fraction is the total value of the sales of petroleum products by the producer, its parent company and any subsidiaries of the producer or parent company in the State during a stated period, divided by the total value of the sales of petroleum products by the producer, its parent and any subsidiaries of the producer or parent in the United States during the same period.

"(3) No-pass-through clause permitted.—A State law imposing an excess profits tax may provide that the tax shall be paid by the taxpayer and shall not be included, directly or indirectly, in the sales price of any products sold by the taxpayer to purchasers in the United States.

"(4) Limitations.—An excess profits tax shall not be taken into account—

"(A) to the extent that the rate thereof exceeds 5 percent, if it is a tax described in paragraph (2)(A) above;

"(B) to the extent that the rate thereof exceeds 10 percent, if it is a tax described in paragraph (2)(B) above; and

"(C) unless the proceeds therefrom are dedicated to energy-related purposes, including energy research and development, mass transportation and other energy-conserving programs, or low- and moderate-income energy assistance."

Sec. 4. Excess Profits Taxes Used for Adjustment Not Deductible From Income Tax.—Part IX of Chapter IB of such Code (relating to items not deductible) is amended by adding at the end thereof the following new section—

"Sec. 280D. State Excess Profits Taxes Taken as a Credit Against Chapter 45 Taxes.—No deduction shall be allowed for state excess profits taxes that are used as the basis for an excess profits tax adjustment under section 4987(d)."

Sec. 5. Conforming Amendment.—The table of sections for Part IX of Chapter IB of such Code (relating to items not deductible) is amended by adding at the end thereof the following new item—

Sec. 280D. State excess profits taxes taken as a credit against Chapter 45 taxes.

Sec. 6. Effective Date.—The amendments made by this Act shall apply to excess profits taxes levied in taxable years ending after February 29, 1980.

Proposal

A proposal for a "Fair Deal" amendment to the "Crude Oil Windfall Profits Tax Act of 1980" (P.L. 96–223).

The Windfall Profits Tax Act passed earlier this year was originally put forward by President Carter on April 5, 1979, as a way of recapturing for the American people a portion of the "windfall" that the oil companies would realize as the result of the decontrol of oil prices. At that time Charles Schultze, Chairman of the Council of Economic Advisers, defined windfall profits as "returns that accrue to the owner of an existing investment that arise from events outside his control and that are in excess of the level needed to replace and expand that investment."

The President's proposal called for the revenues from the tax to be channelled into a Special Energy Security Fund, which would be used for research on alternative energy sources, mass transit, and assistance to low-income families burdened with higher energy prices.

The Windfall Profits Tax Act of 1980, which was finally signed into law on April 2, 1980 reflected numerous changes but retained the same objective as the original administration proposal—to return to the people some of the increased prices that they would be paying for energy. The Act as finalized did not include the trust fund proopsal, but allocated the revenues from the Windfall Profit Tax, for accounting purposes, to a separate account in the Treasury and provided that the funds in this account would be further allocated to subaccounts for specified uses: Income Tax Reductions—60 percent; Low Income Assistance—25 percent (plus two-thirds of any additional net revenues); and, Energy and Transportation Programs—15 percent (plus one-third of any additional net revenues).

The final version of the bill included a major inter-regional compromise on the formula for allocating low-income energy assistance. The final formula, in the view of many observers, does not give sufficient weight to the extent to which different regions of the country depend on petroleum products for heating and electricity. Nevertheless, this formula was the result of legislative compromise and any changes would involve shifts that would, at least relatively, benefit some areas at the expense of others.

Two additional major inter-regional issues were raised by Senator Jack Danforth of Missouri during Senate consideration of the bill. One of these dealt with an exemption for oil interests owned by state and local governments, and the other dealt with an amendment which was added to the President's proposal regarding a deduction for state severance taxes. Senator Danforth proposed an amendment capping state severance taxes but this amendment never came to a vote. The representatives of the producing states argued, successfully, that the profits of the oil companies depended on these states' natural resources and that an adjustment (or deduction) for severance taxes paid to the states was warranted. As the attached statistical analysis indicates, the severance tax adjustment benefits the oil companies significantly in terms of their total tax liability. Moreover, the adjustment results in an immediate sharing of Windfall Profits Tax Revenues with the producing states (in proportion to their oil reserves and their severance tax rates), and allows a state to increase the share of the Federal revenues it can receive by raising its severance tax rate.

While the rights of the states to levy such taxes can be acknowledged, it must also be recognized that the profits of the oil companies derive not only from the fact that they are able to produce oil, but also from the fact that they are able to sell it. Moreover, the people of the states that are most dependent on oil for home heating and electricity have demonstrated an admirable conservation record, but they will continue to pay for a disproportionate share of the oil company's windfall profits.

Given that the justification for the windfall profits tax was to return to the people a portion of the increased price they would be paying for oil, it therefore appears to be appropriate that the Congress consider a provision whereby the people of this country would have a portion of the windfall profits returned to them in a fair and equitable manner, that helps them meet their energy-related needs in a way that recognizes the diverse needs of the different parts of the country. We propose to accomplish this by allowing for a "state excess profits tax adjustment" which is similar to the "severance tax adjustment" which is currently allowed.

Under this proposal, oil companies subject to the Windfall Profits Tax would be allowed to take as a credit against the tax due the Federal government all or a portion of * the gross receipts or the excess profits taxes paid to state governments, if those state taxes met standards and limitations set forth in law (similar to those set forth for severance taxes in the current law). Such standards could include the following:

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* This is an important consideration since it determines the portion of the state levy which would result in a reduction of Federal revenues and the portion that would come out of oil company profits.

a. A maximum state gross receipts or excess profits tax rate (for the severance tax, a maximum of 15 percent is set).

b. If an excess profits tax, a requirement that the tax be levied only on that portion of the company's windfall profits that the residents of the state can legitimately be claimed to be paying (this can be done by having a portion of the company's windfall profits allocated to the state on a basis set forth in law—it could be either sales in the state or a three-factor formula as most states use to allocate income).

c. If a gross receipts tax, a ceiling on either the tax payable or the tax deductible that is calculated as in paragraph "b" above.

d. A requirement that the tax would have to be paid out of profits and not passed on to consumers.

e. A requirement that the proceeds of the tax would have to be used by the state for specified energy-related purposes as in the President's original proposal for the Federal Windfall Profits Tax revenues.

THE EFFECT OF THE SECTION 4996(c) SEVERANCE TAX ADJUSTMENTS—A CASE STUDY

Oil Company X produces 2 million barrels of oil a year. 1 million barrels are Tier 2 oil that it sells for $30.20 per barrel and 1 million barrels are Tier 3 oil that it sells for $31.55 per barrel.

If there were no severance tax adjustment, the company's windfall profits tax would be calculated as follows:

Type of oil	Number of barrels (millions)	Base price (per barrel)	Removal price (per barrel)	Windfall profits per barrel	Total (millions)	Tax rate (percent)	Tax due (millions)
Tier 2	1	$15.20	$30.00	$15	$15	60	$9.0
Tier 3	1	16.55	31.55	15	15	30	4.5
Total					30		13.5

With the current severance tax adjustment, the company's windfall profits would be reduced by the amount of the severance tax on the windfall profit portion of the price of each barrel of oil, assuming the company's oil wells are in Louisiana which has a 12.5 percent severance tax.**

** This is the highest state severance tax rate. See Attachment A for a schedule of severance tax rates.

Type of oil	Windfall profits (millions)	Severance tax rate (percent)	Deductible* severance tax	Taxable windfall profits	Rate (percent)	Tax due
Tier 2	$15	12.5	$1,875,000	$13,125,000	60	$7,875,000
Tier 3	15	12.5	1,875,000	13,125,000	30	3,937,500
Total			3,750,000			11,812,500

* Assuming severance tax rates not increased because of deduction.

As a result of the severance tax adjustment, the federal government receives a windfall profits tax payment of $11,812,500 rather than $13,500,000. This represents a reduction of $1,687,500 in revenue to the federal government (which equals the amount of the deduction times the taxpayer's effective tax rate: $3,750,000 x 45%).

For Oil Company X, the severance tax adjustment means that its total bill for the windfall profits tax and for state severance taxes is reduced by $1,687,500.

OIL COMPANY X's PAYMENTS

	Without adjustment	With adjustment
Federal tax	$13,500,000	$11,812,500
State tax	7,718,750	7,718,750
Total tax paid by oil companies	21,218,750	19,531,250

However, States are allowed to increase their severance tax rate to as high as 15 percent as long as the same rate is imposed on the "base price" portion of a barrel of oil that is imposed on the "windfall profits" portion of the price of the barrel.

The result is that the State of Louisiana can increase its severance tax rate from 12.5 percent to 15 percent, with the oil companies not having to pay 2.5 percent more per barrel, since the increase is deductible from the companies' "windfall profits" for computation of the Federal tax due.

	Severance tax rate (percent)	Deductible severance tax	Taxable windfall profits	Rate (percent)	Tax due
Windfall profits (millions):					
$15	15	$2,250,000	$12,750,000	60	$7,650,000
$15	15	2,250,000	12,750,000	30	3,825,000
Total		4,500,000			11,475,000

	Total severance tax paid to Louisiana	Total windfall profits tax to United States	Total tax paid	Total severance tax paid on windfall profits portion
Before increase	$7,718,750	$11,812,500	$19,531,250	$3,750,000
After increase	9,262,500	11,475,000	20,737,500	4,500,000
Increase	+1,543,750	−337,500	+1,206,250	+750,000
Percent	(+20)	(−2.86)	(+6.18)	(+20)

The $337,500 reduction in windfall profits tax payments equals the increase in the severance tax on the windfall profits portion of the price of a barrel of oil ($750,000) times the effective federal tax rate (45 percent).

From the oil company's point of view, the severance tax adjustment means that they do not bear the total cost of the severance tax or of increases in the severance tax.

In fact, even after the state severance tax, in our example, is increased to 15 percent, the total amount paid by the oil company is less than it was at the 12.5 percent severance tax rate with no adjustment.

Rate	Deduction allowed	State tax	Federal tax	Total tax
Percent:				
12.5	No	$7,718,750	$13,500,000	$21,218,750
12.5	Yes	7,718,750	11,812,500	19,718,750
15	Yes	9,262,500	11,475,000	20,737,500

By Mr. HATCH:

S. 3211. A bill to amend titles XVII and XIX of the Social Security Act to expand the coverage of home health services in general, to extend the coverage of home health care provided by proprietary providers and the coverage of community home health services provided by hospitals, and for other purposes; to the Committee on Finance.

COMMUNITY HOME HEALTH SERVICES ACT

Mr. HATCH. Mr. President, to inform or to refresh the memories of some of my colleagues, I very briefly recite some statistics which are worth remembering:

In 1900, 1 in every 25 Americans was 65 years or over. Eighty years later, the proportion is now less than 1 in 10. By the year 2000, a reasonable assumption grants an increase in the number of older people in the United States upon to 1 in 8 individuals. This will mean more than 31 million additional citizens over the age of 65, a 40-percent increase 20 years from now over the latest census tally of American senior citizens.

One of the things all of us share in common is that rendezvous in time, the threshold which having been crossed proves to each of us that we are getting older. Some of us are luckier than others. When this pivotal moment in our lives suddenly surprises us, we may have family, friends and the fortune of good health to fall back upon. But for many Americans, this is not the case. If they are chronically ill or are in some way physiologically or psychologically dependent, these citizens usually find help and comfort in a nursing home.

These fulltime nursing care institutions have performed the dominant health care function for a large plurality of the elderly who are chronically infirm. As the proportion of America's elderly population continues to dramatically increase, roughly commensurate with the census facts I cited earlier, the demands for nursing home expansion and improvement will of course increase; because the need for them will become greater. The medicare/medicaid amendments to the Social Security Act already guarantee nursing home coverage for practically every American in want and need of it.

But as the geometric increases in the senior citizen census suggest increased nursing home construction, it is becoming clear that even greater attention should be paid to expanding the alternative forms of home health care and community home health care services. All too often, many of the homebound aged sent to nursing homes do not have to go there.

Many of those who are institutionalized are lonely or impoverished. They are often too disabled, frightened or bewildered to reach out for help, feeling that assistance is usually not made available to them. Occasionally a neighbor may find a failing person and call an ambulance, but help is often found too late. A nursing home provides the security of professional help which is readily available.

Even for those suffering mild ambulatory problems or who really do not need full-time care, this institutionalized sense of security provides a comfort nowhere else available to a homeless or lonely person.

But a majority of elderly and infirm citizens, including those already in nursing homes, would prefer to stay in their own homes, even when it means a single room in a walkup building or a welfare hotel.

As Dr. Philip W. Brickner, director of the Department of Community Medicine at St. Vincent's Hospital in New York City, has observed:

> Chronicity of disease in the elderly requires that we often must work for amelioration of symptoms rather than for cure. Emphysema, for example, is a disorder in which the patient can best be helped by limiting physical demands which result in shortness of breath. A modest amount of assistance with cleaning and shopping, combined with medical control of respiratory infections and selection of proper medications, can create the marked improvement in the circumstances of daily living which preclude the need for nursing home institutionalization.

I had the privilege of meeting and getting to know Dr. Brickner earlier this year, just prior to the national notoriety he attracted because of his Chelsea Village community health services program, work he has conducted with the encouragement and support of the Sisters of Charity of St. Vincent De Paul in New York. Dr. Brickner's home health care program like the many other profit and nonprofit services which have proliferated across the country prove that it is possible to conduct a care program for the homebound aged which is more effective, often more humane and nearly always less costly than a comparable nursing home program.

The principal problem, however, has been the prevailing tax structure and some provisions in the medicare medicaid amendments which discourage the participation of proprietary home health care agencies in the program. My colleague, Senator Long, earlier this year made what I believe is a compelling case for including proprietary home care providers for participation in the medicare provisions. If Senator Long's suggested changes in the law, as included in the budget reconciliation package currently pending, can be approved during this lame duck session, a giant step will have been taken in the direction of assuring home health care agencies' full development and growth. Senator Russell Long has been a legislative champion in this area, and like several other outstanding colleagues on both sides of the aisle and representing both Chambers, he deserves our gratitude.

Whatever the final disposition of these proprietary law changes, there are several issues and suggested reforms of the current law which promise to remain in suspension after the close of this 96th Congress. I would hope that both the Senate Finance as well as the Labor and Human Resources Committees will include home health care near the top of the legislative hearing and action agendas of the coming Congress.

For the purpose of making the case that we do so, I am today introducing legislation called, "The Community Home Health Services Act of 1980." Naturally, I do not anticipate hearings, much less committee or subcommittee markup in the remaining days of this soon-to-expire Congress. I will, however, reintroduce this legislation as my first congressional action of 1981. I will do so in what I hope will have been the wake of discussion and criticism inspired by the legislation I am today introducing. Offering my legislation at this late hour in the life of the 96th Congress, I hope to stimulate as much of the debate required for proper legislative deliberation while it is still 1980, in order that we can act more quickly to approve and see enacted this legislation early in 1981.

Presently, section 1861 of the medicare law prohibits full participation of proprietary, taxpaying providers of home health services in the program, unless the respective States have full program licensing requirements. Twenty-five States do not, however, including my home State of Utah. For these States, as the law currently stands, such home health care services are severely limited. Effectively speaking, medicare beneficiaries are denied the freedom of choice available in only some States. This is especially so in the small and more rural States. My legislation would remove these forms of discrimination, and to this extent, it is similar to the section 1861 provisions of the budget reconciliation package. In addition, however, The Community Home Health Services Act of 1980 extends the medicare program provisions to the full range of voluntary hospital programs, both nonprofit and profit paying, in order to allow the widest choice of program alternatives for the medicare beneficiary.

Under my bill, voluntary hospital programs would be permitted to care for both chronic and nonchronic patients within the medicare program's reimbursement guidelines. This would assure that greater concentration would be devoted to treating the current program's more than 28 million elderly recipients in their own homes.

Yesterday's Washington Star included a summary of the recently issued House report covering the level of what it called medicare fraud. Chairman Claude Pepper and the other members of the bipartisan House panel have concluded that in medicare's 15 year existence, so many of the Federal health care program's coverage provisions have come to constitute one great big "broken promise." And as Bob Carlson, heading President-elect Reagan's transition team for the Department of Health and Human Services, has observed:

> To the extent that there is fraud and waste in these programs, it's not only the taxpayer who is losing money, but also the people who are truly in need.

This report concluded what I have always believed to be the case, that the most promising medicine available to battle the twin diseases of programmatic fraud and abuse, is competition. The problem which the medicare law was created to solve was real then, and it is real now. We can take the medicare law and make it better. We can instill the statute with competitive forces to assure that the whole range of nursing home and home health care services are made available to every senior citizen in want or need. We can keep our social commitment while preserving our promise to make government work more efficiently and less costly.

This kind of legislation is one of the greatest things we can do to improve the health and increase the sense of security and dignity for countless generations of senior citizens. It is a challenge to all of us, and one we can easily meet if we solidify behind this legislative effort and produce the legislative changes needed between now and the coming months of the 97th Congress.

Mr. President, I ask unanimous consent that the text of the bill, and an article be printed in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 3211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Community Home Health Services Act of 1980".

PURPOSE

Sec. 2. It is the purpose of this Act to expand the coverage of home health services under medicare and medicaid in general, to expand the coverage of home health care provided by proprietary home health agencies, and to expand the coverage of community home health services provided by hospitals.

EXPANSION OF COVERAGE FOR HOME HEALTH SERVICES

Sec. 3. (a) Section 1811 of the Social Security Act is amended by striking out "and related post-hospital services" and inserting in lieu thereof ", related post-hospital services, home health services, and community home health services".

(b) Section 1812(a)(3) of such Act is amended to read as follows:

"(3) home health services.".

(c) Section 1812(d) of such Act is repealed.

(d) Section 1812(e) of such Act is amended—

(1) by striking out "(b), (c), and (d)" and inserting in lieu thereof "(b) and (c)"; and

(2) by striking out "post-hospital extended care services, and post-hospital home health services" and inserting in lieu thereof "and post-hospital extended care services".

(e) Section 1814(a)(2)(D) of such Act is amended—

(1) by striking out "post-hospital home health services" and inserting in lieu thereof "home health services";

(2) by inserting ", occupational," after "or physical"; and

(3) by striking out ", for any of the conditions" and all that follows through "extended care services".

(f) Section 1832(a)(2)(A) of such Act is amended by striking out "for up to 100 visits during a calendar year".

(g) Section 1833(b) of such Act is amended—

(1) by striking out "and" at the end of clause (1) in the first sentence; and

(2) by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", and (3) such deductible shall not apply with respect to home health services.".

(h) Section 1834 of such Act is repealed.

(i) Section 1835(a)(2)(A) of such Act is amended by inserting ", occupational," after "or physical".

(j) Section 1861(e) of such Act is amended—

(1) by striking out "subsections (i) and (n)" in the material preceding paragraph (1) and inserting in lieu thereof "subsection (i)"; and

(2) by striking out "subsections (i) and (n)" in the third sentence and inserting in lieu thereof "subsection (i)".

(k) Section 1861 (m) (4) of such Act is amended by inserting the following before the semicolon: "who has successfully completed a training program approved by the Secretary".

(l) Section 1861 (m) of such Act is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provisions of this title, the term 'home health services' includes (without regard to the preceding provisions of this subsection) any professional health service or item provided in an individual's home by a hospital, or by members of its staff acting as such (including any physician, nurse, social worker, therapist, technician, home health aide, dietitian, or other personnel) as an alternative to institutional care, if such services do not qualify for payment (as outpatient hospital services or otherwise) under any other provision of this title excluding, however, any item or service if it would not be included under subsection (b) if furnished to an inpatient of a hospital.".

(m) Section 1861 (n) of such Act is repealed.

(n) Section 1861 of such Act is amended—

(1) by striking out "and" at the end of paragraph (5), by inserting "and" at the end of paragraph (6), and by adding the following new paragraph after paragraph (6):

"(7) meets such additional requirements (including conditions relating to bonding or establishing of escrow accounts as the Secretary finds necessary for the financial security of the program) as the Secretary finds necessary for the effective and efficient operation of the program;"; and

(2) by striking out "except that" the first time it appears in the material following paragraph (6) and all that follows through "regulations; and".

(o) Section 1816(e) of such Act is amended—

(1) by inserting "(subject to the provisions of paragraph (4))" after "the Secretary may" in paragraph (2); and

(2) by adding the following new paragraph at the end thereof:

"(4) Notwithstanding subsections (a) and (d) and paragraphs (1), (2), and (3) of this subsection, the Secretary shall designate regional agencies or organizations which have entered into an agreement with him under this section to perform functions under such agreement with respect to home health agencies (as defined in section 1861 (o)) in the region, except that in assigning such agencies to such designated regional agencies or organizations the Secretary shall assign a home health agency which is a subdivision of a hospital (and such agency and hospital are affiliated or under common control) only if he determines that such assignment would result in the more effective and efficient administration of this title.".

(p) Section 1902(a)(13)(A) of such Act is amended by striking out "and" at the end of clause (i) and by adding after clause (ii) the following:

"(iii) for the inclusion as a 'home health service' under the plan of any item or service which is included as a 'home health service' under title XVIII of this Act, and".

(q) Section 226(c)(1) of such Act is amended—

(1) by striking out "and post-hospital home health services" and inserting in lieu thereof "and home health services"; and

(2) by striking out "or post-hospital home health services" in clause (B).

(r) Section 7(d)(1) of the Railroad Retirement Act of 1974 is amended by striking out "post-hospital home health services" and inserting in lieu thereof "home health services".

EFFECTIVE DATE

Sec. 4. The amendments made by this Act shall become effective 90 days after the date of the enactment of this Act and shall be effective only with respect to items and services furnished on or after such effective date.

The Loneliest Battle of All

(By Orrin G. Hatch)

Consider the case of Mrs. Hamilton. An 81-year-old widow, she lives alone in her own home. She has no grandchildren. She raised a son and two daughters who were the joy of her life until all three were killed in a bizarre bus accident four years ago. After recovering from a stroke, Mrs. Hamilton was diagnosed as having uncontrolled hypertension. In October 1978, she was assigned a home health aide for two hours twice a week.

The nurse would come, monitor Mrs. Hamilton's blood pressure, and talk with her. Sometimes the nurse would stop at the A&P or the pharmacy to save her patient a trip. Mrs. Hamilton looked forward to these visits. Then one day she was informed that her Medicare allotment of home health care was exhausted; under the law, she was not permitted to receive more than one hundred visits unless she first submitted to a period of hospitalization or a stay in a nursing home. Both patient and doctor protested this hospitalization requirement: Mrs. Hamilton was not in need of institutional care. And the very thought of a nursing home frightened her. "Why should I have to go to a nursing home? I already have a home," she said. Her Father, a German immigrant, had always regarded the Altenhaus or "oldfolks' home" as the place where society put the discards of life, the hopelessly infirm, the maladjusted, the insane. If that ever was the case, it is no longer, but try to convince Mrs. Hamilton of that.

When a social worker notified Mrs. Hamilton that her Medicare visits were exhausted, her blood pressure went up from 236/100 to 272/100 within half an hour. She had to be taken to a hospital emergency room where she was medicated and allowed to rest until her blood pressure dropped. Until she once again qualified for Medicare-authorized home health care, her nurse friend volunteered four hours a week of her own time to care for her.

Mrs. Hamilton's lonely battle is one of many. I am well aware of the critically important work performed by nursing homes for the elderly infirm who require institutionalization. A growing number of lawmakers, though, and a majority of our country's health practitioners, believe the number of people requiring nursing-home care has been grossly overestimated. "An astounding 25 per cent of Americans in nursing homes do not have to be there," says Congressman Claude Pepper, chairman of the House Select Committee on Aging, himself living proof that some of us are ageless. "They could receive more compassionate, less costly care at home."

HUMANITY OF HOME CARE

The kind of home care I am talking about brings people professional health services while helping them to remain independent. Home health services are substantially less expensive than nursing-home care and eminently more humane than the enforced transfer of a disabled but functioning elderly person to a chronic care institution or hospital bed, or an unattended death at home.

The U.S. Census Bureau and the National Health Survey estimate that about 5 per cent of our population aged 65 and over, or slightly more than one million people, are housebound or bedridden. Other estimates are higher. In any event the numbers will increase as our population grows older. In 1900, one in every 25 Americans was 65 years old or older. Today it's one in ten.

Eighty per cent of those aged 65 and over suffer a chronic medical disorder of some kind: arthritis, orthopedic disorders of the legs and hips, heart disease, stroke, or a range of psychological maladies. Many of their problems can best be solved by helping to limit the physical demands on them which result in shortness of breath. A modest amount of help cleaning and shopping, combined with basic medical care for recurring infections and the administration of proper medications is what these patients need. These services can be provided at home, without having to restrict older people's activities or deprive them of their liberties.

Why, then, are people shut up in institutions when they can be cared for at home? Within our society, and perhaps in the Western world as a whole, the attitude toward aging and growing old is negative. Much of our "pop culture" creates a mood in which the old are seen as ugly and useless. They are different, and we want to shunt them off somewhere.

These are the social reasons, but there are also financial reasons. Title XVIII of Medicare and Title XIX of Medicaid fund the costs of nursing-home care. Through these provisions, money is provided, but only for institutionalized health care. They do not permit support for the chronically disabled older person at home. The lack of a tax incentive to keep old people home combined with the availability of government funding *only* for nursing-home maintenance means that young couples or other family members willing to care for their elderly must labor under a special financial hardship.

A CURE

Currently, I am working on legislation to remedy the situation I have described. There are about 24,000 nursing homes for the aged and dependent in our country today. They house about 900,000 people. They range in size from ten to two thousand beds. They are intended to play a merciful and rehabilitative role, and for a large number of elderly they do so. But for the others, the older people who perceive institutionalization as the prelude to death, there ought to be an alternative.

Earlier in this century, a nursing home was maintained by New York City on Welfare Island (now called Roosevelt Island), in the East River. A physician approached an unwell but independent aged lady and told her that she would now be sent to Welfare Island. She looked up at him, anxious and frightened, and said, "But Doctor, I don't *want* to go to Farewell Island."

By Mr. MOYNIHAN (for himself and Mr. Durkin):

S. 3212. A bill to designate the "Thomas J. McIntyre Federal Building"; to the Committee on Environment and Public Works.

THOMAS J. M'INTYRE FEDERAL BUILDING

● Mr. MOYNIHAN. Mr. President, I am introducing a bill to name the Federal Building in Portsmouth, N.H. after Senator Thomas McIntyre.

Senator McIntyre served in the U.S. Senate from 1962 to 1978 and earned a reputation among his colleagues as a courageous and articulate spokesman. While in the Senate he became a recognized authority on arms control and technology and a leading advocate of solar energy. I shall remember most vividly his courageous and articulate support of the Panama Canal Treaty for which he received national recognition. I said at that time, and would like to repeat now, that his courage and will in that debate reminded one of the granite of his native State.

Tom McIntyre's career as a public servant was not confined to his 16 years in the Senate. He served as mayor of his hometown, Laconia, N.H., from 1949 to 1951 and is a decorated veteran of World War II.

I am grateful to have the opportunity to introduce this bill and urge its speedy approval by my colleagues.●

ADDITIONAL COSPONSORS

S. 2542

At the request of Mr. Chafee, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2542, a bill to grant a Federal charter to the Italian American War Veterans of the United States of America.

S. 3203

At the request of Mr. Armstrong, the Senator from Arizona (Mr. Goldwater) was added as a cosponsor of S. 3203, a bill to amend the Internal Revenue Code of 1954 with respect to the deduction of certain expenses in connection with the business use of homes and the rental of residences to family members, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980—S. 1480 AND H.R. 7020

AMENDMENT NO. 2622

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself, Mr. Randolph, Mr. Mitchell, Mr. Moynihan, Mr. Bradley, Mr. Williams, Mr. Heinz, Mr. Burdick, and Mr. Leahy) submitted an amendment intended to be proposed by them to the bill (S. 1480) to provide for liability compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

AMENDMENT NO. 2623

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself, Mr. Randolph, Mr. Mitchell, Mr. Moynihan, Mr. Bradley, Mr. Williams, Mr. Heinz, Mr. Burdick, and Mr. Leahy) submitted an amendment intended to be proposed by them to the bill (H.R. 7020) to amend the Solid Waste Disposal Act to provide authorities to respond to releases of hazardous waste from inactive hazardous waste sites which endanger public health and the environment, to establish a hazardous waste response fund to be funded by a system of fees, to establish prohibitions and requirements concerning inactive hazardous waste sites, to provide for liability of persons responsible for releases of hazardous waste at such sites, and for other purposes.

Mr. STAFFORD. Mr. President, today I introduce a substitute for various "superfund" bills pending in the Senate. I introduce this substitute on behalf of myself, Mr. Randolph, Mr. Moynihan, Mr. Bradley, Mr. Mitchell, Mr. Heinz, Mr. Burdick, Mr. Williams, and Mr. Leahy.

As I said last Friday, I believe that S. 1480 is the best bill for the task at hand. It is the product of more than 3 years of effort by members of the Senate Committee on Environment and Public Works. It is a sound bill. It is a workable bill.

However, in consideration of the urgent need for remedial legislation to respond to the problems caused by the release of chemical poisons into our environment, I am putting forward a compromise. This compromise incorporates those parts of S. 1480, H.R. 7020 and H.R. 85 on which there is broad consensus. Given the lateness of this session, it is my hope that this proposal wil be an acceptable compromise for all concerned.

The compromise embodies concessions that I would otherwise not make. But I make the concessions because, even as we discuss the issue in this chamber, more chemical poisons are being released into our environment, threatening the health and well being of present and future generations of Americans.

It remains my view that the need to develop legislation to deal with toxic substances demands the highest priority of the Congress. We have worked on it for two Congresses already, and 80 percent of the public believes legislation is needed.

In the last few days, we have been urged to adopt the two House-passed bills, H.R. 85 and H.R. 7020, and, thus, avoid the need for a conference or for further legislative action. Because so many persons have seriously advanced this proposition, I feel I should explain why this alternative is not acceptable.

For 3 years, the Senate has worked on a bill that would respond to emergencies caused by chemical poisons, and to seek to discourage the release of those chemicals into the environment. In many ways, the Senate bill is analogous to the natural disaster assistance programs we have enacted into law. When those natural disaster assistance laws were enacted, no one suggested that we should help victims of floods, but not victims of earthquakes.

It makes no more sense to make that kind of distinction when dealing with chemical emergencies than it does when dealing with natural emergencies. But, that is what the House bills do. They cover two narrow areas—spills of 299 substances into navigable waters, and releases from inactive hazardous waste sites.

It may be instructive to review some actual chemical emergencies to judge whether they would have been covered if the two House bills had been law when the emergencies happened.

The release of Kepone into the James River, which posed a threat to the entire lower Chesapeake Bay, would not be covered by the House bills.

The Hudson River's contamination by PCB's would not be covered.

PBB's in Michigan, where damages exceeded $100 million, would not be covered.

DBCP, a pesticide known to cause sterility in males at high dosage levels, is found in more than one-third of the wells in the San Joaquin Valley. That condition would not be covered by the House bills.

TCE contaminates wells throughout Pennsylvania and many parts of New England; 90 percent of these cases would not be covered.

PCB's were released a few months ago in an accident at a feed plant in Montana and the contamination found its way to 19 States and 2 foreign countries. That would not be covered.

Train derailments at Waverly, Tenn., and at Crestview, Fla., that killed and injured scores of people would not be covered; nor would the abandonment of 60,000 pounds of leaking and dangerous drums of phosphorus in Hagerstown, Md.

Those are just a few examples. But, they are the rule, not the exception. There is simply no good reason for us to help one victim of poison, but not another. The test should not be whether a person was poisoned by river water rather than well water, or by toxic waste buried in the ground rather than toxic waste discharged to the ground. The test should be whether the person was poisoned. I assure you that the victim does not care to make those distinctions, nor should the Congress.

Finally, we should not underestimate the impact that jurisdictional considerations had on the shape and scope of the two House bills.

Each of those bills is a good first step within narrow confines. But, even if Representative Florio had wanted to go beyond inactive hazardous waste sites, he almost certainly would have come up against a jurisdictional barrier. Similarly, the House Public Works Committee would have run into a jurisdictional barrier if it had sought to go beyond the issue of navigable waters.

In the Senate, the Committee on Environment and Public Works could go further because jurisdiction over all the issues is consolidated in our committee. With that option available to us, our members elected to do not only what they could, but also what sound public policy demanded—report a comprehensive bill. That is really what the Senate and the Congress should do, as well.

But, circumstances and time present the barrier here.

There is no need at this time to attempt to place the blame for our inability to enact needed legislation. There have been honest differences of opinion among Members of the Congress on this matter, and among representatives of industries affected by the various proposals.

From the very beginning, I have invited—even urged—responsible companies to come forward to work with us to develop a sound and reasonable bill. S. 1480 reflects many of the proposals offered to us by some of those companies. My compromise proposal, which I introduce today, reflects even more in an effort to gain some time in our struggle to reduce the hazards of these toxic substances.

I am confident that ultimately there will be a law, whether it is this year or the next or the year after that. The question is not whether, but when—and what kind.

The only other question is whether the victims of this struggle will include not only Americans who have been poisoned by chemicals, but companies and industries that have squandered their credibility and respect. Someday, they, too, may go to the well to draw water and find that it has been poisoned. I appeal to them to join with us in the effort to take this first step in the quest to protect ourselves and our environment against the hazards of chemical poisons.

Mr. MITCHELL. Mr. President, I have expressed my strong support for superfund legislation on many occasions to my colleagues in the Senate and to my constituents in Maine.

It is my belief that S. 1480, which I have cosponsored, the bill reported by the Environment and Public Works Committee, represent a workable, reasonable approach to hazardous waste cleanup and compensation. I also believe that a substantial number of my colleagues support S. 1480.

However, as the 96th Congress draws to a close, efforts have been made to delay Senate consideration of S. 1480.

In light of the lateness of the date and the urgent need for a Federal response to the ever-growing problem of toxic wastes, I am pleased to cosponsor a substitute to S. 1480 introduced today by my colleague from Vermont, Senator Stafford.

This bill represents a positive step in controlling the spread of chemical wastes, cleaning up inactive dumpsites as well as ongoing releases of hazardous substances into the environment, and compensating victims of chemical poisons.

The bill mandates remedial Government response to releases of hazardous substances without regard to the medium in which it occurs, as does S. 1480.

The bill retains the concept of a fund for the payment of cleanup costs, natural resource damages, and out-of-pocket medical expenses for victims injured by toxic substances.

A strict liability standard is established for the release of hazardous wastes that require cleanup, or that result in damages to natural resources, as in S. 1480.

Mr. President, there are elements of S. 1480 that are not contained in this substitute bill. The provisions we have eliminated were those that generated considerable controversy, resulting in delay of Senate passage of S. 1480. While I supported these provisions, I am willing to accommodate the concerns expressed, in a spirit of compromise.

We are faced with a problem of potentially crisis proportions. The Surgeon General of the United States has stated that toxic wastes may be the most serious threat to public health in our country in the next decade. So it is in this spirit of urgency that I cosponsor this substitute to S. 1480 today.

STATE AND LOCAL FISCAL ASSISTANCE ACT AMENDMENTS OF 1980

AMENDMENT NO. 2624

(Ordered to lie on the table and to be printed.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill (S. 2574) to authorize an extension and amendment of the revenue sharing program to provide general purpose fiscal assistance to local government, and for other purposes.

● Mr. EXON. Mr. President, earlier this year I introduced S. 2678, a bill which would have provided a 5-year reauthorization of general revenue sharing, with a special feature for State revenue sharing. Under my bill, State governments would have been entitled to participate in State revenue sharing by voluntarily returning categorical grants to the Treasury.

I was pleased to see that the Senate Finance Committee felt there was merit to this concept and authorized the Advisory Commission on Intergovernmental Relations to do a study on my proposal during the upcoming year.

Furthermore, in the time since I introduced S. 2678, Senator Dole has introduced a similar and excellent bill, and the House of Representatives has favorably considered a provision offered by Congressman Levitas of Georgia which also links State revenue sharing to reduction of categorical grants in 1982 and 1983.

Mr. President, I intend to offer an amendment to the upcoming general revenue-sharing legislation which would create a pilot project to test the feasibility of States' exchanging categorical grants for revenue sharing moneys. In my opinion, it is inadequate simply to study the concept, but it may be premature to adopt this procedure completely, as the House of Representatives has done, without testing some of the mechanics involved.

The pilot project which I suggest will utilize the procedures outlined in S. 2678, the bill I introduced earlier in the year, but will stop short of completely adopting a categorical grant trade-in program as the House of Representatives has done.

Under my amendment, the Advisory Commission on Intergovernmental Relations will conduct its study of this concept in conjunction with the Treasury Department's conduct of the pilot project. The pilot project will involve no more than five States which voluntarily agree to participate.

Mr. President, I ask unanimous consent that my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 26, between lines 2 and 3, insert the following new paragraph:

"(3) Establishment of separate state government account.—For the entitlement period beginning October 1, 1980, the Secretary shall establish within the Trust Fund a State government account which shall be credited only with amounts transferred to that account under section 107A(d) and which shall be used to make the payments to State governments provided for by section 107A.

On page 37, beginning with line 4, strike out through line 15 on page 39, and insert in lieu thereof the following new subsection:

(e) Pilot Project cf Optional Revenue Sharing Payment to State Governments in Lieu of Categorical Grants.—

(1) In general.—Subtitle A of title I of the Act is amended by inserting immediately after section 107 the following new section:

"Sec. 107A. Pilot Project Under Which State Government May Elect Entitlement in Lieu of Categorical Grant Funding.

"(a) General Rule.—Notwithstanding the provisions of section 107, the amount a State government shall be entitled to receive under this subtitle for the entitlement period beginning Otcober 1, 1980, shall not exceed the amount of the categorical grant funding reduction elected by that State for that entitlement period. No more than 5 States, selected by the Secretary from among all States applying, may elect to have this section apply.

"(b) Categorical Grant Funding Reduction Election.—

"(1) In general.—For purposes of this section, the amount of the categorical grant funding reduction elected by a State for any entitlement period is the sum of that State's allotments under categorical grant programs for the fiscal year which coincides with the entitlement period—

"(A) which have been designated by the chief executive officer of that State as categorical grant programs under which the State's allotment is to be transferred to the State government account established under section 105(a)(3), and

"(B) under which the amount allotted to the State for the fiscal year is transferred to that account.

"(2) LIMITATION ON AMOUNT OF ELECTION.—The amount of the categorical grant funding reduction elected by any State shall not exceed one-half of the amount allocated for the entitlement period to the units of local government within such State.

"(c) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) CATEGORICAL GRANT PROGRAM.—The term 'categorical grant program' means any program for which the budget authority is included in Appendix H of the Special Analyses, Budget of the United States Government, 1981, other than—

"(A) any such program designated by the President for the fiscal year as a program of grants for payments to individuals, or

"(B) any such program under which each State's allotment is not determined by reference to the allotment of other States and which is not intended to operate in all States (as determined by the Secretary after consultation with the head of the administering department or agency charged with the administration of the program).

"(2) ALLOTMENT.—The term 'allotment' means any allotment, apportionment, or other division of funding under a categorical grant program, determined before any reallotment, reapportionment, or redivision of funding.

"(3) DESIGNATION BY CHIEF EXECUTIVE OFFICER.—In order for the allotment of a State under a categorical grant program to be transferred to the State government account, the designation shall be—

"(A) irrevocable,

"(B) made in writing, in such form and manner as the Secretary may prescribe, by the chief executive officer of that State, and

"(C) received by the Secretary, and by the head of the department or agency charged with administration of the program before February 1, 1981.

"(d) TRANSFER OF ALLOTMENTS TO STATE GOVERNMENT ACCOUNT.—Whenever the chief executive officer of a State designates a categorical grant program under subsection (c)(3), the Secretary shall transfer the amount of that State's allotment for the fiscal year under that program from the appropriation for that program for the fiscal year to the State government account established under section 105(a)(3). The amounts required to be transferred to the Trust Fund under this subsection shall be transferred at least quarterly from the account to which the appropriation is credited to the State government account on the basis of estimates made by the Secretary. Proper adjustment shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(e) APPLICATION WITH CERTAIN REALLOTMENT PROVISIONS.—Notwithstanding any other provision of law to the contrary now or hereafter enacted (except to the extent that such provision explicitly overrides this subsection), if the chief executive officer of a State designates a categorical grant program under this section as a program from which that State's allotment for the fiscal year is to be transferred to the State government account established under section 105(a)(3), then such transfer shall be treated, for purposes of any provisions of law providing for the reallotment of amounts not paid under the program to a State government, as if it constituted a payment to that State under the program.".

(2) STUDY OF OPTIONAL REVENUE SHARING PAYMENT TO STATE GOVERNMENTS IN LIEU OF CATEGORICAL GRANTS.—

(A) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall study and evaluate the administrative procedures which would be involved in making payments to State governments under title I of the State and Local Fiscal Assistance Act of 1972 which would be payable only if the State government elected to reduce, for the entitlement period for which the election is made, the amounts it would otherwise receive in categorical grants (within the meaning of section 107A(c)(1)) in an amount equal to the amount of the payment made to the State under such title for the entitlement period.

(B) PILOT PROJECT INCLUDED IN STUDY.—The study conducted under subparagraph (A) shall include a study of the pilot project conducted under section 107A of the Act.

(C) REPORT TO BE COMPLETED BY AUGUST 1, 1981.—The Commission shall complete its study and evaluation and report the results thereof, together with any recommendations it may deem appropriate, to the Committee on Finance, United States Senate, not later than August 1, 1981.

(D) COOPERATION OF OTHER FEDERAL AGENCIES.—

(i) Each department, agency, and instrumentality of the Federal Government is authorized and directed to furnish to the Commission, upon request made by the Chairman, and to the extent permitted by law and within the limits of available funds, such data, reports, and other information as the Commission deems necessary to carry out its functions under this paragraph.

(ii) The head of each department or agency of the Federal Government is authorized to provide to the Commission such services as the Commission requests on such basis, reimbursable and otherwise, as may be agreed between the department or agency and the Chairman of the Commission. All such requests shall be made by the Chairman of the Commission.

(iii) The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for the fiscal year ending September 30, 1981, such sums as may be necessary to carry out the provisions of this subsection.

(3) The Secretary shall adopt any regulations necessary for implementation of the pilot project, and shall report to the Committee on Finance, United States Senate, not later than August 1, 1981, the results of the pilot project and any recommendations for extension or expansion of the project.●

ADDITIONAL STATEMENTS

"LT. COL. MATT URBAN DAY"—A FITTING TRIBUTE TO A MICHIGAN HERO

● Mr. LEVIN. Mr. President, on November 29, 1980, the city of Sault Ste. Marie, Mich., will honor one of my State's most heroic sons—Army Lt. Col. Matt Urban (USA-ret.) of Holland, Mich.—in long-delayed recognition for the courageous exploits during World War II which earned him our Nation's highest award for valor—the Congressional Medal of Honor.

I want to add my voice to those applauding Colonel Urban for his heroic deeds, and to compliment Sault Ste. Marie for deciding to hold a "Lt. Col. Matt Urban Day" as its tribute to his courage in defense of our Nation. Colonel Urban will be honored with a parade through Sault Ste. Marie at 2 p.m. on November 29, and with a reception at Lake Superior College and a banquet at the armory later in the day.

The events leading to this well-deserved recognition of Colonel Urban span of 25 years, Mr. President, since it was not until just this July that the Medal of Honor was bestowed on Colonel Urban by a grateful Government. His acts of heroism were performed in 1944, during fighting between American and German troops in France after the D-Day invasion of Normandy. Colonel Urban was a captain at that time.

Unfortunately, as so often happens in the confusion of war, the recommendation for Colonel Urban's Medal of Honor by one of his men, Sgt. Earl Evans of Miami, Fla., was lost by the Pentagon for these many years. It was only about 2 years ago that another member of Colonel Urban's old unit, the 2d Battalion, 60th Infantry of the venerable 9th Infantry Division—the "Old Reliables"—renominated him in another letter to the Pentagon.

But sometimes the passage of time makes such recognition even sweeter, Mr. President, and the people of Michigan took great pride when President Carter placed the Medal of Honor on Colonel Urban this summer as hundreds of his former comrades-in-arms stood cheering at the 9th Infantry's annual reunion.

No one was prouder than Colonel Urban's wife, Jenny, and their 10-year-old daughter, Jennifer, who stood at his side at that stirring moment. I share their pride.

I should point out that the Medal of Honor is just the crowning achievement of what was an already distinguished combat record. Colonel Urban also won seven Purple Hearts, two Silver Stars, three Bronze Stars, and numerous other citations during the World War II campaigns in which he participated in Tunisia, Sicily, Belgium, and France.

Mr. President, Colonel Urban is a true American hero, as the citation accompanying his Medal of Honor eloquently attests. Let me quote just one passage, and insert the entire citation in the Record at the conclusion of my remarks. The passage reads:

> Captain Urban's personal leadership, limitless bravery, and repeated extraordinary exposure to enemy fire served as an inspiration to his entire battalion. His valorous and intrepid actions reflect the utmost credit on him and uphold the noble traditions of the United States Army.

I join with the people of Sault Ste. Marie, Mich., in honoring Colonel Urban, for his are the types of deeds which stir the heart, make this country great and make me proud to be a Michigander and an American.

Colonel Urban's Medal of Honor Citation follows:

Medal of Honor Citation

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Lieutenant Colonel Matt Urban, United States Army, Retired, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

During the period 14 June to 3 September 1944, Lieutenant Colonel (then Captain) Matt Urban distinguished himself by a series of bold, heroic actions, exemplified by singularly outstanding combat leadership, personal bravery, and a tenacious devotion to duty, while assigned to the 2d Battalion, 60th Infantry Regiment, 9th Infantry Division. On 14 June, Captain Urban's company, attacking at Renouf, France, encountered heavy enemy small arms and tank fire. The enemy tanks were unmercifully raking his unit's positions and inflicting heavy casualties. Captain Urban, realizing that his company was in imminent danger of being decimated, armed himself with a bazooka. He worked his way with an ammo carrier through hedgerows, under a continuing barrage of fire, to a point near the tanks. He brazenly exposed himself to the enemy fire and, firing the bazooka, destroyed both tanks. Responding to Captain Urban's actions, his company moved forward and routed the enemy. Later that same day, still in the attack near Orglandes, Captain Urban was wounded in the leg by direct fire from a 37mm tank-gun. He refused evacuation and continued to lead his company until they moved into defensive positions for the night. At 0500 hours the next day, Captain Urban, though badly wounded, directed his company in another attack. One hour later he was again wounded. Suffering from two wounds, one serious, he was evacuated to England. In mid-July, while recovering from his wounds, he learned of his unit's severe losses in the hedgerows of Normandy. Realizing his unit's need for battle-tested leaders, he voluntarily left the hospital and hitchhiked his way back to his unit near St. Lo, France. Arriving at the 2d Battalion Command Post at 1130 hours, 25 July, he found that his unit had jumped-off at 1100 hours in the first attack of "Operation Cobra." Still limping from his leg wound, Captain Urban made his way forward to retake command of his company. He found his company held up by strong enemy opposition. Two supporting tanks had been destroyed and another, intact but with no tank commander or gunner, was not moving. He located a lieutenant in charge of the support tanks and directed a plan of attack to eliminate the enemy strong-point. The lieutenant and a sergeant were immediately killed by the heavy enemy fire when they tried to mount the tank. Captain Urban, though physically hampered by his leg wound and knowing quick action had to be taken, dashed through the scathing fire and mounted the tank. With enemy bullets ricocheting from the tank, Captain Urban ordered the tank forward and, completely exposed to the enemy fire, manned the machine gun and placed devastating fire on the enemy. His actions, in the face of the enemy fire, galvanized the battalion into action and they attacked and destroyed the enemy position. On 2 August, Captain Urban was wounded in the chest by shell fragments and, disregarding the recommendation of the Battalion Surgeon, again refused evacuation. On 6 August, Captain Urban became the commander of the 2d Battalion. On 15 August, he was again wounded but remained with his unit. On 3 September, the 2d Battalion was given the mission of establishing a crossing-point on the Meuse River near Heer, Belgium. The enemy planned to stop the advance of the allied Army by concentrating heavy forces at the Meuse. The 2d Battalion, attacking toward the crossing-point, encountered fierce enemy artillery, small arms and mortar fire which stopped the attack. Captain Urban quickly moved from his command post to lead position of the battalion. Reorganizing the attacking elements, he personally led a charge toward the enemy's strong-point. As the charge moved across the open terrain, Captain Urban was seriously wounded in the neck. Although unable to talk above a whisper from the paralyzing neck wound, and in danger of losing his life, he refused to be evacuated until the enemy was routed and his battalion had secured the crossing-point on the Meuse River. Captain Urban's personal leadership, limitless bravery, and repeated extraordinary exposure to enemy fire served as an inspiration to his entire battalion. His valorous and intrepid actions reflect the utmost credit on him and uphold the noble traditions of the United States Army.

Jimmy Carter.●

COMMUNITY SERVICE GRANTS

● Mr. DURENBERGER. Mr. President, lately we have heard a lot of talk about the need to return more decisionmaking authority to the State and local levels of government. I have not only encouraged such discussions, I have been active in seeking opportunities to make this goal a reality.

As with so many other things in this day and age, communication is an important step in achieving this goal. Unless local citizens have the means to share and exchange ideas on matters of local importance, decisionmaking will remain centralized.

Public radio and television play a vital role in providing this local forum. In spite of the trend toward national media, public radio and television have remained largely community-oriented media. I am one of the many who strongly believe that the community base of public broadcasting is vital and must be encouraged and strengthened.

Recently I had the opportunity to express my views on this subject at a public hearing of the Corporation for Public Broadcasting on the use of community service grants. These grants are critical to public broadcasting and must be continued with no strings attached. That was the theme of my testimony.

Mr. President, I ask that my testimony be included in today's Record. I hope everyone who reads my statement will be encouraged to support the continuation of community service grants and the valuable service provided by public television and radio.

The material follows:

Remarks of Senator Dave Durenberger

Thank you. It's a great pleasure to be here today and to have this opportunity to speak on behalf of Community Service Grants for public radio and television.

In these two days of hearings in Minnesota, and in the hearings planned for New York, Salt Lake City, Nashville, Los Angeles and San Diego, you will hear all the reasons why the Community Service Grants program should not be modified. As a consumer of public broadcasting and as a person who is deeply concerned with the ability of individuals to keep abreast of the issues affecting their community, I want to add my voice of support to those who are advocating a continuation of CSGs in their present form.

In my opinion, the public broadcasting system represents one of the last significant outlets for locally-produced media. To point to just two examples, of the 12 commercial television sations in Minnesota, only one is an independent station. The other 11 receive most of their programming from one of the three commercial networks. And, at least 60 percent of the newspapers published in Minnesota are owned and operated by chains headquartered outside of the state.

As you well know, the trend toward centralized, absentee ownership or operation in both electronic and print media is becoming more pronounced. Even cable TV, once lauded for its potential to be a voice for the community, is now finding that its best market is in national programming.

The result of this movement toward commercial uniformity has been the shortchanging of local issues and interests. As a citizen and a public policy-maker, this disturbs me greatly. We are rapidly becoming a nation of people who know the day-to-day events of Washington or New York, but are ignorant of the decisions made by our city councils or local school boards. Community residents and leaders are losing the forums they need to air their ideas and concerns.

In this environment, the importance of Community Service Grants cannot be overstated. In my opinion, it is not accidental that the primary source of federal funds appropriated by Congress for public radio and television Community Service Grants—has the least strings attached.

It is vital that Community Service Grants continue to be discretionary funds. These monies can be invested in those areas of activity that the local station determines will provide the best service to its community. The flexibility of these funds is necessary if local stations are to respond to the immediate needs as well as serve the changing needs in future years.

There is another important reason to continue these funds without modification: Inflation. Every budget—with the possible exception of the federal budget, and—I'm confident that the message issued by the voters Tuesday will be heard loud and clear—has been ravaged by inflation in recent years. Inflation has been a two-edged sword for public broadcasting stations. Not only are their costs skyrocketing, but their available resources are becoming more scarce.

Public radio and television stations have been harder hit by inflation than many other services. Fewer services have been more severely wounded by inflation than those dependent on high technology as the electronic media are.

Frankly, I am afraid that public broadcasting stations may be forced into a no-win choice between inferior quality or selling control to the highest bidder. Neither is a welcome alternative.

Community Service Grants are helping to maintain the local roots of public broadcasting stations in the face of inflation. And, the flexibility of the grants help to keep public broadcasting free from political interference.

These are important and necessary goals if public broadcasting stations are to serve their communities in the future. In fact, I strongly urge you to consider increasing the percentage of the budget Corporation for Public Broadcasting now allocates to Community Service Grants. We should be seeking ways to strengthen the individuality of public broadcasting stations, encouraging their diversity and their commitment to their communities, rather than considering a change that would seriously inhibit the fulfillment of their purpose.

The strength of public radio and television broadcasting is in the individuality and diversity of the local stations. Given the proper funding and encouragement these stations can continue to produce local programs that reflect the uniqueness of the communities they serve. And, through the national interconnections systems, public radio and television can share the best of each community's character with other communities.

Public broadcasting is a vital service to our communities; we should do nothing to dim this bright light of responsible, local media.

Thank you.●

LATVIAN INDEPENDENCE

● Mr. **RIEGLE**. Mr. President, November 18, 1980, marks the 62d Anniversary of Latvian independence. We know the value of independence which allows a nation to enjoy true cultural and political freedom, and permits a people to express themselves without fear of retribution.

The people of Latvia have endured hardship and oppression from the Soviet Union in the years since their declaration of independence. Although faced with insurmountable odds and the threat of annihilation, the Latvians have fought against the destruction and "Russification" of their ethnic and linguistic heritage. They have fought for the basic freedoms of speech and religion which has strengthened the Latvians' resolve to persevere.

Independence Day for any nation is a time of celebration, but also a time to look both to the past and to the future. It is encouraging to note that the Latvian cause has been recognized by our Government and that President Carter and the State Department have agreed to discuss and negotiate the succession of diplomats for the Latvian, Estonian, and Lithuanian Legations in Washington, D.C. It is my hope that the Madrid Conference on Security and Cooperation in Europe, which has begun its work, may help to alleviate the injustices suffered by the Latvian nation. I believe that it will be possible for the United States delegation to keep the crucial issue of Human Rights at the forefront of the Conference's work.

It is time to rededicate ourselves to protecting and extending individual rights and freedoms all over the world. I take pride in commemorating Latvia's Independence Day and do so with the hope that their struggle will not go unnoticed or unrewarded.●

FOOD ABUNDANCE TO DECREASE IF IRRIGATION CEASES

● Mr. **BELLMON**. Mr. President, our country has come to take food abundance for granted. Throughout our history, the United States has had available virtually unlimited amounts of fertile land which has been blessed by generally favorable climate. The result has been that since colonial times, urban citizens of the United States have been able to take cheap and abundant food for granted and food producers have been plagued by price-depressing surpluses.

Within a short time, this situation is likely to change. This new situation will rise from many reasons including high costs of energy, fertilizer, and chemicals, the difficulty of obtaining capital for young farmers, competition for food resulting from the world's growing and increasing hungry population, and the decline of agricultural resources due to urbanization and depletion.

One of the areas most seriously affected by depletion of natural resources is the high plains of Nebraska, Kansas, Colorado, Oklahoma, Texas, and New Mexico. In recent years, crop production in this area has come to be heavily dependent upon irrigation by waters from Ogallala Aquifer. This aquifer is not recharging so, in effect, irrigators are mining this resource and it is now predictable within a high degree of accuracy as to when the wells will run dry. If irrigation ceases, the Nation will lose much of its feed grain production.

The negative impact on economy of the affected States, should the area return to dryland agriculture, would be serious.

Unless alternate sources of water are found the entire United States can expect higher food costs, loss of export earnings, weakened economical conditions in the Midwest and other negative impacts from the depletion of the Ogallala Aquifer. It is fortunate that Congress saw fit to authorize and fund a study of this problem. The Economic Development Administration should complete this study in 1981 or 1982. The results of the study should give Congress the guidance it must have to deal with this problem. The options will be to let the wells go dry, to find new sources of water to develop a plan for transferring water into the area or perhaps to devise a system of conservation which will stretch out the available supply further into the future.

An article discussing the Ogallala and the implications of its depletion was recently published in the Wall Street Journal. I feel Members of the Congress who will shortly be asked to deal with this problem will be benefited by the opportunity to better understand this developing crisis. I ask a copy of the article be printed in full in the Record.

The article follows:

[From the Wall Street Journal, Aug. 6, 1980]

Huge Area in Midwest Relying on Irrigation Is Depleting Its Water

(By Steve Frazier and Brenton R. Schlender)

Earth, Tex.—K. B. Parish grabs a stunted ear of corn from the thick forest of stalks and peels back the husk. His fears are confirmed. The uneven kernels inside show that his high-priced irrigation system stymied by the drought and a dwindling underground water supply, has met its match.

"Our pumps are fixin' to fly all to pieces," Mr. Parish frets. Farmers nerves are strained, too, as record heat and drought pound home the fact that much of the agriculture on the high plains relies on a shrinking water supply that grows ever more expensive to tap. Mr. Parish's corn harvest will drop 20 percent this year while his costs jump 40 percent. "We might lose even more money than the dryland boys this year," he says.

Similar problems afflict thousands of farmers in a California-sized area stretching from the Texas Panhandle to South Dakota. What explorers once called the Great American Desert has, over the years, been transformed into bountiful farmland by drawing on a huge underground formation saturated with water. But the geological formation, called the Ogallala Aquifier, is being depleted so rapidly that some farmers are being forced to cut their production. Experts warn that the effects of a declining water supply may already be rippling through the local economy as the region begins to revert to harsher, dryland farming.

NATIONALLY IMPORTANT

Moreover, the Ogallala Aquifer's importance extends far beyond the interests of the region's 1.8 million people. Nearly 12 percent of the nation's cotton, corn, grain sorghum and wheat, valued as high as $2.8 billion in recent years, are watered by the Ogallala (pronounced OH-guh-LAHL-uh). Almost half the nation's beef cattle are fattened on high plains feedlots, which were lured to the high plains (roughly the area over the aquifer as shown on the map) by the abundant feed.

"To the consumer, a declining supply of water on the high plains would mean declining food stocks and consequently higher food prices," says Herbert Grubb, an agricultural economist and planning director for the Texas Department of Water Resources.

Water experts say Ogallala water is being "mined" as surely as any depletable mineral. In fact, some Texas farmers are allowed to reduce their federal income taxes through a depletion allowance for the water they use.

The water table has been dropping steadily because even in normal years there is far too little rain on the high plains to replenish the aquifer. Moreover, the sand-and-gravel formation apparently doesn't take on new water readily. As a result, the aquifer in some areas is being drawn down 15 to 18 times faster than nature is replacing it. So the only alternative to the certain long-term demise of most irrigation on the high plains would be a multibillion-dollar program to import water through canals and pipelines from hundreds of miles away—an idea favored by those who stress the region's importance to the entire nation.

"When you go to dryland farming, the economy forgoes that added production from irrigation—which can disrupt an economy geared to higher production," says Duncan Ellison, executive director of Water Inc., a Lubbock, Texas, organization that advocates importing water. When production drops, "it will affect the guy in New Jersey just as much as the farmer back here," Mr. Ellison contends.

But importation plans are so costly and complicated that few expect anything but what Mr. Grubb calls "a phased drying out" of the high plains. "Nobody is saying 'if' the water runs out; people are saying 'when' the water runs out," notes Glen Kirk, the Interior Department's water-resources representative in Kansas.

Determining how long the water will last is complicated, too, and the answer can vary from country to country—or even from well to well on a single farm. In a few isolated areas, irrigation wells have already gone dry or lost so much efficiency that farmers have reverted to dryland farming. Other farmers measure their remaining water in terms of a few years.

In the Texas high plains, irrigated acreage is expected to drop 45 percent by the year 2000 even if conservation cuts water use 20 percent. By then, irrigation in western Kansas will have all but dried up, an Interior Department study estimates. Nebraska officials worry about water mainly in a few southwestern counties, however; they even predict that irrigation will boom in some undeveloped areas where the Ogallala formation is especially thick.

Even where water is abundant, many farmers are switching to dryland farming or to crops requiring only limited irrigation because fuel bills for pumping water are soaring as the water table sinks. This year's drought, along with the surge in fuel prices, has tightened the cost squeeze. "We'll run out of money before we run out of water," says Ronald Schilling, who grows cotton near Slaton, Texas. To cut costs, farmers are changing from high-yielding but thirsty crops such as corn to hardier ones such as grain sorghum, wheat or cotton. They thereby hope to make a profit even though gross revenues drop.

But by farming less intensively, farmers send fewer dollars multiplying through the economy. An average acre of irrigated corn brings in about $375 of revenue, while switching to irrigated wheat would cut the revenue to about $200. If the farmer reverts to dryland farming—that is, if he halts irrigation altogether—he may have to let his land lie fallow every other year to soak up natural moisture, and the acre of dryland wheat would average just $50 a year in revenue.

The switch to dryland farming also strongly affects many companies and service businesses involved in irrigation. Farmers merely reducing their intensive watering cut back their needs for fertilizer, labor, implements and maintenance. In Kansas alone, where the streets of some small towns are lined with irrigation-equipment supplies, the state estimates that irrigation pumps into the economy $3 billion annually, including the added crop revenue.

All the related business benefits the region's companies even if weather or prices go bad on the farmers. "Before, the people on Main Street lived and died with the farmers," says Keith Farrar, a Kansas legislator who farms near Hugoton, in the state's southwestern corner. "What we've done with irrigation is to stabilize Main Street all over western Kansas."

Sam Forrer, a banker in nearby Ulysses, Kans., agrees with studies concluding that his area would lose jobs and population even if the farmers themselves switch to dryland farming profitably. "When we lose our water, either because it is gone or because we can't afford to get to it, our economy will dramatically shift," he says. "The people who are left behind are going to feel the ups and downs each season a lot more quickly and a lot more severely."

BASIC POTENTIAL

But many think that the high plains' lucrative fling with irrigation couldn't last. "This part of the country lived with dryland farming for a good many years, and we may have to go back to that," says William Turrentine, a farmer in Garden City, Kans. "Maybe we overdeveloped the area beyond its real potential. Maybe we cant maintain this standard of living."

However, Mr. Turrentine, like most other irrigators, is trying to prolong the life of the aquifer and save fuel costs through a variety of new water-conservation techniques. Near Lubbock, James Mitchell, one of whose friends says his cotton farm has "more things going than anywhere but the argicultural experiment station," is willing to try anything to deal with declines in the amount of water that he can pump from the Ogallala. He has been forced to pool the meager production of 12 wells to get enough water to operate a single sprinkler system. And he stretches his supply with special sprinkler nozzles, sophisticated soil-moisture gauges and even plowing technique that form a series of small dams to trap water in the furrows where it falls.

"We've learned we can stretch that water out," says Clifford Hilbers, another cotton farmer living nearby. "Ten or 15 years ago, we didn't dream we could do what we're doing now. The only way we could be more efficient with our land is to turn the ground over and farm the other side."

NEW ACREAGE

While some irrigators are trying to conserve what water they have, many others are just as intent on opening new acreage to irrigation before the Ogallala goes dry. To curb each farmers urge to drain his portion of the prairie, regulatory agencies are controlling the amount of water that each can pump. But this policy forces regulators to make decisions that alienate those who want to expand irrigation, and yet it fails to solve the overall problem.

"It's a shame we didn't have water management back in the year 1950," says Gerald Wishman, a Scott City, Kans., farmer who sits on a local ground-water management board formed just a few years ago. "We could have put controls on, and, instead of lasting 40 years, the Ogallala would have lasted 80."

Even back in the 1950s, however, some Kansas farmers did start worrying about water supplies. Despite early warnings though, irrigation exploded unchecked in the mid-1960s when development of new sprinkler systems made it possible to turn rolling sand hills previously suitable only for sagebrush and yucca plants into prolific cornfields. Much of the new farmland could never produce drylands crops. "If you go along and cut a farmer's water off," Mr. Wishman says, "you're telling him to go broke."

LAND VALUES INVOLVED

Tough decisions about water use ultimately affect land values, because irrigated farmland can fetch up to twice the price of land where irrigation is either impossible or forbidden. "The lines are drawn between the haves and the have-nots," says Mike Dealy, a hydrologist with the ground-water management district in Garden City, Kans.

Even with strict regulations and conservation efforts, however, "we're just stretching out time until the end result," Mr. Dealy says. "When the first well went down, that's when the water started running out."

The search for an exit from what seems a dead-end alley is stirring dreams of bringing in water from as far away as Kansas or even Canada. Various importation plans will be considered in a five-year study by the U.S. Economic Development Administration. Supporters of importation hope that the study, due to be completed in 1982, will find the Ogallala area so vital economically that federal help is justified.

HUGE COSTS

Federal help would probably be needed experts say, because the region's economy would be hard-pressed to pay for the capital costs and the maintenance and operation of the system. Only sketchy cost estimates have been made. In 1973, the Army Corps of Engineers estimated that bringing water from the lower Mississippi to the panhandle and distributing it would cost $20 billion. A more recent study concludes that just moving water from one part of Kansas to another would cost about $2.3 billion, require $300 million a year to operate by the year 2020—and still leave water shortages at both ends of the project after 12 years.

Moreover, moving such a vital resource as water from one area to another raises a thicket of legal and political questions, particularly as high-plains water shortages collide with a push by other arid Western states to find water to develop energy resources. "The area's water problems may be horrendous, but the political problems are stupendous," says John W. Weeks, an Interior Department geologist participating in the high-plains study.

Consequently, most people who depend on Ogallala water aren't counting on a rescue. "Importing water is science fiction as far as I'm concerned," says Mr. Turrentine of Garden City. "This area is just going to have to learn to live with less water."

Yet those who have resigned themselves to an end to plentiful irrigation water don't think the high plains wil go back to the buffalo.

"We might be better off to let nature take its course and adapt to whatever nature brings," says Mr. Forrer, the Ulysses banker. "Leave us to our own devices out here. Some of us may go by the wayside—one of them may be me—but the ones who will be left will be strong and productive."

DENNIS VANNEST—SMALL BUS DRIVER CHAMPION

● Mr. RIEGLE. Mr. President, on September 13, 1980, Dennis Vannest of Gladwin, Mich., became the small bus driver champion of Michigan. Since 1975, Mr. Vannest has worked for Dial-a-Ride Transportation System. Dial-a-Ride is a small-bus operation in urban and rural areas and among its services provides transportation for senior citizens and handicapped people. This program for the community is maintained through a partnership of the State, local, and Federal governments. It is citizens like Mr. Vannest who make Dial-a-Ride possible. His skill and driving ability insures that those who ride with him will have a safe journey. Mr. Vannest provides a valuable service to the community by driving the small bus and deserves to be recognized for his contribution to the community.●

TRIBUTE TO DOUGLAS FRASER

● Mr. LEVIN. Mr. President, this Wednesday evening, Douglas Fraser will receive the Humanitarian of the Year Award from the Michigan B'nai B'rith. He deserves it.

Most of us here in the Senate have had an opportunity to talk with Doug about at least some of the many issues that face this Nation. And whether we have agreed with him or disagreed, I suspect that we have all left those meetings with a genuine appreciation for his commitment, concern, and commonsense.

There has been a good deal of talk in the last few weeks about the death of liberalism. One of the reasons that the obituary notice for liberalism is inaccurate can be found in the continuing value which Doug Fraser brings to the American scene.

Doug stands out as a person who is committed to all the basic values which ought to continue to characterize this society. He believes in—and fights for—economic security and opportunity. He believes in—and fights for—human dignity and duty. He believes in—and fights for—individual freedom and fulfillment.

He has not won all those fights, but the inability to declare a total victory has not lessened his commitment or diminished his passion. And, most importantly, he has not allowed that commitment or passion to blind him to change. Doug has made a contribution to this society because he has recognized that society has changed. When the battles that were fought in the 1930's were won, Doug recognized that and built on those victories rather than simply reworking the same worn-out fields of a war which had passed.

His ability to grow with the times is what makes his work so meaningful and his life so worthy of emulation.

That work and that life are honored with the highest award it is within the power of the B'nai B'rith to bestow. And that award serves not just as a tribute to what has been done; it also stands as a downpayment on the work yet to come.

Appreciation of Doug's work is widely shared. I ask that the text of the testimonial letter received from President Carter be inserted at this point in the RECORD.

The letter follows:

THE WHITE HOUSE,
Washington, D.C., November 14, 1980.
Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR CARL: I was delighted to learn that you will be serving as Honorary Chairman of the B'nai B'rith Foundation's dinner of tribute to our mutual friend, Doug Fraser. I wholeheartedly join in the sentiments that will be expressed for Doug as he receives the organization's Humanitarian of the Year Award.

I am deeply proud of my association with Doug during these last four years and grateful for the generous way in which he gave of his time, talent, energy and vast experience to help advance the national well-being. I am one of his greatest admirers, and I will always value his friendship.

Please congratulate him for me on this well-deserved recognition. Rosalynn and I hope it will be a memorable occasion for him and all who attend.

Sincerely,

JIMMY CARTER.●

PROTECTIONISM V

● Mr. HEINZ. Mr. President, in continuing my discussion of protectionism I begin today with a four part submission investigating U.S. trade with Japan. Various aspects of the Japanese market structure and the restrictions it imposes upon foreign trade merit careful examination.

The article I am submitting today from "Law and Policy in International Business" is written by Frank Weil and Norman Glick and entitled "Japan—Is the Market Open? A View of the Japanese Market Drawn From U.S. Corporate Experience." It examines market access barriers in Japan as experienced by U.S. firms attempting to enter the Japanese market. The article focuses on the fact that analytical studies have indicated that great potential exists for an increase of U.S. exports to Japan, yet this potential, for the present, has not been realized.

In recent years the Japanese Government has taken steps to reduce the protectionist barriers which were enacted to enable it to recover from the severe economic destruction of World War II. Tariffs have been reduced and import quotas have been cut to the point where they only effect 27 products, primarily agricultural. Furthermore, equity investments have been liberalized allowing for wholly owned foreign investments in all but a few industrial sectors.

The Japanese contend that because of the liberalization of their import regime, "their market is as open to imports as any other industrial nation, including the United States." According to the article the Japanese assert that trade problems with their country arise because of the "unwillingness of U.S. firms to make a serious commitment to enter the Japanese market, that is, to invest the resources necessary to gain a sufficient market share or to develop product lines and marketing strategies suited to the Japanese environment." Yet many American executives disagree, claiming that import controls, other than those traditionally thought to reduce trade, serve as impediments to imports in Japan. This article expresses the opinion that the trade gap with Japan can in large part be explained "by other Japanese Government regulations, practices, and procedures that, intentional or not, limit imports."

Today's article focuses on Japanese custom procedures and how they serve to restrict trade. Mr. President, I ask that this excerpt on Japanese trade practices appear at this point in the RECORD.

The excerpt follows:

JAPAN—IS THE MARKET OPEN? A VIEW OF THE JAPANESE MARKET DRAWN FROM U.S. CORPORATE EXPERIENCE

(By Frank A. Weil and Norman D. Glick)

One of the major objectives of policymakers in the United States during the last decade has been the reduction of the recurrent U.S. trade deficit with Japan. Although Japan recently agreed to lower its formal import quotas, foreign businessmen, among them many from the United States, continue to encounter difficulties in establishing their goods on the Japanese market. The authors believe that such problems stem from certain informal practices of Japanese government agencies and business institutions. The results of these practices stifle foreign competition about as effectively as any statute or regulation. Such practices, the authors assert, are rooted in Japanese historical development and attitudes toward trade. To illustrate the nature of these problems, the authors draw upon cases filed by U.S. businessmen with the Joint United States—Japan Trade Facilitation Committee, set up to ease the entry into Japan of U.S. goods. The experience of the authors leads them to believe there is progress: that the Japanese are making a genuine effort to change habits of generations; and that those U.S. companies that make a serious effort and follow through with their problems can succeed in a profitable market.

INTRODUCTION

In recent years, the sharply rising trade imbalance between the United States and Japan increasingly has become the focus of U.S. public attention. This deficit, which averaged between $1 billion and $2 billion a year during the late 1960s and early 1970s (except for the years 1971 and 1972, when it reached $3.2 billion and $4.1 billion respectively), deepened to $5.4 billion in 1976. During the following two years, the deficit once again more than doubled, reaching in 1978 an estimated $12 billion, approximately 40 percent of the total U.S. trade deficit.

Officials within the U.S. government believe that the trade imbalance with Japan can be alleviated if existing impediments to importation of U.S. goods into Japan are substantially reduced. The Japanese government, however, has been slow in implementing such changes. According to the U.S.-Japan Task Force of the House Ways and Means Subcommittee on Trade, "the disruption being caused by the $12 billion trade gap does not give us much time—and it is incumbent upon Japan to remove remaining barriers and show foreign businessmen that the Japanese market is indeed fully open".

It is reasonable to expect a persistent trade deficit between the United States and Japan, given the differences in the sizes of the two markets and the structure of bilateral trade between those nations. Japan, a resource-poor country, must rely on exports of high value-added manufacturers to finance imports of energy, raw materials and agricultural products. The United States, by contrast, has an abundance of natural and agricultural resources, and a vast domestic market for its manufactures. Indeed, the United States has a GNP three times that of Japan, although its population is less than twice as large.

Despite these differences, however, the U.S. trade deficit with Japan would be much lower if the export ratio to Japan were comparable to the export to Europe. An unpublished presentation by the American Chamber of Commerce in Japan to the Joint U.S.-Japan Trade Study Group (TSG) in December of 1977 concluded that the 1976 U.S. trade deficit with Japan of $5.4 billion could have been reduced by more than $3.4 billion, leaving a trade gap of less than $2 billion. The study focused on U.S. exports that are competitive in other industrialized markets, but are not imported in comparable quantities by Japan. Evaluating 60 of 81 U.S. export sectors, representing roughly 90 percent of all U.S. exports within the three basic categories of manufactured goods, agricultural commodities and nonagricultural commodities, the report projected U.S. exports to Japan if the ratio of exports per million dollars of Japan's GNP had been equal to the identical ratio for U.S. exports to Europe. The study found limited prospects for increased U.S. exports to Japan of agricultural and nonagricultural commodities. Thirty sectors in the manufactured goods category, however, were identified as capable of supporting increased levels of U.S. exports.

While this analytical approach is imprecise, it suggests the great potential for an increase in U.S. exports to Japan. It is important, then, to analyze the reasons for the difference between the actual trade gap and the potential indicated by the TGS study.

LIBERALIZATION OF TRADE WITH JAPAN

The Japanese government has taken some steps in recent years to dismantle the protectionist wall that enabled that nation to recover from the near total economic destruction of World War II and to achieve the second largest economy among non-communist nations. Its tariffs have been reduced to a level comparable to those of other industrial nations; import quotas remain on only 27 products, primarily agricultural; and equity investments have been liberalized to allow for wholly-owned foreign investments in all but a few key industrial sectors such as transportation, agriculture and fisheries.

During the 1960s, as domestic industries become more competitive in world markets, and in response to representations made by other industrial nations that Japan's trade restrictions were inconsistent with its growing economic strength. Japan gradually began to relax its protectionist policy.

For example, Japan was admitted to the OECD in 1964. At that time, the government agreed to accept the responsibilities required by article 8 of the International Monetary Fund (IMF) and article 11 of the General Agreement on Tariffs and Trade (GATT), which prohibited the use of quantitative restrictions on trade and payment, and indicated an intent to admit freely virtually all foreign goods. Nevertheless, progress toward liberalizing imports was slow. While there were only 174 items under quota restriction in 1964 as compared to 490 in 1962. Japan still applied import quotas to 133 items as of September 1970. As of April 1972 27 items, primarily agricultural products, remained subject to import restrictions. The reduction in tariff rates resulting from the Kennedy Round of negotiations under GATT in 1968 further contributed to opening the market to imports.

Beginning in 1967, the Japanese government also initiated a series of capital liberalization programs affecting direct equality investments. Foreign investors were permitted to own up to 50 percent of the equity in new companies and 25 percent in existing companies (15 percent in certain restricted industries). Another major shift in policy toward investments took place in 1973 when Japan announced plans, which have been implemented on schedule, to allow (with certain exceptions) 100 percent foreign investment in both new and existing firms over a three-year period. The restricted sectors are agriculture, fishing, forestry, petroleum and petroleum products, leather and leather products, and mining. The takeover of an existing company, however, requires the consent of its board of directors.

Very recently, in keeping with the joint statement signed by Ambassador Robert S. Strauss and Minister Nobuhiko Ushiba on January 13, 1978, the Japanese made the following additional concessions, among others: advance tariff cuts were made on $2 billion worth of imports; quotas were removed on 12 products; quota levels were raised on imports of high quality beet, oranges and orange juice; increased levels of Japanese government procurement of U.S. goods were promised: import inspection requirements were simplified; import credits were expanded (primarily, however, for products not competitive with Japanese production); and the rules for advance payments on imports and for deferred payments on capital and consumer goods were relaxed.

Because of the significant liberalization of their import regime, the Japanese contend that their market is as open to imports as any other industrial nation, including the United States. The problem, they say, arises instead from the unwillingness of U.S. firms to make a serious commitment to enter the Japanese market, *i.e.*, to invest the resources necessary to gain a sufficient market share or to develop product lines and marketing strategies suited to the Japanese environment. Undoubtedly, this statement is true in a number of cases.

Many American company executives disagree, claiming that they have given up on the Japanese market because Japanese government procedures and practices severely limit market access. Furthermore, it is their position that even when a foreign firm does get established in Japan, particularly if it appears to threaten a Japanese industry's ability to compete, the Japanese government will potentially take action to limit that firm's market growth. This argument seems to be supported by the balance of payments figures cited earlier.

Since foreign exchange controls, import quotas, tariffs and investment controls are no longer the major impediments to imports they once were, the trade gap can, in large part, be explained by other Japanese government regulations, practices, and procedures that, intentional or not, limit imports. Drawing from experiences of American firms that are selling or have attempted to sell in Japan, this article will identify some of these market access impediments. These examples are taken from the cases of the Joint U.S.-Japan Trade Facilitation Committee.

Market Access Barriers in Japan: The Corporate Experience

Given the historical context, it is not surprising that certain recurring governmental or quasi-governmental practices and procedures have bewildered and frustrated U.S. businessmen attempting to enter the Japanese market. This article will address five market access problem areas that have surfaced via complaints to the TFC. These market access barriers are categorized herein as follows: (1) the restrictive interpretation of customs regulations, resulting in absolute barriers to importation of certain products; (2) similar restrictive interpretations of product approval procedures; (3) "buy Japan" biases emerging through the procurement policies of public corporations; (4) "buy Japan" biases instituted less officially, through "administrative guidance" given by government officials to the Japanese private sector, and, only briefly covered because of its remoteness from governmental actions; (5) the archaic Japanese distribution network, which informally can adversely affect the competitiveness of non-Japanese goods in filtering down to the ultimate consumers.

CUSTOMS PROCEDURES

An examination of Japanese customs procedures through the eyes of exemplary TFC cases demonstrates that changing laws and regulations are not alone sufficient, given the long history of Japanese trade-restrictive practices, to open Japanese markets to outside trade. For even the most liberal and seemingly flexible import statutes and procedures can be protectionist in effect if subject to fastidious interpretation. The TFC cases discussed below indicate that import barriers do, in fact, exist as a result of the stringent implementation of Japan's import regulations. In order to open fully Japan's markets to U.S. exports, Japanese customs procedures must be liberalized in practice as well as in law.

Japanese customs regulations appear to many exporters as Japan's first line of defense against imports. Japan's customs regulations are not designed per se to restrict trade. The fastidious interpretation of these regulations by customs officials, however, can be very import-restrictive. For example, even though Japan is a party to the international ATA Carnet agreement, an executive trying to bring commercial samples into Japan may find excruciating delays in passing through customs—delays that not only add to the costs of the trip, but reduce the time available for sales.

The extreme to which a literalistic approach to customs regulations can go in Japan is illustrated by the infamous salad dressing bottle affair. The representative of a U.S. food products manufacturer asked his home office to ship him a case of newly designed salad dressing bottles to show Japanese buyers. Japanese customs refused to allow the shipment to enter, since the bottles contained salad dressing that had not received import approval under Japan's food sanitation law. Since the representative was only interested in the bottles themselves, he offered to pour out the contents in the presence of customs inspectors. This offer was rejected and the entire shipment had to be returned to the United States.

In another case, a U.S. manufacturer of electro-optical systems shipped five cases of equipment for display at a trade show and for an additional sales presentation at its agent's office following the exhibition. The firm purchased an international carnet to facilitate the transfer of the equipment from the exhibition to the agent's office. Three of the cases were lost by the airline, and since the carnet specified five cases, customs would not clear the remaining two, despite evidence that five had been loaded on the flight. The two cases were finally cleared through customs with the help of the U.S. Embassy staff. When the remaining three cases finally arrived, however, customs would not allow them into the country because the carnet covered five cases. In order for all five to be cleared through customs as a single shipment, the executive had to transfer to a bonded warehouse in Tokyo the three cases that had just arrived, together with the two cases that had been cleared through customs previously. This process took two days.

Another U.S. firm encountered similar difficulties in clearing demonstration samples of its medical and computer products sent to Japan under a carnet. Although the documentation clearly specified each product, customs officials required detailed photographs of each, resulting in delays for the company.

The manufacturer of controls for machine tools encountered a different type of customs problem. The firm exported electronic controls to a Japanese manufacturer that had obtained customs approval to designate part of its plant as a bonded area for assembling controls on its machine tools. This enabled the manufacturer to postpone paying import duties on the controls until the assembled machine tool was sold. The components for the controls were shipped separately and assembled at the factory site for installation on the machine tools. Although each component was stamped with a serial number, customs officials required that every control be disassembled and that the components be photographed separately for verification purposes. The cost of disassembling, photographing each component and reassembling each control unit adversely affected the competitiveness of the product, and caused the Japanese manufacturer to consider purchasing Japanese-made controls. Customs, in response to an inquiry from the U.S. Embassy, stated that the photographing of the components was intended to verify the assembly technique. However, it was agreed that subsequent imported control units would be verified by checking the serial numbers.

In at least one case, Japanese customs officials reclassiified a product adversely as soon as the product began achieving success on the Japanese market. Potato chips made from dehydrated potatoes (reconstituted into potato slices) were categorized during the test marketing stage as "vegetables prepared or preserved," and thus dutiable at the rate of 16 percent. Once the company began to ship significant quantities of the product into Japan, however, Japanese customs officials reclassified the product as "pastry, biscuits, cakes and other fine baker's wares," dutiable at 35 percent, a rate potentially high enough to preclude further imports of the product. The company argued that the "dehydrated potato process" was simply an improved method for producing potato chips. Further, the U.S. Food and Drug Administration allows such products to be labeled as "potato chips made from dried potatoes." The company was unable to get Japanese customs to reconsider its decision and asked that the case be raised in the TFC. The TFC was successful in having the original 16 percent duty rate reinstated.

The fastidious interpretation of Japan's customs regulations then, as evidenced by the above examples, results in harmful and often unnecessary delay in the marketing in Japan of U.S.-manufactured products. In extreme examples, such strict interpretations can bar altogether the importation into Japan of U.S. goods. The TFC, along with the U.S. Embassy, is capable of handling some but not all of these problems. Further, the need for such intervention results, at a minimum, in frustrating delays that hamper the efforts of U.S. businessmen. A more efficient solution is warranted: Japan must take steps to liberalize the actual implementation, as well as the terms of its customs procedures.●

NATIONWIDE RISE IN CRIME

● Mr. DOLE. Mr. President, today the New York Times had a revealing article on the continued rise of serious crimes in New York City. An analysis of the city's police department statistics for the first 8 months of 1980 showed an 18.7-percent increase in all reported felonies over the same period last year. Moreover, in all types of reported felony crimes, handguns have been used 31.9 percent more often than last year, the previous peak year for crimes involving such weapons.

Mr. President, these crime statistics from only one city have National significance for two very important reasons. First, New York City generally reflects national crime trends. Figures released by the Federal Bureau of Investigation comparing the first half of 1980 with the same period in 1979, revealed that complaints of seven major crimes—homicide, forcible rape, robbery, assault, burglary, grand larceny, and motor vehicle theft—had risen 13 percent in cities with populations of over 1 million. For New York City, the increase was 16.7 percent.

The second reason these local crime statistics are telling is that despite New York City's extremely tough handgun control laws, the use of handguns in the commission of felonies has risen dramatically. This suggests either increased illegal entry of handguns into the United States or the ineffectiveness of the New York City gun control laws or both.

Ironically, while serious crime has been sharply increasing, the Carter administration orchestrated comprehensive cutbacks both in Federal law enforcement capabilities and in assistance to the State and local agencies dealing with these problems. For instance, the Law Enforcement Assistance Administration which was to receive some $600 million to assist State and local governments in combating crime, is now at the request of President Carter being virtually dismantled.

Let us hope that President-elect Reagan will take constructive steps to help alleviate this drastic nationwide rise in crime.

In closing, Mr. President, I ask that the New York Times article, "Serious Crimes Reaching Peak in New York," by Barbara Basler be printed in the Record.

The article follows:

Serious Crimes Reaching Peak in New York

(By Barbara Basler)

The number of serious crimes in New York City is virtually certain to set a record this year, and their occurrence is continuing to shift from high-crime areas to middle-income neighborhoods, an analysis of Police Department statistics shows.

"The general trend we've seen," said Philip McGuire, the department's chief crime analyst, "is just more—more homicides, more robberies, more burglaries."

He noted that not only were total felony reports already above the city's previous record rate, but also that records would "very likely" be set in five other crime categories; homicides, robberies, burglaries, grand larceny and motor vehicle thefts.

FELONIES UP 18.7 PERCENT

In the first eight months of 1980, felony reports—covering everything from murder to drug possession to car theft—totaled 407,630, an increase of 18.7 percent over the same period last year and 11.1 percent over the same period in 1976, the previous peak year for serious crimes.

Analysis of the statistics—which include all reported subway crime—shows that in addition crime is rising fastest in Queens and Staten Island while growing less rapidly, and in some categories actually declining, in Manhattan, the Bronx and Brooklyn.

"It is unquestionably true—I hear this from all my commanders," said Police Commissioner Robert J. McGuire "that crime is clearly spreading to heretofore quiet precincts. There is no place to hide any more." He noted:

"There has been a shift from the core crime areas of the boroughs to the middle-class areas surrounding these cores."

While property crimes have shown the biggest increase this year, crimes against persons are on the rise as well. And police records show that violent criminals are more likely than before to carry a gun.

USE OF GUNS UP, TOO

So far this year, in all types of reported felony crimes, handguns have been used 31.9 percent more often than last year, the peak Guns have been used 22.2 percent more frequently than last year in murders, 32.5 percent more frequently in forcible rapes, 38 percent more often in robberies and 21.3 percent more often in assaults.

"The crime picture here is very serious, Commissioner McGuire said, "as it is throughout the country. This is not a New York City phenomenon."

New York City generally reflects and magnifies the national crime trends charted by the Federal Bureau of Investigation in its annual Uniform Crime Report, based on statistics from individual cities.

Comparing the first six months of 1980 with the same period in 1979, the report showed that complaints of seven major crimes—homicide, forcible rape, robbery, assault, burglary, grand larceny and motor vehicle theft—had risen 13 percent in cities with populations of one million or more. For New York City, the increase was 16.7 percent.

The F.B.I. report also showed that while crimes against persons had increased from 1979 to 1980 in large cities, they did not rise as sharply as crimes against property. In the first eight months of this year, reports of crimes against persons in New York increased by about 11.8 percent, compared with the same period of 1979, while property crime complaints rose by about 21.2 percent.

SHIFTING PATTERNS NOTED

In studying the patterns of crime, police analysts viewed reports of robbery as representative of crimes against persons and reports of burglary as representative of crimes against property. They analyzed both types of crime by borough, comparing figures for the first eight months of this year with the same period of 1976. The figures showed that these crimes were reaching further out into Queens and Staten Island and also into middle-class neighborhoods of the Bronx and Brooklyn.

In the first eight months of 1980, there were 7,115 more robbery reports city-wide, an increase of 12.4 percent over 1976 figures. Burglary reports citywide increased by 6,765, or 5.1 percent, from 1976 to 1980.

In Queens, robbery and burglary complaints increased much more than the citywide average and more than in Manhattan, the Bronx or Brooklyn. The Bronx showed a decrease in burglary reports (12.8 percent) and a smaller than average increase in robberies (5.4 percent).

In Manhattan, robbery reports remained virtually unchanged, while burglary figures decreased by 6.1 percent. Robbery reports in Brooklyn increased by 16.3 percent and burglary reports by 9.7 percent.

LOW RISES ON STATEN ISLAND

While reported robberies rose 62.1 percent and reported burglaries 14.4 percent on Staten Island, the aggregate crime figures there remained low. There were 586 robbery reports in the first eight months of 1976, compared with 950 in the same period this year. Burglary reports in the first eight months of 1976 totaled 4,230, and in 1980 the figure was 4,841.

Although the totals have changed relatively little in Manhattan, the figures showed that robbery and burglary had moved down from the northern reaches into the midtown and downtown areas.

"Crime has been decreasing in Central Harlem and in the northern precincts," said Martin E. Duffy, assistant chief in charge of Manhattan North, "because there are whole blocks there that have been wiped out. The buildings are burned out, the people gone."

The most dramatic shift has been in Queens. For the first eight months of 1980, there were 7,399 more burglaries there than in the same period of 1976, an increase of 31.5 percent. Robbery reports increased by 3,251, or 42.5 percent, over the same period.

Assistant Chief William Fitzpatrick, the Queens borough commander, said that because large areas of the Bronx and Brooklyn had been "burned out, there are better pickings here than in those two areas."

Criminals, he said, go where they know they will be successful, where there are cars to steal, people to rob, houses to ransack. "We find many of the people we arrest in Queens are from Brooklyn or the Bronx," he said, adding that the biggest increases were in neighborhoods closest to the Brooklyn border.

While the Bronx and Manhattan have been losing population, Chief Fitzpatrick noted, "Queens has been growing—we just have more people here."

Some criminologists and statisticians argue that year-to-year changes in the incidence of crime often reflect only changes in police recording techniques or the public's propensity to report crimes.

"It is very difficult to talk about month-to-month or year-to-year increases in crime and much safer to look at a longer period of time," said Marvin E. Wolfgang, a professor of law and sociology at the University of Pennsylvania and a leading criminologist.

But the city's crime statistics for the past 10 years and the first eight months of this year show a general overall increase in reported crime. While the number of serious reported crimes in the city has increased some years and decreased in others, a graph of its yearly fluctuations resembles a staircase whose overall direction is up.

The 11-year statistics, Professor Wolfgang said, "appear to show a genuine increase in crime and not a statistical artifact."

Even criminologists who challenge police statistics agree that robbery figures do offer telling comparisons. Robbery—the forceful taking of property—is one most consistently reported crimes and therefore one most likely to signal a general increase or decrease in predatory street crime.

And New York City, which had its peak robbery year in 1971, is certain to top that record by the end of 1980, the police said. In the first eight months of 1971, the city recorded 53,420 reported robberies. In the same period this year, 63,378 robberies were reported.

A comparison of the first eight months of 1979 with the first eight months of 1980 shows that robbery has increased 24 percent, the police said.

HOMICIDES NEAR PEAK

Along with robbery, "homicide statistics are the most reliable and valid," Professor Wolfgang said, "because they are consistently and carefully reported" and "changes in the homicide rates are closely related to other offenses against people."

This year, police analysts said, the number of homicides will very likely top the previous record. In the first eight months of 1972, a total of 1,092 homicides were reported; in the same period this year, 1,148 were reported.

"There is always some margin of error" in polic crime statistics, Commissioner McGuire said, adding: "I have total faith in our reporting mechanism. If anything, our figures would be understated, because people sometimes do not report crimes."

Philip McGuire, the department's chief crime analyst, said: "No one really knows why crime in the aggregate goes up or down. Of course, when you get down on a precinct level changes in the neighborhood that could account for an increase. But that's about the best we can do with any certainty."

Alfred Blumstein, a professor at the School of Urban and Public Affairs at Carnegie-Mellon University, said: "We don't know what causes crime, but we do know it is correlated with family breakups, general economic conditions and the existence of controls—controls that come through the family, the schools, the community."

John Martin, a sociology professor at Fordham University, said that it was his impression that crime in the city "is galloping ahead" and that "economics and demographics would argue for continuing increase."

"Look at the city and the changes here," he said. "The city has had an increase in minority families and in minority young people—groups generally associated with low incomes. And when the various institutions—employment, education, housing—are all going down, all failing, you get crime along with a whole host of social probems."

A VAST SOCIAL EXPERIMENT

"This city is, in effect, conducting a vast social experiment," said Commissioner McGuire. "The experiment is, 'How far can you cut back your police force before crime runs rampant?' "

Since the city's fiscal crisis of 1975, the Police Department has lost 9,000 officers. Today the total police force numbers 22,000.

"When crime is high, the police say they need more money to fight crime," Professor Wolfgang commented. "When crime is low, they say they need more money to keep it low."

The criminologist said that while experts believed a city must have a police force "in order to put some kind of damper on crime, the number of crimes is not a function of the number of police."

Commissioner McGuire said that while studies had shown that more police officers did not necessarily mean less crime, fewer officers may mean more crime.

"I think there may be some minimal staffing level necessary," he said, "and when you drop below that level, the shortage of police could be tied to a higher crime rate. But that's the essence of our experiment. How far can we go with these cutbacks?"●

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate—and I gather there is not—I move that the Senate now stand in recess in accordance with the previous order and reconvene at 10:30 a.m. tomorrow morning.

The motion was agreed to, and at 5:51 p.m., the Senate recessed until tomorrow, Wednesday, November 19, 1980, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, November 18, 1980.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commander:

Henry B. Traver
James L. Webster
Stephen H. Cox
Richard E. Casey
James T. Robertson
Leo G. Vaske
David F. Withee
Robert W. Mueller
Milton J. Foust
Donald B. Wittschiebe
Donald F. Murphy
Ronald J. Marafioti
Richard P. Oswitt
John D. Bannan
Walter L. John
Gerald L. Underwood
David A. Jones
Jeffrey J. Hamilton
Raymond A. Ross
Robert J. Philpott
Richard W. Wright
Philip J. Cardaci
Michael W. Taylor
William A. Lehmann
Paul E. Busick
Anthony R. Carbone
Kenneth C. Hollemon
Harvey G. Knuth III
Imants J. Leskinovitch
Warren E. Miller, Jr.
Donald A. Winchester
Dennis W. Parker
John L. Parker
William L. Engelson, Sr.
William E. Jones
Gerald T. Victor
Donald W. Troutt
Dewain D. Clark
Joseph J. Kennedy
Charles M. Montanese, Jr.
Jon J. McNutt
Jay D. Crouthers
Robert J. Opezio
Richard G. Hendrickson
Edward M. Goodwin III
Joseph T. Oskolski
James L. Middleton
Paul K. Anderson
Kevin J. Barry
Michael K. Cain
Thomas O. Preston
Joseph A. Telep
Richard B. Franks III
William Y. Clark II
Francis X. Owens
Robert C. North
William E. Wade, Jr.
Terence N. Carsten
Ronald A. Simons
John F. Ebersole
Henry J. Dresch
Terry W. Sinclair
David A. Bailey
Larry K. Carr
Arthur A. Whiting III
Nevin A. Pealer
Vernon O. Eschenburg
William H. Boland, Jr.
Charles C. Rogers
Clinton W. Carter
John R. Arnold
William F. Collier
Stephen E. Goldhammer
Robert D. Bowen
Howard A. Tawney
Michael F. Cook
John R. Neu
Joseph P. Solometo, Jr.
Raymond J. Pratte
Robert A. Danforth
Ronald D. Lapp
James T. Cushman
Kenneth N. Ryan
Anatol Rozumny
Robert C. Houle
Brian C. Sonner
Thomas D. McLaughlin
Rudolph L. Carpenter, Jr.
Robert J. Reining
Robert T. Ritchie
Gerald W. Hayes
Leonidas M. Patton
David N. Russell
Robert E. Williams
Thomas J. Schaeffer
John R. Hearn, Jr.

The following Reserve officer of the U.S. Coast Guard for promotion to the grade of commander and appointment as a permanent commissioned officer in that grade:

Charles B. Newlin

The following retired officer recalled to active duty for promotion to the grade of commander:

Lionel F. Crossman

The following officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Michael E. Hanson
Kerry B. Watterson

The following-named Reserve officer of the U.S. Coast Guard to be a permanent commissioned officer in the grade of lieutenant:

Bruce R. Frail

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Jack R. Brasher, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Harry L. Cochran, Jr., [redacted]FG, Air National Guard of the United States.

Brig. Gen. Wayne C. Gatlin, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Robert A. Neal, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Darrol G. Schroeder, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. Richard B. Almour, [redacted]FG, Air National Guard of the United States.

Col. James L. Dawson, [redacted]FG, Air National Guard of the United States.

Col. William J. DeNuccio, [redacted]FG, Air National Guard of the United States.

Col. James J. Hanlon, [redacted]FG, Air National Guard of the United States.

Col. David B. Hoff, [redacted]FG, Air National Guard of the United States.

Col. Robert A. Johnson, Sr., [redacted] FG, Air National Guard of the United States.

Col. Robert W. McDonald, [redacted]FG, Air National Guard of the United States.

Col. Fred M. Rosenbaum, [redacted]FG, Air National Guard of the United States.

Col. Robert W. Schaumann, [redacted] FG, Air National Guard of the United States.

Col. Paul A. Schempp, [redacted]FG, Air National Guard of the United States.

Col. Edward Schneider, [redacted]FG, Air National Guard of the United States.

Col. James D. Shepherd, [redacted]FG, Air National Guard of the United States.

Col. William M. Whittaker, [redacted]FG, Air National Guard of the United States.

IN THE U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Hugh G. Robinson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles W. Bagnal, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard M. Wells, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William H. Schneider, [redacted], Army of the United States (colonel. U.S. Army).

Brig. Gen. John W. Woodmansee, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. David E. Watts, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence F. Skibbie, [redacted], Army of the United States (colonel, U.S. Army).

Brig Gen. Arthur E. Brown, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Niles J. Fulwyler, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent E. Falter, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin E. Doty, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew H. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer D. Pendleton, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. Galvin [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul P. Burns [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward L. Trobaugh, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Ames S. Albro, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William C. Moore, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward C. O'Connor, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Carl H. McNair, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vaughn O. Lang, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert C. Forman, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Dale A. Vesser, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles D. Franklin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Holmes, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert H. Forman, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Thurman E. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William S. deCamp, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Aaron L. Lilley, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew P. Chambers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George E. Marine, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter J. Mehl [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Donahue, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John S. Crosby [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James N. Ellis [redacted], Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Elmer D. Pendleton, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard M. Wells, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert H. Forman, [redacted], Army of the United States (colonel, U.S. Army)

Brig. Gen. George E. Marine, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Wililam C. Moore, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Niles J. Fulwyler, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vaughn O. Lang, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. David E. Watts [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward C. O'Connor, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Holmes, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Donahue, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter J. Mehl [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur E. Brown, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thurman E. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin E. Doty, [redacted], Army of the United States (colonel, U.S. Army).

Brig Gen. Charles D. Franklin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew H. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Aaron L. Lilley, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent E. Falter, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Ames S. Albro, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Dale A. Vesser, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh G. Robinson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence F. Skibble, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. Galvin [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert C. Forman, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew P. Chambers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John S. Crosby [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul P. Burns [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Carl H. McHair, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward L. Trobaugh, [redacted] Army of the United States (colonel U.S. Army).

Maj. Gen. Howard F. Stone, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Fred K. Mahaffey, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry H. Harper, [redacted], Army of the United States (colonel, U.S. Army).

EXTENSIONS OF REMARKS

OLDER WOMEN HAVE A NEW NATIONAL ALLY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Ms. FERRARO. Mr. Speaker, in its report to the President and Congress, the National Advisory Council on Economic Opportunity projected that in the coming years the majority of America's poor will be women. This sobering fact comes at a time when the inequities and inadequacies of the social security system, and public and private pensions have become issues of prime importance for this Congress, and for women across the Nation. As an active member of both the Congresswomen's Caucus and the Select Committee on Aging's task force on women and social security, I have had the opportunity to work toward the resolution of these issues. Unfortunately, the legislative remedies to date have just scratched the surface.

As an outgrowth of a miniconference in preparation of the White House Conference on Aging, a new grassroots organization, the Older Women's League (OWL), has been formed. OWL promises to address the important issues of financial security for women. I would like to commend the organizers, whose work on behalf of displaced homemakers is already well-known, and to call their efforts to the attention of my colleagues. I am inserting in the RECORD an article outlining the issues facing this organization and all of us who are committed to addressing the problems of older women. I look forward to working with OWL and with every member of this body to see that older women no longer have the dubious distinction of being America's fastest growing poverty group.

OLDER WOMEN HAVE A NEW NATIONAL ALLY

(By Sylvia Porter)

The first national grassroots organization in the U.S. of and for middle-aged and older women has just been created—the Older Women's League (OWL).

The pioneering group came out of a recent meeting in Des Moines among about 400 members of the country's fastest-growing minority. While OWL is not government-sponsored and the conference was not arranged to promote OWL membership, the Des Moines mini-conference was set up to discuss the issues of concern to middle-aged and older women in preparation for 1981's White House Conference on Aging.

OWL's concerns are the same—the basic problems of personal financial survival and dignity in the older years, notes Tish Sommers, one of the prime movers behind OWL. No arbitrary age is established as a qualification for membership.

The problems of the older years begin in middle age and even earlier, Sommers says, noting some women have been turned down for apprenticeship programs as too old at 28.

Women 65 and older are not only the fastest-growing segment of our population, but they also are the single poorest group. Their average income in 1979 was an almost incredible $59 a week, as against $106 per week for older men. What's more, the grim outlook for younger women still at work is that one out of four of you can look forward to living in poverty in your older years.

The poverty rate for older women is about 65% higher than for older men. One-third of all widows live below the poverty line—and often live there for a long, long time.

The average age of widowhood in the U.S. is 56 and more than one of every two women can expect to be a widow at 65 or later. The average age of widowhood is estimated as extending over 18 years.

"The critical situation of hundreds of thousands of elderly women in this country is generally overlooked," Sommers stresses. "As a group they are invisible and their plight is masked by statistics that lump together all the aged—men, women and couples."

Social Security, with all its built-in inequities for women, is the sole source of support for large numbers of older women. Their benefits are well below those paid to men for two reasons: 1) Women's earnings are only about 60% of the earnings of men; and 2) their wage-related benefits are reduced still more by their absences from the labor force while they handle family responsibilities. Homemaking is not recognized as a legitimate occupation for the purpose of earning Social Security credit.

Fewer than 20% of older women collect private pension payments either on their own or as widows. Those who do are paid low benefits. On top of their low wages, women tend to be in the bottom echelon: part-time or temporary jobs not covered under the pension program. A full half of all women now working are in jobs with no pension coverage.

There also is a provision called the "widow's blackout" in most pensions that denies a survivor's benefit to the spouse of a worker who dies before "early retirement age," usually 55. What the husband intended and expected for his widow simply doesn't count.

The "optout" privilege is another catch in private pensions. Under most pension plans, a worker can opt for a reduced pension in order to provide a survivor's benefit for his widow. But if he turns down that option, rarely is the wife notified that she'll get no pension in case of his death; the news comes as an ugly shock. Only about 2% of widows get their husband's pension checks.

The upsurge in costs of all types of shelter is still another blow, for there are few options open to impoverished women who often are thrown out of even the most marginal housing. There are few emergency shelters and after a short time on the streets, the odds that they'll find a landlord willing to take them are just about non-existent—even if they have the rent.

These—and other issues—will be surfacing as preparations for next year's White House Conference on Aging go forward. But as the organizers of OWL emphasize, the key to recognition and action is getting together and having a voice. Women can do much more for themselves than they have in the past. Sommers hopes there will be an OWL chapter in every state within a year.●

TRIBUTE TO MOTHER FRANCES XAVIER CABRINI

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Ms. FERRARO. Mr. Speaker, last Friday November 14, marked the 100th anniversary of the Institute of the Missionary Sisters of the Sacred Heart of Jesus which was founded by Mother Frances Xavier Cabrini. I would like to take this opportunity to pay tribute to this remarkable woman and her followers who have worked untiringly to serve the underprivileged throughout the world.

As a young nun in Italy, Mother Cabrini founded the institute in 1880. Nine years later, she was sent to serve in America by Pope Leo XIII, arriving in New York Harbor aboard a steamer filled with the immigrants she was destined to serve. Her impact on this country was felt almost immediately and can be seen today in the worldwide network of schools, hospitals, and orphanages established by Mother Cabrini and her followers. Today, Missionary Sisters are present on six continents, serving wherever and whenever there has been a need.

For 100 years, the Missionary Sisters have served as leaders in the effort to reduce poverty, illiteracy, and sickness throughout the world. Their example as women in the forefront is one of which they can be proud and which all of us should strive to emulate.●

SOMOZA'S DIFFICULT GHOST

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. McDONALD. Mr. Speaker, certain persons in the executive branch continue to refuse to see what is going on in Nicaragua. They continue to want to force money on the Marxist Sandanista regime. Recently, columnist Cord Meyer wrote a piece, which appeared in the Washington Star of October 18, 1980, explaining the lengths to which our Government went to decide that the Sandanistas had nothing to do with the recent assassination of former President Somoza. While I have not always agreed with Mr. Meyer and his activities with United World Federalists and his role with the CIA, I would have to say that this particular column hit the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

nail on the head and I commend it to the attention of my colleagues.

The article follows:

Somoza's Difficult Ghost

The former Nicaraguan dictator, Anastasio Somoza, who was assassinated in Paraguay on Sept. 17th, is proving to be almost as much of a problem now that he's dead as he was when he was in power.

Somoza was killed five days after President Carter had publicly certified that the Nicaraguan government was not "aiding, abetting or supporting acts of violence or terrorism in other countries." But like Banquo's ghost, Somoza's shade has risen to haunt the Carter administration because new evidence has surfaced regarding the circumstances of his death.

Under the terms of the legislation authorizing Carter's proposed $75 million assistance program to Nicaragua, Congress insisted not only on this initial presidential certification as a condition for the aid but it also required Carter to halt the disbursement of unexpended funds if subsequent evidence showed that the Sandinista regime was involved in terrorism.

Therefore, when the Paraguayan police alleged after Somoza's murder that the Nicaraguan government had a hand in the assassination, a careful review of all the evidence had to be undertaken. On Sept. 30, a State Department spokesman testified before Congress, "We have . . . not found conclusive evidence of Nicaraguan government participation."

According to State Department officers, the Paraguayan officials badly bungled the investigation. Having made the aid program to Nicaragua the keystone in its strategy of trying to moderate the Marxist proclivities of the Sandinista leaders, the State Department hurried to complete the financial arrangements.

But before the documents could be signed last week authorizing the transfer of $40 million out of the $75 million to the Nicaraguan Central Bank, new and embarrassing evidence surfaced that delayed the final signing until last Friday.

Four intelligence reports were received from separate sources, all described as "usually reliable," indicating that the Nicaraguan government had in fact been involved up to its neck in planning and financing Somoza's murder.

Faced with this sudden roadblock, State Department lawyers were called in to sift through the evidence and to determine whether it was sufficiently "conclusive" to require cancellation of the aid program. Applying legal standards as strict as those required for conviction in a U.S. court of law, the administration decided that the intelligence reports were not conclusive proof since they were not based on the first-hand testimony of those individuals who had actually participated in the murder.

On this narrowly legal basis, the intelligence reports were set aside, and the money is now flowing through the AID pipeline to Managua, where the Sandinista regime staunchly denies any connection with terrorist activity.

WAS CONGRESS FLOUTED

Although they hold no grief for the dead dictator whose past brutality made him a target for assassination, a minority of Carter officials feel the clear intent of Congress has been flouted. They see here one more example of the administration's tendency to sweep under the rug persuasive evidence of the true nature of the Sandinista regime in the hope that the Sandinista leaders can be gradually weaned away from their revolutionary convictions.

The initial presidential certification on Sept. 12, before Somoza's murder, is itself suspect in the minds of many of those who have reviewed the whole body of evidence concerning Sandinista support to communist guerrillas in El Salvador. While admitting that individual Nicaraguans are helping to transport weapons via Nicaragua to Salvadoran terrorist, the State Department in congressional testimony has said there is not conclusive proof of Nicaraguan government involvement.

Quite aside from the fact that it is inherently incredible that the tightly disciplined Sandinista regime would tolerate a massive private gun-running operation on its territory, there is also the public testimony of Rep. C. W. Young, R-Fla., before Congress on Sept. 30, which received no press coverage. He stated categorically, "I have had the opportunity to examine information made available to the president by our intelligence agencies and no reasonable man, after examining that evidence, could reach the same conclusion contained in the president's certification."

In relying on a narrow definition of what constitutes "conclusive" proof in Somoza's murder and terrorism in El Salvador, the president destroys his credibility and thwarts the intent of Congress. He also makes it more difficult to convince the Mexicans and other fence-sitting Latin countries of the need for coordinated opposition to Cuban-directed subversion.

If the U.S. will not admit what Latin governments know to be true from their own intelligence reporting, they can only conclude the U.S. itself is not serious about the need for remedial action.●

SCIENCE AS CULTURE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. FUQUA. Mr. Speaker, in our continual efforts to be sure Federal money is wisely spent, we tend to view science solely from the "What have you done for us lately?" angle. As necessary as this attitude is, we must periodically look at science from another view to have accurate vision. I want to reflect briefly today on the view of science as culture.

Science is the art of investigating nature. Under the patronage of the U.S. Government, this art has flourished in our country on a scale and to a depth unprecedented in history. The fact that the art of science has brought the world tremendous material benefits should not obscure the fact that it is an art.

Tomorrow at 1:30 in our hearing room 2318, Rayburn House Office Building, the Committee on Science and Technology will be hearing from three of the seven U.S. scientists who won Nobel Prizes in 1980. I am sure the theme of "science as culture" will emerge along with the benefits of science for material welfare.

Today Newsweek carries an article "Where Einstein and Picasso Meet" by Freeland Judson. Mr. Judson draws a clear parallel between science and other arts. The article follows:

Where Einstein and Picasso Meet

(By Horace Freeland Judson)

On a visit to New York last spring I had a stroke of luck: a friend had secured a pair of passes to the Picasso retrospective at the Museum of Modern Art. As those who got to see the exhibition will know, it was a cascade of astonishing images. Yet despite all that Picasso did afterward, the most extraordinary transformation was his first—the metamorphosis of the young painter of the mid-1890s, a technically accomplished sentimental realist, into the Picasso of a dozen years later, master of the savage erotic line, of the fractured plane, of the emergent cubism. That was the era, of course, when the way we know the world was broken into bits and reshaped by a revolution that has reached more deeply into our sense of the nature of things than any other since Copernicus and Columbus, da Vinci and Galileo.

Relativity: Consider some masterworks. In 1900 Max Planck was driven to formulate quantum theory, proposing that the radiant flow of energy itself takes place not continuously but stepwise, in packets that are almost unimaginably small and yet are fixed size. In 1905 Paul Cézanne came to the culmination of the series of pictures we call "The Bathers," redefining the geometry of painting, and Albert Einstein first put forward, in the theory of relativity with its compressible measuring rods and variable clocks, the new geometry of physics. In 1907 Picasso painted "Les demoiselles d'Avignon." In 1913 Niels Bohr erected the quantum model of the atom, which said that an atom gives off or absorbs energy in its characteristic discrete packets when an electron jumps from one orbit to the next. In 1913 Igor Stravinsky's "Le sacre du printemps" caused that celebrated riot at its première. In 1914 James Joyce began "Ulysses." In 1916 Einstein published the general theory of relativity, and three years later Arthur Eddington observed a solar eclipse to find that the theory's prediction that the mass of the sun should bend starlight was exactly borne out. What science and the arts then seemed to share was the dissolution of old certainties and forms, the irruption of the inexpressible, the triumph of the relative and, to be sure, the excitement of the new. What really happened, though, went deeper: with the work of Planck, of Bohr, above all of Einstein, science took its place as one of the arts. Today, science stands as the pre-eminent art of our century.

I mean by this nothing less than that science now does for us much of what once we asked the arts to do. To begin with—well, Jacques Barzun once called science "the glorious entertainment," and that's just right. We respond to the fascination even as spectators. Galileo was first to turn a telescope on the skies. He saw a multitude of new things—that the sun has spots, that the moon has mountains, that Jupiter has moons, whose revolutions are a miniature of the Copernican model by which the planets revolve around the sun—and he announced his discoveries in 1610 in a book with the popularizing title "The Starry Messenger." It astonished all Europe—just as in 1919 Eddington's confirmation of Einstein's prediction made headlines around the world, just as today we follow with comparable excitement the latest reports from the radio astronomers with news of pulsars, quasars, the possibility of black holes, the certain presence of the background radiation that must be accepted as the last trace, and the proof, of the singular beginning of the universe—and not with a whimper.

Appearance and Reality: We expect more from the arts than entertainment—or we used to. In other centuries everyone supposed that of course the artist imitates nature. Thus, when the Puritans wanted to close the theaters because playwrights tell lies, Sir Philip Sidney replied, harking back to Aristotle, that the mere historian writes of what happened, full of accidental detail, while the artist penetrates to the necessary truth of nature and of human nature. Yet since Cézanne and Picasso, the artist is likely to cultivate the surface—of the canvas, of the words, of the sonority—while it is precisely the scientist who calls us to follow him into the necessary realities behind appearances. The cosmological question to which the big bang is the answer compels our attention more than any myth: not a metaphor for creation but the thing itself. Darwinism, together with the modern theory of mutation, has built the decisive role of chance into the foundation of biology; natural selection carries no promise that evolution is progress and has transmuted our sense of history. Werner Heisenberg and quantum mechanics built an irreducible minimum of uncertainty into the very stuff of which the universe is made. It is the scientist who now pursues in its stringent form the imitation of nature. His creations move and change us.

Still more: science can be thrillingly beautiful. Paul Dirac, the most austere theoretician in the history of physics, predicted the existence of antimatter two years before any form of it was observed, and won a share in the Nobel Prize in Physics in 1933 for the work that included that prediction. Many years later Dirac wrote, "It is more important to have beauty in one's equations than to have them fit experiment." He went on, "It seems that if one is working from the point of view of getting beauty into one's equations, and if one has really a sound insight, one is on a sure line of progress." Awhile ago I had a conversation with Dirac. He was then 77, a wisp of a man, precise, quick and quiet, with a voice as dry as the rustle of antique silk taffeta; he is still active in physics. I asked how one recognizes beauty in a theory.

"Well—you feel it," Dirac said. "Just like beauty in a picture or beauty in music. You can't describe it, it's something—and if you don't feel it, you just have to accept that you're not susceptible to it. No one can explain it to you. If someone doesn't appreciate the beauty of music, what can you do? Give 'em up!"

Where do theoretical ideas come from?

Dirac paused, then said quietly, "You just have to try and imagine what—the universe—is like."●

IN HONOR OF MRS. VERDELLE BELLAMY

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. FOWLER. Mr. Speaker, I would like to take this opportunity to honor Mrs. Verdelle Bellamy as an outstanding nurse and member of the Atlanta community. Mrs. Bellamy has devoted her life to improving the quality of professionalism in nursing and increasing minority participation in her chosen field.

She has held a broad range of positions including that of medical/psychiatric nursing coordinator at the Veterans' Administration hospital in Atlanta where she has worked since 1964. She has also worked as an instructor at Tuskegee Institute School of Nursing and Grady Memorial Hospital School of Nursing. Many of her students have become leaders in the nursing profession and in the South.

In 1962, Mrs. Bellamy was the first black student to gain admission to and graduate from the Emory University Graduate School of Nursing. Continuing the list of firsts, in 1964 she was the first minority person to be appointed to a leadership position in the Atlanta Veterans' Administration; in 1971 she was the first black elected to the executive committee of the Georgia Nurses Association. She was appointed in 1974 by then Gov. Jimmy Carter as the first black person to serve on the Georgia Board of Nursing and in 1978 became the first black to be elected president of the board.

In addition to her professional activities, her dedication to a variety of volunteer activities has been outstanding. She is an active member of Union Baptist Church, the Nurses Coalition for Action in Politics, the YWCA, Chi Eta Phi Sorority, and Delta Sigma Theta Sorority. She has also held leadership positions with the National League for Nursing, the Georgia League for Nursing, the American League for Nursing, and the National Council of Negro Women.

I urge my colleagues in the Congress to join me in honoring an outstanding citizen—someone truly dedicated to both her profession and a higher quality of life in her community. Verdelle Bellamy has earned the respect, admiration, and friendship of many and is truly a great American.●

PRINCIPAL HIMMELBERGER OF WYOMISSING, PA., RETIRING

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. YATRON. Mr. Speaker, it is a great privilege and a pleasure for me to bring to the attention of my colleagues the 30 years of outstanding service to the youth of Berks County by Mr. Arthur B. Himmelberger, principal of the Wyomissing Area Middle School, Wyomissing, Pa.

On November 14, Mr. Himmelberger retired as principal of Wyomissing Area Middle School, but his devotion and teachings to the hundreds of students who were honored to know and learn from him will never be forgotten.

Mr. Himmelberger graduated in 1939 from Womelsdorf High School. In 1948 he obtained a bachelor of science degree from Albright College and in 1953 he received a master of arts degree from Temple University.

From 1948 to 1949, Mr. Himmelberger served as the principal of the Rehrersburg School, where he also taught fifth, sixth, seventh, and eighth grade arithmetic, history, health, and geography. From 1949 to 1950, he taught 8th, 9th, 10th, 11th, and 12th grade history and German at Pine Grove High School. In 1950, he began 4 years at the West Reading School District where he taught high school social studies and served as adviser to Hi-Y and student council. In 1954 he became acting principal of West Reading High School. He permanently held this position until 1969 when he became the principal of the Wyomissing Area Middle School. He held that position from 1969 to November 1980.

Mr. Himmelberger was also very active in community services. He is a long-time member of the Keystone Band of Rehrersburg, he is active in the Zion UCC Church of Womelsdorf and is a member of the Pioneer Hose Company of Robesonia and the Friendship Fire Company of Lebanon.

In connection with his academic work, Mr. Himmelberger served as a member of the Berks County Secondary Principals Association and a member of the Pennsylvania and National Principals Association. He was one of the principals involved in the organization of the intercounty football league in the late 1950's and was also very active in the Berks County Athletic Association's development of girls athletic programs.

The contributions made by Mr. Himmelberger to his schools, his colleagues, his students, and his community will long be remembered. I know my colleagues will join me in wishing Mr. Himmelberger every success and fulfillment in the coming years.

It is with a great deal of appreciation that I offer my congratulations to Mr. Arthur B. Himmelberger on his 30 years of dedication to the education of our children. Our country owes a debt we can never repay to the tireless efforts of individuals like Mr. Himmelberger, who contributed a lifetime of service to education. His legacy of good works and the hundreds of lives he has touched with his teaching and compassion, are a fitting tribute to this special individual. May he enjoy many more years of continued success in whatever goals he chooses to pursue.●

EDITORIAL VIEWPOINTS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. BEREUTER. Mr. Speaker, one important means of understanding my constituents' views toward various public policy issues has been to read what the editorial writers of the local newspapers in my congressional district are saying. Because I think that too often we become so immersed in what our large Eastern newspapers are writing, I think it is beneficial to share with my colleagues the views of editors from some of our smaller communities. Indeed, they often provide a refreshing and candid view of what the people are really thinking.

Just recently I noted two particular editorials from the Sioux City Journal which I would like to bring to the attention of my colleagues. The first, titled "Bergland's Adieu", relates to the concerns of our Nation's farmers. The last paragraph sums up their view accurately:

> In any event, the American farmer will be watching, steely-eyed, to see just what the Republican administration intends to do to promote agricultural interests. We'd suggest that a continuation of an agricultural program designed to minimize farm prices would, to echo Bergland, be dumb.

Certainly I agree.

The second editorial deals with the chaos and obvious need for reform of our Nation's immigration laws and the Immigration and Naturalization Service. I also fully endorse that view.

The editorials follow:

[From the Sioux City Journal, Nov. 10, 1980]

BERGLAND'S ADIEU

Agriculture Secretary Bob Bergland made some goodbye-type remarks at a press conference the other day. They re-emphasize the consumer bias that our country's farm policy took under the Carter administration.

Bergland told reporters he didn't intend to go back to his farm in northwestern Minnesota because he didn't think he could make any money there under a Republican administration. (The fact that his son is running the farm may have something to do with it, too.)

Bergland did not make any comment on his political plans. This is surprising. He served as U.S. representative from Minnesota's 7th District, and built a political machine that was a model of efficiency. Indeed, close observers there swear Bob could come back and re-tool for Congress in a couple of days.

That might be well and good for 1982. But for the present, Bergland's looking for a job. No doubt he will find one in Washington, since deposed politicians have a way of catching on in Foggy Bottom even after the voters have spoken.

The thing that was most striking about Bergland's post-election comments was his dogged defense of Carter's partial embargo on U.S. grain shipments to the Soviet Union. Bergland said he can't believe Reagan will really halt that embargo as the Republican president-elect said he'd do during his campaign.

The reasons Bergland did not give for maintaining the embargo were probably more revealing than the reasons he gave. He said lifting the embargo would allow the Soviet to corner the world's grain reserve; that it would be giving up a powerful lever against the USSR; that, in sum, it would "be dumb."

But nowhere in his argument did Bergland mention the effect lifting the embargo might have on the farmer. At no point did he say that a real embargo of the Soviet Union should include all segments of American production, not just agriculture.

Of course, this is not all that surprising, since the Carter farm policy was tilted heavily toward the American consumer, and away from the farmer. That's a matter of record.

In any event, the American farmer will be watching, steely-eyed, to see just what the Republican administration intends to do to promote agricultural interests. We'd suggest that a continuation of an agricultural program designed to minimize farm prices would, to echo Bergland, be dumb.

[From the Sioux City Journal, Nov. 13, 1980]

CHAOS IN INS

It is not surprising that we have no real idea how many illegal aliens are living and working in this country. The Immigration and Naturalization Service, which is supposed to keep track of foreigners in the United States, doesn't even know much about those who are here legally.

Not long ago, the House Committee on Government Operations reported that INS offices are unable to cope with the flood of refugees, and that INS records are in a hopeless mess. Mail goes unanswered for weeks. Telephones ring and no one answers them. Offices are jammed with long lines of immigrants, many seeking citizenship, unable to get answers to their questions.

When President Carter wanted to penalize Iranian students for provocative actions, the INS couldn't say how many were in the United States or where they were located. And INS manpower is completely inadequate to deal with the stream of Latin Americans crossing the Mexican border illegally.

In all, our Immigration and Naturalization Service is a real disaster. The knee-jerk solution is more money to provide more manpower. But perhaps someone should take a long, hard look at the whole structure of INS. When any organization gets to the point that it's completely out of control in its function, there are more problems besides money.●

PRESIDENT SOMOZA TELLS HOW CARTER BETRAYED NICARAGUA—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. McDONALD. Mr. Speaker, on October 15, 1980, pages 29183-29184, I placed part I of this item in the CONGRESSIONAL RECORD which sketched in the background of the U.S. Government in turning Nicaragua over to the Sandanistas. Part II outlines the role of our Government and press in bringing this about. As a result of the downfall of Somoza, the turmoil in Central America has become worse and the chances of a Communist takeover in the whole area have increased. I commend part II to the attention of my colleagues.

[From American Opinion, October 1980]

Because of resolute fighting spirit and capable leadership, however, Nicaragua took longer to die than cold-blooded observers would have thought. The *World Almanac* quoted at the outset of the present article spoke of a "7-week war." The war lasted more like five years, not counting advance preparations in Cuba and elsewhere by the invaders. Bloody terror had stricken the capital city of Managua at Christmas in 1974, when the Sandinistas shot their way into the home of José Maria "Chema" Castillo, a friend of Somoza's who was giving a party for departing U.S. Ambassador Turner B. Sheldon (apparently the last U.S. official who was friendly to Nicaragua). Killed were two chauffeurs and the host, "Chema" Castillo, while forty-five persons of importance were held hostage. Not realizing yet the caliber of the terrorists, Somoza's government sent police to retake the home. Though well-trained, these policemen were getting into a new league, and were greeted with machine-gun fire. "As we learned later," writes Somoza of the invaders, "those were no amateurs. Their fire spread was small, indeed, and would have done justice to an automatic-weapon expert with the FBI. We were to learn later that this group had received the best training Castro could offer.

The terror continued for four years and then got worse. After a lull at the end of August 1978, as some hope was beginning to develop, Somoza's forces got word that the Sandinistas had been massively reinforced, and were planning "something big—like an attack on several cities at once." Within twenty-four hours that word was confirmed: "On September 9, 1978, at precisely 6:30 P.M., the revolutionary forces simultaneously attacked Matagalpa, Massaya, Leon, Esteli, Chinandega, and Managua. Their plan was designed by military experts, well coordinated, and carried out by seasoned revolutionaries."

The spirit, skill, and courage of the Nicaraguan resistance were reminiscent, *mutatis mutandis*, of Texans at the Alamo. Three hundred Sandinistas, Somoza records, crossed the border from Costa Rica, "armed with bazookas, armed with Belgian antitank and anti-personnel grenades, armed with Belgian rifles, and armed with mortars. This invading force represented a moving arsenal. Against the three hundred Costa Rica-based revolutionaries stood twenty-five members of the Guardia Nacional. During the entire international war in which Nicaragua found herself, many gallant stands were made, but none more so than that of the twenty-five who stood at Penas Blancas. They defeated the three hundred revolutionaries and drove them back into Costa Rica."

But blood and guts can only go so far. "Contrary to press reports," says Somoza, "we had the manpower to win. These men, some sixteen thousand [*using the ratio which worked at Penas Blancas, they could have defeated 192,000*] . . . had the will and determination to win . . . . They were fighting and dying to preserve their homeland against a conglomeration of foreign invaders."

But dying for the country won't save the country if all the defenders are killed; and killed they will be if the enemy keeps shooting while there is nothing with which to shoot back. A resolute enemy will keep shooting if he knows the defenders are inexorably running out of ammunition. The international enemy of Nicaragua certainly knew this. "Actually," says Somoza, "the United States had effectively established a blockade against Nicaragua. It was bad enough when the U.S. refused to sell us arms and ammunition, but when the U.S. was successful in drying up other sources of supply, it was, for Nicaragua, a mortal blow. So our lack of ammunition was our most basic problem."

A reviewer could get carried away and end up paraphrasing or quoting virtually the whole of this great volume of lucidly given information—not only about military and terrorist action, but also, inferentially, about the man Somoza himself. The importance of the latter is attested by the zeal of the conventional press to denigrate Anastasio Somoza's character. *Sandinistas si, Somoza no* was the Castro-type line on Nicaragua that was cast by Castro's creator, the *New York Times*, and by the rest of the "Liberal" press.

I will not dwell upon the performance of our press and TV in misrepresenting the character of Anastasio Somoza. What came out was a series of gross lampoons of an honorable man by "newsmen" who in Wordsworth's words have presumed to judge of "honor, which they do not understand." The treatment accorded Somoza by Jack Anderson and Dan Rather—reported in the present book with surgical restraint—was a monsterpiece of unprincipled detraction. More decently articulated, but still radically in error, is the implicit canard in the 1980 *World Almanac*, quoted heretofore, referring to the "46-year family dynasty of the Somozas," and saying that President Somoza "fled the country."

The Somozas were no more a dynasty than the Kennedys, or for that matter the Adams family. They were all elected to office and served subject to a constitution. As for Somoza's "fleeing" the country, he departed from Nicaragua pursuant to a negotiated agreement with the United States Government, in which agreement he was promised security in the United States, in return for thus following the wishes of the United States. He had not been in Florida more than a few hours when he was notified that his status as a former Head of State was not recognized and that his security could not be guaranteed. Anastasio Somoza did not "flee" from Nicaragua, but he did flee from the United States. He would have been a fool not to do so. In this country of ours (?) he would have been a sitting duck in a shooting gallery.

Being on the whole of a sanguine disposition, Somoza seems to have underestimated the virulence of the press's opposition to him, though he was certainly well aware of it. Chapter Fourteen of the present book is primarily concerned with Jack Anderson. But Somoza understands other distorters also.

"Two of the most influential newspapers in the Western hemisphere," he writes, "are the *New York Times* and the *Washington Post*. These publications carried many stories that reflected badly on me and my administration. Karen De Young of the *Washington Post* and Alan Riding of the *New York Times* were biased, unfactual, and thoroughly prejudicial in their reports on Nicaragua. Alan Riding admitted to me that he opposed my government and that he was a Socialist. How can fair reporting be expected from such a dedicated member of the Left? Karen De Young did an excellent hatchet job on me. It's not just a happenstance that every time there was a congressional hearing on Nicaragua, on that very same day the Washington Post would carry an anti-Somoza article. This ploy, of course, was used to influence various U.S. congressmen on that particular day."

A most frequent allegation of the media was that Somoza's National Guard employed torture. Somoza gave Dan Rather of CBS carte blanche to go impromptu throughout the security division of the National Guard where torture was allegedly routine. Diligent Dan found nothing to report. In contrast, after the Sandinistas came to power, torture gardens flourished—without mention by our sanctimonious media. Somoza gives details of eleven cases on which specific information was furnished Washington. I give you only one of the eleven. You should thank me for not giving you the other ten.

Major Pablo Emilio Salazar, better known as "Commandante Bravo," was captured by the Sandinistas in Honduras after the war was over, and tortured to death. His face was beaten beyond recognition, his arms broken, his ears cut off, his genitals severed, strips of his skin peeled from his body and, finally, he was shot in the head.

The media masters who zeroed in on Somoza were not all U.S. citizens. Despite his popularity in Nicaragua, President Somoza had opposition there, chiefly among the upper professional and merchant classes. Foremost in these ranks was Pedro Joaquin Chamorro, publisher of La Prensa, Nicaragua's principal newspaper. (Worldwide, the voice of the "leading" press is the voice of the Insiders.) Chamorro, who hated Somoza, was a friend of Venezuela's Carlos Andres Perez, who in turn was a familiar of Jack Anderson's. "Perez to Anderson to Chamorro," quips Somoza, "represented foul play." In Nicaragua it did not. Both Somoza and Chamorro were too well known. The General says:

"After Anderson had begun his personal attack upon me, Chamorro became frightened. He believed, and correctly so, that I would think Anderson's information was coming from him. He vehemently denied that he had anything to do with the stories Anderson had printed . . . . after Chamorro's death [Somoza continues] Anderson said: 'Now that he is dead, I want to give notice that Pedro Joaquin Chamorro was a patriot who gave me all the information to write about Somoza.' " That's the only thing I've seen that makes me wonder whether it was Chamorro.

The falsity of charges that the freely elected Somoza was a totalitarian dictator is nowhere more clearly shown than in the fact that he never censored or interfered with Chamorro's publication of La Prensa. Perhaps he should have. It was a war situation. But Somoza was soft on traditional issues, such as freedom of the press. Yet we can't say that is a mistake. His mistake was in failing to realize soon enough that the masters of the media in the United States, where Somoza was educated, have no interest in freedom of the press, but only in the power of the Establishment press.

Somoza's true character is revealed in Nicaragua Betrayed—not by self-serving declarations, but by the whole manner in which he presents well-supported facts. Impressionistically, on the basis of one reading of Nicaragua Betrayed, one may profile Somoza somewhat as follows: Primarily a reflective extrovert, though also something of a realistic introvert. His analysis of the world around him is probing and just; his analysis of himself is candid and therapeutic. He is courageous, perceptive, logical, imaginative, resolute, pertinacious, and prudent. Endowed with a sense of humor, with compassion for his countrymen, and—though this must be somewhat shaken—admiration for the Western World in general and the U.S.A. in particular, he is committed to the Christian and chivalric values of faith, hope, and charity, with the American overgloss of self-reliance and manifest destiny.

You may suppose that I read too much into the book. Perhaps I do. Why don't you read it and tell me where I'm wrong?

By the way, while you're doing that, keep your eyes and mind open for an answer to a question which puzzled Somoza himself—and puzzled me a bit, too, though perhaps less, since I have lived in this country longer than he. What puzzled him was when U.S. spokesmen parleying with him about the terms of his expatriation—which originally included guarantees of protection by the U.S.—warned him that if he ever got in touch with Ronald Reagan, the deal was off, and Somoza could consider himself a target.

What puzzled Somoza was that he didn't know Ronald Reagan at all. Funny business, huh?

Somoza and Cox have done immeasurable service to the people of the United States and the rest of the Free World by respectively dictating and writing this book (we need more "dictators" like Somoza), and Robert Welch has done an immeasurable service by publishing it. The more you learn about Jimmy Carter's betrayal of Nicaragua, the more you will want to learn, for you will apprehend at once that in this case the betrayer of Nicaragua is also a betrayer of the United States.

I believe it is impossible to understand the betrayal of Nicaragua except as part of the struggle for the world in which the United States and the Soviet Union are not so much rivals as partners, prepared to sacrifice allies and clients along with all other nations in a drive toward the "condominium" of the two superpowers which is repeatedly suggested by the most successful One Worlder to date—Henry Kissinger. Though one can only agree with General Somoza's indignant and somewhat bewildered denunciation of Jimmy Carter as a false friend of Nicaragua and false leader of the United States, it is evident that Carter is not big enough to have accomplished so great a betrayal without the backing and supervision of powerful agencies not explicity identifiable, whose existence, however, like that of the planets Neptune and Pluto, can be discovered by inference from the behavior of other bodies longer known. Said agencies are presumably not just the Council on Foreign Relations or the Trilateral Commission in and of themselves, but plainly enough the work is done through them, as also through the Communist Party of the Soviet Union and satellites thereof.

It was the severe fortune of Anastasio Somoza Debayle to stand with his family and his country athwart the path of the Soviet-American condominium on its way to a New World Order. I say severe fortune instead of severe misfortune because President Somoza has the courage, and the sense of Duty, Honor, Country (he is a graduate of West Point) to challenge the damned juggernaut of international thugs. Unable to halt its remorseless advance, he escaped, like MacArthur from Bataan. If we do our duty, and have the honor to save our own country, he may yet return to his. The fate of one is not separate from that of the other.●

THE 62D ANNIVERSARY OF PROCLAMATION OF THE INDEPENDENCE OF LATVIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. DERWINSKI. Mr. Speaker, I would like to direct the attention of the House to the 62d anniversary of the proclamation of independence of the small Baltic State of Latvia. On November 18, 1918, the courageous people of Latvia established an independent nation, free from Russian rule.

Although as we observe this event, the people, who live in Latvia cannot join with us, it is important for us to keep alive the historic nature of this occasion. It is especially important to remember that the Soviet Union continues to suppress the nationalistic spirit of the non-Russian republics within the U.S.S.R.

As is common under Soviet domination, the people of Latvia are under total control. Above all the fundamental freedoms enjoyed by its citizens under their own constitution have been abolished. The Soviet-imposed rule in Latvia has brought with it untold suffering—arrests, deportations, executions, as well as nationalization of all private property and the downgrading of social and working conditions.

However, the period of tyranny and the continued suppression of their culture and self-expression have not dampened the great desire of the brave people of Latvia for national independence and restoration of their human rights. Many Latvians have managed to flee from the Communist terror in their homeland and are now living in various parts of the free world. They are deeply concerned about the future of their ancestral homeland and continue to speak out on behalf of the people of Latvia.

I believe that it is especially important for the United States to continue its full and uncompromising support for the basic concept of the sovereign rights of a people to the free and independent choice of the form of government under which they wish to live. Over the years, I have introduced legislation which expresses the sense of Congress on U.S. policy concerning the Baltic States, signifies the belief in Congress that Lithuania, Latvia, and Estonia should have the right of self-determination and not be subject to the colonial rule of the Soviet Government. House Concurrent Resolution 200, which was passed overwhelmingly, also urged the President to bring the matter of the Baltic States to the attention of all nations through the information agencies of the U.S. Government and seek their cooperation in keeping the Baltic issue before us, until they have regained their independence. This is of considerable moral support for the Baltic peoples and others who are held captive of communism that the United States as well as a great number of other Western countries have not recognized the forcible annexation of these nations by the Soviet Union. With the continued suppression of human rights in the U.S.S.R. it is imperative that the democratic countries of the world assert their opposition to this form of political tyranny and reinforce Latvians and others held captive by Soviet domination.

In closing, I wish to add my prayers to those Latvian Americans who have contributed so much to the development of our country while remembering their homeland and who pray to see their relatives and friends liberated from the brutal repression of the Soviet rule. I join in expressing my hope that the aspirations of the Latvian people for national independence will once more be restored.●

SANTA CLARA COUNTY BOY SCOUT COUNCIL SALUTES LOCAL RELIGIOUS LEADERS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today to honor three outstanding men from Santa Clara County, Dr. Phillip Barrett, Rabbi Joseph Gitin, and Father Walter E. Schmidt. On November 25, 1980, they will each be awarded the Distinguished Citizen for 1980 Award by the Santa Clara County Council of Boy Scouts of America.

Dr. Phillip Barrett has been an ordained Presbyterian minister for over 35 years. For the past 26 years he has been assigned to San Jose, Calif., where he has been active with such groups as the Grand Lodge of Masons and Kiwanis International, and has served as member of the board for various organizations including YMCA, Goodwill Industries, Campfire Girls Council of Churches, and the American Guild of Organists. His numerous contributions to Santa Clara County have earned him many well-deserved awards and honors.

Rabbi Joseph Gitin has occupied pulpits across the Nation, and has served as director of B'nai B'rith Hillel Foundation at the University of North Carolina, Duke University, and the University of California at Berkeley. In San Jose for the past 26 years, Rabbi Gitin has played an important role in our community.

He has served as president of the Board of Rabbis of Northern California and the Pacific Association of Reform Rabbis. He is also a member of the Central Conference of American Rabbis. His activities have not been limited to religious organizations. He has been a member of the board of directors of many community organizations as well. Currently, he serves on the advisory board of the National Conference of Christians and Jews, the executive board of the Jewish Federations of Greater San Jose, and as a faculty member at San Jose State University.

Father Walter Schmidt recently celebrated his 50th anniversary as a member of the Society of Jesus. For almost 40 years, he has been actively involved in our community, and is best known for his work with young people and the founding of the Santa Clara Youth Village in 1947. He has done an outstanding job as a fundraiser for expansion of the youth building and services, and is responsible for the major fundraising event each year at the University of Santa Clara. Over the years, Father Schmidt's numerous achievements have been recognized by community organizations' service awards and special honors.

Mr. Speaker, it has been a privilege for the citizens of Santa Clara County to have been touched by the works of these three outstanding men over the years. I ask our colleagues in the House of Representatives to join me today in commending Dr. Phillip Barrett, Rabbi Joseph Gitin, and Father Walter E. Schmidt for the invaluable service they have provided to their community.●

HOW TO RETURN TO GOLD

HON. LARRY P. McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. McDONALD. Mr. Speaker, for decades now our Government has officially downplayed the role of gold in the world. In recent years, to show how little regard they have for the metal, the U.S. Treasury has been selling off our gold, and it has been eagerly snapped up by foreign banks. However, at the same time there has been a resurgence of conservative economic thinking along traditional lines. This has brought about discussion of the role that gold could play in the world and in the United States in particular. Henry Hazlitt recently discussed this subject in the September issue of the Freeman how this could best be accomplished in the United States. My strong feeling is that this is the direction we need to go and I solicit my colleagues interest in reading this article and finding out why a return to the gold standard would halt inflation.

HOW TO RETURN TO GOLD

(By Henry Hazlitt)

The economic letter of the Texas Commerce Bank, dated April 18, discussed the problems of returning to the gold standard, and decided that such a return should not be attempted. The bank's discussion reveals a number of misconceptions of how a gold standard functions. As these misconceptions are probably widespread, they are worth analysis.

The bank takes for granted, without explicitly saying so, that the only form of gold standard now being recommended is a full, 100 percent gold backing for outstanding money and credit. This is not the system that prevailed in the nineteenth century, or at any time since. What the world then had—and now calls the "classical" gold standard—was a fractional gold reserve system—that is, one in which each nation's gold stock represented only a fraction of its outstanding money and credit.

My own preference happens to be for a full gold standard. But as most advocates of a return to the gold standard have in mind the previous fractional reserve system, that should be discussed first. The basic objection to it is that until the reserve falls to the legal minimum fraction permitted, there is continuous pressure from banks to continue expanding their loans. But when the minimum reserve is reached, political pressure is likely to develop to reduce the required gold reserve still further to permit the volume of credit to be further increased. The historic tendency, therefore, is for the required gold reserve to be constantly attenuated.

DWINDLING RESERVES

When the United States officially ceased gold payments in 1971, for example, its outstanding quantity of money and credit (M-2, including both demand and time bank deposits) had expanded to $454.5 billion. Against this, the U.S. gold stock was only about $12.3 billion (291.60 million fine troy ounces at $42.22 an ounce), or only 2.7 percent. In other words, there was only one dollar in gold to redeem every thirty-seven dollars of paper credit.

The situation was even worse than this, because under the then existing "gold-exchange" standard, the currencies of all other countries—more than 100 of them—in the International Monetary Fund were convertible merely into dollars, while only the dollars were directly convertible into gold. This made our American gold reserve equal to only some small fraction of 1 percent of the total outstanding money and credit which was supposed to be directly or indirectly convertible into it.

When the Texas Commerce Bank's letter contends that a return to the gold standard would "tie changes in the money supply to changes in the quantity of gold in Ft. Knox," and on a dollar-for-dollar basis, it is assuming, as I have already pointed out, that the return would be to a 100 percent gold reserve system.

It falls into a number of other misconceptions. It assumes, for example, that to return to a gold standard the government would once more have to establish a fixed relationship between the dollar and an ounce of gold—a new official "price" for gold—and it mentions $450 as a possibility.

But under today's conditions, when every nation on earth has abandoned the gold standard, and nearly all of them have followed recklessly inflationary policies for the last ten or twenty years, it would be practically impossible for the monetary managers of any one country to establish a fixed relationship between its present currency unit and gold that they could count on not to prove either dangerously inflationary or dangerously deflationary.

When the United States, after its greenback adventure in the Civil War, decided in 1875 to return the dollar to the previous gold parity, beginning in 1879, and when Britain decided in early 1925 to work its way back to the old parity of $4.86 for the pound, both countries experienced several years of severe deflation and unemployment.

Today it would not only be difficult and dangerous, but unnecessary, for any country to try to tie the purchasing power of its existing paper money to any fixed ratio with a new gold-standard currency. All that would be necessary would be the minting of a new gold coin (and perhaps the issuance of gold certificates), stamped not in dollars, pounds, marks, or any other national unit, but simply with its weight—an ounce, a gram, ten grams, or whatever. (If coined in a metric unit of weight, such as a ten-gram piece, it would circulate as an international medium of exchange no matter by what leading country issued.)

Countries issuing such coins should make neither them nor their previous irredeemable paper currencies compulsory legal tender. The market rate between their paper currencies and gold would be left free to fluctuate daily. Private citizens would be free to make contracts with each other for repayment of new long-term debts in either paper or gold, and such contracts should be enforceable. Private citizens, corporations or banks should also be free to mint gold coins and issue gold-certificates against them, subject to suit for fraud, short weight or non-performance. Within such a legal framework, an alternative and dependable currency system would always be available for increased use whenever a paper currency began depreciating so fast that nobody wanted to continue doing business in it.

TWO POSSIBILITIES

Let me sum up. There are two possible kinds of gold standard, one requiring only a fractional gold reserve against outstanding currency and credit, the other requiring a 100 percent gold reserve against it. The first was the kind the Western world actually operated on from about the middle of the nineteenth century to 1914 (and to some extent in later periods until 1971). The problem with it is that either the required fraction of gold reserve keeps being reduced as the legal minimum reserve is approached, thus permitting a great deal of inflation even under the gold standard; or credit that has been expanding must be suddenly tightened to prevent the gold reserve from falling below the set legal limit. In the second case, which frequently occurred, individual countries, seeking to safeguard their gold reserves, suffered the familiar cycles of credit expansion and contraction, boom and depression.

A 100 percent gold reserve system prevents this consequence. But under it, prices do depend upon the existing gold supply; the volume of money and credit cannot be expanded at will. There can be no inflation. And that is precisely why so many people oppose the system. That is why the author of the Texas Commerce Bank letter opposes it. In his words, it "cannot support the increased needs for liquidity arising from greater world trade. . . . The gold standard does not provide sufficient flexibility to deal with today's complex domestic and international conditions."

By "flexibility" the bank means credit expansion. And credit expansion, when left to the whim of government authorities, means inflation. The great merit of the gold standard is precisely that it takes the decision regarding the quantity of money out of the hands of the politicians. The quantity of gold can only be determined by the physical amount that is discovered, extracted and refined, whereas the quantity of paper money can be determined by political caprice.

MISPLACED FEARS

Opponents of the gold standard sometimes express the fear that new annual supplies of gold will finally prove insufficient to "carry on the growing volume of world trade." Such fears are misplaced. The existing amount of money is always sufficient to carry on the existing volume of trade; it is merely the overall price average that is affected.

There is, of course, a theoretic possibility that the annual increase in gold supplies might finally prove insufficient to keep commodity prices from falling dangerously and disruptively. Such a shrinkage in new gold production has never actually occurred. The opposite has. There have been "gold inflations," like that following the gold rush to California in 1849 and later discoveries. But the worst that could happen, if new gold supplies started to dry up, would be a return to a fractional instead of a 100 percent gold standard.

"The myriad problems of adopting the gold standard," reads the last sentence of the bank's letter, "suggest that its adoption is not the optimal way to contol inflation." It is significant that the bank letter does not tell us what this optimal way would be. The experience over the last decades of 140 members of the International Monetary Fund proves that it could not be continuance of irredeemable currencies under government regulation. Return to the gold standard is not only the "optimal" way to control inflation; it is the only way.●

CONGRESSIONAL SALUTE TO HON. BERT NAWYN OF NEW JERSEY, DISTINGUISHED CITIZEN, OUTSTANDING CORRESPONDENT, NOTED HISTORIAN, AND COMMUNITY LEADER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. ROE. Mr. Speaker, on Thursday, December 4 the residents of my Eighth Congressional District and State of New Jersey will join with the officers and members of the Eastern Christian School Association in honoring a most distinguished citizen, esteemed community leader and good friend, Hon. Bert Nawyn, who has been selected by the Eastern Christian School Association, board of directors, to receive this most prestigious organization's 1980 distinguished alumni award.

I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to Bert Nawyn and share the pride of his good wife Betty; daughters, Marjorie Vande Steeg of Kalamazoo, Mich., Beth Veenema of Brevard, N.C., Shirley De Jong of Hudsonville, Mich., and Pat Imanse of Grand Rapids, Mich.; and their six grandchildren in this well deserved recognition of his standards of excellence, sincerity of purpose and expertise in his chosen field of endeavor which have truly enriched our community, State, and Nation.

With your permission I would like to insert at this point in our historic journal of Congress a copy of the news article from the Herald, a publication of the Eastern Christian School Association, in tribute to Bert's lifetime of service in developing and enhancing the civic, educational and cultural heritage of our people which has earned him the esteemed and highly coveted distinguished alumni award. The article reads, as follows:

NAWYN TO RECEIVE DISTINGUISHED ALUMNI AWARD

Bert Nawyn has been selected by the Eastern Christian School Assn. Board of Directors to receive the 1980 Distinguished Alumni Award, an annual presentation. The award will be given on December 4 at the Wayne Manor, Route 23, Wayne.

Mr. Nawyn has been active in the Christian School movement in this area for 30 years. He is a graduate of the North Fourth Street Christian School and, upon completing a two-year term as president of the ECSA, was presented with an honorary Eastern Christian High School diploma, the only one given in the Association's history.

Mr. Nawyn served 19 of the 30 years of Eastern Christian activity as president, corresponding secretary, recording secretary and executive secretary. Through his efforts $250,000 was raised to pay off the debt on the high school. He served as editor of the Christian School Herald for 17 years, five times served as chairman of Spring Festivals, ran the ECSA annual beefsteaks and was coordinator of the December annual dinners. He served as ECSA purchasing agent and was responsible for bringing open board meetings to Eastern Christian. He served as a member of the Labor Day Outing Committee for 30 years, the last six as chairman. He was in charge of the Labor Day Souvenir Journal for 23 years.

Mr. Nawyn ended his services with Eastern Christian last August but agreed to remain as editor of the Herald until a replacement could be found. He will also continue as historian for Eastern Christian.

In other educational areas, Mr. Nawyn served two four-year terms as a member of the Board of Directors of the Reformed Bible College in Grand Rapids, Mich.; served as New Jersey chairman for Calvin College (Grand Rapids, Mich.) fund drives from 1963 until 1977; served on the Manchester Regional High School expansion feasibility study committee, and was for 15 years county reporter and educational editor for the Paterson News. He also attended the International Conference of Higher Education in Oxford, England, as a guest of Fairleigh Dickinson University and conducted seminars on Christian education in Denver, Colo., Chicago, Ill., and Grand Rapids, Mich., under the auspices of Christian Schools International.

In 1963 Mr. Nawyn gained the distinction of conducting the first press interview by satellite from the ITT tower in Nutley.

Mr. Nawyn in 1966 received the first Distinguished Service Award to be presented by Calvin College. In 1972 he received the Calvin College Leadership Award. He has also received the New Jersey State Freeholder Press Award for fair and impartial reporting, the Haledon Rotary Man of the Year Award, and the Manchester Jaycees Outstanding Citizen Award.

The recipient of this year's award has been president of the Christian Recreational Assocation and the Haledon Rotary Club. He has served on the board of directors of the Paterson Boys' Club and the Eastern Christian Children's Retreat and was a member of the steering committee to raise funds to erect the Retreat building.

Mr. Nawyn has been Confidential Aide to Congressman Robert A. Roe for the past 11 years; Legislative Aide to Senator Frank X. Graves for the past three years; he serves as Public Relations Consultant at the Passaic County Technical and Vocational High School; is Administrator for the Christian Recreational Association; has served as Assessor for the borough of Prospect Park for 23 years and was recently also named Housing Inspector for the borough. He also writes a weekly column for the Hawthorne Press.

Mr. Nawyn is a member of the Passaic County Private Industry Council, a federal agency; the Congressional Nominating and Screening Committee for Service Academy appointees, and the Passaic County and the New Jersey Assessor's Associations.

Married to the former Betty Meinema, the Nawyns have four daughters, Marjorie Vande Steeg of Kalamazoo, Mich.; Beth Veenema of Brevard, North Carolina; Shirley De Jong of Hudsonville, Mich., and Pat Imanse of Grand Rapids, Mich. They also have six grandchildren. The Nawyns are members of the Second Christian Reformed Church in Prospect Park.

I appreciate the opportunity to seek this national recognition of Bert Nawyn who has not only been of inestimable help to the Eighth Congressional District of New Jersey but has devoted a lifetime of dedication and professional expertise in many educational, civic, and charitable endeavors which have made a major contribution to the quality of life and way of life for all of our people. We do indeed salute a distinguished citizen, outstanding correspondent, historian, and community leader, Hon. Bert Nawyn.●

100TH ANNIVERSARY OF HEIDI

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. WAXMAN. Mr. Speaker, as we are now celebrating Children's Book Week, I want to draw attention to an important event in the history of children's literature: the centennial of "Heidi." 1981 will mark the 100th anniversary of the publication of that beloved children's classic, "Heidi." Written in 1881 by Johanna Spyri, it recreates the author's memories of her youth in the Swiss Alps. The book became an immediate worldwide success and has been continuously in print in scores of languages. Adults remember the story of Heidi all of their lives.

It is reassuring to note that the universal appeal of this simple story continues today in a world characterized by electronic wizardry, space age technology, frenzy, and apprehension about the future. The insights explored in "Heidi" on relationships—between the young and the old, between the healthy and disabled, the reverence and enjoyment of nature, friendship, and the assessment of the true values in life, are considerations which all generations must face and act upon. The character of Heidi, though representing perfection which cannot easily be equaled, does make one reflect on all these things and leaves a memory, a feeling of wanting to do one's best.

"Heidi," in addition to being a mainstay of young readers, has also been transformed into several motion pictures, the most notable version with Shirley Temple in 1937. To commemorate the Heidi Centennial, Hanna Barbera Productions are now planning a musical, animated full-length feature. Through this marvelous medium, an even greater audience will be able to enjoy the concept of "Heidi." It is welcome news for parents, for children, and for those of us who would like to acknowledge that there is hope in and for all of us.●

THE RISING COST OF THE M-X MISSILE PROGRAM

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. WEISS. Mr. Speaker, military spending is a rapidly growing concern of Congress, the press, and the American public. The proposed M-X missile program is central to this concern, and I would like to bring to the attention of my colleagues the greatly increased projected cost of the M-X program.

The Air Force updated inflation indices used to compute this cost in June 1980. The figure arrived at is well above $100 billion.

The current M-X design would place 200 missiles with 10 warheads each in 4,600 shelters, spaced so that each Soviet warhead could destroy only 1 shelter. The incoming administration recently expressed interest in fully doubling the proposed M-X program to include 400 missiles, with comparable increases in other components of the program. This would further increase spending on the M-X program.

There are several matters which concern me about development of the M-X program and about military spending in general. I am limiting my comments today to the cost of the M-X project in order to urge my colleagues to review their stances on this important matter.

Mr. Speaker, I include in my statement a report prepared by the National SANE Education Fund which provides thorough information on the revised cost of the M-X missile program. This report, "M-X: On The Road to Bankruptcy," explains where the M-X program money will be spent and considers events which are likely to increase total cost figures in the future. I recommend this report to my colleagues:

MX: ON THE ROAD TO BANKRUPTCY

NEW COST FIGURES FUEL MX DEBATE

The Air Force's previous MX cost estimate of $33.8 billion was sharply questioned in Congressional debate this year. A February, 1980 report by the General Accounting Office makes special note of the fact that inflation had not been factored into the official cost estimate. GAO's cost projections put MX construction and operations over a 15-year period at $56 billion. Nearly twice that figure—$120 billion—was the cost predicted by Oklahoma Senator Henry Bellmon.

In August 1980, an article in the National Journal reported Air Force estimates that inflationary pressures would push the MX price tag well above the previous official figure. According to the article, the Air Force calculated that construction and maintence of the system for 20 years would cost $78 billion. Researchers for the National SANE Education Fund subsequently inquired at the Pentagon's MX Office in Washington, D.C. and were told by Major John Ellen that the "then-year" cost of the MX over the full 30-year life span of the system would be $108 billion. This $108 billion figure was subsequently confirmed in several telephone interviews.

The $108 billion figure now admitted by the Air Force would amount to an average expenditure per taxpayer of $1,200 for this single weapon system. Moreover, the cost could go much higher.

ADDITIONAL COSTS PUSH MX PRICE TAG ABOVE $108 BILLION

The Department of Defense has a poor record on estimating major weapons systems costs, according to a November, 1979 report by the House Committee on Government Operations. The study demonstrated that in the last ten years, cost estimates made at the development stage of major weapons systems turned out to be approximately 50 percent below actual procurement costs. MX is currently at the development stage.

The four major factors identified for the Committee as accounting for inaccurate cost estimates are: rate of inflation underestimated (amounting to 30 percent of cost estimate error), number of weapons decreased or increased (28 percent), production timetables stretched out (16 percent) and "actual error" (12 percent). These factors are almost certain to affect the huge, complex MX system as well, adding significantly to the $108 billion figure.

WITHOUT SALT II, MX COSTS COULD SKYROCKET

Perhaps the largest potential cost increase for the MX would result from an expansion of the system. An enlargement beyond the present 4,600 shelter plan may be a necessity if arms control agreements are not in force. Such expansion may already be under serious consideration.

The current MX design would house 200 missiles with 10 warheads each in 4,600 shelters, spaced so that only one shelter could be knocked out by each Soviet warhead. The size rationale is based on Air Force estimates of Soviet targetting and available warheads.

Assuming that the Russians are limited to the 820 multiple warhead intercontinental ballistic missiles SALT calls for, the Air Force estimates that about half of the MX force, or 1,000 warheads, would survive a hypothetical first strike.

The Air Force also calculates that any increase in the number of Soviet MIRVed ICBMs would mean fewer surviving MX's. Without SALT II, such an increase would be likely. In order to maintain the number of survivable MX warheads at 1,000, a larger system would be required.

Expansion was anticipated at the first announcement of the current basing plan in September, 1979. Defense Secretary Harold Brown explained that "either at the end of SALT or because SALT fails," more shelters and missiles could be added. Expansion is facilitated by the design modification announced in May, 1980 changing the roadways from loops to straight lines. By summer, 1980 plans to increase the 200 missiles to 314 or even 416 were reliably reported. While the 416 missile figure sounds high, it is comparable to the 10,000-shelter-system that William J. Perry, Undersecretary of Defense for Research, says can be completed, if necessary, by 1989. Of course, every size increase means a cost increase as well.

The section of the SALT II agreement that is relevant to MX, the Protocol, expires December 31, 1981. The earliest timetable for MX does not foresee groundbreaking until January, 1982. Unless SALT III negotiations are underway, arms control requirements seem unlikely to constrain the size of MX. Similarly, the fact that the ABM Treaty comes up for review in mid-1982 may coincide with mounting pressures to renegotiate the Treaty in a way that permits an ABM system to be added to MX.

AN ABM FOR MX

In addition to expansion of the MX itself, some military advocates urge that MX also be defended with an Anti-ballistic Missile System. Development is underway of an ABM system called LoAD (Low Altitude Defense project) for use with MX. The LoAD system would add another $7 to $8 billion if scaled to the 200 missile MX system. Each MX missile would have its own ABM launcher, so the size of the LoAD system would vary directly with the size of MX.

SCHEDULE CHANGES

Schedule changes may account for very sizable MX cost increases. Land and resource procurement difficulties, design and engineering changes, and Congressional limits on funding may all cause expensive delays. The MX timetable has already been set back—for example, the Milestone III Environmental Impact Statement is several months late. Potential lawsuits from citizens in the proposed deployment states could slow the project even more.

Gaining the use of Interior Department-managed public lands in the Great Basin of Nevada-Utah is a complicated, time-consuming and politically sensitive process, requiring Congressional approval. It could easily take longer than the one year allowed in the Air Force schedule.

Split basing—putting part of the system in New Mexico and Texas—introduces other obstacles: an additional $3 billion in costs, and a likely public furor over the taking of private ranchland.

It has not been determined whether essential resources like electricity, water, cement and other construction materials can be made available when needed, and there could also be difficulties acquiring sufficient numbers of engineers and managers, according to GAO.

WARHEAD COSTS NOT INCLUDED

The $108 billion price tag excludes one more cost category: the Department of Energy costs for development, acquisition, and maintenance of 2,000 or more MX warheads. Expansion of nuclear weapons production over the next five years for MX, Trident II, Pershing, Cruise and other missiles will double current spending rates to nearly $25 billion over the next five years, the Administration estimates. Two warheads are under development for MX—a modified Mark 12A and a large warhead. Current DOE cost estimates for MX warheads are classified.

OTHER COSTS—INFLATION, JOBS AND SERVICES

MX costs must also be counted in terms of inflation, jobs never created and social services denied.

Military production is a well-known inflation-fueler, generating dollars without a comparable volume of consumer or producer goods. The enormous expenditures required for MX will bid up the prices of key labor and resource markets in the Western states. Shortages in materials, especially cement, and in manpower, especially engineers, technicians and skilled labor, may have effects beyond the region as well.

Despite its size, MX will create relatively few jobs for the money. Using the Bureau of Labor Statistics' input-output model, the Council on Economic Priorities has compared job creation potentials for the MX and five civilian alternatives. Every one of the alternatives generates more jobs than the MX, as indicated in the following table:

JOBS CREATED PER BILLION DOLLARS OF EXPENDITURE

[In 1972 dollars]

Alternatives	Direct plus indirect employment
MX missile	53,248
Solid waste treatment	65,859
Railroad reconstruction	54,220
Day care	120,496
Solar energy/energy conservation	65,079
Mass transit	79,300

Increased pressure to cut important domestic programs is another foreseeable effect of MX. Even the $1.4 billion MX expenditure for this year (FY 81) outstrips these key social programs: $358 million for Community Health Care Centers; $560 million for job Corps Programs for Youth; and $830 million for housing for the elderly and handicapped. During the peak construction years, 1983 through 1986, MX funding would drain close to $10 billion per year.

CONCLUSION

The direct and indirect costs of the MX mobile missile system are staggering. MX expenditures will create an enormous tax burden, fuel inflationary pressures and divert precious resources from the essential task of rebuilding the civilian economy. The net result would be serious deterioration of our already weakened economy.

The irony is that in the name of defense the U.S. is embarking on a program which may ultimately weaken American security. National strength cannot be assured through missiles alone. It must also include a healthy civilian economy, full employment and social justice for all citizens. A strong America requires abandonment of the MX and renewed commitment to meeting human needs.●

TRIBUTE TO BOARD CHAIRMAN ADRIAN C. FONDSE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. SHUMWAY. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

Mr. Speaker, I would like my colleagues in the House to join with me today in paying tribute to my friend, constituent, and former colleague on the San Joaquin County Board of Supervisors, Adrian C. Fondse. Board Chairman Fondse will be retiring from the board of supervisors at the end of this year, having served it most ably for 8 years.

During his tenure with the board, Adrian served twice as vice chairman and is now completing his second term as chairman. His leadership has been exemplary, and his actions as a board member have been based upon sound knowledge of and sincere love for the area he serves.

Born and raised in the area, Adrian has lived on the same ranch in Ripon since 1936. In 1955, he began farming with his brother, raising peaches and almonds. His personal experience has provided him with a keen appreciation for the needs of the agricultural community, and he has consistently applied that knowledge to protect the best interests of California growers. He has served as chairman of the Escalon Farm Bureau Center, and has twice served as president of the San Joaquin Farm Bureau Federation, of which he has been a director for 15 years. His commitment to agriculture has also been reflected in the time he has devoted to a wide range of associations, including the California Council of Growers, California Canners and Growers, and the California Almond Growers Association. He is a past director of the Growers Harvesting Committee, and served two terms as a member of the Freestone Peach Association State Chairman Advisory Council. He now serves as a member of the Lieutenant Governor's Advisory Council to the California Agriculture Commission.

Adrian's contributions to the community have not been limited to farming, or even to the board of supervisors. He has been an active participant in the Ripon Chamber of Commerce and the Ripon Lions Club, of which he is a past vice president. Board Chairman Fondse has also demonstrated his ability and concern on a national level, serving as a member of the National Association of Counties Welfare Reform Task Force and the New Coalition Welfare Reform Task Force of Elected Officials. He has also served on the board of directors of the western region district for the National Association of Counties.

Chairman Fondse also remains an active member of his church, and a devoted husband and father of four children. In short, he is a man who exemplifies the finest qualities of American life, and who has never failed to guide those around him with his responsible leadership.

Adrian Fondse is an outstanding asset to his community, his State, and to the Nation. His presence on the board of supervisors will be sorely missed, but his numerous contributions to society will undoubtedly continue in other areas. I know that my colleagues will be pleased to join with me in recognizing the many accomplishments of this fine individual, and in extending every best wish to him for continued success and fulfillment.●

FRANCIS HAMMOND JUNIOR HIGH FOOTBALL CHAMPIONS

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. HARRIS. Mr. Speaker, I want to congratulate Alexandria, Va.'s Francis Hammond Junior High varsity football team for its undefeated season, Coach Glen Furman and team cocaptains James Biggs and Frank Smith led their team to success game after game throughout the long football schedule, and their abilities and achievements are notable.

Competition—and the challenge to excel—is the engine that drives our society. Whether it is in athletics, or academics, or business, or politics, or any other field of endeavor, the challenge of competition gives our society a vitality that is unequaled anywhere in the world.

The young people of Francis Hammond met the challenge. This is as much an achievement for each individual member of the team as it is a tribute to teamwork.

Once again, I congratulate Coach Furman, the team cocaptains, and every member of Hammond's superb varsity football team. All Alexandria can be proud of their success.●

MAX CLELAND'S VETERANS DAY ADDRESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. SKELTON. Mr. Speaker, on Veterans Day, November 11, Max Cleland, the head of the Veterans' Administration, gave the main address at the Tomb of the Unknown Soldier at Arlington Cemetery. His remarks should be read by all Members, and I include them herewith:

VETERANS DAY SPEECH, MAX CLELAND, NOVEMBER 11, 1980

Thank you very much ladies and gentlemen.

Welcome to this year's Veterans Day Ceremonies. This will be my last ceremony as head of the Veterans' Adminstration, and as one who has the honor of representing the President here at the wreath laying ceremony and here at the speaking thereafter. Let me say that my heart if filled with gratitude for:

All of you who really make things go in the area of veterans affairs in this country;

All of you who are a part of the veterans service organizations network;

All of you who are volunteers;

All of you in the military, who make such ceremonies like this really special; and especially,

All of those 200 or more thousand VA employees, without whom we in the Veterans' Administration would not be able to do our job.

Let me just say over the last four years, I have distilled two truths that I would like to leave with you. First of all, wars do not end when the shooting stops. They live on in the lives of those who are survivors and dependents of those who lost their lives in war.

But, most of all they live on and on in the memories of those who have served—who have given their best for this country.

That is why this Nation should never forget, because the veteran never forgets. So wars do not end when the shooting stops. And hopefully this kind of ceremony will not end until the last veteran is gone.

Secondly, my Vietnam experience taught me that this country should never commit the troops before the Nation itself is committed. We must commit the nation first and then commit the troops.

No veteran I ever talked to, whether he was a veteran of the Spanish-American War or World War I, or World War II, or Korea, or Vietnam ever wanted to be considered more or less than a veteran.

He wanted and she wanted that dignity and that honor and that respect, nothing more, nothing less. That's what the country ought to be about.

Wars do not end when the shooting stops; and the Nation should commit itself first, and then the troops. All we want to be is veterans, not victims.

We want to be veterans of national service, not victims of an international traffic accident. That is the meaning of a ceremony like we have today. We are veterans—we are veterans of national service, not some freaks of a historic accident.

Most of us served in the military, not necessarily because it was the greatest thing to do at the time, but because we thought it was the thing we ought to do at the time. And that nobility of purpose deserves to be honored in a ceremony like today. So, please remember there two things, commit the nation first and then the troops, and then when the troops come home they won't have to worry about whether or not they have the honor and respect due to them. And, remember that this nation holds an obligation to those for whom the war is never over—because the veteran never forgets.

I came across a theme that seemed to articulate these two points. It was not written recently. It was written over 2,000 years ago by a Greek historian who wrote of the war of his generation and the veterans who perished and the veterans who came home.

These words:

"The sacrifice which they collectively made was individually repaid to them—for they received again, each one for himself, a praise which grows not old. And the noblest of all sepulchres, I speak not of that in which their remains are laid, but of that in which their glory survives, and is proclaimed always and on every fitting occasion both in word and deed.

"For the whole Earth is the supulchre of famous men. Not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial of them—graven not on stone, but in the hearts of men."

Thank you very much and God bless you.●

WORLD SURVIVAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. CONYERS. Mr. Speaker, the global struggle over limited and unequal resources is a key to the deepening turmoil that exists in the world today. At the heart of the struggle is a fight over the redistribution of resources and power among the nations and peoples of the world, particularly between the industrial powers and the so-called developing nations of the Third World.

In a penetrating series of articles that first appeared in the New Yorker Magazine and later was published in

the Lean Years, Richard J. Barnet critically examines the distribution of human and material resources—and needs—throughout the world. He zeroes in on the major questions of policy for the coming decades. How and where will the developing nations find the financial means for their own development? How will scarce energy be allocated among nations, and will the industrialized world curb its own consumption to allow the other nations to develop? On what terms will the industrial powers and their lending institutions finance the development of Third-World nations? What kinds of economic planning mechanisms can possibly avert a world crisis? What are the consequences of choosing systems of private industrial planning over public and democratic planning?

Richard J. Barnet is currently a senior fellow at the Institute for Policy Studies in Washington, a liberal think tank that he helped found. He is the author of numerous works, including Global Reach, the Roots of War, and the Giants. The excerpts from the New Yorker series, that follow, appeared in the April 7, 1980 issue:

The vast struggle that stretches across the world—from the Sandinistas' fight against Somoza in Nicaragua to the liberation movements of Africa—is a fight for redistribution of power and resources. Between nations and within nations, the awareness of scarcity leads to naked class war. The pressure for a more equitable distribution of world resources is intensifying, and so is resistance to that pressure. The costs of class warfare are enormous for all sides. The rich resist so-called transfer payments of wealth when they are obvious—unemployment benefits, welfare checks, commodity price supports for poor countries—but fail to see other ways in which, in a world of permanent class struggle, the costs of maintaining islands of affluence are escalating. Supporting the military and the police imposes a steady drain on money, oil, copper, manganese, cobalt, and other resources. The defense of privilege now requires a style of life which robs it of its pleasures. Double locks, armed guards, and a justifiable fear of kidnapping and assassination are the rewards of achievement almost everywhere. Moreover, the poor extract public money in all sorts of hidden ways. In Washington, D.C., for example, the abandonment by public authorities of the "unproductive" poor has spawned a large population of isolated and demoralized teen-age girls with no role in society except to produce babies who might love them and make them feel important. These thirteen- and fourteen-year-old mothers are giving the nation's capital the distinction of having one of the highest infant-mortality rates in the industrial world. Premature babies born to poorly nourished mothers can extract from society far more money than decent education, prenatal care, or job opportunities for those mothers would have cost; it is routine to spend more than a hundred thousand dollars in the weeks of elaborate care needed to keep a small baby alive. One of the meanings of "interdependence" is that it is hard to abandon people without paying for it.

On a global scale, there is no necessary scarcity of resources. Theoretically, there are ample resources in the world to support a decent life for the predicted global population of the year 2000, though not to support lopsided opulence or continued ecological plunder. Yet scarcity is real, because the control of resource systems is arranged in such a way that much of the world does not have enough. For those without adequate jobs or money—and that is close to a quarter of the world population—the market is almost irrelevant. Companies and countries that control resources worry more about short-term glut than about long-term scarcity. In the interests of maintaining their hold on the elements of civilization, companies delay the development of new resources and divert old resources not to where they are most needed but to where the highest profits can be expected.

The choices seem clear. If the present planning system continues in effect, the result will be growing scarcity, bringing severe social dislocation in the industrial world and starvation and mass unemployment everywhere else. Against this background of social disorder, the arms race is likely to produce a nuclear war. The alternative is to recognize that peace and prosperity for all require a new planning system, operating on different incentives and rooted in a set of survival values that fit this age rather than the age of capitalist accumulation from which we have just emerged. Instantaneous, revolutionary transformation of the world order is out of the question, but rapid evolution of a survival strategy is possible.

The first principle on which the evolution of a survival strategy could be based is that every person born has political and economic rights and a vested right to a decent minimal share of world resources. The explicit purpose of the global resource systems is to serve the world population, and that should mean everybody on earth. There is no alternative to making human rights truly universal, for there is no middle position that permits dividing humanity into superior races and inferior races, productive individuals and non-productive individuals, the lucky and the unlucky.

The second principle underlying the evolution of a survival strategy is that communities must be protected. This requires shifting our definition of economic health from one that emphasizes the "balance" of the world economy or the national economy to one that insists that the communities where people actually live be in balance, and not be mere appendages of distant economies beyond their control. Economists and the government officials who listen to economists usually measure progress by such aggregate indicators as the volume of world trade, the rise in the gross national product, and the improvement of per-capita income. It is assumed that if the United States as an economic unit is doing well, prosperity will automatically trickle down to Youngstown, Detroit, and Salina, Kansas. But we know that this is not so, and because it is not so the political stability of governments is strained.

Interdependence of one sort or another is unavoidable in the contemporary world, but the modes of interdependence are the products of one sort of planning or another. A rational planning system should start with the goal of community health—physical, economic, and spiritual. (Whether for planning purposes the relevant community is a neighborhood or a city or a consortium of population centers depends upon the local circumstances.) The purpose of planning should be to enable a given population to develop a balanced and secure economy within which to achieve the quality of life the people want. The idea that certain cities, regions, or countries must be abandoned for the greater good of the world economy is unacceptable. The goal ought to be maximum self-reliance for those communities large enough to survive economically and small enough to accommodate some form of face-to-face politics. Autarky is neither possible nor desirable; however, the present economic arrangement results in a drain of resources for many cities in the United States and for virtually all Third World countries. To develop new modes of interdependence, communities may find it necessary in many cases to disengage sufficiently from the world economy or the national economy to change the terms of future integration.

To increase the self-reliance of local economies—within the United States and within the rest of the world economy—it will be necessary to change trade policies that preserve inequalities. Proposals for "a new international economic order" put forth by Third World countries represent a modest effort to do this, and the theory behind them ought to be embraced, in the interests of world stability. Within the United States, this kind of effort to protect the integrity of local economies and to restore the power of such communities to plan their own future should be encouraged. Locally raised tax money should be used to develop community-based energy systems, development banks, and other institutions to revitalize local economies. Our national policy should be designed to enable communities to undertake a variety of such initiatives.

In the United States, we could start by redefining "national security" to make the security of local communities a prime national goal. The safety of nuclear plants, mines, and factories, for example, should be the responsibility of local residents. They have a much greater incentive to avoid an accident than either the collection of executives halfway across the country who represent the "owner" or the corps of Washington-based inspectors from the regulatory agencies. Individuals derive their sense of personal security in large measure from the security that their city or town can provide. National security has little meaning if the local economy cannot provide jobs, if food, shelter, energy, health care, and transportation are not available at prices people can afford, and if people are afraid to walk the streets. Local communities can no longer be at the mercy of distant boards of directors who decide when to move in and when to move out. Companies must be required to give notice of their movements, to negotiate the terms under which they leave, to bear a fair part of the cost of the dislocation they have caused. When a company decides to leave, the city could be made eligible for federal funds with which to buy the facility and convert it into an enterprise that can employ its citizens and finance essential public services.

The key to democratic planning is democratic control of capital. If the capital in the hands of multinational corporations and banks is flowing to the international money markets instead of to such priority investments as solar energy and low-cost housing, greater public control is necessary to create new markets. The self-serving system of private planning and public anarchy could be replaced by mechanisms for gaining better public control of the capital resources of the nation. This can be done within a democratic political system and a truly mixed economy, in which a variety of forms of public governance of resources coexist with a strongly competitive free market.

The trouble with present planning systems, public and private, is that accountability is weak. The private planning systems of the global corporations operate on a set of narrow incentives that frustrate such sensible public policies as full employment, environmental protection, and price stability. Public planning is Olympian and confused, because there is no clear consensus on social values or political priorities. To accomplish anything, explicit choices must be made, but these choices can be made effectively only with the active participation of the people most directly involved. This, and not the nostalgia for small-town times gone forever, is the reason that a devolution of political power to local communities is a political necessity. The power to plan locally is a precondition for a sensible integration of cities, regions, and countries into the world economy, because the process of establishing priorities, of deciding what should be produced, of envisioning a decent physical environment can take place only on a human scale.

Whether the redistribution of power—the precondition of the redistribution of resources—can occur without a huge increase in revolutionary warfare is dubious. Yet the prospects of such warfare are so horrendous that there is a strong interest, shared by the powerful and the powerless, to navigate the transition to a new international order by less violent, more evolutionary strategies. One such strategy involves the development of new forms of popular participation, appropriate to different cultural traditions and different economic and political systems. The eighteenth-century political structures in the United States, the old-fashioned parliamentary democracies of Europe, and the one-party state are all inadequate for democratic resource planning. The process of developing new institutions is a long one, and it takes different shapes in different societies. Nevertheless, the process can evolve from a world consensus that political participation is not only a fundamental human right but one that is indissolubly connected to the achievement of basic economic rights.

The choice is more democracy or much less. The effective participation of people in making the decisions that most directly affect them is the precondition for economic, political, and spiritual liberation. Until people can play a direct role in shaping their own physical and economic environment, they are not fully alive. When masses of people come to see themselves either as extensions of machines for making things they can never have or as surplus population, they lose the incentive to create. They lose, and the world loses, immense resources—imagination, creativity, power, and love. There are stories from many parts of the world that corroborate one simple idea. Where peasants in Latin America have been able to organize farms in such a way that they can control what is grown, how it is grown, and how it is shared, productivity increases and many of the pathologies associated with "development" disappear. When—as is already happening in industries in Yugoslavia, China, and even the United States—workers share not only in the proceeds of the assembly line but also in the decisions concerning its operation and, ultimately, what is produced, the alienation that now threatens productivity in every industrial country begins to dissolve, and the passion for living returns.●

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. DORNAN. Mr. Speaker, on January 24, 1980, President Carter sent to the Senate a "Treaty of Friendship" with the Republic of Kiribati, formerly the Gilbert Islands. The treaty has not been approved by the Senate Foreign Relations Committee and will receive no action this year. However, in light of the question of the constitutional responsibility of the House of Representatives to pass on the cession of any U.S. territory, I submit for the RECORD the following article on the treaty by Mr. Mark Seidenberg of Los Angeles, who entertains a longstanding interest in U.S. affairs in the South Pacific.

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI

On January 24, 1980, President Carter transmitted an inchoate "Treaty of 'Friendship' with the Republic of Kiribati [Executive A, 96th Congress, 2d Session]" to the U.S. Senate, where it was "read for the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations."

The essence of this inchoate treaty is to cede 14 U.S. sovereign Pacific Atolls to the pro-Soviet government of the so-called "Republic of Kiribati (formerly Gilbert Islands), without the approval of the House of Representatives as required by Art. IV, §3, Cl. 2, of the Constitution of the United States. Each of these atolls has an economic zone with a radius of 200 miles (totaling almost 2 million square miles of ocean) rich in tuna and magnesium nodules.

The so-called "Republic of Kiribati" is known all over the Pacific as the most tyrannical regime in Oceania. Since its independence from Great Britain, the anti-American and pro-Soviet junta now in control of Kiribati has usurped control of Ocean Island and has been subjugating the pro-American Banaba Islanders. Mr. Tabai (President of Kiribati) announced last year that "[i]f the Russians come [to the Gilberts] we would talk to them and not send them away." Fifth columnists in the U.S. Department of State and other departments of the United States Government have been lobbying members of the U.S. Senate in support of this cession treaty.

Both Secretary of State Vance and Governor Coleman of American Samoa have been leaving the erroneous impression with members of the Committee on Foreign Relations of the U.S. Senate that the U.S. Government did not advance its claims of sovereignty to the following 14 atolls until 1939, i.e., they are trying to leave a false impression with these Senators that the U.S. claim is very weak historically in order to get this "Treaty of Friendship" out of that Senate Committee by placing these atolls histories in "memory holes" [G. Orwell, 1984]: Birnie, Canton, Caroline, Christmas, Enderbury, Flint, Gardner, Hull, McKean, Malden, Phoenix, Starbuck, Sydney, and Vostock. The fact is all these islands have been claimed by the United States since the mid-1800's.

Christmas Atoll, the largest of these 14 islands, has a similar historic American connection with the other 13 atolls. [Because of space considerations in this article, I will limit my discussion to Christmas Atoll as an example of the American claims to those 14 islands of American Polynesia.] Christmas Island (largest coral atoll in the world) with an area of 234 square miles (over ten times the size of Manhattan Island in New York City) has been American owned since 1825. The U.S. Government acquired sovereignty over Christmas in the following manner and not in 1939 as the Department of State would want people to believe:

First. Captain John Stetson of New Haven, Connecticut, landed on Christmas Atoll from the American ship *Equartor* on February 15, 1825. Finding it not occupied he claimed the island for himself.

Second. By a quit-claim deed of assignment, dated May 11, 1857, John Stetson and his wife sold Christmas Atoll to Alfred G. Benson of Brooklyn, New York. On the same date Alfred G. Benson empowered Captain J. L. Pendleton, Master of the ship *John Marshall*, of New York, to take possession of the island, which was accordingly done on the 20th of June 1858, in the name of, and on behalf of, Alfred G. Benson, and his associates, in full conformity with the Guano Islands Act of August 16, 1856 (48 U.S.C. 1411-1419).

Third. By deed dated May 13, 1857, from Alfred G. Benson, aforesaid, to George W. Benson of Brooklyn, granting all of his rights, title, and interest therein, conveyed to him from John Stetson and wife.

Fourth. By deed dated November 24, 1858, from George W. Benson, aforementioned, to the United States Guano Company, of the City, County, and State of New York, conveying all of his right, title, and interest in said discoveries, ceded to him by deed from Alfred G. Benson. On November 25, 1858 the above two Bensons and seven others organized the United States Guano Company as a New York Corporation, pursuant to and in conformity with the act of the Legislature of the State of New York passed on the fifteenth day of April 1857, entitled: "An Act to authorize the formation of corporations for the purpose of mining, importing and exporting guano and other fertilizers."

Fifth. The United States Guano Company gave an approved bond in accordance with the requirements of the Guano Islands Act (48 U.S.C. 1411-1419) and U.S. Secretary of State Lewis Case issued a certificate to the United States Guano Company for Christmas Atoll on December 29, 1859.

Sixth. On July 20, 1872, Commander Richard W. Meade, U.S.N., of the U.S.S. *Narragansett*, formally annexed Christmas Atoll for the Government of the United States of America.

Seventh. Great Britain tacitly admitted United States sovereignty to Christmas Atoll in correspondence with the United States State Department as late as 1872.

Eighth. Ever since the United States Government formally annexed Christmas Atoll on July 20, 1872, it has been constantly publishing documents which have included Christmas Atoll as an island belonging to the government of the United States.

This give away treaty must be stopped in the United States Senate. Write and telegraph your Senators today and ask them to vote "No" on the "Treaty of Friendship with the Republic of Kiribati [Executive A. 96th Congress, 2d Session]."

This treaty will be first heard in the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, U.S. Senate and then by the full Committee on Foreign Relations.●

FREEDOM FOR VIKTOR BRAILOVSKY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. FISH. Mr. Speaker, I again address the House today with a matter of utmost urgency—the continuing persecution and incarceration of prominent Soviet Jews whose only crime appears to be their wish to live in freedom in Israel.

In an action of great boldness, the Soviet Union has jailed a leading Jewish scientist, Viktor Brailovsky, on the eve of the Madrid Conference. It is an insult to the free world and the cause of human rights that Dr. Brailovsky has been arrested for leading an appeal to Soviet President Brezhnev for the granting of exit visas to over 230 refuseniks. After 8 years of attempting to leave the Soviet Union, Dr. Brailovsky now finds himself not only behind bars, but facing up to 3 years in a labor camp. I urge my colleagues to express their outrage to Soviet leaders and to join me in informing the State Department that this matter should be brought up directly at the Madrid Conference.

Since his first visa application in 1972, Viktor Brailovsky has been a leader of the Moscow Seminar of Jewish Scientists. Holding seminars every Sunday in his home for these scientists, Dr. Brailovsky was able to keep those individuals who had lost their professional status informed about advancements and achievements in science. These seminars continued despite the confiscation by Soviet authorities in 1978 of papers and materials relating to the seminars. Dr. Brailovsky's arrest will sharply curtail the seminar's vital activities.

As the editor of the underground magazine, Jews in the U.S.S.R., Dr. Brailovsky published Jewish poetry, studies of Jewish Soviet history, and excerpts from Western Jewish books and articles. After his arrest and release in April of 1980 on charges relating to the magazine, Dr. Brailovsky has remained under investigation. His arrest on November 13 apparently was in connection with his work in this area as well as his direct protest to Chairman Brezhnev.

Mr. Speaker, I will continue to help lead the fight against oppression in the Soviet Union. Soviet Jews cannot endure their present circumstances forever. They continue to demonstrate extraordinary courage in the face of overwhelming difficulties. The current Madrid Conference presents the United States with a first-hand opportunity to let the world know of our concern not only for Viktor Brailovsky, but also for the thousands of others who suffer in Soviet prison camps, face job reprisals and professional disgrace, and are forced to live away from their promised, cherished land of Israel. I believe we should all join in this effort to free Viktor Brailovsky and expand our vigilant work on behalf of Soviet Jews.●

DEATH WITH DIGNITY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. ZABLOCKI. Mr. Speaker, for many years Congress has held discussions, hearings and debates concerning the beginning of human life. Yet it is equally important to focus our attention on issues associated with the termination of life, especially those who suffer in constant pain. This was the topic of discussion recently before the Capitol Hill First Friday Club. The Rev. John F. X. Sheehan, S.J., professor of theology at Marquette University in Milwaukee, spoke to the group about the current attitudes on pain, death and dying. This discussion was an adaptation of a recent article of Rev. Sheehan's that appeared in The Journal of Drug Issues.

Mr. Speaker, the Subcommittee on Health and the Environment has already held hearings on H.R. 7334 which addresses this issue. H.R. 7334 would authorize therapeutic use of heroin for those suffering from intractable pain. In addition, the National Institutes of Health, through an Interagency Committee on New Therapies for Pain and Discomfort, is conducting work and studies regarding pain, death and dying.

Therefore, I am pleased to take this opportunity to share the words of Father Sheehan with our colleagues:

Mr. Chairman and Distinguished Guests:

Thank you for the opportunity to address this gathering.

I have taken as my topic, "Theological Reflections on Pain" and I intend to speak briefly.

As part of a broad overview, I would like to show what I believe to be a sober reading of the Christian attitude toward pain and will then conclude with notes on some recent remarks by Pope John Paul II on the topic.

I am prepared to answer any questions at the end of the talk on related topics which certainly include the subjects of euthanasia and a variety of means to help the terminally ill.

Let me state a thesis with the greatest brevity.

Mainstream Christianity is not particularly in favor of pain. It sees it sometimes as a partial good that leads to a better end but pain is to be avoided unless it clearly leads to a better end.

I think that there are few contemporary Roman Catholic theologians who would disagree with this thesis. Yet, frequently in the history of theology there is an enormous gap between what is being taught by the most prudent of theologians and what is being perceived by a large body of religious and non-religious observers.

This is unfortunately the case here. It is my judgment that many American public attitudes toward death and dying are colored by the vague perception that Christianity is somehow or another in favor of pain.

Let us examine that vague perception. We must. For if the unreflected life is not worth living then the unexamined religious life can be positively mischievous.

Let us begin almost at the beginning * * *

In the Gospel of St. Matthew, Chapter 25, there is an arresting picture of the view which an early Christian community had of the end of days. The just, standing before the Lord, are pleased, but puzzled. He is telling them that they are worthy to enter the kingdom because they had found him sick and naked and hungry and in prison, and they ministered to him. But the just protest that never had they found him sick or naked or hungry or in prison and how could this be? And the Lord tells them, "So did you find my 'least brethren' and in ministering to them, you have ministered to me."

Careful study of these passages makes it clear that an accurate rendition could be "you found me in pain and you ministered to me."

The expression "least brethren" hoi adelophoi elachistoi is an attempt by the New Testament to translate the expression anawim of the Hebrew scriptures. This phrase refers to the "little people" of society: the weak, the sick, the powerless, the abandoned. The school of St. Matthew insists as do the Hebrew scriptures that it is in ministering to them, first of all, that we are in a position to minister to God.

It is my deep conviction that the terminally ill are, among the anawim of modern American society, and it follows that that society which sees itself in the Judaeo-Christian tradition should so minister to the Lord.

The most recent teaching of Pope John Paul II is interesting in this regard. The present Holy Father is perceived as "theologically conservative" as this description is commonly understood. Moreover, most of what he writes on the subjects of death and dying places him in direct line with Pope Pius XII who was also so perceived. There is nothing in the statements of these two religious leaders that goes counter to the most militant treatments of pain in the terminally ill.

All that is forbidden is the direct taking of human life.

If this is so and has been so, why is the papal teaching so often misperceived? I think that the Popes suffer the same problem as the rest of us schoolteachers. we exaggerate in order to make one point and the average students (by definition the majority) lose a point that the teacher thought already to have been clearly made.

The point that the popes wanted to stress is that the intentional taking of life as a means of pain control is wrong. What got lost is the notion that the human good of controlling pain may be pursued and that even the taking of human life—when it is not one's actual intention—is an acceptable outcome in the pursuit of alleviating pain.

Let us discuss the notion of the "double effect" for a moment * * *

The principle states that a double effect may result from the placing of a single act. One aspect of this act is good and intended. The other is bad and not intended. One may place the act intending the good even if the bad is seen as likely to follow. This is morally acceptable as long as the good effect does not proceed directly from the bad and does not depend on the bad effect's occurring.

For example, a mother in a burning building may throw an infant from a high story in the hope that he may escape the flames. If by some happenstance, the infant does not die, he has still escaped the flames. The escape then did not flow from a second and evil consequence. But, the mother may not shoot the child. This would bring escape only as the consequence of an evil effect. If by some chance, the bullet glanced off, the infant would have won no escape from the flames.

It seems to me that the medication can be used to control pain even at the possible cost of shortening life. The goal is the control of pain. The second consequence may be the shortening of life.

There is today before the American conscience a question that is at least mildly analogous. It has to do with choices in the matter of perceived needs of the dying patient and the good of society as a whole. Those who favor the legalisation of heroin for the terminally ill, for example, see the directly resulting benefit to the patient to be of paramount importance. There are side effects that may be of detriment to society. (Although this is by no means clear.) Postulating for the moment the worst possible scenario of added problems for society, these are relatively unimportant for a variety of reasons. On the most theoretical level I could live with any of them as the second and unintended result of a double effect.

Some may find the teaching of the double effect theory (especially in such a case as the burning building) to be unattractive. It is true that the reasoning is both "rabbinical" and "casuistic." I find neither of these to be "dirty words." The goal of both systems is to reach solutions to human problems by establishing some means of moral guidance. This is what the principle of the double effect attempts to do in a religious and moral tradition that seeks to sustain and promote human life wherever possible. An unreflective mentality may reach the same practical conclusion, but at the cost of creating further human problems.

The most recent pronouncement of Pope John Paul II says nothing to contradict what we have said here. He expresses his concern for the dying and repeats the teaching of Pius XII. He underlines the sacredness of human life but then goes on to note that there is no need to prolong the agony of dying if the prolongation serves no purpose.

It is true that he does note that there may be "some" who will feel the call most specially to join themselves to the suffering Lord and so to cooperate with Him in His redeeming work. Christianity has always left room for the "higher ethic" to which individual members may be called.

In any event, in my judgment, Pope John II writes nothing to contradict what I am saying here.

Finally, to put it slightly differently * * * there is a valid distinction between prolonging life and prolonging the process of dying. For those of us who maintain that humans hold life in stewardship for the Lord, a prolonged period of intense pain might be seen to be of obligation if a significant prolongation of life might result. There is clearly no such obligation (from the principle of stewardship) when all that is being maintained is a lengthened procedure of dying involving less and less truly human activity.

This talk has been deliberately short that we may have ample time for the offering of questions. In the talk, I have basically stated these. Given time, I think that I could prove any of them.

Thank you.●

THE EXPLOITATION OF NAMIBIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. CONYERS. Mr. Speaker, Namibia, a black African nation of 1.3 million persons, has been fighting for its independence from South Africa for the past 60 years. It is the world's third largest producer of gem diamonds, and also a leading producer of uranium. Because of its vast mineral wealth, Namibia also has fallen under the domination of European and American multinational corporations which, according to a recent article by Dr. A. W. Singham in the Nation—October 18, 1980—are relentlessly exploiting the country's resources and working behind the scenes to thwart its independence drive.

For 60 years the people of Namibia have been promised independence, first by the League of Nations and later by the United Nations. In 1966 and, again, in 1976, the U.N. voted to end South Africa rule and ordered preparations to be made for free elections. South Africa has ignored the U.N. mandate and now is engaged in armed struggle with Namibian nationalist groups, principally the South West African People's Organization (SWAPO).

Dr. Singham's article, that follows, reviews the current situation in Namibia and the two-front struggle with South Africa and the multinational corporations in its struggle for independence. Dr. Singham, formerly professor of political science at Howard University, is now teaching at Brooklyn College and a consultant to U.N. agencies.

The article follows:

URANIUM COLONY: THE ILLEGAL EXPLOITATION OF NAMIBIA

(By A. W. Singham)

Namibia possesses a considerable nest egg in the form of mineral wealth which could have given it a solid start in life as an independent nation. Instead, these riches—uranium primarily, but also diamonds, zinc, copper and possibly oil—have made South Africa all the more determined to continue its illegal possession. For Namibia has become a target of exploitation by some of the world's largest transnational corporations, contrary to specific prohibitions in a United Nations decree. In collusion with South Africa, and with the tacit blessing of their own governments, these multinationals are preventing Namibia from fulfilling the independent destiny envisioned for it by the United Nations.

The intransigence of South Africa has been abundantly clear in the delaying tactics it has employed to forestall free elections in Namibia and gain legitimacy for its own puppet regime. It was most recently evinced in a letter dated August 29 from Pieter Willem Botha, South African Prime Minister, to U.N. Secretary General Kurt Waldheim, informing him in no uncertain terms that South Africa would not allow the United Nations to supervise elections in Namibia and seriously questioning the integrity of the Secretary General and the entire United Nations family. The South African Prime Minister was possibly buoyed by the statement of a Ronald Reagan adviser in Pretoria recently that a Reagan administration would adopt a new policy toward the republic. South Africa is banking its hopes on the possible election of Reagan in the United States and the continuing support of Prime Minister Margaret Thatcher in Britain to underwrite the continuity of its apartheid regime and its domination of Namibia. Botha's letter should destroy any illusions the Western nations have that South African policy can be changed through their good offices.

The scope of foreign mining operations in Namibia is especially alarming because of the brazen violation of United Nations decree No. 1 for the Protection of the Natural Resources of Namibia, which was adopted by the Council for Namibia on September 27, 1974, and by the United Nations General Assembly on December 13, 1974. The decree forbids persons or corporations to "take, extract, mine, process, refine, use, sell, export, or distribute any natural resource, whether animal or mineral, situated or found to be situated within the territorial limits of Namibia" without the consent of the U.N. Council for Namibia, on pain of "seizure and forfeiture" by the council or its representative.

Namibia, it should be recalled, has been the responsibility of the international community for the past sixty years, ever since the League of Nations, in May 1919, ordered South Africa to protect the territory and prepare its people for independence. South Africa flouted this mandate, and in October 1966 the U.N. General Assembly passed a resolution terminating South Africa's control and appointed a Council for Namibia to administer the area until independence. After thirteen years, this council is still not recognized by South Africa, which continues to defy openly the decision of the world community. The General Assembly eventually recognized the organization known as SWAPO (South West African People's Organization) as the legitimate and authoritative spokesman for the Namibian people and insisted that South Africa negotiate with it. The Security Council also authorized the Secretary General to establish an elaborate machinery to hold elections in that territory. But South Africa conducted fraudulent elections whose results have never been accepted by the international community.

Testimony before the Council for Namibia this summer provided further insights into the real motives of South Africa and other Western powers. It was revealed that Namibia's economy is now dominated by white, foreign-owned interests, based largely in South Africa, the United Kingdom, the United States, France, West Germany, the Netherlands and Canada. They are involved in the exploitation of its natural resources, especially in the mining of mineral deposits. Experts from around the world documented the enormous scope of uranium mining. The territory holds some of the largest uranium reserves in the world, which, if fully developed, would make Namibia the third largest producer of uranium, after the United States and Canada. Namibian uranium is being extracted, processed, transported and sold, in violation of U.N. Decree No. 1, by transnational corporations with the support of their respective governments and the collusion of the government of South Africa. The main uranium mine in Namibia is operated by Rossing Uranium Ltd. Last year, it nearly reached its full production capacity of 4,535 metric tons of uranium oxide per annum.

The rights to develop the Rossing mine were acquired by the British-based transnational Rio Tinto Zinc (see following article). Rio Tinto Zinc now owns almost half the mine, which in 1979 earned nearly $200 million from exports of uranium oxide. Other large shares in the mine are held by a Canadian subsidiary of Rio Tinto Zinc, Rio Algom, and a French subsidiary, Total. In addition, the largely South African Anglo-American Corporation, America's Union Carbide and West Germany's Urangesellschaft have been involved in extensive prospecting for uranium in Namibia. Other transnationals have invested in South Africa's electrical and technical industries, which utilize Namibian uranium. For example, Allis-Chalmers, which helped to develop the Oak Ridge reactor, is the major contractor for the construction of the first nuclear reactor for the South African Fundamental Research Reactor. U.S. Steel and Gulf Oil, along with West Germany's STEAG and Siemens and France's conglomerate, Framatome have sold technology and component parts necessary for nuclear processing to South Africa. Many of these same countries have rhetorically dissociated themselves from the apartheid regime of South Africa and have spoken out against nuclear proliferation.

One of the major myths about transnational corporations is that they cannot be controlled by the public sector or by government. But in detailed testimony and a book (The Nuclear Axis, written with Zdenek Cervenka), Barbara Rogers has argued convincingly that it is virtually impossible for transnationals to function in any country without the collaboration of their governments. "The companies which are involved are preeminently government-controlled companies," she explained. Rio Tinto Zinc, for example, is closely tied to the British Government. "It also has strong connection with the West German nuclear industry which, in turn, is very much under the control of the Federal German Government. It has links in Canada and other parts of the world which it has used to create international linkages with this illegal venture in Namibia."

French expert Louise Trusell, among others, told the council that since 1978 France has become the center for the distribution of Namibian uranium throughout Europe. Two weekly flights "involving South African Airways and the French company, the Union des Transports Aeriens (U.T.A.)" carry some thirty-three tons each of uranium oxide for European nuclear plants through major French airports. In accounting for this transfer, Trusell quoted the vice-director of U.T.A. who stated, "The United Nations Council for Namibia is not recognized by France. As far as the company is concerned, there is a formal agreement by the French authorities for this transport." Another French expert argued that because of the clandestine nature of the uranium shipments, the likelihood of accidents was considerable and posed a threat to the health and safety of European peoples.

The uranium hearings last summer put the Council for Namibia in a difficult position. The hearings were closely followed by U.N. members, especially those from the West, who are quite concerned about the various charges made against them, as are the various transnational corporations who were invited to make presentations at the hearings but saw fit not to attend. The South African Government's only response was, "Many developing countries would envy the so-called exploitation that has taken place in South West Africa/Namibia under South Africa's administration. This so-called exploitation has led to the development of a modern and comprehensive infrastructure, sophisticated medical services, education, employment and a substantial increase in the standard of living and one of the highest per capita G.N.P.s in Africa."

On the basis of the evidence presented to them and the anticipated replies, the council must now act to fulfill its obligation to the General Assembly. The council should insist that the Namibian question be considered in the coming General Assembly session and that a resolution be passed on the uranium issue which calls for compensation to be paid to the independent government of Namibia for the plunder of these resources. The assembly could also consider the call for the internationalization of the mining operations under U.N. jurisdiction until the independence question is resolved. Namibia is one area where the international community can cooperate and bring about a settlement. In the final analysis, what is at stake is larger than the independence of Namibia. It involves two international concerns—the nonproliferation of nuclear weapons and putting and end to a racist regime.

The nations of the world have over the years accepted a nuclear-weapons ideology which has, in fact, legitimized the possession and use of nuclear weapons. The power and might of nations is now being measured by their nuclear weapons capacity. This legitimizing process has allowed a few "crazy states," as an Israeli theoretician has characterized them, to obtain and develop nuclear weapons. The Indian diplomat, Dinesh Singh, is clearly correct when he suggests that a few nations with nuclear weapons are holding the bulk of humanity in hostage. It would indeed be a tragic irony if the United Nations helped the "terrorist" state of South Africa to join this band by not putting a stop to its privileged and illegal access to Namibian uranium.●

THE POISON PEN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. CLAY. Mr. Speaker, for years I have been one of the most ardent defenders of first amendment rights of a free press. And I will continue to maintain that position in spite of much justifiable criticism of the media. That criticism is the result of certain elements of the media abusing the right of a free press. A free press is not necessarily a fair press. And a free, but fair press sometimes employs unthinking, if not incompetent agents. In too many instances of recent days, pure sensationalism has replaced true journalism. Since the investigative successes of Woodward and Bernstein during the Watergate fiasco, too many reporters view themselves as Sherlock Holmes-Walter Winchell hybrids.

An excellent example of this media mania is displayed in a recent story printed November 15, 1980, in the Washington Post by Cathy Trost entitled, "White Supremacist's Vote-Getting Talent Stuns His GOP Detractors." Mr. Speaker, a cursory review of the article clearly demonstrates the writer was apparently more interested in creating the facts than reporting them. If shaping opinion was the objective, then the article should have appeared in the literary section under the title of fiction. To publish such an article in the news section and to give it such a banner headline subjects the Washington Post to the charge of gross media irresponsibility.

The article was filled with half-truths and misleading statements. First, "A white supremacist Republican who wanted to rescind civil rights laws, create all-white cities, and impose dusk to dawn curfews for blacks" did not "garner almost exactly half as many votes in the general election last week as William Ford" as stated in the article. That statement conveys the idea that the election was close. The official record shows that Congressman WILLIAM FORD of the 15th District of Michigan received 114,484, twice as many votes as did Gerald Carlson, 53,570, a former Nazi party member in Michigan and the Republican candidate. Mr. FORD received 68 percent of the vote. Second, to imply that the results were close is an insult to the intelligence of Post readers.

If the reporter had taken time to check the vote returns for the last Presidential election (1976), in Michigan's 15th District, she would have found an almost identical result. Mr. FORD polled 117,000 votes. His opponent who was not a racist, nor a Nazi, received 39,116.

Third, to take those results out of context in order to convey the impression that racism was the predominant factor in the Ford-Carlson campaign is deplorable. A close analysis of the two congressional districts immediately surrounding WILLIAM FORD's reveals an almost identical preference of the voters. Mr. FORD received 68 percent of the vote, his Republican opponent 32 percent. In one adjacent district, Representative WILLIAM BRODHEAD received 69 percent of the vote. His Republican opponent, a black confined to a mental institution, received 24 percent. Incidentally, if reporter, Cathy Trost had investigated, she would have found that the Republican candidate in BRODHEAD's district had more publicity than Mr. Carlson. The voters in that district were more aware that he had been committed to a mental institution, than of Carlson's racist views. Yet, there was less than a 10,000 vote difference for the two Republicans. In the district adjacent to BRODHEAD's represented by JOHN DINGELL, the Republican received 28 percent of the vote to 70 percent for DINGELL.

So, in reality, the 53,570 votes cast for a racist candidate in Michigan's 15th District did not astound the local GOP as reported by the Post article. If any conclusion can be drawn, it merely reflected that a proportionate number of voters in three adjacent districts pulled the straight Republican lever in an effort to elect Ronald Reagan President. Any interpretation other than that is purely the imagination of an overzealous newspaper reporter.

Mr. Speaker, I am submitting the Washington Post article for the perusal of my colleagues.

WHITE SUPREMACIST'S VOTE-GETTING TALENT STUNS HIS GOP DETRACTORS

DEARBORN, MICH., November 14.—A white supremacist Republican who wanted to rescind civil rights laws, create all-white cities and impose dusk-to-dawn curfews for blacks has astounded the local GOP, which had disavowed him, by winning 53,570 votes in an unsuccessful bid for Congress from a blue-collar district on the outskirts of Detroit.

Gerald R. Carlson, 38, a former Nazi Party member who ran a low-budget door-to-door and shopping mall campaign, garnered almost exactly half as many votes in the general election last week as William Ford, the heavily favored Democratic incumbent who won reelection to a ninth term.

"There's no doubt in my mind that those were 53,000 very deliberate votes cast for Gerald Carlson," said Pat Ganzberger, 15th District Republican chairman. "Whoever voted for him in this election had full knowledge of what the man represented, who he was and where he was coming from."

Republicans called Carlson a "jerk," and publicly dissociated themselves from his candidacy after he won the primary last summer against the party-backed candidate, who spent $30,000 to Carlson's $180.

Voter support for Carlson was viewed by some as nothing more than an offshoot of the nationwide Republican landslide and the result of the straight party vote. President-elect Ronald Reagan defeated President Carter in the normally Democratic district by 48 to 45 percent.

Ganzberger noted, however, that no Republican congressional candidate from that district had mustered more than 26,000 votes in previous elections. She theorized that Carlson's popularity was related to the national political shift toward the right that gave Republicans control of the U.S. Senate for the first time in 26 years.

The 15th District, home of the Ford Motor Co.'s Rouge manufacturing complex and corporate offices, lies just southwest of Detroit. Most of the residents there made their way south from the immigrant neighborhoods of Detroit or north from the Appalachian mountains. They have a median annual family income of $12,500 and a median 12.1 years education, and they are only 5 percent black.

During the controversial campaign, Carlson vowed that, if elected he would work to rescind civil rights and fair housing laws, support the proposed constitutional amendment to ban busing, and back voter referendums to create all-white cities. His campaign statement in the widely distributed League of Women Voters guide said, "Negroes do not work like white people: in addition they sabotage. Solution: stop affirmative action, instill more respect and discipline in Negroes, regulate unions.

"We would have glorious and wonderful white cities where white people are allowed to thrive and to live without the threat of Negro crimes and violence," he said.

An Air Force radio intercept operator fluent in five languages who studied in Europe, Carlson aligned himself with numerous right-wing extremists groups before founding his own party, the National Christian Democratic Union.

He later ran a series of taped antiblack messages from his home that outraged local black groups. He promised in one of the messages that, if elected to Congress, he would "immediately submit legislation which would make it illegal for Negroes to live and shop in Dearborn or Dearborn Heights and provide a dusk-to-dawn curfew for this criminal element.

The black community strenuously opposed Carlson's candidacy. "You think that all of us are educated now and that an individual like that cannot survive. But he does survive," Lawrence Washington, President of the Detroit NAACP, said during Carlson's campaign. "There is a danger in our falling asleep on something like this."●

A 6-YEAR PRESIDENTIAL TERM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. CONYERS. Mr. Speaker, I have today introduced a joint resolution proposing a constitutional amendment which would limit the term of office of the President of the United States to a single 6-year term. The amendment, which would not apply to the incumbent term in effect at the time of ratification, would require the approval of three-fourths of the State legislatures. It would effectively repeal the provisions of the 22d amendment to the Constitution which limits a President to two 4-year terms.

At a time in our history when calamities here and abroad demand the most careful and independent judgment that a President can offer, he or she ought to be able to focus on the duties of the office without the endless distraction of reelection campaigns and other political pressures.

A single, 6-year Presidential term would free the President from the overwhelming electoral pressures that too often force the incumbert to compromise on major policy directions, put aside long-range policy considerations, and equivocate in the implementation of stable foreign policy goals in dealing with other nations. A 6-year term would lengthen the time horizon for the solution of national problems. It would enable a President to decide the tough issues of governance without the fear of burning a reelection bridge.

This amendment also would promote the recruitment of new talent to the Presidency. Candidates would be in a position to argue their own merits rather than have to defend or attack the incumbent's record. A clearcut and new direction would be possible every 6 years.

The genius of our Constitution is that while it discourages frivolous changes, it permits our political system to make changes in its charter in the light of experience. The American Presidency needs to be made more effective, which is the principal goal of this legislation.

The text of the amendment follows.

H.J. RES. —

A resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by three-fourths of the several States within seven years after the date of it submission by the Congress.

"ARTICLE —

"SECTION 1. The term of office of the President and the Vice President of the United States shall be six years. A person who is elected to a six-year term as President shall be ineligible to take office as President after the end of that term.

"SEC. 2. This article shall take effect on the first day of the first month of February which begins after the date of the ratification of this article, but shall not affect the length of the term of office, commenced before the date this article takes effect, of the President and Vice President holding those offices on the date this article takes effect."

HANDGUN VIOLENCE CLAIMS 613 LIVES IN SEPTEMBER 1980

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. DRINAN. Mr. Speaker, the roll of handgun dead continues to mount as handgun violence claims additional lives each month. During the month of September 1980, 613 lives were lost because of handgun misuse.

September, the month of returning to school, saw children and teachers threatened, harmed, or killed by handguns. According to FBI statistics, 1,367 young people aged 1 to 19 were murdered in gun violence during 1979. I urge this final session of the 96th Congress to consider the Kennedy-Rodino Handgun Crime Control Act of 1980 before adjourning. This measure would help to control the senseless tragedies caused by the misuse of handguns.

The handgun body count for September 1980, compiled by Handgun Control, Inc., follows:

THE AMERICAN HANDGUN WAR DEAD

ALABAMA (3)

M. Green, P. Griffin, and J. Jones, Jr.

ARIZONA (16)

R. Conner, R. Duarte, G. Elmer, M. Flores, J. Fraser, J. Hayden, S. Ishmael, M. James, L. Joliceur, G. McDaniel, P. Muma, M. Palmer, S. Peters, M. Quijaea, A. Sanchez, and P. Tootsie.

ARKANSAS (9)

G. Bailey, P. Brinkley, J. Carey, A. Garrido, R. Johnson, P. Smith, K. Staton, S. Story, and S. Ware.

CALIFORNIA (72)

A. Auerbach, R. Bailey, H. Batazar, P. Benjamen, M. Borrayo, A. Briones, T. Briones, D. Brown, S. Bruno, T. Calderon, S. Cohen, R. Como, V. Cortez, H. Denton, D. Easter, D. Ehrenfeld, J. Elenes, J. Epperson, C. Farris, E. Felio, T. Flores, M. Foley, C. Freeman, H. Gonzalez, C. Granada, R. Green, F. Hernandez, T. Hernandez, C. Holiday, R. James, J. Jones, D. Judd, D. Kelly, D. Kemp, C. Klugman, B. Leong, K. Levine, A. Lira, R. Loy, J. Luna, L. Martinez, R. Noriega, Jr., R. Ortega, J. Ortiz, R. Otto, J. Palmer, J. Parmer, F. Perez, J. Perez, R. Perry, W. Porter, B. Rabitshek, L. Randall, T. Reidy, G. Resyeloso, B. Robinson, E. Rossell, A. Salas, M. Saunders, R. Scaife, M. Solis, T. Stofle, J. Tedrick, E. Tirado, M. Vasquez, N. Washington, M. White, S. Wilson, J. Wright, C. Zarâte, unidentified male, and unidentified female.

COLORADO (18)

L. Behrend, G. Bolles, P. Chacon, B. Dorritie, W. Harvey, W. Hazen, L. Heiberger, O. Jiron, B. Lopez, K. Lord, E. Magnun, S. Mangano, P. Mitchell, G. Moya, H. Osborn, P. Smith, J. Thompkins, and unidentified male.

CONNECTICUT (3)

J. Scott, J. Senior, and A. Wilson.

DELAWARE (2)

J. Eicholz and J. Young, Jr.

DISTRICT OF COLUMBIA (2)

R. Nolan and A. Precia.

FLORIDA (36)

N. Abene, K. Allen, C. Rockell, I. Camejo, A. Chestnut, G. Davenport, A. Garcia, D. Gibbs, R. Gonzalez, A. Holtz, C. Ivens, V. Ivens, S. Jackson, R. Jennings, D. Klein, W. Knaus, J. Lopez, G. Moore, P. Myers, O. Navarro, A. Nelson, P. Pena, M. Peters, T. Pointer, J. Postell, T. Potter, R. Bias, J. Smith, W. Tiller, J. Young, unidentified male, unidentified male, unidentified male, unidentified male, unidentified male, and unidentified male.

GEORGIA (16)

W. Bright, W. Cass, R. Davis, J. Farr, L. Foster, G. Johnson, R. Johnson, R. Jones, M. Key, C. Mahoney, E. Martin, W. Robertson, C. Smith, W. Smith, J. Swanson, and G. Weldon.

ILLINOIS (76)

R. Abeja, R. Alonso, J. Barela, R. Barregueta, T. Blalock, J. Bobo, C. Bond, W. Britton, K. Brooks, S. Burns, O. Carter, Jr., L. Chalmers, I. Cherry, R. Chodorski, D. Cole, W. Cooley, R. Davis, M. Dell, J. Diaz, W. Duncan, S. Fishman, R. Garcia, F. Garrillo, A. Gillam, C. Grant, D. Guiton, S. Hall, F. Harvey, V. Hernandez, C. Hill, D. Ivey, T. Johnson, A. Kapelusz, C. Kiefer, P. King, A. Lee, R. Lee, G. Lightfoot, V. Lihaa, R. Lindsay, J. Lopez, R. Lottee, A. Lozano, A. Maglietto, B. Marcus, M. McKellop, F. Mendoza, S. Morgan, W. Morris, G. Murray, S. Nixon, T. O'Reilly, J. Ortiz, E. Pagan, E. Parker, J. Pickens, J. Roach, D. Robinson, J. Ross, J. Sanchez, S. Schwigen, M. Soriano, L. Sweeney, M. Taylor, R. Thornton, T. Toliver, J. Tompkins, B. Trice, O. Trotter, L. Varga, R. Waller, M. Wendt, E. Williams, and D. Wilson.

INDIANA (5)

D. Halliburton, L. Jamerson, G. Ross, R. Taylor, Jr., and R. Winn.

IOWA (3)

L. Belden, W. Feltes, and H. Olsen.

KANSAS (8)

L. Ford, C. Henegar, T. Kopric, L. Monroe, W. Palmer, C. Topham, J. Townsend, and Janet Wood.

KENTUCKY (7)

R. Doherty, G. Fitzsimmons, H. Hazelwood, E. Martin, K. Pelphrey, J. Vanover, and D. Ward.

LOUISIANA (15)

L. Billeaudeau, B. Brown, H. Gotreaux, E. Herbert, L. Hickman, R. Hopper, W. Hosch, H. Jackson, E. Jones, M. Kohler, P. Lions, M. Moses, O. Reaux, L. Scales, and L. Simms.

MAINE (2)

S. Tracey and T. Tran.

MARYLAND (32)

R. Barwick, J. Bomar, P. Chaconas, B. Coyle, Jr., L. Curtis, T. Curtis, H. Dukes, J. Edwards, D. Foreman, C. Forest, R. Goins, R. Grandy, J. Grotheer, A. Harvin, R. Hastings, H. Johnson R. Jones, G. Kittrell, R. Moskowitz, W. Null, G. Plater, H. Phillip, E. Raymond, S. Salsberry, D. Schafer, A. Sewell, C. Stewart, L. Stewart, L. Stewart, R. Stewart, Jr. G. Turpin, and unidentified male.

MASSACHUSETTS (12)

W. Bridges, B. Britto, B. Cobe, D. Cobe, J. Callahan, C. Dentremont, D. Doroni, G. Hagelstein, J. Long, V. Pulia, L. Sandanota, and R. Skehan.

MICHIGAN (2)

W. Roberts and D. Tucker.

MINNESOTA (2)

P. Flatum and, J. Schneider.

MISSISSIPPI (14)

W. Brown, W. Churchill, T. Hensley, W. Hervey, N. Keene, B. Knight, M. McCollins, B. Ruffin, O. Shedd, M. Vanderford, J. Walden J. Walls, Jr., S. White, and D. Whittley.

MISSOURI (24)

R. Bartow, R. Bartow, P. Breite, A. Carbage, D. Cathey, C. Clark, C. Densing, E. Gillard, J. Harris, J. Koerner, T. Kopric, B. Lane, M. McClain, C. Mercer, L. Powell, D. Ray, D. Ray Jr., E. Sateia, F. Stinson, J. Tyrer, M. Tyrer, J. Walton, L. Woods, and J. Wyroznske.

MONTANA (3)

K. Cain, L. Fox, and J. Russell.

NEBRASKA (1)

H. Lue.

NEVADA (4)

C. Mack, P. Scaglione, W. Spinner, and B. Towers.

NEW HAMPSHIRE (3)

E. Henderson, K. Henderson, and H. Travers.

NEW JERSEY (11)

N. Abate, N. Ayer, T. Brown, W. Cunningham, Jr., J. Domeraski, W. Hamilton, J. Killingsworth, J. Negron, N. Ortiz, B. Pozniak and unidentified male.

NEW MEXICO (5)

L. Anders, P. Chacon, A. Disabatino, A. Griego, and H. Judy.

NEW YORK (26)

L. Caparella, E. Cruz, G. Dunn, D. Edwards, R. Epstein, T. Fleming, J. Garcia, F. Carcia-Rodriguez, D. Goodson, H. Green, C. Guica, J. McCoy, C. Mei, M. Norton, S. Paz, L. Perez, C. Plotnick, R. Prasad, G. Quintaro, J. Rivera, F. Rosade, G. Shaffer, F. Suarez, E. Thomas, R. Tiller, and unidentified male.

NORTH CAROLINA (19)

R. Abrams, M. Berry, S. Clark, J. Craver, B. Davis, J. Davis, B. Garcia, T. Gushue, J. Harris, G. Hatcher, C. Henderson, E. Kennedy, S. Mauney, J. Mitchell, H. Osteen, C. Rogers, S. Schulte, P. Short, and S. Page.

OHIO (15)

D. Alexander, S. Alexander, C. Chenault, C. Creech, R. Creech, K. Creech, R. Creech, C. Durfey, R. Flinn, M. Henley, V. Robinson, J. Snoke, B. Stephenson, D. Walker, and A. Zinkhon.

OKLAHOMA (15)

T. Batt, R. Bell, B. Bond, W. Bond, T. Farr, L. Felkel, N. Giles, G. Kilduski, M. Mandragon, J. Mantooth, D. Miller, L. Shaffer, V. Smith, H. Teel, and C. Templeton.

OREGON (2)

D. Erwin and R. Robertson.

PENNSYLVANIA (15)

R. Bender, D. Carroll, M. Douglass, T. Ellis, T. Fairman, P. Harmon, J. Hirn, T. Irwin, M. Kelly, P. Medina, A. Robinson, F. Wagner, I. Walker, and V. Williams.

RHODE ISLAND (1)

C. Petteruto.

SOUTH CAROLINA (2)

D. Jones and H. Karst.

TENNESSEE (21)

T. Bacon, J. Bailey, J. Bronson, A. Carroll, Jr., M. Cattaneo, R. Childs, B. Dickerson, D. Drake, H. Escue, E. Germano, V. Greer, F. Hicks, Jr., W. Hodges, R. Jackson, M. Meadows, J. Swinney, C. Watson, M. Weeks, J. Whitaker, M. Williams, and Unidentified male.

TEXAS (67)

A. Aleazre, M. Alvarado, F. Aranda, C. Bates, A. Bickell, J. Brinson, A. Brown, C. Brown, E. Buchholz, J. Butler, B. Callahan, C. Coleman, C. Dixon, M. Dlouhy, H. Escamilla, O. Ferguson, S. Fox, L. Gabhart, B. Gabriel, C. Garcia, J. Garcia, X. Garcia, R. Gates, C. Gonzales, I. Gonzalez, M. Griffin, P. Guzman, A. Habelow, R. Hudson, H. Inocencio, N. Inocencio, B. Jackson, B. Lacey, R. Lester, M. Lewis, L. Limon, A. Loyle, G. Lunsford, O. Mallet, E. Martinez, S. Mendez, V. Miller, S. Milstid, J. Montemayor, W. Morrison, J. Mumphrey, L. Murphy, K. Nash, L. Negret, W. Nelson, R. Niederer, B. Raney, S. Rao, A. Rivas, J. Rocha, P. Rodriguez, C. Ruth, D. Ruth, A. Scott, J. Shamblin, J. Slotnik, G. Sowells, E. Traywick, J. Villabos, M. Wallis, K. Williams, and G. Wilson.

UTAH (3)

C. Frank, K. Madsen, and J. Ryser.

VIRGINIA (8)

L. Humphreys, M. Humphreys, J. Killebrew, E. Martin, T. Morris, J. Reese, M. Sheets, and W. Tumarkin.

WASHINGTON (6)

C. Ethel, G. Ethel, J. Running, W. Running, J. Volando, and E. Weagley.

WISCONSIN (5)

J. Cox, G. Evans, G. Hardin, F. McGregor, and L. Tabbert.

WYOMING (2)

G. Heckerman and D. Maestes.

DEATHS PREVIOUSLY UNRECORDED

January

Michigan

A. Abbasse, J. Borden, and C. Smith.

February

Iowa

J. Love.

Michigan

J. Carter

Virginia

W. Damweber.

March

Indiana

G. Peters.

Wisconsin

R. Scott.

April

Michigan

R. Mallard.

May

California

S. Shafer.

Colorado

E. Wright.

Kentucky

T. Urcan.

June

California

R. Sims.

Florida

E. Gruver, E. Martes, and E. Safron.

Hawaii

R. Justice and C. Justice.

Maryland

K. Aaron, C. Baskerville, M. Cullam, C. Davis, G. Downing, B. Evans, L. Farmham, G. Gabbert, M. Haskins, G. Kemper, A. Kerr, D. McIntosh, R. McKnight, L. Mullins, T. Myers, P. Ogier, B. Ryter, C. Thomas, Sr., and J. Wyatt.

New York

D. Lyons.

N. Carolina

W. Fain.

Ohio

J. Harris.

Texas

J. Fancher.

July

Arizona

J. Holzman, and J. Morris.

Alaska

L. Lenaghen.

California

D. Kennemore, L. Lopez, and B. Miles.

Colorado

W. Prickett, and R. Strong.

Kansas

R. Lanning.

Maryland

R. Alder, J. Black, Jr., K. Boyd, S. Brafa, C. Brown, D. Draper, P. Dunnington, A. Johnson, K. Lucas, W. Miller, D. Morris, J. Morrison, R. Napora, D. Roloff, R. Shannon, I. Stevens, and B. Wadden.

Michigan

A. Scott, Jr., and N. Washington.

Minnesota

D. Erickson and A. Riccio.

Mississippi

L. Easley.

New Mexico

I. Mascarenas.

New York

R. Haynes, P. Van Wyk, and R. Von Amelunxen.

Ohio

R. Neal and J. Veney.

Pennsylvania

F. Candido and R. Snyder.

Texas

A. Caudillo, B. Doucet, D. Hodges, M. Scallish, and J. Wolf.

South Carolina

R. Parrish.

August

Alabama

A. Odom, Jr.

Arkansas

J. Hickey, Jr.

California

J. Beran, T. Gonzalez, and S. Wilson.

Colorado

W. Strader.

District of Columbia

B. White.

Florida

M. Bray, R. Carr, R. Green, M. Mordica, W. Orange, A. Walker, B. Welenc, and Unid. Male.

Georgia

M. Turk.

Kansas

R. Hofmeister.

Louisiana

J. Dotson, J. George, and W. Matthew.

Maryland

T. Brown, J. Campbell, M. Childress, T. Disney, F. Jackson, C. Johnson, Sr., F. Knox, C. Lloyd, J. Machlenski, D. McNamara, N. Moran, Jr., D. Orem, K. Quimpe, J. Smith, R. Smith, S. Staley, and L. Taylor.

Massachusetts

E. Faris.

Michigan

A. Crumpton, M. Dozier, R. Lewis, and E. Stanley.

N. Hampshire

B. Lafond.

N. Jersey

D. Bornschein, G. Byrd, J. Takach, and T. Takach.

N. Carolina

K. Anderson, T. Douglas, L. Flowers, M. Guinn, W. Locklear, and E. Perry.

Pennsylvania

G. Farrell.

Texas

J. Castillo.

Utah

J. Chadwick.

Washington

J. Kelly, W. McClurg, and T. Piazz.●

SENATE—*Wednesday, November 19, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. Donald W. Stewart, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father-God, teach us how to pray and to pray without ceasing. Show us how to worship while we work and to be so in tune with Thy spirit that we may be quick to discern whether the promptings of the spirit be of God. Grant to us at work in this place a quiet mind, a serene soul, a resolute faith, that upholding what is right, and following what is true, we may obey Thy holy will and fulfill Thy divine purpose.

We commend to Thy care and guidance our President and the leaders of all nations, beseeching Thee to guide them in the ways of justice and peace, for Thy name's sake. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Magnuson).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 19, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Donald Stewart, a Senator from the State of Alabama, to perform the duties of the Chair.

Warren G. Magnuson,
President pro tempore.

Mr. STEWART thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. ROBERT C. BYRD. I yield to the Senator from New York.

THE JOURNAL

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATUS OF RAOUL WALLENBERG

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Church and Mr. Moynihan, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of House Concurrent Resolution 434, and that the Senate proceed to its immediate consideration.

Mr. BAKER. Mr. President, reserving the right to object—and I will not—the purpose of the reservation is to advise the majority leader that the procedure suggested by him has been cleared on this side, and we concur in his request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 434) to honor Raoul Wallenberg, and to express the sense of Congress that the United States delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting, and to request that the Department of State take all possible action to obtain information concerning his present status and secure his release.

The Senate proceeded to consider the concurrent resolution.

Mr. MOYNIHAN. Mr. President, I rise on this occasion to ask the consideration of the Senate of this resolution. I am joined in this effort by my revered senior colleague, Senator Javits, by Senators Church, Boschwitz, Pell, Sarbanes, Bradley, Tsongas, Helms, and Hayakawa.

The Madrid Review Conference, as it is called, is now convened in Madrid. The Soviet Union is present, as is each signatory of the Helsinki agreements, in a capacity where their human rights' record is to be reviewed by the conference as a whole. This will be the last occasion, I fear, on which we could with any realism ask the Soviet Union to account for the life and, if it be that, the death of Raoul Wallenberg, a man less known, perhaps, than he ought to be, but whose performance during the Second World War was unforgettable.

With American resources and his own government's support and his incomparable individual courage, he saved the lives of tens of thousands of human beings from the Gestapo, only to be arrested by the Soviets, and to disappear into the Gulag.

His death has never been established, and the fact that someone such as he may still be alive in Soviet prisons continues to be reported by persons leaving there.

It is the unfortunate fact that the present Foreign Minister of the Soviet Union many years ago committed himself to the proposition that Wallenberg is dead. Although the Soviet Union has never been prepared to admit otherwise, they will not establish the fact, will not even acknowledge, that such a person was arrested by them during that time. Yet the world over people have asked the Soviet Union to account for this man.

Although the Senate Foreign Relations Committee reported favorably on our own resolution, my colleagues and I are today agreed that this body should enact House Concurrent Resolution 434, a very similar measure passed by the other Chamber. There are many words with which to honor Raoul Wallenberg, and we are happy to accept theirs.

Mr. President, our delegation at the Madrid Review Conference, led by Griffin Bell, the former Attorney General and Ambassador Max Kempleman, has already captured the attention, and rallied the admiration, of free men and women everywhere. They have continued to face down Soviet obstructionism, while many others urge upon them the hopelessness of their task. And by ultimately—if we have to fear, fleetingly—winning their point, our representatives have set an example that will be worthy of emulation by all who must negotiate with our totalitarian adversaries. It will not easily be equaled.

We hope that our countrymen in Madrid will be able to pursue the case of Raoul Wallenberg with even a fraction of the same resolve that they have shown on other points. In so doing, they will not by any means digress from the important matters at stake in this conference. For Wallenberg himself exemplifies what free men, sometimes acting almost alone, can accomplish against those who would stamp freedom out. At Madrid, he is a symbol of what we stand for and, perhaps even more starkly, of what others stand against.

We are united, as the NATO countries are united, and this is the opportunity to press the case. We prayerfully petition our delegation in Madrid to raise the question of the fate of Raoul Wallenberg. With that, Mr. President, I will conclude my remarks.

I thank the distinguished majority and minority leaders for their courtesy in allowing us time this morning to raise a matter of conscience which concerns Members of both sides of the aisle.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution (House Concurrent Resolution 434) was agreed to.

The preamble was agreed to.

Mr. MOYNIHAN. Mr. President, I

● This "bullet" symbol identifies statements or inserti ons which are not spoken by the Member on the floor.

move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Calendar Order No. 1139, Senate Concurrent Resolution 117, be indefinitely postponed.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4½ minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield such time as he may desire to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I thank the majority leader.

BILL OF RIGHTS DAY, HUMAN RIGHTS DAY AND WEEK, 1980

Mr. PROXMIRE. Mr. President, on December 15, 1791, the Bill of Rights became part of the Constitution of the United States. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights.

The President of the United States, President Carter, has just issued a proclamation of Human Rights Day and Week, 1980. He has designated December 10, 1980, as Human Rights Day, and December 15, 1980, as Bill of Rights Day. Obviously, we will not be in session on those days—unfortunately we will not be in session—so I call to the attention of my colleagues the fine statement, the proclamation issued by President Carter in honor of the Bill of Rights and the Universal Declaration of Human Rights.

I call special attention of my colleagues to the assertion by President Carter saying:

> I urge all Americans to support ratification of the Genocide Convention.

That is part of his Bill of Rights Day and Human Rights Day, and properly it should be.

Mr. President, I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

BILL OF RIGHTS DAY—HUMAN RIGHTS DAY AND WEEK, 1980

(By the President of the United States of America)

A PROCLAMATION

On December 15, 1791, the Bill of Rights became part of the Constitution of the United States. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. Marking these anniversaries together gives us an opportunity to renew our dedication both to our own liberties and to the promotion of human rights everywhere.

The Bill of Rights carries with it an implied responsibility for the governed as well as for the governing. No American citizen can rest satisfied until the Bill of Rights is a living reality for every person in the United States, irrespective of race, religion, sex, national or ethnic origin. We cannot simply rely on the decency of government or the alertness of an active free press. Each individual must shoulder his or her share of the responsibility for seeing that our freedoms will survive.

The Universal Declaration of Human Rights is the cornerstone of a developing international consensus on human rights. Through it, the members of the United Nations undertake to promote, respect and observe human rights and fundamental freedoms for all without discrimination. We must continuously monitor the progress of this effort and the records of governments around the world.

The promise of the Declaration is remote to all those who suffer summary executions and torture, acts of genocide, arbitrary arrest and imprisonment, banishment, internal exile, forced labor, and confinement for political cause. It is remote to the countless refugees who flee their lands in response to the elimination of their human rights. It is remote to those subjected to armed invasions or to military coups that destroy democratic processes. The Declaration will ring hollow to that segment of a population discriminated against by laws of apartheid or by restrictions on religious freedom. It will ring hollow to those threatened by violations of freedom of assembly, association, expression and movement, and by the suppression of trade unions.

The Declaration must also ring hollow to the members of the U.S. Embassy staff who have been held captive for more than a year by the Government of Iran.

The cause of human rights is embattled throughout the world. Recent events make it imperative that we, as Americans, stand firm in our insistence that the values embodied in the Bill of Rights, and contained in the Universal Declaration, be enjoyed by all.

I urge all Americans to support ratification of the Genocide Convention, the Convention on the Elimination of all Forms of Racial Discrimination, the Convenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights, and the American Convention on Human Rights. I renew my request to the Senate to give its advice and consent to these important treaties.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby proclaim December 10, 1980, as Human Rights Day and December 15, 1980, as Bill of Rights Day, and call on all Americans to observe Human Rights Week beginning December 10, 1980. It should be a time set apart for the study of our own rights, so basic to the working of our society, and for a renewal of our efforts on behalf of the human rights of all peoples everywhere.

In witness whereof, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

THE FLEECE OF THE MONTH—PANDERING TO PACHYDERMS

Mr. PROXMIRE. Mr. President, I am giving my Golden Fleece Award for November to the Department of Education's Institute of Museum Services for a $35,000 Federal grant to a California zoo, part of which was used to send two animals keepers half way across the country to attend a 3-day elephant workshop in Tulsa, Okla.

The star of "Bedtime for Bonzo" will be moving into the White House in January. But does this mean the Federal Government—which has just run a $60 billion deficit—should be asked to take on these historically local and private activities?

While this may not be the biggest example of Government spending, it illustrates the point that Government is now spending the taxpayer's money for almost everything, everywhere. It is one thing for the Federal Government to provide for the common defense; but it is quite another for it to pander to pachyderms.

As chairman of the Senate Committee on Banking, Housing, and Urban Affairs, a member of the Senate Committee on Appropriations, and chairman of the Subcommittee on Priorities and Economy in Government of the Congressional Joint Economic Committee I have been especially concerned about wasteful Government spending. The fleece of the month is given for the biggest, most ridiculous, or most ironic example of wasteful spending for the period.

This grant to the Santa Barbara Zoo is just one of the 366 general operating support grants totaling $9.5 million given out this year by the Institute of Museum Services to zoos and museums in every State, the District of Columbia and Puerto Rico to spend virtually as the recipients see fit.

The director of the Institute of Museum Services said in a press release accompanying the announcement of these grants that they are the most valuable type a museum can receive because they are applied toward the basic services that museums provide—education, conservation, security, exhibits, and outreach programs—while allowing local museums to establish their own priorities.

In other words, what we have here is another example of the old, Put the money on the stump and run approach to Federal spending. The local officials were never required to say how the zoo would spend the money.

Secretary of Education Hufstedler has said that IMS grants can mean the difference between success and failure—for instance, in preserving the irreplacable treasures in our Nation's museums or just helping the museums to keep the doors open.

However, as with so many of these put the money on the stump and run programs, the difference between the ideal set down by the director and Secretary and the actual spending was as great as the difference between the scope and location of an elephant's trunk and tail.

The money did not go to feed the animals or to help keep the doors to the Santa Barbara Zoo open. Within a few short weeks after receiving this grant, the Santa Barbara Zoo spent $1,718.16 on sending zoo keepers to conferences. In addition to sending two animal keepers to the elephant workshop, the newly promoted senior animal keeper was sent at

Federal taxpayers expense, to the American Association of Zoo Keepers Conference in Montgomery, Ala.

Ironically, the people who should be funding a local zoo, the city and county government officials, used the cutback in their own funding as an excuse to ask the Federal Government to pick up part of the tab for running their zoo.

For example, Santa Barbara's mayor writing on behalf of the zoo's application argued that due to cut back in city, county, and State funding and the availability of local and community funds, the procurement of this grant is necessary in order to meet the rising costs to maintain the facility at its current level.

A local county supervisor also writing to the Institute of Museum Services said:

> The severe curtailment of funds at county and city levels has resulted in a loss of revenue to the zoological garden from local government.

To all this I say that if a zoo is that important to a local community, that community should be willing to pay for it out of its own funds. Multiply this small example by the thousands of Federal programs in thousands of communities across our Nation and the public can begin to see why the Federal Government has grown so large and involved itself in so many areas of our lives.

There is nothing wrong in maintaining and improving our Nation's museums and zoos. There is a need to have museum and zoo personnel well trained and the animals and museum exhibits well cared for and maintained.[1] But should the Federal taxpayers provide funds for lions and tigers and bears as well as elephant workshops? There could be federally funded trips to other workshops for each of the species in the Animal Kingdom.

Clearly we have gone too far. It is time for Congress and the executive to stop these types of expenditures.

I thank my good friend, the majority leader.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. I yield the remainder of my time to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. BAKER. I cannot resist saying that the 3-day elephant workshop I hope might be in keeping with the political season. [Laughter.]

Mr. ROBERT C. BYRD. Mr. President, I believe the distinguished Senator from Wisconsin should take charge.

Mr. PROXMIRE. I would be delighted.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have a request for a part of the time remaining to me under the standing order by the Senator from Utah, Mr. HATCH, who is not on the floor at this point. I thank the majority leader for yielding to me his remaining time. I have no need for my time, except for the use by Senator HATCH.

Mr. President, I would like, if I may, to yield to any other Senator, to the majority leader, or, in the absence of that, to suggest the absence of a quorum while I attempt to locate Senator HATCH.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I suggest we proceed with routine morning business for a moment to give the minority leader an opportunity to touch base with Senator HATCH. If there is no objection, I ask unanimous consent that the Senate now proceed to transact routine morning business not beyond 11 o'clock a.m. and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTIONS IN JAMAICA

Mr. STONE. Mr. President, I would like to call the Senate's attention to the recent elections in Jamaica. The Jamaicans have sent us a message. By electing Edward Seaga as their new prime minister, they clearly have repudiated a government that was strong on leftwing rhetoric but pathetically weak when it came to improving the everyday lives of the people.

Jamaica's financial condition steadily deteriorated during former Prime Minister Michael Manley's rule. Fifty percent of Jamaica's young people are now unemployed. Basic commodities such as bread and soap are often in short supply. And the majority of private industry has either closed down or is working at partial capacity. In the face of this financial disaster, an estimated 150,000 mostly professional or skilled Jamaicans fled the island. Mr. Seaga reports that the country faces an international balance-of-payments gap of $155 million between now and the end of the year.

Jamaicans have signaled loudly and clearly their disgust with the current economic mess. They are tired of empty radical rhetoric, and they are fed up with Cuban meddling in their internal affairs. In fact, one of Mr. Seaga's first acts upon assuming office was to expel Cuban Ambassador Armando Ulises Estrada, who has a well-known history of subversive activities.

In turning their backs on Castro and the Cuban model, Jamaica has stated its desire for our help. Now it is up to us to respond quickly and effectively, and in a very tangible way. A quick response, or lack of one, will not only reveal our long-term intent to Jamaica but to the rest of the strategically important Caribbean as well.

Some may argue that this is an item of business which can wait until January and the newly constituted Congress. Unfortunately, the world's fast-moving events do not afford us the luxury of focusing solely on problems here at home. Friends and enemies alike will not go on hold while one administration gives way to another or while this Congress rushes to adjourn.

Jamaica needs our help, and she needs it now. We have to be flexible enough to quickly answer that call for help. Jamaica has presented us an unparalleled opportunity to do just that.

TAX CUT AND THE ECONOMY

Mr. STENNIS. Mr. President, the subject of tax reduction is receiving a great deal of attention these days both in and out of the Congress. This question is, of course, intimately related to the overall economic situation, and I want to take this opportunity to discuss the matter in this context.

Pending on the Senate Calendar is the Tax Reduction Act of 1980 which has been reported favorably by the Senate Committee on Finance. This bill proposes to reduce taxes by $18.3 billion in fiscal year 1981 and $38.9 billion in calendar year 1981. The amendment proposed to the second budget resolution would reduce taxes by about $17 billion in fiscal year 1981. I think that some tax reduction bill probably will be passed by the Congress and sent to the President early next year.

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[1] In a letter to me dated November 11, 1980, the Director of the Santa Barbara Zoo wrote in part:

"The $35,000 General Operation Support granted by IMS will be used as follows: 72% for Master Planning, 14% for the expansion of educational programs and 14% for professional staff development. The zoo has already put some of the IMS funds allocated to professional staff development to good use. As a result of a two-day elephant workshop hosted by the Tulsa Zoo and attended by over 40 elephant keepers from 13 states, new techniques for handling and caring for these endangered animals are being employed at the Santa Barbara Zoo. In addition, structural changes on the zoo's elephant barn are in progress to ensure greater safety for our elephant keeper staff.

"In addition, the zoo's Senior Animal Keeper was sent to the National Conference of the American Association of Zoo Keepers in Montgomery, Alabama. Nearly 100 keepers from 21 states attended to hear professional papers and exchange ideas with colleagues on the latest techniques in the captive management of exotic species. Our keeper presented a 1½ hour seminar to the zoo staff upon his return, detailing all he had learned.

"The experience gave not only the Senior Keeper, but also the entire staff, new information, enthusiasm and perspective to apply to their work. We feel that this justifies the $1,718.73 spent for the conference and workshop."

The entire letter is available for examination in my office, 5241 Dirksen Senate Office Building.

I am generally in favor of a tax reduction if it is done right. However, at this time, I am not committed either for or against any specific bill or proposal. My overall feeling is that there is no need to rush into the matter. Congress has a responsibility to place the best interest of the Nation ahead of all else and to insure that any tax cut we may enact is meaningful and beneficial to the economy as a whole and in the public interest. I strongly believe that any tax reduction bill should be carefully designed to improve productivity, encourage investment, ease the pain of inflation, and create long-term permanent jobs.

I should state my belief that since unacceptably high inflation is still the major concern for this Nation, any tax cut that is enacted must be carefully designed to help rebuild the economy of the country without further fanning the fires of inflation. Our tax policy and our overall economic policy must be coherent, consistent, coordinated, and comprehensive.

I also believe that any tax reduction bill must treat both business and individual taxpayers fairly and equitably. It should give specific and favorable consideration to low- and middle-income taxpayers and should be designed to offset the increase in social security taxes which will take place in January. It should also provide relief from the increase in income tax brackets which result from inflation without any increase in the taxpayers real income.

In addition, Mr. President, we should increase the incentives for the individual taxpayer to work, to save, and to invest. This has an extremely high priority in my thinking. The pending Tax Reduction Act makes no additional provision for the exclusion of interest and dividends from the income taxes of individuals. A provision of the Windfall Profit Tax Act, however, provides that for the tax years 1981 and 1982 the existing exclusion for dividends is increased from $100 to $200—from $200 to $400 for joint returns—and broadens the exclusion to make it apply to certain types of interest received by individuals from domestic sources. The exclusion for interest and dividends provided under the new law will apply only to 1981 and 1982 and will have to be renewed by the Congress if it is to remain in effect for a longer period of time.

The savings of individual taxpayers are important to the economy of this Nation. Not only do such savings constitute funds that the taxpayer could fall back on in times of financial emergency, they provide a significant source for investment capital which stimulate the economy of the Nation. For example, the amounts deposited in savings and loan associations are a big factor in providing funds for loans for housing.

I believe, therefore, Mr. President, that the tax laws should be designed to encourage personal savings and investment. I believe that one factor in this would be to increase and make permanent the amount of interest and dividends excluded from the taxable income of individual taxpayers. I believe that this is a matter that deserves very serious study and consideration.

We have already given inducements for businesses to make investments and increase productivity. We have provided for accelerated depreciation and for investment tax credits. The tax reduction proposal pending today would liberalize and simplify both depreciation and investment tax credits. If we can do this for business, we should certainly study the question of giving added incentives for individuals to save and invest.

In addition, Mr. President, I am absolutely convinced that any tax cut must be accompanied by a determined, systematic, and continuous effort to reduce or eliminate unnecessary and wasteful Government spending. This is the only way that the matter should be approached if we are to rebuild the American economy without boosting inflation even higher than it is at present. I recognize, Mr. President, that it is easy to vote for a tax reduction. It is sometimes very difficult, however, to vote for the reduction in governmental expenditures which should accompany it.

Therefore, I suggest and recommend that we bite the bullet and attack the difficult part of the problem first. By this I mean that we should reduce expenditures in an amount which will cover the anticipated tax reduction before approving a bill cutting taxes. Under the Senate bill this would mean that we have to reduce governmental expenditures by approximately $18.3 billion for fiscal year 1981.

We can accomplish this. We can reduce expenditures if we have the will and the desire to do it. I think this is the approach we should take. However, the second budget resolution should be passed during this Congress. The budget process which was so carefully designed by the Congress is already in disarray and may collapse if we do not pass the second budget resolution and the reconciliation bill this year. I hope we will not let this happen.

Regardless of the results of the election, Mr. President, it is the responsibility of the Congress to act responsibly and effectively both on a tax cut and the economy as a whole. I will support a bill which is noninflationary, which is fair both to individual and business taxpayers, which provides tax cuts to accelerate the recovery from the current recession, which reduces inequities in the tax system, which increases incentives for work, savings, and investment, and which is accompanied by meaningful and complementary reductions in or elimination of unnecessary and wasteful Government spending. When the bill comes up which is primarily to reduce taxes, I will vote for a tax reduction if there is a reduction in unnecessary expenditures, dollar for dollar. We should do the hard part first, that is, reduce the expenditures, and then do the easy part next, that is, vote for a tax reduction.

THE FIRST 100 DAYS OF THE REPUBLICAN MAJORITY

Mr. PRESSLER. Mr. President, the euphoria many Republicans are experiencing as a result of the November 4 election should now be transformed into a willingness to unify behind our new President and set about the business of enacting legislation to stabilize the economy and strengthen our Nation's defenses.

It is clear that our Nation's people are desperately concerned about the state of the economy and deteriorating public image of the United States throughout the world. Most pundits failed to accurately gage the depths of public apprehension about increasing rates of inflation and joblessness. The Iranian situation is a tangible example of the ineptitude of our foreign policy. Perhaps more disturbing is our NATO allies lack of confidence in the ability of the United States to defend herself and her allies. The consistent failure of NATO pact countries to increase their share of defense costs is an indictment of U.S. foreign policy.

We must act immediately at the beginning of the 97th Congress to address the issues of economy and defense. If the Republican Party fails to set forth well-formulated policies to cut Federal spending fairly and give our people tax relief; if we fail to bolster our defenses and establish a strong foreign policy, the Republicans could lose control of the Senate in 1982.

Twenty-eight years ago, the Republicans took control of the Senate by one seat, and the House of Representatives with 218 plus 3 seats. President Dwight D. Eisenhower, who defeated Adlai Stevenson by a resounding margin in 1952, provided the coattails which carried the Republicans into power in both Houses.

Many of the Republican Senators of the 83d Congress were conservatives concerned about the cold war and Communist infiltration of domestic institutions. In President Eisenhower's 1954 state of the Union address, the President called for a legislative program which he believed would make the Republican Party progressive. He asked for the establishment of a public housing program, a tax structure to encourage spending, expansion of health insurance, and a liberal foreign trade and aid package. Eisenhower's legislative agenda was largely forgotten. "Instead of organizing to put through this program, however, the Republican leaders in Congress made the Bricker amendment the first order of business. Then came the Army-McCarthy tangle," writes Samuel Lubell in "Revolt of the Moderates." Eisenhower, frustrated by the failure of Congress to act on his program, is quoted as having asked, "What does the Republican Party want to do—commit suicide?"

The Bricker amendment, which limited the President's authority to enter into treaties with other nations, plus the McCarthy hearings, consumed Congress energies coming into the 1954 midterm election. Unemployment was increasing throughout the country, the Nation was coming out of a post-Korean war recession, and farm income was falling rapidly. Eisenhower cautioned his party to seek a middle ground and he distanced himself from McCarthy, whose accusations of communism in the Government were grabbing headlines throughout the country.

While the Republicans were busily ignoring their President and the economic problems of the electorate, the Democratic majority in the Senate and the House were pursuing a moderate line. To quote then-Senate Minority Leader Lyndon B. Johnson, "We are now in the minority. I have never agreed with the statement that it is 'the business of the opposition to oppose,' I do not believe the American people have sent us here merely to obstruct." Ironically, Eisenhower frequently found greater support for his programs—particularly foreign policy matters—from the Democrats.

Eisenhower sensed the problems which could arise in 1954, as he later stated in his memoirs:

> One significant fact in the 1952 landslide victory of the national ticket had ominous overtones for Republicans who looked beneath the over-all result. . . . True, we had turned a minority into a majority position but . . . in the House the majority was a scant handful of votes; in the Senate only one. From the beginning, one political fact concerned me deeply. It was obvious that in 1952 a great many persons had voted Republican through the efforts of the "Citizens for Eisenhower and Nixon" national organization and the "Ike and Dick" clubs operating throughout the nation. It would be fatuous to assume that the 1952 victory had suddenly and permanently transformed the minority party, which the Republicans had been for many years, into the majority party. Yet many people were unthinkingly making that faulty assumption. There were Republicans who resented the Citizens. . . . They were new blood, new brains, and enthusiasm which the entire political system needed. They had, in fact, helped to create a new and unique political force to elect us.

Eisenhower, sensing the true basis for the 1952 victory, answered his Republican critics:

> Most of the Citizens in the last campaign were intelligent independents and discerning Democrats who adhere to a moderate philosophy. I think we should court them. We should hold them to us. It would be sheer stupidity to fail to do so if we want to win more elections.

The critics were not satisfied and Eisenhower realized it:

> It did not change the attitudes of those who maintained the same old narrow, inflexible view of partisan politics. And that inflexibility gave a hint of the difficulty the party would have in obtaining the same enthusiastic and unselfish support we had received in 1952.

As in 1952, the American people went to the polls seeking leadership, seeking a "father figure," if you will. The burden of leadership today is now shared by the Senate, and it is our duty to place firm priorities on issues to be placed on next year's agenda. Cutting spending, providing a tax cut and beefing up our defense capabilities coupled with establishing a consistent foreign policy can be our program for retaining a Republican majority.

Our President-elect has made it clear that he wishes to work with us and with the Democratic minority to achieve the goals we have been assigned by the Nation.

In order to attack the serious problems facing our country, moderation is necessary today just as it was in 1952. Moderation need not be a dirty word. In fact, it takes fortitude to try to balance the extremes of left and right.

The Republicans will face a midterm election in 1982. If we do not stick to substantive issues which touch all Americans, we may find that the Republican Party cannot attract the millions of independents and Democrats who helped give us a majority this year.

President Eisenhower campaigned for Members of the House and Senate in 1954 as no other previous President had. All the while, Eisenhower was urging Republican candidates to take the "middle way," and present a modern image of the party in order to attract younger voters.

The Republicans lost their Senate majority in 1954 and the House majority disappeared with the loss of 29 seats. Eisenhower was blamed by Old Guard Republicans for the loss, although his personal popularity continued to grow in part because of his campaigning in 1954. The President had predicted the possible loss because of "anachronistic dogmas and negative dialectics," to quote Elmo Richardson's "The Presidency of Dwight D. Eisenhower."

It would do the Republican Party well to heed President Eisenhower's advice about the "middle way." His philosophy, as stated in a letter to a friend, could serve as a blueprint for a Republican resurgence if it is followed:

> When I refer to the Middle Way, I merely mean the middle way as it represents a practical working basis between extremists, both of whose doctrines I flatly reject. It seems to me that no great intelligence is required in order to discern the practical necessity of establishing some kind of security for individuals in a specialized and highly industrialized age. At one time such security was provided by the existence of free land and a great mass of untouched and valuable natural resources throughout our country. These are no longer to be had for the asking; we have had experiences of millions of people—devoted, fine Americans, who have walked the streets unable to find work or any kind of sustenance for themselves or their families.
>
> On the other hand, for us to push further and further into the socialistic experiment is to deny the validity of all those convictions we have held as to the cumulative power of free citizens, exercising their own initiative, inventiveness and desires to provide a better living for themselves and their children . . .
>
> I shall conclude with this one general observation or aphorism. . . . The generality that I advance is merely this: . . . anything that affects or is proposed for masses of humans is wrong if the position it seeks is at either end of possible argument.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, do I have time remaining under the standing order?

The ACTING PRESIDENT pro tempore. The Senator has 11 minutes remaining.

Mr. BAKER. Mr. President, I yield my remaining time under the standing order to the Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished minority leader.

THE ROLE OF THE AFL–CIO IN INTERNATIONAL LABOR AFFAIRS

Mr. HATCH. Mr. President, the role of the AFL–CIO in international labor affairs has gone relatively unnoticed for many years, especially the efforts of the AFL–CIO to combat Soviet influence in the labor organizations of the world. Today, let me report briefly on the six objectives of those Soviet activities to give my colleagues in the Senate some idea of the size of the challenge that the AFL–CIO is facing.

Traditionally, the Soviets have viewed labor organizations very differently than their function is seen in the West. The Soviets in fact scoff at the idea that a free trade union should represent the economic interests of workers by trying to improve wages and benefits and to improve the quality of the workplace. The Soviets instead believe that the political role of unions is vital—they are, after all, the largest mass organization in most nations outside of political parties. Their political role is often more significant than some parties or even the armed forces of some nations.

It is no surprise then to find the Soviets devoting considerable attention to the political subversion of trade unions. First, the Soviets see unions as a great school of communism, a means of changing the attitudes of thousands of workers through daily propaganda in union-controlled newspapers, in discussion groups, and in declarations aimed at undermining the political legitimacy of a nation and attacking the foreign policy interests of the West.

Second, the Soviets have long used unions as a means of penetrating the senior leadership of a country because trade union leaders are often called upon to serve on national-level commissions in government and industry even when political party leaders—especially Communists—are excluded from such roles. Such opportunities help explain why Moscow has sometimes ordered local Communist parties to dissolve their labor union offices and subordinate themselves to local unions instead.

Third, the Soviets are infamous for

the techniques of "political strikes" which are designed not to improve the lot of workers but to achieve purely political goals. Right after the Second World War. Communist-controlled labor unions in Western Europe followed Moscow's orders to strike in order to impede economic recovery, to wreck the Marshall plan, and to undermine the efforts to establish NATO and a joint western defense of Europe.

Fourth, Moscow has long realized the benefits of using labor unions for espionage. Not only do workers often have access to the most sensitive industrial technological secrets, but workers in defense plants and at military bases have access to national defense information of great interest to the Soviet Union. For example, after several French union officials were convicted of espionage after the Second World War, the French Government has become much more careful in allowing Communist-dominated unions to recommend workers in defense-related areas.

Fifth, the Soviets are well-aware of the potential value of labor unions for war-time sabotage demonstrated in against the Nazis. Even in peacetime, labor unions can be a powerful force to disrupt government programs and halt production or destroy industrial facilities.

Sixth, Moscow has shown how labor unions may even be decisive in bringing down a government in a coup d'etat. Sometimes a mere political strike—if sufficiently widespread—can focus discontent on a few grievances that brings a government to a halt. In its more sinister form, labor unions can seize control of strategic industries and critical locations such as printing, electricity, communications, transportation, airports and train stations.

With this base, unions under Communist control can overthrow a government such as Czechoslovakia in 1947, or negotiate from a position of great strength to demand that the Communist Party be included.

Such are the lessons of books like Jan Valdtin's "Out of the Night," Willard Beiling's "Pan Arabism and Labor," G.E. Lynd's, "The Politics of African Trade Unionism," and Roy Godson's, "American Labor and European Politics." These are not lessons for the past only. Moscow today maintains a network of international labor organizations throughout the world, trains annually over 2,000 carefully selected union leaders from Europe and the Third World, and, according to the writings of the Institute of the International Labor Movement in Moscow, the Soviets believe that the political role of labor organizations will be critical to the establishment of world socialism in the decades ahead.

Too many Americans are obsessed with Soviet military might, worried about direct Soviet military conquests, while all the time the Soviets are busy not only building up conventional and strategic military forces which our Government can and will match, but also expanding their influence among the working men of the world where our country has relied largely on the efforts of the AFL-CIO rather than the U.S. Government. At the very least, American trade union leaders deserve the appreciation of us all for their international efforts.

I want to pay special tribute to them in expressing my personal appreciation for the work that I know they do in trying to have a free labor movement all over the world.

Mr. President, I yield back the remainder of the minority's time.

SECOND CONCURRENT BUDGET RESOLUTION, 1981–83

Mr. ROBERT C. BYRD. Mr. President, does the order require the Senate to return to the second concurrent budget resolution?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator is correct. The Senate will now resume consideration of the pending business, which is Senate Concurrent Resolution 119, which the clerk will state by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 119) revising the congressional budget for the United States Government for the fiscal years 1981, 1982, and 1983.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours for debate on either an amendment by the Senator from Kansas (Mr. Dole) or on a discussion of the tax cut issue, which is to be equally divided and controlled by the Senator from South Carolina (Mr. Hollings), and the Senator from Kansas (Mr. Dole).

Mr. ROBERT C. BYRD. Mr. President, I believe that the parties mentioned by the Chair were under the impression the Senate would probably resume consideration of the resolution at 11 a.m.

The ACTING PRESIDENT pro tempore. The Senator is correct.

RECESS UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Therefore, Mr. President, I ask unanimous consent that the Senate stand recessed until 11 a.m. today.

There being no objection, the Senate, at 10:49 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Robert C. Byrd).

Mr. HOLLINGS. Mr. President, under the previous order, we are awaiting the appearance on the floor of our distinguished colleague from Kansas (Mr. Dole) to present his amendment. We have also alerted the Senator from Arkansas (Mr. Bumpers). Pending their attendance, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The time is to be charged to which side?

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Boren). Without objection, it is so ordered.

Who yields time?

Mr. BENTSEN. Will the Senator yield 5 minutes?

Mr. HOLLINGS. Yes.

Mr. President, I ask unanimous consent that the distinguished Senator from Texas be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, my feelings about a tax cut have long been known. I feel very strongly we should proceed with one.

The Congress of the United States, I think, has an opportunity to contribute to the rebuilding of America.

One problem we face today in our economy is that business is indecisive as to what it will be able to do in spending money for new capital goods. Decreasing productivity is a basic problem in America. We have the lowest increase in productivity of any major industrial nation in the world.

We look at countries like Japan, Formosa, and South Korea that have rates of productivity increase far beyond ours.

If we really want to do something about reducing inflation in the long run, we must increase productivity in this country. We should be putting more products on the shelf, more efficiently, and selling them at a cheaper price.

If we want to protect the strength of the American dollar, one of the best ways is to compete more effectively in international trade. How we measure up against other major trading nations is the true test, the crucible, of our economic efficiency.

Yet we continue to have huge deficits in our trading accounts.

We have to hone our tools and improve our technology. That will mean major capital investments; it will require new schedules to lower the period of depreciation so we can have increased cash flow within a corporation, so American firms can reinvest and start doing something about keeping jobs at home, not exporting them overseas. That is what has been happening to our country.

Many people hear talk about depreciation schedules, and assume we are talking about a tax cut for business. They could not be more wrong. It is not just for business. It is a tax cut for labor. It is a tax cut for the consumer, to get the cost of living down. It is a tax cut to create jobs and keep them at home.

We have got to understand how difficult things have become for millions of Americans who are running as hard as they can just to stay even in an era of inflation.

Next year, with bracket creep, the windfall profit tax, and higher social security taxes the American people will have to pay $86 billion in new taxes. That is a heavy burden to ask them to bear. In my opinion, it is an unfair burden and I believe we have an obligation to provide some tax relief to the long-suffering American wage earner and to American business.

The Joint Economic Committee just came out with a report showing that over the next decade we will have to create 15 million net new jobs in this country—15 million of them.

The report also suggests that we will see an increase in the age of the American worker. We will see almost 10 million additional women come into the working force. How are we going to accommodate this vast demand for jobs—for opportunity—without an expanding and growing economy? A tax cut will enable America to generate the cash flow to grow and expand; to create new jobs. It can also help us remain competitive in world trade.

There are those who say that a tax cut would add $30 billion to $40 billion to the deficit. That is not the fact.

The net amount, if we pass a tax cut January 1, would be an addition of about $17 billion to the deficit. But we begin to get feedback from that kind of investment.

This particular tax bill, also includes a stock option provision that gets the professional manager an entrepreneurial interest in his company's long term growth.

One problem today with inflation is management's own mind-set. We see management making decisions based on what their bonus will be, and that bonus is decided by how this year's performance measures up against last year's.

With that sort of approach, there is no way management will make the long-term investments for research and development that can help the technological breakthrough.

Many American businessmen look at an R. & D. expense and say, "Why should I do that? One of my successors will get the credit."

That outlook is as short as a politician looking ahead to the next election, and not wanting to do something with the payoff way down the line, to be sure it was done before the election period.

There is no quick fix to turn our economy around and get the country rebuilding again.

What we have to do is make some long-term decisions to get this country growing.

When we talk about increasing productivity, we say, "Well, you will only increase it by maybe 1 percent a year, or maybe 1.5 percent, or maybe 2 percent a year. So what?"

But what we have to look at is the cumulative effect of that trend of increase over a period of years.

Through the 18th century, England had only about 1 percent to 2 percent better productivity than the Continent. But it was a country that began to dominate the entire world because of that improvement in productivity.

That is what we ought to be trying to accomplish here in America.

What about the marriage penalty, and the problem couples are facing around the United States today? This particular piece of legislation takes a step in the right direction in trying to correct the marriage penalty.

What about savings? We see savings in this country at the lowest rate of any major nation in the world. We saved at about 4 percent this year. The Japanese save at about 22 percent; the Germans and French at about 13 percent.

Unless we save more, where will we get the capital to build the new homes, or the capital to invest in the new machinery and equipment we so urgently need in this country?

This particular piece of legislation that passed the Finance Committee by a vote of 19 to 1 has broad bipartisan support. It is endorsed by liberals and conservatives, and it has a savings incentive in it, to try to increase savings in this country.

So I feel very strongly, Mr. President, that we need a tax cut. We have seen the Democratic President say that he had his tax bill and he wanted it to be effective as of January 1. We have seen the President-elect have his tax bill which he wanted effective January 1, 1981. We have seen the Senate Finance Committee pass a bipartisan bill by a vote of 19 to 1, to be effective January 1, 1981. When we have had that kind of consensus, then why delay? Why not move ahead and put a tax cut into effect?

If we fail to act, business will be faced with uncertainty. They will not know what they are going to do, or what can be done, because of the tax situation, because they will not know when the investment tax credit will go in, when the new depreciation schedule will go in.

With that kind of attitude, what do they do? They wait. They do not buy the capital equipment. They wait to see when the effective date of new legislation. Is it going to be in July of next year?

If we do not pass a tax bill at this time, we will see a new Congress in January. There will be many new faces, new committee assignments. I think it is unlikely that we could have a tax bill passed and signed by the President before July.

Today we have a situation in which there is broad, bipartisan support for a tax cut in the Finance Committee, in the Senate, and among the American people. Under the circumstances we have an obligation to act, and I believe it is important for us to fulfill that obligation.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I believe I have time under the agreement.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the unanimous-consent agreement be adjusted so that we can move forward with the amendment of the Senator from Arkansas (Mr. Bumpers) and then take up the amendment of the Senator from Kansas.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The Senator from Arkansas is recognized.

UP AMENDMENT NO. 1773

(Purpose: To provide budget authority for the disaster loan fund of the Small Business Administration)

Mr. BUMPERS. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. Bumpers), for himself, Mr. Eagleton, Mr. Pryor, and Mr. Boren, proposes an unprinted amendment numbered 1773.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 12, strike out "$699,600,000,000" and insert "$700,100,000,000".

On page 2, line 13, strike out "$778,800,000,000" and insert "$778,898,000,000".

On page 2, line 14, strike out "$852,600,000,000" and insert "$852,668,000,000".

On page 2, line 16, strike out "$633,000,000,000' and insert "$633,400,000,000".

On page 2, line 17, strike out "$709,900,000,000" and insert "$709,994,000,000".

On page 2, line 18, strike out "$777,700,000,000" and insert "$777,803,000,000".

On page 2, line 22, strike out "—$17,900,000,000" and insert "—$18,300,000,000".

On page 2, line 23, strike out "—$11,200,000,000" and insert "—$11,294,000,000".

On page 2, line 24, strike out "+$14,400,000,000" and insert "+$14,297,000,000".

On page 3, line 1, strike out "$961,800,000,000" and insert "$962,200,000,000".

On page 3, line 2, strike out "$1,003,000,000,000" and insert "$1,003,494,000,000".

On page 3, line 3, strike out "$1,021,600,000,000" and insert "$1,022,197,000,000".

On page 3, line 6, strike out "$40,900,000,000" and insert "$41,300,000,000".

On page 3, line 7, strike out "$41,200,000,000" and insert "$41,294,000,000".

On page 3, line 8, strike out "$18,600,000,000" and insert "$18,703,000,000".

On page 7, line 1, strike out "$8,700,000,000" and insert "$9,200,000,000".

On page 7, line 2, strike out "$9,700,000,000" and insert "$10,100,000,000".

On page 7, line 4, strike out "$8,600,000,000" and insert "$8,698,000,000".

On page 7, line 5, strike out "$8,800,000,000" and insert "$8,894,000,000".

On page 7, line 7, strike out "$8,700,000,000" and insert "$8,768,000,000".

On page 7, line 8, strike out "$8,600,000,000" and insert "$8,703,000,000".

Mr. BUMPERS. Mr. President, this amendment adds $500 million in budget authority and $400 million in outlays to the fiscal year 1981 budget in function 450, community and regional development. This amount will fund the Disaster Loan Fund of the Small Business Administration to make disaster loans to farmers and businesses devastated by droughts, hurricanes, floods, and other disasters.

The budget request of an additional $1.3 billion was submitted on September 4, 1980, after the Budget Committee marked up Senate Concurrent Resolution 119 and, therefore, consideration was not given to this request. The House Budget Committee did consider this budget request during its consideration of the second budget resolution and it is my understanding that an allowance was made for this disaster request.

My amendment provides room in this resolution so that the Disaster Loan Fund of the SBA is not depleted prior to the time that the new Congress convenes. The amount I am proposing to add should take the Small Business Administration through March of next year.

Mr. President, I wish to point out some things to my colleagues about my deep and abiding concern about this matter.

Numerous times during our Nation's history natural disasters have occurred which have resulted in severe physical and economic injury for many of our citizens. Each time our Government has responded with aid and assistance, the most recent example being the enormous devastation which occurred when Mount St. Helens erupted. In the fiscal year 1980 supplemental appropriations bill, we provided roughly $900 million in disaster aid for those suffering from the disaster.

By the same token, Mr. President, we must provide sufficient disaster aid to the farmers of this country because many of them have been virtually wiped out by this summer's heat and drought. The drought we have just experienced is without a doubt the most severe one in my lifetime and, unless sufficient disaster loans are made available to farmers in many States, hundreds will be forced out of business.

From June 2 to July 20, my State of Arkansas received only 0.7 inches of rain. To further complicate matters, between June 26 and August 26 of this year, Arkansas experienced 56 days of temperatures in excess of 100 degrees. The New York Times edition of Friday, September 12, 1980, surveyed the drought damage with a feature ariticle on a farmer in my State. The article concluded:

> In the hardest hit states, estimates of crop and livestock losses have ranged from $800 million for Arkansas to $1.5 billion for Missouri, though such estimates are far from precise. Crop weather specialists say Arkansas is now suffering the worse damage.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. Mr. President, this summer's drought virtually destroyed the soybean crop in Arkansas. Of the roughly 4.8 million acres of soybeans planted in Arkansas this year, at least 65 percent of the crop was lost. This loss alone will exceed $500 million. Forty percent of the cotton crop was lost or some $100 million. Further, millions of dollars of chickens were killed when extraordinary temperatures existed. When all of the losses in my State alone are added, Mr. President, the figure approaches $1 billion. In light of these figures, coupled with the estimates from other States, the demand on our agricultural lending agencies will be tremendous.

Mr. President, I am not here to debate the question of whether or not the SBA should be making agricultural disaster loans. As we all know, this was settled by the enactment of Public Law 96–302. For disasters commencing after July 2, 1980, SBA will only make agricultural disaster loans if a farmer has been refused or is ineligible for a comparable loan from the Farmers Home Administration. This change was needed because FmHA is the proper lending agency for farmers. However, for purposes of the drought which occurred this summer. SBA will be making disaster loans and I think it is necessary that we provide room in this budget resolution for that activity. The sheer weight of the caseload which is currently confronting FmHA and SBA mandates that both agencies be totally involved or many farmers will be put in financial jeopardy simply because their applications were not acted upon. Therefore, Mr. President, I am offering this amendment to the second budget resolution to provide room to accommodate the pending disaster loan request of the Small Business Administration and I sincerely hope my colleagues will join me in its passage.

Mr. President, the Small Business Administration is going to be deluged with loan applications in December, January, and February. Many farmers will be able to get loans from their banks. Other farmers prefer the Farmers Home Administration because, if they are not credit worthy, they can go to the Farmers Home Administration and get disaster loans at 5 percent. Under the law applicable to this drought, FmHA cannot make disaster loans to credit worthy borrowers.

However, the Small Business Administration can make disaster loans to credit worthy borrowers, but with a different rate of interest. If you are not credit worthy you can get the loan at 5 percent. However, if you are credit worthy you can borrow it from SBA at about 8¼ or 8½ percent. Therefore, many people will go to the Small Business Administration for help.

I anticipate that the SBA will have a huge backlog of loan applications in January and February when farmers have to decide whether they will plant another crop. The strain on all of our lending agencies will be tremendous.

Therefore, Mr. President, I am offering this amendment to insure that the Small Business Administration has enough money to take them through the early part of next year. Without any additional money, I am concerned that they will run out of money before that time. Even if they do not, those of us who have been in opening sessions of a new Congress know that there is a great deal of confusion and it is difficult to pass legislation quickly.

I am trying to provide enough money in the disaster loan fund to take them through February and March. After the new Congress convenes, if they do need more money, we will at least have time to consider the request and act on it. That is the substance of my request and I hope my colleagues will support it.

EXHIBIT 1

[From the New York Times, Sept. 12, 1980]

SEVERE DROUGHT WITHERS U.S. CROPS IN BLOW TO FARMERS AND CONSUMERS

(By William Robbins)

SCOTT, ARKANSAS, Sept. 11.—A devastating drought increasing daily in its severity, has withered crops in a broad band across much of the eastern half of the United States, bringing heavy losses to some farmers and rising prices for consumers.

The drought has resulted, the Agriculture Department reported today, in sharply reduced yields of corn, soybeans and cotton, crops that significantly affect the costs of food and clothing. [Page D1.] But farmers in areas the drought has missed have benefited because they can sell good yields of crops at increased prices.

ARKANSAS FARMERS HURT

Nowhere has the drought hit harder than here in central Arkansas, where Sam McGhee stood the other day looking out over a field where the dried and crusted surface was broken by deep cracks and dotted with stunted and dying soybean plants.

The plants, normally a rich green and nearly waist-high in September, were hardly high enough to reach above a farm worker's ankles. They varied from large patches of sickly yellow to those of dried brown, the victims of a season when weeks heat above 100 degrees scorched the earth and not enough rain fell to settle the dust.

"Nothing can save those beans now," said Mr. McGhee. The field was symbolic, he said, of a year of work for him and his two sons on 3,300 acres of soybeans, cotton and rice that has brought him nothing except a loss that he figures will reach $100,000.

Mr. McGhee and Don Chapman, a neighbor who expects his own crop losses to exceed $140,000, are representative of farmers facing financial disaster in Arkansas, one of the states that has been hardest hit among many suffering from a continuing drought. Hundreds of thousands of farmers across the nation are suffering to a lesser degree.

SOME FARMERS HAVE BENEFITTED

Because of widespread losses such farmers and sharply reduced national crop production, consumers are feeling the effects of rising prices of grains, meats and vegetables, and they can look ahead to still higher food prices next year.

The drought has reached a vast, jagged arc from southern Illinois down to Texas, across the South to Georgia and up the coastal plant to New England, depleting yields of grains, vegetables and cotton, and raising the costs of feeding livestock. Other pockets of the drought have damaged crops and limited livestock grains in Montana, the Dakotas, Nebraska and Minnesota.

No food variety appears immune from the toll. Costing more are meats and cooking oils from the Middle West, sweet corn from the Eastern Seaboard, tomatoes from New Jersey and potatoes from Maine and Long Island.

The economic effects of the drought can be expected to last well beyond the end of the year, according to Dennis Steadman, an agricultural specialist with Chase Econometrics in Bala Cynwyd,, Pa. "I'm still looking for a rapid acceleration in producer prices," he said.

For the rest of the year, Mr. Steadman said, he expects retail food prices to increase at an annual rate of 15 to 18 percent. For 1981, he said, he expects food price increases to average about 12 percent.

Much of that, he said, will result from higher prices for meats, supplies of which have also been reduced by hot and dry weather. An expected increase of 3 percent in beef supplies next year will not offset an expected decline of 10 to 13 percent in pork production, he said.

The report on crop production issued today by the Agriculture Department showed more drought damage to major crops than the department's analysts expected when they issued their last report a month ago. The report projected a national corn harvest of 6.53 billion bushels, 2 percent less than the August forecast and 16 percent less than last year's record harvest. The projection for soybeans, 1.83 billion bushels, shrank 3 percent in the month and reflected an expected decline of 19 percent from last year's production.

However, Mr. Steadman noted that the United States had large grain reserves. As the 1980 crop year began, the country had grain stocks that equaled 24 percent of normal consumption as against 15 percent in 1974, a year of world food crisis.

Many price increases, of course, have already occurred, running as high as 26 percent for corn and 25 percent for hogs and chickens since last spring.

A picture varying from bounty to disaster in farming regions around the country emerges from talks with farmers and with private and government crop and weather experts.

IOWA ESCAPES LOSSES

Among the more fortunate are farmers in the heart of the corn belt—in Iowa, northern Illinois, Michigan, Indiana and Ohio. They are men like Robert Baur, who grows corn and cattle on a large farm in Iowa, not far from Des Moines, and Marvin Straub, who grows corn and hogs near Elgin, in northern Illinois. Iowa is the leading corn-producing state and Illinois ranks second. Like northern Illinois, Iowa has escaped drought losses, and both of those farmers are expecting good crops this year.

An outline of the areas that have been hit hardest emerged from talks with crop and weather experts, including Lyle Denny, agricultural meterologist for a cooperative office of the Agriculture Department and the Commerce Department, and Peter Leavitt, vice president of Weather Services Corporation, a private advisory concern based in Bedford, Mass.

From southern Illinois, the areas of greatest difficulty sweep through Missouri and eastern Kansas and down through Oklahoma and Arkansas into Texas, hitting hardest there in the high plains of northwest Texas. Eastward the drought has also seared most of northeastern Louisiana and western Mississippi, which are cotton and soybean areas.

The drought also touches western Kentucky and Tennessee and reaches across Alabama, but it strikes most severely in Georgia among Southeastern states, the experts said. It then reaches upward along the coastal plain, hitting the central Carolinas and eastern areas of Virginia, Delaware, Maryland, Pennsylvania, New Jersey and New York.

POTATO AREAS AFFECTED

In New England, the experts said, crop areas of Maine, Vermont and Massachusetts have been drier than normal, but the areas of the Northeast hit hardest have been Connecticut and eastern New York, including potato-growing areas of Long Island.

In the East, they noted, the drought has hit areas that supply much of the region's local vegetables. As a result, Mr. Leavitt said, not only are crops smaller but the quality of such vegetables as sweet corn has suffered. On the other hand, he said, the dry weather tends to improve the quality of potatoes. As a result of reduced supplies, vegetable prices have risen in the last month even more sharply than meat prices.

Still, the most widespread drought damage to crops is in the Middle West and the Southwest. From central and southern Illinois southward a squeeze on farmers resulting from the drought begins to tighten.

Whole fields of corn viewed recently in a triangle between Normal, Springfield and Decatur in central Illinois had been withered by the heat and drought, while other fields that appeared to be thriving, farmers said, would produce little grain because heat had interfered with the polination process.

EIGHT BUSHELS AN ACRE

As a result, in southern Missouri and many other areas, farmers like Lendal Rose, whose pastures near Springfield are dry, whose cattle are languishing and whose stunted soybeans bear unfilled pods, commiserate with others like his neighbor, who recently cut a field of barren stalks of corn and chopping them up for cattle feed.

In the hardest-hit states estimates of crop and livestock losses have ranged from $800 million for Arkansas to $1.5 billion for Missouri, though such estimates are far from precise. Crop weather specialists say Arkansas is now suffering the worst damage.

● Mr. EAGLETON. Mr. President, when the Budget Committee took action on both the first and second concurrent resolutions, they based their decisions on a set of assumptions. One of those assumptions was that the Small Business Administration (SBA) disaster loan fund would need only limited new budget authority in fiscal year 1981, that no out-of-the-ordinary disasters would take place. As we all know, quite the opposite has happened. Our country has just emerged from the worst summer of adverse weather in recent memory. Heat records were continuously broken combined with a record lack of rainfall. In terms of loss of life and of economic damage, the costs were staggering.

Perhaps the hardest hit in economic terms was our Nation's farmers. In Missouri alone the estimated losses exceed $1 billion. Yields on corn and grain sorghum were down by over 50 percent and soybean yields dropped by one-third.

The amendment offered by Senator BUMPERS merely seeks to recognize that the Government is going to have to make good on the programs that are in place to provide the farmers of this Nation with the economic relief they need to stay in business. I, as much as anyone in the Senate, recognize the need to hold Federal spending down. But we should not play games by including in our budget assumptions figures that we all know are completely unrealistic.

The Government has an obligation to make the loans provided for in the disaster program, and let me emphasize that we are just talking about loans which will be paid back with interest. The farmers of this country deserve to know that their government recognizes this obligation and that money has been set aside in the budget to meet it.

This is all we are asking. I urge my colleagues to support this amendment.●

Mr. HOLLINGS. Mr. President, the distinguished Senator from Arkansas has outlined the problem. It is our understanding that inasmuch as this is close to being an entitlement program, very obviously it will have to be funded. The main concern, as I understand it, is about the funds expiring in February or March.

The House-passed budget resolution has $1.1 billion more in budget authority than the Senate has. They had $1.8 billion, but then they added an across-the-board cut; so they have $1.1 billion in budget authority and $1.5 billion in outlays to provide for this particular program.

I have tried to assure the distinguished Senator from Arkansas that we would not raise any budget point on the continuing resolution. There could be a continuing resolution making certain of the amounts in there.

As I have explained in earlier debate on particular provisions of this bill, we had estimated some 8½ percent unemployment. In estimating the 8½-percent unemployment, we put several hundreds of millions additional in there for unemployment compensation, for trade adjustment assistance, and for the other programs.

So it could well be argued that our amount is a little high. There is a feeling that, of course, we would be lucky to get out at the $633 billion level.

I am willing to adjust and try to handle it in conference. We do not want to add onto the deficit on the floor at this particular point.

I think the Senator from Oklahoma has a point to make relative to the general policy between SBA and Farmers Home and I am glad to yield to the distinguished Senator from Oklahoma.

Mr. BELLMON. Mr. President, I thank my friend, our chairman.

Mr. President, there is much room for improvement in this budget. Yesterday, Senator DOMENICI and I offered an amendment requiring the Appropriations and Finance Committees to reduce spending so that we could live within this budget. For procedural reasons, the Senate was unable to vote on our amendment.

If we expect to live within the spending totals before us, we will have to choose in favor of priority spending requirements, at the expense of lower priority items. This means that we will have to fund the SBA disaster loan program within the parameters of this resolution. This program has always been a high priority item; the Congress has never failed to appropriate the necessary funds.

The budget resolution accommodates funding for the SBA disaster loan program based on CBO's estimates for a normal disaster year. It assumes that most agricultural disaster lending will be carried out by the Farmers Home Administration. This has been accomplished with the enactment of Public Law 36–302.

Since the time we reported this second budget resolution, the administration submitted an amended budget request of $1.3 billion for the SBA disaster loan program. This request is needed to provide disaster loans to farmers who suffered drought losses which began before the enactment of Public Law 36–302 on July 2.

Mr. President, the administration has, I believe, been lax in its handling of drought disaster declarations. All of the disaster declarations were made after the effective date of the new law, but all of them so far have been made effective prior to July 2. I ask unanimous consent that a table showing effective dates of recent disaster declarations and the starting dates of the droughts be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1981 DISASTER AMENDMENT: PHYSICAL DROUGHT DISASTER LOAN DECLARATIONS

MINNESOTA

July 2 and 10, 1980—Governor requested SBA Physical Disaster Declaration for 15 counties.

August 21, 1980—ASCS survey report verified disaster in 15 counties.

Drought dates:

14 counties—droughts began in January–July, 1980.

1 county—drought began in fall of 1979.

September 5, 1980—SBA declared disaster loan area—15 counties.

TEXAS

First declaration:

July 28, 1980—Governor requested SBA physical disaster declaration for 49 counties.

ASCS survey report verified disaster in 47 counties.

Drought dates—47 counties:

43 counties—droughts began in March–July, 1980.

2 counties—droughts began in October, 1979.

1 county—drought began in August, 1979.

1 county—drought began in September, 1979.

August 12, 1980—SBA declared disaster loan area—47 counties.

Second declaration:

July 28 and August 13 and 26, 1980—Governor requested SBA physical disaster declaration for an additional 29 counties.

ASCS survey report verified disaster in 28 counties.

Drought dates—28 counties:

24 counties—drought began in January–June, 1980.

1 county—drought began in May, 1979.

1 county—drought began in August, 1979.

1 county—drought began in September, 1979.

1 county—drought began in November, 1979.

September 5, 1980—SBA declared disaster loan area—28 counties.

MONTANA

June 16, 1980—Governor requested SBA physical disaster declaration for 21 counties.

ASCS survey report verified disaster in 21 counties.

Drought dates:

5 counties—droughts began in March–April, 1980.

4 counties—droughts began in spring/summer, 1980.

4 counties—droughts began during 1980 crop year.

5 counties—droughts began in October, 1979.

2 counties—droughts began in September, 1979.

1 county—drought began in November, 1979.

August 5, 1980—SBA declared disaster loan area—21 counties.

SOUTH CAROLINA

September 4, 1980—Governor requested SBA physical disaster declaration for 39 counties.

ASCS survey verified disaster in 39 counties.

Drought dates:

39 counties—droughts began in March–August, 1980.

September 18, 1980—SBA declared disaster loan area—39 counties.

VIRGINIA

August 6, 1980—Governor requested SBA physical disaster declaration for 40 counties and 3 cities.

August 14, 1980—ASCS survey report verified disasters in 40 counties and 3 cities.

Drought dates:

40 counties/3 cities—droughts began in February–June, 1980.

September 5, 1980—SBA declared disaster loan area—40 counties/3 cities.

MISSOURI

July 14, 1980—Governor requested Presidential disaster declaration for entire State.

August 1, 1980—Governor requested SBA physical and economic injury disaster loan declaration for entire State.

ASCS was not given opinion on incidence period of either drought conditions or excessively high temperatures.

FmHA—stated drought conditions existed in State since April 1, 1980 and extremely high temperatures began July 30, 1980. FmHA made its Emergency Loan Program available to entire State. FmHA damage survey shows 107 of Missouri's 114 counties sustained physical damage to qualify for SBA assistance.

September 5, 1980—SBA declared disaster loan area—107 counties—based on FmHA information (remaining 7 counties eligible for disaster loan assistance because they are adjacent to qualifying counties).

ARKANSAS

July 10, 1980—Governor requested SBA Physical loss disaster declaration for 12 counties to replace 7,607,400 chickens killed by excessive heat in June–July, 1980. Data did not qualify any of the 12 counties.

July 16, 1980—Governor amended request for disaster declaration for all 75 Arkansas counties for drought and heat losses.

July 16, 1980—ASCS survey determines there are more than 40 farms in each county suffering losses from heat and drought June 25—July 16, 1980.

July 17, 1980—SBA declared disaster loan area—entire State for drought conditions and excessive heat commencing on or about June 25, 1980.

Mr. BELLMON. Mr. President, this causes existing law—with its unrealistic interest terms—to apply. As a result, SBA costs have now risen to the $2.0 billion mark and may be run up even further by the year's end.

Whether the entire request is indeed necessary is based, in large measure, on judgmental calls regarding the incidence period of drought disasters. An initial GAO investigation of the SBA drought disaster declarations is revealing. SBA relys solely on ASCS survey reports, when available, to determine the starting dates of the droughts and assess disaster damage. No set of criteria is established for determining when a drought has begun. Not only that, but for some counties in a number of States, the drought disaster declaration has been backdated to the fall of 1979. I do not see why it has taken so long for a disaster declaration to be made for 1979 droughts when the declarations also cover droughts which occurred in the spring and summer of this year. It is clear that criteria to guide the determination as to when a drought has occurred should be established.

To correct this problem now is difficult. Assistance for drought, which began after July 2 of this year will no longer be given by SBA, for the most part, but will be limited to Farmers Home. Still, after working for 2 years to achieve the new law, it is disappointing to see the cost of the SBA program rise to the $2 billion level—for us to witness a similar situation to the fiscal year 1978 occurrence which gave rise to the new legislation.

CBO calculates using the administration's present estimate, that additional funding for the SBA disaster loan program will be $1.7 billion in budget authority and $1.6 billion in outlays above the second budget resolution assumption, but could possibly rise as high as $2.5 billion in budget authority and $2.3 billion in outlays.

The House-passed budget resolution allows funding of the SBA disaster loan program at a $1.8 billion level. There is clearly room for a desirable compromise between the House and Senate resolutions with respect to this funding requirement.

Rather than adding additional money to this resolution, as the Bumpers amendment proposes, we should rely on a more desirable conference outcome. We should not complicate that conference by raising the Senate recommended budget deficit and spending ceilings.

I urge my colleagues to oppose this amendment.

I am in sympathy with the argument which the distinguished Senator from Arkansas makes. Oklahoma has also been hit by the dry weather, the drought of this summer. We have practically, I think, as bad weather as the States of Arkansas and our neighbor Missouri.

Obviously, we have an interest in seeing that the legitimate needs of farmers who were stricken by this disaster are met.

The problem is, as the Senator from Arkansas knows, Congress passed and the President approved a change in the disaster law that will cause farmers to go not to the Small Business Administration but to the Farmers Home Administration to obtain loans to help them get through these periods of disaster.

For some reason which I do not understand, President Carter decided for all practical purposes to cover as many of these droughts as possible under the old rather than the new law.

The drought disaster declarations that have been made during 1980 have all been made with an effective date prior to July 2, which is the date of the new law came into effect.

The problem with farmers going to the Small Business Administration is complicated. One is the SBA does not have enough people to process these loans properly. Second, the Small Business Administration is not accustomed to dealing with farmers and therefore they do not have the capacity to properly evaluate the requests that are made.

Then the real problem has been that the Small Business Administration has had more liberal lending standards. Many farmers who could get credit elsewhere go to the Small Business Administration and get low-interest loans there which is simply a matter of economics. It is not a matter of disaster. It is a matter that they can save money by getting these Government loans at SBA.

It is my hope when the new administration comes to town they will take a look at this administrative decision that was made to, in effect, not apply the new law to these recent disasters. If that happens then this money that the farmers who have had these disasters need would come not from the Small Business Administration but from Farmers Home which is where I believe Congress intended it to come from and where there will be requirements that end some of the abuses that have occurred in the Small Business Administration handling of disaster programs in the past.

So I suggest that we will work this out in conference and that hopefully when we have a change in administration the law which Congress has passed will be made effective for the 1980 drought and the funds that are needed then will come to the farmers who are eligible from the Farmers Home Administration and not from the Small Business Administration.

It is for that reason that I agree with our chairman's position that we should not increase our budget numbers here in the Chamber but rather work this out in conference, and I assure my friend from Arkansas that I am as interested as he is in seeing that the legitimate needs of the farmers be met and that the action we take in conference will be intended to accomplish that objective.

Mr. BUMPERS. Mr. President, I respect the Senator from Oklahoma. I know his feelings about the concept of the Small Business Administration being involved in making disaster loans to farmers. I share those feelings and am certainly not here to defend that practice. The Senator knows we have effectively taken SBA out of the business now, but not until after this drought commenced.

The date of July 2 does not deal with when the disaster is declared by the President. It has meaning in determining when the drought was considered to have commenced. In Arkansas the disaster proclamation for the whole State was issued prior to July 2, but there were some other States where a proclamation was not made until after that date. However, the drought commenced before July 2 which renders the changes made by Public Law 96-302 inapplicable. This was an administrative decision.

I certainly know that both the distinguished chairman of the Budget Committee and the ranking minority member will do everything they can to protect us.

The House budget resolution has $1.2 billion in it for this very purpose. That is the budget resolution they passed yesterday of $631 billion.

I just do not want this to be traded off in conference because I think there is going to be a real thorough discussion between the House and the Senate about what part of each budget is going to be adopted. If the distinguished chairman will assure me that he will do his utmost to make certain that there is room, in the vicinity of the figures I am talking about, left, or in other words, if we could recede to the House for an amount that would take the SBA through March so that when we come back here next year we will have time to act, I would appreciate it. There is not anything worse than farmers getting to planting time and the Farmers Home Administration or the SBA or both having this big surge of applications and not enough personnel to handle them or they run out of money.

I just want to make sure that the farmers of Arkansas who have just suffered the worst disaster in the history of my State do not get caught in that kind of a bind.

I speak not only for my State but the farmers of Missouri, the farmers of Tennessee, the farmers from other States. One can look at the map and see the devastation of the drought. It has just been a disastrous agricultural year.

I know the Senator is very cognizant of that.

Mr. HOLLINGS. Mr. President, I give that assurance to the Senator from Arkansas. There is no question in my mind that the Senate figure at the moment is unrealistic. It is unrealistic because the administration did not submit its budget amendment until after the second budget resolution was reported to the Senate. We see from the various schedules given us in the Appropriations Committee, where the Senator from Arkansas and I both work on Small Business Administration appropriations, the amount we have right now is unrealistic and we are going to have to come near that amount that the Senator is talking about right now.

There is no question in my mind, and I certainly will use all the good persuasion in my power, what little it is, to bring us up to that particular amount because I do not want our farmers in South Carolina hurt. I think it has been estimated to have been in the vicinity of almost $90 million alone. How much occurred before July 2? I think the July 2 analysis given by the Senator from Arkansas is eminently correct. When the disaster starts is when it starts and you do not stop it. It is a question of whether or not it is going to be treated before the Farmers Home or the SBA.

So all after July 2 are going now to the Farmers Home, and SBA is gearing up in this administration and in the new administration for running a disappearing program. In other words, responsibility is now under both the Small Business Administration and the Farmers Home. But after this drought SBA will be mostly out of this particular business and all the disasters then that will have occurred since July 2 would be going before the Farmers Home. But we want to make sure that our SBA budget does have a sufficient amount so that we will not be caught in some kind of change of command crunch next year. I am definitely sympathetic and understanding about it. I do not want my farmers to be sitting on the sidelines waiting for their money so they can replant and get into another crop year.

Mr. BUMPERS. Mr. President, as the Senator knows, we have to have some room in a continuing resolution to put some of this money in. The important thing about this budget resolution is that we have some room left so that when a continuing resolution comes before the Senate we can put additional money in the SBA Disaster Loan Fund.

Mr. HOLLINGS. We will have the leeway.

Mr. BUMPERS. With that understanding, Mr. President, I shall withdraw my amendment.

Mr. BELLMON. Mr. President, I thank the Senator from Arkansas for his decision and I assure him I will do all I can in conference to accomplish the objective he has in mind.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Senators Eagleton, Pryor, and Boren be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BUMPERS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be attributed to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we just switch and recognize Senator Chiles for his amendment, and thereafter Senator Dole for his amendment.

The PRESIDING OFFICER. Without objection, it is ordered.

The Senator from Florida is recognized.

UP AMENDMENT NO. 1774

Mr. CHILES. Mr. President, I send to the desk an amendment on behalf of myself, Senator Domenici, and Senator Johnston.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida (Mr. Chiles), for himself, Mr. Domenici, and Mr. Johnston, proposes an unprinted amendment numbered 1774.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, add the following new section:

"Sec. (4). It is the sense of the Congress that due to the extreme rate of inflation in the U.S. economy, the possible inflationary effects of federal regulations and legislation shall be carefully monitored as part of a program of fiscal restraint. Inflationary effects should therefore be a prime consideration in developing both regulations and legislation. In order to coordinate the aggregate economic impact of regulations with federal fiscal policy, it is the sense of Congress that the President should implement a "Zero Net Inflation Impact" policy for the regulations promulgated in the remainder of fiscal year

1981. This policy will require the President to keep an accounting for fiscal year 1981 of all new regulations which have a significant, measurable cost to the economy. The aggregate net increase in costs or price effects of new regulations would have to be offset by modifications to existing regulations which reduce the costs or price effects by at least that amount in fiscal year 1981, as well as subsequent fiscal years. The cost-saving modification need not affect the same area of economic activity as the cost-inducing regulations. The President should institute an exemption procedure to assure the promulgation of regulations necessary to avert any imminent threat to health and safety.

It is also the sense of Congress that the Director of the Congressional Budget Office should issue a periodic "inflation scorekeeping" report which shall contain an estimate of the positive or negative inflationary effects, wherever measurable, of legislation enacted to date in the current session of Congress. The report shall also indicate for each bill, promptly after it is reported by a Committee of Congress, whether:

1. it is judged to have no significant positive or negative impact on inflation;

2. it is judged to have a positive or negative inflationary impact of the amount specified in terms of both dollar amounts and change in the Consumer Price Index; or

3. it is judged likely to have a significant positive or negative impact on inflation, but the amount cannot be determined immediately.

Mr. CHILES. Mr. President, this is the same amendment the Senate accepted on the first budget resolution by a vote of 53 to 34. Our amendment will augment the anti-inflation policy of the budget resolution for fiscal year 1981 by setting forth a "zero net inflation impact" policy for Federal regulations issued in the remainder of 1981.

Balancing the Federal budget is the cornerstone of our fight against inflation. But we need to take other actions as well. I know that when I talk with businessmen from my State about inflation, they are as much concerned with Federal regulations as with the Federal deficit.

ZERO INFLATION FROM REGULATIONS

Our amendment says that in the current economic climate, we ought not to add any inflationary pressure from regulations. This does not mean that we have to bring Government to a standstill. We have learned to cut spending for old programs to make room for new ones. In the same way, it is possible to reduce the cost of existing regulations to make room for new ones.

Some important steps have already been taken to create a regulatory council and keep control over the cost of new regulations. Unfortunately, the focus has been on the cost of new regulations coming out, not on the existing body of regulations. The pressures of work to look at only the new additions will always exist. My amendment sets up a situation where the agencies will have to look at existing regulations.

Some people have suggested that we institute a full "regulatory budget" comparable to the spending budget.

I happen to think that is a fine goal, and I support such a move to do that. But I do not believe we have the capacity yet to account for all of those costs or how to determine what an appropriate level should be. But I think we can set the path to develop that kind of capacity as this amendment gets us moving. It says that the President will have to set up an accounting system for those new regulations which have a significant, measurable cost to the economy. We recognize that some regulations are too minor to be counted, or that the effects are so uncertain that no one could put a price tag on them.

On the other hand, many regulations have a well-known impact and would have to be counted. "Zero net inflation impact" over the course of a year means that the agencies will have to reexamine their existing regulations, and either streamline them or eliminate some provisions, in order to achieve cost reductions that offset any increases from new regulations. In effect, this creates a "balanced budget for regulations."

Mr. President, right now we have the kind of situation for regulations which we had for spending before the new budget act came into place. We look at each regulation and weigh its costs and benefits. But we have no way of knowing the total cost of regulations issued during the year. That is just like passing spending bills one at a time without over adding to see what the total figure is going to be.

The amendment provides two kinds of flexibility since we are setting out on a major new effort. First, we allow regulatory costs in any one area of economic activity to be offset by reductions in another area. For example, an increased cost for environmental protection could be offset by a reduction in tax reporting forms. What we are looking at here is the total economic effect for the whole government.

The second form of flexibility is the requirement of a waiver provision for any emergency regulations necessary to avert an imminent threat to public health and safety. I think it is very rare that such an emergency waiver would be needed, but I want to make sure it is available so we will not have that situation.

INFLATION SCOREKEEPING FOR LEGISLATION

We also lack an overall context for monitoring the economic effects of legislation. The inflationary impact of any one bill may seem too small to forgo the benefits of that bill. Yet we have found that there is a large cumulative effect on inflation if we pass several such bills in one session. That is what happened when Congress raised the minimum wage, increased agricultural price supports, added to payroll taxes and deregulated gas prices, all in a single session. Each one of those acting by itself perhaps did not have too much significance, but coming together those laws added significantly to the underlying price pressures that we are experiencing today.

I do not think we yet have any way to set a number for the acceptable total economic impact of legislation. But we do need a comprehensive screening method so we know what we are facing when we vote on any bill. We need to know the effects of both legislation enacted to date, and of legislation coming out of the various committees, that we are likely to pass later on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, on my time, I yield so much time as the Senator from Florida may need.

Mr. CHILES. I thank the distinguished chairman.

Again, the current situation is just like the old method of passing spending bills one by one, without a total budget to judge them against.

At the urging of the Senate Budget Committee, the Congressional Budget Office has set up a small unit which has been measuring the economic impact of legislation. While they have provided some useful analyses, they only pick out certain bills, and some with major potential impact have slipped by. We cannot afford a hit or miss system on inflation.

We have, therefore, developed a workable system that can provide Congress necessary information without impeding its work.

For every bill reported out of committee, the Congressional Budget Office would have to indicate whether:

A. It appears to have no significant positive or negative impact on inflation;

B. It has a significant positive or negative inflation impact, and the amount of impact is specified in terms of both dollar amounts and change in the Consumer Price Index;

C. It appears likely to have a significant positive or negative impact on inflation, but the amount cannot be determined immediately.

Most legislation will probably have no significant impact. Where CBO and the administration have been working on an issue, they ought to be able to provide an estimate right away. If something comes out of committee that is drastically different from what people had been expecting, or if there was no adequate data available, the bill would be listed under category "C." The Members would then decide whether the bill was urgent enough to move ahead without knowing the economic impacts, or whether they would wait until the indicated date for the estimate.

Nothing in the amendment would put an automatic hold on the bill. The information would simply be listed in the scorekeeping report, and Members could make their own judgments.

Mr. President, I believe these provisions will add a major dimension to the anti-inflation fiscal policy of the budget resolution. They could greatly enhance the credibility of Congress determination to reduce inflation. I therefore hope the Senate will agree to their adoption.

Mr. HOLLINGS. Mr. President, the Senator from Florida proposed—and we had this passed by a substantial majority in our first concurrent resolution. At the time of its presentation, we were concluding the markup of our session at the particular time and we agreed, as conferees, to take this to the conference because we absolutely agreed with the intent of the Senator from Florida and the goals desired by him; namely, to try to get a handle on the inflationary impact of the regulatory body.

I have had, individually, as a Senator, a misgiving. My misgiving is the implementation that the aggregate net increase in costs or price effects of new regulations would have to be offset by modifications to existing regulations which reduce the costs or price effects by at least that amount in fiscal year 1981, as well as the subsequent years. The cost-saving modifications need not affect the same area of economic activity as the cost-inducing regulations.

I think the first part, the actual monitoring, is a very salutory development. In fact, I sent for a letter. And under the leadership of the distinguished Senator from Florida and myself and the committee, we have asked Dr. Rivlin, over at the Congressional Budget Office, to try to institute, so far as is practicable, a tracking system to let us know the inflationary impact of the various new regulations. She has been trying to adhere to it and we are going to continue to pursue it.

Perhaps we can get it this far down to actually have a comprehensive look at all of the regulations. I remember one time they got up to 60,000 pages in the Federal Register. It must be nearer 80,000 pages at this particular time. You need to look at all of the regulations. You would not just take the new ones, but you would have to start reviewing the old ones too, because the new ones would all have some inflationary impact. So if I had to administer the program, I would be trying to look at the old ones to see which ones I could offset to keep inflation under control.

It is going to be quite a job. Whether or not it is practical, certainly it is desirable.

I have checked it with the distinguished ranking member on the minority side and cleared it with him. We will be glad to accept the amendment and do our best in committee to hold it in there.

Mr. CHILES. Mr. President, I thank the distinguished Senator from South Carolina, the chairman of the committee, for accepting the amendment. I look forward to discussing it with him as we go to the conference. I think it is a very timely amendment right now.

Mr. HOLLINGS. It would have a better chance right now than before.

Mr. CHILES. I think so.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florido (Mr. Chiles).

The amendment (UP No. 1774) was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum, with the time equally distributed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1775

(Purpose: To provide for a reduction in revenues)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. Roth), for himself, Mr. Dole, Mr. Domenici, Mr. Boren, and Mr. Hatch, proposes an unprinted amendment numbered 1775.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 1, strike out "$615,100,000,000" and insert "$598,300,000,000".

On page 2, line 2, strike out "$698,700,000,000" and insert "$672,400,000,000".

On page 2, line 3, strike out "$792,100,000,000" and insert "$766,500,000,000".

On page 2, line 5, strike out "increased or".

On page 2, line 7, strike out "$5,200,000,000, and insert "—$16,500,000,000".

On page 2, line 8, strike out "—$13,300,000,000" and insert "—$57,600,000,000".

On page 2, line 9, strike out "—$35,600,000,000" and insert "—$103,800,000,000".

On page 2, line 22, strike out "—$17,900,000,000" and insert "—$34,700,000,000".

On page 2, line 23, strike out "—$11,200,000,000" and insert "—$37,500,000,000".

On page 2, line 24, strike out "+$14,400,000,000" and insert "—$11,200,000,000".

On page 3, line 1, strike out "$961,800,000,000" and insert "$978,600,000,000".

On page 3, line 2, strike out "$1,003,000,000,000" and insert "$1,046,100,000,000".

On page 3, line 3, strike out "$1,021,600,000,000" and insert "$1.061,500,000,000".

On page 3, line 6, strike out "$40,900,000,000" and insert "$57,700,000,000".

On page 3, line 7, strike out "$41,200,000,000" and insert "$67,500,000,000".

On page 3, line 8, strike out "$18,600,000,000" and insert "$15,400,000,000".

Mr. HOLLINGS. Mr. President, is this the amendment on which there is a unanimous-consent agreement?

The PRESIDING OFFICER. The Chair will announce that under the previous order there will be 2 hours of debate on the amendment offered by the Senator from Delaware to be equally divided and controlled by the Senator from South Carolina (Mr. Hollings) and, under the previous order, the Senator from Kansas (Mr. Dole).

Does the Senator wish to change that?

Mr. DOLE. Yes, Mr. President. Mr. Roth will control the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. In addition to myself, Mr. President, the principal sponsors of this amendment are Mr. Dole, Mr. Domenici, and Mr. Boren.

What we are proposing in this amendment is to adjust the revenue level in the budget resolution to allow room for a tax cut of roughly $17 billion in fiscal year 1981.

Make no mistake about it. A tax cut in fiscal 1981 is inevitable and unless we make room in this budget resolution for the tax cut, we will be back early next year, either with a third budget resolution or we will be forced to waive the Budget Act.

Mr. President, 2 weeks ago the American people said they wanted a change. They said they wanted less spending and they wanted relief from the enormous tax burden now imposed on our economy.

In the 4 Carter years, taxes have increased on the typical American family by $2,000. Most importantly, we find our economy in a shambles. We have double-digit inflation. We have high unemployment, 7.5 percent. We have doube-digit interest rates. The American people are expecting the new administration to put into effect the basic structural changes that are essential to create a growth economy.

Mr. President, this is not going to be easy. Whatever we do in the next several months cannot reverse overnight the pattern of the last several years. But it is important that we take the basic steps today that will permit expeditious consideration of the tax proposals as well as the other changes that are going to be proposed by President-elect Reagan.

I would point out that just this Monday President-elect Reagan reasserted what he intended to do. He said that his main economic priorities will be reducing the cost of Government and reducing the tax burden on the American people.

So what we are proposing through our amendment is to make possible the changes that will be recommended by the new President.

Under our budgetary procedures we normally have two resolutions, and the second one is the one that is to prevail. I think it is important that we comply with the requirements of the budgetary process, of which I have been both a cocreator and a longtime supporter and avoid a third budget resolution. I also agree with the distinguished chairman of that Joint Economic Committee that what we are going to do in the tax area must be done as expeditiously as possible.

It is important that we get the tax proposals enacted into law so that the private sector will be able to make the decisions that are essential to get the economy growing again and to create jobs in the private sector.

Just let me point out that over the next 5 years total taxes of the Federal Government are projected—Mr. President, could we have order, please?

The PRESIDING OFFICER (Mr. Exon). The Senator's point is well taken. The Senate will be in order.

Mr. ROTH. Mr. President, I think it is important for the American people to understand what is taking place if we do not proceed with real tax reduction. Over the next 5 years total taxes of the Federal Government are projected to more than double. They are projected to increase from $520 billion to $1.1 trillion.

Mr. President, that is much of the problem of this country's malaise. The fact is that our plants—our industrial base—are obsolete compared with our Japanese, West German, and other foreign competitors. It is a fact that our plants are replaced roughly every 30 years, compared with every 10 years in Japan. It is a fact that, no matter how competent our American workers are, they cannot compete when they are working with plants and equipment that are out of date and outmoded.

Mr. President, what we seek to do is revitalize the American economy and to create real jobs in the private sector. We believe that it is important to reduce tax rates to create real growth without inflation. I point out that this is not a partisan matter. I think many here heard the distinguished chairman of the Joint Economic Committee point out that the Joint Economic Committee, of which I am a member and will be vice chairman next year, has, for 2 years, urged that supply-side tax cuts take place so that there will be real growth in the economy.

As I say, Mr. President, by adopting this amendment, by making it part of our second budget resolution, we shall then be in a position next January to move directly and expeditiously to the tax cut itself. How this tax cut will be shaped will depend upon what action is taken at that time, but I would say, as one member of the Committee on Finance and as one Member of the Senate, that I intend to do everything within my power to insure that the working people of America participate in these tax cuts. These enormous tax increases are the major factor in reducing productivity, savings, and investment, thus increasing inflation, economic stagnation, and loss of jobs.

Mr. President, I urge my colleagues to support this amendment so that we can proceed expeditiously toward tax reduction to get the country moving again.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, will the Senator yield to me?

Mr. ROTH. I am happy to yield to my distinguished colleague, the Senator from Oklahoma.

Mr. BOREN. I thank my colleague from Delaware.

Mr. President, I am pleased to join this effort by the Senator from Delaware and the Senator from Kansas to assure that we make room in the second budget resolution for a tax cut. I think it is important that this move be viewed as a bipartisan one in the country, because I think it is time for all of us to get together and try to work together in a cooperative spirit to do what is right for this country and attack the underlying problems that have caused our economy to get into a serious situation.

Just a few minutes ago on this floor, Mr. President, my distinguished colleague, the Senator from Texas (Mr. BENTSEN), outlined the reasons why a tax cut is so vitally necessary at this time for our country. I think the reasons are clear for all to see.

When we realize that this country saves and invests a very small share of its gross national product in the basic industries of this country; when we realize that the nations of Western Europe and the Japanese are saving a proportion of their gross national product each year that is five, six, and seven times as great as our own; when we realize that those savings are translated into investment and research and development, into new plant and new equipment in those nations, I think all of us can see that there is no longer a question whether those nations will pass the United States in terms of economic productivity.

If we allow the situation to continue, the only question is how soon will it happen? If we save and reinvest in the basic industries of our country only 3 or 4 percentage points of our gross national product, if we continue along that line while the Japanese are saving and reinvesting in excess of 20 percent of their gross national product and the West Germans in excess of 18 percent of their gross national product, there is no doubt what will happen. So if we are to attack the underlying cause for inflation in our society, and that is the decline of American productivity, we must do something to increase the rate of savings in this country and the rate of investment.

Under current conditions, there is simply no incentive to save. Return on savings after taxes is not sufficient to encourage people to save. There is also not the ability on the part of the basic industries of this country to recover the capital investments which they make in plant and equipment. Because of the rate of inflation and because of inadequate depreciation schedules at the present time, there is simply no way, when it comes time to replace a piece of equipment that is worn out, that a company would have been able to build up a reserve account sufficient to pay the capital costs of buying that new piece of equipment. The results have been tragic for all citizens of this country.

Mr. President, we are now producing products in our factories across the country with equipment 15 and 20 years old while the same products are being produced in other nations with plant and equipment that is modern and up to date and only 2 or 3 years old. So something must be done.

In essence, we are going to have to make the difficult decisions necessary to shift 2 or 3 or 4 percentage points of our gross national product now being consumed by Government in this country to the private sector, where it can be used to retool and reindustrialize America. If we do not, if we do not make those tough decisions which are necessary, all Americans are going to suffer. Fewer jobs are going to be available in the future and we are going to see basic industry after basic industry in this country fall victim to international competition without having the tools and capabilities of meeting that competition.

Mr. President, it would be shortsighted indeed for us to pass a budget resolution which would have the effect of tying our hands of the next administration, which did not leave room in it for a tax cut. We must not only cut taxes; I firmly believe we must make additional spending cuts in the nondefense area to be responsible. But, certainly, this is not a time to pass a budget resolution which would require the next administration to seek a waiver, to seek modification in order to bring about a tax reduction which is so badly needed for this country.

Mr. President, I urge my colleagues to support this amendment to the budget resolution. I had personally hoped and still harbor the hope that the bill reported out earlier by the Finance Committee might still receive favorable consideration, because it is a good bill. It is a bill that is already in position to be passed and would give this Congress the greatest possible opportunity in the short run to send a message to the financial community in this country so that the basic investment decisions which are so badly needed to be made without any delay could be set in motion shortly after the first of the year. Mr. President, whether that action is successful or not, I think we must certainly leave room for the next administration to move ahead with a tax reduction proposal.

I commend my colleague from Delaware and my colleague from Kansas for offering this amendment. I am very pleased and proud to join them as a cosponsor.

Mr. ROTH. Mr. President, I add as a cosponsor the junior Senator from New Jersey.

I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I will take just a few minutes. If the distinguished Senator from New Jersey has some pressing commitment, I would be happy to yield to him.

Mr. President, before the election there was a lot of fun and games with respect to whether or not there ought to be a tax cut, which tax cut it ought to be, and when it ought to happen.

Nearly everybody was in agreement that there would be a tax cut in 1981. Those on this side of the aisle thought there should have been one enacted this year, and this Senator still does, to be effective January 1. Most of those on the other side of the aisle said we ought to wait until next year, but make it effective January 1.

So there was never much difference on when there should be a tax cut, and when it ought to be effective. The only difference is when it should be passed.

The Democratic leadership in its caucus, as I understand it, by a vote of 28 to 16, decided not to do it this year. That pretty much took care of any tax reduction act being passed this year to be effective in January.

This decision was made despite what we have estimated to be some $86 billion in increased taxes next year.

I do not know of anyone who does not believe that when President-elect Reagan assumes office in January his first act of business will be an economic package which includes a tax reduction. It would seem to me, not having forgotten some of the technicalities of the Budget Act and some of the deadlines to be met, that it would be shortsighted to pass this budget resolution without making some room, as the distinguished Senator from Oklahoma just mentioned, for a tax cut in this fiscal year.

I want to commend the distinguished

Senator from Delaware for his continued leadership in making certain we address this issue.

Time after time after time in the Finance Committee and on this Senate floor, it has been the Senator from Delaware who has provided the leadership, as he has again this morning.

Some say, "Well, wait until January, until Governor Reagan is then President Reagan. It is his ball game. Let him make the decisions."

This Senator is not so certain that we do the taxpayers of this country a service by waiting. It would seem to me it is not a question of who is going to occupy the White House in January, or who will control the Senate come January. The question is, what do we do now to indicate to a lot of Americans who are going to be suffering tax increases in January, with social security tax increases and other tax increases, what signal do we send millions and millions of taxpayers who are overburdened with income taxes, what do we tell them, what do we suggest to them insofar as relief is concerned next year?

The Senator from Kansas has great respect for the Budget Committee, having served on that committee. I have the highest respect and admiration for the chairman, the distinguished Senator from South Carolina, and for my neighbor in Oklahoma, the distinguished Senator from Oklahoma. We may have a difference of opinion as to timing. We may have a difference of opinion as to other technical areas.

But I believe we are in agreement that, while we should not do it now, maybe we ought to do it next year. That, as I suggest, is not a great distinction, not a great difference.

Finally, the Senator from Kansas would indicate that we need a productivity-oriented tax cut.

Prior to assuming chairmanship of the Senate Finance Committee next year, I find agreement among Democrats and Republicans on that committee that it should be productivity oriented, the emphasis should be on so-called supply side tax cuts. It is my hope that the Reagan administration, and those responsible for tax and economic policy, will consult with those on the Senate Finance Committee in both parties, will work with us, and will assist on the Senate Finance Committee.

If we have that cooperation, as I assume we will, then I believe we can bring a tax package to this floor, hopefully early next year. I know that will satisfy a great number of the Senators on both sides of the aisle.

Mr. DeCONCINI. Will the Senator yield for a question?

Mr. DOLE. I am happy to yield to the Senator for a question.

Mr. DeCONCINI. Last year, I believe the Senator from Kansas offered, and I was a cosponsor, of an amendment that would have provided for indexing, which was some loss of tax revenue——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH. How much time remains?

The PRESIDING OFFICER. There is 24 minutes and 42 seconds remaining.

Mr. DeCONCINI. If the Senator will yield me a minute to answer this question, or just 30 seconds, would this proposed amendment of the Senator from Kansas take into consideration the possibility of indexing, in line with the bill offered last year by the Senator?

Mr. DOLE. It is my understanding that that is correct, that it is anticipated in the outyears. We do not mention the details of a tax cut, but it is my understanding the numbers are adequate to allow for indexing in the outyears.

Mr. DeCONCINI. There would be adequate room to include indexing?

Mr. DOLE. Right.

Mr. DeCONCINI. And what we think will be the President's tax package?

Mr. DOLE. That is the understanding of the Senator from Kansas.

Mr. DeCONCINI. I thank the Senator. I wanted to impress that I support the Senator generally, and also strongly support that now I believe we will be able to put the votes together to get indexing.

Mr. DOLE. Following the Senator's lead from a State with indexing now, and as more States index their systems, I am sure we will be considering it on the Federal level.

Mr. President, there is little room for doubt that this Nation's economy needs the revitalization of a major tax cut as soon as possible.

I am disappointed that the Finance Committee tax cut bill has not been enacted in this Congress.

Prior to drafting this bill, the Finance Committee received testimony from a number of this country's foremost experts on the economy. Care was taken to assure that the testimony would be received from expert economists who were respected by both Republicans and Democrats. We wanted to be sure that we would hear the opinions based upon recognized expertise and not limited by political prejudices.

The overwhelming response of these experts was that a tax cut is necessary, and the sooner it is implemented, the better this country will be served.

SLOW RECOVERY

Unfortunately, we have not heard much good news about the economy since we heard the testimony leading to the Finance Committee bill.

Our Nation is still suffering from the worst combination of inflation and unemployment in recent history. Just this week the Nation's largest banks raised the prime interest rate to 16¼ percent and recent forecasts call for unemployment averaging 7.8 percent in 1981. This is even higher than the unemployment figure for October.

Other economic forecasters are predicting a "double-dip" recovery where productivity will drop again before recovery once again continues at a slow, uneven pace.

What this all means to the American people is pointed out in a front page article in the Wall Street Journal yesterday: This country may be in for one of the longest periods of high unemployment since World War II.

We obviously cannot rely on the Federal Reserve, acting alone, to control inflation. In its attempt to control inflation, it has recently been raising the discount rate enormously, leading to the increases in the prime rate. These higher interest rates will inevitably bring about a slowdown in the recovery or even a new, painful recession and higher unemployment in the coming year.

PRODUCTIVITY-ORIENTED TAX CUT

It should be emphasized that there is a larger issue here than short-term recovery from recession. The issue is whether we are willing to admit that our nation needs substantial incentives to help revitalize its productive capacity. The trend is clear. In comparison to other major industrial nations, this country has increasingly older and less efficient plants and equipment, while our citizens devote a much smaller percentage of their income to long-term savings than their counterparts abroad. If we do not recognize that we must restructure our tax system to encourage individual savings and business investment in productive assets, this Nation's economy will never recover the vitality that once made it the model for the world.

We must act now to assure that we can have a productivity-oriented tax cut in 1981 similar in scope to the Finance Committee bill.

We should provide for a tax cut which will contain significant rate reductions for all individual taxpayers and encourage these individuals to save for their futures. This tax cut should also provide for accelerated capital cost recovery to encourage business investment in new plants and equipment. Both these measures are fundamental to any long-term economic recovery.

The Finance Committee bill contained several other significant tax reductions which would provide substantial tax relief without also causing an artificial, inflationary impact on the economy. I am hopeful that similar provisions will be included in next year's tax cut.

PLAN AHEAD FOR TAX CUT

If we are going to be realistic about enacting a tax cut next year, we must now provide for the tax cut in the fiscal year 1981 budget.

There is no reason for anyone to deceive himself about the inevitability of a tax cut next year. It will happen. If we do not make room for it in the budget now, we will just be making more work for ourselves next year.

Our amendment would simply allow in the budget for significant tax reduction beginning in fiscal year 1981. This tax reduction would be carried through in the fiscal year 1982 and 1983 revenue figures.

This will increase the deficit anticipated by the budget resolution. However, I believe and expect that significant offsetting spending reductions will be made. President-elect Reagan has already indicated that he will move quickly in this area. There is no reason to believe that Congress will be reluctant to follow through.

Mr. President, it is my hope that this effort will succeed today, not as an affront to the Budget Committee, or the budget process, but as a signal to millions of taxpayers, and as an article of faith as far as the incoming President is concerned that we do mean business. We will pass a budget resolution that makes way for his proposal, or modifications of it, early next year.

I thank the distinguished Senator from Delaware for yielding.

Mr. BRADLEY addressed the Chair.

Mr. ROTH. I yield 2 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I thank the Senator from Delaware.

Mr. President, I am pleased to join the Senator in cosponsorship of this initiative. The next administration, I think, has a very real opportunity to achieve a degree of bipartisanship in economic matters that we have not seen in a long time in this country.

I think its central plank of a bipartisan economic policy is going to be in the area of taxes, is going to be in the area of reducing tax burdens on businesses and on individuals, so as to free up the kind of investments needed to make this country productive again and competitive in world markets.

There can be some disagreement on the composition of an ultimate tax cut. I think the amount we are providing for in this amendment, $18 billion, is sufficient to take care of the kind of issues we raised in the Finance Committee this year in a bipartisan manner and reported out in a bill which I think did responsibly address our economic situation domestically and internationally, businesses and individuals.

I think, Mr. President, as we go into the next year, the American people are in a very great deal of distress.

The results of the election in November, I think, were a very clear vote about their economic circumstances. They are looking to Government to do something.

I know that many of my colleagues say they never heard individuals calling for tax cuts out on the stump. I think individuals call for tax cuts in various ways. One of those ways is the frustration they experience and express in a kind of inarticulate way about their economic circumstances, and that they call for relief, and that we have an opportunity not only to provide some individual relief, but also, we have an opportunity to rebuild the productive capacity of this country, so that we can begin to produce goods and are competitive in the world market, and to give people a view that the long term is not as uncertain or as fearful as many people feel today.

A tax cut is not the only answer. As I said on this floor almost a year ago, during the consideration of the first budget resolution, I, for one, would support a tax cut over a balanced budget. I believe that it is more important in coming to grips with our economic circumstances. I believe it is more important for the long term, and it is more important if we are going to begin to change the expectations of the American people, that Government can do something to improve their circumstances, that Government is not just the body that imposes the unnecessary and costly requirements that trouble their lives, but that Government can respond and provide relief when they need it.

Mr. President, I believe this is a very constructive measure, and I am pleased to join in it as a cosponsor.

To those who at this stage of the game are so dramatically concerned with the budget, I argue that the budget, as we learned 4 or 5 months ago, is nothing but a cluster of assumptions. I have the greatest respect for the budget process. However, to deny room for the next administration to chart an economic policy that is premised upon this kind of tax initiative would be foolish, I believe, and would not be in the best interests of the country, of all Americans, both Democratic and Republican.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico (Mr. DOMENICI), a principal cosponsor of this measure.

Mr. DOMENICI. I thank the Senator. I do not believe I need the entire 5 minutes. I just wish to make a few very basic points.

First, Mr. President, I think everyone should know that taxes have reached the highest level in all the history of the United States of America—in excess of 22 percent of our gross national product. That is higher than in the second year of the Second World War, when America was committed to winning a war and had all kinds of surcharges, excess profits taxes, and excise taxes.

Now we are wondering why our economy will not grow. Twenty-two percent plus—the highest in history.

Some say this is a tax cut, this recommendation, general policy guidelines for a tax cut. That is right, but only in a technical sense, because the new revenues taken from the American people by way of taxes for 1981 will be about $98 billion. I believe that anyone who wants to put a simple arithmetic calculation to that will conclude that this, indeed, is not a tax cut at all: 98 versus something like 22; $98 billion in new taxes that people will pay under current law versus an annual cut of about $22 billion, if this finds its way into law and reforms the tax structure of the country.

If there is one thing we are all struggling with, it is economic recovery, a growing American economy, 3 or 4 years of stability, and a game plan that is consistent and persistent, which gives the enterprise system an opportunity to flourish and add jobs—economic recovery.

I do not believe that many people who have looked at the past will conclude that America can have a vital economic recovery in 1981 and on into the next decade without significant tax cuts. So I believe this is a policy decision for sustained economic recovery.

The truth of the matter is that tax cuts are going to occur in 1981. I do not know why we should hide from it. I hate to see a budget resolution that is more in deficit than the one recommended by the Budget Committee. However, the truth of the matter is that we are going to have tax cuts. They are going to occur in 1981. Why fool anyone? Put in a realistic assessment of that now, make room for the various economic plans, and, in particular, give the new President an opportunity to recommend his package, and leave room in this resolution for it.

There are those who will say that when added to the already high deficit that is in this resolution, we obviously should do something different. That is right. We should be cutting in a real way, in a way that can see the light of day as to the outlay, the expenditure side of this budget.

I look forward to the early months of next year with proposals that will ask Congress to begin an orderly cutback in the expenditures of our Federal Government. So I do not look at this as a singular policy of tax cuts, but I believe it is going to be coupled with orderly reductions in the outlay side. That is not possible in these waning days. It would not get through. Everything is already in motion, and we look forward to the early months when that can be recommended as part of a tax-cutting package, cutting through reform, productivity oriented, along with recommendations for changes in the outlay or expenditure side of this budget.

So, while Americans take home less each month, we should send a signal that we want that change. While most American industry does not have capital to grow, the lowest level of capital investment in history and the lowest among the free nations, we are giving a signal that this change will have tax reform that will accommodate these kinds of things.

I thank the Senator for yielding; and, on his behalf, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, the approach of the Senators is pellmell down the road for a tax cut, that a tax cut is going to come, that it is a foregone conclusion right now. That is the way they start every discussion with respect to a tax cut.

Assumedly, they say, "Look, anybody in public office should know what is good politics, and all the people are for a tax cut."

Generally speaking, that was correct, except during the last year. What really occurred was a sobering of the American people and a great undercurrent of concern as to who was in charge of the store, and whether or not we could get this Government back into the black.

Well, give me a chance to talk about what the American people want, because I travel, also, and I seem to have done fairly well. While they were talking about various things, they were talking about these things which I find pretty accurately reflected in last week's U.S. News World Report as to what influenced the voters.

On page 39, they talk about the Reagan victory. We usually take polls nationally of about 2,000 people, but 12,782 voters were asked: "Which issues were most important in deciding how you voted?"

Among the Reagan voters, 40 percent said "inflation and the economy," while 6 percent talked about a balanced budget.

You are not affronting the Budget Committee and the budget process. We fought a rear-guard action and feel pretty successful. We are not omnipotent. We cannot hold back the entire tide.

If they want to act like Finance Committee members, so that they can make their little record and 2 years from now say, "I voted even before President Reagan; I did this," that is the only chance we get, I suppose, for leadership, unless we get into the real merits, not how I voted. They can tell what your stand is and whether you are really concerned about inflation. You cannot go in two diffferent directions. You cannot talk about cutting revenues. It is not a tax cut. It is a revenue cut.

Reagan voters, 40 percent inflation and the economy, 26 percent a balanced budget, and then 13 percent said reducing Federal income tax.

And interestingly, as to the Carter voters, only 7 percent of the Carter voters said reducing the Federal income tax, while the highest percentage again was inflation and the economy. It is a very interesting chart.

The Budget Committee did not make that chart. They are concerned just exactly like this week's Newsweek, and I quote from the business section:

> The central and potentially dangerous plank of Reagan's economic platform is the Kemp-Roth tax bill, a plan to cut personal tax rates by 30 percent over a 3-year period. Taken in isolation—

This is not an economics class. You cannot buy a car at 16.4 percent out there. You cannot build a home if we add to the deficit. That is not going to help. Here is what they say:

> Taken in isolation the idea is impeccably grounded in classical economics. Reducing the taxes on each incremental dollar of income can produce a strong incentive for additional work savings and investment. Such tax cuts would not be inflationary, the theory goes, because they would so stimulate extra work that the Government would quickly recoup lost revenues from an expanded tax base. Given the inflationary bias built into the economy, however, serious analysts and much of the public quickly recognize the proposal as a transparent invitation to a free lunch.

Now I think that crowd came out for Ronald Reagan, if I am not mistaken. I think Newsweek did, not the Washington Post, but Time—one of them—I do not know—but in any event, I think it is a pretty objective analysis of exactly what we have.

So, yes, we are going to get a budget. We are going to try to hold down the deficit. We are going to chastise the Democrats because they did not get a balanced budget, and we did not get it. We tried. We cannot get it. We would love it. We are doing our best. But that is not reason to break the discipline now and talk in the other breath and say now we are going to cut the revenues.

How in the world can we do that? Why cannot, Mr. President, they let Reagan be the President? Is that not the one they elected here 2 weeks ago? Every one of these Senators running for President is still running. Let the gentleman get in and let him analyze and let him hear, if you please, exactly what I have been trying to hear, listen and learn, and I am looking for the other quotes because it quotes President Reagan's economists. They have got to make the statements to protect him in the media and the press. They are not going against him. I understand that. But everyone to a man said no stimulus and no tax cut. Get first on top of inflation.

And that is exactly what we did in this budget report. We said:

> Enactment of a tax cut at this particular time would be seen as a major reversal in economic policy indicating abandonment of the fight against inflation.

That is what is wrong with this vote right here at this time on the Roth-Dole tax cut. I cannot keep up with all the names. They have way more. I do not have one right now. But if I had one, it would be the one that was recommended. Perhaps the President would get to that particular point, namely first cut spending. Here is the next paragraph. This is our Budget Committee report.

> Of vital consideration in planning for tax cuts should be spending restraint. Many economists have urged the Congress to demonstrate successful control of spending before embarking on tax reductions.

Mr. President, we put on page 33, if you look at the committee report, "A tax cut in 1982, beginning at a very minimal level, going up 1983, 1984, and 1985."

But that is the way to give the President of the United States a chance to get on top of inflation and the country in turn to get on top of inflation.

But to come with a tax cut now says, unlike what the Speaker of the House of Representatives said yesterday, that we are going to give you at least a 6-month honeymoon, we are not going to give him on the Senate side a 6-day one. We are going to give him a tax cut, our tax cut, the way we want it, like it or not, in the amount and the size and everything else of that kind.

I think it would be a bad message. I think one great message that we could possibly send is if we could adjourn with a budget resolution that would keep us around that $18 or $20 billion deficit, fine. But what does this mean? This means at least $35 billion—that is the Senator's arithmetic—with the stimulus, because the fact of the matter is the Government is collecting $281 billion in individual income taxes and 10 percent of that under this particular amendment would be $28.1 billion. You say that it is not going to come into effect until January 1, so then that would mean only $17.8 billion. But then you want to credit yourselves for a $5 billion reflow of funds under the Laffer curve or whatever that thing is. They did not even bring him around the last 2 months.

Do not tell me what the American people want. Yes, business and industry are looking for retooling and all these good arguments about competition, increasing the industrial capacity, steam back the productivity, compete with Japan and West Germany. Those are sound, but not this Kemp-Roth, Mickey Mouse, across-the-board free lunch, "Look here, we are going to get the Government off your backs" and all that kind of stuff when we are going to put inflation on your backs. Be honest with the people. The people are beginning to realize, as they say right here in that business section, that there is no free lunch, and I wish they would go to that victory lunch now and talk seriously to the President-elect so they can understand the economics of this situation.

There is not going to be that $5 billion because that $5 billion does not assume any inflation.

What really does occur? Can you imagine in an inflationary economy with 16.4-percent interest, we have intelligent Senators coming on the floor and saying, "I want you to pass this stimulus." And they will probably get a good vote for it, maybe a majority. I do not know.

But that is what they wonder about their Government. We have one here on my side. He says he is going to organize an institute for commonsense.

Then we are going to have to get someone to straighten out Senators and tell them to cut out the posturing and talk sense and get the people's vote that way.

We do not need a stimulus. We had to tell our poor friend, the Senator from Massachusetts, that in New York in August, and no one adopted his program. I never heard of it, saying we wanted more stimulus, but now the election is over. They have the audacity to come here and say look what the Finance Committee did, look what the committee did. Look what this Senator did.

Well, you are wrong. You are just mistaken. You are in the heat of politics. You did not talk to the economists because they would not come now and say we need a stimulus.

We need to cut that spending, and we are doing it, trying to do it in a realistic fashion. We are going into that conference this afternoon and we will try to cut back and get the low figure out in the House of Representatives and the Senate so we can go home and let President Reagan run the Government and not all these Senators, or at least let us do it constitutionally.

I just had the State, Justice, Commerce bill, and we talked about the Constitution for 4 or 5 days.

Here Senators pellmell down the road. They do not want tax cuts to start under the Constitution and the House of Representatives. They want to put their tax cut on now.

There have been no hearings in Ways and Means. They have resisted it, and I admire them for it. I think AL ULLMAN took a very strong position, and I admire him for taking that position against the tide.

I know the politics of trying to promise people that free lunch, but even those promises do not go so far.

You can get Government off their backs by getting inflation off their backs because when you put this in here is what actually occurs.

Mr. President, I put this table in yesterday, or the day before, when we started, whereby inflation cost the Federal Government money, in other words, to stay even with the board, and in our appropriations already we find with the inflationary impact that is already ground in that in order to just keep the program current, when we sat down in the Budget Committee, we had to come up, if we wanted to keep them current, with $2.7 billion because there is no big slush fund. Inflation costs the little man, the big man, the poor man, the rich man, the Government itself money.

If we want to keep inflating Government, because the tendency is taken not to go backward in health, not to go backward in education, not go backward in transportation, certainly not go backward in defense, then we have got to appropriate more moneys.

So what in essence you have done is not only gotten a stimulus to the economy, you are asking for an increase in what? The size of Government. Do not put this out talking in terms of "we are going to diminish the size of Government" because, Mr. Senator, you are increasing the size of Government.

Put your spending cuts in. That is what the people are interested in. Let President Reagan put them in. He is working on those things. Give the man a chance and let us work as a bipartisan group to cut back on that spending and bring it back into the black, and then we can go with these individual income taxes across the board instead of going into the mainstream of consumerism and inflating the economy all over again.

I am reading again from the same U.S. News & World Report issue of November 17:

> Reagan's sweeping cuts in personal taxes, which resemble the much debated Kemp-Roth bill, have inspired skepticism. Many legislators, including a number of conservative Republicans, fear that such a hefty rise in spendable income would cause massive inflation.

So we are not speaking in a partisan fashion. We are trying to talk commonsense. But they have been denied, properly denied. The people have a good feel, and they are ready to take the bumps, they are ready to join in the discipline. They are ready for President Reagan to make his hard decisions, and they are going to support him. But do not hemmorrhage the spending already in the name of getting Government off the backs by increasing its size because that is exactly what economically you are doing now. You can give me the theories all you want, but we have listened to the economists, and we have listened to the CBO reports, and we look and see it and we are trying to get on top of it. The worst signal we could send at this particular time is that we wanted a large tax cut, Kemp-Roth across the board, because that is what the people voted for 2 weeks ago. Absolutely not.

Look at what they voted for, the Reagan voters or the Carter voters. They did not vote for that. They hopefully said, "Let us get anybody into this town, even though he is a movie star, and let us, by gosh, get on that crowd and, for heaven's sake, get on top of inflation."

I thought we could escape without this. I think it ought to be taken note of that they do take cognizance of the fact of the hesitancy here this morning when we are supposed to commence at 11 o'clock, they could see this was sort of preempting the administration.

The deficit is going on up to $34.7 billion or $35 billion in deficit. I would implore our colleagues at this particular time, let us not double the deficit. We have got a large enough one there now.

I did have to answer to that one during the campaign. They tried to say we hid it. I said, "Hide? I have got a green book." I used to run around the campaign with a green book. We did not hide. We printed it, and then we talked at the National Press Club about the deficit.

So we voted, this particular Senator, in August, and we did not finesse. We were required to, due to the politics over in the House side. There was just no way in the world to pass a budget resolution at that time. But all of that is by the board right now. What is concerning everyone is that we hold tight, let the new President come to town, hold the deficit down as much as we possibly can. Certainly if we cannot get it balanced, do not double the $18 billion to $36 billion in the name of getting Government off our backs, and let those tax cuts come in on the supply side, as all the economists say.

I know because I have talked to President-elect Reagan's economists, and they do want it on the supply side. They do not want the across-the-board inflationary impact. They want it retooled. They want guarantees under depreciation allowances, which you have in the Finance Committee, that you get those investment credits when you invest. Those depreciation allowances are there so that they can build back American industry. We are not against that. We think it should come in on the minimal side, but do not start it at this particular time and double the deficit in the name of getting Government off our back, and minimizing the size of Government, when the truth of it is we have not cut down the spending, and many, many on both sides of the aisle are talking about increasing defense spending even more than what we have in this one. We have gone up to $159 billion, almost $160 billion, in outlays under that 050 function, and that is a substantial increase this year over last year, this 1981 fiscal year.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. How much time does the Senator from Delaware have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 14 minutes, and the Senator from South Carolina has 26 minutes.

Mr. ROTH. I yield 3 minutes to the Senator from Oklahoma.

Mr. BOREN. I thank my colleague from Delaware very much.

While I certainly respect the effort my colleague from South Carolina has made to hold down Government spending, and I applaud him for it, and I have consistently supported him in those efforts, I even supported yesterday the motion of the Senator from Wisconsin to make further deep cuts in the budget, I think spending cuts are very, very important if we are going to get our economy on an even keel but, at the same time, I have to take exception to his comments that those who are supporting room for a tax cut in this budget resolution are doing so so that later they can point back to it and say, "I made a record in favor of a tax cut at a certain time."

I would say to my distinguished colleague that there are those of us who feel very strongly we should make room in this budget resolution now for a tax cut not because we are seeking some political advantage from it but because we think it is right for the country.

I ran on that same platform in 1978, I believed it then, and I believe it now. For the past 2 years I have had the frustration of sitting here and seeing the Congress of the United States not take sufficient action either in cutting spending or in reducing taxes to confront the basic economic ills of this country. I think the people have had enough of it and, frankly, I, as an individual, have had enough of it, and I do not intend to sit here and remian silent any longer when we are only saving 3 percent of our gross national product, when we are only reinvesting that amount, which means we are not doing anything to get the productivity of the workers of this country increased.

We are not doing anything to help us regain our share of the world markets, and we have sat here and lost 23 percent of the American share of the world market in the last decade, and unless we do something we are going to lose 23 percent more or even worse in the next decade.

So I think it is a time for us to stop talking. We are not endorsing any particular kind of tax cut here. I applaud the fact that unlike the House Ways and Means Committee the Senate Finance Committee, in a bipartisan 19-to-1 vote, had the courage to take up this issue, and to try to get action for the American people instead of stalling it like the House Ways and Means Committee did.

The Finance Committee faced up to its responsibilities and said it was now time to begin the retooling of and rebuilding of this country. They said, "We are not satisfied to sit back and say that we are willing to have for our children and our children's children a diminished role for the United States of America, a declining economy, a No. 2 status in the world in terms of economic leadership."

Yes, I want spending cuts, I want more of them. But I think it would be highly irresponsible for us to pass a budget resolution which does not leave room in it for the President-elect to try to meet his promise to the American people during the election to bring about tax reductions and to bring about tax reductions that will stimulate capital formation in this country.

I say that not as a Democrat, not in a partisan way, but simply as an American citizen who wants to see the new President have an opporunity to meet his responsibilities to the American people, and I think it is time for all of us on both sides of the aisle——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOREN (continuing). To get together and do something to help us rebuild this country and not to wait any longer to do it.

Mr. ROTH. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I congratulate my distinguished friend from Oklahoma for his comments, because they articulate in many ways what I had planned to say.

Make no mistake, what we are talking about today is the rebuilding of America.

I heard my distinguished friend from South Carolina, whom I warmly respect for his acumen and his ability, I heard him speak, however, about the polls, and I have heard a lot of discussion about polls as to where the American public stands. But I suppose that when the final chapter or bottom line is written it is what the people decided on November 4.

And I would just point out that one Presidential candidate stood for substantial tax cuts, including Roth-Kemp. I would just point out that 14 out of the 16 Senators who were elected on the Republican side ran on the Roth-Kemp tax cut. I can think of no more persuasive evidence than that.

But this is not a partisan matter, nor should it be. What we are trying to do is to make room for tax cuts; tax cuts that have been endorsed not only by the Republican side, but in the Democratic caucus; tax cuts that have been endorsed unanimously in the Joint Economic Committee, which has argued for over 2 years in its report that it is essential that we act on supply side tax cuts.

I just would read, for example, from page 9 of the February Joint Economic Report, where it said:

> The tax cuts to stimulate savings investment and competitiveness will put more goods on the shelves and lower prices, thereby reinforcing the anti-inflation monetary policy.

Mr. President, over the past many years taxes have been increasing. And I point out to my friends that increasing taxes has not meant less inflation. It has resulted in higher inflation. The problem is, of course, we have not made the basic structural changes of which taxes are only a part, but one of the most significant parts and most significant signal that we can give the private sector that the new administration is going to move in a different direction.

I might point out that like my friend from Oklahoma, I have been a staunch supporter for cutting spending. No one, I think, exceeds that record. Like the distinguished Senator from Oklahoma, I supported the distinguished Senator from Wisconsin yesterday in his efforts to cut spending.

But I wish to point out that there is a very real difference in talking about spending and talking about cutting as far as this budget resolution is concerned. If we do not make room for tax cuts under our budget procedures, we are out of order next year. We are out of order if we propose them. It will mean that either we will have to go ahead and adopt a third budget resolution, or we will have to get a waiver.

On the other hand, when President-elect Reagan comes in with his spending cut proposals we can do that with no violation to the budgetary process. All the budget process says is that we cannot spend more money than is incorporated in the second budget resolution. But Congress still can spend less and keep faith with the budget resolution. So there is a very real difference between the two.

If I had my druthers, I would like to have less spending because I think one of the things we have to grapple with is how we make the tax dollar go further and do a better job. And, please believe me, when you look at the great increase in spending during the 1970's, you cannot tell me that, by careful pruning, we are not going to be able to make some substantial savings and still provide better services for the people with humaneness and compassion.

The PRESIDING OFFICER (Mr. BOREN). The Senator's 5 minutes have expired.

Mr. ROTH. Mr. President, I yield myself 2 minutes.

Mr. President, all we are trying to do is to lay the groundwork for expeditious handling of tax cuts when the new administration comes into power.

As the Senator from Oklahoma and others have said, the sooner we are able to act on our tax proposals, the sooner we are able to get some certainty into the tax picture as well as elsewhere, the greater good we will be doing in creating a growth environment for this country.

It is important to the small business man and woman. It is important to the private sector to have some certainty. When they sit back in their offices trying to decide whether or not they should spend money for new equipment or what should be done in other areas, it will be very much of an affirmative factor if they know what direction we are going.

I would just say that all we are trying to do is to keep faith with the budget procedure and to provide for tax cuts next year. The exact shape will have to be determined then. I want to make it clear that as one Senator, as one member of the Finance Committee, I think it is absolutely important that there be substantial tax cuts for the individual, because the one thing we have to do in this country is to create an environment of savings, that there be greater savings on the part of the American people.

Let me point out, as the Senator from Oklahoma also pointed out, that the American people are saving less than 4 percent in good years; the Japanese save 20 to 24 percent; the West Germans something like 10 to 14 percent. What we have to do is provide tax relief along the lines of Roth-Kemp which permit the working people to keep more of their hard-earned dollars and build into the system some savings features that will create incentives for people to save rather than spend.

Do not tell me we do not have the money to do this. Because when you look at the fact that we are having revenues jumping up over $500 billion in 5 years, or doubling, there obviously is money available to do what is necessary. What I am looking for—and what I shall be fighting for next year—is a tax package that is going to create a growth environment, to create jobs in the private sector, to provide tax relief, not only to business, as some people seem to be arguing—and I feel that is important—but to make certain that the working people of this country as well have a piece of the action.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to savings, we can just listen to these arguments and we have been right down there. The arguments made by the Senator from Oklahoma and the Senator from Delaware with respect to depreciation allowance and rebuilding the American industrial machine, the arguments with respect to competing in international trade, the arguments with respect to savings—I cosponsored with Senator BENTSEN a thousand dollar writeoff on the amount saved from your income tax either by way of dividends or in particular in a savings account. In the windfall profit tax, we got $200 of that $1,000. Now that is the way to get savings.

What you do in passing Roth-Dole is to take away from the savings because this is inflationary. Let us get the right arguments in the right place.

They just come with a plethora, sort of an ambrosia of all the ills of Government, and then allocate it to this particular vote. That is a very unfortunate thing.

One of the most inspiring things I had during the campaign was the chance to meet and persuade a few of our retirees. One day I am going to be a retiree one way or the other. The reason I met with them was because they were looking for me, as I am on the top of the hit list of that group. There are 31,000 military and civil service retirees just in my own backyard, in the First Congressional District, much less other parts of the State of South Carolina.

I could get away from the politics and start talking about all the ills of trade, of all the ills of saving, and this and that, and say, "Is this fair, when you have a colonel in the Army and you give him a once-a-year, cost-of-living adjustment but for the fellow who is not doing the job, you are going to give it twice? He has not paid for it."

After we argued the case and they understood it, that we were not against retirees, that we had to get this fiscally sound, then I had military retirees stand up and say that they supported me. Of course, they were not in the majority.

If the American people are given the facts, they will understand.

This is not a vote for helping savings, but it is a vote to cause inflation, to erode that savings. This is not a vote to get Government off their backs; this is to get the Government larger and more burdensome on their backs.

Who was around when they wanted to cut spending? Not singling out any particular Senator, but who voted for those substantial cuts, the twice-a-year, cost-of-living adjustment, revenue sharing? I put in the first bill in January of 1967, and I still believe in it, and it is a good principle. But all of these things have a timing. At this particular time we are in extreme circumstances where we have to cut that spending and cut back on the deficit.

What about Saturday delivery of mail? There are all of these things.

It goes back to the Senator from Delaware. He made this great plea to have a balanced budget. So we went back in with a compromise Muskie amendment that what we would do would be to report out two budgets, a year ago. We would report out the budget we thought should be passed by the Senate and the other one to comply with the balanced budget idea. When we got down to the last day and the last hour, I said, "Now we really find out what the distinguished Senator from Delaware really wants. How are we going to cut that spending and how are we going to balance it?"

We looked on the right-hand side and one said maybe 5 percent, maybe 8 percent. They all started with percentages. One said to get the fraud and waste out. What we had to do was to take the lowest figures in any of the debates, adopt those, and take some other cuts to comply with that particular resolution.

In essence, what I am saying is it is very easy to come out here and say balanced budget, to have savings, compete in international trade and everything else. But, Mr. President, do not make the statement that you are not endorsing a particular idea. This has been Kemp-Roth-Reagan, Kemp-Roth, whatever it is. That is what it is now.

He said the first 10 percent on the individual income tax. That is where you and I are separated, Mr. President.

It is not the individual income taxes that start the inflation.

If you put it in gradually, you will have to pay for it. There will not be any of that reflow or the Laffer curve, whatever it is, all that theory.

The sooner we get to some certainty, as the Senator from Delaware said, the better. We are playing for keeps. There is a certainty in measuring these things on the budget. It is not a theory. The certainty has been that you have to cut that spending first; you have to get that spending down. We are doing our dead level best to do it and while we are doing it, trying to cut down that inflation, do not double the deficit in this particular vote and give the people more inflation and then say, "Well, we thought with the election of President Reagan and a new Senate we were going to have a new day and we would have some new responsibility."

The crowd that is supposed to lead it in a responsible way is going in the exact opposite direction. It is the exact opposite direction. It is irresponsible. I will say that now.

Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend from South Carolina for yielding.

Mr. President, to stand on the floor of the Senate and to be voting against a tax cut, in whatever garb it is wrapped in, is not a pleasant situation. We politicians do not like to vote against tax cuts. But I think there are legitimate issues that address us in this whole area. I certainly know and appreciate the fact that many of my colleagues on both sides of the aisle have strong pro-and-con feelings on this issue. I think there is no question but what we are going to be addressing and voting a tax cut next year.

Mr. President, I just wish that we could slow down a little bit and not preempt the President-elect of the United States. He has been elected President. I am going to be cooperating with him in most instances, certainly everywhere I can. I am interested in hearing the recommendations of the new President on tax cuts, how deep, and where and why.

I certainly am for some type of selective tax cuts next year, in the area of increasing productivity, possibly encouraging savings, addressing the legitimate issue of the unfair marriage tax, and the fact that Americans, in general, are being eaten alive by the tax creep.

Those are areas where we have a responsibility, it seems to me, to address where we can make cuts in taxes so long as we are not taking action that is going to drive up the inflationary rate.

Sometimes I wonder in our haste to do things if we are not taking our eye off the real villian. I think the point has been well made by my colleague from South Carolina in an earlier statement where he said the people of this Nation are concerned about everything, but they are primarily concerned about inflation.

Mr. President, if we are concerned about inflation as the No. 1 economic ill of the United States of America, is it wise, therefore, to be voting on the floor of the U.S. Senate for a tax cut? I would again emphasize by whatever garb or motion this comes before our body.

Mr. President, yesterday on the floor of the Senate the distinguished Senator who will be chairman of the Budget Committee next year made a statement which I would like to read into the RECORD again at this time. This is Senator DOMENICI addressing the Senate yesterday:

> I hope everyone understands that Senator Proxmire has responded to my notion that even this distinguished President-elect and his best economists do not believe that we should have a balanced budget in this year or even next year.

Maybe that is true. I do not expect that we are going to try to hold the President-elect to some of the campaign promises that he made. It is typical for those running for office sometimes to go a little further than they should in reaching the legitimate goals that I think President-elect Ronald Reagan wants for this Nation. Nevertheless, if the man who next year will be the chairman of the Budget Committee has conceded that we will not have a balanced budget this year or next year, is this not a danger signal that everyone in this Senate should listen to? Was it not a danger signal that twice since the election the prime rate has gone up in the United States, primarily because, I think, the money markets are convinced that inflation is going to continue to eat us alive?

Shortly before the election recess, the Budget Committee, in discussions of the second concurrent budget resolution, heard 2½ days of testimony from some of the leading economists in the United States of America, all the way from Alan Greenspan, the chief economic adviser to President Ford and, certainly, a key man in the new Reagan administration, to Walter Heller on the other end of the political spectrum, and other economists in between. They all warned us about continuing inflation.

Mr. President, I was there during those hearings. I asked the bottom-line question of each and every economist who came before our Budget Committee. The record will indicate that when I asked the question of each and every one of these supposed experts—and I think they are experts—"What do you think will be the minimum annualized inflation rate for the United States for the next 3 years?" the lowest figure I got, Mr. President, was 8 percent a year. And that is without a tax cut.

Mr. President, I just do not believe, to use the words of the chairman of the Committee on the Budget, my distinguished friend from South Carolina, that there is a free lunch. Maybe I can be convinced that there is such a thing as a free lunch. But I certainly hope that we would give the new President of the United States a chance to come down with his programs, with his policies, before we rush into any move that could send further signals to the United States of America that we are going to cut taxes without—and I emphasize, unfortunately, "without"—making a corresponding reduction in expenditures.

Certainly, the chairman of the Committee on the Budget and all who have served on that committee know that the Senator from Nebraska was one of those there, day after day and night after night, who have voted in the Budget Committee and who have stood on the floor of the U.S. Senate and voted against—against, Mr. President—continued and ever-increasing appropriations in a whole series of areas that were not particularly popular with the United States as a whole.

Therefore, I think this is a time for restraint. I think this is the time for us to recognize that we shall have a new President in January. I think we should give him time, out of courtesy to him, for him to come down with his recommendations before we rush into the further fueling of the fires of inflation, higher interest rates, and all the other economic problems that are causing great concern in America today.

Mr. President, I reserve the remainder of my time and yield back to the Senator from South Carolina.

Mr. HOLLINGS. Does the Senator from Delaware wish to proceed at this time? There could be a motion to table and I do not want to preclude it.

RECESS UNTIL 2:15 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m. today, with the proviso that, at that time, there be 10 minutes, to be equally divided between Mr. HOLLINGS and Mr. ROTH, on the pending amendment and that no motion to table be waived; and that the Senate then proceed to vote.

There being no objection, the Senate, at 1:24 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask the distinguished Senator from Delaware, my understanding is that in his proposal, as he contemplates the tax cut, were it to be successful, it would be retroactive to January 1?

Mr. ROTH. It allows it to be enacted retroactively.

Mr. HOLLINGS. Is it the intent that the tax cut be enacted this year?

Mr. ROTH. No, it is not the intent.

Mr. HOLLINGS. We would have to use different economic projections.

How much time remains for either side, Mr. President?

The PRESIDING OFFICER. There are 2½ minutes to each side.

Mr. HOLLINGS. By way of emphasis for a couple of minutes, we are back down to the fundamental issue. The fundamental issue is to try to maintain as low a deficit, to approach as near as possible a balanced budget, as we possibly can.

There are those, such as the distinguished Senator from New Jersey and others in the body, who say they would prefer a tax cut over a balanced budget. But that has been the procedure for the past 10 or 20 years. We did have a balanced budget in 1968 and 1969, but at least for the last 10 years we have run up a cumulative deficit in the neighborhood of almost $400 million, all saying that we can hold back on taxes, we can hold back on revenues, and continue to spend.

We just cannot wait until the spending comes down below the line.

In essence, what we are doing on this particular vote, what we are asked to do, is to double the deficit. Where we had hoped to hold it to $17 billion or $18 billion, this would put us nearer to a deficit of $35 billion or above. My figures show it would be nearer a $40 billion deficit. That would be the worst signal we could give the American people at this time. The people of America want this national Congress to get the Government back into the black and cut spending. What we would be doing if we cut revenues would be to increase the spending and increase the size of Government. In other words, we would have to put in some $4 billion more in our defense budget, 050, in the second budget resolution to keep us current with the first budget resolution in the number of planes, ships, and other equipment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Delaware has 2½ minutes remaining.

Mr. ROTH. Mr. President, I believe that last November 4 the American people made a decision. They decided at that time they wanted us to develop an environment for growth. An environment for growth means less Government, less Government spending, and tax cuts to provide the wherewithal to create growth in the private sector.

Under our budgetary procedures, it is absolutely essential that we provide the means of making those tax cuts. Make no mistake about it. A tax cut in fiscal year 1981 is inevitable. Unless we make room in this budget resolution for the tax cut, we will be back early next year with a third budget resolution, or we will be forced to waive the Budget Act.

I should point out to my friends on the other side of the aisle that the shape of that tax cut, of course, will be determined next year by action of both the House of Representatives and the Senate. Today, I would say we are not voting for a particular tax cut, even though I am a strong advocate and will continue to fight for the adoption of Roth-Kemp. Mr. President——

Mr. BELLMON. Will the Senator yield?

The PRESIDING OFFICER. All time has expired.

Mr. BELLMON. Mr. President, I ask unanimous consent that each side have an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Who yields time?

Mr. BELLMON. Mr. President, I yield myself such time as I may require.

Mr. President, I respect the desire of the distinguished Senators from Kansas and Delaware to make room for a tax cut in this budget resolution. They have worked hard for a long time for a tax cut and I understand their purpose. They have been strong advocates of a tax reduction and they feel that it is going to help productivity and investment.

But there is another side to this issue, a down side, and I want to take the time of the Senate to discuss it for just a moment.

I strongly oppose the inclusion of a tax cut in the budget resolution because I cannot support the addition of billions of dollars to an already multibillion dollar deficit. That is what we are talking about here. We do not have a dime to provide for this tax cut. We are going to have to borrow the money. It is for that reason that I oppose it.

I indicated in the opening statement that I made on the budget that without any additional congressional action the actual spending level in fiscal 1981 will be somewhere between $640 billion and $648 billion, not the $630 billion in this resolution. That means that without the tax cut the deficit will be $30 billion or more. This tax cut which the Senators from Kansas and Delaware are proposing would raise the deficit to nearly $50 billion.

Members of the Senate ought to know what they are voting on. This means that our deficit will go somewhere in the range of $50 billion. It will be the third largest Federal deficit in the history of the country.

Borrowing money to cut taxes simply means greater inflation and higher interest rates. Any benefits received will be quickly lost through decline in purchasing power as prices and interest rates rise.

Mr. President, for the Federal Government to adopt a substantial tax reduction in the face of this overwhelming deficit is like a corporation that is already losing money borrowing from a bank to pay dividends to its stockholders. This is clearly counterproductive. It is even dishonest because it would weigh the corporation down with burdensome and unproductive debt and, secondly, it deceives the stockholders into believing that the company is an efficient concern.

The Federal Government is already almost $1 trillion in public debt and Congress has not really begun to make the kind of spending cuts necessary to bring the budget into balance this year or any other year.

Mr. President, I have expressed these views frequently in the Chamber but I believe they deserve repeating one more time.

The Federal budget has been in deficit in 19 of the last 20 years.

Beginning in the late 1960's the Federal budget began to move further into deficit and inflation began to rise. The persistence of large and increasing deficits during the last 15 years has contributed to the rise in inflation and the expectation of continued and rising inflation. This is what has contributed so much to our problems.

Even during the most recent expansion, which was the longest peacetime expansion since World War II, the lowest deficit the Federal Government ever achieved was $27.7 billion and the deficit in fiscal year 1980, the year ending in October, was $59 billion. Inflation has accelerated to rates absolutely unprecedented in this country's peacetime history.

Mr. President, there are two types of

taxes, those that we impose on taxpayers in the broad light of day through tax laws and those, in my view, which are far more pernicious, those we impose on the whole society through inflation which we cause through our careless fiscal policy.

We can cut the tax rates contained in our tax laws all we want to but, I contend, Mr. President, that unless we hold the line on spending and balance our budget, we only raise the burdens that result from a rising inflation rate. The distinguished chairman of the Budget Committee made that plea in his opening statement and I commend him for what he said.

The American people are well aware of the effect of inflation on their real purchasing power and are not likely to support substantial tax reductions if these reductions mean large Government deficits and the prospect of high inflation. I quote from a September 3, 1980 Chamber of Commerce gallup poll survey of consumer attitudes:

First. A majority (48 percent) of the Americans polled want a tax cut only if there are spending reductions equal to the size of the tax cut. Only 10 percent would favor a cut in taxes without spending cuts.

Second. In addition, most people said that they would spend rather than save extra money received as a result of reduced tax rates. In other words, regardless of our best intentions, this tax cut will add more to consumption than to saving and, as such, will continue to raise the inflation rate just as more traditional spending stimulus has.

No one should be surprised at these results, Mr. President, Americans have consistently expressed these views, that they prefer to have the budget balanced rather than have a tax cut with borrowed money. Early last July, during the darkest days of the recession, the Associated Press conducted a poll that appeared in the Tulsa World. I quote from that article:

> Americans came down solidly in favor of balancing the budget over cutting taxes. Fifty-seven percent said they would choose balancing the federal budget, while 33% picked cutting federal taxes.

This poll concludes—

> That the public believes balancing the budget is more important than reducing taxes. There is a wide perception that a tax cut could worsen the nation's inflation problem.

I ask unanimous consent that this Associated Press article be printed in the RECORD at this point, Mr. President.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOST AMERICANS DON'T BUY TAX CUT ARGUMENTS, POLL CLAIMS

> DETROIT.—Republican and Democratic politicians are scrambling to lead the tax-cut crusade this election year, assuming that inflation-weary voters want nothing more than a slash in their federal tax bill.
>
> The politicians are wrong.
>
> An Associated Press-NBC News poll says the majority of Americans do not look favorably on a tax cut and do not buy the arguments for one that are being pushed by Ronald Reagan and Republican congressional leaders.
>
> The poll shows that the public believes that balancing the budget is more important than reducing taxes. There is a wide perception that a tax cut could worsen the nation's inflation problem.
>
> They don't see a tax cut helping their personal financial situation. If there is a cut, most Americans say they would use it to pay day-to-day expenses or pay outstanding bills.
>
> Reagan has made cutting federal government and cutting federal taxes a centerpiece of his challenge to President Jimmy Carter. In June, congressional Republicans began intensive efforts to enact a 10 percent tax cut effective Jan. 1, 1981, as the first step in what they envision as a multi-year tax cutting program.
>
> In response, Carter and congressional Democrats have promised a 1981 tax cut of their own concoction.
>
> But the public isn't entirely enthusiastic about these efforts.
>
> Asked whether Reagan's proposal shows that he understands the needs of the American people, or whether it was an election-year political gimmick, 19 percent of those interviewed said Reagan understands the needs of the people; 71 percent cited election year politics. The remainder of the 1,949 adults interviewed by telephone nationwide were not sure.
>
> Inflation remains the nation's top economic problem in the minds of most Americans. That concern is nowhere more clear than in the reaction to a possible tax cut.
>
> Asked whether a tax cut would help their personal financial situation or would hurt it because such a slash might worsen inflation, Americans said a tax cut might hurt.
>
> Fifty-six percent said they would not be helped by a tax cut, while 31 percent said they would be. Thirteen percent were not sure.
>
> Past AP-NBC News polls have found substantial support for balancing the federal budget, in part because some people believe that excessive government spending is a major cause of inflation. But there also has been support for cutting federal taxes.
>
> In this latest poll, conducted July 8th and 9th, Americans came down solidly in favor of balancing the budget over cutting taxes.
>
> Fifty-seven percent said they would choose balancing the federal budget, while 33 percent picked cutting federal taxes. Ten percent were not sure.
>
> Even if their taxes were cut, most people say they would spend the money, not save it.
>
> Forty percent said they would use the money from a 10 percent tax cut to pay day-to-day expenses. Twenty-eight percent would pay off bills. Seven percent would use the money to buy something they wanted but could not afford in the past.
>
> Another 28 percent said they would save the money from the tax cut, while 9 percent mentioned some other use or were not sure. More than one response was possible on this question, thus the total is 112 percent.

(Mr. MITCHELL assumed the chair.)

Mr. BELLMON. Mr. President, finally, this is simply not the appropriate time for the Congress to commit itself to substantial new stimulus and a substantial increase in the Federal debt. Mr. President, we have just returned from a major national election that brought with it sweeping changes. We will have a new President next year and I think that the Congress should assure the incoming President as much flexibility as possible in designing his policies. The economy is now recovering as dramatically as it declined last spring. Since July, industrial production has risen at a 17-percent annual rate and we have recouped over half of the employment loss of last spring. By September, we had reached retail sales levels that prevailed before the recession and total final sales in the third quarter grew at a 3½-percent annual rate.

These are extraordinarily strong indicators of economic expansion, and yet interest rates are also rising sharply. Just yesterday, Chase Manhattan Bank announced they had raised the prime rate to 16¼ percent and the rate on 3-month Treasury bills is now over 14 percent. An economic recovery cannot survive a return to 20-percent inflation and 20-percent interest rates—and that is clearly where we are headed if we cut taxes and borrow money to pay the costs.

I should like to say to the Senator from Delaware that 20-percent inflation and a 20-percent interest rate is hardly the environment for the kind of growth we need.

Our new President should have the opportunity to assess these events when he takes office and propose his own program accordingly. We shall have a third budget resolution. At that time, we can consider whatever kind of program he wants. Yes, President-elect Reagan has supported substantial reductions in tax rates, but he also supports substantial reductions in spending.

I submit that the two have to come together and this resolution does not, at this time, include substantial restraints on spending. It is my view that we should give him the opportunity to propose his program as he wishes, without prejudging the magnitude or type of changes in either tax or spending policies. To this end, I think we should provide the Executive, in so far as possible, a neutral budget—which I believe the present budget resolution is.

I caution my colleagues who may be tempted by this amendment that a vote to raise the deficit now may compound our very difficult economic problems, limit the ability of the President-elect to reduce the deficit later by proposing spending reductions, and may put the Congress and Federal Reserve once again on a collision course which can only result, as did earlier this year, in economic disaster. And I urge them to reject the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Delaware has 5 minutes remaining.

Mr. ROTH. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, as the Senator from Kansas said earlier this morning, I know of no one I have greater respect for than the two Senators on the Budget Committee (Mr. HOLLINGS and Mr. BELLMON). I know that Senator BELLMON believes very strongly in the statement he just made. I find it difficult to find much fault with that. But again, I suggest that this year is about over. We are just about to get into the month of December and we are talking about "Don't do it now, let us do it in January or February."

It seems to me to be more realistic,

after all the debate and after all the election rhetoric that is behind us now, that we would make room for the tax cut. It does increase the deficit. No one wants to do that, but if we take into account the minimum Reagan cuts in spending, 2 percent across the board with some exceptions, it would reduce the deficit about $21.7 billion as opposed to, I think, $18 billion without the tax cut being made room for.

The Senator from Kansas would suggest, as I have suggested before, that if we took a secret vote in the Senate and asked how many thought there would be a tax cut next year—even a public vote—I would guess it would be nearly unanimous. I am not so certain that what we do today is all that significant, particularly with the second budget resolution. Yes, Mr. President, there can be a third budget resolution. Normally, that would come about next May or June. It would require a budget waiver unless that were all done.

It seems to the Senator from Kansas that we can send a signal to millions of taxpayers that we have not given up, that there is bipartisan support for tax reduction. Let us not forget the $86 billion in tax increases in fiscal year 1981. We are talking about tax cuts of much less than that.

Mr. President, it seems to me there is some obligation to the American taxpayer. We are prepared to make spending cuts on this side of the aisle and, hopefully, on the other side of the aisle. The President-elect has pledged to make spending cuts. This does not do violence to the budget, does not add to inflation. But I believe it sends a signal to the American people and to the incoming administration: OK, we have gone ahead with the tax reduction; now let us go ahead with the spending restraint and let us get the economy moving again.

I thank my colleague, the Senator from Delaware, again for his leadership and for his yielding me the time.

Mr. ROTH. Mr. President, I wish to reemphasize once more what we are doing today. What we are doing is complying with the budgetary procedures to permit the new President-elect to come forth with his recommendations on tax cuts. If we fail to take action in the second budget resolution, then we have to wait—wait for a third budget resolution or get a waiver.

The chairman of the Joint Economic Committee this morning spoke on the floor of the Senate and said that the sooner we can get these tax cuts into place, the better off this economy will be.

Mr. President, I want to emphasize and reemphasize that not only Republicans but many of our Democratic colleagues have come out strongly in favor of a tax cut. I think it is important that we give the signal that the distinguished chairman-to-be of the Senate Finance Committee speaks of to the American people that we are keeping our word, we are keeping the faith. On November 4, they voted for a change. They want less spending and they want relief from the enormous tax burden now imposed on our economy.

To the distinguished Senator from Oklahoma, I point out that this action will permit a major tax cut to take place and, of course, under our budget procedures, we can hold down spending next year. That does not require further action under our budget procedures. We have set ceilings. If President-elect Reagan comes forth, as I know he will, with proposed spending cuts, that can be accomplished without further action insofar as the budget procedure is concerned.

So, Mr. President, what I say today to my friends across the aisle is, let us lay the groundwork for expeditious action come January on a major tax cut to create a growth environment in this country.

Mr. President, I yield back the remainder of my time.

● Mr. TSONGAS. Mr. President, I am convinced that our Nation needs tax reform to motivate production, investment, and savings. Moreover, the Senate Finance Committee tax cut bill which includes such essential items as accelerated depreciation and research and development tax credits is a bill I most certainly support.

Nevertheless, I cannot support Senator ROTH's amendment. The mandate President-elect Reagan received compels all of us in the Congress to forestall the design of any long-range spending plans. We must provide our new President with as much budgeting and tax leeway as is possible. I refuse to support this amendment because it may, in the not too distant future, be interpreted as an attempt to force a tax cut, drafted by a Democratic Senate, down the throats of a new Republican President and a newly Republican elected Senate.

Yes, we need a tax cut. We must remember, however, that President-elect Reagan ran heavily, and most people believe won, on his economic planks. Therefore his thoughts on a tax cut warrant full debate and consideration. Let him send us his proposals in January. Let us have hearings in both houses and, finally let the voting on the resulting tax package be done by those who have been elected to lead in this 97th Congress.

Let me emphasize that I believe the Senate Finance Committee bill is an excellent blueprint for a final tax package and furthermore that the Kemp/Roth plan calling for a 30-percent tax cut on personal income taxes is inflationary, inequitable, and inconsistent with any reasonable approach to balancing the Federal budget. In spite of these beliefs however, I maintain we must allow our new President to share with us his prescription for improving our nation's economy.●

Mr. MITCHELL. Mr. President, I rise in support of the Boren-Roth-Dole amendment to provide an allowance in the second budget resolution for a tax cut for American workers and American businesses.

There can be no doubt of the need for a property targeted tax reduction.

There can be—and is—room for considerable disagreement over the form such a tax cut should take. Those decisions will be made by the 97th Congress.

But there is no good and sufficient reason for the 96th Congress to ignore the evident need for a tax cut, to ignore the evident bipartisan sentiment for a tax cut, or to ignore the very evident demand of the people for relief from the tax burden.

The House of Representatives has recognized this reality. The House provided a modest allowance for a cut predicted to begin next July. I think it more than likely, given the priorities of the incoming administration and given the needs of the economy, that a tax cut will take effect in January 1, 1981, not July 1. For that reason, I believe, the only sensible and responsible approach for us to take is to provide room in this budget resolution for the Senate to consider and pass a tax cut in an orderly fashion next year.

Making that room in the resolution today will permit us to consider a tax reduction on its merits, as we should.

If the new Congress is to write a reasoned, targeted tax reduction to provide incentives for the business investments and productivity increases on which the future prosperity of all our people depends and lighten the tax burdens on individual workers and working married couples, then we must be able to do so without parliamentary maneuvering or institutional hurdles in the form of a restrictive budget resolution.

I recognize the argument that this is not the time to contemplate a tax cut that this Congress will have no hand in shaping.

I am aware of the argument that we ought to do everything in our power to hold down the deficit by spending restraint.

As the newest member of the Budget Committee, I am well aware of the difficult, tough decisions, and choices already made to hold down the rate of growth in Federal spending. And I have no illusions about the fact that next year's decisions and choices will be even harder. The members of the committee and the Congress will have to exhibit tremendous stamina if we want to stay on the path that this year's budget plan has set and reduce the rate of spending growth and restrain the entitlements which trigger so much automatic spending.

But the events of this past year ought to demonstrate that curbs in spending by themselves do not nullify the effects of inflation on the budget. Between May and August a budget that had been precariously balanced, without a cut, found itself in the red to the tune of almost $20 billion: Not from any action of the Congress, not from any inaction of the Congress; but purely because inflationary increases in entitlement programs trigger direct Federal spending; unemployment reduces Federal tax collections, and the price the Federal Government must pay for everything, from airplane fuel to paper clips, goes up in an inflationary economy.

Holding back on spending growth and restructuring entitlements are both things we have to do in the future, as we have tried to do this past year.

But that ought not blind us to the other needs of the economy or to our responsibility to shape our economic environment in response to those needs. Improvements in the productivity and growth of our economy are needed, and I believe they can best be achieved through selectively targeted tax reductions.

The provision of room in the budget resolution does not commit us to any specific form of tax cut. It does not require us to write a cut based on this or that particular bill. It will simply set a realistic upper limit on the scope of the tax reductions that can be considered for the present fiscal year.

This amendment provides for a fiscal year tax reduction of $22 billion. This is the 9-month equivalent of a $39 billion, annual tax cut.

Numerous proposals have been advanced as to the form such a cut should take. The Finance Committee has reported for Senate consideration a responsible and well-targeted bill that strikes a good balance between the need to offset the higher social security taxes that go into effect next January and, at the same time, provides relief and incentives to our business sector to make the investments in capital equipment and machinery which our industry needs if it is to compete in the international marketplace.

At a time when a huge proportion of our economic problems stems directly from import competition and stagnant productivity, this Congress should not ignore its duty to establish the kind of climate in which businesses can modernize operations, increase output, keep overhead costs down, and provide the jobs that so many of our people need.

Making room for a tax cut in the budget resolution is not an abdication of our responsibility to restrain the growth in Federal spending. Nor do I believe that our business sector or our international trading partners would read such a message into our action.

The unemployment and stagnant economic conditions we face today represent as much a drain on Federal resources as the proposal to reduce the tax burden. Working men and women pay taxes—they do not draw upon the Federal Government for unemployment insurance, for food stamp aid, for other income support programs. Working men and women in a growing economy do not retire early; they do not seek to leave the uncertainties of the work force for a smaller, but assured stipend from the public sector.

Putting Americans back to work will do more to reduce the drain on Federal resources and bring our budget into balance than any amount of selective cutting into program operations, necessary as that is. For the entitlements in the Federal budget force spending to rise when unemployment rises. Unless we are prepared to advocate an end to all unemployment compensation, to social security, to all the programs by which we have attempted to cushion the economic downturns that are part of our economy—a course which no Senator, to my knowledge, advocates—we must recognize that a stagnant economy with high rates of unemployment will cause more Federal spending than we can afford.

More important, we must recognize that it will drain a far more important resource: The working lives of many of our citizens will be wasted in such an economic climate, with no benefit to the Nation, no help to themselves, and no reduction in inflation.

The essential component of a targeted tax cut is its effect on productivity. There can be no doubt that our mature industrial plant is at a disadvantage when we try to compete against the output of countries whose industrial plant was essentially built within the last 30 years. Unless our businesses can modernize, can afford the investments in plant, machinery, and equipment necessary to increase output and to raise the level of economic activity, our industrial productivity will continue to lag behind that of the rest of the world.

We in Congress must recognize that we have a role to play in creating the economic climate in which new equipment purchases and plant modernization can take place.

I believe this amendment to the budget resolution offers us an opportunity to play that role.

It does not commit us to any specific kind of tax cut. It makes no assumptions about the kind of relief we ought to provide for individual workers or for smaller businesses. It simply gives us a framework within which the Congress can shape a targeted, responsive tax cut to help speed our economic recovery.

Like every other Senator, I have priorities that I believe a tax reduction ought to reflect.

I believe firmly that some relief must be given to working married couples from the double-tax effect they suffer when their two modest incomes are taxed at rates intended for wealthier individual taxpayers.

I believe firmly that some offset to the social security tax increase must be made. It may be possible that the full costs of that increase cannot be offset if we want to provide other kinds of tax relief: But some reductions are needed.

I believe firmly that small business—the most creative sector of our economy, the sector that provides the lion's share of new jobs—must be given the relief it needs to expand, to grow, to modernize and to innovate. Tax benefits for research investments, accelerated depreciation allowances for equipment purchases, a larger exemption from the income tax rate designed for large corporations: All these provisions would help smaller businesses build up the kind of effective, investment-oriented base from which to enlarge their contributions to our economy.

All these kinds of tax relief are now reflected in the bill reported by the Senate Finance Committee—a tax bill that a majority of Senators instructed the Finance Committee to write this spring; a targeted, productivity-enhancing tax measure that will provide relief where it is needed and where it will do the most good. But the important thing is that this allowance does not commit us to endorsing one or another specific kind of tax measure. It simply provides the room within which we can consider proposals like the finance bill next year, and any others that may be suggested. And it will send an important signal to the country, both to American workers and American businesses, that the Congress recognizes that tax relief and tax incentives are needed to sustain and improve our economic recovery.

It will send a signal that the Congress recognizes that an economic climate in which productivity and job creation are enhanced is the kind of economic climate toward which we must move.

And it will send a signal that we are willing to work for an economic recovery with all the tools at our disposal.

Yesterday, we heard that the spending in this budget resolution had actually been held below 1980 levels in real, uninflated dollars. The spending side of this resolution sends no inflationary signals. The arduous and controversial process by which the Budget Committees and the Congress have sought to hold down spending, reduce growth in programs and rewrite some entitlements to prevent future expansion in spending are all adequate demonstrations of our commitment to enforce spending discipline.

Let us now send the signal that we understand the need to enhance the climate for industrial investment and economic productivity, as well.

This spring I opposed—and I would oppose again next spring—the kind of indiscriminate, untargeted tax cut with which the Senate was presented—a straight individual tax cut, with no effort to provide greater relief to middle-income workers; a depreciation proposal that threatened the economy with an inflationary speculative boom in commercial building. We did not need such a tax cut then, and we do not need it now.

The bill reported by the Finance Committee avoids indiscriminate, untargeted tax reductions. It is carefully drawn and provides the kind of selective relief that will fulfill the congressional responsibility to shape our economy to respond to the need for enhanced economic activity.

I do not know if the new Congress will have the opportunity to vote on a similar bill or some other proposal. I know, for myself, that this bill provides the kind of approach that I think is workable, and that is eminently justified by the economic needs of our working people and our businesses.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BELLMON. Mr. President, I move to lay the amendment on the table.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Melcher), and the Senator from North Carolina (Mr. Morgan) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. Mathias) and the Senator from Texas (Mr. Tower) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. Tower) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 473 Leg.]

YEAS—40

Bayh
Bellmon
Biden
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Culver
Durkin
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Hollings
Huddleston
Inouye
Jackson
Kennedy
Leahy
Magnuson
Matsunaga
Metzenbaum
Moynihan
Nelson
Pell
Pryor
Ribicoff
Sarbanes
Stennis
Stewart
Stone
Talmadge
Tsongas
Weicker
Williams

NAYS—55

Armstrong
Baker
Baucus
Bentsen
Boren
Boschwitz
Bradley
Byrd,
  Harry F., Jr.
Chafee
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Garn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Humphrey
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Levin
Long
Lugar
McClure
Mitchell
Nunn
Packwood
Percy
Pressler
Proxmire
Randolph
Riegle
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Thurmond
Wallop
Warner
Young
Zorinsky

NOT VOTING—5

Mathias
McGovern
Melcher
Morgan
Tower

So the motion to lay the amendment (UP No. 1775) on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the yeas and nays be vacated.

Mr. BELLMON. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MORGAN. (After having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Montana (Mr. Melcher). If he were present and voting, he would vote "yea." I have voted "nay." Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), and the Senator from Montana (Mr. Melcher) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. Mathias) and the Senator from Texas (Mr. Tower) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The PRESIDING OFFICER (Mr. Bradley). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 474 Leg.]

YEAS—58

Armstrong
Baker
Baucus
Bentsen
Boren
Boschwitz
Bradley
Byrd,
  Harry F., Jr.
Cannon
Chafee
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Garn
Goldwater
Hatch
Hayakawa
Heflin
Heinz
Helms
Humphrey
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Levin
Long
Lugar
McClure
Mitchell
Nunn
Packwood
Percy
Pressler
Proxmire
Randolph
Riegle
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Talmadge
Thurmond
Wallop
Warner
Young
Zorinsky

NAYS—36

Bayh
Bellmon
Biden
Bumpers
Burdick
Byrd, Robert C.
Chiles
Church
Cranston
Culver
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Hatfield
Hollings
Huddleston
Inouye
Jackson
Leahy
Magnuson
Matsunaga
Metzenbaum
Moynihan
Nelson
Pell
Pryor
Ribicoff
Sarbanes
Stennis
Stone
Tsongas
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Morgan, against.

NOT VOTING—5

Kennedy
Mathias
McGovern
Melcher
Tower

So Mr. Roth's amendment (UP No. 1775) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FUNDING FOR H.R. 8146, THE FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACT OF 1980

Mr. RIEGLE. At the time the Senate Budget Committee marked up the second concurrent resolution, the Congress had not acted on legislation to extend unemployment insurance benefits for jobless workers. The committee did not, therefore, consider including in the budget totals funds for this purpose.

Since that time, however, the President has submitted legislation to the Congress for a Federal supplemental unemployment benefits program (FSUB) and both the House and Senate have passed amended versions of this legislation, H.R. 8146, which would extend benefits for up to 10 additional weeks. Under H.R. 8146, the maximum total benefits a worker would be entitled to would be 49 weeks. The program is a temporary, 6-month program.

This legislation is vitally important to those Americans who have lost their jobs as a result of the recession. In my own State of Michigan, unemployment stands at 12.1 percent. By year end, nearly 253,000 jobless workers will exhaust their existing unemployment insurance benefits without being able to secure work in an economy still suffering from widespread and severe joblessness.

As I indicated a moment ago, H.R. 8146 has now passed both Houses. The Senate bill was passed by voice vote, with bipartisan support. It is my understanding that the Senate bill would cost $1.1 billion for a 6 months program and $0.8 billion if the program is made effective from December until the end of March, 1981.

I would therefore ask the Senator from South Carolina to address the question of whether or not there are sufficient funds in the Budget Committee's recommended totals for fiscal year 1981 to accommodate the FSUB program.

Mr. HOLLINGS. As the Senator from Michigan has stated, funds for the FSUB program were not considered in setting the Budget Committee's second budget resolution totals. It was not even then clear if and when such a program would come into being.

However, the assumed funding for unemployment insurance that is included in the budget totals for fiscal year 1981 could be adequate to provide for the FSUB program, if it becomes law. The present budget totals assume an unemployment rate that is somewhat higher than the present economic outlook indicates and, as a result, we can expect lower outlays for unemployment insurance than the Budget Committee included in the second budget resolution. As a result, the present totals for unemployment insurance could accommodate additional funding for the FSUB program.

Mr. LEVIN. Mr. President, I would like to take this opportunity to thank the chairman for addressing himself to this issue.

I share the concern of Senator Riegle that the 10-week extension of unemployment benefits which the Senate recently adopted is of vital concern to Michigan and the entire country. I appreciate Senator Hollings' statement clarifying the issue.

Mr. BELLMON. Mr. President, I want to make sure the record established through this colloquy is not overly optimistic about the budgetary effects of the possible enactment of Federal supplemental benefits (FSB) legislation. Senator Riegle has stated that such legislation would cost in the neighborhood of $1 billion in fiscal year 1981, depending on the date of enactment. We should not deceive ourselves. This legislation would clearly add about a billion dollars to the cost of Government and to the deficit in fiscal year 1981.

PUBLIC HOUSING OPERATING SUBSIDIES

Mr. WILLIAMS. I would like to address a question to the distinguished chairman of the Committee on the Budget.

As you are well aware, Senator, public housing projects across the country are facing a crisis with regard to the maintenance, services and security of their housing units. This results from a miscalculation by the Department of Housing and Urban Development of the rapid increase in utility costs. This miscalculation has created a funding shortfall in public housing operating subsidies in the amounts of $113.8 million for fiscal year 1980 and approximately $163 million for fiscal year 1981, or a total of approximately $276 million.

Public housing agencies across the country are facing cuts in their operating subsidy amounts of anywhere from 16 to 100 percent. Many, who were due to receive funding in the latter half of fiscal year 1980, have already laid off substantial numbers of staff and severely curtailed basic services to their residents. It is critical that this error be corrected as quickly as possible.

My concern is that, as I look through the committee's reports on the first and second concurrent budget resolutions, I do not see a specific reference to this funding requirement. However, as I recall the discussions surrounding the consideration of the fiscal year 1981 HUD appropriations bill, it was stated by you and other members of the Committee on the Budget that an amount of $300 million was included in your assumptions in developing the overall budget amounts.

My question to you, Senator, is this: Are funds for this purpose accommodated in the second budget resolution currently before us?

Mr. HOLLINGS. As the Senator knows, the Budget Committee does not provide funds on a line-item basis for individual programs. That is the job of the Appropriations Committee.

The job of the Budget Committee is to set overall priorities. The committee's recommended budget allows $31.4 billion in budget authority and $6.5 billion in outlays for housing assistance. That level gives the Appropriations Committee flexibility to consider the amount of public housing operating subsidies to which the Senator refers.

Mr. HAYAKAWA. Mr. President, once again I find it necessary to rise in opposition to the budget with which my colleagues on the other side of the aisle have presented us. It is $17.9 billion in deficit and growing; if we pass this resolution, there will have to be another, which will undoubtedly be larger. We must stop this monster before it engulfs us all.

I am speaking, not so much about the budget process, but about the way in which the process has been abused. Originally, the process of two budget resolutions was developed to insure an accurate, up-to-date assessment of the Federal Government's receipts and outlays. The first concurrent resolution was to be the result of exhaustive study, hearings, and analysis—it was to be the basis upon which Congress decided how much money was available to be spent by the Federal Government, and how much money was actually to be spent. The second concurrent resolution was to refine those determinations, in light of changes which had occurred just prior to implementation of the budget, on October 1.

Essentially, this scenario has been followed, with one important exception: This process has been used to deliver one determination in the first concurrent resolution (this year the illusion of a balanced budget), with a completely different determination following in the second concurrent resolution. This year we started with a balanced budget, but we are asked to approve a budget for fiscal year 1981 which is estimated between $17.9 billion in deficit and $38 billion in deficit. This is not merely an adjustment from the first concurrent resolution, this is an attempt to spend what Congress and the American people will tolerate, and add to that point. The process has become, not a method by which Congress can monitor and check Government spending, but a method of increasing spending at every turn.

I hope this trend will be reversed, and Congress will recognize its responsibility to hold down inflation, and increase productivity. We must begin by placing reasonable restraints on Government spending—$17.9 or $38 billion in deficit is not reasonable. If we approve this budget, we're stuck; although there will be a third concurrent resolution, it will be extremely difficult for us to reduce spending if this budget is approved. On the other hand, it will make no difference if we reject this budget, and mandate a new budget for fiscal year 1981, as the American people recently did.

While I stated earlier before this body that I opposed conducting the business of government under continuing resolutions, I feel that the business of Government should be conducted in response to a mandate from the people of the United States. That mandate was made clear on November 4. The people of this country do not want more government, they want less. This budget resolution provides more government. Since we have postponed action on this resolution past the beginning of the fiscal year, and the vast majority of the appropriations bills have not been acted on, a delay until those new Members who represent the mandate of the people can join us is the only responsible action we can take.

I am asking, therefore, that we reject this resolution, restore lost confidence in the budget process, and respond to the mandate of the American people.

Mr. DECONCINI. Mr. President, yesterday the Senate rejected, unwisely in my judgment, an amendment by my good friend from Wisconsin, Senator PROXMIRE, aimed at balancing the Federal budget for fiscal year 1981. I do not intend to detain the Senate for a replay of that debate at this time; suffice it to say that I believe that Senator PROXMIRE had, on the whole, the better of the argument.

Few would dispute the proposition—and none did yesterday—that economic circumstances demand fiscal restraint. Inflation is now approaching double digits. Unemployment hovers at almost 8 percent. A sluggish, tentative and fragile recovery from the recent recession is threatened by a prime rate of 16¼ percent and mortgage rates nearing and often exceeding 16 percent. The National debt of over $900 billion burdens an already overstrained and turbulent capital market. In the face of such realities the economic prospect is grim at best. Clearly the time for decisive action to bring Federal spending under control is now. The hard choices that will be required to do so can no longer be postponed if we are to begin the process of restoring a prosperous, expanding, and stable American economy.

Let there be no mistake. I fully understand—as I know my colleagues and especially the members and the leadership of the Budget Committee understand—that achieving a balanced budget will be no easy task.

Yet it is not impossible, and in my judgment it must be done. All that is necessary is that we have the will to do it. The resolution before us contemplates a deficit for fiscal 1981 of $38 billion. That, of course, is an estimate; the actual deficit will problably be higher, or could conceivably be lower, depending upon the performance of the economy. But surely, Mr. President, it is possible to find $38 billion of reductions in a budget totaling $633 billion. Thirty-eight billion dollars by the way is 6 percent of $633 billion. It does not seem unreasonable to expect those of us who have been entrusted with positions of public responsibility to find a way to shave a little more than 5 percent off the projected outlays.

I know that there are practical legislative difficulties at this late date in achieving these savings. Three appropriations acts for fiscal year 1981 have already been signed into law and two more are in conference. Moreover, over 75 percent of the outlays of the budget flow from entitlement programs or other mandatory or semimandatory requirements. To reduce this category of expenditure would require changes in existing laws in many instances. This does not apply to every case however. A considerable proportion of these so-called uncontrollables are subject to the availability of appropriation, albeit the presumption has come to be that the necessary funding will be provided.

That presumption is overdue for reexamination, and indeed it is in my opinion certifiably invalid under existing conditions. It should be pointed out, Mr. President, that Mr. Edwin Meese, one of the President-elect's closest advisers, has said that the Federal budget can be cut on the order of 6 percent by eliminating waste, fraud, abuse, and the unnecessary programs. Six percent of $633 billion is $38 billion. Therefore, assume that we can expect the incoming administration to propose rescissions and deferrals of approximately that magnitude early next year.

I, therefore, see no reason to adopt a budget resolution which makes allowance for any deficit. For this reason I am going to vote against the adoption of the Senate Concurrent Resolution 119. I have never in my term in this body voted for a resolution containing a deficit and I do not intend to do so now.

● Mr. PERCY. Mr. President, before I speak on the budget, I would like to take a moment to pay tribute to one of the Senate's most outstanding Members, Senator BELLMON.

Senator BELLMON has served on the Budget Committee since it was first created by the Budget Act of 1974. I helped coauthor that legislation with my good friends, Senators Sam Ervin and Ed Muskie. We worked on this in the Governmental Affairs Committee, for several years, and I am proud of that accomplishment.

As we all know, though, a paper law is just that, paper. It needs commitment and dedication to breathe life into it and that is just what HENRY BELLMON, in concert with Ed Muskie, gave it in the years since that law was passed. The budget process was strengthened with Senator BELLMON'S presence on the committee. His clear, persuasive leadership has helped lay a strong foundation for building an even better budget process in the years ahead.

Mr. President, last spring I voted against the first budget resolution because its high levels of spending and revenues promised a budget that was balanced on the backs of the taxpayers. Spending at that time was forecast to be $613 billion and revenues were estimated at an equal amount. It was not long, however, before it became apparent that this so-called balanced budget was balanced on paper only. By the time of the President's midsession review of the budget, spending had already jumped to over $633 billion and revenues were predicted at $604 billion. In short, the balanced budget was out the window within a month.

Taxes presented an equally disturbing trend. The fiscal 1980 level of revenues was $520 billion. Compare that with the fiscal year 1981 estimate of revenues of $615 billion. That is an enormous jump, over a $90 billion increase in just 1 year.

Although some of the figures have changed since the first resolution, the rate of spending remains. Furthermore, even with the Dole amendment, a $75 billion tax increase remains. I cannot vote for this budget that is so out of balance and promises such a tax increase.

Not long ago, Paul McCracken, a former Chairman of the Council of Economic Advisers, wrote in the Wall Street Journal about his strategy for a strong budget. His ideas are sound and offer valuable thoughts for us as we grapple with the budget. I would like to quote just a part of his column, entitled "The Road to Budget Balance." Mr. McCracken writes—

> The first requirement is to face frankly the fact that the share of any increased earnings diverted to government through higher taxes is now so high as virtually to assure a leaden, arthritic, creaking economy. . . . The nation's fiscal plan, in short, calls for the increase in taxes to absorb about 55 cents out of each projected additional dollar to be earned. And we profess bewilderment about the inability of the economy to perform well!

This is a dramatic statement of the economic malaise we are confronted with. We need to foster a climate of growth to produce the jobs and increased revenues that will flow from greater economic activity.

At the very least, the budget resolution should make room for a tax cut. That is why I voted for the amendment offered by Senator DOLE which makes room for a tax cut for calendar year 1981 like the one reported by the Senate Finance Committee in September.

For many months this side of the aisle has pressed for very needed tax reduction to offset the massive tax increases which are scheduled to go into effect next year. As I have mentioned, Federal revenues in fiscal year 1981—without a tax cut—will be up by over $90 billion. Some $18 billion will come from taxflation, the bracket creep that pushes taxpayers into higher tax brackets. Social security tax increases will claim another $25 billion. Overall, taxes both as a percent of GNP and as a percent of taxable personal income will reach the highest levels in this country's history next year.

These higher taxes will only make inflation worse by fueling Government spending and hampering economic growth. Adoption by the Senate of the tax cut amendment today is a major step toward revitalization. It is, in a sense, the culmination of years of work.

Last July, I joined several of my Republican colleagues in pushing for the adoption of the Tax Reduction and Job Creation Act of 1980 which would have provided an across-the-board cut in personal income taxes along with depreciation reform for business. That effort was unfortunately defeated two times in 1 week.

Later, in September, we commended the Finance Committee for its recommendation to cut taxes and waited eagerly for Senate action on that proposal.

The Finance Committee package would have cut individual income tax rates and provided more rapid writeoffs for business investment. It also incorporated a proposal which Senator CRANSTON and I introduced to increase the capital gains exclusion from 60 to 70 percent for individuals, making the effective maximum rate under the committee bill 20 percent. The package also adopted a reduction in the alternative corporate capital gains tax rate, from 28 to 20 percent, and a cut in the maximum corporate tax rate from 46 to 44 percent by 1982, along with wider corporate brackets to benefit small businesses.

Then, just before the Senate recessed in October, we sought to cause the majority to consider this important tax cut plan. Again, our efforts were unsuccessful.

Mr. President, I would like to make an important point with regard to this budget. The figures on spending have changed much more dramatically than is revealed in this budget. Just last week the House Budget Committee reported a budget, with the latest economic forecasts. Before any spending or tax reductions are made, their budget shows spending at $648 billion. Revenues are at $615.7 billion, about the same as the Senate resolution. But overall spending is $15 billion higher than even this Senate resolution.

Mr. President, I believe the following chart shows the dramatic changes that have taken place in the budget this year on the spending side. I ask unanimous consent that it be included in the RECORD at this point in my remarks.

FISCAL YEAR 1981 BUDGET

[In billions of dollars]

	Senate First Resolution (June)	Senate Second Resolution (August)	House Second Resolution (November)
Outlays	613.6	633.0	648.0
Revenues	613.8	615.1	615.7
Deficit/surplus	+.2	−17.9	−32.3

Mr. President, what this chart shows is that we are on a course that would seem to put us in the same position that we were in during fiscal year 1980. During that year, the deficit rose from about $30 billion to $59 billion.

The Senate Budget Committee prepared its budget back in August in all good faith. They used the most updated economic assumptions at that time. The economy has changed markedly since that time, however, and the budget we are faced with today does not reflect where we will probably end up in 1981.

Yesterday, Senator PROXMIRE offered a very attractive amendment that appeared to balance the budget. He simply lopped off about $22 billion in spending. There were no instructions in his amendment, however, directing the specific cuts. We know that much of the budget cannot be cut willy-nilly in 1 year, because it is subject to the restraints of existing law. Only about 25 percent of the budget would be open to Senator PROXMIRE'S cuts and the bulk of this so-called controllable budget is in the defense area. It is my strong conviction that we should not slice into defense at a time when we need to build up our Armed Forces. Given the looseness of the Proxmire amendment, I could see major proposed cuts in defense and I could not support that effort.

Yesterday, Senator BELLMON also offered an amendment that was subsequently withdrawn. I would like to congratulate him and Senator DOMENICI on this amendment. I recognize the limitations that led to its withdrawal, but believe the Bellmon amendment proposed an important new way for us to deal with overspending. We need these tools. They will help us guarantee that the fiscal year 1983 budget will be balanced as President-elect Reagan has pledged. I urge Senator DOMENICI—in his new role as Budget Committee chairman next year—to build the Bellmon proposal into the budget process.

On balance, however, I cannot support a budget that, even with a tax cut, still allows a $75-billion tax increase in 1981 and does not make a sound effort to curb spending. I intend to vote against it.●

Mr. ROBERT C. BYRD. Mr. President, this has not been an easy year for the budget process. A genuine effort by the Congress and President Carter to produce a balanced budget for fiscal year 1981 resulted in the first balanced budget ever adopted by the Congress, but the downturn in the economy has made the achievement of a balanced budget impossible.

Throughout the year, we were faced with politically motivated, unfeasible amendments. The bipartisanship which had historically characterized the budget process suffered as a result.

The second budget resolution before us today recognizes that inflation and the recession have pushed the Federal budget into the red again.

We should not abandon hope that the budget can be balanced. Despite the fiscal radicalism espoused by candidate Reagan, Congress must not stray from the steady course of fiscal responsibility which we have charted this year.

Again yesterday, President-elect Reagan reiterated his support for the Roth/Kemp tax cut. The responsibility of governing this great Nation requires recognition of certain facts.

We must recognize that the budget cannot be cut deeply enough to offset the revenue losses which would be generated by Roth/Kemp and the other tax reducing proposals supported by the President-elect and various Members of Congress, unless we cut deeply into entitlement programs, which candidate Reagan promised not to do.

Persisting with enormous tax cuts while failing to achieve offsetting spending cuts will yield tremendous deficits.

Inflation, already raging at 10 percent, will go higher should this occur. The Federal Reserve will have the only anti-inflation game in town. And it is my view that the fight against inflation should not—and cannot—be left up to the Federal Reserve. While adherence to the monetarist theory that inflation is strictly a function of money supply growth might be a comforting intellectual exercise, the Fed's performance in pursuit of a policy of control of monetary aggregates has not dampened inflation—and, to the contrary, has produced the wildest gyrations in interest rates and the money supply we have ever experienced.

It is my view that inflation will not be controlled until we break the spiral of wages and prices which leads people to expect that prices will go ever upward.

I reject the notion that this country is so bankrupt of economic thought and national will that the only way to break this expectation is by putting our people through the wringer of prolonged recession, 10 percent unemployment, and 20 percent interest rates.

Yet, I fear that this will be offered as our only alternative in the not-too-distant future unless President-elect Reagan rejects the fiscal radicalism of the Roth/Kemp tax cut and adopts a realistic, achievable plan for cutting taxes and spending.

Democrats in the Congress will help him in this effort.

This is the last budget resolution which will be managed by the distinguished Senator from South Carolina, FRITZ HOLLINGS, at least until 1983. Assuming the chairmanship of the Budget Committee this summer, when Ed Muskie became Secretary of State, Senator HOLLINGS has provided strong leadership in this important committee. He has fought hard to increase the share of Federal spending which goes to defense. In the coming years, his efforts will be crucial in holding the Senate on the steady fiscal course which we have charted this year.

Mr. ROBERT C. BYRD. Mr. President, I am awaiting clearance for the paperwork reduction. It is my intention to move to take that measure up if it can be cleared.

Mr. President, I also wish to express the appreciation of the leadership on this side of the aisle to HENRY BELLMON, who has been a very staunch advocate of bipartisanship and has worked with Mr. Muskie and Mr. HOLLINGS in a very admirable way.

The fact that the budget reform process has worked as well as it has remains, I think, to be viewed as to the credit of Mr. BELLMON, Mr. MUSKIE, and now Mr. HOLLINGS.

They have worked together in a kind of bipartisan way that is necessary if the budget reform process is to be successful.

So I regret that Mr. HOLLINGS will not be managing the budget resolutions next year. I regret that Mr. BELLMON will not be here next year to continue his fine work with Mr. HOLLINGS.

Mr. HOLLINGS. Now, Mr. President, if I may have the attention of the distinguished Senator from Oklahoma, I believe we have 15 minutes to a side.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. I really think now is the time to draw the debate to a close. We are hopefully trying to get a conference started on the budget resolution. I think our colleagues have made up their minds with respect to the resolution. I am prepared to yield back my time.

Mr. BELLMON. Mr. President, unless someone on this side wants time, I am prepared to yield back my time.

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. BELLMON. I yield back the time on the minority side.

Mr. HOLLINGS. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. There being no further debate, the Chair lays before the Senate, pursuant to the previous order, House Concurrent Resolution 448, which the clerk will state by title.

The legislative clerk read as follows:

House Concurrent Resolution 448, revising the Congressional budget for the United State Government for the fiscal years 1982 and 1983.

The Senate proceeded to consider the resolution.

Mr. HOLLINGS. Now, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The text of Senate Concurrent Resolution 119, as amended, is deemed inserted as a substitute.

The question is on agreeing to the concurrent resolution, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Any other Senator in the Chamber who has not voted who desires to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 475 Leg.]

YEAS—48

Baker
Bayh
Bentsen
Biden
Boschwitz
Bradley
Burdick
Byrd, Robert C.
Chafee
Chiles
Cohen
Cranston
Dole
Domenici
Durkin
Ford
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Levin
Long
Magnuson
Matsunaga
Melcher
Mitchell
Morgan
Moynihan
Nunn
Pell
Randolph
Ribicoff
Roth
Schweiker
Stennis
Stevens
Stevenson
Stone
Talmadge
Thurmond
Tower
Tsongas
Williams
Young

NAYS—46

Armstrong
Baucus
Bellmon
Boren
Bumpers
Byrd,
  Harry F., Jr.
Church
Cochran
Culver
Danforth
DeConcini
Durenberger
Eagleton
Exon
Garn
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heflin
Helms
Humphrey
Jepsen
Laxalt
Leahy
Lugar
McClure
Metzenbaum
Packwood
Percy
Pressler
Proxmire
Pryor
Riegle
Sarbanes
Sasser
Schmitt
Simpson
Stafford
Stewart
Wallop
Warner
Weicker
Zorinsky

NOT VOTING—6

Cannon
Gravel
Kennedy
Mathias
McGovern
Nelson

So the concurrent resolution (H. Con. Res. 448) as amended, was passed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BELLMON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments to House Concurrent Resolution 448 and requests a conference with the House thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLlings, Mr. Chiles, Mr. Biden, Mr. Moynihan, Mr. Metzenbaum, Mr. Exon, Mr. Bellmon, Mr. Domenici, Mr. Armstrong, and Mr. Packwood conferees on the part of the Senate.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 119 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, when the Senate convened for this lameduck session a few days ago, I indicated I would prefer not to consider a budget resolution in this session. It was equally clear that notwithstanding that, we will not be able to conclude this appropriations process in the few days remaining to us in this session. A continuing resolution will be necessary to tide us over until the bills can be considered by the new Congress in January. The necessity to pass a budget resolution appears to be compelling.

In view of this, it originally seemed preferable to me to hold the budget resolution over until next year. But, I have been persuaded by the distinguished Senator from New Mexico (Mr. Domenici), who will assume the chairmanship of the Budget Committee in January, by the distinguished Senator from Oklahoma (Mr. Bellmon), the outgoing ranking member of the committee, and by others that we would be better served by preserving the integrity of the budget process through the passage of the resolution before we adjourn sine die.

It is for this reason that I voted for final passage of this budget resolution, and encouraged others to do so, as well.

But this is certainly not a final budget in any sense of the word. At best, it is but an interim resolution which will inevitably be amended or alternatively, superseded by a third concurrent resolution.

And such revision is undoubtedly necessary. We must bring swollen spending levels back in line with the numbers assumed by the second concurrent resolution. The need to control Federal expenditures and the rate of that Federal spending, as well as to enforce the requirements of reconciliation, is undeniable.

I would like to commend the outgoing ranking member of the Budget Committee, my good friend, Senator Henry Bellmon. I know that all of us in this Chamber are saddened by his pending departure from our ranks. Henry Bellmon has served his State, his Senate, and his Nation with excellence and great honor for the past 12 years. He will be sorely missed in these Halls.

I would also like to congratulate the incoming chairman of the committee, also a good friend, Senator Pete Domenici. I am certain he will become an extraordinary and splendid chairman. I pledge him my complete cooperation.

Finally, Mr. President, I would be remiss if I failed to make mention of the outstanding contributions to both our budget process and the Senate as a whole of the current chairman of the Budget Committee, the distinguished Senator from South Carolina (Mr. Hollings) and his predecessor at that committee, our former colleague and our current distinguished Secretary of State, Ed Muskie.

Their stewardship of this critical committee, through a difficult and often tempestuous time, has been nothing less than exemplary. They are to be commended.

ORDER FOR RECESS UNTIL 10 A.M. NOVEMBER 20, 10 A.M. NOVEMBER 21, AND 12 NOON NOVEMBER 24

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until the hour of 10 o'clock Friday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday it convene at 12 noon following the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I will not ask consent until Mr. Baker or someone representing him is here, but I would like to go to the paperwork bill. I suggest the absence of a quorum with the understanding that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the paperwork reduction bill, S. 1411, Calendar Order No. 1015, with the understanding that no nongermane amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, would the majority leader be willing to vacate that for one brief moment?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I previously advised the majority leader that I was agreeable to that and am now told that we have one more notation on our calendar that may take just a few moments to clear.

Mr. ROBERT C. BYRD. All right.

Mr. President, I temporarily withhold my request and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAPERWORK REDUCTION ACT OF 1980

Mr. GOLDWATER. Mr. President, sometime ago, when S. 1411, a bill to improve the economy and efficiency of the Government and the private sector by improving Federal information management and for other purposes, came on the calendar, I raised an objection. My objection pertained only to intelligence.

The Senator from Florida has informed me that, since that time, he has worked this out with intelligence; and because I was in the hospital at the time, I was not told of it, and I apologize for not having been aware of it. My staff tells me that, so far as Intelligence is concerned, it is now all right.

However, and this does not come under my purview, because I am not chairman of the Armed Services Committee—the Secretary of Air has complained about some aspects of the bill only in the last few days.

I will withdraw my objection, and I do not believe Senator Tower or Senator Stennis have entered an objection, so I imagine that it is all right to go ahead with the matter, unless the Armed Services Committee might hold an objection about which I do not know.

Mr. CHILES. I thank the distinguished Senator from Arizona.

I had tried to work it out, and I am sorry if I was excited when I talked with the Senator. I thought we had worked out those areas.

Senator Jackson is coming to the Chamber with some amendments concerning the armed services aspects of the act in addition to intelligence, and we are going to take those amendments.

Mr. GOLDWATER. There is no objection of which I know.

Mr. CHILES. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arizona (Mr. Goldwater).

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Boren). Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1074, Senate Resolution 516, the budget waiver with respect to the paperwork reduction bill.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, it is my privilege now to advise the distinguished majority leader and the majority manager of this bill, the Senator from Florida, that all the objections on this side to the paperwork bill have been cleared and we will have no objection to the request and, of course, that extends necessarily to the consideration of the budget waiver just identified by the majority leader.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 516) waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 1411.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 516) was agreed to, as follows:

S. RES. 516

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1411. Such waiver is necessary because provisions of S. 1411 establish a goal to reduce the burden of Federal paperwork requirements on the public by 25 per centum in three years, which would be difficult to accomplish if the small amount of resources required in fiscal 1981 were not available to the Office of Information and Regulatory Affairs. Reductions in paperwork for all sectors of the economy are expected to reduce inflationary pressures. The committee regrets it was unable, due to the lengthy consideration of regulatory reform and lobbying reform to meet the May 15 date for the Paperwork Reduction Act. The committee believes the potential savings and reduced inflation due to reduced paperwork burden should not be foreclosed. The committee's letter to the Budget Committee pursuant to the requirements of section 301(c) of the Congressional Budget Act of 1974 did discuss S. 1411, the Paperwork Reduction Act.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAPERWORK REDUCTION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I renew my previous request that the Senate proceed to the consideration of Calendar Order No. 1015, S. 1411, with the proviso that no nongermane amendments be in order.

The PRESIDING OFFICER. The bill will be stated.

The assistant legislative clerk read as follows:

A bill (S. 1411) to improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Paperwork Reduction Act of 1980".

SEC. 2. (a) Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purpose.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities—submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Federal Information Locator System.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purpose

"The purpose of this chapter is—

"(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

"(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

"(3) to maximize the usefulness of information collected by the Federal Government;

"(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) to ensure that automatic data processing and telecommunications technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and, wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to the Federal Government; and

"(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

"(3) the term 'collection of information' means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.

"(4) the term 'data element' means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

"(5) the term 'data element dictionary' means a system containing common definitions and cross references for commonly used data elements;

"(6) the term 'data profile' means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a list of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

"(7) the term 'Director' means the Director of the Office of Management and Budget;

"(8) the term 'directory of information resources' means a catalog of information collection requests, containing a data profile for each request;

"(9) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(10) the term 'information collection request' means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, or other similar method calling for the collection of information;

"(11) the term 'information referral service' means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

"(12) the term 'information systems' means management information systems;

"(13) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(14) the term 'practical utility' means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion;

"(15) the term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records; and

"(16) the term 'telecommunications' equipment, technology, functions, activities, or needs means the equipment, technology, functions, activities, or needs used solely for (A) the 'collection of information' as defined in subsection (3) of this section, or (B) the processing, storage, and transmission of such collected information.

"§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Associate Director, who shall be appointed by and shall report directly to the Director. The Associate Director shall serve as principal adviser to the Director on Federal information policy. The Director may delegate to the Associate Director functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Director may not delegate any function under this chapter to any other officer or employee of the Office of Management and Budget except the Associate Director.

"§ 3504. Authority and functions of Director

"(a) The Director shall provide overall direction in the development and implementation of Federal information policies, principles, standards, and guidelines, including direction over the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law.

"(b) The general information policy functions of the Director shall include—

"(1) establishing uniform information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

"(2) initiating and receiving proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

"(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

"(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

"(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

"(c) The information collection request clearance and other paperwork control functions of the Director shall include—

"(1) reviewing and approving information collection requests proposed by agencies;

"(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

"(3) ensuring that all information collection requests—

"(A) are inventoried, display a control number and, when appropriate, an expiration date;

"(B) indicate the request is in accordance with the clearance requirements of section 3507; and

"(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

"(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

"(5) setting goals for reduction of the burdens of Federal information collection requests;

"(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

"(7) designating and operating, in accordance with section 3511, the Federal Information Locator System.

"(d) The statistical policy and coordination functions of the Director shall include—

"(1) developing long range plans for the improved performance of Federal statistical activities and programs;

"(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(3) overseeing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

"(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines.

"(e) The records management functions of the Director shall include—

"(1) providing advice and assistance to the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

"(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Administrator of General Services thereunder; and

"(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

"(f) The privacy functions of the Director shall include—

"(1) establishing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by agencies;

"(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

"(3) monitoring compliance with section 552a of title 5, United States Code, and related information management laws.

"(g) The Federal automatic data processing and telecommunications functions of the Director shall include—

"(1) establishing policies, principles, standards, and guidelines for automatic data processing and telecommunications functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(f) of the Federal Property and Administrative Services Act of 1949;

"(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(g) of such Act;

"(3) providing advice and guidance on the acquisition and use of automatic data processing and telecommunications equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of automatic data processing and telecommunications equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

"(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices, and informing the President and the Congress of the progress made therein.

"(h) The Director shall, subject to section 3507(c) of this chapter, ensure that, in developing rules and regulations, agencies—

"(1) utilize efficient means in the collection, use, and dissemination of information;

"(2) provide an early and meaningful opportunity for the public to comment on proposed means for collection of information; and

"(3) assess the consequences of alternative means for the collection, use, and dissemination of information.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) upon enactment of this Act—

"(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

"(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

"(2) within one year after the effective date of this Act—

"(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders;

"(B) establish the Federal Information Locator System;

"(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

"(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

"(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs; and

"(3) within two years after the effective date of this Act—

"(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(B) identify initiatives to improve productivity in Federal operations using information processing technology;

"(C) develop a program to (i) enforce Federal information processing standards at all Federal installations and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, and separate such program from technological advisory services;

"(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

"(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and

"(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

"§ 3506. Federal agency responsibilities

"(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(c) Each agency shall—

"(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

"(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

"(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter.

"(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

"§ 3507. Public information collection activities—submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

"(1) the agency has taken actions, including consultation with the Director, to—

"(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

"(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

"(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

"(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission; and

"(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

"(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

"(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under sections 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the overriding authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

"(d) The Director may not approve an information collection request for a period in excess of three years.

"(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(f) An agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed upon the information collection request.

"(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within one working day after its receipt and, if approved, shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law or policy.

"(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Federal Information Locator System

"(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereinafter in this section referred to as the 'System') which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the register of all information collection requests.

"(b) In designing and operating the System, the Director shall—

"(1) design and operate an indexing system for the System;

"(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

"(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

"(A) agency officials who are planning new information collection activities; and

"(B) on request, members of the general public; and

"(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) The Director shall, with the advice and assistance of the Administrator of General Services, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

"(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

"(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

"§ 3514. Responsiveness to Congress

"(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

"(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

"(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

"(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable identification of statutes and regulations which impose the greatest number of reporting hours;

"(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

"(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

"(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

"(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter; and

"(8) with respect to recommendations of the Commission on Federal Paperwork—

"(A) a description of the specific actions taken on or planned for each recommendation;

"(B) a target date for implementing each recommendation accepted but not implemented; and

"(C) an explanation of the reasons for any delay in completing action on such recommendations.

"(b) The preparation of any report required by this section shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director may promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"In the development of information policies, plans, rules, regulations, and procedures, and in approving information collection requests, the Director shall provide affected agencies and persons early and meaningful opportunity for consultation.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter affects in any way an existing authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 313 of the Budget and Accounting Act of 1921, as amended, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

"§ 3520. Authorization of appropriations

"There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

"(1) not to exceed $8,000,000 for the fiscal year ending September 30, 1981;

"(2) not to exceed $8,500,000 for the fiscal year ending September 30, 1982; and

"(3) not to exceed $9,000,000 for the fiscal year ending September 30, 1983."

(b) The item relating to chapter 35 in the table of chapters for such title is amended to read as follows:

"35. Coordination of Federal Information Policy.

(c)(1) Section 2904(10) of such title is amended to read as follows:

"(10) report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Administrator deems desirable (A) on the results of activities conducted pursuant to paragraphs (1) through (9) of this section, (B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (8) and (9) of this section, and (C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations."

(2) Section 2905 of such title is amended by redesignating the text thereof as subsection (a) and by adding at the end of such section the following new subsection:

"(b) The Administrator of General Services shall assist the Associate Director for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies."

Sec. 3. (a) The President and the Director of the Office of Management and Budget may delegate to the Associate Director for the Office of Information and Regulatory Affairs all functions, authority, and responsibility under section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b). The Director may not delegate such functions, authority, and responsibility to any other officer or employee of the Office of Management and Budget.

(b) The Director of the Office of Management and Budget may delegate, but only to the Associate Director for the Office of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759). The Director may not delegate such functions, authority, and responsibility to any other officer or employee of the Office of Management and Budget.

Sec. 4. (a) Section 400A of the General Education Provisions Act is amended by (1) striking out "and" after "institutions" in subsection (a)(1)(A) and inserting in lieu thereof "or" and (2) by amending subsection (a)(3)(B) to read as follows:

"(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency, except as required by this subsection and by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code. If a requirement for information is submitted pursuant to this Act for review, the timetable for the Director's approval established in section 3507 of the Paperwork Reduction Act of 1980 shall commence on the date the request is submitted, and no independent submission to the Director shall be required under such Act.".

(b) Section 201(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211) is repealed.

(c) Section 708(f) of the Public Health Service Act (42 U.S.C. 292h(f) is repealed.

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Associate Director, Office of Information and Regulatory Affairs, Office of Management and Budget.".

Sec. 5. This Act shall take effect on October 1, 1980.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, the purpose of S. 1411, which is now before the Senate, is to eliminate unnecessary paperwork burdens imposed by the Federal Government upon the public and minimize the cost of collecting and using information for Government information.

The bill establishes a goal to reduce the paperwork burden by 25 percent and establishes a reasonable set of controls to accomplish this objective and make the shower of paperwork requirements that rain upon the public more manageable.

NEED FOR LEGISLATION

The Federal Paperwork Commission estimated 3 years ago that the cost of Federal paperwork requirements amounted to $100 billion a year—some $500 for every man, woman, and child in this country. Much of that cost does not show up as an expenditure in the Federal budget. Instead, the public spends the time, money, and effort in "hidden taxes" at home, in their business, or by way of higher consumer prices.

Federal paperwork requirements, whether they are tax forms, medicare forms, financial loans, job applications, or compliance reports, are something each individual touches, feels, and works on. The cumulative impact is excessive, too many paperwork requirements are unnecessary and wasteful. Every 1 percent reduction achieved is a billion dollars saved.

Today many Federal programs attempt to serve large numbers of people in a variety of ways, such as protecting civil rights, providing decent housing and insuring safe and healthy working conditions.

In those and other areas, Congress has made critically important commitments to the people of this Nation. In order to be effective, many of those programs must collect information from the public in order to make intelligent decisions on standards, benefits, and other Government actions. In other cases, information must be collected in order to inform the public of various matters of general concern.

The Paperwork Reduction Act has a twofold objective. First, it will insure that agencies make only necessary—and I underline that, Mr. President, necessary—information requests of the public. And second, those burdens which are found to be unnecessary and wasteful will be eliminated.

During field hearings on Federal paperwork problems that I and Senator Danforth held, we received testimony from people in all walks of life and learned that paperwork costs go beyond financial costs.

Several small business counselors testified that many clients refuse to expand their business because of the added paperwork they would face. One counselor taped together the forms any potential small business person must know just to think about getting into business. They stretched across an entire room. Small business is being strangled to the point of closing their doors.

The burden of filling out forms is causing doctors to discourage medicare business. Processing a medicare claim has become a nightmare for many older Americans. Hospitals have witnessed an explosion in paperwork since the advent of medicare. One hospital president testified his institution's clerical staff increased 15 percent in the first year of medicare.

A young doctor, just entering practice, estimated that only 15 percent of the doctors in Jacksonville will ever accept medicaid patients in their office because of paperwork requirements.

A pharmacist demonstrated how it takes some 7 minutes to fill a prescription and get paid if someone walks off the street, but as a medicaid provider to nursing homes he is lucky to get paid in 7 months.

Classroom teachers reported that at a minimum, it takes 26 extra working days a year to fill out their paperwork. That is class time taken away from children or time at home without pay.

State and local government officials, university presidents, and community leaders repeatedly estimated that 10 to 30 percent of Federal grant funds are wasted in unnecessary paperwork costs. That is money lost, at least $8 billion nationally, that could be going to needed program services.

A CETA administrator from Orlando showed me a single funding application that was 5,814 pages and required 46 original signatures from the mayor and chairman of the board of county commissioners.

Most frightening was the testimony of several witnesses who said they were "afraid of their Government." They have been bombarded with Government forms, neglected or wrongly answered some particular form, and were afraid that the "Government" was going to "get" them as a result—a nagging feeling of fear.

The frustration and fear expressed by witnesses revealed the human dimension of unnecessary Federal paperwork requirements. There is a strong feeling among many citizens of this country that Federal paperwork requirements are "out of control."

I think every Senator is familiar with the horror stories of Federal paperwork. We hear about them every time we go home, and they are by no means new to the Congress. But thus far we have had a hard time getting a grip on them or starting to do something about it.

I want to especially note Senator Nelson, the chairman of the Small Business Committee, Senator Bayh, Senator Roth, and Senator Bellman, all of whom have introduced bills to reduce paperwork. S. 1411 is a comprehensive effort which incorporates provisions from all these bills and I want to thank them for their assistance.

The Paperwork Reduction Act is a response to the need to eliminate unnecessary Federal paperwork demands. The committee benefited considerably from its own hearings, and the work and recommendations of the Federal Paperwork Commission, the General Accounting Office, the White House Conference on Small Business, the President's Federal data processing reorganization project, and other Senate bills.

The Government-wide management system created should not only help solve information management problems we have today, but for the future as well. Federal paperwork problems are often a physical manifestation of a Federal role in society. Citizens should be able to feel confident that the Federal role is necessary and managed competently.

WHAT THE BILL DOES

The bill mandates a goal of 25-percent reduction of paperwork burden over 3 years, after which the Sun sets on the bill's authorization.

The legislation assures that paperwork and reports required by the Federal Government are checked to see whether information requested is first, needed; second, not duplicative, and third, collected in an efficient manner.

The Director of OMB will be accountable for this checking and will have responsibility for preventing duplicative and unnecessary paperwork burdens.

All requests of the public will reflect an OMB control number, an expiration date, and a statement on why the information is needed, how it will be used and whether it is a voluntary or mandatory request.

Requests which do not reflect their purpose and a control number will be "bootleg" forms and will not have to be honored by the public.

The "public protection" section in this bill enables every citizen, State and local government, university or college, or small business to participate in minimizing unnecessary paperwork by ignoring "bootleg" forms.

The bill will put together the following information policy functions in an Office of Information and Regulatory Affairs within OMB: General information, paperwork clearance, statistical policy, records management, privacy, and automatic data processing and telecommunications.

A senior official within each agency will insure a greater agency role in managing information resources.

A Federal information locator system is established to assist agencies and the director of OMB manage information resources and prevent duplicative reporting burdens on the public.

The Paperwork Reduction Act is a rewrite of the Federal Reports Act of 1942 and implements key recommendations of the Federal Paperwork Commission. Significantly, all exemptions to the original reports act, except the Federal Election Commission, will be eliminated. Independent regulatory commissions will have the authority to override any disapproval of an information request of the public by a majority vote.

A companion bill, H.R. 6410, has been passed by the House.

Mr. President, I have found paperwork demands are one thing growing faster than inflation. I believe this legislation establishes meaningful controls and I encourage the Senate to take this opportunity to pass this important legislation.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CHILES. Yes. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I repeat I was not here when this matter had all been worked out. I might outline why the Intelligence Committee and, I think for the same reasons, the Armed Services Committee were opposed to this. It was wrapped up in the computer. Have you worked that out?

Mr. CHILES. Yes, I think we have, and the distinguished Senator from Washington (Mr. Jackson) is on the floor and will have some amendments. But we have expressly said, among other things, that nothing in this bill shall affect the intelligence-gathering operation apparatus of the United States, and we are putting that in by virtue of amendment, and also putting that in the report.

I think we are about ready now to go to the Senator from Washington who has some amendments which, I believe, will clear up any problems in this area.

Mr. GOLDWATER. I have just two other short questions.

Mr. CHILES. Yes.

Mr. GOLDWATER. On page 36 of the bill, section 3503, Office of Information and Regulatory Affairs, can the Senator tell me about how large this Office of Information and Regulatory Affairs might be?

Mr. CHILES. I would say to the distinguished Senator from Arizona that basically what we are doing is aggregating personnel who are already there, and trying to bring them into this office. I do not envision they should need any more than a few additional personnel, if any. But certainly we are not talking about a large office. We are not talking about another bureaucracy in itself. We are talking about really combining some people who are already there.

I just wanted to say in passing that former Senator McIntyre, who happens to be walking on the floor right now, is the one who sort of got me started in paperwork reform. He headed up a commission, the commission that we had, that did this 3-year study on paperwork, and found what we were talking about in the waste here. In no way are we trying to start another bureaucracy by that. Senator McIntyre and his leadership really started the ball rolling.

Mr. GOLDWATER. Mr. President, I thank my friend for yielding. I am very glad he has gotten this thing worked out because I am as much opposed to paperwork as anyone in this Chamber. I serve on three different hospital boards, and I know that possibly the biggest reason why the people of this country are paying more money for hospital rooms today is the fact that paperwork has to be done.

I know of one hospital I have worked with which has had to hire 60 extra people just to keep up with the paperwork.

So I thank the Senator for making the changes.

If the Senator would not object, I would like to join him as a cosponsor.

Mr. CHILES. I would be delighted to have the Senator from Arizona as a cosponsor.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I thank my friend.

Mr. RANDOLPH. Mr. President, will the Senator from Florida also give me the opportunity to join the Senators from Arizona and from Florida as a cosponsor?

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1776

Mr. CHILES. Mr. President, I send to the desk some amendments on behalf of Senator Jackson and ask for their immediate consideration.

The PRESIDING OFFICER. Is the Senator asking that they be considered en bloc?

Mr. CHILES. Mr. President, I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendments.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. Chiles), on behalf of Mr. Jackson, proposes an unprinted amendment numbered 1776.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

On page 46, line (18), after the word "or", insert the following: ", in the case of military departments, and the Office of the Secretary of Defense,".

On page 46, line (20), after the word "chapter.", add the following: "If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated."

On page 32, between lines 22 and 23, insert the following:

"(2) The terms 'automatic data processing,' 'automatic data processing equipment,' and 'telecommunications' do not include any data processing & telecommunications system or equipment, the function, operation or use of which—

"(A) involves intelligence activities;

"(B) involves cryptologic activities related to national security;

"(C) involves the direct command and control of military forces;

"(D) involves equipment which is an integral part of a weapon or weapons system; or

"(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll, finance, logistics, and personnel management. Redesignate paragraphs (2) through (16) of section 3502 as paragraphs (3) through (17), respectively.

(A) On page 36, strike out lines (6) through (12).

(B) On page 63, in line (5), insert "under Executive Order 12046 and Reorganization Plan No. 1 for telecommunications," after "code,".

On page 44, line (8), insert the following immediately before the semicolon: ", or for cryptologic activities that are communications security activities".

On page 60, line (3), insert the following immediately before the period: ", or during the conduct of cryptologic activities that are communications security activities".

On page 59, line 8, after the term "Secretary of Commerce", add "or the Director of the Office of Management and Budget"

Mr. JACKSON. Mr. President, an important reason for the addition of a definition of ADPE in S. 1411 is to insure that the Department of Defense and intelligence agencies have the flexibility to proceed with timely procurement of needed systems and that sensitive information concerning such systems be restricted to those who have a need to know such information. The detailed budget review process provides more than adequate safeguards without having to add additional review, approval and oversight authorities.

Is it the Senator's understanding that Congress originally intended that similar considerations should pertain to the authorities of the administrator of GSA under Public Law 89-306 and that the administrator should, in fact, delegate general procurement authority to agencies and departments that procure systems for intelligence, cryptologic and direct military purposes?

Mr. CHILES. Yes, section 111(b)(2) provides the administrator with the specific authority to make such broad delegations and I would think that the administrator should make liberal use of that authority for the categories of ADPE described in the definition of ADPE contained in S. 1411. One criterion for a delegation is that it is essential to national defense or national security. The agencies charged with responsibility for defense and security matters are clearly in the best position to determine whether their ADPE needs meet this essentiality standard. Therefore, the GSA administrator should defer to the defense and security agencies on these matters.

I also agree that it is particularly important that information concerning the use, type, location and other information pertaining to the application of ADPE to intelligence, cryptologic sensitive military communications, command and control and weapons systems be protected and not disseminated throughout the Government.

The General Services Administration, the Office of Management and Budget and the General Accounting Office should reexamine their present review and audit procedures to insure that these efforts do not impinge upon these areas, as specified in the definition of ADPE in S. 1411. In addition, the Department of Commerce should look at its standard procedures for granting waivers to insure that waivers in this area are not arbitrarily denied, and that such procedures do not involve burdensome paperwork or public disclosure.

Such actions would ensure that Public Law 89-306 would be applied as originally intended, and that ADPE could be acquired by intelligence, cryptologic and military agencies and departments without unnecessary delays, paperwork, access by individuals without a need-to-know, and public disclosures.

In summary, it is our view that Public Law 89-306 should be applied in ways so as to protect national security and intelligence activities from undue harassment. Further, if there is harassment in the future, then appropriate statutory remedies will be sought.

Is it the Senator's understanding that the definition now provided in S. 1411 for ADPE is operative only for this act, and is consistent with the provision of S. 1411 which states that—

> Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget?

Mr. JACKSON. Yes, that is my understanding. Moreover, the definition will have no effect upon automatic data processing equipment procured and used by the intelligence and military agencies for administrative and business applications such as payroll, finance, logistics and personnel management. In addition, to the maximum degree feasible and consistent with U.S. national security interests, publicly advertised, competitively bid procedures would continue to be employed in the acquisition of commercially availble ADP equipment used in support roles for military and intelligence activities.

Mr. CHILES. Mr. President, these are the amendments that Senator JACKSON and other Members that were concerned about intelligence activities and the activities dealing with the Armed Forces were concerned about. These are the amendments that we consented to place in on that basis.

Mr. President, I move the amendments be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendment (UP No. 1776) was agreed to, en bloc.

UP AMENDMENT NO. 1777

Mr. CHILES. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY) I send amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments will be considered en bloc.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

> The Senator from Florida (Mr. CHILES) on behalf of Mr. KENNEDY proposes an unprinted amendment numbered 1777.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

On page 60, line (20), after the word "offices", insert ", including the substantive authority of any Federal agency to enforce the civil rights laws".

On page 59, line (25), after the word "Act", insert "and section 13 of the Federal Trade Commission Improvements Act of 1980".

On page 58, strike lines (20) through (24) and insert: "In development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment."

On page 58, line (12), after the word "shall", insert ", to the extent practicable,".

On page 49, line (7), after the word "request" insert "and shall make such decisions publicly available".

On page 43, strike lines (1) through (11), and insert:

"(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant this section."

"(2) Within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in Section 3508 on the collection of information requirement contained in the proposed rule."

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments."

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within 60 days of the notice of proposed rulemaking."

"(5) Nothing in this section prevents the Director, in his discretion—

"(A) from disapproving any information collection request which was not specifically required by an agency rule;

"(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or

"(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within 60 days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable."

"(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule."

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision."

"(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c)."

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments."

"(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule.

Mr. CHILES. Mr. President, I appreciate the concerns raised by the Senator from Massachusetts and am glad that we are able to accommodate those concerns. S. 1411 was designed to insure that all agencies can vigorously enforce their substantive mandates from the Congress. Section 3518 specifically states that this bill does not change existing relations of the President and OMB with respect to the substance of agency programs. Moreover, it is important to recognize that section 3518 of S. 1411 specifically recognizes the special agency needs attached to the enforcement of the laws by singling out information requests associated with specific enforcement activities and exempting them from OMB review. For example, the bill as reported by committee, exempts information collections associated with Federal criminal investigations, with compulsory process under the Antitrust Civil Process Act and so forth. The section 3518 exemption does not apply, however, to general agency information requests. In all instances except the specific enforcement activities spelled out in section 3518, the general scheme of the bill, with its OMB review of all agency information collections request, would apply.

What we are doing with this amendment is providing the same sort of exemption for the enforcement of civil rights laws. Senator KENNEDY feels, and I agree with him, that we need to recognize the special emphasis our Constitution places upon guaranteeing civil rights for all Americans, and the special role the Federal Government is asked to play in enforcing that constitutional guarantee. In amending the section 3518 exemptions to include civil rights enforcement actions, it should be understood that the scope of the exemption is similar to the scope of the exemptions currently provided in the bill for other enforcement activities.

In other words, section 3518, as amended, would make a distinction between specific information collection requests associated with civil rights enforcement actions which would be exempt from OMB review, and other more general information requests by agencies charged with enforcing the civil rights laws, which would still be subject to OMB review. The mere fact that an information request is being issued by an agency charged with enforcing the civil rights laws does not exempt it from OMB review. The key consideration in terms of the section 3518 exemption is that the request itself be related to a specific enforcement action.

This is my understanding of the effects of the amendment and I think it is important to make that understanding clear at this point in the legislative history.

● Mr. KENNEDY. Mr. President, I would like to express my support for the passage of the Paperwork Reduction Act of 1980, S. 1411, which is designed to reduce the amount of unnecessary paperwork and "redtape" imposed on the American public without unduly interfering with the ability of Federal agencies to accomplish important national goals.

As reported out of the Governmental Affairs Committee, the legislation raises some serious concerns about the role of the Office of Management and Budget (OMB) in overseeing the information collection activities of Federal agencies. While I certainly support strong executive management of the Federal regulatory system, this management objective should be tempered by other legitimate public policy concerns. This legislation would permit the director of OMB to overturn a rule which was adopted by an agency without providing any procedural rights for the people affected by the rule or for the agency that promulgated the rule. Thus, even if any agency has complied with all the appropriate procedural requirements for public notice and comment, and has spent years compiling an adequate agency record, this legislation would permit OMB to overturn that agency decision without even requiring OMB to justify its decision publicly. This violates basic notices of fairness upon which the Administrative Procedure Act is based, as well as concepts of due process embodied in the U.S. Constitution.

Mr. President, I have proposed several amendments, accepted by the Governmental Affairs Committee, which deal with this, and other concerns, raised by S. 1411. Most importantly, I have sponsored an amendment which limits the authority of OMB to overturn reporting, recordkeeping, and other information collection requirements adopted by a Federal agency in a rulemaking proceeding. This amendment establishes a procedural scheme which governs OMB's relationship with the Federal agencies.

First, an agency is required to notify OMB as soon as possible, but no later than the date upon which a notice of proposed rulemaking is published in the Federal Register, of a proposed information collection requirement.

Second, the director of OMB is required to comment on the agency's information collection requirements in the proposed rule within 60 days or forfeit its rights to review those requirements at a later time. In these comments, the director of OMB would suggest alternative methods of collecting information more efficiently.

Third, when the agency adopts its final rule, it must respond to those comments by modifying the information collection requirements or by explaining why it rejected OMB's suggestions.

If the agency does not forward a copy of its proposed information collection requirements to OMB, OMB retains its right to review that request even though it has not filed comments during the rulemaking proceeding. Moreover, if an agency intends to modify substantially the information collection requirements which were in the proposed rule, this amendment insures that OMB has at least 60 days to comment on these modified requirements before the final rule is issued.

This amendment would provide the final power to OMB to overturn an agency's recordkeeping or reporting requirements only if it made a public finding that the agency's response was "unreasonable." With respect to independent agencies, a majority of the members of the agency would retain the right to override OMB under section 3507(c).

This amendment would not affect OMB's right to review forms or other information collection requests which were not specifically required by an agency rule.

In essence, this amendment is designed to force the agency and OMB to consider information collection requirements early in the process with a meaningful opportunity for public comment on OMB's alternatives.

As chairman of the Senate Judiciary Committee—the committee which has primary responsibility for the civil rights laws—I was also concerned about the impact of this legislation on civil rights enforcement. Therefore, I proposed another amendment, which was accepted by the Governmental Affairs Committee, to clarify section 3518(e) to show that nothing in the act will affect the substantive authority and responsibility of the Justice Department and of the Equal Employment Opportunity Commission or any other Federal agency under law or executive order to enforce the civil rights laws of the United States and to supervise the enforcement of the civil rights laws by other departments and agencies of the Federal Government.

This amendment responds to my concerns, and the concerns of many civil rights groups, that the legislation may have jeopardized the responsibility of the Justice Department to supervise enforcement of title VI fund cutoffs by other departments under executive order or the power of the EEOC to monitor enforcement of title VII and, in particular, Federal contract compliance programs. This amendment reflects the particular concern which the Congress has for vigorous enforcement of the civil rights laws by those agencies entrusted with this duty.

The Governmental Affairs Committee has accepted other minor amendments which were intended to make the OMB oversight of information collection activities more open to the public by creating procedural rights for interested members of the public and the affected agencies.

In closing, Mr. President, I would like to reiterate my support for this legislation as amended, and to commend Senator CHILES for his work in this area. As one who has fought long and hard for airline deregulation, trucking deregulation and comprehensive regulatory reform legislation, I support all responsible measures to make regulatory activities of the Federal Government more effective and less burdensome without hamstringing agencies in their efforts to accomplish statutory goals.●

Mr. DANFORTH. Mr. President, I am willing to accept the Kennedy amendment, which is intended to clarify the authority of the Director of the OMB to review Federal rules and regulations to determine their impact on Federal paperwork. Essentially, as I understand it, the purpose of the Kennedy amendment is to prevent OMB from undoing a collection of information requirement specifically contained in an agency rule after that requirement has gone through the administrative rulemaking process if the OMB Director ignored the rulemaking process. This seems fair enough.

I note, however, that this limitation on OMB's authority is confined to requirements specifically contained in agency rules. It does not disturb OMB's authority to block information collection requests issued pursuant to rules, neither is it license to agencies to avoid OMB review of paperkeeping requirements bootstrapped to vague requirements in agency rules.

With this understanding, the amendment is acceptable.

Mr. CHILES. Mr. President, I move that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1777) was agreed to.

UP AMENDMENT NO. 1778

Mr. CHILES. Mr. President, I send to the desk some clarifying amendments that bring the bill into conformation with the agreements that we have made with the respective parties and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES) proposes an unprinted amendment numbered 1778.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

On page 33, in line 20, strike out "common" and insert "standard and uniform".

On page 34, in line 1, strike out "list" and insert "description".

On pages 36 and 37, strike out subsection (b) of section 3503 and insert the following new subsection:

"(b) There shall be at the head of the office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy."

On page 37, strike out subsection (a) of section 3504 and insert the following new subsection:

"(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing, telecommunications and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law."

On page 37, in line 16, strike out "establishing uniform" and insert "developing and implementing uniform and consistent".

On page 40, in line 9, strike out "overseeing" and insert "developing and implementing".

On page 41, in line 12, strike out "establishing" and insert "developing and implementing".

On page 41, in line 15, after the word "by", insert "or on behalf of".

On page 41, in line 24, strike out "establishing" and insert "developing and implementing".

On page 45, strike out lines 10 through 16, and insert the following:

"(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;"

On page 51, strike out lines 12 through 16, and insert the following: "day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the information".

On page 53, in line 7, strike out "or policy".

On page 54, in line 1, add "authoritative" before "register."

On page 57, in line 3, after the word "practicable" add "the direct budgetary costs of the agencies and".

On page 58, in line 16 strike out "may" and insert "shall".

On page 60, in line 16 strike the words, "affects in any way an existing" and insert "shall be interpreted as increasing or decreasing the".

On page 62, in line 18, strike out "may" and insert "shall"; in line 22, strike out "186" and insert "18b"; and strike out the last sentence of section 3(a).

On page 63, in line 2 strike out, "may delegate, but only" and insert "shall delegate"; in lines 5 and 6, strike out "sections 110 and" and insert "section"; in line 7, strike "757 and"; and delete the last sentence of section 3(b).

On page 64, in line 13, strike "October 1, 1980" and insert "April 1, 1981".

Wherever found in this bill the "Associate Director" shall be deleted and in lieu thereof "Administrator" shall be inserted.

On page 62, line 12.
On page 62, lines 18 and 19.
On page 63, line 2.
On page 64, line 10.

Mr. CHILES. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida (Mr. CHILES).

The amendment (UP No. 1778) was agreed to.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I ask unanimous consent that S. 1411 be temporarily set aside to take up the power bill and then we will come back to S. 1411.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 885.

The PRESIDING OFFICER (Mr. BOREN) laid before the Senate the amendment of the House of Representatives to the bill, S. 885, to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

(The amendment of the House is printed in the RECORD of November 17, 1980, beginning at page H10661.)

Mr. JACKSON. Mr. President, S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, now pending before the Senate is the product of more than 5 years of public debate, hard work, and cooperation among a wide variety of regional interests and bipartisan congressional efforts to develop workable solutions to extremely complex utility planning problems. The bill before us is the result of a legislative process of consensus and compromise in which an effort has been made at every stage to accommodate the views of every interest group and every member of the Northwest delegation to the maximum extent possible. The Northwest power bill has been the subject of closer legislative scrutiny than any regional legislation in my memory. I believe that the bill has benefited at every stage of the legislative process from the careful attention which has been devoted to every detail and I am proud to be associated with the end product of this process.

Reduced to one sentence the heart of the regional power bill is the authority for BPA to acquire from non-Federal entities additional electric power resources, including conservation, to meet the electric needs of Northwest consumers.

Why is it necessary to give this authority to Bonneville instead of relying solely on existing utility systems, public and private, to meet growth needs?

The reason is that we are on the verge of a decade-long legal and administrative battle over the allocation of the large but limited pool of low-cost Federal power. Unless the allocation issue is resolved promptly through legislation, no utility will be able to dependably plan its future needs and power supply. The ultimate division of the limited Federal resource depends on unpredictable variables such as the outcome of the BPA allocation proceeding, legal challenges to that decision, new preference customer formations, and efforts by big industrial users to become customers of preference customers.

The only effective and workable way to resolve this dilemma is to expand the resource pool through BPA purchase authority and to legislatively allocate its costs among customer groups. This eliminates the need to fight over a limited resource and the uncertainty about the outcome of that battle which prevents rational utility planning at present.

The advantages of the regional power bill for the Northwest will be enormous:

First. First and foremost, the region is extraordinarily dependent on electric energy. In the absence of legislation resolving the allocation issue, the whole fabric of the utility industry and the Northwest economy will be in turmoil for a decade.

Second. Regional financing of resources through BPA will result in lower resource financing costs, primarily lower interest charges and reduced equity financing costs, which will likely save the region billions—not millions—of dollars.

Third. Regional financing and priority status for conservation and renewable resources will enable the region to pursue the most aggressive and comprehensive conservation/renewable resource program in the Nation. A recent OTA analysis of the bill supported this conclusion. I ask unanimous consent that a copy of the OTA report be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Fourth. The rate provisions of the bill make it possible to immediately extend the economic benefits of low-cost Federal power to consumers served by investor-owned utilities; this is accomplished by raising rates to the aluminum companies. At the same time, preference customers rates are limited by a "rate ceiling" to no greater than what they would have been without the bill. Preference customers and residential users of electric power are always entitled to the lowest available BPA rate while commercial and industrial consumers generally pay higher rates reflecting new resource costs.

Fifth. The utility planning process established by the bill would permit early public and governmental involvement so that public agreement on power needs and the best means of meeting them can be reached before detailed planning for specific resources starts. State regulatory, licensing, and siting authorities are fully preserved.

The public involvement provisions of the bill merit a special comment. The bill requires, through a variety of provisions, for example, sections 2(3), 4(g), 4(c)(8), 6(c), and 7(i), continuing consultation among BPA, the council, and BPA's customers, among others. The purpose of these provisions is not simply to require input from the public and from BPA's customers at particular, specified points in the planning and decisionmaking process. Rather, the intent is to have such consultation be an ongoing, comprehensive pattern in the conduct by the council and by BPA of all their respective functions. The spirit should be one of cooperation and respect, not one of aloof Government insulated from interested parties by layers of formalism and procedure. It may very well prove profitable for the council to institute, for example, the types of informal as well as formal consultation that BPA already undertakes through its customer meetings, so that information, concerns and expertise can all help shape the decisionmaking process from its earliest stages, rather than only at specified, formal stages.

I would like to make one clarifying comment on the Senate report on S. 885. Due to a printing error the character of the direct service industry reserves was described in Senate Report 96–272 in a manner which caused some uncertainty and confusion. The DSI reserves were correctly described in the House Interior Committee report on S. 885 and as far as I am concerned that report accurately reflects the position of the Senate on this point.

I would like to thank all of my colleagues from the Northwest in the Senate and the House who worked so hard to resolve the extremely difficult political and economic issues associate with this bill. In particular, my colleagues on the Senate Energy Committee, Senators CHURCH and MELCHER on the majority side and Senators HATFIELD and MCCLURE on the minority side, deserve praise and appreciation for their tireless efforts in behalf of a bill which addresses the unique needs of their own constituents and the region as a whole.

On the House side, Congressman SWIFT has done a remarkable job as a freshman Congressman in shepherding this legislation through the Commerce Committee and the full House. Congressman FOLEY has played an indispensable leadership role during consideration of the legislation on the floor of the House. Other members of the delegation have contributed their ideas and efforts at every stage of the process and without their support, passage of the bill would have been impossible.

I would like to extend a special word of appreciation to Congressman JOHN DINGELL whose leadership as chairman of the Energy and Power Subcommittee of the House Commerce Committee was also indispensable. Congressman DINGELL has worked hard to make S. 885 the best possible legislation. In addition, the ranking minority member of the Energy and Power Subcommittee, Mr. BROWN, provided essential support which was crucial to the bill's success.

Mr. DINGELL and Mr. LUJAN, ranking minority member of the Water and Power Subcommittee of the House Interior Committee, are to be congratulated for proposing and perfecting the fish and wildlife provisions of the legislation. These provisions provide a mechanism for a reasoned and systematic approach to mitigating the damage to fish and wildlife caused by dams on the Columbia River while retaining an adequate, economical and reliable power supply for the region.

Finally, Chairman UDALL of the House Interior Committee, Water and Power Subcommittee Chairman KAZAN and Mr. LUJAN, all provided vital support and assistance during the Interior Committee's consideration of the bill and during consideration of the bill by the full House.

I am pleased that we have put behind us the arduous legislative task of designing a new regional power planning program. I will close by noting that the passage of this legislation is merely a beginning. We have established a framework and a mechanism for regional power planning. We have created the means for dealing with our serious power planning problems before they become unmanageable. Whether this process works will depend on the continued hard work and dedication of the many individuals and groups including utilities, governmental entities, private organizations, and others who have played such a vital role in shaping this bill as it progressed through the legislative process. This will be a formidable task but one which is crucial to the future of the Northwest. I know I speak for my colleagues when I say that we in the Northwest congressional delegation will be following this process closely and we will be available to assist in making this program work whenever possible.

Mr. President, I wish to point out what appear to be typographical errors in the engrossed House bill.

In section 4(h)(4)(A) on page 31, line 21, the comma after the word "regions" should have been stricken and a comma should have been inserted after the word "state."

In section 6(i)(4) on page 52, line 16, the word "that" should have been stricken.

In section 7(a)(2) the word "rules" should have been "rates."

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, D.C., March 20, 1980.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Following the Senate passage of S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, you asked me (letter of November 9, 1979) to review and comment on the conservation provisions of that legislation. Our analysis is now completed, and I am pleased to transmit it to you. We have not reviewed portions other than the conservation provisions of S. 885.

The concept contained in this bill represents one of the most important conservation ideas produced by the Congress, and I will be pleased to try to provide, within our means, any additional assistance you may request.

Sincerely,

JOHN H. GIBBONS.

OTA ANALYSIS: PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT S. 885

CONSERVATION PROVISIONS

The proposed legislation is a unique attempt by the Congress to encourage the Pacific Northwest Region to set a national standard in determining the wise use of limited resources, protecting the environment, insuring equitable distribution of the costs and benefits of power needs, and testing the opportunities for shifting onto conservation and renewable resources to provide a stable and sustainable future.

S. 885 appears to effectively encourage conservation, both through technical approaches and behavioral changes, in an effort to stretch our energy resources, and provide an opportunity for a significant national experiment in regional cooperation, planning and use of renewable resources. The legislation reflects a dramatic change from the historical approach used within the region to meet power needs and generation. The principal mechanisms of the bill designed to promote conservation—the 110 percent preference calculation, the use of billing credits and the imposition of surcharges—should clearly reduce the barriers now inherent in our economic system that often act to restrain desirable conservation measures.

One of the principal reasons that utility customers often choose less than optimum conservation investments is that they do not pay the replacement cost of the energy they use. Rather, they pay the average price for electricity from the utility system, and the average price is almost always less than the marginal cost of new electric generating capacity. This is especially true for the Pacific Northwest, which has enjoyed extraordinarily low-cost power based on federally-financed hydro-electric generating capacity. New thermal capacity for the region is several times more costly than the average cost of the existing system. Therefore, the 110 percent preference, billing credits and surcharges allow ways of closing the gap between the price a customer pays and the cost of replacement power. In this way, conservation can be expected to more nearly reflect its true value to the customer.

You inquired what was occuring in other regions and areas that might be comparable to the Pacific Northwest proposal. The principal area of comparison is the Tennessee Valley Authority, which generates and transmits power for an 80,000 square mile area. TVA has initiated an ambitious effort to promote conservation and renewable resources. Principal delivery mechanisms are an interest-free loan for home audit and weatherization, and subsidized placing of solar and wood systems, combined with load management and rate analysis. TVA's programs are entirely voluntary. The aim of the effort is to lower demand throughout the system, in response to rising costs of electricity and availability of conservation alternatives. If customers do not take advantage of the opportunities, TVA has no method for direct financial penalties or rewards to member systems. S. 885, therefore, would seem a much stronger level to encourage conservation choices in the Northwest.

Other regional electric associations, i.e., regional power planning and power pooling areas, lack authority to undertake similar initiatives. It seems certain, however, that only regional planning and cooperative action can adequately and fairly develop resources and prevent inequitable distribution of costs and benefits from resource development. Some utilities have begun to consider the basic approach embodied in S. 885, which is to consider conservation as "supply." This concept is perhaps the most important new idea regarding power and capacity questions of recent years.

One way in which regional decisions will be made possible is contained in S. 885, which allows the Administrator flexibility to determine acceptable rates of energy use for localities and customers, so that both growth areas and mature localities can use energy efficiently without discrimination. (It is important to ensure that direct service industrial customers also be expected to meet conservation standards.)

Several factors within the Northwest indicate that the new approach can be successful. The region has many localities and individuals with a strong commitment to the preservation of environmental quality and the use of renewable resources. Both technical expertise and support for these options exist within the population, and can presumably be tapped to nurture demonstration projects of the type authorized by the bill. Some of the most progressive utility conservation initiatives in the coutry are already part of the regional efforts, such as those initiated by Seattle City Light and Pacific Power and Light. The expertise in these areas can be shared within the region and across the country. Adding the expanded bonding capacity of the Bonneville system to these local efforts will make possible even more dramatic and effective investments in conservation at the local level.

It may be that eventually a stronger regional presence and coordinated plan of action will emerge than the present bill envisages. In addition to the "model conservation standards" mentioned in the bill, regional analysis will be needed. For example, region-wide analysis of wind power opportunities could assist all systems in choosing from renewable options.

A number of federal programs are now, or will shortly be, in place which will add to the regional data base and assist the effort. The Building Energy Performance Standards (BEPS), which will be sent to the Congress this year, will provide a standard for energy efficiency in new construction that the region should be able to use as a model. The Residential Conservation Service (RCS), to be implemented next year, mandates that most utilities begin offering home energy audits and information on weatherization. A regional audit model could be developed that would support the federal effort, take advantage of the knowledge base within the region, and provide for a sensitive response to the special climate and construction characteristics of the region. Regional analysis could also take advantage of the data now being generated through such programs as the Schools and Hospitals grant program.

In view of the need for regional information sharing and cooperation, one provision of the bill is unclear. The report accompanying the bill (96–272), states in the Section-by-Section analysis that, "It is not intended that the Administrator investigate or monitor the conservation activities of compliance with conservation standards of individual performance of his customers and of political subdivisions within the region, when the Council has recommended implementation of the standards." (page 25). While there are desirable limits on the role of BPA in investigating the compliance of individuals, it will be necessary for some entity to carefully monitor the responses to the energy conservation measures, for two reasons. First of all, such monitoring will be necessary in order to determine whether or not surcharges or credit billings are justified, and secondly, the region (and the nation) has much to learn from knowing what measures are effective. Further, learning from the experiments will allow for sound decisions in the future, and the importance of such learning cannot be overstated. This will apply to technical measures such as home weatherization and load management, and nontechnical options such as information programs. Good analysis of such data would seem to be a prerequisite of the required updating of the Regional plan, and will augment the demonstration work.

Careful and concerted regional decision-making is necessary for the country to respond to our rapidly changing energy situation. Such decision-making is difficult. The conservation portions of the legislation can serve as a unique model for these efforts.

Mr. JACKSON. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, we have come to the end of a long and most difficult legislative road. It was frought with obstacles which would have deterred any less dedicated sponsors than those of the bill we now bring up for final consideration.

S. 885, the so-called Northwest power bill, began with the recognition in the Pacific Northwest that there was certainly a better way to resolve the impending problems related to our electric power system than to fight over allocation of the Federal hydropower, to cut off the industries we solicited to locate there, and to continue a piecemeal approach to planning for the development of a power system which is, for the most part, a well-integrated whole. From the Pacific coast to the Continental Divide, and from the Canadian border to the California and Nevada borders, we sink or swim together when it comes to electricity.

We turned to a legislative solution because of the unique history of electric power in our region. We have an enormous Federal presence there. Our solution sought a partnership between the Federal Government—the developer of the Columbia River power system of hydroelectric dams and high-voltage transmission lines—and the existing electric utilities—the developers of the other half of our power generating system and the entities responsible for taking care of our power future. Our solution sought the injection of the public's participation, directly and through the Governors of the States, into the power planning process which was once the exclusive domain of utility executives. And our solution kept the ratepayers of the region paying all the costs. There are no Federal subsidies involved.

S. 885 was carefully crafted in the Senate to accomplish these ends, and I am pleased that it has emerged from the House with its basic components completely intact. The House has, in its inimical fashion, added some 60 pages of verbage to the Senate's 48, in some instances improving the myriad detail and in others deteriorating it; but in all it is the bill we have been working to obtain for nearly 4 years—it is complete. It is, indeed, the most important piece of legislation to affect the Pacific Northwest since the 1937 Bonneville Project Act.

Recent allegations that the bill represents a great extension of Federal control and involvement, leading to nationalization of the region's utilities, and a Federal subsidy to the region, are completely unfounded. The investor-owned utilities in the region have supported the bill in its various forms over the last 4 years in order to prevent socialization of the power industry. The cosponsors of the bill have consistently insisted that all costs associated with it are paid entirely by the region. The Federal Government, after all, tends to control whatever it pays for, and this we have sought to avoid.

A flurry of slogans about "guaranteed purchase," melded pricing," "nationalization" and "subsidy" have confused the actual effect of the bill. There are no loan guarantees. There are no subsidies. All costs are paid by the region without drawing 1 cent of taxpayer money. There is no Federal funding of generation. All financing to build plants will be done by non-Federal entities, not the Bonneville Power Administration.

What the bill does do is extend BPA's current authority to act as marketing agent for Federal power to include non-Federal power. In short, it allows Federal and non-Federal power to be pooled and BPA to act as the pool's marketing agent.

The pool will not assume obligation for future power supply. BPA is given no authority to construct plants. All future plants will be built by local utilities. The pool can only acquire power from plants owned by others and cannot acquire more power than it has in turn an obligation to supply. Thus, the essential utility responsibility remains in the local utilities.

The bill limits present Federal authority. While BPA is now a part of the Department of Energy with no statutory requirement to confer with local citizens, the bill would subject it to a regional power plan prepared by a State-appointed council and adopted after a rather formidable array of public hearings.

The bill is vital to the survival of private enterprise in the Pacific Northwest. It turns power responsibilities back to the region, so far as it may constitutionally be done, to be supported financially by the region. The bill cannot cost the Federal taxpayer anything.

Mr. President, I would like to take a few moments to develop some of the detail concerning the points I have just made in order to explain, particularly for the benefit of my Republican colleagues in the Senate, the essential conservative support for S. 885.

The starting point of the Northwest problem which has landed in the lap of Congress is that the Federal Government over the years has built massive generating projects which now represent about one-half of the total generating capability of the region. The key factor, therefore, is that the Federal Government is already there, and we must deal with it.

The second salient fact is that the Northwest electric power supply was for many years entirely based upon hydroelectric generation projects of which about one-half were built by the Federal Government and one-half were built by non-Federal, local entities. I mention this because there is, outside the region, a common assumption that the low cost of power in the Northwest was due to a form of subsidization by the Federal Government in building multipurpose dams.

While that was indeed a factor, the fundamental factor was that hydroelectric generation in the period from the thirties to the late sixties was simply the most economic form of generation that could be installed. During this period, electric power rates of the investor-owned utilities generating from private facilities were little different from those of the publicly owned utilities generating from public facilities or buying from BPA.

Hydro projects which were environmentally acceptable and economic as compared with the cost of alternative conventional generation at 1969 costs were to be fully built by about 1975. In the late sixties the region's electric utilities and the Bonneville Power Administration determined that the most economic future energy supply would be very large thermal generating plants, coal or nuclear, operated at "baseload"—in other words, all of the time—with the Federal system providing "load-factoring"—that is, changing the level of generation as the electric load of the region varied from peak in the daytime to low load at night and from peak in the winter to low load in the summer. This planning concept was called the "hydrothermal program" and it was put into effect about 1968.

The concept, therefore, was to treat the entire region as a single electric system with all plants sized, located, built and operated for the benefit of the whole region and not specifically suited to the needs of the particular sponsors of the plant. The Northwest has had, by the way, an integrated transmission system since the late forties. The hydroplants have been operated in full coordination, as though one system, since 1964.

Between 1968 and about 1972 the principal effort of the region was to get the necessary thermal plants located and the necessary applications for governmental approval in the mill. Related to this was the development in the four States of legislation establishing State utility siting councils by which the States would participate in the decision-making process as to where and what kind of generating facilities were to be built.

In 1972 we turned to the problem of how to make this mix of thermal baseload and Federal hydroload factoring actually work. There are many different aspects of the problem, some of considerable technological complexity. For the immediate purpose, I use a rather simplified example: It was at least theoretically possible for a particular thermal plant to be run for an entire year without serving any needs of its owners, and, on the contrary, a particular plant—typically, the one with the highest incremental fuel cost—not to be run at all during a year, again without regard to the needs of its owner. While contracts could be formed to distribute the burdens and benefits among all the members, to meet even this one "simple" problem the contracts would be extraordinarily complicated.

In addition, the public agencies, with constitutional inhibitions against "lending of credit," and Bonneville, with no general purchase authority, found themselves without legal capability to execute such contracts. We had to have a mechanism to accomplish "pooling" if the basic plan were to operate, and we eventually arrived at the very reluctant conclusion that the only viable way to pool was to dump all of the power into BPA and have that agency resell it. As the power passes through BPA transmission, it automatically gets "pooled." Thus, BPA in the bill is to be given authority to purchase power on long-term contracts—an authority it does not now have.

Another major problem was that one-third of the aluminum-ingot capacity of the United States secures its necessary power supply directly from Bonneville. The aluminum companies, together with other industries directly served by Bonneville, mostly chemical and rare metals, represent about one-third of the total load of the region. Under the law giving preference to public bodies, Bonneville cannot sign a contract with a nonpreference body if it can foresee in the reasonable future that that power will be needed to serve a preference body.

BPA, under present law, markets the power generated at the Federal multipurpose dams. All these dams built and operated by the Corps of Engineers and the Bureau of Reclamation, have been virtually completed. BPA's power supply is now essentially static. The loads of preference agencies continue to grow, and BPA accordingly notified the direct-service industries that their existing contracts would not be renewed when they expired, beginning in 1983. It is in neither the region's interest nor the national interest that one-third of the Nation's aluminum-ingot capacity be shut down. On the other hand, no local utility system has the resources to take on such extraordinary loads. The purchase authority given to BPA provides it a means of providing power to the direct-service industries without offending the principles of "preference."

The next problem, also solved by purchase authority, is the one sometimes cited as the principal problem of the area. In the absence of a regional bill, BPA will be forced to adopt some policies as to who can buy how much of the limited amount of power that BPA will have available. BPA has already promulgated a draft allocation policy to divide up the deficit, and must, in the absence of a bill, adopt a final policy in 1981. Some individual entities must be severely damaged by whatever policy is adopted, since some entities will find what they now have taken away from them. That is the nature of allocating a deficiency. To be blunt, there are major areas of disagreement with the draft policy. Purchase authority for Bonneville, by eliminating the deficiency, eliminates the need to allocate the deficiency.

Another problem solved by purchase authority is a peculiarly regional problem. When the hydrothermal program was formulated in 1968, it was anticipated that Bonneville rates would climb around 1975–80 to something around 5 mills per kilowatt-hour, and that generation from new thermal plants might run in the neighborhood of 8 to 10 mills per kilowatt-hour. This disparity in bulk power costs was not expected by the utility systems at that time to have any significant effect on retail rate levels. The future had a rude surprise.

The 1968 estimate was based upon a projected cost of a nuclear plant of $175 per installed kilowatt of capacity. That cost now exceeds $2,000 per kilowatt. Plants under construction by the Washington public power supply system are estimated to cost $3,000 per kilowatt, and plants to come on the line after 1990 are estimated at $4,000 per kilowatt. The result: Because of the preference clause, private utilities were cut off from a supply of Bonneville firm energy in 1973 and, therefore, have had to carry their load growth on the new expensive thermal plants, while BPA will carry the preference agency load growth until 1983, when BPA's present supply runs out.

Retail rates of private utilities have been, as a consequence, forced up to a level as much as three times the level of retail rates of adjoining public systems. This has created substantial political tension, and has led to a vigorous revival of a movement to place the entire power systems in the Northwest under public ownership. In Oregon there were 12 elections to form local public people's utility districts on the ballot in November. The major argument against their formation today is that the regional power bill will provide the same benefits, and a new political agency to go into the power business is therefore not required.

If the bill fails, I believe there is no way to prevent the rest of the State of Oregon from becoming a public-power State; and Washington, Idaho, and Montana would probably have to follow suit. Section 5(c)(3) of the bill provides power to private utilities for their residential loads at exactly the same rate as power sold to preference bodies. Since BPA does not have an energy supply, the private utilities supply the energy needed. The difference between the cost of power they sell to BPA and the cost of the power they buy back is supplied by the rate power will be sold to the direct-service industries. In turn, BPA can sell power to the DSI's only because of purchase authority which is, then, the essential link to achieving rate parity in the region.

It should be clear, now, why the region came to the reluctant conclusion to grant to Bonneville the general authority to purchase power, but it is now necessary to explain why this is not, in fact, a great extension of Federal involvement.

First, the extension of BPA's current authority is much more narrow than purchase authority sounds. BPA is now no more than the marketing agent for power generated at Federal plants, with the exception of a net-billing arrangement with the public-system owners of three thermal plants—a device which arose under unusual circumstances not to be repeated. Bonneville will in the future, under the bill, also be marketing agent for power generated at non-Federal plants if and to the extent that such power is offered to it by a local utility.

The actual operations under the bill may be described with considerable accuracy as BPA acting as agent in operating a power pool for Northwest utilities. BPA is the essential agent for this purpose because the use of the Federal system in tandem with baseload plants depends on the enormous storage in the Columbia River system—90 percent of which is controlled by BPA. It is this distinction that makes the principles of the bill applicable only to the Pacific Northwest.

Second, Bonneville does not take over the obligation for future power supply. BPA is given no authority to construct. The local utilities will build all future thermal generating plants, as they now do when and where they decide. Bonneville cannot purchase the output of a plant unless it can be matched against an existing contractual obligation to supply power. Opponents of the bill falsely claim that the bill bails out local utilities which are unable to finance necessary new plants. The regional utilities are currently constructing and financing all generating plants that have been licensed and would continue to do so with or without the bill. I expect that the money market will regard with some favor a strongly integrated industry, which the bill will allow to happen, but this is not the reason this bill was brought to Congress.

Bonneville's legal obligation, under the bill, to provide a future power supply is limited to the power supplied to it by its customers. Under section 5 (b), (c), and (e), if any individual utility fails to supply BPA with enough power, Bonneville can restrict its obligation to that utility to the amount of power so supplied. Thus, the essential utility responsibility remains in the local utilities.

Third, the bill limits present Federal authority. BPA was an agency in the Department of Interior and now in the Department of Energy with no legal requirement that it confer with the States or the local utility systems or the citizens about any of its future power supply plans, nor how it would manage its system, nor even how it would make its rates. As a practical matter, however, particularly since 1960, all of the BPA Administrators have been very conscious of the sensible course of cooperating in future planning and operations. With the bill, the future power "plan" will be made by the States—the regional council is appointed exclusively by the States—and BPA must conform with the plan, although Congress can authorize a deviation; studies, reports, and advice must be sought from utilities and other regional groups with expertise; widespread advisory groups are to be formed; and a rather formidable array of public hearings must precede any decision on a major power or conservation project. None of these limits presently exist.

There is one area where unquestionably the Administrator is acquiring broadened authority, and that is in conservation. Here, too, purchase authority is essential. The conservation program will be funded by the power revenues of the Administrator, which under the bill come from the entire region, which means, therefore, that the region's consumers will fund the conservation program of the region. If all the wholesale revenues did not flow through BPA, this result would obviously not be possible. An important part of this funding is the authority at Bonneville to use $1,250,000,000 of bonding authority to provide for a vigorous conservation program which may include direct loans or grants. The bonds, to the extent not paid off by repayment of loans, must be paid, by provision of existing law, solely from power revenues of BPA. An effective conservation program in a wholly integrated electric system must cover the entire system, or else the savers merely free up power for nonsavers to use. Obviously, if BPA revenues come from only a segment of the region, the conservation program would be confined to that segment, which simply would not work.

A most critical paragraph of the bill to me is the definition of "cost-effective," which will be the test future power resource developments, including conservation resources, must stand. The test provided in the bill is the most comprehensive ever mandated in legislation related to powerplant decisionmaking and is biased toward conservation. It will compare all incremental costs to the region's power system, including required new transmission, of any proposed new resource, with those of any alternative. Conservation and end-use applications of renewables will be treated like any power generating resource, but in that no transmission costs are associated with them, they will have a particular cost advantage. Nuclear plant proposals must include all waste storage, fuel cycle and decommissioning costs. Proposals must show all environmental costs and benefits that are quantifiable and directly attributable to the resource.

Despite the completeness of this test, there is a further recognition that classic economic comparisons omit certain important values, some nonquantifiable, such as the benefit of using less of our Nation's depletable fuels, and intangible environmental and social benefits of employing conservation rather than building large new powerplants. In this regard, the cost-effectiveness test contains a proviso that any conservation measure may cost up to 110 percent of that of the least-cost nonconservation resource and still be financed and achieved ahead of the nonconservation resource.

Mr. President, this bill is vital to the Pacific Northwest. It discharges an obligation the Federal Government undertook when it built the Columbia River System, and it does so by turning power responsibilities back to the region, to be supported financially by the region.

Mr. President, I should like to restress three particular points. First, the Northwestern part of the United States, like other parts, is going to face a problem in energy supply in the years ahead. It is well known that Bonneville Power Administration has not been able to renew many of its long-term contracts because of its inability to supply the power.

So what we had before us was the chaotic situation of an allocation of a growing shortage of energy. The people of Oregon have, over the years, chosen, in the major part of our State, to be served by investor-owned utilities. The people of Washington, on the other hand, have chosen to be served by, primarily, public-owned utilities.

In the Bonneville Project Act, the famous preference clause gives preference to those public distribution agencies over IOU's. We could have been involved, therefore, in court battles over the cheaper Federal power. We could have had virtually a civil war. This bill instead provides for an orderly program for development of additional sources of energy.

Second, what the bill does is to bring the public into a participating role, an effective role to help project the needs and assess the best priorities as to how we are going to develop new sources. That is through the establishment of a planning council made up of representatives of the Governors of the State of the region.

Third, it sets up a priority list on resource development. In so doing, we are able to establish conservation as resource equivalent to new generating resource and we provide for a 110-percent cost preference for that energy which can be saved by undertaking conservation efforts.

The bill also makes more precise the cost effectiveness analysis that must be applied to any source of energy planned for the future. In the area of nuclear energy, where I happen to line up with those who are less than enthusiastic about the proliferation of nuclear reactors—in fact, I just do not want to see this happen—we are in this bill providing for the inclusion in any kind of cost analysis the costs of handling waste and disposal of spent fuel out of the reactors and of dismantling those reactors at the end of their 30-year life cycle.

Those are significant breakthroughs. Those are pioneering efforts made in this bill.

Mr. President, this is vital to the Pacific Northwest. This bill has had a rocky road. But I think it has demonstrated that all the various distributing agencies, the public utilities, the co-ops, the IOU's, the municipalities, can all come together in a cooperative role to helping to develop a solution to our complex problem. A few have fallen off, of course, during the journey of this bill. Where some were once for it, they may be taking a less than enthusiastic position about it now. But basically the hardcore of all these various groups have remained the overwhelming number participating in the evolution of this bill.

Lastly, Mr. President, I would like to pay particular tribute and give an expression of appreciation to Chairman Jackson for his courage in one particular part of this bill. For many years the people of Oregon have been discriminated against in the rate structure because of our system of distribution. This bill sets a uniform rate structure for BPA power sold to any utility for its rural and residential customers. This bill will mean, in effect, a saving of $1 billion in the next 10 years for the ratepayers of Oregon, with the revenue slack being made up by the direct-service industrial customers who will not get renewed long-term contracts in return for the higher rates that they will pay.

I would also thank the new chairman-to-be of the Senate Energy Committee, Senator McClure of Idaho, who has been very helpful and very fundamentally involved in the development of this bill; and also our colleague from the State of Montana, Senator Melcher. Others, including Senator Magnuson, Senator Packwood, and Senator Church have added support along the way. But to the members of the committee who have given leadership to this bill I want to express my deep appreciation, and to the staff of both the majority and minority members of the committee who have been so helpful and persevered so long.

I yield the floor, as the Senator from Florida (Mr. Chiles) is very anxious to get back to his bill. He yielded the floor to us for handling of this bill in a very brief fashion.

Mr. MELCHER. Mr. President, I want it to be known that the bill does have a provision for Bonneville Power to make impact payments to community governments. This is sometimes called payment in lieu of taxes. In another bill which will be on the Senate calendar, the MOAPA bill, the language is somewhat different. I hope that when that bill does come before the Senate, we will be able to have stronger language in it.

Mr. McCLURE. Mr. President, I rise in strong support of S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, as passed by the House of Representatives on November 17, 1980, with an amendment in the nature of a substitute. The House-passed bill, while it contains numerous technical drafting changes to the bill passed by the Senate last year, still retains the essential ingredients necessary for the best interests of the State of Idaho, the Pacific Northwest region, and the support of this Senator.

The House-passed bill preserves the organizational essence of our Senate bill with the establishment of a regional council with representatives of each of the Pacific Northwest States. The council will have primary responsibility for preparing a regionwide electric power plan, including a related program for fish and wildlife protection, and importantly will review the actions of Pacific Northwest agencies for consistency with the regional plan.

The bill also includes the basic provisions fashioned by the Senate to provide for power exchanges for residential customers of investor-owned utilities, procedures for the acquisition of new power sources, and the basic power allocation system and rate package for the region. Finally, the House bill doubles the existing revolving fund authority available to the Bonneville Power Administration to support the regionwide programs newly established by this bill.

Mr. President, this bill is a necessary and appropriate legislative action to deal with the harsh realities facing the Pacific Northwest region in the decades ahead, regarding the availability, allocation and pricing of the region's Federal hydroelectric power base and needed additions of thermal power for the future growth and development of the region.

In the absence of this legislative action, the region would be reduced to a continuing cycle of lawsuits, customer competition, and interstate conflicts without any formalized mechanism to fashion equitable regionwide remedies.

Many of us who abhor big government generally and the increasing intrusion of the Federal Government into the planning and actions of State and local government and private parties generally, would be opposed to legislation such as the pending bill after more than 5 years of legislative activities relating to this issue; however, it is abundantly clear to this Senator, and I believe to the vast majority of my colleagues in the region, that the only reasonable and responsible solution to this problem is legislation in the form of the pending bill.

I would like to turn now to several important provisions in the House-passed legislation for purposes of developing the Senate understanding of the provisions as legislative history. One of several amendments adopted on the House floor which were offered by my distinguished colleague from Idaho (Mr. Symms) adds a new subsection (i) to section 10 of the bill. The subsection is a savings clause stating that:

> Nothing in this act shall be construed to affect the validity of any existing licenses, permits, or certificates issued by any Federal agency pursuant to any other Federal law.

It is important to recognize that this savings clause will insure that nothing in this act can or shall be construed to require any Federal agency to modify the terms and conditions of any valid existing Federal license, permit, or certificate. Also, no Federal agency shall have any express or implied authority pursuant to this act or, in any connection between this act and any other laws, to make any such modification of a valid existing Federal license, permit, or certificate.

As a result, a Federal agency cannot cite any provision of this bill as the legal basis for proposing or imposing such a modification in any pending proceedings or any future proceedings related to such existing licenses, permits, and certificates. For example, the legal effect of this savings clause would be to prevent any effort under paragraph 4(h)(11) of the bill to impose such modifications and the regulation of non-Federal parties, specifically including regulation by the Federal Energy Regulatory Commission under the Federal Power Act, and other laws applicable to the operation of non-Federal hydroelectric projects and regulation by other agencies of any other facilities which may be subject to this bill.

Consequently, no Federal agency may use the authority in this bill to affect or modify the terms and conditions of licenses, permits or certificates, nor to affect any existing water rights, power rights, or other contract rights which may exist under such terms and conditions for a specific project.

Section 6(h) establishes procedures for billing credits as one of the several authorized forms of initiatives for obtaining power or energy conservation under the bill. The language of section 6(h) states that, "If a customer so requests, the Administrator shall grant billing credits to such customer. * * *" and then specifies the activities for which billing credits will be available. It is the understanding of the Senate that this language in section 6(h) is merely a technical modification of the companion Senate-passed language which stated:

> The administrator is authorized to grant billing credits and provide services to any of his customers.

Consequently, the Administrator, pursuant to section 6(h) has the authority to provide such credits and services, but is not obligated mandatorily to take such action. This discretionary authorization is important, because a mandatory obligation on the Administrator would have the unintended effect of modifying de facto the carefully crafted rate structure for the many customers in the region under this bill, merely upon the request of any customer in the region. The mandatory obligation also would have the effect thereby of obligating the Federal Government to provide a benefit conditioned only upon a satisfactory request of a customer.

Such an interpretation of the House-passed bill would be fiscally irresponsible and would create utter chaos in the operation of the regional electric power system under the bill. Additionally, the several procedural requirements in subsection 6(h) should be construed to provide an essential form of protection to all the region's customers to avoid an unjustified windfall for individual customers.

It is particularly important in reviewing subsection 6(h) to correctly apply the specific directions of subsection (k). Subsection (k) requires the Administrator to insure that his exercise of authorities contained throughout section 6 insures that any benefits are distributed equitably throughout the region. This subsection is important for each of the authorities contained in section 6, but it is particularly important for those contained in subsection 6(h).

Also, subsection 6(k) reinforces the discretionary authority intended to be placed in the Administrator for subsection 6(h), in that a mandatory obligation under subsection 6(h) would prevent the appropriate exercise of the direction placed on the Administrator by subsection 6(k). I believe it also is important to note in this regard a colloquy which occurred on the House floor on September 29, 1980, which appears at page 27823 of the CONGRESSIONAL RECORD for that date.

Congresman SYMMS, of Idaho, ranking minority member of the Subcommittee of Jurisdiction in the House Interior Committee, and Chairman DINGELL of the Jurisdictional Subcommittee in the House Commerce Committee, agreed that the language appearing in subsection (k), insuring that benefits under section 6 "are distributed equitably throughout the region" would not only include "the concept of geographic equity that is, reasonably equal distribution geographically throughout the Pacific Northwest region—but also the concept of equity between classes of customers." The cited colloquy establishes clearly and unambiguously that subsection (k), as it applies to all of section 6, including subsection 6(h), requires the Administrator to use his discretion to insure the equitable distribution of the benefits I have discussed.

Subsection 6(h) in the House bill also includes provision for "conservation activities independently undertaken or continued after the effective date of this act." It is the Senate's understanding that this language is intended to have the same effect as the Senate-passed bill language which includes "independent conservation activities undertaken by such customers * * * after the effective date of this act * * * ". Consequently, bill credits can only be granted on the basis of an activity which results in new, additional increments of savings in energy usage beyond any existing conservation activities as of the date of enactment.

Certainly, there is no responsible rationale for granting a benefit for actions already taken to conserve energy prior to the effective date of this act, and any such rationale would effectively involve a windfall benefit for such prior activity. The Administrator, therefore, in implementing this subsection, will be required to determine the existence of new additional incremental savings over and above those which otherwise would have occurred from past actions in order to consider any granting of billing credits.

Additionally, all of these activities under subsection (h), as well as the other activities in section 6 will be subject to the regional plan and the regional council's reviews for consistency with the plan. Certainly, it is our intent that the regional council accurately and properly reflects the comments I have made with regard to subsections 6(h) and 6(k) in fashioning that plan and then reviewing the Administrator's actions for consistency with that plan.

My distinguished colleague from Idaho (Mr. SYMMS) also was successful in amending the purposes of the act in subsection 2(6) to modify the phrase "other facilities on the Columbia River and its tributaries" to read "other power generating facilities on the Columbia River and its tributaries." This particular amendment is essential to insure that this bill and its many provisions related to facilities and fish and wildlife mitigation will exclusively deal with the Federal Columbia River Power System and other power generating facilities on the river and its tributaries and will not in any way affect any other facilities or impoundment structures on the Columbia River or its tributaries in the Pacific Northwest region. All this bill addresses are power generating facilities, and no provision or authority under this bill can be construed to cover any other facility or structure in the region.

Throughout the bill, the terms "development and operation of any hydroelectric project, development and operation of the hydroelectric facilities; development and operation of electric power facilities and programs; development, operation, and management of such facilities and variations thereof" occur. Quite often these terms are used with regard to the new program under this bill for fish and wildlife protection. It is important to recognize that it is the Senate's understanding of these terms wherever they appear that they shall mean exclusively development, operation, and management actions taken after the date of enactment of this act.

There is no intent to develop any program under this bill which would attempt or have the effect of a retroactive application for such development, operation, and management activities taken under the past 50 or 60 years for hydroelectric projects or facilities in the Columbia River Basin, its tributaries and the Pacific Northwest. The purely prospective meaning for the cited terms clarifies that the scope in time of actions subject to fish and wildlife protection, enhancement and mitigation under the bill is for future actions only and precludes any retroactive aspect.

Certainly, the Senate does not intend that the fisheries provisions under this bill would attempt to restore conditions to those prior to the development and operation of the Pacific Northwest hydroelectric system, nor to compensate any interested party for any alleged losses during such prior development and operation of the system before enactment of this bill.

Additionally, significant focus of the House consideration of this bill was on the fisheries issue. Very little attention, however, was paid to the details of a wildlife portion of the new program established under this bill. It is the Senate's understanding that the primary focus of the new program will be on fisheries protection, enhancement and mitigation and not on any major new initiatives regarding wildlife in the geographic area surrounding hydroelectric projects in the region. Consequently, the Administrator and the region council in implementing their respective responsibilities and authorities under this bill should place a primary, if not exclusive, focus on the fisheries aspects of the protection, enhancement, and mitigation provisions in the bill.

It is further important to recognize the overriding significance of subsection 10(h), which deals with water and water-related rights, in the context of the fish and wildlife provisions in this bill. Subsection 10(h) appropriately includes a broad, comprehensive, and overriding savings clause to preclude any appropriation of water and to prevent any legal effect whatsoever with regard to the waters of any river or stream or ground water resource or interstate compact and the existing rights of any legal entity with respect to any water or water-related right. Subsection (h) should and must be carefully and completely observed in the formulation of the plan and program under subsection 4(h) and any other provisions of the bill related to fish and wildlife protection, enhancement, or mitigation.

Subsection 4(k) includes a 7-year sunset provision for the 110 percentum incremental system cost advantage for conservation measures established by section 3(4)(D) of the bill. Congressman Brown of Ohio is to be commended for adding this important provision to the bill to insure that the current zeal for conservation measures, which has reached almost mandatory status in some sections of the Pacific Northwest region, does not become a continuously dominant concept in electric power planning, management, and operation within the region unless there is a continuing rationale and justification for a comparative advantage as established in section 3(4)(D).

Additionally, subsection 4(k) will provide a statutory review of the impact effectiveness and ramifications of the 110 per centum advantage in the first 5 years of the bill's implementation. While I certainly support responsible energy conservation measures as part of our power planning mix of initiatives, I have concluded that the statutory 110 per centum advantage is ill founded and probably unworkable.

Additionally, I am seriously concerned that the full economic growth impacts of the provision for the region will be very negative. Consequently, it should be clear that the review and sunset provisions in subsection (k) should be implemented very seriously with an eye to removing the statutory advantage as soon as possible. I would hope that the Administrator and the regional council will make every effort as soon as possible to complete such a review and to utilize the authorities contained in subsection (k) to actively remove that advantage in the cost benefit analyses under this bill.

Subsection 4(b) includes the so-called safety net provisions which would result in establishing the regional council as a Federal agency in the event that the council is not initially triggered by required State action or a Federal court holds in a final determination the council, or any substantial function or responsibility of the council, to be unlawful or the plan and program to be ineffective. This safety net provision was added by the House to deal with the remote possibility that a legal challenge to this act would reach any of those results. It is important to emphasize that while the Senate is accepting the safety net provision, it is with the clear understanding that a Federal court would have to declare the council or its major functions under this bill to be unlawful before these provisions would be triggered.

Certainly, a mere holding of a single function under this bill to be unlawful should be considered to be de minimis and would not be considered as a "substantial function or responsibility." It is the clear and overwhelming intent of the Congress in this bill that the regional council proceed in accordance with the establishment and operation as provided in section 4 and not as a Federal agency with council members ultimately appointed by the Secretary. The Pacific Northwest region does not need and candidly will not suffer lightly a federally imposed regional planning process with apparent input from Washington acting as a Federal agency.

While the safety net provision gives some security of a continued operation in the event of a court action, there should be no interpretation of the provision which leads to that result unless there is a necessary complete unraveling of the congressionally mandated institutional mechanism incorporated in the regional council.

One of the unique tenets of this bill is the regional planning council, which has become more clearly defined as debate has progressed through both bodies of Congress. What emerged was an eight-member council consisting of two members from each of the four Northwest States, and appointed, applicable to State law, by the respective Governors. The concept of State appointments to the council, which will control and guide the Bonneville Power Administration, assures each State's voice in regional decisionmaking will be heard. This concept has survived extensive scrutiny as to its constitutionality, and to that point, I would like to refer to a statement made in the House by the gentleman from Washington, Mr. Foley.

> The Senate-passed S. 885 establishing a council with four out of five State-appointed members which would develop a regional plan to guide BPA's authority under the bill. The Justice Department later reviewed the Senate bill and found a possible problem in the State appointment scheme. Pending the outcome of more detailed legal research on the problem, a federally appointed council was then proposed to and adopted by the House Commerce Committee. Federal appointment clearly preserved the council's substantive role without raising doubts about offending the appointments clause of the Constitution. When the research indicated that the appointments clause was not applicable to cooperative State-Federal schemes such as the present council, the region united behind a State-appointed council, which would be formed pursuant to an interstate agreement with the consent of the Congress.
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> This revised council scheme was included in the Interior Committee bill and is retained in the reconciled bill before the House. The bill, as I have noted, also provides for a federally appointed ("safety net") council to be formed if the States do not act to form the council, or in the event the scheme is found to be unconstitutional.
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> Basically, three legal principles bear on this issue:
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> First. The purpose of the Appointments Clause is to further the separation of powers and functions of branches of the Federal Government, as the most recent case on the subject makes clear. See *Buckley* v. *Valeo*, 424 U.S. 1 at 120–25 (1976). None of the many cases in which the appointments clause has been an issue has involved a State-Federal separation of powers issues. (By contrast, S. 885 involves both Federal and State authorities and presents no separation of functions issues.)
>
> Second. Under the commerce clause, Congress has broad latitude to share authority with the States in a variety of ways (Clean Air Act); or to permit extensive State control. (See, e.g., *California* v. *U.S.* 438 U.S. 645 (1978). (California Water Board may prescribe controls for Federal project as condition of required State permit, or may refuse permit.)
>
> Third. Congress may specifically authorize interstate agreements which would otherwise encroach on Federal authority. *United States Steel* v. *Multi-State Tax Commission*, 434 U.S. 452 (1978).
>
> In summary, the S. 885 council is constitutional because the electric power area is one in which Congress may share authority with the States. However, council members must be appointed and act pursuant to State authority, as the bill provides, for the scheme to be effective.

In addition, the legislative history of S. 885 compels explanation of some additional points relating to the relationships between the Northwest utilities and the Bonneville Power Administration.

Specifically, one of the purposes of this legislation is to solve the wholesale, to set forth a fair allocation of the benefits of the Northwest's Federal hydroelectric system to all people in the region without regard for the nature of the utility that serves them. The bill will preserve the traditional roles, duties, and responsibilities of the region's public and private utilities, State and local governments, and utility commissions.

Neither the council nor the Bonneville Power Administration should supplant or duplicate what the utilities are capable of doing in the Northwest. The bill will develop a regulatory and political environment in which the utilities can plan conservation and generating resources and then implement those plans.

The Bonneville Power Administration and the council are charged with the vital responsibility of fostering a firm consensus on the level of and kinds of resources that are necessary and acceptable in the Pacific Northwest. The next decade will be one of power shortages. Effective conservation programs should be put into place quickly to reduce expected demand.

Further, the costs and burdens of the shortage, which results from changing regulatory and political requirements and not from the actions of any particular utility or class of utilities, should be distributed fairly across all of the region's ratepayers. The bill is designed to prevent unnecessary bureaucracy, regulation, and redtape.

This means that the council and the BPA should use utility company and other experts in the Northwest, rather than creating a staff which will reinvent the wheel. The council should review and evaluate proposals for the regional plan made by the parties rather than trying to impose its own schemes on the region. The plan itself is contemplated to be broad in scope, not making specific resource choice and site decisions.

Pages 46 and 47 of the report of the House Interior Committee clearly explains the need to distinguish between energy and peaking resources so that only the firm energy produced in the peaking use of a resource is committed to loan under section 5(b)(1)(a).

The provisions of section 5(a)(6) regarding restrictions made in the event of insufficiency are subject to the following stipulations: First, the independently owned utilities are not to be restricted to a level below that which they sell to or exchange with BPA; second, reasonable notice—not less than 5 years—must be made in advance of restriction; and, third, notice of restriction cannot be given until there has been a reasonable period of experience under the bill.

The fact that public body, cooperative, and Federal agency customers may not be made subject to restriction in the event of insufficiency until such time as their combined loads equal or exceed the capability of the Federal base system resources should not obscure the fact that, in order to avoid insufficiency, BPA will need to acquire from or on behalf of such customers sufficient resources to meet the load growth of such customers occurring after passage of this act. The bill will not work if these customers fail to provide sufficient resources to meet their own load growth.

Subject to the exclusions in section 5(c)(7), the average system cost methodology worked out by the Bonneville Power Administration should pay the full cost of power exchanged to the BPA, so that customers of independently owned utilities will not be forced to shoulder an extra financial burden.

Under the provisions of section 5(g)(1), the Bonneville Power Administration must negotiate contracts with the parties; that is, BPA cannot promulgate terms and conditions on a take-it-or-leave-it basis. Further, BPA is to offer the same kind of contract to public and private utilities. There is no discrimination on such matters of acquisition of capability versus output. In regard to acquisition, the cross-examination procedures under section 6(c)(1) should be limited to issues-of-fact material to the decision about which there is a genuine and substantial controversy.

Independently owned utilities and direct service industries are entitled to billing credits on the same basis as public agencies without regard to the fact that the Bonneville Power Administration will be the debtor in initial years before they buy resources from BPA in an amount that offsets what BPA owes under the exchange. In short, the net billing credits should be netted against payments under section 5(c) before netting BPA obligations against IOU or DSI obligations.

In regards to the Public Utility Holding Company Act: First, BPA and the SEC should not both be required to hold hearings and go through formal proceedings. Where BPA holds a hearing, for example under section 6(c), the SEC is not also required to hold a hearing to determine if an exemption under the act is justified. Second. The SEC was retained, despite its objections, in order to lend its expertise in preventing the occurrence of the kinds of abuses that gave rise to the Holding Company Act. Consequently, the SEC is expected to review only the same kinds of contracts that it would be expected to review under PUHCA. It is not supposed to be retained in new areas, for example power contracts. The SEC expertise with regard to the relationships between companies does not extend to the nuts and bolts of power issues and operations.

I would now like to address some additional facets of the Governor-appointed council that is established by this bill, as it is one of the key cogs to the workability of this legislation. Section 4(a)(2) which sets for the State laws relating to the council guarantees the independence of State action relating to functions performed by the State. The State laws, therefore, are independent of each other, that is they do not have to be identical, and in fact, probably will not be identical.

The council will be established under the provisions of section 4(a)(2)(B), when six initial members have been appointed, without regard to which States are represented by those six appointees. Likewise, the 6-month extension procedures set forth in this provision can be requested by any two Governors, without regard to their respective States, or the progress they have made with regard to their council appointments.

The council itself can interpret the uniform Federal "good government" provisions under section 4(a)(4) with discretion. In other words, the provisions are flexible, and can be tailored to the particular council structure as the council sees it. The council also has great discretion over the plan itself. The courts in reviewing the development of the plan are not intended to second guess the actions of the council. The elements of the plan can be done piecemeal, with separate rulemaking procedures for each if the council deems that action appropriate.

Finally, in regard to the conservation standards established by the council, practicality and reasonableness are among the considerations in the formation of the standards, and the enforcement measures envisioned by the bill do not include unfettered police powers. Those enforcement procedures developed by the council are limited to practical and cooperative efforts between the PBA and the States and political subdivisions, customers, and the public.

I would also like to correct an error which was printed in the Senate report on S. 885 regarding direct service industry reserves. These reserves, discussed in section 5(d), are described accurately, and in some detail, in the House Interior Committee report and I direct attention to that report for its description of the reserves.

Mr. President, the bill before us today represents a hallmark of legislative initiative and action for my State and my region of the country in seeking to deal effectively and realistically with the serious power problems which face us in the years and decades ahead. It is the result of literally thousands of man-hours of work by all of the interest groups within the region, the Administrator and staff of the Bonneville Power Administration, and the Northwest delegation in Congress.

I shall attempt to thank all of those who have been so instrumental in the accomplishment which this bill represents. But I do wish to thank my colleagues and friends here in the Senate from the Pacific Northwest.

I also wish to acknowledge the important leadership and support provided by the committee's staff director, Dan Dreyfus. I also want to express my particular gratitude for the help of Congressman STEVEN SYMMS of Idaho and the staff supporting him, Bill Fay and Gary Ellsworth, and Chuck Trabandt of the Senate Energy Committee, as well as the rest of the House Members and staff who were instrumental in bringing the bill to the Senate today. I look forward to working with all of these individuals and many interest groups in the region in the years ahead in attempting to make the promise of this bill into a positive reality for our cherished Pacific Northwest region.

Thank you, Mr. President.

Mr. McCLURE. Mr. President, I would like to engage the chairman of the Energy Committee, which fashioned S. 885 originally, in a brief colloquy to establish the Senate's understanding of certain provisions in the House amendment for purposes of legislative history. Subsection 10(i) of the House amendment states that nothing in this act shall be construed to affect the validity of any existing licenses, permits, or certificates issued by any Federal agency pursuant to any other Federal law.

Would the Senator agree that this subsection will insure that nothing in this act can or shall be construed to require any Federal agency to modify the terms or conditions of any valid existing Federal license, permit, or certificate?

Mr. JACKSON. I agree completely and, in fact, no Federal agency shall have any express or implied authority under this act or in any connection between this act and any other law to make any such modification of a valid existing Federal license, permits or certificate.

Mr. McCLURE. Would the Senator agree that, as a result, a Federal agency cannot cite any provision of this bill as the legal basis for proposing or imposing such a modification in any pending proceedings or any future proceedings relating to such existing licenses, permits, or certificates?

Mr. JACKSON. Yes, I agree completely. For example, the legal effect of this savings clause would be to prevent any effort under paragraph 4(h)(11) of the bill to impose such modifications in the regulation of non-Federal parties, specifically including regulation by the Federal Energy Regulatory Commission under the Federal Power Act and any other laws applicable to the operation of non-Federal hydroelectric projects or other related facilities.

Mr. McCLURE. Would the Senator also agree consequently that no Federal agency may use any authorities in this bill to affect or modify the terms and conditions of such licenses, permits or certificates nor to affect any existing water rights, power rights, or other contract rights which may exist under such terms and conditions?

Mr. JACKSON. Again, I agree completely with that conclusion as a matter of law under this bill.

Mr. McCLURE. I thank the Senator. Subsection 6(k) requires the administrator to insure that any benefits under section 6 "are distributed equitably throughout the region." Would you agree that this concept of equitable distribution throughout the region would not only include the concept of geographic equity—as among various geographic locations or areas of the region—but also the concept of equity between classes of customers under the bill?

Mr. JACKSON. The Senator is correct, and I agree that both geographic equity and equity between classes of customers is intended to be incorporated fully in subsection 6(k).

Mr. McCLURE. Would the Senator also agree that the individual subsections of section 6 and the benefits included in such subsections all are subject to this express direction to the administrator to insure such equitable distribution, so that the administrator must exercise his authority under each such subsection in a discretionary manner consistent with and satisfying subsection 6 (k).

Mr. JACKSON. I do agree, and certainly every authority in section 6 involving a benefit must be exercised in a discretionary manner which is consistent with and satisfies the mandatory requirement in subsection 6(k).

Mr. McCLURE. The bill was amended on the House floor to insert the words "power generating" before the word "facilities" in subsection 2(6). Would the Senator agree that the resulting provision now insures that this bill and its many provisions related to facilities and fish and wildlife mitigation will exclusively deal with the Federal Columbia River Power Systems, as defined, and other power generating facilities on the river and its tributaries?

Mr. JACKSON. I agree completely and consequently it is clear that all this bill addresses in its provisions are power generating facilities and no provision or authority under the bill can be construed to cover any other facility or structure in the region.

Mr. McCLURE. I thank the Senator. Finally, subsection 10(h) is a savings clause which preserves and protects all water and water-related rights under the bill. Would the Senator agree that subsection 10(h) is of overriding legal significance in the context of the fish and wildlife provisions of the bill, such that in the event of any legal ambiguity or conflict between subsection 10(h) and such provisions, subsection 10(h) will control the legal result?

Mr. JACKSON. Again, I agree completely with the Senator. I believe it is the full intent of the Senate that the subsection 10(h) savings clause for water and water-related rights shall be legally controlling over all other provisions in this bill, and consequently there should be strict observance of the subsection in the formulation of the plan and program under subsection 4(h) and the implementation generally of this bill.

Mr. McCLURE. I thank the Senator for this colloquy, and I again commend him for his strong leadership in fashioning the bill finally before us. I am convinced that the colloquy will better insure predictable and responsible interpretation and implementation of the bill.

Mr. MAGNUSON. Mr. President, I want to congratulate all of the parties that have worked so hard to make this legislation a reality. Members of the House and Senate, and other elected officials, congressional staff, and representatives of governmental agencies, publicly owned utilities, and public interest groups have all worked countless hours on this bill. I believe that this legislation has been improved over the last 4 years as a result of this process.

This bill establishes a framework for energy planning in the Pacific Northwest; it sets up a regional financing mechanism that gives highest priority to conservation and renewable resources; and it is designed to keep the costs that consumers pay for electricity as low as possible.

Mr. President, the Bonneville Project Act of 1937 has served the people of the Pacific Northwest well. The Federal dams and electrical transmission system have provided low-cost power for the homes and factories in our region. The Federal irrigation systems have helped the region bloom. I am very proud of my support over the years for these Federal investments.

Now it is time for new legislation, to meet the electrical energy needs of the Pacific Northwest for the rest of this century. This bill lays the foundation and provides the structure. But it will be up to all of the people who worked on this legislation to make sure that it holds together. The implementation of the bill will require continued cooperation, innovation, and perspiration.

Again, I want to congratulate all of the people who made this important legislation possible. The chairman of the Energy and Natural Resources Committee, my colleague from Washington (Mr. JACKSON), deserves special recognition for his leadership and his patience. He has been able to craft a workable compromise that meets the concerns of the people of the Pacific Northwest.

Mr. President, I urge the Senate to pass this legislation.

Mr. JACKSON. Mr. President, I move that the Senate concur in the House amendments to S. 885.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAPERWORK REDUCTION ACT OF 1980

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question recurs on S. 1411.

Mr. CHILES. Mr. President, I yield to the Senator from North Dakota.

SAFE DRINKING WATER ACT AMENDMENTS

Mr. BURDICK. Mr. President, I move that the Committee on Environment and Public Works be discharged from further consideration of H.R. 8117 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8117) to amend the Safe Drinking Water Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

There being no objection, the Senate proceeded to consider the bill.

Mr. BURDICK. Mr. President, H.R. 8117 makes some urgently needed technical amendments in the Safe Drinking Water Act. These amendments change none of the basic and major aspects of this important act but will allow necessary flexibility in its administration so that those goals may eventually be met.

The first section will extend the authority of States to exempt temporarily from interim drinking water regulations those public water supply systems that may be encountering difficulty in achieving compliance with existing timetables. This will be especially important for smaller systems that must undergo more far reaching changes if these standards are to be met.

Section 2 deals with underground injection involved in the recovery and production of oil and gas. The administration has established minimum requirements for the control of such procedures and a State may assume enforcement responsibility by demonstrating it has in place a control program that satisfies these requirements. The amendment here would allow States which have already in place control programs of this sort to demonstrate that capability without having to meet all of the specific regulations that have been proposed. This alternative demonstration will insure an equal degree of protection but will not place a further level of administrative burden on States. Furthermore, there must still be public hearing and comment before the Administrator may accept such an alternative proposal.

Section 3 removes the underground storage of natural gas from the statutory definition of underground injection. It has already been determined that such storage does not present a threat to safe drinking water, but despite these findings, the possibility of regulation yet exists. This section prevents unnecessary further demand in this area from being placed on a portion of industry that does not ultimately enter the field of circumstances which the act intends to address.

Given the nature of these technical amendments, Mr. President, and the fact that unless we move to adopt them a great deal of needless administrative complication may ensue, I encourage Senators to join with me in seeking passage of H.R. 8117 so that these minor, yet valuable, changes may take effect.

Mr. RANDOLPH. Mr. President, I join my able colleague from North Dakota (Mr. Burdick) in supporting the passage of this legislation to amend the Safe Drinking Water Act.

H.R. 8117 was referred to the Senate Committee on Environment and Public Works on September 24 of this year. It will primarily extend the length of time in which States can exempt certain drinking water systems from the approaching January 1, 1981, deadline for compliance with the interim national primary drinking water regulations.

Over the past year, I have been made acutely aware of the problems that many systems, particularly those in small communities, have had in trying to reach this deadline. I have heard my colleagues from Iowa, Illinois, South Carolina, and other States tell me many water systems, especially the ones in small communities, desperately need additional time to accomplish the goals set forth by the Federal standards. West Virginia communities also need a delay in the deadline.

Many small communities are making good progress. But also, in order for the real intent of the law to be attained, additional time is necessary for those who are still seeking the resources to upgrade their systems. The measure before us would enable the States to grant exemptions on a case-by-case basis until January 1, 1984.

A second significant provision of this measure would exempt natural gas storage wells from the statutory definition of underground injection. There is no evidence at this time that underground natural gas storage poses a hazard to underground sources of drinking water. This section of the bill will effectively delete the practice of storing natural gas from the underground injection control program regulations.

A third provision of the legislation facilitates State underground injection control programs for oil and gas operations. Under present law, State programs must satisfy Environmental Protection Agency regulations before they can assume primary enforcement responsibility. This portion of the bill would grant the States this primary authority, provided they can show that their programs satisfy the requirements established by the Safe Drinking Water Act.

We have evolved a reasonable compromise to many bills that have been introduced this session. This bill addresses several important issues in a sensible fashion. I endorse it with my vote today.

● Mr. DOMENICI. Mr. President, I rise in support of H.R. 8117, a bill to amend the Safe Drinking Water Act. That act has created a number of problems in my State of New Mexico and this bill will resolve many of those problems. Specifically, I would like to address two sections of the bill.

The Safe Drinking Water Act requires that the Environmental Protection Agency propose regulations for the State underground injection control program within 120 days after the date of enactment of that law. The regulations would cover all types of injection wells from industrial and nuclear disposal wells, oil and gas injection wells, solution mining wells or any hole in the ground designed for the purpose of injecting water or other fluids below the surface.

Since this section was passed into law, EPA has proposed and reproposed regulations, and in each case, the proposals have been almost universally disliked by the State who will enforce those regulations.

For example, in my State of New Mexico, the State oil conservation division presently regulates approximately 3,500 injection wells related to oil and gas activities in the State. These include injection wells in secondary recovery projects and approximately 250 salt water disposal wells. Almost 80 percent of the State's oil production is directly related to the continued use of these injection wells, consequently, EPA's regulations are of vital concern, and unnecessary regulations imposed on an already effective State program could be a step backward, not a step forward.

In New Mexico the first salt water disposal well was approved in 1951. The oil conservation division has continued to work to develop a program which it believes adequately protects underground sources of drinking water while continuing to permit the maximum degree of oil and gas production at a minimum cost to taxpayers. Since that first well was approved in 1951, there has only been one case brought before the Commission where contamination of a fresh water zone was alleged.

The Interstate Oil Compact Commission has prepared a brief study of the harmful effects of oil and gas operations on underground sources of drinking water in the States of Texas, New Mexico, Louisiana, Oklahoma, and Arkansas and has failed to find any widespread contamination. While the study is by no means a comprehensive look at the issue, it is presently the only information of this kind available, as EPA has not as yet conducted such a study.

The imposition of a rigid national pattern on States which possess varying regulatory systems, varying geology, and varying ages of wells, could prove unworkable. The Safe Drinking Water Act requires that EPA not unnecessarily interfere with existing State programs, but it is my belief that the issuance of these underground injection control regulations could undermine the responsible programs of many States.

H.R. 8117 will give EPA the discretion to approve State plans, without subjecting those States to regulations prepared under the Safe Drinking Water Act, if the State program adequately protects underground water supplies. It is my belief that this is a fair and equitable solution to the problem.

The bill also addresses the problem of communities that have not been able to meet interim primary drinking standards. Specifically, it extends the State exemption authority for compliance with interim standards from January 1, 1981 until January 1, 1984.

Mr. President, this amendment will greatly assist many small communities in my State of New Mexico, as well as small communities all over this country. States should have the ability to continue to exempt systems from compliance with interim regulations until final standards are issued. This amendment will serve that need.

Therefore, Mr. President, I urge immediate acceptance of H.R. 8117.●

● Mr. THURMOND. Mr. President, this bill is the House passed version of S. 3046, which I was pleased to cosponsor with my distinguished colleague from Illinois, Mr. Percy. The need for this legislation is manifest.

Unless this legislation is passed this session, Mr. President, some 60 water systems in my State of South Carolina will be out of compliance with Safe Drinking Water Act standards as of January 1. To keep from being out of compliance, these systems would have to undergo an extremely costly modification process to remove fluorides from the water.

The Environmental Protection Agency has not yet completed the necessary studies from which to establish appropriate fluoride level standards, and until this is done, I feel that it would be premature to set exacting standards. I hope that prompt action can be taken today, Mr. President, so that hundreds of communities in South Carolina and other States will not have to undertake substantial modifications of their water systems which may ultimately prove to have been unnecessary.●

● Mr. PERCY. Mr. President, I wish to take this opportunity to commend Senator Randolph, chairman of the Environment and Public Works Committee, and Senator Stafford, the ranking minority member, for their expeditious consideration of H.R. 8117, amendments to the Safe Drinking Water Act. This legislation is a compromise version of legislation I introduced along with Senator Stevenson, Senator Thurmond, and Senator Hollings.

H.R. 8117 extends the period of authority for States to issue exemptions to Environmental Protection Agency Safe Drinking Water Standards. This authority expires on January 1, 1981—less than 2 months from now—and communities across the country would have been forced to make major investments in equipment if this legislation was not enacted before the close of this session of Congress. Illinois EPA officials estimate that it will cost $275 million, excluding annual operating expenses, to comply with the U.S. EPA standards in Illinois alone. Some small Illinois water systems would have been forced to increase water rates for the average family by as much as $88 a month.

I do not oppose the concept underlying the Safe Drinking Water Act. Indeed, I fully support maintaining drinking water with a margin of safety. My concern is that EPA has failed to issue standards in a timely fashion, despite Congress mandating that such standards be issued by 1978. Water systems should not be forced to spend millions of dollars on expensive equipment to comply with interim standards, when revised standards, which may require different equipment, are to be issued soon. The EPA standards may be too low, or they may be too high, but EPA should establish revised standards before requiring local communities to spend large sums for compliance. Such expenditures on equipment of unknown benefit reduce the funds available for expenditures of known benefit.

H.R. 8117 extends the State exemption authority until January 1, 1984. Under the legislation I had originally proposed, the exemption authority would be extended until January 1, 1988. I view this provision in H.R. 8117 as an acceptable compromise and am pleased that it will become law before the end of this year. I deeply appreciate the swift consideration of this legislation by the committee and I thank these Senators involved.●

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8117) was ordered to a third reading, was read the third time, and passed.

PAPERWORK REDUCTION ACT OF 1980

The Senate continued with the consideration of the bill.

Mr. CHILES. Mr. President, I yield to Senator DANFORTH, the ranking minority member on the subcommittee. I want to express my appreciation to him for his work and the work of his staff in holding hearings and for all of his efforts in the markup in regard to the paperwork bill.

Mr. DANFORTH. Mr. President, I reciprocate the kind comments made by the Senator from Florida. He has done a lot of work on this bill which I believe is going to have some significant effect on reducing the burden of the Federal paperwork on the American people.

Mr. President, I support S. 1411, the Paperwork Reduction Act of 1980. I was pleased to join Senator CHILES and Senator BENTSEN as an original cosponsor of this bill. Among my Republican colleagues who support this legislation, I am pleased to count Senator DOLE, Senator LUGAR, Senator PERCY, Senator ROTH, Senator GARN, Senator COCHRAN, and Senator HEINZ as cosponsors. The push to enact this legislation is truly a bipartisan effort.

Mr. President, the need for this legislation is clear. Congress, with its propensity to enact new programs every year and the regulatory bureaucracy, with its propensity to regulate, have created demands for information that have cost the American people dearly. Back in the days when a prime money rate of 12 percent would have shocked the conscience, the Federal Paperwork Commission estimated that it cost $100 billion a year to fill out and process Federal paperwork—$500 for every man, woman, and child in this country I can only guess at the cost of Federal paperwork today, but it is a sure bet the cost has gone up.

In real terms, the cost of Government paperwork is a direct assault on American productivity, a hidden tax. The time and money spent in the effort to comply with Government paperwork requests is time and money unavailable for other, more productive purposes. The dollars businesses spend on Government paperwork are dollars unavailable for research and development. The dollars hospitals spend on Government paperwork are dollars unavailable for improved health care services and medical research. The dollars State and local governments spend on Government paperwork are dollars unavailable for social services or—for that matter—dollars that could be turned back to the people in reduced taxes. But the time expended in complying with Government paperwork takes its toll in other ways as well. As small business counselor Dawn Larmer told me in hearings I chaired last year in St. Louis:

> The main point is the drain on the businessman's time and energy. It's totally irreplaceable. Because his business is small, my client is personally involved in every audit, every report, every piece of paperwork. He's being unfairly burdened by every level of government. His entrepreneur's zeal just has to be zapped by that.

Businessman Charlie Roland's testimony was somewhat more blunt:

> Once a year we have a voluminous paper that comes in from the Commerce Department. On the bottom of it, it says, "If you don't fill it out, you're going to get fined x number of dollars and maybe spend some time in jail." That's a horrendous thing to impose upon a businessman. I'd just frankly like to tell them to go hell.

This cost—the demoralization, frustration, aggravation, exasperation and despair that the American people feel when they confront Government paperwork—should not be discounted. It is real. And it affects more than the American business community. In those St. Louis hearings, Margaret Stroup, then director of the St. Louis County Department of Human Services, testified to what she described as the "hidden cost" of Government paperwork:

> The last thing I'd like to mention, I didn't hear today, and I'd like you to think about, and that is, that I'm seeing another hidden cost in all of this. The people who are dealing in human services programs for the most part, went into the business because they cared, because they're concerned citizens, sensitive individuals who wanted to do something for their fellow man. They knew they weren't going to get much money in the program, so they had to have other motivations for going in. What happens, as they work their way through the system, is that slowly, I see an eroding of morale and motivation. I see them getting more concerned about filling in the forms properly, rather than making sure that South County's Mrs. Jones gets her house rehabilitated. And there are employee reviews, and their whole life then becomes centered around the ability to cope with this ream of paperwork that they must deal with daily. And any thoughts that they had early about going in to get help Mr. Jones, a senior citizen, get a rehabilitated house, get lost in making sure that Mrs. Jones' contractors fulfill all of the Davis-Bacon, et cetera, et cetera, et cetera. And after a while, there builds up a little bit of scar tissue and callousness with Mrs. Jones because of the paperwork has to be done. Now, that's not what the Department of Human Resources want to be about. And, any change in the regulations and the forms, so that we could be back to serving people, would be very much appreciated.

Time and time and time again this message was brought home in those St. Louis hearings—and I would daresay it is a message that is repeated every day in my mail.

The Paperwork Reduction Act is no panacea, but it does represent a serious, hardheaded attempt at controlling Government paperwork. A hefty document in its own right, it can be boiled down to three main points:

First, it proposes to consolidate control over Federal Government paperwork in one central office located with the Office of Management and Budget. Right now, the executive branch agencies are accountable to the OMB, the independent agencies are accountable to the General Accounting Office, and the IRS and the banking regulatory agencies are accountable to nobody. This bill proposes to put an end to that crazyquilt scheme. For the first time ever—with limited exceptions necessary to Federal law enforcement efforts and national security—every Federal agency except one is going to have to submit its significant paperwork requests to the OMB for clearance. Of all Federal agencies, only the Federal Election Commission is totally exempt; its paperwork requests are cleared by the Congress itself. Because of concerns raised by the Department of Defense, Government-owned contractor operated laboratories engaged in research and production activities for national defense are specifically exempt from the definition of "agency", and hence, from the reach of this bill. They are not Federal agencies, however, as that term is generally understood.

Second, the bill proposes to subject each significant Government paperwork request to a tough, but commonsense, test. Is it necessary? By this we mean, is the information sought truly needed to achieve the agency's objectives? And even if it is—is the information available from other sources within the Federal Government? And even if these tests are met, can the information be obtained in a less burdensome manner? And even if the information is needed—and otherwise unavailable—and the information request is written or structured so as to minimize the burden on the respondent, will the information have practical utility for the agency? Can the agency use it once it gets it?

All of these questions must be asked and answered, first by the agency itself and then by OMB. If an agency cannot demonstrate that the information it wants is really needed, and if an agency cannot demonstrate that the information it wants is unavailable from Federal sources, and if an agency cannot demonstrate that it has taken steps to minimize the burden of the information collection request, and finally, if an agency cannot demonstrate its capability to use the information once it gets it, then the information request is not necessary as far as this bill is concerned—and it should be rejected.

Third, the bill establishes a Federal information locator system—a central clearinghouse of information to enable the left hand to know what the right hand is doing. It should not be forgotten that one important goal of this legislation is to reduce the cost of Federal paperwork that is borne by the Federal Government itself—a cost estimated by the Federal Paperwork Commission at $43 billion. The Federal information locator system should enable Federal agencies to determine if the information they want is already available elsewhere in the Federal Government, thereby eliminating duplicative information requests.

These three provisions, in my view, are the core of this legislation. However, for purposes of legislative history, I want to speak to a few additional questions which, in my view, merit discussion.

There has been some question raised whether this bill is intended to reach information requests put out by the Federal Government which impose no duty on the recipient to respond. It is. Although we are chiefly concerned about the burden imposed on the American people by paperwork they have no choice about answering, we are also concerned about paperwork that can freely wind up in the wastebasket—and often does.

Whether responses to a request for information are voluntary, required to obtain a benefit, or mandatory, no information request should ever go out unless and until there has been a determination that it is necessary. If it is not necessary it is a waste of the taxpayer's money and, as often as not, an insult to the recipient. A case in point was recently called to my attention by the editor of the Dunklin (Mo.) Daily Democrat, in a recent editorial entitled "What Paperwork Victory?" I recommend it to the attention of my colleagues, the Secretary of the Department of Health and Human Services, and the Director of the Office of Management and Budget. And I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT PAPERWORK VICTORY?

We confess some amusement, tinged with irony, at a statement released this week by U.S. Sen. John Danforth declaring, "Congress is one step closer to victory in the war against federal paperwork." The Missouri lawmaker was announcing the fact that the Senate Committee on Governmental Affairs is soon expected to report out the Chiles-Danforth bill to set controls on the "phenomenal number of federal forms that flood out of Washington," to use Danforth's own words.

Almost in the same mail, we received an example of one of those "phenomenal number of federal forms" the Senator is referring to. This particular one came from the National Institute on Alcohol Abuse and Alcoholism in the Alcohol, Drug Abuse and Mental Health Administration within the Public Health Service which is a part of the U.S. Department of Health and Human Services. Readers who may think we're joking about this particular federal agency should know that it is not only real but sending out information right and left, page after page of it, and that there really is such a title for an agency. By the time an employee of the agency identifies where and for whom he works, he must be exhausted.

This particular mailing had four separate parts: a cover letter, a questionnaire, an 8-page bulletin and an enclosed return envelope. The purpose of this particular mailing was to determine whether this newspaper wanted to continue to receive the agency's Information and Feature Service. To qualify for receipt, the newspaper was being asked to complete a page-long questionnaire, asking for a variety of information ranging from occupation to "organization setting" to major areas of interest.

We refer Sen. Danforth to this particular agency, whose title is too long to be repeated in this brief space, as one segment of the federal government which has yet to learn of the corrective forces of the Chiles-Danforth bill.

P.S.: We decided the agency's mailings weren't worth the trouble of the questionnaire.

Mr. DANFORTH. Such stories are common. Let me make it clear, therefore, that by this legislation we intend that Federal agencies and OMB intensely scrutinize all paperwork requests of the public. The fact that responses to a request for information are voluntary is no excuse for agency heads or OMB to let down their guard. Indeed it is such requests, as often as not, that fuel public suspicion—and rightfully so—about the waste of tax dollars.

This brings me, then, to another aspect of this legislation that, in my view, merits special notice. Section 3504(c)(3)(C) of the bill states that one of the Director's duties in reviewing paperwork requests will be to insure that they "contain a statement to inform the person receiving the request why the information is being collected (and) how it is to be used." This provision was added to the bill at my request. It seems to me that if the Federal Government is going to ask the American people to fill out a lot of forms, it ought to at least have the common decency to tell them why they are doing it. This does not have to be an exhaustive statement—but it should be of sufficient length to be informative. And—this should go without saying—it should be in plain English. I expect that the Director of the OMB will be diligent in policing this requirement. In my opinion, fewer forms will end up in wastebaskets if somebody takes the time to explain to the people getting them why they are needed. In addition, in the process of figuring out how to explain why a form should be answered, more than one Federal bureaucrat may discover that there really are not very good reasons—and abandon the effort.

It is important to recognize, however, that despite our intention that all Government paperwork be subject to review, the committee placed important limitations on that review. In certain areas, our concern with controlling the burden of Government paperwork was overshadowed by greater concerns.

For example, it should be clearly understood by everyone interested in this legislation that the authority of the Director of OMB to review proposed information collection requests applies only to collections of information conducted or sponsored by a Federal agency. Thus, research projects funded by a grant or cooperative agreement are not, under ordinary circumstances, subject to the paperwork controls of this act. As the committee made clear in its report, the only circumstances under which collections of information are considered to be conducted or "sponsored" by a Federal agency are where:

First, the agency itself conducts the collection;

Second, the agency uses a procurement contract to obtain information by way of a contractor; or

Third, the terms and conditions of a grant or cooperative agreement specifically require that collections of information be subject to the clearance requirements of the act.

The Federal grant system is already a maze of redtape and regulations for the hapless recipient of Federal grants. Although we are concerned that recipients of Federal grants use public resources wisely and be sensitive to the burden which their requests for information may impose, we do not believe it advisable to subject grant recipients to paperwork reviews by OMB. I might add that, to my knowledge, this decision by the committee affirms current practice.

Other reservations in the bill derive from the committee's concern that, in our zeal to control paperwork, we not subvert other important governmental purposes. This bill is a paperwork bill—and its primary purpose is to minimize the burden of Federal paperwork on the American people. Where, for example, concerns were voiced that the bill might adversely affect Federal law enforcement, intelligence, or counterintelligence efforts, or national security or defense, the committee acted to limit paperwork reviews. Further, with respect to policy questions affecting the acquisition of telecomunications equipment, when concern was expressed that passage of this legislation would increase the powers of the Administrator of the General Services Administration to review agency acquisition policies under Public Law 89-306 (the Brooks Act) the committee—at the request of the administration—acted to expressly reject any such interpretation of this legislation. Call it what you want, this bill is a paperwork bill. It is concerned with information management. Period. Amendments accepted by the Senate today further clarify this issue.

If this legislation is to achieve its goal of reducing government paperwork, however, it is important to have the cooperation of the independent agencies. I use the term "cooperation" advisedly, for—despite the fact that we have brought the independent agencies back into the fold, subjecting them, once again to OMB review—we have given the independent agencies the very important power to void OMB directives.

Several members of the committee, myself among them, did not readily embrace the notion of giving independent agencies the power to override OMB decisions. Those of us who are troubled by the unaccountability of the regulatory bureaucracy were unhappy with the prospect of the override authority being used to subvert the purposes of this legislation. Nonetheless, we accepted the override as the necessary price for achieving OMB review of the paperwork put out by independent agencies. It is expected by those of us who support this legislation that this authority will be viewed by the agencies as a privilege and not a right—a safeguard against overreaching by OMB—a power of last resort to be used sparingly. In this regard, the independent agencies will be well advised to study the requirement set out in section 3507(c) that all overrides be certified to the Director, together with an explanation of the reasons for the override. Should the agencies prove incapable of adequate explanations for their use of the override, the Congress may find it advisable to reassess and more tightly define the authority—or do away with it altogether.

Finally, I want to discuss section 3512 of the bill, the "public protection" section. Much has been made of the rights this section provides persons who receive "bootleg" forms, forms which have not gone through the clearance process—but should have—and fail to carry an OMB control number. Section 3512 makes it clear that, after December 31, 1981, such information collection requests can be ignored by the people who get them. This should serve as an important deterrent to any thoughts agencies might have of cutting corners, and it is an important protection.

But it is important to recognize as well that section 3512 acts as an important limitation on the ability of any person to challenge the legitimacy of a request for information by resort to the Paperwork Reduction Act. The reforms to be effected by this bill are administrative reforms. If enforced conscientiously they should achieve a significant reduction in Federal paperwork burdens. But it is important to recognize that this goal is to be accomplished through administrative action.

We are not seeking to reduce paperwork by creating judicial remedies for people who want to challenge paperwork requests they receive from the Federal Government. Therefore, the report makes clear that the circumstances which entitle a person to ignore an information collection request under section 3512—that is, the absence of a current control number or the absence of a statement to the effect that the information collection request is not subject to the Paperwork Reduction Act—are "the only circumstances under which a person may justify the failure to maintain information for or provide information to any agency, when otherwise required, by reliance on this act."

Thus, as far as the Paperwork Reduction Act is concerned, the process of determining the validity of an information collection request is fairly cut and dried. As the report states:

> If an information collection request displays a current control number or states that the request is not subject to this Act, it is valid for the purposes of this Act.

Lawsuits which seek to challenge the necessity or burden of information collection requests cannot therefore be grounded on the provisions of this act.

Mr. President, that concludes my statement. I believe we have succeeded in writing legislation which holds great promise for reducing the burden of Federal paperwork. I have long believed that one of the most important tasks facing any President serious about controlling Government paperwork is the appointment of an OMB Director who has the determination and resolve to say "No" to paperwork demands by Federal agencies. This legislation gives the OMB Director that power. I hope it is used well.

Nonetheless, I caution my colleagues not to become so enamored of the reforms promised by this legislation as to forget our own responsibility to control Federal paperwork. The job of fighting Government regulation and the paperwork it brings begins here. Whatever accomplishments we may achieve today, we have miles to go before we sleep.

Mr. JAVITS. Mr. President, I applaud the purpose of this legislation, which is to permit the Federal Government to function in as efficient a manner as possible, while reducing the blizzard of paperwork that confronts our citizens. However, I have been concerned that the method used to accomplish this worthwhile goal—particularly the provision that all agency recordkeeping requirements be cleared by OMB—could be used to undermine substantive programs. For without adequate information on which to base its decisions, an agency cannot function.

The sponsors of this legislation have made very clear that nothing in the bill in any way affects OMB's authority over substantive policies and programs, including the enforcement of the civil rights laws. The bill itself so states, at section 3518(e). I believe this is the correct position.

However, the line between substance and procedure is not always entirely clear. While I do not believe OMB's authority over any program, whether it is worker safety or pure food and drugs, should be, or is, increased by this legislation, I particularly want to say a few words about civil rights programs. Civil rights programs, unlike many of the other programs covered by this bill, are grounded in fundamental constitutional rights. As such, they are entitled to every possible protection from political interference.

Further, many of these programs simply cannot be enforced without the collection of data. Even if the information requested may seem burdensome to some, its collection is especially important in the area of civil rights. I have no objection to OMB reviewing information requests from civil rights or any other agencies to assure that the information is collected in the least burdensome manner consistent with the statutory purpose, and is not duplicative. But I will not idly stand by if it appears that any substantive civil rights program is being sacrificed. I do not believe the bill permits this, and that is why I can support it. But I will be watching its implementation very carefully.

● Mr. BENTSEN. Mr. President, one of my main concerns since coming to the Senate has been the costly burden imposed on American businesses and consumers by unnecessary and excessive Government paperwork and redtape. The paperwork burden threatens the very existence of small businesses whose owners are diverted from the necessary tasks of producing goods and serving customers.

I urge the Senate to approve S. 1411, which is an important step to bring Federal paperwork and the redtape monster under control.

At present, no one in the sprawling Federal bureaucracy has authority to curb and cut back on needless paperwork demands. This bill marks the first official Government recognition that paperwork and redtape impose a significant cost on businesses and consumers and divert resources from other productive uses.

The paperwork reduction bill we are voting on today is an important step at correcting this situation and I am pleased that we have made progress in providing the legislation that is needed to overhaul our paperwork procedures.

I want to thank my colleagues, Senator CHILES and Senator DANFORTH, for their good efforts on this bill and urge immediate adoption of this measure.●

Mr. RANDOLPH. Mr. President, any move we make to improve the economy and efficiency of the Federal Government will be universally applauded by the American public. I believe that much of the so-called protest vote recorded on November 4 was not directed at any individual, or any party, but at the proliferation of rules and regulations and multiplicity of forms and directives which are inundating the private sector. This paperwork blizzard is not only costing billions of dollars, but it is increasingly invading the private lives of individuals and impinging on their rights and liberties.

We could recite horror stories of runaway redtape for hours and even days, but it would only add to the paperwork burden of this RECORD. I confine my coments to only one recent example. Last summer the Office of Management and Budget imposed complex new acounting rules for federally sponsored research carried out on university campuses. One of these regulations dealt with procedures by which universities must keep track of time and effort of their professors, to keep track of research activities the Government is paying for. One major university estimates that this will increase the number of reports it must send to Washington from 3,000 to 80,000 a year.

Mr. President, this is important legislation which I wholeheartedly cosponsor. And I further commend the able Senator from Florida (Mr. CHILES) for his leadership in this legislation. I urge my colleagues to join in helping to make the word "bureaucracy" respectable again.

Mr. CHILES. Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1411) was passed.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DANFORTH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 6410, which is the companion paperwork reduction bill; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, and that in lieu thereof the Senate bill, S. 1411, which had passed the Senate today, be inserted; that the bill H.R. 6410 be advanced to third reading, passed, and the motion to reconsider laid on the table, and the bill S. 1411 be indefinitely postponed.

Mr. STEVENS. It is my understanding that what this does is to substitute the House bill for the bill already passed, and we will send the Senate version of that bill to conference. I think the action is warranted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SAFETY AND HEALTH IN SKIING

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 43.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 43) entitled "An Act to promote safety and health in skiing and other outdoor winter recreational activities", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

CHARTER

SECTION 1. National Ski Patrol System, Incorporated, a corporation organized under the laws of the States of New York and Colorado is hereby recognized as such and granted a Federal charter.

POWERS

SEC. 2. National Ski Patrol System, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the States where it is incorporated.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to promote, in any and all ways, patriotic, scientific, educational and civic improvement activities, public safety in skiing, including, without limiting the generality of the foregoing, the dissemination of information with respect thereto and the formation of volunteer local patrols, consisting of competent skiers trained in the administration of first aid, for the purpose of preventing accidents and rendering speedy assistance to persons sustaining accidents; to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, the foregoing purposes in every way.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS: COMPOSITION: RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be the same as is provided for in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS: INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(51) National Ski Patrol System, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX EXEMPT STATUS

SEC. 15. The corporation shall retain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to retain such status, the charter granted hereby shall expire.

● Mr. HATCH. Mr. President, I am gratified that the National Ski Patrol System Recognition Act is about to become public law, having been fully considered and approved by both Houses of Congress. The road to reach this point has been long, primarily because of the special nature of Federal charters. Congress has rightly guarded these privileges so that they and the organizations which have earned the honor of holding one are not devalued.

I share the view that charters should not be issued indiscriminately. While there are thousands of worthy organizations which may benefit from the prestige of holding a congressional charter, not all of these can meet the standards established by the Judiciary Committees of the House and Senate and the intent of Congress implied by these guidelines.

I do not begrudge my colleagues the time they have spent examining the National Ski Patrol System, its purposes, achievements, and cooperative relationships with other public service organizations, including the U.S. Government. This is a necessary part of evaluation and I encourage similar scrutiny of subsequent petitions to Congress from other organizations.

I also encourage organizations seeking a charter to be fully prepared to show specifically how they meet the standards for Federal charters and how they plan to assist the public.

I am delighted, however, that the National Ski Patrol System and its 23,000 members nationwide will be so honored by the 96th Congress. These men and women have been unselfish in their devotion to public safety both on and off the ski slopes. Their effectiveness in rendering emergency first aid and search and rescue services has been well documented by physicians, nurses, and hospitals in cases of automobile accidents, drownings, heart attacks, and choking as well as in skiing and winter sports accidents. In view of this service, a charter is an appropriate form of congressional recognition.

Mr. President, there have been many people who have tirelessly helped in getting this measure through both Houses of Congress and I would like to express my public appreciation to them. In the Senate, 62 of our colleagues cosponsored S. 43, but I would like to specifically mention Senators THURMOND, CANNON, and HEINZ who participated in our hearing and to Senator KENNEDY who graciously chaired the hearing and provided needed support all along the way.

In the House, I would like to say thanks to Representative JACK KEMP who sponsored the House companion bill, H.R. 2279. It was a pleasure for me to work with him and his staff assistant, Mr. Michael Castine. The measure could not have proceeded but for the understanding and interest of the chairman of the Administrative Law Subcommittee, Representative GEORGE DANIELSON and the ranking minority member of both the subcommittee and full committee, Representative ROBERT MCCLORY.

Their staffs assisted a great deal in laying the groundwork in the House for hearings and subcommittee and full committee markups and for keeping me well informed of House progress on the bill. Mr. Jim Lauer and Mr. Alan Coffey deserve our appreciation in this regard. There are many others who have had a hand in the passage of this bill and to everyone who believed in the efficacy of this legislation and helped to bring it to this point, on behalf of the National Ski Patrol System. I say thank you.●

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1150, H.R. 5496.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5496) to amend the National Historic Preservation Act of 1966, and for other purposes.

The Senate proceeded to the consideration of the bill.

● Mr. BUMPERS. Mr. President, this measure, which has been cleared on both sides, would reauthorize the existing national historic preservation program and make a number of improvements and innovations in the historic preservation program. I now ask unanimous consent that a summary of the bill's major provisions appear in the RECORD at this point.

H.R. 5496 would provide for:

Continuation of the National Register with national, State, and local significance, while properties deemed of national significance will be designated as "National Historic Landmarks";

Development and revision of regulations for the nomination of properties to the National Register that include notification, appeals, and local government participation;

Uniform documentation and curatorical procedures for properties, sites, artifacts, and records;

Revision of regulations to govern the State historic preservation programs requiring appointment of a State historic preservation officer to administer the following program components:

Comprehensive survey and inventory;

Nomination of eligible properties to the National Register;

Comprehensive statewide historic preservation plan;

Public information, education, and training concerning the Federal and State programs;

Designation of a State review board;

Cooperation with local governments, Federal and State agencies, and citizens;

Certification of qualified local governments for increased participation;

Matching grants-in-aid for projects and programs in the States and the National Trust for Historic Preservation;

Education and training programs for public officials at all levels of government;

Grants made under this act will not be taxable as income;

A sum of 70 percent Federal funding match for survey and planning at State and local levels;

A sum of 10 percent of State apportionment to be earmarked for local governments that are certified or working toward certification;

When the appropriation exceeds $65 million for a single year, half of the excess will be earmarked for certified local governments; and

The sum of $150 million authorization through 1987, the current level of authorization.

Federal agency responsibility to include:

Designation of a historic preservation officer in each agency;

Recording of data in event building listed or eligible must be altered or destroyed;

A higher standard will apply when a Federal undertaking will affect a National Historic Landmark;

Data recovery requirements with reasonable costs potentially being passed onto licensees, permittees, or grantees;

Lease provision with use of proceeds to defray preservation costs of other properties within the agency's jurisdiction; and

Preservation activity reasonable costs may be assumed by the agency or passed on to licensees or permittees.

The Department of the Interior may accept donations and bequests of money and personal property for the purposes of the program as well as easements;

Exemption from the Freedom of Information Act;

Reimbursement of private attorneys' fees in civil action brought in any U.S. district court as the court deems reasonable;

A loan insurance program for National Register properties;

Recognition of the National Museum of the Building Arts;

Report on intangible cultural resources within 2 years in cooperation with the American Folklife Center;

The council, in cooperation with Treasury, shall submit a report on Federal tax laws and a loan guarantee program within 1 year of enactment.

There were many people and organizations who have helped make this bill possible. Rather than recite them all at this point, I would like to refer to the CONGRESSIONAL RECORD of November 17, 1980 on pages 29826–29828, and add the deep gratitude of the Senate for their help.

Mr. President, I move the passage of H.R. 5496.●

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5496) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GASOHOL COMPETITION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2251.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2251) entitled "An Act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Gasohol Competition Act of 1980".

SEC. 2. The Clayton Act is amended by redesignating section 26 as section 27 and by inserting after section 25 the following new section:

"SEC. 26. (a) Except as provided in subsection (b), it shall be unlawful for any person engaged in commerce, in the course of such commerce, directly or indirectly to impose any condition, restriction, agreement, or understanding that—

"(1) limits the use of credit instruments in any transaction concerning the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability in any case in which there is no similar limitation on transactions concerning such person's conventional motor fuel; or

"(2) otherwise unreasonably discriminates against or unreasonably limits the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability in any case in which such synthetic or conventional motor fuel is sold for use, consumption, or resale within the United States.

"(b)(1) Nothing in this section or in any other provision of law in effect on the date of the enactment of this Act which is specifically applicable to the sale of petroleum products shall preclude any person referred to in subsection (a) from imposing a reasonable fee for credit on the sale, resale, or transfer of the gasohol or other synthetic motor fuel referred to in subsection (a) if such fee equals no more than the actual costs to such person of extending that credit.

"(2) The prohibitions in this section shall not paply to any person who makes available sufficient supplies of gasohol and other synthetic motor fuels of equivalent usability to satisfy his customers' needs for such products, if the gasohol and other synthetic fuels are made available on terms and conditions which are equivalent to the terms and conditions on which such person's conventional motor fuel products are made available.

"(3) Nothing in this section shall—

"(A) preclude any person referred to in subsection (a) from requiring reasonable labeling of pumps dispensing the gasohol or other synthetic motor fuel referred to in subsection (a) to indicate, as appropriate, that such gasohol or other synthetic motor fuel is not manufactured, distributed, or sold by such person;

"(B) preclude such person from issuing appropriate disclaimers of product liability for damage resulting from use of the gasohol or other synthetic motor fuel;

"(C) require such person to provide advertising support for the gasohol or other synthetic motor fuel; or

"(D) require such person to furnish or provide, at such person's own expense, any additional pumps, tanks, or other related facilities required for the sale of the gasohol or other synthetic motor fuel.

"(c) As used in this section, 'United States' includes the several States, the District of Columbia, any territory of the United States, and any insular possession or other place under the jurisdiction of the United States.".

● Mr. METZENBAUM. I express my appreciation to my House colleagues for acting so expeditiously on this important piece of legislation. I am sure I speak for all the cosponsors of this bill when I say that without the excellent cooperation of Mr. Hughes, the bill's manager, Mr. Rodino, the chairman of the Judiciary Committee, and Mr. McClory, the ranking minority member of the committee, among others, we would not be enacting this bill into law today.

Mr. DOLE. Will the Senator yield for a question?

Mr. METZENBAUM. I yield.

Mr. DOLE. I join my good friend from Ohio in his remarks and express my appreciation as well to our House colleagues.

I understand the House attached two amendments to our bill, is that correct?

Mr. METZENBAUM. Yes. First, the House clarified that only "unreasonable" discrimination against the marketing of gasohol was to be prohibited by this bill.

Second, the House exempted from the bill's prohibitions those oil companies that provide their franchisees with ample supplies of gasohol and other synthetic motor fuels, so long as the company does not attempt to avoid the prohibitions by supplying the gasohol or other synfuels on unreasonable terms and conditions.

Mr. DOLE. Is the second change in any way intended to legalize conduct by the oil companies which might otherwise be considered illegal today?

Mr. METZENBAUM. No. The amendment is not intended to permit oil companies to take actions in connection with the marketing of gasohol and other synfuels that would constitute violations of existing antitrust laws. Under the bill, as amended, if an oil company makes gasohol available to its franchisees on reasonable terms and conditions and in quantities adequate to meet those franchisees' needs, the company is exempt from the prohibitions of the bill. This means that the company could preclude its franchisees from selling anyone else's gasohol, unless the franchisees can demonstrate that the company's actions would otherwise be a violation of existing antitrust laws. Although there may be differences of opinion as to what constitutes illegal conduct under existing antitrust laws, my understanding is that the House amendment is not designed to affect that law one way or the other.

Mr. DOLE. In essence then, the amendment is designed to be completely neutral with respect to its effect on the legality or illegality of franchisors' conduct under existing law?

Mr. METZENBAUM. That is my understanding.●

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CONVEYING OF LAND LOCATED IN COLORADO TO UTE MOUNTAIN UTE TRIBE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Jackson I ask that the Chair lay before the Senate a message from the House on H.R. 8112 and that the bill be considered as having been read the first and second time, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8112) to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development.

There being no objection, the Senate proceeded to consider the bill.

● Mr. HART. Mr. President, passage of H.R. 8112 to compensate the Ute Mountain Ute Indian Tribe for an injustice caused by congressional error is an important step for the 96th Congress to take before adjournment. By giving the tribe some Federal land in Colorado and some money, we can rectify some of the unfair treatment this tribe has received.

The House of Representatives has already passed this bill, which Representative Ray Kogovsek introduced.

The purpose of this legislation is to correct an unintentional injustice brought upon the Ute Indian Tribe in 1895. As part of a treaty commitment, Congress gave the Utes land in New Mexico. Congress, however, had earlier given 15,000 acres of that land to the Navajo Tribe under a previous treaty. In 1972, a U.S. District Court ruled that this land—rich in oil, gas, and mineral wealth—belongs to the Navajos, not the Utes. The Utes, therefore, are without land Congress meant to give them to settle a treaty.

To compensate them for this loss, the bill would give the Utes 3,100 acres of Federal land, now managed by the Bureau of Land Management—substantially less than the 15,000 acres Congress originally "gave" the Utes.

The bill also would give the Utes $4 million to be paid over 3 years to replace the far greater amount in gas and mineral revenues they would have received from the New Mexico lands.

The total value, in land and money, the bill would give the Utes is far less than the value of the land Congress meant to give the Utes in 1895. The Utes, however, are willing to accept the smaller amount of land and money as full settlement for the injustice done by congressional error.

The granting of these lands to the Utes will not have any adverse impact on other users, as these lands are now being used solely by the tribe. In fact, BLM has identified these lands as suitable for transfer to the tribe. The Utes would pay taxes on this newly acquired land, just as they do for the land they now own.

Passage of this bill is the least Congress can do to make up for the serious injustice our century-old error has created.●

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8112) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF U.S.S. "INTREPID" TO INTREPID MUSEUM FOUNDATION, INCORPORATED

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Stennis I ask the Chair lay before the Senate a message from the House on H.R. 8329.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8329) to allow the absolete aircraft carrier United States ship Intrepid to be transferred to the Intrepid Museum Foundation, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8329) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER HOLDING H.R. 5888 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5888, an act to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes, be held at the desk pending further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIFYING RULES FOR PREVENTING COLLISIONS ON THE INLAND WATERS OF THE UNITED STATES

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON I ask that the Chair lay before the Senate a message from the House on H.R. 6671.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6671) to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON I move that the Senate insist upon its amendment and request a conference with the House on the disagreeing votes of the two Houses and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. BOREN) appointed Mr. CANNON, Mr. EXON, and Mr. DANFORTH conferees on the part of the Senate.

OFFICE OF PERSONNEL MANAGEMENT DISABILITY DETERMINATIONS

Mr. STEVENS. Mr. President, on Friday the Senate passed H.R. 2510, a bill to permit court review of cases involving employees who are involuntarily separated from the civil service for reasons of disability. A vital part of civil service reform was the review process for official actions taken against Federal employees. Such actions were reviewable before the Merit Systems Protection Board and, thereafter, before a court of appeals. Involuntary disability retirement determinations, however, through an oversight, escaped all impartial review. Such determinations by the Office of Personnel Management are final.

H.R. 2510, as passed by the House, required de novo hearings by the Merit Board and then by a Federal District Court for involuntary retirements based on a suspected mental health disability. The only other actions receiving the status of a district court hearing are discrimination cases pursuant to the Civil Rights Act. All other adverse actions in the civil service, no matter how grievous, are reviewable by the Merit Board and then by a court of appeals. Such review is sufficient impartiality to protect the rights of the Federal employees. Hence, the Governmental Affairs Committee amended the bill to authorize an appeal to the court of appeals from the Merit Board's decision rather than a de novo hearing in the district courts.

In addition, I understand the Office of Personnel Management just issued regulations that will insure an employee who is suspected of a mental disability have the widest possible latitude in choosing which doctors he or she may go to for an examination. Such a choice will protect the employee from so-called "management" doctors.

LAND-GRANT COLLEGES AND UNIVERSITIES HONOR SENATOR MILTON R. YOUNG

Mr. STEVENS. Mr. President, the division of Agriculture of the National Association of State Universities and Land-Grant Colleges recognized two retiring Republican Senators at a recognition dinner during their annual meeting at Atlanta, Ga., this week.

The National Association of State Universities and Land-Grant Colleges recognized Senator MILTON R. YOUNG for his long service and dedication to American agriculture. This is the first time the National Association of State Universities and Land-Grant Colleges has given such recognition.

Senator YOUNG was presented with a plaque which reads:

The Division of Agriculture of the National Association of State Universities and Land-Grant Colleges is proud to honor Senator Milton R. Young, A Son of the Soil of North Dakota for his long service and dedication to American agriculture. Senator Young served on the Senate Agriculture Committee for 35 years and 10 months, longer than any other member. His agricultural heritage, understanding of rural America, and his personal integrity have influenced and helped shape every U.S. agricultural program since the mid-1940's. His concern for family farmers is manifested in our farm commodity programs. His faith and confidence in rural America is exhibited in the rural electric and telephone programs. His love of the land is evident in his work on soil and water conservation. His hopes for the future are embodied in his long and unwavering support of agricultural research, extension and education.

Senator Young has served agriculture, America and the people of the world faithfully and well. November 17, 1980.

Senator HENRY BELLMON was the main speaker for the banquet and was also recognized for his longstanding interest in and support for agriculture research activities designed to enhance the production and well being of rural America and the entire Nation.

The contributions of both these men will long be remembered and I consider it my privilege and honor to have served with them.

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House, delivered by Mr. Berry, one of its reading clerks announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4084) to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California.

The message also announced that the House has passed the bill (S. 43) to promote safety and health in skiing and other outdoor winter recreational activities, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3559. An act to amend the act of May 27, 1930, to expand the emergency authority of the Secretary of Agriculture regarding persons who are lost, seriously ill, injured, or who die within the National Forest System, and for other purposes;

H.R. 4968. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases the net operating loss carryover period for a taxpayer who ceases to be real estate investment trust shall be the same as the net operating loss carryover period for a taxpayer who continues to be real estate investment trust; and

H.R. 5888. An act to amend title 5 of the United States to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 376. Concurrent resolution relative to Japan-United States trade; and

H. Con. Res. 448. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 2357. An act to eliminate the amount in controversary requirement for Federal question jurisdiction.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. STEWART).

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks announced that the House insists upon its amendments to the bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PERKINS, Mr. ANDREWS of North Carolina, Mr. CORRADA, Mr. KILDEE, Mr. STACK, Mr. WILLIAMS of Montana, Mr. ASHBROOK, Mr. COLEMAN, and Mr. GOODLING as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1578. An act for the relief of Dr. Halla Brown; and

S. 2251. An act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

The message further announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1135. An act to add certain lands to the Moapa Indian Reservation and for other purposes;

S. 1386. An act to amend and extend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes; and

S. 1972. An act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from the Sangre de Cristo Development Corporation.

The message also announced that the House agrees to the amendments of the Senate numbered 1 through 69 to the bill (H.R. 6671) to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes; and that the House disagrees to the amendment of the Senate numbered 70 to the bill.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 999. An act to amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes;

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community;

H.R. 6750. An act to suspend until July 1, 1983, the column 1 rate of duty on textile fabrics used in the manufacture of hovercraft skirts;

H.R. 6933. An act to amend the patent and trademark laws;

H.R. 7147. An act to provide that certain land of the United States shall be held by the United States in trust for certain communities of the Mdewakanton Sioux in Minnesota;

H.R. 7660. An act to extend duty-free treatment to certain freight containers;

H.R. 7709. An act to amend the Tariff Schedules of the United States to increase the quantity of cigarettes that may be accorded duty-free treatment if acquired in the insular possessions and entered by returning United States residents;

H.R. 7802. An act to amend the Tariff Schedules of the United States with respect to the rates of duty on ephedrine, racephedrine, and their salts;

H.R. 7893. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development; and

H.R. 8173. An act to provide for distribution in the United States of certain International Communication Agency films relating to President Lyndon Baines Johnson.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 301. A concurrent resolution expressing the sense of the Congress that there is a need to strengthen course offerings and requirements in foreign language studies and international studies in the Nation's schools, colleges, and universities.

HOUSE BILLS REFERRED

The following bills were read twice by their titles, and referred as indicated:

H.R. 999. An act to amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3559. An act to amend the Act of May 27, 1930, to expand the emergency authority of the Secretary of Agriculture regarding persons who are lost, seriously ill, injured, or who die within the National Forest System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4968. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases the net operating loss carryover period for a taxpayer who ceases to be real estate investment trust shall be the same as the net operating loss carryover period for a taxpayer who continues to be real estate investment trust; to the Committee on Finance.

H.R. 6750. An act to suspend until July 1, 1983, the column 1 rate of duty on textile fabrics used in the manufacture of hovercraft skirts; to the Committee on Finance.

H.R. 6933. An act to amend the patent and trademark laws; to the Committee on the Judiciary.

H.R. 7147. An act to provide that certain land of the United States shall be held by the United States in trust for certain communities of the Mdewakanton Sioux in Minnesota; to the Select Committee on Indian Affairs.

H.R. 7660. An act to extend duty-free treatment to certain freight containers; to the Committee on Finance.

H.R. 7709. An act to amend the Tariff Schedules of the United States to increase the quantity of cigarettes that may be accorded duty-free treatment if acquired in the insular possessions and entered by returning U.S. residents; to the Committee on Finance.

H.R. 7802. An act to amend the Tariff Schedules of the United States with respect to the rates of duty on ephedrine, racephedrine, and their salts; to the Committee on Finance.

H.R. 7893. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

H.R. 8173. An act to provide for distribution in the United States of certain International Communication Agency films relating to President Lyndon Baines Johnson; to the Committee on Foreign Relations.

HOUSE BILLS HELD AT THE DESK

The following bills were held at the desk by unanimous consent:

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community; and

H.R. 5888. An act to amend title 5 of the United States to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 301. A concurrent resolution expressing the sense of the Congress that there is a need to strengthen course offerings and requirements in foreign language studies and international studies in the Nation's schools, colleges, and universities; to the Committee on Labor and Human Resources.

H. Con. Res. 376. A concurrent resolution relative to Japan-United States trade; and to the Committee on Finance.

PETITIONS AND MEMORIALS

The PRESIDING OFFICER laid before the Senate the following petitions; which were referred as indicated:

POM-881. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Armed Services:

"Resolution No. 2-16

"Whereas, citizens of the Commonwealth of the Northern Marianas are not currently eligible to serve in the Armed Forces of the United States; and

"Whereas, as part of the United States, citizens of the Commonwealth of the Northern Marianas have a duty and responsibility to serve and protect their country; and

"Whereas, legislation has been introduced in the United States Congress to extend this privilege to citizens of the Commonwealth of the Northern Marianas; and

"Whereas, granting the right to serve in the Armed Forces of the United States to citizens of the Commonwealth of the Northern Marianas would aid in the integration of the Commonwealth into the United States and allow the citizens of the Commonwealth a productive and meaningful role in service to the country; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference supports all efforts to extend the right of service in the Armed Forces of the United States to citizens of the Commonwealth of the Northern Marianas; and be it further

"*Resolved*, That the Second Joint Marianas Legislative Conference hereby urges the Congress of the United States to take prompt action on legislation which would extend this right to citizens of the Northern Marianas; and be it further

Resolved, That the Conference Co-chairpersons certify and attest the adoption hereof and that copies of the same be transmitted to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary of the United States Department of Defense; to the Governor of the Commonwealth of the Northern Marianas; and to the Governor of Guam."

POM-882. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Commerce, Science, and Transportation:

"Resolution No. 2-28

"Whereas, the Jones Act, and other Federal laws and regulations governing shipping have placed a severe hardship on the people of Guam by prohibiting foreign vessels from serving Guam's needs; and

"Whereas, the Federal restrictions which prohibit foreign vessels from serving Guam have created artificially high prices for all products which are brought to the Marianas by ships; and

"Whereas, these artificially high prices have had a restraining effect on local efforts at production by making it cost-prohibitive to import production-related agricultural goods such as seeds, fertilizers, animal feeds and other necessities for production; and

"Whereas, prices on these items and all products brought to Guam and transhipped to the Northern Marianas from Guam could be lowered if other shipping lines, both foreign and domestic, could begin serving Guam; and

"Whereas, the people of Guam and the Northern Marianas have repeatedly requested the United States Congress to examine and repeal those laws and regulations which have adverse effects upon our economies; and

"Whereas, these requests to the United States Congress have been repeatedly ignored; and

"Whereas, since the United States Congress continues its non-responsiveness to Guam's needs in terms of shipping, it seems only proper that Congress should take steps to make Guam and the Northern Marianas a more attractive destination for domestic shipping lines by offering subsidies to those shipping lines which might be willing to serve Guam and the Northern Marianas, particularly on those items used for production of goods; and

"Whereas, another method by which Congress could alleviate these shipping related problems in Guam and the Northern Marianas is to subsidize a Guam and Northern Marianas shipping line; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference, on behalf of the people of Guam and the Northern Marinas, does hereby request once again that the Congress of the United States examine the laws and regulations which negatively affect shipping on Guam and the Northern Marianas; and be it further

"*Resolved*, That should Congress again fail to honor this request, the Second Joint Marianas Legislative Conference, on behalf of the people of Guam and the Northern Marianas, hereby requests the Congress of the United States to consider subsidies to those domestic shipping lines which serve Guam and the Northern Marianas in order to entice other shipping lines to this area, thus allowing the people of Guam and the Northern Marianas freedom of choice between shippers, and the benefit of competition in the free enterprise system; and be it further

"*Resolved*, That should Congress determine that these subsidies are not feasible, the Second Joint Marianas Legislative Conference, on behalf of the people of Guam and the Northern Marianas, requests the Congress of the United States to consider the establishment of a Guam and Northern Marianas shipping line to serve the people of Guam and the Northern Marianas' shipping needs and to alleviate the artificially constructed prices which are now forced upon the people of Guam and the Northern Marianas; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest to the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; the President Pro Tempore of the United States Senate; the Speaker of the United States House of Representatives."

POM-883. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 2–10

"Whereas, at the present time, there is legislation pending in the Northern Marianas Commonwealth Legislature which would establish a community college for the people of the Commonwealth of the Northern Mariana Islands; and

"Whereas, the establishment of such a community college would be most beneficial to the residents of the Commonwealth of the Northern Mariana Islands as it would reduce dependence on foreign labor and provide training programs to persons who are unable to attend educational facilities off-island; and

"Whereas, it is the sincere hope and desire of the people of the Commonwealth of the Northern Mariana Islands that the Board of Trustees of the Guam Community College and the Board of Regents of the University of Guam would provide technical and administrative assistance in order to facilitate the establishment of a community college in the Commonwealth of the Northern Mariana Islands; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference hereby requests that the Northern Marianas Commonwealth Legislature act favorably on pending legislation to establish a community college in the Commonwealth of the Northern Mariana Islands; and be it further

"*Resolved*, That the Conference Co-chairmen certify to and attest the adoption hereof and that copies of the same be transmitted to the Speaker of the House of Representative and the President of the Senate, Second Northern Marianas Commonwealth Legislature; to the Board of Trustees of the Guam Community College; and to the Board of Regents of the University of Guam."

POM-884. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 2–17

"Whereas, many Federal laws which are applied to Guam and the Northern Marianas create a restrictive effect on the development of their economies; and

"Whereas, these constraints are a result of the lack of study on the impact of Federal laws which are arbitrarily applied to Guam and the Northern Marianas, and a lack of sensitivity to local conditions; and

"Whereas, the Commonwealth of the Northern Marianas has been granted by the United States Congress a Law Review Committee to examine all laws and programs which apply to the Northern Marianas; and

"Whereas, Guam has not been granted a similar committee to address the negative impact of some Federal laws and programs on Guam's development; and

"Whereas, among the Federal constraints on Guam's development which could be addressed by this Committee are the inclusion of Guam in the provisions of the Jones Act which effectively prohibits Guam from establishing a viable fishing industry and exclusion from the benefits of the Supplemental Security Income Program; and

"Whereas, legislation currently under consideration in the United States Congress would establish a Guam Law Review Committee for the purpose of examining those Federal laws which impact negatively upon Guam; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference hereby supports the establishment of a Guam Law Review Committee and urges the Congress of the United States to take prompt action to establish this Committee; and be it further

"*Resolved*, That the Second Joint Marianas Legislative Conference urges the Congress of the United States to establish a Guam Law Review Committee which would have a majority of its members selected from Guam; and be it further

"*Resolved*, That the Second Joint Marianas Legislative Conference urges the Congress of the United States to grant the Governments of Guam and the Northern Marianas discretionary powers to decide the applicability of certain Federal laws and programs; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest the adoption hereof and that copies of the same be transmitted to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Governor of Guam; to the Fifteenth Guam Legislature; to the Second Northern Marianas Commonwealth Legislature; and to the Governor of the Commonwealth of the Northern Marianas."

POM-885. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 2–22

"Whereas, there exist similar problems in the Territory of Guam and the Commonwealth of the Northern Mariana Islands regarding juvenile delinquency, drug and alcohol abuse, high school dropouts, and youth activities; and

"Whereas, the Commonwealth of the Northern Mariana Islands has no juvenile detention facilities nor adequate rehabilitation programs for juvenile delinquents nor a central governmental entity to deal with these programs and other youth activities; and

"Whereas, the joint cooperation and assistance of the law enforcement agencies of the Territory of Guam and the Commonwealth of the Northern Mariana Islands is required to remedy the problems encountered in the areas of juvenile delinquency and drug and alcohol abuse; now, therefore, be it

"*Resolved*, That the Government of the Commonwealth of the Northern Mariana Islands is hereby requested to amend its organizational structure to provide a department or central agency similar to the Guam Department of Youth Affairs for the purpose of providing a comprehensive approach to youth needs and problems, and to plan, coordinate and implement programs and services to that effect; and be it further

"*Resolved*, That the Government of Guam and the Government of the Commonwealth of the Northern Mariana Islands are hereby requested to enter into an agreement allowing the Commonwealth access to the juvenile detention facilities and rehabilitation programs on Guam and providing for the reimbursement of costs of the Government of Guam; and be it further

"*Resolved*, That the co-chairpersons certify and attest to the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress; to the Governor of Guam; to the Governor of the Commonwealth of the Northern Mariana Islands; to the President of the Senate and the Speaker of the House of Representatives of the Second Northern Marianas Commonwealth Legislature; and to the Speaker of the Fifteenth Guam Legislature."

POM-886. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Energy and Natural Resources:

"RESOLUTION No 2–24

"Whereas, the Fifteenth Guam Legislature and the Governor of Guam recently enacted a law establishing a two hundred mile economic zone surrounding Guam; and

"Whereas, the Legislature of the Northern Marianas Commonwealth is now considering the enactment of similar legislation; and

"Whereas, the two governments of the Mariana Islands have asserted their rights to control the ocean resources surrounding their islands; and

"Whereas, a recent session of the United Nations Conference on the Law of the Sea did prepare a revised Informal Composite Negotiating Text (ICNT) which includes a provision that less than sovereign territories have the same rights as sovereign states in their adjacent sea and its resources, including the right to establish an exclusive economic zone; and

"Whereas, the United States' concurrence with this ICNT proposal is important to the economic developments and cultural integrity of the Mariana Islands; and

"Whereas, the interest of the Marianas can be best protected by the inclusion of representatives from the Commonwealth of the Northern Marianas and the Territory of Guam in the deliberations of the United Nations Conference on the Law of the Sea; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference reaffirms the right of the people of the Mariana Islands to the exclusive control of the living and nonliving resources of the sea surrounding their respective jurisdictions; and be it further

"*Resolved*, That the Second Joint Marianas Legislative Conference hereby requests the President of the United States to include representatives from the Commonwealth of the Northern Mariana Islands and the Territory of Guam on the official United States delegation to the United Nations Conference on the Law of the Sea, or arrange for direct representation or official observing status; and be it further

"*Resolved*, That the Second Joint Marianas Legislative Conference requests that the President direct the United States delegation to the United Nations Conference on the Law of the Sea to concur in the ICNT provision regarding the rights of territories in the adjacent sea and its resources and that the United States moves to bring such conference to a prompt and successful conclusion; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest to the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the Speaker of the United States House of Representatives; to the President Pro Tempore of the United States Senate; to the Secretary General of the United Nations; to the Speaker of the House of Representatives and the President of the Senate of the Northern Marianas Commonwealth Legislature; to the Speaker of the Fifteenth Guam Legislature; to the Governor of Guam; and to the Governor of the Commonwealth of the Northern Mariana Islands."

POM-887. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Energy and Natural Resources:

"RESOLUTION NO. 2-18

"Whereas, in many instances, financial and technical assistance is available from nations other than the United States by membership in international organizations; and

"Whereas, due to restrictions by the United States Government, Guam and the Northern Marianas are not eligible to receive this assistance; and

"Whereas, such assistance is invaluable, particularly in those areas which the United States does not have the resources or desire to assist Guam and the Northern Marianas; and

"Whereas, while some international organizations have goals and objectives contrary to those of the United States, many do not, and it is these organizations that could be of great assistance to Guam and the Northern Marianas; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference does hereby request the Congress of the United States to allow Guam and the Northern Marianas to participate in those organizations which offer technical and financial assistance to member countries; and be it further

"*Resolved*, That the Second Joint Marianas Legislative Conference hereby requests the Secretary General of the United Nations to inform the Government of Guam and the Northern Marianas of any organizations which offer assistance to developing territories; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest the adoption hereof, and that copies of the same be transmitted to the President of the United States, the Congress of the United States, the Secretary General of the United States, to the Fifteenth Guam Legislature, the Second Northern Marianas Commonwealth Legislature, the Governor of Guam, and the Governor of the Commonwealth of the Northern Marianas."

POM-888. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Environment and Public Works:

"RESOLUTION NO. 2-15

"Whereas, despite the protests of both the Northern Marianas Legislature and the Guam Legislature, the United States and other nations continue efforts to introduce nuclear material into the Pacific; and

"Whereas, this is evidenced by the presence of a research ship sent by the Federal Department of Energy to Guam last week, whose stated mission is to locate areas between Japan and the Northern Mariana Islands for the purpose of burying nuclear waste; and

"Whereas, France is currently engaged in nuclear testing in the Pacific; and

"Whereas, the threat of radioactive materials is real and extremely dangerous to people living in the Pacific; and

"Whereas, the people of the Bikini Islands have been banned from their homeland because of unsafe levels of radioactivity present on the islands from the detonation of a hydrogen bomb more than thirty years ago; and

"Whereas, the United States and other nations must identify alternate locations for nuclear testing and for use as storage facility for spent nuclear fuel as far from populated areas as possible; and

"Whereas, the United States and other nations must formulate alternative uses for spent nuclear fuel; and

"Whereas, several states of the United States, and many nations throughout the world have the technology and ability to recycle spent nucelar fuel into a feasible form of energy to supplement the declining supply of nonrenewable eneregy sources; now, therefore, be it

"*Resolved*, That the Pacific Islands should not be considered further by the United States or any other nation to serve as a testing or dumping ground for dangerous radioactive materials which may have devastating and disastrous effects on the many people who live in the Pacific; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest to the adoption hereof, and that copies of the same be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Energy, the Chairman of the United States Nuclear Regulatory Commission, the Secretary General of the United Nations, the Governor of the Commonwealth of the Northern Marianas, and the Governor of Guam."

POM-889. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Foreign Relations:

"RESOLUTION NO. 2-20

"Whereas, the Government of the United States often enters into international agreements with other nations without regard for its impact upon Guam and the Northern Marianas; and

"Whereas, these agreements often disrupt local efforts at achieving desired goals and objectives; and

"Whereas, these agreements are often entered by the United States without consultation with the Governments of Guam and the Northern Marianas, thereby adversely affecting local development strategies; and

"Whereas, although recognizing the need for the United States to stand united in its agreements with other nations, agreements affecting Guam and the Northern Marianas should be discussed fully by all parties concerned prior to any agreement; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference hereby urges the President of the United States and the Congress of the United States to determine the impact of international agreements on Guam and the Northern Marianas prior to any agreement being entered; and be it further

"*Resolved*, That Guam and the Northern Marianas be excluded from agreements determinated to have adverse effects upon the development of local endeavors; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest to the adoption hereof and that copies of the same be transmitted to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Fifteenth Guam Legislature; to the Second Northern Marianas Commonwealth Legislature; to the Governor of Guam; and to the Governor of the Commonwealth of the Northern Marianas."

POM-890. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on the Judiciary:

"RESOLUTION NO. 2-3

"Whereas, the consensus of the Second Joint Marianas Legislative Conference is to pursue a promotion of the tourism industry for our respective governments; and

"Whereas, the Japanese tourists comprise a major part of the tourist industry in Guam and the Northern Mariana Islands; and

"Whereas, it would be most beneficial to our respective tourist industries to eliminate the visa requirement for certain tourists; and

"Whereas, a bill introduced in the U.S. House of Representatives known as House Bill No. 848 would eliminate the requirement of visas to enter Guam by Japanese tourists who will not be in Guam for more than fifteen (15) days; now, therefore, be it

"*Resolved*, That the Second Joint Marianas Legislative Conference does hereby endorse and support the U.S. House of Representatives Bill No. 848; and be it further

Resolved, That the Conference Co-chairmen certify and attest the adoption thereof, and that certified copies of the same be thereafter transmitted to the Speaker of the United States House of Representatives; to the President Pro Tempore of the United States Senate; to the Governor of Guam; to the Governor of the Northern Mariana Islands; to the Guam delegation to Washington, D.C.; and to the Northern Marianas Representative to Washington, D.C.

POM-891. A resolution adopted by the Second Joint Marianas Legislative Council; to the Committee on the Judiciary:

"RESOLUTION NO. 2-23

"Whereas, the federal Law Enforcement Assistance Administration program relating to the Juvenile Justice and Delinquency Prevention Act provides useful benefits to assist in solving juvenile delinquency problems, and these programs are not included in the federal budget now under consideration by the Congress of the United States of America; now, therefore, be it

"*Resolved*, That the United States Congress is hereby requested to reauthorize and appropriate adequate funds to the federal Law Enforcement Assistance Administration for its program in Guam and the Northern Mariana Islands under the Juvenile Justice and Delinquency Prevention Act; and be it further

"*Resolved*, That the Conference Co-chairpersons certify and attest to the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, and the Speaker of the House of Representatives of the United States Congress."

POM–892. A resolution adopted by the Second Joint Marianas Legislative Conference; to the Committee on Labor and Human Resources:

"Resolution No. 2–13

"Whereas, the Health Incentive Grants authorized under Section 314(d) of the federal Public Health Services Act provide substantial funds to assist the Territory of Guam and the Commonwealth of the Northern Mariana Islands to begin and continue much needed public health programs; and

"Whereas, the federal budget for fiscal year 1981 eliminates funds for such Health Incentive Grants; and

"Whereas, the elimination or drastic curtailment of these grants will have a serious adverse effect upon such public health preventive programs as immunization, hypertension, venereal disease control, intestinal parasites, alcohol and drug abuse, environmental health, school health, dental health, community nutrition services and staff training; now, therefore, be it

"*Resolved*, That the Congress of the United States of America is hereby requested to reinstate the Health Incentive Grants authorized by Section 314(d) of the federal Public Health Services Act as it relates to the Commonwealth of the Northern Mariana Islands and the Territory of Guam; and be it further

"*Resolved*, That the Co-chairpersons certify and attest to the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States of America."

POM–893. A concurrent resolution of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"House Concurrent Resolution No. 918

"Whereas, On November 4, 1979, the American Embassy in Tehran, Iran, was invaded by Iranian militant students, and American citizens were captured and held as hostages. This calamitous event has caused an international outcry against the government of Iran, which condoned and supported this terrible violation of international law on American soil. The people of the world, and particularly our own citizenry, have been shocked and outraged by this situation which now has gone on for more than ten months; and

"Whereas, In light of this fact, it behooves us in Michigan to encourage the planning of a national celebration once the hostages are released. Such a celebration would unite individuals and groups of people from all over America in joyous commemoration of the hostages' release and would honor the hostages, and their long-suffering families. To hallow this special day, flags would fly in every part of our land, in places both public and private, and people would gather everywhere to hold special commemorative events in solemn remembrance of the hostages' ordeal and in glad rejoicing for their release. It is highly appropriate that such a day of celebration be proclaimed as soon as the hostages are released. We urge the Congress and those who represent all of us in Congress to plan now to set a date for a day of celebration as soon as this release is realized; now, therefore, be it

"*Resolved by the House of Representative (the Senate concurring)*. That the Michigan Legislature memoralize the Congress of the United States to proclaim a day of celebration when the American hostages in Iran are released; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Michigan Delegation to the Congress of the United States."

POM–894. A concurrent resolution of the Legislature of the State of Pennsylvania; to the Committee on Veterans' Affairs.

"Resolution

"Whereas, during the period between 1961 and 1971, the United States Armed Forces sprayed the battlefields of South Vietnam with more than 44,000,000 pounds of "Agent Orange," a highly toxic defoliant containing equal parts of the herbicides 2, 4–D and 2, 4, 5–T; and

"Whereas, the chemical dioxin which is contained in 2, 4, 5–T, has been found to cause birth defects, internal disorders, miscarriages and stillbirths in laboratory animals; and

"Whereas, in studies conducted by the National Academy of Sciences in 1974 and in a monograph of the World Health Organization which cites corroborative studies, the Montagnard tribes exposed to areas sprayed with "Agent Orange" reported similar symptoms, including child deaths, fever, abdominal pains, skin rashes and vomiting; and

"Whereas, increasingly, Veterans of the United States Armed Forces who served in areas of Vietnam sprayed with "Agent Orange" during this era are reporting malformations of their babies, infant deaths, internal disorders among their children and psychoneurological disorders in themselves; and

"Whereas, in the past six months alone, a Vietnam veterans group called Citizen Soldier, associated with Friends of the Earth, has gathered 1,400 medical statements from exposed veterans around the country attesting to such traumatic and tragic experiences; and

"Whereas, it is the sense of the General Assembly of Pennsylvania that the Vietnam Veterans of the United States have been subjected to unique and unusual hardships, many of which are long-term or permanent, and are entitled to the concerted efforts of the governmental agencies to come to their aid in this urgent matter; therefore be it

"*Resolved (the House of Representatives concurring)*, That the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress of the United States to conduct a study independent of the Veterans Administration to locate, treat and rehabilitate any veteran of the Vietnam Conflict who was contaminated by the defoliant "Agent Orange"; and be it further

"*Resolved*, That copies of this resolution be transmitted to the Honorable Jimmy Carter, President of the United States, to the President pro tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Congress of the United States from the State of Pennsylvania."

POM–895. A petition from M. Pearle Runk, a citizen of Ohio, favoring the strengthening of American security by developing certain weapons systems; to the Committee on Armed Services.

POM–896. A resolution adopted by the Western Conference of the Council of State Governments favoring legislation clarifying and liberalizing laws applicable to export trading companies; to the Committee on Banking, Housing, and Urban Affairs.

POM–897. A resolution adopted by the Western Conference of the Council of State Governments favoring legislation establishing federal acreage limitations on agricultural projects; to the Committee on Energy and Natural Resources.

POM–898. A resolution adopted by the Western Conference of the Council of State Governments favoring the amendments to the 1902 Reclamation Act; to the Committee on Energy and Natural Resources.

POM–899. A resolution adopted by the Western Conference of the Council of State Governments favoring state primacy in controlling and regulating surface mining within state boundaries; to the Committee on Energy and Natural Resources.

POM–900. A resolution adopted by the Western Conference of the Council of State Governments favoring the enactment of pending legislation establishing a Pacific Northwest Power Policy; to the Committee on Energy and Natural Resources.

POM–901. A resolution adopted by the Western Conference of the Council of State Governments encouraging the mining of oil shale by the open-pit method where appropriate; to the Committee on Energy and Natural Resources.

POM–902. A resolution adopted by the Western Conference of the Council of State Governments favoring State involvement with the Energy Mobilization Board; to the Committe on Energy and Natural Resources.

POM–903. A resolution adopted by the Western Conference of the Council of State Governments expressing their views on energy supply and usage; to the Committee on Energy and Natural Resources.

POM–904. A resolution adopted by the Western Conference of the Council of State Governments favoring a coordinated plan for the development of renewable energy resources on public lands; to the Committee on Energy and Natural Resources.

POM–905. A resolution adopted by the Western Conference of the Council of State Governments regarding regulations under the Clean Air Act Amendments of 1977; to the Committee on Energy and Natural Resources.

POM–906. A resolution adopted by the Western Conference of the Council of State Governments favoring legislation providing for a waiver of federal sovereign immunity for ten years in the matter of public lands control; to the Committee on Energy and Natural Resources.

POM–907. A resolution adopted by the Western Conference of the Council of State Governments favoring a congressional study of the economic impact of federal laws and regulations on public lands; to the Committee on Energy and Natural Resources.

POM–908. A resolution adopted by the Western Conference of the Council of State Governments regarding the completion of in-lieu land selections; to the Committee on Energy and Natural Resources.

POM–909. A resolution adopted by the Western Conference of the Council of State Governments regarding grazing on public rangelands; to the Committee on Energy and Natural Resources.

POM–910. A resolution adopted by the Western Conference of the Council of State Governments regarding the management of water resources by the States within their boundaries; to the Committee on Environment and Public Works.

POM–911. A resolution adopted by the Western Conference of the Council of State Governments regarding changes to the National Clean Air Act and Environmental Protection Agency regulations and policies; to the Committee on Environment and Public Works.

POM–912. A resolution adopted by the Western Conference of the Council of State Governments regarding the Haulapai Hydroelectric Project; to the Committee on Environment and Public Works.

POM–913. A resolution adopted by the Western Conference of the Council of State Governments favoring expansion of trade supplementary agreements for regional solutions to problems of low-level hazardous waste; to the Committee on Environment and Public Works.

POM-914. A resolution adopted by the Western Conference of the Council of State Governments favoring expansion of trade with the Republic of China; to the Committee on Finance.

POM-915. A resolution adopted by the Western Conference of the Council of State Governments urging the rejection of any attempt to limit a state's authority to levy resource severence taxes; to the Committee on Governmental Affairs.

POM-916. A resolution adopted by the Western Conference of the Council of State Governments favoring legislation giving the states greater freedom of activity when receiving federal grants; to the Committee on Governmental Affairs.

POM-917. A resolution adopted by the Western Conference of the Council of State Governments favoring legislation to require that each bill or resolution reported in the U.S. Congress carry a cost estimate for implementation to each state and local government involved; to the Committee on Governmental Affairs.

POM-918. A resolution adopted by the Western Conference of the Council of State Governments favoring legislation to give states more authority for challenging federal resolutions; to the Committee on the Judiciary.

POM-919. A resolution adopted by the Stearns County Board of Commissioners, Stearns County, Minnesota, favoring extension of the general revenue sharing program; to the Committee on Finance.

POM-920. A petition of the National Association for the Advancement of Colored People, Pueblo, Colorado Branch favoring the extension of the general revenue sharing program; to the Committee on Finance.

POM-921. A resolution adopted by the Dutchess County Legislature, Dutchess County, New York, urging the rejection of a proposed amendment to the Legal Services Corporation Act so as to delete awarded attorney fees from the local corporation's budget; to the Committee on Labor and Human Resources.

POM-922. A resolution adopted by the Legislature of Erie County, New York, favoring action to continue grants for alcoholism services; to the Committee on Labor and Human Resources.

POM-923. A resolution adopted by the Smith County Commissioners Court, Smith County, Texas, favoring the continuation of the general revenue sharing program; to the Committee on Finance.

POM-924. A petition from the Union County Prosecutor's Office, Union County, New Jersey, transmitting, a presentment concerning the Coalition for United Elizabeth and Concern, Incorporated; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Appropriations, with amendments:

H.R. 8105. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes (Rept. No. 96-1020).

By Mr. JACKSON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 5769. An Act to reinstate and validate United States oil and gas leases numbered OCS-P-0218 and OCS-P-0226 (together with additional views) (Rept. No. 96-1021).

H.R. 6258. An Act providing for reinstatement and validation of United States oil and gas leases numbered C-9496, C-9711, C-11600, C-1621, C-11622, C-11630, C-11631, C-11597, C-11599, C-13774, C-14197, C-17049, C-18262, C-26048, C-13532, C-11581, C-11585, C-11590, C-11591, and C-11595 (Rept. No. 96-1022).

H.R. 7941. An Act to amend section 21 of the Act of February 25, 1920, commonly known as the Mineral Leasing Act (Rept. No. 96-1023).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 3213. A bill to amend the Internal Revenue Code of 1954 to repeal the 30 percent withholding tax on interest received by foreigners on certain portfolio investments; to the Committee on Finance.

By Mr. CRANSTON:

S. 3214. A bill for the relief of Maria Lourdes Bicasan; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 3215. A bill for the relief of Juan Esteban Ramirez; to the Committeee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 3213. A bill to amend the Internal Revenue Code of 1954 to repeal the 30-percent withholding tax on interest received by foreigners on certain portfolio investments; to the Committee on Finance.

REPEAL OF WITHHOLDING TAX ON CERTAIN INTEREST RECEIVED BY FOREIGNERS

● Mr. BENTSEN. Mr. President, last year the Senate Finance Committee unanimously approved an amendment to repeal the 30-percent withholding tax on interest paid to foreign investors on portfolio indebtedness. This provision was recommended to the Senate Finance Committee by Secretary of the Treasury Miller. This change was incorporated in the Synthetic Rutile bill, H.R. 2297.

Since that time several drafting modifications to the legislation have been suggested by the Treasury Department and the business community. I am today introducing a new bill which incorporates these drafting modifications.

Mr. President, prompt enactment of this legislation is needed for several reasons:

First, the Secretary of the Treasury states that U.S. Treasury's access to foreign investors, which is critical to protecting the value of the dollar, is complicated by the interest withholding tax.

Second, repeal of the withholding tax will contribute to the ability of U.S. business to raise capital from foreign investors in foreign markets without the risk of foreign control of U.S. businesses or assets. It will result in an additional source of capital for the investments needed to boost our lagging rate of productivity.

Third, the present tax is an undesirable protective tariff which hampers the inflow of badly needed investment capital without raising significant revenue.

Fourth, some companies are presently able to avoid the tax legally and to raise foreign capital by creation of offshore finance subsidiaries such as Netherlands Antilles corporations. We should allow all U.S. companies, as well as the U.S. Government and its agencies, to borrow funds directly on an equally favorable basis.

Fifth, repeal of the tax would be of particular benefit to the U.S. housing industry which is in need of additional sources of capital.

Sixth, the legislation as currently proposed contains ample safeguards against the evasion of tax by Americans.

Mr. President, I urge the Senate to approve this legislation.●

SENATE CONCURRENT RESOLUTION 135—SUBMISSION OF A CONCURRENT RESOLUTION WITH REGARD TO THE NUMBER OF DIGITS USED IN ZIP CODES AND OTHER MAIL DELIVERY SYSTEMS

Mr. JEPSEN (for himself, Mr. Baucus, Mr. Boren, Mr. Burdick, Mr. Heflin, and Mr. Melcher) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. Con. Res. 135

Whereas the United States Postal Service has not answered fully the many questions concerning its plan to expand the ZIP code to nine digits, nor fully resolved the technical issues involved;

Whereas the United States Postal Service proposes to pay approximately $1,000,000,000 for new, automated, mail-sorting equipment and for related changes required to expand the ZIP code;

Whereas the United States Postal Service has chosen not to examine the cost to businesses, nonprofit organizations, and institutions as well as to all levels of government to convert their mailing lists and make other changes necessary to implement the nine-digit code numbers;

Whereas the cost to these organizations to convert to the nine digits may equal the $1,000,000,000 that the United States Postal Service will pay;

Whereas the United States Postal Service could achieve significant productivity gains simply by employing new automated equipment to sort mail carrying the current five-digit ZIP codes

Whereas the United States Postal Service has not studied alternatives, such as providing incentives to business mailers to imprint special bar-coding on billing and reply mail;

Whereas, according to the United States Postal Service, use of the expanded ZIP codes will not speed the delivery of mail; and

Whereas there is widespread public disenchantment with the plan of the United States Postal Service to expand the ZIP code to nine digits: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Postal Service should halt plans for its ZIP code expansion until such time as the Service and the Congress have fully examined the cost to the Service, as well as to mailers, the social consequences, and the technical issues associated with that proposal, and that in no case should the United States Postal Service expand the ZIP code beyond its current five digits without first fully examining other means of improving productivity in the sorting of mail.

Mr. JEPSEN. Mr. President, I am introducing a concurrent resolution for myself and Senators Baucus, Boren, Burdick, Heflin, and Melcher. As my colleagues will note, we are not trying to prevent the Postal Service from ever instituting a nine-digit ZIP code. Rather, we are trying to make sure that if this proposal is implemented, it will not place excessive costs and burdens on individuals and businesses.

On September 24, I sent a letter to a number of Iowans asking for their comments on this issue. The response has been overwhelming. I would like to read excerpts from some of these letters and to request that these letters be inserted in the RECORD at the end of my statement.

Mildred Rock from Des Moines, Iowa wrote:

> I fully agree with the taxpayer from Houston who calls this (the nine-digit zip) another Washington Monument to stupidity. In our case—and, I have to assume in the case of many companies the size of ours—the all-at-once cost of changing all of our records and equipment would be harder to bear than the spread out cost of increased postage.

I am afraid, Mr. President, that this could become the 1980 version of the Susan B. Anthony dollar. As you will recall, this was the new dollar coin that was going to save the U.S. Treasury so much money. Unfortunately, the public did not view this the same way and refused to use the coins except as collector pieces.

Tim Sheets, director of education for the Iowa Postal Workers Union wrote and said:

> As to the postal service defending the nine-digit zip code as a means to hold down postal rates and improve efficiency, I can only say that there are many ways to reach such a goal without the problems involved with the nine-digit zip code.

Mr. President, these are just a few of the comments I have received thus far. But I think it is fair to say that their comments are a representative sampling of the hundreds of letters written to me on this issue.

The Postal Service admits that the success of this plan depends on the amount of acceptance it receives from individuals and businesses. If the letters I have received are any indication of the sentiment in other parts of the country—and I think they are—then not too many people are very happy with the nine-digit proposal.

Mr. President, Congress has been working to make the Postal Service as independent as possible. I think there is a great deal to be said for this. However, until the Postal Service can operate on its own, without Federal subsidies, it is incumbent upon Congress to insure that the taxpayers' money is spent wisely.

Congress has been working to make Postal Service as independent as possible. I think there is a great deal to be said for this. However, until the Postal Service can operate on its own, without Federal subsidies, it is incumbent upon Congress to insure that the taxpayers' money is spent wisely.

More than anything else, this is the motivation behind our efforts. We are not convinced that the Postal Service has adequately considered the social, economic, and technical ramifications involved.

We deserve answers to a number of questions before the Postal Service should be allowed to continue with its plans. Was any consideration given to the social impact of the plan? Instead of adding new digits to the present five, plus buying the new equipment to read these digits, was any consideration given to coordinating the new equipment with existing pre-sort business mail programs? What alternatives, if any, were considered?

These are very important questions which deserve answers. To date, I do not believe they have been addressed. Hopefully, during the hearings scheduled for November 25, Postmaster General Bolger will be able to come up with the answers. If he cannot, however, we must halt this plan until they are.

We are very concerned that many unforeseen problems will begin to arise if we simply jump into this program with both feet. It is like the man who tries to eat his favorite pie in one bite. He soon finds out that it will make him sick. Instead of trying to force the public to swallow the nine-digit zip code in one bite, perhaps the postal service should consider feeding it to them in small pieces—it may go down smoother.

Mr. President, I ask unanimous consent that three letters concerning this issue to be printed in the RECORD.

The being no objection, the letters were ordered to be printed in the RECORD, as follows:

THERMO KING-DES MOINES CO.,®
Des Moines, Iowa, October 29, 1980.

Hon. ROGER JEPSEN,
Joint Economic Committee,
Washington, D.C.

DEAR SENATOR JEPSEN: I am responding to your letter of September 24, 1980, regarding the United States Postal Service plans to convert to a nine digit zip code.

I fully agree with the taxpayer from Houston who calls this "another Washington monument to stupidity". In our case, and I have to assume in the case of many companies the size of ours the "all at once" cost of changing all our records and equipment to comply would be harder to bear than the "spread out" cost of increased postage.

The following is a list of some of the things we would have to do because of a change of this nature.

1. Change addressograph plates. In some cases this would be adding the four new digits and in a number of instances a whole new plate.

2. Redoing all accounts receivable and vendor ledger cards. Here again it might be a simple change or mean a whole new card. Some times it would be impossible because on our type of equipment there is allowance for only so many characters and only 3 lines. On some addresses we are already using all of the allowable space.

3. All master copies of our different mailing lists would have to be changed or redone.

4. Various other special files would have to be changed.

In every instance listed above there is not only the cost of the materials but the payroll cost of paying employees to make the changes and researching to make the changes. Even the possibility of spending a great deal of money to reprogram our record keeping equipment in order that it could even be done.

These reasons are strictly as seen from a business stand point and not as an individual. There may be even more that I haven't thought of.

Neither can I see that the Postal Service is going to be able to make this change without cost. The further assumption then is that the taxpayer is going to be stuck paying for this as well as the changes all other areas of government will have to make.

Sincerely yours,

MILDRED J. ROCK,
Bookkeeper.

IOWA DEVELOPMENT COMMISSION,
Des Moines, Iowa, October 7, 1980.

Hon. ROGER JEPSEN,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR JEPSEN: Thank you for your note concerning the U. S. Postal Service plan to change from five digit to nine digit zip code. The business community has been very active in supporting the five digit zip code program. However, the costs involved in adopting this nine digit number will be astronomical.

Computer reprogramming will cost all businesses, banks, insurance companies, hospitals and doctors, manufacturing, utilities, wholesale trade, and even grain elevators many man years of time. The question that must be asked, is this commitment of time and money really going to improve the postal service? In rural Iowa, most post offices handle only one zip code. For example, Winterset, Iowa 50273. Must we ask the private sector to go through a costly revision in the zip code program.

The cost of service for the U. S. Postal Service needs to be held down, but is a nine digit zip code the answer? Please consider the costs to our private sector businesses when this issue comes before you.

Very truly yours,

JOHN C. BUTTERFIELD,
Director, Research Division.

IOWA POSTAL WORKERS UNION,
October 2, 1980.

Hon. ROGER JEPSEN,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR: Concerning your letter of September 24, 1980 I am in complete agreement with the taxpayer from Houston who testified before the House Government Operations Subcommittee that the nine-digit zip code is "another Washington monument to stupidity."

As to the Postal Service defending the nine-digit zip code as a means to hold down postal rates and improve efficiency I can only say that there are many ways to reach such a goal without the problems involved with the nine-digit zip code.

The first area that should be well examined is the structure of management within the Postal Service.

The present Postmaster General Mr. Bolger is a fine example of a problem within the management of the Postal Service.

A matter of litigation was resolved concerning the Fair Labor Standards Act resulting in the settlement of damages against the Postal Service, on behalf of all employees. $252 million was set aside for the purpose of having funds on hand to pay the employees involved. Since the settlement Mr. Bolger has elected to use the interest received on the $252 million for the purpose of hiring a legal firm to fight the payment as long as possible. I understand that the Sec. of Labor has now filed an injunction against Mr. Bolger and the Postal Service for not paying the damages as required by the court. This is but one example of Mr. Bolger running the show.

If the Postal Service had a sincere desire to hold down rate increases and improve efficiency then Mr. Bolger must be replaced at once.

We do not need the Board of Governors now under the direction of the Postmaster General. We would be much better off having the position of Postmaster General filled by the President just as cabinet positions are filled.

We do not need so many levels of management within the Postal Service.

We now have a National level of management located in Washington, D.C.

We then have a Regional level of management located in Chicago, Ill.

We then have a District level of management located in Des Moines, Iowa.

We then have a MSC (Management Sectional Center) level of management located in Des Moines, Iowa.

We then have Local management located in Creston, Iowa.

This results in five levels of management with a full staff at the top four levels.

We continue to hear that 86 percent of all operating cost of the Postal Service goes toward the payment of employees. What we don't hear is that only around 52 percent of the employees are on hand to work and deliver mail.

Over 34 percent of the operating cost (in respect to salary) goes to so many management employees at so many levels of management. We do not need all of the levels of management. This is a prime example of waste.

The amount of employees on the rolls for the purpose of working and delivery of mail reduces continually while the amount of management employees remains stable or increases. We are going to one day have more managers than employees, or more Chiefs than Indians.

This is the direction that Mr. Bolger continues to approach as the Postmaster General.

We are also faced with the continued consolidation of mail processing from the smaller offices into the larger offices. This results in a drastic reduction in the service that our patrons receive.

An example is the processing of Central Mark-Up mail in Des Moines, Iowa instead of Creston, Iowa. The Central Mark-Up is comprised of mail that is being forwarded to a new address for patrons that have moved.

This was processed at Creston until September 23, 1980 and since that date the function has been processed in Des Moines, Iowa.

Under the system of processing at Creston we were able to provide next day delivery for all mail received by patrons that had moved within the past year.

Under the system of processing this mail at Des Moines, Iowa we now deliver the mail two or three or more days later.

It is completely stupid to haul this mail to Des Moines, Iowa, return the mail to Creston, and then deliver the mail at a later date.

As you are well aware I have contacted your office concerning more than one issue facing employees of the Postal Service.

While we remain in disagreement concerning the amending of the Hatch Act I want you to know that I sincerely appreciate your looking into the nine-digit zip code program.

We need to have more interest shown on half of the Postal Service by our elected officials and I sincerely hope that you will continue to investigate and follow through on matters as you have been doing.

I also wish to Thank You for your vote in favor of continuing the six-day delivery of mail.

If I can provide additional information please advise.

Sincerely,

TIM SHEETS.
Director of Education.

AMENDMENTS SUBMITTED FOR PRINTING

TREASURY POST OFFICE APPROPRIATIONS ACT

AMENDMENT NO. 2625

(Ordered to be printed and to lie on the table.)

Mr. DURENBERGER (for himself, Mr. DOLE, Mr. PRYOR, Mr. BOREN, Mr. MELCHER, Mr. HAYAKAWA, Mr. JEPSEN, Mr. LEAHY, Mr. BAUCUS, Mr. SASSER, and Mr. HUMPHREY) submitted an amendment intended to be proposed by them to the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent Agencies for the fiscal year ending September 3, 1981, and for other purposes.

ADDITIONAL COSPONSORS

S. 1411

At the request of Mr. GOLDWATER, his name was added as a cosponsor of S. 1411, a bill to improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

S. 2532

At the request of Mr. HAYAKAWA, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2532, a bill to reinstate and validate United States oil and gas leases numbered OCS–P–0218 and OCS–P–0226.

S. 3006

At the request of Mr. WALLOP, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 3006, a bill to amend the Internal Revenue Code of 1954 to provide a nonrefundable tax credit for investment in qualified industrial energy efficiency and fuel conversion projects.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND FEDERAL SERVICES

Mr. GLENN. Mr. President, I wish to announce a hearing which will be held by the Subcommittee on Energy, Nuclear Proliferation and Federal Services of the Committee on Governmental Affairs. On Tuesday, November 25, 1980, at 10 a.m., the subcommittee will conduct a hearing on the proposed 9-digit ZIP code by the United States Postal Service. This hearing will be held in room 3302 of the Dirksen Senate Office Building.

If you have any questions regarding the hearing please contact the subcommittee at 224–2627.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CLARIFICATION OF WITHDRAWAL LIABILITY PROCEDURE FOR TRUCKING INDUSTRY

Mr. DURENBERGER. Mr. President, the Multiemployer Pension Plan Amendments Act of 1980 became law on September 26, 1980.

Portions of section 4203 of the act provide for a special withdrawal liability procedure from a multiemployer pension plan in the trucking industry to fit the unique conditions that exist in that industry. I was the primary author of this special withdrawal procedure. As such, I can say that it was Congress' intention that this withdrawal procedure apply to most of the multiemployer pension plans in the trucking industry. Accordingly, on August 26, 1980, I stated on the floor of the Senate that:

> It should be observed that if the majority of the contributions to any pension plan are made by employers engaged in the over the road (long) and short haul trucking industry, the household goods moving industry and the public warehousing industry, this withdrawal liability procedure will apply to all employers who contribute to such a plan.

In other words, this withdrawal liability procedure would apply to any multiemployer pension plan in the trucking industry if 50.1 percent of the contributions were made by the employers in the specified industries.

Recently, however, I found out that on the very day that I clarified the intent of this special withdrawal liability procedure for the trucking industry, Mr. THOMPSON told the House of Representatives that this special rule would only apply if at least 85 percent of the contributions to the plan were made by employers previously engaged in the specified industries. Mr. THOMPSON based his statement upon unrelated interpretations of the phrase "substantially all."

Since this amendment originated in the Senate without Mr. THOMPSON's participation, I am amazed that he would undertake an interpretation of the intent of the language.

My interpretation was based on information supplied to me as to the diversity of Teamster representation, and I am convinced that an 85-percent contribution requirement would emasculate the special withdrawal procedure.

Therefore, as a final clarification, I will reiterate that the withdrawal liability procedure will apply to any multiemployer pension plan in the trucking industry if the majority (50.1 percent) of contributions to the plan are made by employers who are primarily engaged in the long- and short-haul trucking industry, the household goods moving industry, or the public warehousing industry.●

EDWARD "MOOSE" KRAUSE RETIRES

● Mr. BAYH. Mr. President, there may be a few people in the world of collegiate athletics who may not recognize the name of Edward Walter Krause, but I would wager that there are none who would not instantly know "Moose" Krause. Moose has been the athletic director of Notre Dame for over 30 years and in that time period has seen his name take its rightful place beside those near legendary figures of Rockne and Leahy.

Mr. President, as a Senator from Indiana for the past 18 years I have had the pleasure of a close association with Notre Dame. I have come to know its fine academic and athletic achievements and I value as a close personal friend its President—Father Ted Hesburgh. Knowing Notre Dame as I do gives me the opportunity to appreciate what Moose Krause means to that institution and its people.

Moose has fashioned an athletic program which is one of the finest in the country. Notre Dame fields a full range of intercollegiate clubs. Its football and basketball teams are always among the best in the Nation. Nevertheless, Moose Krause has seen to it that the "collegiate" aspects of Notre Dame athletics remains predominant. Over the years he has never forgotten, nor has he allowed his coaches or players to forget, that the most important goal of any university is the achievement of academic excellence. The extent to which an athletic program adds to that goal or adds to the personal growth of students is the extent to which it is important to the university. Moose has seen that athletics has provided an important, meaningful, rewarding and appropriate role at Notre Dame.

Mr. President, this January Moose will retire from Notre Dame with, I am sure, many happy memories. It is surely difficult to know what honor is appropriate for a man who, among other honors, is a Knight of Malta, has been named Man of the Year by the Walter Camp Hall of Fame and has seen the establishment of the Edward Krause Medical Research Fellowship at the City of Hope National Medical Center. Perhaps it is best simply for me and my colleagues—along with the Senate Sergeant at Arms, and Notre Dame legend in his own right, Nordy Hoffman—to join in wishing Moose all the best. He has certainly earned it.

Mr. President, I submit the following articles concerning Moose Krause for the Record.

"Moose" Retires

(By Paul Mullaney)

Edward W. (Moose) Krause yesterday announced his resignation as Notre Dame's athletic director, effective January 1.

Announcing his decision after yesterday's Quarterback Club luncheon at the ACC, Krause said that Executive Vice-President Fr. Edmund P. Joyce "has appointed me Athletic Director Emeritus. I will act as Athletic Director until January 1, and after that I will be Emeritus."

Krause, 76 years old and Notre Dame athletic director for 31 years, indicated that there was no specific reason for making the announcement at this time.

"I've been thinking about this for over three years now," Krause said. "There's nothing unusual about the timing."

The Observer learned yesterday, however, that the announcement was prompted by news leaks naming current Virginia Athletic Director Gene Corrigan as Krause's replacement.

Joyce, who will appoint the new athletic director, was unavailable for comment yesterday.

Corrigan, reached yesterday in his Charlottesville, Va., office, refused comment on the situation.

The Observer learned that Corrigan visited Notre Dame Tuesday of this past week. He also was in attendance at Notre Dame's season-opening victory over Purdue.

Corrigan, a 53-year-old graduate of Duke University, has served as Virginia's athletic director since 1971.

Krause indicated that "at this time I have no idea who the new man will be. The advice I would have is that he better be a business man. In the sports world at the collegiate level, they're going to have to think about ways to bring in revenue to support expanding programs. Many schools are in financial trouble right now."

Rumors regarding Krause's retirement have been circulating for a number of years. "I really wanted to retire three years ago," Krause said. "I've been here as athletic director since 1949. It's been a long career, and I felt it was time for me to step out and let a younger fellow step in to take my job.

"I've been worried about my wife (Elizabeth) and her health. That's something I've been worried about for a long time. Now I feel I'll be able to do more things for my lady—have a little time for her."

Krause indicated that he will remain somewhat active as athletic director emeritus.

"I think I'll be a consultant of sorts," he said. "In other words, I'm not leaving entirely. I won't just start fishing or playing golf all the time, although I will take time for those sports that I'm interested in.

"In fact, right now we're talking about a big drive for the Monogram men to get them more involved with the University. Speaking engagements will certainly be something that I'll consider."

A native of Chicago's Back of the Yards neighborhood, Krause played tackle on Notre Dame football teams of 1931, '32 and '33, and played in the first College All-Star football game.

He was equally known for his accomplishments as center on the Irish basketball squad. It has been said that the three-second lane was conceived as a way to control him. He was inducted into the National Basketball Hall of Fame in April of 1976.

Krause graduated cum laude with a degree in journalism in 1934. He then served in the capacities of basketball and football coaches at Saint Mary's College in Winona, Minn., and at Holy Cross.

He returned to Notre Dame in 1942 and served as an assistant on Frank Leahy's football staff and on George Keogan's basketball staff. A year later, he assumed the head basketball job due to Keogan's death. He served in that capacity for six seasons.

Krause was named assistant to athletic director Leahy in 1948, and was elevated to his current position a year later.

University of Notre Dame News

Edward W. Krause, athletic director at the University of Notre Dame for more than three decades, has received the James E. Armstrong Award from the Notre Dame Alumni Association.

The award, named for the former secretary of the 62,000-member association, honors an employee of the University "who has performed outstanding service and demonstrated qualities in his personal life that reflect the high principles of the University."

Krause, who celebrates his 67th birthday February 2, carried athletic laurels from South Side Chicago's De LaSalle High School to Notre Dame where between 1931 and 1934 he gained all America honors in basketball and football and earned a letter in track.

Following graduation he coached basketball and football at St. Mary's (Minn.) College, then at Holy Cross and finally served six seasons as head basketball coach at Notre Dame, compiling a record of 98–48. He was also football line coach for six years.

Krause was named assistant athletic director to Frank Leahy in 1948 and athletic director in 1949. Over the years he has been recognized often for his civic and humanitarian as well as athletic contributions. He is a Knight of Malta, one of the highest papal honors a Catholic lay person can receive, and there is a medical research fellowship in his name at the City of Hope National Medical Center.

Much in demand as an after-dinner speaker and master of ceremonies, Krause has been synonymous with Notre Dame sports for 31 years. He is a member of the National Basketball Hall of Fame and the Honors Courts of the NCAA and of the National Football Foundation and Hall of Fame.

The award will be presented to him at the spring meeting of the National Alumni Board on campus.●

AMERICAN HEALTH CARE ASSOCIATION NATIONAL TEEN VOLUNTEER OF THE YEAR

● Mr. DURENBERGER. Mr. President, during October, I had the opportunity to address the national conferences of four major voluntary action groups. As a person who has been an active promoter of volunteerism, both in my private career and in my 2 years in the Senate, it was a great pleasure for me to take part in this event. It was gratifying to see that despite the problems voluntary groups are having because of inflation, the recession and the changing demographics of our country, the volunteers themselves have not lost their enthusiasm or their spirit.

Volunteerism is a vital part of our culture and society, even though it is often overlooked by some of us in policymaking roles. Not only are volunteers providing essential services in a variety of areas, they are doing what no government agency or large institution can do: they are delivering those services with individuality, love and caring.

Those qualities are typified by a young Minnesotan, Beth Puncochar. Beth was recently selected as the 1980 American Health Care Association National Teen Volunteer of the Year. This honor is a well-deserved tribute to her outstanding accomplishments as a volunteer.

On behalf of Beth and all volunteers, I ask that the letter of recommendation for Beth Puncochar be printed in the Record.

The letter follows:

Teen Volunteer of the Year—1980 Nomination

(Nominated by: Jackie Kes, Volunteer Coordinator, Mala Strana, Inc., New Prague, Mn.)

Beth Puncochar,
New Prague, Minn.:

Beth is a very vivacious enthusiastic thirteen year old young lady who began volunteering at Mala Strana long before there was a structured Volunteer program and long before she was old enough to become a registered volunteer. She was in the first grade. Beth became a registered volunteer during the month of June, 1979. She volunteered 88 hours of her time between June and December 1979 performing a variety of services which have included decorating bulletin boards, distributing posters, manning the Resident personal supply cart, encouraging other young people to become involved in volunteering, assisting with group activities and most important, 1–1 visiting. Most of the time Beth walks or rides her bike to Mala Strana, regardless of weather conditions.

Mala Strana has recognized the need for and has encouraged Volunteering since its doors were opened in 1972. Volunteers have always been welcome to come in to visit with residents, become involved in group activities and entertain. However, the Volunteer program has been progressing toward a more structured program in the last three to four years.

Through structured programming Beth has been assigned certain residents with whom she visits weekly. One of Beth's unique qualities is that she prefers to visit the residents who have the greatest need for social interaction and special help. For example, she plays Euchre, a card game, with a resident who is quite disoriented, but loves to play cards. She also takes remotivation folders to another resident who is unable to speak. She patiently talks with the resident, points out the pictures and reads poetry with her. Occasionally the resident will read a line or two herself. Beth also visits weekly with another resident who is not always willing to communicate. Most of the time Beth is able to have a dialogue with this individual. It is believed that Beth's enthusiasm, caring and respect for others are key factors in the progress she has made in her interactions with the residents.

Furthermore, Beth is willing to respond to requests for services in other activities such as old time dance bands and bingo, etc. She dances with residents who wish to dance and sits with hearing and vision impaired residents who are in need of 1–1 assistance in order that they may have the opportunity to play bingo or bunco.

Many young volunteers which includes her younger brother have become interested in Mala Strana's volunteer program through Beth's personal recruitment efforts. Her commitment is infectious.

Beth is always reliable and prompt in her coming to Mala Strana. If she is unable to come on her assigned days she calls or has a family member call.

Another one of Beth's unique qualities is that she will take it upon herself to visit residents who are hospitalized and report back as to how the resident is doing. She also does follow up visits with residents who have been discharged to their homes in the New Prague area.

Along with her volunteering at Mala Strana, Beth is involved in basketball, volleyball and softball. She also forgoes her study halls to volunteer her time working in the school office. Beth has also become involved with one of her neighbors who is blind. She visits him on a regular basis, takes walks with him and walks with him while he shops.

Beth does, indeed, enrich and enhance the lives of the residents at Mala Strana. It is refreshing to have her within our midst. She is an exemplary example of the fine youth in the community of New Prague. Therefore, we believe that Beth Puncochar is deserving of the MAHCF Teen Volunteer of the Year award.

Sincerely,

JACKIE KES,
Volunteer Coordinator.●

SOME LESSONS FROM NATO'S EXPERIENCE FOR UNITED STATES-JAPAN DEFENSE COOPERATION

● Mr. HATCH. Mr. President, I hope it is not too early to offer some constructive criticism of the national security policies that President-elect Ronald Reagan will be pursuing in the next 4 years. There are already signs in the press that his new senior advisers will have had their experience largely in the Nixon and Ford administrations where policies were developed that Ronald Reagan ran against both in the 1976 primary and in the election this year. It is apparently too tempting to resist bringing back the so-called experienced hands of yesteryear no matter how mistaken their experience has proved to be.

I wonder how much better Jimmy Carter might have done in foreign policy had he only heeded Hamilton Jordan's famous remark during the transition of 1976 that men from the past like Vance and Brzezinski should have no place in a Carter administration. Ronald Reagan like Carter before him seems destined to rely on a few people from the past who created the very policies he has run against rather than risk new faces on the national security scene. If so, the responsibility falls on the friends of Ronald Reagan who have campaigned so ardently for him and his philosophy to offer him criticism from time to time here in the Senate and elsewhere.

One of my concerns is that earlier administrations have failed to enhance the level of cooperation we ought to have from our major allies in Europe and Japan. Bringing back the same policymakers is likely to bring back the same institutional patterns.

The Senate Steering Committee under our Chairman JIM MCCLURE has begun to look into the question of allied defense efforts. I have headed our newly formed allied defense effort study group for several months. Our reports will be made available to the new administration and to the relevant congressional committees in the months ahead.

We have already looked at the major deficiencies in the NATO long-term planning process during a trip to NATO Headquarters and the defense planning centers in London, Bonn, and Paris. We met with a number of NATO's parliamentary leaders at the NATO Assembly in Ottawa where I was fortunate to be named a member of the Military Committee of the NATO Assembly. Most recently, we have examined the question of Japanese defense efforts and attended the conference in Tokyo to commemorate the 20th anniversary of the United States-Japan Mutual Security Treaty. At that conference, two former Defense Agency Chiefs, Mr. Shin Kanemaru and Mr. Asao Mihara, put forward the idea that Japan should play a more equal role under the Security Treaty by assuming a greater share of defense responsibility.

Mr. President, I submit for the RECORD several articles from the Japanese press about the conference which were kindly forwarded to me by Ambassador Mike Mansfield together with his letter about the conference. I would also like to submit the remarks of former Minister Asao Mihara and myself delivered to the conference. The Senate resolution about the conference refers to a report about it which will be submitted next week after we meet with the Japanese delegation to discuss it. In the future, our Senate Steering Committee allied defense efforts study group will also be circulating draft reports for comment before publication.

I have every reason to believe that the experienced hands in the next administration will have the opportunity to work on the challenges we have pointed out in the area of allied defense cooperation.

The material follows:

SOME LESSONS FROM NATO'S EXPERIENCE FOR UNITED STATES-JAPAN DEFENSE COOPERATION

(Address by U.S. Senator ORRIN G. HATCH to the United States-Japan Conference to commemorate the 20th anniversary of the 1960 Treaty of Mutual Cooperation and Security)

Ladies and gentlemen, I ask for your indulgence because I am going to approach the subject of our conference to commemorate the twentieth anniversary of the Treaty of Mutual Cooperation and Security between our two countries in a round-about way, from a global perspective. I appear before you today as the Chairman of a special study group of the Senate Steering Committee to examine the defense efforts of America's allies around the world. One year ago, I visited England, France, West Germany, and Belgium to discuss with the military leaders of NATO the question of allied defense efforts. I can report to you today that the military forces of the NATO alliance are improving impressively.

Following the leadership of General Alexander Haig at first, and more recently under the Carter Administration and the new NATO commander, General Bernard Rogers, a Long Term Defense Plan has been put into effect. For the first time in twenty years, a major across-the-board set of improvements in ground, sea, and air forces is underway. After nearly two decades of relative neglect while Soviet forces were slowly and steadily improving, the NATO allies have now for three years achieved a real growth rate of about three percent in their defense budgets. NATO military leaders are meeting frequently in a variety of new institutions such as the committees of the Long Term Defense Plan to bring about better cooperation among the military units and defense industries of the fifteen members of NATO.

Most recently there has been a growing awareness of the vital importance of the security of the Persian Gulf to NATO, and discussions have begun about how NATO's members can deal with the issues of security beyond the European region of the alliance. To sum up, there is a new spirit in NATO and it is good news after too many years of neglect. There are problems, of course, new ideas are needed, but today I will bring you only the good news. The good news is that the trend is up.

To get an idea of how important it is that the trend in NATO has been turned around, Ladies and Gentlemen, let me mention the total sizes of the armed forces of the European allies during the last twenty years, from 1960 until 1977 when the Long Term Defense Program began to take effect. In alphabetical order, then, Belgium has declined from 120.000 to 85.000 in its land, sea, and air forces; Canada declined from 120.000 in 1960 to 80,000 in 1977; Denmark declined from 44,000 in 1960 to 35.000 in 1977; the United States declined from 2½ million in 1960 to 2 million in 1977; France declined from 1 million in 1960 to ½ million in 1977; Greece showed an increase from 158 000 in 1960 to 200,000 in 1977; Italy declined from 400,000 in 1960 to 330.000 in 1977; Luxembourg declined from 3,200 in 1960 to 600 in

1977; Norway declined from 40,000 in 1960 to 38,000 in 1977; Portugal declined from about 100,000 in 1960 to 59,000 in 1977; West Germany showed an increase from 260,000 in 1960 to almost ½ million in 1977; the United Kingdom declined from 590,000 in 1960 to 340,000 in 1977; and finally Turkey declined from 500,000 in 1960 to 460,000 in 1977.

In sum, only two members of NATO expanded the quantity of their armed forces during the two decades under review. That fact, it seems to me, is something to keep in mind when we turn to the question of the trends in Japan's defense effort in the last twenty years. Indeed, Japan has an impressive record of maintaining its forces at the same level for the last two decades while the majority of the NATO allies, my own country included, have not only reduced the size of their forces but actually declined in the real rate of defense spending in many cases. Japan, on the other hand, has averaged a real growth rate in defense spending over the past decade of an impressive 7 to 8 percent.

Now I know that there are many sharp critics of Japan's getting a free ride and not sharing the burden of its own defense, but they should keep in mind the record of the NATO allies when making such criticism. And, I might add, none of the NATO allies has a constitution like Japan's which forever renounces war and the threat or use of force and which promises that land, sea and air forces will never be maintained. Nor do the communist and socialist parties in NATO member nations oppose the national defense effort in the way that these parties have in Japan until recently. Nor do the NATO allies have public opinion shaped by the impact of the nuclear destruction of Hiroshima and Nagasaki. Nor are the NATO allies surrounded by the natural defensive protection of the Sea of Japan which keeps the Soviet Union farther away than is the case for many NATO members.

So, ladies and gentlemen, from this perspective of NATO, Japan's defense effort has been impressive in the upward trend, if not in the absolute level of forces and spending. Everyone knows that most NATO members spend three or four times more the percentage of their gross national products on defense compared to Japan, but too many forget the direction of the trends, and the good news is that the trend has been up in Japan for two decades, unlike NATO.

Let me now turn to a second piece of good news about Japan's defense effort, the decisions of the past two years which I believe are worthy of praise and which should also be seen in light of the NATO experience. There are four. The decision to adopt the new defense guidelines for cooperation with the United States, the decision to establish a national command center, the decision to purchase the new F–15 air defense fighter from the United States, and the decision to purchase at least 45 P3C anti-submarine patrol aircraft.

These are critically important decisions that will shape Japanese-American defense cooperation throughout the 1980's. Let me examine the implications of each one.

First, I would emphasize that the acquisition of both the F–15's and the P3C's which will become operational in the next few years provides two building blocks of fundamental importance for the next twenty years.

Once these highly sophisticated aircraft have been fully integrated into the Self-Defense Forces, I believe that Japan can have the finest anti-submarine capability and the finest air defense capability in all of East Asia by simply increasing the numbers of these aircraft produced under license in Japan. Both these aircraft are, after all, merely platforms for advanced sensor systems and various weapons. They can be tailored to fit many missions, including air-to-surface missiles like the new Japanese ASM–1 for the F–15 to patrol the seas around Japan, aided by aerial refueling. I will not dwell on the capabilities of the F-15 and the P3C except to say that both the quantity and the quality of these two weapons systems can be readily increased in the years ahead. The important thing is that after years of debate the decisions were made; the programs have begun.

Second, I would emphasize that the decision to build a national command center for the Self-Defense Forces provides a third significant building block for the next decade. Obviously, once there is a true command center for the Japan Defense Agency, there will be choices about the kinds of communications and the kinds of external links possible to build. But the important point is that the decision was made and the program has begun. Third, I believe that the decision to begin joint military planning with the United States under the Defense Cooperation Guidelines announced over one year ago is the single most important defense policy choice made in Japan in the last twenty years. This too is a building block for the next decade, and the most important one of all.

I have noticed from the American press coverage of the last two years that these Defense Cooperation Guidelines have not been well-understood. Before the agreement on the Defense Cooperation Guidelines, there either was no joint military planning by our two countries or it was very well hidden. The frequent references to the "alliance" between our countries was certainly an exaggeration compared to the alliance machinery in NATO with its military planning groups and intensive military cooperation among national units stated in Germany. Now, however, with the joint studies called for in the Guidelines making progress, many issues are being dealt with for the first time which will provide the foundation for the next two decades of our defense cooperation. The Guidelines call specifically for such previously taboo measures as a joint coordination center, cooperation in intelligence activities, joint logistics plans, and the possible use of additional facilities and Japanese bases by American forces in case of need, even for situations in the Far East outside of Japan if such situations will have an important influence on Japan's security.

Ladies and gentlemen, as this process of joint Japanese and American military planning continues, I believe that the requirements for Japan's future Self Defense Forces will emerge for presentation to the public. In other words, at last the Japan Defense Agency will be able to tell the country what it needs and why.

That is why this building block is so important for the future. For too long there has simply been no plan for Japan's defense needs. But the decision has been made and the program to develop those plans has begun.

A fourth building block needs to be mentioned. It is closely linked to the others. I know there has been some difficulty over the years about American preferences to sell finished weapons here in contrast to Japanese preferences for licensed co-production. My view is that Japanese industry has been wise to hold out for a strong role in defense production. Because of this growth in defense industry here, Japan has yet another building block for the future—the technological knowhow and the industrial base to produce highly sophisticated defense systems. I know this has been expensive—some estimates go as high as three times the cost of buying the equipment in the United States—but the end result is a degree of self-reliance in defense production which would not only permit increased output if necessary, but also may make the prospects of arms exports attractive in the future, even if only non-lethal items initially were exported. Here too the decision to sustain Japanese defense industry has been made, programs are underway, the trend is up.

Ladies and gentlemen, these same four building blocks—acquiring advanced new aircraft, improving command and control centers, pursuing joint military planning, and developing defense industrial knowhow—these four building blocks lead me back to my discussion about NATO and allied defense efforts in Europe because they form a vital part of the Long Term Defense Program there.

Now I want to proceed one step further in discussing the lessons NATO may have for defense cooperation between our two countries. In what I believe to be a novel approach, I want to describe to you the detailed concerns of the NATO Long Term Defense Program and suggest what the leaders of the Japan Defense Agency may wish to consider as they chart the future of Japan's defense effort. Such a perspective has two advantages. First, like the Japanese "standard defense concept" that seeks quality not quantity for Japanese forces, the thrust of NATO's recent improvements have been qualitative, not quantitative, so the objectives are compatible.

Second, I believe the defense planners of any nation including my own can reduce their myopia by studying how other nations may have solved specific defense problems. There is not always only one right solution. NATO members find such comparative studies quite natural, but Japan's geographic isolation from Europe may have unnecessarily cut its defense planners off from European ideas relevant to the Self Defense Forces. Strangely, there have been more Chinese military visitors to NATO in the last two years than Japanese, and I mean Communist Chinese visitors.

Now before I begin to tell you about the nine areas of concern under the NATO Long Term Defense Program and how they are relevant to Japan, let me acknowledge that there are many ways to measure and to evaluate the quality of the Japanese defense effort. Some critics focus only on the percentage of GNP, praising those nations that have high rates like the 5 percent in the United States (which is less than half the Soviet Union) and condemning those nations like Japan at just under one percent or Canada at about 2 percent or Luxembourg, another NATO member, at just over one percent of GNP spent for defense. Others select specific features of a defense force such as its level of technology or its combat experience or its morale.

My own view is that the NATO approach is useful not only because it includes so many different indicators of the quality and effectiveness of defense forces, but also because it can be used as a checklist to see just exactly where a national defense effort is falling behind. Just raising the Japanese defense budget to 1.7 percent of GNP, as called for by a blue ribbon panel named by the late Prime Minister Ohira, will not necessarily improve Japanese self-defense forces in the right way. Nor will raising the defense budget to 2 percent of GNP. I am sorry to say that these simple formulas are too often used by those who know little about defense and do not care to learn any more. The American people, and those of us in Congress, have had to learn a great deal about what makes an effective defense in order to make wise decisions.

The Japanese people are learning more too, if I may judge on the basis of the increasing sophistication of the Japanese press coverage of defense issues. It is here, Ladies and Gentlemen, that the nine areas of the NATO Long Term Defense Program can help educate the public because they provide a checklist which other nations—not just the United States—are using to make choices about their future defense programs. Of course, not everything can be public, and there are a number of secret details about the improvements that NATO has found necessary, but I believe that Japanese officials can learn these details if they will visit NATO land, sea, and air forces as part of the process of considering qualitative improvements for the Self Defense Forces. So today I am only going to give the highlights of what could be treated at greater length in closed sessions. After all, no defense planners want to advertise their weaknesses in public, unless it is to appeal to Congress for more funds.

THE NATO CHECKLIST FOR LONG TERM DEFENSE PROGRAMS

The first category is readiness. This includes questions like how frequently and how realistically do Japanese forces train, which could be improved by more training in the United States as already occurs for some Japanese units. Readiness also is measured by the availability of ammunition and war reserve stocks in adequate quantities. Numerous Japanese press accounts have hinted this may be a critical problem here. But readiness also includes issues like defense against chemical warfare.

Preparations are underway to protect our pilots and crews against the kinds of nerve gas attack that we know the Soviet Union practices as a routine part of their training. I observed this when I visited airbases in NATO last year. My impression is that Japan has not dealt with this problem very well.

Another element of readiness is coordination of U.S. and Japanese stages of unit readiness during alerts, something already proposed under the new Defense Cooperation Guidelines which speak of a "common standard" for readiness stages concerning intelligence, movements of units, logistics and other preparations. Progress here will be crucial to the readiness level of both U.S. and Japanese forces if an alert is called.

The second category is reinforcement. NATO improvement has focused on three questions which do not seem to have received any attention in Japan. The first is the POMCUS site program, the "pre-positioned combat-configured unit sets of equipment" that I visited last year in Germany. This equipment is ready to be distributed to American reinforcements flown in from the United States in a matter of hours. I don't see why this cannot be done jointly here, and this issue will be addressed in the future, I am sure. NATO is also enhancing reinforcement capability by identifying civilian aircraft and merchant ships that could be used in a crisis.

Yet my impression is that Japanese laws would not allow such measures even in wartime. Nor does there seem to be any counterpart to NATO's concern with CRAF, the civil reserve air fleet program which purchases modifications in civil transport aircraft so they may carry military cargo in an emergency. Both Japanese-manufactured aircraft and those purchased by Japanese airlines in the United States could be so modified, thereby greatly expanding reinforcement capability at little cost.

The third category is reserve mobilization. Here, too, there is little underway in Japan to match the serious efforts of NATO members. My impression is that there is not yet an Air Self Defense Force reserve at all, that the Maritime Self Defense Force reserve is tiny and could be easily expanded at low cost, and that the large Ground Self Defense Force reserve of about 40,000 is paid so little (about ten dollars per day of training, I am told) and has almost no equipment of its own, that it is difficult to call it a true "reserve" force. Japanese police reserves could be useful in a military situation, however, and NATO may have something to learn from Japan about that. The lack of a national mobilization law, to be sure, greatly undercuts the role of any reserves in Japan.

The fourth category is maritime posture. Here too there are sharp contrasts with NATO's new efforts and Japan's announced plans. I am not talking about the overall size of the Japanese sea forces. I mean problems like no secure voice communications between U.S. and Japanese ships and headquarters, and problems like a lack of adequate number of torpedoes and failure on the part of NATO and the United States to provide Japan with the highest quality Mark 46 or similar torpedoes. I have in mind also the problem that mines—which are absolutely critical to Japanese self-defense and to our joint interest in being able to close the three main straits around Japan to bottle up the Soviet fleet—that mines require preparation to be used.

Old mines may deteriorate in storage. NATO is also at work on new mines countermeasures in ways that could benefit Japan at little cost. NATO is pursuing important improvements in antisubmarine detection as well, and Japanese experience especially in shallow water detection should be shared. The NATO Assembly Military Committee to which I belong has been investigating the ASW question for the past year, developing some ideas of relevance to Japan—again, at little cost. I should like to suggest that the navies of both Denmark and Norway may have special insights Japan could share. Both Denmark and Norway have critically important roles in NATO in closing the Baltic Straits and surrounding area. They have developed, in parallel with neutral Sweden, new approaches to mining such as the use of commercial ferries and the need to protect land areas nearby with air defense and land forces.

The fifth category is communications, command and control. This is an area where Japanese Defense Agency plans seem to be comparable to NATO's efforts. At least the problem of the lack of military command centers and secure communications have been recognized. There are announced plans to expand Japan's microwave net for military use. Eventually, progress here will open other possibilities with external communication links.

The sixth category is air defense. I have already praised the decision to acquire F–15's through co-production as a vital first step. I might note, however, the relevance of a comment made to me last year by the commanding general of U.S. air forces in Europe who pointed out to me all the new aircraft shelters at Ramstein Air Base in Germany with the remark that it makes little sense to buy 15-million-dollar jet aircraft and then not pay the extra few hundred thousand dollars to buy an aircraft shelter that protects it and greatly reduces the damage that can be done in a surprise air attack. I note that the five year tentative plans of the Japan Defense Agency released in May provide for very few of the necessary shelters, unfortunately. The issue of air defense missiles for the next decade may well hinge on the progress of the American Patriot system for both NATO and Japan, so some discussions here among all concerned would be valuable.

The seventh category is electronic warfare. This is an area of great secrecy which can spell life or death in combat. Let me simply remind you of the worldwide fame that Japan has earned for success in the electronics industry for consumer goods, then ask you if you have heard anything about this issue in Japan's defense. This is not an expensive area, compared to ships and aircraft, yet it is crucial. My impression is that much more needs to be done to reach NATO standards.

The eighth category is rationalization, standardization, and interoperability. This is an area in which Japan may be well ahead of NATO because of the close ties between our forces and Japan's acquisition of major American weapons and equipment. Yet the trend could be negative in the decade ahead as Japanese defense industry produces more and more Japanese designs which are not compatible with American equipment. Here, too, the joint military planning underway for the past year under the Defense Cooperation Guidelines faces a real challenge in its studies of who will do what in the defense of Japan. These studies may determine for many years the nature of our defense cooperation.

The ninth category is logistics. This area is one of the main subjects of the Defense Cooperation Guidelines as well. There has been at least some consideration of the NATO approach through the comparisons that are frequently made with West Germany in host nation support, that is the direct contributions of the Japanese government to American forces in Japan. There seems to be a strong case here that Japan is ahead of NATO in host nation support for U.S. forces. The rough total has increased in just three years from about 500 million dollars to over one billion dollars annually. More importantly, new areas are being funded such as labor cost sharing, housing programs, and even minor operational expenses such as runway maintenance.

Of course, there is still a considerable shortfall that the U.S. must pay. Logistics is much more than cost sharing, however, and I am worried that some NATO improvements in recent years may not be implemented in Japan without closer Japanese attention to NATO's experience. I have in mind the hardened logistics installations I visited in Germany which have no Japanese counterpart at present. If it proves possible to develop a joint logistics system under the Defense Cooperation Guidelines—and I hope it is—then that system must be well protected and hardened as in NATO. There must also be adequate surface-to-air missile protection for key sites. Ironically, this may be less important today when Japanese war reserves and munitions supplies are so low than a few years from now when such stockpiles will be tempting targets along with Japan's relatively unprotected air bases.

The United States has a special interest in protecting these key sites and bases because of the new proposal of the Defense Cooperation Guidelines for possible use of Japanese bases by U.S. forces in the event of situations in the Far East that would affect Japanese security. These Guidelines are not a commitment by the government to do so, of course, but only to study the question and to make plans. But over the long term, I believe that this may prove to be the most significant aspect of the Guidelines from the point of view of the global responsibilities of the United States.

Ladies and gentlemen, those are some examples of the kind of lessons that the recent experience of NATO with its Long Term Defense Program may have to offer to Japanese officials and specialists who will travel to Europe to see what other nations are doing to improve their defense efforts. I have mentioned them today because our commemoration of the 1960 Treaty of Mutual Cooperation and Security occurs in the midst of the first major effort by our two governments to develop true mutual cooperation and security under the Defense Cooperation Guidelines, an effort that has been all too slow in getting started and may well benefit from the new spirit and vitality that another major alliance of free, democratic nations has shown after years of neglect. My point is that quality and effectiveness in allied defense efforts can be better achieved through reflective study and joint examination of issues by several nations. How money is spent on defense is no less important than the percentage of the GNP that is spent. The United States can express its hope that Japan will do more, but it is up to Japan to seek out the best sources of advice.

I hope that Japan will not neglect the NATO experience in the years ahead. There are certainly contributions that Japanese may make to NATO's efforts through a process of dialogue and mutual exchange. But that is a subject for another day.

JAPAN-UNITED STATES ALLIANCE AT A TURNING POINT IN HISTORY

(By Asao Mihara)

Mr. Chairmen, President Ford, Members of the U.S. Congress, My colleague members of the National Diet of Japan, Representatives of U.S. and Japanese research organizations, Honored Guests:

It is an honor for me to have this opportunity to say a few words on behalf of the Japanese Organizing Committee for this seminar as we open our meeting.

I rejoice over the fact we can hold this international seminar commemorating the 20th anniversary of the signing of the Treaty of Mutual Cooperation and Security between Japan and the USA, attended by so many people, and graced by former President Ford and many other distinguished American visitors who came all the way from America. My heartiest thanks are due to the Heritage Foundation which has been the American co-sponor of this conference, and to Mr. Feulner, the President of The Heritage Foundation for their cooperation in organizing this conference.

Ladies and gentlemen, first of all I would like to convey to you how deeply moved I am at the opening of this memorable Japan-U.S. seminar. The fact that an international conference like this is being held now as we enter the 1980's fraught with dangers, is in itself significant.

We look back on the day when the present Treaty of Mutual Cooperation and Security between Japan and the United States of America was signed, January 19, 1960. It was on June 23, the same year, when the treaty came into force. This year, we commemorate its 20th anniversary. The Japan Security Research Center, co-sponsor for this seminar in Japan, planned to carry out a series of events to celebrate the anniversary since last autumn, together with various American research organizations and some members of the American Congress, with the objective of looking back over the relationship between Japan and the U.S. for the past 20 years, now that the pact has reached an important point in history, and to have an overview of the future development of the alliance between the two countries in the coming 20 years, up to the end of the 20th century.

There were also members of our Diet who saw the political significance of this international project and decided to give us their full support. Since last spring, therefore, these Diet members started to organize the Organizing Committee in order to carry out the project for commemoration. Mr. Kiski, who was the Prime Minister at the time the present treaty was signed, graciously consented to be the Honorary Chairman of the Organizing Committee. More than 80 people agreed to participate in the Committee, including former Prime Ministers Kakuei Tanaka, Takeo Miki, and Takeo Fukuda. Foreign Ministers of various LDP Cabinets, Members of the Diet who are also members of LDP organizations on defense, Mr. Ikko Kasuga, Permanent Advisor to the Democratic Socialist Party of Japan, and members of New Liberal Club became members of the Organizing Committee. Thus the sponsors are from both the Government and opposition parties.

We also had the participation and support of many people who represent financial and industrial circles, academic societies, and learned and experienced people. As you see in the list before you our Organizing Committee consists of representative leaders of many broad areas. If time had permitted, I am sure that the list would have added more representatives and organizations representing far wider areas. Taking this opportunity, I would like to report to you of, and express our gratitude for, the generous financial assistance given by the Japan Federation of Economic Organizations Kendanren) and other organizations and individuals, for assistance in carrying out our projects.

Originally, this seminar was to be held last June. Mr. Ford and members of the U.S. Congress kindly told us that they were ready to participate in the seminar. In April, the late Prime Minister Ohira said that he would give his wholehearted support. However, as you know, because of the political situation in both Japan and the U.S., the conference was postponed until today.

In the meanwhile, on May 8, under the co-sponsorship of the Japan Security Research Center and the Georgetown Center for Strategic and International Studies, as an opening program for the series of projects commemorating the 20th anniversary of the Treaty, a special lecture meeting was held and Mr. James Schlesinger, former Secretary of Defense and former Secretary of Energy addressed the meeting.

Ladies and gentlemen of Japan and the US, I started out saying that I am deeply moved at the convening of this seminar, thinking that the holding of this meeting itself suggests that the security relationship between Japan and the US has now entered a mature stage. As in the keynote speeches of President Ford and Honorary Chairman Kishi, it is a well-known fact that there have been many occasions of political tension generated both in our society and in the relationship between Japan and the US in the course of the twenty years since the signing of the present treaty.

Nobody even thought of any project to commemorate the 10th anniversary of the treaty in 1970 in Japan. And yet 10 years from then, today, our Organizing Committee to carry out the commemoration projects is participated in by many members of our Diet, both from the LDP and the opposition parties. There are some other opposition members of the Diet who are willingly attending the seminar today, although they did not participate in our Organizing Committee for various reasons.

It is true that the situation in our Diet today is not quite comparable to the one which exists in the Western allied countries who are members of NATO. I would like to express my sincerest respect to the fact that the US Senate passed a strong resolution in support of the seminar today, but, frankly the situation in our Diet at present has not yet reached that stage. Western and American allies of NATO carried out their own commemoration projects, on the 20th, 25th, and 30th anniversaries of the signing of the North Atlantic Treaty. Although Japan is also a member of the free world, the political situation in Japan is such that we are behind our Western allies in this respect.

Ladies and gentlemen, I hasten to add, however, that we have made epoch-making progress in that this seminar could be held today attended by the members of Government and opposition parties of both Japan and the US. That is the most eloquent proof to show that the security relationship between Japan and the US has now entered the period of maturity, and that is a beneficial change. We, the people of the US and Japan, have reached the stage that now we can try to look at the future development of a closer and more dynamic alliance between the two great and free nations, on both sides of the Pacific, and on the basis of the political climate which has made it possible for us to hold this seminar commemorating the signing of the Mutual Security Treaty.

May I tell you the second reason why I am so deeply moved today? It is because this seminar, aiming at strengthening the alliance between Japan and the US, is being held as we enter the "dangerous decade," the 1980's. Since the signing of the original treaty, about 30 years have now elapsed. In the meanwhile, there have been structural changes arising in the world situation.

In 1960, when the present treaty was concluded, the Pacific was predominantly an "American lake." The security of Japan, an archipelago floating on this lake, was assured to a high degree. The Japan-US security system actually has played a decisively important role as a pillar of freedom, peace, security and prosperity for Japan for nearly 30 years. Under the Security Treaty system, the Japanese people were able to fully exercise their national energy, concentrating their efforts, first on recovery from World War II and then on the development of our economic strength and attaining the status of a great economic power, becoming the country with the second highest industrial production in the free world. It is also well known that the Security Treaty also made an incalculable contribution for the military stability and the economic development of a vast area of Asia and the Pacific Basin. The Security Treaty has been the cornerstone of development in these areas.

However, at the beginning of the 1980's, the situation in Asia, the Pacific, and the world in general has undergone great changes from 20 years ago. The USSR has greatly expanded its Pacific Fleet in recent years. This growth of Soviet military power combined with the greatly diminished military presence of the US in this area since the end of the Vietnam War, has now turned the Western Pacific into a patently "insecure lake."

There has been an important change in the military balance between the two superpowers of the US and the USSR. In the first half of the 1980's, it looks as if the Soviet military forces will change their position of parity with the US to relative superiority over the US. Reflecting this change in the balance of power, there have been successive international crises since the beginning of last year: Vietnam attacking Cambodia, followed by the war between China and Vietnam; the members of the American Embassy in Iran being taken hostage: and the USSR aggression in Afghanistan beginning at the end of last year.

We Japanese now have a better understanding of the changes in the international atmosphere which affect our security. The defense of the Persian Gulf, the need for which we were made keenly aware of after the Soviet aggression in Afghanistan, is a vital defense problem for Japan itself, because our economy is dependent upon imported oil from the Persian Gulf area which constitutes 75% of all the oil we require. Therefore, although many Japanese do understand the reason for, and pay deep respect for, the fact that the US 7th Fleet had to be swung to the Indian Ocean, to be responsible for the defense of the Persian Gulf—still this redeployment was a shock. We saw with our own eyes that there is now a void in the American military presence in the Western Pacific area, even though it may be only temporary.

As the new strategic situation loomed up, the Japanese obtained a clear impression that the area of security for Japan has now expanded to the Indian Ocean and Persian Gulf, and along with this change, Japanese defense policy and the security and cooperative relationship between Japan and the US have to be basically revised.

Since the defense of Persian Gulf is a problem of defense common to all the free countries in NE and SE Asia, all overwhelmingly dependent upon the oil from Persian Gulf, then these countries must share the responsibility for defending the Western Pacific, left vacant after the 7th Fleet's swing to the Indian Ocean. However, it is also clear that there is no other country except Japan in East Asia which has the latent strength for shouldering the responsibility of defending so vast an area. This basic fact suggests that Japan is placed in a position to bear part of the expanded defense responsibility for securing the military stabilization of the Pacific area in general, exceeding the limited framework of defense of the Japanese archipelago.

In the 35 post-war years, Japan was in a spectator's seat, watching the drama of the ups and downs in the international balance of power being played on the world stage. However, with the start of the 1980's, we are beginning to realize that we are now playing one of the leading roles at the forefront of the world's political stage.

It goes without saying that Japan did make important international contributions under the system of the Japan-U.S. security system even before now. Japan developed economic cooperation with the countries of East and Southeast Asia, including ASEAN members, aiding the political stability of the area. Furthermore, recently, our economic and technological assistance has been extended to Pakistan, Mideast countries and Turkey, a member of NATO. Japan has been making efforts as a member of free world, to such a degree that I do not think that these efforts can be overlooked any more.

The new challenge faced by Japan in the 1980's is to expand the cooperative relationship between Japan and the U.S. further into the whole area stipulated in the Treaty, including the military area. The alliance between Japan and the U.S. has three basic aims: firstly, to defend our common values of freedom and democracy; secondly, making sure of peace and security of the world, and thirdly, to try to maintain and develop the free world market system. Our alliance is now faced with new problems in the 1980's, i.e., development and maintenance of energy supplies; stabilization of the international monetary system, by combined action of the yen and dollar capital markets, and strengthening joint efforts in the area of assistance to developing countries.

The alliance between Japan and the US thus is going to develop for joint efforts between the two countries in these new areas. However, anything depends on whether or not we can maintain peace and security in the vast area of Asia, the Pacific Ocean and now expanding to the Indian Ocean, through the cooperation of Japan and the US. In order to deal with the new situation, it will be inevitable for us to reorganize the alliance between Japan and the US.

First of all, I do not think it will be possible to cope with the present situation using the strategic concepts of 20 years ago. The Pacific and Indian Oceans have merged into a single strategic theater, so continuing the legal concept of "Far East" as stipulated in the Treaty is no longer applicable to the realities of the present situation. Secondly, and far more important than the first, we must reconsider the unilateral nature of the present treaty. According to the provisions of the present treaty, the US is unilaterally responsible for the defense of Japan, while Japan is not obliged to bear responsibility for joint defense. In other words, the alliance in terms of the present treaty is not an alliance as traditionally defined but constitutes a kind of protective treaty.

Even though this sort of unilateral characteristic of the treaty may have been permissible when the economic strength of Japan was less than 10 percent of that of the U.S., it is unthinkable now that the same unilateral characteristic should be allowed to continue, when our GNP is approaching nearly half the American GNP. In other words, in the 1980's, the true problem faced by Japan and the U.S. is to develop the present unilateral security relationship into a truly and literally equal alliance between two great powers.

This brings up an extremely difficult and delicate problem for the two countries, and especially for the political situation in Japan. But we cannot avoid this issue. I am convinced that it will be one of the important problems for the political leaders of the two countries to tackle squarely with wisdom and courage.

In any case, Japan should be considering very seriously the inescapable problem of deciding what type of political role it should play throughout the 1980's, in an international environment which has undergone structural change, and in keeping with Japan's increased economic strength. We must consider what sort of responsibility Japan should be sharing in the present fluid international situation in order to help create a free and more stabilized international order. Japan had now entered a phase in which Japan is truly trusted and respected by many countries and Japan must fulfill its mission in the world.

A true alliance has as its premise an equal and mutually cooperative relationship between truly independent nations. The defense of independent nations is autonomous, and should be established only on the patriotism, devotion and sacrifice of the people themselves. No true alliance or mutual defense can exist, when the protection is unilateral, even if a country is protected by a friendly nation. When any country unilaterally depends upon such protection, it is not an alliance in the full meaning of the term. When there is no spirit of sacrifice on the part of its people, no country can play a role as a big power. As we enter the turbulent 1980's, and commemorate this historic occasion in the life of the Japan and the U.S. Security Treaty, we should reflect deeply upon this hard reality between us.

Japan is going through a phase of historic change, and we have not fully reached national consensus as to our future direction. Perhaps the American participants who are here today observe this delicate ambiguity in our stand. However, what is important is the beginning of this historic change in our society which is becoming noticeable. I hope that the American participants at this seminar, with your insights of the realities of the Japanese politics, will give us your adequate and perceptive advice so that the political change which has already started in Japan will be guided in a more desirable direction.

I think my colleague will later make a proposal, which I completely support, on the idea of establishing a regular meeting, perhaps to be called the "Pacific Assembly", of members of the U.S. Congress and the Japanese Diet without distinction between the Government and opposition parties. The objective would be one of making cooperation on security relationships between Japan and the United States closer, and making a more effective contribution to the formation of policies of the two governments, after this memorable seminar. I leave the matter to the discretion of the participants of the two countries. But personally I am convinced that such an organization would be one of the major results of this seminar.

The Anglo-Japanese Alliance formed at the beginning of this century was dissolved 20 years after its signing, and subsequently Japan experienced a very difficult situation, ending up with very tragic consequences. We are here to commemorate the 20th anniversary of the present Security Treaty. The true merits of this treaty can only be fully assessed in the future. But we do know that a great challenge lies ahead for both Japan and the United States. Perhaps, here, we can form a clearer outlook for the coming 20 years, until the end of the 20th century, with greater confidence and expectation, than we could at the beginning of this century, for we have this firm basis of the great Pacific Alliance with the United States on which to build.

Thank you for your attention.

SEPTEMBER 5, 1980.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, D.C.

DEAR ORRIN: I was glad to have had the opportunity to see you during your recent visit here in connection with the U.S.-Japan Security Symposium. I was particularly happy that you and other participants were able to drop by my office for an informal exchange of views on Japanese defense and other matters. It is very useful to me to hear firsthand the concerns and the opinions being expressed in the Congress; at the same time I hope that I was able to provide you some helpful background material and other information on my own perspective and that of the Japanese Government.

The symposium itself went extremely well, I think, a judgment which is substantiated by editorials and commentaries in the Japanese press. While there was some press attention given to the more controversial statements by Japanese participants in the symposium, coverage of your own remarks and those of other American participants was uniformly positive. The Sankei probably summed up best your own hopes for the meeting. Commenting editorially on September 2, Sankei wrote "the importance of the Japan-U.S. Security Treaty was confirmed again. It was also confirmed that it was basically due to the Treaty that Japan has been able to achieve its economic prosperity after the War . . . It is thought that on this occasion we should realize again that the Security Treaty affects the vitally important interests of Japan." I have had assembled all of the pertinent Japanese press commentary on the symposium, including the Sankei editorial quoted above, and am enclosing all for your perusal.

Mike Pillsbury seems to have spent a productive week here after your departure, visiting Self Defense Force facilities in both Hokkaido and Yokosuka and meeting with a wide range of official and non-official Japanese experts on defense. One of my staff members has been in contact with Mike and has sought to assist wherever possible.

Again, my personal thanks for stopping by and for contributing to the symposium in such a positive way. With my best regards,

Sincerely,

MIKE MANSFIELD.

JAPAN-UNITED STATES SEMINAR ON SECURITY

The Japan-U.S. Seminar, held in commemoration of the 20th anniversary of the conclusion of the Japan-U.S. Security Treaty, ended its plenary sessions of two days on the 30th. Thus, the Seminar has actually come to an end. At the Seminar, in regard to the way of Japan's defense efforts in the future, the U.S. side requested Japan to make further efforts, including the revision of Article 9 of the Constitution. Thus, the U.S. showed its deep-rooted dissatisfaction with Japan. Toward this, some Japanese participants made statements which will possibly become connected even with the view calling for revision of the Constitution. However, no participants referred directly to the revision thereof. Also, various speakers at the Seminar admitted the need to make defense efforts.

However, concerning measures to make such efforts, their views were divided, with one group of speakers attaching importance to the strengthening of military power, and with the other group of speakers attaching importance to non-military fields. This brought to light the situation where discussions within Japan have not been fully worked out yet. It seems that at the Seminar, the wideness of the gap between Japan and the U.S., and difficulties in co-ordinating views in Japan have come into the limelight again. The Japanese Government, which aims to increase the amount of defense expenditures in the fiscal 1981 budget, will probably be pressed to carry out coordination with the U.S. and also within Japan on a fuller scale than before.

REAGAN'S POLICIES WATCHED WITH ATTENTION

About 450 interested persons in the political, academic, and business circles of Japan and the U.S. participated in the Seminar held this time. However, the plenary sessions of the Seminar did not show an upsurge sufficiently, because only four members of the U.S. Senate and House of Representatives attended it, with the Presidential election causing a by-effect, and because the Carter Administration at present assumed a cool attitude toward the Seminar. Nevertheless, in Japan, interest was shown in the Seminar for the following reasons:

First, the Japanese Government is showing signs of changing its defense policy, responding to the background situation where the Soviet Union is strengthening Soviet Forces in the Far East and where the U.S. is making a request to Japan. Under this situation, attention was paid to what arguments would be developed as to the ways of Japan's defense efforts in the future by the Japanese side's participants inclusive of all defense-connected influential LDP Diet members, who exert influence on the Government's decisions on policies.

Another reason was that it had been expected that the intention of the U.S., which becomes an important factor when the Japanese Government decides on policies, would be clarified concretely through statements to be made by participants from the US side. Especially at this time when there has appeared the possibility of Republican candidate Reagan's defeating Democratic President Carter in the Presidential election slated for November, statements expected to be made by a total of seven Reagan brain-trusters, including former President Ford, who were sent to the Seminar, became the center of the Japanese side's interest.

When the Seminar started, representatives from political circles in the US urged the Japanese side, using comparatively moderate expressions, to make further efforts for defense, such as, "Global economic power is accompanied by global responsibility. Japan should launch into a steady and significant course for the development of its defense power" (former President Ford). However, representatives, who are experts on the security problem, thrust a request, which Japan cannot accept immediately, at Japan, that is, the revision of Article 9 of the Constitution. Moreover, a majority of these experts on the security problem are Reagan's brain-trusters. The Japanese side was harassed because it was impossible for it to make light of statements made by these experts.

In regard to the US side's view calling for the revision of Article 9 of the Constitution, it calls for the revision of Article 9, which does not approve the exercise of the collective self-defense right, while approving only the individual self-defense right, based on the US side's position that Japan should share the burdens for the defense of the Asian-Pacific region as a whole, not limited to the defense of the Japanese Archipelago. On the part of Japan, if the revision of the Constitution is carried out, it will inevitably give rise to a big political problem. It is viewed that if political unrest is caused in Japan, that will not necessarily be advisable for the US. Even so, the US side referred, in an easy-going manner, to revision of the Constitution. It is felt, on this point, that there is a big gap between Japan and the US.

VIEWS ON HOW TO MAKE EFFORTS DIVIDED

On the other hand, statements made by the Japanese side were in concert, in that they admitted the need to strengthen defense efforts from its standpoint that "Japan's economic power is naturally accompanied by new responsibility" (former Prime Minister Kishi). However, as to ways to strengthen defense efforts, views were divided, which brought to light the fact that discussions on the problem within Japan have not yet ripened. The Japanese side's statements were roughly divided into two ways of thinking, with one way of thinking attaching importance to military power, and with the other way of thinking attaching importance to non-military fields, while excluding military power.

The former way of thinking was represented by former JDA Directors General Mihara and Kanemaru. Mihara responded to the US side's assertion that "Japan should expand its responsibility to defend the whole of the Asian-Pacific region." Kanemaru, too, stressed that "the people's spirit to defend their nation by themselves is the starting point of defense." On the other hand, former JDA Director General Sakata expressed uneasiness as to Mihara's and others' assertions, saying as follows: "The assertion calling for the large-scale and quick strengthening of defense power contains the possibility of breaking the national consensus on security, which consensus is about to be unified, after the making of very great efforts."

Sakata's view is in line with the assertion which former EPA Director General Kosaka stressed, saying as follows: "Japan should make defense efforts, while placing emphasis on non-military fields, such as economic cooperation." DSP Policy Board Chairman Ouchi, one of the few participants from the Opposition Party side, admitted the need to modernize defense power. At the same time, he issued a warning, saying that the following four conditions should be made the premise for the modernization thereof: (1) The promotion of peace strategy; (2) the upholding of principles concerning defense; (3) consideration toward financial circumstances; and (4) the people's consensus.

POSSIBILITY OF ESTABLISHING NATIONAL CONSENSUS BECOMING FAINT

As is clear from the above, there is a rather big gap in the Japantse side's statements, not only between the Ruling and the Opposition Parties, but also even within the LDP. This situation brought to light how difficult it is to co-ordinate views within Japan. Moreover, some Japanese speakers even made proposals which may infringe on the Constitution, such as "the unilateral Japan-US Security Treaty should be revised into a treaty standing on an equal footing" (Mihara), and "among the Three Non-Nuclear Principles, the Principle of not permitting the bringing [of nuclear weapons] into Japan should be re-studied" (former Major General Kenichi Kitamura). As pointed out by Sakata, it was feared that discussions on defense may go to extremes, and that the possibility of establishing a national consensus may become remote. (Reporter Tadahiko NASA)

Divorced From Reality; Rigidified Understanding of International Situation

(By Tomohisa Sakanaka)

On listening to the discussions at the "Japan-US Seminar," held on the 29th and the 30th, with the participation of Dietmen and Congressmen and researchers on strategic problems of Japan and the US, one received the impression that many of the views on both sides emphasized the threat of the Soviet Union and sought military responses, and that there is a fairly big distance from the sentiments of the people, in general.

Partly because of the fact that many of the Japanese side's participants in the Seminar were persons who had served as JDA Director General or Deputy Director General, and that many of the participants from the US side were also Republican Congressmen who call for a "strong America," and scholars, who support this policy, the keynote of the discussions had a "hawk-like" coloring, calling for a "policy of strength" toward the Soviet Union.

The main-stream of the views of the US side was mainly to view with alarm the situation that the balance of power between the US and the Soviet Union was developing to the advantage of the Soviet side, ranging from nuclear war potential to conventional arms, and the view calling for the Japanese side's "due co-operation" was strong. Toward these views, the view of falling in step with them was conspicuous on the Japanese side too, and such views as that "although Japan will have to depend on the US for nuclear power, it should shoulder primary responsibility for defense in regard to conventional arms" and that "Japan should not formulate its defense plan based on the premise that it can obtain military assistance from the US" were conspicuous.

Still further, in regard to the Japan-US Security Treaty, LDP Security Research Council Chairman Asao Mihara expressed the view that "the Treaty now in force places defense obligations toward Japan on the US, unilaterally and one-sidedly, and this unilateral obligation cannot be continued forever." There were examples of the US side's asserting these points, but it is extremely unusual for the Japanese side, from its side, to assert this unilateral obligation and to advocate a revision.

These points are conceivable as one theory concerning security policies, but do they think that its realization is possible, as an actual policy? It is a source of anxiety, in that they are statements made by politicians, who must give thought to realistic policies.

Another problem is the relationship between our country and the ROK and Taiwan. Shin Kanemaru (former JDA Director General) used the expression, in regard to the Korean Peninsula, that "it is a fuse of danger in Northeast Asia" and pointed out the importance of the position it occupies in the security of our country. In regard to Taiwan, too, he said that "in the case of its being placed under the rule of a communist nation, the effects it will have on our country will be grave." These statements reveal the understanding of seeking the relationship among Japan, the ROK and Taiwan as "inseparably one." Under this kind of awareness, how does he intend to develop our country's policies toward China?

On the US side, Senator Orrin Hatch (Republican) said that "Japan should learn from the experiences of NATO," and listing such points as its immediate-response structure, reinforcements, reserve forces, and maritime defense structure, sought the improvement of Japan's defense structure. Still further, former Secretary of the Navy William Middendorf said that "the MSDF should consider not only the sea areas around Japan alone but also the safety of the shipping lanes far from Japan," and sought the expansion of our country's sea-defense areas. From the Japanese side, even the "dream-like" proposal for the increasing of defense expenditures to about five percent of the GNP, was made.

It is viewed that there is a big gap between these proposals and our country's defense policies. The "Medium-Term Operations Estimate," which the JDA is now planning to promote, is aimed at coping with "limited and small-scale aggression," and it does not have the defense of the shipping lanes far away from the sea areas around our country as its object. Even the realization of this JDA plan is extremely difficult. The presenting of defense arguments, which are divorced from reality, may even give rise to misunderstandings about our country's intentions for the consolidation of defense power.

There were, of course, some rebuttals toward such defense arguments, divorced from reality. For example, Michita Sakata (former JDA Director General) pointed out that the securing of a national consensus concerning defense continues to remain an important problem, and saying that "a sharp and sudden strengthening of defense power will destroy the national consensus finally coming to be formulated, at long last," sought self-restraint on the parts of both Japan and the US. Tokusaburo Kosaka (former EPA Director General) also pointed out that the Japan-US Security Treaty structure form a framework for international politics in Asia, and reprimanded the arguments for revising the Treaty, saying that "the Treaty is deeply interwoven with the US interests in this area, going beyond the unilateral obligation of the Treaty."

How are we to consider the political meaning of this kind of "Japan-U.S. Seminar" being held? The activation of discussions on security and defense, which had been regarded as a taboo up until now, is an indispensable process in the formation of a national consensus in regard to defense. However, is not the development of security and defense discussions, stemming from a rigidified understanding of the international situation and discussions which are divorced from reality, rather harmful for the formation of a national consensus?

Not in Quantity, But by NATO Method; Ominous Requests Also Appear

Since the Japan-U.S. Security Treaty was concluded, it has been 20 years. On this occasion, the "Japan-U.S. Seminar" was held in Tokyo from the 29th by Japanese and American politicians, businessmen and scholars, and the Seminar ended its substantial discussions on the 30th. It is said that they "showed their real intention to talk with each other" (former JDA Director General Hosoda) over the role which the Security Treaty has so far played and over Japan-U.S. allied relations in the future . . .

While standing on the premise that the Japan-U.S. Security Treaty has been so far greatly helpful to Japan-U.S. relations during the past 20 years, how will both countries handle this Treaty in the future? When the main subject is discussed more and more, discussions cannot but bring today's problems between Japan and the U.S., such as the problem of Japan's defense power build-up, into the limelight.

On the occasion of U.S. Defense Secretary Brown's visit to Japan in January, America's request for Japan's defense efforts flared up. An "Ohira commitment" was given to the request for moving up the achievement of the "Medium-Term Operations Estimate" by one year. Among such busy moves which appeared after entering this year, "it was rather strange that no Japan-U.S. talks of this kind have been held" (U.S. Senator). Therefore, if so many national defense experts gather like this time, it is probably natural for them to try to find out others' intentions.

The Japanese side said, "Our SDF also has weak points. We want frank advice on the points the U.S. notes" (former JDA Director General Kanemaru.) While standing on the percentage of defense spending to the GNP, "Japan should not regard just the increase rate as a problem, but should make efforts for the improvement of real defense power" (DSP Policy Board Chairman Ouchi). The Japanese side, in addition, rebutted, as follows: "The assertion to the effect that (Japan's) defense power should be strengthened on a large scale and rapidly may wreck the people's consensus for the Security Treaty, which consensus is being obtained with much trouble" (Lower House Security Special Committee Chairman Sakata). An interesting reaction from the U.S. side was shown by Senator Orrin Hatch (Republican Party), a member of the Senate Budget Commitee. He is a Congressman who is familiar with NATO's defense efforts.

The said Senator said, "1.7 percent of the GNP is good; 2 percent is better. . . . Such an argument is a simple equation that is often used because of ignorance." "Is that so?" With this, we would rather like to feel relieved. But, he said, "The NATO method should replace it." This makes us feel an uneasy premonition.

Senator Hatch insists, "NATO has a nine-item check list for its long-term defense program. Readiness, re-inforcement of troops, mobilization of troops, naval power, command and control, air defense, electronic-warfare capability, making-uniform and standardization of armaments, and improvement of rear-support systems, shall be checked, from time to time, among the allied nations. From now, the percentage to the GNP or the increase rate should not be referred to, but how to use money should be taken up." The JDA seems to be already bewildered by Senator Hatch's opinion on applying the "NATO method" to Japan-U.S. defense co-operation, not at problems such as the moving up of the Medium-Term Operations Estimate or 1 percent of the GNP. "That is a reflex of Congressional moves seeking Japan's real defense efforts within the framework of (a)(the) Japan-U.S.-Europe alliance." This is an explanation about the realities of the method by an American expert who attended the Seminar. Concerning this point, were the Japanese side's line-up former JDA Directors General and Diet members sensitive to accepting it?

It seems that the Japan-U.S. Security Treaty Seminar was participated in by many hawkish Congressmen of both the Republican and Democratic Parties. Some of the Japanese side went along with them much too excessively, and launched their "argument for revision of the Security Treaty" (former JDA Director General Mihara), and "argument for re-view of the three non-nuclear principles" (former Admiral Kenichi Kitamura). A diplomatic source in Tokyo, who was listening to the Seminar, pointed out, in a cool manner, as follows: "If I hear only the opinions of the Japanese side at this Seminar, everything seems to be satisfactory to America. . . ." Only speaking and listening without doing anything while disregarding the people's intentions may be alright if there is no problem. But, the problem of a defense power build-up between Japan and the U.S. has finally entered the crucial moment. Therefore, the Japanese side's participants should not stick to groundless, running-ahead arguments. We think that they seemed to have had the responsibility to convey Japan's position more clearly to the U.S. side. Am I the only one who is worried about the suggestive "Hatch statement," among passing-by-each-other arguments?

Former Defense Chiefs Address Security Symposium: Revise Defense Pact: Mihara, Kanemaru

Japan should revise the Japan-U.S. Mutual Security Treaty, break loose from its budgetary and geographical restraints on military matters, and expand its defense operations, according to two former directors general of the Defense Agency.

Speaking Friday at a three-day bilateral symposium to commemorate the 20th anniversary of the security treaty, Asao Mihara, and Shin Kanemaru, both former Defense Agency directors general, engaged the audience with forceful statements that are expected to be highly controversial.

Only hours before, former U.S. President Gerald Ford had said: "All nations dedicated to peace and liberty must make sacrifices," although he added that it would be difficult for Japan to bolster its defense capabilities because of constitutional limitations on military forces.

Another keynote speaker, former Prime Minister Nobusuke Kishi, defended the treaty his administration signed 20 years ago and said the history has proven the treaty to be a "correct" one.

The statements by the two former defense officials are bold departures from the usual "limited self-defense capability only" line taken by Japanese defense analysts both inside and outside the government. The statements are expected to receive wide and controversial responses from the public.

Mihara said there was no "mutualness" in the current security treaty since, although the U.S. was obligated to defend Japan, Japan was not required to do the same. This may have been permissible when Japan's economy was only one-tenth that of the U.S., Mihara said, but today when the ratio is one to two, the treaty needs to be revised.

Mihara further said Japan's security needs required the nation to defend a wider area of the world than just the currently designated corner of the Far East. Japan's defense perimeters extend beyond the Pacific into the Indian Ocean and the Persian Gulf, the former defense official said.

The other former Defense Agency chief, Shin Kanemaru, said Japan's defense capabilities should not be determined by arbitrary mathematical formulas such as the current government policy of restricting defense expenditures to one percent of the GNP.

Kanemaru also said the Japanese defense posture is so weak it cannot be considered a fighting force, and urged the nation to improve drastically its defense forces.

FORD'S ADDRESS

Earlier in the day, in his keynote address, former U.S. President Gerald Ford said, "Japan, within the context of its constitution, should set itself on the course of steady and significant growth in its defense capability."

And in reference to the current trade issues between the two countries, Ford added, "We must try to avoid politicizing specific economic issues and keep problems in the economic sphere from being politically disruptive."

Describing the present world situation as "more grave than at any time after the post-war era," Ford said. "This is due mainly to the relentless and increasing military build-up of the Soviet Union and its aggressive world strategy."

To Hold Seminar

(LDP, DSP, and New Liberal Club to hold seminar next month in celebration of the 20th anniversary of effectuation of the security treaty; former President Ford and others to be invited; JSP and JCP guarded against taking advantage of defense problem discussions.)

Three parties, that is, the LDP, the DSP, and the New Liberal Club will hold a "seminar in celebration of the 20th anniversary of the effectuation of the US-Japan Security Treaty," with the participation of a supra-partisan US Congressional delegation, including former US President Ford, at a hotel within Tokyo Metropolis, late in August. A decision to that effect was reached at the unofficial talks among the three parties, held on the 30th. The three Parties and a private research center are scheduled to form an Executive Organization Committee on the proposed seminar in celebration of the 20th anniversary of the effectuation of the US-Japan Security Treaty. Former Prime Minister Nobusuke Kishi and former JDA Director General Asao Mihara are scheduled to be appointed Honorary Chairman and Chairman, respectively. The aim is to celebrate the 20th anniversary of the effectuation of the US-Japan Security Treaty now in force and also to discuss the future of US-Japan relations. Former President Ford will deliver a keynote speech, titled "US-Japan Alliance—the Past and the Next Two Decades" (tentative name). Former JDA Director General Mihara explained the purpose, saying as follows: "At this time when we are facing a new cold-war age of multi-polarization, it is very significant for Japanese and US Parliamentarians to exchange frank views on the way of US-Japan relations, with a scholars group also attending." However, the JSP and the JCP are strengthening their sense of guardedness, from the stand that it may be a demonstration for the purpose of strengthening the US-Japan Security Treaty, taking advantage of the upsurge of the people's interest in the Treaty.

The proposed US-Japan Seminar will be held at the Palace Hotel in Tokyo, for three days from August 29. Participants from the US side will be former President Ford; former Presidential Special Assistant for National Security Scowcroft; six influential Congressional members, including Republican Senator Hatch and Democratic Party Representative Stratton; and representatives of five private research organizations, that is, the Heritage Foundation, the Georgetown University Strategic Research Center, the Diplomatic Policy Research Institute at the University of Pennsylvania, the American Relations Research Institute, and the Stanford Research Institute Strategic Research Center. The Japanese side will be represented by persons of learning from the Japan Security Research Center (Managing Director: Hideaki Kato), centering on "big-name" Diet members, including Kishi, former Prime Ministers, former Foreign Ministers, and former JDA Directors General.

At the first-day session of the U.S.-Japan Seminar, former President Ford and former Prime Minister Kishi will deliver their respective keynote speeches. At the second-day session, panel discussions will be conducted between Senators and members of the House of Representatives of the U.S. and Diet members of the LDP, the DSP, and the New Liberal Club. On the final day, comprehensive debates, including scholars, are planned to be conducted. Talks are also scheduled to be held on the method of conducting U.S.-Japan joint research in next year and after. The main subject matter will be the way of U.S.-Japan relations, with the U.S.-Japan Security Treaty as the axis. It seems that the Japanese Diet and the U.S. Congress will clarify each other's views. It is also observed that views will be actively exchanged on the analysis of the international situation, including the Afghanistan problem, Indochina, and the Korean Peninsula; the Pacific Basin concept of Japan, and former President Ford's concept for forming a "large-scale alliance among the free nations," which will connect NATO with the U.S.-Japan Security Treaty.

To begin with, the holding of the proposed U.S.-Japan Seminar had been planned mainly by the U.S.-Japan Security Research Center, with June 23, or the 20th anniversary of the effectuation of the existing U.S.-Japan Security Treaty, as the target time. However, it was postponed, due to the change in the political situation in May and the subsequent elections in June.

Moreover, the Executive Organization Committee has been established, so as to enable a wide range of Japanese and U.S. Parliamentarians to participate [in the proposed Seminar]. The U.S. side is also said to be showing deep interest in the U.S.-Japan Seminar. The "Resolution Concerning the Celebration of the 20th Anniversary of the Effectuation of the U.S.-Japan Security Treaty" [to be submitted] by U.S. Senator Hatch is also scheduled to be adopted at the Senate. It is said that the participants' written reports, which will be submitted [to the Seminar], will also be included in the book of minutes by U.S. Congressional members.

Adoption of Jerusalem Bill Will Violate UN Resolutions; Foreign Ministry Expresses View Critical of Israel

In regard to the point that the Israeli Knesset has approved the Jerusalem Basic Bill calling for the annexation of Eastern Jerusalem, the Foreign Ministry expressed the following view critical of Israel on August 1: (1) It will violate various UN Resoutions, and Japan cannot accept it; and (2) such an action will worsen the atmosphere calling for settling the Middle East peace problem through talks, and it will also endanger the results of the efforts devoted to attain peace.

In this view, the Foreign Ministry first clarified Japan's stand of opposition to the proposed annexation of Eastern Jerusalem, in connection with the adoption of the Bill, which declares Eastern and Western Jerusalem the capital of Israel, and it said as follows: "This means a legal confirmation of the annexation of Eastern Jerusalem, which was occupied during the war in 1967. Such an action, which will unilaterally change the legal status of the occupied territory, will violate the various UN Resolutions concerned, and Japan finds it impossible to approve it."

Secondly, it said that this action by Israel "will not only worsen the atmosphere calling for settling the Middle East peace problem through talks, but will also endanger the results of the efforts devoted (so far) to attain peace." So saying, it criticized Israel.

Japan-US Seminar on Security Has Made Us Realize Importance of Security Treaty Again

The Japan-US Seminar, held under the title of "Japan-US Alliance 20 Years Hence" in Tokyo, in commemoration of the 20th anniversary of the conclusion of the Japan-US Security Treaty, has ended.

The Seminar was held for three days for the purpose of reviewing the role which the Japan-US Security Treaty has so far fulfilled, and discussing how to establish Japan-US relations of alliance in the future, centering on Dietmen and Congressional members in Japan and the US and scholars.

As a result, the importance of the Japan-US Security Treaty was confirmed again. It was also confirmed that it was basically due to the Treaty that Japan has been able to achieve its economic prosperity after the War, to that extent, and that it has been able to maintain peace. It is thought that on this occasion, we should realize again that the Security Treaty affects the vitally important interests of Japan.

In regard to the role which the Japan-US Security Treaty has fulfilled, without waiting for former President Ford's keynote speech, which referred to it, it is true that "no bilateral treaty has been successful to that extent, and it has been greatly contributing toward stability in the Pacific region." At this time when the military threat of the Soviet Union is increasing, it is probably natural for us to strengthen the Security Treaty, which is the basis of Japan-US relations, as pointed out in the conclusion of the Seminar, and to endeavor to realize solidarity as to the alliance of the West.

What was conspicuous in the Seminar this time was that both Japan and the US based themselves on the "argument calling for the balance of power," with the threat of the Soviet Union as the premise, and that they both took the way of thinking that as long as the Soviet Union is strengthening its military power, it is impossible for the West to watch the situation idly.

For this reason, the U.S. side strongly requested Japan to strengthen its defense power. It also made a request to Japan, saying, "Japan, an economic big power, should fulfill a role which is suitable for its position as a member of the West." A majority of the Japanese participants advanced the view affirmative of the U.S. side's request. It is desirable to establish a national consensus in such a direction.

The reason is that, from the example of arguments on the ratio of defense expenditures of the GNP, which arguments are the easiest to understand, it is impossible to say that Japan is fulfilling its responsibility and role as a member of the Western World, when Japan alone spend 0.9 percent of its GNP as defense costs, in view of the present situation where the Soviet Union throws in as much as 13 percent every year, and the U.S., Britain, and West Germany appropriate 5 percent, 4.7 percent, and 3.4 percent, respectfully.

However, it is possible to understand hasty arguments advanced by the U.S. side, such as, "Japan should possess aircraft carriers," and "in the case of emergency, Japan should equip submarines with nuclear missiles," when they are regarded as the bringing up of the problem. However, when the present situation in Japan is taken into consideration, it is impossible to affirm these arguments. The reason is that the national consensus has not reached that stage yet.

The same thing can be said as to the Japanese side. Former JDA Secretary General Mihara asserted that the Japan-U.S. Security Treaty should be revised so as to change its unilateral nature and develop it into an equal relationship, and he thus threw one stone at discussions on the Security Treaty in the future. It is true, beyond doubt, that, from the one example of the way of the Japan-U.S. Security Treaty, the realm of the defense of Japan has spread, and that it has become impossible to cope with the problem with the concept of the Far East region set forth in the present Treaty.

The revision of the Security Treaty, however, is a very difficult political task, the same as the revision of the Constitution. If the national consensus, which has so far been established, is to be upset from hastiness, nothing will be gained.

Increase in Defense Budget As Sole Means No Longer Passes; Japan-US Security Treaty; Pressed for Re-consideration

Moves in the US Congress for re-evaluating the Japan-US Security Treaty, which has come to the surface in the course of the request for the strengthening of Japan's defense power, contain a possibility of greatly affecting Japan-US political relations in the early half of the 1980's. If Republican Candidate REAGAN is elected in the Presidential election this year, the possibility will be further amplified, intertwined with the moves in the US Congress, especially the Senate, in favor of conservatism.

The Sankei Shimbun reported the incident of the dismissal of Dr. PILSBURY in detail, in the autumn of the year before last. This is the incident in which Dr. PILSBURY, who visited Japan and the ROK, as a staff member on the problem of security for the US Senate Budget Committee, in order to survey subjects connected with defense cooperation as a link in consultations for the national defense budget by the Committee, was dismissed from the Budget Committee, through Senate Budget Committee Chairman

MUSKIE (incumbent Secretary of State), by US Ambassador to Japan MANSFIELD, who opposes the the Doctor's view which seeks the strengthening of Japan's defense power. Now, the US Government will take the initiative in requesting Japan to strengthen its defense power, which request was the focal point of the problem. Thus, US Ambassador to Japan MANSFIELD "apologized" to Dr. PILSBURY when the Ambassador returned to Washington temporarily on the occasion of the Japan-US Summit Conference in May, this year.

Under the circumstances, the US Congress is intensifying its moves for looking into digging into not only the problem of defense expenditures alone but also the Japan-US Security Treaty in detail, which moves, according to some opinions, will solidify cooperation with Japan further.

The adoption of the resolution which is connected with the Japan-US Security Treaty is only a "tip of an iceberg." Such moves will be even further intensified, depending upon the moves of the international situation, henceforth. The way of thinking that US pressure upon Japan will be dodged somehow if a gradual increase is shown in its defense budget will become difficult to pass, by degrees. It seems that Japan will be pressed by the necessity to review its security policy from the bottom.●

NOMINATION OF STEPHEN G. BREYER TO BE A JUDGE ON U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

● Mr. PELL. Mr. President, the Senate may soon consider the nomination of Stephen G. Breyer to be a judge on the U.S. Court of Appeals for the First Circuit, a court which is our Nation's second highest Federal court, second only to the U.S. Supreme Court.

At the outset, I want to make clear that I believe Mr. Breyer is fully qualified to serve as a member of that court, and I will not oppose his confirmation by the Senate.

Having said that, however, I must also make clear my own deep personal disappointment that a citizen of Rhode Island has not been nominated for the vacant seat on this important court. My State not only merits representation on the court, but fully deserves it. I consider it very unjust that Rhode Island is being denied that representation.

As I have repeatedly pointed out to this administration over a period of the last 3½ years, Rhode Island was represented on the first circuit court of appeals by very able jurists with few interruptions from 1884 until 1976 when Judge Edward M. McEntee retired. In addition to this long tradition, Rhode Island is the source of a significant and growing proportion of the cases decided by the first circuit court of appeals.

Furthermore, Rhode Island has a corps of highly skilled and experienced judges and lawyers who would bring distinction to the court of appeals.

This administration, which has been fair and helpful to Rhode Island in so many areas and in so many ways, has been very unfair to my State in this one area. In fact, twice during the past 3 years I have had to personally intercede with the Attorney General to insure that Rhode Island candidates would be even considered in making selections for vacancies on this Court.

Furthermore, Mr. Presient, I am dismayed at the highly unusual manner in which this nomination was decided upon.

As a candidate for President in 1976, then Governor Carter spoke eloquently and convincingly of the need to eliminate the political spoils system in the selection of Federal judges and pledged to do all in his power to institute a system of merit selection.

As President, he followed through on that pledge by creating judicial nominating panels around the country to recommend qualified candidates for vacancies on the court of appeals. One such panel was created for the first circuit and its membership has included many prominent citizens, both members of the bar and lay men and women, from the States which comprise the first circuit. Among them are two distinguished Rhode Islanders, the Most Reverend Thomas Peterson, O.P., president of Providence College, and Rae Condon, a prominent member of the Rhode Island bar.

Despite the wealth of talent on this panel and despite the careful and judicious manner in which the panel went about its work, the administration has twice summarily rejected its entire lists of recommendations, apparently because of political considerations.

Mr. President, I can only add that the record of this administration in regard to the first circuit court of appeals has been a sorry one.

In the years ahead, the goal of Rhode Island representation on this court will remain paramount to me and I will do all in my power to persuade the new Republican administration or a subsequent administration to grant Rhode Island the representation on the court which it deserves.●

RECOGNITION OF MR. HEFLIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. HEFLIN be recognized for not to exceed 15 minutes on tomorrow morning following the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPERFUND LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, it will be the intention of the leadership to take up on tomorrow the superfund legislation. I hope Senators will be prepared to manage the bill and offer amendments, if they have such thereto.

I expect rollcall votes on tomorrow and Friday.

ORDER FOR RECESS FROM FRIDAY TO 9 A.M. SATURDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business on Friday it stand in recess until the hour of 11 o'clock on Saturday morning.

Mr. STEVENS. Mr. President, reserving the right to object—Saturday?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I shall not object. I hope to talk my good friend out of that endeavor, but I shall not object.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that rather than 11 a.m. the convening hour on Saturday be 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. STEVENS, I ask unanimous consent that the message from the House on H.R. 5108, relating to certain Alaska Natives in Metlakatla Indian Community, be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I thank my good friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 5:36 p.m. the Senate recessed until Thursday, November 20, 1980, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 19, 1980*

The House met at 10 a.m.

The SPEAKER. We have the great honor of having Rev. John Harper, the rector of St. John's Church, to offer the prayer today. All of us know this as the Church of the Presidents in Washington, D.C.

The Reverend John Harper.

The Reverend John Harper, rector of St. John's Church, Washington, D.C., offered the following prayer:

Disturb us, Lord, when we are too well pleased with ourselves, when our dreams have come true because we dreamed too little, when we arrived safely because we sailed too close to the shore.

Disturb us, Lord, when with the abundance of things we possess, we have lost our thirst for the waters of life; when having fallen in love with life, we have ceased to dream of eternity; and in our efforts to build the new Earth, we have allowed our vision of the new heaven to dim.

Stir us, Lord, to dare more boldly, to venture on wider seas, where storms will show your mastery; where losing sight of land, we shall find the stars. We ask you to push back the horizons of our hopes, and push us into the future in strength, courage, hope, and love.—Attributed to R. L. Darwall, chaplain, Cranbrooke School, Michigan.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND DR. JOHN HARPER, RECTOR OF ST. JOHN'S CHURCH

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am pleased to welcome to the House of Representatives as our guest chaplain, the Reverend Dr. John C. Harper, and thank him for his opening prayer.

Dr. Harper is the rector of historic St. John's Church located on Lafayette Square here in Washington, D.C. St. John's is known as "The Church of the Presidents" because every President of the United States since Madison has attended services there.

Dr. Harper, a native of Massachusetts, served in the Navy as a line officer in World War II, was graduated from Harvard University and the Episcopal Theological School. He has been awarded the honorary degree of divinity from George Washington University.

Dr. Harper has served with distinction as rector of the Church of Presidents since 1963 and has been active in numerous community activities.

We are honored that Dr. Harper is our chaplain for the day.

ELECTION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus, and by the authority and direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 812) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 812

Resolved, That the following-named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Foreign Affairs: George W. Crockett, Jr., Michigan, to rank after Mr. Wolpe of Michigan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS TEMPORARY MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER laid before the House the following resignation as a temporary member of the Committee on Foreign Affairs:

NOVEMBER 18, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Chairman, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign as a temporary member of the House Foreign Affairs Committee effective November 19, 1980.

Sincerely,

FLOYD FITHIAN,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

JUVENILE JUSTICE AMENDMENTS OF 1980

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 326, nays 6, answered "present" 1, not voting 99, as follows:

[Roll No. 642]

YEAS—326

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Biaggi
Bingham
Blanchard
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Broyhill
Buchanan
Burton, Phillip
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crockett
D'Amours
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dicks
Dingell
Dixon
Dornan
Downey
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Early
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Goldwater
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Hagedorn
Hall, Tex.
Hamilton
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Hightower
Hillis
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Holt
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Howard
Hubbard
Huckaby
Hughes
Hutchinson
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Hyde
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Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lehman
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Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McDade
McEwen
McHugh
McKay
McKinney

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Madigan
Maguire
Markey
Marks
Marlenee
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Martin
Mathis
Matsui
Mattox
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Mikulski
Miller, Calif.
Miller, Ohio
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Murphy, Ill.
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Oakar
Oberstar
Obey
Panetta
Pashayan
Paul
Pease
Pepper
Perkins
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Peyser
Pickle
Porter
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Smith, Iowa
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Van Deerlin
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Wilson, Tex.
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Wolpe
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Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—6

Bauman
Crane, Philip
Dickinson
Lloyd
Lungren
Mitchell, Md.

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—99

Ambro
Anderson, Ill.
Applegate
Ashley
Baldus
Beard, R.I.
Beard, Tenn.
Bethune
Bevill
Boggs
Bolling
Brooks
Brown, Calif.
Brown, Ohio
Burgener
Burlison
Burton, John
Byron
Chappell
Cheney
Chisholm
Clay
Collins, Ill.
Corman
Daniel, Dan
Cotter
Crane, Daniel
Davis, S.C.
Deckard
Dodd
Donnelly
Dougherty
Eckhardt
Fary
Florio
Ford, Mich.
Ford, Tenn.
Garcia
Ginn
Hall, Ohio
Harris
Harsha
Heckler
Heftel
Holtzman
Ichord
Jenrette
Johnson, Colo.
Kelly
Kemp
Kindness
LaFalce
Lederer
McCloskey
McCormack
McDonald
Mavroules
Mitchell, N.Y.
Moffett
Murphy, N.Y.
Murtha
Neal
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Nolan
Nowak
O'Brien
Patten
Patterson
Pritchard
Pursell
Rangel
Richmond
Roberts
Rodino
Roe
Rosenthal
Sabo
Santini
Satterfield
Shelby
Shumway
Skelton
Solomon
Spellman
St Germain
Stark
Taylor
Thompson
Ullman
Wampler
Waxman
Whitehurst
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wolff
Wydler
Young, Alaska

☐ 1020

Mr. WALKER changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6704, with Mr. Gore in the chair.

☐ 1030

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from North Carolina (Mr. Andrews) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. Coleman) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Andrews).

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the Committee on Education and Labor presents H.R. 6704, the Juvenile Justice Amendments of 1980. Its purpose is to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for the act and for other purposes.

H.R. 6704 represents a strong bipartisan effort. In that regard, I would like to thank my distinguished colleague from Missouri (Mr. Coleman), the ranking minority member of the Subcommittee on Human Resources, who has joined me as a sponsor of the bill. The other members of the subcommittee also deserve special thanks for their efforts during the hearings and markup sessions on the bill. At this point, I would be remiss if I did not as well express my appreciation to the distinguished chairman of our committee, the Honorable Carl Perkins, as well as to my other colleagues who joined me in sponsoring H.R. 6704: Mr. Hinson, Mr. Kildee, Mr. Hawkins, Mr. Railsback, Mr. Corrada, Mr. Stack, Mr. Kogovsek, and Mrs. Chisholm.

As you can tell, cooperation on both sides of the aisle has been considerable. H.R. 6704 was reported out of subcommittee unanimously and on April 22, 1978, the full committee favorably reported the bill, as amended, by a rollcall vote of 32 to 0.

As reported out of committee, the Juvenile Justice Amendments of 1980 extend the Juvenile Justice and Delinquency Prevention Act of 1974 for 4 additional years at currently authorized levels of funding. Title III of the act, known as the Runaway and Homeless Youth Act, is also extended for 4 additional years at its presently authorized funding level.

While the bill makes only modest changes in an act the committee believes is working well, it does provide that an additional purpose of the act is to assist States and localities in removing juveniles from jails and lockups intended for adults. It further establishes, as a policy of the Congress, that methods of preventing and reducing delinquency should include those with a special focus on maintaining and strengthening the family. In numerous places throughout the bill, it is also provided that additional attention should be paid to the problem of juveniles who commit serious crimes.

Under H.R. 6704, Federal administration of the Juvenile Justice Act has been streamlined. The size of the National Advisory Committee has been reduced. For the first time, limits have been placed on authorized appropriations for the National Advisory Committee and the Federal Coordinating Council on Juvenile Justice. The use of consultants has been limited and the Office of Juvenile Justice and Delinquency Prevention has been separated from the Law Enforcement Assistance Administration, to remain within the Justice Department.

The committee bill continues to recognize juvenile crime as primarily a State and local problem. With that in mind, nearly two-thirds of all appropriations are directed to State and local government programs through formula grants to voluntarily participating States. H.R. 6704 adds new eligible program areas for working with juvenile gangs and training law enforcement and juvenile justice personnel to recognize and more effectively treat learning disabled and other handicapped youngsters who come in contact with the juvenile justice system.

At the urging of the Attorney General and a large number of national groups, including the American Bar Association, the National Council of Juvenile Court Judges, the National Sheriffs Association, the National Association of PTA's, the National Council of Jewish Women, and the National Association of Counties, to mention only a few, H.R. 6704 requires that States who participate in the formula grant program agree, within 5 years, to remove juveniles from jails and lockups intended for adults. Two additional years would be available for States who substantially comply within the first 5 years.

With regard to "special emphasis" or discretionary programs, H.R. 6704 makes only slight modifications. For the first time, the administrator will be required to make such assistance available on an equitable basis to deal with the problems of disadvantaged and minority youth.

H.R. 6704 broadens the scope of the runaway youth program to provide that it serve other homeless youth as well as runaways. Two additional program authorities are provided: One to address the needs of chronic runaways and the second to provide training to improve treatment of learning disabled and other handicapped youth.

Mr. Chairman, the committee is pleased to present this act today for consideration by the House. We believe that it provides a program that deserves the continued support of the Congress.

Mr. COLEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before the House today enjoys strong bipartisan support. H.R. 6704 was reported by the Committee on Education and Labor by a vote of 32 to 0. This vote confirms the fact that the bill is a realistic, sound approach toward reauthorizing a Federal program which has proven its worth since its original enactment.

H.R. 6704 represents a refinement of existing law rather than a comprehensive revision of it. In reauthorizing the

Juvenile Justice and Delinquency Prevention Act, the Committee on Education and Labor sought to strengthen and clarify existing law without significantly expanding either the size or purposes of the program. Several basic legislative goals guided the committee, which will strengthen the Juvenile Justice Act over the next 4 years:

First. The accountability of the Federal administering agency, the Office of Juvenile Justice and Delinquency Prevention, is increased as a result of a restructuring of the position of that office within the Department of Justice. Under existing law, OJJDP is included as a part of the Law Enforcement Assistance Administration. This structure has resulted in confused lines of authority and in a lack of accountability to Congress.

Under the new structure legislated in the bill, the Office of Juvenile Justice and Delinquency Prevention is established as a separate, self-sufficient office within the Office of Justice Assistance, Research and Statistics. The Administrator of OJJDP will be directly responsible for the implementation of the Federal juvenile justice program authorized under title II of this bill. This change will result in a significant enhancement of the ability of Congress to oversee the operations of the office.

Second. The bill reduces the paperwork requirements placed on States participating in the juvenile justice formula grant program. Under existing law participating States are required to submit a juvenile justice plan on an annual basis. H.R. 6704 modifies this requirement by limiting such a submission to but once every 3 years.

Third. The bill provides more flexibility to the States to carry out their responsibilities. Most importantly, the definition of "substantial compliance" with the act's prohibition on the incarceration of status and nonoffenders is changed to more realistically reflect the purposes of the act. Under existing law, a level of 75 percent deinstitutionalization is required without differentiating between detention facilities, where a juvenile may be held for only a few hours, and correctional facilities, where longer periods of incarceration must be served. H.R. 6704 recognizes that the deinstitutionalization provisions of the Juvenile Justice Act have the greatest impact on secure correctional facilities.

For this reason, H.R. 6704 permits States which have achieved 100 percent deinstitutionalization of their correctional facilities to be considered to be in "substantial compliance" with the applicable provisions of the act. This sensible change will permit many States which are making good-faith efforts to comply with the act's requirements to continue receiving juvenile justice funds. I should point out that the deinstitutionalization provisions that all States must comply with in their 5th year of participation under the act is unchanged by this legislation.

Fourth. Programs implementing projects relating to juvenile delinquency and learning disabilities are made eligible to receive funds by H.R. 6704. Under these programs it is possible to provide on-the-job training to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youths.

Fifth. The bill also keeps the lid on the potential expansion of the Federal juvenile justice effort. I am pleased to say that H.R. 6704 contains a level authorization level for both the juvenile justice and runaway and homeless youth programs authorized under the bill for all 4 years of the authorization period. This feature commits Congress to keeping the State and local level where it properly belongs.

H.R. 6704 will insure that the Juvenile Justice and Delinquency Prevention Act will continue to be cost effective and in the best interests of State and local governments. The responsibility for the problem of juvenile delinquency must ultimately be met at the State and local level. The Federal juvenile justice program embodies the commitment of our society to prevent juvenile delinquency. The involvement of juveniles in serious offenses has been on the increase throughout the last decade. If this trend is to be reversed, State and local governments will have to have a better understanding of the causes of delinquency and how to deal with them.

It is in providing guidance in addressing this need that the Juvenile Justice Act has been successful. Research into juvenile delinquency has demonstrated that work and recreational opportunities provided by community-based organizations can go a long way toward preventing delinquency. The Juvenile Justice Act therefore authorizes the use of funds for such projects. Research shows that better trained probation, law enforcement, and juvenile justice personnel are better equipped in identifying the needs and problems of juveniles.

The Juvenile Justice Act therefore authorizes the funding of such training. Research also shows that youths "pushed-out" or "dropping out" of school tend to become involved in delinquency. The Juvenile Justice Act therefore authorizes the use of funds for programs to keep these youths in school or in some alternative learning situation.

All of these prevention activities in the act are supplemented by provisions to improve the treatment of juveniles who come into contact with the law. Research has demonstrated that exposing juveniles to the environment of adult jails has adverse effects on them—both in terms of their becoming involved in further delinquent and criminal acts and in terms of preserving their physical and mental well-being. The Juvenile Justice Act addresses the problems of the juvenile placed in a secure detention or correctional facility by requiring "sight and sound" separation of juveniles from adults housed in the same secure facility. In H.R. 6704, a new mandate is added which requires the complete removal of all juveniles from adult jails and lockups within a maximum of 7 years after the date of enactment.

In theory, this new requirement is an important step forward in compassionately and effectively addressing the special needs of incarcerated juveniles. Unfortunately, however, Congress is being asked by the administration to add this new requirement without adequate information.

Both the cost to the States and the effect on State juvenile justice practices are unknown. Later today I will offer an amendment to correct this lack of information while at the same time preserving the important step forward brought about the complete removal requirement.

My amendment modifies this requirement by directing the Administrator to promulgate regulations "which recognize the special needs of areas characterized by low-population density with respect to the detention of juveniles." The amendment permits the temporary detention of juveniles accused of serious crimes against persons in adult facilities, subject, of course to the existing sight and sound separation requirement, only if there is no existing acceptable alternative placement available. The amendment also requires a report and recommendations be made to Congress within 18 months after enactment on the cost and effects of the complete removal requirement. This amendment addresses the concern of States across the Nation that the complete removal requirement will force them to begin the construction of new jails at a tremendous cost.

A second concern with H.R. 6704 arises from a provision struck from the bill during committee markup. During subcommittee markup I successfully offered an amendment to H.R. 6704 which altered the existing requirement of the act that participating States agree not to incarcerate status and nonoffenders after a maximum of 5 years after beginning participation in the formula grant program. As a general requirement, this provision has received widespread support from the juvenile justice community, including juvenile court judges.

The problem with the provision is that it allows for no exceptions. Simply put, the Juvenile Justice Act presently ties the hands of juvenile court judges in States participating under the act. In these States, juvenile court judges can do nothing to a juvenile who simply ignores the order given to him or her as a result of a status offense which brought them before the court. The net effect of this provision is that the respect that juveniles have for juvenile and family courts is diminished.

The amendment which was removed from the bill during full committee markup will be offered again today by the gentleman from Ohio (Mr. ASHBROOK). The purpose of this amendment is to strengthen the "bottom-line" authority of juvenile courts so they will be perceived as serious institutions by juveniles appearing before them. The amendment operates by allowing judges to incarcerate juveniles who are "in violation of a valid court order." The intention of the amendment is to focus on those juveniles who, for one reason or another, fall into the category of being unamenable to any other court disposition. Because the amendment limits the exception to those juveniles who have violated a valid court order, only those juveniles who are appearing before a court for at least the second time would be subject to this exception.

I think nearly every Member of this House would agree with me, that juvenile justice is properly a State function. In requiring the States to adopt certain practices relating to their juvenile courts, Congress sought to improve the treatment of juveniles in the States. Congress did not seek to remove the authority of State courts to deal with the problem of juvenile delinquency. For this reason, the adoption of the amendment allowing for the incarceration of juveniles in violation of a valid court order will return the full authority vested in State courts under their State constitutions to the State courts.

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. Corrada).

Mr. CORRADA. Mr. Chairman, I rise in support of the Juvenile Justice Amendments of 1980, H.R. 6704. This is a strong piece of legislation which through bipartisan support succeeds in extending and improving the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974.

The rate of serious and violent crime by juveniles has risen markedly in the last decade although it appears to have peaked and begun a slight downward trend in the past several years. Thousands of youth who could be handled more effectively by other service delivery systems are unnecessarily processed through the juvenile justice system each year. Many times the result of this is merely labeling the juvenile as a delinquent or status offender rather than providing help for his or her problem.

Through the Juvenile Justice and Delinquency Prevention Act, funds, technical assistance, and research information is provided to assist in the development of alternatives to the traditional juvenile justice system. State and local governments, private nonprofit agencies and volunteer groups are encouraged to seek more effective means of addressing the needs of these juvenile offenders. Alternatives to incarceration are being developed to serve high risk offenders—the majority of which are urban, poor, and of minority background. The need to attack crime at its roots is obvious, and this legislation would continue a program which has been most successful in early rehabilitation of youthful offenders.

Recognizing the detrimental effect of allowing close contact with convicted criminals, this act requires participating States to remove juveniles from adult jails. Also prohibited is placement of status offenders and nonoffenders such as dependent or neglected children in secure detention or correctional facilities. These changes have not been accomplished as easily or as quickly as we would hope, but there has been visible progress toward compliance with these provisions, which will be reinforced through extension of current law.

Whereas sound and sight separation of adults from juveniles is currently mandated, total removal of the juvenile from adult jails is not required. Jails and lockups have been constructed for adults; they were not intended for children, and staff is not trained to deal with children. Moreover, the separation of juveniles and adult offenders in most of the Nation's jails and lockups is very costly to achieve and may be architecturally impossible. Juveniles are often placed in the most undesirable parts of the facilities, such as solitary cells and drunk tanks. There is no guarantee that children held in jails, though separated from adults, will receive even the minimal services required to meet their special needs. If we are truly serious about ameliorating the status of the juvenile offender, we must expand this legislation to require compliance with the intents behind the concept of separation.

The purposes of this act are expanded to reflect a congressional interest in the maintenance and strengthening of the family unit. Many juveniles removed from their homes could be better served if resources were focused on strengthening the family so the child could be maintained there rather than in alternate facilities. Such targeting would be more efficient, less costly, and potentially more effective.

The changes proposed through this legislation will strengthen the juvenile justice system, fine-tuning a program which has already shown positive results. The inroads we have achieved through current law must be broadened and straightened to address more and more specifically the needs of the juvenile. There must be not only a monetary commitment to aiding the juvenile, but also a commitment to resolve the legal and social problems which lead children into trouble. Alternatives to traditional policies must be developed and innovation must be encouraged. H.R. 6704 provides the vehicle for such efforts.

I commend my colleagues Mr. Andrews and Mr. Coleman for their diligence and cooperation in drafting this bill, and I urge its adoption.

□ 1040

Mr. COLEMAN. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Chairman, I wish, first of all, to commend the chairman of the subcommittee, the gentleman from North Carolina (Mr. Andrews), for the fine job that I believe he has done; and also to commend Mr. Coleman for the work and the interest that he has shown.

I had the opportunity to be involved in the formulation of the so-called Juvenile Justice and Delinquency Prevention Act back in 1974, and have worked in the area of juvenile justice since I was in the Illinois Legislature. The Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of which I am the ranking minority member, has jurisdiction over the Federal prisons, and I have had occasion to talk and visit with many administrators, with many correctional officers, and even many inmates, both the honor inmates as well as some of the hardcore criminals. These experiences reinforced my previous interest in taking steps to improve the juvenile justice system.

In 1974, we thought that it was important to develop a comprehensive program for a coordinated Federal effort to combat one of the most serious aspects of crime in our country, namely, youthful crimes. The issue of juvenile delinquency is a very real problem. For example, in 1978 persons under 18 years of age accounted for 40.5 percent of the arrests for serious crimes, although persons 10 to 17 years of age accounted for only 14 percent of the U.S. population. It has been estimated that crimes committed by young people under the age of 25 cost our country over $15 billion annually. Even more importantly, the price we pay in human terms is immeasurable.

One of the most significant provisions of this legislation is the program to completely remove juveniles from secure correction facilities over the next 7 years rather than using the so-called sight and sound separation now required. Some young people simply lack the maturity to cope with the adult offender, and as a matter of fact many of them have even committed suicide rather than continue to endure abuse.

During 1978, for instance, the suicide rate of young people in adult jails was approximately seven times the rate of children held in juvenile detention facilities. For these reasons, the commitment to remove juveniles from jails is a goal worth striving to achieve.

Title II of H.R. 6704 administratively separates the Office of Juvenile Justice and Delinquency Prevention from LEAA and places it under the coordination of the Office of Justice Administration, Research and Statistics and the general authority of the Attorney General. It becomes one of the four coequal offices, along with the Law Enforcement Assistance Administration, the National Institute of Justice, and the Bureau of Justice statistics. I think that is a significant change that will help to underscore the importance that we attach to juvenile justice and will, I hope, focus attention on the unique problems presented to us in dealing with juvenile programs.

I am also very pleased to see that the committee has recommended the continuation of the National Institute for Juvenile Justice. I had the privilege of sponsoring that legislation, along with the former Member from Chicago, Ill., Mr. Abner Mikva—now a Federal judge—as well as another former member, Mr. Biester of Pennsylvania. When the Institute was incorporated in the 1974 act, I felt that it could serve a valuable function by communicating information about programs and techniques available to those responsible for initiating and implementing programs in the States and local governments. I continue to feel that the collection and dissemination of this kind of information is very important.

Another very important provision of H.R. 6704 pertains to the emphasis on dealing with the serious juvenile offender. The bill contains new program authority to address the needs of juveniles who commit serious crimes. I believe that is extremely important. I believe that the legislation that we are considering here today not only continues the efforts to achieve the very worthwhile goals set in the Juvenile Justice Act of 1974, but also challenges us to take even more significant steps toward dealing with the problems of juvenile justice.

I urge my colleagues to join with me in supporting this important legislation.

Mr. COLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER) to speak in support of the bill.

Mr. PEPPER. Mr. Chairman, I thank the distinguished chairman for giving me an opportunity to commend him and his colleagues for bringing this bill to the floor of the House. I was honored by being chairman of the Select Committee on Crime in this House for 4 years, and one thing that came very vividly to the attention of our committee was that most of the crime committed in this country was by people under 18 years of age. In fact, about half of the people arrested for crimes are under 18 years of age.

If we are in fact going to curb crime, which is a matter of such concern to all of us, one of the best ways to start is to try to prevent crime; and one of the best areas in which to make that effort is in the juvenile area of our population. I have had the opportunity to see, and I have had testimony before our committee as to how we can prevent crime by finding a way to divert the effort and energies of young people into useful occupations. I could give the details of a case where, by giving the meanest boy in the community a job and a title in a center where aid was given to delinquent children, that boy became a leader for good and for law and order in that community.

I hope that this bill will be implemented in connection with job-providing agencies of our Federal Government. I hope the other body will enact the legislation recommended by the President and adopted by this House, to provide jobs to youth to the extent of $2 billion. We will stop more crime by the implementation of this bill and providing wise employment of these people than, I believe, we can do in any other way.

So, I commend the distinguished chairman and his committee for what they are doing to curb and prevent crime in America.

Mr. COLEMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

□ 1050

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, first, I want to express my appreciation to our distinguished colleague for yielding this time to me. I want to commend the gentleman from North Carolina (Mr. ANDREWS) as well as the gentleman from Missouri (Mr. COLEMAN), the ranking minority member, for this landmark legislation that they have brought to this floor. I support it wholeheartedly.

Mr. Chairman, I rise in support of H.R. 6704, the Juvenile Justice Amendments of 1980. This legislation which extends the Juvenile Justice and Delinquency Prevention Act, and the runaways and homeless youth program, provides funds to States, local governments, and agencies to prevent juvenile delinquency and improve the juvenile justice system.

The Education and Labor Committee of which I am a member, made a number of substantial changes during the reauthorization of H.R. 6704 which I believe will significantly strengthen the act. New authority is established for treatment of juveniles who commit serious crimes, and for the creation of projects for work with juvenile gangs. Localities are encouraged to consider education programs as a measure of alternative treatment, increase the use of nonsecure community-based facilities, and incentives are provided for the removal of juveniles from adult jails. The bill requires that within 5 years no juvenile shall be held in a jail or lockup for adults.

The bill improves the current use of shelters for runaways and homeless youths by making shelter services available to the families of runaways. Newly authorized grants will be available for centers to develop model programs for runaways in cooperation with the members of the juvenile court and social service agencies.

In particular, the requirement that juveniles be removed from adult prisons and lockups is critically important. In testimony before the Subcommittee on Human Resources, a variety of organizations including the Justice Department, the National Sheriff's Association, the Child Welfare League, and the American Civil Liberties Union endorsed this concept. Witnesses stated that during 1978 the suicide rate for juveniles incarcerated in adult jails was about seven times the rate for children in juvenile facilities.

The full committee also removed language adopted in the subcommittee which would permit children who are status offenders and violate court orders to be placed in secure detention and correctional facilities. Status offenses are those which if committed by an adult would not be considered a criminal offense, such as running away or incorrigibility. The committee's action was supported by the Child Welfare League, National Association of Counties, and the National Council on Crime and Delinquency. To place a child in an adult facility with convicted criminals for not attending schools or running away, is certainly callous and inhumane. The possible damage to the child could be irreparable. I strongly oppose any attempt to reinstate the subcommittee amendment.

This legislation represents a small but significant effort by the Federal Government to address the critical problem of juvenile delinquency. I support the bill as reported by the committee and urge my colleagues to join me in voting for its passage.

● Mr. SIMON. Mr. Chairman, I rise in support of H.R. 6704, the Juvenile Justice Amendments of 1980. The pending bill would continue the Juvenile Justice and Delinquency Prevention Act, administered out of the Department of Justice, for an additional 4 years. This program is primarily aimed at impacting on young people before they become involved in the criminal justice system. It has always received strong bipartisan congressional support, as is evidenced by the 32-to-0 vote to favorably report the measure from the Committee on Education and Labor. H.R. 6704 would also continue the Runaway and Homeless Youth Act, administered by the Department of Health and Human Services.

The major share of funds under title II of the Juvenile Justice and Delinquency Prevention Act is allocated to the States and territories on the basis of relative population of persons under age 18. Each participating jurisdiction has agreed not to place status offenders—children who have committed offenses such as running away and truancy that are not adult crimes—in secure detention or correctional facilities. In addition, juveniles may not be placed in any institution in which they have regular contact with incarcerated adults.

H.R. 6704 would strengthen this latter condition of funding by making it clear that children may not be detained or confined in adult jails and lockups. As logical as this highly significant provision may seem, it is regrettable that hundreds of thousands of young people are needlessly jailed each year in adult facilities. I am pleased that the Office of Juvenile Justice and Delinquency Prevention has pledged that additional financial resources will be made available to help implement this provision over the 5-year period in the bill. I commend my colleague from Colorado (Mr. KOGOVSEK) for taking the lead in offering this amendment in committee. The concept is supported by the Justice Department and numerous national organizations.

A second significant change from current law made by H.R. 6704 is the proposed independence of the Office of Juvenile Justice and Delinquency Prevention from the Law Enforcement Assistance Administration. I have been a critic of LEAA and am glad to see that the vital juvenile justice program would be clearly separated from this other, dying agency. This will help assure that the program receives priority attention from the administration and Congress, and that it can administer the program effectively and without the restrictions it has faced in the past.

The chairman of the Subcommittee on Human Resources, Mr. ANDREWS of North Carolina, has demonstrated his commitment to assisting young people through his sponsorship and management of this strong bill. I urge my colleagues to resist any amendments which might be offered to weaken the provisions of current law and to join me in enacting H.R. 6704 so that the reforms it includes may be swiftly implemented.●

Mr. ANDREWS of North Carolina. Mr. Chairman. I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the reported bill, is considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The Clerk proceeded to designate section 1.

Mr. ANDREWS of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The committee amendment in the nature of a substitute reads as follows:

H.R. 6704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieut thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983 and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Preservation Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATING OF FEDERAL EFFORTS

Sec. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator."; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection;

"(m) To carry out the purposes of this

section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committe shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed daily rate specified for Grade GS–18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year."

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by striking out "special emphasis prevention and treatment";

(2) by striking out "section 224" and inserting in lieu thereof "subsection (a)(10)(H)";

(3) by striking out "endeavor to";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice: or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.".

PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with

the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)".

ADMINISTRATIVE PROVISIONS

SEC. 14. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

RUNAWAY AND HOMELESS YOUTH

SEC. 15. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 16. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereby "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 563(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first

place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a) (21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a) (15) (A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a) (22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a) (15) (A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a) (15) (B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a) (6) of the Juvenile Justice and Delinqency Prevention Act of 1974 (42 U.S.C. 5634(a) (6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j) (1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p) (1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

AMENDMENT OFFERED BY MR. ANDREWS OF NORTH CAROLINA

Mr. ANDREWS of North Carolina. Mr. Chairman, I offer an amendment which is printed in the Record.

The Clerk read as follows:

Amendment offered by Mr. Andrews of North Carolina: Page 16, strike out line 7 through line 15, and insert in lieu thereof the following:

Sec. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

Page 24, strike out line 20 through line 24, and insert in lieu thereof the following new paragraphs:

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a) (12) (A), subsection (a) (13), or subsection (a) (14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

Page 27, after line 5, insert the following new section (and redesignate the subsequent sections accordingly):

DESIGNATION OF STATE AGENCIES

Sec. 14. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to—

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a) (3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

Mr. ANDREWS of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ANDREWS of North Carolina. Mr. Chairman, the amendment I have offered corrects a drafting error and makes rather minor changes in State administrative requirements to grant Governors needed flexibility in the event LEAA should be phased out and to clarify procedures for expending unobligated funds. These amendments have been reviewed by my friends on the other side of the aisle and, I believe, are noncontroversial.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, I support the gentleman's amendment and have no objection.

Mr. ANDREWS of North Carolina. I would like to thank my friend from the minority side.

Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. Andrews).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KRAMER

Mr. KRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kramer: Page 26, after line 14, insert the following new section (and redesignate the subsequent sections accordingly):

USE OF FUNDS

Sec. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223 (a) (10) (D) and section 224(a) (7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a) (10) (D) or section 224(a) (7) are used either directly or indirectly in any manner prohibited in this subsection.

Mr. KRAMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. KRAMER. Mr. Chairman, this amendment places a reasonable restriction and limitation on lobbying activities under the Juvenile Justice Act for the advocacy program. It is a compromise amendment that was worked out in a bipartisan way and perfected with the able and dedicated assistance of my colleague, the gentleman from North Carolina (Mr. Andrews).

I would like to express my appreciation at this point for the gentleman's cooperation and assistance in resolving this matter in a way that, I think, will be beneficial to not only the operation of the Juvenile Justice Act, but for the Congress as well.

With that explanation, Mr. Chairman, I would ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. KRAMER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Page 23, line 12, insert before the semicolon the first place it appears therein the following: ", except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available".

Page 28, after line 9, insert the following new section (and redesignate the subsequent sections accordingly):

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

SEC. 15. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN. Mr. Chairman, the amendment I am offering is a compromise which the gentleman from North Carolina and myself have developed in consultation with and the approval of the administration. The amendment addresses several concerns which have arisen over the new 5-year deinstitutionalization requirement which was added during full committee consideration of H.R. 6704. This language currently requires that as a condition of participation in the program that States intending to receive formula grant funds must within 5 years after enactment remove all juveniles from any adult jail or lockups. Although this new provision represents a major advance in the compassionate and effective handling of incarcerated youth, many States are afraid that the cost of meeting this mandate could be excessive, if not prohibitive. The State of Texas, for example, estimates the cost of constructing new "separate" facilities would exceed $100 million. Indiana has stated it would be fiscally impossible to achieve. Many other States face similar difficulties unless we amend this requirement to make it more flexible.

Admittedly, we have little information on what the actual cost of removal will be. Unfortunately, the administration, in developing the mandate, failed to ask the States how much they thought it would cost. The administration also failed to determine what other possible adverse effects this requirement would have on State juvenile justice practices.

What little information we have reveals that this new requirement might have a severe adverse effect on juvenile justice systems in areas of low population density. On the other hand the same body of evidence suggests that many areas should have little difficulty complying simply because they have a more sophisticated and elaborate system of correctional facilities which can accommodate separating adults from juveniles.

Mr. Chairman, no one doubts that incarcerated youth will be much better off when they are completely removed from adult prisons. We know that even juveniles that are separated by sight and sound from adult prisons suffer extremely harmful consequences. In fact, the "sight and sound separation" can often be counterproductive because juveniles are often placed in maximum security cells or drunk tanks because these are the only alternatives the authorities have to meet the current separation requirements. And it is in this kind of environment that rapes, physical assaults and exploitation and other brutality most often occur. Suicide among youth in adult jails, even though separated by sight and sound is seven times the rate than for children in juveniles-only facilities.

There is a need to vigorously pursue the goal of removal of these young people from adult institutions. At the same time, we cannot ask the State to accomplish something that is fiscally impossible and might well lead to their decision not to participate in the Juvenile Justice Act.

All my amendment does is to provide the essential flexibility allow the financially strapped States to participate in the program without undermining the complete removal mandate. The amendment directs the administration of the Office of Juvenile Justice and Delinquency Prevention to take the needs of areas characterized by low-population density into account in promulgating regulations implementing the complete removal provision. These regulations permit the placing of the juveniles charged with serious crimes against persons, into adult facilities, but only if no acceptable alternative exists.

It is the intention of this amendment to direct the Administrator of the Office of Juvenile Justice and Delinquency Prevention to liberally grant exceptions to the complete removal requirement, where such exceptions are appropriate. In identifying those areas characterized by low-population density, I would anticipate that definition maximizing the number of low-population areas to be covered by the exception would be chosen. In recognizing the special needs of these areas in raising funds for the construction or operation of secure jails or lockups would be viewed as legitimate "special needs." It would be totally inappropriate, in my view, for the administration to second guess the budget priorities set within the States that led to a decision not to fund the construction or operation of a juveniles-only facility.

The provision in the amendment specifying that exceptions to the complete removal requirement shall be granted only where no acceptable alternative exists, refers to the acceptability of the alternative to the State or locality. It is not in the Federal Government's role to determine what an exceptable alternative is.

The report to Congress required under this amendment will provide sufficiently detailed information on the complete removal requirement to enable us to legislatively review it, if necessary. The generation of detailed information on the costs to the States of the complete removal requirement is the principal purpose of the report. I would anticipate that the Administrator would direct the National Institute on Juvenile Justice and Delinquency Prevention to conduct the research necessary to furnish this report to Congress. I would also anticipate that NIJJDP would contact each of the States and territories to determine their estimate of the costs and effects of the requirement in their jurisdictions. The responses of these authorities to the questions posed by NIJJDP would be included as an appendix to the report.

The report to Congress also includes information on possible adverse ramifications which may arise as a result of the complete removal requirement. One potential adverse ramification is the possibility that the requirement could result in an increased rate of juvenile incarceration. A second potential adverse ramification is that requirement could result in the waiver of a greater number of juveniles to the criminal court for trial as adults, and possible incarceration in adult facilities. A third potential adverse ramification is that juveniles who are released into the community will commit subsequent delinquent acts. In this regard, the study would include information on what happens to such youth after their release.

The report to Congress required under this amendment will also include legislative recommendations as deemed appropriate by the Administrator. It is the intention of the amendment in requiring legislative recommendations to be made that Congress will have the opportunity to act on the findings included in the report as soon as possible after their submission.

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. Mr. Chairman, I would be happy to yield to the gentleman from North Carolina. It is my understanding that the gentleman will support this amendment.

Mr. ANDREWS of North Carolina. Mr. Chairman, neither I nor anyone, to the best of my knowledge, has any objection to the gentleman's amendment, and we appreciate his good work with the amendment.

Mr. COLEMAN. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. Coleman).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. CHISHOLM

Mrs. CHISHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Chisholm: Page 26, after line 7, insert the following new subsection (and redesignate the subsequent subsection accordingly):

(c) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)) is amended—

(1) in paragraph (10) thereof, by striking out "and" at the end thereof;

(2) in paragraph (11) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.".

Mrs. CHISHOLM. Mr. Chairman, as a cosponsor of this legislation, I have always been supportive of juvenile justice programs. However, I have become concerned that the Office of Juvenile Justice and Delinquency Prevention has focused too much attention on the status offender issue to the exclusion of other juvenile justice issues. My amendment seeks to address a problem in the juvenile deliquency area which I believe has been too long ignored. Serious youth offenders are a group which I believe needs special attention. This legislation defines serious crimes as criminal homicide, forcible rape, mayhem, kidnaping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary, extortion by threats of violence, and arson punishable as a felony. Many of our citizens, particularly our senior citizens, are too often the victims of serious criminal offenses by youthful offenders.

Yet despite the seriousness of these offenses, the Office of Juvenile Justice and Deliquency Prevention has not really placed much emphasis on the problem of the serious youth offender. This bill does recognize that the "serious youth offender" is a critical juvenile justice problem. The chairman and the Subcommittee on Human Resources are to be complimented on their initiative in this area. I believe, however, that this problem warrants a specific program which will seek to reduce the amount of violent and serious crimes perpetrated by youth. My amendment would create a special emphasis category for the serious youth offender. Similar initiatives have been created for advocacy activities, alternative education, programs relating to juvenile deliquency and learning disabilities. This amendment would insure that the Office of Juvenile Justice and Delinquency Prevention allocates specific funds for the serious youth offender programs.

I would urge the adoption of my amendment.

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Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mrs. CHISHOLM. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Chairman, I would like very much to thank the distinguished gentlewoman from New York for her contribution, not only in offering this amendment but generally with respect to the formulation of the program initially and its continuance.

Mr. Chairman, I very much agree with the amendment offered by the gentlewoman. The bill as submitted does have in various places and particulars an emphasis upon those youth who commit serious crime, but I think the amendment that is offered by the distinguished lady will place even special emphasis and would mandate that funds be appropriated by appropriate agencies for the specific purpose of addressing those particular problems. I think it to be altogether in order, in view of statistics available to the subcommittee in hearings which we have had and evidence I know of, of my own knowledge.

Mr. Chairman, I would very much like to again thank the gentlewoman and commend the gentlewoman's amendment to the committee.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman.

Mr. COLEMAN. I would like to join with our chairman in support of the amendment offered by the gentlewoman. I believe the gentlewoman pointed out some very appropriate things and there certainly is a need, probably much more so than to be provided under this bill financially in many of these areas, but it definitely would earmark some moneys where the gentlewoman wants to pinpoint the direction of the agency and I support the amendment.

Mr. ANDREWS of North Carolina. I believe the gentleman also would agree not only with the amendment itself but also with the preamble statement, the first statement made by the gentlewoman, and that is, whereas we very much appreciate the efforts of the subcommittee and the full committee and the appropriate agencies with respect to dealing with status offenders, and we think a good job has been done there and appropriately so.

But further, I am concerned and I believe the gentleman from Missouri shares that with me, that perhaps the emphasis has been on status offenders to the extent that we have neglected some other aspects of the act which should be dealt with; this being a good example.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. Chisholm).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS OF THE VIRGIN ISLANDS

Mr. EVANS of the Virgin Islands. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Evans of the Virgin Islands: Page 26, line 10, strike out "subsection" and insert in lieu thereof "subsections".

Page 26, line 14, strike out the closing quotation marks and the period following such quotation marks.

Page 26, after line 14, insert the following:

"(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. EVANS of the Virgin Islands (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

Mr. EVANS of the Virgin Islands. Mr. Chairman, the amendments I propose in the first place would add no further cost to the Government. In the Virgin Islands as well as in the territories crime, particularly juvenile crime, has become a major problem. Perhaps to a greater extent even in the rest of the country, it is a problem in the Virgin Islands. We have perhaps 43 percent of our population considered juveniles. Last year's juveniles were arrested for 61 percent of all major serious crimes and 58 percent of a total of all crimes. When we add to that the number of cases in which juveniles are remanded to their parents, to the custody of their parents without formal arrest, the percentage becomes staggering. It has caused the quality of life to drop considerably and while this is perhaps not the most important aspect of it, it has brought about a serious threat to our main industry, that of tourism.

Mr. Chairman, under these circumstances we need help, great help, and this would set aside 5 percent of the total amount of money for all the territories of which the Virgin Islands would get its share. As I mentioned, it would cost no additional money but it would go a long way toward saving the Virgin Islands and making them a place where it is worthwhile living.

Mr. Chairman, I might also say that this amendment has been favorably received by both majority and minority on the committee.

Mr. Chairman, I offer this amendment

in light of the severe juvenile crime problems facing the U.S. territories, especially in the Virgin Islands.

The resident population of the U.S. Virgin Islands is widely estimated to be 120,000 people, with an additional 2 million tourists visiting our beautiful shores annually. In Guam, the Trust Territories, the Northern Mariana Islands, and American Samoa, there is estimated to be approximately 250,000 residents.

In the Virgin Islands, and other territories, the juvenile population constitutes an average of 43 percent of the total population, yet, in the Virgin Islands, juveniles between the ages of 5 and 17 account for 61 percent of total arrests for serious crimes, 55 percent of total arrests for nonserious crimes, and 58 percent of total arrests. These statistics, of course, do not take into account the additional juvenile delinquents who are taken into custody but later released without arrest. Crime statistics available have also indicated that there is a substantial recidivism rate among juvenile delinquents in the Virgin Islands.

As you know, Mr. Chairman, the Virgin Islands are heavily dependent upon tourism for much needed revenue. I believe that my amendment will help to counteract the escalating violence attributed to juvenile delinquents.

Mr. Chairman, this amendment will not cause any increase in this bill's authorization level. Accordingly, I urge my colleagues to adopt this urgently needed amendment.

Thank you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the Virgin Islands (Mr. EVANS).

The amendment was agreed to.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this occasion to commend the chairman of the subcommittee (Mr. ANDREWS of North Carolina) for the excellent work on this bill and also I would like to address two questions to the gentleman.

First, as many of my colleagues here know, I am the author of the safe schools program in the Elementary and Secondary Education Act which authorizes $15 million per year in grants to local educational agencies to help them combat the problem of school violence and vandalism by juveniles.

Accordingly, I would like to know if the Advisory Council authorized in this legislation will consider the issues of school violence and investigate ways to complement our efforts in working to eliminate violence in our schools. If not, would the chairman be willing to state here as a matter of legislative history that this problem merits attention by the Council?

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from New York has previously expressed his opinion and given much assistance to this as well as other appropriate committees of the House and we are much aware of the gentleman's concern about the question of school violence.

I could not speak on behalf of the advisory committee. I feel sure that the advisory committee will address the problem in terms of advising as to the administration of this act. Regardless of the answer to that, certainly the answer to the second part of the question is yes, I would be pleased to join with the gentleman in admonishing in all ways possible in the conference report or otherwise that the advisory committee should most seriously address this problem.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for his response to that question.

Second, it is my understanding that this bill adds two new areas which would be eligible for funding, one being the training of the law enforcement personnel to help learning disabled youth, and the second to deter the illegal activities of youth gangs.

Mr. Chairman, would the gentleman be able to explain to me whether local educational agencies would be eligible to apply for such grants under these provisions in order to help combat violence in schools by juveniles. If the answer is yes, could the chairman provide me with assurances that the conference report on this bill would reflect such permissible uses?

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I will be glad to yield.

Mr. ANDREWS of North Carolina. Mr. Chairman, there is nothing in the bill to prohibit local educational units from becoming recipients of discretionary funds as the bill is now written and, second, yes, I would be pleased, in the conference report language or otherwise to encourage use of the funds as the gentleman has suggested.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Page 26, strike out line 18 through line 20, and insert in lieu thereof the following:

amended—

(1) by striking out subsection (a) and subsection (b) thereof, and by striking out the section designation preceding subsection (a);

(2) by redesignating subsection (c) through subsection (g) as subsection (a) through subsection (e), respectively; and

(3) by inserting "SEC. 228." before subsection (a), as so redesignated in paragraph (2).

Page 26, line 21, strike out "Section 228(f)" and insert in lieu thereof "Section 228(e)".

Page 37, line 9 strike out "Section 228(f)" and insert in lieu thereof "Section 228(e)".

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Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN. Mr. Chairman, I rise to offer an amendment to correct a serious problem which has arisen recently regarding a provision in the Juvenile Justice and Delinquency Prevention Act. Specifically, I refer to section 228(a) of the act, which recently has been interpreted by an administrative law judge to entitle current fund recipients to future funding. The language of this provision reads as follows:

> In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

A lawsuit was brought against LEAA under section 228(a) when the agency decided not to continue funding a project. The court's decision held that absent a negative evaluation report that LEAA had to continue funding the program.

I do not believe Congress intended the Juvenile Justice Act to be an entitlement program. I am certain that the Budget Committee does not consider Juvenile Justice to be an entitlement program.

The significance of the decision of the administrative law judge, and of the subsequent announcement of the LEAA that henceforth they would pursue a "continuation funding policy," is to fundamentally alter the nature of the Juvenile Justice grant program. Under the current interpretation of section 228(a), a program that has begun receiving Federal funds is to continue receiving them unless an adverse evaluation report is filed against the project. This interpretation relieves projects of the burden of proving the worth of their projects when they reapply for Federal funding. Such an interpretation also ties the hands of LEAA in funding new projects. which may be far more innovative than any project which is currently receiving funds.

To clarify the nature of the program, I am offering an amendment striking section 228(a) from the act. This change makes it clear that the funding policy of the act is not a continuation funding policy. The eligibility for refunding of projects currently receiving funds is not affected by the striking of section 228(a). The applications of these projects would simply be considered on the same basis as other applications from projects not currently receiving funds.

My amendment will return much needed flexibility and clarity to the Juvenile Justice and Delinquency Prevention Act. I hope my colleagues will join me in making this clarifying change in the act.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I would simply commend the gentleman and agree completely with the amendment both from the viewpoint of the Budget Committee and from the viewpoint of the authorizing committee.

The court's decision is certainly not

following the intent of Congress. I think the gentleman's amendment clarifies that. I certainly hope the amendment will be adopted.

Mr. COLEMAN. I thank the gentleman.

I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 22, beginning on line 6, strike out "is amended" and all that follows through line 8, and insert in lieu thereof the following:

is amended—

(A) by inserting "or offenses which do not constitute violations of valid court orders" after "adult"; and

(B) by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

Mr. ASHBROOK. Mr. Chairman, my amendment would preserve the traditional right of our Nation's courts to enforce their own validly drawn court orders, a power now denied them under certain aspects of the Juvenile Justice and Delinquency Prevention Act. This act has made it virtually impossible for juvenile courts to deal with chronic status offenders by denying the court its traditional discretionary power to enforce valid court orders involving these youth. Under current law, the court can remand a runaway person to a halfway house, or similar institution, and order the youth to stay put, but then be totally powerless to do anything when the youth runs out the back door. This allows young people to continually flout the will of the court, which not only breeds contempt and disrespect for the courts, but only makes helping that young person much more difficult.

In my view it is absurd for the Federal Government to take the position that children, at any age, should have the right to run away from home, skip school, or refuse to obey reasonable parental directions without anyone having the power to stop it.

Recently, Judge Patrick R. Tamilia of the court of common pleas in Pittsburgh made a case for the need for court discretion in his opinion entitled: "In Re: Gladys Hall," which dealt with a case involving four status offenders. I am submitting for the RECORD a verbatim extract from this opinion describing the problem of one of these status offenders known as Theresa S., which is self-explanatory:

THE CASE OF THERESA S., AGE 17

Theresa is a dependent child who was abandoned by her mother and has been in placement since 1962. She is now 17 years old.

On November 15, 1976, the court had given permission to CYS (the Community Youth Service—ed.) to explore alternative placement planning for Terry because she was having difficulty with her placement at Lutheran Children's Home. As a result of this direction, Terry had a pre-placement visit at the Beaver County Children's Home on November 27, 1978, and was subsequently placed there on December 4, 1978. She continued to have difficulty, similar in nature to that experienced in her previous placement at Lutheran Children's Home. The problems were related to her inability to accept responsibility and her inability to interact with her peers beyond a superficial level. She had multiple runaway episodes and after one of the runaways from Beaver County Children's Home she was discharged on January 9, 1979. At this time Lutheran Children's Home was willing to accept her back into the program because they felt that they had been making progress with her regarding her problems.

The CYS worker, Mr. Knox, contacted all the people involved in Terry's case in an attempt to locate her. Her maternal grandmother, Mary Jane Sparbanie, stated that she had sporadic contacts with the child, and believed that she was residing on Perrysville Avenue on the North Side. She was apprehended and brought to the Court. At a hearing on January 10, 1979, the case was continued until February 7, 1979 to explore further placement. At the hearing on February 7, 1979, Theresa absolutely refused to cooperate with any placement plan, she refused to return to the Lutheran Children's Home, and she also refused to go to the McIntyre Shelter, which is an open facility for children awaiting placement. Because of her intransigence and refusal to obey the direct order of Court, and her stated intention to run no matter where she was placed by the Court, the Court directed that she be committed to the Detention Home and that a delinquent petition be filed charging her with direct contempt.

Pursuant to the Court's order a petition was filed on February 8, 1979, charging that the child was placed in Lutheran Children's Home in Zelienople in June, 1978, discharged, and then placed at Beaver County Children's Home on December 4, 1978, from which she absconded on January 8, 1979, and was then brought to the Detention Center on February 7, 1979 charged with direct refusal to cooperate with the Court Order returning her to Lutheran Children's Home.

Although on February 7, 1979, the grandmother indicated she could care for Theresa, she admitted that during the two weeks period that Theresa stayed with her after running from Lutheran Children's Home, the girl had been away most of the time, she knew not where she was and on one occasion the girl had called her from Erie, Pa., saying that she was staying with friends. It was due to the grandmother's severe health and emotional problems that Theresa and her sister were placed in 1967.

At the hearing on February 15, 1979, on the delinquency petition, an extended dialogue occurred in which an attempt was made to convince Terry that she needed to cooperate with the court and that rather than placing her in an institution we were attempting to obtain placement for her in an independent living situation which would permit her to work and live in an apartment under supervision until she was stabilized and able to take care of herself without supervision. Theresa is an epileptic child and is under heavy medication, and as a vagabond when she is on runaway, has never been employed. She has never shown an ability to maintain herself and it was considered essential that she have an opportunity under supervision to obtain education or training to prepare her for emancipation. The grandmother at this time agreed that she was unable to take care of Theresa as she could not keep up with the girl. It was quite evident that the grandmother had never been a sufficiently stable and competent parent for any of the children during the many years the court was involved with her case and the case of her children and grandchildren.

After a great deal of discussion the court finally persuaded Terry to go to Shelter rather than to be in the detention home pending placement plans. Terry also agreed that she would not run away and that she would cooperate in attempting to get a proper placement for her. Theresa was transferred to Shelter pursuant to court order, but within two days she again ran and as of this writing, her whereabouts are unknown. An attachment was issued for her to have her returned to the Detention Home on March 13, 1979, and on April 3, 1979, further disposition on the case was deferred until July 17, 1979 to locate the child.

Obviously, there is a need to give the courts some authority to deal with a situation such as this.

My amendment provides this discretion by amending section 223(a)(12)(A) of the act to enable juvenile courts to place status and nonoffenders in secure detention and correctional facilities if they are found to be in violation of a valid court order. As I have noted, this language would provide the courts with the needed flexibility to respond to youth who chronically refuse voluntary treatment, but at the same time it is carefully drawn to assure the continued protection of the basic rights of these youths.

First, the respective court must issue a "valid order." This means that any such order must, first, be given a court of competent jurisdiction; second, involve a judiciable controversy where the legal rights of the parties need to be resolved by the court; third, that the court must enter a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedure; and fourth, where the court has the statutory power to act.

These rights are further protected by the requirement that these youth receive their due process rights, which were specifically enumerated by the Supreme Court in re Gault as follows:

(i) the right to have the charges against the juvenile in writing, served upon him a reasonable time before the hearing;

(ii) the right to a hearing before a court;

(iii) the right to an explanation of the nature and consequences of the proceedings;

(iv) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(v) the right to confront witnesses;

(vi) the right to present witnesses;

(vii) the right to have a transcript or record of the proceedings; and

(viii) the right of appeal to an appropriate court.

The danger of not enacting this provision would be to augment the growing trend to make violations of court orders a criminal offense and thus subject the youth immediately to incarceration. At the same time prosecutors are submitting increasingly stiff charges in an effort to place the "status offender" into a more serious category and thus subject to more severe remedies.

Current law is a perfect example of a cure worse than the disease. To continue denying courts their traditional powers will only make resolving the problems of status offenders that much more difficult.

I believe this House must support our juvenile judges in their efforts to help status offenders by restoring their legitimate power to deal with them. This amendment, which has been unanimously approved by the bipartisan National Council of Juvenile and Family Court Judges, deserves support from any Member of the House concerned with the integrity of our Nation's courts and the needs of troubled young people.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

I would like to point out that this amendment is not directed at youth who have committed criminal acts, rather it is intended to permit the incarceration of children known as status offenders. By definition, status offenders are children whose actions would not be criminal if committed by an adult. Status offenders are children with social and adjustment problems including incorrigibility, waywardness, and those who run away or are truant. Also included in this category are nonoffenders such as dependent and neglected children.

The purpose of the Juvenile Justice and Delinquency Prevention Act is to prevent and reduce the occurrence of juvenile delinquency. Since its enactment in 1974, the cornerstone of this legislation has been the requirement that States which voluntarily participate in the program agree to remove from secure detention and correctional facilities, those juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, as well as dependent and neglected children. For 6 years this has been the law and during this time the annual increase in juvenile crime has dropped from 15 to 1 percent. The fact that only seven of the eligible jurisdictions have chosen not to participate in this voluntary program indicates the value of alternatives for helping to prevent juvenile delinquency.

The Congress prohibited the secure confinement of status offenders in light of the overwhelming evidence that placing nonoffender children with delinquent youth does not address the child's problems, and instead, significantly increases the likelihood that the child will commit a criminal act in the future.

However, in spite of this fact, the proposed amendment would permit status offenders to be placed in the one setting where they will not receive needed treatment and where they will come in contact with serious offenders who can provide them with vocational training in such skills as prostitution, narcotics peddling, and other criminal activities. For status-offenders, secure lockup facilities can truly be called schools for crime.

The Juvenile Justice and Delinquency Prevention Act provides financial assistance to enhance prevention and treatment programs designed to meet the specific needs of noncriminal youth in participating States. Alternatives already available to judges for these youth include foster care, shelter-care homes, group homes, day treatment, home probation, and other designated community-based, diagnostic, treatment, or rehabilitation services.

H.R. 6704 does not ignore the fact that chronic status offenders deserve special attention. Title III of this legislation authorizes funding for demonstration projects to develop special programs to assist with chronic runaways, including those who run from treatment facilities where they have been placed by the court.

Judges should use their expertise and knowledge to provide placements and treatments that will help a child overcome his or her problems and prevent that child from advancing from noncriminal to criminal activities. Incarceration is difficult to justify as either a treatment or a punishment. Status offenders rarely receive counseling that meets their specific emotional and mental health needs while institutionalized. Indeed, secure incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools for crime. If status offenders are incarcerated for punishment purposes, institutionalization punishes the less serious offender more than the criminal offender.

The availability of alternatives as provided under H.R. 6704 greatly enhance the options available to juvenile court judges for rehabilitation without the harmful stigmatization that can accompany contact with the criminal justice system. The fact that a youth runs away from a treatment facility, rather than demonstrating any intentional affront to the court's authority, is merely symptomatic of the very problems for which shelter care was originally provided.

If adopted, this amendment would permit us to lapse back to the lazy method of confinement rather than trying to deal with a child's problems in a positive manner. I do not believe my colleagues in the House of Representatives wish to change a law that has been in existence since 1974 to allow court orders which provide criminal sanctions for noncriminal activities. Such court orders are particularly troublesome because status offenders do not enjoy many of the due process guarantees and protections that are afforded to delinquents.

The evidence which lead the Congress to enact the original deinstitutionalization provisions of the Juvenile Justice and Delinquency Prevention Act are as compelling today as they were in 1974.

I urge my colleagues to defeat this amendment.

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. KILDEE. I would be glad to yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. Ashbrook, and by unanimous consent, Mr. Kildee was allowed to proceed for 2 additional minutes.)

Mr. KILDEE. I yield.

Mr. ASHBROOK. Mr. Chairman, I thank my friend, who is a very able legislator and a very compassionate person, but I think we are talking about situations where our young people can actually flout the will of a court. I am thinking of a couple hypotheticals. If we have a truant, an Ohio youth who has been a traditional runaway, a repeat offender who has had court problems and goes to California where he is apprehended, would the gentleman tell me if it is possible for a court in California to hold that youth for either his parents or under a valid order of a court in my State of Ohio?

It is my understanding that unless we have an amendment of this kind, it is difficult or almost impossible for a court to hold that runaway in a secure facility until the parent shows up or the Ohio court can take some action.

Mr. KILDEE. I would be glad to respond to the gentleman from Ohio.

First of all, very often those children stay on the street, stay out of town, stay in California for fear that if they return they will be incarcerated, which could happen under the gentleman's amendment.

My juvenile justice judges in my jurisdiction are opposed to the amendment. They have told me that the present law has required them to use their ingenuity and they find no problem with the present law. They recognize that it is easier to lock someone up, but they have been required to use their ingenuity. Very often the threat of incarceration really will keep that person on the street or out of town or out of the State. Very often, to very complex problems, there can appear to be a simple solution; but my judges have a very good program in my jurisdiction and they disagree with this amendment.

Mr. ASHBROOK. Well, if my colleague will yield further, I appreciate his response but he did not answer my question. If the runaway goes to the gentleman's jurisdiction, what ingenious way are we talking about that they can hold the youth until the parents show up?

Mr. KILDEE. In other States?

Mr. ASHBROOK. Yes. California, as I gave in my original hypothetical or your State, Michigan.

Mr. KILDEE. They can hold them for 24 hours in a secure facility without being a violation of this law, I am told by counsel.

Mr. ASHBROOK. Are you sure the youth can be held 24 hours without there being any violation of law?

Mr. KILDEE. Yes. I am advised by counsel that is the case under this law.

Mr. ASHBROOK. That is not my understanding.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I would hope that the Committee and the House when it gets a chance to vote on this amendment would vote in opposition to the amendment. I think the gentleman from Michigan (Mr.

KILDEE) has properly typified the amendment as a step backward.

I had an opportunity when I was in law school to spend some time working in a crisis clinic in a county hospital out in California and had the opportunity to interview a number of young people who were picked up on the streets, who were brought to the county hospital for evaluation, who were picked up for various activities. These people had run away from home. They were status offenders. They had not shown up at school. They had not stayed home.

Many times when you investigated the background of these young people, you found out that they had made, in fact, a logical choice. They had made a choice to run away from an absolutely intolerable situation where they were being beaten, where they were being molested, or perhaps they had alcoholic parents who were beating one another up, and these children made a determination to leave.

Now, the court can, under this amendment, throw them into jail if they do not return home, because some judge told them to go home; but the judge may not understand that, in fact, that living situation is intolerable and the fact that a young person runs away from home or runs away from school, it would seem to me, is a matter for the family to try to deal with, not the Federal Government by imposing, in fact, the incarceration of these young people in a closed facility.

Now, they leave time and again, but I suggest to you as one who has just completed a major reform of the foster care system in this country, that many of these young people, in fact, leave foster homes where they are being exploited, where they are being beaten, where they are being sexually molested, where alcoholism is present, and they are deciding that it does not make sense for a 17-year-old or a 15-year-old to remain and they leave.

Now we want to tell them that if they do not go back, as the gentleman from Ohio suggested, that they are going to be locked up. Where are they going to be locked up? They are going to be locked up with some of the worst elements of the young society in this country, people who have already become criminals.

Now, it is nice to believe that somehow the judge or the county system will be able to segregate these young people from the others; but I know the situation in my local area. I know the situation in California. We do not have those facilities. They are overtaxed as it is; so these people are going to be out in the juvenile hall with people who are there because of drug peddling, people who are there because of prostitution, people who are there because of robbery or brutality against another citizen, and we are going to take a person who has severe family problems, severe personal problems, and we are going to put them with the criminal. I do not think that is what we want to do.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I would be glad to yield to the gentleman from Illinois.

Mr. RAILSBACK. I could not agree more with the statement that the gentleman has just made. If we adopt the amendment, as well intentioned as it is, and I believe it is well intentioned, we are really not seeking to develop any kind of a more rational alternative. As the gentleman pointed out, we may have kids that are running away because they have suffered all kinds of harassment or assaults or beatings at home. What a mistake it would be to then say no, we are going to be able to put you in jail with some kid that has committed a very serious offense that may give this so-called status offender a lesson in crime. I could not agree with the gentleman more.

Also, I want to point out that under the bill, as I understand it, there is a provision for some demonstration projects that, hopefully, will come up with some more useful alternatives.

The amendment before us would permit the placement of noncriminal juveniles in secure facilities for violation of a valid court order. If this amendment is approved, a child could be incarcerated for truancy, running away, or simply failing to obey his parents.

In 1974 I strongly supported what I considered to be the focal point of the Juvenile Justice Act and differentiated that act from previous legislative efforts relating to juvenile justice. This important provision, contained in section 223 (a)(12), requires that participating States remove all juveniles who have committed offenses that would not be criminal if committed by an adult—that is, status offenders—and nonoffenders such as dependent or neglected children, from secure detention or secure correctional facilities. The Office of Juvenile Justice and Delinquency Prevention reports that in fiscal year 1979 33 States and territories demonstrated substantial compliance with the deinstitutionalization mandate, and an additional 13 States showed significant progress toward substantial compliance. I felt in 1974, and continue to feel, that attainment of that national goal is important to the juvenile justice system.

In my view, the young status offender should not be subjected to incarceration with juveniles who have been charged with or who have actually committed offenses. Indications are that status offenders incarcerated with juvenile offenders are more susceptible to future encounters with the juvenile justice system and become more likely to commit a serious offense. These secure facilities frequently become "schools of crime" and help to teach criminal patterns of behavior. Furthermore, contact with the juvenile facility serves to label young people as "troublemakers" or "problems," a stigma which they may not be able to overcome. I feel that we should continue to try to achieve the more positive goals of deinstitutionalization of status offenders or nonoffenders.

I recognize that chronic status offenders pose a special problem for juvenile court judges but feel that the alternatives such as community-based treatment, diversion of offenders from the juvenile courts and institutions, and programs to keep potential dropouts in school are far preferable and much more likely to yield positive behavior changes. By requiring the deinstitutionalization of status offenders, these youths will be directed to those agencies most capable of dealing with their human and social needs.

H.R. 6704 addresses the issue of the chronic status offender by authorizing funding for demonstration projects to develop special programs to assist with chronic runaways, including those who repeatedly attempt to leave treatment facilities where they have been placed by the court. The vast majority of status offenders are not in the "noncontrollable" category and should not be under the constant threat of incarceration.

In conclusion, I believe that if we want to prevent the development of criminal careers, we must remove status offenders from secure facilities. This amendment would effectively undermine the purposes of the 1974 Juvenile Justice Act and would help to negate the progress which we have made in the area of juvenile justice. Therefore, I urge you to join with me in opposing this amendment.

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Mr. MILLER of California. Mr. Chairman, I just want to say that it also occurs that there are a number of young people who do not go to school and they do not go to school for a reason. They are absolutely in fear of showing up at that facility because they are constantly exploited, they are beaten on a daily basis, their lunch money is taken from them. So they quit going. So they are picked up and they are truants. The courts get involved and because they do not want to go to school they are told that they are then in violation and now we can lock them up.

We have just had a colloquy here on school violence. The gentleman knows one does not have to go too far down the street to run into it.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. I think we have to understand that many of these young people are then placed, if the gentleman's amendment is passed, are placed in the intolerable situation of they can either go back to intolerable living situations, either in their family, in a foster home, at the school, or they are going to jail. I suggest that that does not lead to rehabilitation, that does not lead to the solving of the problem. So why do we not just keep the long arm of the Federal Government out of these people's lives? Why do we not require the courts to become more creative, that the courts understand the underlying problems, the underlying problems these young children are fleeing from?

I would have much more sympathy for the amendment if it said, in fact, they could hold the young person for 24 hours, 72 hours, or what have you, until the parents can come and get them. What the gentleman will find out in many instances is that they can hold the children and no parents are going to show up to get them. But the LAPD has trouble with them because they are on the street and because they are young. But nobody is coming from Ohio to claim them because they do not want their kids. That is a very brutal side of our lives in this country but, in fact, it is true.

So that child gets locked up. I think we are really failing to deal with the situation, failing to allow the good parts of this act to be brought into effect to try to help these young people and help their families. The gentleman is being very arbitrary because this is really a very good amendment for a lazy judge. All that he has to do is lock the child up and somehow that threat is going to turn around years of problems these young people have.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. My colleague paints an interesting and, I would say, in many instances a novel picture. First of all, my friend indicated he wanted to keep the long arm of the Federal Government out of these situations. It is precisely the long arm of the Government in the form of our 1974 enactment that has forced the local judges into the position they now find themselves. I am merely trying to amend the law so we return to the proper position where judges can make a valid court order mean something.

My colleague has not addressed the situation on how he feels we enhance justice in this country by allowing young people to flaunt a valid order of a court. How does the gentleman address that particular problem? That is what I am talking about. I am talking about the chronic offender.

Mr. MILLER of California. But they have committed no crime.

What the gentleman is doing here is escalating that activity, which is not currently a crime, and making it in fact, at least making the penalty very similar to a crime. Not everything individuals do in the nature of personal freedom today is a crime.

Mr. ASHBROOK. If my colleague will yield further, my colleague is again advocating a very novel idea, that violating a valid order of a court is not a crime. There are many Americans who would find that rather interesting. If an adult violates a valid court order, would you suggest a judge can do nothing? You must be kidding.

Mr. MILLER of California. That is not it at all. The question is the gentleman is dealing with a young person who is engaged in an activity that if that person were an adult, which in some States may be 18, may be 21, it would not be a crime. Why are we making it a crime for this person?

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has again expired.

(At the request of Mr. ASHBROOK and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. If my colleague will yield further, you miss the entire point. For you as an adult or for me to violate a valid order of a court, does the gentleman not think that it would subject me to some penalty?

Mr. MILLER of California. What is the underlying order of that court? The underlying order of that court is related to the gentleman's behavior which is, in fact, not a crime. What the gentleman is doing is bootstrapping. This is what is called Federal bootstrapping. The gentleman would be bootstrapping an innocent individual into a situation where they became a criminal. I do not think that is what the gentleman wants to do to young people.

Mr. ASHBROOK. I also think we do not want to place young people in the position where they can flaunt a valid order of a court. You allow the opposite of bootstrapping, you would let the young offender go on his merry way by incapacitating the judge to act in these circumstances.

Mr. MILLER of California. What would the gentleman do as an adult if the court order was to send the gentleman back to his home where he was beaten on a regular basis? What would my colleague do as an adult?

Mr. ASHBROOK. Are you saying the juvenile cannot bring those facts before a judge? Are you saying that judges are so callous that they never side with the juvenile? That has not been my experience nor do I believe it is the experience of the majority of legislators who will vote on this issue.

Mr. MILLER of California. What would the gentleman do if he were 15 years old, a child, and were sent back to his father, who may be my size, who is beating him on a regular basis? Maybe the gentleman would be afraid to tell the judge why he left home for the fear that he was about to be sent back to that home and would be beaten or killed. What would the gentleman do as a 14-, 15-, or 16-year-old child?

Mr. ASHBROOK. My friend has advocated getting the Federal Government into the home in domestic matters where there is wife abuse. What is the next step?

Mr. MILLER of California. No. No. No. I will not have my position characterized in that fashion.

I am an advocate of helping the victims who have left home and who are out on the streets, providing services, not getting into the home. The police go into the homes and they get shot. I will wait until the person comes out of the home.

Mr. ASHBROOK. I would ask my colleague where is his concern for the victims of juvenile crimes?

Mr. MILLER of California. These are not criminals. These are people who have no shelter. These are people who are wandering around the streets. These are people who cannot go home. If they commit a crime, we have a whole body of law to deal with them, and they can be locked up forever. We are not talking about that.

I want the gentleman to answer the question: What would he do as a young person who is put into the position of the court telling him to go back to his home where he is beaten on a regular basis? It happens every day in this country.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. I yield to the gentleman.

Mr. ASHBROOK. I would not flaunt the will of the court. Also, tell the victims of juvenile crime they have not been raped, mugged, or assaulted by a criminal.

Mr. MILLER of California. You would not flaunt the will of the court? The child cannot go back home, I would say to the gentleman, and that is the problem. The gentleman knows the incidence of child abuse in this country. The gentleman knows the number of children who leave those homes. The gentleman is saying to them that if they do not return to that situation, if they do not return to a situation where they may be killed, because they also know we see a lot of them in the morning where they may be killed, then they have to go to jail. That is not flaunting the will of the court. That is embracing an arbitrary court and a lazy judge who does not want to recognize what is going on.

The gentleman would be pitting some 14-year-old youngster against his family and having him speak up and say, "My father beats me," or some young girl saying, "My father sexually molests me. I cannot go home." That is what the gentleman is asking to be done, because if they do not, they can go to jail and then be beaten, they can go to jail and then be sexually molested if the gentleman's amendment is passed. The gentleman's amendment ought to be rejected for that reason.

Mr. ASHBROOK. Again my colleague advocates the very novel idea that a 14-year-old has judgment superior to the judge of the court. I think that is extreme.

Mr. MILLER of California. The gentleman has not answered the question of what would he do in that situation. I would ask the gentleman: What would you do? Would the gentleman just go home and let his father beat him and stay there until 18 or 21 years of age so he could leave home? Is that what the gentleman would do?

Mr. ASHBROOK. My colleague has indicated in the debate that in every case a court is going to throw them in jail. He knows that is not so.

Mr. MILLER of California. No. No. We only have to do it in one or two cases.

Mr. ASHBROOK. The judge should have that option. That is what I am talking about. That is what my amendment would do.

Mr. MILLER of California. We only have to do it in a few cases where we end up with a few children that are battered and beaten again. The gentleman knows the statistics and the number of homes in which this takes place.

Mr. ASHBROOK. Yes, and we only have to let a few youthful offenders flaunt the law and others will know that they can get by with it, and that will encourage others. What about those many cases where the youth are not battered or beaten?

Mr. MILLER of California. Can the judge not find them in contempt of court? I would ask the gentleman that. Does not the judge have the power to find these people in contempt of court? The whole point of the amendment is that is the body of law that is on the books.

Mr. ASHBROOK. That is exactly what I am talking about, a court order. You make my point. A valid court order is a prerequisite to what you call a contempt citation. You should vote for my amendment.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we have a real dilemma and it is not really as simple as some of the advocates have made it sound so far.

First of all, the amendment as proposed, I think, would be rarely used as far as a juvenile judge would go.

☐ 1140

First of all, it could never be used where the juvenile is a first offender. It is only after he has gone through the process with the juvenile court and the juvenile court has instructed this juvenile to take counseling or to attend school or to do some act. The juvenile has not committed a crime up to this point; he simply has not gone to school. That is not a crime.

The fact of the matter is, however, at some point there has to be some final determination and authority vested in our court system, and our court system has to back up its orders in some way.

The gentleman from California (Mr. MILLER) has indicated that he does not understand that a person can go into civil court, who has never committed a crime, and be ordered by a judge to perform some thing, and this some thing may be to pay his wife alimony. It may be to pay child support. It may be to do good deeds on the weekend. It may be to attend school. The fact of the matter is, however, if you violate that court order based upon a civil wrong, you have then committed a crime. The crime is the commission of the violation of the court order. It is separate from the original jurisdiction of the court as to why the person is in court. If we do not ever back up our court orders with a contempt-of-court citation, there is not any judge in this country, juvenile or adult, who would ever have any final bottom line authority. That is the purpose of this amendment, to give final bottom line authority.

You have given the juvenile the opportunity to go to school or to attend counseling. He has refused. The judge has taken an extensive record. He has called in the parents, he has called in the school officials, he has called in the juvenile officer, he has called in the social worker. He has before him a full record of what this juvenile's problems are.

I suggest that any judge who would require a juvenile to return home as has been discussed here by Mr. MILLER obviously is not performing justice and should be removed from the bench. But the fact of the matter is we have gotten hundreds of thousands of youths who, if this amendment is not passed, can simply thumb their noses at the judge and know that nothing—absolutely nothing—will happen to them. We need to have a contempt-of-court citation in the civil law. This is basic to our jurisprudence in this country. It is beyond me that we can even discuss it and debate this on the floor of the House of Representatives. It is as clear as the air we breathe. This has always been part of our court system. It is not anything different from what has been here for hundreds of years in this country. All we are saying is that a juvenile judge, under the law, will have this authority. Certainly he will have all the record before him to make this decision. We hope that all judges everywhere, make right decisions. We hope all Congressmen everywhere make right decisions. If they do not, there is nothing we can do about it. We just hope that they can.

I think it is a very fair amendment, frankly, and one which the judges require and need to have as a backup.

Mr. KILDEE. Mr. Chairman, will the gentleman yield to me?

Mr. COLEMAN. Mr. Chairman, I yield to the gentleman.

Mr. KILDEE. My district contains Genesee County which is a very microcosmic county. It has a large city with minorities. It has suburbs; it has a farm area. My juvenile justices feel they have been required to use their ingenuity under the 1974 act. They find no problem with that.

Mr. COLEMAN. Let me ask a rhetorical question: What does the judge do with ingenuity when the child comes in and says, "Judge, take a ride. I know what the law is. You cannot do a darned thing to me"? Do you know what? The judge knows the law. He cannot do anything to him. I do not know if there is any ingenuity involved with it. I think it is who is running our court system, the people in front of it or the people who have been empowered by the people—the judges.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAILSBACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Very briefly, I just want to make the point that as I understand it, under section 15(b) the committee provided for supplemental grants to runaway centers which are developing in cooperation with the local juvenile court and social service agencies, the personnel, the model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as a result of an adjudication.

My feeling is that in the absence of coming up with alternatives, we make a mistake by taking this rather serious step of saying yes, the court in the case of a habitual runaway does have the right to put that child in with somebody who has committed a serious offense. I, for one, believe that the committee has addressed the problem. I think we want to reemphasize to the Secretary the importance of trying to develop useful alternatives; but I do think we make a mistake by adopting the amendment.

I hope we defeat the amendment.

Mr. ASHBROOK. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ASHBROOK. Mr. Chairman, I take this time because I think my friend, the gentleman from Michigan (Mr. KILDEE), put in the record something at least in my opinion is not accurate. I posed the question of a recurring offender, a truant, a repeater youth who had been in trouble going to California; and I asked him how that youth could be incarcerated or held in a secure facility while a parent came to pick that youth up. My friend, the gentleman from California (Mr. MILLER), says the parent does not want to come. That may be. But do not be diverted by that scenario. I am talking about a situation where the parent wants to come. Will the gentleman tell me under law how the judge in California can hold the Ohio youth until the parent gets there?

Mr. KILDEE. If the gentleman will yield, it is in the rules and regulations. The de minimis rule for holding for a short period of time is in the rules and regulations. That rule and regulation, I would say to the gentleman from Ohio (Mr. ASHBROOK), is based upon the committee reports of 1974 and 1977 and also the conference reports. The rules and regulations are not just something dreamed up by someone over in the agency. They find their genesis in the committee reports of the Congress in 1974 and 1977.

Mr. ASHBROOK. Well, we have established it is not in the law. I did not think so. Does the gentleman have the rule and regulation so we can see it?

Mr. KILDEE. If the gentleman will yield, the rule and regulation is in place. The counsel assures me that that is the rule at the present time. The genesis, the roots for that rule are the committee reports—reports from this body, the U.S. Congress. The agency is not using its own ingenuity or initiative. It derives that regulation from the reports from the Congress.

Mr. ASHBROOK. It is the statement of the gentleman to his colleagues in support of this bill that a judge in California has the tool of a valid rule and regulation that he can implement to hold an Ohio youth who is not a first offender, a truant, a repeat offender, in a secure facility?

Mr. KILDEE. That is what the counsel advises me; yes.

Mr. ASHBROOK. I would simply say that is not my understanding. That is not what my judges are telling me.

I would say even if that were the case, my colleague is taking the unique position of allowing bureaucrats to determine what the law is and—worse, what the law should be. I do not think that has merit. I would say to my colleague from Illinois—for whom I have great respect as one of the senior members of the Judiciary Committee—I do not really think holding out pilot projects that sometime, someplace in the future these pilot projects might bring about a change is a positive way to address a very serious problem is an answer either. It would be a little bit like meeting a thief at the door and my friend, the gentleman from Illinois, showing the would-be felon the Kerner report and saying "Do not commit a crime; look at what crime leads to." Nice theory but it will not deter crime. What my colleagues who oppose this amendment are advocating is to remove from the juvenile judges the basic authority a court must have.

I do not think in the real world when you are talking about the necessity of judges having the option to incarcerate or to hold in a secure facility a youth, that talking about what can be done down the road under a pilot project or some vague rule which we do not even have here on the floor, which we have only been assured by counsel is actually valid—is really the way to legislate. What we are talking about is giving a judge a legitimate, proper option he should have.

My friend, the gentleman from California (Mr. MILLER), kept referring to a judge throwing a youth in jail as if that would be done in every situation. We are not talking about a judge throwing a youth in jail. We are talking about a judge having an option to do that. He should have that option. As my colleague, the distinguished subcommittee ranking minority member, has so ably indicated in the overwhelming majority of cases this would not happen. However, to remove that option from the judge, to allow a youth to flaunt a valid order of a court, and then say we are not going to do anything about it, I think is just plain irresponsible.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding. I guess what really disturbs me more than anything is that we are talking really about young people who are runaways. They are truants. They have not committed a serious criminal offense. What bothers me is the gentleman's alternative, in other words. I recognize that we have a dilemma. I think the gentleman made the point very well that we have to try to find alternatives, but as an alternative for somebody who may be a runaway for good reason to get away from a parent who may be kicking or, in other words, beating him up—I think that we have to do something other than to say, no, you are going to have to go into that jail, even though there may be kids who have committed very serious offenses who may give that truant a lesson in a crime.

☐ 1150

That is what we are worried about.

Mr. ASHBROOK. What we are talking about is basic. Yes; we are talking about a difficult situation. But as an answer to that, are you saying that the court should have only limited jurisdiction and powers? That the court should not have the ability in an individual case to issue an order and do what a court should and must do, have the ability to enforce that order? Is that what you are saying? Are you going to say to the juvenile judge, "Because it is a difficult situation, we wash our hands and leave you hanging." I do not want to say that and I believe most Members do not want to either.

Mr. RAILSBACK. If the gentleman will yield, we really should not be saying that. What we ought to be doing is addressing, which I believe the committee is trying to do by trying to find some really rational, constructive alternatives.

Despite my respect for the gentleman—and as I said, I think it is a well intentioned amendment—I think the gentleman is taking the worst of all possible options. That is my problem.

Mr. ASHBROOK. I would say what my colleague, the gentleman from Michigan, said was the worst of all possible options. He said judges are using ingenious ways to get around what he admits is a dilemma caused by this Congress. Think about that. Think of the implication of that. In a way, "ingenious" is a euphemism for extra-legal ways. Most of us do not like courts to use extra-legal ways to solve a problem. Most judges do not want to be circuitous. We should give them the proper legal option to directly discharge their responsibilities, which this amendment would do, and I urge my colleagues to support it. Liberals normally would attack the judiciary for using indirect, impromptu or ingenious means to detain a citizen. I am shocked that such a course of action would be heralded as an answer, particularly where juveniles are concerned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 123, not voting 70, as follows:

[Roll No. 643]

AYES—239

Abdnor
Addabbo
Alexander
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
Bafalis
Bailey
Barnard
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Biaggi
Boggs
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Broyhill
Butler
Byron
Carney
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, S.C.
de la Garza
Derrick
Devine
Dickinson
Dicks
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Ferraro
Findley
Fish
Fithian
Flippo
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gingrich
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hance
Hanley
Hansen
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jones, N.C.
Jones, Tenn.
Kazen
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
McKay
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mavroules
Mica
Miller, Ohio
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Nelson
Nichols
Oakar
Panetta
Pashayan
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Pritchard
Quayle
Quillen
Ratchford
Regula
Rinaldo
Ritter
Roberts
Robinson
Rose
Rostenkowski
Rousselot
Royer
Rudd
Santini
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Staggers
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauzin
Thomas
Trible
Ullman
Vander Jagt
Volkmer
Walgren
Walker
Watkins
Whitley
Whittaker
Whitten
Wilson, Tex.
Winn
Wright
Wyatt
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—123

Akaka
Albosta
Anderson, Calif.
AuCoin
Baldus
Barnes
Bedell
Beilenson
Bingham
Boland
Bonior
Brademas
Brodhead
Buchanan
Burton, John
Burton, Phillip
Cavanaugh
Chisholm
Clay
Coelho
Conyers
Corman
D'Amours
Danielson
Davis, Mich.
Dellums
Derwinski
Dixon
Downey
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Fazio
Fenwick
Fisher

Ford, Tenn.
Giaimo
Gilman
Gonzalez
Gray
Green
Hall, Ohio
Hammerschmidt
Harkin
Harris
Hawkins
Hollenbeck
Holtzman
Howard
Hutchinson
Jeffords
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lehman
Leland
Long, La.
Long, Md.
Lowry
Lundine
McHugh
Maguire
Markey
Matsui
Mattox
Mazzoli
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moorhead, Pa.
Murphy, Pa.
Nowak
Oberstar
Obey
Ottinger
Paul
Pepper
Petri
Porter
Price
Rahall
Railsback
Rangel
Reuss
Richmond
Rodino
Rosenthal
Roth
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Simon
Solarz
Stack
Stark
Stewart
Stokes
Studds
Synar
Van Deerlin
Vanik
Vento
Waxman
Weaver
Weiss
White
Williams, Mont.
Wirth
Wolpe
Yates

NOT VOTING—70

Ambro
Anderson, Ill.
Ashley
Badham
Beard, R.I.
Bethune
Bevill
Blanchard
Bolling
Brooks
Brown, Calif.
Brown, Ohio
Burgener
Burlison
Campbell
Carr
Carter
Collins, Ill.
Cotter
Crane, Daniel
Crockett
Deckard
Dingell
Dodd
Donnelly
Drinan
Evans, Del.
Florio
Ford, Mich.
Garcia
Ginn
Harsha
Heftel
Jenrette
Johnson, Colo.
Kelly
Kemp
Lederer
McCloskey
McCormack
McKinney
Michel
Moffett
Murphy, N.Y.
Musto
Neal
Nedzi
Nolan
O'Brien
Patten
Pursell
Rhodes
Roe
Satterfield
Shumway
Spellman
Steed
Swift
Tauke
Taylor
Thompson
Traxler
Udall
Wampler
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wolff
Wydler

☐ 1200

The Clerk announced the following pairs:

On this vote:

Mr. Wampler for, with Mr. Florio against.

Mr. Taylor for, with Mr. Patten against.

Mr. Michel for, with Mr. Thompson against.

Mr. Campbell for, with Mr. Garcia against.

Mr. Burgener for, with Mr. Moffett against.

Mr. Badham for, with Mr. Ford of Michigan against.

Mr. Daniel B. Crane for, with Mr. Dingell against.

Mr. Ginn for, with Mr. Nedzi against.

Messrs. LONG of Maryland, AuCOIN, and WEAVER changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1210

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes, pursuant to House Resolution 732, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrosed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ANDREWS of North Carolina. Mr. Speaker, pursuant to the provisions of House Resolution 732, I call up the Senate bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ANDREWS OF NORTH CAROLINA

Mr. ANDREWS of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of North Carolina moves to strike out all after the enacting clause of the Senate bill, S. 2441, and to insert in lieu thereof the provisions of H.R. 6704, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training.".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f) (1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS–18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;"

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education,". after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended—

(A) by inserting "or offenses which do not constitute violations of valid court orders" after "adult"; and

(B) by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicooln at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is

in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)) is amended—

(1) in paragraph (10) thereof, by striking out "and" at the end thereof;

(2) in paragraph (11) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.".

(d) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

"(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

USE OF FUNDS

SEC. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223 (a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224 (a)(7) are used either directly or indirectly in any manner prohibited in this subsection.

PAYMENTS

SEC. 14. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended—

(1) by striking out subsection (a) and subsection (b) thereof, and by striking out the section designation preceding subsection (a);

(2) by redesignating subsection (c) through subsection (g) as subsection (a) through subsection (e), respectively; and

(3) by inserting "Sec. 228." before subsection (a), as so redesignated in paragraph (2).

(b) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224 (a)(5)".

DESIGNATION OF STATE AGENCIES

SEC. 15. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to—

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

ADMINISTRATIVE PROVISIONS

SEC. 16. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

SEC. 17. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

RUNAWAY AND HOMELESS YOUTH

SEC. 18. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH"

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42

U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authoriized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel.".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers'.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 19. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Protection Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council."

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 233(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42

U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p) (1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6704) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2441

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments to the Senate bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, ANDREWS of North Carolina, CORRADA, KILDEE, STACK, WILLIAMS of Montana, ASHBROOK, COLEMAN, and GOODLING.

DIRECTING CLERK TO MAKE CORRECTIONS AND TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 2441

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that the Clerk be directed, in the engrossment of the House amendment to the Senate bill (S. 2441), to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes, to correct punctuation and spelling, to correct section numbers and references, and to make any other technical and conforming changes necessary to reflect actions of the House on the bill, H.R. 6704.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6704, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TODAY

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess today subject to the call of the Chair, such recess to extend not beyond 2 p.m.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INLAND NAVIGATIONAL RULES ACT OF 1980

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6671) to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes, with Senate amendments thereto, concur in Senate amendments No. 1 through and including No. 69 and disagree with Senate amendment No. 70.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 14, strike out "or whistles".

Page 2, line 17, after "light" insert "shape,".

Page 5, line 12, strike out "shall".

Page 5, line 13, after "but" insert "are".

Page 5, line 13, strike "be".

Page 5, line 22, after "operations;" insert "and".

Page 6, line 17, strike out "River." and insert "River;".

Page 6, line 24, strike out "Lock." and insert "Lock;".

Page 7, line 8, strike out "Boundary." and insert "Boundary;".

Page 7, line 12, after "waters;" insert "and".

Page 7, line 15, strike out "States;" and insert "States.".

Page 9, line 12, after "radar;" insert "and".

Page 10, line 7, after "change;" insert "and".

Page 11, line 24, strike out "effect safe passage." and insert "permit safe passing.".

Page 13, line 24, after "leeward;" insert "and".

Page 17, line 13, after "fishing;" insert "and".

Page 17, line 18, after "maneuver," insert "and".

Page 17, line 18, after "maneuver;" insert "and".

Page 18, line 25, after "ken;" insert "and".

Page 21, strike out lines 12 and 19, inclusive, and insert:

(g) "Special flashing light" means a yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180 degrees nor more than 225 degrees and so fixed as to show the light from right ahead to abeam and no more than 22.5 degrees abaft the beam on either side of the vessel.

Page 23, line 15, after "sidelights;" insert "and".

Page 23, line 16, strike out "sternlight;" and insert "sternlight.".

Page 24, line 17, after "sternlight;" insert "and".

Page 25, line 7, after "sidelights;" insert "and".

Page 25, line 15, after "sternlight;" insert "and".

Page 25, line 22, strike out "light." and insert "light; and".

Page 27, line 3, after "sidelights;" insert "and".

Page 27, line 17, after "sidelights:" insert "and".

Page 28, line 5, strike out "seven" and insert "7".

Page 29, line 13, after "so;" insert "and".

Page 30, line 2, after "gear;" insert "and".

Page 30, line 19, after "seen;" and insert "and".

Page 31, line 9, after "(b)(1);" insert "and".

Page 32, line 3, after "pass;" and insert "and".

Page 33, line 16, after "sternlight;" insert "and".

Page 34, line 6, after "ball;" insert "and".

Page 34, line 19, after "line;" insert "and".

Page 35, line 6, strike out "signals" and insert "lights and shapes".

Page 35, line 21, strike out "one" and insert "1".

Page 35, line 24, strike out "four" and insert "4".

Page 35, line 24, strike out "six" and insert "6".

Page 37, line 19, strike out "one" and insert "1".

Page 37, line 20, after "second;" insert "and".

Page 38, lines 1 and 2, strike out "another in a narrow channel or fairway:" and insert "another:".

Page 38, line 4, strike out "shall in compliance with Rule 9(e)" and insert "power-driven vessel shall".

Page 38, line 8, after "side";" insert "and".

Page 38, line 10, strike out "when acting in accordance with Rule 9(e)".

Page 39, line 11, strike out "need not" and insert "is not obliged to".

Page 39, line 12, strike out "Rule" and insert "Rule, but may do so.".

Page 39, line 21, strike out "two" and insert "2".

Page 40, line 1, strike out "two" and insert "2".

Page 40, line 2, strike out "two" and insert "2".

Page 40, line 9, strike out "two" and insert "2".

Page 40, line 13, strike out "two" and insert "2".

Page 40, line 22, strike out "one" and insert "1".

Page 40, line 22, strike out "five" and insert "5".

Page 41, line 1, strike out "five" and insert "5".

Page 41, line 15, strike out "two" and insert "2".

Page 43, line 13, strike out "four" and insert "4".

Page 43, line 18, strike out "four" and insert "4".

Page 43, line 23, after "exempt;" insert "and".

Page 44, line 4, strike out "nine" and insert "9".

Page 44, strike out lines 6 to 24, inclusive, and insert:

(v) the restructuring or repositioning of all lights to meet the prescriptions of Annex I to these Rules, until 9 years after the effective date of these Rules;

(vi) Power-driven vessels of 12 meters or more but less than 20 meters in length are permanently exempt from the provisions of Rule 23(a)(i) and 23(a)(iv) provided that, in place of these lights, the vessel exhibits a white light aft visible all round the horizon; and

(vii) the requirements for sound signal appliances prescribed in Annex III to these Rules, until 9 years after the effective date of these Rules.

Page 46, line 24, strike out "twenty-one" and insert "21".

Page 48, line 15, strike out "five" and insert "5".

Page 49, line 10, strike out "twelve" and insert "12".

Page 50, in the top table on the page, insert "1945:" before "Dec. 3".

Page 51, in the table, strike out the following:

"1928: May 17-----	600-----	45	592"

and insert:

1928:			
May 17----------	600-----	45	592
May 17----------	601-----	45	593

Page 51, below the table, insert:

SEC. 9. Section 2(c) of the Act of February 19, 1895 (28 Stat. 672), as amended (33 U.S.C. 151), is amended by striking the words "the Canal Zone,".

Page 51, below the table, insert:

SEC. 10. Section 2(3) of the Act of March 4, 1927 (44 Stat. 1424) is amended as follows:

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harborworker including a ship repairman, shipbuilder, and ship-breaker, but such term does not include (A) any ship repairman, shipbuilder, or ship-breaker engaged in construction, repair, or dismantling of any barge or other vessel which is not self-propelled, or any small vessel under sixteen hundred tons gross, while upon any pier, wharf, building way, marine railway, graving dock, shop, or any other facility or area over land customarily used in ship repairing, shipbuilding, or ship-breaking if such ship repairman, shipbuilder, or ship-breaker is subject to coverage under a state workers' compensation law, (B) a master or member of a crew of any vessel, or (C) any person engaged by the master to load or unload or repair any small vessel under eighteen tons net.".

Mr. BIAGGI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BIAGGI. Mr. Speaker, H.R. 6671 is a bill that will unify the rules to prevent collisions of vessels on our inland waters. It replaces three existing sets of statutory rules that are now applicable to various parts of those waters. In addition to unifying the nautical rules of the road, the bill will conform them as closely as possible to the international rules which were adopted in the 95th Congress. The result will be a general simplification and unification of the nautical rules of the road.

H.R. 6671 is a noncontroversial bill. It was passed by the House on June 23, 1980—and by the Senate, with amendments, on September 30, 1980. Almost all of the Senate amendments are technical, conforming, and clarifying in nature.

We have no objection to these Senate amendments and believe they will improve the bill.

The final amendment made by the Senate, however, is not related to the rules for preventing collisions between vessels. Nor was it a subject of consultation between our respective cognizant committees as the other Senate amendments were. This amendment, No. 70, amends the Longshoreman's and Harbor Worker's Compensation Act by redefining the term "employee" in that statute. I understand that the effect of the amendment would be to remove some 30,000 shipyard workers from the coverage of the Longshoreman's and Harbor Worker's Compensation Act. They would instead be covered under State workman's compensation laws. This amendment was not recommended by the Senate Commerce Committee, which has jurisdiction over H.R. 6671.

Senate amendment No. 70 refers to a subject that is not within the jurisdiction of the Coast Guard Subcommittee nor the full Merchant Marine and Fisheries Committee. We have not held hearings on it and have received only minimal information concerning it. I am, therefore, not in a position to discuss it in detail.

While I am not familiar with all the ramifications of Senate amendment No. 70, I do know that it is a substantive amendment that will affect the rights and benefits of a considerable number of shipyard workers and their families. I am also aware that the maritime labor unions are united in their opposition to this amendment. It is their position that the whole Longshoreman's and Harbor Worker's Compensation Act should be looked at—rather than singling out one aspect alone for amendment. They—and I—believe that an amendment as important as this should not be adopted without hearings at which all parties have an opportunity to present their views.

The position taken by organized labor on this amendment seems to me to be reasonable. It is my understanding that the Committee on Education and Labor—which has jurisdiction over this subject—plans hearings during the next Congress on the Longshoreman's and Harbor Worker's Compensation Act and will address this problem during those hearings. In my opinion, the proper course of action for us is to reject this amendment at this time—with the hope that the Senate will agree to recede from the amendment and allow this important bill to become law.

● Mr. YOUNG of Alaska. Mr. Speaker, today we consider H.R. 6671, the Inland Navigational Rules Act of 1980, which would unify the rules for preventing collision on the inland waters of the United States. The bill will repeal the three existing sets of inland navigational rules and replace them with a unified set of rules that would govern the conduct of vessels in the inland waters of the United States and that would conform as closely as possible with the international rules of the road. I must note, however, that throughout my home State of Alaska, the international rules will apply because no navigational demarcation line exists separating inland from international waters.

We in the House passed this bill earlier this year and the Senate passed H.R. 6671 with several amendments. The majority of these amendments are intended to technically improve and perfect the bill. In addition, an amendment has been added which would remove small shoreside shipyard facilities from the scope of the Longshoremen's and Harbor Workers' Compensation Act. This amendment is designed to address the high cost of worker compensation insurance and originated as part of a general effort to revise the Longshoremen's and Harbor Workers' Compensation Act through other legislation introduced in this Congress. I understand that although this amendment may be deleted from H.R. 6671 without consideration of its merits, this and other problem areas associated with the Longshoremen's and Harbor Workers' Compensation Act will be addressed in the next Congress in a comprehensive manner.

Therefore, I urge adoption of H.R. 6671 as we consider it today. This unification of the inland rules into one uniform system will work to reduce the potential confusion among the rules, reduce the danger of collision and resulting environmental damage in our increasingly congested waterways and serve to greatly facilitate the commerce of this Nation.●

● Mrs. BOGGS. Mr. Speaker, I plan to vote with the distinguished chairman of the Coast Guard Subcommittee in favor of H.R. 6671—without the Senate amendment that modified the Longshore Act. I do this for two reasons: First, this is a nongermane "rider" which was added by the Senate and, second, no substantive hearings have been held in either body on this proposal.

I do, however, feel there is merit to the problem the Danforth amendment attempts to address. I have heard from numerous constituents in the shipping, shipbuilding, and admiralty law communities who tell me that the 1972 amendments to the Longshore Act are confusing and have caused some shipyards and offshore service industries to be virtually uninsurable. The purpose of the Longshore Act is commendable. We must have a systematic approach to fairly, reasonably and swiftly provide benefits for workers in maritime related field who are injured in the course and scope of their employment. But in the 1972 amendments Congress extended coverage of the Longshore Act from the water's edge to areas adjoining the navigable waters of the United States.

The result of this expansion has been considerable confusion. Not only are shipyard workers who never set foot aboard a vessel now covered by the act but so are employees of oil refineries, chemical plants, paper and steel mills and many other heavy industries that operate along navigable waters. Quite arguably the workers in these industries should be covered by State worker-compensation laws as they were prior to the 1972 amendments.

As it stands now, the Longshore Act is unworkable as an insurance program. Because of its open-ended annual escalation of benefits, benefits are unpredictable and, from an insurance standpoint, uninsurable. The act has been converted from a wage replacement program into a life insurance program by extension of death benefits in certain cases to dependents even when the death of the employee is unrelated to the industrial accident. Finally, the bureaucratic administration of the act by the Office of Workers' Compensation Programs and Benefits Review Board has been alleged to be "biased" and "nonuniform."

It is interesting to note that the District of Columbia, whose worker compensation programs fall within the parameters of the Longshore Act, desperately want out and the D.C. Council has passed legislation to establish its own worker compensation program.

Mr. Speaker, I would like to urge that the Education and Labor Committee make review and modification of the Longshoremen's and Harborworkers' Compensation Act one of its top priorities in the 97th Congress. Too many people have complained about the act and I have heard too many disturbing stories about its application and administration to think that it is without fault. I also believe that it is imperative that those labor unions and other associations that represent the men and women covered by the act come forward to participate in the hearings and provide viable solutions to very real problems. Although there have been oversight hearings in the past, now is the time for major review. We must act now in order to save a well-intentioned program from self-destruction.

I urge passage of H.R. 6671 without the longshore amendment, but I also urge studied consideration of revisions of the act early next year.●

The SPEAKER. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days within which to extend their remarks on H.R. 6671, the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

RECESS

The SPEAKER. Pursuant to the authority granted to the Speaker earlier today, the House will be in recess until the hour of 2 p.m. The bells will be rung 15 minutes before the time we will come into order.

Accordingly (at 12 o'clock and 15 minutes p.m.) the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROSTENKOWSKI) at 2 p.m.

PROVIDING FOR CONSIDERATION OF H.R. 7548, FARM CREDIT ACT AMENDMENTS OF 1980

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 792 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 792

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7548) to amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 7548, the Committee on Agriculture shall be discharged from further consideration of the bill (S. 1465), and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 7548 as passed by the House.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Maryland (Mr. BAUMAN) for purposes of debate. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 792 is the rule providing for the consideration of the bill, H.R. 7548, the Farm Credit Act Amendments of 1980. It is a completely open rule and there are no waiver of points of order. The rule provides for 2 hours of debate and also makes in order the committee amendment in the nature of a substitute, that was reported by the Committee on Agriculture, as an original text for the purpose of amendment. After passage of H.R. 7548, the Committee on Agriculture shall be discharged from further consideration of S. 1465, the Senate companion bill, and it shall be in order to insert the House-passed language of the Farm Credit Act.

Mr. Speaker, we are all aware of the credit crunch which the Nation's farmers are experiencing. This bill is designed to expand the authority of the farm credit system institutions to provide more flexible services and financing arrangements and to enhance the credit opportunities of the agricultural and aquatic borrowers.

The bill liberalizes the mortgage credit authority to provide special assistance to young and low equity farmers, permits rural co-ops to remain eligible for system financing and extends credit for processing and marketing activities by farmers and fishermen.

Mr. Speaker, this legislation also authorizes banks for cooperatives to finance transactions for the exportation or importation of agricultural and aquatic products by U.S. cooperatives with other financial-type services to enable them to participate effectively in international markets for agricultural and aquatic products. There is some controversy over the scope of and need for this authority. I am sure this issue will be thoroughly debated when the bill is considered under this open rule and the House will have an opportunity to work its will on this piece of legislation.

Mr. Speaker, H.R. 7548 is the product of over 1 year's work by the Committee on Agriculture and was unanimously reported by that committee. I urge my colleagues to support House Resolution 792 so that the House may proceed to consideration of this legislation which is of crucial importance to the Nation's agricultural economy.

Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Carolina has done an excellent job of describing the rule we have before us.

House Resolution 792 makes in order for consideration by the House the bill H.R. 7548, the Farm Credit Act Amendments of 1980. H.R. 7548 which was reported unanimously by the Committee on Agriculture, amends the Farm Credit Act of 1971, the statute under which the Farm Credit System and the Farm Credit Administration operate. The purpose of the amendments made by H.R. 7548 is to provide the institutions of the system with additional or revised authorities to enable them better to serve the credit and related financial needs of farmers, ranchers, and commercial fishermen.

Mr. Speaker, the passage of this bill is essential for the American farmer in order to enable him to obtain short-term loans to help him make it through this difficult period of recession and runaway inflation. The debt-to-income ratio of the American farmer is the highest it has been since the Great Depression and their liquidity ratio is lower than it has ever been before. While this indicates the need for more short-term borrowing, most commercial banks are already overextended on farm loans. Since 1970 farm credit extensions have increased more than 400 percent while other private sector borrowing has only gone up 150 percent. Most farmers in this country must depend upon credit and without it they will be forced out of business.

I am particularly pleased to support this piece of legislation because it will not result in any additional costs to the taxpayer, which, for this Congress, is a very rare bird indeed. The capital needed to establish the institutions of the Farm Credit System was provided largely by the Federal Government but the institutions of the System repaid the last of this Government seed money in 1968. The System is now capitalized exclusively by its farmer-members.

Due to the complicated nature of the bill I will have to leave a full discussion of its provisions to the members of the Agriculture Committee. But I would like to note several provisions, one of which is the clarification of the authority of the Farm Credit System institutions to provide financial services to commercial fishermen. I am happy to see that the Agriculture Committee has given the American fisherman the recognition he deserves as an integral part in the production of the Nation's food needs.

I would also like my colleagues to note that the regulations which will be promulgated by the Farm Credit Administration, implementing the provisions of the bill relating to the access of other financial institutions to the Federal intermediate credit bank discount program, will be subject to a two House legislative veto. Such legislative oversight exercised by means of the legislative veto will hopefully insure that the discount privilege will be reasonably and uniformly extended to those financial institutions that are making agricultural loans and do not have reasonable access to other sources of funds sufficient to provide adequate credit to serve agricultural and aquatic borrower's needs.

Mr. Speaker, I urge the adoption of the rule and passage of H.R. 7548, the Farm Credit Act Amendments of 1980.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE MILNER DAM

Mr. DINGELL. Mr. Speaker, I call up the Senate bill (S. 1828) to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, I reserve the right to object to allow my colleague, the gentleman from Michigan, to explain what is happening here.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to my colleague.

Mr. DINGELL. Mr. Speaker, this bill concerns the existing Milner Dam project on the Snake River in Idaho. Owners of that project contemplate additions and modifications to these facilities to generate electricity to be sold to the Idaho Power Co. Such a project required a license issued pursuant to the Federal Power Act by the Federal Energy Regulatory Commission. This would bring into effect section 14 of part 1 of the Federal Power Act, which permits the Federal Government to take over such facilities upon the expiration of the license. The application of this particular section to the existing facilities is of sufficient concern to the project's owners that they are prepared to forsake this promising opportunity to develop this hydroelectric project unless a limited exemption is provided.

S. 1828, as amended by our committee, provides the project sponsors with a limited exemption for the existing facilities from the "takeover" provisions of section 14. The entire project would otherwise be subject to the Federal Power Act and any modifications or additions would be subject to section 14. Further, enactment of this bill does not insure that a license will be granted, an application must be made, and it must be considered in the normal fashion.

Because this bill applies only to existing facilities which are not now subject to recapture, no inroads are made on the recapture provision and no precedents are established.

Although the reservoir supports only minor fish and wildlife use, the Fish and Wildlife Service recommended that the broader Senate-passed bill include provisions for additional studies using the latest instream flow methodology to determine downstream flow needs. Since the committee version is quite limited, the committee did not include such a requirement in the bill. The Fish and Wildlife Coordination Act, the Natural Environmental Policy Act of 1969, and other environmental laws are not affected by this bill. Thus, we expect the FERC to explore the need for requiring such a study as part of the licensing process which includes compliance with the Fish and Wildlife Coordination Act.

This bill is a small but useful step in the achievement of our national energy objectives of expanding the development of renewable generating resources.

I urge a vote to suspend the rules and a vote for final passage.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C., October 14, 1980.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Energy and Power, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: At the August 25, 1980, Subcommittee Hearing on Senate Bill 1828, a bill to exempt the Milner Dam Project from certain provisions of the Federal Power Act, you requested that I provide you some additional information. Those specific items about which you requested information are discussed below. Please bear in mind that the Fish and Wildlife Service has not conducted field studies of the proposed Milner Dam Project.

Based on data from studies in 1975 and 1979 by the Idaho Department of Fish and Game (IDFG), we believe that the downstream flow of 58 cubic feet per second (cfs) recently recommended by IDFG would allow only a minimum level of winter fish survival. That flow would produce a velocity of about one foot per second, which is barely enough to prevent freezing of the river. The 1975 IDFG study indicated that flows needed to maintain the resources at approximately existing levels of quality between Milner Dam and Buhl, Idaho (33 river miles), are (in cfs):

January, 1,000; April, 3,600; July, 2,000; October, 1,000; February, 1,000; May, 3,600; August, 2,000; November, 1,000; March, 3,600; June, 2,000; September, 2,000; December, 1,000.

While these figures are the best available, we recommend that any legislation on this project include provisions for additional studies using the latest instream flow methodology to determine downstream flow needs. Such studies would cost approximately $20,000.

Except for the downstream flow needs, we know of no wildlife or other environmental resources that would be significantly impacted by the project. We do not expect that any particular problems would result from reservoir fluctuation. The reservoir supports only minor fish and wildlife use.

If I can be of further assistance in your consideration of this legislation, please let me know.

Sincerely yours,

——— ———,
Director.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for this explanation. Even with the consideration of the person whose district it is in, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MOORHEAD of California. Mr. Speaker, I reserve the right to object.

Mr. MOORHEAD of California. Mr. Speaker, I rise in strong support of S. 1828, the Milner Dam Project Act.

Today, the Congress has the unusual good fortune to make possible the production of an estimated 162 million kilowatt-hours of electricity each year by the passage of this legislation. This electricity will be produced from the installation of hydroelectric facilities at the Milner Dam on the Snake River near Twin Falls, Idaho.

The Milner Dam, built in 1904 to provide irrigation storage and diversion capability for agricultural use, is owned and operated by the Twin Falls and North Side Canal Cos. These companies have agreed to install hydroelectric production facilities on the project and to sell the electricity to the Idaho Power Co. which services electric consumers in Idaho, Nevada, and Oregon. But this necessary electrical production will never come to pass unless this Congress acts to exempt the existing dam, its reservoir and associated irrigation facilities from the so-called takeover provisions of section 14 of the Federal Power Act. Let me explain.

An application for a preliminary permit to develop the proposed hydroelectric facilities at the Milner Dam was filed with the Federal Energy Regulatory Commission by the canal companies. The FERC rejected the application on the basis that the application did not include as subjects of licensing procedures and conditions the existing dam and its irrigation canals. The canal companies had good reason not to include these facilities as part of the hydroelectric project—if they did so, their irrigation facilities would be subject to Federal takeover under section 14 of the Federal Power Act. Section 14 of the Federal Power Act authorizes the Federal Government to purchase licensed water projects for their net value upon the expiration of the original hydroelectric leases. The canal companies—representing the farmers and ranchers in the area—testified at hearings on the Energy and Power Subcommittee on which I serve that they would cancel the hydroelectric project if it meant risking their ownership and agricultural use of the dam.

Mr. Speaker, if we exempt the existing facilities of the Milner Dam, we create the very real opportunity for an additional 162 million kilowatt-hours of electricity on an annual basis. If we do not pass S. 1828, the farmers and ranchers will withdraw. The electricity will never be produced.

I would hope that in the near future the Congress will adopt generic legislation to allow projects of this type to proceed without unnecessary regulation by the FERC. Small and medum sized hydroelectric sites are abundant in this country. Existing dams can be retrofitted to produce clean, renewable electricity with benefit to all. Conduit hydroelectric facilities provide great opportunities as well.

Until such generic legislation becomes law, however, we will need to enact one-at-a-time bills such as S. 1828.

Mr. Speaker, this is a well-crafted bill which enjoys broad bipartisan support. I urge all my colleagues to pass S. 1828 without reservation.

Mr. Speaker, I withdraw my reservation of objection.

● Mr. SYMMS. Mr. Speaker, I rise to support the efforts of the gentleman from Michigan and the gentleman from Ohio to consider and pass S. 1828, to exempt the facilities of the proposed Milner Dam project in Idaho from part I, section 14 of the Federal Power Act. This section, known as the "takeover" clause, provides for Federal recapture of licensed projects upon the expiration of its 50-year license. It is this takeover clause that concerns the proponents of the powerplant's construction. Understandably, they do not want to see the project that they have financed and operated turned over to the hands of the Federal Government 50 years down the road. More importantly, these proponents, the owners of the Twin Falls and Northside Canal Cos., fear that if this takeover occurred that there could feasibly be a redirection of priorities from irrigation to power generation, which is contrary to their reasons for building the dam in the first place. Stated frankly, the proponents of this badly needed power project will not proceed with their proposal to construct the necessary facilities if this bill is not passed to exempt the project from the "takeover" clause.

This bill sets the stage for the construction of those facilities, which will generate 50.25 megawatts of power. It does not amend the Federal Power Act, or set any precedence for similar action in the future. Finally, it does not cost the taxpayers anything, and will keep the authorities of both FERC and the FPA intact.

Mr. Speaker, I urge the passage of this legislation.●

● Mr. HANSEN. Mr. Speaker, I commend this committee for assuring the timely consideration by the House of S. 1828 and my bill, H.R. 5417, "to exempt the Milner Dam from certain requirements of the Federal Power Act."

This legislation is important, not so much because of the size of the project or the amount of electricity it will produce, but because it exemplifies what has built America—private initiative which mutually benefits the public and private sectors but requires no expenditure of tax moneys.

The Milner Dam with accompanying workings and canals is privately owned by the Twin Falls and North Side Canal Cos. These private entities are simply asking that they be allowed to construct power generating facilities without risking the federalization of the entire project under such provisions of law as the Federal Energy Regulatory Commission (FERC) 50-year recapture regulations.

Mr. Speaker, the project is not only feasible, but it should encourage many others across the Nation. The Water and Power Resources Service recently produced a study assessing small hydroelectric development which indicated that numerous small dams nationwide similarly retrofitted could make a major impact toward filling our increasing electric energy demands at minimum cost to the Federal Government.

The bottom line is that the private water users in the Milner service area want to develop the power potential without risking inclusion of the dam and canals under Federal control. The reason for this is that the powerplant will be physically separated from the existing dam and reservoir by approximately 1.3 miles and will not, in real terms, be a part of the old project. Hopefully we will not stiffle such initiative.

In conclusion, Mr. Speaker, the current project is privately owned and I believe it is unreasonable that in order to provide a service to our energy-short Nation that it be placed in jeopardy. The measure before you would prevent that from happening and require no tax moneys to be appropriated.

The project will give a big boost to encouraging private initiative beneficial to the Nation's energy self-sufficiency, even if only 60,000 kilowatts at a time. The actions of this House are vital to the future of this concept. I urge prompt passage of this legislation.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. DINGELL)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provision of law, the proposed Milner Dam project, Federal Energy Regulatory Commission Numbered 2899—Idaho Twin Falls Canal Company and North Side Canal Company, shall be deemed to consist only of water regulation and conveyance facilities and powerplants to be hereafter constructed and located outside of existing irrigation facilities, together with power transmission facilities, and related appurtenant works not now in existence and necessarily hereafter constructed for the generation and distribution of hydroelectric power, and only such hereafter constructed facilities shall be subject to the provisions of section 14 of the Federal Power Act (16 U.S.C. 807).

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the enacting clause and insert:

That the provisions of section 14 of the Federal Power Act (16 U.S.C. 807), other than the first sentence of section 14(b) (relating to relicensing), shall not apply to any project works of the Milner Dam project, located on the Snake River near Milner, Idaho, that are in existence on the date of the enactment of this Act, including the Milner Dam, reservoir, and associated irrigation facilities. The exemption provided by the preceding sentence shall not apply to any project works which are not in existence on the date of the enactment of this Act.

SEC. 2. Except as provided in the first section of this Act, the provisions of this Act shall not be construed as repealing, amending, or otherwise affecting any of the provisions of the Federal Power Act.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the committee amendment be dispensed with and that it be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1410

The committee amendment was agreed to.

Mr. DINGELL. Mr. Speaker, I urge my colleagues to pass the legislation.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5417) was laid on the table.

FARM CREDIT ACT AMENDMENTS OF 1980

Mr. JONES of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7548) to amend the Farm Credit Act of 1971 to permit farm credit system institutions to improve their services to borrowers, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. Jones).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7548, with Mr. Hughes in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Tennessee (Mr. Jones) will be recognized for 1 hour, and the gentleman from Illinois (Mr. Madigan) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. Jones).

Mr. JONES of Tennessee. Mr. Chairman, I yield myself such time as I may consume for the purpose of explaining the bill.

Mr. Chairman, the farm credit system has been providing credit and related services to American farmers and their cooperatives for more than 60 years. The system is an excellent example of the people, and their Government working together for the common good. Begun in 1916 with $9 million initial investment by the Federal Government, the farm credit system paid back the Government investment with interest in 1968 and became completely farmer owned and operated. It now provides more than $64 billion to farmers, ranchers, fishermen and agricultural cooperatives.

Nearly 10 years ago, Congress completely rewrote the laws governing the farm credit system, significantly broadening the lending and fund raising authorities to meet the changing credit needs of American agriculture. Today we are considering legislation designed to ensure that the system continues to meet the ever-growing credit needs of farmers, ranchers, fisherman, and cooperatives. I refer to H.R. 7548, the Farm Credit Act Amendments of 1980.

The farm credit system has a record of not coming before Congress frivolously. In 1971, that landmark legislation was precipitated by extensive study and careful deliberation. In a similar manner, the legislation we consider today began to evolve about 4 years ago. Through the farm credit system's various organizations and boards of directors, suggestions for needed legislative changes were made. The Farm Credit Act Amendments of 1980 came to us from the system with the full backing of the Federal Farm Credit Board, each of the 12 farm credit districts and by the Central Bank for Cooperatives.

A great deal of time and effort has gone into this legislation. Comprehensive hearings on the Farm Credit Act amendments bill were held by my Subcommittee on Conservation and Credit—6 days in towns throughout the country, and 2 days in Washington, D.C. The subcommittee heard from farmers, spokesmen for the farm credit system, and representatives from many interested groups in considering the bill. During the hearing it became increasingly obvious that there is widespread support for this proposed legislation in American agriculture. The U.S. Department of Agriculture endorses the BC export and other key provisions of the bill. The American Farm Bureau, National Grange, National Farmers Union, and the National Council of Farmer Cooperatives, as well as a number of commodity groups and cooperatives strongly support H.R. 7548, as do the Independent Bankers Association of America, the Western Independent Bankers Association, and the Independent Insurance Agents of America.

The bill consists of several major provisions. One provision would expand U.S. agricultural exports and provide farmers and ranchers a higher return on their export sales by authorizing the banks for cooperatives to provide export credit and related services to the cooperatives they serve.

The importance of this provision to farmers and the Nation as a whole is obvious. Everyone present today is aware of this country's deficit balance-of-trade position caused by our imports of foreign crude oil and manufactured products. The ability of our farmers, ranchers and fishermen to produce an abundance of food and fiber—an abundance that feeds not only our own people but many of the people of the world—is the one bright spot in an otherwise bleak balance-of-trade picture. As a result, the importance of our exports of farm commodities becomes more and more evident each year.

Now, with the growth in our country's exporting of agricultural commodities, farmers are returning to their cooperatives to market agricultural commodities overseas with the hope of earning the best price for their products. In this way, farmers hope to increase the world market share for their products as well as their share of returns from the export market. But the farmers cooperatives, have not been able to turn to their primary source for financing—the Banks for Cooperatives—for assistance in export trade. The Banks for Cooperatives are limited under present law to providing financing services only for domestic needs of their borrowers. Cooperatives desiring to export commodities directly overseas must work with other lenders who are not familiar or involved with cooperative operations and financial structures.

The bottom line of all this is that farmers must be allowed to realize a greater return for their labor to keep them in business. One way this can be achieved is through direct export marketing through their cooperatives. H.R. 7548 would encourage this by allowing cooperatives to work with their primary lender—the Banks for Cooperatives.

Another provision of the bill would authorize production credit associations and Federal land bank associations to extend credit to farmers, ranchers, or aquatic producers eligible to borrow from these institutions, for the processing and marketing of their products. To qualify for this kind of financing, the applicant would have to provide at least 20 percent of the amount to be processed or marketed, unless a higher percentage is set by the farm credit district board. Giving the farm credit district the authority to set the percentage of throughput above 20 percent would allow the districts to adapt the service to the needs of their particular region. At present time, this type of loan can be extended as long as the applicant provides more than 50 percent of the throughput.

Extension of the farming operation into the areas of processing and marketing is one way that farmers can realize a higher return from their farming operation. This provision of the bill would enable eligible borrowers to finance the extension of their farm unit through their local production credit association or Federal land bank association. It would also provide them with the opportunity of obtaining the maximum benefit from their investment in processing and marketing facilities by allowing them to extend the service to others in the farm community.

Several provisions of H.R. 7548 are designed to facilitate increased cooperation between farm credit system institutions and commercial lenders in making loans to agricultural producers. Increased cooperation between agricultural lenders is important now and will be of even greater importance in the years ahead. It is expected that total farm debt outstanding will reach $225 billion in 1985. No one source of credit can or should handle the entire $225 billion. Meeting this huge demand will require the best efforts of all those who finance agriculture.

Perhaps the most important provision

of H.R. 7548 designed to facilitate greater farm credit system/commercial bank cooperation concerns the authority of the Federal intermediate credit banks to discount the loans of OFI's—that is, financial institutions other than production credit associations. The bill would, for the first time, establish a specific statutory definition of the rules under which the FICB's now provide rural banks with access to the discount facility. Second, the bill would enable OFI's to discount with the FICB's the same types of loans, for the same types of purposes, that production credit associations are now authorized to make. These measures are designed to provide a reliable and continuing source of loan funds to agricultural lenders who would otherwise be unable to serve their farm customers. The Farm Credit Administration estimates that the OFI share of the amount discounted by FICB's would increase from approximately 3 percent at present to nearly 30 percent.

The bill would also streamline the PCA/commercial bank participation program as well as authorize the Federal land banks to participate in loans of commercial banks. The PCA/commercial bank participation program has been successful to the extent to which it has been used. However, many commercial lenders are discouraged from making full use of the program because borrowers are now required to buy stock in the PCA. H.R. 7548 would eliminate this requirement by allowing the commercial banks to buy participations in the PCA's. This will make the program simpler and more attractive for both commercial banks and their farm loan customers.

H.R. 7548 would also allow farm credit districts to extend the term of loans for production credit associations (PCA's) and other financing institutions (OFI's) up to 10 years. This provision is of great importance to many farmers and ranchers who are finding it increasingly difficult to finance needed capital items other than land within a 7-year period. As is well known, machinery, fertilizer, seed, the cost of heavy equipment, and of virtually every input in farming is rising at a rapid rate. For example, it is estimated that the cost of equipment needed to produce a crop of soybeans large enough to support a family farm in my home State of Tennessee is well in excess of $150,000. Often, it is exceedingly difficult to repay loans approaching this size in 7 years. And, of course, this problem can only get worse in the future unless there is a dramatic and unexpected decrease in the rate of inflation.

Since there is no sound business reason to insist upon a 7-year loan maturity, especially when the useful life of the item being financed exceeds 7 years, it seems clear that district boards should be allowed to extend the term of PCA loans to 10 years.

Two provisions of the bill are directed at the problems young and beginning farmers are finding in getting started in agriculture. The fundamental problems facing these farmers is the high cost of real estate, machinery, equipment, fertilizer, and other materials needed to enter or remain in farming. In passing the Agricultural Credit Act of 1978, Congress recognized that beginning farmers were experiencing difficulty in entering agriculture and provided some relief. Emphasis was shifted, under the Agricultural Credit Act, from direct loans by the Farmers Home Administration, to loan guarantees. Prior to this new direction, Federal land banks and the Farmers Home Administration provided joint loans to young, low-equity farmers. In order that Federal land banks can continue to work with the Farmers Home Administration in serving farmers otherwise unable to borrow from them, H.R. 7548 would authorize the land banks to lend up to 97 percent of the appraised value of the security when a loan guarantee is provided by a Federal agency such as the Farmers Home Administration.

The bill would also require all farm credit associations to prepare coordinated programs for serving the special needs of young and beginning farmers through sound and constructive credit services. Each program would be subject to approval by the supervising bank and the association would be required to submit to the bank annual reports on the status of their young farmer programs. The Farm Credit Administration would also be required to report on the progress of the young farmer programs on an annual basis to Congress. While these provisions will not remedy all of the problems which young, small and beginning farmers are experiencing, they, I believe, will go a long way toward providing assistance to these farmers and insuring that their needs are adequately served by the farm credit system.

A way of summarizing the provisions of H.R. 7548, which I have touched on, as well as the other provisions of this legislation, is that they would, at no cost to the U.S. taxpayer, help farmers, ranchers and fishermen to help themselves. The bill is constructive and needed legislation which should be enacted in the present Congress.

□ 1420

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I would like to add my voice in support of H.R. 7548, the proposed Farm Credit Act Amendments of 1980. This legislation would, I believe, provide farmers, ranchers, and fishermen with improved credit and related services from the cooperative farm credit system.

The benefits of this legislation to the agricultural sector of our economy would be far ranging. The provision, which authorizes the banks for cooperatives to engage in export financing, will not only benefit the food and fiber producers of this country, it will also have a beneficial effect upon the U.S. balance of trade. The cooperative eligibility provision will aid in the development of rural communities. Two other provisions will provide assistance to young people who want to enter farming. It is important to note that these and other provisions of the legislation will not cost the U.S. taxpayers a single cent. The banks and associations of the farm credit system are organized as cooperatives, and are completely owned by their member-borrowers.

The legislation also addresses the credit needs of the U.S. fishing industry which has recently experienced a revitalization. The U.S. fishing industry has lost considerable ground from 1960, when it ranked second in the world, to the mid-1970's, when it slipped to sixth place behind those of Japan, the U.S.S.R., the People's Republic of China, Peru, and Norway. This Nation has imported and continues to import large quantities of aquatic products. For example, in 1979 the United States imported fish products worth more than $3.8 billion.

However, since the expansion of U.S. territorial waters in 1976, the American fishing industry has begun to regain its place as a world leader. Commercial landings of fish in 1979 were up 45 percent in value and 21 percent in quantity compared with 1977. The U.S. share of the catch in our own waters increased from 27 percent in 1978 to 33 percent in 1979. The foreign catch of fish within the U.S. 200-mile zone was down 29 percent in 1979 from what it had been on average during the previous 5 years. U.S. exports of edible fishery products in 1979 were up 116 percent in value and 67 percent in quantity, compared with 1977. The United States now ranks fourth in total commercial fish landings.

While these are encouraging trends, a great deal of progress in the development of the U.S. fishing industry is needed. This country still imports considerably more fishery products than it exports. Last year, the U.S. balance-of-trade deficit in fishery products reached $1.7 billion. Since about one-fifth of the world's fish are found in the U.S. coastal waters, it would seem absurd to deny that this country can and should be self-sufficient in fish products. Full development of this industry will not only ease the international trade deficit, but will create an estimated 43,000 jobs for U.S. workers.

Credit availability is one of the key factors which is needed to facilitate further development of the U.S. fishing industry. This point was made in the 1976 U.S. General Accounting Office (GAO) report, "The U.S. Fishing Industry—Present Conditions and Future Marine Fisheries." The GAO estimated that it would take a $400 million investment in vessels and $800 million for processing plant expansion to bring U.S. fishermen a 50-percent share of the U.S. market by 1985. Some of this credit has already been provided by the farm credit system, which was first authorized to make loans to "farmers of the sea" in 1971. The authorization provided was limited to 7-year term production credit association loans. Following enactment of the Farm Credit Act of 1971, several PCA's in coastal areas developed expertise in the aquatic industry as they became involved in loans to local fishermen. On July 21, 1978, approximately 1,700 PCA aquatic loans were outstanding for more than $85 million.

In 1978, Congress provided further

latitude to PCA's to meet the credit needs of fishermen by extending the term of aquatic loans from 7 to 15 years. This comparatively minor modification in law has had a significant impact on the availability of credit to fishermen. By August 31 of this year, PCA's had loans outstanding to approximately 3,000 fishermen for a total of some $395 million. The credit quality of these loans is considered by the Farm Credit Administration to be excellent.

While the farm credit system already plays a role in the U.S. fishing industry, it is a limited one in certain important respects. Fishermen do not have available to them the same range of system credit and related services which is available to farmers and ranchers. The Farm Credit Act Amendments bill of 1980 would remedy this situation. It would do this is five distinct ways. The bill would:

First, authorize the Federal intermediate credit banks to discount the aquatic loans of other financing institutions;

Second, clarify that cooperatives solely engaged in furnishing aquatic business services are eligible to borrow from the banks for cooperatives;

Third, allow Federal land banks to make long-term loans to producers and harvesters of aquatic products;

Fourth, authorize farm credit institutions to provide borrowers, members, and applicants the same financially related services appropriate to their aquatic operations; and

Fifth, allow Federal land banks and production credit associations to finance a fisherman's processing and marketing activity so long as 20 percent of the product comes from the fisherman's catch.

In short, the Farm Credit Act Amendments bill of 1980 will help the farm credit system to provide fishermen, as well as farmers and ranchers, with improved credit and related services. It will do so without an expenditure by the U.S. Treasury. The bill is, I believe, sound and constructive legislation which needs to be enacted in the present Congress.

Mr. MADIGAN. Mr. Chairman, I yield such time as he may consume to a senior member of the Committee on Agriculture, the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, I thank my colleague for the time, and I welcome this opportunity to salute the leadership on both sides of the aisle for bringing this bill to this body for consideration. I suspect my experience in my home district is typical of that of many other Members of this Chamber. There has been deep concern about whether or not this progressive legislation would finally be enacted in this Congress. I congratulate the gentleman from Illinois (Mr. Madigan), the gentleman from Tennessee (Mr. Jones), and the gentleman from Washington (Mr. Foley), the chairman of the House Committee on Agriculture, and others who have used their influence to bring about consideration of this legislation at this time. I am sure it was not easy, given the complexity of the legislative schedule this month. I view it as very important legislation, well constructed, and I welcome this chance to express my appreciation.

□ 1430

Mr. MADIGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Vermont (Mr. Jeffords), also a member of the committee.

Mr. JEFFORDS. Mr. Chairman, I want to take just a brief moment to alert Members that I intend to offer an amendment to this bill. The bill is an excellent one, overall, and I think it does a lot to assist in with respect to farm credit. However, I think there is one provision in this bill which will create problems.

My amendment will modify section 203 of the bill with the exception of those provisions which allow the Farm Credit Administration to discount loans for banks which lend for farm processing facilities and aquaculture. This is equity of treatment. What my amendment does is to strike those criteria in the bill which could be used to limit access to that discount privilege. There is not any problem now in the law with respect to allowing access to banks, to the discount window. If there is no problem, why do we create possible problems by including within the provisions of this bill various criteria which must be met by the FCA in order to allow access to discount windows?

I would like to illustrate to the Members what could happen if language in section 203 is accepted. In a letter to Ed Jones dated July 2, Mr. Wilkinson, Governor of the Farm Credit Administration, states that they would develop criteria that would allow only 2,500 banks to have access to the discount window. Over 14,000 banks that lend to farmers could have access to this discount window. In my State, we have all small banks. Of the 24 Vermont banks that lend to farmers, only 1 bank would have access to this discount window under the criteria suggested by Governor Wilkinson. Thus, I ask if we are benefiting farmers under the changes in the law. If we do not have a problem now, and if the present law is acceptable why do we want to change it, I have to ask. If you do not have a problem, and no one has come forward and argued that there is, then why do we not do as the other body has done and modify this section?

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Chairman, did I understand the gentleman correctly, when he said that there are now 24 small banks in his State that now loan to farmers and that, under this bill, they would be reduced to 1?

Mr. JEFFORDS. That is correct. That is my understanding, under the criteria which Mr. Wilkinson believes that this law would imply. There is full authority to do what he wants to do, in the law. My point is, if you get into an emergency situation where you need an excess of small banks that do not have access to other financial sources to the discount window to help the farmers out, it cannot be done under the changes suggested in section 203 of the bill. The law would have to be changed; the regulations would have to be changed. I ask: Is this in the best interest of the farmers and the agricultural sector?

Mr. HARKIN. If the gentleman will yield further, I do not understand how that could possibly happen under section 203, because section 203 is very explicit. Under 203(d)—and we discussed this at great length in both subcommittee and full committee—

> All of the loans, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration. . . .

And then it says the regulations shall assure—"shall," not "may"—shall assure that such discounts, for example, are available on a reasonable basis to any financing institution authorized to receive such services under subsection (a)(2), which would, I am sure, include all of the banks in the gentleman's State, and first, is significantly involved in lending for agricultural purposes; second, demonstrates a continuing need for supplementary sources of funds to meet its agricultural needs; third, has limited access to national or regional capital markets; and fourth, does not use such services to expand its financing activities to persons and for purposes other than those authorized in section 2.15(a).

Now, I read that to the gentleman because we went through this time after time in the subcommittee and in the full committee. And it was pointed out repeatedly that what I just read to the gentleman, subsection (d), is a modifying clause on all of section 203.

Now, I have not seen the letter the gentleman refers to from Mr. Wilkinson, but if he wrote such a thing, he is wrong.

Mr. JEFFORDS. That is the reason I say we ought to modify section 203 of the bill to eliminate the criteria that can better be handled by regulation. We are creating problems which we do not foresee, do not have, and we do not know about. I will just read to the gentleman from my question to Mr. Frederickson, Deputy Governor at the FCA, what I asked in Agriculture Committee.

> Mr. Jeffords. But it is my understanding that there is nothing to prohibit you from doing that by just modifying your regulations to say that. Is that so?
>
> Mr. Frederickson. It is, Mr. Jeffords, partially a response to the concerns that have been raised by commercial banks.
>
> Mr. Jeffords. Will you answer my question specifically? Is there anything under existing law which prohibits you from doing that now, by either modifying your regulations or issuing policy statements in that respect?
>
> Mr. Frederickson. As a legal matter, no, sir.
>
> Mr. Jeffords. That is what I thought. Thank you.

And I am saying: Why create those kinds of problems in this bill?

Mr. HARKIN. We have not had that criteria. Say that again. They have to have a 65-percent loan-to-deposit ratio and at least 15 percent of their outstanding loans have to be to agriculture, and if they do not have that, they do not qualify?

Mr. JEFFORDS. In his letter, Mr. Wilkinson states that if the bill is passed and section 203 of the bill remains, it would be the intent of the Farm Credit Administration to develop regulations that will give access to the discount privilege to those commercial banks which have a peak loan-to-deposit ratio greater than 65 percent and have at least 15 percent of their loans in agriculture.

It is my understanding that in my State that wipes out almost all of our banks, and my main point is: Why create these problems? There are not problems now.

Mr. HARKIN. What was the date of that letter?

Mr. JEFFORDS. July 2 of this year.

Mr. HARKIN. Because the committee report made very clear—and we discussed this, I remember, in committee, too—and we said that we do not subscribe to those rules and regulations, those are not final rules and regulations. They have not even been proposed yet.

Mr. JEFFORDS. All I am saying is that this is their intent and interpretation. Why create a problem where we do not have one. Right now they have the authority to do what they want to do. If it is subject to the regulatory situation, it can be changed and it can be changed on an emergency basis. If we write this criteria in the law and interpret it the way the Governor suggests, we create all kinds of problems, which I think are totally unnecessary. It is working well now. And if it is working, why bother to change it?

To further clarify my position, I would like to enter into my remarks a letter I addressed to the Independent Banker's Association of America and their response to this letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 30, 1980.

Mr. KENNETH A. GUENTHER,
Associate Director, Independent Bankers Association of America, Washington, D.C.

DEAR MR. GUENTHER: I take exception to a note you had in your October 3rd Washington Weekly Report. The note was headed: Jeffords Amendment: A Raw Deal for Small Bankers. Such a statement and some of the information which follows is a clear misrepresentation of the facts.

In order to provide you with a detailed explanation of my position relative to the discount privilege, I am attaching a copy of my additional views on the subject which were part of the House Committee on Agriculture report on the bill. As you will note, I endorse and actively support the extension of the FICB discount privilege to those banks which provide agricultural financing and have limited access to other sources of funds.

My amendment will not delete the authority to accomplish the proposed Section 203, it will only delete the language in that section that establishes the criteria under which private financial institutions are to have access to the discount privilege of the FICB's. It is possible that with such general criteria in a law, regulations could be developed which would restrict and not expand existing FCA authority to offer loan and discount privileges to other financial institutions (OFI's). Furthermore, access to the FICB discount privilege has not been limited by statute; access has been limited by agency regulations. I believe these matters would be better left to regulation.

My amendment will not open the discount privilege to all financial institutions. The Farm Credit Administration, using existing authority and those added to the bill, would be required to develop regulations to implement this new authority and refine the old authority. Such regulations would receive Congressional scrutiny under the provisions of Section 5.18 as amended by this bill (Section 507 providing for a two-House regulative veto). This review by Congress could ensure that the regulations provide for reasonable access to the FICB discount privilege by those institutions which do not have reasonable access to other sources of funds, and which lend to farmers and ranchers.

I ask that you accurately describe my position in your next Weekly Report.

Sincerely,

JAMES M. JEFFORDS,
Member of Congress.

INDEPENDENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., November 7, 1980.

Hon. JAMES M. JEFFORDS,
House Agriculture Committee,
Longworth House Office Building,
Washington, D.C.

DEAR MR. JEFFORDS: Thank you for your letter of October 30. We appreciate the clarification of the nature of the amendment you may offer on the House floor. This amendment clearly differs from the one you offered in the Subcommittee on Conservation and Credit and the full Committee on Agriculture which would have—in the wording of the Committee report—"stricken Section 203 of the bill altogether." On October 7, your staff was kind enough to give us a copy of the revised amendment, and we did forward this new language to our policy Committees by memo on October 9.

As requested, we have written an article in our newsletter which quotes liberally from your letter to us. A copy of our newsletter is attached.

Please note that we do feel that the ABA may be misrepresenting your amendment when they write to their members, as they did on October 29, that your amendment "preserves the discount option for all banks." You have clearly indicated that the intent of your amendment is not to "open the discount privilege to all financial institutions"—a position that the IBAA accepts as a fair balancing of interests between the Farm Credit System and the banking industry.

While our substantive positions seem to be converging, we continue to strongly urge that Section 203 of the bill be retained as written. Bank access policy to FICB discount facilities should be clarified by law (and we include legislative history such as the House Agriculture Committee report in this desired clarification) rather than, as you suggest, leave these matters to regulation. We were pleased that a substantial majority of the members of the Subcommittee and full Committee voted to include such clarifying language in the bill. It is our strong feeling that entirely too many important decisions have been left to the regulators, and in the case of FICB access policy, the results have only been too clear. We have almost 60 years of unsatisfactory experience under our belts.

As you know, during the Committee markup the Farm Credit Administration indicated that the criteria paragraph of Section 203, which your new amendment proposes to delete, would serve as a legal basis for distinguishing between banks truly needing access and those which do not. Given the ABA's recent commitment to "support a legal challenge of the blatantly discriminatory rules of the Farm Credit System" (please see their enclosed letter of October 29 to their members), the deletion of these important discriminatory criteria may leave us exactly where we presently are, thus maintaining a highly unsatisfactory access policy.

The Farm Credit Administration also has indicated it cannot and will not serve all the Farm Credit System and all the banks. The criteria that appear in Section 203 were subject to Farm Credit Administration-banker negotiations. Both the banks and the FCS had to give up something. We are confident that with Section 203 and appropriate Congressional oversight many more banks will gain FICB access in the months and years ahead.

So while we feel assured that your intent is progressive, we are concerned that if your amendment prevails and if your desired access criteria are indeed implemented by the regulators, others may sue the Farm Credit System as they have already threatened to do. And when that happens, the access question could be tied up in the courts for years. As noted, it would be far better to clarify the rules of the game by legislation as Section 203 does.

We very much appreciate your thoughtful consideration of this very important issue and look forward to working with you in the months and years ahead.

Sincerely,

KENNETH A. GUENTHER,
Associate Director.

Mr. JONES of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. I thank the gentleman for yielding, and I, too, rise in strong support of this legislation. I want to add my words of congratulations to both the chairman of our subcommittee, the gentleman from Tennessee (Mr. JONES), and our ranking minority member, the gentleman from Illinois (Mr. MADIGAN), for their long and hard work that they have put in on this.

This bill was introduced in July 1979. We have had continuous hearings since that time in our subcommittee, field hearings throughout the United States, and many hearings here in Washington. This bill has had input from all of the agricultural sectors in the United States, and I feel that we have come up with a bill which is really going to help the farmers in this country.

There are two important parts to this bill. The first, of course, is the part that extends to the bank for cooperatives the means necessary for them to take a more aggressive role in world trade in selling our agricultural products abroad. And the second important part of this bill, as I see it, is the part that provides to the Federal land banks the ability to increase the amount that they can loan to farmers if they couple it with a guaranteed loan program. And let me just talk briefly about both parts of those.

Agricultural cooperatives, under the direction of their boards of directors elected by the farmers, are seeking to increase their foreign sales of farm products. As the principal lender to cooperatives, the banks for cooperatives want to undergird this effort by establishing financial services that will facilitate the international transactions of cooperatives.

The banks for cooperatives, as part of our farm credit system, provide financial services to these cooperatives and modification of that law to permit banks of cooperatives to establish these international financial services is, as I said, the major part of this bill, H.R. 7548.

Our farm exports this year will total more than $40 billion. That is up $8 billion from last year. Our net this year, in terms of our net balance for agricultural exports over imports, is over $20 billion.

☐ 1440

And so farmers, through their cooperatives, want to play a larger role in promoting and facilitating these farm exports, not only for the good of farmers, but for the good of the country. This interest stems not only from the obvious importance to our balance of trade, but farmers know what an impact it has on their income. Approximately one-third of all grain produced on American farms is shipped abroad. Half of our wheat is sold overseas; half of our soybeans; half of our rice; one-third of our feed grains, mostly corn, is sold overseas.

Now, cooperatives have not had a major part in the export sales of farm products. In 1976, the latest statistics I have available, cooperatives exported directly farm products valued at about $2 billion, but this was only about 9.2 percent of all of our farm products shipped abroad. Well, who sells the commodities around the world, our commodities? Records indicate that the other almost 91 percent of farm exports is handled by a few international grain firms. They buy and sell grain around the world all year long. While they are the major exporting firms for American farmers, they are also the major firms for Canadian farmers, for Australian farmers, for Argentinian farmers, and for European farmers. These same firms, while they are exporters, are also the major importers of farm products in the same areas of the world—in the European Common Market, Japan, and the Middle East.

American farmers would like their cooperatives to have a larger part in the U.S. exports abroad to give them greater confidence that the prices they receive fairly reflect the fair market value of their products. Farmers believe that they can become more active direct exporters. So do I, and that is what this bill is about. They are directing their cooperative managers to become more active in selling and shipping to foreign buyers.

While more than 44 percent of all of the grain sold off the farms by American farmers is sold to cooperatives, over 44 percent, as I said earlier, only about 9 percent of this is shipped abroad by cooperatives, and farmers are expressing their view in this bill that it would be in their best interests if their cooperatives handled more than just this 9 or 10 percent that they now handle.

So, make no mistake about it, this bill is designed to get more money for farmers, to increase our exports of farm commodities abroad, and bring more money back to this country.

The second important part of this bill and second important reason for voting for this bill is section 105, which provides for loans from the Federal Land Banks of up to 97 percent of the appraised value of the farmland, for loans that are guaranteed by Federal, State, or other government agencies. This is an important supplement to the Farmers Home programs and to other State programs that we have in the United States. In addition, it is going to help young farmers because under this bill a young farmer, all he has to do is come up with 3 percent of the downpayment needed as long as he can get that guarantee from Farmers Home or from an existing State program, and the Federal Land Bank will come in and give him up to a 40-year loan up to this 97 percent of the appraised value of the land.

This is going to be the best single thing that we can do in this Congress to help young farmers actively bid on the available land that will be coming up in the near future, for them to get into farming. Right now, this does not exist in law. If a young farmer wanted and had access to the Federal Land Bank, he would have to come up with nearly 25 percent—20 to 25 percent—of the downpayment, which they simply do not have. Under this, they would only have to come up with 3 percent, so this is going to give these young farmers the ability to get into farming and to buy the land that is necessary and spread their payments out over a long period of time.

I believe again, in closing, that this bill, H.R. 7548, is the single most important piece of farm legislation that this Congress has acted on, that the 96th Congress has acted on. Make no mistake about it, it is going to help farmers; it is going to help our country; it is going to help our young people get into farming.

I urge the Members' support for this much-needed, very important piece of farm legislation.

Mr. MADIGAN. Mr. Chairman, I yield 15 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER), also a member of the Agriculture Committee.

Mrs. HECKLER. Mr. Chairman, while I think there are a number of meritorious features of the legislation before us, I take this time to warn the committee and the Members of the House of a very serious problem in title III of this bill, which will be the subject of an amendment I will offer at the appropriate time.

Title III of this bill would permit banks for cooperatives, and in fact the entire farm credit service, to become a multinational financial institution with powers far beyond those necessary to provide credit to American agriculture. My objection to the international financing provisions of title III are threefold: First, I object to providing the Farm Credit Service with virtually unfettered authority to finance nonagricultural producers not only in the United States, but all over the world. Second, I object to the fact that these provisions will not in any way enhance the credit capability of American farmers and their cooperatives. They have been designed specifically to channel limited funds away from the agricultural community and into the nonagricultural sector.

Finally, I am very concerned that before this Congress establishes such a far-reaching quasi-governmental international bank, we should be apprised of the impact such an institution would have on our national and international monetary sources, on our national capital institutions, on consumer prices, and on inflation.

The Farm Credit Act of 1971 established, as the basic policy of the farm credit system, the furnishing of sound, adequate, and constructive credit, and closely related services to American farmers and ranchers, their cooperatives, and to selected farm-related businesses necessary for efficient farm operations. Unfortunately, in title III those provisions relating to the international financial operations of banks for cooperatives go far beyond the stated objectives and purposes of the farm credit system. There is not one sentence in these provisions which would provide authority for the farm credit system to provide additional credit resources to American farmers or American agricultural cooperatives. Rather, they are designed to authorize the farm credit system to channel funds away from American farmers into the hands of nonagricultural parties, some of them domestic, that transact business with an agricultural cooperative and that relates in any manner to the export or import of agricultural commodities, farm supplies, or aquatic products.

Furthermore, if an agricultural cooperative obtains any ownership in any foreign or domestic business entity, it would permit the farm credit service to provide total financing to that entity to facilitate its export-import operations.

Because of the broadness of the language used in title III, the specific implementation of these new authorities by the farm credit service will depend to a large extent on the definitions and limitations imposed under regulations of the Farm Credit Administration. However, one needs only a very rudimentary understanding of international markets to realize what the terminology with respect to transactions for the export or import of agricultural commodities, farm supplies, or aquatic products actually portends.

A very narrow interpretation of this language would limit the farm credit service to provide funding only in the area of exports by agricultural cooperatives. However, it is safe to assume that a Federal agency, in interpreting its own powers, will not limit itself to the narrowest of the interpretations, and the broader interpretations of these powers will go beyond these specific and strict limitations. It would, in fact, allow the farm credit service to become involved in major industrial and managing financing on a grand scale.

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Let us look at the type of financial activities and the types of business and individuals who would become eligible to borrow from the banks for cooperatives under a broad interpretation of the language proposed in title III.

First, any domestic middleman engaged in the export process and who transacts business in an agricultural co-op becomes eligible to borrow from a bank for cooperatives. An exporter purchasing commodities from a co-op for export overseas could obtain financing not only for the purchase from the agricultural co-op, but also for the entire transaction between himself and the foreign parties. But the language of title III does not stop there. If the commodity supplies products purchased from agricultural cooperatives require any form of processing prior to the export of a finished product overseas, any party engaged in that process becomes eligible for this BC financing. Any type of processing and manufacturing which utilizes co-op commodities may be totally financed by a bank for cooperatives. If the end product is to be exported either directly by the manufacturer or indirectly through the exporting middleman, not 1 cent of that financing will be going to American farmers or American cooperatives.

What type of financing are we talking about? Well, if I may pose a very extreme example, nonetheless, one that is possible under the broad language of title III, it is possible to suggest that the farm credit system could get into the business of financing the export of such items as designer blue jeans to a foreign country. If one follows the connecting trail permitted by the broad language of title III, the answer is that this is not an extreme assumption. If the exporter obtained his goods from a manufacturer who produced his cloth from bulk cloth obtained from a cotton mill in the United States that produced the bulk cloth from the cotton bales purchased from a co-op, he would be eligible.

Furthermore, every step of the process could be financed by a Bank for Cooperatives since every step of the process is, "with respect to transactions for the export or import of agricultural commodities." But the examples of Banks of Cooperatives financing does not stop even there. The language of title III is broad enough to permit the farm credit system, if it decided to utilize its power to the full extent, to go into the business of underwriting capital construction and plant acquisition for foreign manufacturers to produce their raw supplies in whole or in part from the U.S. crops.

Up to this point I have discussed only one aspect of the export side of the title III provision. However, the language of title III is equally applicable to the import of finished or unfinished products ultimately purchased by American cooperatives. Co-ops, for example, use fertilizer manufactured by chemical companies from chemicals often obtained from foreign suppliers. To the extent that foreign materials are used, Banks for Cooperatives could get into the business of financing chemical company acquisitions of foreign chemicals for processing into fertilizer ultimately to be used for American crops. The list of nonagricultural financing permitted for the Banks for Cooperatives under this bill is limited only by one's imagination.

It could be argued that the examples I have cited are extreme and that in any event the farm credit system has no intention of utilizing its power in the fashion I have described.

However, Mr. Chairman, I must point out that these examples are not extreme. The regulations interpreting the statutory language will be promulgated in the first instance by a Federal agency that will benefit most by the broadest and most expansive interpretations available.

If the intent of the system is not to utilize the powers granted, these powers should not be granted in the first place. The type of financing that is envisioned under title III is not the purpose for which the farm credit system was established. To provide the system with a potential for roaming so far afield from the general credit needs of the American agricultural community is not only unnecessary, but really poses the serious threat of reducing available credit to American agriculture.

Mr. Chairman, this leads me to a second major objection I have to the overly broad provisions of title III. Every dollar utilized by the farm credit system to finance the activities of manufacturers, processors, shippers, exporters, foreign purchasers, and sellers, and the like, is a dollar that is not being utilized by the American farmer. I am speaking now not only of the resources of the Banks for Cooperatives as a separate part of the farm credit system, but of the resources of the entire farm credit system itself. Although title III of the bill speaks only to the sources of Banks for Cooperatives, it must be remembered that this bill virtually integrates the entire farm credit system into one national and international banking facility. Loans made and losses suffered by Banks for Cooperatives will be shared systemwide and the assets of the smallest BCA can end up financing the entire process from manufacture to export.

Now, I am speaking only about the resources utilized by this system in its lending operations. However, title III actually permits Banks for Cooperatives to participate directly in the ownership of foreign companies in order to obtain services needed to facilitate their transactions. Title III actually permits the Banks for Cooperatives to participate in the ownership of foreign companies in order to obtain the services needed to facilitate export-import transactions.

When we talk about export-import companies, market analysis companies, shipping companies or the like, the farm credit system should not be in the business of buying and independently running such entities. Again, I must emphasize these powers are not limited to banks for cooperatives.

Under title IV of the legislation, any two banks of the system, be they banks for cooperatives, Federal land banks, or Federal intermediary credit banks, can create a corporation to perform any function authorized by any one of the participants with the exception of lending and insurance sales. The exception provided for banks for cooperatives is neither a lending nor insurance function. Therefore, the resources of the banks in the system can ultimately be used to engage in any of these activities.

Again, Mr. Chairman, I must emphasize that these are not functions which the farm credit system was ordained and established to fund and to deal with. These are not activities which the resources of the farm credit system should be directed toward, particularly at the expense of the American farmer.

Finally, I think that there is another concern which I see with title III of this legislation which has been totally overlooked in the consideration of the bill, and that is the impact this legislation may have on our national and international monetary policies, our national capital markets, or consumer prices, and on inflation. The farm credit system is already a major factor in U.S. capital markets. As of December 31, 1979, the system had $5.2 billion of agricultural debt outstanding. During 1979, the system's net bond sales accounted for almost 2.5 percent of the total funds raised in U.S. capital markets. The nonagricultural powers granted in title III of this bill provide potential for creating the largest international multipurpose financial institution in the world. While it is not possible at this time to estimate with precision the increase in the capital market's share for the system by virtue of this legislation, it does not strain the imagination to realize that the increase could be manyfold.

Unfortunately, no one has taken the time or the trouble to study the impact such increase would have on other participants in the market against which the system's bond sales directly compete. How many billions in the market would be shifted by this bill from the housing industry, from State and local government projects, and the like, to provide the system with the resources to finance and acquire export and import operations, operations which may be at best only collaterally, indirectly related to the American agricultural community? I do not have the answer to that question. I do not believe that any person could have the answer without knowing precisely how far the system would go in implementing the broad, new powers provided under title III. But the ramifications of the power granted by title III are far more extensive and significant than its supporters have stated and perhaps more than they realize.

Mr. Chairman, this Congress should not take a giant leap forward in the void without a careful economic analysis of the international banking and monetary implications and the impact of title III of this bill. The impact on domestic industries, the national capital market and foreign trade have not been studied under this proposal, nor has the consequential effect on U.S. agriculture from the diversion of farm credit system funds from the productive needs to nonagricultural needs that can be addressed.

Nor has the effect on prices that you and I pay in the supermarket for farmers products been adequately studied in the consideration of this bill.

Mr. Chairman, I approve and support the farm credit system. It was established to serve the needs of American agriculture and it has a record, a fine record of service in doing this, but if that system is now to be converted into one of the Nation's major international financial operations, the issues that I have raised should first be resolved. I suggest, therefore, at the very least the international financing powers granted in title III should be eliminated as should title III. These powers are not the key to the bill. They are the key to creating a radical change in the nature of a farm credit system. Such a radical change raises issues of national import that this Congress should not enter into blindly.

At the appropriate time, Mr. Chairman, I shall introduce an amendment to repeal title III.

□ 1500

Mr. JONES of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I rise in support of H.R. 7548, the Farm Credit Act Amendments of 1980. I do so with some reluctance, not because I do not believe that there are a number of provisions in this proposal which deserve to be enacted into law to give the farm credit system the tools they need to effectively meet the credit needs of their member-borrowers. But, rather through a belief that some of the provisions in this legislation perhaps gives to the system advantages which allow them an unfair competitive advantage over other segments.

I was fortunate enough to have had the privilege of hosting the distinguished chairman of the House Agriculture Subcommittee on Conservation and Credit, Mr. JONES of Tennessee, on a field hearing aimed at gathering the input from South Dakota's farmers and ranchers on this legislation.

At that time, while support for the legislation was widespread among farmers and farm groups alike, a number of problem areas were cited in the legislation—sections which gave the system an "unfair, Government-sanctioned" advantage over other interests.

Many of these critical areas were modified during the committee's deliberation of this legislation, and as a result, compromise language was introduced by the distinguished chairman and ranking member of the subcommittee.

There are a number of provisions in this legislation which deserves the support of this body. While the initial language granting bank for cooperative financing for cooperatives may have been too encompassing, this provision of the legislation was modified during the committee's consideration of the legislation by the gentleman from California (Mr. PANETTA) and, in my opinion gives the system the necessary tools to finance the export needs of their member-borrowers.

However, Mr. Chairman, my major area of concern rests with the section of this legislation dealing with the other financing institutions (OFI) access to the system's Federal Intermediate Credit Banks discounting privileges. The system's record on OFI involvement in discounting privileges has not been good. I am not totally convinced that the language contained in the bill gives the system sufficient congressional direction for improvement in this area. It was for this reason that I offered two amendments during the Agriculture Committee's consideration of this legislation aimed at clearly defining the congressional intent of bank holding company and affiliates involvement with the FICB's discounting privileges.

My amendments were defeated during the committee's deliberations on this legislation. It was during that markup that the system gave a commitment to improving their FICB discounting procedures. I, for one, as well as others on the Agriculture Committee, will be watching the system's progress to making good on that pledge.

Certainly we hope that it succeeds. However, if it does not, I intend to join with many others in this Congress to see that the OFI provisions of this legislation are strengthened in the future.

Mr. Chairman, I yield back the balance of my time.

Mr. JONES of Tennessee. Mr. Chairman, I yield such time as he may consume to a member of the subcommittee, the gentleman from Wisconsin (Mr. BALDUS).

Mr. BALDUS. Mr. Chairman, I first want to say what a pleasure it has been to work with the chairman of this subcommittee, the gentleman from Tennessee (Mr. JONES) and the gentleman from Illinois (Mr. MADIGAN), the ranking minority committee member.

Mr. Chairman, Wisconsin is known as an agricultural State—America's dairyland. Much of the success of farmers is due to the development of their own cooperatives—helping themselves by working with other farmers. These farmers, through their cooperatives, have also developed their own bank for cooperatives. There are 13 of these banks nationally. The one serving the States of Wisconsin, Michigan, Minnesota, and North Dakota is located in St. Paul, Minn. The St. Paul Bank for Cooperatives serves as a source of funds for the cooperatives in the four-State area. These funds are not Government funds, but are obtained through the sale of securities in the money market. The St. Paul Bank for Cooperatives is part of the cooperative farm credit system which serves the Nation's farmers and aquatic producers.

H.R. 7548 is legislation which would permit the cooperative farm credit system, which also includes the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations to better serve its farmer-members. Included in this bill are some amendments which would specifically assist farmer cooperatives in providing better service to their farmer-members.

For example, H.R. 7548 contains an amendment which would lower the farmer-member eligibility requirements for financing by banks for cooperatives to rural utility cooperatives that have 60 percent of their voting members as farmers. This change will permit the bank for cooperatives to serve—and continue serving—a wider range of utility co-ops. Currently, the minimum eligibility requirement on rural electric cooperatives is 70 percent farmer-members.

Another amendment would authorize the bank for cooperatives to finance agriculture export transactions in which a U.S. cooperative is the primary beneficiary. At the present time, the bank for coperatives can finance a cooperative through the transfer of product right up to the port, but cannot carry it further. It is felt that providing by full financing, it will not only enhance the sale of U.S. farmer products, but will enhance the farmer's share of the profits. At the same time, this will help the U.S. consumers in that increased agricultural trade should be a boon to the balance of payments.

Another provision of H.R. 7548, which I believe is especially noteworthy, is one which would authorize the banks for cooperatives to finance domestic leveraged leased transactions. Leverage leasing has been an important financing technique in this country for some time. About every type of major capital equipment has been leased, including such things as transportation equipment and processing facilities. Leasing has become attractive in many business situations because it can provide lower costs when compared to traditional financing. At present, cooperatives are unable to obtain this form of financing from their BC's. This legislation would enable the bank for cooperatives to do so. In light of the tremendous capital requirements cooperatives are facing in the 1980's, it is likely that leverage leasing may become of great importance to a large number of supply/marketing/utility and other cooperatives.

As is well known, most legislation that we consider involves appropriations. I would remind you that the cooperative farm credit system is completely self-sustaining. The banks and associations of the system even pay for the Government supervision through the Farm Credit Administration. It should be emphasized, too, that there is nothing in H.R. 7548 which requires appropriations. In voting for H.R. 7548, you have the rare opportunity of helping the farmers of America, as well as the consumers and at no cost to the U.S. taxpayer.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 7548, the Farm Credit Act Amendments of 1980. I want to associate myself with the remarks of the distinguished chairman of the Subcommittee on Conservation and Credit of the Committee on Agriculture, Mr. JONES of Tennessee, and urge my colleagues to support this legislation.

On June 11 of last year, Chairman Jones and I introduced H.R. 7548, a bill which will update and improve the operation of the farm credit system in order to meet the changing credit needs of U.S. agriculture. In addition to updating the services provided to member borrowers, H.R. 7548 also amends certain provisions of the Farm Credit Act pertaining to the Farm Credit Administration, the agency responsible for supervising the farm credit system institutions.

The importance of providing adequate credit for our food-producing sector cannot be overestimated. Farmers must rely on large annual outlays of credit to finance the purchase of such items as equipment, fuel, and labor. Annual credit requirements of farmers have more than trebled in the last decade, a 300-percent increase in the 10-year period of time, and estimates indicate that they will double from current levels by 1985, just 5 years from now.

The cooperative farm credit system plays a major role in helping our agricultural sector meet its credit needs. The system holds close to one-third of total U.S. farm debt, and is the single largest source of credit to the farm sector. Farm credit system institutions provide credit and other closely related services to farmers, ranchers, producers and harvesters of aquatic products, agricultural and aquatic cooperatives, rural homeowners and certain businesses providing farmers with services essential to their on-farm operating needs. As passed by the Agricultural Committee, H.R. 7548 will update and improve these credit services, thereby insuring that the changing credit needs of our agricultural sector are better served by the farm credit system.

H.R. 7548 makes a number of changes to the 1971 Farm Credit Act. Major provisions of the bill will provide new authority for farmers to use their cooperative credit system to finance export and import programs, liberalize mortgage credit authority to help young and beginning farmers, and specifically define conditions under which the farm credit system may serve as a channel to national money markets for certain other private rural lenders. The bill also includes provisions to extend credit for processing and marketing activities by farmers and fishermen, and permits some rural co-ops to remain eligible for financing even when rural growth and urbanization reduces their percentage of farmer membership to 60 percent, as compared to the present 70 and 80 percent floors.

In addition to these new authorities, H.R. 7548 limits farm credit system insurance activity, and includes congressional authority for a two-House veto of regulations dealing with export credit or discounting of loans for other financial institutions. The bill also contains a provision to have the General Accounting Office study and report to Congress on the impact and effect of the Farm Credit Act as amended by H.R. 7548.

I would like to point out that none of the provisions of this legislation will entail an expenditure of public funds. The farm credit system is completely self-sufficient financially. No Government funds are involved, and even the costs of the Farm Credit Administration are assessed upon the banks and associations it supervises, so that there is no hidden support of this system by the Federal taxpayer.

There were many controversial provisions in the initial bill, including giving them the authority to move out of the District of Columbia. That has been deleted. The authority that would have allowed them to set their own salary levels has been deleted. The insurance activities which they contemplated engaging in and those in which they already engage have been strictly limited by amendments to this bill already adopted in the committee.

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There are changes in co-op eligibility in this bill, to answer other objections, and a limit on export financing sponsored by the gentleman from California (Mr. Panetta) has also been included in the bill so that the bill, as it comes before this body, enjoys the support of the Department of Agriculture and also the American Farm Bureau, the National Grange, the National Farmers Union, the National Council of Farmer Cooperatives, and many other commodity groups and cooperatives. The bill is also supported by the Independent Bankers Association of America and the Independent Insurance Agents of America.

Mr. Chairman, the bill is a product of over a year's work by the House Committee on Agriculture. Extensive hearings were held not only in the District of Columbia, but also throughout the country in order to receive the views of interested parties on all sides of the issues that are touched on by this bill.

As a result, this bill, H.R. 7548, was approved by a vote of 41 to 0 and enjoys the support of all of the prominent organizations that I have mentioned.

The bill will improve and update the farm credit system so that it may better serve the changing credit needs of its member borrowers, farmers, ranchers, and producers and harvesters of aquatic products and their cooperatives.

I would urge support of the bill. Thank you.

● Mr. WAMPLER. Mr. Chairman, I rise in support of H.R. 7548, the Farm Credit Act Amendments of 1980, and I commend Chairman Foley, the subcommittee chairman Mr. Jones, and ranking subcommittee member, Mr. Madigan, for arranging to bring this bill up under regular order. Had this matter come up under suspension, several Members who wish to offer amendments would have been denied an opportunity to take their case to the entire membership. I do not believe that would have served the farm credit system, the banking community generally nor the farmers who wish to use the expanded services of the farm credit system. Nor would it serve the private banking community which extends a substantial amount of credit to the farmers as well as to the farm credit system itself.

I know that several Members have amendments to offer. Mr. Jeffords and others on this committee have filed additional views to the report accompanying H.R. 7548 suggesting that an amendment would be offered as it relates to the financing of other financial institutions (OFI's) by the Intermediate Credit Banks. This was a matter that received considerable debate in the committee and is a matter which should be fully aired on the floor. It is my understaning that Mr. Jeffords will offer such an amendment.

Another matter which is of concern to the private banking community, especially on the east and west coasts, relates to the additional authority granted in this bill for the export financing of farm cooperatives through the farm credit system, more particularly the Bank for Cooperatives. This is a matter which obviously is of concern to the private banking community. There are several in the private sector who believe they already offer adequate financing to the cooperatives as it relates to export activity undertaken by the cooperatives—even to the extent that export financing is contemplated to be expanded in the forthcoming years.

As I understand it, amendments will be offered as it relates to export financing, and the proponents of those amendments will provide the arguments that will flush out these issues adequately for all the Members to vote on the amendments. I think that the mere discussion of these amendments will result in more general satisfaction with the bill that we ultimately pass here on the floor today.

There are other amendments, some of which have been printed in the Record, that have had an opportunity to be read, and I am sure that a discussion of these amendments will provide further enlightenment as to certain of the issues that are involved in this major piece of legislation reported by the committee.

I am saddened that this major piece of legislation—one of the three more important pieces of legislation reported by the committee in this session of the Congress—had to be taken up this late in the session. However, adequate farm financing in the next few years is going to be extremely important if we are to have a healthy farm sector. Despite rising food prices, I do not happen to believe that farm commodity prices have kept pace with the inflation rate. I think you only have to compare commodity prices now with those obtained 10 or 20 years ago to find support for that statement.

Farmers have been living to some extent on the credit they have obtained by refinancing their farm loans, but certainly that procedure cannot long be sustained. We are going to have to provide farmers with better incomes through export expansion and other devices. But until we can insure that kind of adequately improved farm income, it will be necessary—based on the greater capital needs of modern farming—to provide the farm sector with the credit needed to improve their farming operations and permit new farmers an opportunity to start and own their farming operations or to expand their operations to improve their productivity.

This bill will provide much of that farm credit through the farm credit system. I believe that there is room for improved financing of the export financing of farm cooperatives. How far that expansion is needed, I think only time will tell. Where adequate private financing is available, there may not be any great need for the farm credit system to crowd out the private sector. However, where export financing is not readily available, as I understand it, in some portions of the country, then the farm credit system can perform a service for the country as a whole. I would hope the regulations regarding export financing that Congress will review under this bill will be reasonable and not the type that will set off further disputes on this issue.

A great deal of work has been put into this bill. Some compromises have obviously been made, and the result of the consideration of the floor may reflect that further compromises are necessary based on the votes. However, I do believe that it is in the national interest to pass this bill today, and I urge you to do this. If there is a need to go back and look at certain provisions of this bill in the next Congress, I have no hesitancy in urging the committee to do this. However, the General Accounting Office report to Congress called for in this bill and the two House veto provisions relating to FCA regulations should provide adequate oversight.

Again, I urge you to vote aye on this bill.●

Mr. JONES of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL), a member of the subcommittee.

(Mr. BEDELL asked and was given permission to revise and extend his remarks.)

Mr. BEDELL. Mr. Chairman, I would like to take this occasion to commend both the chairman of the committee and the ranking minority member for their job with this legislation. It is no easy task to be able to get some legislation which will pass the subcommittee by an 18-to-0 vote and a full committee by a 41-to-0 vote, particularly on this particular committee on which I serve. I think it is a great testimonial to their ability to work out something, especially in a complex manner such as this, which would receive such unanimous support from both the subcommittee and the committee.

Mr. Chairman, I rise in support of H.R. 7548, the Farm Credit Act Amendments of 1980. If I may, I would like to take this opportunity to acknowledge those provisions in the bill which I believe will reasonably enhance the farm credit system's ability to serve the credit needs of individual farmers and their cooperatives, as well as speak to those legitimate concerns of some private bankers who have expressed their opposition to this legislation.

I believe that the farm credit system has demonstrated that it has an essential role to play in providing credit to agriculture. As the credit needs of agriculture have mushroomed over the past several years, the farm credit system, along with the private banking system, has risen to the occasion and met the demand for agricultural financing. I believe it is fair to say that the farm credit system's role in meeting this increased credit demand was critical to assuring that these needs were met.

I know that in northwest Iowa this past spring, when commodity prices were disastrously low, interest rates were at record levels, and farmers were extremely hard-pressed to obtain operating funds at almost any cost, the local production credit associations were able to help out many borrowers with planting expenses.

I believe there are several provisions in the legislation which, if enacted, will be of direct benefit to farmers. One of the most important, in my opinion, is that provision which will expand the system's authority to assist farmer cooperatives in financing agricultural exports. As we know, exports have become increasingly essential to assuring prosperity in agriculture, and if farmer cooperatives cannot take full advantage of the opportunity to participate in our dramatically expanding farm export market, then farmers themselves cannot receive their proper share of the rewards resulting from dynamic growth in U.S. farm exports.

Among the additional provisions which will help the system to meet the needs of farmers is the one that allows farmers to couple farm credit system financing with government loan assistance, as well as that language which mandates that smaller rural banks with a significant number of farm loans have access to the farm credit system's discount resources.

I have heard from a number of private bankers—as I am sure other members have—who have expressed their strong concern about this legislation. Bankers have expressed their fear about the encroaching nature of the farm credit system's authority, and its special tax and regulatory advantages. And they have stated that their concern is fully warranted by past actions of the system to deny credit assistance to certain rural banks and compete for the business of agricultural borrowers.

I am aware of and understand these concerns, and I would like to make these observations.

First, during the hearings and markup sessions on this bill—at the subcommittee and committee level—many members, including myself, exacted statements for the record from Farm Credit Administration officials concerning their implementation of the new authority in the bill. These officials told the committee that no private banks—the so-called OFI's—that presently have access to the Federal Intermediate Credit Bank's discount window will be denied continued access to the window was a result of the legislation. In fact, the explicit language in the bill itself holds the FCA officials to this pledge.

Additionally, no bank that is requesting access to the FICB discount window may be denied access solely because of its size—there is no size limitation in the bill. The bill simply says that access must be granted if the rural bank has a significant number of agricultural lenders, has a continuing need for additional sources of credit, and has limited access to regional and national capital markets. Presently the FVA has authority to deny even these small and needy rural banks this credit assistance.

Moreover, I believe that for nearly half of the members of the Agriculture Committee, including myself, this was the first opportunity we have had to become really familiar with the details of FCA's complex authority and operations. I would like to point out that several members of the committee—myself included—have put the FCA on notice that the committee intends to follow very closely the implementation of this new authority. I, for one, intend to use the knowledge gained during the course of our efforts to subject the future actions of the FCA to closer scrutiny.

Finally, I would like to call the attention of the members and FCA officials to the provision in the bill which subjects future FCA regulations to a veto by the Congress if the Congress finds fault with the language or intent of the proposed regulations.

On another matter, one of the most difficult areas that had to be resolved by the committee was that of the role of private insurers in the farm credit system programs. The committee owes much to the work of Mr. MADIGAN and Mr. JONES in developing a compromise on the role of private insurers. The language that was added to the committee report would maintain for the Farm Credit Administration its traditional supervisory role while retaining as a right of local PCA's the ability to choose the private insurer which is most responsive to their local needs.

I wish to emphasize the following sentence, which appears on page 44 of the committee report:

> The banks may, only by agreement with an insurer, offer services traditionally furnished by insurers to the Farm Credit System.

It is my understanding that the word "insurers" refers to private insurers. In other words, the farm credit system would not have the ability to enter into an agreement with a Government insurer to perform services that have traditionally been performed by private insurers.

I appreciate this opportunity to speak on the legislation, Mr. Chairman, and urge its adoption.

Mr. JONES of Tennessee. I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM), a member of the full committee.

Mr. STENHOLM. Mr. Chairman, I would like to engage the chairman of the Subcommittee on Conservation and Credit in a brief discussion concerning one of the provisions of this legislation that has brought about some concern within my district. I believe that there has been some erroneous information circulating as to the intent of this legislation.

Mr. Chairman, it is my understanding in the section that deals with off-farm processing and marketing loans that the provision whereby we are requiring that 20 percent of the volume of any business that is financed through the farm credit system, be owned by the farmer who has made application through his own cooperative? Is that correct?

Mr. JONES of Tennessee. If the gentleman will yield, that is correct.

Mr. STENHOLM. The concern that many of our small bankers in our rural areas have is that this legislation, if it passes in the manner in which we have it before us today, that this will somehow provide a change in a more liberal manner in which the farm credit system can make loans within their own business communities.

It is my understanding and has been since we discussed this in the Committee on Agriculture, that we are not liberalizing the farm credit system. Really, we are tightening the legislation up to provide what our cooperatives want, our PCA's in particular, want, which is to be able to assist their farmer members in making loans for facilities that will improve that individual farmer's opportunity to make a better profit on his own farm, and the reason we put the 20 percent in is to provide that it will be so.

Mr. JONES of Tennessee. If the gentleman will yield further, that is exactly true. As the gentleman quite well knows and as other members of the subcommittee who are here today know, we spent a good deal of time in arriving at a position that we thought to be equitable and fair in this area that the gentleman is discussing; and we believe, and the testimony we heard in the States, as well as here in Washington, D.C., bore out the fact that it was compatible to require that the farmer-owners comply with as far as their particular operation is concerned.

Let me say this while I am speaking. There was absolutely no intent of members of the subcommittee, or of the full committee as far as that goes or in the hearings, any intent to deprive or destroy the lending ability of any institution that was involved. It is simply that we wanted to make it possible for the Federal intermediate credit banks, the PCA's and the FLB's to have a little bit more authority as far as their own lending ability is concerned, because they are owned by farmers, and in my opinion, they have a right to help make the rules and regulations that they operate by.

Mr. STENHOLM. I thank the gentleman. I am glad to have that assurance.

I think the farm credit system as a whole has stood side by side with the private banking industry for a period of many years, each servng our rural farmer members and customers in a variety of ways; and I certainly would be opposed to any proposal which would undermine the interest of private industry on any level, but as I have understood these provisions and as the gentleman has just reassured us, Mr. Chairman, I certainly do not see any of the problems associated with this legislation that have been put forth by some in regard to the eventual effect of this legislation.

I thank the gentleman.

Mr. JONES of Tennessee. Thank you. I think the gentleman's point is well taken. I am sorry in my opening statement that I did not emphasize that more than I did, but that is a good job well done.

Mr. MADIGAN. Mr. Chairman, I have no further requests for time and reserve the balance of my time.

Mr. JONES of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. COELHO), a member of the committee.

Mr. COELHO. Mr. Chairman, the Subcommittee on Conservation and Credit adopted an amendment proposed by the gentleman from California (Mr. PANETTA) which pertains to the authority of the Bank for Cooperatives to finance exports or imports of agricultural commodities.

As I read the language of section 304 (2)(b), the Bank for Cooperatives could finance a sale made by a private exporter who had purchased the commodity from a cooperative marketing association.

Mr. JONES of Tennessee. If the gentleman will yield, this question was raised when the bill was approved by the full committee. Some members were concerned that the large grain companies could make use of this new financing facility.

The intent of the legislation is for the export financing facility to primarily benefit cooperatives, but marketing practices of many cooperatives indicate that the actual export sales are made through an independent exporter.

Under such circumstances a private exporter could utilize Bank for Cooperatives financing when such financing is necessary to complete an export transaction.

Mr. COELHO. This is why I have raised the question. In committee, the export marketing structure was not discussed.

The large grain trading companies will not make use of this financing. They have no intention of utilizing the Bank for Cooperatives, as they have access to substantial credit from commercial banks.

The situation is different in the cotton industry—90,000 producers market their cotton through 500 different cotton merchandising firms and cooperative marketing associations. The cooperatives also market a substantial amount of cotton, approximately 50 percent of their volume, through independent cotton merchandising firms. The number of buyers prevalent in the U.S. cotton trade provides a more competitive marketplace for America's cotton producers.

Seventy-five percent of the cotton export trade is handled by 155 independent firms and their subsidiary companies. Three regional cooperatives export the remaining 25 percent of the U.S. upland cotton crop.

The larger cotton exporters have access to credit. The majority of cotton exporters are small- and medium-sized firms who have experienced difficulty in receiving credit from commercial banks during periods of tight credit. At such time, the banks favor their volume customers and the smaller exporters could be squeezed out of business if the commercial banks do not extend credit.

The intent of this legislation should be quite clear. We want to facilitate credit and expand our agricultural exports, but not to the detriment of the small independent exporters.

The legislative history should clearly indicate that in situations where independent firms purchase the commodity to be exported from a cooperative, the independent exporter should be eligible for Bank for Cooperative financing, if requested by the cooperative.

Given that we are authorizing the export financing authority in order to benefit cooperatives, we should bear in mind that the farmers who are members of the cooperative benefit when the export sale is made directly or indirectly. It is the intent of section 304(2)(b), that in such instances a noncooperative will be eligible for the export financing service only in direct proportion to the amount of the commodity that it purchases from the cooperative.

Mr. JONES of Tennessee. I agree with my colleague from California. We do not intend to prejudice anyone. Certainly there are situations when it would be difficult for small independent exporters to obtain a line of credit. In such cases, when credit is tight and the exporter has a prior course of dealing with the cooperative, it would be appropriate to utilize the Bank for Cooperatives to finance the export transaction.

When a cooperative makes a sale whether it be through another exporting cooperative, an independent exporting firm or directly to a foreign importer or a consuming or processing establishment—it is just that—a sale. When payment is made on that sale a benefit is realized by the cooperative.

We are interested in increasing agricultural exports—to benefit U.S. agriculture—U.S. producers will benefit whether the cooperative sells directly or through private trade channels. We should not discriminate in such situations.

Mr. COELHO. I thank the distinguished gentleman from Tennessee. Cotton production and cotton marketing are important to the economies of each of our districts, and it is important that we clarified the intent of the legislation.

To avoid any further misunderstanding, how would this authority be extended to independent exporters?

Mr. JONES of Tennessee. The regulations of the Farm Credit Administration—which would be reviewed by the Federal Reserve, the Comptroller of the Currency and the Committee on Agriculture—would instruct the Bank for Cooperatives to make the exporter eligible for a line of credit equal to the value of the commodity at the time of the sale.

Mr. COELHO. The Bank for Cooperatives would be required to extend a line of credit to a cotton exporter in an amount equal to the value or the cotton purchased from the cotton marketing cooperative, if requested by the cooperative.

Mr. JONES of Tennessee. That is correct. That is the intent.

Mr. COELHO. Thank you. I agree that we are trying to benefit farmers and this authority would provide equality in situations common in the cotton industry where cooperatives sell through noncooperatives.

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Mr. JONES of Tennessee. Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Chairman, I, too, wish to rise in support of H.R. 7548 and to commend the gentleman from Tennessee and the gentleman from Illinois for their diligent work in behalf of the agricultural and farm community, not only on which I serve, but many other Members of this body, which is the economic backbone of this country.

I wish also to commend the leadership of this body for permitting this bill to be taken up today and in the press of business that we have in the last few days of this session, for to me it is one of the most important pieces of legislation that we can devote our time to. I am very pleased that we are able to do it today. I wish to again commend the gentleman from Tennessee, the gentleman from Illinois, the gentleman from Washington (Mr. FOLEY), the chairman of the Agriculture Committee, and all members of the Agriculture Committee for this much needed piece of legislation.

Mr. JONES of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. STARK) for a question.

Mr. STARK. I thank the distinguished chairman for yielding to me.

I would like to discuss for a moment the change of the amendment to title XII, which on its face seems to be an innocuous change, but in effect allows the Farm Credit Administration to maintain its principal office elsewhere than the District of Columbia.

We have gone through this same concern with many other Government agencies who for one reason or another have elected to move to Maryland or Virginia when those of us who serve on the District Committee and those of us who are taxpayers have been subsidizing the District of Columbia for a number of years with our constituents' dollars.

We have tremendous areas in the District of Columbia which are undeveloped and underdeveloped areas which could benefit greatly from having a Federal agency with its headquarters within the District of Columbia. It is, in effect, Federal money we are spending.

With all due respect to my many good friends in the State of Maryland and in the State of Virginia, they do not have the inner city decay that we have here in the District of Columbia and until such time as the Farm Credit Administration could come before this body and make a case that there is no good location in the District of Columbia where we would benefit from the fallout of these jobs that will be required to expand their operation as is foreseen in this act, I wonder if the distinguished chairman would concur with me that it might be the better part of financial frugality and wisdom to strike the change to title XII at this point and leave that for a future date when we could assess the necessity or the possibility of the headquarters of this distinguished organization leaving the District.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STARK. I would be glad to yield.

Mr. JONES of Tennessee. Let me say that this happened to be not a part of the chairman's idea that it even be given the principle or the idea of moving anywhere except maintaining its principal office here in Washington, D.C.; but let me point out that this is not like an agency of Government moving out, because there are only 250 employees to begin with, many of whom I suspect may already live in Virginia and Maryland; but the truth of the matter is that this came about as the result of an effort on the part of the Farm Administration to move beyond this area. This was a compromise amendment that was offered by the gentleman from Texas (Mr. HANCE) that confined the principal office to be within Washington, D.C., Maryland, or Virginia; in other words, in the standard metropolitan area somewhere.

We are not talking about a large number of people. We are talking about an office primarily and the truth of the matter is that I suspect the majority of these people do live in Virginia and in Maryland. I have no desire whatsoever to see them leave the District or the area, especially.

The truth of the matter is that the majority of the members of the subcommittee did not care to see them leave at all.

Mr. STARK. I would share that feeling, if the distinguished chairman would yield to me further. We have seen this happen with Fannie Mae, which is a somewhat similar organization. It is quasi-governmental, and albeit there may only be 200 jobs or 250 jobs, it is those people doing their shopping, buying lunches, it is the proximity to other credit agencies, the Federal Reserve Bank, and indeed, the Congress, to come and testify before the committee of the chairman.

It is far more cost efficient to hop on Metro and come here to the Hill than to drive in from Virginia or from Maryland.

As I said earlier, I think that if there was, indeed, a specific plan, a need to be presented to the chairman's committee, I am sure the committee would in good order hear their need and approve a particular site outside of the District; but we have seen this happen in other agencies.

My interest would be to sort of stem the tide, to see us redevelop our Nation's Capital so that the chairman's constituents and mine can come here and be proud of it and that we would not have to continually increase our subsidy and one of the ways we all know, we all want to do this in our own districts, is to encourage bureaucracies and new building and new businesses to locate, so that I think I would ask the chairman, I intend to offer an amendment at the appropriate time to strike the amendment to title XII which would still allow them to locate their other offices, other than their principal office, in any part of the country which was convenient and efficient and suited the management of the agency.

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But as long as there is no present plan to move I would not like to encourage other agencies to leave us here alone without the convenience and the camaraderie we would get. I would hope the chairman would not strenuously oppose my amendment at the proper time.

Mr. JONES of Tennessee. If the gentleman will yield further, as I mentioned earlier, I was not a part of the amendment per se. However, since the subcommittee and full committee adopted the entire bill without a single dissenting vote, it has to be my position that I will stay with what the decision was.

But the gentleman, of course, can go ahead and offer his amendment at the proper time.

Mr. STARK. I appreciate that and thank the chairman for yielding.

● Mr. LEE. Mr. Chairman, the legislation before us today enjoys my enthusiastic support. As farming has advanced technologically, the farming industry has become a more capital-intensive one. This trend, and the consolidation of smaller farms into larger production units, has greatly increased the farmers' need for working capital. In fact, the annual credit requirements of farmers have more than tripled in the last decade, and it is projected they will double again by 1985.

The bill before us would help assure that a dependable supply of credit is available to farmers and cooperative associations, regardless of fluctuations in the Nation's money supply. This measure would allow the farmer-owned cooperative farm credit system to provide export financing by farmer co-ops. It would also authorize expanded credit for farmer-controlled processing and marketing, more liberal mortgage credit authority which could help young farmers, and would provide clearly defined authority for access to national money markets for many rural lenders.

The farm community has been hard hit in the last few years, not only by rising prices of seed, fertilizer, and equipment, but by the grain embargo and most recently, by a tremendous drought. It is becoming more and more difficult for the family farmer to make an adequate living to justify his staying with the land, and we continue to witness the disappearance of these individuals and the subsequent sale of valuable farm land, in many cases, to foreign nationals.

The passage of the Farm Credit Act amendments today will go a long way toward reversing that trend. As a cosponsor of this much-needed legislation, I urge my colleagues in the House of Representatives to join with me in according H.R. 7548 their wholehearted support.●

Mr. JONES of Tennessee. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

Mr. MADIGAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Agriculture, now printed in the reported bill, shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

Section 1 reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Credit Act Amendment of 1980".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

Title I reads as follows:

TITLE I—FEDERAL LAND BANKS AND ASSOCIATIONS

Sec. 101. Section 1.4 of the Farm Credit Act of 1971 is amended by—

(1) striking out in paragraph (6) "loans and" and inserting in lieu thereof "and participate in loans, make";

(2) inserting before the period at the end of paragraph (12) ", participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act, and participate with lenders which are not Farm Credit System institutions in loans that the bank is authorized to make under this title";

(3) inserting after "System" in the first sentence of paragraph (14) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(4) striking out everything after the second comma in paragraph (15) and inserting in lieu thereof "and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) sell to lenders which are not Farm Credit System institutions interests in loans, (ii) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (iii) make other investments."; and

(5) adding new paragraphs (22) and (23) as follows:

"(22) Accept contributions to its capital from Federal land bank associations and account therefor as authorized by the Farm Credit Administration.

"(23) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan and other losses, whether to protect against capital impairment or for any other purpose.".

Sec. 102. Section 1.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out in subsection (b) "hypotheticated" and inserting in lieu thereof "hypothecated";

(2) striking out the first sentence of subsection (d) and inserting in lieu thereof two new sentences as follows: "Nonvoting stock may be issued to the Governor of the Farm Credit Administration, to borrowers as patronage refunds, and may also be issued to Federal land bank associations in amounts that will permit the bank to extend financial assistance to eligible persons other than farmers, ranchers, and producers or harvesters of aquatic products. Nonvoting stock also may be issued to and shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration."; and

(3) adding new subsections (f) and (g) as follows:

"(f) Patronage refunds may be paid in nonvoting stock, participation certificates, allocated surplus, and other equities of the bank, or cash, or in both equities and cash, as determined by the board of the bank, to borrowers of the fiscal year for which such patronage refunds are distributed. All patronage refunds shall be paid in the proportion that the amount of interest on the loans to each borrower during the year bears to the interest on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

"(g) Equities to evidence contributions to capital may be issued to Federal land bank associations when the bylaws of the bank so provide.".

Sec. 103. Section 1.6 of the Farm Credit Act of 1971 is amended to read as follows:

"Sec. 1.6. Real Estate Mortgage Loans.—The Federal land banks are authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, or to producers or harvesters of aquatic products, and make continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.".

Sec. 104. Section 1.7 of the Farm Credit Act of 1971 is amended by inserting before the period in the first sentence "as provided in section 4.17 of this Act".

Sec. 105. Section 1.8 of the Farm Credit Act of 1971 is amended by striking out in clause (1) "and ranchers" and inserting in lieu thereof ", ranchers, or producers or harvesters of aquatic products".

Sec. 106. Section 1.9 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans originated by a Federal land bank or in which it participates with a lender which is not a Farm Credit System institution shall not exceed 85 per centum of the appraised value of the real estate security, or such greater amount, not to exceed 97 per centum of the appraised value of the real estate security, as may be authorized under regulations of the Farm Credit Administration for loans guaranteed by Federal, State, or other governmental agencies, and shall be secured by first liens on interest in real estate of such classes as may be approved by the Farm Credit Administration.".

Sec. 107. Section 1.10 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans made by the Federal land banks to farmers, ranchers, and producers or harvesters of aquatic products may be for any agricultural or aquatic purpose and other credit needs of the applicant, including financing for basic processing and marketing directly related to the applicant's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided,* That the applicant's operations shall supply at least 20 per centum, or such larger per centum that is required by the board of directors of the bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended.".

Sec. 108. Section 1.11 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" before "operations".

Sec. 109. Section 1.12 of the Farm Credit Act of 1971 is amended by striking out the designation "(a)".

Sec. 110. Section 1.15 of the Farm Credit Act of 1971 is amended by—

(1) striking out in paragraph (13) "shall";

(2) striking out in paragraph (14) "may" the second time it appears; and

(3) adding a new paragraph (21) as follows:

"(21) Contribute to the capital of the bank.".

Sec. 111. Section 1.16 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the sixth sentence of subsection (a) "fair"; and

(2) adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan (1) made by a Federal land bank which it sells to a lender which is not a Farm Credit System institution, or (2) that such lender retains or acquires in participating in the loan with a Federal land bank.".

Sec. 112. Section 1.17 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (a) "excess" and inserting in lieu thereof "excess"; and

(2) amending subsection (b) by inserting ", and pay patronage refunds, or do any of them, as provided in its bylaws" after "dividends", and striking out "with" and inserting in lieu thereof "the".

Sec. 113. Section 1.18(b) of the Farm Credit Act of 1971 is amended to read as follows:

"(b) Any association may declare a dividend or dividends and pay patronage refunds, or do any of them, as provided in its bylaws, out of the whole or any part of its net earnings available therefor which remain after (1) maintenance of the reserve required in subsection (a) of this section and (2) bank approval. All patronage refunds shall be paid on the proportionate patronage basis approved by the bank. Dividends shall be noncumulative, and the rate of dividends may be different between classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the Federal land bank by such classes and issues, but otherwise dividends shall be without preference.".

Sec. 114. Section 1.19 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "As may be authorized by the bank in accordance with regulations of the Farm Credit Administration, associations also may enter into agreements with other Farm Credit System institutions to share loans and other losses, whether to protect against capital impairment or for any other purposes.".

Sec. 115. Section 1.20 of the Farm Credit Act of 1971 is amended by inserting after "stock" the second time it appears "or participation certificates," and inserting "or other Farm Credit System institutions" after "Administration".

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

Title II reads as follows:

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

Sec. 201. Section 2.1 of the Farm Credit Act of 1971 is amended by—

(1) inserting after "System" in the first sentence of paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(2) striking out in paragraph (13) every-

thing after "agency" the second time it appears and inserting in lieu thereof ", and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (ii) make other investments.";

(3) amending paragraph (18) to read as follows:

"(18) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purposes,"; and

(4) inserting before the period at the end of paragraph (20) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act.".

SEC. 202. Section 2.2 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of the first sentence of subsection (d) ", and may be issued to and, notwithstanding the provisions of subsection (g) of this section, shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration";

(2) striking out in the second and fourth paragraphs of subsection (g) "fair";

(3) striking out everything through "Governor" in subsection (h) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(4) striking out in subsection (i) "fair".

SEC. 203. Section 2.3 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 2.3. LOANS; DISCOUNTS; PARTICIPATION; LEASING.—(a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to, and to discount for or purchase from—

"(1) any production credit association, or

"(2) any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products,

any note, draft, or other obligation with its endorsement or guarantee, the proceeds of which note, draft, or other obligation have been advanced to persons and for purposes eligible for financing by production credit associations under section 2.15(a)(1), (2), and (3) of this Act.

"(b) The Federal intermediate credit banks may participate with one or more production credit associations or intermediate credit banks in the making of loans to eligible borrowers and may participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act. The banks may own and lease or lease with option to purchase to persons eligible for assistance under this subchapter, equipment needed in the operations of such persons.

"(c) No paper shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to any entity identified in subsection (a)(1) and (2) of this section if the amount of such paper added to the aggregate liabilities of such entity, whether direct or contingent (other than bona fide deposit liabilities), exceeds ten times the paid-in and unimpaired capital and surplus of such entity or (in the case of financing institutions under subsection (a)(2) of this section) the amount of such liabilities permitted under the laws of the jurisdiction creating such institution, whichever is the lesser. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (a) of this section, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitation herein contained.

"(d) All of the laws, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration and shall be secured by collateral, if any, as may be required in such regulations. The regulations shall assure that such loans, financial assistance, discounts, and purchases are available on a reasonable basis to any financing institution authorized to receive such services under subsection (a)(2) of this section that (i) is significantly involved in lending for agricultural or aquatic purposes, (ii) demonstrates a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers, (iii) has limited access to national or regional capital markets, and (iv) does not use such services to expand its financing activities to persons and for purposes other than those authorized in section 2.15(a)(1), (2), and (3) of this Act. The regulations may authorize a Federal intermediate credit bank to charge reasonable fees for any commitment to extend service under this section to such a financing institution. For purposes of this subsection, a financing institution together with its subsidiaries and affiliates may be considered as one but such determination to consider such institution together with its subsidiaries and affiliates as one shall be made in the first instance by the bank and in the event of a denial by the bank of its services to a financial institution, thereafter by the Farm Credit Administration on a case-by-case basis with due regard to the total relationship of the financing institution, its subsidiaries, and affiliates.

"(e) Nothing in this section shall require termination of discount relationships in existence on the effective date of the Farm Credit Act Amendments of 1980.".

SEC. 204. Section 2.4 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans, advances, or discounts made under section 2.3 of this Act shall be repayable in not more than seven years (fifteen years if made to producers or harvesters of aquatic products) from the time they are made or discounted by the Federal intermediate credit bank, except that the district farm credit board, under regulations of the Farm Credit Administration, may approve policies permitting loans, advances, or discounts (other than those made to producers or harvesters of aquatic products) to be repayable in not more than ten years from the time they are made or discounted by such bank. Loans, advances, and discounts shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration as provided in section 4.17 of this Act, but the rates charged financing institutions shall be the same as those charged production credit associations.".

SEC. 205. Section 2.5 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm".

SEC. 206. Section 2.6(c) of the Farm Credit Act of 1971 is amended by striking out "of less than 25 per centum" in the second sentence.

SEC. 207. Section 2.10 of the Farm Credit Act of 1971 is amended by striking out the comma after "States" in the first sentence and inserting in lieu thereof a period.

SEC. 208. Section 2.12 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of paragraph (11) "and buy from and sell to such banks interests in loans and in other financial assistance extended and nonvoting stock, as may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration.

(2) inserting before the period at the end of paragraph (13) "and when authorized by the bank participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act"; and

(3) amending paragraph (15) to read as follows:

"(15) As may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

SEC. 209. Section 2.13 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of subsection (e) "or in lieu of nonvoting stock";

(2) striking out in the first sentence of subsection (f) "fair";

(3) amending the last sentence of subsection (f) to read as follows: "Notwithstanding any other provisions of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Farm Credit System institution, nonvoting stock or participation certificates may be issued to the commercial bank or other financial institution in satisfaction of the requirement that the borrower own stock or participation certificates, which requirement shall apply only to the portion of the loan which is retained by the association.";

(4) striking out in the first sentence in subsection (g) "fair";

(5) striking out everything through "Governor" in subsection (j) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(6) striking out in subsection (k) "fair".

SEC. 210. Section 2.15 of the Farm Credit Act of 1971 is amended by—

(1) amending clause (1) in the first sentence of subsection (a) to read as follows: "(1) bona fide farmers and ranchers and the producers or harvesters of aquatic products, for agricultural or aquatic purposes and other requirements of such borrowers, including financing for basic processing and marketing directly related to the borrower's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided*, That the borrower's operations shall supply at least 20 per centum, or such larger per centum that is required by the supervising bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended,"; and

(2) inserting in subsection (b) after "Administration" in the first sentence "as provided in section 4.17 of this Act".

SEC. 211. Section 2.16 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm".

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 13, strike line 3 and all that follows through line 8 on page 14, and insert in lieu thereof the following:

"(d) All of the loans, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration and shall be secured by collateral, if any, as may be required in such regulations. The regulations may authorize a Federal intermediate credit bank to charge reasonable fees for any commitment to extend service under this section to any financing institution authorized to receive services under subsection (a) (2).".

Mr. JEFFORDS. Mr. Chairman, first of all I would like to again say, as I said before, that I am in favor of this bill. I want to again commend the chairman and ranking member for an excellent job in producing a fine bill with one exception. That is with section 203 of the bill we have gone into an area where we really do not need to go. If we accept the criteria in section 203 of the bill it may cause some problems in the future.

What my amendment does is to leave the law where it is with respect to access to the discount window for banks. There is broad authority in existing law for that purpose now.

I would just point out that of all of the field hearings that this subcommittee held throughout the country, not once was a problem raised in this area. No one raised any problems; no one suggested touching this section. However, the bill which came in does provide for some changes.

The matter we are concerned about, and there is no disagreement on it, is that banks and especially the small banks in our small farm communities should have more access to the discount window, especially in emergency times when credit is short and when the agricultural community needs funds. No one will disagree that farmers should have access to money markets when funds are limited. I want my small banks to have more access, especially in times of emergency so that credit can be available to our farm community.

But how do we take care of that problem, if there is one, and we are not even sure there is one; how do we take care of it?

I say the best way to take care of it is as we have done really already, and that is through oversight, not by putting vague criteria in a bill. The administrators of the FCA agree with what ought to be done.

They say there ought to be more access and they agree there ought to be changes in the regulations to provide more access. So I say why bother with the statute? Why create problems which changes in this statute creates?

What are the problems that it may create? What we have here in section 203 is the issuing of certain specific criteria which will have to be used with supposedly the purpose of providing more access to agricultural banks. I want to point out that even with the present Governor of the Farm Credit Administration, an administrator who believes we ought to be giving more access to agriculture banks; he interprets changes in section 203 to mean that access should be restricted. He came out with criteria which would have eliminated over 80 percent of the over 14,000 banks that could now have access to the discount window. In my State, out of 24 banks which lend to agriculture only 1 Vermont bank would have access to the discount window.

There is now flexibility in the law. If we change the law we limit this flexibility. Let me just read one of the specific criteria which, if I as a member of the Farm Credit Administration had to work regulations, I could use this bill to preclude access to banks. Let me read my colleagues this criteria.

The criteria reads:

Does not use such services to expand its financing activities to persons and for purposes other than those authorized in the specific sections.

If I want, I can develop regulations under this criteria that a bank would have to demonstrate that not a single dollar was replaced and that they never loaned anything. The only way to ever prove this is if a bank did not have any money to lend out and if they never received any funds. The criteria just add complications to a situation where no problems exist.

It is a basic presumption, I think, in this body that if we do not have a problem, do not fix it. This is a situation we find at the present time.

I would point out the other body went through the discount provision and agreed. They said why have this section. What does it do. All it does is possibly create problems.

Basically the situation is that: there is broad authority within the law to pass whatever regulations are necessary to increase the access of small agricultural banks to the discount window. That authority is there. It can be used and the present administrators say they are going to use it to cure whatever problem it is that is perceived.

Why then do we create potential problems by establishing criteria which may be used to turn right around and undo what we have been trying to do here? It is as simple as that. We have no problem. No one has raised a problem. But we may have problems if we do not pass this amendment.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to my friend.

Mr. STANTON. Mr. Chairman, first let me say that like the gentleman in the well, I, too, support this legislation. But, at the same time, I want to compliment the gentleman for his amendment, a very important amendment.

The way I understand it, and I hope the gentleman will correct me if I am wrong the gentleman's amendment would strike that part of section 203 which would be really a limitation on the use of farm credit to other financial institutions. Am I correct on that?

The CHAIRMAN. The time of the gentleman from Vermont has expired.

(At the request of Mr. STANTON and by unanimous consent, Mr. JEFFORDS was allowed to proceed for 3 additional minutes.)

Mr. JEFFORDS. The gentleman is correct. Yes.

Mr. STANTON. The first logical question a person would ask: Have there been any abuses that the gentleman knows of at the present time under the present system the way it operates?

Mr. JEFFORDS. As I pointed out, in all the hearings that were held around this country not one issue was raised with respect to access to the discount window. There is not one abuse that I know of. There has been some concern expressed by some that would like to have access loosened up. But there is no problem with the statute, as I pointed out previously.

Mr. STANTON. I wonder if the gentleman would tell me, I come from a very good farm area, but not one that borrows too much from the farm credit system. However, it is just commonsense that what we should do at the present time is not put the restrictions or limitations on a product which we sincerely hope is going to do a great deal toward helping our balance-of-payments question. Am I wrong on that?

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Mr. JEFFORDS. I think the gentleman is not wrong. One of the problems you get into with the kind of specific criteria which are asked for in section 203 of the bill is that our communities are changing. The dimensions of communities are changing, at least in my State. We have a significant agricultural sector but we have a lot of other things going on. If you put the criteria in section 203 that is being discussed here, then, if there is a real crisis in agriculture, farmers in these changing communities may have a limited access to funds in the private commercial sector.

Mr. STANTON. I appreciate the gentleman's answers.

Mr. Chairman, for those reasons I rise in strong support of the gentleman's amendment and hope sincerely that it is adopted.

Mr. BEDELL. I rise in opposition to the amendment, Mr. Chairman.

I would like to engage the author of the amendment in colloquy if I could. I have just been on the telephone with Mr. Wilkinson who is, as the gentleman knows, the Governor of the Farm Credit Administration. In my talk with him I asked him several questions. I think everybody is trying to do the same thing. I believe what we are trying to do is see that there are loans available to those small banks to lend for agricultural purposes. That is the purpose of the gentleman's amendment; is it not?

Mr. JEFFORDS. That is correct.

Mr. BEDELL. Yes. I would point out to the gentleman that the quotation that he has referred to here in regard to restriction is not a restriction in any sense of the word. What it is is that at this time in lending there are no guarantees that any bank can borrow from the farm credit system, and this legislation says that those small banks who meet these specific criteria will be authorized to borrow from the farm credit system. Without this in the bill as it is now, there is no guarantee that any bank can borrow from that system. This bill does not in any way say that the banks who do not meet these criteria cannot borrow; it says that those who do meet the criteria are guaranteed that they can. It seems to me that what the gentleman is trying to do is done better by what is in the bill than if we do not have this in the bill. Does the gentleman have any disagreement with that in any way?

Mr. JEFFORDS. Yes, I do.

Mr. BEDELL. Would the gentleman explain it to us, because since we are trying to do the same thing, I think we ought to know how it is we best do it.

Mr. JEFFORDS. First, I would point out that the authority to do what Mr. Wilkinson desires to do is in the statute now. He can do that. There is no problem. There is no prohibition against doing that.

Mr. BEDELL. That is right.

Mr. JEFFORDS. If he desires to open up access, he can open up access.

Mr. BEDELL. But he is not required to.

Mr. JEFFORDS. Let me put it this way: It would be an affront to the purposes of the intent of the statute, which urges and authorizes him to open the discount window, not to do it in some form or manner. The question is how far you go.

Mr. BEDELL. All right, but he is not required to do anything specifically in the present statute.

Mr. JEFFORDS. That is correct.

Mr. BEDELL. This bill says he has to do it.

Mr. JEFFORDS. No, it does not. My point is that you can use these words in this statute which we are proposing in this bill to end defending a regulator from making things more restrictive than anyone would dream of. For instance, I could write regulations around these criteria which I have indicated which would make it impossible for any bank to lend money for agriculture, except under the weirdest circumstances.

Mr. BEDELL. But you can do that under present law.

Mr. JEFFORDS. Yes you can, but my point is what have you done? Why create problems? Why issue new criteria to give a defense for what you are doing, and why not do it with oversight, or change the criteria, if you want to do that? Right now, as I see it, we have no problem. We have an agency that wants to issue regulations to provide for more access. We have oversight in the subcommittee which says we should issue more regulations for access to private commercial banks. Let them issue the regulations. Let us have oversight, but let us not put inflexibility in the statute, because, then we would have to come back and change the statute. If there is a requirement for funds in the agricultural sector, the Farm Credit Administration has emergency authority in regulations to do all of those things needed to provide funds to private commercial banks. Why tie their hands?

Mr. BEDELL. The point is I think we ought to tie their hands and tell them they have to make these loans to little banks, and that is what we have done in this section that the gentleman's amendment would delete. Maybe the gentleman has more confidence in the regulating agencies than I do. I think if we want the little banks to be able to borrow, we had better legislate that they have to be able to do so.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding. I think the issue in this is whether we want to give the farm credit system unbridled regulatory discretion as to what kind of banks, and what kind of farmer, and what kind of agricultural institution should participate through the discount window, or whether we in the Congress want to put some general peripheral guidelines around the kinds of opportunity to participate. As I remember the discussions during the committee hearings, we on the committee had some concern about where the farm credit system was going in the regulations, and they were going in the area that appeared to us to be outside the intent of the Congress in terms of the size of the institutions that were participating, in terms of the types of the institutions that were participating, and all this does is to kind of set some guidelines. It does not bind the farm credit system dramatically, but it does limit them to the extent that if they provided this opportunity to a bank like the Bank of America, obviously I think that would violate the guidelines.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 4 additional minutes.)

Mr. BEDELL. If the gentleman will yield further, it in no way restricts them from that type of loan any more than it would if we deleted this section. What it does do is assure them that such loans are available on a reasonable basis to those small banks. That is all it does. It does not tell them they cannot make the bigger loans—and I particularly asked Mr. Wilkinson that in my telephone conversation just a minute ago, and he confirmed what I understood we had in our testimony in the committee, which was that this in no way restricts them from making any loans that they otherwise were willing to make, but it does tell them that they have to make these loans to the small banks that meet these criteria.

Mr. GLICKMAN. Mr. Chairman, will my colleague yield?

Mr. BEDELL. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I agree with my colleague. I did not mean to make the representation that they could not make loans to bigger banks. I am just saying we have four criteria in this language, and one of the criteria is it has limited access to national/regional capital markets which gives them a great deal of discretion. I am not sure the gentleman from Vermont (Mr. JEFFORDS) and the gentleman from Iowa (Mr. BEDELL) are really arguing significantly differently on the merits of the issue.

Mr. BEDELL. We both agree on the issue.

Mr. GLICKMAN. I just believe the language contained in the bill gives the farm credit system more discretion and also lets them know that Congress has specifically put in statutory form our intent.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding. I have to point out to the gentleman from Kansas (Mr. GLICKMAN) the bill does not give them more discretion; it gives them less discretion.

I would ask the gentleman from Iowa (Mr. BEDELL) if he would agree with this statement. If we were to adopt the amendment of the gentleman from Vermont (Mr. JEFFORDS) striking out the particular provision that is offensive to him, is it not true that the Farm Credit Administration next month or 6 months from now can by regulation do exactly what we propose to have them do in this language that the gentleman from Vermont (Mr. JEFFORDS) wants to strike?

Mr. BEDELL. They could do that, or they might not do that.

Mr. MADIGAN. But the fact of the matter is if they could do it or could not do it, they would have leeway then; but if we put it in this bill, they do not have leeway. So we are not giving them more flexibility; we are giving them less flexibility because they asked for that. If the gentleman will allow me to continue—and I will be glad to get him additional time—because they ask for us to in effect give them less flexibility, what they are really doing, and I have been contending this in private conservations throughout the consideration of this bill, is asking us to set up a wall behind which they are going to hide. They are simply going to be able to say to people, "gee, we cannot do this because Congress restricted us from doing this." That is what is going on here, in the opinion of this gentleman from Illinois, and I do not think that the Jeffords amendment does anything damaging to this bill at all, because if they really want to be restrictive in that way, they would still have the authority to be restrictive in that way regardless of whether or not we have adopted this amendment. So I do not think we are doing any damage to the Farm Credit Administration at all if we adopt the amendment. I did not think we did when we were in the full committee. I voted for the bill without the adoption of the amendment, and I will do that again here on the floor of the House. I am a supporter of the bill, and I think the bill is very important, but I think the Jeffords amendment puts it back to where they were before, making them responsible to set up this guideline themselves rather than hiding behind us as having set it up for them.

I thank the gentleman.

Mr. BEDELL. If I could answer the gentleman, I hope everybody does understand that the restriction that this requires of them is that it requires them to make loans to small banks.

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It in no way tells them they are not supposed to make any loans. The only thing this does is, it requires them that they have to make loans to the banks that meet this specific requirement.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. If there is anybody who questions that statement, I think we should get it out, because it is a very important issue in regard to this debate.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield again?

Mr. BEDELL. I would be glad to yield.

Mr. MADIGAN. I thank the gentleman for his courtesy in yielding, and I know he is a very sensitive and alert legislator. And because he is so sensitive and alert, I am sure he is aware of what is going on on the floor here today and what is going to go on the floor today ad infinitum unless we do something to address this continuing objection. I think this continuing objection is well addressed and this bill would move very expeditiously with the adoption of the Jeffords amendment.

Mr. JONES of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have listened with a lot of interest to what the gentleman from Vermont (Mr. JEFFORDS) had to say. I normally agree with him in most of the agricultural legislation that we have had before our committee. But I would like to make this point clear to the Members of the body here today: In this provision that we are considering here today, we are doing something that has not been done through the years. We are forcing the Farm Credit Administration to make possible the lending of money to these small institutions that they have been overlooking. Only limited use has been made of the provision that has been in the bill for some time, and for that reason there is no doubt in my mind, or in the mind of any other member of the subcommittee, that we must maintain our position as far as this part of the bill is concerned. I think that we would be making a mistake indeed if we did not stand with the committee as it reported the bill.

The gentleman from Vermont (Mr. JEFFORDS) offered a similar amendment in the subcommittee. If I remember correctly, the vote was 4 "for" and 10 "against."

I would like to ask the gentleman from Vermont if that is not a fact, that the amendment that he offered there is very similar to this one.

Mr. JEFFORDS. If the gentleman will yield, the gentleman is correct. Although I would say that the support for my amendment has grown dramatically since that time it was discussed in committee.

I only point out, in response—as has been pointed out by the gentleman from Iowa—that I think we all have the same goal in mind, but, as pointed out by the gentleman from Illinois, the present bill may turn right around and hit us from the backside because we have words in section 203 that can be easily used to provide a wall of protection by the FCA if they decide to be more restrictive. I pointed out one criterion. Let me point out another criterion: "It demonstrates a continuing need for supplementary sources of funds to meet the credit requirements of agriculture."

What does that mean, continuing need? You can turn that right around and say that you have to demonstrate on a continuing basis over 10 years that you are short of funds. Thus the effect could be just the opposite of what we intended to do. And then they can say, "All we are doing is what Congress told us to do." That is what I am afraid of. We all have the same goal in mind. I am afraid we are defeating our purposes by attempting to do something which can be done more by oversight.

Mr. JONES of Tennessee. If the gentleman will allow me to reclaim my time, I would just like to say to the committee that I strongly urge my colleagues to oppose the amendment that is offered by my good friend, the gentleman from Vermont, Mr. JIM JEFFORDS, and to support the bill as reported by the Committee on Agriculture.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. JEFFORDS).

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 14, noes 8.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II? If not, the Clerk will designate title III.

Title III reads as follows:

TITLE III—BANKS FOR COOPERATIVES

SEC. 301. Section 3.1 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of paragraph (11) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act";

(2) inserting after "System" in the first sentence in paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act or, to the extent necessary to facilitate transactions which may be financed under section 3.7(b) of this Act, any other financial organization, domestic or foreign, as may be authorized by its board of directors and approved by the Farm Credit Administration";

(3) amending paragraph (13) by:

(a) inserting immediately after "(13)" the designation "(A)";

(b) inserting after subparagraph (A) the following new subparagraphs (B) and (C):

"(B) As may be authorized by its board of directors and approved by the Farm Credit Administration, buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock.

"(C) As may be authorized by its board of directors and approved by the Farm Credit Administration, and solely for the purposes of obtaining credit information and other services needed to facilitate transactions which may be financed under section 3.7(b) of this Act, invest in ownership interests in foreign business entities that are principally engaged in providing credit information to and performing such servicing functions for their members in connection with the members' international activities."; and

(4) adding new paragraphs (18) and (19) as follows:

"(18) As may be authorized by the board of directors and approved by the Farm Credit Administration, maintain credit balances and pay or receive fees or interest thereon, for the purpose of assisting in the transfer of funds to or from parties to transactions that may be financed under section 3.7(b) of this Act: *Provided, however*, That nothing herein shall authorize the banks for cooperatives to engage in the business of accepting domestic deposits.

"(19) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

SEC. 302. Section 3.3 of the Farm Credit Act of 1971 is amended by adding a new subsection (f) as follows:

"(f) Participation certificates may be issued to parties to whom voting stock may not be issued.".

SEC. 303. Section 3.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out the first three sentences and inserting in lieu thereof three new sentences as follows: "Any nonvoting stock held by the Governor of the Farm Credit Administration shall be retired to the extent required by section 4.0(b) of this Act before any other outstanding voting or nonvoting stock or participation certificates shall be retired except as may be otherwise authorized by the Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock and participation certificates may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock or participation certificates retired in response to a call, reserving the right to have such stock or participation certificates included in the next call for retirement."; and

(2) striking out in the fourth sentence "fair book value not exceeding".

SEC. 304. Section 3.7 of the Farm Credit Act of 1971 is amended by—

(1) adding the designation "(a)" before the text, and inserting before "collateral custody" in the first sentence, "currency exchange necessary to service individual transactions that may be financed under subsection (b) of this section,", and inserting before the period at the end of the third sentence "and may make or participate in loans or commitments and extend other technical and financial assistance to other domestic parties for the acquisition of equipment and facilities to be leased to such stockholders for use in their operations in the United States"; and

(2) adding new subsections (b), (c), (d), and (e) as follows:

"(b) A bank for cooperatives is authorized to make or participate in loans and commitments to, and to extend other technical and financial assistance to (1) a domestic or foreign party with respect to its transactions with an association that is a voting stockholder of the bank for the export or import of agricultural commodities, farm supplies, or acquatic products through purchases, sales or exchanges, and (2) a domestic or foreign party in which such an association has at least the minimum ownership interest approved under regulations of the Farm Credit Administration for the purpose of facilitating the association's export or import operations of the type described in clause (1) of this subsection: *Provided*, That a bank for cooperatives determines, under regulations of the Farm Credit Administration, that the voting stockholder will benefit substantially as a result of such loan, commitment, or assistance.

"(c) Loans, commitments, and assistance authorized by subsection (b) of this section shall be extended in accordance with policies adopted by the board of directors of the bank under regulations of the Farm Credit Administration.

"(d) The regulations of the Farm Credit Administration implementing subsection (b) of this section and the other provisions of this title relating to the authority under subsection (b) of this section may not confer upon the banks for cooperatives powers and authorities greater than those specified in this title. The Farm Credit Administration shall, during the formulation of such regulations, closely consult on a continuing basis with the Board of Governors of the Federal Reserve System to ensure that such regulations conform to national banking policies, objectives, and limitations.

"(e) Notwithstanding any other provision of this title, the banks for cooperatives shall not make or participate in loans or commitments for the purpose of financing speculative futures transactions by eligible borrowers in foreign currencies.".

Sec. 305. Section 3.8 of the Farm Credit Act of 1971 is amended by—

(1) in the first paragraph striking out the second comma and inserting "or aquatic" before "business";

(2) striking out in subsection (c) "or farm business services" and inserting in lieu thereof "farm or aquatic business services, or services to eligible cooperatives" and

(3) amending subsection (d) to read as follows:

"(d) A percentage of the voting control of the association not less than 80 per centum (60 per centum (1) in the case of rural electric, telephone, public utility, and service cooperatives; (2) in the case of local farm supply cooperatives that have historically served needs of the community that would not adequately be served by other suppliers and have experienced a reduction in the percentage of farmer membership due to changed circumstances beyond their control such as, but not limited to, urbanization of the community; and (3) in the case of local farm supply cooperatives that provide or will provide needed services to a community and that are or will be in competition with a cooperative specified in paragraph (2)) or, with respect to any type of association or cooperative, such higher percentage as established by the district board, is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;".

Sec. 306. Section 3.9(a) of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof a new sentence as follows: "Each borrower entitled to hold voting stock shall, at the time a loan is made by a bank for cooperatives, own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to invest in additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for investment in stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan.".

Sec. 307. Section 3.10 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period in the first sentence of subsection (a) "as provided in section 4.17 of this Act", and

(2) striking out in the first sentence of subsection (d) "book" and inserting in lieu thereof "market" and adding a new sentence as follows: "In no event shall the bank's equities be retired or canceled if the retirement or cancellation would adversely affect the bank's capital structure, as determined by the Farm Credit Administration.".

Sec. 308. Section 3.11 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the second sentence of subsection (b) "of less than 25 per centum" and "of not to exceed such per centum of net savings"; and

(2) striking out the first sentence of subsection (c) and inserting in lieu thereof a new sentence as follows: "The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsection (a) or (b) of this section, whichever is applicable, shall be paid in stock, participation certificates, or cash, or in any of them, as determined by its board, as patronage refunds to borrowers to whom such refunds are payable who are borrowers of the fiscal year for which such patronage refunds are distributed.".

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MRS. HECKLER

Mrs. HECKLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Heckler: Page 18, beginning on line 14, strike out "or" and all that follows through "Administration" on line 18.

Page 18, line 24, strike out "subparagraphs (B) and (C):" and inserting in lieu thereof "subparagraph (B):".

Page 19, strike out line 5 and all that follows through line 14 and insert in lieu thereof "stock,; and".

Page 19, line 15, strike out "paragraphs (18) and (19)" and insert in lieu thereof "paragraph (18)".

Page 19, strike out line 17 and all that follows through line 24.

Page 20, line 1, strike out "(19)" and insert in lieu thereof "(18)".

Page 21, strike out line 7 and all that follows through line 1 on page 23 and insert in lieu thereof the following:

(1) striking out "The" and inserting in lieu thereof "(a) The"; and

(2) adding a new subsection (b) as follows:

"(b) Notwithstanding any other provision of this title,

Page 34, strike out line 24 and insert in lieu thereof "subsection (b):".

Page 35, strike out line 22 and all that follows through line 18 on page 37 and insert in lieu thereof "the thirty-day period.".

The CHAIRMAN. The Chair will advise the gentlewoman from Massachusetts that part of her amendment goes beyond title III, the pending title of the bill.

Mrs. HECKLER. Mr. Chairman, I ask unanimous consent that, notwithstanding the fact that part of the amendment goes beyond title III, it be considered at this point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. HECKLER. Mr. Chairman, I believe that this issue of adequate credit for farmers is legitimately addressed by many sections of this bill, and it is a subject that has my strong support and my sympathy.

The question in the area in which I propose the amendment for deletion relates not to farmer credit. The issue is not farmer credit for export financing. There is no question but there has been sufficient credit to export our agricultural commodities. Credit has never been denied. We have continued to maximize and capitalize on every available credit opportunity.

The real issue in title III and the other sections affected by this new grant of power to the FCS is the question of the export financing capacity which it envisions and which it encompasses. Under this bill, and especially under title III, the farm credit system would have authority to finance nonagricultural pursuits without strong outside supervision. It would not subject their financing arrangements to the same rules of the game which are those which must be observed by the private banking sector. This would mean that the money would be available without any holds barred, and the financing could go so far as to finance the cotton export, and the financing of a designer blue-jean factory is conceivable but a far-fetched, perhaps, example. This is directly available under the powers of the bill because the language of the financing provisions of this bill is so broad that the interpretation is simply without limitation whatsoever.

The bill itself in this provision will not enhance credit capability for American farmers. Therefore, it is not needed as a part of the bill itself. And, in fact, when the Agriculture Committee considered the bill, I do not believe sufficient consideration was given to the impact on monetary policy which this particular section would include and involve. It has not considered the impact on the capital market on consumer prices or inflation.

Presently the farm credit system has $5.2 billion in agricultural debt outstanding. This could be increased incredibly with the addition of an unlimited ability to finance export businesses.

□ 1600

No estimates have been made of how many billions would be switched from the housing industry, from State and local government projects, and from the rest of the Federal bond market. Because this impact could be so great across the board, it would fly in the face of the regulatory reform we have placed upon all other credit-granting institutions, all of the banks under the Federal Reserve System. I do not feel that creating preferential treatment for the farm credit system and banks for cooperatives is justified.

Certainly, if we have a standard on export financing, it should be the same standards for the farm credit system as for export financing under our commercial banks. On the whole, it seems to me that there are no circumstances which exist which would justify this radical expansion of international financing powers by the banks for cooperatives under the farm credit system, and consequently I believe that, given the record of the private sector and the potential impact that could be very negative on the needs of the agricultural community itself, the impact on the consumer, and the impact on inflation, I believe that the authority sought in H.R. 7548 is unnecessary and is a discriminatory reach into international banking that is not warranted.

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I disagree with the gentlewoman because I think this would enhance the ability to sell farm commodities abroad, and help our balance of payments. The gentlewoman keeps talking about the negative impact on the agricultural community. I cannot for the life of me find out what the negative impact would be for a grain farmer, for a livestock producer, if these provisions stay within the bill. It would seem that the impact would be astronomically positive because they would have an additional way to get their products overseas.

Mrs. HECKLER. I might say that the negative impact comes in the inevitable dilution of funding that would be available to the actual agricultural producer. Under the current language of the bill, which provides for the funding for the export or import of agricultural commodities, the process of refining the commodity such as taking the cotton from a cotton mill and refining it into blue jeans, would also make the refiner, the blue jean manufacturer, the exporter, the middleman, and so forth, and indeed foreign corporations, eligible for financing. That is not serving the American farmer.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

(At the request of Mr. GREEN and by unanimous consent, Mrs. HECKLER was allowed to proceed for 5 additional minutes.)

Mr. GREEN. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I will be happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I want to commend the gentlewoman for raising this issue both now and in the general debate, because I think it is a most important one. I should point out to the committee that the gentlewoman, in addition to her present service on the Agriculture Committee, has in the past served on the Banking Committee, so that she knows whereof she speaks on banking matters as well as agricultural matters.

I would simply like to make the point that we have had to learn very painfully in this Congress that credit is not infinite, and when you have borrowing assisted by law for one purpose, you are in essence crowding the market in terms of borrowing for other purposes. I think that the language in the bill which the gentlewoman proposes to delete by her amendment may be a very radical change, or potentially a very radical change in credit arrangements in this country.

As a member myself of the Banking Committee, I am very concerned that our committee has not had an opportunity to hold hearings on this legislation and what the impacts would be on the Nation's banking system. I would simply urge my colleagues to vote for the gentlewoman's amendment at this time so that this matter can be explored not only in terms of the very real issues which the gentlewoman raises as to its impact on agriculture, but indeed in terms of the impact on our credit markets as a whole.

If that further exploration should show that that impact would not be significant, then perhaps we could return to this next year, but I feel that the gentlewoman is raising a very important issue, and I would urge the House to exercise some caution and vote for the gentlewoman's amendment.

Mrs. HECKLER. I thank the gentleman from New York for his kind remarks. I would like to say that I share his sentiments. I would not be opposed to the consideration of the grant export authority which was fully debated, and fully analyzed by not only the Agriculture Committee but the Banking Committee as well. I am concerned about the crowding out of the markets for the funding of other projects. I am concerned about the impact for the agricultural producer, who is not necessarily the main beneficiary here. I am concerned about setting up two different systems, one which regulates all the other export financing companies and banks and private sector financing, and the other that deals with the export financing for the agricultural sector.

I think we are giving an unparalleled commitment of authority to the farm credit system under this bill. It is dangerous; it is unwarranted; it is unnecessary, and it could lead to very serious repercussions for the consumer, for the American taxpayer, and for the producer.

But, I personally would not be opposed to it if, after the thorough investigation by the Banking Committee, it was considered to be within the limitations of good policy; and second, if the limitations on borrowing and financing would be imposed as well on the farm credit system as they are on the other financing institutions. I think one system should apply.

Mr. HINSON. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman from Mississippi.

Mr. HINSON. Mr. Chairman, I thank the gentlewoman for yielding. I am one of the sponsors of this original legislation, and I think she has an excellent amendment. This bill, as presently written, grants very broad new powers to banks for cooperatives which I feel would put them in an unfair competitive position with an unfair advantage over commercial banks.

I commend the gentlewoman for the quality of her amendment, and urge all Members to support it.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Massachusetts.

As a cosponsor of the original Farm Credit Act amendments, I am anxious to insure that the farm credit system be allowed to keep pace with the growing needs of farmers, ranchers, and their cooperatives. Yet I am equally committed to insure that any expansion of powers granted by today's legislation would not be at the expense of other financial institutions. If enacted, H.R. 7548 would grant to the banks for cooperatives, and other entities in the system, broad new powers, both domestically and internationally. Many of the activities which would be permitted are prohibited to commercial banks and the thrifts because of our longstanding policies of separating banking and commerce.

Mrs. HECKLER's amendment addresses that portion of the bill which creates a special export system for the exclusive use of farm cooperatives, which I fear will grant unfair and unnecessary advantages to the cooperative sector over private industry. The export financing authority sought in title III of H.R. 7548 would allow a bank cooperative to make its financial services available to a foreign or domestic party with respect to its transactions with a cooperative for the export or import of agricultural commodities, farm supplies, or aquatic products. This provision permits a significant departure from traditional bank for cooperatives financing in that it authorizes the financing by the banks of parties that are not cooperatives. Thus, a system created by the Government and having Government-authorized advantages in order to serve farmers and ranchers, will be offering general financial services to a wide range of customers not currently ineligible for the special treatment offered by the cooperative farm credit system.

Banks subject to Federal Reserve supervision are limited in the amount of credit exposure they can incur in certain countries. No such restrictions are placed on the banks for cooperatives, thus allowing cooperatives the potential advantage of captive markets.

I continue to endorse all of the traditional methods of making credit available to agriclultural producers, and I recognize the need for improvement. Likewise, I feel that Congress should promote exports, but export credit must be available to the entire U.S. export community and not be the exclusive province of a particular segment of the farm economy which already enjoys significant advantages over the private sector.

To finance export sales, cooperatives have access to private sector banking facilities, Consumer Credit Corporation, and Export-Import Bank guarantee programs. The private banking community and the farm credit system have an outstanding record of administering to the important needs of this most productive segment of our economy—the American farmer. Given both the excellent record of the private banking sector and the potential of an expanded CCC credit program, I feel that the export financing authority provided in H.R. 7548 is unnecessary and discriminatory and should be stricken from the bill.

Because of the competing advantages in H.R. 7548 and the impact of farm credit activities respecting the flows of credit to agriculture and the rural communities, I would prefer that further consideration of this measure be given by the appropriate committees of the House, including Agriculture and Banking. I believe there is a need to consider the impact of this change in export financing to determine whether this authority is needed to give farmer cooperatives additional sales capabilities in international markets.

I fully support Mrs. HECKLER's amendment to strike that section dealing with the wide-ranging international banking activities of the banks for cooperatives, and I urge your vote in its favor.

Mrs. HECKLER. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentlewoman yielding to me.

As the gentlewoman knows, having served on the Banking Committee as she did for so many years, there are many small banks around the country that really get into much of this kind of thing. My understanding is that they are concerned about this, as the gentlewoman has stated, unwarranted expansion and unnecessary expansion of power, that many of them already handle this kind of thing.

Can the gentlewoman tell us, is there a great effort here by the small banks; do they want this, or is there a genuine concern on their part that it is not needed by the banks for cooperatives?

Mrs. HECKLER. It is my perception that there has been no great demand by the banking community, although the independent bankers do support the bill as it is written. The American Banking Association does not.

Mr. ROUSSELOT. How about the independent bankers?

Mrs. HECKLER. The independent bankers are in support of the bill in its current form.

Mr. ROUSSELOT. Are they in support of this particular provision?

Mrs. HECKLER. I am not aware of their opposition to this particular provision.

Mr. STANTON. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has again expired.

(At the request of Mr. STANTON and by unanimous consent, Mrs. HECKLER was allowed to proceed for 3 additional minutes.)

Mr. STANTON. In answer to the last question, I would presume that they probably are supportive, but whether they are or not really is immaterial because what the gentlewoman is talking about here is international fund transactions, and what we are just talking about here is part of the larger financial institutions.

Mrs. HECKLER. Exactly.

Mr. STANTON. Far more important than that, I say to my friend from California, is that it would be getting into, without the gentlewoman's amendment, the dangerous field of tremendous expansion of power for the farm credit cooperatives into the international lending field.

Mr. ROUSSELOT. Is that part of their original charter, to be in that field?

Mr. STANTON. It is not only not part of their original authority, it is not even the authority we in the Banking Committee have given to anybody else.

Let me point out that at the moment—the gentleman is familiar with the Export Trading Act—a lot of the big banks in California want this. A lot of other institutions want it. Our theory in the committee has always been to allow the banks to get into this field of commerce and trade at the same time. This is very similar to the problem we are getting into here. At the same time, it is very highly competitive. Let me quote something that I picked out of a committee report:

> It permits a significant departure from traditional banks in cooperative financing in that it authorizes financing for banks or cooperative financing for parties that are not cooperatives.

I say to the gentlewoman, if we do not take a look at this and maybe in conjunction with the Banking Committee come up with some language that would be fair to everybody, I think and I would hope that the House here today would support the gentlewoman's amendment.

□ 1610

It is regrettable that our committee has not had a chance to take a look at this. I say that because down the road I see great troubles between the farm credit system and the financial institutions of our country. They have gotten themselves involved, I believe, unnecessarily so in this legislation, in loggerheads that should not be there.

Second, this could be only to one detriment, and that is to the detriment of our farmers. They are going to be the losers in the long run.

So I strongly support the gentlewoman's amendment. With this amendment or without this amendment, I strongly support the legislation, but I would sincerely hope that the gentlewoman's amendment would be adopted. It is in the best interests of the farmers and everyone in this country.

Mrs. HECKLER. Mr. Chairman, I thank the gentleman for his comment.

Would the gentleman not agree with me that this is setting up a two-tiered system of regulation, and that in one sense the export financing regulations are fairly extensive and complex and deal with all the commercial financing for virtually all of the products, but under this bill, we would set up a preferential system for agriculturally related, although not directly agricultural, products in the agricultural financing system under the Farm Credit Act? Is that a two-tiered system?

Mr. STANTON. It is really a significant departure from the historic concept of the act.

The CHAIRMAN. The time of the gentlewoman from Massachusetts (Mrs. HECKLER) has expired.

(On request of Mr. ROUSSELOT, and by unanimous consent, Mrs. HECKLER was allowed to proceed for 3 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I am happy to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, if I may make this comment to the ranking minority member of the Committee on Banking, Finance and Urban Affairs, I understand his judgment is that this portion of the bill, which I know he does support—I refer to the whole bill except for this part—does take the original charter of this institution far beyond its original intent?

Mr. STANTON. Mr. Chairman, if the gentlewoman from Massachusetts will yield, yes, the gentleman is absolutely correct.

Mr. ROUSSELOT. I just do not think we need to create more financial institutions beyond what they are supposed to do. That makes a lot of sense to me.

Mrs. HECKLER. Mr. Chairman, I thank the gentleman for his comments.

Mr. WYLIE. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment and rise in support of the position of the ranking minority member of the Committee on Banking, Finance and Urban Affairs.

I think the language in the bill in its present form is premature. There are all kinds of questions of taxation and reserve requirements that have not been addressed. There are many complicated considerations that ought to be dealt with. It seems to me also that this is a subject that ought to be considered by the full Committee on Banking, Finance and Urban Affairs, with testimony being taken.

I, therefore, believe the gentlewoman from Massachusetts (Mrs. HECKLER) has made a significant contribution, and I do support her amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I realize this is a complicated area in the financing of exports. It is a new area and one that this committee has to get into, even though there may be some issue about the feelings of the Committee on Banking, Finance and Urban Affairs being slighted because it does not have the jurisdiction.

I have a letter dated September 16, 1980, from the chairman of the Committee on Banking, Finance and Urban Affairs, Mr. HENRY REUSS, in which he says that a request for jurisdiction for the Farm Credit Administration's lending authority lies exclusively under the jurisdiction of the Agriculture Committee under the rules of the House.

Obviously what we have here certainly is an expansion of farm credit authority over what it was 30 or 40 years ago, but we also have an enormous change in the farm economy of the world.

Mrs. HECKLER. Mr. Chairman, if I may, I would like to reclaim my time since it is about to expire.

I would like to point out that the gentleman from Ohio (Mr. ASHLEY) also sent a message to the Committee on Rules in support of my amendment and in opposition to the position taken by the distinguished chairman of the Committee on Banking, Finance and Urban Affairs.

I am interested not in the turf or protecting the jurisdictional turf of one committee over another; I am interested in protecting the American consumer and having a fair system of international financing for agricultural and nonagricultural products and having a thoughtful consideration of this issue by the Congress.

I believe that this is a radical departure from the purpose of the Farm Credit Act and flies in the face of regulatory deposit reform which we in this Congress passed in the last session of Congress.

Mr. WYLIE. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I am a supporter of the banks for cooperatives concept, as the gentlewoman knows, and I was one of the original sponsors of the National Consumer Cooperative Bank. We did get into the whole area of that subject in the debate on that bill.

However, I do feel this is expanding the jurisdiction of the banks for cooperatives for export trade.

The CHAIRMAN. The time of the gentlewoman from Massachusetts (Mrs. HECKLER) has again expired.

(On request of Mr. STANTON, and by unanimous consent, Mrs. HECKLER was allowed to proceed for 3 additional minutes.)

Mr. WYLIE. Mr. Chairman, if the gentlewoman will yield further, I would think that, although originally the chairman of the full Committee on Banking, Finance and Urban Affairs, whose judgment I certainly respect, might have approved this procedure as being in the jurisdiction of the Committee on Agriculture, the amendment expanded the concept in this area. So perhaps the Committee on Banking, Finance and Urban Affairs ought to take a look at it.

Mr. STANTON. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I am happy to yield to the distinguished ranking minority member.

Mr. STANTON. Mr. Chairman, there is one conclusion we could draw this afternoon, and that is that I do not think anyone could disagree that there is a growing difference and a dangerous difference for our farmers in the attitude toward this particular amendment between the farm credit system and financing institutions in our country.

For that reason alone, I believe we should adopt the gentleman's amendment and take a slow look at it. The rest of the bill is excellent legislation, and I think we should go on with the legislation. I hope the gentlewoman's amendment is supported.

Mrs. HECKLER. Mr. Chairman, I thank the gentleman from Ohio (Mr. STANTON).

I would like to say that I, too, support the banks for cooperatives. I support the concept very strongly, but I think this title and the amendment points out what I consider to be a serious and radical departure from sound financing policies which could have ramifications across the board for financial markets and for the consumers and indeed for the farmers.

Mr. Chairman, I urge support for the amendment, and I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I rise to express my opposition to the amendment that has been offered by the gentlewoman from Massachusetts (Mrs. HECKLER).

If this bill contains any major feature, it is the feature that provides credit for export-import transactions. If this amendment is accepted, it would gut the legislation in terms of what it is primarily designed to do. Those Members who oppose providing this kind of credit in terms of international transactions ought to vote against the bill, but certainly I think the membership ought to have the opportunity to vote up or down on the entire legislation, as opposed to an amendment which literally does away with the primary purpose of the legislation.

It is very important to recognize that America's farmers and fishermen, along with their cooperatives, are beginning to extend themselves into more export-import transactions. As a matter of fact, for wheat producers alone, over one-half of that commodity crop is exported. It is estimated that the exports in 1980 will total at least $40 billion, which is an all time record level.

There is no question that if our farm people who are involved in agriculture are going to do anything with their products, they will simply have to engage in trade. In terms of our own trade balance, it is very essential that we allow our farmers and fishermen to reach out into those markets; to be able to have the banking institutions and the farm credit banks be cooperative in extending that opportunity to farmers.

The positive effect of this is going to be to help our balance of payments. It is positive in terms of reaching out and providing new markets for the products that are developed. That is the purpose here.

Obviously, the banks for cooperatives did not extend into that area. Very frankly, I shared some of the concerns of the gentlewoman from Massachusetts (Mrs. HECKLER) in terms of how much authority we were going to give the banks for cooperatives in the international markets. The bill that was originally drafted and presented to the committee was far broader than this. It was much broader.

There were many of us on the committee who felt that we ought to restrict the authority of the banks for cooperatives in terms of their extension of credits to import-export transactions alone, and through an amendment that I offered in the committee we in fact provided that kind of tight control on those transactions.

The amendment that I offered and which was accepted in the committee restricts the expanded authority of the banks for cooperatives to deposit their funds in foreign and domestic financial institutions to those deposits that are necessary to facilitate export-import transactions. It eliminated provisions specifying certain additional investment opportunities for the banks. It narrowed the authority of the banks to acquire ownership interest in business entities. It limited the authority of the banks to maintain credit balances to export-import transactions authorized elsewhere in the title.

It limited the exchange services again to export-import transactions. It limited the bank financing of non-cooperative policies again to export-import transactions, and it did a number of other things.

In addition to that, we require that the Farm Credit Administration consult closely and on a continuing basis with the Federal Reserve in developing regulations to implement these new authorities and indeed, if there was a conflict between the Federal Reserve and what the credit banks were talking about, they had to come to the Congress and the Congress held the veto power. So we have a veto power, in effect a legislative veto, in terms of these additional regulations.

□ 1620

Thus, the result is that we have a legislative veto in terms of all regulations to be proposed by the farm credit system. There are restrictions that limit these authorities to export-import transactions alone. We are not giving farm credit banks an open checkbook in terms of our foreign regulations. Banks have far more authority in those areas. However, we are expanding the authority of the farm credit system to provide some additional assistance to farm cooperatives so we can expand those markets. That is basically what this bill does. It has the proper restriction. We feel it does provide the proper limitation and yet it has the important ingredient of providing additional funds for farmers to expand their markets abroad.

Mr. BARNARD. Will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Georgia.

Mr. GLICKMAN. If the gentleman will yield, I would like to reemphasize what my colleague, the gentleman from California (Mr. PANETTA) says. The gentleman offered amendments in the committee which significantly tightened the operations under the bill so it does limit cooperative export financing. However, I would like to make another point. That is in the era where export financing of agricultural commodities may be the only thing that is going to save our dollars overseas, this reflects the first flexible creative approach to sell large quantities of grain and agricultural commodities overseas since I have been here in the House and I think it does reflect a combination of tight controls as well as a new avenue to sell our agricultural products overseas.

I might make a third point. I agree with some of the things the gentlewoman from Massachusetts has said. I am a bit worried about the growth of the farm credit situation so I will be offering a sunset amendment when we come to the end of the bill that will sunset the operation of the export financing as well as the OFI discount window so that we can provide some reasonable congressional assurance that we will review these things in the years to come.

Mr. PANETTA. Let me say it is equally important to understand what this bill does not do. The bill does not authorize the banks of cooperatives to finance international transactions of the private export trade. It does not do that. It does not authorize the banks to finance manufacturing of processing operations of foreign firms. It is limited in its application to the export or import transaction of cooperatives, which means that we are tightening the focus solely to import-export transactions that involve those goods.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. BARNARD and by unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. BARNARD. In tightening up the operation of the banks for cooperatives, you are not saying we will be operating within the province of the Federal Reserve System.

Mr. PANETTA. That is correct.

Mr. BARNARD. Are there any regulatory agencies at all that would come into play? The reason I ask this question is, international financing seems to me to be a very, very exacting business today. It takes a lot of expertise. This is a brand-new field of endeavor that the banks for cooperatives will be getting into. What safeguards do we have that they are going to be operating in good lending practices. I mean there are no regulators to control this.

Mr. PANETTA. What we have provided and required in this legislation is that the Farm Credit Administration consult closely and on a continuing basis with the Federal Reserve. Initially, their first proposal was that they would simply consult with the Federal Reserve, but regardless of the position of the Federal Reserve, they would still go on their own course as determined by their own board.

What I have included in my amendment, which is incorporated in the bill, is that if there are any disagreements where the Federal Reserve says, "No, you are going out of bounds," then those differences must come here to the Congress and the Congress must have the opportunity, through its veto power over those regulations, to pass judgment on that and determine, in fact, whether the credit banks are to be given this additional authority. So there are two checks. The first is that they are required to consult with the Federal Reserve. The second is, if there is any conflict that cannot be resolved between the Federal Reserve and the Credit Bank, it is to be resolved by the Congress.

Mr. BARNARD. Mr. Chairman, will the gentleman yield further?

Mr. PANETTA. I yield to the gentleman.

Mr. BARNARD. Is there a periodic reporting in this or is it just going to be as they see fit to go before the Federal Reserve?

Mr. PANETTA. The bill does require reporting on a continuing basis.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ENGLISH and by unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I will be pleased to yield.

Mr. ENGLISH. I think it should be pointed out that back in the 1930's when we set up the Farm Credit Administration, the reason it was not made a part of the Federal Reserve was the recognition that agricultural lending and its needs were different than the lending needs for the rest of the country and it needed to be independent and that was a very basic decision that we have operated under for nearly half a century now.

I think all we are doing with this piece of legislation is carrying through.

Certainly the expertise of the Federal Reserve System needs to be recognized and they need to be consulted. I think the gentleman from California with his amendment in the committee certainly dealt with that problem and has done it very well but I think it would be a very serious mistake to bring the Farm Credit Administration under the Federal Reserve and expect it to be dealt with in the same manner.

Mrs. HECKLER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER. Mr. Chairman, I would just like to say that I think while the gentleman's amendments were of value and improve the bill they still left a vast expanse of nonregulation in which I think the comments of the prior speaker are extremely relevant. The Farm Credit Administration was set up to finance the farm purchases and the need of the farmer for production purposes.

Now, we are going into exporting finance where the needs for export are not very different from the export financing needs of other commodities and of other business interests in America. Therefore, the farm export financing should not be on a different basis. It is one thing to have consultation with the Federal Reserve, for which this bill does provide, but all of the other international financing is not done in consultation but under the mandate of the Federal Reserve.

We do not know what the loans would be, what the guidelines would be, what the maximum loans would be, what the time limitations for repayment would be and, in effect, there is no comparison, I would say to the gentleman between the two.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. BEDELL and by unanimous consent, Mr. PANETTA was allowed to proceed for 3 additional minutes.)

Mr. PANETTA. If I may respond to the gentlewoman, I recognize this, we are giving additional powers. There is no question about that. No one should make any mistake about that. We are giving additional powers to the Credit Bank. The question is how do we control those additional powers, recognizing that assistance to farmers is no longer just a question of the ability to grow a crop, it is also the ability to market that crop abroad. That is the reality with which we are dealing. If farmers are going to make it in this country, they are going to make it largely on their ability to sell goods abroad. That is a whole new marketplace in which we should be actively involved. That is why we believe we need to provide these additional authorities.

We also believe we can provide the necesary checks. Legislative veto is one of those checks. Whatever regulations, whatever rules they develop to implement these powers will have come here to the Congress for our review. It is at that point that the Committee on Banking and the Committee on Agriculture will be able to say yes or no, that the authorities provided in these regulations do meet these concerns.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Iowa.

Mr. BEDELL. I think the point has been made, and accurately so, that when the original farm credit system was set up, it was set up to help farmers. This is an expansion. I would hope we would recognize the needs of farmers change as time goes on. Certainly the need for us to export our products today, compared to what it was when the farm credit system was first set up, is significantly different. Certainly there is a need for us to adjust to what are the needs of the farmers.

I am disturbed over the argument made here today that this is a disservice to the farmers for us to do this. This passed the Committee on Agriculture by a vote of 46 to 0. I think that is an indication that those of us who represent farmers believe that our farmers feel that it is important for us to build our exports and that financing should be used for that purpose as well as for the other lending that is needed therein.

Mr. Chairman, I see the need for the Banking Committee in many of these areas but I would hope that we would feel that the Committee on Agriculture would be the committee of the Congress that could best recognize what are the major needs of our agriculture community. If we even go beyond that, it has already been pointed out the tremendous need we have for agricultural exports for our balance of payments.

I thank the gentleman for yielding.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I take this time to rise in opposition to amendment offered by the gentlewoman from Massachusetts.

I am a member of the President's Export Council which has just completed its consideration and made recommendations to the White House for implementation next year. One of the many areas of most concern was the inadequacy of credit provided for agricultural products. Speaking with personal knowledge of the difficulty farmers have in northeast Arkansas, in southeastern Missouri and in western Tennessee——

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. ALEXANDER and by unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. PANETTA. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, speaking from personal knowledge in that region, I am one of the organizers of a nonprofit trade center which exists for the purpose of assisting farmers and small manufacturers to enter into agreements with foreign buyers to buy their products, to market their products.

□ 1630

Banking services are one of those needs that we have the most need for. I expect that is true in most nonmetropolitan areas. Now, they do not have any problem in the Northeast where you have the big banks. I doubt if they have problems in the St. Louis region, in the Memphis region, maybe even in the Chicago region, where they have done these practices for years and years. But direct exporting is a new enterprise for farmers small- and medium-sized range.

We need this bill in order to expand our exports. Increased exports is one of the essential ways that our country has of offseting a devastating negative trade balance which, for the last several years has reached heights of about $30 billion.

I urge my colleagues who represent farming communities and developing areas to vigorously oppose the amendment offered by the gentlewoman from Massachusetts.

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has expired.

(At the request of Mrs. HECKLER and by unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mrs. HECKLER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER. I thank the gentleman for yielding.

I would like to comment on the gentleman's comment on my earlier statement on the expansion of authority and the question of whether or not something beyond the agricultural community would be the beneficiary of financing under this new breadth of export financing authority given to the Farm Credit Administration.

I would say that the gentleman, I am sure, would agree with me that the bill does not define the export or import of agricultural commodities and that since the farm credit system itself would be in the position of judge and jury on the interpretation of the powers, it would not be out of order for them to interpret those powers quite broadly. Under a broad interpretation of the powers, it is quite possible that any domestic middleman engaged in the export process who transacts business with an agricultural cooperative becomes eligible to borrow from a bank for cooperatives for the export financing, and it is the export middleman and ultimately potentially the jean manufacturer whose sales would be equally eligible for financing under this power. This kind of a broad expansion of power for export without the limitations imposed by the Federal Reserve System creates chaos in the international export market.

I would just like to ask the gentleman what his attitudes are toward this broad expansion and the lack of definition of export-import, which leads to my conclusion that the farmer would not be the main beneficiary, but, indeed, the middleman, the processor, the manufacturer, and, indeed, the foreign businesses which are directly authorized in section C on page 19, which authorizes the bank for cooperatives to fund ownership interest in foreign business entities that are principally engaged in providing credit information to providing such service functions.

Now this expansion of foreign business funding and the expansion without definition of financing of export-imports, as they relate to farm products, can, indeed, provide under broad interpretation funding for virtually anything. Would the gentleman not agree?

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has again expired.

(By unanimous consent, Mr. PANETTA was allowed to proceed for 1 additional minute.)

Mr. PANETTA. If I might just respond, I think if the gentlewoman will look at the report language on pages 38 and 39, dealing with the whole issue of the export-import transactions, it is specifically directed at the export-import transactions relating to farm goods and supplies; and I think it provides adequate backup in terms of any credit system that might try to play games with this provision.

We were aware of that concern when we dealt with this bill in committee. Because of that, we built report language into the report which makes it very clear that this is to relate specifically to export-import transactions and that the committee will carefully consider those regulations when they come here for our review to insure that they are directed at that area and that area alone. We think we have adequate protection here to avoid the kind of games that both of us are concerned about.

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

I would like to speak to a different issue than what I have heard addressed thus far, specifically, the last comments of the gentlewoman.

I want to speak as a farmer as I view this from the farmer's eyes.

I believe very strongly in the free enterprise system. Competition plays a vital role in the free enterprise system.

When one looks at the fact that of the 1.4 billion metric tons of grain that were produced in the world in the last year and one finds that 86 percent of that grain is consumed in the country in which it is grown, 14 percent enters into world trade, 14 percent of the total world grain production. Then when ones looks at the very real fact that the United States contributes 60 percent of the total grain trade in the world, and as one follows a little further and finds that there are four major companies within the United States, three of which are foreign owned, a fourth of which is partially foreign owned, these four companies account for 90 percent of the total U.S. grain trade. One can see the concentration in world grain trade.

What we are talking about today is providing a little competition which I believe will be very, very beneficial to to the farmers of America in world grain trade, competition that we do not have today. That has to be healthy for the American farmer. That has to be healthy for all Americans, because when one looks at the very real fact that of the $40 billion that we have sold into the export market this year of agricultural commodities, when we talk of wheat, we have not yet sold one bushel of wheat above the average cost of production of farmers in the United States to anybody in the world as of today.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Iowa.

Mr. HARKIN. I want to compliment the gentleman on what he is saying and to underscore the point the gentleman is making about the fact that four of these major grain firms do all of the selling abroad and three of them are foreign-based, I just underscore that by saying not only are they the major exporters of our grain, they are the major exporters of Canadian grain, Argentinian grain, and European grain, and also those same grain companies are the major importers of grain in Western Europe, the Middle East and Japan; and so the gentleman does raise the question, what kind of competition is there really in that trade; and the gentleman is correct.

This will provide that cutting edge of competition that is needed.

I thank the gentleman for his comments.

Mr. STENHOLM. I thank the gentleman for his comments.

Mrs. HECKLER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER. I thank the gentleman for yielding.

I would like to say to the gentleman that I, too, have a concern about the farmers' ability to get credit and about the extension of export financing, and it is not with a desire to limit that that I proposed the amendment. It is simply to create a fair system.

This bill creates a preferential system for the export of any agriculturally related products versus the highly, tightly regulated system created by the Federal Reserve; but the point that I wish to make to the gentleman is that the farm organizations did not speak in favor of this.

The Farm Bureau said this is a far-reaching proposal. International banking is a complicated and risky business and seems a long way from the original intent and purpose of the farm credit system.

The National Farm Union said this amendment is perhaps the most significant in terms of changing the nature of the lending operations of the banks for cooperatives. International banking is a complicated business.

The Grange called upon the committee to give consideration to the impact on the availability of funds to meet the credit needs of the agriculture sector for granting the authority for export financing.

Now the gentleman knows of these comments, and I wonder, would the gentleman say the opinions of the Farm Bureau, the Grange and their concerns for the legitimate credit needs of our domestic production, which is the purpose of the act, if these opinions are not well-thought-out and well-expressed and indeed indicative of the basic farm needs of the country?

☐ 1640

Mr. STENHOLM. I agree totally with the concerns the gentlewoman has just expressed and all of the farm organizations that have expressed those concerns. I believe that we have adequate safeguards in this particular legislation that will see that the worst things that have been talked about that will occur from the farmers' standpoint will not occur.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, to respond to the gentlewoman, those very same organizations that the gentlewoman mentioned, sure, they raised those. That is why we had hearings. That is why we had over a year, almost a year of solid hearings on this bill. Those same farm organizations support the passage of this legislation in its present form.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(At the request of Mr. JONES of Tennessee, and by unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the distinguished gentleman.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

I want to commend the gentleman for what he has had to say. I want to say that I think the gentleman is exactly correct in the position he has taken.

I want to point out to this body that 1 of every 3 acres of grain that is produced in this country today is exported. It is something to be thinking about. One out of every three dollars earned from grain is derived from overseas sales. We need some new methods of financing.

It seems to me that the farmers' own organizations should have the right to do it. Increased agricultural exports mean more jobs for farmers and for nonfarmers alike.

I think there are some people here on the floor today that are overlooking this fact when they say that this is just a one-sided piece of legislation. It benefits everybody.

I hope that we will vote down the Heckler amendment.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment offered by the gentlewoman from Massachusetts. I do so with deep respect, because on many occasions we have been together in common causes in the past and I am sure we will be in the future.

I speak, though, from perhaps a little different perspective, coming from the State of Illinois which is the State that ships more farm products overseas than any other State in the union. In fact, one-half of the soybeans produced in the State of Illinois go overseas, about a third of the corn, and while I may have to defer to my friend, the gentleman from Iowa, as to whether Illinois is the leading farm State or not, on many fronts I am sure the gentleman would acknowledge that we are certainly among the leaders.

We have a great stake in farm export expansion. The gentlewoman from Massachusetts (Mrs. HECKLER) has helped us on many fronts in expanding the opportunity for these greater exports abroad. I can recall some such occasions, so that I know the gentlewoman's motivation is a sincere one; but every bit of expansion of farm exports helps the entire country and certainly helps the farmer, wherever he may live and in whatever commodity he may produce. Even though it may bring some profits to middlemen and to other interests, it ultimately helps the farmer because it expands his total income opportunities.

I see the expansion opportunity for farm credit that is already written in this bill as vitally important. In fact, it is the heart of the bill. If this provision should be stricken from the bill, the bill would be seriously weakened. I think it would be a shame for the amendment to be adopted.

Now, it is also worth noting that cooperatives are already in the business of shipping overseas. They are doing a good job. It is only a modest beginning, however. This legislation will enable cooperatives to expand their work in export shipments substantially. I say that is to the distinct advantage of every farmer in this country and every citizen in this country for the reasons cited by the gentleman from Texas. It will impart a new level of competition in the field of export expansion.

We have great grain trading companies that historically have done a good job. They compete with each other I am sure very closely, and yet anyone who has watched the development of cooperatives over the years will acknowledge that it has played a vital role in the establishment and expansion of competition. It provides a yardstick for performance by the private corporate structures.

I am sure the same will develop as we put into law the very proper and wise provisions of this legislation.

I, therefore, hope that my colleagues will join me in opposition to the Heckler amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

Now, my understanding is that under the provisions in this bill relating to the banks for cooperatives that we are discussing enjoy significant antitrust and tax advantages over the private sector, so that this expansion of authority beyond what was originally intended under the Farm Credit Act tends to give these cooperatives a very, very substantial advantage over other financial institutions.

Mr. FINDLEY. Could I interrupt the gentleman?

Mr. ROUSSELOT. Yes; certainly.

Mr. FINDLEY. First of all, this is the private sector. It is a cooperative form of organization, but it is the private sector.

Mr. ROUSSELOT. I understand that.

Mr. FINDLEY. And furthermore, we may have lost sight of the fact that the money brought into the expansion of farm exports is private money. It is not out of the U.S. Treasury.

Mr. ROUSSELOT. Oh, I understand that also.

Mr. FINDLEY. I am sure the gentleman will support that idea.

Mr. ROUSSELOT. What I mean is that on the borrowing side the banks for cooperatives under these new powers still would have significant antitrust and tax advantages.

Mr. FINDLEY. They would have advantages, I freely recognize that.

Mr. ROUSSELOT. We, of course, are only concerned about the expanded powers in international finance.

Mr. FINDLEY. And should their role in the farm export business expand to the point where I think it is imposing any hardship or unfair disadvantage to the other firms engaged in it, I would join the gentleman in corrective legislation; but what I foresee coming from this legislation is so modest in terms of competition that I think it is a problem that we can set aside.

Mr. ROUSSELOT. I urge my colleagues to support the Heckler amendment.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. Yes.

Mr. BEDELL. We should point out that three of those four firms are foreign owned that we are talking about as well.

Mr. FINDLEY. Good point.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment.

Mr. Chairman, I would be perfectly willing to have the House work its will on this amendment and other amendments without my having to speak on every one and would be perfectly willing to sit quiet during debate on this amendment if the debate had been accurate in terms of the information that was being provided to the committee as the debate went on.

As a matter of fact, the small banks that have been referred to here support this bill without the amendment being offered by the gentlewoman from Massachusetts. This amendment is not being offered in behalf of small banks, as has been suggested.

With regard to farm organizations, all the farm organizations, every one regardless of its size, is supporting the bill as it was reported by the Agriculture Committee, by a vote of 41 to 0. In defense of the 41 people who voted for the bill in its present form, which included all of the Republican members of the Agriculture Committee, I would have to say that the export provision of the bill which we are discussing here received more intensive review than any other provision in the bill during both the subcommittee and committee consideration.

The Farm Credit Administration was called upon to explain both the purpose and the need for this section several times and, as a matter of fact, more than 4 hours of the full committee time was devoted one afternoon to a discussion of this section of the bill.

As to the question who else could benefit from this legislation, without the amendment of the gentlewoman from Massachusetts, the gentleman from California, the gentleman from Tennessee, and others, have acknowledged that we have had a concern about that and because of that concern there is a requirement for an ongoing evaluation by the General Accounting Office that would be required to be conducted over a 4-year period of time, with the first report being submitted to Congress in December 1982, and the final report being submitted in December 1984.

In addition to that GAO ongoing review process, there is as has been mentioned, the two-House congressional veto provision included in the bill as it comes to the floor of the House.

Finally, with regard to the allegation that a two-tier system of regulation may be established, I want to read the language in the bill, which says specifically:

> The Farm Credit Administration shall, during the formulation of such regulations, closely consult on a continuing basis with the Board of Governors of the Federal Reserve System to ensure that such regulations conform to national banking policies, objectives, and limitations.

□ 1650

That is not report language. That is the language that is in the bill as it was reported by the committee and as it is before us on the floor this afternoon.

In summary, I have taken this opportunity only to respond to these things that I think were not accurately relayed to the House.

I would add to that, in response to the comment of the gentleman from California, that the part of the farm credit system that we are talking about here is the banks for cooperatives. They are not tax exempt. They experience the same tax liabilities as any other bank operating under a Federal or State charter.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I am happy to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. I neglected to mention that the American Farm Bureau Federation is opposed to the amendment now pending and does support the bill without amendment. There was some testimony earlier in the year during the initial stages of consideration, but I would not want anyone in the Chamber to have the wrong impression of the attitude of this largest of the farm organizations. In fact, I believe I am correct in stating that all farm organizations support the bill without amendment.

Mr. MADIGAN. That is absolutely correct.

Mrs. HECKLER. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I am happy to yield.

Mrs. HECKLER. I would like to say to the gentleman the question was posed to me as to whether or not the Independent Bankers Association was in favor of my amendment. At that point I could not respond to the question because I did not have the information. But I have since been informed that although the Independent Bankers Association supports the bill, they do not take a position on my amendment.

I would also like to say that while the farm organizations have taken a position in support of it, they expressed reservations, which was the point of my quotations, and these reservations are some that I have expressed. But in addition to that, I would like to say to the gentleman who places so much faith in the GAO—as I do too—that there is a recent GAO report which was very critical of the farm credit system and criticized the agency for embarking into housing loans for hobby farmers and the idle rich.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MADIGAN) has expired.

(By unanimous consent Mr. MADIGAN was allowed to proceed for 2 additional minutes.)

Mr. MADIGAN. I yield further to the gentlewoman from Massachusetts.

Mrs. HECKLER. I would like to say this is the same system that would get this broad expansion of power without the restrictions that are placed on the final extension of power in international financing on the other financial institutions.

I would say to the gentleman that I think the reference to consultation with the Federal Reserve is a somewhat hopeful sign, but there is a great deal of difference between consultation and being under the jurisdiction of the Federal Reserve.

Second, there is a big difference between living with the mandates of the Federal Reserve which justify and which govern all other export financing arrangements and having a system in which there is consultation and a congressional veto. I question how this House could possibly have the background, knowledge, and information to be sufficiently informed to vote correctly on the precise provisions and terms of international agreements entered into under the jurisdiction of this act. I think the congressional veto provisions are no substitute for one system which the Banking Committee, in cooperation with the Agricultural Committee, could provide.

Mr. MADIGAN. I thank the gentlewoman for her contribution. I do not want to abuse the patience of the Members of the House any further.

The comments about small banks were not made exclusively by the gentlewoman from Massachusetts. The remarks about farm organizations and the statements that they made were in regard to the bill that was introduced 1½ years ago, and not the bill that is before us in its present form.

Let me just reiterate my support for the bill in its present form and my opposition to the amendment.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it was not my intent to participate in this debate. Frankly, it is unfamiliar turf for me ordinarily.

However, I have been listening rather intensely to the arguments on both sides as to the Heckler amendment. The gentleman from Ohio (Mr. STANTON) I believe pointed out the fact that there is another piece of legislation, the Export Trading Act, that is geared essentially to do something similar. The purpose would be similar to that contained in the section that the gentlewoman from Massachusetts seeks to delete from the bill, to wit: To encourage and assist our smaller businessmen as well as our smaller farmers in their desire to participate in export activities.

One thing I think should be made very clear and that is that there are sufficient means available to the larger farmers and the big businessmen to engage in export trade. They do not need this legislation, nor do the big business farms or the big farmers need the Export Trade Act.

However, the little businessmen and the smaller farmers do.

Much thought has been given to the Export Trade Act and yet it is not quite ready. Frankly, after listening to the debate this afternoon, I agree with the purpose of the section in question. But, again, I reluctantly have to state that it is obvious to me that not enough thought has gone into this.

I heard the ranking minority Member state that they had spent 4 hours on this section. Frankly, I have looked at this and I will be honest. My colleagues, Mr. BARNARD, Mr. STANTON, and Mr. WYLIE, and I would have to spend a whole lot more time than 4 hours on anything as far reaching as this is in the Committee on Banking, Finance and Urban Affairs.

I asked if the Federal Reserve had testified on this since it has been stated that the Federal Reserve would be consulted. I am told no, but informally they stated they had no objection, or something to that effect. I have been dealing with the Federal Reserve on banking for 20 years and that is not their usual modus operandi. They usually are very open.

Let me state this: I take a back seat to no one when it comes to consumer cooperatives. Let us face it, the consumer cooperative banking, I fought 3 years for that one and got it through. So I am for the co-op movement.

I would like to see something worked out here, but I would plead with the Members of the House that this section is not refined to a point where it should be enacted into law. I do not think any abuse would occur if this were deferred until next year.

I am not taking issue with the gentleman from Wisconsin, Chairman REUSS, on this, as chairman of the full Committee on Banking, Finance and Urban Affairs, because I do not think HENRY REUSS had any idea of what was occurring in this particular section. I do, however, feel, and, again it, is not a question of jurisdiction, I am not jealous of jurisdiction—Lord knows we have plenty of work to do in our committee and I am not looking for more—but, very frankly, I think that this section as it now stands should not be adopted. I think we should be a sorry House were we to give it our stamp of approval at this point.

That is why I felt constrained, though it is out of character for me, to come here today and speak in favor of the amendment of the gentlewoman from Massachusetts.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to my colleague from Ohio.

Mr. STANTON. I know the gentleman in the well will agree with me that, especially in the field of supervisory problems internationally, our regulators have a very difficult time.

☐ 1700

Mr. ST GERMAIN. Absolutely. As a matter of fact, we have had a difficult time getting them to do the regulating on the international scene because of the complexity of the laws in the various countries involved.

Another thing that bothers me here is the farm credit system. What in God's name does it know about the foreign money exchange system?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ST GERMAIN was allowed to proceed for 2 additional minutes.)

Mr. ST GERMAIN. We have seen the Franklin National Bank fail because of the lack of expertise in this area. With all due deference to the farm credit system, I am convinced that they do not have the expertise necessary in that area.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield further to the gentleman from Ohio.

Mr. STANTON. I thank the gentleman for yielding. I am glad the chairman cleared up that subject because the other point that he clarified for me is that in this process the Federal Reserve Board was referred to several times. He has stated they took no position on this.

Mr. ST GERMAIN. I consulted with the staff of the committee. Would the gentleman from Tennessee (Mr. JONES) care to comment on that, as to the Federal Reserve's position on this section of the legislation?

Mr. JONES of Tennessee. We had the Federal Reserve before us. They did comment.

Mr. ST GERMAIN. Did one of the Federal Reserve Board members testify?

Mr. JONES of Tennessee. We had some informal meetings with the Federal Reserve.

Mr. ST GERMAIN. Informal? With the Board of Governors or with its staff?

Mr. JONES of Tennessee. With staff.

Mr. ST GERMAIN. With all due deference, I find that insufficient in reality on something like that.

Mr. JONES of Tennessee. Will the gentleman yield?

Mr. ST GERMAIN. Certainly.

Mr. JONES of Tennessee. Everyone who was involved was invited to testify. They chose to send staff. That is what they did.

Mr. ST GERMAIN. I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not intend to spend any more of the Committee's time on this amendment. I think I must in good conscience bring something out, because we are getting a little far afield from the amendment and have gotten involved in banking and expertise and committee expertise, and the sounding I get from home is that the banks, small and large, are terribly overburdened. They are frustrated, they are upset not only with this Congress and whatever a committeee of this Congress legislates on banking, but with the Executive, the Comptroller of the Currency, and the FDIC, who overburden them with rules and regulations, and what the banks are telling me at home is, "Get out of our business; leave us alone. You do not have the expertise up there. We know how to run our bank."

So I wanted to bring this to your attention for those of us here who now have said that the expertise is here and so on. The main thrust of this amendment is to sell American products abroad, period. We are giving those who produce a product and those who refine them another tool to sell our products abroad, period. We are giving those who are tremendous. As a matter of fact, they would be worse were it not for the farm sector. That is one of the areas where we are getting a little better assistance as far as our balance of trade or our deficit with the rest of the commercial nations of the world.

All of the other countries subsidize their products from the farmer all the way to the eventual seller. We do not do that. We have what I would consider a modest assistance program for farmers in several commodities, but we must compete with the world. They are out competing with us for many reasons. One of them—the gentleman from Illinois and I have spoken about it—is that they have become experts in trading. They hit a country speaking the language of that country as they get off the plane. We do not do that. We still expect them to deal with us in English. That is one of the things.

They come in with their briefcase with assurance from their government that whatever the deal they can strike, they will have the backing of their government. Here we have a novel, strictly free enterprise system where we are giving a little bit more authority to an institution to go into the free market to allow its own customers and members to participate in assisting the exporting of our products.

That is all this bill does, give a little bit more authority to an institution that will help the farmer, the producer, and the eventual last seller of the product to sell our products abroad; and I do not see there is anything wrong with that. Any other thing you can bring into this is superfluous to the issue. There is one issue: We need to sell more of our products abroad. This is a free enterprise system. It is a system within the framework of the initial banking assistance that we gave to them where they could work with their own money, and they have achieved this purpose up to now.

It will be their own money. Yes; they will go to the open market, but it will be assisting, giving the de facto—the de facto, I must correctly state—governmental authority, but yet it is not the Government but it gives it the name of the Government and they can do it with their own funds, with their own institutions; and I would hate for anyone to vote on this amendment for any other reason except do you want to help the American producers to sell abroad and allow them to help themselves.

That is the thrust of this legislation. I yield back the balance of my time.

Mr. GRASSLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I do so because it looks to me as if it is just simply a case of a few big banks in this country that are jealous of a little competition and that we want to take this opportunity to bring about competition in export financing. That is what the American system is all about, to give some opportunity to give the farm sector—through cooperatives—to be a more beneficial tool in promoting exports than the farm sector has had in the past, and unless we provide the farm sector that tool, it will not be as successful in the expansion of farm exports in the 1980's.

Broader competition in export financing is necessary if we are to expand our farm exports the way we must in order to take care of our productivity on the farms, not only is this true of raw commodities but foods that are processed by our cooperatives.

I think the larger banks, the ones with billions and billions of deposits, do not need to be fearful of this competition. I think without this competition, in fact, we are not going to give the alternative of selling a few products overseas to the co-ops of this country. Just a little bit of modest competition is not going to hurt our strong private banking industry. That is what this bill does.

Then I also find it necessary to respond to what the gentleman from Rhode Island (Mr. ST GERMAIN) said inferring that there were not adequate hearings on this, that there was not sufficient time spent on this legislation in committee. The time element that was injected into this debate of "4 hours" really does not tell the story very well, because you want to remember that there were six field hearings on this bill held around the country. In every one of these field hearings, this issue came up. This whole subject of export financing was brought up. So this was well considered in the committee.

Then I find it necessary, when a person from the Banking Committee takes the floor of the House to chastise the Committee on Agriculture and suggest that maybe we have not done our homework well enough on this bill, to remind the members of the Committee on Banking, Finance and Urban Affairs that I was a member of the Committee on Banking for 4 of the 6 years I have been in the House. I have been a member of the Agriculture Committee for all of those 6 years as well. The Agriculture Committee has a fine track record for bringing bills to the floor that have met approval on the floor of the House.

Serving on both, let me assure you that the work is done well on the Committee on Agriculture. I am not here to say that the work is not done well on the Banking Committee. I have many friends on that committee and I hold them in high regard and I do not wish to suggest that the Banking Committee does not work hard and diligently on the legislation it reports.

However, exports of agricultural commodities are vital to the economy of this country. And, large financial institutions are no doubt aware of this. During the last fiscal year, we exported more than $40 billion of farm products. Without these exports, our balance of payments would have run a huge deficit and our farm economy and our total economy would be near collapse.

Cooperatives play an important part in our farm exports. In the last few years interest in farm cooperative exports has increased and it has provided a small but healthy competitive element into export of our farm products. This bill would provide banks for cooperatives to provide a range of financial services in the case of export transactions which commercial banks are now the only ones able to provide such services. There is no reason why banks for cooperatives should not be able to provide some small amount of such services.

□ 1710

The debate seems to be resolving itself into a rural-urban debate. There is no necessity for that. Rural areas are not the only ones who benefit from co-ops. That may have been where the movement started. But the whole point must be that the urban people benefit as much when exports are expanded. And that is what this bill is all about. We want to expand these exports. I believe this bill contains adequate safeguards to review the expansion of farm credit export financing. So I hope that the Members will look at this bill for the good that it is going to do for the entire country and not just for rural America and vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts (Mrs. HECKLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. HECKLER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 644]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Annunzio
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burton, Phillip
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conyers
Corcoran
Coughlin
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Devine
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Leland
Lent
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McDade
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Price
Pritchard
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

□ 1720

The CHAIRMAN. Three hundred and forty-nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentlewoman from Massachusetts (Mrs. HECKLER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 47, noes 328, not voting 57, as follows:

[Roll No. 645]

AYES—47

Anderson, Calif.
Archer
Badham
Barnard
Bennett
Broomfield
Cleveland
Collins, Tex.
Conte
Coughlin
D'Amours
Dornan
Drinan
Edwards, Ala.
Erlenborn
Evans, Del.
Fenwick
Fish
Frenzel
Goldwater
Green
Hall, Ohio
Hanley
Heckler
Hinson
Hollenbeck
Hyde
Jacobs
Jeffords
Kindness
Lent
Lungren
McDonald
McKinney
Martin
Mavroules
Miller, Ohio
Moorhead, Pa.
Paul
Regula
Rinaldo
Rousselot
St Germain
Stanton
Stark
Wylie
Zeferetti

NOES—328

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Annunzio
Anthony
Applegate
Ashbrook
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Barnes
Bauman
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Broyhill
Buchanan
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clinger
Coelho
Coleman
Conable
Conyers
Corcoran
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derwinski
Devine
Dicks
Dingell
Dixon
Donnelly
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich
Ford, Tenn
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Holland
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ichord
Ireland
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Leland
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Rhodes
Richmond
Ritter
Roberts
Robinson
Rodino
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NOT VOTING—57

Anderson, Ill.
Andrews, N.Dak.
Ashley
Baldus
Beard, R.I.
Bevill
Bolling
Brooks
Brown, Ohio
Burgener
Burlison
Carr
Clay
Collins, Ill.
Corman
Cotter
Crane, Daniel
Crockett
Dellums
Derrick
Dickinson
Dodd
Early
Garcia
Ginn
Harsha
Holtzman
Jenrette
Kelly
Kemp
Lehman
Levitas
McCloskey
McCormack
McEwen
Mitchell, Md.
Moffett
Murphy, N.Y.
Murtha
Neal
Nedzi
Nolan
O'Brien
Patten
Pursell
Roe
Satterfield
Shumway
Spellman
Symms
Taylor
Thompson
Ullman
Whitehurst
Wilson, Bob
Wilson, C. H.
Wydler

☐ 1730

The Clerk announced the following pairs:

Mr. Thompson with Mr. Symms.
Mr. Baldus with Mr. Wydler.
Mr. Brooks with Mr. Brown of Ohio.
Mr. Phillip Burton with Mr. McCloskey.
Mr. Corman with Mr. Pursell.
Mr. Wolff with Mr. Bob Wilson.
Mr. Hanley with Mr. Beard of Tennessee.
Mr. Giaimo with Mr. Burgener.
Mr. Dodd with Mr. Hollenbeck.
Mr. Cotter with Mr. Kemp.
Mr. Roe with Mr. O'Brien.
Mr. Murtha with Mr. Whitehurst.
Mr. Murphy of New York with Mr. Taylor.
Mr. Mitchell of Maryland with Mr. Andrews of North Dakota.
Mr. Crockett with Mr. Daniel B. Crane.
Mr. Annunzio with Mr. Dickinson.
Mr. Ashley with Mr. Pashayan.
Mr. Bevill with Mr. Shumway.
Mr. Burlison with Mr. Williams of Ohio.
Mr. Jones of North Carolina with Mr. Kelly.
Mr. Reuss with Mr. John L. Burton.
Mr. Beard of Rhode Island with Mr. Waxman.
Mr. Clay with Mr. Jenrette.
Mr. Early with Mr. Garcia.
Mrs. Chisholm with Mr. Nolan.
Mr. Levitas with Mr. Charles H. Wilson of California.
Mr. Neal with Mr. Nedzi.
Mr. Satterfield with Mr. Hall of Ohio.
Mrs. Schroeder with Mr. Stark.
Mr. Ullman with Mr. Derrick.
Mr. Ginn with Mr. McCormack.
Mr. Bonker with Mrs. Collins of Illinois.

Mr. PASHAYAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

Title IV reads as follows:

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

Sec. 401. Section 4.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the first sentence "presidents of each bank" and inserting in lieu thereof "president of each bank or the president's designee"; and

(2) striking out in the third sentence "subcommittee's" and inserting in lieu thereof "subcommittees."

Sec. 402. Section 4.10 of the Farm Credit Act of 1971 is amended by striking out "name" and inserting in lieu thereof "same".

Sec. 403. Title IV of the Farm Credit Act of 1971 is amended by adding new sections 4.17, 4.18, and 4.19 as follows:

Sec. 4.17. Interest Rates.—Interest rates on loans from institutions of the Farm Credit System shall be determined with the approval of the Farm Credit Administration as provided in this Act, notwithstanding any interest rate limitation imposed by any State constitution or statute or other law(s) which are hereby preempted for purposes of this Act. Interest rates on loans made by agricultural credit corporations organized in conjunction with cooperative associations for the purpose of financing the ordinary crop operations of the members of such associations or other producers and eligible to discount with the Federal intermediate credit banks pursuant to section 2.3 of this Act shall be exempt from any interest rate limitation imposed by any State constitution or statute or other law(s) which are hereby preempted for purposes of this Act.

"Sec. 4.18. Participation Loans.—Notwithstanding any other provisions of this Act, the terms of any loan participated in by two or more Farm Credit System institutions operating under different titles of this Act, including provisions for capitalization of the portion of the loan participated in by each institution, shall be as may be agreed upon among such institutions and authorized by the Farm Credit Administration, except that for purposes of determining borrower eligibility, membership, term, amount, loan security, and purchase of stock or participation certificates by the borrower, the provisions of law applicable to the loan shall be the provisions in the title under which the institution that originates the loan operates.

"Sec. 4.19. Young, Beginning, and Small Farmers and Ranchers.—

"(a) Under policies of the district board, each Federal land bank association and production credit association shall prepare a program for furnishing sound and constructive credit and related services to young, beginning, and small farmers and ranchers. Such programs shall assure that such credit and services are available in coordination with other units of the Farm Credit System serving the territory and with other governmental and private sources of credit. Each program shall be subject to review and approval by the supervising bank.

"(b) The Federal land bank and the Federal intermediate credit bank for each district shall annually obtain from associations under their supervision reports of activities under programs developed pursuant to subsection (a) of this section and progress toward program objectives. On the basis of such reports, the banks shall provide to the Farm Credit Administration a joint annual report summarizing the operations and achievements in their district under such programs.".

Sec. 404. Title IV of the Farm Credit Act of 1971 is amended by adding at the end thereof new parts D and E as follows:

"Part D—Service Organizations

"Sec. 4.25. Establishment.—Any bank of the Farm Credit System, or two or more of such banks acting together, may organize a corporation or corporations for the purpose of performing functions and services for or on behalf of the organizing bank or banks that the bank or banks may perform pursuant to this Act: *Provided*, That a corporation so organized shall have no authority either to extend credit or provide insurance services for borrowers from Farm Credit System institutions, nor shall it have any greater authority with respect to functions and services than the organizing bank or banks possess under this Act. The organizing bank or banks shall apply for a Federal charter for the corporation by forwarding to the Governor of the Farm Credit Administration a statement of the need for the corporation and proposed articles specifying in general terms the objectives for which the corporation is formed, the powers to be exercised by it in carrying out the functions and services, and the territory it is to serve. The Governor for good cause may deny the charter applied for. Upon the approval of articles by the Governor and the issuance of a charter, the corporation shall become as of such date a federally chartered body corporate and an instrumentality of the United States.

"SEC. 4.26. POWERS OF THE GOVERNOR.—The Governor shall have power, under rules and regulations prescribed by the Governor or by prescribing in the terms of the charter or by approval of the bylaws of the corporation, to provide for the organization of any corporation chartered under this part and the territory within which its operations may be carried on, and to direct at any time such changes in its charter as he finds necessary for the accomplishment of the purposes of this Act. The powers of the Governor to provide for the organization of any corporation chartered under this part include, but are not limited to approval of—

"(1) corporate title;

"(2) general corporate powers;

"(3) eligibility for membership on, and the powers, composition, selection, terms, and compensation of the board of directors;

"(4) classes, issuance, value, and retirement of stock;

"(5) sources of operating funds;

(6) dissolution, liquidation, and distribution of assets on liquidation; and

"(7) application and distribution of earnings.

"SEC. 4.27. SUPERVISION AND EXAMINATION.—The corporations organized under this part shall be institutions of the Farm Credit System and shall be subject to the same supervision and examination by the Farm Credit Administration as are the organizing bank or banks under this Act.

"SEC. 4.28. STATE LAWS.—State and other laws shall apply to corporations organized pursuant to this part to the same extent such laws would apply to the organizing bank(s) engaged in the same activity in the same jurisdiction: *Provided, however,* That to the extent that sections 1.21, 2.8, and 3.13 of this Act may exempt banks of the Farm Credit System from taxation, such exemptions, other than with respect to franchise taxes, shall not extend to corporations organized pursuant to this part.

"PART E—SALE OF INSURANCE

"SEC. 4.29. LINES OF INSURANCE.—(a) The regulations of the Farm Credit Administration governing financially related services that the banks and associations of the Farm Credit System may provide under sections 1.11, 1.15, 2.5, and 2.16 of this Act may authorize the sale to any member of any such bank or association, on an optional basis, of credit or term life and credit disability insurance appropriate to protect the loan commitment in the event of death or disability of the debtors and other insurance necessary to protect the member's farm or aquatic unit, but limited to, hail and multiple-peril crop insurance, title insurance, and insurance to protect the facilities and equipment of aquatic borrowers.

"(b) Such regulations shall provide that—

"(1) in any case in which insurance is required as a condition for a loan or other financial assistance from a bank or association, notice be given that it is not necessary to purchase the insurance from the bank or association and that the borrower has the option of obtaining the insurance elsewhere:

"(2) such insurance services may be offered only if—

"(i) the bank or association has the capacity to render insurance service under this Act in an effective and efficient manner;

"(ii) there exists the probability that any insurance program under this Act will generate sufficient revenue to cover all costs; and

"(iii) rendering insurance service will not have an adverse effect on the bank's or association's credit or other operations; and

"(3) no bank or association shall directly or indirectly discriminate in any manner against any agent, broker, or insurer that is not affiliated with such bank or association, or against any party who purchases insurance through any such nonaffiliated insurance agent, broker, or insurer.

"(c) Notwithstanding any provision of this section to the contrary, any bank or association that on the date of enactment of the Farm Credit Act Amendments of 1980, is offering insurance coverages not authorized by this section may continue to sell such coverages for a period of not more than one year from such date of enactment and may continue to service such coverages until their expiration.".

AMENDMENT OFFERED BY MR. HUCKABY

Mr. HUCKABY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUCKABY: Page 26, strike out lines 10 and 11 and insert in lieu thereof the following: "amended by adding new sections 4.17, 4.18, 4.19, and 4.20 as follows:".

Page 28, insert after line 11 the following:

"SEC. 4.20. LOCATION OF BANK.—Unless an existing district bank of the Farm Credit System is merged with one or more other such banks under section 4.10 of this Act, no district bank may move its principal office from the city in which it is located on the date of enactment of the Farm Credit Act Amendments of 1980 without the approval of that action by the Federal Farm Credit Board, and unless that district bank can exhibit clear economic justification to the Federal Farm Credit Board for such a move. The board of directors of a farm credit district shall notify the Federal Farm Credit Board at least ninety days before a vote by that district's board of directors to move the principal office of that district from the city in which it is located on the date of enactment of the Farm Credit Act Amendments of 1980. The Federal Farm Credit Board shall promptly notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate that it has received such notification of intent to move the principal office of a farm credit district from that district's board of directors. The Federal Farm Credit Board shall not approve such a move of a principal office of a farm credit district until ninety days have elapsed from the date of approval of a move of a principal office by the district's board of directors."

Mr. HUCKABY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1740

Mr. HUCKABY. Mr. Chairman, the purpose of this amendment is that from time to time in the last 50 years there has been possible consideration of moving 1 of 12 various farm credit system banks located in the country from one city or another to one State or another. This amendment simply states that in order for one of the existing 12 bank locations to change its domicile that this bank must demonstrate to the Federal Board clear economic reasons for making that move.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Chairman, we did dispense with the reading of this amendment and it has been handled in an expeditious manner.

I would like to ask a couple of questions about the amendment.

This would say, in effect, for any of these district bank offices to be moved from a city in this country that there would have to be notice within 90 days to the Board here in Washington; is that correct?

Mr. HUCKABY. That is correct, that Federal Board.

Mr. LOTT. Is it not a fact that in at least three instances that these offices are being considered for new locations?

Mr. HUCKABY. From time to time over the last 50 years various potential moves have been considered. There has been but one major move from one city to another during that period of time.

Mr. LOTT. I understand the argument of the gentleman that we should have economic justification considered in these moves.

I am concerned though, that, you know, here in this legislation, that we are trying to control what should be really an administrative decision.

The gentleman took out the language on the standard metropolitan statistical area, is that correct?

Mr. HUCKABY. The gentleman is correct. That was done at the request of the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. HUCKABY. Mr. Chairman, I yield back the balance of my time.

Mr. HINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Louisiana. I do so reluctantly, because we have attempted to work out a compromise on the matter but I feel it is unsuccessful and I feel the necessity of opposing the gentleman's language.

Mr. Chairman, this amendment is going to provide that a district bank of the farm credit system, unless it is merged with one or more other banks, would not be allowed to move its principal offices from the city in which it is located without approval of that action by the Federal Farm Credit Board. The Board would then have to notify the Committee on Agriculture of the House and the Committee on Agriculture of the Senate of its intent to move and no approval could be given until 90 days had elapsed from the day the committees were notified.

Mr. Chairman, this amendment represents a major and radical shift in Federal policy. I feel that the Congress ought not to be in the business of approving or disapproving moves of this nature as it represents an unnecessary Government restriction on the administrative decisionmaking authority of the farm credit banks. If compelling reasons to make such a move are provided, the men who sit on the boards of the farm credit banks ought to have the opportunity to make their well-founded and informed decisions without being subject to political pressures.

Mr. Chairman, this measure imposes new duties upon the Farm Credit Board, duties which it did not request and which, as it is presently constituted, it is not qualified to perform.

The main reason the gentleman from Louisiana is bringing up this amendment is because the farm credit banks in his own State are now contemplating a move from the city of New Orleans. I do not feel that this is the proper approach for resolving such a dispute and I do not believe the House of Representatives is the proper forum.

Furthermore, Mr. Chairman, I do not believe we ought to saddle the Congress with this kind of housekeeping, in-house administrative chore.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HINSON. I will be happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I agree with the gentleman. This is probably an amendment that should not be offered. It is a matter that should be worked out between the State of Louisiana and the State of Mississippi. However, I would like to point out to our colleagues here that the board of directors of the New Orleans Bank that this amendment affects is totally opposed to the Huckaby amendment. They do not want it. It ties their hands. Is that not correct?

Mr. HINSON. The gentleman is correct. The Board is adamantly opposed as is the impartial study they had conducted which concludes that the present bank location is no longer adequate.

Mr. MONTGOMERY. The Huckaby amendment says the Board of Directors cannot make a decision if they want to move their bank to another location, that the decision would have to come from Washington.

Mr. HINSON. That is correct.

Mr. MONTGOMERY. So we are tying their hands, is that correct?

Mr. HINSON. The gentleman is correct. What this does is remove the authority from the farm credit banks of America throughout the country and centralizes it in Washington. It has never been centralized here.

Mr. MONTGOMERY. Mr. Chairman, if the gentleman would yield further, it would seem to me the amendment should be defeated. We are not going to take much time on it, but it is a bad amendment. It does not belong in the bill.

Mr. HINSON. I thank the gentleman for his comments.

The Huckaby amendment also provides that unless an existing district bank of the farm credit system is merged with one or more such banks, that bank must maintain its principal offices within the standard metropolitan statistical area within which it is located.

Now, I think the amendment of the gentleman from Louisiana has been adapted to include the change of those words, "standard metropolitan statistical area," to the word "city."

Mr. Chairman, since I have already referred to the relocation of the New Orleans farm credit banks, I would like to use them as a case in point.

In a letter from the board of directors of the Farm Credit Banks of New Orleans, several reasons were cited for their consideration of this move. Its present location does not satisfy future space requirements. It is not located within the confines of what would be considered a desirable site for a multibillion-dollar financial institution.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. HINSON. I will be delighted to yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Hughes, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7548) to amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 434. Concurrent resolution to honor Raoul Wallenberg, and to express the sense of Congress that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting, and to request that the Department of State take all possible action to obtain information concerning his present status and secure his release.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 448. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 448) entitled "Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. Hollings, Mr. Chiles, Mr. Biden, Mr. Moynihan, Mr. Metzenbaum, Mr. Exon, Mr. Bellmon, Mr. Domenici, Mr. Armstrong, and Mr. Packwood be the conferees on the part of the Senate.

□ 1750

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 448, SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? The Chair hears none, and appoints the following conferees: Messrs. Giaimo, Simon, Mineta, Jones of Oklahoma, Solarz, Gephardt, Gray, Latta, Regula, and Rudd.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 448, SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

MAKING IN ORDER ON OR AFTER THURSDAY, NOVEMBER 20, 1980, CONSIDERATION OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 448, SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that it be in order on or after Thursday, November 20, 1980, to consider the conference report on the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

BOUNDARY EXPANSION OF CRATER LAKE NATIONAL PARK AND ESTABLISHMENT OF WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 8350) for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New

York, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I just want to get some clarification.

The gentleman is talking about the Crater Lake National Park and the three other items we passed in the committee just the other day?

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from California.

Mr. PHILLIP BURTON. That is correct. These are the same items we have passed at least twice or three times before on the floor.

Mr. CLAUSEN. They have already cleared the floor of the House before?

Mr. PHILLIP BURTON. That is correct.

Mr. CLAUSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The first section of the Act entitled, "An Act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth," approved May 22, 1902 (32 Stat. 202), is amended to read as follows:

"That in order to preserve for the benefit, education, and inspiration of the people of the United States certain unique and ancient volcanic features, including Crater Lake, together with significant forest and fish and wildlife resources, there is hereby established the Crater Lake National Park in the State of Oregon. The boundary of the park shall encompass the lands, waters, and interest therein within the area generally depicted on the map entitled, 'Crater Lake National Park, Oregon,' numbered 106-80,001, and dated February 1980, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Lands, waters, and interests therein within the boundary of the park which were within the boundary of any national forest are excluded from such national forest and the boundary of such national forest is revised accordingly."

SEC. 102. The Act entitled "An Act to add certain land to the Crater Lake National Park in the State of Oregon, and for other purposes", approved May 14, 1932 (47 Stat. 155), is repealed.

TITLE II

SEC. 201. (a) The Congress finds that—

(1) The Women's Rights Convention held at the Wesleyan Methodist Chapel in Seneca Falls, New York, in 1848 is an event of major importance in the history of the United States because it marks the formal beginning of the struggle of women for their equal rights.

(2) The Declaration of Sentiments approved by the 1848 Women's Rights Convention is a document of enduring relevance, which expresses the goal that equality and justice should be extended to all people without regard to sex.

(3) There are nine sites located in Seneca Falls and Waterloo, New York, associated with the nineteenth century women's rights movement which should be recognized, preserved, and interpreted for the benefit of the public.

(b) It is the purpose of this section to preserve and interpret for the education, inspiration, and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the struggle for equal rights for women and to cooperate with State and local entities to preserve the character and historic setting of such sites and structures.

(c) To carry out the purpose of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist initially of the following designated sites in Seneca Falls and Waterloo, New York:

(1) Stanton House, 32 Washington Street, Seneca Falls;

(2) dwelling, 30 Washington Street, Seneca Falls;

(3) dwelling, 34 Washington Street, Seneca Falls;

(4) lot, 26-28 Washington Street, Seneca Falls;

(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;

(6) theater, 128 Fall Street, Seneca Falls;

(7) Bloomer House, 53 East Bayard Street, Seneca Falls;

(8) McClintock House, 16 East Williams Street, Waterloo; and

(9) Hunt House, 401 East Main Street, Waterloo.

(d) In addition to the foregoing sites, the Secretary is authorized, with the concurrence of the owners, to designate, by publication of notice to that effect in the Federal Register, other sites in the United States which he determines illustrate the development of the struggle for women's rights in the nineteenth century, and sites so designated shall thereupon become part of the park.

(e) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange lands and interests therein within sites designated as part of the park, except that the Secretary may not acquire the fee simple title to the land comprising the sites designated in paragraphs (7) through (9) of subsection (c) or any sites designated pursuant to subsection (d). Lands and interests therein owned by a State or political subdivision thereof may be acquired only by donation.

(f) The Secretary is authorized to enter into cooperative agreements with the owners of properties designated as part of the park, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(g) The Secretary shall encourage State and local governmental agencies to develop and implement plans for the preservation and rehabilitation of sites designated as part of the park and their immediate environs, in order to preserve the historic character of the setting in which such sites are located. The Secretary may provide technical and financial assistance to such agencies in the development and implementation of such plans, but financial assistance may not exceed 50 per centum of the cost thereof.

(h) The Secretary shall administer the park in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

(i)(1) There is hereby established the Women's Rights National Historical Park Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall consist of eleven members, each appointed by the Secretary for a term of five years as follows:

(A) One member appointed from recommendations submitted by the Elizabeth Cady Stanton Foundation;

(B) One member appointed from recommendations submitted by the Women's Hall of Fame;

(C) Two members appointed from recommendations submitted by the Governor of New York;

(D) One member appointed from recommendations submitted by the village of Seneca Falls;

(E) One member appointed from recommendations submitted by the town of Seneca Falls; and

(F) Five members appointed by the Secretary, at least one of whom shall represent an institution of higher learning and at least two of whom shall represent national women's right organizations.

(2) The Secretary shall designate one member to be the Chair of the Commission. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(3) Members of the Commission shall serve without compensation as such, but the Secretary may pay the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section upon presentation of vouchers signed by the Chair of the Commission.

(4) The function of the Commission shall be to advise the Secretary with respect to matters relating to the administration of the park and the carrying out of the provisions of this section. The Secretary shall consult with the Commission from time to time with respect to his responsibilities and authorities under this section.

(5) The Commission shall terminate ten years from the effective date of this section.

(j) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $490,000 for acquisition, and $500,000 for development.

TITLE III

SEC. 301. The Act of October 27, 1972 (86 Stat. 1299; 16 U.S.C. 460bb) is amended as follows:

(1) in subsection 2(a), at the end thereof, add the following: "The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area,' numbered NRA GG-80,000-A, and dated May 1980.";

(2) strike out "map" in section 2(b) and substitute "maps";

(3) by adding "Point Montara," after "Point Diablo," in section 3(g);

(4) add the following at the end of section 3(h): "That property known as the Pillar Point Military Reservation, under the jurisdiction of the Secretary of Defense, shall be transferred to the administrative jurisdiction of the Secretary at such time as the property, or any portion thereof, becomes excess to the needs of the Department of Defense.";

(5) add at the end of section 3 the following:

"(p) With reference to those lands known as the San Francisco water department property shown on map numbered NRA GG-80,000-A, the Secretary shall administer such land in accordance with the provisions of the documents entitled 'Grant of Scenic Easement', and 'Grant of Scenic and Recreation Easement', both executed on January 15, 1969, between the city and county of San Francisco and the United States, including such amendments to the subject document as may be agreed to by the affected parties subsequent to the date of enactment of this subsection. The Secretary is authorized to seek appropriate agreements needed to establish a trail within this property and connecting with a suitable beach unit under the jurisdiction of the Secretary.";

(6) in subsection 5(b), change "seventeen" to "eighteen"; and

(7) insert a comma and the phrase "San Mateo," after "Marin" in section 5(e).

TITLE IV

SEC. 401. The water impounded by the Norton Dam, a component of the Almena Unit of the Pick-Sloan Missouri River Basin project, in the State of Kansas, constructed under the general authority of the Act of July 24, 1946 (60 Stat. 641 et seq.) is hereby designated and hereafter shall be known as the "Keith Sebelius Lake". Any law, regulation, record, map, or other document of the United States referring to the waters impounded by the Norton Dam unit of this project shall be held to refer to the "Keith Sebelius Lake", and any future regulations, records, maps, or other documents of the United States, in reference to these waters, shall bear the name "Keith Sebelius Lake".

AMENDMENT OFFERED BY MR. PHILLIP BURTON

Mr. PHILLIP BURTON. Mr. Speaker, I offer an amendment to comply with the Budget Act.

The Clerk read as follows:

Amendment offered by Mr. PHILLIP BURTON: On page 10, after line 3, add the following:

"TITLE V

"SEC. 501. Authorization of amounts to be appropriated under this act shall be effective October 1, 1981. Authority to enter into cooperative agreements and to make payments under this act shall be effective only to such extent or in such amounts as are provided in advance in appropriation acts.".

The amendment was agreed to.

The bill was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1996, WOOD UTILIZATION ACT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program", with the House amendments thereto, insist on the House amendments, and agree to a conference asked by the State.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. FOLEY, WEAVER, ANTHONY, HUCKABY, COELHO, NOLAN, SEBELIUS, JOHNSON of Colorado, and HANSEN.

FARM CREDIT ACT AMENDMENTS OF 1980

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7548) to amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7548, with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, title IV was open for amendment at any point, and pending was an amendment offered by the gentleman from Louisiana (Mr. HUCKABY).

The Chair recognizes the gentleman from Mississippi (Mr. HINSON).

Mr. HINSON. Mr. Chairman, I was referring to the letter from the farm credit banks which gave examples of their belief that possibly the farm credit banks of New Orleans ought to be relocated. They are giving their reasons. They stated, one, that its present location does not satisfy future space requirements. It is not located within the confines of what would be considered a desirable site for a multibillion dollar financial institution, and its geographic location may not insure that it can provide the best and most efficient services to its customers.

In this case, studies have already been authorized to examine the various options which are listed. If a farm credit bank with sufficient evident can prove that a move will be effective and cost efficient, then the Congress ought to be telling it not to move or not to be cost efficient.

There is one final point I would like to make. This amendment represents a major and radical departure from existing Federal policy.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. HINSON) has expired.

(By unanimous consent, Mr. HINSON was allowed to proceed for 2 additional minutes.)

Mr. HINSON. Mr. Chairman, this amendment represents a major and radical departure from existing Federal policy which gives authority to relocate offices to the Federal farm credit banks.

There are about 12 farm credit bank systems in the United States.

That means that there are more congressional districts in the United States that do not have these banks than those which do have them.

If this amendment is enacted, then no congressional district in the entire United States will ever expect to have a Federal farm credit bank system located within its confines.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. HINSON. I yield to the gentleman from Louisiana.

Mr. HUCKABY. The amendment clearly says that a bank can move from one location to any other location. All it requires is economic justification before its own board, its own national board in the banking system. The gentleman's statement is not correct.

Mr. HINSON. I will have to say that the gentleman's amendment effectively puts a bureaucratic barrier between the movement of a bank by requiring it to go to its own board, which has never been required in the entire history of the farm credit bank system.

I repeat my contention that if this amendment is enacted, no farm credit bank will be able to move without going through a great deal of political trouble and bureaucratic difficulty.

I urge the defeat of the amendment.

□ 1800

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, this is a very simple amendment that says you have to have substantial economic justification for moving a bank from one location to another and substantial economic justification in this particular case would not justify the movement of this bank, so that I do feel that this is a very simple amendment that has within it the protection of the location of the banks as they are now presently located. It takes nothing away from the bank. It gives only an added incentive to the bank to look at the economic justifications before presenting the notion of a move to its own board.

I would hope that this amendment will be adopted for the protection of those locations where the banks are already located and where the economic disruption would be considerable if they were removed.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I do not know a whole lot about where this bank ought to be, but it greatly concerns me that this amendment, which is artfully drawn, in fact injects the Congress into that decisionmaking process. I think that is wrong. We run into it from time to time on such things as the closure of military bases. We could run into it constantly from time to time on the question of Federal agencies being in one location or another and in one congressional district or another.

I would suggest to you that Congress should tread very lightly in attempting to deal with this kind of a situation in this way. I do not care whether it is in Mississippi or Louisiana, but I think that we should move with some caution. We should not do this with a floor amendment of this type. It is something that should be thought out carefully in committee and then if it seems the thing to do, bring it to the floor where it has been carefully thought out; but every time Congress starts to monkey with the process of locating agencies or whether to close bases or whether to second guess for political consideration decisions made by administrations, we get in trouble and we tend to do the wrong thing.

So I would urge you to vote no on this amendment. If it has merit, let it go back to the committee and be considered there in the proper forum and brought back to this House.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield for one comment?

Mr. EDWARDS of Alabama. Yes, I yield to the gentleman.

Mr. HUCKABY. The gentleman makes the analogy with military installations. The gentleman would hope and I would hope the decisions involving military installations are sound economic decisions, not political decisions. That is the entire purpose of this amendment, not by the fact that one State has more members on the local board than another State, hence they vote to move the bank from one location to another; rather, you have to have sound economic reasons to move. That is what this amendment says must be done.

Mr. EDWARDS of Alabama. Well, as I say, the gentleman has drawn his amendment very artfully. The net effect of that amendment, however, is to have this body have a direct influence on where that board is. I think that is a mistake, without having brought it through the proper committee where it could be studied carefully.

I would urge a "no" vote on this.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. HUCKABY).

The question was taken; and the Chairman announced that the noes appeared to have it.

The question was taken; and on a division (demanded by Mr. HUCKABY) there were—ayes 17, noes 32.

Mr. HUCKABY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and sixty-six Members are present, a quorum.

The pending business is the demand of the gentleman from Louisiana for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Page 26, strike out line 10 and insert in lieu thereof the following: "amended by adding new sections 4.17, 4.18, 4.19 and 4.20.".

Page 28, insert immediately after line 11 the following new section 4.20:

"SEC. 4.20. TERMINATION OF PROVISIONS.—The provisions of (1) section 2.3 authorizing the Federal intermediate credit banks to lend to or discount paper for other financial institutions, and (2) section 3.7(b) authorizing the financing of certain domestic or foreign entities in connection with the import or export activities of cooperatives which are borrowers from the banks for cooperatives, shall expire on September 30, 1990, unless extended by Act of Congress prior to that date. Any contract or agreement entered into under the authority of either provision prior to its expiration shall remain in full force and effect notwithstanding such expiration.".

Mr. GLICKMAN (during the reading), Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, during committee consideration of H.R. 7548, I offered an amendment that would have sunset two new programs provided for in the bill. The first new section would revise authority for other financial institutions (OFI's) to permit access to the Federal Intermediate Credit Bank's (FICB) discount window. The FICB's act as a type of central bank for the farm credit system. The second section would allow new authority for Banks for Cooperatives (BC's) to offer export financing services. I am convinced that we should take another look at this authority after it goes into effect. Hence, I now want to raise the amendment again. It would terminate the two programs on September 30, 1987, unless Congress takes action to extend them.

The OFI and BC sections are new territory in farm credit programs. Both could have a profound and significant effect on financial institutions. Indeed, both representatives of the banking industry and some members of the Committee expressed concern about whether the OFI provision adequately insured FICB access to those banks who were most in need of it. Likewise, questions arose during the final day of committee debate on the bill about whether large grain companies through their relationships with cooperatives could avail themselves to BC export financing. While the assumption of the committee was that such use of BC financing could not occur, it is this type of matter and concerns about the OFI provision that should be examined at a specific point in the future to determine whether or not the programs are accomplishing the objectives that Congress intended.

In response to concerns that contracts or agreements entered into prior to the expiration date would not be protected, this amendment would provide that operative contracts or agreements would remain in full force and effect regardless of what action Congress takes in terms of program extension.

The farm credit legislation is complex and controversial. My amendment provides the assurance to those concerned about the bill's impact, particularly members of the banking industry that there will be a time-specific requirement for examination of the new provisions. While there are some safeguards in the bill to permit review through a legislative veto and a GAO study, I feel strongly that a sunset guarantees the oversight to insure the program is working effectively.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I would be happy to yield to the distinguished gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I appreciate the gentleman yielding and I support the amendment without any problem, since the Farm Credit Administration agreed to it and it is for 10 years. That is fine.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I would be happy to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, in the interest of conservation of time, we are going to accept the gentleman's amendment also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to make it clear that in confirming the list of insurance activities that Farm Credit Associations may engage in that is provided in this bill, it should be made clear that we are not necessarly making a policy judgment that it is desirable from a public policy standpoint that these activities continue indefinitely in the future. Such a policy judgment must await greater congressional scrutiny into whether the public, competition and the interests of farmers and farm credit associations are truly served by the activities of the associations in these lines of insurance.

Therefore, with respect to the provisions of section 4.29 and particularly with respect to the insurance activities contained therein, it should not be assumed that this body encourages from a public policy point of view these activities.

The CHAIRMAN. Are there further amendments to title IV of the bill? If not, the Clerk will designate title V.

Title V reads as follows:

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

SEC. 501. Section 5.0 of the Farm Credit Act of 1971 is amended by inserting before the period at the end of the first sentence the following: "and one of which districts may, if authorized by the Federal Farm Credit Board, include the Virgin Islands of the United States: *Provided*, That the extension of credit and other services authorized by this Act in the Virgin Islands of the United States shall be undertaken only if determined to be feasible under regulations of the Farm Credit Administration".

SEC. 502. Section 5.2 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (b) "three" and inserting in lieu thereof "two"; and

(2) striking out in the first sentence of

subsection (c) "three" and inserting in lieu thereof "two".

SEC. 503. Section 5.8(h) of the Farm Credit Act of 1971 is amended by striking out in the first sentence "the sum of $100 a day" and inserting in lieu thereof "compensation at a rate equal to the daily equivalent of the rate prescribed for grade GS–18 under section 5332 of title 5 of the United States Code".

SEC. 504. Section 5.15 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "The Farm Credit Administration may dispose of property so acquired and any amounts collected from the disposition of such property shall be deposited in the special fund provided for in section 5.16(b) of this Act and shall be available to the Administration in the same manner and for the same purposes as the funds collected under section 5.16(a) of this Act."

SEC. 505. Section 5.17 of the Farm Credit Act of 1971 is amended by adding at the end thereof the following new clause (5) and inserting a new sentence immediately thereafter:

"(5) To sell or otherwise dispose of any interest in property leased or acquired under the foregoing if authorized by the Board.

In action undertaken by the banks pursuant to the foregoing provisions of this section, the Farm Credit Administration may act as agent for the banks.".

SEC. 506. Section 5.18 of the Farm Credit Act of 1971 is amended by adding at the end of paragraph (3) a new sentence as follows: "The annual reports shall include a summary and analysis of the reports submitted to the Farm Credit Administration by the Federal land banks and Federal intermediate credit banks under section 4.19(b) of this Act relating to programs for serving young, beginning, and small farmers and ranchers.".

SEC. 507. Section 5.18 of the Farm Credit Act of 1971 is amended by inserting "(a)" immediately after the section designation and adding at the end thereof the following new subsections (b) and (c):

"(b)(1) At least thirty days prior to publishing any proposed regulation in the Federal Register, the Farm Credit Administration shall transmit a copy of the regulation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The Farm Credit Administration shall also transmit to such committees a copy of any final regulation prior to its publication in the Federal Register. Except as provided in paragraph (2) of this subsection, no final regulation of the Farm Credit Administration shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of the Congress are in session.

"(2) In the case of an emergency, a final regulation of the Farm Credit Administration may become effective without regard to the last sentence of paragraph (1) of this subsection if the Farm Credit Administration notifies in writing the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

"(c)(1) If there are any unresolved differences between the Farm Credit Administration and the Board of Governors of the Federal Reserve System as to whether any regulation implementing section 3.7(b) of this Act or the other provisions of title III relating to the authority under section 3.7(b) conforms to national banking policies, objectives, and limitations, simultaneously with promulgation of any such regulation under this Act, and simultaneously with promulgation of any regulation implementing section 2.3 of this Act, the Farm Credit Administration shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Farm Credit Administration dealing with the matter of   , which regulation was transmitted to Congress on   ', the blank spaces therein being appropriately filled.

"(2) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(3) For the purposes of paragraphs (1) and (2) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(4) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation."

SEC. 508. Title V of the Farm Credit Act of 1971 is amended by adding the following section at the end thereof:

"SEC. 5.30. GENERAL ACCOUNTING OFFICE AUDIT: REPORT TO CONGRESS.—

"(a) The Comptroller General shall conduct an evaluation of the programs and activities authorized under the 1980 amendments to this Act, and shall make an interim report to the Congress no later than December 31, 1982, and a final report to the Congress no later than December 31, 1984. The Comptroller General shall include in such evaluation the effect that this Act, as amended, will have on agricultural credit services provided by the Farm Credit System, Federal agencies, and other entities. The Comptroller General may make such interim reports to the Congress on the programs and activities under these amendments as the Comptroller General deems necessary or as requested by Members of Congress.

"(b) For the purpose of conducting program evaluations required in subsection (a) of this section, the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.".

SEC. 509. Paragraph (1) of section 1141b of title 12 of the United States Code is amended to read as follows:

"(1) shall maintain its principal office within the Washington, D.C.-Maryland-Virginia standard metropolitan statistical area, and such other offices in the United States as in its judgment are necessary".

□ 1810

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Tennessee: Beginning on page 33, renumber sections 504 through 509 as sections 505 through 510, respectively.

On page 33, immediately after line 17, insert a new section 504 as follows:

"SEC. 504. Section 5.10 of the Farm Credit Act of 1971 is amended by inserting after the second sentence a new sentence as follows: 'Pursuant to a policy statement adopted by the Federal Farm Credit Board, the Governor of the Farm Credit Administration shall consult on a regular basis with the Secretary of the Treasury in connection with the exercise by the System and the Governor of the powers conferred under section 4.2 of this Act, and with the Board of Governors of the Federal Reserve System in connection with the effect of System lending activities on national monetary policy.' ".

Mr. JONES of Tennessee. Mr. Chairman, this is a noncontroversial amendment.

The amendment which I am offering would require the Governor of the Farm Credit Administration to consult on a regular basis with the Secretary of the Treasury in connection with the issuance of farm credit system securities, and with the Board of Governors of the Federal Reserve System in connection with the effect of system lending activities on national monetary policy.

A similar provision appears in S. 1465, the Senate version of this bill. It insures that there will be regular consultation by the Farm Credit Administration with the agencies which have primary responsibility for the Nation's monetary and crdit policies. Since system lending activities and marketing of securities to support lending have been increasing in volume, it seems appropriate that there be consultation among interested agencies on such matters.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. JONES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK: On page 38 strike lines 19–24.

Mr. STARK. Mr. Chairman, I shall be very brief. This merely changes the code not to allow the Farm Credit Administration to move their home office from the District of Columbia.

We have seen in the past agencies moving out of the District of Columbia and we here have been supporting Metro. We just passed the bill in Congress for $187 million to support Metro.

We are supporting the District of Columbia. We are trying to develop the District of Columbia and it is the taxpayers from my colleagues' district as well as my own that are involved.

In the hearings there was no testimony taken in support of their moving out of the District. There is no request to show they have inadequate space now in the District of Columbia.

I am sure the committee would be willing to hear from them if they did. But I think it is a bad policy to begin to allow agencies that we support with our dollars to leave the District, which we also support with our dollars. We have enough trouble redeveloping the District of Columbia, and it is important, I think, that these important jobs remain here, certainly in the absence of any information that it is necessary to seek a home office location outside of the District of Columbia.

I urge support of my amendment, which would leave the bill as it was prior to this amendment.

Mr. MARLENEE. Mr. Chairman, I rise to speak against the amendment.

The fact is we do not appropriate tax dollars, in fact, to run the Farm Credit headquarters here in Washington, D.C. The fact is it is a non-Government entity. The fact is that it is a credit institution that is owned entirely by the membership.

I do not feel this body should be mandating whether we should locate the offices in Washington, D.C., in the suburbs, or in any other area. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. STARK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: Page 38, following line 24, insert a new section 510 reading as follows:

SEC. 511. Section 3 of the Swine Health Protection Act (Public Law 96-468, approved October 17, 1980) is amended by—

(1) striking "and" at the end of clause (2);

(2) changing the period at the end of clause (3) to a semicolon and adding "and"; and

(3) inserting a new clause (4) reading as follows:

"(4) the term 'State' means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States."

Mr. FINDLEY. Mr. Chairman, this is a purely technical amendment. I know of no objection to this amendment that seeks to correct what was purely a typographical error. When the President signed into law the Swine Health Protection Act early in October, that act should have contained a standard definition of the word "State." That definition was omitted through a clerical error and the only effect of this amendment is to correct that error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7548) to amend the Farm Credit Act of 1971 to permit farm credit system institutions to improve their services to borrowers, and for other purposes, pursuant to House Resolution 792, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. VOLKMER. Mr. Speaker, I demand a separate vote on the so-called Jeffords amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The clerk read as follows:

Amendment: Page 13, strike line 3 and all that follows through line 8 on page 14, and insert in lieu thereof the following:

"(d) All of the loans, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration and shall be secured by collateral, if any, as may be required in such regulations. The regulations may authorize a Federal intermediate credit bank to charge reasonable fees for any commitment to extend service under this section to any financing institution authorized to receive services under subsection (a)(2).".

The SPEAKER. The question is on the amendment.

□ 1820

The question was taken; and on a division (demanded by Mr. JEFFORDS) there were—yeas 40, nays 47.

Mr. JEFFORDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 132, nays 231, answered "present" 1, not voting 68, as follows:

[Roll No. 646]

YEAS—132

Abdnor
Anderson, Calif.
Archer
AuCoin
Badham
Barnard
Bauman
Bereuter
Bethune
Boland
Bowen
Broomfield
Broyhill
Buchanan
Butler
Campbell
Carney
Carr
Cavanaugh
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Coughlin
Courter
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Derwinski
Devine
Dornan
Dougherty
Edwards, Ala.
Emery
Erlenborn
Evans, Del.
Fenwick
Findley
Fish
Foley
Forsythe
Frenzel
Goldwater
Goodling
Gradison
Gramm
Green
Grisham
Hagedorn
Hammerschmidt
Hance
Hansen
Heckler
Hightower
Hinson
Holt
Hopkins
Hyde
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Lagomarsino
Leach, Iowa
Lee
Lent
Lewis
Livingston
Lloyd
Loeffler
Lott
Lundine
Lungren
McClory
McDade
McDonald
McKinney
Madigan
Marks
Marlenee
Marriott
Martin
Mavroules
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Mottl
Paul
Petri
Pickle
Porter
Ratchford
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Santini
Sawyer
Schulze
Sebelius
Sensenbrenner
Shuster
Smith, Nebr.
Snowe
Snyder
St Germain
Stanton
Stockman
Tauzin
Thomas
Trible
Vento
Walker
Wampler
White
Whittaker
Whitten
Winn
Wylie
Young, Alaska

NAYS—231

Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Anthony
Applegate
Ashbrook
Aspin
Atkinson
Bafalis
Bailey
Barnes
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boner
Bonior
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Byron
Carter
Chappell
Coelho
Conyers
Corcoran
D'Amours
Danielson
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Grassley
Gray
Guarini
Gudger
Guyer
Hall, Tex.
Hamilton
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hillis
Holland
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ichord
Ireland
Jenkins
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Latta
Leach, La.
Leath, Tex.
Lederer
Leland
Long, La.
Long, Md.
Lowry
Lujan
Luken
McEwen
McHugh
McKay
Maguire
Markey
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Preyer
Price
Pritchard
Quayle
Rahall
Railsback
Rangel
Regula
Richmond
Roberts
Rodino
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Steed
Stenholm
Stewart
Stokes
Stratton
Studds

Stump
Swift
Synar
Tauke
Traxler
Udall
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Watkins
Weaver
Weiss
Whitley
Williams, Mont.
Wilson, Tex.
Wirth
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—68

Anderson, Ill.
Andrews, N.Dak.
Annunzio
Ashley
Baldus
Beard, R.I.
Beard, Tenn.
Bevill
Bolling
Bonker
Brooks
Brown, Ohio
Burgener
Burlison
Burton, John
Burton, Phillip
Chisholm
Clay
Collins, Ill.
Corman
Cotter
Crane, Daniel
Crockett
Derrick
Dickinson
Dodd
Early
Garcia
Giaimo
Ginn
Hall, Ohio
Hanley
Hollenbeck
Jenrette
Jones, N.C.
Kelly
Kemp
Lehman
Levitas
McCloskey
McCormack
Mitchell, Md.
Murphy, N.Y.
Murtha
Neal
Nedzi
Nolan
O'Brien
Pashayan
Pursell
Reuss
Roe
Satterfield
Schroeder
Shumway
Spellman
Stark
Symms
Taylor
Thompson
Ullman
Waxman
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wolff
Wydler

☐ 1830

Mr. CONYERS and Mr. LOWRY changed their votes from "yea" to "nay."

Mr. LOEFFLER changed his vote from "nay" to "yea."

Mr. QUILLEN changed his vote from "nay" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

☐ 1840

The SPEAKER. Pursuant to the provisions of House Resolution 792, the Committee on Agriculture is discharged from further consideration of the Senate bill (S. 1465) to amend the Farm Credit Act of 1971 to permit farm credit system institutions to improve their services to borrowers, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Foley moves to strike out all after the enacting clause of the Senate bill, S. 1465, and insert in lieu thereof the text of H.R. 7548, as passed, as follows:

That this Act may be cited as the "Farm Credit Act Amendments of 1980".

TITLE I—FEDERAL LAND BANKS AND ASSOCIATIONS

Sec. 101. Section 1.4 of the Farm Credit Act of 1971 is amended by—

(1) striking out in paragraph (6) "loans and" and inserting in lieu thereof "and participate in loans, make";

(2) inserting before the period at the end of paragraph (12) ", participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act, and participate with lenders which are not Farm Credit System institutions in loans that the bank is authorized to make under this title";

(3) inserting after "System" in the first sentence of paragraph (14) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(4) striking out everything after the second coma in paragraph (15) and inserting in lieu thereof "and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) sell to lenders which are not Farm Credit System institutions interests in loans, (ii) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (iii) make other investments."; and

(5) adding new paragraphs (22) and (23) as follows:

"(22) Accept contributions to its capital from Federal land bank associations and account therefor as authorized by the Farm Credit Administration.

"(23) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan and other losses, whether to protect against capital impairment or for any other purpose.".

Sec. 102. Section 1.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out in subsection (b) "hypotheticated" and inserting in lieu thereof "hypothecated";

(2) striking out the first sentence of subsection (d) and inserting in lieu thereof two new sentences as follows: "Nonvoting stock may be issued to the Governor of the Farm Credit Administration, to borrowers as patronage refunds, and may also be issued to Federal land bank associations in amounts that will permit the bank to extend financial assistance to eligible persons other than farmers, ranchers, and producers or harvesters of aquatic products. Nonvoting stock also may be issued to and shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration."; and

(3) adding new subsections (f) and (g) as follows:

"(f) Patronage refunds may be paid in nonvoting stock, participation certificates, allocated surplus, and other equities of the bank, or cash, or in both equities and cash, as determined by the board of the bank, to borrowers of the fiscal year for which such patronage refunds are distributed. All patronage refunds shall be paid in the proportion that the amount of interest on the loans to each borrower during the year bears to the interest on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

"(g) Equities to evidence contributions to capital may be issued to Federal land bank associations when the bylaws of the bank so provide.".

Sec. 103. Section 1.6 of the Farm Credit Act of 1971 is amended to read as follows:

Sec. 1.6. Real Estate Mortgage Loans.—The Federal land banks are authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, or to producers or harvesters of aquatic products, and make continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.".

Sec. 104. Section 1.7 of the Farm Credit Act of 1971 is amended by inserting before the period in the first sentence "as provided in section 4.17 of this Act".

Sec. 105. Section 1.8 of the Farm Credit Act of 1971 is amended by striking out in clause (1) "and ranchers" and inserting in lieu thereof ", ranchers, or producers or harvesters of aquatic products".

Sec. 106. Section 1.9 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans originated by a Federal land bank or in which it participates with a lender which is not a Farm Credit System institution shall not exceed 85 per centum of the appraised value of the real estate security, or such greater amount, not to exceed 97 per centum of the appraised value of the real estate security, as may be authorized under regulations of the Farm Credit Administration for loans guaranteed by Federal, State, or other governmental agencies, and shall be secured by first liens on interest in real estate of such classes as may be approved by the Farm Credit Administration.".

Sec. 107. Section 1.10 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans made by the Federal land banks to farmers, ranchers, and producers or harvesters of aquatic products may be for any agricultural or aquatic purpose and other credit needs of the applicant, including financing for basic processing and marketing directly related to the applicant's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided;* That the applicant's operations shall supply at least 20 per centum, or such larger per centum that is required by the board of directors of the bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended.".

Sec. 108. Section 1.11 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" before "operations".

Sec. 109. Section 1.12 of the Farm Credit Act of 1971 is amended by striking out the designation "(a)".

Sec. 110. Section 1.15 of the Farm Credit Act of 1971 is amended by—

(1) striking out in paragraph (13) "shall";

(2) striking out in paragraph (14) "may" the second time it appears; and

(3) adding a new paragraph (21) as follows:

"(21) Contribute to the capital of the bank.".

Sec. 111. Section 1.16 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the sixth sentence of subsection (a) "fair"; and

(2) adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan (1) made by a Federal land bank which it sells to a lender which is not a Farm Credit System institution, or (2) that such lender retains or acquires in participating in the loan with a Federal land bank.".

Sec. 112. Section 1.17 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (a) "exess" and inserting in lieu thereof "excess"; and

(2) amending subsection (b) by inserting ", and pay patronage refunds, or do any of them, as provided in its bylaws," after "divi-

dends", and striking out "with" and inserting in lieu thereof "the".

SEC. 113. Section 1.18(b) of the Farm Credit Act of 1971 is amended to read as follows:

"(b) Any association may declare a dividend or dividends and pay patronage refunds, or do any of them, as provided in its bylaws, out of the whole or any part of its net earnings available therefor which remain after (1) maintenance of the reserve required in subsection (a) of this section and (2) bank approval. All patronage refunds shall be paid on the proportionate patronage basis approved by the bank. Dividends shall be noncumulative, and the rate of dividends may be different between classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the Federal land bank by such classes and issues, but otherwise dividends shall be without preference.".

SEC. 114. Section 1.19 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "As may be authorized by the bank in accordance with regulations of the Farm Credit Administration, associations also may enter into agreements with other Farm Credit System institutions to share loans and other losses, whether to protect capital impairment or for any other purpose.".

SEC. 115. Section 1.20 of the Farm Credit Act of 1971 is amended by inserting after "stock" the second time it appears "or participation certificates," and inserting "or other Farm Credit System institutions" after "Administration".

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

SEC. 201. Section 2.1 of the Farm Credit Act of 1971 is amended by—

(1) inserting after "System" in the first sentence of paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(2) striking out in paragraph (13) everything after "agency" the second time it appears and inserting in lieu thereof ", and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (ii) make other investments.";

(3) amending paragraph (18) to read as follows:

"(18) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purposes,"; and

(4) inserting before the period at the end of paragraph (20) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act.".

SEC. 202. Section 2.2 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of the first sentence of subsection (d) ", and may be issued to and, notwithstanding the provisions of subsection (g) of this section, shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration";

(2) striking out in the second and fourth paragraphs of subsection (g) "fair";

(3) striking out everything through "Governor" in subsection (h) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(4) striking out in subsection (i) "fair".

SEC. 203. Section 2.3 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 2.3 LOANS DISCOUNTS; PARTICIPATION; LEASING.—(a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to, and to discount for or purchase from—

(1) any production credit association, or

(2) any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products,

any note, draft, or other obligation with its endorsment or guarantee, the proceeds of which note, draft, or other obligation have been advanced to persons and for purposes eligible for financing by production credit associations under section 2.15(a) (1), (2), and (3) of this Act.

"(b) The Federal intermediate credit banks may participate with one or more production credit associations or intermediate credit banks in the making of loans to eligible borrowers and may participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act. The banks may own and lease or lease with option to purchase to persons eligible for assistance under this subchapter, equipment needed in the operations of such persons.

"(c) No paper shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to any entity identified in subsection (a) (1) and (2) of this section if the amount of such paper added to the aggregate liabilities of such entity, whether direct or contingent (other than bona fide deposit liabilities), exceeds ten times the paid-in and unimpaired capital and surplus of such entity or (in the case of financing institutions under subsection (a)(2) of this section) the amount of such liabilities permitted under the laws of the jurisdiction creating such institution, whichever is the lesser. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (a) of this section, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitation herein contained.

"(d) All of the loans, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration and shall be secured by collateral, if any, as may be required in such regulations. The regulations shall assure that such loans, financial assistance, discounts, and purchases are available on a reasonable basis to any financing institution authorized to receive such services under subsection (a)(2) of this section that (i) is significantly involved in lending for agricultural or aquatic purposes, (ii) demonstrates a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers, (iii) has limited access to national or regional capital markets, and (iv) does not use such services to expand its financing activities to persons and for purposes other than those authorized in section 2.15(a) (1), (2), and (3) of this Act. The regulations may authorize a Federal intermediate credit bank to charge reasonable fees for any commitment to extend service under this section to such a financing institution. For purposes of this subsection, a financing institution together with its subsidiaries and affiliates may be considered as one but such determination to consider such institution together with its subsidiaries and affiliates as one shall be made in the first instance by the bank and in the event of a denial by the bank of its services to a financial institution, thereafter by the Farm Credit Administration on a case-by-case basis with due regard to the total relationship of the financing institution, its subsidiaries, and affiliates.

"(e) Nothing in this section shall require termination of discount relationships in existence on the effective date of the Farm Credit Act Amendments of 1980.".

SEC. 204. Section 2.4 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans, advances, or discounts made under section 2.3 of this Act shall be repayable in not more than seven years (fifteen years if made to producers or harvesters of aquatic products) from the time they are made or discounted by the Federal intermediate credit bank, except that the district farm credit board, under regulations of the Farm Credit Administration, may approve policies permitting loans, advances, or discounts (other than those made to producers or harvesters of aquatic products) to be repayable in not more than ten years from the time they are made or discounted by such bank. Loans, advances, and discounts shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration as provided in section 4.17 of this Act, but the rates charged financing institutions shall be the same as those charged production credit associations.".

SEC. 205. Section 2.5 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm".

SEC. 206. Section 2.6(c) of the Farm Credit Act of 1971 is amended by striking out "of less than 25 per centum" in the second sentence.

SEC. 207. Section 2.10 of the Farm Credit Act of 1971 is amended by striking out the comma after "States" in the first sentence and inserting in lieu thereof a period.

SEC. 208. Section 2.12 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of paragraph (11) "and buy from and sell to such banks interests in loans and in other financial assistance extended and nonvoting stock, as may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration";

(2) inserting before the period at the end of paragraph (13) "and when authorized by the bank participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act"; and

(3) amending paragraph (15) to read as follows:

"(15) As may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

SEC. 209. Section 2.13 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of subsection (e) "or in lieu of nonvoting stock";

(2) striking out in the first sentence of subsection (f) "fair";

(3) amending the last sentence of subsection (f) to read as follows: "Notwithstanding any other provisions of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Farm Credit

System institution, nonvoting stock or participation certificates may be issued to the commercial bank or other financial institution in satisfaction of the requirement that the borrower own stock or participation certificates, which requirement shall apply only to the portion of the loan which is retained by the association.";

(4) striking out in the first sentence in subsection (g) "fair";

(5) striking out everything through "Governor" in subsection (j) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(6) striking out in subsection (k) "fair".

SEC. 210. Section 2.15 of the Farm Credit Act of 1971 is amended by—

(1) amending clause (1) in the first sentence of subsection (a) to read as follows: "(1) bona fide farmers and ranchers and the producers or harvesters of aquatic products, for agricultural or aquatic purposes and other requirements of such borrowers, including financing for basic processing and marketing directly related to the borrower's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided*, That the borrower's operations shall supply at least 20 per centum, or such larger per centum that is required by the supervising bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended,"; and

(2) inserting in subsection (b) after "Administration" in the first sentence "as provided in section 4.17 of this Act".

SEC. 211. Section 2.16 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm".

TITLE III—BANKS FOR COOPERATIVES

SEC. 301. Section 3.1 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of paragraph (11) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act";

(2) inserting after "System" in the first sentence in paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act or, to the extent necessary to facilitate transactions which may be financed under section 3.7(b) of this Act, any other financial organization, domestic or foreign, as may be authorized by its board of directors and approved by the Farm Credit Administration";

(3) amending paragraph (13) by:

(a) inserting immediately after "(13)" the designation "(A)";

(b) inserting after subparagraph (A) the following new subparagraphs (B) and (C):

"(B) As may be authorized by its board of directors and approved by the Farm Credit Administration, buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock.

"(C) As may be authorized by its board of directors and approved by the Farm Credit Administration, and solely for the purposes of obtaining credit information and other services needed to facilitate transactions which may be financed under section 3.7(b) of this Act, invest in ownership interests in foreign business entities that are principally engaged in providing credit information to and performing such servicing functions for their members in connection with the members' international activities."; and

(4) adding new paragraphs (18) and (19) as follows:

"(18) As may be authorized by the board of directors and approved by the Farm Credit Administration, maintain credit balances and pay or receive fees or interest thereon, for the purpose of assisting in the transfer of funds to or from parties to transactions that may be financed under section 3.7(b) of this Act: *Provided, however*, That nothing herein shall authorize the banks for cooperatives to engage in the business of accepting domestic deposits.

"(19) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purposes.".

SEC. 302. Section 3.3 of the Farm Credit Act of 1971 is amended by adding a new subsection (f) as follows:

"(f) Participation certificates may be issued to parties to whom voting stock may not be issued.".

SEC. 302. Section 3.3 of the Farm Credit Act of 1971 is amended by—

(1) striking out the first three sentences and inserting in lieu thereof three new sentences as follows: "Any nonvoting stock held by the Governor of the Farm Credit Administration shall be retired to the extent required by section 4.0(b) of this Act before any other outstanding voting or nonvoting stock or participation certificates shall be retired except as may be otherwise authorized by the Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock and participation certificates may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock or participation certificates retired in response to a call, reserving the right to have such stock or participation certificates included in the next call for retirement."; and

(2) striking out in the fourth sentence "fair book value not exceeding".

SEC. 304. Section 3.7 of the Farm Credit Act of 1971 is amended by—

(1) adding the designation "(a)" before the text, and inserting before "collateral custody" in the first sentence, "currency exchange necessary to service individual transactions that may be financed under subsection (b) of this section,", and inserting before the period at the end of the third sentence "and may make or participate in loans or commitments and extend other technical and financial assistance to other domestic parties for the acquisition of equipment and facilities to be leased to such stockholders for use in their operations in the United States"; and

(2) adding new subsections (b), (c), (d), and (e) as follows:

"(b) A bank for cooperatives is authorized to make or participate in loans and commitments to, and to extend other technical and financial assistance to (1) a domestic or foreign party with respect to its transactions with an association that is a voting stockholder of the bank for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales or exchanges, and (2) a domestic or foreign party in which such an association has at least the minimum ownership interest approved under regulations of the Farm Credit Administration for the purpose of facilitating the association's export or import operations of the type described in clause (1) of this subsection: *Provided*, That a bank for cooperatives determines, under regulations of the Farm Credit Administration, that the voting stockholder will benefit substantially as a result of such loan, commitment, or assistance.

"(c) Loans, commitments, and assistance authorized by subsection (b) of this section shall be extended in accordance with policies adopted by the board of directors of the bank under regulations of the Farm Credit Administration.

"(d) The regulations of the Farm Credit Administration implementing subsection (b) of this section and the other provisions of this title relating to the authority under subsection (b) of this section may not confer upon the banks for cooperatives powers and authorities greater than those specified in this title. The Farm Credit Administration shall, during the formulation of such regulations, closely consult on a continuing basis with the Board of Governors of the Federal Reserve System to ensure that such regulations conform to national banking policies, objectives, and limitations.

"(e) Notwithstanding any other provision of this title, the banks for cooperatives shall not make or participate in loans or commitments for the purpose of financing speculative futures transactions by eligible borrowers in foreign currencies.".

SEC. 305. Section 3.8 of the Farm Credit Act of 1971 is amended by—

(1) in the first paragraph striking out the second comma and inserting "or aquatic" before "business";

(2) striking out in subsection (c) "or farm business services" and inserting in lieu thereof "farm or aquatic business services, or services to eligible cooperatives"; and

(3) amending subsection (d) to read as follows:

"(d) A percentage of the voting control of the association not less than 80 per centum (60 per centum (1) in the case of rural electric, telephone, public utility, and service cooperatives; (2) in the case of local farm supply cooperatives that have historically served needs of the community that would not adequately be served by other suppliers and have experienced a reduction in the percentage of farmer membership due to changed circumstances beyond their control such as, but not limited to, urbanization of the community; and (3) in the case of local farm supply cooperatives that provide or will provide needed services to a community and that are or will be in competition with a cooperative specified in paragraph (2)) or, with respect to any type of association or cooperative, such higher percentage as established by the district board, is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;".

SEC. 306. Section 3.9(a) of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof a new sentence as follows: "Each borrower entitled to hold voting stock shall, at the time a loan is made by a bank for cooperatives, own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to invest in additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for investment in stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan.".

SEC. 307. Section 3.10 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period in the first sentence of subsection (a) "as provided in section 4.17 of this Act"; and

(2) striking out in the first sentence of subsection (d) "book" and inserting in lieu thereof "market" and adding a new sentence as follows: "In no event shall the bank's equities be retired or canceled if the retirement or cancellation would adversely affect the bank's capital structure, as determined by the Farm Credit Administration.".

SEC. 308. Section 3.11 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the second sentence of subsection (b) "of less than 25 per cen-

tum" and "of not to exceed such per centum of net savings"; and

(2) striking out the first sentence of subsection (c) and inserting in lieu thereof a new sentence as follows: "The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsection (a) or (b) of this section, whichever is applicable, shall be paid in stock, participation certificates, or cash, or in any of them, as determined by its board, as patronage refunds to borrowers to whom such refunds are payable who are borrowers of the fiscal year for which such patronage refunds are distributed.".

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

SEC. 401. Section 4.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the first sentence "presidents of each bank" and inserting in lieu thereof "president of each bank or the president's designee"; and

(2) striking out in the third sentence "subcommittee's" and inserting in lieu thereof "subcommittee."

SEC. 402. Section 4.10 of the Farm Credit Act of 1971 is amended by striking out "name" and inserting in lieu thereof "same".

SEC. 403. Title IV of the Farm Credit Act of 1971 is amended by adding new sections 4.17, 4.18, 4.19 and 4.20 as follows:

SEC. 4.17. INTEREST RATES.—Interest rates on loans from institutions of the Farm Credit System shall be determined with the approval of the Farm Credit Administration as provided in this Act, notwithstanding any interest rate limitation imposed by any State constitution or statute or other law(s) which are hereby preempted for purposes of this Act. Interest rates on loans made by agricultural credit corporations organized in conjunction with cooperative associations for the purpose of financing the ordinary crop operations of the members of such associations or other producers and eligible to discount with the Federal intermediate credit banks pursuant to section 2.3 of this Act shall be exempt from any interest rate limitation imposed by any State constitution or statute or other law(s) which are hereby preempted for purposes of this Act.

"SEC. 4.18. PARTICIPATION LOANS.—Notwithstanding any other provisions of this Act, the terms of any loan participated in by two or more Farm Credit System institutions operating under different titles of this Act, including provisions for capitalization of the portion of the loan participated in by each institution, shall be as may be agreed upon among such institutions and authorized by the Farm Credit Administration, except that for purposes of determining borrower eligibility, membership, term, amount, loan security, and purchase of stock or participation certificates by the borrower, the provisions of law applicable to the loan shall be the provisions in the title under which the institution that originates the loan operates.

"SEC. 4.19. YOUNG, BEGINNING, AND SMALL FARMERS AND RANCHERS.—

"(a) Under policies of the district board, each Federal land bank association and production credit association shall prepare a program for furnishing sound and constructive credit and related services to young, beginning, and small farmers and ranchers. Such programs shall assure that such credit and services are available in coordination with other units of the Farm Credit System serving the territory and with other governmental and private sources of credit. Each program shall be subject to review and approval by the supervising bank.

"(b) The Federal land bank and the Federal intermediate credit bank for each district shall annually obtain from associations under their supervision reports of activities under programs developed pursuant to subsection (a) of this section and progress toward program objectives. On the basis of such reports, the banks shall provide to the Farm Credit Administration a joint annual report summarizing the operations and achievements in their district under such programs.".

"SEC. 4.20. TERMINATION OF PROVISIONS.—The provisions of (1) section 2.3 authorizing the Federal intermediate credit banks to lend to or discount paper for other financial institutions, and (2) section 3.7(b) authorizing the financing of certain domestic or foreign entities in connection with the import or export activities of cooperatives which are borrowers from the banks for cooperatives, shall expire on September 30, 1990 unless extended by Act of Congress prior to that date. Any contract or agreement entered into under the authority of either provision prior to its expiration shall remain in full force and effect notwithstanding such expiration.".

SEC. 404. Title IV of the Farm Credit Act of 1971 is amended by adding at the end thereof new parts D and E as follows:

"PART D—SERVICE ORGANIZATIONS

"SEC. 4.25. ESTABLISHMENT.—Any bank of the Farm Credit System, or two or more of such banks acting together, may organize a corporation or corporations for the purpose of performing functions and services for or on behalf of the organizing bank or banks that the bank or banks may perform pursuant to this Act: *Provided*, That a corporation so organized shall have no authority either to extend credit or provide insurance services for borrowers from Farm Credit System institutions, nor shall it have any greater authority with respect to functions and services than the organizing bank or banks possess under this Act. The organizing bank or banks shall apply for a Federal charter for the corporation by forwarding to the Governor of the Farm Credit Administration a statement of the need for the corporation and proposed articles specifying in general terms the objectives for which the corporation is formed, the powers to be exercised by it in carrying out the functions and services, and the territory it is to serve. The Governor for good cause may deny the charter applied for. Upon the approval of articles by the Governor and the issuance of a charter, the corporation shall become as of such date a federally chartered body corporate and an instrumentality of the United States.

"SEC. 4.26 POWERS OF THE GOVERNOR.—The Governor shall have power, under rules and regulations prescribed by the Governor or by prescribing in the terms of the charter or by approval of the bylaws of the corporation, to provide for the organization of any corporation chartered under this part and the territory within which its operations may be carried on, and to direct at any time such changes in its charter as he finds necessary for the accomplishment of the purposes of this Act. The powers of the Governor to provide for the organization of any corporation chartered under this part include, but are not limited to approval of—

"(1) corporate title;

"(2) general corporate powers;

"(3) eligibility for membership on, and the powers, composition, selection, terms, and compensation of the board of directors;

"(4) classes, issuance, value, and retirement of stock;

"(5) sources of operating funds;

"(6) dissolution, liquidation, and distribution of assets on liquidation; and

"(7) application and distribution of earnings.

"SEC. 4.27. SUPERVISION AND EXAMINATION.—The corporations organized under this part shall be institutions of the Farm Credit System and shall be subject to the same supervision and examination by the Farm Credit Administration as are the organizing bank or banks under this Act.

"SEC. 4.28. STATE LAWS.—State and other laws shall apply to corporations organized pursuant to this part to the same extent such laws would apply to the organizing bank(s) engaged in the same activity in the same jurisdiction: *Provided, however*, That to the extent that sections 1.21, 2.8, and 3.13 of this Act may exempt banks of the Farm Credit System from taxation, such exemptions, other than with respect to franchise taxes, shall not extend to corporations organized pursuant to this part.

"PART E—SALE OF INSURANCE

"SEC. 4.29. LINES OF INSURANCE.—(a) The regulations of the Farm Credit Administration governing financially related services that the banks and associations of the Farm Credit System may provide under sections 1.11, 1.15, 2.5, and 2.16 of this Act may authorize the sale to any member of any such bank or association, on an optional basis, of credit or term life and credit disability insurance appropriate to protect the loan commitment in the event of death or disability of the debtors and other insurance necessary to protect the member's farm or aquatic unit, but limited to, hail and multiple-peril crop insurance, title insurance, and insurance to protect the facilities and equipment of aquatic borrowers.

"(b) Such regulations shall provide that—

"(1) in any case in which insurance is required as a condition for a loan or other financial assistance from a bank or association, notice be given that it is not necessary to purchase the insurance from the bank or association and that the borrower has the option of obtaining the insurance elsewhere;

"(2) such insurance services may be offered only if—

"(i) the bank or association has the capacity to render insurance service under the Act in an effective and efficient manner;

"(ii) there exists the probability that any insurance program under this Act will generate sufficient revenue to cover all costs; and

"(iii) rendering insurance service will not have an adverse effect on the bank's or association's credit or other operations; and

"(3) no bank or association shall directly or indirectly discriminate in any manner against any agent, broker, or insurer that is not affiliated with such bank or association, or against any party who purchases insurance through any such nonaffiliated insurance agent, broker, or insurer.

"(c) Notwithstanding any provision of this section to the contrary, any bank or association that on the date of enactment of the Farm Credit Act Amendments of 1980, is offering insurance coverages not authorized by this section may continue to sell such coverages for a period of not more than one year from such date of enactment and may continue to service such coverages until their expiration.".

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

SEC. 501. Section 5.0 of the Farm Credit Act of 1971 is amended by inserting before the period at the end of the first sentence the following: "and one of which districts may, if authorized by the Federal Farm Credit Board, include the Virgin Islands of the United States: *Provided*, That the extension of credit and other services authorized by this Act in the Virgin Islands of the United States shall be undertaken only if determined to be feasible under regulations of the Farm Credit Administration".

SEC. 502. Section 5.2 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (b) "three" and inserting in lieu thereof "two"; and

(2) striking out in the first sentence of

subsection (c) "three" and inserting in lieu thereof "two".

Sec. 503. Section 5.8(h) of the Farm Credit Act of 1971 is amended by striking out in the first sentence "the sum of $100 a day" and inserting in lieu thereof "compensation at a rate equal to the daily equivalent of the rate prescribed for grade GS–18 under section 5332 of title 5 of the United States Code".

Sec. 504. Section 5.10 of the Farm Credit Act of 1971 is amended by inserting after the second sentence a new sentence as follows: 'Pursuant to a policy statement adopted by the Federal Farm Credit Board, the Governor of the Farm Credit Administration shall consult on a regular basis with the Secretary of the Treasury in connection with the exercise by the System and the Governor of the powers conferred under section 4.2 of this Act, and with the Board of Governors of the Federal Reserve System in connection with the effect of System lending activities on national monetary policy.

Sec. 505. Section 5.15 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "The Farm Credit Administration may dispose of property so acquired and any amounts collected from the disposition of such property shall be deposited in the special fund provided for in section 5.16(b) of this Act and shall be available to the Administration in the same manner and for the same purposes as the funds collected under section 5.16(a) of this Act."

Sec. 506. Section 5.17 of the Farm Credit Act of 1971 is amended by adding at the end thereof the following new clause (5) and inserting a new sentence immediately thereafter:

"(5) To sell or otherwise dispose of any interest in property leased or acquired under the foregoing if authorized by the Board.

In actions undertaken by the banks pursuant to the foregoing provisions of this section, the Farm Credit Administration may act as agent for the banks.".

Sec. 507. Section 5.18 of the Farm Credit Act of 1971 is amended by adding at the end of paragraph (3) a new sentence as follows: "The annual reports shall include a summary and analysis of the reports submitted to the Farm Credit Administration by the Federal land banks and Federal intermediate credit banks under section 4.19(b) of this Act relating to programs for serving young, beginning, and small farmers and ranchers.".

Sec. 508. Section 5.18 of the Farm Credit Act of 1971 is amended by inserting "(a)" immediately after the section designation and adding at the end thereof the following new subsections (b) and (c):

"(b)(1) At least thirty days prior to publishing any proposed regulation in the Federal Register, the Farm Credit Administration shall transmit a copy of the regulation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The Farm Credit Administration shall also transmit to such committees a copy of any final regulation prior to its publication in the Federal Register. Except as provided in paragraph (2) of this subsection, no final regulation of the Farm Credit Administration shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of the Congress are in session.

"(2) In the case of an emergency, a final regulation of the Farm Credit Administration may become effective without regard to the last sentence of paragraph (1) of this subsection if the Farm Credit Administration notifies in writing the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

"(c)(1) If there are any unresolved differences between the Farm Credit Administration and the Board of Governors of the Federal Reserve System as to whether any regulation implementing section 3.7(b) of this Act or the other provisions of title III relating to the authority under section 3.7 (b) conforms to national banking policies, objectives, and limitations, simultaneously with promulgation of any such regulation under this Act, and simultaneously with promulgation of any regulation implementing section 2.3 of this Act, the Farm Credit Administration shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Farm Credit Administration dealing with the matter of , which regulation was transmitted to Congress on ', the blank spaces therein being appropriately filled.

"If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(3) For the purposes of paragraphs (1) and (2) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(4) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation."

Sec. 509. Title V of the Farm Credit Act of 1971 is amended by adding the following section at the end thereof:

"Sec. 5.30. General Accounting Office Audit: Report to Congress.—

"(a) The Comptroller General shall conduct an evaluation of the programs and activities authorized under the 1980 amendments to this Act, and shall make an interim report to the Congress no later than December 31, 1982, and a final report to the Congress no later than December 31, 1984. The Comptroller General shall include in such evaluation the effect that this Act, as amended, will have on agricultural credit services provided by the Farm Credit System, Federal agencies, and other entities. The Comptroller General may make such interim reports to the Congress on the programs and activities under these amendments as the Comptroller General deems necessary or as requested by Members of Congress.

"(b) For the purpose of conducting program evaluations required in subsection (a) of this section, the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.".

Sec. 510. Paragraph (1) of section 1141b of title 12 of the United States Code is amended to read as follows:

"(1) shall maintain its principal office within the Washington, D.C.-Maryland-Virginia standard metropolitan statistical area, and such other offices in the United States as in its judgment are necessary".

Sec. 511. Section 3 of the Swine Health Protection Act (Public Law 96–468, approved October 17, 1980) is amended by—

(1) striking "and" at the end of clause (2);

(2) changing the period at the end of clause (3) to a semicolon and adding "and"; and

(3) inserting a new clause (4) reading as follows:

"(4) the term 'State' means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7548) was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EDDIE PATTEN

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 60 minutes, and to revise and extend his remarks.

Mr. RODINO. Mr. Speaker, it is my great privilege to address my colleagues by special order of the House to honor my good friend, the distinguished gentleman from New Jersey, Eddie Patten, who is retiring at the end of the 96th Congress.

For the past 18 years Eddie Patten has filled this institution with his warmth, his humor, his compassion, and his profund understanding of the needs and sentiments of the American people. As a friend, I have appreciated Eddie's counsel in translating the concerns of Americans into legislative action. During his many years of dedicated service in Washington he has always remained close to his roots in central New Jersey, and in so doing has earned the respect, support and love and affection of his constituents.

Eddie Patten is not one to boast about his accomplishments, but there is much which has distinguished his career in this House. He has served as a valued member of the Committee on Appropriations and its Subcommittee on Labor-Health, Education and Welfare and Subcommittee on Treasury and Postal Service, Ed has been a strong voice for the powerless and the helpless. Eddie Patten has worked diligently to improve the quality of life for the mentally ill, the handicapped, the disadvantaged, the elderly and other needy members of society.

His labor of love has been successful. Eddie's efforts to support medical research in the field of diabetes, epilepsy, Huntington's disease, and brittle bone disease, the National Institute of Health, and for alcohol abuse research and treatment will continue to benefit Americans long into the future.

While Eddie has used his voice in Congress to benefit needy Americans from all over this vast Nation he has never forgotten the citizens of his 15th District of the State of New Jersey. For example, his fight to clean up the Raritan River has led to one of the most miraculous ecological recoveries in our State.

He also initiated the restoration of Ellis Island, where millions of our ancestors first landed in this new world. Eddie Patten had an idea to open Ellis Island to the public so that our children can learn about their heritage—the history of the American immigrant. He got the ball rolling for Congress and the National Park Service to make this idea a reality, and now there are tours of Ellis Island.

His service to the State of New Jersey dates back to his tenure as mayor of the town of Perth Amboy from 1934 to 1940; as Middlesex County clerk from 1940 to 1954, and as secretary of state under Gov. Robert Meyner from 1954 to 1962.

Of all Eddie Patten's contributions to this Nation, perhaps the most lasting will be his support for education. A former schoolteacher, Eddie Patten has never lost his enthusiasm for learning or his belief that every American is entitled to equal educational opportunity.

As a member of the Appropriations Committee Eddie has successfully led the fight for Federal help to vocational and adult education. Millions of Americans who have received a better start in life or who have gone back to schools that—with Government help—are better equipped have Eddie Patten to thank.

I can say quite confidently, that without Congressman Patten, the Middlesex County College in New Jersey—which offers quality education to thousands of students each year—would not have come into existence.

Without Congressman Patten, Rutgers, the State University, would not be as vibrant or diverse a learning institution as it is today.

And without Congressman Patten, Princeton University's special physics laboratory which is pioneering research in atomic fusion would still be only an idea on the university's drawing table.

Eddie Patten's belief in education as the key to the future has benefitted many institutions, and on a more personal level, has provided the means for individuals to improve their lives.

The concern and commitment he has shown toward people will be long remembered in this House. I know that all of Eddie's friends and colleagues will join me in echoing a debt of gratitude for his service to his country.

Eddie, we salute you for your distinguished and honorable service. We will miss you greatly.

We send you and your lovely wife and helpmate Ann, our best wishes for much happiness in the future.

□ 1850

Mr. O'NEILL. Mr. Speaker, would the gentleman yield?

Mr. RODINO. I yield to the distinguished Speaker of the House, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, it is with sincerely strong personal and emotional feelings that I rise to join Chairman Peter Rodino to honor one of the most talented, dedicated and able legislators of the past generation, and one of the warmest, most aimable and personable individuals I know, Eddie Patten, on the occasion of his retirement.

Eddie, I am proud to have served with you in the U.S. House of Representatives for the past 18 years. I can truthfully say that no one can have a finer or more loyal friend than you, Ed Patten, and I am honored and privileged to consider you one of my best and closest friends.

I am deeply grateful for the political support, personal loyalty, and legislative encouragement you have always given me over the years. Ed, the many laughs and anecdotes that we have shared, the good times at home and abroad, the beautiful moments of political triumph, the agonizing periods of legislative defeat—all of these precious memories are part of an enduring friendship that was built on mutual trust and confidence, profound respect and admiration, and a common bond of dedication and commitment to the ideals of decency, honor and justice for all Americans.

Ed, you have served the 15th District and the entire State of New Jersey with political compassion and sensitivity to the urgent and essential needs of your constituents. As a member of the Appropriations subcommittee that determines the Federal funding for the labor, education, health, and social welfare programs of the Nation, you have been the champion of the working person, the young student, and the golden ager. Time and time again, you have been unafraid to stand up and be counted for your beliefs and principles and for the courage of your convictions.

No Member of the House is more dedicated than Ed Patten to the development of the greatest resource we have as a nation, the education of our young people. No Member of the House has been a stronger or a more forceful advocate of higher education than Ed Patten. Eddie Patten's commitment to Federal support for student grants and loans and to Federal support for university research and training activities have given, to countless Americans from all walks of life and all ages, the splendid opportunities to develop their full potential.

Ed, you have brought to the deliberations of the Appropriations Committee and to the House Chamber a strong sense of personal conviction, integrity, and high moral character and your delightful sense of humor has helped to ease the tension of many emotionally charged and highly volatile House floor sessions.

As Speaker, I thank you from the bottom of a grateful heart for your support and contribution to the successes of the House Democratic leadership over the last decade. I will miss your advice, counsel, and assistance in the 97th Congress. You know, Eddie, my door is always open to you. In my opinion, a more decent, honorable and benevolent human being than you, Eddie Patten, simply does not exist. Millie joins me in wishing the very best for you and your beautiful wife and devoted partner, Ann, in all your future endeavors.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the distinguished gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

Mr. Speaker, I am very pleased and very proud to join in this salute to Eddie Patten. I have gained a great respect, admiration, and affection for Ed Patten and his wife, Ann, in the course of my experience here. He is a great patriot. He is strong on our national security interest. I have had nothing except satisfying experiences and relationships with Ed Patten.

We had an opportunity on several occasions to participate jointly in the conferences of the Interparliamentary Union where he was a most valuable member, bringing his expertise in the field of our national security and contributing substantially to the interests of our Nation in the discussions which took place at these great international meetings.

In those experiences particularly, I came to know Ed Patten very well, I feel, to gain an understanding of him, to be delighted by his wonderful sense of humor, by his delightful personality, and to enjoy the friendship of both Ed Patten and his wife, Ann.

My wife, Doris, I know, would want to join in this expression of affection and respect and good health and happiness to Ed and Ann Patten.

I thank the gentleman for yielding.

Mr. HUGHES. Mr. Speaker, would the distinguished gentleman from New Jersey yield?

Mr. RODINO. I yield to the gentleman from New Jersey (Mr. Hughes).

Mr. HUGHES. Mr. Speaker, I want to take a few minutes and join with my other colleagues in the House to say just how much I will miss Congressman Patten's presence when the 97th Congress convenes.

It has been my privilege to serve in the same congressional delegation with Eddie Patten for 6 years. When I was a freshman Congressman back in 1974, Congressman Patten went out of his way to show me the ropes. He was always forthcoming with advice and encouragement which he imparted in a style uniquely his.

EDDIE PATTEN is well known for his quick humor and big heart. EDDIE always had time for the little guy and working people and consistently advocated their cause throughout his long and distinguished career in the House of Representatives.

Many of the social programs of the last two decades that aid the poor and the elderly and protect the working man can be attributed to EDDIE. EDDIE never did what was fashionable, he did what was right. He's an old fashioned man who holds his values dear. He came out four square either in favor or opposed to a proposition, there was no wavering with EDDIE once he made up his mind.

Just as you knew where EDDIE stood on an issue, you knew where you stood with EDDIE personally. His reputation for being a loyal friend and staunch ally cannot be disputed. He was one of those rare individuals who had both natural grace and impeccable timing. He knew when to offer encouragement and when to apply pressure. He could put the most nervous constituent or witness at ease and he could disarm the hostile with a quick flash of his legendary wit.

EDDIE, you have done a remarkable job for the constituents of New Jersey's 15th Congressional District and for the rest of the country. I wish you and Mrs. Patten all the best but I am really going to miss you come January.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. RINALDO. Mr. Speaker, Representative EDWARD PATTEN of New Jersey's 15th Congressional District, has given unstintingly of himself over five decades of public service, and today I joint my colleagues in paying tribute to this conscientious leader on the eve of his retirement from the House of Representatives.

While ED and I have been on opposite sides of the aisle, I have long admired and respected the joy and enthusiasm he has shown for his profession. His life and his record are marked with one achievement after another as he has ably and effectively represented his constituents.

Born in Perth Amboy, N.J., and educated at Rutgers University, he has served as a school teacher and officeholder; as a lawyer and lawmaker. His introduction to political office came in 1934 with his election as mayor of Perth Amboy, a post he was to hold until 1940 when he was appointed clerk of Middlesex County. Subsequently he was named secretary of state of New Jersey, and served in that capacity until 1962, when he was elected to the 88th Congress.

During his 18 years of congressional service, he has loyally championed and creatively contributed to legislation significantly advancing the welfare of our Nation. As the lone member of the New Jersey delegation on the House Appropriations Committee, he lent his considerable influence in 1975 to securing funds to continue operations at Fort Dix, a Federal installation of immense importance to the economy of New Jersey.

On a much broader scale, he has been instrumental in the enactment of legislation advancing the cause of education, and aiding our veterans, businessmen and the working force of this Nation. There is no denying that his service to the Congress, his constituents, and to his nation has been substantial.

In politics he found scope for unfettered expression of a prodigious talent to serve his fellow man with massive gusto, boisterous optimism and boundless wit and humor.

We can say that he had an opportunity to contribute creatively and constructively to the welfare of the Nation, and we can say that he was equal to the task.

He is a cherished friend whose happy countenance will be missed in this Chamber, and on his departure, I express my gratitude for the noble service he has rendered to his constituents, but most of all for the friendship of ED and his wonderful wife, Ann.

Mr. MAGUIRE. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank my distinguished dean and colleague and distinguished chairman of the Committee on the Judiciary for yielding.

When I first came to the Congress 6 years ago, EDDIE PATTEN did his best to set me straight. I am not sure how well he succeeded, but he tried. EDDIE PATTEN has been that way for every new Member who has ever come from the State of New Jersey and many others as well.

My colleagues have already discussed his distinguished and long record of public service, former secretary of state of New Jersey, advisor to governors and, of course, our representative on the Committee on Appropriations for many, many years. He served his State and his district and his country as best he could.

He is a man of humor, too, as we all well know. I have been at many a meeting of the New Jersey delegation early in the morning or in the evening when EDDIE had us all, Mr. Speaker, as you well know, rolling in the aisle.

□ 1900

He has a kind of ironic perspective. It would be good if more of us shared it more of the time.

I never did get one of his famous ties. I hope EDDIE will arrange for me to get one of those.

He also knows—and this is a very graceful thing really, is it not—when you to step down. Some of the rest of us do not know that as well as he does and some of us have to do it involuntarily as is, of course, a case for the Representative of the Seventh Congressional District of New Jersey this year.

EDDIE, my hat is off to you for your service, your humor and humanity and I wanted to join in this special order tonight.

Mr. RODINO. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. GUARINI).

Mr. GUARINI. Mr. Speaker, my good friend, PETER RODINO, I rise to pay a tribute to a very distinguished American and a dear friend, the Representative from the 15th District of New Jersey, EDWARD J. PATTEN. As freshman Congressman, I have been very proud to serve with you. I think you have made my first 2 years in Congress much richer for your presence.

You will be retiring after 18 illustrious years. I think there is not a man here who would not say you have an unforgettable charm and a very quick wit.

For all that have been here, whether it be the press, your colleagues, public interest groups, you have indeed made a very indelible mark. You have been very diligent. You have worked for your constituents and you have been a champion of the working man. You have been a staunch advocate of legislation for various diverse and deserving segments of our society, particularly with regard to veterans, consumers rights, and senior citizens who are now, I assume, very dear to your heart.

It goes without saying that what you have done here has been indelibly etched in the minds of all of us in the annals of the House of Representatives. Your style, your humor are already a legend in your time and you have had countless meetings, you have had many congressional sessions, many private gatherings. Your agenda has been very full these last 18 years but I think that all of us agree that your exuberance, your effervescence and your down home philosophy and commonsense have certainly made our Nation a greater Nation. We will certainly miss you. I would dub you as Perth Amboy's answer to Will Rogers. Certainly one of the most colorful people who have ever graced our Chamber here. We want you and your lovely wife, Ann, to have the very best in life, health, and happiness and I think that you have served so well here in Congress that what has happened here will contribute greatly to the enjoyment and contentment of other things you will do in your retirement.

I am very, very proud of your record as mayor and secretary of state of New Jersey. I have not heard that before. You have 18 years in the House. You have served in every level of Government, your local government, your State and your Nation. I think we have been very fortunate that your life has touched ours. In a true sense you will always be remembered as one of the most unforgettable characters and personalities and most loved people of this House. I wish you well and we all, our colleagues, wish you and Ann many good years ahead. Good luck and God bless you.

Mr. RODINO. I yield to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, I first met our colleague, ED PATTEN, many years ago when I was a member of the Young Dems. ED PATTEN was the revered and distinguished Congressman from the adjoining district in Middlesex County. Through the years I have the pleasure and the honor of looking at Ed Patten, watching Ed Patten, listening to Ed Patten, and I think with his retirement from this body that it will not only be a loss to his district, a great loss to the Congress, but it will be a loss to our Nation because with retirement of Ed Patten, this body is losing what I feel is one of the last true populists in public life.

Ed Patten has always as his main concern the people back home. He was the one who would be concerned with the basic problems that people have. The man with the lunch bucket. The family concerned about having enough money to provide food, clothing and shelter for the family. It may be because of his intimate knowledge with the depression years that so many of us went through. But Ed Patten could take comprehensive national legislation and immediately break it down as to how the Federal Government in any piece of legislation could involve itself with solving the problems of the average man. I know that many of us in this body tend to be nationalists or internationalists when we serve here and I think what we should not lose sight of is the image of an Ed Patten, the philosophy of an Ed Patten, that we are here really to do what a society and a government ought to do in responding to the needs of the people. Ed Patten is not only a great Congressman, Ed Patten was truly a representative. He was truly representative of the people back home, constantly raising his voice for their needs. I would like to see us return in greater numbers to a Congress of populists.

Ed Patten, our warm, big-hearted Congressman from Perth Amboy, N.J., never lost touch with his constituency. He provided a clear and steady voice for the people of the 15th District. He was home every weekend, going to weddings and funerals, helping his constituents with problems big and small, and always talking their language and reflecting their views.

If there was ever a criticism of Ed Patten, it was that he was "too nice." He would work long hours into the night, helping a family on a tough problem when perhaps he should have been home, resting up for the next busy day. I hasten to say he probably knows more of his constituents on a first name basis than any Member of Congress.

A testament to Ed Patten's record of public service is not complete without a word about his wife, Ann, who with great loyalty and ability has worked side by side with Ed during his 18 years in office. But rather than duplicate the words of others about the Patten's very special relationship with other Members and Ed's major accomplishments, I would like to pay tribute by reading some of the thoughts that come from the pens of Ed Patten's own constituents.

A gentleman from Carteret writes to Ed Patten:

> I have gone on record in the past, as an old Republican, who has said that as far as I'm concerned, you've done one helluva job for your district and been a wonderful friend to me personally. Your presence in Washington will be deeply missed by all of us.

A senior citizen writes:

> Your assistance to older people will never be forgotten. I only hope your retirement will not keep you from continuing the tremendous service you have given to your community, state and country.

A woman from Metuchen, N.J., whose sons interned with Ed Patten writes:

> Both my sons were imbued with a sense of respect for the office you honor. In a time of doubt and cynicism, I am thankful that they had the opportunity to have developed such positive feelings about the workings of our government.

And finally, a Middlesex County gentleman writes:

> There is also a touch of sadness now present. Sadness that the people of the 15th District will no longer have your services. Sadness that our country will lose the services of one who always placed its interest far above his own.

The true test of a natural politician does not take place during a term of service or even in a campaign. Rather, it is reflected in his behavior after he leaves office. That is because a natural politician truly loves people and enjoys interacting with them. And that is why, if you see Ed Patten walking down the streets of Perth Amboy next year, you will see the same Ed Patten, stopping to chat, shake hands and offer sympathy and congratulations in the identical warm and sincere manner that has always characterized the man.

Certainly the State of New Jersey has been proud of Ed Patten, a person we sent down here to Washington to show so many of our colleagues what a true representative of the people can be. We will miss him, this Congress will miss him and the United States of America will not only miss him but be grateful for the service he has given to people all over this country.

Mr. RODINO. Mr. Speaker, I yield to the gentlewoman from New York (Ms. Ferraro).

Ms. FERRARO. Mr. Speaker, it is with great pleasure that I join my colleagues in saluting the distinguished gentleman from New Jersey, Eddie Patten. Serving with Eddie for 2 years has been an honor, and a pleasure. His presence in the House has added to the quality of national legislation, and to the quality of morale in this body. I know that no Member of the House will disagree when I say that Eddie Patten's warmth, wit, and ability to laugh at everything, including himself, have contributed in an absolutely lovely way to the atmosphere of the House of Representatives.

Eddie Patten's wit is known in every office throughout the Hill. Few of our colleagues have taught us as much about the human nature, and humanity of this institution and its Members, as Eddie. But, of course, the name Eddie Patten is synonymous with more than humor and wit; it is also synonymous with dedicated public service. Congressman Patten has given of himself for more than half a century. After 7 years as a public school teacher, he became mayor of Perth Amboy in 1934. He has continued to serve the people of New Jersey since that time. He has served not only continuously, but with dedication and success. He is as well loved in New Jersey as he is in the Halls of the Congress, and will be missed by all.

I join Chairman Rodino, the Members of the New Jersey delegation, and all of my colleagues in expressing appreciation to Eddie Patten for his work, and wishing him continued success. Eddie will be sorely missed, and, I am sure, long remembered.

☐ 1910

Mr. MINISH. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. MINISH. Mr. Speaker, it is a privilege to join my colleagues in paying tribute to our good friend Ed Patten upon his retirement from Congress.

Ed and I came down from New Jersey to Congress together in 1963, and I have found it a genuine pleasure to serve and work with him here these 18 years. I know that I will miss this good and loyal servant of the people, who has contributed such warm good humor to this Chamber.

The "Almanac of American Politics" has rightly noted that—

> Patten's greatest political asset . . . has been his sense of humor; he is the kind of person for whom politics is a joy and campaigning a pleasure.

All here who have benefited from Ed's enthusiasm will remember him fondly, and I hope that none of us will forget the example he has set of conscientiously watching out for the well-being of the people who sent him here.

Ed Patten possesses a quality which is all too rare here in Washington: he has never forgotten where he came from. Since the beginning of his venerable political career, as mayor of Perth Amboy in 1934, Ed has maintained the warm affection for his constituents which has been so characteristic of him. I like to picture him walking through the familiar neighborhoods of his district, as I am told he does, with his pockets bulging with pennies to give to the little children who he meets. His well-earned reputation for service to his constitutents is just another manifestation of this same caring regard for his people.

Ed started out as a teacher, in addition to practicing law, and he has never forgotten his early commitment to education. Many of our friends from New Jersey and elsewhere were present this last June when Ed's alma mater, Rutgers, presented him its special Rutgers University Award, the highest honor which that fine school can give, in recognition of his achievements on behalf of higher education. Ed said at that time that he would want to be known as the "educational Congressman," and his tireless efforts on the Appropriations Committee have certainly been enough to earn him that distinction. It is Ed's firm commitment to social justice which has motivated his enthusiasm for education for all, which has opened to all citizens greater opportunities.

Nor has ED forgotten his native State of New Jersey, which he has served continuously in several capacities for over 50 years. His effective work to prevent the closing of Fort Dix is just one of his better known accomplishments for the Garden State. His support for public education projects and for the development of fusion power will continue to offer solid benefits to his own Middlesex County, to New Jersey, and to America for years to come.

ED's achievements in public office alone cannot explain the affectionate regard which we all share for him. I will resist the temptation to reminisce about the many anecdotes of ED's spirited humor, which we all treasure. I will just say that, ED, we will miss you. We are the richer for your having been among us, in more ways than the children of Perth Amboy will be pennies richer because of your retirement. I wish you and your dear wife Anna a proud, happy, and productive retirement.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the dean of the New Jersey delegation for yielding.

I had no idea that we were going to be discussing the political life of ED PATTEN this evening, but I would certainly feel remiss if I did not add my voice to what I consider one of the truly most outstanding public servants that I have had the pleasure of working with in Congress.

ED PATTEN and Annie have for a long time been friends of the Rostenkowskis, Laverne and I enjoy their company all the time.

But you know something peculiar happens in politics today. We become so committed to the media, and we forget about the personal services that really made this country the great Nation that it is. That is the quality that I would like to speak about that never left ED PATTEN and Annie. It is a personal relationship with the people in their district.

I have seen this happen in my great city of Chicago, where people in a community look to their public servants as a counsellor, as a guide, and truly as a light.

I know that in my community people want their public servants to be concerned with not only the politics of legislating, but the politics of community service.

I think EDDIE PATTEN and Annie going back to New Jersey every weekend and serving their constituency in this manner is a hallmark.

You know, it has long been said that we here in Washington continuously read about each other. We read it in the Post or the Times or in the CONGRESSIONAL RECORD, or we read it in the Wall Street Journal, but the Pattens go home and read the papers at home, read the community papers and know what is going on in their community.

Maybe there is a lesson taught in this election. Maybe we ought to get home a little bit more often like the Pattens do, and maybe we ought to talk to our constituents the way they do; and maybe the country will be greater for this.

EDDIE, I am going to miss you. I know Laverne is going to miss Annie. I know that I have learned a great deal at your knee. I just hope that you do not take a vanishing pill. I hope that you come back to Washington as often as possible and enjoy our company as we have enjoyed yours.

Good luck to you, pal.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I would like to add my congratulations to a very fine gentleman, a very good friend and possibly not endeavor to outdo some of my colleagues who have properly spoken in superlatives, but maybe just an observation of a person on the other side of the aisle.

You know on almost every issue here for the past 20 years, there are sides, and many come down on one side of an issue and many on the other.

I have pointed out from time to time that once in a while there is a feeling among many Members when their side wins that light prevails and there is reason. When the other side wins, the House is in an ugly mood, or we do not know what we are doing.

We know one thing about EDDIE PATTEN. I would say, no matter which side wins, no matter whether it is his side or on those rare occasions when maybe the other side would win, EDDIE is always in a good mood. EDDIE always has a bright outlook, and if in any particular case his side did not win, he is usually philosophic about it. He is usually congratulating the people on the other side, saying, "Well, you won this one."

You know I think in the light of what the gentleman from Illinois (Mr. ROSTENKOWSKI) said a few moments ago, many of us sometimes tend to take ourselves a little too seriously around here, and we can expound the things we believe in. We can stand up for issues, but when we win or lose, we should be good winners, and we should be good losers. That is the thing I like to remember about EDDIE PATTEN. He is a good winner and a good loser. He has been a good friend.

I would say again one thing, EDDIE, I think I pointed out to you some years ago. Quite often in our travels we all get an insight unexpected into another Member's campaign, another Member's district, another Member's family, maybe even sometimes another Member's problems.

I remember one time on a rare occasion when I was enjoying myself away from the work of this body and around a swimming pool. I heard a very able and smart young man next to me telling a friend how he was going to go back to New Jersey and beat the tail off EDDIE PATTEN.

Well, I sat there and listened. He did not know who I was, and I did not know who he was. But in the course of about an hour I could tell by what he was saying he was not going to beat EDDIE PATTEN. I think EDDIE can remember I told him that particular occasion.

I had the interest to see what the vote was that particular year. It was something like 2 or 3 to 1 maybe. It was that close.

□ 1920

I think the lesson there was that there are going to be a lot of flashes come along. There are going to be a lot of people who think they are going to knock some of the older Members, those who are not quite as much out front, out of the box; but the steady Members normally come back, and I would say that EDDIE PATTEN has been one of those steady Members. He has been a friend. He has been a person who, win or lose, has a smile on his face and, you know something, EDDIE, there are not too many of the 435, including the Member speaking, who can make that statement.

So I congratulate you, EDDIE, as a friend, and look forward to your enjoying the many years you deserve ahead.

Mr. RODINO. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary, who is in the well, for yielding to me.

I would like, Mr. Speaker, at this time to commend the gentleman from New Jersey for affording all of us an opportunity to pay tribute to one of the most distinguished Members of this body. I did not prepare any remarks for submission into the RECORD, as I had originally intended to do, because EDDIE PATTEN is sort of special to those of us who have had the privilege of serving with him on the Appropriations Committee. I served with him on that committee now for 10 years.

We have also had the pleasure and privilege of a friendship by virtue of our service on the Labor-HEW Subcommittee on Appropriations.

It has been an opportunity for me to learn a great deal from a man who has a tremendous amount of experience and public service. I admire EDDIE PATTEN. I admire him for many reasons. I admire him because he is perhaps one of the most able and dedicated Members of this body, but also because he took very special pride in his service, not only on the Appropriations Committee, but particularly on that Labor-HEW Subcommittee.

I think as all of us know in the House, the Appropriations Committee and its subcommittees spend many long days and many hours listening to witnesses and hearing testimony with reference to the legislation that comes before our committee.

Eddie Patten took a great deal of pride in the long hours that he would sit there and listen to witnesses and interrogate them. It was during this period of time that I was able to acquire the great respect and admiration that I have for him, because he would sit there day after day after day and listen to witness after witness after witness. Many times when others on the committee would run off to do other things, Eddie Patten would very patiently sit there and adhere to his responsibility on that committee.

This is where I learned of the uncanny knowledge that he had of the programs that come under the Labor-HEW bill and the extraordinary knowledge that he had about the institutions and the programs in his own district. Oftentimes he would in interrogating witnesses refer to specific programs, specific institutions in his congressional district and tell the witness how those programs specifically affected the people whom he represented.

Of course, all of us will miss what has been affectionately referred to here today by others as his delightful humor. Often on many days when the witnesses were dull and the testimony was even duller, we could always depend upon Eddie Patten to inject some of his delightful humor and thereby furnish the witnesses and the members of the committee a little respite from the dullness of the day; but during his service there, I would like to pay tribute to the way that he particularly was concerned about those kind of programs that affected minorities, the poor, the disadvantaged and the elderly in our society. It is in that category or that class of persons who benefited from his long years of service and his extraordinary knowledge of those kinds of programs.

So I join with the chairman, the dean of the New Jersey delegation and all the Members of the New Jersey delegation and the other Members of this House in saluting Eddie Patten for his great service to the House of Representatives, to the State of New Jersey and to this Nation.

Mr. RODINO. I thank the gentleman.

I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished chairman for not only having yielded, but for having alerted us to these special orders in which we pause and render our tribute, very much justified, to our beloved colleague, Eddie Patten.

I think that really all I could say has been said very eloquently and far better than I could by our colleagues who have spoken previously; but I think there is one thing we must know, that the common thread running through every utterance that has been made here today and, in fact, the common thread that we find in every conversation having to do with Ed Patten is symbolized by the use of one word, or several related words, "A friend, friendship, friendly." I think you will find that word in every single one of the speeches that have been made here today. I think it is so symbolic, because it is a thing that personifies Congressman Patten.

I think that his record of service in this body, and certainly I am a contemporary of his, having served with him all through the years that he has served, we have discovered that Representative Patten is for the people. The votes show that. The likes of myself from San Antonio, Tex., voting almost identically, practically 100 percent through 18 years with Edward J. Patten of New Jersey is I think very revelatory of some common pattern that we find ourselves enacting in our role as legislators in our voting record through the years when there is a transcendence of that purely parochial responsibility of attempting to represent that geographical district that we are charged with representing.

There is no question that the decision by Ed to retire was not only a sad one to me personally, but to every one of us, and a genuine loss to our representative form of government. We need the Pattens in a most desperate way and in a continuing way; yet I know that his decision was made very soberly and after much consideration.

I take this opportunity to wish him Godspeed in the lovely company of his very wonderful wife, Annie.

Mr. RODINO. Mr. Speaker, I thank the gentleman.

● Mr. FLORIO. Mr. Speaker, I would like to join my colleagues on both sides of the aisle today in honoring the long and distinguished public career of our colleague, Ed Patten.

Since 1963, Ed has brought to this House a sense of humor, warmth, and genuine friendship that will be greatly missed. I think that all will agree that this Chamber simply will not be the same without him. Ed Patten's love of his work, State, and Nation has had a positive influence on all who have known and worked with him.

Ed Patten began serving the citizens of his hometown when he was elected mayor of Perth Amboy in 1934. Ed's concern with helping people resulted in his election to offices offering greater public responsibilities as he later served as Middlesex County clerk, New Jersey secretary of state, and finally in Congress.

Ed's dominant concern in his public career has been his overriding regard for people. No problem has ever been too small for Ed's personal attention in his efforts to provide exceptional service to his constituents. Only by speaking with his constituents do you fully realize how successful Ed Patten has been in helping people work with their Government, and to have the Government understand and act on their needs. Ed Patten will be sorely missed by the residents of Middlesex County who have acquired a better impression of their Government through Ed's tireless efforts on their behalf.

Support for education has also been in the forefront of Ed's work in the Congress. While Ed's formal education includes a bachelor of science degree and a degree in law, he never has forgotten that many others have been denied college educations because of lack of public moneys and Government support. Largely because of Ed Patten, the University of New Jersey, Rutgers, stands today as one of the Nation's excellent learning centers. Ed's contributions to the university's development will long be remembered.

I have been proud to serve with Ed. The Congress and the State of New Jersey are losing an exceptional public servant. Ed's good cheer and love of life will long stay with us. To Ed and his lovely wife Anna, I wish many more happy and productive years.●

● Mr. REUSS. Mr. Speaker, it is my privilege to join in this special order to honor my colleague, Eddie Patten, who will retire upon the adjournment of this 96th Congress. Eddie has been engaged in service to the public since his days as a schoolteacher beginning in 1927, and has held elective office since 1940. He has been an outstanding representative for the citizens of New Jersey's 15th District, who have wisely returned him to Congress in every election since that district's establishment in 1962. Since 1965, Eddie has served with great distinction as a member of the Appropriations Committee.

Throughout his years in Congress, Eddie has demonstrated unflagging kindness and compassion to his fellow Members. I heartily concur with Congressman Rodino's characterization of Eddie as one of our most beloved Members. Eddie's impending retirement, though well earned through years of dedicated service, is a severe loss to his colleagues and constituents.●

● Mr. OTTINGER. Mr. Speaker, I am pleased to join my colleagues in recognizing the many efforts and contributions of my good friend and colleague, Congressman Eddie Patten.

For over 50 years, Eddie has served in public office, the last of those 18 years representing New Jersey's 15th District.

Over those 50 years, Eddie has devoted himself to working to strengthen our educational system. In this regard, his work on the Appropriations Subcommittee on Labor and HEW is particularly noteworthy. His support for adult vocational training programs and his commitment to continuing education has been of vital importance to countless people.

Eddie's service to his constituents has earned him the well-deserved reputation as one who truly cares for the welfare of the people of his district. Nearly every Saturday, for 18 years, Eddie has journeyed back to Perth Amboy to meet any constituent in need of assistance.

Mr. Speaker, the retirement of Eddie Patten represents a great loss for the Nation, the Congress, and the American people. I know that all of us will miss him.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I am honored to join my colleagues in a tribute to the distinguished gentleman from New Jersey, the Honorable Edward J. Patten. Eddie Patten has been a longtime friend and we are indebted to him for his warmth and loyalty over the past 18 years. His busy and accomplished career in State, local, and Federal Government cannot go unnoticed. If you look into Eddie's past you can see a long line of dedicated service. He is a loyal New Jerseyan in every sense, and his constituents would heartily agree after electing him to eight terms in the House.

The people of New Jersey, the 15th District, and this House of Representatives will miss your many services. You have served this country well. To you, your wife Anna, I wish you luck in your future endeavors.●

● Mr. RICHMOND. Mr. Speaker, it gives me the greatest of pleasure to participate in this special order honoring one of the most beloved Members of this body, EDDIE PATTEN, who is retiring after nine terms of dedicated service in the House.

EDDIE PATTEN is a prodigious reader who possesses an absolutely remarkable memory. Moreover, his excellent sense of humor, his decency, and innate kindness will be sorely missed.

I join EDDIE's colleagues of the New Jersey delegation and his many, many good friends in wishing him the very best of everything.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring EDWARD PATTEN, Congressman from the 15th District of New Jersey, who has decided to retire after 18 years of service to the people of New Jersey and the Nation.

In 1963 when EDDIE joined the Congress, he brought with him a wealth of experience in public service and the law, as well as a sense of humor that has aided him to put his other numerous talents to work for his constituency.

EDDIE's warmth and expertise will be sorely missed by us all in the challenging years ahead.●

● Mr. GIBBONS. Mr. Speaker, I was fortunate enough to come to Congress with ED PATTEN and, of course, as freshmen we met and had a lot in common.

Through all these years I have greatly admired ED. He is a man of many fine virtues and of good judgment. I say as he leaves, ED, your job has been well done. You have been an excellent Representative, and you have made a fine contribution to our Government. Good luck.●

● Mr. CARTER. Mr. Speaker, I am pleased to join in this tribute to a grand gentleman, my good friend from New Jersey, ED PATTEN.

ED is a jovial, genial fellow who is well liked by his colleagues on both sides of the aisle.

Well known for his expansive personality, his good nature in no way diminishes the outstanding record of public service he has built at the local and State levels, as well as here in the Congress.

It has been a pleasure to serve with him. As he retires, it is my wish for ED that he will have many more years to enjoy life and to provide those smiles and good-natured comments which have so enhanced the enjoyment of life for so many others. May God bless and keep him.●

● Mr. COLLINS of Texas. Mr. Speaker, I am proud to join Mr. RODINO of New Jersey and all of EDDIE PATTEN's New Jersey colleagues as an expression of appreciation for the great service he has given our country. EDDIE's genial smile and friendly enthusiastic spirit is going to be missed in the House.

EDDIE PATTEN has a warm heart. This was evident every day, as EDDIE's concern was always how any bill would affect the average guy who was working back in New Jersey. He had a feel for the average workingman that few people had the depth and experience to comprehend.

After his long period of service, we will all miss EDDIE PATTEN. But New Jersey will be proud and will long remember the great service he has rendered here in Congress for all America.●

● Mr. VAN DEERLIN. Mr. Speaker, I leave it to others to discourse on the substantive loss the House will feel in EDDIE PATTEN's departure. I shall limit myself to considering only the measure of joy this Chamber forfeits along with him.

No moment we have shared over the past 18 years was so grim that it could not be lightened by a burst of the PATTEN wit. It has always been hard to leave ED's company without wearing a smile. For here is a man who, first of all, refuses to take himself too seriously—and who can be relied upon to puncture the balloon of overly serious persons around him.

Yes, Mr. Speaker, the mirth of ED PATTEN will be sorely missed. About all his former colleagues will have gained in the next Congress is an extra sofa in the Democratic cloakroom.●

● Mr. ROE. Mr. Speaker, I rise today to join in this well-deserved congressional salute to New Jersey's best friend, ED PATTEN.

Over the many years I have had the pleasure of working with ED, I can truthfully say there has never been anyone who had a harsh word to say about this kind, considerate, and loving man.

But do not get me wrong. This gentle human being, who has been referred to in the past as having a personality similar to that of Santa Claus, was also one of the toughest and shrewdest politicians on Capitol Hill when it came to serving the needs of his constituents, and his beloved State of New Jersey.

ED was never the guy to showboat his deeds for headlines in the local newspapers. Rather, he was content to work quietly but effectively behind the scenes to get the job done.

Though it was never widely known, ED PATTEN, more than any other member of the New Jersey congressional delegation, was largely responsible for saving Fort Dix, when the Army first tried to remove basic training from the base in 1975 when he served on the Armed Forces Appropriations Subcommittee. He personally received assurances from then President Gerald Ford that the base would not be closed.

Those efforts set the precedent for the still ongoing fight to save Fort Dix that we in the New Jersey congressional delegation will have to continue for years to come.

The accomplishments he has achieved for his constituents are legendary. Nothing was more important to ED PATTEN than serving the needs of the people of the 15th Congressional District. And they realized that fact better than anyone else. It is not surprising then that ED PATTEN, until his announced retirement, has been the only lawmaker to represent the 15th Congressional District of New Jersey in Congress since it was first created in 1962.

It is with a sincere lump in my throat that I bid goodby to ED PATTEN. And I say that in the most selfish sense. For ED PATTEN is the kind of man who can bring a touch of humor to what, on the surface, appears to be the most serious of matters.

Perhaps the legacy of this gentle, kind man during his 18 years in Congress was that he taught us all how to be more human in dealing with the sometimes grave affairs of this great Nation. EDWARD, you are, indeed, one of a kind, and we will all miss you and your lovely wife, Ann, dearly.●

● Mr. RINALDO. Mr. Speaker, Representative EDWARD PATTEN of New Jersey's 15th Congressional District, has given unstintingly of himself over five decades of public service, and today I join my colleagues in paying tribute to this conscientious leader on the eve of his retirement from the House of Representatives.

While ED and I have been on opposite sides of the aisle, I have long admired and respected the joy and enthusiasm he has shown for his profession. His life and his record are marked with one achievement after another as he has ably and effectively represented his constituents.

Born in Perth Amboy, N.J., and educated at Rutgers University, he has served as a schoolteacher and officeholder; as a lawyer and lawmaker. His introduction to political office came in 1934 with his election as mayor of Perth Amboy, a post he was to hold until 1940 when he was appointed clerk of Middlesex County. Subsequently he was named secretary of state of New Jersey, and served in that capacity until 1962, when he was elected to the 88th Congress.

During his 18 years of congressional service, he has loyally championed and creatively contributed to legislation significantly advancing the welfare of our Nation. As the lone member of the New Jersey delegation on the House Appropriations Committee, he lent his considerable influence in 1975 to securing funds to continue operations at Fort Dix, a Federal installation of immense importance to the economy of New Jersey.

On a much broader scale, he has been instrumental in the enactment of legislation advancing the cause of education, and aiding our veterans, businessmen, and the working force of this Nation. There is no denying that his service to the Congress, his constituents, and to his Nation has been substantial.

In politics he found scope for unfettered expression of a prodigious talent to serve his fellow man with massive gusto, boisterous optimism and boundless wit and humor.

We can say that he had an opportunity to contribute creatively and constructively to the welfare of the Nation, and we can say that he was equal to the task.

He is a cherished friend whose happy countenance will be missed in this

Chamber, and on his departure, I express my gratitude for the noble service he has rendered to his constituents, but most of all for his friendship.●

● Mr. COURTER. Mr. Speaker, with the retirement of Ed Patten, the State of New Jersey will lose a fine Member of Congress.

For the past 18 years, Ed Patten has represented Middlesex County with vigor and dedication. I regret that I have only been able to work with him for 2 brief years, and, together with the rest of my State's delegation, I will miss him deeply.

When Ed Patten retires, the House and the people of New Jersey's 15th Congressional District will lose a distinctive personality. In my view, Ed's characteristic qualities of affability and cheerfulness represent an attitude toward politics that is too fast disappearing, and an attitude from which we can all take a lesson. Ed shows us that, despite our occasional partisan disputes and legislative disagreements, politics can still be a pleasant and joyful endeavor. I am sure that Ed's deep commitment to public service is the basis of this attitude.

Although I have a difficult time imagining him outside of public life, I join my colleagues today in extending my sincere best wishes to Ed Patten for an enjoyable retirement. After his long service and hard work, his retirement is certainly well deserved. The people of my State will long remember and appreciate his service to the Nation.●

● Mr. MILLER of Ohio. Mr. Speaker, all of us will miss the distinguished gentleman from New Jersey, our friend and colleague, Ed Patten, as he retires at the end of this Congress. After 18 years, he has become something of an institution around here. No one can miss Ed's exuberance on the floor or in committee meetings. No one can ignore him when he makes a point in his own inimitable way. His warmth, friendliness, and kindness have been appreciated by all those who have been privileged to truly know him.

His legal training and service as a mayor, county clerk, and secretary of state in New Jersey have given him that breadth of experience and knowledge that he has so capably used in this body. The people of New Jersey's 15th District have been well represented throughout Ed's distinguished House career.

Ed and I have served together on the Appropriations Committee for several years. His great sense of humor has often been a welcome respite in the grinding course of hearings. His analytical mind, incisive questioning, his feeling for history, and his wide experience in public service have been invaluable to the Treasury, Postal Service, and General Government Subcommittee.

We will miss you, Ed, and wish you much happiness and continued success in your retirement years.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Edward J. Patten, who is retiring at the close of the 96th Congress.

Ed Patten has given almost two decades of dedicated and devoted service to his constituents of the 15th District of New Jersey, and has compiled an outstanding record during his distinguished career. His diligent efforts as a member of the House Appropriations Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Ed Patten. He has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of individual citizens caught in the bewildering maze of outrageous Federal bureaucracy.

Ed is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to Ed Patten my best wishes for a healthy and happy retirement.●

● Mr. CONTE. Mr. Speaker, what can you say about Edward J. Patten which has not been said already in his last 46 years of exemplary service to his State of New Jersey and these United States.

Since his early days as mayor of his birthplace, Perth Amboy, Ed Patten knew how to get tasks accomplished. He came to Washington in 1962, with years of experience in the political arena. While other freshman Members were bogged down with learning the intracies of parliamentary procedure, Ed Patten was establishing himself as a "do-er"; one capable of negotiating a position and completing the business of the day.

Ed Patten continues to be one of this body's most politically astute Members. No one in recent memory has exhibited the kind of political perception as this man, to whom we pay tribute today. He has the uncanny ability to zero in on the issues facing this Membership and put his finger on the problem. His intuition is something to behold.

I speak about this kind, warm-hearted individual from experience. I have had the distinct pleasure of working with this New Jersey legend for many years on the House Appropriations Committee. From his first days in the Congress, Ed Patten has championed the cause for adult education in our Nation. Year after fiscal year, I have seen him stand toe-to-toe with other Members whose philosophies differ on this issue of education. Ed Patten's dedication to this program, as well as many others in which he has taken an active role, must be commended.

We have all seen the bumper stickers which read "If you can read this, thank a teacher." Well, I think that slogan should be amended to read, "If you can read this, thank Edward J. Patten."

Ed, we will all miss your spirited debate in the subcommittees, full committee and the House floor. However, it must be said that I, personally, will be deprived, not only of your politically active mind, but also of a number of more material, and mundane things. I speak, of course, about your weekly delivery to me of a box of "Bering" cigars which I purchased from you. Ed, let me say, for the record, I have never held a grudge against you even though week after week, you stuck me with the "Berings" which taste like a rope, while you are savoring the cigar for elitists, "Corona-Coronas."

In addition, it must be noted, I will miss the flurry of activity generated when you roll into Washington, looking like a truck farmer who is selling produce to make ends meet. I will never forget your double-clutching the many loads of fresh produce from the great State of New Jersey for me and the rest of this Membership. The GNP of this country may go up by 2 percent now that New Jersey farmers will be receiving retail prices on their crops.

On the serious side, there may never, again, be another Member of Congress with the wit, flair, and ability to get down to the task at hand as this man. I, along with the entire Membership, wish to thank you for your dedicated service and join in saying Godspeed; we will miss you, Edward J. Patten.●

● Mr. BINGHAM. Mr. Speaker, the imminent retirement of our friend and colleague fom New Jersey Ed Patten, is a sad occasion. For many of us his departure will leave an irreparable gap in the House.

Over the past 16 years it has been such a pleasure to be in the same organization as Ed. When the rest of us might be feeling overburdened or dispirited, there was always Ed Patten to make a very audible and whimsical comment to cheer us up.

Although he had friends on both sides of the aisle, he was always very much the party man. He prided himself, quite properly, on being a good Democrat. One might say, indeed, that he was—if my colleagues will pardon the expression—"the life of the party."

In my particular case, Ed Patten boosted my ego by remarking now and again that he considered me his "leader" on questions involving foreign policy.

Although we never served on a committee together, I have many vivid recollections of Ed over the years—Ed asking practical, down-to-Earth questions at State Department briefings, Ed offering pungent and well-informed comment in the give-and-take of debate on an Appropriations Committee bill, Ed in Havana talking straight-from-the-shoulder to Fidel Castro, and so on and on.

The House of Repesentatives is a place of constant coming and going. We have to expect that, and in many cases we welcome it. But when we have had for many years a landmark of good humor, of warmth, and of friendship, then we cannot help wishing that landmark could remain as a permanent fixture.

Alas, that is not the way of it. We have to say "so long" to Ed and his delightful wife Anna and wish them the very best in whatever they undertake to do. We hope they will not forget us and will come see us from time to time. We surely will not forget them.●

● Mr. DRINAN. Mr. Speaker, I am pleased to join in the tribute to my colleague from New Jersey, Ed Patten.

A distinguished graduate from Rutgers Law School, with a background in education, Ed has served the public well since

1934 when he was elected mayor of Perth Amboy.

During ED's lengthy term in Congress, he has been highly respected for his hard work and devotion to education. This commitment is exemplified both by his continued support for colleges and universities in his district, and in his well-received contributions to the Appropriations Committee.

Through ED's unquestioned ability, kindness, and sharp sense of humor, he has proven to be one of the Members of Congress who will create a void in leaving but who will retain the respect he has deserved. He has my warmest wishes for continued success.●

● Mr. HOLLENBECK. Mr. Speaker, I join my colleagues who have been privileged to work closely with the gentleman from New Jersey, EDWARD PATTEN, in recognition of his illustrious service and in extending warm wishes for happiness and good health in his well-earned retirement.

Mr. PATTEN's public career began in 1934 as mayor of Perth Amboy, N.J., and has included service in the 88th through the 96th Congresses. Those of us who have served with Mr. PATTEN in this body recognize not only the longevity of his representation, but the significant contributions he has made here over the past two decades. On the Appropriations Committee and on the Committee on Science and Astronautics during that exciting period when the Nation mobilized its talents and resources for successful manned space flights, Mr. PATTEN has been a great asset not only to the 15th District of New Jersey and to our State but to the Nation. His presence will be missed when the 97th Congress convenes next year.●

● Mr. BOLAND. Mr. Speaker, I am delighted to join my colleagues in honoring one of the most distinguished Members of the House, ED PATTEN.

ED PATTEN began his illustrious career in public life in 1934 as the boy mayor of Perth Amboy, N.J. He remained in that position until his election as clerk of Middlesex County in 1940, a title he retained until 1954. ED served as secretary of the State of New Jersey from 1954 until 1962 when he was elected to the 88th Congress. In each of the public offices he has held, he has been uniformly successful. He has served the people of New Jersey and the entire Nation with dedication.

ED is a fixture in the State of New Jersey, and he has become a fixture in the House as well. Because of his unique character and ability to communicate with any individual, he is universally respected, admired, and well-liked. I have been fortunate to have had the opportunity to serve with ED on the Appropriations Committee since 1965. His knowledge, insight, and understanding have been an enormous help to the committee and to the entire House over the years. I am sure that all of us in the House will miss his scholarly counsel in the difficult years ahead.

I join ED PATTEN's many friends in extending to him our best wishes for health, happiness, and prosperity in his retirement.●

● Mr. MURTHA. Mr. Speaker, I believe that one of the most missed Members of the next Congress will be Representative EDDIE PATTEN.

As I contemplate his leaving I think back to the very positive attitude he brought to the House of Representatives and the many times when his candor and warmth helped us through a particular legislative problem.

I remember when Congressman PATTEN was on my weekly radio program. In typical EDDIE PATTEN style, he answered my questions straight from the hip, with no holds barred, informing my listeners very clearly of what was going on in Congress and what his views were on the key issues of the day.

Congressman EDDIE PATTEN is a friend. He is a man of consideration, and a man with warm feelings for the men and women around him, and the people of this House of Representatives. He will surely be missed in the next Congress, but he will also surely remain in all our hearts and minds.●

● Mr. LONG of Maryland. Mr. Speaker, I join my colleagues in praising my dear friend, EDDIE PATTEN, who is retiring from Congress after ably serving the people of New Jersey's 15th Congressional District for the past 18 years.

EDDIE and I share a few things in common. We were both elected to the 88th Congress and have served together 16 years on the Appropriations Committee. Over the years I have watched EDDIE's influence grow and his commonsense approach to dealing with our Nation's problems gain him the respect of the Members of this Chamber.

EDDIE rose to Congress from the grassroots of New Jersey politics having served as chairman of the Middlesex County Democratic Committee and county clerk as well as Mayor of the city of Perth Amboy, his boyhood home.

My best wishes to EDDIE and his lovely wife, Anna. We will certainly miss them.●

● Mr. JONES of North Carolina. Mr. Speaker, it is with mixed emotions that I rise to pay tribute to my good friend, EDDIE PATTEN. When I first heard of his retirement my feelings were that of sorrow that next session I would not have the pleasure of his warm and delightful wit. But as I thought further of his retirement, due to his outstanding dedication and record here in the Congress, he is entitled to many years of rest and recreation.

I consider him a real personal friend; and I have never been to him with problems affecting my district to which he did not respond in a most favorable manner. By any criteria, EDDIE PATTEN is one of the most popular men in the U.S. Congress. This fact alone leads me to believe that he will be sorely missed by all who knew him.

To him and his family, I wish the best of everything in the years ahead.●

● Mr. GILMAN. Mr. Speaker, I am proud, but sad, to join tonight in this special order saluting our colleague, my good friend EDWARD JAMES PATTEN of New Jersey, who will be leaving this House at the end of the 96th Congress.

EDDIE PATTEN is one of the best-loved Members of this body—a man with a kind word for everyone, a gentle manner, and a story for every occasion—a man who has been willing to go to bat for the individual constituent and the deserving program time after time. With devotion he has carried out his duties to his constituents and to the Nation, especially through his service on the Committee on Appropriations, where he has been able to make his concern for the "little man" count.

Permit me to recite an example of EDDIE's concern for his fellow man.

Just a few months ago, EDDIE took time out to meet at some length with a constituent of mine who was seeking funding for a program for the deaf-blind carried in the Labor-HHS-Education appropriation bill. EDDIE came off the floor, listened at length to the presentation, and, in cooperation with the gentleman from Kentucky (Mr. NATCHER) arranged for the needed funding to be provided. I would mention, parenthetically, that because of the lack of action in the Senate on the Labor-HHS-Education bill, we are not yet out of the woods on this item, and I will probably need EDDIE's help once again.

EDDIE PATTEN obviously loved his work in the House—I sincerely hope that he and his lovely wife Anna will continue to enjoy good health and happiness in their activities after his retirement from the House, and I hope he will come back to visit with us here often. EDDIE, good luck and God bless.●

● Mr. RAHALL. Mr. Speaker, I am pleased to join the distinguished chairman of the House Judiciary Committee, Mr. RODINO, in paying tribute to our retiring colleague, EDWARD PATTEN of New Jersey.

For 18 years, EDDIE PATTEN has represented the 15th District of New Jersey with vigor and joy. He enjoyed his job, and was good at it. His constituents respected him and valued his representation.

EDDIE PATTEN's commitment to Middlesex County was a strong one. He was a teacher for 7 years, he was the mayor of Perth Amboy, the clerk of the county, and secretary of state for the State of New Jersey.

Although I have had the honor of serving in this body for only 4 years, I have been touched, as I know many other Members have been touched, by EDDIE PATTEN's kindness and humor. He is a fine man, and all of us, as well as his constituents, will miss his leadership and his presence.

I wish him the very best and hope that he will visit us from time to time, to spread his joy and share his experiences.●

● Mr. JONES of Oklahoma. Mr. Speaker, I am delighted to take this opportunity to honor my colleague, ED PATTEN, but I regret that the occasion must be his retirement.

Congressman ED PATTEN has represented the 15th District of New Jersey since 1962, and his contribution of 18 years is a laudable one. Representing a district composed of very diverse nationalities, he has consistently been an able and responsible legislator, following a middle path and winning friends on both sides of the aisle. He has served with distinction as a member of the Appropriations Committee, and those who have served with him on the Labor-HEW Appropriations Subcommittee know of his interest in and compassion for the concerns of the working person.

Although Ed Patten's legislative functions may be assumed by his newly elected successor, the place he has won among us a man of great kindness, geniality, and humor cannot easily be filled. Ed Patten has been called "a man for whom politics is a joy and campaigning a pleasure," and he has been a valuable asset both to his constituents and to the House of Representatives. I and all his many friends in Congress will deeply miss his warm and generous presence.●

● Mr. BEVILL. Mr. Speaker, I would like to take this opportunity to join with my colleagues in extending my sincere best wishes and thanks to my good friend and colleague, Eddie Patten, upon his retirement from Congress.

Throughout his 18 years in Congress he has represented the 15th District of New Jersey with the highest levels of competence, legislative ability and genuine concern for his constituents and his country.

I shall personally miss his wise counsel on the Appropriations Committee, where we have served together. And I know that I speak for all of my colleagues when I say that we will miss Eddie's warm and rich good humor.

The people of his district have every right to be very proud of the tremendous job Eddie Patten has done for them. I hold him in the highest respect and I cherish our friendship.

I wish Eddie a very long and happy retirement, and I know that his good work and good cheer have been an inspiration to us all.●

● Mr. BRINKLEY. Mr. Speaker, when I first came to Congress in 1967, Ed Patten was my next door neighbor on the seventh floor of the Longworth Building. I moved into the suite formerly occupied by Charles Weltner, also of Georgia. Ed Patten knew Charles well and he was also a close friend and acquaintance of Tic Forrester, one of my predecessors.

Charles Weltner was perceived to be an urban liberal while Tic Forrester was perceived to be a rural conservative. Both were very excellent lawyers. Perhaps it was natural then for me to be influenced by Ed Patten's moderation. He had a streak of populism in him because he cared deeply about his fellow man. He had a basic fundamentalism about him reflecting a deep patriotism and love of country.

Ed Patten has a zest for living, in addition, which makes him a good example for us all. He is always ready with a humorous remark and is never afraid to stand up and be counted.

Ed's official staff family shall always be special to me as shall be his dear wife, Anna, who is one of his finest assets.

Good luck, Ed. You will be genuinely missed in the House of Representatives.●

● Mr. DERWINSKI. Mr. Speaker, with the close of this session of the 96th Congress, we will see the departure of a well-respected and outstanding colleague, Edward J. Patten. It is a pleasure to join this afternoon in paying tribute to Eddie's illustrious and dedicated career in the House.

On a number of occasions, I have traveled abroad with Eddie in connection with our assignment with the interparliamentary union, and I can attest to his excellent representation of the United States, as well as his being an effective voice on behalf of our foreign policy.

Eddie will most certainly be remembered as a man of great ability; a conscientious and highly capable legislator; and one of the most personable Members of the House. A compassionate and warm man, Eddie has earned a great deal of respect from both sides of the aisle for his friendly manner and humor.

Through his gentle but firm wisdom and skillful expertise, Eddie has helped to lead this Nation toward more responsible fiscal policies in his position on the House Appropriations Committee. He has played a major role in confronting the problems that face our country and the Congress.

His dedication, his wit and friendly disposition, and his conscientious service to the needs and interests of his constituents of New Jersey's 15th District serve to make him an outstanding Member of this House. He leaves with us a record of accomplishment and personal example which we will all treasure.

I join in wishing Eddie and his wife, Anna, the best of health and happiness in the years ahead.●

● Mr. CORRADA. Mr. Speaker, I rise along with my fellow colleagues to salute the gentleman from New Jersey, my friend, Eddie Patten. Mr. Patten has represented New Jersey's 15th District since it was first established in 1962. Since then, Eddie has been an active and distinguished Member of the House of Representatives, and for his accomplishments he will be warmly remembered.

As the representative of Puerto Rico in Congress, I deeply regret Mr. Patten's decision to retire. The gentleman from New Jersey has been a good friend of ours through his many years in service and has shown great sensibility in understanding the peculiar problems of Puerto Rico.

We will all feel the loss of this outstanding man, but we all know that he will continue maintaining in the future the role of public leadership that has so distinguished him in the past. Because of his contributions to a better America, he certainly will always be an asset to our Nation.●

● Mr. ADDABBO. Mr. Speaker, I join with my colleagues in expressing deep sorrow that our colleague, the Honorable Edward Patten of New Jersey, has decided to retire at the end of this term. I have served many years with Ed on the Appropriations Committee and my admiration and affection for him has grown with each passing year.

I have received much wise advice and counsel from Ed, some of which was even requested. Ed is the sort of friend where you get the advice whether you need it or not. Through the years we have had many long conversations together, which consisted of me listening and Ed talking.

There will never be another Ed Patten in this House for the simple reason that when God made Ed, he broke the mold. Here is a man who quietly served for 18 years with dignity and tranquility surrounding him, along with cigar smoke and a few raucous stories.

But though people get tickled from the enjoyment of being with Ed Patten, who enjoys life to the fullest every minute of every day, we sometimes tend to overlook the fact that there is a shrewd and brilliant mind operating behind that homey facade. I have seen Ed devastate many a witness who had not bothered to check his facts before coming before the subcommittee. I have seen Ed reach back into that memory bank of his and pull out facts that everyone else had forgotten but which were relevant and exactly to the point.

The people from the 19th District of New Jersey will, I am sure, be ably represented in the new Congress. But they are losing a man of great experience, of great compassion and of great ability with the retirement of our good friend Ed Patten. We who remain here in the House will manage well enough, I suppose, but there will be a little less fun in this House next year, with the absence of Ed.

We have people in this body who have taken themselves very seriously through the years. To paraphrase the old saying, Ed has never taken himself very seriously, but he has taken his work to heart. Never has there been a more aggressive fighter for the causes that involved people who could not ordinarily defend themselves. Ed has always taken the position that the rich and the powerful could afford the ways to make their desires known. Someone had to lead the cause for those who could not, and for 18 years in this House and for many years previously in the State of New Jersey, Ed Patten has performed that public service diligently.

He has been a good and true friend for more years than I like to remember. I hate to see his time come, when he leaves this body. But since he has made his decision to do so, I can only ask that his years in retirement be healthy and fruitful and filled with as much enjoyment as he gave during his years here.●

● Mr. LEDERER. Mr. Speaker, I would like to associate myself with many of the remarks made in tribute to Eddie Patten on his retirement from the House of Representatives.

Eddie has had a very distinguished public service career. Formerly the mayor of Perth Amboy in the late 1930's, Ed went on to become the clerk of Middlesex County, and then New Jersey secretary of State. In 1962, he was elected to serve in this House in the newly drawn 15th Congressional District. To all these public offices, Eddie brought the finest of political skills: Patience, perseverance, and a fine sense of humor.

EDDIE one time told me a story that I would like to share with my colleagues:

He once dreamed that he died and went to heaven. When EDDIE went to heaven, following a full and joyful life on this Earth, Saint Peter met him at the gates and said:

"EDDIE, you've led a most wonderful life, bringing joy and happiness to all those around you. I'd like to grant you one last wish before letting you into heaven. Anything you want, EDDIE, just name it and I'll grant that wish."

EDDIE did not hesitate a moment before giving Saint Peter his answer:

"I'd like to return to Earth and be Mrs. Patten's second husband."

EDDIE, all of us in this Chamber hope Saint Peter will grant you that one last wish. And we hope that you will not only return to Earth to be Mrs. Patten's second husband but also to rejoin all of us as a Member of this great institution. Until that time, let me add my best wishes to you upon your retirement. It has truly been a great honor to have served with you.●

● Mr. WOLFF. Mr. Speaker, I am pleased to have the opportunity to join my colleagues in paying tribute to a man who has become an institution on Capitol Hill—EDDIE PATTEN.

I arrived in Congress just one short session following EDDIE PATTEN and have continued to be impressed with his professionalism throughout our long tenure together. I know that his friends will miss his geniality; indeed, his warmth and joviality kept us going through many an arduous session on the floor, and the people of his district will miss his hard work and careful leadership on their behalf.

My colleague's admirable work on behalf of veterans and minorities, his work to clear the inconsistencies and unfairness in laws regarding civil service and postal employees, and his concern for the working people will be long remembered. Indeed, as a member of the Appropriations Committee, he brought his foresight and knowledge to bear in the handling of crucial assessments. I am proud of the work we did together. Most recently, I am grateful to him for the help his office showed in obtaining extra funding for the Helen Keller National Institute for Blind and Deaf Youth and Adults in Sands Point.

The Congress will be losing EDDIE PATTEN, but the dedication he has exhibited will continue as an example to us all. I am proud of the friendship we have developed and look forward to its continuation as the years progress.●

● Mr. SEBELIUS. Mr. Speaker, I would like to join my colleagues in paying tribute to our friend, EDDIE PATTEN, the first and only Congressman from the 15th District of New Jersey.

EDDIE first came to Congress in 1962 but he began his political career in 1934 as mayor of his home town. I do not know if we can put a finger on what his secret of success is but he must have done a lot of things right to remain in public service for 46 years.

EDDIE, as we know is a lawyer, but he is also an educator and I think that I speak for the entire body when I say that we have all learned from him.

I would like to take a moment to commend him for his outstanding work in the Congress, especially on the Science and Astronautics Committee and with NASA and the space programs. His labors and dedication have not gone unnoticed.

In closing, I would like to say that it has indeed been an honor and a privilege to serve with the gentleman from New Jersey during my 12 years tenure in the House of Representatives.●

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IN THE MATTER OF REPRESENTATIVE MICHAEL O. MYERS OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the day before yesterday I addressed the House about the most troubling development in the 19 years that I have served in this House. It has to do with the very existence of the form of representative government as we know it and as, unfortunately, we take for granted. In the course of the presentation, I was not able to focus on the central thesis or aim that I had, because I yielded to two of my colleagues for questions and discussion, which I always believe is proper if the time is there.

I would like at least partially not to encumber the House at this late hour with a full hour of discussion on some of those remaining threads that I was not able to follow through and complete day before yesterday.

The action of the House in the matter of Michael O. Myers on October 2, if left as it was in the present status that it finds itself, I feel is a harbinger of what eventually will be the dissolution of the stability and the existence of this body as a representative body.

□ 1930

The decision by the House on that day was very historic and very much a precedent, in my opinion. It was a sad era and precedent which must be modified by subsequent discussions by this House and the adoption of rules to avoid the terrible miscarriage of due process in the particular case which I think will continue to be a danger poised over our collective hearts as we go into the future.

We have got to consider the fact that the actions of the House were unprecedented on two counts. One, that it was going into a totally uncovered area of action in the history of the House. Expulsion, yes, had been recorded once, but we must remember the circumstances of that. It was a terrible time of upheaval and passion and division and hatred, and there is nothing to vouchsafe the fact that we will not face under other circumstances similar periods of division and passion and hatred and civil war.

Even if we do not reach that point, certainly those of us who should have been sobered by the experiences since 1973 in the highest levels of our Government, and the contemporaneous disarray in not only the executive branch of the Government but in our own legislative branch, the first branch of the Government.

In defense, as was brought out in the colloquy by the two gentleman who participated day before yesterday, the fallback is on the clear, limpid language of the Constitution in article I that says without any equivocation that the House has the power to evict, expel, expulse. But, like every other power, it is not one that is limitless and unrestricted. It is a power that by the inherent nature of our constitutional body is subject to those controls and restrictions placed by the Constitution itself in other areas.

The unimpeded right of the House to expulse is certainly subject to a rational and a justifiable constitutionally speaking expulsion, and also subject to all of the other imperatives of the Constitution. The other rights assured every American in the Constitution, one of which, of course, is due process, but also the others, the fifth amendment, the sixth amendment, the fourth amendment, all are involved and, in my opinion, were flagrantly violated by the House in its action on October 2.

But, then, if that were not the case, and I were in error, the most disturbing development of all is that the House, not only the committee, but the House abandoned its own law, its own rule, in less than 3 months' time where the nature of the case was identical, there was a question of punishment, of disciplining a Member of the House. Yet the rule it set up in one case less than 120 days later was abandoned with apparently no substitute rule as a precedent upon which we could anchor down future consistent actions.

The question was raised day before yesterday: Am I contending that the legislative body, known as the House of Representatives, is the judicial body where we would be constrained to follow the rules of judicial procedure? I think the answer is obvious. The Supreme Court itself has answered that question. Yes, we are at least a quasi-judicial body when we act specifically in these areas of activity disciplining a Member, just like we are a quasi-executive branch in our actions when we are reviewing those matters in which, for example, the other body consulted administratively on executive branch actions. At that time we are converted as the Supreme Court has brought out in several instances.

But if that is the case and we are indeed at points a quasi-judicial body, but even if we were not we are still supposed to be a deliberative body. A deliberative body by definition is one that deliberates and, in order to deliberate where you have more than one member, a collection of members, you must certainly have rules of procedure, limitation of debates, recognition, et cetera.

If those rules are either abandoned willy-nilly or set up for one case only to be abandoned in another, and changed as specific personalities are presented to the House for disciplining, then we have no rule. We are then not a deliberative body. We are a mob. We are a gang. We cannot escape the fact that that is the stark truth confronting us.

We have, for example, the change in the rules by the committee. It is a justification for handling differently the case of Mr. Myers as distinguished from the case of Mr. Diggs. But that is actually sophistry. That is fine hair-splitting. That is pettifogging. That is not a justification. It is not even an excuse because the fact is that the rules were changed by the committee in midstream, not the House.

I am speaking about House actions, not necessarily committee actions, even though I do want to go into that. I hope I will be able to have the opportunity to present my feelings and my thinking and apprehensions to the committee tomorrow. Such a meeting was made possible through a letter I received today from the chairman of the Committee on Standards of Official Conduct in reply to the letter that I placed in the RECORD day before yesterday which I had already sent to the chairman and the committee. So he answered very quickly and in it stipulated that if I wished they would have time to hear me tomorrow, Thursday, at 10 o'clock. As I pointed out to him, I have a conflict having to do with my legislative commitments and if I can get away from the conflict I will be there.

However, I ask unanimous consent that at this point I may be permitted to place into the RECORD the reply to my letter of day before yesterday by the chairman of the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. Without objection.

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT,
Washington, D.C., November 18, 1980.

Hon. HENRY B. GONZALEZ,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR HENRY: I very much regret that you have reached two incorrect impressions as a result of the two newspaper accounts about which you wrote me on November 17, 1980.

First the New York Times account of November 14 from which you concluded that Mr. Prettyman interrupted the court to notify the court of the Committee's action with respect to Mr. Jenrette. The fact is that the notification was to Mr. Jenrette and his counsel in the privacy of the jury room and was extended to him as a matter of courtesy before the information was otherwise made public. It is standard committee practice to notify all persons who may be the subject of committee action, as much in advance of public disclosure as is possible, and I feel that is proper.

With respect to the Washington Post article, you will note that it cites Mr. Jenrette as the source of the information that the committee inquiry would be dropped if he resigned from the House. This is, of course, an obvious truth, as the committee jurisdiction would expire under such conditions. The committee made no such announcement or other disclosure as to in any way emphasize this fact.

The Committee will, of course, be glad to hear from you on this matter if this letter is not a sufficient explanation. We are scheduled to meet in open session on Thursday, November 20 at 10:00 a.m. in Room 2212 of the Rayburn House Office Building at which time I will be happy to recognize you if you wish to appear at that time.

Sincerely,

CHARLES E. BENNETT,
Chairman.

Mr. GONZALEZ. The disturbing thing also having to do with the committee is that it has a special counsel highly paid. The records of the Clerk's Office show that he has received not less than $250,000 to date, and he has been on board a matter of a few months. The sum of $250,000 has gone to a counsel who before the House presented the decision of the committee.

In fact, I will even say further, before this decision of the committee itself was made in the case of Michael J. Myers he was saying to the press "This man is a liar." He should not be allowed to be a Member of this House 1 hour longer than it is allowable for us to have him as a Member of the House.

□ 1940

This is the Special Counsel who actually should be labeled the prosecutor because this is what we have entered into. We have entered this bramble patch which no Congress in 1789 had seen fit to do. The old saying that fools rush in where angels fear to tread was never best exemplified than in this case, and I said that when the resolution came up for the setup of this Committee on Standards of Official Conduct.

I am not now ranting and raving. This is something I have been apprehensive about from the beginning. I might say by way of explanation I was also apprehensive about another situation in 1965 with the resolution calling for the 25th amendment, which since its adoption I have introduced repealer resolutions because I have considered it, as I have considered the actions of this committee and the action of the House on October 2, as a tremendous threat to the continuous stability, even the existence of our form of representative democratic constitutional government.

That is another question: I want to sum up by saying that when the Special Counsel acts as if he is speaking for that committee and in fact is demanding action on the part of that committee through the press, there are serious questions about just what control the duly-elected Members of the House have over their hired hands. I have always felt that the experts and the professional staff are supposed to be on tap, not on top.

I think that in this case we have flagrant violations where not only prior to the decision of the committee, but then in anticipation of action on the part of the House, utterances quoted widely in the press and in the news magazines, the weeklies—Newsweek, Time, and so forth—had one intent, and if not intended certainly an expected result of impressing and, to a certain extent, intimidating the sitting Members who would be facing an election in less than 34 days.

What else? What else? How could any Member say, "Oh, my goodness, how can I tell a constituent about this terrible betrayal of public trust, this fellow Congressman who has ended up doing wrong, and here it is in all the papers, and here is the chief counsel for this committee saying that it is unreasonable to expect this man to stay 1 day longer than he ought to be permitted, and how can I take a position to a constituent that I am for allowing him to stay?"

What else could be the intended effect of that? But more disturbing, as I was attempting to bring out day before yesterday, we have pending cases, for example, the case of Representative JENRETTE, where the counsel goes to the court while proceedings are on and so the court is interrupted—even though in the chairman's letter to me he states that the newspaper is in error, that the counsel did not interrupt proceedings. The facts, as faithfully reported, are that the counsel appeared while the court was in session and sent a note to the judge wherein the judge suspended, and then they went to the jurors' room where the counsel advised Mr. JENRETTE—who was under heavy pressure to offer his resignation at that point—for what reason? I presume to avoid the embarrassment of the House or at least the committee having to be consistent in view of its action on October 2.

Obviously they cannot get around the argument that would they not do that or contemplate it, they would be certainly inconsistent, as we have charged they were as compared with the case of Representative Diggs.

What purpose would this Chief Counsel have of going in the midst of proceedings, where the very fate and where yet the decision has to be made as to the fate of this Member? The chairman says that the customary thing was done because they wanted to be the first to inform the Member that the committee had decided to take up this matter and look into it, and presumably they wanted to beat anybody trying to leak that information precipitously and prematurely; and so, therefore, this is justification for this highly paid lawyer to go and interrupt the proceedings, to communicate this to the defendant.

It seem to me that it is highly improper and even from an ethical standpoint highly questionable, because this judge now is pondering over 25 volumes of evidence in the case, which the committee in the meanwhile has decided to go into and which—if it follows the precedent of the Michael O. Myers case—would not do so unless it had available to it all of the evidence which the court has had but which at this point is still under consideration and review by the judge, and where the judge says he will not be able to even finish looking at it until next month, well into the month.

These proceedings ought to be of concern to every Member of the House and the Congress, in my opinion.

I ask unanimous consent that I may be permitted to insert into the RECORD at this time also some clippings from the Washington Star, the Washington Post, and Newsweek concerning statements made publicly by the Special Counsel. His name is E. Barrett Prettyman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The clippings are as follows:

[From the Washington Star, Nov. 18, 1980]

ABSCAM PROBERS CLEARED BRADLEY AS POSSIBLE TARGET

NEW YORK.—Sen. Bill Bradley of New Jersey was discussed as a potential target for the Abscam bribery scheme, it was revealed yesterday at the trial of Reps. John Murphy and Frank Thompson. The prosecution made it clear, however, that Bradley was never involved in the scheme.

Bradley's name was brought up in the first of a dozen recorded telephone conversations between Howard Criden, the alleged middleman between the two accused congressmen and FBI undercover agents, and Melvin Weinberg, an FBI informant who began his testimony as a government witness yesterday.

In a recorded conversation, Criden and Weinberg discussed the congressmen that Criden had "lined up" for meetings with the agents. Weinberg said that "the only thing we touched in New Jersey was the Senator"—a reference to Sen. Harrison Williams, Bradley's Democratic colleague, who was indicted Oct. 30 on bribery and conspiracy charges.

"OK," replied Criden. "I may be able to deliver the other senator."

Criden went on to describe how he was arranging for two other New Jersey congressmen, including Thompson, to attend meetings with the agents. The recorded conversation continued:

Criden: "And the third guy will be the other senator."

Weinberg: "What's his name?"

Criden: "Bradley."

Bradley, a first-term senator and former professional basketball player, has not been charged—nor is the Democrat expected to be. Thomas Puccio, the prosecutor at the bribery-conspiracy trial of Murphy, D-N.Y., and Thompson, D-N.J., told reporters that Bradley could contact the Justice Department for a letter that would clear his name.

The tapes mentioning Bradley were played after Ellis Cook, a former law partner of Criden, testified that Criden told him he had given Thompson $45,000 in bribe money. Of that amount, $30,000 was intended for Thompson and $15,000 for Murphy, Cook said Criden told him.

Cook was the second government witness to testify at the trial of Murphy and Thompson, now in its second week in U.S. District Court in Brooklyn.

Murphy and Thompson are charged with sharing separate $50,000 bribes in return for promising to help two phony Arab sheiks enter the United States. The undercover agents posed as representatives of the sheiks.

Criden was shown taking briefcases, each of which contained $50,000, on behalf of Murphy and Thompson at two separate meetings. But the tapes did not show Murphy and Thompson openly acknowledging they knew the briefcases contained the money.

The defense maintains Criden sought to carry out a "double sting" through the FBI agents, half of which was an attempt to get the money for himself.

When the trial resumed yesterday, Judge George Pratt denied a defense motion for a mistrial on the ground that FBI agent Anthony Amoroso, a key prosecution witness, passed a cup of water to a juror. Pratt said he had determined the jurors were not influenced by the incident.

[From the Washington Post, Oct. 4, 1980]

THE MYERS CASE: A DELICATE, TESTED CONSTITUTIONAL QUESTION

(By Charles R. Babcock)

The House of Representatives may not have seen the last of Ozzie Myers.

If the voters of south Philadelphia decide to reelect Myers next month despite his expulsion from the House and his conviction on bribery charges, the House could face a delicate and untested constitutional question. Who has the final word on who shall represent citizens in the House of Representatives? The people who elect a member or the legislative body that polices the conduct of its members?

It seems clear from the precedent set in the U.S. Supreme Court's decision in the Adam Clayton Powell case that Myers will be eligible to take the oath and be seated if he is reelected. But could the House then expel him again?

In any case, the House has established a new way of dealing with members convicted of a felony. In many past cases, when a jury returned a guilty verdict against a U.S. representative, the House waited patiently for appeals to run out and hoped the member would resign or be defeated. The new approach may be invoked again soon if other House members caught in the Abscam net are also convicted.

In 18th century England, a member of Parliament named John Wilkes was expelled three times and each time his constituents sent him back to the House of Commons. Finally in 1783, his efforts to have the expulsion resolutions expunged were approved. The prior actions were "subversive of the rights of the whole body of electors of this kingdom," it was decided.

In this country, the federal courts have never ruled on the conflict between the people's right to select their representatives and the Congress' right to expel a member. The Constitution offers support for both sides, so it is likely that political reality will decide the outcome of any future debate about Myers' suitability to sit and vote in the House.

Several participants in the Myers' expulsion debate, as well as independent legal experts, said yesterday they believe the House has the right to expel Myers again, but that such a move probably would not be initiated.

E. Barrett Prettyman Jr., special counsel to the House ethics committee for the Myers case, said the committee had not discussed the possibility, but added: "In my personal view the House does have the pure power to expel him again."

The Constitution states in Article I, Section 5 that "Each House may . . . punish its members for disorderly behavior and, with the Concurrence of two-thirds, expel a Member."

However, Article I, Section 2 says that the House "shall be composed of Members chosen every second year by the People of the several states."

The only qualifications are that a member be 25 years old, a citizen for seven years and a resident of his state.

In the Powell case the Supreme Court ruled the House had erred in refusing to seat the Harlem congressman after he was duly elected in 1966. "The House has no power to exclude a member-elect who meets the Constitution's membership requirements," the court held.

In a footnote the opinion by Chief Justice Warren Burger added: "We express no view on what limitations may exist on Congress' power to expel or otherwise punish a member once he has been seated."

The opinion is rich, however, in examples of precedents like the Wilkes' case in England, and excerpts from the founding fathers' debate during the constitutional convention of 1787. The court, for example, took special note of the significance the founding fathers placed on the two-thirds requirement for expulsion.

James Madison "observed that the right of expulsion . . . was too important to be exercised by a bare majority of a quorum; and in emergencies [one] faction might be dangerously abused," the opinion said.

One constitutional authority suggested yesterday the Powell decision protects the people's right that their representative be seated in Congress. That the extra protection of the two-thirds vote requirement showed that the House can still override wishes of the constitutents.

Rep. Wyche Fowler (D-Ga.), a member of the ethics committee, said yesterday, he thought many members would feel that if the voters return Myers, knowing he admitted taking $10,000 in cash from an undercover FBI agent on videotape, there would be little enthusiasm for moving to expel him again.

"There is an argument that it's not simply a constituent matter," he added: "The United States Congress is not a ward-heeling institution of single-member districts. Myers' vote would effect the nation as a whole."

Even though Myers "sold his vote," Fowler said he thinks many members would feel the 37-year-old longshoreman has been punished enough by the first expulsion.

Rep. Charles Bennett (D-Fla.), chairman of the ethics committee, said yesterday that he too felt personally a second expulsion vote would "raise serious questions of basic justice, whether he hadn't paid the penalty already."

Rep. William M. Thomas (R-Calif.), a freshman member of the committee who made an eloquent floor speech Thursday urging Myers expulsion, said yesterday "there's no question to me constitutionally that we could kick him out every time if he's reelected. But practically, most members will feel its sufficient that his constituents know how we judged him before the election."

He added, though, that he would lead a fight to expel Myers if he is sentenced to prison and doesn't resign immediately after his court appeals are exhausted.

In the past, conduct similar to Myer's did not produce expulsions. In late 1971, for instance, Rep. John Dowdy (D-Tex.) was convicted of accepting a $25,000 bribe.

A few months later, the House ethics committee recommended only that he not be allowed to vote. The resolution never came to a vote because the Rules Committee refused to act on it.

Harsher sanctions would be inappropriate until final judicial rulings on the case, the committee said.

In recent years, some members have resigned, so the committee and the House have not had to deal with the troublesome issue. Rep. Charles Diggs (D-Mich.) for example, was convicted in a payroll kickback scheme in October 1978. He was reelected, sentenced to a prison term and served until his appeals failed.

The House finally censured Diggs in 1979. Bennett said the Diggs case was different from Myers because Diggs hadn't "bartered his office."

[From the Washington Post, Oct. 9, 1980]

U.S. MAY GO TO COURT IN ATTEMPT TO GET ABSCAM BRIBE MONEY BACK

(By Charles R. Babcock)

The Justice Department is contemplating suing members of Congress convicted in the

Abscam cases to recover government bribe money taken from undercover FBI agents.

Irvin B. Nathan, the deputy assistant attorney general who supervised the investigation, said yesterday that the department's civil division is "actively considering" suits against Rep. John Jenrette (D-S.C.), former representative Michael (Ozzie) Myers (D-Pa.) and those convicted with them. Jenrette, with a co-defendant, was convicted Tuesday of bribery and conspiracy. Myers, convicted on similar charges in August, was expelled from the House of Representatives last week.

Four House members still face bribery trials in the Abscam investigation. The next trial most likely will be Nov. 10 when the two most senior members accused in the Abscam cases. Reps. John M. Murphy (D-N.Y.) and Frank Thompson Jr. (D-N.J.), face bribery and conspiracy charges. The trial was postponed until after the election because the two committee chairmen said they needed time to campaign.

Nathan said the contemplated civil suits shouldn't be viewed as harassment of those convicted. "We simply want the return of the money," he said. "In the Myers case there's no dispute that he and his codefendants split $50,000. In Jenrette, there's no dispute that [codefendant John] Stowe left the building with $50,000. How they divvied it up doesn't matter."

The department filed a civil suit against former representative Charles C. Diggs Jr. (D-Mich.) in August 1979, claiming he had unjustly enriched himself by taking kickbacks from his congressional employes. The suit was dropped a year later, however, when it became clear that Diggs would not be able to repay the money.

Attorneys for Jenrette and Myers said yesterday that they considered the possibility of the civil suits "outrageous." Kenneth Michael Robinson, Jenrette's lawyer, said, "They gave the money away to get the people to commit the crime." Neil F. Jokelson of Philadelphia, who has filed suits for Myers, challenging his expulsion from Congress, said he recalled that Myers had said he would repay his $15,000 share of the bribe money if the trial judge ordered it.

"Their going after the $15,000 has to cost more than they'd get if they won," he said. "Who's going to pay for the $5 million Abscam cost? Or for the $100,000 [undercover informer Mel] Weinberg got? The least expensive part of the whole proposition was the $15,000 Myers got."

In the Abscam investigation, undercover FBI operatives posed as the representatives of a phony Arab sheik and offered cash payoffs in return for promises to introduce private immigration bills. Secret videotapes of the transactions have been the government's best evidence in the cases tried so far.

Two Philadelphia city councilmen also have been convicted in Abscam trials. In each case, jurors and defense counsel have agreed that the tapes were essential in returning a conviction.

The trial of Rep. Richard Kelly (R-Fla.), who admited stuffing $25,000 in cash in his pockets in one such videotaped episode and was defeated in his bid for renomination, is scheduled for Oct. 22. But the trial is likely to be postponed because the trial judge now is hearing the case of two former high FBI officials charged with approving illegal break-ins in search of the Weather Underground.

Thus Murphy, Thompson and co-defendant Howard L. Criden probably will be the next to face a jury. Criden, a Philadelphia attorney who was a key middleman in the investigation, already has been convicted in the Myers case. Thomas P. Puccio, the prosecutor in Brooklyn, where the Thompson and Murphy case will be tried, had considered severing Criden from the case to compel his testimony against Murphy and Thompson.

But Justice officials said yesterday that a decision has been made to try the case without Criden as a government witness. A proposed affidavit describing Criden's role in the case shows that he could have testified that both Murphy and Thompson agreed to take part in the bribery scheme, but didn't want to handle any money personally.

Criden never signed the affidavit because he changed his mind about cooperating with the government when first confronted last Feb. 2. The Washington Post obtained a copy of the document, which was filed in court under seal. It said Criden could testify that he gave Thompson payoff money for himself and Murphy.

Without Criden's testimony, the government's case apparently will depend heavily on the videotapes and the testimony of Rep. John P. Murtha (D-Pa.), who was named in the indictment as a co-conspirator but was never charged. Sources have said he talked about taking money, but never took any and thus will not be indicted.

Another target of the Abscam investigation, Sen. Harrison Williams (D-N.J.), also has not been charged. A decision on whether to seek an indictment in his case is expected within a month. His case is considered more complicated than the others because no cash changed hands and because the government agents may have been too aggressive in trying to get him to implicate himself.

The final Abscam trial involving a congressman won't take place until next January, when another Philadelphia Democrat, Rep. Raymond F. Lederer, faces bribery and conspiracy charges.

In each of these cases, members who are convicted also face penalties levied by the House Committee on Standards of Official Conduct. The committee set a precedent for handling such cases when it recommended Meyers' expulsion.

Because the House is returning for a lame-duck session after next month's election, the ethics committee may have to wrestle with the Jenrette case. The committee's special counsel, E. Barrett Prettyman Jr., is expected to begin preparing a sanction hearing against Jenrette if he is reelected or if he is defeated and doesn't resign.

[From the Washington Post, Oct. 9, 1980]

MURPHY SUES NBC, CLAIMS ABSCAM REPORT LIBELED HIM

NEW YORK, October 8.—Rep. John M. Murphy (D-N.Y.) announced today he has filed a $10 million libel suit against NBC for reporting he introduced immigration legislation on behalf of someone he believed to be a rich Arab sheik.

Murphy was indicted June 23 in the FBI's undercover Abscam investigation, during which agents posing as representatives of an Arab businessman offered bribes to congressmen in return for promises of political favors. His trial is to begin Nov. 10. Two of his House colleagues, Rep. John Jenrette (D-S.C.) and former representative Michael O. Myers (D-Pa.), have been convicted in their Abscam trials.

Murphy's suit, filed in state Supreme Court, names as defendants Fred Silverman, president of NBC; William Small, president of NBC News; and network reporters Jessica Savitch and Brian Ross.

"I will not just sit by and let them throw that high, inside pitch and hit me," Murphy said at a news conference. "He [Ross] was not sloppy. This was craft."

Murphy replayed for the news conference a videotaped portion of NBC's Feb. 3 newscast, in which Ross said, "Federal investigators say Murphy actually introduced a bill in the House on behalf of a man he believed to be a rich Arab, but it was actually an undercover FBI agent. Authorities say the bill passed."

Murphy said no such bill was introduced or passed in Congress, and he claimed Ross knew that.

[From Newsweek, Oct. 6, 1980]

A VOTE TO EXPEL A CONGRESSMAN

He was convicted of bribery in the FBI's Abscam investigation, but Rep. Michael (Ozzie) Myers, a three-term Democratic congressman from Philadelphia, still insists he didn't violate any law, though he readily conceded he has been "unethical." Last week he told the House ethics committee that he never actually intended to do anything in return for the $50,000 he received from undercover agents. "I was just playacting," said Myers, who claimed he only got involved as a way of "making some easy money." But when committee members watched the videotapes of his performance, they were appalled. The tapes showed a profane Myers boasting that he could get legislation passed to help a phony Arab sheik. "This man must not remain one day longer than necessary as a member of this House," argued committee counsel E. Barrett Prettyman Jr., who branded Myer's explanation "a lie." The committee agreed, voting 10 to 2 to expel him from Congress. The full House is expected to accept that recommendation this week—which would make Myers the first congressman to be turned out since three members were ousted for treason, for joining the Confederacy in 1861.

[From Inside Congress, Oct. 11, 1980]

JURY FINDS BRIBERY, CONSPIRACY: JENRETTE IS SECOND MEMBER CONVICTED IN ABSCAM TRIAL

(By Irwin B. Arieff)

Following a five-week trial, Rep. John W. Jenrette Jr., D-S.C., was convicted by a Washington, D.C., federal jury Oct. 7 on two counts of bribery and a single count of conspiracy.

The jury delivered its verdict after less than five hours of deliberation. Jenrette said he remained a candidate for re-election and would appeal. "I'm not going to let this destroy me," he said.

Jenrette is the second member of Congress to be convicted in the FBI's "Abscam" political corruption investigation. In late August, a Brooklyn, N.Y., jury found Rep. Michael (Ozzie) Myers, D-Pa., guilty of bribery, conspiracy and interstate travel to aid racketeering. Myers subsequently was expelled from the House, but he too is seeking re-election and has filed suit to regain his seat for the remainder of the 96th Congress. (Weekly Report pp. 2894, 2648)

The next member of Congress scheduled to go on trial for Abscam-related charges is Rep. Richard Kelly, R-Fla.; that trial has been set for Oct. 22. Kelly was defeated in his bid for re-election in the Sept. 9 Florida primary.

The trials of three other House members indicted in the Abscam probe—Reps. Raymond F. Lederer, D-Pa., John M. Murphy, D-N.Y., and Frank Thompson Jr., D-N.J.—will not occur until after the November elections.

In the case of the sole senator reported to be implicated in the probe, the Justice Department has informed the Senate Ethics Committee its investigation of Sen. Harrison A. Williams Jr., D-N.J., is continuing.

"LYING SKUNK"

Convicted along with Jenrette Oct. 7 was a business associate, John R. Stowe. During the trial, government prosecutors charged Jenrette and Stowe had accepted $50,000 in cash from an undercover FBI agent. Prosecutors described the payment as the first installment of a $100,000 bribe to be paid the two men in return for a promise from Jenrette to introduce a private immigration bill on behalf of the agent's supposed Arab employer.

"I've got larceny in my blood," jurors saw Jenrette say during a meeting with the agent that was secretly videotaped by the FBI. At that meeting, however, Jenrette explained he needed more time to think about the deal. He later telephoned the agent to say he preferred to have Stowe pick up the money for him. In a subsequent secretly taped telephone conversation, Jenrette confirmed Stowe had delivered the "package" to him, prosecutors said.

Jurors also saw and heard taped conversations in which Jenrette suggested to the undercover FBI agent that Sen. Strom Thurmond, R-S.C., would be willing to introduce a private immigration bill in the Senate in return for a $125,000 bribe. The government charged Jenrette intended to pocket the money and ask Thurmond to introduce the bill as a courtesy.

"I would just be amazed that anybody would make the statement he's alleged to have made," Thurmond testified of Jenrette. Outside the courtroom, he spoke more bluntly: "It just occurred to me that he was a lying skunk," Thurmond told a group of reporters.

DEFENSES: ALCOHOL, ENTRAPMENT

Jenrette's attorney attempted to portray the congressman as a drunk with financial problems whom the government lured into committing a crime.

On the stand, Jenrette said he had been repeatedly investigated since his 1974 election to Congress, including probes of alleged financial irregularities in a real estate project, employee kickbacks, misuse of his official telephone, misuse of his postal allowance, illegal campaign practices and connections to a drug smuggling operation.

None of the investigations resulted in an indictment, he noted.

He testified he at first thought the undercover FBI agent wanted to meet with him in order to discuss a legitimate loan to bail out a failing munitions plant in his district. When the undercover agent offered him a bribe, he decided the man was a mobster, he testified. He said he stalled for time for fear he would end up "floating in the bottom of the Potomac."

Jenrette denied he had ever received any bribe money. His tape-recorded reference to having received the "package," he said, did not refer to money but to a package of information about the munitions plant. He said Stowe had given him a $10,000 "loan" and kept the rest for himself. Stowe did not testify during the trial.

STANDARDS COMMITTEE INQUIRY

Following the conviction, the House Committee on Standards of Official Conduct began gearing up for its own probe of Jenrette.

The committee already had requested that the evidence in the case be turned over to the House, and that request has been approved by the trial judge. E. Barrett Prettyman, the lawyer retained by the committee to direct the House's Abscam probe, told a reporter Oct. 8 he had begun "preparing materials for the committee to consider upon its return to Washington" Nov. 12.

Prettyman would not say what he would recommend to the committee or how quickly he thought it should proceed. However, in the Myers case, the Standards Committee began its investigation only four days after Myers' conviction, pursued the matter on an expedited basis and recommended his expulsion just 21 days later.

During House floor debate on Myers' expulsion, some members—including Myers himself—complained that the committee's quick action had been geared to the voters rather than to the cause of justice. They said the expedited proceeding had robbed Myers of his due-process rights. (*Weekly Report* p. 2894)

However, Prettyman said he thought Myers had been fairly treated. "I personally do not feel that anything that was said [during the Myers debate] should necessarily affect the way the committee proceeds [on other cases] in terms of its rules or in terms of its procedures. I think [the procedure] stood up very well. . . . Mr. Myers had every opportunity to present evidence, and he did."

RE-ELECTION AND PUNISHMENT

If the panel follows the same timetable as it did in the Myers probe, Jenrette could be expelled from the House before the end of the 96th Congress.

Ironically, if the House adjourns before considering disciplinary action against him and Jenrette is re-elected to the 97th Congress, he might be able to get off the hook more easily than did Rep. Myers—at least, for the time being.

That is because many House members espouse the belief that the constituents' right to choose their representative in Congress is more important than the House right to discipline its members.

Jenrettte's re-election would therefore inject a new element into the disciplinary proceeding. A likely result would be a House decision to inflict on Jenrette a punishment short of expulsion—such as censure—at least until his appeals ran out.

If Jenrette's appeals were rejected and he was about to enter prison, his colleagues would expect him to resign, as has been the general practice in the past.

Rep. Charles C. Diggs Jr., D-Mich., for example, was re-elected after a criminal conviction, and Democratic leaders opposed his expulsion until his appeals had been exhausted. He ended up resigning the day after the Supreme Court turned down his final appeal. If he had not resigned at that time, it is likely he would have been expelled. (Weekly Report p. 1595)

Both Jenrette and Myers would have to be seated in the 97th Congress—at least initially—if they are re-elected in November. That is because of a precedent set in 1969 when the Supreme Court ruled that Congress did not have the authority to exclude Rep. Adam Clayton Powell Jr., D-N.Y. (1945–67, 1969–71) for misconduct in 1967. Congress had refused to let Powell take his seat even though he had just been re-elected and met all the constitutional requirements for membership.

But in a footnote to the Powell decision, the court added that it had no view on Congress' power to expel a member once he had been seated.

HISTORICAL INCONSISTENCIES

The House has been anything but consistent in its past treatment of members convicted of serious crimes. Prior to Rep. Myers, for example, no House member had been expelled from the House for any act short of treason.

Also, though most members have resigned from the House voluntarily before beginning a prison term for a serious crime, there have been exceptions.

Rep. John V. Dowdy, D-Texas (1952–73), for example, was convicted in late 1971 of bribery, perjury and conspiracy and sentenced to 18 months in jail. After Dowdy appealed and announced his intention to retire at the end of the term, however, the House took no action against him.

Rep. J. Parnell Thomas, R-N.J. (1937–50), was able to remain on the congressional payroll for about a month after he entered prison by delaying the effective date on his letter of resignation.

Rep. Matthew Lyon, Anti-Federalist (1797–1801, Vt.: 1803–11, Ky.), even managed to run for—and win—re-election from his prison cell. He had been sentenced to four months in jail in the fall of 1798 for a violation of the Sedition Act.

Rep. Thomas J. Lane, D-Mass. (1941–1963), also served a four-month prison term—for income tax evasion in 1956—while remaining a House member. He subsequently was re-elected three more times.

CONGRESSIONAL FELLOWSHIPS ON WOMEN AND PUBLIC POLICY—OUTSTANDING RECIPIENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

● Mrs. HECKLER. Mr. Speaker, at this time of year people who are special to the Congress are being honored and feted. Members and friends of the Congresswomen's Caucus and the Women's Research and Education Institute did both at a reception Thursday for this year's recipients of Congressional Fellowships on Women and Public Policy. Honored were 13 very bright and capable young women working on the Hill at the same time they are studying at George Washington and other universities. Participating were distinguished leaders from industry, commerce, education, entertainment, and other fields.

These congressional fellowships are implemented through the cooperative efforts of the Women's Research and Education Institute, the study arm of the Congresswomen's Caucus, and the Women's Studies Program and Policy Center of George Washington University. The fellowships are made possible by grants from the Charles H. Revson Foundation of New York and represents the largest single award ever granted to a women's program. Two additional fellowships were funded by R. J. Reynolds, Inc. (R.J.R., Inc.) and another was donated by Philip Morris, Inc. The educational and social commitments and activities of many corporations are rarely in the headlines, and I would like to acknowledge their invaluable support for the fellowship program.

The goals and programs of these congressional fellowships are substantial and vital to a society that considers equity and fairness as its core. Their aims are "to encourage greater and more effective participation of women in public policy formation locally, nationally, and internationally; to examine policies in terms of gender-based differences and to encourage the formulation of policy options that recognize the needs of all people; to promote activities that encourage the translation of research into action; and to increase understanding that those issues now defined as 'women's issues' are in fact 'human issues' of importance equally to men and women and that national and international issues concerning women are interdependent."

Many guests at Tuesday's reception were men and women who have been in the vanguard of a movement toward greater equity for all Americans. A complete list of guests would comprise a Who's Who of prime movers for human issues as well as record enormously successful individuals in a broad range of careers. There are too many individuals to list completely, but a few must be singled out:

Martha Griffiths, who served with

distinction as a Member of Congress for 20 years and was the first woman to serve on the Ways and Means Committee.

Dr. Matina Horner, president of Radcliffe College.

Dr. Dorothy Height, president of the National Council of Negro Women.

Evy Dubrow with the International Ladies Garment Workers Union and Jane O'Grady with the AFL–CIO.

The incomparable actress Jean Stapleton.

Dr. Phyllis Palmer, Virginia Allen, and Constance Conable of George Washington University.

Eli Evans, president of the Charles H. Revson Foundation, our keynote speaker, very kindly gave his support, as did Michael DeMita of Philip Morris, Inc., and Norman Vaines, of R. J. Reynolds, Inc.

Finally, but perhaps foremost, I would like to acknowledge the extremely gifted women who received this year's fellowships. They worked on the staffs of various members, studied Government firsthand, and contributed their keen insights and considerable talents.

Rita Bryce, who is working toward an MBA in business and government relations and who served as a liaison between the national and State officers of Common Cause in Alabama, is researching a variety of economic issues for Rep. MARGARET HECKLER, including women in small business.

Susan Coyle, a former para-legal and current Ph. D. candidate in sociology and social policy, works on housing discrimination against families with children and on employment issues with Senator CHARLES McC. MATHIAS' office.

Deborah Doolittle, of the University of Colorado-Boulder, who is interested in foreign affairs and women's history, works in the office of Caucus Co-Chair PATRICIA SCHROEDER, a Colorado Democrat concerned with the role of women internationally and in the U.S. military.

Denise Driver, a gerontologist with a masters degree from Duke University, is a doctoral candidate at Howard University. She has joined the staff of the Subcommittee on Human Resources of the House Committee on Education and Labor.

Gail Duckworth, who coordinated publicity for the National Organization for Women and the ERA-Alliance while a student at the University of Kentucky, is working for Representative JOHN BURTON's Subcommittee on Retirement Income, where she is developing a widow's survival handbook and researching age discrimination.

Chai Feldblum, a graduate in ancient studies at Barnard College, who has worked as a project coordinator for the Population Resource Center and as a research assistant for the Women's Equity Action League Fund, investigates women's health issues for Representative MARGARET M. HECKLER, co-chair of the Congresswoman's Caucus.

Susan Flaherty, a recent graduate of GWU's National Law Center who is now working toward her master's in law, will expand her interest in tax laws by researching the pension and social security problems of women for Senator NANCY L. KASSEBAUM.

Avery Gordon, who studied international relations at Georgetown University and paid her college tuition by working as a typist, is looking into women's employment problems under the direction of the staff of GERALDINE FERRARO, Democratic Representative from Long Island, N.Y.

Carolin Head helped found the Maryland Network against Domestic Violence and also serves on the Conference Commission on the Status and Role of Women in the Methodist Church, works in the office of Representative BARBARA MIKULSKI. Carolin is currently working on a National Women's History Week bill.

Charlotte Holloman, a law student at Catholic University, has taught adult education courses in Government and social studies in the Washington, D.C., school system. She performs legal research with the Senate Judiciary Committee.

Bonnie Ohmann, who served as a research assistant for a special project, aging as a rural phenomenon, at the State University of New York-Plattsburg and furthered her interest in women's health by participating with the National Women's Health Network, is pursuing her studies of older women's incomes and health problems with Representative MARY ROSE OAKAR of Ohio.

Susan Sundberg, who came to Washington from the University of Nebraska and who has had previous legislative experience in a Representative's office, is working on Senator EDWARD KENNEDY'S Judiciary Committee.

Jacque Wurzelbacher, with experience on the Federal women's program and a mother of three young children, works with Representative GLADYS SPELLMAN, a Maryland Democrat, to assess the adequacy of current legislation and enforcement of child support payments. Jacque helped in researching a statistical profile of the older women for the GWU/WREI study of the economic problems of aging women.●

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES URGE PASSAGE OF VALID COURT ORDER AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

● Mr. ASHBROOK. Mr. Speaker, during the debate today on the amendments to the Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, we have had the wise counsel of many of this Nation's finest judges. Confronted with a difficult if not unworkable situation created by the Congress with the passage of the 1974 act, they presented their candid and learned views to the Education and Labor Committee on which I am proud to serve as the ranking minority member. Although the committee voted to not adopt their views, I was confident that the entire Congress, when presented with the issues involved, would support the position propounded by the jurists in the field who work with the problems of delinquents and know from experience what will work and not work.

My amendment was passed by an overwhelming majority today. For that I am most pleased. However, I do not count this as a personal victory. The verdict on the Ashbrook amendment was based on the logic of the arguments presented by the judges themselves. The National Council of Juvenile and Family Court Judges worked long and hard to convince legislators that their ability to deal with juvenile offenders was severely hampered by restrictions on the implementation of their valid court orders. I congratulate them for their work, their tenacity and their success.

If I were to single out one who deserves great credit for this success it would be the Honorable John R. Milligan who serves as chairman of the government committee of the National Council of Juvenile and Family Court Judges and is a judge of the Stark County Juvenile Court, Canton, Ohio. Judge Milligan appeared before our committee and made the excellent presentation I include with these remarks. More than that, he followed up with an almost weekly status report on the amendment. When it lost in our committee, he continued his efforts as did his many colleagues throughout the country. I am pleased to note, as an aside Mr. Speaker, that Jack Milligan successfully sought higher office in November and was elected to the Ohio Court of Appeals.

In my experience, all too often we witness legislators here forgetting about the people back home who have to deal with the problems we create by our laws and regulations. That trend is hopefully being reversed. Maybe this is a start. The House of Representatives today listened to those public servants who are on the point, at the front where theory stops and reality begins. In their day-to-day dealing with today's troubled youth, these judges have compassion. They also understand that a court cannot command respect if its valid orders can be flaunted. My amendment, supported by the National Council of Juvenile & Family Court Judges will hopefully make their difficult responsibilities at least somewhat easier.

Mr. Speaker, I include Judge Milligan's remarks:

STATEMENT OF HON. JOHN R. MILLIGAN

We respectfully ask the Congress the following question:

Does Congress intend that every child have the ultimate right, at any age, to decide for himself whether he will (1) continue to run away from home; (2) to go to school; (3) obey State laws for children; or (4) violate legitimate court orders?

As currently interpreted by O.J.J.D.P., the answer to this question is "yes".

A youth who does not violate an adult criminal law continues to be a "status offender", no matter how often he runs away from home or other placement, or is continually truant from school. In fact, the longest period of time such a runaway youth can be held against his will, under any circumstances, is 24 hours (considered a "de minimus" violation by OJJDP).

Horror stories of chronic runaways who have been abused, raped, prostituted, and sometimes murdered should underscore the imperative of some ultimate, bottom-line authority over such youth. (The "Gacy murder case in Illinois", the mass homosexual murders of kids in Texas, the "Minnesota Connection" with prostitution in New York, the atrocity in California, and CBS's Fort Lauderdale homosexual revelations—all are dramatic examples).

If the purposes of the Act are to be realized—prevention of delinquency by provision of adequate facilities and programs, and by keeping students in school—some ultimate authority is necessary.

Limiting such authority to those who violate a valid court order is a reasonable compromise with those who would opt for continuing to answer the above question with a "yes". The Amendment is specific, measurable, and fair.

It is necessary to ensure the safety, education, and health of that small portion of the youth population who will otherwise endanger themselves.

It is necessary to underwrite families and schools in meeting their custody, care, and education responsibilities.

Isn't there a danger of abuse by the judge on a case-by-case basis? The potential for abuse of authority exists in every facet of society. Fortunately, that potential is tempered as to the courts—and particularly the juvenile courts—by a whole series of checks and balances, including the right of advocacy and appeal.

This Amendment strikes a balance between categoric federal legislation mandates and the state's right to set procedures and rules for dealing with cases on a case-by-case basis, in the public interest.

The proposed Amendment strikes a reasonable balance. It limits any coercive authority to "valid court order" violations, and couples this with the existing language of the next section of the Act (Sec. 223(a)(12)(B)), requiring that if youth are placed in facilities, they must be: (1) the "least restrictive alternatives appropriate to the needs of the child and the community, (2) in reasonable proximity to the family and the home communities of such juveniles, and (3) able to provide the services described in (the Act)".

Also, such youth are categorically prohibited from being placed in adult jails or lock-up. (Sec. 223(a)(13))

The requirement that the court order be "valid" is a strong protection against abuse of discretion by the trial judge. A "valid court order" means one that is issued after full due process rights have been accorded to the youth and his parents, guardian, or custodian. They are enumerated in In re Gault, 387 U.S. 1, and articulated in statutes, rules, and case law in every state. They include:

(1) the right to have the charges against the juvenile in writing;

(2) the right to notice and a reasonable time to prepare for hearing;

(3) the right to an explanation of the nature and consequences of the hearing;

(4) the right to a hearing before a court;

(5) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(6) the right to confront witnesses;

(7) the right to present witnesses;

(8) the right to have a transcript or record of the proceedings; and

(9) the right to appeal to an appropriate state court.

Also, the Act encourages, and the judges support, the provision of monitoring through advocacy. See Sec. 233(a)(10)(D), providing for:

> ". . . projects designed to develop and implement programs stressing advocacy activities aimed at improving services for, and protecting the rights of, youth impacted by the Juvenile Justice System . . ."

Since the adoption of the Juvenile Justice Act, there has been a substantial change in the posture and position of most Juvenile Judges and Juvenile Courts. A healthy, increased awareness of the juvenile court's responsibility to use the least restrictive option in each case, consistent with the treatment needs of the juvenile and his family, and the public safety, has developed. With help and encouragement from OJJDP, juvenile courts have greatly expanded the use of diversion and specific, treatment-related intervention. The use of coercion has been substantially minimized. Thus, status offense referrals to the juvenile courts decreased 9.9 percent in 1976 and 21.3 percent in 1977—a reflection of increased use of community resources and diversion. Detention of status offenders decreased by 49.4 percent from 1975 to 1977. ("Special report: A Summary of Reported Data Concerning Young People and the Juvenile Justice System, 1975–1977," prepared for O.J.J.D.P. by National Center for Juvenile Justice, March, 1980)

CONCLUSION

The federal initiative in juvenile justice is at a critical juncture. Much progress has been made. Much, much more remains to be done.

However, unless the change recommended by the Human Resources Subcommittee is adopted, many states will be impelled to withdraw from participation. The victims of such an action will be the very children and families the Congress intended to serve.

Mr. Speaker, as is usually the case on any issue, there are sides. Those opposing my amendment made very sincere arguments although the usual theme was one of permissiveness which seems to permeate so much of our society. Judges are wrong, parents are wrong. The youthful offender, even the repeat offender? Well, he is victimized and probably right. That seems to be their argument.

I respectfully take the opposite point of view. Judges are entrusted to hear the case and responsibly adjudicate—often siding with the parents, often with the youth. But what is best for society should always be paramount. When you allow the youthful truant to be the one who has the rights and the judge the one we hold as suspect, something is wrong with our system. This seems to be the argument of those who want to continue a situation where the youthful offender can look at the judge and, in effect, thumb his nose.

Ohio is in a particularly critical position. Unless my amendment were to pass, our judges would be under the Federal gun and forced to make accommodations in their courts which they not only do not want to make but, in their experience, would limit their ability to deal with offenders who come before them.

Here is a list of those organizations which opposed the "valid court order" amendment. Maybe our learned judges should take a moment of their time to talk to some of these groups like a Dutch uncle and instill some sense of what is really involved in these issues. Girl Scouts of U.S.A.? Now really. Maybe when the Scouts grow up they will see things differently. At least for the record, here they are:

National Association of Counties.
National Board of YMCA's.
National Conference of Catholic Charities.
National Congress of Parents and Teachers.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National League of Cities.
Association of Junior Leagues.
National Network for Runaway and Youth Services, Inc.
National Prison Project.
National Youth Work Alliance.
American Civil Liberties Union.
American Red Cross Youth Services.
American Veterans Committee.
Boys' Clubs of America.
Campfire Inc.
Girls' Clubs of America.
Girl Scouts of U.S.A.
United Neighborhood Centers of America.
U.S. Catholic Conference.
Association of Washington State Community Youth Services.
California Child, Youth, and Family Coalition.
Colorado Youth Alternatives Council.
Community Congress of San Diego.
John Howard Association.
Illinois Youth Service Bureau Association.
Illinois Collaboration on Youth.
Iowa Network of Community Youth Services.
Maryland Youth Advocacy Coalition.
Michigan Association of Youth Service Bureaus, Inc.
Minnesota Youth Advocates Coalition.
Mountain Plains Youth Services Coalition (South Dakota, North Dakota, Montana, and Wyoming).
New Hampshire Federation of Youth Services.
New Mexico Youth Work Alliance.
Ohio Youth Services Network.
Oregon Youth Work Alliance.
Vermont State Association of Youth Service Bureaus.
Wisconsin Association for Youth.
Youth Network Council of Illinois.
Youth Policy and Law Center, Wisconsin.
Office of Regional, Provincial, and State Child Care Associations.
American Parents Committee.

Mr. Speaker, November 19 will rank as an important day for those who are on the front lines, our juvenile and family court judges who are trying to bring some order to the chaos that society has created and dumped into their courts each and every day of their lives. Society won today. Parents won today. Our fine judges won today.

CONCERN OVER RECOMMENDATIONS OF PRESIDENT-ELECT'S HEALTH ADVISORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. FERRARO) is recognized for 5 minutes.

● Ms. FERRARO. Mr. Speaker, President-elect Reagan's visit to Washington is being met with enthusiasm and praise, as it should be. I hope, however, that as official Washington evaluates the pomp and circumstance surrounding the President-elect, that we do not fail to give as close scrutiny to the preliminary recommendations being made by Reagan advisors.

Yesterday, I addressed the House to call to my colleagues' attention the recommendations of the social security task force. Today, I use this opportunity to express my concern over reports that the President-elect's health advisors are urging an experiment to meet the needs of the 1 million Americans who are considered to be uninsurable health risks.

I have no quarrel with the hope that we reach a time when health care is no longer a luxury, available only to those who can afford high insurance premiums and soaring hospital and physician costs. I do, however, find that the program, as reported in the press, is an economic sleight of hand.

Not surprisingly, the recommendations, devised by the health insurance carriers, themselves, call for the financing of premium subsidies to be borne by regular enrollees in the health plans. Thus, while using its right hand to slash the budget, and relieve the burden on the middle class, the Reagan administration may then use its left hand to increase the premiums paid by those same middle-class taxpayers. Content that Government spending was reduced, and their taxes cut, perhaps they would not notice their health costs rising even faster than before. Or, so the President-elect would hope.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am notifying the House today of a proposal by the U.S. Export-Import Bank to provide financing to assist in the sale of four new Boeing 747SR jet aircraft valued at $230 million to All Nippon Airways, Ltd., of Japan.

The Eximbank is prepared to extend a credit of $92 million to make possible this sale by the Boeing Co. This transaction would be the first of several aircraft purchases from Boeing contemplated by All Nippon Airways.

The Eximbank also has made a preliminary commitment to assist in the future sale of six Boeing 767-200 jet aircraft to All Nippon, and has been informed that the Japanese airline hopes to place orders later for additional Boeing 747SR planes and for 19 Boeing 767-200's.

This notification from Eximbank was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, requires that the Eximbank notify Congress of proposed loans or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress after notification.

I am submitting for the RECORD at this time a copy of the Eximbank notification providing the terms and details of the proposed financing. I would welcome any comments or questions my colleagues might have about about the proposed transaction.

The Eximbank material follows:

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., November 7, 1980.
Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

JOHN L. MOORE, JR.

Enclosure.

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., November 7, 1980.
SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the House of Representatives with respect to the following transaction involving U.S. exports to Japan:

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to make available a credit of $92,000,000 to All Nippon Airways Company Ltd., (ANA) to facilitate the purchase in the United States by ANA of four new Boeing 747SR jet aircraft. The total U.S. export value for this transaction is estimated to be $230,000,000.

In addition to the aircraft proposed for sale in this transaction, Eximbank has approved a preliminary commitment to ANA to assist ANA in the purchase of six Boeing 767-200 jet aircraft to meet its needs for increased traffic on its routes replacement of aging aircraft. Furthermore, ANA has indicated plans to purchase additional Boeing 747SR jet aircraft and 19 Boeing 767-200 jet aircraft for which it may submit applications for financing to Eximbank at a later date.

The Eximbank Credit for this transaction, together with the Eximbank financing contemplated in the preliminary commitment, would fall within the purview of cases to be referred to Congress under Section 2(b)(3)(i) of the Eximbank Act.

2. Identity of the parties

ANA is the second largest airline in Japan and is owned by various private Japanese shareholders. Its scheduled routes are all to Japanese cities but ANA does operate international charter flights to other countries in the Far East. Eximbank has dealt with ANA since 1963 and all loan repayments have been made on a timely basis.

The Japan Development Bank, an agency of the Japanese Government, will unconditionally guarantee repayment of the Eximbank Credit.

3. Nature and use of goods and services

The principal goods to be exported from the United States at this time are four medium range commercial jet aircraft to be used by ANA to service growing demand on domestic routes. This type of aircraft is a special model having a higher seat capacity than the standard 747 aircraft and designed only for short and medium range routes. Deliveries of the aircraft are scheduled for February, May, November and December of 1981. The aircraft covered by the preliminary commitment will be exported in 1983 and will be utilized primarily to replace aging fuel-inefficient aircraft.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

Eximbank's financing support for the export of U.S. aircraft has assisted U.S. aircraft manufacturers in obtaining approximately 80% of the world market (which includes the United States) for commercial jet aircraft. Through 1990, aircraft purchases by foreign airlines are expected to account for approximately 40% of the total U.S. aircraft sales. Over the next two to three years several large foreign airlines will be undertaking major reequipment programs, and most airlines choosing a particular aircraft type will continue with future purchases of the same models to maintain fleet continuity. During these next few years there will be intense competition from foreign aircraft and engine manufacturers and they will be supported by subsidized export credit from government sources. Eximbank believes it must be sensitive to purchasers' needs during this period of new product selection to insure that U.S. aircraft and engine manufacturers are able to offer attractive financing which helps them to sustain their position as a leading U.S. export section.

The Boeing Company estimates that the export of the four Boeing 747SR aircraft and the six Boeing 767 aircraft will provide 6,822,800 man/hours and 6,108,000 man/hours of work respectively for Boeing, its subsidiaries and its sub-suppliers. Additional benefits which will flow to the United States from the transaction include sizeable follow-on exports of spare parts, spare engines, ground support and other related equipment.

2. The financing plan

The financing plan for the total U.S. procurement for the 747SR jet aircraft supported by Eximbank Direct Credit is as follows:

	Percent of U.S. costs	Amount
Cash payment	60	$138,000,000
Eximbank direct credit	40	92,000,000
Total	100	230,000,000

(a) Eximbank Charges. The Eximbank Credit will bear interest at the rate of 9.25% per annum, payable semiannually. Eximbank will charge a commitment fee of ½ of 1% per annum of the undisbursed amounts of the Eximbank Credit.

(b) Repayment Terms. Aggregate disbursements under the Eximbank Credit will be repaid by ANA in a repayment schedule of 20 equal semiannual installments beginning January 11, 1982.

Attached is certain additional information on Eximbank activity in and economic data on the country involved in this transaction.

Sincerely,

JOHN L. MOORE, Jr.

ATTACHMENT 1

EXIMBANK EXPOSURE IN JAPAN (AS OF JUNE 30, 1980)

[Dollar amounts in thousands]

	Outstanding	Undisbursed
Direct loans	$647,217	$37,854
CFF loans	0	0
Financial guarantees	28,764	0
Bank guarantees and other	0	0
Insurance:		
Medium term	54,013	0
Short term	16,885	0
Total for Japan	746,879	37,854

DEFAULTS AND RESCHEDULINGS

In the past ten years there have been no defaults or rescheduling of Export-Import Bank direct credits for U.S. export sales in Japan.

ATTACHMENT 2

JAPAN: KEY ECONOMIC INDICATORS

[All values in millions of U.S. dollars unless otherwise indicated]

	1978	1979	1978–79 change (percent)	1980 indicator
INCOME, PRODUCTION, EMPLOYMENT				
GNP at current prices	976, 411	1, 011, 793	[1] 8.1	1, 400, 000
GNP at constant 1970 prices	531, 608	539, 851	[1] 5.9	570, 000
Annual per capita GNP, current prices (dollars)	8, 617	8, 723	1.2	9, 800
Plant and equipment investment, current prices	132, 528	151, 572	[1] 19.3	
Indices:				
Industrial production (Manufacturing) (1975=100)	123.0	133.3	8.4	[2] 144.2
Average labor productivity (manufacturing) (1975=100)	127.4	142.8	12.1	[3] 157.3
Average industrial wage (manufacturing) (1975=100)	129.1	138.7	7.4	[2] 145.4
Average labor force (millions)	55.3	56.0	1.3	[2] 56.2
Average unemployment rate (percent)	2.2	2.1	−4.5	[2] 1.9
MONEY AND PRICES				
Money supply (M2)	[4] 763, 761	[4] 940, 390	[1] 8.4	[5] 890, 088
Bank of Japan commercial discount rate (percent)	[4] 3.5	[4] 6.25	2.75	[6] 8.25
Call rate (unconditional), highest (percent)	5.0	8.375	3.375	[7] 12.8125
Commercial bank average loan rate (percent)	6.309	6.291	−0.018	[8] 7.818
Consumer Price Index (1975=100)	122.6	127.0	3.6	[8] 134.3
Wholesale price index (1975=100)	104.3	111.9	7.3	[8] 129.5
PAYMENTS AND TRADE				
Gold and foreign exchange reserves	[4] 33, 019	[4] 20, 327	[9] −12, 692	[10] 22, 35
External public debt	[4] 11, 530	[4] 14, 210	[9] 2, 680	
Basic balance of payments	4, 145	−21, 372	[9] −25, 517	[11] −20, 474
Balance of trade	24, 596	1, 845	[9] −22, 751	[11] −5, 904
Exports, f.o.b. (IMF basis)	95, 634	101, 232	[9] 5, 598	[11] 116, 215
Export share to United States, customs basis, f.o.b. (percent)	25.6	25.6	0	[12] 25.5
Imports, f.o.b. (IMF basis)	71, 038	99, 387	[9] 28, 349	[11] 122, 119
Import share from United States, customs basis, CIF (percent)	18.6	18.4	−0.2	[12] 17.4

[1] Change is in aggregates dominated in yen not dollars.

[2] January–May average, seasonally adjusted.

[3] January–March average, not seasonally adjusted.

[4] As of end of year.

[5] As of July 31.

[6] Effective Aug. 20, 1980.

[7] Through May.

[8] January–May average, not seasonally adjusted.

[9] Movement toward surplus or deficit, or total increase, in millions of dollars vice percent

[10] As of Aug. 31.

[11] A. R. on basis of seasonally adjusted January–May preliminary data.

[12] January–May preliminary, not seasonally adjusted.

Note: Dollar exchange rate used for conversion of yen figures, GNP and investment: 1978 ¥210; 1979 ¥219. Money supply: July–December 1978 ¥234; July–December 1979 ¥206; January–June 1980 ¥225, as used for some computations by Ministry of Finance, and July 1980 ¥220.95.

Source: Department of State "Economic Trends in Japan", July 31, 1980. International Financial Statistics, October 1980. ●

REINDUSTRIALIZATION OF AMERICA: CHOOSING AN INDUSTRIAL STRATEGY FOR THE 1980's

(Mr. GORE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GORE. Mr. Speaker, on September 23, 1980, the Congressional Clearinghouse on the Future and the Congressional Institute for the Future cosponsored the second in a series of Congressional Roundtables on Emerging Issues. Our discussion focused on the "Reindustrialization of America: Choosing an Industrial Strategy for the 1980's."

Individuals representing the business, labor, government, and futures research communities joined our colleagues, Mr. Speaker, for a half day of reflection on this most important issue. Senator WILLIAM PROXMIRE, chairman of the Senate Banking Committee, shared his thoughts and concerns about reindustrialization as it is being proposed by some, and urged us to shy away from a strategy which would have Congress making choices that the marketplace should make.

Dr. Robert Hamrin, senior economist for the President's Commission for a National Agenda for the 1980's presented a futures perspective to the issue, and suggested that we focus on strategies rather than on one policy solution, exploring where we want to be in 1990 with respect to world trade.

John Post, executive director of the Business Roundtable's Washington office, took a look back at the lessons from history and sketched for us his suggestions for future strategies. Rudy Oswald, director of Research for the AFL–CIO, followed Mr. Post's example and suggested several problem areas that have created the current situation. We have added, for the RECORD, a brief proposal of the AFL–CIO to which Mr. Oswald referred during our session.

During our discussion, many points were raised. There developed a consensus that we are in danger of overestimating the ability of the Government to allocate resources successfully among different sectors and among different companies within each sector. Nevertheless, current policies already influence the allocation of resources and we in the Congress ought to be sensitive to the effect that past policy decisions have had on industrial development in the United States. Second, we concluded that the new competition from Japan and West Germany and others has been successful because of their different approach to industrial policy and we should learn from innovations in those countries, some of which might be useful here.

At lunch, Dr. Gerald O. Barney, executive director for the Global 2000 report to the President, gave us a sobering summary of the report's findings, including population, environmental and resource trends. He said:

> If present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now. Serious stress involving population, resources and environment are clearly visible ahead. Despite greater material output, the world's people will be poorer in many ways than they are today. Life for most people on earth will be more precarious in 2000 than it is now—unless the nations of the world act decisively to alter current trends.

Mr. Speaker, I commend to all of my colleagues in both Houses of Congress the full text of the presentations and discussions which follows:

SENATOR WILLIAM PROXMIRE, CHAIRMAN, SENATE BANKING COMMITTEE

I am happy to have a chance to speak here on "reindustrialization," because I have great difficulty with understanding what reindustrialization really is.

We suffer from a whole series of problems. We suffer certainly from declining productivity, high unemployment, painfully high interest rates, and a high trade deficit. We also have a surplus of proposals for what to do about these problems. Reindustrialization is the one that is getting the most press.

First, let me say what I interpret reindustrialization to be. I may be wrong, but I think it includes such things as federal loans, federal government export subsidies, tax credits, to name a few components. The common denominator of all these proposals is that they would have the government help with the problems.

I am very sensitive to this because as Chairman of the Senate Banking Committee, I sat in on the rescue of Lockheed and Chrysler—both of which I thought were very serious mistakes. The market place is a better gauge than the bureaucrats. And most business groups are telling us to get off their backs.

The Governor of Wisconsin said not long ago, "We need the federal government to defend the nation, deliver the mail, and get the hell out of our lives." This is a widespread view. Besides, there is no way that the government is going to get smaller by getting bigger. If the federal government is going to take on a welfare state for our industries, it will just get bigger than it is now. That is my first point.

Point two is that any action the government takes will tend to take resources from one place and put them in another place. Or the government may also try to help bring along a new promising industry suggesting that Washington is more qualified than the market place to decide which new idea should be promoted. I think that the general view of many people in business is that government is not as well qualified as the market place.

My third point is that any loan guarantee, any bail out, has to be paid for by American businesses themselves. That means the winners, the working taxpayers, investors—those are the people in this country who have the income that will provide the revenue that the government can spend. So reindustrialization means that the winners are losing income so that the government can help the losers. It is obvious to me that you must have a lot of faith. The losers are politically potent; a firm like Chrysler has a lot of means to exert pressure on Congress.

BURDENS OF GOVERNMENT ARE BIG ENOUGH

My final point is that government has far more to do than the American people think they can afford anyway. We will continue to have an enormous social security program and we should have; we have that responsibility. We have an increasing health care program. We are going to continue to have a mammoth education program. We are going to continue to have a colossal burden with the cities; a vast housing program. Not one of these programs are going to be dismembered; they all have a stronghold on the conscience of the American people and should have.

Do we really need another mammoth program, an additional multi-billion dollar burden on the taxpayers and investors? We think we are going to get a Chrysler or a Lockheed that will become more profitable, pay more taxes. Well, I just haven't seen that work out. The question is will "reindustrialization" improve our economic situation? It will, only if the government officials who make the decisions do so more wisely than the market place. Will they? I just wonder on the basis of past performance. Money will go where the political power is; it will go where unions are mobilized, where mayors and governors, representatives and senators have the power to push it. Anybody who thinks that the government resources will be allocated on the basis of merit hasn't been in Washington very long.

SOME ALTERNATIVE PROPOSALS

I would like to propose the following alternatives to reindustrialization. (1) Phase out the corporate income tax—it prevents corporations to grow as they should; it encourages featherbedding of the worst kind. (2) In our regulatory process, instead of having a system that is as painful and slow and annoying as it is now, we should protect our environment as they have the Rhine River in Germany—a river that is the most intensely used by industry in the world—all kinds of plants are on the river, chemical, coal, steel, paper—yet it is a river on which you can sail, swim and drink the water. Why? Because they put a tax on the effluent that is put in the water. You increase your profits by holding down the amount you put into the water. Here the market place makes the decision.

To sum up, I would (1) discourage any kind of reindustrialization that involves loan guarantees, tax credits, grants, anything of that kind; (2) I would favor a phasing out of the corporate income tax; and (3) modify our regulatory system, tax effluents and encourage conservation and recycling.

Thank you for inviting me to be with you today.

Dr. Robert Hamrin, Senior Economist, President's Commission for a National Agenda for the 80's

The 1970s were years of extraordinary economic difficulties for not only the United States but for most of the industrialized world. Inflation remained exceptionally high, economic growth slowed, the rate of productivity improvement shrunk to abysmally low levels, trade imbalances increased, and unemployment reached and remained at stubbornly high levels. These factors, coupled with eroding markets and capital restraints, have raised questions about the vitality of our core industrial sector. In addition to these indicators of poor aggregate economic performance, there is the unprecedented plateauing of the standard of living, with many people experiencing an actual decline. Finally, what compounds present day concerns and fears is that not only are all these symptoms present, but that the standard cure—demand management policies—seems to have lost most of its potency. Hence, the question arises, What's going to breach the gap, fill the vacuum?

The answer, to an increasing number of economists, politicians and other observers, is some form of a coordinated industrial policy—one which gets below the surface of aggregate figures and takes an indepth look at what is happening and what can be made to happen in individual sectors and industries.

Industrial policy has proven to be an extremely amorphous concept, one whose meaning truly lies in the eye of the beholder. The basic difficulty is that it may be used (and has been) to encompass virtually every economic problem America faces. There are, however, a few key economic problems that most discussions of industrial policy focus on: the long run decline in productivity growth, the "de-industrialization" of America, and the declining international competitive position of the United States. The basic factor underlying these difficulties is that the 1970s was a period of profound structural change, both in the global and domestic economy.

Not since the 1930s has the international economic context loomed so large in concerns about economic performance. Indeed, what distinguishes the United States' structural change of the 1970s from earlier periods is the critical importance, perhaps preeminent importance, of changes in the international context. These changes include:

A loss of 23% of the U.S. share of the manufacturing exports of industrial nations. This amounted to some $125 billion in lost production and a loss of at least 2 million industrial jobs. Virtually all industries, including those that still generate tremendous trade surpluses, have been losing their share of the world market steadily.

A 1300% increase in the price of OPEC crude oil between 1970 and 1980.

A doubling of the proportions of youth in newly industrializing countries receiving high school and college educations.

Major changes in the balance of technological and innovative capabilities within advanced industrial nations, with countries such as Japan and Germany making major investments in research, development, and design capabilities that render competing U.S. products less competitive.

EMERGENCE OF NEW TRENDS

Within the United States, a number of new trends took place which, when totaled, add up to significant structural change:

Transformation in the economic base from one centered in basic, heavy industry to one centered in information and communications activity.

Maturing technolgical progress. Many of the major industries of the past were no longer technologically dynamic and corporate R&D went increasingly into modifying existing products rather than radical new product or process breakthroughs.

Decline in the growth ethic.

Diversion of capital to meet social goals.

Supply constraints. Supply shortages, most notably energy, already constrain growth, add to inflation, and reduce the margin of freedom for both government and private enterprise actions. As we move into an era of increased scarcity, we can expect additional shortages in water, arable land, lumber and basic metals.

Declining capital investment.

Excessive demands. Given slow growth of the economic pie, our efforts to achieve quality of life improvements, higher living standards, higher defense spending, and other social and economic objectives exceed what our industrial machine can provide.

These dramatic new realities press upon us the need to change and to alter our fundamental assumptions concerning government and business roles in the formulation of domestic and international policies. The international context is extremely critical both in terms of U.S. trends and the potential economic performance of other countries. Most of the proponent's arguments center around international economic considerations in some manner. Indeed, it may be safely said that the issue which the United States will face again and again in the 1980s is: What is to be our political response to global economic change?

The arguments in the industrial policy arena range from the very specific to broad scale ruminations about the future of Western prosperity.

At the more micro level, it is vociferously argured that protecting inefficient industries and restoring to increasingly heavy subsidies for fuel and other "essential" goods could turn the United States into one of the world's permanently high-cost economies. Certainly, eliminating failure as an option would severely disrupt the functioning of a market economy. It would also: build inefficiency, waste and mismanagement into corporations by removing the looming danger of bankruptcy from the system; artificially raise interest rates and tighten the credit supply for companies without subsidies; and create a bias toward big companies at the expense of smaller ones.

Import curbs could also produce an economically harsh backlash through hurting exports, an increasingly vital part of the U.S. economy. Exports account for 1 out of 8 manufacturing jobs and the production of 1 out of 3 acres of farmland. Together with the international activity of American companies, exports represent $1 out of every $3 of American corporate profits.

REINDUSTRIALIZATION PROPOSED AS A SOLUTION

The basic argument being propounded is that the United States must reindustrialize. It's basic thesis is that a conscious effort to rebuild America's productive capacity is the only real alternative to the precipitous loss of competitiveness of the last 15 years. Relatedly, it is argued that we also need policies to facilitate the movement of resources from activities in which the United States is losing comparative advantage. Small amounts of aid to affected industries will not be adequate to reverse the trends, and this suggests the need for more active efforts to aid the adjustment process of American industries losing their comparative advantage.

Many observers feel we must now emphasize a more positive kind of industrial policy, one of "supporting the winners." The basic idea is that rather than reacting to events, we should develop policies which anticipate future developments and concentrate our limited resources where they can do the most good. Thus, wherever possible, our economic policies should be centered not on our declining sectors, but rather on the growth sectors of our economy.

The argument is made that mechanisms are needed which encourage massive private investment in high productivity key sectors where increased output would produce the most substantial moderation of inflation. In the global context, each nation, taken separately and then together, would create winners best suited to its own comparative advantage, rather than imitating or trying to obtain benefits from winners established elsewhere.

Specifically, it is advocated that the government begin by identifying a specific set of new manufacturing needs over the next decade. The emphasis should be on high technology and industries that might in the future have an advantage in international trade. Those sectors or industries will naturally seek out their own interests in the world, but they can be given an environment that makes it favorable for them to do so and can be given support, information, guidance, or subsidy where appropriate.

The most comprehensive argument, encompassing as it does the future of Western prosperity, runs along the following lines. Three basic factors—rapidly rising energy costs, the growing competition from the NICs, and the prospect of a prolonged period of slower economic growth—necessitate that Western industry must make some painful adjustments in the next few years if it is to have any hope of maintaining the level of prosperity that the Western industrial democracies have come to enjoy and expect since the end of World War II.

The critical question is whether industry is likely to make these adjustments. The argument is made that the free play of market forces would produce a social crisis that no modern democratic government could accept. Rather than endure the pain of an adjustment carried out under the harsh laws of free competition, Western governments would simply resort to all-out protectionism. The result would be falling growth, clogged trade routes, and the kind of prolonged recession the Western world experienced in the 1930s when it made its last experiment with protectionism.

NEW PARTNERSHIP BETWEEN BUSINESS GOVERNMENT ENVISIONED

The alternative course is for governments, in concert with industry and labor, to manage the restructuring of the economy to face the more difficult trading conditions that lie ahead, at a pace that is politically acceptable. By making full use of all the carrots and sticks at their disposal, they would seek to ease the social pains of this necessary economic transformation and at the same time make sure that the changes are in fact made. In short, an expanding body of informed opinion believes that the West's future prosperity now depends not on any return to the sturdy virtues of a pristine capitalism, but rather on the development of a more intense, formal, and internationally coordinated partnership between government and private industry.

The bottom line the proponents come to is that the United States clearly stands out as an example of a country that has not tried to conduct a coherent national policy for economic development and that such a national economic development strategy is now essential. The strategy adopted must recognize that there is no quick fix to the economic problems we face. Rapid changes in the shape of the U.S. and world economy have created altogether new forces to contend with. Economic policy tools that were once appropriate are no longer adequate.

In short, we are entering a new era in the management of economic affairs in this country. Macroeconomic measures will require the help of structural policies, at a minimum to break bottlenecks and improve the responsiveness of the system to stimuli and restraints, but probably for much more. We must come to grips with the economic change that is occurring, think anew about our economic policies, and set forth an economic strategy appropriate to the realities of the 1980s.

JOHN POST, EXECUTIVE DIRECTOR, THE BUSINESS ROUNDTABLE

I would like to point out that I am speaking on this occasion on my own behalf and that the Business Roundtable has just designated a task force to study "reindustrialization." The Business Roundtable hopes to have a report prepared by the end of the year. This task force will be composed of CEO's and will be responsible for such issues as taxation, energy, and inflation.

I was interested in the approach taken by the previous speaker who tried to make comparisons with prior decades. I think that people think that we must do something new. I would like to look back, by decade, and see how prior decades compare with today so that we can best decide what to do.

The 70's I consider to be an era of major concerns about political institutions; the 60's were characterized by a concern about social institutions; the 50's were an era of stability and confidence; the 40's were a period of war and reconstruction; and the 30's were closest to today but with some striking differences, and also with some lessons for us.

As Dr. Hamrin was mentioning, the 70's were characterized with high unemployment and a lagging economy. The 30's were similar with unemployment, a stagnant economy, a rise of protectionism, and regional problems. Abroad there also were great similarities: growing number of totalitarian governments, approach of war, U.S. perceived as weak militarily, and the strong feeling for isolationism.

Most interesting, however, was the development of ideas. The 30's are remembered as the era of John M. Keynes who brought in the idea that government should take a larger role in solving the problems of the economy.

DIFFERENCES BETWEEN THE PAST AND NOW

Now let me point out the differences between the 30's and now. World trade is much more important now than in the 30's. But even more important is the role of the U.S. today as a world power. Also there is much more government intervention in the economy. Another thing that needs to be mentioned is that trade unions have become a strong force. Another change is the shift of workers from the manufacturing sector to the service sector.

Let me just list three problems that have led to our current situation:

1. There is a lag in capital investment, caused by a lower return on investments;

2. There is uncertainty related to unit labor costs and prices and the availability of raw materials; and

3. Government involvement exemplified by regulations and confusing energy policies complicate the whole picture.

We may not be able to do anything about the future of prices, but we may be able to do something about our costs, about raw materials, and about government regulations.

THE MEANING OF REVITALIZATION

What does "revitalization" mean? That depends on who defines it. We have definitions from the AFL-CIO, Professor Etzioni, *Business Week*, and from business executives. To me, the essence of a "revitalization" program is how our economy can grow so as to provide more jobs in a stable economy.

Underlying any discussion of economic growth is the problem of inflation. I find it hard to believe in "revitalization" without a reduction in the rate of inflation. This means we must address all the elements which cause inflation, namely, government spending, increases in labor costs which grossly exeed the increase in output per man-hour, and monetary policy.

The economy also needs to improve the rate of capital recovery. We have serious capital recovery problems in several sectors of heavy industry such as steel, aluminum, chemicals, energy and electric power. Many companies have critical problems because of the disparity between the original cost of investment and replacement cost by today's price index. The recent overemphasis on consumption and "equity" must be moderated to accommodate the need for savings and capital investment which will be enhanced by increased profits and realistic tax policy.

The massive growth of government regulations obviously has played a role in generating the present difficulties. We need a reduction in government regulations as well as some moderation of those which inhibit flexibility and motivation in industrial activity.

In addition, we have to look at the whole area of incentives and rewards for individuals. To some extent the leveling-down of rewards for individuals has adversely affected the incentives for growth. At the same time we need to address the human problems of "Plant Closing."

Next, we obviously need to encourage exports based on a careful look at incentives and, especially, disincentives. For example, the taxation of U.S. citizens who work abroad has an adverse impact on the development of exports.

On the other hand, we should be opposed to industry "councils" with policies designed to distinguish between "winners" and "losers", and to divert pension plan funds to solve social problems. These smack heavily of national economic planning, such as we saw in the Humphrey-Javits bill.

I'd also be cautious about adopting the approaches used in foreign countries. I remember when everybody proposed that we emulate Sweden, which they said had found "The Middle Way". Today there is considerable disenchantment with the Swedish approach. We also hear about "indicative planning" in France and about government-business cooperation in Japan, Inc. These have social, political and economic structures much different from ours.

The discussion of revitalization is timely and healthy. As in the thirties, it concentrates on the underlying economic force in our society. But in the thirties a number of programs to "revitalize" industry, such as the National Industrial Recovery Act and similar legislative initiatives, burdened rather than helped the nation attain recovery. In short, we should avoid "revitalization" which will fortify the policies which have created the present situation.

DR. RUDY OSWALD, DIRECTOR OF RESEARCH, AFL-CIO

I am happy to be here today to discuss with you the status of America's industry and what we mean by reindustrialization.

I would like first to talk about seven different problem areas that we are facing:

1. There have been conflicting forces in the labor-management area. The decline in real earnings and the voice of the worker must be considered.

2. The shift in our economic system to services has left us susceptible to blackmail when we don't have our own ability in some necessary industry. There are those who don't think we need a steel industry, for example. A related problem is the difference in income shares between the rich and the poor in the services sector. The gap between the professionals and the blue collar workers has widened.

3. There is a lack of investment in alternative energy resources.

4. Foreign competition has been unfair. Some countries have government subsidies and can get rid of their surplus products in the U.S. at lower prices than they sell those products for in their own country.

5. There is an overall decline in productivity. Average annual rate of growth in the total private sector has dropped from 3% in 1947–1965 to 2.1% in 1965–1973 to 1.2% in 1973–1979. The recession that has taken

place in the 1970's has contributed a great deal to this decline.

6. There has been a faster growth of investment abroad by U.S. firms during the period of the 1970's than the rate of increase of investment in the U.S. There has been a growing tendency for firms to engage in mergers and takeovers instead of engaging in new investment as a means of growth and activity. There has been a growth in the 1970's in the use of capital for speculation through a whole new system of investment opportunities—really they are futures markets—e.g., growth in the amount of money that is involved in the grain futures and in the silver investment spectacle that we had earlier in the year.

7. The last major problem is that all of these are interrelated, as Bob Hamrin pointed out, e.g., slow economic growth of the 1970's, high levels of unemployment that we experienced and, of course, the high levels of inflation.

THE AFL-CIO PROPOSAL FOR CHANGE

In response to these problems, the AFL-CIO Executive Council on Reindustrialization recently proposed the creation of a National Reindustrialization Board, consisting of representatives of the public, labor and industry, which would recommend the priority and magnitude of reindustrialization to be undertaken in various industrial sectors and geographic regions, in light of the national economic and security interests.

The board should have appropriate industrial and regional subcommittees to review the special needs of specific industries, as well as the particular problems faced by geographic regions. The board should review the recommendations of the industrial and regional subcommittees as they relate to industrial development in areas of high unemployment, and should aim to restore and revive the urban economic base.

The board should favor investments in areas served by mass transit facilities to further energy savings: The board should encourage the use of American-built equipment in its development strategies. The board should seek to forestall shortages or bottlenecks that might have inflationary repercussions. In the process, the board could also play an important role in reviewing inflationary forces that might be evidenced in the particular industrial sectors.

The board should also be empowered to direct the activities of a Reindustrialization Financing Corporation (RFC), which would make or guarantee loans or participate in loans made by private lenders to finance reindustrialization projects.

The RFC should have access to both public and private funds to enhance its lending capability. Specific provision should be made to qualify pension funds to invest part of their assets in the RFC. Pension investments should be guaranteed.

The RFC should invest in private and quasi-public ventures through direct loans, loan guarantees and below market-rate financing, and should supplement and complement existing public investment programs in building and developing facilities that serve as industrial infrastructure and encourage development.

In addition to the funds appropriated by Congress to the RFC, the board should also have the power to use tax policy as a tool for reindustrialization. This will require structuring business tax policy in terms of precise and planned goals by making the tax incentives more flexible and selective rather than across the board.

For example, the board should have the authority to determine and allocate business tax incentives, such as investment tax credits and depreciation allowances, to particular firms on the basis of need and individual certificates of necessity. Those benefits must not simply become devices for multinational corporations and others to use tax breaks to operate plants abroad and import products in competition with U.S.-made goods.

CONGRESS TO OVERSEE REINDUSTRIALIZATION BOARD

Since the board would target specific tax allotments approved by Congress, the Congress would maintain oversight responsibility. Yet, the expertise of public and private parties would be brought together to solve the nation's economic problems. At the same time, the experience in particular segments of industry could be monitored and evaluated.

While individuals and business will remain unfettered in terms of making their own business decisions, the granting of additional governmental funds and tax reductions will be based upon the general national interests.

Any reindustrialization policy must take account of the problem of plant closings. The devastating effects on workers and their communities from unannounced, sudden plant shutdowns and relocations should be eased by legislation requiring advance notification, financial assistance to workers, and basic employee protections of collective bargaining rights, relocation expenses, severance pay, continuation of pension and health care benefits and job retraining.

A reindustrialization program will require the cooperation and participation of everyone in society: taxpayers, through the government, would bear the burden of direct and indirect financial outlays; business would invest capital in needed expansion and modernization, and the pension funds of workers woudl also be used to invest in future economic health for the nation.

Only through true cooperative action, reflecting a balance of the interests of the public, labor and industry can the reindustrialization program objectives be achieved. The success of the program is vital for each of the interests concerned and for the nation as a whole.

A DIALOGUE ON REINDUSTRIALIZATION

Moderator: I want to thank each of you for your statements this morning. You have provided a good background for our discussion. I want to use a metaphor about two people in a canoe going down a river. One turns to the other and says, "There's a waterfall ahead. We've got to get out and swim to shore." The companion says, "The water's cold; it will be hard to swim in this water anyway. And we're not sure there's a waterfall anyway. If there is one it may be a small one. The boat may be able to pass through the shoals."

A discussion ensues about what repairs will be needed to get the boat through the shoals, whether the backstroke, sidestroke, or Australian crawl should be used if they try to swim. And an argument begins over how to interpret the roaring in the distance and how to judge the size and danger of the waterfall ahead.

Some people discussing the situation of America's industrial policy say that the cold water and strong currents are foreign to the free enterprise system, and the caution signals raised by Senator Proxmire should be taken to heart.

Dr. Hamrin used a futures analysis to extrapolate into the future some disturbing trends. And the trend away from manufacturing and toward services which Rudy Oswald talked about is likely to continue. How do some of you here today see the waterfall that we can hear roaring in the distance?

Question: I have a comment more than a question. I hear a lot of blaming going on in a discussion of this issue, and I hope we can learn that this problem will require our cooperation. We all must take credit for the situation we find ourselves in, and then move forward.

Response: It is unprecedented that the business and labor communities and persons in all sectors of our society do agree that because of the stunning challenge from foreign competition, because of the disturbing trends in the last decade, we need a major debate on the possible changes of directions in industrial policy. There is agreement that there is a problem. The disagreement comes when we try to define what that industrial policy should be.

Question: I was interested in Senator Proxmire's idea that we should support our winners and understand their needs, while letting go in some way our losers. Recently, I heard the King of Belgium talk about his country, and he said that because of its size Belgium had to decide what it could do well. They decided to pick the winners—feasible and possible—and do those things well. "Let's do what we can do well and have the capacity to do well," became their industrial policy. I don't know if this should be our stance, but a balance between the human need and the human worker needs to be struck if we are to rebuild America's industrial base.

WHO WILL PICK THE WINNERS AND LOSERS?

Response: The positive side of that concept is to pick the winners. The negative side is that we let some industries die. I'm afraid that we have so much invested in our industries that we can't dump them. We have to decide if we want to bail these industries out or pick the winners.

Question: A related question is, Who does the picking and on what basis?

Response: I come from Massachusetts which is a high technology area. I've talked to a number of CEO's and they have told me two things: (1) None was in favor of the Chrysler bailout, and (2) None advocated a policy where the government picks the winners. They felt that market forces would be a better judge than they or the government would be.

Comment: The bottom line is that reindustrialization as now being discussed is a mistake. Productivity growth is down, no question about it. At the Institute for the Future, we have concluded that though this drop is due to many factors, the largest component is the influx of young, well-educated workers in unprecedented numbers in the last decade. This had produced a sharp drop in the relative cost of labor while cost of capital goods relative to labor has risen sharply. Thus whether we have done it knowingly or not, we have substituted labor for capital. This has been done with no fall in the rate of investment of capital as a percentage of gross national product.

In the 80's, the relative cost of labor will rise. The labor force will be half what it was in the 70's. Market incentives will exist to increase capital investment for a much slower growing labor force. Therefore, we should rely on market forces for substituting capital equipment for skilled labor. Reindustrialization will support industries that don't need the help and give weak industries incentives to produce more than they should. Let the market place, with some adjustment, find the balance because no one can pick winners or losers.

Comment: After years of uncertainty of how to go about redevelopment of our cities, I see small but real progress in this policy area. I hope reindustrialization will not be our excuse for abandoning our commitment to our industrial areas. We need to mesh ideas of reindustrialization with existing efforts to expand development of these areas. Ours is a decentralized economy, unlike Japan and Germany. We have a history of cooperation between labor, business and government on the federal, state and local areas.

Response: I agree that we have to look at our size and know that we cannot compare ourselves with Europe and Japan. Also, because of this size, we in Washington cannot keep up with all the changes going on in the country. We are not in one canoe with only one paddle. There are lots of canoes out there. We used to say sink or swim. That is morally unacceptable now, but we have to teach people how to swim so that when the canoe they are in sinks, they'll be able to swim to another one. We need more retraining so that my Chrysler workers will have somewhere to go. We have to avoid a situation where Congress picks the winners and losers. This is a political problem that none of us really wants to deal with, or should have to deal with. We need to keep our diversity and avoid a general industrial policy that will hamper that diversity.

WHAT INDUSTRIAL STRATEGY SHOULD WE DESIGN?

Comment: What the question should be is not what industrial policy do we want, but what should our industrial strategy be for the 1980's? What general form of industrial structure should we have in place in 1990 to insure that we have a competitive global position at that time? This is how the Japanese approach the question.

We have to think more internationally. We're still going to uphold a heavy import bill for the next few years. We have to look at where we are strong. Our strengths are in agriculture, electronics, aerospace and computers. Yet our soils are eroding very dramatically. As Dr. Barney will point out at lunch, that strong export base is in danger. In aerospace, we've been unchallenged, but European planes are beginning to compete with us.

In computers, Japan is right with us in the state of the art. They are still behind us in some software elements and mainframe technology.

Therefore, we've got to think about how we will maintain a strong export position in the 80's to make sure we have world market shares that will finance our import bill.

Moderator: When the choice is between the market place or the government making the decisions between the winners and losers, the consensus is that the market place should decide. But we still realize that this debate does not take place in a vacuum that is characterized by a pure free market situation.

There are two variables at work:

a. The current situation has not been caused by broad evolutionary trends. We have in some ways shot ourselves in the foot with policy decisions that may no longer be appropriate, and

b. The international competitors are choosing different strategies such as picking winning sectors and focusing all of their resources into sectors that they see growing in the years ahead.

This raises two questions at least. (1) How can the Congress be more sensitive to the effect of our policy decisions on the environment in which this competition takes place? (2) How do we react to the fair trade/free trade debate that is before us?

Comment: We operate under three umbrellas. The larger umbrella is our international position; the next is our national position; and the smallest umbrella is the flexibility we need to focus some of our policies in certain areas. As you balance budgets, there will be less money to go around, so words like targeting and focusing need to become part of our vocabulary. But this causes a problem for politicians who want to target 100 percent of our resources. It may be in the best interest of the country in this time of limited resources for us to target specific aid and to use good public policy to focus limited dollars in areas of distress.

Comment: We may have failed to take into account the value of small business to help in this transition. We want to see some major industries grow in employment, so we'll have to take up that slack through small business.

NEED TO BE CAREFUL ABOUT ADOPTING "ONE" POLICY

Comment: I hope we'll realize that some of our problems are due to the fact that we tried to solve everything with one policy. So I hope we will resist that temptation here and appreciate our complexity. As we look for incentives and disincentives, we should try to maintain as much flexibility as we can so we don't have to run to catch up with the future.

Comment: In many ways, we in Congress and government have generated social divisions. In the trade adjustment policy, some workers in my district got a good deal and some got nothing. The intensity of anger focused on the government is growing and we must be careful about responding to all situations with policies that divide.

We also have to decide which goal we want to serve. Generally, we have the goal of prosperity, but another goal has to do with our national power. In the latter discussion, we'll have to address the question of what degree are we going to have to be the national leader in the Western world and to what degree do we demand that our allies take power. We've shied away from this question, and we've got to hit it straight on.

Comment: We are in a time of transition, so we have to look at policies that appreciate change. We need general policies to support industries where we have competitive advantages internationally. We also need social policies to manage the transitions so workers can make the change less painfully.

Comment: I would like to support some of the comments that have been made about flexibility and adaptability to change in industry. I would like to talk briefly about the steel industry on which OTA has recently completed a study. Formally, the industry is going through rapid structural change and it is not a monolithic industry. Today minimills (electric furnaces using scrap) account for 15% of U.S. steel production and our projections show that they may reach 30–40% by the end of the decade. It is a completely different business than integrated steel firms and the profitabilities of some of the minimills are quite comparable to semi-conductor firms in Silicon Valley. It is a competitive business that attracts capital investment and it is a very desirable working environment. Industrial policy in this country or any other country needs to smooth and ease the kind of industrial adjustment that is bound to take place in the future. We need policies that will facilitate this change.

Comment: We haven't looked at one of the major underlying reasons for our current situation—which is that we have come through a time of high prosperity, and perhaps, also a time of great complacency. The Japanese and Germans had to rebuild their industries after the war, and they settled on strategies that succeeded. Now, we find that we have to get on the ball, and this is just the kind of situation in which American enterprise can really flourish.

The role of the government is to create a climate for more R&D, more innovation to give the American companies a chance to react to the international market place and go from there.

PRODUCTIVITY IS CONNECTED TO FEELINGS OF WORTH

Comment: We talk about productivity and how government policies would affect it, but no one here has mentioned the fact that each industry in Japan is trying to make their workers happy; they involve their workers. The workers in Japan are devoted to their company; they work for the same company 40–50 years.

Here in America workers in Detroit are knocking cars off the assembly lines because they hate their work. The workers in Detroit don't feel their companies care about them. I think we would be making a great mistake if we think government policies would change our productivity problems. Management, in big companies, small companies, in Congress, need to spend more time asking, "Are my workers happy?".

Response: I was delighted to hear someone say that there is much that management can do. I think each of us has attempted to bring our own perspective to this very complex multi-dimensional problem. All morning we have used words like "industrial policy," "reindustrialization," "revitalization." I think what this says is that we really don't have a focus, we don't have a framework within which we can place these cogent comments that have been made—many have overlapped, many have been controversial, but there has been a great deal of searching for a beginning point.

Let me submit one. I think that, first of all, we have heard reasons why we should do something new. I think that what we are confronted with in our daily work lives, whether attitudinal or institutional, is that we are dealing with long-term problems that have been with us for a long time and we have been trying to deal with them within a short-term basis. The reasons for that include the fundamental clash between the pressures for incumbency in the short-term and the very long-term economic problems.

DO NOT EXPECT A SOLUTION OVERNIGHT

There are also other reasons, but the point that I want to make is that, whatever our approach, there is fundamentally a need to recognize that we are talking about a problem that cannot be solved overnight. It was not created overnight. Certainly it is a complex situation in which we find ourselves and it cries out for a long-term solution. I would suggest that to provide a framework we think of the multiplicity of issues in terms of three broad umbrellas.

One is a series or set of issues that relate to the restoration of a strong, growing economy. The answer to whether we are going to be a powerful country that can implement our foreign policy objectives comes back to the fundamental issue that drives it—and that is a strong economy.

Secondly, beyond those issues that relate to a strong economy—low inflation, high employment, high productivity—there is a second umbrella, and that is what is necessary to restore our international competitiveness. I think it is within that umbrella that we look at issues of import restrictions, restrictions on capital flow, anti-trust policies—all specific governmental policies that work against our competing effectively internationally. Policies must consider international implications.

A third set of issues are those issues which I would call industry specific, company specific, or region specific. They are more related to economic adjustments. I would like to suggest these three areas into which we can fit or place other issues to give us a point of beginning to try to get away from defining "reindustrialization"—rather put our effort into defining broad economic objectives.

DR. GERALD O. BARNEY, EXECUTIVE DIRECTOR—THE GLOBAL 2000 REPORT TO THE PRESIDENT

In 1977, the President asked the Department of State and the Council on Environmental Quality to prepare a report on the U.S. Government's projections of probable changes in world population, resources and environment by the end of the century. The Global 2000 Report is the response to that request.

In preparing for the report, we made three basic assumptions: that present public policy would continue unchanged to the year 2000, that rapid technological progress would continue and that no wars or other major economic interruptions would take place between now and the turn of the century. We then proceeded to ask for executive branch projections for the next 25 years.

Rapid growth in world population will hardly have altered by 2000. The world's population will grow from 4 billion in 1975 to 6.35 billion in 2000 an increase of more than 50 percent. The rate of growth will slow only marginally from 1.8 percent a year to 1.7 percent. In terms of sheer numbers, population will be growing faster in 2000 than it is today, with 100 million people added each year compared with 75 million in 1975. Ninety percent of this growth will occur in the poorest countries.

While the economies of the less developed countries (LDCs) are expected to grow at faster rates than those of the industrialized nations, the gross national product per capita in most LDCs remains low. The average gross national product per capita is projected to rise substantially in some LDCs (especially in Latin America), but in the great populous nations of South Asia it remains below $200 a year (in 1975 dollars). The large existing gap between the rich and poor nations widens.

TRENDS FOR RESOURCES

World food production is projected to increase 90 percent over the 30 years from 1970 to 2000. This translates into a global per capita increase of less than 15 percent over the same period. The bulk of that increase goes to countries that already have relatively high per capita food consumption. Meanwhile per capita consumption in South Asia, the Middle East, and the LDCs of Africa will scarcely improve or will actually decline below present inadequate levels. At the same time, real prices for food are expected to double.

Arable land will increase only 4 percent by 2000, so that most of the increased output of food will have to come from higher yields. Most of the elements that now contribute to higher yields—fertilizer, pesticides, power for irrigation, and fuel for machinery—depend heavily on oil and gas.

During the 1990s world oil production will approach geological estimates of maximum production capacity, even with rapidly increasing petroleum prices. The study projects that the richer industrialized nations will be able to command enough oil and other commercial energy supplies to meet rising demands through 1990. With the expected price increases, many less developed countries will have increasing difficulties meeting energy needs. For the one-quarter of humankind that depends primarily on wood for fuel, the outlook is bleak. Needs for fuelwood will exceed available supplies by about 25 percent before the turn of the century.

While the world's finite fuel resources—coal, oil, gas, oil shale, tar sands, and uranium—are theoretically sufficient for centuries, they are not evenly distributed; they pose difficult economic and environmental problems; and they vary greatly in their amenability to exploitation and use.

Nonfuel mineral resources generally appear to meet projected demands through 2000, but further discoveries and investments will be needed to maintain reserves. In addition, production costs will increase with energy prices and may make some nonfuel mineral resources uneconomic. The quarter of the world's population that inhabits industrial countries will continue to absorb three-fourths of the world's mineral production.

Regional water shortages will become more severe. In the 1970–2000 period population growth alone will cause requirements for water to double in nearly half the world. Still greater increases would be needed to improve standards of living. In many LDCs, water supplies will become increasingly erratic by 2000 as a result of extensive deforestation. Development of new water supplies will become more costly virtually everywhere.

Significant loses of world forests will continue over the next 20 years as demand for forest products and fuelwood increases. Growing stocks of commercial-size timber are projected to decline 50 percent per capita. The world's forests are now disappearing at the rate of 18–20 million hectares a year (an area half the size of California), with most of the loss occurring in the humid tropical forests of Africa, Asia, and South America. The projections indicate that by 2000 some 40 percent of the remaining forest cover in LDCs will be gone.

ENVIRONMENTAL TRENDS

Serious deterioration of agricultural soils will occur worldwide, due to erosion, loss of organic matter, desertification, salinization, alkalinization, and waterlogging. Already, an area of cropland and grassland approximately the size of Maine is becoming barren wasteland each year, and the spread of desert-like conditions is likely to accelerate.

Atmospheric concentrations of carbon dioxide and ozone-depleting chemicals are expected to increase at rates that could alter the world's climate and upper atmosphere significantly by 2050. Acid rain from increased combustion of fossil fuels (especially coal) threatens damage to lakes, soils, and crops. Radioactive and other hazardous materials present health and safety problems in increasing numbers of countries.

Extinctions of plant and animal species will increase dramatically. Hundreds of thousands of species—perhaps as many as 20 percent of all species on earth—will be irretrievably lost as their habitats vanish, especially in tropical forests.

The future depicted by the U.S. Government projections may actually understate the impending problems. The methods available for carrying out the Study led to certain gaps and inconsistencies that tend to impart an optimistic bias. For example, most of the individual projections for the various sectors studied—food, minerals, energy, and so on—assume that sufficient capital, energy, water, and land will be available in each of these sectors to meet their needs, regardless of the competing needs of the other sectors.

More consistent, better-integrated projections would produce a still more emphatic picture of intensifying stresses, as the world enters the twenty-first century.

There is no indication here that we are in for a major world disaster, but there is evidence that would lead to one to believe that things are probably going to get worse. Where these problems will get worse are in countries where population pressures are already severely damaging the carrying capacity of the land. And it is unlikely that population growth will slow as long as infant mortality is high. People want to have a few surviving children and so they have large families to insure that some will survive.

At present and projected growth rates, the world's population would reach 10 billion by 2030 and would approach 30 billion by the end of the twenty-first century. These levels correspond closely to estimates by the U.S. National Academy of Sciences of the maximum carrying capacity of the entire earth. Already the populations in sub-Saharan Africa and in the Himalayan hills of Asia have exceeded the carrying capacity of the immediate area, triggering an erosion of the land's capacity to support life.

TRENDS TO IMPACT REINDUSTRIALIZATION

What does this say about reindustrialization? The study suggests several major long-term trends that need to be recognized as part of the reason for our interest in the issue. I'll talk about four of them.

1. Energy and the balance of payments. This country has used half of its oil that it will ever use and as we shift to dependence on foreign sources, we'll have problems with balance of payments.

2. Migration. There will be rapid growth in the world, especially in Central and South America, and there will follow more migration to this country. Mexico City, 500 miles to the south of our border, will have a population three times the size of metropolitan New York without an adequate sewage system or housing, and this situation will lead to an influx of Latin Americans into the U.S.

3. Political stability and demands for an emerging international economic order will have a bearing on our access to the resources of the world.

4. Finally, some of what we are experiencing, we have desired. We want to see world development, we have worked toward its possibility, advocated it. And if there is this world development, we will have more competition. What we are complaining about is what we have set out to achieve.

I'd like to end with a few strategies for the future of the industrial policy issue for our reflection.

1. Think broadly about cause of problem and what we want to achieve. It's not enough to talk about productivity and just mean labor productivity. As I look at the world trends and think about the next 20 years, I think we're going to have to consider capital productivity and resource productivity.

I would agree with Dr. Hamrin who suggests that we think about our industrial strategy—that we imagine where we want to be in 1990, and then begin to build our way to it. We've got to put into our discussions an awareness of what we want—in the long-term—if we are to piece together anything that matters.

2. We must maintain resilience and diversity in our economy. We need to be careful with monoculture which wiped out our corn crop in 1973. What happens if we only have one or two industries or one or two strains of grain left, and one or both gets into trouble? We need to be careful not to underestimate the unpredictability of the future which will require diversity.

3. What mechanism is there to encourage thinking ahead? We also must think farther ahead than 2, 3 or 5 years. That isn't nearly long enough. The trends facing us are much longer term than that. I'm hoping this study will encourage the executive branch to do a better job in this area. The work of the Clearinghouse is to be commended for its effort in the Congress. I think it's been a major contribution to helping you do the kind of forward thinking that I've witnessed today.

DIALOGUE: QUESTIONS AND RESPONSES

Question: You are saying that real costs for basically all resources will increase. Is that right? If that is so, how do you think Congress' anti-inflation effort will work?

Response: What we found was that all the agencies said, "My sector can't possibly meet the projected demand without a real price-increase." The question then is: If the real price for everything is going up, how does that make any sense? Probably the real price of labor is expected to go down but there are inconsistencies here. I think the anti-inflation programs are going to have a tough time. Demand will drive up prices substantially. We need to find ways to get a lot more GNP out of a lot less resources.

Comment: Energy projections now are not as high as indicated in the report. It might be helpful to take another look at the changes that have taken place recently.

Response: The Department of Energy was questioned about the figures in 1978. I asked a lot of questions, but ultimately I had to accept the Agency's position.

Question: You anticipated a population of 6 billion at the end of this century, and later you said it might be 30 billion by the end of the next century. Do you have different projections for populations, and do they conflict?

Response: The medium projection is 6.35 billion by 2000, 10 billion would occur at about 2030, and 30 billion by 2100. It does investigate what would happen if there was an all-out effort to control population and it appears that the greatest impact would show up later rather than in the near future.

Comment: One of the things that we in the Congress and in the private sector ought to get from this is that this is the best the government could do right now. This report compiles all of the forecasting efforts in the government, and we need to invite more accurate forecasting procedures and efforts to anticipate future changes.

Comment: The agencies are not well prepared to relate their findings. What the government now has by way of analytic capability would, if it were fully understood, lead to widespread outrage. It is really a mess. There is no justification for many of the projections being made.

Question: What bothers me the most about the projections is not their reality, but the fact that they seem to have no gender. One of the foremost social movements, the women's movement, has not been discussed. Why were no social trends discussed? Why was the impact of the women's movement left out? And as we look at the GNP, why don't we factor in things that are left out—like the volunteer sector, the household economy, the self-help organizations which are a source of hope?

Response: The 13th chapter of the Technical Report discusses these issues—the role of women, the global household, etc.

Question: Have you given any consideration, now that you have been through all of this, as to where you would put coordinating efforts into the government to review the assumptions and analyze the computer capability?

Response: I don't think it would be desirable to create a large program in the White House basement, but something small and efficient might be helpful. There should be a small office of 2–3 people who have the responsibility, on an ongoing basis, to review plans of the agencies, and make funds contingent upon ability of agency models to fit together.

Question: What is going on in the way of staff work and follow-up to the report? Who is keeping track of data that is coming up, etc.?

Response: No further analysis is in progress. But the President has appointed a task force to develop a set of recommendations and the report will be discussed with other governments. Gus Speth, Director of the Council of Environmental Policy, is the Director of the Task Force. You may want to talk with him about its work.

Persons Attending Roundtable On Reindustrialization

Members and Associates of the Congressional Clearinghouse on the Future:

Hon. Lindy Boggs, Hon. George E. Brown, Jr., Hon. Bob Edgar, Hon. Dante B. Fascell, Hon. Albert Gore, Jr., Hon. Richard A. Gephardt, Hon. Matthew F. McHugh, Hon. Barbara Mikulski, Hon. Charlie Rose, Hon. Patricia Schroeder, Hon. John F. Seiberling, Hon. Philip R. Sharp.

Hon. Paul Simon, Susan Abbasi, Ray Ahearn, John Alic, Bill Anderson, Keith Bea, Beth Biro, Chris Bruni, Anne Cheatham, Tom Cochran, Marti Dey, Ted Eschenbach.

Perry Floyd, Don Foley, Milton Friedman, Delia Gerace, Benson Goldstein, Brent Hall, Steve Hill, Ken Hunter, Carol Koch, Ida Levin, Jack Lew, Ann Lewis, Martin Libicki.

Dennis Little, Tim Lynch, Doug McCulluch, Tod O'Connor, Heidi Pender, Sonja Powell, Doug Ross, Sharon Slepirka, Sandy Stuart, Mark Steitz, Peter Tropper, Marcia Webb, Mary Walcott.

Members of the Congressional Institute for the Future:

Roy Amara, Linda Bartholomew, Carney Barr, Edna Benesch, Clement Bezold, Caren Blazey, Rosemary Bruner, Emily Coleman, Jack Egan, R. L. Fischer, Owen Goldfarb, Lori Gribbon.

Net Griffith, Bruce D. Hainsworth, Lloyd Hand, Holly Hassett, Walter A. Hasty, Roger Hickey, Gary A. Holtzclaw, Dan Kratochvil, Donald Lesh, Leon Martel, Floyd Martin, Joan Mebane.

Robert Moore, Janet Myers, Judith A. Pond, Steve Ricchetti, Lynn Ryan, Arthur V. Smyth, Tom Utne, Emory West, Roberta Whitaker, David Willis, Louise Wilson, Tim Wilson.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 448

Mr. GIAIMO submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

Conference Report (H. Rept. No. 96–1469)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the United States Government for the fiscal years 1981, 1982, and 1983, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Congress hereby determine and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1980—

(1) the recommended level of Federal revenues is $605,000,000,000;

(2) the appropriate level of total budget authority is $694,600,000,000;

(3) the appropriate level of total budget outlays is $632,400,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic condtions and all other relevant factors is $27,400,000,000;

(5) the appropriate level of the public debt is $978,600,000,000 and the amount by which the statutory limit on such debt should accordingly be increased is $53,600,000,000; and

(6) the appropriate level of total gross obligations for the principal amount of direct loans is $73,500,000,000, and the appropriate level of total new primary commitments to guarantee loan principal is $82,800,000,000, and the appropriate level of total new secondary commitments to guarantee loan principal is $53,000,000,000.

Sec. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310 (a) of the Congressional Budget Act of 1974 that for the fiscal year beginning on October 1, 1980, the appropriate level of new budget outlays authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $172,700,000,000;

(B) Outlays, $159,050,000,000.

(2) International Affairs (150):

(A) New budget authority, $23,850,000,000;

(B) Outlays, $10,500,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, $6,400,000,000;

(B) Outlays, $6,100,000,000.

(4) Energy (270):

(A) New budget authority, $5,850,000,000;

(B) Outlays, $7,800,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, $11,900,000,000;

(B) Outlays, $13,100,000,000.

(6) Agriculture (350):

(A) New budget authority, $5,350,000,000;

(B) Outlays, $2,100,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, $5,250,000,000;

(B) Outlays, $950,000,000.

(8) Transportation (400):

(A) New budget authority, $21,300,000,000;

(B) Outlays, $19,700,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, $9,250,000,000;

(B) Outlays, $10,450,000,000.

(10) Education, Training, Employment and Social Services (500):

(A) New budget authority, $31,600,000,000;

(B) Outlays, $29,800,000,000.

(11) Health (550):

(A) New budget authority, $68,550,000,000;

(B) Outlays, $63,150,000,000.

(12) Income Security (600):

(A) New budget authority, $248,800,000,000;

(B) Outlays, $225,550,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, $22,100,000,000;

(B) Outlays, $21,700,000,000.

(14) Administration of Justice (750):

(A) New budget authority, $4,100,000,000;

(B) Outlays, $4,450,000,000.

(15) General Government (800):

(A) New budget authority, $4,600,000,000;

(B) Outlays, $4,400,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New budget authority, $6,500,000,000;

(B) Outlays, $7,050,000,000.

(17) Interest (900):

(A) New budget authority, $71,900,000,000;

(B) Outlays, $71,900,000,000.

(18) Allowances (920):

(A) New budget authority, $400,000,000;

(B) Outlays, $450,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, —$25,800,000,000.

(B) Outlays, —$25,800,000,000.

Sec. 3. (a) The House sets forth the following budgetary levels for fiscal years 1982 through 1983—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1982: $682,100,000,000;
Fiscal year 1983: $778,300,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1982: $754,450,000,000;
Fiscal year 1983: $821,800,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1982: $695,950,000,000;
Fiscal year 1983: $755,300,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:

Fiscal year 1982: $13,850,000,000;
Fiscal year 1983: $23,000,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1982: $1,017,850,000,000;

Fiscal year 1983: $1,031,850,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1982: $46,850,000,000;

Fiscal year 1983: $24,000,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1982 and 1983 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1982:

(A) New budget authority, $193,300,000,000;

(B) Outlays, $179,450,000,000.

Fiscal year 1983:

(A) New budget authority, $218,100,000,000;

(B) Outlays, $201,700,000,000.

(2) International Affairs (150):

Fiscal year 1982:

(A) New budget authority, $17,100,000,000;

(B) Outlays, $10,200,000,000.

Fiscal year 1983:

(A) New budget authority, $17,850,000,000;

(B) Outlays, $10,600,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1982:

(A) New budget authority, $6,250,000,000;

(B) Outlays, $6,350,000,000.

Fiscal year 1983:

(A) New budget authority, $6,200,000,000;

(B) Outlays, $6,700,000,000.

(4) Energy (270):

Fiscal year 1982:

(A) New budget authority, $7,350,000,000;

(B) Outlays, $9,250,000,000.

Fiscal year 1983:

(A) New budget authority, $8,950,000,000;

(B) Outlays, $10,700,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1982:

(A) New budget authority, $12,450,000,000;

(B) Outlays, $12,750,000,000;

Fiscal year 1983:

(A) New budget authority, $13,400,000,000;

(B) Outlays, $13,050,000,000.

(6) Agriculture (350):

Fiscal year 1982:

(A) New budget authority, $5,400,000,000;

(B) Outlays, $4,000,000,000.

Fiscal year 1983:

(A) New budget authority, $5,150,000,000;

(B) Outlays, $4,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1982:

(A) New budget authority, $6,100,000,000;

(B) Outlays, $3,050,000,000.

Fiscal year 1983:

(A) New budget authority, $6,550,000,000;

(B) Outlays, $3,100,000,000.

(8) Transportation (400):

Fiscal year 1982:

(A) New budget authority, $21,550,000,000;

(B) Outlays, $20,800,000,000.

Fiscal year 1983:

(A) New budget authority, $22,500,000,000;

(B) Outlays, $22,600,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, $8,600,000,000;

(B) Outlays, $9,000,000,000.

Fiscal year 1983:

(A) New budget authority, $9,200,000,000;

(B) Outlays, $8,300,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1982:

(A) New budget authority, $33,800,000,000;

(B) Outlays, $33,050,000,000.

Fiscal year 1983:

(A) New budget authority, $36,550,000,000

(B) Outlays, $34,850,000,000.

(11) Health (550):

Fiscal year 1982:

(A) New budget authority, $79,250,000,000;

(B) Outlays, $73,250,000,000.

Fiscal year 1983:

(A) New budget authority, $89,150,000,000;

(B) Outlays, $82,650,000,000.

(12) Income Security (600):

Fiscal year 1982:

(A) New budget authority, $276,100,000,000;

(B) Outlays, $248,100,000,000.

Fiscal year 1983:

(A) New budget authority, $300,150,000,000;

(B) Outlays, $269,150,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1982:

(A) New budget authority, $23,350,000,000;

(B) Outlays, $22,750,000,000.

Fiscal year 1983:

(A) New budget authority, $24,900,000,000;

(B) Outlays, $24,450,000,000.

(14) Administration of Justice (750):

Fiscal year 1982:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,350,000,000.

Fiscal year 1983:

(A) New budget authority, $4,650,000,000;

(B) Outlays, $4,650,000,000.

(15) General Government (800):

Fiscal year 1982:

(A) New budget authority, $4,650,000,000;

(B) Outlays, $4,550,000,000.

Fiscal year 1983:

(A) New budget authority, $5,000,000,000;

(B) Outlays, $4,850,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1982:

(A) New budget authority, $6,950,000,000;

(B) Outlays, $7,100,000,000.

Fiscal year 1983:

(A) New budget authority, $6,500,000,000;

(B) Outlays, $6,550,000,000.

(17) Interest (900):

Fiscal year 1982:

(A) New budget authority, $76,700,000,000;

(B) Outlays, $76,700,000,000.

Fiscal year 1983:

(A) New budget authority, $77,700,000,000;

(B) Outlays, $77,700,000,000.

(18) Allowances (920):

Fiscal year 1982:

(A) New budget authority, $950,000,000;

(B) Outlays, $950,000,000.

Fiscal year 1983:

(A) New budget authority, $900,000,000;

(B) Outlays, $900,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 1982:

(A) New budget authority, −$29,700,000,000;

(B) Outlays, −$29,700,000,000.

Fiscal year 1983:

(A) New budget authority, −$31,600,000,000;

(B) Outlays, −$31,600,000,000.

SEC. 4 (a) The Senate sets forth the following budgetary levels for fiscal years 1982 through 1983—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1982: $672,400,000,000;

Fiscal year 1983; $766,500,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1982: $778,800,000,000;

Fiscal year 1983: $852,600,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1982: $709,900,000,000;

Fiscal year 1983: $777,700,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:

Fiscal year 1982: $37,500,000,000;

Fiscal year 1983: $11,200,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1982: $1,046,100,000,000;

Fiscal year 1983: $1,061,500,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1982: $67,500,000,000;

Fiscal year 1983: $15,400,000,000.

(b) Based on allocations of the appropriate levels of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1982:

(A) New budget authority, $208,300,000,000;

(B) Outlays, $186,800,000,000.

Fiscal year 1983:

(A) New budget authority, $237,400,000,000;

(B) Outlays, $212,200,000,000.

(2) International Affairs (150):

Fiscal year 1982:

(A) New budget authority, $15,700,000,000;

(B) Outlays, $10,200,000,000.

Fiscal year 1983:

(A) New budget authority, $15,200,000,000;

(B) Outlays, $9,900,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1982:

(A) New budget authority, $7,000,000,000;

(B) Outlays, $6,800,000,000.

Fiscal year 1983:

(A) New budget authority, $7,100,000,000;

(B) Outlays, $7,000,000,000.

(4) Energy (270):

Fiscal year 1982:

(A) New budget authority, $7,100,000,000;

(B) Outlays, $10,200,000,000.

Fiscal year 1983:

(A) New budget authority, $9,500,000,000;

(B) Outlays, $11,300,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1982:

(A) New budget authority, $12,800,000,000;

(B) Outlays, $13,400,000,000.

Fiscal year 1983:

(A) New budget authority, $13,100,000,000;

(B) Outlays, $13,400,000,000.

(6) Agriculture (350):

Fiscal year 1982:

(A) New budget authority, $5,800,000,000;

(B) Outlays, $4,200,000,000.

Fiscal year 1983:

(A) New budget authority, $5,500,000,000;

(B) Outlays, $4,500,000,000.

(7) Commerce and House Credit (370):

Fiscal year 1982:

(A) New budget authority, $5,800,000,000;

(B) Outlays, $2,700,000,000.

Fiscal year 1983:

(A) New budget authority, $6,300,000,000;

(B) Outlays, $2,800,000,000.

(8) Transportation (400):

Fiscal year 1982:

(A) New budget authority, $20,200,000,000;

(B) Outlays, $20,000,000,000.

Fiscal year 1983:

(A) New budget authority, $20,800,000,000;

(B) Outlays, $21,000,000,000.

(9) Community and Regional Development (450):

Fiscal year 1982:

(A) New budget authority, $8,600,000,000;

(B) Outlays, $8,800,000,000.

Fiscal year 1983:

(A) New budget authority, $8,700,000,000;

(B) Outlays, $8,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1982:

(A) New budget authority, $32,200,000,000;

(B) Outlays, $31,100,000,000.

Fiscal year 1983:

(A) New budget authority, $33,200,000,000;

(B) Outlays, $32,100,000,000.

(11) Health (550):

Fiscal year 1982:

(A) New budget authority, $81,500,000,000;

(B) Outlays, $75,000,000,000.

Fiscal year 1983:

(A) New budget authority, $92,400,000,000;

(B) Outlays, $84,700,000,000.

(12) Income Security (600):

Fiscal year 1982:

(A) New budget authority, $287,500,000,000;

(B) Outlays, $255,200,000,000.

Fiscal year 1983:

(A) New budget authority, $314,300,000,000;

(B) Outlays, $281,700,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1982:

(A) New budget authority, $24,100,000,000;

(B) Outlays, $23,300,000,000.

Fiscal year 1983:

(A) New budget authority, $26,000,000,000;

(B) Outlays, $25,600,000,000.

(14) Administration of Justice (750):

Fiscal year 1982:

(A) New budget authority, $4,500,000,000;

(B) Outlays, $4,600,000,000.

Fiscal year 1983:

(A) New budget authority, $4,700,000,000;

(B) Outlays, $4,700,000,000.

(15) General Government (800):

Fiscal year 1982:

(A) New budget authority, $4,900,000,000;

(B) Outlays, $4,800,000,000.

Fiscal year 1983:

(A) New budget authority, $5,200,000,000;

(B) Outlays, $5,000,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1982:

(A) New budget authority, $6,400,000,000;

(B) Outlays, $6,400,000,000.

Fiscal year 1983:

(A) New budget authority, $6,500,000,000;

(B) Outlays, $6,500,000,000.

(17) Interest (900):

Fiscal year 1982:

(A) New budget authority, $73,800,000,000;

(B) Outlays, $73,800,000,000.

Fiscal year 1983:

(A) New budget authority, $76,400,000,000;

(B) Outlays, $76,400,000,000.

(18) Undistributed Offsetting Receipts (950):

Fiscal year 1982:

(A) New budget authority, −$27,400,000,000;

(B) Outlays, −$27,400,000,000.

Fiscal year 1983:

(A) New budget authority, −$29,700,000,000;

(B) Outlays, −$29,700,000,000.

GENERAL PROVISIONS

SEC. 5. There is established a Congressional Federal Credit Budget for fiscal year 1981.

(a) The appropriate levels of total Federal credit activity for fiscal year 1981 are:

(1) New direct loan obligations, $73,500,000,000;

(2) New primary loan guarantee commitments $82,800,000,000;

(3) New secondary loan guarantee commitments, $53,000,000,000.

(b) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1981 the off-budget lending activity of the Federal Government to a level not to exceed $28,900,000,000, the on-budget lending activity to a level not to exceed $44,600,000,000, and new primary loan guarantee commitments to a level not to exceed $82,800,000,000, and new secondary loan guarantee commitments to a level not to exceed $53,000,000,000.

SEC. 6. The Congress recognizes that (other than for certain minor changes adopted at the start of the Ninety-sixth Congress as revisions to the rules of the House) there have been no changes to the Budget Act of 1974. It is the sense of the Congress that after six years of experience under the Budget Act, the time is right for considering revisions and modifications to the Budget Act so as to improve the congressional budget process. Accordingly, the Congress believes that a review of the Budget Act and the congressional budget process should be undertaken without delay.

SEC. 7. Pursuant to section 310 of the Budget Act, it shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on H.R. 7765, the Omnibus Reconciliation Act of 1980.

SEC. 8. It is the sense of the Congress that due to the extreme rate of inflation in the U.S. economy, the possible inflationary effects of federal regulations and legislation shall be carefully monitored as part of a program of fiscal restraint. Inflationary effects should therefore be a prime consideration in developing both regulations and legislation. In order to coordinate the aggregate economic impact of regulations with federal fiscal policy, it is the sense of Congress that the President should implement a "Zero Net Inflation Impact" policy for the regulations promulgated in the remainder of fiscal year 1981. This policy will require the President to keep an accounting for fiscal year 1981 of all new regulations which have a significant, measurable cost to the economy. Cost-saving modification need not affect the same area of economic activity as the cost-inducing regulations. The President should institute an exemption procedure to assure the promulgation of regulations necessary to avert any imminent threat to health and safety.

It is also the sense of Congress that the Director of the Congressional Budget Office should issue a periodic "inflation scorekeeping" report which shall contain an estimate of the positive or negative inflationary effects, wherever measurable, of legislation enacted to date in the current session of Congress. The report shall also indicate for each bill, promptly after it is reported by a Committee of Congress, whether:

(1) it is judged to have no significant positive or negative impact on inflation;

(2) it is judged to have a positive or negative inflationary impact of the amount specified in terms of both dollar amounts and change in the Consumer Price Index; or

(3) it is judged likely to have a significant positive or negative impact on inflation, but the amount cannot be determined immediately.

And the Senate agree to the same.

R. N. GIAIMO,
PAUL SIMON,
NORMAN MINETA,
JAMES JONES,
STEPHEN J. SOLARZ,
RICHARD GEPHARDT,
W. H. GRAY,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
LAWTON CHILES,
JOE BIDEN,
HOWARD M. METZENBAUM,
DANIEL P. MOYNIHAN,
J. J. EXON,
HENRY BELLMON,
PETE V. DOMENICI,
BOB PACKWOOD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the United States Government for fiscal years 1981, 1982, and 1983 submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

ECONOMIC ASSUMPTIONS

The economic assumptions used in the spending and reveue estimates in the Conference Agreement are shown in the table below.

[Calendar years; dollar amounts in billions]

	1980	1981
Gross national product:		
Current dollars	$2,570	$2,841
Constant dollars	1,422	1,437
Incomes:		
Wages and salaries	1,332	1,469
Nonwage income	446	502
Corporate profits	232	237
Unemployment rate (percent)	7.3	8.0
Consumer Price Index (percent change year to year)	13.3	10.3
Interest rate, 3-mo Treasury bills (percent)	11.0	10.6

BUDGET AGGREGATES FOR FISCAL YEAR 1981

Revenues

The House Resolution provided revenues of $606.7 billion in fiscal year 1981.

The Senate resolution included revenues of $606.7 billion in fiscal year 1981.

The conference agreement provides revenues of $605.0 billion in fiscal year 1981. This amount assumes a net tax reduction of $10.1 billion in 1981.

Budget authority

The House resolution provided budget authority of $689.5 billion. The Senate amendment provided budget authority of $699.6 billion.

The conference agreement provides budget authority of $694.6 billion.

Outlays

The House resolution provided outlays of $631.75 billion. The Senate amendment provided outlays of $633.0 billion.

The conference agreement provides outlays of $632.4 billion.

Deficit

The House resolution assumed a deficit of $25.05 billion. The Senate amendment assumed a deficit of $34.7 billion.

The conference agreement provides for a deficit of $27.4 billion.

Public Debt

The House resolution provided for a public debt level of $971.0 billion. The Senate amendment provided for a public debt level of $978.6 billion.

The conference agreement provides for a public debt level of $978.6 billion.

CREDIT BUDGET

The House and Senate passed Budget Resolutions included aggregate targets for the appropriate level of Federal credit activity. The conference agreement provides $73.5 billion for new direct loan obligations and $82.8 billion for new primary loan guarantee commitments and a $53.0 billion for secondary loan guarantee commitments (shown in table below).

CREDIT BUDGET

[In billions of dollars]

Credit budget	House resolution	Senate resolution	Conference substitute
New direct loan obligations:			
On-budget agencies	44.65	36.2	44.6
Off-budget agencies	28.9	32.1	28.9
Total, new direct loan obligations	73.55	68.3	73.5
New primary loan guarantee commitments	76.4	75.1	82.8
New secondary loan guarantee commitments	53.1	53.1	53.0

The conference agreement also includes sense of the Congress language which encourages the President and the Congress, through the Appropriations process, to limit the credit activities of the Federal Government to the amounts in each category set forth in the table above.

FUNCTIONAL CATEGORIES

050: National defense

The House resolution provided budget authority of $171.8 billion and outlays of $158.7 billion. The Senate amendment provided budget authority of $173.6 billion and outlays of $159.4 billion.

The conference agreement provides budget authority of $173.7 billion and outlays of $159.05 billion.

150: International affairs

The House resolution provided budget authority of $23.5 billion and outlays of $10.4 billion. The Senate amendment provided budget authority of $24.2 billion and outlays of $10.6 billion.

The conference agreement provides budget authority of $23.85 billion and outlays of $10.5 billion.

250: General science, space, and technology

The House resolution provided budget authority of $6.15 billion and outlays of $5.95 billion. The Senate amendment provided budget authority of $6.6 billion and outlays of $6.2 billion.

The conference agreement provides budget authority of $6.4 billion and outlays of $6.1 billion.

270: Energy

The House resolution provided budget authority of $5.35 billion and outlays of $8.15 billion. The Senate amendment provided budget authority of $6.3 billion and outlays of $7.4 billion.

The conference agreement provides budget authority of $5.85 billion and outlays of $7.8 billion.

300: Natural Resources and Environment

The House resolution provided budget authority of $11.9 billion and outlays of $13.1 billion. The Senate amendment provided budget authority of $11.9 billion and outlays of $13.1 billion.

The conference agreement provides budget authority of $11.9 billion and outlays of $13.1 billion.

350: Agriculture

The House resolution provided budget authority of $5.25 billion and outlays of $2.05 billion. The Senate amendment provided budget authority of $5.5 billion and outlays of $2.2 billion.

The conference agreement provides budget authority of $5.35 billion and outlays of $2.1 billion.

370: Commerce and housing credit

The House resolution provided budget authority of $5.3 billion and outlays of $1.4 billion. The Senate amendment provided budget authority of $5.2 billion and outlays of $0.5 billion.

The conference agreement provides budget authority of $5.25 billion and outlays of $0.95 billion.

400: Transportation

The House resolution provided budget authority of $21.85 billion and outlays of $20.05 billion. The Senate amendment provided budget authority of $20.7 billion and outlays of $19.3 billion.

The conference agreement provides budget authority of $21.3 billion and outlays of $19.7 billion.

450: Community and regional development

The House resolution provided budget authority of $9.75 billion and outlays of $11.2 billion. The Senate amendment provided budget authority of $8.7 billion and outlays of $9.7 billion.

The conference agreement provides budget authority of $9.25 billion and outlays of $10.45 billion.

500: Education, training, employment, and social services

The House resolution provided budget authority of $32.6 billion and outlays of $30.25 billion. The Senate amendment provided budget authority of $30.6 billion and outlays of $29.4 billion.

The conference agreement provides budget authority of $31.6 billion and outlays of $29.8 billion.

550: Health

The House resolution provided budget authority of $67.1 billion and outlays of $62.7 billion. The Senate amendment provided budget authority of $70.0 billion and outlays of $63.6 billion.

The conference agreement provides budget authority of $68.55 billion and outlays of $63.15 billion.

600: Income security

The House resolution provided budget authority of $244.65 billion and outlays of $222.7 billion. The Senate amendment provided budget authority of $253.0 billion and outlays of $228.4 billion.

The conference agreement provides budget authority of $248.8 billion and outlays of $225.55 billion.

700: Veterans benefits and services

The House resolution provided budget authority of $21.6 billion and outlays of $21.35 billion. The Senate amendment provided budget authority of $22 .6 billion and outlays of $22.0 billion.

The conference agreement provides budget authority of $22.1 billion and outlays of $21.7 billion.

750: Administration of Justice

The House resolution provided budget authority of $3.95 billion and outlays of $4.35 billion. The Senate amendment provided budget authority of $4.3 billion and outlays of $4.6 billion.

The conference agreement provides budget authority of $4.1 billion and outlays of $4.45 billion.

800: General Government

The House resolution provided budget authority of $4.45 billion and outlays of $4.35 billion. The Senate amendment provided budget authority of $4.8 billion and outlays of $4.5 billion.

The conference agreement provides budget authority of $4.6 billion and outlays of $4.4 billion.

850: General Purpose Fiscal Assistance

The House resolution provided budget authority of $6.75 billion and outlays of $7.35 billion. The Senate amendment provided budget authority of $6.2 billion and outlays of $6.7 billion.

The conference agreement provides budget authority of $6.5 billion and outlays of $7.05 billion.

900: Interest

The House resolution provided budget authority of $73.65 billion and outlays of $73.65 billion. The Senate amendment provided budget authority of $70.1 billion and outlays of $70.1 billion.

The conference agreement provides budget authority of $71.9 billion and outlays of $71.9 billion.

920: Allowances

The House resolution provided budget authority of $0.8 billion and outlays of $0.95 billion. The Senate amendment provided no budget authority or outlays in this function, but instead allocated these amounts among the appropriate functions.

The conference agreement provides budget authority of $0.4 billion and outlays of $0.45 billion.

950: Undistributed offsetting receipts

The House resolution provided budget authority of −$26.9 billion and outlays of −$26.9 billion. The Senate amendment provided budget authority of −$24.7 billion and outlays of −$24.7 billion.

The conference agreement provides budget authority of —$25.8 billion and outlays of −$25.8 billion.

FUTURE FISCAL YEARS

Both the Senate and House resolutions contained multi-year budgets setting forth aggregate and functional totals for fiscal years 1981, 1982, and 1983. The 1981 budget totals contained in the conference agreement have been discussed in the preceding sections. The managers did not agree on a single set of budget totals for 1982 and 1983. The conference agreement includes two sets of budget totals for fiscal years 1982 and 1983. The following tables set forth the future year budget totals of the Senate and House as included in the conference agreement.

HOUSE BUDGET PLAN

[In billions of dollars]

Function	Fiscal year 1981		Fiscal year 1982		Fiscal year 1983	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
050 National defense	172.7	159.05	193.3	179.45	218.1	201.7
150 International affairs	23.85	10.5	17.1	10.2	17.85	10.6
250 General science, space, and technology	6.4	6.1	6.25	6.35	6.2	6.7
270 Energy	5.85	7.8	7.35	9.25	8.95	10.7
300 Natural resources and environment	11.9	13.1	12.45	12.75	13.4	13.05
350 Agriculture	5.35	2.1	5.4	4.0	5.15	4.4
370 Commerce and housing credit	5.25	.95	6.1	3.05	6.55	3.1
400 Transportation	21.3	19.7	21.55	20.8	22.5	22.6
450 Community and regional development	9.25	10.45	8.6	9.0	9.2	8.3
500 Education, training, employment, and social services	31.6	29.8	33.8	33.05	36.55	34.85
550 Health	68.55	63.15	79.25	73.25	89.15	82.65
600 Income security	248.8	225.55	276.1	248.1	300.15	269.15
700 Veterans benefits and services	22.1	21.7	23.35	22.75	24.9	24.45
750 Administration of justice	4.1	4.45	4.3	4.35	4.65	4.65
800 General government	4.6	4.4	4.65	4.55	5.0	4.85
850 General purpose fiscal assistance	6.5	7.05	6.95	7.1	6.5	6.55
900 Interest	71.9	71.9	76.7	76.7	77.7	77.7
920 Allowances	.4	.45	.95	.95	.9	.9
950 Undistributed offsetting receipts	−25.8	−25.8	−29.7	−29.7	−31.6	−31.6
Total	694.6	632.4	754.45	695.95	821.8	755.3
Revenues		605.0		682.1		778.3
Deficit (−) or surplus (+)		−27.4		−13.85		+23.0
Public debt		978.6		1,017.85		1,031.85

SENATE AGGREGATE AND FUNCTIONAL TOTALS

Function	Fiscal year 1981		Fiscal year 1982		Fiscal year 1983	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
050 National defense	172.7	159.05	208.3	186.8	237.4	212.2
150 International Affairs	23.85	10.5	15.7	10.2	15.2	9.9
250 General science, space, and technology	6.4	6.1	7.0	6.8	7.1	7.0
270 Energy	5.85	7.8	7.1	10.2	9.5	11.3
300 Natural resources and environment	11.9	13.1	12.8	13.4	13.1	13.4
350 Agriculture	5.35	2.1	5.8	4.2	5.5	4.5
370 Commerce and housing credit	5.25	.95	5.8	2.7	6.3	2.8
400 Transportation	21.3	19.7	20.2	20.0	20.8	21.0
450 Community and regional development	9.25	10.45	8.6	8.8	8.7	8.6
500 Education, training, employment, and social services	31.6	29.8	32.2	31.1	33.2	32.1
550 Health	68.55	63.15	81.5	75.0	92.4	84.7
600 Income security	248.8	225.55	287.5	255.2	314.3	281.7
700 Veterans benefits and services	22.1	21.7	24.1	23.3	26.0	25.6
750 Administration of Justice	4.1	4.45	4.5	4.6	4.7	4.7
800 General government	4.6	4.4	4.9	4.8	5.2	5.0
850 General purpose fiscal assistance	6.5	7.05	6.4	6.4	6.5	6.5
900 Interest	71.9	71.9	73.8	73.8	76.4	76.4
920 Allowances	.4	.45				
950 Undistributed offsetting receipts	−25.8	−25.8	−27.4	−27.4	−29.7	−29.7
Total	694.6	632.4	778.8	709.9	852.6	777.7
Revenues		605.0		672.4		766.5
Deficit		−27.4		−37.5		−11.2
Public debt		978.6		1,046.1		1,061.5

BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

The following table summarizes the budget decisions of the conference:

	House passed	Senate passed	Conference agreement
Budget authority	689.5	699.6	694.6
Outlays	631.75	633.0	632.4
Revenues	606.7	598.3	605.0
Deficit	−25.05	−34.7	−27.4
Public debt	971.0	978.6	978.6
050 National defense:			
Budget authority	171.8	173.6	172.7
Outlays	158.7	159.4	159.05
150 International affairs:			
Budget authority	23.5	24.2	23.85
Outlays	10.4	10.6	10.5
250 General science, space, and technology:			
Budget authority	6.15	6.6	6.4
Outlays	5.95	6.2	6.1
270 Energy:			
Budget authority	5.35	6.3	5.85
Outlays	8.15	7.4	7.8
300 Natural resources and environment:			
Budget authority	11.9	11.9	11.9
Outlays	13.1	13.1	13.1
350 Agriculture:			
Budget authority	5.25	5.5	5.35
Outlays	2.05	2.2	2.1
370 Commerce and housing credit:			
Budget authority	5.3	5.2	5.25
Outlays	1.4	.5	.95
400 Transportation:			
Budget authority	21.85	20.7	21.3
Outlays	20.05	19.3	19.7
450 Community and regional development:			
Budget authority	9.75	8.7	9.25
Outlays	11.2	9.7	10.45
500 Education, training, employment, and social services:			
Budget authority	32.6	30.6	31.6
Outlays	30.25	29.4	29.8
550 Health:			
Budget authority	67.1	70.0	68.55
Outlays	62.7	63.6	63.15
600 Income security:			
Budget authority	244.65	253.0	248.8
Outlays	222.7	228.4	225.55
700 Veterans benefits and services:			
Budget authority	21.6	22.6	22.1
Outlays	21.35	22.0	21.7
750 Administration of justice:			
Budget authority	3.95	4.3	4.1
Outlays	4.35	4.6	4.45
800 General government:			
Budget authority	4.45	4.8	4.6
Outlays	4.35	4.5	4.4
850 General purpose fiscal assistance:			
Budget authority	6.75	6.2	6.5
Outlays	7.35	6.7	7.05
900 Interest:			
Budget authority	73.65	70.1	71.9
Outlays	73.65	70.1	71.9
920 Allowances:			
Budget authority	.8		.4
Outlays	.95		.45
950 Undistributed offsetting receipts:			
Budget authority	−26.9	−24.7	−25.8
Outlays	−26.9	−24.7	−25.8

GENERAL PROVISIONS

The House resolution contained a provision recommending that a review of the Budget Act and the congressional budget process should be undertaken without delay. The Senate amendment did not contain that provision. The Senate recedes.

The House resolution contained a provision barring congressional consideration of an adjournment resolution unless action is completed on the Omnibus Reconciliation Act of 1980. The Senate amendment did not contain that provision. The Senate recedes.

The Senate amendment expressed the sense of the Congress that the President should implement a "Zero Net Inflation Impact" policy for Federal regulations issued in FY 1981 and develop an accounting system of the costs and economic impact of regulations, and that the Director of the Congressional Budget Office should report periodically on the possible inflationary effects of legislation reported and enacted by Congress. The House resolution did not contain that provision. The House recedes.

ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO HOUSE AND SENATE COMMITTEES

Pursuant to section 302 of the Congressional Budget and Impoundment Control Act of 1974, the conference agreement makes the following estimated allocation of the appropriate levels of total new budget authority and total budget outlays among the committees of the respective Houses:

SENATE COMMITTEE ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1981

[In billions of dollars]

Fiscal year 1981	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations Committee	424.0	394.7		
Agriculture, Nutrition, and Forestry Committee	.5	1.2	3.4	3.4
Armed Services Committee	(1)	(1)	13.6	13.6
Banking, Housing, and Urban Affairs Committee	7.4	−3.1		
Commerce, Science, and Transportation Committee	1.2	(2)	.3	.3
Energy and Natural Resources Committee	1.6	.8	.1	.1
Environment and Public Works Committee	9.1	2.3		
Finance Committee	287.3	284.6	41.0	39.7
Foreign Relations Committee	12.6	10.4		
Governmental Affairs Committee	35.0	25.3		

Fiscal year 1381	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Judiciary Committee	.2	.2	.1	.1
Labor and Human Resources Committee	4.9	5.4	4.0	3.9
Rules and Administration Committee	(3)	(1)		
Veterans' Affairs Committee	1.2	1.0	14.5	14.6
Select Committee on Indian Affairs	.4	.3		
Select Committee on Small Business	(4)			
Not allocated to committees	−90.9	−90.6		
Total, budget	694.6	632.4	77.0	75.6

---

[1] Less than $15,000,000.
[2] Less than $30,000,000.
[3] Less than $45,000,000.
[4] Less than $5,000,000.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT

[In millions of dollars]

		Fiscal year 1981	
		Budget authority	Outlays
	HOUSE APPROPRIATIONS COMMITTEE		
050	National Defense	173,532	159,883
150	International Affairs	16,031	11,866
250	General Science, Space, and Technology	6,473	6,149
270	Energy	7,748	8,840
300	Natural Resources and Environment	14,085	15,286
350	Agriculture	5,340	1,674
370	Commerce and Housing Credit	4,581	3,549
400	Transportation	12,325	20,780
450	Community and Regional Development	9,762	10,749
500	Education, Training, Employment, and Social Services	32,642	30,995
550	Health	34,991	34,738
600	Income Security	74,976	52,633
700	Veterans Benefits and Services	21,894	21,708
750	Administration of Justice	4,180	4,510
800	General Government	7,821	7,424
850	General Purpose Fiscal Assistance	5,780	5,682
920	Allowances	623	727
	Committee total	432,583	397,195
	NOT ALLOCATED TO COMMITTEES		
050	National Defense	−837	−837
150	International Affairs	−11,095	−11,095
250	General Science, Space, and technology	−3	−3
270	Energy	−2,728	−2,728
300	Natural Resources and Environment	−2,437	−2,437
350	Agriculture	−67	−67
370	Commerce and Housing Credit	−232	−232
400	Transportation	−463	−463
450	Community and Regional Development	−354	−354
500	Education, Training, Employment, and Social Services	−387	−387
550	Health	−9,589	−9,589
600	Income Security	−6,079	−6,079
700	Veterans Benefits and Services	−565	−565
750	Administration of Justice	−13	−13
800	General Government	−12,140	−12,140
850	General Purpose Fiscal Assistance	−4,596	−4,596
900	Interest	−12,712	−12,712
950	Undistributed Offsetting Receipts	−25,800	−25,800
	Committee total	−90,097	−90,098
	HOUSE AGRICULTURE COMMITTEE		
300	Natural Resources and Environment	286	268
350	Agriculture	103	518
450	Community and Regional Development	0	250
850	General Purpose Fiscal Assistance	320	320
900	Interest	−60	−60
	Committee total	349	1,296
	HOUSE ARMED SERVICES COMMITTEE		
050	National Defense	5	5
	Committee total	5	5
	HOUSE BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE		
150	International Affairs	6,744	−365
370	Commerce and Housing Credit	886	−2,191
450	Community and Regional Development	39	59
500	Education, Training, Employment, and Social Services	0	1
600	Income Security	295	0
700	Veterans Benefits and services	0	2
800	General Government	3	3
900	Interest	10	10
	Committee total	7,977	−2,481
	HOUSE DISTRICT OF COLUMBIA COMMITTEE		
750	Administration of Justice	8	8
	Committee total	8	8
	HOUSE EDUCATION AND LABOR COMMITTEE		
500	Education, Training, Employment, and Social Services	24	21
600	Income Security	11	11
	Committee total	35	32
	HOUSE FOREIGN AFFAIRS COMMITTEE		
150	International Affairs	12,336	10,238
250	General Science, Space, and Technology	−3	−2
270	Energy	−1	−14
300	Natural Resources and Environment	−20	−10
350	Agriculture	−1	−1
370	Commerce and Housing Credit	4	−3
400	Transportation	−44	−24
450	Community and Regional Development	−29	−25
500	Education, Training, Employment, and Social Services	−50	−35
550	Health	−60	−50
600	Income Security	30	47
700	Veterans benefits and services	−21	−11
750	Administration of Justice	−3	−2
800	General Government	−3	−2
850	General Purpose Fiscal Assistance	−17	−13
920	Allowances	−10	−12
	Committee total	12,107	10,081
	HOUSE GOVERNMENT OPERATIONS COMMITTEE		
150	International Affairs	−3	−3
250	General Science, Space, and Technology	−1	−1
270	Energy	−1	−7
300	Natural Resources and Environment	−10	−5
350	Agriculture	−1	0
370	Commerce and Housing Credit	−1	−5
400	Transportation	−15	−11
450	Community and Regional Development	−10	−12
500	Education, Training, Employment, and Social Services	−50	−20
550	Health	−20	−15
600	Income Security	−85	−60
700	Veterans Benefits and Services	−7	−5
750	Administration of Justice	−1	−1
850	General Purpose Fiscal Assistance	4,561	5,135
920	Allowances	−4	−5
	Committee total	4,351	4,985
	HOUSE ADMINISTRATION COMMITTEE		
500	Education, training, employment, and social services	5	4
800	General government	35	9
	Committee total	40	14
	HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE		
270	Energy	15	15
300	Natural resources and environment	36	7
450	Community and regional development	384	303
800	General government	30	30
850	General purpose fiscal assistance	472	472
900	Interest	2	2
	Committee total	940	828
	HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE		
150	International affairs	−4	−3
250	General science, space, and technology	−2	−1
270	Energy	839	−7
300	Natural resources and environment	−10	−5
350	Agriculture	−1	−1
370	Commerce and housing credit	22	18
400	Transportation	−21	−13
450	Community and regional development	−14	−13
500	Education, training, employment, and social services	−50	−20
550	Health	−25	−15
600	Income security	4,992	5,514
700	Veterans benefits and services	−10	−6
750	Administration of justice	−2	−1
800	General government	−2	−1
850	General purpose fiscal assistance	−3	−1
920	Allowances	−5	−6
	Committee total	5,705	5,438
	HOUSE JUDICIARY COMMITTEE		
370	Commerce and Housing Credit	18	17
600	Income Security	8	11
750	Administration of Justice	0	−5
800	General Government	154	154
	Committee total	181	178
	HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE		
300	Natural Resources and Environment	149	134
370	Commerce and Housing Credit	30	19
400	Transportation	332	−34
850	General Purpose Fiscal Assistance	4	7
	Committee total	516	125

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT—Continued

[In millions of dollars]

		Fiscal year 1981	
		Budget authority	Outlays
	HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE		
150	International Affairs	−23	−15
250	General Science, Space, and Technology	−10	−5
270	Energy	−3	−33
300	Natural Resources and Environment	−50	−25
350	Agriculture	−3	−3
370	Commerce and Housing Credit	−1	−17
400	Transportation	−127	−59
450	Community and Regional Development	−84	−61
500	Education, Training, Employment, and Social Services	−200	−85
550	Health	−180	−185
600	Income Security	26, 164	16, 158
700	Veterans Benefits and Services	−60	−26
750	Administration of Justice	−10	−5
800	General Government	8, 955	8, 960
850	General Purpose Fiscal Assistance	−50	−31
920	Allowances	−30	−28
	Committee total	34, 288	24, 540
	HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE		
150	International Affairs	−7	−2
250	General Science, Space, and Technology	−3	−1
270	Energy	−1	1, 997
300	Natural Resources and Environment	167	76
350	Agriculture	−1	0
370	Commerce and Housing Credit	−3	−3
400	Transportation	10, 012	−10
450	Community and Regional Development	14	41
500	Education, Training, Employment, and Social Services	−50	−5
550	Health	−50	−40
600	Income Security	−202	−30
700	Veterans Benefits and Services	−17	−3
750	Administration of Justice	−3	−1
800	General Government	−3	−1
850	General Purpose Fiscal Assistance	−14	−3
920	Allowances	−8	−3
	Committee total	9, 831	2, 014
	HOUSE SCIENCE AND TECHNOLOGY COMMITTEE		
205	General Science, Space, and Technology	5	5
300	Natural Resources and Environment	13	13
	Committee total	18	18
	HOUSE SMALL BUSINESS COMMITTEE		
450	Community and Regional Development	1	0
	Committee total	1	0
	HOUSE VETERANS AFFAIRS COMMITTEE		
700	Veterans Benefits and Services	1, 218	806
	Committee total	1, 218	806
	HOUSE WAYS AND MEANS COMMITTEE		
150	International Affairs	−129	−122
250	General Science, Space, and Technology	−55	−41
270	Energy	−18	−263
300	Natural Resources and Environment	−310	−202
350	Agriculture	−18	−20
370	Commerce and Housing Credit	−55	−203
400	Transportation	−699	−466
450	Community and Regional Development	−460	−486
500	Education, Training, Employment, and Social Services	−284	−670
550	Health	43, 483	38, 306
600	Income Security	148, 690	157, 345
700	Veterans Benefits and Services	−331	−203
750	Administration of Justice	−55	−41
800	General Government	−51	−36
850	General Purpose Fiscal Assistance	44	77
900	Interest	84, 660	84, 660
920	Allowances	−166	−223
	Committee total	274, 246	277, 415

R. N. Giaimo,
Paul Simon,
Norman Mineta,
James Jones,
Stephen J. Solarz,
Richard Gephardt,
W. H. Gray,
Managers on the Part of the House.

Ernest F. Hollings,
Lawton Chiles,
Joe Biden,
Howard M. Metzenbaum,
Daniel P. Moynihan,
J. J. Exon,
Henry Bellmon,
Pete V. Domenici,
Bob Packwood,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Wampler (at the request of Mr. Rhodes), for Thursday, November 20, and Friday, November 21, on account of death in the family.

Mrs. Spellman (at the request of Mr. Wright), for an indefinite period, on account of illness.

Mr. Lehman (at the request of Mr. Wright), for today, on account of illness.

Mr. Cotter (at the request of Mr. Wright), for today through Friday, November 21, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 60 minutes, today.

(The following Members (at the request of Mr. Sawyer) to revise and extend their remarks and include extraneous material:)

Mrs. Heckler, for 10 minutes, today.

Mr. Ashbrook, for 15 minutes, today.

(The following Members (at the request of Mr. Lowry) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Ms. Ferraro, for 5 minutes, today.

Mr. Neal, for 5 minutes, today.

Mr. de la Garza, for 60 minutes, December 3, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gore, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $2,358.

(The following Members (at the request of Mr. Sawyer) and to include extraneous matter:)

Mr. Derwinski in two instances.

Mr. Ritter.

Mr. Collins of Texas in two instances.

Mr. Forsythe.

Mr. Solomon.

Mr. McKinney.

Mr. Clausen.

Mr. Hammerschmidt.

Mr. Lee.

Mr. Ashbrook.

Mr. Michel.

(The following Members (at the request of Mr. Lowry) and to include extraneous matter:)

Mr. Stokes.

Mr. Bevill.

Mr. Rodino in three instances.

Mr. Benjamin in two instances.

Mr. Kildee in two instances.

Mr. Corrada.

Mr. Nolan.

Mr. Fuqua.

Mr. Hamilton in two instances.

Mr. Garcia.

Mr. Downey.

Mr. Hall of Texas.

Mr. Mottl.

Mr. Miller of California.

Mr. Drinan.

BILLS PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on November 18, 1980, present to the President, for his approval, bills of the House of the following titles:

H.R. 1762. An act to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez;

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States; and

H.R. 7764. An act for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Thursday, November 20, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5649. A communication from the President of the United States, transmitting various budget amendments for fiscal year 1981 (H. Doc. No. 96–382) to the Committee on Appropriations and ordered to be printed.

5650. A letter from the Under Secretary of the Army, transmitting a report on the discovery and emergency disposal of three suspected lethal nerve agent munitions at Dugway Proving Ground, Utah, pursuant to section 506(d) of Public Law 91–441; to the Committee on Armed Services.

5651. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting a list of arms sales proposals considered eligible for approval during fiscal year 1981, pursuant to section 25(d)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5652. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting proposed regulations to exempt mechanical cogeneration facilities from the incremental pricing program required by section 201 of the Natural Gas Policy Act of 1978, pursuant to section 206(d) of the act; to the Committee on Interstate and Foreign Commerce.

5653. A letter from the Acting Deputy Secretary of Energy, transmitting a classification and evaluation of electric motors and pumps, pursuant to section 342(a) of the Energy Policy and Conservation Act, as amended; to the Committee on Interstate and Foreign Commerce.

5654. A letter from the Deputy Assistant Secretary of Energy, transmitting an interim report on unconventional gas sources; to the Committee on Interstate and Foreign Commerce.

5655. A letter from the Administrator of General Services transmitting an amended building project survey report requesting an increased authorization for a lease construction project in Providence, Rhode Island; to the Committee on Public Works and Transportation.

5656. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on negotiated contracts for experimental, developmental, test or research work, or for industrial mobilization in the interest of the national defense, covering the period January 1 through June 30, 1980, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Technology.

5657. A letter from the Comptroller General of the United States, transmitting a report on the States' and utilities' responsibilities in determining the need for future electrical generating capacity and for overseeing their plans for balancing electricity supply and demand (EMD–80–112, September 30, 1980); jointly, to the Committees on Government Operations, Agriculture, Interior and Insular Affairs, and Interstate and Foreign Commerce.

5658. A letter from the Comptroller General of the United States, transmitting a report on improving the management and coordination of reviews, inspections and evaluations in the United Nations system (ID–81–11, November 19, 1980); jointly, to the Committee on Government Operations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GIAIMO: Committee of Conference. Conference report on House Concurrent Resolution 448 (Rept. No. 96–1469). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOLDWATER:

H.R. 8367. A bill to amend title 39, United States Code, to provide for the establishment of a Free Enterprise Postage Stamp Advisory Committee and to provide for the establishment of a procedure by which domestic corporations may enter bids to have the U.S. Postal Service print, distribute, and sell postage stamps that contain the logos of such corporations; to the Committee on Post Office and Civil Service.

By Mr. GUARINI (for himself, Mr. Holland, and Mr. Schulze):

H.R. 8368. A bill to amend the Internal Revenue Code of 1954 to provide that the investment tax credit shall apply to the acquisition of work and breeding horses to the extent that the cost of such horses does not exceed $100,000 for the taxable year; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 8369. A bill to declare a portion of the Trent River of North Carolina to be nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTTL:

H.R. 8370. A bill to amend the Internal Revenue Code of 1954 to increase the accumulated earnings credit from $150,000 to $300,000; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 8371. A bill to prohibit discrimination in insurance on the basis of race, color, religion, sex, or national origin; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 8372. A bill to amend the mineral leasing laws of the United States to provide for uniform treatment of certain receipts under such laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 8373. A bill to provide authority for additional nominations for consideration for appointment to the U.S. Military, Naval, and Air Force Academies; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENJAMIN:

H.R. 8374. A bill for the relief of Steve Tandaric; to the Committee on the Judiciary.

By Mr. EARLY:

H.R. 8375. A bill for the relief of Barnet Hellman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3057: Mr. Sabo.

H.R. 4576: Mr. Hansen, Mr. Dan Daniel, Mr. Levitas, Mr. Huckaby, Mr. Ireland, Mr. Dicks, and Mr. Wirth.

H.R. 6377: Ms. Ferraro.

H.R. 7504: Mr. Dougherty and Mr. Lederer.

H.R. 7704: Mr. Bethune, Mr. Robert W. Daniel, Jr., and Mr. Rousselot.

H.R. 7868: Mr. Rangel, Mr. Nolan, Mr. Ford of Tennessee, Mr. Stewart, Mr. Leland, Mr. Dellums, Mr. Fauntroy, Mr. Stokes, Mr. Vento, Mr. Carr, Mrs. Chisholm, Mr. Kildee, Mr. Brodhead, and Mrs. Collins of Illinois.

H.R. 7935: Mrs. Fenwick.

H.R. 8076: Mr. Bonker, Mr. Maguire, Mr. McCloskey, Mr. Goldwater, and Mr. Fowler.

H.R. 8245: Mr. Charles Wilson of Texas.

H.R. 8252: Mr. Hutto, Mr. Lloyd, Mr. Carr, Mr. Clausen, Mr. John L. Burton, Mr. Young of Alaska, and Mr. D'Amours.

H.J. Res. 219: Mr. Maguire and Mr. Kemp.

H.J. Res. 230: Mr. Nelson.

H.J. Res. 598: Mr. Hillis, Mr. Guarini, and Mr. Pease.

H. Con. Res. 358: Mr. Pepper.

H. Con. Res. 447: Mr. Johnson of Colorado, Mr. Corrada, Mr. Bowen, Mr. Kemp, Mr. Pickle, Mr. Panetta, Mr. Scheuer, and Mr. Gingrich.

H. Res. 744: Mr. Dornan.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

641. By the SPEAKER: Petition of the Board of County Commissioners, Hamilton County, Ohio, relative to the general revenue sharing program; to the Committee on Government Operations.

642. Also, petition of the Sully County Board of Commissioners, S. Dak., relative to the general revenue sharing program; to the Committee on Government Operations.

643. Also, petition of the Western States Land Commissioners Association, Sacramento, Calif., relative to studying the ownership and management of public lands in Western States; to the Committee on Interior and Insular Affairs.

644. Also, petition of the Western States Land Commissioners Association, Sacramento, Calif., relative to venue in civil actions with the Federal Government; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5615

By Mr. STARK:

--Page 3, line 16, insert "classified" after "any".

Page 3, line 12, insert "substantially" immediately after "intent to".

Page 3, line 14, insert "substantially" immediately after "intent to".

Page 3, line 20, after the comma insert the following: "and such disclosure results in injury to such agent."

Page 3, line 13, immediately after "United States," insert the following: "as specifically and directly authorized by the President,".

Page 5, line 14, insert "only" before "such."

Page 5, line 14, strike out "may be determined by the President" and insert in lieu thereof "the President may specifically determine".

Page 5, strike out lines 18 through 20 and insert the following in lieu thereof:

"(b) The President shall submit copies of any procedure he establishes pursuant to subsection (a) to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within ten legislative days atfer the date he establishes such procedures."

Page 7, lines 14 and 15, strike out "or" through "United States".

Page 7, line 15, insert "or" immediately after the semicolon.

Page 8, line 2, strike out the semicolon and all that follows through line 8 and insert a period in lieu thereof.

Page 8, strike out lines 3 through 8 and insert in lieu thereof the following:

"(c) An individual, other than a United States Citizen, who—

"(1) Has had a classified intelligence relationship to the United States within the last five years; and"

"(2) Has been, within the last five years, an agent or informant or source of operational assistance to, an intelligence agency."

EXTENSIONS OF REMARKS

STATUS OF MIDDLE EAST NEGOTIATIONS REGARDING THE WEST BANK AND GAZA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues testimony by Ambassador Sol M. Linowitz, Personal Representative of the President to the West Bank and Gaza Autonomy Negotiations.

Ambassador Linowitz's November 19, 1980 testimony on the progress in these negotiations is only the second public testimony devoted solely to this subject since these talks started some 18 months ago. His testimony offers a clear explanation of what has been accomplished, what problems remain and what he sees as the needs for the success of these talks to arrange a 5-year interim, full autonomy plan for the Palestinians of the West Bank and Gaza.

Ambassador Linowitz concludes that significant progress has been achieved and that these negotiations and the Camp David Accords offer the only viable path toward a comprehensive peace in the Middle East.

Ambassador Linowitz is to be commended for his painstaking efforts to further these negotiations over the last year. While a final agreement has not been reached, progress has occurred. Our Nation and the peoples of the Middle East should be indebted to him and his colleagues for their efforts. It is hoped that what has been accomplished will form a basis for further progress in the coming months under the new administration.

The testimony of Ambassador Linowitz follows:

STATEMENT OF AMBASSADOR SOL M. LINOWITZ

Mr. Chairman, members of the Committee, I greatly appreciate this opportunity to appear before you in order to discuss the present status of the autonomy negotiations for the West Bank and Gaza and the general progress we have made in the Middle East peace process since the signing of the Camp David Accords a little over two years ago. With the election behind us, and with the transition from one Administration to the next now underway, this is a particularly appropriate moment to assess where we are and to focus on the challenges and opportunities ahead.

As you know, the Camp David Accords established a Framework for Peace which Egypt, Israel and the United States hoped would make possible the achievement of a just, lasting and comprehensive peace in the Middle East. To try to make this dream a reality, the Framework set forth three basic goals: First, the achievement of peace and a constructive working relationship between Egypt and Israel; second, the establishment of transitional arrangements for a five-year period in the West Bank and Gaza which would provide the inhabitants of these areas with "full autonomy" while assuring preservation of Israel's security; and third, the commencement of negotiations among Egypt, Israel, Jordan, and elected representatives of the inhabitants of the West Bank and Gaza to resolve the final status of these territories following the five-year transitional period.

During the past year, I have served as the President's Personal Representative to the autonomy negotiations and I shall want to discuss with you where they stand today and their prospects for the future. Before doing so, however, I want to focus on the extraordinary and deeply gratifying success achieved with respect to the first goal of the Camp David Framework, the peace between Egypt and Israel. For this is and must be the cornerstone of our efforts to help bring a broader peace to the Middle East.

On March 26, 1979, Egypt and Israel signed a treaty of peace. This treaty, let me remind you, marked a peace without victor or vanquished, entered into by two nations determined to reject a legacy of hostility and warfare. Since then, both Egypt and Israel have scrupulously adhered to their commitments under the treaty. Thus Israel turned over to Egypt on schedule not only the major portion of the Sinai, but also the Alma Oil Fields, despite the immense burdens that the loss of this oil imposes on the Israeli economy. For its part, Egypt has proceeded diligently to normalize its relations with Israel in the face of strong, even fierce reaction of its Arab neighbors and former allies. Embassies have been opened and Ambassadors exchanged. Today the flag of Israel flies in Egypt and the flag of Egypt in Israel.

Even more important than these tangible achievements, however, is the achievement in spirit. Today an atmosphere of cooperation and trust prevails where only bitterness and hatred and suspicion once reigned. Every time I sit down with President Sadat and Prime Minister Begin and with my colleagues in the autonomy negotiations, I am reminded that these shifts in attitude are deep and genuine and reflect the steadily evolving attitudes of their peoples. Over the past year, I have watched the mutual trust and confidence grow—slowly but steadily. This was vividly evidenced by the historic welcome that the President of Israel, Yitzhak Navon, received just three weeks ago when he paid the first official Israeli state visit to Egypt. My frequent travels to both Egypt and Israel during this past year have convinced me that both nations have set their feet firmly on the road to peace, both understand there can be no turning back, and both are determined that there will be no turning back.

Against this backdrop, I want to move to the autonomy negotiations in which we have been engaged as a "full partner" with Egypt and Israel during the last 18 months. The Camp David Accords call upon the parties to devise transitional arrangements which would provide full autonomy to the inhabitants of the West Bank and Gaza and permit them to elect a self-governing authority. The Accords call for the parties to define "full autonomy" by negotiation of the powers and responsibilities that the elected body would exercise during the transitional period. They also call for the autonomy agreement to include arrangements for ensuring internal and external security and public order during this transitional period. In sum, and in the words of the Accords, the transitional arrangements are to give "due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved."

No one at Camp David in 1978 believed that the negotiation of these matters would be easy. The issues are exceedingly complex; they are extraordinarily emotion-laden for the parties; and they could involve matters of life and death, of war and peace. Accordingly, throughout the negotiation process, all three partners have had to ensure that the substantive issues were meticulously examined, and we have had to proceed with extreme care and with sensitivity to the legitimate concerns of both Israel and Egypt, as well as the Palestinians. Unfortunately, the negotiation process has been made even more difficult in recent months by a host of external and tangential disturbances and distractions which have diverted attention from the central issues under discussion. Such developments as violence on the West Bank, the seemingly endless stream of U.N. resolutions, and the various actions and statements bearing on the status of Jerusalem have interfered with and even interrupted our efforts to focus on the complex and critical substantive issues.

But despite the frustrations and disappointments, I am gratified to be able to tell you that we have made considerable progress in the autonomy negotiations during the past year; and I remain hopeful that a continued and sustained effort to achieve an autonomy agreement as called for by the Camp David Accords can be successful in the months ahead.

The progress made has included agreement on a large range of powers and responsibilities to be exercised by the elected self-governing authority, and the modalities for the free election pursuant to which the members of the self-governing authority would be chosen. And in recent days we have been focusing on five critical and decisive issues which the autonomy negotiations must resolve if we are to reach agreement:

1. How can Israel be assured that its security interests will be fully preserved and protected under the autonomy arrangement?

2. How can we assure that the limited water resources of the region will be fairly and equitably shared?

3. How should we deal with the public lands in the West Bank and Gaza during the transitional period, and how should such an arrangement bear on Israeli settlements in these areas?

4. What should be the nature of the powers exercised by the self-governing authority, recognizing that the autonomy arrangements are transitional and that the final status of the territories will have to be determined by agreement among Israel, Egypt, Jordan, and the Palestinians?

5. Should the Arab inhabitants of East Jerusalem participate in the elections for the self-governing authority?

During the past few months, working both bilaterally and trilaterally, with Israel and Egypt, we have been able to help the parties make significant progress on several of these fundamental issues. Specifically, Israel and Egypt have narrowed their differ-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ences on the key issues of land and water. In addition, our work during the past months indicates that the parties are far closer on the vital issue of security than many had thought. We have also begun, I believe, to narrow differences on the nature of the powers that the self-governing authority should appropriately exercise during the transitional period. In sum, through their serious and constructive efforts over the past months, Israel and Egypt have begun to bridge their differences on even the most critical, complex, and emotional issues.

In early September, President Sadat and Prime Minister Begin authorized me to release a joint statement on their behalf. In that statement, they affirmed that Egypt and Israel "remain firmly committed to the Camp David Accords and process and are convinced that they offer the only viable path toward comprehensive peace in the Middle East." Both emphasized their determination "to see the process through to a successful conclusion regardless of temporary difficulties that may arise along the way." Last week, during his visit to the United States, Prime Minister Begin reasserted this determination.

The reaffirmation of commitment by President Sadat and Prime Minister Begin is of immense importance. It is premised on their confidence that despite the disagreements, frustrations, and enormous difficulties of the negotiations, the Camp David approach remains essentially sound. To their vote of confidence, I want to add my own. My experience during the course of these negotiations has convinced me more than ever that this approach remains both valid and promising.

Some have criticized the Camp David process for its failure to address immediately the ultimate questions: the final status of the West Bank and Gaza; the final arrangements regarding Jerusalem; and the permanent assurance of Israeli security. These critics, however, miss the central point. For it was the genius of the negotiators at Camp David to recognize that too many past efforts to achieve peace in the Middle East had failed precisely because they had grasped for too much too soon. They recognized that the issues in this region are so complex, the emotions so deep, the contending forces so many, the stakes so great, that the problems defy shortcut solutions. The wisdom of Camp David was to recognize this fact, to understand that bitterness dies hard while trust grows slowly, the key to Camp David was its recognition that the best hope for enduring peace lay in a phased process—one in which agreements attainable at one stage become building blocks for future progress on more difficult issues.

At no time during my involvement in these negotiations have I discovered any viable alternative course, and I have consistently sought the advice of leaders and experts in the Middle East, Europe, and the United States to ascertain if any alternative exists which would offer greater promise of success. The simple undeniable fact is that there is none. Not only is the Camp David process the only game in town; it is the only sensible approach at this time.

In closing, let me say that this is an appropriate occasion to underscore an important point well understood by the members of this Committee—that the foreign policy of the United States has been and remains a bipartisan matter and one where continuity is vital. Perhaps in no other area of the globe is the importance of such continuity and bipartisan commitment better evidenced than in the Middle East. The efforts of the Johnson Administration after the June 1967 war led to U.S. Resolution 242, which today remains the cornerstone for Middle East peace. The intensive shuttle diplomacy of Secretary Kissinger under both the Nixon and Ford Administrations enabled Israel and Egypt and Syria to take the first steps toward peace. And now President Carter's unprecedented efforts have brought about peace between Israel and her largest and most powerful Arab neighbor and established an ongoing negotiation process which, for the first time, places on the same agenda the rights of the Palestinians and security for Israel.

In all these developments, the United States has consistently and increasingly played an active and essential part. Our commitment to work actively and unceasingly to move closer to the comprehensive peace we seek is based on a number of factors, not the least of which is the unthinkable threat to world peace that a future conflagration in the vital Middle East region might present. Such a U.S. role in pursuit of peace advances our strategic interests while furthering our moral commitment to the peaceful resolution of disputes throughout the world. I know that President-elect Reagan joins President Carter in recognizing the importance of maintaining the continuum of our foreign policy and the vital role the United States must play in the search for peace in the Middle East.

Throughout the autonomy negotiations, the United States has sought to play an active and essential part as a "full partner." Indeed, as recently as two days ago, representatives of the three countries met in Cairo in furtherance of the negotiations. We have undertaken to act as a catalyst and a constructive spur to progress, and have tried to help both parties find common ground and narrow the differences between them. In doing so, I like to think that we have earned the trust and respect of both Egypt and Israel.

I believe that meaningful further progress can be made in the coming months if the United States remains resolute in its commitment to work intensively, tirelessly, and patiently for peace in the Middle East. That is both the challenge and the unique opportunity which will greet the incoming Administration. Egypt and Israel, and nations and people throughout the region and around the world, expect the U.S. to continue to respond to that challenge and that opportunity. I am confident that we will not fail them. The words of Theodore Roosevelt are truly relevant to our position in the Middle East today: "The United States does not have an option as to whether it will or will not play a great part on this issue. It must play a great part. The only question is whether we will play that part well or badly."●

DAVID E. BANT RETIRING FROM LINDEN COMMUNITY SCHOOLS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. KILDEE. Mr. Speaker, on November 26, 1980, the community of Linden, Mich., will honor David E. Bant, who is retiring this year after 33 years of service with the Linden school system. Mr. Bant, a native of Calumet, Mich., and a World War II veteran, began work at Linden in 1948 as an industrial arts teacher. He coached track, football, basketball, and baseball, and he also drove a school bus in addition to his teaching duties in those early years at Linden. Mr. Bant was appointed high school principal in 1952. He has served the school system and his community as superintendent of schools since 1957—a record of service in the highest position that is matched by few educators in the Nation.

It is with pride that I bring this brief sketch of the distinguished career of David E. Bant to the attention of my colleagues in the Congress, and I join with the community of Linden in wishing Mr. Bant a happy and productive retirement.●

TASK FORCE PEARSON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. PICKLE. Mr. Speaker, over the past few weeks I have been corresponding with one of my constituents, Col. Ralph Pearson, USA, retired, about an incident which occurred during World War II. In any war I think we all realize that many courageous acts of significance are performed but which become overlooked by time. Colonel Pearson has relayed such an occurrence to me, and I would like to share it with my colleagues in the Congress at this time.

The incident Colonel Pearson has related to me involved the largest collection of valuable art ever assembled in one place. The collection was put together for the German dictator Adolph Hitler. Strangely enough, the incident received wide publicity at the time, but the men involved have not ever been recognized for their valor and accomplishment, except for a mention in a five-volume history of World War II entitled "Enroute To The Redoubt," which was written by the officer in charge. That publicity resulted in many true reports, and some fictionalized reports, of what happened in Altaussee, Austria, during the closing days of World War II. But no report has ever told the complete story, according to Colonel Pearson.

Colonel Pearson states that Martin Bormann, Hitler's deputy, had written a letter to Gauleiter Eigruber instructing him to destroy the art collection. To carry out Bormann's command, 6 tons of bombs were brought in in boxes marked "Marble: Don't Drop."

The art collection itself was stored in a salt mine. The workers of the mine were instructed as to how to destroy the mine and were then told that they would be executed if they did not carry out the plan to destroy the mine and the art collection.

The miners balked, however, as the mine was their only means of employment. In fact, for five generations the mine had been in operation in Altaussee. They went to the top Nazi in the area, Dr. Ernest Kaltenbrunner, Chief of the RSHA. Basically, they made a deal with Dr. Kaltenbrunner which would allow them to save the mine and the art collection in return for their finding Dr. Kaltenbrunner a safe hiding place.

This was accomplished when Kaltenbrunner stalled Gauleiter Eigruber with a fierce argument that it was better to "save their own skins" instead of carrying out the order to blow up the mine and the art collection.

On May 5, 1945, the miners removed the bombs from the mine through entrances unknown to S.S. guards at the mine. On May 8, 1945, the last day of the European front of World War II, Task Force Pearson arrived to seize the area. Until then, the miners did not know whether ultimately the allies or the Russians would occupy their area. Needless to say, the miners sweated it out until the Americans arrived.

At exactly midnight, May 12, 1945, a small group of men began an incredible 5-hour climb up a mountain to get Dr. Kaltenbrunner. The trip over glacial trails was led by Lt. G. R. Martinez of Kenmore, N.Y. Volunteers on the treacherous mission included Lt. A. Storkman, assistant patrol leader of Tacoma, Wash.; Sgt. Bertram Blauner of Manhattan, N.Y.; Sgt. Robert J. McLean of New York City; Cpl. Frank E. Vickery of Miami, Fla.; Pfc. Gus Crockett of Elton, La.; Pfc. George W. Griebenow of Edina, Minn.; Pfc. Marion W. Messrodt—home unknown; Pvt. Harry L. Buchanan of Lambertsville, N.J.; Pfc. Jessie Wilson, medic, of Bryant, Tex.; Pfc. James W. Scott—home unknown; Pvt. Nicholas A. Butenica—home unknown; and Pvt. Lester E. Caudill of Bevinsville, Ky. Sergeant—and later Lt.—Robert Matteson of Wisconsin and a CIC associate also played an important part in the raid, for which Matteson received just recognition.

The listing above is the first such listing of the men who made the heroic capture of Dr. Kaltenbrunner possible, thus playing a part in saving from destruction the art collection of Adolph Hitler. I commend these men for their courage and sacrifice for our country and the principles which have made her great.●

CHRISTIANS IN POLITICS—CRAIG

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. COLLINS of Texas. Mr. Speaker, in our recent national election there was much broader involvement. I was proud to see more people who have a dedicated belief in God participating in the campaign.

Down South most preachers were speaking out. They were emphasizing the great need for each person to study the issues and make a sound choice of his own.

I am a Baptist. We are a strongly independent faith. Each of our churches is a separate institution. Within each church we have wide differences in our views. But we do agree on the need for America to return to religion. We believe that every good citizen should be active in civic involvement.

One of the best sermons delivered in October was the splendid message of Dr. Earl Craig. Dr. Craig is the pastor of the rapidly growing Richardson Heights Baptist Church in Richardson, Tex.

You will be interested in some of the key sections of Dr. Craig's inspirational sermon:

> Every segment of society is magnifying the things that separate, rather than things that unite. This polarization is dangerous as well as discouraging.
>
> I was brought up to believe we are one nation under God. We are one nation regardless of those differences and united we'll stand but divided we'll fall.
>
> Another way to be involved is to become informed. Knowledge of issues and candidates is essential, and I am convinced this morning that you ought to not let somebody else do your homework for you. Don't let somebody else's survey determine how you are going to vote.
>
> First of all, God expects us to be involved and not isolated from politics. I base that on several things. Peter said, "Live as free men," and this means responsible involvement. We lose our freedom when we withdraw from the political scene. When Paul and Peter wrote these passages of scripture, they wrote them in the context of a government that was totalitarian. And those citizens did not have the options of involvement that you and I have. It is interesting that Jesus did not go about trying to subvert the government or overthrow the government. In fact he told them to be submissive to that government and consider those leaders to be appointed and instituted by God.
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> Study the issues and help elect Christian godly people. I am more concerned with whether a man is honest and will refuse to take a bribe than his personal views on ERA or abortion. I've got convictions on those controversial issues. There are differences of opinions shared by born-again Christians. I'd rather a man be honest to the core and vote different from me than to have a dishonest man agree with me.
>
> Let's don't talk about "the good ole' days." These are the good ole' days. This country has more unlimited opportunity and challenge than it has ever had in its history. If there is a challenge today, it's the challenge of overcoming the public spotlighting of our problems and instead focusing the spotlight on all of the opportunities that are before us and asking God to give us ways to seize them. George Bernard Shaw said it best: "People sit around and blame their problems on their circumstances. I don't believe in circumstances. I believe that people that get on in this life are people who find opportunities in their circumstances and then make something of them."
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> If we are going to build our country, it isn't going to be by complaining and pointing out all of the problems. It will be through participation with energy, spirit and commitment. The same that our forefathers had.
>
> Any of you who have studied anything about the history of civilizations know that the Greek civilization and the Roman civilization made the fatal mistake of glorying in their past rather than accepting the challenges of the future. This great nation of ours comprises only 6 percent of the population of the world and only 7 percent of the land of the world; yet we control 30 percent of the wealth of the world. We've reached all of this in just 200 years with a system that has been so blessed and honored of God.
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> We don't need a Christian political party. What we need is Christian involvement in both parties, faithfully executing the responsibility of being salt and light in that never ending pursuit of those goals of righteousness, justice, peace and morality.
>
> I'm proud to be an American and I'm proud of a system that allows us to have this very place in which to worship. We've fed over half the earth, we've transplanted a human heart, we've walked on the face of the moon, we've helped make the entire earth safe from many diseases; all because we believe God had his hand upon us. God Bless America. May we pray!●

IN RECOGNITION OF U.S. SCIENTISTS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. FUQUA. Mr. Speaker, The Committee on Science and Technology has today, for the second time in 2 years, scheduled activities which we hope will call deserved attention to the accomplishments of U.S. scientists as exemplified by the unprecedented number of Nobel Prizes won by them this year.

Selection to receive a Nobel Prize is the world's highest honor for scholarship in given fields and it is appropriate that we recognize the accomplishments of the distinguished individuals who have achieved such professional stature and brought such glory and pride to our Nation

The large number of U.S. winners of Nobel Prizes for 1980 makes the occasion for this year all the more important and significant. Of the 11 worldwide Nobel Prize winners in all disciplines for 1980, 8 are Americans. Of the nine in the sciences and economics, seven are Americans. The number of winners from any one nation in any one year has never been greater than for the United States this year.

The United States is properly proud of such achievements by its scholars and of this recognition of Nobel Prizes for them. At the same time, the Congress and other officials should heed the assessments for the future by these winners, as we have been able to do in our meetings with Nobel Laureates today.

PROGRAM WITH THE LAUREATES

Our day of activities involved 11 laureates from Nobel Prize selections of this and earlier years. It involved the many facets of Government and other scholarly activities in the Washington area. In the morning, President Carter honored the laureates and held discussions with them in the Oval Office of the White House.

Their activities at the Capitol started with a luncheon in the Rayburn Office Building. Other guests included leading science administrators in the Government and principal scholars from universities in the Washington area.

This was followed by a hearing on Outlooks From Nobel Prize Winners, which provided full opportunity for representative laureates from the several science fields to present their assessment of the status and forecasts for science in the United States and for the members to question them. The recently named 1980 Nobel Prize winners testifying were:

Dr. James Cronin of the University of Chicago and Dr. Val L. Fitch of Princeton University in physics; and Dr. Baruj Benacerraf of the Harvard University Medical School in medicine. The other U.S. winner in medicine for 1980, Dr. George Snell of the Jackson Laboratory in Bar Harbor, Maine, was unable to be with us. In chemistry, the witnesses were Nobel laureates from previous years: Dr. Hamilton O. Smith of Johns Hopkins University Medical School—1978 Prize—and Dr. Christian Anfinsen of the National Institutes of Health—1972 Prize. The United States 1980 winners in chemistry are Dr. Paul Berg of Stanford University and Dr. Walter Gilbert of Harvard University, neither of whom were able to be at the hearing.

Since such a large number of 1980 Nobel Prize winners are from the United States, the Swedish Ambassador, Count Wilhelm Wachmeister, and his staff played an active role in the events of the day. The Ambassador will be with the American recipients in Stockholm when they are presented their prizes by the King of Sweden on December 10. The Ambassador hosted the laureates in the evening at the Swedish Embassy, along with the heads of government agencies and presidents of local universities.

Other laureates who were present to be honored in the activities of the day were 1979 winners and earlier winners who are now in the Washington area. The 1979 winners were honored last year in a similar series of events, by subcommittees of the Committee on Science and Technology, but at that time they were in Stockholm receiving their prizes. Those 1979 winners present were: Dr. Sheldon L. Glashow and Dr. Steven Weinberg, both of Harvard University and both for the 1979 physics award; Dr. Allan N. Cormack of Tufts University for the 1979 medicine award; Dr. Marshall W. Nirenberg for the 1968 medicine award and Dr. Julius Axelrod for the 1970 medicine award, both from the National Institutes of Health; and Dr. Frederick C. Robbins, president of the Institute of Medicine for the 1954 medicine award.

SIGNIFICANCE OF THE SCIENCE AWARDS

I believe that the areas of research that lead to the 1980 Nobel awards in the sciences are of considerable interest to much of the public and some are of imminent usefulness for the health and betterment of our population.

The award in physics has helped to explain the cosmology of the universe in which we live. The universe is constituted of normal atoms, but in the big bang theory of the formation of the universe an equal number of opposite types of atoms, called antiparticles, were created. The results of the research of Drs. Cronin and Fitch helped to explain the paucity of antiparticles in the universe. They used a large particle accelerator operated by the Department of Energy in an arcane experiment on the decay of neutral K mesons.

The award in chemistry to Drs. Berg and Gilbert is part of the explosive progress in DNA and genes that has lead to the exciting present prospects in gene splicing. This offers the promise of generating human insulin, hormones, and interferon by growing them in bacteria in which human genes have been spliced.

The award in medicine to Drs. Benacerraf and Snell is for work in immunology that has helped in understanding both the body's ability to fight off diseases and techniques to make transplants of human organs that are not rejected by the body.

CONTINUED CONGRESSIONAL INDUCEMENT

My colleagues and I congratulate the U.S. winners of Nobel Prizes. We are proud to laud them in the festivities of today. It is my hope that we can continue each year to give such recognition of U.S Nobel Prizes. In this way we can also continue to obtain insights from such distinguished scientists.●

IL PROGRESSO'S 100TH ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to the 100th anniversary of one of our country's most prestigious newspapers—Il Progresso Italo-Americano.

For the past 100 years, Il Progresso has offered a quality Italian-language daily newspaper to families on the east coast of our country. I know that many of the homes in my congressional district and throughout the State of New Jersey are served by Il Progresso, but the importance of this newspaper transcends the mere communication of news. Il Progresso's value to our Nation is rooted in our tradition as a Nation of immigrants. For 100 years, Il Progresso has helped to keep alive the spirit and hope of Americans of Italian origin to make a home and become involved in American life without abandoning their ancestral heritage.

Il Progresso has been a vehicle for keeping the Italian culture a vibrant part of the millions of Italian American households. Through its coverage of ethnic events and its emphasis on family and community, Il Progresso has provided a lasting vehicle to transfer the Italian culture to America. This is the kind of contribution that has made our Nation strong.

Il Progresso has also helped Italian Americans to become informed about our country, its politics, and its social events. Many times, Il Progresso has been the only news source for Italian American families.

Mr. Speaker, I am proud of Il Progresso's role in the American tradition of free expression, and its contribution as a quality newspaper covering local, national, and international news.

I am also proud of my friendship with the publisher of Il Progresso, Mr. Fortune Pope. I know that Mr. Pope is dedicated to the publication of an ethnic newspaper that serves the needs of all American readers of Italian origin. Mr. Pope together with Il Progresso's editor, Mr. Frank Castelli, and all the staff, do an outstanding job.

I want to offer my congratulations to Il Progresso on this, its 100th anniversary, and wish it another successful 100 years.●

PAUL J. KLOCEK, EAGLE SCOUT

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. BENJAMIN. Mr. Speaker, allow me to take this opportunity to ask my colleagues to join with me in commending and congratulating Paul J. Klocek, son of Paul and Marianne Klocek, Jr., of East Chicago, Ind., who is receiving the Eagle Rank for his outstanding record in Scouting on November 29.

The Eagle Rank is the highest award a young man can receive before his 18th birthday. Only 1 out of every 100 boys becomes an Eagle Scout. Many Eagle Scouts have gone on to become national leaders, such as President Gerald Ford.

Paul has distinguished himself as an outstanding Scout who is always willing to give of himself and his time—often many hours—to better serve his community and Scout troop. He has earned 31 merit badges and has contributed hundreds of hours to his community to accomplish this feat. He is described as someone who will always be there during times of need, as he demonstrated to the St. Stanislaus Parish Center when their water pipe system broke. Paul spent many feverish hours helping to clean out the lower building of the school. He conducted several projects which demonstrated his leadership and perseverance for the parish. The sports room was improved and numerous windows for the sisters' convent were painted.

Paul will become the 51st Eagle Scout in Troop 7 of East Chicago, Ind. The distinguished troop is one of the oldest troops in the region, dating back to 1917. His accomplishments provide benchmarks from which we will continue to measure his success in the future.

I know my colleagues join with me to wish him even greater success in the future and to encourage the Klocek family to persevere in their inculcation of the values and attitudes cherished in a free and democratic society.●

CONGRESSMAN JOHN W. WYDLER

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. SOLOMON. Mr. Speaker, it is with a sense of sadness I join with so many of my colleagues in honoring our distinguished colleague, Jack Wydler, on his retirement.

Jack Wydler is the dean of the New York Republican delegation, and he is one of the Members of Congress I most admire. Indeed, John Wydler is one Member who has had a true impact on national policy. As ranking minority member of the Committee on Science and Technology, Jack has had the courage and conviction to deal head on with the problems of nuclear energy, and has been instrumental in the development of this Nation's energy policies. As ranking member on the Intergovernmental Relations and Human Resources Subcommittee of the Government Operations Committee, Jack has played a key role in the continuation of the general revenue sharing program, which benefits every individual in this Nation.

As a freshman Member of this body, I deeply appreciate what Jack Wydler has done to help me, and even more, I appreciate what he has done for our Nation in the past 18 years. The Congress is better for Jack Wydler's service, and I want to take this opportunity to wish Jack well on his retirement, and the best of success in whatever endeavors he might pursue.●

LEGAL SERVICES CORPORATION AUTHORIZATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. GARCIA. Mr. Speaker, I am concerned about the ongoing attempt by some Members to attach numerous restrictive amendments to Legal Services Corporation appropriations and reauthorization bills now pending before the Congress. Each of these amendments is flatly inconsistent with the basic principle, set forth in the Legal Services Corporation Act, "that there is a need to provide equal access to the system of justice in our Nation." 424 U.S.C. 2996(1). I urge my colleagues to oppose all such amendments.

I am especially concerned about an amendment to the Legal Services Corporation Act offered by Representative Ashbrook. If enacted, this amendment would prohibit Legal Services programs from providing legal assistance with respect to any proceeding or litigation relating to the policies or administration of any elementary or secondary school system, or any institution of higher education. I urge my colleagues to oppose this amendment on behalf of the indigent students and their parents who often require legal assistance in a variety of education related matters.

The Ashbrook proposal is at war with the concept of "equal access to . . . justice" and well-settled values and policies. People who could afford counsel, but not poor people, could assert in proceedings and litigation Federal rights created by Congress, Federal constitutional guarantees, and the protections of State law. Furthermore, Congressman Ashbrook proposes to exclude action in an area the importance of which has been repeatedly recognized by our last five Presidents.

Legal Services provides for poor children, when they are illegally kept from acquiring an education, the advocacy which has permitted many to gain access to the classroom—and to the opportunity to break the cycle of poverty. For handicapped children of impoverished parents, Legal Services has provided free advocacy to secure educational rights mandated by Congress; the Ashbrook amendment would bar the door to these children. For indigent children who literally could not afford to pay illegal fees charged by supposedly free public schools, Legal Services has provided the advocacy which struck down the fees and secured the right to a genuinely free education; the Ashbrook amendment would bar the door to these children. For educationally deprived children of poor parents, and Indians, and others for whom Congress has provided special needs funds, Legal Services has provided the free advocacy which has insured that Federal funds go only for educational services for the intended beneficiaries; the Ashbrook amendment would bar the door to these children.●

LEGAL SERVICES CORPORATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. RODINO. Mr. Speaker, H.R. 6386, the bill to reauthorize the Legal Services Corporation, may soon come before the House for action. I strongly support this measure and I urge my colleagues to oppose any amendments that would cripple the vital services this agency provides for so many of our Nation's disadvantaged citizens.

Foremost among the groups who would suffer from limitations on services now funded under the Legal Services Corporation are elderly Americans. I was therefore pleased to receive from the National Senior Citizens Law Center a statement in support of my position issued by the Leadership Council of Aging Organizations. For the information of my colleagues I ask that it be included in the Record.

> The undersigned organizations urge you to oppose any efforts to amend the Legal Services Corporation Authorization bill (H.R. 6386) in such a way as to impose additional restrictions on legislative and administrative advocacy by recipients of Legal Services Corporation funds. Such an amendment has already been proposed by Representative Norman Shumway. Since the Shumway amendment would adversely affect the rights and interests of the elderly, we urge that it be defeated.
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> Currently, legal services organizations funded by LSC are restricted by statute from engaging in legislative and administrative advocacy unless such advocacy is necessary in connection with the representation of a client, is at the request of a legislator or governmental body, or relates directly to the corporation itself. Current law also requires that legal services clients be so poor as to be substantially without financial resources. In the present inflationary economy a very large percentage of such clients are elderly persons.
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> If passed, the Shumway amendment would preclude a member of Congress from calling on legal services staff for technical information. It would preclude assistance to a low-income group wishing to comment on proposed changes in a federal agency's regulations—such as those pertaining to SSI. On the local level, the amendment would prevent assistance to nursing home residents who are affected by a zoning change.
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> To totally deny the poor and the elderly—as well as women, disabled persons and minority groups—any form of representation in the manner proposed by Representative Shumway would be grossly unjust. It would also be inconsistent with the canons of ethics of the legal profession which direct attorneys to represent the interests of their clients in all appropriate forms. Under the circumstances, when H.R. 6386 is considered by the House of Representatives, we strongly urge that it be passed without the Shumway amendment.
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> Leadership Council of Aging Organizations
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> American Association of Homes for the Aging
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> Asociacion Nacional Pro Personas Mayores
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> Association for Gerontology in Higher Education

Concerned Seniors for Better Government
National Consumer Cooperative Bank
Gerontological Society
Gray Panthers
Legal Research & Services for the Elderly
National Association of Area Agencies on Aging
National Association of Mature People
National Association of Retired Federal Employees
National Association of State Units on Aging
National Association of Nutrition and Aging Services Programs
National Center/Caucus on the Black Aged
National Council on Aging
National Council of Senior Citizens
National Indian Council on the Aging
National Retired Teachers Association-American Association of Retired Persons
National Senior Citizens Law Center
United Auto Workers/Retired Membership Department
Urban Elderly Coalition
Western Gerontological Society.●

ST. SAVA SERBIAN ORTHODOX CHURCH OF HOBART, IND.

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. BENJAMIN. Mr. Speaker, it is my privilege and honor to again congratulate the congregation of the St. Sava Serbian Orthodox Church in Hobart, Ind., on another anniversary—its 66th.

Seven industrious individuals from the Gary Serbian community organized plans for a church and school in February 1910. Their efforts and the conscientious participation of others from the community established a school in 1911. By February 1914, the St. Sava Serbian Orthodox Church was organized. A temporary building was secured on 13th and Massachusetts in Gary a year later and services were initiated by Rev. Pavle Veljkov.

The construction of a new church on 13th and Connecticut was completed in 1938. A tragic fire destroyed the building in 1978. Consequently, an altar was immediately constructed in the St. Sava Serbian Hall in Hobart and services continued without interruption, a credit to the unshakeable strength and faith of the Serbian congregation who now plan to build a new church on 140 acres of recently purchased land. During the past year, the dedicated and devoted congregation paid off the mortgage on the land.

The church is presently under the leadership of the Very Reverend Father John Todorovich. His congregation of over 700 Serbian-Americans uphold the compassionate doctrine of the church in preserving and perpetuating the Serbian Orthodox Christian faith and maintaining the strong moral character of the Serbian community.

The congregation comes from a long line of immigrants who have worked very hard to preserve their ethnicity. They have long been acclaimed for their contribution to American industrial development, particularly in the mining, steel, and construction industries. They are proud of their Serbian heritage and culture which embraces the ideals and principles of freedom and democracy—an indelible and unbreachable bond with their American tradition.

The St. Sava Orthodox Church is presently preparing for its celebration of the Christmas season. Activities are being conducted and the burning of the Yule log, a long-standing Serbian tradition, will occur on January 6. Andrej Karageorgevich, a Yugoslavian prince in exile, will join the members of the church in celebration of their 66th anniversary on Sunday, November 23. Andrej is the brother of the late King Peter II of Yugoslavia who died in exile in 1970 and was buried in St. Sava Monastery in Libertyville, Ill.

I am extremely fortunate to share respect and friendship with these Americans who believe strongly in their families, church, and our form of democracy. It is my sincerest hope that in the coming years the church and its congregation will continue to grow and maintain its position of community and moral leadership.

I ask my fellow colleagues to join me in a warm message of congratulations to Father Todorovich and the St. Sava Serbian Orthodox Church on its 66th anniversary. May we all pay tribute to this group of hardworking Serbian-Americans who have served as the backbone of northwest Indiana and have been an integral and extremely important part of our Nation's development.●

DOROTHEA DESCHWEINITZ

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. RITTER. Mr. Speaker, it was with regret that I learned of the recent death of Dorothea deSchweinitz, who was a native of Nazareth and Bethlehem, Pa., in the district that I represent.

A very special woman, Miss deSchweinitz worked hard in a number of important civic projects, most notably in the cause of historic preservation. As a member of the Housing and Community Development Subcommittee of the House Banking Committee and as a firm believer in preserving the architectural achievements of our past, I insert here the obituary from the Washington Star which outlines her life.

DOROTHEA DESCHWEINITZ, GEORGETOWN WORKER, DIES

Dorothea deSchweinitz, 89, who for many years was active in historic preservation in Georgetown, died yesterday in Alexandria Hospital after a stroke. She lived in Georgetown for more than 30 years before moving to Washington House on Filmore Avenue in Alexandria in 1975

Miss deSchweinitz was president of the National Vocational Guidance Association in 1925 and was one of the first three women to be regional directors of the National Labor Relations Board.

After retirement she became interested in the preservation of historic buildings in Georgetown and was a leader in working for the passage of the Old Georgetown Act of 1950. She also was one of the incorporators of Historic Georgetown Inc., which is credited with saving from demolition the buildings now called the Thomas Sim Lee Corner at 30th and M streets in Georgetown.

Miss deSchweinitz was born in Nazareth, Pa. She was graduated from Smith College in 1912 and received a master's degree in economics from Columbia University. She was in vocational guidance work for 20 years and in employer-labor relations for 20 years.

Miss deSchweinitz helped develop a junior employment service in Philadelphia through which the board of public education assisted young people who left school to go to work.

She also helped develop a demonstration employment service for the Philadelphia office of the Pennsylvania State Employment Service. During World War II she worked for the War Production Board, participating in the program for labor management committees on productivity and quality of work life.

In 1974, Miss deSchweinitz received the Smith College Medal for her career work and for services to the college.

Miss deSchweinitz wrote a number of books, including "How Workers Find Jobs," a study of 4,000 hosiery workers in Philadelphia; "Occupations in Retail Stores"; "Labor and Management in a Common Enterprise"; and "Labor Management Consultation in the Factory—the Experience of Sweden, England and the Federal Republic of Germany."

She leaves a sister, Mrs. Daniel Darrow of Kansas City, Kan.

A memorial service will be held at a later date.●

THE FUTURE OF OCS DEVELOPMENT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. FORSYTHE. Mr. Speaker, recent analyses of the impact of the Iran-Iraqi war on the world oil market further underscores the need for the United States to push exploration and development of domestic oil and gas resources. The Federal Government controls about one-third of all the land in this country and all of the Outer Continental Shelf beyond State jurisdiction. Government studies indicate that these lands contain up to 37 percent of our undiscovered oil resources. Yet, to date, approximately one-third of all onshore public lands and less than 5 percent of the Outer Continental Shelf have been opened for energy resource development. Because of the instability of world oil supplies, we simply can no longer afford to prevent access to these lands and the energy resources they contain.

In this regard, I would like to commend to the attention of my colleagues, the following article by S. Lawrence Paulson which appeared in the November 17, 1980, issue of the Oil Daily:

REPUBLICAN GAINS PLEASE OCS EXPLORATION BACKERS ON HILL

Congressional Outer Continental Shelf experts are heartened by President-elect Ronald Reagan's announced intention to spur oil and gas production on the OCS.

But they're worried that without innovative leadership in key policy areas at the Interior Department and elsewhere, the new administration will simply repeat the mistakes of the Carter years.

"The Carter administration will tell you that they leased more OCS lands than anyone else—and they'd be right," one OCS source noted. "But that means nothing. What matters is the conditions under which you lease, where you lease, where you draw the lines."

A blueprint for an innovative OCS policy that the Reagan administration might want to embrace, some congressional sources note, is contained in a joint resolution introduced by House and Senate Republicans in June of this year.

The resolution, whose principal author is Rep. Edwin Forsythe, R-N.J., has languished in relative obscurity. But it may finally begin to attract attention now that production-oriented energy policies appear to be in the ascendency.

The resolution advocates the following OCS policies:

Entire OCS provinces should be offered for nomination, with such provinces serving as the basis for environmental studies.

Deep water OCS areas in the Gulf of Mexico and Atlantic and areas of unusually difficult drilling conditions should be leased in large economic units.

OCS areas of high potential and unusually difficult drilling conditions, such as the Chuckchi Sea, the Beaufort Sea and deep water areas of the Atlantic should be leased under a bonus royalty and work commitment bidding system, and such leases should involve step-by-step engineering and environmental studies.

Offering entire provinces for nomination (and doing one environmental impact statement for the whole area), some OCS experts claim, would greatly increase the chances of holding sales in areas where there actually is oil and gas.

The location of the sales would be determined by the number of nominations, and the way different companies grade their nominations. After drilling has begun, further sales should be held in the area either quarterly or every six months.

Advocates of this procedure stress two points: that all this can be accomplished with current federal authority and that it can be done without actually increasing the amount of acreage offered any particular sale.

They also note that the resolution calls on the president to order federal officials "to eliminate administrative requirements, activities and decisions that are not specifically required by or pursuant to federal statute or court order and that impede or delay leasing of oil, gas and geothermal resources on the OCS," and note that such a presidential order could be usefully applied to onshore leasing as well.

The fate of this quality-not-quantity approach to leasing on federal lands hinges on the personal decisions Reagan makes in the coming months, the congressional sources note.

Dead, dead, dead. That's the status of a lot of energy bills left over from before the election. There may be a glimmer of hope for some sort of superfund bill if, as Sen. Russell Long suggested, the Senate decides to accept the far less ambitious House legislation.

But there seems little chance for a number of other leftovers, including the oil backout bill, which passed the Senate but never got much support in the House.

Other bills that lawmakers won't bother kicking around during the lame duck session probably include Georges Bank protection legislation, tar sands and oil shale leasing bills, the coal slurry pipeline bill and the ill-fated Energy Mobilization Board proposal.

In fact, except for the work that remains to be done on the Interior appropriations bill, the passage last week of the Alaska lands bill may have just about wrapped up Congress' energy work this year.●

A FEW IMPRESSIONS OF THE ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 19, 1980, into the CONGRESSIONAL RECORD:

A FEW IMPRESSIONS OF THE ELECTION

As soon as an election ends, the interpretation of the results begins. For what it is worth, this politician adds a few impressions of his own.

The 1980 election gave the country the strongest turn to the right in a generation. The major question is whether it signifies as well the beginning of a new era of conservatism. One election does not mark a fundamental realinement of political power. Such a realinement will probably hinge on whether the Republicans successfully implement their policies and achieve their goals, principally their economic ones.

It may be that the election was a broad mandate for a particular ideology or social agenda, but it is still too early to be certain because the election was also a repudiation of the Carter record. Everywhere I went, I encountered confusion about the direction of President Carter's leadership and doubt about his competence. The 1980 results were uniquely tied to Mr. Carter's economic performance. Public dissatisfaction with the economy surely hurt him more than any other single issue. Voters were also concerned about America's posture in the world. They wanted a tougher foreign policy, especially in dealing with the Soviet Union. In short, voters had a sense of American impotence abroad and deep frustration with the economy at home. They were demanding better economic and international initiatives. In a way, Mr. Carter lost the election even more than Governor Reagan won it.

My sense is that the people were voting on a pragmatic, rather than ideological, basis. The explanation most frequently cited to me for a vote for Mr. Reagan and the Republicans was simply: "It is time for a change." Voters were rebelling against a government out of control, against decades of federal programs that had become so complex—and to many voters, at least, so ridiculous—that the time had come to call a halt. Repeatedly, voters said to me that they felt grand federal ideas to help people had gone awry by the time they reached the local communities. Whether it was the automobile mechanic disengaging an emission-control device, or the older person with crippled hands who could not open the child-proof drug container mandated by Washington, or the workers breathing clean air as they walked by the closed steel mill, voters had had enough. In the 1980 election more than in most elections, the people were saying to us that they wanted real changes in policy. They were saying to us: "Come up with some new ideas."

In retrospect, I am a little amazed that the election was as close as it apparently was until the final 48 hours. In the end, however, the election became what the Carter camp did not want it to become: a referendum on unhappiness. Even though Mr. Carter had sought a debate with Mr. Reagan throughout the campaign, and even though the debate was a critical turning point for Mr. Reagan, the seeds of Mr. Carter's defeat were sown long before in his staff problems, his difficult relations with Congress, the American hostages in Iran, Congressman Anderson's independent challenge, the hard-fought primary against Senator Kennedy, and the gasoline lines.

Mr. Reagan must be given much credit, too. Throughout the campaign he maintained his good disposition, even his humor. He did not follow the path of ideological purity, but enlarged his base by supporting federal assistance for Chrysler, New York City, and the farmers. Mr. Reagan sounded the theme for his campaign with the telling question: "Are you better off now than you were four years ago?" It was a lethal way of pointing out Mr. Carter's failures.

For me, and perhaps for most of the country, the election was a shock. I had expected a close election. Indeed, I was prepared to wait until Wednesday morning for the announcement of a winner. Mr. Carter not only lost the popular vote by 51 per cent to 41 per cent and the electoral college vote by a staggering 489 to 49, but his party suffered its worst defeat in 28 years. The Reagan sweep was wide and deep. It penetrated right down to the level of the county court house. Mr. Reagan carried every section of the country, reversing the trend toward ticket-splitting that had characterized recent presidential elections. He dismembered the old Democratic coalition, winning the Jewish, ethnic, Catholic, and blue-collar voters, all of whom had been traditionally Democratic.

The Republicans picked up four governorships, reducing the Democrats' previous dominance to 27-23. They also made significant gains in state legislatures, with the net addition of 189 seats across the country. The Republicans now have the effective lever of the veto in the redistricting process in 32 states because they control at least one house of the legislature or the governor's office in those states. In Congress, the Republicans gained half of the 59 seats they needed to win a majority in the House. Moreover, they took control of the Senate, 53-47, with 15 new members. The terms of 20 Democrats and only 12 Republicans expire in the Senate in 1982, giving the Republicans a chance to strengthen their hold on that body.

So the future looks bright for the Republicans. They emerge from the election unified; the Democratic Party is wounded and splintered. The election creates a splendid opportunity for the Republicans to fashion a lasting majority based on performance in office. They have won big, but the report card on their performance will come in fast.●

CANCER: A DREAD DISEASE WE BRING ON OURSELVES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. KILDEE. Mr. Speaker, I wish to bring to the attention of my colleagues an excellent article published by the Flint (Mich.) Journal on the subject of cancer. The article was written by Michael E. Bennett, who is president of UAW Local 326 near Flint, in the Seventh Congressional District. Mr. Bennett is a Vietnam veteran and a former Flint policeman and Genesee County sheriff's deputy. As president of the UAW local representing employees of a Fisher Body plant, he has been concerned with a possible link between higher than normal cancer deaths among the plant's retirees and on their working conditions. His studies have brought the matter to the attention of Michigan health authorities and the General Motors Corp., and the situation now is under investigation. Mr. Bennett's article, headlined as "Cancer: A Dread Disease We Bring On Ourselves," follows:

In the classic educational television series "The Ascent of Man," Jacob Bronowski begins by boldly declaring that man is a singular creature who "is not a figure in the landscape" but "is a shaper of the landscape." Within this profound statement rests, I believe, the inherent understanding that with the destiny of shaping that landscape goes the responsibility of assuring future generations the prosperity of a world as environmentally pure or at least as near perfect as the one we ourselves have inherited.

The legacy of those future generations rests to a great extent on the everyday decisions we take for granted within the legislative and corporate halls of our society. There, among the political and financial special interest groups, are those whose influenced judgment will ultimately have impact on the everyday lives of each and every one of us living today and, more importantly, on those who will follow.

In a recent Surgeon General's Report there has been cited a "major and growing public health problem" with toxic chemicals seeping into our environment that will plague our nation for years to come and which will become manifest as time passes. This report of impending danger claims that toxic chemicals are adding to the disease burden of the United States in a significant ill-defined way. These hazardous chemicals and pesticides are so long lasting and so pervasive in the environment that virtually the entire human population of the nation, and indeed the world, carries some body burden of one of several of these toxic substances.

Within our own state virtually all residents of Michigan carry within them a quantity of PBB (polybrominated biphenyl) as the end result of one man's mistaken judgment to mix a fire retardant with cattle feed and place into our food chain a substance whose consequences are yet to be determined.

Results recently published in The Journal Of The American Medical Association raised health questions for over 250,000 soldiers who were ordered to participate in nuclear tests in the 1950s. As the study indicates, researchers have found excessive numbers of leukemia cases among 3,200 soldiers exposed to low levels of radiation during a 1957 Nevada nuclear bomb test.

In a war halfway around the world, thousands of Vietnam veterans were knowingly exposed to a defoliant containing Dioxin which is suspected of causing many serious health problems including cancer and birth defects in their children. The Environmental Protection Agency has now located over 181,000 toxic chemical "lagoons" created by industrial companies and municipal agencies across the country. These dumps pose a serious threat to the drinking water of millions of Americans who draw their water from beneath the land's surface.

From the poisoning of Love Canal to a recent indiscriminate spraying of defolians by Consumers Power only a few feet from our homes, there continues to be far too many critical decisions made without so much as a moral afterthought of the consequences.

Today there are nearly 45,000 chemicals in commercial use with well over a thousand new compounds introduced annually. To date only a very small number of the total have been positively identified as cancer-causing agents (carcinogens), 26 to be exact. For the most part, the bulk of these substances and their effects on the human body have yet to be determined, and with an industry that insists on selectively researching toxic substances under bias conditions, there is little hope for accurate information without legislated reforms.

Technology today has led to the creation of man's own self-made 20th century plague—cancer. The word itself strikes fear in every heart which knows its meaning. At the turn of the century cancer ranked eighth among the 10 leading causes of death, accounting for less than 4 percent of all U.S. deaths. Today one in every four deaths is cancer-related, and cancer accounts for 20 percent of all U.S. deaths. Cancer now ranks second on the list of the 10 most common causes of death and claims nearly 400,000 lives annually. I find it difficult to imagine anyone not wanting all-out war waged against this terrible disease, but there are such individuals as there are such institutions.

The human body consists of trillions of singular cells, and is the evolutionary product of an omnipresent and omnipotent creative force. Within each cell lies the chemical blueprint for reproduction of itself and thereby the propagation of the species. Each cell carries the chromosomes of our heritage. We are the product of an unending chain into the past. We are the present link into the future! Cancer is the disease that dissolves that link.

Cancer manifests itself with a single, yet-to-be-found, identifiable event within a single cell. Once an abnormal cell is formed, it divides to form other abnormal cells. A cancer is this rapid growth of a particular group of cells. It can develop at any point within our lives. It does not differentiate on which cell it attacks. It is truly indiscriminate.

Since 1970, it has been generally accepted that the vast majority of all cancer is caused by chemicals and environmental factors. The introduction of those substances to the body comes from what we touch, breathe, eat or drink. The World Health Organization of the United Nations now flatly claims 85 to 90 percent of all cancers are preventable. To prevent cancer we must arm ourselves with the knowledge of the disease and the effects it will have on ourselves, our future, and our society.●

WORLD BANK AID TO PHILIPPINES: OBSTACLE TO DEVELOPMENT

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. NOLAN. Mr. Speaker, the Institute for Food and Development Policy recently published a book entitled "Aid as Obstacle," which reveals numerous instances where U.S. foreign aid is hurting the very people it is designed to help. The institute is not alone in suggesting that U.S. foreign aid may be an obstacle to development. A recent article on the World Bank's aid to the Philippines, for example, also suggests that such assistance has served as an obstacle to development.

The article follows:

WEST GERMAN MISSION LAMBASTS CONTROVERSIAL WORLD BANK-FUNDED PROJECTS

(By Walden Bello, CTF)

Two controversial World Bank-funded urban development projects were the target of an unusually harsh confidential evaluation recently issued by a West German mission studying the prospects of bilateral assistance to the Philippines.

The first project, known as Urban Development I, involves the "upgrading" of an urban-poor community in the Tondo Foreshore area of Manila and the relocation of more than 2000 families to provide space for the expansion of international port facilities. The other, Urban Development II, involves the creation of a "low-cost" residential area for Metro-Manila families in the nearby community of Dagat-Dagatan. Both are backed by World Bank loans totalling $64 million.

The blistering report, a copy of which was provided to the Congress Task Force (CTF), is likely to add fuel to the controversy surrounding the role of the World Bank in Philippine development. A critical spotlight has been on the Bank ever since last April 24, when Macli-ing Dulag, leader of the tribal opposition to the World Bank-supported Chico River Dam Project, was shot to death by government security forces.

AUTHORITIES VERSUS PEOPLE

The evaluation, authored by urban expert Dieter Oberndorfer, attributes the slow progress in Urban Development I principally to "the lack or almost total absence of genuine cooperation and communication between the implementing authorities and the squatters." Baranggay or ward officials, who are supposed to serve as a liaison between development authorities and the residents, are described as having "a high degree of carelessness for the lot of the people affected by the various upgrading measures." These officials, the report continues, "consider themselves to be implementing agents of the authorities and only to a very limited degree as representatives of the people."

The German government assessment contrasts sharply with recent World Bank statements on the status of the upgrading-and-resettlement scheme. In a presentation to the World Bank Board of Directors on December 20, 1978, the Urban Division claimed that the project "which many of you remember as being embroiled in controversy, is now—with the results so clearly visible—widely regarded as a singular success. It is especially so by the residents of the area." A more recent Bank assessment claims, "the streets are paved and clean, and gardens are being planted. The earlier atmosphere of tension has disappeared."

Controversy over the project flared initially in the mid-seventies, when residents took to the streets to protest the relocation plans. In response, the government carried out mass arrests and hunted down leaders of Zoto-Ugnayan, the militant organization of urban poor that spearheaded the resistance. Events came to a climax with the arrest and torture of Zoto leader Trinidad Herrera in April 1977. The ensuing international controversy kicked up by the event resulted in a showcase trial of two of Herrera's captors, who were promptly declared innocent by a military court which concluded that Herrera had inflicted torture marks on herself.

LOW-COST HOUSING PROJECTS

The authoritarian manner of implementing the project was not the only aspect subjected to withering criticism by the German mission. Also sharply disputed was the World Bank's claim that the rentals for upgraded lots in Urban Development I could be afforded by 75 to 85 percent of Tondo households. On the contrary, the report claims, in an area where official statistics show that no less than 38 percent of households live below non-starvation levels, 60 to 70 percent of the affected households will not be able to afford rents. It notes that under the terms of Presidential Decree 1314, families can be evicted from their sites after three months of non-payment.

Urban Development II, which involves the creation of 8600 plots in the community of Dagat-Dagatan which will be made available to low-income residents of Metro-Manila as a whole, comes under fire on the same grounds. The German mission assessment exhibits astonishment at the World Bank estimate that 90 percent of the Metro-Manila population will be able to afford the 48 to 60 square meter lots planned by the authorities. Its own estimates reveal that rentals can be afforded only by "families which earn more than 70 percent of families in Metro-Manila. It is questionable whether this group, the upper 30 percent of the Metro-Manila population should be accommodated in a so-called 'low-cost housing project' for the urban poor, a project which will be heavily subsidized by public funds and foreign loans."

The German government report is especially critical of the Bank's methods of gathering and employing income-distribution statistics on which the projects are based: "It seems that the income data on Metro-Manila for 1979 used by . . . the World Bank are extremely inaccurate for the lower 50 percent of the population." Indeed, it claims that "the source of the World Bank data on the Metro-Manila income structure for 1979 could not be found."

The Oberndorfer report reserves its harshest comments for the plan under Urban Development II to distribute lots through a public lottery announced in the media. This system of selection, warns the report, "will have high negative social side effects . . . The urban poor will be placed into an environment in which they cannot rely on the help of friends and relatives. They will not be embedded in a familiar social fabric in which traditional norms will regulate life. Numerous examples show the disastrous social consequences of socially amorphous housing project based on a western individualistic philosophy alien to most underdeveloped countries."

THE BANK RESPONSE

The German government criticism of the Bank projects has reportedly caused more confusion and demoralization among Bank staffers supervising an effort already plagued by political conflict, time overruns, and cost overruns.

Contacted for comment by the CTF, one middle-level Bank officer responded, "We have no wish to say anything at the moment about a report that contains inaccuracies." However, an internally circulated Bank response authored by Anthony Churchill, director of the Urban Division, contains a number of damaging admissions. On the role of Baranggay officials, Churchill concedes that "many baránggay chairmen were confused in the beginning stage of the project and in some cases pushed more expensive options over ones cheaper to baranggay residents."

On the issue of the affordability of lots to the urban poor, he states: "We agree with Mr. Oberndorfer that the government's provision of shelter to the urban poor in Manila with which the Bank has been associated benefited fewer people than ultimately need assistance and cannot necessarily reach the very poorest segments of society." The reason for this, he claims, is that "a policy of housing subsidy for the poor which does not contain a repayment element, requiring comparable repayments among residents of a given new or upgraded settlement would, we believe, eventually both be unworkable and socially deceptive in the communities to which it is directed."

FROM OVERT PROTEST TO GUERRILLA TACTICS

The frustration of Bank officials is understandable. As of late 1979—more than four years after the launching of Urban Development I—only 25 percent of "reblocking," the process of physically preparing and dividing plots, has been completed. A World Bank mission in late 1979 registered its frustration at the fact that for most of that year, "no significant progress has been achieved" and that "practically all the contracts under the project have had serious overruns."

From overt physical resistance and protest in 1975-1976, community opposition has apparently shifted to more indirect and subtle, but seemingly effective ways of emasculating the project. The consternation of the Bank over the fabian, guerrilla tactics of Zoto-Ugnayan is evident in a confidential Bank memorandum. On the one hand, it asserts, "as far as Bank staff are concerned, relations with all community groups, including Zoto-Ugnayan have been good; during one of the missions Zoto even referred to the Bank as its 'hero'." On the other hand, it notes that "the exact position towards the Project of some of the more radical groups within the area such as Zoto-Ugnayan is unclear at this time. They seem supportive when Bank missions discuss the project with them but on other occasions, they are alleged . . . to be lobbying against the project."

Threatened by two big bureaucracies, the Bank and the Marcos government, Zoto-Ugnayan has apparently resorted to the time-honored tactic of divide-and-conquer. By demanding alternative, cheaper reblocking plans and closer community consultation at each stage of the upgrading effort, the organization has been able to sow division between the more liberal Bank staff and hard-line government authorities. Zoto-Ugnayan has apparently been able to persuade the Bank of the need for closer and freer community consultation, but, as the Bank memo reveals, "the issue is made more difficult because the National Housing Authority considers Zoto-Ugnayan to be anti-government and does not want to enhance their credibility in the community."

TOWARD URBAN III

To what extent such methods on the part of a resourceful community organization can hamstring Bank bureaucracy and government now anxious to show some results for their money and efforts remains to be seen.

Whether the Bank has derived any positive lessons from experience in Tondo is doubtful. For based on the alleged success of the Tondo projects, the government and the Bank are now cooperating in launching the Third Urban Development Project, which will finance upgrading in 13 urban poor communities in Metro-Manila. "The time is now ripe," claims the project proposal, "to expand the [Tondo] approach on a program basis to address all the large slum and squatter areas." According to Urban Division Chief, Churchill, Urban Development III, which will be supported by $78 million in Bank financing, "will enormously improve the living conditions of the poor and displaced—on a scale comparable in Asia only to public housing activities in Hong Kong and Singapore."

The Third Urban Development Project will, in turn, be followed by Urban Development IV in 1982 and Urban V in 1984, both of which will presumably bring the lessons of Urban III to urban areas throughout the Philippines.

Manila, Imelda, and the World Bank: Confidential Excerpts From a Sorry Chapter in Philippine Urban History

THE WORLD BANK ON BLISS, IMELDA MARCOS' PET HOUSING PROGRAM (2/26/80)

"The Metro-Manila BLISS presently consists of four-storey walk-up apartments costing $75-90,000 per unit excluding land and infrastructure * * * The high investment cost and considerable cross-subsidy required would rule out this approach to providing shelter for low income groups on an extensive scale."

THE WORLD BANK ON IMELDA (MEMORANDUM OF GEORGE VOTAW, WORLD BANK VICE PRESIDENT TO ROBERT M'NAMARA, WORLD BANK PRESIDENT, 11/18/75)

"Mrs. Marcos has identified herself with a few showcase projects, which we consider ineffective and which are a bit of a joke even among knowledgeable Filipinos."

"Mrs. Marcos has just been appointed to serve as the first General Manager of Metropolitan Manila * * * The Bank strongly supports the establishment of a Metropolitan Manila Government and stands ready to assist the Government with technical assistance and financing to tackle questions of organization and management, fiscal policy, programming and budgeting. For your information, police and water supply services are already organized on a metropolitan-wide basis."

WEST GERMAN GOVERNMENT ON THE WORLD BANK (11/79)

"It seems that the income data on the Metro-Manila population for 1979 used by * * * the World Bank are extremely inaccurate for the lower 50 percent of the population * * * For 1979 * * * about 34 to 40 percent of Metro-Manila's population are squatters. Looking at the rental rates for the smallest lots * * * it appears quite improbable that squatters can afford to rent a lot in a World Bank project for the "lowest-income families'."

WORLD BANK RESPONSE TO THE WEST GERMAN GOVERNMENT (1/24/80)

"A policy of housing subsidy for the poor which does not contain a repayment element, requiring comparable repayments among residents of a given new or upgraded settlement would, we believe, eventually both be unworkable and socially deceptive in the communities to which it is directed."

"Finally, we agree with Mr. Oberndorfer that the government's provision of shelter to the urban poor in Manila with which the Bank bas been associated benefited fewer people than ultimately need assistance and cannot necessarily reach the poorest segments of society."●

SPEECH OF WILLIAM S. MOORHEAD BEFORE THE CONFERENCE ON LAUNCHING THE SYNFUELS INDUSTRY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. McKINNEY. Mr. Speaker, during the recess our colleague, Bill Moorhead, delivered a speech before the Conference on Launching the Synfuels Industry. It was quite appropriate that he should be the keynote speaker at such a conference since he introduced the legislation which, I believe, ultimately will be responsible for full-scale synthetic fuel production in this country.

Bill Moorhead's remarks clearly set the tone for the private sector. I think that we can all benefit from this speech and request unanimous consent to have it inserted in the Congressional Record at this point:

Remarks of Representative William S. Moorhead Before the Conference on Launching the Synfuels Industry

Mr. Chairman, it is a singular and distinct honor to be the opening keynote speaker at this conference on "Launching the Synfuels Industry." I simply have to confess to you that I have dreamed about moments like this for many years ever since I became convinced that the United States must establish this new industry, which I consider to be vital to the national security of the United States.

As you all know, it has been a hard fight over a number of years to bring us to this moment where we are actually ready to take the first step of that famous thousand-mile journey alluded to by the late President John F. Kennedy. It has probably been the most satisfying experience of my working life to have the privilege of playing a leading role in this effort. But let me assure you that the heroes in this entire saga are numerous on the political side, in both the House and Senate, and in the Adminstration. The list, of course, also includes many of you here today representing private industry, the financial world, and various interested organizations.

I want you to know that in my opinion, the United States is embarking upon a great development adventure and, hopefully, a great industrial revitalization fully comparable to those efforts which brought the railroads to the United States, the advent of electricity into our industrial society and homes, and the beginning of the space age.

We—all of us—have awesome responsibilities to make certain that synthetic fuels development moves ahead rapidly to insure the national security and economic well-being of our country and the free world. It must be done expeditiously with dedicated and determined concern for the environment and socio-economic impacts, so that none of us will at some time in the future look back with regret that we did not make some hard decision that was required of us at this moment. As an example, the systems that bring on the commercial production of synthetic fuels must include the best available environmental control technology, both from the standpoint of air and water quality standards and occupational health standards. Although the initial costs may be greater, this is an investment that we must not fail to make.

I know we can do it. I firmly believe industry has a wholehearted commitment to do it. And certainly the American people are reposing great faith in us that we do indeed accomplish that objective.

We meet here today at a rather ominous time. Iran and Iraq are locked in a military struggle which could potentially lead to a much larger conflict endangering the very security of the United States and the Western world. If the current conflict should result in a closing of the narrow Strait of Hormuz, the effects could indeed be grave. Wednesday's newspapers reported a statement by an unnamed Iranian naval commander that, if necessary, Iran would mine the Strait.

About 60 percent of all OPEC oil exports would be cut off. Japan would lose about 75 percent of its industrial energy supply, and Western Europe would lose half of its supply. America would lose two million barrels of imported oil a day, which support almost five million jobs in this country. Some experts predict this would increase unemployment up to 15 percent. Remember, also, that the United States has entered into international agreements which require this country to share its oil if severe shortages develop among our allies.

I don't have to tell you that under these conditions, the economies of the Western industrial world, as we know them would probably collapse, and, to a considerable degree, America would be literally indefensible in terms of a meaningful military response. Meanwhile, this country is leaning on some pretty thin reeds, namely an inadequate Strategic Petroleum Reserve and a highly controversial gasoline rationing plan.

Ladies and gentlemen, that is why the subject we are discussing at this conference is so important. The program we are contemplating in these meetings would give this country a much more viable national security insurance policy. It would provide not only the capability—but also over the near and mid-term—new vitally-needed capacity to produce assured domestic substitute fuels for imported oil.

I am happy to report to you today that the Congress and this Administration, acting in a strong bi-partisan partnership, have at long last called upon American industry to come forth with specific proposals for plants to produce synthetic fuels commercially. The necessary financial incentives have been provided and the next move is up to you.

In passing the landmark Energy Security Act this year, Congress provided for a "fast-start" interim synthetic fuels development program under the Defense Production Act and the Non-Nuclear Act. This program could save industry millions of dollars in construction costs and, at the same time, give those technologies now ready for commercialization a highly competitive edge for the future.

The interim program is designed to keep the momentum going for synthetic fuels until the new U.S. Synthetic Fuels Corporation is fully operational. No one really knows when that will be. I hope it will be soon, but in the meantime, the interim program is the only game in town, and it was formulated by the Congress to give the necessary flexibility for rapid progress.

Experts point out the importance of early construction in light of our current inflationary spiral. First-generation technologies will indeed remain competitive for many years to come even after second- and third-generation plants arrive on the scene.

I have great hopes and have been given assurances by the Executive Branch that necessary decisions can be reached by the end of this year so that ground actually can be broken to take advantage of the full construction season during 1981.

Under the Defense Production Act, you will have the full presidential power of an extraordinary defense preparedness law behind you. If necessary, that power includes priority performance of contracts and allocation of materials and equipment. America is not going to the end of the line. We are going to the front of the line. This is the same power we used to complete the Alaska Pipeline and naval nuclear reactor program, which led to the nuclear power industry.

I believe we are at a great economic turning point. Synthetic fuels development effort should help to provide thousands of new jobs in construction, manufacturing, fabrication and service industries. This, in turn, will strengthen the U.S. economy by creating new domestic wealth and, I might add, new tax sources for the Federal Government, and state and local governments. The net effect should be anti-inflationary in nature because of the huge sums of money which will be spent in America instead of flowing overseas for the purchase of imported petroleum. We are now spending $90 billion a year for foreign oil. That great outflow of American dollars to the coffers of the oil-producing cartel has weakened the purchasing power of our money both at home and abroad. True, it will take several years to begin reversing that outflow. But we are starting, and each step that we take will help our economy to recover.

As you meet for the next two days in a wide-ranging discussion and consideration of launching the synfuels industry, I would urge you to keep certain things in mind. What you are doing here is terribly important to the future and, indeed, to the survival of America. We have an unprecedented opportunity in my view to demonstrate, to other industries, how government and business can work together to achieve a national goal. We are going to build a major industry in this country from the ground up. We have a chance to build it right the first time. This is not a moment for hesitation or equivocation. We must move ahead. We must make the hard decisions. We have got to do it. We must be prepared for the worst, and in doing so, we will have the best.●

A NATIONAL EFFORT TO COMBAT DRUNK DRIVING—PART II

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. BARNES. Mr. Speaker, I submit for the information of my colleagues a series of additional materials relating to the growing national effort to deal with the drunk driving problem. During a news conference on October 1, 1980, Senator Pell, Congressman Matsui, and I discussed legislation we have introduced on the subject. Copies of our statements at that time appear in the CONGRESSIONAL RECORD of Monday, November 17, 1980.

Also at the news conference were Joan Claybrook, Administrator of the National Highway Traffic Safety Administration, who has focused the attention of NHTSA on the drunk driving crisis; Candy Lightner of California, who has formed a national organization, Mothers Against Drunk Drivers—M.A.D.D.; and Cindi Lamb of Maryland, whose baby daughter was paralyzed from the shoulders down by a repeat offender. I am including in the RECORD at this time the statements offered by Mrs. Lightner and Mrs. Lamb, a letter from NHTSA Administrator Claybrook in support of congressional action in the 97th Congress, and two recent news stories from the Washington Star and the Los Angeles Times.

STATEMENT OF MRS. CANDY LIGHTNER, PRESIDENT OF M.A.D.D.—MOTHERS AGAINST DRUNK DRIVERS—OCTOBER 1, 1980

Good afternoon. My name is Candy Lightner and I am the president of M.A.D.D.—Mothers Against Drunk Drivers. M.A.D.D. is a newly formed grass roots organization started in Sacramento, California as the direct result of the death of my 13-year-old daughter, Cari Lightner last May. We now have affiliate groups throughout the state of California and a group in Maryland. We will be starting other groups in Oregon and Iowa.

I organized M.A.D.D. after my daughter Cari was killed by a hit-and-run repeat-offender drunk driver. The man who killed her was released on bail from another hit-and-run drunk driving incident only two days prior to Cari's death. And, in addition, he had three prior drunk driving arrests in the past four years. Yet, he was still driving on a valid California driver's license. I find that appalling. I was told by the District Attorney handling this case that it is doubtful Cari's killer will go to prison: "That's the way the system works," he said.

The California Highway Patrol considers my daughter's death just another statistic, but I refuse to accept that. This was the second time she had been hit by a drunk driver. This time it cost her life.

There is no way I can convey to you the emotional suffering inflicted on a parent who has lost a child by such a senseless violent crime. Cari left behind an identical twin sister, and each time I see her sister I am reminded of this child who once shared our lives and love.

M.A.D.D. wants to make sure that every possible step is taken to prevent the future killing and maiming of innocent children by drunk drivers. I have learned that deaths caused by drunk driving is a socially accepted form of homicide. That attitude must be changed. The victims of drunk driving must not be forgotten and that is why M.A.D.D. has vowed to fight for effective reform of the drunk driving problem in this country.

I have also learned that nothing effective is being done on the national, state or local levels to keep the drunk driver off the road. It is time to say "enough" and attack drunk driving on all levels.

I am here today to publicly call on the President of the United States to establish a Blue Ribbon commission to be comprised of experts whose motivation is to get the drunk driver off the road. This commission must be mandated to develop realistic solutions to protect the innocent from being killed or maimed by these "killers" behind the wheel.

In short, our organization feels it is the President's responsibility and duty to take every possible step to protect innocent citizens from drunk drivers.

Therefore in an effort to accomplish this goal M.A.D.D. is launching now a nationwide petition drive in support of the Blue Ribbon Commission.

My daughter Cari is dead—nothing will bring her back. But there are solutions which can prevent my tragedy from happening to others.

Congressmen Barnes and Matsui have introduced legislation dealing with drunk drivers which we firmly support. Hopefully, this legislation will help to alleviate the drunk driving problem. The Congressmen have been very supportive of our efforts and we would like to honor them with the privilege of being the first to sign our petition calling for the Blue Ribbon Commission.

We will in the future also be asking other congressmen to sign this petition.

We believe it is important for the public to know the victims side of the story. What happened to my daughter Cari could happen to anyone. She was only a few blocks away from home when she was killed.

Thank you.

STATEMENT OF CINDI LAMB, MOTHERS AGAINST DRUNK DRIVERS, OCTOBER 1, 1980

On November 10, 1979, my 5 month old baby daughter Laura and I were on our way to the grocery market at 12:30 in the afternoon. At 12:40 we had just passed through the small town of Mt. Pleasant and I remember glancing at Laura's face as she lit up with a brilliant smile as she kicked her sturdy legs against the car seat she was in and reached out to touch my hand.

I remember thinking to myself and wondering if Laura would like to take dance lessons. No, I thought with her strong legs and perfect body surely she would prefer gymnastics or maybe even horseback riding. But I won't be taking Laura to any dance lessons and she won't be thrilled to show me her first cartwheel because 3 minutes later we were struck headon by a repeat offender drunk driver. Now the only thing that Laura can move is her arms. Laura was paralyzed from the neck down permanently as a result of this devastating crime. Laura feels absolutely nothing from her shoulders down. No kisses, no hugs. Laura doesn't laugh when I tickle her motionless feet.

Laura can't play patty cake as her fingers and hands are still. Laura is a quadruplegic for life. I was lucky enough to escape this crime with 12 broken bones and 60 stitches. Many of you listening to this tragedy may feel sorry for Laura and I. You may think: that happens to the guy down the street or in the next town but it certainly won't happen to me. I know this because I remember listening to horror stories about the numerous deaths and life crippling injuries caused by drunk drivers and thinking the same thing. But that's wrong and I found that out 10 months ago when Laura and I became the "person down the street." If you care about your life and the lives of your family and loved ones you must realize that now is the time to change that attitude. Drunk drivers cripple people. Drunk drivers kill people, and they do it 68 times a day in this country.

I would like to ask, plead if you will, that anyone who does not want such a tragedy to happen to them to support the efforts of MADD (Mothers Against Drunk Drivers) in asking President Carter to form a blue ribbon commission. The forming of such a commission would be to find solutions and possible answers in reducing the injuries and deaths on our nation's highways. I am also asking for the public's support of Congressman Mike Barnes' new legislation for a mandatory 10 day jail sentence or alternative community service work for first offender drunk drivers. Congressman Barnes' new bill is a beginning to protecting our lives and I can only pray that those of you who can hear my voice and see what happened to my daughter and I will begin to realize the urgency or ridding killer drunks from our roads. It is time to stop thinking this won't happen to you, because every 23 minutes, someone, is murdered by a drunk driver, it could be you!

DEPARTMENT OF TRANSPORTATION,
Washington, D.C., October 1, 1980.

Hon. MICHAEL BARNES,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BARNES: We want to commend you and your colleagues for introducing H.R. 7812, a bill to establish a comprehensive alcohol-traffic safety program in each State aimed at discouraging driving while under the influence of alcohol.

In our overall effort to improve highway safety we are painfully aware of the need to deal more effectively with the drunk driver. Drunk driving is indeed a national epidemic to which no single community is immune. Its toll each year is a heavy one. Last year, some 19,500 Americans were murdered, while approximately 25,000 Americans met equally violent deaths at the hands of drunk drivers. Over the past decade this annual rate has remained relatively consistent, which means that since 1970 nearly a quarter of a million lives have been lost in America due to drunk drivers.

We believe that Congressional action is needed to reinvigorate the efforts of State and local governments against drunk driving. We support H.R. 7812 because it addresses a major stumbling block—the lack of consistent enforcement of the drunk driving laws.

Your bill would improve coordination among the various agencies involved in processing drunk driving defendants (the police, the prosecutors, judges and treatment officials). Over the past ten years, we have learned through research and demonstration efforts such as the Alcohol Safety Action Projects how to design programs that increase the number of arrests, shorten the processing and trial time, and raise the conviction rate. H.R. 7812 would be a great help in putting these programs into practice across the country.

A large percentage of drunk driving charges are plea-bargained away or reduced to lesser, non-alcohol charges. Many judges are reluctant to convict a drunk driver on a drunk-driving charge because they consider the penalties for drunk driving that would follow a conviction (such as mandatory jail or heavy fines) as too harsh to impose. Your bill would provide judges with a creative alternative to jail or onerous fines—community service. Under this alternate sentencing provision, judges would have the discretion to fashion sentences appropriate for the circumstances in each case. The availability of such an alternative should induce judges to hand down more drunk-driving convictions when the facts call for conviction.

We very much appreciate your concern about the drunk-driving problem. We hope your bill will spur other Representatives and Senators to examine this issue and see the need for action. Please feel free to call on us at any time if we can be of any support in your efforts.

Sincerely,

JOAN CLAYBROOK.

[From the Washington Star, Oct. 2, 1980]

CRIPPLED BABY DRAMATIZES A DISGRACE

In Maryland's traffic records she is just another statistic, but yesterday 16-month-old Laura Lamb, paralyzed from the neck down, appeared as the dramatic symbol of a campaign to force all 50 states to write tougher drunk driving laws.

A bill sponsored by Rep. Michael D. Barnes, D-Md., and other members of Congress would force states to impose strict drunk driving penalties as a prerequisite to receiving highway safety funds from the federal government.

Beneath the glare of television lights, Barnes and other public officials deplored the fact that 25,000 deaths are caused on the nation's highways each year by people who drive while intoxicated.

"The problem of drunk driving," Barnes said, "is a neglected national disgrace."

Joan Claybrook, head of the National Highway Traffic Safety Administration, said up to $200 million in highway safety funds goes to the states each year and that stricter new legislation could mean a significant drop in drunk driving fatalities.

But the most poignant moment of a Capital Hill news conference came when Cindi Lamb of Mount Airy pointed to her crippled daughter, choked back tears and declared: "Laura feels absolutely nothing from her shoulders down. No kisses, no hugs. Laura doesn't laugh when I tickle her motionless feet."

Lamb argued that if judges and prosecutors had done more to keep drunks off the road, her daughter might not have been crippled almost a year ago when a drunk driver slammed into their car.

Also present was Sen. Claiborne Pell, D-R.I., who introduced a bill similar to Barnes' almost two years ago, after two of his aides were killed by drunk drivers. "There must be a mandatory loss of freedom" for any convicted drunk driver, he said.

In Maryland and other states, offenders often receive probation after a first offense and thus are able to continue driving.

Barnes' bill would require all states to impose a mandatory 10-day jail sentence, suspend drunk drivers' licenses—on the first offense and keep more detailed records on offenders.

In Montgomery County alone, Barnes said, "there are 45,000 problem drinkers, and alcohol-related crashes are one of the most pressing problems."

Barnes' bill also would require all states to adopt the same strict legal definition of drunkenness—a maximum blood-alcohol content of .10 percent.

Virginia and the District use that standard now. Maryland would have to lower its definition from .15 percent blood-alcohol content if the bill passes.

How Barnes' bill will fare in Congress remains unknown.

But similar moves to crack down on drunk drivers have faced stiff opposition in Maryland's General Assembly, particularly from Del. Joseph E. Owens, D-Montgomery, chairman of the House Judiciary Committee.

Owens has argued that redefining drunkenness would clog the courts but do little to curtail drunk driving.

However, a state task force formed by Gov. Harry R. Hughes has recommended halting a common practice called "probation before judgment," under which judges allow persons charged with drunk driving to return to the roads without a stiff penalty.

Cindi Lamb said her daughter was paralyzed in an accident caused by a repeat drunk driving offender.

"Judges are too lenient," she said. "Drunk drivers cripple people. Drunk drivers kill people, and they do it 68 times a day in this country."

[From the Los Angeles Times, Oct. 2, 1980]

MOTHER'S CRUSADE—CRACKDOWN URGED ON DRUNK DRIVERS

(By Gaylord Shaw)

WASHINGTON.—Laura Lamb's expressive blue eyes scanned the commotion and crowd surrounding her—seven television cameras, half a dozen news photographers, twice that many reporters, two House members, a senator, the administrator of the National Highway Transportation Safety Administration and a score of congressional aides and other federal officials.

Her lips moved, but she made no sound. At 16 months of age, Laura Lamb will never be able to speak or use her hands or legs—she's permanently paralyzed from the shoulders down, a paraplegic for life.

The child was brought to a Capitol Hill hearing room Wednesday as a symbol of the human suffering caused by repeat-offender drunk drivers. Such drivers are the target of a fledgling national campaign being waged by two women who live on opposite sides of the continent but who—because of family tragedies—have joined as leaders of an organization known as MADD—Mothers Against Drunk Drivers.

Laura's mother, Cindi Lamb of Unionville, Md., and Candy Lightner of Fair Oaks, Calif., near Sacramento—whose 13-year-old daughter was killed last May by a hit-and-run drunk driver—announced that MADD was sponsoring a nationwide petition campaign calling on President Carter to appoint a blue-ribbon commission to "develop realistic solutions * * * (and) effective reform of the drunk-driving problem in this country."

They received quick support from Reps. Robert T. Matsui (D-Sacramento) and Michael D. Barnes (D-Md.) and Sen. Claiborne Pell (D-R.I.). The lawmakers were the first to sign the petition, and they said that they would push for laws to require minimum 10-day jail sentences or alternative community service and other stern measures for convicted drunk drivers.

The proposal for a blue-ribbon commission received the endorsement of Joan Claybrook, head of the National Highway Traffic Safety Administration, which spent $100 million in the last decade on alcohol safety programs but which, she conceded, has not done enough.

25,000 FATALITIES A YEAR

Claybrook and the members of Congress joined Lamb and Lightner for the news conference, which they said was intended to call fresh attention to the enormous toll inflicted annually by drinking drivers: 25,000 highway fatalities (half the national total), a million injuries and $5 billion in damages.

With tears glistening their eyes and emotion choking their voices, the mothers told their stories.

Lamb recalled the Sunday afternoon 11 months ago when she and Laura were driving to the grocery. Their pickup truck was struck head-on by a car driven by a man whose traffic record had 56 separate entries, including three arrests for driving while intoxicated.

Now, Lamb said, "Laura feels absolutely nothing from her shoulders down. No kisses, no hugs. Laura doesn't laugh when I tickle her motionless feet. Laura can't play patty-cake * * *."

Lightner said her daughter was walking in a bicycle lane on her way to church last May when she was struck from behind by a man who left the accident scene—a man released on bail for another hit-and-run drunk-driving accident two days earlier, a man who still had a valid California driver's license, although he had three drunk-driving arrests in the last four years.

"What happened to my daughter Cari could happen to anyone," she said. "She was only a few blocks from home when she was killed."

Pell told of how two of his aides were killed by drunk drivers in separate accidents 18 months apart. "* * * We are not powerless to confront drunk driving," he said. "What is needed is a strong, uniform deterrent" such as mandatory jail sentences, as well as a massive effort to change society's attitudes. "We have to make sure it is not socially acceptable to be a drinking driver," he said.

Barnes agreed, saying that "our community standards have been too lenient. * * * The people of the United States have not said, 'We will not tolerate this any longer * * * this is an outrage.' "

Matsui said enforcement of drunk-driving laws is inadequate and penalties "so light as to be meaningless." In Sacramento County last year, he said, 91 persons were killed and 2,689 were injured in alcohol-related accidents. "There were 103 felony convictions, for drunk driving, yet only three offenders went to prison," he said.

Lightner, who founded MADD in Sacramento, said she has collected 5,000 signatures on petitions calling on Gov. Edmund G. Brown, Jr. to appoint a state commission to reform California drunk-driving laws, but "right now, Gov. Brown is doing nothing." She did say, however, that Brown's aides and other state officials have agreed to meet Oct. 15 to discuss the proposal. ●

A TRIBUTE TO NORMAN "DUTCH" SEVELL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. RINALDO. Mr. Speaker, the national commitment to aiding the victims of kidney disease through dialysis treatment is now 8 years old and reaches about 50,000 patients at a cost to the Federal Government under the medicare program of about $1 billion a year. Many patients who would have died of kidney failure are now alive, but all are not necessarily well. The new dialysis population includes patients with serious chronic illness and others who are delivered to dialysis centers three times a week.

Without the support of thousands of volunteers and the private fundraising efforts of organizations such as Kidney Fund of New Jersey, many people would be unable to take advantage of the treatment offered at dialysis centers. Furthermore, the research that is needed into the genetic links to kidney diseases and diabetes that lead to kidney failure could not be carried on without the support of these private fundraising organizations.

This year, the Kidney Fund of New Jersey is honoring one of its most generous trustees, Norman "Dutch" Sevell. Along with his wife, Marie, they have generated donations of thousands of dollars for the treatment of kidney victims. Mr. and Mrs. Sevell have worked especially hard in arranging the transportation of kidney patients to hospitals and clinics for dialysis treatment.

Through Dutch Sevell's efforts, the Kidney Fund of New Jersey has been able to encourage public support for research into kidney diseases, including the development of portable kidney dialysis equipment that could spare the families of kidney disease sufferers the problems and expense of transporting them weekly to dialysis centers.

Without the generosity and commitment of Americans like Dutch Sevell, kidney diseases would claim thousands of young people annually. The development of kidney transplant operations would never have reached its present point.

Through the work of the kidney fund and the efforts of people like Dutch Sevell the cost of dialysis treatment per patient has actually dropped from $40,000 per patient in 1972 to about $28,000. The number of patients being alive after kidney failure has increased more than eightfold since 1972 and is expected to continue rising to about 70,000 patients by 1990.

As Dutch Sevell and other members of the Kidney Fund of New Jersey point out, much still remains to be done. Research into the genetic characteristics that produce kidney failure and diseases offers the greatest hope for the future. The development of less expensive, portable dialysis equipment that can be used in the home without professional assistance is imperative in giving kidney victims a sense of freedom from the machine, and enabling them to lead more productive lives. And as medical specialists now warn, more older Americans with kidney failures are using this program to a degree undreamed of when Congress established dialysis treatment under medicare. When the Government began paying for dialysis in 1972 the patient population was between 37 and 43, and fewer than 20 percent were over the age of 50. Now the average age is more than 50. Elderly and terminally ill kidney patients are using the program.

This is placing an extraordinary financial and human burden on our private organizations such as the Kidney Fund of New Jersey.

In honoring Norman "Dutch" Sevell with its sixth annual humanitarian award, the Kidney Fund of New Jersey brings to public attention the fact that not only are kidney disease victims and their families involved in this program, but so are many outstanding citizens and business leaders like Dutch Sevell whose only interest is in helping others. That is the spirit of neighborliness and compassion that distinguishes the American character.

Mr. Speaker, I ask my colleagues in the House to join with the Kidney Fund of New Jersey in paying tribute to a fine and generous American, Norman "Dutch" Sevell, and his wife, Marie, for their compassionate efforts to aid the victims of kidney disease.●

H.R. 5888

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. ZEFERETTI. Mr. Speaker, I strongly supported H.R. 5888, the Federal Law Enforcement Officers' and Firefighters' Death Benefits Act of 1980 when it passed the House on Tuesday, November 18, 1980. This important legislation provides a $50,000 Federal death benefit to the survivor or survivors of a Federal law enforcement officer or firefighter who die as a result of injuries sustained in the line of duty.

It is with confidence and conviction that I feel it is appropriate for our Government to compensate surviving dependents of Federal law enforcement officers or firefighters who find themselves in a desperate financial situation often left to the mercy of charitable organizations when their loved ones are struck down in the line of duty. Certainly, our society owes a special obligation to those individuals who daily risk their lives for our safety and protection.

Mr. Speaker, this legislation demonstrates compassion, good sense, and justice for the brave men and women who serve in our Federal law enforcement units. H.R. 5888 is a long and overdue gesture of recognition of sacrifices made by these officers and their families and at least an attempt on our part to make life easier for the survivors in the future.●

A REJECTION OF COMMONSENSE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. BINGHAM. Mr. Speaker, to me one of the most painful of the many calamitous events of November 4 was the defeat of our colleague RICHARDSON PREYER of North Carolina. A former member of Mr. PREYER's staff, Andrew Burness, has written an eloquent tribute to Mr. PREYER which appeared in yesterday's Washington Post. Following are excerpts from his column:

A REJECTION OF COMMONSENSE

In the post-mortem of the election, much attention had been given to the demise of liberal leaders. Specifically, Sens. McGovern, Bayh, Church and others were defeated by more conservative office-seekers.

But in North Carolina, the ideologically moderate and low-profile congressman named Richardson Preyer was also defeated. His defeat may have greater ramifications than those of his better-known liberal colleagues. In these times when politicians are boxed into ideological corners, anything less than a 100 percent score on the ideological litmus test can mean political suicide. And anything short of a commitment to outshout the opponent with evangelical tongue lashings from the right or left just doesn't seem very appealing anymore. A five-term incumbent and former federal judge, Preyer refused to engage in verbal combat with his bellicose opponent.

Preyer exemplifies that dwindling cast of leaders called moderates. And he is not a moderate by default or a chameleon who has no principle and can never make up his mind. He, and a few others like him, are moderates by conviction. * * *

The principled moderates have several defining characteristics, any but not all of which may be characteristics of their conservative or liberal colleagues. They may be politically partisan, but they are as well respected by the opposing party as they are by their own. They are the only ones who consistently earn the cooperation and support of their opposition party colleagues.

They do not shout down their ideological adversaries. They may continue to disagree, but their views are expressed with respect and calm.

They consider each issue on its merits, not oblivious to interest group pressure, but never swayed decisively by it.

They are characterized by impeccable integrity.

They often take positions that satisfy no one completely, realizing that it takes a national consensus to produce significant social change.

They are intelligent, and they have a keen sense of history. * * *

Moderates, as Preyer says, are in the business of governing. Liberals or conservatives may have the better ideas and are probably more creative, but they are not the best policymakers.* * * The defeat of Preyer and the few like him is particularly disturbing. It represents a rejection of common sense and reason, of even-handedness, of moderation, if you will—essential qualities for any government that seeks to unite a polarized and angry public.●

KEEP THE LEGAL SERVICES CORPORATION OUT OF MINIMUM COMPETENCY TESTING

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. MOTTL. Mr. Speaker, when the House begins consideration of the Legal Services Corporation (LSC) bill, I plan on joining with Congressman ASHBROOK in offering an amendment to prevent the LSC from involving itself in education policy, particularly minimum competency testing.

The Legal Services Corporation has been attempting to overturn State required minimum competency testing programs. This is an outrage. During the 95th Congress, the Education Amendments of 1978 were enacted into law (Public Law 95-561). Under sections 921 and 922 of the act, there was established a program which authorized Federal funds to carry out

State plans for educational proficiency standards in the basic skills. Not only is the LSC trying to uproot State competency tests, it is moving directly opposite to Federal policy on this matter. Under Public Law 95-561, the States are being encouraged to develop minimum competency programs, not to tear them down.

Mr. Speaker, in the 95th Congress when I, along with Mr. Quie of Minnesota, Mr. SIMON of Illinois, and Mr. HYDE of Illinois, sponsored and the Committee on Education and Labor adopted two sections to provide a voluntary program of minimum competency testing and remedial courses; clearly it was with the intention of encouraging an expansion in these programs. It was envisioned that the Federal Government would be in a partnership with State and local school districts in reemphasizing the importance of the basic skills such as reading, writing, and mathematics.

The LSC has been interfering with the Florida functional literacy testing program, stating that such tests work to the disadvantage of minority students. However, the 10th annual Gallup poll of the public's attitudes toward public schools indicated that "those who are most likely to have children who fail in their schoolwork—poorly educated parents—are the ones most in favor of requiring students to pass tests for promotion."

We must not continue to turn out high school graduates with diploma in hand who are ill-prepared to enter the adult world. His diploma is reduced to being merely an attendance certificate rather than a scholastic achievement award. I hope my colleagues will join in supporting this amendment at the appropriate time.●

THE CATHOLIC BISHOPS OF THE UNITED STATES OPPOSE CAPITAL PUNISHMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. DRINAN. Mr. Speaker, it is most significant that at the meeting of all of the 300 Catholic bishops in the United States in early November 1980, this body, by an overwhelming vote, produced a statement urging the abolition of capital punishment. In this carefully reasoned document, the U.S. Catholic Conference, the corporate title of the Catholic Bishops of America, stated that in our contemporary American society, "the legitimate purposes of punishment do not justify the imposition of the death penalty." The statement goes on with many reasons to justify this judgment and states that "We maintain that abolition of the death penalty would promote values that are important to us as citizens and as Christians."

I attach herewith the entire text of the statement issued by the Catholic Bishops of America.

A PROPOSED STATEMENT OF THE U.S. CATHOLIC CONFERENCE ON CAPITAL PUNISHMENT

In 1974, out of a commitment to the value and dignity of human life, the Catholic bishops of the United States declared their opposition to capital punishment. As Archbishop Bernardin, then president of the National Conference of Catholic Bishops pointed out in 1977, the issue of capital punishment involves both "profound legal and political questions" as well as "important moral and religious issues."[1]* And so we find that this issue continues to provoke public controversy and to raise moral questions that trouble many. This is particulary true in the aftermath of widely publicized executions in Utah and Florida and as a result of public realization that there are now over 500 persons awaiting execution in various prisons in our country.

The resumption of capital punishment after a long moratorium, which began in 1967, is the result of a series of decisions by the United States Supreme Court. In the first of these decisions, *Furman* vs. *Georgia* (1972), the Court held that the death penalty as then administered did constitute cruel and unusual punishment and so was contrary to the Eighth Amendment to the Constitution. Subsequently in 1976 the Court upheld death sentences imposed under state statutes which had been revised in ways to ensure that the death penalty would not be imposed arbitrarily. These cases and the ensuing revision of state and federal statutes gave rise to extended public debate over the necessity and advisability of retaining the death penalty. We should note that much of this debate was carried on in a time of intense public concern over crime and violence. For instance, in 1976 alone, over 18,000 people were murdered in the United States. Criticism of the inadequacies of the criminal justice system has been widespread, even while spectacular crimes have spread fear and alarm, particularly in urban areas. All these factors make it particularly necessary that Christians form their views on this difficult matter in a prayerful and reflective way and that they show a respect and concern for the rights of all.

We should acknowledge that in the public debate over capital punishment we are dealing with values of the highest importance: respect for the sanctity of human life, the protection of human life, the preservation of order in society, and the achievement of justice through law. In confronting the problem of serious and violent crime in our society, we want to protect the lives and the sense of security both of those members of society who may become the victims of crime and of those in the police and in the law enforcement system who run greater risks. In doing this, however, we must bear in mind that crime is both a manifestation of the great mysteries of evil and human freedom and an aspect of the very complex reality that is contemporary society. We should not expect simple or easy solutions to what is a profound evil, and even less should we rely on capital punishment to provide such a solution. Rather, we must look to the claims of justice as these are understood in the current debate and to the example and teaching of Jesus, whom we acknowledge as the justice of God.

Allowing for the fact that Catholic teaching accepts the principle that the state has the right to take the life of a person guilty of a serious crime, and that the state may take appropriate measures to protect itself and its citizens from grave harm, nevertheless, the question for judgment and decision today is whether capital punishment is justifiable under present circumstances. Punishment, since it involves the deliberate infliction of evil on another, is always in need of justification. This has normally taken the form of indicating some good which is to be obtained through punishment or an evil which is to be warded off. The three justifications traditionally advanced for punishment in general are retribution, deterrence, and reform. Reform or rehabilitation of the criminal cannot serve as a justification for capital punishment, which necessarily deprives the criminal of the opportunity to develop a new way of life that conforms to the norms of society and that contributes to the common good. It may be granted that the imminence of capital punishment may induce repentance in the criminal, but we should certainly not think that this threat is somehow necessary for God's grace to touch and to transform human hearts.

The deterrence of actual or potential criminals from future deeds of violence by the threat of death is also advanced as a justifying objective of punishment. While it is certain that capital punishment prevents the individual from committing further crimes, it is far from certain that it actually prevents others from doing so. Empirical studies in this area have not given conclusive evidence that would justify the imposition of the death penalty on a few individuals as a means of preventing others from committing crimes. There are strong reasons to doubt that many crimes of violence are undertaken in a spirit of rational calculation which would be influenced by a remote threat of death. The small number of death sentences in relation to the number of murders also makes it seem highly unlikely that the threat will be carried out and so undercuts the effectiveness of the deterrent.

The protection of society and its members from violence, to which the deterrent effect of punishment is supposed to contribute, is a value of central and abiding importance; and we urge the need for prudent firmness in ensuring the safety of innocent citizens. It is important to remember that the preservation of order in times of civil disturbance does not depend on the institution of capital punishment, the imposition of which rightly requires a lengthy and complex process in our legal system. Both in its nature as legal penalty and in its practical consequences, capital punishment is different from the taking of life in legitimate self-defense or in defense of society.

The third justifying purpose for punishment is retribution or the restoration of the order of justice which has been violated by the action of the criminal. We grant that the need for retribution does indeed justify punishment. For the practice of punishment both presupposes a previous transgression against the law and involves the involuntary deprivation of certain goods. But we maintain that this need does not require nor does it justify taking the life of the criminal, even in cases of murder. We must not remain unmindful of the example of Jesus who urges upon us a teaching of forbearance in the face of evil (Matthew 5:38-42) and forgiveness of injuries (Matthew 18:21-35). It is morally unsatisfactory and socially destructive for criminals to go unpunished, but the forms and limits of punishment must be determined by moral objectives which go beyond the mere inflicting of injury on the guilty. Thus we would regard it as barbarous and inhumane for a criminal who had tortured or maimed a victim to be tortured or maimed in return. Such a punishment might satisfy certain vindictive desires that we or the victim might feel, but the satisfaction of such desires is not and cannot be an objective of a humane and Christian approach to punishment. We believe that the forms of punishment must be determined with a view to the protection of society and its members and to the reformation of the criminal and his reintegration into society (which may not be possible in certain cases). This position accords with the general norm for punishment proposed by St. Thomas Aquinas when he wrote: "In this life, however, penalties are not sought for their own sake, because this is not the era of retribution; rather, they are meant to be corrective by being conducive either to the reform of the sinner or to the good of society, which becomes more peaceful through the punishment of sinners."[2]

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*Footnotes at end of article.

We believe that in the conditions of contemporary American society, the legitimate purposes of punishment do not justify the imposition of the death penalty. Furthermore, we believe that there are serious considerations which should prompt Christians and all our fellow Americans to support the abolition of capital punishment. Some of these reasons have to do with evils that are present in the practice of capital punishment itself, while others involve important values that would be promoted by abolition of this practice.

In the first place, we note that infliction of the death penalty extinguishes possibilities for reform and rehabilitation for the person executed as well as the opportunity for the criminal to make some creative compensation for the evil he has done. It also cuts off the possibility of a new beginning and of moral growth in a human life which has been seriously deformed.

Second, the imposition of capital punishment involves the possibility of mistake. In this respect, it is not different from other legal processes; and it must be granted our legal system shows considerable care for the rights of defendants in capital cases. But the possibility of mistake cannot be eliminated from the system. Because death terminates the possibilities of conversion and growth and support that we can share with each other, we regard a mistaken infliction of the death penalty with a special horror, even while we retain our trust in God's loving mercy.

Third, the legal imposition of capital punishment in our society involves long and unavoidable delays. This is in large part a consequence of the safeguards and the opportunities for appeal which the law provides for defendants; but it also creates a long period of anxiety and uncertainty both about the possibility of life and about the necessity of reorienting one's life. Delay also diminishes the effectiveness of capital punishment as a deterrent, for it makes the death penalty uncertain and remote. Death Row can be the scene of conversion and spiritual growth, but it also produces aimlessness, fear, and despair.

Fourth, we believe that the actual carrying out of the death penalty brings with it great and avoidable anguish for the criminal, for his family and loved ones, and for those who are called on to witness or to perform the execution. Great writers such as Shakespeare and Dostoyevsky in the past and Camus and Orwell in our own time have given us vivid pictures of the terrors of execution not merely for the victim but also for bystanders.

Fifth, in the present situation of dispute over the justifiability of the death penalty and at a time when executions have been rare, executions attract enormous publicity, much of it unhealthy, and stir considerable acrimony in public discussion. On the other hand, if a substantial proportion of the more than five hundred persons now under sentence of death are executed, a great public outcry can safely be predicted. In neither case is the American public likely to develop a sense that the work of justice is being done with fairness and rationality.

Sixth, there is a widespread belief that many convicted criminals are sentenced to death in an unfair and discriminatory manner. This belief can be affirmed with certain qualifications. There is a certain presumption that if specific evidence of bias or discrimination in sentencing can be provided for particular cases, then higher courts will not uphold sentences of death in these cases. But we must also reckon with a legal system which, while it does provide counsel for indigent defendants, permits those who are well off to obtain the resources and the talent to present their case in as convincing a light as possible. The legal system and the criminal justice system both work in a society which bears in its psychological, social, and economic patterns the marks of racism. These marks remain long after the demolition of segregation as a legal institution. The end result of all this is a situation in which those condemned to die are nearly always poor and are disproportionately black.[3] Thus 47% of the inmates on Death Row are black, whereas only 11% of the American population is black. Abolition of the death penalty will not eliminate racism and its effects, an evil which we are called on to combat in many different ways. But it is a reasonable judgment that racist attitudes and the social consequences of racism have some influence in determining who is sentenced to die in our society. This we do not regard as acceptable.

More positively, however, we maintain that abolition of the death penalty would promote values that are important to us as citizens and as Christians. First, abolition sends a message that we can break the cycle of violence, that we need not take life for life, that we can envisage more humane and more hopeful and effective responses to the growth of violent crime. It is a manifestation of our freedom as moral persons striving for a just society. It is also a challenge to us as a people to find ways of dealing with criminals that manifest intelligence and compassion rather than power and vengeance. We should feel such confidence in our civic order that we use no more force against those who violate it than is actually required.

Second, abolition of capital punishment is also a manifestation of our belief in the unique worth and dignity of each person, a creature made in the image and likeness of God. It is particularly important in the context of our times that this belief be affirmed with regard to those who have failed or whose lives have been distorted by suffering or hatred, even in the case of those who by their actions have failed to respect the dignity and rights of others. It is the recognition of the dignity of all human beings that has impelled the Church to minister to the needs of the outcast and the rejected and that should make us unwilling to treat the lives of even those who have taken human life as expendable or as a means to some further end.

Third, abolition of the death penalty is further testimony to our conviction, a conviction which we share with the Judaic and Islamic traditions, that God is indeed the Lord of life. It is a testimony which removes a certain ambiguity which might otherwise affect the witness that we wish to give to the sanctity of human life in all its stages. We do not wish to equate the situation of criminals convicted of capital offenses with the condition of the innocent unborn or of the defenseless aged or infirm, but we do believe that the defense of life is strengthened by eliminating exercise of a judicial authorization to take human life.

Fourth, we believe that abolition of the death penalty is most consonant with the example of Jesus, who both taught and practiced the forgiveness of injustice and who came "to give his life as a ransom for many." (Mark 10, 45) In this regard we may point to the reluctance which those early Christians who accepted capital punishment as a legitimate practice in civil society felt about the participation of Christians in such an institution[4] and to the unwillingness of the Church to accept into the ranks of its ministers those who had been involved in the infliction of capital punishment.[5] There is and has been a certain sense that even in those cases where serious justifications can be offered for the necessity of taking life, those who are identified in a special way with Christ should refrain from taking life. We believe that this should be taken as an indication of the deeper desires of the Church as it responds to the story of God's redemptive and forgiving love as manifest in the life of His Son.

We do not propose the abolition of capital punishment as a simple solution to the problems of crime and violence. As we observed earlier, we do not believe that any simple and comprehensive solution is possible. We affirm that there is a special need to offer sympathy and support for the victims of violent crime and their families. Our society should not flinch from contemplating the suffering that violent crime brings to so many when it destroys lives, shatters families, and crushes the hopes of the innocent. Recognition of this suffering should not lead to demands for vengeance but to a firm resolution that help be given to the victims of crime and that justice be done fairly and swiftly. The care and the support that we give to the victims of crime should be both compassionate and practical. The public response to crime should include the relief of financial distress caused by crime and the provision of medical and psychological treatment to the extent that these are required and helpful. It is the special responsibility of the Church to provide a community of faith and trust in which God's grace can heal the personal and spiritual wounds caused by crime and in which we can all grow by sharing one another's burdens and sorrows.

We insist that important changes are necessary in the correctional system in order to make it truly conducive to the reform and rehabilitation of convicted criminals and their reintegration into society, [6] though we also grant that some convicts are so dangerous and so likely to resort to violence that there is no prospect of their returning to society and that special measures may have to be taken to ensure the safety of those who guard them. We acknowledge that there is a pressing need to deal with those social conditions of poverty and injustice which often provide the breeding grounds for serious crime. We urge particularly the importance of restricting the easy availability of guns and other weapons of violence. All of these things should form part of a comprehensive community response to the very real and pressing problems presented by the prevalence of crime and violence in many parts of our society.

We recognize that many of our fellow citizens may believe that capital punishment should be maintained as an integral part of our society's response to the evils of crime, nor can we insist that this position is incompatible with Catholic tradition. We acknowledge the depth and the sincerity of their concern, we urge them to review the considerations we have offered which show both the evils associated with capital punishment and the harmony of the abolition of capital punishment with the values of the Gospel. We urge them to bear in mind that public decisions in this area affect the lives, the hopes and the fears of men and women who share both the misery and the grandeur of human life with us and who, like us, are among those sinners whom the Son of Man came to save.

NOTES

1. "Statement on Capital Punishment", Archbishop Joseph L. Bernardin, President, National Conference of Catholic Bishops, January 26, 1977.

Cf. "Community and Crime, Statement of the Committee on Social Development and World Peace, United States Catholic Conference," February 15, 1978, p. 8.

2. Thomas Aquinas, "Summa Theologiae," II-II, 68, 1; tr. Marcus Lefebure, O.P. (London: Blackfriars, 1975).

3. Cf. Charles Black, Jr., "Capital Punishment" (New York: Norton, 1974), pp. 84-91.

4. Tertullian, "De Idololatria," c. 17; cited in Francesco Compagnoni, "Capital Punishment and Torture in the Tradition of the Catholic Church," in "The Death Penalty and Torture," ed. Franz Bocle and Jaques Pohier (New York: Seabury, 1979), p. 46.

5. Code of Canon Law, Canon 984.

6. Cf. "The Reform of Correctional Institutions in the 1970's, Statement of the United States Catholic Conference," November, 1973.●

STRENGTHENING THE AMERICAN ECONOMY THROUGH WORKER PARTICIPATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. CONYERS. Mr. Speaker, much of the public discussion on the economic crisis has focused on the need to improve the products of American industry and the productivity of workers and machines. One of the surest ways to accomplish this is by enabling American working men and women to play a larger role in the business decisions that are made.

We desperately need to find ways to improve the quality of working life and to create a full employment economy. The United States is the last major industrial nation to innovate with new forms of production and new worker-management relations. The old, rigid patterns, that have permitted corporate executives to make all the decisions and that have left workers frequently holding the bag for the bad decisions that are made, are a major reason for the troubles that are plaguing American industry.

A new book on worker participation and control in industry, Karl Frieden's "Workplace Democracy and Productivity," furnishes a valuable guide to the changes that are needed to revitalize the economy in the coming years. Studies have repeatedly shown that in those work situations where workers themselves have a voice in decisions about products and the ways they are produced, the results have been higher productivity and earnings, stronger worker identification with the goals of the firm, a better quality of working life, and greater job security.

Working men and women now own a controlling interest in 90 major companies in the United States. In hundreds of other companies, workers participate at various levels in making decisions about working life. These trends have to be strengthened.

The following excerpts from Frieden's book point toward a new direction in solving the economic problems of the Nation:

> It is clear from experiences in the U.S. and elsewhere that increased participation of workers in ownership, decision-making and the responsibilities of production in their companies can result in significant productivity improvements. The productivity gains can be particularly impressive when carried out within ownership and participatory structures that are conducive to cooperative labor relations rather than institutionalized conflict. The system of hierarchical and unilateral decision-making need not be completely abandoned, but a new balance between hierarchy and participation could have enormous potential in the effort to solve the nation's productivity problem.
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> With the deepening crisis in the American economy, the subject of worker ownership and worker participation and their effect on productivity is one that Americans can no longer afford to ignore.
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> Worker ownership has existed throughout the history of the U.S., although enterprises that are wholly owned by workers have always been rare. One study reported that 389 companies in which a large proportion of the stock was directly owned by employees were established in the U.S. between 1791 and 1940. However, in recent years, in response to a number of political and economic conditions, the number of worker-owned companies has increased dramatically.
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> There are at least 90 companies in the U.S. in which a majority of the stock is owned by the employees (both managerial and nonmanagerial—companies owned only by managerial employees are not covered in this report). These companies range in size from several employees to several thousand employees. They are distributed throughout the country and encompass a broad range of industries. Eighty percent were formed since 1971, and roughly 70 percent were created in response to a corporate divestiture or plant shutdown.
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> In the most extensive survey to date on the performance of worker-owned companies in the U.S., the Institute for Social Research, in a 1977 report, concluded that the 30 worker-owned companies for which performance data was available showed a higher level of profit than did comparable sized firms in their respective industries. The study found that worker-owned companies were 1.5 times as profitable as comparable conventional firms.
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> The performance of these worker-owned companies is particularly impressive because many of them were formed as a result of corporate divestitures, and therefore often faced initial financial difficulties and disruption of marketing patterns.
>
> South Bend Lathe is a 100 percent worker-owned machine tool manufacturer with 450 employees. It was purchased from Amsted Industries in July, 1975. Since the change in ownership, the 73 year old company, which faced extinction after a string of five unprofitable years, has become a thriving and profitable business. Within one year of the buyout, productivity increased 25 percent and pretax profits were nine percent of sales, compared with losses the year before. In the three years following the buyout, wages increased 35 percent, a number of bonuses were declared, and sales remained at 25 percent above the 1974 level.
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> William York, the company's vice president for finance, credits the company's turnaround to the increased incentives available to, and the higher productivity achieved by, workers who directly benefit from improvements in the company's performance. Richard Boulis, the company's president, believes that worker ownership has done an excellent job, morale is excellent, and there has been a very noticeable increase in productivity. Perhaps the most substantive support for the effectiveness of the worker ownership plan comes from the workers themselves, who indicated through interviews in 1977 an unusually high level of morale, motivation and commitment to the success of the company.
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> Several thousand American companies have increased the participation of workers within their factories and offices in recent years. Worker participation efforts encompass a number of related practices, the common basis of which is a relatively high level of mutual influence among organization members. Worker participation can include initiatives to increase the responsibility of workers at both the shopfloor and the company management level. It is generally considered parallel or supplementary to the traditional collective bargaining process and grievance procedures. Through various participatory schemes, worker participation efforts involve workers in the determination of plans and decisions directly affecting their work life, which can include personnel issues, production methods, the internal distribution of tasks, technological changes, and corporate financing and general policy.
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> Worker participation experiences in the U.S. have primarily included shopfloor participation, labor-management committees, and Scanlon Plans. There have been an estimated 2,000 shopfloor participation projects in the U.S., at least 500 Scanlon Plan experiences and thousands of labor-management committee experiences. For the most part, the American programs have been initiated by management—sometimes with the support of unions—and subject to strict management limitations.
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> In Western Europe and Japan a much more fundamental movement toward worker participation has developed. There has been a significant shift in the priorities of the labor movement away from simple demands for higher wages and better working conditions toward more worker participation and worker control. Worker participation experiences there have primarily involved workers' councils and the placement of worker representatives on boards of directors, with considerably fewer shopfloor participation experiences. Most European forms of worker participation have been legislatively mandated.
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> Since World War II workers' councils have developed in all European countries, with varying degrees of influence. These councils are generally much more powerful than their counterparts in the U.S., and focus on issues such as working conditions, employment security and company performance. Similarly, in Japan joint consultative committees exist in 60 percent of all unionized enterprises and in over 70 percent of the larger enterprises.
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> Worker representation on boards of directors has developed in six European nations, and it now being considered in several others. The degree of representation is typically one-third, reaching a height of one-

half in all West German companies with over 2,000 employees. Worker representation on boards of directors, however, is still generally perceived as a communications mechanism rather than as a device for worker control.

A 1973 report from the Department of Health, Education and Welfare, "Work in America," analyzed work-related problems in the U.S. On the issue of worker participation, the report concluded, "It is imperative, then, that employers be made aware of the fact that thorough efforts to redesign work—not simply 'job enrichment' or 'job rotation'—have resulted in increases in productivity from five to 40 percent. In no instance of which we have evidence has a major effort to increase employee participation resulted in a long-term decline in productivity. Based upon an analysis of job redesign efforts . . . it appears that the size of increase in productivity is, in general, a function of the thoroughness of the effort (holding the nature of the industry and its technology constant)."

The following case studies exemplify some of the positive experiences with worker participation in the United States:

In a Monsanto Company textile manufacturing plant in Pensacola, Florida in 1968, 50 chemical operators participated in a job enrichment program that increased their responsibilities, provided them with more information about their jobs and allowed them to serve on labor-management problem-solving committees. As a result, productivity increased 50 percent, waste loss dropped almost to zero, and 50 percent fewer supervisors were required.

In a Monsanto Company agricultural division plant in Muscatine, Iowa in 1967, 150 machine operators and maintenance workers were engaged in goal-setting sessions and provided more autonomy in their jobs. Within four months productivity increased 75 percent, a level that has been sustained since then.

In a large electronics manufacturing plant in 1971, 70 inspectors participated in a job enrichment program that increased their responsibilities for final inspections. In the first year of the program there was a 50 percent decrease in inspection time and a 50 percent decrease in defective-quality lots found in assembly.

In a PPG Industries fiberglass manufacturing plant in Lexington, North Carolina in 1969, 120 twist frame operators were given restructured jobs with more responsibility, control and autonomy. Within two years productivity increased 12 percent.

In a General Electric Company manufacturing plant, shopfloor operators participated in a job enrichment program that increased the number of tasks they performed and provided them with more information about the production process. As a result, output increased 85 percent, while defects per operator declined about 50 percent.

In a General Foods pet food manufacturing plant in Topeka, Kansas in 1971, 70 workers were organized into autonomous work groups, with each group responsible for one complete production process. As a result, productivity increased within a range of 10 to 40 percent, company absenteeism was 0.05 percent compared with an industry average of ten percent, and there were 80 percent fewer rejects than the normal industry rate.

In an auto assembly plant, 200 employees making cushions were organizd into autonomous work groups and provided with control over cost and quality goals, work organization, and job design. The result was a 28 percent increase in productivity.

In a Texas Instruments manufacturing plant in 1967, 600 electronic instrument assemblers were organized into groups responsible for setting production goals and provided with greater information feedback. The assembly line time per unit decreased from 132 hours to 32 hours. Absenteeism, turnover, leaving time, complaints and trips to the health center also decreased.

In a Corning Glass electronics instrument manufacturing plant in Medford, Massachusetts in 1966, all 58 workers participated in organization-wide structural changes that restructured jobs, created autonomous work groups, and placed the workers on a "merit-based" pay system. In the hot plate department, productivity increased 84 percent, controllable rejects decreased from 23 percent to one percent, and absenteeism declined from eight percent to one percent within six months. In the glass shop, productivity increased 20 percent over an unspecified period. In the instrument division, productivity increased 17 percent, and quality improved 50 percent.

In a Harwood Manufacturing Co. garment manufacturing plant in 1962, 1,000 workers were involved in system-wide changes, including job restructuring, training, and increased participation in management. Within two years productivity, as measured by percent deviation from standard, improved over 25 percent in the plant, as compared with ten percent in a similar unchanged plant.

In a Texas Instruments manufacturing plant in Dallas, Texas in 1967, 120 cleaning and janitorial workers participated in a comprehensive work restructuring that organized the workers into autonomous work groups, with greatly increased control over their jobs, and provided higher wages. As a result, personnel requirements dropped from 120 to 71. Building cleanliness ratings increased from 65 percent to 85 percent, and quarterly turnover dropped from 100 percent to 9.8 percent.

There have also been a number of positive individual experiences in the public sector with worker participation projects.●

MAJOR MILESTONES FOR THE NAKATANIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. MILLER of California. Mr. Speaker, I wish to take this opportunity to congratulate Mr. and Mrs. Yonezo Nakatani on two recent milestones in their lives. The first one occurred earlier this month when the Nakatanis officially became U.S. citizens. The Nakatanis have eight children who are all U.S. citizens by birth, and have been good citizens of Concord, Calif., since 1920. I congratulate Yonezo and Tsueko on this formal recognition of their contribution to our fine Nation.

The second recent milestone in their lives will occur on November 29, 1980, when the Nakatanis celebrate their 60th wedding anniversary. Their marriage has survived many rough times during the past 60 years, including the shameful period of internment during World War II, and they should be honored for the personal strength they have shown over these many years. I join all of their friends and family members in wishing the Nakatanis health and happiness in the coming years and, again, my congratulations on their full citizenship and 60th wedding anniversary.●

A SOVIET DEFECTOR'S WARNING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. DERWINSKI. Mr. Speaker, one of my subcommittee assignments in the House is on the Subcommittee on International Organizations which, among other things, deals with U.S. participation in the United Nations. Soviet subversion of the high purposes of the United Nations by intelligence penetration and a vicious disinformation program is a preoccupation of those of us who support U.S. participation in U.N. affairs.

Arkady Shevchenko, the highest ranking Soviet official to defect to the West, held the post of Undersecretary General of the United Nations when he resigned to remain in the United States. As a high level Soviet, albeit not a KGB officer himself, he provided valuable insights into Soviet goals and methods. The following article appeared in the Chicago Tribune on November 8, 1980. I am having it reprinted here because, as Mr. Shevchenko points out to his interviewers, "the American people do not fully understand."

A SOVIET DEFECTOR'S WARNING

(By Raymond J. Waldmann, Florence Bank, and David Martin)

WASHINGTON.—Arkady Nikolayevich Shevchenko is the highest ranking Soviet official ever to defect to the West. In April, 1978, he resigned his position as undersecretary general of the United Nations, repudiated his Soviet citizenship, and took up residence in the United States. Since then, he has been engaged in extensive writing and research.

Shevchenko held his UN post from 1973 to 1978. He was in charge of political and Security Council affairs, and held administrative responsibility for disarmament and many other political matters. He represented the secretary general at a number of major international conferences and meetings.

At the outset of the interview, Shevchenko emphasized that he "never (has) been a KGB officer or worked with the KGB." His information about Soviet intelligence activities, he said, resulted "because of my position" in which he "had ample opportunity to observe its operations. I knew most of the people who were working in the KGB when I worked in the Soviet mission to the UN, or as UN undersecretary general . . . I was adviser to Gromyko, I worked with Brezhnev, I was at the center of the media and I knew a lot of the KGB people because of my observations."

Question. What is your estimate of the percentage of personnel in the Soviet mission who are (a) directly involved, and (b) indirectly involved because they are used, perhaps sometimes, without their knowledge?

Answer. At least about 50 per cent, from 50 to 60 per cent of the people, one way or another, are working for Soviet intelligence.

And, of course, there is also a counterintelligence, because they even follow all the Soviets who work abroad.

Question. Is surveillance of Soviet personnel in the UN mission a function of the KGB, or is it a counterintelligence function?

Answer. Counterintelligence is a KGB operation. Unlike the United States, where you have the different agencies for different things—like the CIA, FBI, or the Secret Service—the KGB is responsible for all these things. They just have different directorates. The second directortate is mainly for counterintelligence. They even follow their own fellow comrades from the first directorate who are dealing with other things. They're also following the GRU (military intelligence). They even follow the Soviet ambassador to the UN.

Question. What would you say would be the primary purpose of an intelligence officer stationed in the United States?

Answer. They have several objectives. Among them, the gathering of information is priority. It's on top of everything. Military, political, economic information, and assessment of the political situation in the U.S. Every year, a lot of people come from many countries for the sessions of the General Assembly—prime ministers, foreign ministers, and a lot of important people. The United Nations is a unique place where they can contact or recruit some of the people from other nations to get information where they cannot have a big operation themselves, because of the small-size of their embassies in those countries, or not having diplomatic relations.

Question. Is there also a disinformation function?

Answer. Oh, yes. Disinformation is important. There is a specialized department of the KGB involved in disinformation. Disinformation activities have been done through different Soviet bodies or agencies. The International Department of the Central Committee of the Party does it through the communist parties affiliated with them.

Question. They use the local Communist Party apparatus of each country for disinformation purposes? This involves both the Communist Party and its front organizations, like the World Peace Council?

Answer. Exactly. The World Peace Council is absolutely a pro-Soviet organization, which has been doing what the Soviets want. The Novosti Press Agency is doing a lot of disinformation activities and is not formally a part of the KGB.

Question. But would you say the KGB is reality, even though it may not be formally a part, exercises control over these activities?

Answer. It is not the KGB which decides everything in the Soviet Union. This is misunderstood in the West. The real power belongs to the Central Committee and the Politburo Novosti cooperates closely with the KGB because the KGB has a disinformation operation which is more shrewd and much more dangerous than Novosti.

The Soviet disinformation apparatus prepares material which even contains some critical things about the Soviet Union, to make their propaganda more credible to the West.

Question. Who prepares this? The KGB?

Answer. Sometimes it's been prepared by Novosti in cooperation with the Foreign Ministry or the KGB. I myself, personally, participated once in a while in this exercise.

In the early 1960s, the Soviets wanted to publish a book on disarmament. They wanted to promote the idea that the Soviet Union is the champion of disarmament, and at the same time show how militaristic and against everything the United States was.

The KGB asked me and Ambassador Lev Mendelevich to write the disinformation book which we did. Later, it was published in the West under someone else's name. Novosti just had been established and they found someone in the West with a proper reputation, for which he was paid. I think they published it in several countries. I've never seen it, because they changed the titles and all kinds of things.

Question. Did this person know he was working from a text that had been provided by the Soviet Union?

Answer. Certainly. How could it be otherwise, if someone had given him the manuscript? Of course, maybe he made suggestions, "let's do that better in that way," or something like that.

Question. What is the Soviet reaction to the restrictions that have been placed on the U.S. intelligence agencies since 1974?

Answer. They're most happy about that. The more U.S. intelligence is restricted, the more opportunity or possibilities the KGB or GRU have to do whatever they want because the only power in this country, or in any other country, to face the KGB are the intelligence agencies. In the United States, this is either the CIA or FBI. And the more they are restricted in their activities, the less they can do against the Soviets. So Soviet intelligence was very happy to see that the image of the CIA went down because of a campaign against the CIA in the United States.

Question. Is that campaign receiving any encouragement from the KGB?

Answer. No doubt about that. It's part of their disinformation. They certainly use all of the publications, books, or articles which are here in this country against the CIA, and I myself was instructed to participate in these activities. But the people used may be sincere and good Americans, not necessarily members of the Communist Party, or something like that. The KGB always finds ways. They're rather efficient.

Question. What defenses does the United States have against this kind of concrete campaign?

Answer. The CIA and the other affilated intelligence bodies in this country should be strong. It would require, in my view, more people, and I don't consider that the American people should view that as a waste of the taxpayer's money. More money, more manpower should be put into the CIA and all the agencies working with it. The FBI should be strengthened in the counterintelligence activities against the Soviets. There is no other way.

If you face all the activities of the Soviets, which are huge, and done not only by the KGB but by the front organizations, by the Communist Party, by some other groups, beginning from the World Peace Council and other organizations, this country really needs a very strong hand to resist Soviet subversive operations.

The only way to stop that is a very strong military might and intelligence community here. This matter should be considered a national priority.

The American public should be much better informed about the Soviet threat; what the Soviets are doing, how they're doing it and what their final goals are. The more the American people or the people in the West are informed about the Soviets, the more difficult for the Soviets to achieve their purpose. I would say that quite a large proportion of the American population does not really understand the Soviet threat.

The American people do not fully understand.●

ADDITIONAL REMARKS ON H.R. 7554

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. SCHEUER. Mr. Speaker, several months ago as chairman of the Subcommittee on Consumer Protection and Finance, I asked the Securities and Exchange Commission to sit down and discuss with representatives of the venture capital industry several bills that had been introduced to lessen the burdens imposed by the Investment Company Act on business development companies. These discussions resulted in the bill adopted by the House on October 1, 1980, as H.R. 7554.

Several Members have had questions concerning the nature of the companies which may qualify as business development companies. The act provides, inter alia, that a business development company is a company, "operated for the purpose of making investments in securities described in sections 55(a) (1) through (3) * * *." Sections 55(a) (1) through (3) describe securities purchased in a typical venture capital context. For instance, these sections include private placements of securities issued by eligible portfolio companies or by companies in or near bankruptcy.

During discussions on the language of the definition of a business development company the SEC had suggested that such a company be operated "solely" for the purpose of making the specified investments, while the industry had suggested a "primary" purpose test. As a compromise it was agreed to use no qualifying language, and this compromise was followed by the committee in reporting out H.R. 7554. Thus, while a business development company's operations must, in general, support its purpose of providing venture capital to eligible portfolio companies, there is no requirement that each investment be analyzed to determine whether it supports that purpose. For instance, it was contemplated that window investments could furnish a relatively steady flow of income to cover operating expenses, since venture capital investments are unlikely, at least initially, to reduce such a steady return. In addition, a business development company might invest in blue chip securities or other investments through the window to arrange its portfolio to reduce overall risk. Such investments were contemplated when the legislation was drafted by the committee. To put it another way, as is stated in the committee report on page 40:

> The purpose test in section 2(a)(48) of the Act is not intended to limit this flexibility. However, it is essential that the overall purpose of the business development company comply with the purpose test and that the flexibility afforded by the "window" and other provisions not be used to derogate

from the statutory purpose. Such a result might occur, for example, if the "window" is used in a manner that is unrelated to the objectives of the business development company.

One of the primary characteristics setting apart business development companies from typical investment companies is the requirement that they make available significant managerial assistance to certain companies in which they invest. New section 2(a)(47) of the Investment Company Act of 1940 defines the term "making available significant managerial assistance" in a manner that is consistent with the practice of the venture capital industry. It provides that a business development company may meet the requirement of making available significant managerial assistance either through its own efforts or where the business development company invests in a portfolio company in conjunction with one or more other persons acting together, through the efforts of one of the persons in the group.

In such an instance there is no need for the various investors in the portfolio company to enter into any formal agreement concerning their investment or the provision of managerial assistance. Likewise, there is no requirement that the investors in the group continue to act together subsequent to their purchase of securities of the portfolio company. No implication of a requirement of filing under 13(d) of the Securities Exchange Act of 1934 is, per se, created by the fact that a business development company makes available significant managerial assistance to a portfolio company through the efforts of another person who has purchased securities of such company in conjunction with the business development company; these are independent determinations.●

RURAL ECONOMY COMES OF AGE

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. HALL of Texas. Mr. Speaker, America's great move to the cities just before and just after World War II gave way to a migration to the suburbs in the 1960's and 1970's. There are increasing signs that many Americans are tiring of the urban phenomenon and, as such, are looking toward rural areas to work and raise a family.

Throughout east Texas, a portion of which I am pleased to represent in the House, increased farming and industrial opportunities are attracting energetic people from all over the United States. The combination of farming and ranching with the location of new industry has made east Texas a strong economic growth area for the future.

Just recently an article appeared in the Dallas Morning News which described how one east Texas city, Sulphur Springs, is facilitating this balanced approach to economic growth. The success of Sulphur Springs in attracting industry as well as bringing people back to the land is due to citizen pride, positive investment by a public-spirited business community, and a strong work ethic.

When areas throughout the Nation are crying over high unemployment and a downturn in the economy, it might help for their civic leaders to study the Sulphur Springs example and attempt to emulate it. The new administration is talking about putting people back to work, and this worthy goal can be accomplished by following the lead of Sulphur Springs, Tex.

I commend the news article to the attention of my colleagues and the Nation as follows:

[From the Dallas Morning News, Oct. 26, 1980]

RURAL ECONOMY COMES OF AGE

(By Joe Simnacher)

SULPHUR SPRINGS, TEX.—Hidden behind the pastoral setting of this Hopkins County town is a balanced economy that the local citizens say is the "bright spot" of northeast Texas.

And if the word of the townsfolk isn't sufficient, a glance at the major industries that have moved to Sulphur Springs to manufacture everything from pants to cranberry juice to hair-thin, high-altitude research balloons reinforces the boosterism.

While a thriving rural town might surprise those accustomed only to urban opulence, Tom Plaut, a researcher for the Texas Bureau of Business Research at the University of Texas at Austin, said "there has been a revival of non-metropolitan growth occurring in certain parts of Texas, especially East Texas.

"The whole area of East Texas from Texarkana around Longview and Marshall and Tyler * * * the non-metropolitan parts of that area have been growing very quickly," he said.

Sulphur Springs is representative of this new rural economic emergence.

In the 1950s and 1960s, a lot of non-metropolitan areas of Texas were experiencing relatively slow growth and outward migration, Plaut said, "that has turned around pretty much throughout Texas.

"South and West Texas are still not growing as fast as other parts of Texas, but are doing better than they were in the past," Plaut added.

He sees the roots of the town's most recent growth dating back to the mid-1960s and the construction of I-30 through the area. Palmer, like many in the area, is a 5th-generation resident of Sulphur Springs.

And like many others, Palmer left Sulphur Springs after he was graduated from college, returning in 1979 after an 8-year absence in Lubbock to help form First National Bank, the town's fourth bank.

First National opened Jan. 28, 1980 with $2 million of local capital. The new bank has since added $7½ million in deposits, "all local money," Palmer said.

The new bank has been adding about 12 new accounts a day. Four of the 12 are accounts new to Hopkins County, Palmer said.

While Palmer is Sulphur Spring's youngest bank president, Gerald Prim, the town's senior bank executive at 75, has watched and helped Hopkins County develop from the rural poverty of the Great Depression.

In the early '30s, Prim's father was the bank cashier at Sulphur Springs State Bank, top position at the time. The town's bankers urged Hopkins County cotton farmers to switch to dairy cattle.

During the Great Depression, a family of three might borrow a maximum $10 to $12 a month to operate their "old worn-out land," Prim said. The cotton farmers could not earn enough off their farms to make it worth anyone's while, raising as little as one bale of cotton to 10 acres of land.

With the bankers urging, the farmers gradually bought dairy cattle and started picking up $20 or so monthly income from their herds.

Word of the growing Hopkins County dairy business traveled to Dallas, where the dairies were willing to sign up the emerging East Texas dairymen.

From these modest beginnings, the county's dairy business flourished. Today Hopkins County is the largest dairy county in the Southwest. It boasts about 500 Grade A (or Class I) dairies with about 48,000 dairy cows.

"There's more grass here now than since the Indians left," Prim said.

(Hopkins County had total agriculture revenues of $168 million in 1979, First National's Palmer said.)

Prim said that during the hardest times for the dairy farmers in '74 and '75, his bank kept lending money at 8½ percent interest while the nation's prime went to 12 percent. Today he is making loans at 12 percent while the prime is at 14 percent elsewhere.

But Hopkins County has been good to Sulphur Springs State Bank. When the present building was built in 1961, the Dallas architect said the new facility would handle the bank's business up to $28 million.

"It'll never happen," Prim told the architect.

Today Sulphur Springs State Bank, with deposits of $57 million, is doubling the size of its building to handle its increased business. His bank has $28 million in demand deposits and $28 million in time deposits.

Prim, like other community leaders, is proud of Sulphur Springs and its varied economic, base, but he is quick to add "we've never given anything to anyone to move here, except cooperation."

Sulphur Springs' cooperation has attracted an impressive list of business additions to its agricultural base.

Janice Mitchell, personnel representative for H. D. Lee Co. in Sulphur Springs, said the pants-maker employs 575 persons, 80 of which were added in the past year.

Mrs. Mitchell said she recently has taken applications from people as far away as New York, Cincinnati, Pittsburgh and Alaska.

Perhaps the most unusual business in town is Winzen Research Inc, which has been using polyethylene pellets to produce high-altitude research balloons for 15 years. The 100,000-square-foot plant employs about 80 workers making the custom balloons.

A typical balloon is constructed in the plant's 800-foot-long final assembly area under the supervision of Loren Seeley, Winzen's director of research.

One of the city's newest businesses is Ocean Spray Cranberries. It located its Sulphur Springs plant in the town about a year ago. Ocean Spray's 120 employees produce the company's line of bottled juices for distribution in the Southwest. The company picked Sulphur Springs "because it's a handy place to be," plant manager Sam Malaney said.

Southland Corp. of Dallas has its specialty foods division next door to Ocean Spray. Southland has 78 employees making half-and-half, coffee creamers, yogurt, dips, juices and other specialty dairy products.

And the citizens of Sulphur Springs are working in two energy-related areas. Rockwell International has more than 500 people making oil field and nuclear power valves while Texas Utilities employs 180 people mining lignite.

Joe Woosley, executive editor of the Sulphur Springs News-Telegram, said the utility company sends 80 100-ton railroad cars of lignite to its electric plant at Monticello.

Woosley, a 46-year veteran of Sulphur Springs journalism, said the town also recently extended the runway of its municipal airport to handle corporate jets.

While Sulphur Springs "has noticed the recession but not felt it" as one Chamber of Commerce representative said, the county's dairymen are cautious.

Murrel Rushin, a dairyman in Hopkins County for 31 years, is typical of the dairy farmers in the area, said Ronald Woolley of the Texas Agricultural Extension Service.

"The last two or three years have been as good as I've seen," Rushin said of the dairy business.

The people in town point out that federal milk price support, currently about $13.50 a hundred weight, put the dairy farmer in one of the better positions in agriculture.

However, Rushin said, this summer's drought cut his hay crop short, forcing dairymen to buy hay from outside the county and state—hay that is expensive because of the drought. The extreme heat also cut milk production.

Grain farmers are rejoicing the new U.S.-China grain-exporting deal. But the grain transaction is not popular with these dairymen because it raises their feed prices, cutting into their profit margins.

Rushin realizes grain farmers also must make a living, but at the same time realizes a limit exists to what others will pay for milk.

Murrel's son Mike Rushin recently was graduated from high school and is working with his father to build a dairy herd of his own and perhaps take over the dairy.

Young Mike Rushin, like many counterparts in nearby Sulphur Springs, is looking to his future, a future in emerging rural Texas.●

WHO OWNS THE OIL COMPANIES?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. CONYERS. Mr. Speaker, the multinational oil companies are the most profitable corporations in the world today. Their rate of profit is twice as great as the average rate in all other industries. The 1980 profits of the top 20 oil companies in the United States could top $50 billion. While other major industries and companies, such as Detroit's automobile industry, are showing record losses, or are sinking deeper and deeper into debt, America's oil giants possess the bulk of the profits and the investment capital that will be available for new private investment in the coming years.

Who owns the oil companies? Who determines what will become of their vast resources? These questions are critical to the American people, who depend on these companies not only for their energy needs and their jobs, but also for the future direction of the American economy. Robert Sherrill, a distinguished journalist, reports on oil company ownership in a recent book review, that appeared in the Nation, October 25, 1980. His review is of the most thorough and authoritative report on oil company ownership and control, published in the CDE Stock Ownership Directory: Energy. Oil company ownership, Sherrill finds, is vested in an interlocking set of banks and insurance companies that alone own controlling interests and possess decisive representation on the boards of directors.

The Sherrill article is an indispensable guide for understanding high finance, and how a handful of corporations, along with financial insititutions, have amassed an alarming amount of wealth and power in the society. The article follows:

WHERE IS THE CRY OF PROTEST?

(By Robert Sherrill)

A few years ago when the wild hares of Congress were talking about the need to break up the major oil companies to encourage competition, the American Petroleum Institute began circulating pamphlets and brochures arguing that the industry is already very competitive and the power of the industry is not concentrated among a few masters of capital. In one of these booklets, the A.P.I. stated that the records of the six largest U.S. oil companies would show that "some 2.3 million Americans own shares in these six companies directly; and about 11.75 million other Americans are indirect owners [through ownership of mutual funds, insurance policies, pension plans, etc.] of these six companies. Together, these 14 million Americans own nine-tenths of all the shares of the six companies studied."

Don't read that too fast. Linger a moment on the phrase "indirect owners" and savor the A.P.I.'s meaning. If you have an insurance policy with, say, Prudential Life Insurance Company, the A.P.I. considers you to be an owner, albeit an indirect one, of at least ten major oil companies and a person of vast persuasion in the oil industry. After all, Prudential is the second largest stockholder in Marathon Oil, the third largest stockholder in Union Oil of California, the fourth largest in Shell and in Gulf, the fifth largest in Standard of Indiana, the seventh largest in Mobil and Atlantic Richfield, and fifteenth largest in Exxon, the thirty-third largest in Texaco and the thirty-fifth largest in Standard of California—which does not by any means exhaust the list of Prudential's energy stockholdings.

Holders of Prudential policies may have some difficulty transforming their part of the Rock into the rich glow of a J. Paul Getty, and indeed they may think that the A.P.I.'s theory is a bit absurd, but the theory is nevertheless a variation of one of Wall Street's most imperishable myths: that corporate America is owned and controlled directly, and especially indirectly, by millions of little investors.

The myth flourishes despite studies that appear every few years that prove exactly the contrary. The latest to appear, and one of the most useful, is the CDE Stock Ownership Directory: Energy (from which the above data on Prudential was taken), published this year by Corporate Data Exchange Inc. of 198 Broadway, New York, New York 10038. It is a marvelously rich lode of information about the 142 largest U.S. energy companies—data about who owns them, what their relationships are with other corporate giants—and it proves irrefutably that although about 5.2 million investors are involved at some level, "a group of fifty institutional investors control at least 15 percent of the stock of the top thirty-eight energy conglomerates."

But to talk of fifty institutional investors is to avoid the chilling aura of concentration that permeates the C.D.E. directory. In fact, a handful of financial institutions—banks and insurance companies, mostly—run things. One need look at only half a dozen banks to see what's going on.

Citicorp is among the top five stockholders of Atlantic Richfield, Conoco, Phillips, Standard of Indiana, Standard of Ohio and Getty Oil. (Dropping into the second tier of five, it is No. 6 at Exxon, No. 8 at Texaco, No. 8 at Marathon, No. 8 at Union Oil.)

Chase Manhattan is among the top five at Exxon, Standard of California, Conoco, Standard of Indiana, Sun Oil and Mobil. (It is No. 10 at Atlantic Richfield.)

Bankers Trust of New York is among the top five stockholders at Conoco, Mobil, Getty and Sun. (It is also No. 8 at Exxon, No. 10 at Standard of Indiana, No. 9 at Amerada Hess.)

Manufacturers Hanover is among the top five at Texaco, Atlantic Richfield, Phillips, Exxon and Standard of California. (It is No. 9 at Standard of Indiana, No. 7 at Amerada Hess, No. 6 at Getty, No. 10 at Superior, No. 9 at Union.)

J. P. Morgan, parent of Morgan Guaranty Trust, is among the top five at Mobil, Marathon Oil, Superior Oil (the largest independent oil company) and Exxon. (It is No. 10 at Cities Service.)

Chemical Bank of New York, aside from being the top stockholder at Ashland Oil, is No. 6 at Atlantic Richfield and Cities Service, No. 9 at Standard of California, No. 7 at Superior and No. 10 at Exxon.

The C.D.E. found that in the ten largest oil companies, the top five stockholders together own from 8.56 percent (Texaco) to 80.68 (Shell), with the average being 23.6 percent.

(Bear in mind that the House Banking Subcommittee on Domestic Finance "presumes" that control of 10 percent of a corporation's stock equates with control of the corporation, that as low as 5 percent qualifies for control and that even 1 or 2 percent ownership offers "tremendous influence.")

When information like the C.D.E.'s surfaces, it makes one want to go lay a black wreath on the graves of the Sherman Anti-Trust Act of 1890 and the Clayton Act of 1914 which, though still on the Federal books, are effectively dead. Nobody uses them, though they were meant to protect us from such evils as monopolies, unfair mergers, price-fixing, divvying up of markets, interlocking directorates, insider deals—all the devices that industrial gangs use to lessen competition or to exploit lack of competition, at the consumer's expense.

Nowhere have the public's suspicions of such conduct centered longer or more acutely than on the oil industry, but of course the public's suspicions have rarely stirred the Justice Department or the Federal Trade Commission to serious antitrust prosecution of the oil crowd. Congress has been equally lethargic, and so has the press.

When the C.D.E. report was issued, William Winpisinger, president of the International Association of Machinists, asked, "Where is the cry of protest?" Where, indeed? Even the best of the daily press gave the report only a few inches, and promptly forgot it. Television gave it no coverage at all.

But this is quite understandable, for the establishment press would simply prefer not to consider evidence that the economic basis for the establishment's existence involves a capitalist conspiracy. Winpisinger was not being excessive when he said, "the C.D.E. study makes it clear that what we have in America is a vast in-house energy and financial conspiracy that makes the Mob look like a bunch of amateurs."

Conspiracy is a very unfashionable word, but with the C.D.E. directory at hand it is easy to use the word without apology. The interlocking nature of U.S. capitalism at the top as shown in its pages can hardly be accidental or innocent.

The intense concentration is seen not only in the stock ownership but also in the sharing of lawyers. The C.D.E.'s "Index to Legal Counsels/Washington Reps" discloses, for example, that Howrey & Simon represents no less than six majors: Exxon, Gulf, Mobil, Shell, Tenneco and Texaco; that Covington & Burling represents Atlantic Richfield, Standard Oil of Ohio and Superior Oil; that Mobil and Cities Service share the confidential legal talents of McClure & Trotter; that Amerada Hess and Marathon Oil share Milbank, Tweed, Hadley & McCloy, et cetera.

It's rather hard to give the oil companies an objective hearing for their claim of competitiveness and independence when we discover that their most confidential trade information is cared for by shared lawyers. And (moving into natural gas) it does seem a bit odd that both El Paso, the nation's second largest natural gas pipeline, and Panhandle Eastern, the fourth largest pipeline, would hire the firm of Sullivan & Cromwell to handle their legal work.

Try as one will to avoid such ugly thoughts, one has to think that there just might be a few tiny breaches of the antitrust laws, some mischievous collusion, some conflicts of interest in all the teamwork the C.D.E. has recorded.

These are not new suspicions. They have, of course, crossed the minds of many observers under numerous other circumstances—circumstances that probably still prevail.

Some of the most elaborately supported suspicions were voiced in January 1978, by the late Senator Lee Metcalf's subcommittee investigators. Their study showed that "three of the largest energy companies had indirect interlocks with most of their major competitors. . . The nation's largest energy company, Exxon, indirectly interlocked with its leading competitors as follows: Atlantic Richfield (four times); Mobil (six times); Shell (once); Standard of California (six times); Standard of Indiana (twice); and Texaco (twice)."

Similarly generous interlockings were listed for Mobil, Texaco and Atlantic Richfield. And, again, the trail led back to the banks. "There directorate linkages among these giant energy firms," the staff study noted, "appear all the more serious when viewed in the context of where their directors met."

"For example, Exxon had two directors—one its chairman—sitting on the board of Citicorp, alongside directors of Mobil and Standard of California. Other energy related companies on the Citicorp board were Halliburton [Brown & Root, one of the world's largest energy construction firms, is a subsidiary], Texas Eastern Transmission, General Electric, Stone and Webster, and Westinghouse. Major energy users on that board were General Motors, Ford, Monsanto, Du Pont, Union Pacific, Southern Pacific and U.S. Steel. . . .

"Exxon directors met directors of Mobil, Atlantic Richfield and Standard of Indiana on the board of Chemical New York. Other energy companies on that [bank's] board were Amerada Hess and Aramco a member of an advisory committee to the Chemical board was also a director of Texaco. Other energy-related companies on the Chemical board were General Electric, Westinghouse, AT&T and IBM."

And on and on went the report, peeking into the board rooms at other financial institutions, and finding the same kind of gatherings. Understandably, the investigators were alarmed, and they didn't try to hide it. They warned of "the danger of a business elite, an ingrown group, impervious to outside forces, intolerant of dissent and protective of the status quo, charting the direction and investment" in a key industry such as energy without giving a second thought to the public's interest.

"The issue that has surfaced increasingly in recent years on Capitol Hill," they wrote, "is to what degree can the largest financial institutions now and in the future direct the course of major production, distribution and services that affect the daily lives and work of the American people. Are corporate decisions made, and risks taken, independently and competitively, or is there some higher private authority that holds the reins over corporate financial management?"

There is some perverse fun in quoting dramatic statements like that because they are made in such a complete vacuum. Probably not more than three dozen people—a generous estimate—in this country even thumbed through that fascinating staff study. Certainly it results in not even the faintest quiver of a reform nerve anywhere in government. That's the way it always has been.

Going back a couple more years to 1976, we find the study, "The Structure of the U.S. Petroleum Industry," which was prepared for a Senate Interior subcommittee. It, too, brims over with wonderfully damning evidence of the concentration of power in the oil industry, primarily, of course, through the banks. Among other things, this study revealed the following:

"The First National City Bank was reported as an affiliation by 16 directors from 7 oil companies, the Chase Manhattan Bank by 11 directors from 7 companies, and the Chemical Bank by 10 directors and 8 companies.

"It should be noted that these affiliations between companies through banks—often termed "interlocks"—are usually not direct: Mr. Smith from the bank is not on the board of A and B [Exxon and Mobil]. They are indirect, in the sense that Mr. Jones and Mr. Smith from the bank serve with A and B respectively."

The writers of this study left us to make the assumption that when Mr. Jones and Mr. Smith got back to the bank from their directors' meetings at Exxon and Mobil, they chatted about the oil business in a way that would not have made the authors of the Clayton Act too happy.

O.K., now let's go back a couple more years to 1974. That year Senators Metcalf and Edmund Muskie's subcommittees jointly turned out a report ("Disclosure of Corporate Ownership") that told how Bankers Trust Company held 6.1 percent of the voting stock of Mobil; 5.8 percent of Continental Oil, 2.1 percent of Ashland, etc., etc. with the other big oil companies falling into much the same pattern as found today by the C.D.E.

If you want to start penetrating ancient times, you can turn back to the landmark study of 1968, when Representative Wright Patman's staff showed how commercial banks controlled most of corporate America through credit, stockholdings and directorates—a story that, because of repetition, has begun to seem old in just a dozen years.

What can we expect to come from these regular waves of revelations and warnings? Why, nothing at all. But they do make good reading and they stir the juices and, for those of us who enjoy hating corporations, especially banks and oil companies, they are the endless source of bile. Thank goodness there will always be another report of the same sort coming along from time to time. The Federal Trade Commission is right now doing an inquiry into—what else?—the interlocking directorates of oil companies and banks. As Jeff Gerth wrote in The New York Times, this F.T.C. investigation "is seeking to determine what effect these relationships have on competition in the oil industry."

Hey! Why hadn't somebody thought of that before?●

PUERTO RICO DISCOVERED 487 YEARS AGO

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. CORRADA. Mr. Speaker, 487 years ago a great event happened in Puerto Rico which makes today, and every November 19, a day of celebration in our island. It was on November 19, 1493, when Christopher Columbus, one of the world's greatest explorers discovered Puerto Rico.

During Columbus' second voyage to the New World he reached the island of Puerto Rico. He first called the island San Juan Bautista, which means Saint John the Baptist, in honor of Don Juan, the son of King Ferdinand and Queen Isabella. On that day the great admiral's fleet sailed along the island's south coast to a bay on the western shore, where it remained for 2 days, while they took on water, fished, and gathered tropical fruits. The peaceful Taino Indians already inhabited the island.

November 19 marks the day when the island of Puerto Rico became known to the Western civilization. Our Spanish heritage, of which we are proud, had its birth on that day of the discovery of Puerto Rico, 487 years ago.

I wanted to share this celebration with you, my dear colleagues, and let you all know of the importance of this date to 3.2 million American citizens of this great Nation. Puerto Rico, as part of the United States since 1898, 405 years after its discovery by Christopher Columbus, wants to invite all our fellow American citizens to celebrate with us this 487th anniversary of our discovery.●

PLACING THE SECURITY OF THE STATE ABOVE THE FREEDOM OF THE INDIVIDUAL

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. DOWNEY. Mr. Speaker, until recently I had regarded a group called the Heritage Foundation as merely one among many producers of comically biased defense analyses. But this weekend's press indicates that it may be something else entirely.

According to a report in the November 16 Washington Star, this group has submitted proposals to President-elect Reagan which include the following.

First, it explicitly states that the security of the state would be given higher priority than the freedom of the individual.

Second, it urges that surveillance including wiretapping, mail covering, and illegal entries be conducted against members of political groups in disagreement with Government policy, even if these individuals or groups are not even suspected of criminal activity.

Third, it urges that congressional internal security committees be reestablished. Those older than I will recall that the only effective function of those committees was to cut off political dissidents from working in their professions, as the Soviet Union is now doing with Andrei Sakharov and others who are as noble human beings as their oppressors are defective.

These steps are advocated on the rationale that the threat to the internal security of the republic is greater today than at any time since World War II.

In point of fact, this last statement appears incomprehensible. As a result of the policies of the outgoing administration, antigovernment demonstrations or violent political acts are less common than at any time since the Kennedy administration, or possibly even before that.

But more to the point, I must ask why we need a national security apparatus at all, if we are going to imitate the worst features of the regimes we claim to be defending against. Is there anything in the Heritage Foundation proposal just cited with which Stalin—or for that matter Hitler—would disagree? If there is, I do not see it. This is not just a matter of legalizing Watergate; it goes much further than that. These people are proposing everything short of a stiff arm salute for the U.S. military. Somehow I suspect this is not the heritage Thomas Jefferson had in mind.

It may be that I am mistaken. I have not seen the original report, and am reacting only to news accounts. I will write to the president of the Heritage Foundation, enclosing a copy of these remarks, and invite his response which I will insert in the RECORD. I am hoping he will tell me that the Washington Star report, which I now insert, is all wrong and he really did not say those things he is quoted as saying.

The article follows:

Conservative Group Urges Reagan to Revive Internal Security Panels on Hill

President-elect Ronald Reagan and the new Congress should take a harder line against domestic radicals, including reviving congressional internal security committees like the ones active during the McCarthy era of the 1950s, an influential conservative research group said yesterday.

The Heritage Foundation called for the stepped-up activities against dissidents as part of a blueprint for conservative policies that was presented Thursday to top officials of the Reagan transition team, some of whom have close connections with the Washington-based foundation.

"The threat to the internal security of the republic is greater today than at any time since World War II," the Heritage report said in recommending "presidential emphasis on the nature of the threat . . . the reality of subversion and emphasis on the un-American nature of much so-called 'dissidence.' "

Besides reviving at least one internal security committee in Congress, the conservative group called for ending restrictions that in mail openings by the FBI, require prior approval from the president and attorney general before the FBI can conduct break-ins, and permit investigation of political groups only when they are suspected of criminal activity.

"Many of the current restrictions on internal security functions arose from legitimate but often poorly informed concern for the civil liberties of the citizen and the responsibility of the government," the report said. "While these are legitimate concerns, it is axiomatic that individual liberties are secondary to the requirement of national security and internal civil order."

The report argued that serious surveillance of dissident groups requires "such standard intelligence techniques as wiretapping, mail covers (monitoring where mail is sent), informants, and at least occasionally, illegal entries."

The Heritage Foundation listed among groups that should be put under tighter surveillance communist parties, radical and New Left groups, "anti-defense and anti-nuclear lobbies," and white racist groups like the Ku Klux Klan.

The report also said the nation's internal security was threatened by "an expanded presence of immigrants from unstable and sometimes Marxist influenced states whose number may include foreign intelligence agents and agents provocateurs."

It added: "Clergymen, students, businessmen, entertainers, labor officials, journalists and government workers may engage in subversive activities without being fully aware of the extent, purpose or control of their activities."

The report also recommended appointment of an attorney general, FBI director and judges who have an understanding of extremist groups, and restoration of the attorney general's "list of subversive organizations."

The House Internal Security Committee, formerly known as the House Un-American Activities Committee, was disbanded in 1975 and the Senate Judiciary subcommittee on Internal Security was abolished in 1978.

Internal security committees achieved wide prominence in the early 1950s when the late Sen. Joseph R. McCarthy, R-Wis., conducted hearings on alleged communist infiltration of the government, labor unions and other areas of American life.

Sen. Strom Thurmond, R-S.C., who will take over the Senate Judiciary Committee in January when the new Republican-controlled Senate is seated, has made no decision on reviving the internal security panel, according to aide David Elam. Thurmond opposed the disbanding of the subcommittee in the 1970s.

Edwin J. Feulner, Heritage Foundation president, said Edwin Meese III, who heads the Reagan transition team and will be a top-ranked counsel to the president in the Reagan White House, was "very receptive" to the wide-ranging report when it was presented to him Thursday night.

Feulner, who will also serve on the Reagan transition team, quoted Meese as saying he will "rely heavily" on the recommendations in formulating Reagan policies.

The Reagan transition office, however, declined to comment on the role that the Heritage study will play beyond repeating an earlier Meese statement that the report had "no official status" and noting that "we're paying attention to a lot of different reports."

Meese has worked with Heritage officials for several years and attended a number of the group's meetings, Feulner said.

In its 20-volume, 3,000-page report, the research group also recommended that the Reagan administration:

Dramatically increase defense spending, immediately asking Congress for a $20 billion boost in the 1981 defense budget.

Deploy the neutron warhead in Europe, develop a new strategic bomber, and build up the Navy to 600 ships.

Halt affirmative action programs designed to increase hiring and promotion of blacks, women and minorities discriminated against in the past.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, November 20, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 21

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the cross-industry takeover between commercial banks and thrift institutions.
5302 Dirksen Building

10:00 a.m.
Special on Aging
To hold oversight hearings on the social security system and on proposed changes thereto.
5110 Dirksen Building

NOVEMBER 24

2:00 p.m.
Select on Ethics
Open and closed business meeting.
S-145, Capitol

NOVEMBER 25

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 3165 and S. 3166, bills modifying the operation of the U.S. Generalized System of Preferences which provides tariff preferences to products imported from developing countries, and to review the President's report thereon.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings on the U.S. Postal Service's proposal for a nine-digit ZIP code.
3302 Dirksen Building

DECEMBER 1

2:00 p.m.
Conferees
On S. 2080, establishing public buildings policies for the Federal Government, permanently establishing the Public Buildings Service in the General Services Administration, authorizing funds for fiscal year 1981 for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
S-145, Capitol

DECEMBER 2

10:00 a.m.
Special on Aging
To resume oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 3

10:00 a.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 4

10:00 a.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

SENATE—*Thursday, November 20, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess and was called to order by Hon. CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Our Father God, in whose peace our restless spirits are quieted, help us in this opening moment of a new day's agenda to draw near to Thee in tranquility, in humility, and in sincerity. Weary of the fierce storms sweeping across the world and enervated by the stress and strain of the swift changing scene, we turn to the infinite calm of Thy changeless love, that we may find inner sustenance, wells of living water—truth and the peace which the world cannot give. Lift us up, take our hearts and minds, lead us, strengthen us, and endow us with gentleness, goodness, and compassion. Make us ready for the severe discipline and self-control demanded of the age in which we serve. With Thy benediction may we face the tasks before us with honest dealing, clear thinking and tender spirits, striving ever to set forward Thy kingdom.

We pray in the Name that is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 20, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. BAKER. Mr. President, there are two occasions I would like to call to the attention of the Senate this morning. One I find to be an extraordinarily sad occasion for me and the other a very happy one. Let me speak of the happy occasion first.

HAPPY BIRTHDAY TO THE MAJORITY LEADER

Mr. BAKER. Mr. President, I take this opportunity to join in the celebration of the distinguished majority leader's birthday today. I notice that his tie is graced by yet another fiddle, in this case a golden fiddle, which must symbolically represent the quality of his performance, which we all appreciate.

In all sincerity, Mr. President, I take this opportunity to extend our best wishes for a happy birthday and a prosperous and happy new year to my colleague, the majority leader, and my friend, the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

THE RETIREMENT OF SENATOR RIBICOFF

Mr. BAKER. Mr. President, on the other matter, I suggest that this day, as well, is an important day to the Senate and a sad one for me, because Mr. President, as I understand it, this is the last day on which this Chamber and this body will be graced by the presence of a man of compelling thoughtfulness, unflagging energy, unsurpassed dedication, and inspiring compassion.

This is the final day of public service on the floor of the Senate by the most distinguished senior Senator from Connecticut (Mr. RIBICOFF). ABE RIBICOFF and his wife, Casey, will leave tonight for a trip abroad to attend to duties in Europe in connection with the public affairs of this Nation and will not return, I am afraid, until the day after Congress is scheduled to adjourn sine die on December 5.

As we all know, Senator RIBICOFF is retiring from Government service at the conclusion of this Congress; a choice he made and announced many months ago, a choice that all of us regretted, and I am sure I speak for every Member on both sides of the aisle in that respect, but most of us understood. That retirement, in any event, will be a great loss to the Senate of the United States and I believe to the Nation as a whole.

For the past 18 years, Senator RIBICOFF has stood as a beacon of decency and civility in the Senate. His voice has been a clarion of reason and benevolence for all of us so privileged to serve with him.

As the most able chairman of the Committee on Governmental Affairs for the past 6 of those years, he has worked tirelessly to improve the integrity and efficiency of the services of the Federal Government.

As we all know, prior to his service in the Senate, ABE RIBICOFF served as President Kennedy's Secretary for Health, Education, and Welfare, the first one after the creation of that Department. He was a member of the organizational cabinet of that administration which did so much to set a tone and style for this Nation for many years. He served as the most distinguished Governor of his native State of Connecticut for 6 years. It is from that service, I am sure, in part, at least, from which stems his obvious affection for his native State, his sense of gratitude to the people of Connecticut for giving him the opportunity to serve in these capacities for so many years of his life.

He served as a member of the U.S. House of Representatives for 4 years; as a jurist in Connecticut for 6 years; and as a member of Connecticut's General Assembly for 4 years. In the aggregate, a record of public service that is seldom rivaled in its diversity and almost never equaled in its quality.

In all, Mr. President, ABE RIBICOFF has given his State and his Nation a remarkable 42 years of devoted service. It is a debt which can never be repaid, but one for which this country should be eternally grateful.

The nature and composition of the Senate is changing, Mr. President, and, while the partisan spirit within me delights at that change, I am, nonetheless, overwhelmed with sadness by the imminent departure of this great statesman, who sits across the aisle from me at this moment.

As we all know, personal friendships formed in this Senate transcend political affiliations. My wife, Joy, and I have had the great pleasure of sharing such a friendship with Casey and ABE RIBICOFF. And as grateful as we are to the Ribicoffs for their public service, we are all the more grateful for their friendship. We shall miss them very much and we wish them every happiness.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished minority leader yield?

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BAKER. I yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I join with the minority leader in expressing our sorrow that Mr. Ribicoff will be leaving the Senate.

Through the years Abe Ribicoff has been an inspiration to me. I have leaned upon him for his counsel and his wisdom. I shall miss that counsel and sage advice now that he will be leaving.

He has served in the three branches of Government—the executive, the legislative, and the judicial. He is a man of experience and innate wisdom. He is judicious; he is considerate of others; he is even-handed and fair; and he has been an extraordinarily effective Senator.

He has served in the leadership as a chairman and as a member of the Policy Committee. He has made a fine contribution, not only to the welfare and future of his State, not only to the welfare and future of the Nation, but also to the past, present, and future of the U.S. Senate.

He is highly respected and highly regarded on both sides of this aisle which separates the two parties in the Senate. When he leaves the Senate he will leave a host of friends. I express the hope that he will not be leaving except for intervals, that as he returns to Washington from time to time he will come back to the old haunts and visit with his old friends. We will not forget him. He has left his imprint upon our lives and upon our memories.

Abe Ribicoff's many offices and accomplishments have been cited. I need not repeat all that he has achieved, the history books will record that in ample detail. I will say that Abe is the essence of the American dream. When he ran for Governor of Connecticut there were rumors about whether a Jew should hold that position for the first time. Abe gave a famous speech called the "American Dream" saying that any American could aspire to the greatest in this land. And that he was not about to repudiate that wonderful dream.

Mr. President, Abe Ribicoff has fulfilled the American dream. He has enriched the Senate and the Nation. He has served with dignity and distinction. Connecticut has had a special gift in this Chamber, and it has been a privilege to be associated with him.

I know of no more courageous and skilled legislator. It is hard to imagine that Abe will not be here. But his legacy will be enormous and will be with the U.S. Senate and the Nation forever.

To Abe and Casey, I know my wife Emma joins me in saying may the road rise to meet you, may the Sun always be upon your face, may the wind always be at your back, may the soft rains fall freely upon your fertile fields, and as we hope to meet again from time to time until we meet, may God keep you both in the hollow of His hand.

Mr. BAKER. Mr. President, have I time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes and 20 seconds.

Mr. ROBERT C. BYRD. How much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. BAKER. I yield to the distinguished Senator from Delaware.

Mr. ROTH. I thank my distinguished leader.

Mr. President, I have had the rare experience of serving with the distinguished Senator from Connecticut on two different committees. Senator Ribicoff, of course, is chairman of Governmental Affairs, of which I am a member. He is also a member of the Finance Committee, as well as chairman of the Subcommittee on Trade on which I serve as the ranking minority member.

I say it has been a rare experience because I know of no one in Congress with whom it could be a greater pleasure to serve than Abe Ribicoff.

As chairman of the Trade Subcommittee, I think he is one of two people primarily responsible for the multinational trade agreements. I give him credit for that because, as chairman of the Subcommittee on Trade, he works diligently with everybody, the Republicans as well as the Democrats. It was his leadership in this area, along with Bob Strauss in the executive branch, that I think resulted in the agreement being enacted with very little or practically no opposition in the Congress.

I would also say that he has been a most helpful person to me in my efforts to make this country a leading trading nation. We worked diligently, arduously in trying to restructure the Government to promote the export of American products. We worked very hard to get a reorganization that would make trade on the cutting edge of this Nation's efforts. I am pleased that this distinguished man has agreed that even though he is leaving the halls of the Senate, he is going to continue to play a leadership role in bringing about the necessary changes in this area.

Mr. President, I think Abe Ribicoff has done a great service for this country, but perhaps above all and the most important, he has made us proud of being public servants. Too many people have not lived up to the qualifications, to the requirements, of providing strong moral leadership to do what is right even though sometimes it is very hard. But Abe Ribicoff has met that measure, and I wish him and his lovely wife Casey the best in the years ahead.

Mr. BENTSEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to Mr. Bentsen.

Mr. BENTSEN. I thank the majority leader.

Mr. President, my friendship with Abe Ribicoff goes back over many years when I served with him in the House of Representatives. When I came back to the Senate, one of the people who helped me get started again was Abe Ribicoff, with his wise counsel, his assistance, and his encouragement.

Here is a man who has had a most distinguished career: The Governor of his State, a member of President Kennedy's Cabinet, and for the past 18 years as a U.S. Senator. He is a man who is a humanitarian. Whenever we've had a piece of legislation before us Abe would ask, "Well, is it fair? Does it really take care of the people?"

He took some very courageous stands along the way, some of them not popular at all. But Abe took them because he thought they were right.

I believe public service is one of the highest callings available in our democracy. Some people can preach, some can teach, some can heal, and others can serve the public.

Abe Ribicoff has served the people of Connecticut and the American public with high distinction. He has shown us what is finest and most noble in public service.

We do not often use the term "statesman" until a fellow has been gone for 25 years, but we can say today, with great certainty, that Abe Ribicoff is a statesman. He is wise, he has great integrity, and total character; he has fulfilled a role that few have filled in this body.

Abe Ribicoff has been a bipartisan man, while serving and supporting his party well. He has sought to find ways to work with both parties in protecting and promoting the vital interests of our country. I am delighted to find that we will continue to have his counsel in the years to come.

I know what a partner he has in Casey, his lovely wife; how much she has been part of his thoughts, his efforts, and his inspiration.

B. A. and I wish both of you great happiness, and we look forward to seeing you often in the future.

Mr. BAKER. Mr. President, I yield my remaining time to the Senator from New York.

Mr. JAVITS. Mr. President, Abe and Casey are close personal friends of mine. I, like Senator Bentsen, served with Abe in the House. I think I was there when he came 2 years after I did. Our lives have had very parallel paths.

There are two outstanding characteristics about Abe which are proper to memorialize on the floor of the Senate as he leaves us and, indeed, as I do.

One is that he is one of the most considerate human beings I have ever met.

I believe his almost unparalleled success in the chairmanship of the Committee on Governmental Affairs has been attributable to that fact. I have seen no irritation or explosion in that committee, which is almost routine in any other I have served on; sometime, somehow, somebody gets irritated and just cannot take any more. Never in the case of Abe Ribicoff.

That committee has operated on time. It has completed its agenda. It has operated with celerity. Almost always, it has gotten together in a consensus; hence its remarkable success on the floor.

His second characteristic, to quote my own father, a janitor on the lower East Side of New York, ABE's standard of judgment on legislation and on policy is what is good for America. What is good for America? That is his only question. What is good for our country? This betrays or reveals, I think, the other dominant passion in his life, aside from Casey. That is a burning and fervent love for and devotion to this country.

I have seen him here, on the floor—and he and I have differed on it—taking positions which are completely contrary to everything he ever believed in because the measure failed to meet the test of what is good for the country. He had to meet that test, even though it might be unpopular and might get what we are all deeply concerned with, a lot of dead cats and brickbats on his head at that particular moment.

So, to me, Mr. President, he is the finest example here of these two great qualities; unfailing civility and unfailing accommodation to the needs of his colleagues and a deep sensitivity to those needs, and the other criterion, expressed in very curbstone language, but very accurate, what is good for America.

ABE, I hope that you and Casey, in the years ahead, may always have that standard, added, however, to one other which I now think takes equal rank: What is good for Casey, always.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

Mr. ROBERT C. BYRD. I yield to the Senator from Ohio.

Mr. GLENN. Mr. President, I want to associate myself with all these remarks this morning. I always have mixed emotions when we go through some of these remarks when people leave the Senate, because, ABE, it sounds as though you are dropping off the planet. If I know you, as I do, I know that it will not be that you will be putting forth any less energy for your country or for interests in the things that are going on in the world; it will just be that you are channeling your efforts into a little different direction.

Mr. President, I planned to put a little more complete statement in the record, or give it here on the floor at a later time, which I still plan to do, but I think my estimate of ABE and his activities here would best be expressed by saying that I tried very hard to talk him out of his decision not to run again. That is not any indication of lack of confidence in his replacement, but I know of no one here whose counsel and advice I value more highly and that I want to continue to share in, even though he will not be here as a Member of the Senate.

Mr. President, I shall have some more remarks at a later time, before we are out of session this year, but I want to associate myself with all the remarks being made today. No one could have been more helpful to me when I came to the Senate 6 years ago or was more considerate. I think Senator JAVITS' remarks about ABE as chairman of our Governmental Affairs Committee and his always being able to get a consensus are accurate. Even though we start out with completely divergent views, there always seems to be a consensus somehow worked out through his efforts.

ABE, I do not look at this as past. I look at it as continuing to seek your counsel and advice. We wish you and Casey the best. I appreciate all the help you have given to me, as I know so many of us do in this body.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. One minute and 30 seconds.

Mr. ROBERT C. BYRD. I yield that to the minority leader.

Mr. BAKER. I thank the majority leader. Mr. President, I yield the time to Senator STAFFORD.

Mr. STAFFORD. Mr. President, I remember, back in the mid-1950's, the New England States were experiencing some severe problems with moving traffic accidents and deaths upon our highways. I had the privilege of serving Vermont at that time as its attorney general and I think JACK JAVITS was then the attorney general of New York. We had a conference in Atlantic City. The then newly elected Governor of Connecticut, ABE RIBICOFF, was one of the principal speakers at our conference, describing for us the methodology he had adopted in Connecticut to reduce very substantially the death rate for moving vehicles in his State. That was my first chance to become acquainted with the distinguished senior Senator from Connecticut.

A little later, I had the privilege of serving with him as a brother Governor in the Governors' Conference of the Nation and in the New England Governors' Conference. I remember very vividly a New England Governors' Conference in ABE RIBICOFF's capital in Connecticut. And I met with him again when I landed here, in Washington.

Mr. President, I think he has had an extraordinarily successful career as Governor of his State and as U.S. Senator from Connecticut. I compliment him upon it. I think his constituents in the Nation have been most adequately, most beautifully served by him in this body. I hate to see him leave, as all of us do. I think the Senate will be diminished by his absence. I join all others in wishing him all success in the future.

I thank the Chair.

(As will appear later in the RECORD, the time for tributes to Senator RIBICOFF was extended by unanimous consent.)

Mr. PERCY. Mr. President, I have had the privilege, as the ranking Republican on the Governmental Affairs Committee, of serving with Senator RIBICOFF for a number of years. I do not know of anyone I have ever worked with in any capacity—business, Government, education, whatever it might be—that I have admired more and who has added more enrichment and joy to my life. My life has been made more productive because of having that experience of working with him and observing, in close proximity, the remarkable qualities that he has brought to the U.S. Senate and to public life throughout most of his adult life—qualities that are in the best of the Senate and the U.S. tradition. I am filled with admiration for what he has accomplished, whether leading a delegation to the Soviet Union, in which he participated in a leadership role, or representing his Government and the American people in his travels abroad, accompanied sometimes by his beloved wife, Casey, who is a remarkable ambassador for the United States abroad and at home.

Mr. President, he is a man of tremendous decency in whom one can have explicit trust. His word is his bond in every instance. He has a high level of intelligence. He pursues a course for what is right, not what is partisan.

He has conducted his affairs in a totally bipartisan manner, always asking the question which Senator JAVITS raised, "What is right for the United States of America?"

He runs the committee on a businesslike basis.

In order that we will run the Senate as effectively as Senator RIBICOFF has run his Governmental Affairs Committee, I am now presenting a resolution to the new majority that all committees shall begin on time. If they do not begin within a 5-minute grace period, the next ranking member will take over the gavel and bring it to order.

There is a deep sense of gratitude to ABRAHAM RIBICOFF, but not in any sense a feeling that we will lose him. He is a part of the Senate, a part of us. The most marvelous part of this body is that once we are a Senator, we are always a Senator. We are always welcome here. We shall always feel privileged to turn to him for advice and counsel, for encouragement, and for help.

What he has contributed to the Senate is permanent and we shall all benefit from it. The U.S. Senate is a better body of men and women and a better institution because of his powerful presence here.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I should like to continue the remarks which have been made by my colleagues. Most especially those by my revered senior Senator JAVITS and Senator PERCY, with respect to the impact that ABRAHAM RIBICOFF has had upon this institution and the Nation which it reflects.

He has been one of the preeminent

public men of his age, adding distinction and maintaining a tradition of public service in this body, in the Cabinet, and in his State of Connecticut, which he served as chief executive.

I would like to suggest something further. I would like to suggest that he has added a dimension to American Government—and particularly to the work of the Congress—that was not present before him, the onset of which has been but little noticed and could only have occurred in the course of a legislative career that has now passed almost two decades.

He has changed the way we do our business. I speak to the whole question of the evaluation of social programs and Government policy.

It is the particular genius of this man to be able to see conditions arising which require a response long before others are even aware that these conditions exist.

In 1966, at the height of the period of innovations in social policies of President Johnson's administration—there have only been three such moments in this century: One under Woodrow Wilson, one under Franklin Roosevelt, and one under Lyndon Johnson; there probably will not be another—at a time when bills were coming out of this Congress that had been talked about for generations and never acted upon, ABRAHAM RIBICOFF began to ask questions and hold hearings in his Committee on Government Operations. Do these things work? How will we know? Is there any measure of performance that we can set against expectation and congressional intent?

In his slow, effective manner, he brought into being the evaluation procedures that are now embodied in the General Accounting Office, an office whose elemental beginnings were in auditing business and Government activities. Two or three generations later, the evaluation of social programs has become a wholly new part of our oversight of the activities of Government. In this oversight, we ask, far beyond the question of, are the moneys properly spent, the higher question, do they have the intended effect?

I think Senator RIBICOFF may not be aware of this, but just recently I was talking with the Administrator of the General Accounting Office, Mr. Elmer Staats, who told me that as a consequence of Senator RIBICOFF's interests, and the development of this field, almost half the activity of the Government Accounting Office today consists of evaluation.

The GAO is a particular branch of the Government that we associate with the Congress. Half of what it does today, it does because of what ABRAHAM RIBICOFF set out to have it do almost 15 years ago.

This will seem to some a routine matter. It is anything but. It might even seem to others a pedestrian one. It is hardly that, because what ABRAHAM RIBICOFF addressed himself to at the height of the innovative enthusiasms of the 1960's was the oldest and most American question of all. Will it work? Does it work?

This is a tradition that we associate with Ralph Waldo Emerson and to which we give the large appellation "pragmatism."

This pragmatism is at the center of the American experience. It is the secret of our success. No one in this generation has so advanced it as an effective philosophy than our beloved friend from Connecticut, ABRAHAM RIBICOFF.

We shall not miss him, for his presence will be with us as long as any of us here who knew him remains.

I would like to express to my colleagues my particular affection for his wife, Casey, and wish them every happiness in what will be their new State, alas not their new residence for political purposes. They will add to the distinctions of New York as he has illuminated the U.S. Senate.

We look forward to his new career practicing in Manhattan.

I thank the Chair.

Senator RIBICOFF seems always to have regarded the improvement of governmental policy and management functions as a continuous and logical process. He urged that as our society learned new and better ways of performing these functions, these new ways be incorporated into our public policy institutions. Program evaluation, in particular, seemed to him to hold high promise for the improvement of public management, and he became concerned, as early as 1967, that the executive branch might develop and maintain a monopoly with regard to evaluative information needed by the Congress. At that time he stated on the floor:

> This is the information that tells us how well—or how poorly—our programs are working out. It tells us what needs revision and how it might be revised. It is essential to the operation of an effective and modern government that is responsive to the people and the times. And at the present moment, such information is not available to the Congress.
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> This problem is reaching critical proportions. In recent years Congress has enacted hundreds of programs costing billions of dollars. But once a bill is passed, the Congress often loses control over the program. The result is that the Congress is denied access to adequate knowledge on the daily operation of the program. (The CONGRESSIONAL RECORD, June 8, 1967, p. 15250.)

In his legislative endeavors to improve the way Government operates, Senator RIBICOFF has been particularly sensitive to the fact that Government activities are conducted and performed by people, and particularly realistic in his recognition that the rules and regulations governing public management must be reasonable and the goals set for Government to achieve must be, in fact, achievable. At the same time, and moving toward the same goal but from another direction, he has advocated the use of evaluation, audit, and investigation, realizing that improved Government efforts and more responsive public management depend, over the long term, upon independent appraisal.

In the past and more recently, Senator RIBICOFF's work with the General Accounting Office has led to the establishment of Inspectors General in various Federal agencies. Similarly, the kinds of legislation he has supported and the establishment of evaluation requirements in that legislation, reflect his awareness of the need for evaluative information, especially as it contributes to congressional oversight and program accountability. Included here, as well, must be his efforts to strengthen the role and operations of the General Accounting Office, Congress primary oversight arm, again toward the same goal: That the Congress receive the best evaluative information available on the results of public programs.

In 1967 Senator RIBICOFF introduced a bill (S. 1929) into the Senate to establish a Commission on Legislative Evaluation which would explore the best ways to set up an independent office of the Congress to do legislative evaluations. He proposed that the Commission be chaired by the Comptroller General and came back to Congress with its recommendations.

The process continued in 1969 when hearings were held by Senator RIBICOFF as chairman of a government operations subcommittee responsible for the oversight of GAO. These hearings grew out of an agreement reached in the Senate on the military procurement authorization bill. Postponing action on amendments calling for studies by GAO of defense procurement activities, Senator RIBICOFF made a commitment to hold hearings on GAO's capability to audit and analyze defense expenditures.

Senator RIBICOFF's actual inquiry focused upon a broader agenda, however: Whether in fact the GAO could provide the Congress with the kinds of evaluative information the Department of Defense was providing for itself, thus improving the Congress oversight capability vis-a-vis the executive branch. The hearings became a forum in which the Comptroller General presented his views on how GAO could better help the Congress, and spelled out what GAO needed to get its job done. Following the hearing there was general agreement that GAO's capabilities could best be strengthened through separate legislation to be sponsored by Senator RIBICOFF.

Thirteen months later, legislation emerged containing seven titles and providing, in particular, that the GAO would:

Review, analyze, and evaluate ongoing Federal programs.

Assign staff to committees to prepare analyses.

Analyze and review legislative proposals.

Provide status reports on major weapons systems, construction programs, research and development programs, and others.

All in all, the Ribicoff bill was designed to strengthen and broaden GAO's authority in order to provide more effective service to the Congress. In its report on this legislation, the Senate Committee on Government Operations said:

> It has long been the judgment of many Members of Congress, and of this committee, that the work performed by the General Accounting Office would be far more meaningful and useful if attention were focused upon ongoing programs, current activities, and new proposals. This approach, it was felt, would enable the Congress and its committees, to have the benefit of the General Accounting Office's findings and recommendations in time to halt unsound practices and activities, or those of doubtful value or legality. It would also make the activities of the General Accounting Office more meaningful and relevant and afford the Congress an opportunity to select the most effective program alternatives.

As is well known, the bill passed the Senate in October 1970 with little debate and no dissent, but the House failed to act and the bill died when Congress adjourned.

This report, however, played an important part in the later enactment of provisions on the Legislative Reorganization Act of 1970 and the Congressional Budget Act of 1974 which established a strong charter for current GAO program evaluation efforts which today represents one-half of GAO's activities.

What is clear, however, is that in this case as in others, Senator Ribicoff viewed the provision of evaluative information to the Congress as essential to the proper performance of the oversight function, and that he viewed the strengthening of GAO as prerequisite to the provision of that information. In this sense, the GAO is directly linked to insuring that congressional oversight and monitoring of Federal programs are secured. It seems fair to say that Senator Ribicoff's views of program evaluation, and of the GAO role with respect to it, have been of critical importance in shaping the GAO of today.

I thank the Chair.

Mr. CRANSTON. Mr. President, I join in paying tribute to a warm friend and a truly great American with whom it has been a tremendous pleasure to serve through all the time I have been in the Senate.

Mr. President, this year marks the end of Abraham Alexander Ribicoff's 18 years of service in the U.S. Senate. It will be hard for me, and for my colleagues, to imagine the Senate without Abe Ribicoff. In his quiet, but firm way, Abe Ribicoff has helped direct the course of National Government for two decades. He has repeatedly helped forge compromises on extremely controversial and emotional issues.

He has been able to do that because he has had the respect and trust of every Senator, regardless of philosophy of party, and of so many Americans outside the walls of the Senate.

He has instituted major reforms, and has served the people of Connecticut and the United States with compassion, commitment, and dignity. His record of accomplishment here in the Senate, as well as during his previous years as a State legislator, Member of the House, Governor of Connecticut and Secretary of HEW, is one that has rarely been matched, not only in our time, but in all the time of our Republic.

I first recall working with Abe in 1970, on his consumer protection bill. Since then, Congress after Congress, he has pressed for creation of a consumer protection agency with the determination and dauntlessness that marks his pursuit of every policy he believes is in the public interest. It is one of the very few dreams Senator Ribicoff has not pursued into reality. Most of our key traffic and highway safety laws originated with him. The Department of Housing and Urban Development and the Department of Education owe a great deal to his initiative and genius for organization. His efforts to reform and revitalize our social programs—from family assistance to manpower to health to children's programs—have benefited countless in our society who are most in need of help.

I do not believe anyone can look at Abe Ribicoff's experience and achievements without feeling a deep sense of respect and gratitude. He has dedicated his life to realizing the American ideals of social justice and social service. He has not hesitated to speak out when there was a need. He has cared. He has cared deeply.

It is thus with deep admiration and abiding affection that I join my colleagues in thanking Abe Ribicoff for the leadership he has shown and in wishing him and his family well-earned happiness, fulfillment, and peace in the years ahead.

We will miss him in the Senate, but Abe, I know that we can count on your advice and counsel in the difficult days and the challenging days that lie ahead. We know that you always will be within reach, and we will be reaching out to you very often in the days to come.

Mr. LONG. Mr. President, at the close of this session, we will lose a Senator who will be a legend to this body. I refer, of course, to the senior Senator from Connecticut, Abraham Ribicoff.

No Member of this body has a more proper claim to the role of statesmanship than Abraham Ribicoff. Many times, in our very difficult and arduous efforts to resolve the problems that confront Americans, Abe Ribicoff has risen above party, above region, above prejudice, to provide us guidance in meeting national needs.

For example, in the very difficult problem of the busing of children to achieve racial integration, Abraham Ribicoff has insisted that this matter be resolved for the best interests of the children rather than for the political advantage of any section or any group anywhere in this country. In doing so, he has met with scorn on occasion, in some areas, by people who did not understand his efforts to benefit Americans.

He has presented similar leadership in grave international difficulties involving war and peace, such as settling the impassioned issues of the Near East. Although his heart tends to be for Israel, as his background would suggest, he has had the courage to stand here and advocated positions which would suggest that both sides must be compassionate and understanding with regard to the problems of others, that both sides must be willing to make concessions in order to live at peace with their neighbors, for the good of both sides and for the ultimate survival of mankind.

In some of those cases he has been misunderstood and unfairly criticized, but he has had the courage to stand his ground, completely worthy of those statesmen whose careers were discussed in John F. Kennedy's book, "Profiles in Courage."

In settling issues such as health care and help to the poor, Abe Ribicoff has a strong feeling for the poor, for the disadvantaged. Yet, he has been able to see all sides of those problems and has had the courage to speak for what he believes best for the individual and best for the country, sometimes taking positions that might be unpopular with many in his home State of Connecticut.

Mr. President, there is no Member of the Senate who is more respected for his integrity and for his honesty. So far as I know, in the entire time it has been my privilege to serve with Abraham Ribicoff in the Senate, there never has been a time when he has done anything that could be the basis of even so much as a hint of improper conduct.

Even in advising a colleague what that colleague should do or should not do, in his entire tenure in the Senate he has never suggested to anyone that that person should take some course of action which the person would regret later.

Beyond that, Mr. President, the Senator has conducted himself with class. Never has he taken advantage of a colleague as he sought to press an advantage when it happened to be his, in any situation where it might be somewhat unfair, or unreasonable to do so. He has been a Senator's Senator.

I suppose the final example of the degree of class with which the Senator has operated is the way he has chosen to retire from the U.S. Senate. There is not the slightest doubt that he could have been reelected for yet another term in the Senate by the voters of Connecticut by an overwhelming majority, and he could have provided many additional years of service in the Senate, to the plaudits of the entire Nation. However, he felt that he had reached a point in life when, all things considered, it would be appropriate for him to step down. So, in the full vigor of manhood and in the full possession of every intellectual power that any Senator ever has possessed, he has felt that he has reached the point in life when he should retire, and he has done so with dignity.

Mr. President, I wish for every Senator all that has been achieved by the Senator from Connecticut. He has served as a Governor, a Member of Congress, a member of the President's Cabinet, an outstanding Member of Senate, and the chairman of a major committee. I wish it could be the good fortune of every one of us to retire a winner, undefeated, having been before the people for their approval many times, having been elected many times, and then to retire at a time when, had one chosen to seek reelection, he could have been reelected.

The Senator's retirement is entirely voluntary on his part. It should be the envy of every one of us if, having served as long and diligently and as successfully as the Senator from Connecticut has served, we could have the privilege of retiring with the admiration of the Senate and the Nation and those who sent us here.

I extend my regards to his very lovely wife, Casey. It has been my pleasure and the pleasure of my wife, Carolyn B. Long, to visit with the Senator from time to time, to be a neighbor, and to take a trip with him on occasion when we discussed trade problems. The Senator is extremely fortunate to have so lovely a wife, who has been so dedicated and devoted to his career, and who has helped him in pursuing all he has achieved.

I should like to mention one other matter, Mr. President. In my judgment, it would not have been possible to pass the landmark trade bill that we passed in the last Congress had it not been for the service of Abraham Ribicoff. He had served as Secretary of Health, Education, and Welfare and had made tremendous contributions in the area of health, welfare, and social security, and he wanted to take a hand in something else. He was well-qualified, and he asked to be chairman of the Subcommittee on Trade. In my capacity as chairman of the Committee on Finance, it was my privilege to designate him.

The Senator from Connecticut not only held many meetings and traveled around the world to discuss trade problems, but also, he led the charge to see that we would have a very well qualified person as a special trade representative. In some situations that task was not entirely pleasant. I recall at least two occasions when I joined the Senator from Connecticut in insisting that the nomination of a proposed nominee of the President would not be confirmed if the name came up, in holding out for a more prestigious and, it was hoped, a more talented person to take the job. It was largely because of the efforts of the Senator from Connecticut that we were able to obtain the services of Robert Strauss as well as former Secretary of Commerce Fred Dent to serve in that position.

I mention Mr. Strauss because he was special trade representative when we concluded the negotiation and passed the legislation to put into effect what is perhaps the most historic trade bill of this century, and it would not have happened, in my judgment, without the dedication and the activities of the Senator from Connecticut (Mr. Ribicoff).

I recall one occasion when the President was looking for the best man for the job. He discussed that matter with Mr. Ribicoff and Mr. Ribicoff suggested that if properly approached Mr. Robert Strauss could be persuaded to take that job, and Mr. Strauss did take the job, and the results speak for themselves. The result is a national legislative achievement, a national achievement that is a credit to the Carter administration and a credit to everyone who played a part.

Fortunately for all of us, Abe Ribicoff will still be around. We will have an opportunity to visit with him, to see him from time to time, and to benefit from his wisdom.

Mr. CHILES. Mr. President, I am a person who does not take up much time on this floor, and I usually can say what I have to say very quickly. But how I can say in 2 minutes what I feel in my heart about Abraham Ribicoff is just impossible.

I know that many Senators in here feel a very personal relationship with Senator Ribicoff. I know if someone asks me who in the Senate has been more helpful to you, more of a counsellor, giving you better advice that anyone else, I would very quickly say Abraham Ribicoff.

I feel that I have that very special personal relationship. When I talk with my colleagues I find that I am not the only one who has that same relationship. I think so many of us in here have exactly that same kind of feeling. In fact, that is true as to anyone who has ever been to Senator Ribicoff, sought any advice, sought any counsel or said "I am interested in a particular piece of legislation, how should I go about trying to do something about that?" Senator Ribicoff has been my committee chairman.

In that capacity, he has leaned over backward to allow me to have any kind of the courtesies of that committee or of his help in everything that I have attempted to do. I think he has been such an example of courage to all of us in here to not allow any special interest group, not allow any single issue group to panic him or to ever cause him to deviate from that great line of fairness and I think more than that, Mr. President, he has great wisdom.

Knowledge we can learn, but wisdom really is a gift from God. I think Abraham Ribicoff has that tremendous sense of wisdom. We almost can call it second sight. He can tell months in advance what is going to happen. He can tell us legislation that is going to pass and legislation that is not. He can give us wise counsel. He has done that to us individually, but he has also done that for his country and he has done it over all these periods of years in the capacities he has held as Governor, as a member of the Cabinet, as a Member of the U.S. Senate, and now I know that he is going to continue to do that as the statesman that he is going to be even though he is not going to be holding an elective office here. So I do not see this at all as a eulogy. I think it is a graduation, and we are going to have Abe Ribicoff now giving that wisdom and that counsel outside of this body, and I am sure people are going to continue to listen and benefit by that great advice.

I am delighted to have had an opportunity to speak in this brief moment.

Mr. NUNN. Mr. President, again Senator Chiles said nothing is more difficult than trying to summarize our feelings about a great Senator and a great friend in 2 minutes, but I wish to add my words to those who have praised Abraham Ribicoff today.

He has been a man of great ability for many years. He has been a leader of tremendous intelligence. He has had sensitivity regarding human needs and human aspirations in this country.

Being from the South, I think that it can be said without any doubt that during periods of time where our Nation has struggled to provide every citizen equality regardless of race, color, or creed, Senator Ribicoff has led that kind of battle, but in doing so he has always kept in mind that every region of the country should also be treated equally, and the people of our section of the country will always be grateful for the approach he made in many areas that took a great deal of courage.

I suppose we will have a lot of Senators who can replace to a degree the ability, the intelligence, and perhaps even the sensitivity, but I think it will be very difficult for us to replace the tremendous sense of intellectual honesty, integrity, and tremendous fortitude and courage that Abraham Ribicoff has displayed here.

He will be missed in this body. We hope to continue our personal relationships with him. We hope to continue to get the benefit of his guidance and also the presence of his lovely wife, Casey.

I just wish to say as the junior Senator from Georgia that our Nation owes a debt of gratitude to the State of Connecticut for supporting this man and providing him to the U.S. Senate as a great leader of both Connecticut and our country. I am grateful to have known him and to have been associated with him and look forward to continuing that kind of relationship in the future.

Mr. BAUCUS. Mr. President, Abraham Ribicoff is one of the few Americans whom I have had the privilege to know, honor, and revere as much as I do. He has been a counsellor to me personally. He has been a friend. He has been a father to me.

In many ways Abe reminds me of another Montana Senator who served in this body years ago, and that is Senator Mike Mansfield.

Senator Chiles took the words out of my mouth, as I stood here and began to collect my thoughts on what I think about Abe Ribicoff.

During those times when I have had a problem and sought advice the one person I would go to first would be Abe Ribicoff and that is because of his wisdom and integrity that has been mentioned already today. It is also because he listened. He took the time to listen.

I think, Mr President, too often we in this body are caught up in the routine of the whirlwind and sometimes spin our wheels. We are too busy. ABE RIBICOFF is not too busy. I think that is one of the reasons why he is so wise. It is why people seek him. It is why people in this body and elsewhere want to have the benefit of his counsel, and I only suggest, Mr. President, that all of us here in the Senate do well by remembering the model that ABE has set by being not too busy, by listening, and I think that not only we as individuals will benefit but I think the country will benefit as well.

Mr. President, let me conclude by saying that one of the highest privileges I have had is to know and work with a man of the stature of ABE RIBICOFF.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. WEICKER. Mr. President, no man is more admired in the State of Connecticut than ABE RIBICOFF. That admiration is not restricted to politicians. In all fields of endeavor, he is the most admired man in the State, and for good reason. Connecticut is a small State so it is able to focus on its officeholders with precision. We are under that microscope. In every possible position during his career whether as legislator, judge, Congressman, Governor, Cabinet officer, or Senator, the State knows ABE RIBICOFF. Usually for most of us the end of our careers leave many doubters, skeptics and antagonists. Not so ABE RIBICOFF.

The fact is that as years go by this man gets more popular in the State of Connecticut. That constituent judgment is the most meaningful of all who view us.

ABE is a man, of enormous courage. He has displayed that on so many occasions. It is a quality which is harder and harder to find in America.

He is willing to make his position known. He does not waffle on the issues.

Fortunately, this is not good-bye as far as I am concerned. ABE is going to continue to live in Cornwall, Conn., so I will have the opportunity for advice and friendship.

I would like to conclude with a personal tribute based on my own feelings of this man. Many people over the years have wondered how two men from different parties can be as close as the two of us have been. Well, you just do not get close to a man of ABE RIBICOFF's stature.

The day I walked into this body there never was a question that I was not going to be influenced by his brand of greatness. The State of Connecticut has benefited from the fact that ABE shared his wisdom shared those traits of character which are so important to outstanding leadership.

ABE, the State of Connecticut will miss you in the governmental, political sense but believe me there is a tremendous loss on my part in not having you here on the floor for advice, for encouragement, and for example. That is what you have been to me.

No man could have had a better example. Maybe in a few months, I will become the senior Senator from the State of Connecticut in name but I think it is going to take many years, and many decisions on my part, to earn the title.

So for the start you have given me, thank you, and for what lies ahead of you—great good fortune.

Mr. HART. Mr. President, there is no school for Senators, and certainly no Member of this body today, or any of our historic predecessors, has ever been born to the Senate. We are elected by our constituents to represent our States, and then we learn how to become Senators. The only way we can do that is if there are those here who embody not only what is best in the Senate but what is best in the American character, and we learn to become Senators by observation, by example, of those figures.

There are all too few, unfortunately, of those people, but there are those throughout history who have fulfilled that role of teaching all of us to become Senators and, perhaps, in effect, to become Americans.

Those few, of whom the Senator from Connecticut, Mr. RIBICOFF, is certainly one, perform that function of perpetuating what is best about the U.S. Senate, not in their words but in their deeds, in their behavior and, most of all, in their character.

I would ask the indulgence of my colleagues if my remarks become personal because ABE RIBICOFF was, perhaps, the only Member of this body with whom I had become acquainted before I became a Member of this body, and he extended those qualities of character and leadership to me even before I was elected to represent my State. I came here with enormous respect and admiration for him, and in the 6 years that I have watched him as a model for what the U.S. Senator should be, nothing he has said or done as a U.S. Senator has led me in any way to lessen my regard for him.

Mr. President, in short, I think the Senator from Connecticut, Mr. RIBICOFF, is the embodiment of all that a U.S. Senator should be, and I hope this body will somehow find a way to replace him in future years.

Mr. HARRY F. BYRD, JR. Mr. President, it is difficult to add to the many splendid and accurate tributes that have been expressed for ABE RIBICOFF in the Senate today.

I do want to say, however, that I feel that Senator RIBICOFF's voluntary retirement from the Senate represents a great loss to the Senate and to the American people.

Senator RIBICOFF is one of the ablest and one of the finest individuals it has been my privilege to know. We have sat alongside one another on the Finance Committee for 12 years now, and I have gained much from his commonsense and good judgment.

I think it is appropriate to say we do not have exactly the same philosophy on some of the matters coming before the Senate, but always have I had great confidence in ABE RIBICOFF, always have I had great admiration for him as an individual and as a Senator.

I know I shall miss being so closely associated with him as a member of the Finance Committee, and sitting side-by-side with him.

He is an individual whom I instinctively like, one for whom I have the warmest and highest admiration.

The Senate will miss ABE RIBICOFF, but he has left a very important mark on the Senate of the United States, and I believe that as the years go by, he will be regarded as one of the ablest men and one of the finest men who has ever served in this great body.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the tributes expressed about our colleague, ABRAHAM RIBICOFF, are meaningful, and they are meaningful because they go to a Senator who merits what has been spoken of him.

ABRAHAM RIBICOFF, I remember him, as others do, for specific instances within their leadership in this body and in public service. Incidentally, Senator RIBICOFF has served, as he leaves this Chamber in a few days, 42 years, 42 years in meeting the needs of the people.

ABE, if I can turn to you now, you have made my seat here a happy one because of the little chats and confidence that we have had.

But I remember that night when you came to Elkins, W. Va., in 1961. You were at that time a Secretary in the Cabinet of President John Kennedy. You came to speak to several hundred of our men and women on the matters of education and other subjects that were so close to them.

ABRAHAM RIBICOFF and his lovely lady Casey leave not only to them, but they leave in the sense in the hearts of all of us the recognition—and they did not seek it—that they had been very much a part of the development of often sound legislation, often innovative, often controversial, but always realizing that men and women can have differences but that animosities need never enter in there.

I shall remember his service, as others will. I am grateful for the opportunity of speaking for a man who has been conscientious and who has often led crusades that were most worth while.

Mr. HELMS. Mr. President, Harry Truman once said, when he came to the Senate, that he spent the first 2 weeks wondering how he got there; thereafter, he wondered how other guys got there. Nobody has ever wondered how ABE RIBICOFF got to this Senate. He has graced it with ability, intelligence, integrity and, yes, charm.

I want him to know at this time, and at all times, that I have appreciated his friendship, and I have admired him. As the distinguished Senator from Virginia, Mr. BYRD, just said in his own case that he did not always agree with Senator RIBICOFF, and neither have I, but one thing is for sure: It is always the case with ABE RIBICOFF that any disagreement is an agreeable one.

So I wish you and your lovely Casey every continued success and happiness. I want you to know that Dorothy and I love you very much.

Mr. HATFIELD. Mr. President, how does one pay tribute to a man of such diverse talents and so multifaceted a personality as Senator ABRAHAM RIBICOFF? I find it difficult to get a handle on where

I would like to start, because there are so many things on my heart at this time.

I recall one time that Senator RIBICOFF shared with a few of us about an experience he had as a small boy growing up in a limited income family and how there was a certain boy that he walked to school with and walked home with every day of the week that school was in session. This other boy had a family of higher income who had more money for various expenditures. One of their habits was that they would stop in this pastry shop on the way home from school each night and this friend of Senator RIBICOFF's would buy two jelly donuts and proceed to eat them on the way home, and never once, in all of those years and all of those jelly donuts that he purchased, did he ever offer Senator RIBICOFF so much as even one bite.

Now, I tell that story only because I think it is out of the full life and the learning of living that Senator RIBICOFF, among many of his attributes and virtues, demonstrates generosity. He has had this experience of one of his friends being so ungenerous that it taught him the great lesson of generosity.

I could talk about Senator RIBICOFF rising from a modest economic background—very rich, though, in family tradition and religion—onto a position of a U.S. Senator, Cabinet official, and Governor.

When I went to my first Governors' Conference in 1959, I looked around the table of the 49 other Governors and I selected Senator RIBICOFF as my model that I would like to live up to. I used Senator RIBICOFF as my model and still feel that he would be anyone's model to try to achieve and live up to the high excellence that he demonstrates.

But, Mr. President, if I were to try to summarize the life of Senator RIBICOFF and my view of his life, I would like to share with my colleagues here what I shared a few months ago at a small dinner party when it was my privilege to pay tribute to Senator RIBICOFF at that time.

I would like to take from the great Jewish tradition and writings of the Talmud, because in the Talmud there is defined what constitutes a good man, three major characteristics.

The Talmud records, first, that a good man promises little, but performs much.

Second, that a good man needs no monuments, because his deeds become his shrines.

The Talmud further states that a good man is characterized as one who is hard to provoke and easy to calm.

Now, think about that for a moment. In my view, those of us who have known Senator RIBICOFF and who have great affection and love for him, I think would be unanimous in saying that the Talmud has indeed spoken here directly and specifically of Senator ABRAHAM RIBICOFF. He embodies those characteristics that the Talmud speaks of.

I thank the Senator for having been a friend. I wish him well, happiness, joy, and God's blessings on his life and that of his dear wife, Casey, who we love very dearly, as well.

Mr. WARNER. Mr. President, as a Member of the freshman class, speaking on behalf of my freshmen colleagues, all of us have had the greatest admiration for the distinguished Senator from Connecticut; many of us—certainly this young Senator from Virginia—have tried to model our careers in many respects following the guidance, wisdom, and the friendship extended by ABRAHAM RIBICOFF.

We shall miss you and, as we say in Virginia, if you ever return to my great State, you will be accorded the honors of a true Virginia gentleman.

Mr. President, on a separate matter may I ask today's RECORD include a beautiful prayer composed and delivered by our colleague, Senator JOHN DANFORTH, last night at a historic dinner hosted by the majority leader-elect and Mrs. Howard Baker, in honor of the President-elect of the United States and Mrs. Ronald Reagan, and Vice President-elect of the United States and Mrs. George Bush, and attended by incumbent and retiring Republican Senators, newly elected Republican Senators, and senior advisors of the President-elect.

Senator BAKER opened the evening by characterizing it as a "family affair." Senator DANFORTH, in an eloquent style reflective of his training in the ministry delivered this prayer, which set the tenor for this moving occasion:

> Our heavenly Father, no people have been as blessed by you as we who are Americans. We have been given so much for which we are thankful—a fruitful land, a diverse population, and especially a tradition which values the dignity of each person whom you have created in your image.
>
> We are now at a turning point in the history of our country, and at this turning point we who are present tonight have been called to be leaders.
>
> Give us the strength and the commitment to be up to that task. Help us to set forth a vision of what America can be, to state a clear purpose for our people, to offer hope for a future of peace and opportunity. Make us uniters, not dividers. Help us to summon Americans together to the great common task of rebuilding our country and creating a heritage for generations to come.
>
> Bless our new President, our new Vice President, and all who will assume positions of leadership.
>
> Bless this food to our use and us to thy service, and make us always mindful of the needs of others. Amen.

Mr. LEVIN. Mr. President, I merely wish to add a brief note of my own personal thoughts. I have served on the Governmental Affairs Committee with ABE for the 2 years I have been here. He has been a model of courage and stability, as so many people have said this morning. Those two words, I think, characterize his life here as much as any two words could.

When I first came here, I think ABE was probably the first Senator I met with. I sat in his office asking for advice. I got the feeling sitting with him that he was really interested in my agenda and was not in any way seeking to impose his agenda on me. I felt that a special relationship was then created. There was a personal feeling between us that was something special and unique.

As I sat here this morning and had the privilege to preside while so many of these tributes were being paid, I so much agreed with what LAWTON CHILES said about each one of us apparently having the same kind of special relationship with ABE RIBICOFF that I felt I had. So that unique ability to deal with people as individuals, to deal with them as special individuals, is something which ABE RIBICOFF has so much of. We are going to miss him, we are going to remember him, we are going to look forward to his coming back often.

It has been a special privilege for me to be able to sit in the U.S. Senate with ABE RIBICOFF.

Mr. TALMADGE. Mr. President, it is a great privilege for me to join with so many of my colleagues in honoring the distinguished Senator from Connecticut, ABE RIBICOFF, on his retirement.

ABE RIBICOFF is a warm personal friend. I had the opportunity to work closely with him when he was Secretary of HEW under the Kennedy administration and I have since had the privilege to serve with him for many years on the Finance Committee where I was a member of the Trade Subcommittee which he chaired. Together we worked on the Trade Expansion Act of 1962 which laid the foundation of most of the major trade and tariff structure we have today.

As State legislator, judge, Congressman, Governor, Cabinet officer, and U.S. Senator, ABE RIBICOFF has left his mark on both State and national policy. His leadership led to the enactment and establishment of the Department of Housing and Urban Development, the Department of Transportation, the Department of Energy, and the Department of Education. As the able chairman of the Senate Governmental Affairs Committee, he did yeoman's work on civil service reform. As chairman of the Finance Committee's Subcommittee on International Trade, ABE RIBICOFF managed Senate passage of the Tokyo Round of Multilateral Trade Negotiations and "Most Favored Nation" trading status for the People's Republic of China.

ABE RIBICOFF is universally respected by his colleagues in the Senate. He is a man of strong convictions and personal integrity. He has served with deep wisdom and extraordinary dedication, and both the Congress and the Nation are better for ABE RIBICOFF's service. For his contributions which stand as a monument to his capability, we salute him and thank him—and wish for him the best of success in whatever endeavors he chooses to pursue.

A FAREWELL TO SENATOR ABE RIBICOFF

Mr. WILLIAMS. Mr. President, even though we have all known for some time now that our most distinguished colleague and dear friend from Connecticut is retiring from the U.S. Senate, I still find it difficult to say goodbye to him today.

Maybe that is because he has been such a good friend. Or perhaps it is because he has been such a strong ally and thoughtful Democrat. Or maybe it is difficult to say goodbye to him today because we can imagine how much his presence here will be missed.

For those and many other reasons, I am especially sorry to bid farewell to this experienced and able statesman who has done so much during the past 18 years to help keep our Nation on the proper course.

The accomplishments and the dedication of Senator Ribicoff have been lauded here today by his many friends. There is certainly ample testimony to his outstanding record and much evidence of the respect in which he is held by his colleagues. I will not extend that litany by listing now the many legislative successes and political laurels that deserve to be laid at his feet. But I do want to reemphasize that whatever purpose Senator Ribicoff has dedicated himself to has always been marked by principled determination, careful consideration of all sides of an issue, and prescient awareness of what would be best for the country and for his home State of Connecticut.

Throughout his career, both with us in the Senate, and in his other government offices, Senator Ribicoff has faced his share of arduous and formidable tasks. He has fought some lonely battles, and he has been in the vanguard of critical issues. For as long as I have known him, my distinguished colleague and frequent ally has proven himself to be one of the finest individuals ever to serve in this deliberative body.

Jose Marti once said, "Mountains culminate in peaks, and nations in men." Abe Ribicoff embodies that sentiment. He will surely be remembered by all of us here, and by history, as a uniquely qualified legislator and statesman.

I extend to him every good wish for happiness and continued success in whatever he chooses to do in the years ahead.

Mr. COHEN. Mr. President, in my first 2 years as a U.S Senator, I have been privileged to serve on the Governmental Affairs Committee under the distinguished leadership of Senator Abraham Ribicoff

Senator Ribicoff's stewardship of the committee has been characterized by a passionate commitment to the democratic process, an unfailing courtesy toward the Republican members, and an unusual ability to reconcile opposing views into a workable compromise. He is respected by all of us who have worked with him as an able and tireless legislative craftsman.

Senator Ribicoff's outstanding Senate service is only the capstone on a lifetime dedicated to public service. His career—from Governor of Connecticut to Secretary of HEW to U.S. Senator—has been marked by his commitment to his country, his desire to serve his fellow man. His life truly exemplifies a special kind of patriotism, described by the late Adlai Stevenson as a patriotism that puts country ahead of self; a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime. These are words that are easy to utter, but this is a mighty assignment."

Mr. President, Abraham Ribicoff has fulfilled this mighty assignment. We who remain behind shall miss his wisdom, his counsel, and, most of all, his quiet patriotism.

Mr. SIMPSON. I regret that I was not able to be present on the floor this morning at the time various tributes were paid to Abe Ribicoff. I deeply appreciate the majority leader holding the Record open for further remarks.

I have been in this body for less than 2 years. I have learned much. I have won a few and lost a few. I have come to know these men and this woman that I have the privilege to serve with. I still have much to "sort out" about the experience but I have arrived at one inescapable conclusion. Abe Ribicoff is one of the absolutely class persons of this organization. He is the very epitome of the U.S. Senator—as I would have envisioned one to be during the years before I came here.

I have another personal link with him. He served in the Senate when my father, Milward Simpson, also served in this body. He and my father, even though philosophically quite divergent in view, became fast friends. One of the first things my father told me after my election was,

> Be sure to give my richest regards to Abe Ribicoff—observe him and learn from him because he is indeed one of the most remarkable and finest of the U.S. Senators.

I do wish all Members of this body could have been present when Abe Ribicoff shared himself with us at the Senate prayer breakfast group some months ago. That was one of the most stirring relations of Senate history and tradition that I have ever heard. It was also a tremendous expression of the sharing of the personality of Abe Ribicoff. I had never seen a time during prayer breakfast when we did not conclude our deliberations by 9 o'clock. On that day the hour of 9 o'clock passed without a single murmur from those present—as we listened to history literally unfold. Here was this marvelous man sharing his remarkable philosophies and reviewing his lifetime of service to his Nation. He told us of the parts which were the most meaningful to him and which parts were the most bitter and destructive. He told us what he believed—and how he felt—and he reviewed his own vulnerability and growth and shared the very real humaneness of "the Senate experience." I have a hunch that others who were there that morning shall always remember that most moving occasion.

The reason that Abe Ribicoff is so very much the epitome of a U.S. Senator is because he is fair, he is tough, he is courteous, he is gracious, he is kind, he does his homework, and his demeanor and attitude simply command respect. No, command is not the word. One simply tenders respect to him because of the type of gentleman he is.

I consider my Senate experience to have been a much richer one because of my association with Abe Ribicoff. And I say a most sincere "thanks" to him. "Thanks" for being just who he is. He is a most authentic human being. And I also thank him and his most stylish and gracious lady, Casey, for the kindnesses they have extended to Ann and to me since our coming to this place.

His leaving of the U.S. Senate leaves a large blank spot on the tapestry that weaves through the personalities in this Chamber. He will be sorely missed. But he goes out the same way he came in—with class.

I join with every other Member of this body in expressing love and respect to him—and God speed him in whatever endeavors and objectives he sets for himself—and my hunch is that this Nation will ask much more of him and he—being the kind of person he is—will give it in full.

God Bless you, Abe.

Mr. STEVENS. Mr. President, when the senior Senator from Connecticut, Abe Ribicoff, announced his intention to retire from the U.S. Senate at the end of his current term, it took a great many of us by surprise. Abe Ribicoff has been a pillar of support and an example of leadership in the Senate for over 16 years. We have come to depend upon his judgment, his fair and even treatment, and his absolute honesty. When Abe Ribicoff gives his word, it is like money in the bank. These characteristics have been exemplified throughout his career as a State legislator, Judge, Congressman, Governor, Cabinet officer, and a U.S. Senator. His life and career should be an example to all those who seek public office.

When I first came to the U.S. Senate, I joined the Governmental Affairs Committee, which was chaired by Senator Ribicoff. During my tenure, I learned that he is not only a wise lawyer but a fine teacher as well. My freshman colleagues and I saw that a great deal can be accomplished for constituents and for the Nation by quietly, but diligently, working with other Members of Congress on legislation of importance. More goals can be achieved by working hard in dealing fairly and honestly with your colleagues than an occasional flash of publicity or grandstanding will ever bring. Abe Ribicoff is the epitome of that concept commonly referred to around here as a workhorse, rather than a show horse. He is an effective legislator.

Along with Abe's fairness, honesty and hard work, he has a big heart. He cares about other Members and their problems. He is concerned about those particular issues that affect each of us. On a personal note, let me relate the help Abe and Casey Ribicoff have given me. Somehow, the Ribicoffs found out years ago, that I was seeking books to send to the rural native libraries in my State. These native community libraries have almost no funds to purchase books for their patrons. Over the past years, the Ribicoffs have donated box upon box of books from their personal library, from their own purchases, to send to these native libraries. This action typifies the concern Abe and Casey have for their fellow Members of Congress and Americans everywhere.

One of the greatest times that I can

remember was when my late wife, Ann, and I accompanied the Ribicoffs on a trip abroad. I want to take this opportunity to congratulate Abe on his outstanding career in public service and to express the hope that he and Casey will find equally challenging and rewarding tasks in the future.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I am deeply touched and very appreciative to have my colleagues, whom I respect and love, offer these comments as I am about to leave the U.S. Senate.

This is a great institution, and any person who has been privileged to have been sent here by his constituency has had conferred upon him the greatest possible honor.

The significance of this body is that it brings together men and women from all the 50 States. We all have to understand that the genius of the U.S. Senate is that in this body, day in and day out, we know what the United States really is because the men and women who come here are speaking for the people of their State. We will never succeed as a country unless we accommodate ourselves to one another with our conflicting philosophies and objectives.

In a few weeks we will have a change of leadership in this body. The Democrats who have controlled will give way to the Republican Party. The Republicans will have an opportunity to exercise leadership with a new President and a new Senate. Senator Byrd, as majority leader, will give way to Senator Howard Baker as majority leader.

I love both men and have worked with both men. Senator Byrd, as majority leader, has been a man of great wisdom, of courage, always working in the national interest. I know he will continue to do so as minority leader.

President-elect Reagan is very fortunate to have as his leader Senator Howard Baker. Senator Baker is wise, experienced and knows how to bring conflicting points of view together. Senator Howard Baker is a close personal friend, and the genius again of this body is that our friendships cross party lines and cross the middle aisle. We respect one another for what we are and not because of our party labels.

I have only one thought as the administration changes and the administration of another party comes into being. To me, the symbol of our country is the Presidency of the United States. When a President succeeds, the country succeeds. If a President fails, the country fails. We may have our differences, philosophically and politically, with whoever may be the President, but I have always felt that a U.S. Senator, consistent with his own beliefs and philosophy, should do everything he possibly can to make an American President succeed, because not only is the future of our country at stake, but the future of the entire world is at stake.

The Presidency becomes more and more complicated with each passing day because of American power, American position, American resources. Without question, the President of the United States has become the most important single individual in the entire world.

I am confident that the men and women who will serve here in the next Congress will do all they can for the benefit of our country.

President Carter is leaving. I liked President Carter. I respected him and I worked with him. But nothing is permanent in life or in politics, and the people have expressed their will.

I know that each and every one of us in this body and in this country wish the President-elect well, and we wish for him a successful administration.

I want to thank each and every one of my colleagues for their friendship, for their consideration, and for having given me the privilege of working with them during these 18 years. I love this body and I always will. The greatest memories of my life will be here.

One final word: I want to take this opportunity to thank the people of the State of Connecticut. No State could have given a man more opportunities and more responsibilities than the people of the State of Connecticut have given me. There is not anything that a State could give a man that the people of Connecticut have not conferred upon me.

I will always be grateful to them.

It is said that you can never go back to Pocatello, but if I do not go back to Connecticut I would lose my respect as a person. Connecticut will always be my home, will always be my residence, for all my living days.

My thanks to each and every one of you for the many kindnesses you have conferred upon me during my tenure as a U.S. Senator. My thanks, too, for your most gracious comments concerning my beloved Casey. She deserves them. I will always remember the Senate, I will always love it, and I will always appreciate it with great depth and respect.

[Applause, Senators rising.]

(The following proceedings occurred during the foregoing tributes to Senator Ribicoff:)

The ACTING PRESIDENT pro tempore. The leaders' time has now expired.

ADJOURNMENT

JOURNAL—ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there are other Senators who want to be heard on this subject. I ask unanimous consent that the Senate be considered as having adjourned for 2 seconds; that the reading of the Journal be considered as having been dispensed with; that there be 15 minutes of routine morning business; that Senators may speak therein; that no resolution or motions may come over under the rule; and that the Record show no interruption.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, I understand the request of the majority leader to be that we have a momentary adjournment of the Senate. Is that correct?

Mr. ROBERT C. BYRD. Yes, Mr. President.

Mr. BAKER. That nothing come over under the rule and that we proceed to have not more than 15 minutes of morning business.

Mr. ROBERT C. BYRD. Mr. President, with no disturbance in the Record of the colloquy.

Mr. BAKER. And with no interruption shown in the colloquy relating to the Senator from Connecticut.

Mr. ROBERT C. BYRD. That is correct, Mr. President.

Mr. BAKER. I am sure that will have a bearing on how we proceed beyond this point, Mr. President. I am aware of that. Under the circumstances, I think it does not create a problem as far as we are concerned, and I have no objection to the request of the majority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

There being no objection, the Senate, at 10:28 a.m., on Thursday, November 20, 1980, adjourned until 10:28:15, the same day.

AFTER ADJOURNMENT

THURSDAY, NOVEMBER 20, 1980

The Senate met at 10:28:15 a.m., pursuant to adjournment, and was called to order by the Honorable Carl Levin, a Senator from the State of Michigan.

Mr. CHILES. Mr. President, is there additional time?

Mr. ROBERT C. BYRD. Mr. President, Mr. Heflin has a special order from yesterday and he has been very patiently waiting. He certainly has a right to claim that order at this time.

May I ask him if he wishes so to do.

Mr. HEFLIN. I will certainly not. I am enjoying this. I am finding out about the history of our greatest Senator that we have ever had.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of routine morning business not to exceed 10 minutes and that Senators may speak therein up to 2 minutes each and that any Senator may insert a statement in the Record at this point if he desires, and that there be no interruption of the colloquy at this point by virtue of these requests.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Conclusion of earlier proceedings.)

AMENDMENT OF TITLE VIII OF CIVIL RIGHTS ACT OF 1968

The PRESIDING OFFICER. The Senate having adjourned, the bill H.R. 5200, which has had its first reading and is at the desk, will now receive its second reading.

The legislative clerk read as follows:

A bill (H.R. 5200) to amend title VIII of the Act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

Mr. BAKER. A parliamentary inquiry, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, I object to any further proceedings on this measure.

The PRESIDING OFFICER. The bill (H.R. 5200) having been read twice and objection having been heard to its further consideration, the bill will now be placed on the calendar.

Mr. BAKER. Mr. President, I have no further parliamentary inquiry. That was the purpose of the inquiry, to ascertain the correctness of my understanding that, on second reading and in the face of objection, the bill goes directly to the calendar.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECOGNITION OF SENATOR HEFLIN

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama (Mr. HEFLIN) is recognized for not to exceed 15 minutes.

Mr. HEFLIN. Mr. President, I shall not take the 15 minutes. I did not make any remarks during the period in which numerous Senators had praise for Senator RIBICOFF. While I wanted to do so at that time, I felt that I could do so in under my 15-minute time limit.

I concur in the remarks made by all the Senators concerning Senator RIBICOFF. He is a great Senator, a great statesman, a great American, and we shall miss him.

S. 3216—NATIONAL LASER INSTITUTE ACT

Mr. HEFLIN. Mr. President, I am today introducing a bill which would mandate the establishment of a National Laser Institute. The purpose of this bill is to establish a mechanism to improve the coordination of Federal efforts in laser research and technology development in order to accelerate the development and utilization of laser technology for the benefit of the Nation and of mankind.

Mr. President, during December 1979 and January of this year, I had the privilege of chairing several days of hearings on this vital technology. The committee report summarizing the findings and recommendations growing out of these hearings will soon be available. I strongly recommend that each Member of this body thoughtfully examine this report, for I am thoroughly convinced that the invention and development of the laser is an event which will someday rank in importance along with some of the fundamental inventions of mankind, such as the invention of the wheel, internal combustion engine, heavier-than-air flight, and television.

While much has been done to nurture this infant technology during the first 20 years of its existence, a recurring theme developed during the laser hearings and is well documented in the report I previously mentioned.

To date, laser research and development has been highly compartmentalized with a number of Federal agencies and civilian institutions working more or less independently, each within its own sphere of interest and influence. For example, the research and development effort on this technology has been fragmented, with responsibilities for various programs resting with the National Aeronautics and Space Administration, the Department of Energy, and the Department of Defense, as well as other agencies. Even within the Department of Defense, the high-energy laser effort is spread among four separate organizations—the Defense Advanced Research Projects Agency, the Department of the Air Force, the Department of the Navy, and the Department of the Army.

While there is a degree of coordination among the programs under the aegis of the Department of Defense, each program is directed toward technology objectives of primary and unique interest to the sponsoring organization or service. The individual funding levels, even within the Department of Defense, do not permit the accumulation of the critical mass funding necessary to facilitate program development.

Thus, the hearings found that there is a compelling need to revise the DOD high-energy laser research and development planning and funding to achieve a balance between technology development and weapon system development. It is therefore recommended that the achievement of this objective could be enhanced by the Secretary of Defense designating an office in the Office of the Deputy Under Secretary for Research and Engineering to manage and direct the overall DOD high-energy laser program. But, this is only part of the problem since, as mentioned, the total national effort is fragmented, just as the DOD effort is fragmented.

Coordination among the Federal departments and agencies is generally weak, and much of the coordination stems from the professional relationships among the senior managers and researchers, rather than from institutional relationships. The Federal program structure stresses achievement of differentiated departmental, rather than national missions and goals. Thus, one of the major findings of the hearings documented by the committee report is that there is a need to improve the coordination of the high-power laser programs among the various departments and agencies of the Federal Government.

This improved coordination will increase the effectiveness of the separate departmental and agency laser programs and thus increase the efficiency and effectiveness of the overall Federal effort. It is therefore strongly recommended that an institutional mechanism be established to improve this coordination. That, Mr. President, is what the National Laser Institute, which would be created bv the bill I offer today, would accomplish.

Mr. President, my bill would create in the executive branch of the Federal Government a National Laser Institute to coordinate the national laser research and development effort. The Institute would be comprised of key Government officials, such as the Secretary of Defense, the Secretary of Energy, the Administrator of NASA, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and other recognized leaders of the scientific, business, academic, and governmental community who would be appointed by the President and by the Congress.

The Institute would be supported by a small but competent full-time staff and would be required to meet at least two times each year. It would be mandated to study laser research and technology applications for future civilian and national security uses; to make recomendations, including recommendations for legislation, to the Congress and to the President regarding implementation of the findings of the Institute; and to make recommendations to the Congress and the President regarding coordination of the efforts of the departments and agencies of the Federal Government with respect to laser technology, including cooperative programs and exchange of information, manpower, and facility resources.

The Institute will be required to prepare and submit to the President and the key committees in the House and Senate an annual report regarding its activities under the act. The Institute members and employees would have access to such classified or nonclassified information as is necessary for them to carry out their responsibilties of an overall umbrella agency under the act.

Mr. President, the approach I am advocating here today is certainly not without precedent. When World War I broke out in 1914, the United States was last on the list of world powers equipped with military aircraft, running a poor fifth behind France, Germany, Russia, and Great Britain.

But, not only the tangible evidence of aeronautical progress was lacking. There were few aeronautical research laboratories and facilities in this country, whereas the above-mentioned nations already had well equipped and well staffed research facilities. Italy and Russia had aeronautical laboratories long before the United States took the step. A survey by the Smithsonian Institution resulted in a report which showed clearly the dangerous gap between the state of aeronautical technology in Europe and in the United States.

The result of the national concern which mounted over this problem was the establishment of the National Advisory Committee for Aeronautics which was charged with the duty of supervising and directing the scientific study of the problems of flight, with a view towards practical solutions.

The first committee appointments were made by President Woodrow Wilson on April 2, 1915, and the committee began its work by April 23 of that year. This forerunner of the National Aeronautics and Space Administration proved to be one of the most successful approaches to solving practical problems ever devised by this Congress. Within a few short years, the United States was able to assume the lead in aeronautical science and continues to this day to be the technological leader in air and space applied sciences, primarily because of the foresight displayed by the Members of Congress and the scientific community in those early years of aviation.

Similarly, if this Congress will draw upon the precedence provided by that Congress so many years ago and establish this National Laser Institute, I am confident that 20 or 30 years from now, Americans will look back with pride to the beginnings of the effort which made us preeminent in the advancement of laser technology.

Mr. President, I ask unanimous consent that my bill be printed in its entirety at the close of these remarks so that the Members can examine it in detail at their convenience.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I will not today dwell on the many potential civilian peacetime applications of laser technology, nor on the many potential defense applications of this new science. These various applications are well documented in the hearing record and are, of course, summarized in the committee report I previously mentioned. I would, however, like to highlight a few of these applications to put the need for this legislation in the proper perspective.

Since the initial discovery of the laser in 1960, practical applications of laser technology have already proved to be of great benefit in manufacturing, retailing, medicine, and advanced communication fields. However, the potential for laser application in space exploration and in the crucial areas of national defense and energy production has yet to be realized. And this potential, in my judgment, makes laser technology the most exciting and important scientific field of research for the remainder of the century. I am not exaggerating when I say that the future of this Nation, especially in defense and energy, is inextricably tied to the full development and exploitation of laser technology.

During the laser hearings, I listened to numerous scientific experts testify that many of our Nation's problems could—and I feel certain will—be solved through laser applications. Let me briefly outline a few examples of the potentials of laser application.

First, there is a great potential for lasers to be used in the production of electricity through clean and safe nuclear fusion—as opposed to the current method of nuclear fission. This application of laser technology can provide our Nation with an inexhaustible supply of cheap and clean electric power without the dangers of nuclear reactor accidents or the problems caused by radioactive nuclear wastes.

With respect to defense applications, a very large number of Senators are already on record as supporting a space based laser weapons system which could potentially provide an umbrella protecting our Nation from enemy missile-delivered nuclear weapons systems, whether launched from underground land-based silos or from submarines lurking near our shores.

I expect that, if not during the next session of Congress, at least soon, we will be channeling funds into just such a program. Unless, however, the actions I am recommending today are taken, it may well be possible that we will not achieve these very complicated and complex systems during this decade, and perhaps not even during this century. High-energy lasers which offer the potential for directed energy weapons in which hostile targets are disabled or killed by the energy of the laser beam require three stressing technology components: very high power laser devices; precision mirrors/optics; and precise pointing and tracking devices. These weapons systems also would require sophisticated fire control and technology for battle management. A less than fully coordinated national effort to advance these various technology components, in my judgment, would be doomed to failure or at least to delays which could prove decisive.

The reason I feel that delay may become a decisive factor is that much has been written lately about the Soviet Union's extensive research and development of laser weapon systems. In my judgment, we cannot afford to fall behind the Soviet Union in this critical area.

Lastly, there is a great potential for laser application in space exploration which must be fully developed by the National Aeronautics and Space Administration.

The almost unlimited potential for laser application is not seriously questioned. While private industry is engaged in the research and development of laser technology, there is little doubt but that the Federal Government must be the leader. The program is so vast and so important that just as the Federal Government has taken the lead in the space program and established as a national commitment the placing of a man on the Moon, thus the Federal Government must take the lead in developing this new technology.

Federal funding for laser research—and the Federal Government is the principal sponsor of high-energy laser R. & D.—exceeded $400 million last year. This amount was shared almost equally by the Departments of Energy and Defense, with a small amount expended by NASA. This relatively small amount of money being expended in such a critical field places us at a terrible disadvantage with the Soviet Union, which is expending massive amounts of money—more than five times our expenditures—on the development of laser technology.

The United States cannot afford not to make an all-out American effort in laser research and development.

Mr. President, I fully realize that during this lameduck session it will be impossible to move this bill forward into law. I, of course, intend to reintroduce it early in the next session of Congress. Because a record has already been made in previous hearings during this Congress as to the efficacy and importance of this legislation, I woud hope that this measure could be expeditiously moved forward to become law.

I urge every Member of this body to examine this proposal seriously and thoughtfully, and I think that each of you will agree with my conclusion and rally behind this most worthwhile effort.

EXHIBIT 1

S. 3216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Laser Institute Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) laser technology is among the most important technologies of this century, ranking in significance with nuclear fission and integrated circuits;

(2) low-power laser systems already have produced large improvements in military capability, with further improvements expected;

(3) laser technology has the potential to benefit the United States in many important areas including national security, energy production, space activities, communications, and photochemistry;

(4) high-energy laser systems have the potential to significantly alter existent military strategy, doctrine, and tactics, and thus cause a dramatic shift in the relationships of the superpowers;

(5) federally sponsored laser research has not been fully coordinated, and the lack of such coordination has detracted from the Nation's ability to achieve important laser applications at the earliest time;

(6) achievement of laser applications can be accelerated through cooperative and coordinated efforts of departments and agencies of the Federal Government; and

(7) the diverse areas to which high-energy laser technology can make extremely important contributions, require that the Congress participate in charting the Nation's course in the development and utilization of high-energy laser technology for the benefit of mankind.

(b) The purpose of this Act is to establish a mechanism to improve the coordination of Federal efforts in laser research and technology development, in order to accelerate the development and utilization of laser technology for the benefit of the Nation and mankind.

ESTABLISHMENT OF INSTITUTE

Sec. 3. (a) There is created in the executive branch of the Federal Government a National Laser Institute (hereafter cited as the "Institute"). The Institute shall be composed of thirteen members as follows:

(1) The Secretary of Defense.

(2) The Secretary of Energy.

(3) The Administrator of the National Aeronautics and Space Administration.

(4) The Director of the National Science Foundation.

(5) The Director of the Office of Science Technology Policy.

(6) Two individuals shall be appointed by the President from industries involved in laser technology, selected from among individuals in such industries who are knowledgeable and possess expertise in laser technology and laser research and development.

(7) Two individuals shall be appointed by the President from the academic profession, selected from among individuals who are knowledgeable and possess expertise in laser technology and laser research and development.

(8) Two members shall be selected by the President from a list of names to be

submitted to the President by the President Pro Tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader.

(9) Two members shall be selected by the President from a list of names to be submitted to the President by the Speaker of the House of Representatives.

Not more than five of the individuals appointed pursuant to paragraphs (6) through (9) of this subsection may be members of the same political party.

(b) The President shall designate one of the members of the Institute as Chairman at the time of his appointment. Any vacancy in the Institute shall be filled in the same manner as the original appointment, including the party affiliation limitations contained in subsection (a) of this section.

(c) The Institute shall hold such meetings as are necessary for carrying out its responsibilities under this Act. The Institute shall meet at the request of the Chairman or upon the request of a majority of its members, but in no event shall the Institute meet less frequently than two times within each calendar year.

(d) (1) There shall be a full-time staff director for the Institute who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Within the limit of its appropriations, the Institute may—

(A) appoint and fix the compensation of such other personnel as may be necessary;

(B) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code; and

(C) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code.

(e) Members of the Institute who are otherwise employed by the Federal Government shall serve without compensation. Members of the Institute who are not employees of the Federal Government shall receive compensation at a rate equal to the daily rate prescribed for positions in Level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Institute during which they are engaged in the actual performance of duties vested in the Institute. While away from their homes or regular places of business in the performance of services for the Institute, members of the Institute shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) Section 5316 of title 5, United States Code, is amended by inserting at the end therof the following:

"Director, National Laser Institute.".

FUNCTIONS OF THE INSTITUTE

SEC. 4. (a) The Institute shall—

(1) study laser research and technology applications for future civilian and national security uses;

(2) make recommendations, including recommendations for legislation, to the Congress and the President regarding implementation of the findings of the Institute made pursuant to paragraph (1) of this section; and

(3) make recommendations to the Congress and the President regarding coordination of the efforts of the departments and agencies of the Federal Government with respect to laser technology, including cooperative programs and exchange of information, manpower, and facilities resources.

(b) The Institute may make specific recommendations pursuant to its authority under subsection (a) of this section as necessary, or upon the request of the President, the Congress, or the head of any department or agency of the Federal Government.

ACCESS TO INFORMATION

SEC. 5. (a) The members and employees of the Institute shall have access to such classified or nonclassified information as is necessary for carrying out their responsibilities under this Act. Access to such information shall be subject to the procedures for security clearance established and in effect by departments and agencies of the Federal Government. Nothing in this subsection shall be construed as waiving any requirement or sanction, criminal or civil, with respect to disclosure of classified information by any person.

(b) In order to assist the Institute in carrying out its responsibilities under this Act each department and agency of the Federal Government shall, upon request of the Chairman of the Institute, provide access to such information and materials as is requested in accordance with the provisions of subsection (a) of this section.

ANNUAL REPORT

SEC. 6. (a) The Institute shall prepare and submit—

(1) to the President;

(2) to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(3) to the Committee on Armed Services, the Committee on Science and Technology, and the Committee on Interior and Insular Affairs of the House of Representatives;

an annual report regarding its activities under this Act, together with such recommendations for legislation, budgets, and program content or other action as the Institute determines to be necessary or desirable in order to carry out the objectives of this Act.

(b) Notwithstanding any other provision of law, any information which is designated as classified and is transmitted to the Congress in accordance with the provisions of subsection (a) of this section shall be treated by recipients of such information as classified information, and not released to any source except in accordance with any law, rule or regulation applicable to or promulgated by the source of such information.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TERMINATION

SEC. 8. The provisions of this Act shall terminate five years after the date of enactment of this Act.

CRIME IN THIS COUNTRY

Mr. HEFLIN. Mr. President, I wish to address a problem to which I have spoken on several occasions during my tenure in the Senate, the problem of crime in this country. Next to inflation and the economic ills which plague this Nation, crime is probably the most serious domestic problem that the American people face today.

During the past few years there has been an alarming increase in overall crime in this country, a fact which is having a chilling effort on the average American citizen.

Over the past 30 years the number of murders in the United States has increased by 370 percent and the number of robberies has increased by 300 percent. Last year murder rose by 18 percent over 1978, forcible rape rose by 13 percent and robberies by 10 percent. There is no reason to believe that these trends in violent crime will begin to reverse in the near future. FBI statistics for the first 6 months of 1980 reveal that violent crimes are up 10 percent over last year.

Based on statistics for 1979, the FBI has determined that a violent crime occurs every 27 seconds in this country; someone is murdered every 24 minutes; a forcible rape occurs every 7 minutes; there is an assault every 51 seconds; and, a robbery takes place every 68 seconds.

These disturbing figures are based on nationwide surveys and indicate that crime is a widespread problem and not isolated to only a few highly populated areas of the country.

For example, the South is considered by many to be one of the safest regions of the country in which to live and raise a family. However, there were some dramatic increases in crime in the South during 1979 with murder increasing by 10 percent over the previous year, forcible rape by 14 percent and robbery by 17 percent.

Recent surveys indicate that fear of crime is causing a majority of Americans to drastically alter their lifestyle. This research reveals that 4 out of 10 Americans are highly fearful of becoming victims of a violent crime such as murder, rape, robbery and assault. One person in four has stopped going places he or she used to go at night because of fear of becoming a victim of a violent crime.

Nine out of 10 Americans lock the doors of their homes and apartments and ask visitors to identify themselves before allowing them to enter. Four out of 10 people feel unsafe in their homes, neighborhoods, workplaces and shopping centers.

In recent years the United States has also seen a significant increase in "white collar" crime, which is resulting in staggering costs to our economy. In a 1976 study conducted by the Joint Economic Committee of Congress, it was estimated that such crimes as bankruptcy fraud, bribery and kickbacks, consumer fraud, credit card and check fraud, insurance fraud and securities fraud, are costing our economy $44 billion per year. Studies also point out that "white collar" crime contributes to an erosion of public confidence in our legal and economic systems which may promote an atmosphere of lawlessness, leading to more crime.

Recent studies reveal that "white collar" crime, as in other areas of crime, is on the increase, costing the American taxpayer more each year.

All across this land, in our cities and in our towns, in our suburbs and in our rural areas, crime is soaring at an alarming rate and is diminishing the quality of life for all Americans regardless of race, sex, or creed.

Mr. President, I believe it is time that Congress declare an all-out war on crime in this country. Everyone agrees that something must be done about crime, but too many times it has been treated as a secondary issue by the Federal Government. Strong talk and wishful thinking will do nothing toward reducing crime. It is incumbent upon Congress to act forcefully and deal dramatically with this crisis that now confronts us.

It has long been my belief that the Federal Government must share the responsibility of law enforcement with State and local governments. Only with this type of partnership, pooling our resources, manpower and technology, can we effectively combat crime and at the same time, improve our system of criminal justice.

I was deeply disappointed at the demise of the Law Enforcement Assistance Administration due to budgetary cutbacks earlier this year. I believe this program has been of enormous benefit to our State and local governments in their efforts to improve the administration of criminal justice at every level. By providing financial aid and technical assistance to those governments we have made vast improvements in the areas of crime prevention and control.

LEAA proved to be extremely successful in a number of programs such as: statewide court modernization; training of court professionals; jury management; uniform sentencing guidelines; career criminal programs; prosecutor's management information systems; "Sting" antifencing projects; law enforcement training programs; health care in jails; drug and alcohol diversion; victim/witness assistance, deinstitutionalization of status offenders; and others. These programs have had clear and definable impacts on crime reduction all across this country.

In efforts by Congress to reduce Federal spending and bring inflation under control LEAA has been reduced to a nominal existence. LEAA's critics cite inefficiency and waste as sufficient reasons to eliminate the programs and I can understand their concerns. I believe my record will reflect that I am strongly in favor of returning fiscal responsibility to Government. In doing so, I realize that every agency in the Government will have to sacrifice. Yet, how many agencies, out of the hundreds that exist, have been totally abolished as has LEAA. The problems it had in its early years diminished as the program matured and instead of adopting policies and methods to further solve its defects, Congress and the administration instead preferred to destroy it altogether.

With the abolition of LEAA, the Federal Government now has no program whose primary function is to try to solve the problems of crime in this country.

I believe the Federal Government must take an active role if the war on crime is to be won. The extent of its role, and how it should be shaped, are questions we hope to answer in hearings to be conducted by the Judiciary Committee on December 3. These hearings will focus on the problems and successes of past Federal assistance programs to State and local governments and, what role, if any, the Government should play in the future. The committee will also look at the current status of crime in this country and reasons for the drastic trends it has taken in recent years.

I wish to thank Senator EDWARD KENNEDY, chairman of the Judiciary Committee for calling for this hearing and I commend him for the leadership he has provided in this crucial area. I also wish to commend Senator STROM THURMOND for his active role in searching for solutions to the problems of crime. I look forward to working closely with him in the future.

I thank the Chair.

ENVIRONMENTAL EMERGENCY RESPONSE ACT

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, may I say, before I proceed to the unanimous-consent request, it is the desire of the leadership on this side of the aisle to proceed to the consideration of the superfund bill, the Senate version.

The PRESIDING OFFICER. Let us have quiet in the Chamber, this may involve a ruling of the Chair.

Mr. ROBERT C. BYRD. I should say to the distinguished minority leader and others on the other side of the aisle that it would be my hope that we could proceed with the consideration of the Senate bill.

It is my understanding that Mr. STAFFORD and Mr. RANDOLPH have worked out an amendment by way of a substitute, perhaps, to the Senate bill which might represent a pretty fair consensus of the Senate.

It would also be my hope that if Senators wish to have a little time to further negotiate the Stafford-Randolph proposal, if we could get to the superfund bill, we might then set it aside, hopefully, and proceed to other matters while those considerations are being carried on.

So, having said that, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1151, S. 1480.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object. Mr. President, I am reserving the right to object.

The PRESIDING OFFICER. Let us have quiet in the Chamber. The Chair is not familiar with the situation except to understand that it may require a ruling.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, may I say on reservation that the majority leader has conferred with me in advance of this, for which I am grateful. He is aware from that private conversation, which I repeat now, that I had hoped we could work out a satisfactory arrangement to permit us to pass a superfund bill this session.

Now, that statement is at variance with what I have said publicly before. I had said I thought there was no chance a superfund bill could pass this session. But, frankly, I changed my mind, and I was urged by many on this side to try, and I have tried to do so.

We have had a number of meetings. Indeed, there was a meeting scheduled for 3 o'clock this afternoon with a number of parties who are interested in this subject, including the distinguished Senator from Vermont (Mr. STAFFORD), the distinguished Senator from New Mexico (Mr. DOMENICI), the distinguished soon-to-be chairman of the Finance Committee (Mr. DOLE), and a number of others.

I had hoped we could work out something.

I do not think, in all candor, that the Randolph-Stafford bill is a compromise in the sense that it would permit us to proceed at this time to the consideration of this measure.

I do think there is still a chance, I suppose, that that could be worked out, but not in the face of an effort to proceed immediately to the consideration of this measure. I simply do not believe such action could be the basis of negotiations.

Mr. President, having said that, I express my regret that we apparently are at an impasse on this subject, and therefore I object to the request of the majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I understand the position of the distinguished minority leader. Again I say that I hope the Senate will proceed to the bill. Then, if additional time is needed, which apparently the distinguished minority leader would like to have, I would hope that we could set the bill aside then and proceed to something else in the meantime.

Therefore, Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1151, S. 1480, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

CALL OF THE ROLL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAKER. Mr. President, I object to the request.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued and concluded the call of the roll and the following Senators answered to their names:

[Quorum No. 33 Leg.]

Baker
Bradley
Byrd,
  Robert C.
Cranston
Goldwater
Hart
Heflin
Helms
McClure
Randolph
Riegle
Sarbanes
Stennis
Thurmond
Warner

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the roll of absent Senators.

Mr. CRANSTON. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. HELMS. I ask for the yeas and nays.

Mr. BAKER. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair sees only three Senators in the Chamber.

Mr. BAKER. Mr. President, I hope the clerk will continue the call of the roll of absent Senators while others are brought to respond to the request for the yeas and nays.

The PRESIDING OFFICER. What is the Senator's request?

Mr. BAKER. Mr. President, I request that the clerk continue the call of the roll to determine the presence of a quorum, prior to ruling on the request for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, has the absence of a quorum been established?

Mr. CRANSTON. Mr. President, I repeat my request for the yeas and nays.

The PRESIDING OFFICER. The Chair stands corrected. The Parliamentarian advises that three Senators are sufficient to second the request for the yeas and nays. If that is the rule, it will be followed.

That brings us now to the question of the motion to instruct the Sergeant at Arms to require the attendance of absent Senators. On this question the yeas and nays have been requested and are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Ohio (Mr. METZENBAUM), the Senator from Wisconsin (Mr. NELSON), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER (Mr. HEFLIN). Are there any other Senators wishing to vote?

The result was announced—yeas 75, nays 5, as follows:

[Rollcall Vote No. 476 Leg.]

YEAS—75

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Hart
Hatfield
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Leahy
Levin
Lugar
Matsunaga
McClure
Melcher
Mitchell
Morgan
Moynihan
Nunn
Packwood
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stewart
Stone
Talmadge
Thurmond
Tsongas
Wallop
Warner
Williams
Young
Zorinsky

NAYS—5

Goldwater
Long
Proxmire
Tower
Weicker

NOT VOTING—20

Burdick
Cannon
Church
Culver
Durenberger
Durkin
Gravel
Hatch
Hayakawa
Inouye
Javits
Kennedy
Laxalt
Magnuson
Mathias
McGovern
Metzenbaum
Nelson
Pressler
Stevenson

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 34 Leg.]

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Gravel
Hart
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Matsunaga
McClure
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

The PRESIDING OFFICER. A quorum is present.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I move to lay on the table the motion to proceed and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 29, nays 50, as follows:

[Rollcall Vote No. 477 Leg.]

YEAS—29

Armstrong
Baker
Bellmon
Boschwitz
Cochran
Danforth
Dole
Domenici
Garn
Goldwater
Gravel
Heflin
Helms
Humphrey
Kassebaum
Lugar
McClure
Percy
Roth
Schmitt
Schweiker
Simpson
Stevens
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—50

Baucus
Bentsen
Biden
Boren
Bradley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cohen
Cranston
Culver
DeConcini
Eagleton
Exon
Ford
Glenn
Hart
Hatfield
Heinz
Hollings
Jackson
Johnston
Kennedy
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stafford
Stevenson
Stewart
Stone
Talmadge
Tsongas
Weicker
Williams

NOT VOTING—21

Bayh
Bumpers
Burdick
Cannon
Church
Durenberger
Durkin
Hatch
Hayakawa
Huddleston
Inouye
Javits
Jepsen
Laxalt
Magnuson
Mathias
McGovern
Morgan
Packwood
Pressler
Stennis

So the motion to lay on the table the motion to proceed to the consideration of S. 1480 was rejected.

Mr. ROBERT C. BYRD. Mr. President, there is a desire and a need on the part of Senators on both sides of the question and on both sides of the aisle to have some discussion and, perhaps, to negotiate some differences with respect to this bill. In addition to that fact, Mr. HOLLINGS wishes to bring up the conference report on the budget resolution. After conferring with Mr. BAKER and other Senators, I am constrained to ask unanimous consent that further action on the pending motion be delayed until 4 p.m. today.

Mr. BAKER. Mr. President, reserving the right to object, I will not object, the purpose of the reservation is to say that I think that is a good arrangement. That leaves the parties in status quo. The motion to proceed has not yet been disposed of. There is time now for the parties to resume the meetings planned earlier, to see if there is a possibility of working out a bill.

I repeat once more, I would like to see us pass a bill if we can work out the details of it, and do it in this session.

With the request just made by the majority leader, I am willing to resume those negotiations, and I have no objection.

Mr. HELMS. Mr. President, reserving the right to object, I simply want to thank the distinguished majority leader for his consideration.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, we are locating Senator HOLLINGS now.

While awaiting the arrival of Senator HOLLINGS and Senator BELLMON so that the Senate can proceed on the conference report on the budget, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on House Concurrent Resolution 448 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

Mr. ARMSTRONG. Mr. President, reserving the right to object, may I inquire, has a printed conference report been made available for the use of the Members?

Mr. HOLLINGS. It is in the RECORD right here.

Mr. ARMSTRONG. It is in the RECORD for last night?

Mr. HOLLINGS. The Senator is correct.

Mr. ARMSTRONG. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Wednesday, November 19, 1980.)

Mr. HOLLINGS. Mr. President, the race is not always to the swift nor the battle to the strong. But your conferees have produced an agreement on the 1981 budget in record time. And we have done so with a strong and successful defense of the Senate's positions on the critical budget issues.

Yesterday, your conferees wasted no time in moving toward final passage of the 1981 budget. We proceeded immediately and directly from the Senate floor to our conference with the House Committee. In less than 2 hours, we reached an agreement that preserves and advances the Senate's most important objectives.

First, the conference agreement accommodates the Senate-endorsed tax cut on a realistic timetable; second, it makes the strongest commitment to national defense that the budget process has yet produced; third, it reduces the Senate-passed outlay and budget authority levels; fourth and finally, it cuts back on the deficit that was contained in the Senate-passed resolution.

Mr. President, this budget agreement keeps us moving toward the fiscal goals we have set for ourselves. It is worthy of our support.

Your conferees went into yesterday's negotiations determined to defend the Senate's positions and to arrive at a responsible spending plan. We accomplished both of those objectives.

On the tax cut issue, this conference agreement provides fully for the proposal advanced yesterday by Senators ROTH and DOLE and adopted by the Senate. It assumes only that such a tax cut will be enacted next year by April 15 and made retroactive to January 1. The April 15 enactment date for the tax cut means that its cost to the Treasury will be reduced in 1981. That is because withholding rates will continue at the higher level established by existing law until April 15. Taxpayers will get refunds in the following fiscal year just as they always have done after retroactive tax cuts.

Only once in the history of Congress has a major tax cut been introduced in January and adopted prior to April 15. This conference agreement merely assumes that 1981 will not see a repetition of the lightning-fast record of 1975 when—in the middle of a major recession—Congress passed a tax cut by March 29.

President-elect Reagan will be inaugurated on January 20. If our new President presents his tax cut plan on January 21, this conference agreement assumes that Congress will enact it in less than 90 days. Surely that is an optimistic time frame for the consideration and passage of such a major new tax reduction.

But more than that, as I have noted, this conference agreement will accommodate the prospect that a tax cut adopted after April 15 may be applied retroactively to January 1—with all of its parts and provisions.

In short, the tax cut envisioned by the authors of yesterday's amendment is fully provided for in this conference agreement.

Mr. President, similarly, of course, they could take the normal course and pass it by the end of May and in that event perhaps make retroactive the business features of it. The withholding forms could be revised by July 1 to put the individual income tax cuts into effect July 1.

There are a number of alternatives or options there.

On the spending side, the agreement is just as responsive to the will of the Senate.

In yesterday's conference, we sought to achieve a compromise between the considered judgments on spreading programs that had been made by the Senate, and the judgments made by the House—including its across-the-board spending cut. Basically, we arrived at that compromise by splitting the difference.

On the bottom line, the spending totals we arrived at are lower both in budget authority and in outlays than the Senate-passed levels—a result that moves us closer to the ultimate goal of Government in the black which absorbed so much of yesterday's Senate debate.

The budget authority level $694.6 billion is $5 billion lower than the Senate-passed figure.

The outlay level of $632.4 billion is $600 million lower.

The deficit level of $27.4 billion is more than $7 billion lower.

In achieving those sizable savings,

however, this agreement does not sacrifice our Nation's most critical needs. Most notably, it establishes the highest level of spending for national defense that we have ever included in a budget resolution.

Under the terms of the agreement, the outlay level for fiscal 1981 defense spending will total $159 billion—more than $5 billion above the outlay figure contained in the first resolution.

Mr. President, this year has been a challenging one for the budget process. We have had to contend with a very volatile economy—with an abrupt and unexpected change of Budget Committee chairmen—with strong differences of opinion on fiscal policy, both within and between the two Houses of Congress—and with the unfamiliar circumstances of a lameduck session and an intervening election the consequences of which will change the character of the Senate as well as the administration.

In the face of those challenges, we have produced a workable compromise on a second budget resolution for 1981 that sustains our drive toward a greater degree of fiscal discipline, strengthens our defenses, preserves vital spending programs, accommodates a very large tax reduction, and reduces the 1980 deficit by more than $30 billion.

This conference agreement is worthy of our 5-year tradition of responsible and well-constructed budgeting. It is worthy of the Senate's support. I strongly recommend its adoption and I am confident that it will provide us with a base to build on in the months and years to come.

Now, Mr. President, I want to emphasize a few points in addition to my prepared remarks. I want to go right back to ground one, the starting line, June 1980, the balanced budget, and ask exactly what occurred.

As I view it, there are four elements that have run us over that balanced budget. One, of course, is inflation, the inflationary costs of all the particular programs throughout the Government.

Another element is another one-half of 1 percent of unemployment. You will find this particular budget rather than being computed, as in the first concurrent resolution at 7.5 percent, is computed at an 8 percent unemployment level, for calendar year 1981, which could still be high, hopefully.

It also contemplates the addition of a tax cut, of course. That was well debated yesterday. That has added to the deficit.

Then, of course, more than anything else, and it should be emphasized with respect to priorities, the National Congress is saying here that, "Yes, we can have that balanced budget we had in June. But we feel so strongly about our need to rebuild the Nation's defenses that we have added $28.2 billion."

The 050 defense function for fiscal year 1980 was $144.5 billion; for 1981 it is $172.7 billion. So that is an increase in budget authority of $28.2 billion, and that $144 billion is up from the $129 billion when we met in November a year ago. We were toying then in the neighborhood of $129.9 billion, right in there as a figure and, of course, that has gradually gone up over the year with supplementals to the $144.5 billion level.

It has not just gone up $5 billion since June; it has gone up $28.2 billion in the last year, and more.

This resolution has got a $27.4 billion deficit. If we kept defense at the constant level of $144 billion we would have the balanced budget.

This is a restrictive budget. It cuts back on the controllables, as we characterize them. Other than, of course, such key areas as defense and social security and the built-in inflators, it cuts back some 15 percent in real terms in the other programs and, at the same time—I do not know what this percentage would amount to, but I would daresay it is somewhere in the nature of a 5-percent real growth for defense. I am going to have to try to compute that and have it for my colleagues before the debate is concluded.

I want again to thank the distinguished Senator from Oklahoma (Mr. BELLMON). He was a steady keel and guide throughout that short conference there, and we got good language in here with respect to reconciliation. We are still working on it. That is on schedule, and we said we could not adjourn sine die, in this resolution, until we got reconciliation.

We have asked for a budget review. There are many kinds of rules changes that would make the process itself more understandable and thereby more supportable by our colleagues in the Senate. So we called for a full review there. We made tremendous progress in this particular exercise.

I really resist the idea of the Government budget hemorrhaging, when we are cutting back. But some in our own discipline, some of our own committee members, will get up and talk and say that it is all a charade. These are the levels. It is not a charade, and we will move. But then they have removed one of the good reasons for a third concurrent resolution. The new administration will say exactly how they would want to fashion a particular tax cut, and we included quite a bit of flexibility.

We really have not just given a multiple choice kind of level that was inferred perhaps on the House side when they approached it from an entirely different standpoint. They were talking in terms of cutting a percentage in fraud and waste and mismanagement, and then let the new administration find it.

On the contrary, our particular levels, which were decided back in August—and of course, everybody at that particular time did not think there was going to be this dramatic change in administration or in the Congress—were debated in detail and everything else. The fact that the House arrived through a different approach to the same levels, of course, is their affair and their way of describing it. But they asked us to join in their description, and we did not because that was not the fact, that was not the case.

So this is not a multiple choice or where to find the fraud or a loose budget or hemorrhaging or what about the deficit or anything else.

Adlai Stevenson once was asked whether he was a conservative or whether he was a liberal. He said, "The important question is am I headed in the right direction."

This is not a conservative budget, it is not a liberal budget, but it heads us in the right direction, cutting back that $60 billion deficit down to some $27.4 billion. It cuts measurably on the programs and increases national defense to the tune of $28.2 billion.

I yield to my distinguished friend or to my distinguished colleague from Colorado.

The PRESIDING OFFICER (Mr. BOREN). The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the distinguished chairman for yielding.

He caught me slightly unaware. I was caught up in what he was saying about this being neither a conservative budget nor a liberal budget but merely a budget which heads toward balance, and I was somewhat stunned to hear that because it appears to me that just a few weeks ago the Senate adopted a concurrent resolution which was said to be in balance and, in fact, was said to provide for the fiscal year upon which we have now entered a budgetary surplus of $100 million.

At that time the Senator from Colorado said:

> Look, folks, that is crazy. We all know, every one of us in this Chamber knows, that the alleged balance reflected in the budget is not correct.

At the risk of playing out my streak of luck on my predictions, I will make one more prediction: that unless some drastic changes are made in the underlying assumptions on which the present budget resolution is made, there is no way in the world that at the end of the forthcoming fiscal year we are not going to have a budget deficit which is hugely greater than the estimated $27.4 billion that is reflected in the conference report.

Well, this may be the lame duck session, but I will tell you that this budget is a turkey.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation which my staff and I have prepared, a function-by-function analysis of the Federal budget for fiscal years 1977, 1978, 1979, and during fiscal years 1980 and 1981 for the first, second, and third concurrent budget resolutions as they have been adopted by the Senate and the House and the conference committee.

There being no objection, the tabulation was ordered to be printed in the RECORD as follows:

BUDGET HISTORY

[In billions of dollars]

	Fiscal year—			Fiscal year 1980					Fiscal year 1981						
	1977	1978	1979	FCR [1]	SCR [2]	Senate TCR [3]	House TCR	Conference TCR	Armstrong-Roth	Senate FCR	House FCR	Conference FCR	Senate SCR	House SCR	Conference SCR
Budget authority	465.2	501.5	556.7	604.1	638.0	653.7	660.3	658.9	642.8	688.2	694.2	697.0	699.6	689.5	694.6
Outlays	402.7	450.8	493.7	532.0	547.6	566.4	571.6	572.65	596.7	613.1	611.8	613.6	633.0	631.75	632.4
Revenues	357.8	402.0	465.9	509.0	517.8	528.9	528.8	525.7	596.7	613.2	613.8	613.8	598.3	606.7	605.0
Balance	−44.9	−48.8	−27.8	−23.0	−29.8	−37.5	−42.8	−46.95	0	+.1	+2.0	+.2	−34.7	−25.05	−27.4
Public debt	709.1	780.4	833.8	887.2	886.4	895.1	896.7	903.6	927.1	927.7	926.8	935.1	978.6	985.0	978.6
050 National defense:															
Budget authority	108.4	117.9	125.0	136.6	141.2	143.7	142.5	143.7	173.4	173.4	160.8	170.5	173.6	171.8	172.7
Outlays	97.5	105.2	117.7	124.2	129.9	134.0	134.2	135.7	155.7	155.7	147.9	153.7	159.4	158.7	159.05
150 International affairs:															
Budget authority	6.5	9.7	8.6	12.6	13.1	15.2	15.8	15.2	23.3	23.3	24.0	23.6	24.2	23.5	23.85
Outlays	4.8	5.9	6.1	7.9	8.4	9.9	10.7	10.5	9.4	9.5	9.6	9.5	10.6	10.4	10.5
250 General science, space, and technology:															
Budget authority	4.6	4.9	5.4	5.7	5.9	6.2	6.1	6.2	6.2	6.4	6.7	6.6	6.6	6.15	6.4
Outlays	4.7	4.7	5.0	5.5	5.7	5.9	5.9	5.9	5.9	6.1	6.3	6.1	6.2	5.95	6.1
270 Energy:															
Budget authority	3.6	8.2	7.4	18.8	39.5	37.9	40.3	38.4	3.5	3.8	7.5	6.7	6.3	5.35	5.85
Outlays	4.2	5.9	6.9	6.8	7.3	5.6	6.4	6.4	6.3	6.8	7.1	6.8	7.4	8.15	7.8
300 Natural resources and environment:															
Budget authority	9.5	13.5	13.2	12.6	12.6	12.2	12.3	12.6	11.4	11.5	12.0	11.7	11.9	11.9	11.9
Outlays	10.0	10.9	12.1	11.7	11.9	12.9	13.2	13.4	11.8	11.9	12.4	12.1	13.1	13.1	13.1
350 Agriculture:															
Budget authority	2.4	8.2	9.3	5.0	5.0	5.0	5.0	5.0	5.6	5.6	5.4	5.5	5.5	5.25	5.35
Outlays	5.5	7.7	6.2	5.4	2.6	5.9	5.9	5.9	2.3	2.3	2.3	2.3	2.2	2.05	2.1
370 Commerce and housing credit:															
Budget authority	5.5	5.3	5.9	6.9	6.8	11.7	11.6	11.7	5.0	5.4	5.1	5.1	5.2	5.3	5.25
Outlays	0	3.3	2.6	3.2	2.85	5.5	6.1	6.1	.1	.5	−.1		.5	1.4	.95
400 Transportation:															
Budget authority	10.4	15.0	19.2	19.5	19.5	19.7	21.0	20.5	18.4	19.75	22.8	22.1	20.7	21.85	21.3
Outlays	14.6	15.4	17.5	18.2	18.6	19.5	20.1	20.2	16.9	18.05	19.5	18.75	19.3	20.05	19.7
450 Community and regional development:															
Budget authority	12.8	10.3	10.0	8.9	8.9	8.6	8.7	10.1	8.8	8.8	9.0	8.8	8.7	9.75	9.25
Outlays	6.3	8.1	9.5	8.1	8.4	9.1	9.2	9.9	9.2	9.2	9.4	9.2	9.5	11.2	10.45
500 Education, training, employment, and social services:															
Budget authority	30.4	22.4	32.6	30.85	30.9	29.3	29.9	29.6	27.4	28.9	33.3	31.7	30.6	32.6	31.6
Outlays	21.0	26.5	29.7	30.5	31.0	29.9	30.1	29.9	26.5	28.0	30.7	29.5	29.4	30.25	29.8
550 Health:															
Budget authority	40.4	46.5	53.9	58.1	58.8	59.8	59.9	59.8	68.7	70.7	71.5	71.2	70.0	67.1	68.55
Outlays	38.8	43.7	49.6	53.7	54.5	56.5	56.5	56.5	59.9	61.7	61.8	61.7	63.6	63.7	63.15
600 Income security:															
Budget authority	168.6	180.0	191.9	214.8	218.5	223.0	224.8	224.7	210.3	245.2	252.1	249.5	253.0	244.65	248.8
Outlays	137.0	146.2	160.2	183.3	190.0	190.0	191.7	191.6	211.8	218.2	220.1	219.55	228.4	222.7	255.55
700 Veterans benefits and services:															
Budget authority	19.1	19.0	20.5	21.2	21.5	21.2	21.0	21.2	21.3	21.85	21.7	21.7	22.6	21.6	22.1
Outlays	18.0	19.0	19.9	20.6	20.8	20.5	20.3	20.5	20.8	21.25	21.2	21.2	22.0	21.35	21.7
750 Administration of Justice:															
Budget authority	3.6	3.9	4.2	4.2	4.2	4.2	4.3	4.3	4.1	4.3	4.2	4.2	4.3	3.95	4.1
Outlays	3.6	3.8	4.2	4.4	4.2	4.4	4.4	4.4	4.5	4.6	4.6	4.6	4.6	4.35	4.45
800 General government:															
Budget authority	3.9	4.1	4.4	4.4	4.45	4.5	4.5	4.5	4.5	4.6	4.5	4.6	4.8	4.45	4.6
Outlays	3.4	3.8	4.2	4.3	4.2	4.4	4.4	4.4	4.2	4.3	4.6	4.3	4.5	4.35	4.4
850 General purpose fiscal assistance:															
Budget authority	9.3	9.7	8.3	8.1	9.05	8.3	8.8	8.55	6.3	7.2	6.2	6.2	6.2	6.75	6.5
Outlays	9.5	9.6	8.5	8.1	9.05	8.3	8.8	8.55	6.8	7.5	6.8	6.8	6.7	7.35	7.05
900 Interest:															
Budget authority	38.1	44.0	52.6	56.0	58.1	65.5	65.1	65.1	70.4	72.2	72.2	72.2	70.1	73.65	71.9
Outlays	38.1	44.0	52.6	56.0	58.1	65.5	65.1	65.1	70.4	72.2	72.2	72.2	70.1	73.65	71.9
950 Undistributed offsetting receipts:															
Budget authority	15.1	15.8	18.5	19.7	19.7	22.3	−22.3	−22.3	−25.8	−24.7	−24.6	−24.7	−24.7	−26.9	−25.8
Outlays	15.1	15.8	18.5	19.7	19.7	22.3	−22.3	−22.3	−25.8	−24.7	−24.6	−24.7	−24.7	−26.9	−25.8
920 Allowances:															
Budget authority														.8	.4
Outlays														.95	.95

[1] First Concurrent Resolution.

[2] Second Concurrent Resolution.

[3] Third Concurrent Resolution.

Mr. ARMSTRONG. Mr. President, I think it is going to make interesting reading for future generations of economists and Senators to see how we have systematically ignored the facts that are so plain about what is happening to our national economy.

Mr. President, this budget, I think, is not heading in the right direction, nor, in my judgment, is it a budget which gives to any significant extent recognition of the true economic condition of this country. It is a "business as usual" budget.

Now, I think we all agree that at some point the Nation's economic situation could, at least theoretically, become sufficiently desperate that extraordinary measures would be necessary; that we might have to address ourselves to cutting even politically popular programs; that even sacred cows would have to take their turn in the tub; that we would have to do things that might be unpopular, unpalatable, and that might even be to the political disadvantage of Senators. We might have to give up on some programs that have been previously thought to be sacrosanct.

I guess the question is if we could agree that at some point the economic condition would justify that. The question is, Where is that point?

I say to the Members of the Senate that I believe we have reached that point more than a year ago. When we began to have double digit inflation, something that was really unprecedented in the history of the United States, it seemed to me the time for a serious departure from the norm had already come. Business as usual, it seemed to me, should go out the window.

And when double digit inflation was accompanied by rising unemployment, a phenomenon which economists had confidently assured us could never happen, it seemed to me then, last January and even before, last fall when we were considering last year's budget resolution, that the time had come to throw out the window all of the conventional budgeting wisdom about "You can't touch this program" and "We will never get this through committee" and "The Appropriations Committee will never go for it" and "We will never be able to pass a reconciliation bill" and "The House won't buy it" and "The people won't like it."

It seemed to me then, as it does now, that the time had come to do something that bespoke of the Senate's recognition that the Nation's economy was in serious trouble.

Well, if that was justified then, it is justified now? This week the banks raised their prime rate to 16½ percent. I have not heard what has happened to the mortgage lending market, but my belief is that home mortgage lending has all but stopped in most communities around this country and whether it has or not there is practically nobody who can afford to buy a house at today's mortgage lending rates.

Already we are beginning to see signs that the economic situation is slowing down; the job opportunities that would have been created by new investment, new productive activities are not being created. It seems to me that there is even a possibility that the situation will grow worse before it grows better. Senators could well ask themselves: What is going to be the effect of this budget that we are now preparing to adopt?

I think it is obvious and I think we ought to own up to the fact that this is another in a long series of extraordinarily inflationary budgets.

A few months ago, the Senate adopted, over my objection, I will admit, a concurrent budget resolution for fiscal year 1981 which would have suggested budget outlays for the fiscal year of $613 billion. That seemed to me to be an unjustified increase. It would have been if we had stuck at $613 billion, the largest year-to-year increase in Federal spending in the history of this Government. Of course, the increase was so large that it would have dwarfed the entire Federal budget just a few years ago.

Many of us, particularly Senator ROTH and I and a number of us on the Republican side of the aisle, offered a substitute that would have held spending below the $600 billion mark and which would have accommodated a tax cut as well within the context of a balanced budget. That seemed to me to be a good policy.

Unfortunately, on a very narrow vote, we did not prevail. So the Senate adopted a concurrent budget resolution calling for spending $613 billion.

Today, really just a few weeks later, we are being asked to vote a budget calling for outlays of $632 billion. Again, all I can say is that is on the conscience of the Senators if they want to support that kind of budget. But the Senator from Colorado certainly does not intend to do so.

While I do not think this is the moment to be unduly political, I want to remind my friends on the other side of the aisle that just before the election, just about a month or 5 weeks before the election, I suggested that the American people were ready for a change; they were ready for a balanced budget; they were ready for a Congress that would perform its responsibilities and not go home leaving unfinished business to come back in the lameduck session.

One of the prerogatives of the media and of Senators and others who are interested in the public policy is to evaluate elections in terms of their own preconceived notions. We all have our own interpretation of what happened on election day 1980. I am going to tell you what my interpretation of the outcome is.

My belief is that the people of this country were saying they were ready for a fundamental and basic change in the way this Government is being run and in the way this country is being governed.

I am not suggesting for a minute that there were not a lot of other considerations—the personality of the candidates for national office and for the U.S. Senate and for Congress. Certainly those were considerations. Certainly there was an element of luck in the races around the country. But, as I traveled across the country, not as a candidate, but as an observer and spokesman, it seemed to me that the common denominator in talking to people of my own party and of the other party and people who do not identify themselves with any particular political party, is: "We know this is not working. It is time for a change." And when you really talk to them seriously, not in a political setting, but one on one, and ask them, "What is really on your mind? What really troubles you deep down inside? What is the most important thing to you?" The answer that came back over and over again is, "Inflation."

Now, a lot of the Members in this Chamber have tended to act as if inflation were some kind of economic phenomenon that was abstract and that had no real basis in day-to-day life; that it was more the economists' figures, a blip on somebody's economic graph.

From my conversation with people that I have talked to at home in Colorado and all over the country, really, I have reached a conclusion that it is a very human problem and, indeed, it is a tragedy for people who have been forced into unemployment by our rising inflation rate, for the elderly and others on a fixed income who have seen their savings melt away and who have seen 20 percent of the value of what they have saved over a lifetime melt away just in the last 12 or 14 months. It is a tragedy for young couples starting out who cannot buy a home and who do not even have a reasonable prospect, over a number of years, to be able to afford a downpayment, let alone the interest rates.

I have talked to people. They have a lot of different concerns. But the one that comes back over and over and over again is, "We have to do something to get prices under control. We have to control inflation."

Now, there are a lot of theories about what causes inflation. I have heard all kinds of explanations right here on the floor of this Senate. But I think it is time that we come to grips with one essential fact. While there is a lot of economic problems in America, the main, principal, primary cause of inflation is excessive Federal spending.

A lot of Senators have tried to avoid looking that fact square in the eye. I have heard it is the OPEC nations and the rise in oil prices. That is what really causes inflation. Tell that to the people in Japan and Germany, where they get nearly 100 percent of their oil from OPEC nations and international sources. They are not having the kind of inflation we are having in this country.

I have heard that it is the big business that is driving up the price of things and that that is the cause of inflation. Yet, if you look at the after-tax, after-inflation earnings of the corporations of this country, large and small, you will find that their earnings have been declining, not rising, in recent years.

And then there are some who say, "Well, the real culprit is organized labor. It is the big unions. They are gouging the people of this country."

Well, if you look at the after-tax, after-inflation earnings of the working men and women of this country, you will find they are not profiting by this inflation. Their earnings are going down, not up.

The only institution or agency or group that I know of that has consistently benefited from the inflationary spiral in this country, that has taken a windfall profit from inflation year after year, is the Federal Government. I will not bore you with an economics discussion today. We have heard it all before. But it is my conviction that it is clear from the record, not just from theories, not just from rhetoric, but from the actual record in recent years that what is causing inflation are the Federal budget deficits which we have run up.

Mr. President, does it matter if we end this session with just one more budget deficit in a long string? After all, we have run up nearly $1 trillion in national debt in recent years, half of it just in the last 4 or 5 years since we established and began to implement the budget process. So what is another $27 billion that is called for in this budget resolution?

Does it make any difference? Does it make any difference if we run up another big deficit, even if it is more than $27 billion, as I suspect it will be, unless we change underlying economic assumptions and some of the programs that are reflected in this budget?

Mr. President, I am convinced it does make an important difference whether we adopt this budget or whether we make a serious effort to trim the deficit that is reflected in here. This budget deficit and the explanation which accompanies it reminds me of nothing so much as a man who is grossly overweight and says, "I am going to go on a diet tomorrow, but tonight I am going to have a hot fudge sundae for dinner."

I speak as one who has been there. There was a time in my life when I was grossly overweight, and I will confess I am a little overweight today. But I will tell you something, you can never get down to your fighting weight by constantly overindulging. That is what we are doing. This is just the one more instance of overindulgence. It is just one more example of the excesses of this Government.

It seems to me that in the light of what happened in November it is so unnecessary. The people have spoken. They have sent us a message. It was not just in the election.

I pointed out a few moments ago the results of a CBS news poll taken in April of this year which found that 60 percent of all Americans not only favored a balanced Federal budget but favored a constitutional amendment to require a balanced budget and require that it be kept in balance.

I have seen polling data from a number of States around the country and the proportion of citizens who favor such an amendment to absolutely take our discretion away from us in the Congress exceeds 80 percent. The public is ready for such a reform.

Here we are in the waning days of this session—and I trust we are at least in the waning days of the 1980 session—and we are sending them another excessive budget deficit. I cannot see that the adoption of this Budget Resolution shows the slightest sign that we are heading in the right direction, because we are increasing the budget deficit; we are not lowering it.

I can see that after months and years and even decades of extravagance that it might be impossible, even in the light of the political earthquake of November 1980, for us to balance the budget in a single stroke. We all know that could well be the case, although I for one do not necessarily concede that is true. It could be the case.

Why are we heading in the wrong direction? If we could come with budget spending totals or outlays of $613 billion just a few weeks ago in mid-June, why are we now saying that we cannot do with less than $632.4 billion?

Mr. President, I want to make a few additional points before I close out my thoughts on the budget resolution, the process, and the state of the economy.

First, I understand and honor the determination of those who are interested in national defense to raise spending for the defense of this country. I am convinced that that is absolutely essential. I favored increases and large increases in defense spending. I expect to do so again next year.

I think to pay the price of a deficit such as is encompassed in this budget in order to get a relatively modest increase in defense spending is far too high a price. I will just remind those who share the same heartfelt concern that I have for national defense that ultimately the security of this country does not depend on weapons alone. Certainly, we must have a strong military power. But it depends as well upon the state of our economy. When we have inflation in the double digits, when we have interest rates at 16, 17, 18, 19, 20 percent, as we have had in recent months, we are weak, no matter how many bombs, tanks, and airplanes we have. We are weak. The Russians know it, the Atlantic alliance knows it, the Orient knows it, everybody knows it, and we know it here at home.

Second, I honor and share the opinion of those who say we have to have a tax cut. In fact, I think we all know that a large number of those who voted for this Budget Resolution yesterday would never have done so had it not been for the prior adoption of an amendment by Senator DOLE and Senator ROTH calling for a tax cut.

Some of you may remember that I have been beating the drum for a tax cut around this place for so long that probably there is nobody in the room who can remember when I was not arguing in favor of a tax cut. I believe in it. I think it is important. I think it is critical. I think it is far too high a price for a tax cut to go for a deficit like this.

A tax cut, a responsible tax cut, the kind of tax cut which I presume the Reagan administration will call for and favor and pass early next year, will be a tax cut which will not be inflationary because it will be accompanied by corresponding spending reductions.

Again without being too political, let me remind my friends on the other side of the aisle that that is exactly the proposal which Republican members of the Senate Budget Committee laid before the committee and voted for unanimously when last we met in committee to consider the budget resolution. If the whole Senate had adopted it, I daresay it might have had a different effect on the election. But, instead, the majority party insisted on carrying forward with their program of spending and no tax cuts and deficits.

Well, then, is it justified to my Republican colleagues, since we have a tax cut in this, to vote for this report with its deficit? That is a decision each Senator must make. Those who voted for it yesterday should note that in conference the conferees have given away approximately half the tax cut. So if it was a good bargain to trade a tax cut for this huge deficit yesterday, I would invite all Republican Senators to take a look at it and see whether or not they still think it is such a good deal after the amount of the tax cut has been severely cut.

I want to say to my friends who are concerned about the budget process, and I am deeply concerned about the process by which this country's budget is developed, that they do no favor to that process by voting for this budget, although I know there are some who in all sincerity feel that is the case. They feel we are kind of at the end of a session and we have to pass some kind of budget resolution; that it would be a catastrophe if we did not pass the resolution, no matter what is in it; that we have to have some kind of resolution because if we do not we have so seriously jeopardized the process that we will never be able to put it back together again.

I want to tell you as one who expects to be on the Budget Committee next year I do not think my job is to save the process. I think the process has been dashed. I think my job as a Senator, as a member of the committee next year, is to start a new process and not a budget process that is going to produce another string of deficits. I do not want to institutionalize a process which has put on the backs of the taxpayers and citizens of this country hundreds of millions of dollars of new national debt within the last 4 or 5 years. I do not think we are doing them any favor to do that.

Last but not least, Mr. President, I want to recall a speech that some of the Members of this Chamber heard last night from one of America's most distinguished citizens, who talked informally but with great perspicacity about the future of this country. He talked about the need for an optimistic outlook. He talked about the need to establish new traditions. He talked about the need for fiscal responsibility, and a lot of other subjects in a way that reflects great understanding of what makes this country great and a tremendous leadership ability.

He summed up his remarks by saying, and I am not quoting exactly but I think I am quoting his thought with great precision, the important thing is that we be true to our own ideals.

Let me just address that thought to my Republican colleagues because this is an observation that was made at a Republican meeting. Let us be true to our own ideals. Whether we carry today or not, whether the budget resolution passes or fails, let us be true to our ideals. Let us vote this down. If we do, then it goes back to conference and we get another whack at it and we get another chance to try to curb the budget deficits in here.

I remember when someone said if we rejected the SALT treaty, the Russians would never again negotiate. As soon as I sit down, someone will stand up and say, "If you kill this budget resolution, we will never get anything out of the House."

It is instructive that as soon as Ronald Reagan was elected to the White House, the Russians said they would take another look at SALT.

If we turn down this budget resolution and go to the House full of determination that we are going to curb the excesses and cut the deficit, they will take another look at it with us.

Mr. President, I think we ought to kill this budget resolution, negotiate again with the House, get something better if we can, and, if not, in my judgment, it would be better to go home with no budget resolution than to pass this monstrosity of an inflationary, business as usual, turkey of a budget .

Mr. President, before I am seated, may I inquire, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. ARMSTRONG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I do not want our distinguished friends to leave the floor without a few of the comments being corrected, in the sense of cutting the tax cut, for example.

The fact of the matter is that we did not cut the tax cut. We adjusted it realistically. The House had passed one particular measure, effective in July. You can take their approach or you can take our approach, which was that it would not be passed until April 15, with a retroactive effective date. That is how we came out with the same thing.

We have stated in our opening remarks, and that is the fact, that we did not cut the possible reduction in tax liabilities.

What is really disturbing is, the Senator from Colorado is a very responsible Senator, and he did not sign the conference report, but I am not surprised; he was not at the conference. We discussed this and this kind of statement should not be made lightly.

It is disturbing to me that, as responsible a gentleman as he is, he goes on and starts talking about turkeys, the whole thing is a sham and a fraud and a charade. The truth of the matter is that the Senator from Colorado and the Senator from South Carolina sought a change, are ready for a basic change. I agree with him.

I was very, very interested in his expression, over and over again, that the people were interested in inflation. That is what I tried to tell the Senator from Delaware. That was my argument. We put in a tax cut for 1982, but we are trying first to get on top of the inflation now and we did not want to go to that across the board type of tax cut. It is not that the Senator is for a tax cut and I am against. It was the timing, particularly, of personal income that we were trying to forego until 1982, not overpromising ourselves. Because that would be inflationary.

All the economists, Alan Greenspan right on down the line, have told me, told the Senator from Colorado and told everybody else, so I saw it over and over, that inflation was a human problem and a tragedy.

Then the distinguished Senator came along and started talking about how he was for a tax cut. It is like Bossie the cow giving a full pail of milk and then kicking it over. I thought we were in lockstep for a while.

I say to the Senator, let us go to just exactly what did occur in defense between that balanced budget and this $27.4 billion deficit. I broke down those figures, because all interested in the process would like just exactly a breakdown of what happened between June and November. And, incidentally, I think it ought to be emphasized that we are only about 3 days off last year's schedule. We are about to pass the second concurrent resolution. With a national election and with all that dramatic scene, it took us until the 19th. Last year, it was the 16th or about that date. So we are not behind schedule.

Between June's first concurrent and November's second concurrent, defense went up $5.4 billion. Outlays went up $1.6 billion due to inflationary costs. These are the things that caused this $27.4 billion deficit. Defense $5.4 billion, the inflation $1.6 billion.

Unemployment and the other things to do with the effects of a recession—whether it be trade adjustment assistance, unemployment compensation, or anything else like that, when you get that additional 0.5 percent more, rather than the 7.5, there is 8 percent unemployment—added $7.6 billion. The tax cut has a deficit impact of $10.1 billion. Then all others, and we discussed those matters, the few that were added on to the tune of $2.7 billion including the Eximbank and SPRO.

So, that is not radical, fraud, or who hid the figures, or we have too many spendouts, or it is hemorrhaging, or we do not know. We worked very diligently on this entire process.

I will say to the Senator that I will be working with him to get on top of the inflation. Now that he has landed as Pilgrim ARMSTRONG on the shores of leadership, and he gets this turkey. I want to see how he carves it. Beginning now. TIP O'NEILL said he is going to give President Reagan 6 months. The Senator from Colorado does not get that. He gets from November to January. He gets about 2 months. He has about 2 months and his honeymoon is over from there on. It is going to be a Republican Senate. What will that Republican Senate crowd do? They have the President, they have the control. The Senator from Oklahoma ought to come back. I cannot wait for my 2 months to be over with so I can get on the other side and start cutting.

They carved out one part of COLA, but did not carve it out completely. Revenue sharing and those other things—those are the carvings on this turkey that the Republican Senate will have to deal with. I do not want to lose my good friend, Senator DOMENICI—he should not wince and wrinkle up so. When you get the best—and Senator ARMSTRONG is very conscientious and works very hard and attends our hearings. We are going to need his help and everybody's help.

This is not partisan inflation. I think very truly that the American people looked at President Carter and the administration, they trusted him, but it did not work. It did not get us on top of inflation. Now we are going to try President Reagan. We cannot just keep trying, in and out. All these descriptive headlines. We all have to work together to carve this turkey up. But it is being carved, and we did that—we held the line. We held back some on all of these matters. We did not go with a hemorrhaging budget.

We have added it up here: the inflation, the unemployment, tax cut, defense add-ons. Those are the things that constitute that $27.4. And we are a consummate political body and we have to go along with the majority. I could write a budget that would suit me and the Senator from Colorado could write one to suit him, but we have to work together on this thing.

I yield to my colleague from Oklahoma.

Mr. BELLMON. Mr. President, I have to confess some major reservations about what has happened here. As the Members know, I voted against the resolution yesterday, for the first time since I have been involved in the budget process. I attended the conference yesterday. Frankly, I think the budget we brought back from conference is better than the budget that cleared this body, because we did reduce the size of the deficit substantially by reducing the tax cut that will undoubtedly be passed next year.

I should like to call the attention of the Senate to the fact that on page 30309 of the CONGRESSIONAL RECORD, we have a 3-year budget sketched out for this and future Congresses which shows the deficit in fiscal year 1981 is expected to be $27.4 billion, but in fiscal year 1982, the deficit is expected to rise to $37.5 billion. We are not dealing with just a 1-year deficit, but 2 years.

When you look out to fiscal year 1983, the deficit is expected to be $11.2 billion. This is assuming that we do go ahead with the tax cut and the revenues are adjusted downward accordingly. So this is not just a tax cut that affects 1981. It affects 1982 and also 1983 and future years and gives us an expected deficit for the 3 years of well over $50 billion.

To add to the problem, there are many spending proposals in our budget that, in my judgment, are underfunded. I want to list some of these for the record. First, we have already passed appropriation bills—already dealt with them—that give us an overage of $2.5 billion, more than the budget allows. I am not sure the Members realize that. The bills we have already dealt with are $2.5 billion over the budget. In addition, the cost of interest is very likely overstated. If you assume 2.6 percent interest, which is less than the going rate, we are understating interest costs by $1.7 billion.

Entitlement programs are running $2.5 billion more than the budget states. There was inability to get full savings from reconciliation. We anticipated $6.4 billion; it looks like $2 billion less than that. That has to be added to the likely deficit.

In addition, there is likely to be spending for public savings and loans of at least a half billion dollars, perhaps twice that.

Then the disaster assistance program is likely to cut at least $1 billion more than the budget anticipates.

The terms of the Penn-Central court settlement, if we pass only half of that in 1981, will cost $1 billion.

So that totals $11.15 billion more deficit than we have in the budget. If we add that to the $27.4 billion, we come up with $38.5 billion, not $27.4 billion. Then, of course, we need to add those same calculations to the totals, giving us the total for 3 years of well over $60 billion.

So while we have tried hard to get a handle on Federal spending, and we have done some good, I have to confess to great frustration as I leave the Senate and will no longer be part of the process.

I think we could have done much better. Everyone has his own targets to see us reduce. But there are some savings.

We have reduced highway obligation authority by $.7 billion, the CETA is cut by $.9 billion, on food stamps we anticipate saving $.5 billion, although I doubt that will ever happen.

We made some savings in nutrition programs of $.5 billion. Disaster assistance is less by some $.6 billion than expected, and there are savings in Federal retirement pensions, although, again, that is somewhat questionable.

So we tried hard. We have not done as well as I think we should have done. I believe the country is far more desirous of bringing inflation under control than of getting some relatively insignificant and quickly lost benefit from a tax cut.

We did a poll in a newsletter put out from my office to my constituents in Oklahoma. To my amazement, there were only 10 percent to 11 percent who wanted a tax cut to almost 90 percent who wanted the budget balanced.

I think we would get the same reaction nationwide.

So I believe the Congress has made a mistake in reading public attitudes.

I think, particularly, Republicans are wrong in pushing so hard for a tax cut that will be paid for with borrowed money, that will simply increase interest rates and increase inflation, and a tax cut quickly lost so far as any value to taxpayers because of inflation, due to deficit, will quickly eat up any benefits.

I am convinced we are on the wrong track. I also have to admit, as the chairman said, we live in a real world and have to work out what we can.

We have done the best we could in conference and on the floor, even though I have not supported most of the amendments that have been adopted.

This is the will of the Senate and I, at this point in time, intend to support the conference report. I urge my colleagues to do likewise.

Mr. DOMENICI. Will the Senator yield me 5 minutes?

Mr. HOLLINGS. Surely.

Mr. DOMENICI. I do not have a lot to say today. It is obvious that I am going to support this. I think we ought to pass the resolution. I could almost stop at that.

I do not think it is as good as we can do, but everything that any of us could think of has been tried.

I believe it is obvious that in the next 3 or 4 years we have to do much better. But I do not think this is the final word, even for 1981.

I am positive there will have to be major revisions to cut spending early in the spring. I am equally confident, and on this I hate to disagree with my good friend from Oklahoma, but I think there are going to be revisions to cut taxes in the spring. I do not think the amount we put here by way of reduction of the revenue will be adequate.

On that score, I also disagree with my friend from Oklahoma, because the poll says that our people want a balanced budget and not a tax cut. If we asked them, would they like to see us moving down a path that will bring a balanced budget in 2 or 3 years and provide for a significant tax cut, multiyear in nature, that will cause America to reindustrialize and become competitive, I wonder how they would answer that; or how they would answer if they would like to have a balanced budget at the highest level of taxation in history; and would they like it to stay that way for a long period of time, with the highest level of taxation?

I think the answers would be different.

But I do not think those issues are terribly relevant today.

I am not going to argue about protecting the process. I will merely say that if we do not pass this, we will have to expect worse. There will be no discipline. This is a minor disciplinary mechanism. But if we do not have a budget resolution, there will be none.

My good friend from Oklahoma indicated the appropriation bills are already over. Everyone knows they have not violated the budget because there is not any way to enforce these individual bills. We have to wait until all are in and see if the last one breaks the budget. The last one will break even this budget. But if there is not a budget around, there will not be anything to even lodge a point of order, the only disciplinary tool we have, at the tail end here. There will not be that when the last appropriation bill comes through early next year.

That means we are not going to be able to say, "Go back and change the appropriation process."

We will have passed them all with no discipline other than each person arguing that it was not his bill that broke the budget, much like the same muddle we were in before we had the process.

It seems to me this resolution is our best and last hope to carry out, down the line, in a few months, budget-cutting mandates that the people of this country gave us a couple of weeks ago. We can start with the cumulative totals and if Congress collectively, and the new President, come up with additional calls for cutting, hopefully we can and we probably will have a third resolution.

I am hopeful that will be historic and it will come in less than this. That would be historic. We have never had one.

But there are those who feel we can cut next year with recommendations from the new President that, maybe, Congress will be more responsive to.

The truth of the matter is that the collective Congress, the U.S. House and the U.S. Senate, does not want to cut this much. All we can do is give them the guidelines, have a few technical tools, and then use the power of persuasion.

I would prefer a lower spending. I will work for that.

I am hopeful in the next 3 years, as my good friend, the present chairman, indicated, we can work together, and, with the new White House, start a new path of lower spending each year for the next 3 or 4 years. That is not the case today.

We can look forward to that. There is nothing here to keep us from doing it. If we are really serious, we can do it.

We already have a job, and Senator BELLMON is right, of cutting $11 billion that does not fit in this budget, that somebody will have to cut that, if I understand my good friend from Oklahoma.

We figure that without any changes in the law, this figure is too low. That means we already have our work cut out for us next year.

I repeat, for those who wonder why the budget process does not do it, the only tool we have at this point is to wait until the last appropriation bill finds its way to the floor, add up all of those that went before it, and then we can lodge a point of order.

There are no other tools. It is hoped that in the future we can write some tools of implementation into each resolution. But, more important, perhaps the Senate will have come to the party and the new chairman and new makeup will decide that they want to live within the budget instead of trying to find ways to break it. In the past, everyone has said they are living by it, knowing full well that down the line they are going to find a way to escape.

That is the attitude that has to be changed. We have to find a way to get the appropriators, the Finance Committee and all the other committees that have laws in their jurisdiction of spendout, to set in motion a desire to make the totals in the budget work. They cannot even tacitly be part of saying, "We will do what we can, but 4 or 5 months from now, we will have to have more supplementals; we will have to change the budget resolution because it is going to be broken." That kind of attitude has to be changed or we will not be an effective process.

I urge those who supported this resolution to do so again, not because we are proud of it, not because it represents a good, sound economic policy. It represents the best that can be done with the policies in place. If the policies have to be changed, I hope we will all be part of the changing policies, including the policy of the U.S. Senate collectively to attempt to make the individual functions work in the budget, rather than what has occurred in the past.

So, denying this budget resolution its effectiveness will not change the policy of this country. What will change it is when this institution and its leaders work with the new President and make a joint effort, a sort of collegial effort, to live within the first budget resolution we came up with, in a dedicated and collective manner, and to set new current policy notions in the first resolution next year, both as to taxation and levels of expenditure and, it is hoped, leave enough for a trend line which will permit military to increase somewhat, but as to the rest of the combined domestic budget, to begin to cut its inordinate growth.

I thank the chairman of the committee for yielding, and I yield the floor.

Mr. EXON. Mr. President, I rise in hesitating support of the conference report.

This Senator, a member of the Budget Committee, who has fought hard for spending reductions and a balanced budget as our primary deterrent against this Nation's No. 1 economic ill, inflation, will continue to do so in the future.

I voted against the budget reported by the committee after our latest deliberations. That was because I felt that it involved too much in spending and was not balanced, primarily because of the ills of the current recession.

Yesterday, on this floor, I opposed the further ballooning of the deficit by at least $17 billion with the infamous, successful adoption of the Kemp-Roth superinflationary tax cut amendment. I label Kemp-Roth as "superinflationary" because, in my opinion, it is. It is supply-side economics running wild, without corresponding necessary spending reductions which have been wished away in the political tide of reducing taxes, much as this Senator would like to see taxes in selected areas reduced, as I outlined yesterday.

Mr. President, I was a member of the conference committee on the budget, and I am hesitatingly going to vote for the conference report, only because there is no workable alternative. Not to accept the proposal before us would be the first step to signal the death knell of the budget process.

While spending remains too high, we were successful in the conference late yesterday afternoon in reducing spending further by $600 million and paring the anticipated deficit by $7.3 billion. These are beginnings of restraint, but we still have a long, long way to go.

Mr. President, without impairing anyone's motives, I am puzzled by what appears to be, at best, some inconsistencies in the voting patterns of some of my colleagues. Yesterday, there were many who not only voted for the politically attractive tax cuts that increased the deficit and therefore future borrowings by the Federal Government, to the point that we soon will break through the $1 trillion national debt ceiling and thereby place further upward pressure on the prime interest rates, but also then turned around and exercised great political courage by voting against the final passage of the budget resolution which carried their tax cutting amendment.

I am not questioning their motives, Mr. President, but I question their understanding of the budget process and how it works.

I suggest that, possibly in some isolated instances, they may still be in practice the old and not yet wornout political game of negative politics that sells well back home but, in my opinion, does not make much sense in responsible lawmaking.

Mr. President, the budget embodied in the resolution, in my opinion, is too high. It embodies the Kemp-Roth inflationary tax cut proposal. I had opposed this budget at all levels as being too high in expenditures and too high in deficits, although, fortunately, I should add, the projected deficit of this budget is about one-half of the deficit for last year.

I have every reason—and the well-documented legislative history—to vote against acceptance of the conference report. Yet, I have great respect for the Budget Committee chairman, Senator HOLLINGS, as well as the ranking minority member, Senator BELLMON, and the incoming chairman of that committee, Senator DOMENICI.

They are right in their opinion that this is all we have and the best we can do under the climate of existing circumstances and the conflicting votes of many Members on the issues that affect the final figure.

Therefore, Mr. President, I suggest that the responsible and courageous vote is to support the position of the floor managers, even though I do it with regret, and I urge my colleagues to support adoption of the conference report.

Mr. President, we shall have opportunities to reduce the budget further and to address any flaws in the process after hearing the detailed plans of the new President in January. The budget process is the best protection for the future, and we can best protect that vehicle if we vote "aye" on the conference report.

Mr. HOLLINGS. Mr. President, I have a few comments before we move to the vote. A distinguished visitor is about to be with us.

The real growth rate in the 1980–81 budget in defense is 4.6 percent. Nondefense actually was reduced minus 1.7 percent and minus 0.2 percent as the general overall total. That gives the exact percentages as to the entire budget.

In drawing this budget resolution debate to a close, I wish to reiterate sincerely the admiration I have for the distinguished Senator from Oklahoma. I am speaking for myself, for former Senator Muskie, and for all of us who worked intimately on the budget process during the last 6 years, since we passed the budget resolution legislation.

If there has been any success it is due in large, large measure to HENRY BELLMON of Oklahoma, and the country is really in his debt because we go back and forth, we try to get the debates, people take intransigent positions that "I will not sign the report," and it is not easy as observed on yesterday here when we only got the resolution out by 48 to 45 vote, but within it all the person who was the guiding light and inspired us all and put us on an even keel and reminded us that we had a process that was important to the welfare of the country was Senator BELLMON.

I think this is going to be his last resolution, and I did not want to just hasten with a calm or casual comment, but I very, very sincerely admire him, and we are really indebted to him.

Mr. CRANSTON. Mr. President, although I voted for the budget conference report on the second concurrent resolution for fiscal year 1981, it was with several very serious reservations. First, I would like to express my reservations concerning the budget levels for function 700, veterans' benefits and services. I believe that those levels may well prove to be inadequate to assure adequate funding for the Veterans' Administration programs during fiscal year 1981. As agreed to by the Senate yesterday, the resolution provided for overall function 700 levels of $22.6 billion in budget authority and $22.0 billion in outlays. The amounts in the conference report agreed to today—$22.1 billion in budget authority and $21.7 billion in outlays—would reduce those amounts by $500 million in budget authority and $300 million in outlays. Because legislation affecting the VA entitlement programs—to authorize cost-of-living increases in service-connected disability compensation and GI bill benefits—has already been enacted this session, the burden of keeping VA spending within the budget limits would fall almost entirely on the so-called discretionary spending accounts, the largest of which are the VA health-care, construction, and general operating expenses appropriations accounts.

Fortunately, the lump-sum crosswalk allocation that is made to the Appropriations Committee under section 302(a) of the Budget Act leaves that committee and the Senate with discretion to readjust the spending priorities implicit in this resolution in order to provide adequate funding for the essential, high-priority VA programs funded under these accounts, and I am confident that adequate funding will be provided for these programs in the appropriations process.

Thus, I wish to make clear my position that in voting for the resolution I do not endorse or support the suggested limits for function 700 that it contains, and I will continue throughout the remainder of the current fiscal year to work to insure that veterans' programs receive sufficient funding to enable the VA to continue to provide quality health care and other services responsive to the needs of eligible veterans, dependents, and survivors.

While I support the adoption of a tax cut, I do not favor the Kemp-Roth proposal or the assumption made by the budget resolution that a huge tax cut should be included in the budget without knowing the nature of the tax cut we are approving. If the policies embraced by this budget are fully carried out, I believe the result may be a substantial increase in the rate of inflation. I supported the conference report because I believe the continuation of the budget process is important, and because within the spending ceiling and the revenue floor we will have an opportunity to tailor less inflationary legislation.

Mr. HOLLINGS. Mr. President, the yeas and nays have been ordered. I move the adoption of the conference report.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HOLLINGS. All time is yielded back.

Mr. BELLMON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from New Hampshire (Mr. DURKIN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 38, as follows:

[Rollcall Vote No. 478 Leg.]

YEAS—50

Baucus
Bayh
Bellmon
Bentsen
Biden
Bradley
Byrd, Robert C.
Chafee
Chiles
Cohen
Cranston
Culver
Dole
Domenici
Exon
Ford
Goldwater
Gravel
Heinz
Hollings
Huddleston
Inouye
Johnston
Kassebaum
Kennedy
Levin
Long
Magnuson
Matsunaga
Melcher
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Randolph
Sarbanes
Schweiker
Stennis
Stevens
Stevenson
Stone
Talmadge
Thurmond
Tower
Tsongas
Williams
Young

NAYS—38

Armstrong
Boren
Boschwitz
Bumpers
Byrd, Harry F., Jr.
Church
Cochran
Danforth
DeConcini
Durenberger
Eagleton
Garn
Glenn
Hart
Hatfield
Heflin
Helms
Humphrey
Jackson
Jepsen
Leahy
Lugar
McClure
Metzenbaum
Percy
Proxmire
Pryor
Riegle
Roth
Sasser
Schmitt
Simpson
Stafford
Stewart
Wallop
Warner
Weicker
Zorinsky

NOT VOTING—12

Baker
Burdick
Cannon
Durkin
Hatch
Hayakawa
Javits
Laxalt
Mathias
McGovern
Pressler
Ribicoff

So the conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from South Carolina (Mr. THURMOND).

VISIT TO THE SENATE BY GEN. OMAR NELSON BRADLEY, GENERAL OF THE ARMY

Mr. THURMOND. Mr. President, I have the singular and high honor this afternoon of welcoming to the U.S. Senate that distinguished American and great soldier, General of the Army Omar Nelson Bradley.

Our history books are filled with the heroic deeds and truly great leadership of General Bradley during the crucial days prior to, during and in the years after World War II.

It was during his period as Commander of the First U.S. Army that I had the distinct privilege of serving on his staff in Europe. This service continued when he assumed command of the 12th Army Group, European Theater of Operations, which included the First Army as one of its major commands.

Our people are truly indebted to General Bradley for the leadership he exhibited during World War II, the most critical period of our Nation's history. In my opinion he was the greatest combat general to have served in the European Theater during those crucial and trying days.

Mr. President, General Bradley is a native of Missouri and has served in the Army longer than any soldier in the history of our Nation. Not only is he the Army's only surviving 5-star general, he was 50 years old when he received his first combat command. After leading the invasion at Normandy which led to victory in Europe and the end of World War II, he returned home to become the administrator of Veterans Affairs. In 1948 he was called upon once more to serve the Nation and the Army as the Army Chief of Staff. In 1950, General Bradley was nominated by President Truman for a fifth star as General of the Army. As a 5-star general, General Bradley does not retire and is still proud to be on active duty which began more than 69 years ago. As a reflection of that service he takes pride in wearing the uniform and visits with soldiers at Fort Bliss on a regular basis.

Mr. President, typical of his optimistic outlook on life is a comment he made recently to young officers who were complaining that it now takes too long to get promoted. There is no reason for the younger officers to complain, he explained, using himself as an example. "I have 30 years time in grade," he said, "and no chance for promotion."

The soldier's general, as he was called during World War II, will be fondly remembered by the American soldier and the public for his abiding concern for the welfare of the individual soldier. General Bradley, we applaud you. We appreciate your devoted wife and everything she has done for your welfare.

Mr. President, I ask unanimous consent that a résumé of General Bradley's unique military career be printed in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF SERVICE CAREER OF OMAR NELSON BRADLEY, GENERAL OF THE ARMY

Date and place of birth: February 12, 1893, Clark, Missouri.

Years of active commissioned service: Over 69.

Present assignment: Assigned to Office, Chief of Staff, Department of the Army, Washington, D.C. 20310, since August 1953.

Military schools attended:

The Infantry School, Advanced Course.

United States Army Command and General Staff College.

The Army War College.

Educational degrees:

United States Military Academy—BS Degree—Military Science.

Major duty assignments since 1941:

Commandant, The Infantry School, Fort Benning, Georgia, from March 1941 to January 1942.

Student, Command and General Staff School, Fort Leavenworth, Kansas, from January 1942 to February 1942.

Commanding General, 82d Infantry Division, Camp Claiborne, Louisiana, from February 1942 to June 1942.

Commanding General, 28th Infantry Division, Camp Livingston, Louisiana, and Camp Gordon Johnston, Florida, from July 1942 to February 1943.

Commanding General, II Corps, North Africa, from February 1943 to September 1943.

Commanding General, Field Forces, European Theater of Operations, from September 1943 to December 1943.

Commanding General, First United States Army and First United States Army Group, later Commanding General, Twelfth Army Group, European Theater of Operations, from January 1944 to July 1945.

Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C. from July 1945 to November 1947.

Chief of Staff, United States Army, Washington, D.C., from February 1948 to August 1949.

Chairman, Joint Chiefs of Staff, Department of Defense, Washington, D.C., August 1949 to August 1953.

Promotions, dates of appointment, temporary, and permanent:

2Lt., 12 June 1915.
1Lt., 13 October 1916.
Cpt., 22 August 1917.
Maj., 27 July 1918, 29 November 1920.
Cpt., 4 November 1922.
Maj., 27 June 1924.
Lt.C., 22 July 1936.
B.G., 24 February 1941.
M.G., 18 February 1942.
Lt.C. 9 June 1943.
Col., 13 November 1943.
B.G., 31 May 1944.
M. G., 16 September 1944.
Gen., 29 March 1945, 31 January 1949.
Gen. of the Army, 22 September 1950.

U.S. decorations and badges:

Defense Distinguished Service Medal.
Distinguised Service Medal (with 3 Oak Leaf Clusters).
Distinguished Service Medal (Navy).
Silver Star.
Legion of Merit (with Oak Leaf Cluster).
Bronze Star Medal.
Combat Infantryman Badge.

Source of commission, USMA:

As of October 18, 1980.

Mr. ROBERT C. BYRD. Mr. President, under the rules, I cannot call attention to the presence of anyone in the gallery.

Mr. President, I ask unanimous consent that following a brief recess, the Senate proceed—this has been cleared with the other side of the aisle—to the consideration. for not to exceed 5 minutes, of H.R. 6933, the Patent Procedures Act. I ask unanimous consent that the recess not extend beyond 5 minutes.

Before the Chair puts the question, I know that Senators will want to greet General Bradley. He is in the Capitol today. He was here 5 years ago, at which time the Senate recessed and Senators met this great man, many of them having met him prior to that occasion. He is one of the outstanding generals, in my judgment, in American history of all time.

I suggest that Senators may wish to go to the Reception Room.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Mr. President, I certainly join with the majority leader in urging Members of the Senate to pay their personal respects to one of the greatest Americans of all time who is in the Capitol today. I hope that we will all accord him the courtesy that he is justly due.

RECESS FOR 10 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the recess extend for 10 minutes.

There being no objection, the Senate, at 2:49 p.m., recessed until 2:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SARBANES).

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, since an order has already been entered for the Senate to proceed to the consideration of H.R. 6933 for not to exceed 5 minutes, I ask unanimous consent that, upon the disposition of that measure, the Chair declare a recess for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATENT AND TRADEMARK LAWS AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6933.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6933) to amend the patent and trademark laws.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1779

(Purpose: To add the University and Small Business Patent Procedures Act to the bill)

Mr. DOLE. I send to the desk on behalf of the distinguished Senator from Indiana (Mr. BAYH) and myself an amendment in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH), for himself and Mr. DOLE, proposes an unprinted amendment numbered 1779.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That title 35 of the United States Code, entitled 'Patents', is amended by adding after chapter 29 the following new chapter 30:

"Chapter 30—PRIOR ART CITATION TO OFFICE AND REEXAMINATION OF PATENTS

"Sec.
"301. Citation of prior art.
"302. Request for reexamination.
"303. Determination of issue by Commissioner.
"304. Reexamintion order by Commissioner.
"305. Conduct of reexamination proceedings.
"306. Appeal.
"307. Certification of patentability, unpatentability, and claim cancellation.

"§ 301. Citation of prior art

"Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to at least one claim of the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. At the written request of the person citing the prior art, his or her identity will be excluded from the patent file and kept confidential.

"§ 302. Request for reexamination

"Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301 of this title. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.

"§ 303. Determination of issue by Commissioner

"(a) Within three months following the filing of a request for reexamination under the provisions of section 302 of the title, the Commissioner will determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications discovered by him or cited under the provisions of section 301 of this title.

"(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the person requesting reexamination, if any.

"(c) A determination by the Commissioner pursuant to subsection (a) of this section that no substantial new question of patentability has been raised will be final and nonappealable. Upon such a determination, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.

"§ 304. Reexamination order by Commissioner

"If, in a determination made under the provisions of subsection 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The patent owner will be given a reasonable period, not less than two months from the date a copy of the determination is given or mailed to him, within which he may file a statement on such question, including any amendment to his patent and new claim or claims he may wish to propose, for consideration in the reexamination. If the patent owner files such a statement, he promptly will serve a copy of it on the person who has requested reexamination under the provisions of section 302 of this title. Within a period of two months from the date of service, that person may file and have considered in the reexamination a reply to any statement filed by the patent owner. That person promptly will serve on the patent owner a copy of any reply filed.

"§ 305. Conduct of reexamination proceedings

"After the times for filing the statement and reply provided for by section 304 of this title have expired, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to his patent and a new claim or claims thereto, in order to distinguish the invention as claimed from the prior art cited under the provisions of section 301 of this title, or in response to a decision adverse to the patentability of a claim of a patent. No proposed amended or new claim enlarging the scope of a claim of the patent will be permitted in a reexamination proceeding under this chapter. All reexamination proceedings under this section, including any appeal to the Board of Appeals, will be conducted with special dispatch within the Office.

"§ 306. Appeal.

"The patent owner involved in a reexamination proceeding under this chapter may appeal under the provisions of section 134 of this title, and may seek court review under the provisions of sections 141 to 145 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent.

"§ 307. Certificate of patentability, unpatentability, and claim cancellation

"(a) In a reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Commissioner will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

"(b) Any proposed amended or new claim determined to be patentable and incorporated into a patent following a reexamination proceeding will have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used anything patented by such proposed amended or new claim, or who made substantial preparation for the same, prior to issuance of a certificate under the provisions of subsection (a) of this section.".

SEC. 2. Section 41 of title 35, United States Code, is amended to read as follows:

"§ 41. Patent fees

"(a) The Commissioner of Patents will establish fees for the processing of an application for a patent, from filing through disposition by issuance or abandonment, for maintaining a patent in force, and for providing all other services and materials related to patents. No fee will be established for maintaining a design patent in force.

"(b) By the first day of the first fiscal year beginning on or after one calendar year after enactment of this Act, fees for the actual processing of an application for a patent, other than for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 25 per centum of the estimated average cost to the Office of such processing. By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for the processing of an application for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 50 per centum of the estimated average cost to the Office of such processing.

"(c) By the fifteenth fiscal year following the date of enactment of this Act, fees for maintaining patents in force will recover 25 per centum of the estimated cost to the Office, for the year in which such maintenance fees are received, of the actual processing all applications for patents, other than for design patents, from filing through disposition by issuance or abandonment. Fees for maintaining a patent in force will be due three years and six months, seven years and six months, and eleven years and six months after the grant of the patent. Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee.

"(d) By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for all other services or materials related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.

"(e) The Commissioner may waive the payment of any fee for any service or material related to patents in connection with an occasional or incidental request made by a department or agency of the Government, or any officer thereof. The Commissioner may provide any applicant issued a notice under section 132 of this title with a copy of the specifications and drawings for all patents referred to in that notice without charge.

"(f) Fees will be adjusted by the Commissioner to achieve the levels of recovery specified in this section; however, no patent application processing fee or fee for maintaining a patent in force will be adjusted more than once every three years.

"(g) No fee established by the Commissioner under this section will take effect prior to sixty days following notice in the Federal Register.".

SEC. 3. Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

"(a) All fees for services performed by or materials furnished by the Patent and Trademark Office will be payable to the Commissioner.

"(b) All fees paid to the Commissioner and all appropriations for defraying the costs of the activities of the Patent and Trademark Office will be credited to the Patent Office Appropriation Account in the Treasury of the United States, the provisions of section 725e of title 31, United States Code, notwithstanding.

"(c) Revenues from fees will be available to the Commissioner of Patents to carry out, to the extent provided for in appropriation Acts, the activities of the Patent and Trademark Office.

"(d) The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.".

SEC. 4. Section 154 of title 35, United States Code, is amended by deleting the word "issue".

SEC. 5. Section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended to read as follows:

"§ 31. Fees

"(a) The Commissioner of Patents will establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks. Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material. However, no fee for the filing or processing of an application for the registration of a trademark or other mark or for the renewal or assignment of a trademark or other mark will be adjusted more than once every 3 years. No fee established under this section will take effect prior to sixty days following notice in the Federal Register.

"(b) The Commissioner may waive the payment of any fee for any service or material related to trademarks or other marks in connection with an occasional request made by a department or agency of the Government, or any officer thereof. The Indian Arts and Crafts Board will not be charged any fee to register Government trademarks of genuineness and quality for Indian products of particular Indian tribes and groups.".

SEC. 6. (a) Title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 37 the following new chapter 38:

"Chapter 38—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE

"Sec.
"200. Policy and objective.
"201. Definitions.
"202. Disposition of rights.
"203. March-in rights.
"204. Preference for United States industry.
"205. Confidentiality.
"206. Uniform clauses and regulations.
"207. Domestic and foreign protection of federally owned inventions.
"208. Regulations governing Federal licensing.
"209. Restrictions on licensing of federally owned inventions.
"210. Precedence of chapter.
"211. Relationship to antitrust laws.

"§ 200. Policy and objective

"It is the policy and objective of the Congress to use the patent system to promote the utilization of inventions arising from federally supported research or development; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations, including universities; to ensure that inventions made by nonprofit organizations and small business firms are used in a manner to promote free competition and enterprise; to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; to ensure that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions; and to minimize the costs of administering policies in this area.

"§ 201. Definitions

"As used in this chapter—

"(a) The term 'Federal agency' means any executive agency as defined in section 105 of title 5, United States Code, and the military departments as defined by section 102 of title 5, United States Code.

"(b) The term 'funding agreement' means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as herein defined.

"(c) The term 'contractor' means any person, small business firm, or nonprofit organization that is a party to a funding agreement.

"(d) The term 'invention' means any invention or discovery which is or may be patentable or otherwise protectable under this title.

"(e) The term 'subject invention' means any invention of the contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

"(g) The term 'made' when used in relation to any invention means the conception or first actual reduction to practice of such invention.

"(h) The term 'small business firm' means a small business concern as defined at section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

"(i) The term 'nonprofit organization' means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

"§ 202. Disposition of rights

(a) Each nonprofit organization or small business firm may, within a reasonable time after disclosure as required by paragraph (c)(1) of this section, elect to retain title to any subject invention: *Provided, however*, That a funding agreement may provide otherwise (i) when the funding agreement is for the operation of a Government-owned research or production facility, (ii) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of this chapter or (iii) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities. The rights of the nonprofit organization or small business firm shall be subject to the provisions of paragraph (c) of this section and the other provisions of this chapter.

"(b)(1) Any determination under (ii) of paragraph (a) of this section shall be in writing and accompanied by a written statement of facts justifying the determination. A copy of each such determination and justification shall be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In the case of determinations applicable to funding agreements with small business firms copies shall also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

"(2) If the Comptroller General believes that any pattern of determinations by a Federal agency is contrary to the policy and objectives of this chapter or that an agency's policies or practices are otherwise not in conformance with this chapter, the Comptroller General shall so advise the head of the agency. The head of the agency shall advise the Comptroller General in writing within one hundred and twenty days of what action, if any, the agency has taken or plans to take with respect to the matters raised by the Comptroller General.

"(3) At least once each year, the Comptroller General shall transmit a report to the Committees on the Judiciary of the Senate and House of Representatives on the manner in which this chapter is being implemented by the agencies and on such other aspects of Government patent policies and practices with respect to federally funded inventions as the Comptroller General believes appropriate.

"(c) Each funding agreement with a small business firm or nonprofit organization shall contain appropriate provisions to effectuate the following:

"(1) A requirement that the contractor disclose each subject invention to the Federal agency within a reasonable time after it is made and that the Federal Government may receive title to any subject invention not reported to it within such time.

"(2) A requirement that the contractor make an election to retain title to any subject invention within a reasonable time after disclosure and that the Federal Government may receive title to any subject invention in which the contractor does not elect to retain rights or fails to elect rights within such time.

"(3) A requirement that a contractor electing rights file patent applications within reasonable times and that the Federal Government may receive title to any subject inventions in the United States or other countries in which the contractor has not filed patent applications on the subject invention within such times.

"(4) With respect to any invention in which the contractor elects rights, the Federal agency shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world, and may, if provided in the funding agreement, have additional rights to sublicense any foreign government or international organization pursuant to any existing or future treaty or agreement.

"(5) The right of the Federal agency to require periodic reporting on the utilization or efforts at obtaining utilization that are being made by the contractor or his licensees or assignees: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(6) An obligation on the part of the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, to include within the specification of such application and any patent issuing thereon, a statement specifying that the invention was made with Government support and that the Government has certain rights in the invention.

"(7) In the case of a nonprofit organization, (A) a prohibition upon the assignment of rights to a subject invention in the United States without the approval of the Federal agency, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee shall be subject to the same provisions as the contractor); (B) a prohibition against the granting of exclusive licenses under United States Patents or Patent Applications in a subject invention by the contractor to persons other than small business firms for a period in excess of the earlier of five years from first commercial sale or us of the invention or eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance unless, on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use shall not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention shall not be deemed to end the exclusive period to different subsequent products covered by the invention; (C) a requirement that the contractor share royalties with the inventor; and (D) a requirement that the balance of any royalties or income earned by the contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, be utilized for the support of scientific research or education.

"(8) The requirements of sections 203 and 204 of this chapter.

"(d) If a contractor does not elect to retain title to a subject invention in cases subject to this section, the Federal agency may consider and after consultation with the contractor grant requests for retention of rights by the inventor subject to the provision of this Act and regulations promulgated hereunder.

"(e) In any case when a Federal employee is a coinventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor is authorized to transfer or assign whatever rights it may acquire in the subject invention from its employee to the contractor subject to the conditions set forth in this chapter.

"(f)(1) No funding agreement with a small business firm or nonprofit organization shall contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the head of the agency and a written justification has been signed by the head of the agency. Any such provision shall clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The head of the agency may not delegate the authority to approve provisions or sign justifications required by this paragraph.

"(2) A Federal agency shall not require the licensing of third parties under any such provision unless the head of the agency determines that the use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the funding agreement and that such action is necessary to achieve the practical application of the subject invention or work object. Any such determination shall be on the record after an opportunity for an agency hearing. Any action commenced for judicial review of such determination shall be brought within sixty days after notification of such determination.

"§ 203. March-in rights

"With respect to any subject invention in which a small business firm or nonprofit organization has acquired title under this chapter, the Federal agency under whose funding agreement the subject invention was made shall have the right, in accordance with such procedures as are provided in regulations promulgated hereunder to require the contractor, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee refuses such request, to grant such a license itself, if the Federal agency determines that such—

"(a) action is necessary because the contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

"(b) action is necessary to alleviate health or safety needs which are not reasonably satisfied by the contractor, assignee, or their licensees;

"(c) action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the contractor, assignee, or licensees; or

"(d) action is necessary because the agreement required by section 204 has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of its agreement obtained pursuant to section 204.

"§ 204. Preference for United States industry

"Notwithstanding any other provision of this chapter, no small business firm or nonprofit organization which receives title to any subject invention and no assignee of any such small business firm or nonprofit organization shall grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Federal agency under whose funding agreement the invention was made upon a showing by the small business firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

"§ 205. Confidentiality

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

"§ 206. Uniform clauses and regulations

"The Office of Federal Procurement Policy, after receiving recommendations of the Office of Science and Technology Policy, may issue regulations which may be made applicable to Federal agencies implementing the provisions of sections 202 through 204 of this chapter and the Office of Federal Procurement Policy shall establish standard funding agreement provisions required under this chapter.

"§ 207. Domestic and foreign protection of federally owned inventions

"Each Federal agency is authorized to—

"(1) apply for, obtain, and maintain patents or other forms of protection in the United States and in foreign countries on inventions in which the Federal Government owns a right, title, or interest;

"(2) grant nonexclusive, exclusive, or partially exclusive licenses under federally owned patent applications, patents, or other forms of protection obtained, royalty-free or for royalties or other consideration, and on such terms and conditions, including the grant to the licensee of the right of enforcement pursuant to the provisions of chapter 29 of this title as determined appropriate in the public interest;

"(3) undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal Government either directly or through contract; and

"(4) transfer custody and administration, in whole or in part, to another Federal agency, of the right, title, or interest in any federally owned invention.

"§ 208. Regulations governing Federal licensing

"The Administrator of General Services is authorized to promulgate regulations specifying the terms and conditions upon which any federally owned invention, other than inventions owned by the Tennessee Valley Authority, may be licensed on a nonexclusive, partially exclusive, or exclusive basis.

"§ 209. Restrictions on licensing of federally owned inventions

"(a) No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development and/or marketing of the invention, except that any such plan may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(b) A Federal agency shall normally grant the right to use or sell any federally owned invention in the United States only to a licensee that agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c)(1) Each Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a federally owned domestic patent or patent application only if, after public notice and opportunity for filing written objections, it is determined that—

"(A) the interests of the Federal Government and the public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(B) the desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

"(C) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital and expenditures to bring the invention to practical application or otherwise promote the invention's utilization by the public; and

"(D) the proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"(2) A Federal agency shall not grant such exclusive or partially exclusive license under paragraph (1) of this subsection if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with the antitrust laws.

"(3) First preference in the exclusive or partially exclusive licensing of federally owned inventions shall go to small business firms submitting plans that are determined by the agency to be within the capabilities of the firms and equally likely, if executed, to bring the invention to practical application as any plans submitted by applicants that are not small business firms.

"(d) After consideration of whether the interests of the Federal Government or United States industry in foreign commerce will be enhanced, any Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a foreign patent application or patent, after public notice and opportunity for filing written objections, except that a Federal agency shall not grant such exclusive or partially exclusive license if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with antitrust laws.

"(e) The Federal agency shall maintain a record of determinations to grant exclusive or partially exclusive licenses.

"(f) Any grant of a license shall contain such terms and conditions as the Federal agency determines appropriate for the protection of the interests of the Federal Government and the public, including provisions for the following:

"(1) periodic reporting on the utilization or efforts at obtaining utilization that are being made by the licensee with particular reference to the plan submitted: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code;

"(2) the right of the Federal agency to terminate such license in whole or in part if it determines that the licensee is not executing the plan submitted with its request for a license and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

"(3) the right of the Federal agency to terminate such license in whole or in part if the licensee is in breach of an agreement obtained pursuant to paragraph (b) of this section; and

"(4) the right of the Federal agency to terminate the license in whole or in part if the agency determines that such action is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license and such requirements are not reasonably satisfied by the licensee.

"§ 210. Precedence of chapter

"(a) This chapter shall take precedence over any other Act which would require a disposition of rights in subject inventions of small business firms or nonprofit organizations contractors in a manner that is inconsistent with this chapter, including but not necessarily limited to the following:

"(1) section 10(a) of the Act of June 29, 1935, as added by title I of the Act of August 14, 1946 (7 U.S.C. 427i(a); 60 Stat. 1085);

"(2) section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1090);

"(3) section 501(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951(c); 83 Stat. 742);

"(4) section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721);

"(5) section 12 of the National Science Foundation Act of 1950 (42 U.S.C. 1871(a); 82 Stat. 360);

"(6) section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182; 68 Stat. 943);

"(7) section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457);

"(8) section 6 of the Coal Research Development Act of 1960 (30 U.S.C. 666; 74 Stat. 337);

"(9) section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b; 74 Stat. 920);

"(10) section 32 of the Arms Control and Disarmament Act of 1961 (22 U.S.C. 2572; 75 Stat. 634);

"(11) subsection (e) of section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e); 79 Stat. 5);

"(12) section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901; 88 Stat. 1878);

"(13) section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054(d); 86 Stat. 1211);

"(14) section 3 of the Act of April 5, 1944 (30 U.S.C. 323; 58 Stat. 191);

"(15) section 8001(c)(3) of the Solid Waste Disposal Act (42 U.S.C. 6981(c); 90 Stat. 2829);

"(16) section 219 of the Foreign Assistance Act of 1961 (22 U.S.C. 2179; 83 Stat. 806);

"(17) section 427(b) of the Federal Mine Health and Safety Act of 1977 (30 U.S.C. 937(b); 86 Stat. 155);

"(18) section 306(d) of the Surface Mining and Reclamation Act of 1977 (30 U.S.C. 1226(d); 91 Stat. 455);

"(19) section 21(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(d); 88 Stat. 1548);

"(20) section 6(b) of the Solar Photovoltaic Energy Research Development and Demonstration Act of 1978 (42 U.S.C. 5585(b); 92 Stat. 2516);

"(21) section 12 of the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178(j); 92 Stat. 2533); and

"(22) section 408 of the Water Resources and Development Act of 1978 (42 U.S.C. 7879; 92 Stat. 1360). The Act creating this chapter shall be construed to take precedence over any future Act unless that Act specifically cites this Act and provides that it shall take precedence over this Act.

"(b) Nothing in this chapter is intended to alter the effect of the laws cited in paragraph (a) of this section or any other laws with respect to the disposition of rights in inventions made in the performance of funding agreements with persons other than nonprofit organizations or small business firms.

"(c) Nothing in this chapter is intended to limit the authority of agencies to agree to the disposition of rights in inventions made in the performance of work under funding agreements with persons other than nonprofit organizations or small business firms in accordance with the Statement of Government Patent Policy issued on August 23, 1971 (36 Fed. Reg. 16887), agency regulations, or other applicable regulations or to otherwise limit the authority of agencies to allow such persons to retain ownership of inventions. Any disposition of rights in inventions made in accordance with the Statement or implementing regulations, including any disposition occurring before enactment of this section, are hereby authorized.

"(d) Nothing in this chapter shall be construed to require the disclosure of intelligence sources or methods or to otherwise affect the authority granted to the Director of Central Intelligence by statute or Executive order for the protection of intelligence sources or methods.

"§ 211. Relationship to antitrust laws

"Nothing in this chapter shall be deemed to convey to any person immunity from civil or criminal liability, or to create any defenses to actions, under any antitrust law.".

(b) The table of chapters for title 35, United States Code, is amended by adding immediately after the item relating to chapter 37 the following:

"38. Patent rights in inventions made with Federal assistance.".

SEC. 7. Amendments to Other Acts.—The following Acts are amended as follows:

(a) Section 156 of the Atomic Energy Act of 1954 (42 U.S.C. 2186; 68 Stat. 947) is amended by deleting the words "held by the Commission or".

(b) The National Aeronautics and Space Act of 1958 is amended by repealing paragraph (g) of section 305 (42 U.S.C. 2457(g); 72 Stat. 436).

(c) The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by repealing paragraphs (g), (h), and (i) of section 9 (42 U.S.C. 3908 (g), (h), and (i); 88 Stat. 1889–1891).

SEC. 8. (a) Sections 2, 4, and 5 of this Act will take effect upon enactment.

(b) Section 1 of this Act will take effect on the first day of the seventh month beginning after its enactment and will apply to patents in force as of that date or issued thereafter.

(c) Section 3 of this Act will take effect on the first day of the first fiscal year beginning on or after one calendar year after enactment. However, until section 3 takes effect, the Commissioner may credit the Patent and Trademark Office appropriation account in the Treasury of the United States with the revenues from collected reexamination fees, which will be available to pay the costs to the Office of reexamination proceedings.

(d) Any fee in effect as of the date of enactment of this Act will remain in effect until a corresponding fee established under section 41 of title 35, United States Code, or section 1113 of title 15, United States Code, takes effect.

(e) Fees for maintaining a patent in force will not be applicable to patents applied for prior to the date of enactment of this Act.

(f) Sections 6 and 7 of this Act will take effect on the first day of the seventh month beginning after its enactment. Implementing regulations may be issued earlier.

(g) Sections 8 and 9 will take effect on the date of enactment of this Act.

SEC. 9. The Commissioner of Patents and Trademarks shall report to Congress, within 2 years after the effective date of this Act, a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

SEC. 10. (a) Section 101 of title 17 of the United States Code is amended to add at the end thereof the following new language:

"A 'computer program' is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.".

(b) Section 117 of title 17 of the United States Code is amended to read as follows:

"§ 117. Limitations on exclusive rights: Computer programs

"Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

"(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or

"(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

"Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner.".

Amend the title so as to read: "A bill to amend the patent and trademark laws.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

● Mr. BAYH. Mr. President, there has been no more troubling issue before this Congress than the disturbing slump in American innovation and productivity. This trend strikes at the very heart of our economy and leads to a loss of jobs, a weakening of the dollar, and a poor balance of trade.

There are many complex reasons for this unhealthy trend, yet virtually every expert who has testified before the Congress has mentioned the weaknesses in our present patent laws as a significant contributor to the problem. The amendment that I am offering to the House-passed bill, H.R. 6933, represents an important step in solving this patent problem.

The amendment that I am offering represents in essence the patent policy incorporated in S. 414, which was overwhelmingly passed by the Senate after being unanimously reported out of the Senate Judiciary Committee.

This new policy will make federally supported research and development more productive by allowing the private sector to develop many inventions now left gathering dust on the shelves of Government agencies. This patent policy revision will give small businesses and universities conducting research and development for the Government the incentive to develop and market the inventions that they make while fully protecting the rights of the Government and the public. This concept has received wide support from both sides of the aisle because of the overwhelming evidence of the present inefficiencies in the present patent policies. The full legislative history of this provision is found in the Senate Judiciary Committee report on S. 414 (96–480) which fully spells out the intent of the Congress and specifies how this patent policy is to be implemented.

Section 210(c) is intended to make clear that the disposition of rights in inventions to contractors not covered by this act shall continue to be governed by the President's statement on Government patent policy and implementing agency regulations. Implementing regulations and policies granting ownership rights to such contractors are not intended to be adversely affected by enactment of this act; and dispositions pursuant to such statements and implementing regulations prior to enactment of this act are expressly authorized by this act.

The other provisions of the present amendment will allow the Patent and Trademark Office to reexamine issued patents. This concept was unanimously supported by the Senate when it passed my bill, S. 2446. The present reexamination procedure is that passed by the House, which is essentially the same as that already passed by the Senate.

Reexamination will allow patent holders and challengers to avoid the present costs and delays of patent litigation. The American Patent Law Association testified to the Judiciary Committee that patent litigation can cost both parties $250,000 and take years to settle. Quite obviously, this sum is beyond the means of many patent holders, particularly small businesses and independent inventors, and is a sizable burden to any business. Patent reexamination will also reduce the burden on our overworked courts by drawing on the expertise of the Patent and Trademark Office for an estimated $1,000 to $1,500 per case. Reexamination has been endorsed by the American Bar Association and the American Patent Law Association and is a much needed improvement in our present system that will strengthen the American patent system.

The Senate Judiciary Committee and the Appropriations Committee have been concerned about the continued underfunding of the Patent Office. The amendment that I am offering includes the first increase in patent and trademark fees in 15 years. The language is that already approved by the House.

The House provision includes a system of maintenance fees so that a patent holder can spread out his payments over a number of years. I believe that the Senate should accept this concept with the provision that patent holders be personally notified through the mail shortly before their payments are due. I fear that unless this is done small business patent holders or independent inventors might inadvertently miss a deadline and thereby permit their patent to lapse. So with this one minor addition in the legislative history of the fee provision, I recommend that it be accepted. There should also be provisions made in the implementing regulations of the Patent and Trademark Office to extend the deadline if a patent holder should inadvertently miss payment through no fault of their own.

Few would argue that trademark fee adjustments are not needed. They have not been increased for years. Rather than merely increasing fees, this bill ties them to recovering an established percentage of average estimated costs, without any feeling or control. Unquestionably, support for fee increases based on a percentage of cost recovery waned dramatically when the language creating a Patent and Trademark Office independent of the Department of Commerce, an action I actively sought, was deleted from this legislation. In any case, this open-ended structure should not be construed as a "blank check."

Today, conditions in the trademark office are nothing short of a national disgrace and although remedies are being sought, we are far from realizing an efficiently run operation. Some estimate that, in 5 years, the length of time it takes to receive a registration may stretch from over 2 years to a deplorable 7 years. Reasonably, this period should not exceed 1 year. Furthermore, when registrations are issued, they are frequently mailed to the wrong company, much of the Office's official correspondence is handled in longhand due to a shortage of clerk typists and the statutorily required publication of the official gazette, when it does occur, is months behind and has resulted in an inordinate backlog. It will cost a great deal of money to straighten out this disastrous mess and increased fees will help. However, I am certain that it is not the intent of my colleagues that American businesses and individuals be forced to pay the cost of past management errors in the Patent and Trademark Office (PTO) and the Department of Commerce. Additionally, while there is no provision in this legislation to prohibit the commingling of patent and trademark fees revenues to offset expenditures of the PTO, it is the intent of this body that they be kept separate.

Of even more serious import to U.S. trademark owners is the impact on fees that will result should the Senate ratify the Trademark Registration Treaty. This treaty, as it substantially reduces for foreign nationals to file, makes it easier for them to present their applications for processing. Cost of trademark operations within the PTO cannot help but soar and backlog will certainly be magnified. The number of oppositions will increase and printing costs will be much higher. Because this legislation does not take this possibility into account and bases the fees which American businesses must pay on aggregate costs, I have confidence that Congress will examine this new trademark fee structure when it considers the impact on the PTO of the treaty to insure that American trademark owners, both individuals and businesses, do not subsidize the costs of their foreign competitors.

The Congress should exercise an oversight of the implementing regulations as this increase in patent and trademark fees goes into effect to insure that it does not have a negative impact on independent inventors and small businesses. It is not the intent of the Senate that fees should be raised to the point that these important sources of innovation are discouraged or prohibited from filing patent and trademark applications by their financial limitations. It would be counterproductive to the patent and trademark system if this concern were not carefully weighed by the Patent and Trademark Office.

As required by the Regulatory Flexibility Act (Public Law 96–354) and the present act (H.R. 6933), the Patent and Trademark Office is required to adopt regulations for the patent fees of section 41(a) of this act that will reflect the ability of small entities to pay such charges. Consideration must be given to several tiers of processing, filing, and maintenance charges.

My amendment will also authorize a 2-year study of the feasibility of computerizing many of the operations of the Patent and Trademark Office. The Judiciary Committee has been very concerned with reports it has received about missing patent files and the uncertainty of many issued U.S. patents. Computerization should significantly modernize the operations of the Office and this study will be very important in determining how best to proceed.

Finally, Mr. President, this amendment clarifies the 1976 Copyright Act as it is related to the ability to obtain copyrights on computer software. This language reflects that proposed by the Commission on New Technological Uses of Copyrighted Works and is supported by the Copyright Office.

This amendment represents a satisfactory compromise between the positions of the Senate and the House. This bill will be a significant step forward not only for the patent system, but for American innovation and productivity. I urge my colleagues to join with me in supporting this vitally important legislation.●

● Mr. SCHMITT. Mr. President, as most of my colleagues are undoubtedly aware, recent economic indicators suggest that the United States is experiencing an alarming decline in the rate of technological innovation and economic growth. Symptoms of this decline are reflected in the growing international trade deficit, diminishing national productivity, and the increasing penetration of domestic markets by foreign competitors.

The Senate Science, Technology, and Space Subcommittee, chaired by Senator STEVENSON and on which I serve as the ranking member, has had a longstanding interest in the industrial innovation process and Federal policies which adversely impact upon it. For the past 2 years the subcommittee in cooperation with the Banking Committee has conducted extensive oversight hearings examining the direction of Federal R. & D. and the Federal Government's role in promoting the development, application, and diffusion of new technologies.

In addition, the committee has held 4 days of hearings on my bill, S. 1215, and reported it out of committee. S. 1215 addresses these problems in a comprehensive manner, treating all contractors, small, medium, and large, equally.

The problems identified through these hearings are varied and complex—overburdensome and costly regulations, lack of an overall trade policy, counterproductive tax policies, and inadequate funding of basic research, to name just a few. Nevertheless, there are steps which the Federal Government can and should take to reverse the downward trend in the development of new products and processes. Reform of patent activities and policies is at the top of the list.

Mr. President, in my judgment, there is a clear need for the establishment and implementation of a uniform Governmentwide patent policy that would address all recipients of Federal R. & D. funds.

The bill, H.R. 6933, provides for such a policy but only for small and nonprofit businesses, and academic institutions. While I support the basic objectives of the bill, I am concerned that the bill does not go far enough. The problems this Nation is experiencing in technological innovation go far beyond small business and universities which together comprise but a small percentage of all Federal contracts. We cannot afford to ignore that segment of private enterprise consisting of medium-sized and larger businesses which perform 90 percent of our federally sponsored R. & D. effort and account for more than half of U.S. industrial employment, and 85 percent of U.S. exports.

I believe the correct approach would allow all contractors, regardless of size or profit status, to acquire title to their inventions made under Federal contracts while retaining the structure, protections, and essential provisions of H.R. 6933. It is important to achieve the widest possible application of Government-supported technology at a time of lagging innovation, stagnant productivity growth, and declining U.S. competitiveness in the international and domestic marketplaces.

Mr. President, I am hopeful that early in the next Congress we can more thoroughly address the problem of lagging technological innovation through implementation of a governmentwide patent policy that is applicable to all contractors, regardless of size.

I view the legislation before us today as only the first small step in the process of providing incentive for technological innovation among all recipients of Federal R. & D. funds, and urge my colleagues to continue their efforts toward that end.●

Mr. DOLE. Mr. President, the present patent policy generally encourages retention by the Government of rights to inventions it sponsored. This policy has resulted in a reluctance by universities and industry to invest the necessary funds for the development and marketing of inventions emanating from federally funded research. This is understandable in view of the fact that the development process is not only risky but expensive, and estimated to cost 10 times the cost of the initial research.

By obstructing patent rights and innovations, the Government increases the factor of uncertainty in an already uncertain area, that of technology end result. By denying the modicum of protection that the granting of patent rights for a limited period of time would afford, the Government removes the incentive that would stimulate the private sector to develop and market inventions.

IMPACT OF FEDERAL POLICY

The effect of this policy is twofold, bearing on the consumer as well as on the economy in general. In both cases, the public is the victim. When large amounts of taxpayers' money are directed to the research field, the public expects and deserves to reap the benefit of its investment in the form of products available for its consumption. When this fails to materialize, it is obvious that the Government has reneged on its promise. This is evidenced by the fact that, of the 28,000 inventions funded by the Government, only about 5 percent have been used.

The damaging impact of the Federal patent policy on the economy is dramatic. That we have lost our leadership role to Japan in the fields of electronics and shipbuilding is no accident. Without short-term exclusive rights, small firms cannot take the risk of bringing innovations to the commercial market, but large foreign firms can and are doing so, with ideas gleaned from U.S.-funded research. That the richest Nation on Earth has a trade deficit with Japan amounting to $13 billion leaves room for reflection, when one considers the fact that Japan has no natural resources on her mainland. Our annual growth is 3 percent as opposed to 8 percent in Japan. Our newly established ties with China make the People's Republic a candidate for emulation of the Japanese example, with a population of 900 million people, through the potential use of U.S. technology to which its access is now guaranteed, China could become a most formidable competitor.

The development of technological innovation by Government and industry in countries such as Japan and Germany, is a contributing factor in their dominance of world trade.

WHAT IS THE ANSWER?

Protectionism is not what I am advocating. Such a theory would be counterproductive and one I do not adhere to on general principles. What I am rather suggesting is that the answer to foreign competition lies neither in an increase of export subsidies, nor in an increase of tariffs, but in an increase in productivity. I believe that the protection that patent rights for a limited amount of time would guarantee to American business would be a giant step toward providing incentives for greater productivity.

Our economy is one which has always run on America's innovative genius. This resource must not be allowed to waste away on account of unnecessary delays and redtape. Complex rules and regulations devised by Federal agencies are detrimental to stimulating productivity and enterprise. They are particularly harmful to small business from which, traditionally, innovative, and creative programs have emanated. In the field of medical innovation, the obstruction of patent rights by Federal agencies is an extremely serious problem. Indeed, when medical inventions offering potential cures for diseases are withheld, it is the very lives of Americans which are affected.

The almost adversarial relationship that now exists between business and Government must be replaced by a true and genuine partnership in which the Government will act as impresario in bringing industry and universities together with new fields of knowledge, and their practical implementation.

PATENT POLICY

The amendment that I am cosponsoring represents the patent policy incorporated in S. 414, which was overwhelmingly passed by the Senate after being unanimously reported out of the Senate Judiciary Committee.

This new policy will result in an increase in productivity by allowing the private sector to develop many inventions now left on the shelves of Government agencies. Small businesses and universities that conduct research and development for the Government will now have the incentive to develop and market the inventions that they create.

THE PATENT TRADEMARK OFFICE

An estimated 2 to 28 percent of the search files are missing in each patent subclass. Therefore, when patent examiners are searching these files, when seeking prior patents and relevant materials, in order to determine whether or not to grant a patent, some of the necessary materials are missing. The failure of the patent examiner to cite all of the relevant materials and patents in his report can be used to challenge the patent's validity in court.

If the Patent and Trademark Office is to meet its responsibilities to the patent applicant for prompt issuance and still insure that all of the relevant materials have been considered, the PTO must be given the authority to reexamine patents.

PATENT REEXAMINATION

As drafted, H.R. 6933 allows a person who wanted to challenge an issued patent on the basis of prior art or printed publications they would file a request with the PTO along with the fee and the evidence that is relevant to patent challenge. The patent holder would be informed of the challenge and would receive a copy of any cited material being used to question his patent. Within 90 days of receipt of this request, the Commissioner of the PTO would issue an initial decision. The patent holder would have the right to appeal the Commissioner's decision if the patent was invalidated.

Under H.R. 6933 the courts would have the option of accepting patent validity cases.

The other provisions of this amendment will result in an increase in patent and trademark fees. These fees have not been increased for 15 years.

Trademark fees have not been increased for years. This bill will tie the increase in fees to the recovery of an established percentage of average estimated cost, without any feeling of control.

Congress must exercise oversight of the implementing regulation since this increase in patent and trademark fees goes into effect to insure that it does not have a negative impact on independent inventors and small businesses.

Additionally, this amendment will clarify the 1976 Copyright Act as it pertained to the ability to obtain copyrights on computer software. This language reflects that proposed by the Commission on New Technological Uses of Copyrighted Works and is supported by the Copyright Office.

Mr. President, this amendment is an acceptable compromise between the versions offered by the Senate and the House. It is a hope of the Senator from Kansas that this legislation will be a significant step forward for American innovation and productivity. I urge my colleagues to support this necessary piece of legislation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6933), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS FOR 30 MINUTES

The PRESIDING OFFICER. Pursuant to the previous order, the Senate now stands in recess for 30 minutes.

Thereupon, at 3:06 p.m., the Senate recessed for 30 minutes; whereupon, at 3:36 p.m., it reassembled when called to order by the Presiding Officer (Mr. SARBANES).

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 1480.

RECESS UNTIL 4:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I am informed that the parties are still negotiating and need a little more time. Therefore, I ask unanimous consent that the Senate stand in recess until 4:30 p.m. today.

There being no objection, the Senate, at 4:04 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LEVIN).

RECESS FOR 15 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 4:30:30 p.m., recessed until 4:45:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BOREN).

The PRESIDING OFFICER. The Chair in his capacity as the Senator from Oklahoma suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, the parties who have been principally engaged in the negotiations with respect to the superfund bill have made considerable progress. They need several hours tomorrow in which to continue those negotiations.

In order to accommodate certain Senators, one in particular who will not be here Saturday and who wishes to be here when action is taken on the superfund legislation, I ask unanimous consent that further action on the pending motion be delayed until Monday, following the orders for the recognition of the two leaders or their designees.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, indeed, I will join the majority leader in his request.

I, too, believe substantial progress has been made. I would like to say that I believe enough progress has been made to predict that there will be a successful outcome, at least I hope so. Because I feel the parties are close enough together now, a great deal will be gained by trying to complete consideration of this measure yet in this session of Congress.

It is my understanding of the request made by the majority leader that further consideration of the motion would simply be suspended until next Monday, at which time all the parties would be left in the status quo exactly where they were when we discontinued consideration of that motion this morning.

I ask the Chair if that understanding is correct and if the Chair will confirm that understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, then I certainly have no objection. I thank the majority leader for his good offices in working out this arrangement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The galleries will be in order.

Mr. ROBERT C. BYRD. Mr. President, will the Chair please get order in the galleries? The Senate is still in session and will be in session for a while.

While I have the floor, I want to take this occasion to say that the Senate will be in Saturday, also, because there is work to do, unless all the work can be completed that we are hoping to get done prior to Saturday.

At this time, I hope that the EDA legislation can be brought up. The distinguished Senator from West Virginia, my senior colleague, Mr. RANDOLPH, is here for that purpose and Mr. STAFFORD is also here.

Mr. President, I yield the floor.

EXTENSION OF AUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT

Mr. RANDOLPH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 3152.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3152) entitled "An Act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(2) Section 105 is amended by striking out "and September 30, 1979." at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(3) Section 201(c) is amended by striking out "and September 30, 1979." at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

(4) Section 204(c) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982".

(5) Section 303(a) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(9) Section 509(d)(1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". Section 509(d)(2) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(10) Section 905 is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

(11) Section 1007 is amended by striking out "September 30, 1979." and inserting in lieu thereof "September 30, 1982.".

SEC. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91–304), as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982,".

SEC. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed $1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $550,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).".

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1982".

(3) Section 201(g) is amended by striking out "and $170,000,000" and inserting in lieu thereof "$215,000,000" and by inserting before the period at the end of such section the following: "; and $215,000,000 for fiscal year 1982".

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and $300,000,000 for the two-fiscal-year period ending September 30, 1981, and $140,000,000 for the fiscal year ending September 30, 1982.".

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1982".

Mr. RANDOLPH. Mr. President. I ask for the opportunity to speak briefly.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, we are considering in the early evening of this session today very important legislation that embraces the constructive programs of the Economic Development Administration, the Appalachian Regional Commission, and the other eight commissions authorized under Title V of the EDA Act.

Mr. President. in 1965, from the Committee on Public Works, now the Committee on Environment and Public Works, we brought to this very Chamber these measures.

That situation causes me for a moment to say that those measures were very carefully considered by the members of our committee at that time.

What we did in the committee, after the most careful, yet constructive, consideration was to bring to the attention of our colleagues in the Senate two measures, to benefit the men and women of this country.

Those who were members of our committee in 1965 were part of the beginning of an effort that continue today and flourishes. They were, in addition to myself, Stephen M. Young, Edmund S. Muskie, Ernest Gruening, Frank E. Moss. B. Everett Jordan, Daniel K. Inouye, BIRCH BAYH, Joseph M. Montoya, Fred R. Harris, John Sherman Cooper, Hiram L. Fong, J. Caleb Boggs, James B. Pearson, George Murphy, and Robert P. Griffin.

Today, I am joined in the continued review and revision of these important programs by MIKE GRAVEL, LLOYD BENTSEN, QUENTIN BURDICK, JOHN CULVER, GARY HART, DANIEL PATRICK MOYNIHAN, GEORGE MITCHELL, ROBERT T. STAFFORD, HOWARD BAKER, PETE DOMENICI, JOHN CHAFEE, ALAN SIMPSON, and LARRY PRESSLER.

These programs since that date have carried with them substantial activities which have benefited the health of the people throughout this country.

We have improved the processes of quality education. We have provided for very, very necessary public facilities to benefit communities, large and small.

We have helped in the development of a further network of roads in Appalachia which have strengthened the economy and benefited the people of our 13-State region.

We have, of course, given aid to business, business that, in many instances, had it not been for the catalyst of EDA, could not have been saved or started. I believe tens of thousands of jobs that are now gainful employment for people throughout this country can be attributed to the fact that this was the core of it all, to bring the other elements into an active program. Had it not been for EDA, with the assistance of ARC and other agencies, we would not have as strong an economy as we have at the present time.

Community development, through this aid to industry, commerce, and business, has caused me many, many times to feel that the purpose of this Chamber in the passage of legislation creating active programs, is to build a better America. We are back again this evening, not with a conference report which we had thought we could arrange between the two bodies, but we are here to take action on a compromise that has been arranged and in which the House has participated.

Therefore, for the purposes of the record, it is a privilege for me to stand side by side with ROBERT T. STAFFORD, of Vermont. Next year he will become the chairman of our committee, a committee which has not had partisanship surface, which sometimes, if not discouraging, is distasteful. We have never had that. We have had differences, understandably so, and these are very proper and right. But we have worked together, the majority and the minority and the minority and the majority. We have worked as a committee of members with the essential desire and determination which is paramount, to strengthen this country in the process or the use of these two measures incorporated into one bill.

So, Mr. President, I support and I support strongly the amendment of the House to S. 3152. This measure extends the Appalachian Regional Development Act, and the Public Works and Economic Development Act. The Senate, as will be recalled, passed this legislation prior to November 4. During that recess, it became apparent that the conference committee on S. 914, which was passed last year, could not resolve the remaining differences. I do not quarrel with those differences except to say that, in the Senate, we thought we must hew more closely to the lines which we had drafted in our original bill.

We had further negotiations, Mr. President, after the Senate's passage of S. 3152, then the election. We continued to work to demonstrate, but it was impossible to reach an agreement and pass what we would have liked very much, a conference report on S. 914.

Mr. President, with my colleagues, we come now to the adoption of the House amendment to S. 3152, in which the only change is the adding of an additional year of authorization, fiscal year 1982, to apply to both programs. The bill, as passed by the Senate and as amended in the House is simply a 3-year extension of the existing programs.

These two programs are for economic growth and development and for the well-being of men and women who live in various regions of this country, but what is done in one region benefits another. We pass on the results and strengthen the entire Nation through a better economy.

Authorizations in the bill are continued at the level authorized for the fiscal year 1979; thus, we have a major reduction from that proposed by the two Houses in S. 914. We would have $1 billion annually for EDA. That would run for a period of 3 years. There is $500 million for the Appalachian Regional Commission, running to 3 years, which would bring us a total of $4.5 billion during the 3-year period.

We hope, Mr. President, in a few minutes, to bring this legislation to passage and we believe that the President of the United States will wish to sign it. We do know that the bill—and it is important to stress this—recognizes the budgetary problems that face the people of this country. At the same time, we are going to continue to commit ourselves as a Congress and an administration to what we call a valuable and a workable program.

So, Mr. President, what began 15 years ago, we hope we are continuing tonight—keeping the sinews of that program—not attempting in any way to dwarf what we have done. Having been unable to agree to a conference report, both bodies agreed that we should move forward over the period of which I have spoken.

I hope that Senator STAFFORD, because he and other members of the committee have been most cooperative and active, will call attention to the pending amendment.

Mr. STAFFORD. Mr. President, on behalf of the Republican conferees representing the Senate Environment and Public Works Committee on economic development legislation, I wish to make some brief remarks in support of S. 3152, which has just been returned to this body from the House of Representatives with an amendment. As amended, S. 3152 contains a simple extension of existing statutory authority for programs authorized by the Public Works and Economic Development Act and the Appalachian Regional Commission Act through fiscal year 1982. The House has simply taken the bill which this body passed on September 26 and extended these programs for an additional fiscal year.

This extension has been made necessary by the failure of House and Senate conferees on S. 914 to reach an agreement on a comprehensive bill to substantially expand Federal economic development programs.

More than 1 year has passed since the House and Senate first passed this legislation. After repeated but unsuccessful attempts to work out differences between our respective versions, the conferees, on September 18, 1980, decided to suspend their formal efforts on S. 914. Instead, we agreed to introduce a simple extension of existing statutory authorities for the economic development and regional commission programs through fiscal year 1981. Accordingly, Senator RANDOLPH and I introduced S. 3152, which passed the Senate on September 26. The House of Representatives took up this bill today, amending it to extend EDA, and the other Appalachian Regional Commissions, through fiscal year 1982.

I have consulted with the leadership on our side of the aisle and understand that there is no objection to accepting the House-passed bill. In fact, it is identical to the proposal that I encouraged the conferees to accept when it became clear that we would be unable to agree on S. 914. It serves the useful purpose of keeping these programs intact until the 97th Congress is able to address their future disposition. As a practical matter, it is unlikely that Congress would be able to act with finality on economic development legislation prior to the May 15, 1981, deadline for bills authorizing appropriations for fiscal year 1982.

I anticipate that the incoming administration of President-elect Reagan will want to carefully examine these programs and make recommendations of its own. This simple extension provides adequate time for such a review but does not disrupt the on-going programs. Neither does it bias any thinking which the new Congress may bring to bear on these programs.

Finally, I might add that the fiscal year 1981 appropriation bill for the Economic Development Administration program does fall within the authorizations proposed by the simple extension, and those appropriations are within the budget resolution. As a result of the Appropriations Committee's action, EPA's budget for fiscal year 1981 will be increased from $550 to $664 million.

Mr. President, I urge my colleagues to approve the bill before us.

Mr. President, I join with my friend, the distinguished chairman of the Committee on Environment and Public Works, in urging our colleagues to approve the bill before us.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I have just this postscript in a sentence or two. It is customary at times to recognize, and at other times, the record will reflect later, the assistance of members of our staff, regardless of whether they be majority or minority. I know that Senator STAFFORD and I want very much not to be reluctant but to be very eager to thank all those on the staff of the committee who have worked very, very earnestly to help bring about this result.

We are appreciative of the efforts of John Yago, Bailey Guard, Richard Harris, Philip Cummings, Richard Greer, Jackee Schafer, Steve Swain, and Ann Garrabrant.

Philip McGance, able administrative assistant in our personal office, has labored in behalf of EDA and Appalachia projects for long, long hours. He knows what it means to a community and to its people to have this assistance which many, many times has been the difference between the closing or continued operation of a plant, sometimes combining with other funding, including that from private sources. Thus plants were improved and kept open; new ones were established and workers were gainfully employed. In a personal and official way and for the people of West Virginia I say, thanks Phil.

I want also, Mr. President, to indicate that I am very hopeful that HOWARD BAKER, the Senator from Tennessee, who is now a member of our committee, will remain a member of the committee. He moves now to the majority leadership, but I hope that nothing will keep him from continuing as a member of our committee, where his advice and counsel and his advocacy have been important elements of what we have done.

Mr. STAFFORD. Mr. President, if the distinguished Senator will yield briefly, I would like to join in expressing our appreciation for the staff assistance to all of us.

I am happy to tell my beloved chairman that I have discussed Senator BAKER's remaining on the committee and he has told me he expects to do so.

Mr. RANDOLPH. That is good news this evening.

Then I desire also, before we call for the concurrence in the amendment, to speak of the assistance of the majority leader (Mr. ROBERT C. BYRD) in connection with this legislation.

He has been from the beginning a strong supporter of what we have done. We both know that today he and HOWARD BAKER have been very helpful in arranging for us to bring this measure to a conclusion.

From the standpoint of the Hill, we know that President Carter wishes to sign this legislation and, in doing so, does it not as a Democratic President, but as a President of the United States of America.

I would say the same of another President were he in office, because when legislation here can be reflected from both the Hill and the White House and go to the people, not just dollars to be spent, but dollars that are an investment, and after they have been expended there is a dividend for the American people down the road, wherever these programs bear fruit.

Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Is there objection to the motion?

Without objection, the motion was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8146.

The Presiding Officer laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

UP AMENDMENT NO. 1780

(Purpose: To correct drafting error)

Mr. LONG. Mr. President, I ask unanimous consent that the Senate be permitted to recede and concur in their own amendments with an amendment which I now send to the desk. This amendment would correct a drafting error in one of the sections added by the Senate so that the section will in fact do what it was described as doing.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

> The Senator from Louisiana (Mr. LONG) proposes an unprinted amendment numbered 1780:
>
> In paragraph (4)(B) of section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970, as added by section 10 of the Senate Amendment, insert "multiplied by 20" after "available to the State)".

Mr. LONG. Mr. President, this amendment would correct a drafting error in one of the sections added by the Senate so that the section will do what it was described as doing.

Mr. STAFFORD. Will the distinguished Senator yield?

Mr. LONG. Yes.

Mr. STAFFORD. Has this matter been cleared on my side of the aisle?

Mr. LONG. This was cleared with the minority staff of the Finance Committee and I believe it was with Senator DOLE. If there is any doubt, I would be glad to straighten it out. The Senator will be one of the conferees on the bill, and it is strictly a drafting error.

The staff, in drafting the language, simply failed to draft it properly and they put the wrong number in at one point.

Mr. STAFFORD. It is my understanding that this is a change that is going into conference, in any event.

Mr. LONG. Yes, and, to my knowledge, the staff well understands what this is.

Mr. STAFFORD. Senator DOLE will be one of the conferees?

Mr. LONG. Yes.

Mr. President, has the amendment been agreed to?

The PRESIDING OFFICER. The request has been agreed to.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BOREN) appointed Messrs. LONG, TALMADGE, HARRY F. BYRD, JR., BOREN, BRADLEY, DOLE, CHAFEE, and HEINZ conferees on the part of the Senate.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ACCESS PROVISION IN THE ALASKA LANDS BILL

Mr. MELCHER. Mr. President, we have finally had an opportunity to read the fine print in the long and detailed statement put into the RECORD by Congressman UDALL with regard to section 1323, Access, of the Senate compromise amendment to H.R. 39, the Alaska National Interest Lands Conservation Act. Congressman UDALL says:

> Although the amendment is ambiguously drafted and not expressly limited to Alaskan lands, the House believes that, as with all other provisions of the bill, the language of the section applies only to lands within the State of Alaska. Reference in an earlier section of his remarks dealing with "General issues" under the National Parks section also indicated that "various authorities granted to the Secretary and the Secretary of Agriculture . . . apply only to the State of Alaska."

Mr. President, this belief expressed by Mr. UDALL is in complete error. I was the author of section 1323 and the language certainly was not designed or intended to apply only to Alaska lands. Furthermore, the Senate intent with its own language was made quite clear by the Senate committee report at page 310 which I am inserting at this point. The committee said:

The committee amendment is designed to resolve any lingering legal questions by making it clear that non-Federal landowners have a right of Access.

A statement in the House that the language applies only to Alaska is an outright attempt to amend the Senate language and limit its application. The Members of the House had a clear understanding of the meaning and intent of the language in section 1323 because I met personally with both Mr. Udall and Mr. Seiberling on the matter to make its meaning and intent clear. It would be a charade of fine print to limit application of section 1323 to Alaskan lands. This is made even more transparent when you consider that section 1110 of the bill deals specifically with special access and access to inholdings in Alaska. Let me insert section 1110 at this point with section 1323.

Note that section 1323 provides no more than section 1110(b) provides for Alaskans. That is why section 1323 was added by the Senate committee in order to provide equity to other National Forest System and BLM inholders. The Senate committee intends outside of Alaska to provide for others who own land within or effectively surrounded by one or more units of the National Forest System or of public lands administered by the Secretary of the Interior under the Federal Land Policy and Management Act of 1976 such rights as may be necessary to assure adequate and feasible access for economic and other purposes, subject, of course, to reasonable rules and regulations.

Mr. President, the House was unable to muster the necessary support to amend the Senate compromise Alaska lands bill; certainly their attempts to amend it with fine print in the Record will not stand. The Senate intent on the floor, in the committee report and through the entire Senate committee markup is clear. Section 1323 is not limited to Alaska and was not intended to be limited to Alaska.

Mr. President, I ask unanimous consent to have certain sections on Access printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ACCESS

Sec. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701–82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

YUKON FLATS NATIONAL WILDLIFE REFUGE AGRICULTURAL USE

Sec. 1324. Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats

* * * * *

tive to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.

VALID EXISTING RIGHTS

Sec. 1109. Nothing in this title shall be construed to adversely affect any valid existing right of access.

SPECIAL ACCESS AND ACCESS TO INHOLDINGS

Sec. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

Section 1324: Access

This section is designed to remove the uncertainties surrounding the status of the rights of the owners of non-Federal lands to gain access to such lands across Federal lands. It has been the Committee's understanding that such owners had the right of access to their land subject to reasonable regulation by either, the Secretary of Agriculture in the case of national forests, or by the Secretary of the Interior in the case of public lands managed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976. However, a recent District Court decision in Utah (*Utah* v. *Andrus* et al., C79–0037, October 1, 1979, D. C. Utah) has case some doubt over the status of these rights. Furthermore, the Attorney General is currently reviewing the issue because of differing interpretations of the law by the Departments of Agriculture and the Interior.

The Agriculture Department believes that non-Federal landowners have the right of access to national forest lands subject to reasonable rules and regulations. They find nothing in the Organic Act of 1897 (16 U.S.C. 473–478, 479–482, 551) or the Wilderness Act which precludes such access. In fact, they interpret section 5(a) of the Wilderness Act (16 U.S.C. 1131–1136) as mandating access to non-Federal in holdings within national forest wilderness.

The Interior Department on the other hand, interprets section 5(c) of the Wilderness Act as expressly authorizing denial of access to such inholders in wilderness areas. Based on that interpretation, Interior then concludes that the provisions for wilderness review of public lands organized by BLM in section 603(c) of the Federal Land Policy and Management Act also authorized denial of access across public lands subject to wilderness review.

The Committee amendment is designed to resolve any lingering legal questions by making it clear that non-Federal landowners have a right of access. National Forests and public land, subject, of course, to reasonable rules and regulations.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—DEFENSE DEPARTMENT APPROPRIATIONS, H.R. 8105

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees are recognized under the standing order, the Senate then proceed to the consideration of the Defense Department appropriation bill, Calendar No. 1152, H.R. 8105.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, will the majority leader withhold his request momentarily, while I check with one last clearance on that matter?

Mr. ROBERT C. BYRD. Yes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I temporarily withdraw my request.

(The following proceedings occurred later:)

Mr. ROBERT C. BYRD. Mr. President, I renew my previous request anent the Defense Department appropriation bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I am happy to say that there is no objection to the request of the majority leader in respect to consideration of the defense appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

METHANE TRANSPORTATION, RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1134, H.R. 6889.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6889) entitled the "Methane Transportation, Research, Development, and Demonstration Act of 1980".

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BAKER. Mr. President, there is no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 3, line 11, strike "and";

On page 3, line 17, strike "amended" and insert the following:

amended; and

(5) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

On page 5, line 14, strike "determine" and insert "conduct research and development on";

On page 6, after line 20, insert the following:

(d) (1) The Secretary of Energy shall insure that the conduct of the research and development program of this Act—

(A) supplements the automotive propulsion system research and development efforts of industry;

(B) is not formulated in a manner that will supplant private industry research and development or displace or lessen industry's research and development; and

(C) avoids duplication of private research and development.

(2) To that end, the Secretary of Energy shall issue administrative regulations, within 60 days after the date of the enactment of this Act, which shall specify procedures, standards, and criteria for the timely review for compliance of each new contract, grant, Department of Energy project, or other agency project funded or to be funded under the authority of this Act. Such regulations shall require that the Secretary of Energy or his designee shall certify that each such contract, grant, or project satisfies the requirement of this subsection, and shall include in such certification a discussion of the relationship of any related or comparable industry research and development, in terms of this subsection, to the proposed research and development under the authority of this Act. The discussion shall also address related issues, such as cost sharing and patent rights.

(3) Such certification shall be available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The provisions of chapter 5 of title 5, United States Code, shall not apply to such certifications and no court shall have any jurisdiction to review the preparation or adequacy of such certifications; but section 553 of title 5, United States Code, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, shall apply to public disclosure of such certifications.

(4) The Secretary of Energy also shall include in the report required by section 9 of this Act a detailed discussion of how each research and development contract, grant, or project funded under the authority of this Act satisfies the requirement of this subsection.

(5) Further, the Secretary of Energy in each annual budget submission to the Congress, or amendment thereto, for the programs authorized by this Act shall describe how each identified research and development effort in such submission satisfies the requirements of this subsection.

(6) The provisions and requirements of this subsection shall not apply with respect to any contract, grant, or project which was entered into, made, or formally approved and initiated prior to the enactement of this Act, or with respect to any renewal or extension thereof.

On page 11, line 8, strike "rules and regulations" and insert "guidelines for demonstrations";

On page 15, line 6, strike "regulations" and insert "guidelines";

On page 15, line 8, strike "Such" through and including line 12;

On page 18, after line 9, insert the following:

RELATIONSHIP TO OTHER LAWS

Sec. 11. (a) Nothing in this Act shall be construed as authorizing the Secretary or any other official with respect to any activity pursuant to this Act to modify or waive the application of any Federal, state or local laws dealing with the production, transportation, storage, safety, use or pricing of methane.

(b) Nothing in this Act shall be construed as granting the Secretary or any other Federal official any authority to promulgate rules of general application to regulate the production, transportation, storage, safety, use or pricing of methane as a transportation fuel or vehicles which use methane as a transportation fuel.

UP AMENDMENT NO. 1781

Mr. FORD. Mr. President, I send to the desk an amendment for the distinguished Senator from Ohio (Mr. METZENBAUM). This has been cleared with all our committee members. We have several amendments at the desk. There are four amendments by the distinguished Senator from Idaho (Mr. McCLURE); and if there is no objection, I move that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I thank the Senator from Kentucky for advising me that amendments of the Senator from Idaho (Mr. McCLURE) are included. That is our only requirement. We have no objection to the request.

Mr. FORD. I say to the distinguished minority leader that Senator McCLURE and I discussed this, and he has more than one, and it has been covered adequately.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes an unprinted amendment numbered 1781.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with and that the amendments, including the amendments by the Senator from Ohio (Mr. METZENBAUM) be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered en bloc are as follows:

On page 4, strike lines 8 through 10, and insert in lieu thereof the following:

"(d) the term 'private entities' means any person, such as any organization incorporated under State law, for profit or not-for-profit, or a consortium of such organizations, but does not include public entities; and".

On page 4, lines 17 and 18, strike "October" and insert in lieu thereof "February".

On page 5, lines 21 and 22, and on page 5, line 25 and page 6, line 1, strike "related transmission and storage facilities" and insert in lieu thereof "methane transmission, storage and dispensing facilities".

On page 6, lines 8 through 11, strike paragraph (6), and insert in lieu thereof the following:

"(6) determine that the participants in each demonstration assisted under this Act have made satisfactory arrangements to obtain an adequate supply of methane for vehicular use in the project."

On page 9, line 1, strike "BETWEEN/" and "THE SECRETARY AND".

On page 10, strike lines 5 and 6, and insert the following in lieu thereof, "for vehicular propulsion purposes;"

On page 10, line 12, after "sources" add ", as provided for in other authorization acts".

On page 10, lines 20 through 23, strike paragraph (8), and insert in lieu thereof the following:

"(8) overcoming institutional barriers to widespread use, including but not limited to restrictions on the transportation of methane for vehicular use through tunnels, and the potential expansion of the distribution of methane for vehicular purposes."

On page 11, lines 13 and 14, strike "facilities for the transmission and storage of methane as a vehicular fuel", and insert in lieu thereof "methane transmission, storage and dipsensing facilities,".

On page 11, line 24, strike "equipment" and insert in lieu thereof "facilities".

On page 12, line 19, strike "equipment" and insert in lieu thereof "facilities".

On page 16, strike lines 24 and 25, and on page 17 strike line 1, and insert in lieu thereof the following:

"Sec. 9. The Secretary shall submit to the Senate and the House of Representatives, for referral to the appropriate committees, such re-".

Mr. FORD. Mr. President, on September 26, 1980, the Committee on Energy and Natural Resources reported H.R. 6889, the Methane Transportation Research, Development and Demonstration Act of 1980.

I chaired joint hearings on this bill on September 23, 1980. Testimony showed that the bill has wide support and should be enacted. The joint hearings between our committee and the Commerce Committee started with testimony from Senator Hollings, the distinguished chairman of the Budget Committee, and the author of S. 3007, a similar bill. We also heard from the author of the bill on the House side, Congressman Dan Glickman, who has done an excellent job in putting this bill together and getting it through the House. All of the witnesses from industry and the environmental groups were strong supporters of the bill. The only pall that was thrown on the bill was by, of all people, the representatives from the Department of Energy. Their only reservation was that they wanted to study the proposition of using methane fuel first, before committing to a large-scale demonstration program.

Mr. President, the time for study is long past. Methane is being used by 15,000 vehicles in this country, and was the subject of extensive testing by GSA, back in 1970. Testimony in our hearings showed that if we did use methane in just one-tenth of the 6 million fleet vehicles, which are most readily convertible, we could save up to 80,000 barrels per day of gasoline. Furthermore, with a kit to convert to a dual fuel capacity car, it would take a mechanic under 8 hours to do the conversion.

But the hearings also showed that industry and fleet owners are reluctant to invest in conversion to dual fuel capacity because of a lack of Government policy in this area. For example, the Department of Transportation representative testified that "none of the DOT administrations concerned have plans to develop regulations governing methane systems in private or commercial vehicles." He also said that such fuels for use in vehicular propulsion are only partially regulated by the Department.

But before we let DOT regulate these vehicles we must learn what they do, how they operate, and demonstrate to industry the benefits and disadvantages. That is the purpose of this bill.

The bill would provide a program for advanced and accelerated research into methane vehicle design, methane distributions systems, and methane facilities. It would also demonstrate the economic and technological practicalities of methane-fueled vehicles for fleet use and on-farm operations. The Department of Energy would be the lead agency to conduct this research, development and demonstration program. The bill would result in the initiation of 50 fleet demonstrations, of no less than 50 vehicles each, over the next 3 years.

Methane is an attractive transportation fuel because of its several characteristics which make it an inherently safer vehicular fuel than petroleum based fuels. Methane is noncorrosive, lighter than air, and has an ignition temperature that is 500° F higher than gasoline. Methane also has a high research octane rating of 120, and as a result it is a particularly efficient fuel in conventional internal combustion engines with high compression ratios, and could potentially even be more efficient with engines specifically designed for methane operations.

According to an analysis by the American Gas Association, fuel costs for conventional, natural gas powered vehicles are about 25 to 50 percent less than those for comparable gasoline or electric powered vehicles. The costs associated with vehicle conversions could be recouped quickly because of the differential between petroleum based transportation fuel and methane.

Mr. President, I urge the enactment of this bill.

Mr. HOLLINGS. Mr. President, as we all know, a major cause of our Nation's current economic difficulties is the continued importation of expensive foreign oil. One of the primary uses of this oil is in the transportation sector. In fact, meeting the daily fuel requirments of the vehicles of the American people takes up a large portion of not only the imported oil but an increasingly large amount of our domestically produced oil. The threat posed to our Nation by continued reliance on foreign energy supplies is potentially devastating. On a day-to-day basis, the dependence weakens us economically and our national security is put at risk by the threat of an oil cutoff. Clearly, it is important that we take steps now to reduce the amount of oil used in the transportation sector of the economy, particularly in light of the possibility of a world oil shortage in the coming months if the war between Iran and Iraq continues. There is no simple, single solution to this problem.

The legislation is designed to make possible the use of methane in the transportation sector which could help bolster our economy. The Methane Transportation Research and Development and Demonstration Act of 1980, offers our Nation the opportunity to utilize a fuel which has a variety of benefits when compared to other transportation fuels now in use or under consideration by private companies and the Federal Government.

Natural gas, which is composed of 95 percent methane, is our country's most abundant source of this domestically produced fuel. As indicated in the bill, methane is also derived from such domestic sources as coal gas, Devonian shale, tight sands, geopressured zones, coal seams, and such renewable resources as marine and land biomass, peat, and organic and municipal wastes.

Of importance, methane has the potential for reducing the cost of transportation fuel to the consumer. The rate of return on this small investment would be great. Presently, methane costs the equivalent of 65 cents per gallon of gasoline.

Another major advantage of methane-powered vehicles is based on environmental considerations. Generally, all types of emissions associated with methane-powered vehicles are of lower levels than those associated with vehicles powered with other fossil fuels. On a total energy cycle basis (from energy source to end use) all types of emissions associated with methane-powered vehicles are lower than those from vehicles powered by gasoline from oil, coal, or shale.

Currently there are less than 20,000 methane-powered vehicles operating in the United States. This is another example of where our country lags behind other nations. By contrast, an estimated 400,000 motor vehicles burning gaseous fuels are in use worldwide. There are over 250,000 natural gas powered vehicles in Italy alone and New Zealand has recently announced a program to convert 150,000 vehicles to natural gas by 1983. Even the Soviet Union intends to convert most of the buses in the city of Moscow to methane. Clearly, methane has been proven to be a viable and economic transportation fuel for vehicles.

The rapid development of this alternative fuel technology in the United States, however, is being hindered by economic and institutional barriers founded on a data base of outdated economic and gas supply studies and restrictive laws which do not apply to the modern methane transportation situation. This measure, Mr. President, calls for funds to support advanced and accelerated research, development, and demonstration of methane use in Government, commercial, and commuter vehicle fleets as well as for various agricultural vehicular uses.

This legislation will help reduce the need for continued importation of foreign oil, will promote energy independence for the United States, and will help cut air pollution in major metropolitan areas. It can also accelerate development of unconventional sources of natural gas. All this can be done while providing vehicle operators with a cheaper and cleaner domestically obtained fuel than that which is currently in use.

Mr. President, I urge the adoption of this measure.

Mr. FORD. Mr. President, I ask unanimous consent to have printed in the Record an explanation of the amendments.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXPLANATION OF AMENDMENTS

Amendment No. 1: This amendment will revise the definition of private entities which appears in the bill, to include individuals and non-incorporated persons, except for those entities which are "public entities".

Amendment No. 2: This amendment requires the Secretary of Energy to designate the organization within DOE that will be the lead agency to carry out the Secretary's duties under the Act before February 1, 1981, rather than October 1, 1981.

Amendment No. 3, 9, 10, and 11: These amendments make conforming changes to make the term "methane tranmission, storage and dispensing facilities" consistent throughout the bill.

Amendment No. 4: This amendment requires that the Secretary determines whether or not participants in each demonstration project have been able to make satisfactory arrangements to obtain adequate supplies of methane for use in the project. The bill presently requires that the Secretary assures that there will be adequate continuous supplies of methane available.

Amendment No. 5: Technical change.

Amendment No. 6: This amendment requires that the research and development work on handling, storage and distribution of methane will be for vehicular fuel purposes.

Amendment No. 7: This amendment requires that the Secretary perform research and development on new sources of methane pursuant to other authorizations, rather than through this authority, which does not directly deal with the subject.

Amendment No. 8: This amendment restricts the Secretary's work to overcoming institutional barriers, and just to the barriers that are inhibiting the use of methane as a vehicular fuel.

Amendment No. 9: This amendment provides that the Secretary will submit all reports to this Act to the Senate and House for referral to the appropriate committees.

The **PRESIDING OFFICER**. Without objection, all the committee amendments, including the unprinted amendments, are considered and agreed to en bloc.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read a third time, and passed.

Mr. **FORD**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **MOYNIHAN**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF TWO MINING CLAIMANTS

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1136, H.R. 7698.

The **PRESIDING OFFICER**. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7698) for the relief of two mining claimants.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

Mr. **BAKER**. There is no objection on this side.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ARTS AND HUMANITIES ACT OF 1980

Mr. **ROBERT C. BYRD**. Mr. President, on behalf of Mr. PELL, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1386.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1386) entitled "An Act to amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Arts and Humanities Act of 1980".

TITLE I—AMENDMENTS TO NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

DEFINITIONS

SEC. 101. (a) Section 3(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(a)) is amended by striking out "theory, and practice" and inserting in lieu thereof "and theory".

(b) Section 3(d)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(d)(1)(B)) is amended by inserting "or the National Council on the Humanities, as the case may be" after "Arts".

(c) Section 3(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(g)) is amended by inserting "the Northern Mariana Islands," after "American Samoa,".

NATIONAL ENDOWMENT FOR THE ARTS

SEC. 102. (a) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by inserting "or loans" after "grants-in-aid";

(2) in paragraph (1) thereof, by inserting "and cultural diversity" after "American creativity';

(3) by redesignating paragraph (5) thereof as paragraph (6) thereof, and by inserting after paragraph (4) thereof the following new paragraph:

"(5) programs for the arts at the local level; and"; and

(4) by adding at the end thereof the following new sentence: "Any loans made by the Chairman under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.".

(b)(1) Section 5(g)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(A)) is amended by striking out ", except that" and all that follows through the end thereof and inserting in lieu thereof a semicolon.

(2) Section 5(g)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (3)(B), the term 'State' includes, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census.".

(c) Section 5(k) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)) is amended by adding at the end thereof the following new sentence: "The Chairman may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.".

(d) Section 5(l)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)(1)) is amended—

(1) by inserting ", on a national, State, or local level," after "private nonprofit organizations";

(2) by inserting "strengthening quality by" after "for the purpose of"; and

(3) by redesignating subparagraph (D) and subparagraph (E) as subparagraph (E) and subparagraph (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) providing additional support for cooperative efforts undertaken by State arts agencies with local arts groups to promote effective arts activity at the State and local level, including support of professional artists in community-based residencies;".

(e) Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended by striking out subsection (m).

NATIONAL COUNCIL ON THE ARTS

SEC. 103. Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting after the first sentence thereof the following new sentence: "The terms of office of all Council members shall expire on the third day of September in the year of expiration.".

NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 104. (a)(1) Section 7(f)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)) is amended to read as follows:

"(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council in existence on the date of the enactment of the Arts and Humanities Act of 1980, as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this subparagraph, the State shall submit, before the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairman finds—

"(i) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that the chief executive of the State will appoint new members to the State humanities council designated under the provisions of this subparagraph, as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive has appointed all of the members of such council;

"(iii) provides, from State funds, an amount equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved;

"(iv) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out the objectives of subsection (c) and which are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph; and

"(vi) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may require.

"(B) In any State in which the chief executive officer of the State fails to submit an application under subparagraph (A), the grant recipient in such State shall—

'(i) establish a procedure which assures that four members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed 20 per centum of the total membership of such governing body; and

"(ii) provide, from any source, an amount equal to the amount of Federal financial assistance received by such grant recipient under this subsection for the fiscal year involved.".

(2) Section 7(f)(3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(3)) is amended to read as follows:

"(3) Whenever a State selects to receive Federal financial assistance under this subsection for any fiscal year under paragraph (2)(B), any appropriate entity desiring to receive such assistance shall submit an application for such assistance at such time as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds—

"(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2)(B);

"(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c);

"(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

"(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

"(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

"(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

"(G) establishes procedures to assure public access to information relating to such activities; and

"(H) provides that such grant recipient will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require.".

(3)(A) The first sentence of section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by inserting "State and each" before "grant recipient".

(B) The second sentence of section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by inserting "States and" before "grant recipients".

(C) Section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by striking out subparagraph (A) and subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(A) 34 per centum of the amount of such excess for such fiscal year shall be available to the Chairman for making grants under this subsection to States and regional groups and entities applying for such grants;

"(B) 44 per centum of the amount of such excess for such fiscal year shall be allotted in equal amounts among the States and grant recipients which have plans approved by the Chairman; and

"(C) 22 per centum of the amount of such excess for such fiscal year shall be allotted among the States and grant recipients which have plans approved by the Chairman in amounts which bear the same ratio to such excess as the population of the State for which the plan is approved (or, in the case of a grant recipient other than a State, the population of the State in which such grant recipient is located) bears to the population of all the States.".

(4)(A) Section 7(f)(5)(A) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f)(5)(A)) is amended by striking out "Whenever the provisions of paragraph (3)(B) of this subsection apply in any State, that part of any" and inserting in lieu thereof the following: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any".

(B) Section 7(f)(5)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)(B)) is amended by inserting "State agency or" before "grant recipient".

(C) Section 7(f)(5) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (4)(B), the term 'State' and the term 'grant recipient' include, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census.".

(5) Section 7(f)(7) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f)(7)) is amended—

(A) in subparagraph (A) thereof, by inserting "group or" before "grant recipient";

(B) in subparagraph (B) thereof, by inserting "State agency or" before "grant recipient", and by striking out "plan" and inserting in lieu thereof "State plan or grant recipient application";

(C) in subparagraph (C) thereof, by inserting "group or State agency or" before "grant recipient"; and

(D) in the matter following subparagraph (C) thereof, by inserting "group, State agency, or" before "grant recipient" each place it appears therein.

(6) Section 7(f)(8) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f)(8)) is amended by striking out "paragraphs (4), (5), and (6)" and inserting in lieu thereof "the third sentence of paragraph (4), and paragraphs (5) and (6)".

(b) Section 7(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(g)) is amended by inserting "agency or" before "entity".

(c) Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by adding at the end thereof the following new subsection:

"(i) The Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.".

NATIONAL COUNCIL ON THE HUMANITIES

SEC. 105. Section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(f)) is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 106. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Commissioner on Aging," after "Services Administration,".

(b) Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)) is amended—

(1) in paragraph (4) thereof, by striking out "and" at the end thereof;

(2) in paragraph (5) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems.".

(c) Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended by adding at the end thereof the following new subsections:

"(d)(1) The Council shall conduct a study of the state of employment opportunities for professional artists. Such study shall be undertaken in cooperation and consultation with the Secretary of Labor and shall address in particular (A) the effectiveness of existing Federal programs, such as programs administered under the Comprehensive Employment and Training Act, in serving and enhancing the employment opportunities of professional artists; and (B) the need for new programs to serve and enhance the employment opportunities of professional artists.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.

"(3) Notwithstanding any other provision of law, no Federal agency or officer of the Federal Government shall have any authority to require the Council to submit the report required in paragraph (2) to any Federal agency or officer of the Federal Government for approval, comments, or review, before submission of such report to the Congress. The President may make such additional comments and recommendations with respect to the contents of such report as he may deem appropriate.

"(e)(1) The Council shall conduct a study of (A) the effectiveness of the program authorized by the Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.); (B) the impact and feasibility of expanding the existing indemnity program to include the indemnification of objects loaned by lenders located in the United States for exhibition exclusively in the United States; and (C) other means to encourage and facilitate the wider sharing within the United States of the items described in section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)), such as the development of standardized insurance policies and the development of a Federal technical assistance program to improve the curatorial facilities and personnel of museums.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.".

ADMINISTRATIVE PROVISIONS

SEC. 107. (a) Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(a)(4)) is amended by inserting "and culturally diverse" after "geographic".

(b) Section 10(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(b)) is amended by striking out "January" and inserting in lieu thereof "April".

(c) Section 10(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(c)) is amended by striking out "January" and inserting in lieu thereof "April".

(d) Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities each shall conduct a study of the use, sale, or other disposal of property under subsection (a)(2) for the purpose of carrying out sections 5(c) and 7(c). Each such study shall assess in particular (A) the effectiveness of such use, sale, or other disposal of property as an incentive for increasing the levels of non-Federal support; and (B) the extent to which activities carried out by each such Chairman under subsection (a)(1) result in undue administrative and financial burdens upon grant recipients.

"(2) Not later than two years after the date of the enactment of the Arts and Humanities Act of 1980, each Chairman shall submit a report to the President and to the Congress relating to the results of the studies required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. (a) The first sentence of section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended to read as follows: "For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts $115,500,000 for fiscal year 1981, $127,000,000 for fiscal year 1982, $140,000,000 for fiscal year 1983, $154,000,000 for fiscal year 1984, and $170,000,000 for fiscal year 1985.".

(b) The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended to read as follows: "For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $114,500,000 for fiscal year 1981, $126,000,000 for fiscal year 1982, $138,500,000 for fiscal year 1983, $152,000,000 for fiscal year 1984, and $167,500,000 for fiscal year 1985.".

(c) Section 11(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out projects and other activities under paragraph (1) through paragraph (5) of section 5(c);

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed $18,500,000 for fiscal year 1981, $18,500,000 for fiscal year 1982, $18,500,000 for fiscal year 1983, $20,000,000 for fiscal year 1984, and $22,500,000 for fiscal year 1985.

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under paragraph (1) through paragraph (7) of section 7(c);

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed $12,500,000 for fiscal year 1981, $14,000,000 for fiscal year 1982, $15,000,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $18,500,000 for fiscal year 1985.".

(d) Section 11(a)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(A)) is amended to read as follows:

"(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(l)(1) pursuant to the authority of section 10(a)(2); and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(l)(1);

except that the amounts so appropriated to such Endowment shall not exceed $27,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $32,500,000 for fiscal year 1983, $36,000,000 for fiscal year 1984, and $40,000,000 for fiscal year 1985.".

(e) Section 11(a)(3)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(B)) is amended to read as follows:

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(h)(1) pursuant to the authority of section 10(a)(2); and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(h)(1);

except that the amounts so appropriated to such Endowment shall not exceed $30,000,000 for fiscal year 1981, $33,000,000 for fiscal year 1982, $36,000,000 for fiscal year 1983, $40,000,000 for fiscal year 1984, and $44,000,000 for fiscal year 1985.".

(f) Section 11(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(4)) is amended to read as follows:

"(4) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 5(e), section 5(l)(2), section 7(f), and section 7(h)(2), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.".

(g) Section 11(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended to read as follows:

"(c)(1) There are authorized to be appropriated to the National Endowment for the Arts $15,000,000 for fiscal year 1981, $15,000,000 for fiscal year 1982, $16,000,000 for fiscal year 1983, $17,000,000 for fiscal year 1984, and $18,000,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Arts is responsible, including not to exceed $35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $35,000.

"(2) There are authorized to be appropriated to the National Endowment for the Humanities $13,000,000 for fiscal year 1981, $14,500,000 for fiscal year 1982, $15,500,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $17,500,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Humanities is responsible, including not to exceed $35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $35,000."

TECHNICAL AMENDMENTS

SEC. 109. (a) The last sentence of section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(b) Section 5(g)(4)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 945(g)(4)(A)) is amended by striking out "project" the last place it appears therein and inserting in lieu thereof "projects".

(c) The last sentence of section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(d) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "United States Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

TITLE II—MUSEUM SERVICES

AMENDMENTS TO MUSEUM SERVICES ACT

SEC. 201. (a) Section 203 of the Museum Services Act (20 U.S.C. 962) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

(b) Section 204(a)(2)(A)(v) of the Museum Services Act (20 U.S.C. 963(a)(2)(A)(v)) is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(c)(1) Section 205(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended by striking out "to the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "directly to the Secretary of Education".

(2) Section 205(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(3) Section 205 of the Museum Services Act (20 U.S.C. 963) is amended by adding at the end thereof the following new subsection:

"(c) The Director may appoint without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates not to exceed one-fifth of the number of full-time regular technical or professional employees of the Institute. The rate of basic compensation for such employees may not equal or exceed the rate prescribed for GS–16 of the General Schedule under section 5332 of title 5, United States Code.".

(d) (1) Section 206 of the Museum Services Act (20 U.S.C. 965) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) (1) The Director, subject to the policy direction of the National Museum Services Board, is authorized to enter into contracts and cooperative agreements with professional museum organizations to provide financial assistance to such organizations in order to enable such organizations to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2) (A) No financial assistance may be provided under this subsection for any project for a period in excess of one year.

"(B) No financial assistance may be provided under this subsection to pay for the operational expenses of any professional museum organization.

"(3) The aggregate amount of financial assistance made under this subsection to professional museum organizations shall not exceed 5 percent of the amount appropriated under this Act for such fiscal year.

"(4) For purposes of this subsection, the term 'professional museum organization' means a private, nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession.".

(2) Section 206(c) of the Museum Services Act, as so designated in paragraph (1), is amended—

(A) by inserting ", contracts, and cooperative agreements" after "Grants";

(B) by inserting "or financial assistance" after "grant"; and

(C) by inserting "or financial assistance" after "grants".

(3) Section 206 of the Museum Services Act, as amended in paragraph (1), is further amended by adding at the end thereof the following new subsection:

"(d) The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section shall not be subject to any review outside of the Institute.".

(e) (1) Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended to read as follows:

"SEC. 209. (a) For the purpose of making grants under section 206(a), there are authorized to be appropriated $25,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $35,000,000 for fiscal year 1983, $40,000,000 for fiscal year 1984, and $45,000,000 for fiscal year 1985.".

(2) Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended by striking out "1980" and inserting in lieu thereof "1985".

AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 202. Section 413(b) (1) of the Department of Education Organization Act (20 U.S.C. 3473(b) (1)) is amended by inserting "and" at the end of subparagraph (L), by striking out subparagraph (M), and by redesignating subparagraph (N) as subparagraph (M).

TITLE III—AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT

AGGREGATE AMOUNTS COVERED UNDER INDEMNITY AGREEMENTS

SEC. 301. Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking out "$250,000,000" and inserting in lieu thereof "$400,000,000".

DEDUCTIBLE AMOUNTS UNDER INDEMNITY AGREEMENTS

SEC. 302. Section 5(d) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(d)) is amended to read as follows:

"(d) If the estimated value of the items covered by an indemnity agreement for a single exhibition—

"(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to items covered;

"(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage to items covered; or

"(3) $10,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to items covered.".

Amend the title so as to read: "An Act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes.".

● Mr. SCHWEIKER. Mr. President, I inquire of my distinguished colleague from Rhode Island whether the National Endowments for the Arts and the Humanities plan to redefine certain requirements for eligibility in a way that would exclude science museums from participating in their funding programs. I am particularly concerned about the eligibility of these museums for challenge grants. Pennsylvania boasts of some of the finest museums in the country. Her science museums have unparalleled collections in natural history, archaeology and anthropology, as well as important living collections of plants and animals. These institutions play an integral part in the cultural vitality of the State and of the Nation. Exclusion of science museums from participation in the challenge grant programs, which have done so much to stimulate community support and guarantee cultural institutions some measure of financial security, would be shortsighted and unfair.●

● Mr. PELL. I assure my colleague from Pennsylvania that I share his concern that challenge grants be widely available to all qualified cultural institutions, including science museums. In the report that accompanied S. 1386, the bill reauthorizing both endowments, the committee was explicit that the endowments continue the funding of science museums and urged the widest possible eligibility of science museums of all kinds for challenge grants and project support. Both the Arts and the Humanities endowments have made excellent grants to science museums and I am confident that Mr. Biddle and Mr. Duffey, the chairmen of the two agencies, will continue to fund them. The Senator is correct when he notes the positive effect of the challenge grants on private giving to our Nation's cultural institutions and I appreciate and share his concern that the benefits of these grants be widely available.●

● Mr. RIBICOFF. Mr. President, I note that the bill would require the Director of the Institute of Museum Services to report directly to the Secretary of Education on museum activities. It would also give the Director specific authority over the Institute's grant making procedures. In view of the importance of improving the efficiency and management of all activities transferred to the Department under the Organization Act, I want to emphasize that nothing in this section should interfere with the application of sound management principles at the new Department or would undermine the efforts of the Department to streamline its organization.

All of the Department's programmatic functions have been organized under various assistant secretaries. The bill does not preclude the Department from requiring IMS to report, for administrative purposes, to the appropriate assistant secretary on all operational matters relating to museum activities, so long as the Director has a direct reporting line to the Secretary on matters of museum policy. Similarly, the Director's authority over grant-making procedures does not mean that the Institute's grants procedures are free from Secretarial supervision or from the Department's general policies and regulations.●

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DR. HALLA BROWN

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1578.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1578) entitled "An Act for the relief of Doctor Halla Brown", do pass with the following amendment: Page 1, line 6, strike out "$700,000", and insert: "$500,000".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

AMENDMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2441.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives insisting on its amendments to the bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I move that the Senate concur in the House amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that on the table.

The motion to lay on the table was agreed to.

MILNER DAM EXEMPTION FROM FEDERAL POWER ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1828.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1828) entitled "An Act to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That the provisions of section 14 of the Federal Power Act (16 U.S.C. 807), other than the first sentence of section 14 (b) (relating to relicensing), shall not apply to any project works of the Milner Dam project, located on the Snake River near Milner, Idaho, that are in existence on the date of the enactment of this Act, including the Milner Dam, reservoir, and associated irrigation facilities. The exemption provided by the preceding sentence shall not apply to any project works which are not in existence on the date of the enactment of this Act.

SEC. 2. Except as provided in the first section of this Act, the provisions of this Act shall not be construed as repealing, amending, or otherwise affecting any of the provisions of the Federal Power Act.

Amend the title so as to read: "An Act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes.".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INCREASE AND EXTENSION OF AUTHORIZATION FOR COUNCIL ON WAGE AND PRICE STABILITY

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PROXMIRE, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2352.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 2352) entitled "An Act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That (a) section (2)(b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advice and consent of the Senate.".

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

SEC. 2. Section 3(c) of the Council on Wage and Price Stability Act is amended to read as follows:

"(c) The Council shall review proposals which have been made for reducing inflation through tax-based incomes policies and shall submit a report containing its findings, along with recommendations and legislative proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include, but not be limited to, tax-based incomes policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided through changes in personal income taxes, corporate income taxes, investment tax credits, or depreciation allowances. The Council shall also review the impact on inflation that might result from supply side income tax reductions and include in the report required by this subsection its findings pursuant to such review.".

SEC. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

SEC. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "not to exceed" and all that follows through the end thereof and inserting in lieu thereof "not to exceed $9,770,000 for the fiscal year ending September 30, 1981.".

SEC. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

SEC. 6. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by subtracting the average annual growth in nonfarm output per man-hour in the private sector since 1973, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage.".

SEC. 7. (a) Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(e) For the fiscal year ending September 30, 1981, the Council shall increase the number of positions which involve the review of proposed and existing Federal regulations by 50 per centum, over the number of positions allocated for such purpose for the fiscal year 1980. In conducting such review, the Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a)(8).".

(b) Section 5 of such Act is amended by adding at the end thereof the following: "The annual report shall also contain an evaluation of the inflationary impact reviews undertaken by the Council in the previous year pursuant to section 3(e), including a listing and description of all regulatory proceedings in which the Council participated, the Council's recommended action, the projected cost of each such regulation, the cumulative inflationary impact of such regulations and the final disposition of each such regulatory proceeding.".

SEC. 8. Section 2 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following new subsection:

"(h) The Director shall establish an Office of Productivity which shall have as its prime responsibility improving private-sector productivity in the United States. Such office shall evaluate the impact of government regulations on productivity, shall inventory and evaluate Federal programs designed to improve productivity, and shall analyze the effects on United States productivity of the factors cited in section 3(a)(9) of this Act. The Office of Productivity shall annually issue a report to Congress containing the results of such evaluations, steps appropriate to improve the effectiveness of such Federal programs, and recommendations of new Federal programs and policies to increase private-sector productivity growth.".

SEC. 9. The Credit Control Act is amended by adding at the end thereof the following:

"Sec. 211. Termination

"The authority conferred by this title expires at the close of June 30, 1982.".

SEC. 10. In the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOAPA INDIAN RESERVATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1135.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1135) entitled "An Act to add certain lands to the Moapa Indian Reservation, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That beginning on the date of the enactment of this Act, the following lands shall, subject to section 2 of this Act, be held in trust by the United States for the benefit and use of the Moapa Band of Paiutes and shall be considered to be a part of the Moapa Indian Reservation in Moapa, Nevada:

Township 15 south, Range 65 east, Mount Diablo Meridian, Nevada

Section 1: Lot 1; south half northwest quarter, south half 439.89 acres.

Section 2: All 639.56 acres.
Section 3: All 639.28 acres.
Section 4: All 638.48 acres.
Section 5: All 638.44 acres.
Section 6: All 638.41 acres.

Section 7: All 640.16 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: All 640.28 acres.
Section 19: All 640.24 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 640.12 acres.
Section 31: All 640.80 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,835.66.

Township 16 south, Range 65 east, Mount Diablo Meridian, Nevada

Section 1: All 640.36 acres.
Section 2: All 640.76 acres.
Section 3: All 640.86 acres.
Section 4: All 640.96 acres.
Section 5: All 641.02 acres.
Section 6: All 640.74 acres.
Section 7: All 639.24 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: All 639.26 acres.
Section 19: All 639.20 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 639.32 acres.
Section 31: Lots 3, 4; east half west half, east half 559.93 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,961.65.

Township 16 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 1: All 640.48 acres.
Section 2: All 641.00 acres.
Section 3: All 641.10 acres.
Section 4: All 641.26 acres.
Section 5: All 641.52 acres.
Section 6: All 642.52 acres.
Section 7: All 641.40 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: Lots 1, 2, 3, 4; north half northeast quarter, northeast quarter southeast quarter northeast quarter, northwest quarter southwest quarter northeast quarter, east half west half, southwest quarter northwest quarter southeast quarter, southwest quarter southeast quarter 471.16 acres.
Section 19: All 640.94 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 640.78 acres.
Section 31: All 640.36 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,882.52.

Township 14 south, Range 66 east, Mount Diablo Meridian, Nevada

Section 29: West half 320.00 acres.
Section 30: All 630.38 acres.
Section 31: East half of Lot 1; east half, east half northwest quarter, southwest quarter northwest quarter, northeast quarter southwest quarter 499.99 acres.
Section 32: West half 320.000 acres.
Total acreage 1,769.87.

Township 17 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 7: Lots 5 and 6; south half northeast quarter 115.76 acres.

SEC. 2. (a) Nothing in this Act shall—

(1) deprive any person or entity of any valid existing right-of-way, mining claim, grazing permit, water right (including any water rights with respect to the Muddy River as decreed by order of the district court of the State of Nevada on March 12, 1920, in "In the matter of the determination of the relative rights in and to the waters of the Muddy River and its tributaries in Clark County, State of Nevada"), or other right or interest which such person or entity may have in any land described in the first section of this Act; or

(2) deprive any person of the rights provided under the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321 et seq.), commonly referred to as the Desert Land Act, with respect to desert lands regarding which such person has filed a declaration, before the date of the enactment of this Act, under the first section of the Desert Land Act stating his intention to reclaim such lands.

(b) The transfer of lands under the first section of this Act shall be subject to the reservation to the United States of a right-of-way extending 1,500 feet westerly of the right-of-way for the Reid Gardner-Pecos transmission lines through the area 1,500 feet easterly of the right-of-way for the Navajo-McCullough transmission line. The right-of-way shall be administered by the Secretary of the Interior, who may grant rights-of-way over, upon, under, or through the area described in the preceding sentence only for such transportation or other systems or facilities as are described under paragraph (1) through paragraph (7) of section 501(a) of the Federal Land Policy Management Act of 1976 or under section 28 of the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act. The Secretary of the Interior may enforce all terms and conditions of the right-of-way upon its termination.

(c) In administering the right-of-way described under subsection (c) of this section, the Secretary of the Interior shall be responsible for establishing and collecting fees for the use of such right-of-way. Any payment of such fees to the Secretary after the date of the enactment of this Act shall be made for the benefit of the Moapa Band of Paiutes.

(d) Lands transferred under the first section of this Act shall be subject to a reservation to the United States of all minerals subject to the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act, and a reservation of the right to enter upon such lands to mine and remove such minerals. The Secretary of the Interior shall collect and deposit fees, rentals, royalties, and other revenues for the mining and removal of such minerals in accordance with the Mineral Leasing Act.

SEC. 3. The second sentence of subsection (a) of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian Lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (69 Stat. 539; 25 U.S.C. 415) is amended by inserting "the Moapa Indian reservation," after "the Dania Reservation,".

SEC. 4. The provisions relating to redesignation of areas contained in section 164 of the Act of July 14, 1955, shall be applied without regard to the transfer of lands under the first section of this Act.

Amend the title so as to read: "An Act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be a part of the Moapa Indian Reservation."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ORDER TO HOLD H.R. 7805 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 7805, an act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984, be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. BAKER. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 8350 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 8350, an act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York, and for other purposes, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ALLOWING SENATORS 10 DAYS IN WHICH TO INSERT REMARKS IN TRIBUTE TO SENATOR ABRAHAM RIBICOFF

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators have 10 calendar days in which to insert their remarks in tribute to Senator ABRAHAM RIBICOFF in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER AUTHORIZING PRINTED VOLUME OF TRIBUTES TO SENATOR ABRAHAM RIBICOFF

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent that the record of the tributes may be printed as a bound volume and as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

SETTING ASIDE IN SPECIAL TRUST LANDS AND INTERESTS WITHIN THE WINEMA NATIONAL FOREST TO EDISON CHILOQUIN

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. HATFIELD I ask unanimous consent that the Senate proceed to the consideration of H.R. 7960.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7960) to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

The PRESIDING OFFICER. Is there objection? Without objection, the Senate will proceed to its immediate consideration.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I might add one comment of explanation. This is very unique situation of an Indian by the name of Edison Chiloquin who has been, in a sense, a squatter on the public lands of the national forest, Winema National Forest, because of his deep conviction that the Indian tribe had no right to divest itself of these ancestral lands, and it is a grant, a permit, so to speak, for him to live on this land in this native habitat and to continue the culture and the heritage of the proud Klamath Indian tribe.

So this has been cleared through the Federal agencies, and has been passed by the Senate Energy and Natural Resources Committee.

It avoids confrontation and all other kinds of unpleasantries of trying to expel this man from the lands that are his ancestral home. It is a unique situation, but it has been approved by all the Federal agencies and the Congress.

I move the adoption of the bill.

Mr. ROBERT C. BYRD. Mr. President, I understand now the bill has not been reported from the committee, is that correct? Are you reporting it now?

Mr. HATFIELD. I am reporting this on behalf of the committee, yes.

Mr. ROBERT C. BYRD. I thank the Chair.

The bill was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADJOURNMENT OF THE HOUSE FROM NOVEMBER 21 TO DECEMBER 1, 1980, AND RECESS OF THE SENATE FROM NOVEMBER 25 TO DECEMBER 1, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 451.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 451 providing for an adjournment of the House from November 21 to December 1, 1980, and a recess of the Senate from November 25 to December 1, 1980.

The concurrent resolution was agreed to, as follows:

H. CON. RES. 451

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 21, 1980, it stand adjourned until 12 o'clock meridian on Monday, December 1, 1980, and that when the Senate recesses on Tuesday, November 25, 1980, it stand in recess until 11 o'clock, ante meridiem on Monday, December 1, 1980.

REMOVAL OF CERTAIN NAMES FROM THE ALASKA NATIVE ROLL

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 5108.

The PRESIDING OFFICER laid before the Senate H.R. 5108, an act to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time by title and that the Senate proceed to its immediate adoption.

Without objection, the bill was read the third time and passed.

AIR TRAFFIC CONTROLLERS

Mr. STONE. Mr. President, in one of my final statements as a Member of the U.S. Senate, I would like to say a few words about a group of men and women who perform the vitally important job in our air transportation system of guiding aircraft through increasingly crowded skies—the air traffic controllers. With increased aircraft operations due, in part, to airline deregulation, the problems facing air traffic controllers are becoming more difficult. When one mistake could result in the death of hundreds of people, it is no wonder that air traffic controllers have one of the highest burnout rates of any profession.

Given the crucial nature of their job, it would seem logical to provide them with the best equipment and manpower available. Yet, there presently is a shortage of qualified controllers in this country and the computers used to track aircraft and keep them separated, are overloaded to the point that they shut down, with alarming frequency. It has been estimated that a major computer failure takes place somewhere in this country's air traffic control system every 9½ hours.

We need more controllers. The quality and amount of their training on various systems needs to be improved. We must get rid of the outmoded manual backup systems that are pressed into service when the computers shut down, and replace them with last-resort control systems.

During this decade, I would like to see the Congress address these needs and provide the proper funding for them. So far, our aviation safety record has been good, but the number of near-misses is increasing. We cannot afford to wait for one more tragedy to occur before commitments for improvements are made. We cannot continue to ask our air traffic controllers to bear this tremendous physical and emotional burden without help. They must be provided with the tools to make their jobs manageable. We owe this to every man, woman, and child who flies and we owe this to the men and women who dedicate their lives to insuring that air transportation in the United States is safe and reliable.

POTENTIAL PROBLEMS FOR THE UNITED STATES AT THE MADRID CONFERENCE

Mr. PROXMIRE. Mr. President, the 35 nations meeting at the Conference on Human Rights and Detente in Madrid are currently stalled in a deadlock over discussion of the conference's agenda items.

These procedural negotiations have been stalled, due to the Soviet Union's reluctance to face up to charges, leveled by many nations, of Soviet human rights violations. The United States, as a nation which does not practice torture or other barbarous acts, is appalled at charges of such perversities. It has long wanted to discuss these charges against the Soviets in an open international forum.

Should the proposal to discuss Soviet human rights violations be realized however, the United States will face counter-accusations by the Soviets.

The Soviets may very well demand to know why the United States is so vehement to discuss Soviet human rights violations since for over three decades, our country has failed to ratify a treaty which expresses contempt for a very serious type of human rights violation.

This treaty is the Genocide Convention.

It deplores the heinous crime of genocide, which is the extermination of a national, religious, racial or ethnic group of peoples.

Mr. President, it is clear that U.S. demands to investigate Soviet human rights violations would be made more legitimate if we would ratify the Genocide Treaty.

The Soviets may very well use the example of our steadfast refusal to ratify the Genocide Convention, in order to halt discussions of its human rights violations, as it did last year at the Helsinki Commission.

As Dr. William Korey argues in Foreign Policy, this tactic will generate support for the Soviets from both our allies and neutral nations, most of which ratified the treaty long ago.

It is clear that in order to avoid such scenarios of hypocrisy, the United States must ratify the Genocide Convention.

I urge my colleagues to move immediately for ratification of the Genocide Convention.

MESSAGES FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Giaimo, Mr. Simon, Mr. Mineta, Mr. Jones of Oklahoma, Mr. Solarz, Mr. Gephardt, Mr. Gray, Mr. Latta, Mr. Regula, and Mr. Rudd as managers of the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program, disagreed to by the Senate; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Foley, Mr. Weaver, Mr. Anthony, Mr. Huckaby, Mr. Coelho, Mr. Nolan, Mr. Sebelius, Mr. Johnson of Colorado, and Mr. Hansen as managers of the conference on the part of the House.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 8350. An act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York, and for other purposes.

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The message also announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 1656) to provide for a national program of fisheries research and development, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 3152) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such acts for 2 additional years, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 451. Concurrent resolution providing for an adjournment of the House from November 21 to December 1, 1980 and a recess of the Senate from November 25 to December 1, 1980.

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

At 3:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1828. An act to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes; and

S. 1918. An act to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes.

HOUSE BILLS HELD AT THE DESK

The following bills were held at the desk by unanimous consent:

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984;

H.R. 8350. An act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4942. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, proposed amendments increasing the request for appropriations for fiscal year 1981 for the Department of Defense—Military; to the Committee on Appropriations.

EC-4943. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the family housing maintenance function at England Air Force Base, Louisiana, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4944. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notice of the Department of the Air Force's proposed letter of offer to Switzerland for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-4945. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated by NASA under 10 United States Code 2304 (a)(11) and (16) for the period January 1 through June 30, 1980; to the Committee on Commerce, Science, and Transportation.

EC-4946. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for alterations at the four Internal Revenue Centers; to the Committee on Environment and Public Works.

EC-4947. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of building project survey for increased funding for a lease construction project in Providence, Rhode Island; to the Committee on Environment and Public Works.

EC-4948. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Evaluation of Selected Features of U.S. Nuclear Non-Proliferation Law and Policy"; to the Committee on Foreign Relations.

EC-4949. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improving The Management and Coordination of Reviews, Inspection, and Evaluations in the U.N. System"; to the Committee on Foreign Relations.

EC-4950. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Jail Inmates' Mental Health Care Neglected: State and Federal Attention Needed"; to the Committee on the Judiciary.

EC-4951. A communication from the Executive Secretary of the National Music Council, transmitting, pursuant to law, the audit report of the Council for the year ended April 30, 1980; to the Committee on the Judiciary.

EC-4952. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1981 pay supplemental; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-925. A resolution adopted by the City Council of Youngstown, Ohio, favoring the approval of counter-cyclical funds to economically depressed cities; to the Committee on Environment and Public Works.

POM-926. A resolution adopted by the Legislature of the County of Suffolk, New York, favoring legislation to provide for the stabilization of the Moriches Inlet; to the Committee on Environment and Public Works.

POM-927. A resolution of the City Council of Sanger, California, and a resolution of the Board of Supervisors, County of Fresno, California, favoring legislation to aid in the funding of the 1984 Olympics; to the Committee on Finance.

POM-928. A resolution adopted by the City Council of Youngstown, Ohio, favoring the extension of the general revenue sharing program; ordered to lie on the table.

POM-929. A petition from a citizen of New Orleans, Louisiana opposing the appointment to any position of authority of opponents to Right To Work; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Energy and Natural Resources, without amendment:

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 3216. A bill to accelerate the development and utilization of laser technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 3217. A bill for the relief of Afsaneh Naimollah; to the Committee on the Judiciary.

S. 3218. A bill for the relief of Faith Wong; to the Committee on the Judiciary.

S. 3219. A bill for the relief of Young Chul Lee; to the Committee on the Judiciary.

S. 3220. A bill for the relief of Sally Zussman; to the Committee on the Judiciary.

By Mr. SASSER:

S. 3221. A bill entitled The Great Smoky Mountains Wilderness Act; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York; and for other purposes; to the Select Committee on Indian Affairs.

By Mr. RANDOLPH (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. STAFFORD):

S. 3223. A bill to amend the Higher Education Act of 1980, Public Law 96-374; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 3224. A bill to amend the Internal Revenue Code of 1954 to subject pension trusts to the tax imposed by section 511 on unrelated business income for income related to the sale or rental of farmland and grazing land; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 3221. A bill entitled The Great Smoky Mountains Wilderness Act; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAINS WILDERNESS ACT

● Mr. SASSER. Mr. President, today I am reintroducing the Great Smoky Mountains Wilderness Act, a bill I introduced in the 95th Congress to designate 475,000 acres of the best nature has to offer as wilderness.

Designating the Great Smoky Mountains as wilderness, Mr. President, will insure that future generations of Americans will be able to enjoy the natural splendor of this rugged country, while insuring that the surrounding regions of Tennessee and North Carolina will have a continuing economic base of support.

There are a number of important provisions in my bill, Mr. President. Mt. Le Conte Lodge, as well as the existing trail shelters on the Appalachian Trail, will be excluded from wilderness designation. Activities now being conducted in Cades Cove, Elkmont, and on Clingman's Dome will be preserved as these areas are also excluded from the wilderness designation.

Additionally, and perhaps most importantly, the Great Smoky Mountains Wilderness Act insists on an equitable settlement of the dispute involving the Tennessee Valley Authority, the Department of the Interior, and Swain County, N.C. The rights of Swain County are protected by this legislation, and the wilderness will not infringe on any settlement eventually reached.

In 1966, Daniel Payne Hale, one of the Great Smokies' most ardent supporters said:

> Whatever we preserve of the Great Smokies now is all that we and the multitudes which will follow us will have of them for a long time—perhaps all that we will ever have for many may never permit a reversion of developed areas to wilderness. It is in our power to deliver the Great Smokies from those who seek to build their paradise on the ashes of those paradises they would destroy.

We of the 96th Congress, Mr. President, still have the opportunity to deliver the Great Smoky Mountains from interests adverse to its preservation. Future generations will judge us by our actions; our failure to preserve at least some portion of the pristine territory embodied in the Great Smokies will most certainly affect the judgment of future Americans.

I urge the Senate to make every possible effort to approve this legislation quickly and positively.●

By Mr. MOYNIHAN:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York, and for other purposes; to the Select Committee on Indian Affairs.

CAYUGA INDIAN CLAIMS SETTLEMENT ACT

● Mr. MOYNIHAN. Mr. President, I am today introducing legislation that would provide for congressional ratification and implementation of the terms of an agreement to settle a land claim by the Cayuga Indian Nation to over 64,000 acres of land in New York State. This settlement, submitted by the administration last February, is the result of over 3 years of negotiations between the State of New York, the Department of the Interior and Agriculture, and the Cayuga nation. As in the case of similar Indian land claims in the Eastern United States already resolved by Congress, the major parties involved with the Cayuga claim agreed on one fundamental premise: Litigation to settle the claim, regardless of the eventual outcome of such proceedings, would have a devastating impact on persons living in the claim area and on the area's economy. In that connection, it may be noted that within the past several months, Congress has approved and the President signed into law, legislation to implement a negotiated settlement of a very large land claim by several Indian tribes against the State of Maine. That bill included a payment of $81 million to the tribes involved, and provisions whereby the tribes would be able to obtain thousands of acres of land.

In the administration's proposal that I introduce today, the Cayuga Indian Nation would receive an $8 million trust fund and 5,481 acres of State and Federal land. In return, the Indians' claim to over 64,000 acres in Senace and Cayuga Counties would be extinguished.

Throughout the negotiations to resolve this matter, it has been my position that no private landowner would be required to contribute land in order to settle this claim. This goal has been reached under the settlement, as no private land is to be transferred, and future land acquisition by the Cayugas would be on a willing buyer-willing seller basis.

Since negotiations to settle this issue began more than 3 years ago, everyone involved has sought to find a solution to this difficult and complex problem, one that would win the unanimous agreement of all the parties involved. Toward that end, I am proposing that two changes be made in the settlement agreement as it was forwarded to Congress by the administration.

The first provides that the recreational portion of Sampson State Park, transferred to the Cayugas under the settlement, would remain open after the 1989 date now provided. The second, the purchase of additional land by the Cayugas and held in "trust" by the Federal Government as provided for in the settlement, would be made subject to the Federal Payment in Lieu of Taxes Act. This is intended to meet the concerns of Senaca County residents about the potential impact on the county's tax base should the Indians purchase much additional land. Should this change be accepted, Federal payments would be made to reimburse, at least in part, the tax revenues the area would normally be expected to receive.

It is apparent that some persons who would be affected by the proposed settlement are opposed to it. That is their right. It is also apparent, however, that thousands of residents in both Senaca and Cayuga Counties are deeply concerned about the impact that litigating this claim would have on the area. These residents have a right also: The right to expect their elected representatives to strive to resolve this matter. President Carter, Governor Carey, the New York State Assembly, the Cayuga Tribe, and residents in the claim area, have all asked that this legislation be introduced in the Senate.

In introducing this measure, I want to make clear that the door is left open to consider additional amendments that, if acceptable to the parties involved and to Congress, would achieve the unanimity that has been the ultimate objective of all the parties involved. It is my hope that Congress will consider this legislation at the earliest opportunity.●

By Mr. RANDOLPH (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. STAFFORD):

S. 3223. A bill to amend the Higher Education Act of 1980, Public Law 96–374; to the Committee on Labor and Human Resources.

TECHNICAL AMENDMENT TO HIGHER EDUCATION ACT

● Mr. RANDOLPH. Mr. President, the legislation I am introducing today will make a technical change in the Education Act Amendments of 1980, Public Law 96–374.

This bill will correct an error in the new law, and honor a commitment we made to representatives of the different types of higher education institutions not to provide a greater benefit to any one type of student or institution at the expense of another.

As a result of our joint conference committee deliberations on title 4 of the act, with respect to the basic (or Pell) grants, and on the other campus-based student aid programs included in the title, it was believed that we had agreed to a mechanism for balanced growth of student aid benefits for students attending both public and private, independent colleges and universities.

Unfortunately, due to inadvertent drafting errors, the conference agreement did not accurately reflect our compromise on the percentage-of-cost allowance for Pell grants.

Mr. President, the history of our commitment goes back to August and September of 1979, at which time the representatives of the American Council on Education, the American Association of Community and Junior Colleges, the American Association of State Colleges and Universities, the National Association of State Universities and Land Grant Colleges, the National Association of Independent Colleges and Universities, the National Association of Student Financial Aid Administrators, and the various student organizations, sent a series of letters to subcommittee Chairmen FORD and PELL, committing their associations to a common position on the "half-cost" limitation of the basic educational opportunity grant program, now rightfully known as the Pell grant program.

The essence of the agreement among the higher education community was that staged increases in the Pell grant maximum award would trigger balancing increases both in the percentage-of-cost limitation and the floor funding levels for supplemental educational opportunity grants.

Changes in the percentage-of-cost limitation helped low-priced public institutions, and the SEOG changes helped higher priced institutions, especially private and independent colleges and universities. The various associations stood by the agreement throughout the entire process of reauthorizing the Higher Education Act, which President Carter signed into law on October 3, 1980.

During the long conferences on this legislation, the higher education community got together once again to develop a specific proposal to settle a number of student grant differences between the House and Senate bills, which proposal was based on the principles they had agreement on. During the joint conference, I offered an amendment intended to retain the percentage-of-cost limitation for Pell grants at 50 percent, which was current law, for fiscal year 1981 when, hopefully, the Pell grant would increase to $1,900. My amendment would have allowed the half-cost limitation to rise to 55 percent in fiscal year 1982, or when the Pell grant maximum award increased to $2,100. Subsequently, under my amendment, the percentage of cost would rise in 5-percent increments each year, reaching 70 percent in fiscal year 1985, when the Pell grant maximum reached the authorized level of $2,600.

The retention of the percentage-of-cost limitation at 50 percent in fiscal year 1981, or academic year 1981–82, was to serve the private and independent school sector for at least 1 more year. The rise to 70 percent in fiscal 1985 would further serve junior and community, and other public colleges and institutions.

Our commitment to retaining the 50-percent, or half-cost limitation for 1 more year to accommodate the private, independent sector was based, for the most part, on the congressional budget office's indicators that once the percentage-of-cost limitation rose to 55 percent and beyond, at least 95 percent of additionally available Pell grant funds would go to the public school sector, with 51 percent of the increased funding going to the junior and community, or 2-year colleges alone.

The critical elements of the compromise agreement were that the percentage-of-cost limitation would not rise to 55 percent until the Pell grant maximum award reaches $2,100, in trade for the limitation going to 70 percent at the last stage, or fiscal year 1985.

Unfortunately, Mr. President, this agreement was not reflected in the printed version of the conference report, or in the final legislation which was passed and signed into law on October 3, 1980.

I believe this inadvertent drafting error should be corrected now, rather than wait for an omnibus technical corrections bill in the next Congress. That is why I am introducing this technical correction bill today.

It is my understanding that representative WILLIAM FORD of Michigan, chairman of the House Subcommittee on Postsecondary Education, intends to introduce an identical technical amendment in the House of Representatives during this interim session of the 96th Congress.●

By Mr. BAUCUS:

S. 3224. A bill to amend the Internal Revenue Code of 1954 to subject pension trusts to the tax imposed by section 511 on unrelated business income for income related to the sale or rental of farmland and grazing land; to the Committee on Finance.

THE FAMILY FARM PRESERVATION ACT

● Mr. BAUCUS. Mr. President, today I am introducing legislation designed to curb a serious and growing threat to the family farm. The Family Farm Preservation Act would prevent investments in agricultural land by pension funds.

THREATS TO FAMILY FARMS

The family farm has been the cornerstone of America's agricultural system since the first pioneers pushed west from the eastern seaboard. The family farm is based on the assumption that farmers and ranchers who own the land they work are the best stewards of America's richest natural resource.

This concept has resulted not only in a strong democratic tradition but also in the world's most productive agricultural system.

But, increasingly the family farm is being threatened by outside forces. The continued increase in the cost of producing food for this Nation and the world already has forced many family farmers out of business.

Now a new threat has appeared. In 1977 a bank and brokerage firm proposed the Ag-Land Fund that would funnel pension and other investment funds into purchases of farmland. This proposal fortunately died in the face of stiff opposition from Congress and national farm groups.

More recently, foreign investors have made substantial purchases of farm and ranch land. These investors have tax advantages that allow them to compete unfairly with American agricultural producers. Congress passed the Agricultural Foreign Investment Information Act and now several of us are discussing proposals to impose capital gains taxes on these investments.

Now the American Agricultural Investment Management Co. has been formed to acquire and manage agricultural properties for pension funds.

PENSION FUND INVESTMENTS

All of us recognize the importance of pension funds. They encourage a voluntary private retirement system and provided badly needed investment capital for U.S. industry. But while these investments are critical in this Nation's efforts to reindustrialize, they yield little if any benefits when made in agricultural land.

Pension funds are interested in purchases of farmland because in recent years it has been a more profitable investment than stocks and bonds. Experts predict that farmland price appreciation will continue, partly because of inflation and partly because of greater pressures on our food supply.

But because of their tax status, pension funds receive an added bonus for their investments. Under present law, income to pension fund trusts is nontaxable and contributions to establish the trust are tax deductible. Tax only is paid when pension fund benefits are distributed to the plan's beneficiaries. At this point, of course, the beneficiary has benefited from the deferral of taxes for all the years his or her money was in a plan, plus he is able to pay taxes at the lower rate established for persons over age 65.

Thus, pension fund trusts can compete unfairly with family farmers. These funds control massive amounts of capital. If pension funds invested only 1.5 percent of their nearly $600 billion in annual assets, they could buy up all the farmland that is normally available for public sale. Theoretically, pension funds have enough assets to purchase all the farms and ranches in the United States.

SENATE SMALL BUSINESS COMMITTEE HEARING

These questions were explored at an October 8, 1980, Senate Small Business Committee hearing which I chaired. The American Agricultural Investment Management Co. claims that its proposal to purchase farmland with pension funds will help young people enter agriculture by providing the capital needed to finance farmland.

But experts testifying at our hearing disagreed. They pointed out that there is no shortage of capital to buy farmland. Further, pension fund investments could radically inflate already spiraling land prices, making it even more difficult for existing farmers to expand their operations and for young people to get started in farming.

Pension funds, according to several witnesses, are likely to be less careful stewards of soil and water resources than family farmers and will not contribute nearly as much to local towns and communities.

Most important, however, concentration of control over our farmland by a few large investors would set the stage for control over the price of food. Family farmers who compete among themselves in a free market have provided abundant food supplies at relatively low prices. Reducing competition, by concentrating control of farmland in the hands of a few investors could be the most damaging aspect of this proposal.

Over the long term, Congress can only preserve family farmers through price and income policies that assure an adequate return for farm production and through tax, credit, and landownership policies that encourage producer control of farmland.

The Family Farm Preservation Act is an essential step toward insuring the future of family farmers. I realize that this late in the session there is little prospect for action on my bill. But I hope that my colleagues in the Senate and House of Representatives will study this bill closely. This legislation must be a priority in the next session of Congress, and I intend to reintroduce it when we reconvene in January.

Mr. President, pension fund investments are opposed by the U.S. Department of Agriculture, the American Farm Bureau Federation, the National Farmers Organization, the National Farmers Union, the American Agriculture Movement, and other groups.

At this time I ask unanimous consent to have printed in the RECORD several recent articles on pension fund investments in farmland and the text of the Family Farm Preservation Act.

There being no objection, the bill and the articles were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as "The Family Farm Preservation Act."

SEC. 2. APPLICATION OF UNRELATED BUSINESS INCOME TAX.—

(a) MODIFICATIONS TO INCOME.—Subsection (b) of section 512 of the Internal Revenue Code of 1954 (relating to modifications) is amended by adding at the end thereof the following new paragraph:

"(16) Notwithstanding paragraphs (3) and (5), in the case of a trust described in section 401 (a), or section 501(c) (17), which is exempt from tax under section 501(a)—

"(A) there shall be included in unrelated business taxable income gain from the sale or exchange of, and rents from, open land used for pasturage of livestock and farmland (as defined in section 1252(a) (2)), and

"(B) deductions directly connected with such gain or rents shall be taken into account.".

(b) UNRELATED TRADE OR BUSINESS.—Subsection (b) of section 513 of such Code (relating to special rule for trusts) is amended by adding at the end thereof the following new sentence: "In the case of a trust described in paragraph (2), the term includes the activity of purchasing, renting, and selling land described in section 512(b) (16) (A).".

SEC. 3. EFFECTIVE DATE.—The amendments made by section 1 shall apply with respect to taxable years beginning after December 31, 1980.

[From the Washington Post, Oct. 11, 1980]

PENSION FUND INVESTMENT FARM PROPOSAL DENOUNCED

(By Associated Press)

A proposal to encourage pension fund investment in U.S. farmland was denounced by a U.S. Agriculture Department official Wednesday as a scheme that could hurt both farmers and consumers.

"Pension fund speculation in farm real estate would benefit no one other than the promoters of such investment schemes," Susan Sechler, the department's deputy director of economics, testified.

The proposal was also opposed at a Senate Small Business Committee hearing by the National Farmer's Union and conservation groups.

Sen. Max Baucus (D-Mont.), who chaired the hearing, said he will introduce a bill against such investments if "necessary to insure that control of American agriculture stays in the hands of farmers."

The proposal was made by the American Agricultural Investment Management Co., Inc., which declined to testify but submitted a statement for the record.

The company said that it "supports the institution of the family farm" and that pension investment would provide the long-term capital "the expansion farmer and the beginning farmer need."

"The properties under our management are family manageable units operated by an individual farmer or farm family under a tenant-farmer relationship," the statement said.

It said pension fund investments "will not have a material impact on farmland prices" because the price must remain low enough to attract investors.

But Sechler said the pension funds "could overwhelm both the national and the local farm land markets."

She said the pension funds had $564.9 billion in assets in 1978, just 1½ percent of which could buy up all $8.5 billion in farm land estimated to be on the open market.

[From the Great Falls Tribune, Oct. 9, 1980]

PENSION FUND FARM INVESTMENT DECRIED

(By Kent Jenkins, Jr.)

WASHINGTON.—Buying farmland with the billions of dollars Americans save for retirement could "radically, irrevocably" change the country's network of family farms, an agriculture department official said here Wednesday.

A department economist and four family farm advocates told a Senate committee that pension funds, with their vast resources and tax advantages, threaten farmers trying to buy their own farms.

Sen. Max Baucus, D-Mont., who presided over the hearing, said he probably will introduce legislation next year to curb pension fund investments in farms.

Susan Sechler, the department's deputy director of economics, said large-scale pension fund investments in farmland would alter farming "by changing the ownership of its major asset—the land."

The Senate Small Business Committee heard testimony concerning a firm that wants to manage farms owned by pension funds. The American Agricultural Investment Management Co. of Bannockburn, Ill., is trying to convince pension fund managers to invest in farmland, according to its president, William S. P. Cotter.

The farm groups asked Baucus to introduce legislation that would bar pension funds from buying farmland or that would make farms unattractive investments.

"The possibilities include some kinds of changes in the tax code," Baucus said. "I'm hard-pressed to find any benefits (from pension investment). It's definitely detrimental to family farm ownership."

According to Sechler, farmland has become an attractive investment for pension funds because the land value increases faster than the rate of inflation.

The pension fund managers can pay more for the land than farmers who must pay from money they make through farming, she said. She also said farmers must pay taxes when they sell their land, but pension funds do not.

Because the tax-exempt status of pension funds allows them to make more money on farms, she said, they can afford to pay more for land. "The entry of even a small fund or other institutional investor can dramatically increase the asking prices in a local area," she said.

Some pension funds already have bought farmland, but USDA statistics show funds own very little of the total American land under cultivation. George W. Stone, president of the National Farmer's Union, testified that the potential for investment fund buying is huge.

"Theoretically, there will be more than enough assets in pension funds in the future to buy all the farmland in the nation," Stone said. "However, no one expects that to happen. But, even a small shift of pension fund money into farmland would be felt."

Baucus said officials of American Agricultural Investment Management declined to testify at the hearing. Cotter, the president, sent written testimony for the hearing record.

"Employee benefit funds that invest in farmland will be providing a service to the American farm economy," Cotter said. "It is well known that there is a great need for long-term capital in the agricultural economy.

"In our free enterprise system, the retirement savings of American workers is one of the best sources of this capital. We believe that legislation should not be passed that will prevent or discourage employee benefit funds from investing in farm land."

In 1976, an Illinois bank and a stock brokerage firm tried to form a business similar to American Agricultural Investment.

[From the CA Highlights, November 1980]

LATEST AAIM HEARING PROMPTS LEGISLATION PLANS

CA has entered testimony for another hearing relating to the activities of American Agricultural Investment Management Company, Inc. (AAIM), and it appears that the hearing may result in legislation designed to curb those and similar activities.

The latest hearing was conducted Oct. 8, by the Senate Small Business Committee. CA's testimony was similar to that which was presented Sept. 22 at a hearing conducted by the U.S. House Agriculture Committee's Subcommittee on Family Farms.

Like the earlier hearing, the recent one focused to a large extent on an investigation of AAIM's plans, which call for pension fund investments in U.S. farmland, and having the land rented to operators under the supervision of farm management companies.

CA's testimony called the plan "a threat to the family farm system," and most of the other witnesses expressed similar sentiments.

"Heavy investment in farmland will drive up land values, making it even more difficult for small farmers to expand their holdings or get into farming in the first place," said Rep. Bob Kastenmeier of Wisconsin. "Soil and water conservation will deteriorate as corporate farm managers seek to maximize short-term profits by cutting corners on conservation practices. Agricultural markets will be dominated by large, nonfarm corporations, and the family farmer will lose his place in American farming."

(Kastenmeier is currently sponsoring a bill, the Family Farm Antitrust Act, which would prohibit any person or corporation with nonfarming business assets in excess of $5 million from engaging in farm production. CA is actively supporting this legislation.)

Corey Rosen of the Senate Small Business Committee noted that many of those who testified favored an outright ban on pension fund investments in farmland.

In the wake of the hearing, Sen. Max Baucus of Montana is planning to introduce a bill which would require pension funds to pay capital gains taxes equal to other investors in connection with farmland investments.

The CA testimony stressed that "federal legislation must be enacted to discourage nonagricultural corporations, pension funds and farmland speculation."

Meanwhile, the General Accounting Office's investigation of AAIM, being done at the request of the House Agriculture Committee's Family Farm Subcommittee, is continuing, according to aide Steve Adams.

[From the Rural America, November 1980]

AT CONGRESSIONAL HEARING—NEW "AG LAND" TAKES A BEATING

Concluding that a controversial farmland-investment scheme of the American Agricultural Investment Management Co., Inc. (AAIM) poses "no benefits to American agriculture at all, pure and simple," Sen. Max Baucus (D-Mont.) announced Oct. 8 that he would introduce legislation to discourage the investment of pension funds in agriculture.

Baucus made his remarks, based on testimony presented by Rural America and other national farm and rural organizations as well as the U.S. Department of Agriculture (USDA), following oversight hearings he chaired on the AAIM venture before the Senate Small Business Committee.

AAIM, incorporated in February 1980 by three former executives to Chicago's Northern States Trust Co., plans to hire regional managers who will seek prime farmland throughout the U.S., negotiate with pension funds to purchase the land and select a local "operator" to farm it. Labor, equipment and related costs would be split evenly between AAIM and the operator, and the operator would receive half of the value of the crops raised on the land.

As was the case with a similar venture, the "Ag Land Fund" proposed in 1977 by Continental Illinois Bank, and the brokerage firm of Merrill Lynch, Pierce, Fenner and Smith, AAIM has been attacked because it would lead to greater absentee ownership of farmland, institute "a new generation of sharecroppers" and accelerate farm prices, squeezing would-be farmers with limited resources out of the market. The Ag Land Fund was killed before it could get off the ground by a combination of public pressure and uncertainties regarding its tax-exempt status.

On the recommendation of Susan Sechler, USDA deputy director of economics, policy analysis and budget, Baucus said he would introduce legislation to change the tax code so that income generated by pension funds invested in agriculture would be taxable. This would remove the major incentive to invest in farmland, since currently all income received by pension funds is tax exempt.

A legislative aide in Baucus' office told ruralamerica that the senator plans to introduce the legislation soon as Congress reconvenes after the election. If efforts to change the tax code fail, he added that Baucus would not hesitate to introduce a bill specifically prohibiting pension funds from investing in farmland.

Testifying on behalf of USDA, Sechler labeled the AAIM plan "a test case that has the potential for radically, irrevocably transforming American agriculture's structure and performance." She explained that farmers "would be competing with cash-paying investors whose interests are, understandably, more narrowly concerned with short-term profits."

Sechler also said that the Carter administration was strongly opposed to farmland-investment plans like AAIM.

Al Krebs, rural corporate accountability researcher with Rural America, urged the committee to enact legislation that would limit corporate ownership and control of agricultural land. "Absentee ownership and farm tenancy will continue to increase so long as wealthy individuals can engage in tax-loss farming to shelter non-farm income and so long as there is a greater profit in speculating in land than in farming it," he said.

Krebs also presented the committee with information he had uncovered on the principal officers of AAIM and on the three "farm management" firms AAIM has retained to date—Southern Farms and Investment Co. of Florida and Gentle Farms and Blackburn Farms of California. AAIM reportedly has not yet purchased any farmland for pension funds, however.

Cathy Lerza of the National Family Farm Coalition also condemned AAIM's plan, equating it with "robbing a bonafide farmer or potential new farmer of the opportunity to own land and to farm" because investors have substantially more money and could afford to pay higher prices for land than an individual farmer.

Other witnesses who appeared before the committee—George Stone, president of the National Farmers Union, and Don Reeves, of the Inter Religious Task Force on Food Policy—were also critical of AAIM. No group spoke in favor of AAIM's venture. AAIM President William S. P. Cotter declined an invitation to testify.●

ADDITIONAL COSPONSORS

S. 1411

At the request of Mr. RANDOLPH, his name was added as a cosponsor of S. 1411, a bill to improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

S. 2111

At the request of Mr. TALMADGE, the Senator from Missouri (Mr. DANFORTH), the Senator from Kentucky (Mr. FORD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Alabama (Mr. STEWART), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2111, a bill to incorporate the National Federation of Music Clubs.

SENATE RESOLUTION 500

At the request of Mr. DOLE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Resolution 500, a resolution to prevent U.S. funding of PLO activities.

AMENDMENTS SUBMITTED FOR PRINTING

TREASURY, POST OFFICE APPROPRIATIONS ACT, 1981

AMENDMENT NO. 2626

(Ordered to be printed and to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

● Mr. BOSCHWITZ. Mr. President, this amendment, which I hope to attach to the measure providing 1981 appropriations for the Treasury Department, is designed to help insure the continued existence of family farms. This amendment will prevent the Internal Revenue Service from implementing regulations contrary to the intent of legislation passed by Congress only 4 years ago.

Prior to 1976, farms, for estate tax purposes, were valued at the "prevailing market price"; that is, they were valued at the highest price for which they could be sold, which due to land speculation and the generally escalating price of farmland often bears no relation to its earning capacity. As a result, families of deceased farmers, faced with enormous estate tax bills incurred as a result of the "prevailing market price" valuation method, often were forced to sell the family farm to pay off the Federal Government.

Recognizing the vital role farmers play in our national economy and the need to retain existing cropland, Congress in 1976 passed the "farm use valuation" provision, now known as section 2032A of the Internal Revenue Code. This provision allows farms, for estate tax purposes, to be valued on the basis of "productive farm capacity" rather than the "prevailing market price." However, the Internal Revenue Service has now issued regulations which negate the purpose of this section.

The Internal Revenue Service maintains that if a farmer cash rents his farm (for $x per acre) prior to his death, use of the favorable valuation method will be denied that farmer's estate, even if the lessee is a member of his own family. Yet farmers who maintain an "equity interest" (a certain percentage of the crop as rent) are eligible for the "productive farm capacity" valuation. Cash-renting of family farms to a son or grandson is a common occurrence when an elderly person is unable to physically work the farm. In Minnesota, for example, well over half of all farms owned by individuals over age 65 fall in this category.

Denying the "productive farm capacity" valuation method where the deceased rented the farm to members of his own family is grossly unfair. My amendment will insure that the tax relief Congress intended when enacting section 2032A is available.

I urge my colleagues to support this amendment.●

ADDITIONAL STATEMENTS

NATIONAL EMERGENCIES ACT

● Mr. CHURCH. Mr. President, Friday marked the end of the second 6-month period after the President's declaration, on November 14, 1979, of a national emergency with respect to the situation in Iran. I bring this to the attention of my colleagues because of the responsibility imposed on the Congress by section 202(b) of the National Emergencies Act. That section requires that, "not later than 6 months after a national emergency is declared, and not later than the end of each 6-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated."

The purpose of this provision is to require the Congress on a periodic basis to consider the continued existence of an emergency, in a manner appropriate to the degree of interest and controversy. Pursuant to this provision, the Committee on Foreign Relations agreed on Friday to send a letter to the President informing him of its conclusion that a resolution to terminate this emergency is not warranted at this time. The committee sent a similar letter to the President on May 9, 1980.

I believe, Mr. President, that it is important to make the record clear that the Senate has again taken seriously its responsibility under this section of the act and has complied with the mandate imposed upon it. I ask that the committee's correspondence on this matter be printed in the Record.

The material follows:

Committee on Foreign Relations,
Washington, D.C., November 14, 1980.
The President,
The White House.

Dear Mr. President: On this anniversary of your declaration of a National Emergency to deal with the situation in Iran, it remains the continued hope of all that your efforts will soon be successful in ending the unlawful detention of Americans and the emergency which resulted.

As you are aware, in cases where a national emergency continues for this length of time, Congress is mandated to consider whether or not that emergency should be terminated. Section 202(b) of the National Emergencies Act states that "not later than the end of each six-month period [after] such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated." No Senator has introduced such a resolution.

The Committee on Foreign Relations, acting in satisfaction of the duty imposed by Section 202(b) of this Act, has considered whether or not the introduction of a concurrent resolution is warranted at this time. After due consideration of the question, the Committee has determined that, because the cause for declaring a national emergency with respect to the situation in Iran continues to this day, no reason exists for the introduction and the Senate debate of a resolution to terminate the emergency.

With best wishes,
Sincerely,

Frank Church,
Chairman.
Jacob K. Javits,
Ranking Minority Member.●

A FEDERAL CHARTER FOR THE ITALIAN-AMERICAN WAR VETERANS

● Mr. DOLE. Mr. President, today the Senate Judiciary Committee is holding hearings on legislation to provide a Federal charter for the Italian-American War Veterans (IAWV) of the United States.

CHARITABLE ACTIVITIES

The Italian-American War Veterans is a nonprofit service organization now incorporated in 10 States and active in several other States. IAWV was founded in 1932 and for the last 48 years, the organization has been involved in various charitable—and community—service activities. In assisting this Nation's hospitalized veterans, the IAWV is presently involved with more than 20 veterans hospitals. The group has consistently made donations to the needy and the handicapped. Last year alone, the IAWV donated approximately 7,500 hours of service in its hospital volunteer program. While IAWV draws most of its membership from individuals with an Italian-American heritage, it is open to any veteran regardless of race, religion, or national origin.

FEDERAL CHARTER

Since 1965 the IAWV has sought a Federal charter. The organization meets all of the requirements established by Congress pertaining to Federal charters. Federal recognition of the group's many years of voluntary service would grant new impetus to their activities and membership, which increasingly are of national scope.

FIFTIETH ANNIVERSARY

As a cosponsor of this important piece of legislation, the Senator from Kansas believes that as the IAWV approaches its 50th anniversary this is a particularly opportune moment for Congress to recognize the outstanding civic, educational, and charitable contributions of the IAWV by granting its longstanding request for a national charter.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record this notice of a Senator or Senate employee who participated in a program, the principal objective of which was educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which permitted Senator Joseph R. Biden, Jr., to participate in a program sponsored by a foreign educational organization, the Gesellschaft fuer Wehrkunde, in Munich, West Germany, from February 9–10, 1980.

The committee has determined that participation by Senator Biden in the program in Munich, West Germany, was in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Steven Roberts on the staff of the Senate Banking, Housing, and Urban Affairs Committee to visit Europe from October 18 to November 14, 1980, at the expense of the European community's visitor's program funded by the European Parliament and the Commission of the European Communities. It has been determined that the principal purpose of Mr. Roberts' trip is educational and that the trip is in the interests of the Senate and the United States.●

THE VICTIMS OF OPPRESSION

● Mr. BOSCHWITZ. Mr. President, it is indeed interesting that in the midst of the Madrid Review Conference (at which we are attempting to press the Soviet Union on its massive violations of human rights, in clear contravention of so-called "basket three" of the Helsinki Accords which Madrid is meant to follow up), the Soviet Union has arrested prominent Jewish dissident Viktor Brailovsky. The timing of this move, which would have been highly objectionable at any time, virtually makes a mockery of the whole Madrid Conference.

Having finally allowed an agenda for this conference which includes human rights issues, the Soviet Union is degrading the meetings by continuing the very type of abuse which makes necessary such a conference. The United

States and other Western Powers granted tangible concessions to the Soviet Union in terms of recognition of post-war Eastern Europe boundaries and expanded economic and scientific links. In exchange for these measures, which clearly favored the Soviet bloc, the West obtained concession in the realm of human rights. If we do not press such claims as those of Brailovsky, Andrei Sakharov, Anatoly Shcharansky and thousands of others in similar positions; if we fail to pursue implementation of promises made and signed by Leon Brezhnev on August 1, 1975, then we will have rendered meaningless the concession in baskets one and two.

We commend the U.S. delegates to Helsinki for having invoked the cases of Sakharov and Brailovsky, and hope the U.S.S.R. understands that we view these great men as but symbols of many thousands more who are being persecuted at this very moment. We will not be satisfied until all of the victims of this oppression are freed.●

PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., November 12, 1980.
Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-05 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to a NATO organization for defense articles and services estimated to cost $120 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Pursuant to subparagraph (C) (ii) of paragraph 3(d) (3) of the Arms Export Control Act, notice is also hereby given that future transfer of this equipment may occur between and among the NATO Hawk Production and Logistics Organization and its member nations, viz., Belgium, Denmark, France, Germany, Greece, and Italy.

Sincerely,
ERNEST GRAVES,
Defense Security Assistance Agency.

TRANSMITTAL No. 81-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: NATO.

(ii) Total estimated value: Major Defense Equipment* $115 million; other $5 million; total $120 million.

(iii) Description of Articles or Services Offered: Coproduction of up to 29 AN/TSQ-73 air defense command and control systems (Missile Minder) to include technical assistance and postproduction support.

(iv) Military Department: Army (UUE).

(v) Sales Commission. Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: November 12, 1980.●

PROTECTIONISM VI

● Mr. HEINZ. Mr. President, today I continue my submission of material examining trade restrictive measures used by Japan. This excerpt from "Law and Policy in International Business" reviews product approval procedures promulgated and established by Japan to test and certify imported products for compliance with national standards. Such procedures are import restrictive in theory as well as in practice.

Tracing the fate of U.S. small boat manufacturers who attempted to satisfy Japanese import safety standards the article determines that indefinite testing methods or performance criteria, lack of specific approval standards and the requirement that product approval tests be conducted in Japan all combined to cause unacceptable delays for a company introducing a new product into the Japanese economy. As the article explains:

> A company introducing a new product must move quickly to establish its market share since its competitors can be expected to introduce a similar product quickly if it proves popular. Consequently, a long delay in obtaining product approval gives Japanese producers ample opportunity to introduce competitive products before the import can be sold.

As delineated in the article significant trade-restrictive impacts have resulted from the Japanese product approval standards and process. Mr. President, I ask that this excerpt be printed at this point in the RECORD.

The excerpt follows:

Unlike the customs procedures discussed above, Japanese product approval procedures are import-restrictive in theory as well as in practice. The applicable product approval standards, the methods by which such standards are promulgated and the procedures established to test and certify imported products for compliance with these standards all provide significant impediments to the importation into Japan of many U.S. goods. In the past, these product approval requirements have created trade-restrictive impacts in a number of ways.

First, analysis by FTC staff, in response to problems raised by U.S. industry, indicates that Japanese product approval requirements generally are oriented toward design rather than toward performance characteristics. A U.S. product, for instance, may not be approved for import due to some minor difference in design, even though it may have better performance characteristics than the Japanese product. For example, U.S. businessmen contend that the individual strands in electrical cords manufactured to Japanese standards are slightly thinner than strands designed to U.S. standards. As a result, even though the two cords may be equally safe, the U.S. cord is barred from the Japanese market.

A lengthy, yet valuable illustration of this principle may be found in the fate of the U.S. small boat manufacturers who attempted to meet Japanese import safety standards. In general, Japanese safety standards for small boats are extremely detailed with respect to the physical characteristics which are the objectives of the design requirements. The regulations, however, provide for discretion on the part of the inspecting officer regarding the application or exclusion of certain standards for each vessel undergoing inspection.

Article 15 mandates the installation of certain watertight bulkheads in steel hulled boats in order to achieve buoyancy when compartments are flooded. Article 20 applies these requirements to fiberglass reinforced plastic (FRP) hulls. U.S. boat builders achieve supplementary flotation by using in void spaces (spaces not otherwise used within a boat hull) flotation tanks or materials such as styrofoam. Such techniques enable U.S. boats to meet the stringent flotation standards established by the U.S. Coast Guard for certain classes of boats, without using watertight bulkheads which deter free passage below decks and occupy considerable space within the limited hull area. Compliance with the watertight bulkhead requirement would necessitate radical redesigning of U.S. boats and would not necessarily improve their safety characteristics. While the regulations provide for exemption of boats from this structural requirement in cases where Japanese inspection officers determine that they have sufficient buoyancy, U.S. manufacturers who attempted to market their boats in Japan contend that Japanese inspection officers had not indicated a willingness to exempt U.S.-built boats.

Article 19 of the regulations states that FRP hulls must pass bending or drop tests. The regulation, however, does not set out specific testing methods or performance criteria. U.S. manufacurers report that, until a few years ago, the drop test consisted of dropping the boat, fully laden, from a height of 2.5 meters onto the water, then making a visual examination for damage. The purpose of this test is unclear. The regulation also provides that the bending and drop tests may be omitted at the inspection organization's discretion, upon consideration of such factors as the structure and manufacturing method of the boat. U.S. manufacturers contend that Japanese inspecting officers have not been willing to exempt U.S.-built boats.

One leading U.S. manufacturer and exporter of pleasure boats provided the Department of Commerce with files of its correspondence with its Japanese distributor during the years 1972, 1973 and 1974, which recorded the exporter's efforts to establish itself in the Japanese market. The correspondence documents the firm's efforts for over a year, during which time a massive amount of material outlining the specifications of the boats was provided to meet the requirements of the Japanese Ministry of Transportation.

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*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

The company forwarded samples of resins, screws, laminates, lay-up schedules, and detailed blueprints for all their models. The company estimates that it invested literally hundreds of hours of engineering time in order to meet Japanese requirements. In addition, class certification by Lloyds Surveyors was obtained for each boat exported to Japan. In 1973, the company shipped to Japan boats valued at over $200,000; a Japanese distributor aggressively marketed these products in major Japanese boat shows and carried out an extensive advertising campaign.

The file records the difficulty encountered by the U.S. firm and its agent in attempting to obtain information on the specific standards and inspection procedures to be applied to U.S.-manufactured boats following the establishment in 1974 of the Small Boat Inspection Organization. The Inspection Organization indicated that each model would be required to undergo all prescribed tests and to meet all mandated design requirements in order to obtain certification. The agent stated that this would require extensive modification of the hull and other structures, and that a great amount of the fittings, lifesaving equipment, navigation lights and other installed equipment would have to be removed and replaced with "officially recommended" equipment of Japanese manufacture. As a result of the basic structural modifications that would be required to render the boats acceptable to Japanese inspectors—the need to replace fittings and other gear, the need to obtain a Lloyds survey for each boat exported, and other problems and costs (which appeared extraordinary in comparison with those incurred in other major international markets)—the firm reluctantly terminated its efforts to establish itself in the Japanese market. Recently, however, progress has been made on this issue. As a result of representations made to the Ministry of Transport, the Ministry agreed to meet with industry representatives to discuss the technical issues in this complaint.

The remaining trade-restrictive impacts result from the product approval procedures themselves. Among the problem areas indicated to date by TFC cases are: (1) delay due to lack of sufficient notice; (2) participation by Japanese but not foreign manufacturers during the promulgation of standards; (3) the requirement that approval be obtained through a resident company; (4) the necessary release by U.S. firms of proprietary information; and (5) perhaps most importantly, the general mandate that all testing and approval occur in Japan.

A principal area of difficulty is the inevitable delay caused by meeting Japanese product approval standards. The ability to get a new product on the market quickly can be critical in marketing consumer appliances. The products often do not involve new technology such as microwave ovens, but instead are innovations on existing goods, *e.g.*, electric grills, electric toothbrushes or small-size doughnut makers. A company introducing such a new product must move quickly to establish its market share since its competitors can be expected to introduce a similar product quickly if it proves popular. Consequently, a long delay in obtaining product approval gives Japanese producers ample opportunity to introduce competitive products before the import can be sold.

One factor that contributes to delay (and to common complaint among importers) is that foreign manufacturers seldom receive sufficient notice of new testing standards. Standard-setting deliberations are apparently open to Japanese but not foreign manufacturers. Thus, foreign suppliers often learn about changes in standards only after they have been published, allowing insufficient time to adjust production.

One U.S. manufacturer of vaporizers was confronted with this problem when he discovered a new standard that required vaporizers to be designed to tilt 60 degrees before water leaked from the top. The U.S. vaporizers were built with a low profile so that they could not accidentally be tipped over. Since the company faced the potential loss of its Japanese market, which had expanded rapidly during the preceding two years, the president of the company asked for assistance from the U.S. Embassy in Tokyo. He was willing to redesign his product, but it would take six months, during which time the company could lose its customers to Japanese competitors. In this case, the Japanese government official responsible for administering the standard granted the firm a one-year grace period to redesign its product, with permission to import the existing model in the interim.

To some U.S. businesses it appears that these ever-shifting standards exist solely to frustrate import competitors; in some cases such a conclusion might not be entirely unwarranted. Domestic manufacturers, through industry advisory groups, participate in setting new standards or revising existing standards. Consequently, there is an opportunity for Japanese industry to suggest standards that might give domestic manufacturers a competitive edge over foreign suppliers. In some cases, the delay resulting from the promulgation of such standards may be sufficient to exclude entirely the U.S. manufacturer from the Japanese market. In 1973–74, for example, a U.S. manufacturer introduced into Japan tabletop electric griddles, selling 6,000 units the first year. By the second year, however, the Japanese set the standard for allowable heat (to the touch) for the electrical controls of such griddles at two degrees centigrade below the capability of the imported appliances. This change effectively shut the U.S. company out of the Japanese market. By the time the company found a Japanese supplier for the controls and attempted to reenter Japan in 1978, the market had reached a saturation level of two million units, most of which were made in Japan.

Another problem concerning import approval procedures is the requirement that an approval application must be made through a "resident" company. One peculiar effect of this rule is that a U.S. company may not change agents in Japan without reapplying for product approval unless the first agent is willing to transfer the original approval to the new agent. In addition, the approval process often requires the submission of proprietary information about the product. Clearly, an import agent who receives such information for transmittal to the approving agency is in a position to use this knowledge to develop a competitive product.

Probably the single most significant source of difficulty in the product approval area is the general requirement that product approval tests be performed in Japan. The Japanese generally have not been willing to accept the results of tests conducted outside of Japan, even when performed according to Japanese specification. This need to replicate tests in Japan adds to the cost of imported goods and results in considerable time delays, often a year or longer, thus giving Japanese firms an opportunity to develop competitive products. As a consequence of the delay in gaining product approval, it is not uncommon for a U.S. firm, part way through the product approval process, to make relatively minor changes in the product's design. Such changes require beginning the process all over again. Even minor alterations in product design require retesting of the product. This Japanese practice raises the fundamental issue of reciprocity. It is generally the U.S. practice to accept foreign test data provided such testing is in accordance with appropriate U.S. standards and test procedures.

It should be noted that it is somewhat risky to overgeneralize about Japan's product testing requirements, which vary considerably depending on the product or industry involved. Moreover, there are several exceptions to what seems to be the general requirement that all product approval tests be performed in Japan. For instance the medical test and equipment approval procedures under the Japanese Ministry of Health and Welfare (MHW) generally do not provide for the acceptance of foreign test results. In similar fashion, electrical appliance approval procedures under the Japanese Ministry of International Trade and Industry (MITI) fail to allow for authorized testing in foreign laboratories. On the other hand, the Japanese Ministry of Transport (MOT) accepts tests conducted outside Japan when witnessed by an MOT inspector (ships and automobiles) or when such tests establish that the product conforms to foreign standards accepted as equivalent to Japanese standards (automobiles only).

Further evidence that product approval procedures vary by agency and product area is found in a background paper prepared by the TFC staff. This paper describes generally the relevant Japanese and U.S. practices regarding not only testing procedures but also other product approval problems. [Portions of this paper are reproduced in an appendix.]

Two cases brought before the TFC illustrate the trade-restrictive effect of the Japanese government's refusal to accept amply documented foreign health tests. The first case, raised before the TFC in January 1978, denied market access to a hepatitis blood test widely recognized to be one of the most advanced and effective on the market. The test, invented and produced by a U.S. company, received U.S. Federal Drug Administration (FDA) approval in 1972, and is currently used by Red Cross organizations in the United States, Canada and several European countries. The company initially applied for approval from the Japanese Ministry of Health and Welfare in 1974 pursuant to the requirements of the Pharmaceutical Affairs Law (PAL). The company was asked to resubmit its application in 1976 following modifications in the testing procedure. Although MHW, under a "grandfather clause," permitted the sale of the test as a "charged clinical" to hospitals and diagnostic clinics, the company nevertheless sought approval under the PAL so that the product would be eligible for reimbursement under Japan's National Health Insurance Program.

In a separate action, the company asked MHW to authorize the Japan Red Cross (JRC), a quasi-government agency, to use the test in its blood bank program. The company told TFC officials that it was informed by the Ministry that the test was considered to be of doubtful effectiveness in detecting the peculiar and dominant Japanese subtype of hepatitis B, "adr", and that it would take an "expert group" one year to reach a conclusion on whether the product should be approved. The MHW response to the company also stated that the JRC had adopted another test in April 1976 and implied that there were no plans to change the test currently used. Further, JRC had not formally requested permission to use the test.

Subsequent information supplied by the company tended to show that: (1) the company and the JRC conducted extensive clinical testing of the product in the Japanese population, demonstrating its effectiveness in detecting the Japanese subtype of hepatitis B, "adr"; (2) the product is significantly more sensitive than the tests currently used by the JRC; and (3) no justification existed for another year's delay since a full body of empirical data on the test's safety and efficacy had been available from FDA and other U.S. sources for many years. The company also claimed that it had been working with a member of the JRC technical staff who had informally requested, without success, that MHW approve the test for Red Cross use in Japan's blood donor program.

The U.S. side of the TFC resubmitted this case in mid-May of 1976, asking for (1) expedited MHW approval of the product under the Pharmaceutical Affairs Law; and (2) authorization for the JRC to purchase the test for screening blood donors. Final approval for the test was granted in June 1979, and MHW indicated that the test would be qualified for reimbursement approval under the National Health Insurance Program. However, it was stated that the JRC would have to make its own determination as to the efficacy of the procedure and whether it would request budgeting to use the test.

The second case was raised in the TFC in March 1979 on behalf of the Animal Health Institute. The Government of Japan controls the purchase, sale and distribution of certain categories of veterinary medicines. These controls include the imposition of import quotas, as well as requirements for testing and approval under the provisions of Japan's Pharmaceutical Affairs Law. The administration of the quota system, along with the lengthy and duplicative testing procedure under the PAL, has the effect of restricting access by U.S. manufacturers to the Japanese market.

Japan also established, under the general exceptions provisions of the General Agreement on Tariffs and Trade (GATT), quotas for the importation of certain microbial vaccines and antisera which apply to veterinary products. These quotas are administered by the Ministry of Agriculture, Forestry and Fisheries (MAFF). Letters written to and by U.S. manufacturers and their Japanese representatives who have attempted to introduce into the Japanese market vaccines falling under these quota provisions suggest that the quotas are administered in a manner that prohibits imports when there is "sufficient" domestic production of the product in Japan.

A U.S. manufacturer that attempted to introduce in Japan its Marek's disease vaccine for poultry was informed by its Japanese agent that the Japanese government did "not want . . . new importers or dealers in this field" since the supply exceeded demand. Another U.S. manufacturer that attempted to market in Japan its vaccine for Atrophic Rhinitis (AR) in swine was informed in a letter from a senior MAFF official that "AR vaccine is classified as [a] nonliberalized item" requiring an import quota and approval under the PAL. The letter further stated that "[a]t present sufficient amount of AR vaccines are produced and on sale domestically. So I regret that there is no possibility of importation of this kind of vaccine."

On the other hand, in instances where there is no comparable local product, importers might be authorized anywhere from 60–80 percent of their request. In other words, the quota level appears to vary according to availability of domestic supply.

Progress is being made regarding some important approval procedures, although to date the Japanese have yet to accept foreign test data to the desirable degree. An illustration of Japanese willingness to compromise may be found in the household electrical appliance field. Japan's Electrical Appliance Control Act regulates the manufacture and sale of all (including household) electrical appliances. Household electrical appliances generally fall into "Category A", *i.e.*, those which, prior to sale in Japan, must be tested independently for compliance with Japanese standards. Until 1979, the Japanese administration of this law under the Ministry of International Trade and Industry required that all testing applications for foreign "Category A" electrical appliances be made by importers rather than by foreign manufacturers, and that all test data be generated in Japan in designated Japanese testing laboratories, primarily the Japan Electrical Testing Laboratory (JET).

In late 1977 and early 1978, an electrical appliances subcommittee of the Tokyo Trade Study Group concluded that the major barrier to increased exportation of U.S. electrical appliances to Japan was the testing and approval procedure. This procedure, which operated without provision for either direct access to JET by U.S. manufacturers or acceptance of U.S. test data, was resulting in costly delays of up to a year for the introduction of U.S. products into the Japanese market. The TSG report noted a number of additional specific problems with the Japanese approval procedure and standards, including the lack of an appeals process and of sufficient advance notification of standards changes, and the dominance of individual "judgmental factors."

The Japanese procedures as applied to U.S. exports to Japan contrast sharply with U.S. procedures for the testing and certification of Japanese electrical products exported to the United States. Japanese firms obtain approvals from Underwriters Laboratories (UL) in usually less than four months. Moreover, approval is often based on direct application to UL, and UL acceptance both of Japanese manufactures' test data and of tests conducted by appointed UL representatives in hundreds of laboratories in Japan.

In November 1978, MITI responded to the TSG recommendations by allowing U.S. manufacturers to obtain approval by dealing directly with the Japanese testing facilities, rather than by acting through a Japanese agent. MITI also provided for U.S. representation on the Japan Electrical Association (JEA) committees that formulate and revise standards—a process which hitherto had been closed to foreign companies, and thus had allowed Japanese manufacturers a greater lead time than foreign competitors to anticipate and prepare for new standards. Finally, MITI began to prepare an official translation into English of all the Japanese electrical standards. In May 1979, a U.S. government–industry team held discussions with MITI in Tokyo to clarify the new Japanese procedures and to indicate the need for continuing progress toward the ultimate goal of reciprocity.

These measures represent meaningful progress in revising product approved procedures in the area of electrical standards. U.S. firms that do not have a representative office in Japan and market in Japan through a local import agent or distributor, however, will still need the services of a local representative to deal with the approving agency and the testing laboratory. The solution sought by U.S. industry, therefore, is Japanese acceptance of UL standards where they are equivalent to those required in Japan, or acceptance of tests conducted in the U.S. that conform to Japanese standards.

Cases submitted to the TFC thus demonstrate that significant trade-restrictive impacts result from the Japanese product approval standards and process. These barriers stem both from the design-oriented nature of the standards and from specific procedural requirements of the approved process. Furthermore, it is likely that similar difficulties exist in industries other than those identified by the particular TFC cases brought thus far. As in the area of customs procedures, it would be far more helpful for Japan to reevaluate and revamp product approved standards and procedures as a whole rather than to wait for individual complaints to be brought before the TFC.●

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there orders for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

Mr. ROBERT C. BYRD. Does the convening order provide for a 10 o'clock meeting tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

DEFENSE APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, the Senate will take up the Defense appropriations bill tomorrow, and I anticipate several amendments thereto with rollcall votes.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. If there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:05 p.m. the Senate recessed until Friday, November 21, 1980, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 20, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Praise the Lord. O give thanks to the Lord, for He is good; for His steadfast love endures forever. Who can utter the mighty doings of the Lord, or show forth all His praise? Blessed are they who observe justice, who do righteousness at all times.—Psalms 106: 1–3.

In all the moments of life, O Lord, teach us humility and make us aware of our dependence on You. Though we seek to strive and labor for what is right, too often we exalt in our own efforts and wisdom. Make us appreciative of Your abiding presence and the encouragement of friends that support us each new day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5496. An act to amend the National Historic Preservation Act of 1966, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes; and

H.R. 8329. An act to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 43. An act to promote safety and health in skiing and other outdoor winter recreational activities;

S. 885. An act to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes; and

S. 2251. An act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

The message also announced that the Senate insists upon its amendment No. 70 to the bill (H.R. 6671) entitled "An act to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. CANNON, Mr. EXON, and Mr. DANFORTH be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7584, STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON FRIDAY, NOVEMBER 21, 1980, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 7584, STATE, JUSTICE, COMMERCE, JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Friday, November 21, or any day thereafter, to consider the conference report and any amendments in disagreement thereto on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7724, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SEIBERLING. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Illinois can tell us whether there will be any effort to waive points of order?

Mr. YATES. I know of no effort to waive points of order.

Mr. SEIBERLING. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

U.N. RESOLUTION CALLING FOR REMOVAL OF FOREIGN TROOPS FROM AFGHANISTAN

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this morning we will have a vote in the United Nations, a reiteration of a resolution calling for removal of foreign troops from Afghanistan and calling for a political, not a military, solution to the problems in that part of the world.

Mr. Speaker, this Member, and I believe many Members of this Congress and the American people, will be looking to see who supports that resolution. The Soviets have been unusually unrestrained in the strongarm tactics and the political threats they have been bringing to bear on the members, particularly the Third World countries. We will be looking to see whether or not the Third World countries in particular stand behind their convictions that they have so often expressed to this country.

AUTHORIZING APPROPRIATIONS FOR AMERICAN FOLKLIFE CENTER FOR FISCAL YEARS 1982, 1983, AND 1984

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 7805) to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by inserting a comma after "1978";

(2) by striking out "and" after "1980,"; and

(3) by inserting after "1981" the following: ", $760,000 for the fiscal year ending September 30, 1982, $970,000 for the fiscal year ending September 30, 1983, and $1,131,000 for the fiscal year ending September 30, 1984".

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7805 authorizes appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984. This is the second reauthorization for the Folklife Center.

As many of you will remember, after extensive congressional hearings and discussion in the early and midseventies, the American Folklife Preservation Act was signed into law on January 2, 1976, which established the American Folklife Center at the Library of Congress.

The American Folklife Center is a coordinating and resource center for the preservation and presentation of the rich variety of folk traditions in the United States. The Center provides assistance upon request to community, State, and regional folklife groups in the form of topical and resource information, organizational and administrative assistance, and clearinghouse services.

The Folklife Center also has a program of model projects initiated by the Center itself, providing research, publications, media dissemination, and presentations such as the outdoor concert series on the steps of the Library of Congress, and exhibits such as the "Buckaroo" show which was developed in conjunction with the Smithsonian Institution. The American Folklife Center is not a grant-giving agency.

In the hearings conducted in 1977 on the first reauthorization of the Center, it was then stated that the Folklife Center expected to reach full national program status by 1981.

However, because of the current climate of fiscal and budgetary restraint, the Center's Board of Trustees wisely has revised the projected timetable and has submitted appropriations levels which will enable the Center to carry out its mandate with essentially the same pattern of growth to a plateau of funding and staffing where the Center can provide services on a comprehensive national scale.

The bill calls for $740,000 in fiscal year 1982, $890,000 in fiscal year 1983, and $990,000 in fiscal year 1984 totaling $2,620,000 for the 3-year period. This is in contrast to the approved authorization of $3,105,000 for the period of fiscal 1979–81, an indication of the Center's careful preparation of its budget and planning and its commitment to budgetary restraint.

This is a modest appropriation request for a very important Federal program which affects all of our lives and traditions. I urge favorable consideration of this legislation.

Although reauthorization is not required until fiscal year 1982, passage of the bill this year will avoid complications in the Center's budget and appropriations process which begins early next year.

AMENDMENTS OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. NEDZI: Page 1, line 8, strike "$760,000" and insert in lieu thereof "$740,000".

Page 1, line 9, strike "$970,000" and insert in lieu thereof "$890,000".

Page 2, line 1, strike "$1,131,000" and insert in lieu thereof "$990,000".

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 6942, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a conference report on the bill (H.R. 6942), the International Security and Development Cooperation Act of 1980.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION ACT OF 1981

Mr. PRICE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7265) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 2, answered "present" 1, not voting 96, as follows:

[Roll No. 647]

YEAS—333

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Barnes
Bauman
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Broyhill
Buchanan
Burton, John
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Conyers
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Derrick
Derwinski
Devine
Dicks
Dingell
Dougherty
Drinan
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fowler
Frenzel
Frost
Fuqua
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Goodling
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Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harsha
Hawkins
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Leland
Lent
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McDade
McDonald
McEwen
McKinney
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
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Preyer
Price
Pritchard
Pursell
Quayle
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Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson

Rodino
Roe
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Rostenkowski
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Rousselot
Roybal
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Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stokes
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Swift
Symms
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, C. H.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—2

Lloyd
Mitchell, Md.

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—96

Ambro
Anderson, Ill.
Andrews, N.Dak.
Anthony
Applegate
Ashley
Baldus
Barnard
Beard, R.I.
Beard, Tenn.
Bevill
Bolling
Brooks
Brown, Calif.
Brown, Ohio
Burgener
Burlison
Burton, Phillip
Byron
Chisholm
Collins, Ill.
Corcoran
Corman
Cotter
Crane, Philip
Crockett
Davis, S.C.
Deckard
Dellums
Dickinson
Dixon
Dodd
Donnelly
Dornan
Downey
Duncan, Oreg.
Early
Eckhardt
Edwards, Calif.
Emery
Fascell
Ford, Mich.
Ford, Tenn.
Fountain
Garcia
Gaydos
Ginn
Goldwater
Gray
Hansen
Harris
Heckler
Heftel
Holtzman
Horton
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
Kemp
Kostmayer
Lehman
Levitas
McCloskey
McCormack
McHugh
McKay
Madigan
Maguire
Martin
Mathis
Miller, Calif.
Moffett
Murphy, Ill.
Murphy, N.Y.
Murtha
Neal
Nichols
Nolan
O'Brien
Richmond
Rosenthal
Satterfield
Spellman
Stark
Stockman
Taylor
Thompson
Wampler
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wydler
Young, Alaska
Young, Fla.

☐ 1020

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7265, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentlewoman from Maryland (Mrs. HOLT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, on behalf of the Committee on Armed Services it is my privilege to bring before the House the bill H.R. 7265 with the unanimous recommendation of the committee for its passage.

H.R. 7265 would authorize appropriations for the national security and military applications of nuclear energy programs administered by the Department of Energy for fiscal year 1981. Other programs of the Department are included in other bills under the jurisdiction of other committees.

We have sought to eliminate from H.R. 7265 any programs which do not have national defense and national security applications.

Briefly, I will explain the highlights of the bill. But first, by way of background, I will say that the President's fiscal year 1981 budget request has been most thoroughly reviewed by the Subcommittee on Procurement and Military Nuclear Systems, which I have the honor to chair.

The subcommittee held 5 days of hearings during which we heard from many witnesses. In addition, a great deal of information was supplied for the record.

In arriving at its recommendations, the committee has considered the paramount objectives of the DOE's national security programs. These objectives are the production and maintenance of a reliable offensive and defensive nuclear deterrent for the United States. The committee gave first priority to the programs essential to these primary missions and made adjustments within a tight budget.

The committee include several small safety and security items requested as a fiscal year 1980 supplemental authorization.

The committee also considered certain situations which came about subsequent to the preparation of the budget request and which, in the committee's judgment, require a change in priorities for the next fiscal year.

Mr. Chairman, when the bill is read for amendments, I intend to offer three amendments which are supported by the administration by an amendment to the budget request for fiscal year 1981. The budget amendment requests increases in authorizations over the amount originally requested that total $132.1 million. The increases requested are primarily the result of greater than anticipated cost increases for materials, labor, utilities, and special metals. The amendments are crucial to the national defense.

The bill as reported by the committee is much more responsive to national security requirements than the budget request.

HIGHLIGHTS OF H.R. 7265

The bill, as approved by the committee on May 8 with a rollcall vote of 38 yeas and no nays, would authorize appropriations totaling approximately $3.5 billion—which is about $158 million below the amount requested.

Principal increases were made by the committee in operating expenses for weapons testing and research and development, and for defense nuclear materials production and byproducts management. These programs were substantially underfunded by the budget request.

The committee recommends reductions in operating expenses requested for one program which was poorly defined and justified by the information presented. The funds requested are needed by higher priority programs. Reductions are also recommended in several construction projects for which authorizations were requested in excess of required appropriations. Four small but necessary projects were added. The committee also recommends the consolidation of defense nuclear materials production and byproducts management functions under the direction of the Assistant Secretary of Energy for Defense Programs. This brings all aspects involved in the production, stockpiling and retirement of nuclear weapons under a single manager to improve the management of defense programs.

These changes are summarized on pages 2 and 3 of the report, and are explained in detail in other parts of the report.

The bill would continue the very important inertial confinement fusion research program. The bill would also authorize appropriations for the development of improved naval propulsion reactors, for technology to improve our ability to monitor foreign nuclear tests, and for nuclear materials security and safeguards.

Title II contains the general provisions of the bill. Those provisions are explained on pages 28 through 30 of the report.

Mr. Chairman, for more than three decades the nuclear arsenal of the United States has provided both the cutting edge of strategic capability and the shield of deterrence. Deterrence depends upon real military capability and the perceived will to use that capability if the supreme national interest is threatened. U.S. policy has promised both a sure and harsh retaliation in the event of an attack upon itself or its allies. That policy requires that the United States possess sufficient numbers of surviving strategic weapons and delivery systems after an attack with which to cause an unacceptable level of destruction upon a particular attacker.

In response to the military buildup by the Soviet Union, unprecedented in time of peace by any nation, the United States and its allies have found it necessary to strengthen and modernize their conventional and nuclear forces whether or not a strategic arms limitation treaty becomes a reality.

The President has presented plans to modernize U.S. NATO nuclear forces and to rely heavily upon new strategic systems such as the Trident, Missile-X, and various types of cruise missiles. This program will require that substantial additional resources be provided to the Department of Energy over the next several years. H.R. 7265 would authorize appropriations in support of the President's decisions.

While this authorization bill represents only about 2 percent of the President's total request for national defense for fiscal year 1981, its importance and contribution to our future strategic posture is much greater than this percentage indicates.

The bill deserves the support of the House and I ask its approval.

☐ 1030

Mrs. HOLT. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 7265 and wish to associate myself with the remarks of the distinguished chairman of the Committee on Armed Services and of the Subcommittee on Procurement and Military Nuclear Systems.

As Chairman PRICE has explained, this bill would authorize appropriations for a national security program of the Department of Energy (DOE) for fiscal year 1981. This bill is most important to the national security and to the defense of the United States.

While the defense programs of the DOE have little visibility, it is these programs which have provided and will continue to provide all of the deterrent power which resides in our strategic nuclear systems and in our tactical nuclear forces. All of the strategic missiles in our ICBM and SLBM forces would be useless unless they were supported by the research, development, testing and maintenance effort which this bill would support.

In addition, this bill supports the important naval reactors development program which is constantly improving the propulsion plants of our nuclear-powered Navy and the very important task of training naval reactor operators and supervisory personnel. One goal of the naval reactor development program is to develop a powerplant which will not have to be refueled during the 30-year life of a naval vessel. I predict that Admiral Rickover and his team of engineers and contractors will reach this goal.

Also supported by this bill are the nuclear materials security and safeguards program and the program for management of radioactive wastes in an environmentally safe manner.

The Committee on Armed Services reported H.R. 7265 on May 8 of this year. The Subcommittee on Procurement and Military Nuclear Systems conducted thorough hearings on the budget request and made certain structural changes in several programs. In addition, title II contains several housekeeping items which are needed for congressional oversight purposes.

I am frequently asked why structural and monetary changes are made to the submitted budget. Let me point out that in the exercise of its constitutional responsibilities to provide for the common defense and to provide for and maintain Armed Forces, the Congress plays a major role in maintaining the U.S. nuclear arsenal. It is the Congress which decides whether the types and numbers of weapons and delivery systems are sufficient to meet the needs generated by U.S. policies; whether or not arms control agreements lessen or increase risks to the national security; or whether the funds requested in the annual authorization and appropriations requests are sufficient to provide for the actual needs or for the requirements expressed in the annual "stockpile memorandum."

The requirement for new and improved weapons implies that sufficient funds must be provided for research and development, for testing, and for maintenance of the weapons stockpile in order to maintain a credible, reliable, and viable nuclear deterrent force. Also, the requirement for more rigorous standards for safety, security, and control of nuclear weapons implies the need for sufficient resources for those purposes. Since the defense programs of the Department of Energy are not exempt from compliance with EPA, OSHA, and numerous other costly regulations, the Congress must either provide funding for compliance or provide for exemptions from these provisions.

This bill is noncontroversial. H.R. 7265 was reported unanimously by the subcommittee and by the full Armed Services Committee. We have brought out a good bill. I support it and strongly recommend its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. Mr. Chairman, about 27 years ago when our nuclear program started the management of the laboratories which do the research and development on the nuclear weapons systems was given to the University of California to supervise and look after.

About 4 years ago, Governor Brown of California made a decision that he did not want the nuclear laboratories to be involved while under the jurisdiction of the University of California, to be involved in any nuclear weapons systems, that only peacetime use of nuclear energy should be worked on by the University of California which, of course, is under his jurisdiction because of the regents to the university that he has the authority to appoint.

We did not take this too seriously at first because we knew the feeling of the great majority of the regents of the university but in the bill 2 years ago the provision was put in which calls for a study to determine various options which might be made in the event the State of California decided they would no longer go ahead with the weapons systems programs in the laboratories at Livermore and Los Alamos, Los Alamos in New Mexico. That is not in the bill this year.

The result of that study was that the Government would have 90 days in which to withdraw from the contract with the university at any time it felt there was some danger to the programs which were traditionally a part of this work being done by the university, and put out the program to other educational institutions or to industry to assume the responsibility that has been taken by the University of California. The university on the other hand has a 2-year period in which to withdraw from any activities in the nuclear field as far as weapons systems are concerned.

Mr. Chairman, I merely take this time this morning to direct attention to this very important part of this DOE bill that has to do with our nuclear weapons systems to remind the House that this is still a very live issue. As the Governor is able to appoint more members of the board of regents, if factors become more dangerous, that he could accomplish the goals that he wants.

Mr. Chairman, I think we should be aware of this and be on notice that there may be other institutions in this great country of ours which may become interested and should be prepared in the event that California takes this untimely step, to step in and do what is necessary in this very, very important field.

I yield back the balance of my time.

☐ 1040

Mrs. HOLT. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I want to take a few minutes of the committee's time to bring to their attention a proposal that is floating around to take the guard force at an important installation, Los Alamos, and take them from an employee guard force and make it a contract guard force.

The circumstances are that there are about 250 guards needed. They have slots for about 150. Now, they maintain that, the best thing to do is get rid of the 150 who are presently employee guards and go out and contract with some private companies to furnish 250 contract guards.

Now, there are a number of things that bother me about that. First, the very basic idea of having a contract guard force that could strike at any time does not lend itself to very good security of an important installation.

The second thing is just from a cost standpoint. It seems to me that what happens when they go out and contract for the 250 employees, that then they are going to take those 150 slots and move them on to some other function of the Department of Energy. So we are going to have a double expense and not quite as good a security system.

What happens to the 150 guards who are there?

It is a direction that the Department of Energy is moving, which I would like to have this committee look at. I know this is not the proper place to offer an amendment to tell them to go very slowly on this thing, but I would like to have a little colloquy, if I may, with the members of the committee and ask them to have a hearing on this subject, because I think it is a dangerous direction that the Department of Energy is taking us in.

Would anyone from the committee, maybe the chairman of the committee, the gentleman from Illinois (Mr. PRICE), having brought that to the attention of the committee, would the gentleman look favorably upon having hearings and think that such hearings are necessary, rather than having moved in the direction that they are going?

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Illinois.

Mr. PRICE. I thank the gentleman for yielding.

The gentleman makes a helpful suggestion. The committee would be glad to hold hearings on that matter right after the first of the year when we come back.

Mr. LUJAN. I thank the gentleman. I appreciate that. In the meantime, if the committee would just keep an eye on it to see that nothing is done between now and the time that the hearings are held so that we might look into this matter in depth.

Mr. PRICE. We will try to do that also, try to keep in close contact with them.

Mr. LUJAN. I thank the chairman.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I have, if I might, a couple of questions related to the Rocky Flats Nuclear Weapons Plant.

I know that the chairman is familiar with the long-term study of the Rocky Flats Nuclear Plant in Colorado that is presently being conducted by the Department of Energy. I wonder if the chairman could tell us the status of that study?

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Illinois.

Mr. PRICE. The study to which the gentleman refers began in August of 1979 and it is estimated that it will take approximately 28 months at a cost of approximately $2.3 million. The study is a long-term reassessment of the Rocky Flats operation and is focusing on potential future safety standards to determine whether security modifications or additions to the plant might be required, as well as whether operations should be continued or relocated.

It should be understood that the Department of Energy made no request during the hearings on the present legislation for any change in the present purposes of Rocky Flats or for moving any portion of that facility to another location. Should the long-range study lead to a conclusion that some modification or relocation is warranted, authorization for such action would have to be requested in future legislation.

As a matter of interest, I think the Members of the House would like to know that the study itself grew out of the efforts of the distinguished gentleman from Colorado. Specifically, the Lamm-Wirth task force on Rocky Flats, which the gentleman established in 1974 in cooperation with Gov. Richard Lamm of Colorado, made a series of recommendations concerning Rocky Flats, and one of those recommendations became the basis for the present study. I think the gentleman has provided an important service to the Nation, as well as to his constituents, in his continuing concern for the future of the Rocky Flats operation.

Mr. WIRTH. Will the gentleman agree with me that the study should examine the ramifications of the unique nature of Rocky Flats for our total defense posture? In addition to the analysis of any changes at Rocky Flats that might be recommended for reasons of security, safety and efficiency, do you not also think it would be advisable for the study, given the present schedule of development and modifications, to examine the question of whether a redundant capability should be built into the system?

Mr. PRICE. The gentleman raises a valid point and I would assume that a thorough study would examine the need for redundancy in the system. In any case, we will bring the gentleman's views to the attention of the Department of Energy.

Mr. WIRTH. As the gentleman has stated, I have long taken a particular interest in the Rocky Flats plant and I strongly support the present study. I have worked closely with the Department of Energy on the study since its inception.

I am also interested in our defense nuclear capability as a whole. Nuclear installations around the country have been the subject of increasing controversy. Would the gentleman agree that the long term study of Rocky Flats might be helpful, not only for Rocky Flats but for the defense nuclear establishment as a whole and that it might serve as a model or examining questions relating to other nuclear installations around the country?

Mr. PRICE. The gentleman's point is well taken. There has been controversy surrounding nuclear facilities and the value of these facilities is not always fully understood. Broad community understanding of the purpose and value of our defense nuclear facilities is important and I think the gentleman from Colorado has provided a valuable service in improving the climate of understanding in the Rocky Flats area. Not only might the DOE study be a model for future studies of nuclear installations, but the process by which the study was undertaken and the initiative of the Lamm-Wirth task force could serve as a model for fostering responsive community action and better public understanding of our nuclear weapons complex.

Mr. WIRTH. I thank the gentleman.

□ 1050

Mrs. HOLT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I have two questions I would like to ask. One, is there any money in this for the development of neutron warheads, or is there any action in any way related to neutron warheads that would encourage their production?

The second question is, are there adequate provisions in this bill for the transportation and above all, the storage of nuclear wastes?

Mr. PRICE. The categorical answer to the gentlewoman's question is "No."

I can assure the gentlewoman that there is no authorization in this bill, or words in the committee's report, authorizing the production of enhanced radiation weapons which, incidentally, Pravda refers to as "neutron bombs."

I wish that this were not the case.

But I can assure the gentlewoman that we are in the same position that we were in when she was assured last year and the year before.

We are in the same position with respect to enhanced radiation weapons that we have been in since April 7, 1978. On April 7, 1978, President Carter, in an extraordinary demonstration of unilateral restraint, decided to defer—I emphasize the word "defer"—the production of ER weapons, while we observed the Russians for similar signs of restraint. We have been patiently watching and waiting ever since but have seen no restraint.

Since April 7, 1978, the Soviets have demonstrated "restraint" by invading Afghanistan, massing troops on the border of Iran, and continuing the massive buildup in their nuclear and conventional weapons.

In addition, there have been press reports that the Soviets themselves are going to develop ER weapons. France has announced a similar intention. But I can assure the gentlewoman that the United States has no present intention to do so.

Mrs. FENWICK. I thank the chairman.

In relation to the transportation and storage of nuclear wastes, are these provisions in this bill that would provide for that?

Mr. PRICE. Yes.

Mrs. FENWICK. Both these questions are of great importance to a number of people in my constituency. I am glad to have the chairman's reassurances.

I thank the chairman.

The CHAIRMAN. Are there further requests for time?

Mr. PRICE. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

Mrs. HOLT. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentlewoman for yielding the time.

I rise in strong support of this bill. The committee, as it usually does, comes out with a very fine, outstanding bill, but I am concerned, as the committee has shown its concern on page 7 of the report, having to do with meeting this country's commitment to meet the nuclear weapons stockpile memorandum requirements that annually the President must deliver to the Congress and to the country. The committee has shown its concern about the ability to meet those requirements.

Now, the administration, as the chairman has said, has shown unusual restraint. Whether that is good or bad remains to be seen; however, we have not been meeting any requirements of the stockpile memorandum and the committee has recognized that fact.

The Department of Energy has failed to come forth with any request for funds to meet that requirement. It suggests here in the report that the committee believes that there will be a shortfall in defense nuclear materials unless action is taken in fiscal year 1981.

Now, unfortunately, the Appropriations Committee has already acted upon the appropriations for this authorization. We have no appropriations, no funds available to meet the memorandum requirements.

What did the committee find as far as being able to meet the requirements of 3 years, and further out 5 years? I know this is somewhat classified, but is it true that unless we do have some type of supplemental appropriation, that we would not be able to meet this country's commitments under the memorandum?

I yield to the chairman for a response.

Mr. PRICE. Certainly, in reply to the final remarks of the gentleman, it is certainly true, what the gentleman is saying.

Mr. MYERS of Indiana. Well, in a discussion earlier this week when the House considered the second budget resolution, the chairman of the Budget Committee admitted under questioning that in this year's budget as it passed the House, there were no funds to meet this requirement and the chairman of the Budget Committee suggested that we on the Appropriations Committee would have to squeeze some money out of some other functional category. I do not know what is in the new budget as has now been compromised and in the conference report, but there was nothing in the second budget resolution that passed the House.

We are going to have to squeeze out some money. There was a request this week from the administration, from the Department of Energy, to meet this requirement. As I recall, the Department of Energy did request $147 million. That request was reduced by OMB to $112 million; but yet we have no functional category money to meet this requirement.

Mr. PRICE. There has been testimony before the Subcommittee on Procurement and Military Nuclear Systems as far back as June, which does show that an additional budget amendment is in preparation and has been a long time in preparation for the production of defense nuclear materials. Preliminary calculations show that about $140 million in additional authorizations will be required for the defense nuclear materials production program; so thought is being given to it.

Mr. MYERS of Indiana. I am sure there is thought but unfortunately, there is not much action, either from this administration, and there has not been in the past 3 years, nor is there from the Budget Committee. This is what concerns me. In the Budget Committee we are going to discuss this a little bit later when the Budget Committee considers it; but it is the feeling of this committee that this needs to be done. I take it this page here in the report is urgent. Would the gentleman call it urgent?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mrs. HOLT. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana.

Mr. PRICE. Mr. Chairman, if the gentleman will yield further, the gentleman is expresing the concern of all of us. We have the same concern the gentleman has.

Mr. MYERS of Indiana. Well, I hope this committee will join in urging the Appropriations Committee; it is too late, I guess, to urge the Budget Committee, to give funds, but it does discourage me and gives me some concern when we all talk about this need, but no one does anything about it. It is something like Mark Twain's comments about the weather. Everyone talks about the weather, but no one does anything about it.

As was stated in the colloquy with the gentlewoman from New Jersey, there is an urgency in the world situation; but yet it seems like the administration, as well as the Budget Committee, does not realize the same urgency.

I hope the committee in the days ahead will urge that we do get this supplemental appropriation, because the testimony we had was that there would be a definite shortfall.

Mr. PRICE. Things are being done about it. Our committee has been in contact with the Appropriations Committee and at times with the chairman of the particular subcommittee. We are trying to move it along.

Mr. MYERS of Indiana. But it is not very realistic for the Budget Committee to say, "Yes, we need to do it, but you will have to find the funds. Don't ask us to find the money."

Mr. PRICE. Well, of course, I personally have never been a great advocate of a third level committee, which we have, I might say.

● Mr. STARK. Mr. Chairman, I would like to take this opportunity to commend the Lawrence Livermore National Laboratory for its contribution to this Nation's defense.

Since 1952, every nuclear weapon in the U.S. arsenal has been designed at Livermore or Los Alamos Laboratory in New Mexico. These national laboratories, with their dedicated cadre of scientists, engineers, and technicians, are the real basis for our Nation's strategic capability and shield of deterrence. Their efforts have not only made the United States the world's most powerful and technically advanced nation, but have also led the way to technological advances in the development and production of new energy sources.

An excellent example of the twin goals of greater defense capacity and energy development exists in the inertial confinement fusion program at Livermore. While the short-term goal of this research is to provide scientists with a better understanding of the thermonuclear process, the long-term goal is safe and inexhaustible energy. I would like to commend the committee for their commitment to this excellent project and thank them for restoring fusion research funds that were severely cut by the administration.

I would also like to thank the committee for approving a special project to upgrade earthquake safety at Lawrence Livermore National Laboratory. Although no one was seriously injured during the magnitude 5.6 earthquake last January, some damage did occur and it became obvious that laboratory facilities needed upgrading to prevent serious damage during any future earthquakes. By authorizing a total of $5 million to start repairs and upgrading at Livermore and Sandia Laboratories, the committee will insure the 8,000 laboratory employees of a safe and secure environment in which to carry on their important work. I thank the committee for their interest and assistance in this matter.●

● Mr. LUNDINE. Mr. Chairman, I think we can all agree that it is vitally important that we maintain an adequate program in the area of research and development for the production and maintenance of our strategic nuclear force. While there are several important programs contained in H.R. 7265 which I feel are critically important to our overall national defense capability, I intend to vote against this bill because of other provisions which I cannot support.

Before describing to you my specific reasons for opposing this bill, I would like to particularly express my support for the inertial confinement fusion program authorized in this bill. I believe inertial confinement fusion can make an important contribution both to our nuclear weapons technological development and civilian energy development in this country. I applaud the strong support the Armed Services Committee has given this technology. As a member of the Science and Technology Committee with jurisdiction over civilan nuclear development, I look forward to continuing to work with the Armed Services Committee toward the development of an acceptable approach to management of inertial confinement fusion technology.

I intend to vote against this bill today for two reasons. First, I am deeply concerned regarding the provision in the bill which transfers authority for the management of defense nuclear wastes from the Assistant Secretary for Nuclear Energy to the Assistant Secretary for Defense Programs within the Department of Energy. Both civilian and defense nuclear wastes are currently managed by the same office within DOE to improve the efficiency and effectiveness of the overall national effort in the area of nuclear waste management. Development and implementation of a solution to the waste management problem resulting from the production of nuclear weapons, as well as those produced from our civilian nuclear operations are technological and managerially interlocked, and, therefore, should not be separated. To do so can only result in duplication of effort and complication of the task of developing a national system to dispose of all of our nuclear wastes.

I am further concerned regarding the designation in this bill of nuclear wastes as defense "byproducts" and of the committee action to increase funding for interim nuclear waste storage activities and cut back on funding for development of permanent disposal techniques. In this regard, I am supportive of the amendment offered by Congressman DERRICK to add $10 million in design work funds for the solidification of military nuclear waste at the Savannah River Waste Storage Site.

Development of acceptable permanent disposal techniques for the 75 million gallons of liquid nuclear waste from our defense programs, currently being stored in steel tanks for interim management, has been ignored too long and must be given priority attention. A strong technological base in the nuclear waste area has been developed by the Federal Government to permit us to proceed to address both our defense and commercial nuclear waste management problems. I am convinced that the committee action to separate our defense nuclear wastes into a separate administrative category is not in the best interest of this objective. Instead, the committee position on this issue is likely to result in duplication of effort, increased administrative costs, and programatic chaos and delay.

Second, I intend to vote against this bill because it contains $10 million to provide facilities to produce MX missile warheads. I have consistently opposed efforts to proceed with development of the MX missile system and therefore cannot support this allocation of funds to this project.●

Mrs. HOLT. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk proceeded to read section 1.

H.R. 7265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, $137,000,000, to be allocated as follows:

(A) For glass laser experiments, $69,800,000.

(B) For gas laser experiments, $38,000,000.

(C) For particle beam experiments, $15,400,000.

(D) For supporting research and experiments, $12,525,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, $1,275,000.

(2) For the naval reactors development program, $250,350,000, including $10,350,000 for program direction.

(3) For weapons activities, $1,696,723,000, to be allocated as follows:

(A) For research and development, $478,064,000.

(B) For weapons testing, $286,000,000.

(C) For production and surveillance, $895,000,000.

(D) For program direction, $37,659,000.

(4) For verification and control technology, $38,591,000, including $1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, $640,055,000, to be allocated as follows:

(A) For production reactor expenses, $200,907,000.

(B) For the processing of defense nuclear materials, $92,019,000.

(C) For supporting services, $80,939,000, of which $15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $26,890,000.

(E) For special isotope separations research, $14,815,000.

(F) For decontamination and decommissioning, $4,000,000.

(G) For interim waste operations, $149,940,000.

(H) For long term waste management technology, $62,500,000, of which $5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96–164.

(I) For transportation research and development, $5,000,000.

(J) For program direction $3,045,000, of which $1,330,000 shall be used for materials production and $1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), $43,304,000, including $3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81–D–101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,000.

Project 80–AE–11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000, for a total project authorization of $15,300,000.

Project 80–AE–12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000 for a total project authorization of $7,600,000.

Project 75–3–b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000, for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81–T–111, general plant projects, various locations, $3,300,000.

Project 81–T–112, modifications and additions to prototype facilities. various locations, $13,000,000.

Project 81–T–113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000. (3) For weapons activities:

Project 81–D–102, general plant projects, various locations, $28,900,000.

Project 81–D–103, plant engineering and design, various locations, $4,600,000.

Project 81–D–104, heavy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81–D–105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

Project 81–D–106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 81–D–107, utilities and equipment restoration, replacement, and upgrade, various locations, $31,000,000.

Project 81–D–108, reactor support facilities, Sandia National Laboratories, New Mexico, $2,000,000.

Project 81–D–110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project 81–D–111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81–D–115, MX warhead production facilities, various locations, $10,000,000.

Project 81–D–116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, $75,000,000.

Project 81–D–119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81–D–121, upgrade weapons staging area roads, Pantex Plant, Texas, $1,600,000.

Project 81–D–133, Earthquake damage restoration, Ernest Orlando Lawrence Livemore National Laboratory. $3.000.000.

Project 81–D–134, Earthquake damage restoration, Sandia National Laboratory at Livermore, California, $2.000.000.

Project 80–AE–5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 80–AE–6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of $29,900,000 for a total project authorization of $69,300,000.

Project 79–7–p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

(4) For materials production and byproducts management:

Project 81–D–123, general plant projects, various locations, $15,600,000.

Project 81–D–124, plant engineering and design, various locations, $4,200,000.

Project 81–D–125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, $5,100,000.

Project 81–D–128, restoration of production capabilities, various locations, $34,100,000.

Project 81–D–131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

Project 77–13–a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $34,000,000, for a total project authorization of $149,400,000.

Project 81–T–101, general plant projects, various locations, $9,140,000.

Project 81–T–102, plant engineering and design, various locations, $5,130,000.

Project 81–T–103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 81–T–104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $5,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $800,000;

(E) for materials production and byproducts management, $57,907,000 of which

$35,400,000 shall be used for materials production and $22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

SEC. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action, or unless each committee before the expiration of such period has transmitted to the Secretary written notice to the effect that it has no objection to the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total cost of all general plant projects carried out under this Act exceed by more than 10 percent the total amount authorized to be appropriated for such projects under this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs and may obtain architectural and engineering services in connection with any proposed construction projects.

(b) In any case in which the estimated design cost for any construction project is in excess of $400,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 206. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 207. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

SEC. 212. Before the expiration of the current contract between the Department of Energy and the Washington Public Power Supply System the Secretary of Energy shall negotiate price in a new contract for the delivery of byproduct steam from the N-reactor based on the fair market replacement value of the steam rather than cost of production of the steam.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments.

AMENDMENTS OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. PRICE: On page 3, line 5, strike out "$1,696,723,000" and insert in lieu thereof "$1,804,823,000";

On page 3, line 8, strike out "$478,064,000" and insert in lieu thereof "$501,064,000";

On page 3, line 11, strike out "$895,000,000" and insert in lieu thereof "$980,100,000";

On page 8, after line 12, insert the following:

"Project 79-7-e production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of $13 million, for a total project authorization of $23 million."

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Chairman, the amendments I am now offering are necessary to sustain the fiscal year 1981 nuclear weapons program that the President has submitted to the Congress.

The amendments are in support of the President's amended budget request and would increase the total authorizations in the bill by $121.1 million.

The amendments would add $23 million to the weapons research and development effort and $85.1 million for the operation of the weapons complex. The last amendment would provide an additional authorization of $13 million for a construction project now in progress at the Pantex plants near Amarillo, Tex.

Mr. Chairman, the amounts recommended by the committee in H.R. 7265 were based on testimony taken earlier this year, and on a joint report submitted by the Secretary of Energy and the Secretary of Defense. More recently, testimony received by the committee shows that the amounts originally requested will not support the nuclear weapons stockpile plan approved by President Carter.

Unless additional funds are authorized and appropriated, the weapons program will be disrupted for several years, deliveries of certain weapons to the Department of Defense cannot be made. The entire research, development, and production operation will have to be phased down.

The shortfalls in the amounts requested result from higher than the anticipated 8-percent inflation rate for labor, materials, energy, utilities, and special metals. The actual inflation rate experienced for fiscal year 1980 has been about 15 percent.

Mr. Chairman, the increased amounts requested, and included in these amendments, are well justified and are required for national defense and security. I move the adoption of the amendments.

☐ 1100

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. Price).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Derrick: On page 9, after line 19, insert the following:

Project 81-D-135, Defense waste processing facility, stage I; Savannah River Plant, South Carolina (design, engineering, and site exploration only), $10,000,000.

Mr. DERRICK. Mr. Chairman, the Savannah River Plant is the only source of new plutonium and tritium for the U.S. nuclear weapons program and is the only place in the United States where high-level nuclear waste is still being produced. In the plant's operations since 1954, approximately 68 million gallons of this high-level nuclear waste has been generated. This radioactive waste has been reduced to 23 million gallons of sludge which is now safely stored in steel tanks. My amendment would provide funds for the design and engineering of a defense waste processing facility which would change the waste now stored as sludge, liquid, and salt cake into solid forms, such as borosilicate glass and essentially nonradioactive salt. The actual output from the defense waste processing facility is expected to be 1 million "gallons" of borosilicate glass logs and 16 million gallons of salt which contains one ten-thousandths of 1 percent of the radioactivity it initially contained. This also represents an overall reduction of some 7 million gallons of waste—a reduction of about 30 percent.

Stage I of the facility, which my amendment will initiate, will cost about $500 million and should be in operation by 1987. Stage I will encapsulate the sludge, which constitutes about 10 percent of the total volume but which contains about 60 percent of the total radioactivity, and the long-lived elements such as plutonium.

Stage II of the waste processing facility will clean up the liquids and salts by removing the entrained cesium. Stage II is projected to cost about $700 million. Design of stage II could start in the next few years.

I would like to point out that if the defense waste processing facility is not built, it will require 5 to 12 new tanks over the next 10 years just to hold the newly generated waste. This will cost $60 to $150 million. Since the waste must eventually be solidified for permanent disposal in some sort of terminal storage facility, it makes good economic sense to start the defense waste processing facility now and not have to build new tanks.

Funds were not authorized in H.R. 7265 for the facility because plans had not been completed by May 13, 1980, when the bill was reported to the House.

I recommend that the amendment pass.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, I would like to say on behalf of this side of the aisle that the gentleman from South Carolina (Mr. Derrick) has discussed this amendment with me and I find it to be a desirable and acceptable amendment. As the gentleman has stated, the Committee on Armed Services was not advised of the revised plans for the defense waste processing facility at the Savannah River plant, located in the gentleman's district, until several months after we reported H.R. 7265 out of the committee. We have been concerned about the lack of progress toward such a facility by the administration for several years. The facility that the gentleman's amendment would begin is cost effective and would immobilize the defense wastes at Savannah River in an environmentally sound manner at the earliest practical time. In addition, the technology applied in this project will be available in the processing of wastes which result from nuclear power reactors.

Mr. DERRICK. I thank the gentleman.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. DERRICK. I yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment of the gentleman from South Carolina (Mr. Derrick) on this side and have no objection to it. In fact, I believe that it is an excellent amendment.

Mr. DERRICK. I thank the gentlewoman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. Derrick).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Seiberling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7265) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes, pursuant to House Resolution 687, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIAIMO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 39, not voting 60, as follows:

[Roll No. 648]

YEAS—333

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Edwards, Calif.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, Okla.
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McDonald
McEwen
McHugh
McKay
McKinney
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta

Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stanton
Steed
Stenholm
Stewart
Stratton
Stump
Swift
Symms
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Van Deerlin
Vander Jagt
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—39

Bedell
Beilenson
Burton, John
Burton, Phillip
Cavanaugh
Chisholm
Clay
Conyers
Crockett
Dellums
Dicks
Drinan
Edgar
Fenwick
Gray
Harkin
Hawkins
Holtzman
Johnson, Colo.
Kastenmeier
Leland
Lundine
Markey
Mikulski
Miller, Calif.
Mitchell, Md.
Moffett
Ottinger
Paul
Rahall
Rangel
Richmond
Seiberling
Stangeland
Stokes
Studds
Vanik
Weaver
Weiss

NOT VOTING—60

Ambro
Anderson, Ill.
Ashley
Baldus
Barnard
Bevill
Bolling
Breaux
Brooks
Brown, Ohio
Burgener
Collins, Ill.
Corcoran
Corman
Cotter
Crane, Philip
Dickinson
Early
Eckhardt
Edwards, Ala.
Emery
Ford, Tenn.
Garcia
Ginn
Hall, Ohio
Horton
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
Kemp
Lehman
Levitas
McCloskey
McCormack
McDade
Madigan
Maguire
Martin
Murphy, Ill.
Murphy, N.Y.
Murtha
Neal
Nedzi
Nolan
O'Brien
Pursell
Shannon
Spellman
Stark
Stockman
Taylor
Thompson
Ullman
Wampler
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Young, Alaska

The Clerk announced the following pairs:

Mr. Thompson with Mr. Emery.

Mr. Cotter with Mr. O'Brien.

Mr. Jones of Tennessee with Mr. Pursell.

Mr. Murphy of New York with Mr. Brown of Ohio.

Mr. Ginn with Mr. Philip M. Crane.

Mr. Breaux with Mr. Madigan.

Mr. McCormack with Mr. Kemp.

Mr. Levitas with Mr. McDade.

Mr. Jenrette with Mr. Edwards of Alabama.

Mr. Shannon with Mr. Cochran.

Mr. Murtha with Mr. Burgener.

Mr. Ullman with Mr. Dickinson.

Mr. Stark with Mr. Bob Wilson.

Mr. Nolan with Mr. Stockman.

Mr. Barnard with Mr. Horton.

Mr. Baldus with Mr. Wampler.

Mr. Ashley with Mr. McCloskey.

Mr. Ambro with Mr. Martin.

Mr. Bevill with Mr. Young of Alaska.

Mr. Brooks with Mr. Taylor.

Mr. Garcia with Mr. Whitehurst.

Mr. Ford of Tennessee with Mr. Maguire.

Mrs. Collins of Illinois with Mr. Kelly.

Mr. Corman with Mr. Hall of Ohio.

Mr. Early with Mr. Lehman.

Mr. Eckhardt with Mr. Williams of Ohio.

Mr. Nedzi with Mr. Neal.

Mr. Murphy of Illinois with Mr. Jones of North Carolina.

☐ 1120

Mr. CAVANAUGH and Mr. YATES changed their votes from "yea" to "nay."

Mr. DAVIS of Michigan and Mr. YATES changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Defense Programs Authorization Act of 1981".

TITLE I—NATIONAL DEFENSE PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national defense programs as follows:

(1) For inertial confinement fusion, $159,500,000.

(2) For naval reactors development, $250,350,000.

(3) For weapons activities, $1,816,692,000.

(4) For verification and control technology, $40,591,000.

(5) For materials production, $481,935,000.

(6) For defense nuclear waste management, $265,655,000.

(7) For nuclear materials security and safeguards development, $47,004,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities; land acquisition related thereto; and acquisition and fabrication of capital equipment not related to construction) necessary for national defense programs, as follows:

(1) For inertial confinement fusion:

Project 81–D–101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,000.

Project 80–AE–11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000.

Project 80–AE–12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 75–3–b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000 for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81–T–111, general plant projects, $3,300,000.

Project 81–T–112, modifications and additions to prototype facilities, various locations, $103,000,000.

Project 81–T–113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000.

(3) For weapons activities:

Project 81–D–102, general plant projects, $28,900,000.

Project 81–D–103, plant engineering and design, $10,000,000.

Project 81–D–104, havy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81–D–105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

Project 81–D–106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California. $6,600,000.

Project 81–D–107, utilities and equipment restoration, replacement, and upgrade, Phase I, RDTE complex, various locations, $31,000,000.

Project 81–D–108, reactor support facility, Sandia National Laboratory, New Mexico, $9,000,000.

Project 81–D–110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project, 81–D–111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81–D–112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, $4,100,000.

Project 81–D–114, exhaust plenum modifications, Rocky Flats Plant, Golden, Colorado, $10,500,000.

Project 81–D–115, M–X warhead production facilities, various locations, $10,000,000.

Project 81–D–116, utilities and equipment restoration, replacement, and upgrade, Phase II, production complex, various locations, $115,000,000.

Project 81–D–119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81–D–120, control of effluents and pollutants, Y–12 Plant, Oak Ridge, Tennessee, $6,400,000.

Project 81–D–121, upgrade weapons staging area roads, Pantex Plant, Amarillo, Texas, $1,600,000.

Project 80–AE–5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 79–7–e, production and assembly facilities, Pantex Plant, Amarillo, Texas, an additional sum of $13,000,000 for a total project authorization of $23,000,000.

Project 79–7–p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

(4) For materials production:

Project 81–D–123, general plant projects, $14,600,000.

Project 81–D–124, plant engineering and design, $4,200,000.

Project 81–D–125, N-reactor safety and environmental improvements, Richland, Washington, $5,100,000.

Project 81–D–126, pollution abatement facilities, Richland, Washington, $1,000,000.

Project 81–D–128, restoration of production capabilities, various locations, $68,400,000.

Project 81–D–131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

Project 81-D-141, hangars for N-reactor irradiated fuel storage, Richland, Washington, $5,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $7,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, $18,000,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $34,000,000 for a total project authorization of $149,400,000.

(5) For defense nuclear waste management:

Project 81-T-101, general plant projects, $9,140,000.

Project 81-T-102, plant engineering and design, $9,865,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $20,000,000.

Project 81-T-106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, $10,000,000 (AE only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of $29,000,000, for a total project authorization of $119,000,000.

(6) For capital equipment not related to construction—

(A) for inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $300,000;

(E) for materials production, $38,700,000;

(F) for defense nuclear waste management, $25,000,000; and

(G) for nuclear materials security and safeguards development, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary is authorized to carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of such construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of such project is revised due to unforeseen cost variations and the revised cost of such project exceeds $1,000,000 the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of any construction project which is authorized by section 102 of this Act, or which is in support of the national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent (1) the amount authorized for such project, or (2) the amount of the total estimated cost for such project as shown in the most recent budget justification data submitted to Congress, such project may not be started or additional obligations incurred in connection with such project, as the case may be, unless a period of 30 days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or unless each such committee before the expiration of such period has notified the Secretary that such committee has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and such funds so transferred may be merged with the appropriations of the agency to which such funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform such planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that such design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENT FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

ENHANCED RADIATION WARHEADS

SEC. 210. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70-3 and the W79-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 211. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and shall submit the plan and his recommendations to the Congress not later than October 1, 1981.

MOTION OFFERED BY MR. PRICE

Mr. PRICE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PRICE moves to strike out all after the enacting clause of the Senate bill, S. 3074, and to insert in lieu thereof the provisions of H.R. 7625, as passed, as follows:

That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, $137,000,000, to be allocated as follows:

(A) For glass laser experiments, $69,800,000.

(B) For gas laser experiments, $38,000,000.

(C) For particle beam experiments, $15,400,000.

(D) For supporting research and experiments, $12,525,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, $1,275,000.

(2) For the naval reactors development program, $250,350,000, including $10,350,000 for program direction.

(3) For weapons activities, $1,804,823,000, to be allocated as follows:

(A) For research and development, $501,064,000.

(B) For weapons testing $286,000,000.

(C) For production and surveillance, $980,100,000.

(D) For program direction, $37,659,000.

(4) For verification and control technology, $38,591,000, including $1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, $640,055,000, to be allocated as follows:

(A) For production reactor expenses, $200,907,000.

(B) For the processing of defense nuclear materials, $92,019,000.

(C) For supporting services, $80,939,000, of which $15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $26,890,000.

(E) For special isotope separations research, $14,815,000.

(F) For decontamination and decommissioning, $4,000,000.

(G) For interim waste operations, $149,940,000.

(H) For long term waste management technology, $62,500,000, of which $5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96–164.

(I) For transportation research and development, $5,000,000.

(J) For program direction $3,045,000, of which $1,330,000 shall be used for materials production and $1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), $43,304,000, including $3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

Sec. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81–D–101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,000.

Project 80–AE–11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000, for a total project authorization of $15,300,000.

Project 80–AE–12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000 for a total project authorization of $7,600,000.

Project 75–3–b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000, for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81–T–111, general plant projects, various locations, $3,300,000.

Project 81–T–112, modifications and additions to prototype facilities, various locations, $13,000,000.

Project 81–T–113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000.

(3) For weapons activities:

Project 81–D–102, general plant projects, various locations, $28,900,000.

Project 81–D–103, plant engineering and design, various locations, $4,600,000.

Project 81–D–104, heavy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81–D–105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

Project 81–D–106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 81–D–107, utilities and equipment restoration, replacement, and upgrade, various locations, $31,000,000.

Project 81–D–108, reactor support facilities, Sandia National Laboratories, New Mexico, $2,000,000.

Project 81–D–110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project 81–D–111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81–D–115, MX warhead production facilities, various locations, $10,000,000.

Project 81–D–116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, $75,000,000.

Project 81–D–119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81–D–121, upgrade weapons staging area roads, Pantex Plant, Texas, $1,600,000.

Project 81–D–133, Earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, $3,000,000.

Project 81–D–134, Earthquake damage restoration, Sandia National Laboratory at Livermore, California, $2,000,000.

Project 80–AE–5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 80–AE–6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of $29,900,000 for a total project authorization of $69,300,000.

Project 79–7–p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

Project 79–7–e production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of $13,000,000, for a total project authorization of $23,000,000.

(4) For materials production and byproducts management:

Project 81–D–123, general plant projects, various locations, $15,600,000.

Project 81–D–124, plant engineering and design, various locations, $4,200,000.

Project 81–D–125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, $5,100,000.

Project 81–D–128, restoration of production capabilities, various locations, $34,100,000.

Project 81–D–131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

Project 77–13–a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Enigneering Laboratory, Idaho, an additional sum of $34,000,000, for a total project authorization of $149,400,000.

Project 81–T–101, general plant projects, various locations, $9,140,000.

Project 81–T–102, plant engineering and design, various locations, $5,130,000.

Project 81–T–103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Enginering Laboratory, Idaho, $15,000,000.

Project 81–T–104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $5,000,000.

Project 81–D–135, Defense waste processing facility, stage I; Savannah River Plant, South Carolina (design, engineering, and site exploration only), $10,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $800,000;

(E) for materials production and byproducts management, $57,907,000 of which $35,400,000 shall be used for materials production and $22,507,000 shall be used for byproducts managemnt; and

(F) for nuclear materials security and byproducts management; and

TITLE II—GENERAL PROVISIONS

REPROGRAMING

Sec. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action, or unless each committee before the expiration of such period has transmitted to the Secretary written notice to the effect that it has no objection to the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

Sec. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total cost of all general plant projects carried out under this

Act exceed by more than 10 percent the total amount authorized to be appropriated for such projects under this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs and may obtain architectural and engineering services in connection with any proposed construction projects.

(b) In any case in which the estimated design cost for any construction project is in excess of $400,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 206. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 207. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

SEC. 212. Before the expiration of the current contract between the Department of Energy and the Washington Public Power Supply System the Secretary of Energy shall negotiate price in a new contract for the delivery of byproduct steam from the N-reactor based on the fair market replacement value of the steam rather than cost of production of the steam.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7265) was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7265, DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION ACT OF 1981

Mr. PRICE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 7265) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes, the Clerk be authorized to make necessary technical corrections, including section numbers, punctuation and cross references, as may be necessary.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1130

WHY AUTO COMPANIES ARE TOO BIG

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Americans have been shocked that some of our greatest companies which we thought were the most powerful and progressive in the world lost their supremacy and a large part of their market to smaller and far less distinguished companies abroad. This patent decline in the giant American companies in automobiles, steel, tires, and consumer electronics, to name a few industries, was not only almost disastrous to the national economy but painfully embarrassing to the Nation as well as to these defeated champions. There have been many reasons offered for the toppling of so many American economic giants.

The usual reasons given are foreign competition by competitors who pay less wages and have more government help than their major companies get. There are those who assess the failure of our giant companies in the competitive market of our own country as well as in the world upon these companies themselves—to the same disability which brought down the ancient dinosaur—bigness. They fell victims first, I imagine, to decline and then to extinction. They suffered from the disaster of persistent bigness.

This is the thesis ably presented by a distinguished long-time friend of mine, a resident of Palm Beach, Fla., who has long and very successfully specialized in advice and negotiations on corporate mergers and reorganizations, Mr. Arthur Burck. Mr. Burck presents his views under "Ideas and Trends" in Business Week of November 17, 1980, page 18, et seq. Mr. Burck ably points out how, for example, the big automobile companies refused to convert to small cars with a loss in plant equipment that would entail and continued to reap the big profits derived from the manufacture and sale of large cars. This attitude was due primarily to the inertia of the big companies in respect to change, the lack of incentive to decentralize—to break up into smaller units—because each's competitive situation was satisfactory in America and they all failed to perceive the movement of the American consumer toward smaller cars.

Mr. Burck, I believe, has given us all serious cause for concern about the top-heavy economic structure of the major enterprises of this country. At a time when we are talking about tax incentives to enable American business thoroughly to modernize, we might well consider, in the opinion of Mr. Burck, providing more incentive by breaking down the big giants into smaller and more competitive parts.

Mr. Burck is speaking the language which was heard in the days of Theodore Roosevelt and in later days when Standard Oil and some of the big utilities were broken up. Mr. Burck may be a prophet.

At least his thoughtful article is worthy of not only reading but of most earnest consideration by those who want to see America not only in military might but industrial leadership as well soar again into world supremacy.

Therefore, Mr. Speaker, I include the able comments of Mr. Burck to be incorporated at this point in the body of the RECORD:

WHY AUTO COMPANIES ARE TOO BIG

(By Arthur Burck)

With hundreds of communities already blighted by the widening unemployment among the auto companies and their helpless suppliers, it is vital that we rebuild a sound industry. To do so, we must know why the industry failed to make a timely response to the inevitability of small cars.

The small-car market was nothing that came on suddenly. Indeed, about 20 years ago, many leaders in the world auto industry were already convinced that American consumers were ready. Most European leaders agreed.

If so many automotive people could see the inevitability of the small car, why not the managers in Detroit? Were they afflicted with myopia, stupidity, ostrich-like tendencies, or plain greed in not wanting to lose the huge profits engendered by big cars? Perhaps some of these factors entered into the equation, but it is unthinkable that an entire industry could be ill-managed for so long.

The simple reality is that the Detroit managers had no choice. They were locked into a situation that resulted from the concentrated structure of the industry: one behemoth and two giants. With countless billions tied up in plants, tools, dies, and products that would become obsolete with a drastic size change, managers naturally resisted steps that would jeopardize the huge investment, especially since large cars were so profitable and there was no real threat (so they thought) from domestic or foreign competitors.

The inertia into which auto managers so naturally slipped was recently noted by a former top General Motors Corp. official, John DeLorean: "Like any established industry, it's easier to keep doing what you are doing than to stand back and ask what the public really wants. Now they've been dragged kicking and screaming into the small car era, more by the government's fuel economy standards than by anything else, and thank God for that. Or they'd be doing half the business they're doing now."

The failure of huge companies to react to changing conditions is by no means unusual; major developments rarely emerge from the giants of industry. Just as Eastman Kodak Co. failed to pioneer the instant camera and most major innovations came from small companies, the Big Three could not be expected to endanger their established positions by radical changes until foreign companies had taken the lead.

NO COINCIDENCE

In sum, there is no doubt that long ago we would have had a thriving small car industry if the industry had been comprised of 6 to 10 vigorous competitors instead of the three giants.

In recent years many other American industries have also been relegated to second-rate status by foreign competitors—steel, tires, and consumer electronics are a few examples. It is noteworthy that the victims usually are industries that are concentrated and dominated by huge companies. For example, the fact that U.S. Steel Corp. had $11 billion in assets and Bethlehem Steel Corp. $5 billion didn't prevent nimble foreigners from obsoleting their technology and plants—indeed, it was their very size in a concentrated industry that made them vulnerable.

LESSONS AND QUESTIONS

There is one overriding lesson to be learned from the experience of these declining industries. It is that when we permit any industry to become too concentrated—especially when we permit any one company to reach the size of General Motors—we imperil not only the nation itself but also the huge companies that are rendered immobile to change by reason of their giant size.

In the meantime, takeovers of huge companies have become a way of life in industrial America. Aren't these huge amalgamations planting the seeds for further erosion of the nation's industrial position? It should not be forgotten that the concentration of the auto industry resulted from the merger wave that inundated that industry in the '20s, just as the giants in steel emerged from the nation's first merger binge late in the last century.

Isn't it time that our national policy should be changed so as to encourage the largest number of viable competitors by (1) discouraging mergers between huge companies, and (2) deconcentrating industries where there are too few competitors?

One deeply imbedded instinct we share with the Russians is that big is good, and so it is not surprising that there has been currency for the notion that "what is good for General Motors is good for the nation." No wonder it seems almost heretical to propose deconcentration—indeed, I myself opposed breaking up the huge companies some years ago in testimony before three congressional committees.

Yet in view of the wreckage we now see everywhere on our industrial scene, isn't it imperative that we seek new solutions for restoration of our industrial creativity and innovation? We now have ample proof that, like the dinosaurs, the huge industrial bureaucracies have outgrown their day of usefulness in a hotly competitive world where innovation is the name of the game.

Breaking up companies is not as harsh a remedy as everyone thinks—indeed, stockholders will invariably benefit. Why? Today's economic reality is that the parts of most huge underperforming companies are worth much more than the whole; i.e., their stock is selling at less than the proceeds realizable from selling off piecemeal the underlying assets. Most big companies have squirreled away an unbelievable array of infertile assets or peripheral businesses not germane to the main corporate thrusts. That process has been nurtured by the high tax rates that since the '40s have warped the conduct of corporate managers in retaining unneeded earnings that often are then spent on questionable investments and uses, spurred by a corporate spending philosophy that expects Uncle Sam to pay about half the cost.

What oil is to the Arabs, capital is to America—our most valuable economic asset, which should be husbanded and fully utilized.

Moreover, the capital that can be thus freed up could finance the smaller spin-off companies that emerge from the breakup, even in industries that now cannot attract capital because of depressed earnings. For example, General Motors, for its cash bequest to its offspring, could free up countless billions through sale of its locomotive and bus businesses—operations that many deem are in social conflict with its basic auto business—as well as other nonautomotive assets such as its finance and insurance subsidiaries. Similarly, most candidates for breakup have huge assets having no relation to their basic businesses.

Incidentally, the profit potentials that lurk in voluntary breakups already underlie the strategies of the leading takeover artists, the entrepreneurs engaged in leveraged buyouts, and astute and creative managers. For example, just note the many recent headlines about the voluntary pruning programs or proposed split-ups of major companies, such as Borden, Esmark, Ashland Oil, IU International, W. R. Grace, and UV Industries. In other words, we are already in a period where breakups are in fashion among perceptive managers who are interested primarily in improved values for stockholders.

THE FIGHT TO OBFUSCATE

To be sure, dilution of power will hold little appeal for managements interested primarily in preserving the status quo, and most managements of companies in concentrated industries have minuscule stockholdings It can therefore be expected that the industries that have fared worst for stockholders and workers will be the battlegrounds of the coming struggle to obfuscate the need for deconcentration.

Once before, on a much smaller scale, the nation faced the need to break up an entire industry, the huge public utility empires that were created through the helter-skelter mergers of the '20s. The dismantling of the holding companies by the Securities & Exchange Commission left a much healthier utilities industry, benefiting consumers, stockholders, and workers. I speak with some knowledge because as a young SEC lawyer I was involved in the breakup of giant utility holding companies such as Associated Gas & Electric.

The voices that now oppose the remedy raise most of the same arguments that were rejected by Congress when it enacted the Public Utility Holding Company Act of 1935. For example, now as then, a major outcry is about the imagined problems that the split-up companies could face in obtaining needed capital, especially since many breakup candidates are already wallflowers in the capital markets. That was the position of the entire utility holding company industry in the '30s. Indeed, the two largest empires ended up in bankruptcy reorganization, but despite the predictions of doom by those who fought the break-up legislation, no sound utility ever foundered, even where there were the dual hurdles of deconcentration and reorganization.

Moreover, as previously noted, the proceeds from selling assets should provide enough capital for most, if not all, of the split-up companies. Be that as it may, the time has come when the nation needs some sort of "disaster insurance" program to finance failing corporations as an alternative to Chrysler-style taxpayer bailouts. Legislation is needed for creation of a huge capital pool, to be managed by private enterprise. for major investments in troubled situations where orthodox financing is unavailable.

DECONCENTRATION

With respect to the auto industry, a new question is emerging. The world industry is now in a state of flux as foreign car companies begin to consolidate and concentrate in a natural counteraction to the size of our companies. Some experts therefore predict the time will come when the entire world auto industry becomes concentrated, with only a couple of gargantuan companies in each of the main continents. If this might happen, they ask, can we afford to deconcentrate in spite of the risk of injury to our industry?

Proponents of deconcentration answer that: (1) the motive for foreign concentration stems from the desire to cope with the inordinate size of U.S. giants; if we fractionalize, the impetus of foreigners will abate; (2) just as small and nimble foreign companies have routed our giants, so we will be able to move advantageously against them if they augment their size and thereby develop the immobility that has afflicted our industry; and (3) the coming decade undoubtedly will see the proliferation of alternate power sources for vehicles that could completely change the character of the industry. Should we stifle such innovation and allow the industry to immobilize itself with the new generation of small cars powered by internal combustion engines that have undergone little basic change in 50 years?

Unquestionably, the time has come when we must take a hard look at deconcentration. Perhaps, instead of resorting to legislative fiat, we should undertake to get as much of the job done as possible by creating tax incentives—or disincentives based on graduated income taxes based on size—that motivate managements to effect size reductions through spinoffs, divestitures, or other voluntary breakups. If there is irony that one who has spent most of a lifetime in merging activities now proposes de-merging as the salvation of the free enterprise system, so be it.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT AUTHORIZATIONS EXTENSION

Mr. ROE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 3152) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such acts for 2 additional years and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I do not plan to object, but I would take this time to yield to my distinguished and able subcommittee chairman to explain to us his request.

Mr. ROE. Mr. Speaker, it is the intent of the chairman of the committee to introduce an amendment that will extend this legislation for the following reasons, that we have been in conference with the Senate, as the gentleman from Arkansas knows, for the last 6 or 7 months and we have not been successful in adjusting and adjudicating our differences of opinion between the Senate version and House version of this legislation and we think it is in the interests of the programs to keep them moving and provide the funding that is necessary to extend them for a 3-year period, in which case the gentleman from New Jersey will be offering an amendment to extend these programs for a 3-year period.

Mr. HAMMERSCHMIDT. Mr. Speaker, a bill to extend through fiscal year 1982 the programs under the Economic Development Administration, the title V regional commissions, and the Appalachian Regional Commission. This bill passed the other body on September 26. It is a result of the breakdown in deliberations between the House and Senate conferees on S. 914. The conference could not agree to terms of amendments to these programs so we have decided to extend the current law through fiscal year 1982, and try again to produce amendments to these acts agreeable to both bodies.

Since its enactment in 1965, the Public Works and Economic Development Act has been broadened by a succession of amendments that, among other things, added programs directed to economic recovery for disaster areas (title VIII); special economic adjustment assistance for areas experiencing, or anticipating, significant structural economic dislocations, especially those resulting from Federal activities (title IX); and job opportunities emergency assistance to areas suffering from unusually high levels of unemployment (title X). Although titles VIII and X are dormant, they did serve a purpose and addressed immediate needs.

In addition, other legislation gave EDA administrative responsibilities over related programs: The Trade Act of 1974 authorized programs to aid communities and firms impacted by foreign imports and the Public Works Employment Act of 1976 and 1977, authorized 100-percent grants for the local public works program. This act was a major piece of antirecession legislation to help State and local governments accelerate economic recovery by targeting local public works construction programs in areas of high unemployment.

The EDA statement of purpose has been broadened over the years, from ARA's original mission which in turn had evolved from a proposal in 1955 by the late Senator Paul Douglas. Senator Douglas concluded that the rapid expansion of postwar technology was resulting in structural as opposed to cyclical dislocations that created areas of high unemployment, low per capita income, outmigration, and declines in business activity, and social capital investment. The original intent was to aid chronically depressed industrial areas with an emphasis on business loans to assist firms located in such areas.

Early in 1965, the comprehensive Appalachian Regional Development Act was passed to help reverse the long-standing economic deterioration of this region of our country. Recognizing that problems of economic development often transcend State lines, Congress embarked upon a concept of regional economic development. This legislation created a Federal-State partnership to deal with, and find remedies to, economic development problems that extended beyond State boundaries, such as the construction of a developmental highway system to provide access to isolated sections of the region and to make possible a flow of industry and tourism within the region.

During consideration of this legislative initiative, it was decided that the progress of the entire Nation depended greatly on the improvement of those areas which were distressed or underdeveloped. In order to alleviate the distress or "depressed" areas in America, the economic development legislation was designed to authorize grants and loans for public works and development facilities, loans and loan guarantees for industrial and commercial expansion, technical assistance research and information, and financial aid to planning agencies at the multicounty district and regional levels. This proposal encouraged the local people to develop the necessary ingredients, through planning and the recognition of their needs for long-range economic growth.

The Economic Development Act was based on the past experience and contained features of the accelerated public works program, the Area Redevelopment Administration, and Appalachia Regional Development Commission. It was one of the major pieces of legislation passed by the 89th Congress and it contained an authorization of funds—$760 million per year for 4 years.

The need for broad political support led, however, to adding special provisions for loans to firms in low-income rural areas and to increased funding for public works.

Amendments over the years have added new eligibility criteria; notably the Farbstein amendment, which provided eligibility to pockets of distress in otherwise healthy areas. Such pockets could be as small as a city block. These impact areas did not need OEDP, but could rely on immediate construction projects to alleviate unemployment.

Additionally, the public works impact program, added in 1971, authorized between 15 and 35 percent of title I grants for construction projects to act as a permanent countercyclical program for high unemployment areas.

EDA did meet resistance in reauthorization efforts; in 1971 and 1973 the administration proposed to dismantle the agency and replace it with special revenue sharing (1971) and block grants to States (1973). Ultimately, in 1974 Congress added a new title IX to address economic adjustment assistance. Plant closures in single industry towns, and military base closings were two types of action needing adjustment assistance for affected communities.

In March 1979, the Subcommittee on Economic Development began hearings on H.R. 2063, the extension of the Public Works and Economic Development Act. We first heard from two noted economists commenting on the role of Public Works construction in economic development.

The subcommittee held 8 days of hearings, the last 2 days, April 24 and 25, devoted to administration witnesses commenting on the National Public Works and Economic Development Act of 1979 (NPWEDA). The submission of this bill to Congress was late, giving the subcommittee very little time to review the bill. The membership ultimately thought so little of it, no one introduced the bill for referral to the committee.

The subcommittee heard over 40 witnesses on the subjects and began deliberation in May for a bill. H.R. 2063, reported May 11, contained amendments to the Public Works and Economic

Development Act, title V regional commissions, Appalachian Regional Commission, and authorized a standby program for local public works.

Amendments to EDA contained some of the administration's draft bill; specifically the committee included the new loan guarantee program for $1.8 billion in fiscal year 1980, and $2.5 billion for fiscal year 1981. It also contained new authority for 15-percent grants to businesses, new criteria in addition to existing criteria, and increased funding for all planning programs. Additionally, the committee took initiatives to include a gasohol program and defense related amendments for titles IV and IX, a revolving grant program for cities and changes in administration of the program. The committee also amended the title V commission program to reflect the need for better fiscal management, to recognize new economic conditions under which commissions function and to create a planning relationship with State and local entities.

The Appalachian Regional Commission Authority was extended for 2 years, with the highway program extended for 4 years. The Commission authority was changed to add enterprise development grants, housing aid, innovative project grants, and coal gasification plant assistance.

Finally, title IV of H.R. 2063 amended the Local Public Works Capital Development and Investment Act of 1976, as amended, by authorizing $2 billion on a standby basis whenever the average national unemployment rate exceeded 6.5 percent for the most recent calendar quarter. This LPW program originally authorized, in 1976, $2 billion to combat high unemployment. It provided 100-percent grants to States and local governments to construct public facilities. In 1977, the act was amended to add an additional $4 billion for the same purpose. The committee chose to provide standby authority for this program.

The work done by the Public Works and Transportation Committee came under challenge by the Banking Committee's Subcommittee on Economic Stabilization. This subcommittee reviewed the administration's draft EDA bill, introduced it for consideration and began a markup of it. However, in the spirit of cooperation, the Banking Committee chose not to confront the Public Works Committee over jurisdictional matters.

In November 1979, the House, by a vote of 301 to 99, accepted H.R. 2063. On a vote of 148 to 250, it rejected efforts to delete the standby authority for local public works. The House position was clear; it wanted H.R. 2063 as reported by the committee, with the local public works standby authority.

In December, conferees of both the House and Senate began deliberations to resolve differences in the two versions. The House version, a 2-year extension with LPW, authorized over $8.6 billion, plus $4.3 billion in loan guarantee authority. The Senate version contained an extension of 4 years for these programs, except the loan program, which now has the jurisdiction of the Senate Banking, Housing and Urban Affairs Committee. That committee decided on a 2-year extension for all loan programs except the interest subsidy program which was extended for only 1 year.

The conference committee met four times in December, but could not agree on the major differences of the bills. The conference did not meet again until late July, and met again in September. Time ran out without an agreement. I reluctantly proposed in the last conference meeting on September 18 to dissolve the conference and each committee pass an extension of the regular program under consideration through fiscal year 1981. This was to be a simple extension; no changes in law, no changes in the operation of these programs, no changes in authorization. S. 3152, as amended, is in this spirit.

I will urge prompt oversight hearings at the beginning of the 97th Congress on EDA. I have said before and I say today EDA has disregarded congressional mandates on the operation of the program. I wish to know why EDA allocates funds to Federal regions before the beginning of each fiscal year. I wish to know why EDA established a development finance program, hired staff, opened new regional offices without the new finance authority. These questions and others deserve our attention.

I urged a study commission to recommend changes in EDA eligibility criteria. The conference committee tentatively agreed to this concept. I still support this idea; in future deliberations this independent commission may be formed. I will urge its creation.

Finally, I commend my colleagues, the gentleman from New Jersey, Bob Roe, for his tireless efforts to produce a bill. A simple extension is not an insult to any member. We had honest differences on the direction of this program, and we will try again.

Mr. Speaker, I yield to the distinguished ranking member of our full committee, the gentleman from Ohio (Mr. Harsha).

Mr. HARSHA. Mr. Speaker, I reluctantly support passage of S. 3152, as amended. This bill extends through fiscal year 1982 the programs of the Public Works and Economic Development Act, title V regional commissions, and the Appalachian Regional Development Act. I would prefer to extend these programs longer, and make changes in law, but that is not possible at this time.

Since last December, a conference committee of 27 members of both bodies have attempted to reach an agreement on S. 914. That bill contained comprehensive amendments to EDA, title V commissions, Appalachia, and the House version contained standby authority for the local public works program. In the ensuing months, the conference met over 10 times to propose alternatives to the serious impasse over program changes for EDA and inclusion of the $2 billion LPW standby authority.

In September, significant concessions were made by the House, but to no avail. On September 18, the conference chose not to report a conference agreement. On September 26, the other body passed S. 3152, extending through fiscal year 1981 the basic programs contained in S. 914. The bill, now before the House, does increase slightly the administration expenses for the Appalachian Regional Commission, and the authorization for the fiscal year 1981 Appalachian highway program and adds additional sums for the fiscal year 1982 highway program. The other programs are authorized at current levels.

EDA, title V commissions and Appalachia have operated without legislative authority since October 1, 1979. These programs have continued at basic levels through appropriation action, but EDA has operated at much lower funding levels than had been requested. Indeed, EDA was slated by the administration's original fiscal year 1981 request for $1.1 billion. Since then, due to budget constraints and the inability to agree on S. 914, the budget request has been passed over, and continuing resolution has appropriated funds at the fiscal year 1979 level.

I cosponsored H.R. 2063, the companion measure to S. 914. I offered an amendment to extend the Appalachian child development demonstration program for an additional 2 years, which was accepted. During consideration by the House on November 14, 1979, I offered an amendment to preserve EDA loan guarantee authority for two steel mill loans, pending with EDA but not approved. Loan program changes contained in H.R. 2063 would have precluded EDA to complete the special loan guarantee program, designed to revitalize ailing steel mills.

One such pending loan is for McLouth steel mill of Detroit, Mich. This amendment was accepted. These provisions as well as many other changes in the law must be put over to a later date. The needs still exist, but Congress cannot agree on larger issues involving changes in the direction of the programs involved.

I have always supported these programs and will continue to do so. The district I represent is mostly within the Appalachian boundaries; I have seen the benefits of this program for the citizens of the Sixth District of Ohio. EDA is also active in my district. I am proud of the funding record by EDA of projects in my district.

There was much at stake in this now defunct conference on S. 914. The new loan guarantee program under title II, the development finance program, would have, under the final conference proposal, authorized $900 million in loan guarantees. Business investment in central cities would have been a boon to many areas of the country. New grant moneys would have also been increased. The conference attracted pressure from many sources, notably the administration and White House. Negotiations took place to resuscitate the conference. The efforts collapsed. But had these amendments contained in S. 914 been truly an important part of economic revitalization, then honest and sincere efforts could have been expended earlier. A quality product cannot be produced in such an atmosphere.

S. 3152 will allow additional time to consider amendments to EDA, title V commissions and Appalachia. I urge the House to adopt S. 3152, as amended.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the distinguished chairman of the full committee, the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, I strongly support this bill to extend the economic and regional development programs authorized under the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965, through fiscal year 1982. Over the last 15 years these programs have assisted towns and cities throughout the Nation in adjusting to economic changes, building needed public facilities and creating jobs. Swift passage of this legislation is needed so these worthwhile programs can continue.

Last November, the House of Representatives voiced its overwhelming support of these economic development efforts by passing a more comprehensive bill. The earlier passed bill would have nearly double the funds available to construct local public works facilities and assist with economic adjustment problems. It would have provided greater assistance through loans and loan guarantees to encourage businesses to locate in depressed areas and to expand their business operations.

In addition, that legislation would have established a standby local public works program which could be activated when national unemployment rises to or above 6.5 percent. I am convinced that if this bill had been enacted earlier this year—our national economic recovery would have been on its way, and thousands of workers presently without jobs would now be working.

Unfortunately, a years' efforts to work out differences in the House and Senate versions of this bill have not been fruitful. Despite the outstanding leadership of BOB ROE, as chairman of the conferees, the bipartisan support of JOHN PAUL HAMMERSCHMIDT and BILL HARSHA, and the tireless effort and support of the House conferees, we were unable to reach agreement that would result in an improved and strengthened economic development program.

While there were substantial differences in the two bills, there is nearly unanimous agreement that the programs of the Economic Development Administration, the Appalachian Regional Commission, and other regional commissions should be continued. They have proven to be an effective means of job creation as well as a valuable source of assistance for urban and rural communities alike.

The Economic Development Administration has been limited to funding at 1979 appropriation levels, awaiting final enactment of an authorization bill. Passage of the bill before us today, will allow for the appropriation of funds for these economic development programs, and it will record our endorsement of this program as a viable means of fostering economic recovery.

I urge your support of this measure.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. ROE)?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(2) Section 105 is amended by striking out "and September 30, 1979." at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981.". Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(3) Section 201(c) is amended by striking out "and September 30, 1979." at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981.".

(4) Section 204(c) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981.".

(5) Section 303(a) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981.". Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(9) Section 509(d)(1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,". Section 509(d)(2) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981,".

(10) Section 905 is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981.".

(11) Section 1007 is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1981.".

SEC. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304) as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1981,".

SEC. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: ", and not to exceed $6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed $1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).".

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1981".

(3) Section 201(g) is amended by striking out "and $170,000,000" and inserting in lieu thereof "and $215,000,000".

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: ", and $300,000,000 for the two-fiscal-year period ending December 31, 1981.".

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1981".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ROE

Mr. ROE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ROE: Strike all after the enacting clause and insert in lieu thereof the following:

That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(2) Section 105 is amended by striking out "and September 30, 1979." at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(3) Section 201(c) is amended by striking out "and September 30, 1979." at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

(4) Section 204(c) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

(5) Section 303(a) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(9) Section 509(d)(1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". Section 509(d)(2) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

(10) Section 905 is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

(11) Section 1007 is amended by striking out "September 30, 1979." and inserting in lieu thereof "September 30, 1982.".

Sec. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304), as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982,".

Sec. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed $1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $550,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).".

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1982".

(3) Section 201(g) is amended by striking out "and $170,000,000" and inserting in lieu thereof "$215,000,000" and by inserting before the period at the end of such section the following: "; and $215,000,000 for fiscal year 1982".

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and $300,000,000 for the two-fiscal-year period ending September 30, 1981, and $140,000,000 for the fiscal year ending September 30, 1982.".

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1982".

Mr. ROE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The gentleman from New Jersey (Mr. Roe) is recognized for 1 hour.

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is needed to insure the continued operation of our Nation's primary economic development programs. The prompt enactment of this bill will extend the programs of the Economic Development Administration, the Appalachian Regional Commission, and other multistate regional commissions, through fiscal year 1982. This action is necessary to permit the appropriation of funds so that vital local projects can move forward, jobs can be created, and economic recovery stimulated.

These economic development programs, since their inception in 1965, have had strong congressional support. This support is warranted because these programs have proven to be an effective way to expand job opportunities, respond to local needs and priorities, and to promote economic stability in depressed areas throughout the country.

I am personally disappointed that I am not bringing to the House floor today a conference report on the national public works and economic development bill which we passed more than a year ago by a 3-to-1 margin. As you will recall, that bill would have established a framework for a national economic policy. It would have expanded economic assistance available to local communities and provided a critical source of development financing to stimulate business investment. Through these additional funds, thousands of jobs would have been created, and the economic impact of the recession would have been substantially lessened.

As chairman of the conference committee, I want to report to you that we spent many long months attempting to accommodate Senate views. We offered numerous compromises which, had they been accepted by the other body, would have resulted in a greatly strengthened economic development program. However, continued disagreement on a number of key issues indicated that an acceptable compromise could not be reached during this session of Congress. However, I do want to compliment and thank the House Conferees; Chairman Johnson, the ranking minority member, Bill Harsha; the able minority member of the Economic Development Subcommittee, John Paul Hammerschmidt; as well as my fellow respected and capable colleagues, Representatives Oberstar, Nowak, Bouquard, Evans, Clinger, Leath, Bonior, Cleveland, and Congressman Moorhead of the House Banking Committee, for their hard work and their continued support and commitment to economic development legislation.

With national unemployment presently at 7.6 percent, the prime interest rate rising this week to 16¼ percent, and a lengthy backlog of local projects which cannot be started to spur economic recovery—the need for a stronger, more effective economic development role in this country is apparent. With rumors abounding that the new administration will be slashing or eliminating a number of Federal assistance programs, I feel it is paramount that the Congress point out the importance of a national policy for economic stability and growth. It is essential to point out the past success and the potential expanded role of these economic development programs. These economic development programs have revitalized many local areas by providing the seed money to assist rural and urban communities diversify their economies. They have enabled businesses to survive in light of threatened foreign competition. This is a prudent use of tax dollars—it generates revenues and creates and retains jobs. It provides a strong foundation to build on.

Not only should the regional and economic development programs be retained—but they should be expanded. Funding for all the economic development programs for fiscal year 1980 was barely over $500 million dollars—the multiregional commission funding serving nearly every State was a mere $400 million. Is that a fair indication to the 8 million unemployed Americans that creating jobs is a high priority for this Nation? Is that a realistic or viable amount to revitalize decaying cities, to improve economic opportunities in urban America or an honest attempt to create the more than 15 million new jobs we are projected to need in the 1980's. I think not.

We must give greater attention to developing a national policy to promote economic growth and stability. This policy must attack the economic problems we will be facing in the 1980's. Certainly a stronger policy is needed to encourage energy independence, spur productivity and innovation, and increase our Nation's economic competitiveness. We have a tremendous challenge to revitalize this country's industrial stock and to broaden the base of our economy. There remains serious pockets of distress which must be rebuilt and the rapid growth taking place in certain areas must be handled in a manner that promotes economic stability. A national economic development policy must address each of these areas.

I am proud to be a supporter of these economic development programs. I urge my colleagues to join me in supporting this legislation and to work for a more realistic level of funding for these programs. They have been effective, and I will continue to work to expand them, refine them, and give them a greater role in building and regenerating our economy.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Roe).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimouse consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill, S. 3152, just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. GIAIMO. Mr. Speaker, pursuant to an order of the House of November 19, 1980, I call up the conference report on the concurrent resolution (H. Con. Res.

448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. Fisher). Is there objection to the request of the gentleman from Connecticut (Mr. Giaimo)?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Wednesday, November 19, 1980.)

Mr. GIAIMO (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. Pursuant to section 305(a) of the Congressional Budget Act of 1974, Public Law 93–344, the gentleman from Connecticut (Mr. Giaimo) will be recognized for 2½ hours, and the gentleman from Ohio (Mr. Latta) will be recognized for 2½ hours.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the conference report on House Concurrent Resolution 448.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is my pleasure to rise and urge strongly adoption of the conference agreement on the second concurrent resolution on the budget for fiscal year 1981. The agreement reached just yesterday is not much different from that adopted by the House on Tuesday of this week.

The principal difference between the conference agreement and the resolution we adopted here a few days ago is that there is now provision for a larger tax reduction than had been accommodated in our resolution. Where the House version of the resolution provided for a net revenue loss due to a tax cut of $5.4 billion after computing the amount of reflow, or feedback, generated by such a cut, the conference agreement now provides for nearly twice as much tax cut. The conferees agreed to make provision to accommodate a tax reduction of $10.1 billion net, after feedback, for the fiscal year. Depending on when such a reduction would be enacted and depending further on what taxes are reduced more than others, this provision would accommodate early action next year by the Congress on a reduction of approximately $35 billion.

On the spending side, the House conferees and those from the other body basically split their differences, which were small. The net result is that the agreement before you contains $650 million in higher outlays than did the resolution when it passed the House. This amounts to about one-tenth of 1 percent. The income security function and that for defense have been increased from House-passed figures.

The aggregate ceilings on budget authority and outlays for fiscal year 1981 contain an overall spending reduction which is consistent with the President-elect's announced intention of reducing Federal spending through the elimination of waste, extravagance, fraud, and abuse without damage to programs. All functional totals have been adjusted to reflect overall reduction in spending.

The managers, however, wish to make it clear that this reduction in spending has been distributed to budget functions simply to display the overall reduction. In other words, the functional reductions are purely illustrative. Prorated reductions in budget authority and outlays in a particular function do not imply that the reductions are that function's share of waste, extravagance, fraud, and abuse. The prorated reductions in functions are not intended to serve as specific spending guidelines for those functions. The final determination of where reductions will occur will await the specific recommendations of the President-elect and disposition by the appropriate spending committees of the Congress.

When this occurs, it will be necessary to adjust each functional total to comply with those decisions. In fact some functions, such as function 600, "Income security," may have to be increased.

The resulting deficit in the conference agreement is $27.4 billion—$2.4 billion higher than the House-passed resolution. Of that $1.7 billion is accounted for by the larger tax cut provided for in the compromise.

Two provisions that were contained in the House-approved resolution have been adopted in the conference agreement. One provides for a prompt review of the Budget Act and the working of the budget process to see whether it can be improved. The other requires adoption of a conference report on the Omnibus Reconciliation Act of 1980 before adjournment sine die.

A provision that was in the resolution as it passed the other body also has been included in the conference agreement. It calls for careful monitoring of cost impacts of any new regulations promulgated and urges that compensating savings be achieved whenever new regulations are adopted.

When the House considered the budget resolution recommended by the Budget Committee, I pointed out the importance of putting binding limits on spending and revenues so that the 96th Congress could complete the discharge of its duties and so that the orderly procedures of Government might go on.

I am very pleased that we were able to achieve a speedy and equitable agreement in conference.

Let me say, Mr. Speaker, we are bringing back a conference report which we completed with the Senate yesterday afternoon and last evening setting forth binding ceilings on Federal spending and a floor on Federal revenues for the fiscal year 1981.

As is known, we adopted these in the House several days ago, the Senate did subsequently, and we worked out some differences which we have in conference. We have established Federal revenues for fiscal year 1981 at $605 billion which will provide for a tax cut with a fiscal year 1981 impact of $10 billion in reduced revenue.

In other words, the conferees are presupposing that the next Congress, the Congress which will meet in January, will enact a tax cut of the magnitude of about $30 billion to $35 billion which, depending on its makeup and how and when it will become effective, could effect fiscal year revenues in fiscal year 1981 by about $10 billion.

□ 1140

This is higher than the $5.4 billion we had in the House bill and lower than the $16 billion that was in the Senate bill, but it is reasonably agreed that a $10 billion revenue figure change in the revenue number could be accommodated by a $35 billion tax cut next year by the Congress.

We had a difference between the House and Senate on the outlays. We were at $631.7 billion. They were at $633 billion. We compromised our differences at $632.4 billion, which is $700 million above the House number and $600 million below the Senate number.

This provides for a deficit of $27.4 billion.

I want to stress this budget provides for a reduction in expenditures of $18 billion. The correct estimate of expenditures for fiscal year 1981, according to the mid-session review of OMB, the CBO review, the House and Senate Budget Committees estimates and in fact, many other people, including the President-elect's people, have indicated that outlays for fiscal year 1981 will be about $648 billion. This is the best estimate that we have on what outlays will be for fiscal year 1981. It is essential that there be reductions. We all know that. We all believe that is essential for the coming year.

How much should these reductions be? Clearly, the $648 billion outlay figure is unacceptable. It is certainly unacceptable to a majority of people in this body and in the other body.

Therefore, the decision was made to reduce outlays. Having made that decision, we were faced with the question of where we should make the reductions and how much the reductions should total; and at that point, the Budget Committee of this body and the other body came to the conclusion of where the reductions should be specifically made, should rest with the new Congress and with the President-elect.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. Giaimo) has expired.

Mr. GIAIMO. Mr. Speaker, I yield myself an additional 5 minutes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. We should not attempt to define and isolate those decisions, those reductions, at this time. I think that is fitting and proper. We should not tie the hands of the incoming administration, the President-elect, and of the next Congress.

As this body knows, I am retiring from this great Congress this year after 22 years of service, and I am determined to do everything that I can to get better management of the way in which we govern and the way in which we spend the taxpayer's dollar. I have no axe to grind. I do not want to embarrass the President-elect.

I applaud the efforts of the President-elect and of the many people who are coming here next year who clearly want to do what is necessary to stem the runaway budgetary situation which faces us in our expenditures.

So it is essential that we should leave flexibility to the President-elect and to the next Congress in their efforts to reduce expenditures. They will have to make the bitter and the difficult determinations. They will have to advise Congress, and Congress will have to act on them. So we did not decide and determine where specific cuts should be made. What we did was to take the correct accurate estimates of what outlays would be, not only in the total aggregate of $648 billion, but also in the functional breakdowns in the various functions of Government, and we applied the correct numbers there. And then, we assessed an arbitrary reduction across the board excluding defense and interest on the debt and offsetting receipts because of the realities of trying to reduce those three functions, recognizing that it is impossible to reduce those three functions, and we assessed the reduction pro rata across the board to all the other functions.

The next question that faced us was how much should the reduction be below the $648 billion. We could have cut the entire $43 billion deficit. We could have reduced that entire amount and been in balance. That would have been improper. That would have been unrealistic, and to try to reduce expenditures by $43 billion would have imposed an impossible burden on the incoming administration and on the incoming Congress. It would really and truly have been sandbagging.

So clearly, we did not adopt that course. How much then should we reduce it? What would be a sensible attainable goal in reductions?

We came up with the figure of about a 2-percent reduction. We were guided quite honestly and frankly to a great extent by the fact that the President-elect himself has indicated that he thought 2-percent reduction in Federal spending could take place in fiscal year 1981.

As a matter of fact, one of his advisers, I believe Mr. Weinberger, has recently stated that he thought even more than that could be reduced. So we in the House reduced expenditures to $631.7 billion. That was the 2-percent reduction. The Senate was very close to us, $633 billion in outlays. We think that that number is realistic.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. Giaimo) has again expired.

Mr. GIAIMO. Mr. Speaker, I yield myself an additional 5 minutes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. We do not suggest or tie anyone's hands as to where the reductions should be made. Again, we leave it up to the President-elect and to the Congress.

We compromised our differences between the House and Senate outlay numbers of $631.7 and $633 billion, and we came forth with outlay number of $632.4 billion, leaving a deficit of $27.4 billion.

□ 1150

We believe most, if not all of this, can be obtained from an abolition of fraud, waste and abuse. The President-elect believes that he can obtain that sum of money, and so do many of us here in Congress.

I think this will help us and compel us to take greater efforts to find where those wasteful expenditures are and where we can eliminate them.

For those of you who are interested, I want to stress that more money is included in some of the functions you are interested in, such as income security, than we had in the House bill, some more money in defense, and a bit more money in some of the other programs; some reductions were made in the interest estimate and some reductions in some of the other functions. But again these reductions are pro rata and are not binding on the President-elect.

The point is that the conference report is not much different from the bill that passed the House. There is a slightly increased deficit caused by the provision for a larger tax cut than we envisioned in the House. We envisioned a tax cut with a revenue impact of $5.4 billion. This provides for a tax cut with a revenue impact of $10 billion in keeping with the amendment which prevailed in the Senate and which was incorporated into the Senate bill.

Mr. Speaker, I urge the adoption of this conference report. This is a real effort to begin to hold the line on Federal spending. It is going to take every bit of effort that we will have in the new Congress, with the new administration and the President-elect, to bring down the hemorrhaging which is occurring in Federal outlays.

I think this budget is a step in the right direction. I believe it does not tie the hands of the President-elect. It does not tie the hands of the future Congress which will come here January 3. It deserves your support, and I urge its adoption.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Solarz).

Mr. SOLARZ. Mr. Speaker, since this will hopefully and presumably be the last time the distinguished gentleman from Connecticut manages legislation on the floor of this House, I want to take this opportunity as a member of the Budget Committee to say what a tremendous pleasure it has been to work under his leadership over the course of the last 2 years. The gentleman from Connecticut (Mr. Giaimo) has been, in my judgment, one of the outstanding Members of this House and as chairman of our committee, if the gentleman can listen for a minute while I pay lavish tribute to him, I want to say that his leadership, his commitment, his insight into the issues that we have had to grapple with has truly been an inspiration.

Like Virgil in the "Divine Comedy," he was our legislative guide through the contemporary and secular version of the "Divine Comedy," which is the budgetary process.

I must say that nothing impressed me more about the chairman than the fact that he was able to get the second budget resolution through the conference committee in a grand total of 45 minutes. As a legislative engineer, he made the bullet train which goes from Tokyo to Kioto look like the BMT going from Brighton Beach to Times Square in New York.

Our great chairman has done a marvelous job.

I am particularly delighted to have an opportunity now to address myself to the substance of this question, the budget resolution conference report before us. I will be very brief, Mr. Speaker, because basically what I want to say is that this conference report represents the first real test of voodoo economics since the election a few weeks ago.

During the course of the campaign, Governor Reagan told the American people that he would be able to cut billions of dollars out of the Federal budget in the form of waste, extravagance, and abuse, without impacting on any substantive and needed Government programs. This conference report puts President-elect Reagan to the test. It takes him at his word. It provides for a 2-percent across-the-board cut, which comes to about $17 billion, that presumably if the President-elect is correct it can come in the form of elimination of waste, fraud, and abuse, without impacting on Government programs. If it turns out that the President-elect cannot cut $17 billion in fraud, waste, and abuse, then at that point there would either have to be real programmatic reductions of a third budget resolution.

I hope the new administration can deliver on its campaign promises. I hope it can translate its campaign rhetoric into budgetary realities; but if not, we will be back, I am sure, for another round on a third budget resolution.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to join with my friend, the gentleman from New York, in the very kind words that he has said about our chairman. We are going to miss Bob Giamo in this House and certainly when he comes back to Washington, I hope that he will come back and give us the benefit of his wise counsel, especially about these times when we are considering our budget resolutions.

Mr. Speaker, I rise in opposition to this conference report on the second budget resolution for 1981. I opposed the budget resolution then, and, because budget authority, outlays, deficit, and the public debt are all up on those contained in the resolution as it left the House, I oppose it now.

For my colleagues, let me explain exactly why I believe they should join me in opposing this conference report.

First, and most important, this 96th Congress has been repudiated at the polls. Its economic policies, and those of the incumbent President, were overwhelmingly rejected by the American people. As such, it is highly inappropriate and ill-advised for this body to attempt to impose its will on the new and vastly different 97th Congress and President-elect Reagan. I am extremely concerned that this is a budget built on highly unrealistic economic assumptions—assumptions the financial markets are at this very moment proving incorrect and too optimistic. Should this be the case, and I believe it is, we will be saddling the new Congress and our new President with a budget which is out of date and much deeper in deficit before they even take office. I believe this to be a cruel and dangerous situation, and one we should not seek to impose on the new administration.

Second, while the rhetoric would leave you to believe we are cutting the budget by about $16 billion, I warn you not to be fooled by appearances. First, this resolution calls for spending $632.4 billion in 1981, an increase of $53 billion over the level in 1980. The deficit will be at least $27.4 billion under this proposal, and the public debt will climb to $978.6 billion—just a hair under the $1 trillion mark.

So do not be fooled into thinking you are cutting spending when you consider voting a budget resolution which is $19 billion higher than in the first budget resolution for 1981 we adopted this past summer. More important, while this budget may well call for spending $16 billion less than the Government would otherwise spend, nowhere in this resolution is any means provided to make these reductions. There is no additional reconciliation language forcing the committees of the Congress to cut spending under their control, and this body refused to give the President limited, 9-month powers to impound funds in excess of the budget ceiling established in this resolution. So once again we are trying to pull the wool over the eyes of the taxpayers. We say we are cutting spending, then vote against giving the Congress or the President the tools to enact these cuts.

Because the 96th Congress refused to grant emergency powers either to itself or to the President these spending reductions may well not take place. As a result, what you are really voting on today is not a budget of $632 billion, but one of at least $648 billion; you are not voting for a deficit of $27.4 billion, but rather one of $43 billion. Under those circumstances, I do not see how any Member of this House who is concerned about inflation, unemployment and excessive growth of Government can support this budget resolution.

I realize the votes are not here to defeat this conference report. We failed by 12 votes on Tuesday. However, let the word go out across this land at this time that come next January and a new administration and a new Congress, things are going to be different.

● Mr. MATTOX. Mr. Speaker, I rise in support of the conference agreement on the second budget resolution. It signifies that the 96th Congress has met its constitutional and legal responsibility in fashioning an agreement that provides wide latitude and flexibility for the incoming administration.

It is significant to note that again the Republicans are divided and unwilling to cooperate in the House of Representatives in a constructive effort to provide for a tax cut, spending reductions, and a lower deficit. The Senate Republicans cooperate, but their House colleagues remain recalcitrant and negative, more interested in rhetoric than deeds. I can only hope this attitude does not persist in the 97th Congress, but the signs are not positive.

In any event, the Democrats in the House and a bipartisan coalition in the Senate have proceeded to carry on the Nation's business by adopting a budget for fiscal year 1981.●

Mr. Speaker, I have no requests for time. I yield back the balance of my time.

Mr. GIAIMO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OF THE HOUSE FROM FRIDAY, NOVEMBER 21, 1980, TO MONDAY, DECEMBER 1, 1980, AND RECESS OF THE SENATE FROM TUESDAY, NOVEMBER 25, 1980, TO MONDAY, DECEMBER 1, 1980

Mr. SIMON. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 451) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 451

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 21, 1980, it stand adjourned until 12 o'clock meridian on Monday, December 1, 1980, and that when the Senate recesses on Tuesday, November 25, 1980, it stand in recess until 11 o'clock, ante meridian on Monday, December 1, 1980.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There is no further business before the House for today.

Tomorrow we understand that the conference reports on appropriations for the Department of Interior and for the District of Columbia should be available; so the House will meet at 10 o'clock tomorrow morning, and we will take up those matters and trust we will be through at a reasonable hour.

If the surface transportation bill is available tomorrow, that also will be on the schedule.

□ 1200

Are there any 1-minute speeches at this particular time?

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from New York (Mr. STRATTON).

The SPEAKER pro tempore (Mr. ATKINSON). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Georgia (Mr. BRINKLEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRIBUTE TO DAWSON MATHIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 60 minutes.

Mr. BRINKLEY. Mr. Speaker, I congratulate the House for having done their work in such an expeditious manner and having arrived at this point at such an early time.

Many of my colleagues from Georgia are in their offices and perhaps they will be here right away.

As dean of the Georgia delegation I have requested this time in order to honor a dear friend and colleague, DAWSON MATHIS of the Second District of Georgia.

The "Dear Colleague" letter that I sent around to each of my colleagues I think aptly describes the man. I would like to share that letter with my colleagues again at this point for the RECORD.

It reads as follows:

WASHINGTON, D.C.,
November 18, 1980.

DEAR COLLEAGUE: For ten years Dawson Mathis has served his country, his Congressional District and his fellow citizens with uncommon resolution . . . reflecting constitutional principles and a broad understanding of diverse national needs, human needs and matters touching upon the people who sent him. Dawson majored in agriculture in the House of Representatives and formed a close working relationship, also, with Members who had strong consumer interests. Perhaps he understood best of any of us that agriculture and consumerism go hand in hand, and that, when either suffers, both are injured.

Dawson Mathis has met the Edmund Burke test. He does prefer the interest of his constituents always, ever, and in all cases, over his own. Yet his unbiased opinion he would not and has not sacrificed, ". . . to any man, or to any set of men living!"

Dawson Mathis is an uncommon man. Please join the Georgia Delegation at the close of business on Thursday, November 20th, for a Special Order expressing our appreciation to him.

Respectfully,

Jack Brinkley,
Member of Congress.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I am pleased to yield to my friend from Texas.

Mr. GONZALEZ. I thank my very distinguished and very much admired and appreciated colleague from Georgia (Mr. Brinkley) for this special order and for also having advised us that we would be having this special order in order to note the tenure and the performance during that tenure of our colleague, Dawson Mathis of Georgia, whom I have gotten to know extremely well over and above the usual knowledge and association that one has with the average colleague in a 435-Member House of Representatives.

The Representative from Georgia whom we honor at this point has always been impressive to me by his youth, his energy, and his vision, above all, his friendly spirit. There is a word in Spanish that cannot quite be translated into English that I think describes perfectly our colleague. We say an individual es muy campechano. The reason it cannot be translated into English is that it is a very colloquial secular expression in Spanish.

What I really mean, though, is roughly translated a handsome and well-doing young man and one who very diligently as a Representative from his district in Georgia reflected not only those interests but also those aspects of those interests that transcended the purely local and effect us all when we vote in a body such as this one. I have in mind one particular instance. As chairman of the Subcommittee on International Finance and Banking Institutions we have occasion to handle some of the most delicate and most expressive legislation. At one point we were having hearings for the fifth replenishment in one of the regional banks when the gentleman from Georgia (Mr. Mathis) asked to be heard. He first talked to me and pointed out that we have a situation confronting the competition given American producers of such things as palm oil and some of the other productions of our agricultural economy and how, wittingly or unwittingly, we were contributing in an unjust way to diminishing our ability to compete worldwide in these specific areas of agricultural production.

Thanks to the gentleman from Georgia (Mr. Mathis) we were able to present some knowledgeable hearings that in turn enabled us to have a presence with this multinational institution and, therefore, defend the proper interests of American agricultural production.

This is just one example of how it was brought home to me how efficient and how diligent our colleague from Georgia has been.

It was with a great deal of sadness that I saw that his hope and aspirations to join us on the other side of the Capitol were frustrated. I think now when we realize what happened in November that there are many, many people I am sure in Georgia that wish that our colleague (Mr. Mathis) had succeeded in the primaries.

Nevertheless, there is another aspect. I played ball with Dawson Mathis and if you ever want to know an individual, you play sports with them. We played hard ball on behalf of the Democratic Club against the Republican Club a few years ago. That was where I really got to know Dawson and struck up a very good, close personal friendship.

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We teased each other, and I want the record to show, at a time when Mr. Mathis will have an opportunity to read it, that I bid him farewell and Godspeed in all his future endeavors, but that back in San Antonio, Dawson, we still have Club Numero Tres. In other words, Club 13, which exists in his district, but I want to point out to my colleague that the only difference is that in my district, they have personal search for gun and switchblades before allowing admission to Club 13 or Club Numero Tres in my area.

I thank the distinguished colleague from Georgia (Mr. Brinkley) for allowing me this privilege.

Mr. BRINKLEY. I thank the gentleman from Texas (Mr. Gonzalez) so much for his contribution. I want the record to show that for a decade here in the Congress, Mr. Gonzalez was a star pitcher for the Democratic baseball team when we played during those years at RFK Stadium, when the Washington Senators were here. Those are some of the happiest hours in our book of memories, Mr. Speaker, when we were with the gentleman during those times.

Congressman Mathis, of course, was one of our stars in those hardball games. I would like to briefly say a few other things about Dawson, who has served us so well from the State of Georgia in the realm of agriculture—which is mighty important to my State and really important to the Nation—because he has not had a "store shelf mentality." He has known that food does not just appear on the grocery shelves nor fiber upon the haberdasher's racks. He knows, and has tried to translate the fact, that we need to have a healthy agriculture in order to have a healthy foundation, a robust foundation for the country. Because of his efforts, we have minded the store, we have maintained the good health of our agricultural system in spite of continuing problems which do exist today.

Because of those problems, we shall sorely miss him. A personal word or two about Congressman Mathis. He hails from extreme south Georgia, the Second District of Georgia. In the mold of his predecessor, Maston O'Neal, Representatives from that district always seem to stand squarely on their feet, to look a man or a woman directly in the eye, and to meet people on a man-to-man basis, on the level, as it were.

Dawson Mathis is such a man as that. He meets and communicates well with people in all ranks and stations of life. The rich and the poor and the high and the lowly have come to him for assistance and without regard to rank or station, he has always done his dead level best to respond to their needs.

When he first came to Congress, he was that articulate, handsome, young man with ambitions to go to the other body. In 1972, there came an opening, and he did consider running for the United States Senate, not too long after Senator David Gambrell had been appointed.

Many people, myself included, believe that had he chosen to run on that occasion, he would have won. Another bright young man came upon the scene and did run and was elected, Senator Sam Nunn, who has become one of our rising stars from the South and from the Nation; but as Shakespeare said,

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea," he said,
"We are now afloat and we must take the current
When it serves or lose our ventures."

For Dawson Mathis, some may have thought that tide was 1972 for the U.S. Senate, because he did run this year in 1980 and unsuccessful; but I say in response to that Shakespearean quote, that there have been other tides for Dawson Mathis, chief among which has been the 8 years of service which he has performed with distinction in this House of Representatives, since that time.

I predict for him that there will be still other tides upon which he may go in other areas of endeavor where he chooses to serve. If he returns to the Empire State of the South, we know he will succeed. If he chooses to stay in Washington and help us with our labors here, we know he will be successful.

So, Dawson, we express appreciation to you. We are grateful for your friendship and we wish you well.

Mr. FUQUA. Will the gentleman yield?

Mr. BRINKLEY. I will be glad to yield to the gentleman from Florida.

Mr. FUQUA. I would like to thank the gentleman from Georgia (Mr. Brinkley) for yielding. I, too, want to join with him in paying our respects to our dear friend, Dawson Mathis. For the past 10 years I have been privileged to serve in this House with a gentleman from Georgia who represents the district across the State line from my own.

Dawson Mathis, of Georgia's Second District, has served this House and his constituents with a dignity and dedication which has earned the respect of all who know him.

Though we are from different States, our districts are about as similar as any two congressional districts can be; we share the same red clay and a constituency which could be virtually interchangeable. Our districts touch along the Georgia-Florida border across most of our States, more than 100 miles. Both are agricultural districts and Dawson Mathis' record of intelligent support for the farmer has particularly distinguished his service on the Agriculture Committee.

Soybeans and peanuts are the primary crops in the Second District of Georgia, just as they are major crops in the Second District of Florida. As chairman of the Subcommittee on Oilseeds and Rice, with jurisdiction over peanuts and soybeans, Dawson Mathis has ably represented his constituents and valiantly protected their interests.

His sponsorship of successful legislation to establish trade offices throughout the world to promote American crops, the Agriculture Act of 1978, was a farsighted and effective aid to all of America's farmers.

To dwell on Dawson's congressional accomplishments, however, is to overlook his value as a person. What higher praise is there than to say "This man is my friend." I'm sure this Chamber is filled with other colleagues who feel the same.

The Florida Times-Union of Jacksonville probably captured the spirit of Dawson's reputation at home when it wrote this:

> Dawson Mathis is an incredibly hard worker, a meticulous planner, a demander of dedication, a perfectionist. He expects a lot from himself and his staff . . . his ideology dovetails neatly with the thinking of a lot of Georgians.

Dawson Mathis has represented my constituents as well as he represented his own.

I join my own constituents as well as his in saying his service will be greatly missed though his continued friendship will be valued forever.

Mr. BRINKLEY. I thank the gentleman from Florida and would agree with his assessment that within the Second District of Georgia, where they know Dawson Mathis best, he had a safe seat; they loved him then, they love him now, and they appreciate him very, very much.

A final word: with reference to his dear wife Sharon, it has been said that a man can do anything as long as he has a woman to hand him things. There is a great deal of truth to that. You are up there on the chair trying to replace the light bulb. You say, "Hand me the screwdriver," et cetera, et cetera. I wish to compliment this fine and beautiful lady for being a helpmate to her husband. For while keeping up with responsibilities here, both she and Dawson crisscrossed the State of Georgia which is a fairly large State, the largest east of the Mississippi. They did a very fine job in meeting with people and in addressing the rigors which are always incurred in a political race of this nature. Dawson and Sharon were with me at the Columbus Iron Works Trade and Convention Center, and I shall always be grateful for that; Then again at the special birthday party at home. Sharon, as a lady of grace and ability, we wish you well; and again, Dawson, we say to you, our friend, Godspeed and do not stay away too long.

Mr. ADDABBO. Mr. Speaker, I rise to take this opportunity to pay tribute and call to the attention of my colleagues in the House, one of the finest Congressmen and gentlemen the South has ever given this body, Representative Dawson Mathis of Georgia.

I have served in Washington for a great many years and can recall few men who impressed me as much as a newcomer to the House, than Dawson. In a short time, Dawson soon began to earn the respect of his colleagues for the long hours he put in, his knowledge of a great many and complicated issues, and a man who was true to his word.

Dawson always placed a high priority on the needs of his constituents, serving admirably on the Agriculture Committee and chairing the Subcommittee on Oilseeds and Rice, a position of great importance to Georgia's economy. Dawson became known as a friend of the free enterprise system, and supported bills to increase the territorial fishing limit to 200 miles, safeguarding the needs of the American fisherman.

His other interests concerned, among others, the ever growing need for this country to become energy self-sufficient and he pursued this goal while serving on the Committee on Interior and Insular Affairs. He has been a strong supporter of legislation dealing with geothermal, solar, and safe nuclear research and has been an advocate for the development of synthetic fuels and research on nongas powered automobiles. Thanks to his tireless efforts, our country is moving ever closer to reducing its dependence on foreign sources of fuels.

Dawson Mathis has served the people of Georgia well since he first arrived here in 1970. I consider him a good friend and a wonderful man to have worked with and wish him the best of luck in the future. I am sure that whatever line of work he returns to he will give it the same all out effort he shared with us.

● Mr. OTTINGER. Mr. Speaker, I would like to take this opportunity to recognize the outstanding service of one of my most distinguished colleagues, Dawson Mathis.

For the past 10 years, Dawson has represented Georgia's Second Congressional District. In that time, he has proven himself a fair-minded and able legislator.

His ability to represent his constituents while looking out for the national interest has earned him the esteem of his colleagues.

Noteworthy among his accomplishments have been his contributions to the Democratic Party. As an active member of both the Democratic Study Group and the Democratic Steering and Policy Committee, Dawson has helped guide the Democratic Party's legislative agenda.

Dawson Mathis has not shied away from pressing national issues. His support for energy conservation was important in developing policy measures to help relieve us from reliance on imported oil. He has been a leading advocate of campaign finance reform. As chairman of an important Agriculture Subcommittee, he has fought to maintain America's preeminent position in food production.

Mr. Speaker, the House of Representatives and the people of Georgia's Second District will sorely miss Dawson Mathis.●

● Mr. FINDLEY. Mr. Speaker, Dawson Mathis is a jewel, a fine gentleman, an able legislator, and a man of great talent. I came to know him very well during the 3 years we served together on a subcommittee of the Agriculture Committee. Our institution is the poorer for his departure, and we will miss especially his keen sense of humor.●

● Mr. REUSS. Mr. Speaker, I appreciate this opportunity to congratulate Congressman Dawson Mathis on 10 years of stellar service as a Member of this body. Dawson has been an extremely hardworking member of the Agriculture and Interior Committees, and, at only 39 years of age, leaves an impressive legacy of accomplishment in his wake. Dawson was the chief sponsor of the Agriculture Trade Act of 1978, which set up trade offices throughout the world to promote American crops. He has also worked hard to help our country achieve energy independence through his consistent support for research in geothermal and solar energy and synthetic fuels.

In his 10 years of congressional service, Dawson has provided the citizens of Georgia's Second District with devoted and energetic representation. I am impressed by what this intelligent and attractive man has already accomplished, and heartened that he has so many productive years of service still before him.●

● Mr. GINN. Mr. Speaker, it is with great pleasure that I rise to pay tribute to Dawson Mathis, although it is with great sadness that I see him depart this Congress.

Dawson has special meaning to me as an individual and as a Member of Congress, since for the last decade he has represented the congressional district in which I was born and raised. He has been a warm personal friend for many years, and I have for the last 10 years looked upon him as my Congressman. Although he will be replaced by a very able man, I will sorely miss him as my Congressman, and I wish for him the best for the future.

Of significant note, Mr. Speaker, is the fact that Dawson has not only represented his district superbly, he has been an able advocate for the agricultural interests in this country—an area of our economy which is so vital to the entire State of Georgia. His service on the House Agricultural Committee, and as chairman of its Subcommittee on Oilseeds and Rice, will long be remembered. His monumental effort to preserve the peanut commodity program has been the saving grace of this important segment of our agricultural industry, and he will always be recognized as the champion of peanut farming concerns in the Congress.

It is indeed unfortuante that this unque man has chosen to leave the House, for too few of us have such a keen understanding of the importance of agriculture to our economic stability as this man does. His knowledge and persuasiveness on this subject have been instrumental in this Congress awareness of the significance of farm legislation in our daily lives, whether we live in the city or the country. That ability as a true spokesman for agriculture will be difficult to replace in this body, and I hope DAWSON will continue to allow us the benefit of his views in whatever endeavor he intends to pursue.

In addition to the expertise in agriculture which DAWSON has brought to the House, he has exposed us to his great charm, warmth, wit, and humor. To me this has been the secret of his success. He has always displayed a remarkable ability to discuss the great issues which confront this House in a manner which tempered argument and dissipated divisiveness. He has used his talents in this regard for the benefit of the country and his colleagues, and it is that approach to problems which we will miss most.

Mr. Speaker, I regret that we will go into the 97th Congress without the services of DAWSON MATHIS, but I know I represent the views of all of our colleagues when I say that we are grateful to have had the opportunity to proudly serve with him.●

● Mr. LEVITAS. Mr. Speaker, I would like to express my appreciation and admiration for one of the most distinguished Members of this body, DAWSON MATHIS. DAWSON's departure from this body is a loss to us, to his constituents in Georgia's Second District, and to the Nation.

I do not believe it is necessary to list all of DAWSON's accomplishments since he entered the House in 1970 as the youngest member ever elected. After a distinguished career as a news director for a Georgia television station, DAWSON was elected on his first attempt at running for office. At the age of 29, the "tall, lanky maverick from Southwest Georgia," the self-styled country music singer took his place as the spokesman for agriculture and agribusiness in the Nation's Capitol.

DAWSON obtained the respect of his colleagues, and he never forgot his constituents. Coming to Congress in 1970, DAWSON has served with great devotion and distinction on the Agriculture and Interior Committees. He has built a solid record reflecting a philosophy of less Government interference in personal lives while supporting guarantees of freedom for all.

The departure of DAWSON MATHIS diminishes all of us. His work and accomplishments over the past 10 years have enriched the Congress and the country, and all of us are deeply grateful.●

● Mr. BOWEN. Mr. Speaker, it has been my great pleasure to serve in the Congress and on the Agriculture Committee with DAWSON MATHIS since I came here in January 1973, 2 years after he took office.

DAWSON MATHIS is one of the best informed, most determined, most effective, and most colorful Congressmen I have known, and certainly none has exceeded him in dedication to his congressional district and to the people of his State.

It is indeed a loss to all of us that he is retiring from the U.S. House of Representatives, but I am confident that he will find some way to be of continued service to the people of Georgia and to the Nation.

DAWSON has an almost unique skill for negotiating issues that enabled him to achieve the maximum for those he was elected to represent in the Congress through sympathetic understanding of his colleagues, winning their respect, and working with them on matters vital to their own constituents.

I had the opportunity to serve under DAWSON as chairman of the Oilseeds and Rice Subcommittee, and he chaired that very important subcommittee with great fairness and sympathy for the interests of his subcommittee members. In that role he has with great effectiveness looked after the needs of the peanut growers of the Nation, an interest very important to his own State, while at the same time working closely with those of us concerned with rice and soybean matters, so that both producers and consumers of those products could be well served through the legislative actions of his subcommittee.

We all wish DAWSON well as he leaves the Congress, that he will continue to share with us his knowledge, insight, and experience, and hopefully that he will find an opportunity to continue his distinguished career of public service.●

● Mr. FOWLER. Mr. Speaker, the Georgia delegation will suffer a great loss when the 97th Congress convenes and DAWSON is not among our number. With DAWSON's leaving, many of us in the delegation and in the House will miss the companionship and counsel of a close personal friend.

But our loss diminishes in comparison with the loss our State will experience without DAWSON's able leadership and effective representation of both State and national concerns here in Congress.

Many of you here are familiar with our colleague's meteoric rise to prominence since his arrival here in Congress a decade ago as the youngest Member at that time. DAWSON skillfully landed a seat on the most important committee to his district, the Agriculture Committee. Unusually early in a congressional career, DAWSON became chairman of a subcommittee, one crucial to Georgia, the Subcommittee on Oilseeds and Rice which has jurisdiction over Georgia's two primary crops: Soybeans and peanuts.

The kind of effective representation he has provided his district and State, along with the leadership he has lent to Congress, in agricultural matters in particular is a model for all of us.

It is my hope, Mr. Speaker, that DAWSON will remain here in Washington and continue to share his wise counsel, his unique perspective, and his sense of proportion with Congress. I realize this is a selfish hope and one which DAWSON might presume to be equivalent to a criminal sentence, but I hope he will not abandon us altogether.●

● Mr. COELHO. Mr. Speaker, I also rise to pay tribute to DAWSON MATHIS, a good man with whom I have had the privilege of serving on the Committee on Agriculture.

For the past decade he has represented his district in Georgia not only faithfully but well. It is interesting to note that, due in part, I am sure, to his efforts, the economic health and well-being of his district has improved greatly during that same period.

DAWSON has been a friend and in the true spirit of the words, a southern gentleman.

We will miss him.●

● Mr. JOHNSON of California. Mr. Speaker, I rise to add my voice to the tributes to Congressman DAWSON MATHIS who, as my colleagues know, will be leaving the House of Representatives at the end of this session.

DAWSON MATHIS has performed distinguished service for the State of Georgia and the entire Nation for the past 10 years. When he came to Congress in 1970, he was, at age 29, the youngest Member of this body. It did not take him very long, however, to establish himself as a genuine force in the House of Representatives.

He has provided yeoman's service as a senior member of the House Committee on Agriculture, where he chairs the Subcommittee on Oilseeds and Rice. Among the many pieces of legislation in which he played an instrumental part is the Agriculture Trade Act of 1978—legislation which set up trade offices throughout the world to promote American crops and of which he was chief sponsor. Reflective of the esteem in which his colleagues hold him, Congressman MATHIS served two terms as regional representative on the influential Democratic Steering and Policy Committee.

I do not know if all of my colleagues are aware of DAWSON MATHIS' great talent as a singer and guitarist. He performs, in a genuinely professional manner, country, and gospel music, and has brightened the lives of many of his constituents and other citizens of our Nation with his talent.

Not quite 40 years old, DAWSON MATHIS has many, many years ahead in which I know he will be serving his Nation in whatever capacity he deems most suitable. I wish him well in the years ahead, and I applaud his outstanding record of leadership and service.●

● Mr. SCHULZE. Mr. Speaker, it is my pleasure to join JACK BRINKLEY, the Georgia delegation, and my colleagues from across the land in honoring the Honorable DAWSON MATHIS here today. This recognition will not begin to do justice to his energy and accomplishments.

Just one, but perhaps the best illustration of DAWSON's constructive approach to the often thorny and emotional issues debated here has been his innovative work with the food stamp program. His almost uncanny ability to perceive and mobilize the support of his colleagues was decisive in bringing greater discipline and integrity to this necessary, yet often unwieldy program.

I am convinced that the reforms which he advocated have resulted in a program both better administered and more responsive to the needs of low-income citizens.

DAWSON, you have made a conspicuous contribution to the proud heritage which lends strength and conviction to all Americans. It is my hope that we will continue to follow your lead in emphasizing the importance of sound management techniques to the operations of the Federal Government. And more, I hope that we will aspire to your example of sensitive and sincere concern for our fellow man.●

● Mr. LONG of Maryland. Mr. Speaker, we shall all miss DAWSON MATHIS who is retiring from Congress after ably serving the people of Georgia's Second Congressional District for the past 10 years.

As an active member of the Committees on Agriculture, and Interior and Insular Affairs, DAWSON's influence grew because of his commonsense approach to dealing with the Nation's problems. It is fair to say that if we had more Members like DAWSON MATHIS, this country would not be in its present condition.

My best wishes to DAWSON, his lovely wife Sharon, and their four children Anthony Dawson, Craig Steven, Jason Everett, and Russel Dean.●

● Mr. JONES of Oklahoma. Mr. Speaker, at this time of the year, we often pause to pay tribute to our colleagues who are departing the House. It is always difficult to see good people leave public service, but that is doubly the case with our friend and colleague, DAWSON MATHIS.

DAWSON's 10-year service in the House of Representatives for the State of Georgia will long be remembered, and I am sure the people of the Second District will miss his fair, hard-working representation of their interests.

Those of us whom DAWSON leaves behind will also miss his sound counsel on matters affecting the future of our Nation. DAWSON carved out a special role in the area of agriculture policy, and his quiet yet effective work in setting and shaping American farm policy has formed the bedrock upon which we will continue to build and improve.

It was my pleasure to work with DAWSON on several issues, and I always found his support to be important and crucial in any debate. I am sure that we all wish him well in any new endeavor that he might enter. I hope that he knows the depth of friendship he has built up during his service in the House, and that a welcome mat will always be extended to him whenever he returns.●

● Mr. DAVIS of South Carolina. Mr. Speaker, I am proud to have this opportunity to pay tribute to the gentleman from Georgia (Mr. MATHIS) though I am saddened that this tribute is occasioned by his untimely retirement from this House. His departure is an immense loss to his constituents and to the Congress.

Our colleague, JACK BRINKLEY, in announcing this special order, said, "DAWSON MATHIS is an uncommon man." Let me say, without hyperbole, that he is just plain the most uncommon man I have ever met, bar none. Though he has spent 10 years in Washington, he remains rooted—some might say embedded—in Georgia clay. Though he himself is uncommon, he has retained an affinity for the common man unmatched in this day and age. This man, a paragon of Congressmen, will never be equalled or surpassed. It was Shakespeare who observed, "* * * What a piece of work is man! How noble in reason, how infinite in faculty, in form, in moving, how express and admirable * * *."

Those mighty words are incarnate in DAWSON MATHIS. And he has devoted his abilities and his energies to the untiring service of his people and his country.

In the 10 years we have served together in this Congress, I am proud to say that DAWSON has become to me one of the closest friends a man can have. He has been with me through every triumph, every joy, and every despair. I am grateful beyond words for this friendship.

For DAWSON and his lovely wife Sharon, I offer every good wish for the future. And I know, with confidence, that their future will be a good one, for he is a man predestined for greatness if ever such a man existed.●

● Mr. JONES of North Carolina. Mr. Speaker, with the departure of DAWSON MATHIS as a Member of the U.S. House of Representatives, I certainly feel a sense of loss. There are few, if any, Members to whom I feel any closer.

On two or three occasions as chairman of the House Subcommittee on Tobacco, I had the pleasure of taking the subcommittee into his district, and we always were received with graciousness and generosity, all of which was due to my friend, DAWSON. I have even had the pleasure of spending evenings in his home as his guest.

In closing, let me reiterate that ours was not merely a political friendship, but most important to me, a strong personal friendship. I wish for him the best of everything in whatever pursuits he sees fit to follow. I personally will miss him.●

● Mr. ANDERSON of California. Mr. Speaker, I am proud to have this opportunity to join with my colleagues in honoring the Honorable DAWSON MATHIS and expressing our admiration of him. After 10 years of distinguished service to Georgia's Second Congressional District and the Nation, DAWSON decided not to seek reelection to this body. His energy and effervescence on the House floor will be missed by all of us who had the pleasure serving with him.

His expertise on legislation and his many contributions to the Nation, not only through his hard work on both the Agriculture and Interior Committees but also in many other areas, will be missed by those on both sides of the aisle. And I know I speak for most of my colleagues when I say that the people in Georgia's Second District could not have a finer individual as their representative in Congress.

My wife Lee joins me in congratulating DAWSON on 10 years of outstanding public service in the House, and wish he and his wife, Sharon, and their four children, Anthony, Craig, Jason, and Russell well in all their future endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, I appreciate the Members of the Georgia delegation making this time available in order that we might pay special tribute to our colleague DAWSON MATHIS.

This is a particularly sad moment for me because not only will the Congress be losing a very valued Member, but I personally will be losing the day-to-day contact with a very close and warm friend.

For 10 years, DAWSON MATHIS has served in this body and during each of those 10 years he has always worked with diligence to serve the people of Georgia's Second Congressional District. And I do not think he has failed in his sincere effort to provide the best service possible.

Mr. Speaker, I am especially appreciative of DAWSON's contributions on the House Agriculture Committee. Representing a district that is basically rural, I always knew that DAWSON would have a sympathetic ear for the needs of my own constituents. During his service in the House he very much became an expert on agricultural matters and I think the farmers and ranchers of America have benefited from his service.

I know that my fellow Mississippians join me in expressing special thanks to DAWSON for his untiring efforts to combat the imported fire ant in our part of the country. He was continually seeking to find a pesticide to control this ant and the harmful effects it had on human life and livestock.

Mr. Speaker, I am sure all my colleagues will join me in wishing the very best to DAWSON and his lovely wife, Sharon. We will miss them.●

● Mr. NICHOLS. Mr. Speaker, my fellow colleagues. For 10 years our friend and devoted colleague, Hon. DAWSON MATHIS, has served his country, his district, and the American people with untiring devotion and effort. We regret that he elected to leave the House of Representatives. and we believe that he could have been reelected for many years by his constituents which he served so well. We have lost a strong voice for agriculture; he spoke for the farmers of Georgia, and for the farmers of all America. He will certainly be missed by our Congress, and especially by this Member from across the Chattahoochee River. I want to wish for him the best to come in the years ahead.●

● Mr. DRINAN. Mr. Speaker. I am personally sorry to see DAWSON MATHIS leave the House. He and I came to his body together in January, 1971. I have watched with admiration all of the things that he has done for his constituents and for our country.

DAWSON MATHIS served with distinction and dedication on the Agriculture Committee where he ranked fifth in seniority. He also served on the Interior and Insular Affairs Committee where he devoted his energies to all of those things that matter to his own constituents, to the people of Georgia, and to the citizens of America.

DAWSON MATHIS leaves this House with esteem, admiration and affection of everyone who has known him. There are worlds ahead for him to conquer and I know that he will go from victory to victory.●

● Mr. COUGHLIN. Mr. Speaker, I am honored today to join my colleagues in paying tribute to an outstanding Member of the Georgia delegation, Dawson Mathis.

In the 10 years that I have been privileged to serve with Dawson, he has consistently proven himself to be a truly dedicated representative of the people. A record of his achievements on the Agriculture and Interior and Insular Affairs Committee points clearly to his longstanding interest in the welfare of the farmers of our Nation as well as that of all Americans.

Dawson devoted great time and effort to the interests of American consumers through his position on these committees. His understanding and dedication to serving the needs of his constituents will continue to provide a shining example to those who follow.

I join my colleagues in wishing Dawson great success in whatever endeavor he turns his talents and energies to after leaving the House.●

● Mr. ROBINSON. Mr. Speaker, I rise to join in saluting our colleague from Georgia, Dawson Mathis, with the acute realization of the passage of time which comes to us in this body when we note the impending retirement of long-time friends, particularly "classmates". The gentleman from Georgia and I began our service together as Members of the 92d Congress. He made the decision earlier this year, not to stand for reelection, and, although our places have been on opposite sides of the aisle, I will miss him, when, God willing, I take the oath in this Chamber at the convening of the 97th Congress. We may have arrived at different conclusions on legislative matters from time to time, but we shared a commitment to a healthy agricultural economy as an essential of overall economic health in this country.

Our colleague has worked hard, and thought hard in the interest of his constituency, but he has manifested, as well, a dedication to the advancement of the overall national interest as he saw it. He has been forceful and forthright in the statement of his positions. His political courage has been manifest in many situations.

Over the decade of his service here, Dawson Mathis has won many friends, and he has been a genuine friend to many. At this time of recognition, I venture to offer a personal recollection. In the fall of 1974—campaign time—the Governor of Georgia, later to become President of the United States, came into my congressional district to speak in support of my opponent, as he had every right to do. I did think he was unduly harsh and unfair in his public devaluation of my service in the House, but I had been through several campaigns by then and had learned that one had to roll with the punches.

The remarks of his Governor in regard to me came to the notice of my distinguished colleague from Georgia. Out of his inapt sense of fairness and his unaffected friendship, he took occasion to write to me a letter most complimentary of my efforts over the 4 years during which we had served together in the House. I was touched deeply by this voluntary gesture at the time, and I will remember it always as something typical of Dawson Mathis.

I wish for him good health in the years ahead, and satisfaction in whatever he undertakes.●

● Mr. HALL of Texas. Mr. Speaker, Dawson Mathis has achieved an excellent legislative record here in the House and I join his colleagues and friends in expressing sadness that he will not be a Member of the 97th Congress next January.

Many productive segments of the American economy have benefited from the hard work and strong interest displayed by Dawson Mathis in behalf of the free enterprise system as a Member of the House for the past 10 years, but his most valuable contribution has been to agriculture and the American farmer and rancher.

Too often there is a tendency to forget about the role of agriculture in the economic development and well-being of this Nation. Dawson Mathis has constantly reminded us that America is only so strong as our ability to produce food and fiber. He has been in the forefront of the struggle to achieve recognition for American farmers as much as any person who ever served in this body.

The State of Georgia has given this Nation many distinguished sons and daughters. Georgia takes great pride in the high caliber of men that it has sent to Congress. One of the greatest men who ever served in Congress was the late Senator Richard Russell of Georgia.

Like Senator Russell, our colleague Dawson Mathis is a true patriot who believes and fights for a strong national defense second to none. He defends the free marketplace and has been a staunch foe of unnecessary Federal spending.

There is no question that his constituency in the Second Congressional District supports these efforts, because Dawson Mathis has been reelected overwhelmingly to the House in every election since he took the oath of office. As we all know, Dawson wanted to serve his native State in the Senate but was not successful. However, had he decided to remain in the House, I know that his vote this time would have been overwhelmingly affirmative.

I will miss Dawson Mathis, but I know that the future will continue to find him leading the charge for the high principles that this Nation was founded upon.●

● Mr. McDONALD. Mr. Speaker, when this Congress adjourns sine die this year, the Honorable Dawson Mathis of Albany, Ga., will be leaving us. In him we have all had a friend who represented his constituents and Georgia's interests well on the House Agriculture Committee and the Committee on Interior and Insular Affairs. Dawson's rugged good looks always added a certain flair, somehow, to every gathering of the Georgia delegation, and we will be hard pressed to replace him in that regard. And from my point of view, his voting record was conservative and in the best traditions and interests of the State of Georgia. Dawson tried for the U.S. Senate, fought a good fight in the primary, and lost. We all wish him well and with his good looks, steadfastness of purpose and great ability, we are sure he will do well in whatever he turns his hand to now and wish him Godspeed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. Dawson Mathis, who is retiring at the close of the 96th Congress.

Dawson Mathis has given 10 years of dedicated and devoted service to his constituents in Georgia, and has compiled a splendid record of excellence and ability. His diligent efforts as chairman of the subcommittee on Oilseeds and Rice of the House Agriculture Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good Government, or have a more compassionate understanding of human problems than has Dawson Mathis. As a member of the House Committee on Interior and Insular Affairs, he was in the forefront of efforts to implement meaningful solutions and effective action on behalf of the individual citizen.

Dawson is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to Dawson Mathis my best wishes for continued success in devotion to the highest principles.●

● Mr. CORRADA. Mr. Speaker, I am pleased to join all our colleagues in paying tribute to our friend Dawson Mathis who is completing 10 years of service to our country by being the Representative from the Second Congressional District of Georgia to the House of Representatives.

Dawson is a true native son of Georgia since he was born and grew up in the district which he so faithfully has represented during his five terms in the Congress. I have had the pleasure of serving with him in the Interior and Insular Affairs Committee throughout my 4 years in Congress and will miss his presence in that committee.

The 97th Congress will be very different from the current one and while I am sure we all look forward to the incoming Members who will spend the next 2 years with us, we will miss the companionship and good work of our colleagues that will no longer be with us. I share with you the sadness that we all feel in paying this well-deserved tribute to Dawson; we would rather that he were coming back with us for the 97th Congress.

I want to extend to Dawson, his wife Sharon, and the rest of his family my warmest wishes for good luck and the best of good health in the future.●

Mr. BRINKLEY. Mr. Speaker, I yield back the balance of my time.

CONGRESSWOMAN GLADYS SPELLMAN

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I want to

take this occasion to express my deep concern for our esteemed colleague, Congresswoman GLADYS SPELLMAN. Earlier this month the voters of Maryland's Fifth District overwhelmingly showed their support for Congresswoman SPELLMAN's bid to return to this body. Let me first say that I am confident my colleagues on both sides of the aisle join me in commending the wisdom of the voters of the Fifth District.

We are, of course, distressed that Mrs. SPELLMAN cannot be with us today and will not be with us for the remainder of the 96th Congress. Her spirit and leadership consistently have called forth the highest praise and respect of all who knew of her work. Among her strongest qualities is persistence in battle, and I am confident that she brings this quality with all of her strength to the difficult battle she now confronts. I know that my colleagues join me in hoping that the illness which keeps her away now will not prevent her from fulfilling her responsibilities in the 97th Congress to the people she represents.

Congresswoman SPELLMAN is a leader in the ongoing fight for women's rights and she has worked with determination to improve Government employee benefits. She consistently provided leadership on the floor of this House, and faithfully contributes to debate on matters which concern not only her constituents but the general welfare of the Nation as well.

I pray for Mrs. SPELLMAN's rapid recovery. I look forward to working with her in the next Congress. I greatly admire the skills and concern she brings to this body. More important, I am certain that the citizens of her district, supporters and opponents alike, look forward to her return with pride and admiration for the manner in which she represents them before the Nation.

Mr. GILMAN. Would the gentleman yield?

Mr. WEISS. I would be pleased to yield.

Mr. GILMAN. I want to thank the gentleman for bringing this matter before the House of Representatives. I think that all of our colleagues join with the gentleman in wishing our good colleague Godspeed and good health and an early return to this House. I have had the privilege of working with the gentlewoman from Maryland (Mrs. SPELLMAN) on the House Committee on Post Office and Civil Service and have always respected her diligence and devotion to her tasks. We certainly hope that she will soon be able to return to fulfill those responsibilities.

I thank the gentleman for yielding.

Mr. WEISS. I thank the gentleman for his comments.

□ 1220

DANGEROUS INVESTIGATIVE PROCEDURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday and 3 days ago, I addressed the House with respect to the activities of not only the House but, specifically, the committee known as the Committee on Standards of Official Conduct.

In the first special order on this matter 3 days ago, I addressed myself almost exclusively to the disturbing actions of the House itself with respect to the matter of Michael J. Myers on October 2, at which time the Representative from the First Pennsylvania District was expelled.

Therefore, at this time we have better than half a million Americans who are shorn of a voice or a vote in the Congress of the United States, in the House, to be specific, because of that action of the House.

We have had an intervening election at which time Michael J. Myers was defeated in his bid for reelection. At the time of the consideration of the matter of Michael J. Myers, on both the first motion to postpone consideration until the House reconvened on November 12, which was defeated, and on the second motion, which was against the proposition of expulsion, but which proposition succeeded, I addressed the House in a very limited fashion, and as I am doing now, in a previously unprepared manner of speaking extemporaneously, and as I have 3 days ago, and then again yesterday, because I might say, by way of explanation, that I do not have the staff resources to divert to this particular matter which is of such personal importance to me, and concern.

It has been the obsessive concern since October 2, even during the midst of a very intense campaign back home. So what I say has been continued in an interrupted fashion because in the first special order 3 days ago I yield to two Members because I believe that any interest evinced by any colleague is to be appreciated in the most critical issue that I can see, in my opinion, has confronted this deliberative body since its inception in 1789.

As I see it, and as I said this morning—and this is the reason I am speaking today—in my appearance before the Committee on Standards of Official Conduct at about 10:30 this morning, on receipt of the letter from the chairman the day before yesterday, in which he was replying to my letter, which I inserted into the RECORD 3 days ago, in which I requested that I be given the chance to address that committee, because I have always felt that if we are interested enough to inject ourselves into the matters and the processes of a committee I do not belong to and I address the House, that at least I should, as far as is humanly possible, have a chance to address forthrightly and face to face the Members directly involved. And I had that opportunity this morning.

In accordance with my request, I include as part of my order, the transcript of my remarks to the committee this morning:

STATEMENT BY HON. HENRY B. GONZALEZ, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, NOVEMBER 20, 1980

The committee met, pursuant to notice, at 10:30 a.m. in Room 2237 Rayburn House Office Building, Hon. Charles E. Bennett (chairman of the committee) presiding.

Present: Representatives Bennett, Hamilton, Preyer, Rahall, Spence, Hollenbeck, Livingston, Thomas, Sensenbrenner, and Cheney.

Also present: E. Barrett Prettyman, Jr., Allen Snyder, special counsel; John M. Swanner, staff director; Rep. John W. Jenrette, Jr.; Kenneth Robinson, counsel; Dennis Hart, cocounsel; and Rep. Henry B. Gonzalez.

The CHAIRMAN. The meeting will come to order.

Our colleague Mr. Gonzalez has asked if he might be given an opportunity to address the committee. Of course, we are glad to accommodate him. He is not a witness in the case which will come up later today, but he has asked for permission to talk about procedures and matters of that type.

Mr. Gonzalez, if possible, I would like to have you complete your statement in ten minutes, if you could.

STATEMENT OF HON. HENRY B. GONZALEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GONZALEZ. I am pretty sure it can be done except, Mr. Chairman, I first wanted to thank you and the committee for this courtesy. As you know, it was in obedience to the letter I had written to you three days ago, and after which I had a special order on the House floor, but as in the case of the special orders, one of which, gain, I had yesterday in the afternoon, I do not have staff available to me that I can divert for whatever energy I spend on this matter, which is of considerable concern to me and has been for some time, so that I am going to ask at the outset permission, if it is your wish and the committee's wish, that I be allowed to bring my staff, Mrs. Inman, to transcribe what I say here, because I have not had a chance to dictate or prepare, so if I could, because I will not have available to me what I am saying as soon as I will when she transcribes it.

This is Mrs. Laurene Inman.

As I said, I thank the chairman for this courtesy. I also would like to ask unanimous consent, if I may, at this point offer the special orders of three days ago, and yesterday, for the record of this proceeding.

The CHAIRMAN. There isn't any proceeding. You are just being heard, but we will be glad to have that in the record that we will keep of this meeting of the committee, which is not a proceeding involving any particular testimony.

Mr. GONZALEZ. If it is inconsistent with the purposes of this meeting, of course I wouldn't make that request. Since it is on the record anyway, in the Congressional Record, I just thought that——

The CHAIRMAN. Well, it will be a part of the meeting of this committee this morning, but will not be a part of any other matter that may come up today.

Mr. GONZALEZ. The only reason I was making that request was because at best, even though it was extemporaneous, it at best exemplifies the points that I may or may not have a chance to make in this short——

The CHAIRMAN. It is so ordered.

Mr. GONZALEZ. Mr. Chairman and fellow members, it is a matter of great concern to me to see what has happened, particularly the actions of the Special Counsel, Mr. E. Barrett Prettyman. In your letter to me, which I received I believe it was the day before yesterday, you stated that I was under a misapprehension, because of the erroneous reporting, particularly by the New York Times. However, in checking the actual happenings, I find that the New York Times was correct. Your Special Counsel did intervene during the judicial proceeding.

The CHAIRMAN. He didn't intervene in those, but at the time when it was chronologically taking place. There is a difference. There was no intervention in the proceedings, as I understand it, in the sense that those proceedings had any content with regard to what the notice that Mr. Prettyman was giving Mr. Jenrette.

Mr. GONZALEZ. Well, the proceedings were in court and the counsel sent the note to the judge who then suspended upon returning to the bench to allow time to relay the message that Mr. Prettyman was going to relate to Mr. Jenrette. Nevertheless, the impact of that, as was brought out I think very eloquently in the recent opinion of the Circuit Court in the case of Congressman Helstoski, which I think has a direct bearing on the proceedings, and should have some impact on the consideration of the pending cases that this committee has now, and probably will, because we must remember that even now under way in trial are other cases involving the same transaction known as the Abscam scandal.

The CHAIRMAN. Mr. Gonzalez, apparently you are addressing material relative to a case that may or may not come up later today. I would, since you are not called as a witness by either the committee or Mr. Jenrette, I think that we should ask those people whether they have any objection to your talking about a case which is going to come up. Have you any objection?

Mr. ROBINSON. I am Ken Robinson, on behalf of Mr. Jenrette. We very much welcome any comments Mr. Gonzalez has to offer, and would ask that he be given as much time as he feels is necessary to let this committee hear exactly what the facts are and what the position is that Mr. Gonzalez is taking. I think what he has to say is probably more pertinent than anything I have read or heard in any of the proceedings thus far. We welcome his statements going into the record and him being given as much time as the committee feels appropriate.

We hope you deem it appropriate to take a lot of time.

The CHAIRMAN. I deem it appropriate in view of what you have said to allow him to address matters relative to your client.

Mr. ROBINSON. Yes.

The CHAIRMAN. I don't deem it appropriate at this point that this be made a matter of record in the matter which may or may not come up later today, which has not yet been convened. So with that distinction, go ahead.

Mr. GONZALEZ. Mr. Chairman, I should point out also that I was not advised that the committee was contemplating hearing from Mr. Jenrette this morning. At the time I accepted the invitation, I had no knowledge, and I didn't until this morning, so therefore I should not be considered as appearing here as a witness, and certainly in no specific case other than that I am compelled to come before the committee, because both the action on October the second and expulsion of Michael O. Myers, and the course of events pursuant to the committee rules led to that, and the circumstances and the language in the opinion of the Helstoski case, which brings that out, and which the potential for grave mischief, because even though it is alleged that there is no interaction between the judicial proceedings involving the criminal culpability or not of the defendants, and the actions of the Committee on Official Standards of Conduct, I believe that a miscarriage of justice is happening, when under the guise of that interpretation we deceive ourselves into thinking there isn't when as a matter of fact there is.

The actions, whether sanctioned by the committee or not, of the Special Counsel in intervening during the proceedings, in this case the Jenrette case, even though his actions in uttering positions that only the committee or members of the House should take were circulated and publicized before even the verdict of the committee or the contemplated action by the House I think are inconsistent with justice, because even though this may not be considered a judicial proceeding, there is no question that it is a quasijudicial proceeding, that it does redress itself into an adversary position, and where for instance in this case the committee has armed itself, and in an adversary—I dont think we can deny that it is an adversary—proceeding, we have a Special Counsel highly priced.

I was surprised when the clerk figure showed yesterday that he has been paid $250,000-plus. Now, how can any member of the Congress appearing before here, entrammeled in all of the rules and rule changes that the committee itself has made, without the opportunity to have equal legal talent, be said to have had justice? And this is what I am speaking of. I am urging the committee to redress that imbalance.

Secondly, obviously at the time the resolution was considered wetting up this committee, I spoke out then, so I am being consistent. I am not appearing here as a spoiler or as necessarily one attempting to obstruct, because I am the first to recognize the tremendous responsibility in an unchartered area of legislative action, at this point or juncture in the historical development of the House of Representatives, and therefore I would be myself unjust to in any way attempt to obstruct. But I am concerned that the very destruction of this House is here and it is in your hands, because as in the case of Michael Myers, if a deliberative body—and I am not speaking now of the committee because I am speaking of the House action—erects a rule only to abandon it, we then have no deliberative body following a course of systematic ruling, but we have really a lawless group, a mob, if you please, and this is what bothers me. I felt that in view of the history and all and what I said at the beginning, that this committee actually under these circumstances, and where you have the fine points of rulings of a highly priced attorney, that at least it ought to work in joinder with the Committee on the Judiciary.

I believe at this point that I want to go on record as strongly urging that this committee work in conjunction with the Committee on the Judiciary, because of the adoption of the resolution, the so-called Abscam resolution, in which two unprecedented clauses were adopted, and I refer to these in my special orders and I referred to them during the debate on the matter of Michael Myers, and that has to do with the stripping naked for the first time in our history, or for that matter in the history of Anglo-American parliamentary record, the members of this House—the only privileged class in the Constitution are members of the Congress, so they can be independent and free, and this committee may wittingly or unwittingly be placing us in jeopardy with either the Executive Branch of the government or the Judiciary itself as the Helstoski opinion points out dramatically, and this is the only reason that I urge that, and I think that in the case of that rule or that clause, where the Justice Department in effect is saying, "We will turn over evidence you want for your purposes" in the case of ethics, "provided we tell you who we want to get that information."

Now, we don't know, because it isn't clear, and it hasn't been stated by this committee what its procedures will be.

Suppose that happens. Suppose it has already happened. Suppose the Justice Department says, "Well, it's Chairman Bennett we don't want to have this information." How will you know? You won't. But suppose they say, "Well, we don't want Mr. Hamilton to get it. We will turn it over to you but provided Mr. Hamilton doesn't get it." Who makes that decision? Do you, the chairman, or does a meeting of the committee except Mr. Hamilton? We don't know.

These, I think, are new ventures into untrodden parliamentary fields, and this is my concern in all seriousness and sincerity, and that is what I wanted to say.

The CHAIRMAN. We appreciate it very much. Would counsel like to address?

Mr. PRETTYMAN. Mr. Chairman, as a matter of personal privilege I would like about three minutes. The reason is that last night on the floor, Congressman Gonzalez charged me with highly improper and unethical conduct.

Mr. GONZALEZ. I asked a question. It was a rhetorical question. I said, "What about the ethics in this?"

Mr. PRETTYMAN. I am sorry, sir, but I have your statement here, "And it seems to me that it is highly improper and even from an ethical standpoint highly questionable because this judge is now pondering", et cetera.

Mr. GONZALEZ. That is right.

The CHAIRMAN. You are not involved in this matter.

Mr. ROBINSON. I want to make a statement for the record.

I object to——

The CHAIRMAN. You haven't a right to make a statement at all. You are just sitting here.

Mr. ROBINSON. I object to having to sit here without a voice when my client is the one who will be jeopardized. I think that is what is wrong with the procedure, so I object. I am not able to comment.

The CHAIRMAN. This procedure does not involve Mr. Jenrette.

Mr. ROBINSON. It will. What has been said here will have a devastating effect.

The CHAIRMAN. What do you want to say?

Mr. ROBINSON. I want to make a statement. Any time Mr. Prettyman speaks hereafter, I have a right to reply, that he is never given the opportunity without us having to speak. We have to stop his ex parte participation in these hearings. If he speaks, I will want to speak on it.

The CHAIRMAN. I will recall on it at the time.

Mr. PRETTYMAN. Mr. Gonzalez said several times that I called Mr. Myers a liar to the press and that I said to the press he should be expelled. As the committee is well aware, I never made any such statement to the press. I made that statement to this committee in a open, sanctioned hearing. I did not demand action on the part of this committee through the press. I have never done that. I have never intimidated the sitting members of this committee. I could not do so even if I were so inclined.

My appearance in court was not improper or unethical, quite to the contrary. It was done at the direction of this committee in order to give Mr. Jenrette the earliest possible notice of the action which the committee had just taken.

My note to the judge did not go to any merit. It simply said that the committee had taken action which required me to speak with Mr. Jenrette, and the judge immediately granted my request and I spoke privately and personally with Mr. Jenrette and his attorney, Mr. Robinson.

In the articles attached by Mr. Gonzalez to his statement last night, two of them do not even refer to me. The matters attributed to me in the other articles are accurate, and I see nothing improper in them. And as a matter of fact, I think I have exercised the greatest restraint in dealing with the press. There has been no leak out of my office or out of this committee that I am aware of in connection with anything that we have had to do with.

As for my fees, I was not aware of what they totaled, but I do know that I lose $65 an hour for every hour I spend on behalf of this committee and that every bill that we have sent to this committee has been far less than we, our firm, would charge our normal clients as our normal hourly rates.

The CHAIRMAN. Without objection, the attorney for Mr. Jenrette can address what he wishes to the committee, with the understanding, of course, that this is not in the matter of Mr. Jenrette which has not yet been called before the committee.

Mr. ROBINSON. Thank you, sir. I appreciate the opportunity to speak.

I would like to state that I agree with what Mr. Gonzalez just said with all due deference to what Mr. Prettyman just said about the matter of what occurred before Judge Penn just last week. I happen to have had the floor questioning FBI Agent John Good at the time that a note came from Mr. Prettyman in the presence of the media, many of whom are here today who could testify if necessary to show what his style of intervention was.

A note went to Judge Penn who said, "Excuse me a minute, Mr. Robinson," or something to that effect. He doesn't speak as colloquially as I do, and he read a note and said that, "The court will leave the bench for a moment so you can confer with Mr. Prettyman, Mr. Robinson."

I was in the middle of an important question with Mr. John Good in which we felt we were getting into perjury that had occurred in the trial. We were in the middle of hearings. Now, it was about 5 after 12. We were going to recess at 1:00.

The point is that it was a dramatic play in front of the press in our opinion, that obviously the committee had voted to do something up here, and then Mr. Prettyman came over and said we should meet in a quiet spot because we don't want to leak anything to the press.

Well, he didn't have to leak anything to the press when you interrupt Federal proceedings before the judge so that he leaves the bench in the middle of my sentence or my question, and the press is all clamoring at this point wanting to know what is happening.

We retired to the terrible jury room where they voted in this case and spoke, and it was at that time suggested that if Mr. Jenrette wanted to have the hearings, we would be here this Thursday. There would be no postponement, and that he could avoid all this by simply resigning.

I know Mr. Gonzalez was concerned about that, when he has given statements before.

Now Mr. Prettyman may very well have been trying to be of assistance to us, but we feel that is inappropriate to have the option to resign or else go to Judgment Day next Thursday.

We have got motions before this committee which I don't want to get into right now, but I think there is a hasty train moving in the direction that we object to right now, and Mr. Prettyman should not have come in that courtroom. He could have waited. He could have sent the note to me. He could have sent the note to me and I might have said, Your Honor, might we have a recess, but I think it was an improper way to do things.

And I agree with Mr. Gonzalez' interpretation, and I am biased, obviously. Mr. Prettyman is biased and obviously unbiased members of the press are here that I think you could call—I don't think you want to do that—would support my biased interpretation.

The CHAIRMAN. With regard to Mr. Gonzalez and his appearance here today, we are glad to cooperate with you and let you make your statement. The committee has followed the rules and the statutes and the procedures, and has operated under the constitutional requirements entirely with this matter.

As a matter of fact, you know, the matter still could be brought directly to the floor without ever going through this committee while we are going on, and the feeling that he has about procedures could be addressed by legislation that he could introduce to change the procedures. We don't ourselves have jurisdiction to change procedures that way in the matter of all the things you have addressed.

I think that we have addressed enough time to this matter at this point, unless there is something that you must say.

Mr. GONZALEZ. Just briefly, that after hearing the attorneys testimony, which I was not aware of in detail, that I now want to clarify whatever doubt I might have had on what I said yesterday, and that I do want to go on record as seriously questioning the ethics of the special counsel and the procedures sanctioned by this committee in this specific case, and in the other matters.

The CHAIRMAN. What are the procedures sanctioned by the committee that you object to?

Mr. GONZALEZ. You just said that Mr. Prettyman had acted——

The CHAIRMAN. I didn't say anything——

Mr. GONZALEZ. You did.

The CHAIRMAN. I didn't mention his name at all, the record will show. I said the procedures followed by this committee.

Mr. GONZALEZ. Well, that he had carried out the wishes of this committee.

The CHAIRMAN. I didn't say that. I did not say that.

Mr. GONZALEZ. I am sorry. I misinterpreted. I want to go on record as saying that I now really do seriously question the propriety of that.

The CHAIRMAN. We are glad to have had you. We are now adjourned for two minutes.

(Whereupon, at 10:50 a.m. the committee proceeded to other business.)

But at the time I spoke yesterday and at the time I accepted to go before this committee this morning, I was not aware of the fact that the committee had intended to have present Mr. JENRETTE, Congressman JOHN W. JENRETTE, and his legal counsel. And, therefore, when I appeared before the committee this morning I had to go into the explanation to say that my appearance was independent but that it did impinge on what I consider to be a fateful deliberation of that committee, and it has to do with the actual permanence and the durability of this institution we know as the House of Representatives.

For, as I said before, the germ seed for the destruction of this institution is not now just a seed lying fallow; it is now beginning to germinate. And at some unforeseen date, under some yet unforeseen circumstances of passion and hatred and division, I can see where these precedents now being forged by both the Committee on Standards of Official Conduct and the House itself will lead to what we take for granted and have, since our forbears in England, the privileges and immunities protecting the independence of the membership of this body. And I want to go into that aspect of it.

With the development of the so-called Abscam scandals and investigations by the Justice Department—but not necessarily limited to them—going back into the 1964 period, when we had the then majority leader take the well of the House, and, to an almost full membership, announce that he knew and, as a matter of fact, could show that the Justice Department through the FBI was bugging every single office of the Members of the House of Representatives, and that they had dossiers on every Member of the House of Representatives, ever since that day we should have been alerted to the danger of the unprecedented incursion on the part of the executive branch into the independence, separateness, and coequalness or coequality of the House of Representatives or the legislative branch, the first branch of the Government.

The privileges in the Constitution are really limited—only one, in reality. That one privilege provided for in the basic law is that which affects the Members of the Congress, and of course it goes back to the English parliamentary days when kings and courts, incidentally, were invading the independence of the Members of Parliament, the House of Commons. And therefore in article I we are given that immunity from arrest under certain conditions if we are traveling to or from sessions of the Congress or to be held free for whatever we have said—of course, with certain limitations—while in debate, obviously to protect the independence of the Members.

But now we have Abscam. Before this, we have the report which should have been disturbing to us then, and I feel and felt then that the House had the responsibility to have pursued that matter brought by the then majority leader. It should never have been allowed to have died on the vine, so to speak. But now we have this development.

But in the intervening time we have had other cases. For example, in the matter of EDWARD ROYBAL, the Congressman from California, in which the House vetoed the recommendation of the very Committee on Standards of Official Conduct. And during the course of debate Mr. ROYBAL brought out the invasion of his office through burglary and search, and where he pointed the finger at both what he felt were committee investigators as well as Justice Department offenders. And that was allowed to have been lost in the course of debate. But nevertheless we have that.

We have the case in the matter of our colleague who is retiring this Congress, ED PATTEN of New Jersey, in which the Justice Department almost singlemindedly was going after ED PATTEN. Now, there is nobody here who has worked with ED PATTEN who dares even to insinuate that he is other than the most honorable man and of integrity whole.

□ 1230

And yet, I think every Member here should be cognizant of what happened in that case, and should be interested enough to direct the Committee on Official Standards of Conduct to investigate that questionable ethical practice. But, now we have, as I this morning reaffirmed what I said yesterday about the questionable behavior of the committee's Special Counsel, who meanwhile has amassed over $250,000 in payment as fees as Special Counsel for this committee, and yet it is an adversary proceeding and nowhere does this House provide that access to legal defense for the defendant who, my dear colleagues, could very well but for the grace of God be you or me.

Now, with this new departure not only in a juridicial sense of Anglo-American corpus, of jurisprudence, but in the quasi-judicial deliberations of the deliberative body known as the Congress, or the legislative branch, if we have no law, how can we, the lawmakers, then say that we are a deliberative body? If, as the House did in the case of Michael J. Myers, abandoned the very rule of procedure that it set up in the prior case of Representative Diggs, how can we be assured that even the committee's proceeding under a systematic course of precedent and rules established and fixed, and the House thereby not being boxed in as it was in the case of the matter of Michael J. Myers?

I ask this question because, if a deliberative body does not proceed according to rule or law, then it ceases by definition to be a deliberative body and it becomes a disorganized gang or mob. Gentlemen, that is a fateful thing to have happen or to even say is happening to such a great body, the greatest on the face of the Earth, as is this representative body known as the U.S. House of Representatives.

Now this morning, to my disappointment, the charge I made yesterday that the behavior of the Special Counsel who, as I say, has not amassed over $250,000 in fees as Special Counsel, intervening in the judicial proceeding just last Friday on the pending case of Representative JENRETTE, this is the same man who before the House acted and before the committee itself had acted was telling the press and circulated by the press that Michael J. Myers was a liar, and that the House should not suffer his presence as a Member 1 hour longer than absolutely necessary.

Now, I think that is very questionable, but intervening as he did the other day, and by the admission of the testimony given in my presence this morning before the committee reaffirming that this same high-priced Special Counsel sent a note to the judge during the proceedings, while a most important motion and interview, or cross-examination, was underway, asking the judge to suspend so that he, a bearer of a message from the Committee on Official Standards of Conduct, could present that message to Mr. JENRETTE, it had only one intended purpose, and if not intended, certainly obviously going to result in the intimidation of both the defendant, Mr. JENRETTE, his counsel, and the judge who is now with a 6-foot high set of 26 volumes of evidence that he is intending to go through before rendering a judgment in the matter of JOHN J. JENRETTE.

And yet, I heard the chairman of the committee say that they were pursuing the rules and the tradition, such as it is—short-lived one, I am sure—and yet I ask every Member of this House, from the Speaker on down, if this is proper, if this is tolerable, if it should be more than my voice being lifted in question, because I repeat: The continued stability—nay, the very existence of the integrity of this House is imperiled.

I hope that I shall never see fulfillment of this prophecy or prediction or charge as I am making it. Yet, my experience leads me to be pessimistic, and when I look around and I see how we have been stripped naked, both through committee action as well as House action, in our defense of the protection we have for real independence, as brought out just a few days ago by the opinion, incidentally, in the manner of Henry Helstoski, where the circuit court after years and after half a dozen grand jury improper behavior practices in the matter of Helstoski recommended that Mr. Helstoski and his indictment and all were improper, illegal, and therefore absolved Mr. Helstoski.

In its eloquent language, the judge went out of his way to say that it is clear that even the threat of an indictment is enough to intimidate most hardy and independent Members of the House or the Congress—just the mere threat of the indictment, much less an indictment itself. And, that the intention of that immunity was not only to protect the independence and the liberty of the individual Member from the executive branch, but from the courts themselves, which even as matters are proceeding in related cases under the so-called Abscam scandal are pending and in process now.

Now I, say that I never dreamed in my lifetime that I would see this on any level. I have had the privilege of serving on the local legislative level of the city council of the city of San Antonio, and then I had the high privilege of serving on the State senate of the State legislature of the State of Texas, and for 19 years the people of the 20th Congressional District of Texas have exalted me and privileged me and given me the honor of representing that district here. Never in the experiences that I have had in the other bodies, where the difference is obvious, where the perfection I saw of service on this level was so distinct and so obvious and so clearcut as that which I had had on the local, municipal, and State level, that I always in my prayers thank God for this system, and have always prayed for its preservation and resolved firmly that any action of mine would forever be in behalf of the preservation and transmittal to those who would follow us, just as I have been fortunate to have those old stock Americans preceding me be in a position to have transmitted that opportunity to the likes of myself.

With that same resolve, and impelled only by it, I am speaking and addressing and taking the time of this House for this purpose. But, it is distressing to see, as I do in the prior cases, where alone and unaided I raised my voice.

I was one of the few that again and again, and in effect voted against the establishment of such a committee, and to this day I feel that the best thing the House could do would be to place the functions of this committee where they ought to be, and that is as part of the duties of the Committee on the Judiciary.

□ 1240

This is the reason I went head on and face to face and told the members of this Committee on Standards of Official Conduct that that is one thing I am advocating and will continue to advocate. I said that I am asking them, that even now, before going further into this bramble patch of joinder and mixture of the legislature with the judicial, they at least have joint sessions with the Committee on the Judiciary. I insist on this, and I hope and pray that such will be the case from here on out, and that eventually the House will do this, because, as I have said before, since 1789 no prior House of Representatives had seen fit to go this way.

I said this when this resolution creating it was coming up. Is it because all of the collective Members before were less virtuous or less righteous? I do not think so, I think it was because they were far more conscious of what was involved in a thoroughly yet to be explored field of excursion in the legislative process where they are going to the heart of the matter of representation.

If this House, as it did on October 2, just as it did under the circumstances when it acted on October 2, decided that one of us shall be expelled, who is to predict now in time of stress what we can foresee now in time of turmoil? Just as in the case of the first instance, the beginning of the Civil War, who can say that any one of us, duly and properly and innocently elected by a legally constituted citizenry shall not have that privilege and that right?

This is what is involved, and this is why I am concerned when I see the actions of the Justice Department. Why here day before yesterday, in the proceeding of JOHN MURPHY in New York, what was the startling news that came out? Oh, it said that the name of Senator BRADLEY had improperly injected, and they wanted to clear his name. That came out on page 13 of the paper, but before the election and in headlines Senator BRADLEY's name was involved, only now to have the prosecutors of the Justice Department of New York say, "Oh, no, his name just happened to be mentioned by one of our hired hands."

Here is the Justice Department saying that it has millions of dollars to divert from its resources for such things as Abscam infractions, but it cannot resolve the murder—the most heinous murder in the history of the judiciary—in San Antonio of Federal District Judge John W. Wood, a case where they have not even got a lead yet today. It will be 2 years since that murder took place. And there is not a lead either in the case of the attempted murder of Assistant Federal District Attorney James W. Kerr.

Now, where is the propriety? What is the propriety? Why should the practices reflected in Abscam by the Justice Department and the executive department go unchallenged and unquestioned by the legislative branch, which is now stripped naked before it?

What does the prosecutor say in the Bradley case? He says, "Oh, we are now willing, if Senator BRADLEY wants it, to give him a written statement saying that he is not involved."

Well, that is like saying, "We will give him a written statement to the effect that Senator BRADLEY, as we had thought before, was not involved on January 12, 1978, but maybe he was in April." That is the kind of thing that we are now supposed to plead for from vindictive and vicious prosecutors in the Justice Department? Are we now going to say that we shall be at the mercy of some directive yet to be established?

The Justice Department itself, though the actions of the Attorney General himself, admitted that there was impropriety in the actions of the FBI by leaks and the manner of the leaks, and, therefore, we had the involvement of innocent persons in and out of the Congress. And we have yet to hear the results of the investigation mandated by the Attorney General as to who in the Justice Department did it and for what premeditated reason and for what reason, on the basis and pattern in which they acted, they did it. With all these millions of dollars of resources that we in the Congress are so concerned about in matters of economy, they act with no accountability other than with the calculated intent to get at some preselected Members of the Congress.

Now, the question of guilt—bribery or not—sees us, then, to be the main issue, because that can be dealt with separately in the proceedings in the Committee on Standards of Official Conduct. But the history of those proceedings, by the admission of the chairman and the members and the apologists for the committee, the defenders of the committee, is that they say on the one hand that they have nothing to do with the judicial proceedings, but on the other hand they say, "Yes, we do because we are going to demand a judgment."

But what kind of judgment? According to their own rule 14, it is contradictory to the corpus of procedure in the Federal Jurisprudence that decides and defines final judgment. Neither in the case of Michael J. Myers nor in the new pending case of Representative JENRETTE has this by definition been the case.

So then we are at their whim, and as the Court properly states in the Helstoski decision, we are now vulnerable, naked to intimidation, and as the judge said, an unscrupulous executive branch can intimidate and cause the sufferance of the loss of independence of an individual Member who may be troublesome to that administration.

That is obvious to everybody, and especially it should be to my colleagues. All of us are politicians who can talk from experience, and we know from experience what it means to face just the threat of an indictment or a rumor which may turn out to be baseless later. It is one that may come in the course of a heated campaign, and then we find out who can survive that intimidation.

I believe that the least we in the House should do is to consider seriously revising our rules in accordance and in consistency with what we charged in the resolution creating the committee, particularly the two most heinous resolutions, in my opinion—although I must admit that I was the only one voting no—in which we have for the first time delegated such wholesale authority to this committee that we provide, for example, that in exchange for that committee's receiving any documentation or evidentiary matter from the Justice Department, the FBI, the CIA, whatever it is, or their hirelings, they may do certain things. And these hirelings are criminals themselves, incidentally. They are criminals themselves.

We have been reduced in great America to our law enforcement agencies on the national level saying that they cannot solve crime unless they are cheek by jowl with the criminals, the most accomplished and professional criminals of all. I think that is a sorry past in our history.

But the least we can do is show some concern and ask ourselves, "What have we wrought?" We passed this resolution saying that in exchange for any information requested by the committee, the Justice Department shall say, "Oh, wait a while. We will give you this information, but only on condition you don't show it to X, Y, or Z Member." So the resolution reads—and you gentlemen voted for it—that that information shall be denied any members of the committee or the House.

Now, who is going to make that determination? I asked the chairman that question this morning. There was no answer. I said, "If the FBI has given you information and says, 'but we don't want X member of this committee to have it.' what do you do? Do you call a meeting of the committee short of that member, or do you make that decision?"

Or suppose the FBI says, "Oh, you know what? We don't want the chairman of the committee to have it." Then what happens? Is the committee going to be made aware of it? Is there going to be a refusal?

We do not know, and neither does the committee. I have no answer, and I did not get even an attempted answer when I raised those questions.

So, Mr. Speaker, even in the matters that the committee has gone into now, we have been denied due process.

□ 1250

TRIBUTE TO RETIRING MEMBERS OF THE NEW YORK STATE CONGRESSIONAL DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, as the chairman of the New York State congressional delegation, I have the somewhat bittersweet task today of noting the fact that some seven Members of the 39-Member bipartisan delegation from New York State are not going to be in the 97th Congress. This is a fairly substantial percentage of our delegation, roughly 22 percent, and including the chairman of two standing committees of the House and representing, incidentally, a total of 98 years of service in this body.

This is a heavy blow to come to the New York delegation, but it is at least a pleasure to have the opportunity to take this time this afternoon to pay tribute to all this service, and also to honor these seven Members personally upon their retirement from the Congress.

Because there are a number of Members in the Chamber today who wish to pay tribute to one or another of these seven members from New York, I will make only brief remarks about each. In keeping with the precedents the House will refer to them in the order of seniority.

Congressman JOHN MURPHY, chairman of the House Committee on Merchant Marine and Fisheries, has served for 18 years. He came to Congress as a legendary graduate of West Point with a most distinguished military career in the Korean war, where he won the Distinguished Service Cross for valor. As a Member of the House and as a chairman, JACK MURPHY has been a tireless worker and a forthright and courageous legislator. For years he has spoken out against the threat of communism in the Caribbean, a situation that is finally beginning to receive the serious attention it deserves. Representing the interests of the great Port of New York, Mr. MURPHY fought tirelessly to alert Congress and the American people to the need for a strong and effective American merchant marine. He well knows that naval power cannot be achieved without the existence of a strong merchant marine. In his voting record, JACK MURPHY has been steadfastly supportive of a strong defense, and has consistently supported the maintenance of strong relations with Korea. His independent approach will indeed be missed here in Congress.

Congressman JOHN WYDLER, dean of the New York Republican delegation and the vice chairman of the bipartisan delegation, decided to retire after having served here likewise for 18 years. As chairman of the bipartisan delegation I have been particularly pleased to work closely with JACK over the past 2 years in seeking to unify our large delegation and make it more effective in support of projects of interest and value to New York generally. JACK WYDLER has worked hard to set party considerations aside and has done much to bring about a degree of unity in the New York delegation that had previously been lacking. Legislatively, Congressman WYDLER as the ranking minority member of the House Committee on Science and Technology was a strong and outspoken supporter of nuclear power. He demonstrated his remarkable effectiveness as a legislator just a few days ago when almost singlehandedly he steered through the House a renewal of the revenue-sharing program, including revenue sharing for the States. We will miss JACK's able leadership here.

Congressman JAMES HANLEY, the second New York chairman of a standing House committee who will not be back next year, also decided to call it quits here after 16 years of distinguished service. JIM is chairman of the Committee on Post Office and Civil Service. In that role he has been regarded by his colleagues as "Mr. Postal Service." It was JIM who prevented what could have been even more precipitate increases in postal rates by gaining congressional funding of the Post Office's public service functions. JIM was largely responsible for preventing the elimination of Saturday mail deliveries, too. And he took a leading role in developing and perfecting the civil service reform legislation, which represents another of his major achievements. And while this may not have come to the attention of the Nation as a whole, JIM HANLEY will also be remembered here in the House as the Member who was responsible for creating the "district work period" which has enabled us to schedule with greater precision our appearances back in our districts, without conflicting with legislation being considered on the floor of the House. I have a special affection for JIM HANLEY because much of the upstate area of central New York which I had the pleasure of representing for some 8 years in the so-called submarine district, is now included in his district. I know the very high regard which my former constituents have for JIM HANLEY as their present Congressman.

Congressman ROBERT MCEWEN, who represents the geographically largest district in New York State and the one which adjoins the Canadian border, is retiring also after 16 years of distinguished service. BOB MCEWEN has been a neighbor of mine in the Rayburn Building. He has been a tireless fighter for the interests of New York's north country and was largely responsible for involving the Federal Government actively in support for the 1980 winter Olympics in Lake Placid.

BOB MCEWEN foresaw the need for this support many years before and laid the legislative framework for what proved to be a very successful undertaking. As a senior member of the Military Construction Appropriations Subcommittee, BOB MCEWEN also played an active part in bringing about the expansion of Fort Drum, both as an Army Reserve and National Guard training facility, and as one that now serves as home base to several units of the U.S. Regular Army. Congressman MCEWEN has consistently pointed out, as others of us have also tried to do, the remarkable asset which Fort Drum represents in providing American Army forces with an opportunity to train under real winter conditions.

Congressman LESTER WOLFF, also completing 16 years as a Member of the House, is a senior member of the Foreign Affairs Committee and chairman of its Subcommittee on Asian and Pacific Affairs. In that role he has played a crucial part in promoting an effective American foreign policy in that often misunderstood and neglected area of the world.

Congressman WOLFF was one of the first to visit mainland China, and he, like Congressman MURPHY, has been a consistent friend and supporter of the Republic of Korea, especially during some of the more difficult periods of recent years. Mr. WOLFF's grasp of foreign policy issues is something that cannot be easily replaced, and he will be sorely missed.

LESTER was also responsible for creating the House Committee on Narcotics and has served with distinction as chairman. In this capacity it was his responsibility to travel to those areas of the world, primarily in the Near East and the Far East, where the narcotic traffic was most virulent. His committee's activities have alerted the country to the scope of this danger and have put us already on the road toward remedial action.

ELIZABETH HOLTZMAN has served in the House for only 8 years, but over this remarkably short period of time she has compiled a remarkable record. Her tough questioning of witnesses during the Watergate hearings will be remembered by all who watched television. She has served with distinction as chairman of the House Judiciary Subcommittee on Immigration. She fought hard and effectively to track down and bring to trial Nazi war criminals living in this country. She was the first to lead a women's delegation to Cambodia to report on the size of the tragedies going on in the unhappy country.

LIZ HOLTZMAN was also primarily responsible for the legislation extending the ratification period for the equal rights amendment. Although Congresswoman HOLTZMAN suffered a narrow defeat in her race for the U.S. Senate this fall, we feel certain her political career has been sidetracked only momentarily, and that her dedication, drive, and intelligence will continue to play an active role in our State at whatever level she may select.

Congressman JEROME AMBRO, who represents a district on Long Island and has served in the House for 6 years, is the junior member of our retiring group. JERRY AMBRO came to Washington as a member of that remarkable class of 1974, and in the spirit of that group has always been a fighter for what he believed was right. Mr. AMBRO came to Congress from an executive position as supervisor of Huntington Township, a community that included more residents than most congressional districts. As such, JERRY AMBRO had a political and elective background which went well beyond that of most of his colleagues elected in 1974. As a result his "class" elected him as their chairman in 1976.

Coming from Long Island JERRY was especially interested in the health of New York State's important military aviation industry. He has fought hard in his 6 years to insure that America's military aircraft industry here not be limited exclusively to States in the Sun Belt. During JERRY's three terms in the House he has watched with justifiable pride as this industry has grown in prominence and effectiveness.

Mr. Speaker, let me just close by expressing my thanks to all seven of our distinguished colleagues for the multitude of services they have rendered to our State and to our Nation. New York will miss their representation and I believe our country will miss them too. For they have demonstrated, as this brief summary will demonstrate, the highest qualities of political leadership.

Let me also mention, Mr. Speaker, that one other able and experienced legislator from New York State is also retiring at the end of this 96th Congress, and he has the longest record of service of any of us. I refer, of course, to Senator JACOB JAVITS. Senator JAVITS served for 8 years in this House before going to the Senate where he served for another 24 years. Thus the 32 years of Senator JAVITS' congressional service, added to the 98 years of service of those seven Members retiring from the House, represents a total of 130 years of experienced service for New York State.

Undoubtedly the other body will at the appropriate time pay tribute to Senator JAVITS in their own way, but I do believe that we would not be amiss in recognizing his long service to the country, his leadership in our foreign policy matters, his effectiveness in looking out for the interests of New York City, as well as those of the rest of the State; and for his humane sponsorship of those pieces of legislation which have enabled cities from all over our land to survive and provide a better quality of life for all their citizens. Senator JAVITS' record is one which will be hard for any Member of the Senate to match in years to come.

Mr. WYDLER. Mr. Speaker, will the gentleman yield to me?

Mr. STRATTON. Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. WYDLER), one of the seven, incidentally, being honored on this occasion.

Mr. WYDLER. Mr. Speaker, I rise on behalf of the other six Members. I do wish to express some general views about the fact that six very distinguished and very important Members of the House who happen to be Members from the State of New York are leaving, and the fact that they are leaving is going to be a great loss to the House of Representatives and, of course, to the Congress and our country.

Mr. Speaker, I think the New York delegation, under the leadership of the gentleman in the well, has really come a long way in the last few years in pulling itself together on behalf of the State of New York, and I think we have shown a remarkable degree of cooperativeness. We have taken Members whose political philosophy is very divergent, people who represent probably the most metropolitan area in the world, New York City, and made them get along with and work with Members from the farm country up-State, and do it in a way that has been a benefit to all of the people of our State, and I think it is a tribute to the gentleman. I mention it here because it is also a tribute to the individuals to whom we are paying homage here today in this special order.

I would mention the people individually.

Elizabeth Holtzman, of course, ran for Senator from the State and will no longer be a Member of this body. She served here with distinction. She was a person who, when she rose to speak, got the attention of the Members. They knew at all times she had done her homework and knew the background of the matters in which she was involved. Of course, she will be missed.

Congressman Murphy was an important Member of this House who served here for many years with great distinction as a legislator and the work he has done is, of course, enshrined in the legislative history of this House and speaks for itself in regard to the accomplishments he has put forth for our country.

Similarly, Congressman Hanley was a committee chairman and he, too, has had a very distinguished career in this House.

I, Mr. Speaker, want to mention particularly two gentlemen from Long Island, the part of New York State from which I come and that is Congressman Wolff and Congressman Ambro from Long Island, who also will not be returning in the new Congress.

Congressman Wolff was a Member of this House for 16 years, has risen to very important positions on the Foreign Affairs Committee and served with the other gentleman from New York (Mr. Gilman) on the Drug Abuse Select Committee. In all of these cases he distinguished himself by his knowledge, hard work and ability to convey to the Members of the House the importance of the issue that he was addressing at all times. I know I will miss him, I know we will all miss him and I am sorry to see him go. I think the House has lost a very distinguished Member.

Congressman Ambro was a less senior Member, but a very important Member from Long Island and his great quality as a Member of the House was the fact that he had come from local government and had served as a local official and brought to the House the knowledge of the needs of local government which was very important to us here. Again, as I say, we will miss Jerry Ambro in the years ahead.

Finally, Mr. Speaker, I want to speak about the gentleman who is my closest friend—I consider all these people my friends, but my closest friend and associate during the years I have served is Congressman Robert McEwen of that rural area I spoke of before. I think Congressman McEwen's district is probably the largest in New York State. I know he used to tell me to drive from one meeting to another sometimes he had to drive 200 miles to get from one meeting to another.

In my district I think the longest trip I can take is about 10 miles before I get outside my district so it is really a remarkable achievement to represent a district like that. Yet I know he was liked from one end of his district to another in all parts and was known in all parts of his district. He was the kind of Congressman I like to think about as the type we need the most here in the House. He was not a flamboyant Congressman, he was a quiet worker but a very effective worker and I think the gentleman in the well would agree with me he was most effective in trying to get for New York State some recognition from the military establishment to fulfill the needs of our country and to see that the State of New York played in them.

Of course, I am talking most particularly about his efforts to see that Fort Drum was recognized as an important training center for our country and to protect the interests not only of the people of the State of New York but the people of our country in that and, of course, we all know the tremendous work he did for our State and our country and the world in bringing to Lake Placid, N.Y., and helping with the many problems that arose in connection with it, the winter Olympics.

Again, Robert McEwen has left his mark on this House. He has been an important Member and, I know, a friend to all of those who knew him and that probably includes every Member of this House and not only the Members of this House in the body itself but the country will miss his services in the years ahead.

I thank the gentleman for yielding.

Mr. STRATTON. Mr. Speaker, I thank the gentleman from New York for his remarks. He has certainly made a very valuable contribution, himself.

Since my friend, the gentleman from Kentucky (Mr. Hubbard) has an important engagement, let me yield to the gentleman from Kentucky at this time.

Mr. HUBBARD. Mr. Speaker, I join with my colleagues today to honor my good friend and talented colleague, Jerome "Jerry" Ambro of New York.

It was my privilege to serve as chairman of the 94th class in 1975. In 1976, Jerry Ambro served as the third chairman of our class. I remember in 1975 when we were freshmen, new to the Congress, and needed to help each other. The Congressman from the Third District of New York, Jerry Ambro, was always willing to be helpful to his colleagues.

Jerry, a thoughtful, effective political moderate, will be missed by his colleagues who have known him to give valuable input in the Committees on Science and Technology and Public Works and Transportation. Jerry is dedicated to these committees, knowing they are the committees which often address legislation beneficial to his country and more specifically to his district.

My outstanding colleague is also cochairman of the Ad Hoc Task Force on Industrial Innovation. It is my understanding that this ad hoc task force has worked for the past 18 months to develop a policy to boost the sagging American productivity rate. Considering the state of our economy, I know we are in need of people in the Congress such as Jerry Ambro who are attuned to the importance of industrial development.

We certainly regret losing one of the most talented, hard-working Members of Congress. Jerry Ambro wil be missed by all of us who had the privilege to know and work with him in the Congress.

In 1977 I visited Jerry Ambro's district on Long Island and became aware of his constituents' confidence in and fond regards for Jerry Ambro.

Additionally, I want to take this opportunity to express my appreciation and admiration not only for Jerry Ambro but also other members of the New York delegation who will not be returning to the 97th Congress.

Yes, congratulations and best wishes to John Murphy, John Wydler, James Hanley, Robert McEwen, Lester Wolff, and Elizabeth Holtzman. Your dedication and service will be missed greatly by your colleagues.

□ 1300

● Mr. BLANCHARD. Mr. Speaker, during his first term as a member of the Science and Technology Committee, Congressman Ambro offered a successful amendment to include money in the U.S. budget for the first time specifically for construction of a national Solar Energy Research Institute which is now located in Colorado.

In 1977, from his position as a member of one of the energy research subcommittees, Congressman Ambro won congressional approval for $280 million to construct on Long Island, at the Brookhaven National Laboratory, the world's largest and most powerful particle accelerator, the Isabelle project, which will restore U.S. primacy in the world of pure science and make Long Island the focus of worldwide attention as this pioneering high energy physics research explores the basic structure of matter and unlocks the innermost secrets of energy. Testimony from the Nation's most important physicists, during committee consideration of this project, projected the awarding of several Nobel Prizes as a result of the research that Isabelle will make possible.

His service on the Environment and Natural Resources Subcommittee during his second term gave Congressman Ambro the opportunity to provide valuable assistance to the city of Glen Cove, Long Island, which had lost half of its drinking water due to contamination of wells from toxic organics probably dumped more than a decade ago. He brought the subcommittee up to the problem site for field hearings and then authored an amendment which provided the city with a $300,000 Federal grant to identify methods of cleaning up the contaminated municipal wells. The demonstration grant was so successful, that this past year, it was extended for an additional 9 months beyond the 18-month original project period.

His experience on the Natural Resources and Environment Subcommittee also convinced Congressman Ambro that Long Island's precious and fragile groundwater supply had to be permanently protected and led to his successful quest to have the U.S. Environmental Protection Agency designate Nassau and Suffolk Counties as a "sole source aquifer" region.

In his third term, Congressman Ambro became the chairman of the Subcommittee on Natural Resources and the Environment, elected unanimously by his peers on the full committee. From that position he accomplished the following:

First. Brought the environmentally threatened Long Island Sound under the protective provisions of the Ocean Dumping Act, preserving that valuable feature of Long Island living for the present and future generations. The Ocean Dumping Act, with the Ambro Long Island Sound protection amendment passed the House on May 13 by a vote of 372 to 24 under suspension of the rules.

Second. Held the first hearings on the administration's plan to order public utilities to convert from oil to coal specifically centering on such a prohibition order promulgated to the Long Island Lighting Co's Northport generating plant, the largest oil-burning facility in the Nation. As a result of those hearings, the Department of Energy decided to review its coal conversion order to LILCO and to consider the use of an alternate technology, for example coal-oil mix (COM), instead. Subsequently, working in cooperation with New York Senator Daniel Patrick Moynihan, he had the LILCO Northport powerplant removed from the list of plants to be ordered to convert to coal in the oil backout bill. Such a conversion for LILCO would have cost ratepayers more than $2.6 billion, to say nothing of the horrendous disruptions that it would have caused in the communities surrounding the 1,550 megawatt powerplant on Long Island's north shore.

Third. Chaired year-long hearings resulting in drafting of the Nation's first vitally needed comprehensive materials and mineral policy legislation—passed by both House and Senate and signed into law by the President—which will provide the framework for the first time for a long-term strategy for managing critical materials for strategic national security and manufacturing needs. It provides a national policy for materials research and development to strengthen the Federal and private programs of materials management.●

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York (Mr. Stratton) for arranging this time today so that we are able to pay our respects to the seven Members of our New York delegation who will be leaving us at the end of the 96th Congress.

Mr. Speaker, it is with regret that I rise to note the impending departure of seven Members from our New York congressional delegation: Mr. Wydler, Mr. Hanley, Mr. Murphy, Mr. McEwen, Mr. Wolff, Ms. Holtzman, and Mr. Ambro, who have done so much for their districts, the State of New York, the House of Representatives, and the Nation during their service in this body.

It has been both a privilege and a pleasure to have worked closely with the gentleman from New York, John Wydler, on a number of critical issues, including the reauthorization of the revenue-sharing program, in which he played a vital role. We all recognize the value of his contributions to many of our energy programs, and to the oversight functions of the Committee on Government Operations. Jack Wydler's leadership position in the New York delegation has benefited not only our entire delegation from the State of New York but our entire Nation.

As a member of the Committee on Post Office and Civil Service, I am in a position to attest to the sense of responsibility and commitment which Jim Hanley has brought to his chairmanship of that committee, expressed energetically in moving the business of the committee. He has expeditiously and in a Solomon-like manner balanced the interests of the public, the mail users, and our Federal employees. We will feel his absence not only at delegation meetings but also in our work on the committee.

Bob McEwen has been sent to Washington in every congressional election since 1964. His term of service on the Appropriations Committee has certainly justified his constituents' respect and admiration. His work on the Subcommittee on Military Construction has enhanced our national defense and has helped to keep military bases open in various locales in the northeast. I have known of Bob McEwen's outstanding public service, not only during his service in the Congress, but during his prior service in the New York State Legislature.

I am especially sad to note the departure of my colleague and close personal friend, Lester Wolff. I have had the pleasure of serving on the Foreign Affairs Committee with Lester, and of working closely with him in his capacity as chairman of the Select Committee on Narcotics Abuse and Control, of which I am a member. Lester Wolff has also labored long and hard with us in seeking to obtain a full accounting for the missing in action in Vietnam and we say to you, Lester, that your devoted work will be carried on.

Representative John Murphy, who has served in this House for 18 years, has performed admirably on the Commerce Committee and has demonstrated his leadership ability and devotion to his responsibilities during his tenure as chairman of the Committee on Merchant Marine and Fisheries and as chairman of the Select Committee on the Outer Continental Shelf. I have also had the opportunity to come to know and respect his dedication to our Nation's security in our roles as members of the board of visitors of the U.S. Military Academy at West Point.

Although Congresswoman Liz Holtzman has served in the House only since 1972, she has been an extremely effective and highly respected legislator. Her reputation as a crusader is well deserved. Her constituents, and the House of Representatives, have been fortunate to have benefited from her service during the past 8 years, as have the Committees on the Judiciary and the Budget on which she has so ably served.

Jerry Ambro's 6 years as a Member of the House have been marked by his responsible and able leadership as chairman of the Subcommittee on Natural Resources and the Environment of the Committee on Science and Technology. Jerry and I have worked together closely during the 96th Congress on issues related to energy and gasoline rationing; on that matter, he took a courageous stand against the position taken by leadership of his party. He has also played an important role in the work of the Committee on Public Works and Transportation which greatly benefited the State of New York.

Mr. Speaker, the House of Representatives, the people of the State of New York and especially those of us who serve on the New York congressional delegation, will miss these Members who have contributed so much of themselves and so many of their talents and who have been vital to our remarkable and highly effective delegation. I join my colleagues in extending to each of our friends and colleagues our sincere best wishes for good health, happiness, and success in whatever new endeavors they may undertake.

Mr. STRATTON. Mr. Speaker, I thank the gentleman from New York for his remarks, and I might comment further. I said earlier that the seven Members from the House whom we are paying tribute to, specifically today, represent a total of 98 years of service in the Congress. As a matter of fact, we have one other Member of the New York delegation who also will not be back in the 97th Congress, and that, of course, is our distinguished senior Senator from New York, Jacob Javits. He has represented, both in the House and the other body, some 32 years of service, so we really have eight Members here representing an incredible total of 130 years of service in this body. This may be something of a precedent, I believe, in the U.S. Congress.

□ 1310

Mr. GILMAN. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. Yes.

Mr. GILMAN. I thank the gentleman for adding and noting that Senator Javits should be included as part of our tribute to our New York Members, because he has served very effectively as part of our New York congressional delegation and has rarely missed an opportunity to participate in the work of our New York congressional delegation and has been very helpful in the other body as we attempted to bring forth matters benefiting the State of New York. I had come to know Senator JAVITS initially in my work as assistant attorney general in the State of New York when he served as attorney general and those years, too, must be added to our tribute for his public service. We will sorely miss the good Senator in the new session.

Mr. STRATTON. I thank the gentleman. I yield to my friend, the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I can add very little to what has already been said about the departure of a group of very fine and capable people.

I would, however, just like to make one very brief exceptional remark about the gentleman from New York, Mr. JERRY AMBRO, who I think to me, as a new Member of Congress, has meant such a great, great deal, with his expertise, his capability, fairness, and I think a very inate capacity that came to him very easily to be objective in his views on legislation, no matter what his views were, proved to be an invaluable tool to me.

I shall miss him very much and he will be a great loss to this body.

Mr. STRATTON. I thank the gentleman.

Mr. Speaker, I yield to the ranking Member in seniority of our delegation, the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I thank our dean for yielding and taking this time to bring to our attention the great works of the Members of our delegation and pointing out almost the 100 years of service and knowledge that will be lost.

I recall, along with the gentleman in the well, that for many years the New York delegation always hit and ran, would be here one or two terms and go back to their respective cities and States and run for Governor or what have you, and only over the last several years the Members have realized the importance of this great body and have remained. We lose that expertise when we lose men like BOB MCEWEN, LESTER WOLFF, JERRY AMBRO, JACK MURPHY, LIZ HOLTZMAN, JACK WYDLER, and JIMMY HANLEY, and losing our great senior Senator, JAKE JAVITS, who also served so ably in this House; so they will all be missed. Their expertise will be missed.

We sincerely hope they will continue their public service by continuing to work with the delegation, not only here in Washington, but back home in our cities and States where they are needed and their expertise is needed.

So I wish each and every one of them well, good health, and may we see them often.

Mr. Speaker, I rise to join with my colleagues in expressing my deep regret that our colleague, the Honorable JEROME AMBRO of New York will be retiring from the Congress at the end of the year.

JERRY was one of the most active of the activist class of 1974, and in fact, served as President of that class during the initial 2 years of service here in the House. He has been instrumental during his work on the Public Works and Transportation Committee and on the Science and Technology Committee for progressive legislation, which has benefited all sections of this country. In our native New York for instance, the Long Island Railroad is a far better commuter operation today than it was in 1974, primarily due to the unceasing efforts of JERRY, on behalf of mass transit funding.

In 6 short years, JERRY has made an impact on this House and on its Members, which will last long beyond his time of service here. But more importantly, he has proved himself to be a man of strong principle, who will fight until the end for those values he believes in. He has proved himself to also be a good friend whose help is ready when it is needed.

But be that as it may, JERRY AMBRO has performed diligent and faithful service to this country, while he has served here. I have no doubt that in whatever endeavors he takes on in the months and years to come, he will perform them as successfully. I will deeply miss his companionship and his good counsel in the new year. I can only wish him the best of luck, good health, and good fortune in the years ahead.

Mr. Speaker, it is with real sadness that we note the retirement of my colleague from New York, the Honorable ROBERT MCEWEN, who has served so long and with so much distinction with me on the House Appropriations Committee.

BOB came to Congress in 1965 as an exception to the Johnson landslide of 1964 and he has proved himself through the years to be a person worth making an exception for.

BOB and I have served together on the Treasury and Post Office Subcommittee, and the Military Construction Subcommittee in recent years, where I have learned that he was a driving force for the improvement of military facilities throughout the Nation. He was not so bad for New York projects either.

BOB has come to us from the north country of New York State where it is almost easier to campaign by motorboat than it is to campaign by automobile. He is the only Member of Congress that I know who desperately awaited new political campaigns because it allowed him to take his fishing rod with him as he toured his district. It is perhaps his interest in the district and its people and its many simple pleasures that kept him immune from political challenge throughout the years.

But BOB's interests were not only with his beloved north country. He was a strong and supportive advocate of help to New York City when we were in such dire need of help some 5 years ago. He has been a strong force for national security and rational international policies. BOB has had the ability to look an issue straight in the face and to be able to do the sensible thing.

But more than that, BOB MCEWEN has always been a good person to be with. He is excellent company, a stalwart friend, and is always the person to offer a helping hand, whether it be the shrewd political thing to do or not. It is perhaps this last attribute that has always made BOB special; he has cared about people and very little about politics.

Mr. Speaker, I join with my colleagues to express my sorrow at the retirement of the Honorable ELIZABETH HOLTZMAN of New York and to express my hope that she will continue to lend her considerable talents to public service.

As everyone knows, LIZ was narrowly defeated in a race for the Senate and under more normal circumstances we would have been able to call upon her in the other body over the next 6 years.

Any of us who have served with LIZ recognized her considerable skills and legal expertise which made her such a valuable member of the House Judiciary Committee. She performed with honor and distinction during the Watergate impeachment hearings and she led the fight to root out and prosecute former Nazis now living in our country. She has been a strong and unwaivering supporter of human rights and social issues throughout her service in this body. The Nation will be deprived of a strong advocate on behalf of the people with her retirement at the end of this session.

But those of us in the New York delegation who have served for so many years with LIZ know her to be a kind and gentle young woman, who always stood ready to be helpful to a friend if needed. Through the 8 years I have known her, I have learned to appreciate just how nice a person she is and I have been constantly amazed at the range and scope of her intellect.

There is no doubt in my mind that the leaving of Congress will in any way inhibit the activity of this young woman and I am certain that there is a rewarding future ahead of her no matter which way the future takes her.

Mr. Speaker, it is with regret that I join my colleagues in noting that my colleague JACK MURPHY of the New York congressional delegation will be leaving Congress at the end of this session.

JACK has been a driving force within the delegation during the 16 years he has served in this body and his performance as chairman of the Merchant Marine Committee has resulted in a greater national awareness of our need to stimulate our domestic merchant marine industry. JACK has been a forceful advocate of a strong national defense and he played a key role in securing Federal assistance for aid to New York City at a time when the city faced virtual bankruptcy.

But issues alone are not the measure of a man and JACK MURPHY has proved time and time again through the years that he has a sincere concern for the people he has represented on Staten Island and in parts of Manhattan, that he is a good friend to have when you need a friend. Additionally, JACK is one of the best liked

Members in this body as well as one of the most articulate people ever to serve in this body.

So it is with sadness that we note Jack's retirement from this body. The people of his district, the people of this Nation and all of us who have been lucky enough to serve with him will sorely miss him in the coming year. Nevertheless, I expect that Jack's return to private life will not end his involvement in public issues for through the years he has always been an activist on behalf of the people of New York City. I wish him and his beautiful wife Kathy, good health and good fortune in the years ahead.

Mr. Speaker, I join my colleagues in expressing my distinct sorrow that Congressman Lester Wolff, of New York, will retire from the House of Representatives at the end of this year.

Lester has been a good and valued friend for more years than I like to remember and I shall miss him greatly when he is no longer with us in the new Congress.

My colleague has had a distinguished career in this body and it is to a large degree the measure of his personal popularity that he has remained in Congress as long as he has. Lester challenged a distinguished and insulated Republican Congressman in 1964 and managed to win in that heavily Republican district. In 1966 a rematch of the same two people resulted in one of the classic political campaigns of our time. Since that time, Lester Wolff has withstood every challenge in that strong Republican area and it took in this year's election all the combined skills of the Republican Party to upset him.

Like the warrior he has always been, Lester distinguished himself as much in losing as he did in the many years of victory and I, for one, salute him for it.

His career in this House demonstrated rapid rise right from the beginning. He rose to be a senior and respected member of the House Foreign Affairs Committee and headed the Subcommittee on Asian matters with distinction. A workaholic of the best kind, Lester also organized and was chairman of the Select Committee on International Narcotics Trafficking. In this later assignment he not only performed with diligence, but there were at least a number of times when his physical safety was endangered. To his everlasting credit, not once did he ever let these threats interfere with his duty.

Lester's interests have always ranged far beyond the scope expected of a single Member and he has been, year after year, one of the most innovative and original thinkers in our midst. The country will miss his talents and his contributions which have been so many and so great. I will miss his company and his friendship and his delightful sense of humor. I wish he and his wife, Blanche, all the best in the years to come. And I warn the private sector of this Nation that the Congress is sending back to it a whirlwind of activity and ideas that will keep it bustling in the months to come.

Mr. Speaker, we had a number of outstanding Congressmen from New York State, but none have surpassed the career of my good friend, the Honorable James M. Hanley, of Syracuse, who has performed so well through his many years of service in this body.

Jim has decided to retire at the end of this session and the Nation will be losing an outstanding public servant as well as an innovative and bold chairman of the House Post Office and Civil Service Committee.

Jim came to Congress as part of the Johnson landslide in the election of 1964 and brought a fresh breath of Irish wit with him. Many would say he is the best export that Syracuse has ever made. But now that he has decided to return back to his beloved city, we can only wish him our best in the years to come and hope that he will continue to give us his good counsel as often as he can.

It did not take Jim long to become a Washington institution. Part of that was because of his hard work and dedication to the job. but another part of it was due particularly to his unfailing courtesy, good manners, and a jovial outlook on the world at large. I feel fortunate to have been able to serve with Jim through these last 16 years where so many momentous issues came before this body. I think it is safe to say that no matter how difficult the challenge before us or how complicated the issue, Jim was always one of the first to see through all the rhetoric and to get down to the basic issues. His concerns were for people and for workers and he never once deserted his principles in the many years of service here. I regret deeply that Jim decided to leave the Congress but I can only wish him good health and best regards for the years ahead. I am sure that whatever he decides to do in the years to come, he will be as successful in those endeavors as he has been in the past.

Mr. STRATTON. I thank the gentleman.

Mr. Speaker, I yield now to the gentleman from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me take this opportunity to express my appreciation to our good friend from the great State of New York—the Honorable Sam Stratton—for taking this time today to pay tribute to the seven members of the New York delegation who will not be here next January. It gives us the opportunity to express our feeling of loss that they are not going to be with us. We shall miss them all.

I would personally like to state my admiration to the entire New York delegation for their continued hard work and the many contributions they have made in the development of the legislation generated by this House. And, these Members who will not return were a good and strong part of that delegation and can take pride in a job well done.

I would like to pay a special tribute to a man I became well acquainted with and who I greatly admire because of his hard work on the Aviation Subcommittee of the House which I chair. I am referring to Jerry Ambro of Long Island, and even though his years on the subcommittee were not many, he proved himself to be a most valuable asset. His ability to get to the point of an issue and his willingness to enunciate clearly his specific point of view were early established.

I would also feel remiss if I did not mention his contributions as a member of the full Public Works and Transportation Committee upon which we both served.

I commend him also for the fine district service he has given New York's Third Congressional District, as well as all others who have been affected by the work he has done while serving in this House.

My wife, Lee, joins me in saying a sad farewell to Jerome Ambro, and we wish him, and his children, Cathleen, David, and Richard well in all their future endeavors.

I thank the gentleman for yielding this time.

Mr. STRATTON. I thank the gentleman for his very fine words.

Mr. Speaker, I yield to the gentleman from New York (Mr. McHugh).

Mr. McHUGH. I thank the gentleman for yielding.

Mr. Speaker, I first want to commend the gentleman from New York (Mr. Stratton) for giving us the opportunity to express our respect and affection for those of our colleagues who are leaving the Congress this year.

I certainly join in those warm expressions which have already been made about each of our New York colleagues. I have had the privilege of serving in Congress now for 6 years. One of my greatest satisfactions during that time has been the opportunity to work with my colleagues in the New York State delegation. Many years ago, before I was active in politics, I remember reading stories about how disunited the New York delegation was. I can only say that since I have been here, we have had a marvelous and constructive relationship. It is due in part, of course, to the leadership of people like the gentleman from New York (Mr. Stratton), who currently serves as chairman of our delegation; but that constructive relationship is also due to the commitment and willingness on the part of Republicans and Democrats alike to work together on common problems and concerns. I believe we have been very successful at that and the seven Members whom we are honoring today have contributed substantially to that success.

In his and her own way, each of our colleagues has made a special mark while serving here. Each will be remembered, fondly and with admiration, for their outstanding personal qualities and for their distinguished service to their districts, State and Nation.

I would like to make special mention of three of my colleagues in particular;

first of all, Jim Hanley. Since 1965, Jim has represented a congressional district which is adjacent to mine in upstate New York. I recall, while serving as district attorney in my home county, attending a meeting in Jim's congressional district. I believe it was in 1970. On that occasion I had the opportunity for the first time to hear Jim speak about Congress and some of his concerns regarding our Nation's interests. Jim impressed me at that time and, upon my election to Congress, I looked forward to serving with him. It has been a privilege to do so.

Jim has a distinguished career in Congress. He has served as chairman of one of the most important committees in the House. He is a gentleman who has done himself and this institution great honor.

I would also like to make special mention of Congressman Ambro. Like Jerry, I was first elected to Congress in 1974, and, therefore, I have known him well from our earliest days here. In these 6 years I have learned a great deal from him. He has brought to his duties in this institution, whether in committee, our State delegation or on the House floor, a combination of talent, energy, and humor which is unusual for this body or for any other organization.

Finally, I also want to say a word about Congresswoman Elizabeth Holtzman. Undoubtedly, Liz is one of the brightest persons ever to serve in the House of Representatives. Her commitment to human rights, whether in this country or abroad, has been a beacon light for all of us. Her fine example, as a public servant and a politician, will have an impact here and in New York far beyond her years of service. She would have been a fine U.S. Senator, and given her youth, energy, and talents, she may yet be.

In saying farewall to all seven of our colleagues, we do so with a sense of sadness, but also with the confidence that whatever they may now choose to do, they will do it well. We wish them good luck and Godspeed.

Mr. STRATTON. I thank the gentleman for his very generous remarks.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Speaker, I thank the gentleman from New York.

On the occasion of the death of Grace Kelly's father and the reading of the will, Mr. Kelly made the remark in the will that, "Thoroughbreds never cry in public."

Somehow Jerry Ambro comes to mind when I think of those words. This is sometimes detailed and arduous work that we have before us, particularly in the committees and sometimes in the Committee of the Whole House. Sometimes emotions run high. Sometimes honest differences of opinion produce hasty words that are not meant, and all the rest; so it is particularly important, it seems to me, that Members like Jerry Ambro come to the Congress with a twinkle in their eyes and with a kind word for everybody, always seeing the humorous side of things.

I believe it was Steinbeck who wrote that in the circus the clown's humor makes our own selfish tragedy seem funny.

□ 1320

Jerry Ambro is no clown. He is a very serious human being whose contributions to this Nation, to his family and to his fellow humans all over the globe are immense. But with that comes the quality that Congressman McHugh mentioned a moment ago, the light touch. He has given us much. Steinbeck also wrote in terms of humor that can be provided in terms of stress and times of anxiety and times of despair that those who can do that, who can smile, and with a smile we turned our tears to laughter, as the song goes, and Steinbeck wrote "What doctor could do as much?"

Such conduct refreshes us, renews us, and makes us ready to survive, in the words of Steinbeck.

I join with my colleagues, too, in knowing that we will miss Elizabeth Holtzman. The word "wholesome" comes to mind when we think of our colleague. She is hard working, bright as a shiny silver dollar. I personally am sorry that she will not be serving in the U.S. House or in the other body. After all, they say that a woman's place is in the House, and they add in the Senate as well. So I lament that.

Jack Wydler has been our good friend. I do not think Mr. Wydler has hard feelings from anybody who has ever served in the House of Representatives. He has been eloquent. He has stated his cases well.

Bob McEwen is another pleasant Member, hard-working member of the New York delegation.

When I come to Lester Wolff and Jim Hanley, my classmates in the class of the 89th Congress, in both cases I see the very image of everything as a Hoosier schoolboy I had ever seen in the movies that was supposed to be the quintessential New Yorker. The word "dapper" comes to mind in both cases, always impeccably dressed, always polite, gentlemen to a fault, always hard working. They will always be missed here.

I thank the gentleman for yielding.

Mr. STRATTON. I thank the gentleman from Indiana for his remarks.

At this time I yield to the gentleman from New York (Mr. Carney).

Mr. CARNEY. Mr. Speaker, I thank my colleague, the dean of the New York delegation Mr. Stratton, for yielding to me. I would like to compliment my colleague for calling for this special order.

Indeed, New York State is losing seven Members of the House of Representatives, and our senior Senator, Mr. Javits. I am sure that loss will be sorely felt by everyone in New York.

I believe it is fitting to compliment the dean of the delegation today for the way he has conducted the bipartisan group of New York Representatives for the past 2 years. That brings to mind something that is dear to me. When you analyze the amount of people that New York State will lose from the 96th Congress you will note that three came from the Long Island region. One-half of the Long Island delegation will be new next year.

Just as the gentleman brought a bipartisan approach to New York problems, we had that same spirit of cooperation on Long Island. I would hope in saying farewell to the three Long Islanders and the seven in total from New York that those who will take their place will have the same spirit of cooperation with their fellow colleagues no matter what political persuasion they come from.

I would like to pay tribute specifically to the Long Island Members we are losing. Jack Wydler, who is the Republican dean of the New York delegation, the dean of the Long Island caucus, certainly will be sorely missed.

We have Lester Wolff, you could go on and on speaking about the accomplishments of Mr. Wolff, particularly in foreign affairs.

But I would like specifically to talk about Mr. Ambro. Mr. Ambro's district abuts mine on Long Island. We make up the eastern part of Long Island and perhaps we have some problems there that are somewhat different than the rest of the region of New York State. I can simply say, in the 2-year period of time, working with Jerry has been a very pleasurable experience. I can think back to some of the things he has accomplished this Congress.

I would hope that those things would not be forgotten soon by all of the people who reside on Long Island and all of the people who reside in our great State and, indeed, the people of our Nation and those of the world. Specifically I can think about each and every time one would go and pay his LILCO bill in the next few years and will not have the realization of paying for $2.3 billion in a conversion program at the Northport facility. That will be of great relief to all of the citizens in that service area. It is something Mr. Ambro, our colleague, worked very, very hard for and was successful at accomplishing.

I think that this is the type of thing Mr. Ambro, Mr. Wydler, Mr. Wolff, the chairman of the committee I serve on, Merchant Marine and Fisheries, Mr. Murphy, have done for the past several years collectively. Considering the total tenure of the seven House Members, as well as that of our colleague in the other body, Mr. Javits, we will lose well over 130 years of experience. I would hope that experience is something that we can draw from, and is something that those who are taking their places will look back on and study, to bring that type of attitude to the 97th Congress.

I can say from a personal standpoint it has been a privilege to serve with the seven Members of the House of Representatives. It has been more than a delight to work in a cooperative fashion with Senator Javits, and I hope for New York, for Long Island, and for our Nation we will have that same type of relationship when the new Members come.

I will tip my hat once again to the gentleman from New York (Mr. Stratton) dean of the delegation, for doing a fine job in the 96th Congress holding us together as a team, who was concerned and still will be concerned with the problems facing New York.

Mr. STRATTON. I thank the gentleman for his generous remarks.

I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. I thank the distinguished chairman from New York both for allowing me to speak and for arranging for this special order and then advising us through letter that we would have such a special order.

Of course, we know that the State of New York from the inception of our Nation as a nation has played a formidable role in its representation in the lawmaking body of this country. In this case it is sad personally to see this many leaving service after such a tremendous level of performance that each Member of the seven that we are memorialzing today have achieved.

I will begin with the newest Member in my experience, Mr. JEROME AMBRO, because to me it is so noticeable the achievements in the brief span of his service here and his record. On a personal note, though I did not serve on any committee with him, I got to know him nevertheless very well and discovered all of the characteristics that have been here stated as being his as being true. Also I had a personal chance to discuss with him, maybe because of the common Latin background, some things that are always of interest and are historical and cultural and found his deep knowledge of cultural matters.

It is hard to believe he served just scarcely in that brief span of time that he did, he is of such a maturity and accomplished so much in such a short period that it is very hard to conceive of him being a relatively new Member of the House. I deplore the fact that we will not continue to benefit nationally from his services.

The second that we honor is the man that I best got to know because we serve on the same committee, the Committee on Banking, Finance and Urban Affairs. As I understand, he is from upstate New York. I speak of JIM HANLEY. What a tremendous guy. His retirement, of course, is self-directed, self-imposed.

At the time he announced it I expressed to him personally my sadness at hearing that and the sense of loss nationally again, but not only to New York, but the Nation, and those of us in Texas would be losing the tremendous service of an individual Member of the House, a judicious Member, a hard-working Member, knowledgeable Member, and a man of integrity.

□ 1330

Then the other that I have gotten to know because of our finding ourselves as we do in his hurly-burly of legislative activity and voting on issues that we cannot foresee even at the time we answer a rollcall is that distinguished gentlewoman from New York, Ms. ELIZABETH HOLTZMAN. I found myself, for example, just a couple of years ago with her being the only two voting "no" on a resolution overwhelmingly approved by the House having to do with the service of a subpena on one of the witnesses of the so-called Korea scandal case. We felt that the House was acting improperly, but we were the only two who voted "no." We were overjoyed when, in a matter of a couple of weeks later, the courts held that we were right and that the overwhelming preponderant majority of the House had been wrong; but this is the kind of expertise that Ms. HOLTZMAN brought to the House with the tremendous legal background, her role on the Committee on the Judiciary, and the other assignments that have just been tremendous.

I regret sorely that she did not accomplish her purpose in seeking the Senatorship of New York.

Then the others, even though the gentleman from New York, (Mr. JOHN MURPHY), did not serve on a committee with me, I got to know him equally well because he and I were office neighbors for several years. What an outstanding gentleman, an outstanding graduate of West Point, a tremendous force in his committee assignment, a wonderful friend, a man of integrity and a great deal of sense of purpose. I certainly wish him Godspeed in his future endeavors.

As the the gentleman from New York, (Mr. WYDLER) what else can I say other than what has already been said except to say this: He was my leader on those matters having to do with this question of nuclear energy; and, though in the last year or so we had some differences on one aspect of activity, in the overall picture I consider him the leading expert in this matter and recognized that expertise, respected it, and followed his leadership. I regret to see him announcing his retirement.

With respect to the gentleman from New York, (Mr. MCEWEN) again what can I say of such a distinguished, noble, friendly, and amicable gentleman? His record speaks. We do not belong to the same party, but his record shows that he had tremendous accomplishments. I know it is a loss to New York, and again I repeat to the Nation.

In the case of the gentleman from New York, Mr. LESTER WOLFF, I think he became a national figure, transcending the purely local aspect of service. As a friend, of course, one could count on no more noble an individual than Mr. WOLFF. Again, here his expertise and tremendous amassing of his experience is going to be sorely missed by the House and the Nation.

With respect to Senator JAVITS, I might add, that though I do not really know him too well personally, we have sat on a couple of conferences together. He was an idol even before I was coming to the Congress and all through the Congress. What a leader nationally. What an inspiration to those of us outside of New York in the Deep South.

So I thank the gentleman, the distinguished dean of the New York delegation, Mr. STRATTON, for this opportunity.

Mr. STRATTON. I thank the gentleman for his very fine remarks.

I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I want to express my own personal gratitude to the gentleman from New York (Mr. STRATTON) for arranging for this opportunity for some of us to indicate the great contribution made by those Members who will not be with us next year from that great State. I could speak at considerable length, although not with the eloquence of the gentleman from Texas (Mr. GONZALEZ) with regard to the contribution of these distinguished Members; but I would like to say just a word about one of the Members with whom I have worked most closely. That is the distinguished gentleman from Long Island, Mr. AMBRO, with whom I have had the pleasure of serving on the Committee on Science and Technology for the entire period of his service here. In fact, we have worked with great cooperation and very closely because we have many common areas of concern dealing with the impact of chemicals on the environment, the problems of water pollution which—oddly enough—affect Long Island and his own community. We have actually jointly participated in hearings on subjects of this sort, and because I have shared his interest and come to respect his expertise in this area, I am going to miss the contribution that he has been making and which I had hoped he would continue to make on the Committee on Science and Technology. I have known JERRY since his election in 1974. His decision to pick the Science and Technology Committee as an arena to specialize in resulted in extensive cooperation and collaboration over the past 6 years. From general concerns about the effectiveness of Government-sponsored research and development, to specific concerns of groundwater pollution or high energy physics work at Brookhaven National Laboratory, I found JERRY to be both knowledgeable and interested in what constructive role the Congress could play.

For 4 years, I chaired the newly created Subcommittee on Environment and the Atmosphere of the Committee on Science and Technology. During those 4 years, JERRY was one of the most active subcommittee members, playing an important role in our efforts to improve environmental and atmospheric research and development. Two years ago, I moved to another subcommittee, feeling secure in the knowledge that JERRY AMBRO would take over the important work of this renamed Subcommittee on Natural Resources and the Environment. JERRY has made his mark on this subcommittee, and helped it move into new areas, such as the recently enacted materials policy legislation.

Mr. Speaker, this House will miss JERRY AMBRO.

Mr. STRATTON. I thank the gentleman for his very fine contribution.

Mr. Speaker, I now yield to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Thank you very much, my colleague from New York, Mr. STRATTON.

I thank the gentleman very much for this opportunity to share in paying tribute to those from New York who have served well in this body and now will be looking to serve in other ways in New York. I want to express my best wishes to all of them and to thank them for their service in this body. I particularly, however, want to mention some of the Members with whom I have worked closely. One of them is the gentleman from New York, Mr. JIM HANLEY, a personal friend, who has been a good adviser to me, one who has served this body well over the years; and I continue to look to the future to extended friendships with him.

I also want to mention another good friend from New York, the chairman of the Committee on Merchant Marine and Fisheries, one who has given me good counsel and has helped me in serving my constituency in the committee and has given me opportunities that have helped me in my service here. I wish the gentleman from New York, Mr. JACK MURPHY, well in his future and look forward to continuing our good relationship.

I also want to pay tribute to the gentleman from New York, Mr. LESTER WOLFF. As chairman of the Select Committee on Narcotics and Drug Abuse and chairman of the Subcommittee on Asian and Pacific Affairs, he has been one of the leaders of a fascinating new movement, the growing national and international problem of drug abuse and addiction and the growing awareness of the role of the Pacific Rim in commerce and world affairs.

I also want to say a word for the many friends that I know we share who are heads of state, national leaders, and prominent men of business and education from Asia and the Pacific. I know of the respect that these people hold for you because of your careful attention to the difficult problems of this struggling region. I hope you will continue to call on these leaders, just as I hope you will continue to call on me whenever your travels bring you to Hawaii. My door will always be open.

I extend the fondest wishes to you, LESTER, your wife Blanche, and your children.

Mr. STRATTON. I thank the gentleman and yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Speaker, thank you for allowing me this time to express my sincere best wishes to my friend and colleague JEROME AMBRO. JERRY and I came to the Congress as part of that large class of 1974. I can think of no other Member of that class that is as articulate, as caring and as hardworking as JERRY AMBRO. In addition to his obvious abilities as a legislator, JERRY possesses a fine wit. One that has kept those of us who know him from becoming so serious that we fail to recognize the humor in life.

JERRY was chairman of our freshmen caucus and in that capacity helped guide us through one of the most exciting periods in this body's history. The changes that took place in that first year will have lasting effects on this body. Political writers analyzing the sweeping reforms in 1974 seem to be divided over those reforms they consider good, and those they think have made the House too unwieldly. Whatever the outcome of their analysis, one thing is clear, that JERRY AMBRO, through his caring and his work represents all that was good.

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And I have to close by saying I guess the history of man has produced only a handful of those silver-tongued giants of oratory, and if there is one great American that I would like to classify in that distinct group, it would have to be my good friend and your good friend and our good friend here in the Congress, JEROME AMBRO, who will be leaving at the end of this Congress. The only thing I can say is that I wish him and the other Members of the New York delegation well in the future.

I thank the gentleman.

Mr. WHITTEN. Mr. Speaker, our friend and colleague JEROME AMBRO is not only a good man, but a fine Congressman. He leaves a record of real accomplishment. His interest and record on protecting and developing our Nation is outstanding. His service to the people of his district is unsurpassed.

Mr. Speaker, we all know the vagaries of politics, however I am sure that the people of JEROME's district will miss his service as we all shall.

We truly wish for JEROME, our friend and colleague, and his family all of the best in the years ahead.

Mr. STRATTON. I thank the gentleman very much for his splendid remarks.

Mr. Speaker, the gentleman from Arkansas (Mr. ALEXANDER) was here earlier in the Chamber and had hoped to participate personally in this special order. But if he is not able to do so, I am sure he will want to include his remarks in the RECORD. It is my understanding that all Members have received permission to have 5 legislative days to extend their remarks on the subject of this special order.

I also would like to express my appreciation to the gentleman from New York (Mr. HORTON), who now becomes the dean of the Republican New York delegation, for his cooperation in making this special order possible. And once again I want to express my sincere appreciation to all of the Members of the House who have participated in this special order and who have said so many well deserved and splendid things about the seven Members of the House and the one senior Member of the Senate, Senator JAVITS, who are retiring at the end of the 96th Congress and who will represent a loss, as I have already pointed out, of a total of 130 years of service in the Congress of the United States. That is a measure of seniority that New York State certainly is sorry to lose, but we are happy for the contributions that they have all made to this body and to the Nation.

● Mr. GREEN. Mr. Speaker, after 16 years of distinguished service in the U.S. House of Representatives, Congressman BOB MCEWEN of my State of New York will retire with the close of the 96th Congress. BOB first entered the House on January 3, 1965, and has represented the 13th Congressional District from the 89th through the 96th Congresses.

During that time my good friend has risen to a position of substantial influence and respect in the House. He currently sits on the prestigious Appropriations Committee. He is also on its Subcommittees on Military Construction, where he is the ranking minority member, and on Treasury, Postal Service, and General Government.

BOB brought an outstanding educational background with him to this body. He attended the University of Vermont, the Wharton School of Finance and Commerce of the University of Pennsylvania, and was graduated from St. Lawrence University's Albany School of Law. He served over 3 years in the Army Air Force during World War II and later 10 years in the New York State Senate prior to his election to the Congress.

It has been my privilege to know BOB personally and well for some time, and I am pleased to take this opportunity to describe BOB as one of the most decent and able Members of the House. We will all miss his services and I will feel a personal loss. I join with my colleagues in expressing gratitude to BOB for his services and wishing him all the best for the future.●

● Mr. JOHNSON of California. Mr. Speaker, with the close of this 96th Congress, many of our most distinguished friends and colleagues will close their congressional careers. None will be missed more sincerely than my old friend and colleague, the Honorable JAMES MICHAEL HANLEY, with whom I have served for the past 16 years.

JIM HANLEY is retiring voluntarily to return to his hometown of Syracuse, N.Y., with his wife of 30 years—the lovely and gracious Rita Ann. He has earned his rest, but he will be sorely missed in Washington.

Congress HANLEY has achieved an enviable reputation for integrity and fairness in his final position as chairman of the Committee on Post Office and Civil Service and as chairman of that body's Subcommittee on Investigations, but he is well and widely known, too, for his service on the Banking Committee's task force studying the effects of economic recession on the automobile industry and his role in the 1976 ad hoc committee that studied the fiscal crisis of New Cork City.

Just 2 years ago, he represented the Congress on a fact-finding mission to Europe, and last year he represented this body on an official visit to the People's Republic of China. And, during this and the two previous Congresses, he has served with distinction on the United States/Canada Inter-Parliamentary Group.

During his years in Congress, JIM HANLEY has been honored on many occasions for his service on behalf of small business, for his legislative efforts to assist the veterans of our country's wars—he is a veteran of World War II, himself—and this year he became the first central New Yorker ever to receive the Salvation Army's "humanitarian award" for service to others

I ask the Members of this body to join me in saying a heartfelt "thank you and goodbye" to a great friend and loyal colleague.

Mr. Speaker, all of us in this body who have worked with Congresswoman ELIZABETH HOLTZMAN and have witnessed at firsthand her superb legislative skills, regret that her decision to run for the Senate of the United States prevents her from serving in the House during the 97th Congress.

When Ms. Holtzman entered the Congress in January 1973, to represent New York's 16th District, she was the youngest woman ever to serve in the House of Representatives. She has amply justified the confidence voted her by her constituents in Brooklyn, who reelected her to three succeeding terms by overwhelming majorities.

A magna cum laude graduate of Radcliffe College with a degree from Harvard Law School, Congresswoman Holtzman is a member of the Judiciary Committee, and chairs that committee's Subcommittee on Immigration, Refugees, and International Law. She participated in the committee's deliberations on the impeachment of former President Nixon; she helped found the first Congresswomen's Caucus in the history of the Congress and is now chair of that caucus.

At the beginning of this 96th Congress, in January 1979, Representative Holtzman received the single honor of being elected by her colleagues to a third term on the House Budget Committee, which sets congressional priorities, as well as Federal spending limits.

Representative Holtzman is a fighter for New York, for women's rights, for human rights. And in saying goodbye for a time, we, her colleagues, are confident that this fighter for good causes will make an even greater mark in the years ahead in public service to our country.

Mr. Speaker, it is a privilege for me to join with my colleagues in saying a few words in tribute to Congressman Jerome Ambro who, since 1974, has ably represented the Third Congressional District of New York.

Throughout his service in the Congress, Jerry Ambro has been a member of the committee which I chair, the Committee on Public Works and Transportation. He has provided significant contributions in all areas of our committee's jurisdiction. His able advocacy, quick wit, and precise tongue stand out in my memory of his 6 years' service on our committee. Jerry Ambro's presence was always felt at any hearing or markup session.

I know my colleagues are aware of Congressman Ambro's distinguished service on the Committee on Science and Technology, where he chaired the subcommittee on Investigations and Oversight. He provided distinguished service as chairman of the 94th Congress Freshman Caucus. He has served as cochairman on the House Task Force on Industrial Innovation and as vice chairman of the House Environment Study Conference.

During Jerry Ambro's service in the House, and particularly during his service on the Committee on Public Works and Transportation, his invaluable experience at the local level provided the Nation with an excellent perspective. Before coming to Congress, he had served as chief executive, chief fiscal and chief administrative officer of a municipality with a population of around 215,000. He had also held other local and State positions which gave him a sometimes unique understanding of problems which came before the committee.

Jerry Ambro is still a young man, and I hope and trust that he will put his outstanding abilities to good use in the years ahead. I certainly wish him well with all future endeavors.

Mr. Speaker, the good people of New York's Fifth Congressional District and all of us who have served in this body are losing a valued friend and a great lawmaker with the departure of Congressman John W. (Jack) Wydler from the House of Representatives.

Jack Wydler is going home to Garden City, Long Island, after 18 years of congressional service. He is only 55 years old, but, as said in announcing his decision not to seek reelection, he has served under five Presidents, is the dean of the New York State Republican delegation, and he feels it is the "now or never" time of life to launch a new career. We cannot deny him that, however much his presence will be missed in the Congress.

Over the years, I have marked with growing respect and admiration the dedication and legislative skill demonstrated repeatedly by Congressman Wydler, whether in the field of transportation, or energy, or his special area of expertise, the Nation's space program.

Jack Wydler is ranking minority member of the Science and Technology Committee and, as such, has played a leading part in the development of America's space program, in fostering increased aviation safety, in the fight for aircraft noise abatement, weather research, and the improvement of all forms of transportation technology.

It is typical of this fine man that, in announcing his decision to retire to private life, he couched it in terms of service to the citizens he has represented so well for so many years.

He said:

> Finally, as for my constituents, it is time for them to elect a new face and enjoy a new personality. My seniority is both a blessing and a curse for them. It gives me influence, but takes from me time for work in the district. It is simply time to move on and give someone else a chance.

Mr. Speaker, we must abide by Congressman Wydler's decision, but the record must show that he will be greatly missed.

Mr. Speaker, when the voters of New York's Sixth Congressional District failed to return the Honorable Lester Wolff to a ninth term in the U.S. House of Representatives on November 4, the Congress and the Nation lost a great and valued public servant.

Congressman Wolff, now winding up his 16th year in this body, has been one of the most energetic and effective Members I have encountered in my long service in the House.

A businessman and marketing executive before he came to Washington in 1964, Representative Wolff long ago established a record of tireless diligence in the work of the Congress and as an outspoken defender of human rights and civil liberties at home and abroad.

His interests as a legislator range over a wide area: In this, his 16th year in the House; he is a ranking member of the Committee on Foreign Affairs; chairman of its Subcommittee on Asian and Pacific Affairs, the congressional arm responsible for oversight of U.S. foreign policy in those regions; and an active member of the Subcommittee on International Security and Scientific Affairs, involving security assistance programs, arms control, and State and Defense Department activities.

For most Members, that would be a pretty full schedule. But Congressman Wolff is also chairman of the fact-finding Select Committee on Narcotics Abuse and Control, the ranking New York Member of the Committee on Veterans' Affairs, and an ardent, round-the-clock worker for the easing of global tensions wherever strife threatens, whether in the Middle East, Northern Ireland, Asia, or the Soviet Union. In 1977, he served as U.S. representative at the United Nations General Assembly.

Mr. Speaker, I rise in tribute to a distinguished Member of the House of Representatives who has decided, after 16 years of outstanding public service, to retire to private life.

I am certain, Mr. Speaker, that all of his colleagues shared the sense of loss that I felt last April when Congressman Robert C. McEwen announced that he would not seek reelection.

Although Bob McEwen sits on the opposite side of the aisle from me and we have often been on opposite sides of legislative issues during our shared years in this body, he has never been less than totally loyal to his principles, to his constituency, and to his country.

Our colleague and his wife, Pat, are returning to their family home on the St. Lawrence River, near Ogdensburg, N.Y. where the McEwen clan has been established since colonial times. I am proud and pleased to inform this body that my own Committee on Public Works and Transportation has voted to name the Federal building in his hometown "the Robert C. McEwen Building" as a permanent memorial to his congressional service.

Congressman McEwen served in the New York State Senate for 11 years, until his election to the 89th U.S. Congress in 1964. In the House of Representatives, he served with me for a time on the Public Works Committee. He is now a senior member of the Committee on Appropriations and is ranking Republican member of its Military Construction Subcommittee.

As my good friend said himself in announcing his retirement, his legislative service and the war years in the U.S. Army, add up to more than three-fourths of his adult life, and it is time now to devote himself more fully to his family. We wish him Godspeed.●

● Mr. BOLAND. Mr. Speaker, I appreciate the opportunity provided by Congressman Stratton to pay tribute to the seven members of the New York delegation who will be leaving the House when the 96th Congress adjourns.

The New York delegation has a history for providing the House with Members whose interests and views touch both ends of the political spectrum and all points in the middle. It is a delegation which has a tradition of distinguished service to the House, to the State, and to the Nation. The seven individuals we honor today have played important roles in preserving and promoting that tradition. Although their terms of service vary, Jim Hanley, John Murphy, John Wydler, Bob McEwen, Jerry Ambro, Lester Wolff, and Elizabeth Holtzman have each made an impact on the work of the House.

They serve on some of the most important and influential committees of the Congress and each has made important contributions to the product of those committees. A list of their individual achievements would fill many pages in the Congressional Record, but I wanted to especially note the efforts of Jim Hanley on the Post Office and Civil Service Committee, Bob McEwen on the Appropriations Committee, and Jerry Ambro on the Science and Technology Committee.

Jerry's service on that committee, and his service as vice chairman on the Environmental Study Conference, have given him the opportunity to become familiar with many of the threats to our environment with which we must deal in the coming years. He has been a forceful and effective spokesman on the dangers associated with acid rain and he has done a great deal to educate the House on the dangers posed by that phenomenon.

Mr. Speaker, each of the retiring members of the New York delegation brought special qualities to their work in the House. We will miss those qualities in the days ahead just as we will miss their advice and counsel. They have served their State and their country well, and I know I join with my colleagues in wishing them all the best in the years to come ●

● Mr. RHODES. Mr. Speaker. I rise to join my colleagues in saying farewell to my good friend from Syracuse, N.Y., Congressman Jim Hanley, on the occasion of his retirement from this body, and to pay tribute to the exceptional record of public service that he has compiled.

Jim Hanley was first elected to the House in 1964. Since then he has risen to the chairmanship of the Committee on Post Office and Civil Service. He also is a member of the Committee on Banking, Finance and Urban Affairs, and the Committee on Small Business.

During his 16 years in Congress, Jim Hanley demonstrated a concern for the issues and for the people of his district that transcended party lines. His election to eight terms, as a Democrat, in a district where the voter registration is more than 2 to 1 Republican, is ample evidence of the very high regard in which his constituents held him. It is a regard that was earned through the kind of quiet, steady service and thoughtful representation that has become his hallmark.

I know that my colleagues on both sides of the aisle join me in wishing Jim the best in whatever he decides to do in the future.

Mr. Speaker, I rise to join my colleagues in saying a fond farewell to my good friend from the colder region of New York, Congressman Bob McEwen, who is retiring after eight terms in this body.

I came to know Bob well when he joined the Appropriations Committee in 1970, and to appreciate him as a legislator who combined uncommon good sense with a very keen regard for the impact of public spending on the taxpayer's pocketbook.

As a member of the Military Construction Appropriations Subcommittee, Bob strove to insure that our defense facilities were soundly planned and prudently built.

But, no recollection of Bob's service to the people of New York and this Nation is complete without mentioning his staunch support for bringing the 1980 winter Olympics here. It was he who launched the effort which snowballed into one of the truly magnificent sports spectacles of our time.

As early as 1974, Bob began laying the groundwork for the return of the Olympics to Lake Placid when he introduced the first piece of legislation in that area—a sense of the Congress that the 1980 Olympics would be welcomed here.

Since then, he worked hard and continuously to transform that concept into reality for the people of his district. Bob McEwen can truly be looked upon as the "father" of the 1980 winter Olympics.

Therefore, it really should come as no big surprise that he has decided to retire now. It is hard to top something like a world Olympics event. Even so, I shall miss him for the good friend and fellow legislator that he has been, and I join my colleagues in wishing him the best in his future endeavors.●

● Mrs. HECKLER. Mr. Speaker, it has been said that men and women that become famous were those who did the jobs they have in hand, with everything they had of energy and enthusiasm and hard work. Many of our colleagues leaving the House this year can be counted among those whose careers in Congress are truly described by these words.

John Wydler was elected to Congress in 1962 and has served with distinction as the ranking Republican member of the Science and Technology Committee. He is, as well, considered by many to be one of the most knowledgeable persons in the field of nuclear power. He has assiduously tackled the most difficult of energy issues. And as a corridor neighbor, I enjoyed his pleasant and charming personality.

Lester Wolff's expertise in the field of foreign policy—particularly his fine grasp of Asian and Pacific affairs—will be sorely missed in the House, as will his thoughtful and kind disposition. Whatever his responsibility, he made sure he always delivered the very best. He is extremely knowledgeable on trade legislation, and as chairman of the Select Committee on Narcotics and Drug Abuse, his outstanding work at the hearings garnered the attention of the Nation.

The caliber of his work as a special representative to the United Nations is well known—as is his compassion for the Vietnam veteran and his strong support on their behalf.

Lester's commitment to Israel has earned him the respect and admiration of those of us in the House and the Nation who advocate total support for our ally and long term peace based on defensible Israeli borders.

Elizabeth Holtzman is known as having one of the keenest legal minds in Congress and is absolutely indefatigable in her commitment to social concerns.

Liz and I founded the Congresswomen's Caucus and worked ceaselessly for the extension of the ratification of the equal rights amendment as well as for a host of issues important to women and vital to all Americans.

I was made even more aware of her commitment to others when we traveled together to Cambodia to study firsthand the plight of the Cambodian refugees. I feel fortunate to have had the opportunity to work closely with one of the most able colleagues I know and one of the most caring persons I have ever known. Her goals and aims are an inspiration to all of us.

Jerome Ambro is a special friend of mine. Jerry is well known for his expertise in the field of energy, water policy, and environmental concerns, but I believe he has not received the recognition he deserves for his strong consumer advocacy role in Congress. I saw him in action on behalf of consumers when we worked together as part of a bipartisan coalition urging passage of legislation to make the peanut price support program one that is more responsible and less costly to the consumer and taxpayer. The vote on the amendment was razor close—losing by only two—and I always felt it was Jerry's effective floor work among the Members that helped to make that vote so close.

These members of the New York delegation have made lasting contributions that enriched the lives of their colleagues and improved the lives of all Americans. We who served with them will miss their important contributions and personal presence in the House of Representatives very much. I wish them well in whatever future endeavors they assume.●

● Mr. FARY. Mr. Speaker, I rise today to say a few words on behalf of my good friend and colleague from New York, Jerry Ambro. We have worked together on the Public Works and Transportation Committee since I came to Congress in 1975 and I will be sorry when we start up a new Congress in January without him.

In the years I have served with Mr. Ambro, I have found him to possess many qualities which have made him a valuable ally. He is a team player and a good Democrat. During even the longest and most confusing of markups, he proved himself to have more stamina than anyone I have met in either of the legislatures in which I have served. At the end of the longest of hearings he was still alert, attentive and quick on his seat. His sense of humor and sense of perspective never failed him.

Never did he turn his attention from the best interests of his congressional district and his constituents. I do not think that there were many bills which passed the committee since I have been here which did not have at least one AMBRO amendment designed to remedy some ill in the Third Congressional District. I greatly admire Mr. AMBRO for this ability and cannot help but think that the voters of New York's Third District have made a serious error.

Legislators like JERRY AMBRO are few and far between. I will greatly miss him in the committee and in the Congress. I wish hm the best of luck in his future endeavors.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. JAMES M. HANLEY, who is retiring at the end of the 96th Congress after 16 years of service in the House of Representatives.

Elected to the 89th Congress in 1964, JIM HANLEY has given dedicated and devoted service to his constituents of the 32d District of New York, and has compiled an outstanding record during his distinguished career. His diligent efforts as the chairman of the House Post Office and Civil Service Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

During the 16 years that I have served in the Congress, I have had the opportunity to get to know JIM well as a fellow member of the House Committee on Banking, Finance and Urban Affairs. He is a dedicated and devoted American, and a Congressman of outstanding ability and courage.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has JIM HANLEY. As a member of the House Committee on Small Business, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's small businessmen caught in the bewildering maze of outrageous Federal bureaucracy.

JIM is a fine legislator and distinguished leader, and he will be missed here in the House of Representatives.

I extend to JAMES M. HANLEY my best wishes for continued success in devotion to the highest principles.●

● Mr. CLEVELAND. Mr. Speaker, it is a special pleasure to join this tribute to BOB MCEWEN. BOB has been a friend and colleague for most of my service in Congress.

First and foremost, BOB is a good personal friend of mine. He has visited New Hampshire as a child, and has returned in recent years as well. His wife Pat and his daughters Mancy and Mary can be proud of BOB MCEWEN's integrity, accomplishments, and humanity.

One area in which we share a common interest is the field of national defense, where BOB is a stalwart spokesman for the strong defense this country needs. He was a true friend of our defense effort during times when that was popular, but more importantly during times when that was not so popular. His position was based on conviction, and not on the shifting mood of our country.

One manifestation of this was his interest in the U.S. Army's Cold Regions Research and Engineering Laboratory in Hanover, N.H., which happens to be in my district. He visited the Cold Regions Laboratory, and became an eloquent spokesman for a unique and badly needed frost effects research facility. This will allow pioneering research in the ways to build, maintain, and repair buildings, roads, airways, and other public facilities in cold regions more efficiently and more durably.

In his own district in northern New York, which shares New Hampshire's rugged climate, BOB MCEWEN led the effort to strengthen and fully utilize Fort Drum. Though military generals prefer more balmy climates of the southern part of the United States, BOB was right on point in arguing that wars are not always fought in pleasant, sunny climates, and that the military was deluding itself not to use and train in facilities like Fort Drum.

BOB has a long list of accomplishments during his career in Congress, a recent one being his efforts to get and successfully stage the winter Olympics at Lake Placid. That it was the great success it was is due in large part to BOB MCEWEN's determination and assistance.

I will not be redundant in going on to list his many other accomplishments, as others have covered them very well. However, I certainly do want to note that the list is long, and particularly significant.

BOB MCEWEN, like me, served in the State Senate before coming to Congress. His service in Albany was excellent background for Congress, and enabled him to fully appreciate the impact on his home State of what we are doing here in Washington.

BOB MCEWEN won reelection with increasing majorities, which certainly attests to his excellent representation to his district. BOB had established a fine staff, which enabled him to serve the needs and problems of his constituents well.

Lastly, on a personal note I want to point out that like me BOB remained a commuter to Washington. He kept his home in his district, and commuted weekly. Because he was willing to do that, he never lost touch with his district and he never lost the common touch. One can only hope that more people will emulate his fine example, and with equally fine results.●

● Mr. PEPPER. Mr. Speaker, the New York delegation in the 97th Congress will begin the session with seven strikes against them—with each strike represented by the loss of a very valuable Member of Congress. As chairman of the Select Committee on Aging, I can accurately state that the loss of these fine Representatives from New York will be felt by all older Americans.

No one in this Chamber could do otherwise than to experience the dedication, creativity, and drive of our distinguished colleague from Brooklyn, ELIZABETH HOLTZMAN. When virtually everyone had written the equal rights amendment off as a lost cause, ELIZABETH HOLTZMAN declared that she would extend the ratification deadline. Only a few months later, her legislation was enacted, giving the ERA a new lease on life. Congresswoman HOLTZMAN carried her abiding concern for women with her to the Select Committee on Aging, where I had the privilege of working closely with her. Serving on the Task Force on Social Security and Women, Congresswoman HOLTZMAN was one of the people most instrumental in bringing the concerns of older women to the fore. Working with Representative GERALDINE FERRARO, a fellow New Yorker, and Representative MARY ROSE OAKAR, who chaired the task force, ELIZABETH HOLTZMAN developed proposals to protect the most vulnerable members of society—divorced women, single elderly women, and widows—under social security.

Representative HOLTZMAN helped to guide through a supplemental appropriations bill which guaranteed that Older Americans Act programs be adequately funded. Her creativity complimented her compassion for the elderly, which was evident in her proposals to liberalize the supplemental security income program and to protect widows who are cut off from survivor private pension benefits.

I know that I speak for all of my colleagues when I say that this body will be a lesser place without the presence of ELIZABETH HOLTZMAN.

Mr. Speaker, for the last 16 years the people of the Fifth Congressional District have been fortunate to have been served by a man whose energy is exceeded only by his compassion. Of course I am referring to Representative LESTER WOLFF, who so ably chaired the Select Committee on Narcotics Abuse and Control and served with distinction on the Foreign Affairs Committee during a time of unprecedented international crisis.

As chairman of the Select Committee on Aging, I know how crucial the efforts of Representative WOLFF during each of his eight terms in Congress were to the interests of older Americans. LESTER WOLFF was uncompromising in his opposition to the proposal to tax social security benefits, and he cosponsored the resolution which passed the House, expressing the intent of Congress that social security benefits not be taxed. With unrestrained vigor, Representative WOLFF fought the law which offset unemployment benefits for pensioners and social security benefits, and fought even harder in support of the recently passed law to liberalize that offset.

During the 96th Congress, LESTER WOLFF introduced legislation to encourage contributions to private pension plans by exempting all employee contributions from taxation. In recognition of the need for tax relief among the aged population, Representative WOLFF proposed to exempt from taxation the first $5,000 of income from public pensions. LESTER WOLFF was a staunch advocate of home health alternatives to institutionalization under medicare, and his efforts may yet bear fruit.

Finally, Mr. Speaker, the character of Congressman WOLFF shone brightest whenever the tough political choices had to be made. With the social security system facing fiscal instability in the middle of the 1970's, LESTER WOLFF voted for the financing amendments of 1977, which kept the system solvent. The decision to raise taxes was not a popular one, but it was the right one. Americans around the country as well as in the State of New York will sorely miss the compassion and courage of Lester Lionel Wolff.

Mr. Speaker, the New York delegation to the 97th Congress will begin the session with the loss of seven of its most distinguished Members. One of those Members, Representative Jerome Ambro of Long Island, distinguished himself as a true friend of the elderly. All of my colleagues here today know of his tireless efforts as chairman of the National Resources and Environment Subcommittee of the Science and Technology Committee to steer the delicate balance of developmental and environmental concerns to achieve progress and a better quality of life. In addition, Congressman Ambro's leadership became apparent during his term as chairman of the incoming Member's caucus during the 94th Congress. However, not many people may be aware of Jerry Ambro's dedication to the health and well being of this Nation's older population.

As a leader in the fight to prohibit a means test under social security, Jerry Ambro helped to insure that the benefits which over 100 million workers had paid for would be there upon retirement. Representative Ambro opposed the taxation of social security benefits, in recognition of the crushing economic squeeze most older Americans live under. At a time when voting to increase taxes amounted to political suicide, Jerry Ambro cast his vote for the 1977 social security financing amendments, which insured the uninterrupted flow of promised benefits.

None of us need be surprised by Representative Ambro's concern for the elderly, which was in ample evidence well before his service in Congress. As Supervisor of the town of Huntington, Jerry Ambro initiated senior citizen housing to allow the aged population to remain in the community. In addition, he initiated the Huntington senior citizen hot meals program which addresses the nutritional needs of hundreds of elderly residents.

Jerome A. Ambro's compassion and perseverance served him well through his tenure in Congress, as well as the constituents of New York's Third Congressional District. We will sorely miss him.

Mr. Speaker, the Republicans made some very well-publicized gains in the recent elections, but they will experience a very underpublicized loss when the 97th Congress convenes. Republican John Wydler of Nassau County, Long Island has been a hardworking, dedicated Member of Congress and the New York delegation for 18 years. As dean of the New York Republican delegation and vice-chairman of the New York bipartisan delegation, John Wydler has repeatedly demonstrated his ability to work with Members of either party in order to get things done.

As chairman of the Select Committee on Aging, I have taken the floor today to document what the loss of the seven members of the New York delegation will mean to the elderly people of America.

Republican Wydler has been a longtime supporter of the removal of the retirement test from social security.

He has also been a strong advocate for the elderly and has worked closely with the Nassau County Department of Senior Citizens Affairs on such issues as disability benefits and the removal of income limitations from title XX social service programs.

Most importantly, he supported the 1978 amendments to the ADEA and endorses the removal of all age-based mandatory retirement.

As we move into the decade of the eighties, the removal of all barriers to employment for older Americans will become an increasingly important issue. All of my colleagues who are battling to remove these barriers will be losing an important ally in John Wydler.

Mr. Speaker, as chairman of the Select Committee on Aging, I have taken the floor today to pay tribute to the service of seven distinguished Members of the New York delegation who will not be with us when the 97th Congress convenes. For 16 years, one of those Congressmen, Robert Cameron McEwen, served his constituents admirably and fought equally hard for the rights of elderly people all across the Nation.

As a member of the Appropriations Committee, Representative McEwen worked to insure that the important Older Americans Act programs such as the hot meal program and the meals-on-wheels program did not go unfunded.

Bob McEwen has always been concerned about improving the living conditions for our Nation's elderly, and is acutely aware of the tremendous housing problem facing senior citizens. As a result, he worked to increase the availability of low-cost housing for the elderly.

A short time ago, he dedicated a senior citizen housing project that was so desperately needed in the small town of Bloomingdale, N.Y. He has also helped acquire several HUD section 202 senior citizen housing projects throughout his district.

Along with his sincere concern for the housing needs of the elderly, Bob also supports the rights of older people to continue working without the threat of age discrimination. He supported the 1978 amendments to the Age Discrimination in Employment Act and would have supported legislation to eliminate all age discrimination in employment. With Robert McEwen's retirement, the Republican Party as well as the entire Chamber will experience the loss of a very able and dedicated colleague.

Mr. Speaker, for the first time since November 4, 1964, the voters of Syracuse, N.Y., were confronted with a ballot that was lacking the name of James Michael Hanley. On that day, the voters of Syracuse experienced a loss that we in Congress will not really feel until the beginning of the 97th Congress. Senior citizens across the Nation will feel the loss as well, because Representative Hanley was one of their staunchest friends in Congress.

One of the fiercest budget battles waged in the 96th Congress concerned the fight to keep semiannual cost-of-living adjustments for Federal retirees. As chairman of the Post Office and Civil Service Committee, Representative Hanley was one of the key figures who campaigned to put the proposal to cut COLA on ice.

Jim Hanley was an important member of the Housing and Community Development Subcommittee of Banking, Finance and Urban Affairs. Working closely with Chairman Ashley, Representative Hanley devoted his efforts on the subcommittee toward addressing the woeful lack of adequate housing for the Nation's elderly and poverty-stricken residents. During his service, the section 202 program for the elderly and handicapped was responsible for the startup of over 150,000 housing units.

As the chairman of the Committee on Aging, I recall a time when there was no focal point in the House of Representatives for the problems of over 21 million aged Americans. Only 6 years ago, Jim Hanley was one of the staunchest advocates for a permanent Select Committee on Aging. Today there are almost 25 million older Americans who benefit from such programs as social security, the Older Americans Act, the section 8 housing program, and the supplemental security income program.

Every older American should know that it was Congressmen like James Hanley, working tirelessly to initiate, refine and improve these programs, who are responsible for the improvements in the quality of life for the elderly. The 97th Congress will be a body diminished in stature without James Hanley's presence.

Mr. Speaker, seven members of the New York congressional delegation will no longer be with us as we convene the 97th Congress in January. With the loss of these seven comes the loss of one of the most venerable members of the delegation, Congressman John M. Murphy of Staten Island, who began defending his country long before his service in Congress.

John Murphy was only a teenager when he enlisted in the U.S. Army to serve in World War II—in fact, he signed up on the day of his 18th birthday. Over a duration of less than 7 months, by the end of the war, Private Murphy became Second Lieutenant Murphy. Four years later he graduated from West Point and immediately flew out to Korea to serve in the 9th Infantry Regiment. The list of awards and honors earned in less than 2 years is virtually endless: the Purple Heart, the Distinguished Service Cross, the Bronze Star with V and oak leaf cluster, the Commendation Ribbon with oak leaf cluster, the Combat Infantry Badge, the Parachute Badge, the Korean Service Medal with six battle stars, and the Chungmu Distinguished Service Medal.

Discharged as a captain in 1956, John Murphy ran for and won a seat in the U.S. Congress only 6 years later. Representative Murphy served the residents of the 17th District with dogged determination as he chaired the Ad Hoc Select Committee on the Outer Continental Shelf and the Committee on Merchant Marine and Fisheries. As chairman of the Committee on Aging, I know how dedicated Representative MURPHY was to the cause of a better quality of life for older Americans. When the 97th Congress convenes, members from delegations across the country, as well as his own from New York, will feel the loss of JOHN MURPHY ●

● Mr. BOWEN. Mr. Speaker, I deeply regret that Congressman JEROME AMBRO is leaving the Congress, because he is the kind of levelheaded, practical, reasonable Member who makes such an important contribution to this body.

Although he served here only two terms, his impact was far greater than his 4 years of service might indicate. He brought with him an understanding of local government matters and made vital contributions to the Science and Technology Committee, where he served as chairman of its Subcommittee on the Environment, and to the Public Works and Transportation Committee.

Even though he is from a different region of the country than I, those of us who are from the South and other areas far removed from Long Island, N.Y., appreciate the personal friendship of JERRY AMBRO, which enabled him to work in cooperation with Members of the House of all political persuasions in order to serve the people of his district effectively, as he certainly did.

We will all miss JERRY AMBRO, and we hope he will find an opportunity for continued public service. The people of his congressional district, his State, and the Nation have indeed lost a champion.●

● Mr. FOWLER. Mr. Speaker, as my good friend JEROME AMBRO completes his service here in Congress, we and the Nation owe JERRY a great debt of gratitude.

In the 6 years JERRY has served the Third Congressional District of New York, he has set a standard of dedicated public service and unusual accomplishment.

As chairman of the Subcommittee on Natural Resources and the Environment, he has helped develop the Nation's first comprehensive materials and minerals policy legislation which will provide a framework for developing a strategy for managing materials critical to our national security. This legislation will mitigate the negative effects caused by our extreme dependence on other nations for materials and minerals crucial to our economy and national defense.

This kind of measure is slightly difficult to explain, it rarely makes the front pages, and it is directly related to our future security as a nation rather than to a specific congressional district interest. It is the kind of legislation which, if it works, will not receive widespread attention, but without which, our Nation could be catapulted into a major national crisis.

If we had had the kind of anticipatory thinking of JEROME AMBRO in the sixties and fifties, it is unlikely that we would now be held hostage over our excessive dependence on foreign oil.

Also, JERRY understands that our environment must be preserved for future generations, and he has translated that understanding into the concrete achievement of bringing the environmentally threatened Long Island Sound under the Ocean Dumping Act.

JERRY has served his district, his Nation, and future generations with ability, intelligence, wit, and dedication. As we begin the 97th Congress, we will have JERRY's example to help us look beyond the immediate present and to discharge our public duty with honor.●

● Mr. LEATH of Texas. Mr. Speaker, one of the advantages of serving in the U.S. House of Representatives is that it affords you the opportunity to meet outstanding individuals from all sections of this great Nation. To cite just one instance, it permitted me, a former businessman from a small town in central Texas, to get to know, work with, and appreciate our colleague from New York, JERRY AMBRO.

As we both serve on the Public Works and Transportation Committee, I have had a chance to get well acquainted with his abilities. During our work on the Water Resources Subcommittee of that committee, I have been privileged to work with him on so many vital projects.

JERRY AMBRO has served his district, his State and the Nation with distinction. He has brought honor to this body and has been a credit to the Congress. We will miss his wise counsel in the next Congress.●

● Mr. BIAGGI. Mr. Speaker, I join today with my distinguished colleagues to pay tribute to a fellow New Yorker who will be leaving us at the end of this Congress, LIZ HOLTZMAN.

Since she was elected to this body on November 7, 1972, she has been an able and dedicated Member who has served the interests of her constituents with zeal. LIZ graduated from Radcliffe College with honors in 1962 and capped her educational career by graduating from Harvard Law School in 1965. This background provided her with an important base which allowed her to serve as a member of our House Judiciary Committee. Her contributions to this committee have been many and varied, including her chairing of its Subcommittee on Immigration, Refugees and International Law.

As chairman of this subcommittee, she made important contributions to the policies which govern the inflow of immigrants to this Nation, including a major revision of these codes in the Refugee Act of 1980. This act revised the numbers of refugees which could enter this Nation as well as enhanced the powers of the legislative branch in deciding future policy in this area.

As a member of the House Budget Committee, LIZ worked with her colleagues to eliminate waste in Government programs which resulted in a dramatic reduction in the Federal deficit from $66 billion in the beginning of the 96th Congress to $29 billion in 1980. The Budget Committee of this Congress has been instrumental in helping us eliminate excessive Federal expenditures and her contributions to our efforts will be sorely missed.

As New York's senior member of the House Education and Labor Committee which oversees our child nutrition programs, I would also like to pay tribute to her work in helping to eliminate the fraud and abuse which once characterized these programs in New York. Today, our school feeding programs are national models for efficiency and innovation and this is in part, due to LIZ HOLTZMAN's work to make them work as they should—serving our schoolchildren.

The 16th Congressional District of New York will be losing a vital advocate for their interests in Washington when LIZ retires at the end of this 96th Congress. As a member of the New York delegation, I know that her valued contributions to our joint efforts on behalf of our great city and State will be missed. We wish her well in any and every future endeavor. We are confident that she will bring the same dedication and high standards she exhibited in this body to her next career and wish her all the best.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable JEROME A. AMBRO, who is retiring from a distinguished period of service at the close of the 96th Congress. It has been a rewarding personal experience for me to have known him as a colleague and I am honored to have served with him in the House of Representatives.

Elected to the 94th Congress in 1974, JEROME AMBRO has given dedicated and devoted service to his constituents of Third District of New York. Admiration for his leadership is not confined to the citizens of New York, for he is respected by every Member of Congress. His diligent efforts as a member of the House Public Works and Transportation Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has JEROME AMBRO. As chairman of the Subcommittee on Natural Resources and Environment of the House Committee on Science and Technology and chairman of the House Environmental Study Conference, he has been in the forefront of efforts to enhance America's precious resources and natural wealth for present and future generations, and indeed, these successful efforts have made our land a stronger and better country.

JEROME has compiled a splendid record of excellence and achievement, and his inspiring example will be missed here in the House. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage in total dedication to high standards.

Seldom does one find a man of JEROME AMBRO's stature, and he can leave the House with the assurance that through his efforts mankind has benefited. I extend to JEROME A. AMBRO my warmest best wishes for continued success in devotion to the highest principles.

● Mr. DRINAN. Mr. Speaker, Congresswoman HOLTZMAN leaves the House with the admiration of everyone for her skills, her steadfastness and her commitments.

I have served for many years on the

House Judiciary Committee with Liz Holtzman. She has distinguished herself there by initiating and processing legislation on a wide variety of topics. She almost singlehandedly brought about the extension for 30 months of the period during which the ERA can be ratified. This was an accomplishment that required great courage and enormous diligence.

Congresswoman Holtzman has also processed through the Congress very important developments in the law of immigration and refugees. The Nation and indeed the world will be grateful for years and years to come for her leadership in this area.

Congresswoman Holtzman came to the House after a brilliant career at Radcliffe College and Harvard Law School. I feel confident that she will continue to bring about great advancements in the administration of justice. I salute her for her achievements during her fruitful years in the House and look forward with keen anticipation to further wonderful victories to come.

For 16 years, Jim Hanley has served his constituents, the Congress and the country. He has done all of this with distinction and devotion.

Jim Hanley came to the Congress in the Democratic sweep of 1964. His devotion to his constituents and his legislative skills have enabled him to retain his seat in a district whose voters have observed in him the steadfastness with which he carries out his desire to serve the people of greater Syracuse and the citizens of America.

Jim Hanley will be missed in the Congress. He has contributed in very significant ways. The Congress and the Nation are grateful.

Lester Wolff had a distinguished career before he was elected to the Congress on November 3, 1964. He had served as a lecturer at New York University, an industrialist, a television moderator and producer of "Between the Lines" and an advocate of the consumer.

In his years in the Congress, Lester Wolff has done extraordinarily fine work as the chairman of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs. He has contributed in very substantial ways to the development of the foreign policy of the United States.

Lester Wolff has also been extraordinarily valuable as the chairman of the Select Committee on Narcotics Abuse and Control. In that capacity, he made many significant contributions to the development of law and policy by which the United States seeks to control the importation of dangerous narcotics.

As Congressman Wolff begins his third distinguished career, we wish him well. He will leave the Congress with the gratitude and admiration of his colleagues and his country.●

● Mr. LENT. Mr. Speaker, it is indeed a privilege to join with so many of my colleagues today in this well-deserved tribute to the seven members of our New York congressional delegation who are completing their service in the House of Representatives at the close of this 96th Congress.

The State of New York is losing nearly one-fifth of its congressional representation in one session. And this loss is being felt even more severely because our departing colleagues have established an impressive record of major committee responsibilities; positions of considerable import not only for the State of New York, but for our Nation as well.

These committee responsibilities have included no less than three full committee chairmanships and a number of subcommittee chairmanships for the majority members, as well as ranking positions on committees and subcommittees for the minority members.

Relinquishing committee chairmanships are Jim Hanley of the Post Office and Civil Service Committee, John Murphy of the Merchant Marine and Fisheries Committee, and Lester Wolff of the Select Committee on Narcotics Abuse and Control.

Relinquishing subcommittee chairmanships are Jerry Ambro, chairman of the Subcommittee on Natural Rsources and Environment of the Committee on Science and Technology; Elizabeth Holtzman, chairwoman of the Subcommittee on Immigration, Refugees and International Law of the Judiciary Committee; and Lester Wolff, chairman of the Subcommittee on Asian and Pacific Affairs.

Although in the minority, both Jack Wydler and Bob McEwen enjoyed positions of importance on their committees. Jack as ranking member of the Committee on Science and Technology, and third-ranking on Government Operations Committee. Bob as ranking member of the Subcommittee on Military Construction of the House Appropriations Committee.

Mr. Speaker, it is impossible in the time constraints of this special order to single out the many individual accomplishments of our seven departing colleagues. But just this partial accounting of their committee responsibilities gives some idea of the truly significant role they have played in the legislative work of this body.

As a member of the New York delegation it has been particularly enjoyable to work with this fine group of legislators on New York problems and programs. Their cooperative efforts have shown their dedicated devotion to the needs of their constituents. They have served those constituents and our Nation well.

Mr. Speaker, the State of New York and our Nation will miss the experience, knowledge, and legislative abilities of our seven colleagues, as will their constituents, and their colleagues here in the House. But I know that I speak for each one of us here when I say that we will miss even more their friendship. Whatever differences on issues might have developed from time to time, we always have resolved those differences in the spirit of true friendship.

And it is in that spirit of friendship that I wish our departing colleagues the best of everything in our future endeavors. I trust they will not forget their friends in this Chamber and that we will meet often in the future.●

● Mr. BARNES. Mr. Speaker, during my first 2 years in Congress I have had the privilege of serving as a member of the Subcommittee on Immigration, Refugees and International Law of the Judiciary Committee. As our colleagues know, that subcommittee has been chaired by the distinguished Representative from New York, Elizabeth Holtzman. Under her leadership our subcommittee has served as a forum for the concerns of all Americans regarding international refugees.

Congresswoman Holtzman, through her dedication and example of devotion to the spirit of public service, has become a truly internationally respected figure in the field of human rights. Without her continued emphasis upon the essential role of the United States in international refugee rescue efforts, literally thousands of human beings would have lost their lives. Whether from the Soviet Union, Indochina, or the Middle East, homeless and desperate persons have come to know that the United States would not forget them because of the leadership of Elizabeth Holtzman.

It has been an honor for me personally, to work with our distinguished colleague and to come to know her as a friend. One of my greatest regrets among many in the election of 1980 is that Elizabeth Holtzman will not be serving in the U.S. Senate which convenes in January.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. Lester L. Wolff, who is retiring at the close of the 96th Congress.

Lester Wolff has given 16 years of dedicated and devoted service to his constituents of the Sixth District of New York, and has compiled an outstanding record during his distinguished career. His diligent efforts as chairman of the House Select Committee on Narcotics Abuse and Control and as chairman of the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a stronger and better country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Lester Wolff. As a member of the House Committee on Veterans' Affairs, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's veterans caught in the bewildering maze of outrageous Federal bureaucracy.

Lester is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to Lester L. Wolff my best wishes for continued success in devotion to the highest principles.●

● Mr. SCHULZE. Mr. Speaker, I am pleased to join the New York delegation and the rest of my colleagues in appreciation for the contributions of the Honorable Jerome Ambro.

Jerry's active participation in various levels of government bespeaks a lifelong commitment to his ideals, and to the democratic process. In the House of

Representatives, he played a leading role in the formation and development of the Task Force on Industrial Innovation, a bipartisan effort to address the declining productivity of the United States. His conscientious service on the Public Works and Transportation and Science and Technology Committees will not soon be forgotten.

JERRY, your distinguished record has brought honor not only to yourself, but also to the Third District and the State of New York as a whole. I am happy for this opportunity to extend to you my best wishes for the future. Godspeed.●

● Mr. MINISH. Mr. Speaker, I am delighted to testify to my admiration for the Honorable JEROME A. AMBRO of the Third District of New York. Since coming to Congress in 1975, JERRY has distinguished himself in a way which it would take others many years to achieve. His promise was recognized early when, having had a chance to see the kind of work he does, his peers elected JERRY chairman of the 82-member Freshman Caucus early in 1976.

Those of us who had been around a little longer also recognized an outstanding legislator, and JERRY's performance has certainly lived up to that promise. His practical working experience with the problems of local government helped supplement his natural abilities to make him a most valuable and effective workhorse on the Public Works Committee. His contributions on the Science and Technology Committee and as vice chairman of the House Environmental Study Conference will benefit our country for years to come. In just a few short years, JEROME AMBRO has compiled a record of service to his State and Nation of which any Member of this House would be proud.

JERRY's legislative work is now a matter of public record. I certainly hope that he will continue to work for the public good, perhaps soon again as a Member of this House. I would like to add to JERRY's well-known public record that he is a fine man, a gentleman, and a good friend whom I will miss greatly. I am certain that all of us in the House of Representatives join in wishing JERRY the best of luck and continued achievements in the years to come.●

● Mr. YOUNG of Missouri. Mr. Speaker, I have the deepest respect for JERRY AMBRO, both on a personal level and as a colleague on two committees—Public Works and Transportation, and Science and Technology.

During the 4 years that we have served together, I have found him a pragmatic legislator who has had the rare knack of combining frankness with a courteous manner. The esteem he has won among his colleagues is pointed up by the fact that he was elected chairman of the New Members Caucus during the 94th Congress.

Nationally, the field of transportation will lose one of its foremost experts on research and development. During the 95th Congress, JERRY AMBRO was the driving force behind a major project to establish the Nation's most sophisticated traffic management system on Long Island.

As a member of the Science and Technology Committee, he has had an abiding interest in the development of solar energy. He played a key role in winning funding for construction of the national solar energy research institute which is now being built in Colorado.

On both committees, JERRY established a long list of accomplishments that he was able to engineer for the people he represented. We will miss him.●

● Mr. ALBOSTA. Mr. Speaker, it has been a true honor to serve with, and get to know the Honorable JAMES HANLEY. While his leadership in Congress transcends committee jurisdiction, I have worked very closely with JIM in his capacity as chairman of the House Post Office and Civil Service Committee, and as chairman of that committee's Investigations Subcommittee. I can certainly attest first hand that he will be sorely missed in both of those positions in the 97th Congress. During his tenure as chairman, the House passed numerous pieces of postal legislation that would bring accountability back into the operation of the U.S. Postal Service, create safe working conditions for postal employees, and allow supervisors to collectively bargain their wage levels.

JIM's commitment to preserve the service element of the USPS was never greater, and I shall never forget, when the postal Board of Governors testified before the full committee about the prospects of the elimination of 6-day mail delivery. JIM HANLEY, in his efforts to get a commitment from the Board of Governors that cutting out 1 day of delivery would have long-term detrimental effects to the USPS, elicited comments from that Board suggesting both a lack of knowledge and a lack of concern over the future of the Postal Service.

It is these comments, skillfully and forcefully elicited by our Chairman JIM HANLEY, that will remain in the minds of members of that committee in future Congresses. It is that vision that will help insure the future of the strongest possible Postal Service, if Congress has any say in the matter. For that, the Nation owes JIM HANLEY a great deal of thanks.

Besides working closely with JIM in Washington, I was truly honored to have Chairman HANLEY visit my congressional district to hold hearings of the Investigations Subcommittee on the burden of Federal paperwork on the American public. During our travels through my district, a quality in JIM HANLEY came out that I feel is important to mention in this tribute to this fine Congressman. Wherever we went, JIM compared things to his own district in New York. Whether it was the people, the forest land, or the farms, JIM would always compare it with his own district. Even when JIM was in rural north-central Michigan, he stalwartly represented his district. This quality was also prevalent back in Washington, where JIM continually brought up his home and his people in New York's 32d District, whom he served for 16 years.

I am proud to have worked with JIM HANLEY. I wish him the very best luck in all of his future endeavors.

I rise today to pay tribute to a distinguished colleague, JEROME AMBRO, who will be leaving the Congress at the end of the current session. JEROME and I come from different parts of the country but we have come to know each other as members of the Public Works and Transportation Committee. He has served with distinction on this committee. Over the past 2 years I have seen JEROME question witnesses insightfully and raise important issues as the committee reviewed legislation ranging from economic development assistance to pollution control programs.

JERRY AMBRO is the kind of person who carefully reviews bills and issues and then speaks effectively about them. His expertise and ability will definitely be missed in the next Congress. His thoughtfulness towards others and his concern for people will also be missed.

As a new Member of the 96th Congress, I appreciated the opportunity to serve with and learn from a more senior Member like JEROME AMBRO. I hope that he will return to public service in some capacity in the future. In the meantime, I wish him well in whatever endeavor he chooses to pursue and reluctantly bid farewell to a fine Member of Congress and particularly the Public Works and Transportation Committee.●

● Mr. HORTON. Mr. Speaker, although I certainly respect BOB MCEWEN's decision to retire from service in the House of Representatives, I nevertheless regret it. BOB MCEWEN has been one of the most able and respected Members of the House and the New York delegation. His 16 years of dedication and hard work on behalf of the residents of New York's 30th Congressional District merits the respect and admiration of all his colleagues.

As a member of the House Committee on Appropriations since his first election to the House of Representatives in 1964, BOB has played a key role in the development of legislation funding the winter Olympics in Lake Placid this year, our Nation's defense particularly with regard to military construction and a variety of other appropriations measures.

BOB is also to be commended for his contributions to the work of the Northeast-Midwest Congressional Coalition which I am privileged to serve as cochairman. Since the coalition's founding approximately 4 years ago, we have attempted to alter Federal defense policies which have unjustly favored the South and the Southwest in the realignment of military bases. As ranking minority member of the Subcommittee on Military Construction, BOB has actively sought to influence the outcome of military construction bills considered by the subcommittee. I am hopeful that BOB will, as a former Member of Congress, continue to share his expertise on this and other matters with those of us who remain in Congress.

I join my colleagues in the New York delegation in wishing BOB well as he leaves the Congress.

Mr. Speaker, the cause of human rights was given greater voice and received higher international recognition due in large part to the work of Congressman LESTER WOLFF. His forceful advocacy on behalf of persecuted Soviet dissidents is well-known and respected. On many occasions, I have been privileged to join LESTER in seeking the release of an individual illegally held by the Soviet authorities.

Congressman WOLFF has also been highly effective in the on-going struggle to reduce the flow of illegal drugs and narcotics to the United States. Since 1976, LESTER has been an outstanding chairman of the Select Committee on Narcotics Abuse and Control. The extent of narcotics abuse and the epidemic proportions it has taken on have been the subject of the committee's careful review and consideration. Highly regarded reports and hearings have served both this House and the Nation well and for this Congressman WOLFF is to be commended.

New York's Sixth Congressional District and this House have been effectively and ably served for 16 years by LESTER WOLFF. I wish him well.

Mr. Speaker, since coming to the Congress in 1963, I have witnessed and participated in the process that has registered success and effectiveness for the New York delegation. Our success as a delegation on legislation vital to the economy and well-being of New York State has been possible only through the spirit of cooperation and bipartisanship. The New York State delegation has also been distinguished by the responsible and forceful leadership of several of its members as chairmen of House committees. Certainly, Congressman JOHN MURPHY fits this description as former chairman of the House Merchant Marine and Fisheries Committee.

Although JOHN will best be remembered for his direction of the Merchant Marine Committee, many of our colleagues will recall his able service on the House Interstate and Foreign Commerce Committee and the Ad Hoc Select Committee on the Outer Continental Shelf. His many contributions on these committees will remain as important legacies to the House of Representatives and the Nation.

I join my colleagues in wishing JOHN and his family well.

Mr. Speaker, I am pleased to join my colleagues in the New York delegation in paying tribute to those in our delegation who will be leaving the House at the end of the 96th Congress. Each has demonstrated an unmatched devotion and dedication to public service and to the House of Representatives. Their absence from the House and from our delegation will be missed.

Although I did not have the privilege of serving with him on his committees, JIM HANLEY's legislative accomplishments are well-known in our delegation and indeed throughout the Congress. Certainly the Civil Service reform measure stands as one of his greatest achievements as chairman of the House Post Office and Civil Service Committee. JIM also demonstrated his capable leadership as a membership of the House Banking, Finance, and Urban Affairs when the New York City financing bill was debated by the full House.

JIM HANLEY has gained the respect and admiration of his constituents and his colleagues. I am confident JIM will bring the same dedication and hard work to whatever endeavor he next tackles.

One of New York State's most able Representatives and one of the most highly regarded members of the New York congressional delegation will be leaving the House of Representatives at the end of the 96th Congress—Congresswoman ELIZABETH HOLTZMAN. For 8 years, she has served her constituents, the Committees on the Budget, Judiciary and the Select Committee on Aging, and the House of Representatives with honor and distinction.

LIZ brought to her work in the House a sharp and disciplined mind that quickly established her as an expert on a range of issues, particularly immigration matters. As chairman of the Immigration, Refugees and International Law Subcommittee (Committee on Judiciary), LIZ HOLTZMAN developed and guided important changes in immigration laws during turbulent days when the United States was faced with an awesome influx of refugees. Although much work in this area remains to be done, credit is due LIZ for the significant contributions she made as subcommittee chairwoman.

As a legislator and friend, LIZ HOLTZMAN will be missed. I am confident she will continue in whatever way possible her career of public service.●

● Mr. FUQUA. Mr. Speaker, my friend and valued colleague, JEROME AMBRO, will be retiring from Congress at the close of this session and I wanted to share with you my reflections on his departure from our ranks.

In 6 years as a Member of this House, JERRY AMBRO has distinguished himself and brought great honor to the Third District of New York.

As chairman of the Committee on Science and Technology, I have had the pleasure and privilege of working closely with JERRY AMBRO both as a member of the committee and during the 96th Congress as one of its subcommittee chairmen.

JERRY AMBRO's longstanding interest in protecting the environment served him well as chairman of the Subcommittee on Natural Resources and the Environment and he, in turn, served this House well in performance of the sensitive duties relating to protecting our natural resources and environment.

JERRY AMBRO's natural leadership qualities were recognized by the freshmen elected with him in 1974 when the 86-member Freshmen Caucus selected JERRY to serve as their chairman during his first term.

JERRY's public service as an elected official began at the local level on Long Island where he was four times elected to serve as supervisor of the town of Huntington, N.Y. His administrative and fiscal duties in municipal government gave him special insights into the needs and problems of our urban areas.

His tireless devotion to duty and his easy wit will long be remembered and missed by the colleagues with whom he has served.●

● Mr. FUQUA. Mr. Speaker, we are losing several members of the New York delegation from the ranks of this House at the end of the 96th Congress, and their departure will leave a void of talent and friendship which will be difficult to fill.

These seven members combine a rare blend of individual talent and collective judgment which has been a valuable resource for this House.

Two of these members have served with me on the House Committee on Science and Technology where, through effective work, they have brought distinction to both themselves and the committee. I will particularly feel the loss of JACK WYDLER, ranking minority member of the committee, and JERRY AMBRO, chairman of the Subcommittee on Natural Resources and the Environment.

Each of the other retiring New York members, JOHN MURPHY, JAMES M. HANLEY, ROBERT C. MCEWEN, LESTER WOLFF, and ELIZABETH HOLTZMAN have brought special insights and perspectives to the House of Representatives which have helped make this legislative body one of the most representative and responsive in the world.

Each has served with dignity, intelligence and dedication and has earned the friendship and respect of those who served with them.

I join my other colleagues today in wishing them well in their future endeavors and in hoping they will continue to share with us, even in an informal way, the same wisdom and insights we valued so highly during their years of service in this House.●

● Mr. RICHMOND. Mr. Speaker, seven members of the New York State congressional delegation will be leaving Congress when this session comes to a close. As secretary of the delegation, it gives me the greatest of pleasure to participate in honoring these colleagues and wishing them the very best of success in all their future activities.

Our delegation is a very large and diverse group, yet, with the help and cooperation of all 39 Representatives and two Senators, we have been remarkably harmonious and effective in our efforts on behalf of our State and our constituents. These seven Members that we honor today played key roles in assuring the success of many of our delegation's efforts.

In the interest of time, Mr. Speaker, I do not plan to pay tribute to all seven of my colleagues, but I do wish to take just a few more moments to express my deep affection and respect for LESTER WOLFF, who will not be returning to continue his excellent representation of the Sixth District of New York.

The absence of LESTER WOLFF is a tragic loss for the delegation and the Congress. He has been an outstandingly effective chairman, of both the Select Committee on Narcotics Abuse and Control and the Foreign Affairs Subcommittee on Asian and Pacific Affairs. LESTER is one of the most highly respected Members of the House and is equally highly respected by the leaders and representatives of foreign nations who have witnessed his performance in international relations as well as matters of foreign policy, foreign trade and educational activities.

Lester has been my great and good personal friend for many years, long before either of us came to Congress, and, while our friendship will of course continue, I will certainly miss him in this Chamber.●

● Mr. MICA. Mr. Speaker, I want to take this opportunity to speak in behalf of the excellent work of Congressman Jerome Ambro of New York's Third Congressional District. Jerry Ambro will not be with us in the 97th Congress, and his presence will be missed.

Any first-term Representative, as was my position in the 96th Congress, comes to the House of Representatives and looks for leadership and support from Members who have already distinguished themselves. Throughout the past 2 years, I have sought the advice and counsel of Jerry Ambro, and he helped me learn the often arcane and mysterious ways of the House as a legislative institution.

I might also add that this 96th Congress has looked to men and women of integrity, and that Jerry Ambro has been a beacon of light. He has certainly filled the qualities which any Representative seeks to emulate, and it is certainly with honor that I call to the attention of my colleagues Jerry Ambro's distinguished service in the House of Representatives.

I particularly want to commend Congressman Ambro for his efforts in energy and transportation research and development. He was responsible for winning for Long Island $30 million to construct the Nation's most advanced and sophisticated traffic management system to speed the flow of traffic on parkways, reduce pollution, and conserve gasoline. This project—the integrated motorist transportation system (IMIS)—was won for Long Island as the result of an Ambro amendment put forth in connection with his service on the Surface Transportation Subcommittee on the Committee on Public Works. Repeatedly he has used his position in Congress as the ranking New Yorker on the Public Works Committee and as a senior member of the Science and Technology Committee to implement accomplishments that directly benefited the area he represented.

He won approval, for example, of funding to build a long overdue and much needed extension of the Farmingdale, N.Y., village hall. He had the Federal Government grant Nassau and Suffolk Counties their own clearinghouse for Federal project approval. This designation will mean millions of dollars for Long Island towns, villages, counties, and businesses in the years to come. He preserved Long Island's status as an independent standard metropolitan statistical area (SMSA), something vitally important to Long Island's economic well-being.

As you can see from these activities, Congressman Jerry Ambro has been one of the most creative and hard-working Members of Congress during his tenure here, and I want to especially commend him for all of his excellent work.●

● Mr. MONTGOMERY. Mr. Speaker, I would like to join with my colleagues today in paying tribute to seven members of the New York congressional delegation who will not be returning to serve their Nation when the 97th Congress convenes next January.

John Murphy, John Wydler, Jim Hanley, Bob McEwen, Lester Wolff, Liz Holtzman, and Jerome Ambro have amassed 98 years of combined service in this body. During that time they have each worked diligently and conscientiously on behalf of their constituents. In their own individual areas of special legislative interest these seven colleagues have contributed greatly in trying to provide a better way of life not only for the people of New York, but all Americans.

Their presence will be missed next January, but we can be thankful that we and the American people had the benefit of their public service and we all wish them the best in the years ahead in whatever endeavor they might choose to pursue.●

● Mr. HANLEY. Mr. Speaker, it is with mixed emotions that I rise to pay tribute to my six colleagues from the great Empire State, who will join me in leaving the House at the end of this Congress.

Jack Murphy, Jack Wydler, Bob McEwen, Lester Wolff, Liz Holtzman, and Jerry Ambro have been more than just fellow Members. They have been friends, sources of counsel and teammates. The good of the people of New York State and of the Nation always has been their top priority, and always has been the prime motivator of their actions.

With regard to the New York delegation as a whole, I have often remarked that one of the choicest rewards of service in the Congress is the ability it provides to associate with, work with, and better yet, develop friendships with some of the finest people in the world. Certainly, into that category I place each member of this delegation. Although our association in this sense will soon terminate, our friendships will indeed endure forever.

Countless memories of our association flash through my mind as I look back over my 16 years in this body, and it would be impossible to verbalize all of the meaningful, rewarding, and enjoyable experiences we have shared.

I will not say goodby for this is just the end of one chapter and the beginning of another. I will deeply miss service in the Congress, as I know my fellow retirees will. But I know we all look to the challenges ahead, to working together in new endeavors, and continuing in the spirit which has guided us in our daily quest to better the lives of our fellow citizens.●

● Mr. EDGAR. Mr. Speaker, working through the Water Resources Subcommittee, Congressman Ambro was able to persuade the U.S. Army Corps of Engineers not to carry out its plan to dump toxic spoil in Long Island Sound just off Eaton's Neck in the town of Huntington.

As a member of the Surface Transportation Subcommittee, Congressman Ambro won for Long Island approval of $30 million to build the Nation's most advanced and sophisticated traffic management and control system to speed the flow of vehicles on parkways, diminish pollution and conserve gasoline. This first in the Nation pilot project known as IMIS (integrated motorist information system) will be done primarily by the Sperry Corp. on Long Island.

In 1979, as a member of the Aviation Subcommittee, Congressman Ambro had $800,000 in airport development trust fund (ADAP) moneys approved for construction of a new air traffic control tower at Republic Airport in Farmingdale, the busiest general aviation facility in the northeast, in order to improve safety.

From his position on the Water Resources Subcommittee, Congressman Ambro changed legislation in such a way as to guarantee that Long Island's elected officials would have a voice in any planned construction of a third water tunnel for New York City, thereby protecting the Island's finite drinking water supply from encroachment by city officials. At the same time, he spearheaded the drive for legislative approval by the Subcommittee of Federal Funding for the construction of that much-needed third New York City water tunnel.

Because of his key position on the Surface Transportation Subcommittee at the time that New York State was looking to redesignate a portion of the Long Island Expressway from the Interstate Highway System and utilize the moneys involved for mass transit, Congressman Ambro was able to negotiate a compromise with officials of the Metropolitan Transportation Authority (MTA) that resulted in additional desperately needed rush hour trains being added on the Long Island Railroad. The funds for the extra rail service would come out of the LIRR's share of the reassigned highway trust fund totals.

As a member of both the Aviation and Surface Transportation Subcommittees, Congressman Ambro won approval for a regional $30 million multi-modal transportation hub at Islip MacArthur airport on Long Island. Such a transportation center had been on the drawing boards of Long Island officials for almost two decades.

From his position as a member of the full Public Works Committee which has jurisdiction over the Economic Development Administration, Congressman Ambro was able to accomplish the following:

First. Help several local municipalities, including the town of Huntington, the village of Farmingdale, and a number of school districts obtain grants under rounds I and II of the Local Public Works and Capital Development Act.

Second. Help secure for Nassau and Suffolk Counties the designation as an economic development district, the first such wholly suburban development district in the Nation.

Third. Assist the new Long Island

Area Development Agency (LIADA) to receive an initial $50,000 planning grant soon after it received its official economic development district designation.●

● Mr. NOVAK. Mr. Speaker, I appreciate the opportunity to add my best wishes to our seven departing colleagues from the Empire State.

Cumulatively, Jack Murphy, Jack Wydler, Jim Hanley, Bob McEwen, Lester Wolff, Liz Holtzman, and Jerry Ambro represent nearly 100 years' service in the House.

I know, therefore, that I echo the sentiments of many others here who will miss their active participation and leadership in the proceedings of this body as we confront the challenges of the 97th Congress.

In my 6 years' service in the House, I have been regularly associated with each of them during the bipartisan meetings of our New York State delegation. I have found them to have been valuable contributors to the cooperative spirit that the delegation has developed and sustained in recent years in an effort to seek equitable solutions to the special economic and social needs of our region.

Certainly, their counsel and experience will be missed in that forum also.

Thus, it is with genuine mixed emotions that I join in this tribute to their service in the House, bid them farewell and best wishes in all their future endeavors.

Those emotions are particularly acute in the case of Jerry Ambro, with whom I have been closely associated during the last half dozen years, initially as a classmate in the 94th Congress and throughout this period as a colleague on the House Committee on Public Works and Transportation.

It is often said that it is within the workings of the House committee structure that a majority of the key decisions are made and an individual Member can have the greatest impact. Having worked side by side with Jerry Ambro for so many years, I can attest to his diligent and tireless efforts as the Public Works Committee addressed a variety of complex, often controversial, issues.

He has been a tireless worker for his district and for the State of New York and we will miss him.

To all our colleagues who are leaving this year, I repeat my regrets at their departure, knowing at the same time that each has the potential for continuing along whatever path they choose to remain productive and valuable citizens of New York State and our great Nation.●

● Mr. RANGEL. Mr. Speaker, I rise to join with my colleagues in bidding farewell to Jack Murphy, my colleague and friend from New York.

Eighteen years is a long time in which to provide continuous service in this body. During these many years, Jack has risen to a position of power and has been able to establish personal relationships with his colleagues. Defeat is a very difficult concept to accept. However, I know that the one thing that is giving him comfort during this very difficult period is the fact that he has served in the U.S. House of Representatives where he has met individuals dedicated to working toward creation of a better Nation. To join in that work, as Jack did is enough for anyone.

Mr. Speaker, it is with much sadness that I rise to bid farewell to a great friend and New Yorker, Lester Wolff, who unfortunately will not be with us in the 97th Congress. Lester and I have served together on the Select Committee on Narcotics and Drug Abuse, and we have developed a very warm and productive relationship over the years. I have been impressed and grateful at the commitment and energy that Lester has put into combatting the problems of drug abuse in this country, and I believe that the House will sorely miss the leadership that he showed on the issue of drug abuse.

Mr. Speaker, the retirement of Jack Wydler, longtime advocate for the State of New York in his position as ranking minority member of the Science and Technology Committee, will leave an unfortunate gap in the effectiveness of our delegation. Jack's presence on Science and Technology and Government Operations was a great boon to this State. Although we were on different sides of the aisle, I appreciated Jack's efforts and concerns, and I join with the rest of my colleagues in bidding him a warm farewell.

Mr. Speaker, I would like to add my voice to my colleagues who are reluctantly saying goodbye to the 8 years of effective, enlightened service that Liz Holtzman has given to her constituents, the citizens of the great State of New York, and to the country as a whole. Her hard work and devotion to a more just and equal society are going to be missed by this body and this country. I was looking forward to the exciting opportunity of working with her in the other body, but unfortunately, she will not be able to continue her enviable record of achievement there. The State and the Nation will certainly suffer because of the absence of this remarkable woman from Congress.

Mr. Speaker, I would like to join with my colleagues in paying tribute to our colleague, Jerry Ambro. Since coming to Congress, Jerry has been a very dedicated Member of this body. As a member of the Public Works Committee, he has vigilantly attempted to devise mass transit legislation that reflected the needs of his constituents. The people of New York State has in Jerry one of their strongest advocates for increased funding for this very important function.

Before coming to the Congress, Jerry served the residents of Huntington, Long Island, as their town supervisor from 1968 until 1975. Prior to that he served in numerous other capacities, thereby demonstrating his commitment to helping to improve the lives of those around him.

Although those of us in public life have to accept the decision of the voters, it is a very bitter pill which we must swallow when someone like Jerry Ambro is turned away. His presence in this body will most assuredly be missed. My hope is that he will continue to speak out on those issues that he so vigorously defended while a Member of the U.S. House of Representatives. We have all lost a very dear friend.

Mr. Speaker, I rise to wish Bob McEwen, a friend and distinguished colleague, a fond farewell from the House. Bob's service to this country deserves recognition, for he has served his country well for many years. He served in the Army Air Force in the Second World War, and then served in the New York State Legislature before coming to Washington in 1964. His work on the Appropriations Committee has benefited his constituents and this State a great deal, and his retirement will stand as a great loss to those of us who knew and respected him in this House.

Mr. Speaker, I rise to bid a warm and friendly farewell to one of the most able Members of this body, Jim Hanley from Syracuse, N.Y. I have worked well with Jim during my time in Congress, and I have always been impressed with his dedication to working for all of the people of this country. His too short tenure as chairman of the Post Office and Civil Service was highlighted by his efforts to insure that the 1980 Census was a success. I only wish that Jim would stay with us a little longer to continue his great work. I am one of the many Members of this body who are sorry to see Jim Hanley depart.

● Mr. WYDLER. Mr. Speaker, I want to thank all of those who participated in this special order on my behalf. It is a good experience to be praised by your peers and I appreciate the kind words that have been spoken about me during this special order.●

● Mr. APPLEGATE. Mr. Speaker, I would like to take a few moments to speak about a fellow colleague of ours as well as a friend—Jerry Ambro.

We have served together on the Public Works Committee for the past 4 years and it has been an honor as well as a pleasure. Jerry is a bright, conscientious, hard worker who is well prepared for hearings, markups, and floor debates. He is an articulate, eloquent orator, an excellent debater with a keen wit.

He is a dedicated statesman who has served his district, his State, and his country well. He understands the meaning of responsibility to one's district, a sense of purpose for one's country, and commitment to high ideals. He takes his job very seriously.

Jerry is a fine Congressman who has the cooperation, respect, and friendship of Members on both sides of the aisle. He will be missed in the next Congress, but not forgotten. His heritage will continue and the opportunity of knowing a man of Jerry's stature will continue to shape our lives and our work.●

● Mr. MAZZOLI. Mr. Speaker. I would like to join my colleagues in the House of Representatives in honoring seven members of the New York State delegation who are leaving the House after the 96th Congress.

I commend Jack Murphy, Jack Wydler, Jim Hanley, Bob McEwen, Lester Wolff, Liz Holtzman, and Jerry Ambro for their years of service to the people of New York and the Nation.

Their expertise and dedication will be

sorely missed in the challenging years ahead.

I extend to them all my very best wishes for the future.●

● Mr. LONG of Maryland. Mr. Speaker, seven members of the 39-member New York delegation will not be returning to the 97th Congress in January. Their friendship and their legislative skills will be missed keenly in the upcoming Congress.

Two of the departing Members are my "classmates" from the 88th Congress—JOHN WYDLER, dean of the delegation, and JOHN MURPHY of Staten Island, who has headed the Merchant Marine and Fisheries Committee. It has truly been a pleasure to serve with these men.

LESTER WOLFF, JIM HANLEY, and BOB MCEWEN, all elected in the 89th Congress, have earned high respect for their strong leadership.

LIZ HOLTZMAN's sharp intelligence, keen wit and hard work will not soon be replaced.

JEROME AMBRO's achievements in his 4-year tenure have added to the influence of the already powerful New York delegation. His enthusiasm and dedication leave a large gap to be filled.

I shall never forget the experience of serving with these outstanding Representatives. They and their families deserve health, success, and happiness in coming years.●

● Mr. OBERSTAR. Mr. Speaker, the returning New York delegation and the entire House are losing some very good friends and effective legislators at the end of the 96th Congress.

For some time, we have known of the decisions of JOHN WYDLER, JIM HANLEY, and BOB MCEWEN to retire. Our colleagues came to this House at a time when Members relied more on their knowledge of the issues and the legislative process than on the use of advertising, consultants and polls. Their thoughtful, principled representation will be missed.

As chairman of the Conference of Great Lakes Congressmen, I had the pleasure to work closely with BOB MCEWEN on our common interest—the future of the Great Lakes.

BOB MCEWEN is a gentleman. He has never let partisanship interfere with the work of this House. He has been a most effective member of the Appropriations Committee because he speaks with great knowledge and precision. I shall miss his friendship, his counsel and his vigorous advocacy of measures benefiting the Great Lakes and the St. Lawrence Seaway.

We can all appreciate the decision of Congresswoman HOLTZMAN to leave this House. She would have been an excellent Senator for New York. The Senate certainly could use her leadership, integrity, dedication, and intelligence in the 97th Congress. I know that I speak for many of my colleagues when I say that I suspect that the Senate may one day benefit from her membership in that body.

I served with JOHN MURPHY on the Merchant Marine and Fisheries Committee. He was an effective and energetic chairman who revitalized that committee and made it a legislative force in this House. We have a stronger maritime industry because of JOHN MURPHY's commitment to America's tradition as a maritime power.

Following the election defeats of our colleagues, one often thinks how unfortunate that the voters cannot see our colleagues' accomplishments as we in the House do.

As the United States enters a critical period of changing relationships with Asia, the House will miss the leadership of Congressman WOLFF.

The New York Times once referred to "the eloquent Mr. AMBRO." It was an accurate description of a colleague, whom I deeply respect and whom I shall miss as a fellow legislator and as a friend.

JERRY AMBRO had a sense of vision, a commitment to the legislative process that transcended the day-to-day work of the House. JERRY AMBRO did not see his responsibilities as just getting from Congress to Congress, election to election. This House saw that visionary quality in JERRY's support for anticipatory research to develop solutions to environmental problems before they reached catastrophic levels.

JERRY was one of the very first Members of this House to appreciate the seriousness of acid rain pollution. In 1979, he offered an amendment to increase funding for acid rain research that unfortunately was defeated. JERRY AMBRO knew about acid rain and was doing something about it before it became a media event.

He can take great pride in knowing that his efforts prompted the administration to take decisive action to deal with the problem of acid rain pollution. We will miss him on Public Works. I know that JERRY AMBRO will bring his energy and creativity to a successful career in the private sector.●

● Mr. ERLENBORN. Mr. Speaker, whenever one of our colleagues departs from this body, we and the people he or she represents and, indeed, all the people, are affected. BOB MCEWEN's retirement will have a special impact.

BOB has been not only an effective legislator. He has brought to this House a rare and good humor and congeniality personified.

BOB and I came to Congress at the same time, after the election of November 3, 1964. Our 89th club has dwindled in the intervening years and next year will just barely qualify as a club. With BOB's departure, the few remaining 89th club members will have to look elsewhere for the refreshing insight he brought to our Monday evening meetings, rap sessions in the Halls and Cloak Room, and the paddle ball court.

We who meet in the 97th Congress will do well if we meet with half as much success in achieving our goals as I expect this good and decent man from New York's 30th District to achieve in his new goals.●

● Mr. MITCHELL of New York. I would like to take this opportunity to pay tribute to those Members of the New York State delegation in the House of Representatives who will be leaving the House at the end of the 96th Congress. To each of the seven individuals departing this Chamber, I wish to express my most sincere appreciation for their cooperation, assistance, and friendship.

To my neighbor from the north, the Honorable ROBERT C. MCEWEN, I would like to express a special thanks for his guidance, support, and personal kindness. I will miss him as a good friend and as a highly competent colleague.

To the dean of the New York Republicans, the Honorable JOHN W. WYDLER, I would like to reiterate my recent praise of his distinguished career, capable leadership, and cherished friendship.

To my colleagues on the other side of the aisle: My good neighbor from the west, the Honorable JAMES M. HANLEY; the Honorable JOHN M. MURPHY; the Honorable LESTER L. WOLFF; the Honorable ELIZABETH HOLTZMAN; and the Honorable JEROME A. AMBRO, I wish to express my sincere thanks for their individual assistance and for their diligence in working to make the New York delegation a uniquely effective coalition.

Each of these fine individuals will be missed by their constituents, their colleagues from New York, and the entire membership of the House. They will be particularly missed by the citizens of New York who have benefited so greatly from their service in the U.S. Congress.●

● Mr. GREEN. Mr. Speaker, my State of New York has had the good fortune to be represented by an outstanding cross section of persons in the House of Representatives over the years. As we conclude the 96th Congress, we face the unusual circumstance of a relatively large number of New York Members retiring from this body. In alphabetical order they are JERRY AMBRO, JIM HANLEY, LIZ HOLTZMAN, BOB MCEWEN, JACK MURPHY, LESTER WOLFF, and JACK WYDLER.

All New Yorkers are indebted to these people for the service they have given our State and it is fitting that we pay tribute to them today. Representatives MURPHY and WYDLER first entered the House on January 3, 1963 and have served with distinction since that time. Mr. MURPHY rose to the chairmanship of the Merchant Marine and Fisheries Committee and Mr. WYDLER is now the ranking minority member of the Committee on Science and Technology. Mr. HANLEY is retiring as chairman of the Post Office and Civil Service Committee, Mr. WOLFF as chairman of the Select Committee on Narcotics Abuse and Control, and Mr. MCEWEN as an influential member of the Appropriations Committee.

These seven Members have given New York State and the Nation a combination of 98 years of service in the House. There is no question that we will miss their expertise and I join my colleagues today in wishing all seven the best for the future.●

● Mr. PICKLE. Mr. Speaker, JACK WYDLER and I are members of the 88th club, coming to the Congress as freshmen during the 88th session. Thus, we have been classmates for nearly 17-18 years. And as all Members know, classmates are the closest of friends, both personally and legislatively.

For 4 years, I served as a member of the Science and Technology Committee alongside JACK WYDLER. I found out early that JACK did his homework. He attended sessions regularly, but more than that, he was interested and aggressive. To the very end of this session, JACK has been one of the most aggressive Members of this Congress. He speaks out and tries to move his measures forward, but he always does it in a gentlemanly fashion.

He is recognized as one of the very top experts in the science and technology field and is the ranking Republican on that committee.

In between legislative battles, on occasion JACK and I have enjoyed some good-natured battles of a different sort on the paddleball court. He is just as aggressive on the court as on the House floor, and that is saying a lot.

I join his many friends in this Chamber in wishing him the best. We will miss JACK WYDLER.●

● Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to my friend and colleague JEROME AMBRO who has so ably represented the Third Congressional District of New York for the past 6 years. The citizens of Long Island are losing a very able and conscientious representative who has displayed outstanding leadership qualities and the foresight to deal with many of the problems which confront us. His work on the Public Works and Transportation Committee and on the Science and Technology Committee is deserving of recognition. JERRY has been especially effective in his role as chairman of the Subcommittee on Natural Resources and the Environment and has demonstrated a clear understanding and feeling for the issues involving natural resources research and development, health, safety, management of the ocean environment and environmental research. During the 95th Congress he has exhibited effective leadership as vice chairman of the House Environmental Study Conference and has maintained a consistently high voting record for protection of the environment during his tenure in Congress.

Many people come to this Chamber without ever having left a significant imprint on his colleagues. JEROME AMBRO has left his mark on this Congress and on each and every one of us who knows him. Not all of us have the foresight to gaze into the future and seek solutions to our Nation's ills which will truly be enduring. Indeed JEROME AMBRO has a true gift and we are losing, along with him, a number of fine colleagues who have demonstrated this same foresight, understanding, and perception of what must be done to move this country forward. JEROME AMBRO is a man who has stood by his convictions despite the fact that his views were sometimes controversial and would result in political fallout.

JEROME AMBRO has served in public office for at least 12 years that I know of. I do not believe that anyone would argue that we have seen the end of his political career; indeed leadership of his caliber will be extremely important as we set about to rebuild the Democratic Party. JEROME AMBRO realizes that the answers to the problems of the 1980's do not lie in turning back the hands of the clock but rather will be solved with moving this country ahead, with looking into the Sun, and seeking responsible solutions to the problems of injustice, poverty, and ignorance.●

● Mr. EVANS of Indiana. Mr. Speaker, as my colleagues all know, the House of Representatives is going to be painfully aware of the absence of many fine Members.

One of whom is JERRY AMBRO. When I first had the honor of becoming a part of this great body in 1975, I had the pleasure of meeting a fellow new Member, Congressman JEROME AMBRO of New York. I was immediately impressed with his personal warmth, integrity, and fine qualities of leadership. That feeling was obviously shared by other Members of that large freshman class. We honored him with our confidence in 1976 as chairman of the 82-member Freshman Caucus. That confidence proved to be well placed.

JERRY has made an exemplary contribution to the House of Representatives. He has served his constituents, his colleagues and this great institution well. We will all miss him yet we are certain that he will make an equally valuable contribution wherever he goes.

I am happy to join my colleagues in expressing our appreciation for having had the honor of serving with him and in extending to him our best wishes in his future endeavors.●

● Mr. BARNES. Mr. Speaker, it is a privilege to have the opportunity to recognize today the accomplishments of our colleague, JERRY AMBRO, who is leaving us after three terms in the House.

I had the opportunity to work closely with JERRY AMBRO last August in the effort to "open" the Democratic National Convention and retain the freedom and flexibility of the Democratic Party and its delegates. JERRY got involved in this movement because of his deep and abiding commitment to the future of our party, and he became one of the key spokesmen in the drive to insure that the convention had the opportunity to consider its role in the light of changing events. JERRY AMBRO earned the respect of many Democrats across the country for his work there.

Mr. Speaker, it has been an honor to work with JERRY AMBRO during my first term in the Congress, and to call him a friend. His absence from public service will be, hopefully, short lived.●

● Mr. FISH. Mr. Speaker, I join my colleagues today in wishing the best to seven of the outstanding Members of the New York congressional delegation who will not be returning to the 97th Congress. Every one of these Representatives has been an extremely effective and dedicated legislator, and their contributions as a group and as individuals will be sorely missed.

I had the pleasure to be ranking minority member on the Select Committee on the Outer Continental Shelf with JOHN MURPHY. Both JERRY AMBRO and JACK WYDLER joined me in deliberations of the Science and Technology Committee for several years. BOB MCEWEN and JIM HANLEY are valued friends who served, as I do, upstate New York districts. In fact, JIM HANLEY and I have served the same constituency on different occasions. In the area of foreign policy and Middle East relations, LESTER WOLFF has provided excellent counsel. LIZ HOLTZMAN and I have shared important duty on the House Judiciary Committee on Impeachment, and she has been a very effective chairman of the Subcommittee on Immigration, Refugees and International Law. I am particularly disappointed that LIZ will not be able to complete her work on the Select Commission on Immigration and Refugee Policy, but her invaluable contributions to date will greatly assist the completion of the Commission's report.

I know that the entire New York congressional delegation will regret the absence of these seven outstanding legislators. They have all served New York State and their respective constituencies well.●

● Ms. MIKULSKI. Mr. Speaker, I rise to express my own feeling at this time about the departure from the House of our four New York colleagues.

Congresswoman HOLTZMAN may no longer be my colleague, but she will always be among my closest friends. I feel honored and privileged to have had the opportunity to serve with LIZ HOLTZMAN during the past 4 years. She was chief strategist and tactician during the successful fight for ERA ratification extension and she has been an outstanding co-chair of the Congresswomen's Caucus. LIZ would have been a great U.S. Senator and she still will be. I have enough confidence in her to believe that her career in public service is just beginning.

JERRY AMBRO has been my friend, my colleague, and my neighbor for the past 2 years as we had adjoining offices in the Cannon Building. I have the greatest respect for JERRY. His hard work, his cooperation with other Members on the floor, his candor in debate, and his bluntness in the Cloak Room—all will be missed.

JOHN MURPHY has been the chairman of the Merchant Marine Committee ever since I came to Congress. I soon realized the extent and depth of his knowledge of this Nation's maritime industry. I will miss those spirited battles with Mr. MURPHY over rail rate equalization. He was a formidable opponent and an excellent debating partner.

While I do not know JIM HANLEY as well as some of my other colleagues, I have the greatest respect for his ability and expertise. JIM HANLEY has been an outstanding chairman of the Post Office Committee. The hearings he held on the subject of sexual harassment brought national attention to a serious problem. He will be missed by his colleagues and by the Federal employees and others for whom his committee worked so hard.●

● Mr. JONES of North Carolina. Mr. Speaker, I join with others in expressing my regret on the loss of such outstanding Members in the New York delegation, including Congressmen JOHN M. MURPHY, JOHN W. WYDLER, JAMES M. HANLEY, ROBERT C. MCEWEN, LESTER L. WOLFF, and ELIZABETH HOLTZMAN. Particularly, I have formed a close, personal friendship with the Honorable JERRY AMBRO. Certainly he made a fine impression on the U.S. House of Representatives during his three terms, and his warm personality was welcomed in every quarter. He was dedicated to his job and the people of his district can be eternally grateful for his services in representing them over the years.

I will miss him as a friend, and certainly hope the future holds a great amount of success for him.●

● Mr. SNYDER. Mr. Speaker, we are all going to miss those colleagues from New York who will not be returning next year, and I commend SAM STRATTON for arranging this special order in their honor.

I would like to add my own special farewell to the two departing New Yorkers from this side of the aisle—JACK WYDLER and BOB MCEWEN.

JACK has put in 18 years and although the media occasionally characterizes those years of service as "quiet" ones, I think it would be more appropriate to call them quietly productive years. He might not have rabble-roused a great deal, but he got the job done for his folks back in Long Island. And that is the true measure of a real Congressman.

And of course, we all know BOB MCEWEN has been no slouch when it comes to serving his constituents and representing them well. I had the pleasure of serving with BOB on the Public Works Committee for a while before he moved on to the Appropriations Committee, and I can testify to the fine job he did there.

I wish them both well deserved happiness and success in their new endeavors. They have earned it.

Also, although he does not hail from my side of the aisle, I would like to wish a fond farewell to JERRY AMBRO. Serving with JERRY on the Public Works Committee has been a pleasure. He is a fine gentleman and a downright nice fellow. I wish him all the best.●

● Mr. FITHIAN. Mr. Speaker, it is with real regret that I recognize our loss of Congressman JERRY AMBRO as a Member of this body. Like others, I have had the pleasure and benefit of serving with Congressman AMBRO for the last 6 years and would like to take this time to record the contribution he has made to the service of his district, to the operations of this House, and to the Government of our Nation.

Service to one's district is the starting point for a Member, and Congressman AMBRO's service has been such that his constituents will shortly realize what they have lost. But JERRY AMBRO's thoughtfulness and dedication to the job have reached beyond his own district. As an example, he has taken the time to come to Indiana to my district in his effort to see that Federal dollars are wisely spent and determine the merits of the Lafayette Railroad Relocation project which means so much to my constituents. It is this kind of congressional service, melding concern for one's district with a broader responsibility to the needs of Americans across the Nation, that marks a valuable Member of the House. Congressman AMBRO's contributions to this House, both legislative and administrative, will be missed, as his services to his own district will be missed. And, in the broadest sense, the loss of Members like JERRY AMBRO will be missed by the Nation as a whole.

I salute Congressman AMBRO for his valuable service to all of us, I regret his departure from this body, and I trust he will continue to serve our country in his next role.●

SOME THOUGHTS ON THE ECONOMY AND THE DEMOCRATIC PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

● Mr. REUSS. Mr. Speaker, on November 19, 1980, I appeared on the CBS radio program, "Capitol Cloakroom," which follows:

INTERVIEW WITH CONGRESSMAN REUSS—CBS NEWS "CAPITOL CLOAKROOM"—NOVEMBER 19, 1980

(With CBS News Correspondents George Herman, Phil Jones, and Rita Flynn)

OPENING SEQUENCE

Congressman Reuss, who should take on the task of rebuilding the Democratic Party?

Congressman Reuss, will Congress really be any more productive come next year when the Republicans control the Senate and the Democrats still have the majority in the House?

Congressman Reuss, the prime rate is now up to 16¼ percent. What can be done to bring it down, and when do you see that happening?

INTERVIEW

HERMAN: Chairman Reuss, welcome once again to Capitol Cloakroom, which you've graced with your presence innumerable times since you first came to the House in 1955. I'll just note for the record here that you are a lawyer, a banker, and a businessman, as well as an author and Chairman of a key committee of the House of Representatives. Mr. Reuss, you've written and talked about policies and programs, and now I'd like to talk to you a little about parties—namely your own Democratic Party rather badly crumpled in the recent elections. Who now takes on the job of uncrumpling the Democratic Party, and I hope you feel you can speak with particular freedom since you've announced that you don't plan to run again for your seat in the House?

REUSS: The sad thing is that we don't have any uncrumpling force within our Party, and if we go on as we have, I would think that the Democratic Party would have a good chance of going the way of the Whigs 130 years ago and disappear from sight. After all, we are supposed to be the party that could do something about inflation and unemployment, and therefore it can truly be said that we brought our defeat upon ourselves. Nature abhors a vacuum, and I think in this case we Democrats ought to fill the vacuum. I think that we need a new institution in our Party. I call it the Democratic Council, which by combining the Democrats in Congress—the Senate and the House—and the Democratic governors and mayors, and those in State and local governments, and the rank and file Democrats who believe in their party, we could get something like a parliamentary system going. We could evolve a Democratic program, which would be a counterpoise to President Reagan's program. We could devise some better way of selecting our presidential candiates than has been true in the past. And, in general, we could reinvigorate our Party. But unless we do that, I think we're sunk.

JONES: Well, what name do you see out there who could possibly step in at this point?

REUSS: I don't think it's a matter of names, and I don't think it can be done through the Democratic National Committee—that should persist, but that essentially is an association of patronage dispenser from the fifty states. It isn't prestigious enough, it isn't big enough, it isn't broad enough, and, particularly, it has nothing to do with the elected Democrats—those in Congress. So I say that God, in His wisdom, has kept a little enclave of democracy alive, namely, the Democratically-controlled House, and it ought to be up to us to start the formation of something which can knit our Party together and make us responsible. The Republicans won, and they deserved to have won because they are unified. During the election Governor Reagan was here with all the Republican Senators and Congressmen on the front steps of the Capitol. We did nothing like that. We are simply at loggerheads with our own Administration, and now that we don't have an Administration we must provide a loyal opposition with some cohesiveness.

FLYNN: Congressman, you do not see much of a role then for Senator Kennedy or Vice President Walter Mondale, taking over the reins of it either?

REUSS: Oh yes, I see a big role for both of them. But I don't think that it would be healthy to have either one now take over the party instrumentality and the party machinery. Sure they can make their pass at who is Democratic National Chairman. But we need something bigger than that. We need something that includes the Congress and the state and local Democratic officeholders. We should be responsible, but we haven't been.

FLYNN: Congressman, one of the things that has happened after this election has been the criticism that the Democratic Party has just run dry of ideas. Do you have any idea where new ideas would come from and in what form they would take?

REUSS: Certainly. I think the very many bright, new, energetic Democrats in Congress have a great many new ideas which get rid of the sterile Keynesianism of another era, of the equally sterile monetarism which is in the saddle now, and I think that we Democrats, if we set up the machinery, can work out a program which maybe we can sell to the new Administration. If so, that's fine. I'd much sooner unite than fight.

JONES: When you're talking about these new people, with all these ideas, and let's look at the practical effect of what's going on right now. Thomas O'Neill is going to remain Speaker of the House. Jim Wright is going to remain the Majority Leader. In the Senate you have Robert Byrd, who will become the Minority Leader. Are these really the people who ought to set up the machinery?

REUSS: No, they aren't. They do a good job at their hierarchical role, and they should be continued in that. But what we need is to draw on the great mass of innovative Democrats in House and Senate and out in the states and in the countryside who haven't been heard from. They weren't heard from in the last four years because Mr. Carter chose to run things his own way. And they wouldn't be heard from under the ordinary Congressional setup. But as members of a Democratic Council, they would be heard from, and that's, I think, the only hope that they can block out something new. Where else are we going to get our new ideas from?

HERMAN: What the Democratic Party has done in the past, and what the Republican Party did this time around, was to appoint a good, hard-working, technician Chairman—Bill Brock for the Republicans, in the past for the Democrats it's been Robert Strauss and before that, perhaps, John Bailey—somebody who worked to bring all of the party together. I gather you think that things are too far gone for that kind of a system.

Reuss: Well, such a person is fine for fund raising and for the nuts and bolts of political life, and for patronage. But what we need is philosopher kings and queens. We need two or three hundred of the ablest people in the Democratic Party, and the only way to get them is to go outside the petty confines of the National Committee. We still need a National Committee, but they should be our janitor, not our governor.

Jones: Well, what interests me is if you will go, as you have, and talk to young Members of Congress, young Democrats, they will tell you that they have a very difficult time being heard, because the old guard tends to stifle their opinions, tends to put them in the back, say, "Kid, some day you'll have your time, right now leave me alone."

Reuss. I would give them their time on the Democratic Council, to which they'd be elected by their respective bodies and by the Council itself.

Jones. I'm just wondering why the Tip O'Neills and the Jim Wrights and the Robert Byrds shouldn't be replaced now. Start over, start anew.

Reuss. One, they're perfectly good at their tasks. Secondly, if all you did was to replace them by a new Speaker, Minority Leader, and so on, you'd still have the same bad situation where the great body of the Party has no voice in things. We Democrats in Congress have been terribly irresponsible in letting the future of our Party rest in the hands of one man in the White House. That's been the source of our troubles. I would end that. And I equally wouldn't have the future course of our Party in the hands, entirely, of the Speaker and a Minority Leader.

Flynn. Congressman, when you speak of a change and wanting some philosophers, what does the Democratic Party have to do to come up with new ideas on things like the economy, energy, national defense, and so forth? Do you think they should just take a complete about face on it?

Reuss. A clean slate. The old ideas have not proved workable. The new ideas being fostered by the Republicans, in my judgment, offer no real panacea. And I think it is time for us to think anew and speak anew, and that means that we have to use dialogue and thoughtfulness and exchange in order to get at the truth and the light.

Herman: You talked about the Party's need for philosopher kings. It may not have any at the moment, but it does have chairmen of committees, and I suppose I don't want to address you as Your Majesty, but the nearest thing to a philosopher king at the moment is the chairman of a powerful committee, and you have sometime stood back from the hurly-burly and offered suggestions. Do you have some vision, some idea of where the Party should be going? I mean we have talked negatives—it's got to give up Keynesian—do you have any idea where it ought to be headed?

Reuss. Yes. It ought to go back to its roots as a progressive party, as a party of FDR. And remember that our allegiance is to the 80 or 90 percent of the people who were not born booted and spurred, ready to ride the rest of the people. Within that general philosophical tent, we have to get ways and means of encouraging investment; seeing that that investment doesn't just put people out of work, as we use robots instead of human beings to perform our industrial function; seeing that our infrastructure is rebuilt; seeing that our national financing and credit is marshalled toward these ends; and seeing, finally, that the many stupid disincentives—wrong incentives—now in our tax and regulatory structure are leached out. But the way to do this is not with the Robin-Hood-in-reverse position of taking from the 90 percent of middle class and less affluent people and shifting that to the top 10 percent in the hope that trickle down will work. That's an equally discredited philosophy.

Jones. Mr. Reuss, the historians are going to have a lot of work here, trying to figure out what really went wrong between the Democratic majority in the Congress and President Jimmy Carter. In your view, what happened? Why did it not work? Whose fault was it?

Reuss. It was the fault of both of us, as is true in the case of most marriages that don't work. It was the fault of Jimmy Carter because he disdained the Congress, didn't do, for instance, what Governor Reagan did this week—come up to the Congress as a symbolic gesture. And as a result, Congress was irresponsible. We didn't really do anything about the future of our party—the Democratic Party. The Congress didn't come up with innovative solutions. We've got to end all that. We've got to change things. We can't, in this country, now suddenly go to a parliamentary form of government, which brings the Legislature and the Executive closer together, as is done by all other democracies on the face of the globe. But we can, by something like the Democratic Council, ensure cooperation, rather than conflict, between elements of the Democratic Party.

Jones. Well, let's talk about future of production by the Congress. Come January the Democrats will retain their majority, although much slimmer than they had before in the House, and the Republicans take over majority control in the Senate. Will this Congress be any more productive than the last one?

Reuss. Well, for one thing, I dispute the measure of productivity which we in Congress, and you in the press, ordinarily go by—namely, that you measure productivity by the number of bills passed. I think that if we could undo some of the wrong legislation now on the books, we'd be doing a lot better than if we conceived of tremendous new programs, which I'll admit aren't going to come to pass. But I don't think that's necessarily a bad thing. No, I see no reason why this can't be a useful Congress in the sense that President Reagan will submit his program, and it's up to us Democrats either to adopt it, or to improve upon it. I think we have a chance of doing that.

Herman. The first thing that we think of ordinarily, as pledged by the new Reagan White House, is going to be a Kemp-Roth tax cut. Is that the kind of thing a Democratic House of Representatives is going to say, "Aye, aye, sir," and pass through?

Reuss. I hope not, because the Republican tax cut idea is really a delusion. It is pressed as a method of helping productivity and investment. It will do no such thing. It will just add to inflation. The Republican tax cut idea is, in essence:

> "Don't give much of a tax cut to the 80 percent in the middle class and the less affluent side of America, because they'll just spend it on consumer goods, and that will cause inflation. Give it, instead, to those at the top—in the great bulk—and then they'll save it and invest it."

You can see the truth of that because under the proposed Republican tax cut, if that had been in effect in 1979, a wealthy person like, for instance, Governor Reagan, would have received a $20,000 tax rebate. The average family, making $18,000 a year, would have received a $200 rebate. Now, when you give all this shift of income to those at the top, they aren't necessarily going to invest that in new plant and equipment. Much more likely, they're going to do what is happening now—use it to bid up the price of existing assets; corporate takeovers; condominium conversions; speculation in commodities, ala Bunker Hunt; foreign investment, and things that don't add one new tool or equipment to the American economy. So it would make matters worse, not better.

Herman: Mr. Chairman, in my simpleminded, journalistic way, it seems to me the operative word in your answer was "I hope not." Now, as Phil Jones has said, we come up to a Congress with a vastly changed balance, and some of these things are going to be attractive even to some of your Democratic members, are they not? Are you going to be able to stop this?

Reuss: I would hope, if we had a Democratic Council, we could say "Come, let us reason together," to our Democratic fringe members who might be tempted to go off on a frolic of their own with the Republicans, and be untrue to the Democratic heritage, which is that we represent the 80 percent of the people, rather than the 10 or 20 percent at the top.

Herman: Will there be an effort by, perhaps, the Democratic Caucus to force them into line?

Reuss: I would hope that there would be an effort to reason them into line. But after all, the House is in the majority Democratic, and I hope we could successfully resist the extreme Robin-Hood-in-reverse Republican policy, and thus save us from social upheaval, which is what will surely happen if we cut down on expenditures for people, go hog-wild on unnecessary military expenditures, and give huge tax reductions to the affluent, while neglecting the average person.

Flynn: Congressman, to what do you attribute the steady increase in the prime rate, and do you see any immediate reversal in interest rates?

Reuss: I attribute it to the Federal Reserve and the government's not doing their job. I think the Federal Reserve's control over the money supply is a good thing, and I've favored that for a long time. The trouble is the Federal Reserve now maintains no surveillance whatever about where all this new money is going. And just as last February, when the prime rate got up to 20 percent, the Fed found out later that much of the new money was going to Bunker Hunt for commodity speculation, going to corporate barracudas for corporate takeovers, going to injudicious foreign lending, going to condominium conversions that took over needed rental housing, just as last spring we were caught short, and didn't know anything about it, so that is what is happening nowadays. And if the Federal Reserve exerted some sort of qualitative nudging, as every other central bank in the world does, we wouldn't be in this position where loans for capital investment are going down the drain because who can afford to pay 16-plus percent for tools and equipment?

Herman: Do you have any reason to think that the new Administration will put a little pressure on the highly independent Board to do that?

Reuss: No, I don't. And that's why I'm glad the Board is independent of the Administration. I hope they will stay independent. But I hope they will listen to their lord and master, the U.S. Congress, which has told them in our monetary reports to take into account the quality of money, not just the quantity.

Jones: You keep talking about this independent Board, the Federal Reserve Board, which it's supposed to be, but yet there are some who are really wondering whether or not it is independent. I mean here, just a few weeks after the election, you see the prime rate go up again. They managed to hold it until November. Do you have any feel that it might be a little too political?

Reuss: Well, no, the Fed is plenty independent of the government, but the trouble is it is not independent of the banking community. In fact, it's in large part controlled by the banking community, which selects five of the twelve Open Market Committee members. And whereas, until a year ago, it was the Fed that used to, in effect, set interest rates on federal funds, now it's the banking community which sets interest rates, and they're the ones who are, by their own fiat, raising the interest rates to the same disastrous levels as last spring. So I favor an independent Fed, but the independent Fed I favor is one that is independent not only of the government, but of the banking community.

Herman: Do you have any reason to think that the new Congress, the new government, will be more sympathetic to protection for American industry against competition from abroad?

Reuss: That's a danger, and as we let our economy swirl into chaos, the chances of protectionism grow. This is a constant danger. But the only cure for protectionism is to get a healthy economy. Then you don't have desperate men and women calling for quotas and tariffs because their job is threatened.

Herman: Are you sanguine? I mean this last answer of yours sounds pretty pessimistic about the future of the economy under the new Administration and the new Congress. Are you that pessimistic or are you sanguine?

Reuss: No, I'm always sanguine. That's why I've stayed in Congress for so long. I never give up.

Herman: But, you have, on the other hand, declared that you won't run again. That doesn't sound so sanguine.

Reuss: Well, at a certain point I think that others should be given an opportunity to show their stuff. But, I'll be around.

Herman: How about aid to cities? Do you think that the new government will do more on that line?

Reuss: No, I think the new government is going to short-change the cities. And to the extent that that means poor infrastructure, that's going to mean less productivity and it's just going to take longer to meet our goals.

Herman: The Democrats now become sort of the minority party in Congress. Are they going to be a loyal, a creative, a dragging minority? What kind are they going to be? In the House you remain the majority, of course.

Reuss: I think we ought to be a creative and cooperative minority. To the extent that Ronald Reagan comes forth with good proposals, we ought to vigorously support them, and go him one better. To the extent that he comes forward with proposals to redistribute income from the great mass of the middle class, we ought to oppose him.

Herman: Thank you very much, Chairman Reuss, for being our guest today on Capitol Cloakroom.●

HERITAGE FOUNDATION PLAN SHOULD BE DISAVOWED BY PRESIDENT-ELECT REAGAN

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on Sunday, November 16, the Washington Post contained an article by staff writer Joanne Omang concerning a 3,000-page report to be published by the Heritage Foundation which consists of, in her words, an "action plan for swinging the Government to the right as fast as possible." According to the article, the report recommends, among other things, that President-elect Ronald Reagan—revoke all executive orders requiring affirmative action for minorities in Government hiring and contracting; convert the Occupational Safety and Health Administration and the Mine Safety and Health Administration to "cooperative roles rather than adversarial ones"; strip the Office of Surface Mining of most of its powers in order to "make an example" of the agency; return most functions of the Environmental Protection Agency to the States or other Government offices; boost the 1981 defense budget by $20 billion and by $35 billion in each of the following 5 years; deploy the neutron bomb in Europe; and revoke the guidelines that tell intelligence agencies—presumably the CIA, FBI, and others—how to operate within the Constitution, crack down on domestic radicals and revive Internal Security Committees in Congress.

The Post article states that Reagan transition team director Edwin Meese III, got his copy Thursday night and that E. Pendleton James, personnel chief of the Reagan transition group, stated, "We were anxiously waiting to get our hands on it." The article also quotes the president of the Heritage Foundation, a Mr. Feulner, as saying that Mr. Meese had told him that the Reagan team "would be relying heavily on it."

Mr. Speaker, if the summary of this astonishing report is accurate, it constitutes a declaration of war on workers in factories, mines and offices all over the country, and on minorities. It also appears to constitute a call for subversion of the rights of people to clean air and water, wherever they live, as well as their basic civil liberties by returning the kind of excesses engaged in by intelligence agencies during the Nixon administration.

If such policies were actually to be implemented by the incoming Reagan administration, we could, to say the very least, expect to see new waves of civil unrest of the kind the country experienced in the 1960's and 1970's, and which we thought that the Nation had happily put behind it during the Presidencies of Presidents Ford and Carter.

I had hoped to hear that Mr. Meese or some spokesman for the Reagan transition team had disavowed the remarks attributed to Mr. Meese. So far, I have seen no such disavowal. President-elect Reagan is to be complimented for his efforts this week to meet with congressional leaders on both sides of the aisle, on both sides of the Capitol and for his statements indicating his desire to work with the Congress. Certainly Congress, and particularly the Democratic Members, should take a similarly constructive approach toward working with the Reagan administration.

However, if the Reagan administration has any idea of implementing the plan outlined in the Heritage Foundation report, the constructive atmosphere will rapidly disappear, to be replaced undoubtedly by one of bitter dissension and antagonism. Lest we forget, candidate Richard Nixon promised to "bring us together again," but President Nixon succeeded only in deepening the divisions in the Nation.

If President-elect Reagan wishes to avoid that and to continue the positive approach that he has followed in recent days, he would do well to publicly disavow the Heritage Foundation plan. If he fails to do so, we will have to draw our own conclusions.

Incidentally, if the Heritage Foundation enjoys a tax exempt status under section 501c(3) of the Internal Revenue Code, one may well inquire how this tax-exempt status can be reconciled with what is obviously a major effort to influence the rewriting of the laws of the United States. The Internal Revenue Service ought to be investigating this question, quite apart from the substance of the proposals contained in the foundation's report.

The full text of the Washington Post article follows these remarks:

THE HERITAGE REPORT: GETTING THE GOVERNMENT RIGHT WITH REAGAN

(By Joanne Omang)

The Heritage Foundation, a conservative Washington research group, today proposed an action plan for swinging the government to the right as fast as possible. In an extraordinarily detailed, 3,000-page report, it recommended that President-elect Ronald Reagan:

Abolish the Department of Energy by 1982.

Revoke all executive orders requiring affirmative action for minorities in government hiring and contracting.

Strip the Office of Surface Mining of most of its powers in order to "make an example" of the agency.

Return most functions of the Environmental Protection Agency to the states or other government offices.

Use U.S. agricultural exports as a weapon in foreign policy.

Downgrade the National Security Council to a foreign policy clearinghouse, moving the State Department "clearly out in front."

Impose a 90-day moratorium on exports to Eastern bloc countries while reorienting trade to politics rather than economics.

Boost the 1981 defense budget by $20 billion, develop a new strategic bomber, deploy the neutron bomb in Europe and raise military spending by $35 billion in each of the next five years.

Revoke the guidelines that tell intelligence agencies how to operate within the Constitution, crack down on domestic radicals and revive internal security committees in Congress.

Impose a 10 percent across-the-board personal income tax cut.

And convert the Occupational Safety and Health Administration and the Mine Safety and Health Administration to "cooperative roles rather than adversarial ones."

The foundation produced the 20-volume report independently, with no formal connection to the Reagan team, as "a blueprint for the construction of a conservative government," Heritage president Edwin J. Feulner Jr. told a press conference Friday.

Reagan transition team director Edwin Meese III got his copy Thursday night. "We were anxiously waiting to get our hands on it," said E. Pendleton James, personnel chief of the transition group. He said the team had not tried to influence the recommendations, "but if we agree with them we'll try to carry them out."

He praised the 6-year-old foundation as "a pretty good group of people. They know the departments." The report is "valuable because it is all concrete recommendations rather than generalities, something we can agree with or disagree or modify. We can get our teeth into it."

Feulner said Meese had told him the Reagan team "would be relying heavily on it."

The $100,000 study, entitled "Mandate for Leadership," considered individual programs in all the cabinet departments and independent agencies in nearly a year of volunteer labor by 250 present and former government workers, consultants, scholars, ex-administration officials and researchers, Feulner said. If its first objective was "to roll back big government," the second was "to show that conservatives do have new ideas," he said.

It is clearly a hope chest of the mainstream right wing, predictably coming down hardest on environmentalists and on minority programs, restrictions on the military, the intelligence communities and free enterprise. As a step-by-step road map to realization of most of Reagan's campaign promises, much of it could serve as a handy guide for a later check on his performance.

There are several noteworthy omissions. There is no call for constitutional amendments prohibiting abortion or requiring a balanced budget. "We took a departmental approach," recommending action within the executive branch, Feulner explained. Neither does the foundation call for elimination of the Department of Education, which had been demanded by some conservative groups, although it does propose stiff budget and program cutbacks.

Instead, the study pinpoints. For example, several administrations have called for acceleration of offshore oil leasing programs. The foundation's analysis of the Interior Department describes the existing Outer Continental Shelf five-year plan as "timid" and goes so far as to pick certain lease parcels—Nos. 53 and 68 in California and No. 68 in the Gulf of Mexico, among others—to be moved up in the schedule, outlining the various regulations on advance notice and spotlighting paper-shuffling bottlenecks.

Such detailed proposals are everywhere in the study and, if accepted, would save the incoming administration months of learning the bureaucratic ropes and deciding how best to achieve its goals. "This will be the first time a president has ever been this well prepared to take over," said Robert Terrell, a House Interior Committee staff member who chaired the Interior Department report task force.

There is realism. "The political fallout . . . will be great. Opposition will be savage" to the general downgrading proposed in the poverty program review, the analysis says. A civil rights division chief is needed in the Justice Department who can "take the heat" that will follow his proposed dropping of ongoing civil rights lawsuits.

Along with the repeal of affirmative action orders on minority groups and the handicapped, the analysis of the Justice Department would require "clear proof of intent to discriminate" and not just a headcount showing a pattern of past abuses in order for legal action to be taken. "It is inherently wrong to penalize those who have earned their reward by giving preferential treatment and benefits to those who have not," the report says.

The study advised Reagan to recognize "the reality of subversion and [to put] emphasis on the un-American nature of much so-called 'dissidence.' " Recommending abolition of many specific restrictions on domestic intelligence work, the report said, "It's axiomatic that individual liberties are secondary to the requirement of national security and internal civil order."

Some positions reflect division within the right. For instance, the Justice study calls for legislation to abolish the so-called exclusionary rule that prohibits use in criminal trials of evidence taken illegally, an idea opposed by the National Rifle Association. The Interior report would return to the states control over most mining, reclamation and water rights, but does not specifically endorse legal action to transfer land to the states, a goal of the so-called Sagebrush Rebellion that Reagan has applauded.

The Department of Energy would be reduced to a form much like its predecessor, the Energy Research and Development Agency, with some of its functions reassigned to Commerce or Interior and others, like the Economic Regulatory Administration, simply dropped. All federal involvement in energy sales and distribution would end, and the department itself would be removed from cabinet status in 1982. "The mere existence of the department implies too much federal involvement in energy," said DOE study team leader Milton Copulos.

The Environmental Protection Agency would lose its enforcement function to the states and its research arm to other agencies, becoming mainly a coordinating and transmission point for policy recommendations and arbitration of interstate disputes.

A detailed approach to rewriting the Clean Air and Clean Water acts is outlined, while "zero emissions" goals would be dropped in favor of a "total human environment" guideline requiring equal consideration of jobs, recreation and other economic factors, according to EPA study chief Lou Cordia. "All programs and policies will have to be reappraised under a cost-benefit, risk-benefit analysis," he said.

The foundation called its report a draft and said it would be published as a book in January.

CONFERENCE REPORT ON H.R. 7724

Mr. YATES submitted the following conference report and statement on the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

Conference Report (H. Rept. No. 96–1470)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 29, 50, 81, 101, 102, 106, 115, 118, 126, 127, and 131.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 11, 14, 18, 21, 28, 33, 38, 39, 40, 41, 47, 59, 63, 76, 77, 79, 89, 90, 92, 97, 98, 104, 114, 117, 120, 121, 122, 125, 129, and 130, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$343,962,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$103,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$58,200,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,980,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95–625), $20,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$378,593,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$80,211,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$37,897,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k 3, 5), $1,250,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$200,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,367,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,001,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$139,428,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,726,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$92,833,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$82,458,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$812,739,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

Eastern Indian Land Claims

For payment to the Eastern Indian Land Claims Settlement Fund, $81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine.

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$72,284,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$68,000,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,313,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$37,619,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$122,200,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$73,116,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$66,136,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$879,614,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$197,362,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$378,586,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$353,662,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$423,300,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,857,000; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$117,665,000"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,539,000"; and the Senate agree to the same.

Amendment numbered 109; That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,314,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$125,860,000"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$113,960,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,450,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,443,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 12, 15, 16, 17, 22, 23, 24, 25, 30, 31, 32, 34, 35, 37, 42, 43, 44, 52, 54, 55, 58, 62, 64, 65, 66, 67, 74, 78, 80, 82, 84, 85, 86, 87, 88, 91, 93, 94, 95, 96, 99, 100, 108, 110, 113, 119, 124, 128, 132, 133, 134, 135, and 136.

Sidney R. Yates,
Gunn McKay,
Clarence D. Long,
R. Duncan
(except as to amendment No. 14),
John P. Murtha,
Norman D. Dicks,
Jamie L. Whitten,
Joseph M. McDade,
Ralph S. Regula,
Silvio O. Conte,
Managers on the Part of the House.

Robert C. Byrd,
Birch Bayh,
J. Bennett Johnston,
Walter D. Huddleston,
Pat Leahy,
Dennis DeConcini,
Quentin Burdick,
John A. Durkin,
Ted Stevens,
Milton R. Young,
Mark Hatfield,
Henry Bellmon,
James A. McClure,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conefrence

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Amendment No. 1: Appropriates $343,962,000 for management of lands and resources instead of $349,662,000 as proposed by the House and $339,162,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: decreases of $300,000 for coal leasing; $200,000 for geothermal leasing; $2,400,000 for energy offshore (environmental studies), $3,000,000 for soil, water, and air management (Federal water rights); $500,000 for law enforcement; $100,000 for equal employment opportunity; and increases of $100,000 for recreation resources; and $700,000 for withdrawal review and processing.

The managers are in agreement on the following: That $500,000 be transferred from energy-related realty to the nonenergy sector to meet changing workload demands; and that the Bureau make available sufficient funds in FY 1981 for necessary studies at the San Simon watershed project to determine a more appropriate dam site.

Amendment No. 2: Appropriates $14,768,000 for acquisition, construction, and maintenance as proposed by the Senate instead of $14,568,000 as proposed by the House.

Amendment No. 3: Appropriates $103,000,000 for payments in lieu of taxes instead of $85,000,000 as proposed by the House and $108,000,000 as proposed by the Senate.

Amendment No. 4: In lieu of the sum named by said amendment, insert the following: "$58,200,000".

The managers are in agreement that the Appropriations Committees of the House and Senate will undertake a thorough review of the effect of the grazing amendment on grazing lands to determine whether future legislation is needed.

The managers are concerned with the current method of appropriating funds from the O & C account. Presently, monies are appropriated from the account based upon projections of 25 percent of current fiscal year timber sale receipts, presenting a recurring difficulty for the BLM and Congress to operate a sound, well planned program.

The managers recommend the administration consider that subsequent appropriation bills fund the O & C program based upon prior year timber sales receipts deposited in the fund, thereby removing the speculation which has plagued so much of the current program.

Amendment No. 5: Deletes House language as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that an appeal of any proposed grazing allotment reduction in excess of 10 per cent be suspended pending final action on the appeal and prohibiting the Bureau from making funds available to determine the suitability or nonsuitability for wilderness on which a sheep experiment station is located.

Heritage Conservation and Recreation Service

Amendment No. 7: Appropriates $15,980,000 for salaries and expenses instead of $15,755,000 as proposed by the House and $16,005,000 as proposed by the Senate. The increase over the amount proposed by the House is $225,000 to continue a contract with Washington State University for study of the Ozette Village on the Makah reservation.

The total amount available includes funds necessary to conduct a feasibility study of alternatives of the Illinois-Michigan Canal and the Des Plaines river valley corridor. The Service should work closely with industrial and commercial interests in conducting the study.

Amendment No. 8: Appropriates $20,000,000 for the Urban Park and Recreation Fund instead of $45,000,000 as proposed by the House which was deleted by the Senate. This sum, along with $45,000,000 deferred from fiscal year 1980, will provide total obligational authority of $65,000,000.

Amendment No. 9: Appropriates $378,593,000 for the Land and Water Conservation Fund instead of $394,185,000 as proposed by the House and $351,368,000 as proposed by the Senate. This includes $1,000,000 for Federal program administrative expenses and $6,566,000 for State program administrative expenses.

Amendment No. 10: Provides $1,135,000 for the Bureau of Land Management as proposed by the House instead of $700,000 as proposed by the Senate.

Amendment No. 11: Provides $39,416,000 for the Forest Service as proposed by the Senate instead of $37,166,000 as proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $21,520,000 for the Fish and Wildlife Service instead of $16,420,000 as proposed by the House and $15,520,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the House includes a decrease of $1,500,000 for Atlantic Coastal areas and an increase of $6,600,000 for the Bogue Chitto NWR.

Amendment No. 13: Provides $80,211,000 for the National Park Service instead of $103,011,000 as proposed by the House and $59,421,000 as proposed by the Senate. The net reduction below the House includes decreases of $300,000 in preauthorization and $25,000,000 for Redwood NP and increase of $1,500,000 for New River NR, and $1,000,000 for economic and special studies for Redwood NP.

Amendment No. 14: Deletes House language that prohibited use of other Federal funds as a match for Land and Water Conservation Fund grants to states.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that revenues from recreation fee collections shall hereafter be paid into the Land and Water Conservation Fund.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Secretary of Interior to seek and acquire lands for the Kaloko-Honokahau NHP by acquiring Federal surplus lands of equivalent value from the GSA and then exchanging those lands with the owners of the lands to be acquired for the Park.

United States Fish and Wildlife Service

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $225,566,000 for resource management instead of $225,354,000 as proposed by the House and $225,424,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase over the amount proposed by the House consists of the following increases and decreases: increases of $200,000 for the instream flow analysis group, $150,000 for expanded wetlands mapping in Alaska, $250,000 for interpretation and recreation previously provided through a fee collection account, $175,000 for Snake River fish restoration activity, $1,000,000 for fishery assistance to the State of Washington, $100,000 for a study of endangered fishes on the Yampa River; and decreases of $600,000 for operation of new or expanded refuges because of delayed land acquisition, $500,000 for operation and maintenance of Snug Harbor NWR, $6,000 for hunting and fishing compliance regulations on Alaska Wildlife Monuments, $275,000 for Southeast fish hatchery operations, $165,000 for endangered species law enforcement officers, and $117,000 in executive direction for promotion of public involvement in Service activities.

The managers expect the Service to use the authority provided in 31 USC 686 and any other authorities available to obtain reimbursement for the activities of the instream flow analysis group. Within available resources the Service is to provide $70,000 to the Norfork NFH, $165,000 for the Sheridan, Wyo., field station, and to complete an environmental assessment of Protection Island in Washington State. The managers agree (1) that Service employees should not negotiate with foreign governments without appropriate authorization and notification, and (2) that tribal enhancement projects may be eligible for funding even though the tribe may not have entered into a long term comprehensive plan with the State of Washington. The managers are pleased that $174,000 is to be provided to the animal damage control field station at Hilo, Hawaii. This is an increase of $18,000 over the 1980 level.

The managers have agreed to a total of $3,888,000 to administer new areas in Alaska by the National Park Service and the Fish and Wildlife Service. These funds are available only for those areas designated by the Alaska National Interest Lands Conservation Act which has been passed by both Houses of the Congress.

It is the express intent of the managers that this money be concentrated on mineral's management, search and rescue, the preparation of management plans and initial management functions. No funds are intended to police non-Federal activities in the new areas except where there is a demonstrably serious threat to significant resource values.

Amendment No. 18: Appropriates $8,500,000 for the National Wildlife Refuge Fund as proposed by the Senate instead of $9,500,000 as proposed by the House.

Amendment No. 19: Appropriates $37,897,000 for construction and anadromous fish instead of $34,561,000 as proposed by the House and $40,405,000 as proposed by the Senate. The increase over the amount proposed by the House consists of the following increases: $186,000 to replace office and visitor facilities at Maxwell NWR, N.M., $1,000,000 for anadromous fish grants to States, $100,000 for high priority energy conservation items for the Leetown Laboratory, $1,250,000 for an administrative and visitor facility for the Upper Mississippi River NWR at MacGregor, IA., $700,000 for design of a fish hatchery for the Nisqually Tribe of Washington State, and $100,000 for a water treatment feasibility study for the White River NFH, Vt.

Amendment No. 20: Appropriates $1,250,000 for the Migratory Bird Conservation Account instead of $2,000,000 as proposed by the House which was deleted by the Senate. The managers request the Congress and members of the Migratory Waterfowl Commission to express to the Commission the strong concern of the Committees on Appropriations that the Commission is committing to land acquisition well in advance of having funds available. The managers are also concerned that the Nature Conservancy is establishing the acquisition priorities of the Commission. This concern will be addressed during hearings on the fiscal year 1982 budget.

Amendment No. 21: Deletes recreation fee collection account as proposed by the Senate.

National Park Service

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $444,828,000 for operation of the National Park System instead of $415,163,000 as proposed by the House and $440,743,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase over the amount proposed by the House consists of the following increases and decreases: increases of $14,000,000 for interpretation and visitor services previously provided through a fee collection account, $150,000 for the Harpers Ferry, WV, police force, $16,330,000 for maintenance, $415,000 for acquisition and maintenance of the Frederick Law Olmsted library collection, $100,000 for a cooperative agreement to preserve the Falls of Clyde vessel of the Bishop Museum of Hawaii, $1,000,000 for a grant to the National Symphony Orchestra, and $20,000 to assist the Makah Tribe to interpret and protect the Ozette Village archeological site; and decreases of $250,000 in concessions management, $200,000 in visitor protection and safety, $1,500,000 in resource management, and $400,000 for general management planning.

The managers agree that within available funds $56,000 is for the Yosemite NP Native

American Cultural Interpretative Program, $275,000 to reimburse NOAA for research on the humpback whale in Glacier Bay NM, and that studies should be conducted of the Falls of the Ohio and Hackensack Meadowlands Park proposals.

The managers support a strong air quality program and expect the Service to continue its efforts to maintain desirable air quality in the parks. The managers agree that escort service should be provided to timber trucks in Colorado NM. If the timber companies or the county do not provide the escort service, the managers expect the Service to be reimbursed for the costs incurred as a result of any Service escort service. The managers are disappointed that the Service has shown so little effort to develop the Val-kill NHS for use by the public. Thousands visit Hyde Park each year but because Mrs. Roosevelt's cottage is not yet available to the public, these visitors are denied the opportunity to tour this monument. The Service is urged to expedite the development of the facility.

The Conferees direct the National Park Service to continue the National Center for Therapeutic Riding Program in Rock Creek Park by rehabilitating and adapting the existing mounted training barn into a facility suitable for this highly acclaimed program for handicapped children.

The managers are informed that the Park Service has withheld payment to the Wolf Trap Foundation called for by the management agreement. The managers understand that this dispute is not related to activities called for by the agreement. The managers agree that the Service should honor its contractual agreement with the Foundation and resolve any issues arising from an extended season outside of the agreement.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $150,000 to the Town of Harpers Ferry, W. Va., for police force use.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of contributions or pledge derived from non-government sources which have not previously been used for Federal matching purposes".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The federal funds are to be matched dollar for dollar by cash contributions or pledges obtained between October 1, 1980, and September 30, 1981, from non-government sources which have not been used for other matching purposes. The federal funds shall be released in $100,000 increments as matched by like amounts of contributions or pledges.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits the Park Service to maintain roads in Indiana Dunes NL which are not owned by the Federal government.

Amendment No. 26: Provides that not to exceed $200,000 within available funds shall be available for commemoration of the 200th anniversary of the Battle of Yorktown at Colonial NHP instead of $1,000,000 as proposed by the Senate.

Amendment No. 27: Appropriates $43,367,-000 for construction instead of $34,203,000 as proposed by the House and $47,777,000 as proposed by the Senate. The net increase over the amount proposed by the House consists of a $13,000 decrease due to anticipated slippage and increases of $539,000 for Big Bend NP concessions utilities, $655,000 for Carlsbad Caverns NP utility line replacement, $616,000 for Sitka NHP to stabilize the Bishop's House, $2,889,000 for Lassen Volcano NP sewage facilities and utility development, $631,000 for Olympic NP sewage system, $134,000 for Virgin Islands NP water and sewer system, $2,903,000 for Yellowstone NP water treatment and storage system at the Old Faithful Development area, $440,000 for Roger Williams NM landscaping, and $370,-000 for Harpers Ferry NHP project planning.

Amendment No. 28: Deletes recreation fee collection account as proposed by the Senate.

Amendment No. 29: Appropriates $4,400,-000 as proposed by the House instead of $4,-143,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the Park Service from acquiring options for the purchase of land for more than $1 for each option.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: ": *Provided further*, That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

GEOLOGICAL SURVEY

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $486,537,-000 for surveys, investigations, and research instead of $477,137,000 as proposed by the House and $483,837,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the House consists of the following: an increase of $11,500,000 for geologic and mineral resource surveys and mapping for volcano hazards; and decreases of $400,000 for the Federal program in water resources investigations, $1,100,000 in the Federal-State program in water resources investigations, and $600,000 for the OCS drilling research program.

The managers agree that $400,000 for the design of a volcano observatory at Mount St. Helens volcano is available within the additional $11,500,000 provided for volcano hazards work.

The managers also agree that the Survey should absorb the $1,100,000 reduction in the Federal-State program in water resources investigation in the lowest priority programs, not necessarily in the water use data system as specified by the Senate.

Amendment No. 33: Provides that $40,724,-000 shall be available only for cooperation with states or municipalities for water resource investigations as proposed by the Senate instead of $41,824,000 as proposed by the House.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named by said amendment, insert the following: "$150,000."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that a leasing program for the National Petroleum Reserve in Alaska shall be conducted pursuant to this and subsequent appropriations and notwithstanding any other provision of law.

Amendment No. 36: Appropriates $107,001,-000 for exploration of the National Petroleum Reserve in Alaska instead of $194,251,000 as proposed by the House and $46,501,000 as proposed by the Senate. The increase above the amount proposed by the Senate is to provide for exploratory drilling on the Reserve.

The managers agree that the appropriation provides for finishing two wells begun in fiscal year 1980, drilling four one-season wells in fiscal year 1981, preparations for a fiscal year 1982 drilling program, and support contracts for technical services, seismic data, and geological investigations. Funds are not provided for a private geophysical exploration program originally in the House-passed bill because private companies will be able to finance geophysical exploration in anticipation of the private leasing of the Reserve provided for in this appropriation.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds withdrawals established by Section 102 of Public Law 94–258 only for the purposes of the oil and gas leasing program authorized in this appropriation.

Amendment No. 38: Changes the number (5) to (6) as proposed by the Senate.

Amendment No. 39: Changes the number (6) to (7) as proposed by the Senate.

Amendment No. 40: Changes the number (7) to (8) as proposed by the Senate.

Amendment No. 41: Changes the number (8) to (9) as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with normal operations. Information acquired is subject to the conditions of 43 U.S.C. 1352(a) (1) (A).

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any action seeking judicial review of an environmental impact statement under the National Environmental Policy Act of 1969 concerning oil and gas leasing in the National Petroleum Reserve in Alaska shall be barred unless brought in the appropriate District Court within 60 days after the notice of availability of such statement is published in the Federal Register. Any proceeding shall be assigned for hearing at the earliest possible date and expedited.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the detailed environmental studies already conducted and the land-use studies carried out in response to Public Law 94–258 fulfill the requirements of the National Environmental Policy Act for the first two oil and gas lease sales in the National Petroluem Reserve in Alaska. Not more than two million acres may be leased in these sales and any exploration or production undertaken in this program shall be in accordance with Section 104(b) of the Naval Petroleum Reserves Production Act of 1976.

BUREAU OF MINES

Amendment No. 45: Appropriates $139,428,000 for mines and minerals instead of $140,678,000 as proposed by the House and $137,378,000 as proposed by the Senate. The increase over the amount proposed by the Senate consists of $1,250,000 for minerals environmental technology and $800,000 to complete disruption strategies for platinum, manganese, and chromium, a technology option assessment for platinum and manganese, and a mineral availability study of platinum.

Amendment No. 46: Provides that $107,726,000 for mines and minerals shall remain available until expended instead of $108,976,000 as proposed by the House and $106,476,000 as proposed by the Senate.

Amendment No. 47: Deletes House language rescinding contract authority for "Development and Operation of Helium Properties" provided by Public Law 87–122.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Amendment No. 48: Appropriates $92,833,000 for regulation and technology instead of $98,811,000 as proposed by the House and $88,024,000 as proposed by the Senate. The net increase over the amount proposed by the Senate consists of the following decrease and increases: a decrease of $951,000 for mineral institutes; and increases of $1,000,000 for state and Federal programs, $2,923,000 for Federal inspection and enforcement, $1,000,000 for technical support and $837,000 for executive direction.

The managers agree that within the funds provided for executive direction, not more than $400,000 shall be available for all public affairs activities and that Congressional affairs shall be limited to $80,000.

Amendment No. 49: Appropriates $82,485,000 for the Abandoned Mine Reclamation Fund instead of $87,485,000 as proposed by the House and $66,485,000 as proposed by the Senate. The $16,000,000 increase over the amount proposed by the Senate is for Interior reclamation projects.

Amendment No. 50: Provides language as proposed by the House which makes $16,000,000 from the Abandoned Mine Reclamation Fund available to the Bureau of Mines to carry out research, demonstration, and reclamation projects authorized by Section 403, Public Law 95–87.

BUREAU OF INDIAN AFFAIRS

Amendment No. 51: Appropriates $812,739,000 for operation of Indian programs instead of $815,019,000 as proposed by the House and $806,366,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: an increase of $3,000,000 for housing; and decreases of $3,350,000 for Indian action team program; $80,000 for business enterprise development program; $500,000 for implementation of a plan to review water claims; $250,000 for litigation support; $200,000 for unresolved Indian rights issues; $500,000 for lease compliance; and $400,000 for Indian intake and development program.

The managers are in agreement on the following: that $350,000 budgeted in FY 1981 for feasibility studies for tribally-controlled community colleges be used for operational grants for Sinte Gleska, Oglala Sioux, and Turtle Mountain Community Colleges; that $1,550,000 of the amount provided for the Indian Action Team program be made available for the Sandia Pueblo, the Coushatta Tribe, the South Puget Sound Intertribal Planning Agency—Souaxin Island, Nisqually, and Skokomish Tribes, and St. Regis Mohawk; that the labor associated with the additional $3,000,000 provided for housing may be contracted with the Indian Action Team program at the discretion of the tribes.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $100,182,000 for construction instead of $99,590,000 as proposed by the House and $99,745,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the Senate consists of the following: an increase of $500,000 for advanced school planning, and a decrease of $63,000 for construction of an interpretive facility at the Ozette archeological project in Washington State.

The managers are in agreement on the following: that the BIA use $250,000, within available funds, to complete renovation of the Duckwater Shoshone Elementary School in Nevada; that $2,400,000 be made available for the next phase of construction of the Tamgass Creek Hatchery, Alaska, from the unobligated balance of appropriations for the Barrow gas distribution system; and that the BIA use $26,000, within available funds, for renovation of schools and quarters at Akiak, Alaska.

The managers wish to reaffirm the requirement that the Bureau develop and implement a priority system for road construction designed to assure that the most urgent needs are promptly addressed on an equitable basis. This system is essential to the equitable allocation of road construction and maintenance funding among all reservations.

Amendment No. 53: In lieu of the matter proposed by said amendment, insert the following:

"EASTERN INDIAN LAND CLAIMS

"For payment to the Eastern Indian Land Claims Settlement Fund, $81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine."

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which provides that funds available to the Bureau of Indian Affairs for the transportation of school children shall not be subject to any travel limitations.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will move to recede an concur in the amendment of the Senate which provides that agricultural development on the Gila River Indian Reservation shall not be subject to the National Environmental Policy Act.

The managers are in agreement that the NEPA exemption for the Gila River Reservation not be considered a precedent for other Indian reservations. The Environmental Protection Agency is encouraged to provide expedited review for Indian agricultural projects on allotted lands.

Amendment No. 56: Appropriates $72,284,000 for administration of territories instead of $84,384,000 as proposed by the House and $69,684,000 as proposed by the Senate.

The decrease below the amount proposed by the House consists of $500,000 for the Guam economic development fund, $600,000 for grants to Samoa, $1,000,000 for the Virgin Islands economic development fund, and $10,000,000 for Virgin Islands hospital construction.

The managers agree that $10,000,000 for Virgin Islands hospital construction will be provided from funds previously appropriated to match increased taxes enacted by the Government of the Virgin Islands.

The managers expect that the Department of the Interior will work with the Department of Health and Human Services to assure proper health care in the Virgin Islands and report to the Appropriations Committees of the House and Senate during the FY 1982 budget process on the status of such health care.

Amendment No. 57: Provides $68,000,000 for expenses of the Governments of American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands and the Northern Mariana Islands Federal Laws Commission instead of $80,100,000 as proposed by the House and $65,400,000 as proposed by the Senate.

The decrease below the amount proposed by the House consists of $500,000 for the Guam economic development fund, $600,000 for grants to Samoa, $1,000,000 for the Virgin Islands economic development fund, and $10,000,000 for Virgin Islands hospital construction.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $10,000,000 in grants to the Virgin Islands appropriated in FY 1980 be available for hospital construction in FY 1981. Language in the FY 1980 appropriation made availability of the $10,000,000 contingent upon matching funds from the Government of the Virgin Islands generated by increased tax rates or new taxes enacted by the territorial legislature. The managers would consider new matching appropriations if the Virgin Islands passes additional tax legislation.

Amendment No. 59: Appropriates $94,354,000 for the Trust Territory of the Pacific Islands as proposed by the Senate instead of $93,804,000 as proposed by the House.

OFFICE OF THE SOLICITOR

Amendment No. 60: Appropriates $16,313,000 for salaries and expenses instead of $16,113,000 as proposed by the House and $16,513,000 as proposed by the Senate. The reduction below the Senate level consists of $100,000 in common program services and $100,000 in anticipation of vacancies occurring in FY 1981.

OFFICE OF THE SECRETARY

Amendment No. 61: Appropriates $37,619,000 for departmental management instead of $39,251,000 as proposed by the House and $37,294,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of $51,000 for the personal representative of the Secretary in California, $100,000 in equal opportunity, $125,000 in small and disadvantaged business utilization, $6,000 for the Office of the Assistant Secretary for land and water resources, $650,000 for the Office of the Assistant Secretary for Indian Affairs, $100,000 for the Office of Policy Analysis, $100,000 for travel, and $500,000 in contracting.

The managers commend the efforts of the Office of Construction Management. Since this Office was established, the Committees on Appropriations have developed a high degree of confidence in the recommendations provided by the staff in its oversight of school construction and related facility programs of the Bureau of Indian Affairs. The managers anticipate the maintenance of this confidence level. This means the Secretary and his administrative and program staff will be expected to continue to provide the prompt and full support needed by the construction management office in its difficult mission. This includes assurances of adequate staff, space, merit promotions, and other matters essential to maintain effective operations. It is also expected that the Department will expedite all procurement activities possible while making certain that no laws or regulations are violated.

Amendment No. 62: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate funds for the Youth Conservation Corps to the Secretary of Interior.

Amendment No. 63: Appropriates $1,900,000 for rural water treatment and distribution system as proposed by the Senate for the WEB water pipeline in South Dakota.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

"SEC. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94–458 as they apply to reporting to Congress on potential new areas of the National Park System: *Provided*, That not to exceed $100,000 may be available to study proposed areas of the National Park System."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to prohibit use of funds for withdrawal, transfer or purchase of any lands for the purpose of extending the current boundaries of the Snake River Birds of Prey Natural Area, Idaho, without provision therefor in appropriation acts.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to terminate the Secretary of Interior's authority to enter into contracts and agreements for the development and operation of helium properties.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to prohibit use of funds to reduce certain banking solutions on the Colorado River within Grand Canyon National Park.

The managers are in agreement that the implementation of the management plan for the Colorado River should be examined carefully during deliberations on the FY 1982 appropriation bill.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Amendment No. 68: Appropriates $122,200,000 for forest research instead of $124,100,000 as proposed by the House and $119,700,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of the following: Decreases of $100,000 for fire and atmospheric science research, $250,000 for renewable resource evaluation research, $250,000 for renewable resource economics research, $200,000 for surface environment and mining research, $500,000 for wildlife, range, and fish habitat research, $500,000 for forest products research, and $100,000 for forest engineering research.

Amendment No. 69: Appropriates $73,116,000 for state and private forestry instead of $71,466,000 as proposed by the House and $77,206,000 as proposed by the Senate. The net increase above the amount proposed by the House consists of the following: an increase of $6,000,000 for rural fire control; and decreases of $500,000 for dutch elm disease control and elm tree utilization, $1,800,000 for urban forestry assistance, $1,650,000 for rural forestry assistance, and $400,000 for FIRESCOPE. The managers agree that the $600,000 increase for rural fire control includes $660,000 for pre-suppression activities in the Mount St. Mt. Helens region of Washington State.

Amendment No. 70: Provides that $66,136,000 shall remain available for obligation until September 30, 1982, instead of $63,586,000 as proposed by the House and $13,306,000 as proposed by the Senate.

Amendment No. 71: Appropriates $879,614,000 for national forest system instead of $881,821,000 as proposed by the House and $872,114,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: increases of $5,000,000 for timber stand improvement; $3,700,000 for recreation use; and decreases of $5,000,000 for timber stand improvment; activities; $1,000,000 for fire protection; $577,000 for cooperative law enforcement; $600,000 for road maintenance; $5,500,000 for timber sales; $1,000,000 for wilderness management; $330,000 for cultural resources; $100,000 for wildlife and fisheries support; $700,000 for habitat improvement; and $100,000 for soil and water support.

The managers are in agreement on the following: that included in the increase above the amount provided by the Senate for the national forest system and construction and land acquisition is $29,700,000 to prepare for sale in fiscal year 1981, an additional 300 million board feet of timber to be offered for sale in fiscal year 1982.

Amendment No. 72: Provides that $197,362,000 shall remain available for obligation until September 30, 1982, instead of $193,539,000 as proposed by the House and $201,462,000 as proposed by the Senate.

Amendment No. 73: Appropriates $378,586,000 for construction and land acquisition instead of $405,465,000 as proposed by the House and $354,336,000 as proposed by the Senate.

The increase above the amount proposed by the Senate consists of $19,200,000 for forest service direct road construction, $4,300,000 for the Mount Nebo Recreation Unit and Road, Uinta National Forest, and $750,000 for the La Sal Loop Road, Manti-La Sal National Forest, Utah.

The managers agree that $70,000 for Open Pond, sanitation facilities, Conecuh National Forest is included in the recommended amount.

Because there has been a substantial shortfall in the 10% Road Funds for 1981, which will make it impossible to obtain the road building program contemplated by the managers, the managers are expecting the Forest Service to submit a request for supplemental appropriations in 1981 in order to continue direct road construction and timber purchaser road construction at the level contemplated.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $22,429,000 is for construction and acquisition of buildings and other facilities, instead of $21,789,000 as proposed by the House and $21,229,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 75: Provides that $353,662,000 is for construction of forest development roads and trails by the Forest Service and construction and maintenance of forest development roads by timber purchasers instead of $381,181,000 as proposed by the House and $330,612,000 as proposed by the Senate.

Amendment No. 76: Deletes House language appropriating $60,000,000 for Youth Conservation Corps to the Department of Agriculture.

Amendment No. 77: Deletes House language providing that revenues collected under the authority of Section 4(f) of the Land and Water Conservation Fund Act be paid into the Land and Water Conservation Fund. The managers recognize that the Forest Service has had some desirable flexibility in the use of this account and does not intend that the change should offset that flexibility.

DEPARTMENT OF THE TREASURY

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96–304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96–126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204(a)(1) of Public Law 96–294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a)(2) of Public Law 96–294: Provided, That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or solicitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the Senate amendment modifying existing provisions of the Energy Security Reserve. The modifications set aside $52.5 million out of $525 million previously appropriated to the Reserve and made available to the Secretary of Energy for biomass activities authorized by title II of the Energy Security Act, so that those funds are available to carry out commercialization activities other than those in the Office of Alcohol Fuels. They also delete the provision not allowing the Secretary of Energy to fund biomass projects of less than an annual ethanol (or equivalent) capacity of 15 million gallons. The deletion of the size limitation will allow award of feasibility studies and cooperative agreement contracts for smaller size projects submitted under currently outstanding solicitations.

The managers also agree that loan guarantees may be issued for up to three times the amount of previously appropriated default reserves for biomass energy projects. This provision is equivalent to that already existing for alternative fuels production. The agreed to amendment broadens Senate-passed language from alcohol fuel production to all biomass energy projects, and maintains the provision making it applicable to proposals submitted under the basic authority of the Energy Security Act prior to passage of this Act.

The managers do not intend that this provision be interpreted to permit the Department of Energy to stop discussions and negotiations with those seven project sponsors who have been selected by the DOE, as announced on October 29, 1980, to enter into competitive negotiations for a Federal loan guarantee. The managers expect the DOE to proceed with those negotiations so that the production capability represented by those facilities may be placed in operation at the earliest possible date. Furthermore, the DOE may, by this amendment, utilize this leveraging authority to fund projects already selected for competitive negotiations, as well as any proposed projects already submitted to DOE but not yet selected for competitive negotiations.

DEPARTMENT OF ENERGY

Amendment No. 79: Deletes House language defining "alternative fuels" as proposed by the Senate.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that section 19(m) of the Federal Non-Nuclear Energy Research and Development of 1974, as amended, shall not apply to alternative fuels actions.

Amendment No. 81: Deletes proposed Senate language that allows loan guarantees for alcohol fuels production biomass energy projects to be issued for up to three times the amount held in reserve.

A similar provision is included in the "Energy Security Reserve" in the Department of the Treasury.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $711,435,000 for fossil energy research and development instead of $670,605,000 as proposed by the House and $389,300,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the Senate consists of the following: Increases of $4,000,000 for peat gasification, $5,000,000 for in-situ gasification, $1,900,000 for advanced research and technology development, $4,000,000 for pressurized fluidized bed systems in direct combustion, $1,000,000 for data collection and dissemination in enhanced oil recovery, $1,300,000 for drilling and offshore technology, $6,000,000 for liquefaction for the Grace methanol project, and $5,000,000 for Hygas design studies; and decreases of $3,000,000 for coal mining research and development, $3,000,000 for indirect liquefaction, and $65,000 for the atmospheric fluidized bed facility in Morgantown, West Virginia.

The managers agree that the reduction of $3.000.000 in indirect liquidation funds should be made from technology base activity rather than industrial projects. If additional funds are required for technology base activity, they should be provided out of advanced research and technology funds. It is also agreed that the $1,900,000 reduction in advanced research and technology funds should be taken from lowest priority projects, not necessarily from direct coal utilization as proposed by the Senate.

The managers agree that the $5,000,000 provided by both Houses for university coal research should support the program as currently constituted and not be used to fund a formal university coal laboratory program as proposed by the Senate.

The managers also agree that no Office of Peat Development as proposed by the Senate is required to be established by the Department.

Finally, the managers agree that funds added for fuel cell development should be allocated as follows: $5,700,000 for phosphoric acid systems, $4,300,000 for additional small on-site field test units, $1,000,000 for molten carbonate systems, and $1,000,000 for advanced concepts.

Amendment No. 83: Appropriates $423,300,000 for fossil energy construction instead of $445,300,000 as proposed by the House and $380,100,000 as proposed by the Senate.

The decrease under the amount proposed by the House consists of $10,000,000 for operating expenses for SRC demonstration projects, $11,000,000 for high-Btu gasification plants, and $1,000,000 for operating expenses for high-Btu gasification demonstration projects.

The managers agree that the Department should proceed to construction of both high-Btu gasification plants, previously in competition with one another under project 76-1-b, without further delay. Proceeding to construction depends on arriving at satisfactory business arrangements with the contractors and completing required environmental work.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $226,062,000 instead of $176,337,000 as proposed by the House and $224,587,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the Senate consists of $950,000 for direct combustion commercialization and $525,000 for Federal leasing. The managers agree that none of the $200,000 reduction in the coal supply development program should be applied to anthracite programs.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $206,466,000 remain available until expended instead of $156,266,000 as proposed by the House and $197,127,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the Senate consists of the following: $847,000 for Naval Petroleum Reserve administrative expenses, $3,900,000 for shale reserves development and $4,592,000 for enhanced gas recovery.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $862,107,000 instead of $850,607,000 as proposed by the House and $853,132,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the House consists of the following: increases of $5,000,000 for design of a cost-shared formcoking process and $900,000 for study of a coke pellet process; $6.900,000 for research and development of a third gas turbine engine; $5,280,000 for electric and hybrid vehicles; $10,000,000 for State emergency conservation planning grants; $3,000,000 for development of advanced concepts in energy conversion technology; $20,000,000 for assistance to areas impacted by energy growth; and decreases of $2,240,000 for buildings systems; $1,000,000 for district heating feasibility studies; $1,940,000 for technology and consumer products; $500,000 for administration of the emergency building temperature restrictions program; $400,000 for buildings and community systems program direction; $6,600,000 for industrial energy conservation projects; $6,250,000 for conservation grants to schools and hospitals; $6,975,000 for low income weatherization grants; $10,000,000 for supplemental State energy grants; $1,575,000 for State and local program direction; and $2,100,000 for appropriate technology grants.

The managers agree $7,433,000 of the funds appropriated for Energy Policy and Conservation Act State grants shall be provided to the States solely for the purpose of preparing emergency gasoline allocation plans in coordination with the Federal effort.

The requirement for cost sharing by states participating in the Energy Extention Service has been deferred until fiscal year 1982 to permit adequate time for states to budget for this activity.

Senate language has been adopted in the bill to retroactively includes special districts within the term "local government" entitles which are eligible to receive energy impact assistance.

The managers support development of a third gas turbine engine on an accelerated schedule which will coincide approximately with the completion date for the two engines presently under development. The Department should modify the program goals for the third engine as necessary to ensure the earliest practical completion date.

The managers direct that electric vehicles purchased by the Department of Energy for the Electric and Hybrid Vehicle Demonstration Program must demonstrate a 15 percent range improvement over the 1980 DOE performance standards for all classes of electric vehicles. The managers have taken this action to insure that the Department will make every effort to upgrade the range of electric vehicles purchased for the demonstration program.

The managers do not agree to earmark funds to conduct a feasibility study for an urban waste facility in Manchester, New Hampshire, as proposed by the Senate.

The managers agree that the Department should be permitted to reprogram $4,100,000 to audit and evaluate grants to schools and hospitals. This amount is less than the Department proposed but the managers believe adequate data verification and program evaluation can be accomplished within the allowance.

The managers agree that engine combustion research originally budgeted within the advanced combustion technology subactivity in the fossil energy research and development account should be continued within funding provided for energy conservation.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate defining "local government" for the purposes of Energy Impact Assistance, and making the definition retroactive to the effective date of the authorizing legislation (P.L. 95-620).

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $176,867,000 for economic regulation instead of $141.999,000 as proposed by the House and $173,432.000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

The increase above the amount proposed by the Senate consists of $2.500.000 for grants to state utility commissions for the first few months of fiscal year 1982 and of $935,000 for fuels regulation.

The managers agree that the specific allocation of amounts for preimplementation of the gasoline rationing plan shall remain open. The funds available must be used in conformance with the plan accepted by the Congress at the end of July.

Amendment No. 89: Appropriates $102,000,000 for the Strategic Petroleum Reserve as proposed by the Senate instead of $876,918,000 as proposed by the House.

Amendment No. 90: Deletes House language reappropriating $300,000,000 for the Strategic Petroleum Reserve.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That the President shall immediately seek to undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further*, That the requirements of the preceding provision shall be in addition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers expect the Reserve to be filled at an average annual rate of at least 300,000 barrels a day, including oil from the Naval Petroleum Reserves, and to use the available funds fully.

Amendment No. 92: Appropriates $104,117,000 for the Energy Information Administration as proposed by the Senate instead of $106,812,000 as proposed by the House.

The managers are in agreement on the following: That, program direction should be $37,150,000 and that this should not interfere with greater use of in-house staff to avoid high contract labor costs.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide the Secretary authority to use the provision of P.L. 85–804 with respect to contracts for government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products. The language is intended to clarify that the authority can only be used if the Secretary has other legal authority to undertake such projects.

The managers agree with the Senate report language concerning the scope of the Secretary's authority, utilizing P.L. 85–804, to encourage and carry out cost-sharing arrangements.

Department of Health and Human Services

HEALTH SERVICES ADMINISTRATION

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $594,119,000 for Indian health services instead of $593,619,000 as proposed by the House and $592,332,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the amount proposed by the House consists of the following: increases of $1,000,000 for maintenance and repair; $1,000,000 for contract services to Pascua Yaqui of Arizona; $1,000,000 for the Pawnee Service Unit in Oklahoma; and decreases of $1,000,000 for the Indian health manpower program; and $1,500,000 for the community health representative program.

The managers are in agreement on the following: that an additional $100,000, within available funds, be provided for the Indians into medicine program at the University of North Dakota; that the Pawnee Hospital be closed and a contract care system be instituted in its place; that the Indian Health Service may transfer the Tanana Public Health Service Hospital to the Tanana Chiefs Conference for use as a long term care facility so long as such transfer is accomplished within the funds available.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed $20,000,000 collected under Title IV of the Indian Health Care Improvement Act be available for achieving compliance with Titles XVIII and XIX of the Social Security Act.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for leasing of housing units at Bethel, Alaska.

Amendment No. 97: Appropriates $84,469,000 for Indian health facilities as proposed by the Senate instead of $88,831,000 as proposed by the House.

Amendment No. 98: Deletes House language as proposed by the Senate.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that non-Indian patients may be extended health care at the Talihina Hospital in Talihina, Oklahoma, and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds appropriated to Indian Health Service, except for administrative and program direction purposes, shall not be subject to travel limitations.

Department of Education

Amendment No. 101: Provides $19,930,000 for Parts B and C of the Indian Education Act as proposed by the House instead of $22,430,000 as proposed by the Senate.

Amendment No. 102: Appropriates $81,680,000 for Indian education instead of $84,180,000 as proposed by the Senate.

Amendment No. 103: Appropriates $12,857,000 for Departmental Management, Institute of Museum Services, instead of $12,900,000 as proposed by the House and $12,057,000 as proposed by the Senate. The decrease of $43,000 from the House amount includes $26,000 for grant readers, $7,000 for site audits and $10,000 for program evaluations.

Navajo and Hopi Indian Relocation Commission

Amendment No. 104: Appropriates $2,680,000 for salaries and expenses as proposed by the Senate instead of $1,180,000 as proposed by the House.

Smithsonian Institution

Amendment No. 105: Appropriates $117,665,000 for salaries and expenses instead of $118,838,000 as proposed by the House and $115,721,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of reductions of: $150,000 for the Chesapeake Bay Environmental Center, $13,000 for the Joseph Henry papers, $38,000 for the National Collection of Fine Arts, $43,000 for the National Portrait Gallery, $25,000 for the Freer Gallery, $25,000 for the Cooper-Hewitt Museum, $36,000 for the Smithsonian Institution Press, $62,000 for the Office of the Assistant Secretary for Museum Programs, $60,000 for the Smithsonian Distribution libraries, $250,000 for major exhibition programs, $171,000 for administration, $100,000 for pay cost, and $200,000 requested for inflation.

The managers agree that the Smithsonian should have the flexibility to apply the special foreign currency reduction to program areas on the basis of changing priorities. There is no objection to a forward-funded reserve of Indian rupees in the amount proposed in the budget.

Amendment No. 106: Appropriates $3,290,000 for construction and improvements, National Zoological Park, as proposed by the House instead of $2,790,000 as proposed by the Senate.

Amendment No. 107: Appropriates $7,539,000 for restoration and renovation of buildings instead of $8,039,000 as proposed by the House and $7,039,000 as proposed by the Senate. The reduction is to be applied to low priority projects.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"CONSTRUCTION

"For necessary expenses to construct museum support facilities, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $5,000,000, to remain available until expended."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers were distressed to learn that the 4 bay support facility for which construction funds were provided in fiscal 1980 could not be built for less than $7,000,000 more than was available. The managers were informed that a 3 bay facility could be built within available funds if the Smithsonian used $2,500,000 of its private funds to augment the $20,500,000 appropriation available.

Rather than sacrifice the badly needed space, the managers have chosen to appropriate $5,000,000 which, along with the $2,500,000 the Smithsonian had planned to use for construction of a 3 bay facility, will be adequate to build the desired 4 bay facility.

The managers are concerned about the ability of the Smithsonian to deal with more than one major construction project at a time and have not provided any funds for design of the South Quad complex. This will permit the Smithsonian to commit all its construction efforts to the Museum Support Center.

Amendment No. 109: Appropriates $24,314,000 for salaries and expenses of the National Gallery of Art instead of $24,464,000 as proposed by the House and $24,089,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of a pay cost reduction and a reduction for furniture and equipment for newly opened areas.

Architect of the Capitol

MEMORIAL TO HALE BOGGS

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum named by said amendment, insert $7,000.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount recommended by the Senate is for any unanticipated expenses. The Architect is to take every step to meet the amount proposed by the Senate.

National Endowment for the Arts

Amendment No. 111: Appropriates $125,860,000 for salaries and expenses instead of $127,360,000 as proposed by the House and $124,800,000 as proposed by the Senate.

Amendment No. 112: Provides $113,960,000 for program funds instead of $114,495,000 as proposed by the House and $112,635,000 as proposed by the Senate. The decrease under the amount proposed by the House is for contracts for analysis of 1980 census data.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $11,900,000 for administrative expenses instead of $12,865,000 as proposed by the House and $12,165,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The decrease under the amount proposed by the House is a reduction of $965,000 budgeted for the expenses associated with moving to the Old Post Office Building.

Amendment No. 114: Deletes House language associated with the move to the Old Post Office Building.

Amendment No. 115: Appropriates $32,700,000 for matching grants as proposed by the House instead of $31,200,000 as proposed by the Senate.

Amendment No. 116: Provides $13,450,000 for challenge grants instead of $14,200,000 as proposed by the House and $12,700,000 as proposed by the Senate. The decrease under the amount proposed by the House reflects a transfer of $750,000 for institutional advancement grants from challenge grants to the "treasury fund" program which requires a 2 to 1 match rate rather than a 3 to 1 ratio.

National Endowment for the Humanities

Amendment No. 117: Appropriates $117,799,000 for salaries and expenses as proposed by the Senate instead of $118,741,000 as proposed by the House.

Amendment No. 118: Provides $106,522,000 for program funds as proposed by the House instead of $106,022,000 as proposed by the Senate.

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $11,277,000 for administrative expenses instead of $12,219,000 as proposed by the House and $11,777,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The decrease under the amount proposed by the House is a reduction $942,000 budgeted for the expenses associated with moving to the Old Post Office Building.

Amendment No. 120: Deletes House language associated with the move to the Old Post Office Building.

National Capital Planning Commission

Amendment No. 121: Appropriates $2,270,000 for the National Capital Planning Commission as proposed by the Senate instead of $2,300,000 as proposed by the House.

Franklin Delano Roosevelt Memorial Commission

Amendment No. 122: Appropriates $30,000 for the Franklin Delano Roosevelt Memorial Commission as proposed by the Senate instead of $40,000 as proposed by the House.

Pennsylvania Avenue Development Corporation

Amendment No. 123: Appropriates $2,443,000 for salaries and expenses instead of $2,508,000 as proposed by the House and $2,343,000 as proposed by the Senate. The decrease of $65,000 under the base should be taken from the lowest priority areas.

Federal Inspector for the Alaska Gas Pipeline

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named by said amendment, insert "$1,500".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Holocaust Memorial Council

Amendment No. 125: Appropriates $722,000 for the Holocaust Memorial Council as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 126: Deletes language proposed by the Senate which would have prevented the closure of any wildlife refuge on which a State permits the use of lead shot for waterfowl hunting.

Amendment No. 127: Deletes language proposed by the Senate which would have prohibited payment or compensation to any individual closing or threatening to close any wildlife refuge where a State permits the use of lead shot for waterfowl hunting.

For the past three years Congress has included a provision in this bill which prohibits funding for the implementation or enforcement for steel shot regulations in any State unless approved by the appropriate state agency. Congress has again included this restriction and continues to believe that the decision regarding steel shot can be best made by the State involved, with the assistance of the Department of the Interior in providing research and other information services.

The managers, however, are concerned that U.S. Fish and Wildlife Service actions have violated the intent of this Congressional mandate. In at least four States the Service threatened to close waterfowl hunting on National Wildlife Refuges as a result of the State's legitimate decision not to accept the Service's proposed steel shot regulations. These threats were clearly in conflict with prohibitions, which Congress has again approved, and the managers believe this amounts to unlawful intimidation of State officials in an attempt to force concurrence with those regulations.

The Senate approved language which would have specifically denied the U.S. Fish and Wildlife Service the authority to close wildlife refuges based on a State's decision regarding steel shot. The managers have agreed to forego this additional prohibition since Congressional intent has now been specifically expressed. However, the managers will consider stronger and more restrictive limitations on Service appropriations if clear Congressional intent is not honored.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"SEC. 306. a)(1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609), May 3, 1927 (44 Stat. 1364), May 14, 1898 (30 Stat. 413), and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

"(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established on or before the effective date of this Act or as designated by the Alaska National Interest Lands Act as passed by the House on November 12, 1980, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act, or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 306(a)(1) hereof, the Alaska Native Claims Settlement Act, and other applicable law.

"(3) Paragraph (1) of this subsection and subsection (c) shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 306(a)(1) hereof, if on or before the one hundred and eightieth day following the effective date of this Act—

"(A) A Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

"(B) The State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

"(C) A person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that said land is the situs of improvements claimed by the person or entity.

"(D) The State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law.

"(4) Paragraph (1) of this subsection and subsection (c) shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

"(b) An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the entry's location.

and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(3) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided, further,* That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further,* That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as desired by amendment.

"(c) Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or powerproject purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in section 306(a)(1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however,* That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further,* That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further,* That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended or other Act of Congress.

"(d) Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 129: Provides language to change the House section numbered 306 to section 307 as proposed by the Senate.

Amendment No. 130: Deletes language exempting Alaska from certain provisions of the Export Administration Act of 1979. The managers on the part of the House and Senate are in full agreement that this provision, first carried in the fiscal year 1980 appropriation act (P.L. 96–126), was an amendment to the Export Administration Act, and such permanent legislation need not be repeated annually to remain in full effect until expressly repealed by Congress.

The managers fully support Alaska's continued exemption from the red cedar provision of the export law, and deletion of the language in no way implies otherwise.

Amendment No. 131: Deletes language proposed by the Senate restricting fourth quarter spending.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number in said amendment insert 308.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number in said amendment, insert 309.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a moton to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"Sec. 310. (a) Notwithstanding ony other provisions of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following: Forest Service, $156.000: *Provided,* That not to exceed $4,600,000 of the funds made available by section 112 of Public Law 96–369 shall be available to the Forest Service until expended for continuing development and demonstration of aerial logging systems."

"(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

"(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers are in agreement with Senate provisions controlling expenditures for consultant services, except for the amount applied generally to the Interior Department, and with data procurement review requirement. The managers also agree that the reduction of $156,000 in consultant services shall not be applied to the design and engineering of roads or bridges.

The revised amendment also provides that $4,600,000 of the unobligated balance of emergency appropriations for the Mt. St. Helens eruption can be applied to continued development and demonstration of the so-called Helistat aerial logging system. This system, if available in time, can greatly assist timber salvage operations in the area stricken by the volcano.

The managers understand the Navy unilaterally transferred management of this program from the Naval Aviation Systems Command to the Naval Air Development Center. Because the Navy will receive substantial benefits from this program, the managers have provided no new funds for Navy program management and direct that any such program requirements should be financed from funds already appropriated to the Navy.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the section number in said amendment, insert "311".

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the section number in said amendment, insert "312".

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980	$27,192,021,000
Budget estimates of new (obligational) authority, fiscal year 1981	[1] 10,267,996,000
House bill, fiscal year 1981	10,487,959,000
Senate bill, fiscal year 1981	9,198,252,500
Conference agreement, fiscal year 1981	9,466,787,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	−17,725,234,000
Budget estimates of new (obligational) authority, fiscal year 1981	−801,209,000
House bill, fiscal year 1981	−1,021,172,000
Senate bill, fiscal year 1981	+268,534,500

[1] Includes $185,712,000 of budget estimates not considered by the House.

Sidney R. Yates,
Gunn McKay,
Clarence D. Long,
R. Duncan
(except as to amendment No. 14),
John P. Murtha,
Norman D. Dicks,
Jamie L. Whitten,
Joseph M. McDade,
Ralph S. Regula,
Silvio O. Conte,
Managers on the Part of the House.

ROBERT C. BYRD,
BIRCH BAYH,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
PAT LEAHY,
DENNIS DECONCINI,
QUENTIN BURDICK,
JOHN A. DURKIN,
TED STEVENS,
MILTON R. YOUNG,
MARK HATFIELD,
HENRY BELLMON,
JAMES A. MCCLURE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 6942

Mr. ZABLOCKI submitted the following conference report and statement on the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 96–1471)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1980".

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS

THIRD COUNTRY TRANSFERS

SEC. 101. (a) (1) Section 3(d) of the Arms Export Control Act is amended—

(A) by redesignating existing paragraph (3) as paragraph (4); and

(B) by inserting the following new paragraph (3) immediately after paragraph (2):

"(3) The President may not give his consent to the transfer to a third country of a defense article or a defense service valued (in terms of its original acquisition costs) at $25,000,000 or more, or of major defense equipment valued (in terms of its original acquisition costs) at $7,000,000 or more, the export of which has been licensed or approved under section 38 of this Act, unless at least 30 calendar days before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report containing the information specified in subparagraphs (A) through (E) of paragraph (1).".

(2) Such section is further amended—

(A) in the last sentence of paragraph (1) by striking out "subsection" and inserting in lieu thereof "paragraph"; and

(B) in paragraph (2) by inserting "paragraph (1) of" immediately before "this subsection".

(b) Paragraph (4) of section 3(d) of such Act, as so redesignated by subsection (a) (1) (A) of this section, is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of clause (ii) of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) to transfers to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, of any major defense equipment valued (in terms of its original acquisition cost) at less than $7,000,000 or of any defense article or related training or other defense service valued (in terms of its original acquisition cost) at less than $25,000,000.".

PERFORMANCE OF DEFENSE SERVICES

SEC. 102. Section 21(c) of the Arms Export Control Act is amended—

(1) by striking out "training, advising, or otherwise providing assistance regarding combat activities" and inserting in lieu thereof "training and advising that may engage United States personnel in combat activities";

(2) by inserting "(1)" immediately after "(c)"; and

(3) by adding at the end thereof the following:

"(2) Within 48 hours after the outbreak of significant hostilities involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

"(A) the identity of such country and a description of such hostilities; and

"(B) the number of members of the United States Armed Forces and the number of United States civilian personnel performing defense services related to such hostilities in such country, their location, the precise nature of their activities, and the likelihood of their becoming engaged in or endangered by hostilities.".

RECIPROCAL TRAINING AGREEMENTS

SEC. 103. Section 21(g) of the Arms Export Control Act is amended by striking out "In carrying out section 814 of the Act of October 7, 1975 (Public Law 94–106), the President may enter into North Atlantic Treaty Organization standardization agreements" and inserting in lieu thereof "The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94–106), and may enter into similar agreements with Japan, Australia, and New Zealand,".

GUARANTY RESERVE

SEC. 104. (a) Section 24(c) of the Arms Export Control Act is amended to read as follows:

"(c) Funds obligated under this section before the date of enactment of the International Security and Development Cooperation Act of 1980 which constitute a single reserve for the payment of claims under guaranties issued under this section shall remain available for expenditure for the purposes of this section on and after that date. The President shall report promptly to the Congress whenever the payment of a claim under any such guaranty reduces the total amount of funds in the single reserve under this subsection to an amount less than $750,000,000, together with his recommendations for the authorization of appropriations of additional funds for such reserve. For purposes of any provision in this Act or any other Act relating to a prohibition or limitation on the availability of funds under this Act, whenever a guaranty is issued under this section, the principal amount of the loan so guaranteed shall be deemed to be funds made available for use under this Act. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.".

(D) Section 37 of such Act is amended by adding at the end thereof the following:

"(c) Notwithstanding the provisions of subsection (b), to the extent that any of the funds constituting the reserve under section 24(c) are paid out for a claim arising out of a loan guaranteed under section 24, amounts received from a foreign government or international organization after the date of such payment, with respect to such claim, shall be credited to such reserve, shall be merged with the funds in such reserve, and shall be available for any purpose for which funds in such reserve are available.".

(c) Section 25(a) of such Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following:

"(3) the total amount of funds in the reserve under section 24(c) at the end of the fiscal year immediately preceding the fiscal year in which a report under this section is made, together with an assessment of the adequacy of such total amount of funds as a reserve for the payment of claims under guaranties issued pursuant to section 24 in view of the current debt servicing capacity of borrowing countries, as reported to the Congress pursuant to section 634(a)(5) of the Foreign Assistance Act of 1961;".

(d) Section 31(a) of such Act is amended by inserting immediately after the first sentence the following new sentence: "Credits may not be extended under section 23 of this Act in an amount, and loans may not be guaranteed under section 24(a) of this Act in a principal amount, which exceeds any maximum amount which may be established with respect to such credits or such loan guarantees in legislation appropriating funds to carry out this Act.".

MILITARY CONSTRUCTION

SEC. 105. (a) The Arms Export Control Act is amended by inserting immediately after chapter 2 the following new chapter:

"Chapter 2A—FOREIGN MILITARY CONSTRUCTION SALES

"SEC. 29. FOREIGN MILITARY CONSTRUCTION SALES.—The President may sell design and construction services to any eligible foreign country or international organization if such country or international organization agrees to pay in United States dollars not less than the full cost to the United States Government of furnishing such services. Payment shall be made to the United States Government in advance of the performance of such services by officers or employees of the United States Government. The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of design and construction services for sale under this section if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such time as may be required to meet the payments required by the contract and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due.".

(b)(1) Section 21(h) of such Act is amended by striking out "defense articles or defense services" both places it appears and inserting in lieu thereof "defense articles, defense services, or design and construction services".

(2) Section 22(c) of such Act is amended to read as follows:

"(c) The provisions of the Renegotiation Act of 1951 do not apply to procurement contracts heretofore or hereafter entered into under this section, section 29, or predecessor provisions of law.".

(3) Sections 23, 24(a), and 31(c) of such Act are each amended by striking out "defense articles and defense services" each place it appears and inserting in lieu thereof

"defense articles, defense services, and design and construction services".

(c) Section 36(a) of such Act is amended—

(1) by striking out "and" immediately after the semicolon at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

"(9) a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale; and".

(d)(1) Section 36(b)(1) of such Act is amended in the first sentence by inserting "any design and construction services for $200,000,000 or more," immediately after "$25,000,000 or more,".

(2) Such section is further amended—

(A) in the first sentence by inserting ", or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a)," immediately after "subsection (a)" the first place it appears;

(B) in the second sentence by striking out "or defense services" and inserting in lieu thereof ", defense services, or design and construction services,"; and

(C) in the third sentence—

(i) in subparagraph (A) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(ii) in subparagraph (C) by striking out "or defense service" and inserting in lieu thereof ", defense service, or design and construction service";

(iii) in subparagraph (E) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(iv) in subparagraph (I) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services".

(v) in subparagraph (J) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vi) in subparagraph (K) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vii) in subparagraph (L) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(viii) in subparagraph (M) by striking out "services, or" the first place it appears and inserting in lieu thereof "defense services, design and construction services, or defense"; and

(ix) in subparagraph (N) by inserting ", defense services, or design and construction services" immediately after "defense management services" relating thereto, and

(e)(1) Section 37(a) of such Act is amended by striking out "sections 21 and 22" and inserting in lieu thereof "sections 21, 22, and 29".

(2) Section 39 of such Act is amended—

(A) in subsection (a) by inserting ", or of design and construction services under section 29," immediately after "section 22"; and

(B) in subsection (c) by inserting "or section 29" immediately after "section 22".

(3) Section 42 of such Act is amended—

(A) in subsection (d) by striking out "and 24" and inserting in lieu thereof "24, and 29"; and

(B) in subsection (e) by striking out "and 22" both places that it appears and inserting in lieu thereof ", 22, and 29".

(f) Section 47 of such Act is amended—

(1) in paragraph (4) by inserting ", but does not include design and construction services under section 29 of this Act" immediately after "military sales";

(2) in paragraph (6) by striking out "and" immediately after the semicolon;

(3) in paragraph (7) by striking out the period and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) 'design and construction services' means, with respect to sales under section 29 of this Act, the design and construction of real property facilities, including necessary construction equipment and materials, engineering services, construction contract management services relating thereto, and technical advisory assistance in the operation and maintenance of real property facilities provided or performed by any department or agency of the Department of Defense or by a contractor pursuant to a contract with such department or agency.".

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 106. (a) Section 31(a) of the Arms Export Control Act is amended by striking out "$673,500,000 for the fiscal year 1980" and inserting in lieu thereof "$500,000,000 for the fiscal year 1981".

(b) Section 31(b) of such Act is amended to read as follows:

"(b)(1) The total amount of credits, or participations in credits, extended pursuant to section 23 of this Act for the fiscal year 1981 shall not exceed $500,000,000.

"(2) The total principal amount of loans guaranteed pursuant to section 24(a) of this Act for the fiscal year 1981 shall not exceed $2,616,000,000.

"(3) Of the aggregate total of such credits, or participations in credits, and of the total principal amount of such loans guaranteed, not less than $1,400,000,000 for the fiscal year 1981 shall be available only for Israel, of which $200,000,000 shall be available only for costs associated with the relocation of Israeli forces from the Sinai.".

(c) Section 31(c) of such Act is amended—

(1) in the first sentence by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in the last sentence by striking out "one-half" and inserting in lieu thereof "$500,000,000".

(d) The principal amount of the loans guaranteed under section 24(a) of such Act for the fiscal year 1981 with respect to Egypt, the Sudan, Greece, and Turkey shall be repaid, and with respect to Somalia may be repaid, in not less than twenty years, following a grace period of ten years on repayment of principal.

COMMERCIAL EXPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES

SEC. 107. (a) Section 38(b)(3) of the Arms Export Control Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$100,000,000".

(b) Section 36(c) of such Act is amended—

(1) in the first sentence by striking out "not less than 30 days";

(2) by redesignating paragraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (B)" and by striking out "paragraph (3)" and inserting in lieu thereof "clause (C)";

(4) by inserting "(1)" immediately after "(c)"; and

(5) by adding at the end thereof the following:

"(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

"(A) shall not be issued until at least 30 calendar days after the Congress receives such certification; and

"(B) shall not be issued then if the Congress, within such 30-day period, adopts a concurrent resolution stating that it objects to the proposed export, except that this subparagraph does not apply with respect to a license issued for an export to the North Atlantic Treaty Organization, any member country of that Organization, Japan, Australia, or New Zealand.

'If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs (A) and (B) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.'

"(3)(A) Any resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under this subsection, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.".

(c) Section 38(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) In exercising the authorities conferred by this section, the President may require that any defense article or defense service be sold under this Act as a condition of its eligibility for export, and may require that persons engaged in the negotiation for the export of defense articles and services keep the President fully and currently informed of the progress and future prospects of such negotiations.".

(d) Section 25(d)(1) of such Act is amended—

(1) in the first sentence by inserting "and licensed commercial exports" immediately after "sales" both places it appears; and

(2) in the second sentence—

(A) by inserting "and licensed commercial exports" immediately after "Sales", and

(B) by inserting "or of an export license" immediately after "letter of offer".

EXPORT CONTROLS ON CERTAIN ITEMS ON THE MUNITIONS LIST

SEC. 108. (a) The President shall review the categories of defense articles and defense services on the United States Munitions List in order to determine which of such articles and services, if any, should be removed from such List. The President shall report to the Congress concerning the results of this review not later than 120 days after the date of enactment of this Act. With respect to this review, it is the sense of the Congress that defense articles and services should not be removed from the United States Munitions List—

(1) if they are specifically designed, modified, adapted, or equipped for military application or use;

(2) if they do contain sensitive technology used for military, security, intelligence, or cryptographic purposes;

(3) if they are related to nuclear weapons development, production, or testing,

or to systems capable of delivering nuclear weapons, or to spacecraft; or

(4) if they are otherwise of such a particular nature as to warrant continued export control under section 38 of the Arms Export Control Act.

(b) In addition, the President shall study whether section 620B of the Foreign Assistance Act of 1961 should be amended in order to allow the issuance of licenses under section 38 of the Arms Export Control Act for the export of (1) communications and electronics equipment with a direct civilian application; (2) transport, utility, or training helicopters with a direct civilian application; (3) propeller-driven transport, utility, or training aircraft; (4) trucks and vehicles with a direct civilian application; or (5) defense services related to any of the items described in clauses (1) through (4). The President shall report the results of this study to the Congress within 120 days after the date of enactment of this Act.

LEASING OF DEFENSE PROPERTY

SEC. 109. (a) Not less than thirty days before the Secretary of a military department exercises his authority under section 2667 of title 10, United States Code, in order to lease defense property to a foreign government for a period of more than six months, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a written notification which specifies—

(1) the country to which such defense property is to be leased;

(2) the type, quantity, and value of the defense property to be leased;

(3) the terms and duration of the lease; and

(4) a justification for the lease.

(b) Each such lease agreement shall be subject to the approval of the Secretary of State.

(c) Each such lease agreement shall be provided to the Congress not later than thirty days after its date of signature.

(d) The President may waive the requirements of subsections (a) and (b) of this section if he determines and immediately reports such determination to the Congress that an emergency exists which requires such lease in the national security interests of the United States.

(e) As used in this section, the term "defense property" means any major defense equipment (as defined in section 47(6) of the Arms Export Control Act) valued at $7,000,000 or more and any other property valued at $25,000,000 or more.

(f) Section 36(a) of the Arms Export Control Act is amended by inserting the following new paragraph immediately after paragraph (9), as added by section 105(c) of this Act:

"(10) a listing (classified if necessary) of all property valued at $1,000,000 or more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than six months under section 2667 of title 10, United States Code.".

EXPORTATION OF URANIUM DEPLETED IN THE ISOTOPE 235

SEC. 110. Upon a finding that an export of uranium depleted in the isotope 235 is incorporated in defense articles or commodities solely to take advantage of high density or pyrophoric characteristics unrelated to its radioactivity, such exports shall be exempt from the provisions of the Atomic Energy of 1954 and of the Nuclear Non-Proliferation Act of 1978 when such exports are subject to the controls established under the Arms Export Control Act or the Export Administration Act of 1979.

NOTIFICATION OF CERTAIN COMMERCIAL EXPORTS TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 111. Section 6(i) of the Export Administration Act of 1979 is amended in text preceding paragraph (1) by striking out "of the Senate" and inserting in lieu thereof "and the Committee on Foreign Relations of the Senate at least 30 days".

MILITARY ASSISTANCE

SEC. 112. (a) Section 503(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by inserting at the end thereof the following new paragraph:

"(3) transferring such of the funds appropriated or otherwise made available under this chapter as the President may determine for assistance to a recipient specified in section 504(a)(1) of this Act, within the dollar limitations of that section, to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act.".

(b) Section 504(a)(1) of such Act is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $106,100,000 for the fiscal year 1981. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1981:

Portugal	$51,000,000
Spain	3,600,000
The Philippines	25,000,000
The Sudan	1,700,000

The amount specified in this paragraph for military assistance to any such country may be increased by not more than 10 percent of such amount if the President deems such increase necessary for the purposes of this chapter.".

(c) Section 506(a) of such Act is amended by striking out "$10,000,000" and inserting in lieu thereof "$50,000,000".

(d) Section 516(a) of such Act is amended—

(1) by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1982"; and

(2) by striking out "three" and inserting in lieu thereof "five".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 113. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$95,000,000 for the fiscal year 1980" and inserting in lieu thereof "$85,000,000 for the fiscal year 1981".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 114. Section 515 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (b)(1)—

(A) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981";

(B) by striking out "the countries specified in section 504(a)(1) and in" and inserting in lieu thereof "Portugal, Spain, Jordan, the Philippines,"; and

(C) by striking out "Iran, Kuwait" and inserting in lieu thereof "Egypt";

(2) in subsection (b)(3)—

(A) by striking out "Iran, Kuwait, and";

(B) by striking out "countries" and inserting in lieu thereof "country"; and

(C) by striking out "each"; and

(3) in the last sentence of subsection (f)—

(A) by inserting "six more than" immediately after "may not exceed";

(B) by striking out "December 31, 1978" and inserting in lieu thereof December 31, 1979"; and

(C) by inserting "and countries to which military personnel have been assigned pursuant to subsection (c)" immediately after "such countries".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 115. (a) The first sentence of section 542 of the Foreign Assistance Act of 1961 is amended by striking out all that follows "the purposes of this chapter" and inserting in lieu thereof "$34,000,000 for the fiscal year 1981.".

(b)(1) Section 644(m) of such Act is amended—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) with respect to military education and training, the additional costs that are incurred by the United States Government in furnishing such assistance.".

(2) Section 21(a)(3) of the Arms Export Control Act is amended by inserting immediately before the period the following: ", except that in the case of training sold to a purchaser who is concurrently receiving assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, only those additional costs that are incurred by the United States Government in furnishing such training".

PEACEKEEPING OPERATIONS

SEC. 116. (a) Section 552(a) of the Foreign Assistance Act of 1961 is amended by striking out "$21,100,000 for the fiscal year 1980" and inserting in lieu thereof $25,000,000 for the fiscal year 1981".

(b) Section 553 of such Act is repealed and section 554 is redesignated as section 553.

SPECIAL AUTHORITY

SEC. 117. (a) Section 614(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

"(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

"(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(4) The authority of this subsection may not be used to authorize the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act, or the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law, in any fiscal year. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year, unless such country is a victim of active Communist or Communist-supported aggression.

"(5) The authority of this section may not be used to waive the limitations on transfers contained in section 610(a) of this Act.".

(b) Section 652 of such Act is amended by striking out ", 610(a), or 614(a)" and inserting in lieu thereof "or 610(a)".

MILITARY OR PARLIAMENTARY OPERATIONS IN ANGOLA

SEC. 118. (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until—

(1) the President determines that such assistance should be furnished in the national security interests of the United States;

(2) the President submits to the Commitee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(A) a description of the amounts and categories of assistance which he recommends be furnished and the identity of the proposed recipients of such assistance; and

(B) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement of the reasons supporting such determination; and

(3) the Congress enacts a joint resolution approving the furnishing of such assistance.

(b) If introduced within 30 days after the submission of the report required by paragraph (2) of subsection (a), a resolution under paragraph (3) of subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36 (b) of the Arms Export Control Act.

(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(d) The provisions of this section may not be waived under any other provision of law.

(e) Section 404 of the International Security Assistance and Arms Export Control Act of 1976 is repealed.

PROHIBITION ON MILITARY ASSISTANCE TO NICARAGUA

SEC. 119. None of the funds authorized to be appropriated by this title shall be made available for any aid or assistance to Nicaragua.

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980, $1,935,000,000" and inserting in lieu thereof "fiscal year 1981, $2,065,300,000".

USE OF FUNDS

SEC. 202. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by striking out all that follows section 531 and inserting in lieu thereof the following:

"SEC. 532. USE OF FISCAL YEAR 1981 FUNDS.—(a)(1) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than $785,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt.

"(2) All of the funds made available to Israel and to Egypt under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(3) The total amount of funds allocated for Israel under this chapter for the fiscal year 1981 may be made available as a cash transfer. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

"(b) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than $200,000,000 shall be available only for Turkey. Not less than two-thirds of the funds made available to Turkey under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(c) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, $15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

"(d)(1) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1981, $12,500,000 may be used for special requirements in the Middle East, including regional programs and development programs on the West Bank and in Gaza.

"(2) The President may obligate or expend funds under this subsection only if—

"(A) he has transmitted to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations of the Senate, a report setting forth—

"(i) the name of the proposed recipient of such funds,

"(ii) the amount of funds to be made available to such recipient, and

"(iii) the purpose for which such funds are to be made available;

"(B) a period of 30 calendar days has elapsed since the Congress received such report; and

"(C) the Congress did not adopt, during such 30-day period, a concurrent resolution stating in substance that the Congress does not approve the proposed use of funds described in such report.

"(e)(1) Up to $50,000,000 of the funds appropriated to carry out this chapter for the fiscal year 1981 may be made available for emergency use under this chapter when the national interests of the United States urgently require economic support to promote economic or political stability.

"(2) Notwithstanding subsections (a)(1), (b), (c) and (d)(1) of this section, up to 5 percent of the funds available for any country or region pursuant to such subsections may be used under paragraph (1) of this subsection.

"(f) None of the funds appropriated to carry out this chapter for fiscal year 1981 may be made available for Syria.

"(g) Funds available to carry out this chapter for the fiscal year 1981 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that use of funds for such purpose is indispensable to the achievement of nonproliferation objectives which are uniquely significant and of paramount importance to the United States.

"SEC. 533. CENTRAL AMERICAN ECONOMIC SUPPORT.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

"(b) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

"(c) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

"(d) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of the goal, assistance to Nicaragua for the fiscal year 1981 under this chapter shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

"(e) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each 6-month period in which funds are expended under this chapter for Nicaragua for the fiscal year 1981. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

"(f) Prior to releasing any assistance to the Government of Nicaragua under this chapter, the President shall transmit a certification to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Nicaragua has not cooperated with or harbored any international terrorist organization and is not aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter, and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

"(g) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States which are responsible members of the Organization of American States, including Guatemala, El Salvador, Costa Rica, Nicaragua, Panama, and Honduras, against terrorism and external subversion.

"(h) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

"(i) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 percent of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of this Act. The President shall report on the implementation of this subsection in the reports required under subsection (e) of this section.

"(j) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

"(k) The President shall terminate assistance to Nicaragua under this chapter for the fiscal year 1981 if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.

"(l) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.

"(m) None of the funds made available for Nicaragua under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ, or be made available to Cuban personnel.

"(n) The President shall terminate assistance to Nicaragua under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press.

"(o) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of United States origin.

"(p) Up to one percent of the funds made available to Nicaragua under this chapter for the fiscal year 1981 shall be used to make publicly known to the people of Nicaragua the extent of United States aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection.".

CONSTRUCTION OF PRODUCTIVE ENTERPRISE IN EGYPT

Sec. 203. The first sentence of section 620 (k) of the Foreign Assistance Act of 1961 is amended by inserting ", fiscal year 1980, or fiscal year 1981" immediately after "fiscal year 1977".

TITLE III—DEVELOPMENT ASSISTANCE PROGRAMS

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

Sec. 301. The first sentence of section 103 (a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $713,500,000 for the fiscal year 1981.".

POPULATION AND HEALTH

Sec. 302. (a) Section 104(b) of the Foreign Assistance Act of 1961 is amended by inserting after "information and services" in the second sentence the following: ", including also information and services which relate to and support natural family planning methods,".

(b) The first sentence of section 104(g) of such Act is amended to read as follows: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $238,000,000 for the fiscal year 1981 to carry out subsection (b) of this section, of which not less than $3,000,000 shall be available only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction; and

"(2) $145,300,000 for the fiscal year 1981 to carry out subsection (c) of this section.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

Sec. 303. The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $101,000,000 for the fiscal year 1981, which are authorized to remain available until expended.".

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

Sec. 304. (a) The section caption of section 106 of the Foreign Assistance Act of 1961 is amended by striking out "technical assistance, energy, research, reconstruction, and selected development problems" and inserting in lieu thereof "energy, private voluntary organizations, and selected development activities".

(b) Subsection (a) of such section is amended—

(1) by inserting "(A)" immediately after "(a)(1)";

(2) by striking out "(2)", "(3)", and "(4)" and inserting in lieu thereof "(B)", "(C)", and "(D)", respectively;

(3) by striking out "(A)", "(B)", and "(C)" in paragraph (3) and inserting in lieu thereof "(i)", "(ii)", and "(iii)", respectively; and

(4) by adding at the end thereof the following new paragraph:

"(2) The Congress also finds that energy production from renewable, decentralized sources and energy conservation are vital elements in the development process. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.".

(c) Subsection (b) of such section is amended—

(1) by inserting "(A)" immediately after "(b)(1)";

(2) by striking out "(2)" and inserting in lieu thereof "(B)"; and

(3) by striking out "fiscal year 1980 shall be used for purposes of paragraph (1)" and inserting in lieu thereof "fiscal year 1981 shall be used for purposes of subparagraph (A)".

(d) Such section is further amended by inserting at the end of subsection (b) the following:

"(2) The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs may include research on and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

"(c) The agency primarily responsible for administering this part and the Department of Energy shall coordinate with one another, to the maximum extent possible, the planning and implementation of energy programs under this chapter.".

(e) Existing subsection (c) of such section is redesignated as subsection (d).

(f) Existing subsection (d) of such section is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $140,000,000 for the fiscal year 1981.

"(2) Amounts appropriated under this section are authorized to remain available until expended.".

(g) Section 119 of such Act is repealed.

HUMAN RIGHTS IN DEVELOPING COUNTRIES

Sec. 305. Section 116(e) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

SAHEL DEVELOPMENT PROGRAM

Sec. 306. Section 121(c) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the second sentence the following new sentence: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $88,442,000 for the fiscal year 1981.".

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES

Sec. 307. Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by inserting before the period at the end of the fourth sentence the following: "and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities";

(2) in subsection (a) by inserting before

the period at the end of the fifth sentence the following: "and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities"; and

(3) by adding at the end thereof the following new subsection:

"(e) Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than thirty days after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.".

RELATIVELY LEAST DEVELOPED COUNTRIES

SEC. 308. The last sentence of section 124 (c)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1980" and inserting in lieu thereof "1981"; and

(2) by striking out "$13,800,000" and inserting in lieu thereof "$10,845,000".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 309. Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President for grants to carry out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, $233,350,000 for the fiscal year 1981.".

PARTICIPANT TRAINING

SEC. 310. Section 617 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.".

REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 311. Section 661 of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "$3,800,000 of the funds made available for the purposes of this Act for the fiscal year 1980" and inserting in lieu thereof "$4,000,000 of the funds made available for the fiscal year 1981 for the purposes of this Act".

INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

SEC. 312. The first sentence of section 410 of the International Development Cooperation Act of 1979 is amended by striking out "$23,750,000 for the fiscal year 1980" and inserting in lieu thereof "$12,000,000 for the fiscal year 1981".

ASSISTANCE TO THE EASTERN CARIBBEAN

SEC. 313. (a) The Congress urges the President to use up to $7,000,000 for the fiscal year 1981 for bilateral development assistance for the countries of the eastern Caribbean.

(b) Not later than February 1, 1981, the President shall report to the Congress on the implementation of this section.

ASSISTANCE FOR EQUATORIAL GUINEA

SEC. 314. The President is urged to provide up to $3,000,000 of the funds authorized to be appropriated for the fiscal year 1981 by this title for assistance to Equatorial Guinea if he deems that conditions in that country warrant such assistance.

CARIBBEAN DEVELOPMENT BANK

SEC. 315. Notwithstanding section 620(r) of the Foreign Assistance Act of 1961, the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the Caribbean Development Bank of any loans made to the Bank under the authority of that Act.

WORLD HUNGER

SEC. 316. (a) In order to further the purposes of section 103 of the Foreign Assistance Act of 1961, the Director of the United States International Development Cooperation Agency shall encourage the ongoing work of private and voluntary organizations to deal with world hunger problems abroad. To this end, the Director shall help facilitate widespread public discussion, analysis, and review of the issues raised by the Report of the Presidential Commission on World Hunger of March 1980, especially the issues raised by the Commission's call for increased public awareness of the political, economic, technical, and social factors relating to hunger and poverty.

(b) As a means of carrying out subsection (a), and to ensure the effectiveness of private and voluntary organizations in dealing with world hunger abroad, the Director is urged to provide assistance to private and voluntary organizations engaged in facilitating public discussion of hunger and other related issues.

REDUCTION OF POSTHARVEST LOSSES OF FOOD

SEC. 317. It is the sense of the Congress that—

(1) the President should reaffirm the policy of the United States Government to support the goal established by the United Nations General Assembly of reducing by 50 percent postharvest losses of food in developing countries; and

(2) the President, acting through the Agency for International Development, should increase substantially the proportion of funds made available under the Foreign Assistance Act of 1961 for the purpose of assisting, together with other donor countries and with developing countries, in the reduction of postharvest losses of food in developing countries.

TITLE IV—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 401. Section 214(c) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for the fiscal year 1980" and inserting in lieu thereof "$30,000,000 for the fiscal year 1981".

INTERNATIONAL NARCOTICS CONTROL

SEC. 402. (a) Section 482(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $38,573,000 for the fiscal year 1981.

"(2) Funds appropriated under this subsection for the fiscal year 1981 may not be used for a contribution to the United Nations Fund for Drug Abuse Control in an amount which exceeds the lesser of $3,000,000 or 50 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) Section 482 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.".

(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.

INTERNATIONAL DISASTER ASSISTANCE

SEC. 403. Section 492 of the Foreign Assistance Act of 1961 is amended by striking out "$21,800,000 for the fiscal year 1980" and inserting in lieu thereof "$25,000,000 for the fiscal year 1981".

DISASTER ASSISTANCE BORROWING AUTHORITY

SEC. 404. (a) Section 492 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "There is"; and

(2) by adding at the end thereof the following new subsection:

"(b) In addition to amounts otherwise available to carry out this chapter, up to $50,000,000 in any fiscal year may be obligated against appropriations under this part (other than this chapter) for use in providing assistance in accordance with the authorities and general policies of section 491. Amounts subsequently appropriated under this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster.".

(b) Section 491(b) of such Act is amended by striking out "limitation on appropriations" and inserting in lieu thereof "limitations".

AFRICAN REHABILITATION AND RESETTLEMENT

SEC. 405. Section 495F of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 495F. AFRICAN REHABILITATION AND RESETTLEMENT.—(a) The Congress recognizes that United States assistance is necessary to help developing countries in Africa meet the longer term rehabilitation and resettlement needs of displaced persons and other innocent victims of civil strife. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the longer term rehabilitation and resettlement needs of such victims. Funds for this purpose should be used to assist African governments in providing semipermanent housing, potable water supply systems, and sanitary facilities which are generally not provided by existing refugee relief agencies.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $15,000,000 for the fiscal year 1981. Amounts appropriated under this subsection are authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.".

MIGRATION AND REFUGEE ASSISTANCE

SEC. 406. Section 102(a)(4) of the Department of State Authorization Act, Fiscal Years 1980 and 1981, is amended by striking out "$457,798,000" and inserting in lieu thereof "$517,209,000".

PUBLIC LAW 480 TRANSFER AUTHORITY

SEC. 407. Section 403 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of this Act or any other Act, if the President determines it to be necessary for the purposes of this Act, he may direct that not to exceed 15 percent of the funds available in any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act.".

EAST TIMOR

SEC. 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of developments in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

SHORT TITLE

SEC. 501. This title may be cited as the "African Development Foundation Act".

FINDINGS

SEC. 502. The Congress finds that—

(1) social and economic development ultimately depends on the active participation of individuals within a society and on the enhancement of opportunities for those individuals;

(2) the development of individuals and institutions in African countries can benefit by the provision of support for community-based self-help activities;

(3) by enacting title IX of chapter 2 of part I of the Foreign Assistance Act of 1961, and recent amendments to that Act, the Congress has sought to enable the poor to participate in the process of development;

(4) the Inter-American foundation, established by Congress in the Foreign Assistance Act of 1969 to support the efforts of the people of Latin America and the Caribbean to solve their development problems, has demonstrated a successful approach to development; and

(5) an African Development Foundation similar in structure to the Inter-American Foundation, but adapted to the specific needs of Africa, can complement current United States development programs in Africa.

ESTABLISHMENT

SEC. 503. (a) There is established a body corporate to be known as the "African Development Foundation" (hereafter in this title referred to as the "Foundation").

(b) The Foundation shall establish a principal office in the United States and may establish such branch offices in Africa as may be necessary to carry out its functions.

PURPOSES

SEC. 504. (a) In order to enable the people of African countries to develop their potential, fulfill their aspirations, and enjoy better, more productive lives, the purposes of the Foundation shall be—

(1) to strengthen the bonds of friendship and understanding between the people of Africa and the United States;

(2) to support self-help activities at the local level designed to enlarge opportunities for community development;

(3) to stimulate and assist effective and expanding participation of Africans in their development process; and

(4) to encourage the establishment and growth of development institutions which are indigenous to particular countries in Africa and which can respond to the requirements of the poor in those countries.

(b) The Foundation shall carry out the purposes specified in subsection (a) in cooperation with, and in response to, organizations indigenous to Africa which are representative of the needs and aspirations of the poor in Africa and, in carrying out such purposes, the Foundation shall, to the extent possible, coordinate its development assistance activities with the activities of the United States Government and private, regional, and international organizations.

FUNCTIONS

SEC. 505. (a)(1) In order to carry out the purposes set forth in section 504, the Foundation may make grants, loans, and loan guarantees to any African private or public group, association, or other entity engaged in peaceful activities for—

(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

(C) development research by Africans and the transfer of development resources, expertise, and knowledge within Africa;

(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or guarantee, to carry out the purposes of this title; and

(E) other projects that would carry out the purposes set forth in section 504.

(2) The total amount of grants, loans, and loan guarantees that may be made under this section for a project may not exceed $250,000.

(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions insights gained from African development projects assisted under this title.

(b) In making grants, loans, and loan guarantees under subsection (a), the Foundation shall give priority to projects which community groups undertake to foster their own development and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with the purposes of this title, the Foundation may make such grants, loans, and loan guarantees to African entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other African entities to carry out the purposes of this title.

POWERS

SEC. 506. (a) The Foundation, as a corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(3) may adopt, alter, and use a seal, which shall be judicially noticed;

(4) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Foundation;

(5) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $10,000 in any fiscal year;

(7) may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at any one time: 25 during the fiscal year 1981, 50 during the fiscal year 1982, and 75 thereafter;

(8) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation;

(9) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this title;

(10) may use the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(11) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out the purposes of this title; and

(12) shall have such other powers as may be necessary and incident to carrying out this title.

(b) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only by used for carrying out the purposes of this title. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(c) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

(d) Upon termination of the corporate life of the Foundation its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

MANAGEMENT

SEC. 507. (a)(1) The management of the Foundation shall be vested in a board of directors (hereafter in this title referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member of the Board to serve as Chairperson of the Board and one member to serve as Vice Chairperson of the Board. Five members of the Board shall be appointed from private life. Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes.

(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.

(b) Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

(c) A majority of the Board shall constitute a quorum.

(d)(1) The Board of Directors shall appoint a president of the Foundation on such terms as the Board may determine. The president of the Foundation shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Experts and consultants may be employed by the Board as authorized by section 3109 of title 5, United States Code.

(e)(1) The Board shall establish an advisory council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable about development activities in Africa. The advisory council may include African recipients of grants, loans, or loan guarantees under this title.

(2) The Board shall, at least once each year, consult the advisory council concerning the objectives and activities of the Foundation.

(3) Members of the advisory council shall receive no compensation for their services but may be allowed travel and other expenses in accordance with section 5703 of title 5, United States Code, which are incurred by them in the performance of their functions under this subsection.

GOVERNMENT CORPORATION CONTROL ACT

Sec. 508. The Foundation shall be subject to title I of the Government Corporation Control Act.

LIMITATION ON SPENDING AUTHORITY

Sec. 509. Any authority provided by this title involving the expenditure of funds (other than the funds made available pursuant to section 510) shall be effective for a fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

USE OF CERTAIN FUNDS

Sec. 510. Of the funds appropriated for the fiscal year 1981 to carry out part I of the Foreign Assistance Act of 1961, other than funds appropriated for the Economic Support Fund, $2,000,000 shall be used to carry out this title.

EXPIRATION OF AUTHORITIES

Sec. 511. The authority of the Foundation to make grants, loans, and loan guarantees and otherwise to carry out the purposes of this title shall expire on September 30, 1985, except that this section shall not preclude the Foundation from acquiring obligations prior to that date which mature subsequent to that date or from assuming liability prior to that date as a guarantor of obligations which mature subsequent to that date or from continuing as a body corporate and exercising any of its powers subsequent to that date for purposes of the orderly liquidation of its activities.

TITLE VI—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

Sec. 601. (a) Section 3(b) of the Peace Corps Act is amended by striking out "fiscal year 1980 not to exceed $105,404,000" and inserting in lieu thereof "fiscal year 1981 not to exceed $118,000,000".

(b) Section 3(c) of such Act is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

(c) Section 15(d)(7) of such Act is amended by striking out "$5,000" and inserting in lieu thereof "$20,000".

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT

Sec. 602. (a) Section 401 of the Domestic Volunteer Service Act of 1973 is amended—

(1) by striking out "two Associate Directors" in the fifth sentence and inserting in lieu thereof "one Associate Director";

(2) by striking out "One such" and by inserting in lieu thereof "Such"; and

(3) by striking out ", and the other such Associate Director" and all that follows through "(22 U.S.C. 2501 et seq.)".

(b) Section 405 of such Act is amended—

(1) in subsection (a) by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq)";

(2) in subsection (b)(1) by striking out "and the Peace Corps Act (22 U.S.C. et seq.)"; and

(3) in subsection (b)(2)—

(A) by striking out "and the Peace Corps Act", and

(B) by striking out "Acts" both places it appears and inserting in lieu thereof "Act".

UTILIZATION OF RETURNED PEACE CORPS VOLUNTEERS

Sec. 603. The Director of the Peace Corps shall develop a plan providing for more effective utilization of returned Peace Corps volunteers in order to promote a better understanding of other peoples and cultures on the part of the American people. The Director shall report to the Congress no later than January 15, 1981, on the plan and necessary procedures for implementing the plan.

TITLE VII—MISCELLANEOUS PROVISIONS

HUMAN RIGHTS

Sec. 701. (a) Section 116(a) of the Foreign Assistance Act of 1961 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

(b) Section 502B(d)(1) of such Act is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "trial,".

(c) Section 112(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

AUDITING OF INTERNATIONAL PROGRAMS

Sec. 702. (a) Section 301(d) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "The Comptroller General shall report simultaneously to the Congress and the President the results of the audits conducted under this subsection.".

(b) Section 301(e) of such Act is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking out "a single professionally qualified group" and inserting in lieu thereof "of external, professionally qualified groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(2) in the second sentence of paragraph (1)—

(A) by striking out "group" both places it appears and inserting in lieu thereof "groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit";

(3) in the third sentence of paragraph (1) by striking out "group" and inserting in lieu thereof "groups";

(4) in the first sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(5) in the second sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit"; and

(6) in the second sentence of paragraph (3) by inserting "his evaluation of such reports and related information," immediately after "to the President".

REPORTS ON INTERNATIONAL ORGANIZATIONS

Sec. 703. Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 306. Reports on International Organizations.—(a) The annual reports to the Congress under section 2 of the Act of September 21, 1950 (64 Stat. 902; 22 U.S.C. 262a), shall be submitted within nine months after the end of the fiscal year to which they relate.

"(b)(1) The President shall submit semiannual reports to the Congress listing all voluntary contributions by the United States Government to international organizations. One of the semiannual reports shall be submitted no later than July 1 and shall list all contributions made during the first six months of the then current fiscal year. The other semiannual report shall be submitted no later than January 1 and shall list all contributions made during the last six months of the preceding fiscal year. Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and form of the contribution, and the purpose of the contribution. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

"(2) In order to facilitate the preparation of the reports required by paragraph (1), the head of any Government agency which makes a voluntary contribution to any international organization shall promptly report that contribution to the Director of the Office of Management and Budget.

"(3) As used in this subsection, the term 'contribution' means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel), or commodities, equipment, supplies, or other material.".

TECHNICAL AMENDMENT CORRECTING CROSS REFERENCE

Sec. 704. Section 502B(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out "Export Administration Act of 1969" and inserting in lieu thereof "Export Administration Act of 1979".

PROCUREMENT

Sec. 705. (a) Section 604(e) of the Foreign Assistance Act of 1961 is amended by inserting the following immediately before the period at the end thereof: ", unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed".

(b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(g) None of the funds authorized to be appropriated or made available for obligation or expenditure under this Act may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services.".

INSPECTOR GENERAL

SEC. 706. Section 624(g) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Auditor General" each place it appears and inserting in lieu thereof "Inspector General";

(2) in paragraph (3)—

(A) by striking out "and investigative" and inserting in lieu thereof ", investigative, and security"; and

(B) by adding at the end thereof the following: "In addition, to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator), the Inspector General shall with respect to the duties and responsibilities of that Agency supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency.";

(3) in paragraph (4) by inserting "and the Director" immediately after "Administrator"; and

(4) by adding at the end thereof the following:

"(6) The Inspector General shall have the authority to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of functions under this subsection. Any such subpena, in the case of contumacy or refusal to obey shall be enforceable by order of any appropriate United States district court. Procedures other than subpenas shall be used to obtain documents and information from agencies of the United States Government.

"(7) In carrying out the responsibilities specified in paragraph (3), the Inspector General shall—

"(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(B) establish guidelines for determining when it is appropriate to use non-Federal auditors; and

"(C) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in subparagraph (A).

"(8) The Administrator shall provide the Inspector General with appropriate and adequate office space at central and field office locations of the agency primarily responsible for administering part I of this Act, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices and the equipment and facilities located in such offices. In establishing and staffing such field offices, the Administrator shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

"(9)(A) The Inspector General may receive and investigate complaints or information from any employee of or under the United States International Development Cooperation Agency concerning the possible existence of an activity constituting a violation of law, rules, or regulations, constituting mismanagement, gross waste of funds, abuse of authority, or constituting a substantial and specific danger to the public health and safety.

"(B) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

"(C) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not exercise or threaten to exercise such authority in order to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.".

ANNUAL REPORT

SEC. 707. Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotic control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

"(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6); and".

SHIPPING DIFFERENTIAL

SEC. 708. Section 640C of the Foreign Assistance Act of 1961 is amended by striking out "Part V" and inserting in lieu thereof "chapter 4 of part II".

OPERATING EXPENSES

SEC. 709. Section 667(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in paragraph (1) by striking out "$263,000,000" and inserting in lieu thereof "$293,800,000".

INTERAGENCY GROUP ON HUMAN RIGHTS AND FOREIGN ASSISTANCE

SEC. 710. It is the sense of the Congress that—

(1) the Interagency Group on Human Rights and Foreign Assistance has been an effective mechanism for coordinating and implementing United States human rights policies;

(2) the President should consider establishing the Interagency Group on a more permanent basis;

(3) the Interagency Group should examine proposals for not only economic assistance but also for security asisstance; and

(4) the President should report his recommendations for strengthening the Interagency Group to the Congress no later than July 1, 1981.

PEACE IN THE MIDDLE EAST

SEC. 711. (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take actions to encourage parties not currently involved in the peace process to become active participants in peace efforts.

(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Governments of Israel and Egypt should maintain and strengthen their commitment to the process of normalization of relations and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process.

ASSISTANCE FOR JORDAN

SEC. 712. It is the sense of the Congress that for Jordan to receive any funds authorized to be appropriated by this Act, it should be judged by the President that Jordan is acting in good faith to achieve peace in the Middle East and that the expenditure of such funds for Jordan will serve to further peace in the Middle East.

EXTERNAL DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

SEC. 713. The Congress finds that the Governments of Egypt, Israel, Portugal, and Turkey each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs. In order to assist the Congress in examining United States assistance for these countries, the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, no later than January 15, 1981, a report regarding economic conditions prevailing in Egypt, Israel, Portugal, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA

SEC. 714. (a) At intervals of 90 days during the first year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report identifying the military capabilities and deployment of Soviet military personnel in Cuba, together with his appraisal of the mission performed by such personnel.

(b) At intervals of one year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report setting forth the amount and nature of Soviet military assistance to the armed forces of Cuba during the preceding year and the military capabilities of those armed forces.

CUBAN REFUGEES

SEC. 715. (a) The Congress finds that—

(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

(5) the United States has sought to negotiate with the Government of Cuba to estab-

lish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

(6) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

(b)(1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries which have demonstrated a willingness to provide assistance to Cuban and other refugees.

(c) It is the sense of the Congress that, in carrying out subsection (b)(1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.

INCARCERATION AND DEPORTATION OF CERTAIN CUBANS

SEC. 716. The Congress finds that the United States Government has already incarcerated recently arrived Cubans who are admitted criminals, are security threats, or have incited civil disturbances in Federal processing facilities. The Congress urges the Executive branch, consistent with United States law, to seek the deportation of such individuals.

PROHIBITION ON ASSISTANCE TO THE GOVERNMENTS OF CUBA, VIETNAM, AND CAMBODIA

SEC. 717. None of the funds authorized to be appropriated by this Act may be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. Nothing in this section shall be construed to prohibit food assistance or humanitarian assistance which is distributed directly to the people of Cambodia.

COOPERATION OF OTHER GOVERNMENTS IN THE BOYCOTT OF THE 1980 SUMMER OLYMPIC GAMES IN MOSCOW

SEC. 718. In determining the levels of assistance to be provided to a foreign government with funds authorized to be appropriated by this Act, the President shall take into account the position of that government with respect to the United States, proposed boycott of the 1980 summer Olympic games in Moscow.

ELECTIONS IN UGANDA

SEC. 719. The President shall encourage the holding of free, open elections in Uganda and shall, in considering assistance for Uganda with funds authorized to be appropriated by this Act, take into account whether such elections are held.

REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE LANCASTER HOUSE DECLARATION OF RIGHTS IN ZIMBABWE

SEC. 720. If Zimbabwe receives assistance from funds authorized to be appropriated by this Act, the President shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives every sixty days after the obligation of such funds on the internal situation in Zimbabwe, particularly upon the implementation of the Declaration of Rights contained in Annex C of the agreement signed at Lancaster House, London, by the participants in the Constitutional Conference on Southern Rhodesia on December 22, 1979.

RESTRICTION ON ASSISTANCE TO EL SALVADOR

SEC. 721. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

And the Senate agree to the same.

CLEMENT J. ZABLOCKI,
L. H. FOUNTAIN,
DANTE B. FASCELL,
LEE H. HAMILTON,
LESTER L. WOLFF,
JONATHAN BINGHAM,
STEPHEN J. SOLARZ,
DAN MICA,
WILLIAM H. GRAY III,
DAVID BOWEN,
WM. S. BROOMFIELD,
EDWARD J. DERWINSKI,
PAUL FINDLEY,
JOHN BUCHANAN,
LARRY WINN, Jr.,
EDWARD P. BOLAND
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
BILL D. BURLISON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
LES ASPIN
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
CHARLES ROSE
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
J. K. ROBINSON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
JOHN M. ASHBROOK
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
Managers on the Part of the House.

FRANK CHURCH,
CLAIBORNE PELL,
JOE BIDEN,
JOHN GLENN,
JACOB K. JAVITS,
CHARLES H. PERCY,
S. I. HAYAKAWA,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1981

The conference substitute contains authorizations for fiscal year 1981 appropriations of $4.981 billion: $665.1 million for military assistance, $2.065 billion for economic support fund assistance, $1.671 billion for development assistance, $108.5 million for other assistance programs, $118 million for the Peace Corps, and $293.8 million for IDCA/AID operating expenses. The amount authorized to be appropriated in the conference substitute is $240.5 million less than the House authorization as calculated with a 10-percent cut, $195.8 million above the Senate authorization as calculated with a $28 million cut, and $323.2 million below the executive branch request.

The amounts contained in the conference substitute compared to the amounts requested by the executive branch and recommended by the House and Senate follow:

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1981

[In thousands of dollars]

	Executive branch request	House bill	Senate amendment	Conference substitute
Title I: Military:				
Grant military assistance	104, 400	105, 000. 0	106, 100	106, 100
Grant military education and training	32, 500	35, 500. 0	32, 500	34, 000
FMS credit financing	734, 000	761, 600. 0	500, 000	500, 000
Aggregate ceiling [1]	(2, 840, 000)	(3, 116, 000. 0)	(3, 090, 000)	(3, 116, 000)
Peacekeeping operations	25, 000	25, 000. 0	25, 000	25, 000
Subtotal, title I	895, 900	927, 100. 0	663, 600	665, 100
Title II: Economic support fund	2, 030, 500	2, 110, 500. 0	2, 049, 500	2, 065, 300
Title III: Development:				
Bilateral:				
Agriculture	729, 273	731, 773. 0	677, 000	713, 500
Population	238, 015	238, 015. 0	208, 000	238, 000
Health	159, 213	164, 213. 0	150, 000	145, 300
Education	122, 069	119, 569. 0	107, 000	101, 000
Energy	160, 632	160, 632. 0	140, 000	140, 000
Subtotal, bilateral	1, 409, 202	1, 414, 202. 0	1, 282, 000	1, 337, 800
Sahel [2]	113, 442	113, 442. 0	88, 442	88, 442
International organizations	232, 050	244, 550. 0	233, 350	233, 350
ISTC	85, 000	95, 000. 0	(51, 000)	12, 000
Subtotal, title III	1, 839, 694	1, 867, 194. 0	1, 603, 792	1, 671, 592
Title IV: Other:				
ASHA	7, 500	30, 000. 0	25, 000	30, 000
International narcotics	38, 573	38, 613. 0	38, 573	38, 573
International disaster	25, 000	25, 000. 0	25, 000	25, 000
African resettlement		15, 000. 0	0	15, 000
Refugees				
Subtotal, title IV	71, 073	108, 613. 0	88, 573	108, 573
Title VI: Peace Corps	114, 656	118, 800. 0	114, 656	118, 000
Title VII: Operating expenses	293, 800	293, 800. 0	293, 800	293, 800
Total	5, 245, 623	5, 426, 007. 0	4, 813, 921	4, 922, 365
Reductions		−311, 139. 8	−28, 000	
Net authorization level		5, 114, 867. 2	4, 785, 921	
Plus refugees	+59, 411	+107, 411. 0	(59, 411)	+59, 411
Grand total	5, 305, 034	5, 222, 278. 2	4, 785, 921	4, 981, 776

[1] The FMS aggregate ceiling is not an authorization of funds for appropriation. It represents the total principal amount of loans which can be extended under the FMS credit and guaranty program.

[2] The committee agreed to make this amount available in addition to amounts previously authorized for the Sahel Development program.

REDUCTION IN AUTHORIZATION LEVELS

The House bill provided that the total amount to be appropriated shall not exceed the aggregate of amounts intended for Egypt, Israel, peacekeeping operations, ASHA, international narcotics control, migration and refugee assistance, and UNICEF, plus 90 percent of the total of all other amounts authorized by the bill.

The Senate amendment provided that the aggregate amount of funds authorized to be appropriated in titles I, III, IV, and V shall be reduced by a total of $28 million.

The conference substitute reflects the impact of the House 10-percent reduction in the conference agreement on the total authorization level, which is $204.5 million below the level of the House authorization.

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS—AUTHORIZATION OF APPROPRIATIONS

The conference substitute contains authorizations for appropriations for international security assistance and other assistance programs for fiscal year 1981 of $665.1 million. This is $1.5 million above the Senate figure and $262 million below the House figure. The disproportionate reduction from the House figure is due to conference acceptance of the Senate provision concerning the Foreign Military Sales (FMS) Guaranty Reserve Fund, which eliminates the requirement in present law that funds for FMS guarants loans be obligated at 10 percent of the face value of loans extended under the FMS guaranty program. Adoption of this provision significantly reduces the funds required to be authorized and appropriated to run the FMS credit and guaranty program.

GRANT MILITARY ASSISTANCE

Sudan ceiling

The Senate amendment amended section 504 of the Foreign Assistance Act of 1961 to authorize and set a ceiling of $1.7 million for grant military assistancee to Sudan in fiscal yeear 1981.

The House bill contained no comparable provision.

The conference substitute (sec. 112(b)) is the same as the Senate provision.

INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET)

Programs in human rights

The House bill created a new section 544 of the Foreign Assistance Act requiring that a human rights program be established in the IMET programs as a prerequisite for completion of all other courses. The House bill further required a Presidential report on the implementation of this new human rights program.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The conferees emphasize the adoption of the Senate position should in no way be construed as implying a weakening of congressional leaders interest in making human rights considerations an integral part of the IMET program. Full implementation of present efforts in this regard is urged.

IMET training rates

The House bill amended section 21 of the Arms Export Control Act to allow IMET recipients to purchase FMS training on an incremental cost basis (i.e. only those additional costs that are incurred by the U.S. Government in furnishing such training).

The Senate amendment had no comparable provision, although both the House and the Senate provided for incremental costing for grant IMET courses.

The conference substitute (sec. 115(b)(2)) is the same as the House provision.

During the House-Senate conference, the importance of Brazil and Venezuela to U.S. security interests was discussed. Given the importance of Brazil and Venezuela to U.S. security interests and given the need to strengthen our military relations with them, the Conferees urge the administration to consider including a modest IMET program for both Brazil and Venezuela sufficient to permit a small number of their officers to attend our professional-level service schools.

FOREIGN MILITARY SALES (FMS) CREDIT AND GUARANTY PROGRAM

Guaranty reserve

The Senate amendment amended several sections of the Arms Export Control Act to do the following:

Eliminate the requirement in existing law that FMS financing funds be obligated at 10 percent of the face value of loans and held in a single reserve for payment of claims;

Maintain availability of existing guaranty reserve funds for future payment of claims;

Provide for a Presidential report if any future claim payment reduces guaranty reserve funds below $750 million;

Allow for replenishment of the reserve fund should future claim payments be made;

Require an annual report on the amount and adequacy of guaranty reserve funds;

Require that credits and principal amount of loans may be extended or guaranteed only to the extent and in such amounts as provided in advance in appropriations acts.

The House bill had no comparable provision.

The conference substitute (sec. 104) is the same as the Senate provision with minor changes.

In adopting the Senate amendment, the committee of conference expresses its strong opposition in principle to the alarming and growing congressional practice of legislating in appropriations acts.

Aggregate ceilings

The House bill amended section 31 of the Arms Export Control Act to set aggregate ceilings totalling $3.116 billion on the amount of FMS credits and guaranties which can be extended in fiscal year 1981.

The Senate amendment set aggragate ceilings of $3.090 billion.

The conference substitute (sec. 106(b)(1) and 106(b)(2)) is the same as the House aggregate ceilings.

In adopting the House aggregate ceiling, the conferees recommend the following amounts in FMS guaranties to the following countries: Zaire, $6 million; Sudan, $55 million; Morocco, $45 million; Tunisia, $30 million; and the Philippines, $50 million.

The House Foreign Affairs Committee voted to defer $5 million of the $50 million FMS request for the Philippines in order to send a signal to the Marcos government on the violations of human rights in that country. The Senate Foreign Relations Committee, while fully in accord with the House committee's human rights concerns, voted to provide the full $50 million. The committee of conference agreed to fund the $50 million program requested by the executive branch with the explicit understanding that this action in no way diminishes congressional concerns about the human rights policies of the Marcos government. In particular, the committee of conference is concerned about the continuation of martial law (now in its eight year), the continued suspension of civil and political liberties, and the unwillingness of President Marcos to hold free and fair national elections. Both committees shall continue to monitor closely the human rights situation in the Philippines, and reserve the right to take appropriate action on future assistance requests.

Specific country ceilings

The House bill amended section 31 of the Arms Export Control Act to set ceilings of $45 million and $70 million on FMS guaranties for the Philippines and Thailand, respectively.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position.

Korea earmark

The Senate amendment earmarked $175 million in FMS guaranties for Korea.

The House bill had no comparable earmark.

The conference substitute is the same as the House position.

Favorable repayment terms for Somalia

The Senate amendment gave the President discretionary authority to provide FMS guaranties to Somalia on favorable repayment terms in fiscal year 1981. Repayment terms call for repayment in 30 years with a 10-year grace period on repayment of principal.

The House bill had no comparable provision.

The conference substitute (Sec. 106(d)) is the same as the Senate amendment. This action should not be construed as constituting congressional endorsement of the executive agreement under which the United States is obtaining access to military facilities in Somalia.

PERFORMANCE OF DEFENSE SERVICES

The Senate amendment amended section 21(c) of the Arms Export Control Act to prohibit the sale of defense services involving training and advising that may engage U.S. personnel in combat activities. (Existing section 21(c) prohibits the sale of defense services involving training, advising, or otherwise providing assistance regarding combat activities.) The Senate amendment also provided for a Presidential report 48 hours after the outbreak of hostilities in countries where U.S. personnel are performing defense services.

The House bill had no comparable provision although the House report on H.R. 6942 delineated the defense services permitted and prohibited under existing section 21(c) of the Arms Export Control Act.

The conference substitute (sec. 102) is the same as the Senate provision.

The report language in the House bill, which established the following guidelines with respect to activities permitted and prohibited under section 21(c), will be used to implement the conference substitute:

Activities permitted	*Activities barred*
Continue to help organize and train ground force units, including training for combat, in support areas.	No trainers, advisers, or other personnel with units engaged in combat.
Continue to help organize and train air force units, including training for combat; continue to help repair and maintain combat equipment; assist in operation and maintenance of airfield facilities, such as hydrant refueling systems and munitions storage and repair facilities.	No flight line activities with combat units, such as arming or fueling aircraft for combat sorties.
Continue to help organize and operate vehicle repair and maintenance activities in support areas.	No personnel with or delivering equipment to units engaged in combat.
Continue to help train personnel in use of highly technical equipment in support areas.	No personnel with units engaged in combat.
Continue to provide advice on military strategy and doctrine at headquarters above unit level.	Do.

NONRECURRING RESEARCH AND DEVELOPMENT COSTS

The House bill amended section 21(e)(2) of the Arms Export Control Act to remove existing Presidential authority to waive reimbursement for certain plant and production equipment and research and development costs for foreign military sales to non-NATO countries which, if made, would encourage foreign procurement in the United States under coproduction arrangements.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. In retaining the present Presidential authority the conferees believe that the executive branch should review the question to determine whether removal of such authority is warranted.

RECIPROCAL TRAINING AGREEMENTS

The Senate amendment amended section 21(g) of the Arms Export Control Act to add Japan, Australia, and New Zealand to NATO countries already eligible for reduced U.S.-sold training rates on the basis of reciprocity.

The House bill contained no comparable provision.

The conference substitute (sec. 103) is the same as the Senate provision.

MILITARY CONSTRUCTION

The House bill added a new chapter to the Arms Export Control Act authorizing the President to make sales of design and construction services (heretofore sold under the Arms Export Control Act as "defense services") and to procure such services for sale to eligible foreign countries. It also provided for congressional notification and possible legislative veto of sales of design and construction services of $200 million or more, and made conforming changes to relevant sections of the Arms Export Control Act to accommodate the new chapter.

The Senate amendment had no comparable provision.

The conference substitute (sec. 105) is the same as the House provision. It is the intent of the conferees that design and construction services sales cases are not to be divided so as to avoid any one case exceeding the $200 million threshold and thereby circumvent congressional notification requirements.

REPORTS TO CONGRESS

The House bill amended several sections of the Arms Export Control Act to exempt NATO and its members, Japan, Australia, and New Zealand from congressional reporting requirements on third-country transfers, on arms sales through FMS procedures and on commercial arms export licenses. The House bill also limited advance congressional notification and possible legislative veto of third-country transfers to countries other than NATO members, Japan, Australia, and New Zealand to only those third-country transfers valued at $7 million or more for major defense equipment or valued at $25 million or more for defense articles and defense services based on original acquisition cost.

The Senate amendment had no comparable provision.

The committee of conference agreed (sec. 101) to adopt the Senate position with an amendment to require that in the case of third-country transfers to NATO and its members, Japan, Australia, and New Zealand only transfers of $7 million or more for major defense equipment and $25 million or more for other defense articles and services need be reported to Congress and be subject to possible legislative veto.

COMMERCIAL EXPORTS TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

The Senate amendment amended section 6(i) of the Export Administration Act to include the Senate Foreign Relations Committee among congressional committees receiving prior notification of commercial export of goods and technology of $7 million or more to countries determined by the Secretary of State to be countries supporting international terrorism. It also provided for 30 day prior notification for such sales. The Senate amendment also expanded the definition of the kinds of sales that must be notified under section 6(i) to include all sales that would have a "potential military capability."

The House bill contained no comparable provision.

The committee of conference agreed (sec. 111) to adopt the Senate provision with an amendment to retain the definition of the kinds of sales that must be reported under section 6(i) of the Export Administration Act to be those which "would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism."

ENGINES FOR IRAQI FRIGATES

The Senate amendment revoked export licenses for any gas turbine engines to be used in Iraqi naval frigates.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The executive branch has assured the conferees that it will not agree to the shipment of the engines for Iraqi frigates so long as the conflict between Iraq and Iran is not resolved and that the license to export the engines expires on January 22, 1981.

COMMERCIAL ARMS SALES

Ceiling

The House bill amended section 38(b)(3) of the Arms Export Control Act to increase from $35 million to $75 million the dollar value of major defense equipment that may be licensed for commercial export to non-NATO countries. Major defense equipment valued at more than the $75 million figure would have to be sold through government-to-government FMS procedures.

The Senate amendment repealed section 38(b)(3) thereby eliminating any ceiling on the dollar value of major defense equipment that may be sold commercially.

The conference substitute (sec. 107(a)) provides for a $100 million ceiling.

Congressional disapproval

The Senate amendment amended section 36 of the Arms Export Control Act to provide for possible legislative veto of commercial arms sales valued at $7 million or more for major defense equipment of $25 million or more for defense articles or defense services.

The House bill contained no comparable provision.

The committee of conference agreed (sec. 107(b)) to adopt the Senate provision with an amendment to exempt NATO and its members, Australia, New Zealand, and Japan from the legislative veto requirements of the Senate provision. Commercial sales to these countries will still be subject to advance notification to the Congress under section 36(c). Under present law, Congress does not have a legislative veto over commercial sales to NATO countries, Japan, Australia, and New Zealand.

Presidential authority to require FMS rather than commercial arms sales

The Senate amendment amended section 38(a) of the Arms Export Control Act to authorize the President to require that any particular arms sale be made as a government-to-government FMS sale rather than as a commercial arms sale. It also authorized the President to require that persons engaged in the negotiation of a potential commercial arms sale keep the President informed of the progress of such negotiation.

The House bill had no comparable provision.

The conference substitute (sec. 107(c)) is the same as the Senate provision.

Inclusion of commercial arms sales in the arms sales proposal

The Senate amendment amended section 25(d) of the Arms Export Control Act to include qualifying commercial sales in the list of possible arms sales for the upcoming fiscal year reported to Congress under section 25(d).

The House bill had no comparable provision.

The conference substitute (sec. 107(d)) is the same as the Senate provision.

Third-country transfers of commercial arms

The Senate amendment amended section 3 of the Arms Export Control Act to require congressional notification and possible legislative veto of third-country transfers of major defense equipment valued at $7 million or more or defense articles or defense services valued at $25 million or more that were originally exported commercially.

The House bill had no comparable provision.

The committee of conference agreed (sec. 101(a)(1)) to adopt the Senate amendment with an amendment deleting the portion providing for a legislative veto of third-country transfers of commercially exported arms.

DEFENSE ARTICLES WITH A DIRECT CIVILIAN APPLICATION

The House bill amended section 38 of the Arms Export Control Act to remove from the U.S. Munitions List for purposes of export to non-Communist countries certain types of equipment and technical data that in some cases have a direct civilian application (e.g., communication and electronics equipment, transport, utility, or training helicopters, propeller-driven transport, utility, or training aircraft, and trucks and vehicles). The House bill provided for possible control of these items by the Commerce Department through the Export Administration Act and required the President to determine if a removal of these items is consistent with U.S. policy in such areas as international terrorism, nuclear proliferation, environmental protection, and human rights. The House bill also provided the President with discretionary authority to require a foreign country statement of purposes as to how these items which the United States proposes to export will be used.

The Senate amendment required a Presidential review and report on categories of defense articles on the U.S. Munitions List and expressed the sense of the Senate that items not be removed from the U.S. Munitions List which have direct military application or contain technology used for military, security, intelligence, cryptology, or nuclear weapons purposes.

The committee of conference agreed (sec. 108) to adopt the Senate provision with an amendment to require the President to assess the advisability of exporting to Argentina through commercial channels the item identified in the House bill, notwithstanding the provisions of section 620B of the Foreign Assistance Act which prohibits such export to Argentina.

SPECIAL AUTHORITY

Presidential determination and report to Congress

The House bill amended section 614 of the Foreign Assistance Act of 1961 to authorize Presidential use of the special authority if the President determines that to do so is "important" to U.S. security. (As amended, the special authority in section 614 would authorize the President to provide up to $250 million in assistance under the Foreign Assistance Act and Arms Export Control Act without regard to any prohibitions or restrictions in those acts or in annual authorization or appropriations acts unless the use of the special authority is expressly forbidden by any prohibition or restriction to waive the prohibition or restriction in question.)

The Senate amendment amended section 614 of the Foreign Assistance Act to authorize Presidential use of the special authority if he determines that to do so is "vital" to U.S. security and so notifies the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Appropriations Committees of both Houses of Congress.

The committee of conference agreed (secs. 117(a)(1) and 117(a)(2)) to adopt a compromise provision which: (1) Requires the President to determine that it is important to U.S. security interests to use Foreign Assistance Act funds under the special authority; and (2) requires the President to determine that such authorization is vital to the U.S. national security interests to use Arms Export Control Act funds under the special authority.

The conferees note that the various existing prior notification requirements and prohibitions on the use of section 614(a) in existing law will remain in force and are not to be construed to be superseded by the adoption of the conference substitute.

Prior consultation

The Senate amendment amended section 614 of the Foreign Assistance Act of 1961 to require the President "in every possible instance" to consult with the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Appropriations Committees of both Houses of Congress before exercising the special authority. The Senate amendment deleted a reporting requirement that would have been redundant if the Senate provision had been adopted.

The House bill had no comparable provision.

The committee of conference agreed (section 117(a)(3)) to adopt a compromise provision with provides that the President "shall consult" with the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Appropriations Committees of both Houses of Congress before exercising the special authority.

REPORTS TO CONGRESS ON INTELLIGENCE ACTIVITIES

The House bill amended section 662 of the Foreign Assistance Act to establish new criteria for conducting covert operations and reporting such operations to Congress. The House bill reduced from eight to two the number of committees receiving reports on covert operations and clarified existing law concerning the question of prior notification of such operations. The House bill provided exceptions to prior reporting to Congress of covert operations for the shortest practicable period under certain circumstances (i.e., if deferral or reporting was essential to meet extraordinary circumstances affecting the vital interest of the United States or was essential to avoid unreasonable risk to the safety or security of the personnel or methods employed).

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. (This issue was resolved by enactment of S. 2597, the intelligence authorization legislation.)

PROHIBITION ON ASSISTANCE TO THE PEOPLE'S REPUBLIC OF CHINA

The House bill prohibited any assistance under title I in fiscal year 1981 to the People's Republic of China (PRC).

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The conferees note that the executive branch has no intention of providing military assistance to the PRC in fiscal year 1981 and that military assistance to the PRC is prohibited by section 620(f) of the Foreign Assistance Act of 1961. The conferees felt the provision was redundant and, therefore, unnecessary.

EXPORT CONTROLS OF DEPLETED URANIUM INCORPORATED IN DEFENSE ARTICLES

The Senate amendment stated that if a determination is made, depleted uranium to be incorporated in defense articles or commodities solely to take advantage of high-density or pyrophoric characteristics would be exempted from export controls under the Atomic Energy Act of 1954 and the Nuclear Nonproliferation Act of 1978, if such items are already controlled under the Arms Export Control Act or the Export Administration Act.

The House bill had no comparable provision.

The committee of conference agreed (sec. 110) to adopt the Senate provision with an amendment to delete the words "to be" thereby assuring that exports of bulk depleted uranium would not be authorized.

The conferees express their understanding that the determination called for in the Senate provision is to be made by the agency responsible for the administration of the export control program applicable to the defense articles or commodities in question, provided that such determination is made in consultation with those officials of the Department of State directly responsible for nonproliferation matters. Second, the conferees request congressional notification in the event that unusually large quantities of depleted uranium in defense articles are proposed for export to any country other than a member of NATO, Australia, New Zealand, and Japan.

MILITARY OPERATIONS IN ANGOLA

The Senate amendment prohibited assistance of any kind for military or paramilitary operations in Angola unless the President determines such assistance is in the U.S. national security interest and so reports to Congress, detailing the amounts of assistance and its recipients. (Existing law prohibits assistance of any kind for military or paramilitary operations in Angola unless expressly authorized by Congress. It also provides for a report to Congress, detailing types and amounts of assistance and its recipients if the President determines assistance to Angola for such operations should be furnished in the national security interest.)

The House bill had no comparable provision.

The committee of conference agreed (sec. 118) to adopt the Senate provision with an amendment to provide that the Presidential determination must be acted upon through a joint resolution of the Congress under expedited procedures before assistance can be provided for military or paramilitary operations in Angola. The conference substitute cannot be waived by any other provision of law.

REPORTS ON LEASES OF DEFENSE PROPERTY

The Senate amendment required the President to report to Congress 30 days in advance of any leasing of defense property for more than 6 months to a foreign government.

The House bill had no comparable provision.

The committee of conference agreed (sec. 109) to adopt the Senate provision with three amendments:

(1) Providing that the report called for in the Senate provision applies only to those leases of defense property that involve ma-

jor defense equipment valued at $7 million or more or other property valued at $25 million or more;

(2) Providing that such leases of defense property be subject to the approval of the Secretary of State; and

(3) Providing that leases of defense property for more than 6 months valued at $1 million or more be reported quarterly under section 36(a) of the Arms Export Control Act.

It is the intent of the conferees that the executive branch will not enter into leases of defense property for less than 6-month periods to avoid reporting under the conference substitute. It is also the intent of the conferees that the executive branch will not divide such leases to avoid the dollar thresholds on the reporting requirements. Further, it is the intent of the conferees that the executive branch consult with the Congress prior to entering into any lease which could be considered controversial or which could be considered politically or militarily significant in terms of its impact on a nation or a region of the world.

TITLE II—ECONOMIC SUPPORT FUND

FUNDING

The House bill amended section 531(b) of the Foreign Assistance Act to authorize an appropriation of $2,100,500 for fiscal year 1981 for the Economic Support Fund (ESF).

The Senate amendment amended the same section to authorize an appropriation for fiscal year 1981 of $2,049,500,000.

The committee of conference agreed to an authorization of $2,065,300,000.

Funding levels agreed to by the conferees are shown in the following table:

FUNDING ISSUES

[In thousands]

Country/program	Executive branch request (January 1980)	House bill	Senate amendment	Conference substitute
Africa:				
Botswana	$15,000	$15,000	$15,000	----------
Mozambique	9,000	[1] 6,000	9,000	----------
Tanzania		10,000		
Uganda		12,000		
Zambia	27,000	[1] 20,300	27,000	----------
Zimbabwe			30,000	----------
Southern Africa regional	39,000	39,000	9,000	----------
Subtotal for Southern African accounts	90,000	102,300	[2] 90,000	$102,300
Sudan	50,000	50,000	[2] 50,000	50,000
Regional subtotal	140,000	152,300	140,000	152,300
Asia: Philippines	30,000	30,000	30,000	30,000
Latin America and Caribbean:				
Jamaica	3,000	3,000	3,000	3,000
Nicaragua	25,000	25,000	25,000	25,000
Regional subtotal	28,000	28,000	28,000	28,000
Near East:				
Egypt	750,000	[2] 750,000	[2] 750,000	[2] 750,000
Israel	785,000	[2] 785,000	[2] 785,000	[2] 785,000
Jordan/Maqarin Dam	50,000	50,000	50,000	50,000
Lebanon	7,000	10,000	7,000	10,000
Turkey	200,000	[2] 200,000	[2] 200,000	[2] 200,000
Syria	5,000	(3)	(3)	----------
Regional cooperative programs	5,000	(4)	[4] 5,000	----------
West Bank/Gaza	3,000	(5)	[2 5] 7,000	----------
Project development and support	500	500	[6] 500	500
Middle East special requirements		[2 7] 16,000	----------	12,500
Regional subtotal	1,805,500	1,811,500	1,804,500	1,808,000
Other:				
Cyprus		(8)	[2] 15,000	[2] 15,000
Portugal	20,000	[9] 25,000	[2] 25,000	25,000
Spain	7,000	7,000	7,000	7,000
Regional subtotal	27,000	32,000	47,000	47,000
Unallocated emergency fund	[10] 50,000	50,000		
Unassigned		[11] 6,700		
Economic support fund total	[10] 2,080,500	2,110,500	2,049,500	2,065,300

[1] Ceiling.

[2] Earmarked.

[3] The House bill prohibited any ESF assistance to Syria. The Senate amendment had no comparable provision, but the Senate committee deleted $5,000,000 for Syria from their bill.

[4] The House bill included $5,500,000 for regional cooperative programs under the Middle East special requirements account (see footnote 7). The Senate amendment included $5,000,000 for regional cooperative programs under the regional projects account.

[5] The House bill included $7,000,000 for the West Bank and Gaza under the Middle East special requirements account (see footnote 7). The Senate amendment earmarked $7,000,000 for the West Bank and Gaza under the regional projects account.

[6] The Senate amendment included $500,000 for project development and support under the regional projects account.

[7] The $16,000,000 contained in the House bill for the Middle East special requirements fund included $5,500,000 for regional cooperative programs, $7,000,000 for West Bank/Gaza, and up to $3,500,000 for participant training programs.

[8] The House committee also approved $15,000,000 for Cyprus, but included it in the migration and refugee account (sec. 405).

[9] This amount included an additional $5,000,000 for earthquake assistance to the Azores.

[10] This total was the President's January request. The Senate committee used the President's March revised budget of $2,030,500, which was officially transmitted to Congress after H.R. 6912 was ordered reported by the House committee. The President's March budget was the same as the January budget except for the deletion of the $50,000,000 unallocated emergency fund.

[11] The administration requested $27,000,000 for Zambia. H.R. 6942 limits the authorized amount for Zambia to $20,300,000. The difference, $6,700,000 is unallocated within the ESF account.

In agreeing on a total of $102.3 million for ESF assistance to southern Africa in fiscal year 1981, without specifying country assistance levels within that total, the committee of conference did not intend that countries proposed for assistance under the House or Senate bills which were not cited in the executive branch request should be eliminated from ESF assistance in fiscal year 1981. For example, the committee of conference intends that of the total Economic Support Fund authorization for fiscal year 1981, up to $10 million is to be available for Tanzania and up to $12 million be for Uganda.

TURKEY AID

The House bill provided that not less than $200 million of the ESF authorization for fiscal year 1981 shall be available for Turkey.

The Senate amendment provided that not more than $200 million of the ESF authorized for fiscal year 1981 shall be available for Turkey.

The conference substitute (sec. 202(3)(b)) is the same as the House provision.

JORDAN AID

Uses of aid

The House bill amended chapter 4 of Part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981 for Jordan, $50 million shall be available only as follows: (1) Up to $40 million for the Maqarin Dam and Jordan Valley irrigation system; and (2) $10 million and so much of the remainder of the $50 million as is not used for the Maqarin Dam and Jordan Valley irrigation system for other development programs in Jordan.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The conferees intend that the bulk of the $50 million authorized for Jordan be available for the construction of the Maqarin Dam but that some of the money, including any funds which cannot be obligated for the Maqarin Dam, be used to support bilateral economic aid projects in Jordan.

Peace efforts

The House bill expressed the sense of Congress that for Jordan to receive any funds appropriated under this act, it should be judged by the President that Jordan is acting in good faith "to achieve progress toward peace in the Middle East" and that such assistance "will serve to further the process of peace in the Middle East."

The Senate amendment had no comparable provision.

The conference substitute (sec. 712) is the same as the House provision with an amendment deleting the words "progress toward" and "the process of".

SYRIA PROHIBITION

The House bill provided that none of the ESF for fiscal year 1981 may be made available for Syria.

The Senate amendment had no comparable provision.

The conference substitute (sec. 202(f)) is the same as the House provision.

MIDDLE EAST SPECIAL REQUIREMENTS FUND

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that of the funds authorized for ESF for fiscal year 1981, $16 million shall be available only for special requirements in the Middle East including regional programs, development programs on the West Bank and in Gaza, and participant training programs.

The Senate amendment provided that not less than $7 million shall be available only for development programs of private and voluntary agencies on the West Bank and in Gaza.

The conference substitute (sec. 202) states that $12.5 million of the ESF authorized to be appropriated for fiscal year 1981 may be used for special requirements in the Middle East. The committee of conference intends that $7 million of this amount be used for development programs on the West Bank and in Gaza and $5.5 million for regional cooperative programs.

MOZAMBIQUE CEILING

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that of the ESF funds authorized for fiscal year 1981, not more than $6 million may be used for Mozambique.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. It is the intention of the conferees that $6 million of the amount authorized for ESF for fiscal year 1981 will be used for assistance to Mozambique.

ZAMBIA

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that not more than $20.3 million of the funds authorized for ESF for fiscal year 1981 may be made available for Zambia.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. It is the intention of the conferees that $20.3 million of the amount authorized for ESF for fiscal year 1981 will be used for assistance to Zambia.

SOUTHERN AFRICA PROGRAM

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, $90 million shall be available for the countries of southern Africa.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The conferees intend that, as shown in the ESF table of funding levels for fiscal year 1981, the total for southern African accounts for the year is to be $102.3 million.

CYPRUS AID

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, $15 million shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

The House bill had no comparable provision under the ESF authorization, but included $15 million for this purpose under the fiscal year 1981 authorization level for migration and refugee assistance.

The conference substitute (sec. 202(c)) is the same as the Senate provision.

PORTUGAL AID

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, $25 million shall be available only for Portugal which was also intended to include $5 million for Azores disaster relief.

The House bill had no comparable provision. However, the House ESF total included $25 million for Portugal of which $5 million was for disaster assistance for the Azores.

The conference substitute is the same as the House provision. The conferees intend that $25 million of the ESF in fiscal year 1981 will be for Portugal, of which $5 million is to be for disaster assistance for the Azores. The conferees acted after receiving assurance from the executive branch of intent to provide such assistance in fiscal year 1981. Following is the text of a letter sent to Chairman Clement J. Zablocki of the House Foreign Affairs Committee and Chairman Frank Church of the Senate Foreign Relations Committee:

DEPARTMENT OF STATE,
Washington, D.C., November 20, 1980.

DEAR MR. CHAIRMAN: During yesterday's meeting of the Committee of Conference on the FY 1981 foreign aid authorization bill, the conferees agreed to lift earmarkings on the Sudan and Portugal ESF programs contingent upon receipt of a letter from the Administration providing assurances that the requested programs would be funded.

This is to advise you that the Executive Branch has requested and intends to fund the $50 million program for the Sudan. With regard to Portugal, the Executive Branch requested a $20 million program, while $5 million additional was authorized in the House and Senate authorization bills and by the House Appropriations Committee for earthquake disaster assistance to the Azores. It is the Administration's intention to provide a $25 million ESF program for Portugal in FY 1981, including $5 million in earthquake assistance to the Azores.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary for
Congressional Relations.

SUDAN AID

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, $50 million shall be available for Sudan.

The House bill had no comparable provision. However, the House total authorization level for ESF for fiscal year 1981 included $50 million intended for Sudan.

The conference substitute is the same as the House provision. The conferees intend that $50 million of ESF in fiscal year 1981 be for Sudan. The conferees acted after receiving assurance from the executive branch of intention to fund the $50 million for Sudan. (For a text of the executive branch statement, see the letter to the chairman from J. Brian Atwood, Assistant Secretary of State for Congressional Relations, printed in the explanation of the Portugal aid issue.)

PEACE IN THE MIDDLE EAST

The House bill states the following sense of Congress:

"SEC. 711. (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take actions to encourage parties not curently involved in the peace process to become active participants in peace efforts.

"(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Government of Egypt should maintain and strengthen its commitment to the process of normalization of relations with Israel and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the Government of Israel should assure that its settlement policies and actions in the occupied territories are consistent with the objectives of achieving peace and of involving other parties in the peace process."

The Senate amendment had no comparable provision.

The conference substitute (sec. 711) is the same as the House provision, with an amendment to section 711(b) as follows:

Clause (2) is amended to read "(2) the Governments of Israel and Egypt should maintain and strengthen their commitments to the process of normalization of relations and continue actions to support that commitment."

Clause (4) is amended to read "(4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process."

MESRF LIMITATION

The House bill repeated the limitation on the use of the Middle East Special Requirements Funds (MESRF's), in section 553(b) of the Foreign Assistance Act of 1961, which requires a Presidential report setting forth the name of the proposed recipient, the amount and the purpose for which the funds are to be made available, and a 30-day period for congressional disapproval of the proposed use of such funds.

The Senate amendment had no comparable provision.

The conference substitute (sec. 202(d)) is the same as the House provision.

GRANT TO EGYPT

The House bill amended chapter 4 of part II of the Foreign Assistance Act to require that not less than two-thirds of the Economic Support Funds made available to Egypt for fiscal year 1981 be provided on a grant basis.

The Senate amendment amended the same chapter to require all of the Economic Support Funds for Egypt for fiscal year 1981 be provided on a grant basis.

The conference substitute (sec. 202(2)) is the same as the Senate provision.

PROJECT AID FOR EGYPT

The Senate amendment amended section 610(k) of the Foreign Assistance Act of 1961 to exempt projects in Egypt, for fiscal years 1980 and 1981, from the $100 million assistance ceiling on aid for construction of any productive enterprise.

The House bill had no comparable provision.

The conference substitute (Sec. 203) is the same as the Senate provision.

FULL CASH TRANSFER TO ISRAEL

The Senate amendment retained section 532(b)(2) of the Foreign Assistance Act which provides that the ESF assistance to Israel may be made available on a cash transfer basis as long as the President insures that the level of cash transfers to Israel does not adversely affect U.S. nonmilitary exports to Israel.

The House bill had no comparable provision.

The conference substitute (Sec. 201(2)) is the same as the Senate provision.

DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

The House bill required the President to report to Congress by January 15, 1981, on the economic conditions in Egypt, Israel, Portugal, and Turkey which may affect their ability to meet their international debt obligations and to stabilize their economies.

The Senate amendment had no comparable provision.

The conference substitute (Sec. 713) is the same as the House provision.

NUCLEAR FACILITIES PROHIBITION

The House bill amended section 531(b)(1) of the Foreign Assistance Act to prohibit the use of the ESF to finance the construction, maintenance, or fueling of nuclear facilities in foreign countries except in special cases where the President certifies that the use of such funds is indispensable to the achievement of nonproliferation objectives.

The Senate amendment had no comparable provision.

The conference substitute (sec. 202(g)) is the same as the House provision with an amendment limiting the application of the provision to fiscal year 1981.

CONTINGENCY AUTHORITY

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that up to $50 million in fiscal year 1981 ESF appropriations may be used for emergencies, for ESF purposes, when urgently required in the national interests of the United States, including up to 5 percent of funds programed for any country notwithstanding earmarks in the House bill.

The Senate amendment contained a similar provision, with the $50 million available notwithstanding any restriction of this act and with no 5-percent limit on the amount that may be taken out of a country account.

The conference substitute (Sec. 202(e)) is the same as the House position.

ZIMBABWE REPORT

The House bill amended chapter 4 of part II of the Foreign Assistance Act to require that if Zimbabwe receives ESF assistance, the President is to report to Congress every 60 days on the internal situation in Zimbabwe and particularly on its observance of human rights.

The Senate amendment contained a similar provision, requiring the report to assess implementation of the Declaration of Rights contained in annex C of the agreement signed at Lancaster House, London, by the participants in the Constitutional Conference on Southern Rhodesia on December 23, 1979.

The conference substitute (sec. 720) is the same as the Senate provision.

UGANDA ELECTIONS

The House bill directed the President to take into account whether or not free elections were held in Uganda as planned in 1980 when determining the levels of assistance to Uganda and Tanzania.

The Senate amendment had no comparable provision.

The conference substitute (sec. 719) is the same as the House provision with an amendment deleting the reference to Tanzania and the reference to the planned holding of elections in 1980.

NICARAGUA

Conditions

The House bill restated the conditions on U.S. economic support funds assistance to Nicaragua that are contained in section 536 of the Foreign Assistance Act, as amended by Public Law 96-257, the Special Central American Assistance Act of 1979.

The Senate amendment had no comparable amendment.

The conference substitute (Sec. 201) is the same as the House provision.

Reporting requirement

The House bill required the President to report every 90 days on the internal situation in Nicaragua, particularly on the observance of human rights and progress in the establishment of democratic political institutions.

The Senate amendment had no comparable amendment.

The conference substitute is the same as the Senate position.

Title III—Development Assistance

POPULATION

Natural family planning

The Senate amendment added "provision of information and services related to natural family planning methods" to the description of family planning programs in section 104 of the Foreign Assistance Act.

The House bill had no comparable provision.

The conference substitute (sec. 302(a)) is the same as the Senate provision.

Special programs

The Senate amendment earmarked $4.5 million of the funds authorized for sec. 104, population activities, for the World Health Organization (WHO) special program of research, development, and research training in human reproduction, and $35 million for the U.N. Fund for Population Activities (UNFPA).

The House bill did not contain similar earmarks.

The conference substitute (sec. 302(b)) earmarks $3 million for the WHO program. While not earmarking funds for the UNFPA, the committee of conference intends that of the funds appropriated for population programs, not less than $35 million should be made available to the U.N. Fund for Population Activities.

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES

The House bill changed the title of section 106 of the Foreign Assistance Act from "Technical Assistance, Energy, Research, Reconstruction, and Selected Development Problems" to "Energy and Selected Development Activities" and consolidates the energy provisions of section 106 and section 119 of the Foreign Assistance Act into a new section 106.

The Senate amendment had no comparable provision.

The conference substitute (section 304), is the same as the House provision, with an amendment making the title "Energy, Private Voluntary Organizations, and Selected Development Activities" and making several technical changes.

HUMAN RIGHTS ACTIVITIES

The House bill amended section 116(e) of the Foreign Assistance Act to authorize and encourage the President to use not less than $1.5 million in fiscal year 1981 to carry out programs and activities to promote adherence to civil and political rights as set forth in the Universal Declaration of Human Rights.

The Senate amendment had no comparable provision.

The conference substitute (section 505) is the same as the House provision.

DISAPPEARANCE OF PERSONS

The House bill included "causing the disappearance of persons" in the definition of gross violations of internationally recognized human rights contained in the Foreign Assistance Act and the Agricultural Trade Development and Assistance Act of 1954.

The Senate amendment had no comparable provision.

The conference substitute (section 701) is the same as the House provision.

ENVIRONMENTAL PROGRAMS

The Senate amendment earmarked $2.5 million of the funds authorized for section 118 of the Foreign Assistance Act for the preparation of environmental profiles of developing countries and for natural resources protection and management programs.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The committee of conference recommends that the Agency for International Development continue to strengthen its efforts to assist recipient countries to prepare environmental profiles and support programs to protect and improve management of their environment and natural resources and that the agency spend not less than $2.5 million for these purposes.

PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES

Project preparation

The Senate amendment contained a provision amending section 123 of the Foreign Assistance Act to permit AID to fund part of the cost of project preparation activities of private voluntary organizations.

The House bill had no comparable provision.

The conference substitute (section 307(1)) is the same as the Senate provision, with an amendment specifying that such reimbursement be made only if necessary and on a case-by-case basis.

Agency procedures

The Senate amendment adds new language to section 123 of the Foreign Assistance Act directing AID to simplify procedures for development and approval of projects to be carried out by qualified private voluntary organizations.

The House bill had no comparable provision.

The conference substitute (sec. 307(2)) is the same as the Senate provision.

Country prohibitions

The House bill amended sec. 123 of the Foreign Assistance Act to permit AID-funded private voluntary organization activity to continue in countries where prohibitions on U.S. assistance have subsequently become applicable.

The Senate amendment contained a similar provision, with the additional requirement that the President report to the Congress on the reasons for such a continuation.

The conference substitute (sec 307(3)) is the same as the Senate provision.

Ocean freight reimbursement

The conferees reaffirm their strong support of the humanitarian and development work of private and voluntary organizations. The conferees urge and expect the Agency for International Development to provide adequate funding for ocean freight reimbursement as authorized by section 123(b) of the Foreign Assistance Act of 1961.

UNITED NATIONS ENVIRONMENT PROGRAM

The Senate amendment provided that not less than $9 million of the funds authorized for voluntary contributions to international organizations (sec. 302 of the Foreign Assistance Act) shall be available only for the United Nations Environment Program.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The committee of conference urges and expects that the fiscal year 1981 contribution be $10 million, the level at which the program was supported in fiscal year 1980.

EASTERN CARIBBEAN

The House bill urged the President to use up to $7 million for bilateral development assistance for the Eastern Caribbean countries and directed him to report to Congress by February 1, 1981, on the implementation of this section.

The Senate amendment had no comparable provision.

The conference substitute (Sec. 313) is the same as the House provision.

ASSISTANCE TO EQUATORIAL GUINEA

The House bill urged the President to use up to $3 million for assistance to Equatorial Guinea if warranted by conditions there.

The Senate amendment had no comparable provision.

The conference substitute (sec. 314) is the same as the House provision.

WORLD HUNGER

The Senate amendment provided that in order to further the intent of section 103 of the Foreign Assistance Act, the Administrator of the Agency for International Development shall encourage the ongoing work of private voluntary organizations to deal with world hunger problems abroad.

The House bill had no comparable provision.

The substitute (sec. 316) is the same as the Senate provision, with an amendment substituting the Director of the International Development Cooperation Agency for the Administrator of AID in those instances in which the Senate provision had named the AID Administrator. The amendment recognizes that under the governmental reorganization undertaken in 1979, IDCA, of which AID is a component, has prime responsibility within the U.S. Government on matters concerning development and other efforts to improve living conditions in developing countries.

POSTHARVEST FOOD LOSSES

The Senate amendment expressed the sense of Congress that the President should reaffirm U.S. support for the goal established by the U.N. General Assembly of reducing the postharvest losses of food by 50 percent and that the Agency for International Development should substantially increase the proportion of its resources devoted to this purpose.

The House bill had no comparable provision.

The conference substitute (sec. 317) is the same as the Senate provision.

CARIBBEAN DEVELOPMENT BANK

The Senate amendment provided the President, after consultation with Congress, with the authority to transfer repayment obligations of the Caribbean Development Bank to the recipient members of the Caribbean Development Bank, notwithstanding section 620(r) of the Foreign Assistance Act.

The House bill had no comparable provision.

The conference substitute (section 315) is the same as the Senate provision.

TITLE IV—OTHER ASSISTANCE PROGRAMS

NARCOTICS CONTROL ASSISTANCE

UNFDAC ceiling

The House bill amended section 402 of the Foreign Assistance Act, placing a ceiling of $3 million on the U.S. contribution to the U.N. Fund for Drug Abuse Control, or 50 percent of the total contributions by all countries to the Fund, whichever is less.

The Senate amendment had no comparable provision.

The conference substitute (sec. 402(a) (2)) is the same as the House provision.

Excess Pakistani currency

The Senate amendment made available up to $10 million in excess Pakistani currency and credits for narcotics control assistance to Pakistan; waived the requirement for a special appropriation act provision to allocate such funds; waived the limits on expenditures of foreign currencies received under Public Law 480; and exempted this provision from appropriation acts' prohibitions on using appropriated funds to administer programs funded from foreign currencies.

The House bill had no comparable provision.

The conference substitute (sec. 402(6)) incorporates the Senate provision with an amendment which waives an additional provision of existing law which might obstruct expenditures of excess foreign currency funds in this matter, and also conditions this authorization upon a further provision in an appropriation act, including a contining resolution, thus assuring some Appropriations Committee role in approving the expenditure of excess currency funds as authorized by this provision.

Aircraft in Colombia

The Senate amendment contained a provision which would make available aircraft, communications equipment, and operational support to the Colombian antinarcotics enforcement program under section 481 of the Foreign Assistance Act.

The House bill had no comparable provision.

The conference substitute (sec. 402(c)) is the same as the Senate provision, except for technical changes necessitated by the fact that this legislation was not enacted before October 1, 1980, as had been the assumption when the provision was adopted in the Senate.

INTERNATIONAL DISASTER ASSISTANCE

The House bill amended section 492 of the Foreign Assistance Act to allow the President to transfer up to $50 million into the international disaster assistance account in any fiscal year from funds available under other provisions of the Foreign Assistance Act using the authority of section 614(a) (transfer between accounts) of that act without regard to the 20-percent limitation in section 610(a).

The Senate amendment had no comparable provision.

The committee of conference agreed on a substitute for the House provision which contained some technical modification designed to achieve the same goal of flexibility in obtaining up to $50 million additional funding for the international disaster assistance account in emergencies in any one year. The substitute (sec. 404) provides that up to $50 million in any fiscal year may be obligated against appropriations under part I of the Foreign Assistance Act (economic assistance), other than the international disaster assistance appropriations, for use in accord with the provisions of section 491 of the Foreign Assistance Act. Section 491 sets forth the authorities and general policies covering the international disaster assistance account. Amounts subsequently appropriated under the international disaster assistance account for a disaster may be used to reimburse any account against which funds for that disaster were drawn under this authority.

AFRICAN REHABILITATION AND RESETTLEMENT

The House bill amended section 495F of the Foreign Assistance Act to authorize $15 million for the longer term rehabilitation and resettlement needs of displaced persons and other victims of civil strife in African developing countries. It directed that the funds be used for semipermanent housing, potable water supply systems, and sanitary facilities and provided that the assistance be furnished under the authority of section 491 of the Foreign Assistance Act, which deals with disaster relief.

The Senate amendment had no comparable provision.

The conference substitute (sec. 405) is the same as the House provision.

MIGRATION AND REFUGEE ASSISTANCE

Legislative vehicle

The House bill amended section 102 of the States Department Authorization Act, fiscal years 1980 and 1981, to provide a supplemental fiscal year 1981 authorization for migration and refugee assistance.

The Senate amendment did not contain such authorization; a fiscal year 1981 supplemental authorization for migration and refugee assistance was included in S. 2727, authorizing supplemental appropriations for the Department of State and the Board for International Broadcasting for fiscal years 1980 and 1981.

The conference substitute (sec. 406) retains the supplemental fiscal year 1981 authorization for migration and refugee assistance in this bill.

Migration and refugee assistance funding levels for fiscal year 1981

The House bill authorized an additional $107,411,000 for migration and refugee assistance in fiscal year 1981. The House authorization included the President's January 1980 supplemental budget request of $94,411,000 plus $13 million intended for Cyprus refugees in addition to the $2 million programed for such refugees under the President's January request.

The Senate amendment had no comparable amendment; however, S. 2727 authorized $57,411,000 for refugee assistance for fiscal year 1981 which is $2 million less than the President's revised March request of $59,411,000 for this purpose. The $2 million reduction was made in view of the decision to retain the Cyprus account in the ESF authorization.

The conference substitute (sec. 406) authorized an additional $59,411,000 for migration and refugee assistance in fiscal year 1981 as requested by the President in his revised March 1980 budget request, and retains the Cyprus program in the ESF authorization.

Noting the burgeoning worldwide refugee problem, the committee of conference expressed the view that, should this authorization level be insufficient for the remainder of fiscal year 1981, the Congress would be sympathetic to requests for appropriate increases in the account if the need arises. The committee of conference further stressed that, while the United States should continue its policy of accepting its fair share of those refugees requiring resettlement, the United States should continue to insist that other members of the world community also accept their fair share of this burden.

Resettlement assistance for Cuban and Haitian refugees

The House bill authorized and earmarked an additional $100 million in fiscal year 1980 migration and refugee assistance funds for resettlement of foreign nationals for whom such assistance is not otherwise authorized and earmarked $100 million of funds appropriated for migration and refugee assistance in fiscal year 1981 for the same purpose. The intent of the House provision was to provide Federal assistance to State and local governments affected by the recent Cuban/Haitian refugee influx.

The Senate amendment had no comparable provision with respect to migration and refugee assistance funds but contained a provision designating those Cubans arriving in the United States between January 1 and June 16, 1980, as refugees so as to permit State and local governments to qualify for assistance under the Refugee Act of 1980.

The conference substitute contains no provision on these issues in view of the fact that subsequent to the adoption of the House bill and the Senate amendment thereto, the Congress enacted and the President signed into law the Refugee Education Assistance Act of 1980 (Public Law 96–422) which authorizes Federal assistance to State and local governments affected by the Cuban/Haitian refugee influx.

International cooperation in Cuban refugee resettlement

The House bill expressed the sense of Congress that the President should encourage and secure greater international cooperation in the resettlement of Cuban refugees and should seek the discussion in an appropriate international forum of the Cuban refugee problem.

The Senate amendment contained a similar provision with additional language relating to the growing refugee phenomenon and historic role in refugee resettlement.

The conference substitute (sec. 715) merges the House and Senate provision on this issue.

Aid to countries cooperating in refugee resettlement

The House bill provided that the Secretary of State shall, to the maximum extent feasible, attempt to channel U.S.. assistance to countries willing to assist Cuban and other refugees.

The Senate amendment had no comparable provision.

The conference substitute (sec. 715(c)) is the same as the House provision.

Expulsion of certain Cuban emigrants

The House bill expressed the sense of Congress that the President should use his authority to order the expulsion of Cuban emigrants who have violated U.S. law by participating in civil disturbances at Federal processing centers.

The Senate amendment had no comparable provision.

The conference substitute (sec. 716) acknowledges the fact that the U.S. Government has already incarcerated those individuals who left Cuba for the United States but who are admitted criminals, security threats, or who incited civil disturbances in Federal processing facilities.

The conference substitute urges the executive branch, consistent with U.S. law to seek the deportation of such individuals.

EAST TIMOR

The Senate amendment expressed the sense of Congress that with regard to East Timor, the President should take all appropriate measures to support relief operations, urge the reuniting of families, and encourage the Government of Indonesia to allow access to East Timor by international journalists.

The House bill contained a similar provision.

The conference substitute (sec. 408) is the same as the Senate provision.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

The House bill provided for the establishment of the African Development Foundation to channel small amounts of development assistance to local community groups and institutions in Africa to support indigenously initiated and administered development projects.

The Senate amendment had no comparable provision.

The conference substitute (secs. 501–511) incorporates the House provision with an amendment that: Deletes from section 504 (a) of the bill the all-encompassing authority to "improve the quality of life of all Africans"; requires the Foundation to the extent possible, to coordinate its development assistance activities with those of the U.S. Government, and private, regional, and international organizations; insures that the Foundation confines its efforts to support for entities engaged in peaceful activities; limits the total number of employees to no more than 25 the first year, 50 the second year, and 75 the third year, and thereafter; reduces the funds available to the Foundation for fiscal year 1981 from $5 million to $2 million; and provides that the provisions of this title shall expire on September 30, 1985. This last provision will give the Foundation time to begin its work, but will require review and affirmative congressional action in order to continue its activities.

TITLE VI—PEACE CORPS

CONTINGENCY FUND

The Senate amendment amended section 15(d)(7) of the Peace Corps Act to increase the Peace Corps contingency fund from $5,000 to $20,000.

The House bill had no similar provision.

The conference substitute (sec. 601(c)) is the same as the Senate provision.

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT

The Senate amendment made technical amendments to the Domestic Volunteer Service Act by removing references to the Peace Corps.

The House bill had no comparable provision.

The conference substitute (sec. 602) is the same as the Senate provision.

RETURNED PEACE CORPS VOLUNTEERS

The House bill required the Peace Corps Director to report to Congress on the development of a plan for more effective utilization of returned Peace Corps volunteers.

The Senate amendment had no comparable provision.

The conference substitute (sec. 603) is the same as the House provision.

TITLE VII—MISCELLANEOUS PROVISIONS

AUDITING OF INTERNATIONAL PROGRAMS

The House bill required the U.S. Comptroller General to report audits required by section 301(d) of the Foreign Assistance Act to the Congress and to the President. The House bill also directed the President to encourage audits of international organizations by external audit programs.

The Senate amendment had no comparable provisions.

The conference substitute (sec. 702) is the same as the House provision.

REPORTS ON INTERNATIONAL ORGANIZATIONS

The House bill added a new section to chapter 3 of part I of the Foreign Assistance Act to require: (1) That annual reports to the Congress on U.S. contributions to international organizations be submitted 9 months after the end of the fiscal year; and (2) that semiannual reports be required, giving a comprehensive cash and in-kind accounting of U.S. contributions to international organizations.

The Senate amendment had no comparable provision.

The conference substitute (sec. 703) is the same as the House provision.

EXPORT ADMINISTRATION ACT

The House bill made a technical amendment to section 502(B)(a)(2) of the Export Administration Act of 1979 so that the reference is to the "Export Administration Act of 1979" rather than the "Export Administration Act of 1969".

The Senate amendment had no comparable provision.

The conference substitute (sec. 704) is the same as the House provision.

HUMAN RIGHTS COMMITTEE

The House bill stated it to be the sense of the Congress that the Interagency Group on Human Rights has been an effective mechanism for coordinating human rights policy and that the President should consider establishing the group on a more permanent basis and report his recommendation for strengthening the group no later than November 1, 1980.

The Senate amendment had no comparable provision.

The conference substitute (sec. 710) is the same as the House provision with an amendment changing the reporting date to July 1, 1981.

PROCUREMENT

The Senate amendment amended section 604(e) of the Foreign Assistance Act to preclude the use of foreign assistance funds to procure construction or engineering services from advanced developing countries that have attained a competitive capability in international markets for construction services or engineering services.

The House bill had no comparable provision.

The conference substitute (sec. 705) is the same as the Senate provision.

This provision is intended to apply to procurement for projects initiated after enactment of this act.

OVERSEAS PERSONNEL CEILINGS

The Senate amendment amended section 624(g) of the Foreign Assistance Act to remove the overseas personnel ceilings with regard to AID Inspector General regional offices.

The House bill had no comparable provision.

The conference substitute (sec. 706) is the same as the Senate provision.

The committee of conference has noted with concern the difficulties encountered by the Agency for International Development in recent years in maintaining adequate overseas audit and inspection presence sufficient to maintain a reasonable degree of audit and investigative oversight of its foreign assistance programs. The Agency is responsible for the prudent administration of billions of dollars in public funds made available for the support of its programs in some 70 of the world's less developed countries. For this task it maintains austerely staffed audit and investigative offices in Washington and certain overseas locations.

The intent of this legislation is to insure that the Agency is provided with clear-cut authority to establish and maintain adequate audit and inspection capability in place in the several regions of the world in which it carries forward the U.S. foreign aid program.

PROHIBITION OF ASSISTANCE

The House bill specified that, except for food assistance and humanitarian assistance distributed directly to the Cambodian people, no funds authorized under this act, including funds authorized under section 302 (a)(1) of the Foreign Assistance Act, may be used for assistance to the Governments of Cuba, Vietnam, and Cambodia.

The Senate amendment had no comparable provision.

The conference substitute (sec. 717) states that funds may not be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. It does not make reference to section 302(a)(1) of the act in order to make clear that the prohibition is not to be construed as applying to funds provided to international organizations.

IDENTIFICATION OF ASSISTANCE

The House bill required the President to take necessary steps to insure that U.S. assistance is identified as having been made available by the people of the United States, and that countries' efforts in this regard be taken into consideration in determining levels of assistance.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference noted that existing provisions in the Foreign Assistance Act and in Public Law 480 require identification of U.S. assistance and urged the Agency for International Development to take all necessary action to comply fully with these requirements.

REPORT OF FOREIGN ASSISTANCE PROVIDED BY OTHER COUNTRIES

The Senate amendment amended section 634(a) of the Foreign Assistance Act to require the annual report on foreign assistance to include information on foreign assistance levels of OECD and OPEC countries.

The House bill had no comparable provision.

The conference substitute (sec. 707) is the same as the Senate provision.

CONSIDERATION OF ACTIONS REGARDING IRAN AND AFGHANISTAN

The Senate amendment called on the Venice summit to give highest priority to actions to resolve the Iran and Afghanistan threats to peace and required the President to report by August 1, 1980, on these deliberations.

The House bill had no comparable provision.

The conference substitute is the same as the House position.

EL SALVADOR

The Senate amendment provided that "None of the funds authorized to be appropriated under this Act or any other provision of law may be made available, directly or indirectly, for the provision of assistance to El Salvador for the purpose of planning or executing the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or the properties or stock shares which may be pertaining thereto."

The House bill had no comparable provision.

The conference substitute is the same as the Senate provision, with an amendment so that it reads: "None of the funds authorized to be appropriated under this Act may be made available for the provision of assistance by El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or the properties or stock shares which may be pertaining thereto."

The committee of conference notes that pursuant to section 620(g) of the Foreign Assistance Act it has been U.S. policy not to permit U.S. assistance to be used for the payment of compensation of any confiscation, nationalization, acquisition, or expropriation of property.

CLEMENT J. ZABLOCKI,
L. H. FOUNTAIN,
DANTE B. FASCELL,
LEE H. HAMILTON,
LESTER L. WOLFF,
JONATHAN BINGHAM,
STEPHEN J. SOLARZ,
DAN MICA,
WILLIAM H. GRAY III,
DAVID BOWEN,
WM. S. BROOMFIELD,
EDWARD J. DERWINSKI,
PAUL FINDLEY,
JOHN BUCHANAN,
LARRY WINN, Jr.,
EDWARD P. BOLAND
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
BILL D. BURLISON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
LES ASPIN
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
CHARLES ROSE
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
J. K. ROBINSON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
JOHN M. ASHBROOK
(solely for consideration of section 113 of the House bill, and modifications committed to conference),
Managers on the Part of the House.

FRANK CHURCH,
CLAIBORNE PELL,
JOE BIDEN,
JOHN GLENN,
JACOB K. JAVITS,
CHARLES H. PERCY,
S. I. HAYAKAWA,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 7584

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

CONFERENCE REPORT (H. REPT. NO. 96–1472)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 13, 19, 21, 23, 24, 26, 27, 29, 33, 39, 41, 42, 43, 50, 55, 56, 58, 61, 62, 64, 66, 67, 68, 71, 78, 79, 80, 81, 83, 85, 86, 87, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 9, 11, 14, 15, 16, 18, 20, 32, 36, 48, 53, 54, 59, 60, 69, 70, 73, and 77, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken by said amendment insert:

SEC. 105. No more than 98 percent of the funds appropriated by this title shall be expended, except for any sums appropriated for the payment to the American Institute in Taiwan.

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$113,650,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22; and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$32,925,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$759,367,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$51,585,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,250,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$112,550,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,705,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,550,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$214,181,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,853,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$76,926,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That no part of this appropriation shall be used by the Legal Services Corporation to provide legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$734,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$609,000,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,708,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 10, 17, 25, 28, 30, 31, 34, 46, 49, 51, 74, 75, 82, 84, 89, 90, 91, 92, 93 and 94.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
JACK HIGHTOWER,
W. G. (BILL) HEFNER,
JAMIE L. WHITTEN,
GEORGE M. O'BRIEN,
MARK ANDREWS,
SILVIO O. CONTE,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
WARREN G. MAGNUSON,
DANIEL K. INOUYE,
QUENTIN BURDICK,
DENNIS DECONCINI,
DALE BUMPERS,
LOWELL WEICKER, Jr.,
MARK HATFIELD,
TED STEVENS,
JAKE GARN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF STATE

Administration of Foreign Affairs

BUYING POWER MAINTENANCE

Amendment No. 1: Deletes an appropriation of $5,000,000, proposed by the House, for a buying power maintenance fund.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Amendment No. 2: Appropriates $481,110,000 as proposed by the House instead of $508,083,000 as proposed by the Senate.

The conferees have deleted the United States 1981 assessed contribution to the International Labor Organization due to the lack of authorization for such appropriation. (The 1980 contribution has been provided.) However, the unavailability of these funds at this time should not be misconstrued as a lack of support for the goals and purposes of this Organization.

In November of 1977 the U.S. withdrew from the ILO because the principles of the ILO charter were not being maintained. In February of 1980 the U.S. rejoined the organization as the ILO withdrew from inappropriate activities and met U.S. conditions for resuming membership. The newly organized federation of Polish workers and their right to organize free trade unions under the ILO Convention is evidence of renewed commitment to basic rights of workers. The U.S. supports these developments and will continue its active role in the ILO. Therefore the authorization situation must be quickly resolved.

THE ASIA FOUNDATION

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"THE ASIA FOUNDATION

"For a grant to the Asia Foundation, $4,100,000, to remain available until expended, notwithstanding section 15(a) of the Act entitled 'An Act to provide certain basic authority for the Department of State', approved August 1, 1956."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Amendment No. 4: Limits the funds which can be expended by the Department of State to 98 per cent of the amounts appropriated in title I, except for funds appropriated for payment to the American Institute in Taiwan, instead of 95 per cent of such amounts as proposed by the House.

The conferees are agreed that the funds appropriated for the security enhancement program of the Department of State in this Act should be excluded from the limitation on the expenditure of funds, and direct the Department to make the full $35,000,000, appropriated for this program, available for obligation and expenditure.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds a general provision that reduces the United States payment to the United Nations Educational, Scientific and Cultural Organization by 25 per cent of that amount which the UNESCO budget provides to the Palestine Liberation Organization or for projects administered by or in consultation with the PLO.

TITLE II—DEPARTMENT OF JUSTICE

General Administration

Salaries and expenses

Amendment No. 6: Appropriates $40,833,000 as proposed by the Senate instead of $30,333,000 as proposed by the House.

Amendment No. 7: Designates $1,400,000 for the Federal justice research program as proposed by the Senate instead of $1,700,000 as proposed by the House.

LEGAL ACTIVITIES

Salaries and expenses, general legal activities

Amendment No. 8: Appropriates $113,650,000 instead of $113,250,000 as proposed by the House and $114,043,000 as proposed by the Senate.

Salaries and expenses, antitrust division

Amendment No. 9: Appropriates $44,862,000 as proposed by the Senate instead of $45,662,000 as proposed by the House.

Salaries and expenses, United States attorneys and marshals

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language making the appropriation available for acquisition, lease, maintenance and operation of aircraft.

Amendment No. 11: Appropriates $268,537,000 as proposed by the Senate instead of $271,250,000 as proposed by the House.

Federal Bureau of Investigation

Salaries and expenses

Amendment No. 12: Appropriates $629,720,000 as proposed by the House instead of $630,070,000 as proposed by the Senate.

The conferees are agreed that the Federal Bureau of Investigation should co-operate with the Bureau of Alcohol, Tobacco, and Firearms in the Department of the Treasury to provide for the continuation of the hazardous devices course at Redstone Arsenal, Huntsville, Alabama.

The conferees are also agreed that within the total amount provided in this appropriation, the FBI should use the funds necessary to maintain the domestic terrorism program at the FY 1980 level and such funds as are necessary to maintain the number of positions for the legal attaché program at the FY 1980 level.

Immigration and Naturalization Service

Salaries and expenses

Amendment No. 13: Deletes language proposed by the Senate which would have increased from $1 per day, to $4 per day the amount paid to aliens, while held in custody under the immigration laws, for work performed.

Amendments Nos. 14 and 15: Limit the number of police-type vehicles that can be purchased to 510 as proposed by the Senate instead of 586 as proposed by the House.

Amendment No. 16: Appropriates $351,000,000 as proposed by the Senate instead of $370,073,000 as proposed by the House.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that would prohibit the Immigration and Naturalization Service from paying any employee overtime in excess of $20,000 except when the Commissioner determines that this restriction is impossible to implement.

Drug Enforcement Administration

Salaries and expenses

Amendment No. 18: Appropriates $206,800,000 as proposed by the Senate instead of $205,100,000 as proposed by the House.

Federal Prison System

Relief from liability

Amendment No. 19: Deletes language proposed by the Senate which would have relieved the State of New Mexico from obligation or liability for reimbursement to the Federal Government for the costs incurred by the United States for the custody and care of prisoners of the State of New Mexico required to be temporarily housed in Federal facilities as a result of a disruption in the New Mexico State Penitentiary on February 2 and 3, 1980.

Office of Justice Assistance, Research and Statistics

Research and Statistics

Amendment No. 20: Appropriates $19,000,000 as proposed by the Senate instead of $44,881,000 as proposed by the House.

DISPUTE RESOLUTION PROGRAM

Amendment No. 21: Deletes proposal of the Senate which would have appropriated $2,000,000 for the Dispute Resolution Program.

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Salaries and Expenses

Amendment No. 22: Appropriates $32,925,000 instead of $32,800,000 as proposad by the House and $34,300,000 as proposed by the Senate.

The conference agreement provides $125,000 and 3 positions for the Office of the Assistant Secretary for Tourism.

Bureau of the Census

Salaries and Expenses

Amendment No. 23: Appropriates $54,600,000 as proposed by the House instead of $55,600,000 as proposed by the Senate.

Amendment No. 24: Deletes language proposed by the Senate concerning in-kind benefit programs. The conferees agree that the Secretary of Commerce should expedite the program of collecting through appropriate surveys, data on benefits received and data on participation in federally funded, in-kind benefit programs. Programs on which data are to be reported include, but are not necessarily limited to food stamps, medicaid, medicare, and subsidies in areas such as housing, nutrition, child care and transportation. The Secretary should also continue research and testing of techniques for assigning monetary values to in-kind benefits, and for calculating the impact of such benefits on income and poverty estimates. In addition, the Secretary should include in survey reports beginning no later than October 1, 1981, appropriate summaries of data on in-kind benefits and estimates of the effect of in-kind benefits on the number of families and individuals below the poverty level.

PERIODIC CENSUSES AND PROGRAMS

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that will prohibit the expenditure of funds for certain Agricultural Census forms.

Amendment No. 26: Deletes language proposed by the Senate which would have allowed the President to order a special census count or use other means of revising the census estimates in areas where there has been a large population change within six months of the census enumeration due to a large number of legal immigrants. Such a special census or revised estimate would be conducted solely at Federal expense, would be conducted no later than 12 months after the regular census date, and the results would be designated the official census statistics and could be used for all purposes authorized by law.

ECONOMIC AND STATISTICAL ANALYSIS

Salaries and expenses

Amendment No. 27: Appropriates $24,600,000 as proposed by the House instead of $24,970,000 as proposed by the Senate. The conferees agree that the Administration should carefully consider the need for a program to collect and publish current data concerning international investment, as authorized by the International Investment Survey Act of 1976.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

"ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

"For economic development and adjustment assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, $624,650,000: *Provided*, That during 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $116,430,000: *Provided further*, That during 1981, total commitments to guarantee loans shall not exceed $425,000,000 of contingent liability for loan principal."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Salaries and expenses

Amendment No. 29: Appropriates $39,700,000 as proposed by the House instead of $55,000,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language making this appropriation available for expenses of administering the Community Emergency Drought Relief Act of 1977.

REGIONAL DEVELOPMENT PROGRAM

Regional Development Programs

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"REGIONAL DEVELOPMENT PROGRAM

"Regional Development Programs

"For necessary expenses to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, $43 838,000, to remain available until expended."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that, within the available funds, the Pacific Northwest Regional Commission should provide to the Port of Astoria, Oregon, such sums as may be necessary, but not to exceed $500.000, to relieve shoaling within the harbor caused by deposition of volcanic ash from the eruption of Mt. St. Helens.

International Trade Administration

Operations and administration

Amendment No. 32: Appropriates $107,500,000 as proposed by the Senate instead of $115,000,000 as proposed by the House. The conferees agree that of the amount appropriated $3,000,000 is for the Worldwide Information and Trade System (WITS).

Amendment No. 33: Deletes language proposed by the Senate which would require that $1,000,000 of the amount appropriated to the International Trade Administration be made available to carry out the program established in section 302 of Public Law 96–481. The conferees are agreed, however, that within the total amount appropriated for the International Trade Administration in amendment No. 32, $1,000,000 is for the small business export development programs authorized by section 302 of Public Law 96–481.

United States Travel Service

Salaries and expenses

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $8,000,000 for the United States Travel Service.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(Including Transfer of Funds)

Amendment No. 35: Appropriates $759,367,000 instead of $728,475,000 as proposed by the House and $772,830,000 as proposed by the Senate.

The conference agreement includes $100,000 for marine mammal research, $810,000 for Ocean Pulse, $800,000 for ocean climate, $1,075,000 for manned undersea facilities, $400,000 for expansion of the U.S. Climate Program Office, $6,400,000 for NOSS, $500,000 for ocean service units, $1,000,000 for ocean heat flux and $700,000 for data management system improvements. The conference agreement also includes $1,460,000 for local warning weather radars in Tuscon, Arizona, Savannah, Georgia, and Tupelo, Mississippi, $650,000 for the Pascagoula Laboratory, $325,000 for the Big Sandy River flash flood warning system and $100,000 for oceanographic instrumentation. The conference agreement also includes $157,000 for the Stuttgart aquaculture project, $117,000 for the Woods Hole Aquarium, $348,000 to maintain the NWS Pacific Region headquarters, and $800,000 for the salmon tagging project. In addition, the conference agreement includes $15,000,000 for a buy back program for salmon fishing vessels, licenses and gear in the States of Washington and Oregon, $500,000 for the Campeche oil spill, $2,000,000 for anadromous fishing grants to states, $250,000 for a flash flood warning system for West Virginia, $385,000 for a local warning radar for South Bend, Indiana, and $750,000 for research on striped bass.

Amendment No. 36: Transfers $15,000,000 as proposed by the Senate instead of $10,000,000 as proposed by the House.

The conferees agree that $3,175,000 for the MARMAP program, and $825,000 for the recreational fisheries statistics program, are to be funded within the amount provided.

COASTAL ZONE MANAGEMENT

Amendment No. 37: Appropriates $51,585,000 instead of $51,085,000 as proposed by the House and $52,335,000 as proposed by the Senate.

The conferees are agreed that from the total amount appropriated, $2,250,000 is for the marine sanctuaries program.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

Amendment No. 38: Appropriates $3,250,000 instead of $3,000,000 as proposed by the House and $3,500,000 as proposed by the Senate.

FISHERMEN'S CONTINGENCY FUND

Amendment No. 39: Appropriates $500,000 as proposed by the House instead of $600,000 as proposed by the Senate.

Patent and Trademark Office

Salaries and expenses

Amendment No. 40: Appropriates $112,550,000 instead of $112,000,000 as proposed by the House and $113,100,000 as proposed by the Senate.

The conferees are agreed that within the amount provided, a total of $550,000 is available for installation of computer terminals at Patent Depository libraries and/or improvements to patent search files.

Science and Technical Research

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Amendment No. 41: Appropriates $113,100,000 as proposed by the House instead of $115,000,000 as proposed by the Senate.

Amendments Nos. 42 and 43: Restore language proposed by the House which would limit funds available for cooperative generic technology centers under productivity, technology, and innovation programs to $5,200,000.

National Telecommunications and Information Administration

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

Amendment No. 44: Appropriates $25,705,000 instead of $23,705,000 as proposed by the House and $27,705,000 as proposed by the Senate.

Maritime Administration

OPERATIONS AND TRAINING

Amendment No. 45: Appropriates $65,550,000 instead of $66,400,000 as proposed by the House and $64,726,000 as proposed by the Senate.

The conferees are agreed that within the total amount provided $850,000 is to be used for payments to the State marine schools for the cost of fuel oil for their training vessels.

TITLE IV—THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

Salaries of supporting personnel

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language that makes the appropriation for Salaries of Supporting Personnel available for pre-trial service officers.

Amendment No. 47: Appropriates $214,181,000 instead of $212,000,000 as proposed by the House and $215,981,000 as proposed by the Senate.

Travel and miscellaneous expenses

Amendment No. 48: Appropriates $41,827,000 as proposed by the Senate instead of $41,350,000 as proposed by the House.

Bankruptcy courts, salaries and expenses

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$63,994,000 of which $1,200,000 shall be derived by transfer from the appropriation Speedy Trial Planning."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SPACE AND FACILITIES

Amendment No. 50: Appropriates $120,000,000 as proposed by the House instead of $120,672,000 as proposed by the Senate.

General Provisions—The Judiciary

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that provides that the position of trustee coordinator in bankruptcy courts shall not be limited to persons with formal legal training.

TITLE V—RELATED AGENCIES

Commission on Civil Rights

Salaries and expenses

Amendment No. 52: Appropriates $11,853,000 instead of $11,988.000 as proposed by the House and $11,719,000 as proposed by the Senate.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Salaries and expenses

Amendment No. 53: Appropriates $1,000,000 as proposed by the Senate.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Salaries and expenses

Amendment No. 54: Appropriates $140,000,000 as proposed by the Senate instead of $141,454,000 as proposed by the House.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses

Amendment No. 55: Limits the funds available for official reception and representation expenses to $3,000 as proposed by the House instead of $9,500 as prposed by the Senate.

Amendment No. 56: Restores language as proposed by the House which provides independent authority for the Federal Communications Commission to rent space in the District of Columbia and elsewhere.

Amendment No. 57: Appropriates $76,926,000 instead of $76,000,000 as proposed by the House and $79,000,000 as proposed by the Senate.

Amendment No. 58: Restores language as proposed by the House which, for purposes of the Comunications Act of 1934, expands the boundary of the District of Columbia to include an area within two miles of the present boundary.

INTERNATIONAL COMMUNICATION AGENCY

Salaries and expenses

Amendment No. 59: Appropriates $419,000,000 as proposed by the Senate instead of $421,100,000 as proposed by the House.

The conferees expect the ICA to increase the resources devoted to programming for Moslem countries by $2,100,000 above the amount requested for such programming in the FY 1981 budget estimate. These funds should be added to the FY 1981 budget for the Voice of America.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Amendment No. 60: Appropriates $15,750,000 as proposed by the Senate instead of $15,400,000 as proposed by the House.

INTERNATIONAL TRADE COMMISSION

Salaries and expenses

Amendment No. 61: Appropriates $16,715,000 as proposed by the House instead of $16,863,000 as proposed by the Senate.

LEGAL SERVICES CORPORATION

Payment to the Legal Services Corporation

Amendment No. 62: Appropriates $321,300,000 as proposed by the House instead of $300,000,000 as proposed by the Senate.

Amendment No. 63: Inserts language which would prohibit this appropriation from being used by the Legal Services Corporation to provide legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality instead of language, proposed by the House, which would prohibit this appropriation from being used by the Legal Services Corporation to provide legal assistance in promoting, defending or protecting homosexuality.

Amendment No. 64: Restores language proposed by the House, that prohibits the appropriation for the Legal Services Corporation from being used to increase funds to programs serving those areas of the country already funded at the minimum access level or to activities administered by the Corporation unless minimum access to civil legal assistance is available or provided in all parts of the country.

MARINE MAMMAL COMMISSION

Salaries and expenses

Amendment No. 65: Appropriates $734,000 instead of $634,000 as proposed by the House and $934,000 as proposed by the Senate.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Salaries and expenses

Amendment No. 66: Appropriates $9,100,000 as proposed by the House instead of $9,170,000 as proposed by the Senate.

SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses

Amendment No. 67: Deletes language proposed by the Senate which would have provided the Securities and Exchange Commission with independent authority to rent space in the District of Columbia and elsewhere.

Amendment No. 68: Appropriates $76,350,000 as propcsed by the House instead of $77,100,000 with a designation of $750,000 to carry out title V of Public Law 96–477 and section 19(c) of the Securities Act of 1933, as proposed by the Senate.

The conferees are agreed that within the total amount provided not to exceed $750,000 is available to carry out title V of Public Law 96–477 and section 19(c) of the Securities Act of 1933.

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Salaries and expenses

Amendment No. 69: Appropriates $550,000 as proposed by the Senate instead of $427,000 as proposed by the House.

Amendment No. 70: Deletes language proposed by the House, which makes the appropriation available until expended.

SMALL BUSINESS ADMINISTRATION

Salaries and expenses

Amendment No. 71: Appropriates $222,645,000 as proposed by the House instead of $222,388,000 as proposed by the Senate. The conference agreement includes $9,500,000 for the Small Business Development Center Program. Currently SBA funds seventeen small business development centers in sixteen states and the District of Columbia. The amount appropriated is sufficient to fund existing centers and such others as may be approved in fiscal year 1981, which meet the statutory requirements set forth in Public Law 96–302.

The conference agreement also provides for various programs of the Small Business Administration as follows:

Procurement assistance	$12,365,000
(technology assistance)	(1,223,000)
Management assistance	22,323,000
Advocacy	5,500,000
Data management	9,404,000
(Small Business data base)	(1,000,000)
Finance and Investment	55,000,000
Inspector General	5,514,000
Executive direction	21,865,000
All other	81,174,000

The conferees concur that more must be done to insure that SBA's programs are responsive to the needs of women entrepreneurs but believes assistance to women can best be delivered through the existing program structures.

BUSINESS LOAN AND INVESTMENT FUND

Amendment No. 72: Appropriates $609,000,000 instead of $678,000,000 as proposed by the House and $588,500,000 as proposed by the Senate. The conference agreement provides the following amounts for the various direct loan programs of the Small Business Administration:

7(a) business loans	$219,000,000
7(h) handicapped assistance	25,000,000
7(i) economic opportunity	65,000,000
7(l) energy	30,000,000
Development company	22,500,000
Investment company assistance	42,000,000
Total	403,500,000

The conferees are agreed that the 7(a) loan guarantee program should be carried out at the level of $4,000,000,000 as authorized by the Small Business Act, as amended.

Amendment No. 73: Provides language, proposed by the Senate, which would limit the amount available for guaranteed loans for the Small Business Administration Sec. 7(l) energy loan program to not more than $33,000,000.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That sufficient funding shall be made available from the Business Loan and Investment Fund to allow guarantee authority of up to $250,000,000 under the section 503 program of the Small Business Investment Act, as amended".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DISASTER LOAN FUND

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

"DISASTER LOAN FUND

"For the purposes of making loans through the "Disaster loan fund", authorized by the Small Business Act, the Small Business Administration may borrow from the Secretary of the Treasury up to $100,000,000 as authorized by section 4(e) (5) (A) of the Small Business Act: *Provided*, That not more than $4,000,000 shall be made available for the sole purpose of providing disaster loans under section 7(b) (9) of the Small Business Act to any small business which suffered substantial economic injury due to the cancellation of United States participation in the 1980 summer Olympic games which shall be deemed an economic dislocation."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that approximately $266,000,000, which is now available in the Disaster Loan Fund as a result of changes made by P.L. 96–302 concerning interest payments to the Treasury, should be used to provide additional disaster loans above the level proposed in the budget for FY 1981.

UNITED STATES METRIC BOARD

Salaries and expenses

Amendment No. 76: Appropriates $2,708,000 instead of $2,800,000 as proposed by the House and $2,616,000 as proposed by the Senate.

The conferees are agreed that the United States Metric Board should submit to the House and Senate Appropriations Committees any plans the Board may have to move from its present quarters before obligating or expending any funds to carry out such plans.

TITLE VI—GENERAL PROVISIONS

Amendment No. 77: Deletes provision in House bill which would have limited spending during the last two months of the fiscal year to no more than 20 percent of the appropriation for any agency under this act.

Amendment No. 78: Deletes provision inserted by the Senate which would have limited spending during the last quarter of the fiscal year to no more than 30 percent of an agency's total budget authority or no more than 15 percent during any month of the last quarter. The Senate amendment also allowed the Director of the Office of Management and Budget to waive the proceeding requirements, and would require the Director to make reports to the Committees on Appropriations. Finally, the Senate amendment also prohibited departments and agencies from obligating or expending any contract funds in the last two months of fiscal year 1981 unless the solicitation or notification for the contract is issued at least 60 days before it is awarded.

The conferees are agreed that the departments and agencies in this bill should manage the funds appropriated in the most responsible and efficient manner. The conferees deplore end-of-year buying and the deletion of the above two provisions is in no way to be construed as condoning such procedure. The conferees intend to closely monitor the spending patterns of the departments and agencies in this bill and expect conformance to the maximum extent possible with the spirit of the above provisions.

Amendment No. 79: Deletes language proposed by the Senate which would have provided that nothing in section 607 shall be interpreted to prevent the Justice Department from initiating or participating in litigation to secure remedies except busing for violations of the fifth and fourteenth amendments to the Constitution.

Amendment No. 80: Deletes Senate amendment which would have required that all unresolved audits currently pending for the departments and agencies for which funds are appropriated in this act shall be resolved not later than September 30, 1981. The conferees are agreed that this language is unnecessary because of a similar requirement in the Supplemental Appropriations/Rescission Act, 1980, Public Law 96–304. The conferees expect the departments and agencies in this bill to fully comply with the requirements in Section 304 of that act.

Amendment No. 81: Deletes general provision added by the Senate regarding the collection of overdue debts owed the United States Government. The conferees are agreed that this language is unnecessary because of a similar requirement in the Supplemental Appropriations/Rescission Act, 1980, Public Law 96–304. The conferees expect the departments and agencies in this bill to fully comply with the requirements in Section 305 of that Act.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"SEC. 612. Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for the procurement of consultant services shall be reduced by the following amounts: Department of Commerce, $1,560,000; International Communication Agency, $68,000; Department of Justice, $1,880,000; Department of State, $284,000; and Small Business Administration, $1,043,000."

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

Amendment No. 83: Deletes language proposed by the Senate which would have restricted travel expenditures of the departments and agencies in this Act to the amounts set forth in the budget estimates except for the Judiciary and law enforcement functions of the Justice Department.

The conferees expect the departments and agencies for which appropriations are provided in this Act to submit a proposal to the House and Senate Appropriations Committees before expending any funds for travel expenses in excess of the amounts in the FY 1981 budget estimates.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which will prohibit the use of funds made available in this Act to give effect to the provisions of the Export Administration Act of 1979 banning the export of western red cedar for contracts entered into before the effective date of the Export Administration Act.

Amendment No. 85: Deletes language proposed by the Senate which prohibited any of the funds provided by this Act from being used to administer any disaster loan program in which participants may receive loans for that portion of those losses which are eligible for compensation through other direct Federal payment programs.

Amendment No. 86: Deletes proposal of the Senate which would have required departments and agencies to furnish various schedules and reports relating to outlays for FY 1981.

Amendment No. 87: Deletes proposal of the Senate which would have prohibited any of the appropriations contained in this Act from being used for the enforcement or implementation of any restrictions heretofore or hereafter imposed by the President on the export or reexport of agricultural commodities to the Soviet Union under the authority of the Export Administration Act of 1979.

Amendment No. 88: Deletes proposal of the Senate which would have reduced by 10 per cent funds available in this Act for advertising or public relations activities.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS, 1980

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the heading and the enacting clause in the bill for Title VII for certain supplemental appropriations, FY 1980.

DEPARTMENT OF JUSTICE

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

LEGAL ACTIVITIES

Salaries and Expenses, United States Attorneys and Marshals

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits $2,600,000 of appropriations for FY 1980 to remain available until September 30, 1981. These funds will be used to process and detain Cuban nationals who entered the United States during 1980.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds earmarked for investigation and prosecution of Nazi war criminals from FY 1979 that remain unobligated to be restored for purposes of liquidating obligations chargeable to 1979 and prior years.

THE JUDICIARY

Courts of Appeals, District Courts, And Other Judicial Services

(Transfer of funds)

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an additional $9,000,000 for Fees of Jurors and Commissioners to remain available until expended, to be derived by transfer from the following appropriations:

Salaries of judges	$1,000,000
Salaries of supporting personnel	3,000,000
Space and facilities	5,000,000

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980	$11,920,487,554
Budget estimates of new (obligational) authority, fiscal year 1981	[1] 9,666,387,000
House bill, fiscal year 1981	8,719,198,000
Senate bill, fiscal year 1981	9,057,718,000
Conference agreement, fiscal year 1981	9,131,056,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	−2,789,431,554
Budget estimates of new (obligational) authority, fiscal year 1981	−535,331,000
House bill, fiscal year 1981	+411,858,000
Senate bill, fiscal year 1981	+73,338,000

[1] Includes $867,488,000 of budget estimates not considered by the House.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
JACK HIGHTOWER,
W. G. (BILL) HEFNER,
JAMIE L. WHITTEN,
GEORGE M. O'BRIEN,
MARK ANDREWS,
SILVIO O. CONTE,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
WARREN G. MAGNUSON,
DANIEL K. INOUYE,
QUENTIN BURDICK,
DENNIS DECONCINI,
DALE BUMPERS,
LOWELL WEICKER, Jr.,
MARK HATFIELD,
TED STEVENS,
JAKE GARN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for November 20 and 21, 1980, on account of official business.

Mr. LEHMAN of Florida (at the request of Mr. WRIGHT), for November 20, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes on December 1, 30 minutes on December 2, and 1 hour on December 3.

(The following Members (at the request of Mr. Donnelly) to revise and extend their remarks and include extraneous material:)

Ms. Mikulski, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Mica, for 5 minutes, today.

(The following Members (at the request of Mr. Akaka) to revise and extend their remarks and include extraneous material:)

Mr. Reuss, for 20 minutes, today.

Mr. Leath of Texas, for 10 minutes, today.

Mr. Fountain, for 60 minutes, on December 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Edwards of Alabama) and to include extraneous matter:)

Mr. Hammerschmidt.

Mr. Erlenborn.

Mr. Findley.

Mr. Derwinski in two instances.

Mr. Symms.

Mr. Michel in two instances.

Mr. Dornan in two instances.

Mr. Gingrich.

(The following Members (at the request of Mr. Donnelly) and to include extraneous matter:)

Mr. Ottinger in two instances.

Mr. Ford of Michigan.

Mr. Mathis.

Mr. Evans of Georgia in two instances.

Mr. Holland.

Mr. Florio.

Mr. Stokes in two instances.

Mr. Stark.

Mr. Wolpe.

Mr. Yatron.

ADJOURNMENT

Mr. AKAKA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, November 21, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5659. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-280, "To order the closing of a portion of a public alley abutting on lots 801 and 802 in square 69, bounded by 21st Street, NW., 22d Street, NW., N Street, NW., and O Street, NW., and to accept the dedication of certain other land in square 69 for public alley purposes (S.O. 78-295) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5660. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-281, "To order the closing of a portion of Maine Avenue between 6th Street, SW., and 7th Street, SW. (S.O. 75-204) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5661. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-282,"To order the closing of the public alleys abutting on lots 84, 85, 86, 87, 88, 809, 810, 865, 864, 846, 863, 862, 861, 860, 89, 802, 801, and 2 in square 183, bounded by L Street, NW., and 16th Street, NW., and to accept the dedication of land in square 183 for alley purposes (S.O. 80-25) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5662. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-283, "To amend the District of Columbia Cooperative Association Act to provide for directors of housing cooperative associations appointed by nonprofit sponsors and to allow adequate compensation for the organization of the association including promotional, advertising, and legal fees," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5663. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-284, "To repeal that portion of the District of Columbia Alcoholic Beverage Control Act which prohibits the sale of alcoholic beverages on the day of the Presidential election in the District of Columbia during the hours the polls are open, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5664. A letter from the Chairman, Council on of the District of Columbia, transmitting District of Columbia Act 3-285, "To establish the District of Columbia Civilian Complaint Review Board for the purpose of resolving citizens allegations of misconduct by officers of the Metropolitan Police Department employed by the District of Columbia government," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5665. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-286, "To permit the appointment of administrative law judges to the Section of Hearings of the Office of Consumer Protection, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5666. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-287, "To provide for the disposition of unclaimed personal and intangible property in the District of Columbia," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5667. A letter from the Chairman, President's Commission on Pension Policy, transmitting the Commission's second interim report; jointly, to the Committees on Education and Labor, and Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YATES: Committee of conference. Conference report on H.R. 7724; (Rept. No. 96-1470). Ordered to be printed.

Mr. ZABLOCKI: Committee of conference report on H.R. 6942 (Rept. No. 96-1471). Ordered to be printed.

Mr. SMITH of Iowa: Committee of conference. Committee report on H.R. 7584 (Rept. No. 96-1472). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ERLENBORN:

H.R. 8376. A bill to establish a Department of Health, Education, and Welfare, and for other purposes; to the Committee on Government Operations.

By Mr. D'AMOURS (for himself and Mr. Cleveland):

H.R. 8377. A bill to designate the Federal Building in Portsmouth, N.H., the "Thomas J. McIntyre Federal Building." to the Committee on Public Works and Transportation.

By Mr. STANGELAND:

H.J. Res. 633. Joint resolution to provide for the designation of February 8 to 14, 1981, as "National Free Enterprise Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1918: Mr. Glickman.

H.R. 7688: Mr. Fuqua.

H.R. 8120: Mr. Robert W. Daniel, Jr., Mr. Tauke, Mr. Hance, Mr. Charles Wilson of Texas, Mr. Neal, Mr. Brown of Ohio, Mr. Dornan, Mr. Rousselot, and Mr. Marriott.

H.J. Res. 69: Mr. Atkinson, Mr. Nowak, and Mr. Kemp.

H. Con. Res. 445: Mr. Yates, Mr. John L. Burton, and Mr. Ottinger.

H. Con. Res. 447: Mr. Murphy of Pennsylvania, Mr. Roe, and Mr. Simon.

AMENDMENTS

Under clause 6 of rule XXIII proposed amendments were submitted as follows:

H.R. 6417

By Mr. EDGAR:

—On page 17, strike everything after line 19 up to and including line 10 on page 18, and insert in lieu thereof the following:

"(i) Five per centum shall be apportioned and used under section 18 of this Act.

"(ii) Nine per centum shall be apportioned to urbanized areas with populations of less than 200,000, in each fiscal year.".

—On page 19, in line 14 strike out "80 per centum" and insert in lieu thereof "85 per centum".

On page 20, in line 9 strike out "20 per centum" and insert in lieu thereof "15 per centum".

—On page 21, in line 2, strike the first period, insert in lieu thereof a comma, and add the following: "except that the provisions of this subparagraph shall not apply in such case as when the portion of the urbanized area within a State which has the larger share of population would receive an allocation reduced by more than $200,000 if the provisions of this subparagraph were otherwise to apply".

—On page 30, strike everything after line 19 up to and including line 38 on page 4 and insert in lieu thereof the following:

"MASS TRANSPORTATION TO MEET THE SPECIAL NEEDS OF THE HANDICAPPED

"SEC. 223. Notwithstanding any other provision of law, no public transit authority may be compelled to purchase or install wheelchair lifts or level change mechanisms to comply with section 504 of the Rehabilitation Act of 1973, except in the case where such authority has elected to purchase or install such lifts or level mechanisms, for the period beginning on the date of enactment of this section and ending on the last day of the second year following the date of enactment of this section.".

—On page 37, in line 3, after the semicolon, add the word "and,".

On page 37, strike line 6 up to and including line 17 and insert in lieu thereof "general public."

EXTENSIONS OF REMARKS

BOISE PROSECUTING ATTORNEY COMMENTS ON THE PRESS AND RESPONSIBILITY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. SYMMS. Mr. Speaker, on September 4 of this year, Mr. Jim Harris, the prosecuting attorney for Ada County, Idaho, addressed a luncheon meeting of the Idaho Press Club. Mr. Harris pointed out what he saw as some dangerous trends in reporting by certain elements of the press, especially with regard to public policy and the political process. I think that his observations are thoughtful and I would like to take this opportunity to commend the text of Jim Harris' statement to my colleagues in Congress:

SPEECH GIVEN TO THE PRESS CLUB BY JIM C. HARRIS

Thank you, Julie. I think I scared Julie a little bit a few minutes ago when I mentioned that I wasn't going to say anything about the press or about my office and that I was going to give a speech today on my favorite hobby, that of barbecuing; and I suppose she didn't believe me, but to some degree that is true. I plan to roast the press a little today. Some in a serious note, most in a serious note, and to some, perhaps not so serious.

I want to thank you for the opportunity that you have presented to me to make an appearance before the "lion's den", so to speak, and for giving me an opportunity to exercise my First Amendment freedoms. Now, if you can arrange to cover this speech verbatim on all three national networks and have it covered by three-fourths of the newspapers in the country, we'll be even.

What I want to do is spend a few minutes just making some observations that I have formulated over the last several years of public and semipublic life, as they relate to the press in this country. Then we can open it up to whatever questions or challenges to my lineage you might have.

First of all, let me say that I think the press, regardless of what society or what nation we're talking about, can be an extremely valuable element. That presupposes, however, that that press is going to be acting rationally and objectively in the pursuit of the truth, and the publication, of course, of that truth. The press can also be, and I think in this country is increasingly becoming, a legitimate threat to the continued freedom of this country, and perhaps more directly to the quality of leadership that is attracted to public life in this country. I'll explain that, since that basically is the theme or premise upon which this presentation is going to be based today. History is, I think, replete with examples of yellow journalism, not only in this country obviously, but throughout western civilization. I think that perhaps we are in the midst of one of the "flows" rather than one of the "ebbs" in the tide of yellow journalism and illegitimate use of the press in this country. I think, based upon my observation, that that has been by and large caused by the advent of the "investigative reporter" concept and as directly flowing from Watergate and Watergate investigations.

The central concept behind this new wave of I think very unobjective press utilization of the public trust, is that any person in public life, or certainly any person holding public office, is a legitimate target for vilification and defamation whenever and wherever possible, and, unfortunately, in many cases this is done as unobjectively as possible. This, of course, is a national trend. It is not what I would call a Boise, Idaho, phenomenon, it's a national concept and a national approach taken increasingly, I think, by more and more press entities. I think that it is important to note that at least arguably every President elected since Dwight Eisenhower was a creature of the press, and I think that more truly and more importantly, every president since John F. Kennedy has been destroyed by the press. Whether or not the Billygate controversy or something else later is going to destroy Jimmy Carter, we'll have to wait and see, but obviously the attempts and the general format is present in this administration as it has been in previous administrations. I am not saying that some of those approaches have not been legitimate, because obviously many of them have. But I think that it is a trend that is worthy of note and supportive of my general theme. Now this approach and this philosophy of taking after public officials in occasionally a very unobjective and emotional way is obviously legal. There is no reason why it can't be done short, of course, of the slander and libel laws which tend to be relatively ineffective as they apply to public officials, and they are also, I suppose, philosophically justifiable, particularly if you happen to work in the press area, and feel that in order to make money, it is necessary to adopt that philosophy. But I think that this philosophy has very dark consequences, again as it relates to the quality of leadership that this country needs from the presidency to the county courthouse. The reason for this rather basic feeling on my part is obvious, and I have experienced it myself and have seen it and observed it on a number of occasions. Why would any qualified candidate, or qualified and intelligent leader, or potential leader, who can do something else and probably make more money at it, be willing to serve himself up on a platter to a press which will not hesitate to impugn his character, his family or his personal life, wherever and whenever necessary to justify the selling of newspapers or an increase in television ratings. It is a very simple and basic reaction that many people that I know have and will continue to reject public life and assuming leadership roles within this community and the nation, based on this irresponsible approach that is becoming more and more common within the press.

I was happy (and I noticed that Rick Ripley was here, I think that he is still here) to notice that Rick Ripley has, at least to some degree I think, adopted my feeling with regard to the need to use discretion in treating a public official's personal life, if his editorial in this morning's Statesman, reflects his feeling. Unfortunately, and this is no criticism of Rick because I don't think he decides what headlines to put in The Statesman or what stories to carry on the front page, but unfortunately I think that the practice of The Idaho Statesman, and certainly other news agencies around the country, is contrary to that position exemplified by that editorial this morning, and I would like to point out a couple of examples. Some relate to Statesman work and some relate to other people's work that I feel legitimizes my position.

First of all, of course, there is the same issue that was the subject of that editorial this morning, that is the Symms' so-called "womanizing" issue that has been manufactured through such viable and quotable sources a couple of letters to the editor in Southeast Idaho. The meriting of that story on the front page of the Idaho Statesman with major headlines is, I think, inexcusable and I think it is an example of a violation of the very concept that Rick was arguing this morning.

A second example, and one I may feel even more emotional about, is the Dave Leroy "slum lord" expose. It is a classic example, I think, of character assassination of perhaps, one of the most talented and most intelligent public officials in Idaho, and I think it simply was not merited by the facts.

A third example (for some reason I keep keying in on Republicans here), but the third example I have is the Jim Risch "land lease" article which appeared a couple of months ago, which I think is a classic example of the press making something out of absolutely nothing for the purpose of assassinating the character of again a very honest, hard-working public official, whom I'm sure that most of you don't agree with but whom I suggest very few of you would criticize as not being a very competent legislator.

A fourth example is one that strikes a little closer to home and that, of course, relates to the riot at the Idaho State Penitentiary. I don't criticize the Statesman or any other news agency for their objections or their philosophical position with regard to the riot or the subsequent search of KBCI, although I doubt the objectivity of some of those reports. I think the example here that I want to point out as being again exemplary of my concept, is the story that appeared a couple of days after the riot and a couple of days after the search, where one of the reporters for the Statesman happen to be able to dig up an ex-con who expressed the belief that Jim Harris was really, by and large, responsible for the riot at the State Penitentiary because he wants to keep those psychopaths in the pen for too long. I think that that article exemplifies what was, to my mind, the worst attempt at illegitimate and irresponsible reporting as has ever affected me and I think according to the reactions I get from the people, which may or may not be very broad, that the Statesman appeared to be pretty ridiculous in the way that story was written and the nature of the article as a major news story on the day in question, and again, I think exemplifies some irrationality, and perhaps a violation of some of the concepts that Rick Ripley pointed out today.

Now, although I like to defend Rick Ripley for the article today, I want to take this opportunity, I wouldn't if you weren't here, Rick, but since you are, to express another frustration that I have, and this is only because I took a lot of literature courses in college. News people are very prone to use the book "1984" as a classic example of governmental harassment of the press, and I think anyone who has read

"1984" has to admit that it was the press in that book who controlled the masses, not the government, and that in fact George Orwell is probably rolling over in his grave because of the constant use and reflection of that book as being an exemplification of public officials picking on the press because if anything, I think the exact opposite was intended in that book.

I don't think we're going to have a 1984 in the United States and the reason for that is that I think the press in this country is becoming its own worst enemy. The press, through an adoption of the concepts which I've related to you, that of being very, very unobjective when it comes to a lot of public official reporting, has, I think, conditioned the public against believing or accepting many news items as trustworthy. This is very true I think lately, particularly as exemplified by the Idaho Statesman, in such approaches to the U.S. Senate race as it has taken over the last several months. I think that there is a conditioning process going on among the public that is raising a suspicion in the public's mind that if it's reported in the press, particularly the Statesman, it must not be true. That is good to some degree, but that is bad in some degree; and I think that the best example of that being true will be the Senatorial election in November when Steve Symms, regardless of the bad publicity he has received, will be elected to the U.S. Senate. That is good I suppose for the politicians who are victimized unfairly by the press, but the situation is bad as it relates to this conditioning because obviously when a report is proper, true and material and deserves to be disclosed in a legitimate press function, people are going to be less prone to believe those disclosures than they would be if the press was a little more legitimate and a little more objective on other occasions. So obviously the validity of the First Amendment freedoms which the press uses and takes advantage of properly, will be hindered overall because of the fact that the public is beginning to realize, I think, that the press is using its power illegitimately in many circumstances, and for that reason the public will not be quite as motivated to believe press reports in the future, regardless of their truth. That bothers me because I think the legitimate interests of the public is harmed by that conditioning process. Obviously when that does happen I think on a broad scale, any claims that the press has to legitimate First Amendment freedoms, for instance protection of sources, probably goes out the window because when the public refuses to believe the press and press reports, then obviously at that point in time there is no legitimate interest exercised by that press pursuant to constitutional law, at least philosophically.

I think that the occasional hypocrisy of the press is something that is adding to the influence that I have mentioned: the public's conditioning against believing the press in this country, and I would point to another example of this. I think that the Idaho Statesman's censoring of an "Anybody But Church" ad appearing approximately a month ago because it bothered to make reference to the "eastern base" of the Idaho Statesman is a little absurd when approximately a week later the Idaho Statesman was criticizing Jim Harris for violating the First Amendment rights in censoring the rights of KBCI television, even though I don't think those First Amendment rights or freedoms were ever defined in that situation. I think that raises questions in the public's mind, certainly in my mind, as to the true interest of the press as they relate to defending those First Amendment freedoms.

In closing, I will simply put this on a level related to my own political future. Obviously, I have to consider the viability, as does any person seeking public office or deciding whether to stay in public office, whether or not I am willing to suffer the pains and probability of future humiliation by the press because of the trends that I have just described, and I think particularly I may be in a situation to be a little more worried than others because I have dared to rub the noses of the press into its own sanctimonious refuse, and for that reason have garnered some potential prejudices that some public officials, and certainly the other forty-three prosecutors in the State of Idaho, haven't. To this point, however, I will simply quote one of my many heroes, that being Winston Churchill when he said, "I've gotten a lot more out of the press than the press has ever gotten out of me." I think that basically summarizes my position with regard to the press, but I think that the press ought to do some self-analysis, ought to do some ethical enforcements within its only bailiwick, if it expects to be considered the legitimate force in society that it has been in the past, because I see the public's view of the press as deteriorating in nature, and as I say that may be good for me the next time you take after me; it may be good for Symms the next time you take after Symms, but the next time that you legitimately find out something that the public should know, it is not going to serve the interest of the press or the public well. With that I would open it up to questions or comments or anything else you might have.●

OVERLOOKED ELECTION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MICHEL. Mr. Speaker, at the beginning of the Carter administration, one of the President's appointees, Sam Brown, head of the ACTION Agency, was very vocal in his praise of Jamaica's Michael Manley, the left-wing politician and close friend and admirer of Cuban Dictator Fidel Castro. If memory serves there was even a plan in the ACTION Agency to send underprivileged American youth to Jamaica in order to benefit from close association with Manley's Socialist government. That scheme proved to be abortive but Brown's admiration of the Manley regime continued throughout the Carter years.

I mention this because just days before our own election, over 80 percent of the electorate in Jamaica turned out in an election that brought about a dramatic change in the Jamaican Government. Manley and his Socialist experiment were thrown out and Edward Seaga, a believer in the free-market economy was elected. The Jamaican people, showing more sense than left-wing American admirers of Manley's Socialist schemes, demonstrated that they want freedom and a better economy.

The Register Mail of Galesburg, Ill., recently published an editorial about this overlooked election. At this time I wish to insert in the RECORD, "Overlooked Election" from the Register Mail, Wednesday, November 12, 1980.

OVERLOOKED ELECTION

(By Norma Cunningham)

In all the reams of copy and dozens of banner headlines that have been churned out on last week's election, very little notice has been given to another election which may offer some encouragement for democracy.

Just days before the U.S. election, citizens of Jamaica went to the polls to elect Edward Seaga as prime minister and turn out Michael Manley, who had been one of Fidel Castro's closest friends in the Caribbean.

While elections in this country can get a little hot and heavy in the rhetoric department, Jamaica's politicking took a more serious turn. There were more than 500 persons killed in the violence that accompanied the pre-election compaigning, but in spite of that, 80 percent of the island's eligible voters—nearly half the population of two million—went to the polls to cast ballots for a change in government. That could serve as a lesson to a system that hedges its election turn-out predictions on the weather forecast.

In voting to turn the Manley government out and seat Seaga, Jamaicans voted pocketbook issues every bit as much as did voters in this country. By their vote, they were in effect choosing capitalism over socialism. The previous government had nationalized industries, stepped up welfare programs, and brought the economy of the island almost to a standstill.

Sugar refining plants developed in the late 1960s stood idle, technology missing and equipment obsolete. Bauxite production slowed almost to a standstill, and countries which had imported the material found other sources because orders from Jamaica either went unfilled or delivery dates were undependable. Plantations were taken over by the government, but ancient farming methods and tools held back the development of what might have been a boost to the island's economy. Tourism is a major contributor to the economy, but that, too, fell off as major travel firms withdrew in the face of the political turmoil and individual travelers chose other destinations.

Markets had more bare spots than goods, and finding food at an affordable price offered a real challenge to Jamaican citizens. Items such as salt and soap which had to be imported were all but nonexistent, and long lines formed when the word spread that there had been a shipment received.

Manley was recognized as a Castro ally, and "Communism Now" was repeatedly spray-painted on streets and walls during the campaign. More than one outside observer predicted that the island would become a Cuban satellite and form one more link in the Caribbean chain of communism, but the people decided otherwise. In giving Seaga and his Jamaican Labor Party the reins of government, they chose to work toward a goal of putting Jamaica's economy on its feet and accepted all the personal sacrifices that go with such an effort.

Seaga has said he will go to Western sources for the loans and assistance that will be needed to turn his nation's economy around. The U.S. once provided technology and equipment, and if Jamaica seeks such help again, it should prove a good investment. We have poured countless billions into nations with less inclination to democracy and self-help.

The Jamaican people have proved their tenacity and their willingness to sacrifice for a system that will allow them more freedom and a chance to better their lives. The example is worth noting.●

ROMANIAN COMMUNIST HARASSMENT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DORNAN. Mr. Speaker, the Madrid Review Conference of the Conference on Security and Cooperation in Europe is now meeting to discuss, among other things, the compliance of the human rights and self-determination provisions of the Helsinki accords adopted by the signatory states.

The Kolozsvar Chapter of the Transylvanian World Federation in Washington, D.C., has brought to my attention another telling example of Romanian Communist harassment and persecution of Hungarian dissidents in Transylvania. I would like to share with my colleagues the facts of the case in order to expose continued Romanian Communist violations of the human rights of the 2.5 million Hungarians in Romania.

OPPRESSION OF HUNGARIANS IN ROMANIA

The harassment of Hungarians by police terror and psychological means in Transylvania (Romania) is increasing day by day.

Romanian authorities relentlessly persecute the Hungarians, trying to silence them by all possible means, and force their assimilation into Romanian nationality.

Among the few who still have the courage to protest this policy is Sandor Zolcsak, a Hungarian artist. Mr. Zolcsak is a friend of Mr. Karoly Kiraly, a well-known champion of the rights of the Hungarians, former Vice President of the National Council of Hungarian Workers, and former member of the Central Committee of the Romanian Communist Party.

Mr. Zolcsak is under permanent police surveillance, his telephone is tapped; he is frequently intimidated by having to appear at the Securiate (the dreaded Romanian secret police) where he undergoes long interrogations and receives violent threats.

Zolcsak was visited in Tirgu Mures (Marosvasarhely) by Dr. Felix Ermacora, a member of the Austrian Parliament, the European Organization for Human Rights, and the U.N. Commission on Human Rights. Dr. Ermacora is an internationally known expert on minority rights and self-determination issues. He has been seeking data and information from Mssrs. Kiraly and Zolcsak for the Madrid Conference.

Zolcsak was called into the Secret Police headquarters and threatened with reprisals. His meeting with human rights investigators was considered by the police as an "activity against the State." In addition, the physical well-being of his children was threatened, unless he stopped all of his work for the preservation of the rights of the Hungarians of Transylvania. These events occurred only a few months before the Signatory States of the Helsinki Accords were preparing to convene in Madrid to examine the record of the European states on human rights issues.

Last year, 126 Congressmen voted disapproval on the most favored nation tariff status of Romania because of the dismal human rights record of that country, which is one of the most deplorable and oppressive among the Signatory States.

One aspect of that record is the brutal treatment of the nationalities in Romania, among them about three million Hungarians and about one million others, mostly Germans, Bulgarians, Jews and Serbians. They are all subject to a relentless campaign of discrimination, cultural repression and forced assimilation.

Despite this government campaign, a courageous act against national oppression occurred in the protest letters of Karoly Kiraly. Mr. Kiraly sacrificed his high positions, and Mr. Zolcsak is now exposing the well-being of his family in order to speak out against the oppression of his fellow Hungarians and other nationalities living in Romania. As a result, they are subjected to vicious charges and have to live under constant police surveillance.

In February, 1980, Mr. Kiraly sent another extraordinary protest letter to Romania's Prime Minister, Ilie Verdet. The communication reveals the promises he received from the Romanian leadership in 1977 in an attempt to silence him after his first protest letters.

All of these promises were broken and the campaign to achieve cultural genocide of the nationalities continues unabated.

The official chicaneries against Sandor Zolcsak are well reflected in his May 1979 experiences. At that time, a Jewish couple traveled as tourists to Romania and arrived at Tirgu Mures (Marosvasarhely), Mr. Zolcsak's home town. The next day, they telephoned him in the early morning and told him that they had to leave for another place in ten minutes, but that they would like to transmit to him the greetings of his Brazilian relatives.

Zolcsak told them that he would arrive with his wife to meet them in front of their hotel. When he and his wife came on the scene ten minutes later, the little park in front of the hotel was swarming with uniformed and plainclothes Romanian police.

The police proceeded to take photographs of the meeting between the Jewish couple and the Zolcsaks. The police must have intercepted the telephone conversation.

Sandor Zolcsak, visibly afraid, was simply told that the police were present because the Jewish couple were foreign, and that he had to endure constant police surveillance because he was a friend of Kiraly. The tourists and the Zolcsaks were so intimidated that they could not even say good-bye to one another in the usual manner.

After continuing their journey, the tourists' car was followed by the police for the next few days. At all crossroads and turnoffs, they noted that they were followed, their license plate number was written down, and policemen reported their whereabouts to headquarters.

When they were leaving Romania for Yugoslavia, the customs guards literally took their car apart and searched everything—all their papers, letters, address-books, visiting cards—and made copies of them all. The searches lasted two hours. When they could not find anything incriminating in the couple's possession, a Romanian colonel apologized to them stating that he had acted only on orders from his superiors.

In January, 1980, the Honorable Richard Schulze (R. Pa.) visited Romania intending to meet with Mr. Kiraly on the problems of the Hungarians of Transylvania. However, Romanian authorities denied him this opportunity on flimsy pretexts.

Such is the situation of the Hungarian nationality in Romania, reflected through the experience of one family of outspoken dissidents.●

EDWARD J. PATTEN; A LIFETIME OF SERVICE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. FUQUA. Mr. Speaker, a valued colleague and a good friend, EDWARD J. PATTEN, will be retiring from this House at the conclusion of this session and I want to share my feelings on his impending departure.

EDDIE PATTEN and I came to Congress together in 1963 and have been close friends since our earliest days in this esteemed body.

Creating a friendship with EDDIE PATTEN was among the easiest things I have ever done because his amiable manner and enlightened insights are of the type that naturally draw others to him.

His work on the Committee on Science and Astronautics, an assignment we shared in the early sixties, and his outstanding performance on the Committee on Appropriations have won the respect of all who know him.

His intimate familiarity with local government, garnered through a lifetime of public service ranging from mayor of Perth Amboy to Middlesex county clerk and New Jersey secretary of state, have provided his colleagues with valuable guidance on issues which many of us have never had the opportunity to gain firsthand.

Though he has tirelessly contributed to the betterment of his fellow man through nearly five decades of elective public service, he also never hesitated to volunteer time to community projects which sought his wisdom and judgment.

These wide-ranging voluntary activities included serving as president of his local bar association, president of the Salvation Army Board, party leadership posts, president of the Raritan Area United Fund, a director of the New Jersey State League of Municipalities and scores of other activities.

His balanced judgments and commonsense approach will be missed by all of us in this House who have come to depend on them.●

VOYAGER-SATURN: THE MORAL IMPERATIVE TO BE CURIOUS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BROWN of California. Mr. Speaker, the National Aeronautics and Space Administration is to be congratulated for demonstrating—through the visit of its Voyager spacecraft to Saturn—what we can accomplish when we follow the moral imperative to be curious. Columnist George Will is to be congratulated for the excellently written piece in the Washington Post which drew the lesson from the NASA demonstration. I am inserting Mr. Will's editorial in the RECORD to make its wisdom even more widely available.

Mr. Will illustrates the unity and symmetry—perhaps even the poetry—of science by connecting the Voyager mission with the writing of the biologist Lewis Thomas who says, "The only solid piece of scientific truth about which I feel totally confident is that we are profoundly ignorant about nature." Voyager presented us with a great deal of information and at the same time even more questions, such as what causes the newly discovered braided rings? So, even at this height of our accomplishment we are humbled by being forced to recognize how much we still do not know.

The editorial follows:

[From the Washington Post, Nov. 20, 1980]

KEEPING IN TOUCH WITH TITAN

Pottering along at 38,000 miles per hour, gazing this way and that, a satellite launched three years ago has hiccuped back to Earth enough wondrous signals to help rehabilitate the reputations of two things much in need of such rehabilitation: technology and government.

Until now, the most stunning pictures sent to Earth from space have been of Earth. Lewis Thomas, scientist and writer, says that viewed from the moon's bone-dry surface the Earth, alive beneath the "moist, gleaming membrane of bright blue sky," is "the only exuberant thing in this part of the cosmos."

But Saturn has some exuberance: braided rings, and a ring composed of giant snowballs. How fun; how festive. The day God created Saturn, He must have been feeling on top of the world, so to speak.

The dazzlingly precise flight of Voyager 1—just 12 miles off course after a billion miles—is a smashingly successful government program. Voyager 1 has increased immeasurably—literally, immeasurably—knowledge about our relatively close neighbor, Saturn. Even more important, it has increased immeasurably our sense of ignorance. Nothing, not even great discovery, is more exciting than what great discovery generally involves: a stunning sense of how infinitesimal is human knowledge when measured against what there is to be known. Great discoveries should diminish mankind's sense of learnedness. Thomas says:

"The only solid piece of scientific truth about which I feel totally confident is that we are profoundly ignorant about nature." Revealing the scope of our ignorance is "the most significant contribution of 20th-century science to the human intellect."

Traveling at the speed of light (186,000 miles per second), radio signals took 85 minutes to reach Earth, but the wait was worth it. If one glance by one satellite can so increase knowledge, think how much increasing there is to be done. "You can measure the quality of work by the intensity of astonishment," Thomas says. Voyager 1 did high-quality work.

An astonishing and dismaying fact is that various things—including the prodigies of science—have depleted mankind's capacity for astonishment. This, in spite of the fact that, in a sense, mankind is not even at the toddling stage. Thomas, again: "Any species capable of producing, at this earliest juvenile stage of its development—almost instantly after emerging on Earth, by any evolutionary standard—the music of Johann Sebastian Bach cannot be all bad."

There always have been Philistine utilitarians who cannot see beyond the narrowest practicalities. Thomas suspects that even before mankind mastered fire, caveman committees argued that "thumbs might be taking us too far, that we'd be better off with simply another finger of the usual sort." Today, such damp spirits should spare a thought for Titan, Saturn's largest moon.

It has an atmosphere something like Earth's may have been a few billion years ago. If, as some scientists suspect, all life on Earth descended from a single cell that was transformed by a fortuitous bolt of lightning as Earth cooled, then perhaps all Titan needs is a fortuitous bolt to get things going. Then, in the fullness of time, Titan can hope to have Bach, and even, at a still higher stage of development, baseball.

It is only neighborly for us to keep in touch with Titan, lest its evolving life makes mistakes we have made and now repent of. I am thinking, bitterly, for example, of baseball's designated hitter rule. But more than neighborliness should impel a renewed commitment to space exploration.

There is a danger, says Thomas, that we will "try to pretend that we are another kind of animal, that we do not need to satisfy our curiousity, that we can get along somehow without inquiry and exploration and experimentation, and that the human mind can rise above its ignorance by simply asserting that there are things that it has no need to know."

The history of science suggests—no, demonstrates—the impracticality, not to mention the deep moral impropriety, of that attitude. Extraordinarily useful discoveries have flowed from the fanciful, playful, serendipitous elements of scientific research, from the pure pleasure of discovery pursued without a thought to practicality. It is the height—or depth—of hubris to imagine that we know what it is that we need to know, or to imagine that we can imagine all that we are capable of imagining.

That hubris involves a violation of natural right—of the duty to live in the manner that is right for our natures. There is a categorical moral imperative to be curious.●

EDDIE PATTEN, NEW JERSEY'S MAVERICK

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. MATHIS. Mr. Speaker, this body will sorely miss EDDIE PATTEN of New Jersey, the maverick from Perth Amboy, who leaves an indelible mark on Capitol Hill. He minces few words, and never hesitates to shoot from the hip. His candor and honesty will be lacking when the 97th Congress convenes in January. He spoke his mind whether he was with close friends or foreign dignitaries.

EDDIE's political history is long and notable. His star began to rise in 1934 when he became mayor of his hometown of Perth Amboy. He was later Middlesex County, N.J., clerk for 14 years and acted as campaign manager for former New Jersey Gov. Robert B. Meyner in 1953 and 1957. EDDIE definitely learned the political ropes and proved it when he was elected to represent the State's newly carved 15th District in the 88th Congress in 1962. EDDIE, a lawyer and a former schoolteacher, was returned to Congress every 2 years and he would have won a resounding victory this November had he chosen to seek another term.

His honors and awards are too numerous to list. I hope you will join me in wishing EDDIE PATTEN a full and active retirement in January.●

IN MEMORY OF THE HONORABLE RICHARD S. HENDEY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. OTTINGER. Mr. Speaker, on this past election day, the city of White Plains, N.Y., was saddened by the passing of its longtime former mayor, the Honorable Richard S. Hendey.

Mayor Hendey was a legendary leader of White Plains whose foresight and dedication helped bring about the revitalization of that city's downtown area. Although in a neighboring district during the 1960's, I had the privilege and pleasure of working with the mayor during the years of the city's transition. I was always impressed by the dedication and commitment he gave "his" city throughout his long career of service. He took the risks necessary to bring about change and made decisions which will leave their mark on White Plains and the county of Westchester for years to come.

At this time, I share with my colleagues two articles which appeared in the White Plains Reporter Dispatch following the mayor's death:

HENDEY DIES; FORMER WHITE PLAINS MAYOR

(By Peter Johnson and Milena Jovanovitch)

Richard S. Hendey, an eight-term mayor of White Plains who gave 28 years of his life to city government, died on Election Day morning at his home in White Plains. He was 73.

Mayor Hendey, known to his friends as "Dick," has been in failing health for some months. He was remembered by friends and political colleagues as a competent, no-nonsense, yet caring man who had boasted of missing only two of the approximately 400 Common Council meetings held during his years as a city councilman and mayor.

Richard Stephen Hendey had cleaned out his desk and slipped into political retirement at age 68, on Jan. 7, 1974. The hefty, easy-smiling, but tough-minded Republican had served as a full-time mayor in a part-time job, picking up a $16,000 annual paycheck for most of his 16 years at the city's helm.

After playing centerfield for the White Plains Republican Club's baseball team, Mayor Hendey was traded to City Hall as a councilman in 1945. Twelve years later he belted his way into the mayor's office with more than 18,000 votes—62.7 percent of all the ballots cast, the highest-ever winning margin in White Plains.

Mayor Hendey—who reportedly knew the location of every manhole in the city—was born on April Fool's Day, 1907, in Pittsburgh. City Democrats never let him forget his birthday and, on at least one occasion at annual budget time, one councilman quipped, "For his birthday, Mayor Hendey is giving the city an April Fool's Day budget."

When he was seven months old, his family moved to White Plains and lived in part of a double house that once stood on downtown Mamaroneck Avenue.

After graduating in 1930 from Princeton—where he won four letters for baseball and football—Mayor Hendey was a member of a semi-professional baseball team. He spent two years on a geological survey in Oklahoma before he joined the sales staff of the General Drug Co.

In 1938, he established the R.S. Hendey sporting-goods store on Mamaroneck Avenue next to city Republican headquarters and, in 1940, became president of his father's firm, Hendey Chemical Co. in New York City.

Mayor Hendey was first urged to run for the city's top post in 1957 by the late Harvey Turnure, then the city's Republican leader. He had served as a councilman for six terms when he was elected mayor, succeeding Edwin Michaelian, who went on to become county executive. His eight-term tenure as mayor was unprecedented.

The mayor's style was low-key: "He was very soft-spoken. He had a big smile and a handshake. You took to him right away. He was very modest and shy. You'd never know he was the mayor," said Basil Filardi, chairman of the White Plains Republican Party.

Despite his unassuming manner, Mayor Hendey earned a reputation for getting things done. "He would not be intimidated by anyone or anything," recalled Mayor Alfred Del Vecchio.

When the going got rough at City Hall, Mayor Hendey often retreated to the 30-member Daniel Gray Fishing Club in Armonk. There, he could—and often did—cook dozens of steaks at a time on an outdoor grill.

According to Filardi, one of Mayor Hendey's toughest political battles was in persuading the city to build the Schuyler House on DeKalb Avenue, a low-income housing project. "He put it through because he thought it was a good thing for the low-income people of White Plains, despite the great opposition," Filardi said.

He also pushed through a 2 percent sales tax in 1973 over the heated objections of the city's Democrats.

Although the groundwork for the city's ambitious downtown Urban Renewal project had been laid before Mayor Hendey took office, Michaelian credits him with "picking up the ball and bringing it to fruition."

During his tenure as mayor, he appointed the city's first Urban Renewal Agency. He has served as a member of the agency for the past four years, and on Monday, the day before his death, he was unanimously re-elected chairman of the agency.

CITY BIDS FAREWELL TO HENDEY

(By Milena Jovanovitch)

More than 300 people came to St. Bartholomew's Church in White Plains on Saturday to pay their last respects to Richard S. Hendey, the city's eight-term mayor and native son who is credited with paving the way for the city's downtown renaissance.

"In the years to come, White Plains will have Dick Hendey's mark: his tradition of honest government, his pride in White Plains, and his concern for those yet to come," said the Rev. J. Norman Hall in his eulogy.

He described Mayor Hendey as possessing a low-key style and a tremendous amount of personal modesty.

"Thus, in a quiet way, he set a standard for others to follow," he said.

"He was a big man physically, with a capacity for friendship to match."

He spoke of how the mayor made friends easily and joined dozens of organizations to enjoy his friends' company while serving his community.

"And how they loved him his humor, his obvious concern for them," he said.

Many city officials, including those who had served during his administration, attended the funeral at the church on Prospect Street.

The Rev. Barber L. Waters joined the Rev. Hall in eulogizing the mayor.

"He was part of the cutting edge of our history," the Rev. Waters said. His energy infused everyone. His death brings to a close a segment of the history of White Plains that is rich in growth."

"Who will ever forget that all-engulfing handclasp?" he asked. "His sincerity, gentleness and good humor made the big man even bigger."

He remembered the mayor as a man who took pride in every member of his family, a man with a deep joy of living.

Mayor Hendey died Election Day morning at the age of 73.

Born in 1907 in Pittsburgh, Pa., Hendey moved with his family to White Plains when he was 7 months old, and later attended a one-room schoolhouse on Gedney Farms.

A star athlete at Princeton University, he returned to White Plains several years after graduating and established the R. S. Hendey Sporting Goods Store on Mamaroneck Avenue next to city Republican headquarters.

The Republican mayor's 28-year political career began in 1945 when he was elected to the Common Council. Twelve years later, he ran for mayor, winning with 62.7 percent of all the ballots cast, the highest-ever winning margin in White Plains. He left office in January 1974.

As mayor, he appointed the city's first Urban Renewal Agency. He oversaw the relocation of thousands of families from the downtown section during the Urban Renewal redevelopment. Under his direction, the bulldozers cleared dozens of city blocks.

An advocate of the poor, he faced one of his toughest political battles in persuading the city to build the Schuyler House on DeKalb Avenue for low-income families

His colleagues remember him as a tireless worker who would call meetings as often as five nights a week to bring the project to fruition. But perhaps more important, he was able to establish the value of the project to the thousands of people who were dislocated from their homes and businesses.

"He was a great persuader," recalled Roy Flint, the city's parking commissioner who also served as planning commissioner under Mayor Hendey.

He was instrumental in the development of the White Plains Mall. He set up the Parking Authority and saw the construction of the city's first parking garage at Main and Martine streets.

During his term, Westchester County built a courthouse and office complex, and Sears Roebuck and Co. developed the Sears plaza. Saks Fifth Avenue and Bloomingdale's opened branch stores in White Plains during his tenure as mayor, firmly establishing the city as a major shopping district.

Three months before his death, Mayor Hendey saw the Galleria shopping center, the showcase of the city's Urban Renewal project, open its doors for the first time, as his successor, Mayor Alfred Del Vecchio continued where Hendey had left off.

The day before he died, Mayor Hendey was re-elected chairman of the city's Urban Renewal Agency.

He was buried following Saturday's funeral in the White Plains Rural Cemetery on North Broadway.●

IN RECOGNITION OF JEROME A. AMBRO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. FLORIO. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: As we approach the close of the 96th Congress, it is appropriate to recognize those colleagues who have dedicated their legislative efforts to protecting the Nation's public health and welfare. As chairman of the Science and Technology Subcommittee on Natural Resources and Environment, JEROME A. AMBRO has made several important contributions to this laudable goal.

The improper management of solid and hazardous wastes and its impact on groundwater became a matter of national concern over the past 2 years. JEROME AMBRO recognized this problem and sought to strengthen the U.S. Environmental Protection Agency's capability of responding. In his capacity as chairman of the subcommittee with jurisdiction over research and development, JEROME AMBRO more than doubled the R. & D. programs for both hazardous waste and groundwater research. By placing greater emphasis on R. & D., the EPA will increase its ability to develop an effective, enforceable hazardous waste management program and groundwater strategy.

The quality of groundwater and drinking water is, however, a matter of State concern and responsibility, too. JEROME AMBRO recognized the important role that the States must play in this area. For this reason, he introduced the Groundwater Research Act which provides financial assistance to States to assess groundwater quality. This approach to groundwater assessment is both appropriate and timely given the rate at which our Nation's drinking water supply is being diminished through toxic contamination.

Concern for public health, welfare, and the environment extended to the issue of ocean dumping practices, as well. The dumping of dredge spoil and sludge presents a serious threat to both the human food chain and the marine environment if the presence of heavy metals and toxic organic chemicals exceed acceptable levels.

In response to this concern, JEROME AMBRO offered an amendment to the Ocean Dumping Act reauthorization bill requiring that dredge spoil be tested prior to dumping to insure that acceptable standards are met. The AMBRO amendment, and the bill, received overwhelming approval on the floor of the House of Representatives.

Clearly, JEROME AMBRO has made an important contribution to strengthening the Federal and State effort to protect public health and the environment. The record shall show that this effort has not gone without recognition and admiration by his colleagues of the 96th Congress.●

THE EDUCATION REORGANIZATION ACT OF 1980

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ERLENBORN. Mr. Speaker, it is with pleasure that I introduce today legislation to abolish the Department of Education and help protect our schools from further encroachments by the Federal Government.

In light of the voter's mandate to get Government off people's backs, I cannot imagine a more appropriate first step than ridding ourselves of an obtrusive education bureaucracy whose creation had just one purpose; securing the National Education Association's support for President Carter's reelection campaign.

The Department of Education represents bad education policy, bad Government management policy, and a debauchery of the Cabinet. Those of us who opposed the Department's creation warned it would set the stage for a further erosion of local control over schools, that language in the bill purportedly protective of local school boards was totally meaningless. We were ignored. Now some of these same people who belittled our arguments are surprised that the Department has proposed bilingual education regulations which require non-English-speaking children to be taught English in Washington's way; surprised the Department would even seriously consider school discipline regulations; and surprised that but a few months after creation the Department would ignore four resolutions of disapproval of regulations adopted by Congress pursuant to provisions of the General Education Provision Act.

Well, I am normally not one to say "I told you so"; but I cannot resist repeating this adage: "Those who sell their souls to the Devil should not be surprised when he tries to collect." In short, the Department has fast become precisely what opponents feared; a Federal School Board.

The Department of Education was created contrary to long-standing Government management philosophy and the recommendations of every Presidential government reorganization panel since and including the 1949 Hoover Commission. In fact, as early as 1939, in creating the Federal Security Agency to administer social security, public health, and Federal education programs, Congress recognized the managerial advantages of confining the Federal Government's major social service programs to one organization. These tenets were reiterated by the Second Hoover Commission in 1955, the Heineman Commission in 1967, and the Ash Council in 1971. Their thrust was to reduce Cabinet departments. As the Heineman Commission stated:

> We do not believe that either the Nation or the President can afford today or in the future to waste the President's major line deputies in the running of interference or errands for narrow groups * * * We recommend that the President resist proposals to create additional departments likely to be dominated by narrow specialized interests or professional clientele such as health or education.

Implicit in their managerial recommendations, however, was the belief that the Federal Government should not develop a Federal education policy in the same sense as it has enunciated policies relative to civil rights, labor, veterans, antipoverty, national security, and so on. Yet, the creation of the Department does bespeak a Federal policy for education, for Cabinet departments are unnecessary to fulfill merely supportive roles—they are created to enunciate an overriding national responsibility. Even the NEA admits the fundamental change wrought by creating a Department of Education:

> Making education the defining element of a Cabinet-level Department is essentially to authorize the creation of a Federal policy for education itself.

The consequences for a "Federal policy for education itself" is a further shift of responsibility for education decisionmaking away from States and localities toward Federal bureaucrats. This centralization of education policymaking in ministries of education in other countries, noted George Washington University President Lloyd Elliott, has gradually, relentlessly smothered change, innovation, and diversity in education.

This suffocation of diversity has already begun with the new Department of Education. Where would be the latitude for innovation in teaching non-English-speaking children English if the Department's proposed bilingual regulations were promulgated?

My point is that such a naked, arrogant grab for power over our public schools' curriculum is no accident. Given a bureaucracy whose very existence signifies the enunciation of a Federal policy for education and, thus, the greater involvement of the Federal Government in education decisionmaking, the bilingual rules were entirely predictable. The Department simply cannot deny its very nature any more than an individual can alter his own personality. In the same fashion, legislators cannot rely on mere words expressing Congress intent any more than an alcoholic can pronounce himself cured merely by stating he will no longer drink. If the intent is truly to streamline bureaucracy, legislators must adopt affirmative strategies to reduce regulation. The impulse to regulate is not reduced by failing to make fundamental changes in the nature of the Federal response and compounding this failure by removing institutional mechanisms which discourage the unfettered impulse to regulate.

In approving the Department of Education, Congress assented to a continuation of the time-worn categorical grant approach with the accompanying myriad of eligibility criteria, matching fund requirements and, thus regulations. Congress assented because it established a bureaucracy whose sole purpose is management of categorical grant programs; and no bureaucracy will foster the diminution of its authority. In effect, the Department's creation has prejudged funding alternatives such as tuition tax credits, block grants, and education revenue sharing, all of which would require considerably less guidance from Washington.

Furthermore, separating education from a larger social service bureaucracy—HEW—has resulted in a Department with a more limited social agenda and a more narrowly defined constituency of public school interests, unrestrained by a political and managerial filtering of policy initiatives. This is a strategy for more, not less, regulation.

Abolishing the Department of Education and recreating the Department of Health, Education, and Welfare is merely a first step: We remove the foundation of a perpetual regulation machine. In other words, we reduce incentives to regulate by forcing the educational bureaucracy to answer to a manager of other social services.

The second step which must be addressed in separate legislation is a reevaluation of the categorical aid approach with a view toward block grants and education revenue sharing, or other strategies intended to reduce regulation. This bill does not itself perform that task, but it makes performance of the task possible.

By approving this bill, Congress can repeat what it so wisely did over 100 years ago. The first Department of Education, a non-Cabinet agency, was reluctantly approved in 1867. Much like the present Department, it immediately alienated key legislators, and in 1868 was reduced to a bureau within the Department of the Interior, where its vast schemes were quietly put to rest.●

EDDIE PATTEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. PICKLE. Mr. Speaker, if there is a single character more loved than any other and respected as a strong individual, it is Eddie Patten. At first brush, you may think Eddie is a high voiced mayor from New Jersey. But let me tell you—he is one of the most thoughtful and courageous men in this Chamber. I also know him as a loyal member of the 88th Club.

If Eddie Patten tells you he is on your side or will support you, you do not have to keep a searchlight on his voting card. He will be there when the time comes.

It should be noted that the Members not only like him because of his leadership, but they like having Eddie Patten around, just for advice and comfort. They take Eddie in confidence and he knows how to handle it. He has been as loyal as anyone to our leadership and he has done it without a lot of fanfare or speechmaking.

Eddie does not often go to the well to make a speech. But when he does, you can hear him from Washington to Perth Amboy, and you do not need the microphone, either.

The membership not only hears Eddie, but they listen and respond to him.

Eddie and his constant companion, his lovable wife, Annie, are two of my favorites. In my part of the country, we measure people in frontier terms. He is the kind of person you can "walk to the river with." Eddie Patten is that kind of man. He is willing to walk to the river with you and through the river and let the arrows or rocks or the shots be damned.

Eddie Patten has enriched our lives. We love him and his dear wife, Annie, and wish them the best.●

DRUG FAIR'S STRAIGHT TALK ON DRUGS PROGRAM

HON. LESTER WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. WOLFF. Mr. Speaker, last September, as chairman of the Narcotics Select Committee, I had the pleasure of chairing a press conference consisting of representatives from the Federal Government, a major retail drugstore, and concerned parents to announce the first drug abuse prevention program sponsored jointly by the Federal Government and the private sector. Drug Fair, Inc., a 170 retail drugstore chain serving five States: Maryland, Virginia, Delaware, Pennsylvania, West Virginia, and the District of Columbia, conceived, implemented, and funded a drug prevention program entitled, "Straight Talk on Drugs," that is designed to inform parents, youngsters, and the community on the dangers of drug abuse. The National Institute on Drug Abuse (NIDA) and the White House drug policy staff provided the technical assistance to help launch Drug Fair's straight talk program.

"Straight Talk on Drugs" consists of a series of pamphlets on drug abuse, five 1-hour radio talk shows, a 1-hour television special entitled, "Your Children, My Children: A Parent's Guide to Drugs," that was viewed on September 13, 1980, and newspaper and radio public service ads.

To insure that the information in Drug Fair's pamphlets and radio messages is factually correct, an advisory panel of professionals in the drug abuse field has been assembled. The following individuals are members of the advisory panel:

MEMBERS OF THE ADVISORY PANEL

Lee Dogoloff, Associate Director for Drug Policy on the White House Domestic Policy Staff;

Dr. Robert Dupont, former Director of the National Institute on Drug Abuse and currently President of the American Council on Marihuana;

Dr. Jack Durrell, Acting Director of the Resource Development Division of the National Institute on Drug Abuse;

Robert Kramer, Coordinator of the Drug and Alcohol Program in Anne Arundel County, Maryland;

Susan Miller, Director of Substance Abuse in Alexandria, Virginia;

Dr. Robert Jardin, Chief of Alternative Counseling in Silver Spring, Maryland;

Robert Keyes, Acting Administrator of the District of Columbia Alcohol and Drug Abuse Services Administration; and,

Dr. Ileana Horrell, Foreign Student Admissions Officer with the Montgomery County School System.

Milton L. Elsberg, president of Drug Fair; Myron D. Gerber, chairman of the board of Drug Fair; and William Barton, president of the National Federal of Parents for Drug Free Youth also participated in the press conference.

Drug Fair, NIDA, and the White House are to be commended for their efforts in helping to raise the consciousness of the public on the dangers of drug abuse. This joint undertaking between the Federal Government and the private sector is testimony of what can be accomplished when concerned citizens and their Government decide to wage war on drug abuse. But this effort is just the beginning. More cooperative efforts in the field of drug abuse prevention and control is urgently needed if the war is to be won.

Mr. Speaker, in an effort to inform my colleagues on the details of Drug Fair's straight talk drug program, I am inserting at this point in the Record the complete text of a paper I recently received entitled, "Explanation of 'Straight Talk on Drugs'." I urge other drugstores to join Drug Fair and the Federal Government in helping to inform our citizens on the dangers of drug abuse.

The text of the paper follows:

EXPLANATION OF "STRAIGHT TALK ON DRUGS"

While there are a large number of individual programs designed to combat drug use, "Straight Talk on Drugs" is the first comprehensive attack on drug abuse that is aimed at helping parents keep their children from getting on drugs in the first place. Since Drugfair has many years of experience communicating to families through advertising and through their pharmacists, they decided to try to alert parents to the fact that they are the most important factor in keeping their children away from drugs.

"Straight Talk" was developed and financed by Drugfair. No government funds were sought or granted for this program.

As Drugfair President Elsberg said at the news conference, "When we started our business back in 1938, drugs . . . were a blessing that helped cure disease and alleviated suffering. Today, drugs are increasingly viewed as an enemy, primarily because of the havoc they have wreaked on the lives of countless thousands of our children.

As a purveyor of beneficial medication—that is nevertheless sometimes abused by adults and children alike . . . as a community center for Healthcare, we feel a strong sense of responsibility to help mount an effective attack on drug and alcohol abuse—one of the most troublesome and most intractable of our nation's problems."

The specific purposes of Straight Talk are:

To educate parents about the alarmingly widespread use of illicit drugs by young people.

To reaffirm to parents their rights and responsibilities in curbing their children's involvement with drugs.

To teach parents how to detect and resolve a drug abuse problem in their own household.

To alert young people to the dangers of drugs, including even the "soft" drug, marijuana.

To direct both parents and young people to where they can go in their community for additional information, counseling or treatment.

PROGRAM ELEMENTS

The "Straight Talk on Drugs Program" consists of the following elements: a series of parent-oriented pamphlets on drug abuse developed by and available exclusively from Drugfair; a hard-hitting series of public service radio announcements on drug abuse; a television special on drug abuse; five one-hour radio call-in programs on drug abuse; newspaper advertisements; a Consumers Guide to Prescription Drugs, available for consumers to consult at all Drugfair prescription departments; and an outreach program to schools and parent groups, involving Drugfair pharmacists.

STRAIGHT TALK PAMPHLETS

Drug abuse: Why worry

This pamphlet gives statistics on the drug problem among youth; defines "drug abuse"; differentiates between experimenters, occasional users and continual users; tells which are the major drugs of abuse; and defines physical and psychological dependence on drugs.

Drug abuse: How to spot it and what to do about it

This pamphlet alerts parents to the warning signs of drug abuse; gives guidance on how to approach a child suspected of drug use and how to use discipline to get the child off of drugs; and informs them that it's possible to obtain medical help for a drug problem without getting into trouble with the law.

Preventing drug abuse

This pamphlet defines drug abuse "prevention", outlines suggested actions for preventing drug abuse; and shows how parents can work with other parents in the community to stop drug abuse more effectively.

What parents should know about drugs

This pamphlet focuses attention on the number one drug problem—alcohol; tells how alcohol is especially dangerous to young people; explains why marijuana isn't the "harmless weed" many think it to be; and provides a chart listing the street names, symptoms and hazards of the major abused drugs.

Drug jargon

This pamphlet is an illustrated dictionary of the paraphernalia used in taking drugs and the slang language of the drug culture.

Where to go for help

There are four versions of this pamphlet, one for Metropolitan Washington, Central and Southern Virginia, Maryland, and Pennsylvania/Delaware. Each version lists the names, addresses and telephone numbers of facilities that provide professional treatment for alcohol and drug abuse problems. All of the facilities contained in these pamphlets treat adolescents. Whether or not parental consent is required for adolescents to be treated is indicated in the facility description.

RADIO SPOTS

Drugfair arranged a four-hour "rap session" with former teenage drug abusers to produce a new series of radio spots. These spots will be aired on both adult and rock radio stations. The spots aired on adult stations will carry the messages contained in the pamphlets described above and will invite listeners to visit their neighborhood Drugfair to pick up copies of the pamphlets. The spots aired on rock stations will give young people "Straight Talk" on the unglamourous and dangerous side to taking drugs.

RADIO TALK SHOWS

Drugfair is sponsoring five one-hour talk shows on radio station WRC-AM in Washington. These are of the "call-in" type, where listeners can phone in their questions and comments. All the talk shows will deal in some way with the subject of illegal drug use. The first program, the popular Bernie McCain show, aired on the evening of September 12, just prior to the television special. It featured leaders of the national Parent Power Against Drugs movement. There were spirited discussions between the guests and callers, some of whom called to support the use of marijuana. During the program, callers repeatedly praised Drugfair for taking the lead in the community's fight against drugs.

NEWSPAPER ADVERTISING

The Straight Talk on Drugs Program was launched with a powerful full-page ad in Washington newspapers, headlined "Most Parents Wouldn't Know A Drug Pusher If They Saw One. There is an appealing photo of a pre-teen girl, and the ad begins with, this is Karen. She's twelve. She plays guard on her junior high school basketball team. She might be your kid's best friend. She's a drug pusher. . ."

An abbreviated version of the Karen ad appeared in Drugfair ads in all localities, followed with others that describe the subjects that are included in the Straight Talk pamphlets. A series of half-page Straight Talk ads will appear each week in Washington newpapers until December.

TELEVISION SPECIAL

On September 12, Drugfair sponsored a one-hour, prime time television special on drug abuse prevention on WRC-TV, Washington, D.C. This special, entitled, "Your Children, My Children, A Parent's Guide to Drugs", was narrated by Bob McGrath of Sesame Street fame. It consisted of 15 real-life scenarios of parents coping with their child's drug problems.

The program has received wide acclaim from every segment. A typical comment: "Your Children, My Children" was one of the most skillfully crafted presentations I have ever seen on television. Its message — that we must educate both our children and ourselves as a deterrent to the menace of drug abuse—was very well stated."

The in-studio and home audiences were asked to test their judgment on handling the situations through multiple choice questions. The test questions were made available to viewers before the show in full-page newspaper ads and through bag stuffers at Drugfair stores. Viewers have been asked to return their completed test forms to Drugfair prescription departments so that they may be used by the National Institute on Drug Abuse in a study of public awareness of drug abuse. Instead of airing any commercials, Drugfair used the available time to describe the Straight Talk Program to viewers. Board Chairman Myron D. Gerber and Dr. Durrell of NIDA covered all aspects of Straight Talk, and viewers were given the telephone number of the WACADA Hot Line to call for advice on immediate drug problems (WACADA is the Washington Area Council on Alcohol and Drug Abuse).

COMMUNITY OUTREACH PROGRAMS

One of the purposes of the Straight Talk program is to gain well-deserved recognition for Drugfair pharmicists as key members of the community health team. Straight Talk provides an overall umbrella for professional outreach by Drugfair pharmacists, affording increased opportunity for meaningful contact with consumers, as well as a chance to work with community groups in meaningful health-related projects.

Drugfair pharmacists are being encouraged to work with their local schools and parent groups to combat drug abuse.●

CONGRESSIONAL TEXTILE CAUCUS STATEMENT

HON. KEN HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HOLLAND. Mr. Speaker, the steering committee of the Congressional Textile Caucus has had the opportunity to review the quarterly financial statement for the period ending September 1980.

I am, therefore, taking this opportunity to submit the statement for insertion in the CONGRESSIONAL RECORD so that all Members of Congress may review it.

The statement follows:

FINANCIAL REPORT OF THE CONGRESSIONAL TEXTILE CAUCUS: QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE FOR THE PERIOD ENDING SEPT. 30, 1980

Statement of expenses:	
Telephone	$6.39
	81.24
	15.94
	67.65
Total	171.22
House office supply	56.79
Miscellaneous: Vince Finnigan Associates	17.50
Total expenditures	245.51
Fund balance June 30, 1980	12,532.14
Total dues deposited this quarter	100.00
Interest on account	169.11
Total balance before expenses	12,801.25
Less expenses	245.51
Balance as of Sept. 30, 1980	12,555.74

●

THE WORLD—ITS POVERTY AND ITS WEAPONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. CONYERS. Mr. Speaker, as of 1980, 50,000 nuclear weapons were deployed in 24 countries. The nations of the world now spend in excess of $500 billion annually on weapons and armies. Twenty-five million people populate the regular armies of the world, and another approximately 50 million serve in paramilitary and reservist forces. Despite the astronomical expenditures and the numbers of people involved, the global arms race has lessened rather than increased security in the world.

The arms race has raised the dangers of nuclear war. It drains hundreds of billions of dollars each year from the struggle against hunger, disease, and illiteracy, weakens national economies, and heightens the inequality among nations.

"World Military and Social Expenditures, 1980," authored by Ruth Leger Sivard, spells out in the starkest terms the cost of the global arms race to the nations of the world and the unmet human and social needs that are the consequence of military spending. Supported by leading research organizations, this publication provides an up-to-date survey of national and world priorities, and their implications for life on this planet. This publication should be read by all citizens who assert world peace and economic development as a top priority.

Excerpts from the study follow:

WORLD MILITARY AND SOCIAL EXPENDITURES, 1980

In a year marked by internal social and economic turbulence, governments took refuge in building stronger military defenses against external enemies. The extension of military power dominated world priorities. For the eighth year in a row, world military expenditures increased faster than the rate of inflation.

No indicator more graphically shows the incredible destructive power that is loose in the world than the spread and numbers of nuclear weapons, now over 50,000 of them. They steadily increase in speed, reach, accuracy, and ability to destroy civilization.

While military budgets went up, living standards declined. Worldwide, prices rose faster, energy supplies were tighter, more people were unemployed, more lived without adequate food, clean water, the minimum essentials of civilized living.

The object lesson of the year was the limitation and inutility of military power. Hostages, civil violence, and a growing tide of refugees were nagging reminders of neglected human needs that have no military solutions.

PRIORITIES 1980

In an oil-short world, the newest military tanks will consume 1.9 gallons of gas per mile.

The training of military personnel in the U.S. alone costs twice as much per year as the education budget for the 300,000,000 school-age children in South Asia.

Research on new weapons receives eight times as much public money as research on new sources of energy.

With a stockpile of nuclear weapons 1,000,000 times the destructive power of the Hiroshima bomb, the two superpowers are still investing well over $100,000,000 per day to upgrade their nuclear arsenals.

In the richer countries the average life is 30 years longer than in the poorer countries.

Two governments in three spend more to guard their citizens against military attack than against all the enemies of good health.

In the U.S. 20 times as much public research money goes for transportation into space as for mass transit on earth.

The number of people held hostage to the threat of nuclear catastrophe has reached 4,500,000,000. A few men, perhaps one, can determine whether they die in nuclear war.

MILITARY TRENDS

The expansion of military force is continuing at an accelerated pace. A world-wide phenomenon, it apes the actions of the superpowers and is stimulated by them. There is nothing in past history to compare with the present build-up of destructive power in the world, and with the threat to humanity that it poses. Extravagant militarism has already contributed on economic deterioration and increasing social unrest. In the name of national defense, it is also moving the world closer to the ultimate disaster of nuclear war.

There are features in the modern arms race which have given it a peculiar ability to perpetuate itself. In reviewing the situation in mid-1980, it will be useful to search out some of these characteristics. They may lead to a better understanding of what must be done to bring the war machine under control.

EXPENDITURES

Steadily rising expenditures, which are now above $500 billion a year, give a quick fix on the scope of the global arms competition and the relentless push to still higher levels of intensity. World outlays appear to have exceeded $460 billion in 1979, compared with a yearly average in the 1960's and 1970's of $370 billion (at 1979 prices). In the 1980's, if present trends continue, world military outlays promise to go higher than $600 billion a year, even under the unreal assumption that price inflation will be checked.

Yet it is a sign of the times, and the military mystique that dominates them, that such numbers no longer shock. The links between this enormous drain on world resources and global economic and social tensions are not clearly visible. Seldom does the political leadership allude to them. The simplistic identification of external enemies is seen to be politically more profitable than attacking problems at home.

Official military budgets do, however, play a key role in setting public priorities and in stimulating the competition. Where public support is necessary, national budget comparisons are used to dramatize the foreign threat. They also signal the national response, setting the target for a higher level of military effort. Few mechanisms are so effective in ensuring a perpetually rising level of action-reaction.

At the heart of this competition is the U.S.-U.S.S.R. military rivalry. Since 1980 these two nations alone have accounted for a majority share—58 per cent—of the world military outlays; with their alliances, for 80 per cent of the total.

The factors, real and irrational, underlying the animosity between these two civilized countries need more probing than they have had. While complex causes are beyond the scope of this study, the role of military expenditures in exacerbating the competition is not. Soviet secrecy about their military outlays and the elaborate U.S. effort to provide the missing numbers have together served to intensify the arms race. Despite the uncertainties in estimates of Soviet military spending, this measure has become an important political tool, used without reservations to define the "threat," stir fear, and drive the military competition to new heights.

PERSONNEL

There are now an estimated 25 million people in the world's regular forces, 7 million more than in 1960, Paramilitary and reservist forces are at least twice as numerous as the regulars. Civilians directly employed by the military, and those working on weapons research, production, or related activities, bring to over 100 million the number of people paid directly or indirectly by defense ministries.

In a world in which employment opportunities are shrinking in relation to a burgeoning work force, it is unrealistic to contemplate a reduction of defense employment unless corresponding opportunities are made available elsewhere. However, even in the industrialized nations no government machinery is yet in place to provide civilian employment alternative specifically geared to the skills of defense workers.

ARMS TRADE

The ever-rising flood of arms in international trade reflects two of the most dangerous aspects of recent military trends: the movement of sophisticated weapons and technology throughout the developing world and the role of governments in the industrialized nations in aiding and abetting the proliferation.

The latest estimates from U.S. Government sources put world arms trade at $21 billion in 1978, over two-thirds of it going to developing nations. Published CIA estimates show exports still heavily concentrated in the big supplier countries, with the U.S. dominating the market. The competition for sales has heightened, however, as more countries, including developing, enter the market with major weapons systems to sell. Importing states are interested in diversifying sources of supply as a buffer against political domination.

RESEARCH

Research and development outlays to produce more accurate, more lethal, more exotic, and more expensive weapons are still on the rise. Between 1970 and 1978 government budgets for military research in the U.S. and Western Europe increased by 75 percent. With the addition of space research, which has military applications, the total spent in these countries alone exceeded $21 billion in 1978.

The combined budgets for defense and space absorbed half of all publicly-supported research funds, diverting as much research effort to new weapons as to all civilian research combined, for health care, adequate nutrition, new energy sources, and the vast array of unmet needs of humanity. Individual western countries varied in the emphasis given military versus civilian programs. The relatively largest military share was spent by the U.S.-Soviet R&D, an area for which estimates are particularly shaky, is generally considered closer to the U.S. pattern and may exceed it in its emphasis on military research.

WEAPONS

This open-ended drive toward new technology has revolutionized the art of warfare in a mere decade or two, increasing its destructive capability and radically extending its reach so that neither distance nor oceans can any longer guarantee sanctuary for noncombatants.

While producer prices generally average six times higher than the levels of World War II, prices for weapon systems in the U.S. have jumped as much as 200 times. Even if some of the price escalation can be attributed to the cost-plus liberality of military procurement, much of it results from technological change. The new weapons are of a sophistication undreamed of in World War II.

The army tank is one example of the kinds of costly modifications which have occurred even in the types of arms called conventional. The World War II tank, a lumbering giant with relatively simple equipment, sold for about $50,000 each. Today's XM1 tank, a heavily-armored, 59-ton monster, loaded with electronic gear, infrared devices, and automatic controls as complicated as a jet plane, will cost over $1,500,000 each. The complexity of the modern tank, like much of modern military equipment, gives it a high breakdown rate. In operational tests, the XM1 averaged 145 miles between failures of its major components, two hours of maintenance for every hour of operation.

Unfortunately, in the post-war family of weapons of mass destruction, the defense has not been able to keep up with killpower. In remaking the art of war, modern science has created an imbalance of unprecedented proportions. On the one hand is a limitless power to destroy. On the other, unprotected humanity. For, despite the massive "defense" establishments that have been built, the painful truth is that there is no defense at all against an attack with nuclear weapons. Nor can populations be adequately protected against mass destruction weapons already used in wars, such weapons as lethal gases, crop-destroying chemicals, and napalm incendiary bombs. Nor against such other nonnuclear possibilities as weather warfare or the concentrated beams of light in laser weapons that promise to revolutionize the state of military art once again.

ECONOMIC—SOCIAL TRENDS

Developments in the past year have heightened the contrasts between the flourishing military sector and a wilting civilian economy. The signs of economic depression are more widespread. The expansion of the world's economic base no longer keeps pace with the increase in population. Among poor countries, and the poorest in all countries, serious threats to world security are growing out of misery and desperation.

INFLATION

Runaway prices are the most visible signs of the troubled economic situation today. In 1979 consumer prices were up an average of 12 per cent in the IMF world index. Since 1973, when the first large jump in oil prices occurred, consumer prices have doubled on average.

Inflation is a close partner of militarization. Military spending fuels the inflationary fires in a number of ways. It overheats the civilian economy by generating more spendable income than goods and services to absorb it. It has a depressing effect on investment, which in turn thwarts economic growth and prolongs inflationary pressures.

Military buying also creates a distinct government-dependent sector which in itself has inflation-prone characteristics: rapid obsolescence and product change, unstable markets, the excessive waste endemic to large bureaucracies beyond public control, cost-plus pricing, and with it, reduced pressures for management efficiency. Pass-through costs associated with defense contracts assure that they will have first claim on scarce labor and other resources, but few economies can prevent this demand from having a spill-over effect on prices in the rest of the market.

UNEMPLOYMENT

Unemployment rates are high and rising throughout the world economy. A sample of 50 countries for which records are available since 1960 indicates that there are now more people unemployed than at any time in the past two decades. In industrial countries the unemployment rate in 1980 averages more than twice what it was at the end of the 1960's. OECD reports that there are 20 million persons out of work in developed countries, ILO estimates 455 million jobless or underemployed in developing countries (not including China or other centrally-planned in Asia). Compared with the numbers able to work, this means that only three in five are fully employed.

Employment opportunities are linked to the expansion of capital stock, of industrial and agricultural production, and a multitude of service and supporting industries. Recent developments have not been favorable to this expansion. Economic growth has slowed in the past two years and it now seems likely that no increase at all will be registered in industrial nations in 1980.

Military budgets are dead-end expenditures. They do not foster growth. Through their inflation-inducing effects and the economic uncertainties to which they contribute, they inhibit the capital investment essential for development. Through their drain on research funds and talent, they restrain the productivity gains which could open markets and ensure more jobs across the board.

Military expenditures are in competition with other government budgets which do a considerably better job of creating employment opportunities. Non-defense needs tend to be less capital-intensive, more labor-oriented. Official calculations for the US economy indicate that, for the same expenditure of funds, up to twice as many people can be employed in schools, health services, building homes and transit systems, as through military budgets. As an increasing number of developing societies have also found, defense spending is the least efficient road to nation-building and the job opportunities needed for rapidly growing populations.

INCREASING INEQUALITY

The economic progress of two decades has left the income gap between the developed and developing parts of the world wider than ever. A few developing nations have successfully moved out of poverty into a dynamic pattern of growth based in part on rapid industrialization. Some of the oil-producing states have soared to exceptional levels of wealth. The average gain in income in developing nations, however, has been too small in absolute terms, the growth of population too great, to begin to close the wide gulf between rich and poor. GNP per capita in North America, where incomes are highest, averages about 60 times that in South Asia, the region where it is lowest.

In the developing world in particular, income extremes within countries also appear to have spread. It is not uncommon for the richest fifth of the nation to command 60 percent or more of the national income, while the poorest fifth has 3 to 5 percent of it.

The increased military presence contributes to these inequalities within countries. In many developing countries a strong military elite has tended to reenforce feudal structures. With the land-owning and business classes, military regimes have established first claim on economic gains. As a consequence, few of the dividends of growth have trickled down to landless peasants and the urban poor.

UNMET HUMAN NEEDS

Poverty.—One person in five is trapped in degrading poverty, malnourished, illiterate, surviving at a level below human decency. This is the world of 1980.

Education.—In the poorest countries, 95 per cent of the people are illiterate; in the richest, 1 per cent.

Nearly two out of three illiterates in the world are women; in most developing countries, fewer girls than boys have a chance to attend school.

For the same number of school-age children, there is one teacher in the poorest countries as compared with 20–25 in rich countries.

Health.—Lives are 30 years shorter on average in Africa than in Europe.

Relative to births, six times as many infants die in developing countries as in developed.

In the Third World not one person in three ever sees a doctor.

Among children under 15, annual deaths from diseases which could be prevented by immunization are over 12 million.

Jobs.—Two out of five people who want to work are less than fully employed, or have no job at all.

Food.—At least 450 million people in the world—perhaps as many as one billion now as a result of the droughts and wars of 1979-80—suffer from malnutrition and hunger.

In Latin America, children under 5 years of age die of illnesses related to food deficiency at a rate eight times that of North America.

With food prices skyrocketing, hunger is on the rise even in developed countries. An estimated 300,000 elderly people are undernourished in New York City, the richest city in the world.

Water.—Two billion people in the world, most of them in developing nations, do not have access to a dependable, sanitary supply of water.

Women, who are the traditional carriers of the family water supply in the Third World, often must walk up to 15 miles a day to get it.

Only one-third of the people in developing countries have adequate sanitation facilities.

Water-related diseases kill approximately 10 million people every year; these diseases are the leading killers of children.

Housing.—In cities of the Third World, 250 million people live in slums or squatter settlements, without adequate access to clean water or minimum health facilites.

Three-fourths of the urban poor cannot afford even the cheapest housing available through public agencies.

LOOKING AHEAD

Like the mushroom atomic cloud, the population chart opposite signals a new age. It took more than one million years for the earth's population to reach two billion, 45 years for it to double. In the relatively brief span of the next 20 years, two billion people will be added to the present global population. At least 90 per cent of the additional population will be in the developing parts of the world. By the year 2000, the poorer countries will have about 5.0 billion of the world's population of 6.4 billion.

The spectacular growth in numbers is only one of the several far-reaching changes which have already revolutionized life in the 20th century. Among them the most striking in global impact is the development of transportation and communication. Planes can now travel at three times the speed of sound. Travelers can cross oceans in three hours. Communication by telephone across the world is virtually instantaneous. An event in Asia can be seen on television screens in North America as it is happening. The remotest corners of the earth are part of one vast network of information and exchange, a network which has vitally affected knowledge of the rest of the world, and individuals' and nations' aspirations for the future.

No less dramatic than the technological changes are the world-wide bonds forged by economic development. As population growth has put increasing pressure on natural resources, nations have had to go far beyond their own borders for the raw materials needed for production and transportation and to sustain life itself. Jobs in one area of the world are tied to markets on the other side of the globe. The safety of the air we breathe depends on environmental effects which may be created thousands of miles away.

All of these changes have operated to create a more interdependent world, vastly larger in numbers of people, more complex in the problems to be solved, more tightly linked in a community of shared interests and concerns.●

FLEETWOOD TIGERS WIN STATE CHAMPIONSHIP

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. YATRON. Mr. Speaker, I know my colleagues will join me in congratulating the members and coaches of the Fleetwood Tigers soccer team on winning their second Pennsylvania State Soccer Championship in the last 3 years.

On Saturday, November 15, this outstanding team defeated the Radnor Red Raiders by a 2 to 1 victory and captured the State championship. The Fleetwood team finished their season with an amazing 179 goals. The winning goal in the championship game was scored by all-stater Jerry Moyer, who holds the national record for assists and scored 37 goals this year. The first goal for the Tigers was scored by freshman Troy Snyder, who scored his 40th goal of the year just 98 seconds into the game. Goalies Russ Neider and Randy Kline needed only five saves between them to insure victory for the Tigers. The Tigers are coached by Ray Buss, who has led his team with only one loss last year, since September of 1978.

The Fleetwood Tigers soccer team has consistently shown their dedication to excellence, good sportsmanship and team loyalty. They deserve our utmost admiration and most certainly our congratulations. The people of Berks County are very proud of our team. I commend their record to the attention of my colleagues and wish these fine young athletes continued future success.●

REAGAN SOCIAL SECURITY PROPOSALS REQUIRE DETAILED SCRUTINY BY CONGRESS AND THE AMERICAN PEOPLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BIAGGI. Mr. Speaker, in recent days, much attention has been focused on some proposed policy recommendations involving the social security system advanced by President-elect Reagan's special social security task force. Included among these ideas are raising the social security retirement age from 65 to 68 and recalculating annual cost-of-living increases on the basis of wage increases not price increases.

As an original member of the House Select Committee on Aging, I consider it absolutely essential that all of these proposals be subjected to the closest possible scrutiny before they are advanced as legislation. I believe a national dialog involving the new administration, the Congress and the American people, especially the elderly, must be started to realistically discuss the future of the social security system.

I am somewhat concerned over the general direction which the task force recommendations seem to be taking. The concern about the future financial viability of the system is something which I share. However, I believe that achieving savings solely by reducing or delaying earned benefits is not sound policy.

If we are to realistically discuss the future funding of the social security system, we must include in these discussions proposals to provide for partial general revenue financing of the system. In the next Congress I will sponsor legislation, once authored by our distinguished former colleague James Burke, to provide that social security be financed one-third employer, one-third employee, and one-third general revenue.

As we consider different options for the future, we must remember that almost 30 percent of older Americans rely on social security as their source of income. For more than 40 years, social security has represented a covenant between millions of Americans and their Government, a covenant based on mutual participation and trust. The worker contributes to the system thus helping to provide benefits for eligible recipients and ultimately their own retirement. The Government's responsibility is to insure and protect the system so that benefits earned by workers can be benefits drawn by retirees.

The world of 1980 is far different than it was when social security went into effect. Dramatic demographic shifts have occurred to the point today that in this century that rate of growth among persons 60 and over is four times that of people under 60. In 1980, for the first time in our history, the number of persons over 60 exceeds the number of persons under 10. This shift in population is felt more in the social security system than in many other programs. The system's ability to provide benefits is directly tied to the number of younger workers contributing into the system, and their numbers are on the decline while the number of recipients is on the rise.

I applaud the interest being shown by the President-elect in the future of the social security system and hope to work closely with him in the months ahead.●

EDDIE PATTEN

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. FORSYTHE. Mr. Speaker, it was with regret that I learned of Ed Patten's decision to retire from the House at the end of this season of Congress. While Ed and I have been on different sides of the aisle, I have long admired and respected the manner in which he has approached his work as a legislator.

When I first came to Congress in 1970, my office was located in Longworth Building, right next door to Ed Patten. Ed, as we all know, has a marvelous sense of humor and a unmatched Irish enthusiasm. At this point in my congressional career, however, I was unaware of this. Well, Ed wasted little time in introducing himself to me and my staff members.

One day, while I was on the House floor, Ed strolled into my office and triumphantly announced to my staff, "I just talked to your boss and he told me to tell you that he's giving you the rest of the day off." Needless to say, my staff members came to love Ed Patten.

Since that time, I have come to know Ed Patten as a wonderful, thoughtful and hardworking individual. In all my years in Washington, I have never known him to be reserved or retiring. He approaches each day with a renewed eagerness and enthusiasm which bubbles over and affects everyone in this Chamber.

As the only member of the New Jersey delegation on the House Appropriations Committee, Ed was successful in procuring the necessary outlays to save Fort Dix in 1975. He has been instrumental in bringing needed revenue to Rutgers, the State University, and has always supported legislation aiding veterans, small businessmen and the working force of the State.

It is difficult to envision the House without Ed Patten. No one will ever replace his presence here. His outstanding contribution and undying enthusiasm will be sorely missed. I know all members of the delegation join me in wishing Ed and his wonderful wife, Ann, the best of everything.●

OSHA: TOO MUCH POWER?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. GINGRICH. Mr. Speaker, we often hear complaints about how agencies abuse their regulatory powers. Sometimes when we read these incidents in the newspaper, or hear about them on television, we simply cannot believe just how absurd these regulations are. But these incidents of overregulation just keep occurring.

It is time this abuse was put to a stop.

Recently, one of the folks from back home in Atlanta sent me a copy of a commentary by Neal Boortz. Mr. Boortz works at WLTA-FM in Atlanta, and is well known for his commentaries on the state of our Government. I would like to share his remarks with you.

THE NEAL BOORTZ COMMENTARY

How many of you have said, after one of my attacks on the incompetency in Government, "Oh, there goes ole Neal again, just piling the bad words on our Government. Nobody, not even a bureaucrat, could be that simple minded."

Wait a minute—try this story on for size. At a California construction site last week there was a cave in . . . One man was trapped and his life in danger. The fire department was called to dig him out, and they did. It took over 2 hours, with the firemen literally standing on their heads at times. The man's life was saved. Well, did the firemen return to a heroes welcome? Not quite. An OSHA inspector read the story of the rescue in the paper, hurried over to the site, investigated the details of the operation, and promptly filed charges against the firemen for conducting the rescue in an unsafe and unapproved manner. Now, do I need the rest of my time to make this point? According to OSHA, heroism can be harmful to your health and you need a bureaucrat to protect you from it. Well, there was some unpleasant publicity in the local press and I'm happy to report, an OSHA superior decided to withdraw the charges—but even he defended the inspector's diligence in filing the charges in the first place.

Now—I know I don't need the rest of my time to drill this point home.●

COMBATING SOVIET ANTISEMITISM AND HUMAN RIGHTS VIOLATIONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. OTTINGER. Mr. Speaker, I rise to protest two incidents of official Soviet antisemitism which undermine the current Madrid Conference and contradict the very human rights pledges the Soviets made as part of the Helsinki Accords.

On October 10, a Soviet newspaper with a circulation of about 10 million schoolchildren attacked Zionism and Judaism interchangeably as "modern day Fascism" and "the main enemy of peace on earth." The article claims that the purpose of "Jewish bankers" is to damage Soviet-American relations. Clearly, far greater damage to Soviet-American relations is being inflicted by official Soviet antisemitism.

One day, some of these children will make decisions affecting world peace—decisions based on dangerous illusions formed by this type of vicious propaganda. We must use the forum at the Madrid Conference to express our outrage.

I also wish to condemn the arrest and imprisonment last week of Viktor Brailovsky, a leading figure in the Jewish emigration movement in the U.S.S.R., on charges of "defaming the Soviet state and the public order." Mr. Brailovsky has acted as a contact point for information on emigration from Russia and has edited an underground journal, "Jews in the U.S.S.R.," which ceased publication in 1979. His arrest was the only way Soviet authorities could control his indefatigable commitment to the plight of tens of thousands of Jews who wish to leave the Soviet Union.

These incidents are not the exception, but rather the rule today in the Soviet Union. Since 1977, the Soviets have continually reneged on their human rights pledges. Hundreds of human rights advocates have been imprisoned, thousands of visas have been denied. Indeed, the Commission on Security and Cooperation in Europe, in its report to Congress, notes that in 1979, Soviet authorities began the most massive campaign against human rights activism in the last decade, if not since Stalin's death.

I urge the U.S. delegation to the Madrid Conference to stand firm in its fundamental commitment to human rights as the cornerstone of U.S. foreign policy. Negotiations should cover all human rights abuses, and we must demand prompt action by the Soviets. I urge all my colleagues to join me in insuring our continued vigilance against Soviet human rights violations and antisemitism.●

COMMONSENSE ABOUT DEFENSE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MICHEL. Mr. Speaker, former Secretary of Defense Melvin Laird, who served for 16 years on the Defense Appropriations Committee of the House, is recognized as a leading expert in the field of national security and defense.

He recently wrote of a major problem confronting the next Congress and the new administration: Given the fact that our recent national defense budgets have not provided for our national security needs, what is the best way to go about rebuilding our defenses?

Mr. Laird rejects the idea that we can have a "quick fix" by suddenly and dramatically increasing defense funding. What he envisions is a planned, orderly, consistent, gradual rise in defense spending.

I suggest that our former colleague's advice be given careful consideration as we approach the defense problems of this dangerous decade. At this point I insert in the RECORD "Not a Binge, But a Buildup" by Melvin Laird, Washington Post, November 19, 1980:

NOT A BINGE, BUT A BUILDUP

Of all the decisions facing the new president, none will be more important than those he makes in connection with the defense budget. Not only do budgetary decisions create defense policy, but they also send signals abroad about American resolve and impact heavily on economic conditions here at home.

There is no doubt our armed forces are in poor shape. Our present conventional force structure, with its personnel deficiencies, is too small, too immobile and lacks both readiness and sustainability. Moreover, in both the strategic and theater nuclear arena, the balance has deteriorated to such an extent that we can no longer use, or threaten to use, these forces to cover our conventional deficiencies.

The primary reason for this current sad state of affairs has been the fact that for almost two decades we have not spent enough money on national security. During the war in Southeast Asia, the size of the total defense budget was kept artificially low by such practices as diverting investment funds and supplies from Europe into the war effort. In the postwar period, when the nation demanded a peace dividend, the Department of Defense was forced to absorb astronomically higher personnel and operating costs within a budget that was declining in real terms.

Although this decline was halted in fiscal year 1976, the increases over the past four fiscal years have been more apparent than real. Funds available for investment in the fiscal year 1980 defense budget were still more than 30 percent less in real terms than they were in the last pre-Vietnam budget. To compound the problems of our defense establishment, the Soviet Union has embarked on a military buildup unprecedented in peacetime, and the international situation has becomes chaotic.

Thus, it is not surprising that within the past year a strong consensus has developed within the American political system that defense spending must be increased substantially. Opinion polls now show that nearly 70 percent of the people favor such an increase. Moreover, the recent election clearly demonstrated that those who were on record as consistently favoring larger defense expenditures did significantly better at the polls.

The question now before the new administration is by how much and how quickly the budget should be increased and to what areas the increment should be applied. What is needed now is a defense budget that not only will help us deal with our deficiencies in a prudent manner, but is also so economically feasible and politically supportable that it can be sustained over the long haul. Two decades of neglect cannot be undone in five years.

The worst thing that can happen is for the nation to go on a defense spending binge that will create economic havoc at home and confusion abroad and that cannot be dealt with wisely by the Pentagon.

For example, a 12-percent-a-year real increase in the defense budget over the next five years will result in a $400 billion defense budget by fiscal year 1986. Such an increase could clearly undo the consensus that has developed and harm national defense.

For fiscal year 1981 the Department of Defense will spend about $154 billion. This represents about 5.5 percent of the GNP and 24 percent of the appropriated federal budget. Although the defense portion of the GNP and the federal budget is still smaller than it was from 1950 through 1975, it will be higher than it was in fiscal year 1980. In the fiscal year just completed, defense took only 5.3 percent of the GNP and somewhat less than 23 percent of the federal budget. What I would like to see is defense build its share to about 6 percent of the GNP and then assume that it remain at that level until our depleted military capability is restored.

Based upon current government optimistic inflation projections, defense expenditures can reach the 6 percent plateau in an orderly fashion by fiscal year 1984. This would mean that three years from now defense would receive about $240 billion or 25 percent of the total budget. To accomplish this, defense spending authority would have to rise from its present level of $168 billion to $265 billion over the fiscal year 1981-84 period. The real increase under this program, compared with fiscal year 1980, would be about 6 percent per year in authority and 5 percent per year in outlays. Keeping defense at 6 percent of the GNP through fiscal year 1986 would result in defense outlays of about $267 billion five years from now. This would mean that by fiscal year 1986 defense authority would have to grow to about $300 billion, and about 26 percent of the federal budget would have to be allocated to defense.

Such a program would add an average of about $10 billion per year over and above inflation to the defense budget each year for the next five years. Military personnel needs must command the first budget priority. Then for the first few years, the vast majority of the increment should be spent on improving the readiness and sustainability of the current force. Once that is accomplished, priority can be switched to future investment.

This type of program not only would increase our military capability and send a clear and reassuring signal to our allies and adversaries but, more important, can be sustained and supported both economically and politically. It is the type of approach used by the last two-term president, Dwight Eisenhower.

FALLOUT FROM THE PEOPLE'S REPUBLIC OF CHINA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DRINAN. Mr. Speaker, Jerome Grossman has written a characteristically thoughtful article for the Boston Globe on the fallout from atmospheric nuclear explosions conducted by the People's Republic of China.

As president of the Council for a Livable World, Jerome Grossman spoke at the Democratic National Convention last August in order to bring much needed attention to the frightening dangers of nuclear proliferation and unchecked military spending. His article points again to the need for a continuous commitment to the cause of a truly livable world.

I commend to my colleagues in the Congress the following article, and second its call for completion and ratification of the Comprehensive Nuclear Test Ban Treaty.

The article follows:

POISON FROM THE AIR: ENDING CHINESE ATMOSPHERIC TESTING

(By Jerome Grossman)

Our new friends, the Peoples Republic of China, exploded a nuclear bomb in the atmosphere on Oct. 17 at a desert testing range in northwest China. This blast caused the formation of clouds carrying poisonous radioactive material that dropped over many sections of the United States, including New England.

Some friends.

China is the only nation still exploding nuclear weapons in the atmosphere. It is the only country sending clouds of radioactive dust around the world to fall on grazing lands where cows and other animals ingest the dangerous material and pass it on to human beings.

Australia, Japan and other Pacific nations have protested vehemently. The China desk of the US State Department has expressed deep concern and has sent a formal protest citing the dangers to its inhabitants and to the safety of international aviation.

This is not the first time the United States has made such a protest. After the last Chinese nuclear test in December 1978, Vice-Premier Deng Xiaoping visited the United States. Nuclear testing by China was discussed with him by President Carter. US Rep. Jonathan Bingham of New York organized a petition signed by a number of congressmen urging the Chinese to join the 106 signatories to the Limited Test Ban Treaty or at least to forswear further atmospheric tests as intolerable acts of aggression against present and future generations. Sen. Robert Dole of Kansas and other congressmen confronted Deng in person with the problem.

Deng's response to all was the same:

1. Chinese nuclear weapons tests amount to only a small fraction of the tests in the atmosphere conducted in past years by the United States and the Soviet Union.

2. The Chinese are far behind the two superpowers in nuclear weapons and feel that they must catch up in order to be safe from attack.

3. The Chinese would like to stop testing in the atmosphere and shift underground, but do not have the technology and the know-how to do so.

4. If the Americans would teach the Chinese how to test underground and give them the technology, the Chinese would end atmospheric testing.

National Security Adviser Zbigniew Brzezinski and his deputy, David Aaron, have said that the United States has no intention of facilitating Chinese development of nuclear weapons by helping them with the technology for nuclear underground testing.

In July 1979, I confronted high officials of the Chinese government in Peking on their nuclear testing and received the same answers as those given by Deng.

Clearly the time has come to marshal the full force of world opinion against these arrogant and irresponsible acts which threaten the health of all humans, particularly those who live in the Northern Hemisphere. At the very least the United Nations ought to consider and condemn the Chinese tests. Or perhaps an action should be brought before the International Court of Justice seeking injunctive relief or damages for radioactive aggression.

Perhaps the best way to put pressure on China would be for the other nuclear powers—the United States and the Soviet Union in particular—to complete and sign the Comprehensive Test Ban Treaty (CTB) (now 90 percent complete), which would close for all nations the present loophole of underground testing. (Most underground tests also vent radioactive debris into the air.) Most important, the treaty would undercut the Chinese excuses and concentrate world pressure upon the Peoples Republic to stop poisoning us.●

FRAC GUILTY OF WORKFARE INTERVENTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. FINDLEY. Mr. Speaker, a year ago I was joined by 19 other Members of Congress in requesting the General Accounting Office to determine whether the Food Research and Action Center (FRAC) was using Federal funds to interfere with the implementation of workfare pilot projects authorized under section 17(b)(2) of the Food Stamp Act of 1977.

The GAO has determined recently that 5 of the 10 FRAC mailings we submitted for review contained material that could be construed as lobbying, and that on at least two occasions, FRAC publications violated grant terms and conditions and CSA regulations that must be consistent with antilobbying restrictions imposed by the appropriate Appropriation Acts.

Further, GAO has requested CSA to recover the improper expenditures from FRAC, to review its internal antilobbying regulations to insure that they are consistent with our (GAO) decisions on this subject, and to provide notice to grantees of this prohibition.

By way of background, the workfare pilot projects are federally mandated, duly passed by Congress, and signed by the President despite the ardent opposition expressed by FRAC and other antihunger groups during the legislative process surrounding the 1977 Food Stamp Act. Simply stated, under the workfare concept, any person who is subject to the work registration requirements of the Food Stamp Act and is a member of a household that does not have earned income equal to or exceeding the allotment to which the household is otherwise entitled, would be required to work off his allotment at public service employment if not offered a job in the private sector during the 30-day period following the initial registration for employment.

The concept is being tested in a number of pilot project sites around the country and offers a way to assist welfare recipients in transferring from the welfare roles to jobs in the private sector. In some cases, those not interested in transferring off the welfare rolls into public employment, and though technically eligible, not totally dependent on the benefit anyway, have opted off the food stamp program rather than perform the public service employment. In many cases where the recipient is performing the public service employment, he or she is receiving valuable on-the-job training and acquiring skills necessary for employment.

Obviously, workfare is not viewed favorably by some in the welfare establishment who believe that Government owes everyone a living and that it is demeaning to have able-bodied recipients work for the public assistance they receive. Representative of this point of view is FRAC, a private nonprofit corporation supported primarily by the Community Services Administration (CSA) under its community food and nutrition program. FRAC has a long history of being on record in opposition to the concept of work in return for benefits. Unable to prevent the inclusion of the workfare concept in the Food Stamp Act, FRAC then began to try to thwart the implementation of these projects. It instructed its field staff to hassle and block the projects.

Though the CSA Director, when confronted with the FRAC action, termed such interventionist action intolerable and requested that FRAC refrain from giving this kind of advice in the future, FRAC appeared unrepentant. In fact, the then-FRAC director termed the congressional complaint a political attack. It is unfortunate that firmer corrective action was not taken prior to the determination by the GAO of the impropriety of the FRAC activity.

I cite this unfortunate episode not so much because of its impact on workfare implementation, for workfare is a sound concept and will survive regardless of the harassments of certain special interest groups like FRAC. Rather, I cite the episode because it points to the question of logic, if not the legality, of the Government's funding two opposing objectives and implicitly acquiescing in, if not encouraging, one federally funded group to bring suit against another's (in this case, a State agency's) good faith efforts to carry out Federal law.

Congressional commitment to food stamps (and other feeding programs for that matter) can hardly be questioned when the program is growing at the rate of several billion dollars a year and when 1 American in 10 is participating. This being the case, what in heaven's name, then, would be the purpose of CSA grant funds to FRAC to implement legal strategies to improve the responsiveness of Federal food programs or to insure that food stamp programs provide low-income persons with benefits that meet their needs? It is small wonder that when the Federal Government has two diametrically opposing forces focusing on the implementation of a program, that confusion and public dissatisfaction ensue and that money is spent unsoundly. In the case of food stamps Congress determines the benefit structure, and the Food and Nutrition Service has a quality control system to measure the effectiveness of the States in administering the food stamp program, and, in fact, has a monetary sanction system to impose on the States if program administration is inadequate.

There is an old saying that "there is a lot of money in poverty if one is on the right side of the issue." This is a classic example of that unfortunate offshoot of this country's massive welfare relief effort. This country has a long and admirable record of assisting those so unfortunate as to be unable to help themselves, but our people do not share the beliefs of a small cadre of welfare "reformers" who support benefit distribution beyond the bounds of the "needy" definition and who do not believe that a strong work ethic should be incorporated into the welfare structure. The fringe groups simply do not represent the mainstream of American thought, in my opinion.

If one agency of the Federal Government is knowingly or unknowingly funding activities of organizations such as FRAC to oppose or disrupt duly authorized Federal pilot projects (or any other authorized activity), the end result, it appears, is that Federal laws are either being subverted or violated, and logic is being stood on its head; not to mention the fact that tax dollars are being wasted. If there is no Federal law in effect prohibiting or limiting actions such as these, it appears that such laws should be enacted or existing law should be clarified and agencies should scrutinize grant objectives much more carefully.●

OLDEST VETERAN DIES AT HARRISON

HON. JOHN HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HAMMERSCHMIDT. Mr. Speaker, last Monday, it was my sad duty to relay to the House of Representatives the passing of our Nation's oldest veteran, William Joseph Moore, who resided in my hometown of Harrison, Ark.

Today, I would like to share with my colleagues an excellent article which appeared in the Arkansas Gazette as a lasting tribute to this great Arkansan.

The text of this article follows:

OLDEST VETERAN DIES AT HARRISON—W. J. MOORE, 108

WAS PHONE PIONEER

HARRISON.—William Joseph Moore, aged 108, the country's oldest living war veteran, the world's oldest Mason and a pioneer in the Boone County telephone industry, died Sunday after a brief illness.

An almost lifelong Boone County resident whose work saw vast changes in Ozark communications, Mr. Moore's long career saw two major accomplishments: He was the county's first rural mail carrier, a position he had almost 20 years, and he was the predominant force in expanding its telephone system. For 52 years, until his retirement at 100, Mr. Moore was president and general manager of the Boone County Telephone Company, now a part of the Allied Telephone Company.

But it was his longevity that brought him national attention. He was recognized in 1971 as probably the oldest active telephone industrialist in America and March 17, his 108th birthday, he was honored by the Veterans Administration as the oldest of 30 million living veterans in the United States.

ENLISTED IN 1898

Mr. Moore enlisted in 1898 as 26-year-old private during the Spanish American War. He joined Company K of the Arkansas Infantry, which "marched" by farm wagons for two days before reaching the nearest railhead at Eureka Springs. From there he traveled by train to Little Rock and training camp at Chickamauga, Ga., where he became a bugler. He was stationed at Little Rock for a year and never saw action.

Mr. Moore was born in 1872 in Newton County, the seventh of 14 children. His sister was the mother of Supreme Court Justice Frank Holt and Municipal Judge Jack Holt Sr.

Soon after his birth, the large Moore family moved to Boone County, and there Mr. Moore lived, was schooled and worked nearly all his life. He attended rural Boone County schools and was a school teacher in Boone and Newton Counties before he studied at a high school. He attended Valley Springs Academy when he was 19.

A year after his graduation in 1895, Mr. Moore became the rural mail carrier, delivering mail by horsedrawn buggy through 24 miles of rural Boone County. With money saved from this pioneering work and veteran's benefits, Mr. Moore began purchasing stock in the county phone company in 1914. By 1915, he was a majority stockholder and in 1919, he became president.

He sold the company in 1970 to Allied with the promise that he remain president and general manager until he turned 100.

When he retired, the family had grown from six employes to 99. "I still feel like they are my brothers and sisters," he said in March.

Mr. Moore attributed his long life to a divine "partner," a happy home life and a positive outlook on life. After his retirement, he spent most of his time at home. He used a walker and his eyesight and hearing deteriorated, but he nonetheless was alert. According to his wife, he loved to have visitors to speak with about the changes he had seen in Boone County.

Mr. Moore was active in a number of organizations until his death. He was a deacon at Harrison First Baptist Church for 52 years and was the church's oldest member. He was a former member of the Harrison City Council and the Harrison Board of Education. He also belonged to the Scottish Rite, Rotary Club, the Sons of the American Revolution, Gideon's International and was a Royal Arch Mason.

For his work in telephone industry, he was named a life member of the Telephone Association-Telephone Pioneers of America and was inducted into the Hall of Fame of Independent Telephone Pioneers.

He is survived by his wife, Mrs. Lena Allbright Moore; a son, Dr. Marvin G. Moore of Springdale; two grandchildren and a great-grandchild. His funeral will be at 2 p.m. Tuesday at First Baptist Church and the burial will be at Rose Hill Cemetery by Holt Memorial Chapel.●

CONGRESSIONAL SALUTE TO HON. ALICE BAROWITZ OF NEW JERSEY, DISTINGUISHED CITIZEN, COMMUNITY LEADER, AND GREAT LADY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ROE. Mr. Speaker, on Saturday, November 22, the residents of the city of Passiac, my congressional district and State of New Jersey will gather in testimony to a distinguished citizen, outstanding community leader, and good friend, Hon. Alice Barowitz, whose personal commitment and exemplary service dedicated to the quality of life for God's special people has earned her the highly esteemed "Woman of the Year" award of the Bergen-Passaic Unit of the Association for Retarded Citizens and the prestigious honor of having Saturday, November 22, proclaimed as Alice Barowitz day by the mayor and citizens of the city of Passaic.

With your permission, Mr. Speaker, I insert at this point in our historic journal of Congress the city of Passaic's proclamation issued by the most distinguished mayor, Hon. Robert C. Hare, in tribute to Alice's lifetime of dedicated service in developing, enhancing, and improving the standards of living and way of life for our retarded citizens which have truly enriched our community, State, and Nation. The proclamation reads as follows:

PROCLAMATION

Whereas Alice Barowitz has been designated "Woman of the Year" by the Bergen-Passaic Unit for Retarded Citizens; and

Whereas Alice Barowitz has for many years been an involved citizen in secular and religious philanthropic activities in the City of Passaic, and is a founding member of the Bergen-Passaic Unit for Retarded Citizens;

Whereas for the past 33 years, Alice Barowitz has been the community chairman of fund-raising for this worthy group;

Whereas the Bergen-Passaic Unit for Retarded Citizens began in 1947 with a handful of parents and has grown into a national organization;

Whereas this organization has been instrumental in improving the situation of retarded citizens within and without institutions and had developed schools, sheltered workshops, recreation and legislative programs to improve the quality of life for retarded persons.

Now, therefore, I, Robert C. Hare, Mayor of the City of Passaic, do hereby proclaim Saturday, November 22, 1980, as Alice Barowitz Day in the City of Passaic in recognition of the civic-minded and dedicated lady and call upon all of her friends and fellow citizens to join in paying tribute to this honorable woman.

Mr. Speaker, Mrs. Barowitz, a member and volunteer of the Bergen-Passaic Unit of the Association for Retarded Citizens since its inception 33 years ago, has given her endless energies and devotion as chairman of the Passaic fund-raising campaigns and the benevolent projects for the State institutions for the retarded.

She has served and is presently serving on many appointive projects. She has been on the historical commission since its inception in Passaic and was active in the family service serving as a board member for many years.

She continues her work in many community activities, including cancer drives, volunteer for Leukemia Society and is involved in the UJA and Israel bonds and other religious and nonsectarian projects. She has also served as president of the women's division of her synagogue and has been a recipient of a number of citations for her work.

Mr. Speaker, I appreciate the opportunity to commend Mrs. Barowitz to you and our colleagues here in the Congress and seek this national recognition of the richness of her standards of excellence, sincerity of purpose, and quality leadership which has enabled her to achieve this high honor of respect and esteem from the people of the city of Passaic and the Bergen-Passaic Unit of the Association for Retarded Citizens. We do indeed salute a great lady, distinguished citizen, and community leader—Hon. Alice Barowitz.●

PRESIDENT REAGAN, JUDICIAL POWER AND THE ADMINISTRATIVE STATE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DORNAN. Mr. Speaker, when President Ronald Reagan takes the oath of office on January 20, 1981, political commentators, news analysts, and members of the political community will remark upon the great changes Americans can expect and for which they enthusiastically voted. President-elect Reagan promised the American people he would get "the Government off of our backs." It was the theme underlying his campaign.

Our new President will have to grapple with an octopus that every well-intentioned President has failed to disarm: The Federal bureaucracy and its regulatory apparatus. The new President will select 2,600 individuals to fill key slots in the Federal system; but this is only a tiny fraction of the almost 3 million civilian employees who are on the Federal payroll and carry out the day-to-day functions of the executive and regulatory agencies of the Federal Government. And it is this bureaucratic empire that is growing rapidly and, in the view of the authors of the July 1980 report by the Advisory Commission on Intergovernmental Relations, out of effective democratic control.

Mr. Speaker, the prestigious Washington Legal Foundation has recently undertaken a study of the Nation's top regulatory agencies. Out of the 16 top regulatory agencies, 67 of the 90 commissioners are appointees of the Carter administration. Naturally, the overwhelming majority of these appointees are liberal Democrats hostile to the changes initiated by a conservative President. Inasmuch as the term of service for these regulatory commissioners is anywhere from 5 to 7 years, few of them could be removed by a Reagan administration during the first term.

Mr. Speaker, beyond the appointment of the heads of the Federal regulatory agencies, there are President Carter's judicial appointments, a total of 268 Federal judges or roughly one-half of the entire Federal bench. Needless to say, the distinguishing characteristic of the Carter judicial appointees is that they are, as a group, overwhelmingly liberal in political persuasion. Electoral losses have intensified the determination of opponents of the new conservative tide to seek power through unelected avenues of Government: Regulatory agencies and the Federal judiciary. If there is any doubt about this, I would ask my colleagues to consider a remark made by a representative of Ralph Nader's Congress Watch: "The future of the public interest movement is in the Courts. There will be no progressive legislation in the 97th Congress." Translated: We cannot win the people to our conception of the public interest through the ballot box, so we will do an endrun around representative government and enforce our vision of what is good and proper for the public through an activist, politically unaccountable Federal judiciary.

The political struggle that will emerge during President Reagan's first term will not be a struggle between this House and a more conservative Senate, between Republicans and Democrats, or even between liberals and conservatives. It will be a struggle between the elected and the unelected agencies of Federal power, between a more conservative Congress, and a more liberal judiciary. That will be one front. The other front in this struggle will be between this Congress and the Federal regulatory beast that has yet to be chained down by the legislative powers of this Congress.

From the standpoint of preserving representative government, regulatory reform has now become a moral imperative. This Congress owes the American people, who conscientiously voted for significant political and economic changes in the 1980 election, a strong reassertion of its own constitutional authority to curb not only the powers of the regulatory agencies, but also a judiciary that sees itself more and more as an elite legislative agency rather than an independent authority dispensing justice in the cases and controversies brought before it.

SUMMARY OF THE COMPOSITION OF KEY FEDERAL INDEPENDENT REGULATORY AGENCIES

The following table compiled by the Washington Legal Foundation, represents a summary of the composition of key federal regulatory agencies comprising the unelected fourth branch of the Federal Government. It is designed to show that despite a change in the administration, the regulatory commissions and agencies, which have a significant impact on our economy and society, remain controlled for the most part by past administration appointees.

Agency	No. of members	Term in years	Carter appointees
Consumer Product Safety Commission (CPSC)	5	7	5
Equal Employment Opportunity Commission (EEOC)	5	5	5
Securities Exchange Commission (SEC)	5	5	5
Federal Trade Commission (FTC)	5	7	3
Nuclear Regulatory Commission (NRC)	5	5	3
Federal Communications Commission (FCC)	7	7	3
National Labor Relations Board (NLRB)	5	5	3
Occupational Safety and Health Review Commission (OSHRC)	3	4	3
Federal Election Commission (FEC)	6	6	4
Federal Energy Regulatory Commission (FERC)	5	4	5
Commodity Futures Trading Commission (CFTC)	5	5	2
Civil Aeronautics Board (CAB)	5	6	5
International Trade Commission (ITC)	6	9	3
Interstate Commerce Commission (ICC)	6	7	4
Federal Reserve Board	7	14	5
Administrative Conference of the United States (ACUS)	10	3	9

JUDICIAL SYSTEM

Federal judges

Total Federal judgeships, 678.

Carter appointees, 264.

Carter has thus appointed approximately 40 percent of all Federal judges to the bench for life.

Administrative law judges

The Federal Government currently employs 1,146 administrative law judges, Federal bureaucrats promoted to positions of quasi-judicial authority and allowed to adjudicate significant controversies between private citizens, businesses and the Federal regulatory agencies. As is the case in the Federal judiciary, the number of administrative law judges has increased substantially under the Carter administration.

COMPOSITION OF KEY FEDERAL INDEPENDENT REGULATORY AGENCIES

Agency: Consumer Product Safety Commission.
Number of members or Commissioners: 5.
Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Susan King (Chairman) (D)	October 26, 1984	Carter.
R. David Pittle (D)	October 1982	Nixon Reapp.—Carter.
Edith Sloan (D)	October 1983	Carter.
Samuel Zagoria (R)	October 1985	Carter.
Stuart M. Statler (R)	October 1986	Carter.

Statute: 15 U.S.C. 2051.

Agency: Securities and Exchange Commission.
Number of members or Commissioners: 5.
Length of term: 5 years.

Name of Commissioners	Term expires	Appointed by
Harold Williams (Chairman) (D)	June 5, 1982	Carter.
Phillip A. Loomis (R)	June 5, 1984	Nixon Reapp.—Carter.
John R. Evans (R)	June 5, 1983	Carter.
Steven J. Freedman (D)	June 5, 1981	Carter.
Barbara Thomas (D)	June 5, 1985	Carter.

Statute: 15 U.S.C 78a.

Agency: Federal Trade Commission.
Number of members or Commissioners: 5.
Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Patricia Bailey (R)	October 1986	Carter.
Paul Rand Dixon (D)	September 1981	Ford.
Robert Pitofsky (D)	September 1982	Carter.
Michael Pertschuk (D) (Chairman)	September 1984	Carter.
David Clanton (R)	September 1983	Ford.

Statute: 15 U.S.C. 41, 52, 1451, 1601; 15 U.S.C. 12; 15 U.S.C. 1311; 15 U.S.C. 2301–12, 45–58.

Agency: Federal Communications Commission.
Number of members or Commissioners: 7.
Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Charles Ferris (D) (Chairman)	October 1984	Carter.
Robert Lee (R)	October 1981	Nixon.
James Quello (D)	October 1980	Nixon (reapp. pending)
Abbot Washburn (R)	October 1982	Ford.
Joseph Fogarty (D)	June 1983	Ford.
Tyrone Brown (D)	June 1984	Carter.
Anne Jones (R)	June 1986	Carter.

Statute: 47 U.S.C. 35, 161, 701.

Agency: National Labor Relations Board.
Number of members or commissioners: 5 and General Counsel.
Length of term: 5 years for board members; 4 years for general counsel.

Name of Commissioners	Term expires	Appointed by
John F. Hanning (D)	Dec. 16, 1982	Carter.
Howard Jenkins, Jr. (R)	Aug. 27, 1983	Kennedy/Johnson, Nixon/Carter.
John A. Penello (D)	Aug. 16, 1981	Nixon/Ford.
John C. Truesdale (D) (renominated Oct. 23, 1980, but not yet confirmed by Senate).	Aug. 27, 1980	Carter.
Don A. Zimmerman (I)	December 1984	Carter.
William Lubbers, General Counsel	December 1983	Carter.

Statute: 29 U.S.C. § 151.

Agency: Equal Employment Opportunity Commission.
Number of members or commissioners: 5 and General Counsel.
Length of term: 5 years for commissioners; 4 years for general counsel.

Name of Commissioners	Term expires	Appointed by
Eleanor Holmes Norton, Chairman (D)	July 1, 1981	Carter.
Armando M. Rodriguez (D)	July 1, 1983	Carter.
J. Clay Smith, Jr. (R)	July 1, 1982	Carter.
Daniel Leach (D)	July 1, 1984	Carter.
Ethel Walsh (R) (has been nominated but not yet confirmed by Senate).	July 1, 1980	Nixon/Carter.
Leroy Clark, General Counsel	July 1, 1983	Carter.

Statute: 42 U.S.C. 2000e.

Agency: Occupational Safety and Health Review Commission.
Number of members or commissioners: 3.
Length of term: 4 years.

Name of Commissioners	Term expires	Appointed by
Timothy F. Cleary (Chairman) (D)	Apr. 27, 1985	Carter.
Frank R. Barnako (R)	Apr. 27, 1981	Carter.
Bertram R. Cottine (D)	Apr. 27, 1983	Carter.

Statute: 29 U.S.C. 651–678; 41 U.S.C. 35.

Agency: Commodity Futures Trading Commission.
Number of members or commissioners: 5.
Length of term: 5 years.

Name of Commissioners	Term expires	Appointed by
James M. Stone (D) (Chairman)	April 1985	Carter.
Reed P. Dunn (D)	April 1980	Ford.
Robert L. Martin (R)	April 1981	Ford.
David G. Garther (D)	April 1983	Carter.
Vacancy—No appointment pending		

Statute: 7 U.S.C. 4a.

Agency: Interstate Commerce Commission.
Number of Members or Commissioners: 11 only 6 appointed.
Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Darius W. Gaskins (Chairman) (D)	December 1984	Carter.
Robert Greshman (R)	December 1981	Nixon.
Charles L. Clapp (R)	December 1980	Ford.
Thomas A. Trantum (R)	December 1985	Carter.
Marcus A. Alexis (D)	December 1985	Carter.
Reginald E. Gilliam (D)	December 1982	Carter.

Statute: 49 U.S.C. Subtitle IV.

Agency: Nuclear Regulatory Commission.
Number of members or Commissioners: 5.
Length of term: 5 years.

Name of Commissioners	Term expires	Appointed by
John Ahearne (Chairman) (D)	June 30, 1983	Carter.
Joseph N. Hendrie (R)	June 30, 1981	Ford.
Peter Bradford (D)	June 30, 1982	Carter.
Victor Gilinsky (D)	June 30, 1984	Carter.
Albert Carnesale (I)—nomination pending.		

Statute: 42 U.S.C. 2011; 42 U.S.C. 5841.

Agency: Federal Election Commission.
Number of members or Commissioners: 6.
Length of term: 6 years.

Name of Commissioners	Term expires	Appointed by
Max L. Friedersdorf (R)	Apr. 30, 1983	Carter.
John McGarry (D)	Apr. 30, 1983	Carter.
Joan Aikens (R)	Apr. 30, 1981	Carter.
Thomas E. Harris (D)	Apr. 30, 1985	Carter.
Frank Reiche (R)	Apr. 30, 1985	Carter.
Robert Tiernan (D)	Apr. 30, 1981	Carter.

Agency: U.S. International Trade Commission.
Number of members or Commissioners: 6.
Length of term: 9 years.

Name of Commissioners	Term expires	Appointed by
Bill Alberger (Chairman) (D)	December 1985	Carter.
Michael J. Calhoun (I)	December 1988	Carter.
Paula Stern (D)	December 1987	Carter.
George M. Moore (R)	June 1982	Nixon.
Catherine Bedell (R)	June 1984	Nixon.
Vacancy—Gardner Peterson has been nominated but not yet confirmed.	June 1981	

Statutes: 19 U.S.C. 160; 7 U.S.C. 601; 19 U.S.C. 1202; 19 U.S.C. 2101; 19 U.S.C. 1801; 19 U.S.C. 2101.

Agency: Civil Aeronautics Board.
Number of members or commissioners: 5.
Length of term: 6 years.

Name of Commissioners	Term expires	Appointed by
Elizabeth E. Baily (R)	Dec. 31, 1983	Carter.
Gloria Schaffer (D)	Dec. 31, 1984	Carter.
Marvin S. Cohen (Chairman) (D)	Dec. 31, 1985	Carter.
George A. Dalley (D)	Dec. 31, 1982	Carter.
James R. Smith (I)	Dec. 31, 1986	Carter.

Statute: 49 U.S.C. 1301.

Agency: Federal Reserve Board.
Number of members or commissioners: 7.
Length of term: 14 years.

Name of Commissioners	Term expires	Appointed by
J. Charles Partee	January 1986	Ford.
Nancy Hays Teeters	January 1984	Carter.
Henry C. Wallich	January 1988	Nixon.
Paul Volcker (Chairman)	January 1992	Carter.
Lyle E. Gramley	January 1994	Carter.
Emmit J. Rice	January 1990	Carter.
Frederick H. Schultz	January 1982	Carter.

Party affiliations not available.
Statutes: 12 U.S.C. 221; 12 U.S.C. 227; 12 U.S.C. 228.

Agency: Administrative Conference of the United States.
Number of members or commissioners: 10.
Length of term: 3 years.

Name of Commissioners	Term expires	Appointed by
Rubin R. Robertson (Chairman)	October 1985	Carter.
Robert Pitoksky (also on FTC)	October 1983	Carter.
Joan Bernstein	September 1981	Carter.
Walter Gellhorn	1979—open	Ford.
Ronald B. Lewis	June 1983	Carter.
Ira M. Milstein	January 1981	Carter.
Edward E. Schmaltz	January 1980—open.	Carter.
Franklin M. Schultz	June 1983	Carter.
Otis M. Smith	September 1981	Carter.
Richard C. VanDusen	1980—open	Carter.

Statute: 5 U.S.C. 573.

Agency: Federal Energy Regulatory Commission.
Number of members or commissioners: 5.
Length of term: 4 years.

Name of Commissioners	Term expires	Appointed by
Charles B. Curtis (I)	October 1983	Carter.
George R. Hall (D)	October 1980	Carter (not reappointed).
Matthew Holden, Jr. (D)	October 1981	Carter.
Georgiana Sheldon (R)	October 1980	Carter (not reappointed).
John Davis Hughes (D)	August 1983	Carter.

Statute: 15 U.S.C. 717; 16 U.S.C. 791.

FEDERAL JUDGES

Carter has appointed 264 Federal Judges out of a total of 678 authorized federal judgeships. The percentage of all judges appointed by Carter is approximately 40 percent. The judges are appointed for life.

ADMINISTRATIVE LAW JUDGES

There are currently 1,146 administrative law judges (ALJ's) who serve in important quasi-judicial proceedings of Federal agencies including rulemaking, ratemaking, and adjudication. A substantial number of these ALJ's have been selected by the agencies during the Carter administration. They are appointed for life.●

HOUSE OF REPRESENTATIVES—*Friday, November 21, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Cause us, O Lord, to turn from the necessary action and concerns of life to begin each day with a word of thanksgiving. Remind us how we have been blessed, as a nation and as individuals, by Your bounty and by opportunities for service. We laud Your name, O Lord, for You have breathed into us the breath of life and have enabled us to respond to that gift in deeds of love to those about us—to family and friends and to the needy and forgotten. Help us to develop attitudes of praise and appreciation that in spite of the difficulties of the times, we will go forward eager to share the love that You have manifested to us. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) entitled "Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983."

The message also announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community;

H.R. 7698. An act for the relief of two mining claimants;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests; and

H. Con. Res. 451. Concurrent resolution providing for an adjournment of the House from November 21, to December 1, 1980, and a recess of the Senate from November 25 to December 1, 1980.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1135. An act to add certain lands to the Moapa Indian Reservation, and for other purposes;

S. 1386. An act to amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1578. An act for the relief of Dr. Halla Brown;

S. 1828. An act to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes;

S. 2352. An act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes;

S. 2441. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; and

S. 3152. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Act for 2 additional years.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6410. An act to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes;

H.R. 6889. An act entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980"; and

H.R. 6933. An act to amend the patent and trademark laws.

The message also announced that the Senate recedes from its amendment to the bill (H.R. 8146) entitled "An act to provide a program of Federal supplemental unemployment compensation."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8146. An act to provide a program of Federal supplemental unemployment compensation.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 8146) entitled "An Act to provide a program of Federal supplemental unemployment compensation," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. HARRY F. BYRD, JR., of Virginia, Mr. BOREN, Mr. BRADLEY, Mr. DOLE, Mr. CHAFEE, and Mr. HEINZ be the conferees on the part of the Senate.

JOINT RESOLUTION INTRODUCED PROVIDING FOR AND ENCOURAGING CREATION OF NATIONAL CONFERENCE ON FEDERALISM

(Mrs. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. SNOWE. Mr. Speaker, I am today introducing a joint resolution providing for, and encouraging the creation of a National Conference on Federalism. A similar resolution has been introduced in the other body by Senator ROTH.

I think it is high time that we thoroughly reassess our Federal system of government, and I think the recent election results are a clear indication that the people of this country think it is time also.

At present, responsibility for governance is fragmented among the many governments in our system. Beneath the Federal Government, there are countless other governments including States, counties, cities, towns, townships, boroughs, special districts, councils of government, and others. In total, there are some 80,000 governments of various types actively participating in the Federal "experiment" including 41,000 cities and counties, 1,600 school districts, 23,000 special districts, and 1,800 regional governments and organizations. At one time in our history the roles and responsibilities of these governments were neatly defined but today we face a confusing overlap of governmental roles. This system is inefficient, unaccountable, and a poor means of delivering public services. If you doubt this, try to find out where the buck stops at any layer of this maze; I wish you luck.

This growth in the Federal system is evidenced in the $632 billion Federal budget we just passed; the 141 new agencies created between 1961 and 1973; and the creation of over 100 regulatory programs. The Federal grant-in-aid system has exploded in the last 20 years. In 1960, for example, there were 132 assistance programs to States and localities and just over $7 billion was spent on those program, that is less than 2 percent of the gross national product. Today, close to 500 assistance programs exist accounting for $88 billion of the Federal budget, and 3.4 percent of GNP. In 1970, only 2 grant programs cost the taxpayers over $1 billion; today, there are 15.

As the programs grow, the payroll grows. Federal employment has risen from 2.1 million in 1950 to 2.8 million in 1976. State and local employment during the same period grew from 4.3 to 12 million. The vast increase in grant-in-aid programs, the explosion in grant conditions and rules—currently some 1,040 conditions are attached to Federal assistance programs—and the expanding Federal tendency to mandate, or directly order, State and local actions, are significant factors in stimulating public sector growth.

Given this situation, it is time for a

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

thorough reassessment of the status of American federalism. A national conference on federalism composed of elected officials at all levels, would carefully reexamine the roles of Federal, State, and local governments. It would seriously look at ways to reassign responsibilities clearly and openly so that governments at all levels are, once again, made fully accountable to their citizens.

HUNGER IN SOMALIA

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, I rise to express my continuing concern over the refugee situation in Somalia. This small country continues it's attempts to accommodate 1 million starving people. These refugees are not entirely from Somalia but stream in from surrounding countries which are involved in civil wars. Ninety percent are women and children suffering from malnutrition, malaria, dysentery, dehydration and many other diseases.

The multitude of problems is increasing as the number of refugees continues to climb. Recently, the Government of Somalia ran out of fuel because of the Iraqi-Iranian conflict. Since all 32 refugee camps are dependent on food and medicine delivered daily, the refugees are in immediate jeopardy. Compounding the transportation shortage, the Somalian Government must dip into their national food supplies to feed their citizens and the refugees as well. Impending drought necessitates 160,000 additional tons of food for the survival of the entire country and the refugees.

We must not turn our backs and assume our portion is paid. As one of the refugee camp coordinators said: "Refugees do not have a home, but they belong to everyone."

AUTHORIZING U.S. SECRET SERVICE TO CONTINUE TO FURNISH PROTECTION TO FORMER VICE PRESIDENT OR HIS SPOUSE

Mr. WRIGHT. Mr. Speaker, I call up the joint resolution (H.J. Res. 634) to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 634

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to (a) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1981, or (b) his spouse, if the President determines that such person may thereafter be in significant danger: *Provided, however,* That protection of any such person shall continue only for such period as the President determines and shall not continue beyond July 20, 1981, unless otherwise permitted by law.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING SERVICE AREA FOR SACRAMENTO VALLEY CANALS, CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. KAZEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2111) to extend the service area for the Sacramento Valley Canals, Central Valley project, California, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

After section 2, insert the following new section:

"Sec. 3. Any water service contract hereinafter entered into by the Secretary of the Interior with the Yolo-Zamora Water District shall contain provisions establishing:

"(A) That water users shall pay for such water at a rate equivalent to the cost of service to the Yolo-Zamora Water District or the District's repayment capacity, whichever is less, but in no case less than the annual operations, maintenance, and replacement costs allocable to the district for service of Central Valley Project Water, all as determined by the Secretary of the Interior in conformance with reclamation law and in consultation with the district: *Provided,* That the district's repayment capacity and the operations, maintenance, and replacement costs shall be recalculated and revised no less frequently than every five years and the water rates adjusted as appropriate to reflect such revisions;

"(B) that any water supply contract between the Secretary and the Yolo-Zamora Water District shall provide that in the event of a dry or critically dry year the water tween the Secretary and the Yolo-Zamora District may be reduced by the Secretary for salinity control purposes consistent with administrative and operations practices of the Central Valley project;

"(C) that the lands in the Yolo-Zamora Water District which are classified as class 4 and 6 pursuant to the Secretary of the Interior's classification standards for irrigable lands and which have not previously been under active cultivation shall not be irrigated with project water.".

Mr. KAZEN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the House amendment to the Senate amendment be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KAZEN. Mr. Speaker, H.R. 2111, as amended, provides for the inclusion of the Yolo-Zamora, Dunnigan and Colusa County water districts within the authorized service area of the Tehama-Colusa Canal in California.

The bill, which passed the House by unanimous consent on November 27, 1979, did not include the Dunnigan and Colusa County water districts. It was subsequently determined that these districts could be served from the Tehama-Colusa Canal. The Senate amendment provides for the inclusion of the two districts.

The Senate further amended the bill to delete certain provisions in the House passed bill relating to the district water services contracts and the reduction of water deliveries under the contracts in extremely dry years. The amendment to the bill, as passed by the Senate, which I am offering essentially restores these provisions in a manner which I am advised is acceptable to the Senate Committee on Energy and the Environment.

Mr. LUJAN. Mr. Speaker, the gentleman is correct. We have reviewed all of the amendments with all of the people involved, and we find no objection to them.

The SPEAKER. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

☐ 1010

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 39, ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Mr. UDALL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 452) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39, to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 452

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 39), to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike out "and any Urban Corporation" in section 102(6) of the bill and insert in lieu thereof "any Urban Corporation, and any Native Group".

(2) Strike out "The Secretary at the beginning of section 203 of the bill and insert in lieu thereof "Subject to valid existing rights, the Secretary".

(3) Add the following new subsection at the end of section 103 of the bill:

(c) Only those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit. No lands which, before, on, or after the date of enactment of this Act, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units. If the State, a Native Corporation, or other owner desires to convey any such lands, the Secretary may acquire such lands in accordance with applicable law (including this Act), and any such lands shall become part of the unit, and be administered accordingly.

(4) Strike out in sections 201, 202 and 205 of the bill the term "Federal lands" in each place in which that term appears and substitute in each such place the term "public lands".

(5) Strike out in section 204 of the bill "Valid Native Selections," in each place such words appear and in each such place substitute "Valid Native Corporation Selections".

(6) Strike out in sections 501, 502, and 503 of the bill the term "Federal lands" in each place in which such term appears and in each such place substitute the term "public lands".

(7) Strike out in sections 401 and 403 of the bill the term "Federal lands" in each place it appears and in each such place substitute the term "public lands".

(8) Strike out in section 605(e) of the bill "non-Federal" and insert "non-public".

(9) Strike out in sections 701 and 702 of the bill the phrase "lands within the boundaries" in each such section and insert in lieu thereof in each such section "public lands within the boundaries".

(10) Strike out in section 703 of the bill "lands within the Tongass" and insert in lieu thereof "public lands within the Tongass".

(11) Strike out in section 704 of the bill "shall review the lands" and insert in lieu thereof "shall review the public lands".

(12) In the first sentence of section 803 of the bill insert semicolons after the word "transportation", before the words "for barter, or sharing", and before the words "and for customary".

(13) In section 1401(b) of the bill add the phrase ", Urban Corporations and Native groups" after the phrase "Village Corporations".

(14) In section 1401 of the bill add an additional subsection (d) as follows:

(d) Section 3 of the Alaska Native Claims Settlement Act is amended by the addition of a new subsection as follows:

"(m) 'Native Corporation' means any Regional Corporation, any Village Corporation, any Urban Corporation and any Native Group.".

(15) In section 103 of the bill strike out the words "The boundaries" at the beginning of the second sentence of subsection (a) and insert in lieu thereof the following: "In the event of discrepancies between the acreages specified in this Act and those depicted on such maps, the maps shall be controlling, but the boundaries".

(16) In section 201 of the bill:

(A) insert the words "by local residents" after the words "Subsistence uses" in the final sentence of section 201(3); and

(B) insert the words "by local residents" after the words "Subsistence uses" in the final sentence of section 201(9).

(17) In section 202 of the bill add the following sentence at the end of paragraph (1): "Lands, waters, and interests therein within the boundary of the park and preserve which were within the boundary of any national forest are hereby excluded from such national forest and the boundary of such national forest is hereby revised accordingly.".

(18) Strike out section 1306(b)(2) of the bill and substitute:

(2) notwithstanding any other provision and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land), office space, housing, and other necessary facilities which the Secretary determines to be suitable for carrying out such purposes; and.

(19) In sections 302 and 303 of the bill strike out the words "local rural residents" wherever such words appear and in each case substitute therefor the words "local residents".

(20) In section 1303 of the bill strike out the words "lands not owned by the claimant" each time such words appear in such section and substitute in lieu thereof "public lands" in each such instance.

(21) In section 203 of the bill add at the end thereof the following sentence: "Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to any unit of the National Park System located in Alaska.".

(22) In section 503(j) of the bill strike out the word "Permits" and all that follows through the words "except that the", and insert in lieu thereof "The".

(23) In section 1404 of the bill strike out "Section 14(a)(1)" from subsection (a) of such section and insert in lieu thereof "Section 14(c)(1)".

(24) In section 1314 of the bill insert the word "system" between the words "park" and "monuments" in the second sentence of subsection (c) of such section.

(25) In section 1417 of the bill strike out the word "properly" in subsection (d) of such section and insert in lieu thereof the word "property".

(26) In section 1501 of the bill strike out the word "Range" and insert in lieu thereof the word "Refuge".

(27) In section 303(B)(3)(i) of the bill insert the word "natural" before the word "diversity".

(28) In subsection (e) of section 906 of the bill strike out the period at the end of the first sentence of such subsection and insert in lieu thereof the following: ", other than lands within any conservation system unit or the National Petroleum Reserve—Alaska.".

(29) In subsection (g) of section 906 of the bill strike out the period at the end thereof and insert in lieu thereof the following: ", to the extent such an application could have been filed under such subsection (e).".

(30) Strike out section 807 of the bill and substitute the following:

JUDICIAL ENFORCEMENT

SEC. 807. (a) Local residents and other persons and organizations aggrieved by a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 805(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority. In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804; when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

(c) This section is the sole Federal judicial remedy created by this title for local residents, and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.

(31) Add after section 1436 the following new section:

CONVEYANCES TO VILLAGE CORPORATIONS

SEC. 1437. Optional Procedure. (a) The provisions of this section shall be applicable only to the conveyance of Federal lands described herein to a Native Corporation which within one hundred and eighty days after the date of enactment of this Act or the date of eligibility determination, whichever is later, files a document with the Secretary setting forth its election to receive conveyance pursuant to this section.

(b) "Core" Townships etc.—(1) (A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12 (a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the of such Act, all of the right, title, and insurface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such village is located. As used in this paragraph the term "Native village" has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in the Village Corporation as specified in the decision or agreement. For purposes of section 902, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903 (a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former Reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: *Provided*, That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709), and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants, and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: *And provided further*, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19 (b) of the Alaska Native Claims Settlement Act, all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native Village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94-204) as amended by the Act of October 4, 1976 (Public Law 94-456).

(4) Subject to valid existing rights and section 903(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native Claims Settlement Act to receive the subsurface estate corresponding to such surface estate, all of the right, title, and interest of the United States in and to such subsurface estate.

(c) DOCUMENTS.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (b) interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of the filing of a document of election described in subsection (a), notwithstanding any delay in the issuance of the interim conveyances or patents.

(d) RECONVEYANCES; DISPUTES.—A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (c) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act pertaining to dispute over land selection rights and the boundaries of Village Corporations.

(e) EXISTING RIGHTS.—All conveyances made by operation of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act is if such conveyances or patents had been made or issued pursuant to that Act.

(f) EASEMENTS.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act, which are described in section 17(b)(1) of such Act on lands conveyed by this section, but the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of section 903 of this Act. Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by this section.

(g) DEFINITION.—For purposes of this section, the term "Native Corporation" means Village Corporations and Regional Corporations.

(32) In section 1313 of the bill—

(A) strike out the words "taking of fish and wildlife for sport and subsistence purposes," and insert in lieu thereof the words "taking of fish and wildlife for sport purposes and for subsistence uses";

(B) strike out the words "Consistent with the provision of this Act," and insert in lieu thereof the words "Consistent with the provisions of section 816," and

(C) strike out the words "appropriate State agency having jurisdiction" and all that follows down to the period at the end of such section and insert in lieu thereof the words "appropriate State agency having responsibility over hunting, fishing, and trapping activities".

(33) In section 604(b) of the bill strike out the reference to "(79) and (80)" in the new paragraph (5) which such subsection adds to the Wild and Scenic Rivers Act and substitute "(80) and (81)".

(34) In section 804 of the bill strike out the word "preference" each time such word appears in such section and insert in lieu thereof the word "priority" in each such instance.

(35) At the end of title XIII add the following new section and conform the table of contents accordingly:

ALASKA GAS PIPELINE

SEC. 1327. Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2903), or as imposing any limitations upon the authority of the Secretary concerning such system.

(36) In section 905(a)(1) of the bill, strike out the words "land that was unreserved on December 13, 1968" and insert in lieu thereof "either land that was unreserved on December 13, 1968, or land within the National Petroleum Reserve—Alaska (then identified as Naval Petroleum Reserve No. 4)".

(37) In section 402(a) of the bill, strike out "The Secretary" and insert in lieu thereof the words "Subject to valid existing rights, the Secretary".

(38) In the second sentence of section 403 of the bill, strike out "The Secretary" and insert in lieu thereof the words "Subject to valid existing rights, the Secretary".

(39) In the first sentence of section 501 (b) of the bill, strike out "Lands added" and insert in lieu thereof "Subject to valid existing rights, lands added".

(40) In section 503(c) of the bill, strike out "Except" and insert in lieu thereof the words "Subject to valid existing rights and except".

(41) In section 1312(b) of the bill insert after the words "hereby withdrawn" the words "from State selection under the Alaska Statehood Act or other law, and".

(42) In section 1314(b) of the bill, insert after the word "over" the words "the management of".

(43) Strike out section 1303(d) of the bill and substitute:

(d) Nothing in this Act shall preclude the renewal or continuation of valid leases or permits in effect on the date of enactment of this Act for cabins, homesites, or similar structures on Federal lands. Unless the Secretary, or in the case of national forest lands, the Secretary of Agriculture, issues specific findings following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat to or a significant impairment to the purposes for which a conservation system unit was established (in the case of a structure located within a conservation system unit) or the public domain or national forest (in case of a structure located outside conservation system units), he shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit, subject to such reasonable regulations as he may prescribe. Subject to the provisions of the original lease or permit, nothing in this Act or subsection shall necessarily preclude the appropriate Secretary from transferring such a lease or permit to another person at the election or death of the original permittee or lessee.

(44) Strike out section 1420(a) of the bill and substitute:

(a) Subject to the provisions of section 1419(b) and (c) of this Act, the following described lands, during the period of withdrawal specified in section 1419(b)(4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

Beginning at elevation point 2970 which lies within the northeast one quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian;

thence from the true point of beginning westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 west Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 west Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 36, 34 and 35 of township 20 north range 12 west Fairbanks meridian, and to the northeast one quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first the divide between the watershed of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers;

thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one quarter of section 1, township 19 north, range 11 west Fairbanks meridian;

thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36 township 20 north, range 10 west Fairbanks meridian;

thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6 township 21 north, range 9 west Fairbanks meridian and section 1 township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska 1956 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F–2, F–3, F–6, and F–7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F–3, F–4, F–5, and F–6. The use of these quadrangles and the protracted land lines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above described basin, and should any discrepancy appear upon on the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the land lines protracted upon the aforementioned United States Geological Survey Quadrangles.

(46) In section 1427(g) of the bill, strike out the words "as amended by section 912 of this Act" and insert in lieu thereof the words "as amended by section 911 of this Act".

(47) Strike out paragraph (6) of section 503(h) of the bill and substitute:

(6) Upon application of the United States Borax and Chemical Corporation or its successors in interest, the Secretary shall permit the use by such applicant of such limited areas within the Misty Fjords National Monument Wilderness as the Secretary determines to be necessary for activities, including but not limited to the installation, maintenance, and use of navigation aids, docking facilities, and staging and transfer facilities, associated with the development of the mineral deposit at Quartz Hill. Such activities shall not include mineral extraction, milling, or processing. Such activities shall be subject to reasonable regulations issued by the Secretary to protect the values of the monument wilderness.

(48) Strike out paragraph (8) of section 503(h) of the bill and substitute:

(8) Designation by section 703 of this Act of the Misty Fjords National Monument Wilderness shall not be deemed to enlarge, diminish, add, or waive any substantive or procedural requirements otherwise applicable to the use of offshore waters adjacent to the Monument Wilderness for activities related to the development of the mineral deposit at Quartz Hill, including, but not limited to, navigation, access, and the disposal of mine tailings produced in connection with such development.

(49) In section 1427(l) strike out the words "under subsection (g)(3) of this Act" and insert in lieu thereof "under subsection (g)(3) of this section".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I have no objection to bringing the matter up, but I take this time under my reservation of objection for the purposes of asking the committee chairman to explain exactly what is involved in this resolution.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, on November 12, the House voted to concur in the amendment of the Senate which rewrote the Alaska National Interest Lands Conservation Act (the Udall-Anderson bill, H.R. 39). That action of the House cleared the measure for the President, but because of the length and complexity of the bill, its enrollment has not yet been completed and it has not yet been sent to the White House for signature.

Since the vote in the House to concur in the Senate amendment, House and Senate staff who have worked on this matter since its inception in the 95th Congress have been working to identify provisions which it might be desirable to revise in order to fine tune the bill. Today, I am offering for the approval of the House a package of such revisions, each of which has been carefully worked out and cleared on both sides of the aisle in both bodies.

Most of the revisions which this proposal would make in the Senate's version of the Alaska lands bill (which is now the final version) are technical or perfecting in nature. Others are more extensive However, adoption of these would not change any of the major features of the Alaska National Interest Lands Conservation Act nor would they have the effect of altering provisions related to conservation areas or development of the public lands in Alaska, nor of amending the Alaska Native Claims Settlement Act.

I urge the swift adoption of this proposal to fine tune the bill, so that its enrollment can go forward without delay.

Mr. Speaker. I include the following material in further explanation of the legislation:

ALASKA LANDS

MINOR REVISIONS

The concurrent resolution would revise the Alaska National Interest Lands Conservation Act by—

1. Amending definitions to include "Native Groups" within the category of "Native Corporations" and to correct reference to Native selections.

2. Specifying that only public lands (and not State or private lands) are to be subject to the conservation system unit regulations applying to public lands. Regulations required by the Alaska Native Claims Settlement Act (such as required by Sec. 22(g) of ANCSA) are not affected.

3. Making clear (through specific language) that other particular provisions of the bill (such as the wilderness reviews) apply only to public lands.

4. Conforming the usages of "Federal lands" and "public lands" (which have the same definition in each bill).

5. Amending the punctuation in section 803 (definition of "subsistence uses").

6. Specifying that in the event of discrepancies between acreages specified in the bill and the official maps, the maps control.

7. Conforming the references to subsistence uses in the National Parks and National Wildlife Refuges sections, so that they are uniform.

8. Making clear that the portion of the Tongass being put into Glacier Bay National Preserve is deleted from National Forest status.

9. Revising the administrative-sites provisions (Section 1306) to clarify ability of Secretary to lease office space, etc.

10. Adding a specific prohibition of the charging of entrance fees at the National Park System units in Alaska.

11. Clarifying provisions regarding previous special-use permits for cabins in the Tongass National Forest, Southeast, Alaska.

12. Clarifying provisions relating to mineral development at Quartz Hill.

13. Assuring recognition of valid existing rights.

14. Correcting various spelling errors, erroneous cross-references, legal descriptions, omissions of terms, and other errors.

Other revisions include the following:

NATIVE LAND INTERESTS

Throughout the long Alaska lands debate there has been one area of concern on which there was almost unanimous agreement among all of the parties involved: that an essential component of any Alaska lands bill should contain provisions to expedite conveyance of public land to Alaska Natives and the State of Alaska.

During the 95th Congress a thorough review was conducted by Chairman John Seiberling, Subcommittee on General Oversight and Alaska Lands, Interior and Insular Affairs Committee, into all facets of the Alaska lands question. We were appalled to discover at oversight hearings held by the Subcommittee on July 21, 1977, that land transfers to Alaska Natives, mandated by the Alaska Native Claims Settlement Act, were progressing at a snail's pace and, in fact, very little land had been conveyed almost six years after enactment of the Settlement Act. These initial findings were confirmed by further hearings and at village town meetings in Alaska in August, 1977.

In order to assure that the commitment made by Congress in 1971 was fully implemented, the House-passed Alaska National Interest Lands Conservation Act (H.R. 39) in both the 95th and 96th Congresses contained provisions to expedite land transfers to Alaska Native organizations and individuals. In addition, Secretary of Interior Cecil Andrus committed the Department of the Interior to expand the staff located in Alaska dealing with land transfers and to increase funding levels so that land transfers were expedited. Since that commitment was implemented, land transfers have indeed progressed. However, that progress has been the result of administrative action and not by directive of the Congress.

This change incorporates a provision of the House bill relating to transfers of public lands to Alaska Natives (primarily related to village "core" townships) so that the Interior Department has a legislative directive to continue existing program until such time as Natives receive their land entitlement, as promised nearly ten years ago.

NATIVE ALLOTMENTS IN NATIONAL PETROLEUM RESERVE IN ALASKA

Under the provisions of Section 905 of the bill, most Alaska Native allotment applications made pursuant to the Act of May 17, 1906, which were pending before the Department of the Interior on or before December 18, 1971, are automatically approved, except under certain circumstances. Section 905 applies only to allotment applications that describe land that was unreserved on December 13, 1968. On that date, lands within the National Petroleum Reserve in Alaska (then identified as Naval Petroleum Reserve Numbered 4) were reserved by the Federal government. In view of plans to open the NPR-Alaska to private oil and gas leasing, it is appropriate to make certain that pending Native allotment applications for the surface estate of lands within the NPR-Alaska are treated as are the other allotment applications elsewhere in the State covered by Section 905, and the revisions do just that.

REVISIONS OF SECTION 807

The proposal would revise section 807 of the Senate bill. For some time all of the parties involved in the development of the subsistence title have felt that section 807 needed improvement. Members of the House and Department of the Interior representatives felt that the section created unnecessary ambiguity with respect to the administrative authority of the Secretary to manage the public lands. Members of the Senate and representatives of the State of Alaska felt that the section was administratively cumbersome and left unresolved the avenue of relief for aggrieved individuals and organizations other than local committees and regional councils. And the Alaska Federation of Natives expressed concern that the section would not ensure that timely and appropriate relief would in fact be available when necessary to protect the continuation of subsistence needs. As a result, for the past several months all parties have been working together to refine section 807. Because the House of Representatives concurred in the Senate amendments to H.R. 39, there was no procedural opportunity, until now, to insert a redrafted section.

Under the new approach, the Secretary's authorities and responsibilities for the management of the public lands and the protection of subsistence uses is neither enlarged or diminished by section 807. Rather, the section establishes a private right of action to enable any aggrieved local resident, person or organization to file a civil action in the United States District Court for the District of Alaska if necessary to compel either the State or the Federal government to properly discharge their respective responsibilities under section 804.

As a practical matter, the State's responsibilities under section 804 will be focused primarily on ensuring that hunting and fishing regulations adopted by the Alaska Board of Game and the Alaska Board of Fisheries are in compliance with the requirements of the section. If a board adopts regulations which are not in compliance with the section, or if a board fails to adopt regulations necessary to ensure the timely and adequate implementation of the subsistence priority, local residents and other aggrieved persons and organizations are empowered to seek a Federal court order to compel the board to conform its actions to the requirements of section 804. However, it also should be noted that actions of the Alaska Department of Fish and Game and other State agencies and officials may also give rise to a cause of action under section 804 which may be brought in the Federal court pursuant to the provisions of section 807.

The responsibilities of the Federal government under section 804 will interact with many of the actions of the various Federal land managers with respect to the public lands in Alaska, and of course these responsibilities will be enforceable through the usual course of judicial proceedings.

Before an action may be filed against the State of Alaska, the plaintiffs must have exhausted any State, but not Federal, administrative remedies which are reasonably available. Similarly, before an action may be filed against the Federal government, the plaintiffs must have exhausted any Federal, but not State, administrative remedies which are reasonably available. However, the normal requirements of administrative exhaustion established by the Federal courts are applicable to actions filed pursuant to section 807. Consequently, the plaintiffs need not participate in an administrative process which is futile, or which cannot reasonably be expected to result in timely and appropriate administrative relief.

In any civil action brought pursuant to section 807, the Court may grant preliminary relief, if the granting of such relief is appropriate under the facts of the case. If the Court preliminary determines that the defendant has failed to make adequate and timely provision for the priority for subsistence uses after having been provided a reasonable opportunity to do so; that such failure threatens the ability of rural residents or local resident, as appropriate in the particular case, to satisfy their subsistence needs; that preliminary relief is necessary to assure that such residents are provised a timely opportunity to satisfy such needs; and that preliminary relief does not threaten the continued viability of the fish or wildlife population which is the subject of the civil action, preliminary relief should be granted. However, no preliminary relief of any kind may be granted until after an opportunity for hearing.

Because of the strong public interest in the effective implementation of the subsistence priority by both the State and the Federal government, local residents and other aggrieved persons and organizations who are prevailing parties in an action filed pursuant to section 807 shall be awarded their full costs and reasonable attorney's fees. This provision is important to ensure that the residents of Native villages, many of which are among the poorest communities in the Nation, will be able to secure adequate representation.

The section is the sole Federal judicial remedy created by the subsistence title through which aggrieved local residents and other persons and organizations may seek to compel the State of Alaska to provide for the priority for subsistence uses set forth in section 804. However, it should be noted that at the same time an aggrieved person or organization is pursuing a civil action in the Federal courts filed pursuant to this section, a civil action in State court to ensure compliance with State law may also be prosecuted concurrently.

Incidentally, Mr. Speaker, on November 12th during the debate on the House floor on the adoption of the Senate amendment to H.R. 39 I spoke at some length, and in some detail on the history of the subsistence management title and on the subsistence management system established by several of its more important sections. I devoted considerable time to explaining the operation of the judicial enforcement provision, section 807, which is refined by a substitute section 807 which is included in the resolution now under consideration by the House. At that time the judicial enforcement section was identified as section 806, rather than 807. Section 806 is the Federal monitoring provision which is unaffected by the new resolution.

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REVISION OF SECTION 1313

Our proposal refines the language of section 1313 of the Act to more clearly define the relationship of the closure provisions of section 1313 and section 816. Section 816 establishes the sole standard for the closure of any portion of the public lands, including National Park Preserves, to the taking of fish and wildlife for subsistence uses. Section 1313 establishes the standard for the closure of National Park Preserves to the taking of fish and wildlife for nonsubsistence uses. The precise purview of these two sections is important because subsistence uses may not be curtailed merely for reasons of public use and enjoyment. Similarly, absent an emergency, a particular area may not be closed to subsistence uses without notice and a hearing in the local vicinity of the closure. In an emergency, a closure to subsistence may not be implemented prior to the declaration of specified findings by the appropriate Secretary. Neither of these requirements are mandated by section 1313.

Paragraph (3) of the concurrent resolution does not eliminate or impair the Secretary's authority to acquire lands within conservation system units as provided in section 1302 of the bill, or the Secretary's authority to accept the relinquishment of selections within the conservation system units, as provided in section 1415 of the bill. The language of this part of the resolution is, rather, a specific statement of positive authority for the Secretary.

In addition, until lands selected by the State and the Native Corporations are conveyed to these entities, it is intended that these lands within the conservation system units are to be administered by the conservation system unit manager similar to the way such lands are currently being managed. While the land manager will be responsible for these lands until conveyed, the Bureau of Land Management will continue to be responsible for the conveyance process under the Alaska Native Claims Settlement Act and the Alaska Statehood Act, and it is our intention that these conveyances be expedited in every possible way.

Change number (42) (to section 1314 of the Alaska National Interest Lands Conservation Act) is a perfecting amendment designed to maintain the status quo in historic Federal-State relations concerning fish and wildlife management, except as specifically modified by this Act in the Subsistence Title. For example, for the National Park System components, this provision intends to make applicable in Alaskan Parks and Preserves the same Federal-State relations on fish and wildlife management that apply in lower 48 State national parks and preserves. Similarly, the same historic management principles and processes would apply to National Wildlife Refuge System units.

Mr. CLAUSEN. Mr. Speaker, I thank the gentleman for his explanation, with which I agree.

I want to assure my colleagues that the minority has cleared this, and in particular, our colleague, the gentleman from Alaska (Mr. YOUNG) has approved this procedure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LANDS WITHIN COCONINO NATIONAL FOREST, ARIZ.

Mr. UDALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1985) to authorize the Secretary of Agriculture to convey certain land in the State of Arizona, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I do so for the purposes of asking the gentleman from Arizona (Mr. UDALL) to please explain what the various sections of the bill provide.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, the Interior Committee amendment to S. 1985 involves matters of interest to the people of Arizona. Section 1 authorizes the sale or exchange of certain national forest land in Coconino County, most of which has been the subject of special use permits to the city of Flagstaff and a medical center in Flagstaff. Section 2 authorizes the disclaimer of any U.S. interest in certain strips of land in Pima County that, by historical accident, were never deeded to the possessors of the land. Section 3 continues payments to certain school districts in Arizona for expenses incurred in educating children who live on or near the Grand Canyon National Park.

Section 4 preserves a mining claim in Maricopa County that was incidentally in dispute as a result of clarifying the boundaries of the Salt River Pima-Maricopa Indian Reservation.

A more complete explanation is as follows:

SECTION 1

Section 1 authorizes the Secretary of Agriculture to convey by sale or exchange two tracts of land in the Coconino National Forest, also within the city limits of Flagstaff.

One tract, consisting of 124 acres, is the present location of the National Forest Service administrative facilities, on Knob Hill in Flagstaff. Adjacent to the tract is the Flagstaff Regional Medical Center, which wants to expand into the administrative buildings now used by the Forest Service. The medical center has a special use permit on a portion of the tract for use as a parking lot. The bill authorizes the Secretary to sell to the medical center the 18.25 acres upon which the Forest Service buildings sit. Under the measure, the medical center is given 3 years to accept the offer. The balance of the tract, no longer appropriate for national forest purposes, will be sold or exchanged by soliciting public offers.

The second tract of land, which consists of 132.5 acres, has been the subject of a special use permit to the city of Flagstaff continuously since 1917 as a public park. The bill authorizes the Secretary to offer to sell that land to the city. This city, in turn, is given 10 years to accept the offer.

The land will be sold at its current fair market value. The bill requires that purchasers agree to construct, on a site to be chosen by the Secretary, administrative improvements equal in value to the land and improvements sold. In the discretion of the Secertary, this may be accomplished by having the purchasers deposit an amount of cash equivalent to the fair market value into a special account. These funds may be used by the Secretary to replace the administrative buildings sold to the medical center, but must be appropriated by Congress.

SECTION 2

Section 2 directs the Secretary of the Interior to prepare and record a quitclaim deed disclaiming any U.S. interest in certain strips of land in Tucson.

An 1875 act of Congress authorized the patenting of certain land in southern Arizona to persons who were then living there. To facilitate the issuance of those patents, a map was prepared which delineated the boundaries of the various parcels and also identified about 4 miles of roads that provided access to the parcels. Title to the roads remained in the United States.

The land ownership and use pattern in this area today does not resemble the 1876 situation. No longer used as roads, several of the strips of land cut across existing residential subdivisions, public buildings, a golf course, city streets, a railroad, and an interstate highway. Many of the present landowners are unaware of the defect in their title since the Pima County tax assessor's records does not indicate the U.S. ownership.

This section will direct the Secretary of the Interior to prepare and record a quitclaim deed in order to conform the record title of these strips of land with title as understood in the community, by disclaiming any U.S. interest.

SECTION 3

This third section continues payments to certain school districts in Arizona for expenses incurred in educating pupils who live at or near the Grand Canyon National Park. It is an amendment to a 1978 act that extends the time for payments to September 30, 1985, and authorizes an annual appropriation of $1.5 million through fiscal year 1982. The

1978 act authorized payments through September 30, 1980.

SECTION 4

This section preserves mining claims adjacent to the Salt River Pima-Maricopa Indian Reservation. The sand and gravel mine has been in continuous operation since the 1940's, but because of a dispute over the south boundary of the reservation, has not technically been open for mining during part of that time period.

The boundary originally followed the Salt River, but uncertainty over the river's course prompted the Interior Department to survey the area and redefine the boundary. Lawsuits were initiated contesting the new boundary and a compromise was reached by way of a congressional act (Public Law 95-399, 92 Stat. 851).

A consequence of this activity, which was apparently overlooked, is that between the time of the Interior Department action and the effective date of Public Law 95-399 the land upon which the mining claim is located was reservation land, and being such was not open to the operation of the Federal mining laws. Section 4 simply states that this land is deemed to have been opened for mining during the entire time period. It specifically states that all other Federal mining laws still apply.

Mr. CLAUSEN. Mr. Speaker, further reserving the right to object, I thank the chairman for his explanation. I see that the minority leader is on the floor, and he has conveyed to me the fact that he concurs with this as a matter of interest to all of Arizona.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I want to thank my colleague, the gentleman from Arizona (Mr. UDALL) the chairman of the committee, for bringing this matter to light. It is a matter involving some mining claims, placer mining claims, in an area which is very important to my particular district. The problem was caused by an error that took place previously, and it has been agreed to by the Department of the Interior that there was an error and it should be corrected.

Mr. Speaker, I thank the gentleman for his prompt action in this matter.

Mr. CLAUSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") is authorized to convey by quitclaim deed, subject to the provisions of subsections (b) and (c) of this Act, all right, title, and interest of the United States in and to the following described tract of lands and improvements thereon:

GILA AND SALT RIVER MERIDIAN

(Coconino County, Arizona)

Township 21 North, Range 7 East

Section 15:

North half northeast quarter,

Northeast quarter northwest quarter,

Northeast quarter southeast quarter northwest quarter northwest quarter.

North half southeast quarter southeast quarter northwest quarter northwest quarter.

Section 16:

South half northeast quarter northeast quarter northwest quarter,

Northwest quarter northeast quarter northwest quarter,

South half northeast quarter northwest quarter,

Northwest quarter northwest quarter,

North half northeast quarter southwest quarter northwest quarter,

Southeast quarter northeast quarter southwest quarter northwest quarter,

North half northwest quarter southwest quarter northwest quarter,

East half southeast quarter southwest quarter northwest quarter,

Southeast quarter northwest quarter.

The area described contains 256.25 acres more or less.

(b)(1) Any conveyances pursuant to subsection (a) of this Act shall be conditioned upon the Secretary entering into agreements or land exchanges, sufficient to assure the Secretary that any party with whom such agreements or land exchanges are to be made will construct on a site to be determined by the Secretary, administrative improvements equal in value to the lands and improvements authorized to be conveyed by subsection (a). The lands and improvements may be conveyed by a series of transactions or land exchanges.

(2) Each party to whom conveyances are to be made may, in the discretion of the Secretary, deposit cash in an amount not less than the fair market value, to be determined at the time of conveyance, of the lands and improvements conveyed. The cash so received shall be deposited into a special fund in the Treasury which when appropriated is authorized to remain available until expended by the Secretary for the purposes of constructing administrative improvements as described in this Act. If the value of any land and improvements thereon authorized to be conveyed by subsection (a) exceeds the value of administrative improvements determined to be necessary by the Secretary to be constructed with respect to such land under this Act, the party to whom such conveyance is to be made shall make a cash payment to the United States in an amount equal to such difference in value.

(c)(1) Of the tract of land described in subsection (a), the Secretary shall offer to sell at the fair market value, as determined on the date of enactment of this Act, to the Flagstaff Medical Regional Center, Flagstaff, Arizona, not to exceed 18.25 acres immediately adjacent to said Flagstaff Medical Regional Center and to the city of Flagstaff, Arizona, not to exceed 132.5 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff. Such offers to sell to the Flagstaff Medical Regional Center and to the city of Flagstaff shall remain in effect for periods of not to exceed 3 years and 10 years, respectively. Subject to the limitations contained in this paragraph, the city of Flagstaff and the Flagstaff Medical Regional Center may identify any specific tracts of land they want to purchase.

(2) Except for any land to be conveyed to the Flagstaff Medical Regional Center and the city of Flagstaff, the Secretary shall solicit public offers for the remaining lands and improvements authorized under subsection (a). All offers shall be publicly opened at the time and place stated in the solicitation in accordance with the administrative requirements of the Secretary. The Secretary shall consider price and land values before entering into agreements or land exchanges with any party whose offer conforming to the solicitation notice is determined by the Secretary to be most advantageous to the Government. Notwithstanding any other provision of this Act, the Secretary may reject any offer if the Secretary determines that such rejection is in the public interest.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike all after the enacting clause and insert the following:

That (a) the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") is authorized to convey by quitclaim deed, subject to the provisions of subsections (b) and (c) of this section, all right, title, and interest of the United States in and to the following described tract of lands and improvements thereon:

GILA AND SALT RIVER MERIDIAN

(Coconino County, Arizona)

Township 21 North, Range 7 East

Section 15:

North half northeast quarter,

Northeast quarter northwest quarter,

Northeast quarter southeast quarter northwest quarter northwest quarter,

North half southeast quarter southeast quarter northwest quarter northwest quarter.

Section 16:

South half northeast quarter northeast quarter northwest quarter,

Northwest quarter northeast quarter northwest quarter.

South half northeast quarter northwest quarter,

Northwest quarter northwest quarter,

North half northeast quarter southwest quarter northwest quarter

Southeast quarter northeast quarter southwest quarter northwest quarter,

North half northwest quarter southwest quarter northwest quarter,

East half southeast quarter southwest quarter northwest quarter,

Southeast quarter northwest quarter.

The area described contains 256.25 acres more or less.

(b)(1) Any conveyances pursuant to subsection (a) of this section shall be conditioned upon the Secretary entering into agreements or land exchanges, sufficient to assure the Secretary that any party with whom such agreements or land exchanges are to be made will construct on a site to be determined by the Secretary, administrative improvements equal in value to the lands and improvements authorized to be conveyed by subsection (a) of this section. The lands and improvements may be conveyed by a series of transactions or land exchanges.

(2) Each party to whom conveyances are to be made may, in the discretion of the Secretary, deposit cash in an amount not less than the fair market value, to be determined at the time of conveyance, of the lands and improvements conveyed. The cash so received shall be deposited into a special fund in the Treasury which when appropriated is authorized to remain available until expended by the Secretary for the purposes of constructing administrative improvements as described in this Act. If the value of any land and improvements thereon authorized to be conveyed by subsection (a) of this

section exceeds the value of administrative improvements determined to be necessary by the Secretary to be constructed with respect to such land under this Act, the party to whom such conveyance is to be made shall make a cash payment to the United States in an amount equal to such difference in value.

(c)(1) Of the tract of land described in subsection (a) of this section, the Secretary shall offer to sell at the fair market value, as determined on the date of enactment of this Act, to the Flagstaff Medical Regional Center, Flagstaff, Arizona, not to exceed 18.25 acres immediately adjacent to said Flagstaff Medical Regional Center and to the city of Flagstaff, Arizona, not to exceed 132.5 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff. Such offers to sell to the Flagstaff Medical Regional Center and to the city of Flagstaff shall remain in effect for periods of not to exceed 3 years and 10 years, respectively. Subject to the limitations contained in this paragraph, the city of Flagstaff and the Flagstaff Medical Regional Center may identify any specific tracts of land they want to purchase.

(2) Except for any land to be conveyed to the Flagstaff Medical Regional Center and the city of Flagstaff, the Secretary shall solicit public offers for the remaining lands and improvements authorized under subsection (a) of this section. All offers shall be publicly opened at the time and place stated in the solicitation in accordance with the administrative requirements of the Secretary. The Secretary shall consider price and land values before entering into agreements or land exchanges with any party whose offer conforming to the solicitation notice is determined by the Secretary to be most advantageous to the Government. Notwithstanding any other provision of this Act, the Secretary may reject any offer if the Secretary determines that such rejection is in the public interest.

Sec. 2. (a) Secretary of the Interior (hereafter in this section referred to as the Secretary) shall convey by quitclaim deed, without consideration, to the owners that appear on record in the office of the county recorder, Pima County, Arizona, any right, title, or interest, including any mineral rights, which the United States may have in and to the real property described in subsection (b) of this section.

(b) The real property referred to in subsection (a) of this section consists of four separate strips of land that extend for a total distance of nearly four miles, designated as roadways in a certain White Survey, dated December 15, 1876, made pursuant to an Act of Congress dated February 5, 1875, crossing sections 2, 11, and 14, and the east half of sections 3 and 10 of township 14 south, range 13 east of the Gila and Salt River base and meridian, in Pima County, Arizona.

(c) As soon as practicable after the date of enactment of this Act, the Secretary shall cause to be prepared a quitclaim deed effecting the title transfer described in section 1, and shall record such deed in the office of the county recorder, Pima County, Arizona.

(d) Within one year after the date of enactment of this Act, the Secretary shall notify all individuals or other legal entities which, as of the date of such notice, appear upon the tax rolls of Pima County, Arizona, as the owners of lands referred to in subsection (b) of this section, or of interests in such lands—

(1) of the conveyance by the United States of its interests in such lands under section 1 of this Act,

(2) of the possible defect in the title to such lands resulting from such interests of the United States, and

(3) of the opportunity to record a quitclaim deed evidencing the conveyance described in subsection (a) of this section in the records of the affected grantee.

Sec. 3. The Act of March 14, 1978 (92 Stat. 154), is amended as follows:

(a) In section 1(a), in the first sentence, delete the phrase "two-year", and change "September 30, 1980" to "September 30, 1985"; and

(b) In section 1(c) strike the second sentence in its entirety and insert the following: There is authorized to be appropriated an amount not to exceed $1,500,000 annually for fiscal years 1979 through 1982 to carry out the provisions of this Act: *Provided*, That any appropriations made pursuant to this Act shall be reduced by the amount of any payments made to said districts pursuant to the Acts of September 23, 1950 (64 Stat. 906), as amended (20 U.S.C. 631 et seq.), and September 30, 1950 (64 Stat. 1100), as amended (20 U.S.C. 236 et seq.). For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain avilable for appropriation in succeeding fiscal years.

Sec. 4. Any mining claim located under the Mining Laws of the United States subsequent to June 18, 1879, and prior to January 17, 1969, in the Northwest quarter of the Northwest quarter of Section 9, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, State of Arizona, shall be effective to the same extent in all respects as if such lands at the time in location, and at all times thereafter had been open to the operation of the Mining Laws of the United States: *Provided, however*, That the claimants have complied with all requirements of the Mining Laws of the United States, including Section 314 of the Federal Land Policy and Management Act of 1976 and that the claims would be subject to any valid intervening rights by private parties under the laws of the United States."

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, to authorize the Secretary of the Interior to convey certain interests in lands in the State of Arizona, to amend the act of March 14, 1978 (92 Stat. 154), and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PROVIDING THAT A CERTAIN PORTION OF LAKE ERIE SHALL BE DECLARED NONNAVIGABLE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8228) to provide that a certain portion of Lake Erie shall be declared nonnavigable, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 5, after line 3, insert:

Sec. 2. Any Federal project submitted for authorization for construction of new levees or modification of existing levees for the control of floods within the Rio Grande from Bernalillo, New Mexico, to Belen, New Mexico, shall not require raising or modification of existing bridge structures within the project area to pass river flows in excess of that the bridges can now accommodate and estimated to be 42,000 cubic feet per second.

Sec. 3. Those portions of the Trent River in the city of New Bern, county of Craven, State of North Carolina, bounded and described in Committee Print 95-56 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States.

Mr. ROBERTS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Texas?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I want to give an opportunity to the gentleman from Texas (Mr. Roberts) at this time to offer his explanation of this legislation.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, on September 30 of this year the House passed H.R. 8228, a bill which provided that a portion of the Buffalo Harbor area, New York, be declared nonnavigable. The property to be declared nonnavigable is land that is owned by the city of Buffalo urban renewal agency and the Erie County Industrial Development Agency, and was filled in compliance with all necessary Federal dredge and fill permits in anticipation of an urban renewal project being sponsored by those agencies. This urban renewal project will greatly enhance the overall development of the Buffalo waterfront, the Buffalo downtown area, and the Buffalo region, generally.

The purpose of this provision is to remove the application of the navigation servitude of the United States. Under the doctrine of the navigation servitude, without this bill. The United States could at some time in the future compel the removal or alteration of structural works by the property owners without compensating the owners. This declaration of nonnavigability will prevent that possibility and enable financing to be obtained for development of the land. Because the city and county are public bodies, this action will be in keeping with the policy of declaring previously navigable areas to be nonnavigable only when a public interest will be served.

The second provision, added by the other body during its consideration of H.R. 8228, provides that any Federal project submitted for authorization for the construction or modification of levees on the Rio Grande between Bernalillo and Belen, N. Mex., shall not require the modification of existing river bridges to pass flows in excess of those they can presently accommodate. This section would limit the potential scope of such a project.

The third provision was also added by the other body, and is identical to section 422 of the Omnibus Water Resources Development Act, H.R. 4788, passed by the House on February 5, 1980, but not yet considered by the other body. It declares certain portions of the Trent River in New Bern, N.C., to be nonnavigable. The purpose of this nonnavigability declaration is similar to the one for Buffalo Harbor. In this case, the land is owned by Craven County, N.C., and is the site of a proposed urban renewal project sponsored by the State of North Carolina and the Department of Housing and Urban Development. The purpose of this declaration of nonnavigability is to remove those filled areas from the "navigable waters" jurisdiction so that the States may proceed with its redevelopment plans. As in the case of the Buffalo Harbor declaration, this declaration will result in no cost to the Federal Government, and, because the land in question is in public ownership, any financial benefits gained by this declaration will accrue to the public.

Mr. Speaker, this bill, as amended, is a worthy piece of legislation and I urge its adoption.

Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 8228 and urge my colleagues on the floor to do likewise. This bill is a noncontroversial measure designed to accomplish two basic objectives: To establish the size of a flood control project in New Mexico and to make two declarations of nonnavigability.

This bill has been passed once already this Congress by the House of Representatives. In the form that it was first passed, H.R. 8228 contained only a provision making a declaration of nonnavigability for a portion of Lake Erie in the Buffalo Harbor area. The Senate, however, when it acted on the bill, added two other provisions. One adds a second declaration of nonnavigability for a portion of the Trent River in the city of New Berlin, N.C. This provision is identical to that which overwhelmingly passed the House this year as part of H.R. 4788, the Omnibus Water Resources Development Act.

The second provision added by the Senate provides that Federal flood control projects within the Rio Grande from Bernalillo, N. Mex., to Belen, N. Mex., shall not require raising or modifying existing bridge structures to pass river flows greater than those that the bridges can presently accommodate.

The two declarations of nonnavigability are each required in order to remove land from Federal "navigable waters" jurisdiction so that clear title can be obtained by the property owners, which in both cases are public bodies. Without these provisions, major urban projects and the land rights associated with them, in both locations, would be subject to the rights of the United States by reason of Federal control over navigable waters. As such the Corps of Engineers could theoretically require removal or alteration of structural works by the owners at no cost to the United States. Such a situation would be most inequitable, and so these provisions are warranted to further the public purpose designed to be achieved by the urban renewal projects.

Before I conclude, I would like to take this opportunity to recognize and compliment the gentleman from New York (Mr. NOWAK) for his diligence in promoting this legislation. He is one of the finest members of our Public Works Committee when it comes to advancing the interests of his constituents, and this bill is another in a long line of examples of this fact.

Mr. Speaker, as far as I am aware there is absolutely no controversy associated with H.R. 8228. I therefore strongly support this bill and urge all of my colleagues here on the floor to join with me in voting to send it to the President for his signature.

● Mr. NOWAK. Mr. Speaker, this bill is a declaration of nonnavigability for that portion of Lake Erie known as the Erie Basin in the Buffalo, N.Y., Harbor. The description of the specific area is contained in the bill.

The area is public property, title of which is held by the city of Buffalo Urban Renewal Agency, with portions held by the Erie County Industrial Development Agency.

This area is the site of a $125 million urban renewal project which is generally considered to be the key to redevelopment of the Buffalo waterfront and the downtown Buffalo area. Standard dredge and fill permit requirements were complied with.

The purpose of this bill is to remove this land from Federal "navigable waters" jurisdiction, in order that these local public agencies can claim clear title. There is no cost to the Federal Government associated with this bill.

Since title to these lands is presently with public bodies. Members should be advised that any financial benefits brought about by the clearing of the title will accrue to such public bodies. This is consistent with congressional policy of approving declarations of nonnavigability only where a public purpose will be served.

This legislation is urgently needed so that an entire construction season will not be lost and so this vital job-creating project will not be jeopardized.●

● Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 8228.

This bill contains three distinct provisions. The first, which was passed in its present form by the House on September 30 of this year, provides that a portion of the Buffalo Harbor Area on Lake Erie be declared nonnavigable. The area in question has been filled in compliance with dredge and fill permits issued by the Corps of Engineers and is public property, owned in part by the city of Buffalo Urban Renewal Agency and in part by the Erie County Industrial Development Agency. Those agencies wish to construct on that property an urban renewal project that will contribute to the welfare of all the citizens of the Buffalo region.

However, in order to obtain financing for this urban renewal project it is necessary to remove any possibility that the Federal Government might at some later date, without compensation, require the removal or alteration of the fill material and whatever structures may be built upon it, as would be the Government's right under the navigation servitude doctrine. In passing this bill we will remove the cloud on the title to that property created by the navigation servitude, and we will thereby facilitate the prosecution by local and county officials of this important public project, which has been described as the key to the redevelopment of the Buffalo waterfront.

The second provision, added as an amendment by the other body, is relatively minor. It provides that no Federal project recommended for authorization of the construction or modification of levees along the Rio Grande between Bernalillo and Belen, N. Mex., for flood control shall require the modification of existing bridge structures. This would implicitly limit the scope of such a project.

The third provision, which was also added as an amendment by the other body, provides that a particular portion of the Trent River in New Bern, N.C., be declared nonnavigable. This provision appeared in identical form in the Omnibus Water Resources Development Act (H.R. 4788) which was passed by this House on February 5 of this year, but which has not yet been considered by the other body. The purpose of this nonnavigability declaration is similar to the purpose of the provision for Buffalo Harbor, which I have already described. The area in question is an area which has been filled in compliance with applicable Federal dredge and fill permits and which is the proposed site of an urban renewal project sponsored by the State of North Carolina and the Department of Housing and Urban Development. A declaration of nonnavigability is essential to allow the financing of the project, and, because public bodies presently own the land in question, any economic benefits realized as a result of this declaration of nonnavigability will be realized by those public bodies.

Mr. Speaker, I strongly urge the passage of this bill.●

Mr. CLAUSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISASTER RELIEF ACT OF 1974 AMENDMENTS

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6863) to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1983.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I do so for the purposes of asking the chairman to go into an explanation, and then I will present comments of my own.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, I am pleased to bring to the floor H.R. 6863, a bill to amend the Disaster Relief Act of 1974.

Presently, the Disaster Relief Act of 1974 enables the President to provide various forms of Federal assistance in the event of an emergency or disaster. For example, in the case of a major disaster, the act permits Federal funding for rent-free temporary housing, unemployment assistance, debris removal, distribution of food, crisis counseling, individual and family grants, repair and replacement of damaged public facilities, and other assistance. The act also authorizes the necessary appropriations for its implementation through fiscal year 1980; H.R. 6863 as reported by the Committee on Public Works and Transportation would authorize the appropriation of whatever sums are necessary to fund the Federal disaster response and recovery program through fiscal year 1983.

The Federal disaster relief program has been effective in providing a consolidated Federal response to emergencies and disasters in all quarters of this vast land of ours. However, I also feel that after 6 years of experience under the Disaster Relief Act it may be time for us to closely examine the administrative interpretations given to the provisions of the act. The other body has passed an act, S. 3027, that would extend authorizations under the Disaster Relief Act only through fiscal year 1981. I concur in the wisdom of shortening the authorization period so that the House and the other body may reexamine at the earliest possible date the procedures which have evolved under the Disaster Relief Act. Therefore, at the appropriate time I intend to offer an amendment to extend authorization under the Disaster Relief Act only through September 30, 1981.

Beyond merely authorizing the appropriation of the necessary funds for the continuance of the Federal disaster relief program, this bill, as reported, also corrects certain substantive deficiencies in the Disaster Relief Act that have come to light only through the experience gleaned during its initial implementation. Specifically, while the act does provide Federal funding for the replacement of public facilities, only certain types of private nonprofit facilities that are essentially public in nature are eligible for such disaster assistance. The list of nonprofit private facilities that are eligible for Federal disaster recovery grants is presently limited to include only educational, utility, emergency, medical, and custodial care facilities; this bill expands that list to include museums, zoos, libraries, physical fitness centers and historical facilities.

The bill, as reported, would also correct a specific inequity that resulted from the damages caused by Hurricane Agnes in 1972. Following that hurricane, several privately owned libraries which had been damaged by that storm received Federal funds for restoration under the Disaster Relief Act of 1970, under the mistaken understanding that they were public institutions. Because those privately owned libraries were not owned by a State or local government, it was later determined that those libraries must refund the Federal assistance dollars, most of which had already been spent. This bill would make these libraries eligible for assistance as if covered by the Disaster Relief Act of 1970, in the amounts necessary to provide the needed repairs and restoration.

This bill, as reported, will provide the authorization needed to continue the vital functions of Federal emergency and disaster response; emergency and disaster preparedness; furthermore, it will correct the most glaring deficiencies of the Disaster Relief Act of 1974. It is essential legislation, and we cannot afford to delay its passage.

Mr. CLAUSEN. Mr. Speaker, further reserving the right to object, I believe that the gentleman from California (Mr. LEWIS) had intended to talk to the chairman about the possibility of offering an amendment. I will withhold my comments until he has had a chance to visit with the gentleman.

Mr. ROBERTS. Mr. Speaker, if the gentleman will yield further, there is an amendment that changes this period to a 1-year period, and the gentleman from California (Mr. LEWIS) will offer the amendment.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from California.

Mr. LEWIS. Mr. Speaker, the amendment is designed to reduce the authorization from a period of 3 years to a 1-year period.

We are specifically attempting here to establish in the RECORD a clear reflection of the concern of membership across the country regarding the lack of responsiveness by FEMA to various problems we have faced as a result of disastrous flooding during the past year. The amendment reduces the authorization to 1 year and clearly expresses the concern of the Congress about the way these emergency programs have been operating.

In my own district as a result of flooding over 9 months ago I have received a number of verbal complaints from dissatisfied Riverside County officials. The major concerns apply to the following projects:

COACHILLA VALLEY WATER DISTRICT

A. DAMAGED FACILITY

Whitewater storm channel between Indian Avenue and Washing Street. Line item D2.

First. Description of damage: Various "blowouts" of dike slopes; irrigation pipe drains lost and drop structure damaged.

Scope of proposed work: Restore dike slopes at "blowouts only" and repair or replace drain tile lines and drop structure.

Cost of repair:

First. Applicant request, $1,016,768.

Second. Approved by State, $1,016,768.

Third. Approved by FEMA $255,293 (funds not received yet).

B. DAMAGED FACILITY

Coachella Valley stormwater channel between Washington and Monroe Streets. Line item D3.

First. Description of damage: Various "blowouts" of dike slopes and irrigation pipe drains lost.

Scope of proposed work: Restore dike slopes at "blowouts" only, and repair or replace drain lines.

Cost of Repair:

First: Applicant request, $258,202.

Second. Approved by State, $258,202.

Third. Approved by FEMA, $795 (repair of pipe only).

C. DAMAGED FACILITY

Coachella Valley stormwater channel between Monroe Street and Salton Sea. Line Item D4.

First. Description of damage: Various "blowouts" of side slopes inner and outer dikes including loss of drain tile stubouts and damage to drop structures.

Scope of proposed work: Restore dikes; repair drop structures and drain lines.

Cost of repair:

First. Applicant request, $2,310,695.

Second. Approved by State, $2,310,695.

Third. Approved by FEMA, $500,156 (restoration of pilot channel).

Although I have nothing to the contrary, information I received from Lowell Weeks, CVWD, indicates FEMA representatives feel it is not necessary to repair damaged levees. However, there is a 540-space mobile home park adjacent to the Whitewater storm channel that would be in serious jeopardy should a flood of the magnitude of this past February occur. I have no figure on the possible injuries or death which might occur but CVWD indicates that should the flood occur at night we could expect some deaths in the channel area.

APPLICATION OF THE SOBOBA INDIAN RESERVATION FOR PAYMENT OF EMERGENCY WORK TO REPAIR SAN JACINTO LEVEE

A. DAMAGED FACILITY

Levee on the west side of Castile Canyon Creek at the confluence with the San Jacinto River.

First. Description of damage: The levee was totally washed away, as well as parts of the bank behind it thus endangering the domestic water supply. Line D1 (should have been B1—emergency).

Scope of proposed work: Replace the levee with a new levee using earth. Place riprap (rocks) on the levee slope to prevent further erosion. (Work completed during flooding.)

Cost of repair:

First. Tribe expended, $64,225.

Second. FEMA approved, $22,664.

All the work done on the levee was completed during the flooding in order to protect the homes and water system on the reservation. The contractor indicated that the only way he could stop the water flows to allow replacement of the earth was to dump in the rock and backfill. FEMA says that addition of rock is a betterment/improvement and is ineligible.

However, since this was of an emergency nature—at the time of the flooding—the President is authorized to provide such assistance to save lives and protect property and public health and safety. If the rock had not been dumped on the levee to hold back water, the reservation water system would have been severely damaged along with a number of homes. FEMA refuses to pay the additional $42,561.

B. DAMAGED FACILITY

Item A1, emergency work—Jaudo Canyon Creek upstream of Soboba Road.

C. DESCRIPTION OF DAMAGE

The creek filled with mud which caused the water to overflow and flood houses downstream.

Scope of proposed work: Excavate mud from creek and keep waters from overflowing banks (emergency flood work completed during flooding.)

Cost of repair:

First. Tribe expended, $18,526.

Second. FEMA approved, $13,339.

All the work was accomplished during the height of the emergency. At the time of the flood, the streambed was filled with debris allowing the waters to flow from the creek into homes. It was necessary to remove the debris from the creek bottom, forming a catch basin to protect against further damage in the home area. FEMA feels this is a betterment because a debris basin was not originally there.

The Indians contacted a FEMA representative during height of storm and asked if work could proceed and were given verbal assurances work would be covered. They obtained a contractor to come in and repair facilities and then learned that these so-called betterments would not be covered. The contractor currently is waiting to be paid but the tribe is unable to make full restitution because of lack of funds.

Mr. CLAUSEN. Mr. Speaker, I thank the gentleman for giving us that explanation. Mr. Speaker, I rise in support of H.R. 6863 which extends the authorizations for appropriations for the disaster relief program.

Since its passage in 1974, the Disaster Relief Act has proven to be a very sound piece of legislation. Most of the issues surrounding this law involve questions of implementation rather than deficiencies in the statute.

H.R. 6863 does make a few minor corrections which are basically technical or clarifying in nature. The first is to clarify that museums, zoos, libraries, physical fitness centers, and private nonprofitable historical facilities are intended to be included as facilities eligible for assistance under the act.

The second amendment corrects an error made in the implementation of the disaster assistance program for Hurricane Agnes, which occurred in 1972, for those that do not remember. At that time a number of libraries in Pennsylvania received assistance and there has been some question as to whether they were eligible for assistance under the act. H.R. 6883 clarifies that they should receive assistance.

Since our hearings earlier this year I have received a number of complaints about the manner in which the Federal Emergency Management Agency has responded to requests for assistance. I am told that in some instances they are providing only about 40 percent of the required financial assistance. This is clearly a more limited role than the Congress intended in 1974. Because of these complaints I feel it is extremely important that additional oversight of this program be conducted. This is why, at the appropriate time, I will support the amendment reducing the authorization for appropriations from 3 years to 1. This will enable our committee to investigate further the issues that have recently arisen. Also, I would point out to my colleagues that the Senate has received similar complaints and as a result they too have reported only a 1-year authorization measure.

Therefore, Mr. Speaker, I urge my colleagues to approve the committee's legislation with the amendment which I have discussed.

Mr. CLAUSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. ROBERTS)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 606 of the Disaster Relief Act of 1974 (Public Law 93–288) is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1983".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause, and insert:

That section 606 of the Disaster Relief Act of 1974 (Public Law 93–288) is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1983".

SEC. 2. Section 402(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5172(b)) is amended (1) by inserting "museums, zoos, libraries, and physical fitness centers, and private nonprofit' historical," after "private nonprofit"; and (2) by adding at the end thereof the following new sentence: "A grant may only be made with respect to a historical facility under this subsection if, on the date such facility was damaged or destroyed by the major disaster, such facility was listed in the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the Act of October 15, 1966 (80 Stat. 915; 16 U.S.C. 407a), commonly known as the National Historic Preservation Act of 1966.".

SEC. 3. The amendments made by section 2 of this Act shall take effect September 1, 1979.

SEC. 4. Any privately owned nonprofit library damaged or destroyed by Hurricane Agnes in 1972 in the State of Pennsylvania is hereby declared eligible for assistance under the provisions of the Disaster Relief Act of 1970 as in effect at the time of such disaster.

AMENDMENT OFFERED BY MR. ROBERTS TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. ROBERTS. Mr. Speaker. I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS to the committee amendment in the nature of a substitute: Page 2, line 5, strike out 1983 and insert in lieu thereof 1981.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS) to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

The SPEAKER. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

● Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 6863, a bill to extend authorization for the Disaster Relief Act of 1974.

In the past, the Congress has enacted a number of laws providing for disaster relief, the culmination of these efforts being the Disaster Relief Act of 1974 (Public Law 93-288).

The Federal disaster relief program is designed to supplement the efforts and available resources of State and local governments and voluntary relief organizations. The President's declaration of a "major disaster" or an "emergency" authorizes Federal assistance under the Disaster Relief Act and triggers other Federal assistance. The Federal response is coordinated by FEMA, the Federal Emergency Management Agency.

Assistance authorized by the act may be classified under three broad categories: assistance to individuals, assistance to State and local governments, and preparedness assistance. Programs funded through the authority of this act include temporary housing; disaster-related unemployment compensation; individual and family grants; legal aid for disaster-related problems; distribution of food commodities and coupons; crisis counseling; relocation assistance; community disaster loans; repair and restoration of public and private nonprofit facilities; and debris removal from public and private property.

The Disaster Relief Act of 1974 authorized such sums as may be necessary to carry out the Federal disaster program for a term of 3 years. That authorization was extended in 1977 through fiscal year 1980. H.R. 6863, as reported by the Public Works Committee, would continue the authorization for appropriations through fiscal year 1983. I understand that Mr. ROBERTS intends to offer an amendment that would change that date to 1981, and I will support that amendment.

Section 402(b) of the 1974 act authorized the Federal Government to make grants to help restore in the aftermath of a major disaster certain types of privately owned facilities that are used for public purposes. This list included privately owned nonprofit educational, utility, emergency, medical, and custodial care facilities. Six years' experience under the act have demonstrated the wisdom of adding to this list. Therefore, section 2 of H.R. 6863 adds privately owned nonprofit museums, zoos, libraries, physical fitness centers, and historical facilities to the list of facilities that are eligible for Federal aid after a major disaster.

The bill also provides that a number of privately owned nonprofit libraries damaged or destroyed by Hurricane Agnes in 1972 will be relieved of any liability for the repayment of contributions erroneously made by the United States in relation to the damages caused by that hurricane and provides that those libraries are entitled to Federal disaster assistance as if they had been eligible under the Disaster Relief Act of 1970 as it was in effect at the time they were damaged. Because those Libraries were privately owned, they were legally not eligible for Federal assistance under the act even though they were nonprofit and open to the public. It seems only fair that those libraries, being of a public nature as they are, should not be penalized simply because they are supported by private contributions rather than tax dollars.

I urge passage of the bill.●

● Mr. LOTT. Mr. Speaker, I want to commend the Committee on Public Works and Transportation for their work on this disaster relief bill. Our nation has been stricken by an inordinate number of natural disasters since we last reviewed such legislation here in the House of Representatives, and many of us have seen only too clearly the problems with Federal disaster relief that H.R. 6863 is aimed at correcting.

I want to thank the committee, too, for including language that I had suggested authorizing grants for repairs and reconstruction of nonprofit historical facilities, museums, zoos, and libraries. In the aftermath of Hurricane Frederic. I learned too late that these types of facilities, which I had always presumed were eligible for grants under the Disaster Assistance Act, were not. Therefore, an important landmark in my congressional district, Beauvoir, the historic last home of Jefferson Davis, located at Biloxi, Miss., could receive no Federal help to repair severe damage inflicted by the hurricane. H.R. 6863 includes retroactive coverage that would enable Beauvoir and other historical facilities, museums, zoos, and libraries to complete much-needed repairs.

I urge my colleagues to join me in supporting H.R. 6863.●

● Mr. SHUSTER. Mr. Speaker, I rise in favor of H.R. 6863, a bill to amend the Disaster Relief Act of 1974.

Back in 1972, one of the worst natural disasters to beset the Commonwealth of Pennsylvania, Hurricane Agnes, came through and damaged millions of dollars worth of property. Although the relief from the Federal Government came relatively swiftly after the disaster, there were some specific irregularities that have caused a great deal of concern in several small communities in Pennsylvania.

In my district, the Shippensburg Public Library, a privately owned library, was devastated by floodwaters. The Federal Government provided funds with the understanding that this library was a public institution and thus deserved public moneys for restoration. When this mistake was discovered, the Federal Government requested a refund from a small town which is still recovering from those days back in 1972. This legislation would very understandably forgive the repayment of these funds and although this library, as well as several others, to continue to provide the invaluable services to their communities.

I reiterate my support for this bill and ask my colleagues to cast their votes in favor of this legislation.●

The SPEAKER. The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3027) to extend authorization for the Disaster Relief Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1980".

Sec. 2. Section 606 of the Disaster Relief Act of 1974, as amended, is amended by striking "September 30, 1980" and inserting in lieu thereof "September 30, 1981, and to the Federal Emergency Management Agency such sums as may be necessary for administrative expenses through the close of September 30, 1981.".

Sec. 3. (a) Notwithstanding any provision of the Disaster Relief Act of 1970 (the Act), any unit of local government or any of the privately owned nonprofit libraries listed in subsection (b) is relieved from any liability for the repayment of contributions erroneously made by the United States for disaster relief activities for the benefit of such libraries which were damaged or destroyed by Hurricane Agnes in 1972 in the State of Pennsylvania.

(b) The following libraries are hereby entitled to assistance as if eligible under the provisions of the Act as in effect at the time of such disaster:

(1) the William D. Himmelreich Memorial Library in Lewisburg, Pennsylvania;

(2) the Milton Library in Milton, Pennsylvania;

(3) the Shippensburg Public Library in Shippensburg, Pennsylvania;

(4) the West Shore Public Library in Camp Hill, Pennsylvania;

(5) the Osterhout Library in Wilkes-Barre, Pennsylvania; and

(6) the West Pittston Library in West Pittston, Pennsylvania.

(c) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act.

MOTION OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROBERTS moves to strike out all after the enacting clause of the Senate bill, S. 3027, and to insert in lieu thereof the provisions of H.R. 6863, as passed, as follows:

That section 606 of the Disaster Relief Act of 1974 (Public Law 93-288) is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981."

Sec. 2. Section 402(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5172(b)) is amended (1) by inserting "museums, zoos, libraries, and physical fitness centers, and private nonprofit historical," after "private nonprofit"; and (2) by adding at the end thereof the following new sentence: "A grant may only be made with respect to a historical facility under this subsection if, on the date such facility was damaged or destroyed by the major disaster, such facility was listed in the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the Act of October 15, 1966 (80 Stat. 915; 16 U.S.C. 407a), commonly known as the National Historic Preservation Act of 1966".

SEC. 3. The amendments made by section 2 of this Act shall take effect September 1, 1979.

SEC. 4. Any privately owned nonprofit library damaged or destroyed by Hurricane Agnes in 1972 in the State of Pennsylvania is hereby declared eligible for assistance under the provisions of the Disaster Relief Act of 1970 as in effect at the time of such disaster.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1981."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 6863, was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8061, DISTRICT OF COLUMBIA APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON MONDAY, DECEMBER 1, 1980, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT AND ANY AMENDMENTS IN DISAGREEMENT ON H.R. 8061, DISTRICT OF COLUMBIA APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, December 1, or any day thereafter, to consider the conference report and any amendments in disagreement thereto on the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, APPROPRIATIONS, 1981

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 20, 1980.)

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The gentleman from Iowa (Mr. SMITH) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. O'BRIEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise their remarks on the conference report now being considered.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, as agreed to by the conferees, contains a total of $9,131,056,000 in new budget authority for fiscal year 1981. It also contains $333,196,000 for liquidation of contract authority in the operating subsidy program of the Maritime Administration.

The total amount agreed to for fiscal year 1981 is $2,789,431,554 less than appropriations made for these programs for fiscal year 1980, and is $535,331,000 less than the total amount requested for fiscal year 1981.

I should point out that about $900,000,000 of the reduction from the fiscal year 1980 level is due to reduced appropriations of additional capital for the disaster loan fund of the Small Business Administration. However, the conference agreement makes available for the Disaster Loan Fund about $266,000,000 which was not included in the fiscal year 1981 budget request. This additional amount is now available as a result of changes enacted in Public Law 96–302 concerning the treatment of interest payments to the Treasury on outstanding loans.

The conference agreement is $73,338,000 more than the Senate bill and is $411,858,000 more than the bill as it passed the House on July 23. The large increase over the House total is due primarily to Senate consideration of the request for the Economic Development Administration and the regional development program which the House did not deal with initially because of a lack of authorization. The conferees on the authorization bill, which had been in conference since December 1979, recently agreed on a straight extension of the authorization for the current economic development program. A bill extending the current EDA program for 3 years, passed the House and the Senate yesterday and is now on the President's desk.

Offsetting these increases above the House bill, which total $668,488,000, were decreases from the House bill of $35,867,000 for the Department of Justice, and $257,282,000 for related agencies, the largest of which was $256,000,000 for the Small Business Administration.

I should also add that the conference agreement reflects deletion of the Senate amendment which would have provided that nothing in section 607 of the bill should be interpreted to prevent the Justice Department from initiating or participating in litigation to secure remedies except busing for violations of the 5th and 14th amendments to the Constitution. I would remind the House, however, that the language of the Collins amendment on busing was not in conference and is in the bill.

The conference agreement also reflects deletion of the Senate amendment concerning the grain embargo.

Finally, Mr. Speaker, the conference agreement reflects a 2-percent reduction in the amount of funds available in the bill to the State Department instead of the 5-percent reduction in such funds in the House bill. The total reduction for the State Department under this provision is $31,294,160. However, the reduction does not apply to the payment to the American Institute in Taiwan or to the $35,000,000 appropriated for the security enhancement program at U.S. embassies abroad.

Mr. Speaker, I shall insert at this point in the RECORD a summary table showing, by department or agency, the conference action compared with the amounts provided for fiscal year 1980, the budget estimates for 1981, the House bill, and the Senate bill.

The table follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New budget authority—fiscal year					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
Department of State	1, 403, 251, 000	1, 649, 632, 000	1, 565, 608, 000	1, 591, 397, 000	1, 564, 708, 000	+161, 457, 000	−84, 924, 000	−900, 000	−26, 689, 000
Department of Justice	2, 475, 400, 554	2, 247, 134, 000	2, 253, 141, 000	2, 218, 137, 000	2, 217, 274, 000	−258, 126, 554	−29, 860, 000	−35, 867, 000	−863, 000
Department of Commerce	2, 727, 035, 000	2, 653, 281, 000	1, 739, 715, 000	2, 477, 344, 000	2, 442, 170, 000	−284, 865, 000	−211, 111, 000	+702, 455, 000	−35, 174, 000
The Judiciary	591, 306, 000	651, 291, 000	627, 688, 000	635, 228, 000	631, 140, 000	+39, 834, 000	−20, 151, 000	+3, 452, 000	−4, 088, 000
Related agencies:									
Arms Control and Disarmament Agency	17, 550, 000	19, 749, 000	18, 500, 000	18, 500, 000	18, 500, 000	+950, 000	−1, 249, 000		
Board for International Broadcasting	89, 470, 000	103, 827, 000	99, 700, 000	99, 700, 000	99, 700, 000	+10, 230, 000	−4, 127, 000		
Commission on Civil Rights	11, 719, 000	11, 988, 000	11, 988, 000	11, 719, 000	11, 853, 000	+134, 000	−135, 000	−135, 000	+134, 000
Commission on Security and Cooperation in Europe	264, 000	450, 000	450, 000	450, 000	450, 000	+186, 000			
Commission on Wartime Relocation and Interment of Civilians				1, 000, 000	1, 000, 000	+1, 000, 000	+1, 000, 000	+1, 000, 000	
Chrysler Corporation	1, 501, 518, 000	1, 320, 000	1, 320, 000	1, 320, 000	1, 320, 000	−1, 500, 198, 000			
Equal Employment Opportunity Commission	124, 562, 000	143, 037, 000	141, 454, 000	140, 000, 000	140, 000, 000	+15, 438, 000	−3, 037, 000	−1, 454, 000	
Federal Communications Commission	76, 747, 000	76, 080, 000	76, 000, 000	79, 000, 000	76, 926, 000	+179, 000	+846, 000	+926, 000	−2, 074, 000
Federal Maritime Commission	11, 300, 000	12, 056, 000	12, 000, 000	12, 000, 000	12, 000, 000	+700, 000	−56, 000		
Federal Trade Commission	50, 700, 000	71, 631, 000	71, 000, 000	71, 000, 000	71, 000, 000	+20, 300, 000	−631, 000		
International Communication Agency	439, 082, 000	448, 267, 000	449, 665, 000	447, 347, 000	447, 915, 000	+8, 833, 000	−352, 000	−1, 750, 000	+68, 000
International Trade Commission	15, 530, 000	16, 981, 000	16, 715, 000	16, 863, 000	16, 715, 000	+1, 185, 000	−266, 000		−148, 000
Japan-United States Friendship Commission	1, 500, 000	1, 998, 000	1, 998, 000	1, 998, 000	1, 998, 000	+498, 000			
Legal Services Corporation	300, 000, 000	353, 000, 000	321, 300, 000	300, 000, 000	321, 300, 000	+21, 300, 000	−31, 700, 000		+21, 300, 000
Marine Mammal Commission	940, 000	634, 000	634, 000	934, 000	734, 000	−206, 000	+100, 000	+100, 000	−200, 000
Office of the United States Trade Representative	8, 026, 000	9, 173, 000	9, 100, 000	9, 170, 000	9, 100, 000	+1, 074, 000	−73, 000		−70, 000
Presidential Commission on World Hunger	975, 000					−975, 000			
Securities and Exchange Commission	72, 865, 000	76, 095, 000	76, 350, 000	77, 100, 000	76, 350, 000	+3, 485, 000	+255, 000		−750, 000
Select Commission on Immigration and Refugee Policy	1, 600, 000	427, 000	427, 000	550, 000	550, 000	−1, 050, 000	+123, 000	+123, 000	
Small Business Administration	1, 996, 600, 000	1, 114, 645, 000	1, 221, 645, 000	843, 845, 000	965, 645, 000	−1, 030, 955, 000	−149, 000, 000	−256, 000, 000	+121, 800, 000
U.S. Metric Board	2, 547, 000	3, 691, 000	2, 800, 000	2, 616, 000	2, 708, 000	+161, 000	−983, 000	−92, 000	+92, 000
Grand total	11, 920, 487, 554	9, 666, 387, 000	8, 719, 198, 000	9, 057, 718, 000	9, 131, 056, 000	−2, 789, 431, 554	−535, 331, 000	+411, 858, 000	+73, 338, 000

Mr. Speaker, I reserve the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the subcommittee, the gentleman from Iowa (Mr. SMITH), has presented a very comprehensive and accurate summary of the bill and the conference report.

I would like to remind the Members that both bodies have had their difficulties in finally presenting a conference report to our respective Chambers. The State-Justice bill was passed by this House on July 23 after being considered for 5 days. The other body only passed this bill on November 17, again after 5 days of floor debate.

The chairman is to be commended for an exceptional job, difficult under any circumstances, but especially so due to the untimely death of our friend, the gentleman from West Virginia (Mr. SLACK).

Naturally, as in any conference, there must be compromise. I believe the House did very well, however. There were 94 amendments in disagreement when we went to conference. The House and the Senate each had to give and take a little. I hope that every Member of this body will be able to support this bill and the conference report.

I believe it is important to point out that although the total conference amount is above the House by $411,558,000, this is due in large part to the $624,650,000 added by the Senate for the Economic Development Administration not considered by the House due to lack of an authorization. In addition we are under the budget request by $535,631,000.

There are several items in particular which I believe merit the attention of my colleagues. As you know, the House passed an amendment offered by the gentleman from Maryland (Mr. BAUMAN) which would, in effect reduce the funds appropriated to the Department of State by 5 percent. The Senate eliminated this amendment but the House conferees prevailed in restoring a 2-percent reduction.

While the conference committee agreed to the House level of $3 million for the Worldwide Information and Trade System, WITS, instead of the $4 million approved by the Senate, I hope it is clear to the Department of Commerce that the directives which both bodies enunciated in their respective reports are still of concern. Of particular importance are several items in the Senate report which endorsed recent efforts initiated by the Department to comply with the congressional intent to avoid duplication or competition. These steps include: First, a formal identification of existing private sector information services; second, selecting a WITS design option which builds on such services; third, establishing an objective advisory panel composed of members of the private sector to review the design for compliance with the congressional intent; and fourth, conducting sunset reviews of Government data bases developed for WITS. I understand the Department is already moving to implement these steps.

There are certain programs supported by the National Oceanic and Atmospheric Administration which are of particular concern to several of our colleagues, namely the gentlelady from Louisiana, (Mrs. BOGGS), the gentleman from Virginia (Mr. TRIBLE), and the gentleman from Mississippi (Mr. LOTT). Due in great part to their perseverance and hard work these items were retained by the conference committee.

The House conferees were successful in reinstating language the Senate sought to eliminate that will ultimately save the Federal Government over $37,000,000 by permitting the Federal Communication Commission to consolidate its offices and relocate them outside the District of Columbia.

The House conferees succeeded in restoring the cut made by the other body for the Legal Services Corporation so that it will continue to provide minimum legal access to the poor of our Nation. In addition, the amendment offered by the gentleman from Georgia (Mr. McDONALD) was amended to prohibit the LSC from supporting litigation which seeks to legalize homosexuality.

With respect to the amendment passed by the House which was offered by the gentleman from Texas (Mr. COLLINS) regarding busing, the Senate receded from its position and concurred with the House position.

As you know, the House also approved

an additional $2.1 million for the Voice of America on an amendment offered by the gentleman from Delaware (Mr. EVANS). I know the gentleman has had a long and active interest in the programs of the Voice of America, and I am sure he is pleased that the Senate has agreed to incorporate this increase.

Again, I believe we have a good bill and that my colleagues can, in good conscience, support this conference report.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I will be happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I rise in support of this conference report on H.R. 7584, the fiscal 1981 appropriations bill for the Departments of State, Justice, and Commerce, and for the judiciary and 21 related agencies. In total, the bill provides just over $9.1 billion for these departments and agencies, which is $412 million over the House bill, $73 million over the Senate bill, $535 million below the President's budget requests, and nearly $2.8 billion below total fiscal 1980 appropriations.

The able chairman and ranking member of the subcommittee have provided summaries of what is in this conference report, and I will not take time to repeat their presentations. Instead, I will include for the RECORD at the end of my brief statement a summary of how several of the issues on which Members have expressed interest were resolved. On the whole, I believe the conferees did an excellent job yesterday in bringing back to the House a fiscally responsible bill with a minimum of restrictive amendments. I know that some Members, and the President, we are told, have misgivings about several of the remaining restrictions, mainly regarding busing, but I hope that a strong majority will be able to support the conference report, and that the President will sign it and let the courts decide the propriety of these provisions.

Mr. Speaker, this is the fourth fiscal year 1981 appropriations bill which has reached the conference agreement or enactment stage. Later, we will deal with the fifth bill, the Interior appropriations bill. It is hoped that immediately after the Thanksgiving recess and prior to adjournment sine die that several other bills will be ready for final action, including the bills for HUD, the District of Columbia and possibly Defense. If we can complete action on those bills, that would leave 5 of the annual 13 appropriations bills to be carried in a further continuing resolution, including the bills for Treasury-Postal Service, Agriculture, the legislative branch, Labor, Health and Human Services and Education, and foreign aid.

With that status report, I conclude my remarks, and ask unanimous consent to include in the RECORD the summary I mentioned earlier on the bill presently before the House.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I will be happy to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I am pleased to see that the conference committee has seen fit to include at least part of the amendment which I offered when the bill was before the House. At that time my amendment was adopted overwhelmingly and it would have cut 5 percent from the State Department, roughly $75 million. The committee has seen fit to lower the amount of the cut to only 2 percent, but that means that the Bauman amendment as revised will at least save the taxpayers some $31 million. Every million dollars adds up and this gives me some small satisfaction.

Hopefully the new Congress and the new President will see fit to cut even more in the future in these areas.

Mr. EDWARDS of California. Mr. Speaker, it is regrettable that this appropriations bill retains language which will seriously interfere with the Justice Department's ability to seek appropriate remedies in particularly important cases where it seeks to insure equal protection of the laws.

The effect of this amendment, together with the restrictions placed on the Department of Education by the Eagleton-Biden amendment, would be to require the Federal Government to continue funding unconstitutionally segregated school systems where the transportation of students is the last available desegregation remedy. The Collins amendment, by precluding such judicial relief in cases brought by the Justice Department, would raise serious constitutional problems.

Supporters of this restrictive language have stated that they are not opposed to integrated schools but that what they are simply asking is that students be sent to the nearest school. This statement ignores the fact that because of continued segregated housing practices in this country many neighborhood schools are also segregated. The transportation of students from such schools may not be the appropriate remedy in many—or even—most cases but in some, limited cases it may be the only effective remedy.

Lastly, I think our actions in this matter may relay a signal to the Nation that the concept of equality of opportunity in education is a concept which we no longer value.

Mr. Speaker, I believe it is most unfortunate that we should send such a signal at a time when many are deeply concerned whether the civil rights gains which have been made in the last 15 to 20 years will be eroded.

● Mr. AuCOIN. Mr. Speaker, I wish to voice my distress at the inadequate funding this conference report provides for the training ships of the State maritime academies.

At the authorization hearing on the Maritime Administration's budget held by the subcommittee I chair, witnesses clearly established that these ships are not properly maintained. In addition, they have a remaining useful life of just 2 to 5 years. The superintendents of the maritime academies testified that if about $3 million were spent to renovate each training ship, and if adequate repair and maintenance were provided, the lives of the training ships would be extended for about a decade.

The alternative proposal by the Maritime Administration was to construct two new vessels at a cost of $169.5 million. Such an approach is extravagant and unnecessary, and this proposal has made no progress. So I offered amendments in committee to increase funding for maintenance and to provide for the start of a renovation program. The authorization bill Congress passed included amounts for these purposes. Regrettably, these funds—a modest $3.68 million—have not been appropriated. The action we are about to take is unwise. It will have a direct and negative effect on the state of our U.S. merchant marine. Currently there is a shortage of licensed deck and engineering officers for U.S. flag vessels. Training ships are an essential part of the education of these officers.

Mr. Speaker, if Congress does not take action, one or more State maritime academies could be forced to cease operations in the near future for lack of suitable training vessels, and this will bring on a crisis in the training of officers for our merchant marine.●

● Mr. RODINO. Mr. Speaker, the Department of Justice is the agency in the executive branch charged with the responsibility of bringing legal action to correct situations in which school officials engage in unconstitutional racial discrimination. Whenever the Justice Department, after detailed review of a particular situation, believes that such discrimination exists, it is constitutionally required to seek to have a Federal court make a determination as to whether there is a judicially determinable level of discrimination involved.

When, after reviewing all the evidence, a Federal court determines that such discrimination has occurred, it is up to that court to fashion whatever remedy it deems appropriate and effective to insure that such discrimination ends. It is not the responsibility of the Department of Justice to order remedies; the Federal courts are charged with that responsibility.

The limitation in the conference report on the Justice appropriation would have the effect of interfering with the Department's ability to exercise its responsibility to insure that there are remedies in school desegregation cases. This responsibility has been specifically conferred upon the Department by the Congress, most notably in the 1964 Civil Rights Act. While there is some debate as to the actual effect of the restriction contained in the conference report, it is a clear signal to the Department of Justice that it should think twice before filing discrimination suits.

I believe that this is a wrong signal to be sent to the Department of Justice and I strongly oppose the language. I think it places the Department in an untenable position wherein it could perceive violations of the Constitution by recipients of

Federal funds and have no Federal court remedy to address those violations. The Department would be restricted from seeking to insure that constitutional rights are protected.

It is the unfortunate fact that 16 years after the passage of the Civil Rights Act in 1964 and 25 years after the decision in Brown against Board of Education unlawfully segregated schools still exist in this country.

I believe that there are severe constitutional problems with the language in the conference report on this issue. I also believe that adoption of this language will lead to court cases seeking to determine the constitutionality of such language. And while the cases are before the courts, the Justice Department may be severely hampered in its efforts to seek appropriate remedies for discrimination in our schools.

Mr. Speaker, I strongly believe that this language is a step backward and is an unconstitutional restriction upon the Department of Justice.●

Mr. O'BRIEN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHARP). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. COLLINS of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 59, answered "present" 1, not voting 132, as follows:

[Roll No. 649]

YEAS—240

Akaka
Alexander
Ambro
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bethune
Blanchard
Boland
Boner
Bonior
Bonker
Bowen
Breaux
Brodhead
Broomfield
Brown, Ohio
Broyhill
Butler
Byron
Campbell
Carney
Carr
Carter
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Coughlin
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Derwinski
Dicks
Dixon
Donnelly
Dornan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Emery
English
Erlenborn
Evans, Del.
Evans, Ga.
Fary
Ferraro
Fisher
Fithian
Flippo
Foley
Fountain
Frost
Fuqua
Gaydos
Giaimo
Gibbons
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammer-schmidt
Hanley
Hansen
Harkin
Harsha
Hefner
Heftel
Hightower
Hinson
Holt
Hopkins
Howard
Hubbard
Huckaby
Hutto
Jeffries
Johnson, Calif.
Johnson, Colo.
Kazen
Kemp
Kindness
Kogovsek
Lagomarsino
Leach, Iowa
Leath, Tex.
Lee
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lungren
McClory
McDade
McKay
McKinney
Markey
Marks
Marriott
Martin
Mathis
Matsui
Mazzoli
Mica
Michel
Mineta
Minish
Mitchell, N.Y.
Moffett
Mollohan
Montgomery
Moore
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
O'Brien
Oakar
Ottinger
Patten
Patterson
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Rahall
Railsback
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Smith, Iowa
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Stangeland
Stanton
Stenholm
Stewart
Stokes
Stratton
Stump
Swift
Synar
Tauzin
Thomas
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Watkins
White
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki

NAYS—59

AuCoin
Beilenson
Bereuter
Bingham
Brown, Calif.
Buchanan
Chisholm
Conable
Conyers
Corman
Davis, S.C.
Dellums
Edwards, Calif.
Ertel
Evans, Ind.
Fascell
Fenwick
Findley
Forsythe
Gephardt
Grassley
Gray
Harris
Hawkins
Jacobs
Jeffords
Kastenmeier
Kildee
Kramer
Leland
Lundine
McHugh
Marlenee
Mavroules
Miller, Ohio
Murphy, Pa.
Nowak
Panetta
Pashayan
Porter
Quayle
Rangel
Rosenthal
Roybal
Rudd
Sabo
Schroeder
Shannon
Simon
Smith, Nebr.
Stark
Studds
Tauke
Vento
Waxman
Weaver
Weiss
Wolpe
Yates

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—132

Abdnor
Addabbo
Albosta
Anderson, Ill.
Andrews, N.C.
Ashley
Baldus
Barnard
Bevill
Biaggi
Boggs
Bolling
Bouquard
Brademas
Brinkley
Brooks
Burgener
Burlison
Burton, John
Burton, Phillip
Cavanaugh
Chappell
Cheney
Clay
Coelho
Collins, Ill.
Cotter
Courter
Crane, Philip
Crockett
D'Amours
Deckard
Derrick
Devine
Dickinson
Dingell
Dodd
Dougherty
Downey
Drinan
Eckhardt
Edwards, Okla.
Erdahl
Fazio
Fish
Florio
Ford, Mich.
Ford, Tenn.
Fowler
Frenzel
Garcia
Gilman
Ginn
Goldwater
Hall, Tex.
Hance
Heckler
Hillis
Holland
Hollenbeck
Holtzman
Horton
Hughes
Hutchinson
Hyde
Ichord
Ireland
Jenkins
Jenrette
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kelly
Kostmayer
LaFalce
Latta
Leach, La.
Lederer
Lehman
Lent
Levitas
Luken
McCloskey
McCormack
McDonald
McEwen
Madigan
Maguire
Mattox
Mikulski
Miller, Calif.
Mitchell, Md.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Neal
Nichols
Nolan
Oberstar
Obey
Paul
Pepper
Quillen
Ratchford
Richmond
Rodino
Russo
Santini
Skelton
Spellman
Staggers
Steed
Stockman
Symms
Taylor
Thompson
Traxler
Walker
Wampler
Whitehurst
Whittaker
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Winn
Wolff
Wydler
Young, Alaska
Zeferetti

□ 1040

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hughes against.

Mr. Jones of Tennessee, for with Ms. Holtzman against.

Mr. Murphy of Illinois for, with Mr. Fazio against.

Mr. Chappell for, with Mr. Drinan against.

Mr. Santini for, with Mr. Oberstar against.

Mr. Zeferetti for, with Mr. McDonald against.

Mr. Barnard for, with Mr. Garcia against.

Until further notice:

Mrs. Collins of Illinois with Mr. Abdnor.

Mrs. Bouquard with Mr. Fish.

Mr. Pepper with Mr. McEwen.

Mr. Ginn with Mr. Moorhead of California.

Mr. Ashley with Mr. Burgener.

Mr. Leach of Louisiana with Mr. Cavanaugh.

Mr. Lehman with Mr. Goldwater.

Mr. Wolff with Mr. Frenzel.

Mr. Thompson with Mr. Quillen.

Mr. Staggers with Mr. Stockman.

Mr. Rodino with Mr. Cheney.

Mr. Richmond with Mr. Courter.

Mr. Nichols with Mr. Philip M. Crane.

Mr. Moakley with Mr. Latta.

Mr. Mitchell of Maryland with Mr. Lent.

Mr. Baldus with Mr. Walker.

Mr. Biaggi with Mr. Wampler.

Mrs. Boggs with Mr. Whitehurst.

Mr. Ford of Tennessee with Mr. Hutchinson.

Mr. Florio with Mr. Hillis.

Mr. Phillip Burton with Mr. Hance.

Mr. Cotter with Mr. Dougherty.

Mr. D'Amours with Mr. Edwards of Oklahoma.

Mr. Derrick with Mr. Erdahl.

Mr. Dingell with Mr. Bob Wilson.

Mr. McCormack with Mr. Williams of Ohio.

Mr. LaFalce with Mr. Symms.

Mr. Jones of North Carolina with Mr. Taylor.

Mr. Jenkins with Mr. Whitten.

Mr. Ichord with Mr. Winn.

Mr. Fowler with Mr. Madigan.

Ms. Mikulski with Mr. Kelly.

Mr. Miller of California with Mr. Hyde.

Mr. Mottl with Mr. Horton.

Mr. Obey with Mr. Hollenbeck.

Mr. Russo with Mrs. Heckler.

Mr. Albosta with Mr. Devine.

Mr. Ford of Michigan with Mr. Dickinson.

Mr. Moorhead of Pennsylvania with Mr. Gilman.

Mr. Andrews of North Carolina with Mr. McCloskey.

Mr. Holland with Mr. Paul.

Mr. Murphy of New York with Mr. Wydler.

Mr. Neal with Mr. Young of Alaska.

Mr. Ireland with Mr. Maddox.

Mr. Bevill with Mr. Maguire.

Mr. Brademas with Mr. Eckhardt.

Mr. Clay with Mr. Luken.

Mr. Coelho with Mr. Kostmayer.

Mr. John L. Burton with Mr. Nolan.

Mr. Burlison with Mr. Ratchford.

Mr. Jenrette with Mr. Steed.

Mr. Jones of Oklahoma with Mr. Traxler.

Mr. Brooks with Mr. Charles H. Wilson of California.

Mr. Brinkley with Mr. Downey.
Mr. Dodd with Mr. Deckard.
Mr. Crockett with Mr. Hall of Texas.
Mr. Lederer with Mr. Levitas.
Mr. Skelton with Mr. Anderson of Illinois.

Messrs. FINDLEY, WAXMAN, HARRIS, HAWKINS, BUCHANAN, WOLPE, NOWAK, PORTER, YATES, and FASCELL changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, I was en route from Minnesota to Washington when the House considered H.R. 7584, State-Justice appropriations for fiscal year 1981.

Had I been present, I would have voted "nay."

AMENDMENTS IN DISAGREEMENT

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Clerk designate the Senate amendments by number.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 3: Page 8, after line 7, insert:

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,100,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,100,000, to remain available until expended, notwithstanding section 15a of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956.

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 5: Page 9, after line 16, insert:

SEC. 105. None of the funds appropriated under this title shall be used for payment by the United States to the United Nations Educational, Scientific and Cultural Organization of any amount which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by UNESCO for distribution to the Palestine Liberation Organization or for projects administered by or in consultation with the Palestine Liberation Organization.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 10: Page 11, line 20, after "trustees;" insert "including acquisition, lease, maintenance, and operation of aircraft,".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 17: Page 13, line 10, after "expended" insert ": *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000, except in such instances when the Commissioner makes a determination that this restriction is impossible to implement".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 18, line 18, after "78–A40D," insert "or form 79–A9A, or form 79–A9B,".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

□ 1050

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 28: Page 19, after line 1, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development and adjustment assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, $624,650,000: *Provided*, That during 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $116,430,000: *Provided further*, That during 1981, total commitments to guarantee loans shall not exceed $425,000,000 of contingent liability for loan principal: *Provided further*, That such amounts as may be necessary, are appropriated for the repayment of principal, interest, and reasonable servicing and liquidation costs on loans guaranteed under title II of the Public Works and Economic Development Act and any subsequent amendments thereto.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

"For economic development and adjustment assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, $624,650,000: *Provided*, That during 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $116,430,000: *Provided further*, That during 1981, total commitments to guarantee loans shall not exceed $425,000,000 of contingent liability for loan principal."

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 30: Page 19, line 9, after "1976" insert "and the Community Emergency Drought Relief Act of 1977".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 31: Page 19, after line 9, insert:

REGIONAL DEVELOPMENT PROGRAM

REGIONAL DEVELOPMENT PROGRAMS

For necessary expenses to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, $44,338,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"REGIONAL DEVELOPMENT PROGRAMS

"For necessary expenses to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, $43,838,000, to remain available until expended."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 20, after line 15, insert:

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Travel Service as provided for by law; including employment of aliens by contract for service abroad; rental of space abroad for periods not exceeding five years and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $5,000 for representation expenses abroad; $8,000,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 46: Page 29, line 20, after "officers," insert "pre-trial service officers,".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 49: Page 31, line 12, strike out "$62,000,000" and insert "$65,610,000, of which $1,200,000 shall be derived by transfer from the appropriation Speedy Trial Planning".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$63,994,000 of which $1,200,000 shall be derived by transfer from the appropriation Speedy Trial Planning".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 51: Page 32, after line 20, insert:

SEC. 404. The position of trustee coordinator in the bankruptcy courts shall not be limited to persons with formal legal training.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 74: Page 42, line 13, after "limitation" insert ": *Provided*, That sufficient funding shall be made available from the Business Loan Investment Fund to allow guarantee authority of up to $400,000,000 under the section 503 program of the Small Business Investment Act, as amended".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided further*, That sufficient funding shall be made available from the Business Loan and Investment Fund to allow guarantee authority of up to $250,000,000 under the section 503 program of the Small Business Investment Act, as amended".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 75: Page 42, strike out all after line 13 over to and including line 7 on page 43.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

DISASTER LOAN FUND

For the purposes of making loans through the "Disaster loan fund", authorized by the Small Business Act, the Small Business Administration may borrow from the Secretary of the Treasury up to $100,000,000 as authorized by section 4(e)(5)(A) of the Small Business Act: *Provided*, That not more than $4,000,000 shall be made available for the sole purpose of providing disaster loans under section 7(b)(9) of the Small Business Act to any small business which suffered substantial economic injury due to the cancellation of United States participation in the 1980 summer Olympic games which shall be deemed an economic dislocation.

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 82: Page 45, after line 24, insert:

SEC. 612. (a) Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for the procurement of consultant services shall be reduced by the following amounts: Department of Commerce, $1,560,000; International Communications Agency, $68,000; Department of Justice, $1,880,000; Department of State, $284,000; and Small Business Administration, $1,043,000.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 82 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"SEC. 612. Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for the procurement of consultant services shall be reduced by the following amounts: Department of Commerce, $1,560,000; International Communication Agency, $68,000; Department of Justice, $1,880,000; Department of State, $284,000; and Small Business Administration, $1,043,000."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 84: Page 45, after line 24, insert:

SEC. 614. None of the funds appropriated or made available by this Act may be used to enforce or give effect to the quantitative restrictions required to be imposed by subsection 7(i)(1) of the Export Administration Act of 1979 (Public Law 96–72) in any way which would make such restrictions applicable to the export of: (a) up to ninety million board feet (computed without regard to exports or export authorizations made prior to the effective date of this Act) of unprocessed western red cedar harvested from State or Federal lands pursuant to a harvesting contract entered into prior to October 1, 1979, or any extension thereof; or (b) lumber of American Lumber Standards Grades of Number 3 dimensions or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 Common or better.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 89: Page 45, after line 24, insert:

SEC. 619. Notwithstanding section 15a of the Act entitled "An act to provide certain basic authority for the Department of State", approved August 1, 1956, the total amounts appropriated by title I of this Act shall be available for obligation and expenditure.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby."

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 90: Page 45, after line 24, insert:

TITLE VII—SUPPLEMENTAL APPROPRIATIONS, 1980

For additional amounts and other purposes for the fiscal year 1980 to be immediately available, as follows:

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 91: Page 45, after line 24, insert:

DEPARTMENT OF JUSTICE

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 92: Page 45, after line 24, insert:

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

Not to exceed $2,600,000 of appropriations under this head for fiscal year 1980 made for the processing and detention of Cuban nationals entering the United States shall remain available for the same purpose until September 30, 1981.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment numbered 93: Page 45, after line 24, insert:

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

Funds earmarked for the investigation and prosecution of Nazi war criminals in the Department of Justice Appropriation Authorization Act, fiscal year 1979 that remain unobligated are restored for the purposes of liquidating obligations chargeable to 1979 and prior years.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment numbered 94: Page 45, after line 24, insert:

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

TRANSFER OF FUNDS

For an additional amount for "Fees of Jurors and Commissioners", $9,000,000, which shall remain available until expended, to be derived by transfer from "Salaries of Judges", $1,000,000, "Salaries of Supporting Personnel", $3,000,000, and "Space and Facilities", $5,000,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. OTTINGER. Mr. Speaker, the House has agreed to the conference report on H.R. 7584, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. I inadvertently voted, "yea" (rollcall No. 649), believing this was just routine passage of a conference report; this is not what I intended and I would like to correct the record.

While I do not advocate busing, I am opposed to the rider attached to this appropriations bill which prohibits the Department of Justice from bringing any sort of action to require directly or indirectly the busing of school students. This rider raises serious constitutional problems as well as the threat of a Presidential veto.

In most cases, I do not think busing is the best solution to providing quality education. I believe other remedies in desegregation cases such as establishing magnet schools, redrawing school boundary lines, and pairing schools are preferable. However, it is one thing to specify that busing should be a last resort, and it is quite another to prohibit the Justice Department from taking action in school discrimination cases which could involve busing. There are school districts in the South that have systematically used busing to promote segregation, and in these situations it is clearly appropriate to use the busing system in place to undo the mischief accomplished by busing.

The Justice Department has the responsibility to bring legal action to correct cases of racial discrimination. The courts then determine the appropriate remedy to end the discrimination. The antibusing rider attached to H.R. 7584 does not limit the range of remedies courts may impose, nor does it affect private litigants. What this rider does is severely limit the Justice Department's ability to correct situations involving racial discrimination as required by the Constitution. This rider erodes the guarantee of the equal protection clause of the 14th amendment and I wish to go on record as opposed to this provision.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7631, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1981

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ROBERT C. McEWEN U.S. CUSTOMS HOUSE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 8345) to name the U.S. Customs House in Ogdensburg, N.Y., the "Robert C. McEwen U.S. Customs House," and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HARSHA. Reserving the right to object, Mr. Speaker, would the distinguished chairman, the gentleman from California (Mr. Johnson), explain the bill, because I am sure I will support it.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. JOHNSON of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 8345, a bill to name the U.S. Customs House in Ogdensburg, N.Y., the "Robert C. McEwen U.S. Customs House." Completed in 1810, this customhouse is the oldest federally owned and occupied building in the United States.

Born in Ogdensburg on January 5, 1920, Mr. McEwen attended that city's public schools, the Mount Hermon School, the University of Vermont, and the Wharton School of Finance and Commerce of the University of Pennsylvania. He was graduated from the Albany Law School.

Mr. McEwen is married to the former Anita Sharples. They have two children, Nancy and Mary.

A veteran of World War II, Mr. McEwen served 3½ years in the armed services. He was discharged as a sergeant and has held membership in the American Legion and Veterans of Foreign Wars.

Mr. McEwen served from 1954–64 in the New York State Senate. In 1964, he was first elected to the House of Representatives. His district, which includes Lake Placid, has reelected him to each succeeding Congress, where he is now serving on the House Committee on Appropriations.

The Congressman, who will retire at the end of the 96th Congress, is a member of the American delegation to the Canada-United States Parliamentary Group. He also is a member of the Steering Committee on the Northeast-Midwest Congressional Coalition and the Great Lakes Conference of Congressmen.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

Mr. SOLOMON. I thank my colleague for yielding to me.

Mr. Speaker, as the sponsor of H.R. 8345, I rise in strong support of this legislation to rename the U.S. Customs House in Ogdensburg, N.Y., the Robert C. McEwen U.S. Customs House.

The renaming of this facility would be a fitting tribute to one of this body's most respected Members. Robert McEwen will be completing more than a quarter century of public service when this Congress adjourns, 15 of which have been spent in the House of Representatives.

Ogdensburg, N.Y., is the site of this Nation s oldest federally owned and occupied building, the U.C. Customs House, and it is also Bob McEwen's hometown. The U.S. Customs House in Ogdensburg has been the local customs district headquarters since 1811, and on October 9, 1974, it was added to the National Register of Historic Places.

The renaming of this facility is particularly fitting because of Congressman McEwen's interest in the U.S. Customs Service. Since 1975 he has served on the House Appropriations Subcommittee on Treasury, Postal Service and General Government, which has jurisdiction over appropriations for the Customs Service.

At this point, I again want to pay tribute to Bob McEwen, who has served the people of northern New York with distinction for many years, and urge approval of this legislation.

Mr. HANLEY. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the distinguished gentleman from New York.

Mr. HANLEY. I thank the gentleman for yielding.

Mr. Speaker, I very much want to associate myself with the remarks of the gentleman from New York (Mr. Solomon). I commend the initiative that has been taken in this matter.

Mr. Speaker, it is with great personal pleasure that I join with my colleagues in voting to name the customhouse in Ogdensburg, N.Y., for a tremendous individual and close friend, Representative Robert McEwen.

Bob McEwen and I began our service in the House together in January of 1965, and together we will retire from the Congress in a few weeks. Throughout these 16 years, we have shared the joys and travails of congressional service.

Bob and I represent neighboring congressional districts, and we have sat together countless times on airplanes traveling between Washington and Syracuse, often waiting for snow to be cleared from runways. Also together we have been privileged to represent our Nation on the United States-Canada Interparliamentary Group.

Bob McEwen is a man of the highest integrity. His warmth and wit and genuine concern for his fellow man have been a constant source of inspiration for me. I always have been able to seek his counsel, and have confidence in his wisdom.

I have known many Members during my years in this body, but I have known none for whom I have a higher personal regard and affection. Bob McEwen has been a tremendous representative for his constitutuents, an effective legislator and a truly great guy. Our friendship is one that I hope will flourish in the days and years ahead.

Mr. HARSHA. Mr. Speaker, I rise in support of H.R. 8345 which designates the customshouse in Ogdensburg, N.Y., as the Robert C. McEwen U.S. Customs House.

Bob McEwen is the type of man who shuns publicity, but he deserves the lasting accolade that this particular honor will provide.

The U.S. Customs House in Ogdensburg was built in 1810 and is the oldest operating Federal building in the United States. It survived the war of 1812 and served as a barracks for troops during the Civil War. In 1973 it was listed on the National Register of Historic Places. The building continues to serve as headquarters for the Ogdensburg U.S. Customs district and other various Federal offices.

The building has a long record of public service, and so does Mr. McEwen.

He has served eight terms in the U.S. Congress representing northern New York's 11,000 square mile 30th Congressional District; it will be sad to see him retire at the conclusion of the 96th Congress.

He was first elected to public office in 1954 when he began service in the New York State Senate, serving there for 11 years until election to the 89th Congress in 1964. Representative McEwen is a senior member of the House Committee on Appropriations, is ranking Republican on its Military Construtcion Subcommittee, and a member of its Subcommittee on the Treasury, Postal Service and General Government. He previously served on the House Committees on Public Works and House Administration.

Bob is a member of the American delegation to the Canada-United States Interparliamentary Group, a member of the Steering Committee of the Northeast-Midwest Congressional Coalition and the Great Lakes Conference of Congressmen.

As an Army veteran of World War II, he attended the University of Vermont and the Wharton School of Finance and Commerce of the University of Pennsylvania. He was graduated from Albany Law School in 1947 and has received honorary doctorate degrees from St. Lawrence University and Clarkson College.

Certainly, designating the customshouse in honor of Bob McEwen is a well-deserved and fitting tribute to one great man, who has done so much for the State of New York and the country.

I urge all of my colleagues to support enactment of this legislation.

● Mr. CLEVELAND. Mr. Speaker, I, too, rise in support of H.R. 8345 designating the U.S. Customs House in Ogdensburg, N.Y., as the Robert C. McEwen U.S. Customs House.

Bob and I have been close friends for

many years. I am not only keenly aware of the numerous accomplishments he has made throughout his life, but am also his impeccable integrity. As Mr. Harsha has pointed out, Bob certainly does shun publicity and doesn't spend a lot of time patting himself on the back. As a matter of fact, he was not informed until last weekend of this legislation, primarily to keep Bob from scuttling our efforts on his behalf.

My colleagues have just listed some of the highlights of Bob's public service, so I will not be redundant. In addition many of us spoke of Bob's fine record in representing his very large district just yesterday. Instead, I will just encourage this body to join with those of us who feel there is no finer tribute than to have the most historic building in the country named in honor of Bob McEwen.●

Mr. HARSHA. Mr. Speaker. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. Johnson)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Customs House located at 127 North Water Street, Ogdensburg, New York, shall hereafter be known and designated as the "Robert C. McEwen United States Customs House". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Robert C. McEwen United States Customs House".

Sec. 2. This Act shall take effect on January 3, 1981.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE JACOB K. JAVITS FEDERAL BUILDING

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 3193) to designate the Jacob K. Javits Federal Building, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HARSHA. Mr. Speaker, I reserve the right to object.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from California.

Mr. JOHNSON of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of S. 3193, a bill to designate that the building at 26 Federal Plaza in the Borough of Manhattan, New York City, N.Y., shall hereafter be known and designated as the "Jacob K. Javits Federal Building."

The son of immigrant parents, Jacob K. Javits was born on May 18, 1904, on the lower East Side of Manhattan. His birthplace is close to the Federal building that would be named in his honor.

Javits was educated in New York City's public schools and attended night classes at Columbia University. He was graduated from the New York University Law School in 1926 and was admitted to the bar in 1927.

The Senator served with the chemical warfare service in the U.S. Army during World War II, seeing tours of duty in the European and Pacific theaters. He attained the rank of lieutenant colonel.

In 1947, Javits married Marian Ann Borris. They have three children: Joe, Joshua, and Carla.

The Senator first became active in politics in 1932; and in 1937 and 1941, he joined the reform movement of Mayor Fiorello LaGuardia. He won election to the House of Representatives in 1946, and he was reelected to the House three times. In 1954, he was elected attorney general of New York State.

Javits was elected to the U.S. Senate in 1956 and is now in his fourth Senate term and his 34th consecutive year in elective office. He is currently the ranking minority member of the Senate Foreign Relations Committee, as well as a senior member of the Labor and Human Resources Committee, Joint Economic Committee, and Governmental Affairs Committee.

Senator Javits was appointed by President Carter to the President's Export Council in 1979 and to the newly created National Commission for the Review of U.S. Antitrust Laws and Procedures, after having championed legislation to review these outdated laws for 16 years. In the Senate, he is a distinguished spokesman for his party on economic issues. In that capacity, he chaired his party's economic task force.

Senator Javits is a recipient of the Congressional Distinguished Service Award of the American Political Science Association and of honorary degrees from more than 30 American colleges and universities.

The Senator, along with Mr. Don Kellerman, is the coauthor of "Who Makes War?" published in September 1973. He also has written "Order of Battle: A Republican's Call to Reason," published in 1964 and revised and expanded in a paperback edition in 1966. Another of his books, "Discrimination, U.S.A.," was published in 1960 and issued as a paperback in 1962. Senator Javits also is a frequent contributor to leading newspapers, magazines, and periodicals.

Mr. HARSHA. Mr. Speaker, I rise in support of S. 3193, designating the Federal Building at 26 Federal Plaza in Manhattan as the Jacob K. Javits Federal Building.

"Jake" Javits is the senior U.S. Senator from New York who has served in the U.S. Senate longer than any New Yorker in history. He is now in his fourth Senate term, and his 34th consecutive year in elective office.

The Senator's political career began in 1932 when he joined the Ivy Republican Club in Manhattan's 18th Congressional District. In 1937 and 1941 he was active in the reform movement of Mayor Fiorello LaGuardia. In his initial bid for elective office in 1946 he became the first Republican elected to the House of Representatives in New York's traditionally Democratic 21st District since 1923. He was reelected to that seat in the House three times. In 1954, after 8 years as a Congressman, he was elected to the office of Attorney General of New York State.

Senator Javits is widely regarded as one of the Senate's finest by both his colleagues and their staffs. Recent surveys by U.S. News and World Report, by Congressional Quarterly and by Washingtonian magazine cited him among Senators as one of the brightest, most respected and most persuasive in debate. His seniority on Senate committees is unmatched by any New York Senator in modern times.

It is truly a fitting tribute to designate this Federal building in New York City in honor of one who has done so much for the State of New York and the country.

I strongly urge approval of this legislation.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Let me just say that although Senator Javits and I have disagreed many times on many issues, there is absolutely no question that Senator Javits was an outstanding American who served his country well and who served New York State well. I think it is fitting that this building be named after our illustrious Senator.

● Ms. FERRARO. Mr. Speaker, I am especially pleased to have the opportunity to speak in support of this legislation. I want to thank Congressman Tom Downey for introducing H.R. 8319, Chairman Levitas for moving it quickly through the Subcommittee on Public Buildings and Grounds, and Chairman Johnson for moving the bill through the full committee and bringing it to the floor in such a prompt fashion.

Mr. Speaker, for 24 years, Jacob Javits served the people of New York, and the people of the United States, in the U.S. Senate. His term of service has been longer than any other person ever from the State of New York. But longevity is the least of his accomplishments.

It is fitting that the Federal building at 26 Federal Plaza in New York City be designated as a monument to Senator Javits. For just as New Yorkers who have a problem with the Federal Government go to the Federal building for help, for almost a quarter century those people have turned to Senator JAVITS for help. And time after time, he justified their faith.

For those Americans seeking work, JACK JAVITS authored the CETA public service jobs program. For Americans facing retirement and seeking pension protection, he sponsored ERISA, the Employee Retirement Income Security Act. And for elderly Americans fighting to keep their jobs, Senator JAVITS shepherded the age discrimination in employment amendments through the Senate.

Senator JAVITS' work in all these areas, plus his leadership in the pursuit of a bipartisan foreign policy, has earned him the respect and admiration of all who have dealt with him. In a recent poll of 65 close observers of the Senate, JACK JAVITS was ranked as the second most effective Member of the U.S. Senate.

Mr. Speaker, while the Senate career of JACK JAVITS is now over, the work he has done will go on in the administration of the many valuable and successful programs that bear his stamp. I strongly urge the passage of this bill honoring this unusually productive and effective Senator.●

Mr. HARSHA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. JOHNSON)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building at 26 Federal Plaza in the Borough of Manhattan, New York City, New York (commonly known as the Federal Building), shall hereafter be known and designated as the "Jacob K. Javits Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be held to be a reference to the Jacob K. Javits Federal Building.

SEC. 2. This Act shall take effect January 3, 1981.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON S. 568, NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Mr. FUQUA submitted the following conference report and statement on the Senate bill (S. 568) to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities for the National Science Foundation for fiscal years 1981 and 1982, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 96–1474)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 568) to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities for the National Science Foundation for fiscal years 1981 and 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "National Science Foundation Authorization and Science and Technology Equal Opportunities Act".

PART A—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to the National Science Foundation (hereinafter referred to as the "Foundation") for the fiscal year 1981, the sums indicated for the following categories:

(1) Mathematical and Physical Sciences, $259,800,000.

(2) Astronomical, Atmospheric, Earth and Ocean Sciences, $237,100,000.

(3) United States Antarctic Program, $64,200,000.

(4) Ocean Drilling Programs, $22,000,000.

(5) Biological, Behavioral, and Social Sciences, $182,000,000.

(6) Science Education Programs, $91,200,000.

(7) (A) Engineering, $62,615,000.

(B) Applied Sciences, $74,385,000 of which not less than 12.5 per centum shall be expended to small business concerns.

(8) Scientific, Technological, and International Affairs, $28,000,000.

(9) Cross-Directorate Programs, $33,200,000.

(10) Program Development and Management, $60,000,000.

AVAILABILITY OF APPROPRIATIONS

SEC. 12. Appropriations made under authority provided in sections 11 and 15 shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making the appropriations.

SPECIAL EMPHASIS PROGRAMS

SEC. 13. (a) Of the total amount authorized under section 11 (6)—

(1) not less than $1,500,000 shall be available for science education programs relating to Appropriate Technology;

(2) not less than $2,400,000 shall be available for Science Faculty Improvement Programs, for year-long awards to experienced, full-time, two- and four-year college and university science teachers who are involved primarily in undergraduate science instruction to increase their competence in science;

(3) not less than $2,250,000 shall be available for the program Ethics and Values in Science and Technology; and

(4) not less than $500,000 shall be available for the program Handicapped in Science.

(b) Of the total amount authorized under sections 11(1), 11(2), 11(5), 11(7)(A), and 11(7)(B) for equipment and instrumentation, not less than $5,000,000 shall be made available for grants to two- and four-year colleges for equipment and instrumentation costing $35,000, or less.

(c) Of the total amount authorized under sections 11(1), 11(2), 11(5), and 11(7), not less than $2,000,000 shall be available for the salaries of faculty members of two-year and four-year colleges that have only small or no doctoral programs in science and engineering or of universities that have very limited science and engineering programs, for the purpose of enabling them to participate in research projects at institutions other than the faculty members' home institutions.

(d) Of the total amount authorized under section 11(7)—

(1) not less than $19,400,000 shall be available for Earthquake Hazards Mitigation;

(2) not less than $1,000,000 shall be available for the Small Business Innovation Program, for projects to aid the handicapped;

(3) not less than $3,000,000 shall be available for Research and Development in Appropriate Technology;

(4) not less than $5,000,000 shall be available for a Center for Innovation Development to be located in an area which experienced an unemployment rate in excess of 10 per centum in 1979, and which is centrally located to serve several major metropolitan centers; and

(5) not less than $1,800,000 shall be available for the establishment and operation of three university-based Innovation Centers.

(e) Of the total amount authorized under section 11(8), $14,500,000 is authorized for International Cooperative Science Activities.

(f) Of the total amount authorized under section 11(9), not more than $1,600,000 is authorized for United States/Union of Soviet Socialist Republics cooperative research, no portion of which shall be expended until the President has certified in writing to the Congress that such expenditures shall be of direct and very substantial benefit to the United States of America.

OCEAN MARGIN DRILLING PROJECT REPORT

SEC. 14. (a) The Foundation shall prepare a report on the Ocean Margin Drilling Project and shall transmit the report to Congress not later than December 31, 1980. The report shall include—

(1) plans for conversion of the Glomar Explorer or other drilling platform;

(2) plans for drilling;

(3) detailed cost estimates;

(4) a discussion of the feasibility and cost of alternative drilling platforms;

(5) plans for funding; and

(6) other plans.

(b) The National Academy of Sciences shall study marine earth sciences research and report to the Congress.

(c) To the extent permitted by law, all Federal funding of the Ocean Margin Drilling Project shall be provided from the Windfall Profit Tax Account.

OFFICIAL EXPENSES

SEC. 15. From appropriations made under this Act, not more than $5,000 for fiscal year 1981 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the National Science Foundation (hereinafter referred to as the "Director"). His determination will be final and conclusive upon the accounting officers of the Government.

FOREIGN CURRENCY

SEC. 16. Besides the sums authorized by section 11, not more than $5,500,000 for fiscal year 1981 are authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be drawn from foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

TRANSFER AUTHORITY

SEC. 17. (a) Funds may be transferred among the categories listed in section 11, so long as the net funds transferred to or from any category do not exceed 10 percentum of the amount authorized for that category in section 11.

(b) The Director of the Foundation may propose transfers to or from any category exceeding 10 per centum of the amounts authorized for that category in section 11 or available for that category after the application of section 19. Such a proposed transfer must be explained and transmitted in writing to the Speaker of the House, the President of the Senate, and the Senate Committee on Labor and Human Resources and the House Committee on Science and Technology. The proposed transfer may be made only when—

(1) thirty calendar days have passed after submission of the written proposal, or

(2) the chairman of the House Committee on Science and Technology and the chairman of the Senate Committee on Labor and Human Resources have each written the Director to the effect that the respective committee has no objection to the proposed transfer.

DIRECTORATE CONSOLIDATION

SEC. 18. The National Science Foundation is directed to consolidate all Directorates, including the Science Education Directorate, under one roof, in the present location of the central administrative offices, on or before August 1, 1982.

RATABLE REDUCTION

SEC. 19. If the total amount of appropriations made by any Act for program activities included in section 11 and section 13 for the fiscal year 1981 is less than the total amount authorized to be appropriated for those activities by section 11 and section 13, the amount available from such appropriations for any particular program activity shall bear the same ratio to the amount authorized to be appropriated for that activity by section 11 and section 13 as the total amount of the appropriations made by such appropriation Act for all included program activities bears to the total amount authorized to be appropriated for those activities for section 11 and section 13 (with each ceiling and floor set forth in section 11 and section 13 being reduced in the same ratio for purposes of determining the amounts so available), except to the extent specifically otherwise provided in the text of the Act making the appropriations for the program activities involved.

GRANT TITLES

SEC. 20. The Director of the National Science Foundation shall require the titles of all its grants to contain a brief statement of the purpose of the research being undertaken. Insofar as possible such statements shall be in layman's language.

AMENDMENTS TO THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

SEC. 21. (a) Section 4(c) of the National Science Foundation Act of 1950 is amended by inserting after the first sentence the following new sentence: "In making nominations under this section, the President shall give due regard to equitable representation of scientists who are women or who represent minority groups.".

(b)(1) Section 15(c) of the National Science Foundation Act of 1950 is repealed.

(2) Subsection (d) of section 15 of such Act is redesignated as subsection (c).

(c) Section 16 of the National Science Foundation Act of 1950 is amended to read as follows:

"APPROPRIATIONS

"SEC. 16. To enable the Foundation to carry out its powers and duties, only such sums may be appropriated as the Congress may authorize by law.".

AMENDMENTS TO AWARDS

SEC. 22. (a)(1) Section 2(a) of the Act entitled "An Act to establish a National Medal of Science to provide recognition for individuals who make outstanding contributions in the physical, biological, mathematical, and engineering sciences" approved August 25, 1959 is amended by striking "or engineering" and inserting in lieu thereof "engineering, behavioral or social".

(2) The title of such Act is amended by striking out "and engineering" and inserting in lieu thereof "engineering, behavioral, and social".

(b) Section 6(a) of the National Science Foundation Authorization Act, 1976 is amended by inserting after "engineering" a comma and the following: "behavioral, social.".

PART B—WOMEN, MINORITIES, SCIENCE, AND TECHNOLOGY

SHORT TITLE

SEC. 31. This part may be cited as the "Science and Technology Equal Opportunities Act".

FINDINGS AND POLICY

SEC. 32. (a) The Congress finds that it is in the national interest to promote the full use of human resources in science and technology and to insure the full development and use of the scientific talent and technical skills of men and women, equally, of all ethnic, racial, and economic backgrounds.

(b) The Congress declares it is the policy of the United States to encourage men and women, equally, of all ethnic, racial, and economic backgrounds to acquire skills in science and mathematics, to have equal opportunity in education, training, and employment in scientific and technical fields, and thereby to promote scientific literacy and the full use of the human resources of the Nation in science and technology. To this end, the Congress declares that the highest quality science over the long-term requires substantial support, from currently available research and education funds, for increased participation in science and technology by women and minorities. The Congress further declares that the impact on women and minorities which is produced by advances in science and technology must be included as essential factors in national and international science, technology, and economic policies.

WOMEN IN SCIENCE

SEC. 33. The Foundation is authorized to—

(1) support activities designed to—

(A) increase the participation of women in courses of study at the undergraduate, graduate, and postgraduate levels leading to degrees in scientific and technical fields:

(B) encourage women to consider and prepare for careers in science and technolgy; or

(C) provides traineeship and fellowship opportunities for women in science and technology;

(2) support programs in science and mathematics in elementary and secondary schools so as to stimulate the acquisition of knowledge, skills, and information by female students and to increase female student awareness of career opportunities requiring scientific and technical skills;

(3) support activities in continuing education in science and engineering which provide opportunities for women who—

(A) are in the work force, or

(B) who are not in the work force because their careers have been interrupted, to acquire new knowledge, techniques, and skills in scientific and technical fields;

(4) undertake a comprehensive research program designed to increase public understanding of (A) the potential contribution of women in science and technology and (B) the means to facilitate the participation and advancement of women in scientific and technical careers;

(5) establish a visiting women scientists program;

(6) support activities designed to improve the availability and quality of public information concerning the importance of the participation of women in careers in science and technology;

(7) support activities of museums and science centers which demonstrate potential to interest and involve women in science and technology;

(8) make grants, to be known as the National Research Opportunity Grants, to women scientists who (A) have received their doctorates within five years prior to the date of the award or (B) have received their doctorates, have had their careers interrupted, and re-entering the work force within five years after such interruption;

(9) make grants to women eligible under paragraph (8) to assist such women in planning and developing a research project eligible for support under such paragraph;

(10) provide support to individuals or academic institutions for full-time or part-time visiting professorships for women in science; and

(11) support demonstration project activities of individuals, public agencies, and private entities designed to encourage the employment and advancement of women in science, engineering, and technology.

MINORITIES IN SCIENCE

SEC. 34. (a) The Foundation is authorized (1) to undertake or support a comprehensive science education program to increase the participation of minorities in science and technology, and (2) to support activities to initiate research at minority institutions.

(b) By September 30, 1981, the Director, with the advice and assistance of the Committee on Equal Opportunities in Science and Technology established in section 36, shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report proposing a comprehensive and continuing program at the Foundation to promote the full participation of minorities in science and technology. Such report shall contain budgetary and legislative recommendations for the carrying out of such program by the Foundation.

NATIONAL POLICY DEVELOPMENT

SEC. 35. (a) By January 20, 1982, the President, with the assistance of the Director of the Office of Science and Technology Policy and the Director of the Foundation shall prepare and transmit a report to the Congress proposing a comprehensive national policy and program, including budgetary and legislative recommendations, for the promotion of equal opportunity for women and minorities in science and technology.

(b) On or before January 1, 1983, the President, with the assistance of the Director of the Office of Science and Technology Policy, the heads of appropriate executive departments, and the Director of the Foundation shall prepare and transmit a report to the Congress proposing a comprehensive policy, including budgetary and legislative recommendations, concerning the direct and indirect impacts of science and technology on women and minorities.

COMMITTEE ON EQUAL OPPORTUNITIES IN SCIENCE AND TECHNOLOGY

SEC. 36. (a) There is established within the Foundation a Committee on Equal Opportunities in Science and Technology (hereinafter referred to as the "Committee"). The Committee shall provide advice to the Foundation concerning (1) the implementation of the provisions of this Act and (2) other policies and activities of the Foundation to encourage full participation of women, minorities, and other groups currently underrepresented in scientific engineering, professional, and technical fields.

(b) Each Member of the Committee shall be appointed by the Director with the concurrence of the National Science Board. The Chairperson of the National Science Board Committee on Minorities and Women shall be an ex officio Member of the Committee. Members of the Committee shall be appointed to serve for a three-year term, and may be reappointed to serve one additional term of three years.

(c) There shall be a subcommittee of the Committee which shall be known as the Subcommittee on Women in Science and Technology. The Subcommittee on Women in Science and Technology shall have responsibility for all Committee matters relating to (1) the participation in and opportunities for the education, training, and research of women in science and technology and (2) the impact of science and technology on women. The Subcommittee shall be composed of all the women members of the Committee and such other members of the Committee as the Committee may designate.

(d) There shall be a subcommittee of the Committee which shall be known as the Subcommittee on Minorities in Science and Technology. The Subcommittee on Minorities in Science and Technology shall have responsibility for all Committee matters relating to (1) the participation in and opportunities for education, training, and research for minorities in science ad technology and (2) the impact of science and technology on minorities. The Subcommittee shall be composed of all minority members of the Committee and such other members of the Committee as the Committee may designate.

(e) The Committee may organize such additional standing or ad hoc subcommittees as the Committee finds appropriate.

(f) Each year the Committee shall prepare and transmit to the Director a report concerning its activities during the previous year and its proposed activities for the next year. The Director shall transmit to Congress the report, unaltered, along with comments.

BIENNIAL REPORT

SEC. 37. (a) By January 30, 1982, and biennially thereafter, the Director shall simultaneously transmit a report to the Congress, the Attorney General, the Director of the Office of Science and Technology Policy, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Personnel Management, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services.

(b) The report required by subsection (a) shall contain—

(1) an accounting and comparison, by sex, race, and ethnic group and by discipline, of the participation of women and men in scientific and technical positions, including—

(A) the number of individuals in permanent and temporary and in full-time and part-time scientific and technical positions by appropriate level or similar category;

(B) the average salary of individuals in such scientific and technical position;

(C) the number and type of promotional opportunities realized by individuals in such scientific and technical positions;

(D) the number of individuals serving as principal investigators in federally conducted or federally supported research and development; and

(E) the unemployment rate of individuals seeking scientific and technical positions;

(2) an assessment, including quantitative and other data, of the proportion of women and minorities studying scientific and technical fields, including mathematics and computer skills, at all educational levels; and

(3) such other data, analyses, and evaluations as the Director, acting on the advice of the Committee on Equal Opportunities in Science and Technology, determines appropriate to carry out the foundation's functions as well as the policies and programs of this Act.

SEVERABILITY

SEC. 38. If a provision of this Act is held invalid, the validity of the other provisions of the Act shall not be affected. If an application of a provision of this Act to a person or circumstance is held invalid, the validity of the application of the provisions to another person or circumstance shall not be affected.

AUTHORIZATION OF APPROPRIATIONS

SEC. 39. Of the sums appropriated for the National Science Foundation pursuant to section 11, not less than $30,000,000 shall be available in fiscal year 1981 to carry out the provisions of this part.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to authorize appropriations for activities for the National Science Foundation for the fiscal year 1981, and to promote the full use of human resources in science and technology through a comprehensive and continuing program to increase substantially the contribution and advancement of women and minorities in scientific, professional, and technical careers, and for other purposes".

And the House agree to the same.

DON FUQUA,
GEORGE E. BROWN, Jr.,
JAMES SCHEUER,
DONALD J. PEASE,
TOM HARKIN,
HAROLD C. HOLLENBECK,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.,
CLAIBORNE PELL,
GAYLORD NELSON,
ALAN CRANSTON,
HOWARD M. METZENBAUM,
RICHARD S. SCHWEIKER,
JACOB K. JAVITS,
ORRIN G. HATCH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 568) "National Science Foundation Authorization and Science and Technology Equal Opportunities Act" submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

PART A. NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Section 11: Funds

The National Science Foundation requested authorization in the amount of $1,069,500,000 for fiscal year 1981 plus $5,500,000 in excess foreign currencies. The House authorized $1,120,220,000 and $5,500,000 in excess foreign currencies. The respective Senate figures were $1,068,500,000, with $5,500,000 in excess foreign currencies. The Committee on Conference recommended $1,114,500,000 plus $5,500,000 in excess foreign currencies.

(1) For mathematical and physical sciences the budget request for the National Science Foundation was $259,800,000. The House authorized $259,800,000, and the Senate authorized $245,290,000. The Conferees agreed upon $259,800,000.

(2) For astronomical, atmospheric, earth, and ocean sciences the budget request of the National Science Foundation was $235,800,000. The House authorized $237,100,000, and the Senate authorized $225,540,000. The conferees agreed upon $237,100,000.

It was the intent of the conferees that of the additional amounts authorized for this section over the request of the Foundation, $1.3 million is to be allocated to offsetting cost to the program due to increased fuel costs.

(3) For the United States Antarctic program, the budget request to the National Science Foundation was $60,400,000. The House authorized $64,200,000, and the Senate authorized $58,000,000. The conferees agreed upon $64,200,000.

It is the intent of the conferees that of the additional amounts authorized over the request of the Foundation, $3.8 million is to be used to offset the increased cost to the program due to the rise in fuel prices.

(4) Ocean Drilling Program: For the Ocean Drilling Program, the budget request of the National Science Foundation was $22,000,000. The House authorized $17,500,000, and the Senate authorized $24,000,000. The conferees agreed upon $22,000,000. It was further agreed by the conferees that of the amounts authorized for the Ocean Drilling Program, $500,000 is to be used to conduct a study and prepare a report on the Ocean Margin Drilling Program, with such report to be presented through the Congress not later than December 31, 1980. In addition, it was the understanding of the conferees that of the amounts authorized for the Ocean Drilling Program, $4,500,000 shall be available for the Ocean Margin Drilling Project consistent with the plans submitted in the Foundation's revised 1981 budget requests.

(5) For Biological, Behavioral, and Social Sciences, the budget request of the National Science Foundation was $177,900,000. The House authorized $183,410,000, and the Senate authorized $173,400,000. The conferees agreed upon $182,000,000.

(6) Science Education Programs: For science education programs, the budget request of the National Science Foundation was $75,700,000. The House authorized $92,200,000, and the Senate authorized $87,100,000. The conferees agreed upon the figure of $91,200,000.

Of the total amount authorized for science education programs, the Senate stipulated that $1,000,000 should be available for science education programs relating to appropriate technology. The House provision was that not less than $1,500,000 should be available for such programs. The conferees agreed upon the figure of $1,500,000.

Of the amounts authorized for science education, the Senate bill stipulated that not less than $2,250,000 should be available for a program in ethics in values in science in technology, and not less than $500,000 be available for a program for the handicapped in science. The House bill had no comparable explicit provisions. The conferees agreed to accept the Senate provisions.

In addition, of the amounts authorized for science education programs, the House bill provided that not less than $2,400,000 should be available for science faculty improvement programs providing year-long awards to experienced, full-time science teachers from two and four year colleges who were primarily involved in undergraduate science instruction with the intent of these awards to be to allow them to increase their competence in science. The Senate bill had no comparable provision. The conferees agreed to accept the House provision.

It is the expectation of the conferees that the additional amounts authorized for Science Education activities will allow funding at the level of the Administration's initial FY '81 request of $2.1 million for the Science for Citizens Program.

(7) Programs in Engineering and Applied Science: For programs in this category, the National Science Foundation requested $119,600,000. The House bill authorized $142,560,000, while the Senate bill authorized $128,080,000. The conferees agreed upon the figure of $157,000,000. The conferees further stipulated that of the amounts so authorized, $62,615,000 were specifically authorized for programs in engineering, and $74,385,000 were specifically authorized for programs in applied science. The conferees agreed that of the amount authorized for programs in applied science, not less than 12.5 percent should be expended to support the activities of small business concerns.

The House bill also provided that of the funds authorized for programs in engineering, not less than $19,400,000 would be available for earthquake hazard mitigation programs; not less than $1,000,000 would be available for the small business innovation program for projects to aid the handicapped; not less than $3,000,000 would be available for programs in research and development in appropriate technology; not less than $5,000,000 would be available for a center for innovation development specified to be located in an area experiencing unemployment in excess of 10 percent in 1979, and centrally located to serve several major metropolitan centers; and not less than $1,800,000 would be available for the establishment, and operation of three university-based innovation centers. The Senate bill had no comparable provisions. The conferees agreed to accept the provisions of the House bill.

(8) For activities of Scientific, Technological, and International Affairs, the Foundation requested $27,750,000. The House authorized $30,540,000, and the Senate authorized $26,500,000. The conferees agreed to the figure of $28,000,000.

The House bill provided that of the total amount authorized under this section, $14,500,000 would be specified for a program in international cooperative science activities. The Senate bill had no comparable provision. The conferees agreed to accept the House provision.

(9) For Cross-Directorate Programs, the Foundation requested $29,750,000. The House authorized $33,200,000, while the Senate authorized $32,750,000. The conferees agreed to the figure of $33,200,000.

The Senate bill provided that from the amounts authorized in this section, not more than $1,000,000 would be available for United States/USSR cooperative research, but with the proviso of the no portion would be expended until the President has certified in writing to the Congress that such expenditures would be of direct and very substantial benefit to the United States of America. The House bill carried similar provision, but stipulated that funds available would be in the amount of $1,600,000. The conferees agreed to accept the House provision.

(10) For Program Development and Management, the Foundation requested $59,800,000. The House authorized $59,800,000, while the Senate provided $60,000,000. The conferees agreed to accept the figure of $60,000,000.

(11) Of the total amounts authorized for the categories of Mathmatical and Phvsical Sciences, Astronomical, Atmospheric, Earth and Ocean Sciences, and Biological, Behavioral, and Social Sciences, the Senate bill stipulated that not less than 10 percent would be made available for grants to two and four year colleges for equipment and instrumentation costing $35,000, or less. The House bill had no comparable provision. The conferees agreed to specify that not less than $5,000,000 of the total funds authorized for these three categories plus the category of Engineering and Applied Science would be set aside for grants to such colleges for equipment and instrumentation costing $35,000 or less.

(12) The House bill further stipulated that from the funds authorized to support the activities of the categories of Mathematical and Physical Sciences, Astronomical, Atmospheric, Earth and Ocean Sciences, Biological, Behavorial, and Social Sciences, and Engineering and Applied Science, not less that $2,000,000 would be made available to support the salaries of faculty members of two and four year colleges having only small or no doctoral programs in science and engineering, or of universities with a very limited science and engineering program, for the purposes of enabling these faculty members to participate in research projects at institutions other than the faculty member's home institutions. The Senate bill had no comparable provision. The conferees agreed to accept provisions of the House bill.

Section 12: Availability of appropriations

Both House and Senate bills provided that appropriations made under authority provided in the various sections of this bill should remain available for obligation, for expenditure, or for obligation and expenditure only for such periods specified in the acts making the appropriations. The Conferees agreed to accept Senate language.

Section 13: Special emphasis programs

Both the Senate and House bills provided for specific stipulations affecting the expenditure of certain authorizations made to support the programs of the Foundation. The stipulations contained in these sections have been discussed according to the respective sections of the Foundation authorization in section 11 (above).

Section 14: Ocean margin drilling project

The House bill provided specifications for a report to be prepared by the Foundation on the Ocean Margin Drilling Project. This section was discussed in conjunction with the authorization related to Ocean Drilling Project in section 11 (above). The Senate bill did not require such a report to be prepared, but did require the Foundation to initiate the Ocean Margin Drilling Project beginning in FY 1981. The conferees accepted both the requirement for the report, and the stipulation that the Ocean Margin Drilling Project begin immediately.

Section 15: Official expenses

Both the House and Senate bills provided for the use of up to $5,000 from appropriations made under the authority of the act, at the discretion of the Director of NSF, for official consultation, representation, or other extraordinary expenses. The conferees agreed to accept the language of the Senate bill.

Section 16; Foreign currency

The House and Senate bills contained similar provisions providing for the use of not more than $5.5 million dollars to be appropriated to this authorization for expenses of the Foundation incurred outside the U.S., and to be drawn from foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States. Conferees agreed to the wording of the Senate bill.

Section 17: Transfer of authority

Both the House bill and Senate bills contained similar sections regarding the ability of the Director of the Foundation, upon providing proper information to the Congress and receiving explicit authorization for such activities, or upon the expiration of thirty calendar days after submission of the written proposal, to transfer up to 10 percent of the funds authorized from one category to another in section 11. The conferees agreed to accept the language of the Senate bill.

Section 18: Directorate Consolidation

The House bill provided that the Foundation be directed to consolidate all of its directorates, including the Science Education Directorate, under one roof in location of the central administrative offices of NSF on or before August 1, 1982. There was no comparable provision in the Senate bill. The House provision was accepted by the conferees.

Section 19: Ratable reduction

The House bill stipulated that if appropriations for a given set of activities, as authorized in sections 11 or 13, were less than the authorization for that set of activities, then the amounts available for expenditure should be proportional to the ratio of the appropriation to the authorization, unless otherwise specified in the text of the Appropriations Act. The Senate bill had no comparable provision. The conferees agreed to accept the House provision.

Section 20: Grant Titles

The House bill provided that the Director of the National Science Foundation be required to add to the title of all grants made by the Foundation a brief statement, in layman's language, of the purposes of the research being undertaken. The Senate bill had no comparable provision. The conferees accepted the House provision.

Section 21: Amendments to the National Science Foundation Act of 1950

The Senate bill provided for an amendment to the National Science Foundation Act of 1950, requiring that the Director of the Foundation, in making nominations for the National Science Board to the President, give due regard to equitable representation of scientists who are women, or who represent minority groups. The House bill had no comparable provision. The conferees agreed to accept the Senate provision.

Section 22: Amendments to awards

Both the House and Senate bills contain similar provisions regarding the expansion of eligibility for the National Medal of Science and Waterman awards to scientists in the areas of behavioral or social science. The House agreed to accept the language of the Senate bill.

Additional comments

The House bill provided that the Director of the Foundation, jointly with the Secretary of Education, develop and transmit to the Congress a proposed Joint Science Education Program plan. The Senate bill carried no comparable provision. The conferees declined to include this provision in the bill as reported.

The Senate bill contained provisions making certain stipulations regarding the preparation and submission of biennial reports from the National Science Board, and the report on science indicators. The House bill contained no comparable provision. The conferees declined to include these provisions in the bill as reported.

PART B: WOMEN, MINORITIES, SCIENCE AND TECHNOLOGY

The Senate bill expands the program of minorities in science and handicapped in science and, in a Title II contained a comprehensive program to increase the participation of women in science. The House amendment includes programs to increase the participation of women and minorities in science within the Foundation's authorizations and directs the President to develop a "comprehensive policy with regard to women, minorities, science and technology" encompassing not only the increased participation of women and minorities in science and technology but also the impacts of science and technology on women and minorities. The House bill also directs the President to report to the Congress administrative and legislative programs to implement this policy.

Section 31: Short title

The Conferees agreed to substitute a new Part B in lieu of Title II of the Senate bill. This section contains an abbreviated general statement encompassing the Senate's provisions on "Women in Science" within a general program of "Science, Technology, and Equal Opportunities". Although Part B is substantially less detailed than the Senate bill, the Conferees expect that the Foundation will carry out these provisions as provided in this statement and intend to oversee the Foundation's progress in implementing these programs.

The short title of Part B has been revised from the Senate version, "Women in Science and Technology Equal Opportunity Act" to the "Science and Technology Equal Opportunities Act." This short title emphasizes that all underrepresented groups should experience an equal opportunity to participate in science and technology and that the advance of science and technology must provide all citizens with equal opportunities to benefit without regard to race, color, creed, ethnic origin, or sex.

Section 32: Findings and policy

The Conferees agreed to include in the Findings and Policy Statement the general findings of the Senate bill related to Women in Science as well as the findings related to the participation of women and minorities in science contained in the report accompanying the House bill.

The Conferees wish to make clear their belief that while skills in science and mathematics are declining nationally, they are essential for entry and achievement in a wide range of professional and technical fields. Furthermore the Conferees believe that literacy in science and mathematics is seriously declining but contributes importantly to the ability of the individual to function in a wide range of professional, personal and civic activities.

The Conferees find and affirm that—

(1) the preeminent position of the Nation in science and technology depends upon the development of the full potential of the scientific talents and technical skills of men and women, equally, of all ethnic, racial, and economic backgrounds,

(2) the full employment of all men and women in scientific and technical occupations produces job opportunities and a positive effect on the gross national product;

(3) the full use of the scientific and technical human resources of the Nation is required to meet the demand for such resources over the long term;

(4) men and women have equal potential for excellence and advancement in scientific and technical fields;

(5) women have long been denied equal employment opportunities in scientific and technical fields;

(6) minorities have equal potential for excellence and advancement in scientific and technical fields as all other Americans but have long been denied equal opportunities in scientific and technical fields; and

(7) measurable participation in science has not yet been achieved by minority women and handicapped individuals.

Therefore it is the policy of the United States to encourage men and women, equally, of all ethnic, racial, and economic backgrounds to acquire skills in science and mathematics, and to have equal opportunity in education, training, and employment in scientific and technical fields.

However, although men and women of all ethnic and racial backgrounds have equal potential for advancement and excellence in science and technology,

(A) about 10 percent of scientists and engineers engaged in research are women;

(B) the unemployment rates of women scientists are two to five times higher than such rates for men in every field of science;

(C) women scientists generally earn less than men in every field, at every degree level, at every level of experience and in every employment setting;

(D) the Federal government ranks next lowest to business and industry with only 5 percent of its employed doctoral scientists and engineers being women; and

(E) about 4 percent of scientists and engineers are minority Americans whereas these groups constitute approximately 17 percent of the labor force.

The conferees note and endorse the sections in the Senate and the House reports which describe in detail the conditions of women and minorities in science.

In sum, the Conferees believe that, whatever the cause, the national failure to develop the scientific and technical potential of more than one-half of the population should be corrected as soon as possible; otherwise, it will be increasingly difficult to meet critical requirements in such fields as engineering where shortages already exist. More important, the quality of research and development will suffer. It is impossible to claim that research being performed by today's scientists and engineers is the best which could be supported when more than half of the nation's potential scientists and engineers are effectively denied the opportunity to participate in scientific and technologic endeavors because of a wide variety of factors. In the interest of funding the highest quality science and technology over the long-term, the Conferees believe it is therefore necessary to devote substantial resources to improve the participation of women and minorities in science and science education even if that may necessitate some reallocation of current research and education budgets. In short, current efforts are insufficient and must be increased very substantially.

The Conferees also believe that the systemic nature of the barriers to equal opportunity for women and minorities in science have roots in the deeper problem of the general impact of science and technology on the lives of all women and minorities as discussed in the House report. For example, science and technology, by changing the character of much work, have placed men and women in direct economic competition with each other where before their roles were more distinct. Therefore the Conferees find and affirm that the impacts on women and minorities which are produced by the advance of science and technology must be included as essential factors in national and international science, technology, and economic policies if social and economic inequities, including but not limited to low participation in science and technology, are to be remedied or, preferably, anticipated.

The Conferees intend that programs and activities which are instituted to carry out the purposes, policies and provisions of Part B shall:

(1) be carried out under the direction of the National Science Foundation;

(2) use the expertise of women and minority scientists and technologists, especially associations and groups involved in the advancement of women and minorities in scientific and technical fields;

(3) emphasize fields of scientific and technical study and employment in which the underrepresentation of women and minorities is most serious and in which employment opportunities are the greatest;

(4) recognize the special needs of women, particularly minority women, minorities, and other underrepresented groups in science and technology;

(5) seek to identify other groups, such as handicapped individuals, who are underrepresented in science and technology, and develop programs and policies to increase their participation;

(6) make maximum use of existing Federal programs, funding, and reporting procedures;

(7) provide for coordination between all Federal agencies involved in carrying out the provisions of this Act;

(8) encourage the involvement in and contribution of resources for scientific activities by the private sector;

(9) encourage opportunities for accomplishing comprehensive and long-term institutional change relating to the participation of women and minorities in science; and

(10) provide for and encourage cooperation among governmental, industrial, academic, and other types of employers in accomplishing the purposes of this Act.

Throughout the Conference report and this Statement of Managers the Conferees emphasize that the term "science" includes engineering and other technologically related professions and occupations. The continuum of disciplines and skills required for the efficient and beneficial advance of science and technology range from research scientists to technicians, and it is the intent of this Act to address equality of opportunity at all levels of science and technology.

For the purposes of implementing this Act, the Conferees intend the term "minorities" to include all American Indian or Alaskan Natives, Asian or Pacific Islanders, Blacks and Hispanics as defined in Directive No. 15 of the Department of Commerce entitled "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." However, the Conferees also intend the Foundation to seek to identify groups, such as handicapped individuals, who are also underrepresented in science and technology, and to develop programs and policies to increase their participation as well.

Section 33: Women in science

The Senate bill contained specific provisions related to support for educational activities in elementary and secondary education, higher education and continuing education to increase the participation of women in scientific careers, among other purposes; to support projects to increase the public's understanding about the opportunities for women in science, among other purposes; and to support activities designed to improve the opportunities available for women in scientific careers. The House amendment contains no comparable provisions.

The Conferees agree to the provisions of the Senate bill, with modifications transferring many of the Senate's detailed provisions to this Statement. The Conferees expect the Foundation to make every effort to increase the participation of women scientists and engineers in all of its programs and in all of its Directorates. The Conferees expect that programs related to women in science will comprise four types pertaining to education, public understanding, improving career opportunities, and demonstration projects.

Education

With regard to programs in higher education authorized by section 33(1), the Conferees expressly intend that programs should increase the participation of women in courses of study at the undergraduate, graduate, and postgraduate levels leading to degrees in scientific and technical fields; and encourage women to consider and prepare for careers in science and technology. These programs may include:

(1) the award of graduate and postgraduate fellowships, and career development grants, directly to individuals and to institutions for award to individuals, without regard to when the individual received an undergraduate or graduate degree; or

(2) research participation, traineeships, and internship programs.

With regard to programs in elementary and secondary education authorized in section 33(2), the Conferees expressly intend that programs should emphasize—

(1) the training and retraining (including inservice training) of teachers, counselors, administrators, and other appropriate educational personnel to improve the quality and relevance of education in science and mathematics and to increase student awareness of career opportunities requiring scientific and technical skills;

(2) the use of visiting women scientists and technicians, field trips, or other techniques to encourage students to continue in and complete courses in science and mathematics and to consider careers in scientific and technical fields;

(3) student science training programs, research participtaion projects, and internships; or

(4) Institutions were appropriate, workshops for students and their parents and guardians to increase awareness and understanding of the importance of skills in science and mathematics and of the extent to which scientific and technical skills are required for entry into careers.

The Conferees intend, however, that elementary and secondary school programs included shall not be implemented by the Foundation or any of its grantees or contractors in any school system without the prior written consent of the local education agency as defined in section 1001(f) of the Elementary and Secondary Education Act of 1965.

With regard to programs in continuing education at all levels authorized in section 33(3), the Conferees expressly intend the Foundation to support activities in science which provide opportunities for women who are working or whose careers have been interrupted to acquire new knowledge, techniques, and skills in scientific and technical fields. These programs are expected to include:

(1) the award of full-time and part-time fellowships to enable eligible women to pursue study and research, continuing education, and career development in scientific and technical fields without regard to when the individual received a degree; or

(2) other activities, including pilot programs and regional efforts.

Public Understanding

The Conferees have included several programs of the Senate bill designed to improve the public understanding of the causes and alleviation of the underrepresentation of women in science. In the implementation of section 33(4), the Conferees expressly intend the Foundation to undertake a comprehensive research program designed to increase understanding of the potential contribution of women in science and technology as well as of the means to facilitate the participation and advancement of women in scientific and technical careers. The authorized research program may include research concerning the problems confronting girls and women in the study of science and mathematics and the usefulness of science and mathematics skills on the entry and advancement of women in nonscientific fields.

In implementing the Visiting Women Scientists Program authorized by section 33(5), the Conferees intend the Foundation to name not fewer than thirty women to be visiting women scientists each year. Visiting women scientists are to visit elementary and schools and institutions of higher education in all regions of the country in order to encourage girls and women to acquire skills in mathematics and science; to encourage girls and women to consider careers in science and engineering and to prepare themselves appropriately for such careers; and to conduct lectures, seminars, informal discussions, and workshops concerning various aspects of scientific and technical careers for women.

Under the authority provided in section 33(6), the Conferees expect the Foundation to employ radio, television, journals, newspapers, magazines, or other news media and information techniques to demonstrate potential for increasing public awareness of the contribution of women in scientific and technical fields, to stress the importance of equal opportunity for women in careers in science and technology, to emphasize the importance to women of skills in mathematics and science for a wide range of activities and occupations, and, because of the recognized importance of pre-school experience upon the subsequent development of scientific, mathematical and technical skills among children, to communicate to children the importance of participation by women in careers in science and technology.

Under the authority provided in section 33(7), the Conferees expect the Foundation to support activities of museums and science centers which demonstrate potential to interest and involve women in science and technology, to emphasize opportunities for careers in scientific and technical fields, and to stress the importance of equal opportunity for women in science and technology.

Improving Career Opportunities

With regard to improving career opportunities for women in science, the Conferees have included several provisions from the Senate bill as section 33 (8), (9), (10) and (11).

Under the authority of section 33(8) the Foundation is authorized to make grants, to be called National Research Opportunity Grants, to women scientists who have received their doctorate within five years prior to the date of the award or have received their doctorate, have had their careers interrupted, and are re-entering the work force within five years after such interruption. The Conferees emphasize that the National Research Opportunity Grants must be made on the basis of merit only. The Conferees expressly intend that each National Research Opportunity Grant made shall be used by the recipient to conduct scientific research in a field chosen by the recipient and the grant may include funds for the acquisition or maintenance of equipment, the renovation of facilities for research purposes, or the payment of salaries or graduate fellowships to research assistants of consultants under the sole direction of the recipient of the grant.

Each National Research Opportunity Grant should be made for a maximum period of three years and renewed once only for a maximum three-year period. The minimum annual amount of any such grant should be $10,000. Although the Conferees expect research opportunity grants to be made directly to the women principal investigators, the Conferees are aware that proper accounting practices almost invariably require awards to be made through institutions. The Conferees intend that activities supported under these grants are to be under the direction of the woman scientist principal investigator using the customary procedures employed by the research institution (profit or non-profit) and the Foundation. It is intended that the Director may make payments to any institution at which research under a National Research Opportunity Grant is performed in order to defray the administrative costs of such institution, center, or organization related to such research.

Under the authority of section 33(9) the Director may also make grants to women potentially eligible for a National Research Opportunity grant to assist such candidates in planning and developing a fully competitive research project eligible for support. These one-time "seed" grants are essential if the research opportunity grants are to be fully utilized.

The Conferees have agreed to the Senate provision to authorize support to individuals or academic institutions for full-time or part-time visiting professorships for women in science. Visiting Professorships for Women in Science, authorized under section 33(10), should be made to women from all sectors, industrial, public or academic. The Conferees intend that visiting professors will have appropriate research and teaching opportunities, as well as opportunities to serve as a source of advice and counsel for women considering careers in science and technology. Acceptance of a visiting professor by an academic institution is not intended to absolve that institution of any other affirmative action responsibilities. The Conferees intend that each visiting professorship should extend for a period of not more than two years.

The Conferees have agreed to the Senate provision to authorize the Foundation to support demonstration projects to encourage the employment and advancement of women in science. Under section 33(11), the Conferees expect that such demonstration projects include, at least, the establishment and implementation of cooperative research and education arrangements among business concerns, academic institutions, and other appropriate entities; the development of work-study, pre-service or in-service, programs leading to permanent employment or advancement, the development of programs to assist scientists and engineers to obtain new skills in order to change fields, advance, or otherwise adapt to changing needs in science and technology; the development of programs to permit scientists and engineers to exchange positions or rotate between positions within and among public agencies and private entities; the establishment of new research opportunities for students, scientists, and engineers, and the improvement of employment policies and conditions for women in science.

As a matter of general principle relevant to the instructions concerning section 3, the Conferees note and reaffirm the general guidance of the Senate report. In addition, the Conferees expect the Foundation to continue the science career facilitation program. It is intended that the Foundation shall coordinate activities under section 33 with complementary activities of appropriate public agencies and private entities and that individual recipients of fellowships, grants, and traineeships under section 33 shall be paid such stipends as the Director may prescribe.

The Conferees also note their encouragement to the Director to support such other programs which in the Director's judgment will further the aims and philosophy of the Act.

Section 34: Minorities in Science

The current NSF programs to increase the participation of minorities in science include graduate traineeships at minority institutions and minority graduate fellowships; minorities in science programs, including research apprenticeships for minority high school students, Resource Centers for Science and Engineering, and research initiation at minority institutions.

The Conference Report authorizes and the Conferees intend in subsection 34(a) that the continuation and expansion of existing NSF programs for minorities provide the initial nucleus for a more comprehensive program to improve the participation of minorities in science. This expansion includes but is not limited to support for a fourth Resource Center for Science and Engineering and support for at least 400 research apprenticeships for minority high school students. Both of these initiatives were requested in the President's initial budget for fiscal year 1981 and both were included in the House amendment.

The Conferees agree, however, with the Senate report that "programs in this area are in a fledgling state with limited availability and visibility." Similar to the Senate report, the House report terms the Foundation's programs for women and minorities "only a beginning attempt." With regard to the future, therefore, the Conference report follows the general philosophy of the House bill and, in section 34(b), requires the Director with the advice of the Committee on Equal Opportunities, established under section 36, to propose a comprehensive and continuing program for the Foundation to promote the participation of women and minorities in science and technology in proportion to their numbers. A report of the proposal is to be submitted on or before September 30, 1981 so as to synchronize with fiscal year 1983 planning and budgeting. The Conferees expect that this program will not be limited to existing programs or policies but may include, modify, or delete such existing programs as appropriate to develop the most effective long-range integrated program. The program should constitute an integral component of all Directorates at the Foundation and should not be the sole responsibility of the Science Education Directorate. The Conferees intend that the Director and Committee on Equal Opportunity shall work with the National Science Board's Advisory Committee for Minority Programs in Science Education while developing their recommendations concerning the minorities in science program. This collaboration shall include development of a recommendation concerning possible consolidation of the Advisory Committee within the Committee on Equal Opportunities in Science and Technology so as to increase the coordinated effectiveness of the Foundation's minority programs in all directorates. To the greatest extent appropriate, the program proposal mandated by section 34(b) should incorporate successful elements of and coordinate with the Women in Science programs established under section 33.

Section 35: National policy development

The Conferees agree with the view expressed in the House report that the underrepresentation of women and minorities in science and technology "is a national problem that transcends the interests and concerns of the National Science Foundation. It includes all aspects of science and technical policy." Therefore the Conference Report follows the lead of the House bill and, in section 35(a) directs that the President, with the assistance of the Director of the Office of Science and Technology Policy and the Director of the Foundation, shall report to the Congress proposing a comprehensive national policy, and program for the promotion of equal opportunity in science and technology for women and minorities. The report is to be submitted before February 1, 1982, so that it may be considered by the Congress in parallel with the fiscal year budget. The Conferees expect these national programs and policies to incorporate the Foundation's program and plans on women and minorities in science as well as recommendations appropriate to other agencies of the Federal, state and local governments and the private sector. Special emphasis should be placed upon measures to improve employment, educational, and training opportunities for women and minorities in industry, agriculture and services for all levels of scientific and technological research, development and commercialization.

The problem of improving the participation of women and minorities in science, however, in the words of the House report, has its "roots in the deeper problem of the general impact of science and technology on the lives of all women and minorities." Therefore, the Conferees have adopted the provision contained in section 35(b) directing the President to propose a comprehensive national policy concerning the direct and indirect impacts of science and technology on women and minorities. Under section 35(b), the President is to develop and propose to the Congress a comprehensive program, including budgetary and legislative recommendations, to implement the foregoing policy before January 1, 1983.

The Conferees intend that the proposed national policy and program consider in detail the impact of science and technology on economic development, on the character of work, on individual aspirations and qualifications, on family and community life, as well as on other domestic and international policies as they relate to women and minorities.

The Conferees also endorse all applicable findings and conclusions relevant to the development of these national policies, which are contained in the House and Senate reports. The Conferees believe further that it would be desirable for the Director of the Office of Science and Technology Policy to take a leading responsibility for the preparation of the national policy proposals mandated by section 35.

Section 36: Committee on Equal Opportunities in Science and Technology

The Conferees agree with the proposal of the Senate that the creation of a Committee to advise "the Director of the Foundation on the implementation of the Act and on other policies and activities of the Foundation which are likely to result in greater participation of women in scientific, engineering, professional, and technical fields" is necessary. However, in keeping with broader mandates of this part, the Committee mandated by the Conference report is a Committee on Equal Opportunities in Science and Technology. The Conferees intend that the Committee, as mandated by section 36, shall:

(1) establish goals for increasing the participation of women, minorities and other groups currently underrepresented in science and technology;

(2) make recommendations to the Foundation concerning the manner in which funds appropriated to carry out the provisions of this Act should be distributed among the programs and activities authorized by this Act, taking into consideration the activities conducted and supported by other public agencies and private entities;

(3) provide advice to the Foundation concerning mechanisms to encourage women and minority scientists and engineers to fully participate in all the programs of the Foundation, particularly research programs;

(4) provide advice concerning the appropriate manner to increase the number of women and minority principal investigators on research projects, the development of flexible research support programs, and the improvement of cooperation between business concerns, academic institutions and other appropriate entities to facilitate research opportunities;

(5) make recommendations for the modification of the policies and procedures of the Foundation relating to the appointment of advisory committees and the selection of peer review committees in order to further the purposes of this Act;

(6) make recommendations to the Director concerning the inclusion of data, analysis, and evaluations in the biennial report under section 37; and

(7) annually monitor and evaluate the effectiveness of activities undertaken and supported under this Act and report to the Director concerning the results of such evaluation, with the report to be transmitted to the Congress by the Director, unaltered, along with comments.

The Conferees intend that the Committee have between 13 and 20 members representing a cross-section of the physical, mathematical, life, behavioral, and social sciences. The Conferees strongly recommend that a majority of the Committee shall be women and also a majority of the Committee shall be members of minority groups. In appointing members to the Committee, the Conferees expect the Director to obtain recommendations from governmental and private organizations active in promoting equal opportunity for women and minorities in science and technology, and to consider the appointment of several non-scientists to the Committee.

Members of the Committee shall serve for three year terms and the Conferees intend that members should be appointed by the Director of the Foundation with the concurrence of the National Science Board. Members may be reappointed to serve one additional term. A member who is not otherwise employed by the United States Government is expected to receive compensation at a rate established by the Director which shall not exceed a rate equal to the daily rate prescribed for GS-18 under the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Committee. A member of the Committee who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

The Conferees have agreed that the Committee should have two standing subcommittees, one on women in science and the other on minorities in science, to deal with issues, policies, and programs related to these two groups. The Conferees realize that the Committee may organize other ad hoc or standing subcommittees as necessary to address other issues relevant to the Committee's business. The Committee is expected to prepare and transmit to Director and to the Congress an annual report concerning its activities as well as an evaluation of the implementation of this Act.

The Conferees expect the Committee, in its first annual report, to provide an assessment of the Foundation's management structure and policies as they pertain to the implementation of Part B. The Conferees expect this assessment to include specific recommendations for any changes in these management structures or policies, if needed, in order to improve the administration of Part B.

Section 37: Biennial report

Subsection 38 of the Conference Report simplifies reporting requirements of the Senate bill by mandating a biennial report on equal opportunities in science and technology. The Conferees expect other agencies of government, including especially the Equal Employment Opportunity Commission, to provide full and speedy assistance to the Director of the Foundation in collecting such data as may be necessary to prepare the biennial report. As stated in the Conference Report it is intended that the biennial report contain:

(1) a compilation and comparison, by sex, race, and ethnic group and by discipline, of the participation of women and men in scientific and technical positions, including—

(A) the number of individuals in permanent and temporary full-time and part-time scientific and technical positions by appropriate level or category;

(B) the average salary of individuals in such scientific and technical positions;

(C) the number and type of promotional opportunities realized by individuals in such scientific and technical positions;

(D) the number of individuals serving as principal investigators in federally conducted or federally supported research and development; and

(E) the unemployment rate of individuals seeking scientific and technical positions;

(2) for each Federal agency, national laboratory, or federally funded research and development center, a description and evalua-

tion of the activities of such agency, laboratory, or center to—

(A) prevent discrimination against women and minorities in science and technology;

(B) increase opportunities for the employment, training, and advancement of women and minorities in science;

(C) increase the participation of women and minority scientists in federally funded research;

(D) encourage the participation of minority women in scientific and technical careers; and

(E) encourage the participation of handicapped individuals in scientific and technical careers;

(3) an assessment of the proportion of women and minorities studying in scientific and technical fields, at all educational levels; and

(4) such other data, analyses, and evaluations as the Committee on Equal Opportunities in Science and Technology determines appropriate to carry out its functions as well as to implement the policies and programs of this Act.

The Conferees do recognize that a considerable responsibility for data gathering is mandated in section 37. It is not the intention of the Conferees to require the expenditure of inordinate resources for gathering data. For that data which is extraordinarily difficult to collect, the Conferees expect the Director to report to the Congress any recommendations which the foundation may have for establishing a statistical data base.

With respect to data collection and the biennial report the Conferees consider that:

(1) the term "Federal financial assistance" means any grant, loan, or contract other than a contract of insurance or guaranty;

(2) the term "national laboratory" means any Government directed research and development laboratory, as well as any research and development laboratory funded at least in part by the Federal Government, except as provided in paragraph (3) of this subsection; and

(3) the term "federally funded research and development center" means any organization which performs research and development exclusively or substantially financed by the Federal Government and which is administered by an industrial firm, university, college, or other nonprofit institution.

Furthermore, the Conferees intend that the Director of the Office of Science and Technology Policy, in consultation with the Director of the National Science Foundation, the Director of the Office of Personnel Management, the Director of the Office of Management and Budget, and appropriate public and private entities, shall establish the criteria for defining the term "scientific and technical positions" for the purposes of the report.

Finally, the Conferees intend that, to the extent possible, the Director of the Foundation shall collect such information as may be required to prepare the biennial report through existing appropriate data collection mechanisms and reporting procedures.

Section 38: Severability and other general provisions

The Conferees have agreed to the Senate provision concerning severability. The Conferees intend that the Foundation should immediately notify the Committee on Labor and Human Resources of the Senate and the Committee on Science and Technology of the House of Representatives should any pending or potential legal action against a provision of part B threaten the implementation of any other provision of part B.

With regard to other general provisions contained in the Senate bill but transferred to this Statement, the Conferees intend that, except as otherwise provided in part B the Foundation shall, in carrying out its functions under these sections, have the same powers and authority the Foundation has under the National Science Foundation Act of 1950 to carry out its functions under that Act. In addition, except as otherwise provided in this Act, the Director shall, in carrying out the functions of the Director under this Act, have the same powers and authority the Director has under the National Science Foundation Act of 1950 to carry out the functions of the Director under that Act. Further, no grant may be made nor any contract entered into under this Act unless an application is submitted to the Director at such time and in such manner and containing or accompanied by such information as the Director may require.

The Conferees also recognize the special problems faced by minority women and handicapped women. Thus the Conferees expect that in planning, implementing and coordinating the Women in Science and Minority in Science programs, the Foundation shall recognize the double impediments which these groups face.

Section 39: Authorization of appropriations

The Senate bill provided not less than $23 million in fiscal year 1981 and $27 million in fiscal year 1982, expressed as 2.1 percent of appropriations for NSF for Women in Science program activities. Of this proportion one-third would have been expended for the education and public understanding components; one-third would have been expended on the career opportunity programs; and one-third would have been expended at the direction of the Director of NSF to carry out the Women in Science Act according to the particular needs and capabilities of the education and research programs as they develop during those years.

In its Title I, the Senate bill also provided that $10.9 million would be authorized for programs related to minorities in science in fiscal year 1981, including $8.1 million contained in the President's first budget request.

The House amendment approved an authorization of $3.2 million requested by the President for programs related to women in science activities and $8.1 million requested by the President for programs to improve minority participation in science. The House amendment, however, in section 13, also mandated the preparation of a comprehensive policy and program on minorities and women in science in the immediate future (January 1, 1981). Furthermore, the House report recognized that the Foundation's programs are "only a beginning attempt to increase the participation of women and minorities in science and engineering."

In view of the magnitude of the need and the importance of increasing the participation of women and minorities in science which has been documented in the very substantial testimony and programmatic analysis provided to the Senate, the Conference Report provides that of the sums appropriated to the Foundation pursuant to the program authorizations contained in section 101 of the Conference report, not less than $30,000,000 total shall be available in fiscal year 1981 for all the activities set forth in part B relating to women and minorities in science.

The Conferees expect that the National Science Foundation, in setting aside the $30,000,000 of appropriated funds for the purposes of Part B, will use program discretion and will not remove, disproportionately, funds from any category, program activity, or account within the Foundation. In particular, it is the intent of the Conferees that the Science Education Directorate not be adversely affected out of proportion to other directorates. Furthermore, the Conferees expect the Foundation to allocate the $30,000,000 among the programs and activities authorized in Part B in a manner reflective of the scope of the problems to be addressed and as described in the House and Senate reports. The newly established Committee on Equal Opportunities in Science and Technology should be helpful in providing advice to the Foundation on this allocation.

So as to permit orderly planning and management of the Foundation's ongoing research and science education programs, while also carrying out the provisions of part B, the Conferees expect and intend the Foundation to exercise the authority granted under section 107, to transfer funds among categories listed in section 101. More generally, with regard to any transfer of funds under the authority of section 107, the Conferees explicitly intend that the authority to transfer funds under section 107 should cover transfers to and from all categories in section 101 including to and from category 101(6). In redistributing or transferring funds as set forth here the Conferees are aware that the authorized levels for individual categories set forth in section 101 may be exceeded but only within the limits set forth under the provisions of section 107.

While the foregoing funding level increases the programs requested for minorities and women in the President's fiscal year 1981 budget request, the Conferees emphasize that they do not intend that the programs authorized by part B should be the sole programs at the Foundation to which a woman or minority scientist or student may apply and receive a grant or other financial support. However, within this constraint, the Conferees intend programs mandated by part B to complement programmatic objectives supported by part A and vice versa. Thus, in funding any project or grant under part B, the Foundation shall give special consideration to those projects which also support the objectives and activities authorized by part B, and vice versa.

DON FUQUA,
GEORGE E. BROWN, Jr.,
JAMES SCHEUER,
DONALD J. PEASE,
TOM HARKIN,
HAROLD C. HOLLENBECK,
Managers on the Part of the House.
EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.,
CLAIBORNE PELL,
GAYLORD NELSON,
ALAN CRANSTON,
HOWARD METZENBAUM,
RICHARD S. SCHWEIKER,
JACOB K. JAVITS,
ORRIN G. HATCH,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 7724, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Mr. YATES. Mr. Speaker, I call up the conference report on the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 20, 1980.)

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. Yates) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. McDade) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a good conference report. The report provides a total of $9,466,787,000, which is $801,029,000 below the budget estimate. It is $268,534,000 above the Senate bill and $1,021,172,000 below the bill that was approved by the House.

I believe the Congress can be justifiably proud of this package we have before you. In order to maintain and protect our Nation's great natural resources, we have provided $2,723,920,000. This money will go toward managing the vast rangelands of the west, caring for our fish and wildlife resources, providing recreation opportunities for millions of Americans and for our great national forest system.

In addition to the Senate version of the bill, the conference report provides an additional $30,000,000 for the Forest Service. This additional amount will allow the Forest Service to prepare for sale 12.2 billion board feet in fiscal year 1981 of which 11.9 billion board feet will be offered for sale. The remaining 300 million board feet will be offered for sale in fiscal year 1982.

We have recognized the liability of the Government to purchase land for Redwood National Park. Accordingly, we have provided $25,000,000 in the bill to compensate those whose lands were legislatively taken for the Redwood Park.

The sum of $20 million has been added above the Senate level for the urban park grant program. This money will be used to help rehabilitate the deteriorating parks in our Nation's cities.

Energy, of course, remains on everyone's mind. In recognition of the importance of energy to the Nation's welfare, the conference agreement includes $3,535,655,000 for a variety of energy programs. The major increase over the Senate is the addition of $60,500,000 to allow a Government drilling program on the national petroleum reserve in Alaska. This amount will permit the drilling of four new exploratory wells in fiscal year 1982. We believe the potential for success here is tremendous.

Past appropriations and the continuing resolution have provided ample funding for the strategic petroleum reserve.

The problem has been to get the administration to proceed with the purchase of oil for the reserve. The conference report contains language to prod the administration to fill the reserve at an annual average daily rate of 300,000 barrels. While stopping short of mandating absolutely the purchase of 300,000 barrels per day it does provide needed flexibility and a clear message of the importance the Congress holds the oil reserve to be to the nation.

The conference report includes several other energy projects over the Senate bill. Among them are $42 million for a second high Btu gasification demonstration plant and $18 million for various industrial conservation programs, including $11 million for industrial process-efficiency and $4 million for waste energy reduction.

Preimplementation of the gasoline rationing plan approved by the Congress at the end of July is provided for at a level of $50 million.

Indian programs are funded at a level of $1,861,994,000. A major item that is included in the conference report is $81,500,000 for the eastern land claims settlement authorized by Public Law 96-420. This settlement resolves the largest of the eastern Indian land claims involving the Passamaquoddy and Penobscot Tribes and Houlton Bank of Maiseet Indians of Maine.

The conference report includes language providing for automatic approval, with certain exceptions, of applications previously filed with the Department of the Interior for certain lands in Alaska under various acts. I will move to insist on the House position, with regard to this language, disagreeing to the Senate amendment No. 128.

Mr. Speaker, I include at this point in the Record a table comparing new obligational authority recommended in the bill for 1981, and the respective recommendations contained in the House and Senate bills and comparison thereto:

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bil
TITLE I—DEPARTMENT OF THE INTERIOR									
LAND AND WATER RESOURCES									
Bureau of Land Management									
Management of lands and resources	$354, 396, 000	$352, 500, 000	$349, 662, 000	$339, 162, 000	$343, 962, 000	− $10, 434, 000	−$8, 538, 000	−$5, 700, 000	+$4, 800, 000
Acquisition, construction, and maintenance	16, 343, 000	14, 568, 000	14, 568, 000	14, 768, 000	14, 768, 000	−1, 575, 000	+200, 000	+200, 000	
Payments in lieu of taxes	108, 000, 000	81, 000, 000	85, 000, 000	108, 000, 000	103, 000, 000	−5, 000, 000	+22, 000, 000	+18, 000, 000	−5, 000, 000
Oregon and California grant lands (indefinite, appropriation of receipts)	55, 000, 000	57, 500, 000	57, 500, 000	57, 500, 000	57, 500, 000	+2, 500, 000			
Range improvements (indefinite, appropriation of receipts)	10, 620, 000	13, 500, 000	13, 500, 000	13, 500, 000	13, 500, 000	+2, 880, 000			
Recreation development and operation of recreation facilities (indefinite, special fund)	300, 000	300, 000	300, 000			−300, 000	−300, 000	−300, 000	
Service charges, deposits, and forfeitures (indefinite, special fund)	13, 750, 000	9, 600, 000	9, 600, 000	9, 600, 000	9, 600, 000	−4, 150, 000			
Miscellaneous trust funds (indefinite)	100, 000	100, 000	100, 000	100, 000	100, 000				
Total, Bureau of Land Management	558, 509, 000	529, 068, 000	530, 230, 000	542, 630, 000	542, 430, 000	−16, 079, 000	+13, 362, 000	+12, 200, 000	−200, 000
Office of Water Research and Technology									
Salaries and expenses	32, 781, 000	32, 613, 000	30, 485, 000	30, 485, 000	30, 485, 000	−2, 296, 000	−2, 128, 000		
Total, Land and Water Resources	591, 290, 000	561, 681, 000	560, 715, 000	573, 115, 000	572, 915, 000	−18, 375, 000	+11, 234, 000	+12, 200, 000	−200, 000
FISH AND WILDLIFE AND PARKS									
Heritage Conservation and Recreation Service									
Salaries and expenses	15, 701, 000	16, 010, 000	15, 755, 000	16, 005, 000	15, 980, 000	+279, 000	−30, 000	+225, 000	−25, 000
Urban park and recreation fund	125, 000, 000		45, 000, 000		20, 000, 000	−105, 000, 000	+20, 000, 000	−25, 000, 000	+20, 000, 000
Rescission	−15, 000, 000					+15, 000, 000			
Subtotal	110, 000, 000		45, 000, 000		20, 000, 000	−90, 000, 000	+20, 000, 000	−25, 000, 000	+20, 000, 000
Land and water conservation fund (indefinite)	509, 194, 000	233, 000, 000	394, 185, 000	351, 368, 000	378, 593, 000	−130, 601, 000	+145, 593, 000	−15, 592, 000	+27, 225, 000
Historic preservation fund	55, 000, 000	25, 000, 000	32, 500, 000	32, 500, 000	32, 500, 000	−22, 500, 000	+7, 500, 000		
Total, Heritage Conservation and Recreation Service	689, 895, 000	274, 010, 000	487, 440, 000	399, 873, 000	447, 073, 000	−242, 822, 000	+173, 063, 000	−40, 367, 000	+47, 200, 000
U.S. Fish and Wildlife Service									
Resource management	211, 991, 000	227, 306, 000	225, 354, 000	225, 424, 000	225, 566, 000	+13, 575, 000	−1, 740, 000	+212, 000	+142, 000
Construction and anadromous fish	58, 757, 000	39, 898, 000	34, 561, 000	40, 405, 000	37, 897, 000	−20, 860, 000	−2, 001, 000	+3, 336, 000	−2, 508, 000
National Wildlife Refuge fund	1, 950, 000	9, 500, 000	9, 500, 000	8, 500, 000	8, 500, 000	+6, 550, 000	−1, 000, 000	−1, 000, 000	

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Migratory bird conservation account (definite, repayable advance)	15, 000, 000		2, 000, 000		1, 250, 000	−13, 750, 000	+1, 250, 000	−750, 000	+1, 250, 000
Development and operation of recreation facilities (indefinite, special fund)	200, 000	250, 000	250, 000			−200, 000	−250, 000	−250, 000	
Total, U.S. Fish and Wildlife Service	287, 898, 000	276, 954, 000	271, 665, 000	274, 329, 000	273, 213, 000	−14, 685, 000	−3, 741, 000	+1, 548, 000	−1, 116, 000
National Park Service									
Operation of the national park system	391, 148, 000	422, 297, 000	415, 163, 000	440, 743, 000	444, 828, 000	+53, 680, 000	+22, 531, 000	+29, 665, 000	+4, 085, 000
Construction	112, 154, 000	62, 015, 000	34, 203, 000	47, 777, 000	43, 367, 000	−68, 787, 000	−18, 648, 000	+9, 164, 000	−4, 410, 000
Rescission	−3, 000, 000					+3, 000, 000			
Appropriation to liquidate contract authority	(15, 500, 000)					(−15, 500, 000)			
Subtotal	109, 154, 000	62, 015, 000	34, 203, 000	47, 777, 000	43, 367, 000	−65, 787, 000	−18, 618, 000	+9, 164, 000	−4, 410, 000
Road construction (rescission of appropriation to liquidate contract authority)	(−5, 552, 000)					(+5, 552, 000)			
Planning, development, and operation of recreation facilities (indefinite, special fund)	16, 217, 000	15, 007, 000	14, 750, 000			−16, 217, 000	−15, 007, 000	−14, 750, 000	
John F. Kennedy Center for the performing Arts	4, 130, 000	4, 400, 000	4, 400, 000	4, 143, 000	4, 400, 000	+270, 000			+257, 000
Total, National Park Service	520, 649, 000	503, 719, 000	468, 516, 000	492, 663, 000	492, 595, 000	−28, 054, 000	−11, 124, 000	+24, 079, 000	−68, 000
Total, Fish and Wildlife and Parks	1, 498, 442, 000	1, 054, 683, 000	1, 227, 621, 000	1, 166, 865, 000	1, 212, 881, 000	−285, 561, 000	+158, 198, 000	−14, 740, 000	+46, 016, 000
ENERGY AND MINERALS									
Geological Survey									
Surveys investigations, and research	471, 155, 000	486, 611, 000	477, 137, 000	483, 837, 000	486, 537, 000	+15, 382, 000	−74, 000	+9, 400, 000	+2, 700, 000
Exploration of national petroleum reserve in Alaska	175, 627, 000	46, 501, 000	194, 251, 000	46, 501, 000	107, 001, 000	−68, 626, 000	+60, 500, 000	−87, 250, 000	+60, 500, 000
Total, Geological Survey	646, 782, 000	533, 112, 000	671, 388, 000	530, 338, 000	593, 538, 000	−53, 244, 000	+60, 426, 000	−77, 850, 000	+63, 200, 000
Bureau of Mines									
Mines and minerals	134, 503, 000	140, 248, 000	140, 678, 000	137, 378, 000	139, 428, 000	+4, 925, 000	−820, 000	−1, 250, 000	+2, 050, 000
Office of Surface Mining Reclamation and Enforcement									
Regulation and technology	84, 687, 000	100, 346, 000	98, 811, 000	88, 024, 000	92, 833, 000	+8, 146, 000	−7, 513, 000	−5, 978, 000	+4, 809, 000
Abandoned mine reclamation fund (definite, trust fund)	94, 916, 000	87, 485, 000	87, 485, 000	66, 485, 000	82, 485, 000	−12, 431, 000	−5, 000, 000	−5, 000, 000	+16, 000, 000
Total, Office of Surface Mining Reclamation and Enforcement	179, 603, 000	187, 831, 000	186, 296, 000	154, 509, 000	175, 318, 000	−4, 285, 000	−12, 513, 000	−10 978, 000	+20, 809, 000
Total, Energy and Minerals	960, 888, 000	861, 191, 000	998, 362, 000	822, 225, 000	908, 284, 000	−52, 604, 000	+47, 093, 000	−90, 078, 000	+86, 059, 000
INDIAN AFFAIRS									
Bureau of Indian Affairs									
Operation of Indian programs	806, 551, 000	816, 190, 000	815, 019, 000	806, 366, 000	812, 739, 000	+6, 188, 000	−3, 451, 000	−2, 280, 000	+6, 373, 000
Construction	89, 374, 000	71, 338, 000	99, 590, 000	99, 745, 000	100, 182, 000	+10, 808, 000	+28, 944, 000	+592, 000	+437, 000
Road construction	66, 479, 000	48, 625, 000	48, 625, 000	48, 625, 000	48, 625, 000	−17, 854, 000			
Alaska native fund	30, 000, 000	30, 000, 000	30, 000, 000	30, 000, 000	30, 000, 000				
Trust funds (definite)	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000				
Trust funds (indefinite)	23, 000, 000	23, 000, 000	23, 000, 000	23, 000, 000	23, 000, 000				
Salt River Pima-Maricopa settlement	3, 917, 000					−3, 917, 000			
Eastern Indians land claims settlement				81, 500, 000	81, 500, 000	+81, 500, 000	+81, 500, 000	+81, 500, 000	
Total, Bureau of Indian Affairs	1, 022, 321, 000	992, 153, 000	1, 019, 234, 000	1, 092, 236, 000	1, 099, 046, 000	+76, 725, 000	+106, 893, 000	+79, 812, 000	+6, 810. 000
TERRITORIAL AFFAIRS									
Office of Territorial Affairs									
Administration of territories	90, 079, 000	81, 384, 000	84, 384, 000	69, 684, 000	72, 284, 000	−17, 795, 000	−9, 100, 000	−12, 100, 000	+2, 600, 000
Trust Territory of the Pacific Islands	120, 002, 000	93, 071, 000	93, 804, 000	94, 354, 000	94, 354, 000	−25, 648, 000	+1, 283, 000	+550, 000	
Total, Office of Territorial Affairs	210, 081, 000	174, 455, 000	178, 188, 000	164, 038, 000	166, 638, 000	−43, 443, 000	−7, 817, 000	−11, 550, 000	+2, 600, 000
SECRETARIAL OFFICES									
Office of the Solicitor									
Salaries and expenses	16, 241, 000	16, 796, 000	16, 113, 000	16, 513, 000	16, 313, 000	+72, 000	−483, 000	+200, 000	−200. 000
Office of the Secretary									
Departmental management	50, 844, 000	58, 137, 000	39, 251, 000	37, 294, 000	37, 619, 000	−13, 225, 000	−20, 518, 000	−1, 632, 000	+325, 000
Office of Construction Management			8, 750, 000	8, 750, 000	8, 750, 000	+8, 750, 000	+8, 750, 000		
Office of Inspector General			8, 500, 000	8, 500, 000	8, 500, 000	+8, 500, 000	+8, 500, 000		
Salaries and expenses (special foreign currency programs)	1, 000, 000					−1, 000, 000			
Youth Conservation Corps				60, 000, 000	60, 000, 000	+60, 000, 000	+60, 000, 000	+60, 000, 000	
Rural water treatment and distribution system				1, 900, 000	1, 900, 000	+1, 900, 000	+1, 900, 000	+1, 900, 000	
Total, Office of the Secretary	51, 844, 000	58, 137, 000	56, 501, 000	116, 444, 000	116, 769, 000	+64, 925, 000	+58, 632, 000	+60, 268, 000	+325, 000
Total, Secretarial Offices	68, 085, 000	74, 933, 000	72, 614, 000	132, 957, 000	133, 082, 000	+64, 997, 000	+58, 149, 000	+60, 468, 000	+125, 000

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Consultant services				−7, 484, 000					+7, 484, 000
Total, title I, new budget (obligational) authority, Department of the Interior	4, 351, 107, 000	3, 719, 096, 000	4, 056, 734, 000	3, 943, 952, 000	4, 092, 846, 000	−258, 261, 000	+373, 750, 000	+36, 112, 000	+148, 894, 000
Consisting of:									
Appropriations	4, 369, 107, 000	3, 719, 096, 000	4, 056, 734, 000	3, 943, 952, 000	4, 092, 846, 000	−276, 261, 000	+373, 750, 000	+36, 112, 000	+148, 894, 000
Definite appropriations	3, 738, 776, 000	3, 357, 339, 000	3, 516, 799, 000	3, 327, 218, 000	3, 441, 403, 000	−297, 373, 000	+84, 064, 000	−75, 396, 000	+114, 185, 000
Indefinite appropriations	630, 331, 000	361, 757, 000	522, 685, 000	463, 568, 000	490, 793, 000	−139, 538, 000	+129, 036, 000	−31, 892, 000	+27, 225, 000
Rescissions	−18, 000, 000					+18, 000, 000			
Appropriation to liquidate contract authority	(15, 500, 000)					(−15, 500, 000)			
Rescission of appropriation to liquidate contract authority	(−5, 552, 000)					(+5, 552, 000)			
TITLE II—RELATED AGENCIES									
DEPARTMENT OF AGRICULTURE									
Forest Service									
Research	111, 531, 000	124, 100, 000	124, 100, 000	119, 700, 000	122, 200, 000	+10, 669, 000	−1, 900, 000	−1, 900, 000	+2, 500, 000
State and private forestry	73, 554, 000	64, 577, 000	71, 466, 000	77, 206, 000	73, 116, 000	−438, 000	+8, 539, 000	+1, 650, 000	−4, 090, 000
National forest system	958, 608, 000	864, 444, 000	881, 821, 000	872, 114, 000	879, 458, 000	−79, 150, 000	+15, 014, 000	−2, 363, 000	+7, 344, 000
Consultant services				−156, 000	−156, 000	−156, 000	−156, 000	−156, 000	
Construction and land acquisition	428, 794, 000	353, 415, 000	405, 465, 000	354, 336, 000	378, 586, 000	−50, 208, 000	+25, 171, 000	−26, 879, 000	+24, 250, 000
Youth Conservation Corps	54, 797, 000	39, 700, 000	60, 000, 000			−54, 797, 000	−39, 700, 000	−60, 000, 000	
Acquisition of lands for national forests:									
Special acts (special fund, indefinite)	325, 000	574, 000	754, 000	754, 000	754, 000	+429, 000			
Acquisition of lands to complete land exchanges (special fund, indefinite)	155, 000	446, 000	446, 000	446, 000	446, 000	+291, 000			
Rangeland improvements (special fund, indefinite)	5, 900, 000	6, 800, 000	6, 800, 000	6, 800, 000	6, 800, 000	+900, 000			
Construction and operation of recreation facilities (indefinite, special fund)	3, 850, 000	3, 900, 000	3, 900, 000			−3, 850, 000	−3, 900, 000	−3, 900, 000	
Total, Forest Service	1, 637, 514, 000	1, 458, 136, 000	1, 554, 752, 000	1, 431, 200, 000	1, 461, 204, 000	−176, 310, 000	+3, 068, 000	−93, 548, 000	+30, 004, 000
DEPARTMENT OF ENERGY									
Alternative fuels production	20, 000, 000, 000					−20, 000, 000, 000			
Fossil energy research and development	750, 627, 000	687, 650, 000	670, 605, 000	689, 300, 000	711, 435, 000	−39, 192, 000	+23, 785, 000	+40, 830, 000	+22, 135, 000
Rescission	−17, 600, 000					+17, 600, 000			
Subtotal	733, 027, 000	687, 650, 000	670, 605, 000	689, 300, 000	711, 435, 000	−21, 592, 000	+23, 785, 000	+40, 830, 000	+22, 135, 000
Fossil energy construction	103, 250, 000	445, 835, 000	445, 300, 000	380, 100, 000	423, 300, 000	+320, 050, 000	−22, 535, 000	−22, 000, 000	+43, 200, 000
Energy production demonstration and distribution	111, 221, 000	236, 337, 000	176, 337, 000	224, 587, 000	226, 062, 000	+114, 841, 000	−10, 275, 000	−49, 725, 000	+1, 475, 000
Energy conservation	631, 302, 000	1, 024, 284, 000	850, 607, 000	853, 132, 000	862, 107, 000	+230, 805, 000	−162, 177, 000	+11, 500, 000	+8, 975, 000
Reappropriation	158, 750, 000					−158, 750, 000			
Rescission	−10, 000, 000					+10, 000, 000			
Subtotal	780, 052, 000	1, 024, 284, 000	850, 607, 000	853, 132, 000	862, 107, 000	+82, 055, 000	−162, 177, 000	+11, 500, 000	+8, 975, 000
Economic regulation	152, 879, 000	258, 971, 000	141, 999, 000	173, 432, 000	176, 867, 000	+23, 988, 000	−82, 104, 000	+34, 868, 000	+3, 435, 000
Rescission	−1, 000, 000					+1, 000, 000			
Subtotal	151, 879, 000	258, 971, 000	141, 999, 000	173, 432, 000	176, 867, 000	+24, 988, 000	−82, 104, 000	+34, 868, 000	+3, 435, 000
Strategic petroleum reserve		103, 978, 000	876, 918, 000	102, 000, 000	102, 000, 000	+102, 000, 000	−1, 978, 000	−774, 918, 000	
Reappropriation		917, 000, 000	300, 000, 000				−917, 000, 000	−300, 000, 000	
Rescission	−2, 000, 000, 000					+2, 000, 000, 000			
Subtotal	−2, 000, 000, 000	1, 020, 978, 000	1, 176, 918, 000	102, 000, 000	102, 000, 000	+2, 102, 000, 000	−918, 978, 000	−1, 074, 918, 000	
Energy Information Administration	90, 773, 000	113, 223, 000	106, 812, 000	104, 117, 000	104, 117, 000	+13, 344, 000	−9, 106, 000	−2, 695, 000	
Total, Department of Energy	19, 970, 202, 000	3, 787, 278, 000	3, 568, 578, 000	2, 526, 668, 000	2, 605, 888, 000	−17, 364, 314, 000	−1, 181, 390, 000	−962, 690, 000	+79, 220, 000
DEPARTMENT OF HEALTH AND HUMAN RESOURCES									
Health Services Administration									
Indian health services	547, 209, 000	591, 319, 000	593, 619, 000	592, 332, 000	594, 119, 000	+46, 910, 000	+2, 800, 000	+500, 000	+1, 787, 000
Indian health facilities	74, 302, 000	60, 670, 000	88, 831, 000	84, 469, 000	84, 469, 000	+10, 167, 000	+23, 799, 000	−4, 362, 000	
Total, Indian health	621, 511, 000	651, 989, 000	682, 450, 000	676, 801, 000	678, 588, 000	+57, 077, 000	+26, 599, 000	−3, 862, 000	+1, 787, 000
DEPARTMENT OF EDUCATION									
Office of Elementary and Secondary Education									
Indian education	75, 900, 000	100, 950, 000	81, 680, 000	84, 180, 000	81, 680, 000	+5, 780, 000	−19, 270, 000		−2, 500, 000
Departmental Management									
Institute of Museum Services	10, 900, 000	12, 900, 000	12, 900, 000	12, 057, 000	12, 857, 000	+1, 957, 000	−43, 000	−43, 000	+800, 000
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION									
Salaries and expenses	985, 000	1, 180, 000	1, 180, 000	2, 680, 000	2, 680, 000	+1, 695, 000	+1, 500, 000	+1, 500, 000	
SMITHSONIAN INSTITUTION									
Salaries and expenses	107, 781, 000	119, 590, 000	118, 838, 000	115, 721, 000	117, 665, 000	+9, 884, 000	−1, 925, 000	−1, 173, 000	+1, 944, 000
Museum programs and related research (special foreign currency program)	4, 200, 000	4, 450, 000	3, 650, 000	3, 650, 000	3, 650, 000	−550, 000	−800, 000		

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Construction and improvements, National Zoological Park	6,250,000	3,290,000	3,290,000	2,790,000	3,290,000	−2,960,000			+500,000
Restoration and renovation of buildings	5,250,000	8,039,000	8,039,000	7,039,000	7,539,000	+2,289,000	−500,000	−500,000	+500,000
Construction	20,600,000	500,000		500,000	5,000,000	−15,600,000	+4,500,000	+5,000,000	+4,500,000
Subtotal	144,081,000	135,869,000	133,817,000	129,700,000	137,144,000	−6,937,000	+1,275,000	+3,327,000	+7,444,000
Salaries and expenses, National Gallery of Art	22,241,000	24,464,000	24,464,000	24,089,000	24,314,000	+2,073,000	−150,000	−150,000	+225,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1,621,000	1,795,000	1,795,000	1,795,000	1,795,000	+174,000			
Total, Smithsonian Institution	167,943,000	162,128,000	160,076,000	155,584,000	163,253,000	−4,890,000	+1,125,000	+3,177,000	+7,669,000
ARCHITECT OF THE CAPITOL									
Memorial to Hale Boggs				6,500	7,000	+7,000	+7,000	+7,000	+500
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES									
National Endowment for the Arts									
Salaries and expenses	97,210,000	114,495,000	114,495,000	112,635,000	113,960,000	+16,750,000	−535,000	−535,000	+1,325,000
Administrative expenses	12,000,000	12,865,000	12,865,000	12,165,000	11,900,000	−100,000	−965,000	−965,000	−265,000
Subtotal	109,210,000	127,360,000	127,360,000	124,800,000	125,860,000	+16,650,000	−1,500,000	−1,500,000	+1,060,000
Matching grants (indefinite)	45,400,000	32,700,000	32,700,000	31,200,000	32,700,000	−12,700,000			+1,500,000
Total, National Endowment for the Arts	154,610,000	160,060,000	160,060,000	156,000,000	158,560,000	+3,950,000	−1,500,000	−1,500,000	+2,560,000
National Endowment for the Humanities									
Salaries and expenses	100,300,000	106,522,000	106,522,000	106,022,000	106,522,000	+6,222,000			+500,000
Administrative expenses	11,400,000	12,219,000	12,219,000	11,777,000	11,277,000	−123,000	−942,000	−942,000	−500,000
Subtotal	111,700,000	118,741,000	118,741,000	117,799,000	117,799,000	+6,099,000	−942,000	−942,000	
Matching grants (indefinite)	38,400,000	33,500,000	33,500,000	33,500,000	33,500,000	−4,900,000			
Total, National Endowment for the Humanities	150,100,000	152,241,000	152,241,000	151,299,000	151,299,000	+1,199,000	−942,000	−942,000	
Total, National Foundation on the Arts and the Humanities	304,710,000	312,301,000	312,301,000	307,299,000	309,859,000	+5,149,000	−2,442,000	−2,442,000	+2,560,000
COMMISSION OF FINE ARTS									
Salaries and expenses	268,000	290,000	285,000	285,000	285,000	+17,000	−5,000		
ADVISORY COUNCIL ON HISTORIC PRESERVATION									
Salaries and expenses	1,375,000	1,603,000	1,523,000	1,523,000	1,523,000	+148,000	−80,000		
NATIONAL CAPITAL PLANNING COMMISSION									
Salaries and expenses	2,150,000	2,362,000	2,300,000	2,270,000	2,270,000	+120,000	−92,000	−30,000	
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION									
Salaries and expenses	40,000	30,000	40,000	30,000	30,000	−10,000		−10,000	
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION									
Salaries and expenses	1,906,000	2,716,000	2,508,000	2,343,000	2,443,000	+537,000	−273,000	−65,000	+100,000
Land acquisition and development fund (borrowing authority)	17,000,000	15,000,000	15,000,000	15,000,000	15,000,000	−2,000,000			
Public development	20,610,000	14,169,000	14,169,000	14,169,000	14,169,000	−6,441,000			
Total, Pennsylvania Avenue Development Corporation	39,516,000	31,885,000	31,677,000	31,512,000	31,612,000	−7,904,000	−273,000	−65,000	+100,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPLINE									
Permitting and enforcement	10,600,000	25,868,000	21,483,000	21,483,000	21,483,000	+10,883,000	−4,385,000		
Rescission	−2,700,000					+2,700,000			
Total, Federal Inspector for the Alaska Gas Pipeline	7,900,000	25,868,000	21,483,000	21,483,000	21,483,000	+13,583,000	−4,385,000		
HOLOCAUST MEMORIAL COUNCIL									
Salaries and expenses				722,000	722,000	+722,000	+722,000	+722,000	
Total, title II, new budget (obligational) authority, related agencies	22,840,914,000	6,548,900,000	6,431,225,000	5,254,300,500	5,373,941,000	−17,466,973,000	−1,174,959,000	−1,057,284,000	+119,640,500
Consisting of:									
Appropriations	24,696,464,000	5,616,900,000	6,116,225,000	5,238,572,000	5,358,212,000	−19,338,252,000	−258,688,000	−758,013,000	+119,640,000
Definite appropriation	24,602,434,000	5,538,800,000	6,038,125,000	5,166,028,000	5,284,168,000	−19,318,266,000	−254,632,000	−753,957,000	+118,140,000
Indefinite appropriations	94,030,000	78,100,000	78,100,000	72,700,000	74,200,000	−19,830,000	−3,900,000	−3,900,000	+1,500,000
Rescissions	−2,031,300,000					+2,031,300,000			
Reappropriation	158,750,000	917,000,000	300,000,000			−158,750,000	−917,000,000	−300,000,000	
Borrowing authority	17,000,000	15,000,000	15,000,000	15,000,000	15,000,000	−2,000,000			

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
RECAPITULATION									
Total, new budget (obligational) author.ty, all titles	27,192,021,000	10,267,996,000	10,487,959,000	9,198,252,500	9,466,787,000	−17,725,234,000	−801,209,000	−1,021,172,000	+268,534,500
Consisting of:									
Appropriations	29,065,571,000	9,335,996,000	10,172,959,000	9,182,524,000	9,451,058,000	−19,614,513,000	+115,062,000	−721,901,000	+268,534,000
Definite appropriations	(28,341,210,000)	(8,986,139,000)	(9,554,924,000)	(8,493,246,000)	(8,725,571,000)	(−19,615,639,000)	(−170,569,000)	(−829,353,000)	(+232,325,000)
Indefinite appropriations	(724,361,000)	(439,857,000)	(600,785,000)	(536,268,000)	(564,993,000)	(−159,368,000)	(+125,136,000)	(−35,792,000)	(+28,725,000)
Rescissions	−2,049,300,000					+2,049,300,000			
Reappropriation	158,750,000	917,000,000	300,000,000			−158,750,000	−917,000,000	−300,000,000	
Borrowing authority	17,000,000	15,000,000	15,000,000	15,000,000	15,000,000	−2,000,000			
Appropriation to liquidate contract, authority	(15,500,000)					(−15,500,000)			
Rescission of an appropriation to liquidate contract authority	(−5,552,000					(1+5,552,000)			
TITLE I—DEPARTMENT OF THE INTERIOR									
Bureau of Land Management	558,509,000	529,068,000	530,230,000	542,630,000	542,430,000	−16,079,000	+13,362,000	+12,200,000	−200,000
Office of Water Research and Technology	32,781,000	32,613,000	30,485,000	30,485,000	30,485,000	−2,296,000	−2,128,000		
Heritage Conservation and Recreation Service	689,895,000	274,010,000	487,440,000	399,873,000	447,073,000	−242,822,000	+173,063,000	−40,367,000	+47,200,000
United States Fish and Wildlife Service	287,898,000	276,954,000	271,665,000	274,329,000	273,213,000	−14,685,000	−3,741,000	+1,548,000	−1,116,000
National Park Service	520,649,000	503,719,000	468,516,000	492,663,000	492,595,000	−28,054,000	−11,124,000	+24,079,000	−68,000
Geological Survey	646,782,000	533,112,000	671,388,000	530,338,000	593,538,000	−53,244,000	+60,426,000	−77,850,000	+63,200,000
Bureau of Mines	134,503,000	140,248,000	140,678,000	137,378,000	139,428,000	+4,925,000	−820,000	−1,250,000	+2,050,000
Office of Surface Mining Reclamation and Enforcement	179,603,000	187,831,000	186,296,000	154,509,000	175,318,000	−4,285,000	−12,513,000	−10,978,000	+20,809,000
Bureau of Indian Affairs	1,022,321,000	992,153,000	1,019,234,000	1,092,236,000	1,099,046,000	+76,725,000	+106,893,000	+79,812,000	+6,810,000
Territorial Affairs	210,081,000	174,455,000	178,188,000	164,038,000	165,638,000	−43,443,000	−7,817,000	−11,550,000	+2,600,000
Office of the Solicitor	16,241,000	16,796,000	16,113,000	16,513,000	16,313,000	+72,000	−483,000	+200,000	−200,000
Office of the Secretary	51,844,000	58,137,000	56,501,000	116,444,000	116,769,000	+64,925,000	+58,632,000	+60,268,000	+325,000
Total, Title I—Department of the Interior	4,351,107,000	3,719,096,000	4,056,734,000	3,943,952,000	4,092,846,000	−258,261,000	+373,750,000	+36,112,000	+148,894,000
TITLE II—RELATED AGENCIES									
Forest Service	1,637,514,000	1,458,136,000	1,554,752,000	1,431,200,000	1,461,204,000	−176,310,000	+3,068,000	−93,548,000	+30,004,000
Department of Energy	19,970,202,000	3,787,278,000	3,568,578,000	2,526,668,000	2,605,888,000	−17,364,314,000	−1,181,390,000	−962,690,000	+79,220,000
Indian Health	621,511,000	651,989,000	682,450,000	676,801,000	678,588,000	+57,077,000	+26,599,000	−2,862,000	+1,787,000
Indian Education	75,900,000	100,950,000	81,680,000	84,180,000	81,680,000	+5,780,000	−19,270,000		−2,500,000
Institute of Museum Services	10,900,000	12,900,000	12,900,000	12,057,000	12,857,000	+1,957,000	−43,000	−43,000	+800,000
Navajo and Hopi Indian Relocation Commission	985,000	1,180,000	1,180,000	2,680,000	2,680,000	+1,695,000	+1,500,000	+1,500,000	
Smithsonian	144,081,000	135,869,000	133,817,000	129,700,000	137,144,000	−6,937,000	+1,275,000	+3,327,000	+7,444,000
National Gallery of Art	22,241,000	24,464,000	24,464,000	24,089,000	24,314,000	+2,073,000	−150,000	−150,000	+225,000
Woodrow Wilson International Center for Scholars	1,621,000	1,795,000	1,795,000	1,795,000	1,795,000	+174,000			
Architect of the Capitol				6,500	7,000	+7,000	+7,000	+7,000	+500
National Endowment for the Arts	154,610,000	160,060,000	160,060,000	156,000,000	158,560,000	+3,950,000	−1,500,000	−1,500,000	+2,560,000
National Endowment for the Humanities	150,100,000	152,241,000	152,241,000	151,299,000	151,299,000	+1,199,000	−942,000	−942,000	
Commission of Fine Arts	268,000	290,000	285,000	285,000	285,000	+17,000	−5,000		
Advisory Council on Historic Preservation	1,375,000	1,603,000	1,523,000	1,523,000	1,523,000	+148,000	−80,000		
National Capital Planning Commission	2,150,000	2,362,000	2,300,000	2,270,000	2,270,000	+120,000	−92,000	−30,000	
Franklin Delano Roosevelt Memorial Commission	40,000	30,000	40,000	30,000	30,000	−10,000		−10,000	
Pennsylvania Avenue Development Corporation	39,516,000	31,885,000	31,677,000	31,512,000	31,612,000	−7,904,000	−273,000	−65,000	+100,000
Federal Inspector for the Alaska Gas Pipeline	7,900,000	25,868,000	21,483,000	21,483,000	21,483,000	+13,583,000	−4,385,000		
Holocaust Memorial Council				722,000	722,000	+722,000	+722,000	+722,000	
Total, Title II—Related agencies	22,840,914,000	6,548,900,000	6,431,225,000	5,254,300,500	5,373,941,000	−17,466,973,000	−1,174,959,000	−1,057,284,000	+119,640,500
Grand total	27,192,021,000	10,267,996,000	10,487,959,000	9,198,252,500	9,466,787,000	−17,725,234,000	−801,209,000	−1,021,172,000	+268,534,500

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 7724 and to urge its overwhelming approval by the Members of this House.

Mr. Speaker, the members of your committee worked long and hard to fashion a compromise that would be acceptable to both Houses of Congress and which would bring to you a bill that was substantially below the budget. We have done just that. We bring you a bill that contains $9.46 billion in new budget authority for fiscal year 1981. This amount represents a decrease of $801.2 billion below the budget estimates that were submitted to our committee. It is also a billion dollars below those items contained in the bill when it passed the House in July.

Mr. Speaker, I want to assure the Members of this House that while we have adhered to the overwhelming demands for fiscal responsibility that the Congress and the American public insist upon, I believe that we have brought forth a final product that will enable Our Nation to meet its energy and natural resources needs in the coming fiscal year.

In the areas of energy we have retained, and indeed strengthened, the limited oil exploration program on the national petroleum reserve in Alaska and we have kept the strict schedule for private oil leasing that the Members of this House supported last summer. The funds contained here will finish two wells begun in fiscal year 1980, drilling four one-season wells in fiscal year 1981, and preparations for a fiscal year 1982 program. We hope to keep this program in place until the private leasing provisions of the bill can take hold.

We have made some technical changes in the language that accompanies our alternative fuels program that will keep it on the tight schedule that we mandated last year and again this year in the Interior and the supplemental appropriations bill.

We have also provided $2.6 billion for energy research in the production and the conservation accounts funded here. This money will be spent in the strong belief that the energy technologies that we have designated for priority attention will get us to that plateau of energy independence for which we strive.

The conference report also retained the provision which I sponsored in the House bill to transfer $16 million from the Office of Surface Mining to the Bureau of Mines to continue the Bureau's very successful research and demonstration work on controlling mine subsidence mine fires and surface stabilization work. This transfer will insure that the Bureau will have the money immediately to carry out this important work. For each of the dollars we spend here we are saving and protecting millions of additional dollars of property and in the process converting it to productive use.

Mr. Speaker, because this bill is well under the budget estimates submitted to your committee, because it meets so many national priorities for energy development, resources management, cultural achievement and human needs, I urge the Members of this House to approve the report intact and give the American people the benefits that the programs in this bill can provide.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

I am pleased to support this conference report to the Interior and related agencies appropriations bill for fiscal year 1981. I believe the members of the Interior Subcommittee have done an excellent job of representing the concerns of this body in the conference. I believe this conference report is a good bill which we all should be able to support.

This said, I do have one major disappointment with this conference report which I should like to discuss. The Interior appropriations bill passed by the House contained $2 million for the migratory bird wetland loan advance fund. The $2 million was added by the subcommittee at my encouragement after the administration failed to request any money for this fund which is used for essential wildlife refuge purchases. I have the privilege of serving on the Migratory Bird Conservation Commission. The Commission working with the Fish and Wildlife Service is responsible for approving the purchases of prime wintering and waterfowl breeding habitat that are being threatened by development. In recent years increasing development pressures together with escalating land values have added a certain urgency to the work of the Commission.

In recent years we have moved ahead as quickly as the funds available to us would allow to acquire and preserve priceless and irreplaceable refuge areas including the bottomland hardwood forest areas in the lower Mississippi Delta region which are being cleared at an estimated average rate of 165,000 acres per year.

Recently the Commission voted to approve the acquisition of a wildlife habitat refuge in Arkansas called Overflow Bottoms. The 10,000-acre refuge, which is the winter home of more than 20,000 waterfowl is seriously threatened by rapid land drainage for soybean production. It is for the purchase of this important and irreplaceable waterfowl refuge that the Commission needed the $2 million.

Unfortunately the Senate bill deleted the $2 million the House had added for this wetland advance loan fund. In conference I moved to restore the $2 million and unfortunately despite my best efforts and those of the Senator from Oklahoma who also served on the conference we were unable to get the conferees to agree to provide the entire $2 million. After one of the lengthier discussions of the conference we finally settled on $1.25 million.

Funding for the Migratory Bird Commission wildlife habitat purchases is provided through the sale of duck stamps and through these advance loan fund appropriations. The funds appropriated through the advance loan fund are repayable on a delayed basis from the receipts from duck stamp sales. Just last year the Commission supported an increase in the price of duck stamps and it is our intention to support an additional increase next year so that these efforts to acquire important wetlands can be continued without relying totally on increasing Federal assistance.

In fiscal year 1979 the Congress provided $10 million for the wetland advance loan fund and last year in fiscal year 1980 the Congress provided $15 million. At a time when the Commission has over $50 million in backlogged approved refuge land purchases, providing $2 million for the fund in fiscal year 1981, far below the amounts provided in fiscal years 1979 and 1980 in keeping with budget balancing efforts, did not seem unreasonable. I am very disappointed that we could not get the full $2 million but I assure my colleagues that the $1.25 million included in this conference report will be used toward the purchase of the prime waterfowl areas I have mentioned.

I believe the preservation of these prime wintering and waterfowl breeding areas is important and I hope the House will continue to support this activity.

Moving along, the Interior appropriations bill covers a broad range of Federal activities which are of interest and benefit to all Americans. These activities include the protection, enhancement and management of our natural and cultural resources, the fulfillment of our trust responsibilities to the Indian tribes and territories, and the promotion of domestic energy independence.

Conference agreements which may be of special interest to my colleagues includes $103 million for payments in lieu of taxes, as well as continuation of the urban parks, firescope and urban forestry programs.

The conference agreement also contains an important new initiative originally included in the House-passed bill to establish a leasing program for private exploration of the national petroleum reserve in Alaska. The national petroleum reserve is one of the few remaining relatively unexplored on-shore areas of the United States with potential for a significant discovery of oil, perhaps as significant as that on Prudhoe Bay.

Despite what such a find could mean for our domestic energy independence, the administration has proposed on a number of occasions to discontinue the Government drilling efforts on the reserve because of the tremendous costs involved in the exploratory effort. Given our dependence on an uncertain world oil market, the potential of the national petroleum reserve for domestic energy supplies is just too important to the energy security of this country to remain a bone of contention.

Establishing a private leasing program on the reserve will result in more extensive and varied exploration of the reserve and such an expanded effort is more likely to result in a commercial find of oil and gas than the limited Government program.

I am also pleased to note that an agreement has been reached regarding the section 306 Alaska allotment and homestead language originally included by the Senate which many Members of the House including our colleagues on the House Interior Committee found objectionable. The House will be asked to insist on its disagreement to the language and it is my understanding that the Senate will agree to this.

Finally, Mr. Speaker, I would like to mention the fact that two of the members of the Interior Appropriations Subcommittee will not be returning to the House for the next Congress. GUNN MCKAY and BOB DUNCAN are going to be missed very much by the subcommittee. Their insights, vision and knowledge relating to the management and energy potential of our western lands and national forests have contributed immensely to the deliberations of the subcommittee. We will be the sorrier for their absence.

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Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. I thank my colleague for yielding.

Mr. Speaker, I strongly urge that my colleagues support the conference report which accompanies the Interior appropriations bill for fiscal year 1981. I am especially supportive of this bill because of a provision affecting my district and most of north central Illinois, which Senator PERCY included in the consideration of this bill by the other body and which the conferees subsequently included in the final conference report.

This provision would require the Heritage Conservation and Recreation Service to conduct a $150,000 feasibility study of the Illinois-Michigan Canal and the Des Plaines Valley for designation as a national park. Besides the fact that Illinois has no national parks, the north central section is severely lacking in recreation facilities according to a recent Illinois outdoor recreation plan.

Although I realize that the Interior Department and the Congress have been discouraging the creation of new national parks because of heavy maintenance costs, it is my hope that this park can be developed and maintained through the combined efforts of local, State, and Federal Governments and business and industry. In fact, the close proximity to Chicago of the canal and valley demands that every effort be made by HCRS to work closely with these entities in the study and planning of the park in order to gain the cooperation needed to develop the park.

Without the fine work of Senators CHARLES PERCY and WALTER HUDDLESTON, who successfully added the study commitment in the Senate Interior appropriations bill, and that of Congressman SID YATES and JOE MCDADE, who worked to include it in the House-Senate conference report, this feasibility study would not be close to becoming a reality for the people in Illinois who have long dreamed about and worked for their own national park.

Mr. McDADE. I thank my colleague.

Mr. Speaker, may I say that the gentleman from Illinois is to be commended for the interest that he has shown in the bill and the work that he did in seeing that his problem was taken care of. He did an excellent job.

● Mr. WEAVER. Mr. Speaker, As chairman of the Forests Subcommittee, I have been deeply concerned with the Forest Service long-range program. Trees are different from most agricultural crops. Even though they are harvested every year, it takes several decades to grow one.

Today the House is considering the Interior appropriations bill and with it the budget for the Forest Service. Yesterday, the Forests Subcommittee, of which I am chairman, held hearings on the same subject as addressed by a rider to this bill, a resolution revising and modifying the President's statement of policy on forest and rangeland as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974.

This resolution is a broad policy statement which generally accepts the high bound of a range of program alternatives presented to Congress in the 1980 report to Congress on the Nation's renewable resources. This report is prepared once every 5 years by the Secretary of Agriculture. Hearings on this report to Congress and the President's policy statement were held yesterday by the Forests Subcommittee. During this hearing, we were told that there are some problems with the high bound. However, all but one witness testified in support of this program level for our forest and rangeland resources.

I am also generally supportive of the high bound program. I do not support the manner in which this approval was obtained. Legislation on an appropriations bill is not an acceptable means to address its legislatively mandated responsibilities under the Resources Planning Act. I believe that a concurrent resolution on RPA could have become law on its own merits. Without that opportunity, I generally accept the RPA resolution on the Interior appropriations bill.

FISHERY RESOURCES

The high bound program calls for anadromous fish habitat protection at 90 percent or more of its potential productivity and resident fish habitat at 80 percent or more of its potential. This is a welcome and significant improvement from the 1975 goal of protecting fish habitat at only 70 percent of potential.

The resolution, however, stated that the program may not be sufficient to accomplish the goal in the areas of range and watershed resources, State and private forest cooperation, and timber management. It does not mention fisheries. In urging the Forest Service to reach goals in the policy statement, we must not lose sight of the goals contained in the program. Not only must the Forest Service improve the productivity of watershed resources, State and private forests, and rangeland, it must also improve the productivity of our fishery resources. I am also concerned about the productivity of our Nation's timberland, now and in the future. Not only must we be concerned with funding timber sale preparation and timber harvests, but we must also invest in our forestland in order that the most productive land will continue to produce at higher and higher rates. Capital investments in forestland now will provide the lumber for the homes in which our grandchildren will live. Capital investments in forestland will also improve the trade balance with other countries. When we make these investments in our forestland, we must carefully consider where these investments will be made. Investments on the most productive land are compatible with the market levels of renewable resources in the high bound program. Intensive management of these productive, accessible forestlands is also compatible with higher demand and output of nonmarket outputs, such as recreation, which is increasing even faster in some resource areas than our demand for timber.

Capital investments in accessible lands will provide timber and wilderness, too. The increases in forest productivity should be accomplished with management techniques that are environmentally acceptable and consistent with other multiple use objectives. The investments must also be cost-effective. The National Forest System should not unfairly compete with the private tree farmer.●

● Mrs. FENWICK. Mr. Speaker, I rise to call the House's attention to one of the any positive elements of this bill. To begin with, it is about $1 billion below the bill which left the House. Second, the House Appropriations Committee has stood firm in its intention to have the Department of Energy's fossil energy research program construct two high-Btu coal gasification demonstration plants. In the original House bill, the committee recognized the need to proceed with the development of two different technologies in this area, since both are technically feasible and indeed promising.

The Senate decided to reduce funding—from $55 million to only $2 million—and to proceed with construction of only one demonstration plant.

I am pleased to note that the conference report has restored $43 of the $53 million that was cut. This is a very reasonable compromise, and it makes clear the intent of the Congress to build two different and necessary high-Btu gasification demonstration plants.

Certainly, if we are ever to meet the ambitious goals for the commercial production of synthetic fuels which we have set for ourselves, we must explore every promising technology at the demonstration phase. (Neither of these proposed projects will be located in my district, Mr. Speaker, but both were designed by research companies in my district, and I am encouraged by their continuing progress.)

I would like to commend the chairman of the subcommittee, the gentleman from Illinois (Mr. YATES) the ranking Republican member (Mr. MCDADE), and the other House subcommittee members for their foresight in this matter. I think all House Members can be pleased with the compromise they have forged.●

● Mr. REGULA. Mr. Speaker, the importance of this appropriations bill cannot be overstated. In this bill we are managing some of our country's most vital resources—our land, water, minerals, forests, and energy reserves. If we manage wisely and well, future generations will thank us for our intelligence and foresight.

Funds appropriated in this bill will be used to protect our public lands, to develop our timber and energy resources, and to promote the quality of life of the citizens of this country.

Some difficult and painful decisions had to be made in determining how to allocate funds to the various agencies within the committee's jurisdiction. Some attractive programs had to be postponed or canceled. But on the issue of energy, which is vital to our future security as a nation, the committee responded to the need to begin moving on alternative fuels and on increased use of coal as an energy source.

I particularly commend the conference committee for expanding upon the provision relating to consultant services. I believe the only way to begin dealing with this problem is with full disclosure of consulting practices. This bill requires the agencies to identify the amounts budgeted for consultant services in their 1982 budget justification and requires an inspector general or audit organization to evaluate an agency's progress to institute effective management controls and improve the accuracy and completeness of data provided to the Federal procurement data system regarding consultant service contractual arrangements. This provision will enable the Congress to get a handle on the extent to which agencies are relying on outside consultants and will allow us to begin dealing with the excesses and abuses we hear so much about.

I urge the Members to accept this conference report as a well-balanced and reasonable appropriation for fiscal year 1981.●

Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

Mr. YATES. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 6, line 19, after "Alaska" insert ": *Provided further*, That the Secretary of the Interior shall develop criteria for extending, on a case-by-case basis, the period allowed for phased livestock reductions on public rangelands administered through the Bureau of Land Management up to five years. Such criteria shall take into account available agricultural assistance programs, the magnitude of projected livestock reductions, alternative pasturage available, and ability of such public rangelands to sustain such phasing in of livestock reductions without damage to rangeland productivity: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within 30 days after receipt of a final grazing allotment decision or 90 days after the effective date of this Act in the case of reductions ordered during 1979, whichever occurs later. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within 2 years after the appeal is filed: *Provided further*, That, none of the funds provided in this Act to the Bureau of Land Management may be expended to determine suitability or non suitability area designation as for any wilderness study area designation as directed in 43 U.S.C. 1782 of the Federal Land Policy and Management Act of the lands withdrawn by the Executive Order numbered 3767 of December 19, 1922, to be used by the United States Department of Agriculture for a sheep experiment station".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

Mr. YATES. Mr. Speaker, the Interior conference agreement has a total of 54 amendments in technical disagreement. Twenty-five of these are amendments in which the House would recede and concur. However, many of these items are minor in nature and noncontroversial. Items in which the managers would ask the House to concur in would cover such subjects as minor land exchanges in Hawaii, leasing of staff housing in the Indian Health Service, and so forth. To speed the proceedings this day, Mr. Speaker, I ask unanimous consent to consider nine minor disagreements en bloc.

Mr. Speaker, I ask unanimous consent that Senate amendments Nos. 15, 16, 25, 54, 95, 96, 99, and 100 be considered en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The Clerk designated Senate amendments Nos. 15, 16, 25, 54, 95, 96, 99, and 100, as follows:

Senate amendment No. 15: Page 9, after line 10, insert:

Notwithstanding the provisions of Public Law 90–401, revenues from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be available for appropriation for any or all purposes authorized by the Land and Water Conservation Fund Act of 1965, as amended, without regard to the source of such revenues.

Senate amendment No. 16: Page 9, after line 10, insert:

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in section 505(a) of the Act of November 10, 1978 (92 Stat. 3467) by first acquiring Federal surplus lands of equivalent value from the general Services Administration and then exchanging such surplus lands for the lands described in section 505(a) of that Act with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

Senate amendment No. 25: Page 13, line 20, after "compensation" insert ": *Provided further*, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States".

Senate amendment No. 54: Page 25, line 17, after "Nevada" insert ": *Provided further*, That no part of any appropriation to the Bureau of Indian Affairs shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees".

Senate amendment No. 95: Page 44, line 9, after "appropriated" insert ": *Provided further*, That not to exceed $20,000,000 of the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1982, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities)".

Senate amendment No. 96: Page 44, line 9, after "appropriated" insert ": *Provided further*, That funding herein shall be available for the lease of 24 units of existing housing in Bethel, Alaska, to be used as staff housing for the Bethel Alaska Native Hospital: *Provided further*, That funding herein shall be available for the lease of 47 units of housing to be constructed at Bethel, Alaska, for the Bethel Alaska Native Hospital".

Senate amendment No. 99: Page 45, line 18, after "Acts" insert ": *Provided further*, That non-Indian patients may be extended health care at the Talihina Hospital in Talihina, Oklahoma, and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico, subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe".

Senate amendment No. 100: Page 45, line 18, after "Acts" insert ": *Provided further*, That notwithstanding the provisions of any other law, funds appropriated to the Indian Health Service in this Act and in Public Law 96–126, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendments of the Senate numbered 15, 16, 25, 54, 95, 96, 99, and 100, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 8, line 4, strike out "$16,420,000" and insert "$15,520,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the sum named by said amendment, insert "$21,520,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 10, line 17, strike out "$225,354,000" and insert "$225,424,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$225,566,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 13, line 10, strike out "$415,163,000" and insert "$440,743,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$444,828,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 13, line 20, after "compensation" insert ": *Provided further*, That $150,000 shall be available for the National Park Service to assist the Town of Harpers Ferry, West Virginia, for police force use".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 13, line 20, after "compensation" insert ": *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of increased contributions or pledges derived from non-government sources which have not previously been used for Federal matching purposes".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of contributions or pledges derived from non-government sources which have not previously been used for Federal matching purposes".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: Page 14, line 23, after "Service" insert "; and options for the purchase of land at not to exceed $1 for each option".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 15, line 4, after "Canada" insert ": *Provided further*, That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport, to include any adjustment of landing or takeoff patterns, prior to the construction and operation of the planned permanent air traffic control tower at said airport facility".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 15, line 21, strike out "$477,137,000" and insert $483,837,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$486,537,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 16, line 2, after "municipality" insert ": *Provided further*, That up to $827,000 shall be expended to conduct studies of the structure and stratigraphy and to develop a geological mapping system near the Osburn fault in the Coeur d' Alene mining district of northern Idaho".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$150,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 16, line 6, strike out "conducting," and insert "conducting hereafter and with funds appropriated by this Act and by subsequent appropriation Acts, nonwithstanding any other provision of law and".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: Page 16, line 24, after "(4)" insert "the withdrawals established by section 102 of Public Law 94–258 are rescinded for the purposes of the oil and gas leasing program authorized herein; (5)".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 17, after line 21, insert:

"Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with operations under any contract maintained or granted previously. Any information acquired in such explorations shall be subject to the conditions of 43 U.S.C. 1352(a)(1)(A)".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 17, after line 21, insert:

"Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in the National Petroleum Reserve-Alaska shall be barred unless brought in the appropriate District Court within 60 days after notice of the availability of such statement is published in the Federal Register. Any proceeding on such action shall be assigned for hearing at the earliest possible date and shall be expedited by such Court.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein.

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 17, after line 21, insert:

The detailed environmental studies and assessments that have been conducted on the exploration program and the comprehensive land-use studies carried out in response to sections 105 (b) and (c) of Public Law 94–258 shall be deemed to have fulfilled the requirements of section 102(2)(c) of the National Environmental Policy Act (Public Law 91–190), with regard to the first two oil and gas lease sales in the National Petroleum Reserve-Alaska: *Provided*, That not more than a total of 2,000,000 acres may be leased in these two sales: *Provided further*, That any exploration or production undertaken pursuant to this section shall be in accordance with section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504).

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: Page 22, line 15, strike out "$99,590,000" and insert "$99,745,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$100,182,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 55: Page 25, line 17, after "Nevada" insert ": *Provided further*, That no action to develop and provide water for agricultural purposes on the Gila River Indian Reservation, when agreed to by the Gila River Indian Council, shall be a major Federal action under the National Environmental Policy Act".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: Page 27, line 7, after "834)" insert ": *Provided further*, That $10,000,000 provided under this head in Public Law 96-126 for the purposes of matching new local tax revenues of the Government of the Virgin Islands shall be available for grants for new construction".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: Page 29, after line 9, insert:

YOUTH CONSERVATION CORPS

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93-408, $60,000,000: *Provided*, That $30,000,000 shall be available to the Secretary of the Interior and $30,000,000 shall be available to the Secretary of Agriculture.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 64: Page 32, after line 23, insert:

SEC. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94-458 as they apply to reporting to Congress on potential new areas of the National Park System.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"SEC. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94-458 as they apply to reporting to Congress on potential new areas of the National Park System: *Provided*, That not to exceed $100,000 may be available to study proposed new areas of the National Park System.".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 65: Page 32, after line 23, insert:

SEC. 110. No appropriations made in this title shall be available for the withdrawal, transfer or purchase of any lands for the purpose of extending the current boundaries of the Snake River Birds of Prey National Area, Idaho, without specific provision therefor in appropriation Acts.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 65 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 32, after line 23, insert:

SEC. 111. The Secretary's authority to enter into contracts and agreements in any fiscal year pursuant to the Department of the Interior and Related Agencies Appropriations Act of 1962 for the development and operation of helium properties is terminated.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 67: Page 32, after line 23, insert:

SEC. 112. (a) None of the funds appropriated in this Act shall be used for the implementation of any management plan for the Colorado River within the Grand Canyon National Park which reduces the number of user days or passenger-launches for commercial motorized watercraft excursions, for the preferred use period, from all current launch points below that which was available for the same period of use in the calendar year 1978.

(b) For the purposes of this section "preferred use period" denotes the period May 1 through September 30, inclusive.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 74: Page 34, line 5, strike out "$21,789,000" and insert "$21,229,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the sum named by said amendment, insert "$22,429,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 78: Page 37, after line 25, insert:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96-304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96-126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204(a) (1) of Public Law 96-294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a) (2) of Public Law 96–294: *Provided,* That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B.".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Department of the Treasury

ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96–304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96–126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204(a)(1) of Public Law 96–294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a)(2) of Public Law 96–294: *Provided,* That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or soliciitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 80: Page 38, after line 11, insert:

The provisions of section 19(m) of the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended, shall not apply to alternative fuels actions under Public Law 96–126 and Public Law 96–304.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 82: Page 38, line 20, strike out "$670,605,000" and insert "$689,300,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 82 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$711,435,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 84: Page 39, line 12, strike out "$176,337,000" and insert "$224,587,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$226,062,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 85: Page 39, line 12, strike out "$156,266,000" and insert "$197,127,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 85 and concur therein with an amendment, as follows: In lieu of the sum named by said amendment, insert "$206,466,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 86: Page 39, line 16, strike out "$850,607,000" and insert "$853,132,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$862,107, 000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 87: Page 40, line 4, after "94–163" insert ": *Provided further,* That for the purposes of section 601 of the Powerplant and Industrial Fuel Use Act of 1978, the term "local government" shall include—

"(1) any county, parish, city, town, township, village or other general purpose political subdivision of a State with the power to levy taxes and expend Federal, State, and local funds and exercise governmental powers; and

"(2) which (in whole or in part) is located in, or has authority over the energy impacted area: *Provided further,* That such term shall include a public or private nonprofit corporation, or a school, water, sewer, highway, or other public special purpose district, authority, or body, with the concurrence of the Governor: *Provided further,* That such term shall be applicable to all applications for assistance received since the effective date of section 601 of the Powerplant and Industrial Fuel Use Act of 1978."

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 88: Page 40, line 8, strike out "$141,999,000" and insert "$173,432,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$176,867,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 91: Page 40, line 19, after "expended" ": *Provided,* That the President shall immediately undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further*, That the requirements of the preceding provision shall be in adition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That the President shall immediately seek to undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further*, That the requirements of the preceding provision shall be in addition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 93: Page 42, strike out all after line 19, over to and including "authority" in line 1 on page 43 and insert:

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85-804 (50 U.S.C. 1431-1435) with respect to such contracts or agreements for or related to such projects: *Provided*, That any contract, agreement, or provision thereof entered into by the Secretary using the authority of Public Law 85-804.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 94: Page 43, line 25, strike out "$593,619,000" and insert "$592,332,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$594,119,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 108: Page 48, after line 15, insert:

CONSTRUCTION

For necessary expenses to plan for the development of the area south of the Smithsonian Institution Building, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $500,000 to remain available until expended.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"CONSTRUCTION

"For necessary expenses to construct museum support facilities, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $5,000,000, to remain available until expended.".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 110: Page 49, after line 19, insert:

ARCHITECT OF THE CAPITOL

MEMORIAL TO HALE BOGGS

For use by the Architect of the Capitol for processing, and installing the Congressional Cemetery, a traditional cenotaph for the late Honorable Hale Boggs, $6,500.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 110 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$7,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 113: Page 50, line 7, strike out "$12,865,000" and insert "$12,165,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 113 and concur therein with an amendment, as follows: In lieu of the sum named by said amendment, insert "$11,900,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 119: Page 51, line 10, strike out "$12,219,000" and insert "$11,777,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 119 and concur therein with an amendment, as follows: In lieu of the sum named by said amendment, insert "$11,277,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 124: Page 54, line 4, after "$21,483,000" insert ", of which not to exceed $3,000 may be used for official reception and representation expenses".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 124 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$1,500".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 128: Page 55, after line 19, insert:

SEC. 306. (a)(1) Subject to valid existing rights, all applications located in Alaska made pursuant to the Act of May 17, 1906 (34 Stat. 17), as amended, the Act of June 1, 1938 (52 Stat. 609), as amended and supplemented, the Act of May 3, 1927 (44 Stat. 1364), as amended and supplemented, or the Act of May 14, 1898 (30 Stat. 413), as amended and supplemented, which were pending before the Department of the Interior on October 21, 1976, and which were located on lands available for such application at the time of entry and all applications made pursuant to the Act of March 3, 1891 (26 Stat. 1097), as amended and supplemented, which are pending and were located on land available for such application at the time of entry are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by subsections (b) and (c).

(2) All patents approved pursuant to this section shall be subject to the provisions of the Act pursuant to which the application was made and other applicable law.

(3) Paragraph (1) of this subsection shall not apply to any application which has been

knowingly and voluntarily relinquished by the applicant.

(b) Applications Subject to Adjudication.—Notwithstanding the provisions of subsection (2), an application shall be adjudicated pursuant to the provisions of the Act under which it was made if the application describes—

(1) land which is within the boundary of a National Park System unit established, designated, or redesignated on or before the date of enactment of this Act;

(2) land selected by a Native corporation or Native group; or

(3) land which is patented, deeded, tentatively approved, or confirmed to the State, or selected by the State.

(c) Protect Rights.—Subsection (a) shall not apply and an application shall be adjudicated pursuant to the provisions of the Act under which it was made, if on or before the one hundred and eightieth day following the effective date of this Act:

(1) the State files a protest with the Secretary of the Interior (the Secretary) stating that the land described in the application is necessary for access to lands owned by the United States, the State, or a political subdivision of the State, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternative for access exists; or

(2) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that such land is the situs of improvement, valid mineral interest, or other legal interest in such land claimed by the person or entity.

(d) Reduction of Acreage.—Where an application describes more than the maximum amount of acreage authorized pursuant to the Act under which the application was made, the Secretary shall reduce the acreage to the maximum amount in a manner which is consistent with prior use of the described land by the applicant and which is least detrimental to the applicant.

(e) Valid Existing Rights.—Prior to issuing a certificate or other evidence of approval of an application described in subsection (a), the Secretary shall identify and adjudicate any other record entry or application for title to land described in the application, and shall determine whether such other entry or application represents a valid existing right to which the application described in subsection (a) is subject.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House insist on its disagreement to the amendment of the Senate numbered 128.

The SPEAKER pro tempore. Does the gentleman from Illinois (Mr. Yates) seek recognition?

Mr. YATES. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. Yates) is recognized for 30 minutes.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Speaker, I want to express my appreciation to the gentleman from Illinois (Mr. Yates) and the gentleman from Pennsylvania (Mr. McDade) for working out of a kind of sticky situation in connection with this amendment. I think that the chairman of the subcommittee has done the right thing in insisting on the House position.

I have advised the senior Senator from Alaska, who was responsible for this provision being put in there, that he has a legitimate need for an amendment, and that we will work it out in this Congress, if at all possible. I hope to be able to work it out this very day before we adjourn.

Mr. Speaker, I thank the gentleman for his cooperation in this very ticklish matter.

Mr. YATES. Mr. Speaker, I appreciate the comments of my friend, the gentleman from Arizona (Mr. Udall). I am very pleased that he was able to work out the Alaska provision in this bill with the distinguished Senator from Alaska, and I have every hope that they will come to that agreement.

I have no further requests for time, Mr. Speaker, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Yates).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 132: Page 56, after line 2, insert:

Sec. 309. All unresolved audits currently pending within the agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 132 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "308".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 133: Page 56, after line 2, insert:

Sec. 310. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 133 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "309".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 134: Page 56, after line 2, insert:

Sec. 311. (a) Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under the act for procurement of consultant services shall be reduced by the following amounts: Department of the Interior, $7,484,000; Forest Service, $156,000.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractural arrangements.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 134 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 310. (a) Notwithstanding any other provisions of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following: Forest Service, $156,000: *Provided*, That not to exceed $4,600,000 of the funds made available by Sec. 112 of Public Law 96-369 shall be available to the Forest Service until expended for continuing development and demonstration of aerial logging systems.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, and evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 135: Page 56, after line 2, insert:

Sec. 312. The Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, is revised and modified to read as follows:

STATEMENT OF POLICY

BASIC PRINCIPLES

It is the policy of the United States—

(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation's well being, in an environmentally sound manner.

(2) the Nation's forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation's need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030;

(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people;

(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals;

(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate and cooperate with the planning efforts of the States;

(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977, the Secretary of Agriculture shall assure that resource and economic information and evaluation data will be continally improved so that the best possible information is always available for use by Federal agencies and the public.

RANGE LAND DATA BASE AND ITS IMPROVEMENT

The data on and understanding of the cover and condition of range lands is less refined than the data on and understanding of commercial forest land. Range lands have significant value in the production of water and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

GENERAL ACCEPTANCE OF HIGH BOUND PROGRAM

Congress generally accepts the "high-bound" program described on pages 7 through 18 of the 1980 Report to Congress on the Nation's Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the "high-bound" program may not be sufficient to accomplish the goals contained in this statement, particularly in the areas of range and watershed resources, state and private forest cooperation and timber management.

STATE AND PRIVATE LANDS

States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The state and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

FUNDING THE GOALS

In order to accomplish the policy goals contained in this statement by the year 2030, the Federal Government should adequately fund programs of research (including cooperative research extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 135 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "311".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 136: Page 56, line 2, insert:

Sec. 313. None of the funds contained in this Act shall be used to demolish shelters erected on lands owned or managed by the Federal Government where no other shelter exists within a 5-mile radius.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 136 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "312".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks, and that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material and tabular information, on the conference report on H.R. 7724, just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7466. An act to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status.

PERMITTING COURT REVIEW OF CERTAIN DISABILITY DETERMINATIONS MADE BY OFFICE OF PERSONNEL MANAGEMENT

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2510) to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 2, strike out all after line 15 over to and including line 10 on page 3.

Mrs. SCHROEDER. Mr. Speaker, the Senate amendment to H.R. 2510 alters the provisions of the bill relating to judicial review. The House-passed bill provided for de novo review in the U.S. district courts of mental disability determinations made by the Merit Systems Protection Board.

The Senate amendment provides for judicial review in the U.S. courts of appeals on the same basis that applies to other decisions of the Merit Systems Protection Board.

The SPEAKER pro tempore. Is there

objection to the request of the gentlewoman from Colorado?

There was no objection.

A motion to reconsider was laid on the table.

AMENDING CHAPTER 83, TITLE 5, UNITED STATES CODE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2583) to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 10, insert:

SEC. 3. (a) As of the first pay period beginning after the effective date of this Act, a surviving spouse, other than a surviving spouse who has remarried, of any Justice of the United States (as defined by section 451 of title 28, United States Code), who died before October 19, 1976, shall be paid an annuity in accordance with the provisions of section 376 of title 28, United States Code, at a rate of $20,000 per year as if such Justice had elected to come within the provisions of, and having made the full deposit required by, section 376(d) of title 28, United States Code.

(b) Notwithstanding the provisions of section 376(h) of title 28, United States Code, such annuity shall be payable as provided in section 376(m) of title 28, United States Code, until the date of the death of any such spouse.

SEC. 4. (a) The Secretary of the Treasury shall determine, as of the effective date of this Act, in consultation with the Director of the Administrative Office of the United States Courts, the amount necessary to offset any actuarial deficiency in the Judicial Survivors' Annuities Fund, and, at the earliest time thereafter at which appropriated sums in that amount become available, the Secretary shall deposit such sums in a single payment into such Judicial Survivors' Annuities Fund.

(b) There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. Section 375 of title 28, United States Code, is repealed.

Page 3, line 11, strike out "3" and insert "6".

Page 3, line 14, strike out "1979." and insert "1980,".

Mrs. SCHROEDER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, the effect of the Senate amendments is to immediately increase the annuities of the widows of five former Supreme Court Justices and to provide them with periodic cost-of-living adjustments.

These five widows are now locked into an annuity of $10,000 with no provision for cost-of-living increases.

The Senate amendment affects only the widows of former Justices Black, Jackson, Minton, Rutledge, and Vinson. The fiscal year cost of the amendment is approximately $50,000. The amendment has been cleared with the chairman and ranking minority member of the Judiciary Committee.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Colorado?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL FAMILY WEEK

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 156) to authorize the President to issue a proclamation designating the week beginning November 23, 1980, as "National Family Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 156

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. SCHROEDER. Mr. Speaker, Senate Joint Resolution 156 is identical to House Joint Resolution 443 which has been cosponsored by over 218 Members of the House and otherwise complies with the committee rules for commemorative legislation.

Senate Joint Resolution 156 requests the President to issue a proclamation designating the week beginning November 23, 1980, as "National Family Week."

● Mr. MARRIOTT. Mr. Speaker, as all of us here prepare to return to our families for another Thanksgiving it is more than appropriate that we pay tribute to the most important institution in the world, the very lifeblood of America—the family.

I have stood before you and pleaded this cause on more than one occasion, and will continue to do so. For the families of this Nation are the roots of our destiny.

We have witnessed the voice of America in our recent elections, perhaps one of the most decisive elections in many years. But beyond all issues, beyond all parties, we must realize that returning the family and its relationships to the dignity they deserve is the first step on a road toward making America great again.

As a four-time sponsor of this legislation, I urge this Congress and our leaders in every State and community to proclaim National Family Week and to work to strengthen the family unit throughout the coming year.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

FIFTIETH WEDDING ANNIVERSARY OF MAURICE AND GOLDIE ARON

(Mr. YATES asked and was given permission to address the House for 1 minute.)

Mr. YATES. Mr. Speaker, it gives me great pleasure to call the attention of the House to the 50th wedding anniversary of Maurice and Goldie Aron. We congratulate the Arons in the celebration of their golden anniversary, we congratulate them, and we wish them 50 more golden years together.

PERMISSION TO HAVE UNTIL 10 A.M., FRIDAY, NOVEMBER 28, 1980, TO FILE CONFERENCE REPORT ON H.R. 7765, THE OMNIBUS RECONCILIATION ACT OF 1980

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the managers may have until 10 a.m., Friday, November 28, 1980, to file a conference report on the bill, H.R. 7765, the Omnibus Reconciliation Act of 1980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SURFACE TRANSPORTATION ACT OF 1980

Mr. HOWARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 6417, with Mr. MCKAY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. HOWARD) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend to the Members of the House for their favorable consideration the bill H.R. 6417, the Surface Transportation Act of 1980. This legislation has as its primary purpose the authorization of Federal financial assistance for improvements in the energy efficiency of this Nation's basic work-a-day transportation systems. Through the improvements which this legislation would authorize, in both the facilities and the operations of our highways and local public transportation systems, every person in this Nation, in both urban and rural areas, will experience real benefits in their daily transportation.

The other body has produced companion legislation, S. 2720, given the impending adjournment of the 96th Congress, the Committee on Public Works and Transportation has undertaken to develop a compromise version of this legislation.

At the appropriate time, Mr. Chairman, I intend to offer an amendment in the nature of a substitute for the entire bill. This amendment will embody what I believe, after lengthy negotiations, is the only viable compromise which both the House and the other body will accept in resolving the differences between H.R. 6417 and S. 2720 expeditiously. The Committee on Public Works and Transportation has had this amendment printed, and copies are available for every Member of the House.

For the benefit of the Members, I would like to take this opportunity to review the various provisions of the bill and explain the substance of the changes which my amendment in the nature of a substitute would make. My amendment will follow the basic format of the bill H.R. 6417, as reported by the Committee on Public Works and Transportation.

Mr. Chairman, our substitute authorizes appropriations for certain energy-related highway projects in accordance with title 23 of the United States Code and amends the Urban Mass Transportation Act of 1964.

I cannot overemphasize the importance of our substitute in achieving the goal of a more energy-efficient nationwide transportation system. The legislation sets forth a comprehensive approach to achieving this goal by taking into account the need for the more efficient use of our highway system and the need for expanded public transportation programs. It recognizes that rural areas, as well as urban areas, can make large contributions to energy conservation efforts. Finally, it balances the importance of investing in the capital assets of our public transportation systems with the need for operating assistance.

The bill would result in very substantial investments during the next 4 years. These investments, in terms of reduced energy consumption, will yield tremendous returns in the years to come.

The committee considered several important factors in establishing the authorization level for this bill, including the availability of revenues from the crude oil windfall profit tax and the need for fiscal restraint.

After much consideration, the committee included in the bill new authorizations totaling approximately $30 billion—with the majority of this funding concentrated during the next 5 fiscal years. The substitute which I will offer includes slightly more than $22 billion in total new authorizations—a very substantial reduction of 25 percent in the total funding under this legislation.

Mr. Chairman, title I of H.R. 6417, the Federal-Aid Highway Amendments of 1980, as originally introduced, was designed to amend and extend the entire Federal-aid highway program. Due to the deteriorating financial condition of the highway trust fund. The committee deleted the majority of these provisions during subcommittee markup in order to allow time to reevaluate program priorities and funding alternatives.

However, because of the availability of revenues from the crude oil windfall profit tax, important energy-related programs have been retained in title I of my amendment that would have a substantial impact on increasing the energy efficiency of our highway system. In particular, title I of my amendment includes two new provisions: The transportation systems management program and the energy-impacted rail and highway transportation program.

The first provision will authorize grants for a variety of projects on nontoll public roads which enhance energy conservation through efficiency improvements in the use and operation of the highway system.

This second provision is designed to correct transportation problems resulting from the shipment of heavy and bulk energy materials. The transportation of these substances, such as coal, is leading to the deterioration of our highway system and disrupting the transportation systems in many communities. The impact of heavily loaded coal trucks and railroad unit coal trains will increase with our national coal conversion effort. The $1.75 billion assistance program for energy-impacted rail and highway transportation in title I would go a long way to alleviate these problems. Eligible projects under this program would include reconstruction and rehabilitation of energy-impacted roads and grade separations for energy-impacted rail-highway crossings plus various low cost systems management improvements.

Finally, title I of both the reported bill and my amendment would establish an obligation limitation of $8.75 billion for Federal-aid highways and highway safety construction programs for fiscal year 1981. This provision is part of the effort to balance the fiscal year 1981 budget and is a specific example of the committee's adherence to the goal of budget restraint in this legislation.

Title II of both H.R. 6417 and of my amendment is generally drafted within the existing programmatic framework of the Urban Mass Transportation Act of 1964. Although it would restructure certain aspects of existing programs, it primarily increases and extends the existing authorizations.

The committee report provides a total authorization level for mass transportation programs during fiscal years 1981–85 of $27.68 billion—an increase of $18.96 billion over the amount currently authorized through fiscal year 1983. This compares with total new authorizations for public transportation in the substitute of $16.8 billion.

A prerequisite to expanding the capacity of our country's public transportation systems is increasing the physical plant necessary to support operations. For this reason, the largest increase in authorizations in title II of the bill as reported by the committee is an additional $10.87 billion for section 3 discretionary capital grants and loans available to construct and rehabilitate mass transit systems, purchase rolling stock and equipment, amendment includes $9.515 billion for this section, a reduction of $1.355 billion. At least 20 percent of annual section 3 expenditures would be available for new rail systems, rail extensions, and automated fixed guideway systems under my amendment. Although an additional $4.75 billion would be authorized for this purpose during fiscal years 1986–90 under the committee report, my amendment would reduce this amount to $1.5 billion for that period.

In addition, title II of my amendment would substantially increase the authorization level for the section 5 urban formula grant program. Total section 5 authorizations during that period would equal $10.683 billion.

Perhaps the most significant aspect of my amendment is the new service-based formula for distributing operating assistance under section 5 of the UMTA law. In this case, my amendment adopts the approach taken by the other body, basing the operating assistance allocation for the larger cities on revenue vehicle miles traveled. Using the revenue vehicle miles traveled approach more closely reflects the transit-intensive nature of the various systems and will in the future give those areas which rely on public transportation a share of operating assistance to the degree which their system is used in comparison with other systems around the country. "Revenue vehicle miles" means the sum of the number of miles that each transit vehicle travels while in revenue service.

The committee expects that the administrative definition of revenue vehicle miles would include, to the extent feasible and appropriate, all scheduled route mass transportation service and special or flexible route mass transportation service operated by or under contract to a public body as part of an overall public transportation program.

As I mentioned earlier, our substitute responds to the needs of rural and small urban areas. In addition to the earmarking of section 3 funds, title II would expand the authorizations under the section 18 grant program for rural areas from $110 million in fiscal year 1981 to $150 million in fiscal year 1985. Funds would continue to be apportioned to the States based on their relative share of rural population. The only proposed revision to the section 18 requirements would clarify the States' responsibility to involve local elected officials in the development of the section 18 plan.

The final provision of title II that I want to mention is section 223—the so-called Cleveland amendment—which would establish a local option approach for providing mass transportation to handicapped persons. As an alternative to the full-system accessibility requirements in the Department of Transportation's section 504 regulations, this provision would allow localities to develop, in consultation with the local handicapped community. An alternative transportation program meeting specified service criteria. I have included in my amendment a new version of the Cleveland amendment as a subsequent enactment. This version of the Cleveland amendment is intended to modify and will supersede section 324 of Public Law 96-400.

Concern about the rigidity and astronomical costs of the current full-system accessibility requirements has been expressed in this Chamber numerous times. Section 223 of the bill and my amendment was designed to address these concerns.

In addition to the Cleveland amendment, section 223 includes in subsection (b) the Richmond amendment to section 10723(b) of title 49.

It is my understanding that several Members are concerned about the "buy America" issue. Because the buy America provision in the 1978 act applies to all the funding in this act and because this matter is complex and really requires hearings and further analysis. I do not believe it is prudent to change the status quo at this time. No committee has supported "buy America" laws more strongly and urgently than the Committee on Public Works and Transportation. That support continues. Because of the possible negative impact of a premature change in the policy set forth in the Surface Transportation Assistance Act, the committee does not favor any buy America amendments at this time. The American Public Transit Association which includes many American equipment producers has recently taken the same position at its national convention.

Mr. Chairman, before concluding my remarks, I want to reemphasize the bill's important role in shaping this Nation's basic workaday transportation system for the 1980's and beyond. I strongly urge my colleagues' favorable consideration for the bill, with the single amendment which I will offer.

□ 1150

Mr. SHUSTER. Mr. Chairman, the Subcommittee on Surface Transportation and then the full Committee on Public Works and Transportation worked many months to develop this legislation which has been brought to the floor today. There was strong bipartisan support for this legislation in the subcommittee.

Indeed, there was strong bipartisan support for this legislation in the full committee. So much so that the legislation as brought to the floor today passed the full committee unanimously

And now at the 11th hour, we are told that a substitute is going to be offered, a substitute which we did not consider in the subcommittee or in the full committee, a substitute which indeed we have not seen in final form until about an hour ago, a substitute which we are told is perhaps at least called by some, a compromise, when indeed, it is a substitute that was never agreed upon as a compromise by the House and the other body.

Indeed, it is a substitute that was not even agreed upon as a compromise between the staffs of the House and the other body.

So we are asked at this 11th hour to set aside legislation brought to the floor, which was carefully crafted to deal with the issue of surface transportation and mass transit and highways in America and deal with a new substitute which has not been judicially and carefully considered by the members of the committee or indeed in any compromise agreed upon by the House and the Senate or their staffs.

And for that reason, while I vigorously support the legislation as brought to the floor, I just as vigorously oppose this new substitute which is laid upon us at this very late date.

I oppose it for several reasons, in addition to those which I have already commented upon. This substitute which will be laid before us will limit the House negotiating room when we got to conference with the other body.

Beyond that, the President has threatened to veto this substitute we are told. In fact, the whole issue is turning into a can of worms. We are told on the one hand that the administration is opposed to the bill if the coal roads program is in it, and we are told from the other side of the Capitol that if the coal roads program is out of it, the other body will kill the bill.

□ 1200

Beyond that, and I emphasize, we have not even seen the final prints of this very complicated, enormously significant, multibillion dollar substitute until about an hour ago.

One of the last changes, we understand, is that the coal and energy roads program has been cut back upon and while the so-called slush fund still exists to focus on energy related transportation programs, the very specific and badly needed program and financing to deal with coal and energy roads has been cut back in this substitute, we are told.

Beyond that, we believe that the restructuring of the section 5 formula is ill-advised. We held no hearings in the House, in the subcommittee or in the committee on changing the formula. In fact, the testimony which we did receive, testimony from APTA was—

> We recommend that you continue the existing section 5 distribution formula.

But at the last minute, a very significant change has been made. In fact, several changes have been made. One of those significant changes is that the distribution of funds as between transit operating and capital assistance is being changed in this last minute substitute by changing the ratio of 75 percent operating, 25-percent capital investment. to increasing the funds for operating and decreasing the funds for capital investment, increasing the funds up to 80 percent for operating assistance, decreasing the funds down to 20 percent for capital assistance.

We think this is a very significant change and I know many Members of this body in the past have been deeply concerned about even a 75-percent contribution to operating assistance on the basis that the local transit bodies have the responsibility for managing their transit systems. Therefore, if they know they can come to Uncle Sam to get a large amount for operating assistance, it is going to be so much easier for them to capitulate and give in and let more money be spent on operating assistance, so we think this is certainly ill-advised.

For these reasons, reasons which we will focus on more specifically when the substitute itself is offered next week, we believe that we should stick with the committee. We should adopt the legislation as it is brought to the floor. We should oppose this last-minute, ill-advised substitute and get on with the conference with the Senate, so that we might have meaningful surface transportation legislation in the last days of this Congress.

The final point I would make, Mr. Chairman, is that it is one thing for a lameduck Congress to consider carefully fashioned legislation, legislation which was developed over many months of hearings by the subcommittee and the committee. It is something else for a lameduck Congress with over 60 Members who will not be coming back, to consider this last-minute substitute which we have not really even seen and which we have not had the opportunity to hold hearings on or debate in the subcommittee or in the committee.

For those many reasons, I would urge the body to stick with the legislation as it is brought to the floor and when the substitute is offered, then listen carefully to the arguments in more detail next week and to oppose the substitute.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I would be happy to yield to my friend, the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I rise in opposition to this compromise to H.R.

6417 for two very simple reasons: It is the wrong bill at the wrong time. There is no doubt in my mind that this is exactly how it will strike the public around the country. I am not going to bet that the fact has sunk in here on the hill, so I will explain.

First, there is no need at all for any mass transit legislation at this stage in this Congress. In particular, not this substitute for the committee's reported bill.

The program is already authorized through fiscal year 1982—we just did that in 1978—and funded by appropriations for fiscal year 1981. So I am not buying any argument that the program is going to grind to a halt or that any city is going to run out of money if we vote this bill down.

Second, I want to talk about the merits of this particular bill. One reason why its proponents are pushing it is that it attempts to nail down a certain portion of the windfall profit tax for transit. Personally, at this late stage in the game I would consider it appropriate to leave that to the next Congress and the next administration.

If some Members want to take that as a recommendation to support this bill, I would like to point out some of the perils of passing it on that basis. This bill contains more than $20 billion in new authorization, more than $20 billion at a time when we are supposed to be knocking ourselves out trying to hold down the deficit, hold down inflation and hold down the tax burden that is killing the economy of this country.

So what are we doing instead? This bill authorizes the program out to 1984 and 1985, a 2-year extension for the capital program in section 3 and 3 years for the operating subsidy program in section 5. And it goes way out to the fiscal years 1986 through 1990 to authorize a special pot for new rail starts.

This bill does that, ridiculously enough, at a time when the conference committee on the budget has set a new deficit of more than $27 billion. And I am not ready to bet that that figure will stick.

More to the point, the compromise agreed to cut the total allocation for the transportation function by $1.9 billion in budget authority and $1.15 billion in outlays.

What does that tell the public? That we are all over the lot pulling in all directions, that plainly we do not know what we are doing.

If we pass this bill, we will be making a spectacle of ourselves, a spectacle of a committee—and I regret to say it—scrambling under the wire with a big-spending last hurrah. A spectacle of pumping up spending.

That might have some appeal to some folks out there, but we know better. There is no way that we are going to get appropriations at anything like the numbers in this bill. All we would be doing is pumping up promises, promises we know right now we can not deliver on—promises that will blow up in our faces a year or two from now.

I do not know how you read the news on November 5, but I for one read a message. It is finally beginning to sink in with the public that Government is to blame for inflation. They are wising up. When the public looks at what is happening to the dollar, they do not just blame the occupant of the White House. They are starting to blame us, and that is healthy.

Like I said, I got the message, and a vote for this bill is not the message I am going to send back.

The supporters of this bill can point to some good provisions, and I am not trying to tell you it is all bad, or that you have to believe it is all bad to put it over until the next Congress.

As a matter of fact, there are some provisions that I am particularly interested in, like coal-haul roads and the provision to help with the problems of places where transportation gets snarled up by long unit trains hauling coal through town.

These are legitimate. These are worthwhile, and could well support putting them in a transportation bill scaled down to the proper size next time around.

But I know this, and the public knows it, too. we are never going to get a handle on Federal spending and we are never going to get a handle on inflation until we are ready to stand up and vote to reduce or defer the programs we do support—if we go along with high overall numbers just so long as a particular provision we want is in there.

So I say to you, let us stop and take a look at where we are, and the budget and inflation problems we are trying to deal with. Remember that those problems are going to be with us a long time. And then take a hard look at what is in this bill and ask yourself whether it is the right bill at the right time. I don't see how you can come up with any answer but no.

I suppose some members who are not on the Public Works Committee and have not followed this legislation closely might find some attraction in the size of the authorizations. Well, while you are looking at the figures, do not get blinded to the rest of it.

This bill also changes around the formula for distributing the money among the cities eligible to receive it. Instead of the population plus population density factors in existing law, it switches to a so-called service factor based on revenue vehicle miles for both rail and bus.

Technicalities aside, the bottom line is that only the cities with populations above 200,000 benefit from the change. Basically, they benefit if the high authorization numbers are funded by appropriations. The rest get just about the same as they have been getting.

But you and I know those high appropriations are not in the cards. So what will happen? If appropriations stay level, or if they go down, the larger cities with the largest transportation get a bigger piece of the same pie—or a shrinking one—and the rest of them actually lose. When you come right down to it, the big gainers are New York and New York City and the northern area of New Jersey.

There is another reason not to go with this formula, or any change in formula, for that matter. We would not have valid census figures available before fiscal year 1983. And we still do not have the basic operating statistics, in reports mandated by section 15 of the UMTA Act, in form you can audit and verify, which is the kind of information you have to have to come up with any change in formula that makes sense.

So in terms of both the formula and the numbers, this is the wrong bill at the wrong time.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the distinguished gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I take this time to enter into a colloquy with the distinguished ranking member and the distinguished chairman of the subcommittee.

Last year during the consideration of H.R. 4249, the surface transportation technical amendments, the distinguished chairman of the subcommittee, the gentleman from New Jersey, participated with me in a colloquy that addressed an issue involving Federal-aid primary Highway 61 that runs through the eastern part of Iowa from the Illinois State line at Davenport, Iowa, through Dubuque, Iowa, to the Wisconsin State line. The purpose of this colloquy was to create legislative history to establish the intent of the subcommittee that Highway 61 should be funded in accordance with the availability of funds for the priority primary routes.

Unfortunately, officials of the Iowa Department of Transportation and the city of Dubuque, Iowa, have encountered some difficulty with the U.S. Department of Transportation in regard to the area of Highway 61 that was covered by this legislative history. DOT officials have indicated that it is unclear whether or not the strip of highway from the southern border of Dubuque's city limits to the Wisconsin State line at Dubuque's northeast city limits should be included within this designation for priority funding.

Therefore, to clarify this matter, I would like to ask the distinguished chairman of the subcommittee, the gentleman from New Jersey, whether or not it was the intention of the subcommittee to include the entire length of Federal-aid primary Highway 61 from Interstate 80 to the Wisconsin State line at Dubuque for priority funding under this program.

Mr. SHUSTER. I would respond to my colleague from Iowa that it was the intention of the subcommittee that all of Federal-aid primary Highway 61, from Interstate 80 to the Wisconsin State line at the Mississippi River's edge on the Iowa side at Dubuque. should be funded in accordance with the availability of funds, and I believe the legislative history being created here would clarify this matter and serve that purpose.

Mr. TAUKE. I thank the distinguished chairman. I would also like to point out that the entire length of Federal-aid primary Highway 61, from the Illinois stateline at Davenport, Iowa, through Dubuque, Iowa, to the edge of the Mississippi, has already been administratively designated as a Federal priority primary highway. In light of this, to preclude any possible future misunderstanding by DOT officials, I would like to ask the distinguished chairman of the subcommittee, the gentleman from New Jersey, if he knows of any reason why this entire strip of highway could not be designated for priority funding under this program.

Mr. SHUSTER. I know of no reasons and it would appear that this entire highway as discussed meets all the qualifications for primary priority funding. It is the intent of the subcommittee that this highway should be funded in accordance with the availability of funds and I believe the legislative history being created here would serve that purpose.

Mr. TAUKE. I thank the distinguished chairman.

I would now like to yield to the chairman of the subcommittee to achieve his concurrence in this statement.

Mr. HOWARD. I would say to the gentleman, I am certainly in general agreement with the gentleman and with the gentleman from Pennsylvania as to the statement he made and also, of course, what we feel is that we do have to have more improved funding for the priority primary system, because the demand has certainly outpaced the amount of money that is available and we are hoping that when we do get a new funding mechanism for the highway trust fund, because as the gentleman is aware, we have reduced the use of gasoline through our programs anywhere from 11 to 14 percent each month of this year compared to the year before, which has been a wonderful result of our legislation, but has also affected the income to the highway trust fund.

Also, a questionable gasohol program was put in to further deteriorate the trust fund money.

The Committee on Ways and Means in the next Congress is going to have to deal with funding for the highway trust fund, in which we hope it will provide us the opportunity to write legislation and increase as we wish to, the priority primary money; however, we also have to consider that we have to act this year, because just on national television last night and this morning again, where we had members of the other party in this body and others talking about where are we going to slash $30 billion from the budget, the first thing that was mentioned by those people was the highway and mass transit programs that we have; so we hope that we will be in a position to be able to do what the gentleman requests and feels justified, and I feel that it is justified also, and I will certainly be working toward that end.

Mr. TAUKE. Well, I thank the distinguished chairman.

I also want to tell him that I certainly concur with his concerns about the future of the highway trust fund.

Mr. SHUSTER. On behalf of the minority, I want to concur in the statements as presented by our distinguished chairman on behalf of the committee.

Mr. TAUKE. I thank the gentleman from Pennsylvania.

Mr. HOWARD. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I want to add my support to that of the gentleman from New Jersey (Mr. HOWARD) for passage of the bill H.R. 6417, the Surface Transportation Act of 1980 and for his amendment in the nature of a substitute, in particular. The provisions of this legislation will go a long way toward meeting the transportation and energy conservation challenges of the 1980's.

The Committee on Public Works and Transportation firmly believes that both strong highway and strong mass transportation programs are essential for an effective and energy-efficient transportation system. Title I authorizes energy-related highway and rail-highway crossing programs emphasizing improvements and techniques that will lead to more energy-efficient use of our highway system. New authorizations for both these programs can be financed largely by revenues from the oil windfall profit tax.

Reauthorization of the entire Federal-aid highway program was not possible this year because of the long-term financial constraints facing the highway trust fund. However, I know that the committee will consider highway legislation during the next Congress that will complement the energy conservation aims of the highway provisions in this bill.

Title II of H.R. 6417 amends and extends existing mass transportation provisions providing the increased authorization levels necessary for the expansion of local transit programs. New authorizations in title II of the Howard amendment total $16.8 billion through fiscal year 1985, with an additional $1.5 billion authorized for new rail starts, extensions and automated fixed guideways during fiscal years 1986–90.

The committee strongly supports the goals for expansion of mass transportation systems set forth by the President a little over 1 year ago. These include increasing ridership by 15 million passengers per day, doubling bus production, building new rail and bus facilities, and modernizing existing systems. Passage of H.R. 6417 will provide the authorizations necessary to realize these goals.

A breakdown of the authorizations within titles I and II and a more detailed description of the provisions in the bill will be provided by my colleagues on the committee who are managing the bill. However, I would like to mention briefly one provision in the bill, section 223, entitled "mass transportation to meet special needs of the handicapped."

This local option provision provides communities with an alternative to the Department of Transportation's section 504 full-system accessibility regulations. This has been a controversial provision and I support the effort which the Committee on Public Works and Transportation has made to develop a compromise for this section.

Mr. Chairman, I wish to extend my thanks to Mr. HARSHA, our ranking minority member, for his help and cooperation on this bill.

Both Mr. HOWARD, the chairman, and Mr. SHUSTER, the ranking minority member of the Subcommittee on Surface Transportation, deserve particular tribute for the tremendous amount of work they put into this bill. They not only have participated fully in hearings, but have worked diligently to iron out the differences between the various versions of the legislation. I understand why some of our Members have difficulties with certain aspects of the Howard amendment. However, on balance I believe the gentleman's amendment does a commendable job of resolving the differences with the approach taken by the other body. If we had the time to engage in a lengthy conference, I believe the conference report would be substantially identical to the gentleman's amendment. Therefore, I urge its immediate adoption.

☐ 1210

Mr. HOWARD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ANDERSON) a distinguished member of the committee.

Mr. ANDERSON of California. Mr. Chairman, I am interested in the so-called incentive tiers in this legislation which would allow some urbanized areas to earn additional operating moneys if they are able to meet tests showing increased service, or sincere efforts as demonstrated by their farebox receipts or tax revenues expended for transit.

It is this second test that I would like to address for a moment. Present language reads:

> An urbanized area will receive an incentive grant apportionment if the ratio of operating revenues, including such revenues as fairbox receipts and dedicated tax revenues (including mandatory assessments paid by local governments on a net cost of service basis, to eligible operating expenses exceeds the national median ratio of such factors, as determined by the Secretary.

I just want to make sure I am clear on what is meant by the term "dedicated revenues."

In California, we have on the books a Transportation Development Act providing that a quarter cent of the State sales tax shall be returned to the various counties in proportion to the amount in which the counties have generated them. That returned money is to be used to meet local transit needs.

Los Angeles County gets roughly $125 million in this TDA money. I would just like to receive the chairman's confirmation that this is the kind of "dedicated tax revenues" we are talking about in this language.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the chairman.

Mr. HOWARD. This TDA money in California appears to be precisely the kind of dedicated tax revenues that is envisioned in this legislation.

Mr. ANDERSON of California. Mr. Chairman, section 103 of this bill is entitled "Energy Impacted Rail and Highway Transportation." In the past, there has been a certain amount of discussion about a concept known as "coal roads." In the bill, that expression is never used. Nor do I believe it was used in the committee report language.

I do want to point out that while we do not transport an excessive amount of coal along our roads in California, there is a terribly great number of roads that are energy impacted. Other energy-related materials carry equal weight in this legislation with coal. So, a giant oil-tank truck carrying its load from a port to a refinery; those trucks which seem to be everywhere around our tank-farms—they must also be considered by the Secretary when he devises a formula for apportioning funds under this section.

This section is meant to benefit all energy-impacted roads; and I place an emphasis on the word "energy."

Mr. HOWARD. I think the gentleman from Califronia speaks for the committee, and I know he speaks for me, when he says that the transportation of other energy sources besides coal can damage roads; and that they should carry equal weight with the Secretary in devising his formula.

I thank the gentleman for bringing this up and I agree with him that this should carry equal weight.

Mr. ANDERSON of California. I thank the distinguished chairman.

Mr. HOWARD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, we are faced with the difficult task of trying to pass public transit legislation in this lameduck session. The House Surface Transportation Subcommittee has worked very diligently in passing H.R. 6417 and now, in the waning hours of this Congress, we find ourselves in the peculiar situation of having to come up with a compromise substitute acceptable to the Senate that provides large authorizations, significant formula changes, and that deals with the elderly and handicapped accessibility issue. Ideally, the House and Senate differences on these important matters would be worked out in conference but time constraints have precluded our use of that useful mechanism. Instead, we have before us the product of House and Senate committee staff negotiations. I find myself in troubled waters because I originally supported H.R. 6417 as reported by the committee. But H.R. 6417 has been so radically altered, that I am not sure I can support it without modification.

Before I discuss my problems with the substitute bill, let me commend the chairman and staff for their efforts to produce an acceptable compromise on the handicapped accessibility issue. I have watched the development of local option provisions closely because of my twin concerns about the mobility needs of the handicapped and the financial constraints of urban transit systems like the Southeast Pennsylvania Transportation Authority (SEPTA). I believe the language in the substitute bill is a workable and fair compromise between these two interests and I will support it.

I do have a remaining question about one segment of the handicapped language in the substitute which deals with rail retrofitting. That language says that when a transit system undertakes major alterations or renovations of a fixed guideway station, it would have to comply with the section 504 regulations mandating accessibility, subject to certain qualifications. My question is whether the DOT study on the cost of retrofitting rail systems to comply with section 504 which was due on January 30, 1980, according to the 1978 Surface Transportation Assistance Act was considered when drafting this language. My understanding is that the study was not used because it has not yet been released. I hope the chairman agrees that when this study becomes available we can take a second look at the language we may be passing regarding rail retrofitting.

One final point I would like to make on the handicapped issue is that it is necessary for the House to pass some form of legislation addressing this issue. If Congress adjourns without passing authorization legislation, the language contained in the fiscal year 1981 transportation appropriations bill which has passed will become law. That language says that until modified by authorization language enacted into law, the handicapped language Senator ZORINSKY inserted into the Senate-passed authorization bill, S. 2070, will govern. The Zorinsky language is particularly onerous because it requires accessibility even if a transit system institutes special services. That defeats the purpose of local option provisions. This is the same interpretation reached by the Department of Transportation in a memo dated October 27, 1980.

Now let me address the section 5 formula changes. SEPTA received for fiscal year 1981 $46 million which, incidentally, was less than it received the previous year. Had the Howard substitute formula been law the same appropriations provided, SEPTA would have received about $37.2 million. That is very serious. I have been told that Philadelphia will not lose much money at all because the authorization levels have been increased in this substitute to compensate for any loss in the city's share of the total resulting from the change in formula from one based on population/population density to one based on vehicle revenue miles. I cannot accept this because I know that the appropriations levels have not kept up with the authorizations levels in the past and they will not do so in the future.

While I agree that we should change the section 5 formula to one based on service for the sake of a more equitable distribution of Federal funds, I do not agree that Philadelphia and other areas like Los Angeles and Detroit should bear the brunt of that change. I have thoroughly examined this bill and there is nothing in it to make the transition easier for these systems. Instead, there are additional technical changes in the formula which work to the detriment of SEPTA.

For instance, I am very concerned about the lack of weighting for rail vehicle miles in the new service-based formula. Figures I have received from SEPTA indicate that that system pays $1.63 per vehicle mile to operate a bus but pays $4.79 per vehicle mile to operate commuter rail. Therefore, to give equal weight to bus and rail vehicle miles, as is done in this formula, is to deny SEPTA, and other systems in similar straits, their fair share of the section 5 operating assistance funds. I hope that a study can be done which will determine an equitable way to weight the various modes of transportation so that we can correct this problem in future years.

As a result of the inequitable burden on SEPTA, I have decided to offer an amendment to insure that the system will keep the same percentage of the total operating assistance funds under the new system as it had under the old. This amendment would apply for 2 years, giving SEPTA time to adapt to the loss of Federal revenue. It is similar to a hold harmless except that it would not guarantee SEPTA the same amount of money, only the same percentage of the total. My amendment will not negate the service based formula provided in the substitute. It will only provide 2 years for the large urban areas to make the transition and adjust to an otherwise devastating loss of Federal revenue.

There are other alternatives which would ease the burden on systems like SEPTA. They include: First, weighting rail vehicle miles to reflect their true cost; second, increasing the share of the total funds going to operating assistance as opposed to bus capital projects; and third, providing for a transition year where a system's allocation would be based half on the new formula and half on the old. None of these alternatives would be as satisfactory as my amendment, however, and I urge my colleagues to accept it in the interest of equity.

It is my hope that in the 10 days we have before this bill is considered again, that the chairman will consider amending his substitute to address the concerns raised here.

Thank you. I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I would like to engage in a colloquy with the chairman of the committee on the parliamentary situation. It is my understanding that we are going to have general debate today. At the conclusion of general debate the gentleman (Mr. HOWARD) is going to offer his substitute and then move that the Committee rise.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. HOWARD. The gentleman is correct.

Mr. CLEVELAND. Then when is it the gentleman's contemplation that we will come back under the 5-minute rule?

Mr. HOWARD. At the present time it is my understanding with the leadership that this bill, from that point on, will be under consideration as the first order of business a week from Tuesday.

Mr. CLEVELAND. I thank the gentleman.

I serve notice on the gentleman from New Jersey (Mr. HOWARD) and the other members of the committee that I will be offering an amendment to the gentleman's substitute because it is my opinion that the so-called Cleveland amendment has been rather shabbily treated in the substitute. It may have been considered a compromise by some, but as far as I am concerned it is a very poor compromise.

I would also like to say that the gentleman from New Jersey (Mr. HOWARD) should be commended for not trying to finish this bill today with more than 135 Members absent.

Mr. Chairman, my amendment is simple, straightforward, and represents a solid, workable approach to meeting the transportation needs of the disabled. At the same time, it substantially loosens the regulatory concertina wire which the Department of Transportation has draped around local governments.

Basically, my amendment would permit local governments to choose between fully accessible mainline transportation—lifts on all buses—as required by the Department's 504 regulations, and a plan of their own devising specifically addressing the public transit needs of the disabled. If a community should decide to develop its own service, it would have to meet certain minimum criteria: Fares, service area, and hours of service must be the same as for the regular transit system; no more than 24 hours notice may be required of the handicapped rider; no undue burden can be imposed if preregistration is found necessary; no restrictions on trip purpose may be imposed, except that priority may be given trips to meet a medical need; and handicapped riders may be accompanied by an able-bodied companion of their choice where feasible. These are designed to insure a good faith effort is made by transit operators in providing transportation for the disabled.

In addition, my amendment requires local communities to consult with their handicapped citizens in developing their plan, and requires the Secretary of Transportation to consult with the architectural and barriers compliance board in approving any plan. It further provides a partial cutoff of Federal funds for noncompliance. Where full accessibility is cost effective—as in the case of new rail systems and extensions of existing rail systems—it is required. The emphasis is on making every effort to meet the actual needs of the disabled, not an abstract and unrealizable theory.

The substitute we are considering—in addition to lacking the traditional bipartisan support for legislation reported by our committee under normal procedures—ignores the reason we are being called upon to address the matter of handicapped transportation today: regulation gone berserk. If we pass the provision recommended by the gentleman from New Jersey today, he and you will continue to be flooded with complaints from your constituents on the unworkability of the new and expanded Federal requirements for transportation of the handicapped.

This last-minute substitute is seriously deficient in several respects. First, it will result in a greater regulatory burden than that imposed by the existing regulations. It is riddled with provisions guaranteeing continued employment for regulations writers. For example, it requires that trip times and transfer frequencies for alternate service be comparable. Comparable to what? A bus ride? A subway ride? A streetcar ride? We—and the regulation writers—are not told.

But you can be sure that many a tall tree will fall to make the pages of the Federal Register so the same folks who gave us the 504 regulations can give us an answer to that question.

The substitute requires that any alternate transportation plan submitted first be approved by the urban planners in the metropolitan planning organizations. It requires major rail station modifications to be fully accessible if "feasible". We—and the regulation writers—are not told if that means from a technical engineering point of view or with a view toward cost effectiveness and affordability. But you should remember that the same regulation writers who now require that almost half of all existing subway stations be retrofitted with elevators, whether it is possible or not, will give us the answer in the Federal Register.

The substitute would also require that alternate service be provided in less than 6 hours from the time requested. Very few systems in place today find it possible to meet a 24-hour deadline. Without a doubt, it would be nice to improve on 24 hours notice, but the plain truth is that we do not know when that can be done or by how much. But we are being asked to ignore reality and legislate a requirement that we honestly do not know can be met. Have we not seen enough of that?

A second serious deficiency in the substitute we are being asked to approve is that it is fraught with provisions inviting endless court suits. By requiring the Secretary to only approve programs providing "effective" transportation, it issues an open invitation to special interest groups to file countless suits claiming the judgment we make here today, and the judgment of the local officials acting in conformance with the law, is not effective and therefore not a valid substitute to the existing 504 regulations. The lawyers' briefs will make the Federal Register look like the Reader's Digest.

All of us are acutely aware of how difficult it is to vote on anything as sensitive as this. Both of my provisions and the substitute deal with this sensitive issue. Both requirements shall constitute compliance with section 504. What are you going to get for your vote? A vote for my provision means we put this controversy to rest. A vote for the substitute means we are still stuck with the problem.

Mr. Chairman, I recognize that a Federal judge somewhere can always conjure up a grotesque reading of any legislative language in his interpretation of regulations based upon it. But my amendment at least drastically curtails that danger by confining the requirements that must be met by an alternate transportation program to the minimum necessary to assure good faith compliance by transit operators. It explicitly prohibits the regulation writers from adding requirements not specified in the statutory language in developing any regulations necessary to implement this program, and further requires that any regulations be held to an absolute minimum.

By adopting my amendment you will be committing the very considerable resources of the urban mass transportation program to the problem of effectively transporting disabled citizens so they can take their rightful place in the mainstream of society. You will also be returning to State and local governments sorely needed flexibility in dealing with this difficult problem.

If the events of November 4 have any message at all, it is "get the Federal Government off our backs." My amendment offers a responsible way to do just that.

And in case there are still some of you who have not heard that Washington does not necessarily know best, and might be reluctant to support me on that basis, I want to point out that the final provision of my amendment is a requirement for annual congressional oversight of this provision for 5 years. This should provide clear and timely evidence of any deficiencies in what I am asking you to support.

Compare these two propositions in this light. This substitute reeks with suspicion and mistrust of local government, and relies on the regulation writers or UMTA for protection. Mine, by contrast reflects a far more realistic concern over the demonstrated excesses of bureaucracy, and relies on legislative mandate backed up by congressional oversight for protection.

We reported out a sensible compromise from the Subcommittee on Surface Transportation and held that position by a bipartisan majority of 29 to 6 on the full committee.

But no, that was not good enough for the vocal types and their allies in DOT, ever eager to coerce their vision of compassion down our throats. My amendment, its provisions and its legislative intent—as well as my motives for offering it—have been distorted and misrepresented practically beyond recognition. The campaign has resulted in the phony compromise that itself stretches the meaning of the term beyond comprehension. And for whom? The original, vocal absolutist groups whose claim to our natural sympathies distorts the simple fact that it is just a bunch of lobbyists, using the age-old tactic of keeping its purported constituency stirred up grabbing headlines, and not so incidentally keeping its financial support coming in.

Such groups unquestionably have that right. What they do not have is the right to be taken seriously. I do not, and the sooner this Congress makes up its mind to see these groups for what they are, the better we will be able to meet the real needs of those for whom the noisy fringe claims to speak.

Mr. Chairman, I do not want to leave this subject without offering a concluding observation on how this controversy over the handicapped got started; how we wound up with DOT writing its ridiculous 504 regulations without knowing, if caring at all, whether they would be workable, much less acceptable to local government responsible for putting them into effect, and the taxpayers called upon to foot the bill. It is a classic case of bureaucracy at its worst, working in tandem with small, strident, self-serving special interest groups representing no one but themselves. The tragedy is that this may be a particularly egregious example, but it prevails Government-wide and is one of the least savory aspects of what some call interest-group liberalism.

The Congress deserves its share of the blame. We passed out an amendment to the Vocational Rehabilitation Act with no hearings, no committee discussion, nothing until it got to the floor. The Congress wrote into statute an attractive-sounding, compassionate, fair-minded, right-thinking statement of good intentions with no earthly idea of the consequences. Then the fanatics at DOT got hold of it and we wound up with a costly, inefficient and disruptive set of regulations to impose requirements which the Congress never intended, much less specified.

Once burned, we in Congress then went back to do something about it and struggled for years without success. Finally on the basis of an exercise in oversight all too rare in this body, we came up with a solution providing the substance, if not the rhetoric, of mobility for the handicapped on public transportation.

Mr. Chairman, I urge adoption of my amendment, a copy of which follows:

Amendment to Mr. Howard's Amendment in the Nature of a Substitute to H.R. 6417, As Reported

Page 34, strike out line 1 and all that follows through line 13 on page 41 and insert in lieu thereof the following:

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

Sec. 223. (a) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) (1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities other than facilities used by the State or recipient to provide transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons who cannot reasonably use one or modes of mass transportation service available to the general public under this subsection which—

"(A) provides that the recipient will provide transportation to such handicapped persons throughout the same area in which the recipient provides mass transportation to the general public;

"(B) provides that if the recipient will charge a fare for transporting such a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(C) provides that the recipient will provide transportation to such handicapped persons for at least the same time period for which the recipient provides mass transportation to the general public;

"(D) provides that if the recipient will provide transportation to such a handicapped person upon request, such transportation must be provided in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(E) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(F) provides that the recipient will provide transportation to such handicapped persons without regard to trip purpose, except that nothing in this subsection shall be construed as prohibiting a State or recipient from giving priority to requests for transportation service on the basis of medical need; and

"(G) provides that, where feasible, the recipient will also provide transportation, if requested by the handicapped person, to at least one person accompanying the handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance.

The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph. A recipient's program shall be deemed to meet the requirements of this paragraph with respect to a mass transportation corridor if the recipient provides accessible bus service in such corridor.

"(3) The Secretary shall not approve a program respecting transportation of handicapped persons under this subsection unless (A) the community of handicapped persons for whom such transportation will be provided was consulted by the recipient in the development of such program, and (B) the program was developed in cooperation with responsible elected officials of local governments concerned.

"(4) A recipient may amend a program approved under this section if (A) the Secretary, in consultation with the Architectural and Transportation Compliance Board, determines that the program as amended complies with this subsection, (B) the amendment was developed in consultation with the community of handicapped persons for whom the transportation is being provided, and (C) the amendment was developed in cooperation with responsible elected officials of local governments concerned.

"(5) (A) The Secretary may not impose any requirements which are in addition to the requirements set forth in this subsection respecting a program for providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide transportation to the general public.

"(B) The regulations issued to carry out this subsection shall be kept to an absolute minimum.

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Architectural Barriers Act of 1968 (Public Law 90–480) and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation of handicapped persons served under such program.

"(7) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(8) (A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 per centum of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9) (A) This subsection shall not apply—

"(i) to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970 or to any other fixed guideway system constructed after the date of enactment of this subsection; and

"(ii) to the extension of any fixed rail system for the mass transportation of the general public.

"(B) As used in this paragraph, the term 'new fixed rail system' does not include the replacement, repair, or restoration of any fixed rail system in existence on December 31, 1969.".

(b) The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of the amendment made by subsection (a) of this section, no less than annually for the first 5 years following the date of enactment of this Act, to ensure that such amendment is being implemented according to congressional intent and purpose.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. Clausen).

Mr. CLAUSEN. Mr. Chairman, I commend all of those Members of the Public Works and Transportation Committee who have been personally involved in the considerable efforts to arrive at an acceptable compromise on H.R. 6417. I particularly applaud the efforts of the distinguished chairman of our committee, Mr. Johnson; the ranking member, Mr. Harsha; the chairman of the Surface Transportation Subcommittee, Mr. Howard; and the ranking member of that subcommittee, Mr. Shuster.

The task before this committee is no easy one, but everyone has been working together, and progress has been made toward reaching a workable compromise on this legislation.

Unfortunately, with the time constraints associated with a lameduck session, anything of this nature becomes extremely difficult to resolve to everyone's satisfaction. Under such circumstances, we cannot always achieve what we set out to accomplish in a given time frame. Still, those efforts that have been made toward reaching a suitable compromise on this bill are certainly commendable.

What is at stake here is much more than a simple formula and a collection of numbers. What is really at stake is an effort to strike a balance between many competing objectives, each with its own merits.

Section 5 of the Urban Mass Transportation Act provides funds for transit operating and capital assistance to all areas of our country. In setting the parameters of the formula, our members are being asked to strike the balance among many areas of this country. We are thereby immediately confronted with a number of important questions. How much should the rural areas get? How much should the small and medium-sized cities get? And how much should the large cities receive?

Moreover, should transit aid be directed toward those communities with growing service in need of funding to expand, or should funds be directed toward many of our larger cities with established transit systems already carrying huge numbers of people?

Also involved in efforts to set the parameters of the formula is the question of how much money should be available for operating subsidies and how much should be reserved for capital expenditures, such as those for buses and bus-related equipment.

Many experts have deep reservations about operating assistance. They believe that since local authorities set fares and costs, whether they be for maintenance, for drivers, or for the purchase of buses, the Federal Government should not be too involved in these kinds of local decisions.

On the other hand, a strong case can be made for the need to help fund these programs in order to help conserve energy and save fuel and provide the American people with the mobility they deserve and to which they have become accustomed.

In addition, there is strong support for the role of the Federal Government in providing assistance for capital expenditures such as the purchase of buses, bus garages, and related items.

Given the complexity of the issues involved and the divergence of opinion, it is all the more commendable that the members of our committee have made as much progress as they have in developing an acceptable approach to the formula restructuring.

I am certain that considerable effort has gone into the substitute offered today by Mr. HOWARD. And clearly there are many good provisions in the substitute as presented. In fact, there are some provisions in which I am particularly interested. One such provision allows the State of California to fulfill its commitment to the city of Santa Rosa with respect to a Federal-aid highway project in that city.

As we consider H.R. 6417 and the Howard substitute, I believe that above all, we as the elected representatives of the American people should keep in mind the mandate of the people. They have stated in no uncertain terms that they want us to cut out waste and develop programs that work, do not hold out false promises, and—most importantly—are affordable.

The members of the Public Works and Transportation Committee have negotiated the issues involved in H.R. 6417 and have attempted to resolve their differences on the direction in which the program should move. We simply must move toward the adoption of a realistic and affordable program. And, I am confident that with continued work in a bipartisan manner, we can continue our progress toward that objective.

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Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Chairman, Members will soon face a decision on a substitute to H.R. 6417, the Surface Transportation Act, and this substitute is an attempt at compromise which, in my opinion, should not be passed by this body. There is no reason to rush legislation through the House which on close examination changes the original H.R. 6417 and shortchanges many of the small- and moderate-sized communities in this country. The Surface Transportation Act, after all, already is authorized through 1983 and its fiscal year 1981 appropriations are complete, regardless of what we do today and in the coming weeks.

The substitute is deficient in several important ways. First, section 5 funds—operating subsidies—receive a formula change that penalizes all but the largest cities and metropolitan areas.

Furthermore, the substitute will slow communities' plans to provide transportation for handicapped persons by removing the flexibility that was written into the original bill. The new language simply allows the Department of Transportation regulation writers to reimplement the onerous section 504 regulations that have inflexibly prohibited many communities from actually adopting effective modes of transportation for the handicapped.

The House should defeat the substitute. If we allow ourselves to be stampeded into passing a poor bill, most of us will be shortchanging cities in our district and our States, which for the most part will no longer participate to the extent that they have in the past in operating subsidies for mass transit and will have their potential for compliance with regulations on handicapped transportation severely inhibited.

I do not believe we need a bill if it must be this substitute.

I thank the gentleman for yielding.

Mr. HOWARD. I yield 2 minutes to the Chairman of the committee, the gentleman from New York (Mr. AMBRO).

Mr. AMBRO. Mr. Chairman, I rise in support of the bill as outlined by my distinguished subcommittee chairman. The chairman of the subcommittee is one of the acknowledged experts in this field, a tenacious advocate, and this combined with his tutorial skills have given those of us who served with him the ability to make a contribution in this vital field of transportation, mass transit, energy conservation, and pollution abatement. In that regard, I would like to engage my friend from New Jersey in a colloquy.

Mr. Chairman, in several sections of this legislation there are provisions for terminal development authorizations, and other discretionary grant and loan programs under UMTA for transportation projects and facilities.

In section 3 of the discretionary grant or loan program of the Urban Mass Transportation Act, funding is authorized for transportation projects which enhance coordination between public transportation and other forms of transportation, and which will enhance urban economic development or incorporate private investment. Eligible costs that can be funded include property acquisition, site preparation, and improvement of facilities and equipment for intermodal transfer facilities.

Plans have been underway since 1964, through a bipartisan effort, with both State and local officials to build a multimodal transportation hub at Long Island MacArthur Airport that will combine both air, rail (Long Island Railroad commuter service), and bus service in a central location on Long Island.

At present plans are underway to move the present airport terminal closer to the LIRR tracks, construct a new rail/bus terminal and make roadway improvements near the hub. This project has great energy saving potential for the residents of Long Island and could be used as a model for the whole country. This hub in Islip will serve as the central point for all mass transit on Long Island. At the present time an integrated mass transportation system is nonexistent for the almost 3 million people of Long Island. With the ever-rising cost of gasoline, this hub will be an important first step, in getting Long Islanders to rely less on their automobiles and more on energy efficient mass transit; which the whole country should be encouraged to do.

Mr. Chairman, it is my understanding that under the provisions of this bill funding for projects such as construction of a rail/bus terminal would be covered. Will the local and State officials in New York be able to apply for this type of aid under the programs authorized in this very worthwhile legislation?

Mr. HOWARD. If the gentleman would yield, I would like to respond, yes, they may.

Mr. AMBRO. Mr. Chairman, if I have time, I would like to yield to my friend from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank my colleague from New York (Mr. AMBRO) for yielding.

Mr. Chairman, one of the most pressing road problems affecting communities throughout our Nation is that of energy-impacted roads. Road damage occurring through movement of domestic energy resources is alarmingly apparent, and is increasing dramatically. While I realize this bill, when it speaks of energy-impacted roads during earlier colloquy, does concern all energy-impacted roads, I do refer briefly to the cost of building coal-haul roads which is estimated at about $1 million per mile which is more than double that of regular roads, which cost about $300,000 per mile to build.

Mr. Chairman, if I might, I would like to ask the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. Howard) a question about his substitute in regard to energy-impacted roads.

It is my understanding that the overall funding levels are not cut back and the authorization is merely delayed by 1 year in the gentleman's substitute; is that correct?

Mr. HOWARD. If the gentleman will yield, the gentleman is correct. If we go on the procedure, with the exception of the first year which has just been eliminated in the substitute, we are halfway through that. In the substitute, we are halfway through that fiscal year.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield on that point? But the effect of that is a $250 million overall reduction in the total program.

Mr. RAHALL. Mr. Chairman, my home State of West Virginia, being one of the largest coal producing State in our country, has incurred substantial damage to both primary and secondary roads. In West Virginia, 33 of the 55 counties are affected to some degree by coal haul transportation from either deep or surface mines. There are approximately 12,886 miles of road and 2,922 bridges which are accommodating coal movements.

In 1978 and 1979 the West Virginia Department of Highways in cooperation with the Federal Highway Administration performed a coal haul road study. The study concluded that in West Virginia alone, $2.7 billion is needed to rehabilitate 2,864 miles of roadway. While this is a stiffling amount, each ton of coal increases the damage and increases the amount needed to repair the damage. Yet, more frightful is the fact that Western States which are just beginning to develop their coal resources have this same problem facing them years down the road.

The legislation we have before us establishes for the first time a unified program for the repair of energy-impacted roads and railroad-highway crossing to be authorized through 1985.

During the 95th Congress, the House of Representatives went on record in support of a comparable program; however, the Senate failed to enact a companion provision and the program was dropped in conference. Through the efforts of Chairman Howard and the ranking minority member of the Surface Transportation Subcommittee, Mr. Shuster, the program was again included in this Surface Transportation Act. The Senate has completed consideration of their version of this legislation and have included a program identical to the one which we have before us. It is now up to the House to enact its version.

Mr. Chairman, throughout our country we see growing evidence of our return to coal. While it has proceeded much slower than many of us had hoped, it is beginning. It is essential that we have a transportation system in place which is capable of moving these increasing amounts of coal. Enactment of this program provides a vital link toward the establishment of an overall energy transportation network.

I urge my colleagues to support this vital legislation.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. Donnelly), a member of the committee.

Mr. DONNELLY. Mr. Chairman, if we could, I would like to engage in a very brief colloquy.

Mr. Chairman, Massachusetts is currently in a situation where our Federal highway funds are being held in escrow due to a conflict between the Federal Government and our State's highway laws. It is our contention that we are, and have been, in compliance with the Federal statutes. The Massachusetts courts and the Massachusetts attorney general have issued concurring opinions on this conflict.

The State of Massachusetts has applied for an extension with the Department of Transportation until this conflict can be rectified. We are requesting an extension for their ruling until the House Committee on Public Works and Transportation reports out its legislation on this subject.

The date of scheduled action by the Department has been set at February 15, 1981. It is our intention to postpone action until the House Committee on Public Works and Transportation can fully investigate, through hearings and the resulting legislation, our Nation's highway safety laws. In order for the State to pursue its contentions with the Department of Transportation, and failing that, in order that the Massachusetts legislature, through hearings and legislation, bring its laws into compliance with the Federal Code, we are pursuing this extension by the Department of Transportation.

I am wondering whether the distinguished chairman could give me an indication if it is the committee's intention to investigate the question of truck weight and highway safety in this next session of Congress?

Mr. HOWARD. If the gentleman would yield, I would say that we certainly do intend to consider that, and I would also like to state to the gentleman that there is a general feeling that the present Secretary of Transportation may not be the Secretary of Transportation come February of next year, and I feel sure that we will see that the State of Massachusetts is not put in any time bind because of any deadline date that has been presented by the present Secretary of Transportation.

Mr. DONNELLY. I thank the chairman very much for those remarks.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. Jeffords).

Mr. JEFFORDS. I would like to enter into a colloquy with the chairman of the subcommittee. I know the gentleman is aware of the problems which were created for many States by the fiscal year 1980 deferral of highway funds and I am also aware of the gentleman's comments with respect to the inability of the committee at this time to increase the authorization levels due to problems in funding but I wish he would give me some guidance as to what his intentions would be in the future with respect to urging the administration to administratively compensate for the losses of funds to States under the deferral; second, if we do get a chance to increase funding, can he tell me what he feels ought to be done for the States that lost many millions of dollars?

I yield to the gentleman.

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding. I certainly hope we will be able to get the adequate funding, the funding needed. We will not have any midyear reductions or freezes so that we will have to put any State in a position of having to readjust what it might expect, but if this happens, certainly we will work with the gentleman and the Members of the Congress, and all of the States, to see it is done in a fair way, perhaps fairer than what we have experienced in recent months.

I will work with the gentleman in that regard.

Mr. JEFFORDS. I appreciate that. I also hope the gentleman would work to compensate those States for the problems which were created by the previous deferral. I ask if the chairman would also assist and alleviate the problems created by the previous deferral as well as any ones which might be created in the future.

Mr. HOWARD. I also would cooperate with the gentleman in that respect.

Mr. JEFFORDS. I will not offer my amendment with regard to section 18, as it appears the small States have been taken care of adequately under the substitute bill. In fact, I will not be offering any amendments, which I am sure the committee will be pleased to know. I thank the gentleman from New Jersey for his comments.

Now, Mr. Chairman, I would like to elaborate a bit on the issues just discussed.

First of all, permit me to summarize the difficulties experienced by some States during the deferral of Federal-aid highways funds in fiscal year 1980.

As part of his anti-inflation program, which was as inconsistent as it was ineffective, President Carter announced in April cutbacks in outlays from the Federal-aid highways account. Previously, $8.85 billion in obligations had been available for the fiscal year. The President's decision, as outlined in the deferral message he sent up to the Hill via the

Office of Management and Budget, reduced the obligations ceiling to $7.7 billion.

In and of itself, the deferral seemed like a worthwhile part of a responsible effort to balance the Federal budget, but the method the Department of Transportation (DOT) chose to implement the cutback proved to be grossly inequitable. Rather than give the State pro rata cuts, DOT took the situation as it was on a certain date. Then it distributed the remaining, unobligated highways funds according to the statutory formula which had been applied once already at the beginning of the fiscal year.

This meant that States which normally come in early and contract out their highway work ended up with at least 100 percent, and in many cases a good deal more, of their expected allocations. On the other hand, States like my State of Vermont, which do not contract out for their highway projects until relatively late in the fiscal year, due to the notoriously difficult New England winters, and for other reasons, ended up with far less than 100 percent of their expected allocations. For example, Maryland received over 200 percent, Rhode Island 45 percent.

At least eight States, incensed by the inequity of the deferral, filed lawsuits against the Government. These States included Vermont, Arkansas, California, Maine, Mississippi, Nebraska, and New Mexico. Thus far, the courts have recognized the unfairness of the manner in which the cutback was administered.

The supplemental appropriations bill, H.R. 7542, passed by the House in June, modified the deferral in several ways, but these changes were largely cosmetic and did little to redress the uneven distribution of highway money. The obligations ceiling was raised to $7.8 billion from the $7.7 billion contained in the deferral message, and a cap was placed on the amount of funds any one State could receive. Unfortunately, a goodly number of States exceeded that cap prior to passage of the bill.

Although the formula for the channeling of funds was left essentially intact in H.R. 7542, Mr. DUNCAN, Mr. CONTE, and I, with help from a great many other interested parties, sought to provide language in the bill's conference report which would direct any highway funds available for redistribution to the States hardest hit by the cutback. DOT appeared to encourage this approach, and, indeed, assured us that there might be as much as $300 million available for redistribution because many States had spent their allocations slowly as a result of the deferral and uncertainty generated by the court cases. As it turned out, we had been thrown a meager bone. Oh, we chased after it, all right, we ran hard and fast, only to learn from DOT some weeks later that there was, surprise, no redistribution money.

As I pointed out earlier, I had fully intended to offer an amendment to the legislation before us today in a further effort to set aright the many headed wrongs spawned by the deferral. President Carter planned a jobs program for fiscal year 1981, and this program was said to include somewhere between $400 and $600 million for highway jobs which would be administered through the Federal-aid highways account. An amendment to the surface transportation bill could have funneled this money, or a healthy portion of it, to the 35 States which came in under 100 percent of their expected funding levels, and more specifically, targeted it to high unemployment areas with suitable highway projects in those 35 States. November 4 changed all that, of course, and the Hydra remained at large. President-elect Reagan is not known for his predilection for jobs programs.

Then we learned that the committee would hike the highways obligations ceiling above the $8.75 billion level contained in the committee print when the bill came to the House floor, if indeed it did. Speculation ran rampant on the prospects of the bill coming to the floor for consideration at all, because of the great difficulty for the committee was having in reaching a settlement with handicap groups over the mass transit access question. This confusion and uncertainly about the bill's prospects naturally made amendment strategy difficult.

The latest and apparently final word is that the obligations ceiling will not be raised above $8.75 billion in the substitute. Since this figure closely represents the amount of money that will meet the highway needs of the 50 States, I do not intend to offer an amendment which would give the 35 States deprived under the fiscal year 1980 cutback an even greater share than they would receive under the substitute without amendment.

I would hope, however, that the committee would continue to be aware of the deferral's inequity, and urge DOT to do what it can administratively to atone for the unfairness. Moreover, should the opportunity present itself somewhere down the road, this fiscal year, for the correcting of the unbalanced distribution of highway funds under the 1980 cutback, we will make the most of it.

I am hopeful that, if we should have another deferral of highway money, and I understand that some of the more ardent reduced Federal spending advocates in the Reagan inner circle want to defer highway expenditures in an effort to restore the ailing economy to health, the new provisions in this bill governing the allocation of Federal-aid highways funds should help prevent another inequitable situation. The first-come-first-served approach to the account has been greatly restricted, and not a year too soon. It is high time that the ability to spend highway money quickly was supplanted by demonstrated need as the primary determinant in the allocation of aid from the highway account.

I turn now to the second issue of concern, the section 18 nonurban transit program.

When the Senate considered its version of the surface transportation bill, it agreed to an amendment providing for a 1 percent minimum apportionment level for the section 18 program. I wholeheartedly support similar action on this side, and worked hard in conjunction with the chairman on this issue, face-to-face and at the staff level, for inclusion of the 1-percent language in the H.R. 6417 substitute. I am very pleased that this effort has been successful. It is a tribute to the chairman from New Jersey, who was not inclined to support this provision, that he was nonetheless open-minded about it and eventually agreed to it. The State of New Jersey certainly had nothing to gain from it directly, because it already receives more than 1-percent funding.

But it is readily apparent that the 1-percent funding level is good legislation. The rural States, for whom this program was largely developed, depend heavily on it, but in many cases receive less than adequate funding under the current formula. Vermont has five minibus systems which rely on section 18. These systems serve the elderly and social agency clients, and provide them with transportation they would otherwise be without. Unfortunately, last fiscal year, two of these minibus operations had to receive an additional $60,000 in emergency funding from the FHWA's intermodal activity fund to keep their doors open.

Furthermore, as a result of the appropriations process, the fiscal year 1980 budget for section 18, $85 million, has been reduced to $72.5 million for fiscal year 1981. This reduction is attributable to the budgetary restraint that is lately in vogue, and also to the fact that certain States have been stockpiling section 18 funds without developing suitable projects. For example, as of the end of fiscal year 1980, 10 States receiving section 18 funds for 2 fiscal years had yet to make any section 18 equipment purchases. These States were: Alabama, Colorado, Kansas, Louisiana, Mississippi, Wyoming, Utah, Delaware, Nevada, and Rhode Island. These 10 States have, together, an unobligated section 18 balance of $16,445,770, only $8,228,541 of which is now committed to projects that are in the pipeline. In other words, these States are receiving a lot more section 18 money than they can use or want to use. There are other States who could certainly use this money, including my State of Vermont.

I think we might want to consider tightening this program up a bit in order to eliminate this abuse. It is my understanding that section 18 money is currently available to States for 4 years once it is allocated. I think this time frame should be shortened; if States do not devote these funds to projects within 2 years, plenty of time in which to devise projects, they should revert to the general fund and become available to other, needy States.

But placing remedies aside for the moment, as a result of the appropriations reduction, many of the rural States would have been in further trouble without the 1-percent language. I welcome this change in the program as contained in the substitute. It is certainly a very modest one, guaranteeing as it does only $725,000 to each State; this is a small figure when compared to the billions provided to metropolitan areas under the various mass transit programs.

In closing, although the substitute is not all I had hoped it would be, it does make great improvements in the Federal-aid highways program and the section 18 program, and I commend the committee members for their fine efforts in these areas.

Thank you, Mr. Chairman.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the Surface Transportation Act of 1980, and in opposition to the substitute. I ask unanimous consent to revise and extend my remarks. As all of you know this country has vast reserves of coal in Wyoming, Colorado, and Montana, to name a few States. I believe that this resource can and should be developed, and I will support that development.

It is important, however, to remember that these States are not the only ones impacted by coal development. My State—and especially the western part which I represent—is a major if not the only route for almost all coal going to Southern and Eastern United States from the Powder River Basin in Wyoming. This makes Nebraska the coal chute of the Nation.

Railroads are the exclusive transporter of this vast resource, and as many of you know most of our towns in the Western States grew up around or alongside a rail line. The rail station and railroads were the lifeblood of western development. These railroads are still vital to the economy of my State for movement of agricultural products as well as freight.

We in the West are now seeing a new and difficult problem arise with the growth in coal transportation by rail. We have 44 communities in my district alone and thousands more in other districts and States that are in fact spilt in half by a set of railroad tracks.

With the drastic increase in coal traffic, essential services such as provided by hospitals, fire, and police departments are cut off from major segments of these communities for many hours daily with tracks crossable only intermittently between trains. Schools, businesses, and residential areas are separated. This has caused and will continue to cause increasingly severe problems for the people of these communities.

The State of Nebraska is served by 11 railroad companies with a total of 5,494 railroad crossings. Our fatality rate is double the national average for vehicle-train collisions. In 1978 alone, 183 accidents occurred at Nebraska grade crossings, resulting in 18 fatalities and 79 injuries. This rate is bound to increase as coal traffic more than triples, as estimated, in the coming years.

One railroad alone expects to increase from 15 trains per day to 70 trains a day by the year 2000. If you consider the average unit train takes 3 minutes to pass through a crossing, that translates to a total of 3.5 hours daily that the essential services I mentioned earlier are cut off. If you happen to be on the wrong side of the tracks, it could mean the difference between life and death.

The Nebraska State Department of Roads in a recent study indicated that 76 grade separations are needed in the State at an average cost of $2.5 million each. This study also indicated the need for 10 flashing lights and 154 flashing lights with gates for safety purposes. The study projected a cost of $207 million for these improvements in Nebraska alone.

It is clear to me that the burden of these improvements should not and cannot fall solely upon the shoulders of the small communities or of the State. The entire Nation is benefiting from the conversion from lessened oil usage to more coal usage, and I do not think it is too much to ask that the whole country help pay some of the enormous cost.

The language in section 117 of this bill is similar to H.R. 7094, which I introduced earlier this year. Although funding levels were greater in my bill, I am gratified that the committee has included section 117, which addresses the same problems.

Using revenues from the windfall profit tax, section 117 will make cost-sharing funds available for energy-impacted rail and highway transportation improvements. A total of $250 million is authorized for 1981, increasing by $50 million each year for 5 years.

Although there is no specified breakdown between highway and railroad use of these funds, I feel that it is vital to the safety and well-being of the communities involved that some sort of effort be initiated to help them solve their own version of the energy crisis—that of public safety and convenience.

□ 1230

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, a great deal of concern has been expressed from several quarters about the recent regulations issued by the Department of Transportation governing participation by minority business enterprises in Department of Transportation programs. These concerns have not only been voiced by the construction industry. Several States and localities have indicated that while the regulations were intended to address the issue of how to increase minority business participation, they inadvertently conflicted with long established State and local procurement laws designed to protect the public by preventing public officials from awarding contracts uneconomically on the basis of special friendships.

This is my present intention to offer an amendment to reconcile the Federal goal of increased minority business participation with the desirable policies maintaining the integrity of State and local procurement laws. It simply allows the award of contracts in projects for Federal-aid highways or highway safety construction to the lowest responsible bidder provided that bidder has made a good faith effort to meet the goals established by the State or local recipient for minority enterprise participation.

This amendment, which will be printed in the RECORD, allows the regulations set forth in 49 CFR 23 to remain substantially intact. The only change would be to remove the conclusive presumption that if any competitor who submits a reasonably priced offer can meet the MBE goal, then all other lower priced offers which fail to meet the goal have failed to make sufficient reasonable efforts to obtain MBE participation.

It is my strong belief that this change would encourage and promote more MBE participation and help restore competition in public procurement. In my view it will strengthen the Federal efforts to increase MBE participation while at the same time insuring that the public expenditures are not tainted with favoritism and I will strongly urge its adoption.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I was prepared to rise in support of the original bill. Now I find that I must rise in strong opposition to the substitute measure.

It has been very difficult, of course, to receive a copy and the details of the substitute measure to make a careful judgment, but in looking at a few of the major issues involved, it seems to me that when we take a look at the allocation figures that are apparently in the substitute proposal, we are going to find the reason for massive opposition to this substitute measure in this body.

I also have reservations about the section 504 handicapped access provisions contained in the substitute. There are enough loopholes in these new provisions to keep several batteries of attorneys in action for many years; and indeed we will have the bureaucrats in the Department of Transportation continuing to thwart the intention of this Congress regarding handicapped access and the need for local option.

Mr. Chairman, now I must oppose the substitute presented.

As some of my colleagues may recall, in the 1st session of the 96th Congress during consideration of the Transportation appropriations bill on the House floor, I specifically addressed the need to examine the relative costs and benefits of specialized service as well as the requirements imposed by the so-called section 504 regulations. At that time, I expressed the opinion that "the views of responsible and responsive local communities are being ignored by Federal officials in the name of a uniform national policy—a policy which ignores the unique character and needs of each urban area." With the passage of this legislation, we will reverse this policy.

I would like to take this opportunity to acquaint my colleagues with the transportation system in Lincoln, Nebr., because it is an example of the outstanding service that this legislation will preserve.

Lincoln has long been a leader in the area of specialized transportation services. Long before the Department of Transportation became actively involved in handicapped transportation, the city of Lincoln and its citizens expressed their desire for door-to-door transportation rather than accessible vehicles. In June of 1972—just 1 year after the city took over the transit system—Lincoln began operating a door-to-door demand-responsive transportation service for qualified elderly and handicapped persons. Since that time, the Lincoln Transportation System's "handi-van" service has grown from three to its present fleet of nine specialized vans. The city provides 325 hours of door-to-door service each week. This translates into almost 17,000 hours of special transportation each year that is offered by the city to meet the travel needs of its elderly and handicapped residents. In Lincoln the cost to provide wheelchair access for 50 percent of the future peak bus fleet as required by section 504 would be in excess of $600,000; however, this amount could finance well over 100,000 passenger trips using the existing door-to-door service handi-van.

As stated by its director of transportation, Lincoln is not looking for the cheapest solution but the one which is the most cost effective, the one which buys the most mobility per dollar spent. I know the city of Lincoln is not wholly opposed to equipping regular fixed route buses with wheelchair lifts; city officials feel that such investments must be made on the basis of locally identified needs—needs to be identified in consultation with the local handicapped population.

Proponents of section 504 regulations argue that what is at stake is not simply the provision of access to transportation, but the preservation of civil rights for the handicapped. I disagree that this is the basic issue and apparently, and so do the majority of the handicapped. In the words of one representative handicapped Nebraskan, "I am not concerned with nondiscrimination; I've got a more important priority—just to get to places I need to go."

Proponents of section 504 regulations say special services are too expensive, that special services do not serve the majority of the handicapped, and that the handicapped will be deprived of the opportunity to be able to work and support themselves. Some of the individuals who purport to represent the best interests of the handicapped adamantly and blindly cling to the position that all wheelchair users should necessarily be mainstreamed—that is given access to the same transportation serving everyone else—regardless of the costs to society and to the handicapped themselves. They claim separate but equal is not appropriate.

But I submit to you that these individuals are mistaken. I submit that in many instances or situations separate is superior. Focusing on accessibility, proponents of section 504 have obscured the real issue. The key here is mobility, and as the Lincoln director of transportation so aptly puts it, accessibility does not necessarily mean mobility.

If what is important is mobility, then local option is what we must have. Local option may result in separate services but that is, in many, perhaps most, instances and circumstances the best service for America's handicapped citizens. The handicapped, unfortunately, do not have personal mobility equal to everyone else and no law or social program can completely change that fact.

How many people who purport to speak for the handicapped and argue for their civil rights are really handicapped themselves and understand their problems? Not all of them by any means. As one Nebraskan wrote:

> I understand that the handicapped persons lobbying for such a change are minimally limited. Among the handicapped population, the vast majority are multiply handicapped. . . . Again, the importance is not just "a ride" but that the individual must either function independently at both ends of the trip to use public transportation or must be taken portal to portal where help is available for their functioning.

To a wheelchair-bound citizen it is of little value to watch a fully accessible bus pass by his or her doorstep to a bus stop several blocks up a hill. Handicapped residents of hilly Omaha, Nebr., with its share of icy days in wintertime, know that problem firsthand. To a wheelchair-bound citizen living in a less densely settled suburban subdivision where there are no sidewalks, a fully accessible bus stopping only at a neighborhood bus stop is really not very accessible at all. To quote another Nebraskan:

> Accessible buses should not be construed as providing mobility to the handicapped and elderly. If we cannot reach a bus line or the bus without assistance, or transport ourselves from the drop off point to our destination, the buses do not provide mobility.

And as I have stated, this is the key point—mobility.

Furthermore, it is now clear from all the evidence that proponents of section 504 have the arguments right—high cost and low benefits—but they have the solution all wrong. Three recent reports (prepared by CBO, the National Research Council Transbus Study, and DOT) question the effectiveness of the regulations in providing transportation benefits to the handicapped. All three suggest that although the cost of the DOT regulations is very high, the transportation benefits to handicapped persons are very low.

In sum, I believe that it is foolish, counterproductive and too expensive to require local communities to make their regular bus systems totally accessible to the handicapped through a single approach, when the end result frequently, and usually, means the curtailment or loss of some very good specialized systems that provide true mobility to the handicapped. I urge my colleagues to join with me in supporting this important legislation.

Mr. HOWARD. Mr. Chairman, I yield 1 minute to a member of our committee, the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Chairman, I rise in support of H.R. 6417, as amended by the Howard substitute.

First of all, I want to thank my distinguished subcommittee chairman and colleague from New Jersey and his staff for the many hours of work they put into this bill. This bill represents a significant step forward for mass transit over the next 5 years. I applaud my colleague from New Jersey for his effort to pass this much-needed legislation despite the many legislative obstacles and time constraints we are up against.

I am particularly pleased with this legislation because it represents a more equitable and reasonable national policy in two critical areas. They are: The formula which distributes operating assistance and access for the handicapped to our Nation's public transit facilities.

Currently, Federal operating assistance is apportioned by population and population density factors. These factors do not reflect the level of service or the actual cost incurred in providing that service. This leads to a consistantly inequitable pattern of funding. For example, Chicago receives Federal funds for roughly 11 percent of its transit operating costs, while smaller cities receive Federal funds for anywhere from 35 to 45 percent of their operating costs.

Operating assistance should be based on levels of service. Otherwise, we finance transit service in communities regardless of whether they actually provide for their residents. This is an inequitable policy irrespective of the regions or localities involved.

Those supporting a formula based on levels of service are not against funding new systems or getting small systems to expand their service. We are all for it, however, this money should come primarily out of the section 3 capital assistance program and not out of operating assistance. After the new system is in place or after expansion, the Federal operating subsidy will increase accordingly. Thus, this new formula provides incentive to expand transit service. The old formula provides incentive to receive the money and do nothing.

It has been said this formula benefits New York City at the expense of the rest of the country. Mr. Chairman, if this is the case, then why would the public officials throughout the country be in support of this formula change. These officials are not from New York; they are not necessarily even from big cities. Rather, they are from such cities as Lincoln, Nebr.; Indianapolis, Tucson, and Cleveland, and the Southern California Transportation Committee. The truth is, Mr. Chairman, the formula change embodied in this bill is a more equitable and intelligent national policy. All the transit officials I have spoken with have agreed. It is pure parochialism that opposes this formula change. I urge my colleagues to consider this formula change from the standpoint of what is the best national policy rather than from the standpoint of what is best for my district in the short term.

The second critical issue is one of access for the handicapped. There has been considerable debate in our committee on this issue. I feel we are all in support of greater access for the handicapped. The debate is over means and not ends.

The need for a change in those means is obvious. Current section 504 regulations mandate unrealistic expenses. The Congressional Budget Office estimates that section 504 would serve only 7 percent of the population at a cost of $6.8 billion over 30 years.

Not only is this money unavailable, but we are not even addressing the needs of 93 percent of the handicapped population. Many communities, facing prohibitive expenditures, are stalling rather than taking positive action. Mr. Chairman, by not passing legislation today, we would be allowing this situation to continue. It would be irresponsible.

The Howard substitute offers a reasonable, practical substitute. CBO estimates that 25 percent of the handicapped community would be served by the service outlined in this bill. Not only does this serve 18 percent more of the handicapped, but the cost would be $2.1 billion less over a 30-year period than the current 504 requirements.

This bill does not mandate communities to retrofit all existing rail stations. It does not mandate communities to buy all lift-equipped buses. It does assure the handicapped of full and equitable service in whatever manner the community can best provide it. It does assure the handicapped of full consultation with transit officials in deciding on the approach. It also assures the handicapped of redress through the courts if administrative options fail. While this approach may disappoint those who seek full access, and while this approach may disappoint those who seek the Cleveland amendment in its purist form, this bill is a responsible compromise. The great majority of the handicapped and those who must provide the service are in support of this approach.

Based on these two critical areas, which this bill responsibly addresses, I urge my colleagues to vote in favor of the bill.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I rise in strong support of the transportation legislation under consideration by the House today. Few bills developed during the 96th Congress are as important to the transportation needs of our country as this measure sponsored by my colleague from New Jersey, Representative JAMES J. HOWARD. This proposed transit legislation is vitally needed now as an integral part of the energy program enacted this year. Funds from the windfall profit tax enacted last April are contained in the capital authorization portion of the bill, and as developed through the efforts of the members of the House Committee on Public Works and Transportation, the legislation greatly enhances the mass transit capital and operating assistance programs, while giving Congress some measure of accountability over transit aid programs.

This measure also contains a broadly supported and badly needed compromise allowing communities to develop alternative methods of making public transportation service available to the elderly and handicapped. It would permit local transit systems, working closely with the members of their own handicapped communities and under the supervision of the Federal Government, to set up special service for handicapped persons instead of requiring them to buy all-accessible new vehicles or refit old equipment, as they must do now under Federal Department of Transportation regulations.

The issuance of these Department of Transportation regulations has generated an ongoing controversy about the costs of compliance with the regulations and whether they meet the transportation needs of handicapped persons. The Department of Transportation itself has indicated that these requirements would cost $6 to $8 billion. The American Public Transit Association which represents most public transit systems in the country, claims the minimum price is about $20 billion. In addition, fully accessible transit facilities would still serve only a portion of the handicapped people who need them and special services would still have to be provided.

Last May, I invited a representative of the Department of Transportation, Mr. Robert Ashby, to visit Sioux City, Iowa, and inspect the conditions and alternative transportation system in operation there. The situation in Sioux City, given its climate and hilly geography, demonstrates that the regulations requiring fully accessible general transportation service fails to do justice to the transportation needs of the area's handicapped. At the same time, the requirements imposed by the Department of Transportation cannot be justified on the basis of cost/benefit analysis, especially when the total costs to the taxpayer are counted. That is why I have urged the Department of Transportation to inject some flexibility into its regulations pertaining to the transportation of handicapped persons, and why I support the balanced approach contained in this legislation which provides for local option alternatives responsive to the transportation needs of the Nation's elderly and handicapped. This approach would facilitate the development of alternative transportation services which are specifically suited to the needs of the local disabled community by allowing each city the option of providing transportation services to the area's handicapped residents in the most efficient and effective way after consultation with handicapped citizens. It would allow local communities to utilize their knowledge of local conditions, needs and resources while giving them the option of selecting the specific type of transportation service best suited to their needs and conditions.

As illustrated by the efforts taken in Sioux City, Iowa, local officials are finding local solutions to the transportation needs of the handicapped and other people with special needs. I support these efforts, and I support this legislation which provides relief from the rigid nationwide regulations of the Department of Transportation which hamper local efforts to provide real transportation service to the handicapped. I strongly support this measure and urge my colleagues to vote in favor of passage of this legislation.

Mr. SIMON. Mr. Chairman, I have some concerns about the handicapped provision in the Howard substitute.

First of all, I would like to make very clear that I have the highest respect for my colleague, the gentleman from New Jersey (Mr. HOWARD), and for his dedication in seeing that handicapped Americans have adequate transportation.

We have made tremendous strides in this country under the present law. Towns like Washington, D.C., Seattle, Wash., and others, are providing opportunities for handicapped Americans that simply were not there a few years ago. But we have had problems, really not with the law, but with the inflexibility and the failure to use the flexibility by the Department of Transportation. That is why we are here saying that some kind of modification in the law has to take place.

I have an amendment that is pending. I am not sure that I am going to be offering it. I am going to take a good hard look at the Howard substitute.

What we want, it seems to me, is, first of all, some flexibility, some commonsense that can be applied. Second, we have to let transit authorities and municipalities know where they are. Third, and by no means least important, we have to make sure that every handicapped American has the opportunity to go to work, to go to a movie, to go shopping, to have reliable, consistent transportation.

I hope that out of all of this in this lameduck session we can emerge in that direction. It is extremely important for handicapped Americans as well as for the economy of this Nation that we utilize their tremendous resources, and we do not want to do anything here in haste that deprives them of the opportunity that they deserve.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BENJAMIN).

Mr. BENJAMIN. Mr. Chairman, I rise in support of the Howard substitute. I congratulate the distinguished gentleman from New Jersey for his legislative craftsmanship in bringing this bill to the floor. I appreciate the opportunity to address the House to urge support of the Howard substitute to H.R. 6417, the Urban Mass Transportation Act authorization for fiscal years 1981–85.

Chairman JAMES HOWARD has brilliantly fashioned a substantive legislative measure by undertaking a comprehensive analysis of the mass transportation system of the United States, examining its shortcomings and needs and developing creative, and often controversial, solutions to cure current legislative faults as well as meet new demands.

The process has been a consuming one, but JIM HOWARD has handled it with typical talent, aplomb, and constant good grace. In a word, Chairman HOWARD has conducted himself as a gentleman and in a manner consistent with the highest standards of this House. He is to be commended.

My support of H.R. 6417 is predicated on its answer to changing mass transit patterns, energy and public service needs. As we enter this new decade, we are unprepared to fill our transportation requirements. States are plagued by inflation and severely affected by declining gasoline tax revenues. A number of State highway and transportation departments are experiencing huge deficits.

Yet, transit ridership has increased annually since 1972. Over 500 million new transit trips were taken in 1979. Commuting patterns have changed dramatically, with people moving out to the suburbs while jobs are in other areas.

The expansion of mass transit in the 1970's brought with it some growing pains, highlighted by inflation and higher fuel prices. Deficits for mass transit systems began a dramatic climb in the mid-1970's, with the total operating deficit rising from $1.4 billion in 1975 to $2.2 billion in 1978. In the same period, Federal aid increased rapidly to help pay for the mounting deficits, rising from $301 million in 1975 to $689 million in 1978.

The Carter administration has been committed to promoting a 50-percent increase in transit ridership by the end of the decade, principally by getting small-city, suburban and Sunbelt commuters onto public transit for the trip between home and work and by shoring up the deteriorating big-city systems.

To accomplish this, a massive increase in total Federal transit aid, greater emphasis on capital grants and drastic changes in the formula for handing out operating grants to direct the money to communities that already have extensive transit services in place are proposed in H.R. 6417. The bill revises the philosophy of transit assistance from incentives for future investment to rewards for past investment.

The new bill is responsive to the changing needs for mass transit patterns in that it changes the distribution of the operating assistance formula to emphasize actual transit service rather than population factors. In the past, operating assistance money was distributed on a population density formula.

The result was that money could not be targeted to areas where the funds are most urgently needed. Critics charge that the population density formula shortchanges the busiest transit systems in large cities and provides little incentive for systems to increase their service. H.R. 6417 contains a new service-based formula that would distribute operating assistance funds in an equitable manner acceptable to urban, suburban and rural areas while giving Congress some measure of accountability over transit aid programs.

H.R. 6417 is vitally important as a part of the energy program enacted this year. One way to reduce America's dependence on foreign oil and to cut oil consumption is by getting more people into buses and subways. At peak periods, a transit bus is 15 times more efficient than automobiles and a heavy railcar is 53 more times fuel efficient. Unfortunately, in seeking an alternative to the automobile, an immediate transition to the railroads and mass transit systems is impossible. After years of neglect while America chose its gas-guzzling automobiles over public transit, it cannot be expected that the systems would be standing ready and able to absorb the rising numbers of transit users.

The bill is also responsive to the mobility needs of the Nation's handicapped and nonhandicapped citizens by allowing each city the option of providing transportation services to the area's handicapped residents in the most efficient and effective way after consultation with handicapped citizens and the general public.

Hopefully, prompt enactment of this legislation will serve as the first step on America's journey to the forefront of world transportation innovation. While decades of strong commitment to mass transit systems in other countries have led to the development of superior systems, our country is still mired in mediocrity.

For the good of our Nation, let us act with deliberate resolve to pass this legislation and begin our journey.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply conclude by emphasizing that this is not a compromise. A compromise is something that has been agreed upon by various parties. There is no agreement here. There is no agreement on our side. There is no agreement from the Senate, there is no agreement from the Senate staff, either Republicans or Democrats. This is not a compromise. It is a new proposal, a new proposal at the eleventh hour, which scuttles the months and months of effort of the work of the subcommittee and of the committee and indeed sets aside the very overwhelming bipartisan vote by which this legislation as brought to the floor received from Republicans and Democrats on the committee.

So when we get to this new proposal, this new substitute, we would urge that Members on both sides of the aisle stick with the committee position and vote against this new proposal.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I appreciate my distinguished friend and colleague, the gentleman from New Jersey (Mr. HOWARD), the chairman of the Transportation Subcommittee, yielding and giving me an opportunity to bring to the attention of our colleagues an unfinished freeway in the Fourth District of Wisconsin called Stadium Freeway South. Mr. Chairman, this freeway, is a 5.5-mile segment in Milwaukee which will connect two existing interstate routes and allow the expansion of their "freeway flyer" commuter bus system, an important mass transit contribution.

The State of Wisconsin is seeking priority primary system discretionary funds which were authorized in the 1978 Surface Transportation Act. As you know, Mr. Chairman, the funds available at the discretion of the Secretary are to be used for projects of an unusually high cost which require long periods of time for construction. Stadium South qualifies on both accounts. The cost of completing the first segment of the freeway is $55 million. Total cost for the 5-year project is estimated to be $103 million.

Stadium Freeway South was incorporated into the general plan of freeways for Milwaukee County on November 15, 1955. Planning and design were initiated in August, 1965 and 84 percent of the required right-of-way for the first section was cleared by March, 1973. The environmental impact and necessary 4(f) statements received DOT approval. Subsequently, residents in the neighborhood of the freeway overwhelmingly supported construction of the freeway in a 1967 and 1974 referendum.

Unfortunately, Mr. Chairman, the project was abruptly halted by a Governor who claimed that costs were too high. This position was taken in spite of exhaustive cost-effective studies by public and private officials which found the freeway warranted.

Mr. Chairman, would you agree that the sooner the Stadium South project is completed, the more we will see in savings to the taxpayer in view of skyrocketing construction costs?

Mr. HOWARD. Mr. Chairman, if the gentleman will yield, I would like to say to him that I am thankful that he brought this subject up. I believe that it is specifically the kind of thing we were looking at when we set up the whole primary priority system, and we are certainly hopeful that the Ways and Means Committee next year will work at an early time, after which we will be able to write the kind of legislation that is necessary to take care of the very important problem that the gentleman from Wisconsin brings up.

Mr. ZABLOCKI. I thank the gentleman for his response, further the gentleman has anticipated my second question.

☐ 1240

Mr. SHUSTER. Mr. Chairman, would the gentleman yield on the first question?

Mr. ZABLOCKI. I yield briefly.

Mr. SHUSTER. I would simply have to say that the minority at least cannot concur with the statement previously made because we simply do not know. But, we would be very happy to consider the question the gentleman is raising.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHUSTER. Mr. Chairman, I will yield 2 minutes to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding permitting me to complete my colloquy with the chairman. I am sure that the ranking minority member and the chairman of the subcommittee will certainly resolve their differences on what their interpretations are, but I do want to have on the record that indeed the Stadium Freeway

South does fall within the criteria that was set up by Congress in 1978.

Mr. SHUSTER. First, I want to emphasize that I in no way wish to disagree with the distinguished gentleman. It is simply that we are uninformed about this issue, and until we are informed about it we are in no position to concur.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield.

Mr. HOWARD. I say to the gentleman from Wisconsin that everyone knows that this slight disagreement with the gentleman from Pennsylvania is just a very slight and temporary aberration, and I am sure that in the very near future we will be walking arm-in-arm again for transportation.

Mr. ZABLOCKI. If I may state my second question, Mr. Chairman, in authorizing $125 million for fiscal years 1980, 1981, and 1982 under section 104(b), subparagraph 2(c) of the Surface Transportation Act of 1978, it was the intent of Congress for projects that were highly costly, such as Stadium South, to be considered?

Mr. HOWARD. I say to the gentleman, that is absolutely correct.

Mr. ZABLOCKI. Am I correct in assuming that the legislative intent of the act will be met if Stadium South will be funded?

Mr. HOWARD. I would say to the gentleman that we have to assume that the incoming administration is going to be as dedicated to the improvement of transportation as the past one.

Mr. ZABLOCKI. The gentleman from Wisconsin would appreciate and respectfully invite you to join me, Mr. Chairman, in urging the Secretary to give every consideration to the Stadium Freeway South in Milwaukee when considering the disbursement of priority primary system discretionary funds.

I thank the chairman of the subcommittee.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

Mr. HOWARD. Mr. Chairman, I would just like to state that this legislation will be further considered a week from Tuesday on the House floor, and what we are going to be involved with in these closing days—and certainly we will be very close to the end at that time—will be the legislation before us. Either we are going to move forward, we are going to continue to have an increase in the energy efficiency of our transportation system by accepting the substitute we are going to be offering, or we will be holding back in a situation which could see the transportation program of this Nation deteriorate in future years.

I hope that the members of the committee will be willing to move forward in energy efficient transportation so that we are not put in the position of where we heard from the representatives of the incoming President that the first thing they want to slash is highways and mass transportation, as is on the airwaves today.

● Mr. RICHMOND. Mr. Chairman. I rise in support of this legislation, the goals of which, in addition to promoting energy conservation, include encouragement of mass transit, reduction of traffic congestion and improvement of highway and bridge safety. I commend my colleagues of the committee for their work on this legislation, especially my good friend the distinguished chairman of the Surface Transportation Subcommittee, the gentleman from New Jersey (Mr. HOWARD) and my New York City colleague (Ms. FERRARO).

As a Representative from Brooklyn and a former New York City councilman, I want to take this oportunity to alert my colleagues to serious transportation and safety problems involving the Brooklyn Bridge and the Williamsburg Bridge, both of which are in my congressional district. It is my understanding that DOT discretionary funding is available that will enable continuation of the excellent bridge maintenance and repair programs in New York and throughout the nation. Such funding is essential in assuring the safety and efficiency of bridges that play an incalcuably important role in both the commerce and the quality of life in densely populated urban areas.

These safety problems require immediate attention. I trust that this issue will be addressed with regard to this legislation and any future legislation dealing with bridge and highway safety, not only here on the floor, but in conference with the other body as well. My goal is to assure that the legislative history of the Surface Transportation Act and all other relevant legislation will clearly and appropriately reflect congressional concern about the safety and efficiency of these two bridges, and that DOT discretionary funding for bridge repair can thus be immediately targeted for correction of the safety and structural integrity problems affecting both of these bridges.

Specifically: The city and State of New York have completed studies of the East River bridges under the Federal bridge inspection program. The immediate priority identified in their studies was the Queensboro Bridge and it appears that funding for the necessary rehabilitation work for that bridge is secure. The next two most important projects identified were rehab of the Brooklyn tower foundation of the Brooklyn Bridge and restoration of the cable anchorages of that bridge, as well as rehabilitation of the outer roadway of the main span of the Williamsburg Bridge.

While some Federal and other funding is available for a portion of these essential repairs, at least $20 million in additional DOT discretionary funds are needed immediately.

Extensive documentation furnished by the engineering consultants shows that the cable anchorages of the Brooklyn Bridge need immediate attention. Cables are beginning to deteriorate and such continued deterioration constitutes a serious potential danger. If the necessary repairs are not begun within the next 12 months, we can expect that the erosion of the cables will accelerate.

I have reviewed the engineering report, which includes photographs of the cable anchorages and the broken cables and can assure my colleagues that this is an urgent matter with serious implications for public transportation safety. A similar problem is perceived for the Williamsburg Bridge although the initial construction of this bridge included a substantial safety margin, which makes the problem less acute at the moment. Here, the immediate problem is the integrity of the outer roadway.

Mr. Chairman, New York City has a significant proportion of the Nation's major bridges that are located inside urban areas. The East River bridges are the major thoroughfares connecting the most populous boroughs—Brooklyn and Queens—with the Manhattan business, retail and entertainment areas. The loss of any one of these bridges, even temporarily, could cause deep and serious hardships to the entire city. The East River bridges are also among the oldest in the country. The estimated original life of a major bridge is 40 years, yet these bridges are aged 77 years, Williamsburg Bridge, and 97 years, Brooklyn Bridge. The social and historical significance of these bridges, and of the Brooklyn Bridge in particular as a designated national historic monument, adds an imperative obligation to quickly address any perceived dangers to their integrity.

I urge my colleagues to join me in making clear the congressional intent that these repairs to the Brooklyn and Williamsburg Bridges be expeditiously approved for funding. If, as it now appears, the matter of bridges and bridge safety are to be addressed in more detail in major highway legislation early in the next Congress, my remarks today will serve to alert my colleagues to both the challenge and the opportunity we have to resolve those problems at the earliest possible date.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 6417, the Surface Transportation Act of 1980, legislation reported by the Committee on Public Works and Transportation.

Our national need for a significant program of energy conservation is inextricably linked to transportation which the House Committee on H.R. 6417 report estimates consumes more than half of every barrel of crude oil used in this country.

The legislation before us today is critical. I hope all the Members realize that the long-range transportation needs of this Nation, in every sector, whether mass transit or highway construction funds, are something which we cannot defer to another generation.

H.R. 6417 is an integrated proposal, integrated in the sense that it draws together a variety of different legislative proposals that are linked together in a comprehensive one, to meet urgent transportation needs at all levels and for all types and sizes of communities.

Title I of the legislation constitutes the Federal Aid Highway amendments of 1980. Due to increasing energy and construction costs, this title shifts emphasis in the Federal-aid highway program away from new construction toward better use of existing facilities. Other provisions authorize a new assistance program to alleviate problems directly related to increased domestic energy production and for expanded highway efficiency through Transportation Systems Management, a system which coordinates highway use with other forms of traffic operations and transit assistance.

Title II of H.R. 6417 is important since it expands the existing programs of the Department of Transportation's Urban Mass Transit Administration and it focuses on cities and metropolitan areas expecting to experience rapid population growth. It does so by allowing advance purchase in these "growth cities" of potential fixed guideway corridors.

The purchase of these rights-of-way in an early planning stage is an investment in the future since it will allow purchase of land prior to escalation in prices when development appears imminent.

Mr. Chairman, the congressional enactment of the crude oil windfall profit tax of 1980 will yield an estimated $227 billion in net revenues and these funds are important to the development of a mass transportation system.

The committee's recognition of a comprehensive transportation system—using all types of transportation systems—is embodied in H.R. 6417.

This measure is far reaching and it deserves our support.●

● Mr. **OBERSTAR**. Mr. Chairman, when the House resumes consideration of H.R. 6417, it is my intention to offer an amendment which strengthens existing "buy American" provisions. This issue has been a controversial matter, both within the House Public Works and Transportation Committee and in the Department of Transportation, which has given rise to uncertainty as to the position of advocates in the House and Senate of those proposals to strengthen existing law. In the interest of clarification, I had a discussion this morning with Senator HEINZ, who is the author of the "buy American" amendment in the Senate version of H.R. 6417, which is comparable to the one I intend to offer. He made it very clear he intends to insist on the language he offered, and the Senate adopted in S. 2720, which is being held at the Chairman's desk. My amendment goes further than that adopted by the other body, however, I am willing to accept that "buy American" language in the interest of preserving American jobs. I do not feel we can be satisfied with less.

The Surface Transportation Assistance Act of 1978 instructs the Secretary of Transportation to provide a preference to transit contract offers with "substantially all" American-made equipment and stipulates a 10-percent cost differential between foreign and domestic bids. My amendment would interpret "substantially all" to mean 75 percent and increase the domestic price differential from 10 to 20 percent.

Unless we adopt stronger "buy American" provisions, we will, in effect, through the purchase of foreign-built mass transit cars, be using taxpayers' funds to finance foreign competition against U.S. industry and jobs. If Congress was serious in passing previous "buy American" provisions, the increase in component and price differential percentage. which I have proposed, is certainly justified, in light of recent equipment purchases carried out with UTMA funds.

In this way, the United States indirectly favors foreign firms at the expense of our own domestic industry. More than half of the most recent railcar orders have been awarded to foreign firms to be paid for with UMTA funds. During this same period, four out of five domestic manufacturers have been forced out of business. This policy is wrong and is, in fact, a policy of importing unemployment. Creating incentives for domestic industry is the more logical approach. American firms cannot compete with only 10-percent price differential against foreign firms which benefit from substantial help from their governments.

Furthermore, other nations give preference to their industries by using nationalistic procurement policies which preclude U.S. firms from bidding on contracts in other countries. Foreign firms are able to produce more efficiently and compete more effectively as a result of those subsidy and protectionist policies. With the assistance of their governments, overseas firms can easily underbid American businesses to gain a healthy share of the U.S. transit supply industry—a market estimated at 600 railcars and 5,000 buses a year.

UMTA must make a comprehensive evaluation of all the factors involved in the production of the manufactured article, when awarding transit contracts. Economic conditions within this country often affect the level of the domestic bid. Other factors, such as the impact on U.S. employment, balance of payments, and tax revenues for local and State governments, should be balanced against lowest bid considerations.

Once and for all, we have to develop a policy which, if not favoring U.S. firms, at least places them on equal footing in the competition for contracts which are funded entirely by American taxpayers. My amendment would eliminate bureaucratic indifference to "buy American" provisions. while encouraging new domestic firms to enter the transit supply market. I urge my colleagues to join me in supporting this "jobs for Americans" amendment.●

● Mr. **FISHER**. Mr. Chairman, the Surface Transportation Act, which is up for consideration by the House today, promotes the use of energy-efficient modes of transportation. Some of these include bicycles, carpools, vanpools, buses, subway systems, and commuter trains.

Mr. George Brosseau, Jr., who is president of the BMW Bikers of Metropolitan Washington, and also a constituent of mine, was quick to point out to me that the legislation does not promote the use of yet another energy-efficient transportation vehicle—the motorcycle. I would like to have here inserted the text of a letter written to me by Mr. Brosseau about this oversight:

BMW BIKERS OF
METROPOLITAN WASHINGTON,
October 10, 1980.

HON. JOSEPH FISHER,
Cannon House Office Building,
Washington, D.C.

DEAR MR. FISHER: I am a resident of Reston, Virginia. I am also a person who uses a fuel efficient motorcycle for personal transportation including commuting. I also serve as President of a local motorcycle club and represent a national organization of motorcyclists that has over 11,000 members.

My concern is that the federal government consistently ignores the value of the fuel efficient and convenient transportation that the motorcycle provides. The latest manifestation of this is seen in H.R. 6417, the Surface Transportation Act of 1980. This bill includes a program of grants to the states to provide for projects in energy conservation and improved transportation system management. The bill encourages the use of bicycles and carpools, but it does not mention motorcycles. I would submit that the motorcycle rates high on both counts, fuel conservation and transportation efficiency. I feel that it is now time to give legislative attention to the role of the motorcycle in the transportation mix.

For instance, a recent report issued by the Motorcycle Industry Council reveals that the average motorcycle with 1.2 passengers uses less energy per passenger mile than does the average 4 person carpool. You can park 5–6 motorcycles in the same space taken up by that carpool. Carpools are extended many privileges such as access to priority lanes during rush hours. Motorcycles are excluded. In fact the superior motorcycle is treated by public policy as though it did not exist.

I am aware that you are not a member of the Public Works and Transportation Committee, however, if you agree with my position, it would be very helpful if, when the H.R. 6417 comes up for floor debate, you would rise in support of the grants program and urge that motorcycles be included when the rules for the program are written. It may not be possible to change the bill itself, but the floor comments would contribute to a legislative history in favor of including motorcycle related projects.●

● Mr. **LEE**. Mr. Chairman, it is my understanding the bill before us today, H.R. 6417, enjoys the support of both the majority and minority members of the committee. The bill addresses the most serious transportation issues facing this Nation today—the poor condition of our highways which makes highway travel less safe and increases auto repair bills for thousands of the Nation's consumers; the need to make highway travel more efficient in terms of gasoline usage through vanpools and carpools; the necessity for increased Federal funding to improve and expand this Nation's mass transit systems; and the need to make public transportation more accessible to our handicapped citizens.

The importance of this legislation is underscored by the state of affairs in the Middle East where the conflict between Iraq and Iran threatens to cut off the supply of oil flowing through the Strait of Hormuz. A reduction in supply of this magnitude would send gasoline prices skyrocketing, placing additional strain on our mass transit systems and accentuating the need for effective vanpooling and carpooling networks. The additional cost of operating and maintaining a vehicle would also necessitate a more concentrated effort to keep our roadways repaired in order to obtain the most efficient use of an increasingly precious fuel supply.

The Committee on Public Works and Transportation is to be commended for its efforts to reach agreement on the very difficult issues which are a part of H.R. 6417. It is vital the 96th Congress give its seal of approval to this legislation, and it is my intention to accord the measure my support●

● Mr. HAGEDORN. Mr. Speaker, I rise in strong opposition to the Howard substitute to H.R. 6417, the surface transportation bill. Like the ranking member on the subcommittee, Mr. Schuster, I support the legislation as it was reported by the full Public Works Committee on May 14. That bill, which passed the committee by a vote of 26 to 9, represented a sound compromise and enjoyed strong bipartisan support.

The substitute, however, is lacking in several important areas. First, and perhaps more importantly, is the new formula allocation under section 5. The Howard substitute earmarks 80 percent of the funding for operating expenses and only 20 percent for capital expenditures. This is an increase in the operating expenses from the 76 to 24 split under existing law. I believe that the trend should be toward greater percentages in capital expenditures not less, but the substitute sets the trend in the opposite direction.

Second, regarding the special needs of the handicapped, the substitute's service criteria are overly burdensome and will greatly increase the possibility of lawsuits on this subject. The Cleveland amendment, which the committee bill includes, is simple by comparison. It gives the local committees greater leeway in developing a plan to meet the needs of the handicapped. If the substitute language is enacted, it will become more difficult for local authorities to develop a reasonable alternative.

My purpose for opposing the Howard substitute is to get the best possible bill through the House. And I believe the committee version is stronger for the reasons I have outlined. But I do want to express strong support for a provision included in both the original and the substitute versions of the bill.

Section 104 of the committee bill authorizes a new assistance program to alleviate problems directly related to increased domestic energy production and the corresponding increase in the transportation of energy materials. I want to compliment Mr. Stangeland for his work in seeing that this important program was included in the bill.

Presently, because of increased train traffic through the center of the city, automobile traffic in Shakopee, Minn., is cut off for long periods of time. Furthermore, the anticipated increase in the coal traffic from western coal fields to electric plants in the Twin Cities area would block city traffic and vital services for an even longer period of time. This program will enable a city like Shakopee to be eligible for funding of a rail relocation or grade crossing project, thereby alleviating the problem.

The energy impacted rail program is very important to towns like Shakopee, Minn. And while I object to some of the changes made in the legislation by the Howard substitute, this program will remain. For that important reason, I intend to support final passage of H.R. 6417, whether or not the substitute is adopted.●

Mr. HOWARD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill shall be considered by titles as an original bill for the purposes of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

Section 1 reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Act of 1980".

Mr. HOWARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McKay, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. STANGELAND. Mr. Speaker, on rollcall No. 648, taken yesterday, on passage of H.R. 7265, legislation authorizing appropriations for the Department of Energy for national security programs for fiscal year 1981, I am recorded as voting "nay." Either the voting machine or I made a mistake—I choose to think it was the machine. Regardless of who is at fault, I would like to state that I support this legislation and my vote should be recorded as "yea."

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished acting majority leader, the gentleman from Illinois (Mr. Simon), as to the program for the balance of the week and the week following the Thanksgiving district work period.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, the program for the balance of this week, it is my understanding, is concluded.

The House will convene at noon on Monday, December 1. The first business will be the call of the Consent Calendar. Then there are six suspensions, as follows:

H.J. Res. 205, Ralph J. Bunche Monument, N.Y.C.;

H.R. 5935, Federal Privacy of Medical Information Act;

H.R. 7206, Red River compact;

H.R. 8235, Tahoe regional planning compact;

H.R. 6257, National Forest System lands; and

H.R. 7099, EPA research and development authorization.

On Tuesday, the House will meet at noon and will take up the Private Calendar.

There are no suspensions scheduled.

We will attempt to complete consideration of H.R. 6417, the Surface Transportation Act of 1980.

On Wednesday and the balance of the week, the House will meet at 10 a.m. We will take up appropriations and conference reports, including H.R. 6942, International Security and Development Cooperation Act of 1980, and continuing appropriations for fiscal year 1981.

Mr. RHODES. I thank the gentleman. I gather from the way the program looks that it is the firm intention of the majority to adjourn this Congress sine die on or about the 5th of December. Is that an accurate prediction?

The SPEAKER. The Chair will answer in the affirmative.

Did the gentleman from Illinois also mention the fact that there are three unanimous-consent requests before we conclude the business of the day?

Mr. SIMON. We expect no more voting, but there are, as I understand, three unanimous-consent requests; one by the gentleman from Wisconsin (Mr. Kastenmeier) on H.R. 6933; one by the gentleman from Florida (Mr. Fuqua) on H.R. 6889; and one by the gentleman from Ohio (Mr. Seiberling) on H.R. 8298.

The SPEAKER. All of those items have been presented to both sides.

Mr. SIMON. I am informed that my colleague from Arizona (Mr. Udall) may have a request also.

Mr. RHODES. I thank the gentleman, and yield back the balance of my time.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE PRESIDENT AND THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. SIMON. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, December 1, 1980, the Clerk be authorized to receive messages from the President and the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 3, 1980

Mr. SIMON. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, December 3, 1980, be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. SIMON. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, December 1, 1980, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PATENT AND TRADEMARK LAWS AMENDMENTS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6933) to amend the patent and trademark laws, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 29 the following new chapter 30:

"Chapter 30—PRIOR ART CITATIONS TO OFFICE AND REEXAMINATION OF PATENTS

"Sec.
"301. Citation of prior art.
"302. Request for reexamination.
"303. Determination of issue by Commissioner.
"304. Reexamination order by Commissioner.
"305. Conduct of reexamination proceedings.
"306. Appeal.
"307. Certificate of patentability, unpatentability, and claim cancellation.

"§ 301. Citation of prior art

"Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to at least one claim of the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. At the written request of the person citing the prior art, his or her identity will be excluded from the patent file and confidential.

"§ 302. Request for reexamination

"Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301 of this title. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.

"§ 303. Determination of issue by Commissioner

"(a) Within three months following the filing of a request for reexamination under the provisions of section 302 of this title, the Commissioner will determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications discovered by him or cited under the provisions of section 301 of this title.

"(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the person requesting reexamination, if any.

"(c) A determination by the Commissioner pursuant to subsection (a) of this section that no substantial new question of patentability has been raised will be final and nonappealable. Upon such a determination, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.

"§ 304. Reexamination order by Commissioner

"If, in a determination made under the provisions of subsection 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The patent owner will be given a reasonable period, not less than two months from the date a copy of the determination is given or mailed to him, within which he may file a statement on such question, including any amendment to his patent and new claim or claims he may wish to propose, for consideration in the reexamination. If the patent owner files such a statement, he promptly will serve a copy of it on the person who has requested reexamination under the provisions of section 302 of this title. Within a period of two months from the date of service, that person may file and have considered in the reexamination a reply to any statement filed by the patent owner. That person promptly will serve on the patent owner a copy of any reply filed.

"§ 305. Conduct of reexamination proceedings

"After the times for filing the statement and reply provided for by section 304 of this title have expired, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to his patent and a new claim or claims thereto, in order to distinguish the invention as claimed from the prior art cited under the provisions of section 301 of this title, or in response to a decision adverse to the patentability of a claim of a patent. No proposed amended or new claim enlarging the scope of a claim of the patent will be permitted in a reexamination proceeding under this chapter. All reexamination proceedings under this section, including any appeal to the Board of Appeals, will be conducted with special dispatch within the Office.

"§ 306. Appeal

"The patent owner involved in a reexamination proceeding under this chapter may appeal under the provisions of section 134 of this title, and may seek court review under the provisions of sections 141 to 145 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent.

"§ 307. Certificate of patentability, unpatentability, and claim cancellation

"(a) In a reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Commissioner will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

"(b) Any proposed amended or new claim determined to be patentable and incorporated into a patent following a reexamination proceeding will have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used anything patented by such proposed amended or new claim, or who made substantial preparation for the same, prior to issuance of a certificate under the provisions of subsection (a) of this section.".

SEC. 2. Section 41 of title 35, United States Code, is amended to read as follows:

"§ 41. Patent fees

"(a) The Commissioner of Patents will establish fees for the processing of an application for a patent, from filing through disposition by issuance or abandonment, for maintaining a patent in force, and for providing all other services and materials related to patents. No fee will be established for maintaining a design patent in force.

"(b) By the first day of the first fiscal year beginning on or after one calendar year after enactment of this Act, fees for the actual processing of an application for a patent, other than for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 25 per centum of the estimated average cost to the Office of such processing. By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for the processing of an application for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 50 per centum of the estimated average cost to the Office of such processing.

"(c) By the fifteenth fiscal year following the date of enactment of this Act, fees for maintaining patents in force will recover 25 per centum of the estimated cost to the Office, for the year in which such maintenance fees are receiver, of the actual processing all applications for patents, other than for design patents, from filing through disposition by issuance or abandonment. Fees for maintaining a patent in force will be due three years and six months, seven years and six months, and eleven years and six months after the grant of the patent. Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee.

"(d) By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for all other services or materials related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.

"(e) The Commissioner may waive the payment of any fee for any service or material related to patents in connection with an occasional or incidental request made by a department or agency of the Government, or any officer thereof. The Commissioner may provide any applicant issued a notice under section 132 of this title with a copy of the specifications and drawings for all patents referred to in that notice without charge.

"(f) Fees will be adjusted by the Commissioner to achieve the levels of recovery specified in this section; however, no patent application processing fee or fee for maintaining a patent in force will be adjusted more than once every three years.

"(g) No fee established by the Commissioner under this section will take effect prior to sixty days following notice in the Federal Register.".

Sec. 3. Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

"(a) All fees for services performed by or materials furnished by the Patent and Trademark Office will be payable to the Commissioner.

"(b) All fees paid to the Commissioner and all appropriations for defraying the costs of the activities of the Patent and Trademark Office will be credited to the Patent and Trademark Office Appropriation Account in the Treasury of the United States, the provisions of section 725e of title 31, United States Code, notwithstanding.

"(c) Revenues from fees will be available to the Commissioner of Patents to carry out, to the extent provided for in appropriation Acts, the activities of the Patent and Trademark Office.

"(d) The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.".

Sec. 4. Section 154 of title 35, United States Code, is amended by deleting the word "issue".

Sec. 5. Section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended to read as follows:

"§ 31. Fees

"(a) The Commissioner of Patents will establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks. Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material. However, no fee for the filing or processing of an application for the registration of a trademark or other mark or for the renewal or assignment of a trademark or other mark will be adjusted more than once every 3 years. No fee established under this section will take effect prior to sixty days following notice in the Federal Register.

"(b) The Commissioner may waive the payment of any fee for any service or material related to trademarks or other marks in connection with an occasional request made by a department or agency of the Government, or any officer thereof. The Indian Arts and Crafts Board will not be charged any fee to register Government trademarks of genuineness and quality for Indian products or for products of particular Indian tribes and groups.".

Sec. 6. (a) Title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 37 the following new chapter 38:

"Chapter 38—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE

"Sec.
"200. Policy and objective.
"201. Definitions.
"202. Disposition of rights.
"203. March-in rights.
"204. Preference for United States industry.
"205. Confidentiality.
"206. Uniform clauses and regulations.
"207. Domestic and foreign protection of federally owned inventions.
"208. Regulations governing Federal licensing.
"209. Restrictions on licensing of federally owned inventions.
"210. Precedence of chapter.
"211. Relationship to antitrust laws.

"§ 200. Policy and objective

"It is the policy and objective of the Congress to use the patent system to promote the utilization of inventions arising from federally supported research or development; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations, including universities; to ensure that inventions made by nonprofit organizations and small business firms are used in a manner to promote free competition and enterprise; to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; to ensure that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions; and to minimize the costs of administering policies in this area.

"§ 201. Definitions

"As used in this chapter—

"(a) The term 'Federal agency' means any executive agency as defined in section 105 of title 5, United States Code, and the military departments as defined by section 102 of title 5, United States Code.

"(b) The term 'funding agreement' means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as herein defined.

"(c) The term 'contractor' means any person, small business firm, or nonprofit organization that is a party to a funding agreement.

"(d) The term 'invention' means any invention or discovery which is or may be patentable or otherwise protectable under this title.

"(e) The term 'subject invention' means any invention of the contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

"(g) The term 'made' when used in relation to any invention means the conception or first actual reduction to practice of such invention.

"(h) The term 'small business firm' means a small business concern as defined at section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

"(i) The term 'nonprofit organization' means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501 (c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501 (a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

"§ 202. Disposition of rights

"(a) Each nonprofit organization or small business firm may, within a reasonable time after disclosure as required by paragraph (c)(1) of this section, elect to retain title to any subject invention: *Provided, however*, That a funding agreement may provide otherwise (i) when the funding agreement is for the operation of a Government-owned research or production facility, (ii) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of this chapter or (iii) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities. The rights of the nonprofit organization or small business firm shall be subject to the provisions of paragraph (c) of this section and the other provisions of this chapter.

"(b)(1) Any determination under (ii) of paragraph (a) of this section shall be in writing and accompanied by a written statement of facts justifying the determination. A copy of each such determination and justification shall be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In the case of determinations applicable to funding agreements with small business firms copies shall also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

"(2) If the Comptroller General believes that any pattern of determinations by a Federal agency is contrary to the policy and objectives of this chapter or that an agency's policies or practices are otherwise not in conformance with this chapter, the Comptroller General shall so advise the head of the agency. The head of the agency shall advise the Comptroller General in writing within one hundred and twenty days of what action, if any, the agency has taken or plans to take with respect to the matters raised by the Comptroller General.

"(3) At least once each year, the Comptroller General shall transmit a report to the Committees on the Judiciary of the Senate and House of Representatives on the manner in which this chapter is being implemented by the agencies and on such other aspects of Government patent policies and practices with respect to federally funded inventions as the Comptroller General believes appropriate.

"(c) Each funding agreement with a small business firm or nonprofit organization shall contain appropriate provisions to effectuate the following:

"(1) A requirement that the contractor disclose each subject invention to the Federal agency within a reasonable time after it is made and that the Federal Government may receive title to any subject invention not reported to it within such time.

"(2) A requirement that the contractor make an election to retain title to any subject invention within a reasonable time after disclosure and that the Federal Government may receive title to any subject invention in which the contractor does not elect to retain rights or fails to elect rights within such time.

"(3) A requirement that a contractor electing rights file patent applications within reasonable times and that the Federal Government may receive title to any subject inventions in the United States or other countries in which the contractor has not filed patent applications on the subject invention within such times.

"(4) Within respect to any invention in which the contractor elects rights, the Federal agency shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world, and may, if provided in the funding agreement, have additional rights to sublicense any foreign government or international organization pursuant to any existing or future treaty or agreement.

"(5) The right of the Federal agency to require periodic reporting on the utilization or efforts at obtaining utilization that are being made by the contractor or his licensees or assignees: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(6) An obligation on the part of the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, to include within the specification of such application and any patent issuing thereon, a statement specifying that the invention was made with Government support and that the Government has certain rights in the invention.

"(7) In the case of a nonprofit organization, (A) a prohibition upon the assignment of rights to a subject invention in the United States without the approval of the Federal agency, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee shall be subject to the same provisions as the contractor); (B) a prohibition against the granting of exclusive licenses under United States Patents or Patent Applications in a subject invention by the contractor to persons other than small business firms for a period in excess of the earlier of five years from first commercial sale or use of the invention or eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance unless, on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use shall not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention shall not be deemed to end the exclusive period to different subsequent products covered by the invention; (C) a requirement that the contractor share royalties with the inventor; and (D) a requirement that the balance of any royalties or income earned by the contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, be utilized for the support of scientific research or education.

"(8) The requirements of sections 203 and 204 of this chapter.

"(d) If a contractor does not elect to retain title to a subject invention in cases subject to this section, the Federal agency may consider and after consultation with the contractor grant requests for retention of rights by the inventor subject to the provisions of this Act and regulations promulgated hereunder.

"(e) In any case when a Federal employee is a coinventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor is authorized to transfer or assign whatever rights it may acquire in the subject invention from its employee to the contractor subject to the conditions set forth in this chapter.

"(f) (1) No funding agreement with a small business firm or nonprofit organization shall contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the head of the agency and a written justification has been signed by the head of the agency. Any such provision shall clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The head of the agency may not delegate the authority to approve provisions or sign justifications required by this paragraph.

"(2) A Federal agency shall not require the licensing of third parties under any such provision unless the head of the agency determines that the use of the invention by others is necessary for the practice of a subject invention or for the use of a work object to the funding agreement and that such action is necessary to achieve the practical application of the subject invention or work object. Any such determination shall be on the record after an opportunity for an agency hearing. Any action commenced for judicial review of such determination shall be brought within sixty days after notification of such determination.

"§ 203. March-in rights

"With respect to any subject invention in which a small business firm or nonprofit organization has acquired title under this chapter, the Federal agency under whose funding agreement the subject invention was made shall have the right, in accordance with such procedures as are provided in regulations promulgated hereunder to require the contractor an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee refuses such request, to grant such a license itself, if the Federal agency determines that such—

"(a) action is necessary because the contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

"(b) action is necessary to alleviate health or safety needs which are not reasonably satisfied by the contractor, assignee, or their licensees;

"(c) action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the contractor, assignee, or licensees; or

"(d) action is necessary because the agreement required by section 204 has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of its agreement obtained pursuant to section 204.

"§ 204. Preference for United States industry

"Notwithstanding any other provision of this chapter, no small business firm or nonprofit organization which receives title to any subject invention and no assignee of any such small business firm or nonprofit organization shall grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Federal agency under whose funding agreement the invention was made upon a showing by the small business firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

"§ 205. Confidentiality

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

"§ 206. Uniform clauses and regulations

"The Office of Federal Procurement Policy, after receiving recommendations of the Office of Science and Technology Policy, may issue regulations which may be made applicable to Federal agencies implementing the provisions of sections 202 through 204 of this chapter and the Office of Federal Procurement Policy shall establish standard funding agreement provisions required under this chapter.

"§ 207. Domestic and foreign protection of federally owned inventions

"Each Federal agency is authorized to—

"(1) apply for, obtain, and maintain patents or other forms of protection in the United States and in foreign countries on inventions in which the Federal Government owns a right, title, or interest;

"(2) grant nonexclusive, exclusive, or partially exclusive licenses under federally owned patent applications, patents, or other forms of protection obtained, royalty-free or for royalties or other consideration, and on such terms and conditions, including the grant to the licensee of the right of enforcement pursuant to the provisions of chapter 29 of this title as determined appropriate in the public interest;

"(3) undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal Government either directly or through contract; and

"(4) transfer custody and administration, in whole or in part, to another Federal agency, of the right, title, or interest in any federally owned invention.

"§ 208. Regulations governing Federal licensing

"The Administrator of General Services is authorized to promulgate regulations specifying the terms and conditions upon which any federally owned invention, other than inventions owned by the Tennessee Valley Authority, may be licensed on a nonexclusive, partially exclusive, or exclusive basis.

"§ 209. Restrictions on licensing of federally owned inventions

"(a) No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development and/or marketing of the invention, except that any such plan may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(b) A Federal agency shall normally grant the right to use or sell any federally owned invention in the United States only to a licensee that agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c)(1) Each Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a federally owned domestic patent or patent application only if, after public notice and opportunity for filing written objections, it is determined that—

"(A) the interests of the Federal Government and the public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(B) the desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

"(C) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital and expenditures to bring the invention to practical application or otherwise promote the invention's utilization by the public; and

"(D) the proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"(2) A Federal agency shall not grant such exclusive or partially exclusive license under paragraph (1) of this subsection if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with the antitrust laws.

"(3) First preference in the exclusive or partially exclusive licensing of federally owned inventions shall go to small business firms submitting plans that are determined by the agency to be within the capabilities of the firms and equally likely, if executed, to bring the invention to practical application as any plans submitted by applicants that are not small business firms.

"(d) After consideration of whether the interests of the Federal Government or United States industry in foreign commerce will be enhanced, any Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a foreign patent application or patent, after public notice and opportunity for filing written objections, except that a Federal agency shall not grant such exclusive or partially exclusive license if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with antitrust laws.

"(e) The Federal agency shall maintain a record of determinations to grant exclusive or partially exclusive licenses.

"(f) Any grant of a license shall contain such terms and conditions as the Federal agency determines appropriate for the protection of the interests of the Federal Government and the public, including provisions for the following:

"(1) periodic reporting on the utilization or efforts at obtaining utilization that are being made by the licensee with particular reference to the plan submitted: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code;

"(2) the right of the Federal agency to terminate such license in whole or in part if it determines that the licensee is not executing the plan submitted with its request for a license and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

"(3) the right of the Federal agency to terminate such license in whole or in part if the licensee is in breach of an agreement obtained pursuant to paragraph (b) of this section; and

"(4) the right of the Federal agency to terminate the license in whole or in part if the agency determines that such action is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license and such requirements are not reasonably satisfied by the licensee.

"§ 210. Precedence of chapter

"(a) This chapter shall take precedence over any other Act which would require a disposition of rights in subject inventions of small business firms or nonprofit organizations contractors in a manner that is inconsistent with this chapter, including but not necessarily limited to the following:

"(1) section 10(a) of the Act of June 29, 1935, as added by title I of the Act of August 14, 1946 (7 U.S.C. 4271(a); 60 Stat. 1085);

"(2) section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1090);

"(3) section 501(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 (c); 83 Stat. 742);

"(4) section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721);

"(5) section 12 of the National Science Foundation Act of 1950 (42 U.S.C. 1871(a); 82 Stat. 360);

"(6) section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182; 68 Stat. 943);

"(7) section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457);

"(8) section 6 of the Coal Research Development Act of 1960 (30 U.S.C. 666; 74 Stat. 337);

"(9) section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b; 74 Stat. 920);

"(10) section 32 of the Arms Control and Disarmament Act of 1961 (22 U.S.C. 2572; 75 Stat. 634);

"(11) subsection (e) of section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e); 79 Stat. 5);

"(12) section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901; 88 Stat. 1878);

"(13) section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054 (d); 86 Stat. 1211);

"(14) section 3 of the Act of April 5, 1944 (30 U.S.C. 323; 58 Stat. 191);

"(15) section 8001(c)(3) of the Solid Waste Disposal Act (42 U.S.C. 6981(c); 90 Stat. 2829);

"(16) section 219 of the Foreign Assistance Act of 1961 (22 U.S.C. 2179; 83 Stat. 806);

"(17) section 427(b) of the Federal Mine Health and Safety Act of 1977 (30 U.S.C. 937 (b); 86 Stat. 155);

"(18) section 306(d) of the Surface Mining and Reclamation Act of 1977 (30 U.S.C. 1226 (d); 91 Stat. 455);

"(19) section 21(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(d); 88 Stat. 1548);

"(20) section 6(b) of the Solar Photovoltaic Energy Research Development and Demonstration Act of 1978 (42 U.S.C. 5585(b); 92 Stat. 2516);

"(21) section 12 of the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178(j); 92 Stat. 2533); and

"(22) section 408 of the Water Resources and Development Act of 1978 (42 U.S.C. 7879; 92 Stat. 1360).

The Act creating this chapter shall be construed to take precedence over any future Act unless that Act specifically cites this Act and provides that it shall take precedence over this Act.

"(b) Nothing in this chapter is intended to alter the effect of the laws cited in paragraph (a) of this section or any other laws with respect to the disposition of rights in inventions made in the performance of funding agreements with persons other than nonprofit organizations or small business firms.

"(c) Nothing in this chapter is intended to limit the authority of agencies to agree to the disposition of rights in inventions made in the performance of work under funding agreements with persons other than nonprofit organizations or small business firms in accordance with the Statement of Government Patent Policy issued on August 23, 1971 (36 Fed. Reg. 16887), agency regulations, or other applicable regulations or to otherwise limit the authority of agencies to allow such persons to retain ownership of inventions. Any disposition of rights in inventions made in accordance with the Statement or implementing regulations, including any disposition occurring before enactment of this section, are hereby authorized.

"(d) Nothing in this chapter shall be construed to require the disclosure of intelligence sources or methods or to otherwise affect the authority granted to the Director of Central Intelligence by statue or Executive order for the protection of intelligence sources or methods.

"§ 211. Relationship to antitrust laws

"Nothing in this chapter shall be deemed to convey to any person immunity from civil or criminal liability, or to create any defenses to actions, under any antitrust law.".

(b) The table of chapters for title 35, United States Code, is amended by adding immediately after the item relating to chapter 37 the following:

"38. Patent rights in inventions made with Federal assistance.".

SEC. 7. AMENDMENTS TO OTHER ACTS.—The following Acts are amended as follows:

(a) Section 156 of the Atomic Energy Act of 1954 (42 U.S.C. 2186; 68 Stat. 947) is amended by deleting the words "held by the Commission or".

(b) The National Aeronautics and Space Act of 1958 is amended by repealing paragraph (g) of section 305 (42 U.S.C. 2457(g); 72 Stat. 436).

(c) The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by repealing paragraphs (g), (h), and (i) of section 9 (42 U.S.C. 5908 (g), (h), and (i); 88 Stat. 1889–1891).

SEC. 8. (a) Sections 2, 4, and 5 of this Act will take effect upon enactment.

(b) Section 1 of this Act will take effect on the first day of the seventh month beginning after its enactment and will apply to patents in force as of that date or issued thereafter.

(c) Section 3 of this Act will take effect on the first day of the first fiscal year beginning on or after one calendar year after enactment. However, until section 3 takes effect, the Commissioner may credit the Patent and Trademark Office appropriation account in the Treasury of the United States with the revenues from collected reexamination fees, which will be available to pay the costs to the Office of reexamination proceedings.

(d) Any fee in effect as of the date of enactment of this Act will remain in effect until a corresponding fee established under section 41 of title 35, United States Code, or section 1113 of title 15, United States Code, takes effect.

(e) Fees for maintaining a patent in force will not be applicable to patents applied for prior to the date of enactment of this Act.

(f) Sections 6 and 7 of this Act will take effect on the first day of the seventh month beginning after its enactment. Implementing regulations may be issued earlier.

(g) Sections 8 and 9 will take effect on the date of enactment of this Act.

Sec. 9. The Commissioner of Patents and Trademarks shall report to Congress, within two years after the effective date of this Act, a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

Sec. 10. (a) Section 101 of title 17 of the United States Code is amended to add at the end thereof the following new language:

"A 'computer program' is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.".

(b) Section 117 of title 17 of the United States Code is amended to read as follows:

"§ 117. Limitations on exclusive rights: Computer programs

"Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

"(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or

"(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

"Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner."

Mr. KASTENMEIER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Wisconsin?

Mr. FUQUA. Mr. Speaker, reserving the right to object, it is not my intention to object, but I do take this method to inquire of the distinguished chairman of the subcommittee if he might explain the bill and the nature of it as passed by the House and explain the Senate amendment that the House is being asked to agree to.

Mr. KASTENMEIER. Mr. Speaker, will my colleague, the gentleman from Florida yield?

Mr. FUQUA. I am happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I must say to the gentleman from Florida (Mr. FUQUA) that the bill we passed on Monday by voice vote is intact except for section 6 relating to a uniform patent policy having to do with other than small businesses and universities. In essence, the Senate deleted that section.

I regret that action, but nonetheless it is a fact, and the outlook is virtually nonexistent for anything we can do in that regard.

So the work of the gentleman from Florida (Mr. FUQUA), both in his own committee and in the Committee on Government Operations, has been for naught. I know that the gentleman from Pennsylvania (Mr. ERTEL), is very disappointed in the deletion of the uniform patent policy section, but this does leave four other sections of the House bill intact: That relating to patent fees, that relating to reexamination, that relating to computer software in the copyright field, and that relating to small businesses and universities. This is a new patent policy which will give them preference.

Under the circumstances, I would say to the gentleman that we will have to wait until next year to pursue again the uniform patent policy section, and I would join with the gentleman in doing that. But in the meantime, rather than hold hostage these noncontroversial areas, I think we have no real option but to move forward with this and send it to the White House.

Mr. FUQUA. Mr. Speaker, further reserving the right to object, I might say that I want to commend the gentleman from Wisconsin (Mr. KASTENMEIER) for his efforts.

I, too, am very disappointed that we have not been able to get a full patent policy review, but I think this is a step in the right direction. It is better than what we have today, and I hope that we have the assurances of the gentleman from Wisconsin (Mr. KASTENMEIER) that we can move forward on this. I can assure him of my commitment to try to work in the next Congress and try to insure that we do bring about a more uniform patent policy for this country.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield further, he has that assurance, and indeed it is very important that we achieve a uniform patent policy for other than small businesses and universities which are provided for in this bill. That will be a high priority as far as I am concerned.

Mr. FUQUA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BAILEY). Is there objection to the initial request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

METHANE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6889) entitled "Methane Transportation Research, Development, and Demonstration Act of 1980," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 6, strike out "and".

Page 3, line 12, strike out "amended." and insert "amended; and".

Page 3, after line 12, insert:

(5) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

Page 4, strike out lines 1, 2, and 3, and insert:

(d) the term "private entities" means any person, such as any organization incorporated under State law, for profit or not-for-profit, or a consortium of such organizations, but does not include public entities;

Page 4, line 8, strike out "fuel." and insert "fuel; and".

Page 4, after line 8, insert:

(f) the terms "facilities for the transmission and storage of methane", "methane transmission, storage and dispensing facilities", and any variant thereof means such facilities which are (1) directly necessary for the conduct of a demonstration, (2) for the exclusive use of a demonstration and (3) reasonably incidental to a demonstration.

Page 4, lines 10 and 11, strike out "October" and insert "February".

Page 5, line 7, strike out "determine" and insert "conduct research and development on".

Page 5, lines 13 and 14, strike out "related transmission and storage facilities" and insert "methane transmission, storage and dispensing facilities".

Page 5, lines 17 and 18, strike out "related transmission and storage facilities" and insert "methane transmission, storage and dispensing facilities".

Page 6, strike out lines 1 to 4, inclusive, and insert:

(6) determine that the participants in each demonstration assisted under this Act have made satisfactory arrangements to obtain an adequate supply of methane for vehicular use in the project;

Page 6, after line 13, insert:

(d)(1) The Secretary of Energy shall insure that the conduct of the research and development program of this Act—

(A) supplements the automotive propulsion system research and development efforts of industry;

(B) is not formulated in a manner that will supplant private industry research and development or displace or lessen industry's research and development; and

(C) avoids duplication of private research and development.

(2) To that end, the Secretary of Energy shall issue administrative regulations, within 60 days after the date of the enactment of this Act, which shall specify procedures, standards, and criteria for the timely review for compliance of each new contract, grant, Department of Energy project, or other agency project funded or to be funded under the authority of this Act. Such regulations shall require that the Secretary of Energy or his designee shall certify that each such contract, grant, or project satisfies the requirement of this subsection, and shall include in such certification a discussion of the relationship of any related or compa-

rable industry research and development, in terms of this subsection, to the proposed research and development under the authority of this Act. The discussion shall also address related issues, such as cost sharing and patent rights.

(3) Such certifications shall be available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The provisions of chapter 5 of title 5, United States Code, shall not apply to such certifications and no court shall have any jurisdiction to review the preparation or adequacy of such certifications; but section 553 of title 5, United States Code, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, shall apply to public disclosure of such certifications.

(4) The Secretary of Energy also shall include in the report required by section 9 of this Act a detailed discussion of how each research and development contract, grant, or project funded under the authority of this Act satisfies the requirement of this subsection.

(5) Further, the Secretary of Energy in each annual budget submission to the Congress, or amendment thereto, for the programs authorized by this Act shall describe how each identified research and development effort in such submission satisfies the requirements of this subsection.

(6) The provisions and requirements of this subsection shall not apply with respect to any contract, grant, or project which was entered into, made, or formally approved and initiated prior to the enactment of this Act, or with respect to any renewal or extension thereof.

Page 6, line 14, strike out "BETWEEN/".

Page 6, line 14, strike out "THE SECRETARY AND".

Page 7, strike out lines 17 and 18 and insert "for vehicular propulsion purposes;".

Page 7, line 24, after "sources" insert ", as provided for in other authorization Acts".

Page 8, strike out lines 8 to 11, inclusive, and insert:

(8) overcoming institutional barriers to widespread use, including but not limited to restrictions on the transportation of methane for vehicular use through tunnels, and the potential expansion of the distribution of methane for vehicular purposes.

Page 8, lines 19 and 20, strike out "rules and regulations" and insert "guidelines for demonstrations".

Page 8, lines 24 and 25, strike out "facilities for the transmission and storage of methane as a vehicular fuel" and insert "methane transmission, storage and dispensing facilities,".

Page 9, line 9, strike out "equipment" and insert "facilities".

Page 10, line 3, strike out "equipment" and insert "facilities".

Page 12, line 14, strike out "regulations" and insert "guidelines".

Page 12, line 16, strike out all after "annually." down to and including "promulgation." in line 20.

Page 14, strike out lines 7, 8, and 9, and insert:

SEC. 9. The Secretary shall submit to the Senate and the House of Representatives, for referral to the appropriate committees, such re-

Page 15, after line 17, insert:

RELATIONSHIP TO OTHER LAWS

SEC. 11. (a) Nothing in this Act shall be construed as authorizing the Secretary or any other official with respect to any activity pursuant to this Act to modify or waive the application of any Federal, state or local laws dealing with the production, transportation, storage, safety, use or pricing of methane.

(b) Nothing in this Act shall be construed as granting the Secretary or any other Federal official any authority to promulgate rules of general application to regulate the production, transportation, storage, safety, use or pricing of methane as a transportation fuel or vehicles which use methane as a transportation fuel.

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I will not object, but I simply take this time because I think it is such good legislation that I would like the gentleman to explain it a little further.

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, I will be happy to explain it.

Mr. LUJAN. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I appreciate my colleague's yielding.

Mr. Speaker, this is legislation that had been introduced and worked on very hard by our colleague, the gentleman from Kansas (Mr. GLICKMAN). It provides a $13 million program over 5 years to set up a methane transportation demonstration program for the feasibility of running vehicles.

The gentleman from Kansas (Mr. GLICKMAN) has worked very hard on this. We have every indication that this is an alternative that we may be able to use to conserve on our present gasoline supplies that we have. It has very great opportunities, particularly in fleet vehicles.

The bill passed the House unanimously. It has been agreed to by the Senate in a very modified form from what it was when it passed the House, and I think it is a very excellent piece of legislation.

Mr. LUJAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I appreciate the gentleman's yielding, and I appreciate both his remarks and the remarks of my committee chairman.

This is a bill which as the gentleman said, provides a modest program to see if methane can be used to run vehicles.

This afternoon, just a few hours ago, I talked with the gentleman from New York (Mr. WYDLER), who is up in his district, and he indicated his full support for the bill. There is no one answer to our energy problem, but this may be one helpful answer.

I appreciate the fact that this bill received almost unanimous support in the House and in the full Senate.

Mr. LUJAN. Mr. Speaker, I thank the gentleman for his remarks, and I believe the gentleman from Kansas (Mr. GLICKMAN) has done a great service in supporting this legislation. He deserves our wholehearted support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

NEW MEXICO WILDNERNESS ACT OF 1980

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Agriculture be discharged from further consideration of the bill (H.R. 8298) to designate certain National Forest lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "New Mexico Wilderness Act of 1980".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped public lands in New Mexico possess outstanding natural characteristics giving them high value as wilderness and will, if properly preserved, contribute as an enduring resource for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the National Forest System in New Mexico have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location will help to fulfill the National Forest System's share of the National Wilderness Preservation System;

(3) review and evaluation of roadless and undeveloped lands in the National Forest System in New Mexico have also identified those areas which should be available for multiple uses other than wilderness; and

(4) review and evaluation of roadless and undeveloped lands in the National Forest System in New Mexico have also identified those areas which should be designated for further study.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in New Mexico for inclusion in the National Wilderness Preservation System in order to promote, perpetuate, and preserve the wilderness character of the land, to protect watersheds and wildlife habitat, preserve scenic and historic resources, and to promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people;

(2) insure that certain other National Forest System lands in New Mexico be promptly available for nonwilderness uses including, but not limited to, campground and other recreation site development, timber harvesting, intensive range management, mineral development, and watershed and vegetation manipulation; and

(3) designate certain other National Forest System lands in New Mexico for further study in furtherance of the purpose of the Wilderness Act.

SEC. 3. (a) In accordance with subsection 3(c) of the Wilderness Act of 1964 (78 Stat. 892), the following National Forest System lands in the State of New Mexico are designated as additions to the National Wilderness Preservation System:

(1) the Aldo Leopold Wilderness, consisting of approximately two hundred and eleven thousand three hundred acres in the Gila National Forest, as generally depicted on a map entitled "Aldo Leopold Wilderness Proposal", dated August 1980;

(2) the Apache Kid Wilderness, consisting of approximately forty thousand acres in the Cibola National Forest, as generally depicted on a map entitled "Apache Kid Wilderness Proposal", dated August 1980;

(3) the Blue Range Wilderness, consisting of approximately thirty thousand acres in the Apache-Sitgreaves and Gila National Forests, as generally depicted on a map entitled "Blue Range Wilderness Proposal", dated August 1980;

(4) the Capitan Mountains Wilderness, consisting of approximately thirty-four thousand acres in the Apache-Sitgreaves and Gila National Forests, as generally depicted on a map entitled "Capitan Mountains Wilderness Proposal", dated August 1980;

(5) the Dome Wilderness, consisting of approximately five thousand two hundred acres in the Santa Fe National Forest, as generally depicted on a map entitled "Dome Wilderness Proposal", dated August 1980;

(6) the Gila Wilderness Additions, consisting of approximately one hundred and thirty thousand three hundred acres in the Gila National Forest, as generally depicted on a map entitled "Gila Wilderness Additions—Proposed", dated August 1980, which are incorporated in and shall be a part of the Gila Wilderness as designated by Public Law 88-577;

(7) the Latir Peak Wilderness, consisting of approximately fifteen thousand six hundred acres in the Carson National Forest, as generally depicted on a map entitled "Latir Peak Wilderness Proposal", dated August 1980;

(8) the Pecos Wilderness Additions, consisting of approximately seventy thousand seven hundred and thirty acres in the Carson and Santa Fe National Forests, as generally depicted on a map entitled "Pecos Wilderness Additions—Proposed", dated August 1980, which are incorporated in and shall be a part of the Pecos Wilderness as designated by Public Law 88-577;

(9) the Wheeler Peak Wilderness Additions, consisting of approximately nine thousand one hundred acres in the Carson National Forest, as generally depicted on a map entitled "Wheeler Peak Wilderness Additions—Proposed", dated August 1980; which are incorporated in and shall be a part of the Wheeler Peak Wilderness as designated by Public Law 88-577;

(10) the White Mountain Wilderness Additions, consisting of approximately sixteen thousand eight hundred and sixty acres in the Lincoln National Forest, as generally depicted on a map entitled "White Mountain Wilderness Additions—Proposed", dated August 1980, which are incorporated in and shall be a part of the White Mountains Wilderness as designated by Public Law 88-577 and

(11) the Withington Wilderness, consisting of approximately nineteen thousand acres in the Cibola National Forest, as generally depicted on a map entitled "Withington Wilderness Proposal", dated August 1980.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Act and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

(d) The previous classifications of the Black Range Primitive Area, the Blue Range Primitive Area, and the Gila Primitive Area are repealed.

SEC. 4. (a) the Secretary of Agriculture shall review in accord with the requirements of section 6 of the National Forest Management Act of 1976 (Public Law 94-588), and no later than January 1, 1986, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following lands:

(1) the San Francisco Wilderness Study Area, consisting of approximately twenty-five thousand six hundred acres in the Apache and Gila National Forests, as generally depicted on a map entitled "San Francisco Wilderness Study Area Proposal", dated August 1980.

(b) These lands may continue to be available for uses other than wilderness during the conduct of the study under the existing Forest Service plans applicable to the National Forests within which such lands are located.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of New Mexico and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than New Mexico such statement shall not be subject to judicial review with respect to National Forest System lands in the State of New Mexico.

(2) with respect to the National Forest System lands in the State of New Mexico which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those areas designated for further planning by section 4 of this Act, or areas listed in section 3 of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans, and in no case prior to the date established by law for completion of the initial planning cycle, and

(3) areas reviewed in such Final Environmental Statement and not designated as wilderness or for study by this Act are not intended by Congress to be designated for inclusion in the National Wilderness Preservation System, and need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the land management plans.

(c) Unless expressly authorized by Congress, the Secretary shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of New Mexico for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(d) Nothing in the land management planning process required by section 6 of the National Forest Management Act of 1976 (Public Law 94-588) shall be deemed to preclude multiple use management for uses other than wilderness on any land subject to such planning process except those areas designated for further study in section 4 of this Act.

SEC. 6. (a) Subject to valid existing rights, each wilderness area and wilderness addition designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 7. Congress does not intend that designation of wilderness areas in the State of New Mexico lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

On page 1, strike all after the enacting clause and insert in lieu thereof the following:

TITLE I

SEC. 101. The purposes of this Act are to—

(1) designate certain National Forest System lands in New Mexico for inclusion in the National Wilderness Preservation System in order to promote, perpetuate, and preserve the wilderness character of the land, to protect watersheds and wildlife habitat, preserve scenic and historic resources, and to promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people;

(2) insure that certain other National Forest System lands in New Mexico be promptly available for nonwilderness uses including, but not limited to, campground and other recreation site development, timber harvesting, intensive range management, mineral development, and watershed and vegetation manipulation; and

(3) designate certain other National Forest System land in New Mexico for further study in furtherance of the purposes of the Wilderness Act.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the following National Forest System lands in the State of New Mexico are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Gila National Forest, New Mexico, which comprise approximately two hundred eleven thousand three

hundred acres, as generally depicted on a map entitled "Aldo Leopold Wilderness—Proposed", dated August 1980, and which shall be known as the Aldo Leopold Wilderness;

(2) certain lands in the Cibola National Forest, New Mexico, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Apache Kid Wilderness—Proposed", dated November 1980, and which shall be known as the Apache Kid Wilderness;

(3) certain lands in the Apache and Gila National Forests, New Mexico, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Blue Range Wilderness—Proposed", dated August 1980, and which shall be known as the Blue Range Wilderness;

(4) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately thirty-four thousand acres, as generally depicted on a map entitled "Capitan Mountains Wilderness—Proposed", dated August 1980, and which shall be known as the Capitan Mountains Wilderness;

(5) certain lands in the Carson National Forest, New Mexico, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Cruces Basin Wilderness—Proposed", dated November 1980, and which shall be known as the Cruces Basin Wilderness; provided however that the designation of this area as wilderness shall not interfere with the construction of additional fencing authorized by the grazing allotment management plan for the area, and shall not be cause to require reductions in existing potential animal unit months under the applicable grazing allotment management plan for the area;

(6) certain lands in the Santa Fe National Forest, New Mexico, which comprise approximately five thousand two hundred acres, as generally depicted on a map entitled "Dome Wilderness—Proposed", dated August 1980, and which shall be known as the Dome Wilderness;

(7) certain lands in the Gila National Forest, New Mexico, which comprise approximately one hundred forty thousand acres, as generally depicted on a map entitled "Gila Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed a part of the Gila Wilderness as designated by Public Law 88–577;

(8) certain lands in the Carson National Forest, New Mexico, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Latir Peak Wilderness—Proposed", dated November 1980, and which shall be known as the Latir Peak Wilderness;

(9) certain lands in the Carson and Santa Fe National Forests, New Mexico, which comprise approximately fifty-five thousand acres, as generally depicted on a map entitled "Pecos Wilderness additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed a part of the Pecos Wilderness as designated by Public Law 88–577; provided that nothing in this Act shall interfere with the management of, or rules, regulations and law applying to the Santa Fe Municipal Watershed;

(10) certain lands in the Carson National Forest, New Mexico, which comprise approximately fourteen thousand seven hundred acres, as generally depicted on a map entitled "Wheeler Peak Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Wheeler Peak Wilderness as designated by Public Law 88–577;

(11) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately sixteen thousand eight hundred and sixty acres, as generally depicted on a map entitled "White Mountain Wilderness Additions—Proposed", dated August 1980, and which are hereby incorporated in and shall be deemed to be a part of the White Mountain Wilderness as designated by Public Law 88–577;

(12) certain lands in the Cibola National Forest, New Mexico, which comprise approximately nineteen thousand acres, as generally depicted on a map entitled "Withington Wilderness—Proposed", dated August 1980, and which shall be known as the Withington Wilderness;

(b) The previous classifications of the Black Range Primitive Area, the Blue Range Primitive Area in the State of New Mexico, and the Gila Primitive Area are hereby abolished.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Act and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1934 shall be deemed to be a reference to the effective date of this Act.

SEC. 103. (a) The Secretary of Agriculture shall review the following lands, in conjunction with the requirements of the National Forest Management Act of 1976 and in furtherance of the purposes of the Wilderness Act, as to their suitability or nonsuitability for preservation as wilderness, and shall submit his report and findings to the President, and the President shall submit his recommendations to the United States Senate and the United States House of Representatives no later than January 1, 1986:

(1) certain lands in the Coronado National Forest, New Mexico, which comprise approximately fifteen thousand one hundred ten acres, as generally depicted on a map entitled "Bunk Robinson Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Bunk Robinson Wilderness Study Area;

(2) certain lands in the Carson National Forest, New Mexico, which comprise approximately forty six thousand acres, as generally depicted on a map entitled "Columbine Hondo Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Columbine Hondo Wilderness Study Area;

(3) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately twenty one thousand acres, as generally depicted on a map entitled "Guadalupe Escarpment Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Guadalupe Escarpment Wilderness Study Area;

(4) certain lands in the Gila National Forrest, New Mexico, which comprise approximately eighteen thousand eight hundred sixty acres, as generally depicted on a map entitled "Hell Hole Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Hell Hole Wilderness Study Area;

(5) certain lands in the Apache and Gila National Forests, New Mexico, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Lower San Francisco Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Lower San Francisco Wilderness Study Area.

(6) certain lands in the Coronado National Forest, New Mexico, which comprise approximately seven thousand seven hundred sixty acres, as generally depicted on a map entitled "Whitmire Canyon Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Whitmire Canyon Wilderness Study Area.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; provided that within the areas, current levels of motorized and other uses and improvements shall be permitted to continue subject to such reasonable rules and regulations as the Secretary of Agriculture shall prescribe.

SEC. 104. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of New Mexico and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than New Mexico such statement shall not be subject to judicial review with respect to National Forest System lands in the State of New Mexico;

(2) with respect to the National Forest System lands in the State of New Mexico which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those areas designated for Wilderness Study by section 103 of this Act, or designated as wilderness by this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans, and in no case prior to the date established by law for completion of the initial planning cycle.

(3) areas in the State of New Mexico reviewed in such Final Environmental Statement and not designated as wilderness, or for wilderness study by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans;

(c) Unless expressly authorized by Congress, the Secretary shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of New Mexico for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Sec. 105. Congress does not intend that designation of wilderness areas in the State of New Mexico lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

TITLE II—TO ESTABLISH THE LANGMUIR RESEARCH SITE IN THE STATE OF NEW MEXICO

SEC. 201. That in order to encourage scientific research into atmospheric processes and astronomical phenomena, and to preserve conditions necessary for that research, there is hereby established the Langmuir Research Site (hereinafter referred to as the "research site") in the Cibola National Forest in the State of New Mexico.

SEC. 202. The Congress finds that the high altitude and freedom from air pollution and night luminosity caused by human activity, make the research site uniquely suited to the conduct of research probes into thunder clouds and for other atmospheric and astronomical research purposes.

SEC. 203. The Secretary of Agriculture shall administer, protect, and regulate use of the research site in accordance with the laws, rules, and regulations applicable to National Forest System lands, and in such manner as will best contribute to purposes of this Act.

SEC. 204. The Secretary of Agriculture in furtherance of the purposes of this Act, is hereby authorized, and directed, to enter into an appropriate land use agreement with New Mexico Institute of Mining and Technology for the Langmuir Research Site for the purpose of establishing conditions for use of the national forest land, and to set forth working relationships during such period of use.

SEC. 205. (a) The research site shall consist of approximately thirty-one thousand acres, including a principle research facility of approximately one thousand acres. The boundaries are depicted on a map entitled "Langmuir Research Site", dated August 1980, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture.

(b) As soon as practicable, after enactment of this Act, the Secretary of Agriculture shall develop a comprehensive management plan for the research site consistent with requirements of the National Forest Management Act of 1976 (Public Law 94–588) (16 U.S.C. 1604) which shall be incorporated into the initial Cibola National Forest land and resource management plan as provided for under that Act.

(c) Following timely notice in writing to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of his intention to do so, the Secretary may make minor adjustments in the boundaries of the research site to provide for more effective management or to encourage further research activity. For the purposes of this subsection, minor boundary adjustments shall not increase or decrease the amount of land within the research site by more than seven thousand acres.

(d) In developing the plan, the Secretary shall consult with the National Science Foundation, the New Mexico Institute of Mining and Technology, the New Mexico Academy of Science and appropriate conservation, wilderness, wildlife, industry, and other public interest groups.

(e) The plan shall prescribe specific research and management objectives necessary for the protection, management, and regulation of the research site as outlined in subsection (f) of this section.

(f) The research site shall be managed in accordance with the following objectives:

(1) The principal research facility shall be managed primarily for scientific research purposes. Dispersed recreation, grazing, and other uses which the Secretary determines to be compatible with scientific research may be permitted.

(2) The research site shall be managed to enhance scientific research objectives. Scientific research activities and associated research equipment and structures shall be permitted within the research site in accordance with the plan.

(3) Roads shall be limited to those necessary for scientific research activities and other reasonable activities as determined by the Secretary. Motor vehicle use shall be restricted to roads designated in the plan.

(4) The landing of small instrumented research rockets shall be permitted to continue in portions of the research site designated for such purposes in the plan.

TITLE III—FOR THE RELIEF OF ALBERT AND EULALIA RODRIGUEZ

SEC. 301. The Secretary of the Interior is authorized and directed to reimburse Albert and Eulalia Rodriguez for improvements to land situated in section 5, township 25 north, range 13 east of the New Mexico principal meridian within the Taos Pueblo Grant, State of New Mexico.

SEC. 302. Beginning October 1, 1981, there is hereby authorized to be appropriated not more than $20,000 for the purposes of this Act.

TITLE IV—FOR THE RELIEF OF THE VERMEJO CONSERVANCY DISTRICT

SEC. 401. That, notwithstanding any other provision of law, the Secretary of the Interior is authorized, subject to the written consent of the Vermejo Conservancy District, to amend contract numbered 178r–458, dated August 7, 1952, as amended, between the Vermejo Conservancy District, located in the State of New Mexico, and the United States for the construction, operation, and maintenance of the Vermejo reclamation project, to defer payments on the remaining repayment obligation of the Vermejo Conservancy District under such contract, until such time or times as the Secretary determines additional repayment to be reasonably feasible, to relieve the District of such other penalties, assessments, or costs, including interest, which have accrued or may become due under the existing contract prior to enactment of this Act, and to transfer all right, title, and interest in or to the project facilities serving the Vermejo Conservancy District; *Provided*, That the Vermejo Conservancy District shall, to the extent practicable, continue to operate and maintain the facilities of the Vermejo project for the benefit of all authorized project beneficiaries, including the Maxwell National Wildlife Refuge, and in accordance with the authorized project purposes; *Provided further*, That with the exception of assistance, if needed, under the Disaster Relief Act of 1974, as amended, the Federal Government shall incur no further expense on behalf of the Vermejo project or the Vermejo Conservancy District for the operation and maintenance or rehabilitation of existing facilities or for the development of any new facilities related to the delivery or impoundment of water, and further Federal expenditures related to the Vermejo Federal Reclamation project shall be limited to administration of such amended contract for the purpose of determining and obtaining such reasonable repayment as may be feasible, and to necessary expenses for fish and wildlife purposes. Transfer of project facilities to the District shall be without any additional consideration in excess of the existing repayment obligation of the District, and shall include any related lands or interests in lands acquired by the Federal Government for the project, except that any lands or interests in land, or interests in water, or other contractual arrangements which may be held by the Secretary for management of the Maxwell National Wildlife Refuge, for wildlife enhancement purposes, shall not be transferred and shall be maintained consistently with existing arrangements. Any amended contract which provides for deferral of the District's repayment obligation shall provide that the obligation shall continue in effect until repaid or for the useful life of the existing facilities, and the Secretary shall provide for a flexible plan of repayment of the remaining obligation of the District according to the District's ability to repay as determined by the Secretary. Determinations of ability to repay shall include water deliveries achieved in a given year, as well as such other factors as the Secretary considers to be pertinent."

TITLE V—CHACO CULTURE NATIONAL HISTORICAL PARK

SEC. 501. (a) The Congress finds that—

(1) archeological research in the San Juan Basin conducted over the past several years has greatly increased public knowledge of the scope of the prehistoric culture referred to as Chacoan Anasazi;

(2) the discoveries and the increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive and development for a wide variety of energy-related resources, including coal, uranium, oil, and natural gas;

(3) development of the San Juan Basin's important natural resources and the valid existing rights of private property owners will not be adversely affected by the preservation of the archeological integrity of the area;

(4) in light of the national significance of the Chacoan sites and the urgent need to protect them, continued cooperation between Federal agencies and private corporations is necessary to provide for development in the San Juan Basin in a manner compatible with preservation and archeological research.

(b) It is the purpose of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the San Juan Basin; to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

SEC. 502. (a) There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising approximately thirty three thousand nine hundred eighty nine acres as generally depicted on the map entitled "Chaco Culture National Historical Park", numbered 310/80,032–A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the Monument shall be available for the purpose of the Chaco Culture National Historical Park.

(b) Thirty three outlying sites generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033–A and dated August 1980, are hereby designated as "Chaco Culture Archeological Protection Sites". The thirty-three Archeological Protection Sites totaling approximately eight thousand seven hundred and seventy-one acres are identified as follows:

Name:	Acres
Allentown	42
Andrews Ranch	640
Bee Burrow	40
Bisa'ani	131
Casa del Rio	40
Coolidge	15
Dalton Pass	10
Great Bend	19
Greenlee Ruin	60
Grey Hill Spring	23
Halfway House	40
Haystack	115
Hogback	371
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Lake Valley	30

Name:	Acres
Las Ventanas	31
Morris 41	85
Muddy Water	1,210
Newcomb	44
Peach Springs	985
Pierre's Site	440
Raton Well	23
San Mateo	14
Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Standing Rock	321
Twin Angels	40
Toh-la-kai	10
Upper Kin Klizhin	60
Squaw Springs	870

SEC. 503. The Secretary of the Interior shall continue to search for additional evidences of Chacoan sites and submit to Congress within two years of date of enactment of this Act and thereafter as needed, his recommendations for additions to, or deletions from, the list of archeological protection sites in section 502(b) of this title. Additions to or deletions from such list shall be made only by an Act of Congress.

SEC. 504(a). The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the Chaco Culture National Historical Park (hereinafter referred to as the "park") and the archeological protection sites as identified in section 502 of this title by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of New Mexico or any political subdivision thereof, may be acquired by exchange or donation only. Property held in trust for the benefit of any Indian tribe or for the benefit of any individual member thereof may be acquired only with the consent of such owner or beneficial owner as the case may be.

(b) The respective tribal authorities are authorized to convey by exchange, purchase, or donation the beneficial interest in any lands designated by section 502 of this Act and held in trust by the United States for the respective tribes, to the Secretary, subject to such terms and conditions as the tribal authority deems necessary and which the Secretary deems are consistent with the purposes of this title.

(c)(1) The Secretary shall attempt to acquire private lands or interests therein by exchange prior to acquiring lands by any other method authorized pursuant to section 504 of this Act.

(2) The Secretary shall attempt to enter into cooperative agreements pursuant to section 505 of this Act with owners of private property for those archeological protection sites described in section 502(b) of this Act. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be effected.

(d)(1) For purposes of completing an exchange pursuant to subsection (a) and (b), the Secretary shall designate a pool of at least three times the private acreage described in subsections (a) and (b), comprised of Federal property interests of a similar resource character to property to be exchanged. Federal property shall, whenever possible, be designated in blocks of at least one section in size, but in no event shall the blocks designated be less than one quarter of a section in size.

(2) The Secretary may include within the pool any Federal property under his jurisdiction except units of the National Park System, National Forest System, or the National Wildlife Refuge System that are nominated by the owner of the private property to be exchanged. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal values.

(e) All Federal lands, waters, and interests therein excluded from the boundaries of Chaco Canyon National Monument by this title may be exchanged for non-Federal property to be acquired pursuant to this title. Any lands so excluded shall be managed by the Secretary under the provisions of the Federal Land Policy and Management Act of 1976. Transfer of administration of such lands to the Bureau of Land Management shall not be considered a withdrawal as that term is defined in section 103(j) of the Federal Land Policy and Management Act of 1976.

SEC. 505. The Secretary shall seek to enter into cooperative agreements with the owners, including the beneficial owners, of the properties located in whole or in part within the park or the archeological protection sites. The purposes of such agreements shall be to protect, preserve, maintain, and administer the archeological resources and associated site regardless of whether title to the property or site is vested in the United States. Any such agreement shall contain provisions to assure that (1) the Secretary, or his representative, shall have a right of access at all reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research: and (2) no changes or alterations shall be permitted with respect to the cultural resources without the written consent of the Secretary. Nothing in this title shall be deemed to prevent the continuation of traditional Native American religious uses of properties which are the subject of cooperative agreements.

SEC. 506. (a) The Secretary shall administer the Park in accordance with the provisions of this title and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

(b) The Secretary shall protect, preserve, maintain, and administer the Chaco Culture Archeological Protection Sites, in a manner that will preserve the Chaco cultural resource and provide for its interpretation and research. Such sites shall be managed by the Secretary in accordance with the provisions of this title and the provisions of law generally applicable to public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976: *Provided, however*, That lands held in trust by the Secretary for an Indian tribe or any individual member thereof, or held in restricted fee status shall continue to be so managed or held by the Secretary.

(c) No activities shall be permitted upon the upper surface of the archeological protection sites which shall endanger their cultural values. For the purposes of this Title, upper surface shall be considered to extend to a depth of twenty meters below ground level. Nothing in this Title shall be deemed to prevent exploration and development of subsurface oil and gas, mineral, and coal resources from without the sites which does not infringe upon the upper surface of the sites.

(d) Nothing in this title shall be deemed to prevent the continuation of livestock grazing on properties which are the subject of cooperative agreements.

(e) Within three complete fiscal years from the date of enactment, the Secretary shall transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the identification, research, and protection of the park, pursuant to the provisions of subsection (12)(b) of the Act of August 18, 1970, to be developed by the Director, National Park Service, in consultation with the Directors, Bureau of Land Management and Bureau of Indian Affairs and the Governor, State of New Mexico, and a joint management plan for the identification, research, and protection of the archeological protection sites, to be developed by the Director, National Park Service, in consultation and concurrence with the Directors, Bureau of Land Management and Bureau of Indian Affairs, and the Governor, State of New Mexico.

SEC. 507(a). Consistent with and in furtherance of the purposes of the Division of Cultural Research of the Southwest Cultural Resources Center, operated by the National Park Service, the Secretary shall continue such research and data gathering activities as may be appropriate to further the purposes of this title and knowledge of the Chaco culture. The Secretary shall submit in writing within six months of the effective date of this section, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a plan for the continued operational program of the Division. The Secretary is authorized and encouraged to establish a committee composed of professional archeologists and others with related professional expertise including the designee of the Governor of the State of New Mexico to advise the Secretary in matters related to the surveying, excavation, curation, interpretation, protection, and management of the cultural resources of the historical park and archeological protection sites.

(b) The Secretary shall, through the Division of Cultural Research of the Southwest Cultural Resources Center of the National Park Service, be responsible for the development of a computer-generated data base of the San Juan Basin, and make such information available to Federal and private groups when to do so will assist such groups in the preservation, management, and development of the resources of the basin.

(c) The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters in the archeological protection sites, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall prior to the approval of the expenditure of any Federal funds on such undertaking, or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment in writing with regard to such undertaking and its effect upon such sites, and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which such sites are established.

SEC. 508. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title but not to exceed $11,000,000 for acquisition and $500,000 for development.

TITLE VI—SALINAS NATIONAL MONUMENT

SEC. 601. (a) In order to set apart and preserve for the benefit and enjoyment of the American people the ruins of prehistoric Indian pueblos and associated seventeenth century Franciscan Spanish mission ruins, the Secretary is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, not to exceed four hundred and sixty-six acres of land in the State of New Mexico which, in addition to the lands now comprising Gran Quivira National Monument, shall be designated as the Salinas National Monument. The Secretary is further authorized to acquire, in or near the town of Mountainair, such additional lands as may be necessary for an administrative site for the monument.

(b) Gran Quivira National Monument is hereby abolished as such, and any funds available for purposes of the monument shall be available for purposes of the Salinas National Monument.

(c) The Secretary shall administer and protect the monument in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary is encouraged to transfer to the employment of the National Park Service such personnel associated with the administration of the State-owned lands as are interested in and qualified for such transfer, as such State lands are acquired by the Secretary.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,140,000 for acquisition and $500,000 for development.

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) is recognized for 1 hour on the committee amendment.

Mr. SEIBERLING. Mr. Speaker, it is with a sense of considerable satisfaction that I rise in support of H.R. 8298, with an amendment in the nature of a substitute. I say "satisfaction" because this substitute represents a compromise on S. 2261, a bill which only passed the Senate on September 30, and on which the prospects for resolution before adjournment looked bleak. However, thanks to the cooperation and assistance of the Forest Service and the New Mexico congressional delegation, the Subcommittee on Public Lands has since been able to complete a 3-day field inspection of most of the areas proposed for wilderness or wilderness study in the substitute, and to meet with groups representing the various points of view and economic interests, at 10 different locations in New Mexico, to discuss the particulars of each area. Our inspection trip was completed on November 11, and since that time I have worked closely with the New Mexico delegation to develop the consensus bill offered today.

In presenting the substitute, I recognize that time constraints have not allowed the legislation to undergo the normal process of subcommittee and committee markup and publication of a committee report, and I therefore offer the following detailed explanation of the changes we made in the Senate passed bill as well as other issues of concern.

APACHE KID WILDERNESS

The Senate bill proposed a wilderness of 40,000 acres—actual acreage calculations reveal the boundary was closer to 35,000 acres—whereas H.R. 8298 designates a wilderness of approximately 45,000 acres. During the Public Lands Subcommittee's field inspection tour of this area, it was determined, based on local public input, that the wilderness boundary should be located further South than the Senate proposed in order to incorporate the high peaks in the area, as well as the spectacular scenery in Indian Creek and along Skeleton Ridge. This proposal will provide wilderness protection for the core mountain massif of the area, which is the area most heavily visited by those seeking a wilderness-type experience.

CRUCES BASIN

Not included in the Senate-passed bill, this 18,000-acre area represents a type of terrain and vegetative mixes not generally found in other components of the wilderness system. The area was burned over by an intense fire in the 1880's, and consists of a large basin with grass-covered hills, deep canyons, and aspen forests, with small patches of spruce. Its relatively "open" terrain affords spectacular views of distant high mountains in Colorado and New Mexico and makes the area highly suited for primitive recreation. The wilderness boundary is drawn to exclude most areas of existing motorized use and several existing livestock water impoundments and improvements. The agreement to include the area in wilderness was made with the specific understanding by Congress that wilderness designation will not interfere with the construction of additional fencing authorized for the area in the current allotment management plan and with the further understanding that wilderness will not require any reduction in the potential numbers of animal unit months (AUM's) assigned to the area in the existing allotment management plan.

GILA WILDERNESS ADDITIONS

The substitute revised the Senate proposal in three areas. First, some 5,000 acres were deleted north of Beaver Points at the north end of the area to allow for timber harvest, if Forest Service determines this is appropriate. Second, some 10,000 acres were added to protect the unique Sapillo Box Canyon with its spectacular rock formations and a portion of its scenic watershed above its confluence with the Gila River, as well as lands within the existing Gila Primitive Area which lie along the highway into the Gila Cliff Dwellings National Monument. These additions were recommended for wilderness by the Forest Service.

The final additions compromise rugged terrain along the southwest boundary of the area. These additions total some 7,000 acres and contain rock formations which the Forest Service believes possess "extraordinary wilderness characteristics". The additions will also provide a better wilderness boundary location on identifiable topographic features and save the Forest Service considerable expense in surveying and identifying a wilderness boundary.

PECOS WILDERNESS ADDITIONS

The substitute deletes approximately 9,000 acres of land on the north end of the area for its timber potential, and 12,000 acres in a long finger of Forest Service recommended wilderness additions to the east of the Santa Fe Municipal Watershed. Recent mineral surveys in this finger have revealed a good commercial potential for several mineral including lead, copper and zinc. Lands in this area that lie within the Santa Fe Municipal Watershed were left within the wilderness proposal, and some 6,000 acres of additional lands which the Forest Service had recommended for "further planning" were added to round out wilderness protection of the upper Santa Fe River watershed. Congress is aware that the Santa Fe Municipal Watershed is currently closed to public entry, and a provision was incorporated in the substitute to insure that wilderness designation within the watershed will not interfere with this closure or with any Federal, State or local laws, rules or regulations which apply to the watershed.

LATIR PEAK WILDERNESS

The substitute adds some 5,000 acres to the proposed wilderness for a total of 20,000 acres. The addition was recommended for wilderness by the Forest Service and contains the beautiful Heart Lake and scenic Lake Fork Creek drainage, which is the most heavily used approach to the mountainous country in the heart of the proposal. As in the Senate bill, lands containing some commercial timber east of the Rito Claro are excluded from wilderness.

WHEELER PEAK ADDITIONS

The substitute restores some 5,600 acres which were deleted from wilderness in the Senate passed bill. This "Sawmill Creek" area abuts lands owned by the Taos Pueblo, and the Pueblo has requested wilderness because of the area's proximity to several religious sites, and importance as a pristine watershed. In addition, the Sawmill Creek area will complement the diversity of the existing wilderness with lower elevation lands, and will serve to spread out the very high primitive recreation use which the Wheeler Peak area now receives.

BLUE RANGE PRIMITIVE AREA

The substitute corrects an inadvertent error in the Senate bill by which the portion of the existing Blue Range Primitive Area in Arizona would have been repealed. The fate of these Arizona lands will presumably be addressed in future legislation pertaining to RARE II lands in Arizona.

WILDERNESS STUDY AREAS

The bill designates six wilderness study areas. Three of these areas (Bunk Robinson, Hell Hole, and Whitmire Canyon) lie adjacent to RARE II lands in Arizona which were identified for "further planning" by the Forest Service, and it was agreed that the New Mexico lands should undergo further wilderness study so as not to have their wilderness consideration limited to the arbitrary State line which runs through the areas.

The Lower San Francisco Wilderness Study Area of the Senate bill was retained, but was reduced in size from 25,700 to 8,800 acres. The 8,800-acre study area of the substitute was recommended for wilderness by the President, but wilderness study was deemed more appropriate by Congress in order to allow time to evaluate the effects of motorized vehicle use on the wildlife and terrain in this scenic river canyon.

During the Public Lands Subcommittee's field inspection tour considerable sentiment was expressed to split the substitute's proposed 46,000-acre Columbine-Hondo Wilderness Study Area, with the approximate western two-thirds going into wilderness and lands east of Gold Hill dropping into nonwilderness. However, mineral surveys in the area are still ongoing, and it was determined that additional time was needed to assess the mineral potential before a final wilderness decision is reached. The substitute therefore legislates the Forest Service's recommendation that the area undergo further wilderness study.

On the Texas-New Mexico border, the substitute designates a 21,000-acre Guadalupe Escarpment Wilderness Study Area. Although this area, which links Carlsbad Caverns and Guadalupe Mountains National Parks, was recommended for wilderness by the Forest Service, it was agreed that further wilderness study is a preferable designation at this time. Wilderness study will allow time to determine whether the area has a high potential for oil and gas.

SUFFICIENCY LANGUAGE

The sufficiency language is essentially the same formula which was contained in Senate or House passed legislation pertaining to RARE II lands in California, Colorado, and Alaska. The effects of this formula are thoroughly discussed in House Report 96–1223 and Senate Report 96–914. However, the substitute departs from the previous language in that lands identified by the Forest Service in RARE II for "further planning" are released from that designation. As such, these lands, unless specifically designated for wilderness or wilderness study by the substitute, will not be required to undergo further wilderness review until "second generation" forest land management plans are developed in the 1990's.

GRAZING

Grazing within the wilderness and wilderness additions in the substitute will, as with all other national forest wilderness areas, be governed subject to the guidelines contained in House report 96–617. These guidelines have already been implemented by the Forest Service.

FIRE MANAGEMENT

Fire management within the wilderness and wilderness additions of the substitute should be in accordance with section 4(d)(1) of the Wilderness Act. Further congressional guidance on this issue can be found on page 37 of House report 96–1223 and on page 6 of House report 95–540. This guidance should be applied to New Mexico Wilderness area.

LANGMUIR

The substitute incorporates the provisions of S. 2364 which has already passed the Senate.

The bill also includes the Chaco Canyon National Historical Park and Salinas National Monument, which will be discussed in greater detail by Mr. LUJAN.

Mr. Speaker, I believe that H.R. 8298 represents a compromise which is equitable to all involved, and I am gratified that we were able to work out this consensus legislation with our colleagues from New Mexico. I urge its adoption. In so doing, I would also like to take the time to express my personal thanks to Regional Forester Jean Hassell and Chuck Williams and Linda Brownlow of the National Forest Service. Without their superb efforts in coordinating the Public Lands Subcommittee's recent New Mexico field inspection tour, I am doubtful that we would have been able to develop this consensus bill in such a short time period, in fact I know we would not have.

I would like to commend particularly our colleague from New Mexico (Mr. LUJAN) who accompanied us on our field inspection and whose knowledge of the land and people and constructive approach enabled us to reach accommodations on the various issues of this somewhat complex bill.

Commendation is also in order to Senator DOMENICI, who urged us to move on this in this session, and to Senator HARRISON SCHMITT, who accompanied us on the field trip and contributed greatly to our understanding of many important factors.

Special thanks is due to both majority and minority staffs, without whose outstanding expertise and extraordinary work effort this consensus bill would not have been possible.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanmous content that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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Mr. SEIBERLING. Mr. Speaker, I am happy to yield to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding.

I want to offer my sincere thanks to the gentleman for his dedication, going way beyond the call of duty to get this kind of legislation passed. It is the gentleman's style to visit on the grounds all of the various areas.

Mr. Speaker, I will be very brief.

Mr. Speaker, I rise in support of H.R. 8298 which has taken 2 years to bring along. All of the people with particular interests, whether it is timbering, mining, ecological concerns, whatever, have had an input into this legislation. One of the items I am particularly pleased with, we were able to clear up with the Forest Service some items on woodcutting for those residences.

In addition, we have some other needs that had to be taken care of, some other legislation that has been hanging for a long time and the gentleman was very accommodating and we were able to put them in.

I really want to take this opportunity to again say to the gentleman that we appreciate it, we have been able to put together some legislation that, while controversial in nature, because of the gentleman's dedication that we were able to smooth out most of the rough feelings and it worked out real well.

As I say, Mr. Speaker, I rise today in support of my bill, H.R. 8298, which is based on almost 2 years of work, study and discussion leading to a New Mexico wilderness proposal resulting from the RARE II process.

Every effort has been made in it to satisfy the interests of everyone involved, from the mining interests to the timber interests, from the cattlemen to the conservationists. Boundaries have been drawn and redrawn, language written and rewritten, additions made and deleted until finally we have arrived at a bill that provides wilderness protection for those areas that I believe truly deserve it. Spectacular mountains, high plains, deep canyons, and primitive rivers are all brought within the wilderness system, making the wilderness areas within New Mexico into one of the most complete packages in the United States.

Grazing rights are taken care of, timber and mining interests are considered and protected through the exclusion of those lands most suitable to logging and mining, recreational off-road vehicle users are given continued access to those areas of greatest importance to them, and New Mexicans are provided with additions to the system totaling approximately 600,000 acres of some of the best wilderness land in New Mexico.

Finally, because I have heard from many New Mexicans concerning their interest in retaining the right to go into areas designated wilderness to collect wood for their own personal use, I have written a letter to Max Peterson, Chief of the Forest Service, asking him to provide me in writing with assurances that this can continue. My letter to him follows:

DEAR MAX: I have recently been involved in work on a RARE II Wilderness bill for the State of New Mexico, and in the discussions of the bill the subject of permitting wood cutting in Wilderness Areas came up.

It is my understanding that at the present time the Forest Service has a policy under which permits are issued to individuals who want to go into National Forests to remove dead and down wood for their own personal use. I am also told that such a policy would apply to a Wilderness Area, i.e., that if individuals wanted to enter a Wilderness Area to bring out dead and down wood, that such a permit system would also apply and they would be permitted to do so within the same restrictions that apply to other areas of a National Forest, together with the restrictions that apply to a Wilderness Area (such as a prohibition on motorized vehicles).

I would appreciate hearing from you on this issue and assuming that my information is accurate, a letter confirming that such a policy exists would be deeply appreciated.

Best regards,

MANUEL LUJAN, Jr.

Also contained in H.R. 8298 is another bill important to New Mexico and the Nation. This measure would establish the

Langmuir National Research Site in central New Mexico.

Since 1954 scientists have been conducting research into astronomical and atmospheric problems in the Magdalena Mountains which are located in the Cibola National Forest. But this research has had to be conducted under a special use permit issued by the Forest Service since the enabling legislation for Cibola never mentioned scientific research as a use for the forest. This has resulted in administrative problems.

This title would simply include the research site in the multiple-use concept. Recreation activities and other uses of this public land would continue with the research site taking equal footing with such activity.

I believe it is important that we approve this since the site in question is ideal for research. It is at a high altitude and it is free of any pollution; both of these qualities are essential for atmospheric study. This is a good idea, protecting both scientific research and our forest and I urge its approval.

The final title of the bill deals with the Vermejo Conservancy District, and it relieves it of its repayment obligation to the United States until such time as the money becomes available. The Vermejo project was authorized in 1950 under the Bureau of Reclamation and completed within 5 years. Since 1966 the district has not been able to repay the debt and there are no immediate prospects of it being able to since the quantity of water that was to have been available to irrigate the crops has consistently fallen extremely short. The debt is not erased, but all the delinquency assessments and penalties are canceled. Provision is made for repayment when and if water becomes available and the Department of the Interior supports this concept.

Title 5 establishes Chaco Culture National Historical Park. Archaeologists have long known that the Anasazi ruins in Chaco Canyon of northwest New Mexico were of major importance in understanding the early Pueblo Indian culture of the Southwest. Chaco was a major city of its time 1,000 years ago. For example, the largest apartment house in the world was the great ruin at Chaco until a larger apartment was built in New York City in the 1880's. We have known that Chaco was a major trade center and shells from the Pacific and parrot bones and feathers from Mexico have been found.

But the great mystery has remained of what Chaco's role in early Southwest culture really was and why its inhabitants abondoned it so swiftly 800 years ago. Recent discoveries which Chaco Culture Historical Park would protect may help give us the answers to these perplexing questions. Archaeologists have found a widespread road complex in northwest New Mexico—and like ancient Rome, all roads seems to lead to Chaco.

Because of energy development now going on in this coal and uranium rich area of New Mexico, without expanded protection for the Chaco region, some of the pieces to this archaeological puzzle could be lost for all time. So not only does this title protect a great archaelogical resource, but it could help answer the questions which have baffled American science for a century.

The final title establishes the Salinas National Monument. Ancient Pueblo cultures existed near the Manzano Mountains in New Mexico for centuries and were still flourishing when the Spanish arrived in the 16th century. Missions were built and efforts were made to grafton Western civilization. However, in the last 17th century, the Comanches and Apaches, who by this time had acquired horses, increased their raids on the area and it became impossible for the Pueblos to maintain their culture. They were driven to the Middle Rio Grande Valley where many of them still survive.

When the Pueblos left, they left behind whole villages and three of them, all within close proximity, Abo, Quarai, and Gran Quivira would comprise the Salinas National Monument. The Federal Government currently operates Gran Quivira as a national monument while the State of New Mexico has title to Abo and Quarai. The three sites together will make a unique package, demonstrating to all visitors the sense of life at that time.

Let me conclude by saying that I urge the adoption of this bill as being in the best interests of New Mexico and the Nation.

Mr. SEIBERLING. Mr. Speaker, I would like to ask the gentleman from New Mexico about two items in this bill that do not deal with wilderness areas but deal with units of the national park system. These were added at the suggestion and request of the gentleman from California (Mr. PHILLIP BURTON), the chairman of the National Parks Subcommittee, and they deal with the Chaco Canyon National Historical Park and the Salinas National Monument. I understand that in his extended remarks the gentleman from New Mexico intends to go into greater detail on those two items, is that correct?

Mr. LUJAN. Mr. Speaker, I do so intend. That is one of the items that we were most pleased we could get included in here and we are appreciative of the fact that the gentleman who is now speaking was able to work it out with the chairman of the Subcommittee on Parks to include the Chaco Culture National Historic Park. It is a very important area. We have known that Chaco, for example, in past years was a major trade center and areas like that need to be preserved. We tried to do that in this particular legislation. I think we have accomplished that. We have a problem of energy production in there. We want to be sure we can get to those resources but also there are areas that must be preserved and this has been very carefully drawn and taken care of.

Mr. SEIBERLING. Mr. Speaker, I would like to commend the gentleman for including these. I would like to say that I had an extra day on my own time when I went out there and I took that time to go to the Bandalier National Monument which is not included in this bill but it is an existing unit of the national parks system and I went to the Frijiles Canyon where there are not only cliff dwellings but the ruins of an ancient Pueblo and it was one of the most fascinating places I have ever been in my life and I am looking forward to going back when I have a little more time and visiting some of the areas because it is an experience that is absolutely unique and inspiring.

Mr. LUJAN. I would hope the gentleman can get back.

I would like to make a further comment about the importance of wilderness in areas like New Mexico.

In the past few years we have been very fortunate in that we have been able to designate some of the beautiful areas of this country and of the State of New Mexico into a wilderness area.

Right outside of Albuquerque, we have the Sandia Wilderness. It is a picture to look out of your window in Albuquerque and see it. We certainly want no development there.

I had a lot of other things I could have said in praise of the wilderness designations in my own beautiful home State but since we are coming to the end of the session, I thank the gentleman for yielding to me and I thank him for his dedication.

Mr. SEIBERLING. I thank the gentleman.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

I ask for the adoption of the bill, as amended.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO HAVE UNTIL MIDNIGHT, SUNDAY, NOVEMBER 30, 1980, TO FILE CONFERENCE REPORT ON H.R. 5487, COLORADO NATIONAL FOREST WILDERNESS ACT OF 1980

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight, Sunday, November 30, 1980, to file a conference report on the bill, H.R. 5487, to designate certain national Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H R. 39, ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Mr. UDALL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 453) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill, H.R. 39, the Alaska National Interest Lands Conservation

Act, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 453

Resolved by the House of Representatives (*the Senate concurring*), That in the enrollment of the bill (H.R. 39), to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

Add at the end of section 1326 of the bill the following:

"PUBLIC LAND ENTRIES IN ALASKA

"Sec. 1327. (a) (1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609), May 3, 1927 (44 Stat. 1364), May 14, 1898 (30 Stat. 413), and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

"(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wildlife Refuge System, or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established before the effective date of this Act or by this Act, and the described land was not withdrawn pursuant to section 11(a) (1) of the Alaska Native Claims Settlement Act, or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a) (1) (A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a) (2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 306(a) (1) hereof, the Alaska Native Claims Settlement Act, and other applicable law.

"(3) Paragraph (1) of this subsection and subsection (c) shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 306(a) (1) hereof, if on or before the one hundred and eightieth day following the effective date of this Act—

"(A) A Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Claims Settlement Act; or

"(B) The State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

"(C) A person or entity files a protest with the Secretary stating that the applicant is not entitled to the land descirbed in the application and that said land is the situs of improvements claimed by the person or entity.

"(D) The State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law.

(E) Regarding public land entries within units of the National Wildlife Refuge System established or expanded in this act, any such entry not properly made, under applicable law, or not the subject of an application filed within the time required by applicable law, or not properly maintained thereafter under applicable law shall be adjudicated pursuant to the act under which the entry was made.

"(4) Paragraph (1) of this subsection and subsection (c) shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

"(b) An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the entry's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a) (8) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided, further*, That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*, That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as as desired by amendment.

"(c) Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or powerproject purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in section 306(a) (1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further*, That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further*, That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended or other Act of Congress.

"(d) Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands."

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arizona?

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Mr. LUJAN. Mr. Speaker, I reserve the right to object.

I do so only to ask the gentleman to inform the Members of the House the purpose of this resolution.

Mr. UDALL. Mr. Speaker, if the gentleman will yield, I thank him for taking time to clarify this.

I think this is the last screw in the door that we are going to lock this Alaska legislation and put it away.

Last week we passed the Alaska lands legislation. Earlier this week we passed a concurrent resolution to make certain corrections and changes that all parties wanted. There was one problem relating to homesteads that we had coming up this morning in connection with the appropriation bill handled by the gentleman from Illinois (Mr. Yates). I pledged to the gentleman and to the senior Senator from Alaska that if we could get it out of that unfortunate posture, that I would see in this Congress and find a method or a way to get this additional change made; so it has been cleared with everybody. It has been done to resolve this last issue, the homestead matter, in the Alaska lands bill.

This will permit the enrollment of the bill to continue and to be completed and it can be sent to the White House.

This is the last turn of the screw here.

Mr. LUJAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arizona?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REQUEST TO CONCUR IN SENATE AMENDMENTS TO H.R. 7466, EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED FEDERAL EMPLOYEES

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7466) to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 6, after line 10, insert:

Sec. 4. (a) Section 8332 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Upon application to the Office of Personnel Management, any individual who is an employee on the date of the enactment of this subsection, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a congressional employee) for service before the date of the enactment of this subsection while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 5 years service on such committees as of the effective date of this section, and

"(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under section 8334(c) of this title if such service were service as a congressional employee.

"(2) The Office shall accept the certification of the President of the Senate (or his designee) or the Speaker of the House (or his designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to which credit is to be sought under this subsection.

"(3) An individual receiving credit for service for any period under this subsection shall not be granted credit for such service under the provisions of the Social Security Act.".

(b) The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. FORD of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan (Mr. Ford)?

Mrs. FENWICK. Mr. Speaker, I reserve the right to object.

I would like to ask the gentleman a question. Are there any Federal pension or other benefits accruing through this measure to political campaign committee employees?

Mr. FORD of Michigan. Mr. Speaker, if the gentlewoman will yield, the answer is no, but it is going to confuse the gentlewoman. No.

Mrs. FENWICK. Does the gentleman mean that no political campaign committee employees will receive any credit for service which will entitle them to larger pensions from the Federal pension fund; is that correct?

Mr. FORD of Michigan. That is correct.

Mrs. FENWICK. Or former employees?

Mr. FORD of Michigan. No, that is not correct.

Mrs. FENWICK. Why not? Is it possible that we are planning to put political campaign people and give them credit for Federal pensions when they have been engaged in political campaigns?

Mr. FORD of Michigan. It is entirely possible, because the precedent for this was set several years ago when we did this for all of the employees of the gentlewoman's campaign committee and our campaign committee in this House.

Mrs. FENWICK. Surely we should not ask the public to do that. One of the best moments in my campaign when I was seeking——

Mr. FORD of Michigan. Then we should not employ these people to work for the gentlewoman's party and mine.

Mrs. FENWICK. It is not a question of the party. These are political campaign employees.

Mr. FORD of Michigan. If the gentlewoman has a quarrel with that, it is not with me, it is with the gentlewoman's own caucus. Talk to them.

Mrs. FENWICK. I am talking on behalf of the public. I am not taking any partisan position.

Mr. FORD of Michigan. Well, this is a partisan organization that over the years has employed people to protect the two-party system. We have tried to deal evenhandedly with the employees of both the Democratic and the Republican parties. If the gentlewoman from New Jersey objects to employing people to preserve the two-party system, that is not a matter she should take up with me. She should take it up with her own party.

Mrs. FENWICK. I am taking it up on the floor of the House because that is where the money is going to be or ultimately is granted.

Mr. FORD of Michigan. Nobody is getting anything for nothing, I might say to the gentlewoman; nobody is being unjustly enriched.

Mrs. FENWICK. I think this is a nongermane amendment which does not belong attached to this bill.

Mr. FORD of Michigan. I do not know how to respond to the gentlewoman.

Mrs. FENWICK. Mr. Speaker, I object.

The SPEAKER pro tempore. Does the gentlewoman from New Jersey object to the initial request of the gentleman from Michigan?

Mrs. FENWICK. I do, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

CLARIFYING RESPONSIBILITIES PERTAINING TO SUSPENSION OF COMPANIES DOING BUSINESS WITH ARMY AND AIR FORCE EXCHANGE SERVICE

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, today I place in the Congressional Record copy of a letter to Maj. Gen. Duane Stubbs, Commander, Army and Air Force Exchange Service, signed by the Honorable Melvin Price, chairman, House Armed Services Committee, the Honorable Samuel Stratton, chairman, Investigations Subcommittee, and me as chairman of the Nonappropriated Fund Panel which has oversight responsibility for the worldwide military resale system.

The purpose of this letter is to clarify the responsibilities of General Stubbs in matters pertaining to suspension of companies and their representatives doing business with the Army and Air Force Exchange Service.

For several months, a Federal task force had under investigation allegations of fraud within the system. Indictments have been returned by a Federal grand jury. There have been some convictions as a result.

It is the opinion of our committee that those indicted and convicted must be denied the opportunity of doing business with the military resale system. This type of behavior will not be tolerated.

Another letter is being prepared to deal with those companies and their representatives who attempt to manipulate the system through merger or subterfuge.

The letter follows:

Committee on Armed Services,
Washington, D.C., November 20, 1980.

Maj. Gen. Duane Stubbs,
Commander, Army and Air Force Exchange Service, Red Bird Plaza, Dallas, Tex.

Dear General Stubbs: Pursuant to its oversight responsibility for the military exchange systems, the Nonappropriated Fund Panel of the Investigations Subcommittee has been monitoring closely the investigation by a Federal Task Force into allegations of fraud and corruption in the Army and Air Force Exchange Services (AAFES). In addition, the panel has been examining independently the entire AAFES matter, including vendor and employee misconduct.

In August 1976 a Federal Task Force was established to investigate fraud allegations within AAFES. The Task Force consisted of representatives from the Department of Justice, Public Integrity Section; United States Attorney, Office for the Western and Northern District of Texas; the Federal Bureau of Investigation; the Internal Revenue Service; and Air Force Office of Special Investigations. The Task Force was to investigate criminal fraud activities of AAFES employees, vendors, military representatives and contractors doing business with, or attempting to do business with, AAFES.

The Nonappropriated Fund Panel has been informed that certain vendor companies, i.e., Churchill Sales Co., Inc.; Martin A. Taylor Co., Inc.; and Bazar, Inc. Sales Co. have pled guilty in the U.S. District Court in Dallas, Texas to violating Title 18, United States Code, Sections 201(b)(1) and 201(b)(3) by bribing AAFES employees. We have also been informed that as a result of the plea bargaining process with the U.S. Attorney's Office, the effective date of the guilty pleas for two of the companies is six months from the date of the pleas. The effective date for Martin A. Taylor Co., Inc. is January 30, 1981; and Churchill Sales Co., Inc., February 6, 1981.

Because of this admitted criminal activity which directly involves the exchange system, it seems incumbent upon AAFES to suspend these contractors from doing business with the government for the purpose of protecting the interest of the government. The Defense Acquisition 1–605.1 establishes that a firm or individual may be suspended when such firm or individual is "suspected, upon adequate evidence, of commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in performance of a public contract" or "of commission of . . . bribery . . . or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a government contractor" or "for other cause of such serious and compelling nature, affecting responsibility as a Government contractor, as may be determined by the Secretary of the Department concerned to justify suspension."

The panel is of the opinion that for any or all of these reasons the government could immediately cease doing business with the three aforementioned companies or any others in the future which admit their criminal activity within the AAFES system. Should there be any concern about the position of the Department of Justice in the matter, you should know that we have been informed by Kenneth J. Mighell, United States Attorney for the Northern District of Texas, that the Department of Justice does not take an official position in the matter of suspension or debarment and that AAFES should make its own independent decision concerning the status of these companies vis-a-vis their doing further business with AAFES.

While the panel understands that you have suspended Bazar, Inc. Sales Co., serious consideration should be given immediately to suspending the other two companies. Further, the panel strongly recommends that in the future immediate considerations be given to suspending companies which admit to criminal activity involving the AAFES system or its employees.

In addition, the panel is of the opinion that aggressive action must be taken against any AAFES employee engaged in illegal conduct.

Sincerely,
Dan Daniel,
Chairman, Nonappropriated Fund Panel Investigations Subcommittee.
Melvin Price,
Chairman, House Armed Services Committee.
Samuel S. Stratton,
Investigations Subcommittee.

COLUMBUS DAY ADDRESS OF THE REVEREND WILLIAM J. O'HALLORAN, S.J.

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on Monday, October 13, 1980, the people of this Nation observed Columbus Day. Also on that day, in my home community of Syracuse, N.Y., a gathering took place at the Hotel Syracuse to mark the sixth annual Columbus Monument Association luncheon.

Before several hundred distinguished members of the community, the Reverend William J. O'Halloran, S.J., president of LeMoyne College, delivered a most impressive Columbus Day speech, one which I feel most worthy of sharing with my colleagues:

COLUMBUS DAY ADDRESS BY WILLIAM J. O'HALLORAN, S.J., PRESIDENT, LE MOYNE COLLEGE

In a dark corner of the magnificent Cathedral of Seville in Spain, there remain today some of the most precious historical documents in the world. They are part of the collection which makes up the Bibliotheca Colombina, and contain books which Christopher Columbus annotated in his own hand. Among them is a copy of Seneca's Medea, which belonged to the discoverer's son Ferdinand. It is open to a prophecy written by Seneca fourteen centuries earlier.

"An age will come after many years when this Ocean will loose the chains of things, and a huge land lie revealed."

"This prophecy," wrote his son in the margin of his book, "was fulfilled by my father in the year 1492."

The ship's log recorded that land appeared two hours after midnight on the 71st day—distant cliffs shining in the glow of a blazing moon. Columbus named the land for the Holy Savior, San Salvador, called the people los Indios. The day was October 12, 1492. The discoverer was forty years old.

He claimed the lands for Spain, for Ferdinand and Isabella, and for himself. A small ill-fated colony was settled where he had spent his first Christmas in the New World. He called it La Navidad and then sailed off in an easterly direction for his triumphal return to Spain.

The Indies Columbus found were not the Japan he sought—they did not hold the riches and treasures which the King of Spain longed to have from the Orient. Instead, it was the New World, the land of discovery, of beauty, of inestimable resources.

Christopher Columbus was the first of many Italians to discover the New World. The six famous explorers who followed him determined the entire future course of American history. They were Giovanni Caboto, known to us today by the name the English gave him, John Cabot, in 1497, Verrazanno in 1524, Marco da Nizza in 1540, Enrico Tonti in 1680, Padre Chino in 1700, and Francesco Vigo in 1779.

With Caboto, the English claimed legal title to their colonies in New England and Virginia. With Verrazanno, the French laid claim to their holdings in this very part of America where we are today. They called it Nouvelle France, New France, and with Verrazanno, there began the parade of famous French explorers of whom Father Simon Le Moyne was one. Marco da Nizza was the discoverer of the southwest and Padre Chino, whose statue represents Arizona in the Capitol in Washington was its missionary. The lands of our midwest, from Chicago to New Orleans, were controlled by Enrico Tonti, a disciple of LaSalle, for over twenty years. Without Francesco Vigo, Michigan, Ohio, Indiana, Illinois, Wisconsin, and Minnesota might be part of Canada today.

Ironically and sadly, this great litany of Italians who discovered America—North, South, East and West, did not settle it with those gracious, warm, creative, hard-working and enormously talented people who have given the world its Caesars and its Popes.

However, as we honor Columbus today in Syracuse which is rightfully proud of its lovely statue of Columbus erected by Joseph Pietrafesa, we also honor those more recent Italians who discovered America and enriched it by building its canals, its industries, its universities, its professions, its churches, and its politics. Their discovery is the story of courage, of ambition, and of hope. It is the story of the power behind a dream and of the determination and sacrifice which made that dream come true.

The new Italian discovery of America begins in 1880 and continues until this very day. Before 1880, Italians accounted for approximately 2 percent of the total U.S. immigration. Most of them came from Northern Italy. After 1880, Italian newcomers to the United States stayed well over 10,000 each year, after 1890 the number climbed to 50,000 a year, after 1900 to 100,000. In 1913, 377,000 Italians left home for America. From a nation whose population was about 35 million, 3,420,000 sought a new life here. Most of them came from the south. In 1907, for example, 6 percent of the Italians were Venetians, 11 percent were from Lombardy, 78 percent were from Campania and 76 percent were from Sicily and represented well in excess of 40 percent of total U.S. immigration.

The average Italian arrived in America with a total net worth of $17. They settled down in the major cities of the East Coast where they landed. And this for two reasons: first of all, $17 didn't get you very far, and secondly, almost every one of them, at least on arrival, hoped one day to go back home. If they stayed along the coast, the trip back would be easier to make.

A few went back, but not many, and thank God. The followers of Columbus have peopled this great land of ours with teachers and musicians, and doctors and artists, senators and governors, judges, industrialists, builders, mayors, bishops, priests, religious brothers and sisters. They gave us our first American saint, Francesca Cabrini.

How can one summarize or recapitulate that cascade of contributions made to the United States of America by the Italian-American community? It is impossible to do it justice. All the same, while recognizing this impossibility, there does seem to be one characteristic of which we can speak and which more than any other captures the spirit of these wonderful people. It is their love and zest for life. The vitality of Italian people is expressed in countless directions. The affection and devotion which they bestow upon their families and especially upon their children is a thrill to behold. The way in which they reach out, in this Syracuse community, to all who are burdened with ignorance, poverty, sickness and need makes up the daily account of good things going on here. They know how to live and enjoy life and how to share that living and enjoyment with others. They are alive to their country, their church, and their city. We salute Christopher Columbus on this day of his discovery and we salute the Italian-American people who discover in our own day the new Americas of opportunity and challenge.

Thank you very much.

DISTURBING CONDUCT OF ETHICS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I am probably the only Member on record, at least, who is not serving on the so-called Ethics Committee or the Committee on the Official Standards of Conduct, who has made an effort to become familiar with its proceedings. What I have learned is extremely disturbing. I feel that I owe it at least to my colleagues to report on that feeling and my concerns. I certainly hope nobody interprets even my actions on October 2 as one that is against virtue or righteousness or propriety, because certainly I think my own actions in 27 years in an elective public office demonstrate my esteem for that.

I think that history demonstrates that there is no way that an official guarantor of virtue can be either consistent or just. All history shows us this. I, in my own personal family history, can attest to inquisitions and their results and consequences.

☐ 1320

An inquisition is to guarantee the purity of the faith, but no inquisitor has ever been seen in the eyes of history as either faithful nor just, for it is one thing to profess a faith and another to enforce it.

This is the way it is with our own official ethics committee. As faithful as it may be, and I am sure it has tried, as dedicated as I know they are, the committee cannot escape its own dilemma for the course of human conduct is too complex to narrow down to a simple unalterable few rules. Circumstances alter and make complex what may seem simple.

This is especially true in the execution on the part of the House on its adoption of the resolution leading to the formation of this committee. As I tried unsuccessfully to bring some attention at that time a few years ago and pointed out, unsuccessfully, that no House since 1789, where the first one had seen fit to venture into that swamp, and that since we had decided that the least we could do would be to make sure that the proceedings were ruled by law, if we are supposed to be a deliberative body. Unfortunately, that has not happened and the worst of the fears that I even suspected have come to pass.

This is especially true in our present embroilment in the so-called Abscam cases in which there is no distinction between the investigations and the crimes, for they were one and the same thing.

Moreover, as time passes, the courts may alter their judgment and I am reasonably secure that they will, as indeed they have in the case of a former colleague, Mr. Helstoski. That, indeed, has already happened and I am convinced that it will happen more frequently into the future as these disturbing developments recorded just in the last few days continue to be recorded.

In such circumstances the haste to judge may be the greater sin. But the committee created a precedent, as I stated before, in the Myers matter, which forces it to reach quick judgments now.

I pointed out to the committee, because I went before the committee yesterday—in today's RECORD of yesterday's proceedings I inserted the transcript of my appearance before that committee—I went to the committee head-on, face-to-face, because I think that the only responsible thing to do, since I have been speaking out on the floor, and my speaking out was very condemnatory, and it will continue to be, of the practices of the committee and its hirelings.

I pointed out to the committee that certain actions of its counsel, Mr. E. Barrett Prettyman, are questionable. It seems that Mr. Prettyman interrupted a court proceeding in the Jenrette matter, which I brought out on the 17th of this month, this week, and to which I had a letter from the chairman denying what I had said and stating that he was sorry I had labored under the misapprehension of an erroneous newspaper report in the New York Times. But when I appeared before the committee yesterday, lo and behold, it was not I who was proved wrong, nor the New York Times. It was the chairman who made no allusion to his mistake and to his strongly worded letter, and which he had sent to me, and which copy I inserted in the RECORD, and which I invite my colleagues to read, hopefully.

Mr. Prettyman interrupted the court proceedings in the John Jenrette matter last Friday, a week ago. The purpose, he says, was to advise JOHN J. JENRETTE that the committee had agreed to conduct a hearing and that Mr. JENRETTE had 7 days in which to respond.

Then Mr. Prettyman went beyond the bounds of propriety and I state this now categorically—I did in a suspenseful manner earlier this week, but I do so now categorically—to say that all of the proceedings could be avoided if Mr. JENRETTE resigned. Mr. Prettyman does not deny that he suggested resignation to Mr. JENRETTE in yesterday's proceedings or at any time since that I know of. Yet this was the gravamen of my argument when I first got up to speak and for the first time brought to the attention of the House these malpractices of this special counsel for the Committee on Standards of Official Conduct. I told the committee head-on yesterday that I questioned the ethics of the Ethics Committee and the hiring, and I do so again today because I think it is most unethical.

What disturbs me is that he had no right to suggest any such course of action. It was exactly like an inquisitor who says "If you choose to abandon your position the torment and torture will stop." Mr. Prettyman has no right and no authority to say what the House might do.

This is the issue. If that kind of conduct is countenanced it will be possible for a future Prettyman to approach any Member with the threat of disciplinary action unless that Member obeys his bidding. If there is any one thing that assures the independence of any legislator it is the independence of its members, complete, thorough independence to speak out, even when he is a thorn on the side and a torment and a bother to the powers that be, in England and the King or the courts, incidentally.

If we open ourselves as we have and, as I said yesterday, stripped naked now of that independence, we lose the independence which I most seriously say we have, indeed, already done so. It is that simple.

I would like to point out, because apparently yesterday the Committee on Ethics and its counsel were not aware apparently of the decision by the circuit court in the matter of Henry Helstoski, whose case has been going on for 4 or 5 years, and in which case the court reemphasized the vital need to insure the independence of the representative branch of the Government. The court says in its opinion that:

> In considering whether the protection provided by the speech or debate clause was infringed in the grand jury proceedings we need not repeat our recent discussions of the history and the purpose of that constitutional privilege at length. The privilege is not one of nondisclosure but of nonevidentiary use. It is also testimonial in nature. A Congressman may not be required to testify to a legislative act, even in third party cases.

☐ 1330

A privilege was not waived in this particular case. The Supreme Court had said that the guarantee of the clause and those guarantees are vital to our system of government and should be treated with the sensitivity that such important values require. The court also observed that the privilege existed to prevent intimation by the Executive and accountability before a possibly hostile judiciary.

We must not forget—and I think I am the only one so far to have brought it out—that up to now we have been exposed to intimidation, not only by the Executive, to wit, the FBI, but the judiciary and the courts. If it were a practical, politically experienced body, it would have also said what is realistically a third and most powerful course of all, and that is the press which also is capable of intimidation as was amply revealed here before we actually got into the formality of this Ethics Committee in the case of Representative Wayne Hays, where a local Washington newspaper, through an editor who became incensed because Wayne Hays had very crudely in the newspapers attacked his morality along the lines that the editor was attacking Wayne Hays' morality.

Then that paper went after Wayne Hays. I do not think anybody here as a Member who was here at that time or anybody in Washington who followed the course of that will say that it would have been possible for any man, a Member of the Congress or not, to have withstood that assault.

Then the other case, the Abscam case,

where the Justice Department itself, through its Attorney General, admitted that it had violated propriety because of the leaks intended, coldly premeditated and calculated, in the Abscam case; leaks that the newspaper then disseminated and circulated at great length that involved—incidentally—what has turned out to be innocent Members of the Congress and nonmembers.

What remedy is there to that kind of an assault from the press? The press is the most privileged of all of the groups in our society because of the first amendment, and thank God. I certainly am for that, but what happens when that privileged group, with that awesome power, becomes corrupted? Who then purifies the corrupt?

There is no force as has been exemplified in the history of that profession to try to police itself because they, the newspaper people, take the attitude that they can police themselves, and this is something they have never accepted about the Congress.

In fact, it was under the pressure of the newspaper tirade that these resolutions and amendatory processes to these resolutions have been adopted by the House itself.

What happens, say, in the case of the columnist, a famous national-international columnist, Kilpatrick, who apparently did no more, no less than what some Members of the House have been charged with, as a conflict of interest? Well, the committee that is supposed to do the policing—their equivalent of the Committee on Standards of Official Conduct—did not do anything. In fact, even though Mr. Kilpatrick admitted he took some money in writing something that was obviously in conflict with his duties as a free, independent, and untrammeled journalist, the committee said, "Well, we do not know. It is in that threshold."

He said, "I do not know what I have done wrong," like everybody else in a similar situation has said.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Mr. Speaker, I yield to the distinguished gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank my colleague for yielding. I must ask: Is it not different to be in the public service? Is it not different when there is the trust of the public requested? Should not a higher standard obtain? Are we not here with a far heavier responsibility than any others?

Mr. GONZALEZ. There is no question of that, but that is not what we are talking about. There is no question that we do and we must as a matter of reality. As the gentlewoman knows, if we, any of us elected by the people, were to have as a practice what is common in business in automobile sales, in the mechanic trade, and the other, if we were to have that kind of ethical or unethical conduct, we would not last in office too long. We are bound, of necessity, to have a higher code. We do.

What I am saying is that by the same token, just because we are Members of the Congress does not mean that we shall be judged wrongly and denied the constitutional rights that every other American is conceded. This is what this issue is all about. We are talking about intimidation, despite probity and right-mindedness and virtue; independence from intimidation by either of the other branches of the Government or any other powerful force such as the press. That is the issue, not the question of whether we should. Of course, we should.

I would say that anybody in a democracy such as ours has violated in the worst way when he lowers his standards, even if acceptable legally. But this is where we get into what I call the bramble patch, because I will have a question I will ask of the gentlewoman: What is the difference between the quantum of the sin from a moral standpoint now of Mr. Michael O. Myers, who, because of the pressure that everybody is under to be for free enterprise, employment, activity in his district, decides to enter into an agreement concerning some businessmen that want to pour millions of dollars into his district, and so forth?

And then, of course, in the good old tradition, why not make money while you are doing it? We know that is wrong, but what is the difference between the Members now who report receiving contributions in the campaign just past from 168 PAC's to a total of $178,000 where 95 percent of those PAC's have business pending or have had business or will with the committee that Member belongs to?

Will the gentlewoman tell me there is a moral difference? What about the conduct standards there?

Mrs. FENWICK. I am not qualified to sit as a moral judge. I would not wish to judge on that ground; but I will say one thing: I think these special interest groups and their contributions, the contributions that they make are the greatest single evil that is still lawful in our whole election system. The only thing that can be said for them is that they come from every side.

Mr. GONZALEZ. That is true.

Mrs. FENWICK. Not just business, not just labor, not just milk, not just teachers; everybody. It is wrong. I first came to Congress in 1974. That is when I was first elected. How much was spent by the PAC's, the special-interest groups? Twelve and a half million dollars. In 1976, $22.6 million. In 1978, over $35 million.

As Senator KENNEDY said, this is surely the best Congress that money could buy. Now what are we saying? We are saying that this is an evil system; we are saying that it has been approved, it is considered lawful, it is not considered to be unethical, even by Members of the House.

But we here sit in the uncomfortable position of judging the qualifications of our Members. Somebody has to do it.

Mr. GONZALEZ. There is no question about that. I agree wholly with the gentlewoman. The only thing is that even PAC's, as such, I can see where there is an argument in favor of their participation. But there is this little difference here where the PAC concerned or the individual has business in which, as an individual contributing to me, having jurisdiction of a special nature by membership on the committee that has that jurisdiction, I think it raises it to a little different position, but the gentlewoman and I know that it is difficult to make those fine gradations of differences in any bill attempting to control lobbying or improper lobbying.

I am in total sympathy with what the gentlewoman is saying and saying eloquently, but at this point, it is not the thrust of what I am very much concerned and distressed about

□ 1340

I think I know the gentlewoman well enough to know that if I ever can get around to developing the points I want to make, she will be equally concerned, because I really feel this is the greatest threat to the independence and the continued stability of this body, perhaps its eventual existence, of any in its history since 1789.

Mrs. FENWICK. What does the gentleman mean, the attacks of the press?

Mr. GONZALEZ. No, no. The press is just incidental. I happened to stray off into the press because I was using that as an example of how even the most privileged groups who, because of the privilege, then impart the tremendous powers they do under our society today. Because the gentlewoman knows that if she gets a vicious or vindictive or corruptive, powerful newspaper against her, she cannot compare her powers of a Congresswoman to that one. And what I am saying is: Who, then, purifies the corrupter? Who has the power to oversee?

Well, we know that we do not want that because we do not want to lose the freedom of the press, because we still have faith and confidence that that is still the best and surest guardian of our purity of our processes and our freedom and democracy which is so unique and which at all costs we must preserve, and which I believe is under threat.

Mrs. FENWICK. What is the threat that the gentleman most fears?

Mr. GONZALEZ. If the gentlewoman please, I would have to go back into the two previous special orders. And I am going to say this: Briefly put, what I was starting to get into and what I tried to bring out on the 17th and then again yesterday, we have exposed ourselves to the intimidation of the executive branch, the disturbing aspects that have been brought up in these cases that we have had in some pending and some yet to be, and some of the practices that have occurred already that have not been recorded but which are unquestionably intimidation.

Mrs. FENWICK. The gentleman refers to the Justice Department?

Mr. GONZALEZ. I would like to interest the gentlewoman, if she has the time and when she can, to read my remarks of the 17th and yesterday, because that would answer the question a little bit better.

Mrs. FENWICK. If my colleague will yield, the investigations of the Justice Department, at least in the public that I see, have been the only reassurance, almost, that they have that somebody really cares. They have been an immense consolation and satisfaction that somebody seems to be really not saying that there are some people above the law.

Mr. GONZALEZ. Well, now, there is no question that there is every bit of a duty and obligation on the part of the law enforcement agencies, and the courts for that matter. But this is not what is involved. What is involved is the improper incursion and the overzealous exertion on the part of those officials.

Mrs. FENWICK. On the methods?

Mr. GONZALEZ. Well, on the law enforcement officials and their technique as they impinge on the freedom from intimidation of the Members of the Representative body. And this is what should be of grave concern to us.

Mrs. FENWICK. I think if any method is contrary to lawful practice, it should be abolished for everybody. I would not like to see the Members of the House or the other body exempt from any system that applies to the people of this country as a whole.

Mr. GONZALEZ. There is no way that can be done. There should not be any exemption, and the fact is that these practices have, in the case of Members of the representative body. And they go back to the time when we had a majority leader reporting the practices that are certainly illegal in England.

You know, after all, that is the mother country of our parliamentary form, and there, where this immunity was initiated for the same reason, the courts and the English leaders have said that if we knew that such a thing happened in England to a Member of the Parliament, where you had the policy bugging their phones, as our majority leader reported here in 1964, and if we knew that a court had given an order sanctioning that, we would have immediately a resolution of contempt of Parliament by the court or the police. This Congress has not even looked into the matter.

Mrs. FENWICK. I do not like to think that there are two laws or sets of laws in this country.

Mr. GONZALEZ. That is what we have.

Mrs. FENWICK. And if any citizen of this country is going to be subjected to a certain system, so should we be. So should we be.

Mr. GONZALEZ. That is correct. That is precisely what I am arguing, that just because you are a Member of the Congress you should not have two sets of rules that are violative of the processes that, through the Constitution, every other American is guaranteed. That is the issue. That is precisely what I am trying to say.

Mrs. FENWICK. But when the gentleman speaks of immunity, it suggests that the Congress, Members of the Congress, have something that other people do not have.

Mr. GONZALEZ. I am talking about the immunity of freedom of debate, and all, and accountability on the floor. That is the immunity. That is the only privilege that the Constitution has.

Mrs. FENWICK. Then we have to object to the methods on grounds.

Mr. GONZALEZ. Exactly.

Mrs. FENWICK. Not that they are applied to us.

Mr. GONZALEZ. No, no.

Mrs. FENWICK. But that they are used for all.

Mr. GONZALEZ. And this is what I said a while ago, if the gentlewoman was listening. I hope nobody will interpret that anything I am saying here is defense of the actions of the accused. That is something else. From the standpoint of criminal culpability, the courts are deciding that. But from the standpoint of the pressures and the intimidations brought on these Members with respect to what they will face from us in judgment, and the procedures therein used that we have sanctioned, is what I am speaking about.

Mrs. FENWICK. Does the gentleman mean the procedures of our Committee on Standards of Official Conduct?

Mr. GONZALEZ. Yes.

Mrs. FENWICK. I have served on that committee, as the gentleman knows.

Mr. GONZALEZ. I know.

Mrs. FENWICK. And I can only tell the gentleman that I think some of the finest Members of the Congress are members of it. Our job, whenever it turns into anything criminal, is abandoned and it is turned over to the Justice Department. But, surely, somewhere there has to be some group such as the Standards of Official Conduct Committee which is going to consider what brings dishonor on the House, quite apart from what is illegal,

Mr. GONZALEZ. This is what I am speaking about.

Now, I am saying that if the conduct thus far, as admitted and not rebutted by Mr. Prettyman, is countenanced, it will be possible for future Prettymen to approach any Member, as the FBI already has, with the threat of some type of action calculated to intimidate, if for no other reason, and the Member must know that it is intimidation, and we lose our freedom.

As I was going on, when I strayed off and talked about the powerful fourth estate, but I should not have, since I have digressed, the court went on, in the Helstoski case, and said:

> Most significantly, particularly for a Member of Congress, however, publicity will be broad, widespread and devastating. Should an election intervene before a trial at which he is found innocent, the damage will have been done—

And this is true already in some of the pending cases we are reading about—

> and in all likelihood the seat lost. Even if the matter is resolved before an election, the stigma lingers and may well spell the end to a political career. Far from being hyperbolic, this evaluation of an indictment's effect is wholly realistic. It cannot be doubted, therefore, that the mere threat of an indictment is enough to intimidate the average Congressman and jeopardize his independence. Yet it is to prevent just such over-reaching that the speech or debate clause came into being. A hostile Executive department may effectively neutralize a troublesome Legislator despite the absence of admissible evidence to convince, simply by ignoring or threatening to ignore the privilege in a presentation to a Grand Jury. The invocation of the constitutional protection at a later stage cannot undo the damage. If it is to serve its purpose, the shield must be raised at the beginning.

And that is in the case where that immunity clause is involved, which I am not saying necessarily it is involved except that, from the standpoint of the court's language, protection from that intimidation to save the independence of the Member from circumstances we cannot now foresee, as I said yesterday, in times of great passion, division, hatred, disputation, with the precedent this House set already. The complete erosion of integrity, from the independence standpoint, of this body is under present and clear threat.

☐ 1350

Now, Mr. Prettyman, coming back to the case, has placed himself in the role of inquisitor. He claims for himself the right to threaten the independent judgment of any one of us. But, that is not the only problem. In yesterday's proceedings of the so-called Ethics Committee, the committee, for example, could decide at no point what rules it was operating under; whether, if it was rule 14, then one set of actions was possible.

Then, the committee discovered that if it is proceeding under rule 14, as its counsel, Mr. Prettyman, urged it to do, if that were followed, it would deny both itself and Mr. JOHN J. JENRETTE, whose case was there, to have access to evidence that clearly it was necessary to have if justice were to be served. So the committee shifted its ground and its course, allowing additional evidence under rule 11, though it had denied that on the previous motion or request minutes before. But, then it could not decide whether that was sufficient, so it remains unclear what its rules will be—rule 11, rule 14, or rule 16.

The committee knows that Mr. JENRETTE is entitled to a full defense, though sometimes I wonder, and it discovered that this would be impossible under the course of action urged by Mr. Prettyman. So, it shifted its ground in midcourse and it found itself like somebody trying to walk up and down the opposite directions of an escalator.

But, the dilemma is that the committee feels concerned to reach judgment. Why else the rush here in this case and not in some of the others, some of which have arisen in the interim? In a matter that does not permit time to explore all the evidence or all the issues, the committee knows that it must afford a greater chance for justice than its own counsel would allow, but it also knows that a full evidentiary proceeding will take more time than it wants to use or feel it has the time to permit.

Justice takes time, but that is what the committee lacks, or feels it does. It feels compelled to reach judgment, and is caught in the clear dilemma that if it does not square with the imperative to act with full knowledge, careful thought, and an eye for justice, which is what I predicted on October 2 would be the consequence of the action taken by the House on October 2.

No matter what happens, JOHN J. JENRETTE will not return to the House. It seems, then, hard to explain the value of this rushing to inflict a further punishment when, in the fullness of time, a different decision might be reached, and I predicted it would under the Helstoski precedent which was recently announced not too long ago. There is no need for us to be hasty in the application of justice, nor vindictive in our actions.

There is always a need to give our colleagues a reasonable chance for defense which, as I say and repeat, and especially for the gentlewoman from New Jersey, is not a special privilege. It is a right we concede to any ordinary American. Whether we have a superior need of superior ethics or not as publicly elected officials, we are talking about justice, not election; a chance that unfortunately is going to be denied if it is a judgment of the committee that it has to act and act now.

It is ironic, it is grievously unjust to deny a right and a clear duty on our part to be just to a Member of the Congress to which every other American has a right to, and perforce receives.

Now, as I said, the court in the case of the Helstoski matter pointed out the intimidating factor, but what has not been brought out at all—and that is the reason I go into the record and that I partially brought out yesterday, is what has happened already in the process of intimidation and in cases yet to be even discussed by committee, for that matter, or by the House much less, that go to the heart of the co-equality and independence of the branches of the Government.

For example, in the case of one of the resolved cases, in the matter of former Representative Eilberg of Pennsylvania, there is continuing action on the part of the Justice Department, and the Justice Department through the FBI, to this week has continued to attempt to intimidate the employees of the House in the matter affecting subpenas they would like to get in order to establish that Mr. Eilberg was in violation of the False Claims Act with respect to the improper use of the telephone.

Now, the techniques used by the FBI in this procedure are something that is a responsibility of somebody in this House to get upon right now, because they are clearly coercive and intimidating in nature, and violative of the separateness of power; and yet, the attempt continues.

Now, let us go into that a little bit. The issue here goes to that. What about who is going to check the improper use and violation, perhaps, of the False Claims Act in the case of the Justice Department itself when somebody used the phone to leak prematurely and improperly and unjustly the Abscam information? Who? The Congress cannot do it because we respect the independence of the coequal branches of the Government. But, that is just one example.

Then, what about the matters of the impropriety and the methods used, and I pointed to the report made on this House floor to the full House by the then majority leader. Nobody ever followed through. He stated categorically that everyone of our phones were bugged. The FBI, under J. Edgar Hoover, had dossiers on every one of us, and nobody I have ever heard of said, "You know, what is the House going to do?"

After all, this was a very responsible leader of the Congress. It was not a lesser Member, maybe even perhaps as myself.

And then we have had other things. For example, I have learned for the first time this week the cause of action taken in an obvious attempt to intimidate a departing Member who is saying his farewell in this Congress voluntarily, a distinguished colleague of the gentlewoman from New Jersey, Mr. PATTEN. I would like very much to hear the recital of this course of events.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mrs. FENWICK. Something troubles me very much, and I would like to hear an answer to it.

Mr. GONZALEZ. Certainly.

Mrs. FENWICK. I have been alarmed, if my information is correct, to discover that your telephone and my telephone and the telephone of anybody out there in Washington, D.C., or Washington, Oregon, or any other State, that the Justice Department can ask the telephone company for a list of the numbers that anyone in this Nation has called.

Now, I understand they have to have a warrant in order to tap the telephone of anybody, which I think is correct, but they do not have to have a warrant to get a list of the telephone calls. Is that correct? That is terrible, if so.

Mr. GONZALEZ. The gentlewoman is asking me a question that I may not be able, from a professional standpoint, calculated to answer correctly or knowledgeably because it is in a twilight of disputation now in the courts. So, I say that I have not kept up with it. But, ordinarily, yes, if the law enforcement officials follow due process and regular order, and they wish to tap a phone, for example, they would seek a court order.

Mrs. FENWICK. But they can get a list of the telephone calls one has made without such an order, I understand.

Mr. GONZALEZ. Such practice has been recorded, but the propriety of it, I think ultimately must be ruled on in pending litigation.

☐ 1400

Mrs. FENWICK. Mr. Speaker, I think we ought to pass a law.

Mr. GONZALEZ. Mr. Speaker, I agree with the gentlewoman. We should have something leading to that because I have felt that unless one is constructive—and I certainly hope that I will always want to be—we will not have recommendations. But yesterday the chairman of this distinguished Committee on Standards of Official Conduct treated me very cavalierly, as if I were an untutored, inexperienced Member, not even quite a freshman Member of the House, and said, "Well, you know, if you are so bothered about this, don't come to us"—even though that is why I was there. I was there to tell him there were runaway committees, that they were acting unjustly, and that they were impinging on Members' rights.

They are, above all, a heedless mob, because a deliberative body that abandons its own rules is acting unjustly, even a deliberative body like ours.

That is the point I made on the October 2 discussion in the matter of Michael J. Myers. When we set up a rule in May, only to abandon it in July, we do not have a deliberative body; we have a gang. We have a heedless mob.

This is what disturbs me very much. But then the chairman tells me very cavalierly—and incidentally, he is apparently a one-man rule in that committee—"we don't know what you are doing here. You can go to the full House." Well, that is exactly what I have been doing. That is what I am doing now.

And he said, "Or you can introduce legislation." Well, I intend to do that. For one thing, I feel that this is a runaway committee. I do not blame the committee; I blame the House.

Therefore, I hope that we will take some action. I recommended yesterday—and that is why I went to the committee—that in every future instance, and in the consideration especially of the pending matter of Mr. JENRETTE, that they meet jointly with the Committee on the Judiciary, because they are obviously floundering in judicial and quasi-judicial procedures and rules, and so forth. So that was one reason I went.

All right, I suggest further—and I will suggest this to the House in a formal manner—that this committee's functions be placed where they should have been to begin with, in the Committee on the Judiciary. I think that is where we should have gone to begin with.

Second, I hope that we can have some orderly discussion about the possibilities of contempt actions against the House for some of the activities already recorded on the part of the Justice Department and other branches of the Government.

I end up with one note. I have for months burdened this body with reporting on the assassination, the unprecedented murder, of Federal District Judge John W. Wood, May before last, and, before that, the attempted assassination of the assistant district attorney for the western judicial district of Texas, James W. Kerr. I have talked ad nauseam here about trying to get help from my colleagues and have them show some interest. I went to the President himself, and I did get some reaction at the time. But everything has withered and gone back to the normal procedure. No powers have been given to the solving of the crime.

It was not only the worst crime since the beginning of the creation of our judicial system, but it has resulted in the intimidation of the judiciary. Every single judge and law enforcement official connected with the judiciary in the western district continues under U.S. marshal protective custody. This has already cost the taxpayers millions of dollars.

A far as the criminal is concerned, they did not even have a lead. Oh, they have some minor incursions into members of a motorcycle club known as the Banditos, but there is not even a lead.

They claim there are no resources, et cetera, but yet here is the same Justice Department diverting millions of dollars for investigations—and some aspects of it are highly questionable—and activities where they themselves are creating or helping to foster criminal behavior. And apparently there is no recognizable cry of indignation from any source of responsibility, whether it is the leaders of Congress, the executive branch, or the press, the great watchdogs of our freedom.

Mr. Speaker, I say that in view of all of this, I hope my colleagues will understand my extreme concern, because ever since the vote on October 2 on the matter of Michael J. Myers, this has become an exceedingly great degree of concern to me, almost to the point of obsession, even during the height of the intense political campaign.

Mr. Speaker, I yield back the balance of my time.

MAYOR ED KOCH OF NEW YORK ENDORSES KEMP-GARCIA ENTERPRISE ZONE CONCEPT FOR INNER-CITY JOB CREATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, in the few months since Bob Garcia and I introduced our Urban Jobs and Enterprise Zone Act, we have seen an explosion of support for this new idea. President-elect Ronald Reagan has made the concept of enterprise zones a centerpiece of his urban strategy. The Urban League, the National League of Cities, the NAACP, and the Congressional Black Caucus have all expressed their interest and desire to work with us on our legislation. Mayors, legislators, and local officials across the country have contacted us to learn how they can participate in the enterprise zone plan.

We were especially pleased and excited yesterday when Mayor Edward Koch of New York City announced his support for the concept. He has assured Bob Garcia and me that he will work closely with us to create enterprise zones in New York City.

In a press release issued after our meeting, Mayor Koch urged us to investigate ways to make enterprise zones even more effective. In particular he suggested a review of the proposed eligibility criteria, an analysis of the tax incentives' effect on city revenues, measures to prevent simple displacement of businesses, and consideration of how enterprise zones might be coordinated with other Federal economic programs.

All along Bob Garcia and I have emphasized that we seek a new debate about urban policy—and that we are eager to receive suggestions for ways to refine the bill's specific provisions. What matters is that we focus on new way to restore what our inner cities need most: economic growth.

America's great cities have traditionally been a leading source of this Nation's new ideas for economic growth. The small businesses that start up in our cities produce much of our innovation—and, according to a major MIT study, most of our new jobs. These small enterprises also offered opportunities to millions of Americans who came to the cities from overseas, from farms and small towns, to seek a better life for themselves and their children.

Our newest immigrants to the cities, however, have not been so fortunate. As innovation and economic growth have dried up in the cities, so has the opportunity to get on that crucial bottom rung of this Nation's opportunity ladder. Today our cities are filled with people who also came full of hope—and have seen it die. Now they are caught in a welfare trap which threatens to condemn generations to lives of poverty and despair.

The Kemp-Garcia enterprise zone legislation strikes at the heart of this problem by offering major new incentives for small enterprise development and job creation in the Nation's poorest cities. It also strikes at the heart of New York City's job creation problems.

The U.S. General Accounting Office, the Temporary Commission on New York City's Finance, and leading economists have all concluded that an extraordinarily heavy tax burden has cost New York thousands of jobs—and needed tax revenue as well. New York City lost almost 500,000 jobs in the past decade. Each lost job cost the city $1,400 in tax revenue, and often added to the city's already unmanageable welfare burden. New York City's tax system particularly penalized small manufacturing firms, yet these were the very firms which offered the best employment opportunities to inner-city residents.

I am excited to see Mayor Koch get behind an effort to reverse this process and provide new incentives to firms that will set up in the city and hire people from its poorest communities. And I look forward to working with the mayor, and our new President, as we seek to "greenline" America's inner cities.

Mayor Koch's press release, and accounts of his endorsement from the New York Daily News are inserted below:

Tax-Free Zone on Target: Koch

(By Mark Lieberman)

Mayor Koch yesterday endorsed legislation offered by Reps. Jack Kemp and Robert Garcia to establish low tax zones in cities to stimulate the creation of new businesses and jobs.

After a City Hall meeting with Kemp (R-Buffalo) and Garcia (D-Bronx), Koch said he supported the concept of the legislation, although he conceded that he has reservations about the bill as drafted.

The mayor said he was concerned about the impact on city revenues of required reductions of property taxes in the zones and the possibility that businesses might relocate to the zones to take advantage of the tax breaks.

Kemp acknowledged that the legislation would not provide a federal reimbursement for lost city tax revenues.

But Garcia said relocation costs might exceed tax savings and influence businesses to stay put.

The Kemp-Garcia bill would grant tax breaks to businesses established in specially designated areas selected for their rising rates of unemployment and declining tax bases. United States constituted by the situation in Iran. Because of the continued holding Employers and employees would both receive tax breaks on condition that a substantial number of employees come from the designated zone.

Kemp said he had been assured by economic advisers to President-elect Reagan that the measure would be "a key part of the Reagan administration's first legislative efforts." He said he expected broad-based support for the bill.

"The suburbs of Buffalo, which I represent, would not qualify under this bill," Kemp said. "But the suburbs of Buffalo can't survive unless the city survives."

Statement by Mayor Edward I. Koch

I am delighted that Congressman Jack Kemp (Republican, N.Y.) and Robert Garcia (Democrat, N.Y.) are here today to discuss their proposed Urban Jobs and Enterprise Zone Act. The City of New York endorses the concept embodied in their proposal, which is aimed at stimulating economic growth in distressed areas of the Nation. We look forward to working closely with both Congressmen to develop further this significant proposal.

I have offered specific recommendations which must be addressed so that the bill can most effectively stimulate private investment in New York City and other older urban areas. These recommendations include:

A review of the proposed eligibility criteria establishing Enterprise Zones;

An examination of federal and local tax provisions to assess their fiscal implications on city revenues;

Inclusion of a provision to ensure that viable city businesses do not move to designated zones simply to avoid taxes, without generating new jobs;

Coordination of this program with other federal economic development programs in areas such as manpower training, small business finance and infrastructure needs. In this regard, a demonstration project might be useful.

Again, I want to thank Congressmen Kemp and Garcia for taking the time to meet with me and discuss my views of this matter. We will continue to work together in the development of this important legislation.●

ECONOMIC SANCTIONS AGAINST IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Zablocki) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, in order to keep the Members of the House fully informed on the legal aspects of the economic sanctions against Iran, I am enclosing the following letter to the Speaker explaining the fulfillment of the responsibilities of the Committee on Foreign Affairs under the International Emergency Economic Powers Act:

Washington, D.C.,
November 20, 1980.

Hon. Thomas P. O'Neill, Jr.,
The Speaker,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: On November 14, 1979, the President declared a national emergency and, pursuant to that declaration, invoked the emergency powers of the International Emergency Economic Powers Act to deal with the situation in Iran.

On November 12, 1980, the President notified the Congress of his determination to continue the declaration of national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Because of the continued holding of U.S. hostages in Iran, it is the judgment of the Committee on Foreign Affairs that the emergency still exists.

The National Emergencies Act provides that at the end of each six-month period after the declaration of a national emergency, the Congress shall consider a vote on a concurrent resolution to determine whether that emergency shall be terminated. However, there is no requirement in the law that such a resolution be introduced, nor does the Act provide for further action in the event of failure of the Congress to consider such a resolution. It is further the understanding of the Committee that failure to act will not terminate the emergency.

The Subcommittees on International Economic Policy and Trade and on Europe and the Middle East have undertaken oversight activities on the use of the International Emergency Economic Powers Act to deal with the situation in Iran, and you can be assured that the Committee will continue to keep the situation under close scrutiny.

With your concurrence, I will insert this letter into the Congressional Record for the benefit of the Members of the House.

With best wishes, I am

Sincerely yours,

CLEMENT J. ZABLOCKI,
Chairman.

ST. THECLA FOOTBALL TEAM VICTORIOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it is with pride that I bring the attention of my colleagues to the victorious achievement of the varsity football team of Chicago's St. Thecla School, which is located in the 11th District I am honored to represent.

On November 9, the team became the undefeated champions of the Chicagoland Parish Football League, winning all 11 games of the season, and a banquet in honor of the team members and their coaches will be held on December 5 to celebrate this splendid victory. This record of excellence and accomplishment is most inspiring, and I extend my warmest congratulations to every member of the St. Thecla football team, and to their coaches. Their names follow:

Team captains: Scott Blasz, William Poralewski, George Rattin, Martin Walsh, Timothy Whalen, and Steven Wlodyga.

Team players: John Borner, Jim Bogocki, Joseph Brennan, Daniel Burke, John Campbell, Frank Campbell, David Disselhorst, Michael Kinnavy, Robert Konczal, George Kelly, Richard Mike, Robert Rosenquist, Paul Sonnefeldt, Joseph Stapleton, William White, Wendell Halter, David Coll, Gary Creager, Steven Szenda, Dennis Murphy, Gregory Miller, Steven Schaeffer, Wes Meinhardt, Joseph Pattison, and Neal O'Donnell.

Team coaches: John Gorski, Robert Ognar, and Sam Quattrocchi.●

CONTINUING APPROPRIATIONS, 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. WHITTEN) is recognized for 5 minutes.

● Mr. WHITTEN. Mr. Speaker, the House will consider a further continuing resolution for fiscal year 1981 during the week of December 1. This additional funding resolution is necessary in order to provide financing authority for various Government programs which have not yet received their regular appropriation. As of this moment, the House has passed 12 of the 13 annual appropriation bills, 3 of these bills have been signed into law and 4 have completed the conference process. The Senate has yet to act on five of these regular bills.

While the House Appropriations Committee has acted on all the appropriation bills in a prompt manner, delays have been experienced in Senate action on these bills and we have experienced difficulty in completing action on the budget resolutions.

It is apparent that a continuing resolution will be required to provide interim financing authority for a large portion of the Federal Government.

I wish to advise Members of my intention to seek a closed rule on a House joint resolution which is absolutely essential to continue the operations of the Government. The committee will develop a schedule for the continuing resolution in the near future.●

TRAINING YOUTH FOR JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, I want to place in the CONGRESSIONAL RECORD the excellent column by Elmer L. Winter of Milwaukee, which appeared in the November 21, 1980, New York times. Mr. Winter's column offers a thoughtful prescription for cooperation by government, schools, and industry to train America's youth for tomorrow's jobs. The text of the column follows:

TRAINING YOUTH FOR JOBS

(By Elmer L. Winter)

MILWAUKEE.—President-elect Reagan has issued a challenge: "We're going to put America back to work again." To accomplish this goal, we need to train our youth to fill tomorrow's jobs.

An overall youth-unemployment rate of 19.1 percent clearly indicates that we need new answers to bring more young people (the age group 16 to 24) into the private-sector work force—answers that will require a minimum of Government participation and a maximum of school and industry cooperation.

How can high schools improve the job-getting potential for youth who are not bound for college?

I suggest that high schools extensively expand career courses designed for tomorrow's jobs.

All seniors should be required to take a course in how to get a job, hold a job, and advance on the job.

In many high schools, less than 40 percent of graduates go on to higher education, We cannot successfully transfer 60 percent of our youth into private-sector jobs unless our schools teach a usable job skill to each student who isn't headed for college.

High schools also should increase significantly the number of young people in work-study courses—an experience that shows youth that the future belongs to the trained. Counseling is not enough—provision should be made for job-placement services in high schools.

Further, high schools should be open at night to provide remedial education for dropouts who have daytime jobs. Private companies should operate some vocational departments inside high schools' walls.

If educators make a strong commitment to improving the job-getting potential of their high school students, then the 25-to-30 percent dropout rate and 10-to-15 percent truancy rate should decrease substantially. Let's face it: Industry will not employ dropouts, illiterates, or truants.

How can industry foster school-and-business relationships?

I believe that there are many ways that the United States' vast and divese industry can enhance a working relationship with schools.

Top-level management should organize and support an ongoing "company-school participation task force." They should offer career days, provide plant tours for students, and "adopt" a local high school.

Companies should make a commitment to hire youth during the summer months. The bottom line is that young people must gain necessary work experience as part of their education. Companies should hire high school vocational guidance counselors and teachers during the summer to give them insights into how industry functions and exactly what the requirements and criteria for employment are.

Finally, businesses can set up employer-sponsored placement agencies to interview, screen, and place youth in private-sector jobs. If state job services cannot handle placing enough youth in suitable jobs, local industry must take over.

Government should be the third partner in a nationwide commitment to slash high youth unemployment. Fifty percent of Government funds for youth training should go into developing on-the-job-training programs in private industry. We must keep the process simple. If Government requires too much paperwork, industry will not cooperate.

Government should also allow employers to deduct from their income taxes a "human-resource" reserve for training and retraining purposes. Corporations can set up tax reserves for the depreciation of equipment, so why not allow a reserve for the development of human resources? Toward this end, employers should be allowed to deduct 5 percent of payroll annually, and would lose the deduction if the funds were not properly spent within a certain designated period.

In each major community, there should be created a job-readiness institute for youth who cannot get employment because of inadequate skills. Industry personnel should operate such institutes. Public schools for dropouts should be organized and operated under contracts with private companies that have demonstrated their ability in job corps centers. Where corporations provide remedial education, Government should provide for reimbursement.

Most importantly, our welfare and unemployment-insurance laws need to be redesigned so that they do not serve as disincentives to obtaining a job.

If educators, employers, representatives of labor, and Government officials put their minds and resources to it, they can set up new systems for solving our chronic youth-unemployment problems. Emphasis should be on preparing our youth for private-sector jobs.

Youth is our future.

Let's give youth a chance to work.●

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION LAUDED FOR ITS ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 10 minutes.

● Mr. JOHNSON of California. Mr. Speaker, the Committee on Public Works and Transportation has continued its long history of accomplishment during the 96th Congress. I believe it is fitting that I briefly relate to the full House some of the facts about these past 2 years.

Any statement I might make on the accomplishments of the committee should begin by recognizing the strong, creative leadership of the ranking minority member of the full committee, and our subcommittee chairman and ranking minority members.

As I think about the contribution of these Representatives, I am reminded of the story of how Lefty Gomez, one of baseball's greatest pitchers, was asked, "Lefty, what is the secret of your success?" Lefty replied, "Clean living." Then, after a pause, he added, "* * * and a fast outfield." The secret of the success of the Committee on Public Works and Transportation in the 96th Congress has, in effect, been a "fast outfield," a group of subcommittee chairmen and ranking minority members who had good legislative speed, agility, and ability to make the big play when it was most needed. I want to thank each of them publicly for their diligence and their hard work: Bill Harsha, ranking minority member of the full committee; Glenn Anderson, chairman, and Gene Snyder, ranking minority member, of the Subcommittee on Aviation; Robert Roe, chairman, and John Paul Hammerschmidt, ranking minority member, of the Subcommittee on Economic Development; Norman Mineta, chairman, and James Cleveland, ranking minority member, of the Subcommittee on Oversight and Review; Elliott Levitas, chairman, and James Abdnor, ranking minority member, of the Subcommittee on Public Buildings and Grounds; James Howard, chairman, and Bud Shuster, ranking minority member, of the Subcommittee on Surface Transportation; and Ray Roberts, chairman, and Don Clausen, ranking minority member, of the Subcommittee on Water Resources.

It is difficult for statistics to communicate the value of improved, safer transportation systems or local rejuvenation and economic development, just as it is difficult for cold numbers to communicate the worth of more accessible and better constructed Federal buildings and the significance of cleaner water and water resources made more valuable and useful.

But all of these and many other things have resulted from the facts and figures which follow:

Through September 15 the committee and its subcommittees have held 260 meetings, both in Washington and in various cities. The committee has heard from approximately 1,800 witnesses and taken approximately 35,000 pages of testimony.

During this time, it has approved over 60 bills, 19 of which have already been signed into public law. Thirty-six more bills have been passed by the House, and 14 others await action by the House. Though its function is not legislative, the Subcommittee on Oversight and Review held numerous hearings and considered other oversight activities on a broad spectrum of topics falling under the jurisdiction of the committee.

Below is a list of these measures reported by the committee:

H.R. 51: Fuels Transportation Safety Amendments Act of 1971;

H.R. 85: Comprehensive Oil Pollution Liability and Compensation Act;

H.R. 2063: Economic Development and Public Works Act of 1979;

H.R. 2440: Aviation Safety and Noise Abatement Act of 1979;

H.R. 2441: Act to combat international terrorism;

H.R. 2610: A bill to amend the Water Resources Planning Act;

H.R. 2686: A bill to amend section 15d of the Tennessee Valley Authority Act of 1933;

H.R. 2814: A bill to authorize the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River;

H.R. 3051: A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts;

H.R. 3502: A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1980 and 1981;

H.R. 3927: A bill to amend the National Visitor Center Facilities Act of 1968;

H.R. 3942: Aviation Safety and Noise Reduction Act;

H.R. 3948: Experienced Pilots Act of 1979;

H.R. 3995: The Quiet Communities Act;

H.R. 4023: A bill to amend the Clean Water Act of 1977;

H.R. 4113: A bill to amend the Federal Water Pollution Control Act;

H.R. 4249: A bill to amend title 23 of the United States Code, and the Surface Transportation Act of 1978;

H.R. 4370: Coal Pipeline Act of 1979;

H.R. 4788: Water Resources Development Act of 1979;

H.R. 5338: A bill to amend the Federal Water Pollution Control Act;

H.R. 5481: International Air Transportation Competition Act of 1979;

H.R. 5871: A bill to authorize the apportionment of funds for the Interstate System;

H.R. 5872: A bill to modify the New Melones Dam and Reservoir project, California;

H.R. 6075: Public Buildings Act of 1980;

H.R. 6331: A bill to amend the act of July 31, 1946, as amended, relating to the U.S. Capitol Grounds;

H.R. 6417: Surface Transportation Act of 1980;

H.R. 6418: Motor Carrier Act of 1980;

H.R. 6550: A bill to amend Public Law 90–553, the International Center Act;

H.R. 6667: A bill to amend the Federal Water Pollution Control Act;

H.R. 6674: A bill to amend the National Visitors Center Facilities Act of 1968;

H.R. 6721: Airport and Airway Improvement Act of 1980;

H.R. 6863: A bill to amend the Disaster Relief Act of 1974;

H.R. 6864: A bill to authorize appropriations for the administration of the Deepwater Port Act of 1974;

H.R. 7103: Hazardous Materials Transportation and Independent Safety Board Amendments of 1980;

S. 1798: Household Goods Transportation Act of 1979; and

S. 2185: An act to authorize the acceptance and use of bequests and gifts for disaster relief.

In addition to the bills listed above, we have reported 27 bills changing the names of various Federal buildings and projects.●

ROLLCALLS—LESS TIME WASTED IN 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 60 minutes.

Mr. DANIELSON. Mr. Speaker, as I have for several years, I am today reporting my analysis of rollcall votes in the House of Representatives so that we can better recognize trends and time wasted on unnecessary rollcalls, and perhaps determine ways in which to improve the efficiency of our operations. This analysis of rollcalls during all of 1980 through October 2, 1980, shows less time wasted, but there is plenty of room for improvement.

In the Congressional Records for December 20, 1979 (pages 37279 to 37286) and February 28, 1980 (pages 4361 to 4362) I reported on the rollcalls for the 1979 session of this 96th Congress. I have now analyzed the votes for most of the 1980 session of this 96th Congress, through October 2, which covers all of the rollcalls taken through that date, when we recessed for the elections.

At that time there were 622 rollcalls—72 quorum calls and 550 votes. During the same number of legislative days (131) in 1978 we had 802 rollcalls and in 1979 there were 583 at the same point. There is more floor activity and there are more rollcalls during the second session of any Congress than during the first session. Therefore we must compare the 1978 session with the 1980 session and that shows a very substantial reduction in rollcalls.

A comparison of votes that carried by 90 percent or more—votes where there was little doubt as to the wishes of the House and yet a vote was called for—is as follows:

1978	309/834=37.1 percent.
1979	187/672=27.8 percent.
1980 (through Oct. 2)	190/550=34.5 percent.

It is obvious that there was more discipline in regard to nonessential rollcalls during 1979 than in either of the other 2 years, although 1980 to date is considerably better than 1978. It is my opinion that the substantial reduction in those votes during 1979 was the result of the changes in the rules adopted at the beginning of the 96th Congress coupled with our floor discussions, which somewhat inhibited those Members who enjoy requesting rollcalls.

There may be another trend in the making. I note some increase in the number of votes on approving the Journal and on resolving into Committee. In both 1978 and 1979 those two types of votes combined accounted for 7.9 percent of our rollcalls, but through October 2, 1980, they have jumped to 9.5 percent—59 out of the 622 rollcalls taken by that date. It is my opinion that votes on approving the Journal are being called for increasingly in lieu of an opening quorum call because, perhaps, they might be perceived by some to be votes on issues.

Of course, some Members see more value in forcing rollcalls than others. An analysis of the "top 10" rollcall requesters for each of the last 3 years shows that in 1978 the "top 10" asked for 35.1 percent of the rollcalls, in 1979 they called for 34.3 percent, and in 1980 just 10 Members have forced 41.5 percent (258 of 622) of the rollcalls through October 2.

The "top 10" is not always composed of the same Members, but familiar names appear repeatedly on the list for all 3 years. Also, I note that in both 1979 and 1980 the "top 10" have all been members of the minority party. The "top 2" have remained constant for the 3 years and, jointly, have increased their efforts annually, calling for 15.7 percent of the rollcalls in 1978, 17.8 percent in 1979, and 18.3 percent in 1980 to date. This may be evidence that expertise improves with experience.

Tables showing the rollcalls by type of vote, the number of votes carrying by 90 percent or more, the "top 10" for the 3 years, and a listing of rollcalls in 1980 through October 2 organized alphabetically, by Member requesting the rollcall, are as follows:

1980 VOTES CARRYING BY 90 PERCENT OR MORE (JAN. 22, 1980, THROUGH OCT. 2, 1980)

	Number of rollcalls in 1980 with this percentage	Number of rollcalls in 1980 with this percentage and over	Aggregate percent of 1980 rollcalls this percent and over
100 percent	45	45	8.2
99 percent	39	84	15.3
98 percent	20	104	18.9
97 percent	25	129	23.5
96 percent	17	146	26.5
95 percent	12	158	28.7
94 percent	12	170	30.9
93 percent	6	176	32.0
92 percent	7	183	33.3
91 percent	3	186	33.8
90 percent	4	190	34.5

SUMMARY OF ROLLCALLS BY TYPE OF VOTE (JAN. 22, 1980' THROUGH OCT. 2, 1980)

Type of vote	1980	Percent
Agree to sec. 1 through 5 and 7	1	0.2
Agree to sec. 6 (fiscal year 1980)	1	.2
Agreeing to conference report	34	5.5
Agreeing to the amendment	141	22.7
Agreeing to the amendments	10	1.6
Agreeing to the resolution	83	13.3
Approving the Journal	21	3.4
Asking for a conference	1	.2
Asking for further conference	1	.2
Closing portions of conference	1	.2
Commit with instructions	1	.2
Concur in Senate amendment 95 with amendment	2	.3
Concur in Senate amendment with amendment	2	.3
Concur in Senate amendment	1	.2
Engrossment and third reading	1	.2
Holding a secret session	1	.2
Hour of meeting	1	.2
Motion to adjourn	1	.2
Motion to consider	1	.2
Motion to discharge	1	.2
Motion to instruct conferees	3	.5
Motion to limit debate	1	.2
Motion to postpone	1	.2
Motion to recommit	2	.3
Motion to reconsider	1	.2
Motion to table	5	.8
Ordering a second	4	.6
Ordering the previous question	11	1.8
Passage	72	11.6
Postponing consideration	1	.2
Presidential veto	2	.3
Previous question recede and concur with amendment in Senate amendment	1	.2
Quorum	72	11.6
Recede and concur with amendment in Senate amendment	3	.5
Recede from disagreement Senate amendment 95	1	.2
Recede and concur in Senate amendment 36	1	.2
Recommit conference report with instructions	2	.3
Recommit conference report	1	.2
Recommit with instructions	12	1.9
Reconsider concur Senate amendment 95 with amendment	1	.2
Reconsider postponing	1	.2
Refer to Rules Committee	1	.2
Resolving into committee	38	6.1
Suspend rules and agree	1	.2
Suspend rules and concur	1	.2
Suspend rules andp ass	65	10.5
Sustain ruling of Chair	1	.2
Table appeal from ruling	3	.5
Table holding a secret session	1	.2
Table motion to instruct	4	.6
Table postponing consideration	1	.2
Table reconsider Senate amendment 95 with amendment	1	.2
Table reconsider postponing	1	.2
Total	622	100

"TOP 10" ROLLCALL REQUESTERS—1978 THROUGH 1980

	1980			1979			1978		
	Rank	Number of rollcalls	Percent	Rank	Number of rollcalls	Percent	Rank	Number of rollcalls	Percen
Bauman	1	46	10.3	1	70	9.2	1	77	8.2
Ashbrook	2	50	8.0	2	65	8.6	2	71	7.5
Rousselot	3	37	5.9	4	18	2.4	3	46	4.9
Frenzel	4	28	4.5		7	.9		5	.5
Collins (Texas)	5	17	2.7		3	.4		7	.7
Broomfield	6	16	2.9		2	.3	9	12	1.3
Dannemeyer	6	16	2.6	3	23	3.0			
Symms	8	11	1.8	5	16	2.1	6	23	2.4
Sensenbrenner	9	10	1.6	7	14	1.8			
Latta	10	9	1.4	10	12	1.6		3	.3
Miller (Ohio)	10	9	1.4		8	1.1		7	.7
Wydler	10	9	1.4		8	1.1		8	.8
Burton, Phillip		1	.2				8	13	1.4
Cunningham							10	11	1.2
Erlenborn		1	.2	7	14	1.8	×	8	.8
Kramer		3	.5	9	13	1.7			
Mottl		3	.5		5	.7	4	30	3.2
Volkmer		2	.3		10	1.3	7	22	2.3
Walker		4	.6	6	15	2.0		5	.5
Weiss		5	.8		7	.9	10	11	1.2
Wilson, Charles H. (California)		3	.5		11	1.5	5	26	2.8

ROLLCALL VOTES (JAN. 22, 1980, THROUGH OCT. 2, 1980) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
408	800722	Close portions of conference	(Automatic)	H.R. 6974	396	0	2	100.0	0	Tuesday.
301	800605	Presidential veto	(Automatic)	H.R. 7428	335	34		91.0	9.0	Thursday.
488	800826	Presidential veto	(Automatic)	H.R. 7102	401	5		99.0	1.0	Tuesday.
1	800122	Quorum	(Automatic)				353			Tuesday.
544	800916	Agreeing to the amendments	Addabbo	H.R. 8105	66	329		17.0	83.0	Tuesday.
533	800909	Agreeing to the amendment	Albosta	H.R. 7235	45	310	1	13.0	87.0	Tuesday.
532	800909	Quorum	Albosta				339			Tuesday.
423	800724	Agreeing to the amendment	Anderson (California).	H.R. 7235	145	255	2	36.0	64.0	Thursday.
611	801001	Suspend rules and pass	Anderson (California).	H.R. 7103	162	247		40.0	60.0	Wednesday.
452	800818	Agreeing to the amendment	Annunzio	H.R. 7262	117	247		32.0	68.0	Monday.
368	800625	Passage	Annunzio	H.R. 7590	334	87		80.0	20.0	Wednesday.
451	800818	Quorum	Annunzio				353			Monday.
386	800701	Suspend rules and pass	Annunzio	H.R. 7482	375	28		93.0	7.0	Tuesday.
142	800313	Recommit conference report with instructions	Archer	H.R. 3919	185	227	1	45.0	55.0	Thursday.
154	800324	Agreeing to conference report	Ashbrook	S. 2222	209	131		61.0	39.0	Monday.
490	800826	Agreeing to conference report	Ashbrook	H.R. 5168	399	0		100.0	0	Tuesday.
606	800930	Agreeing to conference report	Ashbrook	H.R. 7592	342	29		92.0	8.0	Tuesday.
618	801001	Agreeing to conference report	Ashbrook	H.R. 2977	276	117		70.0	30.0	Wednesday.
296	800605	Agreeing to the amendment	Ashbrook	H.R. 6942	320	71		82.0	18.0	Thursday.

ROLLCALL VOTES (JAN. 22, 1980, THROUGH OCT. 2, 1980) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL—Continued

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
343	800618	Agreeing to the amendment	Ashbrook	H.R. 7542	326	81	2	80.0	20.0	Wednesday.
344	800619	Agreeing to the amendment	Ashbrook	H.R. 7542	210	188		53.0	47.0	Thursday.
358	800620	Agreeing to the amendment	Ashbrook	H.R. 7584	151	157		49.0	51.0	Friday.
465	800820	Agreeing to the amendment	Ashbrook	H.R. 7583	300	107		74.0	26.0	Wednesday.
466	800820	Agreeing to the amendment	Ashbrook	H.R. 7583	228	170		57.0	43.0	Wednesday.
2	800122	Agreeing to the resolution	Ashbrook	H. Res. 514	362	0	1	100.0	0	Tuesday.
64	800221	Agreeing to the resolution	Ashbrook	H. Res. 579	384	2		99.0	1.0	Thursday.
179	800415	Agreeing to the resolution	Ashbrook	H. Res. 629	359	0		100.0	0	Tuesday.
276	800530	Agreeing to the resolution	Ashbrook	H. Res. 688	239	100		70.0	30.0	Friday.
352	800620	Agreeing to the resolution	Ashbrook	H. Res. 702	330	1		100.0	0.0	Friday.
446	800731	Agreeing to the resolution	Ashbrook	H. Res. 758	374	20		95.0	5.0	Thursday.
89	800228	Approving the Journal	Ashbrook		363	16	4	96.0	4.0	Thursday.
252	800522	Approving the Journal	Ashbrook		340	11	1	97.0	3.0	Thursday.
263	800529	Approving the Journal	Ashbrook		358	17	3	95.0	5.0	Thursday.
340	800618	Approving the Journal	Ashbrook		348	15	2	96.0	4.0	Wednesday.
351	800620	Approving the Journal	Ashbrook		287	17	3	94.0	6.0	Friday.
383	800701	Approving the Journal	Ashbrook		362	20	4	95.0	5.0	Tuesday.
278	800530	Engrossment and third reading	Ashbrook	H.J. Res. 554	270	70	1	79.0	21.0	Friday.
607	800930	Ordering a second	Ashbrook	H.R. 8195	353	2		99.0	1.0	Tuesday.
486	800825	Ordering the previous question	Ashbrook	H.R. 3904	217	158		58.0	42.0	Monday.
437	800728	Passage	Ashbrook	H.R. 7631	313	67		82.0	18.0	Monday.
539	800910	Passage	Ashbrook	H.R. 7301	337	22		94.0	6.0	Wednesday.
155	800325	Quorum	Ashbrook				365			Tuesday.
295	800605	Quorum	Ashbrook				381			Thursday.
357	800620	Quorum	Ashbrook				300			Friday.
68	80022	Resolving into Committee	Ashbrook	H.R. 6081	257	42		86.0	14.0	Friday.
167	800331	Resolving into Committee	Ashbrook	H.R. 6837	308	3	3	99.0	1.0	Monday.
217	800507	Resolving into Committee	Ashbrook	H. Con. Res. 307	383	4	1	99.0	1.0	Wednesday.
422	800724	Resolving into Committee	Ashbrook	H.R. 7235	369	10	1	97.0	3.0	Thursday.
460	800820	Resolving into Committee	Ashbrook	H.R. 7583	354	2	3	99.0	1.0	Wednesday.
469	800821	Resolving into Committee	Ashbrook	H.R. 7262	375	5	2	99.0	1.0	Thursday.
478	800822	Resolving into Committee	Ashbrook	H.R. 7262	313	3	2	99.0	1.0	Friday.
521	800905	Resolving into Committee	Ashbrook	H.R. 7235	333	2	2	99.0	1.0	Friday.
566	800919	Resolving into Committee	Ashbrook	H.R. 7020	307	1	1	100.0	0	Friday.
110	800303	Suspend rules and pass	Ashbrook	H.J. Res. 463	326	0		100.0	0	Monday.
111	800303	Suspend rules and pass	Ashbrook	H.R. 4960	212	116		65.0	35.0	Monday.
125	800310	Suspend rules and pass	Ashbrook	H. Con. Res. 285	343	3		99.0	1.0	Monday.
126	800310	Suspend rules and pass	Ashbrook	H.R. 6702	338	5	1	99.0	1.0	Monday.
153	800324	Suspend rules and pass	Ashbrook	H.R. 6410	328	13		96.0	4.0	Monday.
172	800401	Suspend rules and pass	Ashbrook	H.R. 5410	372	4		99.0	1.0	Tuesday.
333	800617	Suspend rules and pass	Ashbrook	H.R. 4155	411	0		100.0	0	Tuesday.
432	800728	Suspend rules and pass	Ashbrook	S. 1916	328	55		86.0	14.0	Monday.
528	800909	Suspend rules and pass	Ashbrook	H.R. 6629	311	70		82.0	18.0	Tuesday.
457	800819	Sustain ruling of Chair	Ashbrook	H.R. 7583	214	182	1	54.0	46.0	Tuesday.
277	800530	Table postponing consideration	Ashbrook	H.J. Res. 554	241	102		70.0	30.0	Friday.
479	800822	Agreeing to the amendment	Ashley	H.R. 7262	230	108	1	68.0	32.0	Friday.
240	800520	Quorum	Badham				355			Tuesday.
253	800522	Agreeing to conference report	Bauman	H.R. 3236	389	2		99.0	1.0	Thursday.
372	800626	Agreeing to conference report	Bauman	S. 932	317	93	2	77.0	23.0	Thursday.
602	800930	Agreeing to conference report	Bauman	H.R. 7831	355	54	1	87.0	13.0	Tuesday.
48	800212	Agreeing to the amendment	Bauman	H.R. 3995	150	205		42.0	58.0	Tuesday.
74	800225	Agreeing to the amendment	Bauman	H.R. 6081	353	12		97.0	3.0	Monday.
77	800236	Agreeing to the amendment	Bauman	H.R. 6081	392	3		99.0	1.0	Tuesday.
121	800306	Agreeing to the amendment	Bauman	H.R. 3829	219	170		56.0	44.0	Thursday.
189	800422	Agreeing to the amendment	Bauman	H.J. Res. 521	45	363		11.0	89.0	Tuesday.
262	800528	Agreeing to the amendment	Bauman	H.R. 6942	267	105		72.0	28.0	Wednesday.
299	800605	Agreeing to the amendment	Bauman	H.R. 6942	243	131		63.0	37.0	Thursday.
377	800626	Agreeing to the amendment	Bauman	H.R. 7584	240	144		62.0	38.0	Thursday.
420	800723	Agreeing to the amendment	Bauman	H.R. 7584	197	215		48.0	52.0	Wednesday.
552	800917	Agreeing to the amendment	Bauman	H. Res. 722	55	353		13.0	87.0	Wednesday.
557	800917	Agreeing to the amendment	Bauman	H.R. 7244	156	248		39.0	61.0	Wednesday.
593	800925	Agreeing to the amendment	Bauman	H. J. Res. 601	174	208		46.0	54.0	Thursday.
312	800611	Agreeing to the amendments	Bauman	H.R. 5200	345	66		84.0	16.0	Wednesday.
6	800124	Agreeing to the resolution	Bauman	H. Res. 529	321	74		81.0	19.0	Thursday.
67	800222	Agreeing to the resolution	Bauman	H. Res. 581	251	60		81.0	19.0	Friday.
230	800513	Agreeing to the resolution	Bauman	H. Res. 663	310	95		77.0	23.0	Tuesday.
287	800604	Agreeing to the resolution	Bauman	H. Res. 691	202	199		50.4	49.6	Wednesday.
378	800627	Agreeing to the resolution	Bauman	H. Res. 731	286	66		81.0	19.0	Friday.
495	800827	Agreeing to the resolution	Bauman	S. Con. Res. 118	241	155		61.0	39.0	Wednesday.
553	800917	Agreeing to the resolution	Bauman	H. Res. 722	380	23		94.0	6.0	Wednesday.
62	800221	Approving the Journal	Bauman		365	13	1	97.0	3.0	Thursday.
201	800430	Approving the Journal	Bauman		358	10		97.0	3.0	Wednesday.
259	800528	Approving the Journal	Bauman		327	14	2	95.0	5.0	Wednesday.
272	800529	Asking for further conference	Bauman	H. Con. Res. 307	202	120		63.0	37.0	Thursday.
401	800702	Concur in Senate amendment 95 with amendment	Bauman	H.R. 7542	199	163		55.0	45.0	Wednesday.
397	800702	Concur in Senate amendment 95 with amendment	Bauman	H.R. 7542	212	178		54.0	46.0	Wednesday.
63	800221	Motion to consider	Bauman	H. Res. 581	233	155		60.0	40.0	Thursday.
281	800530	Motion to reconsider	Bauman	H. Res. 691	189	153		55.0	45.0	Friday.
537	800910	Motion to table	Bauman	H. Res. 745	124	260		32.0	68.0	Wednesday.
540	800915	Ordering a second	Bauman	H.R. 6865	244	0	1	100.0	0	Monday.
55	800213	Ordering the previous question	Bauman	H. Res. 578	194	118		62.0	38.0	Wednesday.
202	800430	Ordering the previous question	Bauman	H. Res. 649	225	180		56.0	44.0	Wednesday.
50	800212	Passage	Bauman	H.R. 3995	288	70		80.0	20.0	Tuesday.
300	800605	Passage	Bauman	H.R. 6942	221	147		60.0	40.0	Thursday.
345	800619	Passage	Bauman	H.R. 7542	294	106		74.0	26.0	Thursday.
373	800626	Passage	Bauman	H.J. Res. 507	395	0		100.0	0	Thursday.
468	800820	Passage	Bauman	H.R. 7583	253	143		64.0	36.0	Wednesday.
502	800827	Passage	Bauman	H.R. 7998	320	83		79.0	21.0	Wednesday.
586	800924	Passage	Bauman	H.R. 6777	229	165		58.0	42.0	Wednesday.
590	800925	Passage	Bauman	H.R. 7658	251	140		64.0	36.0	Thursday.
47	800212	Quorum	Bauman				346			Tuesday.
76	800226	Quorum	Bauman				375			Tuesday.
120	800306	Quorum	Bauman				374			Thursday.
136	800312	Quorum	Bauman				366			Wednesday.
185	800417	Quorum	Bauman				355			Thursday.
291	800605	Quorum	Bauman				355			Thursday
341	800618	Quorum	Bauman				362			Wednesday.
376	800626	Quorum	Bauman				369			Thursday.
535	800910	Quorum	Bauman				330			Wednesday.
556	800917	Quorum	Bauman				383			Wednesday.
396	800702	Recede from disagreement Senate amendment 95	Bauman	H.R. 7542	198	196		50.2	48.9	Wednesday.
379	800527	Recommit conference report	Bauman	S. 1308	232	131	1	64.0	36.0	Friday.
269	800529	Refer to Rules Committee	Bauman	H. Res. 682	211	175		55.0	45.0	Thursday.
13	800130	Resolving into Committee	Bauman	H.R. 5980	390	9	2	98.0	2.0	Wednesday.
112	800303	Suspend rules and pass	Bauman	H.R. 5548	289	38		89.0	11.0	Monday.
178	800415	Suspend rules and pass	Bauman	H.R. 6613	358	2		99.0	1.0	Tuesday.
405	800721	Suspend rules and pass	Bauman	H.R. 5499	279	109		72.0	28.0	Monday.
400	800702	Table appeal from ruling	Bauman		222	140	1	61.0	39.0	Wednesday.

ROLLCALL VOTES (JAN. 22, 1980, THROUGH OCT. 2, 1980) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL—Continued

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
428	800725	Table appeal from ruling	Bauman		233	139	1	63.0	37.0	Friday.
384	800701	Table motion to instruct	Bauman	H.R. 7542	241	163		60.0	40.0	Tuesday.
398	800702	Table Reconsider Senate amendment 95 with amendment	Bauman	H.R. 7542	107	262		29.0	71.0	Wednesday.
554	800917	Agreeing to conference report	Bedell	S. 1125	235	150	2	61.0	39.0	Wednesday.
260	800528	Resolving into committee	Bereuter	H.R. 6942	336	18		95.0	5.0	Wednesday.
190	800422	Agreeing to the amendment	Boland	H.J. Res. 521	218	188		54.0	46.0	Tuesday.
137	800312	Agreeing to the resolution	Bolling	H. Res. 604	209	197	2	51.0	49.0	Wednesday.
268	800529	Ordering the previous question	Bolling	H. Res. 682	74	312		19.0	81.0	Thursday.
66	800222	Quorum	Bolling				295			Friday.
515	800904	Quorum	Bolling				361			Thursday.
575	800923	Suspend rules and pass	Breaux	H.R. 5340	343	15		96.0	4.0	Tuesday.
118	800306	Quorum	Brinkley				362			Thursday.
14	800130	Agreeing to the amendment	Brooks	H.R. 5980	119	294		29.0	71.0	Wednesday.
261	800528	Agreeing to the amendment	Broomfield	H.R. 6942	50	325		13.0	87.0	Wednesday.
294	800605	Agreeing to the amendment	Broomfield	H.R. 6942	220	148		60.0	40.0	Thursday.
297	800605	Agreeing to the amendment	Broomfield	H.R. 6942	243	144		63.0	37.0	Thursday.
5	800124	Agreeing to the resolution	Broomfield	H. Con. Res. 249	386	12	1	97.0	3.0	Thursday.
17	800130	Agreeing to the resolution	Broomfield	H. Con. Res. 267	370	0		100.0	0.0	Wednesday.
30	800205	Agreeing to the resolution	Broomfield	H. Con. Res. 272	402	0		100.0	0.0	Tuesday.
173	800401	Agreeing to the resolution	Broomfield	H. Res. 625	343	35		91.0	9.0	Tuesday.
560	800918	Agreeing to the resolution	Broomfield	H. Con. Res. 367	298	98		75.0	25.0	Thursday.
87	800227	Motion to recommit	Broomfield	H.R. 6081	191	204		48.0	52.0	Wednesday.
52	800213	Passage	Broomfield	H.J. Res. 469	323	0		100.0	0	Wednesday.
88	800227	Passage	Broomfield	H.R. 6081	202	197		50.6	49.4	Wednesday.
293	800605	Quorum	Broomfield				346			Thursday.
438	800729	Quorum	Broomfield				367			Tuesday.
550	800917	Quorum	Broomfield				349			Wednesday.
113	800304	Suspend rules and pass	Broomfield	H. Con. Res. 282	389	7		98.0	2.0	Tuesday.
610	801001	Suspend rules and pass	Broomfield	H. Con. Res. 435	403	0		100.0	0	Wednesday.
15	800130	Agreeing to the amendment	Brown (Ohio)	H.R. 5980	185	207		47.0	53.0	Wednesday.
107	800228	Motion to instruct conferees	Broyhill	H.R. 2313	257	115		69.0	31.0	Thursday.
389	800701	Quorum	Broyhill				362			Tuesday.
574	800923	Suspend rules and pass	Broyhill	H.R. 6228	215	176	3	55.0	45.0	Tuesday.
71	800225	Holding a secret session	Burlison		290	74		80.0	20.0	Monday.
114	800304	Agreeing to the resolution	Burton, J	H. Res. 575	241	153	3	61.0	39.0	Tuesday.
302	800610	Approving the Journal	Burton, J		360	14	1	96.0	4.0	Tuesday.
467	800820	Agreeing to the amendment	Burton, P	H.R. 7583	222	176		56.0	44.0	Wednesday.
317	800612	Passage	Butler	H.R. 4048	227	169		57.0	43.0	Thursday.
555	800917	Agreeing to the resolution	Campbell	H. Res. 726	379	3		99.0	1.0	Wednesday.
275	800530	Approving the Journal	Campbell		275	38	1	88.0	12.0	Friday.
309	800611	Resolving into Committee	Carney	H.R. 5200	371	6	2	98.0	2.0	Wednesday.
589	800924	Passage	Carr	H.R. 8024	366	1		100.0	0	Wednesday.
483	800822	Passage	Carter	H.R. 7299	277	15		95.0	5.0	Friday.
247	800521	Agreeing to conference report	Cavanaugh	S. 662	224	181	1	55.0	45.0	Wednesday.
365	800625	Agreeing to the amendment	Cavanaugh	H.R. 7590	202	211	1	49.0	51.0	Wednesday.
308	800610	Agreeing to conference report	Clausen	S. 562	386	9		98.0	2.0	Tuesday.
223	800508	Agreeing to the amendment	Coleman	S. 1309	134	269		33.0	67.0	Thursday.
92	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 554	288	115		71.0	29.0	Thursday.
93	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 556	343	57		86.0	14.0	Thursday.
94	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 535	257	145		64.0	36.0	Thursday.
95	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 546	237	166		59.0	41.0	Thursday.
96	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 538	250	151		62.0	38.0	Thursday.
98	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 536	231	169		58.0	42.0	Thursday.
99	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 567	257	146		64.0	36.0	Thursday.
100	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 527	220	175		56.0	44.0	Thursday.
102	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 545	307	92		77.0	23.0	Thursday.
103	800228	Agreeing to the resolution	Collins (Texas)	H. Res. 565	235	161		59.0	41.0	Thursday
131	80031	Agreeing to the resolution	Collins (Texas)	H. Res. 580	199	198	1	50.1	49.9	Tuesday.
132	800311	Agreeing to the resolution	Collins	H. Res. 572	252	146		63.0	37.0	Tuesday.
133	800311	Agreeing to the resolution	Collins	H. Res. 573	183	218		46.0	54.0	Tuesday.
134	800311	Agreeing to the resolution	Collins	H. Res. 583	271	132		67.0	33.0	Tuesday.
135	800311	Agreeing to the resolution	Collins	H. Res. 574	228	174		57.0	43.0	Tuesday.
280	800530	Passage	Collins	H. Res. 554	236	106		69.0	31.0	Friday.
506	800828	Passage	Collins	H.R. 7036	292	48		86.0	14.0	Thursday.
143	800313	Agreeing to conference report	Conable	H.R. 3919	302	107	4	74.0	26.0	Thursday.
203	800430	Agreeing to the amendment	Conable	H. Con. Res. 307	192	225		46.0	54.0	Wednesday.
138	800312	Agreeing to the resolution	Conable	H. Res. 602	201	215	1	48.0	52.0	Wednesday.
195	800423	Agreeing to the resolution	Conable	H. Res. 642	261	143		65.0	35.0	Wednesday.
288	800604	Passage	Conable	H. J. Res. 531	376	30		93.0	7.0	Wednesday.
290	800604	Passage	Conable	H.R. 7428	208	198		51.0	49.0	Wednesday.
416	800723	Agreeing to the amendment	Conte	H.R. 7584	1	414	1	0	100.0	Wednesday.
447	800731	Agreeing to the amendment	Conte	H.R. 7831	190	217		47.0	53.0	Thursday.
188	800422	Agreeing to the resolution	Conte	H. Res. 643	357	29		92.0	8.0	Tuesday.
363	800625	Concur in Senate amendment	Conte	H.J. Res. 521	234	168	1	58.0	42.0	Wednesday.
192	800422	Passage	Conte	H.J. Res. 521	219	180		55.0	45.0	Tuesday.
562	800918	Recommit with instructions	Conte	H.J. Res. 610	153	228		40.0	60.0	Thursday.
109	800303	Suspend rules and pass	Conte	H.J. Res 445	323	0		100.0	0	Monday.
182	800416	Approving the Journal	Corcoran		369	11		97.0	3.0	Wednesday.
318	800612	Resolving into committee	Corcoran	H.R. 2255	367	5	2	99.0	1.0	Thursday.
26	800204	Quorum	Corman				323			Monday.
425	800724	Agreeing to the amendment	Coughlin	H.R. 7631	136	262		33.0	66.0	Thursday.
472	800821	Agreeing to the amendment	Coughlin	H.R. 7262	71	326		18.0	82.0	Thursday.
471	800821	Quorum	Coughlin				379			Thursday.
356	800620	Agreeing to the amendment	Crane, P	H.R. 7485	80	252		24.0	76.0	Friday.
413	800722	Agreeing to the amendment	Crane, P	H.R. 7584	113	265		30.0	70.0	Tuesday.
462	800820	Agreeing to the amendment	Crane, P	H.R. 7583	205	188		52.0	48.0	Wednesday.
355	800620	Quorum	Crane, P				320			Friday.
461	800820	Quorum	Crane, P				380			Wednesday.
60	800220	Motion to instruct conferees	D'Amours	H.R. 3919	195	207		49.0	51.0	Wednesday.
603	800930	Agreeing to conference report	Dannemeyer	S. 1177	380	25		94.0	6.0	Tuesday.
123	800306	Agreeing to the amendment	Dannemeyer	H.R. 3829	189	197		49.0	51.0	Thursday.
430	800725	Agreeing to the amendment	Dannemeyer	H.R. 7631	176	184		49.0	51.0	Friday.
513	800903	Agreeing to the amendment	Dannemeyer	H.R. 7203	68	303		18.0	82.0	Wednesday.
97	800228	Agreeing to the resolution	Dannemeyer	H. Res. 532	241	159		60.0	40.0	Thursday.
101	800228	Agreeing to the resolution	Dannemeyer	H. Res. 523	206	194		52.0	48.0	Thursday.
104	800228	Agreeing to the resolution	Dannemeyer	H. Res. 552	220	176		56.0	44.0	Thursday.
105	800228	Agreeing to the resolution	Dannemeyer	H. Res. 543	232	182		59.0	41.0	Thursday.
106	800228	Agreeing to the resolution	Dannemeyer	H. Res. 530	210	184		53.0	47.0	Thursday.
130	800311	Agreeing to the resolution	Dannemeyer	H. Res. 548	260	139		65.0	35.0	Tuesday.
91	800228	Ordering the previous question	Dannemeyer	H. Res. 552	244	153		61.0	39.0	Thursday.
514	800903	Passage	Dannemeyer	H. R. 7203	368	8	2	98.0	2.0	Wednesday.
481	800822	Quorum	Dannemeyer				284			Friday.
512	800903	Quorum	Dannemeyer				361			Wednesday.
90	800228	Recommit with instructions	Dannemeyer	H. Res. 541	68	323		17.0	83.0	Thursday.
482	800822	Recommit with instructions	Dannemeyer	H.R. 7299	75	223		25.0	75.0	Friday.
415	800723	Agreeing to the amendment	Daschle	H.R. 7584	135	279		33.0	67.0	Wednesday.
338	800617	Resolving into Committee	Davis (Michigan)	H.R. 7542	394	7	2	98.0	2.0	Tuesday.

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
234	800514	Agreeing to the amendment	Dellums	H.R. 6974	82	319		20.0	80.0	Wednesday.
551	800917	Quorum	Derrick				373			Wednesday.
81	800226	Agreeing to the amendment	Derwinski	H.R. 6081	195	199		49.5	50.5	Tuesday.
380	800627	Agreeing to the resolution	Derwinski	H.R. 720	322	21	1	94.0	6.0	Friday.
382	800627	Agreeing to the resolution	Derwinski	H.Res. 721	254	48		84.0	16.0	Friday.
65	800222	Approving the Journal	Derwinski		282	10	2	97.0	3.0	Friday.
72	800225	Resolving into Committee	Derwinski	H.R. 6081	357	7		98.0	2.0	Monday.
523	800908	Resolving into Committee	Derwinski	H.R. 6790	325	2	2	99.0	1.0	Monday.
489	800826	Agreeing to conference report	Dicks	H.R. 6974	360	49		88.0	12.0	Tuesday.
444	800730	Motion to discharge	Dingell	H.J Res 575	205	209		49.5	50.5	Wednesday.
459	800819	Agreeing to the amendment	Dornan	H.R. 7583	308	85		78.0	22.0	Tuesday.
510	800903	Agreeing to the amendment	Dornan	H.R. 8061	182	192		49.0	51.0	Wednesday.
327	800613	Passage	Dornan	H.R. 6413	285	29		91.0	9.0	Friday.
458	800819	Quorum	Dornan				374			Tuesday.
313	800612	Resolving into Committee	Dougherty	H.R. 5200	384	7	2	98.0	2.0	Thursday.
58	800219	Passage	Downey	H.R. 2492	371	0		100.0	0	Tuesday.
392	800702	Agreeing to conference report	Eckhardt	S. 2240	384	21		95.0	5.0	Wednesday.
424	800724	Agreeing to the amendment	Eckhardt	H.R. 7235	204	197	2	50.9	49.1	Thursday.
530	800909	Agreeing to the amendment	Eckhardt	H.R. 7235	83	296	1	22.0	78.0	Tuesday.
529	800909	Quorum	Eckhardt				372			Tuesday.
11	800128	Agreeing to the amendment	Edgar	H.R. 4788	117	263		31.0	69.0	Monday.
28	800205	Agreeing to the amendment	Edgar	H.R. 4788	133	273		33.0	67.0	Tuesday.
3	800123	Agreeing to the resolution	Edgar	H. Res. 513	384	10		97.0	3.0	Wednesday.
8	800128	Approving the Journal	Edgar		307	8	5	97.0	3.0	Monday.
10	800128	Quorum	Edgar				364			Monday.
581	800924	Recede and concur in Senate amendment 36	Edgar	H.R. 7590	230	164		58.0	42.0	Wednesday.
12	800129	Resolving into Committee	Edgar	H.R. 4788	387	6	2	98.0	2.0	Tuesday.
27	800205	Resolving into Committee	Edgar	H.R. 4788	379	6	1	98.0	2.0	Tuesday.
165	800327	Agreeing to conference report	Edwards (Alabama)	S. 2269	380	10		97.0	3.0	Thursday.
233	800514	Agreeing to the amendment	Edwards (Alabama)	H.R. 6974	119	297		29.0	71.0	Wednesday.
548	800916	Agreeing to the amendment	Edwards (Alabama)	H.R. 8105	220	179		55.0	45.0	Tuesday.
549	800916	Passage	Edwards (Alabama)	H.R. 8105	351	42		89.0	11.0	Tuesday.
360	800624	Suspend rules and pass	Edwards (California)	H.R. 3567	377	34		92.0	8.0	Tuesday.
181	800415	Passage	Edwards (Oklahoma)	H.R. 6554	320	50		86.0	14.0	Tuesday.
255	800522	Agreeing to the amendment	Erlenborn	H.R. 3904	160	218	1	42.0	58.0	Thursday.
347	800619	Agreeing to the amendments	Fenwick	H.R. 6418	113	287	1	28.0	72.0	Thursday.
417	800723	Agreeing to the amendment	Findley	H.R. 7584	149	267		36.0	64.0	Wednesday.
339	800617	Agreeing to the amendments	Fithian	H.R. 7542	346	47		88.0	12.0	Tuesday.
49	800212	Agreeing to the amendment	Florio	H.R. 3995	253	103		71.0	29.0	Tuesday.
171	800331	Agreeing to the amendment	Florio	H.R. 6837	84	266		24.0	76.0	Monday.
394	800702	Agreeing to the amendment	Florio	H.R. 7235	130	281	2	32.0	68.0	Wednesday.
61	800220	Passage	Florio	H.R. 3994	386	10	1	97.0	3.0	Wednesday.
534	80909	Passage	Florio	H.R. 7235	337	20	1	94.0	6.0	Tuesday.
170	800331	Quorum	Florio				338			Monday.
387	800701	Suspend rules and pass	Florio	H.R. 7321	347	55		86.0	14.0	Tuesday.
226	800508	Agreeing to the amendment	Foley	S. 1309	241	147		62.0	38.0	Thursday.
503	800828	Agreeing to conference report	Ford (Michigan)	H.R. 5192	373	16		96.0	4.0	Thursday.
305	800610	Quorum	Ford (Michigan)				365			Tuesday.
307	800610	Recommit with instructions	Ford (Michigan)	H. Res. 660	97	308	4	24.0	76.0	Tuesday.
567	800919	Agreeing to conference report	Frenzel	H.R. 3904	324	1		100.0	0	Friday.
605	800930	Agreeing to conference report	Frenzel	S. 1946	372	12	1	97.0	3.0	Tuesday.
608	800930	Agreeing to conference report	Frenzel	H.J. Res. 610	292	100		74.0	26.0	Tuesday.
616	801001	Agreeing to conference report	Frenzel	S. 1159	209	192	1	52.0	48.0	Wednesday.
619	801001	Agreeing to conference report	Frenzel	S. 1790	357	2	1	99.0	1.0	Wednesday.
41	800207	Agreeing to the resolution	Frenzel	H. Con. Res. 276	262	49		84.0	16.0	Thursday.
599	800930	Agreeing to the resolution	Frenzel	H. Res. 798	258	127	1	67.0	33.0	Tuesday.
42	800211	Approving the Journal	Frenzel		210	7	2	97.0	3.0	Monday.
504	800828	Asking for a conference	Frenzel	H.R. 3904	384	1		100.0	0	Thursday.
43	800211	Ordering a second	Frenzel	H.R. 6374	230	2		99.0	1.0	Monday.
572	800923	Ordering a second	Frenzel	H.R. 7039	283	91	1	76.0	24.0	Tuesday.
34	800206	Passage	Frenzel	H.R. 5507	306	97		76.0	24.0	Wednesday.
213	800501	Passage	Frenzel	H.J. Res. 541	284	96		75.0	25.0	Thursday.
256	800522	Passage	Frenzel	H.R. 3904	374	0		100.0	0	Thursday.
445	800730	Passage	Frenzel	H.R. 7724	334	61		85.0	15.0	Wednesday.
450	800731	Passage	Frenzel	H.R. 7831	306	88		78.0	22.0	Thursday.
520	800904	Passage	Frenzel	H.R. 7115	314	55		85.0	15.0	Thursday.
601	800930	Passage	Frenzel	H.R. 8146	336	71		83.0	17.0	Tuesday.
33	800206	Recommit with Instructions	Frenzel	H.R. 5507	188	215		47.0	53.0	Wednesday.
600	800930	Recommit with instructions	Frenzel	H.R. 8146	138	268		34.0	66.0	Tuesday.
44	800212	Suspend rules and pass	Frenzel	H.R 4774	349	15		96.0	4.0	Tuesday.
45	800212	Suspend rules and pass	Frenzel	H.R. 6374	362	1		100.0	0	Tuesday.
46	800212	Suspend rules and pass	Frenzel	H.R. 5913	324	36	1	90.0	10.0	Tuesday.
285	800604	Suspend rules and pass	Frenzel	S. 1786	262	131		67.0	33.0	Wednesday.
335	800617	Suspend rules and pass	Frenzel	H.R. 7171	393	17		96.0	4.0	Tuesday.
484	800325	Suspend rules and pass	Frenzel	H.R. 6308	365	7		98.0	2.0	Monday.
526	800909	Suspend rules and pass	Frenzel	H.R. 7956	375	6		98.0	2.0	Tuesday.
573	800923	Suspend rules and pass	Frenzel	H.R. 7039	300	97	1	76.0	24.0	Tuesday.
149	800319	Agreeing to the resolution	Frost	H. Res. 517	271	133	1	67.0	33.0	Wednesday.
497	800827	Agreeing to the amendment	Garcia	H.R. 7998	213	194		52.0	48.0	Wednesday.
496	800827	Quorum	Garcia				392			Wednesday.
499	800827	Agreeing to the amendment	Gaydos	H.R. 7998	225	178		56.0	44.0	Wednesday.
456	800819	Agreeing to the amendment	Gephardt	H.R. 7583	310	86	1	78.0	22.0	Tuesday.
455	800819	Quorum	Gephardt				387			Tuesday.
206	800430	Agreeing to the amendment	Giaimo	H. Con. Res. 307	74	313	32	19.0	81.0	Wednesday.
208	800430	Agreeing to the amendment	Giaimo	H. Con. Res. 307	201	213		49.0	51.0	Wednesday.
518	800904	Agreeing to the amendment	Giaimo	H.R. 7765	309	72	6	81.0	19.0	Thursday.
205	800430	Motion to limit debate	Giaimo	H. Con. Res. 307	109	310		26.0	74.0	Wednesday.
519	800904	Passage	Giaimo	H.R. 7765	294	91		76.0	24.0	Thursday.
320	800612	Previous question recede and concur with amendment in Senate amendment.	Giaimo	H. Con. Res. 307	237	161		60.0	40.0	Thursday.
204	800430	Quorum	Giaimo				405			Wednesday.
558	800917	Agreeing to the amendment	Gilman	H.R. 7244	386	2		99.0	1.0	Wednesday.
211	800501	Agreeing to the Resolution	Gingrich	H. Con. Res. 324	395	0		100.0	0	Thursday.
463	800820	Agreeing to the amendment	Glickman	H.R. 7583	96	310		24.0	76.0	Wednesday.
464	800820	Agreeing to the amendment	Gonzalez	H.R. 7583	222	189		54.0	46.0	Wednesday.
498	800827	Agreeing to the amendment	Gramm	H.R. 7998	199	215		48.0	52.0	Wednesday.
36	800207	Recommit with instructions	Grassley	H.R. 2551	227	163		58.0	42.0	Thursday.
242	800520	Suspend rules and pass	Hammerschmidt	H.R. 7102	406	1		100.0	0	Tuesday.
402	800721	Suspend rules and pass	Hammerschmidt	H.R. 7511	383	1		100.0	0	Monday.
403	800721	Suspend rules and pass	Hammerschmidt	H.R. 7394	383	0		100.0	0	Monday.
431	800728	Suspend rules and pass	Hammerschmidt	H.R. 7458	382	0		100.0	0	Monday.
197	800423	Motion to table	Hansen	H. Res. 627	314	90		78.0	22.0	Wednesday.
79	800226	Agreeing to the amendment	Harkin	H.R. 6081	400	0	3	100.0	0	Tuesday.
117	800305	Passage	Harkin	H.R. 6291	392	22		95.0	5.0	Wednesday.
292	800605	Resolving into Committee	Harkin	H.R. 6942	356	24	1	94.0	6.0	Thursday.
9	800128	Agreeing to the amendment	Harsha	H.R. 4788	335	23		94.0	6.0	Monday.
128	800311	Agreeing to the resolution	Heckler	H. Res. 595	371	18		93.0	7.0	Tuesday.
212	800501	Agreeing to the amendment	Holt	H. Con. Res. 307	164	246		40.0	60.0	Thursday.
210	800501	Approving the Journal	Holt		368	21		95.0	5.0	Thursday.
115	800304	Agreeing to conference report	Holtzman	S. 643	207	192		52.0	48.0	Tuesday.

ROLLCALL VOTES (JAN. 22, 1980, THROUGH OCT. 2, 1980) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL—Continued

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
310	800611	Agreeing to the amendment	Hyde	H.R. 5200	257	156		62.0	38.0	Wednesday.
235	800515	Agreeing to conference report	Jeffords	S. 1309	324	89		78.0	22.0	Thursday.
485	800825	Suspend rules and pass	Jenkins	H.R. 7380	257	118		69.0	31.0	Monday.
328	800613	Agreeing to the resolution	Johnson (Colorado)	H. Res. 678	295	1		100.0	0	Friday.
329	800613	Agreeing to the resolution	Johnson (Colorado)	H. Res. 687	292	3		99.0	1.0	Friday.
184	800416	Passage	Johnson (Colorado)	S. 2009	301	93		76.0	24.0	Wednesday.
54	800213	Passage	Jones (Tennessee)	H.R. 4119	202	140		59.0	41.0	Wednesday.
16	800130	Agreeing to the amendment	Kindness	H.R. 5980	208	186		53.0	47.0	Wednesday.
22	800131	Agreeing to the amendment	Kindness	H.R. 5980	216	188		53.0	47.0	Thursday.
25	800131	Passage	Kindness	H.R. 5980	214	179		54.0	46.0	Thursday.
21	800131	Quorum	Kindness				398			Thursday.
24	800131	Recommit with instructions	Kindness	H.R. 5980	178	215		45.0	55.0	Thursday.
367	800625	Agreeing to the amendment	Kostmayer	H.R. 7590	169	245		40.0	60.0	Wednesday.
366	800625	Quorum	Kostmayer				405			Wednesday.
157	800325	Recommit with instructions	Kostmayer	H. Res. 549	125	282		31.0	69.0	Tuesday.
501	800827	Agreeing to the amendment	Kramer	H.R. 7998	162	240		40.0	60.0	Wednesday.
500	800827	Quorum	Kramer				388			Wednesday.
613	801001	Table appeal from ruling	Kramer	S. Con. Res. 126	382	11		97.0	3.0	Wednesday.
73	800225	Agreeing to the amendment	Lagomarsino	H.R. 6081	202	164		55.0	45.0	Monday.
69	800225	Suspend rules and pass	Lagomarsino	H.R. 4996	321	12		96.0	4.0	Monday.
219	800507	Agree to sec. 1 through 5 and 7	Latta	H. Con. Res. 307	225	193		54.0	46.0	Wednesday.
220	800507	Agree to sec. 6 (fiscal year 1980)	Latta	H. Con. Res. 307	241	174	1	58.0	42.0	Wednesday.
199	800429	Agreeing to the amendment	Latta	H. Con. Res. 307	244	173		59.0	41.0	Tuesday.
215	800506	Agreeing to the amendment	Latta	H. Con. Res. 307	175	242		42.0	58.0	Tuesday.
274	800529	Motion to adjourn	Latta		141	145		49.3	50.7	Thursday.
516	800904	Ordering the previous question	Latta	H. Res. 776	230	157		59.0	41.0	Thursday.
321	800612	Recede and concur with amendment in Senate amendment.	Latta	H. Con. Res. 307	205	195		51.0	49.0	Thursday.
271	800529	Recede and concur with Amendments in Senate amendment	Latta	H. Con. Res. 307	173	199		47.0	53.0	Thursday.
273	800529	Table motion to instruct	Latta	H. Con. Res. 307	123	165		43.0	57.0	Thursday.
82	800226	Agreeing to the amendment	Lent	H.R. 6081	192	197		49.4	50.6	Tuesday
349	800619	Agreeing to the amendment	Levitas	H.R. 6418	189	192		49.6	50.4	Thursday.
348	800619	Agreeing to the amendments	Levitas	H.R. 6418	57	338		14.0	86.0	Thursday.
582	800924	Agreeing to the resolution	Levitas	H. Res. 780	291	97		75.0	25.0	Wednesday.
332	800617	Suspend rules and pass	Levitas	H.R. 7018	200	215		48.0	52.0	Tuesday.
150	800319	Resolving into Committee	Lewis	H.R. 5741	365	10	2	97.0	3.0	Wednesday.
370	800626	Approving the Journal	Loeffler		363	13	3	97.0	3.0	Thursday.
374	800626	Passage	Loeffler	H.R. 7573	395	0		100.0	0	Thursday.
375	800626	Resolving into Committee	Loeffler	H.R. 7584	375	11	1	97.0	3.0	Thursday.
393	800702	Resolving into Committee	Loeffler	H.R. 7235	358	39	2	90.0	10.0	Wednesday.
140	800312	Agreeing to the resolution	Lott	H. Res. 605	252	154	1	67.0	33.0	Wednesday.
251	800521	Agreeing to the resolution	Lott	H. Res. 666	309	76		80.0	20.0	Wednesday.
282	800530	Agreeing to the resolution	Lott	H. Res. 665	301	0		100.0	0	Friday.
371	800626	Agreeing to the resolution	Lott	H. Res. 728	323	86	2	79.0	21.0	Thursday.
139	800312	Ordering the previous question	Lott	H. Res. 605	232	180	1	56.0	44.0	Wednesday.
598	800930	Ordering the previous question	Lott	H. Res. 798	237	148	1	62.0	38.0	Tuesday.
592	800925	Agreeing to the amendment	Madigan	H. J. Res. 601	387	1		100.0	0	Thursday.
594	800925	Passage	Madigan	H. J. Res. 601	224	146		61.0	39.0	Thursday.
522	800905	Quorum	Madigan				324			Friday.
169	800331	Agreeing to the amendment	Marks	H.R. 6837	63	275		19.0	81.0	Monday.
168	800331	Quorum	Marks				317			Monday.
147	800318	Passage	Marlenee	S. 2222	250	134		65.0	35.0	Tuesday.
249	800521	Agreeing to the amendment	Marriott	H.R. 6974	135	268		33.0	67.0	Wednesday.
248	800521	Quorum	Marriott				390			Wednesday.
579	800923	Passage	Martin	H.R. 7020	351	23		94.0	6.0	Tuesday.
391	800701	Agreeing to the amendment	McClory	H.R. 7584	182	221	1	45.0	55.0	Tuesday.
609	801001	Suspend rules and concur	McClory	H.R. 7859	303	94		76.0	24.0	Wednesday.
346	800619	Agreeing to conference report	McDade	S. 2698	210	193		52.0	48.0	Thursday.
410	800722	Agreeing to the amendment	McDonald	H.R. 7584	290	113		72.0	28.0	Tuesday.
418	800723	Agreeing to the amendment	McDonald	H.R. 7584	124	284		30.0	70.0	Wednesday.
480	800822	Passage	McDonald	H.R. 7262	291	43		87.0	13.0	Friday.
448	800731	Agreeing to the amendment	McKinney	H.R. 7831	129	263		33.0	67.0	Thursday.
229	800513	Suspend rules and pass	McKinney	H.R. 6616	372	24		94.0	6.0	Tuesday.
194	800423	Ordering the previous question	Michel	H. Res. 542	249	153		62.0	38.0	Wednesday.
492	800826	Agreeing to the amendment	Miller (California)	H.R. 6711	60	342		15.0	85.0	Tuesday.
494	800826	Passage	Miller (California)	H.R. 6711	337	51		87.0	13.0	Tuesday.
491	800826	Quorum	Miller (California)				387			Tuesday.
493	800826	Quorum	Miller (California)				359			Tuesday.
303	800610	Suspend rules and pass	Miller (California)	H. Con. Res. 323	400	0	1	100.0	0	Tuesday.
304	800610	Suspend rules and pass	Miller (California)	H.R. 5612	367	33		92.0	8.0	Tuesday.
336	800617	Suspend rules and pass	Miller (California)	H.R. 2510	362	48		88.0	12.0	Tuesday.
406	800721	Agreeing to the amendment	Miller (Ohio)	H.R. 7593	217	159		58.0	42.0	Monday.
436	800728	Agreeing to the amendment	Miller (Ohio)	H.R. 7631	228	151		60.0	40.0	Monday.
474	800821	Agreeing to the amendment	Miller (Ohio)	H.R. 7262	204	183		53.0	47.0	Thursday.
509	800903	Agreeing to the amendment	Miller (Ohio)	H.R. 8061	218	144		60.0	40.0	Wednesday.
330	800613	Agreeing to the resolution	Miller (Ohio)	H. Res. 685	290	3		99.0	1.0	Friday.
435	800728	Quorum	Miller (Ohio)				365			Monday.
473	800821	Quorum	Miller (Ohio)				373			Thursday.
508	800903	Quorum	Miller (Ohio)				345			Wednesday.
449	800731	Recommit with instructions	Miller (Ohio)	H.R. 7831	191	206		48.0	52.0	Thursday.
298	800605	Agreeing to the amendment	Minish	H.R. 6942	177	198		47.0	53.0	Thursday.
546	800916	Agreeing to the amendment	Moffett	H.R. 8105	125	276	1	31.0	69.0	Tuesday.
246	800521	Agreeing to the resolution	Montgomery	H. Res. 656	382	7		98.0	2.0	Wednesday.
507	800903	Resolving into Committee	Montgomery	H.R. 8061	308	2	2	99.0	1.0	Wednesday.
565	800918	Agreeing to the amendment	Moore	S. 2271	184	129		59.0	41.0	Thursday.
232	800514	Approving the Journal	Moore		373	16	2	96.0	4.0	Wednesday.
193	800423	Quorum	Moore				344			Wednesday.
175	800401	Agreeing to the resolution	Mottl	H. Res. 628	333	52		86.0	14.0	Tuesday.
568	800919	Resolving into Committee	Mottl	H.R. 85	309	5	1	98.0	2.0	Friday.
108	800303	Suspend rules and pass	Mottl	H.J. Res. 414	318	3		99.0	1.0	Monday.
78	800226	Agreeing to the amendment	Murphy (New York)	H.R. 6081	191	212		47.0	53.0	Tuesday.
407	800722	Approving the Journal	Myers (Indiana)		364	15	3	96.0	4.0	Tuesday.
243	800520	Suspend rules and pass	Myers (Indiana)	H.R. 3	300	102		75.0	25.0	Tuesday.
443	800730	Passage	Neal	H.J. Res. 589	400	14		97.0	3.0	Wednesday.
176	800401	Agreeing to the amendment	Oakar	H.R. 6464	61	328	1	16.0	84.0	Tuesday.
177	800401	Passage	Oakar	H.R. 6464	341	45		88.0	12.0	Tuesday.
578	800923	Agreeing to conference report	Oberstar	H.R. 5164	279	111		72.0	28.0	Tuesday.
270	800529	Recede and concur with amendment in Senate amendment.	Obey	H. Con. Res. 307	141	242	1	37.0	63.0	Thursday.
414	800723	Resolving into Committee	O'Brien		374	5	1	99.0	1.0	Wednesday.
156	800325	Agreeing to the amendment	Ottinger	H. Res. 549	300	111		73.0	27.0	Tuesday.
209	800430	Agreeing to the amendment	Ottinger	H. Con. Res. 307	70	336		17.0	83.0	Wednesday.
362	800624	Agreeing to the amendments	Ottinger	H.R. 7590	254	151		63.0	37.0	Tuesday.
517	800904	Agreeing to the resolution	Ottinger	H. Res. 7760	206	182		53.0	47.0	Thursday.
238	800515	Agreeing to the amendment	Panetta	H.R. 6974	115	253		31.0	69.0	Thursday.
322	800612	Agreeing to the amendment	Paul	H.R. 2255	43	323	6	12.0	88.0	Thursday.
564	800918	Passage	Paul	H.R. 7244	199	151		57.0	43.0	Thursday.
433	800728	Suspend rules and pass	Paul	H.R. 5961	135	248	1	35.0	65.0	Monday.
31	800205	Agreeing to the resolution	Pepper	H. Res. 544	244	158		61.0	39.0	Tuesday.

ROLLCALL VOTES (JAN. 22, 1980, THROUGH OCT. 2, 1980) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
441	800730	Quorum	Peyser				343			Wednesday
453	800819	Suspend rules and pass	Peyser	H.R. 5208	303	89	1	77.0	23.0	Tuesday.
70	800225	Table holding a secret session	Peyser		42	322		12.0	88.0	Monday.
250	800521	Passage	Price	H.R. 6974	338	62		85.0	15.0	Wednesday.
364	800625	Agreeing to the amendment	Pritchard	H.R. 7590	196	216		48.0	52.0	Wednesday.
342	800618	Agreeing to the amendments	Pritchard	H.R. 7542	185	230		45.0	55.0	Wednesday.
511	800903	Passage	Pursell	H.R. 8061	215	158		58.0	42.0	Wednesday.
200	800429	Agreeing to the amendment	Quillen	H. Con. Res. 307	146	271		35.0	65.0	Tuesday.
159	800326	Agreeing to the resolution	Quillen	H. Res. 619	224	190		54.0	46.0	Wednesday.
561	800918	Ordering the previous question	Quillen	H. Res. 7890	237	150		61.0	39.0	Thursday.
56	800213	Agreeing to the resolution	Rhodes	H. Res. 5780	314	0		100.0	0	Wednesday.
614	801001	Commit with instructions	Rhodes	S. Con. Res. 126	161	231		41.0	59.0	Wednesday.
591	800925	Ordering the previous question	Rhodes	H. Res. 675	246	144		63.0	37.0	Thursday.
615	801001	Passage	Rhodes	S. Con. Res. 126	230	173		57.0	43.0	Wednesday.
57	800219	Suspend rules and pass	Richmond	H.R. 6285	288	82		78.0	22.0	Tuesday.
127	800310	Passage	Rinaldo	H.R. 6152	332	17	1	95.0	5.0	Monday.
29	800205	Passage	Roberts	H.R. 4788	283	127		69.0	31.0	Tuesday.
84	800227	Motion to table	Rodino	H. Res. 571	404	4	5	99.0	1.0	Wednesday.
536	800910	Quorum	Rodino				349			Wednesday.
617	801001	Agreeing to the amendment	Rostenkowski	H.R. 5612	48	351	1	12.0	88.0	Wednesday.
151	800324	Suspend rules and pass	Rostenkowski	H.R. 5043	324	0		100.0	0	Monday.
239	800515	Agreeing to conference report	Rousselot	H.J. Res. 545	316	36		90.0	10.0	Thursday.
245	800520	Agreeing to conference report	Rousselot	H.R. 2313	272	127		68.0	32.0	Tuesday.
369	800625	Agreeing to conference report	Rousselot	S. 751	396	15		96.0	4.0	Wednesday.
395	800702	Agreeing to conference report	Rousselot	H.R. 7542	291	117		71.0	29.0	Wednesday.
119	800306	Agreeing to the amendment	Rousselot	H.R. 3829	210	181		54.0	46.0	Thursday.
122	800306	Agreeing to the amendment	Rousselot	H.R. 3829	210	189		53.0	47.0	Thursday.
161	800326	Agreeing to the amendment	Rousselot	H.R. 5741	404	10		98.0	2.0	Wednesday.
216	800506	Agreeing to the amendment	Rousselot	H. Con. Res. 307	191	218		47.0	53.0	Tuesday.
51	800212	Agreeing to the resolution	Rousselot	H. Res. 562	342	9	2	97.0	3.0	Tuesday.
166	800304	Agreeing to the resolution	Rousselot	H. Res. 589	393	1		100.0	0	Tuesday.
163	800327	Agreeing to the resolution	Rousselot	H. Res. 620	385	5	6	99.0	1.0	Thursday.
257	800522	Agreeing to the resolution	Rousselot	H. Res. 662	343	23		94.0	6.0	Thursday.
353	800620	Agreeing to the resolution	Rousselot	H. Res. 715	325	10		97.0	3.0	Friday.
505	800828	Agreeing to the resolution	Rousselot	H. Res. 765	342	28		92.0	8.0	Thursday.
588	800924	Agreeing to the resolution	Rousselot	H. Res. 791	378	5	1	99.0	1.0	Wednesday.
32	800206	Concur in Senate amendment with amendment	Rousselot	S. 918	384	17		96.0	4.0	Wednesday.
196	800423	Motion to table	Rousselot	H. Res. 626	342	57		86.0	14.0	Wednesday.
160	800326	Passage	Rousselot	H.J. Res. 514	216	201		52.0	48.0	Wednesday.
162	800326	Passage	Rousselot	H.R. 5741	238	178	1	57.0	43.0	Wednesday.
187	800417	Passage	Rousselot	H.R. 6614	373	13		97.0	3.0	Thursday.
231	800513	Passage	Rousselot	H.J. Res. 545	354	56		86.0	14.0	Tuesday.
350	800 19	Passage	Rousselot	H.R. 6418	367	13		97.0	3.0	Thursday.
381	800627	Passage	Rousselot	H.R. 7592	308	19		94.0	6.0	Friday.
421	800723	Passage	Rousselot	H.R. 7584	252	158	1	61.0	39.0	Wednesday.
525	800908	Passage	Rousselot	H.R. 6790	239	78		75.0	25.0	Monday.
148	800319	Quorum	Rousselot				383			Wednesday.
585	800924	Recommit with instructions	Rousselot	H.R. 6777	238	161		60.0	40.0	Wednesday.
198	800429	Resolving into Committee	Rousselot	H. Con. Res. 307	384	2	1	99.0	1.0	Tuesday.
236	800515	Resolving into Committee	Rousselot	H.R. 6974	384	2		99.0	1.0	Thursday.
254	800522	Resolving into Committee	Rousselot	H.R. 3904	382	2		99.0	1.0	Thursday.
289	800604	Resolving into Committee	Rousselot	H.R. 7428	315	77	1	80.0	20.0	Wednesday.
440	800730	Resolving into Committee	Rousselot	H.R. 7591	359	1	1	100.0	0	Wednesday.
145	800318	Suspend rules and pass	Rousselot	H.R. 5625	333	61	1	85.0	15.0	Tuesday.
152	800324	Suspend rules and pass	Rousselot	H.R. 4088	332	0		100.0	0	Monday.
337	800617	Suspend rules and pass	Rousselot	H.R. 7477	394	20		95.0	5.0	Tuesday.
439	800729	Suspend rules and pass	Rousselot	H. Res. 748	382	9	1	98.0	2.0	Tuesday.
576	800923	Suspend rules and pass	Rousselot	H.R. 7939	315	83		79.0	21.0	Tuesday.
426	800724	Quorum	Roybal				373			Thursday.
224	800508	Agreeing to the amendment	Rudd	S. 1309	106	297		26.0	74.0	Thursday.
412	800722	Agreeing to the amendment	Rudd	H.R. 7584	141	260		35.0	65.0	Tuesday.
531	800909	Agreeing to the amendment	Rudd	H.R. 7235	369	6	1	98.0	2.0	Tuesday.
411	800722	Quorum	Rudd				383			Tuesday.
286	800604	Suspend rules and pass	Rudd	H.R. 7051	251	143		64.0	36.0	Wednesday.
543	800916	Suspend rules and pass	Rudd	S. 2514	238	164		59.0	41.0	Tuesday.
174	800401	Resolving into Committee	Russo	H.R. 5563	358	11		98.0	2.0	Tuesday.
316	800612	Agreeing to the amendment	Sawyer	H.R. 4048	154	243		39.0	61.0	Thursday.
527	800909	Suspend rules and pass	Sawyer	H.R. 7817	241	145		62.0	38.0	Tuesday.
524	800908	Agreeing to the amendments	Schroeder	H.R. 6790	229	111		67.0	33.0	Monday.
7	800124	Agreeing to the resolution	Schulze	H. Con. Res. 204	294	88	1	77.0	23.0	Thursday.
597	800929	Hour of meeting	Schulze		356	9		98.0	2.0	Monday.
385	800701	Suspend rules and pass	Sebelius	H.R. 5341	324	82		80.0	20.0	Tuesday.
541	800916	Suspend rules and pass	Sebelius	H.R. 7825	397	3		99.0	1.0	Tuesday.
284	800530	Passage	Seiberling	H.R. 4046	254	0		100.0	0	Friday.
283	800530	Resolving into Committee	Seiberling	H.R. 4046	283	3		99.0	1.0	Friday.
306	800610	Agreeing to the amendment	Sensenbrenner	H. Res. 660	261	148	2	64.0	36.0	Tuesday.
166	800327	Agreeing to the resolution	Sensenbrenner	H. Res. 608	382	1		100.0	0	Thursday.
331	800617	Approving the Journal	Sensenbrenner		365	15	5	96.0	4.0	Tuesday.
315	800612	Passage	Sensenbrenner	H.R. 5200	310	95		77.0	23.0	Thursday.
264	800529	Postponing consideration	Sensenbrenner	H. Res. 660	182	217	1	46.0	54.0	Thursday.
314	800612	Recommit with instructions	Sensenbrenner	H.R. 5200	196	209		48.0	52.0	Thursday.
267	800529	Reconsider postponing	Sensenbrenner	H. Res. 660	199	192	1	50.9	49.1	Thursday.
434	800728	Suspend rules and pass	Sensenbrenner	S. 658	205	178		54.0	46.0	Monday.
542	800916	Suspend rules and pass	Sensenbrenner	H.R. 7084	243	155		61.0	39.0	Tuesday.
266	800529	Table reconsider postponing	Sensenbrenner	H. Res. 660	196	199	1	49.6	50.4	Thursday.
427	800725	Motion to table	Shuster	H. Res. 73	222	137		62.0	38.0	Friday.
237	800515	Agreeing to the amendment	Simon	H.R. 6974	152	250		38.0	62.0	Thursday.
547	800916	Agreeing to the amendment	Simon	H.R. 8105	141	256		36.0	64.0	Tuesday.
390	800701	Agreeing to the amendment	Smith (Iowa)	H.R. 7584	337	72		82.0	18.0	Tuesday.
419	800723	Agreeing to the amendment	Smith (Iowa)	H.R. 7584	351	52		87.0	13.0	Wednesday.
409	800722	Quorum	Smith (Iowa)				356			Tuesday.
571	800919	Passage	Snyder	H.R. 85	288	11		96.0	4.0	Friday.
319	800612	Quorum	Snyder				359			Thursday.
207	800430	Agreeing to the amendment	Solarz	H. Con. Res. 307	65	352	1	16.0	84.0	Wednesday.
221	800508	Approving the Journal	Solomon		370	41	1	90.0	10.0	Thursday.
214	800506	Resolving into Committee	Solomon	H. Con. Res. 307	393	4		99.0	1.0	Tuesday.
559	800918	Motion to instruct conferees	Spellman	H.R. 7765	300	73	2	80.0	20.0	Thursday.
164	800327	Agreeing to conference report	Stanton	H.R. 4986	380	13	11	97.0	3.0	Thursday.
334	800617	Suspend rules and pass	Stark	H.R. 4968	214	196	1	52.0	48.0	Tuesday.
53	800213	Agreeing to the amendment	Stenholm	H.R. 4119	81	265	1	23.0	77.0	Wednesday.
244	800520	Agreeing to the resolution	Stockman	H. Res. 655	369	34		92.0	8.0	Tuesday.
621	801002	Motion to postpone	Stokes	H. Res. 794	75	332		18.0	82.0	Thursday.
612	801001	Suspend rules and pass	Swift	H.R. 6228	310	97	3	76.0	24.0	Wednesday.
388	800701	Agreeing to conference report	Symms	S. 2009	272	137		66.0	34.0	Tuesday.
86	800227	Agreeing to the amendment	Symms	H.R. 6081	235	166		59.0	41.0	Wednesday.

ROLLCALL VOTES (JAN. 22, 1980, THROUGH OCT. 2, 1980) LISTED ALPHABETICALLY—BY MEMBER REQUESTING THE ROLLCALL

Roll	Date	Type of vote	Requester	Bill	Yea	Nay	Present	Yea (percent)	Nay (percent)	Day
183	800416	Agreeing to the amendment	Symms	S. 2009	179	214		46.0	54.0	Wednesday.
222	800508	Agreeing to the amendment	Symms	S. 1309	112	289		28.0	72.0	Thursday.
225	800 08	Agreeing to the amendment	Symms	S. 1309	154	248		38.0	62.0	Thursday.
35	800206	Agreeing to the resolution	Symms	H. Res. 561	301	94		76.0	24.0	Wednesday.
146	800318	Agreeing to the resolution	Symms	H. Res. 606	380	2		99.0	1.0	Tuesday.
158	800325	Agreeing to the resolution	Symms	H. Res. 549	274	134		67.0	33.0	Tuesday.
37	800207	Passage	Symms	H.R. 2551	177	210		46.0	54.0	Thursday.
124	800306	Passage	Symms	H.R. 3829	219	166	1	57.0	43.0	Thursday.
228	800508	Passage	Symms	S. 1309	320	56		85.0	15.0	Thursday.
129	800311	Passage	Thomas	H.R. 6029	367	30		92.0	8.0	Tuesday.
354	800620	Resolving into Committee	Thomas	H.R. 7584	323	4	1	99.0	1.0	Friday.
487	800825	Concur in Senate amendment with amendment	Thompson	H.R. 3904	363	0		100.0	0	Monday.
429	800725	Agreeing to the amendment	Traxler	H.R. 7631	175	201		47.0	53.0	Friday.
218	800507	Agreeing to the amendment	Udall	H. Con. Res. 307	127	289		30.0	70.0	Wednesday.
144	800318	Suspend rules and pass	Udall	H.R. 6631	187	201		48.0	52.0	Tuesday.
141	800313	Quorum	Ullman				362			Thursday.
404	800721	Suspend rules and pass	Ullman	H. Con. Res. 351	384	1		100.0	0	Monday.
59	800220	Table motion to instruct	Ullman	H.R. 3919	130	272		32.0	68.0	Wednesday.
85	800227	Table motion to instruct	Ullman	H.R. 3919	294	118		71.0	29.0	Wednesday.
311	800611	Agreeing to the amendment	Volkmer	H.R. 5200	205	204		50.1	49.9	Wednesday.
361	800624	Suspend rules and pass	Volkmer	H.R. 7018	392	22		95.0	5.0	Tuesday.
23	800131	Agreeing to the amendment	Walker	H.R. 5980	130	266		33.0	67.0	Thursday.
227	800508	Agreeing to the amendments	Walker	S. 1309	111	268		30.0	70.0	Thursday.
279	800530	Motion to recommit	Walker	H.J. Res. 554	99	247		29.0	71.0	Friday.
538	800910	Resolving into Committee	Walker	H.R. 7301	346	1	2	100.0	0	Wednesday.
241	800520	Suspend rules and pass	Waxman	H.R. 6940	388	15		96.0	4.0	Tuesday.
39	800207	Agreeing to the amendment	Weaver	H.R. 2609	83	286		22.0	78.0	Thursday.
191	800422	Agreeing to the amendment	Weaver	H.J. Res. 521	84	319		21.0	79.0	Tuesday.
563	800918	Passage	Weaver	H.J. Res. 610	223	153		59.0	41.0	Thursday.
38	800207	Quorum	Weaver				358			Thursday.
596	800929	Quorum	Weaver				333			Monday.
595	800929	Resolving into Committee	Weaver	S. 885	321	3	2	99.0	1.0	Monday.
604	800930	Agreeing to conference report	Weiss	S. 2597	385	18		96.0	4.0	Tuesday.
326	800613	Agreeing to the amendment	Weiss	H.R. 6413	90	225		29.0	71.0	Friday.
545	800916	Agreeing to the amendments	Weiss	H.R. 8105	390	13		97.0	3.0	Tuesday.
83	800227	Quorum	Weiss				385			Wednesday.
325	800613	Quorum	Weiss				308			Friday.
442	800730	Quorum	Whitten				361			Wednesday.
622	801002	Agreeing to the resolution	Wilson. C. (California)	H. Res. 794	376	30		93.0	7.0	Thursday.
620	801002	Quorum	Wilson. C. (California).				365			Thursday.
75	800226	Suspend rules and agree	Wilson. C. (California).	S. Con. Res. 72	388	1		100.0	0	Tuesday.
577	800923	Suspend rules and pass	Wilson, C. (Texas)	H.R. 7554	395	1		100.0	0	Tuesday.
454	800819	Agreeing to the amendment	Winn	H.R. 7583	401	4		99.0	1.0	Tuesday.
584	800924	Agreeing to the amendment	Wolpe	H.R. 6777	155	240		39.0	61.0	Wednesday.
583	800924	Quorum	Wolpe				384			Wedsneday.
4	800124	Quorum	Wright				359			Thursday.
570	800919	Agreeing to the amendment	Wyatt	H.R. 85	43	264		14.0	86.0	Friday.
569	800919	Quorum	Wyatt				288			Friday.
18	800131	Agreeing to conference report	Wydler	H.R. 2440	285	122		70.0	30.0	Thursday.
580	800924	Agreeing to conference report	Wydler	H.R. 7590	273	117		70.0	30.0	Wednesday.
180	800415	Agreeing to the amendment	Wydler	H.R. 6554	68	302		18.0	82.0	Tuesday.
324	800613	Agreeing to the resolution	Wydler	H. Res. 672	307	0		100.0	0	Friday.
587	800924	Agreeing to the resolution	Wydler	H. Res. 787	385	8		98.0	2.0	Wednesday.
40	800207	Passage	Wydler	H.R. 2609	275	94		75.0	25.0	Thursday.
265	800529	Quorum	Wydler				369			Thursday.
359	800624	Quorum	Wydler				367			Tuesday.
258	800522	Resolving into Committee	Wydler	H.R. 6942	311	24		93.0	7.0	Thursday.
20	800131	Agreeing to the amendment	Wylie	H.R. 5980	185	221		46.0	54.0	Thursday.
470	800821	Agreeing to the amendment	Wvlie	H.R. 7262	239	162		60.0	40.0	Thursday.
475	800821	Agreeing to the amendment	Wylie	H.R. 7262	158	218		42.0	58.0	Thursday.
477	800821	Agreeing to the amendment	Wylie	H.R. 7262	296	68		81.0	19.0	Thursday.
323	800612	Passage	Wylie	H.R. 2255	333	25	8	93.0	7.0	Thursday.
19	800131	Quorum	Wylie				394			Thursday.
476	800821	Quorum	Wylie				352			Thursday.
399	800702	Reconsider concur Senate amendment 95 with amendment.	Yates	H.R. 7542	243	124	1	66.0	34.0	Wednesday.
186	800417	Recommit conference report with instructions	Young (Florida)	S. 662	211	180		54.0	46.0	Thursday.
80	800226	Agreeing to the amendment	Zablocki	H.R. 6081	138	258	2	35.0	65.0	Tuesday.

PLANT PEST EMERGENCY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, today I am introducing legislation, the need for which has become apparent in recent months due to the outbreak of the highly destructive Mediterranean fruit fly in California. The Plant Pest Emergency Act would give the Secretary of Agriculture authority to declare an extraordinary emergency to combat unanticipated outbreaks of plant pests that pose a significant threat to the fresh fruit and vegetable industry.

California's multibillion dollar fresh fruit and vegetable industry is threatened today by the massive infestation in the San Jose region of the Mediterranean fruit fly. The situation is being carefully monitored and significant State and Federal efforts have been underway for a number of months to contain the pest and to eradicate it completely from the State. A quarantine has been imposed on all fresh fruit and vegetables within the affected area and an extensive sterile fruit fly release program is underway to eliminate this threat.

The serious nature of this problem, however, points out the need to grant the Secretary of Agriculture sufficient authority to respond to unanticipated outbreaks of dangerous pests that threaten the fresh fruit and vegetable industry. My bill would allow the Secretary to declare an extraordinary emergency and to immediately borrow from Government sources the funds necessary to combat such infestations and to compensate growers for the economic losses they suffer as a result of the Department of Agriculture's quarantine and destruction of fresh fruit and vegetables within the infested area.

The Secretary presently has authority comparable to that which I propose, but it is limited to dealing with outbreaks of dangerous diseases in livestock. I seek, therefore to extend this authority to cover unanticipated plant pest infestations as well.

I invite my colleagues' consideration and support of this vitally important measure.

The text of the bill follows:

H.R. 8382

A bill to authorize the Secretary of Agriculture to pay compensation to producers of fruits or vegetables for economic losses resulting from the destruction or quarantine of plants or plant products carried out to control plan pests in emergencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary" may pay compensation to producers of fruits or vegetables grown in the United States for economic losses incurred by such producers as a result of the quarantine, destruction, or other disposal under the authority of the Secretary of crops of such fruits or vegetables to detect, eradicate, suppress, or control, or to prevent or retard the spread of, plant pests which in the opinion of the Secretary constitute an emergency and threaten the fresh fruit and vegetable production industry of the United States. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final.

(b) For purposes of subsection (a)—

(1) the term "plant pests" has the meaning given it in section 102(d)(1) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a(d)(1)),

(2) the term "living stage" has the meaning given it in section 102(d)(2) of such Act (7 U.S.C. 147a(d)(2)), and

(3) the term "United States" has the meaning given it in section 102(d)(3) of such Act (7 U.S.C. 147a(d)(3)).

Sec. 2. Notwithstanding section 102(f) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a(f)) and section 5 of the Joint Resolution entitled "Joint Resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs", approved April 6, 1937 (7 U.S.C. 148d), funds in the Treasury available for carrying out plant pest control activities shall be used to carry out the first section of this Act.

Sec. 3. This Act shall take effect on October 1, 1981.

PERMISSION TO FILE CONFERENCE REPORT ON S. 988, BIOMEDICAL RESEARCH ACT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill (S. 988) entitled "An act entitled the 'Health Sciences Promotion Act of 1980'."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 7631

Mr. BOLAND submitted the following conference report and statement on the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes:

Conference Report (H. Rept. No. 96–1476)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 17, 18, 31, 33, 36, 40, 51, 52, 65, 72, 75, 78, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 12, 13, 15, 16, 20, 21, 24, 26, 28, 32, 41, 42, 43, 48, 50, 53, 57, 58, 62, 63, and 64, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$855,000,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$970,800,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,050,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,770,000,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$33,750,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$134,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$186,000,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$572,609,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$545,183,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,250,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,200,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $115,000,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,030,000,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$115,600,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$83,200,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,713,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,020,013,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$132,153,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$51,218,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 6, 19, 23, 25, 29, 34, 37, 44, 45, 59, 60, 61, 66, 67, 68, 69, 70, 71, 73, 74, 76, 77.

Edward P. Boland,
Bob Traxler,
Louis Stokes,
Lindy (Mrs. Hale) Boggs,
Tom Bevill,
Martin Olav Sabo,
Bennett M. Stewart,
Jamie L. Whitten,
Lawrence Coughlin,
Joseph M. McDade,
C. W. Bill Young,
Silvio O. Conte,
Managers on the Part of the House.

William Proxmire,
John C. Stennis,
Birch Bayh,
Walter D. Huddleston,
Patrick J. Leahy,
Jim Sasser,
John A. Durkin,
Warren G. Magnuson,
Henry Bellmon,
Lowell P. Weicker, Jr.,
Paul Laxalt,
Harrison Schmitt,
Milton R. Young,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations Acts, is increased by $1,417,400,000 of which $100,000,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations Acts by $30,877,500,000: *Provided further*, That any balances of authorities remaining at the end of fiscal year 1980 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1981.

The limitations otherwise applicable to the maximum payments that may be required by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $70,000,000: *Provided*, That $2,100,000,000 of budget authority provided under this head for the previous fiscal year shall be transferred to, merged with and used for the homeownership assistance program authorized by section 235 of the National Housing Act, as amended (12 U.S.C. 1715z): *Provided further*, That none of the authority provided herein shall be available for the homeownership assistance program authorized by section 207 of the Housing and Community Development Act of 1980 (P.L. 96–399).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

In response to a severely depressed housing industry, the conferees have agreed to add $70,000,000 in annual contract authority and $2,100,000,000 of anticipated carryover funds from annual contributions for assisted housing and earmark such funds for the standard Section 235 homeownership assistance program. It is anticipated that these additional resources will produce approximately 20,000 units of subsidized housing for eligible low-income recipients.

Included within the new authority approved for subsidized housing are $100,000,000 for the comprehensive modernization program and sufficient contract authority to support 6,000 Indian housing units.

Commitments for the Government National Mortgage Association's section 8 tandem program are currently made on a first come, first served basis. Many worthy projects, such as those in neighborhood strategy areas, are not being supported using this method of distribution. The Committee of Conference directs HUD to set aside an appropriate amount of section 8 tandem program authority for use only in neighborhood strategy areas. The Department should also review alternative methods of committing tandem program funds and be prepared to discuss this matter during next year's budget hearings.

Amendment No. 2: Establishes the loan limitation for the housing for the elderly or handicapped fund at $855,000,000, instead of $830,000,000 as proposed by the House and $880,000,000 as proposed by the Senate.

Amendment No. 3: Appropriates $970,800,000 for payments for operation of low-income housing projects, instead of $862,000,000 as proposed by the House and $975,800,000 as proposed by the Senate.

While the conferees have approved $108,800,000 to cover a shortfall in public housing operating subsidies occasioned by fuel cost increases, the Department is directed to put in place immediately the necessary controls to prevent a reoccurrance of the administrative conditions prompting this funding requirement. The Department paid out operating subsidies in the first two quarters of fiscal year 1980 at a rate that included 25 percent increases above 1979 for fuel costs. However, HUD's request to the Congress assumed *only* a 12 percent increase in fuel costs—resulting in a major shortfall in the last two quarters of fiscal year 1980. It is expected that in the future unanticipated requirements for operating subsidies will *not* be paid out to any public housing authority *before* a supplemental request to cover such funding shortfalls is approved by the Congress.

Amendment No. 4: Appropriates $18,050,000 for troubled projects operating subsidy, instead of $21,100,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 5: Appropriates $268,640,000 for the Federal Housing Administration Fund as proposed by the House, instead of $230,000,000 as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: ": *Provided*, That none of the funds in this or any other Act shall be available to cover losses incurred as the result of any employment program not specifically justified at the time the budget was submitted without the prior approval of the Committees on Appropriations: *Provided further*, That during fiscal year 1981, gross obligations of not to exceed $14,040,000 are authorized for payments under section 230(a) of the National Housing Act as amended by section 341 of the Housing and Community Development Act of 1980 (P.L. 96–399), from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have included bill language providing for payments under the temporary mortgages assistance payments program as required by the Housing and Community Development Act of 1980. The new temporary mortgage assistance payments program is designed to prevent foreclosure by helping insured homeowners who have experienced temporary financial difficulties and cannot make their full monthly mortgage payments.

The $14,040,000 limitation on gross obligations will provide assistance for 2,700 mortgages. On a net obligation basis the limitation would be $7,020,000. The limitation assumes a gross average monthly payment of $400 for 13 months—an average of seven months in default plus an average of six months of payments in 1981. Payments beyond 1981 will be considered in the 1982 budget cycle.

Amendment No. 7: Transfers $125,000,000 from the Department of Energy's solar and conservation reserve to assistance for solar and conservation improvements as proposed by the Senate, instead of $90,000,000 as proposed by the House.

Amendment No. 8: Appropriates $3,770,000,000 for community development grants, instead of $3,810,000,000 as proposed by the House and $3,750,000,000 as proposed by the Senate.

The conferees agree that within the total provided, not more than $104,000,000 is available for the Secretary's Discretionary Fund.

Amendment No. 9: Appropriates $33,750,000 for comprehensive planning grants, instead of $22,500,000 as proposed by the House and $40,000,000 as proposed by the Senate.

The Committee of Conference agrees that the funds provided shall be distributed as follows:

States	$4, 000, 000
Metropolitan and nonmetropolitan areawide agencies	22, 250, 000
Localities	5, 000, 000
Work study program	2, 500, 000

Amendment No. 10: Appropriates $134,000,000 for the rehabilitation loan fund, instead of $144,000,000 as proposed by the House and $124,000,000 as proposed by the Senate.

Amendment No. 11: Establishes the limitation on new loan commitments for the rehabilitation loan fund at $186,000,000, instead of $196,000,000 as proposed by the House and $176,000,000 as proposed by the Senate.

Amendment No. 12: Appropriates $44,650,000 for research and technology as proposed by the Senate, instead of $50,000,000 as proposed by the House.

Amendment No. 13: Appropriates $5,700,000 for fair housing assistance as proposed by the Senate, instead of $3,700,000 as proposed by the House. The conferees agree with the language contained in the report of the Senate that Congressional action should not interfere with the negotiations underway to develop a new Affirmative Marketing Agreement. Approval of Federal funding for the Community Housing Resource Boards should not prejudice the result of those discussions.

Amendment No. 14: Appropriates $572,609,000 for salaries and expenses, instead of $575,946,000 as proposed by the House and $571,956,000 as proposed by the Senate. The Committee of Conference is in agreement with the reductions enumerated in the report of the House except for the following changes: +$500,000 for training costs; +$663,000 and 27 net staff years for employment increase; −$2,000,000 from lower priority activities; −$1,400,0000 from agency travel; and −$1,100,000 from consultant payments.

The conferees direct that from within the resources provided, the Office of Inspector General be increased by 33 positions.

The 1981 Budget proposed elimination of 540 housing inspector and appraiser positions. The House report directed the Department to retain not less than 300 of these positions. Fees were to be charged to cover the cost of such services. Subsequently, without any notification, HUD took action to eliminate the housing inspector and appraiser positions. This precipitous action was in direct opposition to the House report and is not in keeping with established reprogramming procedures. Clearly, continuation of a single appropriation for salaries and expenses should be reviewed in the 1982 budget cycle.

There are certain functions of government that cannot be completely contracted for if the taxpayer's interest is to be protected. The potential for fraud and abuse in this area is great if all inspections and appraisals are conducted on a fee basis. As such, the Committee of Conference directs HUD to maintain not less than 150 full-time federal housing inspector and appraiser positions.

Amendment No. 15: Deletes "Provisions" in heading and inserts "Provision", as proposed by the Senate.

Amendment No. 16: Deletes language proposed by the House prohibiting the use of funds to provide financial assistance for nonimmigrant student aliens.

Amendment No. 17: Deletes language proposed by the Senate prohibiting the use of funds for certain newly assisted section 8 projects.

TITLE II—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

Amendment No. 18: Appropriates $8,967,000 for salaries and expenses as proposed by the House, instead of $8,897,000 as proposed by the Senate.

CONSUMER PRODUCT SAFETY COMMISSION

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

$43,000,000: *Provided*, That the effective date of the safety standard for walk behind power lawn mowers as promulgated in 16 CFR part 1205 is hereby delayed to June 30, 1982

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Committee of Conference believes this delay is warranted to provide sufficient time to test a new blade/brake/clutch system mandated by the final standard. Without the six-month extension potential problems resulting from the incorporation of these major new systems could adversely affect the ability of the industry to market a reliable lawn mower.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 20: Appropriates $547,558,000 for salaries and expenses as proposed by the Senate, instead of $540,947,000 as proposed by the House. The Committee of Conference is in agreement with the recommendations contained in the report of the Senate except for the following changes: −$1,000,000 from contract studies in the Office of Planning and Evaluation; +$700,000 for consulting services; and +$300,000 and 10 additional positions to be applied only to the headquarters review of advanced wastewater treatment projects costing more than $3,000,000.

The conference report accompanying the 1979 appropriation bill directed that construction grants funds could be used for advanced wastewater treatment (AWT) facilities costing more than $1,000,000 only if the Administrator personally determined that higher treatment levels were necessary. In response to this directive the Agency implemented a review procedure. Projects with incremental AWT costs of $1,000,000 were extensively reviewed at headquarters. These reviews were used by the Administrator in his individual project determinations. Action on the 1980 appropriation bill raised the threshold for the Administrator's approval to $3,000,000. The threshold was raised primarily in response to Agency concerns that the headquarters reviews diverted scarce personnel resources. The increased level was provided with the understanding that projects with incremental AWT costs above the new threshold could be adequately reviewed with headquarters personnel.

The conferees, therefore, believe it is unsatisfactory that the Agency has delegated to the regions the preparation of draft AWT reports which exceed the $3,000,000 threshold. The Agency is directed to restore the headquarters review process for projects with AWT incremental costs above $3,000,000.

The conferees agree that the $850,000 travel reduction includes $250,000 to be applied to international travel. The conferees also agree that the budget amendment contained in House Document 96–294 may be applied at the Agency's discretion.

Amendment No. 21: Appropriates $253,520,000 for research and development as proposed by the Senate, instead of $252,280,000 as proposed by the House. The Committee of Conference is in agreement with the recommendations contained in the report of the House except for the following changes: +$6,000,000 in solid waste public sector activities; +$4,559,000 in the toxic substances program; +$4,995,000 in energy activities; +$1,000,000 in wastewater reuse activities; −$1,000,000 in acid rain research; −$2,100,000 in groundwater research; and −$12,214,000 in proposed increases above the 1980 level to be applied at the Agency's discretion.

The conferees agree that within the total provided, $900,000 shall be allocated to cold climate research.

Amendment No. 22: Appropriates $545,183,000 for abatement, control and compliance, instead of $531,338,000 as proposed by the House and $551,183,000 as proposed by the Senate. The conferees are in agreement with the recommendations contained in the report of the House except for the following changes: +$1,500,000 to begin the cleanup of polychlorinated biphenyls in Waukegan Harbor; +$2,500,000 for clean lakes grants; +$4,000,000 for local resource recovery financial assistance grants; −$2,500,000 in state water pollution control grants (section 106); −$500,000 in academic training; +$7,500,000 for general reduction; −$5,000,000 in the pesticides program; and +$7,845,000 for hazardous waste activities requested in House Document 96–368.

The conferees agree that within the total provided, $709,000 shall be allocated to the Flathead River Basin environmental impact study.

The conferees further agree that the general reduction should not be disproportionally applied to the noise program.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: ": *Provided*, That notwithstanding any other provision of law, not to exceed $8,000,000 shall be available for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language regarding the certification of automobiles made in the Soviet Union.

Amendment No. 24: Appropriates $4,115,000 as proposed by the Senate, instead of $3,000,000 as proposed by the House.

The conferees are concerned that certain building renovation and repair costs have been improperly charged to the salaries and expenses account instead of to the buildings and facilities account. Construction, repair and improvement of facilities owned *or* used by the Agency should be funded only through the buildings and facilities account.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: ": *Provided*, That none of the funds appropriated in this Act shall be used to enforce, retroactively, any regulation issued under the construction grants program or any project requirements or conditions not in effect at the time the grant for a project is awarded, except as expressly required by law or by executive order: *Provided further*, That advanced wastewater treatment reviews initiated by program review memorandum 79–7 shall be exempt from this requirement".

The managers on the part of the Senate will move to concur with the amendment of the House to the amendment of the Senate.

The conferees have included bill language prohibiting, with certain exceptions, the use of funds provided in the Act to enforce retroactively regulations or requirements issued under the construction grants program. The conferees recognize that new information relative to public health and safety or possible program deficiencies should not necessarily be applied only to projects which receive grants after the information becomes available. For this reason, exception to this provision is available if required by law or executive order.

The Committee of Conference also recognizes that significant cost savings have resulted from the review process for advanced wastewater treatment projects instituted in response to Congressional concern and has specifically exempted these reviews from this requirement. The policy concerning advanced wastewater treatment reviews was first published by the Environmental Protection Agency in program review memorandum 79–7. The conferees agree that the policies set forth in that memorandum, as modified by or incorporated into other documents, shall not be affected by this provision.

Amendment No. 26: Deletes language proposed by the House appropriating $1,000,000 for scientific activities overseas.

Amendment No. 27: Appropriates $2,500,000 for the United States Regulatory Council, instead of $2,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Amendment No. 28: Deletes "Provision" in heading and inserts "Provisions", as proposed by the Senate.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Not to exceed 1 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation prior to March 31, 1981.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

EXECUTIVE OFFICE OF THE PRESIDENT

Amendment No. 30: Appropriates $3,250,000 for the Council on Environmental Quality and Office of Environmental Quality, instead of $3,200,000 as proposed by the House and $3,300,000 as proposed by the Senate.

Amendment No. 31: Deletes language proposed by the Senate earmarking funds for a carbon dioxide study.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 32: Deletes language proposed by the House limiting to 75 per centum Federal contributions to repair or restore damaged public facilities.

The Committee of Conference agrees that the deletion of the cost sharing provision should not be construed as lessening the basic tenet of the Disaster Relief Act that Federal assistance should supplement the efforts and available resources of States, local governments and relief organizations in a disaster response.

Section 201 of the Disaster Relief Act limits to 50 per centum Federal grants to States for disaster assistance plans. Section 408 limits to 75 per centum Federal grants for individual and family programs. Sections 402 and 419 of the Act, relating to repair and restoration of damaged public facilities, allow the President discretion in making contributions to State and local governments. The conferees emphasize the discretionary nature of these programs and support the Federal Emergency Management Agency's efforts to enter into Federal-State cost sharing agreements. In fiscal year 1980, FEMA has negotiated more than ten agreements limiting public assistance in designated areas to 75 per centum. The conferees urge that a discretionary cost sharing policy be continued and that the policy be reviewed by the appropriate legislative committees.

Amendment No. 33: Deletes language proposed by the Senate prohibiting the use of funds to implement two sections of a floodplain management and wetlands protection regulation issued by the Federal Emergency Management Agency.

The Committee of Conference seriously questions whether sections of regulations recently promulgated by the Agency (44 CFR 9.9(e) and 9.11(e)) are in full agreement with Congressional intent expressed in the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended. The conferees agree that Congress did not intend to permit insurance to be denied to the owner of any building located in a community participating in the national flood insurance program unless the state or local government has declared the structure in violation of floodplain management regulations or ordinances enacted to obtain flood insurance program eligibility.

The Conferees note that it has been the policy of the National Flood Insurance Program since its inception not to refuse insurance to the owners of buildings located in communities which maintain compliance with the program's floodplain management measures. The recent regulations constitute a change in policy.

The conferees understand that FEMA has prepared and plans to publish in the Federal Register a notice of intent not to enforce the sections denying flood insurance before January 31, 1981 at the earliest. The conferees also understand that the Agency will republish for public comment the flood insurance regulations in question.

The Committee of Conference directs that the sections denying flood insurance not be enforced until the appropriate Congressional committees have held oversight hearings. It is anticipated such hearings will be scheduled early next year. Congressional intent in this important area should be clarified before enforcement of the regulation is pursued.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate deleting the language "a note dated" and inserting in lieu thereof "notes dated April 17, 1979, and".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Amendment No. 35: Appropriates $2,200,000 for the Office of Consumer Affairs, instead of $2,308,000 as proposed by the House and $2,100,000 as proposed by the Senate.

Amendment No. 36: Deletes language proposed by the Senate prohibiting the Office of Consumer Affairs from intervening in Federal agency adjudicatory and regulatory proceedings.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $29,000,000 for Space Transportation Systems Upper Stages, (2) $30,900,000 for Space Transportation Systems Operations—Upper Stages, (3) $119,300,000 for the Space Telescope, (4) $39,600,000 for the International Solar Polar Mission, (5) $19,100,000 for the Gamma Ray Observatory, (6) $63,100,000 for Project Galileo, (7) $88,500,000 for Landsat D. (8) $1,873,000,000 for the Space Shuttle, and (9) $149,700,000 for Spacelab, without the approval of the Committees on Appropriations, $4,396,200,000 to remain available until September 30, 1982.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Included within the above total are the following changes from the budget estimate:

Physics and Astronomy Research and Analysis	+$6,100,000
Life Sciences Research and Analysis	+4,100,000
Planetary Mission Operations and Data Analysis	+4,300,000
Technology Transfer Program	+4,000,000
Aeronautics and Space Technology	+10,250,000
Solar Electric Propulsion System (SEPS)	+7,000,000
Operational Land Observing System	+5,000,000
Materials Processing in Space	+2,700,000
Space Flight Operations	−5,000,000
Reconnaissance Aircraft	−6,750,000

The conferees endorse the reprogramming requirements contained in the Senate report. The conferees are concerned with NASA's apparent recent inability to adequately anticipate technical problems and project overruns. Furthermore, the conferees question the adequacy of the NASA review process that leads to the selection of a course of action when such problems are encountered. Consequently, the conferees direct NASA to establish an ongoing relationship with the National Academy of Engineering and the National Academy of Sciences for the purpose of providing an independent project review capability. To assure the independence of the review process, the conferees direct the National Academies to select the participants of each review panel. It is expected that these reviews will be coordinated by NASA's Chief Engineer and that the written report (including minority opinions) prepared by the reviewers will be simultaneously submitted to NASA and the Committees on Appropriations. In the future, the Committees do not intend to recommend approval of any major program changes unless such an independent review panel concurs with the proposed course of action. During a review period, NASA should not take any action that would prejudice the pursuit of any of the options under consideration. The conferees earmarked $1,000,000 from NASA's research and program management account for the creation of this review capability. The Committees expect a report on NASA's progress in implementing this directive by March 31, 1981.

The process established here, including Committee approval of specific reprogrammings, clearly does not deal with the causes of the problems NASA has encountered, but rather just attempts to gain control of the current situation. It is expected that an indepth examination of NASA's management by Congress will identify the roots of the problem and what can be done. It is also expected that NASA will work closely with the Congress in making the changes that will reduce the need for unusual legislative measures such as this.

Amendment No. 38: Appropriates $115,000,000 for construction of facilities, instead of $110,000,000 as proposed by the House and $120,000,000 as proposed by the Senate.

The Committee of Conference agrees that the $5,000,000 restored above the House allowance should be allocated to space shuttle facilities requested at the Michoud Assembly Facility.

Amendment No. 39: Appropriates $1,030,000,000 for research and program management, instead of $1,023,154,000 as proposed by the House and $1,032,404,000 as proposed by the Senate.

NATIONAL CONSUMER COOPERATIVE BANK

Amendment No. 40: Appropriates $8,700,000 for salaries and expenses as proposed by the House, instead of $9,800,000 as proposed by the Senate.

Amendment No. 41: Deletes language proposed by the House regarding lobbying efforts and political activity of the National Consumer Cooperative Bank.

The conferees note that the language deleted could interfere with the constitutional rights of members of cooperatives. The conferees agree that appropriated funds should not be used for partisan purposes. The conferees recommend that the Bank use caution to ensure that assistance is given to cooperatives for business related purposes only.

Amendment No. 42: Appropriates $27,000,000 for self-help development as proposed by the Senate, instead of $29,000,000 as proposed by the House.

Amendment No. 43: Establishes a loan limitation of $41,108,000 for the self-help development program as proposed by the Senate, instead of $37,108,000 as proposed by the House.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate establishing a loan limitation of $169,050,000 for the National Consumer Cooperative Bank Fund, instead of $98,770,000 as proposed by the House.

NATIONAL SCIENCE FOUNDATION

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: "$987,900,000, including not more than $6,000,000 for new research opportunities grants for women".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Committee of Conference agrees that an additional $4,100,000 above the House level is included for Antarctic fuel costs and $1,000,000 above the House level is earmarked for small business programs of the Engineering and Applied Science Directorate.

The conferees have also placed a $6,000,000 ceiling on a new program for women to provide research opportunities for recent PhD's and those reentering scientific professions. The conferees believe the ceiling is designed to allow this new program to start at an appropriate level in fiscal year 1981.

Amendment No. 46: Earmarks not more than $115,600,000 for engineering and applied science, instead of $114,600,000 as proposed by the House and $119,600,000 as proposed by the Senate.

Amendment No. 47: Appropriates $83,200,000 for science education activities, instead of $85,700,000 as proposed by the House and $80,700,000 as proposed by the Senate.

Amendment No. 48: Appropriates $5,000,000 for scientific activities overseas as proposed by the Senate, instead of $5,500,000 as proposed by the House.

NEIGHBORHOOD REINVESTMENT CORPORATION

Amendment No. 49: Appropriates $12,713,000 for salaries and expenses, instead of $12,000,000 as proposed by the House and $13,426,000 as proposed by the Senate. The conferees agree that included in the total is the budget estimate of $2,083,000 for travel.

SELECTIVE SERVICE SYSTEM

Amendment No. 50: Deletes language proposed by the House making the availability of $16,155,000 contingent upon commencing registration in fiscal year 1980.

NEW YORK CITY LOAN GUARANTEE PROGRAM

Amendment No. 51: Deletes language proposed by the Senate limiting use of administrative funds.

VETERANS ADMINISTRATION

Amendment No. 52: Appropriates $1,822,308,000 for readjustment benefits as proposed by the House, instead of $1,642,806,000 as proposed by the Senate. The conferees are in agreement with the report of the Senate which recommends a reduction of $155,000,000 in readjustment benefit payments. This reduction was recommended to offset an anticipated acceleration of savings resulting from improved debt collection efforts. Although the House-approved amount has been included to accommodate program cost increases that were not anticipated when the budget request was submitted, the conferees continue to expect that these savings *will be* realized and that supplemental funding requirements will be reduced by approximately $150,000,000.

Amendment No. 53. Deletes language proposed by the House eliminating benefit payments for flight and correspondence training.

Efforts have been made for several years to eliminate benefit payments for flight training. This is precisely the type of program that should be phased out if we are ever going to get at the problems of balancing the budget or reducing the cost of the Federal government. Providing funds for flight training is a lower priority than increasing the medical care budget. If future economic conditions warrant, flight training is a program that could be eliminated.

Amendment No. 54: Appropriates $6,020,013,000 for medical care, instead of $6,044,013,000 as proposed by the House and $5,984,968,000 as proposed by the Senate.

The Committee of Conference agrees that within the $6,020,013,000 provided for medical care, $21,069,000 is made available for 1,000 additional direct health-care personnel (staff years); $10,600,000 to restore 500,000 outpatient visits; $8,762,000 to treat 2,000 additional patients in community nursing homes; $15,000,000 for beneficiary travel expenses; and $6,000,000 and 176 staff years for Vietnam veterans readjustment counseling centers.

The conferees further agree that the 1,000 additional staff years available for direct health care personnel shall be allocated *only* for staffing improvements and spinal cord injury care. In addition, the conferees also direct that no change be made in the "base" allocation of medical care positions as assumed in the 1981 budget justification submissions, except for additional unit dose personnel, without the approval of the House and Senate Appropriations Committees. The conferees also agree that the 1,000 staff years provided for staffing improvements shall not be diverted to other than permanent positions without the approval of the House and Senate Appropriations Committees.

Finally, the Committee of Conference agrees that outpatient clinics be established in Bradford County, Pa., and in the State of Florida.

Amendment No. 55: Appropriates $132,153,000 for medical and prosthetic research, instead of $129,496,000 as proposed by the House and $134,810,000 as proposed by the Senate.

Amendment No. 56: Appropriates $51,218,000 for medical administration and miscellaneous operating expenses, instead of $55,312,000 as proposed by the House and $50,418,000 as proposed by the Senate.

The conferees have provided $800,000 to be used for continued planning for both integrated and functional health care information systems and for ten additional positions to provide the necessary management capability and technical support. The Veterans Administration has been studying the need for patient care computer support in the hospital and medical center environment for several years without reaching any apparent resolution. There is uncertainty about the potential benefits and cost-effectiveness of the various approaches available. The conferees believe VA should first determine which of the available functional (such as patient scheduling) or integrated (which combines functional applications into a hospital-wide system) technologies would be most cost-effective and of maximum value to the agency's vast medical center network. This program should be well documented and planned but should utilize current, off-the-shelf technology (which includes both currently operating VA medical center systems and commercially available systems), rather than embarking on a course of action that may take a decade or more to come to fruition. The conferees will expect that various alternatives will be analyzed before installing VA-wide solutions; that suitably engineered testing and validation methods will be used; and that the network-wide implications of pursuing functional and integrated solutions simultaneously will be properly documented and reviewed by central office and hospital-based management.

Amendment No. 57: Appropriates $627,592,000 for general operating expenses as proposed by the Senate, instead of $611,631,000 as proposed by the House. The Committee of Conference is in agreement with the following changes to the budget request: +$450,000 for 15 staff years to restore the reduction in the overpayments collection program in the Office of General Counsel; +$7,811,000 for debt collection activities, to be distributed by the agency; +$900,000 for 43 staff years to implement functional computer systems; +$2,219,000 for fee basis counseling; +$8,800,000 for State approving agencies; −$650,000 for senior executive service bonuses; −$2,669,000 in medical ADP health care information activities; −$400,000 in administrative offices such as Executive Direction (DVB), Information Services, Consumer Affairs staff and Emergency Preparedness staff; and −$500,000 in training activities.

The $900,000 and 43 positions provided is to support the installation of functional medical computer information systems, including the pharmacy system (Apples). In addition, $475,000 is provided to allow the Office of Data Management and Telecommunications to participate in the health care information system planning referred to under the medical administration and miscellaneous operating expenses account.

Amendment No. 58: Limits major construction projects to those estimated to cost $2,000,000 or more as proposed by the Senate, instead of $3,000,000 as proposed by the House.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $423,774,000 for construction, major projects, instead of $390,583,000 as proposed by the House and $407,075,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Committee of Conference is in agreement with the project recommendations contained in the report of the House except for the following changes: +$12,171,000 for a research and education building at Long Beach, California; +$3,000,000 for the advance planning fund; and +$18,020,000 for the projects shifted from minor construction.

The conferees have deleted funding for an outpatient addition at the Miami hospital without prejudice. The conferees understand that the request of $26,650,000 is not adequate to construct the building as planned. It is understood that the total cost of the outpatient addition project will be significantly higher and potentially as much as $42,000,000. For this reason, the Committee of Conference requests that the Veterans Administration resubmit the Miami outpatient addition project with the fiscal year 1982 budget and include a realistic estimate for the building.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $409,534,000 shall remain available until expended, instead of $376,343,000 as proposed by the House and $392,835,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the settlement of a contractor's claim.

Amendment No. 62: Limits minor construction projects to those estimated to cost less than $2,000,000 as proposed by the Senate, instead of less than $3,000,000 as proposed by the House.

Amendment No. 63: Appropriates $108,908,000 for construction, minor projects, as proposed by the Senate, instead of $126,928,000 as proposed by the House.

Amendment No. 64: Inserts language proposed by the Senate clarifying the limitation on the direct loan revolving fund.

TITLE IV—GENERAL PROVISIONS

Amendment No. 65: Restores language proposed by the House and modified by the Senate exempting from limitation travel performed in connection with treatment of Veterans Administration medical beneficiaries.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate exempting from limitation travel performed in connection with major disasters or emergencies declared by the President.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

"Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.)".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate limiting the obligation or expenditure of any funds in the Act for contracts for consulting services to contracts which are a matter of public record and which shall be listed in a publicly available document of all contracts entered into within 24 months before the list is made publicly available.

Amendment No. 69: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

SEC. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for payments not required by law shall be reduced by 2 per centum: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project for payments not required by law, the amount reduced shall not exceed 3 per centum: *Provided further*, That this section shall not apply to budget authority provided by this Act for the Veterans Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting the use of funds in the Act for contract services unless an executive agency (1) has awarded the contract in complete compliance with the Office of Federal Procurement Policy Act and (2) requires any report prepared pursuant to a contract to contain certain information concerning the contract and the contractor.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting agencies funded in this Act from obligating more than 30 per centum of available budget authority during the last quarter of the fiscal year and more than 15 per centum during any month in the last quarter of the fiscal year without the approval of the Director of the Office of Management and Budget.

Amendment No. 72: Deletes language proposed by the Senate which would prohibit obligations or expenditures during the last two months of the fiscal year for contracts, or contract modifications greater than 10 per centum, unless notification or solicitation is made 60 days before the date of the award or modification.

Amendment No. 73: Reported in technical disagreement: The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert "415".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert "415".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 75: Deletes language proposed by the Senate which would reduce amounts available for procurement of consultant services for certain agencies funded in this Act.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert "417".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

SEC. 418. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum: *Provided*, That this section shall not apply to funds provided for the Veterans Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 78: Deletes language proposed by the Senate prohibiting the use of funds to increase paperwork requirements above the fiscal year 1980 level.

The Conferees intend to require each agency funded in this Act to submit as an integral part of its testimony on fiscal year 1982 appropriations requests a quantitative estimate of the annual information requirements imposed on the American public. Such estimates may be based upon, or may include, the Information Collection Budget which is required of the agency by the Office of Management and Budget. The Conferees intend in future years to pay careful attention to any increases in information requirements imposed by the agencies.

Amendment No. 79: Deletes language proposed by the Senate exempting solar energy projects or programs from any general reductions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980	$73,296,364,000
Budget estimates of new (obligational) authority, fiscal year 1981	[1] 78,088,088,000
House bill, fiscal year 1981	39,665,707,000
Senate bill, fiscal year 1981	73,793,255,000
Conference agreement, fiscal year 1981	74,126,287,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	+829,923,000
Budget estimates of new (obligational) authority, fiscal year 1981	−3,961,801,000
House bill, fiscal year 1981	+34,460,580,000
Senate bill, fiscal year 1981	+333,032,000

[1] Includes $37,704,265,000 of budget estimates not considered by the House.

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LOUIS STOKES,
LINDY (MRS. HALE) BOGGS,
TOM BEVILL,
MARTIN OLAV SABO,
BENNETT M. STEWART,
JAMES L. WHITTEN,
LAWRENCE COUGHLIN,
JOSEPH M. MCDADE,
C. W. BILL YOUNG,
SILVIO O. CONTE,
Managers on the Part of the House.

WILLIAM PROXMIRE,
JOHN C. STENNIS,
BIRCH BAYH,
WALTER D. HUDDLESTON,
PATRICK J. LEAHY,
JIM SASSER,
JOHN A. DURKIN,
WARREN G. MAGNUSON,
HENRY BELLMON,
LOWELL P. WEICKER, Jr.,
PAUL LAXALT,
HARRISON SCHMITT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 8061

Mr. DIXON submitted the following conference report and statement on the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

CONFERENCE REPORT (H. REPT. NO. 96-1477)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 9, 12, 13, 15, 18, 19, 20, 22, 24, 25, 27, 29, 32, and 44, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,567,600"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$84,728,900"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,111,800"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$275,599,700"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$551,100"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$381,742,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$220,908,400"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "107"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "108"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "109"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "110"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to change the section number as follows "111"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "112"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "113"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "114"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "115"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "116"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the section number stricken and proposed by said amendment insert "117"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to change the section number as follows "118"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 3, 8, 10, 21, 36, and 37.

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WILLIAM H. NATCHER,
LOUIS STOKES,
GUNN MCKAY,
BILL CHAPPELL,
JAMIE WHITTEN,
CARL PURSELL,
SILVIO O. CONTE,
Managers on the Part of the House.

PATRICK LEAHY,
DALE BUMPERS,
JOHN A. DURKIN,
WARREN G. MAGNUSON,
HARRISON SCHMITT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum proposed by said amendment, insert the following: "$295,400,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 2: Deletes language reducing the Federal payment by $6,000,000 proposed by the House and stricken by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $3,315,000 for costs incurred by the District of Columbia as a result of the "May Day" demonstrations of May 3-5, 1971 as proposed by the Senate. This request was submitted subsequent to House action on the bill.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

Amendment No. 4: Appropriates $130,567,600 instead of $157,557,000 as proposed by the House and $127,673,700 as proposed by the Senate.

The conferees are aware that the city has negotiated a 30 year capital improvement loan from the United States Treasury which was used to finance land acquisition for the Washington Convention Center. Although collections from local taxes, in accordance with agreements with Congress, are being made and will offset full land acquisition costs in less than five years, the city does not intend to repay the United States Treasury loans in advance.

The conferees agree that the intent of Congress was that all Convention Center land acquisition costs should be repaid as soon as possible to avoid any additional burden on local taxpayers. Accordingly, the conferees direct that the city establish a five year repayment schedule for these loans with the United States Treasury.

GOVERNMENTAL DIRECTION AND SUPPORT

Amendment No. 5: Appropriates $84,728,900 instead of $82,178,400 as proposed by the House and $85,861,100 as proposed by the Senate.

Personal services.—The conference action distributes the cost-of-living salary increases for the agencies and offices under this appropriation heading to the budget of each agency as proposed by the Senate instead of retaining the amounts in a central account for subsequent allocation as proposed by the House.

Council of the District of Columbia.—The conference action provides $4,043,200 instead of $3,882,000 as proposed by the House and $4,062,800 as proposed by the Senate. The conferees have denied the restoration of the fiscal year 1980 base reduction of $19,600 proposed by the Senate.

Office of the Executive Secretary.—The conference action provides $1,453,100 instead of $1,412,500 as proposed by the House and $1,460,400 as proposed by the Senate. This allowance includes $30,000 for bilingual publications as proposed by the House instead of $37,500 as proposed by the Senate.

Office of the Corporation Counsel.—The conference action provides $5,321,500 instead of $5,112,700 as proposed by the House and $5,332,500 as proposed by the Senate. This allowance includes the full request of $20,000 for training costs as proposed by the House instead of $31,000 as proposed by the Senate.

Office of Intergovernmental Relations.—The conference action provides $291,200 instead of $244,700 as proposed by the House and $326,200 as proposed by the Senate. The conferees have approved $33,200 for a legislative analyst position transferred from the Department of Transportation.

Office of Communications.—The conference action provides $239,000 as proposed by the Senate instead of $220,100 as proposed by the House.

Office of Business and Economic Development.—The conference action provides $380,300 instead of $355,900 as proposed by the House and $736,100 as proposed by the Senate, and reflects the estimated five percent cost-of-living salary increase as proposed by the Senate.

Department of Finance and Revenue.—The conference action provides $14,883,900 instead of $14,279,000 as proposed by the House and $15,008,300 as proposed by the Senate, and reflects the Department's share of the five percent cost-of-living pay increase as proposed by the Senate.

Advisory Neighborhood Commissions.—The conference action provides $719,000 as proposed by the House instead of $1,360,500 as proposed by the Senate. The conferees are supportive of the unique concept behind the Advisory Neighborhood Commissions (ANC), but are interested in being apprised further of their effectiveness in reaching out to the community and neighborhoods, as well as an assessment of their meeting process, including public access, and the information and feedback networks to and from City Hall and the individual ANC.

Settlement of claims and suits.—The conference agreement provides $62,400 for property damage claims in excess of $1,500 and personal injury claims in excess of $5,000.

Conferees support of Financial Management System

The conferees strongly support full implementation of the District's new $38 million Financial Management System (FMS). The city is faced with a challenge in the development of new financial management methods, and although the system may have been implemented prematurely, the District government must now mount an intensive effort to assume management of the FMS if it is to become, in reality, the management tool it was designed to be. This is a significant challenge, more so now because of the current budget balance problems. In effect, District officials must apply sufficient resources to the system to make it work and concurrently manage a fiscal crisis. The conferees conclusion is that the application of the resources necessary to take full advantage of the features of FMS is a wise investment because when it is fully implemented, the FMS will substantially assist in identifying fiscal problems before they reach the crisis stage.

Because of the importance of the FMS and the adverse impact and ripple effect of changes to the system, the conferees direct District officials to obtain approval of the General Accounting Office *prior* to the implementation of any changes to the system after September 30, 1980.

ECONOMIC DEVELOPMENT AND REGULATION

Amendment No. 6: Appropriates $29,111,800 instead of $27,995,000 as proposed by the House and $30,269,700 as proposed by the Senate.

Personal services.—The conference action distributes the cost-of-living salary increases for the departments and agencies under this appropriation heading to the budget of each agency as proposed by the Senate instead of retaining the amounts in a central account for subsequent allocation as proposed by the House.

Department of Housing and Community Development.—The conference action provides $13,459,000 instead of $13,139,500 as proposed by the House and $14,459,100 as proposed by the Senate, and reflects denial of $1,000,000 to establish a rent supplement program proposed by the Senate.

Washington Convention and Visitors Association.—The conference action provides $298,000 as proposed by the Senate instead of $98,000 as proposed by the House.

D.C. Chamber of Commerce.—The conference action provides $51,200 as proposed by the House instead of $100,000 as proposed by the Senate.

Office of Consumer Protection.—The conference action provides $509,600 instead of $447,400 as proposed by the House and $550,700 as proposed by the Senate. This allowance includes an increase of $41,100 and three positions for the implementation of new legislation instead of $82,200 and five additional positions as proposed by the Senate.

Rental Accommodations Office.—The conference action provides $1,048,100 instead of $983,100 as proposed by the House and $1,100,500 as proposed by the Senate. The conferees have approved an increase of $26,200 and one position for implementing the Rental Housing Act (D.C. Law 2-54) instead of $78,600 and three positions as proposed by the Senate.

Public Service Commission.—The conference action provides $1,052,400 instead of $1,068,000 as proposed by the Senate and $975,400 as proposed by the House. This allowance includes an increase of $31,200 and two positions to meet the requirements of the Public Utility Regulatory Policies Act of 1978.

PUBLIC SAFETY AND JUSTICE

Amendment No. 7: Deletes heading "Including Transfer of Funds" proposed by the House and stricken by the Senate.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum proposed by said amendment, insert the following: "$352,705,600".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Personal services.—The conference action distributes the cost-of-living salary increases for the agencies under this appropriation heading to the budget of each agency as proposed by the Senate instead of retaining the amounts in a central account for subsequent allocation as proposed by the House.

Metropolitan Police Department.—The conference action provides $118,013,200 instead of $113,522,100 as proposed by the House and $112,013,200 as proposed by the Senate. This allowance includes an increase of $6 million above the proposed police budget for fiscal year 1981. The conferees are concerned with the low level of staffing of the uniformed police force and direct that no further reductions be made in the number of sworn officers below the current level. The conferees further direct District officials to move aggressively toward a hiring and training program that will bring the employment level of the Metropolitan Police Department above the level of 3,800 filled sworn police officer positions immediately.

Superior Court.—The conference action provides $25,513,600 as proposed by the Senate instead of $24,330,400 as proposed by the House.

District of Columbia Court System.—The conference action provides $8,330,400 as proposed by the Senate instead of $8,237,200 as proposed by the House.

Pretrial Services Agency.—The conference action provides $1,172,500 as proposed by the Senate instead of $1,112,600 as proposed by the House.

Department of Corrections.—The conference action provides $69,179,300 instead of $67,128,100 as proposed by the House and $69,660,700 as proposed by the Senate. This allowance includes $5,188,800 for increased energy costs instead of $5,500,000 as proposed by the House and $5,670,200 as proposed by the Senate.

Amendment No. 9: Deletes language transferring $754,000 in fiscal year 1980 budget authority from the appropriation "Environmental Services and Supply" proposed by the House and stricken by the Senate.

PUBLIC EDUCATION SYSTEM

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum proposed by said amendment, insert the following: "$393,956,500".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Personal services.—The conference action distributes the cost-of-living salary increases for agencies under this appropriation heading to the budget of each agency as proposed by the Senate instead of retaining the amounts in a central account for subsequent allocation as proposed by the House.

Amendment No. 11: Appropriates $275,599,700 for the District of Columbia Public Schools instead of $276,349,700 as proposed by the House and $274,349,700 as proposed by the Senate. This allowance includes an increase of $1,250,000 to help offset reductions in classroom teachers instead of $2,000,000 as proposed by the House.

Testimony pertaining to the vast number of school closings and expected school closings is an unfortunate example of the need for city revitalization. While only long-range solutions can prevent declining enrollment of our schools, alternative uses of these buildings for other recreational, educational and civic purposes can serve to maintain neighborhood vitality and prevent additional expenses of future school construction. The conferees are keenly interested in, and expect, a detailed progress report on utilization of the schools closed to date and prospects for leasing them to private or civic organizations. The report should be submitted in time for consideration of the fiscal year 1982 budget.

Amendment No. 12: Appropriates $60,266,600 for the University of the District of Columbia as proposed by the Senate instead of $58,403,400 as proposed by the House.

Amendment No. 13: Appropriates $14,046,400 for the Public Library as proposed by the Senate instead of $13,647,600 as proposed by the House.

Amendment No. 14: Appropriates $551,100 for the Commission on the Arts and Humanities instead of $355,200 as proposed by the House and $600,500 as proposed by the Senate. This allowance includes a transfer of $67,100 from the Department of Recreation as proposed by the Senate; transfer of $50,000 from the Department of Human Services as proposed by the Senate; an increase of $51,200 and three positions above the House allowance to expand the professional staff instead of $85,300 and five positions as proposed by the Senate; and an increase of $20,000 above the House allowance for nonpersonal services instead of $35,300 as proposed by the Senate.

Amendment No. 15: Appropriates $90,500 for the Educational Institution Licensure Commission as proposed by the Senate instead of $87,000 as proposed by the House.

HUMAN SUPPORT SERVICES

Amendment No. 16: Appropriates $381,742,000 instead of $375,082,200 as proposed by the House and $385,759,000 as proposed by the Senate.

Personal services.—The conference action distributes the cost-of-living salary increases for the agencies under this appropriation heading to the budget of each agency as proposed by the Senate instead of retaining the amounts in a central account for subsequent allocation as proposed by the House.

Unemployment Compensation.—The conference action provides $6,431,700 as proposed by the House instead of $6,998,600 as proposed by the Senate.

Office of Human Rights.—The conference action provides $1,088,200 instead of $1,035,500 as proposed by the House and $1,229,500 as proposed by the Senate. The conferees have denied the increases proposed by the Senate of $99,300 and seven positions for workload and enforcement activities; $35,000 for increased printing costs; and $7,000 for data storage and processing equipment.

Office on Aging.—The conference action provides $2,504,700 as proposed by the Senate instead of $2,346,800 as proposed by the House.

Office on Latino Affairs.—The conference action provides $204,800 instead of $106,200 as proposed by the House and $295,000 as proposed by the Senate. The amount agreed to by the conferees includes the office's share of the cost-of-living pay increase as well as an increase of $90,200 and three positions above the House allowance to implement the Latino Community Development Act of 1976 (D.C. Law 1-86), instead of $180,400 and six positions as proposed by the Senate.

Department of Employment Services.—The conference agreement provides $14,590,100 instead of $14,238,300 as proposed by the

House and $16,072,800 as proposed by the Senate. The conference allowance includes $3,414,600 for the Year-Round Jobs for Youth program as proposed by the House instead of $4,897,300 as proposed by the Senate.

One of the objectives of the Summer Youth Program for the District has been the involvement of the private sector in providing summer jobs for youth. Increased emphasis has been placed on this involvement over the last two years, and this involvement has been an important component of the District's program at a time when the number of summer jobs was also increased through the use of funds appropriated by Congress. When the District's fiscal year 1982 budget is submitted to Congress, the conferees request a report from the Mayor describing the involvement of the private sector in providing jobs for summer youth over the last two years. The report should also include information on the city's efforts to provide meaningful employment opportunities to youth in both the Summer Youth Program as well as the Year-Round Jobs for Youth program.

Department of Recreation.—The conference agreement provides $23,499,300 as proposed by the Senate instead of $22,717,800 as proposed by the House.

Department of Human Services.—The conference action provides $296,416,000 instead of $292,194,600 as proposed by the House and $298,152,700 as proposed by the Senate. The conferees have denied the increases proposed by the Senate of $136,700 for public assistance programs and $1,600,000 for reimbursement to Saint Elizabeths Hospital, but have agreed to restoration of 25 positions in the Office of Eligibility Review as proposed by the Senate. Funding for these positions will be derived from existing resources within the Department of Human Services.

The conferees direct that the Office of Eligibility Review staffing be maintained at 45 permanent positions and that adequate administrative support be provided. In addition, the conferees direct that the city provide, on a quarterly basis, statistics to the House and Senate District of Columbia Appropriations Subcommittees concerning the number and percentage of total welfare cases reviewed for errors each month and the payment error rate for each quarter, as well as quarterly statistics for both Aid to Families with Dependent Children cases and General Public Assistance cases concerning the number and dollar value of case closings per month, grant reductions per month, and grant increases per month.

Forest Haven

The conferees continue to be concerned over the operation of Forest Haven, the city's institution for the care and treatment of the mentally retarded. The operating budget approved by the Congress for the facility has more than doubled over the past few years, increasing from $8.8 million in fiscal year 1976 to $19.1 million in fiscal year 1980 and $20.5 million in 1981. However, it appears that the level and quality of care received by the patients has not kept pace.

Accordingly, District officials are requested to furnish a monthly report, prior to the 15th of the following month, to the House and Senate Subcommittees on District of Columbia Appropriations and the House and Senate legislative committees for the District of Columbia detailing the following:

Current patient population by housing unit.

Current actual staff population on board by unit.

Number of patients outplaced in accordance with Pratt decision or other reasons.

Percentage completion of improvements to satisfy medical certification.

Changes in staffing patterns at Forest Haven resulting from population decreases mandated by Pratt decision or other reasons.

Amendment No. 17: Provides that not to exceed $21,348,700 shall be available for reimbursement to Saint Elizabeths Hospital as proposed by the House instead of $22,948,700 as proposed by the Senate.

TRANSPORTATION SERVICES AND ASSISTANCE

Amendment No. 18: Appropriates $147,919,000 as proposed by the Senate instead of $147,150,800 as proposed by the House.

ENVIRONMENTAL SERVICES AND SUPPLY

Amendment No. 19: Appropriates $43,126,000 as proposed by the Senate instead of $41,960,400 as proposed by the House.

PERSONAL SERVICES

Amendment No. 20: Deletes heading and language appropriating $25,305,300 for cost-of-living pay raises proposed by the House and stricken by the Senate. The amount, according to testimony from District officials, is adequate for a five percent pay increase and has been allocated to the budget of each agency as proposed by the Senate.

DEMONSTRATION EXPENSES

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $3,315,000 for expenses resulting from the "May Day" demonstrations of May 3–5, 1971.

WATER AND SEWER ENTERPRISE FUND

Amendment No. 22: Appropriates $82,190,200 as proposed by the Senate instead of $81,116,200 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 23: Appropriates $220,908,400 instead of $247,897,800 as proposed by the House and $218,014,500 as proposed by the Senate. The conference action provides increases above the Senate allowance of $2,530,000 for the Master Fort Lincoln Utility Construction Project (Project No. DB–33) under the Department of Housing and Community Development; and $363,900 for the Roadside Improvements Project (Project No. KA–169) under the Department of Transportation.

Economic Growth and Development.—District officials are well aware of the Congressional interest in focusing attention on long-range planning issues. During the review of the city's 1981 budget, a special briefing was requested to give District officials an opportunity to offer concrete proposals on a variety of important issues facing the city in the years ahead. Against this backdrop, the conferees believe that all future capital requests should be considered and approved in accordance with the goals and project needs set forth in the District's Six-Year Capital Improvements Plan.

Amendment No. 24: Provides that $2,813,300 shall be available for project management as proposed by the Senate instead of $3,622,200 as proposed by the House.

Amendment No. 25: Provides that $2,516,600 shall be available for design as proposed by the Senate instead of $3,558,900 as proposed by the House.

GENERAL PROVISIONS

Amendment No. 26: Restores language proposed by the House and stricken by the Senate regarding the installation of meters in taxicabs. The conferees suggest that the City Council provide the House and Senate District of Columbia Appropriations Subcommittees with its views on the advisability of changing to the metered taxicab system in the District of Columbia.

Amendment No. 27: Deletes language proposed by the House and stricken by the Senate which prohibits the use of appropriations for the payment of rates for electric current for street lighting in excess of two cents per kilowatt hour.

Amendment No. 28: Changes section number.

Amendment No. 29: Deletes language proposed by the House and stricken by the Senate prohibiting the use of appropriations for the payment of judgments for electric current for street lighting in excess of two cents per kilowatt hour. It has been brought to the attention of the conferees that officials of Potomac Electric Power Company have expressed a willingness to work out with the District a 10-year plan for payment of any and all court judgments. The conferees direct the District to pursue, and urges Potomac Electric Power Company to support, this and any other agreements which may be necessary for the District to reconcile outstanding payments with its budget cycle and its ability to bring resources in line with expenditure requirements.

Amendments Nos. 30 and 31: Change section numbers.

Amendment No. 32: Deletes language proposed by the House and stricken by the Senate which restricted the chauffeurs to certain District officials and limited the maximum pay for individuals performing chauffeur services.

Amendment No. 33: Changes section number.

Amendment No. 34: Changes section number and restores language proposed by the House and stricken by the Senate placing a limitation on the total amount of funds that may be expended for non-local travel.

Amendment No. 35: Changes section number.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the number proposed by said amendment, insert the following: "35,313".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the number proposed by said amendment, insert the following: "31,005".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendments Nos. 38, 39, 40, 41, and 42:

Amendment No. 43: Changes section number and restores language proposed by the House and stricken by the Senate relating to the use of Federal funds to perform abortions.

Amendment No. 44: Deletes language proposed by the House and stricken by the Senate regarding the expenditures of funds in connection with court orders or injunctions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

Federal funds

New budget (obligational) authority, fiscal year 1980	$449,940,300
Budget estimates of new (obligational) authority, fiscal year 1981	[1] 531,872,100
House bill, fiscal year 1981	509,702,600
Senate bill, fiscal year 1981	488,488,800
Conference agreement, fiscal year 1981	490,782,700
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	+40,842,400
Budget estimates of new (obligational) authority, fiscal year 1981	−41,089,400
House bill, fiscal year 1981	−18,919,900
Senate bill, fiscal year 1981	+2,293,900

[1] Includes $3,315,000 of budget estimates not considered by the House.

District of Columbia funds

New budget (obligational) authority, fiscal year 1980	$1,590,440,800
Budget estimates of new (obligational) authority, fiscal year 1981	[1] 1,780,126,900
House bill, fiscal year 1981	1,764,957,400
Senate bill, fiscal year 1981	1,737,728,300
Conference agreement	1,741,033,500
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	+150,592,700
Budget estimates of new (obligational) authority, fiscal year 1981	−39,093,400
House bill, fiscal year 1981	−23,923,900
Senate bill, fiscal year 1981	+3,305,200

[1] Includes $3,315,000 of budget estimates not considered by the House.

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
GUNN MCKAY,
BILL CHAPPELL,
JAMIE WHITTEN,
CARL PURSELL,
SILVIO O. CONTE,
Managers on the Part of the House.

PATRICK LEAHY,
DALE BUMPERS,
JOHN A. DURKIN,
WARREN G. MAGNUSON,
HARRISON SCHMITT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 988

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 988) entitled the Health Sciences Promotion Act of 1980.

CONFERENCE REPORT (H. REPT. No. 96–1478)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 988) entitled the Health Sciences Promotion Act of 1980, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That (a) this Act may be cited as the "Health Programs Extension Act of 1980".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—NATIONAL CANCER INSTITUTE AND NATIONAL HEART, LUNG, AND BLOOD INSTITUTE AUTHORIZATIONS

SEC. 101. (a) Section 410(a) (42 U.S.C. 286e (a)) is amended—

(1) by striking out "and" after "1979;"; and

(2) by inserting the following before the period at the end thereof: "; $1,015,700,000 for the fiscal year ending September 30, 1981; and $1,109,000,000 for the fiscal year ending September 30, 1982".

(b) Section 410(b) is amended—

(1) by striking out "and" after "1979;"; and

(2) by inserting the following before the period at the end thereof: "; $112,900,000 for the fiscal year ending September 30, 1981; and $123,200,000 for the fiscal year ending September 30, 1982".

(c) Section 414(b) (42 U.S.C. 287c(b)) is amended—

(1) by striking out "and" after "1979,"; and

(2) by inserting the following before the period at the end thereof: ", $49,300,000 for the fiscal year ending September 30, 1981, and $53,800,000 for the fiscal year ending September 30, 1982".

(d) The first sentence of section 419B (42 U.S.C. 287i) is amended—

(1) by striking out "and" after "1979,"; and

(2) by inserting the following before the period at the end thereof: ", $564,300,000 for the fiscal year ending September 30, 1981, and $616,100,000 for the fiscal year ending September 30, 1982".

TITLE II—AMENDMENTS RELATING TO ARTHRITIS, DIABETES, DIGESTIVE DISEASES, AND KIDNEY DISEASES

SEC. 201. (a) The heading of part D of title IV is amended to read as follows:

"PART D—NATIONAL INSTITUTE OF ARTHRITIS, DIABETES AND DIGESTIVE AND KIDNEY DISEASES, NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE, AND OTHER INSTITUTES".

SEC. 202. Section 431(c) (42 U.S.C. 289a(c)) is repealed.

SEC. 203. (a) The heading of section 434 is amended to read as follows:

"NATIONAL INSTITUTES OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES"

(b) Subsection (a) of section 434 (42 U.S.C. 289c–1(a)) is amended—

(1) by striking out "National Institute of Arthritis, Metabolism, and Digestive Diseases" and inserting in lieu thereof "National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases";

(2) by striking out "National Arthritis, Metabolism, and Digestive Diseases Advisory Council" and inserting in lieu thereof "National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council"; and

(3) by striking out the last sentence.

(c) Section 434 is amended by striking out subsections (b) through (e) and inserting in lieu thereof the following:

"(b) In the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (hereinafter referred to in this section as the 'Institute') there shall be an Associate Director for Arthritis and Musculoskeletal and Skin Diseases, an Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, an Associate Director for Digestive Diseases, and an Associate Director for Kidney, Urologic, and Hematologic Diseases who, under the supervision of the Director of the Institute, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training concerning the diseases for which the positions of the Associate Directors were created;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases; and

"(4) identifying research opportunities concerning such diseases and recommending ways to utilize such opportunities.

The Director of the Institute shall transmit to the Director of the National Institutes of Health the plans, recommendations, and reviews of the Associate Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

"(c) There are established within the Advisory Council of the Institute a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on arthritis and musculoskeletal and skin diseases, a subcommittee on digestive diseases, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the Advisory Council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the Advisory Council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the Subcommittees are established and shall recommend to the Advisory Council those applications and contracts that the subcommittees determine will best carry out the purposes of this part. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, arthritis, musculoskeletal and skin diseases, digestive diseases, and kidney, urologic, and hematologic diseases programs under this part and recommend to the Advisory Council such changes in the administration of such programs as the subcommittees determine are necessary.

"(d) The Director of the Institute, acting through the Associate Director for Arthritis and Musculoskeletal and Skin Diseases, the Associate Director for Kidney, Urologic, and Hematologic Diseases, the Associate Director for Digestive Diseases, and the Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis, digestive diseases, diabetes mellitus, and endocrine and metabolic, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.".

(d) Subsection (f) of section 434 is redesignated as subsection (e) and is amended (1) by striking out "a report" in the first sentence and inserting in lieu thereof "an annual report", and (2) by amending the second sentence to read as follows: "The annual report shall include a description of the Institute's activities—

"(1) under the current Arthritis Plan prepared under the National Arthritis Act of 1974,

"(2) under the current diabetes plan prepared under the National Diabetes Mellitus Research and Education Act, and

"(3) under the current digestive diseases plan prepared under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.".

SEC. 204. (a) The heading of section 435 is amended to read as follows:

"DIABETES RESEARCH AND TRAINING CENTERS; DIABETES DATA GROUP AND CLEARINGHOUSE"

(b) The first sentence of subsection (a) of section 435 (42 U.S.C. 289c–2(a)) is amended by striking out "National Commission on Diabetes" and inserting in lieu thereof "the current diabetes plan under the National Diabetes Mellitus Research and Education Act".

(c) Subsection (a) of section 435 is amended by adding at the end the following: "A center may use funds provided under subsection (d) to provide stipends for health professionals enrolled in training programs described in clause (2)(B).".

(d) Subsection (b) of section 435 is amended by striking out "September 30" and inserting in lieu thereof "November 30".

(e) Subsection (c) of section 435 is redesignated as subsection (d) and the following new subsection is inserted after subsection (b):

"(c) (1) The Secretary, with the Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, shall (A) establish the Diabetes Data Group and the Diabetes Information Clearinghouse, and (B) through such entities, establish the diabetes data system for the collection, storage, analysis, retrieval, and dissemination of data concerning diabetes, including, where possible, data involving general populations for the purpose of detecting individuals with a risk of developing diabetes.

"(2) There is authorized to be appropriated to carry out this subsection $2,000,000 for the fiscal year ending September 30, 1981; $2,000,000 for the fiscal year ending September 30, 1982; and $2,000,000 for the fiscal year ending September 30, 1983.".

(f) Subsection (d) of section 435 (as so redesignated) is amended (1) by striking out "this section" and inserting in lieu thereof "this section (other than subsection (c))" (2) by striking out "and" after "1979,", and (3) by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for the fiscal year ending September 30, 1983".

SEC. 205. Sections 436, 437, and 440A (42 U.S.C. 289c-3, 289c-4, and 289c-8) are repealed, and the following section is inserted after section 435:

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 436. (a) For the purpose of—

"(1) better coordinating the research activities of all the national research institutes relating to arthritis, diabetes mellitus, and digestive diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Secretary shall establish an Arthritis Interagency Coordinating Committee, a Diabetes Mellitus Interagency Coordinating Committee, and a Digestive Diseases Interagency Coordinating Committee (hereinfater in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established. the Associate Directors of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Committee is established, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense. and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Commitee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary,

"(2) the Director of the National Institutes of Health, and

"(3) the Advisory Board established under section 437 for the disease for which the Committee was established,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the sixtieth day after the end of each fiscal year."

SEC. 206. Sections 436A and 440 (42 U.S.C. 289c-3a and 289c-7) are repealed, and the following new section is inserted after the section added by section 304 of this title:

"DIABETES, ARTHRITIS, AND DIGESTIVE DISEASES ADVISORY BOARDS

"SEC. 437. (a) The Secretary shall establish the National Arthritis Advisory Board, the National Diabetes Advisory Board, and the National Digestive Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialities and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from the disease and one member who is a parent of a person who suffers from the disease.

Of the appointed members, at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, the Director of the Center for Disease Control, the chief medical director (or the director's designee) of the Veterans' Administration, a medical officer designated by the Department of Defense, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, the Administrator of the Health Resources Administration, and the Administrator of the Health Services Administration.

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurs. In the case of the National Diabetes Advisory Board and the National Arthritis Advisory Board, six of the members of each such Advisory Board whose terms expired on September 30, 1980, shall be reappointed for a term of three years.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Adivsory Board shall meet at the call of the chairman or upon request of the Director of the National Institute for Arthritis, Diabetes, and Digestive and Kidney Diseases, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) review and evaluate the implementation of the plan referred to in section 434(e) regarding the diseases with respect to which the Advisory Board was established;

"(2) periodically update the plan referred to in paragraph (1) to ensure its continuing relevance;

"(3) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Secretary, the Director of the National Institutes of Health, the Director of the National Institute for Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation of such plan; and

"(4) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the Coordinating Committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) Each Advisory Board shall submit to the Secretary and Congress an annual report which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made during such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations, if any, for changes in the plan referred to in subsection (h) (1).

"(k) For each Advisory Board there is authorized to be appropriated $300,000 for the fiscal year ending September 30, 1981; $300,000 for the fiscal year ending September 30, 1982; and $300,000 for the fiscal year ending September 30, 1983.

"(l) Each Advisory Board shall expire on September 30, 1983.".

SEC. 207. (a) Subsection (a) of section 438 (42 U.S.C. 289c-5a(a)) is amended by striking

ing out ", acting through the Assistant Secretary for Health,".

(b) Subsection (b) of such section is amended (1) by striking out "and" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and (3) by adding after paragraph (5) the following:

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis.".

(c) Paragraphs (2) and (3) of subsection (d) of such section are each amended by inserting before the period a comma and the following: "and for each of the next 3 fiscal years".

Sec. 208. (a) Subsection (a) of section 439 (289c-6(a)) is amended by striking out ", acting through the Assistant Secretary for Health".

(b) Subsection (b) of such section is amended by adding after and below paragraph (2) the following: "A center may use funds provided under this subsection to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).".

(c) Subsection (e) of such section is amended by striking out "not later than four months after the end of each fiscal year" and inserting in lieu thereof "on or before November 30 of each year".

(d) Subsection (f) of such section is repealed and subsection (g) is redesignated as subsection (f) and amended (1) by striking out "and" after "1979,"; and (2) by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for the fiscal year ending September 30, 1983".

Sec. 209. The following section is inserted after section 439:

"INFORMATION AND EDUCATION CENTER FOR DIGESTIVE DISEASES

"Sec. 440. The Secretary, acting through the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, shall establish an information and education center for digestive diseases (1) to identify, collect, analyze, and disseminate information respecting the diseases, and (2) to serve as a national educational resource for patients with such diseases and their families, physicians, and other health professionals.".

TITLE III—HEALTH PLANNING AMENDMENTS

Sec. 301. The second sentence of section 1501(b)(1) (42 U.S.C. 300k-1(b)(1)) is amended by striking out "in" and inserting in lieu thereof "including those in".

Sec. 302. Effective with respect to fiscal years beginning after September 30, 1981, section 1516(d)(3) (42 U.S.C. 3001-5(d)(3)) is amended to read as follows:

"(3) Notwithstanding subsection (c)(1), if the total of the amounts appropriated under paragraph (1) for any fiscal year (reduced by the amount to be retained by the Secretary for use under paragraph (2)) is less than the amount required to make grants to each health systems agency designated under section 1515(c) in the amount prescribed for such agency by subsection (c)(1), the Secretary shall make a pro rata reduction in the amount of the grant to each such agency as follows:

"(A) The Secretary shall compute the amount of the grant each such agency would be entitled to receive under such subsection if the dollar limit prescribed by subparagraph (A)(ii) of such subsection did not apply.

"(B) The Secretary shall reduce on a pro rata basis the amount of the grant to each such agency computed under subparagraph (A) of this paragraph so that the total amount of such grants equals the total of the amounts appropriated for such fiscal year (as so reduced), except that—

"(i) the amount of the grant to any such agency may not exceed $3,750,000,

"(ii) to the extent of available appropriations, no such agency shall receive a grant in an amount less than the amount prescribed by subparagraph (C) of subsection (c)(1) for such fiscal year, and

"(iii) if the total of the appropriations for the fiscal year ending September 30, 1982, for such grants—

"(i) is equal to or greater than the total of the appropriations for such grants for the preceding fiscal year, no such agency shall receive a grant in an amount less than the amount of the grant it received in such preceding fiscal year, or

"(II) is less than the total of the appropriations for such grants for the preceding fiscal year, no such agency shall receive a grant in an amount greater than the amount of the grant it received in such preceding fiscal year.".

Sec. 303. (a) Section 129(b)(2)(A) of Public Law 96-79 (93 Stat. 630) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Programs Extension Act of 1980".

(b) Section 1521(d)(1)(B)(i) (42 U.S.C. 300m(d)(1)(B)(i)) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Programs Extension Act of 1980".

(c) Section 117(c) of the Health Planning and Resources Development Amendments of 1979 (93 Stat. 620) is amended by striking out "February 1, 1982" and inserting in lieu thereof "February 1, 1983".

Sec. 304. Section 124(c) of Public Law 96-79 (93 Stat. 627) is amended to read as follows:

"(c)(1) Section 1524(b)(1)(C) is amended by striking out 'one-third' and inserting in lieu thereof 'one-half'.

"(2) Section 1524(b)(1)(D) is amended (A) by striking out 'two' and inserting in lieu thereof 'one', and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio'.".

Sec. 305. The first sentence of section 1524(c)(6) (42 U.S.C. 300m-3(c)(6)) is amended by striking out "section 409" and inserting in lieu thereof "section 409 or 410".

Sec. 306. Section 1527(b)(3)(B) (42 U.S.C. 300m-6(b)(3)(B)) is amended (1) by striking out "that (i)" and inserting in lieu thereof "that", (2) by striking out ", which intends to acquire the controlling interest or which intends to use the facility is" and inserting in lieu thereof "which intends to acquire the controlling interest in or use the facility is (i)", (3) by striking out "and (ii)" and inserting in lieu thereof "and", and (4) by striking out "or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1)" and inserting in lieu thereof ", or (ii) a health care facility which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph".

Sec. 307. Section 1527 (42 U.S.C. 300m-6) is amended by adding at the end the following new subsection:

"(h)(1) Subsection (a) does not require a certificate of need program to require a health care facility to obtain a certificate of need for the acquisition of major medical equipment to be used solely for research, institutional health services to be offered solely for research, or the obligation of a capital expenditure to be made solely for research if the acquisition, offering, or obligation does not—

"(A) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;

"(B) substantially change the bed capacity of the facility; or

"(C) substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, or obligation.

"(2)(A) Before a health care facility acquires major medical equipment to be used solely for research, offers an institutional health service solely for research, or obligates a capital expenditure solely for research, such health care facility shall notify in writing the State Agency of the State in which such facility is located of such facility's intent and the use to be made of such medical equipment, institutional health service, or capital expenditure.

"(B) Paragraph (1) does not apply with respect to the acquisition of major medical equipment, the offering of institutional health services, or the obligation of a capital expenditure if—

"(i) the notice required by subparagraph (A) is not filed with the State Agency with respect to such acquisition, offering, or obligation, or

"(ii) the State Agency finds, within 60 days after the date it receives a notice in accordance with subparagraph (A) respecting the acquisition, offering, or obligation, that the acquisition, offering, or obligation will have the effect or make the change described in subparagraph (A), (B), or (C) of paragraph (1).

"(3) If major medical equipment is acquired, an institutional health service is offered, or a capital expenditure is obligated and a certificate of need is not required for such acquisition, offering, or obligation as provided in paragraph (1), such equipment or service or equipment or facilities acquired through the obligation of such capital expenditure may not be used in such a manner as to have the effect or to make the change described in subparagraph (A) of paragraph (1) unless the State Agency issues a certificate of need approving such use.

"(4) For purposes of this subsection, the term 'solely for research' includes patient care provided on an occasional and irregular basis and not as part of a research program.".

Sec. 308. The last sentence of section 1531(3) (42 U.S.C. 300n(3)) is amended (1) by striking out "An individual" and inserting in lieu thereof "Notwithstanding subparagraph (B), an individual", and (2) by striking out "an entity" and inserting in lieu thereof "one or more entities".

Sec. 309. Section 1531(5) (42 U.S.C. 300n(5)) is amended by striking out "maintained or developed by the Department of Commerce and".

Sec. 310. Section 1532(b)(12)(D) (42 U.S.C. 300n-1(b)(12)(D)) is amended by striking out "administratively".

TITLE IV—HEALTH PROFESSIONS PROGRAMS

Sec. 401. The first sentence of section 728(a) (42 U.S.C. 294a(a)) is amended by inserting a comma before the period and the following: "and for the next fiscal year".

Sec. 402. (a) Section 731(a)(1)(A) (42 U.S.C. 294d(a)(1)(A)) is amended (1) by inserting "and" at the end of clause (IV), and (2) by striking out clause (v) and redesignating clause (vi) as clause (v).

(b) Section 731(b) is amended by striking out "12 percent per annum on the unpaid principal balance of the loan" and inserting in lieu thereof "the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous quarter plus 3½ percentage points, rounded to the next higher one-eighth of 1 percent".

SEC. 403. (a) Section 753(a)(2) (42 U.S.C. 294v(a)(2)) is amended—

(1) by striking out "(A)" after "designated under section 332) which";

(2) by striking out ", and" after "section 333(c)"; and

(3) by striking out subclause (B) thereof and inserting in lieu thereof a period.

(b) Section 753(a) is amended by striking out the last sentence.

SEC. 404. Section 212(j)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182 (j)(2)(A)) is amended by striking out "1980" and inserting in lieu thereof "1981".

TITLE V—NEUROLOGICAL RESEARCH

SEC. 501. (a) The Secretary of Health and Human Services shall enter into a contract, in accordance with subsection (b), with a private, nonprofit entity pursuant to which such entity shall—

(1) conduct a general review of past and ongoing neurological research;

(2) include, in the review described in paragraph (1), a review of past and ongoing research regarding spinal cord regeneration following acute and chronic damage to the spinal cord;

(3) identify those areas of neurological research which appear to be the most promising;

(4) prepare an outline of a 5-year plan for neurological research, including (A) recommendations regarding the resources needed to effectively implement such a plan, and (B) specific recommendations with respect to spinal cord regeneration research; and

(5) transmit to the Secretary a report summarizing its findings and recommendations.

(b) The Secretary shall enter into the contract described in subsection (a) with the Institute of Medicine of the National Academy of Science, except that, if the Institute of Medicine of the National Academy of Science declines to enter into such contract after a reasonable period of time determined by the Secretary, the Secretary shall enter into such contract with any other private, nonprofit entity which the Secretary has determined is qualified to carry out the terms of such contract.

(c) The report described in subsection (a)(5) shall be transmitted to the Secretary no later than 12 months after the date of the enactment of this Act.

(d) The authority of the Secretary to enter into a contract under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

HARLEY O. STAGGERS,
HENRY A. WAXMAN,
DAVID SATTERFIELD,
RICHARDSON PREYER,
ANDREW MAGUIRE,
TOM LUKEN,
DOUG WALGREN,
JAMES T. BROYHILL,
TIM LEE CARTER,
SAMUEL DEVINE,
DAVE STOCKMAN,
Managers on the Part of the House.

TED KENNEDY,
PETE WILLIAMS,
CLAIBORNE PELL,
GAYLORD NELSON,
ALAN CRANSTON,
HOWARD M. METZENBAUM,
RICHARD S. SCHWEIKER,
J. K. JAVITS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 988) entitled the "Health Sciences Promotion Act of 1980", submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

The Senate bill did not include authorizations for any of the individual institutes of health.

The House amendment provided authorizations for each of the eleven individual institutes for fiscal years 1981 through 1983.

The conference substitute extends the expiring authorizations for the National Cancer Institute and the National Heart, Lung, and Blood Institute for fiscal years 1981 and 1982. The new authorizations for these years are set at amounts equal to the FY 1980 authorizations increased by the current CBO projections of the rate of increase in the CPI in fiscal years 1981 and 1982.

TITLE II

The conferees agreed on a number of provisions with regard to the National Institute of Arthritis, Metabolism, and Digestive Diseases.

Advisory Council subcommittees

The Senate bill established a separate subcommittee within the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDKD) advisory council for each of the Institute's categorical clusters. The House amendment did not include establishing any subcommittees in statute. The Conference Substitute establishes the four subcommittees in statute. The Conferees expect that membership of the subcommittees will not be limited to health professionals specializing in the diseases within the subcommittee's purview, but will include other members of the Council as well.

Associate directors

Both the Senate bill and the House amendment established four associate director positions within NIADDKD, as does the Conference Substitute. The functions of the associate directors, as the lead federal officials responsible for their respective diseases, go beyond the activities and programs of any single Institute. While recognizing that the associate directors should report directly to the Institute Director and should be under his supervision, the conferees also believe it is desirable that the plans, recommendations and reviews prepared by the associate directors which are trans-NIH in character be transmitted to the Director of NIH, accompanied by any comments or recommendations that the Institute Director deems appropriate.

NIADDKD Director report

The House Amendment required the Director to report to Congress and the President on the implementation of each of the current categorical diseases plans prepared under the National Arthritis Act of 1974, the National Diabetes Mellitus Research and Education Act, and the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976. The Senate bill did not change existing reporting requirements. The Conference Substitute conforms to the House amendment. The Conferees recognize the value of the current, detailed annual report prepared by the Director on the implementation of the arthritis plan and fully expect it to continue. At the same time, in mandating that the Director also describe activities relevant to the diabetes and digestive diseases plans, the conferees do not intend that these portions of the report necessarily follow the same format or meet the same specifications as prescribed with respect to the arthritis plan report under existing law.

The conferees have referred to the plans by indicating the legislation which led to their original development, but have specified that the current versions of such plans, as updated by the appropriate Advisory boards, should be the basis for the Director's report and other programs and activities which refer to "current" plans.

Stipends

The Senate bill provided for a maximum of ten stipends in any fiscal year to be available to each Diabetes Research and Training Center and Multipurpose Arthritis Center for health professionals in centers' training programs. The House Amendment provided an unlimited number of stipends and limited the persons eligible to receive them to allied health personnel. The Conference Substitute provides that some of the funds available to Diabetes Research and Training Centers and Multipurpose Arthritis Centers are to be used to pay stipends for health professionals in the center's training programs. The number of stipends is unlimited. It is not expected that all centers will necessarily find training stipends to be a desirable use of their grant monies. The Conferees expected that all proposals for center grants, including any proposals to provide stipends, will be subject to careful review under NIH procedures. While the stipend authority is not limited to any particular categories of health personnel, the Conferees view training of allied health professionals through centers as meriting special attention and priority by the Secretary.

Coordinating committees

The Conference Substitute consolidates the existing interagency arthritis, diabetes, and digestive diseases coordinating committees into a single section and makes clear that the committees' annual reports should be transmitted to the Secretary of Health and Human Services, the Director of NIH, and the appropriate Advisory Board.

Advisory boards

The Senate bill left the composition of the existing Advisory Boards as in current law. The House Amendment changed the numbers of members on these boards and established the Digestive Diseases Advisory Board. The Conference Substitute generally conforms to the House amendment. The conferees are very much aware of the valuable contributions of the National Diabetes Advisory Board and the National Arthritis Advisory Board to the improvement of federal diabetes and arthritis programs and of their role in facilitating coordination with other governmental and non-governmental activities. The conferees appreciate Board members' important work in addressing many issues facing people affected by arthritis and diabetes. These initiatives should be enhanced and strengthened, and are the model for the digestive diseases board established in the Conference Substitute.

The functions and authorities of the National Diabetes Advisory Board and the National Arthritis Advisory Board as described in the Arthritis, Diabetes and Digestive Diseases Amendments of 1976 are preserved and expanded in the Conference Substitute. Some modifications in the composition of the Boards are mandated in order to include a wider range of expertise among the appointed members and to provide greater flexibility and consistency under Title IV. In no way do these modifications limit or restrict appointments to the Boards as constituted under the 1976 law. Again, the conferees wish to express their expectation that all three Boards will continue the high performance standards set by the National Diabetes Advisory Board and the National Arthritis Advisory Board.

Duration of diabetes and arthritis center grants

The Senate bill eliminated the three-year statutory limitation on the duration of initial or renewal arthritis center grants. The House Amendment imposed a five-year limit on both the arthritis and diabetes center grants. The Conference Substitute sets no statutory limitation on the duration of initial or renewal arthritis or diabetes center grants so as not to unduly restrict the Department's flexibility in making these grants for longer periods. The Conferees expect the duration of initial and renewal grants to be based upon need and the scientific and fiscal integrity of the centers, as long as satisfactory progress is being made.

Arthritis demonstration projects

The Senate bill required that grants for arthritis demonstration projects be made by the Secretary through the Assistant Secretary for Health or through the Health Care Financing Administration. The House Amendment deleted the requirement of existing law that the Secretary act through the Assistant Secretary for Health. The Conference Substitute conforms to the House Amendment. The Conferees recognize that opportunities to make such grants exist in programs other than those authorized by the Public Health Service Act and intends that the Secretary's use of these other authorities not be inhibited.

Orthopedic intramural research program

The Conference Substitute deletes the specific legislative authority for an orthopedic intramural research program as did both the Senate bill and the House Amendment. This action should not be interpreted as indicating a lack of interest or a belief that such a program is no longer necessary. Rather, the Conferees believe that adequate statutory authority exists in the Public Health Service Act to carry out this program and encourages the Department to continue its efforts to establish an orthopedic intramural research program.

TITLE III

The Senate bill did not include any amendments to the Health Planning and Resources Development Act.

The House amendment provided technical and other amendments to the Health Planning and Resources Development Act and authorizations for fiscal year 1981 for the National Health Service Corps.

The Conference substitute includes the technical amendments of the House amendment and modifies the provisions of the House amendment regarding certificate of need coverage of research activity and HSA funding. The Substitute does not include any amendment to section 1513(g)(2) of the Public Health Service Act or authorizations for the National Health Service Corps.

TITLE IV

The Conferees have agreed upon a number of essential technical amendments to the authorities for the Federal health professions programs. These provisions ensure that guarantees for HEAL loans will continue to be available in fiscal year 1981 to new and current borrowers. They also provide that waivers of the provisions of the Immigration and Nationality Act regarding exchange visitor foreign medical graduates may continue to be granted through December 31, 1981. The amendments allow National Health Service Corps scholarship recipients to enter private practice in a health manpower shortage area without first demonstrating that there is a sufficient financial base in the area to provide the individual with an income equal to that of NHSC members.

The Conferees note that it is their understanding and intent that appropriations continuing resolutions provide for the continuation of programs authorized under Titles VII and VIII of the Public Health Service Act, including programs relating to financial assistance for students. The conferees have, however, explicitly extended the HEAL loan guarantee authority to clarify any possibly embiguous authority of § 728 under continuing resolutions.

TITLE V

The House amendment contained a provision not in the Senate bill which provided for special emphasis on research of regeneration of the spinal cord.

The conference substitute directs the Secretary of Health and Human Services to enter into a contract for a review of the past and on-going neurological research, including research on spinal cord regeneration following acute and chronic damage to the spinal cord. The review is to identify areas of promise and is to be accompanied by a five-year plan for neurological research. The review is to be completed in twelve months.

Harley O. Staggers,
Henry A. Waxman,
David Satterfield,
Richardson Preyer,
Andrew Maguire,
Tom Luken,
Doug Walgren,
James T. Broyhill,
Tim Lee Carter,
Samuel Devine,
Dave Stockman,
Managers on the Part of the House.

Ted Kennedy,
Pete Williams,
Claiborne Pell,
Gaylord Nelson,
Alan Cranston,
Howard M. Metzenbaum,
Richard S. Schweiker,
J. K. Javits,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Drinan (at the request of Mr. Wright), for today, on account of a necessary absence.

Mr. Lehman (at the request of Mr. Wright), for today, on account of illness.

Ms. Mikulski (at the request of Mr. Wright), for today, on account of official business.

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mrs. Collins of Illinois for medical reasons, November 19 through time of release from Bethesda Naval Hospital, date to be supplied.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 60 minutes, today.

Mr. Danielson, for 60 minutes, today.

(The following Members (at the request of Mr. Shumway) to revise and extend their remarks and include extraneous material:)

Mr. Kemp, for 30 minutes, today.

Mr. Latta, for 60 minutes, on December 1.

Mr. Miller of Ohio, for 1 hour, on December 1.

Mr. Latta, for 60 minutes, on December 4.

Mr. Miller of Ohio, for 60 minutes, on December 4.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Zablocki, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Whitten, for 5 minutes, today.

Mr. Reuss, for 10 minutes, today.

Mr. Johnson of California, for 10 minutes, today.

Mr. Derrick, for 60 minutes, December 3.

Mr. Bingham, for 60 minutes, December 3.

Mr. Gonzalez, for 60 minutes, December 4.

Mr. Panetta, for 5 minutes, today.

Mr. Gaydos, for 60 minutes, December 1.

Mr. Duncan of Oregon, for 60 minutes, December 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edwards of California to revise and extend his remarks prior to the vote on the conference report on State-Justice appropriations.

Mr. Danielson and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,947.50.

(The following Members (at the request of Mr. Shumway) and to include extraneous matter:)

Mr. Shuster.

Mr. Corcoran.

Mr. Marriott.

Mr. McClory.

Mr. Lagomarsino.

Mr. Collins of Texas.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Ireland.

Mr. Roe.

Mr. Beilenson.

Mr. Stark.

Mr. FUQUA.
Mr. WAXMAN in two instances.
Mr. MUSTO.
Mr. BRODHEAD.
Mr. SHELBY in two instances.
Mr. MAZZOLI.
Mr. STOKES.
Mr. FISHER in three instances.
Mr. LONG of Louisiana.
Mr. ST GERMAIN.
Mr. LUKEN.
Mr. REUSS in two instances.
Mr. DRINAN.
Mr. SATTERFIELD.
Mr. DINGELL.
Mr. OBERSTAR.
Mr. RANGEL.
Mr. OTTINGER in three instances.
Ms. FERRARO.
Mr. FROST.
Mr. VAN DEERLIN.
Mr. BROWN of California in two instances.

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3765. An act to increase the minimum price support loan rates for wheat, feed grains, and soybeans to improve the farmer-held reserve program for wheat and feed grains, to establish a 5-year food security wheat reserve, and for other purposes;

H.R. 4084. An act to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California;

H.R. 7942. An act to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development; and

H.R. 8329. An act to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 43. An act to promote safety and health in skiing and other outdoor winter recreational activities, and

S. 2251. An act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 451, the Chair declares the House adjourned until 12 o'clock noon on Monday, December 1, 1980.

Thereupon (at 2 o'clock and 8 minutes p.m.), pursuant to House Concurrent Resolution 451, the House adjourned until Monday, December 1, 1980, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, and delegations traveling under an authorization from the Speaker, concerning the foreign currencies and U.S. dollars utilized by them during the second and third quarters of calendar year 1980 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 8091

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [3]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas Foley	7/6	7/10	Egypt	(3)	(3)		2,741.00				
Hon. Thomas Daschle	7/25	7/27	Canada	172.50	150.00						
Hon. Glen English	7/25	7/27	Canada	172.50	150.00						
Hon. Kent Hance	7/25	7/27	Canada	172.50	150.00						
Hon. Ron Marlenee	7/25	7/27	Canada	172.50	150.00						
Hon. Charles Stenholm	7/25	7/27	Canada	172.50	150.00						
Gene Moos	7/25	7/27	Canada	172.50	150.00						
Robert J. Franks	7/25	7/27	Canada	149.50	130.00						
Total military transportation for 7 House Agriculture Committee members to Canada.							2,328.46				
Gary Norton	9/20	9/27	Brazil	36,411.76	644.00		1,227.00				
Committee total					1,674.00		6,296.46				

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S .currency is used, enter amount expended.

[3] Per diem information forthcoming—to be added in amendment.

Nov. 10, 1980.

THOMAS S. FOLEY, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S currency
NATO Subcommittee trip, Aug. 3-14, 1980:											
Hon. Daniel, W. C. "Dan"	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army.							4,745.98				4,745.98
Transportation, incountry, Department of the Army.							48.88				48.88
Hon. Dickinson, Wm. M.	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	452.90	93.00					452.90	93.00
	8/8	8/11	Germany	461.97	261.00					461.97	261.00
	8/11	8/12	Germany	132.75	75.00					132.75	75.00
	8/12	8/14	Netherlands	521.35	270.00					521.35	270.0)

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

	Date			Per diem [1]		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation, Department of State.							1,679.00				1,679.00
Transportation, Department of the Army.							2,438.35				2,438.35
Hon. Hillis, Elwood H	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army.							4,745.98				4,745.98
Transportation, incountry, Department of the Army.							48.88				48.88
Hon. McDonald, Larry	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army.							4,745.98				4,745.98
Hon. Whitehurst, G. Wm	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	349	63.12					349	63.12
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Less refund to U.S. Treasury					189.90						189.90
Transportation, Department of the Army							4,745.98				4,745.98
Transportation, incontry, Department of the Army							48.88				48.88
Transportation, Department of the Army, Commercial							65.00				65.00
Hon. Wilson, Charles H	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army							4,745.98				4,745.98
Hon. Wyatt, Joe Jr	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army.							4,745.98				4,745.98
Transportation, incountry, Department of the Army.							510.88				510.88
Cofer, Williston B., Jr	8/3	8/4	England	105.20	252.00					105.20	252.00
	8/4	8/6	Spain	93.94	225.45					93.94	225.45
	8/6	8/8	Italy	126,150	150.00					126,150	150.00
	8/8	8/9	Norway	452.91	93.00					452.91	93.00
	8/9	8/9	Iceland	365.24	75.00					365.24	75.00
Transportation, Department of the Army.							3,763.63				3,763.63
Transportation, incountry, Department of the Army.							1,770.30				1,770.30
Cooper, Thomas E	8/3	8/4	England	52.60	126.00					52.60	126.00
	8/4	8/5	Belgium	3,222	115.00					3,222	115.00
	8/5	8/7	Denmark	1,271.65	230.00					1,271.65	230.00
	8/7	8/8	Norway	452.90	93.00					452.90	93.00
	8/8	8/11	Germany	461.97	261.00					461.97	261.00
	8/11	8/12	Germany	132.75	75.00					132.75	75.00
	8/12	8/14	Netherlands	521.35	270.00					521.35	270.00
Transportation, Department of the Army.							1,812.52				1,812.52
Transportation, Department of State.							1,679.00				1,679.00
Kriser, Louis	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army.							4,745.98				4,745.98
Tsompanas, Paul L	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/7	Denmark	1,271.65	230.00					1,271.65	230.00
	8/7	8/8	Norway	452.90	93.00					452.90	93.00
	8/8	8/11	Germany	461.97	261.00					461.97	261.00
	8/11	8/12	Germany	132.75	75.00					132.75	75.00
	8/12	8/14	Netherlands	521.35	270.00					521.35	270.00
Transportation, Department of the Army.							1,812.52				1,812.52
Transportation, incountry, Department of the Army.							452.00				452.00
Transportation, Department of the Air Force.							554.80				554.80
Transportation, Department of State.							1,679.00				1,679.00
Waters, James C	8/3	8/4	England	105.20	252.00					105.20	252.00
	8/4	8/6	Spain	93.94	225.45					93.94	225.45
	8/6	8/8	Italy	126,150	150.00					126,150	150.00
	8/8	8/9	Norway	452.91	93.00					452.91	93.00
	8/9	8/9	Iceland	365.24	75.00					365.24	75.00
Transportation, Department of the Army.							3,763.63				3,763.63
Transportation, incountry, Department of the Army.							1,770.30				1,770.30
West, Michael A	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation, Department of the Army.							4,745.98				4,745.98
White, Justus P., Jr	8/3	8/5	England	105.20	252.00					105.20	252.00
	8/5	8/6	West Germany	32.56	78.00					32.56	78.00
	8/6	8/7	Denmark	635	115.00					635	115.00
	8/7	8/8	Norway	839.97	186.00					839.97	186.00
	8/8	8/9	Iceland	335.07	75.00					335.07	75.00
Transportation, Department of the Army.							4,745.98				4,745.98
Transportation, incountry, Department of the Army.							48.88				48.88
Local expenses for entire gronp			England			873.24	2,091.35	44.95	107.60	918.19	2,198.95
Local expenses for entire group			Norway			7,829.65	1,607.73	1,225	251.54	9,054.65	1,859.27
Individual committee travel:											
Ford, John J	7/1	7/2	Spain		791.96						791.96
	7/2	7/3	Israel								
	7/3	7/7	Greece								
	7/7	7/10	Egypt								
Transportation: Department of the Air Force Invitational Trip.											
Hon. Ichord, Richard H	7/5	7/7	Spain	18,690	267.00					18,690	267.00
	7/8	7/10	Austria	3,717	300.00					3,717	300.00
	7/11	7/12	Hungary	4,198	180.00					4,198	180.00
	7/13	7/14	Romania	1,900.80	160.00					1,900.80	160.00
	7/15	7/16	Poland	6,763.20	226.49					6,763.20	226.49
	7/17	7/19	Scotland	144.05	345.00					144.05	345.00
Transportation, Department of the Army.							2,219.70				2,219.70
Hon. Wilson, Bob	7/5	7/7	Spain	18,690	267.00					18,690	267.00
	7/8	7/10	Austria	3,717	300.00					3,717	300.00
	7/11	7/12	Hungary	4,198	180.00					4,198	180.00
	7/13	7/14	Romania	1,900.80	160.00					1,900.80	160.00
	7/15	7/16	Poland	6,763.20	345.00					6,763.20	345.00
	7/17	7/19	Scotland	144.05	345.00					144.05	345.00
Transportation, Department of the Army.							2,219.70				2,219.70
Hon. Davis, Mendel J	8/29	9/1	England	209.72	507.00					209.72	507.00
	9/1	9/5	Germany	776.08	436.00					776.08.	436.00
Transportation, incountry, Department of the Army.							7,655.00				7,655.00
Transportation, Department of State.							2,613.00				2,613.00
Hon. Ichord, Richard H	8/31	9/3	England	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Transportation, Department of State.							1,706.40				1,706.40
Committee total					15,930.57		86,773.15		359.14		103,062.86

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollars equivalent; if U.S. currency is used, enter amount expended.

[3] Not available at this time.

Nov. 5, 1980.

MELVIN PRICE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mary Rose Oakar	7/12	7/24	Denmark		1,425.00		(3)				1,425.00
							[4]1,215.00				1,215.00
Hon. John J. Cavanaugh	9/23	9/25	Brazil		276.00		[5]74.73				350.73
	9/25	9/27	Peru		35.70		[4]2,377.00				2,412.70
Norman Cornish	9/21	9/27	Brazil		644.00		[6]54.65				698.65
							[4]2,377.00				2,377.00
David Kiernan	9/25	9/27	Brazil		644.00		[6]54.65				698.65
							[7]71.21				71.21
							[4]2,377.00				2,377.00
Committee total					3,024.70		8,601.24				11,625.94

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Ground transportation not available from State Department, amended report will be filed.

[4] Transportation, Department of State.

[5] Transportation, Department of State—Rio to Lima.

[6] Ground transportation.

[7] Transportation, Department of State—Rio/Sao Paulo/Rio.

HENRY S. REUSS, Chairman.

Oct. 31, 1980.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mary Rose Oakar	7/12	7/24	Denmark				[3]547.11				547.11
Committee total							547.11				547.11

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Ground transportation paid by State Department.

Nov. 7, 1980.

HENRY S. REUSS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Stephen Solarz	7/12	7/14	South Korea	98,892	164.00						
	7/14	7/15	China	324.99	225.00						
	7/20	7/21	Tokyo	22,338	102.00						
Total Transportation							2,312.10				2,803.10
Committee total					491.00		2,312.10				2,803.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Oct. 21, 1980.

ROBERT N. GIAIMO, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter Peyser	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/11	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	.4918	106.00					.4918	106.00
Committee total					849.00						849.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

Oct. 2, 1980.

CARL D. PERKINS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S currency [2]
Bowen, D	9/24	9/26	France		189.52						189.52
Commercial transportation							1,586.00				1,586.00
Carson, J	7/3	7/14	South Africa		750.00		100.88		117.47		968.35
	7/14	7/13	Lesotho		75.00						75.00
	7/14	7/17	Zimbabwe		300.00						300.00
	7/18	7/19	Great Britain		126.00						126.00
Commercial transportation							2,622.00				2,622.00
Galey, M. E	7/12	7/31	Denmark		2,220.00						2,220.00
	7/31	8/6	Switzerland		600.00						600.00
Commercial transportation (return trip).							620.94				620.94
Military transportation (White House transportation over)							398.95				398.95
Goodman, M	7/6	7/13	United Kingdom		882.00						882.00
	7/13	8/1	Denmark		1,285.00						1,285.00
Commercial transportation							1,263.00				1,263.00
Committee total					6,427.52		6,591.77		117.47		13,136.76
Grunberg, C	7/19	7/27	United Kingdom		736.00		53.22		131.48		920.70
	7/27	7/31	Switzerland		500.00		32.41				532.41
Commercial transportation							712.50				712.50
Mann, J	7/13	7/24	Denmark		1,100.00						1,100.00
Commercial transportation							2,221.00				2,221.00
Rosenthal, B	7/3	7/11	South Africa		600.00		100.88		117.47		818.35
Commercial transportation							3,443.00				3,443.00
Solarz, S. J	7/3	7/11	South Africa		600.90		100.88		117.47		818.35
Commercial transportation							3,829.60				3,829.60
Weissman, S	7/3	7/14	South Africa		750.00		100.80		117.47		968.35
	7/14	7/13	Lesotho		75.00						75.00
	7/14	7/17	Zimbabwe		300.00						300.00
	7/18	7/19	Great Britain		126.00						126.00
Commercial transportation							2,622.00				2,622.00
Committee total					4,787.00		13,216.37		483.89		18,487.26
3d quarter grand total											31,624.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Oct. 30, 1980.

CLEMENT J. ZABLOCKI, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalen or U.S. currency [2]
Hon. Jim Jeffries	7/25	7/27	Canada	140.45	118.45				[3] 20.72		139.17
Transportation provided by U.S. Air Force plane.											
Committee total					118.45				[3] 20.72		139.17

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Portion delegation control room cost.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30 1980

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem[1]: Foreign currency	Per diem[1]: U.S. dollar equivalent or U.S. currency[2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency[2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency[2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency[2]
Hon. Dan Marriott	7/3	7/6	Italy	229.59	273.00						273.00
	7/6	7/8	Egypt	105	150.00						150.00
	7/8	7/12	Israel		320.00						320.00
	7/12	7/13	Ireland		75.00		1,614.99				1,689.99
Deborah Sliz, staff	8/25	9/1	Switzerland	1,334	800.00		1,188.00				1,988.00
Committee total					1,618.00		2,802.99				4,420.99

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

October 27, 1980.

MORRIS K. UDALL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem[1]: Foreign currency	Per diem[1]: U.S. dollar equivalent or U.S. currency[2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency[2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency[2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency[2]
Harley O. Staggers	7/5	7/7	Spain	18,680	267.00						267.00
	7/8	7/10	Austria	3,717	300.00						300.00
	7/11	7/12	Hungary	4,198	180.00						180.00
	7/13	7/14	Romania	1,900.80	160.00						160.00
	7/15	7/16	Poland	6,763.20	226.49						226.49
	7/17	7/19	Scotland	144.05	345.00						345.00
Military							2,219.70				2,219.70
Tim Lee Carter	7/5	7/7	Spain	18,690	267.00						267.00
	7/8	7/10	Austria	3,717	300.00						300.00
	7/11	7/12	Hungary	4,189	180.00						180.00
	7/13	7/14	Romania	1,900.80	160.00						160.00
	7/15	7/16	Poland	6,763.20	226.49						226.49
	7/17	7/19	Scotland	144.05	345.00						345.00
Military							2,219.70				2,219.70
Committee total					2,956.98		4,439.40				7,396.38
Kenneth J. Painter	7/5	7/7	Spain	18,690	267.00						267.00
	7/8	7/10	Austria	3,717	300.00						300.00
	7/11	7/12	Hungary	4,198	180.00						180.00
	7/13	7/14	Romania	1,900.80	160.00						160.00
	7/15	7/16	Poland	6,763.20	226.49						226.49
	7/17	7/19	Scotland	144.05	345.00						345.00
Military							2,219.07				2,219.70
William M. Kitzmiller	7/5	7/7	Spain	18,690	267.00						267.00
	7/8	7/10	Austria	3,717	300.00						300.00
	7/11	7/12	Hungary	4,189	180.00						180.00
	7/13	7/14	Romania	1,900.80	160.00						160.00
	7/15	7/16	Poland	6,763.20	226.49						226.49
	7/17	7/19	Scotland	144.05	345.00						345.00
Military							2,219.70				2,219.70
Committee total					2,956.98		4,439.40				7,396.38
Austria: Codel expenses—transportation and control room.											3,077.00
Hungary: Codel expenses—Control room, overtime expense for American employees, other personnel expense.											579.40
Poland: Codel expenses—Ground transportation, control room, miscellaneous.											1,143.60
Scotland: Codel expenses—Ground transportation, air fare, control room, miscellaneous.											3,319.07
Committee total											8,119.56
James H. Scheuer	6/30	7/6	Great Britain[3]								
Edmond F. Rovner	6/30	7/6	Great Britain	372.54	882.00						
Commercial							663.00				1,545.00
Transportation for 4 staffers						105.00	248.00				248.00
George S. Kopp	6/30	7/6	Great Britain	372.54	882.00						
Commercial							663.00				1,545.00
John P. McLaughlin	6/30	7/6	Great Britain	372.54	882.00						
Commercial							663.00				1,545.00
Nancy Nord	6/30	7/6	Great Britain	372.54	882.00						
Commercial							663.00				1,545.00
Norman F. Lent	7/3	7/6	Italy	229,590	273.00						273.00
	7/6	7/8	Egypt	105	150.00						150.00
	7/8	7/12	Israel	16,000	320.00						320.00
	7/12	7/13	Ireland	49.18	106.00						
Military							3,535.89				3,641.89
Committee total					4,377.00		6,435.89				10,812.89
Michael F. Barrett	9/20	9/29	Brazil	49,868.28	882.00						
Commercial							2,377.00				3,259.00
William D Braun	9/20	9/29	Brazil	36,411.76	644.00						
Commercial							2,377.00				3,021.00
Marshall E. Whitenton	7/4	7/6	England	105.55	247.00						247.00
	7/6	7/8	Belgium	6,026	214.00						214.00
	7/8	7/16	France	3,079.30	766.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial							2,443.00				3,209.00
Andrew Athy	7/4	7/6	England	105.55	247.00						247.00
	7/6	7/8	Belgium	6,026	214.00						214.00
	7/8	7/16	France	3,079.30	766.00						
Commercial							2,443.00				3,209.00
David Schooler	7/4	7/6	England	105.55	247.00						247.00
	7/6	7/8	Belgium	6,026	214.00						214.00
	7/8	7/10	France	1,411	351.00						
Commercial							2,443.00				2,794.00
Committee total					4,792.00		12,083.00				16,875.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Not claiming any per diem or transportation expense.

Oct. 30, 1980.

HARLEY O. STAGGERS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S currency
Hon. Thomas Evans	8/6	8/9	Switzerland	658.80	400.00		1,969.00				2,369.00
Thomas R. Kitsos	8/25	9/1	Switzerland	1,334.00	800.00		[3] 1,264.09				2,064.09
Hon. Norman Lent	8/11	8/16	Switzerland	990.30	600.00		[4] 2,197.69				2,797.69
Ronald K. Losch	7/28	8/11	Switzerland	1,277.60	800.00		[5] 1,468.22				2,268.22
Hon. Paul N. McCloskey	7/24	7/25	England	76.50	184.00						
	7/27	8/7	Switzerland	1,914.70	1,200.00		[6] 1,402.70				2,786.70
Stanley E. Senner	8/5	8/15	Switzerland	1,648.75	1,000.00		[7] 1,239.07				2,239.07
Bernard Tannenbaum	7/28	8/16	Switzerland	3,244	2,000.00		[8] 1,996.13				3,996.13
Cynthia M. Wilkinson	8/6	8/9	Switzerland	658.80	400.00		[9] 1,238.00				1,638.00
Committee total					7,384.00		12,774.90				20,158.90

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] $76.09 represents local transportation in Switzerland; $1,188 roundtrip airfare.

[4] $166.69 represents local transportation in Switzerland; $2,031 roundtrip airfare.

[5] $251.22 represents local transportation in Switzerland; $1,217 roundtrip airfare.

[6] $26.70 represents train fare, London to Brighton; $1,376.00 roundtrip airfare.

[7] $22.07 represents local transportation in Switzerland; $1,217 roundtrip airfare.

[8] $859.13 represents local transportation in Switzerland; $1,137 roundtrip airfare.

[9] $103.00 represents train fare, Paris to Geneva; $1,135 roundtrip airfare.

Oct. 29, 1980.

THOMAS L. ASHLEY, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Edward J. Derwinski	8/3	8/5	Cyprus	52,515	150.00					52.515	150.00
	8/5	8/7	Lebanon [3]								
Miscellaneous expenses: mail matter.								16.00	4.69	16	4.69
	8/7	3/9	Greece	6,480	150.00					6,480	150.00
Local transportation in Greece						10,286	238.10			10.286	238.10
	8/9	8/11	Israel	8,449.60	160.00					8,449.60	160.00
Local transportation in Israel						31,427.18	586.00			31,427.18	586.00
Miscellaneous expenses: including staff support and official phone call.								7,705.86	138.52	7,705.86	138.52
	8/11	8/13	Germany	388.04	218.00					388.04	218.00
Transatlantic and intercountry transportation provided by Department of State.							2,112.00				2,112.00
Committee total					678.00		2,936.10		143.21		3,757.31

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount xpended.

[3] No per diem issued.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
2nd quarter amendment:											
Hon. Butler C. Derrick	4/3	4/5	France	836.60	188.00		[3] 3,590.00				3,778.00
Hon. Richard Bolling	4/10	4/14	England	216.17	468.00	8.40	18.20				486.20
Committee total					65.600		3,608.20				4,264.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation—other countries visited previously reported.

Sept. 25, 1980.

RICHARD BOLLING, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Roe (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Wydler (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Hanson (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Vander Myde (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Spensley (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Lanes (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Buckley (military air, roundtrip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Dugan (military air, roundtrip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Gibson (military air, round trip)		7/3	United States				3,535.89				3,535.80
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.09
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Ketcham (military air, round trip)		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Krebs-Leidecker (military air, round trip).		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229.590	273.00					229.590	273.00
	7/6	7/8	Egypt	105.000	150.00					105.000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
Total Codel charges			Italy			1,343,124	1,614.99	322,000	387.02	1,665,124	2,002.01
	7/13		United States								
			Egypt			1,060,000	1,514.29	939,795	1,342.57	1,999.795	2,856.86
Trippett (common carrier, round trip).		7/22	United States				244.96				244.96
	7/22	7/25	Canada	257.73	225.00					257.73	225.00
	7/25		United States								
Trippett (common carrier, round trip).		8/13	United States				188.96				188.96
	8/13	8/17	Canada	260.67	225.00					260.67	225.00
	8/17		United States								
Branscome (common carrier, round trip).		8/21	United States				241.15				241.15
	8/21	8/23	Canada	173.78	150.00					173.78	150.00
	8/23		United States								
Taylor (common carrier, round trip).		8/29	United States				2,613.00				2,613.00
	8/30	9/5	England	264.32	639.00					264.32	639.00
	9/5		United States								
Tymczyszyn (common carrier, round trip).		8/29	United States				1,833.00				1,833.00
	8/30	9/5	England	264.32	639.00					264.32	639.00
	9/5	9/9	Paris [3]								
	9/9		United States								
Wydler (common carrier, round trip).		8/31	United States				2,489.00				2,489.00
	8/31	9/5	United Kingdom	264.32	639.00	34.08	81.57			298.40	720.57
	9/5		United States								
Goldwater (common carrier, round trip).		9/1	United States				2,613.00				2,613.00
	9/2	9/4	England	106.72	129.00					106.72	129.00
	9/4		United States								
Chipman (round trip)		9/5	United States			7,675.65	333.00			7,675.65	333.00
	9/5	9/14	Mexico	8,643.75	375.00					8,643.75	375.00
	9/14		United States [4]								
Holmfeld, Sept. 14-20, 1980			France [5]								
Cassidy, Sept. 19-29, 1980			Japan [5]								
Committee total					12,360.00		52,661.71		1,729.59		66,751.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] This portion of trip was personal business; no Government expense involved.

[4] From Sept. 10-14 traveler was on personal business; no Government expense involved.

[5] Supplemental report to be filed on this trip as soon as State Department cost information is received.

DON FUQUA, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency
David B. Rohr	7/13	7/15	Belgium	6,424	230.00						230.00
	7/15	7/17	Switzerland	320.30	200.00						200.00
	7/17	7/20	England	157.66	378.00						378.00
							1,211.00				1,211.00
Committee total					808.00		1,211.00				2,019.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Oct. 1. 1 980.

AL ULLMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Boutin, George	7/2	7/5	Brussels	9,743	345.00		[3] 943.00				
Brescia, Christopher	7/6	7/10	Switzerland	684	400.00		[3] 1,135.00				
Oliver, R. Spencer	7/16	7/18	Brussels	6,495.20	230.00		[3] 1,123.00				
	7/18	7/20	France	1,368	342.00						
	7/20	7/21	England								
Wise, Samuel G.	9/4	9/6	Brussels	6,914	240.00		[3] 1,349.00				
	9/6	9/21	Madrid	96,921	1,335.00						
Cosman, Catherine	9/29	10/3	West Germany	696	387.00		[3] 1,215.00				
	10/3	10/7	London	160.74	225.00		[4] 37.77				
Pederson, Mary S.	9/29	10/3	West Germany	665.20	369.89		[3] 1,215.00				
	10/3	10/8	Spain	32,796	451.00		[4] 37.77				
Oliver, R. Spencer	9/11	10/4	Spain	142,150.80	1,958.00		[3] 2,435.00				
Committee total					6,305.11		9,490.00				

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Round trip.

[4] Train.

Oct. 9, 1980.

DANTE FASCELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, EGYPT AND ISRAEL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 3 AND JULY 13, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kelly, Eleanor (military aircraft, round trip).[3]		7/3	United States				3,535.89				
	7/3	7/6	Italy	229,590	273.00					229,591	273.00
	7/6	7/8	Egypt	105,000	150.00					105,000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Committee total					849.00		3,535.89				4,384.89
Snow, Dolores C. (Military aircraft, round trip).[3]		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229,590	273.00					229,590	273.00
	7/6	7/8	Egypt	105,000	150.00					105,000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	49.18	106.00					49.18	106.00
	7/13		United States								
Committee total					849.00		3,535.89				4,384.89
Hoppel, Elizabeth (Military aircraft, round trip).[3]		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229,591	273.00					229,591	273.00
	7/6	7/8	Egypt	105,000	150.00					105,000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	4,918	106.00					4,918	106.00
	7/13		United States								
Committee total					849.00		3,535.89				4,384.89
Maitlin, Robert W. (military aircraft, roundtrip).[3]		7/3	United States				3,535.89				3,535.89
	7/3	7/6	Italy	229,591	273.00					229,591	273.00
	7/6	7/8	Egypt	105,000	150.00					105,000	150.00
	7/8	7/12	Israel	16,000	320.00					16,000	320.00
	7/12	7/13	Ireland	48.18	106.00					49.18	106.00
	7/13		United States								
Committee total					849.00		3,535.89				4,384.89

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Greece portion of trip canceled. Was necessary to stop overnight in Ireland. Ground transportation and miscellaneous charges will be reported on expenditures for Codel Roe/Wydler—Committee on Science and Technology.

Sept. 22, 1980.

ROBERT W. MAITLIN.

REPORT OF EXPENDITURES FOR OFFICAL FOREIGN TRAVEL, RICHARD C. OLSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 21 AND SEPT 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard C. Olson	9/21	9/30	Brazil	36,411.76	644.00		2 377.00	3,936	69.61	40,347.76	3,090.61

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

Oct. 30, 1980.

RICHARD C. OLSEN.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO U.N. MID DECADE CONFERENCE ON WOMEN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 10 AND JULY 24, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paid by Air Force:											
Ann F. Lewis	7/10	7/13	West Germany								
	7/13	7/20	Denmark		1,110.00		759.00				1,869.00
Maura Corrigan	7/12	7/24	Denmark		1,425.00		1,215.00				2,640.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Aug. 6, 1980.

ANN F. LEWIS.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5668. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the family housing maintenance function at Beale Air Force Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5669. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the transient aircraft alert maintenance function at Travis Air Force Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5670. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the school bus operation function at Minot Air Force Base, N. Dak. pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5671. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the authorization, issuance, security and payment of bonds, notes, and other obligations of the District of Columbia; to the Committee on the District of Columbia.

5672. A letter from the Assistant Legal Adviser for Treaty Affairs, Depatment of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5673. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting reports covering the month of August 1980, on petroleum market shares of refined petroleum products and retail gasoline, pursuant to section 4(c) (2) (A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

5674. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting a supplementary report on commercial and industrial storage of distillate and gasoline pursuant to section 241(a) of Public Law 96–102; to the Committee on Interstate and Foreign Commerce.

5675. A letter from the Administrator of General Services, transmitting a prospectus proposing the acquisition of space by lease for the new statutory location of the U.S. District Court in White Plains, N.Y.; to the Committee on Public Works and Transportation.

5676. A letter from the Commissioner on Aging, Department of Health and Human Services, transmitting a preliminary report on legal services under the Older Americans Act, pursuant to section 206(b) of the act, as amended; jointly, to the Committees on Education and Labor, and the Judiciary.

5677. A letter from the Comptroller General of the United States, transmitting a report on mismanagement of stock funds at the Defense Personnel Support Center (AFMD–81–2, November 21, 1980); jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1985. A bill to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes; with amendment (Rept. No. 96–1473). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee of conference. Conference report on S. 568 (Rept. No. 96–1474). Ordered to be printed.

Mr. BOLAND: Permanent Select Committee on Intelligence. Report pursuant to clause 1(d) rule XI of the Rules of the House of Representatives (Rept. No. 96–1475). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee of conference. Conference report on H.R. 7631 (Rept. No. 96–1476). Ordered to be printed.

Mr. DIXON: Committee of conference. Conference report on H.R. 8061 (Rept. No. 96–1477). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 988 (Rept. No. 96–1478). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL (for himself, Mr. Brown of Ohio, Mr. Clausen, Mr. Staggers, Mr. Dingell, and Mr. Lujan):

H.R. 8378. A bill to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Rules.

By Mr. BROYHILL (for himself and Mr. Dingell):

H.R. 8379. A bill to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER (for himself, Mr. Moorhead of California, Mr. St Germain, Mr. Mitchell of Maryland, Mr. Stark, Mr. AuCoin, Mr. Mottl, Mr. Weiss, Mr. Beard of Tennessee, Mr. Addabbo, Mr. Gibbons, Mr. Ottinger, Mr. Murphy of Pennsylvania, Mr. Frost, Mr. Dornan Mr. Jeffords, Mr. McCloskey, Mr. Jacobs, Mr. Markey, Mr. Scheuer, Mr. Wolpe, and Mr. Yatron):

H.R. 8380. A bill to amend title 38 of the United States Code to make certain veterans entitled to wartime disability compensation for disabilities and diseases caused by or attributable to exposure to atomic or nuclear radiation during their period of active service; to the Committee on Veterans' Affairs.

By Mr. MILLER of Ohio (for himself, Mr. Johnson of California, Mr. Roberts, and Mr. Snyder):

H.R. 8381. A bill to name the U.S. Post Office Building in Portsmouth, Ohio, the William H. Harsha United States Post Office Building"; to the Committee on Public Works and Transportation.

By Mr. PANETTA:

H.R. 8382. A bill to authorize the Secretary of Agriculture to pay compensation to producers of fruits or vegetables for economic losses resulting from the destruction or quarantine of plants or plant products carried out to control plant pests in emergencies; to the Committee on Agriculture.

By Mr. ROE:

H.R. 8383. A bill to extend the eligibility of certain persons for educational benefits under the GI bill; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 8384. A bill to ratify secretarial reclamation exemptions; to the Committee on Interior and Insular Affairs.

By Mrs. SNOWE:

H.J. Res. 635. Joint resolution requiring the President to call a Convocation on American Federalism; to the Committee on Government Operations.

JOINT RESOLUTIONS ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of rule XLIX and House Resolution 642, joint resolutions of the following titles were engrossed and deemed passed:

H.J. Res. 636. Joint resolution to provide for a temporary increase in the public debt limit. Engrossed and deemed passed.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. MIKULSKI:

H.R. 8385. A bill for the relief of James McColvin; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 8386. A bill for the relief of Roy P. Benavidez; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 569: Mr. Gingrich.

H.R. 1600: Mr. Tauke.

H.R. 3439: Mr. Gingrich.

H.R. 4178: Mr. Fauntroy.

H.R. 4223: Mrs. Collins of Illinois.

H.R. 6300: Mr. Bowen.

H.R. 6466: Mr. Goldwater.

H.R. 8205: Mr. Tauke, Mr. Moffett, Mr. Kogovsek, and Mrs. Holt.

H.R. 8226: Mr. Watkins.

H.R. 8261: Mr. Collins of Texas, Mr. Robert W. Daniel, Jr., Mr. Lagomarsino, and Mr. Yatron.

H.R. 8317: Mr. Forsythe and Mr. Ford of Tennessee.

H.R. 8323: Mr. Horton, Mr. Robert W. Daniel, Jr., Mr. Mitchell of Maryland, Mr. Kramer, Mr. Fascell, Mr. Lungren, Mr. Barnes, Mr. Lagomarsino, Mr. Badham, Mr. Ottinger, Mr. Chappell, Mr. Kogovsek, Mr. Roe, Mr. Dickinson, Mr. D'Amours, Mr. Flippo, Mr. Yatron, Mr. Biaggi, Mr. Roth, Mr. Murphy of Pennsylvania, Mr. Goldwater, Mr. Bowen, Mr. Petri, Mr. Coelho, Mr. Panetta, Mr. Forsythe, Mr. McDonald, Mr. Mattox, and Mr. Anthony.

H.R. 8333: Mr. Nelson, Mr. Seiberling, Mr. Corcoran, Mr. Bowen, Mr. Evans of Indiana, Mr. Brinkley, Mr. Lee, Mr. Marlenee, Mr. Duncan of Tennessee, Mr. White, and Mr. Kogovsek.

H. Con. Res. 442: Mr. Murphy of Pennsylvania, Mr. D'Amours, Mr. Marriott, Mr. Solomon, Mr. McEwen, Mr. Cleveland, Mr. Symms, and Mr. Daschle.

PETITIONS, ETC.

Under clause 1 of the rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

645. By the SPEAKER: Petition of the Orange County Legislature, N.Y., relative to the general revenue sharing program; to the Committee on Government Operations.

646. Also, petition of the Orange County Legislature, N.Y., relative to the awarding of attorneys' fees under the Legal Services Corporation Act; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6417

By Mr. BUTLER:

(Amendment to the amendment in the nature of a substitute.)

—Page 11, after line 7, insert the following:

MINORITY BUSINESS ENTERPRISES

Sec. 110. Nothing in any provision of law or regulation relating to the participation of minority business enterprises in projects for Federal-aid highways or highway safety construction shall preclude the awarding of a contract or subcontract under such a project to a bidder who has made a good faith effort to meet any goals established in such provision for the participation of minority business enterprises. For purposes of this section, a determination of good faith effort shall be made in each case and it shall not be presumed from the fact that one or more bidders have met a goal for participation of minority business enterprises that any other bidder has not made a good faith effort to meet such goal.

By Mr. CLEVELAND:

(Amendment to Mr. Howard's amendment in the nature of a substitute.)

—Page 34, strike out line 1 and all that follows through line 13 on page 41 and insert in lieu thereof the following:

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

Sec. 223. (a) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) (1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities other than facilities used by the State or recipient to provide transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons who cannot reasonably use one or more modes of mass transportation service available to the general public under this subsection which—

"(A) provides that the recipient will provide transportation to such handicapped persons throughout the same area in which the recipient provides mass transportation to the general public;

"(B) provides that if the recipient will charge a fare for transporting such a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(C) provides that the recipient will provide transportation to such handicapped persons for at least the same time period for which the recipient provides mass transportation to the general public;

"(D) provides that if the recipient will provide transportation to such a handicapped person upon request, such transportation must be provided in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(E) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(F) provides that the recipient will provide transportation to such handicapped persons without regard to trip purpose, except that nothing in this subsection shall be construed as prohibiting a State or recipient from giving priority to requests for transportation service on the basis of medical need; and

"(G) provides that, where feasible, the recipient will also provide transportation, if requested by the handicapped person, to at least one person accompanying the handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance.

The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph. A recipient's program shall be deemed to meet the requirements of this paragraph with respect to a mass transportation corridor if the recipient provides accessible bus service in such corridor.

"(3) The Secretary shall not approve a program respecting transportation of handicapped persons under this subsection unless (A) the community of handicapped persons for whom such transportation will be provided was consulted by the recipient in the development of such program, and (B) the program was developed in cooperation with responsible elected officials of local governments concerned.

"(4) A recipient may amend a program approved under this section if (A) the Secretary, in consultation with the Architectural and Transportation Compliance Board, determines that the program as amended complies with this subsection, (B) the amendment was developed in consultation with the community of handicapped persons for whom the transportation is being provided, and (C) the amendment was developed in cooperation with responsible elected officials of local governments concerned.

"(5) (A) The Secretary may not impose any requirements which are in addition to the requirements set forth in this subsection respecting a program for providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide transportation to the general public.

"(B) The regulations issued to carry out this subsection shall be kept to an absolute minimum.

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, such recipient shall be deemed to satisfy the requirements of this section, the Architectural Barriers Act of 1968 (Public Law 90–480) and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation of handicapped persons served under such program.

"(7) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall anually certify to the Secretary that such recipient is complying with such program.

"(8) (A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 per centum, of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9) (A) This subsection shall not apply—

"(i) to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970 or to any other fixed guideway system constructed after the date of enactment of this subsection; and

"(ii) to the extension of any fixed rail system for the mass transportation of the general public.

"(B) As used in this paragraph, the term 'new fixed rail system' does not include the replacement, repair, or restoration of any fixed rail system in existence on December 31, 1969.".

(b) The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of the amendment made by subsection (a) of this section, no less than annually for the first 5 years following the date of enactment of this Act, to ensure that such amendment is being implemented according to congressional intent and purpose.

By Mr. OBERSTAR:

(Amendment to the amendment in the nature of a substitute.)

—Page 42, after line 4, insert the following:

BUY AMERICA

SEC. 225. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or any Act amended by this Act for any project contract whose total cost exceeds $500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States at least 75 per centum from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project contract.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

(1) their application would be inconsistent with the public interest;

(2) in the case of acquisition of rolling stock, their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

(3) that articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 20 per centum.

(c) This section shall not apply to project contracts entered into on or before the date of enactment of this section or options exercised pursuant to such contracts. Section 401 of the Surface Transportation Assistance Act of 1978 shall not apply to any project contract entered into after the date of enactment of this section for a project under this Act or any Act amended by this Act.

H.R. 8378

By Mr. KOSTMAYER:

—In paragraph (1) of section 105(b), strike out "shall be effective" and all that follows down through the end of such paragraph and insert in lieu thereof the following: "shall not be effective unless, during the first period of 90 calendar days of continuous session of the Congress after the date of the transmittal of the petition to the Congress, both Houses of the Congress pass a concurrent resolution the matter after the resolving clause of which reads as follows: 'The Congress disapprove the petition transmitted to the Congress by regarding the disapproval of the site at for a repository for the disposal of high-level radioactive waste, transuranic waste, and spent fuel.'; (the first blank space being filled with the name of the State Review Board or Indian tribe governing body the petition of which is disapproved; the second blank space being filled with the geographic location of the proposed repository site). For purposes of paragraphs (3) through (7) of this subsection, the term 'resolution' means a concurrent resolution described by this paragraph.".

In section 104(b)(3), strike out "by the Congress" after "disapproval".

In section 104(c), strike out "(pertaining to congressional disapproval)".

In section 106(a)(2)(C), strike out "requesting the Congress to disapprove" and insert after "105," the following: "for the disapproval of the".

In section 106(b), strike out "that the Congress disapprove" and insert in lieu thereof "disapproval of".

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1980:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

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[Omitted in printing]

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A. Jones, Day, Reavis & Pogue, 1735 I Street NW., Washington, D.C. 20006.

B. American Greetings Corp., 10500 American Road, Cleveland, Ohio 44144.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. The Keefe Co. (for Alvin Nederlander Association, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

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A. John G. Keller, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. J. H. Kent, Kent & O'Connor, 1919 Pennsylvania Avenue, NW., Suite 300, Washington, D.C. 20006.

B. Seniorcenters of America, 2640 Peerless Road NW., Cleveland, Tenn. 37311.

A. W. Russell King, 1050 17th Street NW., No. 301, Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10166.

A. Thomas G. Kobus, National Parking Association, 1101, 17th Street NW., Washington, D.C. 20036.

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B. Brown & Root, Inc., 1730 Rhode Island Avenue NW., No. 213, Washington, D.C. 20036.

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B. Liberty Communications, Inc., P.O. Box 7009, Eugene, Oreg. 97401.

A. Kaye C. Leonard, Suite 801, 1015 15th Street NW., Washington, D.C. 20005.

B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.

A. Leva, Hawes Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Alliance of Supermarket Shoppers, 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.

B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.

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B. Ambassador Bridge Co., P.O. Box 447, Detroit, Mich. 48232.

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A. McCandless & Barrett, 1707 H Street NW., No. 1005, Washington, D.C. 20006.

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A. Mineral Insulation Manufacturers Association, 382 Springfield Avenue, Summit, N.J. 07901.

A. Moery & Co., 1230 Kensington Road, McLean, Va. 22102.

B. Surrey & Morse (for Amsterdam & Rotterdambank Bank), 1156 15th Street NW., Washington, D.C. 20005.

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B. Hill & Knowlton, Inc. (for: Florists Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037), 633 Third Avenue, New York, N.Y. 10017.

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A. J. Hallock Northcott, 1101 15th Street NW., Washington, D.C. 20005.

B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55144.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071 and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.

B. Office of the Governor, Commonwealth of the Northern Mariana Islands, Saipan CM 96950.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. CKLW Radio Broadcasting, Ltd., 1640 Ouellette Avenue, Windsor, Ontario, Canada.

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A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Commercial Union Assurance Co., One Beacon Street, Boston, Mass. 02108.

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B. Premiere, 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.

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A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Aerospatiale Helicopter Corp., 2701 Forum Drive, Grand Prairie, Tex. 75051.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Bangor & Aroostook Railroad, Northern Maine Junction, Bangor, Maine 04401.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Boston & Maine Railroad, Iron Horse Park, North Billerica, Mass. 01862.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Chicago & Northwestern Transportation Co., 400 West Madison, Chicago, Ill. 60606.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Delaware Otsego System, One Railroad Avenue, Cooperstown, N.Y. 15825.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. European Aerospace Corp., 1101 15th Street, NW., Washington, D.C. 20005.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Genesee & Wyoming Industries, 71 Lewis Street, Greenwich, Conn. 06830.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Lehigh Valley Estate, 415 Brighton, Bethlehem, Pa. 18015.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Pittsburg & Shawmut, R.D. No. 2, Middle Street, Brookville, Pa. 15825.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

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B. City of Birmingham, City Hall, Birmingham, Ala. 35203.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. National Multi Housing Council, 1800 M Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Options Clearing Corp., 233 South Wacker Drive, Room 5950, Chicago, Ill. 60605.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

Town of Dune Acres, Indiana, c/o Don H. Ruben, 11 South La Salle Street, Chicago, Ill. 60603.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Wilshire Oil Co. of Texas, 250 Park Avenue, New York, N.Y.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.

B. Best Employers Association, 4201 Birch Street, Newport Beach, Calif. 90226.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.

B. Capitol Oil Co., 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.

B. Council of Active Independent Oil & Gas Producers, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

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B. Enserch Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Japan Fisheries Association, c/o Tele-Press Associates, 342 East 79th Street, New York, N.Y. 10021.

A. David Peltier, Eckert College, Box 811, St. Petersburg, Fla. 33733.

A. James R. Phalen, MAPCO Inc., 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.

B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla., 74119.

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B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.

B. General Tire & Rubber Co., One General Street, Akron, Ohio 44329.

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A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Howard Pyle, 4930 Quebec Street NW., Washington, D.C. 20016.

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A. Mark C. Pyle, P.O. Box 3731, Washington, D.C. 20007.

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A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

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B. Association of American Railroads, 1920 L Street NW., No. 404, Washington, D.C. 20036.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.

B. California Portland Cement Co., 800 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.

B. Mudge, Rose, Guthrie & Alexander, 20 Broad Street, New York, N.Y. 10005.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.

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B. Empresa Brasileria de Aeronautica, S.A., (EMBRAER) Sao Paulo, Brazil.

A. Dennis J. Taylor, Bennett & Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.

B. Central States Health & Life Co. of Omaha, Box 34350, Omaha, Nebr. 68134.

A. Tele-Press Associates, Inc., 342 East 79th Street, New York, N.Y. 10021.

B. Japan Fisheries Association, 9–13, Akasaka 1, Minato-ku, Tokyo, Japan.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.

A. W. Reid Thompson, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. R. J. Tice Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

A. Wallace L. Timmeny, Bracewell & Patterson, 1850 K Street NW., Washington, D.C. 20006.

B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006 and O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. David R. Toll, 1025 Connecticut Avenue NW., Suite 1214, Washington, D.C. 20036.

B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.

A. Wanda Townsend, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Philip Travaglione, Apartment R–110, 300 S. Van Dorn Street, Alexandria, Va. 22304.

B. National Community Action Agency, Executive Directors Association, 815 15th Street NW., Washington, D.C. 20005.

A. Hubert Travaille, Potlatch Corp., 1015 15th Street NW., No. 801, Washington, D.C. 20005.

B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.

A. Updike, Kelly & Spellacy, 1111 19th Street NW., Washington, D.C. 20036.

B. Yellow Cab of Hartford, 8 Jewel Court, Hartford, Conn. 06103.

A. Utility Nuclear Waste Management Group, c/o Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Hawaiian Electric Co., P.O. Box 2750, Honolulu, Hawaii 96840.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.

B. Semiconductor Industry Association, 20380 Town Center Lane, Suite 155, Cupertino, Calif. 95014.

A. Douglas K. Vollmer, Paralyzed Veterans of America, 4350 East West Highway, Suite 900, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4350 East West Highway, Suite 900, Washington, D.C. 20014.

A. Howard W. Wahl, 240 Barton Shore Drive, Ann Arbor, Mich. 48105.

B. Bechtel Power Corp., 777 East Eisenhower Parkway, P.O. Box 1000, Ann Arbor, Mich. 48106.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.

B. Whitney National Bank of New Orleans, 228 Saint Charles Avenue, New Orleans, La. 70130.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Telephone & Telegraph Co., 1120 20th Street NW., Washington, D.C. 20036.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie, Paris 8eme France), 1225 19th Street NW., Washington, D.C. 20036.

A. Horace S. Webb, P.O. Box 351, Cedar Rapids, Iowa 52406.

B. Iowa Electric Light & Power Co., P.O. Box 351, Cedar Rapids, Iowa 52406.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.

B. Skanska (U.S.A.), Inc., 8330 Old Courthouse Road, Building Tycon 2, Suite 500, Vienna, Va. 22180.

A. Robert E. Weigend, Jr., Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. European Travel Commission, 488 Madison Avenue, New York, N.Y. 10022.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. American Trucking Association, 430 First Street SE., Washington, D.C. 20002.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Lloyd Hayes, P.O. Box 1447, Port Arthur, Tex. 77640.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

A. Kim Yelton, 8120 Fenton Street, Silver Spring, Md. 20910.

B. Americans United for Separation of Church and State, 8120 Fenton Street, Silver Spring, Md. 20910.

A. Young Woman's Christian Home, 235 Second Street NE., Washington, D.C. 20002.

A. Kevin B. Zeese, 530 Eighth Street SE., Washington, D.C. 20003.

B. National Organization for the Reform of Marijuana Laws (NORML), 530 Eighth Street SE., Washington, D.C. 20003.

A. Zuckert, Scoutt & Rasenberger, 880 17th Street NW., Washington, D.C. 20006.

B. Harcourt Brace Jovanovich, 757 Third Avenue, New York, N.Y. 10017.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1980:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19....... ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Robert J. Aagre, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,378. E. (9) $278.55.

A. Paul C. Abenante, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

D. (6) $390. E. (9) $6.10.

A. Thomas G. Abernethy, 3973 Stuart Place, Jackson, Miss. 39211.

B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $222.29.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Eazor Express, Inc., Eazor Square, Pittsburgh, Pa. 15201.

D. (6) $200.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Kiowa-Comanche-Apache Intertribal Land Use Committee, P.O. Box 72, Lawton, Okla. 73501.

D. (6) $375.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Kootznoowoo, Inc., P.O. Box 116, Angoon, Alaska 99820.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Seneca-Cayuga Tribe of Oklahoma, P.O. Box 1283, Miami, Okla. 74354.

A. Abourezk, Shack & Mendenhall, 1129 20th Street NW., Suite 500, Washington, D.C. 20036.

B. Ukpeagvik Inupiat Corp., P.O. Box 427, Barrow, Alaska 99723.

A. James P. Abraham, 231 Macomb Street, Box 209, Valentine, Nebr. 69201.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $167.50.

A. Sherman Abrahamson, Control Data Corp., 3717 Columbia Pike, Arlington, Va.

B. Control Data Corp., 3717 Columbia Pike, Arlington, Va.

D. (6) $50. E. (9) $40.40.

A. ACLI International Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $2,500.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,400.

A. Charles F. Adams, American Association of Advertising Agencies, 1899 L Street, NW., Washington, D.C. 20036.

B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $5,000. E. (9) $750.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. John J. Adams, 1919 Pennsylvania Avenue, NW., Suite 700, Washington, D.C. 20006.

B. VEPCO, 7th & Franklin Streets, Richmond, Va.

D. (6) $425.

A. Kenneth R. Adams, Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.

D. (6) $300.

A. Hobson H. Adcock, 700 Anderson Hill Road, Purchase, N.Y. 10577.

B. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y.

D. (6) $600.

A. V. J. Adduci, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

D. (6) $25.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

E. (9) $1,721.63.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $12,136.34. E. (9) $12,136.34.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco) 1225 19th Street NW., Washington, D.C. 20036.

A. Randolf H. Aires, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $450. E. (9) $57.75.

A. G. Colburn Aker, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Alaska Interstate Co., 2200 Post Oak Tower, 5051, Westheimer Road, Houston, Tex. 77056.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. American Petroleum Partners, 350 North Saint Paul, Dallas, Tex. 75201.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Brooklyn Industrial Development Corp., 2 Belmont Avenue, Rye, N.Y. 10580.

D. (6) $200.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. City of Houston, City Hall, Houston, Tex. 77001.

D. (6) $7,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

D. (6) $22,000. E. (9) $1,639.31.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Contract Carrier Conference, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Deloitte, Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Energol Corp., Inc., P.O. Box 91246, Seattle, Wash. 98108.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. FSC Corp., 110 East 59th Street, 37th Floor, New York, N.Y. 10022.

D. (6) $2,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. E & J Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. General Cryogenics, Inc., 2524 Rodney Lane, Dallas, Tex. 75229.

D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Goldston Oil Corp., P.O. Box 22568, Houston, Tex. 77027.

D. (6) $1,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No 400. Washington, D.C. 20036.

B. Leaseway Transportation Corp., 21111 Chagrin Boulevard, Cleveland, Ohio 44122.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. Louisiana Alcohol Fuel Co., 1102 Sixth Street, New Orleans, La. 70115.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

B. MAPCO, Inc., 1800 South Baltimore Avenue, Tulsa, Ohio 74119.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Metropolitan Transit Authority of Harris County, P.O. Box 61429, Houston, Tex. 77208.

D. (6) $8,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Military Accessories Service Association, Inc., Two Park Avenue, Suite 1118, New York, N.Y. 10016.

D. (6) $1,200.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. National Association of Condominium & Cooperative Housing, 5415 N. Sheridan Road, Chicago, Ill. 60640.
D. (6) $3,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.
B. New Energy Corp. of Indiana, 915 15th Street NW., No. 200, Washington, D.C. 20005.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Alaskan Pipeline Co., 1801 K Street NW., No. 901, Washington, D.C. 20006.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Pipeline Co., 314 East Second South, Salt Lake City, Utah 84111.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue, NW., Suite 400, Washington, D.C. 20036.
B. Ringling Bros. Barnum & Bailey Combined Shows, Inc., 1015 18th Street, NW., Washington, D.C. 20036.

A. Akin, Grump, Hauer & Feld, 1333 New Hampshire Avenue ,NW., Suite 400, Washington, D.C. 20036.
B. Saber Refining Co., 1700 Houston Natural Gas Building, Houston, Texas 77002.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Shearson Loeb Rhoades, 15 Wall Street, Ninth Floor, New York, N.Y. 10005.
D. (6) $1,500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Co., Inc., 1608 Walnut Street, Philadelphia, Pa. 19103.
D. (6) $200.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue, NW., Suite 400, Washington, D.C. 20036.
B. Sun Pipe Line Co., P.O. Box 2039, Tulsa, Okla. 74102.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Ship, Inc., Morton Avenue, Chester, Pa. 19013.
D. (6) $5,000. E. (9) $37.43.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue., NW., Suite 400, Washington, D.C. 20036.
B. Texas Bankers Association, 203 West Tenth Street, Austin, Texas 78701.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Texas Instruments Inc., P.O. Box 225474–MS 241, Dallas, Tex. 75265.
D. (6) $3,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue, NW., Suite 400, Washington, D.C. 20036.
B. Valley View Bank, P.O. Box 30100, Dallas, Texas 75230.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Vickers Petroleum Corp., P.O. Box 2240, Wichita, Kansas 76201.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Waterman Steamship Corp., 1133 15th Street NW., Suite 1130, Washington, D.C. 20005.
D. (6) $5,000. E. (9) $37.43.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Worldwide Church of God, P.O. Box 385, Pasadena, Calif. 91102.
D. (6) $500.

A. Joan H. Albert, National Association of Casualty & Surety Agents, 600 Pennsylvania Avenue SE., No. 202, Washington, D.C. 20003.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., No. 302, Washington, D.C. 20015.
D. (6) $1,325. E. (9) $119.40.

A. James J. Albertine, Interstate Natural Gas Association for America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Air Florida, A.M.F.P.O. 592337, Miami, Fla. 33159.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
D. (6) $4,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Associated Industries of Florida, 203 South Adams Street, Tallahassee, Fla. 23202.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Brunswick Corp., One Brunswick Plaza, Skokie, Ill. 60076.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. City of Tucson, Tucson, Ariz.
D. (6) $750.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Coalition for Energy Efficient Transportation, 1901 North Fort Myer Drive, Rosslyn, Va. 22209.
D. (6) $5,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 650 North Sepulveda Boulevard, El Segundo, Calif. 90245.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Continental Group, Inc., One Harbor Plaza, Stamford, Conn.
D. (6) $800.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Newspaper-Broadcaster Committee, P.O. Box 3412, San Francisco, Calif. 94119.
D. (6) $7,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pan American World Airways, Inc., Pan Am Building, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pratt & Whitney Aircraft Group, 400 Main Street, East Hartford, Conn.
D. (6) $12,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Wildlife Legislative Fund of America, 50 West Broad Street, Columbus, Ohio 43215.
D. (6) $6,000.

A. Alderson, Ondov, Leonard & Sween, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.

A. Claude D. Alexander, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $124.64.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.
D. (6) $155.

A. Donald C. Alexander, 1800 M Street NW., Suite 800–N, Washington, D.C. 20036.
B. Morgan, Lewis & Bockus, 1800 M Street NW., Suite 800–N, Washington, D.C. 20036 (for Evans Products, 1121 Southwest Salmon Street, Portland, Oreg. 97208).

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $14.97.

A. Barbara Alger, 728 Hardin, Aurora, Ill. 60506.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $167.50.

A. Maxton M. Allcox, Brotherhood of Maintenance of Way Employes, 400 First Street NW., Rm. 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $11,403.24.

A. Anne Genevieve Allen, Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.
B. Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.
D. (6) $305. E. (9) $380.

A. Robert D. Allen, 2845 Summit Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street NW., P.O. Box 3965, San Francisco, Calif. 94119.

A. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $6,727.65.

A. Alliance to Save Energy, 1925 K Street NW., No. 50, Washington, D.C. 20006.

A. Richard H. Altman, 444 North Capitol St. NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $1,116.67.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $1,140. E. (9) $344.46.

A. Robert Alvarez, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. John O. Ambler, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $40.22.

A. American Arts Alliance, 424 C Street NE., Washington, D.C. 20002.
D. (6) $175,930.16. E. (9) $46,978.28.

A. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. American Association of Homes for the Aging, 1050 17th Street NW., No. 770, Washington, D.C. 20036.
D. (6) $2,822. E. (9) $2,822.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $34.67.

A. American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $947.50. E. (9) $947.50.

A. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $103.91.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $48,450.07. E. (9) $48,450.07.

A. American Congress on Surveying & Mapping, 210 Little Falls Street, Falls Church, Va. 22046.
D. (6) $510. E. (9) $2,954.52.

A. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., No. 201, Washington, D.C. 20006.
D. (6) $4,454.80. E. (9) $4,417.48.

A. American Council for Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $1,498.01.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068, 425 13th Street NW., Washington, D.C. 20004.
D. (6) $75,508. E. (9) $75,508.

A. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $149,240.18.

A. American Frozen Food Institute, 1700 Old Meadow Road, No. 100, McLean, Va. 22102.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $2,050.84. E. (9) $1,996.87.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $11,609.07. E. (9) $6,189.75.

A. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
E. (9) $1,925.68.

A. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
E. (9) $1,261.

A. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $49,284. E. (9) $66,470.14.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $3,975.

A. American League for Exports and Security Assistance, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $37,645.02. E. (9) $37,645.02.

A. American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $4,549.19. E. (9) $1,914.59.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $379.10. E. (9) $4,525.76.

A. American Maritime Association, 17 Battery Place, New York, N.Y. 10004; 1612 K Street NW., Washington, D.C.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $4,859.25. E. (9) $4,859.25.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,025. E. (9) $27,475.39.

A. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
E. (9) $3,053.76.

A. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $25,099.60. E. (9) $54,345.20.

A. American Nurses Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $8,755.79. E. (9) $8,755.79.

A. American Optometric Association, 395 Orchard Street, Antioch, Ill. 60002.
D. (6) $997.17. E. (9) $997.17.

A. American Orthotics & Prosthetic Association, 1444 N Street NW., Washington, D.C. 20005.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. American Personnel & Guidance Association, 5203 Leesburg Pike, Suite 400, Falls Church, Va. 22041.
D. (6) $24,583. E. (9) $5,421.59.

A. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $193,201. E. (9) $194,601.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $5,611.41. E. (9) $5,611.41.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
E. (9) $10,130.33.

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $2,849,435.48. E. (9) $138,026.36.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,697. E. (9) $15,222.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
E. (9) $6,350.

A. The American Short Line Railroad Association, 2000 Massachusets Avenue NW., Washington, D.C. 20036.
D. (6) $4,353.30. E. (9) $4,353.30.

A. American Soybean Association, 1575 Eye Street NW., No. 360, Washington, D.C. 20005.

A. American Subcontractors Association, 815 15th Street NW., Washington, D.C. 20005.

A. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $40,920.33. E. (9) $40,920.33.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $130.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $11,148. E. (9) $19,901.

A. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.
E. (9) $2,177.75.

A. Americans for Alaska, Inc., P.O. Box 50, Riderwood, Md. 21139.
D. (6) $2,075.22. E. (9) $1,485.99.

A. Morris J. Amitay, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $8,124.99.

A. John G. Ams, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $550.85.

A. Edward Andersen, The National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $4,934. E. (9) $94.85.

A. John A. Anderson, 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association, 1909 K Street NW., Suite 300, Washington, D.C. 20006.

A. J. L. Anderson, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time and Life Building, Rockefeller Center, New York, N.Y. 10020.
E. (9) $13.93.

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Sally M. Anderson, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $45.

A. Steven C. Anderson, American Frozen Food Institute, 1919 Pennsylvania Avenue NW., No. 603, Washington, D.C. 20006.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Wayne C. Anderson, Nabisco, Inc., 1629 K Street NW., Washington, D.C. 20006.
B. Nabisco, Inc., East Hanover, N.J. 07936.
D. (6) $5,000. E. (9) $4,141.34.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $41.

A. Robert C. Angel, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex.

A. J. Donald Annett, Texaco, Inc., 1050 17th Street NW., No. 500, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $200.

A. Tobias Anthony, Research-Cottrell, Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J.
E. (9) $136.45.

A. Apartment & Office Building Association of Metropolitan Washington, Inc., 1511 K Street NW., Suite 319, Washington, D.C. 20005.
D. (6) $10,745. E. (9) $5,948.

A. John D. Aquilino, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $779. E. (9) $19.46.

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. Nissho-Iwai American Corp, 1211 Avenue of the Americas, New York, N.Y. 10036.

A. W. Stanley Armstrong, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $100.16. E. (9) $8.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Family Corp., 1902 Wynnton Road, Columbus, Ga. 31906.
D. (6) $600.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Iron and Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $700.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $9,999.99.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Corporate Property Investors, 230 Park Avenue, New York, N.Y. 10017.
D. (6) $313.00.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Realty Committee, 2033 M Street NW., Washington, D.C. 20036.
D. (6) $1,350.00.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Quintana Petroleum Corp., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $469.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $469.

A. Carl F. Arnold, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.
D. (6) $438.

A. Carl F. Arnold, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Security First Group, Inc., 1800 Avenue of the Stars, Los Angeles, Calif. 90067.
D. (6) $656.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Martz, Inc., 1355 North Highway Drive, Fenton, Mo. 63026.
E. (9) $46.04.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. MFA Mutual Insurance Co., 1817 West Broadway, Columbia, Mo. 65201.

A. Arnold & Porter, 1200 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Table Grape Growers Association, Boulevard Transversal Km 4.5, Hermosillo, Sonora, Mexico.
D. (6) $260.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Werner J. Fleischmann, 300 Jacksonville Road, Pompton Plains, N.J. 07444.
E. (9) $1.82.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. West Mexico Vegetable Distributors Association, P.O. Box 838, Nogales, Ariz.
D. (6) $145.41.

A. Milton F. Ashford, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Washington, D.C. 20001.
D. (6) $17,628. E. (9) $159.58.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.
E. (9) $66.62.

A. Associated Employers, Inc., 6009 Rittiman Plaza, San Antonio, Tex. 78218.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $500.

A. Association for the Advancement of Invention and Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $350. E. (9) $2,859.

A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Association of American Foreign Service Women, P.O. Box 8068, Washington, D.C. 20024.
D. (6) $430.75. E. (9) $39.64.

A. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $5,429.69. E. (9) $5,429.69.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $50.

A. Association of Government Accountants, 727 South 23d Street, Suite 100, Arlington, Va. 22202.
E. (9) $25.

A. Association of Independent Corrugated Converters, 1101 30th Street NW., Suite 304, Washington, D.C. 20007.
E. (9) $108.87.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
E. (9) $999.90.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $4,825.

A. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,614.50. E. (9) $3,614.50.

A. George J. Aste, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500.

A. Carl E. Atkinson, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $300. E. (9) $24.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $2,705.

A. Doug Atwell, 800 21st Street NW., 424 Marvin Center, Washington, D.C. 20052.
B. George Washington University Student Association, 800 21st Street NW., 424 Marvin Center, Washington, D.C. 20052.

A. Deborah Marie Atwood, P.O. Box 937, Ferndale, Wash. 98248.
B. Intalco Aluminum Corp., P.O. Box 937, Ferndale, Wash. 98248.
D. (6) $3,276. E. (9) $1,307.20.

A. John D. Austin, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $24.73.

A. John S. Autry, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
E. (9) $3,600.

A. Walter C. Ayers, Virginia Petroleum Council, 1809 Staples Mill Road, Richmond, Va. 23231.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $148.24.

A. Joseph Warren Ayres, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,500. E. (9) $66.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $67.80.

A. Dale R. Babione, The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
D. (6) $275.

A. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.
E. (9) $700.

A. Margaretha Hewitt Backers, 5534 Crossrail Court, Burke, Va. 22015.
B. Committee for Humane Legislation, 2101 L Street NW., Washington, D.C. 20037.

A. William Douglas Badger, 12695 Castile Court, Woodbridge, Va. 22192.
B. Christian Action Council, Inc., 788 National Press Building, Washington, D.C. 20045.
D. (6) $3,750. E. (9) $2,768.32.

A. Baer Marks & Upham, 299 Park Avenue, New York, N.Y. 10171.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $2,240. E. (9) $128.23.

A. Joan N. Baggett, 815 15th Street NW., Washington, D.C. 20005.
B. International Union of Bricklayers & Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.
D. (6) $4,700. E. (9) $373.02.

A. Charles Bailey, 8001 Braddock Road, No. 600, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, No. 600, Springfield, Va. 22160.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. William W. Bailey, Merck & Co., Inc., 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.
B. Merck & Co., Inc., Box 2000, Rahway, N.J. 07065.
D. (6) $1,000. E. (9) $287.75.

A. Judith L. Baird, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. John Baize, 1575 Eye Street NW., No. 360, Washington, D.C. 20005.
B. American Soybean Association, 1575 Eye Street NW., No. 360, Washington, D.C. 20005.

A. Edward R. Bajer, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $450.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Baker & Daniels, Suite 590S, 1800 M Street NW., Washington, D.C. 20036.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

A. Baker & Daniels, Suite 590S, 1800 M Street NW., Washington, D.C. 20036.
B. Rock Island Refining Corp., P.O. Box 68007, Indianapolis, Ind. 46268.
D. (6) $700.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Baker and McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cambridge Research and Development Group, 21 Bridge Square, Westport, Conn. 06880.

A. Baker and McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Baldwin Knauf, Iphofen, West Germany.

A. Baker and McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. G. D. Searle and Co., P.O. Box 1045, Skokie, Ill. 60076.

A. Rosalyn Hester Baker, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Jacqueline Balk-Tusa, 1625 I Street N.W., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
D. (6) $11,430.

A. Ballard, Spahr, Andrews & Ingersoll, 1101 Connecticut Avenue NW., No. 406, Washington, D.C. 20036.
B. Alaska Housing Finance Corp., Plaza 201 East Third Avenue, Anchorage, Alaska 99510.

A. Ballard, Spahr, Andrews & Ingersoll, 1101 Connecticut Avenue NW., No. 406, Washington, D.C. 20036.
B. Idaho Housing Agency, 405 South Eighth Street, No. 395, Boise, Idaho 83701.

A. Bally Manufacturing Corp., 2640 West Belmont Avenue, Chicago, Ill. 60618.

A. Samuel J. Baptista, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6)) $1,000.

A. Barber Oil Corp., 245 Park Avenue, New York, N.Y., 10017.
E. (9) $837.56.

A. Robert O. Barker National Association of Manufacturers, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Thomas H. Barksdale, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,200. E. (9) $254.44.

A Barley & Malt Institute, 733 North Van Buren Street, Suite 610, Milwaukee, Wis. 53202.
D. (6) $24,419.40. E. (9) $5,364.77.

A. Donna R. Barnako, National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
B. National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
D. (6) $812.50. E. (9) $76.93.

A. John H. Barnard, Jr., 803 Ironbark Place, Orinda, Calif. 94563.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.
D. (6) $1,800. E. (9) $858.17.

A. Roger H. Barnard, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.
B. John W. Thatcher, c/o Banana Supply Co., Inc., 3030 Northwest Second Avenue, Miami, Florida 33137.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.
B. Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers, c/o Robert A. Cornog, Macwhyte Co., 2906 14th Street, Kenosha, Wisconsin 53140.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. American School Food Service Association, 4101 East Iliff Avenue, Denver, Colo. 80222.
E. (9.) $499.10.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Fruit & Vegetable Association, 4401 East Colonial Drive, Orlando, Fla. 32814.
D. (6.) $7,103.95.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Tomato Exchange, 4401 East Colonial Drive, Orlando, Fla. 32184.
D. (6.) $7,529.15.

A. Barnett Yingling & Shay, Suite 940, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10043.
D. (6) $375. E. (9) $4.

A. Barnett Yingling & Shay, Suite 940, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Crocker National Bank, One Montgomery Street, San Francisco, Calif. 94104.
D. (6) $562.50. E. (9) $4.

A. James C. Barr, Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $199.63.

A. Richard L. Barr, Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.
B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. Coffee, Sugar & Cocoa Exchange Inc. and New York Coffee and Sugar Clearing, Association, Four World Trade Center, New York, N.Y. 10048.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York Cocoa Clearing Association, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 1004.
B. Prudential Lines, Inc., One World Trade Center, 37th Floor, New York, N.Y. 10048.
E. (9) $60.35.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $3.000.

A. Gary Alan Barron, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $3,375.

A. Thea Rossi Barron, 106 Little Falls Street, Falls Church, Va. 22046.
B. Right to Life Crusade, Inc., Box 2703, Tulsa, Okla. 74101.
D. (6) $3,000. E. (9) $229.48.

A. David S. Barrows, 1201 Southwest 12th, Suite 200, Portland, Oreg. 97205.
B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.
D. (6) $1,200.

A. Roger V. Barth, 1120 20th Street, NW., No. 300 South, Washington, D.C. 20036.
B. American Association for Clinical Chemistry, Inc., 1725 K Street NW., Washington, D.C. 20006.

A. Roger V. Barth, 1120 20th Street NW., No. 300 South, Washington, D.C. 20036.
B. Gallery Row Associates, 1600 L Street NW., Washington, D.C. 20036.

A. Eileen Barthelmy, American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.
B. American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $1155.60. D. (9) 335.63.

A. Linda Leigh Bartlett, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Richard A. Barton, Direct Mail Marketing Association, 1730 K Street NW., Suite 905, Washington, D.C. 20006.
B. Direct Mail Marketing Association, Inc., 6 East 43d Street, 12th Floor, New York, N.Y. 10017.
D. (6) $1,400. E. (9) $300.00.

A. Lawrence R. Baskerville, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $450.

A. James P. Bass, 1101 17th Street NW., Washington, D.C. 20036.
B. Ameircan Airlines, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $185.

A. Barbara Basseuener, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Robert E. Bates, Jr., Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street. New York, N.Y. 10017.
D. (6) $1,125. E. (9) $18.64.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $2,400.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,600.

A. Lucius D. Battle. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

A. Lynne D. Battle, College Placement Council, Inc., 1101 Connecticut Avenue NW., No. 705, Washington, D.C. 20036.
B. College Placement Council, Inc., P.O. Box 2263, Bethlehem, Pa. 18001.

A. John F. Battles, Massachusetts Petroleum Council, 11 Beacon Street, Boston, Mass. 02108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Karen J. Bauer, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Richard H. Bauer, Union Pacific Corp., Suite 810, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $500. E. (9) $131.36.

A. Robert J. Baughman, 1444 N Street NW., Washington, D.C. 20005.
B. American Orthotic & Prosthetic Association, 1444 N Street NW., Washington, D.C. 20005.

A. Tina Marts Beach, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $84.

A. Bruce A. Beam, American Electric Power Service Corp., 1801 K Street NW., Suite 1041, Washington, D.C.
B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.
D. (6) $261. E. (9) $484.14.

A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street, NW., Suite 804, Washington, D.C. 20001.
D. (6) $2,885.80.

A. Christine T. Beatty, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $3,600. E. (9) $51.80.

A. Richard S. Beatty, Alston, Miller and Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Great American Management and Investment, Inc., 5775–D Peachtree Dunwoody Road, Suite 600, Atlanta, Ga. 30342.
D. (6) $7,753. E. (9) $147.78.

A. Robert J. Becker, Joint Council of Allergy and Immunology, 401 E. Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056 or 229 N. Hammes Avenue, Joliet, Ill. 60435.
B. Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056.

A. Josiah Beeman, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $11,250. E. (9) $978.36.

A. Edwin L. Behrens, the Proctor & Gamble Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Co., 301 East Sixth Street, Cincinnati, Ohio 45201.
D. (6) $60.

A. Max J. Beilke, National Association for Uniformed Services, 903 S. Highland Street, Arlington, Va. 22204.

B. National Association for Uniformed Services, 903 S. Highland Street, Arlington, Va. 22204.

D. (6) $1,162.58.

A. James Beizer, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

D. (6) $382.80. E. (9) $29.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.

B. United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20006.

D. (6) $3,750. E. (9) $130.98.

A. J. Raymond Bell, 2113 S Street NW., Washington, D.C. 20008.

B. National Association of Theatre Owners.

A. Winston Everett Bell, P.O. Box 5463, Las Vegas, Nev. 89102.

A. T. A. Bellissimo, 1011 Beverly Drive, Alexandria, Va. 22302.

B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $1,248. E. (9) $79.19.

A. C. Thomas Bendorf, 3615 Overcreek Road, Columbia, S.C. 29206.

B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

D. (6) $3,000. E. (9) $100.

A. C. Robert Benedict, 643 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.

A. Beneficial Management Corporation of America, 1300 Market Street, Wilmington, Del. 19899.

A. Bruce Benefield, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.

B. TRW, Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 525 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,887.50. E. (9) $89.08.

A. W. M. Benkert, American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.

B. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.

D. (6) $1,250. E. (9) $11.

A. Douglas P. Bennett, 3238 Prospect Street NW., Washington, D.C. 20007.

B. Jacques Borel Enterprises, Inc., 555 Madison Avenue, New York, N.Y. 10022.

D. (6) $1,000.

A. Douglas P. Bennett, 3238 Prospect Street NW., Washington, D.C. 20007.

B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

D. (6) $2,000.

A. James M. Bennett, Jos. Schlitz Brewing Co., 235 W. Galena Street, Milwaukee, Wis. 53212.

B. Jos. Schlitz Brewing Co., 235 W. Galena Street, Milwaukee, Wis. 53212.

E. (9) $69.25.

A. Kathleen M. Bennett, Crown Zellerbach, 1660 L Street NW., Suite 215, Washington, D.C. 20036.

B. Crown Zellerbach, One Bush Street, San Francisco, Calif. 94119.

A. Paul Bennett, Union of Concerned Scientists, 1725 I Street NW., Suite 601, Washington, D.C. 20006.

B. Union of Concerned Scientists, 1384 Massachusetts Avenue, Cambridge, Mass. 02238.

D. (6) $210.

A. William C. Bennett, Jr., Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $405.

A. Walter L. Benning, 14901 Ritchie Road, Centreville, Va. 22020.

B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $1,000.

A. John C. Bennison American Society of Travel Agents, 1300 19th Street NW., Washington, D.C. 20036.

B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

D. 6) $5,000.

A. Frederick S. Benson III, International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., No. 700, Washinugton, D.C. 20006.

D. (6) $50. E. (9) $50.

A. Nancy C. Benson, American Cyanamid Co., 1575 I Street NW., No. 220, Washington, D C. 20005.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $165. E. (9) $44.65.

A. James E. Benton, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $50.

A. John B. Benton, 800 Houston Natural Gas Building, Houston, Tex. 77002.

B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. David A. Beren, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Rebecca J. Berg, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $400. E. (9) $437.12.

A. Paul C. Bergson, RJR Industries, Inc., 2550 M Street NW., Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $162.08. E. (9) $5.

A. Jane W. Bergwin, Consumers Power Co., 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.

D. (6) $200.

A. David Berick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,000. E. (9) $219.

A. Jason S. Berman, Warner Communications Inc., 1776 K Street NW., Suite 701, Washington, D.C. 20006.

B. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.

D. (6) $7,500.

A. William R. Berman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Charles Bernhardt, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $11.88. E. (9) $4.25.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Centre National Interprofessional De L'Economic Laitiere, 8, Rue Danielle Casanova, 75002 Paris, France.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cheese Importers Association, 460 Park Avenue. New York, N.Y. 10022.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.

D. (6) $786.25. E. (9) $42.60.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Meat Products Group, American Importers Association, 11 West 42d Street, New York, N.Y. 10036.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington. D.C. 20024.

B. American League for Exports and Security Assistance, Inc. (ALESA). Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $15,000. E. (9) $500.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Archer-Daniels-Midland Co., Decatur, Ill. 62525.

D. (6) $4,000.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. International Association of Bio-Energy Producers, Inc., 126 High Street, Boston, Mass. 02110.

D. (6) $3,000.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Pullman Swindell, 441 Smithfield Street, Pittsburgh, Pa. 15222.

D. (6) $2,500. E. (9) $500.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $69.40.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $2,088. E. (9) $57.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. New England Electric System, 20 Turnpike Road, Westborough, Mass. 01581.

D. (6) $18,364. E. (9) $329.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Union Mines, 9 West 57th Street, New York, N.Y. 10019.

A. Steven L. Biegel, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

B. American Consulting Engineers Council, 1015 15th Street NW, No. 802, Washington, D.C. 20005.

D. (6) $380.

A. Walter J. Bierwagen, 5151 Wisconsin Avenue NW., Washington, D..C 20016.

B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Thomas E. Biery, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $1,453. E. (9) $16.

A. Gerda Bikales, 6711 Pine Creek Court, McLean, Va. 22101.

B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

D. (6) $600. E. (9) $25.

A. Billig, Sher & Jones, 2033 K Street NW., Washington, D..C 20006.

B. Adherence Group, Inc., 21 West Street, New York, N.Y. 10006.

A. Billig, Sher & Jones, 2033 K Street, Suite 300, Washington, D.C. 20006.

B. State of South Dakota, Department of Transportation, Division of Railroads, Pierre, S. Dak. 57501.

D. (6) $4,020. E. (9) $151.43.

A. Ken Billington, 6537 24th Avenue NE., Seattle, Wash. 98115.

B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.

D. (6) $3,100. E. (9) $1,687.38.

A. Birch, Horton, Bittner & Monroe, 4400, Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Alascom, Inc., 949 East 36th Street, Anchorage, Alaska 99502.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Alaska Power Authority, 333 West 4th Avenue, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. City of Haines, Box 576, Haines, Alaska 99827.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Cook Inlet Regional Corp., 2525 C Street, Anchorage, Alaska 99509.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. MAPCO, Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Municipality of Anchorage, 623 West 6th Avenue, Anchorage, Alaska 99502.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Sealaska Corp., One Sealaska Plaza, Juneau, Alaska 99801.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Skan-Kon International, Inc., P.O. Box 57, Fort Yukon, Alaska 99740.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Westinghouse Corp., 1801 K Street NW., Washington, D.C. 20006.

A. C. Thomason Bishop III, National Association of Manufacturers, 704 Lisburn Road, P.O. Box 355, Camp Hill, Pa. 17011.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $212.50.

A. Neal R. Bjornson, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $2,500. E. (9) $43.65.

A. Margaret A. Black, 1524 South Western Avenue, Park Ridge, Ill. 60068.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $167.50.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99.

A. Donna C. Blair, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $350.

A. Richard W. Blake, 1156 15th Street NW., No. 1019, Washington, D.C. 2005.

B. American Sugarbeet Growers Association, 1156 15th Street NW., No. 1019, Washington, D.C. 20005.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C.

B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.

B. RCA Global Communications, Inc., 60 Broad Street, New York, N.Y.

A. Paul M. Blanton, P.O. Box 970, Fort Worth, Tex. 76101.

B. Texas Electric Service Co., P.O. Box 970, Fort Worth, Tex. 76101.

D. (6) $112.64. E. (9) $48.90.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.

B. Constructora Nacional de Carros de Ferocarril, S.A., San Lorenzo No. 925, 5 piso, Mexico, D.F., Mexico.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.

B. Insulation Contractors Association, 905 Sixteenth Street NW., Washington, D.C. 20006 and Mineral Insulation Manufacturers, 382 Springfield Avenue, Summit, N.J. 07901.

D. (6) $5,500.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.

B. National Association of Private Enterprice (Asociacion Nacional de la Empresa Privada-ANEP), Alameda Roosevelt 2827, San Salvador, El Salvador.

D. (6) $3,000. E. (9) $128.09.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.

B. North American Car Corp., 222 South Riverside Plaza, Chicago, Ill. 60606.

D. (6) $12,500. E. (9) $282.50.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.

B. Western Radiological Group, Armacost Management Services, Inc., 2044 Armacost Avenue NW., Los Angeles, Calif. 90025.

A. David Blatt, Municipal Labor Committee, 818 18th Street NW., Suite 750, Washington, D.C. 20006.

B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $6,508.01. E. (9) $2,802.93.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $16,380. E. (9) $1,779.86.

A. Richard W. Bliss, 1899 L Street NW., 12th Floor, Washington, D.C. 20036.

B. New England Electric System, 25 Research Drive, Westborough, Mass. 01581.

D. (6) $750. E. (9) $58.50.

A. Richard W. Bliss, 1899 L Street NW., 12th Floor, Washington, D.C. 20036.

B. SUNEDCO, 12700 Park Central Place, Dallas, Tex. 75251.

D. (6) $1,800. E. (9) $355.60.

A. Jerald Blizin, Hill and Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. L. Thomas Block, Irving Trust Company, One Wall Street, New York, N.Y. 10015.
B. Irving Trust Company, One Wall Street, New York, N.Y. 10015.
D. (6) $800. E. (9) $620.

A. Peter L. Blocklin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $220.

A. H. E. Blomgren, National Manufactured Housing Federation, 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.
B. National Manufactured Housing Federation, 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.
D. (6) $19,334.

A. Douglas M. Bloomfield, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $11,250.

A. Mark Bloomfield, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,250.

A. Jack A. Blum, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $10,000. E. (9) $735.

A. Jared O. Blum, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $191.36.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Alden Corrugated Container Corp., 1 Church Street, New Bedford, Mass. 02741.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. J & J Corrugated Box Corp., 350 North Main Street, Fall River, Mass. 02720.

A. Albert H. Blumenthal, 40 West 57th Street, New York, N.Y. 10019.
B. Phillips, Nizer, Benjamin, Krim & Ballon, 40 West 57th Street, New York, N.Y. (for American Bobst Holdings, Inc.).
D. (6) $877.50. E. (9) $126.50.

A. Wayne F. Boan, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Boat Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $11,200. E. (9) $9,565.83.

A. Robert S. Boege, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. Helen Bogolubov, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $375.

A. Robert Z. Bohan, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $168.53. E. (9) $19.50.

A. Patricia M. Boinski, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Robert J. Bogler, National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
B. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
D. (6) $1,650.

A. Jeffrey W. Bolotin, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. RCA Global Communications, Inc., 60 Broad Street, New York, N.Y.

A. Bernadette Bolton, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.
D. (6) $300.

A. M. Warren Bolton, 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $500.

A. L. H. Bonin, Jr., Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $2,400.

A. Jay Bonitt, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $350.

A. Sharon Lee Bonitt, Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. 2463, Houston, Tex. 77001.
D. (6) $500.

A. Boothe, Prichard & Dudley, 4103 Chain Bridge Road, Fairfax, Va. 22030.
B. Vulcan Materials Co., One Metroplex, P.O. Box 7497, Birmingham, Ala. 35209.

A. Edward T. Borda, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. Laurence D. Bory, 1015 15th Street NW., Suite 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., Suite 802, Washington, D.C. 20005.
D. (6) $750.

A. G. Stewart Boswell, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $3,750. E. (9) $143.99.

A. Charles G. Botsford, The Botsford Co., 1730 M Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $112.

A. A. D. Bourland, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,453.51.

A. Frank J. Bowden, Jr., Associated Petroleum Industries of Pennsylvania, P.O. Box 925, Harrisburg, Pa. 17108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Robert R. Bowers, West Virginia Petroleum Council, Suite 714, Atlas Building, Charleston, W. Va. 25301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $360. E. (9) $318.46.

A. Deborah Bowker, National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.
B. National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $2,884.62.

A. Edward L. Bowley, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $11,559.60. E. (9) $1,436.23.

A. Joan Costain Bowyer, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $150.

A. David Boxer, 800 21st Street NW., No. 424 Marvin Center, Washington, D.C. 20052.
B. George Washington University Student Association, 800 21st Street NW., No. 424 Marvin Center, Washington, D.C. 20052.

A. Elisa Boyd, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Boma International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $3,200. E. (9) $4.50.

A. John G. Boyd, IBM, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $307.20. E. (9) $61.23.

A. Stephen S. Boynton, American Fur Industry, 1901 North Fort Myer Drive, Suite 1204, Arlington, Va. 22209.
B. American Fur Industry, 101 West 30th Street, New York, N.Y. 10001.
D. (6) $1,700.

A. Margueritte Bracy, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $6,499.64. E. (9) $134.20.

A. Cynthia H. Braddon, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

A. Robert E. Bradford, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Frank W. Bradley, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Gene M. Bradley, The Boeing Co., 1700 North Moore Street, 20th Floor, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $224. E. (9) $69.50.

A. Wayne W. Bradley, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $500. E. (9) $18.50.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,000.

A. Raymond F. Bragg, Jr., American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Assocination, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $100.

A. Stuart J. Brahs, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
D. (6) $348.01.

A. S. Gail Bramblett, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street, Washington, D.C. 20036.
D. (6) $1,689.80. E. (9) $70.50.

A. Robert M. Brandon, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
B. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue, NW., Room 401, Washington, D.C. 20036.
D. (6) $1,850. E. (9) $75.

A. T. Edward Braswell, Jr., National Association of Service Contractors, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. National Association of Service Contractors, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
E. (9) $235.

A. T. Edward Braswell, Jr., Corcoran, Youngman & Rowe, 1511 K Street NW. No. 1100, Washington, D.C. 20005.
B. Newport News Shipbuilding & Drydock Co., 4101 Washington Avenue, Newport News, Va. 23607.
D. (6) $3,750.

A. Peter Elliott Braveman, 500 Newport Center Drive, Suite 555, Newport Beach, Calif.
B. Loeb and Loeb (for Joan Irvine Smith), 1 Wilshire Boulevard, 16th Floor, Los Angeles, Calif. 90017.
D. (6) $9,375. E. (9) $1,550.

A. Edward T. Breathitt, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000 North, Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000 North, Washington, D.C. 20036.
B. RCA Global Communications, Inc., 60 Broad Street, Room 700, New York, N.Y. 10004.
D. (6) $1,125. E. (9) $84.09.

A. Breed, Abbott & Morgan, 1875 Eye Street NW., Washington, D.C. 20006.
B. Lasker, Stone & Stern, 20 Broad Street, New York, N.Y.

A. Breed, Abbott & Morgan, 1875 Eye Street NW., Suite 1000, Washington, D.C. 20006.
B. The Lefrak Organization, 97–77 Queens Boulevard, Forest Hills, N.Y.
D. (6) $15,000. E. (9) $11.50.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $800.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Car Rental Association (ARCA), 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Committee for Effective Tax Incentives, 1634 I Street NW., 8th floor, Washington, D.C. 20006.
D. (6) $2,000.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Hilton International, Inc., 301 Park Avenue, New York, N.Y. 10022.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Trans World Airlines, 1000 16th Street NW., Suite 704, Washington, D.C. 20036.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Truck Renting and Leasing Association (TRALA), 1750 Pennsylvania Avenue, Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C.

A. Edward J. Brenner, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

A. Miles H. Bresee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. John B. Brewer, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Mover Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
D. (6) $154.31.

A. Carolyn Brickey, 215 Pennylvania Avenue SE., Wahington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue, SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Bill Brier, 1850 K Street NW., Suite 550, Washington, D.C. 20006.
B. CF Industries, Inc. and Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500. E. (9) $21.40.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,406.25. E. (9) $445.

A. Ellen Broadman, Consumers Union, 511 K Street NW., Suite 1033, Washington, D.C. 20005.
B. Consumers Union, 256 Washington Street, Mount Vernon, N.Y. 10550.

A. Lawrence P. Brodie, 6700 Sorrell Street, McLean, Va. 22101.
B. Icicle Seafoods, Inc., 4241 21st Street, Seattle, Wash. 98199.
D. (6) $1,125. E. (9) $41.45.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 823 UN Plaza, New York, N.Y. 10017.
D. (6) $1,725.

A. Michael D. Bromberg, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Henry W. Brook, Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

A. Dale E. Brooks, Chevron U.S.A. Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

B. Chevron U.S.A. Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. E. R. Brooks, P.O. Box 841, Abiliene, Tex. 79604.
B. West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604
E. (9) $1,182.

A. Phillip W. Brooks, Volunteer State Oil Committee, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,400. E. (9) $1,577.04

A. Carol L. Bros, National Women's Political Caucus, 1411 K Street NW., Suite 1110, Washington, D.C. 20005.
B. National Women's Political Caucus, 1411 K Street NW., Suite 1110, Washington, D.C. 2005.
D. (6) $2,717. E. (9) $79.50.

A. Timothy G. Brosnahan, Burson-Marsteller, 1800 M Street NW., Washington, D.C. 20036.
B. Gould, Inc., 1831 Chestnut Street, St. Louis, Mo. 63166.

A. Daniel T. Bross, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $986. E. (9) $514.21.

A. Donald G. Brotzman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,000.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.
B. Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $385. E. (9) $12.50.

A. Charles T. Brown, Cities Service Co., Box 100, Miami, Ariz. 85539.
B. Cities Service Co., Box 100, Miami, Ariz. 85539.

A. David S. J. Brown, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $265.60.

A. Diane V. Brown, 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $750. E. (9) $475.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $300.

A. Jesse B. Brown, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $293.70.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Michael F. Brown, American Frozen Food Institute, 1919 Pennsylvania Avenue NW., No. 603, Washington, D.C. 20006.
B. American Frozen Food Institute, Inc., 1700 Old Meadow Road, McLean, Va. 22102.

A. Shirle Brown, SLB Enterprises, P.O. Box 663, G.P.O., New York, N.Y. 10016.
B. SLB Enterprises, P.O. Box 663, G.P.O. New York, N.Y. 10016.

A. Theoran Brown, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,265.

A. Thomas C. Brown, Jr., 1019 19th Street NW., Suite 910, Washington, D.C. 20036.
B. Sperry Corp., 1019 19th Street NW., Suite 910, Washington, D.C. 20036.

A. Vincent D. Brown, Nebraska Petroleum Council, P.O. Box 95063, 334 South 13th Street, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $898.44. E. (9) $413.26.

A. Thomas H. Brownell, P.O. Box 3999, M/S: 8F-77, Seattle, Wash. 98124.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $126. E. (9) $378.17

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Canadian Financial Corp., 2030 Northwestern Financial Center, 7900 Xerxes Avenue South, Minneapolis, Minn. 55431.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Foodservice Manufacturers Association, 875 North Michigan Avenue, Chicago, Ill. 60611.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis. 53201.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. National Corporation for Housing Partnerships, 1133 15th Street NW., Eighth Floor, Washington, D.C. 20005.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. National Housing Rehabilitation Association, 1300 19th Street NW., Suite 310, Washington, D.C. 20036.

A. Richard L. Brubacher, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000. E. (9) $732.20.

A. James W. Bruner, Jr., League to Save Lake Tahoe, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
B. League to Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
D. (6) $7,980. E. (9) $953.

A. Kathryne M. Bruner, General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $700. E. (9) $35.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $3,000. E. (9) $359.25.

A. Robert O. Brunner, National Retired Teachers Association/American Association of Retired Persons; 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $314.32. E. (9) $13.65.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Harvey F. Brush, 2006 Washington Street, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Garry B. Bryant, 806 15th Street NW., Suite 600, Washington, D.C. 20005.
B. Migrant Legal Action Program, Inc., 806 15th Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $5,940.70. E. (9) $1,200.43.

A. Margaret H. Bryant, American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $250.

A. Ronald B. Buckhalt, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street NW., Washington, D.C. 20005.
D. (6) $1,600.

A. Robert D. Buehler, BF Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. The BF Goodrich Co., Akron, Ohio 44318.
D. (6) $400.

A. Douglas W. Bulcao, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.
D. (6) $1,008. E. (9) $24.75.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corporation, 959 Eighth Avenue, New York, N.Y. 10019.
D. (6) $900.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $4,000.

A. David A. Bunn, Parcel Shippers Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Shippers Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Susan K. Bunning, 1107 W. Galbraith, Cincinnati, Ohio 45231.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $167.50.

A. Lawrence E. Burch, 1735 Jefferson Davis Highway, No. 903, Arlington, Va. 22202.
B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, No. 903, Arlington, Va. 22202.

A. Norman D. Burch, College of Am. Pathologists, 1333 New Hampshire Avenue NW., Suite 520, Washington, D.C. 20036.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60077.
D. (6) $5,220. E. (9) $64.

A. David G. Burden, 200 East Randolph Drive, Chicago, Ill. 60601.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. Paul F. Burdett, 10 Emerson Court, Severna Park, Md. 21146.
B. Richardson-Merrell, Inc., 10 Westport Road, Wilton, Conn. 06897.
E. (9) $45.

A. Burke & Burke, 529 Fifth Avenue, New York, N.Y. 10017.
B. J. Reynolds Barnes (for Eleanor A. Clark); John Poinier (for Helen W. Halbach) et al.
D. (6) $14,000. E. (9) $456.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $5.88.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C.
D. (6) $24,250. E. (9) $909.52.

A. Phillip C. Burnett, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $426.14. E. (9) $56.50.

A. Mahlon A. Burnette III, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. David G. Burney, United States Tuna Foundation, Suite 208, 2040 Harbor Island Drive, San Diego, Calif. 92101.
B. United States Tuna Foundation, 2040 Harbor Island Drive, Suite 208, San Diego, Calif. 92101.
D. (6) $6,000. E. (9) $3,000.

A. Charles S. Burns, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200.

A. Gerrie Bjornson Burns, B. F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $100.

A. Timothy F. Burns, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $300.

A. Theresa Ann Burt, 1010 Vermont Avenue, NW., Washington, D.C. 20005.
B. OPERA America, 1010 Vermont Avenue NW., Washington, D.C. 20005.
D. (6) $4,935.93. E. (9) $1974.93.

A. Busby, Rehm & Leonard, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Ad Hoc Committee of Lead Consumers, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
D. (6) $600. E. (9) $19.04.

A. Nicholas J. Bush, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $456.66.

A. Robert W. Busha, 6811 Kenilworth Avenue, Riverdale, Md. 20840.
B. National Asphalt Pavement Association, 6811 Kenilworth Avenue, Riverdale, Md. 20840.

A. Bushnell, Gage, Reizen & Byington, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.
B. Reynolds Barnes (for Eleanor A. Clark) 111 American Bank Building, 621 Southwest Morrison Street, Portland, Oreg. 97205.
D. (6) $4,030. E. (9) $26.

A. Bushnell, Gage, Reizen & Byington, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.
B. Consumer Solar Electric Power Corp., 11260 Overland Avenue, Culver City, Calif. 90230.
D. (6) $300. E. (9) $25.

A. Bushnell, Gage, Reizen & Byington, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.
B. Formaldehyde Institute, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.
D. (6) $300. E. (9) $25.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $87. E. (9) $522.65.

A. Business Products Council Association, P.O. Box 35047, Fayetteville, N.C. 28303.

A. James J. Butera, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $3,343.75. E. (9) $1,634.05.

A. John W. Butler, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. John W. Byrnes, Foley, Larder, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Larder, Hollabaugh & Jacobs (for American Family Mutual Insurance Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Insurance Association of Connecticut), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John F. Byset, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. Amex Commodities Exchange, Inc., 86 Trinity Place, New York, N.Y. 10006.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., No. 700, Washington, D.C. 20036.
B. Mocatta Metals Corp., 4 World Trade Center, No. 5200, New York, N.Y. 10048.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $165.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. United States and Overseas Employees Tax Fairness Committee, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $475. E. (9) $80.

A. Morrison Cain, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $6,250.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., One Market Plaza, San Francisco, Calif. 94119.
D. (6) $1,000. E. (9) $50.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Quality Care Inc., 100 North Centre Street, Rockville Centre, N.Y. 11570.

A. California Synfuels Corp., Union Bank Tower, Suite 614, 21515 Hawthorne Boulevard, Torrance, Calif. 90503.
D. (6) $25,350. E. $5,614.74.

A. Peter E. Callahan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Honeywell Inc., Honeywell Plaza, Minneapolis, Minn. 55408.
D. (6) $700. E. (9) $260.

A. Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
E. (9) $5,566.

A. Gordon L. Calvert, Box 34-531, Washington, D.C. 20034.
B. Commercial Collection Agency Section, Commercial Law League of America, 222 West Adams Street, Chicago, Ill. 60606.
D. (6) $2,000. E. (9) $21.

A. Victoria R. Calvert, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,324.

A. C. Russell Campbell, Jr., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. General Telephone & Electronics Corp., 1 Stamford Forum, Stamford, Conn. 06904.

D. (6) $1,000.

A. Carl C. Campbell, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $340.91.

A. Jerry L. Campbell, 831 Chestnut Street, Chattanooga, Tenn. 37402.

B. Tennessee Valley Public Power Association, 831 Chestnut Street, Chattanooga, Tenn. 34702.

A. Thomas D. Campbell, 1000 16th Street NW., Suite 500, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

D. (6) $1,500. E. (9) $201.95.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.

B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.

D. (6) $522. E. (9) $505.25

A. Robert P. Canavan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,592.40. E. (9) $60.

A. Sharon M. Canavan, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $3,375.

A. Paul W. Cane, 5 Corte Alegra, Greenbrae, Calif. 94904.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

E. (9) $75.

A. David L. Cantor, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.

D. (6) $175.50. E. (9) $39.45.

A. Capital Advocates, 1127 11th Street, Sacramento, Calif., 95814.

B. Mission Viejo, Aliso Biejo, 26137 La Paz Road, Mission Viejo, Calif., et al.

D. (6) $10,815.

A. Marvin H. Caplan, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $6,363.50. E. (9) $303.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.

B. Public Broadcasting Communications, Inc., 304 West 58th Street, New York, N.Y. 10019.

E. (9) $540.15.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.

B. Council of European — Japanese National Shipowners' Association, 30/32 St. Mary Avenue, London, EC3A 8ET England.

D. (6) $8,400. E. (9) $249.66.

A. Charles E. Capron, 2401 Calvert Street NW., No. 905, Washington, D.C. 20008.

A. Arnold P. Caputo, National Concrete Masonry Association, 1920 Hopewood Drive, Falls Church, Va. 22043.

B. National Concrete Masonry Association, 2302 Horse Pen Road, Herndon, Va. 22070.

D. (6) $170. E. (9) $145.

A. Isaac R. Caraco, 4532 Park Monaco, Calabasas Park, Calif. 92302.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Denise A. Cardman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Norval E. Carey, General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.

B. General Atomic Co., San Diego, Calif.

D. (6) $2,137. E. (9) $298.71.

A. Warren H. Carey, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.

B. Phillips Petroleum Co., Bartlesville, Okla.

A. David Carley, 955 L'Enfant Plaza SW., Suite 7200, Washington, D.C. 20024.

B. National Association for Public Television Stations, 955 L'Enfant Plaza SW., Suite 7200, Washington, D.C. 20024.

D. (6) $250. E. (9) $30.

A. Peter Carlson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,375.

A. Daniel P. Carmichael, Eli Lilly & Co., 1901 L Street, NW., Washington, D.C. 20036.

B. Eli Lilly & Co., 307 E. McCarty Street, Indianapolis, Ind. 46285.

D. (6) $3,000. E. (9) $402.73.

A. Thomas H. Carmody, Blue Ribbon Sports, Inc., 507 2d Street NE., Washington, D.C. 20002.

B. Blue Ribbon Sports, Inc., 3900 SW., Murray Boulevard, Beaverton, Oreg. 97005.

D. (6) $2,500. E. (9) $1,300.

A. Anthony P. Carnevale, American Federation of State County, and Municipal Employees, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County, and Municipal Employees, 1625 L Street NW., Washington, D.C. 20036.

A. Chapin Carpenter, Jr., Magazine Publishers Association, 1629 K Street NW., No. 603, Washington, D.C. 20006.

B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $1,500.

A. Jack M. Carpenter, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

D. (6) $65.78. E. (9) $32.60.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,884.80. E. (9) $179.50.

A. John R. Carson, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

D. (6) $8,000.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $1,875.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Donato Caruso, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. David H. Casey, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $6,175. E. (9) $2,445.90.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Amfac Nurseries, Inc., 121 South Hill Drive, Brisbane, Calif. 94005.

D. (6) $1,500. E. (9) $294.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Belle Fourche Irrigation District, Newell, S.D. 57760.

D. (6) $2,000. E. (9) $263.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. C&B Cattle Co., Route 1, Box 223, Hansen, Idaho 83334.

D. (6) $2,000. E. (9) $264.

A. Jim Casey, 1629 K Street, Suite 800, Washington, D.C. 20006.

B. Committee on Power for the Southwest, Inc., 400 South Broadway, Suite 3, Edmond, Okla. 73034.

D. (6) $2,000. E. (9) $263.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Garrison Diversion Conservancy District, P.O. Box 140, Carrington, N. Dak.

D. (6) $900. E. (9) $131.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Salt River Valley Water User's Association, P.O. Box 1980, Phoenix, Ariz. 85001.

D. (6) $2,500. E. (9) $351.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Twin Falls Canal Co., P.O. Box 326, Twin Falls, Idaho 83301.

D. (6) $5,400. E. (9) $753.

A. John S. Casey, P.O. Box 266, Heflin, Ala. 36264.

B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $86.15.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 North Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $9,667.29. E. (9) $164.10.

A. Daniel J. Cassidy, 1001 Connecticut Avenue NW., No. 1120, Washington, D.C. 20036.

B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Gerald S. J. Cassidy, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.

B. Boston University, 147 Bay State Road, Boston, Mass. 02215.

D. (6) $312.50. E. (9) $6.50.

A. Gerald S. J. Cassidy, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.

B. Tufts University, Medford, Mass. 02155.

D. (6) $125. E. (9) $10.

A. Gerald S. J. Cassidy, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW. (Suite 1401), Washington, D.C. 20024.

B. National Frozen Food Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $100. E. (9) $3.50.

A. John J. Castellani, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $621. E. (9) $18.

A. Joseph E. Cavanagh. International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $2,675.

A. Frank R. Cawley, Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.

B. Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street, NW., Washington, D.C. 20036.

D. (6) $3,250.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. Grumman Corp., 1600 Wilson Boulevard, Arlington, Va.

D. (6) $1,500.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. Martin-Marietta Corp., Rockville, Md.

D. (6) $1,200.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. RCA, 1901 North Moore Street, Arlington, Va.

D. (6) $1,000.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

B. United Technologies, 1125 15th Street NW., Washington, D.C.

D. (6) $1,200.

A. Central Lincoln People's Utility District, 255 Southwest Coast Highway, Newport, Oreg. 97365.

E. (9) $1,935.20.

A. Central States Resource Center, P.O. Box 477, Urbana, Ill. 61801.

D. (6)) $9,892.63. E. (9) $3,653.19.

A. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

E. (9) $2,000.

A. Owen R. Chaffee, 203 Yoakum Parkway, No. 1012, Alexandria, Va. 22304.

B. Manufactured Housing Institute, 1746 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $1,000. E. (9) $120.

A. Henry Chajet, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

D. (6) $131.88. E. (9) $48.45.

A. R. S. Chamberlin, Dow Chemical U.S.A., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

D. (6) $700. E. (9) $745.

A. John A. Chambers, Satra Corp., 1050 17th Street NW., Suite 680, Washington, D.C. 20036.

B. Satra Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $3,200. E. (9) $800.

A. Thomas Champion, 1111 19th Street NW., Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1365. E. $330.41.

A. Ed Chandler, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

D. (6) $3,750. E. (9) $500.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1575 I Street NW., Washington, D.C. 20005.

B. York Division, Borg-Warner Corp., South Richland Avenue, York, Pa. 17405.

E. (9) $5.10.

A. W. C. Chapman, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $3,897.85.

A. John E. Chapoton. 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Belco Petroleum Corp., Dag Hammarskjold Plaza, New York, N.Y. 10017).

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002).

E. (9) $377.13.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Mid-Continent Oil and Gas Association, 1800 K Street NW., Suite 620, Washington, D.C. 20006.

E. (9) $44.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Petroleum Equipment Suppliers Association, 1703 First City National Bank Building, Houston, Tex. 77002).

A John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Quintana Petroleum Corp., 500 Jefferson, Houston, Tex. 77002).

A. Leslie Cheek III, Crum & Forster Corp., 1120 Connecticut Avenue NW., Suite 1142, Washington, D.C. 20036.

B. Crum & Forster Corp., Madison Avenue at Canfield Road, P.O. Box 2387, Morristown, N.J. 07960.

D. (6) $14,500. E. (9) $819.86.

A. Jane Cheever, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Jane Cheever, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E.(9) $3,000.

A. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue, NW., Washington, D.C. 20036.

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. David L. Chew, 1615 H Street NW., Washington, D.C. 20062.

B. Citizen's Choice, 1615 H Street, Washington, D.C. 20062.

D. (6) $3,000. E. (9) $72.65.

A. Children's Rights, Inc., 3443 17th Street NW., Washington, D.C. 20010.

D. (6) $257.15. E. (9) $260.44.

A. Phillip R. Chisholm, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20036.

B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20036.

D. (6) $6,125. E. (9) $475.10.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

E. (9) $9,481.59.

A. Donald T. Chunn, Route 2, Box 89, Columbia, Tenn. 38401.

B. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

E. (9) $452.85.

A. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.

B. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.

D. (6) $1,925. E. (9) $1,925.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite No. 151, Bellevue, Wash. 98004.

D. (6) $188,163.09. E. (9) $21,596.

A. Citizens for Government Fairness, P.O. Box 1336, Brawley, Calif. 92227.

D. (6) $40,993. E. (9) $77,669.86.

A. Citizens for Management of Alaska Lands, Inc., 840 K Street, Suite No. 205, Anchorage Alaska 99501.

D. (6) $109,136.17. E. (9) $133,176.96.

A. Norman M. Clapp, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

D. (6) $4,050. E. (9) $25.19.

A. Anne Harrison Clark, Population Resource Center, 110 Maryland Avenue NE., Washington, D.C. 20002.

B. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.

D. (6) 2,031. E. (9) $372.

A. James W. Clark, Jr., American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, 395 Orchard Street, Antioch, Ill. 60002.

D. (6) $45.06. E. (9) $52.15.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 776 14th Street NW., Washington, D.C. 20005.

D. (6) $87.60.

A. Vernon A. Clark, 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $750. E. (9) $280.

A. Donald M. Clarke, International Harvester Co., 1707 L Street NW., Washington, D.C. 20036.

B. International Harvester Co., 1707 L Street NW., Washington, D.C. 20036.

D. (6) $1,250. E. (9) $291.21.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Industrial Health Council, 1065 Central Park Avenue, Scarsdale, N.Y. 10583.

D. (6) $150. E. (9) $5.10.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Columbia Nitrogen Corp., P.O. Box 1483, Augusta, Ga. 30903 and Nipro, Inc., P.O. Box 1483, Augusta, Ga. 30903.

D. (6) $375. E. (9) $21.55.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Securities Clearing Corp., 55 Water Street, New York, N.Y. 10041.

E. (9) $714.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Sporting Arms & Ammunition Manufacturers Institute, 420 Lexington Avenue, New York, N.Y. 10017.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

A. Ronald D. Clements, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,525. E. (9) $425.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

D. (6) $2,920. E. (9) $730.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwwich, Conn. 06830.

D. (6) $900. E. (9) $270.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Tour Brokers Association, Inc., 120 Kentucky Avenue, Lexington, Ky. 40502.

E. (9) $16.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Dexanne B. Clohan, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $1,112.05.

A. Coalition for Full Nuclear Accountability, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $13,221.27. E. (9) $13,221.27.

A. Coalition of Automotive Associations, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.

D. (6) $5,800. E. (9) $6,456.33.

A. Coan, Couture & Lyons, 1625 I Street NW., Washington, D.C. 20006.

B. Maryand Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $158. E. (9) $5.50.

A. Coast Action, 918 F Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $2,557.65. E. (9) $2,557.65.

A. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $5,834.16. E. (9) $5,834.16.

A. Thomas B. Coates, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Richard B. Cobb, Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

E. (9) $52.26.

A. John J. Coffey, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $650.

A. Don V. Cogman, MAPCO Inc., 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.

B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

D. (6) $3,750. E. (9) $204.75.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $11,750. E. (9) $771.11.

A. Cohen & Uretz, 1775 K Street NW., 4th floor, Washington, D.C. 20006.

B. Contract Staffing of America, Inc., 17601 East 17th Street, Tustin, Calif. 92680.

E. (9) $16.34.

A. Cohen & Uretz, 1775 K Street NW., 4th floor, Washington, D.C. 20006.

B. Estate of Sylvia S. Buring, 1837 Harbor Avenue, Memphis, Tenn. 38113.

E. (9) $306.93.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.

B. Northwest Energy Co., 315 East Second South, Salt Lake City, Utah 84111.

D. (6) $17,092.50. E. (9) $722.21.

A. Cohen & Uretz, 1775 K Street NW., 4th floor, Washington, D.C. 20006.

B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33138.

D. (6) $12,515. E. (9) $97.76.

A. Herbert B. Cohn, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.

B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.

D. (6) $176.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.

B. American Petroleum Refiners Association, Ring Building, Washington, D.C. 20036.

E. (9) $16.05.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.

B. Council of American Chambers of Commerce—Europe and Mediterranean.

E. (9) $12.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.

B. Lubar & Youngstein, 29 St. John Street, London SWIA 1HB England.

E. (9) $121.36.

A. E. William Cole, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

D. (6) $600. E. (9) $80.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

D. (6) $1,000.

A. Ken W. Cole, Amoco Public and Government Affairs, P.O. Box 3092, Houston, Tex. 77001.

B. Standard Oil Co. (Indiana), 200 East Randolph Street, Chicago, Ill. 60601.

A. Robert E. Cole, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 1660 L Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $558.50.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Cardio Pulmonary Contractors Association, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $3,000.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Truck Stop Operators, P.O. Box 1285, Alexandria, Va. 22313.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. National Pharmaceutical Alliance, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $7,500.

A. Calvin J. Collier, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

A. Calvin J. Collier, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John M. Collier, 4436 Perrier Street, New Orleans, La. 70115.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $9,131.04.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Ferrous Scrap Consumers Coalition, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Republic of China, Taipei, Taiwan.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Tool & Stainless Steel Industry Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Bruce D. Collins, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C 20006.
D. (6) $412.50.

A. Charles P. Collins, ICX Aviation, Inc., 1101 Connecticut Avenue NW., Suite 705, Washington D.C. 20036.
B. ICX Aviation, Inc., 1101 Connecticut Avenue NW., Suite 705, Washington, D.C. 20036.

A. George R. Collins, IUE–AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
B. IUE–AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $300.

A. Mary M. Collins, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Robert B. Collyer, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
D. (6) $1,000.

A. Colorado Railroad Association, 425 Denver Club Building, Denver, Colo. 80202.

A. W. Kent Combs, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $1,477.22. E. (9) $218.13.

A. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.
D. (6) $607. E. (9) $607.

A. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $5,608.16. E. (9) $5,608.16.

A. Committee for Effective Tax Incentives, One Farragut Square, Eighth Floor, Washington, D.C. 20006.
E. (9) $2,000.

A. Committee For Equality Of Citizens Before The Courts, 3401 West Division Street, Chicago, Ill. 60651.
E. (9) $100.

A. Committee for Humane Legislation, Inc., 2101 L Street NW., Washington, D.C. 20037, 11 W 60th Street, New York N.Y. 10023.
D. (6) $9,996.06. E. (9) $15,657.69.

A. Committee for Limit of Oil Import, 400 Newport Center Drive, No. 508, Newport Beach, Calif. 92660.

A. Committee of Urban Program Universities, 1300 19th Street NW., Number 220, Washington, D.C. 20036.
D. (6) $28,500. E. (9) $9, 483.41.

A. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $16,000.

A. Committee to Safeguard Prisoners Rights, No. 283650 Ellis Unit, Huntsville, Tex. 77340.
D. (6) $25. E. (9) $25.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,538,805.68. E. (9) $322,123.01.

A. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
E. (9) $269.64.

A. Lance Compa, United Electrical, Radio & Machine Workers of America, 1411 K Street NW., Suite 410, Washington, D.C. 20005.
B. United Electrical, Radio & Machine Workers of America, 11 East 51 Street, New York, N.Y. 10022.
D. (6) $4,248.32. E. (9) $97.50.

A. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.
D. (6) $6,986. E. (9) $5,938.50.

A. Edward C. Cone, Jr., P.O. Box 1606, Forest Park, Ga. 30050.
B. Southeastern Lumber Manufacturers Association, P.O. Box 1606, Forest Park, Ga. 30050.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $2,700.

A. Congress Watch, 215 Penn. Ave. SE., Washington, D.C. 20003.
D. (6) $29,036. E. (9) $29,036.

A. Raymond F. Conkling, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $250.

A. Robert J. Conner, Chrysler Corp. 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $500. E. (9) $748.70.

A. Albert J. Conners, Air Force Sergeants Association, 5211 Auth Road, Camp Springs, Md. 20023.
B. Air Force Sergeants Association, 5211 Auth Road, Camp Springs, Md. 20023.

A. John J. Connolly, American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $1,000.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Consolidated Edison Co. of New York, 4 Irving Place, New York, N.Y. 10003.
E. (9) $447.50.

A. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,500.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $16,322.

A. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo No. 925, 5 piso, Mexico, D.F., Mexico.

A. Consumer Energy Council of America, 1990 M Street NW., Suite 620, Washington, D.C. 20036.
E. (9) $9.15.

A. Consumers Union of U.S., Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.
E. (9) $9,579.30.

A. The Continental Group, Inc., 1 Harbor Plaza, Stamford, Conn. 06902.
E. (9) $458.43.

A. Contract Carrier Conference of American Trucking Associations, Inc., 1730 Rhode Island Avenue NW., Suite 801, Washington, D.C. 20036.
D. (6) $250.

A. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
E. (9) $1,323.72.

A. John T. Conway, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $7,875. E. (9) $963.42.

A. Alexandra W. Cook, EDS Corp., 229 Pennsylvania, Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue, SE., Washington, D.C. 20003.
D. (6) $515.03. E. (9) $470.66.

A. Charles F. Cook, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $692.28. E. (9) $57.50.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $450.

A. K. Richard Cook, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike Fairfield, Conn. 06431.
D. (6) $475.

A. Cook, Purcell, Hansen, & Henderson, 1015 18th Street NW., 11th Floor, Washington, D.C. 20036.
B. American Motorcycle Association, P.O. Box 141, Westerville, Ohio 43081.
D. (6) $341.25.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., 11th Floor, Washington, D.C. 20036.
B. B.A.T. Industries, Ltd., P.O. Box 345, Windsor House, 50 Victoria Street, London SWIH ONL, England.
D. (6) $31,525.00. E. (9) $133.82.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Board of Trade of Kansas City, Missouri, Inc., Kansas City, Mo. 64112.
D. (6) $8,108.24. E. (9) $657.44.

A. Cook, Purcell, Hansen & Henderson, Suite 1100, 1015 18th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $750.00.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., 11th Floor, Washington, D.C. 20036.
B. Harley Davidson Motor Company, Inc., P.O. Box 652, Milwaukee, Wis. 53201.
D. (6) $175.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.
D. (6) $9,143.59. E. (9) $2,322.06.

A. Eileen D. Cooke, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 E. Huron Street, Chicago, Ill. 60611.
D. (6) $1,062.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Benjamin Y. Cooper, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $3,500.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Janet Cooper, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $897.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Porstmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $2,800. E. (9) $859.88.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 W. Hastings Street, Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $9,000.

A. Cooperative League of the USA, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $14,120. E. (9) $13,446.

A. Darrell Coover, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $212.

A. Ann G. Corcoran, 12002 Glen Road, Potomac, Md. 20854.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $5,234.10. E. (9) $1,561.

A. John F. Corcoran, 920 15th Street NW., Southern Railway Co., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Samuel C. Corey, 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Samuel C. Corey, Jr., 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Bennett J. Corn, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Corn Refiners Association, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,206. E. (9) 1,528.

A. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.
E. (9) $837.56.

A. Donald E. Cornett, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Richard L. Corrigan, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $875.

A. Alfred W. Cors, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $536. E. (9) $61.08.

A. Glen S. Corso, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1215 15th Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $108.

A. R. H. "Dick" Cory, 1510 American Bank Tower, Austin, Tex. 78701.
B. Central and South West Services, Inc., 1 Main Place, Suite 2700, Dallas, Tex. 75250
D. (6) $1,157. E. (9) $649.19.

A. John E. Cosgrove, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,768.12.

A. Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

A. Clark R. Cosse III, 5644 Hawthorne Place, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $7,750.02.

A. James R. Costello, Jr., American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $33.75.

A. Michael E. Costello, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $500.40.

A. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
E. (9) $1,141.22.

A. Paul J. Coughlin, Jr., Union Pacific Corp., 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $1,250. E. (9) $135.

A. Craig A. Coulter, Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

A. Council for a Competitive Economy, 410 First Street SE., Washington, D.C. 20003.
D. (6) $3,043. E. (9) $3,605.52.

A. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
E. (9) $11,113.71.

A. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $3,922. E. (9) $499.

A. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $601.99 E. (9) $612.04.

A. James H. Cousins, Sr., National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $2,000.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Association of Oral & Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $8,250. E. (9) $10.50.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Watch Association, 10 East 40th Street, New York, N.Y. 10016.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
D. (6) $200.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99510.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Hondaille Industries, Inc., One Financial Plaza, Fort Lauderdale, Fla. 33394.
D. (6) $5,142.50.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Interbank Card Association, 888 7th Avenue, New York, N.Y. 10019.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Armonk, N.Y. 10504.
E. (9) $140.79.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $30,000. E. (9) $134.82.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., One Wall Street, New York, N.Y. 10015.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Lydall, Inc., 615 Parker Street, Manchester, Conn. 06040.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Committee for Limited Profit Housing, c/o HHH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Hugo Neu, 380 Madison Avenue, New York, N.Y. 10017.
D. (6) $17,500.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. New York State Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SE., Washington, D.C. 20024.

A. Eugene S. Cowen, 2759 Unicorn Lane NW., Washington, D.C. 20015.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $42.50.

A. Cowper & Madison, 712 8th Avenue, Fairbanks, Alaska 99701.
B. State of Alaska.
D. (6) $3,910.26.

A. Archibald Cox, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,916.15. E. (9) $838.66.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.
D. (6) $235.50. E. (9) $508.78.

A. Eric Cox, 1011 Arlington Boulevard, W-219, Arlington, Va. 22209.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $756.

A. Cramer & Lipsen, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801; and Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.

A. William C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801; and Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.

A. Charles S. Crawford, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. William D. Crawford, Brotherhood Railway Carmen of the U.S. and Canada, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the U.S. and Canada, 4929 Main Street, Kansas City, Mo. 64112.
D. (6) $2,031.96.

A. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $742.46.

A. Aldene E. Creech, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $143.12.

A. Kathryn Hilton Creech, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $125.

A. Max Creinin, 6543 North Hoyne Avenue, Chicago, Ill. 60645.

A. Joseph M. Cribben, 6900 Valley Brook Drive, Falls Church, Va. 22042.
B. United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $30.

A. Byron M. Crippin, Jr., Geo. A. Hormel & Co., 303 20th Street SW., Austin, Minn. 55912.
B. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.
D. (6) $90. E. (9) $30.

A. Richard E. Cristol, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. Robert H. Kellen Co. for Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
D. (6) $403.

A. Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $400. E. (9) $261.25.

A. P. H. Croft, American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,450. E. (9) $172.64.

A. Robert W. Cromartie, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $50.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. General Electric Co., 777 14th Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $1,000. E. (9) $100.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Hughes Helicopters, 1140 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $100.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Motorola, Inc., 1766 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $50.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $1,000. E. (9) $100.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Vought Corp., 612, 1045 Jefferson Davis Highway, Alexandria, Va. 22202.
D. (6) $500. E. (9) $50.

A. Donald A. Crosier, Nebraska Petroleum Council, P.O. Box 95063, 334 South 13th Street, Lincoln, Nebr. 68509.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David T. Crow, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $5,000. E. (9) $2,759.14.

A. Jack Crowder, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.

D. (6) $2,000. E. (9) $32.35.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Associated Gas Distributors, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

D. (6) $250. E. (9) $20.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Communications Satellite Corp., 950 L'Enfant Plaza, SW., Washington, D.C. 20024.

D. (6) $437.50. E. (9) $20.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Commuter Airline Association of America, Inc., 1101 Connecticut Avenue NW. Washington, D.C. 20036.

E. (9) $2.80.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. David C. Crowley, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

D. (6) $450. E. (9) $25.

A. Kenneth R. Crowley, Suite 850, 2020 K Street NW, Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street, NW., Washington, D.C. 20006.

A. Cruise-A-Home—DBA Polaris Corp., 1028 Norton Avenue, Everett, Wash. 98201.

A. Anne M. Cullather, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $3,000. E. (9) $100.

A. Barry M. Cullen, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $75.

A. Culp, Dwyer, Guterson & Grader, 1300 Hoge Building, Seattle, Wash. 98104.

B. Pacific Northwest Utilities Conference Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.

D. (6) $38,586. E. (9) $16,782.86.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. John T. Curran, Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $12,075. E. (9) $612.30.

A. Carl T. Curtis, 1101 Connecticut Avenue, NW., Suite 800, Washington, D.C. 20036.

B. Greenfield Transport Co., Inc., P.O. Box 1235, Fort Dodge, Iowa 50501, et al.

D. (6) $571.10. E. (9) $102.42.

A. Carl T. Curtis, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Don Rich Co., 372 Franklin Avenue, Redlands, Calif. 92373.

E. (9) $8.10.

A. Henry G. Curtis, 2121 Fifth Avenue, Seattle, Wash. 98121.

B. Industrial Customers of BPA, 464 Lloyd Building, 700 Northeast Multnomah, Portland, Oreg. 97232.

D. (6) $275. E. (9) $797.98.

A. William K. Dabaghi, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,250.

A. Fred L. Dahl, 10808 South Glen Road, Potomac, Md. 20854.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. William Kay Daines, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $650. E. (9) $27.45.

A. Terese C. D'Alessio, Media General Inc., Room 402, 2020 North 14th Street, Arlington, Va. 22201.

B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.

D. (6) $50. E. (9) $64.90.

A. Donald W. Dalrymple, American Cyanamid Co., 1575 I Street NW., Suite 220, Washington, D.C. 20005.

B. American Cyanamid Co., (for Lederle Laboratories, Pearl River, N.Y. 10965), Wayne, N.J. 07470.

D. (6) $3,575. E. (9) $415.26.

A. James G. Dalton, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $2,000.

A. John M. Damgard, ACLI International Inc., 1735 I Street NW., Suite 716, Washington, D.C. 20006.

B. ACLI International Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Frank C. Damrell, Jr., 5900 Wilshire Boulevard, Suite 2600, Los Angeles, Calif. 90036.

B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

D. (6) $5,270. E. (9) $1,778.83.

A. Tracy Danese, P.O. Box 529100, Miami, Fla. 33152.

B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.

D. (6) $704.

A. John E. Daniel, Johns-Manville Corp., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Co., 80217.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.

B. Japan Lumber Importer's Association, Tokyo, Japan.

A. Dan Danner, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.

B. Armco, 1747 Pennsylvania Avenue NW, Suite 702, Washington, D.C. 20006.

D. (6) $300. E. (9) $225.46.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lakeside North Apartments Partnership, c/o Julian Kossow, Sarasota Bank Building, 1605 Main Street, Suite 810, Sarasota Fla.

D. (6) $1,104.50.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Population Crisis Committee, 1120 19th Street NW., Washington, D.C. 20036.

D. (6) $600.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.

D. (6) $700.

A. William H. Darden, 1620 I Street NW., Washington, D.C. 20006.

B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.

D. (6) $750. E. (9) $30.

A. Diane Davenny Darnelle, Schering-Plough Corp., 1100 17th Street, No. 1206, Washington, D.C. 20036.

B. Schering-Plough Corp., 2000 Galloping Hill Road, Kenilworth, N.J. 07033.

D. (6) $231. E. (9) $213.50.

A. F. Gibson Darrison, Jr., 4960 Sentinel Drive, No. 302, Summer, Md. 20016.

B. American Chiropractic Association, 2200 Grand Avenue, Des Moines, Ia.

A. Thomas Roger Dart, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $327.51. E. (9) $89.12.

A. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex.

E. (9) $27,978.11.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $8,125.

A. Philip J. Daugherty, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $6,376.50. E. (9) $226.63.

A. John B. Davenport, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $190.

A. Larry C. Davenport, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Rd., Suite 500-D, Atlanta, Ga. 30342.

D. (6) $567.

A. Daniel I. Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051. and the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Rosevill, Santa Clara, Ukiah, Calif., and associate member, Plumas-Sierra Rural Electric Cooperative.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $682.53. E. (9) $662.97.

A. Drew M. Davis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $669.03. E. (9) $18.

A. Edward M. Davis, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $3,375. E. (9) $438.06.

A. Davis, Gillenwater, Lynch & Doane, 6801 Whittier Avenue, McLean, Va. 22101.

B. Industrial Consultants Netherlands, B.V., P.O. Box 13373, 2501 EJ, The Hague, Netherlands.

D. (6) $1,521.50. E. (9) $70.89.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; Suite 400, 1300 19th Street N.W., Washington, D.C. 20036.

B. Colorado Counties, Inc., 1500 Grant Street, No. 301, Denver, Colo. 80203.

D. (6) $48. E. (9) $40.35.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; Suite 400, 1300 19th Street, N.W. Washington, D.C. 20036.

B. Integrity Oil & Gas Co., 410 17th Street, Suite 1670, Denver, Colo. 80202.

D. (6) $3,360. E. (9) $2,824.25.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. Northern Colorado Water Conservancy District, P.O. Box 679, Loveland, Colo. 80537.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. John T. Oxley, c/o R. B. Jowell, Route 2, Box 151, Owasso, Okla. 74055.

D. (6) $96. E. (9) $80.70.

A. Davis, Graham & Stubbs. 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. Purgatoire River Water Conservancy District, 430 East Main Street, Trinidad, Colo. 81082.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. Rio Grande Water Conservancy District, P.O. Box 816, Alamosa, Colo. 81101.

D. (6) $504. (9) $423.64.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 20201; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. Sport & Culture, U.S.A., Inc., 10 West Broadway, Suite 810, Salt Lake City, Utah 84101.

A. Kenneth E. Davis, 1899 L Street NW., No. 807, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500.

A. Ovid R. Davis, The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $123. E. (9) $12.50.

A. R. Hilton Davis, Chamber of Commerce of U.S.A., 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $358.80. E. (9) $39.15.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $1,440. E. (9) $583.15.

A. William Lee Davis, 299 Park Avenue, New York, N.Y. 10171.

B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.

D. (6) $1,058.33. E. (9) $673.94.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

B. North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Electronic Industries Association Consumer Electronics Group, 2001 Eye Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C. 20006.

D. (6) $6,036. E. (9) $6,036.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Coalition of Automotive Associations, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Specialty Equipment Market Association, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. Deaver and Hannaford, Inc., 2030 M Street NW., Suite 403, Washington, D.C. 20036.

B. Americans for the Voter Initiative, 3115 N Street NW., Washington, D.C. 20007.

D. (6) $600. E. (9) $10.

A. Deaver and Hannaford, Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.

B. Associacion de Amigos del Pais, 6a. Av, "A", 10-38, Zona 9, Guatemala City, Guatemala, C.A.

D. (6) $21,700. E. (9) $5,729.36.

A. Deaver and Hannaford, Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.

B. National Venture Capital Association, 1225 19th Street NW., Suite 750, Washington, D.C. 20036.

D. (6) $11,200. E. (9) $1,413.47.

A. Mark A. de Bernardo, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $805. E. (9) $152.20.

A. Robert L. Debo, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Mark O. Decker, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $45. E. (9) $96.70.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $130.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $50.

A. Frank R. DeGeorge, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4330 East-West Highway, Suite 900, Washington, D.C. 20014.

D. (6) $28,980.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Association of State and Territorial Health Official, 1015 15th Street NW., Washington, D.C. 20005.

D. (6) $800.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. National Association of Children's Hospitals & Related Institutions, 1601 Concord Pike, No. 34, Independence Mall, Wilmington, Del. 19803.

A. DeHart Associates. Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1633 Broadway, New York, N.Y. 10019.

D. (6) $343.75. E. (9) $9.50.

A. John W. Delaney, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. John W. Delaney, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Cargill Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

D. (6) $11,428.17.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $1,974.53.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Getty Oil Co.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Guam Chamber of Commerce, 107 ADA Plaza Center, Agana, Guam 96910.

D. (6) $1,757.79.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.

D. (6) $13,247.88.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Trade Adjustment Assistance Coordinating Committee.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Wilson's House of Suede, Inc., 11840 Olympic Boulevard, Los Angeles, Calif. 90064.

D. (6) $12,798.93.

A. Robert B. Delano, American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $2,125.

A. Myra J. DeLapp, Security Pacific National Bank, 1901 L Street NW., No. 702, Washington, D.C. 20036.

B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.

D. (6) $1,260.

A. Delaware County Action Committee, 113 Hampden Road, Upper Darby, Pa. 19082.

D. (6) $44. E. (9) $24.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Sr. Jesus Almeida N., Mexican National Confederation of Livestock Producers, 16th Street, Chihuahua, Chihuahua, Mexico.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Consejo Estatal de Desarrollo, Carratera A Tecate No. 1, Apartado 1798, Tijuana, Baja, Calif.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Gov. Roberto de la Madrid, Gobernador de Baja California, P.O. Box 286, San Ysidro, Calif. 92073.

A. Cartha D. DeLoach, 700 Anderson Hill Road, Purchase, N.Y. 10577.

B. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

D. (6) $600.

A. Stephen L. DeMaria, P.O. Box 3498, San Francisco, Calif. 94119.

B. Bendix Forest Products Corporation, P.O. Box 3498, San Francisco, Calif. 94119.

D. (6) $2400.

A. Bradford T. Dempsey, 512 North Maple Avenue, No. 210, Vienna, Va. 22180.

A. George H. Denison, 4837 Del Ray Avenue, Washington, D.C. 20014.

B. Westinghouse Electric Corporation, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1500.

A. Ray Denison, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $13,676. E. (9) $630.28.

A. John H. Denman, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $360. E. (9) $663.76.

A. Wells Denyes, Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $610. E. (9) $154.66.

A. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $7,107.58. E. (9) $7,107.68.

A. Derrel B. DePasse, Container Corp. of America, 1100 Connecticut Avenue NW., No. 540, Washington, D.C. 20036.

B. Container Corp. of America, 1100 Connecticut Avenue NW., No. 540, Washington, D.C. 20036.

D. (6) $9,750. E. (9) $4,950.

A. Claude J. Desautels, Carl Byoir & Associates, Inc., 1899 L Street NW., Suite 400, Washington, D.C. 20036.

B. Flavor & Extract Manufacturers Association of the United States, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Catherine B. de Sibour, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $171.99.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10158.

D. $390.

A. Ralph B. Dewey, Pacific Gas & Electric, 1050 17th Street NW., Washington, D.C. 20036.

B. Pacific Gas & Electric, 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $560.25. E. (9) $833.82.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France.

D. (6) $11,765. E. (9) $5,294.19.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Government of Morocco, Rabat, Morocco.

D. (6) $2,627.50. E. (9) $1,367.21.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Sofreavia, 75 rue la Boetie, Paris 8eme, France.

D. (6) $3,500. E. (9) $2,100.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Thompson–CSF, 92240 Malakoff, France.

D. (6) $701.25. E. (9) $701.25.

A. Miller D. Dial, 1850 K Street NW., Suite 550, Washington, D.C. 20006.

B. CF Industries, Inc. Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

D. (6) $500. E. (9) $291.25.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,875.

A. John M. Dickerman, John Dickerman & Associates, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.

D. (6) $6,000. E. (9) $308.66.

A. Dickinson, Wright, McKean, Cudlip & Moon, Suite 801, 1901 L Street NW., Washington, D.C. 20036.

B. Michigan Job Development Authority, P.O. Box 30227, Lansing, Mich. 48901.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. American Fisheries Defense Committee, 2101 L Street, 10th Floor, Washington, D.C. 20037.

D. (6) $2,809.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Capeway Seafoods, Inc., 16 Front Street, New Bedford, Mass. 02742.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20001.

B. Custom Automotive Sound Association, Inc., Suite 1000, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Government of Liberia, Monrovia, Liberia.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Hi-Energy Research & Development Corp., 1830 Flametree Way, Hemet, Calif. 92343.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. L–5 Society, 1620 North Park, Tucson, Ariz. 86719.

A. Dickstein, Shapiro & Morin, 2101 L Street, NW., Washington, D.C. 20037.

B. Mitsubishi International Corp., 1111 19th Street NW., Washington, D.C. 20037.

D. (6) $1,388.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. National Federation of Societies for Clinical Social Work, 167 Araca Road, Babylon, N.Y. 11702.

D. (6) $500.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. John R. Dierker, 1150 17th Street NW., No. 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

D. (6) $300. E. (9) $39.50.

A. Paula A. Dilley, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio.

A. Thomas A. Dine, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $692.31.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $1,800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

E. (9) $4,838.36.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $52,987.31. E. (9) $52,987.31.

A. J. L. Disque, 556 Morris Avenue, Summit, N.J. 07901.

B. CIBA-GEIGY Corp., 556 Morris Avenue, Summit, N.J. 07901.

D. (6) $935. E. (9) $723.

A. Mortimer A. Dittenhofer, Association of Government Accountants, 727 South 23rd Street, No. 100, Arlington, Va. 22202.

B. Association of Government Accountants, 727 South 23rd Street, No. 100, Arlington, Va. 22202.

A. Steven P. Doehler, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.

B. Mortgage Insurance Companies of America, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $80.70.

A. H. A. Doersam, 517 Powell Drive, Annapolis, Md. 21401.

B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $2,600. E. (9) $1,530.02.

A. Hollis M. Dole, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Julie Domenick, Municipal Labor Committee, 818 18th Street NW., No. 750, Washington, D.C. 20036.

B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $9,938.51. E. (9) $1,619.85.

A. Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex.

D. (6) $25,000. E. (9) $9,796.26.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.

B. The Standard Oil Co., Guildhall Building, Cleveland, Ohio 44115.

A. William J. Donovan, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

D. (6) $300. E. (9) $109.56.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.

B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.

D. (6) $3,000. E. (9) $168.75.

A. Joseph W. Dorn, Kilpatrick & Cody, 2501 M Street NW., Suite 500, Washington, D.C. 20037.

B. Kilpatrick & Cody, 2501 M Street NW., Suite 500, Washington, D.C. 20037.

D. (6) $980. E. (9) $52.75.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Dean R. Dort II, Deere & Co., Suite 808, 910, 17th Street NW., Washington, D.C. 20006.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

D. (6) $225.

A. Leo D. Dougherty, 18700 Walkers Choice Road, Apt. 404, Gaithersburg, Md. 20760.

B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $6,717.67. E. (9) $130.31.

A. Theodore Douglas, 2501 59th Street, St. Louis, Mo. 63130.

B. Conference of Painters & Allied Trades, 2501 59th Street, St. Louis, Mo. 63130.

D. (6) $571.43. E. (9) $571.43.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chicago Metropolitan Higher Education Council, et al.

D. (6) $4,477.07.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Hampton Roads Energy Co., Security Marine Terminal Co., Central Office Building, 1330 County Street, No. 202, 2021 Portsmouth, Va. 23704.

A. Jane Lind Downey, American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

D. (6) $156.25.

A. John C. Doyle, Jr., 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99.

A. John P. Doyle, Jr., Bell Helicopter Textron 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Bell Helicopter Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $3,221.87. E. (9) $1,965.87.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.

B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.

D. (6) $332.50.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.

B. Water Systems Council, 221 North La Salle Street, Washington, D.C. 60601.

A. Nancy Drabble, 215 Pennsylvania Avenue SE., Washington D.C. 20003.

D. (6) $3,916.67.

A. James E. Drake, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,726.

A. Andrew Drance, 2020 North 14th Street, Room 402, Arlington, Va. 22201.

B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.

D. (6) $305.52. E. (9) $70.86.

A. Anthony Dresden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Mary Jo Dressel, 460 Bartola Street, Pittsburgh, Pa. 15243.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport Ky. 41072.

E. (9) $167.50.

A. Drinker Biddle & Reath, 1901 L Street NW., Washington, D.C. 20036.

B. Phoenix Steel Corp., 4001 Philadelphia Pike, Claymont, Del. 19703.

D. (6) $475.

A. Kevin J. Driscoll, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Thomas E. Drummer, Jr., 4613 Great Oak Road, Rockville, Md. 20853.

B. MacMillan, Inc., 4613 Great Oak Road, RFD Rockville, Md. 20853; 866 Third Avenue, New York, N.Y. 10022.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

D. (6) $8,775. E. (9) $3,252.98.

A. Morgan D. Dubrow, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $136.

A. Evan M. Dudik, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. Henry A. Dudley, 1737 H Street NW., Washington, D.C. 20006.

B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.

E. (9) 505.30.

A. Jeffrey M. Duke, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Evelyn Dukovic, 3 East 85th Street, New York, N.Y. 10028.

B. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

D. (6) $48.90.

A. Mervin E. Dullum, 1629 K Street NW., room No. 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $200. E. (9) $23.19.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. Adolph Kizas, 5715 Timothy Place, Alexandria, Va. 22303.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. Delaware 5.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. East Bay Regional Park District, 11500 Skyline Boulevard, Oakland, Calif. 94169.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. Huron-Clinton Metropolitan Authority, 3050 Penobscot, Detroit, Mich. 48226.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. Iva May Harvey, Route 7, Box 117, Blythe, Calif. 92225.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. Kenai Natives Association, Inc., P.O. Box 1210 Wildwood, Kenai, Alaska 99611.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.

B. Koniag, Inc., P.O. Box 746, Koniag, Alaska.

D. (6) $85. E. (9) $4.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.

B. Mid-West Electric Consumer Association, P.O. Box 5089, Evergreen, Colo.

D. (6) $85. E. (9) $2.50.

A. Duncan, Weinberg & Miller, 1775 Pennsylvania Avenue, NW., No. 1200, Washington, D.C. 20006.

B. Western Fuels Association, Inc., 1225 19th Street, NW., No. 700, Washington, D.C. 20036.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $300.

A. James W. Dunlop, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 12101.

B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Douglas G. Dunn, InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.

B. InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.

A. Mari Lee Dunn, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $332.

A. James A. Dupree, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $1,825. E. (9) $919.58.

A. Joseph L. Duran, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. L. L. Duxbury, Burlington Northern, Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.

B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $2,400. E. (9) $733.60.

A. Denis J. Dwyer, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $225.

A. R. Ken Dyar, 1620 Southeastern 127th Avenue, Vancouver, Washington 98664.

B. Central Lincoln People's Utility District, 255 Southwestern Coast Highway, Newport, Oreg. 97365.

D. (6) $452.45. E. (9) $296.44.

A. Jean F. Dye, National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.

B. Bonneville Associates, Inc., (for Federal Research Committee, Box 8144, Salt Lake City, Utah 84108), 200 East South Temple, Suite 300, Salt Lake City, Utah 84111.

D. (6) $612.30.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.

B. Bonneville Associates, Inc., (for Roncalio & Associates, Box 1707, Cheyenne, Wyo. 82001), 200 East South Temple, Suite 300, Salt Lake City, Utah 84111.

D. (6) $780.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.

B. Bonneville Associates, Inc. (for Western Regional Council, Box 8144, Salt Lake City, Utah 84108), 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111.

D. (6) $210.60.

A. Jack D. Early, Madison Building, No. 514 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association, 1155 15th Street NW., No. 514, Washington, D.C. 20005.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $525. E. (9) $18.45.

A. Patricia S. Ebaugh, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.

B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.

D. (6) $1,531. E. (9) $83.88.

A. D. R. Ebe, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.

D. (6) $1,200.

A. Robert E. Ebel, Ensearch Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.

B. Ensearch Corp., 301 South Harwood Street, Dallas, Tex. 75201.

D. (6) $1,450. E. (9) $937.

A. Harold F. Eberle, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $3,870.20.

A. N. Boyd Ecker, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500. E. (9) $33.75.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. American Seat Belt Council, P.O. Box 467, New Rochelle, N.Y. 10802.

D. (6) $9,000. E. (9) $209.80.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. Nestle Corp., Inc., 100 Bloomingdale Road, White Plain, N.Y. 10605.

D. (6) $6,000.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Sheet Metal and Air Conditioning Contractors National Association, 8224 Old Courthouse Road, Vienna, Va. 22180.

D. (6) $10,500. E. (9) $775.07.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. DGA International, 1225 19th Street NW., Washington, D.C. 20034; (for Airbus Industrie, 31700 Blagnac, Toulouse, France).

D. (6) $5,160. E. (9) $20.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. DGA International, 1225 19th Street NW., Washington, D.C. 20036; (for Sofreavia, 75 Rue La Boetie, 75008 Paris, France).

D. (6) $2,100.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of Haiti, Port-au-Prince, Haiti; and Embassy of Haiti, 2311 Massachusetts Avenue, Washington, D.C. 20008.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of Uganda, Embassy of Uganda, 5909 16th Street NW., Washington, D.C. 20011.

D. (6) $30,000. E. (9) $46.07.

A. William R. Edgar, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
D. (6) $3,900.

A. Helen H. Edge, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $323.44.

A. Arthur B. Edgeworth, Jr., U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,562.50.

A. Edison Electric Institute, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.
D. (6) $28,854.60. E. (9) $115,632.07.

A. Stephen L. Edmiston, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $7,826.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, No. 2201, St. Louis, Mo. 63105.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Cherokee Nation, P.O. Box 119, Tahlequah, Okla. 74464.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $7,850. E. (9) $3,123.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Oklahoma Association of Electric Coops, P.O. Box 11047, Oklahoma City, Okla. 73111.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. U.S. Maritime Committee, 600 New Hampshire Avenue NW., No. 420, Washington, D.C. 20037.

A. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
E. (9) $2,110.28.

A. Edwards Associates, 507 Second Street NE., Washington, D.C. 20003.
B. Portland General Electric Co., 121 Southwest Salmon Street, Portland, Oregon 97204.

A. Macon T. Edwards, National Cotton Council of America, 1030–15th Street NW., Suite 700. Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,562.50. E. (9) $43.91.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. William A. Edwards, 250 Old Country Road, Mineola, N.Y. 11501.
B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.
D. (6) $1,660. E. (9) $1,373.32.

A. Paul S. Egan, The American Legion, 1608 K Street, NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $4,920. E. (9) $47.33.

A. Eggers & Greene, 1407 Main Street, Suite 335, Dallas, Tex. 75202.
B. LTV Corp., P.O. Box 225003, Dallas, Tex. 75265.
D. (6) $3,000. E. (9) $373.18.

A. Charles E. Ehrhart, Ralston Purina Co., 1800 K Street NW., Suite 924, Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $400. E. (9) $134.

A. Sara Ehrman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $7,875.

A. H. J. Elam III, Greensboro, N.C. 27405.
B. Cone Mills Corp., 1201 Maple Street, Greensboro, N.C. 27405.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Virginia. 22209.
D. (6) $100. E. (9) $250.

A. Clifford Elkins, No. 310, 1100 17th Street NW., Washington, D.C. 20036.
B. Delaware & Hudson Railway, 40 Beaver Street, Albany, N.Y. 12207.
D. (6) $13,200. E. (9) $6,800.

A. J. Burton Eller, Jr., National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wisc. 53703.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $611.16. E. (9) $689.70.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
E. (9) $444.41.

A. Kimberly Elliott, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $4,875. E. (9) $8.25.

A. Perry R. Ellsworth, National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
B. National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $12.60.

A. James D. Elmore, Sunlight Farm, Cherryfield, Maine 04622.
B. Maine Committee for an Indian Referendum.
E. (9) $500.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $565.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.
B. Jasper-Newton Electric Cooperative, Inc., 812 South Margaret Avenue, Kirbyville, Tex. 75956.
D. (6) $600.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.
B. Outer Banks Civic League, P.O. Box 171, Corolla Beach, N.C. 26927.
D. (6) $160.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $20,317.88. E. (9) $19,636.85.

A. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $2,430.74.

A. Employee Relocation Council, 1627 K Street NW., Suite 600, Washington, D.C. 20006.
E. (9) $2,648.27.

A. Employers Reinsurance Corp., 21 West 10th Street, Kansas City, Mo. 64105.
E. (9) $650.22.

A. Lowell J. Endahl, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperation Association, 1800 Massachusetts Avenue NW., Washingon, D.C. 20036.
D. (6) $215.

A. Stephen R. Endean, 930 F Street NW., No. 611, Washington, D.C. 20004.
B. Gay Rights National Lobby, Inc., 930 F Street NW., No. 611, Washington, D.C. 20004.
D. (6) $4,496.72.

A. Energy Action Educational Foundation, 2000 P Street NW., No. 310, Washington, D.C. 20036.
D. (6) $180. E. (9) $357.99.

A. Ralph Engel, 1001 Connecticut Avenue NW., No. 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Energy Consumers & Producers Association, P.O. Box 1726, Seminole, Okla. 74868.
D. (6) $45,555. E. (9) $6,606.01.

A. Gertrude Engle, 2450 Virginia Avenue NW., Washingon, D.C. 20037.
B. National Health Federation, P.O. Box 688, Monrovia, Calif. 91016.
D. (6) $3,000.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Co., York, Pa. 17405.
D. (6) $1,800. E. (9) $344.08.

A. Lewis A. Engman, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington D.C. 20005.
D. (6) $2,500. E. (9) $3.50.

A. Patricia Hanahan Engman, Bristol-Myers, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $1,000.

A. M. Dale Ensign, Sinclair Oil Corp., 1100 17th Street NW., Suite 406, Washington, D.C. 20036.
B. Sinclair Oil Corp., P.O. Box 1677, Englewood Colo. 80150.
D. (6) $500. E. (9) $137.10.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $56,176. E. (9) $51,188.66.

A. Epstein, Becker, Borsody & Green, 1140 19th Street NW., Suite 900, Washington, D.C. 20036.
B. American Association of Foundations for Medical Care, Suite 214, Cabin John Mall, 11325 Seven Locks Road, Potomac, Md. 20854.
D. (6) $3,585.

A. Epstein, Becker, Borsody & Green, 1140 19th Street NW., Suite 900, Washington, D.C. 20036.
B. American Association of Professional Standards Review Organizations, Suite 214, Cabin John Mall, 11325 Seven Locks Road, Potomac, Md. 20854.
D. (6) $135.

A. Vickie L. Erickson, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Mary Ann Eriksen, 800 West First Street, Los Angeles, Calif. 90012.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $2,400. E. (9) $850.00.

A. John M. Erkskine, Jr., 1108 Lavaca, Suite 400, Austin, Tex. 78701.
B. Standard Oil Co., (Indiana), P.O. Box 3092, Houston, Tex. 77001.
D. (6) $769.23. E. (9) $58.59.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O.. Box 3331, Houston, Tex. 77001.

A. George T. Esherick, United States Steel Corp., 818 Connecticut Avenue, NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $135.

A. John T. Estes, Allied Chemical Corp., 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $700. E. (9) $34.77.

A. Ethyl Corps., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
E. (9) $2,400.

A. European Travel Commission, 488 Madison Avenue, New York, N.Y. 10022.
E. (9) $768.

A. Joseph O. Evans, 4401 Lee Highway, Apt. 21, Arlington, Va. 22207.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Fawn K. Evenson, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.
B. American Footwear Industries Association, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.
D. (6) $900. E. (9) $507. 05.

A. Michael E. Faden, Union of Concerned Scientists, Inc., 1725 I Street NW., Suite 601, Washington, D.C. 20006.
B. Union of Concerned Scientists, Inc., 1384 Massachusetts Avenue, Cambridge, Mass. 02238.
D. (6) $4,650.

A. Robert R. Fahs, Cargill, Inc., 1050 17th Street NW., Suite 1202, Washington, D.C. 20036.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $2,500. E. (9) $3.70.

A. Dale W. Fallat, The Andersons, First Federal Building, 5740 Southwyck Boulevard, Toledo, Ohio 43614.
B. The Andersons, P.O. Box 119, Maumee, Ohio 43537.
D. (6) $525. E. (9) $180.

A. Thomas Boyd Farley II, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,630. E. (9) $116.75.

A. The Farmers' Educational & Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $77,934.81. E. (9) $54,436.14.

A. Robert S. Faron, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.; 140 Broadway, New York, N.Y.
D. (6) $5.62.

A. John W. Farquhar, 1750 K Street, NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Dolores L. Farr, American Nurses Association, 1030 15th Street NW., No. 408, Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $3,271. E. (9) $106.45.

A. Michael Farrar, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue, NW., No. 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. David Fasken, Whitaker & Brooks, 608 First National Bank Building, Midland, Tex. 79701.
E. (9) $59,885.99.

A. Jane Fawcett-Hoover, Proctor & Gamble Manufacturing Co., 1801 K Street, NW., No. 230, Washington, D.C. 20006.
B. Proctor & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $56.25.

A. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $1,618.59. E. (9) $1,618.59.

A. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $9,000. E. (9) $9,000.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $2,376.27.

A. Roger D. Feldman, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036 (for Ad Hoc Rail Shippers Group).

A. Leon Felix, National Education Association, 1419 Joan Drive, Palatine, Ill. 60067.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Kenneth E. Feltman, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Steve Fendt, 405 Sherman Street, Fond du Lac, Wis. 54935.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $234.50.

A. Fensterwald & Associates, 2101 L Street NW., Suite 203, Washington, D.C. 20037.
B. National Nutritional Foods Association, 7747 South Painter Avenue, Whittier, Calif. 90602
D. (6) $6,447.50. E. (9) $1,033.93.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.
B. Committee for Humane Legislation, Inc., One Pine Street, Neptune, N.J. 07753.
D. (6) $7,500. E. (9) $1,542.40.

A. Edward T. Fergus, Bache Halsey Stuart Shields Inc., 100 Gold Street, New York, N.Y. 10038.
B. Bache Halsey Stuart Shields Inc., 100 Gold Street, New York, N.Y. 10038.
D. (6) $700.

A. James H. Ferguson, 1140 Connecticut Avenue, Suite 609, Washington, D.C. 20036.
B. American Society for Personnel Administration, 30 Park Drive, Berea, Ohio 44017.
D. (6) $7,500. E. (9) $4,483.

A. John L. Festa, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Blaine Fielding, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,716. E. (9) $35.

A. Gary W. Fields, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Manuel D. Fierro, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Wahington, D.C. 20005.
D. (6) $4,000. E. (9) $172.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. Council of Forest Industries of B.C., 1500/1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.
D. (6) $11,250. E. (9) $358.

A. 5th Pro-Life Congressional District Action Committee, 1120 Michigan Boulevard, Dunedin, Fla. 33528.

D. (6) $80. E. (9) $305.53.

A. Matthew P. Fink, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $399. E. (9) $40.40.

A. Sheldon I. Fink, Sonnenschein Carlin Nath & Rosenthal, 8000 Sears Tower, Chicago, Ill. 60606.

B. First Wisconsin Mortgage Trust, 233 South Wacker Drive, Chicago, Ill. 60606.

D. (6) $8,870. E. (9) $1,466.46.

A. Thomas D. Finnigan, Union Carbide Corporation, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corporation, 270 Park Avenue, New York, N.Y. 10017.

E. (9) $65.05.

A. M. J. Fiocco, 1909 K Street NW., S-410, Washington, D.C. 20006.

B. The National Industrial Traffic League, 1909 K Street NW., S-410, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $21.75.

A. Laurie A. Fiori, National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $370.19. E. (9) $264.70.

A. First Class Mailers Association, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

E. (9) $49.

A. First Congressional District Action Committee, 6 Maxfield Court, Barrington, R.I. 02806.

E. (9) $197.01.

A. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

E. (9) $3,149.15.

A. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Richard L. Fischer, Standard Oil Co. (Indiana), 1000 16th Street NW., Suite 500, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

D (6) $528. E. (9) $24.90.

A. Arlene J. Fischler, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

D. (6) $22,000.

A. Victor E. Fitzmaurice, Union Oil Co. of California, 1100 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. James H. Fitzpatrick, Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.

B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.

D. (6) $630. E. (9) $240.

A. Hilliard J. Fjord, 602 Main Street, Cincinnati, Ohio 45202.

B. Ohio River Co., 580 Walnut Street, Suite 1400, Cincinnati, Ohio 45202.

D. (6) $1,500. E. (9) $488.68.

A. Susan G. Flack, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $23.50.

A. Daniel V. Flanagan, Jr., 1801 K Street NW., Suite 221, Washington, D.C. 20006.

B. Southern Pacific Co., One Market Plaza, San Francisco, Calif. 94105.

D. (6) $5,000. E. (9) $539.14.

A. James J. Flanagan, 25 Research Drive, Westborough, Mass. 01581.

B. New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.

D. (6) $767.04. E. (9) $181.65.

A. M. Kendall Fleeharty, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Robert P. Fogarty, 3499 Ridgewood Drive, Columbus, Ohio 43220.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Howard W. Fogt, Jr., Foley, Lardner, Hollabaugh & Jacobs 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20003.

B. American Family Mutual Insurance Co., 3099 East Washington Avenue, Box 7430, Madison, Wis. 53707.

D. (6) $1,500. E. (9) $3.90.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cabor Corp., & Subsidiaries, 125 High Street, Boston, Mass. 02110.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

D. (6) $16,225. E. (9) $91.24.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06160.

D. (6) $500. E. (9) $2.25.

A. Foley, Lardner, Hollabaugh & Jacobs, Suite 1000, 1775 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 West Shore Boulevard, Tampa, Fla. 33607.

D. (6) $32,485. E. (9) $2,212.55.

A. Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

B. Smith Barney, Harris Upham & Co., Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $16,872.50. E. (9) $1,490.24.

A. Food & Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $11,482.38. E. (9) $11,482.38.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

E. (9) $17,651.

A. Carol Jean Forbes, 604 North Carolina Avenue SE., Washington, D.C. 20003.

B. Impro, Inc., Waukon, Iowa; Grand Laboratories, Inc., Freeman, S. Dak.; General Leasing Corp., Rockville, Md.

D. (6) $10,650. E. (9) $8,247.

A. Forest Farmers Association, Box 95385, Atlanta, Ga. 30347.

E. (9) $481.32.

A. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,597.09. E. (9) $2,597.09.

A. James W. Foristel, American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.

B. American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $6,250. E. (9) $10.

A. Ira N. Forman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $8,249.98.

A. Sallie H. Forman, National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C.

B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $682.50. E. (9) $58.23.

A. Robert U. Foster, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.

B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.

D. (6) $10,000.

A. Ebert E. Fournace, 3706 Eaton Road NW., Canton, Ohio 44708.

B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.

A. Alan Fox, 1809 Belmont Road NW., No. 8, Washington, D.C. 20009.

B. Gay Rights National Lobby, Inc., 930 F Street NW., Suite 611, Washington, D.C. 20004.

D. (6) $1,840.08.

A. Richard J. Fox, Standard Oil Co. (Indiana), 1000 16th Street NW., No. 503, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $1,700. E. (9) $162.03.

A. Donald Fraher, 810 18th Street NW., Washington, D.C. 20006.

B. Handgun Control, Inc., 810 18th Street N.W., Washington, D.C. 20006.

D. (6) $4,840.59. E. (9) $85.

A. Joseph L. Fraites, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Richard H. Francis, National Multi Housing Council, Suite 285–N, 1800 M Street NW., Washington, D.C. 20036.

B. National Multi Housing Council, Suite 285–N, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $85.

A. Douglas L. Francisco, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of

America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $7.05.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.

B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.

D. (6) $1,074.90. E. (9) $62.71

A. George Franklin, Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.

B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.

D. (6) $3,000. E. (9) $75.

A. Thomas C. Franks, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $430.21.

A. Welby M. Frantz, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

D. (6) $416.67.

A. Charles L. Frazier, National Farmers Organization, Corning, Iowa 50841; 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.

B. National Farmers Organization, Corning, Iowa 50841.

D. (6) $3,269. E. (9) $2,888.07.

A. Donald A. Frederick, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,350.

A. Robert M. Frederick, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $4,212.50.

A. The Free Alaska Lands Committee, 425 G Street, Suite 930, Anchorage, Alaska 99501.

D. (6) $4,800. E. (9) $3,210.51.

A. Leslie E. Freed, 1660 L Street NW., Suite 201, Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $627.69.

A. James O. Freeman, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,565.

A. Linda J. Freeman, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $275.00.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

A. Gregory N. Friberg, Associated Builders & Contractors, Inc., 444 North Capitol Street NW., No. 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., No. 409, Washington, D.C. 20001.

A. George L. Frick, Delaware Oil Men's Association, 20 East Division Street, Dover, Del. 19901.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,575. E. (9) $332.11.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Automotive Dismantlers & Recyclers of America, 1000 Vermont Avenue, Washington, D.C. 20006.

D. (6) $627.15. E. (9) $35.82.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037

B. Beth Israel Medical Center, 10 Nathan Perlman Place, New York, N.Y. 10003.

E. (9) $9.62.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Dr. Halle Brown, 2475 Virginia Avenue NW., Washington, D.C. 20037.

E. (9) $34.31.

A. Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Davy McKee, 6200 Oak Tree Boulevard, Cleveland, Ohio 44131.

E. (9) $23.01.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak.

E. (9) $9.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Laguna, Laguna, New Mexico.

D. (6) $3,685. E. (9) $26.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $2,974. E. (9) $15.60.

A. Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037.

B. Mrs. Daisy Schott, One North Ravine Rd., Great Neck, N.Y. 11023, et al.

E. (9) $316.06.

A. Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037.

B. Sea Colony, Inc., c/o Carl M. Freeman Associates Inc., Cabin John Center, 11325 Seven Locks Road, Potomac, Md. 20854.

E. (9) $17.80.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street, NW., Washington, D.C. 20005.

D. (6) $1,500.

A. Barry A. Friedman, Wilner & Scheiner, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. Charlotte Friedman, American Association of School Administrators, 1801 North Moore Street, Arlington, VA 22209.

B. American Association of School Administrators, 1801 North Moore Street, Arlington, VA 22209.

E. (9) $28.75.

A. James M. Friedman, 650 Terminal Tower

B. Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44113.

A. Margery Sinder Friedman, 1800 M Street, NW., Suite 800-N, Washington, D.C. 20036.

B. Morgan, Lewis & Bockius (for Evans Products, 1121 SW Salmon Street, Portland, Oreg. 97208), 1800 M Street, NW., Suite 800-N, Washington, D.C. 20036.

A. Gay H. Friedmann, 1150 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.

B. Southern California Gas Co., 720 West 8th Street—M.L. 1208, Los Angeles, Calif. 90017.

D. (6) $5,310. E. (9) $18.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $74,590. E. (9) $21,988.

A. Charles H. Fritts, 2009 North 14th Street, Suite 600, Arlington, Va. 22201.

B. New Bedford Seafood Council, Inc., 17 Hamilton Street, New Bedford, Mass. 02740.

D. (6) $6,600. E. (9) $561.65.

A. Charles H. Fritzel, National Association of Independent Insurers, 499 South Capitol Street SW., No. 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $300. E. (9) $100.

A. Jeffrey A. Fritzlen, Tenneco Inc., 490 L'Enfant Plaza East, SW., Washington, D.C. 20024

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

D. (6) $1,000.

A. George L. Frick, Delaware Oil Men's Association, 20 East Division Street, Dover, Del. 19901.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Gordon H. Fry, Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

B. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

D. (6) $21.63.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Kenneth Lewis, 3300 NW. Yeon Avenue, Portland, Oreg. 97210.

D. (6) $1,830. E. (9) $189.19.

A. Full Employment Action Council, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $5,200. E. (9) $735.82.

A. Richard G. Fuller, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

D. (6) $732.

A. Ronald K. Fuller, San Diego Gas & Electric Co., 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92101.

D. (6) $1200. E. (9) $105.

A. Fulton Energy Corp., 5201 Leesburg Pike, Suite 205, Falls Church, Va. 22041.

A. Claudia R. Fuquay, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $38.75.

A. Nancy H. Fussell, 1700 N. Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,415. E. (9) $107.41.

A. David H. Fyock, P.O. Box 376, Germantown, Md. 20767.
B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.
D. (6) $3,906. E. (9) $552.74.

A. Marc P. Gabor, 815 16th Street NW., Suite 310, Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $2,187.50. E. (9) $176.25.

A. Terry Gabrielson, Transcontinental Gas Pipeline Corp., 490 L'Enfant Plaza SW., No. 3202, Washington, D.C. 20024.
B. Transcontinental Gas Pipeline Corp., 2700 South Post Oak Road, Houston, Tex. 77001.
D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $888.46.

A. Norman S. Gaines, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $619. E. (9) $386.71.

A. Michael R. Gale, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) 2,291.66.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $3,409. E. (9) $2,595.

A. William J. Gallagher, Carborundum Center, Niagara Falls, N.Y. 14302.
B. The Carborundum Co., Carborundum Center, Niagara Falls, N.Y. 14302.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $1,658.50.

A. Robert M. Gants, 1101 15th Street NW., Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
E. (9) $34.83.

A. M. D. Garber, Jr., Phillips Petroleum Co., 2101 L Street NW., 6th Floor, Washington, D.C. 20037.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.
D. (6) $125. E. (9) $4.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Hiezer, Corp., 20 North Wacker Drive, Chicago, Ill. 60606.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.
B. Elmer W. Kneip, 911 West Fulton Street, Chicago, Ill.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Peoples Gas Co., 1875 I Street NW., No. 1050, Washington, D.C. 20006.

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.
B. Sealed Power Corp., 2001 Sanford Street, Muskegon, Mich. 49443.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Zeigler Coal Co., 1700 North Moore Street, Arlington, Va. 22209.

A. Sherwin Gardner, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Wendell P. Gardner, Jr., Sears, Roebuck & Co., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60681.

A. Theodore J. Garrish, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. National Outdoor Coalition, 8387 Tamarind Avenue, Fontana, Calif. 92335.
D. (6) $1,382.59. E. (9) $743.11.

A. James J. Garry, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. E. June Garvin, Ohio Petroleum Council, 88 East Broad Street, Suite 1960, Columbus, Ohio 43215.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. W. Bradford Gary, Anheuser-Bush Co., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Cos., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.
E. (9) $10.

A. Gas Apppliance Manufactures Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $76.10.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Philip Gasteyer, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,100.

A. Gay Rights National Lobby, Inc., 930 F Street NW., No. 611, Washington, D.C. 20004.
D. (6) $25,416.30. E. (9) $25,606.48.

A. Margaret L. Gehres, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,925. E. (9) $169.60.

A. Robert C. Gelardi, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-4, Atlanta, Ga. 30342. (For Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.)
D. (6) $1,044.

A. Robert C. Gelardi, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342. (For Infant Formula Council, 5775 Peachtree-Dunwoody Road, 500-D, Atlanta, Ga. 30342.)
D. (6) $500.

A. Morton A. Geller, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
E. (9) $3,900.

A. George Washington University Student Association, 800 21st Street, NW., No. 424 Marvin Center, Washington, D.C. 20052.
E. (9) $8.

A. Georgia Association of Petroleum Retailers, Inc., 315 W. Ponce de Leon Avenue, 933 First National Bank Building P.O. Box 789, Decatur, Ga. 30031.
B. Georgia Association of Petroleum Retailers, Inc./Service Station Dealers of America, Inc., 2021 K Street NW., Washington, D.C. 20006.
E. (9) $2,500.

A. Joseph G. Gerard, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,997. E. (9) $2,045.96.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $4,217.40. E. (9) $63.80.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif.
E. (9) $7,934.40.

A. Dorothy E. Gavinson, 1801 K Street NW., No. 230, Procter & Gamble, Washington, D.C. 20006.
B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. William T. Gibb III, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $375. E. (9) $5.

A. Wayne Gibbens, Mid-Continent Oil & Gas Assoc., 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $3,465. E. (9) $70.95.

A. Anne Marie Gibbons, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue, NW., Suite 212, Washington, D.C. 20037.
D. (6) $400.

A. John A. C. Gibson, Coal Building, Washington, D.C. 20036.

B. National Coal Association, Coal Building, Washington, D.C. 20036.

D. (6) $10,625. E. (9) $2,957.69.

A. Theresa M. Gibson, American Express Company, 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Thomas F. Gibson, 1750 Old Meadow Road, McLean, Va. 22102.

B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. Arthur P. Gildea, 274 Glenfield Court, Cincinnati, Ohio 45238.

B. Brewery & Soft Drink Workers National Confectioners International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, 1400 Renaissance Drive, Park Ridge, Ill. 60068.

A. Michael Gildea, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $11,531. E. (9) $154.13.

A. John E. Giles, 1600 I Street NW., Washington, D.C. 20006.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

D. (6) $82.39. E. (9) $40.06.

A. Neal P. Gillen, American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.

B. American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.

D. (6) $15,000. E. (9) $1,228.17.

A. Michael J. Giuffrida, 1019 19th Street NW., No. 800, Washington, D.C. 20036.

B. National Frozen Food Association, P.O. Box 398, Hershey, Pa. 17033.

D. (6) $400.

A. Sol Glasner, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

D. (6) $1,250.

A. Vernie R. Glasson, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $5,500. E. (9) $152.

A. George L. Gleason, American Nuclear Energy Council, 410 First Street, SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street, SE., Washington, D.C.

D. (6) $3,973.75. E. (9) $219.20.

A. John P. Gleason, Jr., 1750 Old Meadow Road, McLean, Va. 22102.

B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. Law Offices of Thomas W. Gleason, One State Street Plaza, New York, N.Y. 10004.

B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, New York, N.Y. 10004.

A. Godfrey Associates, Inc., 918 16th Street NW., No. 501, Washington, D.C. 20006.

A. Godfrey Associates, Inc., 918 16th Street NW., No. 501, Washington, D.C. 20006.

B. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

A. Horace D. Godfrey, 918 16th Street NW., No. 501, Washington, D.C. 20006.

B. Godfrey Associates, Inc., 918 16th Street NW., No. 501, Washington, D.C. 20006.

A. J. F. Godfrey, P.O. Box 186, Fort Worth, Tex. 76101.

B. The Western Company of North America, P.O. Box 186, Fort Worth, Tex.

D. (6) $16.

A. Judith M. Goff, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $281.

A. Harvey S. Gold, Velsicol Chemical Corp., 1015 15th Street NW., Suite 909, Washington, D.C. 20005.

B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

D. (6) $1,650. E. (9) $70.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for European Aerospace Corp., 1101–15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc (for Sofreavia, 75 rue la Boetie, Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Jonathan D. Goldberg, Goldberg & Pedley, 2800 First National Tower, Louisville, Ky. 40202

B. Chevron Agents Association, Inc., P.O. Box 4027, Hopkinsville, KY. 42240.

D. (6) $1,937.06.

A. Alan J. Goldenberg, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Carl Goldfield, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

D. (6) $500.

A. William M. Goldstein, Morgan, Lewis & Bockius, 123 South Broad Street, Philadelphia, Pa. 19109.

B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.

A. Jack Golodner, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $689.40.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.

B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,625.

A. Paul J. Gomez, National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

D. (6) $400.

A. Ruth Gonze, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Don A. Goodall, American Cyanamid Co., 1575 I Street NW., Suite 220, Washington, D.C. 20005.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $1,053. E. (9) $224.86.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005).

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. (for Government of Morocco Rabat, Morocco).

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Sofreavia, 75 rue la Boetie, Paris 8eme, France).

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Thomson-CSF (AVS), 178 Boulevard Gabriel Péri, 92240 Malakoff, France).

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.

B. Crop Quality Council, 307 Fourth Avenue South, P.O. 15047, Minneapolis, Minn. 55415.

D. (6) $8,255.85.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.

B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.

D. (6) $40. E. (9) $43.50.

A. Benjamin Gordon, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Michael S. Gordon, Mittelman & Gordon, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Dellwood Foods, Inc., 170 Saw Mill Road, Yonkers, N.Y. 10701.

D. (6) $4,750. E. (9) $190.65.

A. Brenda J. Gore, the LTV Corp., 1155 15th Street, Washington, D.C. 20005.

B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.

D. (6) $500.

A. Peter J. Gossens, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

D. (6) $9,300. E. (9) $221.07.

A. George B. Gould, III, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $9,541.35.

A. Donald E. Graham, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmers Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $400.

A. Lawrence T. Graham, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $888.46.

A. John K. Gram, Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.

B. Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.

D. (6) $1,781.25. E. (9) $549.86.

A. Edward Shawn Grandis, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $1,500.

A. John F. Grant, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $3,800.

A. Wm. W. Grant, Utah International, Inc., 1150 Connecticut Avenue NW., No. 710, Washington, D.C. 20036.

B. Utah International, Inc., 550 California Street, San Francisco, Calif. 94104.

E. (9) $384.75.

A. James L. Granum, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.

B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.

D. (6) $1,000.

A. Michael R. Graul, Law Offices of Sheldon I. London, 1725 DeSales Street NW., No. 401, Washington, D.C. 20036.

B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.

D. (6) $1,000.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va.

D. (6) $928.40. E. (9) $25.

A. Martha W. Gray, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $9.68.

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Distilled Spirits Council of the U.S.)

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Health Insurance Association of America).

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Motorola).

A. Robert K. Gray, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for David A. Witts, Dallas, Tex.)

D. (6) $100.

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Hhird Avenue, New York, N.Y. 10017 (for Health Insurance Association of America, Washington, D.C.).

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for RKO General, New York, N.Y.)

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Seattle First National Bank, Seattle, Wash.)

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Uniroyal, Inc., Washington, D.C.)

A. Samuel A. Grayson, Union Pacific RR. Co., P.O. Box 1745, Boise, Idaho 83701.

B. Union Pacific RR., 1416 Dodge Street, Omaha, Nebr. 68179.

D. (6) $248.92. E. (9) $959.45.

A. The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.

E. (9) $828.85.

A. Donald R. Greeley, Celanese Corp., 1101 17th Street NW., Suite 307, Washington, D.C. 20036.

B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $750. E. (9) $227.54.

A. Edward M. Green, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

D. (6) $62.64. E. (9) $3.50.

A. George R. Green, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $900.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $2,156.40. E. (9) $328.20.

A. Alison E. Greene, March of Dimes Birth Defects Foundation, Suite 600, 1707 H Street NW., Washington, D.C. 20006.

B. March of Dimes Birth Defects Foundation, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.

D. (6) $2,000.

A. Robert M. Greening, Jr., Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.

B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.

D. (6) $3,542. E. (9) $1,841.41.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.

B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.

A. William G. Greif, Bristol-Myers, 1155 15th Street, NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $15,000.

A. Edward F. Greissing, Jr., Upjohn Co., 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Upjohn Co., 7000 Portage Road, Kalamazoo, Mich. 49001.

A. Lori Gribbin, Rohm & Haas Co., 1899 L Street NW., No. 807, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500. E. (9) $255.49.

A. Harold H. Griffin, 1050 17th Street NW., No. 320, Washington, D.C. 20036.

B. Family Health Program, Inc., 9930 Talbert Avenue, Fountain Valley, Calif. 92708.

D. (6) $2,750. E. (9) $292.17.

A. L. George Griffin, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $17.85.

A. Edward D. Griffith, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $600.

A. A. Jack Grimes, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

D. (6) $30.22. E. (9) $7.70.

A. Gary Grobman, Suite 704, 1735 I Street NW., Washington, D.C. 20006.

B. Smith & Howard Associates, Inc., 1735 I Street NW., Suite 704, Washington, D.C. 20006.

D. (6) $700. E. (9) $250.

A. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

E. (9) $6,623.76.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Aetna Life & Casualty, 151 Farmington Road, Hartford, Conn. 06115.

D. (6) $125. E. (9) $4.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. American President Lines, 1950 Franklin Street, Oakland, Calif. 94612.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Bally Manufacturing Corp., 2640 West Belmont Avenue, Chicago, Ill. 60618.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20003.
B. Connecticut General Insurance Co., Hartford, Conn. 06115.
D. (6) $125. E. (9) $6.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $125. E. (9) $5.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $100. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. John Hancock Mutual Life Insurance Co., P.O. Box 111, Boston, Mass. 02117.
D. (6) $125. E. (9) $4.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Matson Navigation, 333 Market Street, San Francisco, Calif. 94105.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Natomas Co., 601 California Street, San Francisco, Calif. 94108.
D. (6) $100. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Phoenix Mutual Life Insurance Co., One American Row, Hartford, Conn. 06115.
D. (6) $125. E. (9) $4.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.
D. (6) $150. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Travelers, One Tower Square, Hartford, Conn. 06115.
D. (6) $125. E. (9) $6.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Western Conference of Teamsters Pension Trust Fund, P.O. 7880, San Francisco, Calif. 94102.
D. (6) $450. E. (9) $8.

A. David B. Gross, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $1,000.

A. Nina G. Gross, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,100. E. (9) $250.99.

A. Frank N. Grossman, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,500. E. (9) $300.

A. Jerome Grossman, Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
D. (6) $5,062.08.

A. John R. Groundwater, Jr., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $9.02.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $3,387.72. E. (9) $3,387.72.

A. Gail Pardue Grubb, 1101 15th Street NW., Suite 205, Washington, D.C. 20005.
B. Home Health Services & Staffing Association, 1101 15th Street NW., Suite 205, Washington, D.C. 20005.
D. (6) $1,500.

A. Kenneth A. Guenther, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $15,000. E. (9) $32.37.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $481.50.

A. Jerome R. Gulan, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $4,500.

A. Jerome R. Gulan, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22304.
D. (6) $54,200. E. (9) $58,811.38.

A. Thomas M. Gunn, P.O. Box 516, St. Louis, Mo. 63166.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. David Gusky, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $7,586.80.

A. Susan L. Gustafson, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Richard C. Guthrie, 2640 Vulcan Drive, Harvey, La. 70058.
B. Avondale Shipyards, Inc., P.O. Box 50280, New Orleans, La. 70151.
D. (6) $6,422.40.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.
B. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,722.25.

A. Ellen Haas, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
E. (9) $9.

A. C. James Hackett, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. James M. Hacking, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $538.46. E. (9) $107.65.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. Cadillac Fairview U.S., Inc., c/o The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.
D. (6) $2,000.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. California Westside Farmers, 955 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.
D. (6) $500.

A. Craig Hackler, 400 North Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. John Finlayson, 147 Cat Rock Road, Cos Cob, Conn. 06904.

A. Craig Hackler, 400 N. Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. National Living Centers, 777 South Post Oak Road, Suite 600, Houston, Tex. 77056.

A. George Hackler, 400 N. Capitol Street NW., Suite 320, Washington, D.C. 20001.
B. Cadillac Fairview U.S., Inc., The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.
D. (6) $2,000.

A. Loyd Hackler, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $119.50.

A. William G. Haddeland, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Ronald D. Hagen, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $336.54.

A. Bruce N. Hahn, 9300 Livington Road, Washington, D.C. 20022.

B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. James S. Hahn, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $124.46.

A. Peter H. Hahn, Chromalloy American Corp., 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.

D. (6) $1,500. E. (9) $1,065.

A. Clarice Haigh, Rural Route 2, West Point, Iowa 52656.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $264.50.

A. Donald M. Haines, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $5,860.40.

A. Thomas F. Hairston, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Company of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

E. (9) $485.48.

A. Haley, Bader & Potts, 1730 M Street NW., Washington, D.C. 20036.

B. Pilots Rights Association, P.O. Box 7000–367, Redondo Beach, Calif. 90277.

D. (6) $1,353.75. E. (9) $1,235.20.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Agri-Business, Inc., 11411 Rendezvous, San Antonio, Tex. 78216.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. American Energy Inc., Forman, N. Dak. 58032.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Central Texas Grain Products Marketing Cooperative, Box 184, Hutto, Tex. 78634.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Grain Products Alcohol Cooperatives, One Pleasant Valley Plaza, 2200 Hidden Valley Dr., Little Rock, Ark. 72212.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Kansas Grain & Feed Dealers Association, 1722 North Plum, Hutchison, Kans. 67501.

E. (9) $230.74.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. M&M/Mars Division of Mars, Inc., High Street, Hackettstown, N.J. 07840.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Tobacco Tax Council, P.O. Box 8269, 5407 Patterson Avenue, Richmond, Va. 23226.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 1750 K Street NW., Suite 350, Washington, D.C. 20006.

B. The Williams Companies, P.O. Box 2400, Tulsa, Okla. 74101.

A. Richard F. Hall, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

D. (6) $1,800. E. (9) $775.06.

A. Joseph Halow, North American Export Grain Association, Inc., 1800 M Street NW., Suite 610–N, Washington, D.C. 20036.

B. North American Export Grain Association, 1800 M Street NW., Suite 610–N, Washington, D.C. 20036.

D. (6) $450.

A. Maurice E. Halsey, Northern Illinois Gas Co., 1627 K Street NW., Suite No. 202, Washington, D.C. 20006.

B. Northern Illinois Gas Co., P.O. Box 190, Aurora, Ill. 60507.

D. (6) $150.

A. Jerald V. Halvorsen, Allied-General Nuclear Services, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

D. (6) $5,000.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Belize Sugar Industries, Ltd., Belize City, Belize (Central America).

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Beneficial Foundation, 1300 Market Street, Wilmington, Del.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.

D. (6) $6,027.76. E. (9) $173.45.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $3,456.25.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. States of Alaska.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sugar Association of the Caribbean, Port of Spain, Trinidad.

E. (9) $48.43.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. Bruce Hamilton, Sierra Club, Box 1078, Lander, Wyo. 82520.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $1,200. E. (9) $578.18.

A. James L. Hamilton III, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street Pittsburgh, Pa. 15230.

D. (6) $507.50. E. (9) $4.35.

A. Philip W. Hamilton, 1901 L Street NW., Suite 711, Washington, D.C. 20036.

B. Hamilton & Associates, Inc., 1901 L Street NW., Suite 711, Washington, D.C. 20036 (for: National Labor-Management Foundation, Louisville, Ky.).

A. Stanley Hamilton, Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.

B. Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.

D. (6) $500. E. (9) $50.

A. Robert N. Hampton, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,089.

A. Nolan W. Hancock, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.

B. Oil, Chemical and Atomic Workers International Union, 1636 Champa Street, Denver Colo. 80201.

D. (6) $4,062.50.

A. Donald K. Hanes, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $122.

A. George J. Hanks, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 2006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. J. E. Hansen, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.

D. (6) $350.

A. Jill A. Hanson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

D. (6) $1,000.

A. Phillip Hanson, 8602 East 92d Street, Kansas City, Mo. 64138.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $167.50.

A. Rayburn Hanzlik, 523 West Sixth Street, Suite 400, Los Angeles, Calif. 90014.

B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

D. (6) $1,978.50. E. (9) $739.64.

A. Peter J. Hapworth, 1511 K Street NW., Washington, D.C. 20005.

B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.

D. (6) $437.50. E. (9) $235.04.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.

B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Andrew E. Hare, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.
B. National Rights to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.
D. (6) $325. E. (9) $216.

A. Charles N. Harkey, 1700 North Moore Street, 1925 Rosslyn Center, Bldg., Arlington, Va. 22209.
B. Beneficial Management Corporation of America, 1300 Market Street, Wilmington, Del. 19899.

A. Bryce L. Harlow, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.
B. Air Force Sergeants Association, 5211 Auth Road, Camp Springs, Md. 20023.

A. John L. Harmer, 350 South 400 East, Suite G–5, Salt Lake City, Utah 84111.
D. (6) $15,000. E. (9) $4,897.

A. C. Wayne Harmon, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $280. E. (9) $98.21.

A. Robert L. Harness, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $107.31.

A. Wiley C. Harell, Anheuser-Busch Co., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Co., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.
E. (9) $10.

A. Michael T. Harrigan, 2033 M Street NW., Washington, D.C. 20036.
B. United States Olympic Committee, 1750 East Boulder, Colorado Springs, Colo. 80909.

A. Toni Harrington, American Honda Motor Co., Inc., 955 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.
D. (6) $150. E. (9) $69.80.

A. Harris.
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each, Wilcox, Rubin & Levey,
Street, Rochester, N.Y. 14614; 1730 M Street NW., Washington, D.C. 20036.
B. United Societies of Physiotherapists, Inc., 163 Cold Spring Road, Syosset, N.Y. 11791.
D. (6) $533.

A. Robert H. Harris, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $220.

A. Robert L. Harris, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $500.

B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $5,750. E. (9) $250.58.

A. Richard Hart, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $10.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
E. (9) $11,625.

A. Charles D. Hartman, 1050 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $620.34.

A. Robert S. Hartman, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Norman B. Hartnett, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $16,541. E. (9) $754.49.

A. Clifford J. Harvison, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., Procter & Gamble Manufacturing Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45201.
D. (6) $161.25.

A. Mary W. Haught, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $700. E. (9) $52.56.

A. Rodney E. Haugh.
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1901 Pennsylvania Avenue
Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $23.85.

A. Sidney G. Hawkes, The Mead Corp. 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza Northeast, Dayton, Ohio 45463.
D. (6) $475. E. (9) $143.42.

A. John H. Hawkins, Jr., Alabama Power

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 S. Michigan Avenue, Chicago, Ill.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,500. E. (9) $34.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.
D. (6) $17.32. E. (9) $17.32.

A. Patrick B. Healy, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $543.75.

A. Robert L. Healy, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $150.

A. Heavy Specialized Carriers Conference, Inc., 1155 16th Street NW., Washington, D.C. 20036.

A. William H. Hecht, 1875 Eye Street NW., Suite 800, Washington, D.C. 20006.
B. The Tobacco Institute, 1875 Eye Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. Jay Hedlund, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street, NW., Washington, D.C. 20036.
D. (6) $5,749.98. E. (9) 933.02.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, No. 1025, 1875 I Street NW., Washington, D.C. 20006.
B. Ductile Iron Pipe Research Ass
Oak Brook, Ill.

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D. Heffernan, Shannon, Heffer-
Moseman & Goren, No. 1025, 1875 I Street NW., Washington, D.C. 20006.
B. E Street Associates, Washington, D.C.
D. (6) $5,000.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, No. 1025, 1875 Eye Street NW., Washington, D.C. 20006.
B. State of Alaska, Anchorage, Alaska.
D. (6) $3,555.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $11,596. E. (9) 579.45.

A. Robert B. Heiney, Box 569 LOW, Locust Grove, Va. 22508.
B. Gerber Products Co., Fremont, Mich.
D. (6) $6,000. E. (9) $2,656.15.

A. Steven B. Hellem, Chamber of Commerce of the United States, 1616 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW

B. Arter Hadden & Hemmendinger, (for: Japan Iron & Steel Exporters Association, Tokyo, Japan) 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.

B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) 603.

A. Douglas F. Henderson, Rocky Mountain Oil & Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.

B. Rocky Mountain Oil & Gas Association, 345 Petroleum Building, Denver, Colo. 80202.

E. (9) $52.75.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.

B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.

E. (9) $20.

A. Henkel & Lamon, 229 Peachtree Street NE., 2500 Peachtree Center, Cain Tower, Atlanta, Ga. 30303.

B. Colonial Life & Accident Insurance Co., P.O. Box 1365, Columbia, S.C. 29201.

D. (6) $1,600.

A. Henkel & Lamon, 229 Peachtree Street NE., Suite 2500, Atlanta, Ga. 30303.

B. The National Association of Pension Consultants and Administrators, Inc., Suite 300, 3 Piedmont Center, Atlanta, Ga. 30305.

D. (6) $862.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. Thomas M. Hennessy, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C.

B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

D. (6) $2,489. E. (9) $285.97.

A. George F. Hennrikus, Jr., The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $4,613.

A. Donald A. Henriksen, Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Lawrence R. Herman, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $1,962.03.

A. Lyla M. Hernandez, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.

B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.

E. (9) $11.55.

A. Esther Herst, 1343 F Street NE., Washington, D.C. 20002.

B. National Committee Against Repressive Legislative, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $3,055.

A. David Hessekiel, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. National Coalition to Ban Handguns, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $2,000. E. (9) $75.

A. Heublin, Inc., Munson Road, Farmington, Conn. 06032.

E. (9) $4,750.

A. Ted A. Heydinger, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $2,800. E. (9) $163,51.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

D. (6) $16,625. E. (9) $2,090.95.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. The Keefe Co. (for the Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $1,250.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02903.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $160.

A. Kevin M. Higgins, 9 West 57th Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. J. Thomas Higginsbotham, Mellon Bank N.A., Pittsburgh, Pa. 15230.

B. Mellon Bank N.A. and Mellon National Corp. Mellon Square, Pittsburgh, Pa. 15230.

D. (6) $2,000. E. (9) $2,074.46.

A. Dave Hill, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $3,375. E. (9) $125.

A. J. Eldred Hill, Jr., UBA, Inc., 1800 M Street NW., No. 460 South, Washington, D.C. 20036.

B. UBA, Inc., 1800 M Street NW., No. 460 South, Washington, D.C. 20036.

D. (6) $2,000.

A. Hill and Knowlton, Inc., 1425 K Street, NW., No. 1000, Washington, D.C. 20005.

B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037.

A. Morton A. Hill, Morality in Media, Inc., 980 Park Avenue, New York, N.Y. 10028.

B. Morality in Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

A. James D. Hittle, 3137 South 14th Street, Arlington, Va. 2204.

B. Vought Corp., Dallas, Tex.

D. (6) $4,000. E. (9) $497.99.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Lawrence S. Hobart, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $3.200. E. (9) $112.

A. Robert J. Hobbs, National Consumer Law Center, Inc., 11 Beacon Street, Boston, Mass. 02108.

B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

A. Valery Hobbs, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Jerald E. Hobson, El Paso Co., 1775 K Street NW., Suite 310, Washington, D.C. 20006.

B. The El Paso Co., P.O. Box 2185, Houston, Tex. 77001.

D. (6) $2,500. E. (9) $153.66.

A. Philip R. Hochberg, 1828 L Street NW., No. 1111, Washington, D.C. 20036.

B. Canadian Cablesystems, Ltd., P.O. Box 249, Toronto, Ontario M5K 1J9.

D. (6) $1,300. E. (9) $84.

A. Philip R. Hochberg, 1828 L Street NW., No. 1111, Washington, D.C. 20036.

B. National Hockey League, 1221 Avenue of the Americas, New York, N.Y. 10020.

D. (6) $1,200.

A. Philip R. Hochberg, 1828 L Street NW., No. 1111, Washington, D.C. 20036.

B. North American Soccer League, 1123 Avenue of Americas, New York, N.Y. 10036.

A. Charles L. Hoebel, Carrier Corp., Suite 510, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Carrier Corp., Carrier Tower, Box 4800, Syracuse, N.Y. 13221.

D. (6) $3,300. E. (9) $450.28.

A. Howard E. Hoelter, Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $495. E. (9) $553.92.

A. Glen D. Hofer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,868.

A. Irvin A. Hoff, 20 Live Oak Road, Hilton Head Island, S.C. 29928.

B. United States Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $375. E. (9) $231.27.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $1,596. E. (9) $202.20.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Council of European and Japanese National Shipowners' Associations, 30/32 St. Mary Axe, London EC3A 8ET, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,747.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94106.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Guam Power Authority, Agana, Guam.
D. (6) $160. E. (9) $5.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. National Farmers Organization, Corning, Iowa.
E. (9) $42.01.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Semiconductor Industry Association, 2030 Town Center Lane, Cupertino, Calif. 95014.
E. (9) $475.31.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Vinland National Center, 3675 Ihduhapi Trail, Loretto, Minn. 55357.
D. (6) $3,840.

A. Richard F. Hohlt, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,312.50. E. (9) $106.35.

A. Walter Holan, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Bruce E. Holbein, Digital Equipment Corp., 111 Powdermill Road, B–79, Maynard, Mass. 01754.
B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.
D. (6) $7,500. E. (9) $400.

A. Michele O'Donnell Holbrook, National Fuel Gas Distribution Corp., Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.
B. National Fuel Gas Distribution Corp., National Fuel Gas Supply Corp. and National Gas Storage Corp., Seneca Resources Corp.
D. (6) $1[illegible].33. E. (9) $811.70.

A. Marcus A. Hollabaugh, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Kelly Holley, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Wendell M. Holloway, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,490. E. (9) $1,307.86.

A. Lee B. Holmes, United States League of Savings Assocations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,587.50

A. Peter E. Holmes, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 96431.
D. (6) $1,000.

A. Holt Cicatiello Neismanger, Inc., 1441 Irving Street, Rahway, N.J. 07065.
B. New York Mercantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

A. E. Y. Holt, Jr., National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. James L. Holt, Kennecott Corp., 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Corp., 10 Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $214.49.

A. John Holton, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Linwood Holton, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Fortescue W. Hopkins, Box 218, Daleville, Va.
B. Graham-White Manufacturing Co. and Graham-White Sales Corp., P.O. Box 1099, Salem, Va. 24153.
D. (6) $3,300.

A. The Hormel Foundation, Austin, Minn. 55912.

A. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.
E. (9) $120.

A. Robert Jack Horn, Detroit Edison Co., 1819 H Street NW., Suite 960, Washington, D.C. 20006.
B. The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.
D. (6) $358. E. (9) $75.

A. Mitchell E. Horrell, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $713.52.

A. Douglass C. Horstman, 1612 K Street NW., No. 906, Washington, D.C. 20006.
B. Northern Textile Association, 211 Congress Street, Boston, Mass. 02110.
D. (6) $660. E. (9) $202.50.

A. John F. Horty, National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.
B. National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.
E. (9) $790.95.

A. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $933. E. (9) $933.

A. Houdaille Industries, Inc., 1 Financial Plaza, Fort Lauderdale, Fla. 33394.
E. (9) $53,373.36.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pensylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Northwest Food Producers Association, P.O. Box 1976, Woodinville, Wash. 98072.
D. (6) $700.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Paccar, Inc., 777 106th Avenue NE., Bellevue, Wash. 98009.
D. (6) $798.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Totem Ocean Trailer Express, Inc., 1100 Olive Way, Seattle, Wash. 98101.
D. (6) $5,850.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 F Street NW., Suite 200, Washington, D.C. 20026.
D. (6) $6,466.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Washington Citizens For World Trade, Fourth and Battery Building, Suite 925, Seattle, Wash. 98121.
D. (6) $2,913.

A. Thomas B. House, American Frozen Food Institute, 1700 Old Meadow Road, No. 100, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, No. 100, McLean, Va. 22102.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
E. (9) $2,862.30.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue, Argo P.O., Bedford Park, Ill. 60501.

A. Arthur L. Howard, 1100 H Street NW., Washington, D.C. 20080.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Donald L. Howell, First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins (for Slurry Transport Association), First City National Bank Building, Houston, Tex. 77002.
D. (6) $250. E. (9) $11.18.

A. J. William Howell, International Business Machines Corp., 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $1,442. E. (9) $93.75.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. John B. Howerton, Asarco, Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.
B. Asarco, Inc., 120 Broadway, New York, N.Y. 10271.
D. (6) $1,500.

A. Karl T. Hoyle, Credit Union National Association, 1730 Rhode Island Avenue, Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $297.

A. Karetta Hubbard, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $6,250. E. (9) $105.94.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,535.85.

A. David Emery Hughes, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine.
D. (6) $125.

A. Peter W. Hughes, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $915.90.

A. Robert Hughes, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.
B. Barber Oil Corp., 245 Park Avenue, New York, N.Y. 10017.
D. (6) $500. E. (9) $337.56.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.
B. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.
D. (6) $500. E. (9) $337.56.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.
B. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.
D. (6) $500. E. (9) $337.56.

A. William E. Hughes, Jr., 11 Hills Ave., East Hampton, Conn. 06424.
B. Northeast Utilities Services Co., Selden Street, Berlin, Conn. 06037.

A. William G. Hughes, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterinarians, Suite 836, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $107.21.

A. Edward L. Huie, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
B. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $5,811.96. E. (9) $1,530.52.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $225.

A. Hunker-Fedric, P.O. Box 1837, Roswell, N. Mex. 88201.
B. David Fasken, c/o Whitaker & Brooks, 608 First National Bank Building, Midland, Tex. 79701.
D. (6) $47,025. E. (9) $2,253.14.

A. A. Truman Hunt, Jr., Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $680. E. (9) $1,416.89.

A. Acacia G. Hunt, Suite 850, 2020 K Street NW., Washingon, D.C. 20006.
B. American Bankers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $71.25. E. (9) $3.40.

A. Harriet Hunt, 82 Second Street, San Francisco, Calif 94105.
B. The Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.
D. (6) $1,177. E. (9) $1,645.69.

A. Richard M. Hunt, Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $2,968.

A. Kenneth Hunter, Coast Action, 918 F Street NW., Suite 310, Washington, D.C. 20004.
B. Coast Action, 918 F Street NW., Suite 310, Washington, D.C. 20004.
D. (6) $1,875.

A. Kenneth Hunter, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
D. (6) $1,875. E. (9) $8.25.

A. Michael M. Hunter, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $65.

A. Milton F. Huntington, Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $88. E. (9) $77.85.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va. 23212.
B. The Business Roundtable, 200
Avenue, New York, N.Y. 10017.
D. (6) $4,857.50. E. (9)

A. Hunton &
mond, Va.
B.

Park

$878.39.

Williams, P.O. Box 1535, Rich-
23212.
Edison Electric Institute, 1140 Connecti-
cut Avenue NW., Washington, D.C. 20036
D. (6) $1,637.50

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Washington, D.C. 20037.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.
B. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. Raymond D. Hurley, One Farragut Square South, Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Benjamin Melvin Hurwitz, The Coastal Corp., 1333 New Hampshire Avenue NW., Suite 205, Washington, D.C. 20036.
B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.
D. (6) $300. E. (9) $20.

A. John F. Hussey, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 80 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $175.76.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.
D. (6) $400. E. (9) $204.

A. Philip A. Hutchinson, Jr., Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $250.

A. Randy Huwa, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,400.

A. Robert D. Hynes, Jr., National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $100.75.

A. John Iaccio, Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $2,125.

A. ICX Aviation, Inc., 1101 Connecticut Avenue NW., Suite 705, Washington, D.C. 20036.

A. I.G.C., Inc., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.
D. (6) $4,246.85.

A. John K. Iglehart, Kaiser Foundation Health Plan, Inc., 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Foundation He
D. (6) $8,000. E. (9

A. Ron
Cit

n Plan, Inc.
$1,550.

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d K. Ikejiri, Japanese American
zens League, 1730 Rhode Island Avenue NW., No. 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.
D. (6) $4,317.75. E. (9) $13.80.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $17,359.48. E. (9) $17,359.48.

A. Infant Formula Council, 5775 Peachtree Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.
D. (6) $2,445. E. (9) $872.

A. G. Conley Ingram, Alston, Miller & Gaines, 35 Broad Street, Suite 1200, Atlanta, Ga. 30335.
B. Great American Management & Investment, Inc., 5775–D Peachtree Dunwoody Road, Suite 600, Atlanta, Ga. 30342.
D. (6) $3,762.50. E. (9) $885.23.

A. Andrea L. Innes, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $7,125. E. (9) $420.78.

A. Insulation Contractors Association, 905 16th Street NW., Washington, D.C. 20007.
E. (9) $500.

A. Insurance/Financial Affiliates of America, 1166 Northwestern Bank Building, Minneapolis, Minn. 55402.
D. (6) $1,615.38. E. (9) $1,005.71.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $14,152.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $29,431.02.

A. International Longshoremen's Association, 815 16th Street NW., Suite 104, Washington, D.C. 20006.
D. (6) $7,500. E. (9) $7,650.

A. International Maritime Associations, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. International Union of Bricklayers & Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.

A. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson, Detroit, Mich. 48214.
D. (6) $79,352.60. E. (9) $79,352.60.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $1,946.44.

A. Investment Counsel Association of America, Inc., 50 Broad Street, New York, N.Y. 10004.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Bldg., St. Paul, Minn. 55101.
D. (6) $20,465.33. E. (9) $10,809.97.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
D. (6) $600.

A. Itel Corp., Container Division, No. 2 Embarcadero Center, 24th Floor, San Francisco, Calif. 94111.
E. (9) $1,065.38.

A. Joseph S. Ives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $135.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric Water and Sewer Utilities, Sebring Utilities Commission, Cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.
D. (6) $200.

A. Mercer L. Jackson, National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $150. E. (9) $60.90.

A. Mary Jo Jacobi, 3M, 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.
D. (6) $1,395.

A. Robert L. James, Bank America Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.
E. (9) $94.52.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036, (for Government of Morocco, Rabat, Morocco.)
D. (6) $47.21. E. (9) $44.58.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CSF(AUS), 178 Boulevard Gabriel Peri, 92240 Malakoff France)

A. Barbara Diane Steigler Jarrell, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, Government Affairs Division, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $354.

A. Thomas Destry Jarvis, 529 Tennessee Avenue, Alexandria, Va. 22305.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $1,203.65. E. (9) $30.

A. Philip F. Jehle, 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.
D. (6) $200. E. (9) $25.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Linda Jenckes, 1750 K Street NW, Washington, D.C.
B. Health Insurance Association of America, Inc., 17500 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 322 South Michigan Avenue, Chicago, Ill.

A. Jenkens & Gilchrist, 2200 First National Bank Building, Dallas, Tex. 75202.
B. American College of Emergency Physicians, P.O. Box 61911, Dallas, Tex. 75261.
D. (6) $7,565. E. (9) $1,723.21.

A. Jennings, Strouss & Salmon, 111 West Monroe, Phoenix, Ariz. 85003.
B. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.
D. (6) $50.

A. Chris L. Jensen, Florida Petroleum Council, 111 North Gadsden Street, Tallahassee, Fla. 32301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,040.18. E. (9) $1,403.80.

A. Jensen, Sanders & McConnell, 244 Maryland Avenue NE., Washington, D.C. 20002.
B. County of Orange, 10 Civic Center Plaza, Santa Ana, Calif. 92701.
D. (6) $7,917. E. (9) $4,407.

A. Jensen, Sanders & McConnell, 244 Maryland Avenue NE., Washington, D.C. 20002.
B. Orange County Transportation Commission, 1020 North Broadway, Santa Ana, Calif. 92701.
D. (6) $1,375. E. (9) $522.

A. Guy E. Jester, J. S. Alberici Construction Co., 2150 Kienlen Avenue, St. Louis, Mo. 63121.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $8,601. E. (9) $662.32.

A. Ronald P. Johnsen, Columbia Gas System Service Corp., 1625 I Street NW., Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.
D. (6) $175. E. (9) $337.67.

A. Bruce T. Johnson, Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.
B. Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.
D. (6) $12,500. E. (9) $11,667.61.

A. David H. Johnson, Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463. Houston, Tex. 77001.
D. (6) $500.

A. John B. Johnson, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $985.79. E. (9) $817.75.

A. Rady A. Johnson, Standard Oil Co., 1000 16th Street NW., No. 500, Washington, D.C. 20036.
B. Standard Oil Co., 200 Randolph Drive, Chicago, Ill. 60610.
D. (6) $800. E. (9) $24.

A. Reuben L. Johnson, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. $7,661.52. E. (9) $114.94.

A. Richard W. Johnson, Jr., National Headquarters, Marine Corps League, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 321, Arlington, Va. 22201.

A. Richard W. Johnson, Jr., National Commissioned Officers, Association of the U.S.A., 110 Maryland Avenue NE., Box 143, Washington, D.C. 20002.

B. Non-Commissioned Officers Association of the U.S.A. (NCOA) P.O. Box 33610, San Antonio, Tex. 78233.

D. (6) $3,097.26. E. (9) $136.31.

A. Spencer A. Johnson, Paperboard Packaging Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

B. Paperboard Packaging Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

A. Stanley L. Johnson, Texaco Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $200.

A. Theodore Johnson & Co., 786 National Press Building, Washington, D.C. 20045.

B. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.

D. (6) 5,754.40.

A. William Johnson, Consumers Power Co., 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.

D. (6) $600.

A. James D. Johnston, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Blvd., Detroit, Mich. 48202.

D. (6) $3,500. E. (9) $5,921.21.

A. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.

E. (9) $1,170.

A. James E. Jones, Jr., Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $875. E. (9) $70.

A. James E. Jones, Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

A. Martha E. Jones, 4 Loma Alta, Lakeland, Fla. 33803.

B. Florida Phosphate Council, P.O. Box 5530, Lakeland, Fla. 33803.

A. Norvill Jones, Reynolds Metals Co., 1620 I Street NW., Washington, D.C. 20006.

B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.

D. (6) $250.

A. Randall T. Jones, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $1,425.

A. De Soto Jordan, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. EDS Corp., Office of Government Affairs, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $132. E. (9) $50.20.

A. Donald L. Jordan, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $1,000. E. (9) $150.

A. James V. Jordan III, P.O. Box 2563, Birmingham, Ala. 35202.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Jeffrey H. Joseph, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,365. E. (9) $104.60.

A. Linda Kline Joseph, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $5,153.19. E. (9) $123.10.

A. Ellen Josephson, National Legal Aid & Defender Association, 1625 K Street NW., 8th Floor, Washington, D.C. 20006.

B. National Legal Aid and Defender Association, 1625 K Street NW., 8th Floor, Washington, D.C. 20006.

D. (6) $7,000. E. (9) $20.75.

A. Marjorie J. Josiah, VISA U.S.A., Inc., 1620 I Street NW., Suite 603, Washington, D.C. 20006.

B. VISA U.S.A., Inc., 1620 I Street NW., Suite 603, Washington, D.C. 20006.

A. Mary T. Joyce, 1850 K Street NW., Suite 550, Washington, D.C. 20006.

B. CF Industries, Inc../Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

D. (6) $500. E. (9) $161.56.

A. James N. Juliana, Braniff International, 1750 New York Avenue NW., Suite 340, Washington, D.C. 20006.

B. Braniff International, Braniff Boulevard, P.O. Box 61747, Dallas-Fort Worth, Airport, Tex. 75261.

D. (6) $687.30.

A. Robert E. Juliano, Hotel & Restaurant Employees & Bartenders International Union, 1875 I Street NW., Suite 450, Washington, D.C. 20006.

B. Hotel & Restaurant Employees & Bartenders International Union, 120 East 4th Street, Cincinnati, Ohio 45202.

D. (6) $9,999.96. E. (9) $2,487.33.

A. Ruth E. Jurman, Glass Packaging Institute, 2000 L Street NW., Suite 815, Washington, D.C. 20036.

B. Glass Packaging Institute, 2000 L Street NW., Suite 815, Washington, D.C. 20036.

A. Ann P. Kahn, 9202 Ponce Place, Fairfax, Va. 22031.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $9.55.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.

B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Donald J. Kaniewski, Laborers' International Union of N.A., AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of N.A., AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $5,224.98. E. (9) $159.60.

A. Charles W. Karcher, Room 1702 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Gene Karpinski, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,750.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. American League for Exports & Security Assistance, Inc. (ALESA), Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $15,000.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Archer-Daniels-Midland Co., P.O. Box 1470, Decatur, Ill.

D. (6) $4,000.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $3,000. E. (9) $875.43.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Pullman Swindell, Division of Pullman, Inc., 441 Smithfield Street, Pittsburgh, Pa. 15222.

D. (6) $1,500.

A. Jonathan Katz, 800 21st Street NW., No. 424 Marvin Center, Washington, D.C. 20052.

B. George Washington University Student Association, 800 21st Street NW., No. 424 Marvin Center, Washington, D.C. 20052.

A. Lawrence W. Katz, 8283 Greensboro Drive, McLean, Va. 22102.

B. Satellite Business Systems, 8283 Greensboro Drive, McLean, Va. 22102.

D. (6) $1,200. E. (9) $34.55.

A. Linda E. Katz, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $3,366.23. E. (9) $436.34.

A. Milton M. Kaufmann, 19102 Roman Way, Gaithersburg, Md. 20760.

B. The Fund for Animals, Inc., 140 West 57th Street, New York, N.Y. 10019.

D. (6) $3,000.

A. Everett E. Kavanaugh, Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

B. Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

A. Thomas O. Kay, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $730.08.

A. William J. Keating, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.

D. (6) $45.

A. Howard B. Keck, 555 South Flower Street, Los Angeles, Calif. 90071.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. Keck, Mahin & Cate, 8300 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.

B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Teresa A. Keefe, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,029. E. (9) $8.

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A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington. D.C. 20036.

D. (6) $3,750.

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A. Vicki R. Keenan, 5597 Seminary Road, Apt. 1907S, Falls Church, Va. 22041.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

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A. Robert C. Keeney, North Washington at Madison, Alexandria, Va. 22314.

B. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.

D. (6) $60.10. E. (9) $51.70.

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A. Keiki Kehoe, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,750. E. (9) $118.90.

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A. Jefferson D. Keith, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

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A. Robert H. Kellen, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D. Atlanta, Ga. 30342.

B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342. (For: Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.)

D. (6) $1,008.

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A. Candace Keller, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $2,900.

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A. Don Kellermann, Times Mirror Co., 1875 I Street NW., Suite 1110, Washington, D.C. 20006.

B. Times Mirror Company, Times Mirror Square, Los Angeles, Calif. 90053.

D. (6) $18,175. E. (9) $750.

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A. John B. Kelley, Avco Corp., 1025 Connecticut Avenue, NW., Suite 1200, Washington, D.C. 20036.

B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.

D. (6) $1,500.

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A. Michael T. Kelley, Houston Natural Gas Corporation, 1700 North Moore Street, Suite 919, Arlington, Va. 22209.

B. Houston Natural Gas Corporation, 1700 North Moore Street, Suite 919, Arlington, Va. 22209.

D. (6) $224. E. (9) $196.50.

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A. Ty Kelley, National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.

B. National Association of Chain Drug Stores. Inc., 413 North Lee Street, Alexandria, Va. 22314.

D. (6) $1,500.

—

A. Stephen S. Kellner, 1001 Connecticut Avenue NW., No. 1120, Washington, D.C. 20036.

B. Chemical Specialties Manufacturers Associates, 1001 Connecticut Avenue NW., No. 1120, Washington, D C. 20036.

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A. Carol A. Kelly, American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $234. E. (9) $86.45.

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A. Earl Kelly, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

D. (6) $26,000.

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A. Ernest B. Kelly III, Communications Satellite Corporation, 950 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Communications Satellite Corporation, 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $1,000. E. (9) $281.40.

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A. William F. Kennedy, General Electric Co., Fairfield, Conn. 06431.

B. General Electric Co., Fairfield, Conn. 06431.

D. (6) $400. E. (9) $900.

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A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $396.63.

—

A. Robert T. Kenney, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

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A. J. H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, Suite 300, Washington, D.C. 20006.

B. American Supply Association, 221 North LaSalle Street, Chicago, Ill. 60601.

D. (6) $1,630. E. (9) $1,000.

—

A. J. H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006.

B. Seniorcenters of America, 2640 Peerless Road NW., Cleveland, Tenn 37311.

D. (6) $1,313.76 E. (9) $1,000.

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A. Vytautas Kazimieras Kerbelis, 69 Cottage Street, Bar Harbor, Maine 04609.

B. Aras Psychomotor Domain of Self, 69 Cottage Street, Bar Harbor, Maine 04609.

D. (6) $600.

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A. Paul A. Kerschner, National Retired Teachers Association American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $666.35. E. (9) $37.94.

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A. Robert M. Ketchel, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

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A. Gilbert W. Keyes, P.O. Box 3999, Seattle, Wash. 98124.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $482.85. E. (9) $720.77.

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A. Earline A. Keyser, 7352 Lee Highway, Falls Church, Va. 22046.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Richard F. Kibben, 200 Park Avenue, New York, N.Y. 10166.

B. Business Roundtable, 200 Park Avenue, New York, N.Y. 10166.

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A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.

B. Norfolk & Western RR. Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $855. E. (9) $579.78.

—

A. Kilpatrick & Cody, 2501 M Street NW., Suite 500, Washington, D.C. 20037.

B. Furniture Rental Association of America, 50 West Broad Street, Suite 1331, Columbus, Ohio 43215.

D. (6) $16,425. E. (9) $1,734.09.

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A. Margaret A. Kimball, Route 1, Box 118A, Bealeton, Va. 27712.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

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A. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

E. (9) $463.29.

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A. Richard H. Kimberly, Kimberly-Clark Corp., 1400 Holcomb Bridge Road, Roswell, Ga. 30076.

B. Kimberly-Clark Corp., 401 North Lake Street, Neenah, Wis. 54956.

D. (6) $60. E. (9) $254.98.

—

A. Charles L. King, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $160.

—

A. Dean King, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

E. (9) $12.45.

—

A. Edward H. King, Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.

B. Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.

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A. G. Jack King, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

D. (6) $1,000.

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A. King & Spalding, 2500 Trust Company Tower, Atlanta, Ga. 30303; 1800 M Street NW., Suite 825, Washington, D.C. 20036.

B. Branch and Associates, Inc., Suite 1630, 400 Colony Square, Atlanta, Ga. 30361.

E. (9) $207.63.

—

A. King & Spalding, 2500 Trust Company Tower, Atlanta, Ga. 30303 and 1800 M Street NW., Suite 825, Washington, D.C. 20036.

B. Palm Beach Civic Association, Inc., 235 South Country Road, Palm Beach, Fla. 33480.

E. (9) $5.87.

—

A. King & Spalding, 2500 Trust Company Tower, Atlanta, Ga. 30303 and 1800 M Street NW., Suite 825, Washington, D.C. 20036.

B. Tri-South Mortgage Investors, 1532 Dunwoody Village Parkway, Atlanta, Ga. 30338; Great American Management & Investments, 2850 Equitable Building, Atlanta, Ga. 30303; CMEI, Inc., 300 Interstate North, Atlanta Ga. 30339.

E. (9) $557.44.

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A. W. Russell King, Freeport Minerals Co., 1050 17th Street NW., No. 301, Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Part Avenue, New York, N.Y. 10166.
D. (6) $300.

A. Roger P. Kingsley, 10801 Rockville Pike, Rockville, Md. 20852.
B. American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
D. (6) $5,500. E. (9) $15.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Alden Corrugated Container Corp., 1 Church Street, New Bedford, Mass. 02741.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. J & J Corrugated Box Corp., 350 North Main Street, Fall River, Mass. 02720.

A. Alan G. Kirk II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue N.W., Washington, D.C. 20068.
D. (6) $93.80.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $125. E. (9) $3.39.

A. Sally A. Kirkpatrick, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $588. E. $349.80.

A. Ralph W. Kittle, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street N.W., Washington, D.C. 20006.
D. (6) $150.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $103.85.

A. Catherine B. Klarfeld, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Allie C. Kleinpeter, Jr., 666 North Street, P.O. Box 2811, Baton Rouge, La. 70821.
B. Louisiana Bankers Association, 666 North Street, P.O. Box 2871, Baton Rouge, La. 70821.
D. (6) $500. E. (9) $88.

A. Joann Klimschot, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,638.

A. Richard A. Kline, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.
B. Council of Active Independent Oil & Gas Producers, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.
D. (6) $5,781.

A. William J. Klinefelter, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,125.70.

A. John J. Klocko III, E. I. du Pont de Nemours & Co., 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.
B. E. I. du Pont de Nemours and Co., 1007 Market Street, Wilmington, Del. 19898.
E. (9) $552.47.

A. James E. Kneale, Lockheed Corp., 2335 South Meade Street, Arlington, Va. 22202.
B. Lockheed Corporation, P.O. Box 551, Burbank, Calif. 91520.
D. (6) $820. E. (9) $248.73.

A. Gary D. Knight, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $23.85. E. (9) $7.25.

A. Keith R. Knoblock, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $59. E. (9) $2.10.

A. John C. Knott, Burlington Northern Inc., Burlington Northern Station, Casper, Wyo. 82601.
B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,575.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.
B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $25.

A. Philip M. Knox, Jr., Sears Roebuck & Co., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $2,000.

A. Ruth E. Kobell, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $3,946.14. E. (9) $103.20.

A. Bradley R. Koch, 1800 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $128.35.

A. George W. Koch, 1010 Wisconsin Avenue NW., Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue, NW., Washington, D.C. 20007.
D. (6) $120.06.

A. Robert M. Koch, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $23.18.

A. Stanley E. Kolbe, Jr., The American Institute of Architects, 1735 New York Avenue, NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue, NW., Washington, D.C. 20006.
D. (6) $2,749.30.

A. Ronald K. Kolins, 420 International Square, 1875 I Street NW., Washington, D.C. 20006.
B. Dia-Compe, Inc., Cane Creek Road, P.O. Box 798, Fletcher, N.C.
D. (6) $500.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.
D. (6) $1,088.88.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Colt Industries, Inc., 430 Park Avenue, New York, N.Y. 10022.
D. (6) $2,045. E. (9) $29.85.

A. Nicholas Kominus, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $562.50.

A. William G. Kopit, Epstein Becker Borsody & Green, 1140 19th Street NW., Washington, D.C. 20036.
B. American Association of Professional Standards Review Organizations, Suite 214, Cabin John Mall, 11325 Seven Locks Road, Potomac, Md. 20854.

A. William G. Kopit, Epstein Becker Borsody & Green, 1140 19th Street NW., Washington, D.C. 20036.
B. American Health Planning Association, 2560 Huntington Avenue, Alexandria, Va. 22303.

A. Stephen Koplan, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C 20006.
D. (6) $12,610. E. (9) $291.53.

A. Horace R. Kornegay, Suite 800, 1875 I Street, NW., Washington, D.C. 20006.
B. Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.
D. (6) $100. E. (9) $7.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C., 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,125.70.

A. Michael J. Kowalsky, 1120 19th Street NW., Washington, D.C. 20036.
B. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.
D. (6) $36. E. (9) $50.

A. E. J. Krabacher, Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
B. Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
D. (6) $2,700. E. (9) $270.

A. Mylio S. Kraja, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $8,853. E. (9) $4,143.85.

A. Amos Kramer, Kansas Petroleum Council, 1414 Merchant Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $503. E. (9) $629.51.

A. Stephen W. Kraus, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Raymond R. Krause, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer Inc., 235 East 42nd Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $443.58.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio.

E. (9) $5,185.81.

A. Margaret Krome, National Legal Aid & Defender Association, 1625 K Street NW., Eighth Floor, Washington, D.C. 20006.

B. National Legal Aid and Defender Association, 1625 K Street NW., Eighth Floor, Washington, D.C. 20006.

D. (6) $3,466. E. (9) $16.90.

A. L. Wayne Krug, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Company of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

E. (9) $264.24.

A. James S. Krzyminski, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,287.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $11,124.

A. Thomas R. Kuhn, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

D. (6) $4,250. E. (9) $498.01.

A. John R. Kupferer, National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

D. (6) $530.50. E. (9) $22.75.

A. Daniel M. Kush, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.

B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

D. (6) $500. E. (9) $21.70.

A. Labor Bureau of Middle West, 1200 15th Street NW., Washington, D.C. 20005.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $7,450. E. (9) $6,245.

A. Laborers' International Union, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $18,696.88.

A. Phillip Ray Lackey, 823 15th Street NW., Suite 1001, Washington, D.C. 20005.

B. International Masonry Institute, 823 15th Street NW., Suite 1001, Washington, D.C. 20005.

D. (6) $3,750. E. (9) $2,006.

A. Philip A. Lacovara, Hughes, Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20036.

A. Philip A. Lacovara, Hughes, Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $450. E. (9) $9.

A. Bruce C. Ladd Jr., 4406 Franklin Street, Kensington, Md. 20795.

B. Laclede Gas Co., 720 Olive Street, St. Louis, Mo. 63101.

D. (6) $7,500. E. (9) $78.

A. Walter B. Laessig, 1015 15th Street NW., Suite 1100, Washington, D.C. 20005.

B. National Association of Real Estate Investment Trusts, Inc., 1101 Seventeenth Street NW., Washington, D.C. 20036.

D. (6) $2,242.50. E. (9) $191.25.

A. Sandra L. LaFevre, Nationwide Insurance Cos. & Affiliates, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Nationwide Insurance Cos. & Affiliates 1 Nationwide Plaza, Columbus, Ohio 43218.

D. (6) $500.

A. Sarah M. Laird, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $3,627. E. (9) $72.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. David F. Lambert III, Suite 1101, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

B. Automotive Occupant Protection Association, Suite 1101, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $10,665.

A. David M. F. Lambert, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Jewish Employment Vocational Services, 1727 Locust Street, St. Louis, Mo. 63103.

A. David R. Lambert, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $824.

A. C. Peter Lambos, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

D. (6) $7,500. E. (9) $170.

A. Stephen K. Lambright, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.

B. Anheuser-Busch Cos., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

E. (9) $10.

A. Phil M. Landrum, P.O. Box 100, Jasper, Ga. 30143.

B. Great American Management & Investment, 100 Peachtree, Atlanta, Ga. 31313.

A. David W. Landsidle, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $600. E. (9) $239.76.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International, Inc., 4676 Admiralty Way, Suite 503, Marina del Ray, Calif. 90291.

D. (6) $750. E. (9) $110.

A. Lane & Edson, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. City of Baltimore, Mayor William Donald Schaefer, Office of the Mayor, 250 City Hall, Baltimore, Md. 21202.

D. (6) $2,000.

A. Lane & Edson, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.

B. Council of State Housing Agencies, Suite 514, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $450.

A. Lane & Edson, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.

D. (6) $650. E. (9) $41.35.

A. Lane & Edson, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.

B. National Leased Housing Association, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $450.

A. Laurence F. Lane, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

D. (6) $975. E. (9) $38.

A. Michael S. Lang, American Productivity Center, Inc., 1700 West Loop South, No. 210, Houston, Tex. 77027.

B. American Productivity Center, Inc., 1700 West Loop South, No. 210, Houston, Tex. 77027.

A. R. Josh Lanier, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

B. Leggett, Lanier & Associates, 400 North Capitol Street, Suite 323, Washington, D.C. 20001. (For: Shellfish Institute of North America, 400 North Capitol Street, Washington, D.C. 20001.)

D. (6) $4,500.

A. Robin W. Lanier, National Retail Merchants Association, 1000 Connecticut Avenue, NW., No. 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $100. E. (9) $5.

A. James J. LaPenta, Jr., LIUNA, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

A. Wayne R. LaPierre, 1600 Rhode Island Avenue NW., Washington,, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $100.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Suite 1000, Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $637.50.

A. J. Stephen Larkin, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $500. E. (9) $129.80.

A. Reed Larson, National Right to Work Committee, 8001 Braddock Rd., No. 600, Springfield, Va. 22160.

B. National Right to Work Committee, 8001 Braddock Rd., No. 600, Springfield, Va. 22160.

A. LaSalle National Bank, 135 South LaSalle Street, Chicago, Ill. 60690.

A. Lawrence C. Laser, Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

A. Glenn T. Lashley, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $648.

A. Louis F. Laun, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Dennis Lavallee, National Association of Plumbing, Heating, Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

B. National Association of Plumbing, Heating, Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

D. (6) $225. E. (9) $52.22.

A. Charles B. Lavin, Jr., American Subcontractors Association, 815 15th Street NW., Washington, D.C. 20005.

B. American Subcontractors Association, 815 15th Street NW., Washington, D.C. 20005.

A. Kathryn Lavriha, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,086. E. (9) $22.

A. Jane A. Lawlor, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $21,193. E. (9) $21,193.

A. League to Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.

D. (6) $7,980. E. (9) $953.

A. Kevin R. Leary, National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $36.

A. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

B. Ad Hoc Rail Shippers Group, 1333 New Hampshire Avenue NW., No. 1100 Washington, D.C. 20036.

A. Le Boeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, N.Y., 1333 New Hampshire Avenue NW., Washington, D.C.

B. Underwriters at Lloyd's, London, c/o Wm. G. Hockensmith, 409 McClure Building, Frankfurt, Ky. 40601; c/o John Smith, Lord, Bissell & Brook, 115 LaSalle Street, Chicago, Ill. 60603.

D. (6) $20. E. (9) $5.62.

A. Lee, Tomey & Kent, 1200 18th Street NW., Washington, D.C. 20036.

B. Specialty Advertising Association International, 1404 Walnut Hill Lane, Irving, Tex. 75062.

D. (6) $2,185. E. (9) $8.

A. Robert B. Leflar, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Leggett, Lanier and Associates, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

B. Shellfish Institute of North America, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

D. (6) $15,000. E. (9) $6,900.

A. Joanna S. Lehane, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.

B. Motor and Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.

D. (6) $50. E. (9) $50.

A. William T. Lehner, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., 1 Montgomery Plaza, Chicago, Ill. 60671.

E. (9) $50.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Adhesive & Sealant Council, Inc., 1500 North Wilson Boulevard, No. 1117, Arlington, Va. 22209.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Alarm Industry Telecommunications Committee of the National Burglar and Fire Alarm Association, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $9,883.62. E. (9) $6,531.62.

A. Leighton, Conklin, Lemov and Jacobs, 2033 M Street NW., No. 800, Washhington, D.C. 20036.

B. American Assn. of Nurse Anesthetists, 619 Higgins Road, Park Ridge, Ill. 60068.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. American Dental Assistants Association, 666 N. Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,710. E. (9) $1,710.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.

A. Leighton, Conklin, Lemov and Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. City & Regional Magazine Association, 2033 M Street NW., No. 800, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov and Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Clorox Co., 1221 Broadway, Oakland, Calif. 94612.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Family Practice Life and Health Action Research Institute, Inc., 6188 Oxon Hill Road, Oxon Hill, Md. 20021.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

D. (6) $1,125. E. (9) $1,125.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Fireman's Fund American Life Insurance Co., 1600 Los Gamos Drive, San Rafael, Calif. 94911.

A. Leighton Conklin Lemov & Jacobs, 2033 M. Street NW., Suite 800, Washington, D.C. 20036.

B. The First Boston Corp., 20 Exchange Place, New York, N.Y. 10005.

A. Leighton Conklin Lemov & Jacobs, 2033 M. Street NW., Suite 800, Washington, D.C. 20036.

B. General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.

D. (6) $1,417. E. (9) $1,417.

A. Leighton Conklin Lemov & Jacobs, 2033 M. Street NW., Suite 800, Washington, D.C. 20036.

B. Greater Boston Real Estate Board, 24 School Street, Boston, Mass. 02108.

A. Leighton, Conklin, Lemov and Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., No. 800, Washington, D.C. 20007.

A. Leighton, Conklin, Lemov and Jacobs, 2033 M Street NW., No. 800, Washington, D.C. 20036.

B. Intraocular Lens Manufacturers Association, 1420 Crestview Avenue, Seal Beach, Calif. 90740.

A. Leighton Conklin Lemov & Jacobs, 2033 M. Street NW., Suite 800, Washington, D.C. 20036.

B. Liberty Communications, Inc., P.O. Box 7009, Eugene, Oreg. 97401.

D. (6) $4,277.25. E. (9) $3,083.12.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street. NW., Washington, D.C. 20036.

B. MCI Communications Corp., 1150 17th Street, NW., Washington, D.C. 20036.

D. (6) $20,154. E. (9) $20,154.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street, NW., Suite 800, Washington, D.C. 20036.

B. Milicom, Inc., Suite 5500, 153 East 53rd Street, New York, N.Y. 10022.

D. (6) $3,777.33. E. (9) $2,157.70.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street, NW., Suite 800, Washington, D.C. 20036.

B. National Association of Small Business Investment Corp., 618 Washington Building, Washington, D.C. 20035.

D. (6) $25,000. E. (9) $200.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Savings Banks Association of Massachusetts, 50 Congress Street, Boston, Mass. 02109.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street, NW., Washington, D.C. 20036.

B. TRT Telecommunications Corp., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

D. (6) $9,999.86. E. (9) $8,568.16.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. Turner Broadcasting System, Inc., 1018 West Peachtree Street NW., Atlanta, Ga. 30309.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Universal Medical Laboratory, Inc., 2141 K Street, NW., Suite 108, Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Whey Products Institute, 130 North Franklin Street, Chicago, Ill. 60606.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Wash. 98164.

B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.

D. (6) $217.50. E. (9) $625.04.

A. Gilbert LeKander, 1629 K Street NW., No. 801, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701, and Washington Water Power Co., P.O. Box 3727, Spokane, Wash.

D. (6) $250.

A. Lynette B. Lenard, Dow Chemical Co., 1800 M Street NW., No. 700S, Washington, D.C.

B. Dow Chemical Co., Midland, Mich. 48640.

A. Earl T. Leonard, Jr., Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. Lloyd J. Leonard, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20006.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,565. E. (9) $67.

A. Rodney E. Leonard, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

E. (9) $9.

A. Charles Leppert, Jr., 1801 K Street NW., No. 230, Washington, D.C. 20006.

B. Proctor & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45201.

D. (6) $40.

A. Richard L. Lesher, Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.

D. (6) $100.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,884.80. E. (9) $145.60.

A. Ernest M. LeSueur, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corporation of America, 1300 Market Street, Wilmington, Del. 19899.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Boston Edison Company, et al.

D. (6) $12,043.80. E. (9) $52.65.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Holy Cross Hospital, 15031 Rinaldi Street, Mission Hills, Calif. 91345.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Estate of Blanca Rosa Langenegger; AG. Service, Inc., P.O. Box 575, 1st and Warehouse Avenue, Sunnyside, Washington 98944.

D. (6) $1,000. E. (9) $20.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Association for Hospital Development, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $900.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C.

D. (6) $4,820.

A. Robert J. Levering, 560 N Street SW., Washington, D.C. 20024.

B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $100.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $515.

A. Manuel Levine, 6404 Elray Drive, Suite E, Baltimore, Md. 21209.

B. Wood, Lucksinger & Epstein, One Houston Center, Suite 1600, Houston, Tex. 77010.

D. (6) $2,198.

A. Roger N. Levy, 1120 19th Street NW., Suite, 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $2,445.61.

A. Cathy A. Lewis, 1101 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Vinson and Elkins (for First City Bancorporation of Texas, Inc., Houston, Tex.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $871.25. E. (9) $24.80.

A. E. David Lewis, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., Suite 205, 1401 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $130. E. (9) $205.

A. Wm. J. Lhota, 301 Cleveland Avenue SW., Canton, Ohio 44702.

B. Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702 (a subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004).

D. (6) $1,068.97. E. (9) $1,084.37.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $5,625.

A. Herbert Liebenson, 1604 K Street NW., Washington, D.C. 20006.

B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

A. William C. Lienesch, 238 10th Street NE., Washington, D.C. 20003.

B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

D. (6) $1,310.30. E. (9) $31.75.

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Suite 850, Washington, D.C. 20036.

B. Neptune Orient Lines, Neptune Building, 13 Trafalger Street, Singapore 0207.

D. (6) $13,692. E. (9) $179.21.

A. Edward J. Lincoln, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Kathleen M. Linehan, 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $260. E. (9) $35.

A. Linton, Mields, Reisler & Cottone Ltd. 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Ambassador Bridge Co., P.O. Box 447, Detroit, Mich. 48232.

D. (6) $1,062.50. E. (9) $76.13.

A. Linton, Mields, Reisler & Cottone Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Lake Superior District Power Co., 101 West Second Street, Ashland, Ky. 54806.

D. (6) $342.60.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.

D. (6) $746.75.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.

D. (6) $4,746.24. E. (9) $39.75.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.

D. (6)) $1,027.59.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Oregon Department of Transportation, Transportation Building, Salem, Oreg.

D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $7,675.50.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $3,705. E. (9) $43.27.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.

D. (6) $205.94.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.

D. (6) $3,333.25. E. (9) $34.52.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Power & Light Co., Madison, Wis. 53701.

D. (6) $1,426.55.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.

D. (6) $1,378.85.

A. Robert G. Litschert, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,100. E. (9) $479.36.

A. Andrew Litsky, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $550.

A. William F. Little, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $362.50. E. (9) $289.50.

A. Roy Littlefield, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $1,670. E. (9) $110.

A. David A. Litvin, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.

B. Kennecott Corp., Ten Stamford Forum, Stamford, Conn. 06904.

D. (6) $500. E. (9) $58.10.

A. E. F. Livaudais, Jr., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. Harold D. Loden, American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.

B. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.

D. (6) $4,000.

A. Nils A. Lofgren, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

E. (9) $160.

A. Long, Aldridge, Heiner, Stevens & Sumner, 134 Peachtree Street, Suite 1900, Atlanta, Ga. 30043.

B. Cable Atlanta, Inc., 1038 West Peachtree Street, Atlanta, Ga. 30309.

E. (9) $20.01.

A. Nira Hardon Long, Smothers, Douple, Gayton & Long, 1800 M Street NW., Suite 880 South, Washington, D.C. 20036.

B. City of Los Angeles, Los Angeles, Calif. 90012.

D. (6) $5,625.

A. Robert W. Long, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.

D. (6) $82.93. E. (9) $2.10.

A. John H. Lonnquist, Jr., Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 244, Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $100.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Classroom Publishers Association, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Industrial Diamond Association, 59 East Main Street, Moorestown, N.J. 08057.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Textile Rental Services Association of America, 1250 Hallandale Beach Boulevard, Hallandale, Florida 33009.

A. Annie B. Lorber, Apt. 1107, 757 West Avenue, Corner Eighth Street, Miami Beach, Fla. 33139.

E. (9) $22.90.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.

B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

D. (6) $18,811.25. E. (9) $2602.08.

A. Philip J. Loree, 50 Broadway, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.

D. (6) $200.

A. Robert E. Losch, Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C., 20009.

B. American Dredging Co., et al.

D. (6) $17,500. E. (9) $2,599.72.

A. Robert E. Losch, Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Pelican Terminal Corp., 500 Jefferson Building, Suite 2025, Houston, Tex. 77002; and Port of Galveston, P.O. Box 328, Galveston, Tex. 77550.

D. (6) $10,000. E. (9) $2,150.33.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $500. E. (9) $200.

A. James P. Low, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. William C. Lowrey, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,000.

A. Freddie H. Lucas, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Michigan 48202.

D. (6) $303.71. E. (9) $303.71.

A. Lucas, Friedman & Mann, 810 18th Street NW., No. 202, Washington, D.C. 20006.

B. Coushatta Tribe of Louisiana, c/o Ernest Sickey, Elton, La. 70532.

A. Kathy K. Luhn, 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $58. E. (9) $11.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

E. (9) $2,894.09.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Christian J. Lund, 1125 15th Street NW., Washington, D.C. 20005.

B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101; 1125 15th Street NW., Washington, D.C. 20006.

D. (6) $12,324.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.

D. (6) $600. E. (9) $19.73.

A. Lund Levin & O'Brien, 1625 I Street NW., Suite 406, Washington, D.C. 20006.

B. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $400. E. (9) $74.80.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, Pa. 18101.

D. (6) $3,076. E. (9) $266.28.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Shanghai Power Co., 100 West Tenth Street, Wilmington, Del. 19801.

D. (6) $350.75. E. (9) $6.79.

A. Judy Lynch, 600 New Jersey Avenue NW., Washington, D.C. 20001.

B. Institute for Public Representation, 600 New Jersey Avenue NW., Washington, D.C. 20001.

D. (6) $425.

A. Timothy Lynch, American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.

B. American Natural Service Co., One Woodward Avenue, Detroit, Mich. 48226.

D. (6) $1,500.

A. William T. Lyons, 1747 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.

B. CIBA-GEIGY Corp., Ardsley, N.Y. 10502.

A. Timothy C. MacCarthy, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

D. (6) $220.

A. Russell MacCleery, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $800. E. (9) $16.

A. Jack A. MacDonald, National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.

B. NCHC, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.

D. (6) $862.50. E. (9) $84.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $19,875. E. (9) $702.41.

A. James E. Mack, Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.

B. Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.

D. (6) $12,499.98. E. (9) $1,596.57.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

D. (6) $7,494.26. E. (9) $500.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20045.

B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.

D. (6) $7,650.72. E. (9) $3,852.96.

A. Marion M. MacRae, BankAmerica Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.

D. (6) $57.69. E. (9) $68.03.

A. Edward C. Maeder, 2550 M Street NW., Washington, D.C. 20037.

B. DGA International Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $1,120. E. (9) $419.36.

A. Susan G. Magaw, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

D. (6) $450. E. (9) $9.40.

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,710. E. (9) $163.60.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C.

D. (6) $200. E. (9) $6.

A. F. Anthony Maio, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20003.

B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Andre Maisonpierre, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $310. E. (9) $15.

A. David L. Mallino, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $8,125.70.

A. Richard E. Mallory, 2517 South Dearing Avenue, Fresno, Calif. 93725.

B. California Westside Farmers, 1060 Fulton Mall, Suite 1115, Fresno, Calif. 93721.

D. (6) $4,406.25. E. (9) $1,390.62.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $850. E. (9) $21.75.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street NW., Washington, D.C.

D. (6) $6,249.99. E. (9) $52.60.

A. Armand G. Manson, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Bell Aerospace Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $2,470.

A. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $2,500. E. (9) $170.

A. March for Life, Inc., P.O. Box 2950, Washington, D.C.

D. (6) $2,237.05. E. (9) $7,627.71.

A. Charles T. Marck, The Dow Chemical Co., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.

B. The Dow Chemical Co, Midland, Mich. 48640.

D. (6) $1,000. E. (9) $250.

A. David J. Markey, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $725.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.

B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

D. (6) $4,796.40. E. (9) $4,685.19.

A. John C. Marlin, 307 West Nevada, Urbana, Ill. 61801.

B. Central States Resource Center, P.O. Box 477, Urbana, Ill. 61801.

D. (6) $2,687.49.

A. Howard Marlowe, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $12,974. E. (9) $331.99.

A. Chalmers Marquis, 955 L'Enfant Plaza SW., Suite 7200, Washington, D.C. 20024.

B. National Association for Public Television Stations, 955 L'Enfant Plaza SW., Suite 7200, Washington, D.C. 20024.

D. (6) $250. E. (9) $30.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Abbotts Dairies Division of Fairmont Foods Co., 333 W. Loop North, Houston, Tex. 77024.

D. (6) $200.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. ADP Pension Services, Inc., 180 Newport Center Drive, Newport Beach, Calif. 92663.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $14,617.33. E. (9) $269.85.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10022.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.

B. Motorola Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $40.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

D. (6) $75. E. (9) $73.31.

A. Donald N. Martin, Donald N. Martin & Co., Inc., 488 Madison Avenue, New York, N.Y. 10022.

E. (9) $732.

A. John B. Martin, Jr., National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $732.31. E. (9) $23.10.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $225.

A. Joseph J. Martyak, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue New York, N.Y. 10017.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $81.72.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.

B. Japan Binocular Manufacturers Association, 45-8 Ohyama-Kanai-Cho, Itabashi-Ku, Tokyo, Japan.

D. (6) $500.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.

B. Toyota Motor Sales, U.S.A., Inc., 1899 L Street NW., Suite 703, Washington, D.C. 20036.

D. (6) $750.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Scott A. Mason, 6137 East Calle Camelia, Scottsdale, Ariz. 85251.

B. Samaritan Health Service, 1410 North Third Street, P.O. Box 25489, Phoenix, Ariz. 85002.

E. (9) $5,355.80.

A. W. A. Mason, 442 Ontario, Shreveport, La.

B. Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.

D. (6) $82.88.

A. Cliff Massa III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $250.

A. William F. Massmann, Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

B. Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

A. Charles D. Matthews, 1100 17th Street NW., No. 410, Washington, D.C. 20036.

B. National Ocean Industries Asssociation, 1100 17th Street NW., No. 410, Washington, D.C. 20036.

D. (6) $1,365.47. E. (9) $138.39.

A. Herbert S. Matthews, Box 72, Mechanicsville, Md., 20659.

B. Jacksonville Transportation Authority, P.O. Box 5150, Jacksonville, Fla., 32207.

D. (6) $4,509.69. E. (9) $60.60.

A. Herbert S. Matthews, Box 72 Mechanicsville, Md. 20659.

B. Martin Marietta Aerospace, 6801 Rockledge Drive., Bethesda, Md., 20034.

D. (6) $5,604.69. E. (9) $82.75.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $623.80.

A. Joanne E. Mattiace, Sears Roebuck & Co., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $60. E. (9) $10.15.[1]

A. Anthony F. Mauriello, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $954.60. E. (9) $575.49.

A. Samuel L. Maury, United States Steel Corp., 818 Connecticut Avenue, NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street Pittsburgh, Pa. 15230

D. (6) $374.11.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 4010 Dupont Circle, Louisville, Ky. 40207.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $380.36. E. (9) $538.82.

A. Albert E. May, Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.

B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $5.05.

A. James C. May, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C.

B. Aerospace Industries of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. The ERISA Industry Committee, Suite 500, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $617.50. E. (9) $22.35.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Nokota Co., P.O. Box 1633, 316 North Fifth Street, Bismarck, N. Dak. 58501.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. J. G. Boswell & Co., Inc., 333 South Hope Street, Los Angeles, Calif. 90017.

D. (6) $7,500. E. (9) $2,270.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $8,000. E. (9) $228.

A. John A. McCahill, 2033 M Street NW., Washington, D.C. 20036.

B. United States Olympic Committee, 1750 East Boulder, Colorado Springs, Colo. 80909.

A. Julio P. McCahill, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio 45463.

D. (6) $275.

A. William C. McCamant, 1725 K Street, NW., Washington, D.C. 20006.

D. (6) $600.

A. John N. McCamish, Jr., Soules, McCamish, Ingram, Martin & Brown, 900 Milam Building, East Travis at Soledad, San Antonio, Tex. 78205.

B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex.

D. (6) $1,840.

A. John A. McCart, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $3,254.55.

A. James R. McCaul, International Maritime Associates, Inc., 1800 K Street, Washington, D.C. 20006.

B. International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Cities Service Co., Box 300, Tulsa, Okla. 74102.

D. (6) $10,000. E. (9) $103.73.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.

E. (9) $87.89.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $202.50. E. (9) $11.10.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,794. E. (9) $114.45.

A. Joel C. McConnell, Jr., Independent Bankers Association of America, 1625 Massachusetts Avenue, NW., No. 202, Washington, D.C. 20036.

B. Independent Bankers Association of America, 116 South Main Street, Sauk Centre, Minn. 56378.

D. (6) $8,000. E. (9) $1,000.

A. Richard M. M. McConnell, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. John L. McCormick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,499.99.

A. Molly McCormick, Philadelphia Electric Co., 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, Pa. 19101.

B. Philadelphia Electric Co., 2301 Market Street, P.O. Box 8699, Philadelphia, Pa. 19101.

D. (6) $1,500. E. (9) $533.27.

A. Sally McCormick, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,273.75.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 819 Railway Labor Building, 400 1st Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $85.20.

A. Albert L. McDermott, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $1,874.06.

A. Marianne McDermott, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $20.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Stanley J. McFarland, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Paul J. McGeady, 27 Hampton Place, Nutley, N.J. 07110.

B. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

D. (6) $624.94.

A. W. Curt McGee, 711 Ridge Drive, McLean, Va. 22101.

B. Bechtel National, Inc., 1620 Eye Street NW., No. 703, Washington, D.C. 20006.

A. P. Anne McGhee, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $450.

A. Robert McGlotten, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $13,065. E. (9) $840.90.

A. Margaret C. McGrail, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $3,980.

A. Christopher C. McGrath, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jerome J. McGrath, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $500.

A. Peter E. McGuire, National Association of Retired and Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.

B. National Association of Retired and Veteran Railway Employees, Inc., P.O. Box 875, Parsons, Kans. 67357; H&RE&BIU, 1875 I Street NW., Washington, D.C. 20006; International Union Police Association, 422 First Street SE., Washington, D.C. 20006.

D. (6) $5,999.98. E. (9) $158.10.

A. John J. McHale, Jr., 11991 Lake Shore Place, North Palm Beach, Fla. 33408.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 1st Street NW., Suite 804, Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 1st Street NW., Suite 804, Washington, D.C. 20001.

D. (6) $1,178.29.

A. Lyndley R. McIntosh, 410 First Street SE., Washington, D.C.

B. American Nuclear Energy Council, 410 1st Street SE., Washington, D.C.

D. (6) $1,525.08. E. (9) $43.67.

A. Christine E. McKechnie, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $250. E. (9) $227.79.

A. William F. McKenna, 1800 M Street NW., No. 950N, Washington, D.C. 20036.

B. Silver Freedman, Housley, Taff & Goldberg, 1800 M Street NW., No. 950N, Washington, D.C. 20036.

A. Janet E. McKenzie, Allied-General Nuclear Services, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

D. (6) $500.

A. William Colm McKeveny, Chadbourne, Parke, Whiteside & Wolff, 30 Rockefeller Plaza, New York, N.Y. 10112.

B. American Plywood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. C. A. (Mack) McKinney, 110 Maryland Avenue N.E., Box 43, Washington, D.C. 20002.

B. National Headquarters, Marine Corps League, 933 North Kenmore St., Suite 321, Arlington, Va. 22201.

E. (9) $30.

A. C. A. Mack McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. Non Commissioned Officers Association of the U.S.A., P.O. Box 33610, San Antonio, Tex. 78233.

D. (6) $6,393.11. E. (9) $5,562.10.

A. Gail H. McLarnon, The 1st National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The 1st National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Gail H. McLarnon, 1st National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. James D. McLaughlin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $660. E. (9) $120.89.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,243.10. E. (9) $177.60.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $465.

A. Jane Pierson McMichael, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. ()6) $9,878.40. E. (9) $10,674.44.

A. C. W. McMillan, National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. National Cattlemen's Association, 1001 Lincoln, Denver, Colo. 80203.

D. (6) $1,500.

A. James D. McMillan, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. James R. McMullen, 3251 Old Lee Highway, Suite 500, Fairfax, Va., 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

E. (9) $135.29.

A. John McNally, Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.

B. Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $1,075. E. (9) $15.

A. C. Travis Marshall, Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $40.

A. D. V. Maroney, Jr., Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.

B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C.

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108.

B. Mintz, Levin, Cohn, Glovsky & Popeo, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005. (for The Claremont Company, Inc., 628

Pleasant Street, P.O. Box E-814, New Bedford, Mass. 02742)

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Glovsky & Popeo, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005. (for Goldman, Sachs & Company, 55 Broad Street, New York, N.Y. 10004.

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky & Popeo, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005 (for Northern Energy Corp., 470 Atlantic Ave., Boston, Mass. 02210).

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky & Popeo, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005 (for Refuse Fuels, Inc., P.O. Box 83, Bradford, Mass. 08130).

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky & Popeo, One Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005 (for Securities Industry Association, 20 Broad Street, New York, N.Y. 10005).
D. (6) $1,500. E. (9) $35.50.

A. Joseph J. Meder, Interlake, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
D. (6) $9,000. E. (9) $163.17.

A. John Martin Meek, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90504.
D. (6) $3,825.

A. David Olan Meeker, Jr., American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. William H. Megonnell, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street N.W., Washington, D.C. 20036.
D. (6) $96.43.

A. Louis L. Meier, Jr., American Society of Civil Engineers, 1625 I Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $550. E. (9) $185.

A. Kenneth Meiklejohn, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $18,038.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,999.98. E. (9) $62.50.

A. F. A. Meister, Jr., 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $350. E. (9) $15.

A. R. Otto Meletzke, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
E. (9) $189.90.

A. Ted H. Meredith, 6030 Warwick Court, New Orleans, La. 70114.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $3,515.40.

A. Charles L. Merin, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $8,657.96. E. (9) $290.59.

A. Edward A. Merlis, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Tele-Press Associates, Inc., 342 East 79th Street, New York, N.Y. 10021, (for: Japan Fisheries Association).
E. (9) $2,131.41.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Central Gulf Lines, Inc., International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130.
D. (6) $1,250. E. (9) $202.12.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Coalition of United States Citizen Award-Holders Against Czechoslovakia.
E. (9) $1,246.57.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $6,111.10. E. (9) $488.78.

A. Lawrence C. Merthan, Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.
B. 3M Co., 3M Center, St. Paul, Minn. 55101.

A. Harold E. Mesirow, Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Distribution Systems, Inc., 2950 Merced Street, San Leandro, Calif. 94577.

A. Harold E. Mesirow, Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Pacific Cruise Conference, 311 California Street, San Francisco, Calif. 94104.

A. Harold E. Mesirow, Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Rotan Mosle, Inc. 1500 South Tower Pennzoil Place, Houston, Tex. 77002.
E. (9) $86.33.

A. Harold E. Mesirow, Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Stencel Aero Engineering Corp., P.O. Box 5836, Ashville, N.C. 28803.

A. Harold E. Mesirow, Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Three R Trust, 702 Moody National Bank Tower, Galveston, Tex. 77550.

A. Metzger, Shadyac & Schwarz, 1 Farragut Square South, Washington, D.C. 20006.
B. Melex USA, Inc., 1200 Front Street, Raleigh, N.C. 27609.
D. (6) $1,000. E. (9) $10.

A. M. Barry Meyer, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.
E. (9) $1,024.

A. James G. Michaux, Federated Department Stores, Inc., 1801 K Street NW., Suite 903, Washington, D.C. 20006.
B. Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, Ohio 45202.
D. (6) $500.

A. Ronald A. Michieli, National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $3,028.97. E. (9) $6,630.16.

A. Joy Midman, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Suite 1205, Washington, D.C. 20006.
D. (6) $300.

A. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
D. (6) $27,879.86. E. (9) $27,879.86.

A. Milbank, Tweed Hadley & McCloy, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. LaSalle National Bank, 135 South LaSalle Street, Chicago, Ill. 60690.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street, NW., Room 480, Washington, D.C. 20036.
D. (6) $2,050. E. (9) $148.79.

A. A. Stanley Miller, Federation of American Controlled Shipping, 910 16th Street, Room 402, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200.

A. Miller Associates, Inc., 2500 Q Street NW., Washington, D.C. 20007.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $1,500. E. (9) $38.50.

A. C. John Miller. 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 Sixteenth Street NW., Washington, D.C. 20036.
E. (9) $2.50.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., S-800, Washington, D.C. 20006.

B. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., S-801, Washington, D.C. 20006.

D. (6) $17,287.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

D. (6) $838.75.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $2,020.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington D.C. 20006.

B. The Lincoln National Life Insurance Co., 1301 South Harrison Street, Fort Wayne, Ind. 46801.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90210.

D. (6) $23.75. E. (9) $2.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lockheed Corp., Burbank, Calif. 91520.

D. (6) $1,502.50.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Automobile Dealers Association, 8400 Westpark Drive, McLean, Va. 22101.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Nuclear Fuel Services, Inc., 6000 Executive Boulevard, Suite 600, Rockville, Md. 20852.

D. (6) $4,950.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Redwood Lincoln Mercury Leasing, Inc., 1000 Van Ness Avenue, San Francisco, Calif. 94109.

A. Clinton R. Miller, National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

D. (6) $197.52. E. (9) $141.

A. Linda B. Miller, 2550 M Street NW., Suite 405, Washington, D.C. 20037.

B. Volunteer Trustees of Not-for-Profit Hospitals, 2550 M Street NW., Suite 405, Washington, D.C. 20037.

D. (6) $375. E. (9) $110.

A. Robert H. Miller, Tenneco, Inc., 490 L'Enfant Plaza East Southwest., No. 2202, Washington, D.C. 20024.

B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. W. Kirk Miller, 733 North Van Buren Street, Suite 610, Milwaukee, Wis. 53202.

B. Barley & Malt Institute, 733 North Van Buren Street, Suite 610, Milwaukee, Wis. 53202.

D. (6) $4,000. E. (9) $1,114.77.

A. Christine Topping Milliken, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

D. (6) $7,320. E. (9) $133.44.

A. John G. Milliken, 2550 M Street NW., Suite 500, Washington, D.C. 20037.

B. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037 (for La Choy Food Products, P.O. Box 220, 901 Stryker St., Archbold, Ohio 43502).

D. (6) $280.

A. John C. Milliner, Jr., P.O. Box 1606, Forest Park, Ga. 30050.

B. Southeastern Lumber Manufacturers Association, P.O. Box 1606, Forest Park, Ga. 30050.

D. (6) $161.82.

A. John F. Mills, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Edward J. Milne, Jr., 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $452. E. (9) $210.05.

A. Mineral Insulation Manufacturers Association, 382 Springfield Avenue, Summit, N.J. 07901.

E. (9) $5,000.

A. Minerals Exploration Coalition, Inc., 790 West Tennessee Avenue, Suite 103, Denver, Colo. 80223.

D. (6) $19,326. E. (9) $532.40.

A. Thomas B. Miranda, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $140.

A. Charles W. Mitchell, 4601 Schenley Road, Baltimore, Md. 21210.

B. Wills & Associates, Inc., Suite 903, 36 South Charles Street, Baltimore, Md. 21201 (for: Americans for Alaska).

E. (9) $84.24.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1875 I Street NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.

E. (9) $240.

A. Bruce E. Mizer, Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

B. Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

D. (6) $6,458. E. (9) $6,900.

A. Stacey J. Mobley, E. I. duPont de Nemours & Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. E. I. duPont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

E. (9) $15.

A. Mocatta Metals Corp., 4 World Trade Center, Suite 5200, New York, N.Y. 10048.

E. (9) $238.

A. Michael S. Moe, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Moery & Co., 1230 Kensington Road, McLean, Va. 22102.

B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005; (for: Amsterdam-Rotterdam Bank).

D. (6) $100. E. (9) $8.

A. Moery & Co., 1230 Kensington Road, McLean, Va. 22102.

B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005; (for: Republic of Zaire).

D. (6) $65. E. (9) $8.

A. Robert M. Moliter, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Michael J. Molony, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington. D.C. 20036.

D. (6) $60.

A. C. Manly Molpus, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 & 1700 North Moore Street, Arlington, Va.

D. (6) $1,000.

A. Michael Monroney, TRW Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

D. (6) $63. E. (9) $100.

A. Alan J. Moore, The Atchison, Topeka & Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $1,000.

A. Joy E. Moore, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,750. E. (9) $584.18.

A. Moore McCormack Resources, One Landmark Square, Stamford, Conn.

E. (9) $3,720.50.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Rheinmetall GMBH, Ulmmenstrasse 125, 4000 Dusseldorf, FRG.

D. (6) $255.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $80.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Thomson-CSF, Division of Equipments Avioniques, 178bd Gabriel-Peri, 92240 Malakoff, France.

D. (6) $701.25.

A. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

D. (6) $2,065.74. E. (9) $2,065.74.

A. Earl J. Morgan, 1150 17th Street NW., No. 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Jo V. Morgan, Jr., American Humane Association, 1828 L Street NW., Washington, D.C. 20036.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,000.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

D. (6) $875. E. (9) $29.05

A. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.

B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.

D. (6) $607. E. (9) $331.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.

B. Evans Products Co., 1121 Southwest Salmon Street, P.O. Box 3295, Portland, Oreg. 97208.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.

B. Knoll Fine Chemicals, 120 East 56th Street, New York, N.Y. 10022.

A. Helen Dubino Morrison, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Robert E. Morin, Society of Real Estate Appraisers, 2600 Virginia Avenue NW., No. 901, Washington, D.C. 20037.

B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $2,400. E. (9) $12,023.

A. Victor G. Morris, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

E. (9) $50.

A. Helen Dubino Morrison, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for: Navajo Nation, Window Rock, Ariz. 86515).

A. Helen Dubino Morrison, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 3rd Avenue, New York, N.Y. 10017. (For: Florists Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037.

D. (6) $2,400.

A. William C. Morrison, 2001 North Adams Street, Arlington, Va. 22201.

B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $875.

A. Sol Mosher, Crown Zellerbach, 1660 L Street NW., Suite 215, Washington, D.C. 20036.

B. Crown Zellerbach, One Bush Street, San Francisco, Calif. 94119.

A. Lynn E. Mote, InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.

B. InterNorth, 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East S.W., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $200.

A. Motor and Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.

D. (6) $50. E. (9) $50.

A. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich.

D. (6) $1,420. E. (9) $1,420.

A. William G. Mullen, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

A. John P. Mulligan, 1101 17th Street NW., Washington, D.C. 20036.

B. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,604.

A. Robert M. Mulligan, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Albert E. Mullin, Jr., Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

D. (6) $3,750.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $100. E. (9) $15.

A. Robert J. Mullins, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $5,261.52.

A. Daniel J. Mundy, Building & Construction Trades Dept., 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building & Construction Trades Dept. 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $41,718.98. E. (9) $41,718.98.

A. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $41,718.90. E. (9) $41,718.98.

A. Richard E. Murphy, 2020 K Street NW., No. 200, Washington, D.C. 20006.

B. Service Employees International Union, AFL-CIO, CLC, 2020 K Street NW., No. 200, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $13.60.

A. Richard W. Murphy, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $625. E. (9) $75.69.

A. William T. Murphy, Jr., American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.

B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.

D. (6) $2,500.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul & Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill 60606.

D. (6) $750.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.

D. (6) $150.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $400.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Iron Ore Lessors Association, 1500 First National Bank Building. St. Paul, Minn. 55101.

D. (6) $400.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. LTV Corp., P.O. Box 5003, Dallas, Tex. 75222.

D. (6) $500.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Industrial & Office Parks, 1700 North Moore Street, Suite 1010, Arlington, Va. 22209.

D. (6) $450.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council of Coal Lessors, Inc., 1150 One Valley Square, Charleston, W. Va. 25301.

D. (6) $400.

A. William E. Murray, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $179.50.

A. Harold D. Muth, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $300. E. (9) $25.

A. Fred J. Mutz, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $30.

A. Gary D. Myers, Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $5,224.77.

A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

D. (6) $145. E. (9) $336.32.

A. Kenneth D. Naden, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,288.

A. Clifford M. Naeve, RJR Industries, Inc., 2550 M Street NW, Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $115.37. E. (9) $21.

A. Gerald P. Nagy, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $1,000.

A. Naman, Howell, Smith, Lee & Muldrow, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
B. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
D. (6) $992.81. E. (9) $10.14.

A. Hardy L. Nathan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Raymond Nathan, 4242 East-West Highway, Chevy Chase, Md. 20015.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.
D. (6) $555. E. (9) $302.77.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. National Association for Humane Legislation, Inc., P.O. Box 11675, St. Petersburg, Fla. 33733.
D. (6) $80.

A. National Association for Neighborhood Schools, Inc., P.O. Box 14887, Columbus, Ohio 43214.
D. (6) $6,051.71. E. (9) $10,216.16.

A. National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.
D. (6) $49,724. E. (9) $2,591.08.

A. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $128,132.74. E. (9) $7,342.48.

A. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
E. (9) $3,787.03.

A. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
E. (9) $396.64.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $1,750. E. (9) $1,230.

A. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.
D. (6) $2,967. E. (9) $4,644.62.

A. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $236,658.32. E. (9) $108,790.53.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,454,827.97. E. (9) $132,164.76.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $57,707.41. E. (9) $57,707.41.

A. National Association of Mutual Insurance Companies, 7931 Castleway Drive, Indianapolis, Ind. 46250.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $14,572.63. E. (9) $14,572.63.

A. National Association of Pension Consultants & Administrators, Inc., Three Piedmont Center, Suite 300, Atlanta, Ga. 30042.
D. (6) $5,400. E. (9) $1,133.34.

A. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $3,139.38. E. (9) $5,712.54.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $607. E. (9) $607.

A. National Association of Private Enterprise, (Association Nacional de la Empresa Privada-ANEP), Alameda Roosevelt 2827, San Salvador, El Salvador.
E. (9) $3,000.

A. National Association of Real Estate Investment Trusts, Inc., 1101-17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $2,700. E. (9) $2,644.65.

A. National Association of Wheat Growers, 415 Second Street NW., Suite 300, Washington, D.C. 20002.
D. (6) $27,854.56. E. (9) $19,928.75.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $14,490. E. (9) $5,209.25.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
E. (9) $2,000.

A. National Business Aircraft Association, One Farragut Square South, Washington, D.C. 20006.

A. National Cable Television Association, Inc., 918 16th Street, NW., Washington, D.C. 20006.
D. (6) $5,068.50. E. (9) $5,160.51.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
E. (9) $3,500.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $1,115,434.71. E. (9) $31,135.65.

A. National Coalition for Marine Conservation, Inc., P.O. Box 23298, Savannah, Ga. 31403.
D. (6) $16,510.35. E. (9) $15,186.20.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $1,778.85. E. (9) $8,594.24.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $35,540. E. (9) $6,038.

A. National Committee on Small Issue Industrial Development Bonds, Box 1, 900 South 1800 M Street NW., Washington, D.C. 20036.
D. (6) $4,000. E. (9) $4,372.50.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $8,624.16. E. (9) $8,624.16.

A. National Council for Japanese American Redress, 925 West Diversey Parkway, Chicago, Ill. 60625.

A. National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
D. (6) $2,855. E. (9) $2,412.60.

A. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $38,174. E. (9) $64,650.

A. National Council of Health Centers, 2600 Virginia Avenue NW., Suite 915, Washington, D.C. 20037.
D. (6) $2,320.69. E. (9) $2,651.58.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.

A. National Employee Benefits Institute, 515 National Press Building, Washington, D.C. 20045.
D. (6) $750.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $45,573.54. E. (9) $45,573.54.

A. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $4,625. E. (9) $2,270.88.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.
E. (9) $86.80.

A. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $11,250. E. (9) $6,610.50.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $637,892.70. E. (9) $1,861.20.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $2,064.

A. The National Industrial Traffic League, 1909 K Street NW., S-410, Washington, D.C. 20006.
D. (6) $3,750. E. (9) $2,981.75.

A. National Leased Housing Association, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
D. (6) $7,178.30. E. (9) $7,178.30.

A. National Manufactured Housing Federation, 1310 New Hampshire Avenue NW., Suite 1007, Washington, D.C. 20036.
D. (6) $19,334.

A. National Maritime Council, 1748 N Street NW., Washington, D.C. 20036.
D. (6) $195,712.32. E. (9) $20,260.72.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $7,539.44. E. (9) $7,539.44.

A. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
D. (6) $10,000. E. (9) $3,700.

A. National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C. 20036.

D. (6) $186,900.99. E. (9) $17,256.35.

A. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $7,941.40.

A. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

D. (6) $203.10. E. (9) $203.10.

A. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $16,250. E. (9) $9,475.95.

A. National Realty Committee, Inc., 2033 M Street NW., Washington, D.C. 20036.

D. (6) $16,331.07. E. (9) $16,327.87.

A. National Rehabilitation Association, 633 South Washington Street, Alexandria, Va. 22314.

E. (9) $4,500.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

E. (9) $3,785.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $115,390. E. (9) $68,850.

A. National Right to Life Committee, Inc., 529 14th Street NW., No. 341, Washington, D.C. 20045.

D. (6) $122,155.63. E. (9) $9,071.01.

A. National Right to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.

D. (6) $4,178. E. (9) $4,178.

A. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue, NW., Washington, D.C. 20036.

E. (9) $4,181.48.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $11,987. E. (9) $12,646.

A. National Savings & Loan League, 1101 15th Street NW. No. 400, Washington, D.C. 20005.

D. (6) $3,000. E. (9) $91.04.

A. National School Transportation Association, 9001 West Braddock Road, Springfield, Va. 22151.

D. (6) $2,961.29. E. (9) $2,961.29.

A. National Security Traders Association, 55 Broad Street, New York, N.Y. 10004.

E. (9) $2,000.

A. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $5,000. E. (9) $2,095.57.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $12,500. E. (9) $15,450.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $189,309.86.

A. National Solid Wastes Management Association, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

D. (6) $5,876. E. (9) $5,876.

A. National Tour Brokers Association, Inc. 120 Kentucky Avenue, Lexington, Ky. 40502.

A. National Venture Capital Association, 2030 M Street NW., Washington, D.C. 20036.

E. (9) $4,908.

A. National Water Resources Association, 955 L'Enfant Plaza SW., Suite 1202, Washington, D.C. 20024.

D. (6) $5,631. E. (9) $6,663.

A. National Wheel & Rim Association, 4836 Victor Street, Jacksonville, Fla. 32207.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $2,700.

A. Alan M. Nedry, Southern California Edison Co., 1111 19th Street NW., Suite 303, Washington, D.C. 20036.

B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.

D. (6) $100. E. (9) $50.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $4,187.

A. Mary Elizabeth Neese, National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.

B. National Savings & Loan League, 1101 15th Street NW., No. 400, Washington, D.C. 20005.

D. (6) $1,000. E. (9) $91.04.

A. Elizabeth Colette Nelson, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $4,125. E. (9) $39.77.

A. Robert W. Nelson, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Sharon L. Nelson, Consumers Union of United States, Inc., Suite 1033, 1511 K Street NW., Washington, D.C. 20005.

B. Consumers Union of United States, Inc., 256 Washington Street, Mt. Vernon, N.Y. 10550.

D. (6) $6,375. E. (9) $52.60.

A. A. S. Nemir Associates, Suite 1230, Pennsylvania Building, Washington, D.C. 20004.

B. Brazilian Sugar and Alcohol Institute, Rio de Janeiro, Brazil.

E. (9) $217.50.

A. NETWORK. 806 Rhode Island Avenue NE., Washington, D.C. 20018.

D. (6) $15,282.68. E. (9) $31,725.55.

A. E. John Neumann, Baltimore Gas & Electric Co., 1100 Connecticut Avenue., No. 820, Washington, D.C. 20036.

B. Baltimore Gas & Electric Co., Gas and Electric Building, P.O. Box 1475, Baltimore, Md. 21203.

D. (6) $859.72. E. (9) $260.09.

A. Robert B. Neville, 311 1st Street NW., Washington, D.C. 20001.

B. National Restaurant Association, 311 1st Street NW., Washington, D.C. 20001.

D. (6) $3,000. E. (9) $2,000.

A. Louis H. Nevins, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.

D. (6) $4,937.50. E. (9) $1,444.52.

A. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $34,931.17. E. (9) $2,901.48.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

E. (9) $7,670.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.

B. Bill Newbold & Associates (for American Protestant Hospital Association, 1 Woodfield Place, Suite 311, 1701 East Woodfield Drive, Schaumburg, Ill. 60195).

D. (6) $10,000.02.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.

B. Bill Newbold & Associates (for Arkansas Hospital Association, 1501 North University, Suite 400, Little Rock, Ark. 72207).

D. (6) $1,500.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.

B. Bill Newbold & Associates (for National Council on Synthetic Fuels Production, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209).

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.

B. Bill Newbold & Associates (for Texas Hospital Association, P.O. Box 15587, Austin, Tex. 78761).

D. (6) $3,000.

A. Thomas E. Newman, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Janet G. Newport, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.

B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.

D. (6) $3,875. E. (9) $61.90.

A. Sharon Newsome, Coast Action, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Action, 918 F Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $562.50. E. (9) $1.65.

A. Sharon Newsome, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.

D. (6) $937.50. E. (9) $18.75.

A. M. Ray Niblack, 1101 15th Street NW., Washington, D.C. 20005.

B. American Bankers Insurance Group, 600 Brickell Avenue, Miami, Fla. 33131.

D. (6) $1,500. E. (9) $286.87.

A. Nicholas John Nichols, AICPA, 1620 I Street NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants (AICPA), 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $6,000. E. (9) $2,741.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18322.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,800. E. (9) $643.40.

A. John B. Nicholson, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $156.96.

A. Melissa A. Nielson, Kennecott Corp., 1111 19th Street, NW, Suite 310, Washington, D.C. 20036.
B. Kennecott Corp., Ten Stamford Forum, Stamford, Conn. 06904.

A. Patrick J. Nilan, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $12,384.97. E. (9) $5,067.28.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $3,865.26.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. H. Christopher Nolde, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $300.

A. Charles M. Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.
D. (6) $422.90. E. (9) $42.29.

A. Charles M. Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $191.42.

A. James O. E. Norell, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850.

A. Richard B. Norment IV, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Richard G. Norris, 8826 Santa Fe Drive, Shawnee Mission, Kans. 66201.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $300.

A. North American Car Corp., 222 South Riverside Plaza, Chicago, Ill. 60606.
E. (9) $13,160.41.

A. North American Export Grain Association, Inc., 1800 M Street NW., Suite 610–N, Washington, D.C. 20036.
E. (9) $450.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
E. (9) $1,481.59.

A. Northern Tier Pipeline Co., 1120 20th Street NW., Suite 730 South, Washington, D.C. 20036.

A. Clifford R. Northup, Credit Union National Association, 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $245.83.

A. Morgan Norval, 1202 South Washington Street, Alexandria, Va. 22314.
B. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $300.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20006.
B. Montco, Billings, Mont. 59107; Nance Cattle Co., Birney, Mont. 59012.
D. (6) $3,468.07. E. (9) $49.44.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Ocean Energy Council, Box 57198, Washington, D.C. 20037.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Office of the Governor, Commonwealth of the Northern Mariana Islands, Saipan, CM. 96950.

A. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

A. Franklin W. Nutter, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Mark J. Nuzzaco, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $3,250.01. E. (9) $250.

A. Donald A. Nyberg, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co., (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $200.

A. Hubert K. O'Bannon, Conrail, 1544 33d Street NW., Washington, D.C. 20007.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,284.

A. George O'Bea, Jr., 815 16th Street NW., Suite 304, Washington, D.C. 20006.
B. United Paperworkers International Union, 815 16th Street NW., Suite 304, Washington, D.C. 20006.

A. Coleman C. O'Brien, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,850. E. (9) $39.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Room 626, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. R. V. O'Brien, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $250. E. (9) $30.

A. Rosemary L. O'Brien, 1850 K Street NW., Suite 550, Washington, D.C. 20006.
B. CF Industries, Inc., Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.
D. (6) $2,500. E. (9) $540.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill., 60601.
D. (6) $8,750. E. (9) $1,228.54.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. American Clinical Laboratory Association, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $5.75.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Family Life Assurance Company, P. O. Box 1459, Columbus, Ga. 31903.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $3,500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. American Public Transit Association, 1225 Connecticut Avenue NW., No. 200, Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. Automotive Parts & Accessories Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Borden, Inc., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $7,668.25.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. Commonwealth of Puerto Rico, 734 15th Street NW., Washington, D.C. 20005.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $487.50.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. David Fasken, c/o Hunker-Fedric, Box 1887, Roswell, N. Mex. 88201.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First National Monetary Corporation, 4000 Town Center, 15th Floor, Southfield, Mich. 48075.
D. (6) $503.75.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. Hennepin County, 2300 Government Center, Minneapolis, Minn. 55415.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hospital Financing Study Group, New York, N.Y.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Suite 800, Washington, D.C. 20006.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Health Career Schools, 11687 Bellagio Road, Suite 16, Los Angeles, Calif. 90049.
D. (6) $165.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.
D. (6) $14,905.62. E. (9) $638.35.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Committee for Quality Health Care, New York, N.Y.
D. (6) $750.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Police Association of the District of Columbia, 2701 Pennsylvania Avenue SE., Washington, D.C.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $5,166.66.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Leonard F. O'Connor, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 300 East Wacker Drive, Suite 1910, Chicago, Ill. 60601.
B. American Supply Association, 221 North La Salle Street, Chicago, Ill. 60601.
D. (6) $2,942.49. E. (9) $1,500.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 303 East Wacker Dr., Suite 1910, Chicago, Ill. 60601.
B. Seniorcenters of America, 2640 Peerless Road, NW., Cleveland, Tenn. 37311.
D. (6) $832.49. E. (9) $800.

A. Larry A. Oday, Combined Insurance Company of America, Suite 630, 1819 H Street NW., Washington, D.C. 20006.
B. Combined Insurance Company of America, 5050 Broadway, Chicago, Ill. 60640.
D. (6) $750.

A. Thomas A. O'Day, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $450. E. (9) $168.65.

A. T. J. Oden, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,250.

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $100. E. (9) $170.

A. Ashton J. O'Donnell, 89 Fair Oaks Lane, Atherton, Calif. 94025.
B. Bechtel Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Bradford C. Oelman, Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio. 43659.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Joseph L. Ogiony, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $20.

A. Jane O'Grady, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,610. E. (9) $129.53.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $10,269.98.

A. James G. O'Hara, 2550 M Street NW., Suite 800, Washington, D.C. 20037.
B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

A. James G. O'Hara, 2550 M Street NW., No. 800, Washington, D.C. 20037.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $85.

A. Matthew D. O'Hara, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $98.46.

A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. Austin P. Olney, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036 (for Ad Hoc Rail Shippers Group).

A. Charles E. Olson, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,884.80. E. (9) $108.

A. Nancy J. Olson, Johns-Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $400.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Bank of America, Bank of America Center, 10th Floor, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Blyth, Eastman, Paine, Webber, Inc., 555 California Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Citizens for Government Fairness, P.O. Box 269, El Centro, Calif. 92243.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Dean, Witter, Reynolds, Inc., 45 Montgomery Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Hawaiian Sugar Planters Association, 1511 K Street NW., Washington, D.C.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. INA Corp., 1850 K Street NW., Suite 840, Washington, D.C. 20036; INA Health Care Group, 4525 Harding Road, Nashville, Tenn. 37205.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Smith, Barney, Harris, Upham & Co., 350 California Street, San Francisco, Calif. 94104.

A. R. E. Omohundro, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $128. E. (9) $50.

A. Donald K. O'Neill, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Allegheny County Commission, 119 Courthouse, Room 101, Pittsburgh, Pa. 15219.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. California Westside Farmers, Security Bank Building, 1060 Fulton Mall, Fresno, Calif.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. CDECO Maritime Dredging Co., P.O. Box 1488, Mansfield, Ohio 44901.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Chicago Board of Trade Clearing Corp., 141 West Jackson, Chicago, Ill. 60604.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Dorchester Gas Corp., P.O. Box 31049, Dallas, Tex.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Holly Corp., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Houston Natural Gas Corp., 1700 North Moore Street, Arlington, Va. 22209.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Massachusetts General Hospital, Fruit Street, Moseley Building, Boston, Mass. 02114.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20036.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Republic National Bank of New York, 5th Avenue at 40th Street, New York, N.Y. 10018.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Texas Oil & Gas Corp., Fidelity Union Tower Building, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Tower Building, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Westinghouse Electric Corp. 1801 K Street NW., Washington, D.C. 20006.

A. Philip C. Onstad, Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $50. E. (9) $1,183.32.

A. Charles Orasin, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $1,443.72. E. (9) $13.75.

A. Michel Orban, American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. J. Denis O'Toole, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $880.

A. Roland A. Ouellette, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $4,420.41.

A. Robert H. Overmyer, 818 C Street SE., Washington, D.C. 20003.
B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $5,000. E. (9) $150.

A. Joseph A. Overton III, TRW Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Thomas J. Owens, 207 Olympic National Building, Seattle, Wash. 98104.
B. Dollar Savings Bank, Fourth and Springfield Street, Pittsburgh, Pa. 15230; Washington Mutual Savings Bank, P.O. Box 834, Seattle, Wash. 98111.
D. (6) $6,000. E. (9) $2,499.24.

A. William H. Owens, Jr., 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. John D. Padgett, 729 South Leaf Drive, Virginia Beach, Va. 23462.
B. The Conservative Caucus, Suite 305, 7777 Leesburg Pike, Falls Church, Va.
D. (6) $800.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. W. D. Page, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. Steven J. Paggioli, Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $36. E. (9) $53.62.

A. William G. Painter, Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
B. Coast Alliance, 918 F Street NW., Suite 310, Washington, D.C. 20004.
D. (6) $1,822.90. E. (9) $10.60.

A. Henry S. Palau, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $754.

A. Diane M. Palmer, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorporation, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
D. (6) $430. E. (9) $762.

A. John W. Pannullo, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
D. (6) $800. E. (9) $1,056.52.

A. Fred Panzer, The Tobacco Institute, 1875 I Street NW., Suite No. 800, Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Suite No. 800, Washington, D.C. 20006.
D. (6) $125.

A. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.

A. G. Oliver Papps, New Jersey Petroleum Council, 170 W. State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Steven Parcells, 5308 Willard Avenue, Chevy Chase, Md. 20015.
B. Save the Tallgrass Prairie, 4101 West 54th Terrace, Shawnee Mission, Kans.
D. (6) $1,500.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commercial National Bank, Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Ann L. Parenteau, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va.

A. Douglas L. Parker, 600 New Jersey Avenue NW., Washington, D.C. 20001.
B. Institute for Public Representation, 600 New Jersey NW., Washington, D.C. 20001.

A. John N. Parker, Mobil Oil Corp., 1100 Connecticut Avenue NW., Suite 620, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42nd Street, New York, N.Y. 10017.
D. (6) $800.

A. Kimberly C. Parker, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $2,374.75. E. (9) $33.75.

A. Parkinson & Associates, 1640 30th Street NW., Washington, D.C. 20007.
B. Committee for Equitable Crop Insurance Legislation (CECIL), 1640 30th Street NW., Washington, D.C. 20007.
D. (6) $7,500. E. (9) $7,457.

A. Ken Parmelee, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corporation, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $1,925.

A. Tom E. Paro, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

D. (6) $234.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Aerospatiale Helicopter Corp., 2701 Forum Drive, Grand Prairie, Tex. 75051.

D. (6) $6,668. E. (9) $804.54.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Bangor & Aroostook Railroad, Northern Maine Junction, Bangor, Maine 04401.

D. (6) $3,600. E. (9) $856.88.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Arlington, Va. 22209.

B. Boston & Maine Railroad, Iron Horse Park, North Billerica, Mass. 01862.

D. (6) $4,749.99. E. (9) $883.87.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Chicago & North Western Transportation Co., 400 West Madison, Chicago, Ill. 60606.

D. (6) $15,000. E. (9) $1,596.17.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Delaware Otsego System, 1 Railroad Avenue, Cooperstown, N.Y. 15825.

D. (6) $1,400. E. (9) $939.21.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005.

D. (6) $8,001. E. (9) $797.22.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Genesee & Wyoming Industries, 71 Lewis Street, Greenwich, Conn. 06830.

D. (6) $3,000. E. (9) $797.22.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Lehigh Valley Estate, 415 Brighton, Bethlehem, Pa. 18015.

D. (6) $7,500. E. (9) $862.77.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.

B. Pittsburg & Shawmut, R.D. No. 2 Middle Street, Brookville, Pa. 15825.

D. (6) $2,100. E. (9) $797.22.

A. Linda K. Parson, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Jack Patridge, 1014 Vine Street, Cincinnati, Ohio 45201.

B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.

D. (6) $1,000. E. (9) $266.74.

A. Robert D. Partridge, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $518.

A. Alan K. Parver, 1050 17th Street NW., S. 770, Washington, D.C. 20036.

B. American Association of Homes for the Aging, 1050 17th Street NW., S. 770, Washington, D.C. 20036.

D. (6) $840. E. (9) $25.

A. Richard M. Patterson, Dow Chemical Co., 1800 M Street NW., Suite 700S, Washington, D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

D. (6) $500. E. (9) $239.50.

A. Thomas Patterson, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $231.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $220.

A. Kenton H. Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

D. (6) $2,656.25.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Adhoc Committee of Section 602, 1575 I Street, NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Alaska Housing Financial Corp., P.O. Box 1020, Anchorage, Alaska 99510.

D. (6) $2,020.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Imported Automobile Dealers Association, 1220 19th Street NW., Washington, D.C. 20036.

D. (6) $200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Martime Association, 1612 K Street NW., Washington, D.C.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, D.C. 20037.

D. (6) $250.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Society of Association Executives, 1575 Eye Street NW., Washington, D.C. 20005.

D. (6) $600. E. (9) $33.40.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Armco Steel Corp., General Offices, Middletown, Ohio 45052.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Bath Iron Works Corp., 700 Washington Street, Bath, Maine 04530.

D. (6) $200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Benamy International, Inc., 3937 Oakcliff Industrial Court NE., Atlanta, Ga. 30340.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Bixby Ranch Co., 523 West Sixth Street, Los Angeles, Calif. 90014.

D. (6) $1,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Bradford National Corp., 80 Pine Street, New York, N.Y.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Business Round Table, 1801 K Street NW., Washington, D.C.

D. (6) $8,585.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. California Westside Farmers, 9555 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.

D. (6) $3,718.75. E. (9) $62.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Castle & Cooke, Inc., P.O. Box 3928, San Francisco, Calif.

D. (6) $773.75.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Central American Sugar Council, 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $921.25. E. (9) $12.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.

D. (6) $1,250. E. (9) $25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. City of Birmingham, City Hall, Birmingham, Ala. 35203.

D. (6) $400. E. (9) $22.75.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Committee of Railroad Shippers, 2550 M Street NW., Washington, D.C. 20037.

D. (6) $8,395. E. (9) $1,133.97.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Council of State Chambers of Commerce (Committee on State Taxation), 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.

D. (6) $170.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Diagnostic Imaging and Therapy Systems Division, 2101 L Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Dillingham Corp., P.O. Box 3288, Honolulu, Hawaii 96801.

D. (6) $1,870.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. E.G.G. Industries, 2550 M Street NW., Washington, D.C. 20037 and the Essex Company, Lawrence, Mass.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Handicraft Designs, Inc., 87 Commerce Drive, Talford, Pa. 18969.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Hobby Industry of America, 319 East 54th Street, Elmwood, N.J. 07407.
D. (6) $420.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Electrical & Electronics Engineers, 2029 K Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Scrap Iron & Steel, Inc., 1627 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. International Cogeneration Society, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $840.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Jack Philip & Son, Inc., 724 Dupont Plaza Center, Miami, Fla. 33131.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Korf Industries, Inc., 2900 NCNB Plaza, Charlotte, N.C.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. LOOP, Inc., 1010 Common Street, 250 Bank of New Orleans Building, New Orleans, La. 70112.
D. (6) $1,500.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Louisiana Pacific Corp., 1300 Southwest Fifth Avenue, Portland, Oreg. 97201.
D. (6) $10,646.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mars, Inc., 1651 Old Meadow Road, McLean, Va. 22101.
D. (6) $850.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Merchants National Bank of Mobile, Merchants National Bank Building, P.O. Box 2527, Mobile, Ala. 36622.
D. (6) $1,620. E. (9) $29.75.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mocatta Metals Corp., 35 Broad Street, New York, N.Y. 10004.
D. (6) $3,990. E. (9) $46.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Multi Mineral Corp., 330 North Belt East, Houston, Tex. 77060.
D. (6) $2,070. E. (9) $98.35.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Chain Drug Stores, 413 North Lee Street, Alexandria, Va. 22314.
D. (6) $250.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Marine Manufacturers Association, 401 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $2,581.25. E. (9) $7.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Multi-Housing Council, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $1,200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. New Process Co., 220 Hickory Street, Warren, Pa. 16366.
D. (6) $2,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Northwest Energy Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $9,506.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ocean Minerals Co. 465 North Bernardo, Mountain View, Calif. 94040.
D. (6) $750.

A Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Options Clearing Corp., 233 S. Wacker Drive, Room 5950, Chicago, Ill. 60605
D. (6) $200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. OSG Bulk Ships, Inc., 1114 Avenue of Americas, New York, N.Y. 10036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Penn Central Corp., 1725 K Street NW., Washington, D.C. 20006

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $6,350. E. (9) $47.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pyrotechnic Signal Manufacturers Association Inc., 1730 K Street NW., Suite 1300, Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Retail Tax Committee, 2550 M Street NW., Washington, D.C 20037.
D. (6) $3,690. E. (9) $100.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals Co., 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. SSIE Council to Protect Earned Employment Rights, Smithsonian Science Information Exchange, 1730 M Street NW., Washington, D.C. 20037.
D. (6) $60.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Alaska, 444 North Capitol Street, Suite 345, Washington, D.C.
D. (6) $21,792.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Tax Corp. of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Town of Dune Acres, Ind., 11 South La Salle Street, Chicago, Ill. 60603.
D. (6) $1,423.75. E. (9) $28.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. United Brands Co., 1271 Avenue of the Americas, New York, N.Y 10020.
D. (6) $1,360. E. (9) $33.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $6,535. E. (9) $44.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Wilshire Oil Co. of Texas, 250 Park Avenue, New York, N.Y.
D. (6) $15,500. E. (9) $9.

A. Andrew R. Paul, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf & Western Management Co., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $100. E. (9) $7.45.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. Best Employer's Association, 4201 Birch Street, Newport Beach, Calif. 90226.
D. (6) $1,500. E. (9) $165.95.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. Capitol Oil Co., 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. Council of Active Independent Oil & Gas Producers, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
D. (6) $3,250. E. (9) $198.97.

A. Peabody, Rivilin, Lambert & Myers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $8,500. E. (9) $16.50.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.

A. Frank Pecquex, Seafarers International Union, 815 16th Street NW., Room 510 Washington, D.C. 20006.

B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $3,000. E. (9) $346.22.

A. James Peirce, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $1,317.16.

A. David Peltier, Sundara Cooperatives, Eckerd College, Box 811, St. Petersburg, Fla. 33733.

A. Humberto R. Pena, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $1,000.

A. Pennsylvania Power & Light Co., 2 North 9th Street, Allentown, Pa. 18101.

E. (9) $3,342.28.

A. Dominic V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron U.S.A. Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $400.

A. Gregory M. Pensabene, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.

D. (6) $1,140.

A. Pension Rights Center, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $559.46.

A. Pepper, Hamilton & Scheetz, 1776 F Street, Washington, D.C. 20006.

B. Boise Redevelopment Agency, Boise, Idaho 83701.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Cold Finished Steel Bar Institute, P.O. Box 5631, Chicago, Ill. 60680.

D. (6) 912.50.

A Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Russian Travel Bureau, 20 East 46th Street, New York, N.Y. 10017.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Sun Shipbuilding, Foot of Morton Avenue, Chester, Pa. 19013.

D. (6) $6,660.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

A. Pepsico, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

E. (9) $1,200.

A. Barbara K. Pequet, 1921 Kalorama Road NW., No. 103, Washington, D.C. 20009.

B. National Consumers League, 1522 K Street NW., Suite 406, Washington, D.C. 20005.

D. (6) $200. E. (9) $30.

A. Elinor Peretsman, 55 Tain Drive, Great Neck, N.Y. 11021.

B. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.

D. (6) $600. E. (9) $778.42.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, Calif. 94100.

D. (6) $11,333. E. (9) $344.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $5,315. E. (9) $168.01.

A. Tony Perkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $75.

A. Jeffry L. Perlman, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $2,000. E. (9) $443.15.

A. John P. Perrin, American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.

B. American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.

D. (6) $2,218.65. E. (9) $136.25.

A. Susan Perry, American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,146.

A. Tom E. Persky, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Todd A. Peterman, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

D. (6) $2,138.88.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.

B. National REA Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.

D. (6) $1,500. E. (9) $570.26.

A. Peterson, Engberg & Peterson, 1730 M Street NW., Washington, D.C. 20036.

B. Federated Research Corp., 421 N 7th Avenue, Pittsburgh, Pa. 15219.

D. (6) $16,660. E. (9) $574.19.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organization, 825 16th Street NW., Washington, D.C.

D. (6) $13,065. E. (9) $311.33.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $2,408.15.

A. Michael J. Petrina, Jr., 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $4,000. E. (9) $52.35.

A. Paul F. Petrus, Mobil Oil Corp, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,200.

A. Lorraine Petti, 709 Massachusetts Avenue NE., No. 1, Washington, D.C. 20002.

B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $3,055.

A. James R. Phalen, MAPCO Inc., 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.

B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

D. (6) $2,500. E. (9) $169.16.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $14,764.75. E. (9) $14,764.75

A. Marshall A. Pharr, 6103 Adirondack, Amarillo, Tex. 79106.

B. Southwestern Public Service Co., P.O. Box 1261, Amarillo, Tex. 79170.

D. (6) $1,025. E. (9) $204.96.

A. John P. Philbin, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. Ilbert Phillips, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.

A. John D. Phillips, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

D (6) $12,960. E. (9) $696.01.

A. Mark W. A. Phillips, 507 Second Street NE., Washington, D.C. 20002.

B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.

A. Mark W. A. Phillips, 507 Second Street NE., Washington, D.C. 20002.

B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Phillips, Nizer, Benjamin, Krim & Ballon, 40 West 57th Street, New York, N.Y. 10019.

B. American Bobst Holdings, Inc., 146 Harrison Avenue, Roseland, N.J.

D. (6) $2,177.50. E. (9) $3,262.71.

A. Susan L. Phillips, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $3,334.50. E. (9) $5.35.

A. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

E. (9) $20,289.73.

A. Physicians National Housestaff Association, 1411 K Street NW., Suite 800, Washington, D.C. 20005.

A. Sam Pickard, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $500.

A. Bill Pickens, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $1,153.22. E. (9) $53.68.

A. Pierce, Atwood, Scribner, Allen, Smith & Lancaster, 1 Monument Square, Portland, Maine 04101.

B. Great Northern Paper Co., 75 Prospect Street, Stamford, Conn. 06901.

D. (6) $3,108. E. (9) $174.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.

B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.

D. (6) $3,000.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C.

B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22201.

D. (6) $2,500.

A. Pierson Semmes Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

D. (6) $1,050. E. (9) $53.64.

A. Pierson Semmes Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Edgington Oil Co., Inc., 2400 East Artesia Boulevard, Long Beach, Calif. 90805.

D. (6) $35. E. (9) $3.09.

A. Pierson Semmes Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Independent Refiners' Association of California, 900 Wilshire Boulevard, Los Angeles, Calif. 90048.

D. (6) $635.

A. Rena S. Pies, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

B. American Footwear Industries Association, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

D. (6) $250. E. (9) $124.18.

A. Pillsbury, Madison & Sutro, 1050 17th Street NW., Suite 900, Washington, D.C. 20036.

B. National Venture Capital Association, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,500. E. (9) $40.

A. Pilots Rights Association, P.O. Box 7000–367, Redondo Beach, Calif. 90277.

D. (6) $5,718. E. (9) $6,790.42.

A. Pitney Bowes, 69 Walter H. Wheeler, Jr. Drive, Stamford, Conn. 06926.

A. Peter K. Pitsch, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc. 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

D. (6) $15. E. (9) $50.

A. E. Rogers Pleasants, 1007 Market Street, Wilmington, Del. 19898.

B. E. I. du Pont de Nemours & Company, 1007 Market Street, Wilmington, Del. 19898.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., Suite 700, Washington, D.C. 20037.

A. Plains Cotton Growers, Inc., P.O. Box 3640, Lubbock, Tex. 79452.

A. Richard J. Pollack, American Nurses' Associations, 1030 15th Street NW., No. 408, Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,509. E. (9) $359.05.

A. Frances A. Pollak, Goodyear Tire & Rubber Co., 1800 K Street NW., Washington, D.C. 20006.

B. Goodyear Tire & Rubber Company, Akron, Ohio 44316.

D. (6) $1,000.

A. Richard P. Pollock, Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $261.25.

A. Nathaniel Polster, 2128 Wyoming Avenue, Washington, D.C. 20008.

B. America Cancer Society, Inc., 777 Third Avenue, New York City, N.Y. 10017; Research To Prevent Blindness Inc., 598 Madison Avenue, New York City, N.Y. 10022.

D. (6) $4,625. E. (9) $2,305.

A. Judith A. Pond, 1800 K Street NW., Suite 924, Washington, D.C. 20006.

B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

D. (6) $200. E. (9) $104.

A. Robert F. Pontzer, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.

B. Lear Siegler, Inc., Astronics Division, 3171 South Bundy Drive, Santa Monica, Calif. 90406.

E. (9) $15.40.

A. Henry E. Poole, 9 West 57th Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Raymond K. Pope, 1639 K Street NW., Suite 800, Washington, D.C. 20006.

B. AMFAC, Inc., 50 O'Farrell Street, San Francisco, Calif. 94108.

D. (6) $6,290. E. (9) $524.

A. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.

D. (6) $2,101. E. (9) $2,403.

A. Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

E. (9) $16.

A. Joan E. Porte, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,250.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Road, Arlington, Va. 22202.

B. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tex. 75235.

D. (6) $3,000.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Road, Arlington, Va. 22202.

B. National Association of Medical Directors of Respiratory Care, Box 10832, Chicago, Ill. 60610.

D. (6) $1,500.

A. Porter, Wright, Morris & Arthur, 1776 G Street NW., Suite 501, Washington, D.C. 20006.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20006.

D. (6) $390. E. (9) $9.50.

A. Alonzo M. Poteet, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $2,500. E. (9) $49.07.

A. Emond A. Potter, NCR Corp., 1612 K Street NW., Suite 706, Washington, D.C. 20006.

B. NCR Corp., 1700 South Patterson Boulevard, Dayton, Ohio 45479.

E. (9) $190.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.

B. Rockwell International, Inc., 600 Grant Street, Pittsburgh, Pa. 15219.

D. (6) $7,500. E. (9) $4,300.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.

B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif. 94119.

D. (6) $3,000.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900–S, Washington, D.C. 20036.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20036.

D. (6) $600.

A. John M. Powderly, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $8,125.70.

A. Richard M. Powell, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Robert D. Powell, 734 15th Street NW., Suite 401, Washington, D.C. 20005.

B. National Business Aircraft Association, One Farragut Square South, Washington, D.C. 20005.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $231.

A. John (Jay) Power, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $10,341.50.

A. William D. Powers, National Housing Law Project, 1016 16th Street NW., Suite 800, Washington, D.C. 20036.

B. National Housing Law Project, 2150

Shattuck Avenue, Suite 200, Berkeley, Calif. 94704.
D. (6) $7,396.80. E. (9) $60.

A. William C. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $750.

A. Richard H. Prendergast, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $163.34.

A. William B. Prendergast, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $2,000. E. (9) $522.75.

A. Brainard E. Prescott, 670 Main Street, East Aurora, N.Y. 14052.
B. Security New York State Corp., One East Avenue, Rochester, N.Y. 14638.
E. (9) $61.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for: European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Lloyd T. Preslar, DGA International, Inc., Washington, D.C. 20036.
B. DGA International, Inc. (for: Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street, NW., Washington, D.C. 20036.
B. DGA International, Inc. (for: Sofreavia, 75 rue la Boetie, Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Paul F. Preston, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,625.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $2,162.50. E. (9) $15.25.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Bonneville Power Administration, Suite 310, Lloyd Building, 700 NE. Multromak Street, Portland, Oreg. 97232.
D. (6) $7,461.70. E. (9) $51.25.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Cruise-A-Home, Inc., dba Polaris Corp., 1028 Norton Avenue, Everett, Wash. 98201.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Employers Reinsurance Corp., 21 West 10th Street, Kansas City, Mo. 64105.
D. (6) $625. E. (9) $25.22.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Moore McCormack Resources, One Landmark Square, Stamford, Conn.
D. (6) $3,720.50. E. (9) $35.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Organization for the Protection & Advancement of Small Telephone Companies, 1104 Gary Court, Wheaton, Ill. 60187.
D. (6) $15,059. E. (9) $395.29.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Seattle Trust and Savings Bank, 804 Second Avenue, Seattle, Wash. 98104.
D. (6) $147.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Transportation Institute, 923 13th Street NW., Washington, D.C.
D. (6) $430.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.
D. (6) $387. E. (9) $17.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.
D. (6) $3,097.50. E. (9) $25.50.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $756.25.

A. Woodruff M. Price, Seaboard Coast Line Industries, Inc., 1000 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
B. Seaboard Coast Line Industries, Inc., 500 Water Street, Jacksonville, Fla. 32202.
D. (6) $3,000. E. (9) $623.07.

A. Patricia Pride, Financial Accounting Standards Board, 1129 20th Street NW., Washington, D.C. 20036.
B. Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.
D. (6) $105. E. (9) $37.

A. Arnold J. Prima, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Gwenyth Pritchard, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Jerry C. Pritchett, Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Washington, D.C. 20015.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Pro Life/Congressional District 11, P.O. Box 727, San Carlos, Calif. 94070.
D. (6) $543.45. E. (9) $302.21.

A. Pro-Life CDAC 12, P.O. Box 7145, Menlo Park, Calif. 94025.
D. (6) $1,365. E. (9) $577.30.

A. Robert A. Propf, Geo. A. Hormel & Co., 203 20th Street SW., Austin, Minn. 55912.
B. Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $2,343.75.

A. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa.

A. Steven L. Pruitt, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $8,025. E. (9) $961.15.

A. Jerry Z. Pruzan, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $300.

A. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $33,125.24. E. (9) $29,378.07.

A. Public Timber Purchasers Group, 714 Oregon Bank Building, 319 SW., Washington Street, Portland, Oreg. 97204.
D. (6) $44,957.39. E. (9) $3,394.70.

A. David E. Pullen, Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.
B. Johns-Manville, P.O. Box 5108, Denver, Colo. 80217.
D. (6) $600.

A. Purcell & Nelson, 1776 F Street NW., No. 300, Washington, D.C. 20006.
B. The Business Roundtable, 200 Park Avenue, No. 2222, New York, N.Y. 10017.
D. $75.

A. Howard Pyle, 4930 Quebec Street NW., Washington, D.C. 20016.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.
D. (6) $2,678.58. E. (9) $9.

A. Mark C. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Retail Bakers of America—Presidential Building, 6525 Belcrest Road, Suite 250, Hyattsville, Md. 20782.
D. (6) $1,000.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. American Fur Industry, 101 West 30th Street, New York, N.Y. 10001.
D. (6) $1,000.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Independent Bakers Association, P.O. Box 3731, Washington, D.C. 20007.
D. (6) $3,000.

A. John R. Quarles, Jr., Morgan, Lewis & Bockius, 1800 M Street NW., Washington D.C. 20036.

B. National Environmental Development Association/Clean Air Act Project (NEDA/CAAP), 3 National Press Bldg., Washington, D.C. 20045.

A. William A. Quinlan, 3045 Riva Road, Annapolis, Md. 21401.

B. Retail Bakers of America, Presidential Bldg., Suite 250, 6525 Belcrest Rd., Hyattsville, Md. 20782.

D. (6) $132. E. (9) $17.16.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Clifford H. Raber, 1 McDonald's Plaza, Oak Brook, Ill. 60521.

B. McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill. 60521.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $464.38.

A. Robert A. Ragland, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Richard W. Rahn, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,442.40. E. (9) $32.01.

A. Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.

D. (6) $38,600. E. (9) $54,925.36.

A. Law Offices of John V. Rainbolt, 1800 K Street NW., Suite 926, Washington, D.C. 20006.

B. MidAmerica Commodity Exchange, 125 West Jackson Boulevard, Chicago, Ill.

D. (6) $1,885. E. (9) $211.60.

A. Craig J. Rancourt, 5 Washington Street, Biddeford, Maine 04005.

B. American Association of Classified School Employees, 6805 Oak Creek Drive, Columbus, Ohio 43229.

D. (6) $5,925. E. (9) $7,033.32.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,031.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Ave. N.W., Washington, D.C. 20007.

D. (6) $4,454.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.

B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.

D. (6) $270.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.

B. National Association for Milk Marketing Reform, 1625 K Street NW., Washington, D.C. 20006.

A. Gary B. Randall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $135.

A. Wm. J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.

B. City of Independence, Mo., 103 North Main Street, Independence, Mo. 64050.

D. (6) $1,500. E. (9) $1,839.

A. Wm. J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.

B. Keith Artman & Soil Inc., Route 1, Box 188, Excelsior Springs, Mo. 64024 and Clifford R. Kirby, 6916 Lake Drive, Raytown, Mo. 64133.

A. William J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.

B. United States Railway Association, 955 L'Enfant Plaza North SW., Washington, D.C. 20595.

D. (6) $6,000. E. (9) $390.

A. R. Ray Randlett, 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.

D. (6) $250. E. (9) $14.50.

A. Arthur G. Randol III., 1899 L Street NW., No. 1100, Washington, D.C. 20036.

B. Exxon Corp, 1251 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $607.21.

A. D. Michael Rappoport, P.O. Box 1980, Phoenix, Ariz. 85001.

B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.

D. (6) $1,125. E. (9) $3,871.56.

A. Carol Raulston, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Instittue, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. G. David Ravencraft, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $2,000.

A. W. Randall Rawson, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

E. (9) $97.39.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $867.88.

A. James R. Readle, Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90051.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif., 90051.

A. Sydney C. Reagan, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.

B. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.

D. (6) $150.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625. E. (9) $14.12.

A. Robert E. Redding, Shippers National Freight Claim Council, Suite 310, 910 17th Street NW., Washington, D.C. 20006.

B. Shippers National Freight Claim Council, 120 Main Street, Huntington, N.Y. 11743.

D. (6) $3,000. E. (9) $45.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $30.05.

A. John H. Reed, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washintgon, D.C. 20001.

D. (6) $8,628. E. (9) $111.56.

A. Reed Smith Shaw & McClay, 1150 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. The Great Atlantic & Pacific Tea Co., 2 Paragon Drive, Montvale, N.J. 07645.

D. (6) $6,795. E. (9) $198.85.

A. Martha L. Rees, 1701 Pennsylvania Avenue NW., Southwest 1120, Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

E. (9) $13.

A. David E. Reeves, 4803 Scarsdale Road, Bethesda, Md. 20016.

B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $625.

A. Don T. Reeves, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $3,712.

A. J. Ronald Reeves, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

D. (6) $2,000. E. (9) $129.07.

A. John T. Reggitts, Jr., R.D. No. 2 Boonton Avenue, Boonton, N.J. 07005.

A. Frank D. Register, National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.

B. National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va., 22091.

D. (6) $50.

A. David M. Reicher, Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

B. Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202 (for Smith Barney, Harris Upham & Co., Inc.).

E. (9) $720.53.

A. Charlotte T. Reid, 1776 K Street NW., Washington, D.C. 20006.

B. Motorola Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $3,000.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $14.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. Northeast Utilities Service Co., P.O. Box 270, Hartford, Conn. 06101.

D. (6) $68.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

B. South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29202.

A. Jerry E. Reider, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. Mark J. Reidy, 1125 15th Street NW., Washington D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. John A. Reilly, Private, 25th Floor, 530 Fifth Avenue, New York, N.Y. 10036.
B. Estate of Bert N. Adams, et al., P.O. Box 180, Irwin, Pa. 15642.
E. (9) $5.

A. Thomas K. Reinhard, International Trading Associates Inc., 2033 M Street NW., Suite 802, Washington, D.C. 20036.
B. International Trading Associates Inc., 2033 M Street NW., Suite 802, Washington, D.C. 20036.
E. (9) $158.95.

A. J. E. Reinke, Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $185.

A. Harry O. Reinsch, 1310 Jones Street, Apt. 902, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. W. W. Renfroe, 69 Fountain Place-Wilkinson Street, Frankfort, Ky. 40601.
B. Kentucky Railroad Association, 69 Fountain Place-Wilkinson Street Frankfort, Ky. 40601.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $950. E. (9) $274.05.

A. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.
E. (9) $136.45.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York City, N.Y. 10022.
E. (9) $4,377.

A. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $6,882.

A. Forrest I. Rettgers, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $186.96.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. Lynne Revo-Cohen, National Press Building, Room 481, Washington, D.C. 20045.
B. Federally Employed Women, National Press Building, Room 481, Washington, D.C. 20040.
D. (6) $3,720 E. (9) $1,030.

A. Allan R. Rexinger, The Proprietary Association, 1700 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,218.75. E. (9) $125.

A. Nancy Clark Reynolds, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $175.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Grace Ellen Rice, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,625. E. (9) $150.

A. M. Lee Rice, 277 Park Avenue, New York, N.Y. 10172.
B. Ogden Corp., 277 Park Avenue, New York, N.Y. 10172.

A. Theron J. Rice, CONOCO, Inc., 1025 Connecticut Avenue, No. 1000, Washington, D.C. 20036.
B. CONOCO Inc., High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

A. Douglas B. Richardson, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. Bruce Rickerson, American Society of Civil Engineers, 1625 Eye Street NW., No. 607, Washington, D.C. 20006.
B. American Society of Civil Engineers, 345 E. 47th Street, New York, N.Y. 10017.
D. (6) $3,000.

A. Lowell J. Ridgeway, North Dakota Petroleum Council, Box 1395, Bismarck, N. Dak. 58502.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $162.

A. E. Philip Riggin, National Legislative Commission, 1608 K Street NW., Washington, D.C.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $6,306. E. (9) $300.29.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $687.50. E. (9) $41.25.

A. Carol A. Risher, Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $1,200. E. (9) $85.37.

A. Nancy J. Risque, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. Standard Oil Co. (Ohio,) Midland Building, Cleveland, Ohio 44115.
D. (6) $12.50.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Gaming Industry Association of Nevada, Inc., 1 East First Street, Suite 1007, Reno, Nev. 89501.
D. (6) $2,800. E. (9) $3,289.86.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. National Association of Off-Track Betting Corp., P.O. Box 446, Batavia, N.Y. 14020.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Nevada Resort Association, 1785 East Sahara Avenue, Suite 250, Las Vegas, Nev. 89104.
D. (6) $4,200. E. (9) $4,934.78.

A. Stark Ritchie, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Robert L. Roach, 12801 River Road, Potomac, Md.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $4,106.25. E. (9) $2,086.86.

A. Roadside Business Association, 9001 West Braddock Road, Springfield, Va. 22151.
D. (6) $1,849.31. E. (9) $1,849.31.

A. Paula Roberts, Food Research & Action Center, 2011 I Street NW., Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street NW., Washington, D.C. 20006.

A. Perry A. Roberts, 8100 Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $464.33.

A. Betty S. Robinson, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $9,817.29. E. (9) $147.

A. Charles A. Robinson, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $400.

A. Jerome Robinson, Florida Restaurant Association, 2700 North 34th Avenue, Unit J, Hollywood, Fla. 33021.
B. Florida Restaurant Association, 1065 NE. 125th Street, Suite 409, Miami, Fla. 33161.

A. Robinson, Silverman, Pearce, Aronsohn & Berman, 230 Park Avenue, New York, N.Y. 10017.
B. National Realty Committee, Inc., 2033 M Street NW., Washington, D.C. 20036.
D. (6) $12,000. E. (9) $750.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $2,407.

A. Antoinette K. Roche, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $500. E. (9) $25.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,500.

A. Rodey, Dickason, Sloan, Akin & Robb, P.O. Box 1888, Albuquerque, N. Mex. 87103.

B. Navajo Tribe, Window Rock, Ariz. 86515.
D. (6) $86.09. E. (9) $312.98.

A. Ted V. Rodgers, Nationwide Insurance Companies, 1000 Connecticut Avenue NW., Suite 304, Washington, D.C. 20036.
B. Nationwide Insurance Companies & Affiliates, One Nationwide Plaza, Columbus, Ohio 43218.
D. (6) $2,500. E. (9) $883.

A. Willi Roelli, 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500.

A. James T. Rogers, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $600.

A. Margaret Rogers, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $1,000.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,081.60. E. (9) $110.80.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.
B. Florida West Coast Condominium Group, c/o Albert C. Werly, P.O. Box 40750, St. Petersburg, Fla. 37743.

A. Kenneth S. Rolston, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Richard A. Rohrbach, 1625 I Street NW., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
D. (6) $17,655.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo. 82001.
B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Washington, D.C. 20036; Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, Colo. 80944.
D. (6) $3,000.00.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo. 82001.
B. State of Wyoming, Capitol Building, Cheyenne, Wyo. 82002.
D. (6) $1,500.00.

A. Tatiana Roodkowski, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,500. E. (9) $1,248.51.

A. James E. Rooks, Jr., 1216 16th Street NW., Washington, D.C. 20036.
B. Speiser, Krause and Madole, 1216 16th Street NW., Washington, D.C. 20036. (For Mrs. Vera C. Clemente, No. 36 Roberto Clemente Street, Ext. San Agustin, Rio Piedras, PR 00926; Mrs. Margarita C. Matias, Yagrumo AD-3, Valle Arriba Heights, Carolina, PR; and Mrs. Maria Lozano, 519th Street, QC-1, Urb. Country Club, Rio Piedras, PR.)

A. Nicholas Roomy, Jr., Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.
B. Appalachian Power Co., P.O. Box 1986, Charleston, W.Va., 25327.
D. (6) $330.76. E. (9) $280.65.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $250.00.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.
B. Mudge Rose Guthrie & Alexander, 20 Broad Street, New York, N.Y. 10005.
D. (6) $150.00.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.
B. Paccar, Inc., Business Center Bldg., P.O. Box 1518, Bellevue, Wash. 98009.
D. (6) $160.

A. Kevin M. Rooney, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,028. E. (9) $242.54.

A. Joyce Roop, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $611.54.

A. Christine Root, 1532 Swann Street NW., Washington, D.C. 20009.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $1,187.76. E. (9) $161.50.

A. Mark A. Root, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. (for: Broadcast Music Inc., 320 West 57th Street, New York, N.Y. 10019).
E. (9) $80.

A. John C. Roots, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street. Los Angeles, Calif. 90071.
D. (6) $250.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Washington, D.C. 20005.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $53,615. E. (9) $2,493.49.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, Suite 500, 1575 I Street NW., Washington, D.C. 20005.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,155. E. (9) $321.31.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Washington, D.C. 20005.
B. Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $34,015. E. (9) $1,633.86.

A. Walda W. Roseman, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $13,500. E. (9) $182.10.

A. Burt Rosen, National Association of Independent Insurers, 499 South Capitol Street, Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $1,500. E. (9) $120.50.

A. Albert B. Rosenbaum III, National Tank Truck Carriers, Inc., 1616 P Street NW, Washington, D.C. 20036.
E. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Arthur F. Rosenfeld, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $667.50. E. (9) $11.

A. Harvey Rosenfield, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,450.01.

A. Robert W. Ross, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,650. E. (9) $92.01.

A. Seymour N. Ross, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. (for Thomson–CSF (AVS), 178 Boulevard Gabriel Péri, 92240 Malakoff, France).

A. William F. Ross, SC Petroleum Council, 716 Keenan Bldg., Columbia, S.C. 29201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $642. E. (9) $1,138.45.

A. Gary W. Rossow, Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 320 New Center Bldg., Detroit, Mich. 48202.
D. (6) $400. E. (9) $10.

A. Alan J. Roth, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, Cities of Homestead, Kissimme, Lakeland, Starke, Tallahassee, Fla.

A. Barry N. Roth, The Williams Companies. 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. The Williams Companies, P.O. Box 2400, Tulsa, Okla. 74101.
D. (6) $100.

A. Marcus Roth, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $3,525.47.

A. Edwin Rothschild, 1615 Anderson Road, McLean, Va. 22102.
B. Energy Action Educational Foundation, 2000 P Street NW., No. 310, Washington, D.C. 20036.
D. (6) $75.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William C. Roundtree, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

D. (6) $50.

A. Michael O. Roush, National Federation of Independent Business, 490 L'Enfant Plaza SW., Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $200.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermigo, Colorado Springs, Colo. 80903, and Ruth Rouss, 1614 20th St. NW., Washington, D.C. 20009.

B. Union Nacional de Productores de Azucar, S.A. de C.V. (UNPASA), Balderas 36, Mexico, D.F., Mexico.

D. (6) $2,400. E. (9) $4,165.98.

A. Mark Rovner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,833.34.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A. John W. Rowland, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. James C. Rowland, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Union Carbide Corp., 270 Park Ave., New York, N.Y. 10017.

A. George S. Royal, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. 9204, Arlington, Va. 22209.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625. E. (9) $102.

A. James S. Rubin, 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.

D. (6) $168.75.

A. Paul M. Ruden, Wilner & Scheiner, 1200 New Hampshire Avenue NW., Washington, D.C. 20016.

B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. Philip E. Ruppe, AMAX, Inc., 1101 Connecticut Avenue NW., Suite 605, Washington, D.C. 20036.

B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

D. (6) $2,000. E. (9) $150.

A. Leonard H. Ruppert, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $45.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.

B. Orkin Exterminating Company, Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

D. (6) $352. E. (9) $620.

A. Wally Rustad, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Assoc., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $50.

A. Henry Ruth, Suite 800, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue, Suite 800, Washington, D.C. 20007.

D. (6) $1,377.75.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Association of Bioanalysts International Society of Clinical Lab Tech, 614 Paul Brown Building, St. Louis, Mo.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60306.

D. (6) $400. E. (9) $80.40.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $35.10.

A. Sheryl P. Rutledge, 1100 H Street NW., Washington, D.C. 20080.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. Ella Marice Ryan, J. C. Penny Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $150.

A. John F. Ryan, International Telephone and Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.

B. International Telephone and Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

D. (6) $41. E. (9) $11.

A. Lynn Ryan, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $150. E. (9) $75.

A. Arthur B. Sackler, National Newspaper Association, 1627 K Street NW., Suite 400. Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20003.

D. (6) $2,200. E. (9) $50.

A. Robert P. St. Louis, 2550 M Street NW., Suite 225, Washington, D.C. 20037.

B. Congoleum Corp., P.O. Box 4040, Portsmouth, N.H. 03801.

D. (6) $750. E. (9) $653.76.

A. Frank Max Salinger, Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.

D. (6) $600. E. (9) $7.50.

A. Daniel Saltzman, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $250.

A. Samaritan Health Service, 1410 North Third Street, P.O. Box 25489, Phoenix, Ariz. 85002.

E. $(9) $5,355.80.

A. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.

E. (9) $837.56.

A. Whitney G. Sampson, 9002 Greenwillow Drive, Houston, Tex. 77096.

B. American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.

A. William Samuel, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

D. (6) $4,250.

A. Frank P. Sanders, Signal Companies, Inc., 1575 I Street NW., Washington, D.C. 20005.

B. The Signal Companies, Inc., 11255 North Torrey Pines Road, La Jolla, Calif. 92037.

D. (6) $700.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $5,000.

A. David Sandler, National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Suite 322, Washington, D.C. 20007.

B. National Council of Community Mental Health Centers. 2233 Wisconsin Avenue NW., Suite 322, Washington, D.C. 20007.

D. (6) $3,000. E. (9) $150.

A. Peter G. Sandlund, 1725 I Street NW., Room 315, Washington, D.C. 20006.

B. Council of European & Japanese National Shipowners Associations, 3032 St. Mary Avenue, London EC3A 8ET, England.

D. (6) $300.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Empresa Brasileira de Aeronautica, S.A., (EMBRAER), Sao Paulo, Brazil.

D. (6) $500. E. (9) $836.72.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. The Kings River Power Development Committee, 4886 East Jensen Avenue, Fresno, Calif. 93725.

D. (6) $1,000. E. (9) $72.04.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Kings River Water Users Committee.

D. (6) $6,000. E. (9) $2,487.79.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Safari Club International, 5151 East Broadway, Tucson, Ariz. 85711.

D. (6) $1,000. E. (9) $1,867.63.

A. Albert C. Saunders, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $4,000. E. (9) $36.90.

A. Lawrence H. Sawyer, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $150.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Bldg., San Francisco, Calif. 94106.

B. California Canners & Growers, 3100 Ferry Bldg., San Francisco, Calif. 94106.

D. (6) $5,000. E. (9) $431.20.

A. Mark Schacht, 806 15th Street NW., Suite 600, Washington, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Suite 600, Washington, D.C. 20005.

D. (6) $5,902.64. E. (9) $1,667.08.

A. Herbert Y. Schandler, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. American League for Exports and Security Assistance, Inc. (ALESA), 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.

D. (6) $5,000. E. (9) $675.02.

A. Kenneth D. Schanzer, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $936.50.

A. Jay T. Scheck, Jr., Ford Motor Company, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Company, Dearborn, Mich. 48121.

D. (6) $499.69. E. (9) $288.00.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Bldg., Two Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corporation, 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $81.72.

A. Andrew A. Schlotz, 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Kenneth Schlossberg, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.

B. Boston University, 147 Bay State Road, Boston, Mass. 02215.

D. (6) $437.50. E. (9) $8.50.

A. Kenneth Schlossberg, Schlossberg-Cassidy & Associates. Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.

B. National Frozen Food Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $100. E. (9) $3.50.

A. Kenneth Schlossberg, Schlossberg-Cassidy & Associates, Inc., 955 L'Enfant Plaza SW., (Suite 1401), Washington, D.C. 20024.

B. Tufts University, Medford, Mass. 02155.

A. Allan D. Schlosser, 100 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $400.

A. Richard M. Schmidt, Jr., 1333 New Hampshire Ave. NW., Suite 600, Washington, D.C. 20036.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

D. (6) $500.

A. Mahlon C. Schneider, The Pillsbury Company/Green Giant Company, 608 Second Avenue South, Minneapolis, Minn. 55402.

B. The Pillsbury Company/Green Giant Company, 608 Second Avenue South, Minneapolis, Minn. 55402.

D. (6) $250. E. (9) $465.27.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. A. Kolbet Schrichte, 311 First Street NW., Washington, D.C. 20001.

B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Stanley W. Schroeder, Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myers Drive, Arlington, Va. 22209.

E. (9) $76.10.

A. Mark Schultz, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,000.

A. Robert L. Schulz, Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $512.50. E. (9) $606.90.

A. Donald H. Schwab, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $4,250. E. (9) $295.10.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.

B. American Greyhound Track Operators Association, 139 Southeast 14th Lane, Miami, Fla. 33131.

E. (9) $9.58.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.

B. Clatskanie People's Utility District, P.O. Box 216, Clatskanie, Oreg. 97016.

D. (6) $24,315. E. (9) $7,839.60.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $4,636.37.

A. Schwartz & Connolly, Inc., 1747 Pennsylvania Avenue NW., Suite 650, Washington, D.C. 20006.

B. Owens-Illinois, Toledo, Ohio.

D. (6) $18,545.50. E. (9) 477.55.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. City of Philadelphia—Department of Commerce, 1650 Municipal Services Bldg., Philadelphia, Pa. 19107.

D. (6) $800.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. Pennsylvania Manufactured Housing Association, P.O. Box 248, New Cumberland, Pa.

D. (6) $1,500.

A. Richard Schwartz, Boat-Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.

B. Boat-Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.

D. (6) $2,500.

A. Tiberio Schwartz, Phillips, Nizer, Benjamin, Krim & Ballon, 40 West 57th Street, New York, N.Y. 10019.

B. American Bobst Holdings, Inc., Harrison Avenue, Roseland, N.J. 07068.

D. (6) $1,300. E. (9) $349.

A. Carl F. Schwensen, 415 Second Street NE., Suite 300, Washington, D.C. 20002.

B. National Association of Wheat Growers, 415 Second Street NE., Washington, D.C. 20002.

D. (6) $3,368.62.

A. William F. Schwind, Jr., Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

A. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $6,798.57. E. (9) $3,629.85.

A. Michael Sciulla, Boat-Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.

B. Boat-Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.

D. (6) $2,500.

A. H. B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $7.00.

A. David A. Scott, American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington. D.C. 20037.

D. (6) $585. E. (9) $85.99.

A. Deirdre S. Searles, 7900 Callaghan Drive, San Antonio, Tex. 78229.

B. Datapoint Corporation, 9725 Datapoint Drive, San Antonio, Tex. 78284.

D. (6) $4,500.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $375. E. (9) $67.90.

A. Sandra Sedacca, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,450.

A. H. Richard Seibert, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $945.70.

A. Stanton P. Sender, Sears, Roebuck and Co., 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $540. E. (9) $6.

A. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.

E. (9) $12,413.65.

A. Sarah Setton, 1511 K Street NW., Washington, D.C. 20005.

B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.

D. (6) $103. E. (9) $72.

A. Seven Months Session for Congress, 7201 Wood Hollow Dr., No. 337, Austin, Tex. 78731.

E. (9) $452.

A. Seward & Kissel, 1737 H Street NW., Washington, D.C. 20006.

B. A. W. Jones Co., 26 Broadway, New York, N.Y.; Avalon, 140 Broadway, New York, N.Y.; Jubilee, 140 Broadway, New York, N.Y.

E. (9) $133.79.

A. Seward & Kissel, 1737 H Street NW., Washington, D.C. 20006.

B. Merrill Lynch Money Markets, Inc., 165 Broadway, New York, N.Y. 10080.

E. (9) $626.37.

A. J. Richard Sewell, 1111 19th Street NW., Suite 1102, Washington, D.C. 20036.

B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.

D. (6) $3,610. E. (9) $348.32.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Transition-Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $100. E. (9) $75.41.

A. Barbara J. Shailor, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,361.69.

A. James M. Shamberger, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.

E. (9) $50.

A. Lloyd D. Shand, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $400. E. (9) $93.74.

A. David Lewis Shapiro, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,481. E. (9) $10.

A. Harry D. Shapiro, 1800 Mercantile Bank and Trust Building, Two Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $81.72.

A. Lynn E. Shapiro, Epstein, Becker, Borsody & Green, 1140 19th Street NW., 9th Floor, Washington, D.C. 20036.

B. Epstein, Becker, Borsody & Green (for: American Association of Professional Standards Review Organizations).

A. Lynn E. Shapiro, Epstein, Becker, Borsody & Green, 1140 19th Street NW., 9th Floor, Washington, D.C. 20036.

B. Epstein, Becker, Borsody & Green (for: American Associations of Foundations for Medical Care).

A. John J. Sharkey, 1629 K Street NW., Room 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $986.50. E. (9) $45.27.

A. Karen Dolmatch Shaw, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.

D. (6) $332.64. E. (9) $682.43.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Assn. for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Atlas Minerals Division (Atlas Corp.), P.O. Box 1207, Moab, Utah 84532.

D. (6) $681. E. (9) $3.40.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.

D. (6) $250. E. (9) $1.44.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. Consolidated Grain & Barge Co., 5100 Oakland Avenue, St. Louis, Mo. 63110.

D. (6) $565.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.

D. (6) $10,000.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

D. (6) $840. E. (9) $15.95.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Institute of Foreign Bankers, 200 Park Avenue, Suite 303 East, Room 23, New York, N.Y. 10017.

D. (6) $2,000.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. Investment Counsel Association of America, Inc., 50 Broad Street, New York, N.Y. 10004.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. National Committee on Small Issue Industrial, Development Bonds, Box 1, 1800 M Street NW., 900-S, Washington, D.C. 20036.

D. (6) $4,372.50 E. (9) $13.30.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Utility Nuclear Waste Management Group, c/o Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $328.50. E. (9) $12.14.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Allied Chemical, 1250 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Eleanor Clark, c/o J. Reynolds Barnes, 11 American Bank Building, 621 Northwest Morrison Street, Portland, Oreg. 97205.

E. (9) $1.33.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. CoaLiquid, Inc., 1215 Citizens Plaza, Louisville, Ky. 40202.

D. (6) $5,000. E. (9) $1.80.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

D. Consumer Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill.

E. (9) $1.95.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Guaranty Fuels, 1120 East Main Street, Independence, Kans.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Independent Research Library Association, 185 Salisbury Street, Worcester, Mass. 01609.

D. (6) $1,000. E. (9) $1.95.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Nabisco Inc., 100 DeForest Avenue, East Hanover, N.J. 07936.

D. (6) $5,000. E. (9) $162.58.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Norfolk and Western, 8 North Jefferson Street, Roanoke, Va. 24011.

E. (9) $4.64.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Ryder Systems, Inc., 3600 Northwest 82d Avenue, Miami, Fla. 33166.

D. (6) $6,000. E. (9) $4.48.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Tosco Corporation, 1919 Pennsylvania Avenue NW., No. 706, Washington, D.C. 20006.
E. (9) $4.99.

A. Maureen Shea, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,687.49. E. (9) $95.90.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022.
D. (6) $2,897. E. (9) $36.33.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $10,695.68.

A. John P. Sheffey, National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.
B. National Association for Uniformed Services, 903 South Highland Street, Arlington, Va. 22204.
D. (6) $490.56.

A. Jonathan R. Sheiner, 4 Irving Place, New York, N.Y. 10003.
B. Consolidated Edison Co., of New York, Inc., 4 Irving Place, New York, N.Y. 10003.
D. (6) $447.50.

A. Jowanda Shelton, 2101 L Street NW., Washington, D.C. 20037.
B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $2,000.

A. Dale Sherwin, 1735 I Street NW., No. 717, Washington, D.C. 20006.
B. A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill. 62525.
D. (6) $1,500. E. (9) $150.

A. Nelson Shields, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $2,958.48. E. (9) $3.75.

A. Russell L. Shipley, Jr., 1430 K Street NW., Suite 1000, Washington, D.C. 20005.
B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Suite 1000, Washington, D.C. 20005
D. (6) $90.

A. Harvey A. Shipman, The Penn Central Corp., 1776 G Street NW., Suite 502, Washington, D.C. 20006.
B. The Penn Central Corp., 245 Park Avenue, 44th Floor, New York, N.Y. 10017.

A. Fred B. Shipee, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. Mary Frances Shlagel, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. W. Ray Shockley, American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $2,550. E. (9) $10.

A. Debbie Leilani Shon, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,394.40. E. (9) $65.20.

A. Donald S. Shook, Gulf Oil Corp., 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $250. E. (9) $42.

A. Richard G. Shoup, Union Pacific Corp., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $2,850. E. (9) $1,307.13.

A. Barbara A. Shuman, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of the Standard Oil Co. of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $100.

A. Candice J. Shy, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. ENSERCH Corp., 301 South Harwood Street, Dallas, Tex. 75201.
D. (6) $1,300. E. (9) $4,145.

A. Richard H. Siemsen, 8100 Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $1,033.61

A. Bernard H. Sieracki, Illinois Petroleum Council, 79 West Monroe Street, Suite 514, Chicago, Ill 60603.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $450. E. (9) $590.05.

A. Daniel W. Sigelman, 2000 P Street NW., No. 708, Washington, D.C. 200036.
B. Health Research Group, 2000 P Street No. 708, Washington, D.C. 20036.
D. (6) $11.

A. Mark Silbergeld, Consumers Union of United States, Inc., 1511 K Street NW., Suite 1033, Washington, D.C. 20005.
B. Consumers Union, 256 Washington Street, Mt. Vernon, N.Y. 10550.
D. (6) $2,000.

A. Stephen Silbiger, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $9,900. E. (9) $553.69.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washintgon, D.C. 20006.
D. (6) $126.

A. Silver, Freedman, Housley, Taff & Goldberg, 1800 M Street NW., No. 950N, Washington, D.C. 20036.

A. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $536.25. E. (9) $2,891.56.

A. Barbara A. Silverman, 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Larry Silverman, Clean Water Action Project, 1241 G Street NW., Suite 200, Washington, D.C. 20005.
B. Clean Water Action Project, 1241 G Street NW., Washington, D.C. 20005.
D. (6) $600. E. (9) $20.

A. Leslie D. Simon, IBM Corp., 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $609. E. (9) $80.65.

A. Stanley C. Simon, Simon, Twombly & Terry, 17130 Dallas North Parkway, Suite 160, Dallas, Tex. 75248.
B. The Southland Corp., 2828 North Haskell Avenue, Dallas, Tex. 75204.

A. Talmadge E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,217.45. E. (9) $27.38.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $804.30. E. (9) $39.30.

A. Richard L. Sinnott and Co., 2021 K Street NW., Suite 306, Washington, D.C. 20006.
B. Port of Oakland, Oakland, Calif. 94607.
D. (6) $1,250.00.

A. Donald E. Sinville, 227 North Street, Manchester, N.H. 03104.
B. Public Service Co., of New Hampshire, Manchester, N.H. 03105.
D. (6) $2,500.

A. William J. Skinner, 815 15th Street NW., Washington, D.C. 20005.
B. United States Pharmacopoeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 30852.
D. (6) $615.50. E. (9) $41.90.

A. Barney J. Skladany, Jr., Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Richard M. Skutt, 1366 Joliet Place, Detroit, Mich. 48207.
B. Project Advisory Group, 1029 Vermont Avenue NW., Washington, D.C. 20005.

A. Ruth L. Sky, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04103.
D. (6) $125.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. F. Slatinshek & Associates, Inc., 427 North Lee Street, Alexandria, Va. 22314.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714; United Technologies, 1125 15th Street NW., Washington, D.C. 20005; General Dynamics Corp., Pierre LacLede Center, St. Louis, Mo. 63105.
D. (6) $550.

A. SLB Enterprises, P.O. Box 663, G.P.O., New York, N.Y. 10016.

A. Matthew B. Slepin, National Assication of Housing Cooperatives, 1012 14th Street NW., Suite 805, Washington, D.C. 20005.
B. National Association of Housing Cooperatives, 1012 14th Street NW., Suite 805, Washington D.C. 20005.
D. (6) $200.

A. William T. Slider, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, Government Affairs Office, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $1,023.48.

A. Slover & Loftus, 1224 17th Street NW., Washington, D.C. 20036.

B. Western Coal Traffic League, Denver, Colo. 80110.

D. (6) $12,500. E. (9) $1,305.72.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $1,769.79.

A. Small Producers For Energy Independence, 1000 Sutton Place, Wichita, Kans. 67202.

D. (6) $27,000. E. (9) $5,881.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. American Horse Council, Suite 300, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $5,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. American Inland Waterway Committee, 7733 Forsyth Boulevard, St. Louis, Mo.

D. (6) $3,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Florida East Coast Railway Co., One Malaga Street, St. Augustine, Fla. 32084.

D. (6) $5,000. E. (9) $633.13.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Goldman Sachs, 55 Broad Street, New York, N.Y. 10004.

D. (6) $1,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006

B. Federal Relations Associates (for Kansas City, Mo.), 400 North Capital Street NW., Suite 368, Washington, D.C. 20001.

D. (6) $666.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Republic of South Africa, 3501 Massachusetts Avenue NW., Washington, D.C. 20008.

D. (6) $7,500.

A. Smathers, Symington & Herlong, Suite 400, 1700 K Street NW., Washington, D.C. 20006.

B. Penzoil Co., Houston, Tex. 77001.

D. (6) $6,000.

A. Donald E. Smiley, Exxon Corp., 1899 L Street NW., Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $65.33.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10105.

E. (9) $20,699.

A. Carl Edward Smith, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $390. E. (9) $166.39.

A. Gordon L. Smith, Hill and Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005 (for: Florists' Transworld Delivery Association).

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $3,480. E. (9) $18.

A. Kathleen Gramp Smith, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Council of Energy Resource Tribes, 1000 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.

B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.

D. (6) $328. E. (9) $285.

A. Smith & Pepper, 1776 K Street NW., Washington, D.C. 20006.

B. Southern Satellite Systems, Inc., P.O. Box 45684, Tulsa, Okla. 74145.

D. (6) $525. E. (9) $11.50.

A. Robert Bland Smith, Jr., American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.

D. (6) $60.

A. Susan E. Smith, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

D. (6) $500. E. (9) $67.80.

A. Suzanne J. Smith, 1660 L Street NW., S-201, Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $230.78.

A. Talbott C. Smith, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $3,000.

A. William H. Smith, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

D. (6) $2,750. E. (9) $1,338.30.

A. Arthur V. Smyth, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.

B. Weyerhaeuser Co., Tacoma, Wash. 98477.

D. (6) $500. E. (9) $8.15.

A. Frank B. Snodgrass, 1100 17th Street NW., Washington, D.C. 20036.

B. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $909.52.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, No. 1610, Arlington, Va. 22209.

B. Aerojet-General Corp., 9100 East Flair Drive, El Monte, Calif. 91734.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, No. 1610, Arlington, Va. 22209.

B. DSP, Inc., 1700 North Moore Street, Arlington, Va. 22209.

D. (6) $145.

A. Snyder & Ball Associates, Inc., 1700 N. Moore Street, Suite 1610, Arlington, Va. 22209.

B. Gould, Inc., 10 Gould Meadows, Rolling Meadows, Ill. 60008.

D. (6) $122.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $4,522.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $1,000.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.

B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.

D. (6) $5,700.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.

D. (6) $18,180.92. E. (9) $17,324.90.

A. Michael L. Solomon, 5726 Thomas Edison Court, Alexandria, Va. 22310.

B. National Apartment Association, 1825 K Street NW., Suite 604, Washington, D.C. 20006.

D. (6) $1,750.

A. Vincent R. Sombrotto, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,053.52.

A. Frederick P. Somers, Seafarers International Union, 815 16th Street NW., Rm. 510, Washington, D.C. 20006.

B. Seafarers International Union, 815 16th Street NW., Rm. 510, Washington, D.C. 20006.

D. (6) $3,000. E. (9) $1,118.57.

A. Christine Somma, Flexible Packaging Association, 1111 19th Street NW., Suite 404, Washington, D.C. 20006.

B. Flexible Packaging Association, 1111 19th Street NW., Suite 404, Washington, D.C. 20006.

A. Charles B. Sonneborn, American Academy of Ophthalmology, 1750 K Street NW., Suite 370, Washington, D.C. 20006.

B. American Academy of Ophthalmology.

1750 K Street NW., Suite 370, Washington, D.C. 20006.

E. (9) $50.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Mont. 59255.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Confederated Tribes of the Colville Indian Reservation, Nespelem, Wash. 99155.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Houlton Band of Maliseets, c/o Mr. Clair A. Sabattis, P.O. Box 223, Houlton, Maine 04730.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Seminole Indian Tribe of Florida, 6073 Stirling Road, Hollywood, Fla. 33024.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Shoshone Indian Tribe, Wind River Indian Reservation, Fort Washakie, Wyo. 82514.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Sioux Nation.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538.

A. Mary Sophos, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036

D. (6) $375. E. (9) $31.80.

A. Roberta L. Sorensen, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.

B. American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.

D. (6) $760. E. (9) $41.

A. Leland R. Sorteberg, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Soules, McCamish, Ingram, Martin & Brown, 900 Milam Building, East Travis at Soledad, San Antonio, Tex.

B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex., 78284.

D. (6) $9,950.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Cooperative League of the U.S.A. 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

D. (6) $1,250. E. (9) $217.05.

A. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $32,709.15. E. (9) $32,709.15.

A. Southern Satellite Systems, Inc., P.O. Box 45684. Tulsa, Okla. 74145.

E. (9) $536.50.

A. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. Larry M. Speakes, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Philip J. Spear, 8150 Lessburg Pike, Suite 1100, Vienna, Va. 22180.

B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street, NW., Washington, D.C. 20036.

B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Specialty Equipment Market Association, 11540 East Slauson Avenue, Whittier, Calif. 90606.

A. John F. Speer, Jr., 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Speiser, Krause & Madole, 1216 16th Street NW., Washington, D.C. 20036.

B. Vera C. Clemente, No. 36 Roberto Clemente Street, Ext. San Agustin, Rio Piedras, P.R. 00926; Margarita Cardona Mattias, Yagrumo AD-3, Valle Arriba Heights, Carolina, P.R.; Maria Lozano, 519th Street QC-1, Urb, Country Club, Rio Piedras, P.R.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051; cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and Plumas-Sierra Rural Electric Cooperative.

A. Law Firm of Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051; cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and Plumas-Sierra Rural Electric Cooperative.

D. (6) $1,000.

A. Larry N. Spiller, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

D. (6) $900.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $200.

A. Frederick C. Spreyer, Pacific Resources, Inc., 2501 M Street NW., Suite 540, Washington, D.C. 20037.

B. Pacific Resources, Inc., 733 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96813.

D. (6) $500.

A. Earl C. Spurrier, Monsanto Co., 1101 17th Street NW., No. 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.

B. American Society of Anesthesiologists, 515 Busse Highway, Park Ridge, Ill. 60068.

D. (6) $69.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.

B. National Collegiate Athletic Association, U.S. Highway 50 & Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.

D. (6) $15,951.75.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C.

B. Public Securities Association, One World Trade Center, New York, N.Y. 10048.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.

B. United States Wrestling Federation, 405 West Hall of Fame Avenue, Stillwater, Okla.

D. (6) $97.50.

A. Elvis J. Stahr, Martin-Dale, North, Greenwich, Conn. 06830.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $13,650. E. (9) $5,480.

A. Lynn E. Stalbaum, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $2,343.75. E. (9) $201.18.

A. Joe A. Stamm, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

D. (6) $125.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

D. (6) $1,887.50.

A. David P. Stang, 1629 K Street NW., Washington, D. C. 20006.

B. McDermott Inc., 1010 Common Street, New Orleans, La. 70160.

D. (6) $406.08.

A. David P. Stang, 1629 K Street NW., Washington, D. C. 20006.

A. Ocean Minerals Co., P.O. Box 4531, Mountain View, Calif. 94040.

A. David P. Stang, 1629 K Street NW., Washington, D. C. 20006.

B. Fred J. Russell, P.O. Box 54228, Los Angeles, Calif. 94040.

A. David P. Stang, 1629 K Street NW., Washington, D. C. 20006.

B. Superlite Builders Supply, Inc., 4150 West Turney, Phoenix, Ariz. 85019.

D. (6) $120.08.

A. David P. Stang, 1629 K Street NW., Washington, D. C. 20006.

B. Zapata Corp., 711 Louisiana Avenue, Houston, Tex. 77001.

D. (6) $443.17.

A. Michael J. Stanton, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

D. (6) $246.50.

A. Melvin L. Stark, Suite 321, 1707 L Street NW., Washington, D.C. 20036.

B. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.

D. (6) $6,000.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $580. E. (9) $1,107.65.

A. Charles D. Statton, 2130 Oaks Drive, Hillsborough, Calif. 94010.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Samuel E. Stavisky, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.

B. Samuel E. Stavisky & Associates Inc.,

1100 17th Street NW., Washington, D.C. 20036 (for Broadcast Music Inc., 320 West 57th Street, New York, N.Y. 10019.)
E. (9) $15.

A. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Broadcast Music Inc. (BMI), 320 West 57th Street, New York, N.Y. 10019.
D. (6) $600. E. (9) $95.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202. (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.)

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (For Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., Suite 708, Washington, D.C. 20036.)

A. John L. Steele, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y.
D. (6) $2,200.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,064.

A. Charles W. Stellar, American Association of Professional Standards Review Organization, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.

A. Mary E. Stenberg, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $2,311.97. E. (9) $140.97.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Nuclear Insurers, 270 Farmington Avenue, Farmington, Conn. 06032.
E. (9) $11.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
E. (9) $5,608.16.

A. Steptoe & Johnson, 1250 Connecticut NW., Washington, D.C. 20036.
B. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $2,597.09.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pfizer, Inc., Minerals, Pigments & Metals Division, 235 East 42d Street, New York, N.Y. 10017.
D. (6) $40.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 380 Madison Avenue, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Rule of Law Committee, Suite 800, 1250 Connecticut Avenue NW., Washington, D.C 20036.
D. (6) $150. E. (9) $4.25.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Talley Industries, Inc., P.O. Box 849, Mesa, Ariz. 85201.

A. Richard W. Sternberg, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $130.

A. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.
E. (9) $700.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington. D.C.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $1,746. E. (9) $137.68.

A. Michael Stientjes, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3875. E. (9) $2.

A. John W. Stillwaggon, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

A. Lisa Stolp, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036. (For: Continental Resources Company.)
D. (6) $4,910. E. (9) $14.

A. Adam D. Stolpen, Pitney Bowes, Inc., 1101 30th Street NW., Suite 203, Washington, D.C. 20007.
B. Pitney Bowes, Inc., 69 Wheeler Drive, Stamford, Conn. 06926.

A. George W. Stone, National Farmers Union, Denver, Col. 80251.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union) Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $8,750. E. (9) $15.77.

A. William M. Stover, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000.

A. David E. Strachan, National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
B. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington. D.C. 20005.
D. (6) $4,200. E. (9) $12.54.

A. J. Stephen Street, 1806 Barbee Street, McLean, Va.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington. D.C. 20037.
D. (6) $10,750. E. (9) $72.73.

A. George W. Strong, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
D. (6) $150. E. (9) $184.60.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. J. Aron & Co., Inc., 160 Water Street, New York, N.Y. 10038.
E. (9) $12.50.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Crown Coach Corp., 2428 East 12th Street, Los Angeles, Calif. 90021.
E. (9) $25.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Mrs. Patsy Perry, 70 Glen Cove Road, Roslyn Heights, N.Y.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Puerto Rico Federal Affairs Administration, 734 15th Street NW., Washington, D.C. 20005.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Warburg, Pincus Capital Corp., 277 Park Avenue, New York, N.Y. 10017.

A. Walter B. Stults, NASBIC, 618 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,000.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn. 06037.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
D. (6) $465.75. E. (9) $1,015.84.

A. Austin P. Sullivan, Jr., General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004.
B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

A. Harold Sullivan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. INCO Limited, Toronto-Dominion Centre, Toronto, Ontario Canada M5K 1E3.

A. Scott K. Sullivan, American Federation of Government Employees, 1325 Massachusetts Avenue, Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $5,924.10. E. (9) $30.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 9221 Ward Parkway, Kansas City, Mo. 64114.
D. (6) $8,250. E. (9) $11.63.

A. J. Mitchell Summers, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.

B. Armco, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.

D. (6) $936. E. (9) $302.

A. Clyde W. Summerville, 1700 North Moore Street, Rosslyn, Va. 22209.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $1,749. E. (9) $161.50.

A. Peter B. Summerville, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Duward F. Sumner, Jr., Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

D. (6) $250. E. (9) $300.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Amsterdam-Rotterdam Bank, Herengracht 595, 1000 E H Amsterdam, The Netherlands.

D. (6) $870. E. (9) $17.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Government of the Republic of Zaire, Kinshasha, Zaire.

D. (6) $1,808.50. E. (9) $89.45.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. U.S. Pipe & Foundry Co., 3300 First Avenue North, Birmingham, Ala. 35202.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz; 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105 and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. American Inland Waterways Committee, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105.

D. (6) $25,000.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz; 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105 and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Midland Enterprises, Inc., 1400 580 Building, Cincinnati, Ohio 45202.

D. (6) $3,750.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popki & Chervitz; 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105 and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Valley Line, 120 South Central Avenue, Clayton, Mo. 63105.

D. (6) $3,750.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. American Industrial Clay and Georgia Kaolin Division of Yara Engineering Corp., 511 Westminister Avenue, Elizabeth, N.J. 07207.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Anglo-American Clays Corp., P.O. Box 471, Sandersville, Ga. 31082.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn. 06115.

D. (6) $211.25. E. (9) $10.50

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Consumer Credit Insurance Association, 307 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $130. E. (9) $18.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Equifax Inc., P.O. Box 4081, Atlanta, Ga. 30302.

D. (6) $1,971. E. (9) $80.05.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Engelhard Minerals and Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. J. M. Huber Corp., Thornall Street, Edison, N.J. 08817.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kansas Farm Bureau Life Ins. Co., 2321 Anderson Avenue, Manhattan, Kans. 66502 and Farm Bureau Mutual Ins. Co., KFB Insurance, Co., Manhattan, Kans., 66502.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kentucky Farm Bureau Mutual Ins. Co., 120 South Hubbard Lane, Louisville, Ky. 40207 and FB Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Lifetime Communities, Inc., 2740 Beach Boulevard, Suite 202, Jacksonville, Fla. 32207.

D. (6) $3,187. E. (9) $45.45.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01111.

D. (6) $211.25. E. (9) $10.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mullite Company of America, Andersonville, Ga. 31711.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. The Mutual Benefit Life Insurance Co., 520 Broad Street, Newark, N.J. 07107.

D. (6) $211.25. E. (9) $10.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual Life Insurance Company of New York, 1740 Broadway, New York, N.Y. 10019.

D. (6) $211.25. E. (9) $10.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual of Omaha Insurance Co., Mutual of Omaha Plaza, Omaha, Nebr. 68175.

D. (6) $150. E. (9) $13.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. National Association of Life Companies, Suite 1060, Tower Place, 3340 Peachtree Road NE., Atlanta, Ga. 30326.

D. (6) $1,500. E. (9) $46.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. National Home Life Insurance Co., Liberty Park, Frazer, Pa. 19355.

D. (6) $403. E. (9) $53.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

D. (6) $211.25. E. (9) $10.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Nord Resources Corp., Ole Town Park, 29 Iron Gate Drive, Dayton, Ohio 45459.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

D. (6) $211.25. E. (9) $10.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Process Gas Consumers Group, 1666 K Street NW., Suite 800, Washington, D.C. 20006.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006; and 3100 First National Tower, Atlanta, Ga. 30383.

B. Sandersville Railroad Co., P.O. Box 269, Sandersville, Ga., 31082.

D. (6) $3,095. E. (9) $1,882.90.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Southern Farm Bureau Life Insurance Co., P.O. Box 78, Jackson, Miss. 39205; Southern Farm Bureau Casualty Insurance Co., P.O. Box 1985, Jackson, Miss. 39205; Mississippi Farm Bureau Mutual Insurance Co., Jackson, Miss. 39205.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Thiele Kaolin Co., Kaolin Road, Sandersville, Ga.

E. (9) $91.67.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. United Farm Bureau Family Life Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204; United Farm Bureau Mutual Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204.

A. Sutin, Thayer & Browne, P.O. Box 1945, Albuquerque, N. Mex. 87103.

B. Taxation & Revenue Department, P.O. Box 603, Sante Fe, N. Mex. 87509.

D. (6) $2,607.50. E. (9) $1,637.51.

A. W. Thomas Suttle, 204 G Street SW., Washington, D.C. 20024.

B. The Institute of Electrical and Electronics Engineers, Inc. (IEEE), 1111 19th Street NW., Suite 608, Washington, D.C. 20036.

D. (6) $1,280. E. (9) $9,727.

A. William W. Suttle, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $750. E. (9) $14.80.

A. Irving W. Swanson, 11212 Farmland Drive, Rockville, Md. 20852.

B. Harris Corp., 2600 Virginia Avenue NW., Suite 800, Washington, D.C. 20037.

D. (6) $10,312.50. E. (9) $939.45.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $12,636.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $6,420.

A. John R. Sweeney, 800 Solar Bldg., 1000 16th Street NW., Washington, D.C. 20036.

B. Bethlehem Steel Corp., Bethlehem, Pa. 18018.

A. Rosemarie Sweeney, American Academy of Family Physicians, 475 L'Enfant Plaza West SW., Suite 2970, Washington, D.C. 20024.

B. American Academy of Family Physicians, 1740 West 92nd Street, Kansas City, Mo. 64114.

D. (6) $1,625. E. (9) $345.95.

A. Richard Preston Swigart, 1660 L Street NW., Suite 201, Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $490.21.

A. A. B. Swindell, IV, P.O. Box 2635, Raleigh, N.C. 27602.

B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

D. (6) $550. E. (9) $762.60.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.

B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

D. (6) $130.49. E. (9) $91.20.

A. Michael T. Swinehart, 1422 West Peachtree Street NW., No. 612, Atlanta, Ga. 30309.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Howard Symons, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,916.67.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Cincinnati Stock Exchange, 205 Dixie Terminal Building, Cincinnati, Ohio 45202).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Family Leisure Centers, 1718 Young Street, Cincinnati, Ohio 45210).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006).

D. (6) $1,250.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Hanna-Barbera Production, Inc., 3400 Cahuenga Boulevard, Los Angeles, Calif. 90068).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Hanna-Barbera's Marineland, Box 937, Rancho Palos Verdes, Calif. 90274).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Sisters of Charity of Cincinnati, Ohio, Mount St. Joseph, Ohio).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., 708, Washington, D.C. 20036).

D. (6) $8,000. E. (9) 618.19.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Taft Broadcasting Co., 1718 Young Street, Cincinnati, Ohio 45210).

D. (6) $1,200.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Werner Von Clemm, 214 East 17 Street, New York, N.Y. 10003).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Washington Magazine, Inc., c/o Frank, Bernstein, Conaway & Goldman, 1300 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201).

D. (6) $5,000. E. (9) $34.68.

A. Joe Tallakson, Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.

B. SENSE, Inc., Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005 (for Quinault Indian Nation).

D. (6) $2,500. E. (9) $2,631.73.

A. Daniel F. Tandy, 23 Pascack Road, Woodcliff Lake, N.J. 07675.

B. Alaska Coalition, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $637.50.

A. Susan Tannenbaum, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,012.50. E. (9) $58.75.

A. C. Michael Tarone, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Empresa Brasileira de Aeronautica, S.A., EMBRAER, Sao Paulo, Brazil.

A. C. Michael Tarone, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Kings River Water Users Committee.

A. William M. Tartikoff, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $370. E. (9) $321.38.

A. Charles A. Taylor III, National Association of Independent Insurers, 499 S. Capitol Street SW., Suite 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $1,000. E. (9) $100.

A. Clayton C. Taylor, McDonald's Corp., One McDonald's Plaza, Oak Brook, Ill. 60521.

B. McDonald's Corp., One McDonald's Plaza, Oak Brook, Ill. 60521.

A. David K. Taylor, Mobil Oil Corp., 1100 Connecticut Avenue NW., Suite 620, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $375.

A. Dennis J. Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.

B. Central States Health & Life Co. of Omaha, Box 34350, Omaha, Nebr. 68134.

D. (6) $18,507.50.

A. Dennis J. Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.

B. Committee on Federal Contracting Practices, 1730 Pennsylvania Avenue NW., No. 200, Washington, D.C. 20006.

D. (6) $5,000.

A. Dennis J. Taylor, 3238 Prospect Street NW., Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

A. Peggy Taylor, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $11,856. E. (9) $758.

A. Sid Taylor, National Taxpayers Union (NTU), 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $1,800. E. (9) $382.

A. B. W. Teague, Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.

B. Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.

D. (6) $264. E. (9) $613.

A. Arthur Earle Teele, Jr., P.O. Box 1877, 135 S. Monroe Street, No. 100C, Tallahassee, Fla. 32303.

B. National Motorsports Committee of ACCUS, 1701 K Street., NW., No. 1204 Washington, D.C. 20006.

A. Paul M. Tendler, 2020 K Street NW., Suite 420, Washington, D.C. 20006.

B. Paul Tendler Associates, 2020 K Street NW., Washington, D.C. 20006 (for the National Federation of Licensed Practical Nurses).

D. (6) $1,600. E. (9) $175.

A. Betty-Grace Terpstra, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $101.96.

A. John F. Terzano, 329 8th Street NE., Washington, D.C. 20002.
B. Vietnam Veterans of America, Inc., 212 Fifth Avenue, Room 703, New York, N.Y. 10010.

A. Textron Inc., 40 Westminster Street Providence, R.I. 02903.
E. (9) $11,808,78.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Casson, Calligaro & Mutryn, 2600 Virginia Avenue NW., Washington, D.C.; (for Humana, Inc. (Hospital Corp.) One Riverfront Plaza, P.O. Box 1438, Louisville, Ky. 40201.)
D. (6) $4,500.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Oklahoma State Nursing Home Association, 200 28th Street NE., Oklahoma City, Okla. 71305.
D. (6) $2,120.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $3,800.

A. E. Wayne Thevenot, Inc., Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Hallmark Cards, 25th and McGee Streets, Kansas City, Mo. 64108.
D. (6) $500.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20006.
D. (6) $300.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Swaziland Sugar Association, Mbabane, Swaziland.

A. Craig G. Thibaudeau, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $158.88.

A. Barbara Brendes Thies, Union Oil Co. of California, 1100 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. 13th Pro-Life Congressional District Action Committee, 275 Hospital Parkway, San Jose, Calif. 95119.

A. 38th Pro-Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.
D. (6) $100. E. (9) $45.

A. 38th Pro-Life Congressional District Action Committee, 129 Belmont Avenue, Buffalo, N.Y. 14223.
D. (6) $125. E. (9) $25.28.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Lawrence L. Thomas, 1740 Franklin Street, No. 3, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Robert L. Thomas, National Association of Private, Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Suite 1205, Washington, D.C. 20006.
D. (6) $250.

A. Boyd Thompson, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $92.36.

A. Charles P. Thompson, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
D. (6) $10,875. E. (9) $1,520.42.

A. Fred D. Thompson, Thompson & Crawford, 14th Floor, First American Center, Nashville, Tenn. 37238.
B. Westinghouse, 1801 K Street, Washington, D.C. 20006.

A. Thompson, Hine and Flory, 1920 N Street NW, Washington, D.C. 20036.
B. Seaboard Allied Milling Corp., POB 19143, Kansas City, Mo. 64141; Dixie-Portland Flour Mills, Inc., POB 17236, Memphis, Tenn. 38117; ADM Milling Co., POB 7007, Overland Park, Kans. 66207.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Richard L. Thompson, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Roger G. Thompson, 1701 Central Avenue, Ashland, Ky. 41101.
B. Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.
D. (6) $1,333. E. (9) $883.79.

A. W. Reid Thompson, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $75.15.

A. William D. Thompson, Lear Siegler, Inc., 1001 Connecticut Avenue NW., Suite 601, Washington, D.C. 20036.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.
D. (6) $3,000. E. (9) $164.23.

A. James L. Thorne, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. D. Whitney Thornton, II, Sullivan & Beauregard, 1800 M Street NW., Suite 925, Washington, D.C. 20036.
B. Flyer Industries Ltd., Box 245, Transcona P.O., Winnipeg, Manitoba, Canada R2C 3T4.
D. (6) $9,675. E. (9) $696.29.

A. Gil Thurm, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $563.73.

A. Cyrus C. Tichenor III, A. H. Robins Co., Inc., 1050 17th Street NW., No. 1104, Washington, D.C. 20036.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $775. E. (9) $104.

A. Drew V. Tidwell, Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $1,034.98.

A. Judy Tiehen, 1405 Madison Street, Bellevue, Nebr. 68005.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
E. (9) $167.50.

A. Paul J. Tierney, Transportation Association of America, 1100 17th Street NW., No. 1107, Washington, D.C. 20036.
B. Transportation Association of America, 1100 17th Street NW., No. 1107, Washington, D.C. 20036.

A. Wallace F. Tillman, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $142.

A. Martin R. Tilson, Jr., P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $339. E. (9) $963.61.

A. C. H. Timberlake, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Wallace L. Timmeny, Bracewell & Patterson, 1850 K Street NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006 and O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $687.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,612.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $220.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $843.75.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.
D. (6) $1,250.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. H. J. Heinz Co., Post Office Box 57, Pittsburgh, Pa. 15230.
D. (6) $192.50.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Major League Baseball, 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $605.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.
D. (6) $1,622.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $812.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $718.75.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Office of the Governor of the State of Alaska, 444 North Capitol Street NW., Washington, D.C. 20001.
D. (6) $2,281.25.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.
D. (6) $440.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. E. Linwood Tipton, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Eben S. Tisdale, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,450. E. (9) $45.85.

A. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. C. Richard Titus, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Tobacco Associates, Inc., 1101 17th Street NW., Suite 912, Washington, D.C. 20036.
E. (9) $1,563.50.

A. James R. Tobin, Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652
B. Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652.
D. (6) $2,000.

A. Mary A. Tobin, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $713.

A. David G. Todd, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. M. Douglas Todd, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE, Washington, D.C.
D. (6) $1,250.01. E. (9) $10.51.

A. David R. Toll, Connecticut Avenue NW., No. 1214, Washington, D.C. 20036.
B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.

A. William R. Tolley, Jr., Harris Corp., Melbourne, Fla. 32919.
B. Harris Corp., Melbourne, Fla. 32919.
E. (9) $45.25.

A. Davis J. Tomasin, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $6,012.30.

A. Bruke A. Tracey, 2111 Jefferson Davis Highway, Apartment 1009S, Arlington, Va. 22202.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Train, 1776 F Street NW., No. 200, Washington, D.C.
E. (9) $5,000.

A. Transportation Association of America, 1100 17th Street NW., No. 1107, Washington, D.C. 20036.

A. Transportation Institute, 923 15th Street NW., Washington, D.C.
E. (9) $518.46.

A. Hubert Travaille, 1015 15th Street NW., Suite 801, Washington, D.C. 20005.
B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.
D. (6) $750.

A. Paula C. Treat, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $1,000.

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10158.
D. (6) $300.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.
B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. William C. Triplett II, American Honda Motor Co., Inc., 955 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Garden, Calif. 90247.
D. (6) $150. E. (9) $118.88.

A. Glenwood S. Troop, Jr., U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $11,000. E. (9) $139.50.

A. Leonard M. Trosten, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

A. George G. Troutman, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
D. (6) $100.

A. Thomas L. Trueblood, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $1,287.17.

A. The Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.
E. (9) $3,224.24.

A. Jerry Tucker, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 E. Jefferson Avenue Detroit, Mich. 48214.
D. (6) $9,817.29.

A. John B. Tucker, Jr., National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $125.

A. Philip J. Tulimieri, Jr., 9 W 57th Street New York, NY. 10019.
B. Avon Products, Inc., 9 W 57th Street, New York, N.Y. 10019.

A. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,157.77. E. (9) $3,731.27.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $600.

A. W. Glenn Tussey, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $5,500. E. (9) $20.

A. St. Clair J. Tweedie, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $2,100. E. (9) $34.

A. Edgar H. Twine, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $400.

A. Jerry G. Udell, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $200.

A. E. Carl Uehlein, Jr., 1800 M Street NW., Suite 800-N, Washington, D.C. 20036.
B. Morgan, Lewis & Bockius (for Evans Products, 1121 Southwest Salmon Street, Portland, Oreg. 97208), 1800 M Street NW., Suite 800-N, Washington, D.C. 20036.

A. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine.
E. (9) $390.29.

A. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $1,404.38. E. (9) $1,404.38.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $8,620.90.

A. United Fresh Fruit and Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.
D. (6) $279.64. E. (9) $391.44.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $2,269.11.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $3,854.38. E. (9) $4,733.60.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,707. E. (9) $2,707.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
E. (9) $110,508.80.

A. U.S. Maritime Committee, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $645.83. E. (9) $74,474.22.

A. U.S. & Overseas Tax Fairness Committee, Inc., 1101 15th Street NW., No. 1000, Washington, D.C. 20005.
D. (6) $14,200. E. (9) $77,490.24.

A. Lloyd N. Unsell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $32.50.

A. Updike, Kelly & Spellacy, 1111 19th Street NW., Washington, D.C. 20036.
B. Danbury Airways, Inc., 49 Miry Brook Road, Danbury, Conn. 06810.
D. (6) $402.50 E. (9) $15.

A. Updike, Kelly & Spellacy, 1111 19th Street NW., Washington, D.C. 20036.
B. Yellow Cab of Hartford, 8 Jewel Court, Hartford, Conn. 06103.
D. (6) $6,520.50. E. (9) $33.18.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Roy Thomas Van Arsdall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,125.

A. David T. Van Camp, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. C. D. Van Houweling, P.O. Box 69, Centreville, Va. 22020.
B. National Pork Producers Council, P.O. Box 10383, Des Moines, Iowa 50306.
D. (6) $60.

A. Nicholas L. Van Nelson, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Alaska Petrochemical Co., 3700 Buffalo Speedway, Suite 806, Houston, Tex. 77098.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
D. (6) $137.50. E. (9) $13.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American Institute for Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $5.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American President Lines, Ltd., 1950 Franklin Street, Oakland, Calif. 94612.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW, Suite 500, Washington, D.C. 20036.
B. Arctic Slope Regional Corp., Barrow, Alaska.
D. (6) $175. E. (9) $70.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Basin, Inc., P.O. Box 2297, Midland, Tex. 79702.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Committee on Status and Transition, Seventh Palauan Legislature, P.O. Box 8, Koror, Palau, Western Caroline Islands 96940.
D. (6) $537.50. E. (9) $10.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $1,625. E. (9) $215.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Dual Energy, Inc., 5001 East Washington Street, Suite 116, Phoenix, Ariz. 85034.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Florida Agriculture Coalition, Inc., 249 Royal Palm Way, Palm Beach, Fla. 33480.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Hawaiian Electric Co., P.O. Box 2750, Honolulu, Hawaii 96840.
D. (6) $3,875. E. (9) $12.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Huntington's Disease Coalition, 250 West 57th Street, New York, N.Y. 10019.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. North Slope Borough, P.O. Box 69, Barrow, Alaska 99723.
D. (6) $200. E. (9) $10.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Northern Tier Pipeline Co., 1776 Lincoln Street, P.O. Box 5568, Denver, Colo. 80217.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $7,662.50. E. (9) $112.42.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Palm Beach-Broward Farmers Committee for Legislative Action, P.O. Box 396, Boynton Beach, Fla. 33435.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Republic Geothermal, Inc., 11823 East Slauson Avenue, Suite 1, Sante Fe Springs, Calif. 96070.
D. (6) $1,150.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. South Florida Tomato & Vegetable Growers Association, P.O. Drawer B.B., Homestead, Fla. 33030.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Southwest Winter Vegetable Growers Association, P.O. Box 1670, Immokalle, Fla. 33934.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $362.50. E. (9) $5.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. 25 E Street Associates, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $75. E. (9) $5.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,125. E. (9) $27.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Western Crude Oil, Inc., P.O. Box 5568, Denver, Colo. 80217.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Wheelabrator-Frye, Inc., Liberty Lane, Hampton, N.H. 03842.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Windfarms, Ltd., 402 Jackson Street, San Francisco, Calif. 94111.
D. (6) $162.50

A. John A. Vance, Pacific Gas & Electric Co., 1050 17th Street NW., Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $5,031. E. (9) $2,943.91.

A. Murle L. Vaughan, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Christine L. Vaughn, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 200062.
D. (6) $668.98. E. (9) $81.40.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.
E (9) $3,850.

A. Jerry T. Verkler, P.O. Box 2521, Houston, Tex. 77001.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pitsburgh, Pa. 15230.
D. (6) $16.75. E. (9) $1.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.
B. Coalition of United States Citizen Award-Holders Against Czechoslovakia.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Pan American World Airways, Inc., Pan American Building, New York, N.Y. 10017.
D. (6) $2,456.25.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Travelers Corp., 1 Tower Square, Hartford, Conn. 06115.
D. (6) $1,701. E. (9) $1,701.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Vinson & Elkins (for City of Houston), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $656.25.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Continental Resources Co.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $13,875. E. (9) $516.07.

A. Larry R. Veselka, 1101 Connecticut NW., Washington, D.C. 20036.
B. Vinson & Elkins (for First City Bancorporation), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $93.75.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Vinson & Elkins (for Houston Natural Gas Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,406.25. E. (9) 274.50.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Vinson & Elkins (for Slurry Transport Association), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $6,487.50. E. (9) $35.50.

A. Larry A. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Vinson & Elkins (for Texas Eastern Transmission Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. John C. Vickerman, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.
B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. R. Eric Vige, Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

A. Rudolph A. Vignone, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,500.

A. Howard A. Vine, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Continental Insurance Co., 80 Maiden Lane, New York, N.Y. 10038.
D. (6) $380.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford, Conn. 06115.
D. (6) $4,500.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. St. Paul Fire & Marine Insurance Co., 385 Washington Street, St. Paul, Minn. 55102.
D. (6) $400.

A. Andrew Vitali, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,000.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
E. (9) $727.19.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $6,250. E. (9) $3,341.75.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. J. Paul McNamara, 88 East Broad Street, Columbus, Ohio 43215.
D. (6) $675.83. E. (9) $73.30.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Virginia State University, Petersburg, Va. 23803.
E. (9) $118.88.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Wagnalls Memorial, 150 East Columbus Street, Lithopolis, Ohio.
D. (6) $430.

A. Donn L. Waage, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorp., 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
D. (6) $500. E. (9) $208.96.

A. Linda Wade, 2410 Beverly Boulevard, Suite 2, Los Angeles, Calif. 90057.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $950. E. (9) $668.

A. Robert J. Wager, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $1,093.75. E. (9) $8.60.

A. Howard W. Wahl, 240 Barton Shore Drive, Ann Arbor, Mich. 48105.
B. Bechtel Power Corp., 777 East Eisenhower Parkway, P.O. Box 1000, Ann Arbor, Mich. 48106.
E. (9) $67.40.

A. Herbert R. Waite, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston. Mass. 02110.
D. (6) $1,595. E. (9) $3,149.15.

A. Herbert R. Waite, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Whitney National Bank of New Orleans, 228 Saint Charles Avenue, New Orleans, La. 70130.
D. (6) $6,880.43. E. (9) $6,880.43.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, P.O. Box 10070, Lansing, Mich. 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $573.80.

A. Charles W. Walker, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $8,000.

A. Charles E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Agrico Chemical Co., et al., Bank of Oklahoma Tower, 1 Williams Center, Tulsa, Okla. 74103.

D. (6) $1,425.

A. Charles E. Walter Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Airco, Inc., 100 Mountain Avenue, Murray Hill, N.J. 07974.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Aluminum Co. of America, 1200 Ring Building, Washington, D.C. 20036.

D. (6) $750.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Airlines, Inc., P.O. Box 61616, Dallas-Fort Worth Regional Airport, Tex. 75261.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Can Co., American Lane 1A9, Greenwich, Conn. 06830.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Telephone & Telegraph Co., 1120 20th Street NW., Washington, D.C. 20036.

D. (9) $910.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Anheuser-Busch, Inc., 727 North 1st Street, St. Louis, Mo. 63102.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ashland Chemical, P.O. Box 2219, Columbus, Ohio 43216.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, N.J. 07054.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

D. (6) $1,175.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Board of Trade of the City of Chicago, 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $1,500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Caterpillar Tractor Co., 100 Adams Street NE., Peoria, Ill. 61629.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Crown Zellerbach Corp., 1 Bush Street, San Francisco, Calif. 94119.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.

D. (6) $937.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

D. (6) $600.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

D. (6) $375.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C.

B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. General Telephone & Electronics, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.

D. (6) $375.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Goodyear Tire & Rubber Co., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Suite 1000, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lone Star Steel Co., 2200 West Mockingbird Lane, Dallas, Tex. 75215.

D. (6) $750.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Olin Corp., 120 Lake Ridge Road, Stamford, Conn. 06904.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Owens Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Procter & Gamble Co., Cincinnati, Ohio 45201.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. PULLMAN-KELLOGG, Division of Pullman, Inc., 1300 Three Greenway Plaza East, Houston, Tex. 77046.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. PULLMAN-SWINDELL, Division of Pullman Inc., 441 Smithfield Street, Pittsburgh, Pa. 15222.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $750.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

D. (6) $1,250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Weyerhaeuser Co., 1625 I Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Linda Walker-Hill, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Warren W. Walkey, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. R. Duffy Wall, Freeport Minerals Co., 1050 17th Street NW., No. 301, Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10166.

D. (6) $250.

A. Carl S. Wallace, Purolator, Inc., 1800 K Street NW., Suite 614, Washington, D.C. 20006.

B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.

D. (6) $46.35.

A. Don Wallace Associates, Inc., 232 East Capitol Street NE., Washington, D.C. 20003.

B. American Sugar Cane League of the U.S.A., Inc., 416 Whitney Building, New Orleans, La. 70130.

D. (6) $6,000. E. (9) $2,005.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $750.

A. Don Wallace Associates, Inc., 232 East Capitol Street NE., Washington, D.C. 20003.

B. Applied Ceramic Technologies, Inc., 418 East Ninth Street, Rochester, Ind. 46975.

D. (6) $600. E. (9) $400.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Cotton Warehouse Association of America, 232 East Capitol Street, Washington, D.C. 20003.

D. (6) $11,000. E. (9) $2,350.

A. Jean M. Wallace, 1370 Bluejay Drive, Pittsburgh, Pa. 15243.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $167.50.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. R. Douglas Wallin, Jr., Emerson Electric Co., 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $76.85.

A. Maureen Walls, 2102 Rhawn Street, Philadelphia, Pa. 19152.

B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.

E. (9) $187.75.

A. John B. Walsh, Jaeckle, Fleischmann & Mugel, 700 Liberty Bank Building, Buffalo, N.Y. 14202.

B. Samuel Strapping Systems, Ltd., 2620 Dixie Road, Mississauga, Ontario, Canada.

E. (9) $2.01.

A. Eleanor Walters, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $750.

A. Bonnie B. Wan, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

D. (6) $48. E. (9) $50.

A. John F. Wanamaker, Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $1,515.

A. Barbara Wanner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $300.

A. G. Fletcher Ward, Jr., Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

E. (9) $50.

A. John E. Ward, 182 Soundview Avenue, White Plains, N.Y. 10606.

B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Richard D. Warden, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $15,335.82. E. (9) $151.

A. Michael O. Ware, Conoco Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Conoco Inc., High Ridge Park, Stamford, Conn. 06904.

D. (6) $1,000.

A. Peter F. Warker, TRW Inc. 2030 M Street NW., Washington, 20036.

B. TRW Inc. 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,250.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $102.17. E. (9) $101.75.

A. Betsy R. Warren, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $2,571. E. (9) $76.52.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

E. (9) $390.

A. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $5,664.51. E. (9) $8,497.92.

A. Washington State NARAL, P.O. Box 15549, Seattle, Wash. 98115.

D. (6) $4,951.70. E. (9) $4,510.59.

A. Ralph J. Watson, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $495. E. (9) $171.20.

A. Carolyn Herr Watts, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $25.

A. George B. Watts, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $2,000.

A. James L. Watts, NASBIC, 618 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.

D (6) $1,500.

A. Judith G. Waxman, National Health Law Program, 1424 16th Street, Suite 304, Washington, D.C. 20036.

B. National Health Law Program, 2639 South La Cienega Boulevard, Los Angeles, Calif. 90034.

D. (6) $2,296.78. E. (9) $3,049.02.

A. William J. Way, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $295.77.

A. Raymond J. Weatherly, 2733 Carter Farm Court, Alexandria, Va. 22306.

B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $500. E. (9) $50.

A. William H. Weatherspoon, N.C. Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $664.97.

A. Douglas M. Webb, Kennecott Corp. 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott, Corporation, Ten Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E.(9) $225.95.

A. Horace S. Webb, P.O. Box 351, Cedar Rapids, Iowa 52406.
B. Iowa Electric Light and Power Company, P.O. Box 351, Cedar Rapids, Iowa 52406.
E. (9) $111.50.

A. Jack Weber, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.
D. (6) $2,000.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Charles Stewart Mott Foundation, Mott Foundation Building, Flint, Mich. 48502.
D. (6) $1,500. E. (9) $18.33.

A. Webster & Chamberlin, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Club Association, 1625 Eye Street NW., Washington, D.C. 20006.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Sporting Goods Association, 717 N. Michigan Avenue, Chicago, Ill. 60611.

A. John F. Webster, IBM, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $324. E. (9) $132.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. National Conference of Bankruptcy Judges, c/o Webster & Sheffield, 1200 New Hampshire Ave. NW., Washington, D.C. 20036.
E. (9) $201.34.

A. Webster & Sheffield, One Rockefeller Plaza, New York, N.Y. 10020.
B. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10105.
D. (6) $19,500. E. (9) $1,072.

A. Fred Wegner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $498.28. E. (9) $91.57.

A. Lauren C. Weilburg, 499 S. Capitol Street SW., Suite 104, Washington, D.C. 20003.
B. American Osteopathic Association, 499 S. Capitol Street SW., Suite 104, Washington, D.C. 20003.
D. (6) $646. E. (9) $102.95.

A. Donald G. Weinert, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Joan Weinstock, American Optometric Association, 1730 M St. NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Dr. Albert A. Bucar, 395 Orchard Street, Antioch, Ill. 60002.
D. (6) $211.86. E. (9) $467.10.

A. Michael A. Weiss, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.
E. (9) $37.50.

A. Morton N. Weiss, 55 Broad Street, New York, N.Y. 10004.
B. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.
D. (6) $2,000.

A. Judith H. Weitz, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $1,180.80. E. (9) $4.

A. Paul S. Weller Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,720.

A. L. H. Wells, Shell Oil Co., 1025 Connecticut Avenue NW., No. 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A James F. Welsh, 4805 Edgefield Road. Bethesda, Md. 20014.
B Alaska Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $2,031.30.

A. Elizabeth E. Weltner, Hill & Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. W. R. Werner, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Fred Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $10,500. E. (9) $558.45.

A. Joy C. West, 807 15th Street NW., Suite 600, Washington, D.C. 20005.
B. Migrant Legal Action Program, Inc., 807 15th Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $4,459.30. E. (9) $1,512.48.

A. Harry H. Westbay III, St. Regis Paper Co., 1625 I Street NW., No. 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,350. E. (9) $650.

A. Western Coal Traffic League, 1224 17th Street NW., Washington, D.C. 20036.
D. (6) $13,188. E. (9) $13,805.72.

A. The Western Company of North America, P.O. Box 186, Fort Worth, Tex. 76101.
E. (9) $29.80.

A. Western Radiological Group, Suite 2, 2044 Armacost Avenue, Los Angeles, Calif. 90025.

A. Harvey J. Wexler, Continental Airlines, Inc., 1025 Connecticut Avenue NW., Suite 1017, Washington, D.C. 20036.
B. Continental Airlines, Inc., International Airport, Los Angeles, Calif. 90009.
D. (6) $2,000. E. (9) $1.000.

A. Brian B. Whalen, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $831.23.

A. Clyde A. Wheeler, Jr., Sun Company, Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Company, Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $15,000. E. (9) $224.20.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,375.

A. June M. Whelan, Union Pacific Corp., 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $1,250. E. (9) $220.34.

A. William Wichard, Jr., Union Oil Co. of California, 1100 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. Donald F. White, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $75.

A. White, Fine & Verville, 1156 15th Street NW., Suite 302, Washington, D.C. 20005.
B. Turlock Irrigation District, P.O. Box 949, 333 East Canal Street, Turlock, Calif. 95380.
D. (6) $1,265.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.
E. (9) $20.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. John Thomas White II, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $1,375.

A. Alton W. Whitehouse, The Standard Oil Co. (Ohio), 1750 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. David E. Whitten, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $1,798.48.

A. Gary L. Whittle, N.C. Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Consumers Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Trailer Train Co., 300 South Wacker Drive, Chicago, Ill. 60606.

D. (6) $312.50.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.

B. Mayor and City Council, City of Seattle, Seattle, Wash. 98104.

D. (6) $13,175. E. (9) $5,507.93.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.

B. Save Our Railroad Employment (S.O.R.E.), c/o Fife Community Credit Union, 4410 20th Street East, Tacoma, Wash. 98424; and, New Milwaukee Lines, 500 Maynard Building, Seattle, Wash. 98104.

A. Nina Faye Wildenmann, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.

D. (6) $6,510. E. (9) $1,985.13.

A. Richard J. Wiechmann, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Rebecca Wilcox, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc.

D. (6) $5,000.

A. Wilcox & Sharood, 1899 L Street NW., Washington, D.C. 20036.

B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.

D. (6) $6,800. E. (9) $7,682.30.

A. Jerry C. Wilkerson, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

D. (6) $650. E. (9) $1,955.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.

D. (6) $15,291. E. (9) $154.06.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Brigham Young University, Provo, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Church of Jesus Christ of Latter-Day Saints, 10 East North Temple, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. European Travel Commission, 488 Madison Avenue, New York, N.Y. 10022.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.

E. (9) $98.20.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Data Communications Manufacturers Association, Inc., IDCMA, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $19,313. E. (9) $279.70.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

D. (6) $7,787.70. E. (9) $33.70.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. NANA Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Shee Atika, Inc., P.O. Box 4578, Mount Edgecomb, Alaska 99835.

E. (9) $13.60.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 531, Honolulu, Hawaii.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. U.S. National Bank of Oregon, Portland, Oreg. (for The "Remaining Members" of the Klamath Indian Tribe, Oreg.).

D. (6) $1,144.50. E. (9) $13.75.

A. Sandra L. Willett, 624 C Street SE., Washington, D.C. 20003.

B. National Consumers League, 1522 K Street NW., Suite 406, Washington, D.C. 20005.

D. (6) $325. E. (9) $40.

A. Ralph E. Willham, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Sheet Metal Workers' International Association, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $8,550.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. LTV Corp., LTV Tower, 1525 Elm Street, Dallas, Tex. 75201.

D. (6) $1,931.25. E. (9) $5.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Ralph A. Pari, Rhode Island Housing & Mortgage Finance Corp., 40 Westminster Street, Suite 1700, Providence, R.I. 02903.

D. (6) $837.50. E. (9) $14.96.

A. Williams & Connolly, 839 17th Street NW., Washington, D.C. 20003.

B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.

A. Williams & Ince, 1620 I Street NW., Suite 800, Washington, D.C. 20006.

B. American Netting Manufacturers Organization, in care of Ralph J. Sigler, FNT Industries, 927 First Street, Menominee, Mich. 49558.

D. (6) $2,000.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $1,404.50. E. (9) $114.43.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Quasar Petroleum Co., 2500 Fort Worth National Bank Building, Fort Worth, Tex. 76102.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. American Trucking Association, 430 First Street SE., Washington, D.C. 20003.

D. (6) $1,350. E. (9) $105.71.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Association for Responsible Housing Policy, Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

D. (6) $425. E. (9) $38.15.

A. Williams & Jensen, 1101 Connecticut Avenue, Suite 500, Washington, D.C. 20036.

B. Bangor Punta Operations, Inc., One Greenwich Plaza, Greenwich, Conn. 06830.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. C. Brewer & Co., Ltd., P.O. Box 1826, Honolulu, Hawaii 96801.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Burger King Corp., 7360 North Kendall Drive, Miami, Fla. 33152.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Consolidated Foods Corp., 135 South LaSalle Street, Chicago, Ill. 60603.

D. (6) $450. E. (9) $48.15.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Domestic Petroleum Council, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $250. E. (9) $12.71.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Feather & Down Association, 4441 Auburn Boulevard, Suite O, Sacramento, Calif. 95841.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Hawaiian Sugar Planter's Association, 1511 K Street NW., Suite 723, Washington, D.C. 20005.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Lloyd Hayes, P.O. Box 1447, Port Arthur, Tex. 77640.
D. (6) $260. E. (9) $13.05.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Institute for Due Process for Financial Institutions, 1130 17th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $662.50. E. (9) $76.28.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Krause Milling Co., P.O. Box 1156, Milwaukee, Wis. 53201.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Lanham Act Preservation Association, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C.
B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Association of Water Co., 1019 19th Street NW., Suite 1110, Washington, D.C. 20036.
D. (6) $1,060. E. (9) $127.13.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Olympia & York Developments, Ltd., 1 First Canadian Place, Toronto, Ontario, Canada.
D. (6) $170.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Olympia & York Equity Corp., 245 Park Avenue, New York, N.Y.
D. (6) $3,495. E. (9) $125.61.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, 1660 L Street NW., No. 215, Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Paralyzed Veterans of America, 4350 East West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $110. E. (9) $25.43.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $100. E. (9) $13.05.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Southern California Gas Co., 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Southern Railway System, 920 15th Street NW., Washington, D.C. 20005.
D. (6) $2,540. E. (9) $165.28.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Texas 76102.
D. (6) $287.50. E. (9) $25.44.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Southwest Airlines, P.O. Box 37611, Love Field, Dallas, Tex. 75235.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Student Loan Marketing Association (Sallie Mae), 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $3,402.50. E. (9) $343.26.

A. Lee Williams, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,600.

A. Lucinda L. Williams, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Margie R. Williams, 415 Second Street NE., Suite 300, Washington, D.C. 20002.
B. National Association of Wheat Growers, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $1,202.29.

A. Robert E. Williams, United Airlines, No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
E. (9) $1,500.

A. Williams, Myers and Quiggle, 888 17th Street NW., Washington, D.C. 20006.
B. Church Alliance for Clarification of ERISA, c/o Gary S. Nash, 511 North Akard Building, Suite 311, Dallas, Tex. 75201.
D. (6) $18,769.57. E. (9) $382.78.

A. Nathaniel Williams, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,265.

A. Frederick L. Williford, 8401 Connecticut Avenue, Suite 911, Washington, D.C.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. George S. Wills, Wills & Associates, Suite 903, 36 South Charles Street, Baltimore, Md. 21201.
B. Wills & Associates, Inc. (for Americans for Alaska), Suite 903, 36 South Charles Street, Baltimore, Md. 21201.
E. (9) $186.33.

A. Betsy Willson-Messer, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $302.88.

A. Charlotte Wilmer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $50.

A. Wilmer & Pickering, 1666 K Street, Washington, D.C. 20006.
B. The Business Roundtable, 1828 L Street NW., Washington, D.C. 20006.

A. Bjorg Opdahl Wilson, UNICEF Information Service, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. United States Committee (for UNICEF), 331 East 38th Street, New York, N.Y. 10016.
D. (6) $500.

A. Charles D. Wilson, 1850 K Street NW., Suite 390, Washington, D.C. 20006.
B. Union Camp Corp., 1850 K Street NW., Suite 390, Washington, D.C. 20006.
E. (9) $111.36.

A. Dena L. Wilson, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $500. E. (9) $76.

A. Donnie E. Wilson, Husky Oil Co., 1800 M Street NW., Suite 295 North, Washington, D.C. 20036.
B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.
D. (6) $250. E. (9) $37.80.

A. James E. Wilson, Jr., 1150 17th Street NW., Suite 500, Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. M. Woodrow Wilson, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union, Denver, Colo., 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $3,946.14. E. (9) $121.03.

A. Albert Winchester, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,265.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $560.39.

A. Kathleen J. Winn, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.
D. (6) $475. E. (9) $42.77.

A. James R. Winnie, Cities Service Co., P.O. Box 25128, Oklahoma City, Okla. 73125.
B. Cities Service Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

A. Louise V. Winstead, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,435. E. (9) $80.01.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.
B. Building Owners & Managers Association International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $95. E. (9) $314.50.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.
B. International Council of Shopping Centers, 665 Fifth Avenue, New York, N.Y. 10022.
D. (6) $617.50. E. (9) $14.60.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Richard F. Witherall, Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.

A. Witkowski, Weiner, McCaffrey & Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Coordinating Council on Manufactured Housing Finance, Suite 350, 1575 I Street NW., Washington, D.C. 20005.
D. (6) $2,016.

A. Witkowski, Weiner, McCaffrey & Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. National Manufactured Housing Finance Association, Suite 350, 1575 I Street NW., Washington, D.C. 20005.
D. (6) $1,200.

A. Glenn P. White, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Patrick J. Witmer, 1322 Meadowcreek Lane, Lancaster, Pa. 17603.
B. National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41022.
D. (6) $800. E. (9) $167.50.

A. H. C. Witthaus, General Motors Corp., 1660 L Street NW., Suite 800, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,234.14.

A. James E. Wolf, Trane Co., 2020 14th Street North, Arlington, Va. 22201.
B. Trane Co., 3600 Pammel Creek Building, La Crosse, Wis. 54601.

A. Sidney M. Wolfe, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Don Womack, Texas Utilities Services, Inc., 1150 Connecticut Avenue NW., Suite 1013, Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Towers, Dallas, Tex. 75201.
D. (6) $2,356. E. (9) $153.60.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $9,150. E. (9) $2,135.

A. Charles A. Wood, National Fuel Gas Distribution Corp., Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.
B. National Fuel Gas Distribution Corp., et al.
D. (6) $495.24. E. (9) $918.99.

A. W. Alan Woodford, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $300.

A. Diane Woodruff, Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $2,136.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washintgon, D.C. 20036.
B. DGA International, Inc., (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $12.02.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005).

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Sofreavia, 75 rue la Boetie, Paris 8eme France).

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Thomson-CSF (AVS), 178 Boulevard Gabriel Péri, 92240 Malakoff, France).

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $9,000. E. (9) $100.

A. Edward A. Woolley, 30 Rockefeller Plaza, Suite 3420, New York, N.Y. 10112.
B. CTI-Container Transport International, Inc., et al., 445 Hamilton Avenue, White Plains, N.Y. 10601.
D. (6) $1,711.44. E. (9) $66.29.

A. Linda Anzalone Woolley, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $500.

A. Ronald L. Wooten, Consolidation Coal Co., 1025 Connecticut Avenue NW., No. 1000, Washington, D.C. 20036.
B. Consolidation Coal Co., Consol Plaza, 1800 Washington Road, Pittsburgh, Pa. 15241.
D. (6) $450. E. (9) $80.

A. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $7,682.92. E. (9) $12,452.29.

A. Steven M. Worth, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Edward E. Wright, 1819 H Street NW., Suite 1175, Washington, D.C. 20006.
B. G-4 Children's Coalition, 7309 Delfield Street, Chevy Chase, Md. 20015.
E. (9) $7.25.

A. Franklin L. Wright, Jr., 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $2,750. E. (9) $333.89.

A. Richard E. Wyckoff, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $320.60.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert, No. 580, The Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

A. T. Albert Yamada, 900 17th Street NW., Suite 520, Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., 1899 L Street NW., Suite 703, Washington, D.C. 20036.
D. (6) $500.

A. Edward R. Yawn, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $974.03. E. (9) $207.50.

A. Kim Yelton, 8120 Fenton Street, Silver Spring, Md. 20910.
B. Americans United for Separation of Church and State, 8120 Fenton Street, Silver Spring, Md. 20910.
D. (6) $4,777.50. E. (9) $4,869.76.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. D. Scott Yohe, Delta Air Lines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $390. E. (9) $73.40.

A. G. Reynolds Young, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Hugh F. Young, Jr., National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

B. National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

D. (6) $3,000. E. (9) $98.31.

A. John Andrew Young, Suite 207, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. John Andrew Young, Suite 207, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Nueces County Navigation District No. 1, 222 Power Street, Corpus Christi, Tex. 78403.

A. Judith A. Young, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500.

A. Pamela K. Young, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW, Washington, D.C. 20006.

D. (6) $70.

A. Stephen T. Young, 12801 River Road, Potomac, Md.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $5,527.01. E. (9) $1,710.40.

A. Betsy Younkins, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $4,000. E. (9) $135.65.

A. Eugene A. Yourch, 50 Broadway, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.

D. (6) $200.

A. Harry M. Zachem, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $2,000.

A. Donald M. Zahn, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.

B. National Right to Work Committee, 8001 Braddock Road, Suite 600, Springfield, Va. 22160.

D. (6) $240. E. (9) $202.

A. Lynn Zakupowsky, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $1,250.

A. Steven S. Zaleznick, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $310.96.

A. Barry W. Zander, 6113 Amhurst, Metairie, La. 70003.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $5,950.11.

A. John S. Zapp, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $4,092. E. (9) $219.14.

A. L. Andrew Zausner, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.

B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.

D. (6) $1,000. E. (9) $117.15.

A. Jerome M. Zeifman, National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.

B. National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.

D. (6) $1,750. E. (9) $1,881.

A. Zoological Action Committee, 1320 19th Street NW., Suite 400, Washington, D.C. 20036.

E. (9) $2,504.87.

A. John L. Zorack, 11th Floor, 1015 18th Street NW., Washington, D.C. 20036.

B. Federal Express Corp., AMF Box 727, Memphis, Tenn. 38194.

D. (6) $4,500.

A. Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.

B. Harcourt Brace Jovanovich, 757 Third Avenue, New York, N.Y. 10017.

D. (6) $4,605.19. E. (9) $660.69.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Frances A. Zwenig, Center To Protect Workers' Rights, Suite 800, 1899 L Street NW., Washington, D.C. 20036.

B. Center To Protect Workers' Rights, Suite 800, 1899 L Street NW., Washington, D.C. 20036.

D. (6) $6,000.

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1980 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees*. An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.000 per month.
$4,150.00	TOTAL

A. The Adherence Group, Inc., 21 West Street, New York, N.Y. 10006.
E. (9) $1.89.

A. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $31,303.86.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.
E. (9) $18,213.05.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,120. E. (9) $5,279.02.

A. Elizabeth C. Agle, 530 Seventh Street SE., Washington, D.C. 20003.
B. National Clean Air Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $561.

A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $21,000. E. (9) $4,700.

A. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
E. (9) $50.

A. David Alberswerth, 1006 Massachusetts Avenue NE., Washington, D.C. 20002.
B. Western Organization of Resource Councils, 317 Pennsylvania Avenue SE, Washington, D.C. 20003.
D. (6) $4,128.

A. Anne Genevieve Allen, Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.
B. Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.
D. (6) $340. E. (9) $756.

A. AMATEX Corp., 1032 Stanbridge Street, Norristown, Pa. 19404.
E. (9) $1,500.

A. American Association of Port Authorities, Inc., 1612 K Street NW., No. 502, Washington, D.C. 20006.
E. (9) $25,588.56.

A. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
E. (9) $5,648.30.

A. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017.
E. (9) $1,245.06.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $17,696.85. E. (9) $17,696.85.

A. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C.
E. (9) $56,356.58.

A. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $91,918.46. E. (9) $3,346.80.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $19,298.95. E. (9) $19,298.95.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $2,646. E. (9) $2,646.

A. American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $4,444.17. E. (9) $2,166.69.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $1,000.35. E. (9) $4,968.03.

A. American Sales Association, Box 236, Pasadena, Md. 21122.
D. (6) $1,100. E. (9) $341.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $189.56.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $73,345.05.

A. Americans for Alaska, Inc., P.O. Box 50, Riderwood, Md. 21139.
E. (9) $144.74.

A. Nancy Amidei, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $1,728.46. E. (9) $21.35.

A. J. L. Anderson, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time, Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
E. (9) $9.29.

A. Mary M. Anderson, 2903 Westmorland Drive, Nashville, Tenn. 37212.
B. ICX Aviation, Inc., Dulles International Airport, Washington, D.C. 20041.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Association of Dealers in Ancient, Oriental, and Primitive Art, 159½ East 94th Street, New York, N.Y. 10028.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Commissioner of Baseball, 15 West 51st Street, New York, N.Y. 10019.
E. (9) $50.40.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 490 L'Enfant Plaza, Suite 3212, Washington, D.C.
D. (6) $1,342.50.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. State Farm Mutual Automobile Insurance Co., One State Farm Plaza, Bloomington, Ill. 61701.
D. (6) $6,198. E. (9) $13.40.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Werner J. Fleischmann, 300 Jacksonville Road, Pompton Plains, N.J. 07444.
D. (6) $158.25. E. (9) $29.05.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. West Mexico Vegetable Distributors Association, P.O. Box 838, Nogales, Ariz.
E. (9) $4.

A. Milton F. Ashford, TRW, Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Association of Data Processing Service Organizations, Inc. (ADAPSO), 1925 North Lynn Street, No. 1100, Arlington, Va. 22209.
E. (9) $12,167.50.

A. Joseph Warren Ayres, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,500. E. (9) $128.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Westinghouse), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $2,500. E. (9) $1,125.93.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Young Drug Products Corp.) 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $500.

A. Dennis J. Baker, Norton Co., One New Bond Street, Worcester, Mass. 01606.
B. Norton Co., One New Bond Street, Worcester, Mass. 01606.
D. (6) $6,450. E. (9) $13.69.

A. Bally Manufacturing Corp., 2640 Belmont Avenue, Chicago, Ill. 60618.

A. Joel Bander, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,223.38. E. (9) $394.43.

A. Larry P. Barnett, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, No. 1400, New York, N.Y. 10004.
B. Coffee, Sugar & Cocoa Exchange, Inc. and New York Coffee & Sugar Clearing Association, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, No. 1400, New York, N.Y. 10004.
B. New York Cocoa Clearing Association, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. Prudential Lines, Inc., One World Trade Center, 37th Floor, New York, N.Y. 10048.
E. (9) $17.99.

A. Eileen Barthelmy, The American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.
B. The American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $924.48. E. (9) $535.83.

A. James R. Baxter, 2033 K Street NW., Suite 200, Washington, D.C. 20006.
B. National Construction Employers Council, 2033 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $475.

A. Michael K. Beard, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. National Coalition to Ban Handguns, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,485. E. (9) $365.

A. Hubert Beatty, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert J. Becker, Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056; 229 North Hammes Avenue, Joliet, Ill. 60435.
B. Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056.

A. Josiah Beeman, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $5,451.92. E. (9) $242.65.

A. Kathleen M. Bennett, Crown Zellerbach, 1600 L Street NW., Suite 215, Washington, D.C. 20036.
B. Crown Zellerbach, One Bush Street, San Francisco, Calif. 94119.

A. Nancy C. Benson, American Cyanamid Co., 1575 I Street NW., No. 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $345. E. (9) $70.35.

A. John B. Benton, Howell Corp., 800 Houston Natural Gas Building, Houston, Texas 77002.
B. Howell Corp., 800 Houston Natural Gas Building, Houston, Texas 77002.

A. John Berard, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Allene Betancourt, 1600 South Eads Street, Arlington, Va. 22202.
B. Chem Nuclear Services, Inc., P.O. Box 1899, Bellevue, Wash. 98009.

A. Robert B. Betz, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $376.05. E. (9) $244.27.

A. Sarah Massengale Billock, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $298.41. E. (9) $21.48.

A. Curt Biren, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $701.81.

A. Lydia Bitter, 2111 Jefferson Davis Highway, Arlington, Va. 22202.
B. Society of Real Estate Appraisers, 2600 Virginia Avenue NW., No. 901, Washington, D.C. 20037.
D. (6) $2,130.50. E. (9) $2,130.50.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $19,110. E. (9) $2,093.62.

A. Richard W. Bliss, 1899 L Street NW., 12th Floor, Washington, D.C. 20036.
B. New England Electric System, 25 Research Drive, Westborough, Mass. 05181.
D. (6) $750. E. (9) $123.80.

A. Richard W. Bliss, 1899 L Street NW., 12th Floor, Washington, D.C. 20036.
B. SUNEDCO, 12700 Park Central Place, Dallas, Tex. 75251.
D. (6) $1,800. E. (9) $381.70.

A. Jack A. Blum, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $18,000. E. (9) $740.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Alden Corrugated Container Corp., One Church Street, New Bedford, Mass. 02741.
D. (6) $180.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. General Electric Co., 3125 Easton Turnpike, Building WS-23, Fairfield, Conn. 06431.
D. (6) $687.25. E. (9) $691.25.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. J & J Corrugated Box Corp., 350 North Main Street, Fall River, Mass. 02720.
D. (6) $180.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. New York Mercantile Exchange, Four World Trade Center, New York, N.Y. 10048.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.
D. (6) $1,375. E. (9) $9.

A. Boasberg, Hewes, Klores, Feldesman & Tucker, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $10,948.24.

A. Jay Bonitt, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corporation, 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $285.

A. Bonsib, Inc., Box 1807, Washington, D.C. 20013.

A. Edward T. Borda, 1625 I Street NW., Washington, D.C. 20006.
B. Assoc. of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. Connie Borken-Hagen, 10 Barley Mow Passage, Chiswick, London W4 4PH.
B. American Chamber of Commerce (United Kingdom), 75 Brook Street, London W1.
D. (6) $12,000. E. (9) $8,320.32.

A. Mary Bourdette, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corporation, 733 15th Street NW., Washington, D.C. 20005.
D. (6) $1,553.76. E. (9) $72.90.

A. Boyden, Kennedy & Romney, 1000 Kennecott Bldg., 10 East South Temple, Salt Lake City, Utah 84133.
B. Hopi Indian Tribe, New Oraibi, Arizona 86039.
D. (6) $8,418. E. (9) $2,933.62.

A. Stephen S. Boynton, Suite 560, 1050 17th Street NW., Washington, D.C. 20036.
B. American Fur Industry, 101 West 30th Street, New York, N.Y. 10001.
D. (6) $1,700.

A. Margueritte Bracy, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL-CIO 1625 L Street NW., Washington, D.C. 20036.
D. (6) $6,499.64. E. (9) $136.37.

A. Dan J. Bradley, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corporation, 733 15th Street NW., Washington, D.C. 20005.
D. (6) $1,079.40. E. (9) $42.

A. Dennis M. Bradshaw, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert M. Brandon, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
B. Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW., Room 401, Washington, D.C. 20036.
D. (6) $1,850. E. (9) $75.

A. Diane V. Brown, 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $750. E. (9) $400.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. Centar Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. National Association of Life Science Industries, Inc., 1919 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
E. (9) $93.10.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D. C. 20036.
D. (6) $7,500. E. (9) $375.

A. Brown & Roady, Suite 1270, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Louisville & Nashville Railroad Co., 908 West Broadway, Louisville, Ky. 40201.
D. (6) $400. E. (9) $1,465.

A. James W. Bruner, Jr., P.O. Box 10110, South Lake Tahoe, Calif. 95731.
B. League, to Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe. Calif. 95731.
D. (6) $7,980. E (9) $847.

A. Margaret H. Bryant, American Natural Resources System. 1899 L Street NW., Suite 500, Washington. D.C. 20036.
B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $250.

A. Micheal W. Buckner, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,488.88. E. (9) $138.40.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.
D. (6) $900.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $4,000.

A. David A. Bunn, Parcel Shippers Assn., 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Shippers Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Quentin L. Burgess, 733 Fifteenth Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $454.75. E. (9) $18.50.

A. Gerard P. Burke, Suite 921, 1625 I Street NW., Washington, D.C. 20006.
B. International Air Leases, Inc., P.O. Box 480233, Miami, Fla. 33148.
D. (6) $150.

A. B. Kent Burton, American Trucking Association, Inc. 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $320.14.

A. John M. Burzio. Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., Magazine Center, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,114.75. E. (9) $290.50.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. City of Philadelphia, 1660 Municipal Services Building, Philadelphia, Pa. 19107.
D. (6) $17,515. E. (9) $53,418.07.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dorchester Sea-3 Products, Inc., 1300 Main, Houston, Tex. 77002.
D. (6) $4,946.25. E. (9) $5,027.15.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Seatrain Lines, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. Roy O. Martin, Jr., 3110 Georges Lane, Alexandria, Louisiana 71301.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. New England Fish Co.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. 2463, Houston, Tex. 77001.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Suite 700, Washington, D.C. 20036.
B. U.S. & Overseas Employees Tax Fairness Committee, 1101 15th Street NW., Washington, D.C. 20005.

A. Morrison G. Cain, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $6,250.

A. Camp, Carmouche, Palmer, Barsh & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Airco, 85 Chestnut Ridge Road, Montvale, N.J. 07950.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Bechtel Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers' Association, Suite 401, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,500.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Cities Service Co., First Place, Box 300, Tulsa, Okla. 74120.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Conoco, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Olin Corp., 120 Long Ridge Road, Stanford, Conn. 06904.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $150.

A. Camp, Carmouche, Palmer, Barsh, & Hunter, Suite 695, 2550 M Street NW., Washington, D.C. 20037.
B. United Gas Pipeline Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $150.

A. Sharon M. Canavan, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $3,375.

A. Capital Advocates, 1127 11th Street, Suite 605, Sacramento, Calif.
B. Distilled Spirits Council of the United States, 1300 Pennsylvania Building, Washington, D.C., et al.
D. (6) $3,615.

A. Ross Capon, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $6,733.81.

A. Daniel P. Carmichael, Eli Lilly & Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 E. McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,000. E. (9) $238.95.

A. Charles T. Carroll, Jr., 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $500.

A. David C. Carter, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.

A. Kathleen Casey, 1615 H Street NW., Washington, D.C. 20062.
B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $6,250. E. (9) $216.85.

A. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.
E. (9) $850.

A. Central Lincoln People's Utility District, 255 Southwest Coast Highway, Newport, Oreg. 97365.
E. (9) $4,806.43.

A. R. S. Chamberlin, Dow Chemical U.S.A., 1800 M Street NW., Suite 700, Washington, D.C. 20036.
B. Dow Chemical Co., Midland, Mich. 48640.
D. (6) $665. E. (9) $730.

A. Steven M. Champlin, 329 Eighth Street NE., Washington, D.C. 20002.
B. Vietnam Veterans of America, Inc., 212 Fifth Avenue, Room 703, New York, N.Y. 10010.
D. (6) $633.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1575 I Street NW., Washington, D.C. 20005.
B. York Division, Borg-Warner Corp., South Richland Avenue, York, Pa. 17405.
E. (9) $6.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for: Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y. 10017).

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002. (for: Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002.)
E. (9) $629.07.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National tional Bank Building, Houston, Tex. 77002 Mid-Continent Oil and Gas Association, 1800 K Street NW., Suite 620, Washington, D.C. 20006.
E. (9) $482.13.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002. (for: Petroleum Equipment Suppliers Assn., 1703 First City National Bank Building, Houston, Tex. 77002).

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for: Quintana Petroleum Corp., 500 Jefferson, Houston, Tex. 77002).

A. David L. Chew, 1615 H Street NW., Washington, D.C. 20062.

B. Citizen's Choice, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $3,000. E. (9) $150.25.

A. C.A.S.H. (Citizens Against Sugar Hikes), 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

A. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.

D. (6) $1,925. E. (9) $1,925.

A. Donald D. Clancy, 7403 Greenfarms Drive, Cincinnati, Ohio 45224.

B. Tele-Press Associates, Inc. (For: Japan Fisheries Association), 341 East 79th Street, New York, N.Y. 10001.

D. (6) $1,500. E. (9) $211.60.

A. Anne Harrison Clark, Population Resource Center, 110 Maryland Avenue NE., Washington, D.C. 20002.

B. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.

D. (6) $2,389. E. (9) $790.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,750.01.

A. Clean Water Action Project, Suite 200, 1341 G Street NW., Washington, D.C. 20006.

D. (6) $81,419. E. (9) $2,829.

A. Coan, Couture & Lyons, 1625 I Street NW., Washington, D.C. 20006.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $307. E. (9) $200.

A. Jerry S. Cohen, 1776 K Street NW., Suite 708, Washington, D.C. 20006.

B. Service Station Dealers of America, Inc., 2021 K Street NW., Washington, D.C.

D. (6) $3,000.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C.

B. Contract Staffing of America, Inc., 17601 East 17th Street, Tustin, Calif. 92680.

D. (6) $10,000. E. (9) $857.77.

A. Timothy A. Colcord, Visa USA, Inc., 1620 I Street NW., Washington, D.C. 20006.

B. Visa USA, Inc, 300 Clearview Way, San Mateo, Calif. 94403.

D. (6) $6,875. E. (9) $4,297.81.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.

B. Tanners' Council of America, Inc., 411 Fifth Avenue, New York, N.Y. 10016.

D. (6) $4,225.

A. Frank Collins, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.

B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver Colo. 80201.

D. (6) $2,000.

A. Committee for Equality of Citizens Before the Courts, 3401 West Division Street, Chicago, Ill. 60651.

E. (9) $375.

A. Stephen R. Conafay, Pfizer, Inc., 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $603.25.

A. Richard Conlin, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

D. (6) $226.01.

A. George A. Conn, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

D. (6) $30,000.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

E. (9) $59,780.71.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C. 20036.

B. The National Waterways Conference, Inc.

A. Cook, Purcell, Hansen & Henderson, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.

B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.

D. (6) $7,500. E. (9) $527.54.

A. Edward Cooney, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $5,881.33. E. (9) $12.85.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.

B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C. 20006.

D. (6) $8,750. E. (9) $6,180.

A. Council for Inter-American Security, Inc., 305 4th Street NE., Washington, D.C. 20002.

D. (6) $332,334.42. E. (9) $35,022.88.

A. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.

E. (9) $300.

A. Douglas Couttee, United Food & Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20006.

B. United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $1,055.24.

A. Eric Cox, 1011 Arlington Boulevard, Suite W–219, Arlington, Va. 22209.

B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.

D. (6) $756.

A. Kenneth A. Cox, 1150 17th Street NW., Washington, D.C. 20036.

B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $2,398. E. (9) $21.15.

A. Harold P. Coxson, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $500. E. (9) $50.

A. Cramer and Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801 (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801).

D. (6) $962.50. E. (9) $76.10.

A. Cramer and Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.

E. (9) $97.

A. William C. Cramer, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801 (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801).

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $5,000. E. (9) $500.

A. James H. Cromwell, Sr., 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $500.

A. Culp, Dwyer, Guterson & Grader, 1300 Hoge Building, Seattle, Wash. 98104.

B. Pacific Northwest Utilities Conference Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.

D. (6) $14,364. E. (9) $14,677.32.

A. Cummins Engine Co., Inc., Columbus, Ind. 47201.

A. William Cunningham, P.O. Box 1184, Helena, Mont. 59601.

B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $281.68. E. (9) $345

A. Frank C. Damrell, Jr., 5900 Wilshire Boulevard, Suite 2600, Los Angeles, Calif. 90036.

B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

D. (6) $1,200. E. (9) $369.53.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., No. 340, Washington, D.C. 20006.

B. American Importers Association, 11 West 42d Street, New York, N.Y. 10036.

D. (6) $3,750. E. (9) $350.56.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.

B. Korean Traders Association, 10–1, 2–KA Hoehyun-Dong, Chung Ku, Seoul, Korea.

A. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex.

E. (9) $6,305.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $8,125.

A. John L. Davidson, Jr., The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.

B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.

A. Drew M. Davis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $369.12. E. (9) $108.50.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Virgin Islands Gift & Fashion Shop Association, St. Thomas, V.I. 00801.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Riddell, Fox, Holroyd & Wilson. 723 Washington Building, Washington, D.C. 20005.
B. Beneficial Corp., Wilmington, Del.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. Dial Finance Corp., 207 Ninth Street, Des Moines, Iowa 50307.
D. (6) $2,500.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. Hormel Foundation, Austin, Minn. 55912.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich. 49016.

A. Dawson, Riddell, Fox, Holroyd & Wilson, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.
D. (6) $8,750.

A. Brian Deery, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Frank R. DeGeorge, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $28,980.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Cargill Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $6,603.95.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Cargill Leasing Corp., 15407 McGinty Road, Minnetonka, Minn.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $1,500.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Guam Chamber of Commerce, 107 ADA Plaza Center, Agana, Guam, U.S.A. 96910.
D. (6) $3,245.72.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.
D. (6) $5,098.89.

A. Catherine B. de Sibour, Pfizer, Inc. 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $119.13.

A. John D. Doherty, Jr., Chase Manhattan Bank, 900 17th Street NW., Washington, D.C. 20006.
B. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $213.50. E. (9) $19.17.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Thomas J. Donohue, Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $5,000.10.

A. Findly M. Doughty, Howell Corp., 1200 Travis Street, Suite 800, Houston, Tex. 77002.
B. Howell Corp., 1200 Travis Street, Suite 800, Houston, Tex. 77002.

A. Beatrice P. Doyle, 1638 Rose Street, Pittsburg, Pa. 15218.
B. Alaska Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $600.

A. Jerome L. Dreyer, 1925 North Lynn Street, No. 1100, Arlington, Va. 22209.
B. Association of Data Processing Service Organization, Inc. (ADAPSO) 1925 North Lynn Street, No. 1100, Arlington, Va. 22209.

A. Michael V. Durando, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,250. E. (9) $44.

A. R. Ken Dyar, 1620 Southeast 127th Avenue, Vancouver, Wash. 98664.
B. Central Lincoln People's Utility District, 255 Southwest Coast Highway, Newport, Oreg. 97365.
D. (6) $1,183.47. E. (9) $529.78.

A. George H. Eatman, Pacific Resources, Inc., 1990 M Street NW., Suite 560, Washington, D.C. 20036.
B. Pacific Resources, Inc., 733 Bishop Street, Box 3379, Honolulu, Hawaii 96813.
D. (6) $1,000.

A. Jack Eckerd Corp., P.O. Box 4689, Clearwater, Fla. 33518.
E. (9) $302.98.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

A. Adelaide K. Eisenman 607 G Street SW., Washington, D.C. 20024.
B. Panamanian Committee for Human Rights, 5700 Southwest 59th Court, Miami, Fla. 33143.

A. Richard Eisenmann, 607 G Street SW., Washington, D.C. 20024.
B. Panamanian Committee for Human Rights, 5700 Southwest 59th Court, Miami, Fla. 33143.
E. (9) $133.02.

A. Jonathan P. Ela, Sierra Club, 142 West Gorham, Madison, Wis. 53703.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $960. E. (9) $2,568.81.

A. Elam, Burke, Jeppesen, Evans & Boyd, P.O. Box 1559, Boise, Idaho 83701.
B. Boise Redevelopment Agency, Boise, Idaho 83701.
D. (6) $420.

A. James V. Elder, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $3,860. E. (9) $356.

A. Jane E. Elder, Sierra Club, 142 W. Gorham, Madison, Wis. 53703.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $1,000.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dorothy A. Ellsworth, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,868.85. E. (9) $107.85.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $562.50.

A. Carl F. Emde, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $50.

A. Stephen Endean, 930 F Street NW., No. 611, Washington, D.C. 20004.
B. Gay Rights National Lobby, Inc., 930 F Street NW., No. 611, Washington, D.C. 20004.
D. (6) $4,230.22.

A. Energy Action Educational Foundation, 2000 P Street NW., No. 310, Washington, D.C. 20036.
D. (6) $250. E. (9) $224.35.

A. Christopher Engquist, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Herb Epstein, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $465.63.

A. Thomas E. Esterly, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $179.09.

A. European Travel Commission, 488 Madison Avenue, New York, N.Y. 10022.
E. (9) $3.

A. William J. Evans, 1800 K Street NW., Suite 900, Washington, D.C. 20006.
B. Pan American World Airways, 1800 K Street NW., Suite 900, Washington, D.C. 20006.
D. (6) $164. E. (9) $121.83.

A. Families Associated for Inalienable Rights, Inc., 1101 Connecticut Avenue NW., No. 800, Washington, D.C. 20006.

A. Michael I. Fanning, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Federal Express Corp., P.O. Box 727, Memphis, Tenn. 38194.
E. (9) $32,148.02.

A. Federation for American Immigration Reform, 1330 New Hampshire Avenue NW., Washington, D.C. 20036.
E. (9) $2,170.52.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $2,547.66.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,716. E. (9) $153.

A. William C. Finneran, Jr., 60 East 42nd Street, Room 3510, New York, N.Y. 10165.
B. The General Contractors Association of New York, Inc., 60 East 42d Street, New York, N.Y. 10165.
D. (6) $231. E. (9) $120.

A. First Pro-Life Congressional District Action Committee, 10 North 77th Avenue, Pensacola, Fla. 32506.

A. Arlene J. Fischler, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $22,000.

A. Mary Clare Fitzgerald, Chase Manhattan Bank, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $337.50. E. (9) $495.08.

A. T. E. Fitzgerald, 18913 Quail Valley Boulevard, Gaithersburg, Md. 20760.
B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $3,317. E. (9) $1,524.45.

A. James H. Fitzpatrick, 15 Computer Drive West, Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $139.

A. Five Freedoms, Inc., P.O. Box 656, Columbia, Md. 21045.

A. Daniel V. Flanagan Jr., Southern Pacific Co., 1801 K Street NW., Suite 221, Washington, D.C. 20006.
B. Southern Pacific Co., One Market Plaza, San Francisco, Calif. 94105.
D. (6) $5,000. E. (9) $381.78.

A. Charles D. Fleishman, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
D. (6) $1,725. E. (9) $1,829.53.

A. Martha Flory, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.
B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
E. (9) $26,981.08.

A. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Dave Foreman, P.O. Box 1160, Bernalillo, N. Mex. 87004.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $745.94. E. (9) $349.35.

A. James F. Fort, United Parcel Service, 316 Pennsylvania Avenue SE., No. 304, Washington, D.C. 20003.
B. United Parcel Service, 316 Pennsylvania Avenue SE., No. 304, Washington, D.C. 20003.
D. (6) $700. E. (9) $1,425

A. David H. Foster, Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $3,493.76. E. (9) $714.28.

A. Albert A. Fox, Allied Chemical Corp., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $355. E. (9) $55.

A. J. Dee Frankfourth, P.O. Box 403, Eagle River, Alaska 99577.
B. Alaska Coalition, 530 Seventh Street, SE., Washington, D.C. 20003.
D. (6) $1,000. E. (9) $201.16.

A. George Franklin, Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
D. (6) $3,000. E. (9) $100.

A. David W. Freer, Western Oil & Gas Assn., 2101 L Street NW., Washington, D.C. 20037.
B. Western Oil & Gas Association, 727 West Seventh Street, Suite 850, Los Angeles, Calif. 90017.
D. (6) $825.

A. Owen V. Frisby, Chase Manhattan Bank, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $750. E. (9) $75.86.

A. Gustave Fritschie, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $25.

A. Ginger Gardner, Charter Oil Co., 2550 M Street NW., Washington, D.C. 20037.
B. Charter Oil Co., 21 West Church Street, Jacksonville, Fla. 32202.
D. (6) $78.12. E. (9) $97.88.

A. Gay Rights National Lobby, Inc., 930 F Street NW., No. 611, Washington, D.C. 20004.
D. (6) $31,535.46. E. (9) $29,940.44.

A. Marie Gavigan, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. The General Contractors Association of New York, Inc., 60 East 42d Street, Room 3510, New York, N.Y. 10165.
E. (9) $628.43.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire M. Geoghegan, 415 Second Street NE., Washington, D.C. 20002.
B. Ad Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $9,230.76.

A. William G. Giery, 1919 Pennsylvania Avenue NW, Washington, D.C. 20006.
B. Foodservice and Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Larry Glantz, National Employment Law Project, 236 Massachusetts Avenue NE., Washington, D.C. 20003.
B. National Employment Law Project, 236 Massachusetts Avenue NE., Washington, D.C. 20003.
D. (6) $1,250. E. (9) $640.

A. Vernie R. Glasson, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $5,500. E. (9) $32.

A. Robert G. Glavin, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,280.08.

A. Jonathan D. Goldberg, Goldberg & Pedley, 2800 First National Tower, Louisville, Ky. 40202.
B. Chevron Agents Association, Inc., P.O. Box 4027, Hopkinsville, Ky. 42240.
D. (6) $5,000.

A. Neil B. Goldstein, Sierra Club, 800 2d Avenue, New York, N.Y. 10017.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,375. E. (9) $3,836.49.

A. Brenda J. Gore, LTV Corp., 1155 15th Street, Washington, D.C. 20005.
B. LTV Corp., 1525 Elm Street, Dallas, Texas 75222.
D. (6) $500.

A. John K. Gram, Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
B. Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $1,781.25. E. (9) $539.35.

A. Ruth P. Graves, RIF, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.

B. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
D. (6) $215. E. (9) $36.70.

A. Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, N.J. 07645.
E. (9) $17,859.22.

A. Edward M. Green, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $156.60 E. (9) $4.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $777.90.

A. Ellen S. Griffee, American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
B. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $5,234.52. E. (9) $19.75.

A. Richard J. Grunewald, 2033 K Street NW., Suite 200, Washington, D.C. 20006.
B. National Construction Employers Council, 2033 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,750.

A. Ellen Haas, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
E. (9) $9.

A. Charles T. Hagel, The Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.
B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.
D. (6) $5,000. E. (9) $81.95.

A. Cheryl A. Haley, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $391.36. E. (9) $45.58.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. Harry L. Hall, National Multiple Sclerosis Society, 2101 L Street NW., Suite 808, Washington, D.C. 20037.
B. National Multiple Sclerosis Society, 205 East 42nd Street, New York, N.Y. 10017.
D. (6) $4,500.

A. Hallmark Cards, Inc., 25th and McGee Street, Kansas City, Mo. 64108.
D. (6) $2,200.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for Coordination Council for North American Affairs (Taiwan)).
D. (6) $1,000. E. (9) $981.73.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for Electronic Industry Association of Japan, Chiyoda Ku, Tokyo).
D. (6) $1,000. E. (9) $852.16.

A. Bruce Hamilton, Sierra Club, Box 1078, Lander, Wyo. 82520.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $1,050. E. (9) $955.61.

A. Nolan W. Hancock, Oil Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical and Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $4,062.50.

A. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $173,841.04. E. (9) $38,044.88.

A. Harrah's, Inc., P.O. Box 10, Reno, Nev., 89504.
E. (9) $600.

A. Richard Hart, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street N.W., Suite 700, Washington, D.C. 20006.

A. Michael M. Hash, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $3,708.61. E. (9) $139.34.

A. Lewis B. Hastings, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $62.50.

A. Linda Haverfield, 530 7th Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $880.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,500. E. (9) $45.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, Suite 1025, 1875 I Street NW., Washington, D.C. 20006.
B. Ductile Iron Pipe Research Association, Oak Brook, Ill.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, Suite 1025, 1875 I Street NW., Washington, D.C. 20006.
B. E Street Associates, Washington, D.C.
D. (6) $5,000.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, Suite 1025, 1875 I Street NW., Washington, D.C. 20006.
B. State of Alaska, Anchorage, Alaska.
D. (6) $4,782.75.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $14,285.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $569.77.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: The Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Trans World Airlines), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $196.45.

A. Dave Hill, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,375. E. (9) $142.

A. E. Joseph Hillings, P.O. Box 44, Winter Park, Fla. 32790.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
E. (9) $3,465.37.

A. Valery Hobbs, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Charles L. Hoebel, Carrier Corporation, Suite 510, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Carrier Corp., Carrier Tower, Box 4800, Syracuse, N.Y. 13221.
D. (6) $3,300. E. (9) $381.56.

A. Lawrence S. Hoffheimer, 2101 L Street NW., Suite 808, Washington, D.C. 20037.
B. American Group Practice Association, 20 South Quaker Lane, Alexandria, Va. 22314.
D. (6) $5,000. E. (9) $850.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
E. (9) $4,450.

A. Leonard S. Homa, 11320 Rouen Drive, Potomac, Md. 20854.
B. American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Va. 22046.
D. (6) $2,362.50. E. (9) $708.75.

A. Douglass C. Horstman, 1612 K Street NW., No. 906, Washington, D.C. 20006.
B. Northern Textile Association, 211 Congress Street, Boston, Mass. 02110.
D. (6) $660. E. (9) $202.50.

A. John F. Horty, National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.
B. National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.
E. (9) $2,022.40.

A. Hospital Association of N.Y.S., 15 Computer Drive, West Albany, N.Y. 12205.
D. (6) $183. E. (9) $183.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,932. E. (9) $12.50.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
D. (6) $5,324.98.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Master Contracting Stevedore Association of the Pacific Coast, Inc., 3415 11th Avenue SW., P.O. Box 24868, Seattle, Wash. 98134.
D. (6) $1,600.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Northwest Food Producers Association, P.O. Box 1976, Woodinville, Wash. 98072.
D. (6) $12,615. E. (9) $476.07.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Totem Ocean Trailer Express, Inc., 1100 Olive Way, Seattle, Wash. 98101.
D. (6) $210.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. Train (Transportation by Rail for Agricultural and Industrial Needs), 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
E. (9) $204.06.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania NW., Suite 850, Washington, D.C. 20006.
B. Washington Citizens for World Trade, 4th and Battery Building, Suite 925, Seattle, Wash. 98121.
D. (6) $15,878. E. (9) $1,741.23.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.
B. C. W. Whitman, SW. Spokane Street, and Chelan Avenue SW., on West Waterway, Seattle, Wash., and David S. Updike, 1211 Fairview Avenue North, Seattle, Wash. 98109.
D. (6) $1,542.

A. C. T. Hoversten, 209 West 53rd Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue, Argo P.O., Bedford Park, Ill. 60501.

A. Arthur L. Howard, 1100 H Street NW., Washington, D.C. 20080.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Marvin R. Hrubes, United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $2,355.78.

A. Royston C. Hughes, 1415 Sharps Point Road, Annapolis, Md. 21401.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $4,000.

A. Gerard F. Hurley, National Club Association, 1625 I Street NW., No. 609, Washington, D.C. 20006.
B. National Club Association, 1625 I Street NW., No. 609, Washington, D.C. 20006.
D. (6) $1,000.

A. Raymond D. Hurley, One Farragut Square South, Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. John K. Iglehart, Kaiser Foundation Health Plan, Inc., 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc.
D. (6) $8,000. E. (9) $1,550.

A. Ronald K. Ikejiri, Japanese American Citizens League, 1730 Rhode Island Avenue NW., No. 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.
D. (6) $4,181.85. E. (9) $98.35.

A. Independent Data Communications Manufacturer Association Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $13,963.50. E. (9) $13,963.50.

A. Independent Local Newspaper Association, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $7,500.

A. Institute of Foreign Bankers, 200 Park Avenue, Suite 303-Room 23, New York, N.Y. 10017.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $12,484.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $18,694.63.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
E. (9) $7,975.

A. John D. Isaacs, Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 11 Beacon Street, Boston Mass. 02108.
D. (6) $4,089.90.

A. Jaeckle, Fleischmann & Mugel, 700 Liberty Bank Building, Buffalo, N.Y. 14202.
B. Samuel Strapping Systems, Ltd., 2620 Dixie Road, Mississauga, Ontario, Canada.
E. (9) $604.48.

A. Walter K. Jaenicke, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $465.70.

A. John T. Jarvis, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,087.50.

A. Herbert N. Jasper, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $16,015.38.

A. Philip F. Jehle, Smith Kline Corp., 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Smith Kline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.
D. (6) $150. E. (9) $20.

A. Norman A. Jensvold, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $536.

A. Walter W. John, Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Bldg., USDA, Washington, D.C. 20250.
B. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Agriculture Bldg., Washington, D.C. 20250.
D. (6) $537.

A. Calvin P. Johnson, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 919 Third Avenue, New York, N.Y.; 332 S. Michigan Avenue, Chicago, Ill.; and 1750 K Street NW., Washington, D.C.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $847.45.

A. Charlie W. Jones, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $400.

A. Ernest W. Jones, 1957 E Street NW., Washington D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Elizabeth Kaplan, 530 7th Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $1,523.52.

A. Milton M. Kaufmann, 19102 Roman Way, Gaithersburg, Md. 20760.
B. The Fund for Animals, Inc., 140 West 57th Street, New York, N.Y. 10019.
D. (6) $3,000.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: The Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $275.49.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Knoxville International Energy Exposition (KIEE)), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $130.85.

A. Vicki R. Keenan, 5597 Seminary Road, Apt. 1907–S, Falls Church, Va. 22041.
B. Bechtel Power Corp., 1620 Eye Street NW., Washington, D.C. 20006.

A. Jeannie Keller, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $3,652.87. E. (9) $38.60.

A. Earl Kelly, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $26,000.

A. William F. Kennedy, General Electric Co., Fairfield, Conn. 06431.
B. General Electric Co., Fairfield, Conn. 06431.
D. (6) $275. E. (9) $600.

A. William J. Kenney, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Bay State Gas Co., 120 Royall Street, Canton, Mass. 02021.
D. (6) $1,500. E. (9) $3,577.99.

A. Roberta D. Kimball, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James L. Kimble, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $310. E. (9) $8.

A. Dean King, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $108.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,000. E. (9) $74.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Alden Corrugated Container Corp., One Church Street, New Bedford, Mass. 20741.
D. (6) $180.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. J & J Corrugated Box Corp., 350 North Main Street, Fall River, Mass. 02720.
D. (6) $180.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., The Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.
D. (6) $375. E. (9) $3.

A. Peter C. Kirby, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,365.84. E. (9) $98.75.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Jeffrey Kirsch, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $645.69. E. (9) $26.40.

A. Donald R. Kirtley, Hercules Incorporated, 910 Market Street, Wilmington, Del. 19899.
B. Hercules Incorporated, 910 Market Street, Wilmington, Del. 19899.
D. (6) $625. E. (9) 75.50.

A. Ralph W. Kittle, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $160. E. (9) $37.50.

A. John J. Klocko III, E. I. du Pont de Nemours & Co., 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
E. (9) $107.

A. James E. Kneale, Lockheed Corp., 2335 South Meade Street, Arlington, Va. 22202.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $860. E. (9) $931.44.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $35.91. E. (9) $13.45.

A. Chris Koyanagi, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.
B. National Council of Community Mental Health Centers Inc., 2233 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $3,344. E. (9) $61.

A. Krivit & Krivit, 101 Duddington Place SE., Washington, D.C. 20003.
E. (9) $50.

A. Krivit & Krivit, 101 Duddington Place SE., Washington, D.C.
B. City of Compton, Calif., City Hall, Compton, Calif. 90220.

A. Joseph Kuchler, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,351.57.

A. Dan Kuykendall, DK Consultants, Inc., P.O. Box 40841, Washington, D.C. 20016.
B. Alpha 21 Corp., P.O. Box 4605, Midland, Tex. 79701.
D. (6) $2,000.

A. Dan Kuykendall, DK Consultants, Inc., P.O. Box 40841, Washington, D.C. 20016.
B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Washington, D.C.
D. (6) $650.

A. Dan Kuykendall, DK Consultants, Inc., P.O. Box 40841, Washington, D.C. 20016.
B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.
D. (6) $20,000.

A. Sandra LaFevre, Nationwide Insurance Cos. & Affiliates, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Nationwide Insurance Cos. & Affiliates, 1 Nationwide Plaza, Columbus, Ohio 43218.
D. (6) $500.

A. Kenneth A. Lazarus, 1625 K Street NW., Washington, D.C. 20006.
B. Boettcher & Co., Denver, Colo.
E. (9) $625.

A. League To Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
D. (6) $7,980. E. (9) $847.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Alan Lee, United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,130.77.

A. Lee, Toomey & Kent, 1200 18th Street NW., Washington, D.C. 20036.
B. Towers, Perrin, Forster & Crosby, Inc., Center Square West, 1500 Market Street, Philadelphia, Pa. 19102.

A. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001.
B. Gino Morena Enterprises, P.O. Box 191, South San Francisco, Calif. 94080.
D. (6) $2,000. E. (9) $750.

A. Robert Leibner, American Frozen Food Institute, 1919 Pennsylvania Avenue NW., Suite 603, Washington, D.C. 20006.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. National Macaroni Manufacturers Association, P.O. Box 336, Palatine, Ill. 60067.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $2,000.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Independent Local Newspaper Association, Suite 701, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500.

A. B. P. Lewallen, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,488.88. E. (9) $417.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.
D. (6) $741.66. E. (9) $5.19.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $6,030. E. (9) $864.46.

A. Kathleen M. Linehan, Gulf Oil Corp., 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $230. E. (9) $67.71.

A. Linton, Mields, Reisler & Cottone, Inc., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Ambassador Bridge Co., P.O. Box 447, Detroit, Mich. 48232.
D. (6) $1,531.

A. Charles B. Lipsen, 475 L'Enfant Plaza, SW., Suite 4100, Washington, D.C. 20024.

B. Cramer and Lipsen, 475 L'Enfant Plaza, SW., Suite 4100, Washington, D.C. 20024 (for National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005).

A. Charles B. Lipsen, 475 L'Enfant Plaza, SW., Washington, D.C. 20024.

B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801 (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801).

A. Robert R. Locklin, 1707 H Street NW., Washington, D.C. 20006.

B. California Savings & Loan League, 9800 S. Sepulveda Boulevard, Los Angeles, Calif. 90045.

D. (6) $7,500.

A. Nira Hardon Long, Smothers, Douple, Gayton & Long, 1800 M Street NW., Suite 880 South, Washington, D.C. 20036.

B. City of Los Angeles, Los Angeles, Calif. 90012.

D. (6) $5,625.

A. Timothy B. Lovain, New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

B. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $5,499.96.

A. Suellen Lowry, National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

D. (6) $4,123.86.

A. Barbara A. Ludden, 1435 G Street NW., Suite 935, Washington, D.C. 20005.

B. American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

E. (9) $143.75.

A. Christian J. Lund, 1125 15th Street NW., Washington, D.C. 20005.

B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101; 1125 15th Street NW., Washington, D.C. 20005..

D. (6) $12,324. E. (9) $20.85.

A. Peter Luxemburger, 3416 Garfield Street NW., Washington. D.C. 20007.

B. Alaska Coalition. 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $963.72.

A. Timothy Lynch, American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.

B. American Natural Service Co., One Woodwood Avenue, Detroit, Mich. 48226.

D. (6) $1,500.

A. Samuel A. Mabry, Hercules, Inc., 1800 K Street, NW., Washington, D.C. 20006.

B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $4,156. E. (9) $1,693.30.

A. Richard E. Mallory, 11228 Chestnut Grove Square, Apt. 232, Reston, Va. 22090.

B. California Westside Farmers, 1060 Fulton Mall, Suite 1115, Fresno, Calif. 93721.

D. (6) $4,406.25. E. (9) $1,790.26.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

E. (9) $550.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.

B. Elks Hills Refiners.

D. (6) $1,500.

A. Milton C. Mapes, Jr., National Peace Academy Campaign, 1625 I Street NW., Suite 726, Washington, D.C. 20006.

B. National Peace Academy Campaign, 1625 I Street NW., Suite 726, Washington, D.C. 20006.

D. (6) $1,600.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.

B. National Star Route Mail Carriers Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Donald N. Martin, Donald N. Martin & Co., Inc., 488 Madison Avenue, New York, N.Y. 10022.

A. James P. Martin, 60 East 42d Street, Room 3510, New York, N.Y. 10165.

B. General Contractors Association of New York, Inc., Room 3510, 60 East 42d Street, New York, N.Y. 10165.

D. (6) $154. E. (9) $123.43.

A. Larry K. Martin, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $150.

A. Mike M. Masaoka, 900 17th Street NW., No. 520, Washington, D.C. 20006.

B. American Japanese-Trade Committee, No. 520, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.

B. Japan Binocular Manufacturers Association, 45-8 Ohyama-Kanai-Cho, Itabashi-Ku, Tokyo, Japan.

D. (6) $500.

A. Mike M. Masaoka, 900 17th Street NW., No. 520, Washington, D.C. 20006.

B. Nisei Lobby, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.

B. Toyota Motor Sales, U.S.A., Inc., 1899 L Street NW., Suite 703, Washington, D.C. 20036.

D. (6) $750.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. United Food & Commercial Workers International Union.

D. (6) $13,192.34. E. (6) $165.43.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. J. G. Boswell Co., Inc., 333 South Hope Street, Los Angeles, Calif. 90017.

D. (6) $7,500. E. (9) $2,290.

A. McCandless & Barrett, 1707 H Street NW., Washington, D.C. 20006.

B. Energy Consumers & Producers Association, Petroleum Plaza, Seminole, Okla. 74868.

D. (6) $3,840. E. (9) $103.79.

A. McCandless & Barrett, 1707 H Street NW., No. 1005, Washington, D.C. 20006.

B. Transamerica Insurance Corp. of California, Occidental Center, Hill & Olive at 12th Street, Los Angeles, Calif. 90015.

D. (6) $13,498.

A. Sean A. McCarthy, 8003 Westpark Drive, McLean, Va. 22102.

B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22102.

D. (6) $1,500. E. (9) $30.89.

A. Nancy Fifield McConnell, Child Welfare League of America, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Child Welfare League of America, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,000.

A. James W. McDade, McDade & Lee, 1130 17th Street NW., Washington, D.C. 20036.

B. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.

A. John E. McGill, Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.

B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.

D. (6) $1,163.46. E. (9) $528.11.

A. Gregory E. McGowan, Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.

B. Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

D. (6) $3,500. E. (9) $780.52.

A. Walter P. McHugh, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,753.14.

A. Gail H. McLarnon, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Gail H. McLarnon, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. James D. McMillan, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. George G. Mead, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $274.84.

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005 (For: Claremont Company, Inc., 908 Purchase Street, P.O. Box E-814, New Bedford, Mass. 02742.)

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005 (For: Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.)

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005 (For Refuse Fuels, Inc., P.O. Box 83, Bradford, Mass. 08130.)

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108 and 1015 15th Street NW., Washington, D.C. 20005

(For: Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.)

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,999.98. E. (9) $151.78.

A. Charles L. Merin, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $9,854.90. E. (9) $209.

A. Tanya K. Metaksa, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90210.
D. (6) $2,591.25. E. (9) $60.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $1,458.

A. Minerals Exploration Coalition, Inc., 790 West Tennessee Avenue, Suite 103, Denver, Colo. 80223.
D. (6) $44,716.50. E. (9) $2,337.23.

A. Charles W. Mitchell, 4601 Schenley Road, Baltimore, Md. 21210.
B. Wills & Associates, Inc., (for Americans for Alaska), Suite 903, 36 South Charles Street, Baltimore, M. 21201.

A. Donald Craig Mitchell, 1601 F Street, Anchorage, Alaska 99501 and 510 A Street NE., Washington, D.C. 20002.
B. Alaska Federation of Natives, 1577 C Street, Suite 304, Anchorage, Alaska 99501.
D. (6) $9,000. E. (9) $936.74.

A. Kurt Mohay, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Joy E. Moore, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,750. E. (9) $360.26.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $875. E. (9) $6.35.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Evans Products Co., 1121 Southwest Salmon Street, P.O. Box 3925, Portland, Oreg. 97208.
D. (6) $750.

A. Robert E. Morin, Society of Real Estate Appraisers, 2600 Virginia Avenue NW., No. 901, Washington, D.C. 20037.
B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,400. E. (9) $11,354.

A. James A. Morrill, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $834. E. (9) $180.10.

A. Sol Mosher, Crown Zellerbach, 1660 L Street NW., Suite 215, Washington, D.C. 20036.
B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E.(9) $200.

A. Christopher M. Mould, National Board of YMCA's, 1725 K Street NW., Suite 408, Washington, D.C. 20006.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $500.

A. Karen Mulhauser, National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $346.17.

A. William T. Murphy, Jr., American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., One Woodward Avenue, Detroit, Mich. 48226.
D. (6) $2,500.

A. Rosemary Griffin Murray, 1800 K Street NW., Suite 900, Washington, D.C. 20006.
B. Pan American World Airways, Inc., Suite 900, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $527. E. (9) $453.05.

A. Bernard Nash, Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. General Electric Co., 3125 Eastern Turnpike, Building WS–23, Fairfield, Conn. 06431.
D. (6) $687.25. E. (9) $4.

A. Bernard Nash, Blum & Nash, 1015 18th Street, No. 408, Washington, D.C. 20036.
B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07035.
D. (6) $3,468.75. E. (9) $121.50.

A. Raymond Nathan, 4242 East-West Highway, Chevy Chase, Md. 20015.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.
D. (6) $555. E. (9) $570.38.

A. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $202,858. E. (9) $31,669.68.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $56,700. E. (9) $56,911.

A. National Association for Humane Legislation, Inc., P.O. Box 11675, St. Petersburg, Fla. 33733.
D. (6) $207.84. E. (9) $290.32.

A. National Association of Homes for Children, 200 South Tryon Street, Suite 1500, Charlotte, N.C. 28202.
E. (9) $2,000.

A. National Association of Latino Elected & Appointed Officials, Inc., 236 Massachusetts Avenue NE., Suite 603, Washington, D.C. 20002.
D. (6) $8,480. E. (9) $16,893.57.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $40,388.75. E. (9) $19,686.52.

A. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
E. (9) $2,861.62.

A. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $11,669,650. E. (9) $14,748.24.

A. National Clean Air Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $20. E. (9) $724.

A. National Club Association, 1625 I Street NW., No. 609, Washington, D.C. 20006.
E. (9) $1,500.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $1,383,077.09. E. (9) $30,845.46.

A. National Coalition to Ban Handguns, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $45,500. E. (9) $52,038.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
E. (9) $3,500.

A. National Council for Japanese American Redress, 925 West Diversey Parkway, Chicago, Ill.
D. (6) $909.05. E. (9) $160.94.

A. National Employee Benefits Institute, 515 National Press Building, Washington, D.C. 20045.
D. (6) $750.

A. National Federation of Licensed Practical Nurses, Inc., 888 Seventh Avenue, 18th Floor, New York, N.Y. 10019.
D. (6) $1,770. E. (9) $1,770.

A. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.

A. National Peace Academy Campaign, 1625 I Street NW., Suite 726, Washington, D.C. 20006.
D. (6) $11,451.10. E. (9) $11,913.60.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $10,250. E. (9) $70,516.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $5,312. E. (9) $7,870.

A. National Solid Wastes Management Association, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.

A. National Taxpayers Legal Fund, 777 14th Street NW., Suite 236, Washington, D.C. 20005.
E. (9) $5,000.

A. National Tour Brokers Association, Inc., 120 Kentucky Avenue, Lexington, Ky. 40502.

A. Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 505, Washington, D.C.
D. (6) $18,437.25. E. (9) $5,713.28.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $4,187.

A. Gordon E. Nelson, 12005 Milstream Drive, Bowie, Md. 20715.
B. Farm/Water Alliance, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $18,000. E. (9) $1,213.96.

A. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $35,311.32 E (9) $5,891.96.

A. Charles M. Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Corp., 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $488.25.

A. Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
E. (9) $2,529.31.

A. Julia J. Norrell, 1828 L Street NW., Suite 201, Washington, D.C. 20036.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y. 10166; and 1828 L Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $40.

A. Mary E. Oakes, Hercules Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $65. E. (9) $328.37.

A. Dallin H. Oaks, Brigham Young University, Provo, Utah 84602.
B. Brigham Young University, Provo, Utah 84602.
E. (9) $50.

A. Richard O'Brecht, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Austin P. Olney, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20510.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.

A. Van R. Olsen, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. United States Beet Sugar Association, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.

A. William J. Olwell, United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $4,003.13.

A. Organization for the Protection & Advancement of Small Telephone Cos., 1104 Gary Court, Wheaton, Ill. 60187.
E. (9) $20,905.41.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414 South Building, USDA, Washington, D.C.
D. (6) $1,635.88. E. (9) $833.50.

A. Robert H. Overmyer, 818 C Street SE., Washington, D.C. 20003.
B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $5,000.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $594.68. E. (9) $36.

A. Pacific Northwest Utilities Conference, Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.
D. (6) $18,799. E. (9) $29,041.32.

A. Steven Parcells, 5308 Willard Avenue, Chevy Chase, Md. 20015.
B. Save the Tall Grass, Inc., 4101 West 54th Terrace, Shawnee Mission, Kans.
D. (6) $1,500. E. (9) $300.

A. Sara Lynn Parker, Food Research & Action Center, 2011 I Street NW., Suite 700. Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $339.76. E. (9) $6.10.

A. Renee Parsons, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,145.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. New Process Co., 220 Hickory Street, Warren, Pa. 16366.
D. (6) $2,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.
D. (6) $1,010. E. (9) $10.

A. Law Offices of Jack Pearce, Suite 1200, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. California Synfuels Research Corp., Torrance, Calif. 90503.
E. (9) $5,456.20.

A. Pension Rights Center, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $1,000.91.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, 1204 Rosslyn, Va. 22209

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Amatex Corp., 1032 Stanbridge Street, Box 228, Norristown, Pa. 19404.
D. (6) $1500.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Cold Finished Steel Bar Institute, P.O. Box 5831, Chicago, Ill. 60680.
D. (6) $1025.

A. Pepper, Hamilton & Scheetz, 1776 F Street, Washington, D.C. 20006.
B. Boise Redevelopment Agency, Boise, Idaho 83701.
D. (6) $1,960.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Harris Corp., Melbourne, Fla. 32919.
D. (6) $2,803.75.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Russian Travel Bureau, 20 East 46th Street, New York, N.Y. 10017.
D. (6) $1,457.50.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Sun Shipbuilding & Dry Dock Co., Foot of Morton Avenue, Chester, Pa. 19013.
D. (6) $5,417.75. E. (9) $630.25.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Train (Transportation by Rail for Agriculture & Industrial Needs), No. 200, 1776 F Street NW., Washington, D.C. 20006.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Western Union Corp., 1 Lake Street, Upper Saddle River, N.J.
D. (6) $1,085.

A. Barbara K. Pequet, 1921 Kalorama Road NW., No. 103, Washington, D.C. 20009.
B. National Consumers League, 1522 K Street NW., Suite 406, Washington, D.C. 20005.
D. (6) $200. E. (9) $30.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $3,920. E. (9) $177.70.

A. John Joseph Pesch, 1701 North Fort Myer Drive, No. 1208, Arlington, Va. 22209.
B. Northrop Corp., 1701 North Fort Myer Drive, No. 1208, Arlington, Va. 22209.

A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $1,500. E. (9) $228.38.

A. Mark W. A. Phillips, 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.
D. (6) $10.

A. Phillips, Nizer, Benjamin, Krim & Ballon, 40 West 57th Street, New York, N.Y. 10019.
B. American Bobst Holdings, Inc., 146 Harrison Avenue, Roseland, N.J.
D. (6) $1,433.75. E. (9) $79.09.

A. Wilhelm Pickens, 1600 Rhode Island Avenue NW., Washington, D.C. 200036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850. E. (9) $80.53.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22101
D. (6) $2,500.

A. Ronald L. Plesser, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Twin Coasts Newspaper, Inc., The Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

D. (6) $1,000. E. (9) $6.

A. Ronald Pollack, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington. D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $3,192.09. E. (9) $23.35.

A. Nathaniel Polster, 2128 Wyoming Avenue, Washington, D.C.

B. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017; Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.

D. (6) $4,125. E. (9) $1,892.13.

A. Rafe Pomerance, 530 7th Street SE., Washington, D.C. 20003.

B. Friends of the Earth, Inc., 530 7th Street SE., Washington, D.C. 20003.

D. (6) $3,195.40.

A. Robert F. Pontzer, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

E. (9) $40.80.

A. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.

D. (6) $4,453. E. (9) $3,179.

A. William B. Prendergast, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

D. (6) $1,750. E. (9) $385.25.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

B. Seattle Trust & Savings Bank, 804 Second Avenue, Seattle, Wash. 98104.

D. (6) $1,558.

A. Woodruff M. Price, Seaboard Coast Line Industries, Inc., 1000 Connecticut Avenue, NW., Suite 1005, Washington, D.C. 20036.

B. Seaboard Coast Line Industries, Inc., 500 Water Street, Jacksonville, Fla. 32202.

D. (6) $3,000. E. (9) $703.90.

A. Steven L. Pruitt, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $8,025. E. (9) $693.65

A. Public Timber Purchasers Group, 714 Oregon Bank Building, 319 Southwest Washington Street, Portland, Oreg. 97204.

D. (6) $27,000. E. (9) $4,475.53.

A. Law Offices of John V. Rainbolt, 1800 K Street NW., Suite 926, Washington, D.C. 20006.

B. MidAmerica Commodity Exchange, 125 West Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $2,145. E. (9) $254.40.

A. Magda Ratajski, Norfolk & Western Railway Co., P.O. Box 236°2. L'Enfant Plaza Station, Washington, D.C. 20024.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $525. E. (9) $127.50.

A. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Washington, D.C. 20560.

D. (6) $215. E. (9) $504.75.

A. Recording Industry Association of America, Inc., 1633 Broadway, New York, N.Y. 10019.

D. (6) $1,878,838. E. (9) $108,468.75.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert S. Reese, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036 .

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $1,946.46.

A. Paul Reiber, Suite 921, 1625 I Street NW., Washington, D.C. 20006.

B. International Air Leases, Inc., P.O. Box 480233, Miami, Fla. 33148.

D. (6) $150. E. (9) $3.50.

A. Louis D. Reilly III, Telephone & Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.

B. Telephone & Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.

A. J. E. Reinke, Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.

B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.

E. (9) $87.

A. Reserve Officers Association of the United States, One Constitution Avenue NE., Washington, D.C. 20002.

D. (6) $1,535.69. E. (9) $5,869.01.

A. Marvin Resnikoff, Sierra Club, Box 64, Station G, Buffalo, N.Y. 14213.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $36.25. E. (9) $36.25.

A. Lynne Revo-Cohen, National Press Building, Room 481, Washington, D.C. 20045.

B. Federally Employed Women, National Press Building, Room 481, Washington, D.C. 20045.

D. (6) $4,700. E. (9) $1,784.

A. Nancy Clark Reynolds, 300 Maryland Avenue NE., Washington, D.C. 20002.

B. The Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $370. E. (9) $46.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,915. E. (9) $103.85.

A. Grace Ellen Rice, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $3,625. E. (9) $154.

A. Russell W. Richardson, Lear Siegler, Inc., Suite 1002, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

D. (6) $30. E. (9) $12.50.

A. Mark J. Riedy, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. Selina Rissell, 415 Second Street NE., Washington, D.C. 20002.

B. Ad Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.

D. (6) $6,057.72.

A. Valentin Riva, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Brinton P. Roberts, Choate, Hall & Stewart, 60 State Street, Boston, Mass. 02109.

B. New England Tank Industries of New Hampshire, Inc., 135 First Street, Cambridge, Mass. 02141.

D. (6) $2,000.

A. Ronn Robinson, National Education Association 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $570.

A. Ted V. Rodgers, Nationwide Insurance Companies & Affiliates, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Nationwide Insurance Companies & Affiliates, One Nationwide Plaza, Columbus, Ohio 43218.

D. (6) $2,500. E. (9) $500.

A. John F. Rolph III, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.

B. Citibank, 399 Park Avenue, New York, N.Y. 10043.

D. (6) $3,000.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $190.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.

B. Mudge Rose Guthrie & Alexander, 20 Broad Street, New York, N.Y. 10005.

D. (6) $200.

A. Fred B. Rooney, 1300 19th Street NW., No. 404, Washington, D.C. 20036.

B. Paccar, Inc., Business Center Building, P.O. Box 1518, Bellevue, Wash. 98009.

D. (6) $125.

A. Christine Root, 1532 Swann Street NW., Washington, D.C. 20009.

B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $1,923.10. E. (9) $392.62.

A. Thomas Root, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Edwin Rothschild, 1615 Anderson Road, McLean, Va. 22102.

B. Energy Action Educational Foundation, 2000 P Street NW., No. 310, Washington, D.C., 20036.

D. (6) $75.

A. Michael J. Rourke, 2 Paragon Drive, Montvale, N.J. 07645.

B. The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, N.J. 07645.

D. (6) $5,000. E. (9) $275.47.

A. Michael O. Roush, National Federation of Independent Business, 490 L'Enfant Plaza SW., Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $200.

A. Sherryl P. Rutledge, 1100 H Street NW., Washington, D.C. 20080.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.

E. (9) $746.85.

A. William Samuel, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

D. (6) $4,250.

A. Michael Sandifer, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $188.71. E. (9) $6.85.

A. Henry J. Sandri, Jr., Suite 600, 1320 19th Street NW., Washington, D.C. 20036.

B. Lead-Zinc Producers Committee, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.

E. (9) $150.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Kings River Power Development Committee, 4886 East Jensen Avenue, Fresno, Calif. 93725.

D. (6) $1,000. E. (9) $166.95.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Kings River Water Users Committee.

D. (6) $6,000. E. (9) $3,362.24.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. Safari Club International, 5151 East Broadway, Tucson, Ariz. 85711.

D. (6) $1,000. E. (9) $276.05.

A. Harold A. Schaitberger, International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $9,925.

A. Wendy W. Schiller, National Consumer Law Center, 236 Massachusetts Avenue NE., Washington, D.C. 20002.

B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

D. (6) $3,517. E. (9) $1,025.

A. Arthur L. Schmuhl, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

E. (9) $200.

A. Peter D. Scholes, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $3,856.87. E. (9) $168.20.

A. Bari Schwartz, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $6,005.13. E. (9) $19.15.

A. Donald A. Scott, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Deirdre S. Searles, 7900 Callaghan Drive, San Antonio, Tex. 78229.

B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.

D. (6) $1,500.

A. Seattle Trust & Savings Bank, 804 Second Avenue, Seattle, Wash. 98104.

E. (9) $1,558.

A. Seifman & Lechner, 1207 Potomac Street NW., Washington, D.C. 20007.

D. (6) $15,801.50. E. (9) $6,794.32.

A. Servicemaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.

E. (9) $3,000.

A. Barbara J. Shailor, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,361.69.

A. Richard N. Sharood, Wilcox & Sharood, 1899 L Street NW., No. 705, Washington, D.C.

B. National Federation of Fishermen, 915 15th Street NW., No. 600, Washington, D.C. 20005.

E. (9) $170.62.

A. Richard N. Sharood, Wilcox & Sharood, 1899 L Street NW., No. 705, Washington, D.C.

B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

D. (6) $3,525. E. (9) $3,682.88.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Allied Chemical, 1250 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

D. (6) $1,250.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Eleanor Clark, 11 American Bank Building, 621 Northwest Morrison Street, Portland, Oreg. 97205.

E. (9) $16.39.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. CoaLiquid, Inc., 1215 Citizens Plaza, Louisville, Ky. 40202.

E. (9) $1.28.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill.

D. (6) $30,500. E. (9) $4.35.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. The General Contractors Association of New York, Inc., 60 East 42d Street, New York, N.Y. 10017.

E. (9) $330.85.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Guaranty Fuels, 1120 East Main Street, Independence, Kans.

D. (6) $9,500. E. (9) $22.58.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Nabisco, Inc., 100 DeForest Avenue, East Hanover, N.J. 07936.

D. (6) $2,500. E. (9) $112.88.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. New Zealand Wool Board, 139–141 Featherstone Street, Wellington, New Zealand.

D. (6) $20,000. E. (9) $84.89.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Norfolk & Western, 8 North Jefferson Street, Roanoke, Va. 24011.

E. (9) $12.35.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Ryder Systems, Inc., 3600 NW., 82d Avenue, Miami, Fla. 33166.

D. (6) $16,000.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Tosco Corp., 1919 Pennsylvania Avenue NW., No. 706, Washington, D.C. 20006.

D. (6) $13,849.65.

A. Joan Shorey, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

D. (6) $2,245.98.

A. Mark A. Siegel, 12614 Laurie Drive, Silver Spring, Md. 20904.

B. The Couzens Distribution System, 6600 South River Road, Hodgkins, Ill. 60525.

D. (6) $3,066.80. E. (9) $66.80.

A. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $112,894.84. E. (9) $112,894.84.

A. Stephen Silbiger, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $3,909.24. E. (9) $112.06.

A. Silver, Freedman, Housley, Taft & Goldberg, 1800 M Street NW., No. 950N, Washington, D.C. 20036.

A. Silvers Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.

D. (6) $1,002.25. E. (9) $2,150.42.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $240. E. (9) $545.75.

A. Richard L. Sinnott & Co., 2021 K Street NW., Suite 306, Washington, D.C. 20006.

B. Port of Oakland, Oakland, Calif. 94607.

D. (6) $1,250.

A. Richard M. Skutt, 1366 Joliet Place, Detroit, Mich. 48207.

B. Project Advisory Group, 1029 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $5,250. E. (9) $2,481.81.

A. Slover & Loftus, 1224 17th Street NW., Washington, D.C. 20036.

B. Western Coal Traffic League, Denver, Colo. 80110.

D. (6) $12,500. E. (9) $1,023.28.

A. Elizabeth M. Smith, Amalgamated Clothing & Textile Workers Union, 815 16th Street NW., Suite 310, Washington, D.C. 20006.

B. Amalgamated Clothing & Textile Workers Union, 770 Broadway, New York, N.Y. 10003.
D. (6) $3,964.48. E. (9) $127.62.

A. Susan E. Smith, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $500. E. (9) $92.69.

A. Randall D. Snodgrass, 3110 Maple Drive, Suite 407, Atlanta, Ga. 30305.
B. Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $ 902.75. E. (9) $334.76.

A. Society of Professional Benefit Administrators, 1800 M Street NW., Suite 1030-N, Washington, D.C. 20036.
E. (9) $1,500.

A. Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $242,859. E. (9) $24,805.

A. Charles B. Sonneborn, American Academy of Ophthalmology, 1750 K Street NW., Suite 370, Washington, D.C. 20006.
B. American Academy of Ophthalmology, 1750 K Street NW., Suite 370, Washington, D.C. 20006.
E. (9) $50.

A. Leland R. Sorteberg, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $14.

A. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $33,922.39. E. (9) $33,922.39.

A. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
D. (6) $150. E. (9) $150.

A. Wilbur D. Sparks, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $1,600. E. (9) $300.

A. Spradling, Stagner, Alpern & Friot, Suite 700, Continental Savings Building, Oklahoma City, Okla. 73102.
B. Kansas Delaware Tribe of Indians, Inc., 1909 Aladdin, Norman, Okla. 73069.
E. (9) $1,024.61.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Barrett Stambler, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $362.20.

A. Scott E. Sterling, 1800 M Street NW., Suite 1030-N, Washington, D.C. 20036.
B. Hauck & Associates, (for the Society of Professional Benefit Administrators) 1800 M Street NW., Washington, D.C. 20036.
D. (6) $1,500.

A. Elliot Stern, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $2,406. E. (9) $222.67.

A. Michael Stientjes, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,875. E. (9) $28.

A. Kenneth F. Stinger, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $542.40.

A. George Stockton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $200.

A. Andrea Strader, American Federation of State, County and Municipal Employees, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, 1625 L Street NW., Washington, D.C. 20036.

A. Tanaka Walders & Ritger, 1919 Pennsylvania Avenue NW., Suite 303, Washington, D.C. 20006.
B. Electronic Industries Association of Japan, 2-2, Marunouchi, 3-chome, Chiyoda-ku, Tokyo, Japan.
D. (6) $2,125. E. (9) $44.50.

A. Daniel F. Tandy, 23 Pascack Road, Woodcliff Lake, N.J. 07675.
B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $1,740.

A. Suzette Tapper, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $1,238.68.

A. C. Michael Tarone, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. Kings River Water Users Committee.

A. David K. Taylor, Mobil Oil Corp., 1100 Connecticut Avenue NW., No. 620, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42nd Street, New York, N.Y. 10017.
D. (6) $375.

A. Arthur Earle Teele, Jr., P.O. Box 18770, 135 South Monroe Street, Suite 100C, Tallahassee, Fla. 32302.
B. National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.

A. Lawrence L. Thomas, 1740 Franklin Street, No. 3, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Samuel Thurm, Association of National Advertisers, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44th Street, New York, N.Y. 10017.

A. Michael L. Tiner, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. United Food & Commercial Workers International Union, 1775 K Street NW., Washington, D.C.
D. (6) $9,288.44. E. (9) $185.21.

A. Ronald J. Tipton, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $306.91. E. (9) $9.25.

A. William D. Toohey, 1899 L Street NW., Suite 600, Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $2,000.

A. TRAIN (Transportation by Rail for Agricultural & Industrial Needs), Suite 200, 1776 F Street NW., Washington, D.C.
E. (9) $5,000.

A. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $2,030. E. (9) $2,030.

A. John B. Tucker, Jr., National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $125.

A. W. Glenn Tussey, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $5,500. E. (9) $32.

A. United Food and Commercial Workers International Union, AFL-CIO, 1775 K Street NW., Washington, D.C.
D. (6) $81,387.38. E. (9) $39,307.08.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $6,716.17.

A. United Societies of Physiotherapists, Inc., 163 Cold Spring Road, Syosset, N.Y. 11791.
D. (6) $2,087. E. (9) $2,822.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.
B. American Seating Co., 901 Broadway Avenue NW., Grand Rapids, Mich. 49504.
D. (6) $2,362.47.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
D. (6) $2,000.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $6,900.

A. Gerald W. Vaughan, 1850 K Street NW., Suite 390, Washington, D.C. 20006.
B. Union Camp Corp., 1850 K Street NW., Suite 390. Washington, D.C. 20006.
E. (9) $28.45.

A. A. Randall Vehar, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. John P. Venners, 1899 L Street NW., No. 1250, Washington, D.C. 20036.

B. Venners & Co. (for: Pride Refining, Inc., P.O. Box 3237, Abilene, Tex. 79604.)

A. Gilda Ventresca, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $2,052.75. E. (9) $107.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Travelers Corp., 1 Tower Square, Hartford, Conn. 06115.

D. (6) $562.50. E. (9) $562.50.

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $500.

A. Jack Ware, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $7,100. E. (9) $215.25.

A. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $1,303.40. E. (9) $1,623.15.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Families Associated for Inalienable Rights, Inc., 1101 Connecticut Avenue NW., No. 800, Washington, D.C. 20006.

A. Lee Weddig, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

D. (6) $500. E. (9) $10.

A. Michael D. Welch, 400 North Capitol Street, Washington, D.C. 20001.

B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001 (for Gino Morena Enterprises, P.O. Box 191, South San Francisco, Calif. 94080).

A. James F. Welsh, 4805 Edgefield Road, Bethesda, Md. 20014.

B. Alaska Coalition, 530 7th Street SE., Washington, D.C. 20003.

D. (6) $1,726.07.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

E. (9) $500.

A. Western Coal Traffic League, 1224 17th Street NW., Washington, D.C. 20036.

D. (6) $14,000. E. (9) $13,523.28.

A. Western Organization of Resource Councils, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $1,150. E. (9) $4,909.

A. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.

E. (9) $139.75.

A. Harvey J. Wexler, Continental Airlines, Inc., 1025 Connecticut Avenue NW., Suite 1017, Washington, D.C. 20036.

B. Continental Airlines, Inc., International Airport, Los Angeles, Calif. 90009.

D. (6) $2,000. E. (9) $1,000.

A. Bennett C. Whitlock, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $221.25.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.

B. Arctic Slope Regional Corp., Inupiat Community of the Arctic Slope, P.O. Box 129, Barrow, Ark. 99723.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.

B. Mayor and City Council, City of Seattle, Seattle, Wash. 98104.

D. (6) $7,475. E. (9) $5,551.48.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.

B. Save Our Railroad Employment (S.O.R.E.), c/o Fife Community Credit Union, 4410 20th Street, E, Tacoma, Wash. 98424; New Milwaukee Lines, 500 Maynard, Building, Seattle, Wash. 98104

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.

E. (9) $1.

A. Wilkinson, Cragun and Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.

D. (6) $12,019. E. (9) $148.50.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Brigham Young University, Provo, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Church of Jesus Christ of Latter-Day Saints, 10 East North Temple, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. College Placement Council, 65 Elizabeth Street, Bethlehem, Pa.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

E. (9) $0.55.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $13,794.50. E. (9) $169.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.

D. (6) $5,931.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Nana Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Shee Atika, Inc., P.O. Box 4578, Mt. Edgecomb, Alaska 99835.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 541, Honolulu, Hawaii.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

E. (9) $10.20.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. U.S. National Bank, Medford, Oreg. (for the "remaining members" of the Klamath Indian Tribe, Oregon).

A. Sandra L. Willett, 624 C Street SE., Washington, D.C. 20003.

B. National Consumers League, 1522 K Street NW., Suite 406, Washington, D.C. 20005.

D. (6) $325. E. (9) $40.

A. Barry Williams, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

D. (6) $3,551.50.

A. George S. Wills, Wills & Associates, Suite 903, 36 South Charles Street, Baltimore, Md. 21201.

B. Wills & Associates, Inc. (for Americans for Alaska), Suite 903, 36 South Charles Street, Baltimore, Md. 21201.

A. John Wilson, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., 510, Washington, D.C. 20036.

D. (6) $1,107.05.

A. James R. Winnie, Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

B. Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.

B. Gould Inc., 8550 Bryn Mawr Avenue, Chicago, Ill. 60631.

D. (6) $45. E. (9) $4.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.

B. International Council of Shopping Centers, 665 Fifth Avenue, New York, N.Y. 10022.

D. (6) $376.25. E. (9) $21.70.

A. Frank R. Wolf, 1901 North Moore Street, No. 804, Arlington, Va. 22209.

B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

A. Frank R. Wolf, 1901 North Moore Street, No. 804, Arlington, Va. 22209.

B. National Farm & Power Equipment Dealers Association 10877 Watson Road, St. Louis Mo. 63127.

A Steven H. Wodka, Oil Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.

B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80202.

D. (6) $3,462.50.

A. Calvin R. Wofford, National Board of Young Men's Christian Associations, 1725 K Street NW., No. 408. Washington, D.C. 20006.

B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.

D. (6) $2,400.

A. Women's Party for Survival, 2306 Cliff Drive, Santa Barbara, Calif. 93109.

D. (6) $742.50. E. (9) $381.63.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $9,025. E. (9) $1,460.

A. William E. Woods, National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.

B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $750. E. (9) $150.

A. Dee Workman, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corporation, 150 East 42d Street, New York, N.Y. 10017

D. (6) $625.

A. John Andrew Young, Suite 207, 1333 N. Hampshire Avenue NW., Washington, D.C. 20036.

B. Coastal Corporation, Nine Greenway Plaza, Houston, Texas 77046.

A. John Andrew Young, Suite 207, 1333 N. Hampshire Avenue NW., Washington, D.C. 20036.

B. Nueces County Navigation District No. 1, 222 Power Street, Corpus Christi, Tex.

A. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $5,400. E. (9) $2,800.

A. Zoological Action Committee, 1320 19th Street, NW., Suite 400, Washington, D.C. 20036.

D. (6) $13,000. E. (9) $10,921.34.

A. John L. Zorack, 11th Floor, 1015 18th Street NW., Washington, D.C. 20036.

B. Federal Express Corporation, AMF Box 30167, Memphis, Tennessee 38130.

D. (6) $4,500.

A. Daniel I. Zwick, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the third calendar quarter of 1979:

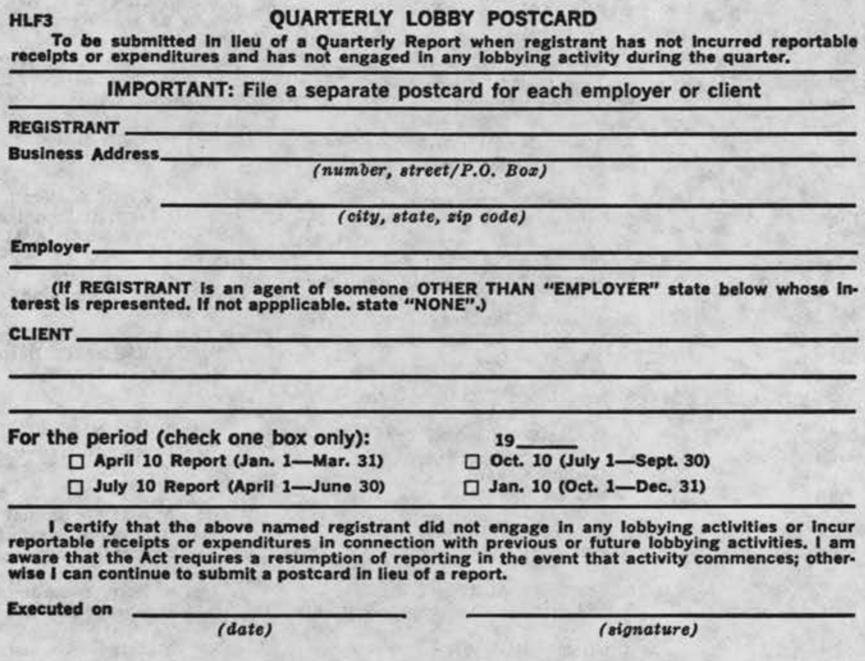
QUARTERLY LOBBY POSTCARD

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the second calendar quarter of 1979:

A POSTCARD MAY BE USED WHEN A REGISTRANT HAS NOT INCURRED REPORTABLE RECEIPTS AND EXPENDITURES AND HAS NOT ENGAGED IN ANY LOBBYING ACTIVITY DURING THE QUARTER.

NOTE: THE FOLLOWING INFORMATION IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

The Postcard has been reproduced below:



HLF3

QUARTERLY LOBBY POSTCARD

To be submitted in lieu of a Quarterly Report when registrant has not incurred reportable receipts or expenditures and has not engaged in any lobbying activity during the quarter.

IMPORTANT: File a separate postcard for each employer or client

REGISTRANT ____________________

Business Address ____________________
(number, street/P.O. Box)

____
(city, state, zip code)

Employer ____________________

(If REGISTRANT is an agent of someone OTHER THAN "EMPLOYER" state below whose interest is represented. If not appplicable. state "NONE".)

CLIENT ____________________

For the period (check one box only): **19____**

☐ **April 10 Report (Jan. 1—Mar. 31)**
☐ **Oct. 10 (July 1—Sept. 30)**
☐ **July 10 Report (April 1—June 30)**
☐ **Jan. 10 (Oct. 1—Dec. 31)**

I certify that the above named registrant did not engage in any lobbying activities or incur reportable receipts or expenditures in connection with previous or future lobbying activities. I am aware that the Act requires a resumption of reporting in the event that activity commences; otherwise I can continue to submit a postcard in lieu of a report.

Executed on ____________________ *(date)* ____________________ *(signature)*

A. John J. Adams.
B. Ethyl Corp.

A. Raymond T. Adams.
B. Superior Oil Co. & Superior Farming Co.

A. The Adherence Group, Inc.

A. Agency for Instructional Television.

A. G. Colburn Aker.
B. Hill & Knowlton, Inc.

A. Akin, Gump, Hauer & Feld.
B. Alaska Interstate Co.

A. Akin, Gump, Hauer & Feld.
B. American Petroleum Partners.

A. Akin, Gump, Hauer & Feld.
B. Contract Carrier Conference.

A. Akin, Gump, Hauer & Feld.
B. Deloitte, Haskins & Sells.

A. Akin, Gump, Hauer & Feld.
B. Energol Corporation, Inc.

A. Akin, Gump, Hauer & Feld.
B. Filmways, Inc.

A. Akin, Gump, Hauer & Feld.
B. E & J Gallo Winery.

A. Akin, Gump, Hauer & Feld.
B. Leaseway Transportation Corp.

A. Akin, Gump, Hauer & Feld.
B. Louisiana Alcohol Fuel Co.

A. Akin, Gump, Hauer & Feld.
B. MAPCO, Inc.

A. Akin, Gump, Hauer & Feld.
B. New Energy Corp. of Indiana.

A. Akin, Gump, Hauer & Feld.
B. Northwest Pipeline Co.

A. Akin, Gump, Hauer & Feld.
B. Ringling Bros. Barnum & Bailey Combined Shows, Inc.

A. Akin, Gump, Hauer & Feld.
B. Saber Refining Co.

A. Akin, Gump, Hauer & Feld.
B. Sun Pipe Line Co.

A. Akin, Gump, Hauer & Feld.
B. Texas Bankers Association.

A. Akin, Gump, Hauer & Feld.
B. Valley View Bank.

A. Akin, Gump, Hauer & Feld.
B. Vickers Petroleum Corp.

A. Alaska Fund, Inc.

A. Robert D. Allen.
B. Bechtel Power Corp.

A. Alliance for Cannabis Therapeutics.

A. Alliance To Save Energy.

A. Joseph C. Allwarden.
B. Kollsman Instrument Co.

A. Amalgamated Transit Union, AFL–CIO.

A. Amalgamated Transit Union, National Capt. Local 689.

A. American Advertising Federation.

A. American Association of Blood Banks.

A. American Association of Foundations for Medical Care.

A. American Business Council.

A. American Frozen Food Institute.

A. American Hellenic Institute Public Affairs Committee, Inc.

A. American Mandate Committee.

A. American Orthotic and Prosthetic Association.

A. American Pulpwood Association.

A. American Soybean Association.

A. Jane K. Anderson.
B. Kennecott Corp.

A. Steven C. Anderson.
B. American Frozen Food Institute.

A. Rodney E. Armstrong.
B. Toyota Motor Sales (U.S.A.), Inc.

A. Arnold & Porter.
B. Federation of Apparel Manufacturers.

A. Arnold & Porter.
B. MFA Mutual Insurance Co.; Casualty Life Insurance Co.

A. Associated Employers, Inc.

A. Assure Competitive Transportation, Inc.

A. George J. Aste.
B. United Airlines.

A. Kathryn A. Aulbach.
B. Firestone Tire & Rubber Co.

A. Frank M. Ault.
B. Norwich-Eaton Pharmaceuticals.

A. Charles Bailey.
B. National Right To Work Committee.

A. John C. Baize.
B. American Soybean Association.

A. Richard J. Baldwin.
B. American Radio Relay League, Inc.

A. Ballard, Spahr, Andrews & Ingersoll.
B. Alaska Housing Finance Corp.

A. Ballard, Spahr, Andrews & Ingersoll.
B. Idaho Housing Agency.

A. Barnes, Richardson & Colburn.
B. Committee of Domestic Steel Wire Rope & Specialty Cable Manufacturers.

A. Barnes, Richardson & Colburn.
B. John W. Thatcher.

A. Barnett, Alagia & Carey.
B. Dairymen, Inc.

A. Richard L. Barr.
B. Iowa Railway Association.

A. Barrier Islands Coalition.

A. Roger V. Barth.
B. American Association for Clinical Chemistry, Inc.

A. Roger V. Barth.
B. Gallery Row Associates.

A. Roger V. Barth.
B. Society of Cable Television Engineers.

A. Barbara Bassuener.
B. American Paper Institute, Inc.

A. W. H. Bates.

A. Lynne D. Battle.
B. College Placement Council, Inc.

A. Karen J. Bauer.
B. American Paper Institute, Inc.

A. John E. Baughman.
B. PA State Education Association.

A. Robert J. Baughman.
B. American Orthotic & Prosthetic Association.

A. Howard H. Bell.
B. American Advertising Federation.

A. Douglas P. Bennett.
B. Association of Executive Recruiting Consultants, Inc.

A. John B. Benton.
B. Howell Corp.

A. David A. Beren.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. O. M. Berge.
B. Brotherhood of Maintenance of Way Employees.

A. Richard B. Berman.
B. Steak and Ale Restaurants of America, Inc.

A. Max N. Berry.
B. Committee to Assure the Availability of Casein.

A. Berry & Sandstrom.
B. Centre National Interprofessional De L'Economic Laitiere, France.

A. Berry & Sandstrom.
B. Cheese Importers Association.

A. Berry & Sandstrom.
B. East-West Trade Council.

A. Berry & Sandstrom.
B. Meat Products Group.

A. Berry & Sandstrom.
B. Orkin Exterminating Co., Inc.

A. Walter J. Bierwagen.
B. Amalgamated Transit Union, AFL–CIO.

A. Billig, Sher & Jones.
B. The Adherence Group, Inc.

A. Robert J. Bird.
B. Occidental Life Insurance Co.

A. Robert J. Bird.
B. The Paul Revere Corp.

A. Robert J. Bird.
B. Zachry, Inc.

A. Bison & Wenning.
B. National Food Brokers Association.

A. Tom Black.
B. National Federation of Federal Employees.

A. Richard W. Blake.
B. American Sugarbeet Growers Association.

A. Larry H. Blanchard.
B. Credit Union Financial Services, Inc.

A. Robert W. Blanchette.
B. Alston, Miller & Gaines (for Board of Trade Clearing Corp.).

A. Robert W. Blanchette.
B. Alston, Miller & Gaines (for RCA Global Communications, Inc.)

A. Glenn E. Blitgen.
B. American Mining Congress.

A. Jerald Blizin.
B. Hill & Knowlton, Inc..

A. Larry A. Boggs.
B. American Mining Congress.

A. Jeffrey W. Bolotin.
B. Alston, Miller & Gaines (for RCA Global Communications, Inc.)

A. M. Warren Bolton.
B. Provident Indemnity Life Insurance Co.

A. William H. Borghesani, Jr.
B. Private Carrier Conference.

A. Charles E. Boswell.
B. Amalgamated Transit Union, National Capital Local 689.

A. Rodney A. Bower,
B. International Federation of Professional & Technical Engineers, AFL-CIO.

A. J. Patrick Boyle.
B. United Fresh Fruit & Vegetable Association.

A. David C. Branand.
B. American Mining Congress.

A. Gerard M. Brannon.
B. American Council of Life Insurance.

A. John Henry Brebbia.
B. Alston, Miller & Gaines (for Board of Trade Clearing Corp.).

A. Breed, Abbott & Morgan.
B. Associated Hospital Services of New York.

A. Breed, Abbott & Morgan.
B. Lasker, Stone & Stern.

A. Breed, Abbott & Morgan.
B. David H. McConnell.

A. Miles H. Bresee, Jr.
B. Bechtel Power Corp.

A. Claude S. Brinegar.
B. Union Oil Co. of California.

A. Charles T. Brown.
B. Cities Service Co.

A. Michael F. Brown.
B. American Frozen Food Institute.

A. David R. Brubaker.
B. National Rehabilitation Counseling Association.

A. Harvey F. Brush.
B. Bechtel Inc.

A. Lawrence E. Burch.
B. Potato Chip/Snack Food Association.

A. Gerard P. Burke.
B. International Air Leases, Inc.

A. Burr, Pease & Kurtz, Inc.
B. Eklutna.

A. Bushnell, Gage, Reizen & Byington.
B. Consumer Solar Electric Power Corp.

A. Bushnell, Gage, Reizen & Byington.
B. Formaldehyde Institute.

A. Thomas D. Byrne.
B. Stone Container Corp.

A. Jerry L. Campbell.
B. Tennessee Valley Public Power Association.

A. W. Dean Cannon, Jr.
B. California Savings & Loan League.

A. Charles E. Capron.

A. Donald Capshaw.
B. Airline Pilots Association.

A. Isaac R. Caraco.
B. Bechtel Power Corp.

A. William E. Carmichael.
B. American Floral Services, Inc.

A. David C. Carter.
B. U.S. Beet Sugar Association.

A. John L. Casey.
B. Investment Counsel Association of America, Inc.

A. Allen R. Caskie.
B. American Council of Life Insurance.

A. Daniel J. Cassidy.
B. Chemical Specialties Manufacturers Association.

A. Rita L. Castle.
B. Caterpillar Tractor Co.

A. David F. Chavkin.
B. National Health Law Program.

A. Chemical Specialties Manufacturers Association.

A. Howard P. Chester.
B. Stone, Glass & Clay Coordinating Committee.

A. Children's Television Workshop.

A. Donald T. Chunn.
B. Title Associates, Inc.

A. Citizens for Limit of Oil Import.

A. Bob Clark & Associates.
B. Ryder System, Inc.

A. Gilbert M. Clark.
B. American Association of Blood Banks.

A. Joseph J. F. Clark.
B. Eaton Associates, Inc.

A. Cleveland Electric Illuminating Co.

A. Clifford & Warnke.
B. Warner-Lambert Co.

A. Coalition of Concerned Charities.

A. Cole, Corette & Bradfield.
B. American Express Co.

A. Cole, Corette & Bradfield.
B. Chase Manhattan Bank.

A. Collier, Shannon, Rill & Scott.
B. Tool and Stainless Steel Industry Committee.

A. Paul L. Collins.
B. American Personnel & Guidance Association.

A. Committee for Do-It-Yourself Household Moving.

A. Congressional District Action Committee.

A. Congressional District Action Committee No. 7.

A. James T. Conner.
B. Mobay Chemical Corp.

A. Gregory E. Conrad.
B. American Mining Congress.

A. John J. Contney.
B. Textile Rental Services Association of America.

A. Robert M. Cook.
B. Livestock Marketing Association.

A. Patrick H. Corcoran.
B. Association of Oil Pipe Lines.

A. Alfred C. Cordon.
B. Buffalo Broadcasting Co., Inc.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Samuel C. Corey, Sr.
B. Provident Indemnity Life Insurance Co.

A. Bennett J. Corn.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Mary Marcotte Corrigan.
B. National Rifle Association of America.

A. Cosmetic, Toiletry & Fragrance Association.

A. Daniel T. Coughlin.
B. Jos. Schlitz Brewing Co.

A. Craig A. Coulter.
B. Cities Service Co.

A. Raymond L. Courage.
B. Carl Byoir & Associates, Inc. (for: Railway Progress Institute Tank Car Safety Committee).

A. William R. Courtney.
B. Tribal Council of the Coushatta Tribe of Louisiana.

A. Margaret S. Craig.
B. Brookwood Health Services, Inc.

A. Charles S. Crawford.
B. Hill & Knowlton, Inc.

A. James H. Cromwell, Sr.
B. Met-E-Jet Corp.

A. James H. Cromwell, Sr.
B. Worldgate Office Park, Inc.

A. Bobby E. Crow.
B. Columbia Gulf Transmission Co.

A. Crowell & Moring.
B. Associated Gas Distributors.

A. Cuba Claims Association.

A. Curtis, Mallet-Prevost, Colt & Mosle.
B. United States Trust Company of New York.

A. Thomas B. Curtis.
B. Encyclopedia Britannica.

A. Everett E. Cutter.
B. Oregon Railroad Association.

A. Fred L. Dahl.
B. Bechtel Power Corp.

A. Damon Corp.

A. Daniels, Houlihan & Palmeter.
B. Japan Lumber Importers's Association.

A. David S. Danielson.
B. American Optometric Association.

A. Danzansky, Dickey, Tydings, Quint & Gordon.

B. Metropolitan Washington Savings & Loan League.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. National Railway Utilization Corp.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Perpetual Federal Savings and Loan Association.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Potomac Electric Power Co.

A. P. M. Davison, Jr.
B. North Dakota Railway Lines.

A. J. Edward Day.
B. Associated Third Class Mail Users.

A. J. Edward Day.
B. Electronics Industries Association.

A. Gaston de Bearn.
B. Hoffmann-La Roche Inc.

A. Francis R. deBondt.
B. Credit Union Financial Services, Inc.

A. George K. Degnon Associates, Inc.
B. National Assoc. of Children's Hospitals & Related Institutions.

A. Stephen T. Delamater.
B. Halliburton Co.

A. John L. Delano.
B. Montana Railroad Association.

A. O. Mark De Michele.
B. Arizona Public Service Co.

A. Bradford T. Dempsey.

A. Detroit Edge Tool Co.

A. James T. Devine.
B. Bowling Proprietors' Association of America.

A. Dickstein, Shapiro & Morin.
B. Capeway Seafoods, Inc.

A. Dickstein, Shapiro & Morin.
B. Government of Liberia.

A. Dickstein, Shapiro & Morin.
B. Hi-Energy Research & Development Corp.

A. Dickstein, Shapiro & Morin.
B. International Brotherhood of Teamsters.

A. Dickstein, Shapiro & Morin.
B. L-5 Society.

A. Dickstein, Shapiro & Morin.
B. Marine Engineers Beneficial Association.

A. Dickstein, Shapiro & Morin.
B. Tennessee Gas Transmission Co.

A. Harley M. Dirks.

A. Disabled Officers Association.

A. James F. Doherty.
B. Group Health Association of America, Inc.

A. Hollis M. Dole.
B. Atlantic Richfield Co.

A. William D. D'Onofrio.
B. National Association for Neighborhood Schools, Inc.

A. Jack C. Donovan.
B. Cleveland Electric Illuminating Co.

A. James A. Dorsch.
B. Health Insurance Association of America.

A. Harry L. Downey, Jr.
B. Firestone Tire & Rubber Co.

A. Robert H. Doyle.
B. Plumbing Manufacturers Institute.

A. Dravo Corp.

A. Anthony Dresden.
B. Hill and Knowlton, Inc.

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Petroleum Corp.).

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Refinery Co.).

A. Michael F. Duffy.
B. American Mining Congress.

A. Jeffrey M. Duke.
B. American Paper Institute, Inc.

A. Duncan, Weinberg & Miller.
B. "Delaware 5".

A. Duncan, Weinberg & Miller.
B. East Bay Regional Park District.

A. Duncan, Weinberg & Miller.
B. Iva May Harvey.

A. Duncan, Weinberg & Miller.
B. Huron-Clinton Metropolitan Authority.

A. Duncan, Weinberg & Miller.
B. Kenai Natives Association, Inc.

A. Duncan, Weinberg & Miller.
B. Adolph Kizas.

A. Duncan, Weinberg & Miller.
B. Western Fuels Association, Inc.

A. J. W. Dunlop.
B. Brooklyn Union Gas Co.

A. John H. Dunne.
B. International Federation of Professional & Technical Engineers, AFL-CIO.

A. Henry I. Dworshak.
B. American Mining Congress.

A. Roderick T. Dwyer.
B. American Mining Congress.

A. Jack D. Early.
B. National Agricultural Chemicals Association.

A. Eaton Associates.

A. Robert E. L. Eaton.
B. Eaton Associates, Inc.

A. Economic Service Counsel, Inc.

A. Anne Edlund.
B. Motor Vehicle Manufacturers Assoc. of the U.S.

A. Ed Edmondson.
B. American Inland Waterways Committee.

A. Ed Edmonson.
B. Cherokee Nation.

A. Ed Edmondson.
B. Oklahoma Association of Electric Cooperatives.

A. Ed Edmondson.
B. U.S. Maritime Committee.

A. Edwards Associates.
B. Portland General Electric Co.

A. J. Rodney Edwards.
B. American Paper Institute, Inc.

A. Stephen R. Effros.
B. Community Antenna Television Association.

A. Timothy L. Elder.
B. Caterpillar Tractor Co.

A. Stephen W. Elliott.
B. Fidelity Union Trust Co.

A. Ralph Engel.
B. Chemical Specialties Manufacturers Association.

A. Steven L. Engelberg.
B. American Association of Marriage & Family Therapy.

A. Jerry N. Ervin.
B. Quintana Refinery Co.

A. Joseph O. Evans.

A. Robbie Exley.
B. National Federation of Federal Employees.

A. Michael Farrar.
B. American Paper Institute, Inc.

A. Arthur Fefferman.
B. American Council of Life Insurance.

A. John W. Feist.

A. Roger D. Feldman.
B. LeBoeuf, Lamb, Leiby & McRae (for: Ad Hoc Rail Shippers Group).

A. John L. Festa.
B. American Paper Institute, Inc.

A. Blaine Fielding.
B. American Paper Institute, Inc.

A. H. Barney Firestone.
B. Assure Competitive Transportation, Inc.

A. Fisheries Development Corp.

A. Victor E. Fitzmaurice.
B. Union Oil Company of California.

A. Aaron I. Fleischman.
B. Cablecom-General, Inc.

A. Aaron I. Fleischman.
B. Warner Amex Cable Communications, Inc.

A. Raymond J. Foley.
B. National Candy Wholesalers Association, Inc.

A. Gordon Forbes.
B. Minnesota Railroads Association.

A. Joseph L. Fraites.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Lewis R. Freeman, Jr.
B. Society of the Plastics Industry.

A. Robert E. Freer, Jr.
B. Kimberly-Clark Corp.

A. Gregory N. Friberg.
B. Associated Builders & Contractors, Inc.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Cheyenne River Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Doyon, Limited.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Metlakatla Indian Community.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Miccosukee Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Nez Perce Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Rosebud Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Seneca Nation of Indians.

A. Barry A. Friedman.
B. American Society of Travel Agents, Inc.

A. James M. Friedman.
B. Cleveland Electric Illuminating Co.

A. David C. Fullarton.
B. National Telephone Cooperative Association.

A. Terry Gabrielson.
B. Transcontinental Gas Pipeline Corp.

A. Gardner, Carton & Douglas.
B. Heizer Corp.

A. Gardner, Carton & Douglas.
B. Marathon Oil Co.

A. Gardner, Carton & Douglas.
B. Peoples Gas Co.

A. Gardner, Carton & Douglas.
B. Sealed Power Corp.

A. Gardner, Carton & Douglas.
B. Zeigler Coal Co.

A. Edward A. Garmatz.
B. Baltimore Gas & Electric Co.

A. James J. Garry.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Jose A. Gemeil.
B. Samuel E. Stavisky & Associates, Inc. (for: Brazilian Coffee Institute).

A. George & George.
B. Pepsico, Inc.

A. George W. Gephart.
B. Baltimore Gas & Electric Co.

A. Thomas F. Gibson.
B. Brick Institute of America.

A. Norma J. Gilbert.
B. Motorola, Inc.

A. Susan Gilbert.
B. National Federation of Federal Employees.

A. Arthur P. Gildea.

A. Jonah Gitlitz.
B. American Advertising Federation.

A. John P. Gleason, Jr.
B. Brick Institute of America.

A. Richard C. Gohla
B. Retail Bakers of America.

A. Vance V. Goodfellow.
B. Crop Quality Council.

A. Bruce G. Goodman
B. Damon Corporation.

A. Benjamin Gordon.
B. Health Research Group.

A. Robert D. Gordon.
B. International Union of Police Association.

A. Ann M. Gosler.
B. American Mining Congress.

A. Carl F. Graham.
B. Amway Corp.

A. Robert K. Gray.
B. Hill and Knowlton, Inc.

A. Robert K. Gray.
B. Hill and Knowlton, Inc. (for: Distilled Spirits Council of the U.S.)

A. Robert K. Gray.
B. Hill and Knowlton, Inc. (for: Health Insurance Assn. of America).

A. Robert K. Gray.
B. Hill and Knowlton, Inc. (for: Motorola).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc.

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for: Uniroyal, Inc.)

A. Wayne Green.
B. 73, Inc.

A. Dale Greenwood.
B. Washington Railroad Association.

A. Edward F. Greissing, Jr.
B. The Upjohn Co.

A. Chester A. Groseclose, Jr.
B. South Dakota Railroads Association.

A. John T. Grupenhoff.
B. American Academy of Dermatology.

A. John T. Grupenhoff.
B. American Gastroenterological Association.

A. John T. Grupenhoff.
B. National Association for Hospital Development.
A. Thomas M. Gunn.
B. McDonnell Douglas Corp.

A. William B. Gunter.
B. Kilpatrick & Cody (for: Furniture Rental Association of America).

A. Maria Faller Gwaltney.
B. American Hellenic Institute Public Affairs Committee, Inc.

A. Charles T. Hagel.
B. Firestone Tire & Rubber Co.

A. William D. Hager.
B. American Academy of Actuaries.

A. Martin Ryan Haley & Associates, Inc.
B. Agri-Business Inc.

A. Martin Ryan Haley & Associates, Inc.
B. American Energy Inc.

A. Martin Ryan Haley & Associates, Inc.
B. Central Texas Grain Products Marketing Cooperative.

A. Martin Ryan Haley & Associates, Inc.
B. Grain Products Alcohol Cooperatives.

A. Martin Ryan Haley & Associates, Inc.
B. M&M/Mars Division of Mars.

A. Martin Ryan Haley & Associates, Inc.
B. New England Mutual Life Insurance Co.

A. Martin Ryan Haley & Associates, Inc.
B. Tobacco Tax Council.

A. Floyd D. Hall.
B. International Air Transport Association.

A. Hamel, Park, McCabe & Saunders.
B. State of Alaska.

A. George J. Hanks, Jr.
B. Union Carbide Corp.

A. Michael T. Harrigan.
B. U.S. Olympic Committee.

A. Richard A. Hart.
B. Food Research and Action Center.

A. Robert S. Hartmann.
B. Hill and Knowlton, Inc.

A. Edward Harold Harvey.
B. National Federation of Federal Employees.

A. Rodney E. Haugh.
B. Rubber Manufacturers Association.

A. Paul M. Hawkins.
B. Health Insurance Association of America.

A. Health Insurance Association of America.

A. Heavy Specialized Carriers Conference, Inc.

A. Lon H. Heibeck.
B. PA State Education Association.

A. Richard L. Hellwege.
B. Lear Siegler, Inc.

A. Harry V. Helton.
B. Reynolds Metals Co.

A. C. Dayle Henington.
B. Chicago Mercantile Exchange.

A. Donald A. Henriksen.
B. Atlantic Richfield Co.

A. Bruce Heppen.
B. National Federation of Federal Employees.

A. Herrick, Allen, Davis & Bailey.
B. Amusement & Music Operators Association.

A. William R. Hesse.
B. Fahlgren & Ferriss, Inc.

A. Kevin M. Higgins.
B. Avon Products, Inc.

A. Hill, Christopher and Phillips.
B. Michigan State Housing Development Authority.

A. Hill, Christopher and Phillips.
B. Republic National Bank of New York.

A. Gerald "Jerry" Hill.
B. Standard Oil Company (Indiana).

A. Hill and Knowlton, Inc.
B. Florists' Transworld Delivery Association.

A. Robert J. Hobbs.
B. National Consumer Law Center, Inc.

A. John A. Hodges.
B. Tuna Research Foundation.

A. Elmo R. Hoffman.
B. Hoffman, Hendry, Stoner, Sims & Sawicki (for: Global Exploration & Development).

A. Hoffman, Hendry, Stoner, Sims & Sawicki.
B. Global Exploration & Development.

A. Hogan & Hartson.
B. National Rehabilitation Association.

A. Kelly Holley.
B. American Paper Institute.

A. Henry W. Holling.
B. Caterpillar Tractor Co.

A. Holt Cicatiello Neiswanger, Inc.
B. New York Mercantile Exchange.

A. John W. Holton.
B. American Bankers Association.

A. Michael J. Horowitz.
B. National Assn. of Coin Laundry Equipment.

A. Douglass C. Horstman.
B. The Maytag Co.

A. Houger, Garvey, Schubert, Adams & Barer.
B. American Pyrotechnics Association.

A. Houger, Garvey, Schubert, Adams & Barer.
B. Grocery Manufacturers of America, Inc.

A. Houger, Garvey, Schubert, Adams & Barer.
B. Pacific Rim Trade Association.

A. Thomas B. House.
B. American Frozen Food Institute.

A. Mary G. Houston.
B. Hamilton & Associates, Inc. (for: Farm Labor Research Committee).

A. C. T. Hoversten.
B. National Advertising Co.

A. Howell Corp.

A. Hudson, Leftwich & Davenport.
B. City of Detroit.

A. Gary E. Hughes.
B. American Council of Life Insurance.

A. Robert Hughes.
B. American Association of Foundations for Medical Care.

A. William E. Hughes, Jr.
B. Northeast Utilities Service Co.

A. Lawrence H. Hunt, Jr.
B. Heinold Commodities, Inc.; Conti Commodity Services, Inc.

A. Peter C. Hunt.
B. Brooklyn Union Gas Co.

A. John Edward Hurley.

A. John Edward Hurley.
B. National Assn. for Free Enterprise.

A. Raymond D. Hurley.
B. Owens-Corning Fiberglas Corp.

A. Robert R. Hurt.
B. Merck & Co., Inc.

A. John F. Hussey.
B. Monsanto Co.

A. Bernard J. Imming.
B. United Fresh Fruit & Vegetable Association.

A. Insurance Economics Society of America.

A. Linda Jenkes.
B. Health Insurance Association of America.

A. Donald A. Johnson.
B. Plains Cotton Growers.

A. Spencer A. Johnson.
B. Paperboard Packaging Council.

A. James E. Jones.
B. Appalachian Power Co.

A. Martha E. Jones.
B. Florida Phosphate Council.

A. Ardon B. Judd, Jr.
B. Dresser Industries, Inc.

A. Kaiser Steel Corp.

A. Everett E. Kavanaugh.
B. Cosmetic, Toiletry & Fragrance Association.

A. John A. Keats.
B. Young Women's Christian Home.

A. Vicki R. Keenan.
B. Bechtel Power Corp.

A. Don W. Keller.
B. Quintana Refinery Co.

A. Donald W. Keller.
B. Quintana Petroleum Corp.

A. Paul J. Kelly.
B. U-Haul International, Inc.

A. Stephen G. Kellison.
B. American Academy of Actuaries.

A. Stephen S. Kellner.
B. Chemical Specialties Manufacturers Association.

A. William T. Kendall.
B. Alliance for Free Enterprise.

A. William J. Kenney.
B. Bay State Gas Co.

A. Kenyon & Kenyon.
B. Estate of Bert N. Adams, et al.

A. Robert M. Ketchel.
B. General Electric Co.

A. Earline A. Keyser.
B. Bechtel Power Corp.

A. Richard F. Kibben.
B. Business Roundtable.

A. Edward J. Kiernan.
B. International Union of Police Associations.

A. Kikkoman Foods, Inc.

A. Margaret A. Kimball.
B. Bechtel Power Corp.

A. Edward H. King.
B. Walgreen Co.

A. Francis L. Kinney.
B. Northeast Utilties Service Co.

A. William H. Knapp.
B. Chamber of Commerce of the United States.

A. Jeffrey W. Knight.
B. Friends of the Earth.

A. Paul E. Kohl.
B. 18th Congressional District Chairman for Pro-Life Activities, National Committee for Human Life Amendment.

A. Charles B. Kornmann.
B. South Dakota Railroads Association.

A. Anthony L. Kucera.
B. American Waterways Operators, Inc.

A. Philip Kugler.
B. American Federation of Teachers.

A. Kyukyuo Co., Inc.

A. Philip A. Lacovara.
B. Bristol-Myers.

A. Philip A. Lacovara.
B. Merck & Co., Inc.

A. Thomas M. Landin.
B. SmithKline Corp.

A. B. A. Landy.

A. B. A. Landy.
B. Cryogenic Vacuum Technology Co.

A. Michael S. Lang.
B. American Productivity Center.

A. Reed E. Larson.
B. National Right to Work Committee.

A. Glenn T. Lashley.
B. American Automobile Association.

A. Louis F. Laun.
B. American Paper Institute, Inc.

A. Ivan Lawyer.
B. GCC Beverages, Inc.

A. LeBoeuf, Lamb, Leiby & MacRae.
B. Ad Hoc Rail Shippers Group.

A. David A. Lefeve.
B. Merrill Lynch & Co., Inc.

A. Robert B. Leflar.
B. Health Research Group.

A. William T. Lehner.
B. Montgomery Ward & Co., Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. Adhesive and Sealant Council, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. AGRI International, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. American Association of Nurse Anesthetists.

A. Leighton, Conklin, Lemov and Jacobs.
B. American Dental Assistants Association.

A. Leighton, Conklin, Lemov and Jacobs.
B. City & Regional Magazine Association.

A. Leighton, Conklin, Lemov and Jacobs.
B. Clorox Co.

A. Leighton, Conklin, Lemov and Jacobs.
B. Development Healthcare & Wellness, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. GEM Mailing, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. Grocery Manufacturers of America, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. Intraocular Lens Manufacturers Association.

A. Leighton, Conklin, Lemov and Jacobs.
B. Jet America International, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. National Cable Television Association, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. National Development Services Corp.

A. Leighton, Conklin, Lemov and Jacobs.
B. National Glass Dealers Association.

A. Leighton, Conklin, Lemov and Jacobs.
B. Oakdale Corp.

A. Leighton, Conklin, Lemov and Jacobs.
B. Professional Air Traffic Controllers Organization.

A. Leighton, Conklin, Lemov and Jacobs.
B. Security Associates, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. Turner Broadcasting System, Inc.

A. Leighton, Conklin, Lemov and Jacobs.
B. Whey Products Institute.

A. Lynette B. Lenard.
B. Dow Chemical U.S.A.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Commerzbank AG.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Commonwealth Edison Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Consolidated Edison Co. of New York, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Eastern Gas and Fuel Associates.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. General Electric Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. GK Technologies, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Glass Packaging Institute

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Pacific Gas & Electric Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Tosco.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Union Investment GmbH.

A. Charles L. Lewis.
B. American Personnel and Guidance Association.

A. James B. Liberman.
B. Public Service Electric and Gas Company, et al.

A. Russell B. Light.
B. The Boeing Co.

A. Law Offices of John F. Lillard, III.
B. National Insulators Association, Inc.

A. Elena Linthicum.
B. Allied Chemical Corp.

A. Zel E. Lipsen.
B. Westinghouse Electric Corp.

A. Theodore M. Littman.
B. Rockwell International.

A. Livestock Marketing Association.

A. H. Richard Lloyd, Jr.
B. General Electric Co.

A. Robert H. Loeffler.
B. State of Alaska.

A. Nira Hardon Long.
B. National Black Media Coalition.

A. Loomis, Owen, Fellman & Howe.
B. National Water Well Association.

A. Claudia J. Louis.
B. National Soft Drink Association.

A. James E. Mack.
B. National Association of Mirror Manufacturers.

A. Curtis T. Mackey.
B. National Insulation Contractors Association.

A. Lee G. Magnussen.
B. Heinold Commodities, Inc.

A. Philip N. Margolius.
B. Young Woman's Christian Home.

A. Ronald Anthony Marks.

A. Dan V. Maroney, Jr.
B. Amalgamated Transit Union, AFL-CIO.

A. Chambers H. Marquis.
B. Agency for Instructional Television.

A. Chambers H. Marquis.
B. Children's Television Workshop.

A. E. C. Marty.

A. J. L. Marty.

A. Mike M. Masaoka.
B. American-Japanese Trade Committee

A. Mike M. Masaoka.
B. Nisei Lobby.

A. Paul J. Mason.
B. American Council of Life Insurance.

A. Carolyn Massell.
B. Colonial Penn Group, Inc.

A. Jon G. Massey.
B. Oil Investment Institute.

A. C.V. & R.V. Maudlin.
B. Georgia Power Co.

A. C.V. & R.V. Maudlin.
B. Joint Government Liaison Committee.

A. Douglas E. McAllister.
B. American Mining Congress.

A. William J. McAuliffe, Jr.
B. American Land Title Association.

A. Hugh A. McBride.

A. Michael J. McCabe.
B. Allstate Enterprises, Inc.

A. Michael J. McCabe.
B. Allstate Insurance Co.

A. John A. McCahill.
B. U.S. Olympic Committee.

A. A. R. McCammon.
B. Tennessee Railroad Association.

A. Robert S. McConnaughey.
B. American Council of Life Insurance.

A. Marianne McDermott.
B. Hill & Knowlton, Inc.

A. Jack McDonald Associates, Inc.
B. Northrop Corp.

A. Patrick J. McDonough.
B. American Personnel & Guidance Association.

A. Darryl D. McEwen.
B. Society of American Florists.

A. Robert H. McFadden.
B. Motor Vehicle Manufacturers Association of the U.S., Inc.

A. James M. McGarry, Jr.
B. Eaton Associates, Inc.

A. W. Curt McGee.
B. Bechtel National, Inc.

A. William F. McKenna.
B. Silver, Freedman, Housley, Taff & Goldberg.

A. William Colm McKeveny.
B. American Pulpwood Association.

A. L. Bradley McNally.
B. Blue Cross & Blue Shield Association.

A. Mrs. Robert S. (Margaret) McNamara.
B. Reading Is Fundamental, Inc.

A. M. Peter McPherson.
B. Vorys, Sater, Seymour & Pease (for: Canadian Cablesystems, Limited).

A. Robert E. McVicker.
B. Kollsman Instrument Co.

A. R. E. McWilliams.
B. Boeing Commercial Airplane Co.

A. Howard N. Menaker.
B. American Optometric Association.

A. Andrice J. Michaels.
B. American Mining Congress.

A. Miller & Chevalier.
B. Investors Diversified Services, Inc.

A. Dale Miller.
B. Gulf Intracoastal Canal Association.

A. Dale Miller.
B. Texasgulf, Inc.

A. Luman G. Miller.
B. Oregon Railroad Association.

A. Paul J. Miller.
B. Investment Counsel Association of America, Inc.

A. Robert H. Miller.
B. Tenneco, Inc.

A. Richard V. Minck.
B. American Council of Life Insurance.

A. Minnesotans for Salt.

A. R. Garrett Mitchell.
B. Colorado Ski Country USA.

A. Robert M. Moliter.
B. General Electric Co.

A. Herman Molzahn.
B. American Waterways Operators.

A. John C. Monsul.

A. C. Austin Montgomery.
B. Credit Union Financial Services, Inc.

A. E. Joyce Morgan.
B. American Mining Congress.

A. Earl J. Morgan.
B. McDonnell Douglas Corp.

A. Victor G. Morris.
B. Montgomery Ward & Co., Inc.

A. Helen Dubino Morrison.
B. Hill & Knowlton, Inc.

A. Helen Dubino Morrison.
B. Hill & Knowlton, Inc. (for: Navajo Indian Nation).

A. Fareed Abdullah Muhammad.
B. Prisoners of the State of Indiana and the United States of America, et al.

A. Robert M. Mulligan.
B. Milk Industry Foundation/International Association of Ice Cream Manufacturers.

A. James J. Murphy.
B. Laclede Gas Co.

A. Frances E. Nathan.
B. New York Public Library.

A. National Agricultural Chemical Association.

A. National Alliance of Teenagers, Inc.

A. National Association for Free Enterprise.

A. National Association of Federally Licensed Firearms Dealers.

A. National Club Association.

A. National Consumer Center for Legal Services.

A. National Council for a Responsible Firearms Policy.

A. National Railway Utilization Corp.

A. National Resource Center for Consumers of Legal Services.

A. National Small Business Index.

A. National Tour Brokers Association, Inc.

A. National Turkey Federation.

A. National Wheel & Rim Association.

A. Carolyn B. Nelson.
B. Brookwood Health Services, Inc.

A. Mark D. Nelson.
B. E. I. du Pont de Nemours & Co., Inc.

A. Milton E. Neshek.
B. Kikkoman Foods, Inc.

A. New York Committee of International Committee of Passenger Lines.

A. Melissa A. Nielson.
B. Kennecott Corp.

A. Donald Niemi.
B. Caterpillar Tractor Co.

A. Victor L. Nutt.
B. Gulf & Western Industries, Inc.

A. George O'Bea, Jr.
B. United Paperworkers International Union.

A. Mary Eileen O'Brien.
B. Dow Corning Corp.

A. O'Connor & Hannan.
B. American Public Transit Association.

A. O'Connon & Hannan.
B. Automotive Parts & Accessories Association.

A. O'Connor & Hannan.
B. Commonwealth of Puerto Rico.

A. O'Connor & Hannan.
B. Hennepin County.

A. O'Connor & Hannan.
B. Investment Company Institute.

A. O'Connor & Hannan.
B. Investors Diversified Services, Inc.

A. O'Connor & Hannan.
B. Westinghouse Electric Corp.

A. John B. O'Day.
B. Insurance Economics Society of America.

A. Ashton J. O'Donnell.
B. Bechtel Inc.

A. John A. O'Donnell.
B. Philippine Sugar Commission.

A. Oil Investment Institute.

A. Alice O'Leary.
B. Alliance for Cannabis Therapeutics.

A. Robert A. Olexy.
B. Browning-Ferris Industries.

A. Alvin E. Oliver.
B. National Grain & Feed Association.

A. Van R. Olsen.
B. U.S. Beet Sugar Association.

A. Roy E. Olson.
B. American Paper Institute, Inc.

A. W. D. Page.
B. American Plywood Association.

A. Paperboard Packaging Council.

A. David J. Pattison.
B. Health Insurance Association of America.

A. Larry E. Paulick.
B. National Spa & Pool Institute.

A. Richard A. Payson.
B. Chromalloy American Corp.

A. Peabody, Rivlin, Lambert & Meyers.
B. Michigan Knife Co.

A. Beth Peacock.
B. General Foods.

A. Law Offices of Jack Pearce.
B. California Synfuels, Inc.

A. Pepper, Hamilton & Scheetz.
B. Coalition of Concerned Charities.

A. Victor J. Perini, Jr.
B. Highway Users Federation for Safety & Mobility.

A. Mark W. A. Phillips.
B. Confederated Tribes of Warm Springs.

A. Mark W. A. Phillips.
B. Navajo Nation.

A. Sam Pickard.
B. Monsanto Co.

A. Stuart F. Pierson.
B. Commonwealth of Puerto Rico.

A. Ronald L. Platt.
B. Burger King Corp.

A. E. Rogers Pleasants.
B. E. I. du Pont de Nemours & Co.
A. Robert Plett Associates, Ltd.

A. William N. Plymat.

A. Michael A. Poling.
B. American Mining Congress.

A. Henry E. Poole.
B. Avon Products, Inc.

A. Potomac Electric Power Co.

A. Richard M. Powell.
B. International Association of Refrigerated Warehouses.

A. Janet Power.
B. VISA USA, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Calista Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Chugach Natives, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. City of Juneau.

A. Preston, Thorgrimson, Ellis & Holman.
B. Dravo Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Fisheries Development Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Kyukuyo Co., Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. National Education Association.

A. Preston, Thorgrimson, Ellis & Holman.
B. Northern Tier Pipeline Co.

A. Preston, Thorgrimson, Ellis & Holman.
B. Port of Seattle.

A. Preston, Thorgrimson, Ellis & Holman.
B. St. Louis Ship.

A. Preston, Thorgrimson, Ellis & Holman.
B. Schnitzer Investment Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Seatrain Lines, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Seattle Housing Authority.

A. Preston, Thorgrimson, Ellis & Holman.
B. State of Alaska.

A. Preston, Thorgrimson, Ellis & Holman.
B. Tennessee Gas Pipeline Co.

A. Preston, Thorgrimson, Ellis & Holman.
B. The 13th Regional Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. United States Cruises, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Washington Department of Ecology.

A. Preston, Thorgrimson, Ellis & Holman.
B. Washington Natural Gas.

A. Preston, Thorgrimson, Ellis & Holman.
B. Yardarm Knot Corp.

A. Pro Life Congressional District Action Committee IN/2.

A. Provident Indemnity Life Insurance Co.

A. Gerald H. Pugh.
B. Combined Insurance Company of America.

A. Earle W. Putnam.
B. Amalgamated Transit Union, AFL-CIO.

A. Quintana Refinery Co.

A. Clifford H. Raber.
B. McDonald's Corp.

A. Robert Randall.
B. Alliance for Cannabis Therapeutics.

A. Rare Animal Relief Effort, Inc.

A. Carol Raulston.
B. American Paper Institute, Inc.

A. Julian O. Read.
B. Central and South West Corp.

A. Charlotte T. Reid.
B. Volunteer Trustees of Not-for-Profit Hospital.

A. Harry O. Reinsch.
B. Bechtel Power Corp.

A. Murray P. Reiser.
B. Edward Blankstein, Inc.

A. W. W. Renfroe.
B. Kentucky Railroad Association.

A. John H. Reurs.
B. New York Committee of International Committee of Passenger Lines.

A. Austin T. Rhoads.
B. International Association of Ice Cream Manufacturers.

A. R. Paul Richard.
B. Association of American Law Schools.

A. Lloyd C. Richardson, Jr.
B. South Dakota Railroads Association.

A. Stark Ritchie.
B. American Petroleum Institute.

A. Lois M. Rodney.
B. Credit Union Financial Services, Inc.

A. Willi Roelli.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Rogers & Wells.
B. A. Johnson & Co., Inc.

A. Rogers & Wells.
B. Merrill Lynch International Inc.

A. Rogers & Wells.
B. Overseas Shipholding Group.

A. Rogers & Wells.
B. Pan American World Airways.

A. Rogers & Wells.
B. F. & M. Schaefer Corp.

A. Rogers & Wells.
B. Squibb Corp.

A. Rogers & Wells.
B. Teachers Insurance & Annuity Assoc./CREF.

A. Kenneth S. Rolston, Jr.
B. American Pulpwood Association.

A. James C. Rowland, Jr.
B. Union Carbide Corp.

A. John W. Rowland.
B. Amalgamated Transit Union, AFL–CIO.

A. Eric M. Rubin.
B. Meadville Corp.

A. Eric M. Rubin.
B. Outdoor Advertising Association of America.

A. Paul M. Ruden.
B. American Society of Travel Agents, Inc.

A. Thomas L. Sager.
B. E. I. du Pont de Nemours & Co.

A. Dale E. Schell.
B. GATX Corp.

A. Andrew A. Scholtz.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Robert I. Schramm.
B. Superior Oil Co. and Superior Farming Co.

A. Seatrain Lines, Inc.

A. Seattle Housing Authority.

A. Seattle Trust & Savings Bank.

A. Sadie E. Seeley.
B. National Federation of Federal Employees.

A. Seyfarth, Shaw, Fairweather & Geraldson.
B. Trans-Union Corp.

A. Yvonne L. Shafer.
B. National Education Association.

A. Lynn E. Shapiro.
B. Epstein, Becker, Borsody & Green (for: American Association of Professional Standards Review Organizations).

A. Lynn E. Shapiro.
B. Epstein, Becker, Borsody & Green (for: American Associations of Foundations for Medical Care).

A. Mark Sharfman.

A. Joseph H. Sharlitt.
B. Cornavin, Inc.

A. Joseph H. Sharlitt.
B. National Remodelers Association.

A. Seymour Sheriff.
B. Man-Made Fiber Producers Association, Inc.

A. James K. Shiver.
B. Diamond Shamrock Corp.

A. Mary Frances Shlagel.
B. Union Oil Company of California.

A. Norman D. Shutler.

A. Carlton R. Sickles.
B. United Van Bus Delivery Co.

A. Barbara A. Silverman.
B. Provident Indemnity Life Insurance Co.

A. Robert C. Singer.
B. Soap and Detergent Association.

A. 6th Pro-Life Cong. District Action Comm. (Fla.)

A. Owen Meredith Smaw.

A. Delbert D. Smith.
B. Communications Satellite Corp.

A. Gordon L. Smith.
B. Hill and Knowlton, Inc. (for: Florists' Transworld Delivery Association.).

A. Snyder & Ball Associates, Inc.
B. Aerojet-General Corp.

A. Charles B. Sonneborn.
B. American Academy of Ophthalmology.

A. South Dakota Railroads Association.

A. Southwest Homefurnishings Association.

A. Larry M. Speakes.
B. Hill and Knowlton, Inc.

A. John F. Speer, Jr.
B. Int'l. Assn. of Ice Cream Mfrs. & Milk Industry Foundation

A. Charles A. Speir.
B. Brookwood Health Services, Inc.

A. William C. Spence.
B. Columbia Gulf Transmission Co.

A. Earl C. Spurrier.
B. Monsanto Co.

A. Squire, Sanders & Dempsey.
B. American Chambers of Commerce-Europe and Mediterranean, Inc.

A. Squire, Sanders & Dempsey.
B. American Chamber of Commerce in Italy, Inc.

A. Squire, Sanders & Dempsey.
B. American Chamber of Commerce in Spain, Inc.

A. Squire, Sanders & Dempsey.
B. Public Securities Association.

A. Debra Star.
B. Healthy America.

A. State & Federal Associates, Inc.
B. Schering-Plough Corp.

A. Charles D. Statton
B. Bechtel Power Corp.

A. Samuel E. Stavisky.
B. Stavisky & Associates, Inc. (for: Brazilian Coffee Institute).

A. Samuel E. Stavisky & Associates, Inc.
B. Brazilian Coffee Institute.

A. Leon P. Stavrou.
B. American Hellenic Institute Public Affairs Committee, Inc.

A. Travis B. Stewart
B. Hoffman-La Roche, Inc.

A. John W. Stillwaggon.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. O. R. Strackbein.
B. International Allied Printing Trades Association.

A. Roger J. Stroh.
B. United Fresh Fruit & Vegetable Association.

A. George Strumpf.
B. Group Health Association of America, Inc.

A. Sullivan & Cromwell.
B. AMAX, Inc.

A. Daniel C. Sullivan.
B. Assure Competitive Transportation, Inc.

A. Peter B. Summerville.
B. Hill and Knowlton, Inc.

A. Sutherland, Asbill & Brennan.
B. Oglethorpe Power Corp.

A. John R. Sweeney.
B. Bethlehem Steel Corp.

A. Michael T. Swinehart.
B. National Association of Manufacturers.

A. Clayton C. Taylor.
B. McDonald's Corp.

A. Frank Taylor.
B. National Federation of Federal Employees.

A. Arthur Earle Teele, Jr.
B. National Motorsports Committee of ACCUS.

A. Tennessee Gas Pipeline Co.

A. Barbara Brendes Thies.
B. Union Oil Company of California.

A. 39th Congressional District Action Committee.

A. John W. Thomas.
B. American Veterinary Medical Association.

A. John W. Thomas.
B. Association of American Veterinary Medical Colleges.

A. Lawrence L. Thomas.
B. Bechtel Power Corp.

A. Boyd Thompson.
B. American Assn. of Foundations for Medical Care.

A. Jerry P. Thompson.
B. International Association of Machinists & Aerospace Workers.

A. William R. Thornhill.
B. Tennessee Gas Pipeline Co.

A. Paul J. Tierney.
B. Transportation Association of America.

A. E. Linwood Tipton.
B. International assn. of Ice Cream Mfrs. & Milk Industry Foundation.

A. Title Associates, Inc.

A. C. Richard Titus.
B. American Paper Institute.

A. David R. Toll.
B. General Public Utilities Corp.

A. Edward Tonat.
B. Robert Goff & Associates.

A. Transportation Association of America.

A. Leonard M. Trosten.
B. LeBoeuf, Lamb, Leiby & MacRae (for: Ad Hoc Rail Shippers Group).

A. Robert C. Troup.

A. Rebecca C. True.
B. Browning-Ferris Industries, Inc.

A. Philip J. Tulimieri, Jr.
B. Avon Products, Inc.

A. David L. Turley.
B. Florida Gas Transmission Co.

A. Joseph R. Tyler.
B. U.S. Fiber Corp.

A. Drew A. Upton.
B. Scientific Apparatus Makers Association.

A. Nicholas L. Van Nelson.
B. American Paper Institute, Inc.

A. Gerald W. Vaughan.
B. Union Camp Corp.

A. Jerry T. Verkler.
B. Texas Eastern Transmission Corp.

A. Brenda R. Viehe-Naess.
B. American Insurance Association.

A. R. Eric Vige.
B. Cities Service Co.

A. Vorys, Sater, Seymour & Pease.
B. Grocery Manufacturers of America.

A. Vorys, Sater, Seymour & Pease.
B. Ohio Manufacturers Association.

A. Catherine Waelder.
B. National Federation of Federal Employees.

A. Wald, Harkrader & Ross.
B. Chemtex Fibers, Inc.

A. Linda Walker-Hill.
B. Hill and Knowlton, Inc.

A. Warren W. Walkley.
B. General Electric Co.

A. R. C. Wallace.
B. Amalgamated Transit Union, AFL-CIO.

A. Lionel L. Wallenrod.
B. American Paper Institute, Inc.

A. Charles S. Walsh.
B. Fleischman and Walsh.

A. G. Fletcher Ward, Jr.
B. Montgomery Ward & Co., Inc.

A. Washington Natural Gas.

A. Robert B. Washington, Jr.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for: Government of Antigua).

A. Webster & Chamberlain.
B. National Sporting Goods Association.

A. Webster & Chamberlain.
B. National Sporting Goods Association.

A. Jack R. Wehrly.
B. Dow Corning Corp.

A. Edward L. Weidenfeld.
B. Sellers, Conner & Cuneo (for: Ad Hoc Committee of Domestic Nitrogen Producers).

A. Robert E. Weigen, Jr.
B. COMSAT.

A. Elizabeth E. Weltner.
B. Hill and Knowlton, Inc.

A. Thomas F. Wenning.
B. National Association of Retail Grocers of the U.S.

A. William Whichard, Jr.
B. Union Oil Company of California.

A. Louis M. Whitlock.
B. Beker Industries Corp.

A. Whitman & Ransom.
B. Shimano American Corp.

A. Wickham & Craft.
B. Association of Oil Pipe Lines.

A. Wickham & Craft.
B. Congaree Limited Partnership.

A. Wickham & Craft.
B. Encyclopaedia Britannica, Inc.

A. Wickham & Craft.
B. Ryder System, Inc.

A. Richard J. Wiechmann.
B. American Paper Institute, Inc.

A. Robert E. Williams.
B. United Airlines.

A. Thomas C. Williams.
B. National Football League.

A. John C. Williamson.
B. National Apartment Association.

A. David K. Willis.
B. Motor Vehicle Manufacturers Association of the U.S., Inc.

A. Wilmer & Pickering.
B. Dealer Bank Association.

A. Wilmer & Pickering.
B. Motor Vehicle Manufacturers Assn. of the U.S., Inc.

A. Wilmer & Pickering.
B. National Corporation for Housing Partnerships.

A. Dorothy R. Wilson.
B. Coalition of Concerned Charities.

A. Margot Dinneen Wilson.
B. Northern Tier Pipeline Co.

A. Winner/Wagner & Associates, Inc.
B. Rockwell International.

A. James R. Winnie.
B. Cities Service Gas Co.

A. Curtin Winsor, Jr.
B. Alliance for Free Enterprise.

A. Winston & Strawn.
B. American Association of Museums.

A. Winston & Strawn.
B. Gould, Inc.

A. Ann R. Wise.
B. Hollingsworth & Vose Co.

A. Richard F. Witherall.
B. Colorado Railroad Association.

A. Witkowski, Weiner, McCaffrey and Brodsky.
B. National Truck Equipment Association.

A. Glenn P. Witte.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Frank R. Wolf.
B. National Farm & Power Equipment Dealers Association.

A. Sidney M. Wolfe.
B. Health Research Group.

A. Ronald Wolsey.
B. Standard Oil Co. (Indiana).

A. Dee Workman.
B. Mobil Oil Corp.

A. Steven M. Worth.
B. Hill and Knowlton, Inc.

A. Wyman Bautzer, Rothman, Kuchel & Silbert.
B. Bristol Bay Native Corp.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. California Canners & Growers.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Eklutna, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Filmways, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Petersen Publishing Co.

A. Edward A. Yopp.
B. State National Bank of El Paso.

A. Carmen E. Young.
B. National Federation of Federal Employees.

A. Michael Zagorac, Jr.
B. Jack Eckerd Corp.

A. R. L. Zaunbrecher.
B. International Association of Fish & Wildlife Agencies.

A. Kevin Zeese.
B. National Organization for the Reform of Marijuana Laws.

A. Daniel I. Zwick.
B. American Hospital Association.

A. Carl E. Zwisler, III.
B. International Franchise Association.

SENATE—*Friday, November 21, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. LEVIN).

PRAYER

The Reverend Dr. M. S. Ernstmeyer, captain, CHC, USN, retired, executive secretary, Armed Forces Commission, Lutheran Church—Missouri Synod, Washington, D.C., offered the following prayer:

Let us pray.

O Lord, our God, how great Thou art. "* * * Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hast formed the Earth and the world, even from everlasting to everlasting Thou art God." We pray for the guidance and direction of all who are in authority in our Government—the President, the Members of Congress, and every citizen of our Nation. We are mindful of the many great and personal responsibilities of leadership bestowed upon us. For our people everywhere, whether they are on the farm or in the city, whether they are protected under our laws or have become hostages overseas, we urgently seek Thy compassionate presence and abiding hope. Grant us the wisdom and courage to make and administer laws for the maintenance of what is right and the hindrance of every wrongdoing. Keep us strong and loyal to the high standards of a righteous nation. As we now approach the Thanksgiving season, we are earnestly and humbly thankful that Thou didst stretch forth Thy hand of benediction upon our land. We truly have been blessed in countless ways. We thank Thee for the forgiveness of our faults, for the guidance of Thy spirit, for the strength of Thy protection, and for Thy mercy and peace which surpass all understanding. For all this we give thanks in the name of our Lord Jesus Christ.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNITED NATIONS RESOLUTION ON AFGHANISTAN

Mr. ROBERT C. BYRD. Mr. President, I want to draw attention to the fact that the United Nations General Assembly once again had serious deliberations on the situation in Afghanistan. A resolution on this very important issue, offered by the Islamic Conference nations and members of the Nonaligned Movement, passed overwhelmingly by a vote of 111 to 22.

This action by the United Nations is timely indeed. It coincides with an examination of the same issue at the Helsinki Review Conference, which is currently underway in Madrid. I am pleased to note that at this meeting, the U.S. delegation, under the direction of former Attorney General Griffin Bell, has wasted no time in focusing attention on Soviet military intervention in Afghanistan. Speaking for the delegation, Griffin Bell stated the case this way:

> I will only say that the Soviet invasion (of Afghanistan) cast a dark shadow over East-West relations which no meeting, no pronouncement, nothing in fact but the total withdrawal of Soviet troops, can dispel.

Despite the eloquence and the accuracy of this and similar assessments from other members of the conference, Soviet aggression in Afghanistan persists. Indeed, the situation there has become worse. Some reports indicate an increase in Soviet troops and technical personnel, all for the purpose of controlling the country and the government from top to bottom. Other reports point to a growing split and mounting dissatisfaction within the ruling party and the government itself. Still other reports suggest an increase in fighting, with a greater determination on the part of the Afghan people to confront the Soviet invaders and force them to pay a heavier and heavier price for their aggression.

In other words, there is no good news from Afghanistan. Rather, it is more of the same. Soviet aggression and more Soviet aggression. Soviet tyranny and more Soviet tyranny. Soviet imperialism and more Soviet imperialism. Yes; this is the reality of Afghanistan and it is there for all the world to see, if the world can see it. And this is where the United Nations enters the picture.

The resolution passed by the General Assembly is a good one, and let there be no mistake about it: The Soviet Union and the leaders in the Kremlin are less than pleased with it. They have lobbied long and hard against it. They have cajoled and they have threatened; they have tried to intimidate and to coerce the supporters of the resolution. But they know and we know that all of these efforts will be to no avail. The resolution passed overwhelmingly. And well it should have.

I realize there are those who will say that it does not really matter; that the U.N. does not really matter; that its resolutions are meaningless; that nobody pays any attention anyway. To some extent this is true, but it is by no means the whole truth. The U.N.'s actions and decisions on Afghanistan do matter a great deal and, curiously enough, they matter the most to the Soviet Union.

With respect to Afghanistan, the leaders in Moscow know what is going to happen in the United Nations. They will be denounced. They will be censured. They will be condemned. And they should be—over and over and over again, for however long it takes to drive home the message that the nations of the world will not accept any violation of the basic tenets of the U.N. Charter; that the nations of the world will not accept military intervention as a means of dealing with political problems; and that the nations of the world will not accept Soviet military aggression against Afghanistan or any other sovereign, independent state.

I commend the United Nations on the time and attention it has given and will continue to give to the Afghanistan issue. I ask unanimous consent that the record of the General Assembly vote be printed in the RECORD.

There being no objection, the record of the vote was ordered to be printed in the RECORD, as follows:

THE ROLLCALL

UNITED NATIONS, N.Y., November 20—Following is the rollcall vote by which the General Assembly today reaffirmed its call for the removal of all foreign troops from Afghanistan:

IN FAVOR (111)

Albania, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Botswana, Brazil, Britain, Burma, Burundi, Cambodia, Cameroon, Canada, and Central African Republic.

Chile, China, Colombia, Comoros, Costa Rica, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, and El Salvador.

Equatorial Guinea, Fiji, France, Gabon, Gambia, Germany, West, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, and Honduras.

Iceland, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, and Luxembourg.

Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, and Oman.

Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, St. Lucia, Samoa, and Saudi Arabia.

Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tanzania, Thailand, and Togo.

Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, and Zambia.

AGAINST (22)

Afghanistan, Angola, Bulgaria, Byelorussia, Cuba, Czechoslovakia, Ethiopia, East Germany, Grenada, Hungary, Laos, and Madagascar.

Mongolia, Mozambique, Poland, Sao Tome and Principe, Seychelles, Soviet Union, Syria, Ukraine, Vietnam, and Yemen, Southern.

ABSTENTIONS (12)

Algeria, Benin, Cape Verde, Chad, Congo, Cyprus, Finland, Guinea-Bissau, India, Mali, Nicaragua, and Zimbabwe.

ABSENT OR NOT VOTING (9)

Bhutan, Bolivia, Dominica, Iran, Libya, Romania, St. Vincent and Grenada, South Africa, and Yemen.

THE CLEAN AIR ACT DEBATE

Mr. ROBERT C. BYRD. Mr. President, next year the Congress will undertake a complete review of the Clean Air Act, which expires on September 30, 1981. Critical decisions on the future course of energy and industrial development in America are linked to this legislation. The complex problems of promoting clean air and increasing the production of coal and other domestic energy resources are at the heart of this debate.

I would like to call to the attention of my colleagues an address delivered by Mr. Carl Bagge, president of the National Coal Association, to the Illinois Mining Institute on October 17. Mr. Bagge's speech, "The Coming Debate on the Clean Air Act," examines some of the most important issues connected with the review of this law.

Mr. Bagge raises several policy suggestions which are thought-provoking and deserve serious consideration. While I do not endorse all of them, I find the article stimulating and commend it to the attention of my colleagues.

I ask unanimous consent that the speech by Mr. Bagge be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE COMING DEBATE ON THE CLEAN AIR ACT

(By Carl E. Bagge)

I'm grateful to the Illinois Mining Institute for its invitation to return to my home state to once again discuss coal with this distinguished group.

I want you to know that I became familiar with coal early in my life here in Illinois. My home on Chicago's south side was at the junction of most of the city's great trunkline railroads, a neighborhood called the Grand Crossing.

Even then I regarded coal as a renewable resource—long before that energy terminology became fashionable—for it was renewable to us kids every time the trains went through the neighborhood. Everyone in Grand Crossing knew that coal was a remarkable substance which a benevolent providence manifesting itself in the Thirties placed in ever-renewing supply as it fell from cars along the railroad tracks. That source of coal supplied heat for many homes in South Chicago and, for the more ambitious such as my father and me, it also provided a small source of income.

So when I talk about the importance and prospects of coal, I speak as much from my heart and memory of my youth here in Illinois, as from my subsequently acquired knowledge of the country's most abundant energy source and the problems facing the industry.

I saw that President Carter was downstate earlier this week, pledging his best "to see on the world energy markets, Arab oil replaced by Illinois coal." I'm for that. Do not be misled, however. The fact is that neither the actions of the Carter administration, nor the Ford and Nixon administrations, have been much real help in fostering greater demand for coal, no matter which state provides it:

In simple truth, you and I know that other forces have been responsible for increases in the demand for coal which we experienced only during the past 18 months. Specifically, the "credit" must go to the psychological impacts of the developments in Iran in late 1978 and early 1979, the sharp increases in oil prices charged by OPEC countries in 1979, and serious delays and setbacks in the nuclear power industry. These developments have underscored the price and security of supply advantages of coal, with the result that production and consumption have risen since 1979.

Let's look at the facts. In July 1979, President Carter announced that he would propose legislation designed to cut in half by 1990 the rate of electric utilities' oil consumption of 1.5 million barrels per day. This would mean a reduction target of 750,000 barrels per day by 1990. However, even by mid-1979, utilities had begun to feel the impact of oil price increases, and were reducing their use of oil. In fact, by June 30, 1980—11 months after President Carter's announcement, and without enactment of any of the proposed legislation—the utilities on their own had reduced consumption of oil by 400,000 barrels per day. Thus, real world market forces—not legislation—achieved more than one-half of the President's 10-year goal in less than one year. During this time, nearly everyone's attention was focused on the so-called "oil blackout" legislative proposal and diverted from the important impediments that still remain to increased coal use, which if changed could have made the 400,000 barrels per day figure even higher. And that is the real point.

The recent increases in coal use in the utility sector are encouraging, but the important point is that the rate of increase is and will continue to be far less than it could be if the government would focus its attention on the real problems, on the government policies and requirements that are unnecessarily holding coal demand and production below its potential.

Today I want to talk with you about one area that is doing precisely that and, because of that, deserves serious attention: The Clean Air Act. It will be debated strenuously over the next nine months. Specifically, I want to talk about:

The setting for the upcoming Clean Air Act debate,

The issues that must be debated, and

The changes in public opinion that seem to be occurring which will influence its outcome.

I. THE SETTING FOR THE UPCOMING CLEAN AIR ACT DEBATE

As you know, Congress must review the Clean Air Act beginning early in 1981. The authorization for the appropriations needed by EPA to carry out Clean Air Act requirements is currently scheduled to expire at the end of the current fiscal year, on September 30, 1981. This forces the Congress to review and consider amendments to the Act.

A. Proposals from environmentalists

It is already clear from statements made by officials of EPA and the environmental organizations that they will attempt to get new restrictions included in amendments to the Act. The full content of the environmentalists' agenda is not yet known, but it does seem clear that EPA will seek to add new restrictions, particularly on existing coal-fired facilities, to reduce emissions. For example, we are already seeing aggressive public relations campaigns by EPA and environmentalists on the evils of "acid rain," about which very little is actually now known. Proposals probably will be justified on grounds that they are necessary to reduce "acid rain." There is sharp disagreement as to the justification for EPA's position and I will return to this subject later.

B. Proposals from industry and others

Industry and others who believe that some existing air quality requirements are unnecessary and not justified by scientific facts or national policy also will make proposals for changes. Congressman Tom Corcoran of the 15th District of Illinois and two of his colleagues (Richard Shelby (D-Ala.) and Henson Moore (R-La.)) have already introduced a bill which deserves attention.

The debate will be joined in a few months. The focus of the debate will be in Congress, but the basic issues have nationwide implications and should be discussed nationwide! In fact, the impacts of the Clean Air Act are among the most far reaching of all the statutes ever added to the law books. The Act affects not only air quality but jobs, consumer prices, our economy, and our national security as the result of over-dependence on imported oil.

C. Quality of the debate

We hear a lot about the "quality of life" these days. I think we should also be concerned about the "quality of debate" on important national issues such as the Clean Air Act.

For I am sorely disappointed in the approach to the debate being taken by some environmentalists. For example, Doug Costle, the Administrator of the Environmental Protection Agency, has already charged publicly that industry will attempt to "gut" the Clean Air Act. Such statements heighten emotions and contribute to confusion rather than constructive dialogue. But this is the "quality of the debate" being pursued by the "quality of life" people. I know that Costle's "gut the Act" statement is not true for the coal industry and I sincerely doubt that it is true for others.

The fact is that the basic goals and objectives of the Clean Air Act have long been accepted by industry as they have by most of the citizens of America. The fact also is that many in American industry and the public honestly believe that some requirements of the Clean Air Act are unnecessarily stringent and not in the total national interest. It is these points that deserve serious and constructive debate. And I pray that Doug Costle and our government will approach this in the future as seriously as the coal industry intends to do.

II. UNDERLYING ISSUES THAT DESERVE ATTENTION IN THE UPCOMING DEBATE

During the next three months, the NCA will decide on the specific proposals that it will seek to have introduced in the next Congress. The proposals we make will not be an attempt to "gut" well-accepted Clean Air Act objectives. They will be focused instead on adjustments to deal with requirements that are unnecessary, not justified by scientific data, or not justified when considered in light of the overall national and public interest after rationally balancing competing goals.

It is of course too early to provide specifics, but I would like to review with you some of the underlying issues that deserve serious attention during the upcoming debate.

I want to emphasize two points so that they do not get lost in the comments that follow. First, the objective of protecting public health cannot be questioned. Second, other non-health related, environmental objectives must not be shortchanged as the nation seeks the best balance among our competing environmental, economic, energy and national security objectives.

However, accepting the goals and objectives of the Clean Air Act does not mean that there are not problems with any of its provisions or with the manner in which it is being implemented. The changes which we believe are needed would not take us further in the direction of the amendments of 1977, which added unnecessary or duplicative requirements and injected the federal government still further into implementation of the Act. This has frustrated the original goal of state implementation. The result has been a regulatory morass. The nation will have before it in 1981 the opportunity to make changes that will preserve its environmental goals without continuing to jeopardize economic growth or energy and national security, while reducing pervasive federal involvement at all levels.

There are four basic themes that run through the detailed adjustments which the coal industry probably will be seeking next year. These are themes which I believe will be shared by many others—and not only within the industrial sector. They are:

First, the federal government must establish more credible, defensible standards to protect public health—the so-called "primary standards."

Second, each individual state would have the principal responsibility for making the important judgments involved in standards relating to the public welfare, the so-called "secondary standards." This includes implementing the laws and regulations which will assure the attainment and maintenance of ambient air quality standards, and such other limitations as the states may individually choose to adopt.

Third, more realistic and reasonable deadlines and schedules must be established for EPA as well as industry, to avoid the charade of schedules which are more honored in the breach than in the observance, and which have led to de facto implementation of the Act by the federal courts, not by EPA or the states.

Fourth, the harsh reality that there are unavoidable conflicts between environmental goals and economic and energy objectives must be recognized and carefully designed trade-offs must be forged. This, in spite of what President Carter told the coal industry this week, is the harsh reality which this administration has refused to face up to and which it continues to ignore.

A. The Federal Government must establish credible standards to protect public health

No one can seriously question the concept of a National Primary Ambient Air Quality Standard to protect public health. In general, the health effects of any particular substance are the same in Maine and in California. Standards set separated by the states would be duplicative and confusing and would interfere with the objective of equal protection. Setting the federal primary standard is of course a matter of great importance. But, based on our experience to date and recent medical data, changes are needed in both the level of the primary standards set by EPA in 1971 and in the procedures for setting them.

Primary standards, which are intended to protect public health, need to be sharply distinguished from secondary standards, the so-called "welfare standards" which are intended to protect various non-health related objectives, including aesthetic values. These non-health matters figure importantly among the goals and objectives of the Clean Air Act, but

they are secondary,

they necessarily compete with other equally legitimate goals, not incorporated in the Clean Air Act, and

their relative importance is likely to differ from one region to another.

Consequently, it seems reasonable to view the secondary national standards as more exemplary than obligatory (like the primary standards) to be pursued by the various states as they individually place higher or lower values on various non-health related environmental amenities.

As the debate proceeds, serious consideration should be given to whether the federal government should have some expanded but still limited authority to override state-imposed standards more stringent than necessary to protect public health when the more stringent standards interfere with important national problems such as the continued dependence on imported oil.

B. States should have adequate authority and responsibility

The second thrust of change should be toward the concept of "state implementation." The Clean Air Act calls for state implementation plans, or SIPs, which are supposed to be the mechanism by which states regulate sources of pollution in order to attain or maintain the national ambient air quality standards. State governments are closer than the federal government to emission sources and, in general, are better able to make choices in deciding how stringently to regulate particular sources so as to attain or maintain national standards. States are also best qualified to make the many necessary trade-offs among conflicting goals and objectives needed to meet any additional limitations.

The federal government must maintain oversight, since it bears ultimate responsibility for seeing that primary standards are met. But, oversight should not require elaborate federal review of every change in state implementation plans or every permit issued by the state. At present, the federal EPA is involved in detail, in each such effort through the non-attainment and prevention of significant deterioration (PSD) regulations, and in the review of construction and operation permits for all new or modified stationary sources.

The additional detailed federal regulations and federal involvement in the review of all new and modified sources, as a result of the 1977 Amendments, has subjected industry to duplicative requirements and diffused the responsibility for attainment and maintenance of primary standards. Industry often faces passing of the buck from state to EPA regional offices and then to Washington and back, second-guessing of states by EPA, and delayed or blocked industrial or energy developments. And the result is that the system is breaking down.

C. Reasonable deadlines and schedules should be established

A third direction of change should be the establishment of reasonable dates for compliance with primary standards and for taking other action. All too often, industry is faced with unrealistic deadlines from government, which must then be laced with exemptions because they are known to be impractical. The net effect is not prompt achievement of goals, but instead to force industry to seek every possible exemption and bear the bureaucratic burdens that come with each required dispensation.

Evidence of the unrealistic nature of Clean Air Act deadlines can be found in the many exemptions granted, and the wholesale extension of deadlines at each reauthorization of the Clean Air Act. Next year will prove no exception. Industry will be charged with "foot-dragging" but the real causes, I submit, are:

The unrealistic deadlines for meeting the multiple complex compliance requirements of the 1977 Amendments, and

The cumbersome procedure for revising state implementation plans and EPA's review and approval of those revisions.

The 1977 Amendments required that states revise their implementation plans to meet requirements of the revised Act and EPA's implementing regulations, and to submit the revised SIPs to EPA by January 1, 1979. EPA was to complete its review and approval by July 1979. Lacking such approval, states were to be subjected to cut-off of federal highway and public works funds and other penalties.

Today, 15½ months past the EPA deadline, EPA has received from the states 40 completed plans and 11 partial plans. EPA has approved 18 of the completed plans, has disapproved one and has approved 20 partial plans. In some cases, EPA's approvals have been conditional, leaving in jeopardy anyone who proceeds with an investment or other energy development activity under a "conditional" approval.

Attempts to proceed with projects that create jobs and which would increase reliance on domestic energy resources are plagued by such uncertainties. However, let me hasten to add that uncertainly is only one part of the problem. No one should be misled by the common bureaucratic rhetoric that certainty of requirements is more important than the relative stringency. As we know from experience, unnecessary stringent requirements in some cases prevent coal use and in others push up costs to point that some other fuel such as imported oil is used instead of coal. The price of certainty where we have it has simply been too high!

D. Unavoidable conflicts among environmental, economic and energy objectives must be recognized

The fourth general change that must be addressed is the need to recognize the significant adverse effects involved in meeting the many non-health related environmental objectives prescribed in the Clean Air Act and the implementing regulations. Coal has been a particular victim of the disingenuous position taken by many in the environmental movement, and frequently repeated by officials of the Carter administration, that there is no need for trade-offs between environmental quality and energy objectives. The current day equivalent of the guns and butter philosophy is that we can use as much coal as is desirable without adjustment of environmental requirements.

In the past year, we have heard many calls for increased coal use—accompanied by a stone-walling on environmental requirements. Thanks to the doubling of oil prices in the past two years, coal has become cost effective in many situations even with the pollution control measures desired by the environmental advocates. However, we must recognize as unwise the position that OPEC-established prices of oil somehow should provide a guideline for determining the amount of pollution control equipment that should be installed. The contention that coal is still cost effective even with very expensive pollution control measures sounds like a free lunch. But, this approach merely hides the fact that the costs of using coal are much higher than necessary with few, if any, compensating benefits.

The same fundamental problem is carried to its extreme when pursuing "zero emissions" rather than realistic ambient standards set to protect public health and the environment. We must recognize that few individuals or nations can afford costs that are not balanced by benefits.

There are at least three areas where a comparison of benefits and costs of air quality requirements should be undertaken. The first concerns the secondary, non-health related standards. We have a rich and bountiful land, but even the United States cannot afford to ignore the costs to individuals in jobs and prices and to the nation in economic growth and energy security that would be required to protect every amenity within the scope of secondary standards. In fact, when damage to public health is not involved, the government should have an absolute obligation to consider every implication of the proposed requirements, to compare the benefits and costs, and to make the trade-offs openly and objectively.

A second example of disregard for costs is found in the prevention-of-significant-deterioration or PSD requirements of the 1977 Amendments and EPA regulations. These requirements apply to all areas of the country which are already cleaner than required by the primary national standards—that is, areas where by definition, pollutants do not jeopardize public health. The essential feature of these regulations is to limit increases in pollution in these areas to certain specified increments above the level prevailing in 1975. These increments are set without regard to the costs or other adverse impacts (such as economic development and jobs) of the requirement and without the need to show benefits.

The basic concept is an extension of the idea that in certain areas, pristine air must be valued for its own sake without regard for effects on public health. Many will support this much of the concept, but there is strong objection to the extension of the concept, even with provision for increments, to the whole country. The effects of PSD requirements include an impossible regulatory burden, as EPA attempts to determine the contribution of each new or modified source to the remaining increment, and, eventually, an absolute limit on economic growth without regard to public health.

A third area where an objective analysis of benefits and costs should be required is in connection with the "visibility" regulations that EPA recently proposed to implement another provision of the 1977 Amendments to the Clean Air Act. There are many problems with those proposed regulations but I will give only one illustration. EPA now proposes to protect not only the so-called pristine areas (Class I areas in PSD terms) but also "integral vistas" of such areas. In layman's terms, this would extend the boundaries of such areas as national parks to include any area that is visible from the protected area. It would prevent construction of any source whose visible emissions would intrude into such "viewshed." Needless to say, this proposal if finally adopted would place severe new limits on the ability to locate new industrial facilities or other economic development activities. Again, public health is not involved and, again, the proposed restrictions totally ignore the need for realistic balancing of the benefits and adverse effects.

III. RECENT CONCERN ABOUT "ACID RAIN" ILLUSTRATES FUNDAMENTAL PROBLEMS WITH THE FEDERAL GOVERNMENT'S APPROACH

The recent escalation of environmentalist and media concern about "acid rain" illustrates several of the fundamental problems that I have outlined. The nation has been treated to a full-scale publicity campaign about the dangers of "acid rain." The casual reader or listener could be forgiven for imagining that we are faced with a grave threat to human health. Fortunately, a closer look shows that even the most strident alarmists have recognized that human health is not an issue. Nevertheless, we are faced with a campaign of misleading publicity which seems designed to gain public support for new legislative and regulatory measures to deal with an alleged problem.

The contention, as you may know, is that sulfur and nitrogen oxide emissions from the combustion of coal and other fossil fuels combine in the atmosphere with other substances and form sulfates or nitrates which are eventually deposited, perhaps at a long distance from the source, in a liquid or dry acidic form, such as rain that is more acidic than "normal." These depositions, so goes the contention, adversely affect fish, flora, fauna, and the likes, but not human health. The contention further is that precipitation is becoming more acidic in many parts of the country.

A careful review of the scientific basis for the contentions, conducted by objective observers, has shown that data are not available to justify most recent contentions about "acid rain." In fact, relatively little is known about the formation of acidic precipitation, the role of sulfur or nitrogen oxides emissions, the transport and transformation of the substances of concern, and their deposition on land, water, flora and fauna. Furthermore, relatively little is known about the sources and the relative importance of the contributions from various sources—natural and man-made—of acidity which eventually appears at the point where adverse effects are alleged to appear.

What has become clear from the review of the available data is that it does not justify a conclusion that precipitation is becoming more acidic over ever wider areas. Clearly, more research is needed and far better information should be available before attempts are made to establish new controls. This fundamental fact was recognized by Congress in the recently enacted Energy Security Act of 1980. But this hasn't deterred Doug Costle and EPA from charging ahead.

EPA efforts to regulate "acid rain" are important for another reason. They could represent a major new attempt to implement authority in the 1977 Clean Air Act Amendments dealing with "non-criteria" pollutants. Briefly, this is a major new loophole added in 1977. Previously, EPA was required to publish a "criteria" document setting forth details of the nature, causes and effects and behavior of pollutants before ambient air quality standards could be set and other regulatory measures taken. The "non-criteria" pollutant provisions of the 1977 Amendments opened the possibility that EPA could try to proceed with regulations without the scientific data necessary to promulgate criteria and standards under other provisions of the Act.

The real threat is that EPA will embark on a regulatory program imposing significant costs without adequate information to justify the program. It has happened in the past. They have acted without adequate information, imposed huge costs and then have been proven wrong.

IV. CHANGING ATTITUDES IN THE CONGRESS AND THE PUBLIC

The final point I want to leave with you today is that the forthcoming debate on the Clean Air Act will be heavily influenced by the attitudes about jobs, energy, and the environment evolving in the public and the Congress.

A. Public opinion

With respect to public opinion, several recognized polls have revealed important changes occurring in the public's understanding of energy and environmental issues and a willingness to accept trade-offs among energy, environmental and economic objectives when necessary.

Let me give you three examples from a nationwide poll conducted by Louis Harris in May 1980.

70 percent of the people surveyed favor building more coal-fired power plants.

There has been an increase from 37 percent in 1977 to 58 percent in 1980 in the number of people who favor some reduction in environmental standards to improve the likelihood of meeting the nation's energy requirement goals. (The percentage increased 8 points from 1979 to 1980.)

And, finally, one of the more surprising statistics to me is that 53 percent of the people surveyed indicated that they agree with the statement in the survey that "Even if there is some danger to people's health from coal-burning power plants, the present energy situation makes some risk worth taking since coal is so plentiful in this country." I find this statistic surprising since the coal industry has long accepted the Clean Air Act's basic objective of protecting public health.

B. Attitudes in Congress and the executive branch

We shall have to wait to see what the attitudes will be in the Congress when the Clean Air Act is debated in the years ahead. During the past year, there appears to have been a growing reluctance to add major new environmental requirements. In addition, we know already that several key members of the House and Senate Committees that handle the Clean Air Act will not be returning due to retirements or losses in primary elections.

The upcoming election should give us new signals of probable attitudes, since a number of strong advocates and opponents of tighter environmental requirements are facing tough contests. Perhaps, needless to add, the outcome of the presidential election will also have a major impact. As you are well aware, there are sharp differences between the platforms of the two major parties on the matter of whether there should be changes in environmental requirements when necessary to achieve a balance with other important national objectives.

I would like to close by urging each of you to participate fully and actively in the upcoming national debate on the Clean Air Act—and to work hard to assure that the voice of Illinois and the voice of coal is heard loud and clear. And finally, I urge you to vote next month and, based on my political experience here in Illinois, I urge you to vote early and often!

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Alaska wish any of the time I have remaining?

Mr. STEVENS. No. I thank the Senator. I have no requests for time here, either .

There is one item that I might say to the majority leader that we had hoped would be corrected, and that is the action taken on Calendar No. 1134 yesterday.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I am happy to yield.

METHANE TRANSPORTATION, RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that yesterday's action by the Senate in passing H.R. 6889, the methane transportation bill, be vitiated and that a motion to reconsider the vote by which that bill passed be considered as having been made and adopted; that the bill be returned to its state prior to third reading; that an amendment which Mr. STEVENS will send to the desk be agreed to; that the bill again be advanced to third reading and passed and the motion to reconsider be laid on the table.

UP AMENDMENT NO. 1782

Mr. STEVENS. There is no objection. I send to the desk an amendment on behalf of Mr. McCLURE.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. McCLURE, proposes an unprinted amendment numbered 1782.

The amendment is as follows:

Page 4, line 10, strike "and".

Page 4, line 15, strike the period and insert in lieu thereof "; and

"(f) the terms "Facilities for the transmission and storage of methane", "methane transmission, storage and dispensing facilities", and any variant thereof means such facilities which are (1) directly necessary for the conduct of a demonstration, (2) for the exclusive use of a demonstration and (3) reasonably incidental to a demonstration."

The ACTING PRESIDENT pro tempore. Without objection, the amendment (UP No. 1782) is agreed to, and without objection the unanimous consent request is agreed to.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 7466.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7466) to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1783

(Purpose: Providing retirement credit for congressional campaign committee service)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. RIBICOFF, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. RIBICOFF, proposes an unprinted amendment numbered 1783.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Section 8332 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Upon application to the Office of Personnel Management, any individual who is an employee on the date of the enactment of this subsection, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before the date of the enactment of this subsection while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 5 years service on such committees as of the effective date of this section, and

"(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under section 8334 (c) of this title if such service were service as a Congressional employee.

"(2) The Office shall accept the certification of the President of the Senate (or his designee) or the Speaker of the House (or his designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to which credit is to be sought under this subsection.

"(3) An individual receiving credit for service for any period under this subsection shall not be granted credit for such service under the provisions of the Social Security Act.".

(b) The amendments made by this section shall take effect on the date of the enactment of this Act.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (UP No. 1783) was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 7466) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 8105, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VITIATION OF ORDER FOR A SESSION OF THE SENATE ON SATURDAY, NOVEMBER 22, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the session of the Senate on tomorrow be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, under the order entered, when the Senate completes its business today, it will stand in recess until what time on Monday?

The ACTING PRESIDENT pro tempore. Until noon.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, today could be a long session. It is hoped that the Senate might be able to complete action on the defense appropriaton bill today. In exchange for not having the Saturday session, I hope the Senate will be able to complete action on that bill.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR NO ROLLCALL VOTES BEFORE 12:15 P.M.

Mr. ROBERT C. BYRD. Mr. President, I hope that Senators who have amendments will come to the floor and offer them. I ask unanimous consent that no rollcall votes occur prior to 12:15 p.m. today.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I presented the request because Mr. BAKER, Mr. JACKSON, Mr. TOWER, and others are working in the transition matter and they have requested that there be no rollcall votes until 12:15 today.

Mr. STENNIS. Of course, I shall not object. I know that gives the leader an added burden in trying to move this bill along. We are going to get through. I think everyone will cooperate, Mr. President. But the chance we can get through today will go out the window unless we get through here.

Was the time 12:15?

Mr. ROBERT C. BYRD. Yes, Mr. President. The Senators can, of course, present amendments and debate them, if they will do so. The amendments can be set aside and stacked if it is agreeable with the chairman and ranking member. But they should not hold them off until 12:15 today. That was not the request.

Mr. BAKER did not request that and Mr. JACKSON did not request that. If there is any misunderstanding to that extent around the floor, the Chamber, or the cloakrooms, I should like to debunk that misunderstanding. If we have amendments on our side of the aisle, I suggest that our Senators get over and call them up.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Chair and the chairman of the committee.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981

The Senate continued with consideration of the bill.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The pending business is H.R. 8105. The question is on the first committee amendment.

Mr. STENNIS. I should like the RECORD to show what the name of the bill is: Department of Defense appropriations for fiscal year 1981.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. STENNIS. Mr. President, I had hoped the Senator from North Dakota and I would have a chance for fairly brief opening statements. The Senator from North Dakota is the ranking minority member, under the present division of the Senate, on this subcommittee. I am happy to be chairman.

Mr. President, I have a brief summary statement here relating to the main divisions and subject matter of the entire bill. I am going to make some special comments on that and then ask that the rest of it be put in the RECORD for the information of Senators.

Mr. President, this is the appropriations bill for the entire military program of the Department of Defense, worldwide, all four of the services, beginning with the newest innovations of research and development and going on through to operation and maintenance. It covers all of the vast research and development programs, and we have put more funds in there for that purpose than has the House. It includes the authorized extra planes, additional new ships, tanks, and missiles—all kinds of modern weaponry that we rely on.

This bill has a special emphasis on what we call readiness—general readiness and better readiness. As an illustration we expressly put in $105 million extra so that the pilots of the 15's and 16's would have more flying time for the special flying training that they are called on to do in connection with their duties. The complaint had been that there was not enough money for flying hours for their training. An increase of $50 million is for the Army to reduce its backlog of combat weapons awaiting depot maintenance; if they have maintenance that they have to wait on, it takes that equipment out of business for a lengh of time.

We put in extra money for the growing backlog of real property maintenance and repair items. We have very large sums of money for research and development in the bill, $3.2 billion in research and development for the Army alone.

For Navy research and development, $5.1 billion—unheard of amounts just a few years ago.

For the Air Force for research and development alone, $7.1 billion.

Mr. President, all that money does not go for pure research, because some of it is for development, which includes the cost of the prototype planes that are made and all the experimentation and testing that is done with them. But much of this is for just what we call pure research.

Another specific sum, $1.3 billion, is in this bill for special items of research that I call attention to; $28.3 million for the charged particle beam program, $28 million for the blue-green laser communication program, and $94 million for the development of space laser systems.

Mr. President, I understand there may be amendments involving major amounts of money; more than half a billion dollars, for instance, to restore two old abandoned ships. I wanted to point out early in this debate areas where we saw a need to put additional money, our priorities. We put additional money on the forthcoming weapons, the forthcoming research, the forthcoming matters that involve additional training, additional readiness, and additional planes—more than was recommended by the budget. These may come up in debate later and I want to remind the Senators now that, after all, any bill is a setting of priorities. Those of us who have lived with this bill all the year, in its many phases—hearings, meetings, and weighing of the evidence—have within the bill now what we think are the highest priorities. We took that before the full Senate Appropriations Committee. They did not change one thing in any substantial way, which is an indication that their close examination of it left them satisfied.

Mr. President, the practical matter here is where do these figures fall with reference to the budget recommendations and our own Budget Committee recommendations, the resolution that we passed yesterday? I shall call those out by way of summary now and at the end of my remarks, I am going to ask that the entire statement be put in the RECORD.

Mr. President, may we have quiet? If the gentlemen there could just retire, I can talk better to these other empty seats without being obstructed from the inspiration I get from the Chair and the occupant of the Chair.

What we are saying, Mr. President, is that we have these figures here now. They run above the President's recommendations, even though his recommendations were considerably above what they started out with at first because of new developments that came along.

But we are within the budget figures as set by the Congress itself. In other words, we finished that second budget resolution yesterday. Our bill comes within that figure and within the amount allotted by our Appropriations Committee to the Department of Defense appropriation. That is an important matter.

I can assure everyone that they can vote for this bill in its present form without overrunning limits we have set for ourselves. I call that to the attention of the members of the Senate Budget Committee, who have done great service this year—and have been overworked, if I may use that term.

The committee figure that we have put in the bill, under that agreement I referred to of the Appropriations Committee allotting this bill the money, we have a figure of $164.6 billion allotted for that purpose.

The present bill, in its present form, comes within that limit, roughly $4 billion below it.

But there are other items, Mr. President, that are left out that are going to be necessary to be appropriated for within the 12-month period, fiscal year 1981, which will quickly absorb that $4 billion.

I hope it will not overrun it. But that is a matter that has to be determined in the course of events. We customarily have a supplemental bill every year to take care of those elastic things, as well as the pay raise items. That is what will make it a large supplemental bill.

But I hope that there is enough room left within this limit to take care of that added amount. Certainly, there is not enough room left to take care of those necessary payments we will have to provide for, plus a lot of other things that may be brought in today, with all deference to the amendments.

We do not have billions of dollars to spare here with reference to that limitation.

Mr. President, I point out with emphasis that we were all in agreement in the Appropriations Committee that this bill, by all means, ought to be pressed and pushed and passed and sent to the White House before we adjourn for the year, because here is a far-flung military program, worldwide, that is covered in the bill, with these extra billions of dollars. It is highly important that we proceed now with these programs.

Under a continuing resolution, according to its own terms, all the new programs would be left out, just held at a standstill, even though we proclaimed here that they were needed and necessary and really urgent. We would still be turning our back and leaving legislation in such shape that these programs could not be started.

That is unthinkable. I think every Member will agree to that, once he has a chance to really weigh the facts and make a judgment.

So let us cooperate to the nth degree, lay virtually all other things aside, if necessary, to get this matter finally settled, finally passed, and sent to the President of the United States.

I will mention one other item in this opening statement and then I will yield the floor.

There is one item requested by the President for $1.5 billion that we did not include in the bill. We did not intend, at all, to be negative on it, or to turn it down, or to kill the request in any way. There was not time to have extensive hearings, get the full details of this program, of what it proposed to do, what it proposed not to do, and to check into other relevant items about what our allies were going to do, correspondingly, not in putting up money necessarily, but by activity toward the protection of the whole Persian Gulf area.

We call this the rapid deployment forces concept. It has already been started in some ways out of money that was appropriated heretofore. But this $1.5 billion we thought would hold the bill up, that we would have to have more extensive hearings. And it is really a matter to come up later, anyway, in this fiscal year, where the facts will be developed further and we can more intelligently pass on the program.

Mr. President, the Committee on Appropriations has completed its work on H.R. 8105, the Defense appropriations bill, and recommends an appropriation of $160,647,830,000 in new budget authority for the Department of Defense for fiscal year 1981.

This is the largest appropriations bill ever proposed in war or peace. This bill provides for a continuation of this Nation's commitment to a strong national defense and enhances the capability of our military to meet our great responsibilities as a leader of the free world. The strongest, most powerful military force that the world has ever known is funded at a level which will provide for the flexibility and strength for our Nation to respond in a challenging international environment.

As the committee was concluding its consideration of this bill, the President transmitted to the Congress a budget amendment requesting an additional $1.35 billion in fiscal year 1981 for initiatives related to the rapid deployment force. The committee held a hearing on this request, and Deputy Secretary of Defense W. Graham Claytor, Jr., presented a strong case for the Department's request.

After careful consideration, the committee decided to lay this question on the table, without prejudice, until a later time. Because of the time constraint we face in passing this bill, the committee felt that there was not sufficient time right now to fully consider all of the issues raised by the budget amendment. This does not mean that the rapid deployment concept is not endorsed. There are just many unanswered questions that need to be considered in this area.

Mr. President, we have had a great deal of discussion concerning the levels of defense spending during the past year. I would like to place the committee's overall recommendations in perspective.

The President's amended budget request for this bill, excluding the most recent rapid deployment force budget amendment, was $154.5 billion. The House version of this bill provides $157.2 billion. The committee recommendation of $160.6 is $3.4 billion above the House bill and $6.1 billion above the budget request. The committee recommendation is also $23.3 billion above the appropriations for fiscal year 1980. By any standard, this bill is a clear signal of the Congress commitment to provide increased resources for national defense.

With respect to the budget resolution ceilings, the committee recommendation is within the Appropriations Committee's allocation to the Defense Subcommittee under the first concurrent resolution for fiscal year 1981. The conference agreement on the second concurrent resolution includes an increase in national defense over the first concurrent resolution, and so the committee bill will also be below the subcommittee's allocation under the second concurrent resolution for fiscal year 1981.

Mr. President, fiscal year 1981 has already begun; the authority contained in the continuing resolution for the Department of Defense runs out on December 15. Secretary of Defense Harold Brown has written the committee of the many problems which would face the Department of Defense if this bill does not pass and the continuing resolution must be extended. In a year in which there is a clear consensus to increase defense spending, it would be a mistake to have the Department of Defense operating on a continuing resolution for over half of the fiscal year.

I hope that the Senate can now proceed expeditiously on this bill, so that we can go to conference with the House and pass a conference agreement.

OVERALL RECOMMENDATIONS

The $160,647,830,000 recommended in the bill provides $38,822,800,000 for the Department of the Army; $54,095,136,000 for the Navy Department; $47,849,462,000 for the Department of the Air Force; $5,992,632,000 for the defense agencies and related items; and $13,887,800,000 for retired military pensions.

By title the committee's recommendations include: $32,963,249,000 for military personnel appropriations; $13,887,800,000 for retired military personnel; $51,322,413,000 for operation and maintenance; $45,512,805,000 for procurement; $16,888,439,000 for research and development, including the small special foreign currency program; and $73,124,000 for the central intelligence retirement fund and for other miscellaneous items. This bill does not include funds for military construction, family housing, foreign military assistance, civil defense, or nuclear weapons production, all of which are included in other appropriations bills.

Title VII of this bill does not actually appropriate any money. This title includes general provisions which authorize the Defense Department to spend money for certain purposes or place limitations on how appropriated funds may be used. In recent years, there has been a growing trend in the Congress to attach substantive legislation to appropriations bills in the form of general provisions. Just by way of example, 10 years ago, the fiscal year 1971 Defense Appropriations Act included only 45 general provisions. The fiscal year 1981 Defense appropriations bill before us contains 70 general provisions. This use of general provisions on annual appropriations bills to bypass the established authorization process is a dangerous practice which the Congress should stop.

SUMMARY OF ITEMS IN THE BILL

The funds recommended in the committee bill buy two basic things—the day-to-day pay and operating costs of our military forces, and, second, investment in new items of military equipment, including both research and development of new weapons and equipment, as well as actual procurement. I would like to summarize briefly the actions the committee took in both these areas. I will insert a more complete summary taken from the committee report at the conclusion of my statement.

The committee bill provides the funds for the substantial increases in military pay and benefits that have been authorized by the Congress this year. This includes the increases authorized by the so-called Nunn-Warner amendment to the Armed Forces Military Personnel Management Act of 1980 and by the fiscal year 1981 Military Procurement Authorization Act. In all, the committee bill includes over $1.2 billion above the budget for these compensation increases, and $600 million above the House bill. Funds for the 11.7 percent pay raise for military personnel will be provided in the supplemental appropriations bill next year.

The operation and maintenance appropriations provides for the day-to-day costs of operating the many bases, weapons systems, and facilities of the Department of Defense, as well as for the various levels of maintenance that are required to keep the weapons systems, equipment and facilities in good working order. The allocation and management of the funds in this area are key ingredients in the overall readiness of our military forces.

This year the committee has provided funds over and above the budget request in specific areas to improve readiness. For example, the committee has added $105 million to allow F-15 and F-16 pilots to increase their flying hours for training. An increase of $50 million was provided to allow the Army to reduce its backlog of combat equipment awaiting depot maintenance. The committee bill also includes an increase of $116 million to address the growing backlog of real property maintenance and repair.

Mr. President, I would like to turn now to the second aspect of the purpose of the funds in this bill: The development and procurement of new weapons and equipment for our Armed Forces. The committee bill closely follows the conference agreement of the fiscal year 1981 Military Procurement Authorization Act, and represents a substantial step in the continuing modernization of our military forces.

The committee bill includes a total of $3,248,005,000 for Army research and development. This includes $149.1 million for the low altitude defense system; $37.4 million for continued development of a light tank; $14.8 million to test the Lance missile system; and $18 million for field artillery development.

A total of $5,110,015,000 is recommended for Navy research and development. This includes $65 million to accelerate the development of the Trident II missile; $113.9 million to develop a new destroyer and upgrade the Aegis radar; $10 million to continue developments in the area of vertical/short takeoff and landing technology, as well as $243 million to continue development of the AV–8B Harrier; and $16.8 million to continue the Seafire program.

For Air Force research and development, the committee recommends $7,159,857,000. This includes $1.57 billion to continue development of the MX strategic missile; $74.1 million for acceleration of the Air Force laser research program; $300 million for the development of a new strategic bomber aircraft; $35 million for the C–X transport development; $30.9 million to continue development of the precision location strike system; and $150 million to keep the Navstar program on original schedule.

The defense agencies will receive $1,325,702,000 in research and development funds in the committee bill. This includes $28.3 million for the charged particle beam research program; $28.7 million for the blue/green laser communications program; and $94 million for the development of space-based laser systems.

The committee has also restored the House reduction of $754 million related to inflation in the research and development appropriations.

In the area of procurement, some of the major programs include the following:

For the Army: $352.3 million for procurement of 80 UH–60 utility aircraft; $44.4 million for the procurement of 32 Chaparral surface-to-air missiles; $369.9 million for the procurement of 600 U.S. Roland surface-to-air missiles; $448.7 million for 183 Patriot surface-to-air missiles; $946.3 million for 569 XM–1 tanks; and $469.2 million for 400 infantry fighting vehicles.

For the Navy, the committee recommends: $224.9 million for procurement of 12 A–6E attack aircraft; $191.1 million for 6 EA–6B electronic warfare aircraft; $700.9 million for 30 F–14A fighter aircraft; $1.6 billion for 60 F–18 aircraft; $163 million for procurement of 50 Tomahawk cruise missiles; $1.1 billion to buy 1 Trident submarine; $802.9 million for 2 SSN–688 submarines; $420.4 million for the carrier service life extension program; $1.6 billion for 1 CG–47 Aegis cruiser; $1.5 billion for 6 FFG guided missile frigates; $174 million for procurement of 1 TAKX pre-position ship and $33 million for advance procurement; and $285 million for procurement of 8 SL–7 cargo ships.

Air Force procurement programs include: $112.6 million for 6 A–7K attack aircraft; $452.6 million for 60 A–10 attack aircraft; $844.9 million for 42 F–15 fighter aircraft; $1.7 billion for 180 F–16 fighter aircraft; $170.6 million for procurement of 2 E-3A AWACS aircraft; and $550.7 million for 480 air launch cruise missiles.

Under the general provisions, the committee has reinserted the so-called Maybank amendment under section 724 which was deleted from the House bill during floor debate. This amendment has been part of the Defense Appropriations Act every year since fiscal year 1954, and prohibits the payment of a price differential on defense procurement contracts for the purpose of relieving economic dislocation. The committee believes that repeal of the Maybank amendment would be extremely detrimental to the defense procurement process. The ultimate result of repeal would be reduced competition and higher prices on defense procurement contracts.

The final items in the bill include $13,887,800,000 for retired military personnel; $2,760,000 for the special foreign currency program to purchase excess foreign currencies from the U.S. Treasury to finance Defense programs overseas; $55,300,000 to meet the unfunded liability of the CIA retirement pension fund; and $17,824,000 to support the intelligence community staff, an independent body responsible to the Director of Central Intelligence for oversight of the entire intelligence community and associated programs.

Mr. President, this concludes my remarks. I will be glad to answer any questions Senators may have.

Mr. YOUNG. Mr. President, I would like to join in the comments of the distinguished chairman of the Defense Appropriations Subcommittee (Mr. STENNIS). He has provided many of the details of this Defense appropriations bill. I will make only a few brief comments, largely for emphasis, concerning this Defense appropriations bill.

As the distinguished chairman mentioned, the committee has recommended $160.6 billion for fiscal year 1981. This is $3.4 billion over the House-passed bill and $6.1 billion over the budget estimate.

Mr. President, this is a very large appropriations bill, but even at this amount it does not take care of some of our most urgent needs for national defense. With the tense world situation we have and the continuous buildup of military might by Russia, these increased funds are urgently needed.

When the bill is analyzed it is apparent that the funds recommended in this bill are not simply throwing money at defense but rather are prudently and thoughtfully allocated to not only maintain our present defense posture but to increase our military strength.

Mr. President, this bill adds funds for two very important phases of our national defense. It will provide more badly needed modern weapons and, too, provide more adequate funds for personnel. Largely because of our more highly sophisticated areas of national defense, pay increases are necessary if we are to reverse the trend of our best trained personnel leaving the armed services.

I want to emphasize that 55 percent of this total budget, or about $85 billion, is for personnel. This leaves only 45 percent, or about $75 billion, to improve the readiness of existing forces, procure new and modern equipment, conduct research and development for the future, and pay for double digit inflation.

Mr. President, the fiscal year 1981 Defense authorization bill authorized $5.8 billion additional funds for procurement and research and development over the budget request. Most of the additional funds authorized provided for additional aircraft, ships, tanks, and missiles. The committee was mindful of these add-ons and recommends funding the full authorized amount for most of these items.

Specifically, this bill would fund procurement of 30 F–14 aircraft, 60 F–18 aircraft, 42 F–15 aircraft, 180 F–16 aircraft, and 60 A–10 aircraft. In each case, the numbers of aircraft to be procured are the same as those which were authorizd. In addition, this bill would provide the funds for one Trident submarine, two nuclear attack submarines, two Aegis cruisers, one amphibious ship, six guided missile frigates, and nine ships for the rapid devolopment force.

The Defense Department was concerned about the House reduction for research and development and placed the restoration of funds for research and development as one of their highest priorities. The committee restored $1.9 billion of the funds reduced by the House for research and development. Research and development funds are essential if this country is going to retain its technological edge over the Soviet Union. It is essential to maintain the basic research, as well as the research and development of new weapons systems if our troops are to have good, modern weapons in the future.

Inflation has had a more severe impact on the Defense Department than on any other agency of the Government. The budget that was submitted last January for fiscal year 1981 and revised in March estimated the effect of inflation for fiscal year 1981 to be approximately 8.2 percent. As we are all aware, inflation has been running over 10 percent during the calendar year 1980; in fact, it has been running in the range of 12 to 14 percent. As much as we would like for inflation to recede, there is very little indication that our economy will turn around to that extent in the next few months. Therefore, the committee attempted to provide, where possible and within the constraints of the total budget, additional funds for inflation. This was done primarily by funding programs at or above the requested levels.

The committee has already been informed by the Department of Defense that a supplemental request for inflation in the spring of 1981 may exceed $2.5 billion. The Defense Department, with good management, should be able to absorb any additional inflationary impact.

Mr. President, there is little time left before adjournment to pass this bill and go to conference with the House. It is my understanding that if we can complete action on this bill before the Thanksgiving break and with both Houses coming back on Monday, the 1st of December, the conferees hopefully will be able to agree on a conference report. This should make it possible to meet the leadership's desire for adjournment sine die on December 5.

Mr. President, the committee and the staff have worked diligently on this bill for the past 10 months. I believe it will provide at least the minimum requirements for fiscal year 1981 defense needs. I hope that the bill will be approved without delay and without any substantial changes.

Mr. STENNIS. Mr. President, I do not know what amendments might be presented.

I ask unanimous consent that Mr. Jim Jordan, of my staff, have the privilege of the floor during the consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, we are ready for amendments to be presented. We can hear the debates now, and the voting on them will commence at 12:15. That is the majority leader's suggestion, and there is unanimous consent to that effect.

We are inviting anyone who has amendments to present them at this time. We are going to press this bill for passage today, if possible. If not today, we will go right on through. We think we can finish the bill today or at least get it down to one proposal or something like that and leave it, if necessary, for another day.

We will have only 2 days next week, and we need those 2 days to go to conference, where headway will be made, although there are some vast differences in the two bills. We intend to return here with a conference report in time to be passed on and for the bill to be sent to the President before we take the recess or adjournment on December 5.

Mr. President, I hope that the leadership will call those who have talked to us about amendments. The Senator from Missouri is interested in this bill. He has done some good work on it, and some of his amendments were accepted in the committee, and I understand that he has a major amendment which he wants to present.

There is interest here in the so-called Maybank amendment, which has been the law since 1953. It has been brought up and reviewed several times, and it has been brought up and reviewed at this time.

We have other amendments. Questions have been asked of me about the Polaris, and I do not know whether that is going to take the form of an amendment.

If the leadership wishes to take a 5-minute recess for a conference with respect to calling sponsors of amendments, I can proceed with my additional remarks when that has been done.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment, with the understanding that no points of order be considered as having been waived by reason thereof.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 14, strike "$10,881,768,000" and insert "$11,041,468,000";

On page 2, line 23, strike "$7,644,094,000" and insert "$7,857,173,000";

On page 3, line 8, strike "$2,284,951,000" and insert "$2,339,836,000";

On page 3, line 16, strike $8,698,509,000" and insert "$8,933,309,000";

On page 4, line 4, strike "$771,300,000" and insert "$774,050,000";

On page 4, line 17, strike "$288,274,000" and insert "$297,003,000";

On page 5, line 4, strike "$93,424,000" and insert "$101,567,000";

On page 5, line 17, strike "$243,100,000" and insert "$260,074,000";

On page 6, line 4, strike "$999,800,000" and insert "$1,025,297,000";

On page 6 line 17, strike "$320,600,000" and insert "$333,472,000";

On page 7, line 13, strike $12,302,784,000" and insert the following: $12,302,784,000, and in addition, $5,000,000, which shall be derived by transfer from "Army Stock Fund", of which

On page 8, line 1, strike "$16,865,275,000" and insert "$16,544,229,000";

On page 8, line 2, strike "$128,500,000" and insert "$135,500,000";

On page 8, line 9, strike "and";

On page 8, line 11, after "1981;", insert the following: "and $7,000,000 shall be derived by transfer from 'Navy Stock Fund' ";

On page 8, line 18, strike *"Provided"* through and including line 25, and insert the following:

"of which not less than $24,000,000 shall be available for such work at the Ship Repair Facilities, Guam: *Provided further,* That such amounts of the funds available for work only at the Ship Repair Facilities, Guam, may be used for work in other Navy shipyards in amounts equal to the amount of work placed at the Ship Repair Facilities, Guam, funded from other sources.

On page 10, line 9, strike "$13,555,046,000" and insert "$13,350,741,000";

On page 10, line 10, strike "$49,000,000 and insert "$56,000,000";

On page 10, line 13, strike "and";

On page 10, line 15, after "1982;" insert the following: "and $7,000,000 shall be derived by transfer from 'Air Force Stock Fund' ";

On page 11, line 1, strike "$4,014,895,000" and insert the following: "$4,059,853,000, and in addition $20,000,000, which shall be derived by transfer from 'Defense Stock Fund' ";

On page 11, line 21, strike "$485,993,000" and insert "$487,993,000";

On page 12. line 8, strike "$597,145,00" and insert "$510,235,000";

On page 12, line 19, strike "$28,654,000" and insert "$28,694,000";

On page 13, line 4, strike "$564,610,000" and insert "$547,920,000";

On page 13, line 21, strike "$878,990,000" and insert "$890,820,000";

On page 14, line 19, strike "$1,435,307,000" and insert "$1,391,487,000";

On page 15, line 8, after "section 4331" insert the following:

Provided, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

On page 15, line 22, strike "$214,900,000" and insert "$146,800,000";

On page 16, line 24, strike "$1,029,600,000" and insert ' $1,076,400,000";

On page 17, line 18, strike "$1,533,600,000" and insert "$1,355,500,000";

On page 18, line 10, strike "$2,523,500,000" and insert "$2,648,000,000";

On page 19, line 4, strike "$1,536,200,000" and insert "$1,531,000,000";

On page 19, line 23, strike $2,177,738,000" and insert $2,240,658,000";

On page 20, line 12, strike $6,057,607,000" and insert $6,140,707,000";

On page 21, line 1, strike $2,679,829,000" and insert $2,818,500,000";

On page 21, line 17, strike $1,088,200,000" and insert $1,090,200,000";

On page 21, line 20, strike "$972,900,000" and insert $1,105,300,000";

On page 21, line 21, strike $501,400,000" and insert "$515,400,000";

On page 21, line 23, strike "$1,628,500,000" and insert "$1,759,500,000";

On page 21, line 25, after the semicolon, insert the following: "for the MCM mine countermeasures ship program, $16,000,000; for the T–AKX maritime prepositioning ship program, $207,000,000";

On page 22, line 4, strike "converted" through and including "or the" on line 5;

On page 22, line 8, strike "$551,300,000" and insert "$580,100,000";

On page 22, line 8, strike "$56,700,000" and insert "$27,900,000";

On page 22, line 12, strike "$7,244,100,000" and insert "$7,775,300,000";

On page 22, line 13, strike "$56,700,000" and insert "$27,900,000";

On page 23, line 11, strike "$2,983,125,000" and insert "$3,062,097,000";

On page 23, line 22, strike "$477,141,000" and insert "$515,313,000";

On page 24, line 16, strike "$9,639,329,000" and insert "$9,689,143,000";

On page 24, line 24, after the comma, insert the following: "and in addition $60,000,000 from the proceeds of the sale of the aircraft to Egypt not previously credited to Department of Defense accounts may be credited to this appropriation";

On page 25, line 18, strike "$3,107,712,000" and insert "$3,153,417,000";

On page 26, line 11, strike "$2,949,401,000" and insert "$3,001,742,000";

On page 27, line 2, strike "$301,123,000" and insert "$305,028,000";

On page 27, line 12, strike "$2,961,054,000" and insert "$3,248,005,000";

On page 27, strike line 17;

On page 27, line 21, beginning with "$4,502,211,000" through and including "1982 on page 28, line 2, and insert "$5,110,015,000";

On page 28, line 8, strike "$6,234,779,000" and insert "$7 159,857,000";

On page 28, line 20, strike "$1,172,352,000" and insert "$1,325,702,000";

On page 33, line 18, strike "amended" and insert the following: amended; and (1) the purchase of right-hand-drive vehicles without regard to any maximum price limitation otherwise established by law.

On page 40, strike line 6 through and including line 12, and insert the following:

SEC. 719. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—or any major administrative subdivision hereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month of the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

On page 45, line 18, after the colon, insert the following:

Provided further, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations:

On page 53, line 18, after "optometrist,", insert "podiatrist";

On page 43, line 18, after "midwife,", insert the following: or, for the purpose of conducting a test during fiscal year 1981, by a certified psychiatric nurse, other certified nurse practitioner, or certified clinical social worker.

On page 56, strike line 6 through and including line 21, and insert the following:

Sec. 751. None of the funds appropriated by this Act shall be obligated under the Competitive Rate Program of the Department of Defense for the transportation of household goods to or from Alaska or Hawaii.

On page 59, strike line 22 through and including line 25, and insert the following:

Sec. 760. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however*, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

On page 62, strike line 11 through and including line 22, and insert the following:

Sec. 764. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this act shall be resolved within 6 months of completing the initial audit report.

On page 64, strike line 21 through and including page 65, line 3, and insert the following:

Sec. 767. The appropriation "Foreign Currency Fluctuations, Defense" shall not be available hereafter to transfer funds between that account and appropriations available to the Department of Defense for military personnel expenses with regard to obligations incurred after September 30, 1980.

On page 65, strike line 10 through and including line 23, and insert the following:

Sec. 768. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96–347.

On page 66, strike line 4 through and including line 13;

On page 66, line 14, strike "770" and insert "769";

On page 66, after line 17, insert the following:

Sec. 770. During the current fiscal year, not to exceed $125 million of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing prepaid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section: *Provided further*, That the Government's share of the cost of benefits to be provided will not exceed 85 per centum of the total cost of such benefits.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the Senate is wasting a great amount of good time. The managers of the bill are here and have made their speeches. We are patiently waiting on amendments. It would seem to me if Senators have amendments, they ought to come to the floor. The Senate should not have to wait and wait. These managers of the bill should not be imposed upon just because they are patient men. If I had an amendment to the bill, I would call it up now or get somebody else to call it up. I would not hold up the managers of the bill.

The managers have a perfect right at any time to ask the Chair to proceed with third reading and the Chair has the duty to do that if no Senator seeks recognition. I have always been very protective of my colleagues and I will continue to be. But, unfortunately, the clock is running and the managers of the bill are waiting and waiting for Senators to come over at their own convenience. I believe it is a courtesy we all owe the managers, if we have amendments, to call them up.

Mr. STENNIS. Mr. President, if the Senator will yield, I certainly appreciate his remarks. We do feel this is a must bill, that it must pass. It is going to take some time in conference. There are some differences between the two bills, the House bill and the Senate bill. We have to finish this bill today. Otherwise, we will not have a chance to pass it after Thanksgiving. We have to have it back from conference.

Mr. YOUNG. Will the Senator yield?

Mr. STENNIS. Yes.

Mr. YOUNG. Mr. President, this is probably the most important appropriations bill we will consider. If we are to adjourn by December 5, it will take all the time we have left. There is no way of adjourning sine die on December 5 if this bill is delayed. I would hope we would not waste today or most of today doing nothing but waiting for someone to offer an amendment.

Mr. ROBERT C. BYRD. It would not be so bad if a Senator was just wasting his own time. If he was just wasting his own time and imposing upon himself, that is one thing. But Senators who have amendments and who can come to the floor should not waste the time of the managers of the bill, the time of Senator STENNIS and the time of Senator YOUNG, and also the time of the Senate. It casts the Senate in a bad light. If a man wants to waste his own time, that is up to him.

Mr. STENNIS. Mr. Leader, I think we should report to the Senate that the Senator from Missouri has an amendment. He wanted to know if we would be on the bill on Monday, but when I told him the situation, he said he would see what he could do to get ready. I told him we would not wrangle about a point of order, that we would not make a point of order on his amendment.

Mr. ROBERT C. BYRD. I am sure the Senator will come soon in the light of our conversation. If there are other Senators who have amendments, we would like to know about it.

Mr. YOUNG. If the Senator will yield, on behalf of the distinguished Senator from Maine (Mr. MITCHELL), I ask that privileges of the floor be extended to Michael M. Hastings during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I will not have this unenviable position after the first of the year, attempting to cajole, threaten, beg, persuade, plead for Senators to come over with their amendments. I am sort of looking forward to the time when I will not have to stand up here and urge, cajole, beg, plead. There will be someone else doing that. But even then, if Senators have amendments, they should come over and call them up. Let the Senate get on with its work. Otherwise, the Senate and those who are managing the bill are being imposed upon. If any individual wishes to impose upon himself and waste time, that is up to the individual. But here are two dedicated Senators, Senator STENNIS and Senator YOUNG, who have been waiting here all this time for Senators to come to the floor and call up amendments. I hope that I have spoken in the interest of Senators and I hope we shall have an amendment soon.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I respect the majority leader's encouragement to his colleagues. I have several amendments. I am also here standing in for Senator TOWER, who, hopefully, will return to the floor very shortly.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. WARNER. Yes.

Mr. ROBERT C. BYRD. Mr. President, I mentioned to Senator STENNIS and Senator YOUNG, and I want to mention to Senator WARNER, that the distinguished manager on the other side of the aisle (Mr. TOWER) has amendments. He will be here later in the afternoon.

I want to include Mr. WARNER as one who has been here patiently waiting his turn.

Mr. WARNER. I thank the majority leader.

UP AMENDMENT NO. 1784

(Purpose: To permit the use of not to exceed $750,000 in connection with the commemoration of the 200th anniversary of the Battle of Yorktown)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an unprinted amendment numbered 1784:

On page 67, between lines 15 and 16, add the following new section:

SEC. 771. Not to exceed $750,000 of funds appropriated by this Act may be expended by the Secretary of Defense to provide, at the request of the Secretary of the Interior, ceremonial and logistical assistance in connection with the commemoration of the 200th anniversary of the Battle of Yorktown.

Mr. WARNER. Mr. President, a few days ago, the Senate addressed this same issue in the context of the appropriations bill relating to the Department of the Interior, and comparable language and a slightly larger sum was placed in that bill. The managers of the Interior bill accepted it. We did not submit it to our colleagues for a rollcall vote. I do not intend to ask for a vote on this amendment. As I discussed with the managers of the bill, it is my understanding at the moment that they will address this amendment.

Mr. President, the amendment which I offer, if accepted, will help provide an appropriate and fitting observance of the bicentennial of the American victory at Yorktown.

This amendment will provide the funds necessary for the Secretary of Defense to assist the National Park Service and the Secretary of the Interior in carrying out the fitting observances planned for the 4-day ceremonies in October 1981.

It is imperative that the Congress act now as part of the fiscal 1981 budget for the Defense Department and appropriate the sum requested in my amendment, so that the Federal planning can be started now.

Mr. President, I ask unanimous consent to have printed in the RECORD a table of the Department of Defense estimates for bicentennial expenditures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Summary of Department of Defense Yorktown bicentennial ceremonial cost estimates

Exhibits/displays	$100,000
Aerial demos	15,000
Military bands and pageants	300,000
Service Academies elements	95,000
U.S. Navy ships	30,000
U.S. Coast Guard participation	100,000
Support for recreated military units (4,000 people)	82,500
Provide medical units (100,000 to 500,000 visitors are expected during 4-day celebration)	100,000
Provide black powder, etc. for recreated units and storage facilities	100,000
Total	922,500

Mr. WARNER. Mr. President, I yield to my distinguished colleague from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator for yielding.

This matter has been discussed with the Senator from Virginia and also the Senator from North Dakota. Of course, Mr. President, the project is worthy and has that Virginia label on it that adds worth to it, too.

I think it would be very appropriate to bring the Department of Defense in on this matter. I hope they do join if we pass this amendment. I expect to support it.

Mr. YOUNG. Mr. President, this amendment would make available a small amount of money for a very worthy cause. I shall be glad to accept it on the part of the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP amendment No. 1784) was agreed to.

Mr. WARNER. Mr. President, at this time I yield such time as I may have under my control to my colleague, the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for yielding.

Mr. President, the Department of Defense appropriations measure which we are considering today appropriates over $160 billion to fund this country's national defense over the next year. That defense necessarily consists of a wide variety of programs. These programs will determine, in large measure, the kind of foreign policy we may successfully follow. If the past decade has taught us anything, it is that an uncontrovertible relationship exists between our defense preparedness and our ability to achieve our diplomatic and foreign economic goals.

As the world changes, our Armed Forces must change.

The United States is presently at peace with the world's nations. But, numerous conflicts are being waged at this moment in so-called developing countries, such as El Salvador, Iraq, and Iran, in Afghanistan, and in Cambodia. These conflicts, in unstable, volatile areas of the world, comprise a very serious threat to this country's security and require our closest attention.

Since World War II, that attention has been focused primarily on Europe. Even today, the lion's share of our defense spending goes to the defense of Europe and our NATO allies. While NATO capabilities must continue to be improved to counter threats to European security, I believe the greatest threat of all to world peace exists, not in a European conflict, but in the small conflagrations which have occurred with increasing regularity in the Third World.

We see today how one event, the Iranian revolution which overthrew the Shah, has prompted a Soviet invasion of Afghanistan, the elimination of a major U.S. ally in the Persian Gulf, and a battle for territory and regional power between Iraq and Iran. In short, to the full-scale destabilization of power relations in that part of the world, which is the chief source of the free world's energy supply.

We cannot predict how much further the shock waves of crisis in the Persian Gulf may spread. But it is clear that any small crisis in the world today may potentially lead one of the great powers to an expression of interest, then verbal commitment, then direct military involvement and finally, inexorably, to a larger war.

Yet, perhaps because of our historical preoccupation with Europe, U.S. foreign policy has not reflected the true depth of the problem. The young Third World governments are inherently unstable, and the Soviet Union shows every sign of seeking to exploit those instabilities in order to gain allies. In the balance hang our trading partners, international allies, sources of vital strategic materiel, and our very survival as a free nation.

If we are to prevent recurrences of Iran or other potential crises, we must face up to several facts: First, the developing world is essential to U.S. national interests. Second, those interests are threatened. And, finally, we have to be prepared to make military commitments in order to defend those interests.

The oil embargo and subsequent price increases which followed the 1973 Mideast war awoke us, or should have awakened us, to the fact that America's economic well-being depends in large part on the stability of the Third World. Almost one-half of our imports come from the developing world. Many of these imports have extreme technological and strategic importance.

For example, 89 percent of the chromite used for industrial precision tools, 98 percent of the cobalt essential in alloys for aircraft engines, and almost 100 percent of the columbium used to make up high-performance steels are imported from developing countries. Our dependence is similarly great on imports of manganese, platinum, bauxite, titanium, and other strategic metals, many of which are essential to construction of breeder reactors, the XM-1 tank, all of our satellites, our entire aerospace production, as well as for more general uses in modern industry.

Our relations with the Third World are not limited to imports of strategic materiel. The strength of our economic system, the growth of our productive capacity, the value of the dollar, and the prestige of the American way of life are linked to our own successful participation in world trade markets. Already, more than one-fifth of all U.S. goods produced, excluding services, are intended for export. This is twice the figure of 20 years ago. Almost 40 percent of all U.S. exports presently go to the developing world. The developing world offers innumerable trade opportunities for American business and, given that, during the 1980's, these countries are expected to have a GNP growth at least 2 percent faster than the West, we can expect those opportunities to grow.

The importance of the developing world's friendship and trade to this country and our reliance on its resources are not new. But for many Americans that reliance came as news when we had to line up for gas last year, and the significance of our former friendship with Iran was truly appreciated only after the Shah was overthrown and a government opposing our interests came to power.

It is imperative that we look ahead and prepare ourselves for similar threats to our economy and to our national security rather than waiting for crisis to occur before we try to do something about them.

While we have been stewing in indecisiveness and confusion, our adversaries have taken advantage of the opportunities. Soviet activity in the developing world, both diplomatic and military, has increased enormously during the last decade. Economic interests are not the real reason for their actions. Trade between the U.S.S.R. and the developing world is very small, and the Soviet Union has little need for strategic material imports. Yet there they are, building influence in all parts of the world, increasing their grants of foreign aid and military equipment, and, through use of Cubans and East Germans, advising foreign armies and even fighting alongside them.

In order to impress the developing world with its armed might, the Soviet Navy has grown substantially in the past two decades to a point where it now has become a major force with "two ocean" capabilities. It is now able to rely on port facilities in all parts of the globe: Cuba, Angola, Ethiopia, and Vietnam. Its active fleet outnumbers our own by almost 4 to 1. Taking into account the unique demands of Soviet geography, especially their supply requirements, and also considering our significant technological edge, I firmly believe that the U.S. force is still superior. But for how long?

Fundamental to the continuation of trade relations, for the maintenance of the supplies to keep our Nation moving, fundamental to demonstrating our influence and power to our friends and to our adversaries, is a strong military. If we decide that our relations with the world outside of NATO-Europe are, indeed, essential to the U.S. national interest, and I believe they are, we must provide our Armed Forces with the ability to resist the Soviet advance in the developing world, to keep the sealanes open, and, if need be, to project the manpower and machinery to defend our friends and protect our interests abroad.

This decision would mean resolving our manpower problems, which include undermanning, insufficient training, and inadequate pay. We must greatly increase the number of Navy warships. The U.S. active fleet is the smallest it has been since 1939.

The Rapid Deployment Force is a concept whose time has come. Our armed services must be prepared for any contingency to defend U.S. Security interests. The principal opposition to the idea of the RDF comes from those who believe that the United States has no interests to defend outside NATO-Europe. But recognizing the need, it is not possible to support the current situation in which it would take us from between 16 to 30 days to place 25,000 troops in the Persian Gulf area.

The Rapid Deployment Force as presently conceived would have no force permanently assigned to it, but would be able to call on up to three carrier battle groups, four tactical air wings, three Marine brigades, and three and a third Army divisions, depending on the nature of the mission. To support deployment of this manpower, the defense budget recently passed by the Congress includes funding for Maritime pre-positioning ships to carry tanks, artillery, ammo, food and fuel. These ships will be deployed in various parts of the world near potential troublespots. The budget also includes funds for development of a long-range transport plane that can be refueled in flight, land on relatively short and rough fields, and carry outsized cargo.

It will be some time before the entire proposal becomes operative. In the meantime, the debate will rage over what kinds of aircraft and ships would best fulfill the missions we might envision for the Rapid Deployment Force, about whether the RDF would best be strictly a Marine operation or continue in the all-service form proposed, whether we should pre-position equipment in developing nations, as we now do in Europe, or whether we should depend on air and sea lift and avoid commitments to the nation holding our material.

It has been suggested in the Senate that we begin to formulate a new kind of Navy, one depending less on easily targetable and prohibitively expensive aircraft carriers, and more on larger numbers of easily dispersable, smaller craft, carrying vertical or short take-off planes and helicopter gunships as air support for Marine troops. I believe this concept deserves further serious consideration.

However these questions are resolved, I believe the Armed Forces should seek maximum flexibility to enable us to deal with the wide variety of contingencies which are likely to arise in the developing world.

We are not the only ones to benefit from our military presence in the Arabian Sea and other parts of the world. Our allies are even more dependent than we on oil imports and on easy access to foreign trade markets. Yet, since the Second World War, the nations of Europe and Japan have largely ended their international military activities.

On a recent trip to NATO headquarters in Brussels, I made known my belief that our allies should begin again to share in the defense of mutual interests, even those that lie outside traditional forms of NATO cooperation. Both in military planning and diplomatic relations, we should seek the counsel of our NATO allies, whose political ties and expertise in the developing world are often greater than our own.

I am encouraged by the response of NATO members to our growing commitment in the Arabian Sea. In many cases, they have upgraded their activities in the North Sea and Mediterranean in order to free our forces for other activities. The French and British have even increased their own small presence in the Indian Ocean.

I am confident that, with continued allied cooperation and with continued vigilance to the challenges presented by a rapidly changing world, our Nation can meet those challenges and move toward a secure and peaceful future.

Mr. President, again, I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The bill is open for further amendment.

Mr. WARNER. Mr. President, seeing no one here on the floor in response to the majority leader's request, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, with regard to the amendment which was just accepted by the managers and voted on by the Senate with relation to the forthcoming bicentennial celebration, I ask unanimous consent that the distinguished Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I support the pending bill, H.R. 8105, as amended by the Senate Appropriations Committee, the fiscal year 1981 Defense appropriations bill.

This bill totals $160.4 billion, an increase of about $6 billion over the administration request and an increase of about $3.4 billion over that approved by the House.

This legislation recognizes the serious state in which our defense establishment has reached during the 4 years of the Carter administration. While it obviously does not contain all of the programs I believe as essential for funding in the current fiscal year it goes further in that direction than either the budget request or the House-passed bill.

In this connection I will offer at least one amendment, that being an amendment to restore to the bill $255 million for reactivation of the battleship *New Jersey*.

By including this reactivation the Senate can place into the Navy force structure in about 1 year a powerful fighting vessel at about one-seventh the cost and in about one-fifth the time that a new ship of equivalent value would require. I will speak at greater length on this subject when my amendment is considered.

Mr. President, this legislation includes a number of increased pay proposals, various bonuses and incentives for both regulars and reserves, an increase of $3.5 million for tuition assistance and an educational assistance test program. I plan to reintroduce next year my GI education bill which is badly needed by the services and which should not only encourage military enlistments but should enhance retention of well qualified enlisted and officer personnel in both active and reserve forces.

Mr. President, one of the more important aspects of this bill is the appropriation of $51.3 billion for operation and maintenance. The Senate Committee has increased by $134 million the budget request. However, the figure is below the House increase, and I urge the committee to carefully consider the House position in conference because I believe more O. & M. funds is one of the greatest needs of the services.

Mr. President, I commend the committee for following closely to many of the recommendations included in the Defense authorization bill. Increased aircraft procurement, more ships, initiatives on strategic programs and other vital programs have been fought out and decided already and I am pleased the Appropriations Committee is supporting most of these important defense improvements.

UP AMENDMENT NO. 1785

(Purpose: To provide funds for the reactivation of the U.S.S. *New Jersey*)

Mr. THURMOND. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. TOWER, and Mr. HUMPHREY, proposes an unprinted amendment numbered 1785:

On page 22, after the semicolon in line 8, insert the following: "for reactivation of the U.S.S. New Jersey, $255,000,000;".

On page 22, line 12, strike out "$7,775,300,000" and insert in lieu thereof "$8,030,300".

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. STENNIS. Mr. President, will the clerk read the last part of the amendment again?

The PRESIDING OFFICER. The clerk will read that portion.

The assistant legislative clerk read as follows:

On page 22, line 12, strike out "$7,775,300,000" and insert in lieu thereof "$8,030,300".

Mr. THURMOND. It is just an increase of $255 million.

Mr. President, I am not sure that the figure on the last line of the amendment is printed clearly. It should be $8,030,300,000.

The PRESIDING OFFICER. If the Senator will state the figure he wishes to have in the amendment, we can make sure it is correct, if a modification may be necessary.

Mr. THURMOND. We are increasing the appropriation by about $255 million. As I understand it, that makes the total of the bill $8,030,300,000. That is the figure that should be on the last line.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment as modified is as follows:

On page 22, after the semicolon in line 8, insert the following: "for reactivation of the U.S.S. New Jersey, $255,000,000;".

On page 22, line 12, strike out "$7,775,300,000" and insert in lieu thereof "$8,030,300,000".

Mr. THURMOND. Mr. President, I ask unanimous consent that the vote on this amendment occur at 1:20 p.m. and that the time be equally divided between now and then.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I just asked unanimous consent, if it suits the distinguished chairman, that we vote on the amendment at 1:20. That would provide 35 minutes to each side, if the chairman wants to limit the time.

Mr. STENNIS. It occurs to me that perhaps others may want to speak about this matter.

Mr. THURMOND. I suggest making it 1:30, if that suits the chairman.

Mr. STENNIS. In just a few minutes we will know. Will the Senator just withhold until we can put it on the speaker so that if any Senator wishes to speak, he may call in? Then the Senator will renew the request. I think we can do that.

Mr. THURMOND. Will 1:30 be all right?

Mr. STENNIS. The understanding is there is no agreement in order now under the leadership. I do not know what the situation is.

The PRESIDING OFFICER. Is there objection to the agreement?

Mr. STENNIS. Mr. President, under the circumstances I object.

Mr. GOLDWATER. Mr. President, reserving the right to object, no one knew this amendment was going to come up. It is a very large sum of money that if passed in my opinion could do damage to the entire ball.

I do not think we should set any particular time. If we do it sooner, fine; if it takes longer, fine.

I think there will be quite a few Senators who will wish to speak to it.

So I object to any time certain.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Mr. President, some of our members are working on transition teams. In order to give them a chance to get here to vote, if we could just agree, say, 30 minutes before the vote and put them on notice so they can be here, that is all I wish.

Mr. STENNIS. Mr. President, if the Senator will yield, I have information here that the two floor leaders have had an understanding that they would not agree to time limitations until they had further conferred on the subject matter. I am going to ask them to agree to some time limitations myself.

Mr. THURMOND. Mr. President, does the Senator wish to make it 2 hours? I simply want to give them a time to get here. That is all.

Mr. STENNIS. The point is they will have to be notified. So, we will notify them now that there is a chance to get a time agreement to vote.

Mr. THURMOND. All right. That will be fine.

I thank the Senator.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. Mr. President, I rise in support of my amendment to restore $225 million to the Senate Defense appropriations bill for reactivation of the battleship *New Jersey*.

Mr. President, this issue of reactivating the battleship was a major item of debate in both the Senate and House Armed Services Committees. After lengthy debate, congressional hearings, and a serious consideration of the merits of this initiative, it was approved by both Houses in the authorization bill which was signed by President Carter. I might add, Mr. President, that in the Senate, the *New Jersey* was approved by greater than a 2-to-1 margin.

Mr. President, the reactivation of the *New Jersey* makes sense for Ameirca. I have examined closely all of the facts and have listened to the positive, supportive testimony of many distinguished witnesses who have endorsed reactivation. These witnesses include Adm. Thomas Hayward, Chief of Naval Operations; Adm. Harry Train, Commander, Atlantic Fleet; Secretary Graham Clayter, Deputy Secretary of Defense; and, Ambassador Robert Komer, among others.

It is clear, Mr. President, that the Navy needs ships today and they need them immediately. The trend in U.S. Navy shipbuilding has been decidedly down in the past several years while the Soviet shipbuilding trend has been sharply up. Our Navy today has a minimum requirement for 550 ships—this number was lowered recently by the administration from 600 ships—yet today we have only 462 fighting ships.

As Admiral Hayward has said many times, we have a 3-ocean requirement—but only a 1½-ocean Navy.

Mr. President, it takes a very long time to build a Navy warship today. Ships authorized today will not be introduced into the fleet until 7 to 10 years—well beyond our normal 5-year budget forecast. Mr. President, the reactivation of the *New Jersey* presents a real opportunity for us. It can be returned to the fleet in just 12 months—1 short year. Some optimists in the Navy even claim the ship is in such fine shape that it could be reactivated in 9 months, but I believe 12 months is more realistic.

Mr. President, in 12 months we will not be returning an ancient World War II relic to service. We will be returning a fully modernized fighting ship equipped with 16 Tomahawk cruise missiles—a ship with over 15 years of design life left. A ship capable of serving as a flagship for the Rapid Deployment Force—a ship capable of providing heavy firepower for Army and Marine forces—a ship capable of maintaining a presence with Third World nations—a ship that can take the place of a carrier when they are drawn down such as recently happened in the Persian Gulf and the Indian Ocean—and a ship that can serve as a tanker and refuel other ships—and in fact refuel its own escorts.

Mr. President, the *New Jersey* is as sturdy as any ship ever built. With its 16-inch armorplate it is a ship that really cannot be duplicated today. The *New Jersey* has many other special qualities. It is the fastest ship in the fleet with a speed of 35 knots. It is absolutely the most survivable of any ship in the fleet. It has survived nuclear testing and has demonstrated in World War II just how difficult it is to sink such a highly compartmentalized ship. The endurance of the *New Jersey* is fantastic. It can steam 15,000 nautical miles at 20 knots or 5,000 nautical miles at 30 knots.

Mr. President, the only real issue about reactivating the *New Jersey* is the manpower issue. Well, Mr. President, let me make the following comments on the 1,550-man crew, which is less than half that required for an aircraft carrier.

Admiral Hayward and a number of others have testified that after Congress addresses the military pay issue, then the *New Jersey* will not have a manpower problem and should be reactivated immediately. Well, let me say, Mr. President, Congress has addressed the military pay problem with the Nunn-Warner bill and next year there will be more coming. The sea-pay issue just passed in the Manpower Subcommittee. Next year Congress will also be taking some action on a new GI bill of education which is badly needed. Since that major stumbling block has now been addressed, it is time to reactivate this ship.

Mr. President, the skill levels required to operate the *New Jersey* are significantly lower than that required to operate a more modern ship. This certainly eases the Navy's manpower problem.

Next, Mr. President, is the national pride and mystic about this fine ship. The Navy tells me that already over 300 sailors have volunteered to serve on the *New Jersey*. In addition, many discharged personnel have indicated they are very interested in reenlisting if they can be assured of serving again on the *New Jersey*. Finally, and most importantly, Mr. President, Adm. Harry Train, Commander of the Atlantic Fleet, has stated he desperately needs this ship to meet his commitments in the Atlantic. Mr. President, Admiral Train predicts that the high interest in the *New Jersey* will enable him to fully staff it during the 12-month reactivation period.

Mr. President, the people have spoken in the last Presidential election. They know that our defense posture needs rebuilding. All of our services have problems, we have a shortfall everywhere, but Navy shipbuilding is one of the most critical areas. Mr. President, there are many other naval ships in mothballs which when reactivated can rebuild our Navy. The *New Jersey* reactivation is the best of the lot. This reactivation can be used as a model for many other reactivations.

Mr. President, I submit that the reactivation of the battleship *New Jersey* is absolutely the most system-effective, the most cost-effective measure that Congress can take in the fiscal year 1981 defense appropriations bill. The *New Jersey* reactivation will cost only one-seventh the cost of a new ship, $255 million versus $1.5 billion. For little more than the cost of a frigate, and 12 months of low risk shipyard work, we get a phenomenal increase in fleet capability. This is a chance for every U.S. Senator to do something with real tangible near-term results for their country. I hope that every Senator will support this amendment.

Mr. GOLDWATER. Mr. President, will the floor manager allow me a few minutes?

Mr. STENNIS. Time is not controlled. The Senator can use whatever time he wishes.

Mr. GOLDWATER. I will use what I want.

Mr. President, I oppose this amendment.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER (Mr. HEFLIN). The Senate will be in order.

Mr. GOLDWATER. If you asked the admirals of the fleet right now "What are you willing to give up for this $250 million," they will say, "We don't want to give up anything."

Now, Mr. President, one of the troubles our fleet faces is that it is an antiquated fleet. The average age is close to 24 years, which is the age of obsolescence. To expect to put the *New Jersey* into any shape that would be comparable to a modern fighting ship in the space of 1 year to me seems and is utterly impossible.

It is a fast ship. Every argument the Senator from South Carolina makes I can live with, except that we cannot afford to put $250 million into an old battleship.

Let me give you some of my reasoning. We are short, Mr. President, 2,500 pilots. I repeat, our Armed Forces are short 2,500 pilots, and we cannot go to war tomorrow and man the aircraft we have because of the shortage of pilots.

Why has this shortage occurred, in the main? It has occurred because we have not been able to afford to give the average pilot, particularly when he reaches captain and then goes to major, enough flight time to retain his interest in staying in the service.

Now, being a pilot myself, and having served for many, many years in the Air Force, I can tell you that the average attitude of a military pilot is, "If you can't fly, get out of the service." They do not want to sit behind a desk.

Yet we are short 2,500 pilots right now, and we have no plans, Mr. President, to so increase the tempo of training that we can replenish this shortage in any short period of time.

I call attention to the fact, whether we like it or not, in the Navy, the Army, and the Air Force, and the Marines that there is probably more emphasis, more dependability, placed in the air than on the normal areas of their operations such as the sea or the land.

I have been arguing for a long time, along with other members of the Armed Services Committee, to increase this flight time, to give us more money, to allow the young men who are flying aircraft to get more flying time.

But I tell you, I tell my colleagues, that many of our first-line pilots have a hard time getting 4 hours a month in the combat airplane they are assigned to, and I am telling you the truth.

I can recall the days when, if you did not get 80 hours a month, you were not keeping up your proficiency. How can we expect to keep these young men when we say to them, "You cannot fly?"

We have other areas for this $250 million. We want to buy some modern aircraft for all the services. We are short aircraft. I will remind my colleagues once again we are buying this year fewer aircraft of all types, 400, than we expect to lose through the normal route of attrition, that is, the normal accident rate, normal pilot error, equipment error or whatever it might be.

The Russians are building 1,700 tactical aircraft, and they have been building 1,700 tactical aircraft a year for the last 10 years. On top of that they are building three Backfire bombers a month. We are not building a new bomber, and yet we are talking about bringing back to life an antiquated battleship.

I can remember as a very, very young man, in fact as a boy, how thrilled I would be in seeing pictures of a giant battleship cutting through the waves with those great big guns that could shoot 16 miles.

Well, Mr. President, war has changed. We are now up against rockets that can penetrate 16 inches of armor plate with no trouble. At $10,000 a copy for a good rocket made by the Russians, flown by faster aircraft than we have available in our inventory, I would not give this *New Jersey* a chance of survival on the open seas for more than a few weeks if we had to go to war.

Mr. President, we need tanks for the Army. We have not yet received delivery for inventory purposes of one of the new main battle tanks, and we have not received a new battle tank since World War II.

We have not purchased any new 120 millimeter cannon for the battlefield.

I could go on and on, Mr. President, at the things we had to cut out of this year's authorization bill and cut out of this year's appropriation bill because we felt we did not have the money.

Mr. President, there are plenty of things we wanted to use money for, many, many things we could not buy, but we did not buy them, Mr. President, because we were short of money.

Now, as much as I admire the senior Senator from South Carolina, and as much as I respect his military knowledge, I just cannot see any sense at all in spending this much money to try to put back on the waves a battleship that has already more than served its time.

To put modern equipment on it, to equip it with modern radar, to equip it with the type of armament we need in modern naval warfare is, in my opinion, going to take far more than the year that my friend has specified.

So, Mr. President, I might add this is a coal-burning ship, and although it will sail fast and sail a long way, it is nuclear power which I think all ships should be from here on out.

So what we are really going to do if we vote "yea" on this amendment is just vote another old piece of equipment for a Navy that is already too old.

We might as well bring the *Mayflower* back to life. That would be a great thing for America, to have the *Mayflower* sail out and meet the ships of the enemy. It is about the same idea as the *New Jersey*, a much more sanctified and beautiful name, and with no disrespect to the State of New Jersey. [Laughter.]

So, Mr. President, I urge my colleagues to vote against this amendment.

I thank the Chair and I thank my chairman for allowing me this time. I may take a little more later on.

Mr. STENNIS. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I shall not use but 3 minutes.

I respectfully submit to each Member that this involves the setting of priorities, and that is one of the substances here of the argument of the Senator from Arizona, and he is so correct in what he said.

Our authorization committee did consider these proposals rather seriously. I, in preparing for the markup, called the Chief of Naval Operations and talked to him about the worth and value and what his position was, because these were outside the budget. He said that he favored the idea. He is always frank and honest about these things. He said he favored the idea.

I told him we had a great mass of matters that were requested and beyond the budget, and so forth, and then I asked him, "Now, what are you willing to give up in order to get this old ship?" He said, "We cannot give up anything." I said, ' Not even $100,000," or some small figure that I mentioned? He said "No, no, I cannot give up anything."

Now, that was way back in May. After hearing all the proof, it became very clear to me that there were other items that were needed and demanded, even enough flying time for the pilots of our modern planes. It was deficient.

We put $105 million in this bill for that expressed purpose. It became very clear to me that, on a priority basis, these old ships and this old carrier just could not rate the money. And that is the way the situation became, although they were authorized.

But the Appropriations Committees' viewpoint is totally different. Totally different. The ships come on the floor today without one single vote from the Subcommittee on Appropriations, nor the full Committee on Appropriations. There is no one there that voted for them.

So on the sentiment of these priorities, these ships were left out. They just do not qualify, as compared to the need for new material.

Now, what I am talking about? We used that money here for other purposes. The two together will put more than a half a billion dollars back into the bill.

Now, the bill is already $3.4 billion above the House. This will make us almost $4 billion above the House, making any agreement on the bill all the more difficult. And I predict that they are very firm and very strongly opposed to the idea.

Here is where the money went for something on the positive side; $105 million for additional flying hours for the F-15 and F-16 pilots. Now, those are among our fore-most military weapons. They were not given enough money, in our opinion, for additional flyng hours, so we put in $105 million for that.

One hundred and sixteen million dollars to reduce the growing backlog of real property maintenance and repair.

Fifty million dollars to reduce the backlog of Army combat equipment awaiting depot maintenance. If dollars are not needed there, I do not know where they are needed.

One and a half billion dollars above the President's estimate for additional new ships, additional new ships instead of the antiquated ships that we are dealing with in this amendment.

We put in, by the way, $2.3 billion above the President's budget for additional new aircraft and $129 million for additional tanks and other armored vehicles.

If that is not a convincing set of facts in this time that we are faced with right now—not 10 years from now or 5 years from now, but now—I never heard one that was convincing.

One other point, and I will be through. The manpower requirements of the Navy, the Army, and all the services. The manpower requirements of qualified people are very, very acute. It is in a very, very serious condition.

This old battleship will require 2,041 total manpower to put it in action. The old carrier will require 4,781. Now, there is a scarcity of qualified manpower. We have dealt with those requirements in an earlier bill, and had an increase in pay and other provisions trying to keep from losing the manpower. We come along now as if we just had it to spare. If we passed both of these, that would be over 6,000 additional men, that is, 6,700 men that we would have to use to man these ships.

With great deference to the author of the amendment and everybody in the Navy, I think we ought to soundly vote down these proposals.

As I say, I went to the Chief of Naval Operations at the critical time and asked him about it. He gave me that answer. Now, I understand—they have not told me—I understand other admirals are calling up and lobbying for this ship. That is a sorry way to do business, in my book.

I hope the Senate will put this on a deferred list, at least, and let this priority list that we prepared of these needed and necessary materials be give the right-of-way and the vote.

I am sorry I took so much time. I yield the floor, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I rise to support the position of the distinguished Senator from Mississippi and the distinguished chairman of our Appropriations Subcommittee. He made the very cogent point that there was not one single vote in the subcommittee and not one single vote in the full committee on appropriations, which has 28 members, in favor of reactivating the battleship *New Jersey*.

Many of you will remember the *New Jersey* debate we had on the floor a few months ago. It concluded with a very, very close vote. As a matter of fact, I think if it had not been for a couple of changed votes, we would by one vote have voted not to authorize the reactivation of this ship.

Just to make the argument, Mr. President, let me cite an example. On October 18, I went down to Newport News Shipbuilding and Drydock where the new U.S.S. *Arkansas* was being commissioned. We launched it 2 years ago. My wife, I am very happy to say, is the sponsor of that ship; my daughter, the cosponsor. It is a magnificant guided missile cruiser, nuclear powered with an unbelievable amount of firepower. You talk about majesty in motion, that ship is a magnificent ship.

As the distinguished chairman knows, it is of the Virginia-class. We have the U.S.S. *Virginia*, the U.S.S. *Texas*, the U.S.S. *Mississippi*, and the U.S.S. *Arkansas*. Those are all the cruisers of that class that have been built.

They told me that ever since the U.S S. *Virginia* was launched, technological breakthroughs of enormous importance had come about by the time the U.S.S. *Arkansas*—the last of the Virginia-class cruisers—was commissioned. Just in that short period of time, and there is not a much more modern ship than the U.S.S. *Virginia*, technology and antisubmarine warfare, antiaircraft, guided missiles, all those things, have improved at a dramatic rate.

The U.S.S. *Arkansas* commissioning ceremony was a moving moment. With about 3,000 people present, and a number of them came up from Arkansas for it, all the old seamen who had served on the famous World War I and World War II U.S.S. *Arkansas* were introduced and asked to stand. About 100 men stood. They came from all over the United States to see the commissioning of this magnificent new type U.S.S. *Arkansas*.

I talked to a few of them. They were so nostalgic about it. They expressed their love for that ship, which now lies at the bottom of the Bikini Atoll, where it was used in the experiments of nuclear weapons and the effects they had on surface ships right after World War II. The old U.S.S. *Arkansas* died a rather ignominious death, its hull out there for experimental purposes sunk by an atomic bomb.

They were, to repeat, so nostalgic about their tour of duty on the U.S.S. *Arkansas*. I asked them to start talking about that ship and other ships they had served on and to compare their old ships with the new U.S.S. *Arkansas*, this new guided missile nuclear-powered ship. They all said there is absolutely no comparison; no comparison in the command and control center, the type of weaponry you had to defend yourself with, the tremendous speed of the new ship, the 35-year life cycle, and the need to refuel only every 10 years.

Mr. President, think about that. Think about this body seriously talking about taking a 37-year-old ship out of mothballs. We are pretending that, somehow or other, by the expenditure of $255 million, we could give that ship the firepower and the speed and all the modern devices of electronics that it will need to defend itself against the ever-increasing technology of the Soviets and their antiship cruise missiles.

Mr. President, if we had all the money in the world, I would vote aye on the amendment to reactivate the *New Jersey*. Unhappily, we do not have all the money in the world.

We are now in the process of rebuilding and modernizing every branch of the armed services. The one service that I am most concerned about is the Navy. The one that I intend to vote to support is the 550 ship Navy, and not just 550 ships that we can count to say that we are gaining on the Soviet Union numerically, because just any old ship will not do.

I am going to vote for 550 modern ships. Hopefully, a larger percentage of them will be nuclear powered. They will have the most sophisticated weaponry, the most sophisticated antiaircraft and antisubmarine capabilities. That is the kind of Navy we owe to the dedicated seamen of this country whom we ask to join the Navy to help defend this Nation. They are entitled to a modernized force.

The distinguished chairman has talked about priorities. As I say, if we had all the money in the world we would do this, but we have to pick and choose. What is the most effective?

The chairman asked the Chief of Naval Operations: "What are you willing to give up?" Our defense appropriations are already above $160 billion. "What are you willing to give up to get the battleship *New Jersey* reactivated for the third time?" The CNO said, "Nothing."

I understand that. I do not blame him. If I were in his place, I would not want to give up anything else either. But bring a 37-year-old ship out of mothballs, to spend $255 million on it, to get a ship that will last only 12 more years is not cost effective. With only $90 million more, you could build a much more effective and modern naval weapon system with a 30-year life expectancy.

If I were to list all the things we could do with $255 million, I would be here all the rest of the day.

Let me make one other point. We are now talking about a "class D" cost estimate, not as bad as the "class F" estimate we were given when we debated this on July 1 this year. But a "class D" estimate still does not guarantee you that you can retrofit this ship for $255 million. That estimate is not a detailed inspection of every part of that ship. We still need at least a "class C" estimate to give us a closer approximation of what the cost will be.

A "class D" is still in the realm of an educated guess, and if I were going to give you an educated guess, I would guess it will cost a lot more than $255 million.

Finally, the point that the Honorable Graham Claytor, Deputy Secretary of Defense, made was that we do not have the manpower to operate a new *New Jersey*. We are talking about a maximum of 1,300 men. We do not have them. If for no other reason, that is a good enough reason to vote against reactivating this battleship at this time.

The Senator from Rhode Island (Mr. CHAFEE), a former Secretary of the Navy, assisted me when we debated this matter a few months ago. He took the very strong position that reactivating this ship was precisely 180 degrees from the direction in which the U.S. Navy should be building.

I want to point out that the amendment before us is not a prodefense or antidefense vote. I do not care if you are a hawk, a dove, prodefense, antidefense, or somewhere in the middle, because there is not anyone here who wants to waste defense dollars. What we want to do is to build the most cost-effective weapons that money can buy, and reactivating this battleship is not cost effective.

Mr. President, I appreciate the distinguished Senator from Mississippi allowing me this time to oppose the amendment. I am so pleased that he is opposing it. He opposed it in the Armed Services Committee. But they brought it to the floor because he always supports his committee on the floor just as he supports the Appropriations Committee right now. He did not believe in it to begin with because he voted against it in committee.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment occur at 1 o'clock, with the remaining time to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield time to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I most reluctantly have to oppose this money to modernize the *New Jersey*. I always thought that these old battleships were great fortresses, great weapons, but this is an old ship, a weapon of the past. According to the estimates given to me by the Navy, it would take about 2½ years to put this ship into service. But it is already an old ship. We have other priorities that are much higher now with the new, modern weapons of war. We would be better off to spend this $255 million on new ships of the future.

The Navy has problems recruiting and retaining personnel. In fact, the Navy is experiencing personnel shortfalls, although the situation has improved recently.

Spare parts and support for many of the systems on the ship are not available and new sources and production lines would have to be established at an additional cost.

One of our problems today with the B-52 is when parts wear out, and they have to have new parts, it is tremendously costly to get an industry to establish a new production line. They cost probably 10 times as much as they should.

This is a good battleship, but we have other priorities that are much more important, in my estimation.

For example, in planes, we did provide for the full amount of the authorization for 30 F-14 aircraft, 60 F-18 aircraft, 42 F-15 aircraft, 180 F-16 aircraft, and 60 A-10 aircraft. These are modern planes which are very costly. But if we were to add this amount of money, we would be about $4 billion over the House. We are $3.4 billion over the House now. In conference with the House, we would have to give up many items which I think are of much higher priority than this battleship. Mr. President, I will have to oppose this amendment.

Mr. STENNIS. Mr. President, time is to be divided equally. Does the Senator from Colorado wish time?

Mr. HART. I thank the Senator from Mississippi. I wish merely to identify with some of the comments made by the Senator from Arizona a few moments ago. If we had an unlimited amount of money to spend, resurrection of the *New Jersey* might be an interesting thing or worthwhile thing to do. The fact of the matter is that even with increased defense spending, which most of us believe necessary, this is not a wise allocation of resources that we have. There are many more pressing naval needs, particularly.

As one who supports recommission-ing of the *Oriskany* to provide one more deck at sea, it is not a question of whether to recommission a ship that is not in operation at the present time. The question is do we need to spend a quarter million dollars on this particular ship. The answer is no from all quarters. The distinguished manager of the bill has so stated; the distinguished Senator from Arizona has so stated. As one who has spent a considerable amount of time in the past 4 or 5 years on the question of the shipbuilding program, I think this is a very, very low-priority matter. This money could and should be spent on a number of other items in the Navy.

Leaving aside the question of weapons for the Air Force, weapons for the Army and Marines and so on, this is not a high-priority item in this Nation's shipbuilding program. It is not a wise use of the money, a quarter of a billion or more dollars, that should be devoted to other shipbuilding priorities.

Mr. President, I wish to be identified with the Senator from Arizona as well as the distinguished managers of this bill.

Mr. STENNIS. Mr. President, does anyone else wish to use time now in opposition to the proposal?

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

I want to say, with regard to the distinguished Senator from Arkansas, that he offered an amendment, when this matter was considered before on the authorization bill, to strike the *New Jersey*. The Armed Services Committee had put it in, 11 to 5. I repeat, the vote on the Armed Services Committee was 11 to 5 for the *New Jersey*. The Senator from Arkansas offered an amendment to eliminate it on the floor of the Senate. That was defeated 50 to 41.

Of course, we understand his position now; he is adhering to his former position.

Mr. President, the distinguished Senator from Arizona mentioned the life of this ship. This ship has been used for only 13 years and, according to the design experts, it has at least 15 more years of good service. It could be extended, they say, even to 20 years with an overhaul.

So far as the concern for manpower goes, I agree with that. But, Mr. President, what was this recent election about? I can tell you quickly why Governor Reagan was elected. He was elected because inflation in this country is the highest it has ever been. Interest rates in this country are the highest they have ever been. Unemployment is the highest it has ever been since the Depression of the 1930's. Those are some reasons he was elected.

Another reason he was elected is that the people in this country are deeply concerned about our defense posture. Governor Reagan emphasized that. He wants to rebuild defenses. Now we have a chance to do that. We can build a ship here for one-seventh the cost of a new ship. Why do we want to pay $1.5 billion for a brandnew one when we can rebuild this one for $255 million?

Mr. President, it seems to me that we had better think carefully. Even President Carter's Deputy Secretary of Defense, Mr. Claytor, had this to say in answer to a question I propounded to him. The question was this: "Is it worth doing?" speaking of this ship.

His answer? "We feel that this is a very useful initiative and we support it wholeheartedly."

That is the Deputy Secretary of Defense.

Mr. President, then I said to him:

> Mr. Claytor, Admiral Train has publicly stated on March 18, 1980 that the reactivation of the battleship *New Jersey* is so important that he would personally guarantee availability of the 1550-man crew Is the rest of the Navy management in concert with Admiral Train's position in the press?

That is what Admiral Train said in the press. I asked him were they in concert? His answer was:

> Yes. We think the people problem is manageable, provided that action is taken to improve the competitiveness of Navy pay.

Mr. President, we have done that, with the Warner-Nunn amendment. So, there, we have Admiral Train.

Mr. President, the Chief of Naval Operations, Admiral Hayward, has a statement—made when? This year, April 25, 1980. This is Admiral Hayward, the Chief of Naval Operations, the highest naval man in this country. What did he say?

> Reactivation of the *New Jersey* was not included in the fiscal year 1981 budget request because at the time of submission, this option had not been reviewed by OSD;
>
> I support reactivating only *New Jersey* (as opposed to a commitment for all four battleships) because she is useful as a "visible, powerful naval combatant";

Listen to these words:

> I am confident we can man the battleship if we attend promptly and adequately to those aspects of military compensation which we know are driving excessive numbers of our most valuable people out of the armed forces today.

We have done that. We have done that with the Warner-Nunn amendment, Mr. President.

That is Admiral Hayward's statement. Are we going to harken to him? Are we going to harken to the Deputy Secretary of Defense?

Here is Mr. Robert Komer, former Ambassador, now the Deputy Secretary of Defense. Let us see what he says about it:

> The battleship has been one of the most visible instruments of power ever to sail the oceans of the world.

Catch that statement.

> Its mere presence in a potential crisis area would be a significant enhancement to our credibility, particularly with the small nation's-states of the Third World. In addition the warfighting capabilities of the RDF would be dramatically improved by the 16-inch and 5-inch guns aboard these vessels.

Mr. President, these are the experts. The Navy wants this. Defense now, according to the administration dictation, may oppose it. The Navy wants it. I can tell you the Navy wants it. I have quoted here to show you that the Navy wants it and the Navy needs it.

Mr. President, another quote from Admiral Train.

> I think it is a good idea to reactivate the *New Jersey*. Arming it with cruise missiles will give it a formidable capability. This will free our carrier battle groups for operations where their unique capabilites are required. Such a program would be economical relative to the cost of new construction. It would provide a potent force in for less time than that required for construction of new ships.

I cannot imagine the chairman of the Armed Services Committee opposing an amendment of this kind. I can just not imagine a member of the Armed Services Committee opposing an amendment of this kind. You know we need ships. We all know we need ships. In fact, we have only 462 ships and we need 550 ships.

Why do we delay, Mr. President? Why do we even consider opposing this amendment when we need 550 ships, according to our experts, to protect this country and we have only 462?

Mr. President, I want to say that the Armed Services Committee, even with its distinguished and able chairman going the other way, voted 11 to 5—I repeat, the Armed Services voted 11 to 5—to put the *New Jersey* back in. That is unprecedented, because the chairman is generally dominant in the committee and carries his view. But the members must have felt so strongly about this that they voted 11 to 5 to put in the *New Jersey*.

Mr. President, I have respect for people who feel we do not need it, but there is no question that we need it. The Navy says we need it. The Deputy Secretary of Defense says we need it. The Chief of Naval Operations says we need it. Admiral Train, the commander of the Atlantic Fleet, says we need it.

These defense officials have all said we need it. If they change their mind now, it is because they are under pressure to do it. They have gone on record in their statements as favoring this ship. We need this ship, the country needs it.

I repeat, Governor Reagan said he wants to strengthen the defense of this Nation. Why do we not do this now, begin now? We do not need to wait until he goes into office. The people have spoken. The people of this country are uneasy, they are concerned. They have a right to be, with the Soviet threat as it is today.

The next 5 years, according to the experts of this country, are going to be the crucial years in the history of America. We must move and get going as quickly as we can to rebuild our defenses if we are going to remain a free people.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, what I have to say would be largely repetitious of what I have already said. If we just had billions and billions of dollars more money free, looking for a place to put it, I think we could agree on putting some of it on these old ships. But money is limited, after all. We have made mistakes.

I think, in some years, acting as if it were not limited. We already in this bill, as I said a moment ago, are around $3.5 billion above the House of Representatives, which means we are going to have to probably give up some of the items we have in the bill.

We pile it on top of all these proven needs that are given high priority by the committee and have not been challenged on the floor, not a single one of them, none have been challenged to make room for this old ship.

The admiral said that he would like to have it, but he was not willing to give up anything to get it.

So our committee has been impartial on this matter. We are not willing, in our judgment, to give up these more modern items in order to make room for one of such highly questionable service.

This same old battleship was reactivated and fired a few times on land side in the war in Vietnam. There was no record of any good it did. They got those old guns out and the admirals proved they could still fire them. I expect that is some of the desire here.

All of a sudden, in the last few days of this elongated session, when time is previous and new money is scarce, the admirals stood up and called a lot of people about putting in these old ships.

There has been no sustained movement in all the time since we passed on this originally because on critical, final, full analysis, the need is just not sufficiently proven. Doubts can be raised. What is going to be the mission? Where is the defined mission? Talk about a general mission, but there has been no defined mission. No one has asked, where are we going to get the Navy personnel, where are we going to get them when we have been emphasizing we are short already and had to keep these men at sea on the carriers for double time, triple time on some of them—they stayed out there months and months and months?

No one has explained that. The admirals do not give answers to these questions. It is not the money. I would not be surprised if they come back in a few months wanting to transfer this money over to something else that has been authorized, that they decided has a higher priority. They could not do that without consent of the committee, but that is our experience with them.

There is no well-defined positive mission. How many of these missiles do they want to put on them, like the Harpoon, the Tomahawk? How many will they put on? How much will they cost? How much will it delay the newer ships?

We would have to make forays into other ships in being, and in the future, to get these missiles to put on this old ship to make it effective. We would have to borrow from somewhere else for the manpower, where there is not a surplus of manpower, and instead, there is a scarcity of manpower.

So this proposal is just a framework of ifs, buts, maybes. Gives us the money now, we want it. That is about all to say on this.

As one who looked on it sympathetically, if there was a way to save money in the beginning, I found it is worth less and less and less, in my judgment.

I could not put my finger on one single worthwhile thing that this old ship can do. It will take money that should be put somewhere else. It will take equipment, manpower, missiles, and everything else. That costs big money. That could be put on our modern ships.

So, with great deference, this is very definitely a step backward. We are supposed to be going forward. That is why in our committee, the Appropriations Committee, not one single person on the subcommittee voted in favor of these ships, not one single person on the full committee, or those able to get to that meeting. We met all afternoon and had a very lively and complete meeting—not a single one of them voted in favor of these ships.

I submit, with all great deference, that there is no good, solid, sound reason to take good money and put it on these old ships, at the expense in money, equipment, and manpower of other ships that are more modern and ready to go.

I think this would be a serious mistake. I think it is tragic that more Members could not be here, at least to hear the facts in this matter.

I submit that is the committee's position.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I believe the distinguished chairman of the Armed Services Committee stated that there is not a single person who voted on this in the committee. As I understand it, there was no vote.

I know the distinguished Senator, the chairman of the Budget Committee, told me he was for it and, if they had a vote, evidently it was taken when nobody was there. I am sure there would have been——.

Mr. STENNIS. A show-of-hands vote, Mr. President.

Mr. THURMOND. Other Members who supported this.

Mr. President, I state that in the Armed Services Committee, these are the people who voted for the *New Jersey*: Senators JACKSON, NUNN, HART, EXON, TOWER, THURMOND, GOLDWATER, WARNER, HUMPHREY, COHEN, and JEPSEN. Those members of the Armed Services Committee voted for the *New Jersey* in the committee meeting.

Mr. President, when this matter came up on the floor of the Senate for a vote on July 1, 1980, when the authorization bill was here, the distinguished Senator from Arkansas offered an amendment to delete it and it was defeated, 50 to 41.

Here are the Senators who voted for the *New Jersey* at that time:

Armstrong, Baker, Bentsen, Boschwitz, Byrd, Harry F., Jr., Byrd, Robert C., Cochran, Cohen, Danforth, DeConcini, Dole, Durenberger, Durkin, Exon, Ford, Hatch.

Hayakawa, Heflin, Heinz, Helms, Hollings, Humphrey, Jackson, Javits, Jepsen, Johnston, Kassebaum, Laxalt, Levin, Magnuson, Mathias, McClure, Melcher.

Morgan, Moynihan, Nunn, Percy, Schmitt, Schweiker, Simpson, Stennis, Stewart, Stone, Thurmond, Tower, Wallop, Warner, Williams, Young, Zorinsky.

Those are the 50 people who voted for the *New Jersey* here on the authorization bill.

Mr. President, it just does not make sense. Here we are talking about building up our defenses. How better can we do it than to take a ship and spend $255 million as an add-on, when a new ship would cost $1.5 billion.

Mr. President, this is a good economy vote. This is a good defense vote. This is a good Reagan vote. This is a good vote for this country.

Mr. President, we hope that the Senate will see fit to include the *New Jersey* here and save time. We need time. We need to save time now.

● Mr. LEVIN. Mr. President, I will vote for the amendment by my colleague from South Carolina to add $255 million to the fiscal 1981 Defense Appropriations Act to reactivate the battleship *New Jersey*. His proposal represents a prudent approach to strengthening our naval capability more quickly and at a more reasonable price than could otherwise be achieved.

There are several reasons why I take this position:

First, reactivation of the *New Jersey* is estimated to cost far less than it would cost this Nation to construct a new ship of this size and capability.

Second, this reactivation and deployment of the *New Jersey* to the fleet, where it is needed, is expected to require far less time than would be necessary if we built a new vessel.

Third, there is strange testimony from senior Navy admirals that the manpower needed to operate this ship would be available when required, despite the Navy's present crisis in retaining more highly-skilled senior enlisted personnel than would be necessary for the *New Jersey*.

In addition to the expression of interest from former Navy personnel about reenlisting for the opportunity to serve aboard such a highly-regarded vessel, there is evidence that the Navy is beginning to improve the recruitment picture for the less-experienced sailors needed to man the *New Jersey*.

I also might point out that the large increases in military pay and benefits contained in this appropriations bill, and in the fiscal 1981 Defense Authorization Act already signed into law, can be expected to further improve the Navy's manpower situation.

A fourth reason to support the reactivation of the *New Jersey* is that the Navy already is studying several proposals to make excellent use of this ship to increase its capabilities to meet successfully its wartime and peacetime responsibilities. The proposals range from adding vertical cruise missile launchers to greatly enhance the *New Jersey's* firepower, to using the ship as a flagship for a surface warfare strike task force, to assigning it to a carrier task force or Marine amphibious force to support those types of operations.

Mr. President, I believe these reasons are persuasive, and urge adoption of this amendment to strengthen our Navy through reactivation of the battleship *New Jersey*.●

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi has 1 minute remaining.

Mr. STENNIS. Mr. President, as I understand the parliamentary situation, on the amendment proposed by the Senator from South Carolina, the yeas and nays have been ordered or will be ordered.

The PRESIDING OFFICER. They have not been ordered.

Mr. STENNIS. Does the Senator want to ask for the yeas and nays?

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry. This is a straight up-and-down vote, is it not—"yes" for the amendment and "no" against it?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from New Hampshire (Mr. Durkin), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Ohio (Mr. Metzenbaum), the Senator from Connecticut (Mr. Ribicoff), the Senator from Michigan (Mr. Riegle), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

Mr. BAKER. I announce that the Senator from Colorado (Mr. Armstrong), the Senator from Maine (Mr. Cohen), the Senator from Utah (Mr. Hatch), the Senator from New York (Mr. Javits), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), the Senator from South Dakota (Mr. Pressler), the Senator from New Mexico (Mr. Schmitt), the Senator from Alaska (Mr. Stevens), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

The PRESIDING OFFICER (Mr. Boren). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 36, nays 39, as follows:

[Rollcall Vote No. 479 Leg.]

YEAS—36

Baker
Baucus
Bentsen
Boren
Byrd, Robert C.
Cannon
Cochran
Danforth
DeConcini
Dole
Domenici
Durenberger
Glenn
Hayakawa
Heflin
Heinz
Helms
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Levin
Melcher
Moynihan
Packwood
Percy
Sasser
Schweiker
Simpson
Stafford
Stone
Thurmond
Tower
Warner
Zorinsky

NAYS—39

Bellmon
Biden
Boschwitz
Bradley
Bumpers
Byrd, Harry F., Jr.
Chafee
Chiles
Cranston
Eagleton
Exon
Ford
Garn
Goldwater
Gravel
Hart
Hatfield
Huddleston
Inouye
Leahy
Lugar
Matsunaga
Mitchell
Morgan
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Roth
Sarbanes
Stennis
Stevenson
Stewart
Tsongas
Weicker
Williams
Young

NOT VOTING—25

Armstrong
Bayh
Burdick
Church
Cohen
Culver
Durkin
Hatch
Hollings
Javits
Kennedy
Laxalt
Long
Magnuson
Mathias
McClure
McGovern
Metzenbaum
Pressler
Ribicoff
Riegle
Schmitt
Stevens
Talmadge
Wallop

So Mr. Thurmond's amendment (UP No. 1785) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BUMPERS. I move to lay that motion on the table.

Mr. THURMOND. I move to lay that motion on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Boren). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, we have the privilege and the honor today—may I have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Chair announces that the motion to table is not debatable.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

VISIT TO THE SENATE BY FORMER PRESIDENT GERALD R. FORD

Mr. ROBERT C. BYRD. Mr. President, the Senate is honored and privileged today to have in its midst in the Senate Chamber the distinguished former President of the United States, Gerald Ford. [Applause, Senators rising.]

As Senators will recall, our first President of the United States, George Washington, sort of set a tradition of not visiting the Senate very often. It was his early plan to visit the Senate often, and he came to the Senate and was rather disappointed in the reception that one of his proposals received, so he did not make it a practice to come around regularly.

Presidents down through the years have visited only infrequently. That may be good or may not be good. But in any event, we are very proud and very glad to have with us today former President of the United States Gerald Ford.

ORDER TO ALLOW FORMER PRESIDENT FORD TO SPEAK TO THE SENATE AND FOR A 10-MINUTE RECESS SUBSEQUENT THERETO

If he would care to say anything to the Senate I would like to offer him that opportunity, in which case, if he chooses, I would ask unanimous consent that the rollcall vote be suspended to give President Ford an opportunity to speak to the Senate, and then upon the completion of whatever remarks he may care to make I would ask that the Senate stand in recess for 10 minutes to give Senators an opportunity to personally greet President Ford. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF FORMER PRESIDENT GERALD R. FORD

Mr. GERALD R. FORD. Mr. President, Mr. Majority Leader, Members of the Senate, I am deeply grateful for your very, very kind observations and comments. Coming here brings back many wonderful memories of my service here on the Hill, most of which, of course, was in the other body.

I do have cherished recollections of a 9-month period where I was Presiding Officer. Those days were not easy, and they were days when the friendship of the people on both sides was of utmost importance to me, and for that friendship and support I am most grateful.

I think it is a matter of record that in my 28-plus years in Washington, 25-plus were in the Congress of the United States. Those were wonderful, wonderful times for myself and not just because it was longer than elsewhere but because of many other reasons. Gerry Ford's heart is still on Capitol Hill, and for those many years I blame only my constituents, of course, because they either did not know better or were kind enough to send me back, and those will be memories that will be indelibly written on my heart as well as my mind.

On behalf of my wife, Betty, and myself we thank you. You may not remember but just by happenstance the other day Betty was sorting through some things, and when she had her mastectomy, her cancer operation, there was an actual resolution approved by the U.S. Senate and signed by all Members of the Senate wishing her well.

I thank you again for that consideration. I thank you for your friendship and I congratulate you on the great achievements and the wonderful service of this part of our Federal Government. Thank you very much. [Applause, Senators rising.]

RECESS FOR 10 MINUTES

Thereupon, the Senate recessed at 1:31 p.m. and former President Ford was greeted by Senators in the well of the Senate Chamber.

The Senate reassembled at 1:40 p.m., when called to order by the Presiding Officer (Mr. Boren).

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981

The Senate continued with the consideration of the bill.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to lay on the table the have been ordered and the clerk will call the roll.

Mr. STENNIS. Will the Chair restate the situation? There has been a lapse of time here.

The PRESIDING OFFICER. The amendment by the Senator from South Carolina was not agreed to. A motion was lodged to reconsider that vote with a motion made to table the motion to reconsider. The yeas and nays were ordered on the motion to table. The clerk will call the roll on the motion to table the motion to reconsider.

Mr. GOLDWATER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. I thought I heard the distinguished majority leader ask that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. No. There was only a request for a recess.

Mr. STENNIS. Am I correct that the vote to table the motion to reconsider would be the equivalent of a vote no on the amendment?

The PRESIDING OFFICER. The Chair does not interpret. This vote will be on a motion to lay on the table the motion to reconsider the vote whereby the amendment failed.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from New Hampshire (Mr. Durkin), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from Ohio (Mr. Metzenbaum), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Talmadge), and the Senator from Michigan (Mr. Riegle) are necessarily absent.

Mr. BAKER. I announce that the Senator from Colorado (Mr. Armstrong), the Senator from Maine (Mr. Cohen), the Senator from Utah (Mr. Hatch), the Senator from New York (Mr. Javits), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), the Senator from South Dakota (Mr. Pressler), the Senator from New Mexico (Mr. Schmitt), the Senator from Alaska (Mr. Stevens), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 41, nays 36, as follows:

[Rollcall Vote No. 480 Leg.]

YEAS—41

Bellmon
Biden
Boschwitz
Bradley
Bumpers
Byrd, Harry F., Jr.
Cannon
Chafee
Chiles
Cranston
Culver
Eagleton
Exon
Ford
Garn
Goldwater
Gravel
Hatfield
Huddleston
Inouye
Kennedy
Leahy
Lugar
Matsunaga
Mitchell
Morgan
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Roth
Sarbanes
Stennis
Stevenson
Stewart
Tsongas
Weicker
Williams
Young

NAYS—36

Baker
Baucus
Bentsen
Boren
Byrd, Robert C.
Cochran
Danforth
DeConcini
Dole
Domenici
Durenberger
Glenn
Hayakawa
Heflin
Heinz
Helms
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Levin
Magnuson
Melcher
Moynihan
Packwood
Percy
Sasser
Schweiker
Simpson
Stafford
Stone
Thurmond
Tower
Warner
Zorinsky

NOT VOTING—23

Armstrong
Bayh
Burdick
Church
Cohen
Durkin
Hart
Hatch
Hollings
Javits
Laxalt
Long
Mathias
McClure
McGovern
Metzenbaum
Pressler
Ribicoff
Riegle
Schmitt
Stevens
Talmadge
Wallop

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. MOYNIHAN. Mr. President.

The PRESIDING OFFICER. The Senator from New York.

Mr. KENNEDY. Mr. President, will the Senator from New York yield to me for a moment?

Mr. MOYNIHAN. I am happy to yield.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION AND SCIENCE AND TECHNOLOGY EQUAL OPPORTUNITIES ACT—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on S. 568 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 568) to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities of the National Science Foundation for fiscal years 1981 and 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record.)

Mr. KENNEDY. Mr. President, the committee of conference has resolved the disagreement of the two Houses on S. 568, the National Science Foundation Authorization and Science and Technology Equal Opportunities Act. The provisions of the conference report are a milestone in our continuing support, not only for scientific research, but also for equal opportunity in science and technology.

Mr. President, our achievements in science and technology are unsurpassed in the world today. These accomplishments are in no small way attributable to the support of the Congress to the National Science Foundation and its programs. We witness the impact of the National Science Foundation programs daily. Scientific breakthroughs are almost commonplace. We must recognize, however, that our children and our children's children can only be assured continued scientific achievements if we continue our commitment to invest in the work of our Nation's scientific community. We must recognize that today's investment in the research resources of our country is both wise and prudent.

Mr. President, the conference report authorizes $1,120,000,000 for fiscal year 1981 for the National Science Foundation's programs. This authorization represents an 11.1-percent increase over the fiscal year 1980 authorizations.

Mr. President, over the years, the Senate Subcommittee on Health and Scientific Research of the Committee on Labor and Human Resources has expressed deep concern for the development of the human resources that are necessary to achieve our Nation's advancement in the sciences. We have recognized, however, that women, by acts of omission or commission, have not experienced equal opportunity in science and technology. I have noted on many occasions that while it is in the national interest to insure the full development and use of the talents of men and women with scientific and technical skills, half of the Nation's population has been overlooked. It is a sad fact that only 3 percent of the Nation's engineers, 4 percent of our physicists, and 11 percent of our chemists are women. Women are paid less and experience higher unemployment rates than their male colleagues. The Senate bill, S. 568, included a major new initiative to overcome the problems experienced by women pursuing a scientific career and to increase their participation in the scientific enterprise in this country.

Mr. President, I am pleased that the conferees have agreed to the major provisions regarding women in science in the Senate bill.

The conference report also recognizes that only 4 percent of the Nation's scientists and engineers are individuals from minority groups. The Senate bill had included almost $11 million for programs designed to increase the participation of minorities in science. These National Science Foundation activities include the program of graduate fellowships and traineeships, the minorities in science program, the development of resource centers at minority institutions, and research initiation. They have been strengthened and highlighted in a separate section of the legislation. Furthermore, the conferees have agreed to require a new committee on equal opportunities in science and technology to be established in the foundation, which is to report to both the House and Senate, by September 30, 1981, a comprehensive plan to assure the increased participation of minorities in science.

Mr. President, I believe that the provisions of S. 568 contained in the conference report enhance this Nation's scientific and technical strength. Contributing to the standard of excellence which has been the hallmark of our scientific and technical endeavors, it will insure that all of our talented students and researchers are given a full opportunity to pursue careers which are among the most challenging and rewarding that our Nation has to offer.

In closing, I thank my colleagues in both the Senate and the House for their efforts in achieving this conference agreement. In particular, I thank my friend and colleague, Senator SCHWEIKER, the retiring ranking minority member of the Committee on Labor and Human Resources, for his support, and Senator ORRIN HATCH, who has committed his time and that of Ms. Chris Iverson to insuring the inclusion of the women in science provisions in the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981

The Senate continued with the consideration of the bill (H.R. 8105).

Mr. STENNIS. Mr. President, the way the bill is going now, we have some amendments withdrawn, it looks as though we are making progress. It is possible we can get through by 4 or 5:30. I say that for whatever it may be worth, but by no means a certainty.

REPEAL OF THE MAYBANK AMENDMENT

Mr. MOYNIHAN. I thank the distinguished chairman for his observation. I assure the Senator that we will not long delay the body in the matter before us.

Especially for those members of the minority who are here this afternoon, those who will read the RECORD and who may be listening in, I would like to make a general point as I begin a colloquy with my distinguished friends from New Jersey and Michigan.

On September 10, in Cleveland, Ohio, Ronald Reagan stated that consideration should be given to targeting defense spending in high unemployment areas of this country. That, Mr. President, is one of the reasons he will be the next President of the United States. I am deeply convinced of that.

I am sorry to have to stand on this floor and say that through 4 years, Democratic Members of this body have pleaded with the Secretary of Defense to give some consideration to Harry S. Truman's directive that Federal spending should be set aside in some measure for areas of high unemployment. That rule, known in the language of government as Defense Manpower Policy 4–B, has been in effect throughout the United States Government for almost 30 years, the one exception being the Department of Defense.

Early in this administration I wrote to the Secretary of Defense and asked him if he would not consider repeal of the so-called Maybank amendment. He wrote back to me to say that there was no discrepancy in defense spending around the country. I wrote to him and showed him that there was. He wrote back and said, "If there is discrepancy, it does not matter." I wrote back to indicate that economic studies said that it matters very much. He wrote back to say, "If it matters very much then it is unpatriotic to talk about it."

Well, Ronald Reagan knew better, and I hope Dr. Brown will hear my words.

He brought the President down to the worst defeat since Herbert Hoover because he would not listen to us. Nor would many of my colleagues on this side of the aisle listen—as they will not listen to us today, either, I fear.

I would hope they would recall what Ronald Reagan said in Ohio and consider that it was heard in other places. It was heard in my State of New York, the State with the largest number of people on welfare in the country, the largest number of unemployed in the country. It was heard in New York, which pays 11 or 12 percent of the Federal revenues, and gets back in return a bare 5 percent of Federal expenditures, while California gets 17 percent. But it is no matter to the Secretary of Defense.

Mr. President, I am here to speak in the company of two distinguished friends and associates in this matter. I believe the Senator from New Jersey would like to lead our disclosure.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I thank my colleague from New York.

Mr. President, high unemployment continues to threaten the economic progress of our country and the cohesion of our society. Some 7½ percent of our population is currently out of work, and the near term prospects for a substantial decline in this figure look increasingly dim. Action taken this year by the House—its repeal of the so-called Maybank amendment by the overwhelming majority of 220 to 179—took advantage of a rare opportunity to combat this unemployment problem in a cost-effective way. In essence, the House proposal permits society to maximize the overall benefits of those dollars that Congress decides should be spent. This strategy of increasing the efficiency and effectiveness of Federal expenditures is worthy of our strong support.

The principle behind the repeal of Maybank is far from revolutionary—in fact, it was enacted into law by both houses of Congress in 1977. That year, Congress amended the Small Business Act to authorize Federal procurement officers to set aside certain contracts for small businesses and for businesses in labor surplus areas. Labor surplus areas basically are areas of exceptionally high unemployment. The House amendment simply seeks to conform the procurement of nonstrategic—and I emphasize, only nonstrategic—items by the Defense Department to this set-aside strategy, a strategy presently employed by all Federal agencies—except DOD.

Labor surplus areas are defined by the Department of Labor as all cities, counties, and county equivalents with a population exceeding 50,000 where the unemployment rate has been at least 20 percent higher than the national average over the previous 2 years. These pockets of unemployment are not the special burden of one region, or group of States. Pockets of unemployment exist everywhere throughout our Nation. For example, according to the latest figures published in May of this year, California has 57 labor surplus areas, Arkansas has 38, Tennessee has 49; and my own State of New Jersey has 20. Let me assure you, these areas are not all burnt-out ghettos, uninhabited swamps, or devastated ghost towns. On the contrary, they constitute some of this country's most productive areas of past years which, for various reasons, presently suffer from excess capacity. Through the repeal of Maybank, the military will continue to procure its daily goods and services from experienced and efficient producers, with the added advantage that persons living in areas of high unemployment will have new and productive job opportunities.

Further, the House proposal has a second, very important advantage: The enhancement of national security. By encouraging a more diversified manufacturing base, it will help to secure the Nation during times of emergency against procurement delays or shortfalls due to insufficient manpower or productive capacity. Indeed, this was the primary purpose of the set-aside policy when it was first articulated by the Defense Manpower Agency in 1952. Its contribution to the relief of unemployment was, at that time, regarded as a positive, but incidental, side effect.

Despite its manifold benefits, the set-aside program was crippled from the start by an amendment inserted by Senator Burnet Maybank in the 1954 defense appropriations bill. The amendment prohibits DOD from paying higher prices for contracts in order to relieve economic dislocation. GAO's interpretation of this amendment—which has been included in every subsequent defense appropriations measure—has prevented DOD from totally setting aside any of its contracts for labor surplus areas. This is because GAO holds that restrictions on bidding create the presumption that a higher price must be paid than would be paid without such restrictions regardless of the actual result. This is undeniably an unfair assumption.

The House measure seeks to overcome this situation in a balanced and sensible way. In the interest of maximizing the cost-effective use of spending from the perspective of the total Federal budget, it introduces some flexibility by allowing contracts to be set aside by the Secretary of Defense when he determines that bidders in labor surplus areas will be plentiful enough to insure a reasonable price to the Government. The amendment permits the Secretary of Defense to do this; it does not require him to so do. Nor does it tell him which contracts to set aside, or how many contracts should be set aside. All this is entirely up to him. Indeed, it is difficult to imagine why this very flexible proposal should meet with any opposition.

Finally, Mr. President, the House action is especially timely in light of forthcoming large increases in spending important to our national defense. President-elect Reagan has called for substantial increases in defense spending over the next several years and many colleageus in the House and Senate, on both sides of the aisle, agree, and within sensible limits, I agree. At the same time, President-elect Reagan and several Members of this legislative body have expressed their strong desire to bring the Federal budget into balance, something with which I disagree more. But no one would disagree that a strong defense posture and an anti-inflationary budget picture are both worthy goals. However, taken together undoubtedly they will result in a squeeze on necessary social programs—such as unemployment insurance and public jobs initiatives. Under these circumstances, a measure which seeks to use DOD dollars to combat unemployment where it is most severe is especially attractive. It will put the additional dollars earmarked for defense to work, not only for national security purposes but for domestic economic purposes as well. And with unemployment nearing 8 percent, the latter concern is no less pressing than the former.

It is even likely that this modification of Maybank will help the Federal Government in its efforts to keep spending down. It has been estimated that each Federal dollar spent on procurement generates between $3 and $4 of private sector activity. Spent in the right place, of course, this money in turn creates new jobs. And for every 1-percent decrease in unemployment that might result, a total of $20 billion is saved in welfare and unemployment expenses and gained in tax revenues. Thus, a major advantage to targeting nonstrategic defense procurement to alleviate unemployment is its overall positive effect on the Federal budget. Reduced costs of unemployment will more than offset any insignificant additional cost that might result from restricting bids under the labor set-aside program.

Mr. President, the House has acted wisely in this matter. I commend our colleagues there for their responsible action in the House. The overwhelming majority with which they voted to amend Maybank—220 to 179—is an indication of their strong feelings on this issue. However, this Senator believes that with the Senate adjournment close upon us, our primary concern must be to pass the defense appropriations bill currently under consideration.

Therefore, we ask that the distinguished Senator from Mississippi and his distinguished colleagues on the Appropriations Subcommittee on Defense give fair and new consideration to the merits of the House proposals in conference. I know the distinguished chairman to be fairminded and firmly believe the House arguments for repeal to be persuasive. I am sure he and his colleagues will give these arguments careful attention.

Finally, I would note, that the language of the so-called Maybank amendment, which the committee has inserted into the bill constitutes legislation on an appropriations bill in that it requires the Department of Defense to do something which the Department is not required or authorized by law to do otherwise. I raise this matter simply to point out that those of us who have fought long and hard for this amendment find ourselves now in a position which, upon parliamentary objection, might indeed frame the issue in a new light.

Mr. President, I yield to the Senator from New York for his comments. I wish to reemphasize for the RECORD that if we, indeed, are serious about reducing Federal expenditures and increasing national defense at the same time, the repeal of the Maybank amendment is a commonsense way to achieve both—targeting nonstrategic defense dollars into areas with very high unemployment, thereby employing people, taking them off welfare and unemployment compensation, and giving them a productive life, while enhancing our national security at the same time.

Mr. President, I am pleased to yield to the Senator from New York.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. MOYNIHAN. I yield.

Mr. WARNER. It seems to me that the fundamental question that has to be answered by our colleagues was touched upon by the distinguished Senator from New Jersey when he said that it would enable jobs to be created and thereby take people off welfare or other means of Federal or State assistance.

However, when you create the job in one place, do you not remove it from another State? Therefore, we are just shifting the welfare roll from New Jersey to State X.

Mr. MOYNIHAN. That practice, which has been in place with respect to other activities of the Federal Government since 1952, has a proven impact. It simply is that you make the judgment to take contracts from areas where there is a labor shortage, a shortage of capacity generally, and move them to areas of surplus capacity and surplus labor. That adds to the efficiency of an economic system.

Mr. WARNER. But by moving the contract, you may solve the surplus in one area and create a shortage in the other and thereby place innocent individuals back on the assistance rolls.

Mr. MOYNIHAN. In the first place, this is the kind of judgment an administrator should make, and is free to make under this arrangement, and does make with respect to the other activities of the Federal Government. It does not have to lead to the loss of jobs elsewhere, it should not, and I cannot see that it will.

I would like to say to the Senator from Virginia that this is not a regional issue. There are parts of Virginia which are overactive and parts which are underactive economically. Forty-eight States of the Union have labor surplus areas that are so described by the Department of Labor for the purpose of administering this regulation.

Mr. BRADLEY. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I yield.

Mr. BRADLEY. A list is available to any Senator about the number of labor surplus areas in his State. For example, in Arkansas there are 38; in Tennessee, 49; in California, 57.

So the argument that, somehow or other, this is a regional issue in which the haves, so-called, are in conflict with the have-nots will not fly.

This is an issue that achieves the dual national purposes of increasing our national security and our economic well-being.

For example, the Senator assumes that business that goes to Tennessee on the labor set-aside for nonstrategic procurement in the defense budget would result in jobs lost in other parts of the country. I believe that before one could make that statement, one would have to obtain a careful analysis about growth rates of various parts of the country, the composition of industry in those parts of the country, the relative levels of surplus or excess capacity in those parts of the country, the items of nonstrategic procurement, and determination as to whether they involved industries that are labor intensive or capital intensive.

I do not think that such a charge can be made in a very offhanded manner if we are really interested in understanding what this issue is about.

Mr. MOYNIHAN. Mr. President, I congratulate the Senator from Virginia because his candidate for President had the wit to see this was the way to creatively use Federal purposes and Federal activities, and ours over here have been standing around saying, "For 25 years we said we will not do it this way; therefore, we can never do it this way."

And that is the mark of a party destined for defeat when it cannot change its ways.

I congratulate the Senator from Virginia whose Presidential candidate, the President-elect, said we can change our ways.

Mr. WARNER. Yes; but he did that in the light of a necessity to restore this Nation to a margin of safety with respect to defense, and I am perhaps being presumptious, but I have no proof to the effect that he had in mind that this body would come now to repeal this law which has been in effect for so many years.

Mr. MOYNIHAN. Mr. President, I remind the Senator that this does not instruct the President to do anything. This simply enables the President to do what the defense requirements of the Nation direct him to do.

Congress for 25 years has been saying to the President, "You may not carry out your directives." This simply gives him the authority to make that executive choice.

The Senator from Michigan I know wishes to speak and then the Senator from Delaware.

The PRESIDING OFFICER (Mr. EXON). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair and my friend from New York. Before I proceed with my remarks I also wish to comment on the question of my friend from Virginia.

Again, this is simply a way of authorizing the Defense Department, not commanding it or requiring it to do anything; it would authorize them to do something which every other department of this Government has done with great success. I have not heard anyone suggest we repeal the existing law which provides for the set-asides in other agencies of the Government that has worked so well. I doubt very much my friend from Virginia would suggest that we repeal existing law where it works so well with all the other agencies of this Government.

Finally, in terms of an economic base to support our military needs, it seems to me we are far better off to allow the Defense Department to keep an economic base humming throughout the country, rather than have the pattern which we now have, which is surplus in some places and shortage in other places. This could be a real contribution to add strength for our military base.

Mr. President, the decision of the Appropriation Committee to retain this amendment is particularly unwise in these economic hard times and the high unemployment which exists in this country.

The Maybank amendment exempts the Department of Defense from procuring its nonstrategic goods and services in accordance with Federal defense manpower policy 4A. This policy, known as DMP-4A, encourages the Government to target its purchases of goods and services to private businesses in high-unemployment cities and counties, known as labor surplus areas. The Maybank amendment allows DOD to circumvent this national procurement policy in spending $15 to $20 billion annually for nonstrategic goods.

I emphasize, as did my friend from New Jersey, the "nonstrategic" nature of these goods. We are not talking about tanks and guns and planes and ships. We are talking about paper clips and pencils and envelopes. Repeal of the Maybank amendment will not hurt our national defense.

The House this year has voted to repeal the Maybank amendment, and I hope that the House view on this matter prevails in conference. The Maybank amendment, in my opinion, should be eliminated once and for all from the defense appropiration bill.

Repealing Maybank would have a net positive effect on the Federal budget. Supporters of the Maybank amendment have for years argued that giving preference to firms in labor surplus areas would increase procurement costs for DOD and thus waste scarce defense dollars.

But a recent study by the Federal Preparedness Agency estimated that the increase in costs would only be about 1 percent. And another estimate puts the likely increase at two-thirds of 1 percent. This is a very small figure. As an example, if DOD set aside $1 billion out of the $15 to $20 billion it spends on nonstrategic goods for firms in labor surplus areas—and it falls far short of this goal today—the increase in costs would be minimal. And according to a projection by the Decision Sciences Corp., this small investment would directly and indirectly create up to 30,000 jobs.

It has been noted that for every unemployed person who finds a job, the Government saves $16,000. Multiplied by 30,000 jobs, this would mean a savings to the Federal Government of $480,000,000—far offsetting the minimal cost increase due to repeal of Maybank. Few Federal employment programs can match this performance in creating jobs, strengthenting the private sector and improving our budget situation.

These numbers demonstrate that the supporters of the Maybank amendment are employing a false economy in making their argument. Repealing Maybank would generate jobs for revenues. Retaining Maybank is simply poor economics.

It has also been argued that repealing Maybank would harm small businesses and restrict competition, when in fact the opposite is true. Small businesses are concentrated in labor surplus areas, and are protected by the Small Business Act, which gives highest priority in awarding contracts to small businesses, whether or not they are located in labor surplus areas.

Competition, moreover, would not be restricted in labor surplus areas. Firms in such regions would only be given preference if their bids produced a reasonable price for the goods and services being purchased, thus retaining the advantages of a competitive environment.

Repealing Maybank, it has been argued, would hurt national security. This is not the case. Having DOD procure its nonstrategic goods and services in accordance with DMP-4A would strengthen our national security by preserving needed productive facilities, as well as critical management and employee skills. It would better utilize our Nation's economic potential, and help insure more timely delivery of goods and services. In short, it would accelerate the strengthening of our military forces and improve our ability to mobilize the Nation's economic base in time of need. I cannot think of more important national security objectives, and they would be well served if Maybank were repealed. It would do well to remember that DMP-4A was originally instituted as a national security measure to aid our effort in the Korean war. I find it ironic that this policy, which served us so admirably in a time of international conflict, is seen today by the supporters of the Maybank amendment as detrimental to our national security.

Supporters of the Maybank amendment have argued that this is a regional issue, and that repealing it would disproportionately help the Midwest and Northeast. Again, this is incorrect. The 900-odd labor surplus areas designated by the Department of Labor are in fact spread fairly evenly across the country. Forty-eight of the fifty States have labor surplus areas, and 55 percent of them—or more than half the total—are located in the South and West. Thus, if Maybank were repealed, no one region would benefit or suffer disproportionately, and any argument to the contrary would involve a denial of the facts.

Unemployment today is a nationwide phenomenon, and repealing Maybank would enable the Federal Government to employ a highly effective macroeconomic tool to treat this problem on a fair and nationwide basis. The 1980's will be years of austere budgets, and direct spending on employment maintainance programs will be limited. In this context, it is particularly incumbent upon us to employ DMP-4A to the fullest possible extent. The Department of Defense accounts for between two-thirds and three-quarters of all Federal Government procurements. To have the Department exempt from the policy is to cripple it when it is needed most. All regions would benefit if their unemployment was reduced.

Every other agency of the Federal Government uses DMP-4A as a procurement guideline. The policy has been well tested, and repealing Maybank would bring DOD back into line with all the other agencies and thus make it a standard procurement practice for the Government.

These arguments are familiar to most of us, and the Senate has at times recognized their sensibility. On three occasions in the past 7 years, this body has voted to repeal or modify the Maybank amendment, and the Congress as a whole endorsed the labor surplus set-aside program embodied in DMP-4A in its amendments to the Small Business Act of August 1977.

For all these reasons, I support the House action to repeal the Maybank amendment from this appropriations bill, and I urge my colleagues to adopt the House view in conference.

I do have one final closing comment.

We clearly need more information in this area, particularly if the House position is not going to prevail in conference. Those of us who have spoken and perhaps other Members of the Senate hope that the House position will prevail. But in the event that the House position does not prevail and we continue to keep the Maybank amendment in place, I am wondering whether the esteemed chairman of the Armed Services Committee, my friend from Mississippi, is willing to request that either the GAO or the Office of Federal Procurement Policy in OMB make a study on the effects of the Maybank repealing, if we were to repeal Maybank on cost impacts, on unemployment impacts, geographical impacts, national security impacts, defense-industrial impacts, and competition.

Will my chairman of my own Armed Services Committee consider making that request in the event that the House position repealing Maybank did not prevail in conference?

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MOYNIHAN. I am happy to yield.

Mr. STENNIS. Mr. President, let me make these few preliminary remarks.

These Senators make their points well. There is a problem here. We know that. I am impressed with some of the points they make.

I do not believe there is any full solution to this matter. But I do think that it is a legislative matter. It is our responsibility.

We appropriate these large sums of money and we can get the facts from other agencies of the Government, but it is our responsibility to act on it, as I see it. That is a firm philosophy of government with me.

But we have an unfortunate situation here that there have been no in-depth hearings on this matter by the legislative branch. Our Committee on Armed Services——

Mr. MOYNIHAN. Mr. President, I wonder if the chairman will allow me to ask a question at that point?

Mr. STENNIS. Yes.

Mr. MOYNIHAN. There has indeed been no in-depth hearings. There have been no hearings, although year after year those of us from the industrial States of the North, which pay the taxes in this country and have had the least return on these investments, have asked for consideration. We have never received it.

Mr. STENNIS. Mr. President, the Senator has the floor and we are speaking on his time, but I declare I never have had a request as chairman of the Armed Services Committee for 12 years to go into this matter in deph. I checked this morning with our staff director who has been with us for a good number of years, and he has no recollection of any request or correspondence to that effect.

The Senator from North Dakota and I were here when this amendment was originally passed, and if I may mention this matter has worked along with fairness. In the last year 40 percent of this vast sum of money has gone to these areas with the high unemployment. That is one way to express it.

That is in the small States, the rural States, the larger States, and including one of the finest and one of the best, the State of New York. So on an average by just cutting them loose under that old American principle of competitive bidding and making the dollar go as far as you can, they have come up here with a plan that is working to that extent. As I say, these unemployment areas have gotten 40 percent. We have the figures here. We developed this over in the Armed Services Committee in anticipation of this matter coming up.

We did not have a chance to hold hearings on all of it. So I think it is very difficult, with no definite hearings before us, to know just where the facts are. With Senators having other duties, if I may illustrate, I just walked downstairs, walked into a committee and helped to make a quorum in a subcommittee on which I sit, and then came up here to participate in debate, which is to illustrate how we are torn apart here timewise.

I think there ought to be these in-depth hearings and then knowledgeable people put the rod and the rule to the facts and help us to formulate a plan that is fair. I would support anything that appears to be fairer than this one. That is the way I see it.

But this is the old competitive system. Now, the Department of Defense estimates if we repeal this amendment, that has gone on more or less from year to year, we will increase from 5 to 10 percent the cost of the products they are buying, which means they will just get the same goods for 5 to 10 percent more money or that the money will go to purchase less by 5 or 10 percent. So I certainly am willing to look into it.

I admire the Senators for going into it. I know how they feel about it. Mississippi, as far as I can tell, does not fare one way or the other plus or minus under the rule. But I do know this, if we change the rule to make the Department of Defense go to these other areas, and to taking contracts away from County X and putting it over there in County B, then they are going to be after me, the people are going to be after their Congressmen and both of their Senators, and they will be up here, and there is little I can do about it as those facts develop.

I do not know, there may be a rule that is better than this, but my point is that an in-depth hearing under the responsibility of committee members who are sworn to follow their duties, and with competent staff members to advise them, can change the rule if it needs changing.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. STENNIS. I hope we can go that way.

Mr. MOYNIHAN. I thank the Senator for his comments. The Senator from Delaware wants to speak.

Mr. BIDEN. I will only take several minutes. I think you are eminently fair, and the point you make, which is eminently fair I will go along with.

It seems to me that we have relatively short memories around here. Throughout the period, as long as we have had a defense establishment in this country, the defense establishment in this country has been used in ways to benefit the Nation as a whole, not merely in terms of providing for the defense of the collective number of States, but also because we all pay part of the price to spread around in an equitable way the fruits of the spending.

I would think it would not take much, especially for a man of the chairman's standing and tenure in this body, to know that back in the twenties and thirties and forties there was a little bit of money spent in the South, and part of the reason was not just because the climate was better, not just because you all had better people who could learn how to use the equipment, but also because there was a need, there was a social need.

So I would just respectfully suggest that even if it cost more money, even if it cost more money, which I would dispute, but even if it cost more money, as long as it does not diminish the physical security of the United States of America we should use every tool available to us to provide an equitable distribution of the wealth in a broad sense.

There are major transitions going on in this country. There are major things working against certain parts of the country, whether they be industries that are being taken abroad or cold winters that are making it more difficult to sustain a plant because of the cost of energy, there are social problems we are going to have to face.

So it seems to me that we all should look to those areas, some of which in the past have been willing to look to areas that are now the recipients, and say, "Let us do it fairly."

Lastly, to answer the question of the Senator from Virginia, as I understand the effort of my colleagues from New York and New Jersey, it would not be to allow the Secretary of Defense to move a contract, a procurement contract, into an area of high unemployment if it would by doing so create unemployment in the area from which the contract came.

It just seems to me we are all in this together, we are all in this as a Nation together, and like it or not, Virginia is going to be faced with the problems of New York just as New York was faced with the problems of Mississippi for the first 150 years of this country's existence. I think it just makes good sense, and it is equitable.

Mr. President, if you are correct that 40 percent is already being spent in this area, then there is not a whole reason to keep the Maybank provision anyway. It does not make a lot of sense to have it in there. If you are already doing it, then why is there a need to have it there? I mean, why? Is it really to save us money or is it to do what the chairman so accurately portrays, and that is if, in fact, things are moving the folks from one part of the country will come up here talking to you. As they say in the southern part of my State, Mr. President, they are already talking to me, they have already come up.

We are not standing on the floor because we enjoy being here on Friday afternoon but because they have already spoken to us. They would also like me to give you an opportunity to have your people speak to you the way they are speaking to us.

You know, if we just spread the wealth a little bit, which can solve the problems of this country—if we do not spread the wealth of what is Government money, taxpayers' money, then I think we are going to have to be spending a whole lot of money in different ways and cause real divisions in this country that are unnecessary, not useful, that are counterproductive and could be avoided.

I thank the Senator for yielding

Mr. MOYNIHAN. I think the Senator from Delaware has spoken brilliantly. I would like to ask him one further question: I would ask him if he would not agree that we are entering a period of ever-increasing expenditures on military matters and that this is going to cause strains, as the Senator from New Jersey has observed, and if we are going to maintain a national unity and a national majority for such increases, ought there not be some consideration given to easing the pain that comes as a consequence of loss of revenues for other social programs?

Mr. BIDEN. I think absolutely the Senator is correct. Let us face it, gentlemen, the fact of the matter is although everyone is in support of increased defense expenditures, as we really increase them in a big way, and as we pay the price that we must pay of cutting programs in other areas to maintain our national defense, you will simply find the consensus evaporating if, in fact, you do not have all people in this country having an equal shot at benefiting from it.

Do not double it in certain areas of this country, not give them a shot at getting to the trough of the contracts which are needed and, at the same time, take away from them, because you have to spend more money, those programs or expenditures that had been going to them in the first place.

So I agree with the Senator from New York that this has the advantage of doing what I have often observed done here in the 8 years I have been a United States Senator, whether it is for a jobs program or a highway program. One way to get the people in Delaware to vote to build a new highway through Iowa is to make sure that there is a bridge built in Delaware. That is not a bad idea. One way to get the folks in Iowa to pay for us to dredge our harbor in Delaware is to give the folks in Iowa a little bit more money for corn. I mean that is what it is all about, is it not? That is why we are here.

Folks, in case you have not noticed it, we are in fairly big trouble in this country. There are major regions of the country, notwithstanding my colleague says he is not parochial, he is a little more delicate about it than I am, I am not as delicate about it as he is, but there are overtones, there are major shifts and transitions. As Buffalo moves to Phoenix there is going to be some dislocation, and it seems to me that we can ameliorate the dislocation while, at the same time, maintaining national security and, at the same time, overall not diminishing the amount of money we spend in this country for the general good.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BIDEN. Surely. I do not happen to have the floor.

Mr. MOYNIHAN. I yield.

Mr. WARNER. I noticed the Senator from New York nodding as our colloquy goes forward. I gather there is a real consensus among this group that, in essence, what you are saying is this is a program by which to redistribute the wealth. May I suggest a program of that magnitude would require the benefit of the judgment of all of us here in the Senate after a very thorough examination.

Will the Senator consider the distinguished chairman's offer to schedule a hearing very early on in the forthcoming calendar of the Senate Armed Services Committee—and, mind you, that is the Senate Armed Services Committee; we are not putting it into the Appropriations—such that we can hear the Senator's argument and those arguments of others about the program to redistribute the wealth?

Mr. BIDEN. Mr. President, I would yield to the leaders of the movement here on the floor. But, as far as I am concerned, I would say no, if we could win it; yes, if we cannot. And since I do not think we can, I would be delighted to agree with that.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, speaking as one of the Senators, if I could respond to the Senator from Virginia, I welcome a hearing.

However, given the members of the Armed Services Committee, I am sure that the hearing will provide a fair and open investigation of the issue. Nonetheless, I think that the Senator would agree, as well, that, as many differing views as one can obtain on an issue of such a controversial nature, should be obtained to assure that the Senate will ultimately be able to make a truly balanced judgment.

I think that consideration is behind the request made by the Senator from Michigan that, in addition to the Armed Services Committee holding a hearing, the chairman of the Armed Services Committee might request the GSA, GAO or OMB to do a study of the Maybank problem along all of the areas that he enumerated in his request, so that we could have, the next time this issue comes up on the floor, the material developed by the Armed Services Committee and the material developed by one of these agencies. We would not have to make charges or countercharges or use one set of numbers or another set of numbers, but we would actually be able to determine what is in the national security and economic interest.

Mr. MOYNIHAN. Mr. President, I think we have kept the Senate long enough on this matter. I want to thank the chairman for his graciousness in this and the Senator from Virginia for his unfailing courtesy.

Mr. President, I ask unanimous consent that a fact sheet on the matter be printed in the Record.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

Fact Sheet on Repeal of Maybank Amendment

1. Since 1952, the Federal Government has followed "labor surplus set- aside" procedures for selected procurement contracts. These target the purchases of goods and services in areas of high unemployment where appropriate and practicable. The only exception to this practice—known as Defense Manpower Policy 4B—is the Department of Defense, which has been exempted under the Maybank Amendment.

2. On September 16, 1980 in voting the Defense Appropriations bill, the House repealed the Maybank Amendment by a vote of 220–179. The majority for repeal represent both parties and all regions of the country.

3. No one region would bear a disproportionate share of the costs or reap a disproportionate share of the benefits if the Maybank amendment were modified. These figures on labor-surplus areas make this point clear:

Roughly one-quarter of the Nation's cities and counties are designated by the Labor Department as labor-surplus areas (that is, they are entitled to participate in set-asides).

Forty-eight of the fifty states contain such areas.

Of the 1069 labor-surplus areas, 589—or 55 percent—are located in the South and West. The remaining 45 percent are in the Northeast and Midwest.

4. Repeal of Maybank would not bring the procurement of strategic or highly technical items into the labor set-aside program. Rather, repeal of Maybank would affect procurement by the Defense Logistics Agency, which buys the common items used by all the services of the military. These include:

Bags and sacks, bolts, bottles, and jars, floor polishers, vacuum cleaners, office furniture and supplies, and other similar goods.

5. Of Defense Logistics Agency procurement awards in 1979, less than $1.9 billion out of a total of $7.8 billion went to labor-surplus areas. This is less than 24 percent. Interim figures for 1980 suggest that this percentage is dropping: as of July 31, 1980, only 19.9 percent of DLA awards had gone to LSA's.

6. The arguments in favor of repeal are these:

Equity: it would create uniformity in procurement by all U.S. government agencies.

Efficiency: the Congressional Budget Office finds that every 1 percent in rise in unemployment costs the Federal Government $20 billion.

Nationwide participation in Defense: a coalition for a stronger defense will be more powerful if no region feels that it loses through such spending.

Mr. MOYNIHAN. Mr. President, I will conclude with one simple observation. I hope the chairman will be able to listen.

Hearings would be interesting. But the House of Representatives, on the initiative of my distinguished friend from Brooklyn, Congressman Addabbo, has overwhelmingly voted to repeal this anachronistic inhibition on the President's rights.

Now, we have two choices. We can go to conference and accept the judgment of a Democratic-controlled House to adopt for the first time Harry S. Truman's directive. Or we can simply wait and next year the Republicans will be in charge of this body and a Republican President will be in the White House and he will do what he has pledged to do. I believe that man, Ronald Reagan. He has pledged to do this. So let the Republicans do it and let the working people of our cities remember who did it for them and he will be in the majority for 10 more years than the long enough time you are going to be in the majority over there as it is.

Must we be out of power into the 21st century? I plead with our chairman—accept the judgment of the Democratic House, or else the reform will be made by those gentlemen over there. They will take the credit and they will deserve the credit and we will be out of office, God knows how many more years, in the consequence.

We have talked ourselves blue in the face to our own people over here. We got nowhere. The Republicans are now coming in. They are going to be governing soon.

One conference, I say to the chairman, would save the reputation of this party as caring about blue collar workers. I hope that the majority of the conferees can see their way free to do it.

If they cannot, I will understand that, because there are issues of principle. Where issues of principle are involved, it is with good reason that the chairman is the most respected chairman in this Chamber.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I feel obligated at this point to ask that a letter written by the distinguished chairman of the Defense Appropriations Subcommittee, Mr. STENNIS, together with statistical data, and a letter from the Department of Defense to the chairman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, D.C., November 20, 1980.

DEAR COLLEAGUE: This is to urge your support of the Committee amendment of the FY 1981 Department of Defense Appropriation bill which would continue the past practice of insuring competitiveness and cost savings in the Department of Defense procurement of supplies and equipment. The House of Representatives has repealed a provision, popularly known as the Maybank Amendment, which has been included in every Defense Appropriation Act since FY 1954. The Maybank Amendment, which is recommended by the Committee again this year, has helped insure open competition for Defense contracts based on the lowest cost.

Repeal of Maybank would reduce competition for Defense purchases because firms located in the 74 percent of the country that is not designated as labor surplus areas would be banned from bidding on contracts set aside for the other areas. Defense contracting officials at all levels would be the target of intense political pressure to set aside contracts solely for these special areas. According to DOD, the resultant reduction in competition could increase the cost of Defense purchases by $1.5 to $2.0 billion in FY 1981, further reducing the material and equipment we get for our Defense dollars.

The fact is that in the first 9 months of fiscal year 1980 Defense placed 40 percent of its billions of contract dollars in labor surplus areas. About 50 percent of all the labor surplus areas are in the 13 states which already get the largest amounts of DOD contracts (over $1 billion each). Many of the labor surplus areas are rural, nonindustrial areas. The attached state-by-state analysis shows that $19 billion went to labor surplus areas in just the first nine months of fiscal year 1980. It is a mistaken fact to charge that this is somehow unfair.

Billions more Defense dollars go to non-labor surplus areas in all 50 states. These awards in each State would be jeopardized if Maybank were repealed. Repeal of Maybank would affect the quality of procurement and deny the rights of firms in every state to bid on these contracts.

The attached letter from Undersecretary Perry reflects the Department of Defense's strong opposition to repeal of Maybank. The provision is essential to preserve the economic and efficient use of Defense dollars. I urge that you support the recommendation of the Appropriations Committee that Maybank be retained in the FY 1981 Defense Appropriation Act.

Sincerely,
JOHN C. STENNIS,
Chairman, Defense Appropriations Subcommittee.

DEPARTMENT OF DEFENSE PRIME CONTRACT AWARDS BY STATE—FIRST THREE QUARTERS OF FISCAL YEAR 1980

ALABAMA	
40 Labor Surplus Areas	$352, 811, 000
32 Non-Labor Surplus Areas	174, 342, 000
State Total	527, 153, 000
ALASKA	
27 Labor Surplus Areas	85, 614, 000
2 Non-Labor Surplus Areas	102, 153, 000
State Total	187, 767, 000
ARIZONA	
8 Labor Surplus Areas	29, 586, 000
11 Non-Labor Surplus Areas	487, 377, 000
State Total	516, 963, 000
ARKANSAS	
38 Labor Surplus Areas	32, 422, 000
42 Non-Labor Surplus Areas	90, 513, 000
State Total	122, 935, 000
CALIFORNIA	
58 Labor Surplus Areas	6, 037, 778, 000
69 Non-Labor Surplus Areas	4, 105, 169, 000
State Total	10, 142, 947, 000
COLORADO	
14 Labor Surplus Areas	1, 330, 000
52 Non-Labor Surplus Areas	342, 585, 000
State Total	343, 915, 000
CONNECTICUT	
16 Labor Surplus Areas	34, 505, 000
120 Non-Labor Surplus Areas	1, 960, 785, 000
State Total	1, 995, 290, 000
DELAWARE	
3 Labor Surplus Areas	37, 232, 000
1 Non-Labor Surplus Area	105, 320, 000
State Total	142, 552, 000
DISTRICT OF COLUMBIA	
1 Labor Surplus Area	468, 252, 000
FLORIDA	
26 Labor Surplus Areas	667, 100, 000
53 Non-Labor Surplus Areas	941, 820, 000
State Total	1, 608, 920, 000
GEORGIA	
10 Labor Surplus Areas	65, 016, 000
154 Non-Labor Surplus Areas	526, 999, 000
State Total	592, 015, 000
HAWAII	
1 Labor Surplus Area	2, 527, 000
3 Non-Labor Surplus Areas	247, 579, 000
State total	250, 106, 000
IDAHO	
13 Labor Surplus Areas	2, 256, 000
32 Non-Labor Surplus Areas	17, 575, 000
State Total	19, 831, 000
ILLINOIS	
42 Labor Surplus Areas	231, 501, 000
82 Non-Labor Surplus Areas	500, 031, 000
State Total	731, 532, 000
INDIANA	
36 Labor Surplus Areas	26, 040, 000
64 Non-Labor Surplus Areas	940, 445, 000
State Total	966, 485, 000
IOWA	
2 Labor Surplus Areas	566, 000
104 Non-Labor Surplus Areas	196, 684, 000
State Total	197, 250, 000
KANSAS	
0 Labor Surplus Areas	0
109 Non-Labor Surplus Areas	642, 102, 000
State Total	642, 102, 000
KENTUCKY	
41 Labor Surplus Areas	31, 063, 000
81 Non-Labor Surplus Areas	170, 837, 000
State Total	201, 900, 000
LOUISIANA	
33 Labor Surplus Areas	174, 242, 000
37 Non-Labor Surplus Areas	377, 388, 000
State Total	551, 630, 000
MAINE	
5 Labor Surplus Areas	5, 872, 000
12 Non-Labor Surplus Areas	359, 963, 000
State Total	365, 835, 000
MARYLAND	
11 Labor Surplus Areas	498, 679, 000
13 Non-Labor Surplus Areas	757, 301, 000
State Total	1, 255, 980, 000
MASSACHUSETTS	
82 Labor Surplus Areas	713, 309, 000
201 Non-Labor Surplus Areas	2, 136, 523 ,000
State Total	2, 849, 832, 000
MICHIGAN	
99 Labor Surplus Areas	$1, 153, 789, 000
11 Non-Labor Surplus Areas	38, 805, 000
State Total	1, 192, 604, 000
MINNESOTA	
9 Labor Surplus Areas	80, 000
83 Non-Labor Surplus Areas	684, 168, 000
State Total	684, 248, 000
MISSISSIPPI	
36 Labor Surplus Areas	417, 311, 000
47 Non-Labor Surplus Areas	165, 231, 000
State Total	582, 542, 000
MISSOURI	
15 Labor Surplus Areas	1, 924, 705, 000
106 Non-Labor Surplus Areas	146, 803, 000
State Total	2, 071, 508, 000
MONTANA	
13 Labor Surplus Areas	3, 079, 000
45 Non-Labor Surplus Areas	25, 392, 000
State Total	28, 407, 000
NEBRASKA	
1 Labor Surplus Areas	
94 Non-Labor Surplus Areas	74, 511, 000
State Total	74, 511, 000
NEVADA	
2 Labor Surplus Areas	29, 000
17 Non-Labor Surplus Areas	32, 648, 000
State Total	32, 677, 000
NEW HAMPSHIRE	
0 Labor Surplus Areas	
12 Non-Labor Surplus Areas	151, 508, 000
State Total	151, 508, 000

NEW JERSEY	
20 Labor Surplus Areas	308,885,000
22 Non-Labor Surplus Areas	615,190,000
State Total	924,075,000
NEW MEXICO	
7 Labor Surplus Areas	3,012,000
26 Non-Labor Surplus Areas	233,127,000
State Total	236,139,000
NEW YORK	
43 Labor Surplus Areas	3,585,492,000
52 Non-Labor Surplus Areas	568,496,000
State Total	4,153,988,000
NORTH CAROLINA	
6 Labor Surplus Areas	39,906,000
102 Non-Labor Surplus Areas	360,121,000
State Total	400,027,000
NORTH DAKOTA	
4 Labor Surplus Areas	702,000
50 Non-Labor Surplus Areas	56,024,000
State Total	56,726,000
OHIO	
32 Labor Surplus Areas	701,686,000
75 Non-Labor Surplus Areas	459,493,000
State Total	1,161,179,000
OKLAHOMA	
6 Labor Surplus Areas	19,231,000
75 Non-Labor Surplus Areas	350,133,000
State Total	369,364,000
OREGON	
21 Labor Surplus Areas	45,447,000
18 Non-Labor Surplus Areas	91,844,000
State Total	137,291,000
PENNSYLVANIA	
42 Labor Surplus Areas	684,007,000
43 Non-Labor Surplus Areas	893,273,000
State Total	1,577,280,000
PUERTO RICO	
10 Labor Surplus Areas	69,292,000
1 Non-Labor Surplus Area	777,000
State Total	70,069,000
RHODE ISLAND	
12 Labor Surplus Areas	10,697,000
27 Non-Labor Surplus Areas	130,948,000
State Total	141,645,000
SOUTH CAROLINA	
7 Labor Surplus Areas	2,210,000
43 Non-Labor Surplus Areas	192,921,000
State Total	195,131,000
SOUTH DAKOTA	
4 Labor Surplus Areas	99,000
63 Non-Labor Surplus Areas	14,043,000
State Total	14,142,000
TENNESSEE	
49 Labor Surplus Areas	46,754,000
51 Non-Labor Surplus Areas	291,187,000
State Total	337,941,000
TEXAS	
24 Labor Surplus Areas	184,403,000
260 Non-Labor Surplus Areas	4,238,343,000
State Total	4,422,746,000
UTAH	
3 Labor Surplus Areas	0
28 Non-Labor Surplus Areas	186,224,000
State Total	186,224,000
VERMONT	
4 Labor Surplus Areas	17,000
10 Non-Labor Surplus Areas	106,802,000
State Total	106,819,000
VIRGINIA	
31 Labor Surplus Areas	184,546,000
105 Non-Labor Surplus Areas	1,407,586,000
State Total	1,592,132,000
WASHINGTON	
24 Labor Surplus Areas	97,341,000
21 Non-Labor Surplus Areas	1,408,033,000
State Total	1,505,374,000
WEST VIRGINIA	
25 Labor Surplus Areas	20,866,000
32 Non-Labor Surplus Areas	75,030,000
State Total	95,896,000
WISCONSIN	
9 Labor Surplus Areas	2,961,000
72 Non-Labor Surplus Areas	247,306,000
State Total	250,267,000
WYOMING	
0 Labor Surplus Areas	0
23 Non-Labor Surplus Areas	31,258,000
State Total	31,258,000
UNITED STATES	
Labor Surplus Areas	-19,044,248,000
Non-Labor Surplus Areas	-28,460,726,000
National Total	-47,464,974,000

THE UNDER SECRETARY OF DEFENSE
Washington, D.C.

Hon. JOHN C. STENNIS,
Chairman, Defense Subcommittee on Appropriations, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the Department of Defense position regarding the repeal of the Maybank Amendment, and a DoD analysis of the House of Representatives debate on September 16 regarding this Amendment. The Maybank Amendment, which has been included in every Defense Appropriations Act since FY 1954, precludes the award of contracts under labor surplus area set-asides at prices higher than those that would be obtained through unrestricted competitive bidding.

In September, Representative Addabbo introduced an amendment that would have repealed, in part, the Maybank Amendment. The Addabbo amendment would have exempted from the Maybank prohibition all contracts made by the Defense Logistics Agency and any other contracts determined to be unrelated to national security. However, it was determined that such a partial repeal constituted legislation on an appropriations bill and the original amendment was ruled out of order. Based on the point of order, Representative Addabbo revised his amendment to call for the total repeal of the Maybank Amendment. This revision was passed by the full House and now is at issue.

DoD has consistently opposed efforts to repeal the Maybank Amendment and remains opposed to either a partial or total repeal. By restricting DoD solicitation efforts to business firms operating within the 25.7 percent of the labor market areas that are currently designated as labor surplus, the LSA set-aside program would adversely affect our national security. The Department's opposition to the Addabbo amendment is based on three especially critical concerns:

Labor surplus area set-asides, whether applied against the whole or part of the DoD appropriation, can significantly increase DoD costs and so actually reduce the amount of Defense material or services that can be procured. Unit costs would inevitably increase due to less competition, and delivery schedules would be extended for the same reason.

The LSA set-asides could result in the exclusion of our best suppliers and introduce significant delays into the procurement process. For example, the supplier of the current generation of a major weapons system or subsystem, who would otherwise be a top candidate for the follow-on award, could be totally excluded from the competition. (This exclusion would happen automatically where there are a sufficient number of other competitors to constitute a competition based on price.)

Because the LSA set-aside program introduces factors into the procurement system other than those designed to obtain the best for the least, the acquisition process is opened to those who would have procurement decisions based on subjective considerations, with the possible danger of politicization.

Labor surplus areas are identified and revised annually according to Department of Labor economic criteria, consequently, repeal of the Maybank Amendment would result in great confusion and disruption in our contracting offices. DoD suppliers in one year could be denied the opportunity to compete in subsequent years as a result of abrupt changes in local unemployment rates.

Even under the original Addabbo amendment for partial Maybank repeal some Defense contract awards related to national security could be adversely affected. The Defense Logistics Agency, in fact, procures a range of items that are as essential to effective Defense operations as many of the more sophisticated items: shortages in shoes, medical supplies, chemicals, NBC protective clothing, and fuels can have as devastating an effect on critical operations as deficiencies in other items.

Enclosure (1) provides more specific details regarding the adverse effects—increased costs and reduced readiness—to the DoD acquisition process if the Maybank Amendment were to be either partially or totally repealed. Enclosure (1) also shows that if the Maybank Amendment were to be repealed, DOD contracting activities would be required to follow the priorities in PL 96-302, which would prohibit small business and minority business firms not in labor surplus areas from submitting bids on 93 percent of our procurements ($54.4 billion in FY 1979).

DoD analysis (Enclosure (2)) of the House debate is offered with the intent of clarifying, from the DoD standpoint, certain statements and issues related to the House debate as recorded in the Congressional Record of September 16. In this regard, our comments are keyed by page number, column number, and paragraph number of the Congressional Record.

DoD will continue to make every opportunity available to firms located in labor surplus areas to compete for contract awards. A substantial portion of DoD contracts are already placed in labor surplus areas without the use of set-asides. The proportion of contracts awarded to firms in labor surplus areas has varied over the last few years from 31 percent to 80.6 percent of the total contract dollars.

The use of the DoD procurement system to relieve problems of economic dislocation, however, would be detrimental to Defense readiness, and would not be in the national security interest. Beyond this, to permit the payment of price differentials on Defense contracts to advance social programs, however worthy, would impair the integrity of the contracting process and open that process up to external pressures.

For these reasons, the Department strongly opposes the partial or total repeal of the Maybank Amendment.

Sincerely,

WILLIAM J. PERRY.

Mr. WARNER. Further, Mr. President, I ask unanimous consent to have printed in the RECORD the prior action of the U.S. Senate on a vote recorded November 6, 1979, reflecting substantial opposition to even a partial elimination of the Maybank amendment.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

[Rollcall Vote No. 388 Leg.]

YEAS—29

Baucus, Bayh, Bradley, Chafee, Cranston, Eagleton, Glenn, Hatfield, Heinz, Jackson, Javits, Leahy, Levin, Magnuson.

Mathias, McGovern, Melcher, Moynihan, Nelson, Pell, Randolph, Ribicoff, Riegle, Sarbanes, Schweiker, Stone, Tsongas, Weicker, and Williams.

NAYS—59

Armstrong, Bellmon, Bentsen, Boren, Boschwitz, Burdick, Harry F. Byrd, Jr., Robert C. Byrd, Cannon, Chiles, Church, Cohen, Culver, Danforth, DeConcini, Dole, Domenici, Durenberger, Exon.

Ford, Garn, Goldwater, Hart, Hatch, Hayakawa, Heflin, Helms, Hollings, Huddleston, Humphrey, Jepsen, Johnston, Kassebaum, Laxalt, Long, Lugar, Matsunaga, McClure, Morgan.

Muskie, Nunn, Pressler, Proxmire, Pryor, Roth, Sasser, Schmitt, Simpson, Stafford, Stennis, Stevens, Stewart, Talmadge, Thurmond, Tower, Wallop, Warner, Young, and Zorinsky.

NOT VOTING—12

Baker, Biden, Bumpers, Cochran, Durkin, Gravel, Inouye, Kennedy, Metzenbaum, Packwood, Percy, and Stevenson.

Mr. THURMOND. Mr. President, I rise in support of Senator Maybank's original amendment which has been part of every Department of Defense Appropriations Act since 1954. I firmly believe, Mr. President, that giving preferential treatment to defense contractors who happen to be located in labor surplus areas is not in the best interest of our country.

Mr. President, if we allow that to happen it will:

First. Reduce competition among defense suppliers by eliminating many important contractors from the eligibility list;

Second. Increase defense cost unnecessarily by eliminating a number of low-cost suppliers;

Third. Decrease the mobilization base by reducing the available pool of defense producers;

Fourth. Severely hurt a large number of small and minority businesses;

Fifth. Increase the administrative cost of DOD contracting;

Sixth. Allow defense awards to be made to firms who are not the best qualified and most efficient which in turn will result in decreased quality and undue schedule delays; and

Seventh. Place intense political pressure on the contracting process by labor surplus firms and governments.

Mr. President, the Department of Defense is opposed to repeal of the Maybank amendment.

Since DOD is currently awarding 44 percent of their total awards—almost half—to labor surplus areas, the use of set-asides would certainly reduce competition and increase DOD costs. If the Labor Department were to use the same guidelines today that they used in 1977 in designating labor surplus areas, the percentage figure of 44 percent would actually be 67 percent.

Mr. President, if the Maybank amendment were to be repealed, we would create new geographic areas of unemployment. As I have stated here on the Senate floor every year, this is one of the most dangerous amendments that has come before the Senate since I have been a Member. Senator Maybank happened to be from my home State of South Carolina. He was a fine gentleman and a good friend, but that is not the reason I favor the Maybank amendment.

Mr. President, I am voting to preserve the Maybank amendment because it is the proper step to take. By eliminating the Maybank amendment we eliminate free enterprise, we eliminate the notion of free competition in our society.

If the Senate eliminates competition in the defense area, it may be only a very short time before competition is eliminated in all the other Government business areas. The competitive spirit of America will be dealt a severe blow. Competition, the heart of private enterprise, will be reduced. The United States today, Mr. President, is the greatest country in the world because of free enterprise, because of competition.

Mr. President, the taxpayers of America want competition. They want the best product for the best price. That is what the Department of Defense wants, that is what we all should want. I urge all my colleagues in the Senate to support free enterprise, to support the American way of life, and to preserve the Maybank amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, it is my understanding that the debate is about to be concluded. I do not want to prolong it. I just wanted to say a few words.

Mr. STENNIS. Mr. President, I think the Senator is certainly entitled to them. I am glad he is going to make some remarks.

Mr. NUNN. Mr. President, the Senator from New York and the Senator from New Jersey—perhaps my words will be wasted here as I see they are leaving the Chamber.

Mr. BRADLEY. Mr. President, the Senator knows I will return to hear his words. I think I have read them in various reports.

Mr. NUNN. Mr. President, I think one of the most interesting arguments, and probably one of the most broadminded arguments I have heard on the floor lately, was the address by the Senator from Delaware, Senator BIDEN, who was holding forth about the equities involved here and we are all one country, because he is arguing against his own parochial interests and I think that takes a pretty broadminded person.

In Delaware, there are $105,320,000 in procurement contracts from the Department of Defense to nonlabor surplus areas and $37,000,232—this was in fiscal year 1980—to what is known as labor surplus areas.

What this means is, if the amendment of the Senator from New York and the Senator from New Jersey passes, the Senator from Delaware has about $105 million that Delaware is now receiving which will be eligible to be set aside to nonlabor surplus areas and, of course, he has $37 million in labor surplus areas.

This is a very complex problem. I really believe it appears at a time where we are in a period of time where we are all trying to do something about our Nation's security; that it is the last time we ought to be doing the kind of thing that may be done by the repeal of the Maybank amendment, and that is increasing the cost of overall military procurement anywhere from 5 to 10 percent and shifting that procurement around in a very inefficient, ineffective way from a national security point of view.

In addition to that, I think it has already been enumerated here by the chairman that what we have here is that the Defense Department has a better record, a better record in terms of awarding contracts on a competitive basis to labor surplus areas than the other agencies do that are under the present law, which would be excepted by the Maybank amendment.

I think what may very well happen is you may end up with about the same percentage of contracts being awarded to the labor surplus areas at a higher cost to the Government.

In addition to that, I do not know whether very many people have talked about this on the floor, but when minority firms or small business firms are located in nonlabor surplus areas—and many of them have been competing successfully for contracts—they are going to be preempted by this kind of change. What you would have is big businesses, very prosperous businesses, located in a labor surplus area would have priority over small businesses or minority businesses in a nonlabor surplus area.

I do not really believe the Senate of the United States wants to do that.

It is a very complex matter. We have a list here of all the States and how many of their areas have particular contracts.

The Senator from Delaware is now on the floor. I was just saying that he is taking a very broad approach because in Delaware, as he is probably aware, there was one nonsurplus area in the fiscal year 1980, the first three quarters. That particular area got $105,320,000 in procurement contracts, and three labor surplus areas got a total of $37,232,000. What this would be doing is exposing the $105 million exposed to the nonsurplus area and in exchange for that he might pick up a few contracts in the labor surplus area. That is a very broadminded approach.

Mr. BIDEN. Will the Senator yield?

Mr. NUNN. I will yield in just a moment.

The Senator from New York would certainly have the incentive to take the position he is taking. In New York in fiscal year 1980, the first three quarters, they had 43 labor surplus areas that got a total of $3,585,492,000, and they had 52 nonlabor surplus areas that got a total of $568,496,000. Interestingly enough, New York got 10 percent of the total procurement during these particular quarters, and, interestingly enough, some of the areas that are hard hit by unemployment, for instance Michigan, New York, Massachusetts, Missouri, Connecticut, and Pennsylvania are in the top 13 States in overall procurement.

So I do not really believe this problem has been very well thought through, and I really do not believe we have very much of a statistical analysis that has been done by anybody to determine what the results of this may be. I think all would be better served by not doing anything on this matter until we have more accurate information.

Mr. BIDEN. Will the Senator yield for 30 seconds?

Mr. NUNN. I will be glad to yield.

Mr. BIDEN. On the specific point of my State benefiting or not benefiting, I was aware of the figures, but I am also aware that my State cannot remain healthy very long if the remaining States in the area are not healthy. So although my State benefits with regard to the way the program is now, or at least would be running a risk if the program is changed, it is not such an altruistic view that I am taking by being willing to put my State up on the block, if you will, but it in fact is a recognition of the fact that unless Pennsylvania, New Jersey, and Maryland, which surround Delaware and impact significantly on our overall economy, are also healthy and we make accommodations there, we will not long remain healthy. I thank the Senator for pointing that information out.

Mr. BRADLEY. Will the Senator join with the chairman in asking for the GSA or GAO studies so we can get a statistical basis?

Mr. NUNN. Did the chairman make that commitment?

Mr. BRADLEY. I did not commit for anything specifically. I said there should be an in-depth study, directly under the legislative branch of the Government. I think that is where the responsibility is and that is why we ought to make the decision. But we should get such assistance concerning information as we see fit, in our discretion.

Mr. NUNN. What really bothers me, frankly, is that we have struggled for a long number of years. I worked with the House Armed Services Committee for about 12 months, but I spent a long time working on this whole question of competitive procurement or lack of competitive procurement. You are talking about huge dollars here. If we are taking a step in the repeal of the Maybank amendment which leads to less competition in a period of time when we are greatly increasing the defense budget, we may very well be seeing a real inflationary effect take place, not just in the defense area but also in the overall area.

We have a terrible problem in the lack of industrial capacity in the country to absorb some the defense increases that are coming now. I really think if we inject this into it without knowing a lot more about it, we will be making a bad mistake.

I understand the Senator from New Jersey would like to have an in-depth study. I do not know who the appropriate authority would be to do it, but I certainly would support it because I think it would give us more meaningful information.

Mr. BRADLEY. We will prepare a letter to the GAO and the GSA and ask them to start to work on it as a senatorial request.

Mr. NUNN. I am not sure who the appropriate authority would be to do that.

Interestingly enough, I do not know whether the Senator from New Jersey has seen statistics, but they have twice as much money going into nonlabor surplus areas as surplus areas. There is no assurance that if we take away the money from nonsurplus areas that the money will find its way into New Jersey. I think we will be creating an administrative nightmare which will lessen competition and which could very well be extremely expensive to our country both in terms of dollars expended and in terms of what it does to our national security.

Mr. President, I rise in opposition to any change in the provision, included in every Department of Defense Appropriation bill since 1954, popularly known as The Maybank amendment ("Maybank").

The effect of repealing or weakening Maybank would be to require the Department of Defense to set aside contracts solely for firms operating in areas designated "labor surplus" by the Department of Labor. Without question, this requirement would have an adverse effect on the competition for and the cost of Defense purchases.

Competition would be reduced because currently only 26 percent of the country is designated as labor surplus areas—1978–1979 unemployment rate of 7.2 percent or more. Thus, firms operating in the other 74 percent of the country would not have the opportunity to bid on Defense contracts set aside for labor surplus areas.

Mr. President, it is elementary that reduced competition will lead to increased costs. Indeed, the Defense Department estimates that repeal of Maybank could mean Defense contract awards at prices as much as 10 percent above the lowest price obtainable through open competition, which could boost Defense costs by $1.5 to $2 billion in fiscal year 1981. We must strive to get the most for each and every Defense dollar that we spend; repeal or weakening of Maybank would not help us toward that goal.

Nor would it aid our industrial mobilization planning; many firms who participate in that planning would be denied the opportunity to bid on contracts set aside for labor surplus areas. So, in certain instances, would small and minority businesses, which won $8.1 billion in Defense contracts—$2 out of every $3 they were awarded—in open competition with large businesses. But repeal or weakening of Maybank would have the effect of inserting a new preference before open competition between large and small businesses—a preference for large businesses in labor surplus areas—thus seriously jeopardizing the $8.1 billion in awards I just mentioned.

Mr. President, we can also expect that the Defense procurement process would be open to intense political pressures if Maybank were repealed or weakened. Defense contracting officials would have to make countless administrative decisions on whether contracts should be set aside. Representatives of labor surplus areas would undoubtedly try to convince these officials that set-asides were appropriate, while representatives of nonlabor surplus areas would urge no set-asides. We should not expose the Defense procurement process to such pressures.

Mr. President, the predicate for repealing or weakening Maybank seems to be the contention that Defense is not doing its share to help economically disadvantaged areas. That, Mr. President, is an unfair charge. In fiscal year 1979, DOD placed $19 billion, or 31 percent of its prime contract dollars—contracts over $10,000—in labor surplus areas. By contrast, only about 25 percent of the contract dollars of all the civilian agencies combined were in labor surplus areas in fiscal year 1979.

For the first 9 months of fiscal year 1980 Defense has done even better—40 percent ($19 billion) of the $47.5 billion in Defense prime contract awards has been distributed among 1,065 of the 1,069 labor surplus areas, much of it to States such as California, New York, Massachusetts, Pennsylvania, and Michigan. During the same period an additional $11 billion went to nonlabor surplus areas with 1978–79 unemployment rates of 6 percent or more. Still, on the average about twice as many contract dollars went to labor surplus areas—$17.8 million—as went to nonlabor surplus areas—$9.9 million.

But, Mr. President, the billions of dollars of Defense contract awards made in nonlabor surplus areas in all 50 States would be jeopardized if Maybank is repealed or weakened. For firms in those areas, which at least in Georgia contain by far the greatest percentage of the State's unemployed in 1975, might be denied the opportunity to bid for contract awards they had previously held.

Even putting all these considerations aside, we must consider how effective the labor surplus area set aside program has been in helping employment in those locales. And the fact is that its impact has been nominal. That is the conclusion of a private study, which found that in fiscal year 1978 set asides produced, on the average, a direct job impact of 11 jobs per labor surplus area. The same study found "no guarantee that the possible substantial costs of more vigorous program implementation would produce proportionate increases in program effects."

Mr. President, we must spend our Defense dollars efficiently and get the most we can for every cent. Repeal or weakening of Maybank will thwart that effort by restricting competition and increasing the cost of Defense purchases. Therefore, I strongly urge that the Maybank amendment be continued in the fiscal year 1981 Defense appropriation bill.

Mr. BENTSEN. Mr. President, I remember last year when the Senate was having its annual debate on the Maybank amendment, the Senator from Georgia, Senator NUNN, and I were on the floor trying to point out why repeal made no sense. The Senator from Georgia stated the case against repeal very concisely and effectively. He said that if repeal of the Maybank amendment does not increase the cost of defense procurement, then there is no need for it.

The Senator from Georgia was correct. I doubt if there is anyone on the floor of the Senate today who would seriously suggest that repeal of the Maybank amendment would not increase the cost of defense procurement.

We can argue about precisely how much it would cost the American taxpayer if we attempt to use the DOD budget for social engineering purposes, but it is impossible to challenge the assertion that repeal of the Maybank amendment will cost money, and the price tag will run into the billions.

Now, Mr. President, it seems strange to me that at a time when there is urgent and legitimate concern about our defense posture, when there is urgent and legitimate concern about levels of taxation, deficit spending and inflation in America; at a time we are about to devote additional scarce resources to defense, the Senate of the United States should also be considering a proposal that can only increase the cost of defense without contributing anything to efficiency or preparedness.

In the years to come, we will be asking the American people to sacrifice in the interest of a strong national defense. I think the people are prepared for sacrifice. But they are not ready to spend an extra $1 or $2 billion per year for the sole purpose of channeling defense procurement to labor surplus areas.

If there is one area in which this country needs and demands efficiency, economy, and the discipline of the free market system, that area is defense. It is vital to our future as a nation. It is a major consumer of our tax dollars. It is a top national priority, and should be treated as such. To repeal the Maybank amendment would be to engineer waste and inefficiency into the defense procurement process. The very idea is totally unacceptable and irresponsible.

Now I am well aware, Mr. President, of the problems in labor surplus areas. I would point out to my colleagues that the least economically advantaged areas of this country are not in the slums of the snowbelt, but in my State, in the Rio Grande Valley. I want to be part of the effort to bring prosperity, jobs, and opportunity to every citizen of America, regardless of where he lives.

But let us understand that, even with the Maybank amendment on the books, the labor surplus areas of America are doing quite well in terms of defense procurement. They are certainly not being short-changed or discriminated against.

Labor surplus areas are about 26 percent of all labor market areas in this country, but during the first three quarters of fiscal year 1980 they received 40 percent of the defense procurement contracts. And they are providing goods at competitive prices.

Let us also remember that millions of Americans who live in LSA's are also taxpayers who share our concern about a strong and secure America able to withstand any threat from abroad. I seriously doubt whether these people want to see the Government pay a premium to procure defense articles from areas of high unemployment. I think they will demand efficiency, not waste, from the defense dollar, and I could not agree more.

If we are going to rebuild America, Mr. President, we are going to need a sound foundation. A foundation of security, fiscal responsibility, real economic growth, and—equally important—national unity. There is no room for aggressive, grasping regionalism when it comes to national defense.

The Maybank amendment simply states what should be national policy in any event: DOD contracts shall be awarded on the basis of competition; we should buy maximum muscle with our defense dollar.

I certainly do not want to see that sort of provision disappear from American law.

Mr. HEINZ. Mr. President, I rise in support of deletion of the Maybank amendment, which has distorted Federal procurement policy for many years. The Defense Department is the only agency in our National Government which is currently allowed to ignore economic distress and idle productivity when it buys the equipment it needs. This situation must and should end.

DOD is responsible for over two-thirds of the Federal Government's purchases, most of which are for nonstrategic items such as furniture, office supplies, and other equipment such as any agency might buy. There is no reason why procurement of material should not follow the normal rules which we apply to other Government purchases.

I appreciate the legitimate concern of some of my colleagues that we must have effective competitive bidding for defense supply contracts. This would certainly be the case where we are operating without the Maybank provision and under normal Government procurement rules. All other Government agencies reserve contracts to areas of high unemployment only if there is adequate competition to insure a reasonable price, and this would be the case for the Department of Defense as well if the Maybank amendment were deleted.

I need not dwell on the current state of our economy and the increasingly dangerous situation of our productivity levels. We not only have a recession; we have had several years when there has been a fundamental lack of capital investment in new plant and equipment facilities. Many of us had hoped to begin to rectify this critical situation with a responsible tax cut this year, a tax cut whose cornerstone would have been strong incentives to develop that capital equipment. Our chances for that tax cut in this session now look dim and it may be many months before we can present another such measure to this body. In the meantime, the economy continues to need help. Deletion of the Maybank amendment would provide some of that help by directing part of our Government contracting to areas where more companies tend to have older plant and equipment facilities, thus providing more incentives and more capital to modernize those facilities.

Mr. President, we must free defense purchases from the straitjacket of the Maybank amendment, and require the Defense Department to shoulder its share of the Federal Government's domestic economic responsibilities. As soon as we bring our defense procurement in line with the rest of our Federal procurement, we will be able to provide more jobs for those willing and able to work in the economically depressed areas where Federal spending would do the most good. This in turn would reduce the costs of unemployment compensation and other income maintenance programs. And as we all know, the costs of these programs soar during periods of economic downturn: The Congressional Budget Office has estimated that every 1-percent rise in unemployment costs the Federal Government $20 billion.

For all of these reasons, Mr. President, I urge the distinguished chairman of the committee to remove the Maybank amendment language when this bill comes to conference. We must and we should bring the purchases of the Defense Department into conformity with the rest of our Federal procurement policy.

● Mr. RIEGLE. Mr. President, I rise in support of the Moynihan position to repeal the Maybank amendment.

The Maybank amendment has obstructed an intelligent and responsible national policy of encouraging the full utilization of American production facilities and workers. Defense manpower policy No. 4 could reduce economic dislocation in our country, but the Maybank amendment interferes with that objective.

Defense procurement alone comprises over 72 percent of the dollar value of all Government purchases of goods and services. To accomplish the objectives of defense manpower policy No. 4, Federal procurement funds are targeted to firms in areas of high unemployment known as labor surplus areas. This could be an enormously potent weapon in our national economic arsenal.

In my own State of Michigan unemployment soared to over 14 percent during this past summer. Currently it hovers around 13.4 percent. Most of Michigan's cities and counties are labor surplus areas. Certain areas in the State have unemployment in excess of 20 percent. These people want jobs, and we have the ability to put many of them back to work.

The Department of Defense needs everything from paper clips to file cabinets and many places with high unemployment in this country have the industrial base as well as the know-how to supply these goods. Unfortunately, Maybank prevents the Defense Department from considering these pressing needs when it procures its goods.

I submit that significant national benefit would come from the purchase of goods at a reasonable price—from firms in labor surplus areas that would contribute to economic stabilization and would help reduce Federal spending for unemployment and welfare benefits.●

Mr. STENNIS. Mr. President, the Senator from North Dakota may have some remarks. I have spoken to the extent that I think we have presented the side we represent on this amendment.

Mr. YOUNG. Mr. President, I have no further comments. I am pleased that the amendment will not be offered.

Mr. STENNIS. I want to again thank those who have worked in this highly important and troublesome matter which will have to be proceeded upon further in time. To be sure I am understood and not misunderstood, let me just repeat in one sentence: I think it is a legislative responsibility. We have the obligation. We have control for an in-depth hearing and development of the facts under the guidance of technical men, and to employ the use of any other agency we want to. But it is our responsibility and we will have to make the decisions.

I am not going to be in my present position very long. I doubt that it is something that could be hurried under any circumstance. However, I will certainly have a continued interest to do what I can along those lines. I again thank all Senators who participated in this matter.

The Senator from Missouri was here this morning. I did promise that I would let him know.

Mr. BELLMON. Will the Senator yield for a brief moment?

Mr. STENNIS. Yes. I am glad to yield though I do not control the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Mr. President, the defense appropriation bill we are considering today is, by virtue of its size and content, a positive sign in my mind that the United States is moving out strongly to correct the deficiencies in U.S. military capabilities which have developed in recent years. It should, I believe, be taken as a sign by our friends and enemies alike that the United States is intent upon guarding its global interests and maintaining political/military stability in vital regions of the globe.

The Senate version of the defense appropriation bill is more than $6 billion above the President's request and reflects the intent of Congress to deal with problems the administration has refused to address in the past 3 years. I regard this as an encouraging sign and I feel confident that we are witnessing a trend to upgrade our defenses which will be sustained into the future. I am confident that the incoming Reagan administration will pursue this goal and that it will receive strong support in the Senate and Congress as a whole next year.

But, Mr. President, I would like to temper this optimism with one final bit of advice and return to a theme which I have been addressing for more than a year now. It is a theme which I was pleased to see the Senator from Mississippi, Senator COCHRAN, mention this morning. The Senate must take action to assure that our defense preparations and capabilities are directly related to our foreign policy objectives.

Mr. President, I would like to repeat that for emphasis. I believe we absolutely must determine that the money we are spending for defense is buying the capabilities to support our foreign policy objectives.

Today we see a situation in which the status of defense capabilities is an implicit statement of foreign policy. The U.S. defense budget is as much a tool of policymaking as any pronouncement by the President or the Secretary of State. Indeed, as we confront political leaderships in other countries who are more impressed by actions than by words, the status of defense capabilities is probably the most effective tool American policymakers have at their disposal.

This direct relationship between defense capability and foreign policy makes it imperative that the Congress fully explore and understand the implications of our defense decisions. There should be no artificial budget limitations on our ability to buy a good defense capability. I can assure the Senate that, as ranking member on the Budget Committee, I do not make that statement lightly. However, I am painfully aware of all our competing budget demands and I know that we cannot afford to squander precious budgetary resources by funding defense capabilities which bear no relationship to our broader foreign policy goals and do not significantly enhance our ability to do the job we expect our military to do—and do it in the most effective fashion.

I think the debate we had earlier about putting the battleship *New Jersey* back into the fleet is a case in point.

No one has demonstrated that we need the *New Jersey* to forward any of our foreign policy goals. Until we know what goal will be served by these enormous defense outlays, the Senator from Oklahoma feels we should be very hesitant to commit funds to programs that may or may not be helpful in the field of foreign policy.

I have previously suggested ways in which the Senate might move to develop a forum for reconciling defense requirements and foreign policy goals. I offered Senate Resolution 299, which proposed the formation of a special select committee which would be comprised of members of the relevant committees in the areas of foreign affairs and national security. Such a group would, in my view, serve as an effective mechanism for integrating our defense and foreign policy needs and insure that they are not pursued in a vacuum and independent of each other.

Mr. President, this proposal foundered on the problem of committee turf. I knew in the beginning that this might occur, but I still believe in the basic need for a greater appreciation of the complementary relationship between U.S. defense and foreign policy. Many Members of Congress have joined me in supporting such a proposal. I urge the new administration and the next Congress to devote time to developing an effective means of implementing the basic objective I have identified. I am not talking about some commission of outside specialists which would meet and then be forgotten. Instead, I believe that we need a mechanism which could get the Members of Congress and the relevant committees actively involved in thinking about both sides of the defense policy/foreign policy question.

As some Senators may recall, it was the SALT II issue which originally led me to consider this need. Throughout the discussion of the SALT II treaty, I was constantly advised to consider whether SALT II was in our national interest and supported our foreign policy goals. My frustration grew out of the fact that, in 12 years as a Senator, I had never heard a comprehensible explanation of what our goals and objectives in the area of defense and foreign policy are.

Mr. President, I think that is a serious criticism of the Senate, where we should be concerned about foreign policy, perhaps, more than any other place in town except the Defense and State Departments. To my knowledge, the Armed Services Committee and the Committee on Foreign Affairs have never met. The two seem to go down separate paths and establish separate policies without one knowing what the other is doing.

Mr. President, I hope the Senate will be asked again in the future to judge whether measures and spending proposals support the national interest. If the administration fails to act promptly I would encourage the Senate to initiate a process for defining the national interest. Without such a definition in hand, the Senate will never be completely confident in making judgments on defense matters.

Mr. President, as a member of the Defense Appropriations Committee, I believe this bill will start us off on the right foot in regard to fulfilling the defense promises made by President-elect Reagan during the campaign. It envisages a defense upgrading and modernization plan which I hope will be sustained. It also includes funding for military personnel initiatives, which I hope will help solve the manpower problems that now confront the military. The bill will help improve the quality of life for men and women in the U.S. military.

As a member of the Budget Committee, I commend the chairman of the Defense Subcommittee (Mr. STENNIS) and the ranking member (Mr. LONG) for reporting a bill within the defense ceiling provided by the just-passed second concurrent budget resolution for fiscal year 1981. My calculations show the bill to be exactly at the budget authority ceiling of $164.6 billion after supplemental requirements are added in. I ask unanimous consent that a table illustrating the budget status of the defense appropriation bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET STATUS OF THE DEFENSE APPROPRIATIONS BILL: H.R. 8105

When additional later requirements for the DOD pay raise are considered, the Defense Appropriations Bill, as passed by the Appropriation Committee, is exactly at the Second Concurrent Budget Resolution allocation for budget authority, and $950 million below the allocation in outlays. Higher funding for procurement and R&D in the Senate bill result in it being $6.4 billion above the President's request in BA and $3.6 billion in outlays and $3.7 billion in BA above the House passed level and $1.8 billion in outlays.

Defense Subcommittee

[$ billions]

Outlays from prior-year budget authority	-----	43.1
H.R. 8105 Senate Committee recommendation	160.6	103.5
Possible later requirements for pay raise	3.9	3.9
Total	164.6	150.5
SBC staff estimate of Subcommittee crosswalk 302-(b) allocation under Second Budget Resolution	164.6	151.45
Potential over/under allocation	-----	—.95
Committee bill over House-passed bill	+3.7	+1.8

Mr. BELLMON. Mr. President, I close with the hope that my Senate colleagues will seriously address the need to put our defense resources to the best work to support U.S. goals and thereby avoid waste and duplication. We must spend what is required to preserve our national security and we cannot shirk this responsibility. My hope is that this commitment will be matched by an equal commitment not to spend wildly until we know what our foreign policy objectives are and until we are certain that the money we are spending will help us reach those objectives.

Mr. President, I yield the floor.

UP AMENDMENT NO. 1786

(Purpose: To remove certain restriction on real property conveyed to the State of Maine by the United States by the Act of March 3, 1905)

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) proposes an unprinted amendment numbered 1786.

Mr. MITCHELL. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . (a) The Act entitled "An Act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes", approved March 3, 1905 (33 Stat. 1270), is amended by inserting "or for other public purposes" after "in conformity with the terms of this Act".

(b) The Secretary of the Army shall issue such written instructions, deeds, or other instruments as may be necessary to bring the conveyance made to the State of Maine under the authority of the Act referred to in subsection (a) into conformity with the amendment made by such subsection.

Mr. MITCHELL. Mr. President, I offer this amendment on behalf of myself and Senator COHEN to delete certain use restrictions from the Kennebec Arsenal Property in Augusta, Maine, so it can be used as a State office building.

The Department of War built a military arsenal in the city of Augusta during the early to mid 1800's. Pursuant to congressional authorization, the Secretary of War conveyed this property to the State of Maine in 1905, with the proviso that the property be used in connection with the Maine Insane Hospital. The State did indeed make such use of the property, but in recent years, the old military arsenal has become underutilized and now serves as a warehouse.

Mr. President, the State of Maine would now like to convert this granite building into office space and thus extend its useful life for public purposes.

State officials were in touch with Army officials recently and the Department reportedly had no objection to the deletion of this use restriction. I have good reason to believe this administration does not oppose this amendment—it should not provoke any controversy and will not require any Federal funds to be implemented. It authorizes the Secretary of Defense to issue a new deed, deleting the restriction for use of the Kennebec Arsenal property with the Maine Insane Hospital, while asserting that it must continue to be used for public purposes.

My understanding is that the majority staff of the Senate Armed Services Committee has reviewed this amendment and does not anticipate that it will cause difficulties to any involved party.

Mr. President, I understand that the amendment has been cleared by both the majority and minority members on the committee.

Mr. STENNIS. Mr. President, if the Senator will yield to me, that is correct. We have looked it over and we think we can accept and recommend the amendment.

Mr. YOUNG. Mr. President, this is an amendment that will correct a situation in Maine.

The PRESIDING OFFICER (Mr. PRYOR). The question is on agreeing to the amendment.

The amendment (UP No. 1786) was agreed to.

Mr. STENNIS. Mr. President, the Senator from Missouri was here this morning. He came back after lunch for an amendment. He has a subcommittee in session downstairs. I hope the Chair can recognize him on an amendment.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I wonder if I might ascertain the possibility of getting a time agreement to vote on passage of the bill at no later than a certain hour today.

Mr. STENNIS. Mr. President, if the Senator will yield, so far as I know now, things look a lot better than they did when I sent a message an hour ago that things are cloudy around here. I think we are going to get to the end of this thing rather rapidly, allowing for unforeseen events that we do not know anything about. The Senator from Missouri is here and is ready to go with his amendment. The Senator from Iowa has an amendment. Mr. President, I think that will be a fairly short amendment. I do not know what the Senator from Missouri says about his time.

Mr. EAGLETON. I need 10 minutes, Mr. President.

Mr. STENNIS. That is good. It looks now as if we might finish up inside an hour.

Mr. ROBERT C. BYRD. Mr. President, I hope someone will check with the minority leader and see if he is in agreement? For now, I yield the floor.

Mr. EAGLETON. Mr. President, I yield to the Senator from Georgia (Mr. NUNN).

Mr. NUNN. Mr. President, I ask unanimous consent that it be in order to lay before the Senate a message from the House of Representatives on S. 1918. Before I get the Chair's approval on that, I have talked to the Senator from Mississippi. This will take no longer than 4 or 5 minutes, if the Senator from Missouri is prepaerd with his amendment. It has been cleared on all sides and I shall put my statement in the RECORD.

Mr. ROBERT C. BYRD. This has not been cleared with the leadership, Mr. President.

Mr. NUNN. Mr. President, I withdraw the request.

UP AMENDMENT NO. 1787

Mr. EAGLETON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes an unprinted amendment numbered 1787:

On page 28, line 9, strike "$7,159,857,000" and insert "$7,039,857,000".

Mr. EAGLETON. Mr. President, one of the most serious problems facing Pentagon planners as we begin the decade of the 1980's is the growing vulnerability of our land-based intercontinental ballistic missile (ICBM). By some estimates, the Soviets will have by the early 1980's a capability to destroy over 90 percent of our Minuteman and Titan ICBM's in a first strike attack. Fortunately, we as a Nation have never relied exclusively on our land-based ICBM force to provide a sufficient strategic deterrent. Nonetheless this missile force is a vital component of the U.S. strategic Triad. We continued to operate under the assumption that while an enemy might be able to knock out or neutralize one leg of the Triad at any given time, the other legs would still be capable of delivering a lethal retaliatory blow, to any location on the globe.

To address the growing vulnerability of the Minuteman and Titan missile force, the President directed the Air Force to begin a full-scale development program of a successor ICBM system—to be deployed in a multiple protective structure basing mode. We know this system to be the MX.

By current estimates, it will cost close to $10 billion to develop the system alone. The effort will extend through 1987. Total program cost estimates continue to grow at every reassessment but will surely approximate $50 billion. Congress has appropriated $820 million to date, and is considering appropriating an additional $1.5 billion in this bill.

Mr. President, today I rise to offer an amendment to reduce this year's request by $120 million. I do not offer this amendment because I do not agree that a successor to our land-based ICBM system is needed. I am not even prepared to say the MX is an unsuitable successor, although I have grave reservations about the current configuration of the program. Rather, my amendment addresses the practical problems in effectively managing a program that seems to reconfigure itself at every junction.

Even though the Congress has appropriated a full three-quarters of a billion dollars for development, the decision on missile basing mode seems anything but definitive. Since the Senate last debated funding for this program, the administration seems to have abandoned the so-called race track system in favor of what is now being called the grid system. In the course of a single year, the Air Force has shifted emphasis from a basing concept that provided for "breakout" through a shelter roof to a transporter-erector-launcher vehicle with a "dash" capability to a "plowout" concept allowing for launch outside the shelters. Such a shifting pattern of proposed basing concepts graphically depicts the problems the United States is facing in getting the development effort off the ground.

Last year, the Senate passed by unanimous vote the Stevens amendment that formally precludes the Air Force from pursuing a single course of action. The amendment specifically prevents the expenditure of funds provided in the fiscal year 1980 bill from being used in such a manner as to commit the United States to one basing mode for the MX. As a result, development efforts associated with basing have been maintained at a lower level than planned. In addition, some reports I have reviewed have indicated that the Air Force is experiencing some difficulty recruiting the necessary talent to proceed with the difficult task of preparing to meet critical development milestones.

At the direction of the committee membership, the House surveys and investigations staff conducted a detailed and thorough review of Air Force documents containing budgetary, financial, contractual, and program related data. After careful consideration of the details of program funding, obligation rates, and expenditure rates for fiscal years 1979 through 1981, the staff study concluded that the Air Force will probably spend no more than 62 percent of the $670 million appropriated in fiscal year 1980. The rest is expected to be carried over into fiscal year 1981.

The staff study makes the point that recent changes in the proposed MX basing mode coupled with the Senate's unanimously adopted Stevens amendment have significantly slowed program development.

The House Appropriations Committee, after careful deliberation, concluded that "the budget request for MX was for more funds than can be spent effectively and efficiently for fiscal year 1981."

It made it clear in the report that it was fully supporting MX as a needed system. It said its action was "a recognition of the practical problems involved in carrying out a project of this complexity and magnitude."

Make no mistake that I stand four-square behind the concept of the Triad form of our strategic deterrent and I believe that we need to maintain our land-based capability of the Triad.

I am opposed, however, to moving ahead so rapidly in MX development that we end up providing the Pentagon with more money than it can effectively spend in a given year.

Such a practice does nothing for boosting our defense but instead leads to waste and invites mismanagement.

So what my amendment does, Mr. President, is to delete $120 million from the bill. This would conform the bill to the action of the House in this regard, after the very careful and detailed study that the House committee made, and based especially on the excellent report done by the House surveys and investigations staff, a copy of which I have available here with me in the Senate Chamber.

Mr. President, I ask unanimous consent that the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I wonder if this would be the time now to get a time limit on the bill?

Mr. YOUNG. I have to object. I have not discussed this matter with the leaders on my side.

Mr. ROBERT C. BYRD. Very well.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MR. WARNER. Mr. President, I rise in opposition to the proposal by the distinguished Senator from Missouri.

This proposal, calling for the deletion of $120 million from the research and development account for the MX missile program, would have the following impact, and I cite a letter dated November 1 of this year to Chairman STENNIS from General Lew Allen, Chief of Staff, U.S. Air Force.

I quote from the letter:

> The impact of a $120 million reduction is a six-month delay in missile first flight which is now scheduled for January 1983. The first integrated basing test will be slipped as well and the total effect will be a delay of at least six months in the IOC.

"IOC" is the terminology used by the Department of Defense with respect to when major weapons programs first become operational.

Mr. President, this, again, would require a disruption of a program that has been stopped, slowed, and started over and over again for many years.

Our committee, the Senate Armed Services Committee—in particular, the Subcommittee on Research and Development, on which I serve—has reviewed carefully the program; and I urge my colleagues to accept the judgment of the Senate Armed Services Committee, in that this would be an unwise cut.

Furthermore, it is my understanding that the distinguished Senator from Missouri was present when the Appropriations Committee considered his proposal and rejected it. Now we are here, in the concluding hour of the debate on this appropriation bill, and the matter is raised once again; and I urge my colleagues to reject it.

Mr. STENNIS. Mr. President, the Senator from Missouri has a good eye, and he will find things in the bill that are loose and rattling around a little. However, this matter about the research and development, a very expensive undertaking for the MX, is something that our committee, the Armed Services Committee, has gone over for several years. This year, again, it was heard in depth by the Subcommittee on Research and Development, which came out, as I recall, with a unanimous report that the Air Force figures were reasonably sound, and recommended the allowance of the $1.5 billion.

That has been argued back and forth a great deal, but the settlement on the money became rather firm the first part of this year.

This is a relatively small amount; but as I understand the custom and pattern of operations in research and development, they just cannot say that they are going to spend all this money within a certain time. It is unwise and impractical. So they authorize it and they obligate the Government to this money. In that way, they get a better job done for the dollar, and I believe it is in keeping with their established practice.

I believe that now, at this late time, we should not change these figures. I say that respectfully to the Senator from Missouri. I hope we can leave this intact. It has been a controversial matter, but we finally settled on the money, and let us stick by it.

Mr. YOUNG. Mr. President, the House appropriations bill contains, as the author of this amendment has explained, a reduction of $120 million for the MX missile system. The contention of the authors of the House reduction and the distinguished Senator from Missouri is that the $120 million cannot be spent during fiscal year 1981.

The Defense Department made a strong appeal for the restoration of the $120 million and I quote that appeal:

> The House reduced the MX program by $120 million on the basis that program complications will preclude the expenditure of the requested amount. This reduction will result in unacceptable schedule and/or technical risk impacts. We have completed an adjustment of the entire program to accommodate several design decisions made recently to reduce overall costs and complexity and to improve performance in critical areas. Nearly two-thirds of the FY 1981 budget request is for missile activity directed at meeting the scheduled three flight tests in 1983 prior to the production decision in mid-1983. Reduction of $120 million will force a schedule slip of several months in those flight dates, similar slips in the production decision and IOC dates, or a significant increase in technical risk as we try to hold the schedule. I urge the Senate to restore the funds so that this major and critical new strategic program can proceed on a prudent basis.

Mr. President, the Defense Department's appeal is certainly strong and selfexplanatory. I do not think there is any question in anyone's mind that the introduction of the SS–18 by the Soviet Union requires that the United States develop the MX as soon as prudently possible in order to maintain the best possible balance of strategic weapons.

Again, Mr. President, I believe that the Defense Department appeal is well taken and I strongly urge my colleagues to oppose this amendment.

Mr. GARN. Mr. President, I oppose this amendment. I suggest to the Senate that there probably is no Senator on this floor who has been more involved in the MX issue for more than 2½ years, primarily because a good part of it is intended to be placed in my State.

This has been an extremely controversial issue. It was one of the major issues in my campaign for reelection this year, and I was blasted on radio and TV because I was not laying my body in front of the MX to try to stop it and prevent the horrible consequences within my State.

Nevertheless, with all those problems and the serious problems it could cause within my State, I cannot vote for further delays. I say that in the context that I do not believe that President Carter picked the best base mode, either militarily or from an economic standpoint, and I hope that Governor Reagan changes the basing mode, because I do not like it and I do not want it in my State.

On the other hand, in the interests of national security, we do need the MX missile.

I believe that President Ford made a mistake by not going ahead with the building of the MX prior to the 1976 election. President Carter delayed for 3 years making a decision, and the situation should have been evident to everybody with respect to the incredibly growing missile gap and all the missiles the Soviet Union has been building.

So it is not only a need for the MX missile; it is long past due that we get on with the development of that missile. In the interest of national defense, I will not be a party to tacking on further delay, because I doubt very much that the Air Force will be able to keep their IOC date of 1986. It will slip further.

It is in that context that I do not like the system and I do not want it in my State, but I do believe that we need to get on with the missile. So my work will be to continue with the missile, and I hope to influence the Reagan administration to change the basing mode, but I will not be a party to deleting funds which will delay something that is vitally needed for the security of this country.

Mr. EAGLETON. Mr. President, this amendment does not kill the MX; it does not delay the MX; nor does it definitively determine what the basing mode of the MX may or will be. It does none of these things.

This amendment is pinpointed to $120 million which the Committee on Appropriations of the U.S. House of Representatives, through their surveys and investigations staff, concludes cannot be intelligently, usefully, and meaningfully spent in the upcoming fiscal year. Although it is geared to the MX system, it has nothing to do with the IOC date of the MX or its ultimate configuration.

Only one body in Congress has gone into this matter in any considerable depth, and that is the House Appropriations Committee and their surveys and investigations staff.

I ask Members of this body, if they have the inclination and the interest, to read the excellent report of the House surveys and investigations staff, which points out that this $120 million is excessive. That is the bottom line. I read, in conclusion, from the House Appropriations Committee report:

> The Air Force requested $1,564,900,000 to continue engineering development of the MX system. Among other things, the total cost of the system is a matter of particular interest. For this reason, the Committee held a special hearing this year to examine the projected costs of the MX, with emphasis on the details of the fiscal year 1981 budget request. In addition, the Committee's Surveys and Investigations Staff was directed to make a thorough study of the details of program funding, obligation rates, and expenditure rates for fiscal years 1979, 1980 and 1981. The results of these inquiries, together with voluminous data supplied by the Air Force and OSD, were available to the Committee for its deliberations.
>
> It was noted that the Air Force will spend at most 62 percent of the $670,000,000 provided for MX for fiscal year 1980, with the remainder carrying over into fiscal year 1981. It was noted that the changes in the MX basing mode, announced well after the budget was submitted, will have an uncertain impact on some of the work previously planned for fiscal year 1981. It was noted that the Air Force has failed to fully staff the MX project office, citing as the reason the lack of sufficient numbers of persons with the requisite skills and experience to manage and control so large, complex and costly an undertaking. These factors, among others, led the Committee to conclude that the budget request for MX was for more funds than can be spent effectively and efficiently in fiscal year 1981. Accordingly, the Committee recommends a reduction of $120,000,000.

Mr. President, that is a summary of the case and in my opinion it is a cogent case buttressed, as I say, by the excellent reports by the surveys and investigation staff of the House of Representatives.

I am prepared to vote on the amendment.

● Mr. LEVIN. Mr. President, I rise in support of the amendment by my colleague from Missouri to delete $120 million in unneeded funds from the fiscal 1981 Defense Appropriations Act for research and development on the MX intercontinental ballistic missile (ICBM) weapons system.

Adoption of this amendment would prudently protect our scarce taxpayer dollars at no cost to our national security and without negatively affecting our efforts to modernize our strategic nuclear deterrent Triad as needed.

As most of my colleagues know, I have serious reservations about the military and cost-effectiveness of the proposed MX missile system. The Air Force has failed so far to demonstrate convincingly that the system is survivable, or is worth the financial and environmental costs involved.

The "window of vulnerability" which allegedly threatens the land-based portion of our strategic nuclear Triad—the ICBM's—also appears to me to be far less open than others contend. This is especially so when one reviews the classified and unclassified expert testimony available to the Senate Armed Services Committee, to which I belong.

I also have strong concerns that the proposed multiple basing mode for the MX is an arms control disaster and sets an example which could increase the missile threat to the United States if it is followed by the Soviets.

Despite these reservations, Mr. President, I have supported continued research and development on the missile part of the entire MX system, because more questions need to be answered about the requirement for it before we make a final decision whether to produce and deploy a new ICBM. Almost $1 billion is contained in this appropriations bill for research and development on the MX missile itself, and I support this appropriation for that reason.

I would like to emphasize, Mr. President, that the entire $1.5 billion MX appropriation in this bill still represents only research and development on the system. Approximately $500 million is included for the basing mode with which I disagree. In approving this entire sum, the Senate in no way is committing itself to the future production and deployment of the MX system. That is a decision we will face in future Senates and in future legislation.

What I cannot support, Mr. President, is the Senate spending Federal dollars when not needed. That is the case with the $120 million which is the subject of the Eagleton amendment.

A detailed and thorough review, conducted by the House Appropriations Surveys and Investigations Staff, of Air Force MX documents containing budgetary, financial, contractual, and program-related data concluded that the Air Force would not be able to spend all of the $670 million appropriated in fiscal 1980 for MX R. & D. In fact the study determined that at most $415.4 million of this total could be spent. The remaining $254.6 million is expected to be carried over to be spent in fiscal 1981.

The staff study shows that recent

changes made in the proposed MX basing mode, along with the Stevens amendment—which specifies that funds appropriated in last year's bill cannot be used to commit the United States to one basing mode—have slowed program development.

The House Appropriations Committee, concluded that "the budget request for MX was for more funds than can be spent effectively and efficiently for fiscal year 1981." This was the basis for the House Appropriations Committee's recommendation to delete the $120 million which the Eagleton amendment also seeks to delete.

The full House of Representatives agreed that this $120 million was not needed. The Senate should pass the Eagleton amendment, which will responsibly protect our hard-pressed taxpayers in these inflationary times while not impacting on our national security.●

The PRESIDING OFFICER. Is there further discussion on the amendment?

The question is on agreeing to the amendment of the Senator from Missouri.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. STENNIS. Mr. President, the yeas and nays have been ordered, as I understand it?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. So the vote will be an up or down vote on the amendment?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. Biden), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from South Dakota (Mr. McGovern), the Senator from Ohio (Mr. Metzenbaum), the Senator from North Carolina (Mr. Morgan), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

Mr. BAKER. I announce that the Senator from Colorado (Mr. Armstrong), the Senator from Maine (Mr. Cohen), the Senator from Utah (Mr. Hatch), the Senator from New York (Mr. Javits), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), the Senator from South Dakota (Mr. Pressler), the Senator from New Mexico (Mr. Schmitt), the Senator from Alaska (Mr. Stevens), the Senator from Wyoming (Mr. Wallop), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 65, as follows:

[Rollcall Vote No. 481 Leg.]

YEAS—12

Eagleton
Hatfield
Kassebaum
Kennedy
Leahy
Levin
Pell
Proxmire
Riegle
Stevenson
Tsongas
Williams

NAYS—65

Baker
Baucus
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Bradley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Exon
Ford
Garn
Glenn
Goldwater
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Long
Lugar
Magnuson
Matsunaga
Melcher
Mitchell
Moynihan
Nelson
Nunn
Packwood
Percy
Pryor
Randolph
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stennis
Stewart
Stone
Thurmond
Tower
Warner
Young
Zorinsky

NOT VOTING—23

Armstrong
Biden
Burdick
Church
Cohen
Gravel
Hart
Hatch
Hollings
Javits
Laxalt
Mathias
McClure
McGovern
Metzenbaum
Morgan
Pressler
Ribicoff
Schmitt
Stevens
Talmadge
Wallop
Weicker

So Mr. Eagleton's amendment (UP No. 1787) was rejected.

Mr. ROBERT C. BYRD. Mr. President, I wonder if we could get an agreement that the vote on final passage will be no later than 4:15 or 4:30 p.m. today.

Mr. EAGLETON. Mr. President, I say to the leader that I think Senator Jepsen has an amendment that will require a vote and I have a matter that will require about 10 minutes of discussion, but no vote.

Mr. STENNIS. Mr. President, may we have quiet so we know just where we are?

The PRESIDING OFFICER. The Senate will be in order.

Mr. EAGLETON. Mr. President, as far as I can tell, final passage ought to be well before 5 o'clock.

Mr. ROBERT C. BYRD. Mr. President, could we get an agreement that a final vote will be no later than 5 p.m. today?

Mr. WARNER. Mr. President, I believe my colleague from Kansas has an amendment.

Mr. DOLE. Mr. President, I have an amendment that I hope will be taken. If not, we can vote on it very quickly.

Mr. EAGLETON. Mr. President, I would like to reserve 15 minutes on a matter, but not for a vote.

Mr. STENNIS. Mr. President, we will have a conference on the Dole amendment and we can get that language.

Mr. ROBERT C. BYRD. Mr. President, this has been previously cleared with the distinguished minority leader. I ask unanimous consent that the vote on final passage occur no later than 5 p.m. today; and that paragraph 4 of rule XII be waived; that Mr. Eagleton have 10 minutes, as he requested; Mr. Dole have 5 minutes; and that would leave ample time for Mr. Jepsen's amendment.

Mr. STENNIS. Mr. President, Mr. Proxmire has an amendment.

Mr. ROBERT C. BYRD. And then Mr. Proxmire have 10 minutes equally divided on the Proxmire amendment, in accordance with the usual form.

Mr. STENNIS. Mr. President, the Senator from Georgia has a matter.

Mr. ROBERT C. BYRD. That is on another matter.

The PRESIDING OFFICER. Is there objection?

Mr. YOUNG. Mr. President, reserving the right to object.

Mr. ROBERT C. BYRD. The time will be equally divided between Mr. Stennis and Mr. Young on the bill. Time will be provided for Mr. Jepsen to call up an amendment.

Mr. STENNIS. How much time to each side?

Mr. ROBERT C. BYRD. We did not say.

Mr. STENNIS. That will involve some time.

Mr. ROBERT C. BYRD. The managers could yield time from the bill. Could we say 10 minutes on the amendment?

Mr. STENNIS. Mr. President, the leader better ask the Senator from Iowa.

Mr. JEPSEN. Mr. President, 10 minutes would suffice. I believe Senator Eagleton indicated he wanted about 10 minutes. If that is the case, I will need about 5 minutes. I think 15 minutes total on my amendment would be sufficient. Maybe I can convince him to take 7½ minutes.

Mr. EAGLETON. That is fine.

Mr. WARNER. Mr. President, in the absence of the minority leader, will the majority leader allow me a minute or two to get that checked?

Mr. ROBERT C. BYRD. We had cleared a 4:15 voting time with Mr. Baker.

Mr. WARNER. May I have just 1 minute?

Mr. ROBERT C. BYRD. Yes, please. I hope we do not have any other problems.

Mr. YOUNG. Mr. President, reserving the right to object. We have a confused situation here.

Mr. ROBERT C. BYRD. Mr. President, I ask also that there be 20 minutes equally divided on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I will reserve the right to object until such time as I can clear the matter with the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the request for the moment.

The PRESIDING OFFICER. The request is withdrawn.

Mr. STENNIS. Mr. President, if the Senator will yield, I hope that we can get an agreement.

Mr. JEPSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

UP AMENDMENT NO. 1788

Mr. JEPSEN. Mr. President, on behalf of Senator Nunn and myself I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. JEPSEN), for himself and Mr. NUNN, proposes an unprinted amendment numbered 1788.

Mr. JEPSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, under Military Personnel, Army, line 15, strike "$11,041,468,000" and insert in lieu thereof "$11,076,468,000".

On page 2, under Military Personnel, Navy, line 24, strike "$7,857,173,000" and insert in lieu thereof "$7,867,173,000".

On page 3, under Military Personnel, Marine Corps, line 8, strike "$2,339,836,000" and insert in lieu thereof "$2,359,836,000".

On page 3, under Military Personnel, Air Force, line 17, strike "$8,933,309,000" and insert in lieu thereof "$9,017,309,000".

On page 4, under Reserve Personnel, Army, line 5, strike "$774,050,000" and insert in lieu thereof "$790,050,000".

On page 5, under Reserve Personnel, Marine Corps, line 4, strike "$101,567,000" and insert in lieu thereof "$104,567,000".

On page 5, under Reserve Personnel, Air Force, line 17, strike "$260,074,000" and insert in lieu thereof "$262,074,000".

On page 6, under National Guard Personnel, Army, line 5, strike "$1,025,297,000" and insert in lieu thereof "$1,048,297,000".

On page 6, under National Guard Personnel, Air Force, line 17, strike "$333,472,000" and insert in lieu thereof "$340,472,000".

Mr. JEPSEN. Mr. President, this amendment is to restore $200 million to the military personnel account of the defense appropriations bill. I would like to voice my strong opposition to the proposed reduction of the $200 million for the U.S. Armed Forces for funds obligated but as yet unexpended.

The bill reported by the Appropriations Committee includes a reduction of this $200 million, which can only be achieved by reducing the military manpower program, either by reducing the number of active and reserve personnel or by reducing the level of support we provide to our people.

If the Department does not cut the number of people planned for the Armed Forces in fiscal year 1981, it will have to find ways to reduce the cost of those people. That means cutting back in areas such as enlistment and reenlistment bonuses, promotions, rotation and reassignment of personnel and Reserve training programs.

Mr. President, we have just gone through a period of several months where the combat readiness posture of our Armed Forces in this Nation has been aired and the reports have not been very encouraging. I feel strongly that the Senate's strong commitment to addressing military manpower problems ought to be continued. Without this amendment, the Senate's commitment would be unnecessarily interrupted.

While the Department might have the option next year to submit a supplemental request to restore these amounts, the Senate should be aware that that course of action involves greater uncertainty and potential disruption of the orderly management of the military manpower program. The Senate should not unwisely increase the difficulty faced by the Department in effectively managing these programs that are so critical to our near term readiness.

Mr. President, I yield to my distinguished colleague from Georgia.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Will the Senator refrain momentarily? The Senate is not in order. Will the Senate please be in order?

The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I understand why this reduction occurred. Perhaps the Senator from Missouri will explain it in a different way, but what happened is a very complicated bookkeeping mechanism.

For instance, a lot of travel takes place in fiscal year 1981. People are changing stations and people are moving families and so forth. But all the checks are not written reimbursing for travel in 1981. Some of those checks may be written in 1982.

We are talking about $200 million. A House appropriations committee reduced $387 million because the Department of Defense was projecting that $387 million of the money that was being obligated in 1981 would not be expended until fiscal year 1982. Of course, it immediately leaped out at you if the money is not going to be expended until 1982, why not just knock it off the appropriation?

Well, the reason is that if you knock it off with the appropriation, not only will it not be expended, which is not planned anyway, but the travel that is being authorized because the funds are available cannot take place. This means that unless this amendment passes, in spite of good intentions what will have to happen in the military accounts is there will have to be either less travel taking place, change of stations and so forth, or the personnel numbers will have to be reduced.

So what is a well-intentioned amendment, looking as if there is money out there to be saved in fiscal 1981, is an illusion, it is not a reality. If you reduce this amount, that travel cannot occur.

I do not think the Senator from Missouri or the House Appropriations Committee are saying they want to reduce travel or they want to reduce personnel. They think this money is available for that, but it is simply not available because something has to happen.

If this $200 million is not added back, and there have been no suggestions about where the cuts can come, they simply will have less authority to either travel or to have some other personnel activity.

I would suggest that the Senator from Missouri take a good look to this matter because it is easy to believe that that money is simply out there and is available.

That is not the case. It is not available. That money will probably not be expended until 1982. But it is not sitting in any account. It is not sitting in any bank account and not drawing interest. The money will not be available from the Treasury until it is obligated and expended.

What we are really doing here is cutting the personnel account until the money is added back. If there is some way to cut that account back, to save money if we are wasting money, then that should be a consideration and we ought to consider it. But I do not think that argument is being made.

I would hope the committee would support this add-back. If this add-back does not come at this time, it is going to have to come when the supplemental comes up. What we are doing is kidding ourselves in the meantime because we all know about the inflation that has occurred, we know travel costs have gone up, we know we have a lot of personnel pay items that are going to have to be in the supplemental. This would just add another $200 million to the supplemental.

I suggest we add it back at this point in time and let the services know that they can continue to plan these personnel activities as they are now planning them.

Mr. STENNIS. Will the Senator yield briefly to me?

Mr. NUNN. I yield.

Mr. STENNIS. What the Senator has given, is that not a good illustration of budget authority as against outlays?

Mr. NUNN. The Senator from Mississippi is absolutely correct.

Mr. STENNIS. The larger amount would be budget authority, but the outlays would be the amount actually spent.

Mr. NUNN. The Senator is correct. We run into this in procurement all the time, as the Senator from Mississippi knows so well. You may have budget authority for a submarine but the outlays for a submarine may occur over several years. Unless you have the budget authority, you cannot build the submarine.

The same thing is true in the personnel accounts. It is a very confusing thing. When you look at the $200 million, that is really not a large amount of money, when you are looking at the overall personnel accounts of some $27 billion. Yet somebody in the military has to sit over there, if we do not add this back, and find a place to cut it. The only way they can cut it is either cut the number of people in the military, which I do not think anybody intends, or to cut the overall travel.

I submit that the Senate would be wise to accept the amendment.

Mr. EAGLETON. Mr. President, I rise to support the action on this matter taken by the House Appropriations Committee and by the Senate Appropriations Committee. We have heard from a very distinguished group of Senators saying that this money is not really there, that there is a difference between outlays and obligational authority. The House Appropriations Committee and the House of Representatives decided, and I think properly so, that one-half billion dollars could be saved in respect to this item. In order to be conservative and cautious, they decided to delete only $387.5 million. The report indicates they thought that savings could be as much as a half billion, but the House struck only $387.5 million.

The Senate Appropriations Committee decided to be even a little more cautious and cut only $200 million.

There is a considerable body of opinion, however, that these savings could be made in a much larger magnitude than estimated by the two Defense Appropriations Committees.

I will read from the House report:

> Obligations in the Military Personnel appropriations generally are liquidated by the issuance of checks or the disbursement of cash. Such payments are called outlays. Not all budget authority enacted for a given fiscal year is both obligated and paid out in the same year.

That is the point Senator STENNIS was making.

> The obligated balance is that portion of the budget authority that has been obligated but not paid. Historically, the military personnel appropriations have maintained a very low year-end obligated balance generally ranging only to a maximum of 2 percent of the total budget authority for a given fiscal year.
>
> An analysis of the obligated but unexpended balances planned for fiscal year 1981 as reflected in the current budget request for the Military Personnel appropriations shows a consistent and large increase, with the exception of the Navy Reserve, over prior fiscal years. While the percentage increases shown in Table 12 generally range only from 2 to 4 percent, it must be remembered that an unjustified increase of only 1 percent in the Military Personnel appropriations potentially wastes over $300 million.

It goes on to say:

> The Committee is concerned that in fiscal year 1981 the obligated but unexpended balances increase so significantly over the levels of previous years in virtually every account. This unjustified increase is on the order of $500 million in this one year alone.

Those are all direct quotes from the House Appropriations Committee report on H.R. 8105.

Being conservative, however, the House Appropriations Committee said, "We will not cut the full half billion dollars but only $387 million."

Being super conservative, the Senate Appropriations Committee said, "Well, let us even be safer than that. Let us cut only $200 million."

That is the issue that is here. There is no way under the Sun that this $200 million should be, or justifiably could be spent in the current fiscal year. It is a simple question of whether you want to throw another $200 million into the bill for good old time's sake. If you want to throw it in for good old time's sake, so be it. If you want to say that that money cannot be, should not be, spent and should not be in the bill, then vote against the amendment.

Mr. NUNN. Is the Senator saying that the estimate is wrong or is the Senator saying that the money is going to be wasted?

Mr. EAGLETON. The Senator is saying that there is a misperception here. The misperception is the Jepsen-Nunn misperception.

Mr. NUNN. I understand the Senator's sweeping generalization, but does he have a logical——

Mr. EAGLETON. The logic was the infinite wisdom of the House Committee on Appropriations as expressed in their report and the infinite wisdom of the Senate Appropriations Committee. The latter, in order to be double, triple and quadruple safe decided on a cut of only $200 million where the analysis says the savings can be as much as a half billion.

Mr. NUNN. It is not savings. It is either a misestimate or it is waste.

Mr. EAGLETON. When you are dealing with Pentagon matters, it is usually a curious mixture of both.

Mr. NUNN. It is interesting that the Senate Appropriations Subcommittee came to the conclusion, and I will quote from their report:

> The reduction of $387.5 million in the military personnel accounts made by the House would result in substantial reduction in the military end strength in all the services in fiscal year 1981. To preclude such reductions the committee has restored the full amount reduced by the House in this area.

If the Senator from Missouri will recall the Senator from Georgia sponsored an amendment overwhelmingly defeated on the floor reducing the Army by 25,000 people this year. The Senate rose up in arms because they did not want to reduce them. We had a logic and a reason for it but it was rejected. I am not trying to rehash that argument, but if the position of the Senator from Missouri should prevail, then what we tried to do earlier will have to happen because they have to reduce travel or reduce people. I think it is a question of whether the Senate wants to do that. I would suggest if we are going to adopt the opinion of the Senator from Missouri, let us attach to it a little dialog saying that it ought to be taken out of the Army and we will be reversing our previous vote, which I happen to think was erroneous anyway.

I am just saying the Senate ought to know what it is doing when it does it. If it goes along with that position, what it is doing is requiring the military either to reduce the number of people or reduce the travel activities.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TSONGAS). Who yields time?

Mr. JEPSEN. Mr. President, how much time do we have left?

The PRESIDING OFFICER. There is no time limitation on the amendment.

Mr. NUNN. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. NUNN. Unless the committee amendment will be accepted. I am not sure.

Mr. EAGLETON. No, Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I think I should make a brief statement about this matter. This came up rather hurriedly. I was the one who proposed a meeting of the minds at $200 million. I am going to stay with the Senator from Missouri on that. He will be a conferee. I think, Mr. President, that this is a complicated matter in that field of procurement and it has been better explained here, frankly, than it was before. I do not think it is an earthshaker either way it goes, but I would be free, then. Whichever way it goes, I shall back the Senate up, of course. I brought this figure up and Senator EAGLETON and I have not had a chance to discuss it since then. I am going to go with him.

The PRESIDING OFFICER. There is no time limitation. Does the Senator from Iowa wish to be recognized?

Mr. JEPSEN. No, Mr. President, I wish to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Ohio (Mr. METZENBAUM), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), the Senator from Arkansas (Mr. BUMPERS), the Senator from New Hampshire (Mr. DURKIN), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Utah (Mr. HATCH), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from South Dakota (Mr. PRESSLER), the Senator from New Mexico (Mr. SCHMITT), the Senator from Alaska (Mr. STEVENS), the Senator from Wyoming (Mr. WALLOP), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 65, nays 9, as follows:

[Rollcall Vote No. 482 Leg.]

YEAS—65

Baker
Baucus
Bellmon
Bentsen
Boren
Boschwitz
Bradley
Byrd, Robert C.
Cannon
Chafee
Chiles
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Goldwater
Hatfield
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Matsunaga
Melcher
Mitchell
Morgan
Moynihan
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stone
Thurmond
Tower
Warner
Young
Zorinsky

NAYS—9

Bayh
Byrd,
  Harry F., Jr.
Eagleton
Nelson
Stennis
Stevenson
Stewart
Tsongas
Williams

NOT VOTING—26

Armstrong
Biden
Bumpers
Burdick
Church
Cochran
Cohen
Durkin
Gravel
Hart
Hatch
Hollings
Javits
Laxalt
Magnuson
Mathias
McClure
McGovern
Metzenbaum
Pressler
Ribicoff
Schmitt
Stevens
Talmadge
Wallop
Weicker

So the amendment (UP No. 1788) was agreed to.

Mr. JEPSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, we have had many inquiries about our situation. We are shooting for a vote on final passage at 5 o'clock. Senator YOUNG will give us an opinion. He is a mighty good keeper of the record. Will we make it?

Mr. YOUNG. I believe it will occur sooner than that. We have only a couple of amendments, and they are not controversial.

Mr. STENNIS. I hope the Senator from Missouri can deliver his speech now.

Mr. EAGLETON. Mr. President, there is a consensus in Congress and the country that defense spending must rise in the coming years. There is also a consensus that we must do everything possible to insure that the money is used for our pressing defense needs, not drained off by fraud, mismanagement, or waste. Effective efforts to combat fraud or waste are not only vital to an effective defense, they are absolutely critical to our effort to keep Federal spending under control.

Since 1976, Congress has created statutory Inspectors General in 15 major executive departments after finding, in department after department, that—

Audit and investigative units lacked the independence to provide a meaningful check on departmental waste and fraud.

Audit and investigative units were scattered haphazardly throughout the departments, without coordination, leadership, or focus; and

That inadequate cooperation existed between the departments and the Department of Justice in investigating and prosecuting criminal fraud.

The statutory inspectors general are working successfully. For example, former Assistant Deputy Attorney General Charles Ruff told a congressional committee that the new inspectors general—

> Have made the most dramatic impact, not only in terms of the detection of fraud and other forms of loss, but in beginning to try to do something about them.

Secretary of Agriculture Bergland said earlier this year that:

> I have found the requirements of the Act, especially the semi-annual report, to be extremely useful in focusing attention on significant problem areas and in promoting corrective action.

President Carter directed in December 1978, that significant features of the inspector general program be extended throughout the Federal Government to departments not covered by the act.

The need for an IG, or something like an IG, is particularly acute at DOD. The Defense Department accounts for almost 25 percent of the Federal budget. GAO reports, congressional oversight and press accounts have documented billions of dollars lost because of fraud and waste at DOD. No effort to combat fraud and waste can be regarded as serious if it overlooks the Department of Defense.

Unlike many of the departments now covered by the inspector general legislation, DOD does commit substantial resources to audit and investigative work. DOD and the armed services currently employ more than 18,000 auditors, investigators and inspectors. But they are scattered throughout numerous units, and there is no single individual in the Department of Defense with clear responsibility for coordinating these efforts.

In 1978, the Senate Committee on Governmental Affairs reported legislation establishing offices of inspector general in 13 departments and agencies, including the Department of Defense. In response to concerns voiced by the Defense Department and the Armed Services Committee, DOD was dropped from the legislation which eventually became the 1978 Inspector General Act. Instead, the legislation mandated a detailed study by a task force appointed by Defense Secretary Brown.

The task force undertook a 1-year study, and issued a 3-volume report in June. The report includes the most exhaustive picture yet compiled of DOD's approach to audit, investigation and inspection. It includes numerous recommendations for changes in DOD's approach. It highlights the lack of coordination in DOD's extensive audit and investigative efforts. While the report does not recommend a statutory IG, it does recommend establishment of a statutory Under Secretary for Review and Oversight who would be appointed in the same manner as a statutory IG and would have many of the same powers and duties.

The task force report made those two important observations:

> The organizational placement, operational relationships and current staffing levels of these review components have not kept pace with dramatic increases in the day-to-day involvement of the Secretary of Defense and his staff in the areas of research, development, procurement, communications, foreign military sales, intelligence and the purchase, distribution and storage of commodities common to all military service.
>
> In earlier periods, when the Secretary of Defense exercised a more circumscribed, supervisory role over the Department, it might have been sufficient to provide him with the limited audit and investigative capacity which he now has . . . Today, however . . . given the immense size and scope of defense . . . we believe the Secretary of Defense needs the full-time assistance of a senior staff officer who can act on his behalf to monitor the economy, efficiency and effectiveness of the Department, keep the Secretary and other advisers informed, marshall and maintain an aggressive program against vulnerabilities like fraud, waste and abuse and oversee the application of audit and investigative resources within the office of the Secretary of Defense.

The Defense Department is opposed to this idea, or any related congressionally mandated reorganization of its approach to audit and investigation.

This is not surprising, given Congress experience with inspector general legislation. Congress has established offices of inspector general in 14 executive departments and agencies, so far. The reaction of each department and agency has always been the same: the legislation is not needed because they are doing an effective job of auditing and investigation; and if they have not done a good job in the past, they have just reorganized their efforts internally and will do better in the future.

The inspector general legislation represents Congress view that the executive departments and agencies have failed to effectively audit and investigate their own operations and programs, and that a congressionally created mechanism was needed to improve the situation. "Business as usual" has not worked. Under the circumstances, any self-respecting department would oppose such legislation.

But Defense opposition does not change the need for serious. statutory reorganization of the way DOD approaches its audit, and investigative efforts. The findings of the Governmental Affairs Committee; its House counterpart; the task force and the General Accounting Office all point to the same conclusion. I might note that just three of the many reports on DOD operations issued by the General Accounting Office so far this year have concluded that total savings in excess of $10 billion can be made through more efficient operation of DOD programs.

I am not going to offer an amendment to this bill, at this time. But the issue should be deferred, not forgotten. The problem of fraud, mismanagement and waste in Defense operations dates back to at least the days of Senator Harry Truman. It is not a partisan issue, since the problem has perisisted under Democratic and Republican administrations. It is not a liberal versus conservative issue, since everyone benefits from more effective use of our military spending. The House unanimously passed legislation providing for an inspector general for DOD on November 17, and I commend Representatives BROOKS and FOUNTAIN for their leadership on the issue in the House. I look forward to working with colleagues on both sides of the aisle next year to fashion an effective solution to this problem.

Mr. WARNER. Mr. President, I oppose the proposal of the Senator from Missouri with respect to the Inspector General for the Department of Defense.

I ask unanimous consent to have printed in the RECORD a letter which was delivered to me from the Secretary of Defense in connection with this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., July 25, 1980.

Hon. JACK BROOKS,
Chairman, Legislation and National Security Subcommittee of the Committee on Government Operations, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 3, 1980, requesting that the Department of Defense submit by July 25, 1980 views with respect to creation of a statutory Office of Inspector General for the Department of Defense. The proposed Inspector General would have the same powers and duties as the Inspectors General of other agencies established under the Inspector General Act of 1978. Under the proposal, the new Inspector General would absorb the following organizations: the Defense Contract Audit Agency, the Defense Audit Service, the Office of Inspector General of the Defense Logistics Agency, and "[t]hat portion of the Defense Investigative Service which has responsibility for investigation of alleged criminal violations and program abuse." No units of the Army, Navy, or Air Force would be transferred to the proposed Office of Inspector General.

In the Inspector General Act of 1978, the Congress mandated the creation of a Task Force to study the audit, investigative, and inspection components of the Department of Defense. A strong, independent Task Force was established, and it has issued a detailed three-volume report. The Task Force expressly considered the feasibility of applying the Inspector General Act model to the Department of Defense. Unanimously, the Task Force rejected that concept. The reasons given by the Task Force for this conclusion are sound and compelling, and we are in full agreement with them.

The Department of Defense has an established, aggressive program to combat fraud and waste in government endeavors. The Department is committed to improving its efforts in this regard, and is prepared to consider such internal improvements as may be consistent with the military mission. Under the proposal, however, there would be a radical change in military command and control relationships. Clarity in command relationships and responsibilities is the essence both of successful military operations and effective civilian control. Under the proposal, for the first time in our Nation's history, the direct line of civilian control from the President through the civilian leadership of the Department to the armed forces would be broken. By creating an official with considerable autonomous powers outside the civil-military chain of command, the proposal would undermine the clarity of authority and responsibility that is the hallmark of American civil-military relations. In addition, there would be considerable potential for unwarranted instrusion into both intelligence functions and the military justice system.

An effective program to combat fraud and waste is essential to ensure that expenditures on military functions produce the quality of national defense needed at this time of international tension. And unprecedented alteration of management responsibilities for national defense affairs, however, is unnecessary, unwise, and potentially dangerous. The Department of Defense is strongly opposed to the proposed legislation because it would create a source of power and authority within the national defense establishment outside the civil-military chain of command.

A more detailed memorandum setting forth the views of the Department is enclosed for your consideration.

Sincerely,

——— ———.

UP AMENDMENT NO. 1789

(Purpose: To prohibit use of funds for cancellation or significant modification of the Brand Name Supply Bulletin in effect in the Department of Defense for the purchase of chilled box beef)

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 1789.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 15 and 16, insert the following new section:

SEC. 771. None of the funds appropriated by this Act may be obligated or expended for the purpose of cancelling or significantly modifying the Brand Name Supply Bulletin of the Department of Defense (as in effect on the date of the enactment of this Act) pertaining to the purchase of chilled box beef.

Mr. DOLE. Mr. President, this amendment addresses the need to provide timely, quality shipments of beef to the Nation's military. "An army travels on its stomach" is an old bromide that is no less true today in the era of the volunteer army. It is important for morale, not to mention simple equity, that our military people and their families be able to enjoy the same high-quality beef and red meats that the average American consumer has access to. Why must the American serviceman be satisfied with sometimes inferior and less attractive meat products just because his army's procurement procedures are less concerned with his personal satisfaction than bureaucratic constraints and rules? We must never let the redtape of our vast military bureaucracy obscure our priorities. When it is possible to provide good quality beef at low cost and in an efficient, economical manner, we should not set up unnecessary roadblocks that prevent it from happening.

This amendment simply preserves the element of choice and flexibility for the procurement of beef, leaving it up to the military buyers of wholesale meats to decide where the most economical supply of quality and quantity red meat products can best be obtained. The amendment leaves the present system intact. It prevents the Defense Department from reverting to an old system that clearly has been surpassed in service to our people, by preventing the expenditure of any funds for canceling or changing the procedures now in effect.

Earlier this year, in a laudable experiment to provide better service and better meat to its patrons, the Defense Logistics Agency had authorized the purchase of quality, brand-name red meats by its commissaries for resale to military families. This experiment has worked very well, to the complete satisfaction not only to the consumers in the military system, but to those supply officers whose job it is to procure and provide beef products. Nevertheless, the defense supply system is prepared to rescind the authorization for name-brand beef despite the universal accolades by all concerned because of an inflexible reading of bureaucratic guidelines. The Defense Department position makes no sense; more than that however, it shortchanges our military families.

MODERNIZATION HAS RAISED QUALITY

For many years, beef supplied to military commissaries consisted of the least quality product permissable, delivered at the best possible price obtainable. The commissary shopper rarely got a fair shake.

The beef industry has undergone many progressive changes since the 1960's. Modernization of packinghouses coupled with labor-saving methods have given us the boxed beef method of shipping red meats. Rising fuel costs and advanced technology have further shaped the development of this segment of the meat industry to the point that it now represents almost 80 percent of the beef sales in this country. Leaders in industry have adopted recognizable brand names that identify their product. It is one of the true success stories in American agriculture.

The military commissaries were reluctant at first to use this new technology. However, with the mandate from Congress to modernize their operations and with the consequent development of the commissary systems in the mid-1970's, box beef became an important factor in military meat procurement. When the services, particularly the Army, directed their stores to use this type product, the defense supply system again reverted to finding any supplier who would deliver any permissible quality at the lowest price. The results were often disastrous. The state of the art in boxed beef by the mid-1970's, however, had advanced to the point that reputable suppliers with recognized brand names were now servicing the commissary system.

NEW PROCEDURES PROVIDES BETTER SERVICE

In early 1979, the use of Government supply bulletins was begun to purchase brand-name beef from recognized industry leaders. This gave the commissary systems further opportunity to offer the military shopper products similar to civilian supermarkets. Use of this method of procurement was a great success and was greeted by the store operators as a valuable tool in their modernization process. For over a year, this system was used with full endorsement of the commissaries at all levels of management. Furthermore, the supply bulletin provided an excellent management tool for providing the military shopper with a product they were well pleased with because of price, quality, and service.

The Army, in particular, has tested this method of procurement during the past year. The results have been the following:

First. The commissary customer has had a consistently high-quality product available;

Second. Prices have been lowered in many areas of the country and have remained competitive in all areas;

Third. Due to the established reputation and consistent quality of the suppliers, long delays in the inspection process have been cut and fewer veterinary personnel have been required;

Fourth. Unloading time has been cut considerably saving many man-hours in the commissary work force; and

Fifth. The commissary personnel at all levels, from headquarters to store level, are very satisfied with this method of procurement.

However, in July of 1980, the Defense Logistics Agency decided to eliminate this method of procurement. The reasons have never been clearly identified, but apparently the action stems from one small business complaint. Effective December 1, 1980, all supply bulletins for red meat will be canceled. The leaders of one of our most important agricultural industries have been told their technology is no longer needed. In 1976, the Chiles committee recommended just the opposite action of the one now being taken. Our industry leaders should be encouraged to operate in a free enterprise system and not be restricted by excessive Government interference. This direction, canceling these bulletins, should be rescinded.

TWISTED LOGIC

The rationale being used to revert to the old, less productive system seems to rely on the concept that a meat product loses its identity when placed in the resale cabinet. The results from commissaries using brand-name beef certainly do not support that position. In fact, the results have been: Increased sales, lower prices, and compliments from the military housewife on the quality of beef she is able to purchase. Most brand-name suppliers also use signs above the meat counter to identify the product being sold at that particular store.

A method that has worked to the definite advantage of the commissary customer as well as the commissary system is now in jeopardy for what seems to be unjustified causes. This amendment provides a remedy to a short-sighted, unjustified policy by an unresponsive bureaucracy. It allows the successful present system, tested for over a year to universal acclaim, to continue. Yet, this system still retains the flexibility to deal with small business concerns or other problems that may arise. All this amendment does is to assure flexibility and to allow latitude for commonsense to operate.

If we are to expect the greatest possible efficiency from our civil servants, we must provide them with the proper tools to perform their duties. This amendment is intended to assist this segment of the government with the flexibility to accomplish this goal.

Mr. President, I ask unanimous consent to have printed in the Record a letter I sent to Lt. Gen. Gerald J. Post, signed by me as well as the Senator from Virginia (Mr. Warner), the Senators from Massachusetts (Mr. Kennedy and Mr. Tsongas), my colleague from Kansas (Mrs. Kassebaum), and other Members of Congress.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 30, 1980.

Lt. Gen. Gerald J. Post,
Headquarters, Cameron Station,
Alexandria, Va.

Dear General Post: After thorough study and evaluation of your recent directive to eliminate Brand Name boxed beef from the Supply Bulletin effective December 1, 1980, we have concluded that this decision will ill serve the interests of the Army commissary shopper. The advantages of the Name Brand Supply Bulletin, the inherent disadvantages of the Bid Process and careful examination of the rationale for change substantiate our position for seeking to have this action revoked.

The Congressional mandate to modernize the commissary operations was effectively met with the progressive adoption of the Name Brand Supply Bulletin. This method of beef procurement has provided the commissary shopper with a consistently high quality and competitively priced product whose name brand association has reflected greater customer, meat market specialist, commissary officer, regional and headquarters satisfaction than has ever been experienced or recorded by the military. Your own directive found the Brand Name System to be "most favorable" and "a positive endorsement of the concept." Less labor costs, more efficient production, greater availability of a wide variety of beef cuts at all times during the shopping day are the result of a system that is constantly open to change if the product or services do not meet the management specifications or the customer demands.

On the other hand, the former bid process, which this directive will re-enact in December, contains many inherent disadvantages. Primarily, it judges meat quality simply on price with no reference to Brand Name, quality or association. The individual commissary officer has no choice in the product which his everyday experience has found will most effectively meet his needs and his consumers' requests. Furthermore, the selection made is a six month commitment during which time little can be done to change or cancel the product. Numerous reported case studies have described products whose initial bid may have been lower but whose poor quality and greater waste have converted into a higher price in the retail cabinet. Additional labor and management costs are involved in other than chilled box beef preparation which some commissaries simply are no longer equipped to handle and other because of employment freezes cannot accomplish.

The problems encountered could actually be repeated if the bids for the following six months dictate resumption of the same supplier. Blind purchasing simply does not reflect a state of the arts technology which the commissary shopper deserves and the Name Brand selection can supply.

Finally, we underscore that there is no reported statistical evidence for this proposed change. The rationale for the directive, the "commitment to the Small Business and Disadvantaged Business Program" cannot be made at the expense of the military family. Furthermore, there is no guarantee that the proposed change will solve the alleged problems. Current small business set-asides adequately provide for this important segment of the industry. Reverting to a system that was abandoned by the commercial industry in the 1960's, accomplishes neither progressive growth for the commissaries nor a quality product for its shoppers.

Sincerely,

Bob Dole, Dan Daniel, Nancy Landon Kassebaum, Keith G. Sebelius, Bill Cohen, Marjorie Holt, Paul Tsongas, Joseph D. Early, Edward Kennedy, and John W. Warner.

Mr. STENNIS. Mr. President, the Senator from North Dakota and I and other Members, as well as staff members, have gone over this language. This is something we can take to conference and present to the conferees. We believe it is good language, but we have not made a final judgment about the possibilities of competition being affected and points such as that. We would like to make that observation and reservation to that extent only.

Mr. DOLE. I understand that, and I thank the Senator from Missouri and the Senator from North Dakota.

Mr. STENNIS. We can accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1789) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR CHANGE IN UP AMENDMENT NO. 1789

(Later the following occurred:)

Mr. BAKER. Mr. President, I ask unanimous consent that unprinted amendment No. 1789, introduced earlier today by the Senator from Kansas (Mr. Dole) to the DOD appropriation bill and passed today, may be changed as reflected in the amendment which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 15 and 16, insert the following new section:

Sec. 771. None of the funds appropriated by this Act may be obligated or expended for the purpose of cancelling or significantly modifying the Brand Name Supply Bulletin of the Department of Defense (as in effect on November 21, 1980) pertaining to the purchase of chilled box beef.

UP AMENDMENT NO. 1790

(Purpose: To remove the restriction that requires a member of the armed forces to be on active duty in order to be eligible for a cash award for a suggestion, invention, or scientific achievement)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. Proxmire), for himself and Mr. Hatfield, proposes an unprinted amendment numbered 1790.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 15 and 16, insert the following new section:

SEC. 771. Subsection (c) of section 1124 of title 10, United States Code, is amended to read as follows:

"(c) An award under this section may be paid notwithstanding the member's death, separation, or retirement from the armed force concerned. However, the suggestion, invention, or scientific achievement forming the basis for the award must have been made while the member was on active duty or in an active reserve status and not otherwise eligible for an award under chapter 45 of title 5.".

Mr. PROXMIRE. Mr. President, in 1954, Congress established the Federal incentive awards program—under which Federal employees can receive awards for suggestions and inventions that improve the efficiency or performance of the Federal Government.

The principle behind the incentive awards program is simple: Encourage the people who are doing a job to contribute ideas as to how it can be done better. Think about it—it makes a lot of sense. The people who run an agency must organize and coordinate several large programs and thousands of employees; they are working with billions of dollars. Consequently, they have to look at the big picture—and an awful lot goes on within that picture that these department heads do not see. That is where the man or woman on the job comes in. Whether he or she be a legal consultant in the Veterans' Administration, a file clerk in the Department of the Interior, or a foot soldier in the Army, the employee who is familiar with day-to-day operations is the one who knows what works and what does not. Often, through his or her experience in the field, this same employee can tell you why something does not work and what to do about it. This is where the suggestions and inventions come from—from the people who see the nuts and bolts of a project or assignment, the "small picture," if you will.

The 88th Congress realized that this valuable well of knowledge had to be tapped. Since then, suggestions and invention awards programs have been set up in nearly every agency and department of the U.S. Government. In 1965, a military suggestion and invention awards program was established. Both the civilian and military programs have met with resounding success:

Under the civilian programs, over 4 million employees have received awards for suggestions and inventions which have saved the Government more than $5.4 billion. Under the military program over 338,000 employee suggestions have been put into practice, producing more than $1 billion in savings.

Altogether, a very successful program. But, unfortunately, the success is not complete, because, despite its good intentions, Congress made a costly omission. As the law now stands, 1,639,000 Federal employees are excluded from the Federal incentive awards program. These forgotten men and women are the members of the U.S Armed Reserves and the U.S. National Guard.

To prevent guardsmen and reservests from taking part in the program is a grave mistake. These people are potentially the richest sources of ideas in the entire military. Not only do they have more years of military experience, on the average, than other servicemen, but more years of civilian job experience as well. In fact, these "weekend warriors" step out of business suits and into uniforms many times a year. They bring with them from the private sector a wealth of insight and know-how, the like of which is unobtainable within a conventional military career. The expertise which they have developed in their civilian jobs, if allowed expression through the suggestion and invention program, could be put to use in the service of their country.

There is another good reason for including these people in the Federal incentive awards program: Money. Even if the ratio of suggestions and inventions per 100 reservists and National Guard employees were to be no better than the ratio of the lowest ranking agency of comparable size, the exclusion of these people represents the loss of approximately 73,755 productive suggestions and inventions a year. With an average benefit of $2,507 per suggestion or invention (according to Office of Personnel Management figures), this means that the U.S. Government forfeited a potential savings of approximately $184.9 million in 1979 alone, solely because National Guardsmen and reservists were barred from participation in this program. And this loss of savings has been going on for 13 years. This is a long-term loss of $2.4 billion.

Mr. President, given the economic hardships which the American people are facing today, we cannot afford to lose out on these kind of savings year after year. What is more, we cannot afford to waste the brainpower and ingenuity of 1,639,000 American minds.

Mr. President, it is my understanding that the Defense Department supports this amendment, because it will save a great deal of money. The estimates are $185 million a year.

That is why I am offering, today, this amendment which would include our National Guardsmen and U.S. reservists in the Federal incentive awards program.

I yield the floor.

Mr. STENNIS. Mr. President, I will not make any statement about the amount of money it will save, but this awards program in my observation has been a very good idea and has been profitable moneywise as well as a stimulant to the membership to participate.

Frankly, I do not know why in the world the National Guard and Reserve personnel were left out in the beginning. They are very resourceful people.

I certainly heartily join in the sentiments of this amendment and will support it.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. YOUNG. Mr. President, I support the amendment.

The amendment (UP No. 1790) was agreed to.

Mr. NUNN. Mr. President, I do not take the time of the Senate at this juncture to discuss the merits of the action of the House in appropriating $19 million for a binary facility at Pine Bluff, Ark. After all, following protracted debate on September 16 and 17 in which those merits were fully discussed, the Senate joined the House of Representatives in approving the first steps toward a restoration of the credibility of the U.S. chemical deterrent. The funds now in the House version of H.R. 8105 are simply those required to implement the start of construction at Pine Bluff approved in S. 3059 and H.R. 7592 by the Congress in September and signed into law by President Carter.

I only comment that, following the debates on the 16th and 17th of September, the Senate decided that our chemical warfare capability was in danger of losing its creditbility—and, therefore, its deterrent value. The risks to our national security of such a development coming to pass were regarded as unacceptable. Consequently, the Senate—following earlier action by the House—approved funds necessary to initiate construction of a facility which, by 1984, could produce binary chemical munitions.

The introduction of these safer chemical weapons, it was felt by the Congress, would have three effects. First, to improve our deterrent and thus reduce the danger of chemical war; second, to eliminate the hazards that currently exist to U.S. military personnel involved in handling, storing and transporting obsolescent, leaking unitary chemical rounds; and third, to improve the prospects for real, enforceable arms control by giving the Soviet Union a powerful incentive to negotiate a sound chemical agreement.

I hope that, in the absence of any formal action by the Senate on the fiscal year 1981 defense appropriations bill with regard to this issue, in view of the record of Senate support for initiation of binary facility construction in fiscal year 1981, and in light of the strong 2 to 1 vote in favor of this initiative by the full House of Representatives, that the Senate conferees would recede to the House. Having sent the strong signals to Soviet Union about our intentions represented by earlier congressional actions on binaries, for the conferees to do otherwise would jeopardize the important progress we have made already toward reversing a decade of decline in the credibility of our chemical deterrent.

That money is not in this bill, and I hope, and I speak for myself and Senator JACKSON who led the fight here in the Chamber, that the Senator from Mississippi and the Senator from North Dakota will use their influence in conference to give every consideration to the House position which I believe is not only the correct position here but also one that is essential for our national security.

Mr. STENNIS. Mr. President, I thank the Senator for bringing this to our attention.

In our subcommittee meeting the information I received was that there was a request to carry this item over until the full committee met, and when the full committee met I brought it up myself. But there was no one there to present the matter and frankly we went on down the line and finished up the bill and had final voting out of it that night.

But I was expecting this matter to come up in some way in the Chamber here.

For my part, I supported this in the authorization bill before our committee, and I think that we have already appropriated the money for the structure, the building, and now this is to put the innards in it, the machinery, and so forth, and not on a large-scale undertaking; that is, I believe, $19 million.

Mr. NUNN. The Senator is correct.

Mr. STENNIS. Mr. President, my judgment is that the conferees can support it and will support the item.

Mr. YOUNG. Mr. President, this is a necessary amendment and I hope it will be approved.

Mr. WARNER. Mr. President, I wish to associate myself with the comments made by all three of my colleagues who have just spoken. I likewise support the proposition and hope that the conferees will act favorably in accepting the position of the House.

Mr. President, I should also wish to state that I have just informed Senator PRYOR that the matter was under discussion. I was obligated to do that. He may wish to come to the Chamber at an appropriate time and make comments.

Mr. NUNN. Mr. President, I do not send the amendment to the desk. I think we only have 15 minutes. I am not going to propose this amendment. I just wish to make the record abundantly clear that I am going on record supporting it and hope our conferees give the House position careful consideration.

Mr. STENNIS. Mr. President, I thank the Senator.

There has not been anyone else who mentioned this matter to me.

All right.

ERRATA

Mr. President, before we have third reading, in the printing of the bill some errors occurred.

I, therefore, ask unanimous consent that the corrections indicated in the errata sheet be incorporated as a part of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will send the errata sheet to the desk.

Mr. STENNIS. Yes.

The errata sheet is as follows:

Page 7, line 6 of the Senate reported bill, strike out "(including transfer of funds)" and insert: "*(including transfer of funds)*".

Page 7, line 13 of the Senate reported bill, strike out "$12,302,784,000" and insert: "$12,249,579,000".

Page 10, line 22 of the Senate reported bill, strike out "(including transfer of funds)" and insert "*(including transfer of funds)*".

Page 53, line 18 of the Senate reported bill, after "podiatrist", strike out; "or"

In the endorsement following page 68 between lines 2 and 3 from the bottom, insert: "September 18 (legislative day, June 12), 1980. Read twice and referred to the Committee on Appropriations".

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Mr. STENNIS. Mr. President, as far as we know there are no other amendments. The Senator from Wisconsin has a farewell, goodwill message here for the bill. I hope he will be recognized.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DEFENSE APPROPRIATIONS BILL; MORE SUPPORT NEEDED FOR MILITARY PAY

Mr. PROXMIRE. Mr. President, I thank the Chair. I wish to make a short statement on the bill.

Mr. President, I intend to support this appropriations bill even though it is over the President's budget by $6.5 billion. I do so for two reasons.

This is probably the first time in 20 years that I have supported any bill that is over a President's request and certainly one that is over by this amount. But I do so for two reasons:

First, and most importantly, I am concerned that the proper emphasis has not been placed on personnel compensation. Frankly I believe that the 11.7-percent pay raise and the Nunn-Warner categorical changes in this bill are inadequate. Since 1972 the Consumer Price Index has gone up 76 percent. At the same time military pay has been increased by only 51 percent. This means that, statistically, the average man and woman in uniform has lost over 14 percent in real purchasing power. Thus the 11.7 percent embodied in this bill will only compensate for this year's inflation and will not begin to make up the deficiencies of the prior 7 years. The result of the declining real compensation is a typical enlisted family with a standard of living 17 percent below the minimum standard of living as estimated by the Bureau of Labor Statistics. I am endebted to former Secretary of Defense Melvin R. Laird for developing these statistics and for pointing out the plight of our enlisted personnel.

The second reason is a continuing concern over readiness. For 10 years I have been pointing out how our procurement policies have led to our own unique form of unilateral disarmament. We allow aircraft, for example, to become so sophisticated that they have operational readiness rates of 50 percent. We have frontline tanks with engine problems and low production rates. Low production rates mean higher unit costs. Higher unit costs mean decisions to limit total production levels. Limiting total production levels not only increases unit costs but contributes to declining force levels.

My support for this bill does not mean I accept every item in it. To the contrary there remains much to be done in the way of increasing productivity in the defense industry and to increase competition.

Consider competition alone. Nearly $36 billion in major defense contracts are awarded every year without competition—73 percent of the total contracts. Government and private studies indicate that competition would save 10 to 25 percent over "sole source" awards. The conservative 10 percent, with half the savings phased in over 1 year, would net a savings of $1.8 billion. And I point out that this would be without touching one single weapons program or one manpower entitlement.

Other savings can be made in civilian manpower. A hiring freeze of the 991,000 civilians working for the Defense Department resulting in a 6-percent attrition in man-years would provide a $1.2 billion savings.

Therefore, while I will support the appropriations level in this bill, I continue to urge that economies be found to cut back on expenditures which do not contribute to the national defense effort.

Mr. STENNIS. Mr. President, I thank the Senator.

We do not know of any other amendment or proposal with reference to the bill.

On behalf of all of our committees, the subcommittee and full committee, I certainly thank everyone for splendid cooperation here today. It was an amazing picture. Here at one time, it looked as if it was very remote that the bill could possibly be finished today. But by that superhuman effort here that we experience once in a while, apparently we are going to pass the bill by 5 p.m. I found out at the last moment here that the House of Representatives has recessed over until week after next. But many of them are a good deal older men than we are and they have to have more rest than we do. But they will be back here with their fighting clothes on, with reference to a lot of provisions in this bill. But we will hit the ground running with them on Monday, a week from next Monday, and determine to get a bill back here for final passage in conference report form and avoid any extension of the time that the Department has to operate under a continuing resolution.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YOUNG. Mr. President, I share the feelings expressed by the chairman on how fast the bill has been handled today. It did not look this morning as if we would finish this bill for 2 or 3 days. No one showed up to offer amendments. But when they did show up, the Senate acted efficiently and effectively and I think did a good job on this bill.

Mr. DURENBERGER. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. DURENBERGER. Mr. President, I am pleased to cast my vote for this fiscal year 1981 defense appropriations bill for I personally believe the measure takes a number of steps to begin a long process of restoring the Nation's defenses.

This is not going to be easy but, as has been stated here many times, it is absolutely mandatory. While we must spend more, we must insure that we spend what we do spend wisely and well.

I think there is a lesson in the recent elections that the public will not stand idly by while their dollars are spent in a profligate or wasteful manner.

The commitment to end inflation requires new ideas to be used where possible, and that each dollar be spent only where we are sure it will buy us a dollar's worth of defense.

In this regard I would like very much to compliment the Senate Appropriations Committee because it has included among many other things funding for a test program for alternatives to CHAMPUS, the military health care program.

As all other reports that are cited in the committee report have indicated, health maintenance organizations and other prepaid alternatives for delivering health care, in this case, civilian dependents and retirees, can, and I am sure we will find, will foster competition in health care, increased satisfaction of health care consumers, will control prices and, hopefully, rationalize the military medical program.

I shall therefore watch with a great deal of interest the test program, for the results can indicate once again that our CHAMPUS system needs reform, and that competition is the best means to foster that reform.

So I trust the conferees will convey those thoughts and messages to their House counterparts. I compliment the Appropriations Committee for including this long sought, very important, improvement to health care for military dependents and retirees.

I thank the Chair.

Mr. PRYOR. Mr. President, I will take but a very few moments of the Senate's time. It is late in the afternoon.

I was in my office just a few moments ago, and I heard my very good friends, the distinguished Senator from Georgia, (Mr. NUNN), the distinguished Senator from Virginia, (Mr. WARNER), and the very able chairman of the Armed Services Committee, (Senator STENNIS), discussing the nerve gas production facility which will be constructed at Pine Bluff Arsenal, Ark.

I know that Senator NUNN was sincere in his plea to the Senate conferees to accept the House position to appropriate $19 million to equip this particular facility.

Mr. President, with all due respect to my friend from Georgia and the others who are on the Armed Services Committee, I would also like for the conferees to consider a number of additional points. First, I hope the conferees will consider, the narrow margin by which the Senate added $3.15 million to construct the new facility in Pine Bluff, Ark.

Second, it is important for the conferees from both sides of the Capitol to consider the fact that the Senate decision to reverse an 11-year-old policy of this country to reenter the chemical warfare business was made with only one hearing, a closed-door hearing, in the Armed Services Committee. The distinguished chairman of that committee was kind enough to invite me as an outsider—as an interloper, so to speak—to participate in the hearing that particular morning. A decision of this magnitude deserves greater consideration.

Finally, Mr. President, I would sincerely hope that the conferees will remember that this $19 million is in addition to the $3.15 million for construction. Step by step we are embarking on a $4 billion commitment to reenter chemical weapons production. Binary nerve gas has no military advantage whatsoever over our present stockpiles of nerve gas. We will be draining off precious defense dollars from much-needed programs for military pay and conventional weapons which are so sorely needed at this time.

These are some of the considerations, Mr. President, that I hope the conferees who will decide this issue will take into consideration. Hopefully—and I say this out of the most respect for my friends who have been so careful in trying to decide this issue correctly—we will take up this issue at a later time when we have had more testimony and have had the opportunity to conduct a full-scale debate.

Mr. President, I respectfully hope the conferees will consider these few points before they decide to embark further on this particular program of chemical warfare.

I thank the Chair.

Mr. STENNIS. May I assure the Senator that we certainly will approach his problem in the light of his remarks.

● Mr. LEVIN. Mr. President, Senator PRYOR has hit the chemical warfare nail on the head. In addition, whatever value there is to proceeding with a renewed offensive chemical warfare effort is severely diminished, unless the weaponry can be stored near where it would most likely be used—Europe.

By proceeding unilaterally, without European support or acquisition, and without even consulting our allies, this Congress would be precipitating the political backlash in Europe which will make storage of these weapons in Europe more difficult.

We should consult before we proceed. The failure to do so will backfire on the advocates of the restoration of offensive chemical warfare weaponry and may ultimately backfire on American security.●

Mr. WARNER. Mr. President, I rise to compliment the managers of this bill with respect to their fairness and efficiency such that we are able to achieve final passage today.

Also, Mr. President, I ask unanimous consent that the RECORD remain open for such of my colleagues—Senator HATFIELD to have the option of placing something in the RECORD as if read before final passage today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in conclusion, I would like to say once again how much I have enjoyed working today and through these past few years with my distinguished colleague from North Dakota whom we will deeply miss in the forthcoming session of the Congress.

Mr. YOUNG. I appreciate those comments of my friend from Virginia.

● Mr. HATFIELD. Mr. President, I am pleased to take this opportunity to remind my colleagues of an action taken by the Senate Appropriations Committee on the Department of Defense appropriation bill. The committee recommended against funding for a binary nerve gas facility. I commend the Defense Subcommittee and the full committee for their foresight and reason in making this decision.

The proponents of the military construction funds for binary weapons which preceded this $19 million request for production facilities, stressed that this action was not a decision to produce, but rather, a decision to get the program off the ground and to strengthen our hand at the bargaining table with the Soviet Union. Congress approved that $3.5 million measure and, therefore, it is not necessary to also approve this measure only a few months later.

Congress has had no input from the NATO allies in general, or the Federal Republic of Germany in particular, with regard to their feeling on this matter. The proposed binary chemical artillery shells must be deployed in Germany or near the potential fighting front in order to have major military significance for NATO. Congress would be in serious error to move forward without consultation with those nations which are so relevant to this decision.

In 1970, the Federal Republic of Germany issued a white paper on its defense policies. It states:

> In 1954, the Federal Republic of Germany renounced the production of biological and chemical weapons. She does not carry out any research and development conducive to the production of such weapons. The Federal Republic neither possesses nor does she store any biological chemical weapons. She does not seek possession of, or control over, weapons of that kind. She has made no preparations for using them, does not train military personnel for that purpose, and will abstain from doing so in the future. Any allegations to the contrary . . . are false.

I contacted the German Embassy in order to determine if this policy holds firm today. It does.

All NATO members are parties to the Geneva Protocol of 1925 which pledges signatories to a minimum of no-first-use of chemical weapons. More than half the members of NATO additionally committed themselves to the Protocol without the reservation that they might use chemical weapons if it was first used against them. Canada, West Germany, Denmark, Greece, Iceland, Italy, Luxembourg, Norway, and Turkey are all members of NATO and have all refused to use chemical weapons even in a retaliatory sense.

The Senate should also be concerned about U.S. defensive capabilities in chemical warfare. There is widespread agreement within Congress that the United States should be doing all that it can to insure that American soldiers are protected to the utmost degree that our technology and ingenuity can provide. Recognizing that budgetary limitations require careful selection of priorities, the Senate would be wise to take the time to determine what steps will be required to develop a formidable defensive capability.

It would be a travesty to squander our resources on this abhorrent weaponry when we possess the capability to protect our soldiers. But we cannot protect civilians, Mr. President, and it is they who would bear the brunt of a chemical war.

The Appropriations Committee's recommendation not to grant additional funding for a binary nerve gas facility was issued without formal objection or challenge by amendment. Both Senator PRYOR and I have stood ready to debate this issue. The proponents of nerve gas have been fully aware of our commitment. For this reason, I want to make it clear, Mr. President, that I expect the conferees to hold firm on the Senate position.●

A JOB WELL DONE

Mr. ROBERT C. BYRD. Mr. President, the decade of the 1980's is going to present many challenges for the United States, both in our domestic programs and our defense programs. This bill, H.R. 8105, making appropriations for the Department of Defense for fiscal year 1981, sets a proper tone for the kinds of defense policies and programs this country should and will pursue in this decade and in the years to come.

I commend Senator STENNIS, chairman of the Appropriations Subcommittee on Defense, for his yeoman's work on this bill. He has spent hundreds of hours scrutinizing every line item in this bill, and his undivided attention and balanced treatment of the items in this bill are reflected in the committee's recommendations. Senator YOUNG, the Defense Subcommittee's ranking minority member, has contributed extensively to the committee's recommendations. With the assistance of every other member on the Appropriations Committee, they have succeeded in presenting a bill which is bipartisan in its support and realistic in its recommendations.

Every item in this bill is important to a strengthened national defense for the United States. While there is not time to mention all the important features in this bill, I would like to point to a few which I think are worthy of special attention.

I support the committee's recommendations for increasing military compensation and strengthening our conventional forces. All of us are concerned about the retention of skilled personnel in the military services. Earlier this summer, it was reported that 6 of the Army's 10 combat divisions stationed in the United States were rated "not combat ready."

The retention of technically skilled manpower is one of the most serious problems confronting the military services today. If our military services are to maintain the sophisticated equipment and weapons presently in the field and that are recommended in this bill, we must have the services of skilled technicians.

Better pay levels and more benefits will help shore up the weaknesses in our military manpower levels. The committee's recommendations reflect this reality. The Nunn-Warner package is funded in this bill, and there are other initiatives which will help retain skilled personnel and attract the additional personnel our military services so desperately need.

The committee's recommendations reflect the importance of our defense modernization efforts. Our weapons systems, our planes and our ships all must reflect modern, technological advances in these areas. A strong defense depends on sophisticated, updated equipment. The committee has recommended funding levels for these programs which will go far to insure that these important features of our defense program are up to date with the kinds of advances being made in defense research and development.

In addition to modernization, procurement is fundamental to our defense preparedness. This bill provides funds for the purchase of additional planes, ships, and other military hardware.

Some important issues will have to be addressed in the coming decade—issues which require that we have a strong national defense program if we want to address them from a position of strength. Such questions as how do we protect our interests in the Middle East and the Persian Gulf? How do we protect the free world from aggression? How do we cope with the Soviets? These can be answered when we have a strong defense policy and defense system in place. This bill provides a strong defense policy and defense system. It is an important first step for the 1980's. It represents an important measure of our Nation's commitment to world peace and to the defense of the free world.

Senator STENNIS and Senator YOUNG and the other members of the Appropriations Committee undertook the important responsibility of seeing that our defense establishment has the funds it needs to strengthen its readiness, modernization, and procurement efforts. I think that they have succeeded, and they have the gratitude of the Senate and the Nation for a job well done.

Mr. BAKER. Mr. President, we are moving inexorably closer to the adjournment sine die of the 96th Congress.

Today's adoption of the $160.8 billion fiscal 1981 defense appropriations bill brings all the nearer that end.

More importantly, Mr. President, the adoption of this legislation in the expeditious fashion we have witnessed on the floor today reaffirms America's commitment to the development and maintenance of a national defense posture commensurate with the critical role that posture plays in sustaining world peace.

I would note that this measure provides $6 billion more than President Carter requested and rightly so, I believe. The real growth in defense expenditures allowed by this measure now stands at 5 percent. I cannot help but notice that, while we are committed to an annual 3 percent real growth rate in our contributions to the North Atlantic Treaty Organization, we will in this fiscal year do much more than simply honor our commitment.

Indeed, this is the largest defense budget in the history of our Nation. But, it is simply a first step on a long road of restoration that must be enhanced and carried through with all deliberate speed in the coming years if we are to regain our margin of error in this regard.

There is much I could say in that regard, indeed, much I will say. But the hour is late, so I will belay those remarks until another day.

Suffice it to say we have made a good beginning here today. For that beginning, I want to commend the entire Senate for its bipartisan cooperation on this matter. More specifically, I wish to commend the most distinguished chairman of the Armed Services Committee, Senator STENNIS of Mississippi, and my good friends, the distinguished ranking member of the Appropriations Committee, Senator YOUNG of North Dakota, and the distinguished Senator from Virginia, Mr. WARNER, who assisted in the floor management of the bill on this side of the aisle.

Their dedicated and judicious leadership on this most critical matter has served this Nation well.

Finally, Mr. President, I must only add that, as Senator YOUNG has so expeditiously led the Senate through the wave of appropriations bills we have considered in recent days, I have come to realize all the more how very much we shall all miss him when he retires at the end of this Congress.

With all respect and deference to my very good friend, Senator HATFIELD of Oregon, who will become chairman of the Appropriations Committee in the 97th Congress, I am saddened that MILT YOUNG will not be among us to lead that committee in the coming years. I am hopeful we will continue to benefit from his counsel as he enjoys his retirement.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time.

Mr. STENNIS. Mr. President, if I may be recognized for less than 1 minute—and I am not going to get into a farewell eulogy or anything like that—this passage here today of this appropriation bill, the largest appropriation bill the Senate has ever passed in all of its history in peacetime, wartime or anytime, is one of such historic proportions that I would like to give a special salute to the Senator from North Dakota who has made many, many fine contributions over the years as a member of this subcommittee and, of course, a member of the full committee.

His counsel and guidance for the other members have been a major contribution and influence here. It has been splendid. A long, long time ago I started to call him "the rock," and he is still "the rock," and many other fine, solid things, too, to me and many others. I will have more to say about his departure from the Senate later.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from Arkansas (Mr. Bumpers), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Colorado (Mr. Hart), the Senator from South Dakota (Mr. McGovern), the Senator from Ohio (Mr. Metzenbaum), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Talmadge), the Senator from North Carolina (Mr. Morgan), and the Senator from New York (Mr. Moynihan) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) would vote "yea."

Mr. BAKER. I announce that the Senator from Colorado (Mr. Armstrong), the Senator from Mississippi (Mr. Cochran), the Senator from Maine (Mr. Cohen), the Senator from Utah (Mr. Garn), the Senator from Utah (Mr. Hatch), the Senator from California (Mr. Hayakawa), the Senator from New York (Mr. Javits), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), the Senator from South Dakota (Mr. Pressler), the Senator from New Mexico (Mr. Schmitt), the Senator from Alaska (Mr. Stevens), the Senator fromWyoming (Mr. Wallop), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. Garn) would vote "yea."

The PRESIDING OFFICER (Mr. Boren). Is there any other Senator who desires to vote?

The result was announced—yeas 73, nays 1—as follows:

[Rollcall Vote No. 483 Leg.]

YEAS—73

Baker
Baucus
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Bradley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford

Glenn
Goldwater
Gravel
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Matsunaga
Melcher
Mitchell
Nelson
Nunn

Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stennis
Stevenson
Stewart
Stone
Thurmond
Tower
Tsongas
Warner
Williams
Young
Zorinsky

NAYS—1

Hatfield

NOT VOTING—26

Armstrong
Biden
Bumpers
Burdick
Church
Cochran
Cohen
Garn
Hart

Hatch
Hayakawa
Javits
Laxalt
Mathias
McClure
McGovern
Metzenbaum
Morgan

Moynihan
Pressler
Ribicoff
Schmitt
Stevens
Talmadge
Wallop
Weicker

So the bill (H.R. 8105), as amended, was passed.

Mr. STENNIS. Mr. President, if I may be recognized, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Chair appointed Mr. Stennis, Mr. Magnuson, Mr. Proxmire, Mr. Inouye, Mr. Hollings, Mr. Eagleton, Mr. Chiles, Mr. Johnston, Mr. Huddleston, Mr. Young, Mr. Stevens, Mr. Schweiker, Mr. Bellmon, Mr. Weicker, and Mr. Garn conferees on the part of the Senate.

Mr. STENNIS. Mr. President, I thank the Chair and the Senate very much. Out of the last 12 months, we have put in 13 months on that bill.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

FEDERAL RESERVE ACTIONS ARE DETRIMENTAL TO AMERICAN CONSUMERS

Mr. RANDOLPH. Mr. President, last Friday the Federal Reserve raised to 12 percent from 11 percent the basic discount rate. We expected the Nation's largest banks to follow. They did not disappoint us. On Thursday they began raising their prime lending rate to 17 percent. That rise takes the prime rate to its highest level in 6 months. The prime rate hit a peak of 20 percent, as we recall, in early April, and then fell to 10¾ percent in July. Since that time, Mr. President, we have experienced a continual rise. The most distressing point is that we can expect the rates to go even higher.

Inflation is our serious concern, perhaps our most serious. I believe that these higher interest rates continue to fuel inflation in the United States. We are being battered—I use the word advisedly—in the economic extreme.

Mr. President, when a young couple seeks to buy a home today, they not only pay the 17 percent interest rate, but they will probably have to pay two points on top of that figure. This same couple faces a similar problem when they seek to purchase an automobile on credit.

High interest rates produce a tendency by some borrowers to pay the higher rates as they borrow money. Why? I ask the question, why? Certainly, they feel if they do not purchase now, the interest rate and purchase price will be even higher tomorrow.

The real estate, the homebuilding, and the automobile industries are being throttled and people are being throttled by these high interest rates. The most recent third-quarter financial reports of the automobile industry are frightening, not to this Senator alone, but to the people of the United States. Their losses can be substantially attributed, Mr. President—there are many reasons, but they can be substantially attributed to higher interest rates.

These industries also cause a ripple effect in other related industries. There are, for example, I say to my colleagues, over 5,000 companies in this country that supply General Motors. Certainly, we can say now, as General Motors goes, so do its support companies.

Mr. President, I have letters and calls—not a few, but many—from West Virginia citizens and citizens elsewhere who are concerned, as I am concerned, with the awesome power of the Federal Reserve. I feel that the Fed does not adequately concern itself with the effect that a rise in the discount rate has on the consumer in the United States of America. Also, these higher interest rates will threaten our economic recovery. It is now overdue. I say earnestly but quietly that the Federal Reserve should recognize the power it wields and it is time—past time—for the Fed to be made more responsive to the fluctuations in our economic cycle.

Almost irreparable damage is being done to American citizens and to the economy of the United States by the excesses by the Federal Reserve System.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER PRESIDENT FORD VISITS THE SENATE

Mr. BAKER. Mr. President, this afternoon, the 38th President of the United States, Gerald R. Ford, addressed the U.S. Senate. President Ford's visit marks only the fourth time in the history of the United States that a sitting or former President has spoken in the Senate Chamber. President Washington appeared in the Senate on March 4, 1793, the day of his second inaugural. President Truman delivered informal comments to the Senate on April 18, 1955. President Nixon spoke to the Senate about his Vietnam policy on November 13, 1969.

As with these other Presidential addresses, President Ford's remarks will have a great and special place in the annals of the Senate. I regret only that the occasions have been so rare. I hope that President Ford's presence here today will be the harbinger of a new tradition of Presidential visits to this Chamber.

Under Senate Rule XXIII, former Presidents are entitled to the privilege of the floor. With his profound appreciation for Senate history, the majority leader further extended this privilege by inviting our former President to speak. President Ford and I, as well as all those fortunate to be present in the Chamber at that time, are deeply grateful to the majority leader for this singular act of courtesy.

Mr. ROBERT C. BYRD. Mr. President, I thank the minority leader for his kind words. I assure him that Mr. Ford was entitled to the courtesies which were extended to him. I am happy that I was in a position to extend those courtesies. I feel that Senators on both sides of the aisle appreciated his visit, and I think that it is supportive of good relations. Even though Mr. Ford is no longer in the executive branch, it certainly is a good omen and, I think, was a good and thoughtful gesture on his part.

TRANSFER OF CERTAIN BUREAU OF MINES FACILITIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1108, H.R. 7385.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 7385) to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the bill.

UP AMENDMENT NO. 1791

(Purpose: To make certain technical amendments)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania (Mr. HEINZ) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HEINZ, proposes an unprinted amendment numbered 1791.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, is is so ordered.

The amendment is as follows:

On page 2, line 13, after "Labor" insert the following: ", to the extent and in such amounts as are provided in advance in appropriations acts,".

On page 3, line 3, after "University" insert the following: ", to the extent and in such amounts as are provided in advance in appropriations acts,".

● Mr. HEINZ. Mr. President, the bill before us for consideration, H.R. 7385, is identical to my bill, S. 2734, which has been reported favorably from the Senate Energy Committee. H.R. 7385 will allow the Secretary of the Interior to transfer certain Bureau of Mines facilities to Carnegie-Mellon University. This will allow the university to acquire some much needed land for expansion.

At the same time, the bill guarantees that the Federal Government will receive either the fair market value of the property, as determined by the Secretary of the Interior, or $5,400,000 million, the estimated cost of a new, equivalent facility for the Bureau of Mines, whichever is greater. If the costs of engineering, design and construction for the new facility and the fair market value of the building both are less than $5,400,000 million, then Carnegie-Mellon University will pay the higher of the two figures. Thus the bill assures that the Federal Government will at the very least get a new, equivalent facility for the Bureau of Mines and will likely receive additional funds beyond the costs for that facility. In addition, we have insured that the Mine Safety and Health Administration will have continuing use of certain space at the 4800 Forbes Avenue property for as long as the Secretary of Labor decides that this is necessary. For all these reasons, I am confident that this bill is of great advantage to both the Federal Government and Carnegie-Mellon University.

The Budget Committee has reported Senate Resolution 524, which provides for a budget waiver for S. 2734, the identical companion to H.R. 7385. This is necessary for technical reasons, because the Bureau of Mines will need to begin to expend up to $5,400,000 million in order to get the transfer process under way. Since the Federal Government will, at the least, receive for the property whatever it costs to build the new facility, the net cost to the Federal Government will eventually be zero, however.

In the same way, we need to approve the technical amendment proposed here today. This would bring the bill into conformity with the Budget Act by giving the requisite oversight to the Appropriations Committee.

Finally, I would like to thank Congressman WILLIAM MOORHEAD and his staff, the members and staff of the Senate Budget Committee, and the members and staff of the Senate Energy Committee for their excellent and expert help in refining this bill in its form as S. 2734 and in bringing it through the Energy Committee to the floor. Representatives from the Bureau of Mines, the Office of Surface Mining, the Office of Management and Budget and Carnegie-Mellon University have also been of great help in shaping the bill into its current form.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1791) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The bill (H.R. 7385) was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair on behalf of the Vice President appoints Senators ZORINSKY and LUGAR to attend the 10th General Assembly of the OAS in Washington, D.C. November 19-26, 1980.

ORDER TO INDEFINITELY POSTPONE S. 2734 AND SENATE RESOLUTION 524

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that Calendar Order No. 1081, S. 2734, a bill to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes; and Calendar Order No. 1146, Senate Resolution 524, a resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2734, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLD STAR WIVES OF AMERICA

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1179.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1179) entitled "An Act to incorporate the Gold Star Wives of America", do pass with the following amendment.

Strike out all after the enacting clause, and insert:

CHARTER

SECTION 1. Gold Star Wives of America, a corporation organized and operating under the laws of the State of New York is hereby recognized as such and granted a Federal charter.

POWERS

SEC. 2. Gold Star Wives of America (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be, solely, that it is—

(a) organized and operated in the public interest, as a nonpartisan and nonprofit organization, with terms of membership and requirements for holding office within the organization which do not discriminate on the basis of race, color, religion, or national origin;

(b) organized and operated solely for patriotic, charitable, literary, educational, scientific, or civic improvement purposes; and

(c) organized for those purposes slated in its articles of incorporation which are not inconsistent with any of the foregoing objects and purposes.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in that articles of incorporation and the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority and in accordance with the laws of the States in which it carries on its activities.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504; 78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(52) Gold Star Wives of America".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

TAX EXEMPT STATUS—EXPIRATION OF CHARTER

SEC. 15. The corporation shall retain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to retain such status, or if it fails to comply with the provisions of this Act, the charter granted hereby shall expire.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS ACT OF 1934

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4892.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4892), an act to repeal section 506 of the Communications Act of 1934.

Without objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, I hope that H.R. 4892, the repeal of section 506 of the Communications Act of 1934 (the Lea Act), can be given approval by my colleagues.

The Lea Act made it unlawful by the use of force, violence, intimidation or duress, or by the use of other means to coerce, compel or constrain an FCC licensee to employ or agree to employ any person in excess of the number of employees needed to perform actual services; to pay for preparing or using recordings in broadcasts; or to accede to any restrictions in the use of recordings or programs in the production of broadcasts.

Simply put the Lea Act denies musicians the same rights and privileges that other citizens have. It constrains musicians under criminal penalties from engaging in negotiations and activities in the boardcasting industry when such activities are enjoyed by every other craft as being legal and honorable. It has denied equal access to work opportunities and public exposure to musicians in some localities.

Some radio and TV stations have been afraid to negotiate with musicians about the possibility of broadcasting their performances because of the Lea Act. Therefore unless a musician was in New York, Hollywood, Nashville, or Memphis his career was restricted.

Since the passage of the act in 1946, the FCC has found no record of any actions taken by it pursuant to section 506.

Mr. President, I have had the opportunity to study the Lea Act very carefully for a long period of time. It was my responsibility during the 95th Congress to introduce S. 2581, to repeal the act. Regrettably no action was taken on the bill during the 95th Congress.

I introduced an identical repeal, S. 761, on March 26, 1979. On June 13, 1979, the Senate Communications Subcommittee most graciously allowed S. 761 to be discussed during the hearings it was conducting regarding the reform of the Communications Act.

On July 20, 1979, my good friend and colleague JOHN SLACK introduced H.R. 4892, the repeal of the Lea Act. The House Interstate and Foreign Commerce Committee considered and marked up H.R. 4892 on September 24, 1980. On September 30, 1980, the House passed the repeal by voice vote. It is now the time for the Senate to follow suit.

Mr. President, when the repeal is realized there will be many people that deserve credit. However, one man has spent an incredible amount of time in pursuit of the repeal. My good friend Ned Guthrie, chairman, National Committee for Repeal of the Lea Act, Charleston, W. Va., has virtually traveled all over this country and has spent many, many days and hours in Washington seeking his elusive goal. Ned has made it his daily duty to educate Members of Congress as to what the Lea Act really is and what its repeal will mean to musicians.

Mr. President, I thank Senator HOLLINGS, Senator SCHMITT, Senator GOLDWATER, and Senator CANNON for their cooperation in allowing the consideration of S. 761.

I believe that a vote in favor of H.R. 4892 is justified. I urge my colleagues to approve the repeal of the Lea Act.

The bill (H.R. 4892) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PARK AND RECREATION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BUMPERS I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2363.

The PRESIDING OFFICER laid before Senate amendments of the House of Representatives to the bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes.

(The amendment of the House is printed in the RECORD of June 17, 1980, beginning at page 14927.)

Mr. ROBERT C. BYRD. I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. BOREN) appointed Messrs. JACKSON, BUMPERS, MELCHER, HATFIELD, and MCCLURE conferees on the part of the Senate.

AUTHORIZATION TO FILE ANNUAL REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator NELSON, I ask unanimous consent that the Senate Small Business Committee be authorized to file its annual report of activities in 1980, as required by Senate Resolution 359 (agreed to March 4, 1980) during the period the Senate is not in session at the end of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE JOINT RESOLUTION 634—TO AUTHORIZE THE U.S. SECRET SERVICE TO CONTINUE TO FURNISH PROTECTION TO THE FORMER VICE PRESIDENT OR HIS SPOUSE

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Joint Resolution 634.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 634) to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 634) was considered and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSE CONCURRENT RESOLUTION 452 ORDERED HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 452.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 452 directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that House Concurrent Resolution 452 be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1918.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1918) entitled "An act to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of Regular commissioner officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes."

(The amendment of the House is printed in the RECORD of November 17, 1980, beginning at page 29849.)

Mr. NUNN. Mr. President, the Defense Officer Personnel Management Act, S. 1918, addresses one of the most important aspects of U.S. national security—the selection and management of our military leaders, the commanders and top and middle members of our Armed Forces. The purpose of the bill is to revise the laws which govern active duty officer management by establishing new statutory limits on the numbers of active duty officers who may serve in the higher grades, and by providing uniform law regulating appointment, promotion, tenure, separation, and retirement of active duty Regular and Reserve commissioned officers.

This bill is a most complex piece of legislation. It would overhaul or eliminate more than 300 sections of current law and codify others. It contains the statutory authority needed to provide more uniform promotion systems among the services and new grade authorization tables, but in many respects, it does not represent a radical departure from the present law.

Major revisions to officer personnel management laws have been proposed several times over the past 15 years. DOPMA was originally recommended by the Department of Defense and introduced in the Senate in September 1975.

Members of the Armed Services Committee and staff with the assistance of experts from the Congressional Research Service and the Congressional Budget Office, private consultants and representatives of the Department of Defense have been carefully examining this proposal in detail for some time. I am very pleased to recommend that the Senate approve the current bill which will bring all these efforts to a successful conclusion.

CRITERIA FOR OFFICER MANAGEMENT

Our considerations have made it clear that the issues associated with effective military officer management are complex. However, all of these issues can be reviewed in the context of three major criteria for judging an effective military officer management system.

First, youth and experience must both be accommodated. We need an officer personnel system that provides youthful, vigorous personnel to perform many combat jobs but also produces an officer corps with sufficient experience. The importance of experience cannot be underplayed in view of the many complex, scientific, technical and administrative tasks vital to the support of today's Armed Forces.

Second, we must provide an officer grade structure to fulfill command responsibilities. We need an officer management system which will attract qualified and dedicated officers to military careers in the grades required to meet mission based requirements at an acceptable level of manpower costs. By this, I mean that the officer system, through its promotion policies, should provide enough, and only enough, officers to meet requirements for high quality military leadership for this Nation's security.

Third, we must recognize the responsibilities of Congress and the President in officer management. We need an officer system adequately controlled by the Congress which will also give the President, as Commander in Chief, as much management flexibility as he can safely and constitutionally be granted without eroding civilian control and congressional control over the military.

The bill as proposed by the administration did not measure up to the stringent criteria by which this important subject should be judged. The bill before the Senate does meet these criteria.

MAJOR POLICY RECOMMENDATIONS

Mr. President, I will now highlight the major policy provisions in the bill.

PROMOTION AND TENURE

The administration's proposal would have rigidified the already too rigid up-or-out system. S. 1918 maintains the up-or-out policy but modifies several of the administration's proposals.

S. 1918 adopts the administration's recommendations that officers be involuntarily separated after twice failing promotion. Under the proposal, these separations of captains and majors would take place earlier than under current law. However, S. 1918 includes a provision to allow for the selective continuation of captains to 20 years and majors to 24 years. This modification will permit, but not required, the service secretaries to continue captains and majors in critical skills on a voluntary basis. For example, the services are now making use of selective continuation for pilots, doctors, and chaplains who fail to be promoted. Under the administration's proposed bill, the Department of Defense would have had to end this sensible practice making shortages in these areas worse.

The administration's proposal would add a new provision to the up-or-out system by requiring in law that Reserve officers be separated after 11 years service. This provision would provide for an all-regular officer force after 11 years by law, but testimony indicated that about 6 percent of all officers would be forced out at the 11-year point solely because of this provision.

The administration's proposal would also prohibit the Secretary of Defense from voluntarily recalling experienced Reserve officers with over 11 years service to active duty even if they were needed in particular skills like doctors or if the size of the military were to increase in a period of growing tension. S. 1918 does not require the separation of Reserve officers at 11 years. Instead, the Secretary of Defense will retain permissive authority to separate Reserve officers and would have sufficient numbers of Regular officer positions so that he could achieve an all-Regular force through management actions. The Secretary would also be permitted, but again not required, to voluntarily recall experienced reservists to active duty.

The administration's proposal would have operated only during peace. At time of mobilization, mobilized reservists would not be included under the grade limitations and would not be considered under the same promotion system as other active duty officers. S. 1918 reflects the concern that the officer personnel system should be designed to work in both peace and war and that at time of mobilization the promotion system should insure that the best qualified officers are selected for command from among all officers serving on active duty.

The bill does contain a provision authorizing the President to suspend these or other provisions in time of war or national emergency. So, if it is necessary to suspend the regular operation of the management system, the President has the authority to do so, but the intent is to adopt an officer management system that would also serve the country well in time of emergency.

GRADE LIMITATIONS

The bill provides for grade tables that limit the number of majors, lieutenant colonels, and colonels on a sliding scale depending on total officer strength.

S. 1918 includes grade tables with a reduced number of officers in higher grades. These maximum limits reflect concerns about tendencies toward an officers corps richer in grade, better paid at those grades but poorer in military experience. The system is characterized by rapid turnover and higher retirement costs. Testimony by experts in military leadership indicated that the current system adversely affects the quality of military leadership and the combat effectiveness of military units. The legal grade table limits do not specify when promotions should take place or what proportion of eligibles should be promoted—that is best left to service managers who can adjust promotion policies to reflect service personnel management concerns and requirements.

The principal difference between S. 1918 as amended by the House and the version that passed the Senate on November 30, 1979, is in the grade tables. While the grade tables in the House amendment reflect a reduction in grades from the administration's proposal and the current grade levels, their levels are substantially above the grade levels that would have been in effect, after a 10-year transition period, in the Senate-passed bill. It should be kept in mind that these grade tables are permanent maximum levels. The tables do not reflect management goals. If the policies adopted in the other parts of the bill are followed as envisioned by the Senate Armed Services Committee, future reductions may be feasible. These tables provide flexibility to the services in adopting new policies and in managing the officer corps. A separate grade table is provided for active duty Guard and Reserve personnel who support Reserve units.

SEPARATION AND RETIREMENT

S. 1918 would allow for the selective early retirement of lieutenant colonels and colonels. For example, in order to reduce the total numbers of lieutenant colonels, the bill would authorize the service secretaries to convene a board to select lieutenant colonels to be involuntarily retired before they reach 28 years of service.

The bill increases from 6 months to 3 years the minimum time to be served in a grade in order to permit voluntary retirement in that grade. This provision is designed to increase the amount of time senior military officers spend in a grade.

The bill contains a major revision to separation pay for officers who are involuntarily separated from the service. Under present law and the administration's proposal, officers separated with more than 5 but less than 20 years of service receive separation pay equal to 2 months basic pay for each year of service up to a maximum of $15,000. Under current pay conditions, the maximum is reached quickly so that a captain with 6 years of service would receive the maximum. S. 1918 revises the payment for those involuntarily separated to be equal to 10 percent of annual basic pay for each year of service up to a maximum of $30,000. Officers with less than 10 years of service would receive less than under current law and those with over 10 years of service would receive more. The bill includes a save pay provision to permit an officer now on duty to select the greater of the new or old payment.

COMPETITIVE CATEGORIES

Competitive categories are categories to which officers on the active duty list of each service would be assigned to compete for promotions. Recognizing that changes in the needs of the military services do occur, S. 1918 would delete the current categories specified in law and instead authorize the service secretaries to prescribe and abolish categories under regulations by the Secretary of Defense. This provision further emphasizes the need to manage the officer personnel system based on defense requirements.

COSTS

Any review of officer personnel management should include a review of the efficiency with which the system operates. S. 1918 will lead to a more effective officer corps and will also provide for increased efficiency. Over the first 5 years, the administration's proposal would have increased costs by $36 million. In contrast, the officer management system in S. 1918 will save over $600 million over the next 5 years. When fully operational, the officer management system provided in S. 1918 will cost about the same as the current system, but for those costs, we will have a military officer corps characterized by higher experience, lower turnover, and a slightly reduced average grade. The savings from lower procurement costs and lower turnover will be applied to the costs of retaining more experienced personnel.

Mr. President, I want to acknowledge the valuable contributions made by the Senator from Iowa (Mr. JEPSEN) the ranking minority member of the Subcommittee on Manpower and Personnel, and all the other members of the subcommittee over the past several years.

The Senator from Mississippi (Mr. STENNIS) and the Senator from Texas (Mr. TOWER) gave their complete support to our efforts in the full Armed Services Committee.

I would also like to recognize the valuable assistance given our committee by the Congressional Research Service through the efforts of Mr. Al Farlow and Mr. Paul Zinsmeister. These men worked diligently with the committee on this very complicated piece of legislation and were most helpful in identifying the policy issues addressed in the bill. Assistance in drafting this bill came from the Senate Legislative Counsel's Office where Mr. Hugh Evans provided the highly professional assistance to which we have become accustomed in so much of our work. George Travers, our manpower staff director has worked long and hard on this complicated complex bill and deserves our high praise for his dedicated and effective effort.

I move that the Senate concur in the amendment of the House.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

THE UNITED STATES CANNOT AFFORD A PARADOX IN POLICY

Mr. PROXMIRE. Mr. President, on November 11, 1980, the Madrid Conference of 33 nations, the United States and Canada convened to discuss several issues, among them, the question of human rights. We wish to make clear at Madrid that we are serious about human rights, and will not condone any violations of these rights.

Yet there seems to be a paradox in policy. On the one hand, the United States wishes to make a firm commitment to human rights. However, on the other hand, the United States has failed to sign an important human rights treaty, which was drafted under the auspices of the United Nations in 1948.

The treaty I am referring to is the Genocide Treaty. For 32 years we have ignored this treaty, despite the fact that it has been signed by most of the nations of the world. Most countries have recognized the Genocide Treaty as a fundamental building block to condemn future acts of genocide and preserve human rights.

As Woodrow Wilson commented in 1916, "We are participants whether we would or not in the life of the world. What affects mankind is inevitably our affair as well as the affair of Europe and Asia."

In order for the United States to maintain an active role in the life of the world, and to insure success at Madrid as well as future conferences, such a paradox must be eliminated.

We must erase any doubts about U.S. sincerity on important international issues such as human rights.

I urge my colleagues to support ratification of the Genocide Treaty.

TEXT OF SUPERFUND BILL

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the so-called compromise Superfund bill, for the information of Senators.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

DEFINITIONS

SEC. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at 60 degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, groundwater, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works); well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State Implementation Plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307(b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section 232 of this Act;

(12) "groundwater" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas);

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20) (A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a)(3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the shipper of such hazardous substance shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107(a)(3) or (4), (i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons,

(B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer;

(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor or assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is most cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act;

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act;

(31) "National Contingency Plan" means the National Contingency Plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substances, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title.

NOTICES, PENALTIES

SEC. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release,

in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of any such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

(A) the location, title, or condition of a facility; and

(B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;

the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver is obtained under paragraph (3) of this subsection, it shall be unlawful for any such person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsections (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, that notification in accordance with subsections (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

SEC. 104. (a) (1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the National Contingency Plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the National Contingency Plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c) (1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however,* That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the National Contingency Plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

(d) (1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing 60 days notice, seek in the appropriate Federal District court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions

assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or potential threat to the public health or welfare or the environment, the President may, in his discretion, treat these related facilities as one for purposes of this section.

(e)(1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2)(A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of the Act by contractors and subcontractors as a condition of such contracts.

(g)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies, or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the Plan to be known as the National Hazardous Substance Response Plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial dangers to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the Plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the Plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

The Plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised National Contingency Plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the Plan. The President may, from time to time, revise and republish the National Contingency Plan.

ABATEMENT ACTION

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environmental Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the National Hazardous Substance Response Plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

LIABILITY

SEC. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by an other party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person,

from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the National Contingency Plan;

(B) any other necessary costs of response incurred by any other person consistent with the National Contingency Plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant, if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, $300 per gross ton, or $5,000,000, whichever is greater;

(B) for any other vessel, $300 per gross ton, or $500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, $50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than $8,000,000. Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

(D) for any facility other than those specified in subparagraph (C) of this paragraph, the total of all costs of response plus $50,000,000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of response and damages, if (A) the release or threat of release of a hazardous substance was the result of (i) willful misconduct or willful negligence within the privity or knowledge of such person, or (ii) a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the National Contingency Plan.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to any costs recovered from such person pursuant to section 112(c) of this Act. Any monies received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the National Contingency Plan or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however,* That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs or remedial action of such hazardous substance.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when—

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for post-closure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for post-closure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

FINANCIAL RESPONSIBILITY

SEC. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) The level of financial responsibility shall be initially established and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title.

The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation.

EMPLOYEE PROTECTION

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act;

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the National Contingency Plan established under section 311 (c) of the Clean Water Act and amended by section 105 of this title. *Provided, however*, that such costs must be approved under said plan and certified by the responsible Federal official;

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section. The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance may be asserted against the Fund under this title for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however*, That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against release of hazardous substances:

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are pro-

vided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under the National Contingency Plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d) (1) No money in the Fund may be used under subsection (c) (1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e) (1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President may, in his discretion, defer payment of all claims or of any class of claims, make partial payment on a prorated basis to each affected claimant, or provide for the payment of claims on a priority basis determined under regulation.

(2) In any fiscal year, two-thirds of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h) (1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the National Contingency Plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f) (5) of the Federal Water Pollution Control Act.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

SEC. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within 60 days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor or other person or to present the claim to the Fund for payment.

(b) (1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one (1) year, or both.

(2) (A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within 45 days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for

(4)(A) Within 90 days of the enactment of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within 90 days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however*, That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpoena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpoenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpoena, the President may invoke the aid of the district court of the United States where the person is found, resides or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within 90 days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within 30 days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however*, That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any pre-arbitral settlement reached pursuant to subsection (b)(2)(a) of this section be admissible as evidence in any such proceeding.

(H) Within 20 days of the expiration of the appeal period for any arbitral award or decision, or within 20 days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for pre-arbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed 60 days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however*, That the time limitations contained herein shall not begin to run against a minor until he reaches 18 years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsection (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954.

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affect such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

Sec. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

Sec. 201. Short Title; Amendment of 1954 Code.

(a) Short Title.—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes On Petroleum and Certain Chemicals

Sec. 211. Imposition of Taxes.

(a) General Rule.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"Chapter 38—ENVIRONMENTAL TAXES

"Subchapter A. Tax on petroleum.
"Subchapter B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec. 4611. Imposition of tax.
"Sec. 4612. Definitions and special rules.

"Sec. 4611. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax of 0.99 cent a barrel on—

"(1) crude oil received at a United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) Tax on Certain Uses and Exportation.—

"(1) In general.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

"(2) Exception for use on premises where produced.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

"(c) Persons Liable for Tax.—

"(1) Crude oil received at refinery.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) Imported petroleum product.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) Tax on certain uses or exports.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) Termination.—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

"(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(2) the Secretary, after consultation with the Admiinstrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if the tax is suspended,

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

"Sec. 4612. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Crude oil.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) Domestic crude oil.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) Petroleum product.—The term 'petroleum product' includes crude oil.

"(4) United states.—

"(A) In general.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) United states includes continental shelf areas.—The principles of section 638 shall apply for purposes of the term 'United States'.

"(C) United states includes foreign trade zones.—The term 'United States' includes any foreign trade zone of the United States.

"(5) United states refinery.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) Refineries which produce natural gasoline.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) Premises.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) Barrel.—The term 'barrel' means 42 United States gallons.

"(9) Fractional part of barrel.—In the case of a fraction of a barrel, the tax as imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) Only One Tax Imposed with Respect to Any Product.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product.

"(c) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.
"Sec. 4662. Definitions and special rules.

"Sec. 4661. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of:	The tax is the following amount per ton:
Acetylene	$4.87
Benzene	4.87
Butane	4.87
Butylene	4.87
Butadiene	4.87
Ethylene	4.87
Methane	3.44
Napthalene	4.87
Propylene	4.87
Toluene	4.87
Xylene	4.87
Ammonia	2.64
Antimony	4.45
Antimony trioxide	3.75
Arsenic	4.45
Arsenic trioxide	3.41
Barium sulfide	2.30
Bromine	4.45
Cadmium	4.45
Chlorine	2.70
Chromium	4.45
Chromite	1.52
Potassium dichromate	1.69
Sodium dichromate	1.87
Cobalt	4.45
Cupric sulfate	1.87
Cupric oxide	3.59
Cuprous oxide	3.97
Hydrochloric acid	0.29
Hydrogen fluoride	4.23
Lead oxide	4.14
Mercury	4.47
Nickel	4.47
Phosphorous	4.47
Stannous chloride	2.85
Stannic chloride	2.12
Zinc chloride	2.22
Zinc sulfate	1.40
Potassium hydroxide	0.22
Sodium hydroxide	0.28
Sulfuric acid	0.26
Nitric acid	0.24

"(c) Termination.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

"Sec. 4662. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Taxable chemical.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

"(A) which is listed in the table under section 4661(b), and

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) United states.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(3) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

"(5) Fractional part of ton.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Exceptions; Other Special Rules.—For purposes of this subchapter—

"(1) Methane or butane used as a fuel.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).

"(2) Substances used in the production of fertilizer.—

"(A) In general.—In the case of nitric acid, sulfuric acid, or ammonia which is a qualified substance—

"(i) no tax shall be imposed under section 4661(a) for any sale before October 1, 1983, and

"(ii) in the case of a sale after September 30, 1983, the table contained in section 4661 (b) shall be applied by substituting 19 cents for the amount otherwise applicable to such substance.

"(B) Qualified substance.—For purposes of this subsection, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) Qualified use.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) Sulfuric acid produced as a byproduct of air pollution control.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under this section.

"(c) Use by Manufacturer, Etc., Considered Sale.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) Refund or Credit for Certain Uses.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) Use as fertilizer.—Under regulations prescribed by the Secretary, if

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, or ammonia without regard to subsection (b) (2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b) (2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a) (3) and (b) (3) of section 7652 shall not apply to any tax imposed by section 4661.".

(b) Clerical Amendment.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"Chapter 38. ENVIRONMENTAL TAXES.".

(c) Effective Date.—The amendments made by this section shall take effect on April 1, 1981.

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

Sec. 221. Establishment of Hazardous Substance Response Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) Transfers to Response Trust Fund.—

(1) Amounts equivalent to certain taxes, etc.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954,

(B) the amounts recovered on behalf of the Response Trust Fund under this Act, and

(C) all moneys recovered or collected under section 311(b) (6) (B) of the Clean Water Act,

(D) penalties assessed under Title I of this Act, and

(E) punitive damages under section 107(c) (8).

(2) Authorization for appropriations.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, $44,000,000,

(B) 1982, $44,000,000,

(C) 1983, $44,000,000,

(D) 1984, $44,000,000, and

(E) 1985, $44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) Transfer of funds.—There shall be transferred to the Response Trust Fund—

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) Expenditures From Response Trust Fund.—

(1) In general.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111 (c) of this Act.

(2) Limitations on expenditures.—At least two-thirds of the amounts appropriated to the Response Trust Fund under subsection (b) (1) (A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c) (2) (C).

Sec. 222. Liability of United States Limited to Amount in Trust Fund.

(a) General Rule.—Any claim for damages filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount for damages with respect to any such claim out of any source other than the Response Trust Fund.

(b) Order in Which Unpaid Claims Are To Be Paid.—If at any time the Response Trust Fund is unable (by reason of subsection (a)) to pay all of the claims (other than for response costs) payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

Sec. 223. Administrative Provisions.

(a) Method of Transfer.—The amounts appropriated by section 221(b) (1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amount required to be transferred.

(b) Management of Trust Fund.—

(1) Report.—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) Investment.—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of each such Trust Fund.

(c) Authority To Borrow.—

(1) In general.—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

(2) Limitations on advances to response trust fund.—

(A) Aggregate advances.—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time during any fiscal year shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1) (A) of section 221(b) of this Act for the following fiscal year, and

(B) Advances for payment of response costs.—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) Advances for other costs.—The maximum aggregate amount advanced to the Emergency Response Trust Fund which is outstanding at any one time during any fiscal year for the purpose of paying costs other than costs described in section 111 (a) (1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A) for such fiscal year.

(D) Final repayment.—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) Repayment of advances.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

Sec. 231. Imposition of Tax.

(a) In General.—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Tax on Hazardous Wastes

"Sec. 4681. Imposition of tax.
"Sec. 4682. Definitions and special rules.

"Sec. 4681. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be equal to $2.13 per dry weight ton of hazardous waste.

"Sec. 4682. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Hazardous waste.—The term 'hazardous waste' means any waste—

"(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress), or

"(B) subject to the reporting or recordkeeping requirements of section 3002 and 3004 of such Act, as so in effect.

(2). Qualified hazardous waste disposal facility.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.

"(b) Tax Imposed on Owner or Operator.—The tax imposed by section 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

"(c) Tax Not to Apply to Certain Wastes.—The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

"(d) Applicability of Section.—The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds $200,000,000, no tax shall be imposed under such section during the following calendar year.".

(b) Conforming Amendment.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter C—Tax on Hazardous Wastes.".

Sec. 232. Post-Closure Liability Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

(b) Expenditures From Post-Closure Liability Trust Fund.—Amounts in the Post-Closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).

(c) Administrative Provisions.—The provisions of section 222 and 223 of this Act shall apply with respect to the trust fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed $200,000,000.

Subtitle D—Study

Sec. 241. Study.

(a) General Rule.—The Secretary of the Treasury (in consultation with the Administrator of the Environmental Protection Agency) shall conduct a study on—

(1) the feasibility and desirability of—

(A) a schedule of taxes for the Response Trust Fund—

(i) which is based on the disposal or generation of hazardous waste, and

(ii) which would reflect the degree of hazard and risk of harm to the public health and the environment posed by the various hazardous wastes,

(B) a schedule of taxes for the Post-Closure Trust Fund—

(iii) which are designed to promote the recycling, incineration, and neutralization of hazardous waste,

(C) taxes imposed on substances not taxed by the amendments made by this title such as biomass and wastes designed as hazardous pursuant to section 3001 of the Solid Waste Disposal Act after the effective date of this Act,

(2) an exemption from or an increase in the substances or the amount of taxes imposed by section 4661 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund,

(3) the impact of the taxes imposed by sections 4611, 4661, and 4681 of the Internal Revenue Code of 1954 on the Nation's balance of trade with other countries (in consultation with the Secretary of Commerce and the United States Trade Representative), and

(4) the necessity for, and methods of financing (including the adequacy of the amount raised in light of future requirements), the Post-Closure Liability Trust Fund.

(b) The Administrator of the Environmental Protection Agency shall conduct studies on and make such recommendations as he deems appropriate on amendments to assure that risk to public health and welfare and the environment from closed hazardous waste facilities, is minimized. Recommendations shall include but not be limited to the appropriate division of responsibility among the Post-Closure Fund, State and local governments, the owners and operators of facilities, for their care in perpetuity; the appropriate role of private insurance and means of encouraging the development of such.

(c) Report.—

(1) In general.—Not later than January 1, 1985, the Secretary of the Treasury shall submit to the Congress a report on the results of the study conducted under subsection (a) (other than paragraph (4) thereof), together with such recommendations as he deems feasible.

(2) Post-closure liability trust fund.—The Secretary of the Treasury shall submit to the Congress a report on the results of the study conducted under subsection (a) (4), together with such recommendations as he deems feasible, on the date—

(A) which is 30 months after the date of the enactment of this Act, and

(B) which is 42 months after such date.

Sec. 242. Tax Treatment of Industrial Development Bonds Issues to Finance Pollution Control or Waste Disposal Facilities.

(a) In General.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by redesignating subsection (h) as subsection (j), and by inserting after subsection (g) the following new subsections:

"(h) Air or Water Pollution Control Facilities.—For purposes of this section—

"(1) In general.—The term 'air or water pollution control facility' means land or property of a character subject to depreciation under section 167—

"(A) which is acquired, constructed, reconstructed, or erected to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, storing, or preventing the creation or emission of pollutants, contaminants, wastes, or heat,

"(B) which is certified by the Federal certifying authority (as defined in section 169 (d)(2)) or the State certifying authority (as defined in section 169(d)(3)) as meeting or furthering Federal or State requirements for abatement or control of water or atmospheric pollution or contamination, and

"(C) all or a portion of the expenditures for the acquisition, construction, reconstruction, or erection of which would not be made except for the purpose of abating, controlling, or preventing pollution.

"(2) Exempt financing to be unavailable for expenditures for purposes other than pollution control.—

"(A) In general.—Subsection (b)(4)(F) of this section shall not apply with respect to any issue of obligations (otherwise qualifying under subsection (b)(4)(F)) if the portion of the proceeds of such issue which is used to provide air or water pollution control facilities exceeds (by more than an insubstantial amount) the amount by which—

"(i) the cost of acquiring, constructing, reconstructing, or erecting the facility, exceeds

"(ii) the net profit which may reasonably be expected to be derived through the recovery of wastes or otherwise in the operation of the facility over its actual useful life.

"(B) Net profit.—For purposes of this paragraph, the term 'net profit' means the present value of benefits (using a discount rate of 12½ percent) to be derived from that portion of such cost properly attributable to the purpose of increasing the output or capacity, or extending the useful life, or reducing the total operating costs of the plant or other property (or any unit thereof) in connection with which such facility is to be operated, reduced by the sum of—

"(i) the total cost incurred to acquire, construct, reconstruct, or erect the property (reduced by its estimated salvage value), and

"(ii) the present value (using a discount rate of 12¼ percent of) all expenses reasonably expected to be incurred in the operation and maintenance of the property, including utility and labor costs, Federal, State, and local income taxes, the cost of insurance, and interest expense.

"(i) Solid Waste Disposal Facilities.—For purposes of this section, the term 'hazardous waste or solid waste disposal facilities' includes land and property of a character subject to depreciation under section 167 which is acquired, constructed, reconstructed, or erected for no significant purpose other than to comply with hazardous or solid waste management requirements imposed by the Solid Waste Disposal Act.".

(b) Conforming Amendment.—Subparagraph (E) of section 103(b)(4) of such Code is amended by inserting ", hazardous waste," after "sewage".

(c) Clarification of Reference.—For purposes of section 103(i) of the Internal Revenue Code of 1954, any reference to the Solid Waste Disposal Act means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and as it is, or may be, amended from time to time by other Acts. No inference shall be drawn from the preceding sentence with respect to the presence or absence of the words "as amended", by themselves or in combination with a reference to another Act, whenever reference is made in any other provision of law to an Act by its short title.

(d) The amendments made by subsections (a) and (b) of this section shall apply with respect to obligations issued after the date of enactment of this Act and with respect to taxable years ending after that date.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

SEC. 301. (a) The President shall submit to the Congress, within four years after enactment of this Act a comprehensive report on experience with the implementation of this Act, including, but not limited to—

(1) the extent to which the Act and Fund are effective in enabling government to respond to and mitigate the effects of releases of hazardous substances;

(2) a summary of past receipts and disbursements from the Fund;

(3) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(4) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(5) the record of State participation in the system of response, liability, and compensation established by this Act;

(6) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(7) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, co-insurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

(c) (1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f)(4) and (5) of the Federal Water Pollution Control Act.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field obervation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short and long term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include:

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e) (1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within 12 months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The Study Chairman and one Reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to:

(i) carcinogens, mutagens, and teratogens, and (ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address:

(A) the need for revisions in existing statutory or common law; and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one Reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the National Contingency Plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

SEC. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutant or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985.

CONFORMING AMENDMENTS

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

(b) One half of any sums appropriated prior to the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the ------ dealing with the matter of ------, which rule or regulation was transmitted to Congress on ------.", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

TRANSPORTATION

SEC. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances listed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however*, That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

SEC. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substances Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates under section 5315 of title 5, United States Code.

(c) The amendment made by subsection (a) shall become effective 90 days after the date of the enactment of this Act.

SEPARABILITY

SEC. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

TRIBUTE TO SENATOR RIBICOFF

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a letter I wrote on June 2, 1980, to Senator RIBICOFF relative to his departure from this body be printed in the RECORD at the proper place. I understand that the RECORD is open for testimonials to Senator RIBICOFF.

The PRESIDING OFFICER. The Senator is correct.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR ABE: Almost before we know it this Congress is going to be history and you are going to be retired of your own will and living happily and comfortably in Connecticut.

I didn't want the time to slip by without your knowing what a real privilege and honor it has been for me to serve with you in the Senate of the United States. I consider you to be one of the most honorable men I have ever known in this body, a highly intelligent person but, more than all of the good things said about you, you are a very warm, kind gentleman and I value your friendship more than it is possible for me to tell you.

My prayers are yours for a long life of happiness.

With best personal wishes,

BARRY GOLDWATER.

ROBERT JOHNSTON: A GOOD FRIEND AND A GREAT LEADER

Mr. PERCY. Mr. President, on Saturday, October 25, the men and women of the United Auto Workers Union in Illinois and Iowa—and I personally—lost a great friend when Robert Johnston died suddenly in Des Plaines, Ill.

The son of an Iowa coal miner, Bob had been director of the UAW's region 4 for 24 years and retired this past summer. He had also served at one time as Director of Labor for the State of Illinois in the administration of former Gov. Otto Kerner. His commitment to the well-being of every UAW member, and to working people everywhere, was total, steadfast, and deeply rooted in his strong personal belief in the dignity of labor and the importance of working people in a democratic society.

Almost as strong and deep as his love for working people was Bob's love for politics. As a Republican and a former businessman, I must admit that I was somewhat surprised, but nonetheless pleased by and grateful for his support for me in the early years of my Senate career. Over the years, we became great friends and he subsequently became one of the first members of the advisory committee composed of Illinois labor leaders that I formed to help me keep in touch with their concerns.

There was no problem, no issue that I could discuss with Bob without being impressed by his intuition, wisdom and commonsense. His advice and counsel were practical, honest and direct.

I shall miss him very much.

Loraine and I offer our condolences to his wife, Carole, and to his children: Bart, Michael, Kelly, Chris and Marybeth.

NOVEMBER 17–22—"EVERYTHING HAS A PRICE" WEEK

Mr. PERCY. Mr. President, every law enforcement official I have ever met feels that the support of each segment of the community is essential to the effort to fight crime. I could not agree more.

I am, therefore, particularly delighted at this time to call the attention of my colleagues to the laudable and continuing effort of the Illinois Retail Merchants Association to reduce shoplifting and other marketplace crimes through its annual, "Everything Has a Price" campaign. Joining the retailers in this educational effort is the Illinois Coalition to prevent Shoplifting, which includes representatives of the Illinois Federation of

Women's Clubs, Distributive Education Clubs of Illinois, and the Illinois Department of Law Enforcement. The highlight of this campaign is the designation in Illinois of November 17–22 as "Everything Has a Price" week.

The primary goal of this campaign is to remind the public that stealing from stores is a crime we all end up paying for. This is especially worth noting as we enter the busy pre-Christmas season. The Illinois Retail Merchants Association estimates that retail theft costs the average family $200 or more each year in higher prices, increased costs of insurance and law enforcement and adversely affects job opportunities and government services.

I believe that the Illinois Retail Merchants Association, through this outstanding program, is performing an invaluable service in educating the public on the effects of retail crime and how we may all join together to combat it. I am very proud and appreciative of IRMA's leadership in this important effort and would like to share with my colleagues in greater detail some information about the "Everything Has a Price" campaign.

Mr. President, I ask unanimous consent that the press release issued by IRMA on its special effort, and the contents of a small brochure entitled, "Impact of Retail Theft," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVERYTHING HAS A PRICE WEEK, NOVEMBER 17–22

November 17–22 has been designated "Everything Has a Price Week" by Directors of the Illinois Retail Merchants Association, announced Hugh E Muncy, IRMA President. Throughout the WEEK public attention will be called to the fact that stealing from stores is a major crime victimizing more than the store. Cooperating with IRMA as sponsors of the "Everything Has a Price" program are the Illinois Federation of Women's Clubs, Distributive Education Clubs of Illinois and Illinois Department of Law Enforcement, members of the Illinois Coalition to Prevent Shoplifting.

"In spite of statistics, the public tends to treat retail theft as something other than a crime," said Muncy. "We are dealing with 'respectable' people and juveniles who steal, not from need, but for fun or a thrill. The shoplifter's rationale seems to be—the store won't miss it—or—It won't hurt anyone." He pointed out that theft from stores victimizes consumers, taxpayers, state and municipal governments, law enforcement agencies and the courts. Even thieves, when caught and convicted, become victims.

Nationally losses due to retail theft amount to $9 billion annually. Illinois losses are in the neighborhood of $700 million. Over four million people are caught stealing from stores every year. They represent all ages, all social, economic and ethnic backgrounds. For many, shoplifting is socially acceptable behavior.

A major concern of retailers is the large number of young people involved in stealing from stores. Over half of those apprehended are juveniles. Through "Everything Has a Price Week" activities scheduled with retailers, educators, youth groups, parents, news media and government officials special effort will be made to inform young people that stealing from stores is a crime. Campaign activities will also point out retail theft costs the average family $200 or more a year in higher prices, increased cost of insurance and law enforcement and adversely affects job opportunities and government services.

Retailers spend billions of dollars on theft prevention and prosecution. However, they cannot effectively reduce crime without the cooperation of concerned citizens, Muncy advised. Referring to "Everything Has a Price Week" as an opportunity to take positive action against a crime that victimizes everyone, the Retail Merchants chief offered these simple steps for shoplifting prevention: Keep a watchful eye on someone you suspect is about to steal, report thefts to store personnel, indicate to shoppers who nibble, damage packaging or products or alter prices that you don't approve.

"Everything Has a Price Week" information and assistance may be secured from the Illinois Retail Merchants Association offices in Chicago or Springfield.

IMPACT OF RETAIL THEFT

WHAT IS RETAIL THEFT?

Retail theft is concealing, abandoning, or knowingly depriving a merchant of use or payment of full value of merchandise.

Altering price tags, switching containers, removing shopping carts from the premises are crimes under the Retail Theft Act.

Employees who take home more than their pay check or who give friends cutrate prices are performing acts of retail theft.

Damaging packaging or products, nibbling fruit or candy "on the house" are some other ways merchants are deprived of payment for full value of merchandise.

The Illinois Retail Theft Act allows the merchant to detain a suspect anywhere on or off the premises of the store to determine identity, verify identification and to notify a peace officer.

Retailers may sue parents of minors involved in store thefts for damages up to $500. Suits may be initiated prior to conviction.

First offense involving property with full retail value of less than $150 can bring fines up to $1,000 and/or imprisonment up to one year. Second offense—fines up to $10,000 and/or one to 3 years in prison.

Someone steals a 25-cent candy bar, an $8.00 tape cassette or a $30.00 pair of jeans.

Just a little thing? The store can afford it? It can't hurt anyone?

In 1979 merchants across the country estimated losses due to retail theft at nearly $9 billion. Over four million people were apprehended for stealing from stores. So you see, it's not one candy bar or one pair of jeans . . . or even one thief. The largest single monetary crime in the nation, retail theft is rated by the FBI as one of our fastest growing crimes. In the period 1974–78, stealing from stores increased 19 percent; increases for both property and violent crimes were just under 9 percent.

Retail theft in Illinois: $700 million annually, or $1,500 a minute 300 business days a year.

Experts say stealing from stores and related crimes continue to grow because the social and psychological climate is right. We have a permissive society following a doctrine of "let's get something for nothing."

Stealing from stores has become a game for rich and poor alike. A thrill, a dare, frustration (seldom need) are reasons given by people for stealing. More often than not the thief has enough money (or credit cards) to pay for the stolen items.

Law abiding citizens contribute to the climate that tolerates crime when they look the other way or say "I don't want to get involved."

Retail prices are often affected by uncontrollable external factors . . . inflation, product and energy shortages . . . and stealing from stores.

An average two percent of sales volume per store is lost due to theft. In some stores loss equals or exceeds profit.

Whether or not the merchant sells his stock he must pay suppliers, the rent, utilities, taxes, and all the store employees. To make up his loss, for every dollar stolen the retailer must sell an additional $100 worth of merchandise. Rarely is this possible. The store can't afford the loss. So the retailer is forced to raise prices. Industry experts estimate that an average family pays $300 to $500 a year—the price of a color television—to cover theft losses. When somebody steals, everybody pays.

Higher prices . . . restrictions on freedom to see, touch and try merchandise . . . fear of crime . . . unemployment . . . community decay . . . reduced public services . . . ruined lives.

These are just a few of the ways retail theft reaches to hurt everyone.

Many shoppers feel that theft is a store problem, or a police problem. It is a store and a police problem . . . retail theft is everybody's problem!

Stores, law enforcement agencies and the courts spend millions of dollars on theft prevention devices and programs, but it will take the effort of every concerned citizen to bring the problem under control.

There are positive steps everyone can take to reduce crime:

1. Don't turn away if you suspect someone is about to steal. Thieves don't like to operate under a watchful eye.
2. Indicate disapproval of the shopper who nibbles, damages products and packaging or alters prices.
3. Report thieves to store personnel.
4. Become familiar with the law.
5. Talk to young people, to friends and neighbors about the consequences of stealing from stores.
6. Work with schools, parent and civic organizations to build awareness to the impact of retail theft on our daily lives.
7. Support retailers and other community leaders in annual local everything has a price—stealing from stores can cost you plenty observance.

IT'S A FACT

Stealing from stores is the first step to a career in crime.

The majority of individuals apprehended for stealing from stores are juveniles. FBI estimates one out of 3 persons age 13–19 steals merchandise some time.

Girls outnumber boys 20 to 1 in retail theft.

Of some 30,000 high school students surveyed, 70 percent admitted to stealing from stores; the majority did not consider this a serious crime.

Most young people steal from stores for fun, a thrill . . . on a dare.

According to the U.S. Crime Index of 1978, 42 percent of all larceny-thefts involved young people under 18; 59 percent under 21. Almost half the juveniles arrested are not formally charged. In addition, the FBI indicates many thefts, particularly if property value is small, never come to police attention.

Persons under 15 make up 8 percent of all police arrests; under 18 years—25 percent; under 21—41 percent; under 25—57 percent. In suburban areas the figure is higher for 15 year olds—10 percent.

Nationally nearly $9 billion in merchandise was stolen from stores last year. This is at the rate of approximately $24 million daily.

About 45 percent of retail theft occurs during the Christmas shopping season (November-December). The next most active period is mid-August to mid-September, the back to school season, then pre-Easter and school summer vacation.

Items most commonly stolen: wearing apparel, jewelry, perfume, beauty aids, tools, appliances, tape recordings, records, gift items. Meat and cigarettes are top food store items.

FBI reports average value of stolen merchandise per shoplifting apprehension is now $49.00. Just a few years ago the average, especially in cases involving youngsters, was $2.00.

Ninety-nine percent of persons apprehended for stealing from stores have enough money or credit cards with them to pay for the merchandise stolen.

In one year a major national retail firm apprehended 29,670 customers and 3.165 employees for stealing from its stores.

Employees often indicate they steal because they have been overlooked for a raise or promotion and feel the company "owes it to them."

Because some people steal stores are forced to place restrictions on your freedom to see, touch and try merchandise.

Stealing from stores can earn a criminal record, ruin a life. Conviction limits entry into jobs requiring a good character reference: doctor, lawyer, teacher, insurance or real estate agent, fireman, dock hand, civil service, and more. Credit may be difficult to secure.

A passport may be denied a person with a criminal record.

A person can be arrested at any age.

A juvenile record may be reported "delinquent," a category that can include serious crime.

A New York study claims one out of every 15 customers enters a store with intent to steal.

Stealing from stores is as prevalent in affluent areas as in poor. All social, economic, religious, ethnic and color groups are represented by those who steal from stores.

Some experts feel juveniles become involved in crime as a result of watching parents cheat on income tax and steal pencils from the office.

Smaller stores suffer 68 percent of all shoplifting and other crimes against business. These stores represent 30 percent of the nation's business receipts.

Out of every $50,000 in sales, a retailer loses $1,000 worth of inventory to thieves.

Retail theft denies sales tax revenues to state and local governments; corporate taxes are diminished. Taxpayers face cutbacks in public services such as street maintenance, health and welfare assistance, police and fire protection, recreation facilities, sanitation services, and/or increased taxes in other areas.

Stealing from stores has forced many small merchants into bankruptcy. This represents a loss of money flowing to banks, to workers, to suppliers, transportation companies, wholesalers, warehouses, utility companies and government.

Permissive stealing from stores opens a community to other forms of crime.

High crime rates increase the cost of property and life insurance.

High crime rates create fear, increase need for locks, alarms and other home security devices.

Every time an item of merchandise is sold it provides a living for 112 people (based on a family of four per worker). If merchandise can not be sold profitably, the need for production ceases.

Retailing employs 14.6 percent of Illinois' labor force. Some 732,000 retail workers earn $5 billion annually. Retail theft threatens this job market.

Retail theft prevention is costly. Merchants spend over $2 billion annually on theft prevention devices such as closed circuit TV, two-way mirrors, cameras, aisle mirrors, sensitized merchandise tags, guards, locks and chains, signs, alarms.

Thieves pay for retail theft, too, in legal fees, fines, court costs.

They pay with freedom to choose their friends, hours, and activities . . . the probation or parole officer helps make these choices.

ENERGY SECURITY

Mr. PERCY. Mr. President, the realization is dawning among energy experts that the present state of the world oil market—and the political instability of the Middle East—make the 1980's a very dangerous decade. The risk of severe, sustained interruptions in the flow of oil is greater than ever before. Any such disruption could lead to yet another doubling or tripling of crude oil prices, to as much as $100 per barrel, which may have devastating consequences. The issue is no longer whether this will happen, but when it will happen.

The war between Iraq and Iran suggests it may happen soon—if not from this conflict, then from the next one, or the one after that. Sooner or later, our luck may run out.

In energy policy as in the military, the best way to keep crisis from our door is to look ready—and be ready—to respond. The truth is that we are not well prepared for a major supply disruption. Our only strategies for coping with an energy emergency are slow, ineffective, or not yet ready. The Federal Government's energy preparedness effort is run by the equivalent of a Deputy Assistant Secretary and staffed by less than 1 percent of the Energy Department's total work force.

It is time to change all this. I am confident that the new President and new Congress will put energy security issues at the top of the Nation's energy priorities. And there is a lot that can be done.

First, we must adopt a strategy to restrain world crude oil prices. The best way is to fill the strategic reserve at the fastest rate that market conditions permit. Until the reserve is much larger than it is now, our best hope for keeping order in the spot market is to join with other oil-consuming nations in a coordinated oil purchase and inventory drawdown plan. America should be prepared to act independently, if necessary. DOE should work with industry to insure that private stocks would be reduced voluntarily during a shortage. It may be necessary for the Government to set an example by preparing to release strategic reserve oil early in an emergency.

Second, we need realistic measures to cut gasoline demand quickly. The emphasis must be on speed of implementation, not fine tuning. Let us recognize that gas rationing cannot be carried out fast enough to matter; by the time DOE distributed coupons, the unabated shortage might push oil prices high enough to make the coupons worthless. Likewise, we should acknowledge that procedural snarls may keep Federal and State emergency conservation programs from quickly coping with the shortage. By contrast, if Congress approved a standby tax—with all revenues rebated to the public—the President could put this plan into effect soon after a shortage hit.

Third, we must lay plans to work our way out of a shortage that may last much longer and be far more severe than any in the 1970's. If we did a little homework, we could surprise ourselves—and OPEC—by the speed with which weatherizing homes, making fuels from biomass, and "cracking" more gasoline and home heating oil from each barrel of crude could be done through industry and Government cooperation. An emergency might even lead to the breakthroughs many technologies need. What we need is a "can do" attitude throughout the Nation, and a Government willing to set priorities and stick with them.

A bipartisan consensus is building in support of these approaches. A recent New York Times editorial succinctly stated the issue, and called upon President-elect Reagan and the Congress to act. I am confident that we will, and I ask unanimous consent that the Times editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAN A CONSERVATIVE CONSERVE OIL?

Ronald Reagan brushed aside energy issues during the campaign, insisting that shortages could be overcome by unleashing private enterprise. But not even his most fervent supporters in the energy business share that optimism. Virtually all private forecasts predict declining domestic oil production and liquid fuel shortages in the next decade.

Thus the new President faces a choice. He can press now for tough measures to reduce dependence on imported oil. Or he can take a chance, risking the country's prosperity on the hope that the shortages can somehow be alleviated when they come.

The problem has two dimensions:

Short-term shortages. Twice in seven years, conflict in the Middle East has created havoc at America's gas pumps. Congress finally gave the President the right to ration gasoline. But the rationing plan cannot be invoked except in extreme emergencies, and no one expects it to work well.

The first line of defense against collapse of the oil import lifeline should be the strategic petroleum reserve. Due mostly to mismanagement by the Carter Administration, that reserve contains only about 100 million barrels of oil, hardly enough to replace a few weeks' imports. The new Administration should find little opposition in Congress to a crash program to add perhaps a million barrels a day.

No conceivable reserve, however, could make up for all the oil lost in an emergency. Some ways of reducing consumption are also needed. Mr. Reagan has a healthy aversion to bureaucratic rationing schemes. But it is hard to see why conservatives should oppose an emergency tax on gasoline as an alternative to gasoline lines, especially if the revenues were earmarked for the reduction of other taxes.

Energy to sustain long-term growth. Mr. Reagan places the highest priority on putting the nation back to work. But the most ambitious growth strategy can be ruined by a lack of liquid fuel.

Sensibly, Mr. Reagan sees the need for accelerating oil exploration on public lands. And he favors the substitution of coal, synthetic fuels and nuclear power for scarce oil. A domestic production effort alone, though, could not sustain annual economic growth of 3 to 4 percent through the 1980's. The nation must either conserve more at home or beg for more oil from reluctant sellers abroad.

Some forms of conservation require more government: higher efficiency requirements for cars, car pooling and mass transportation plans, and mandatory efficiency standards for buildings, appliances and industrial equipment. But conservation can also be achieved through market pressures. To induce more efficient use of oil, Mr. Reagan would need only to reward efficiency with tax credits and to penalize inefficiency with higher taxes.

What he cannot afford is to deny the problem or to keep implying that Americans have a birthright to burn oil at will. A stable and growing economy, and the nation's wealth and independence, hang in the balance.

LIKE FATHER, LIKE SON

Mr. PERCY. Mr. President, many of my colleagues are already acquainted with my friend and constituent, W. Clement Stone of Chicago, but relatively fewer know his talented and hard-working son, Clem.

Clem is the president and chief executive officer of Combined International, the parent company of the family insurance business founded by his father in 1919.

Because of my friendship with the Stone family, I have followed the careers of both father and son with great interest. As Senator from Illinois, whose great city of Chicago is becoming more and more one of the international business and finance capitals of the world, I am proud of the achievements of their Illinois-based company.

Earlier this year, Combined International completed an agreement with the Japanese Government by which the company will begin insurance operations in Japan. This is very good news indeed and another indication of the economic cooperation between the United States and Japan that is both desirable and necessary to our economic well-being.

I congratulate Clem on the negotiation of this agreement and on the complimentary article which appeared in the Chicago Sun-Times this past summer.

Mr. President, I ask unanimous consent that the July 23 article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLEM STONE: LIKE FATHER, A POSITIVE SUCCESS

(By Clark W. Bele)

While flamboyant W. Clement Stone entertained the Republican troops last week in Detroit, his son Clem was minding the store in Chicago.

Clem Stone, 52, sold his first insurance policy at the age of 14. Today he serves as president and chief executive officer of Combined International, the umbrella holding company for the insurance empire his father started in 1919.

Clem has assumed the role of company architect and marketing mastermind, as Big Daddy has become increasingly active in political and philanthropic causes. The younger Stone's accomplishments include:

Taking charge of the company's fledgling United Kingdom marketing efforts in 1965, shortly after he graduated from Harvard with an MBA. Upon his arrival, the UK office had 15 field reps, $26,000 in premium volume and a debt load of $250,000. By 1971, Combined's profit in the UK was $820,000 on premium volume of $9.4 million. In seven years, the annual compounded rate of growth exceeded 100 percent.

Returning to Chicago headquarters in 1972 as president and chief operating officer. A year later he was elected CEO.

Moving the company's marketing and management offices in 1978 to a new office complex in Northbrook. Operations remain in the city, at 5050 N. Broadway.

Engineering the recent agreement that allows Combined Insurance to sell in Japan. Initial marketing efforts will begin in two years and involve a policy that combines term life and disability income. The company's license, approved after months of intense negotiations with the Japanese government, will permit Combined to eventually engage in all phases of life insurance.

"Our biggest problem in Japan is building a professional sales staff," Stone said in a recent interview. "Most insurance companies use a part-time sales force, but we want a full-time staff. However, Japanese workers are loyal and most wouldn't consider a job change. It's going to take us some time to build an experienced staff."

Despite the possible roadblocks, Stone predicts Japan will contribute $100 million a year to Combined's coffers by the end of the decade.

Deciding to change the company's name from Combined Insurance Co. of America to Combined International Corp. The holding company began trading its shares on the New York Stock Exchange on June 2. The new name also signals that the company is actively pursuing acquisitions "into other viable insurance and financial service markets," Stone said. Appropriately, the company's ticker symbol is PMA, the initials of W. Clement Stone's legendary Positive Mental Attitude self-motivation program.

Clem, who comes across as more pensive than his famous father, is a believer in the PMA creed but approaches life with less of a rah-rah spirit. If W. Clement Stone is considered an aggressive entrepreneur, his son is a corporate quarterback who better understands the importance of marketing management. Like his father, Clem loves to suck on a big cigar and discuss business.

In 1979, the company reported an 18.7 percent increase in profits to $90.7 million on revenues of $662.5 million. Total premiums earned were $594.4 million and ordinary life insurance in force exceeds $5 billion.

This year's first-quarter earnings were up 5 percent to $20.4 million, while revenues gained 11.1 percent to $173.9 million. Stone expects improved quarterly results throughout the year, but probably not good enough to meet his goal of 15 percent improvement in annual earnings and sales.

Nearly half of Combined's sales are generated from door-to-door commercial solicitations. The company's sales force works a business district as hard as Boy Scouts on a raffle drive.

"We turn cold canvassing into gold canvassing," Stone said. Like father, like son.

JERSEYVILLE, ILL.

Mr. PERCY. Mr. President, during the recess, I traveled extensively in my home State of Illinois and had the pleasure of meeting with a great many of my constituents to hear their concerns and listen to their suggestions about how we can get this great country of ours moving again. My travels took me to virtually every part of this very large and dynamic State that I am privileged to serve in the U.S. Senate. I had numerous occasions to visit with local officials and see projects of importance to their communities.

One unique community that I wish to bring to the attention of my colleagues is Jerseyville, Ill., in the west-central portion of the State, just north of the St. Louis metropolitan area, Jerseyville is a community surrounded by farmland, but near enough to St. Louis to also serve as a bedroom community to the St. Louis/metro-east industrial complex. It is a community that has beautifully blended the varied interests of constituents from the farm and the city, while preserving the important traditions of the smaller, Midwest community.

Mayor Joseph S. Susnig, and city commissioners welcomed me to Jerseyville on this trip by showing me many of their fine accomplishments, some of which have resulted from Federal assistance. However, the deep commitment of the local officials and citizens of Jerseyville is the main ingredient of the success they have achieved. For without their dedication to improving the quality of life in Jerseyville, no amount of Federal assistance could make a difference.

Jerseyville has made a full range of commitments for improving its community, including housing rehabilitation, vocational rehabilitation, programs for senior citizens as well as economic development. In 1975, the city received a community development block grant from HUD for $300,000 for housing rehabilitation in some of the oldest sections of the city. A HUD comprehensive small cities 3-year block grant followed, in the amount of $2.7 million, for the extension of street, water, and sewer into the new Jerseyville Mall, more housing rehabilitation, construction of the neighborhood facilities center, and two major arterial streets, one on the east and one on the west side of the city.

The city, now in its third year of funding, has already rehabilitated well over 100 homes. It is on its way to finishing the community facility that will serve the entire Jersey County area. The facility will provide a nutrition program for senior citizens, a new vocational rehabilitation building, and a recreation facility. In addition, a special area in the building will be dedicated as a place for senior citizens to spend their days enjoying companionship and fellowship. The center will surely be an asset to this community.

Jerseyville's record in housing is a real success story. I had the opportunity to visit three homes that have been rehabilitated and heard the expressions of appreciation by the people living in them. The rehabilitation work included basic improvements such as the installation of insulation, exterior siding, central heating furnaces, hot water heaters, and showers. These improvements represent the very basic necessities that serve to enhance the quality of life for these citizens. The city should be commended for the quality of its work, as well as its control of administrative cost in the program. While holding administrative costs to less than 5 percent, the city has provided residents with more livable and efficient homes. In some cases, utility costs to homeowners have actually been reduced by saving energy through efficiency.

The rehabilitation has been financed in part, by block grant funds. the section 312 loan program or a combination of both. A citizen advisory panel reviews each application and determines the financing formula that is best suited for each request. In some cases sweat equity on the part of the homeowner is also a part of the financing package.

I later had the opportunity to tour the Jerseyville Industrial Park to see the development that has taken place. A combination of efforts by ERA, FmHA, and a strong local initiative have developed this industrial complex. Roper Plastics of Los Angeles has a plant in the park employing approximately 70 persons, as does the Instringhausen Railroad Specialists, Inc., locating there in 1978. This park promises to grow and provide even more employment to the Jersey County area.

I was thrilled to see this evidence of the cost-effective use of Federal funds by the city of Jerseyville. It is a great success story. This community has done an outstanding job of improving the quality of life for its citizens through the prudent use of Federal, State, and local funding. The spirit represented in this community reinforces my belief that Illinois has forward-looking citizens and local leaders who continue to find innovative ways to deal with the challenges before them, through dedication and hard work. Jerseyville has demonstrated it can be done.

ROBERT McNAMARA'S FAREWELL TO THE WORLD BANK

Mr. PERCY. Mr. President, next year Robert C. McNamara ends a remarkable 13-year period of service as President of the World Bank. During this time he has exerted strong, progressive leadership which has resulted in historic changes for the Bank.

Even those who may differ with Bob McNamara on some policy areas respect his outstanding abilities. A recent Washington Post article quotes McNamara as saying that he believes he has shown "you could be a hard-headed investment manager, and at the same time sensitive to basic human welfare." An African finance minister stated his opinion that "Robert McNamara has been a voice of compassion, of conscience and of competence."

At the recent annual meeting of the World Bank and International Monetary Fund, Mr. McNamara gave his farewell address; it is truly inspiring and I commend it to all my colleagues. Mr. President, I ask unanimous consent that a Washington Post article of October 12 by Hobart Rowen, entitled "Reconciling Management and Human Welfare," and Robert S. McNamara's address of September 30 before the World Bank and International Monetary Fund be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Reconciling Management and Human Welfare

(By Hobart Rowen)

At the recently completed annual meetings of the World Bank and International Monetary Fund, Amir Jamal, the finance minister of Tanzania and chairman for the sessions—leveled a bitter blast at both institutions, which he said appear to be "the last bastion of an existing system, unwilling to change, except most grudgingly, slowly and marginally."

But Jamal, like most of his colleagues, had an exception to the sweeping indictment. For Robert S. McNamara, who will retire next year as president of the bank after 13 years at the helm, Jamal had nothing but praise.

Not only did bank lending bulge from $1 billion to $12 billion under McNamara's "sympathetic and enlightened leadership," Jamal said, but there was something more—"the legacy of lending programs whose quality and character have become increasingly responsive to the fundamental needs of developing societies that he leaves behind him. Above all, Robert McNamara has been a voice of compassion, of conscience and of competence."

There have been few men who have had as much impact on the nation and who have generated as much controversy as Robert Strange McNamara in his 20-year span in Washington, first as Secretary of Defense during the Vietnam war, and then as president of the World Bank.

An aggressive business manager who came to the Pentagon via Ford Motor Co., McNamara has a reputation as a cold efficiency expert with a computerlike mind. Some former associates insist that he brooks no criticism, and for years has been surrounded by "yes-men" who will betray their own and the bank's weaknesses once McNamara is gone.

He has equally strong defenders who say that no other man could have had the imagination and drive to turn the bank into the powerful and highly respected AAA-rated institution that it is today.

There is no doubt that McNamara is also a tense and highly emotional man. Addressing the annual meeting for the last time, McNamara choked with emotion as he warned that no matter how much money his bank could lend, there still would be 600 million persons suffering in "absolute poverty" at the end of the century. But he said that the past 13 years, despite the many frustrations, "have been the best years of my life—I wouldn't trade them for anything." He then turned to a George Bernard Shaw quotation to sum things up: "You see things and say 'Why?' But I dream things that never were, and say 'Why not?' "

Last week, in a rare interview in his 12th floor World Bank office, sandwiched between bilateral conversations with dozens of finance ministers from all over the world, McNamara said that the gap between rich and poor countries is still there and is likely to grow.

He noted that his interest in the poor had a personal beginning, when he couldn't afford to go to the college of his choice—Stanford—and had to scrape together the $52 annual "towel fee" at Berkeley, where he finally did go.

As to the suggestion (sometimes made by his critics) "that I'm interested in this [development work] because of whatever I did or didn't do in Vietnam, [it] is baloney," McNamara said. "I can guaranteed you it doesn't have a damn thing to do with it."

His own view of his performance at the bank is that he's shown "you could be a hard-headed investment manager, and at the same time sensitive to basic human welfare. I think the greatest contribution that managers can make to development is to help the developing countries use their resources most effectively.

"That's my job. I'm a professional man. I've spent 40 years, now, investing other people's money, and I think I know how to do that. That's what I'm interested in, and that's what I've been able to do—reconciling two things that people think are irreconcilable—hard-headed management going for profit on one hand and advancing human welfare on the other. And I get a real thrill out of it."

McNamara said that his biggest satisfaction as bank president, "in a sense the high point, has been the growing acceptance of the necessity of dealing with the problem of 'absolute poverty.' " He pointed out that 13 years ago neither the term nor the concept was in vogue.

Conversely, McNamara's biggest disappointment is that "my own country" doesn't fully understand that it is in the nation's self-interest to extend a more generous hand to the developing countries.

In his farewell speech to the World Bank-IMF meeting, McNamara pointed an accusing finger at the United States (and Japan) for falling below the average level of concessional aid offered by other industrial nations. "The former Secretary of State [Cyrus Vance] called the U.S. performance 'disgraceful'—and I agree with him," McNamara told the meeting.

The former Ford executive frequently has observed that "man cannot live by GNP alone." Making his own penciled notes as the interview proceeded, McNamara said that his staff tries to discourage him from appealing for U.S. support in terms of belief in God, or in the quality of life. "But I believe one should appeal to it," he said. "It is a very fundamental driving motive, and one should appeal to it. It's there. If we don't, I think our nation will suffer, and I'm sure the world will."

It's a message that McNamara has been trying to get across for many years, and his eloquence is one reason for the genuine affection for him in the Third World. He gets Third World plus-marks, also, for having engineered a gradual shift in the bank's lending operations away from the standard "infrastructure"—power projects, roads and the like—toward "basic human needs," focusing instead on the kind of projects that directly help the poor.

And in recent months, as the bank has been more open in its criticism of oil cartel pricing, it has been willing to lend money to tide its clients over balance-of-payments deficits arising out of higher oil prices.

Although McNamara now bluntly blames the Organization of Petroleum Exporting Countries for many of the world's current economic ills—something he refused to do four or five years ago—he believes it counterproductive for the bank to place any political pressure on OPEC to reduce prices even though the massive boosts have hurt the Third World more seriously than anyone else.

McNamara contends that the world has to accept a steady, real increase in the price of oil to stimulate both conservation and to make it financially feasible to produce large amounts of alternate kinds of energy. But at the time of the first oil shock in 1973, McNamara and other bank officials were saying precisely the same thing. The bank (and others) made the basic miscalculation then that if oil got as high as $7.50 a barrel, the world would have solved the problem.

McNamara would not discuss such issues during the interview, saying for the record only that he thinks OPEC "itself is moving toward a more gradual, more predictable change in energy prices. And I think that would be very much in the interest of the world."

Everything that McNamara visualizes for the bank in the next decade of course will cost increasing amounts of money in an inflationary world. To his disappointment, McNamara meets resistance in the First World in trying to beef up the capacity of the bank to make loans to the increasingly hard-pressed developing countries.

With the sympathetic help of the Carter administration, the bank's capital is in the process of being stretched from $45 billion to $85 billion—a goal that eluded McNamara during the tight-fisted Gerald Ford administration—provided a recalcitrant Congress comes up with an increased appropriation next spring.

Nonetheless, McNamara argues that to handle the burden of loans during this decade—taking into account inflation, energy development and the not inconsiderable needs of its newest large member, the People's Republic of China—the bank must be expanded again.

High Carter administration officials—although ideologically right on McNamara's wave length—are a bit chagrined that McNamara brought up expansion of the bank before Congress has acted on the capital increase. In particular, they are sensitive to one of the ways McNamara suggests boosting the bank's loan potential. This would be an alteration in the bank's present "gearing ratio," which provides that its total loans must be limited, dollar for dollar, to the total of its subscribed capital and reserves.

A one-to-one ratio is highly conservative—commercial banks can lend 15 to 20 times their equity. The Brandt Commission, created at McNamara's suggestion, had recommended that the bank increase its loans by lending $2.00 for every $1.00 in the equity base.

McNamara did not endorse a specific new ratio, just the principle of something more flexible. Asked why he didn't wait a bit, McNamara said during the interview that "the time for the expansion of the improved lending program is now." If there is a problem on Capitol Hill, "then I'd simply say, 'Let's sit down and talk to them about it. Let's make clear where the U.S. interest is.' There aren't 5 percent of the people in Congress or 5 percent of the people in this country I can't convince that it's in their interest—their national interest—to provide additional support," he said.

McNamara feels bolstered by the consensus among the rich and poor that was developed at the last meeting of the IMF and World Bank—a sharp contrast to the highly confrontational North-South fracas at the United Nations special session a few weeks back.

He observed that the finance ministers who are the governors for the IMF and World Bank "know a lot more about the real economic world than do the foreign ministers" who represent their countries at the United Nations.

All of the suggestions put forward at the Washington sessions were mutually helpful—"a plus-sum game," he said. Thus, the poor countries represented here not only applauded the efforts made by the rich countries to help, but acknowledged that they themselves have to make an "adjustment"—pull in their belts a bit.

McNamara didn't mention it, but in well-publicized remarks at the IMF-World Bank affair, the Indian finance minister welcomed the more liberal lending posture of both institutions, just a few days after the Indian foreign minister was blasting the institutions at the U.N. in New York.

McNamara will not say who would be his first choice to succeed him as the sixth president of the bank. He reportedly favors Federal Reserve Chairman Paul A. Volcker. By announcing his resignation early, McNamara—committed as he is to a larger role for the bank—clearly was betting that a successor more likely would come from the Carter administration than from a possible Reagan administration.

And what will McNamara be doing while someone else is running what inevitably has come to be known as McNamara's bank? He says he wants to stay in Washington, retaining an association with the public sector (international as well as national) while serving on private corporate boards.

"I'm not wealthy," he said with a smile, "but fortunately, I don't have to worry about the compensation. I'll just do what I want to do."

ADDRESS TO THE BOARD OF GOVERNORS

(By Robert S. McNamara)

I. INTRODUCTION

This is the thirteenth, and final, address that I will have the privilege of making in this forum.

The occasion, I believe, places on me a special responsibility, and hence what I have to say this morning will be particularly frank and candid, especially as it relates to the future role of the World Bank.

During the past 18 months the external environment affecting economic growth in the oil-importing development countries—and thus their rate of social advance—has become substantially more difficult.

The new surge in oil prices, and the downturn in trade with the developed nations, have imposed on these countries huge and potentially unsustainable current account deficits. The result is that their critical development tasks, never easy in the past, are now seriously threatened.

Meanwhile, the industrialized nations continue to grapple with problems of inflation, unemployment, and recession. Governments are searching for politically feasible ways to reduce public expenditures. And though Official Development Assistance remains a miniscule and insignificant fraction of gross national product—and is, in fact, wholly inadequate to the urgent needs at hand—there is little legislative initiative to increase it.

Further, the global financial system as a whole, still trying to cope with past imbalances, must now find a way to recycle to appropriate recipients over $100 billion a year of additional surpluses being earned by the capital-surplus oil-exporting countries.

The cumulative effect of all of this is a climate of apprehension in which the temptation will be strong for both the developed and developing nations to react unwisely.

The developing countries will be tempted to postpone the internal policy changes required to adjust to the new external conditions. And the developed nations will be tempted to turn to shortsighted protectionist and restrictive measures that in the end can only delay economic recovery for the rich and poor nations alike.

These temptations are very real. And they are very dangerous. They lead precisely in the wrong direction.

What we need are measures that lead in the right direction. They are available, but like almost everything else worthwhile in life they are going to demand courage and effort and vision.

I want to explore those measures with you this morning.

Specifically, I want to examine.

The prospects for economic growth and social advance in the oil-importing developing countries throughout the 1980s;

The actions the developing societies themselves, as well as the industrialized nations and the OPEC countries, can take to maximize that growth;

The need to accelerate the attack on absolute poverty; and finally

The role the World Bank itself ought to play in all of this in the decade ahead.

Let me begin with the current economic outlook.

II. ECONOMIC PROSPECTS FOR THE DEVELOPING COUNTRIES

Global economic prospects have seriously deteriorated since we met last year in Belgrade. The outlook now is that the oil-importing developing countries in the years immediately ahead are going to have a very difficult time. The Bank is currently projecting, for the decade of the 1980s, lower levels of economic growth in those countries than it did twelve months ago.

TABLE I.—GROWTH OF GNP PER CAPITA, 1960-85

	1980		Average annual percentage growth rates		
	Population (millions)	GNP per capita 1980 dollars[1]	1960–70	1970–80	1980–85
Oil-importing developing countries:					
Low income:					
Sub-Saharan Africa	141	239	1.6	0.2	−0.3
Asia	992	212	1.6	1.1	1.1
Subtotal	1,133	216	1.6	.9	1.0
Middle income	701	1,638	3.6	3.1	2.0
Total	1,834	751	3.1	2.7	1.8
Oil-exporting developing countries	456	968	2.8	3.5	3.0
Industrialized countries	671	9,684	3.9	2.4	2.5
Centrally planned economies[2]	1,386	1,720	......	3.8	3.3

[1] Preliminary estimates.

[2] Including China.

The most probable outcome for at least the next five years is that the annual average per capita growth of the oil-importing developing countries—which was 3.1 percent in the 1960s, and 2.7 percent in the 1970s—will drop in 1980–85 to 1.8 percent.

More depressing still is the outlook for the 1.1 billion people who live in the poorest countries. Their already desperately low per capita income, less than $220 per annum, is likely to grow by no more than 1 percent a year—an average of only two or three dollars per individual. There would even be negative growth for the 141 million people in the low-income countries of sub-Saharan Africa.

There are two principal causes. The new surge in oil prices has more than doubled the cost of imported energy for the oil-importing developing countries. And the continuing recession in the industrialized nations, which comprise their most important markets, is severely limiting demand for their exports.

In 1973 the oil-import bill of these developing countries (in current dollars) was $7 billion. In 1980 it is likely to be $67 billion. The price of oil is not going to come down—on the contrary it is likely to continue to rise in real terms by perhaps 3 percent a year. The projection for 1985, therefore is $124 billion, and by 1990—even assuming these countries more than double their own domestic energy production, and make a considerable effort at conservation—the bill is projected to be nearly $230 billion (see Table II).

TABLE II.—PETROLEUM IMPORTS OF THE OIL IMPORTING DEVELOPING COUNTRIES

[Billions of current U.S. dollars]

	1973	1978	1980	1985	1990
Cost of petroleum imports:					
Low income	1	2	6	13	23
Middle income	6	30	61	111	206
Total	7	32	67	124	229
MEMO ITEMS					
Price per Barrel (c.i.f., U.S.$):					
Current dollars	4.20	13.70	29.80	50.30	78.30
1980 dollars	8.88	17.13	29.80	35.10	40.85
Volume of net imports (million barrels per day)	4.6	6.4	6.2	6.8	8.0
Volume of domestic production[1]	5.7	7.3	8.5	12.7	18.5

[1] All forms of energy production translated into the equivalent of million barrels of oil per day

Meanwhile, as I indicated, the continuing sluggingishness in the growth rate of the industrialized nations will pose additional problems for these developing countries. The expansion of their principal export markets will decline, and an already unfavorable situation could be seriously compounded by additional deflationary policies and a resort to greater protectionism in the developed world.

Reflecting the effect of these two factors, the current account deficits of the oil-importing countries have increased sharply. In 1980 they are expected to constitute nearly 4% of their GNP (see Table III).

TABLE III.—CURRENT ACCOUNT DEFICITS OF OIL-IMPORTING DEVELOPING COUNTRIES

[Billions of current U.S. dollars]

	1973	1975	1978	1980
Current account deficits:[1]				
Low income	2.3	5.4	5.7	10.0
Middle income	4.4	34.2	21.4	51.0
Total	6.7	39.6	27.1	61.0
Current account deficits as a percentage of GNP:				
Low income	2.2	3.8	2.7	3.6
Middle income	.9	5.3	2.2	4.0
Total	1.1	5.1	2.3	3.9

[1] Excludes official transfers.

III. A PROGRAM OF STRUCTURAL ADJUSTMENT

Persistent deficits of the magnitude reflected in Table III cannot be sustained indefinitely. In the short run the deficits can be, and are being, financed by additional external borrowing. But in the longer run this will not suffice since at the levels involved the mounting burden of debt service would soon become unsupportable.

The countries will, therefore, have to make those structural changes in their economies that can enable them to pay from their own resources for increasingly more expensive, but necessary, oil. This can only be done by expanding their exports, or by reducing their non-oil imports, or by some combination of the two.

Now, since there is no other way to do this, these internal adjustments will in fact take place sooner or later. And they will take place whether or not there is external financial assistance available to help get it done.

But the point is that it will make a very great deal of difference to these countries' economic and social advance—that is, to their development progress—whether these adjustments are made sooner rather than later, and with external financial assistance rather than without it.

For if the action in a given country is delayed, or if the external financial assistance available to it is inadequate, then the adjustment process will have to take place in an internal environment of low or negative growth, of little or no social advance, and of almost certain political disorder—a very heavy and necessary penalty for that society to have to pay.

But if, on the other hand, the required structural changes are initiated before a crisis situation developes, and scheduled over a reasonable period of time—say, five to eight years—and if during that adjustment period the country is assisted in maintaining a reasonable level of imports by an expansion of the external financial resources available to it, then the negative impact of the adjustment process on the country's economic growth and social advance will be substantially less.

This would permit growth rates in the developing countries to recover to more satisfactory levels in 1985–90, possibly exceeding even the rates achieved in the 1960s and early 1970s.

But such a reversal in fortunes will not be easy to achieve.

To begin with, there are significant differences between the present adjustment situation, and that at the 1974–78 period:

The real cost of oil actually declined from 1974 to 1978 by about 23 percent. Since 1978 it has risen sharply, and is now expected to continue to rise during the 1980s.

The commercial banks rapidly expanded their claims on oil-importing developing countries in the previous period: from $33 billion in 1974 to an estimated $133 billion in 1978. But now their capital to risk-asset ratios have worsened, and some feel overexposed in certain of these countries.

Some of the middle-income developing countries, which borrowed extensively in the past, are regarded by the commercial banks as being less creditworthy today than they were then. Increased spreads on new lending and a slower rate of growth in such lending are both likely.

Considerable financing became available to cushion the impact of higher energy costs during the 1974–1978 period from bilateral aid programs and from international financial institutions. Neither source now seems likely to expand as rapidly in the future as it did in the past.

The debt-servicing burden was considerably reduced in the 1970's by negative real interest rates, whereas the developing countries have recently been borrowing large amounts at positive real interest rates.

Many developing countries have already carried out a major pruning of their import, investment, and consumption levels so that the scope for further retrenchment is now considerably less.

The oil-exporting nations that are currently accumulating surpluses are likely to have them longer this time—thus prolonging the recycling task—since their imports are not expected to expand as quickly as they did in the previous period, nor are the workers' remittances from these countries likely to accelerate as fast.

And finally, the possibility of a prolonged recession in the industrialized nations, particularly if it is accompanied by restrictive measures applied to trade or capital flows, will make the adjustment task of the developing countries that much harder this time.

It is well to remind ourselves of this comparison between the present and past. The sense of relief over the relatively successful adjustment in the earlier period should not be allowed to lead to a feeling of complacency now.

The truth is that even in the earlier period there was a considerable erosion of economic growth. Both new jobs and new income were simply lost in most of the developing countries. Their political and economic systems are already under serious strain. And there are limits to how much more they can restrict their domestic consumption levels.

Further, this new adjustment problem is caused by a permanent change in the world economy, not by some temporary phenomenon which will later automatically reverse itself. Hence the longer the developing countries postpone adjustment policies, the more intractable their problems will become.

Many governments failed to recognize this in the 1970s. They looked instead to short-term finance as the answer to what they regarded as essentially a passing problem. But such finance merely borrowed time; it could not, and did not, substitute for basic adjustment policies.

Countries that recognized the long-term nature of the problem expanded their exports, reduced their imports through efficient domestic production, used borrowing to support investment and structural adjustment, and restored their growth momentum after a relatively brief decline. Those countries, on the other hand, that perceived it as a short-term problem did not use their external borrowing to carry out fundamental structural adjustments, and as a consequence merely accumulated more debt and a much greater problem for the future.

The point I want to stress here is the necessity of using external finance in support of structural adjustments, and not as a substitute for them. In the developing countries' interests, and in the interests of the world community as a whole, there is no other viable alternative.

Obviously it is desirable that these adjustment policies be implemented in a framework of vigorous development activity, rather than at depressed levels of investment and effort. What is needed is not just a new balance-of-payments equilibrium, but that this equilibrium be reached at the highest feasible level of economic growth. Indeed a key lesson of the 1970s is that success in adjustment should be measured not just by the reduction of current account deficits to present levels, but by the growth achieved during and following the adjustment period.

That is vital to these countries' future, and it is all the more necessary if they are not to lose ground in the most fundamental struggle of all: the attack on absolute poverty in their societies.

Now let me turn to certain of the specific actions required if the prospective balance-of-payments deficits are to be reduced to a manageable level within a reasonable period of time, say during the next five or six years, while preserving as much growth momentum in the developing countries as is possible.

There will have to be major adjustments in both national and international policies, and a sustained, collective effort on the part of the world community, including:

A sharp increase in the savings rate of the oil-importing low-income countries, and the reinvestment of over 25 percent of the increment in their GNP during the 1980–90 period;

A significant rise in net resource flows to these countries, from $9 billion in 1980 to $19 billion in 1985, and $33 billion in 1990;

A substantial increase in private capital flows to middle-income countries;

A faster rate of growth in the exports of oil-importing developing countries during the Eighties than in the Seventies;

A more than doubling of domestic energy production in these countries between 1980 and 1990, implying import substitution in the energy sector of over $280 billion a year by 1990; and

Much greater efficiency in the domestic use of capital.

These are clearly a demanding set of actions and policy changes. What is essential is that the early years of this decade be used to establish the necessary framework of adjustment so that a vigorous economic recovery can take place in the later years.

Each country will, of course, have to design its own specific plan of action for this purpose. If exports are the dynamic sector in a given economy, the promising strategy would obviously be to stress further export expansion. If good possibilities exist for import substitution—as they clearly do in domestic energy production—these ought to be pursued.

Let me comment briefly on this issue of domestic energy production in oil-importing developing countries.

Domestic energy production

It can make a very substantial contribution to the entire adjustment process.

To understand that, one need only reflect that even if their domestic energy production expands in the future at the rate of recent years (6.7 percent per annum), their oil-import bill in 1990 will be over $280 billion—

a level that would be difficult to finance by any conceivable expansion of exports, or increase in external borrowing.

Although the sharp rise in the world price of oil has put considerable strain on the balance of payments of the developing countries, it has also changed the economies of domestic energy production dramatically.

At current and prospective oil prices, many oil-importing developing countries can now turn what were previously regarded as marginal energy reserves of oil, gas, coal, hydroelectric, and forest resources into commercial propositions. If they maximize energy production between now and the end of the decade, and pursue a vigorous program of energy conservation, we estimate that these countries could by then cut their annual oil-import bill by more than $50 billion.

But if they are to achieve this substantial saving they will have to adjust their domestic prices, incentives, and investment priorities so as to give much greater emphasis than at present to internal energy production. In all too many countries, governments have kept domestic prices of petroleum products artificially low compared to world prices, with the result that there has been little incentive for consumers to conserve, or for producers to invest.

What we propose is this: the oil-importing developing countries should establish efficient import substitution in energy as one of their principal tasks for the 1980s. They should draw up concrete national energy plans, and formulate specific domestic investment programs. These, in turn, should be backed by newly mobilized domestic resources and by additional external assistance, including assistance from the World Bank which I will discuss in a moment.

External financial requirements of low-income countries

As I indicated earlier, there is an urgent need for more external funds if the developing countries are to manage the adjustment process, including the expansion of domestic energy production, without avoidable and hence unnecessary penalties to their economic growth and social progress. Let me turn to that subject now, dealing first with the requirements of the low-income countries.

A major expansion in concessional flows to these countries is required in the 1980s to support their adjustment programs. What we have to remember is that they will benefit only marginally from world trade expansion, and will have limited access to international capital markets. Their financial requirements are likely to increase by $5 to $8 billion in 1980 over 1978 due chiefly to their declining terms of trade, to the sluggish growth in the OECD nations, and to the investments now required to adjust their economies to the changed international environment.

These are also the very countries that can least afford to cut back on their programs directed at reducing poverty. And yet they find themselves suddenly caught in a new and painful squeeze on their resources. They are clearly the priority case for a significant increase in concessional assistance.

But what are the prospects for this?

Total Official Development Assistance flows, including those from OPEC countries, did not increase in the 1977–79 period. In real terms they declined, and the outlook for the future is not bright.

Recent actions give cause for concern. The aid cuts announced by the British Government will cause their ODA to fall to .38% of GNP by 1985, from the .49% average for 1977–79. Aid bills continue to face difficulties in the U.S. Congress, suggesting that support from the largest donor is likely to remain the lowest, relative to GNP, of all major industrial nations. Germany and Japan have indicated their intention to continue to improve their aid flows, but most donors have not committed themselves to increasing the share of GNP allocated to concessional assistance.

What is even more disappointing, the portion of these ODA flows that were allocated to the low-income countries—which, of course, needed them most—was shockingly small in both absolute and relative terms. It amounted to less than one-half of the total (see Annex II). On a per capita basis, the low-income countries receive less concessional assistance than the middle- and high-income nations.

In view of the penalties the new global economic situation imposes on these poorest countries—a situation they themselves neither caused nor can do much to influence—the donors, both OECD and OPEC, ought to indicate clearly how much, if at all, they are prepared to help. The needs of the poorest countries are well known. It is not a time to temporize with the problem. It is a time to act.

The OECD nations should consider the following course of action:

At the very minimum, each country should maintain its Official Development Assistance at the same percentage of its GNP as it did in 1978, and thus should increase the real level of its ODA as quickly as its GNP increases.

Those countries which are well below the present OECD average of .34%—in particular, the United States and Japan—should consider increasing their real ODA flows faster than their GNP growth. The former Secretary of State of the United States called the U.S. performance "disgraceful"—and I agree with him.

In view of the particularly difficult prospects the poorest countries face in the 1980s, the OECD nations should increase the share that these countries will receive in their individual ODA allocations. As Annex II indicates, in 1978 these countries received less than one-half of the total ODA that DAC provided: in the case of Austria and New Zealand it was less than one-fifth; and for Australia, France, and the U.S. no more than one-third.

The OECD nations in 1978 supported a retroactive adjustment of terms in respect to the past debt of poor and least-developed countries. However, only about $5 billion of past debts have so far been cancelled or rescheduled—out of a potential total of about $26 billion—and it is far from certain that this debt relief constituted additional assistance. Full cancellation or rescheduling would be equivalent to a substantial increase in concessional flows, particularly if it were extended to include all low-income countries.

A major responsibility rests as well on the capital-surplus oil-exporting nations.

Since 1973 the level of the ODA contributions of these countries—Saudi Arabia, Kuwait, Iraq, the United Arab Emirates, Libya, and Qatar—has been remarkable: they contributed 4.0% of their combined GNP during the 1974–79 period (see Table IV).

TABLE IV.—ODA FLOWS FROM CAPITAL-SURPLUS OIL EXPORTERS TO DEVELOPING COUNTRIES [1]

[Dollar amounts in millions]

	1973		1974		1975		1976		1977		1978		1979	
	Amount	Percent of GNP	Amount	Percent of GNP	Amount	Percent of GNP	Amount	Percent of GNP	Amount	Percent of GNP	Amount	Percent of GNP	Amount	Percent of GNP
Saudi Arabia	$305	4.0	$1,029	4.5	$1,997	5.4	$2,407	5.7	$2,410	4.3	$1,470	2.8	$1,970	3.1
Kuwait	345	5.7	622	5.7	976	8.1	615	4.4	1,518	10.6	1,268	6.4	1,099	5.1
Iraq	11	.2	423	4.0	218	1.7	232	1.4	61	.3	172	.8	861	2.9
UAE	289	16.0	511	7.6	1,046	14.1	1,060	11.0	1,177	10.2	690	5.6	207	1.6
Libya	215	3.3	147	1.2	261	2.3	94	.6	115	.7	169	.9	146	.6
Qatar	94	15.6	185	9.3	339	15.6	195	8.0	197	7.9	106	3.7	251	5.6
Total	1,259	4.5	2,917	4.5	4,837	5.8	4,603	4.6	5,478	4.5	3,875	3.0	4,534	2.9
Memo item: Current a/c surplus (in billion U.S. dollars)	7		43		31		36		34		20		56	

[1] Data for 1978 and 1979 are provisional.

The issue now is over future trends in their ODA. If the OPEC capital-surplus countries begin increasing their concessional assistance flows after the recent and hopefully temporary decline, this can make a major contribution to easing the adjustment problem of the poorest nations. Though they have a number of plans under active consideration, what the situation needs now are some firm decisions in order to meet the most urgent requirements of these low-income countries.

In 1980 the current account surplus of the capital-surplus oil-exporting countries is expected to increase by about $100 billion over the levels of 1978. As already noted, they have provided 4.0% of their GNP in the form of ODA during 1974–79. The question is: can they continue to do so in the future, and can it be provided in the form of quick-disbursing assistance to a large number of the low-income countries in order to meet their immediate needs?

Iraq, Venezuela, and Mexico have proposed that they compensate the poorest countries importing their oil for the recent oil-price increases by granting them long-term, low-interest loans. If this initiative is adopted by other oil exporters, it will have the immediate and beneficial impact of easing the balance-of-payments deficits of the poorest countries.

The Long-Term Strategy Committee of OPEC has recently endorsed the proposal of Algeria and Venezuela to convert the OPEC Fund into a development agency with an authorized capital of $20 billion. If implemented soon, this initiative, too, could be of substantial help to the low-income developing countries.

The contribution of the Soviet Union, and the other industrialized countries with centrally planned economies, to Official Development Assistance is so small as to be scarcely measurable—only .04% of their GNP. Surely they, too, ought to do more.

External financial requirements of middle-income countries

I want to turn now to the external financial requirements of the middle-income oil-importing countries. As Table III indicates, between 1978 and 1980 these requirements will have more than doubled in absolute terms (from $21.4 billion to $51.0 billion) and nearly doubled relative to GNP (from 2.2% to 4.0%).

Commercial banks, of course, constituted by far the most dynamic element of capital flows to middle-income developing countries in the 1970s (see Table V).

TABLE V.—BORROWINGS OF THE MIDDLE-INCOME DEVELOPING COUNTRIES FROM THE WORLD'S PRIVATE BANKING SYSTEM[1]

[U.S. dollars, billions]

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Claims of the private banks on LDC's—end year[2]	30	37	44	53	72	92	110	151	204	251
Increase in Banks' claims on LDC's[2]		7	7	9	19	20	18	41	53	47

[1] Includes small amounts loaned to low-income countries which could not be separated out of total.

[2] 1970–75 and 1979 World Bank estimates. For other years, BIS data.

The chief anxiety today is that the commercial banks may not be able to play a similar role in the 1980s. There are several reasons for this:

As noted earlier, there is likely to be tough competition for funds between the developing countries on the one hand and the industrialized nations and centrally planned economies on the other;

Two-thirds of the commercial banks' credits were concentrated in only 10 middle-income developing countries. These have now acquired sizable commercial debts, and some of the banks are concerned over their own portfolio limits; and

There is an increasing tendency on the part of the national regulatory agencies to restrict the activities of the commercial banks in developing countries.

This does not mean that the commercial flows to developing countries will not expand in the 1980s. They will. But the key question is this: will they expand enough to permit the adjustment process in these countries to take place at relatively high—rather than at unacceptably low—growth rates? In all probability they will in 1980, and perhaps even in 1981. But beyond 1981 they well may not. Already leading commercial bankers in both Western Europe and North America have expressed their doubts.

It is not too early, therefore, to discuss actions to supplement and facilitate the role of the commercial banks if these doubts materialize. This should be a major focus of the work of the Development Committee and of the Boards of the International Monetary Fund and the World Bank in the years to come.

If the task of recycling to the developing countries a portion of the surplus of the capital-surplus oil exporters is to be tackled efficiently and equitably in the 1980s, there is not the slightest doubt that the financial intermediation by the Bretton Woods institutions, as well as by other international institutions, should increase substantially above previously planned levels in order to supplement the role of the commercial banks.

Financial intermediation was, in fact, one of the main reasons for setting up these institutions; to stand ready to step in as last-resort intermediaries to help recycle funds from those countries that are in surplus to those countries that need them most, whether for short-term balance-of-payments support, or longer-term development needs.

The 1980s, then, call for a major reexamination of the function of the Bretton Woods institutions in the recycling of financial flows. And I will comment in a moment on a possible role for the World Bank in all of this.

Before turning to that, however, I want to reemphasize an underlying issue, which is in danger today of being obscured by the anxiety over the global adjustment problem. And that is the most fundamental development issue of all: the drive against absolute poverty.

IV. THE DRIVE AGAINST POVERTY

Over the past decade I have drawn attention repeatedly in this forum—sometimes at the risk of tedium—to the principal goals of development. They are: to accelerate economic growth, and to eradicate what I have termed absolute poverty.

Economic growth, of course, is obvious enough. And once one has been in contact with developing societies, so is absolute poverty: it is a condition of life so limited by malnutrition, illiteracy, disease, high infant mortality, and low life expectancy as to be beneath any rational definition of human decency.

The two goals are intrinsically related, though governments are often tempted to pursue one without adequate attention to the other. But from a development point of view that approach always fails in the end. The pursuit of growth without a reasonable concern for equity is ultimately socially destabilizing, and often violently so. And the pursuit of equity without a reasonable concern for growth merely tends to redistribute economic stagnation.

Neither pursuit, taken by itself, can lead to sustained, successful development.

When we met together here in 1972, I began a discussion of these issues with you. I pointed out that all too little of the benefits of economic growth was reaching the bottom 40 percent of the population in the developing world. For 800 million individuals, their countries were moving ahead in gross economic terms, but their own individual lives were standing still in human terms, locked in poverty.

As our analysis of growth and equity continued in these meetings in subsequent years, we outlined a number of specific actions designed to deal directly with that problem in the context of overall development planning. It was clear that any successful effort to combat poverty would have to do two basic things:

Assist the poor to increase their productivity; and

Assure their access to essential public services.

In our meeting in Nairobi in 1973, I proposed a major program for the rural areas, where the vast majority of the absolute poor are concentrated. The strategy focuses on a target group of roughly 100 million subsistence farmers and their families, most of whom farm two hectares or less. It is directed towards raising their agricultural productivity, and thus their incomes, as well as providing them with more equitable access to the services they need.

Two years later, at our meeting in 1975, I outlined a comparable program for the urban areas. Though the circumstances of the some 200 million absolute poor in the cities differ from those in the countryside, the strategy is fundamentally the same: remove the barriers to their greater earning opportunities, broaden their access to basic public services, and help them more fully achieve their productive potential.

In each of the following years our discussion has pursued these issues further.

But now, as I have pointed out this morning, most of the developing countries are facing a new, an unanticipated, and what is certain to be—for at least the next several years—a very difficult situation.

Their rates of growth are going to be low. Their capital requirements are going to be high. And there are going to be severe pressures on their governments to adopt austere budget allocations for every activity that is not considered of immediate priority.

In these circumstances the temptation will be strong to push aside and postpone anti-poverty programs. The argument will be that poverty is a long-term problem, and that the current account deficits are a short-term emergency: that poverty can wait, but that deficits can't.

It is a very specious argument.

Mounting deficits cannot be indefinitely sustained, and, as we have seen, the necessary solution lies in structural adjustment. Efforts to get that basic adjustment in place must not, indeed, be delayed.

But absolute poverty in a society cannot be indefinitely sustained either. To ignore it, to temporize with it, to downgrade its urgency under the convenient excuse that its solution is "long-term"—and that there are other immediate problems that preempt its priority—is dangerous self-deception.

To reduce and eliminate massive absolute poverty lies at the very core of development itself. It is critical to the survival of any decent society.

Development is clearly not simply economic progress measured in terms of gross national product. It is something much more basic. It is essentially human development; that is, the individual's realization of his or her own inherent potential.

Absolute poverty, on the other hand, is a set of penalizing circumstances that severely impair the individual's pursuit of that very potential. It is the direct denial of the benefits of development.

But it is more than just that. It is an open insult to the human dignity of us all: to the poor themselves, because simply as human beings they have deserved better; and to all of us in this room, for we have collectively had it in our power to do more to fight poverty, and we have failed to do so.

Now that both the developing countries and the developed nations are under the sting of hard times, are we going to do still less?

Let us be clear about one point. Sustaining the attack on poverty is not an economic luxury—something affordable when times are easy, and superfluous when times become troublesome.

It is precisely the opposite. It is a continuing social and moral responsibility, and an economic imperative—its need now is greater than ever. It is true that sluggish economic growth in both the developing and developed nations in the early years of the 1980s may mean that the privileged and affluent in most societies will have to accept slower rates of advance or even some selective reduction in their already favored standard of living. If they have to, they can absorb such inconveniences.

But for the 800 million absolute poor such a downward adjustment is a very different matter. For them downward does not mean inconvenience, but appalling deprivation. They have little margin for austerity. They lie at the very edge of survival already.

What we must remember is that absolute poverty is not a simple function of inadequate personal income. Though the poor have too little income, and desperately need more, their plight is not exclusively related to that.

Their deprivations go beyond income. And in many cases, even if their income were higher—which it must become—they could not by that fact alone free themselves from their difficulties.

The reason is that absolute poverty is a complicated web of circumstances, all of them punitive, that reinforce and strengthen one another.

And lest we become insensitive to the magnitude of those circumstances in the developing countries, it is worth reminding ourselves of their scope:

600 million of their adults—100 million more than in 1950—can neither read nor write, and only 4 out of every 10 of their children complete more than 3 years of primary school.

Of every 10 children born into poverty, 2 die within a year; another dies before the age of 5; only 5 survive to the age of 40.

Common childhood diseases—measles, diphtheria, whooping cough, and polio—which have either been eliminated or reduced to minor nuisances in the developed nations, are frequently fatal in the developing world. A case of measles is 200 times more likely to kill a child there than here.

Though all four of those diseases can be prevented by a simple vaccination, fewer than 10 percent of the children born each year in the developing world are now being protected.

Malnutrition afflicts hundreds of millions of individuals, reducing their energy and motivation, undermining their performance in school and at work, reducing their resistance to illness, and often penalizing their physical and mental development.

In the low-income developing countries, average life expectancy for their 1.3 billion people is 50 years. It is nearly 75 in the industrialized nations.

In short, compared to those fortunate enough to live in the developed nations, individuals in the poorest countries have an infant mortality rate eight times higher; a life expectancy one-third lower; an adult literacy rate 60% less; a nutritional level, for one out of every two in the population, below minimum acceptable standards; and for millions of infants, less protein than is sufficient to permit optimum development of the brain.

Now, these impersonal rounded numbers are not simply statistics on some economist's computer. They represent individual human beings. Most tragic of all, so many of them are children. Of the total of two and a quarter billion people in the over 100 developing countries that the Bank has served, some 900 million are under the age of 15.

They are the chief hope of their society's future. And yet almost half of them suffer from debilitating disease likely to have long-lasting effects. Well over a third of them are undernourished. A third of primary school-age children are not in school.

All of this illustrates the tragic waste of poverty. If millions of a country's citizens are uneducated, malnourished, and ill, how can they possibly make a reasonable contribution to their nation's economic growth and social advance? The poverty they are immersed in, through no fault of their own, simply denies them that.

As I have pointed out before, it is the poverty itself that is the liability. Not the individuals who happen to be poor. They represent immense human potential.

It used to be said that lack of capital was the chief obstacle to economic growth. But we now know that capital formation explains less than one-third of the variation in growth rates among developing countries. Human resource development explains a great deal more.

Investment in the human potential of the poor, then, is not only morally right; it is very sound economics.

Certainly what is very unsound economics is to permit a culture of poverty to so develop within a nation that it begins to infect and erode the entire social and political fabric.

No government wants to perpetuate poverty. But not all governments, at a time of depressed economic growth, are persuaded that there is much that they can really do against so vast a problem.

But there is.

A number of avenues of attack deserve attention. Today I want to emphasize two that reflect our research of the past year. Both of these are concerned with human resource development. They are: the redesign of social programs to reduce their per capita cost while expanding their coverage; and the restructuring of the total set of social sector programs to establish priorities that take advantage of the linkages and complementarities between them, thereby reducing their overall cost. Unless essential services are both redesigned and reorganized to complement each other, governments will not be able to afford them on the scale required, particuiarly in periods of austerity.

Our studies confirm the synergistic effects on productivity of actions designed to meet basic needs in each of the five core areas: education, health care, clean water, nutrition, and shelter. Each has linkages to the others. Advance in one contributes to advance in the others, and all contribute to higher output.

Reducing, for example, the incidence of gastorintestinal disease and parasitic infection—through education, cleaner water, and health and sanitation programs—considerably increases the nutritional value to be gained from any given quantity of food.

This improvement in nutrition, in turn, can expand students' learning capacity, and hence the benefits that they will receive from education, including enhanced productivity and incomes.

Studies in many countries have demonstrated that small farmers with a primary education are more productive than those without it. They are quicker to adopt innovations, and are more receptive to the advice of extension agents.

Research has also confirmed the beneficial linkage between primary education and the reduction of infant mortality. Studies in Bangladesh, Kenya, and Colombia have shown that children are less likely to die the more educated their mothers are, even allowing for differences in income among families.

In Sri Lanka, widespread basic education has to a degree compensated for the poor quality of water because villagers have been taught to boil it in order to eliminate contamination. And health and nutrition everywhere in the developing world affects how well children do in school, how long they remain, or indeed whether they enroll at all.

Urban employment, particularly in the modern sector, is not only often dependent on the degree of education, but on health and nutrition as well. Workers who are easily fatigued and have low resistance to chronic illness are inefficient, and add substantially to the accident rate, absenteeism, and unnecessary medical expenditure. More serious still, to the extent that their mental capacity has been impaired by malnutrition in childhood, their ability to perform technical tasks is reduced. Dexterity, alertness, and initiative have been drained away.

And yet not only are essential public services often out of reach of the poor, but such facilities as are in place may be so inappropriately designed as to be virtually irrelevant to their needs: impressive four-lane highways, but too few market roads; elaborate curative-care urban hospitals, but too few preventive-care rural clinics; prestigious institutions of higher learning, but too few primary schools and village literacy programs.

Public services that are not designed modestly and at low cost per unit will almost certainly end by serving the privileged few rather than the deprived many.

To reverse this trend, governments must be prepared to make tough and politically sensitive decisions, and to reallocate scarce resources into less elaborate—but more broadly based—delivery systems that can get the services to the poor, and the poor to the services.

The developing countries do not, of course, have the financial and administrative resources at hand today to eliminate rapidly all the inadequacies in education, health, and other public services that penalize the poor. They must—out of very real necessity—be selective in determining where to concentrate their efforts.

All the more reason, then, that they should analyze the most important linkages and complimentarities between the various public services since utilizing them in combination can lead to substantial reduction in the cost of individual services, and hence in the total cost of the ongoing poverty program.

It has been estimated, for example, that in Egypt the full use of such complementarities among sectors, together with redesigned programs within sectors, would decrease by more than a third the resources required to reduce, and ultimately to eliminate, absolute poverty.

If choices have to be made—and they do—what are the most promising ones?

That will differ, of course, in various societies, but in the case of most developing countries two deserve particular attention. One is primary education, and most particularly for girls. And the other is primary health care.

Primary education

School enrollments throughout the developing world still fall far below the objective of universal primary education for both boys and girls, and this picture is made even worse by dropout rates which are often over 50 percent.

Research makes it clear that economic returns on primary education for boys are high. This is not always recognized. But I want to emphasize today something much less recognized and understood. And that is the immensely beneficial impact on reducing poverty that results from educating girls.

In most developing societies women simply do not have equitable access to education. The number of illiterate females is growing faster than illiterate males. Nearly two-thirds of the world's illiterates are women, and virtually everywhere males are given preference both for general education and vocational training.

One reason for this is that the prevailing image of women distorts their full contribution to society. Women are esteemed—and are encouraged to esteem themselves—predominantly in their roles as mothers. Their economic contribution, though it is substantial in a number of developing societies, is almost always understated.

The fact is that in subsistence societies women generally do at least 50% of the work connected with agricultural production and processing, as well as take care of the children and the housekeeping.

Schooling clearly enhances a girl's prospects of finding employment outside the home. In a comparative study of 49 countries, the level of female education in each nation demonstrated a significant impact on the proportion of women earning wages or salaries.

Greater educational opportunity for women will also substantially reduce fertility. In Latin America, for example, studies indicate that in districts as diverse as Rio de Janeiro, rural Chile, and Buenos Aires, women who have completed primary school average about two children fewer than those who have not.

Of all the aspects of social development, the educational level appears most consistently associated with lower fertility. And it is significant that an increase in the education of women tends to lower fertility to a greater extent than a similar increase in the education of men. In societies in which rapid population growth is draining away resources, expenditure on education and training for boys that is not matched by comparable expenditure for girls will very likely be diminished in the end by the girls.

Women represent a seriously undervalued potential in the development process. And to prolong inequitable practices that relegate them exclusively to narrow traditional roles not only denies both them and society the benefits of that potential, but very seriously compounds the problem of reducing poverty.

Primary health care

In the health sector, as well, carefully designed and sharply focused efforts can contribute immensely to an overall antipoverty program.

In most developing countries health expenditures have been heavily concentrated on supplying a small urban elite with expensive curative-care systems—highly skilled doctors and elaborate hospitals—that fail to reach 90 percent of the people. What are required are less sophisticated, less costly, but more effective preventive-care delivery systems that reach the mass of the population.

Even quite poor countries can succeed in this, provided sound policies are pursued. Some 25 years ago, for example, Sri Lanka decided to improve rural health facilities. As a result of its efforts in health care, along with those in education and in nutrition, there has been over the past two decades a decline in infant mortality to 47 per 1,000, an increase in life expectancy to 69 years, and an associated decline in the crude birth rate to 26.

But many other countries—countries with a much higher per capita national income than Sri Lanka—have spent as much or more on health, and by failing to stress simple, inexpensive, but effective primary care systems, have reaped much poorer results.

Turkey, for example, had a GNP per capita of $1,200 in 1978, compared to Sri Lanka's $190, but has concentrated on urban health, with conventional facilities, and today has an infant mortality rate of 118 per 1,000, life expectancy of 61 years, and a crude birth rate of 32—all far short of Sri Lanka's accomplishments.

As part of their preventive-care programs, governments should make a special effort to reduce sharply current infant and child mortality rates. Average rates of infant mortality—deaths per 1,000 in the first year—are well above 140 in Africa, and roughly 120 in Asia and 60 in Latin America. In the developed countries they average only about 13.

Why are they so high in the developing world? Largely because of low nutritional standards, and poor hygiene, health practices and services. But infant and child mortality rates can be brought down relatively quickly with a combination of redesigned and reoriented health, education, and nutrition policies. And the return is lowered fertility, healthier children, and increased productivity is clearly worth the effort and costs.

The truth is that a basic learning package for both males and females—and particularly for females—and a carefully designed program of primary health care for both the countryside and the cities are investments that no developing country can afford to neglect.

The economic return will be huge. And the same is true of other investments in the immense untapped human potential of the absolute poor. Even in a period of austerity—indeed, especially in a period of austerity—those investments must be accelerated.

I want to turn now to the role the World Bank itself can play in the 1980s. And to establish the background against which this must be viewed, let me briefly summarize the principal points that emerged earlier in our discussion.

V. THE ROLE OF THE WORLD BANK IN THE 1980'S

The current account deficits of the oil-importing developing countries have risen dramatically. The increase in these deficits is the mirror image of a portion of the rise in the surpluses of the oil-exporting nations. A major objective of the world's intermediation effort to deal with these surpluses must be to assure that appropriate portions of them flow, directly or indirectly, back to these developing countries.

The assistance the developing societies will need in the 1980s—both to alleviate their burden of absolute poverty, and to facilitate the structural changes in their economies required by the changes in the external environment—is much larger than was projected before the events of the past 18 months.

The developing countries, already financing 90% of their own development efforts, will now have to mobilize substantial additional resources. But they cannot succeed in this enormous task by their own efforts alone. That is why all previously planned programs of international assistance, including that of the Bank, must be reexamined in order to determine how the most urgent needs of the developing world can be met.

It is in this perspective that the future level of World Bank lending, and the nature of its operating policies, should be reviewed. The Bank clearly cannot do everything. Nor should it try to. But neither can it be allowed to fail in its basic responsibility toward its developing member countries.

Let us examine for a moment the role the Bank has undertaken over the last decade.

During the past twelve years, the World Bank Group has expanded dramatically its level of financial assistance to the developing world (see Table VI).

TABLE VI.—WORLD BANK GROUP: NEW FINANCIAL COMMITMENTS AND NET DISBURSEMENTS

[U.S. dollars, billions; fiscal years]

	Annual average per period					Working plan [1]				
	1964–68	1969–73	1974–78	1979	1980	1981	1982	1983	1984	1985
New Loans:										
IBRD	0.9	1.8	4.9	7.0	7.6	8.6	9.6	10.7	11.9	13.2
IDA	.3	.8	1.6	3.0	3.8	3.6	4.1	.7	5.0	5.3
IFC		.1	.2	.4	.7	.6	7	.8	.9	1.1
Total:										
Current dollars	1.2	2.7	6.7	10.4	12.1	12.8	14.4	16.2	17.8	19.6
Constant fiscal year 1980 dollars	5.0	6.8	9.5	11.2	12.1	11.9	12.6	13.3	13.8	14.3
Disbursements:										
IBRD	.5	.9	2.2	3.6	4.4	5.2	6.3	7.4	8.3	9.2
IDA	.3	.3	1.1	1.2	1.4	1.8	2.2	2.7	3.5	4.1
IFC		.1	.2	.2	.3	.3	.5	.7	.8	.9
Total:										
Current dollars	.8	1.3	3.5	5.0	6.1	7.3	9.0	10.8	12.6	14.9
Constant fiscal year 1980 dollars	3.1	3.5	5.3	5.5	6.1	6.7	7.6	8.6	9.4	9.2

[1] The working plan is subject to annual review by the executive directors and is based on the assumption that necessary legislative action on the general capital increase and IDA VI replenishment will be completed according to schedule.

But our objective during these years was not principally the size of the Bank's operations. We did not simply want to do more. Rather, we wanted to do more of what would contribute most to our member countries' evolving development needs.

Thus, over the past decade there has been a major qualitative change in the Bank's lending, and in its development policies. That change arose out of the understanding that if the absolute poor had to wait for the benefits of overall economic growth to trickle down to them, their incomes and welfare would inch forward at an intolerably slow pace.

It became clear that developing countries needed to devise policies and investment programs to assist the poor in their societies to become more productive, and to assure an equitable distribution of basic services to them.

Throughout the 1970s the Bank made a determined effort to help its member countries to devise such policies, and to finance and implement such projects. It has devoted to this objective a high proportion of its intellectual resources, and a growing share of its expanded lending. In the FY 64–68 period such loans, on average, amounted to only $60 million per year, and accounted for less than 5% of total lending. In FY 80 they had grown to $3,565 million, and accounted for over 30% of total lending. In that year alone the Bank approved agricultural and rural development projects to raise the productivity, and thereby the incomes, of 29 million people, including 18 million of the world's poorest—and to increase food production by 6 million tons per annum.

Highways, electric power, and other traditional infrastructure and production investments remain, of course, vital to development. They are basic to strengthening the foundations of growth, and to expanding employment opportunities and enhancing the incomes of all members of society. While the Bank reduced the share of its lending to these sections, it substantially increased its absolute volume. Bank lending for traditional infrastructure projects grew from an annual average of $700 million in 1964–68 to $4.4 billion in 1980; and for traditional production projects, from $350 million to $3.5 billion.

Only by raising its overall level was the Bank able to meet its member countries' new development needs without neglecting their traditional requirements.

This clearly remains the path for the future. The Bank must be in a position to respond to new needs which have already appeared. And it will certainly be called upon again and again to help meet needs which we cannot yet foresee. It must be able do so without disrupting other programs for which developing countries are counting upon its assistance.

Is the Bank in such a position now?

Last year I reported to you that we were making progress in laying a foundation for further expansion of the Bank Group's lending program in the 1980s. Let me summarize the steps that have been taken over the past twelve months, and where we stand today.

The General Capital Increase in the Bank's authorized capital, from $45 billion to $85 billion, was approved by the Board of Governors in January 1980. Some countries, including the United States, will need legislative approval before they can subscribe to the additional shares.

Negotiations for a sixth replenishment of the International Development Association (IDA) were successfully concluded last December, and the basis for the replenishment was approved by the Governors in March 1980. The replenishment itself, however, is still not effective because a few countries, and in particular the United States, have not been able yet to complete the necessary legislation.

Other donor countries have agreed to make voluntary contributions to prevent an extended hiatus in IDA's lending program. But I want to emphasize the importance of early action by all goverments to make the sixth replenishment effective, and the severe penalties for the poorest nations of the world that will result from prolonged delay and uncertainty.

Let us assume, however, that all the necessary legislative actions for the General Capital Increase and for the IDA VI replenishment will be completed soon.

Will the lending program summarized in Table VI, which the General Capital Increase and IDA VI are intended to support, be adequate for the role the Bank Group must play in the 1980s to assist its developing country members? Will it allow the Bank to meet these countries' needs in even the limited way that we hoped it would when the program was prepared?

The answer is clearly no.

The lending program for FY81–85 reflects the Bank's assessment of the future financial requirements of the developing countries as they appeared early in 1977, when the plan was prepared. In the light of that assessment we believed the planned level of lending would permit the Bank to increase its new commitments each year by 5% in real terms, and that this projected growth would allow the Bank to make an adequate contribution to its member countries' priority development needs.

That assessment is no longer tenable. Four events have intervened in the meantime that invalidate its underlying assumptions.

A rampant and unexpected rate of inflation has reduced the real value of the commitments permitted by the General Capital Increase and the IDA VI agreements. In planning the program in 1977, the Bank had assumed a world inflation rate of 7.5% for FY79. It turned out to be 13.3%. And we now project inflation in future years will taper off more slowly than we had previously expected. As a result, the real value of the lending program planned for 1981–85 will fall 10.5% below what was projected. In today's dollars this represents a loss of over $5.6 billion.

Quite apart from this, our developing member countries' needs for Bank assistance have increased for three other reasons:

First, as I have emphasized, the sharp rise in the oil price has raised the cost of their imports, while recession in the industrial countries has depressed their export prospects. They must react to these events by carrying out the far-reaching structural adjustments in their economies, discussed earlier, and yet do so without reducing their growth to totally unacceptable levels during the transition period.

Second, as part of that process, in their own interest as well as that of the world community, they should step up substantially their investment in energy development.

And third, the change in the representation of China has increased by 45% the number of people who now need, who now desire, and who are now entitled to have World Bank Group lending.

Let me briefly discuss the effect on the Bank of each of these three points in turn.

First the financing required for the much larger than anticipated current account deficit:

Let me sum up the key points of the argument put forward earlier.

As compared to 1978, the oil-import bills of developing countries have increased by $35 billion. And even if the industrialized nations resist domestic protectionist pressures, as they must, their continuing problems of recession and slow growth have already reduced the export prospects of the developing world.

The problem is not that developing countries will be left with deficits they cannot finance. If deficits cannot be financed, they will disappear. But if they disappear because adequate financing cannot be found, this will seriously cripple their development programs.

If that were to happen, the rest of the world could not be cushioned from the deflationary pressures generated by such a collapse. Even the narrowest self-interest of the industrialized nations requires that these essential financing needs should be met.

Adequate financing of imports is not a substitute for structural adjustment to the new external circumstances. Rather, it is a prerequisite for such adjustment: it permits the developing countries to adapt sensibly their production, trade, investment, and savings patterns to new needs. Without adequate financing of their imports they will be forced to adopt "quick-fix" remedies—such as blanket controls on imports or arbitrary cutbacks in public investment programs—which are in no one's long-term interest.

Nor is the financing of structural adjustment a substitute for the financing of other development needs. The magnitude of the other investments required to make at least a minimally acceptable impact on absolute poverty has not diminished. The cost and urgency of raising the productivity of the world's poor and of providing them with equitable access to the essential public services they desperately need remain high.

Should not the Bank, than, shoulder part of the burden of financing its developing member countries' structural adjustment? In doing so it would clearly not be substituting for the private-market mechanisms to recycle surpluses. On the contrary, it would be helping to underpin private flows, and by closely supporting the adjustment process it would improve the creditworthiness of the recipients.

Nor would the Bank be substituting for appropriate action by the IMF. Rather, it would be complementing such action by bringing its resources and its expertise to bear on the longer-term development aspects of structural adjustment.

To help meet these requirements, the Bank introduced structural adjustment lending several months ago, and is tentatively planning to commit $600–800 million for that purpose in the current fiscal year. In FY82 or '83, such lending might amount to $1,500 million, and in subsequent years to more.

At present, however, such structural adjustment loans have to be fitted into the previously planned lending program. But these new and unanticipated needs are clearly additional to the requirements identified in 1977, which the current leading program was designed to meet. The Bank needs, therefore, to expand the current program to respond to them. If it fails to do so, it simply will not be contributing to the solution of the world's intermediation problem.

Let me move now to the second point: the financing required for energy development.

Beyond their immediate impact on import costs, the higher energy prices present both long-term challenges and opportunities for the oil-importing developing countries.

Our studies indicate that at the new price levels there are highly profitable investment opportunities in these countries which are additional to current plans and which, taken together with vigorous conservation measures, would reduce oil imports by 3 million barrels of oil per day—150 million tons per year—by 1990. This would have obvious benefits for all producing and consuming nations. But the exploitation of these opportunities will require substantial investment over the next five years.

Total investment needs for energy development in oil-importing developing countries, in the period 1981–1985, will amount to about $185 billion in constant 1980 prices, as against $80 billion devoted to energy investment in these countries over the past five years. Most of these needs will be financed by their own savings, and by external sources other than the Bank.

The Bank, however, should help by expanding its previously planned energy development program, both in order to serve as a catalyst for other funds, particularly from private sources, and in order to finance those needs for which such funds are not likely to be available. To assist in this vital role, we now estimate that the Bank should lend an additional $12 billion above the $13 billion planned for energy development in the 1981–85 period.

Finally, let me turn to the matter of China.

The change in the representation of China in the Bank has increased by nearly a billion the number of people who now have a claim on the Bank's resources. That claim is no less compelling, and their needs are no less urgent than those of the Bank's other members. It will take time to translate these needs into specific Bank projects, but when that has been done it is clear that they will amount to several billion dollars per year.

If we had to accommodate these needs within the lending program planned earlier, we would have to reduce sharply our lending to other member countries. This would seriously disrupt their development programs, and this we must not do. An addition to the lending program is clearly required.

The inescapable conclusion of all these considerations is this: the Bank Group must mobilize substantial additional resources if it is effectively to assist its developing member countries through the critical years of the 1980s. But it must do this in a manner that takes full account of the current budgetary constraints faced by the governments of the developed nations.

What we need to do now is to reach broad agreement on the following objective.

The Bank should:

Increase its lending program in order to offset fully the higher-than-anticipated inflation levels;

Finance structural adjustment, but not at the cost of reducing the development finance already planned for the oil-importing developing countries;

Assist in financing an expanded energy development program, but not at the cost of cutting its assistance to other equally vital programs; and

Respond to the development needs of China, but not at the cost of its other borrowers.

If we agree on this objective—and I believe we can—then our task is to find the means for financing the expansion in lending without imposing undue burdens on the budgets of our member governments.

Several approaches to that seemingly impossible task are worthy of consideration. Let me refer to them briefly.

It is through payments for capital subscriptions that the International Bank for Reconstruction and Development (IBRD) places demands on the budgets of our member governments. Those budgets are tight, and the equity capital that they finance is, therefore, a scarce resource. Loan funds, on the other hand, are available, and even abundant on the world's financial markets.

The issue facing the Bank today is whether we are making the best possible use of that very scarce resource, our equity capital, in order to mobilize those other more abundant funds. The question is: could we increase our borrowings in the private financial markets without imposing additional claims on scarce funds from governments?

Throughout its history, the World Bank has gradually improved the use it has made of its equity base.

Twenty years ago, for example, the Bank concluded that it had only barely begun to utilize the full financial power of that base in support of its borrowing. At that time, in 1960, the Bank's callable capital of $17.3 billion—essentially member government guarantees of its borrowings—plus its paid-in capital and reserves of $2.5 billion, a total capital base of $19.8 billion, supported borrowing of only $2.1 billion and loans of $2.8 billion. To increase the efficiency with which its paid-in capital was being used, in 1960 the Bank doubled its subscribed capital without any increase in the amount of capital paid in. And yet even in 1970, when paid-in capital and reserves had risen to $3.9 billion, and callable capital amounted to $20.8 billion, borrowings totalled only $4.6 billion and loans $6.0 billion. We were an under-leveraged institution.

During the 1970s the Bank began to use its equity base to mobilize much larger amounts of borrowed funds for investment in its developing member countries. Borrowings and outstanding loans had increased to $30 billion and $27 billion respectively by the end of FY 1980. Meanwhile, the Bank's paid-in capital and reserves rose to $7 billion—of which over half came from retained earnings—and callable capital rose to $36 billion. Moreover, the Governors, having reduced the amount of the paid-in portion of the 1960 capital subscription from 20% to 10%, have now reduced the paid-in portion of the new General Capital Increase from 10% to 7.5%.

When the General Capital Increase is completed, the Bank will have subscribed capital of $85 billion. About $7.5 billion will then have been paid in. This will be augmented by reserves and retained earnings that amount to about $3.4 billion today, and are growing fast. This means that if it fully uses the authority provided by the General Capital Increase, the Bank's own paid-in equity and reserves will finance about 15% of outstanding loans. When callable capital is included, every single dollar of outstanding loans will be backed by a dollar of capital or reserves.

These ratios contrast with the standard practice of large commercial banks, whose capital to risk-asset ratios run to less than 6%. And yet none of these banks has the IBRD's repayment record; none of them relies on such long-term sources of funds; and none has such a strong liquidity position.

The World Bank, then, should continue to improve the efficiency with which it uses its immensely broad and uniquely guaranteed financial base. It must begin to use the demonstrated strength of its loan portfolio that reflects the prudent lending policies that it has followed for over thirty years. This is essential if it is to meet more fully the needs of the developing countries without imposing additional burdens on the budgets of other governments in a period when the domestic demands of many are particularly pressing.

The question is how can this best be done, while at the same time fully safeguarding the strength and integrity of the Bank's financial structure?

There are at least three actions that should be considered.

The relationship between the Bank's loans—and hence its outstanding debt—and its equity base could be changed.

The Articles of Agreement, drafted over 35 years ago in immensely different financial circumstances, provide that the Bank's total disbursed and outstanding loans cannot exceed its total subscribed capital and reserves.

The question the Brandt Commission, investment bankers, and other financial experts have been asking us in the Bank is this: in the circumstances of today, as contrasted with those of 1944, does it still make financial sense to limit any increase whatever in the Bank's lending authority to an equal increase in its capital?

The tentative answer appears to be that the 1 to 1 ratio, established at Bretton Woods in the closing months of World War II, is no longer really relevant to the Bank's financial condition or to the economic situation of its principal shareholders, and that the result now is an unnecessary underutilization of the Bank's capital base.

It is obvious that any action to change the ratio should not be construed as a substitute for the completion of the General Capital Increase. On the contrary, it should be viewed as a necessary additional step. The General Capital Increase was agreed to prior to the more recent events that have now substantially enlarged the financial requirements of our developing member countries. The change in the ratio would make it possible for the Bank to respond to these new requirements through a more effective use of the increase in its capital base which has already been authorized.

A second possibility would be the organization of a separately capitalized energy affiliate.

As I remarked earlier, the need and the potential for developing new energy resources present a major challenge, as well as a major opportunity, to the developing countries, and to the world community at large. To meet that challenge, and to exploit that opportunity, there is now an international consensus, reflected most notably in the decisions of the Venice Economic Summit and the meetings of the OPEC ministers, that measures must be taken to assist the developing countries in the development of their energy resources. More specifically, the World Bank has been asked to examine the possibility of setting up an energy affiliate to assist in this effort. Such an affiliate would serve both as a direct source of finance itself, and as a catalyst for other public and private funds.

The equity capital of such an institution could come from IBRD profits, and from contributions by member governments: not necessarily by all member governments, and not in the same proportion as their contribution to the Bank's capital. Such an equity base would be utilized to underpin borrowing and lending that could ultimately amount to a multiple of the scarce equity funds.

A third approach would be to raise the Bank's lending and borrowing authority again, as was done in 1960, by increasing subscribed stock, but without the necessity of additional paid-in capital.

Any one of these three actions, or a combination of them, would make it possible for the Bank to be more responsive to the urgent needs of its developing member countries which were not anticipated when the General Capital Increase was put forward. The variety of means available to equip the Bank to be more responsive should encourage those who, like myself, believe that the current climate of budgetary constraint in the developed nations need not stand in the way of necessary action.

While these measures are being studied, because of the urgent need to expand the Bank's lending program for FY82–86, we should consider drawing forward a portion of the lending presently planned for later years to the nearer term. In this way we could increase IBRD loans over the next five critical years by a total of $10 billion.

Implementing these various proposals would allow the IBRD to expand its lending program. Yet that would not by itself help the Bank's poorest member countries, which require highly concessional financing of very long maturity. As I have indicated, the needs of these low-income countries have also greatly increased. And the IDA VI replenishment, while it is generous, will fall far short of meeting them.

Just as we need to find a way to exploit more fully IBRD's equity base, so we must also increase the leverage of scarce IDA resources. The creditworthiness of a number of countries which have in the past received IDA credits has now markedly improved. This is most notably the case for oil exporters such as Indonesia and Egypt. But others too have increased their ability to service debt on intermediate terms.

Some of these countries could shift in the future to IBRD loans only, or to a blend of IBRD and IDA loans less concessional than had been necessary earlier. This would permit an increase in IDA lending to those countries whose financial requirements have expanded but which are not yet creditworthy for IBRD loans.

It should go without saying that making additional IDA funds available to the poorest countries by shifting some countries from IDA to IBRD borrowing will be possible only if IBRD itself is enabled to meet these additional claims on its resources. And it should be unnecessary to add that a truly adequate response to the poorest countries' needs would require additional resources, raised perhaps by such new means as those suggested by the Brandt Commission.

In this discussion of the role of the Bank in the 1980s, I have focused on only one aspect of its work: its loans to developing countries, and the means of financing them. In the short run, this must have first claim on our attention. But in the longer run, as both Executive Directors and Ministers from developing countries have emphasized so often in recent months, it is the non-financial assistance of the Bank that is of even greater value than its financial support, indispensable as that is.

In the 1970s the Bank's policy advice and technical assistance were directed toward the twin goals of accelerating economic growth and reducing absolute poverty. These must continue to be our objectives in the 1980s. But the environment in which those goals will be pursued will be so different, and so difficult, as to require a major shift of emphasis within the Bank;

Population growth, although decelerating, will place increasingly heavy burdens on the resources of most developing countries;

Labor forces growing at explosive rates, reflecting past levels of population growth, will place a premium on job creation;

Migration from the countryside will burden metropolitan areas grown larger than most in the developed world;

Widespread malnutrition, if it is to be overcome, will require substantial increases in food production per hectare because opportunities for putting land under cultivation in the developing countries are sharply reduced; and

External payments imbalances will require acceleration of industrialization and expansion of exports in the face of slower growth in world trade and rising tides of protectionism.

It is shocking to reflect that in spite of the progress of the past quarter century and the advances that are likely in the next two decades, it is probable that at the end of this century 600 million human beings in the developing countries will continue to live in absolute poverty.

Clearly there will be an immense intellectual and technical effort required from the Bank in the 1980s—in addition to its financial contribution—if it is effectively to assist the developing countries to address their fundamental social and economic problems.

Let me now summarize and conclude the central points I have made this morning.

VI. SUMMARY AND CONCLUSIONS

Global economic conditions over the past 18 months have become substantially more difficult, and the prospects for growth in the oil-importing developing countries during the decade of the 1980s now appear less promising.

The sharp new rise in oil prices has more than doubled these countries' cost of imported energy, and the continuing recession in the industrialized nations will seriously limit demand for their exports.

As a result, their current account deficits has increased rapidly, and now constitute on average 4% of their gross national product—and for many countries substantially more. Though they can continue to finance these deficits in the short term by additional external borrowing, in the longer term their mounting debt service would become unsupportable. The deficits must be reduced. What is needed are fundamental structural adjustments in their economies.

If these difficult changes are undertaken soon, and can be completed over the next five to eight years, growth rates in the oil-importing developing countries should recover to more satisfactory levels during the second half of the decade.

This, however, will require financial assistance in the interim, beyond what is now in prospect, if severe reductions in the level of their development activity are to be avoided. If this financial assistance is not available, or if the developing countries delay initiating the necessary structural changes, their development progress will be seriously compromised throughout the decade.

The current adjustment process is likely to be more difficult than the earlier one in the 1974–1978 period. One of the most important actions the oil-importing developing countries can take to moderate its damaging effects is to adopt efficient import substitution policies in energy.

At present and prospective oil prices, many of these countries can turn what were previously regarded as marginal energy reserves of oil, gas, coal, hydroelectric, and forest resources into profitable investments. This will require their mobilizing additional domestic and external finance, but would permit them by the end of the decade to reduce their annual oil-import bill—projected by then to amount to some $230 billion—by more than $50 billion.

The current global economic situation has imposed particularly severe penalties on the poorest developing countries. They desperately need additional Official Development Assistance to get through the adjustment period. But total ODA flows declined in real terms from 1977 through 1979, and that portion of the flows allocated to the poorest countries was shockingly small in both relative and the absolute amounts.

Both the OECD nations, and the capital-surplus members of OPEC, should now consider what measures they can take to increase concessional assistance to the poorest nations who continue to be damaged by a global economic situation they neither caused, nor can do much to influence.

The middle-income developing countries will continue to depend on external capital flows from commercial banks throughout the decade, though it is questionable whether the volume will be sufficient from these sources to meet the additional requirements imposed by the new adjustment difficulties.

If the task of recycling to the developing countries a portion of the more than $100 billion a year of additional surpluses now being earned by the oil-exporting countries is to be tackled in the 1980s efficiently and equitably, there is no doubt that the financial intermediation of the World Bank, and other international institutions, should increase substantially above previously planned levels.

During the 1980s the Bank should:

Increase its lending program in order to offset fully the higher-than-anticipated inflation levels;

Finance structural adjustment, but not at the cost of reducing the development finance already planned for the oil-importing developing countries;

Assist in financing the expanded energy development program called for at the Venice Economic Summit meeting, but not at the cost of cutting its assistance to other vital programs; and

Respond to the development needs of China, but not at the cost of its other borrowers.

All of this can be done—and in a manner that takes full account of the current budgetary constraints faced by the governments of the developed nations—provided we make full use of the potential of the Bank's capital base, and facilitate the use of the large private resources available for sound investment opportunities.

The 1980s are likely to be a turbulent decade, preoccupied with a whole new range of financial difficulties.

But underlying the immediate financial concern, more fundamental problems persist.

The most fundamental of all is the persistence of widespread absolute poverty.

Development itself comprises a twofold task: to accelerate economic growth, and to eradicate absolute poverty.

These two goals are related, though governments are sometimes tempted to pursue one without adequate attention to the other. In the end, that approach fails from a development point of view. The pursuit of growth without a reasonable concern for equity is utlimately socially destabilizing. And the pursuit of equity without a reasonable concern for growth merely tends to redistribute the deprivation of economic stagnation.

In our meetings throughout the 1970s we have examined the various requirements of these two goals. This morning I have stressed both the critical need and the economic good sense of developing those human resources who have been inequitably passed over by the modernization process.

None of us, of course, can pretend that our understanding of the complexities of the poverty problem is complete. We are all still learning. But I believe we can take a measure of satisfaction that many governments and institutions throughout the international development community, including this Bank, are beginning to think about poverty in a more thoughtful way than they did a decade ago. And they are beginning to ask themselves how they can reshape their own efforts to deal with it more effectively.

That should be encouraging to everyone in this room.

Due to your support, and that of the governments you represent, the World Bank over the past ten years has become by far the world's largest and most influential development institution.

That is important.

But what is far more important is what has transpired throughout the developing world in the millions of individual lives that this institution has touched.

What these countless millions of the poor need and want is what each of us needs and wants: the well-being of those they love; a better future for their children; and end to injustice; and a beginning of hope.

We do not see their faces, we do not know their names, we cannot count their numbers. But they are there. And their lives have been touched by us.

And ours by them.

FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE FROM DEVELOPMENT ASSISTANCE COMMITTEE MEMBERS TO DEVELOPING COUNTRIES AND MULTILATERAL INSTITUTIONS [1]

[Percent of gross national product]

	1965	1970	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Australia	0.53	0.59	0.59	0.41	0.42	0.54	0.52	0.51	0.50	0.50	0.50	0.51	0.51
Austria	.11	.07	.17	.12	.24	.29	.19	.23	.25	.27	.29	.29	.30
Belgium	.60	.46	.59	.51	.46	.55	.56	.59	.60	.61	.63	.65	.67
Canada	.19	.41	.52	.39	.48	.52	.47	.46	.45	.45	.45	.44	.44
Denmark	.13	.38	.58	.56	.60	.75	.75	.67	.70	.70	.70	.70	.70
Finland [2]	.02	.06	.18	.17	.16	.17	.22	.22	.23	.24	.26	.27	.28
France	.76	.66	.62	.62	.60	.57	.59	.59	.59	.59	.60	.60	.60
Germany	.40	.32	.40	.36	.33	.37	.44	.44	.44	.44	.45	.46	.46
Italy	.10	.16	.11	.13	.10	.14	.09	.09	.10	.10	.11	11	.11
Japan	.27	.23	.23	.20	.21	.23	.26	.27	.27	.28	.28	.29	.30
Netherlands	.36	.61	.75	.83	.86	.82	.93	.94	.94	.96	.97	.98	.99
New Zealand [3]		.23	.52	.41	.39	.34	.30	.30	.30	.30	.30	.30	.30
Norway	.16	.32	.66	.70	.83	.90	.93	.95	.96	.97	.98	.99	1.00
Sweden	.19	.38	.82	.83	.99	.90	.94	.95	.95	.95	.95	.95	.95
Switzerland	.09	.15	.19	.19	.19	.20	21	.22	.25	.26	.26	.27	.28
United Kingdom	.47	.41	.39	.40	.46	.48	.52	.52	.49	.45	.42	.40	.38
United States [4]	.58	.32	.37	.26	.25	.27	.19	.18	.22	.22	.22	.22	.22
Grand total:													
ODA ($b-nominal prices)	6.5	7.0	13.8	13.8	15.7	20.0	22.3	24.6	28.7	32.1	35.7	39.7	44.1
ODA ($b-constant 1980 prices)	20.3	18.0	21.9	20.9	22.1	24.4	24.5	24.6	26.3	27.2	28.3	29.4	30.8
GNP ($t-nominal prices)	1.3	2.0	3.8	4.2	4.7	5.6	6.5	7.2	8.0	9.0	9.9	11.0	12.1
ODA as percent of GNP	.49	.34	.36	.33	.33	.35	.34	.34	.36	.36	.36	.36	.3
Price deflator [5]	.32	.39	.63	.66	.71	.82	.91	1.00	1.09	1.18	1.26	1.35	1.4

[1] Historical figures through 1979 are on note deposit basis as reported from OECD/DAC. Those for 1980–85 are based on OECD and World Bank estimates of growth of GNP, on information on budget appropriations for aid, and on aid policy statements by governments. They are projections, not predictions, of what will occur unless action not now planned takes place.

[2] Finland became a member of DAC in January 1975.

[3] New Zealand became a member of DAC in 1973. ODA figures for New Zealand are not available for 1965.

[4] In 1949, at the beginning of the Marshall plan, U.S. official development assistance amounted to 2.79 percent of GNP.

[5] The deflator is the U.S. dollars GNP deflator which excludes the effects of changes in exchange rates.

DISTRIBUTION OF ODA FROM OECD COUNTRIES IN 1978 BY DEVELOPING COUNTRY INCOME GROUP

[Amounts in millions of dollars]

	To low-income countries [1]			To middle- and high-income countries [1]			Total ODA	
	Amount	Percent of total ODA	Percent of GNP	Amount	Percent of total ODA	Percent of GNP	Amount	Percent of GNP
Australia	198	34	0.18	390	66	0.36	588	0.54
Austria	31	19	.06	135	81	.23	166	.29
Belgium	384	72	.40	152	28	.15	536	.55
Canada	564	53	.28	496	47	.24	1,060	.52
Denmark	254	66	.50	129	34	.25	383	.75
Finland	30	56	.10	24	44	.07	54	.17
France	768	28	.16	1,937	72	.41	2,705	.57
Germany	1,171	50	.19	1,176	50	.19	2,347	.37
Italy	247	66	.09	128	34	.05	375	.14
Japan	1,136	51	.12	1,079	49	.11	2,215	.23
Netherlands	606	56	.46	468	44	.36	1,074	.82
New Zealand	7	13	.04	48	87	.30	55	.34
Norway	237	67	.60	118	33	.30	355	.90
Sweden	508	65	.59	275	35	.31	783	.90
Switzerland	91	53	.11	82	47	.09	173	.20
United Kingdom	897	62	.29	559	38	.19	1,456	.48
United States	2,078	37	.10	3,586	63	.15	5,664	.27
Total	9,207	46	.16	10,783	54	.18	19,990	.34

[1] 1978 is the latest year for which available information permits distribution of ODA as between "low-income" and "middle- and high-income" countries. Low-income countries have a total population of 1,300,000,000 with per capita incomes averaging $200 per year. The populations of middle- and high-income countries total 900,000,000 with per capita incomes averaging $1,250 per year. The distribution includes bilateral ODA contributions and allocable shares of contributions to multilateral development assistance institutions.

PERSONAL NOTE—PREPARED AFTER THE TEXT WAS PRINTED

And now—if I may—let me add a purely personal note.

These past 13 years have been the most stimulating of my life. I wouldn't have traded them for anything.

And I want to say to all of you how deeply grateful I am for the privilege of having served with you throughout these years.

This World Bank—born out of the ruins of World War II—has grown into one of the most constructive instruments of human aspiration and progress.

And yet, it has only barely begun to develop its full potential for service and assistance.

There is so much more it can do, so much more it ought to do to assist those who need its help.

Each one of us here can help make that happen.

And how can we begin?

We must begin—as the founders of this great institution began—with vision. With clear, strong, bold vision.

George Bernard Shaw put it perfectly:

"You see things, and say why? But I dream things that never were, and I say why not?"

Thank you, and good morning.

DAVID ROCKEFELLER SPEAKS OUT

Mr. PERCY. Mr. President, David Rockefeller, chairman of Chase Manhattan Bank, will be retiring from that position early next year. For decades he and his bank have been names synonymous with domestic and international financial leadership.

I take this opportunity to congratulate Mr. Rockefeller on his many years of service and give him my very best wishes for his retirement. I hope it will be an active retirement, for the Nation is in need of his keen economic counsel. In these last months prior to his retirement, David Rockefeller has continued to speak out on key economic issues and the sources of inflation.

Hobart Rowen, Washington Post economic writer, conducted an interview with Mr. Rockefeller which was carried in the Post on Sunday, October 12. As Mr. Rowen says:

> Like most of his peers, Rockefeller echoes the now well-orchestrated demand for better tax treatment for business. But more forthright than many, he suggests that U.S. industry also needs to take a page out of the Japanese book "and concentrate less on short-term results and more on long-term possibilities.

Mr. President, I ask unanimous consent that the Post article on David

Rockefeller be included in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, lest anyone think that David Rockefeller's thoughts and forecasts are only of importance in Washington, New York, or Chicago, I would like to draw my colleagues' attention to an article that appeared on October 13 in an Illinois paper, the Kankakee Journal. Comments that David Rockefeller made before the American Bankers Association meeting in Chicago hit home in Kankakee and I ask unanimous consent that this article also be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. Mr. President, Mr. Rockefeller's remarks in Chicago touched on several areas not mentioned in Hobart Rowen's column. Mr. Rockefeller was right on target in pointing out that "inflation is a decline in the value of money. And only the Government has the power to debase the currency by creating too much of it." This is an important message that has been lost in the past. Just during the 1970's, the U.S. Government ran up a cumulative deficit of over $300 billion. In fiscal 1980, the deficit was nearly $60 billion. We need a balanced budget, especially in a time of economic recovery. We should also look carefully at regulation, which Mr. Rockefeller notes "pre-empts billions in capital that otherwise might be productive."

Mr. Rockefeller's words of advice have always carried weight in Washington. We need his expertise as we begin to streamline the Government and offer incentives for new investment and productivity improvement. I wish him well in his retirement, but urge him to continue to speak out on important economic issues.

Exhibit 1

A Relaxed Rockefeller Reflects

NEW YORK.—En route here in the Chase Manhattan-owned Gulfstream—a jet that has taken David Rockefeller around the world five times—Rockefeller was in a relaxed mood. He had just received a rousing reception at the Economic Club of Detroit from a blue-ribbon audience of 1,400. And while that was only half of the record turnout for ABC's Barbara Walters a few years ago, it was a bigger crowd than either Vice President Walter Mondale or GOP vice presidential candidate George Bush had drawn in recent appearances.

Rockefeller, after all, is probably the best-known name in U.S. banking. Moreover, David is one of only two left of six extraordinarily wealthy and influential siblings. The other is Laurence, who for the last 20 years has been managing Rockefeller family interests.

And now, David Rockefeller is about to give up the reins at the giant bank's annual meeting, he will yield as chairman to Willard C. Butcher, who already has taken over as Chase's president and chief operating officer. So fellow-occupants of the executive suite are turning out to hear Rockefeller's message. It is a mixture of grim assessment of the nation's and world's economic problems, and a measure of hope that, somehow, answers will be found.

As might be expected, Rockefeller—originally for George Bush—is a strong supporter of Ronald Reagan, and a sharp critic of Jimmy Carter.

Sipping a scotch-and-soda and munching on nuts as the Chase jet sped eastward, Rockefeller hit out at Carter's inability to sustain "clear-cut, consistent policies either in the domestic or foreign field." The banker believes that Carter's economists were premature in announcing that the recession had ended. Rockefeller and Chase economists argue that the recession may not yet be over, although the down trend has slowed somewhat. In Detroit, Rockefeller had said that interpretation of recent economic statistics "is a bit like taking a ride on a roller coaster, and apparently Washington believes the economy should run the same way! At least it would appear that there's nobody up front steering the thing."

Like most of his peers, Rockefeller echoes the now well-orchestrated demand for better tax treatment for business. But more forthright than many, he suggests that U.S. industry also needs to take a page out of the Japanese book "and concentrate less on short-term results and more on long-term possibilities."

In dealing with the need to automate—including the use of robots—Rockefeller warns that "here lies a potential booby trap in the form of a two-tier society" which will leave the blacks, Hispanics and other minorities "to grapple for a dwindling supply of unskilled jobs."

As critical as Rockefeller is of Carter's domestic policies, he is even more concerned about what he considers Carter's mismanagement of the United States' international role. Specifically, Rockefeller charged that the president has not done "what most other countries do themselves, and expect us to do—namely, to make U.S. national interests our prime international objective."

We have confused U.S. interests, Rockefeller believes, with two other objectives: the promotion of human rights, and an effort to restrict the development of nuclear power. The first—human rights promotion—is, of course, desirable, Rockefeller says, while the second "is a more debatable objective."

He cited as examples the way Carter handled Brazil and Argentina. "When Carter first came to office, he hit them both on the human rights front. And Brazil, he also hit on the nuclear front in relation to its deal [for technical assistance] with the Federal Republic of Germany. So in that particular case, we annoyed both Brazil and [West] Germany in one fell swoop.

"And while I'm sure that Brazil does a number of things that we would consider less than desirable in terms of human rights, it seems to me that one has to judge them—as any country—on the basis of what went before the present regime, and what the likely alternative would be if they were overthrown."

As to Argentina, Rockefeller says that inasmuch as "they want to go back to democratic forms," it was foolish for the Carter administration to ban the sale of Allis-Chalmers turbines, and refuse Export-Import Bank loan assistance.

Rockefeller, who in the past has turned down numerous Washington job offers, including the Treasury more than once, plans to take over the management of Rockefeller family affairs from brother Laurence. As he noted a bit plaintively, not only is no young Rockefeller interested in banking but the entire younger generation of Rockefellers is more interested "in the field of the arts, conservation, environment and things of that sort, than they are in business."

Exhibit 2

Rockefeller Calls Government Spending Prime Reason for High Inflation Rate

CHICAGO.—America's bankers must use their clout to demand an end to the "debauchery" of money by government spending, a prime cause of inflation, banker David Rockefeller says.

"To put it bluntly, the root of our current inflationary crisis is clearly the soaring price of government," he said.

Rockefeller, chairman of Chase Manhattan Bank, the nation's third largest, said, "The growth of social programs can no longer exceed the growth of the business on which they finally depend."

His remarks came in a speech prepared for delivery this morning to a convention in Chicago of the American Bankers Association.

Bankers, Rockefeller said, must work "to demand an end to the debauchery of the money of the American people and the betrayal of their trust" posed by government spending.

He told the bankers that government's role in inflation is not sufficiently recognized.

"A recent study of the coverage of inflation on television news programs found that 80 percent of the reports deal with the problem only as a matter of price hikes or wage increases," Rockefeller said.

He said the public learns to see inflation in terms of businesses raising prices and pulling in higher profits, or workers demanding raises, or bankers demanding higher interest rates. The government is left out of the picture, he contended.

"Inflation, as every banker knows, is a decline in the value of money," Rockefeller said. "And only the government has the power to debase the currency by creating too much of it.

"Between 1975 and 1979," Rockefeller said, "the federal tax bill for all Americans increased more than eight times as much as their fuel bill."

Rockefeller said social welfare programs of the 1960s forced the government into deficit spending, which he said fueled inflation.

"Environmental, health, safety and other regulations proliferate," Rockefeller said. "They not only add directly to costs, and therefore prices; they also pre-empt billions in capital that otherwise might be productive."

He said the regulations reduce the amount of capital available for investment and cut into productivity gains.

The convention, which began Saturday, runs through Wednesday and is expected to involve 10,000 bankers. An estimated 90 percent of the nation's 14,957 full-service, commercial banks belong to the trade group.

Earlier, outgoing President C. C. Hope, Jr., of Charlotte, N.C., reported the group was initiating a nationwide anti-inflation project including distribution of six "inflation messages" to each of the attending bank executives to take to his community.

ILLINOIS GROUP POOLS RESOURCES TO COMBAT ARSON PROBLEM

Mr. PERCY. Mr. President, last year the Permanent Subcommittee on Investigations of the Governmental Affairs Committee, of which I am the ranking minority member, completed a 2-year study of arson-for-profit. The committee report, "Arson in America," revealed that in 1977 arson-for-profit—the intentional burning of buildings to defraud insurance companies—was the fastest growing crime in America. Nearly 250,000 arson fires were set that year. These arsons were responsible for the death of 1,000 people and the destruction of nearly $2 billion worth of property.

The report identified a number of problems contributing to the growing arson problem. Lax insurance underwriting practices do not screen out properties and/or individuals which are likely candidates for arson. Insurance companies, anxious to settle claims as quickly as possible, are frequently reluctant to investigate suspected arson cases. Jurisdictional disputes between police and fire departments impede timely and vigorous arson investigation. And finally, local prosecutors devote only a bare minimum of time to the prosecution of arsonists and arson-for-profit.

The report concludes that only through the development of a comprehensive strategy which coordinates the efforts of law enforcement, the legislature, and the insurance industry, can the arson epidemic be curbed.

In light of these conclusions, I was pleased to learn that in my own State of Illinois, a coordinating council on arson-for-profit was created to attack the severe arson problem in Chicago and the rest of the State. Since February of this year, the council has held monthly meetings with representatives of neighborhood organizations, insurance companies, and State and local law enforcement. The purpose of these meetings has been to agree upon common goals and then develop a strategy to achieve them. The council's efforts have led to the development of an exemplary arson detection and prevention program.

The Illinois general assembly has passed nine separate arson prevention bills. In general, the measures encourage insurance companies to investigate fire claims, facilitate the exchange of information between insurance companies and law enforcement offices relating to insurance fraud, and mandate that the Illinois State fair access to insurance requirements (FAIR) plan follow strict underwriting and procedural practices.

In addition to the State's adoption of strict arson prevention measures, the Crime Commission has established an arson awareness committee. The committee presents to the neighborhoods of Chicago a program that addresses the problem of fire awareness, safety, and arson prevention.

I commend the State of Illinois and the council for its efforts. It is my hope that other States and communities follows the lead of Illinois and the coordinated council on arson-for-profit and formulate comprehensive policies to combat this costly crime.

I particularly praise the following organizations for their efforts: The Chicago Crime Commission, the Chicago Police Department, the State's Attorney's Office, the State Fire Marshal's Office, the Cook County Sheriff's Office, the Illinois Department of Law Enforcement, the Illinois Department of Insurance, the Bureau of Alcohol, Tobacco, and Firearms, the Illinois Department of Public Safety, Allstate Insurance Co., Zenith Radio Corp., the Better Government Association, the Metropolitan Chicago Loss Bureau, the Northwest Community Organization, the Organization of the Northeast, and Diedrich and Associates.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:26 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 43. An act to promote safety and health in skiing and other outdoor winter recreational activties;

S. 2251. An act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol;

H.R. 3765. An act to increase the minimum price support loan rates for wheat, feed grains, and soybeans to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes;

H.R. 4084. An act to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California;

H.R. 7942. An act to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development; and

H.R. 8329. An act to allow the obsolete aircraft carrier United States ship Intrepid to be transferred to the Intrepid Museum Foundation, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. LEVIN).

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2510) to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2583) to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes; recedes from its disagreement to the amendments of the Senate numbered 5, 10, 17, 25, 30, 34, 46, 51, 84, 90, 91, 92, 93, and 94 and agrees thereto; and recedes from its disagreement to the amendments of the Senate numbered 3, 28, 31, 49, 74, 75, 82, and 89, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 6, 15, 16, 23, 25, 30, 35, 37, 42, 43, 44, 54, 55, 58, 62, 65, 66, 67, 80, 87, 93, 95, 96, 99, and 100, and agrees thereto; and that the House recedes from its disagreement to the amendments of the Senate numbered 12, 17, 22, 24, 31, 32, 34, 52, 64, 74, 78, 82, 84, 85, 86, 88, 91, 94, 108, 110, 113, 119, 124, 132, 134, 135, and 136 and agrees thereto each with an amendment in which it requests the concurrence of the Senate; and that the House insists upon its disagreement to the amendment of the Senate numbered 128 to the bill.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1465. An act to amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes.

The message further announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1985. An act to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes; and

S. 3027. An act to extend authorization for the Disaster Relief Act, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2111) to extend the service area for the Sacramento Valley Canals, Central Valley Project, California, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that

the House has passed the following bill and joint resolution, without amendment:

S. 3193. An act to designate the Jacob K. Javits Federal Building; and

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week".

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 8345. An act to name the United States Customs House in Ogdensburg, New York, the "Robert C. McEwen United States Customs House"; and

H.J. Res. 634. Joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 452. A concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

At 3:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has agreed to the amendment of the Senate to the following bill:

H.R. 6933. An act to amend the patent and trademark laws.

The message also announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 6889. An act entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980".

The message further announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 8298. An act to designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes; and

H.J. Res. 636. Joint resolution to provide for a temporary increase in the public debt limit.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 453. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were read twice by unanimous consent, and referred as indicated:

H.R. 8298. An act to designate certain National Forest System lands in the State of New Mexico for inclusion in the National Forest Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 8345. An act to name the United States Customs House in Ogdensburg, New York, the "Robert C. McEwen United States Customs House"; to the Committee on Environment and Public Works.

H.J. Res. 636. Joint resolution to provide for a temporary increase in the public debt limit; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTIONS HELD AT DESK

The following concurrent resolutions were held at the desk by unanimous consent:

H. Con. Res. 452. A concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

H. Con. Res. 453. A concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

ENROLLED BILLS PRESENTED

The Secretary reported that on today, November 21, 1980, he had presented to the President of the United States, the following enrolled bills:

S. 43. An act to promote safety and health in skiing and other outdoor winter recreational activities; and

S. 2251. An act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, without amendment:

S. 3096. A bill to amend the Wild and Scenic Rivers Act to authorize the acquisition of certain lands in Douglas County, Wisconsin (Rept. No. 96-1024).

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with an amendment:

S. 2752. A bill to amend the Act of August 25, 1916, as modified (Rept. No. 96-1025).

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with amendments:

H.R. 7306. An act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes (together with additional views (Rept. No. 96-1026).

By Mr. BUMPERS, from the Committee on Energy and Natural Resources, with amendments, and an amendment to the title:

H.R. 7217. An act to enact certain provisions relative to units of the National Park System in the State of Hawaii, and for other purposes (Rept. No. 96-1027).

NATIONAL SCIENCE FOUNDATION AUTHORIZATION AND SCIENCE AND TECHNOLOGY EQUAL OPPORTUNITIES ACT—CONFERENCE REPORT

Mr. KENNEDY, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 568) to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities for the National Science Foundation for fiscal years 1981 and 1982, and for other purposes (Rept. No. 96-1028).

By Mr. DeCONCINI, from the Committee on the Judiciary, without amendment:

S. 2542. A bill to grant a Federal charter to the Italian American War Veterans of the United States of America (Rept. No. 96-1029).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1980

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven Perles:									
United States	Dollar				1, 288. 00				1, 288. 00
England	Pound	11. 10	26. 58					11. 10	26. 58
England	Pound	442. 99	1, 006. 40					422. 99	1, 006. 40
Senator Mark Hatfield:									
France	Franc	2, 398. 50	585. 00					2, 398. 50	585. 00
Finland	Markka	1, 244. 90	342. 00					1, 244. 90	342. 00
United States	Dollar				1, 255. 60				1, 255. 60
Total			1, 959. 98		2, 543. 60				4, 503. 58

WARREN G. MAGNUSON,
Chairman, Committee on Appropriations.

Oct. 21, 1980.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TOWER (for himself and Mr. Bentsen):

S. 3225. A bill for the relief of Roy P. Benavidez; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 2542

At the request of Mr. DeConcini, the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of S. 2542, a bill to grant a Federal charter to the Italian American War Veterans of the United States of America.

At the request of Mr. Chafee, the Senator from West Virginia (Mr. Robert C. Byrd) was added as a cosponsor of S. 2542, supra.

S. 3145

At the request of Mr. Williams, the Senator from Minnesota (Mr. Durenberger), the Senator from Montana (Mr. Baucus), the Senator from Georgia (Mr. Nunn), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 3145, a bill to provide homeownership assistance.

SENATE JOINT RESOLUTION 193

At the request of Mr. Riegle, the Senator from Utah (Mr. Hatch) was added as a cosponsor of Senate Joint Resolution 193, joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States.

AMENDMENT NO. 2622

At the request of Mr. Stafford, the Senator from Oregon (Mr. Hatfield), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Michigan (Mr. Levin) were added as cosponsors of amendment No. 2622 intended to be proposed to S. 1480, a bill to provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

AMENDMENT NO. 2623

At the request of Mr. STAFFORD, the Senator from Oregon (Mr. Hatfield), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Michigan (Mr. Levin) were added as cosponsors of amendment No. 2623 intended to be proposed to H.R. 7020, a bill to amend the Solid Waste Disposal Act to provide authorities to respond to releases of hazardous waste from inactive hazardous waste sites which endanger public health and the environment, to establish a hazardous waste response fund to be funded by a system of fees, to establish prohibitions and requirements concerning inactive hazardous waste sites, to provide for liability of persons responsible for releases of hazardous waste at such sites, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDMENT OF CONGRESSIONAL BUDGET ACT TO REQUIRE COST ESTIMATES

AMENDMENTS NOS. 2627 THROUGH 2630

(Ordered to be printed and to lie on the table.)

Mr. LONG submitted four amendments intended to be proposed by him to the bill (S. 3087) to amend the Congressional Budget Act to require the Congressional Budget Office, for every significant bill or resolution reported in the House or Senate, to prepare and submit an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution.

● Mr. LONG. Mr. President, I am today submitting four amendments to the Congressional Budget Act which I believe will improve the ability of the Senate and its committees to carry out their legislative responsibilities in a manner totally consistent with the goals and objectives of that act. These amendments are procedural in nature. For the most part, the Senate has been able to accommodate itself to the major procedural changes required by the adoption of the budget process.

It was inevitable, however, that a change of that magnitude would have some unforeseen results which do not advance the true purposes of the Budget Act but do create unnecessary obstacles to the consideration of legislation. It has been 6 years since the original adoption of the Budget Act and the amendments I am submitting represent some of the most significant needed improvements which I have identified during that period. I believe the adoption of these amendments will do no harm to the budget process but rather will enhance its effectiveness.

Summary

1. Revenue and Expenditure Impact (Proposed Section 907 of the Budget Act)

Problem: Certain revenue and expenditure items are typically considered in the same legislation. Such legislation may be designed by the Finance Committee to stay within the overall budgetary goals concerning the budget surplus or deficit yet run afoul of the budget process because the Budget Act treats revenue and expenditure items separately.

Example: After the second budget resolution, spending committees may have enacted legislation fully using up the expenditure limits. Revenue increases totalling $3 billion may be needed to meet the revenue floor. The Finance Committee may wish to report out a bill which raises $7 billion in new revenues offset by $2 billion in tax relief to lower-income persons. If part of this relief affects the earned-income tax credit, however, the Committee bill would be subject to a point of order since that provision's refundable aspects are treated as expenditure items. This would be true even though the bill as a whole provides a net $2 billion budgetary surplus over and above what the budget requires.

Proposed solution: Provide that legislation including both expenditure and revenue items will be considered on the basis of its net budgetary impact for purposes of applying the various requirements of the Budget Act (that is, on the basis of its impact on the overall surplus or deficit).

2. Comparable Treatment for Identical Bills (Proposed Section 908 of the Budget Act)

Problem: It sometimes happens that a bill which fully complies with the Budget Act does not reach enactment, and it becomes necessary to use a different bill as a vehicle for the identical substance. Because of the passage of time, the second bill may run afoul of Budget Act procedural requirements (for example, as to the deadline for reporting the bill) even though there is no substantive change.

Example: In 1978, the Finance Committee reported legislation to extend funding of child support for non-welfare families. The House failed to agree to this prior to the end of the Congress. Identical legislation in 1979 could have been blocked by a point of order because it had to be placed on a different bill (because of the intervening end of the 95th Congress). Had the 2 years in question been 1979 and 1980 rather than 1978 and 1979, the same bill could have been used and no point of order would have been applicable.

Proposed solution: Provide that Budget Act points of order will not lie against a bill if in the same or preceding year a bill substantially identical (insofar as the matter related to the Budget Act problem) was reported and if that earlier bill would not be subject to the Budget Act point of order.

3. Congressional Approval of Assumption Changes (Proposed Section 909 of the Budget Act)

Problem: Under present procedures, the impact of a budget resolution on the legislative process is subject to sudden major revision through the adoption of new economic assumptions by CBO without an opportunity for Congress to review the changes and their impact on pending legislation.

Example: At the time Congress adopts a budget resolution it sets the budgetary totals at levels designed to allow for certain legislative actions. The House and Senate then pass bills designed to fit within the budget resolution allowances. While that legislation is in conference, CBO adopts a reestimate based on its economists' reassessment of the economic climate. This greatly increases the cost of present law programs thus eliminating the room for the new legislation being considered by the conferees. Since this is purely an administrative action by CBO, the force and meaning of the budget resolution previously adopted by the Congress has been significantly changed without any Congressional opportunity to review the change.

Proposed solution: Provide that basic economic assumptions are to be incorporated into each budget resolution and are to remain in force for estimating purposes until that resolution is modified or until Congress adopts (through a simplified, expedited procedure) a resolution approving a change in assumptions.

4. Permit Committee Modification of Legislation Violating Budget Act (Proposed Section 910 of the Budget Act)

Problem: Because of the passage of time, new interpretations, or changing estimates, bills which comply with the Budget Act when reported may be out of compliance before they are called up for Senate consideration. In such a situation, consideration of the bill is subject to a point of order even though the reporting Committee may be ready and willing to modify it so as to cure the Budget Act violation.

Example: Earlier in this Congress, the Finance Committee reported a bill which appeared to be in conformity with the Budget

Act. When it was later discovered that a Budget Act problem existed, the Committee would have been willing to make the necessary modifications to overcome the technical defect. Under current rules, however, any Senator opposing the bill on substantive grounds could block its initial consideration on the basis that, as reported, it violated the Budget Act. Consequently, the Committee was forced to re-report the measure using a different vehicle in order to make the technical change that overcame the Budget Act problem.

Proposed solution: When a bill is in violation of a Budget Act provision but the Committee reporting the bill has approved a modification which cures the Budget Act problem, make it in order to call up the bill on condition that before further consideration of the substance of the bill, the modification will be made.●

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980

AMENDMENT NO. 2631

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by Mr. STAFFORD (for himself, Mr. RANDOLPH, Mr. MITCHELL, Mr. MOYNIHAN, Mr. BRADLEY, Mr. WILLIAMS, Mr. HEINZ, Mr. BURDICK, Mr. LEAHY, Mr. CULVER, Mr. LEVIN, Mr. HATFIELD, Mr. CRANSTON, Mr. INOUYE, and Mr. WEICKER) to the bill (S. 1480) to provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. CHILES. Mr. President, the Special Committee on Aging, which I chair, today opened a series of hearings on "social security: What changes are necessary?" We heard an excellent overview of the issues facing social security from two experts in the field: Mr. Robert Ball and Mr. Henry Aaron.

Our hearings will resume after the Thanksgiving recess, but there have been some changes in the times of those hearings. Here is our updated schedule as revised:

December 2, 1980, beginning at 9 a.m., not 10 a.m.

December 3, 1980, beginning at 2 p.m., not 10 a.m.

December 4, 1980, beginning at 10 a.m.

All hearings will be in room 6226, Dirksen Building.

ADDITIONAL STATEMENTS

PRESERVATION OF SACRED STRUCTURES

● Mr. DURENBERGER. Mr. President, it is important that we recognize the efforts and dedication that thousands of Americans have demonstrated in their quest to preserve this country's most sacred structures. It is through their tireless effort and time that the heritage of some of this Nation's oldest monuments have been saved for future generations. I would like to share with my colleagues the story of how one such historical structure, Our Lady of Lourdes Church, the oldest operating church in Minnesota, was so preserved. I request that the following articles be printed in the RECORD.

The articles follow:

[From the St. Paul Dispatch, June 17, 1980]

A PIE SAVES HISTORY

There is the old saying, of course, that the way to a man's heart is through his appetite.

But can the way to community support for a living landmark come through a French-Canadian meat pie?

The parishioners of Our Lady of Lourdes Catholic church in St. Anthony Main of Minneapolis pray that it will.

One Saturday morning in early May, as I passed near the venerable French-Canadian edifice at 21 Prince St. SE., a most compelling aroma sifted through the misting rain from the basement of the church.

"Come," said the pastor, Father Alan Moss, who was standing on the steps, "I will take you to the source and tell you a story."

We clumped down into the church basement where I observed an incredible assembly line.

At least 40 men and women, working at a line of tables, in a big room adjoining the kitchen, were fashioning French-Canadian *tourtiere* (meat pies) in full-sized pie pans.

By tonight, said Mrs. Joan Dunne and Mrs. Gloria St. Hilaire, we will have put 500 pies into the freezer, using basic pork, but the recipe is like a CIA secret—nobody in this whole room ever knows the whole thing.

The pies will be offered for sale at $5 or $6 each—full eight slices, or a meal for eight—at the coming tricentennial celebration (by the parish and St. Anthony Main Association) of Father Louis Hennepin's first sighting of the Falls of St. Anthony in 1680.

The first "wave" of pies will go on the sale counters at the church the weekend of June 28 and 29.

The rest will be sold on the St. Anthony Main waterfront the July 4 weekend, during the Tricentennial Festival.

"The pies are our public relations gesture, as well as a fund raiser—our blow for maintaining and preserving our French-Canadian heritage in the community," said Father Moss.

"Besides, the parish that bakes tourtieres together stays together," he said.

The people of Our Lady of Lourdes have, perhaps, the biggest stake and claim to fame in this entire observance.

Not only was it just to the left front of the church that Father Hennepin reputedly saw the falls for the first time, but the parish itself has a noble and significant past.

And it has been one that Father Moss and others have been fighting hard to preserve.

Consider the fact that fewer than 20 years ago, "they were ready to board up the church, close it down and maybe demolish it," said the pastor, who is a soft spoken, gentle, but persevering person, historian as well as diplomat and leader of his flock. He is also a crusader for the preservation, survival and vigorous life of "this living monument to the origins, not only of Minneapolis-St. Anthony 300 years ago, but we are one of three French-Canadian parishes in the Twin Cities area."

And like the French Tri-color, the French and French-Canadians of the area had three places to worship—Lourdes, St. Louis in St. Paul and St. John Baptiste in Little Canada.

Its heritage is portrayed by the French names on the stained glass windows and the roster of pastors, most of them of French descent.

Yet no less than five or six years ago, the parish membership had dwindled below 200 and pressures from developers and urban renewers pressed against the existence of Our Lady.

But Father Moss had some weapons of his own to fight for survival—his personality, his soft persuasion, huge quantities of joi de vivre—and the tourtiere.

Now, it may be something of an oversimplification or attaching too much importance to a 12-inch diameter pie, but . . .

"It was our annual February tourtiere church dinner—sometimes with the French pea soup—that held this parish together, and it began to attract outsiders. Among them were people involved in the future of St. Anthony Main—also its past," said Father Moss.

A few years ago, the parish began baking the pies on a regular weekly basis, from Nov. 1 through the end of winter, and people could buy them after Masses.

All this began to pay off.

"The public became aware of us and the church," Father Moss said.

"The parish sustains the day-to-day operation and upkeep of the church, but I have been out garnering community support, and with some success."

Survival is assured now. And that has led to a revival of parish membership, too, now numbering well over 300.

By dint of friendship, too, Father Moss has persuaded his friend, Murray McCance, the expert Canadian church preservationist, to develop some authentic designs for the interior of Our Lady of Lourdes. Murray recently completed work on the College of St. Thomas chapel.

In recent years, too, there has been more distinguished recognition by the Minnesota State Historical Society, the City of Minneapolis, Archdiocese of the Twin Cities and the French government.

In 1976, the French ambassador to the United States came to Our Lady of Lourdes during America's Bicentennial year and dedicated a plaque, which says in French:

"Amazing travelers! What noble stories we read in your eyes as deep as the seas. Show us the writings of your rich memories."

Tourtiere, by the way, was served to the guests that day!

CANADIAN UNCOVERS THE PAST AT LADY OF LOURDES CHURCH

(By Margaret Morris)

Thanks to Murray McCance, a Canadian architectural historian, Our Lady of Lourdes Church is being restored in the style of its original Italian design.

The Toronto native had no trouble learning about the church, Minneapolis' oldest edifice still in use. The building located at 21 SE. Prince St. dates from 1856 (variably recorded as 1855, 1856, 1857 and 1858). It was built by the Universalist Society at the time the community was known as St. Anthony and buffalo were grazing west of the village. St. Anthony and its environs had a population of less than 5,000.

The first Universalist minister, the Rev. Seth Barnes, recorded in his diary how he was unable to find a house in the village and had to live in a sod hut "out on the prairie, a full two miles away from Nicollet Island."

The church was served by several Universalist ministers. It closed its doors in 1862 upon the death of Barnes, who had moved his family to St. Anthony in the interest of unity. In 1869, the society disbanded and the building remained closed for nearly a decade.

Eight years later, it was purchased by a group of French Canadian Catholics who were members of the predominantly Irish St. Anthony Church and wanted a pure French parish of their own.

The French congregation quickly took over the building and celebrated the first mass there July 29, 1877. The building of solid limestone, quarried in the area, was purchased for $10,000. It was enlarged subsequently to seat 375. Pastor's quarters were established in the basement and a sacristy made of the same local stone was added to the building. With the completion of a pointed roof, the project cost about $12,000.

The last addition was made in 1911 when a Renaissance portico was built and the wooden front steps were replaced with concrete and wrought iron railings.

While the French Canadians were by no means wealthy, they were not desperately poor immigrants. Many of the families had left Europe generations before and they were settled with skills and trades.

During the pastorate of the Rev. John Andre early in the 20th century, the parish reached its fulfillment with a completed church, school, convent and rectory, and the debt was greatly diminished.

The church was transferred in 1917 from the St. Paul diocesan clergy to the Marist Fathers, who had been in charge of St. Louis Church in St. Paul, that city's French parish. The Marists guided the destiny of the parish over the next 52 years.

A gradual decline in parish membership developed as English replaced the French language in services and marriage into families without common French traditions took place. With the death of original settlers, the desire to sit through a French sermon or even two sermons each Sunday faded.

The school was closed in 1959 and the building was sold to the Minneapolis Housing and Redevelopment Authority for $19,000. The church had been designated as an historic monument in 1934 by the Department of the Interior, along with 12.000 other buildings, of which fewer than 6,000 still stand.

In 1967, there was a definite consideration to close the church altogether, although most parishioners opposed the move. The parish had shrunk to its lowest membership. Then former Minneapolis Mayor Al Hofstede and former Alderman Gladys Brooks stepped in and appealed to the St. Paul Archdiocese to keep Our Lady of Lourdes open. That started the church on a new era.

There was talk of Mississippi River area development and renewal. The Rev. Alan W. Moss was named pastor of Our Lady of Lourdes in 1971 and immediately plunged into repairing the deteriorating church. Since then the parish has grown from 170 to 350.

What's more, there has been a move for improving neighborhood aesthetics. Louis Zelle's St. Anthony Main made big strides on the east bank and the Boisclair Corp. has plans for a $60 million office and residential development on E. Hennepin Av.

McCance, the restoration designer for the chapel of St. Thomas College two years ago, learned of Our Lady of Lourdes when he was working on that project in St. Paul.

"I read about the man who knocked on the rectory door at 2 p.m. after he had raped and killed a 13-year-old girl from Columbus, Ohio," he said when in town recently. The effect of the news led him to the rectory to meet with Moss.

They became immediate friends.

Thrilled with the chance to design the restoration of the historic church, McCance uncovered two pairs of small stained glass windows on the sides of the sanctuary. "They are truly Victorian, patterned after William Morris who used some of the same kind of glass and jeweled insets used at the Oxford Center," said McCance.

He ordered a 6-foot-tall Czechoslovakian crystal chandelier in 19th century French style to hang from the tip of the domed ceiling over the altar and eight smaller chandeliers to hang on the sides of the nave.

The walls are being painted a Normandy cream and white and carpeting in French blue with gold fleur de lis design has been ordered from England for the altar platform. The altar table will stand in the center of the nave, directly under the dome. The limed oak pews will be rearranged to face the altar.

Entrance doors in the same French blue with gold fleur de lis emblems were custom ordered because the doors are odd size. Statues will be repainted in 19th century style and reinstalled because the pastor thinks the parishioners should have such religious artifacts.

A new roof with copper valleys has been completed by Gordon Rogers, president of Durgin & Sons, who spent nine years working on the project.

"Without him, we would never be able to solve all the problems of the leaks and things," said Moss, explaining that Rogers had donated his time.

He noted that good will has played a large role in the renewal progress. It has been expressed in gifts from people of different faiths in the form of funds, labor and materials. The names of such prominent Catholic leaders as Eugene McCahill, Alice Lahiff and Rose Totino have replaced those of early church members as donors, he said.

What's more, McCance is chipping in his $15,000 commission.

As for Moss, he said his greatest joy will be to see the church completed. "In my annual novena, I pray that my day of seeking funds then will be over," he confided.

The dedication is scheduled for next November—"God willing," the priest added with a twinkle in his eyes.

PROFILE/REV. ALAN MOSS

If Rip Van Winkle had nodded off in Minneapolis in the late 1850s, one of the few things he might recognize if he woke up today is Our Lady of Lourdes Church in the revitalized St. Anthony Main area.

True, the view is not quite unspoiled anymore. And the St. Anthony Falls have eroded up the Mississippi River a ways since Father Louis Hennepin first gazed on them from the hill on which the church later was built.

But the Rev. Alan Moss now enjoys the river bluff perch of Minneapolis' oldest church, and he says the view is getting better.

Our Lady of Lourdes, built in 1857 by New England Universalists and taken over by French-Canadian Roman Catholics in 1877, seemed destined for the history books when the Marist Fathers, who ran it most of this century, recommended in 1968 that the Minneapolis-St. Paul Archdiocese abandon it.

But a group of civic and religious leaders asked Archbishop Leo C. Byrne to help revive the church as part of the planned St. Anthony Main renewal. Byrne decided to keep the old church open and asked Moss, who had been active in local planning groups, to take his first parish there.

When Moss arrived in 1970, the church's membership and building at 21 SE. Prince St. were saging. In the past decade, more than $400,000 worth of restoration and new work has been done, and the congregation has grown from 170 to about 400.

Moss jubilantly describes the church's renaissance:

Sunlight filters once again through stained-glass windows that had been boarded up for 60 years. A parishioner is building a pipe organ, and blue sky, clouds and cherubs are to be painted on the domed ceiling over the front of the sanctuary, which is patterned after Chapel Royale at Versailles, France.

Moss points out remodeled steeples and a new roof that protects St. Anthony of Padua and a half-dozen other full-side plaster saints that are being repainted and polished.

One of the most visible changes is the "16-ton pebble" Moss recently hauled in from a quarry near Hanover, Minn.

"I've had my eye on that rock for several years," Moss said. "It has that perfect look, like the prayer altars the Indians used or the mass rocks used during the persecution [of Catholics] in Ireland."

He plans to use the granite boulder for a plaque to some of the many donors of different faiths who have made the renovation possible. The rock will sit on a greenway connecting Lourdes Square, to be laid out in front of the church, to the historic Godfrey House behind the church on SE. Second Street.●

CBO REPORTS ON OIL AND GAS LEASES

● Mr. JACKSON. Mr. President, on November 19, the reports on H.R. 6258, a bill providing for reinstatement and validation of U.S. oil and gas leases numbered C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595; and H.R. 7941, a bill to amend section 21 of the act of February 25, 1920, commonly known as the Mineral Leasing Act, were filed in the Senate. At that time the committee had not received the reports from the Congressional Budget Office which would have been included in the reports in compliance with the Legislative Reorganization Act of 1970, as amended. In order to make the analvses available, I ask that the reports from the Congressional Budget Office be printed in the RECORD.

The reports follow:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 19, 1980.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6258, a bill providing for reinstatement and validation of United States oil and gas leases numbered C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595, as ordered reported by the Senate Committee on Energy and Natural Resources, November 19, 1980.

Based on this review, it is estimated that a small amount of revenue would be received, and no additional cost to the government would be incurred as a result of enactment of this bill.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 19, 1980.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 7941, a bill to amend section 21 of the Act of February 25, 1920, commonly known as the Mineral Leasing Act, as ordered reported by the Senate Committee on Energy and Natural Resources, November 19, 1980.

This bill would authorize the Secretary of the Interior to issue an off-site lease to any holder of an oil shale lease issued prior to 1985. The off-site lease will make land available for any necessary use (other than mining) associated with the development of oil shale. Under the Department of the Interior's Prototype Oil Shale Leasing Program, there are four oil shales leases currently in effect and four more are planned to be let prior to fiscal year 1985. The Secretary of the Interior does not currently have the authority to lease lands adjacent to mining sites for oil shale processing. Thus, little information is available concerning the location, need, size, and value of the potential leases. As a result, a number of assumptions were made in estimating the cost of enactment of this legislation, based on information obtained from the Bureau of Land Management. It was assumed that only two of the potentially eight oil shale leases issued prior to 1985 would require off-site lands. It was also assumed that enactment of this legislation will occur early in fiscal year 1981 and that the two off-site leases would be identified soon thereafter. Necessary environmental analysis and lease negotiations were assumed to be completed within two years following the site identification. The total costs incurred over this period by the federal government for the necessary environmental analyses would be approximately $200,000. Finally, the assumption was made that the average rental would be $30 per acre per year and the average size of a lease would be 5,000 acres. In this case, receipts to the federal government as a result of enactment of this legislation would be approximately $300,000 a year beginning in fiscal year 1983.

Sincerely,

ALICE M. RIVLIN,
Director.●

PROTECTIONISM VII

● Mr. HEINZ. Mr. President, today I shall address Japanese trade restrictive measures discussing the procurement policies of the public corporations of the Japanese Government. According to the article by Frank Weil and Norman Glick in "Law and Policy in International Business," this is one of the most significant barriers to trade with Japan and is brought about in part through the restrictive interpretation of laws and regulations, the failure to supply foreign bidders with adequate information regarding standards, the strict application of product approval procedures, and the requirement that proprietary information be submitted by the bidder.

Furthermore, there exist numerous forms of market access barriers which are unique to the Government procurement area. Significant among these is the reinforcement of procurement policies through the practice of Government officials becoming, upon retirement, employed by both the public corporations and the domestic firms who sell to them. Japanese manufacturers are thus able to develop and to sell products in a large protected market, insulated from foreign competition, and to achieve economies of scale that render the products highly competitive in foreign markets.

It is also apparent from the article that public corporations in Japan limit the sale of imported goods by exercising their government-related monopoly power. They are able to effectively control the profit margins and prices charged by foreign firms. In general, even when the foreign firm does penetrate the Japanese market, such sales may be subject to restrictive conditions that affect the ultimate ability of the firm to maintain its position in that market.

Mr. President, I submit for the RECORD this enlightening excerpt analyzing the "Buy Japanese" procurement policies used by the public corporations of the Japanese Government.

The excerpt follows:

PROCUREMENT POLICIES OF QUASI-GOVERNMENT AGENCIES

One of the most significant barriers to trade with Japan is brought about by the procurement policies of the public corporations of the Japanese government. Many of the methods used by these quasi-government agencies to ensure the purchase of Japanese rather than foreign goods are similar or identical to those discussed earlier: the restrictive interpretation of laws and regulations, the failure to supply foreign bidders with adequate information regarding standards, the strict application of product approval procedures, the requirement that proprietary information be submitted by the bidder, etc. It is nonetheless important to examine this area due to the tremendous magnitude of business at stake. There are approximately 115 of these agencies—with separate budgets estimated to total about half of Japan's official national budget—including such entities as the Nippon Telegraph and Telephone Corporation (NTT), the Japan National Railways, Japan Electric Power Development Corporation, and the Japan Tobacco and Salt Public Corporation (JTS). Consequently, organizations that follow a "buy Japan" policy control a significant share of the Japanese market for value-added manufactured products in which U.S. firms are competitive (particularly considering the appreciation of the yen).

In addition, there are a number of forms of market access barriers that are unique to the government procurement sphere. First, procurement policies are reinforced on an informal basis through *Amakudari* (literally, descending from heaven), the practice of government officials who, upon retirement at about age 50, become employed by both the public corporations and the domestic firms that sell to them. Japanese manufacturers are thus able to develop and to sell products in a large protected market, insulated from foreign competition, and to achieve economies of scale that render the products highly competitive in foreign markets.

Public corporations in Japan also limit the sale of incorporated goods through the exercise of their government-granted monopoly power. For example, the tobacco monopoly restricts various aspects of the marketing program of competing foreign firms by limiting retail outlets or advertising opportunities. Even more important is the power of that Japanese public corporation to control the profit margins and prices charged by the foreign firms. In general, even when a foreign firm does penetrate the Japanese market, such sales may be subject to restrictive conditions that affect the ultimate ability of the firm to maintain its position in that market.

U.S. industry has raised with the Commerce TFC staff market access complaints concerning the procurement practices of several of these quasi-government agencies. These cases lend insight into the above mentioned market access barriers caused or perpetuated by these agencies.

The NTT, a public corporation under the supervision of the Ministry of Posts and Telecommunications (MPT), is a symbol to both the U.S. government and U.S. industry of the "buy Japan" procurement policies which they believe must be curtailed in the Japanese public sector. The NTT operates as a monopoly the Japanese domestic telecommunications system, and is the biggest Japanese buyer of telecommunications equipment. Among its many functions are the construction of large-scale telecommunications systems, the laying of cables and the purchase of equipment for lease to its end-users and private subscribers. NTT's procurement practices illustrate the use of product approval procedures, restrictive interpretations of laws and regulations, and restrictive conditions to foreclose the opportunities of foreign firms.

The effect of Japan's telecommunications policies is to "encourage domestic suppliers and severely restrict the purchase of imported telephone equipment. . . . As a general rule, only equipment designed in cooperation with [NTT] . . . qualifies for approval for sale in Japan." U.S. firms complain that they have difficulty in obtaining information regarding NTT standards in the non-NTT or interconnect market even though they are required to meet NTT specifications in order to sell telecommunications equipment in Japan. The process for gaining product approval through NTT is generally a lengthy affair which requires the submission of information considered by U.S. companies to be proprietary and not essential to evaluate the product. Even when approval is given, conditions may be attached that severely restrict the company's operations in Japan.

The time-sharing services case raised by Control Data Corporation (CDC) illustrates the use by the Japanese government of its regulatory authority to limit foreign competition. One of Control Data's most serious allegations was that NTT was planning to initiate its own international time-sharing service, called the VENUS system, and was therefore attempting to limit the use of similar systems offered by foreign firms. Control Data also argued in its petition that restrictive interpretation of the Japanese Telecommunications Laws by the Ministry of Posts and Telecommunications limited the use of international leased lines that would enable U.S. data processing service firms to offer time-sharing services in Japan using their processing centers located in the United States.

After the liberalization of investments in the computer and data processing services industries by the Japanese government in April 1976, Control Data sought to offer a full range of its data processing services in Japan through an international leased line to its computer centers in the United States. The firm placed an order for a transpacific data communications channel and sought MPT approval to install the line. Approval was granted 18 months later in September 1977. In approving the use of a transpacific circuit, the MPT, NTT and KDD—Japan's international carrier—obliged the firm to accept a number of restrictive conditions affecting the conduct of its time-sharing business in Japan. The most serious of these restrictions involved the extraterritorial application of certain provisions of Japan's Telecommunications Laws concerning message switching. According to the MPT interpretation, the exclusive control of message switching, vested in KDD, was extended to cover the transfer of data between Japan and Control Data's processing centers in the United States.

The MPT applied this ruling by (1) prohibiting the firm from offering in Japan time-sharing services that involve the transfer of data from Japan to its data processing centers in the United States; (2) requiring the firm to establish its data processing center at a single location, as the termination point for its international circuit; and (3) limiting the use of the circuit to the two services performed at that location. The firm was prevented from offering in Japan its other data services which are performed at separate processing centers in other cities in the United States. As a practical consequence, the firm is unable to utilize more than 10 percent of the capacity of its leased transpacific circuit.

Additional restraints imposed upon the company's business operations in Japan involved promises to MITI to use Japanese terminals when the firm opened local branch centers in Japan, and "to utilize to the maximum extent possible electronic computers, equipment and application programs developed by Japanese enterprises." Control Data also had to agree to use the Japanese VENUS system when it became operational.

The Japanese government does have reasonable security and regulatory interests in controlling message switching. These interests, however, are well protected under the stringent reporting, inspection and investigation provisions that are embodied in the contract with the company. Moreover, operations in the United States, including the transfer of data between data processing centers, must be conducted in accordance with applicable regulations of the U.S. Federal Communications Commission (USFCC). The company must also comply with recommendations of the Consultative Committee on International Telegraph and Telephone (CCITT) of the International Telecommunication Union, to which both Japan and the United States subscribe.

Section 7 of Recommendation D1 of the CCITT concerns the use of private leased circuits in connection with computers that are operated by customers and provide data processing services to others. The Recommendation distinguishes between telecommunications services such as circuit, message and packet switching, which may only be offered by private common carriers, and data processing services (such as those offered by Control Data), which involve the use of a computer for a combination of data processing operations which are not restricted to common carriers. The latter class of services includes calculating data, merging, and sorting under programmed instructions. The Recommendation prohibits the exchange of information between user terminals either directly or on a store and forward basis, as well as the transmission of messages between users through a data processing center to which both have access. In other words, all transmissions over the circuit must be in connection with a legitimate processing function, and only processed information may be exchanged between user terminals.

U.S. FCC regulations are more lenient, and permit the use of a Data Processing Service Center for the transmission of unprocessed messages between users although only when incidental to the provision of data processing services. The company claims, however that it operates under the strict provisions of the CCITT recommendations, and in no case permits the transmission of unprocessed information between user terminals, even if such traffic might be incidental to the provision of data processing services.

The MPT's refusal to allow the transfer of data between the company's data processing centers located in the United States is based on the MPT's position that such transfer of data in connection with data processing constitutes message switching, which is the exclusive province of the NTT and the KDD, the Japanese government's domestic and international communications carriers, respectively. As mentioned earlier, such transfers are necessary to enable the company to maximize its use of its transpacific international leased circuit, and thus to offer a full range of services to its customers in Japan.

Even if Japan's Telecommunications Law is applied, it provides for an exemption allowing third-party utilization of the circuit "in cases where it is especially necessary in the public interest." The U.S. firm is offering its customers in Japan an advanced form of modern information processing which is available on only a limited basis from other sources in Japan. The granting by the Japanese government of permission to CDC to offer its full range of services in Japan appears clearly to be in the "public interest."

In short, although a cabinet decision was made in early 1978 to encourage government procurement of imported equipment, little progress has been made to date in breaking down the "buy Japan" barriers facing American industry wishing to penetrate this enormous market.

An example of the use of government-granted monopoly power to restrict imports is found in the procurement practices of the Japan Tobacco and Salt Public Corporation (JTS), a state monopoly under the Ministry of Finance (MOF). The JTS controls the entire market by manufacturing all domestic cigarettes, cigars and pipe tobacco in 37 factories, and by controlling the import, sale and distribution of all domestic and imported leaf and manufactured products. The results of this control are striking. While the total value of tobacco products consumed in Japan in 1978 was about $7.5 billion, the United States is limited to about a 1 percent share. A case was brought in February 1978 on behalf of the Tobacco Institute (representing U.S. cigarette manufacturers). This case led in October of that year to bilateral consultations covering cigarettes and cigars.

The JTS restricts distribution of imported tobacco products by: (1) limiting the number of retail outlets for imported brands; (2) establishing lower retail profit margins for imports than for domestic brands (7 versus 10 percent respectively); (3) restricting the number of retail outlets that can be used for test marketing new brands; and (4) restricting the advertising of imported brands to English-language print media. The major impediment to imports, however, is the MOF's pricing policy, which involves mark-ups of 400 to 600 percent on foreign brands compared to less than 200 percent for domestic brands. As a consequence, imported cigarettes are priced at approximately 100 yen more than the popular domestic brands. The U.S. side of the TFC objected to the "monopoly payment" or "tax" levied on imported cigarettes: a 209 percent tax in addition to local and central government taxes. The MOF, in response to this case, has proposed legislation that would establish, in lieu of the monopoly payment, an import duty of 90 percent ad valorem on JTS cigarette imports, and a central government excise tax of 28.1 percent of retail price. The net result may actually be to increase the spread between retail prices for imported cigarettes and popular domestic brands. Retail prices for imported U.S. cigars, however, will be lower than prices for domestic cigars because the c.i.f. price of U.S. cigars is much lower than the cost of production of domestic Japanese cigars. However, the total mark-up from cost to retail remains higher for imported than for domestic cigars. In addition, the 60 percent duty, combined with high internal taxes, has a highly restrictive impact on consumption and imports.

A potential TFC case involving the procurement practice of another public corporation, the Japan National Railroad (JNR), provides additional insight into the effect of the "buy Japan" policy on U.S. exportation to Japan. This case demonstrates that concrete factors such as product specifications and price may not alone be sufficient to explain market access barriers in the government procurement area.

Railroads are a major form of transportation in Japan, and the JNR operates nearly 80 percent of the railway network. A major U.S. supplier of steel railroad wheels and axles informed the Commerce TFC staff of its inability to elicit from JNR any expression of interest in steel railroad wheels and axles manufactured to JNR specifications and offered at highly competitive prices. Based on research conducted in Japan, the U.S. firm determined that its products are priced at about half of what the JNR pays domestic suppliers. Furthermore, the U.S. manufacturer is willing to build to Japanese specifications. The firm claims, however, the JNR has not shown any interest in the company's proposal.

The company also commissioned a Japanese consulting firm to study the Japanese market. This study, based in part on interviews with officials at JNR (which accounts for 90 percent of the Japanese market for railroad equipment) confirmed that the supply of railroad wheels and axles (along with other equipment) has remained almost entirely a domestic trade since the development of Japanese sources many years ago. Sumitomo Metal Industries, which also sells wheels and axles to U.S. railroads, supplies approximately 90 percent of JNR's requirements. JNR does not employ a bidding system for its procurement; instead, it buys directly from domestic manufacturers. However, some minor purchases of imported products have been made through JNR's designated trading firms. According to one JNR source cited in the contracted study, railroad wheels and axles and it was not likely that JNR would alter its purchasing pattern. This practice may be explained by JNR's stiff specifications for wheels and axles and the use of field inspections to ensure quality control. One JNR source concluded that it is very difficult to control from Japan the manufacturing activities of foreign manufacturers, and therefore that purchases of foreign-made wheels "[are] not likely to materialize in the near future."

It is evident from these cases that a number of reforms are warranted to ease the access of U.S. firms into the Japanese government procurement and other government agency-controlled markets. Many of these cases involve concrete barriers which can be removed by the appropriate agency. As the JNR case indicates, however, more subtle, institutional forces may be at work as well. These entrenched procurement practices of Japanese quasigovernment agencies may be extremely difficult to overcome even where more obvious, concrete barriers are removed.●

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1980

● Mr. STENNIS. Mr. President, as we approach the end of the 96th Congress, it again becomes my privilege to make a special report to the people of Mississippi. My purpose in doing so is to give an account of some of the matters on which I have worked this year and which I think may be of special interest to Mississippians.

I also take this opportunity to thank the citizens of my State for the trust and confidence that they have placed in me as their Senator, and for the outstanding manner in which they have given me assistance, encouragement, and support. I also thank the other Members of the Mississippi congressional delegation for their fine cooperation and teamwork in legislative matters of mutual interest. My office staff, although relatively small, has worked hard and, I believe, effectively. I appreciate their skill, diligence, and loyalty. The committee staffs with whom I have worked also have my thanks and appreciation.

Let me express special appreciation to my colleagues in the Senate from other States. Their cooperation, courtesy, and assistance have been very important factors in my understanding and accomplishing many of the legislative actions that benefit Mississippi and its citizens.

As I look back at the year 1980, I am not entirely satisfied with what was accomplished. This is especially true in the economic field. Little or no progress has been made in controlling inflation, and unemployment has risen significantly. Much of the inflation, of course, results from the tremendous increases in the costs of energy that have occurred since 1973 and from the current very high interest rates. These two costs together affect almost every item obtainable in the marketplace.

I am pleased, however, that we have finally made significant progress in establishing a workable, effective, and comprehensive national energy policy. I have been concerned about this matter for a long time, and I am glad that Congress has finally acted to set in motion a real program to develop synthetic fuels and other alternative sources of energy and to conserve scarce conventional energy supplies. Much remains to be done, of course. These matters are discussed in more detail in the reports which follow.

There are other reasons to be gratified at what 1980 has brought Americans. We still enjoy a very high standard of living. Despite the severe and widespread drought, our farmers have produced amounts of food which are sufficient for our needs and also to feed millions of others in the world who would otherwise face starvation. Our economy, slowed down and burdened with a recession for several months, shows signs of resuming its growth, productivity, and stability. Hopefully, this will result in renewed and increased prosperity.

We have domestic problems that require continued attention and remedial action if they are to be solved. Our domestic affairs are directly affected by what goes on in the international field. Examples of these are found in the high cost of imported oil and in the continued weakness of the dollar abroad. American hostages are still being held by the unpredictable Iranians. The conflict between Iran and Iraq could easily spread to other oil-producing nations in the Middle East and could disrupt our supply of imported oil. This is an added reason why we must endeavor to attain energy independence just as rapidly as we can.

In our relationships with other nations, it is important that we react calmly, reasonably, predictably, and consistently to events on the world scene that we cannot entirely control. For our reactions to be credible, we must have adequate military strength and both our friends and our potential enemies must realize and accept this as a fact. We must make it clear that we have no aggressive intentions, and equally clear that we will not countenance or tolerate aggression by others. In foreign affairs, we must speak with one voice as a Nation—firmly, clearly, confidently, and with a high degree of reliability and predictability. If we do this, we can continue to contribute greatly to peace and stability among the nations of the world.

In short, as we review 1980, we find both pluses and minuses. This is true of every year. This report is primarily intended to outline the positive accomplishments during the year, particularly those to which I have had the privilege of making a contribution. In this report, I will focus on matters that I believe will be of particular interest to Mississippians.

Mr. President, I ask that the reports presented herewith, which discuss a great deal of my work in the Senate in 1980, be printed in the RECORD.

The reports follow:

THE ECONOMY

In last year's report to the people, I emphasized that the economic outlook was marked by a degree of uncertainty which was even greater than usual. I commented that even the experts found their crystal balls murky on the question of whether we had entered a recession.

For the first few months of the year, the economy held relatively firm. However, in April it began to decline at a rate which then appeared to be equal to the worst recession since World War II. Inflation escalated at one point to the equivalent of an annual rate of 18 percent. Unemployment climbed to 7.8 percent. Interest rates and fuel prices soared.

Economic indicators and other signs now indicate that the recession was not as deep or as lengthy as had been feared. While both are still unacceptably high, inflation and unemployment have declined appreciably. Interest rates, although they have climbed in a disturbing manner in recent weeks, are still somewhat below the highs of 18 and 20 percent experienced earlier in the year. In short, all signs give reason for hope that the economy for the next several months will continue to show a recovery from the earlier decline.

Major question marks remain, however. The overall rate of inflation is still unacceptably high. Fuel prices are very volatile and may surge upward again. The uncertainty of the situation in the Middle East gives ground for concern about the safety of our supply of imported oil. Interest rates may continue their upward trend, thus further depressing the economy in general and the housing and construction industry in particular.

I must again express my concern for the severe stresses and strains which continually escalating prices place on the finances of average Americans. Everyday they are faced with price increases on almost everything they buy in the marketplace. Relief from this is not yet in sight.

BUDGET AND GOVERNMENT SPENDING

A number of the members of the Senate returned to Washington last January with a determination to make every possible effort to balance the fiscal year 1981 Federal budget. I was among these Senators although I had serious doubts that a balanced budget in 1981 was really possible. Nevertheless, I joined with a number of my colleagues for eight days spent in a searching and exhaustive review of the entire budget and possible reductions in expenditures. I also met with President Carter on several occasions about appropriations and other budgetary matters. The First Budget Resolution which was adopted by the Congress actually did recommend a balanced budget—which would have been the first since 1969.

However, the July budget reviews changed the budget estimates for fiscal year 1981 drastically. The continued worsening of the economy and the forecast of a slow economic recovery resulted in expanded outlay and shrinking revenue estimates with a predicted deficit of about $30 billion. Even this probably understates the magnitude of the actual deficit which will be incurred.

However, although the balance-the-budget forces have lost a battle, I do not concede that we have lost the war. Next year the fight for a balanced budget will be renewed, and I will certainly be in the thick of this fight.

INCOME TAXES

The subject of income tax reduction has received a great deal of attention in and out of the Congress recently. The message which I seem to be receiving from the people is that they don't want any tax cuts if an increase in inflation is the price. Nevertheless, the Senate Committee on Finance has reported out a bill which would reduce income taxes by $18.3 billion in fiscal year 1981 and $38.9 billion in fiscal year 1982. An effort to call this bill up before the recess failed, and now it will not be considered until next year.

We will continue to have high taxes as long as we have big government. Our government is too big. Taxes are too high, and some equitable adjustments in taxes are in order. But also, we should improve the tax system. While I am not committed for or against any particular bill, I have a number of ideas about the general direction any tax reduction should take.

It goes without saying that any tax bill should treat business and individual taxpayers fairly and equitably. Without this framework, Congress should design polices designed to enhance the quality of the recovery and promote sustained growth.

Any tax reduction for business should be designed and carefully targeted to improve productivity, reduce inflationary pressures, and create permanent jobs for the long run. This would require heavy emphasis on accelerated depreciation, investment tax credits, and other stimulative measures.

Any reduction in personal taxes should be directed at stimulating work, savings, and investment at the individual level. We should take a good hard look at whether the exemption we provided earlier this year to individuals for up to $400 in interest and dividends should not be made permanent and increased significantly. I would gradually build this up as a reward to encourage the individual taxpayer to follow a systematic savings and investment program.

Finally—and this is of paramount importance—any tax cut should be accompanied by determined, systematic, vigorous and continuing efforts to reduce or eliminate unnecessary and wasteful government spending.

REPEAL OF CARRYOVER BASIS FOR ESTATE TAXES

Legislation has been enacted which repeals the controversial carryover basis provisions which required that the basis of property acquired from a decedent dying after December 31, 1976, would be the basis of the property in the hands of the decedent prior to death, or the fair market value at December 31, 1976. This repeal applies to property acquired from a decedent who died after December 31, 1976. For property passing from decedents dying after 1976 and before November 7, 1978, an election is available to apply the carryover basis rules.

Social Security Financing

In 1977, Congress enacted a new schedule for Social Security taxes, and, at the same time, changed and increased the benefit formula. It was thought that by doing this, the major fiscal problems of the social security system had been pushed back something like thirty years. This did not prove to be the case.

Since the adoption of the 1977 Social Security Amendments, this country has experienced sharply higher costs of living as well as increased unemployment. The costs of living increases have driven up Social Security benefits, while unemployment increases have reduced payroll tax receipts.

Of course, few, if any, greater social tragedies could befall this nation than for the senior citizens who rely on Social Security for their very survival to find some day that the Old Age and Survivors Insurance Trust Fund had been exhausted and the financial well had run dry.

Therefore, it became necessary in 1980 for the Congress to take corrective action to avert the cash flow difficulties and other problems facing the Old Age and Survivors Insurance Trust Fund. It did this by reallocating funds from the Disability Insurance Fund to the Old Age and Survivors Insurance Trust Fund for 1980 and 1981 only. The bill makes no changes in Social Security tax rates for any year. This reallocation is not a complete or final solution, and it is vital to the financial welfare and retirement security of millions of Americans that a permanent and lasting solution be found.

General Revenue Sharing

The General Revenue Sharing program expired on September 30, 1980. However, the House has passed a measure, and the Senate has a bill which has been reported favorably by committee and is now pending on the calendar. These bills would extend and revise the revenue sharing program to provide for annual $4.6 billion funding to be distributed to local governments. Under the old law, the States also participated in the distribution of funds.

This new legislation conforms to the sentiment which the Congress expressed earlier this year when the budget resolution was being considered. It will have my support, and I anticipate that it will be passed before the Congress finally adjourns this year.

Senate Debate on the 1981 Energy and Water Development Appropriations Bill

In a major step toward completion of the Tennessee-Tombigbee Waterway, Congress appropriated $212 million for FY 1981 construction in the Energy and Water Development Appropriations Act. The fight to insure funding for the Tennessee-Tombigbee Waterway project was difficult and hard-fought.

An amendment to cut $200,000,000 from the Appropriations Committee recommendations was introduced. This amendment would have brought the on-going construction to a halt.

I was aware from the eariler fights on the FY 80 Supplemental Appropriations bill and the budget resolution, that the opponents would undoubtedly continue the fight on the FY 81 Appropriations Bill. In anticipation of the upcoming debate, I worked diligently with Senator Cochran, my colleagues from Kentucky, Tennessee, Louisiana and Alabama, and the Tennessee-Tombigbee Development Authority to prepare for this challenge.

Also, we enlisted the friends of water transportation to help get out the story of the great benefits of this project to the members of the Senate and the media. This was essential to counter the intense lobbying efforts by opponents.

In the meantime, Senator Johnston, Chairman of the Appropriations Subcommittee, and I, as the ranking majority member, held a special hearing to clarify and get on the record the facts to refute the many erroneous accusations about the project.

Additionally, during this time, I was talking individually to my colleagues explaining the value of this project not only to our region but to the entire country, emphasizing our energy problems and the need for efficient transportation and the importance of the waterway.

Senator Chafee introduced his amendment to delete funding for the Tennessee-Tombigbee and the debate began.

The vote was 52 to 37 to reject the Chafee amendment, a solid vote of confidence in the Tennessee-Tombigbee Waterway.

Following the conference with the House, the Tennessee-Tombigbee received $212 million for the FY 81 construction.

By the end of FY 1981 the waterway will be nearly two-thirds complete. Success this time was due to having a strong case, involving hard work by many Senators, and I am grateful to them for their support.

Water Resource Projects

The development of our bountiful water resources in Mississippi continues to be a top priority for me. We must continue to move forward in our efforts to preclude the terrible flood ravages that have afflicted so many areas of our states on an almost yearly basis. The continued improvement of our harbors and waterways is absolutely essential to the economic progress and development of Mississippi and the nation. In this time of energy shortages, the importance of low cost, efficient water transportation is even greater than normal.

While I have discussed the Tennessee-Tombigbee Water Way in more detail in a previous paragraph, I have certainly not neglected the other water projects in Mississippi.

I am particularly pleased that the Public Works Subcommittee of the Appropriations Committee on which I serve as the ranking majority member, was able to secure final passage of the water resources appropriation bill, the only appropriation of some 13 appropriation bills that was passed and signed into law by the President prior to the October 2nd recess. I relate this simply to show the diligence with which the subcommittee has worked and the importance of water resource development in the eyes of the Congress.

While we are making good progress on the construction of the projects in Mississippi which have already been authorized, I continue to be concerned and dissatisfied that the Congress has been unable, for various reasons, to pass a Rivers and Harbors Authorization bill since 1976. A member of worthy projects in Mississippi have been studied by the Corps of Engineers and found to be economically justified but cannot be moved forward without authorization. These include the Gulfport Harbor, Greenville Harbor, and Vicksburg Harbor expansions. There are also policy issues on cost sharing for disposal areas for dredging and bridge raising waterways that need the attention of the Congress.

I plan to devote a great amount of effort in the next session to seeing that a responsible authorization bill is passed into law. I am optimistic that it will be done. We must get on with these vitally needed projects.

APPROPRIATIONS FOR MISSISSIPPI PROJECTS IN 1981

For studies of water resources projects:

Biloxi Bay, East Harrison County	$35,000
Mississippi Sound and Adjacent Areas	385,000
Pascagoula Harbor	165,000
Pascagoula River Basin	235,000
Pearl River Basin	2,015,000
Sowashee Creek (Phase I)	148,000
Mississippi & Louisiana Estuarine Area	275,000
Yazoo River Basin	781,000
Wolf and Loosahatchie Rivers, Tenn. and Miss.	100,000
Horn Lake and Tributaries, Miss. and Tenn.	200,000
Nonconnah Creek, Miss. and Tenn.	245,000
Mississippi River, East Bank, Vicksburg-Yazoo Area	50,000

For engineering and construction of water resource projects:

Tennessee-Tombigbee Waterway	$212, 000, 000
Yazoo River, Belzoni Bridge	660, 000
Yazoo River navigation project	450, 000
Arkabutla Lake	195, 000
Big Sunflower River	2, 984, 000
Enid Lake	50, 000
Greenwood	11, 000
Grenada Lake	4, 300, 000
Main Stem (Includes Wasp Lake Closure)	701, 000
Sardis Lake	2, 576, 000
Stream Bank Erosion Control Evolution and Demonstration	309, 000
Tributaries of the Yazoo	1, 894, 000
Ascalmore-Tippo and Opposum Bayous	2, 589, 000
Upper Yazoo Projects	4, 681, 000
Yazoo Backwater	1, 100, 000

There is also included some $25,389,000 for the operation and maintenance of the projects already constructed in Mississippi.

Hearings will begin early in 1981 for the 1982 appropriations. I will be giving those items of importance to Mississippi my close attention.

ENERGY LEGISLATION

The Senate came to grips with the difficult problems associated with rapidly depleting petroleum resources. Legislation was enacted to deal with the short-run and long-run aspects of the energy problem. In the short-term Congress has passed relief for our low income citizens from the sharp price increases in heating costs, a stand-by gasoline rationing plan, and a petroleum reserve in the event of an abrupt curtailment of petroleum supply. For the long-run legislation was enacted to lessen our dependence on foreign petroleum by creating a special organization to invest in the development of synthetic fuels from coal, oil shale, and other sources to replace the dwindling supply of petroleum fuels.

Congress also recognized the importance of energy conservation. Legislation was passed to encourage greater efficiency in the use of energy in our homes and in transportation.

Laws were passed to encourage the development of renewable sources of energy—such as solar, wind, wave and current, ocean, geothermal and hydropower.

As a result of the painful but necessary decision to decontrol oil prices, our nation has faced up to the energy problem through more energy conservation and shifts to alternative energy sources.

Decontrol of oil prices has served as an incentive for more oil exploration, and more efforts to produce from oil wells which were not profitable under the controlled prices.

The so-called Windfall Profits Tax was enacted by the Congress to correspond with the decontrol of oil prices and is designed to capture part of the excess profits while producing incentives for exploration and development of difficult to produce petroleum resources.

The major energy legislative proposals considered by the 96th Congress stemmed from President Carter's energy message of 1979. Among other programs the President proposed a synthetic fuels corporation to stimulate a new energy industry, a windfall profits tax to capture for the public a portion of the new profits that occur when oil prices are decontrolled and rise to the world oil price levels and an Energy Mobilization Board to expedite energy projects by cutting red tape and speeding construction of priority energy projects. The Crude Oil Windfall Profit Tax and the Energy Security Act, creating a synthetic fuels corporation and expanding other energy supply initiatives, have become law. The third major bill, the Energy Mobilization Board, has been passed by the Senate and hopefully will become law.

OIL IMPORT FEE

On March 4, 1980, President Carter announced his intention to impose a $4 per barrel fee on oil imports. This fee would have been entirely passed on to consumers through a 10-cent-per-gallon fee on gasoline. The President relied on authority in the Trade Expansion Act and the Emergency Petroleum Allocation Act to justify his imposition of the fee.

The House and Senate passed and sustained over the President's veto a repeal of his authority to impose the fee. Since I did not believe that this was a serious or effective conservation measure, and since it would cost the average American family $114 a year and would fall most heavily on those least able to afford it, I voted to repeal the fee and override the President's veto.

OIL AND CHEMICAL WASTE DISPOSAL

A number of bills are pending before the Congress which have as their purpose the cleaning up of oil and chemical spills and abandoned chemical dumps. This matter is of great importance to the nation and to the State of Mississippi. A study has disclosed that there are 14 sites or dumps in Mississippi which contain potentially hazardous waste.

Two such bills have already passed the House of Representatives. One would establish a $1.2 billion fund to clean up the 100 most dangerous leaking chemical dumps in the country and to recover the clean up costs from the responsible companies. The other would set up two $375 million funds—financed entirely by fees on the industry—to deal with oil and chemicals spilled into navigable waterways.

The Senate bill, which has been reported favorably by the Committee, would provide $4.1 billion—88 percent to be paid by the industry—to clean up all types of chemical contamination.

I believe that the controversy surrounding this legislation will prevent it from being enacted into law during this session. However, I am sure it will be considered early in 1981 and, in view of its importance to Mississippi, it will continue to have my most careful study and consideration.

NUCLEAR WASTE POLICY

The continued development of nuclear energy as a source of electrical energy is dependent upon the resolution of several controversial issues concerning design, construction, and operation of nuclear power plants. One of the most enduring of the controversies has been the disposal of nuclear waste. The United States generates a significant portion of its nuclear wastes from the operation of nuclear reactors, which are used either to produce electric power, or to drive ships and submarines, or to produce material for nuclear weapons.

The management of these wastes which are primarily spent fuel from civilian nuclear electric power plants, is a problem which requires action. Currently, spent fuels are stored in pools at reactor sites. Many of the reactor pools are nearing capacity and additional storage space will be needed by the middle of this decade. Moreover, the need for additional space will grow rapidly during the 80's and 90's as more of the power plant pools fill up.

To solve this shortage problem and to provide for the future storage of nuclear waste, the Senate passed the Nuclear Waste Policy Act on July 30th, 1980, and the bill is now pending before the House. This legislation authorizes the Secretary of Energy to take title to spent fuel at the nuclear power plant and have it transported to one or more interim storage facilities, the construction of which the bill also authorizes. Construction of the facilities would be paid for by utilities, which would pay a charge per unit of spent fuel transferred to the storage facility. The purpose of these nuclear waste storage facilities authorized by this legislation is to provide interim storage for spent fuel. This interim storage would allow future retrieval of the spent fuel, possible other uses and for monitoring the condition of the wastes.

As passed by the Senate, the bill requires the submission to Congress within one year a specific site proposal for the disposal of spent fuel and high-level radioactive waste from civilian nuclear activities in repositories permitting continuous monitoring and retrieval of the waste; establishes a process of "consultation and concurrence" between the Federal Government and States in which spent fuel or high-level radioactive waste facilities may be located; directs the acceleration of a vigorous research and development program on a broad range of radioactive waste disposal technologies; and establishes a Federal policy with respect to, and requires the Secretary of Energy to report to Congress within four months on, the low-level nuclear waste problem.

This legislation is an important step in the continued development of nuclear energy as a useful and important source of power for our Nation. I will continue to urge an all-out effort to resolve the controversies surrounding the use of nuclear energy. This low-cost and inexhaustible source of electric power is an important resource which is vital to our Nation's economic future.

FEDERAL FUNDING OF ABORTIONS

For a number of years the Congress has placed statutory restrictions on the spending of Federal funds for elective abortions. I have consistently and strongly supported these restrictions. In 1979 the Congress provided that Federal funds should not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for medical procedures necessary for the victims of rape or incest when such rape or incest was promptly reported.

This anti-abortion measure was attacked in a Brooklyn, New York, Federal district court as being unconstitutional. On June 30, 1980, the Supreme Court of the United States upheld the constitutionality of the statute and ruled that the Federal and State restrictions on the funding of medically necessary abortions were constitutionally valid, and that States participating in the Medicaid program need only fund those medically necessary abortions for which the State receives Federal reimbursement.

A substantially similar limitation on Federal funding of abortions is contained in the continuing resolution providing temporary appropriations from the Department of Health and Human Services for fiscal year 1981. I am confident that the restriction will be contained in the Department's regular appropriation bill if and when it is passed.

AGRICULTURE

Inflation, which has plagued the country as a whole, had a particularly serious impact on the agricultural sector. 1980 has been marked by rapidly escalating farm production costs. This has resulted in a decrease in net farm income of about 25 percent according to the prediction of the Secretary of Agriculture.

The impact of inflation was compounded by the effect of the searing and widespread drought which held many areas of the country in its grip for months. The Extension Service at Mississippi State University estimates that the value of agricultural production in Mississippi declined by $224 million as a result of the hot, dry weather experienced this summer and early fall.

Twenty-four counties in Mississippi were declared to be disaster areas because of the drought and other Senators joined with me in gaining approval of an appropriation of $1.4 billion to fund drought-related disaster relief loans over the country. This is discussed in more detail in another section of this report.

Agriculture has also emerged as a potentially significant contributor to domestic energy supplies. The development of domestic sources of energy has become a major priority because of the supply problem with and escalating price of conventional fuels. Congress had adopted several measures to spur production of alcohol fuels from agriculture crops. The synfuels bill finally approved, which I sponsored and strongly supported, contains over $1.2 billion for the development of fuels from all forms of biomass, including crops, timber, and urban waste. Mississippi, with its abundant supply of products of the farm and forest, should participate in this program in a major way.

COMMODITY PRICE SUPPORT PROGRAMS

Following the President's decision to embargo grain shipments to the Soviet Union a number of bills were introduced to alleviate the impact of the decision on the farm community. With my support legislation was adopted to provide a 7 percent increase in the target level price for wheat and feed grains for 1980, with an additional adjustment at the discretion of the Secretary of Agriculture in 1981, to cover further increases in production costs.

Although a number of other measures to support farm prices were considered and discussed, further action on some of them was made unnecessary by the President's decision in July to increase price supports for wheat and feedgrains and to raise the loan rate for soybeans.

A new farm bill is to be enacted in 1981, and I will certainly push for one which treats the farmers fairly and equitably and makes it possible for farming to be profitable.

FORESTRY

The United States Forest Service, the Mississippi State Forestry Commission, and other State forestry organizations have done much to protect our forest system. However, the future demands that we increase forest research and protective management of our forests.

We must address the problems of how to control forest fires, disease, and insects such as the Southern Pine Beetle which are ravaging our pine forest of the South.

Through the end of 1979, an estimated $9 million in timber value was lost to the Southern Pine Beetle in Mississippi. We are now in the midst of an epidemic of pine beetles raging throughout the states of Alabama, Georgia, South Carolina and Mississippi.

The importance of America's forest industries to our nation's economy demands that we give our utmost attention to arresting the damage caused by this insect. The investment in research we make now will mean large long run savings of our valuable forest resources.

Earlier this year I urged the Senate Interior Appropriations Subcommittee to appropriate funds for new research aimed at detecting and eradicating the Southern Pine Beetle. As a result, the 1980 Supplemental Appropriation Bill included $1,750,000 to help meet this problem. Funds were provided for control measures on farm lot and small forestry units, similar to what is being done by the large timber companies on their own land.

In 1962 a law was passed which established a forestry research program at our Nation's universities. This so-called McIntire-Stennis program authorizes research carried out by graduate students, working under professionally qualified supervision. It is financed on a cost sharing basis, part by the Federal funds and half or more from State or industry funding. Through the enthusiastic support of the universities, industry, and the Department of Agriculture, which administers the program, the results have been highly successful.

I was happy to introduce the Forestry Incentives Act, which became law in August, 1973. This act provides cost sharing of 75 percent by the Federal government for site preparation, planting seedlings and for timber stand improvement.

We are making progress, but we cannot stop now. Better forests are vital to a stronger America. In order to make our forests better and our Nation stronger, Mississippians and the citizens of other states must be willing to exert personal effort. I pledge my support to continue to push for the necessary legislation and financial assistance to maintain and strengthen our forest resources.

APPALACHIAN REGIONAL COMMISSION

Mississippi was not included in the area originally covered by the Applachian Regional Development Act of 1965. However, in 1967, I sponsored an amendment under which the twenty northeast counties of Mississippi became eligible to participate in the program.

Since then, over $161 million in Appalachian Regional Commission money has been spent in our State which has been matched by $130 million in matching funds from other federal programs and from State and local sources. This makes a total of $290 million in Mississippi projects made possible by this program. In fiscal year 1980, the Appalachian Regional Commission funding totaled more than $11 million.

The Appalachian Regional Commission programs furthered economic development, education, and health care. Within the twenty-county area, there are many fine vocational and technical education facilities and health care facilities which attest to the success of this program. There are also other projects which stimulate the economy and enable the people to take advantage of the additional economic opportunities which the program presents.

DISASTER RELIEF

Mississippi recently experienced three natural disasters which had a devastating effect on the economy of the State and caused considerable suffering and hardship. The damages caused by the 1979 flood and the recent floods and tornados during the spring of 1980 severely stressed the public works facilities in many Mississippi towns and areas.

The Federal Energy Management Agency had insufficient disaster relief funds for 1980 due to the significant expenditures made during 1979 and 1980. It became a special project for me to provide the additional funds required. These funds were used in part to repair damage resulting from the 1979 Pearl River flood and the damage along the Mississippi Gulf Coast from Hurricane Frederick. Funds were also made available to provide relief for the floods and tornades which occurred in the spring of this year.

While the spring of 1980 brought an overabundance of rainfall, the summer and fall were unusually dry and severe damage to the 1980 crop occurred in 24 counties. The magnitude of this disaster which occurred throughout the south was the worst that had been experienced in this century.

I joined in sponsoring an amendment aimed at insuring that sufficient funds would be available for agricultural disaster loans to help farmers recover losses resulting from the drought. The full impact of this drought is still unknown, but I was convinced after touring the drought areas in the State that federal assistance must be available to provide relief for this disaster.

INTERNATIONAL SITUATION

Traditionally the main focus of our national security commitments has been Europe and East Asia. Events of the past two years such as the revolution in Iran and the subsequent seizure of the American diplomats in Tehran, the Iran-Iraq conflict, and the Soviet invasion of Afghanistan are forcing the United States to shift our military focus to trouble spots in other areas of the world.

The troubled situation in the Middle East and Indian Ocean, particularly the war between Iraq and Iran, has highlighted the vulnerability of the oil resources in that region which are vital to the industrial nations of the western world. Several important programs are underway to enhance our military presence and to increase our capabilities to insure that we can continue to keep oil flowing to the free world.

First, is the enhancement of the United States naval presence in the Indian Ocean. In the past 18 months, the United States has increased its naval forces to approximately 30 ships, including two aircraft carrier battle groups and a battalion size Marine Corps unit. These mighty aircraft carries with their highly capable aircraft and supporting ships are the most flexible force on the sea today.

Second, we have reached agreement with several nations in the region to use strategically located military bases, if necessary. Funds, nearly $300 million, to upgrade bases in Oman, Kenya, Somalia, and Diego Garcia have already been appropriated.

Third, we have begun to man and equip a rapid deployment force that could be moved quickly to protect American interests.

The potential for continued conflict in the Middle East is high and the stakes are crucial—crude oil on which so many nations depend. The United States has an obligation to itself and its allies to be prepared for any contingency in that part of the world.

In light of the changing international situation, I will discuss the major activities that I have been involved in as Chairman of the Armed Services Committee.

Defense Authorization Bill

Since 1969, I have had the privilege of serving as Chairman of the Senate Armed Services Committee. It is one of the major committees of the Senate that deals with all phases of American military posture and preparedness around the world.

During the 96th Congress, 135 bills and resolutions have been referred to the Armed Services Committee. The committee has considered and reported to the Senate for its action 50 bills and over 50,000 nominations of military officers for promotion and civilian officials for appointment.

The major activity of the Armed Services Committee is the annual defense authorization bill. This is a massive bill that covers the entire spectrum of defense programs and issues from the very beginning in research and development, through the procurement of all the various weapons and equipment, to the final carrying out of the program by the military and civilian personnel who are authorized and paid by this legislation. To get an idea of the scope of this bill, there are 708 individual line items in research and development, 225 in procurement, and 342 in the various personnel accounts—over 1,300 individual items—each requiring a decision by the members of the committee. As Chairman, I endeavor to see that no tax dollars are wasted and that a strong national defense is insured for our security.

The committee reviewed a budget request of $46.9 billion. The committee and three of its subcommittees held a total of 45 hearings compiling a hearing record of 6 volumes totaling 3,756 pages. After 12 meetings to markup the bill, the committee approved a bill totaling $51.9 billion, an increase of $5 billion over the President's budget request.

It was my job and privilege to serve as floor manager during Senate consideration of this bill. The Senate debated this legislation for three days including votes in 17 amendments and then passed the bill by a vote of 84–3.

The next step in the legislative process was for members of the House and Senate Armed Services Committees to meet as a committee of conference to work out over 700 differences in the defense authorization bills of the two Houses. After eight conference sessions and final approval by the House and Senate, a final bill totaling $52.9 billion, the largest defense authorization bill in the nation's history, was signed into law by the President.

Major procurement highlights of this bill include 27 new ships for the Navy, reactivation of the *New Jersey* battleship and *Oriskany* aircraft carrier, 612 aircraft and helicopters, 569 tanks, and 400 fighting vehicle systems. The procurement of missiles was increased by $533 million above the request of $6.6 billion. The conferees also approved $643 million, a 25 percent increase in the request for aircraft spares and repair parts, in order to improve the military readiness of our aircraft.

An important initiative in this bill is $30 million in development funds for a highly promising class of smaller and less costly aircraft carriers embodying modern technology of both carrier and aircraft design. These smaller carriers will be an important addition to our existing fleet of 12 large-deck carriers.

This bill contains several important initiatives for improving and modernizing our strategic forces. $375 million is included for a new multi-role bomber aircraft. $1.5 billion was approved for the continued development of the M–X missile. Procurement and development funds are included for air-, sea- and ground-launched cruise missiles. One billion dollars is included for a Trident ballistic missile submarine.

The quality of our military personnel was an important issue that was debated on the Senate floor and among the conferees. One provision restricts the number of male Army recruits who are not high school graduates to 35 percent of all Army recruits during 1981. A second provision places restrictions on the number of individuals in the lower mental category who can be recruited into the armed forces.

The final provisions on quality adopted by the conferees were not as strong as the original legislation proposed by the Senate Armed Services Committee. The debate, however, exposed many of the facts. Subsequent reports from the Department of Defense have confirmed the severity of the problem. The provisions included in this bill are an important first step in improving the quality of military personnel.

The military program authorized by this bill will give the boost to America's defenses which is needed to meet the challenges of peace and freedom that are emerging in many areas of the globe. This bill provides our military forces with the weapons and equipment necessary to meet the challenges we now face and are likely to face in the future. Enactment of this legislation should serve as a clear and certain signal to friend and foe alike that the United States will continue to take the steps necessary to protect our vital interests and to defend the values cherished by the American people.

Military Selective Service Registration

For the past several years, as I turn into the Senate the massive annual defense authorization and defense appropriations bills, it has been evident to me that military personnel is the most critical shortcoming in our military preparedness and capabilities. I am pleased that we have had a chance to try out the volunteer force concept. Many dedicated and capable men and women are serving in the armed forces. The volunteer force has had a fair trial time wise and money wise, but it is not working adequately.

On June 12, by a vote of 58–34, the Senate approved legislation that provided additional funds to permit registration under the Military Selective Service Act.

The question of whether women should be registered became a dominant part of the debate on registration, confusing the real military issue. While there are many fine women serving in the military, I remain convinced that women should not be included in any registration and induction system. Current law excludes women from combat. In my view, that is the most important reason for not including women in a registration system.

Commencing on July 21, 19 and 20 year old males across the nation registered, thereby putting into place a mechanism that provides an inventory of young men available to serve in the armed forces should the need arise. I would like to commend these young men who in a very orderly and patriotic manner registered and showed the finest kind of spirit and lawfulness.

This year, the Congress has approved four billion dollars in additional military pay and benefits, the laregst increase in military compensation to date. However, across-the-board pay raises and more pay for new recruits have not done the job in getting sufficient numbers of qualified individuals to join the armed forces. I have seen no evidence that it will work now, no matter how much additional money is spent. In my opinion, it would be better to refocus the money available to keep the experienced people of talent who have been neglected under the volunteer force and rely on a fair form of the Military Selective Service system to provide a better mix of talent in the new recruits.

The time has come to focus on a new Military Selective Service system with absolute fairness and equality as the main guidelines. With few exemptions, all physically qualified young men should be required to receive 15 to 18 months of military training. They would receive a good salary and I would match every month that a person is required to serve in the military with government paid educational benefits. Another option would be six months of military with a three to four year commitment to the reserves.

Finally, we must rekindle a spirit of patriotism about military service—it is a mission and service to the nation—not just a job. We need quality people with the skills, know-how, discipline, and dedication to maintain a fighting force second to none.

Ingalls Shipbuilding

Congratulations are certainly in order for Ingalls Shipbuilding in Pascagoula. During 1980, Ingalls delivered five new DD–963 class destroyers and one LHA amphibious assault ship to the Navy. The DD–992 *Fletcher*, the final ship of the original 30 DD–963 destroyers, was commissioned by the Navy in July. LHA–5, the *Peleliu*, commissioned in May, was the final of five amphibious assault ships to modernize the amphibious capabilities of the Marine Corps.

These two classes of ships undoubtedly represent the finest efforts of the Navy and the shipbuilder to assure continued United States naval supremacy on the oceans of the world.

Ingalls still has under construction the thirty-first DD–963 class destroyer and four guided missile destroyers. In addition, Ingalls is building the first two CG–47 class Aegis cruisers.

The Aegis cruiser will be the greatest anti-air warfare ship that the Navy has yet devised. It is a tribute to the Pascagoula yard that they were chosen to build this important new class of warship for the Navy. The total number of Aegis cruisers that will be built has not been determined, but estimates are that as many as 24 of these ships may be needed.

I am very proud of Ingalls' record and their noteworthy accomplishments.

Army Ammunition Plant

Good progress is being made on the Army Ammunition Plant in Hancock County. Most of the major facilities are under construction and equipment purchases are well along and should be completed in 1981. A total of $416 million, including $185 million in the fiscal year 1981 military construction appropriations bill, has been appropriated for the plant.

The first artillery rounds are scheduled to come off the plant line in 1983. In addition to construction employment to build the facility, the ammunition plant will create 1,000 to 1,500 new jobs in the area. I am extremely pleased with the additional jobs that will be created for Mississippians and the long-term benefits that this new plant will bring to the area.

Committee Work

In addition to the specific legislation discussed in this report, I have other legislative functions and activities as does every Senator. Each of us speaks for his state in legislative matters of national importance, and each has a definite function and responsibility for the formulation of legislation dealing with these matters.

Senators are permitted by the rules to belong to only two major committees. As a result, they become especially knowledgeable on the subject matters within the jurisdiction of these particular committees. I am fortunate to be a member of the Appropriations and Armed Services Committees, which are certainly among the most important committees in the Senate. I welcome and enjoy my committee work and see it as an opportunity to participate in formulating legislation and policies that affect the welfare of our nation as well as that of the State of Mississippi.

I have had the privilege of service as chairman of the Committee on Armed Services, a position which I have held since 1969. This committee deals with all military matters involving preparedness, the protection of the American people, and the security of the free world. As chairman, I have become involved in many national security and policy matters because the objects with which the committee is concerned are so broad and are so vital to our nation. The activities of the Committee on Armed Services are discussed in separate sections of this report.

The other major committee on which I serve is the Senate Committee on Appropriations. I value this assignment particularly because it provides a real opportunity to participate in the formulation stage of allocating funds to specific programs and projects, many of which are of the direct importance to Mississippi. I am a member of five subcommittees and have been chairman of the Defense Subcommittee. I am the ranking member on each of the other four subcommittees and their jurisdictions include agriculture, energy, water resources, housing, disaster relief, special programs, veterans' affairs, transportation, and highways.

Membership on these committees also gives me the opportunity to serve on the conference committees which resolve important appropriations differences between the House and Senate bills. The decisions of these conferences have much to do with the content and substance of the bills that are finally enacted into law.

CONCLUSION

In this report, I have tried to limit my remarks to important subjects which I thought might be of particular interest to the people of Mississippi. There are many other matters that affect the citizens of Mississippi and the nation as a whole which could be discussed. Space does not permit me to cover them all, but I want the people of Mississippi to know that all matters of importance to Mississippi and the nation have had my personal interest and attention. This is particularly true of those matters which my fellow Mississippians have written or spoken to me about.

Since a new Congress has been elected, all of the bills on the calendar which are not enacted into law will die at the end of this Congress and the legislative process will have to be completely restarted in 1981.

Therefore, in concluding my report to the people, I want to take the opportunity to look ahead; 1981 can be important in our history. We enter it with many problems yet unsolved, but, at the same time, with many opportunities for achievement and advancement. I have already mentioned that I am particularly pleased that in 1980 we took the first action to bring into being a program which hopefully will free us from dependence on foreign oil at some time in the future. We must pursue this program vigorously, and change and add to it as necessary. I believe that it is clear to all that our dependence on foreign oil simply must end, and that sacrifices by all of us will be required to achieve this objective.

It will be a true test of our national will to determine whether this Nation can follow the difficult but essential path to energy independence.

We must also find a way to deal with the raging inflation which erodes the purchasing power of our citizens. The high cost of energy contributes greatly to this inflation, but excessive governmental spending is also highly inflationary and must be stopped. We must continue the efforts to obtain a balanced federal budget which were begun in 1980. This is a matter which is under our own control to some extent, and in 1981, as in 1980, I will work with my fellow Senators and with the Executive Department in an exhaustive effort to attain a balanced budget. Although we were not able to balance the budget in fiscal year 1981, next year could very well be an entirely different story. We have had a steady diet of annual deficits far too long.

The outbreak of hostilities between Iran and Iraq is another example of the unstable and inflammatory situation which exists in the Middle East. I believe, of course, that we have followed the correct policy in adopting a posture of strict neutrality with respect to this conflict. However, there is the persistent danger that this conflict will spread and that the entire Middle East will be engulfed by the flames of war.

Another matter of grave concern is the unprovoked Soviet invasion of Afghanistan. Americans were properly outraged at the Russian assault on and occupation of this small and defenseless nation. We have taken the proper course in altering our relations with the Soviet Union and by holding consideration of the SALT II Treaty in abeyance. Naked aggression should not be rewarded.

We continue to resent Cuban aggression and revolutionary activities in Africa. In this, they are supported by the Soviets and use Soviet weapons, while, at the same time, Soviet money props up the Cuban economy at home. All of these matters must be a part of a national evaluation of the world situation, the possibility of additional instances of aggression and hostilities, and what course of action we should take.

I look forward to the coming year. I believe that it presents both challenges and promises. The opportunity is great if we can set the proper course. I need your suggestions and constructive criticism. With your continued support, confidence, and cooperation, I dedicate myself wholeheartedly to the important work of the coming year.

APPRECIATION TO NEWS MEDIA

I want to take this opportunity to express special appreciation to the Mississippi news media for the excellent service they have provided the people of our State during the legislative year. These dedicated and talented men and women have done an outstanding job of reporting Congressional activities in a thorough manner. The Mississippi news media continue to meet its key responsibility in our system of government in informing the public of legislative action and its implications.

Mississippi newspapers have presented many fine news stories, analyses and editorials during the year to help Mississippians understand actions in the Senate and their effects. I would like to thank all Mississippi newspapers for their excellent efforts and I especially want to thank those who printed my reports to Mississippians.●

BEN AND MIDGE BERGER

● Mr. DURENBERGER. Mr. President, on Sunday, November 16, I had the great pleasure of paying tribute to two outstanding Americans, Ben and Midge Berger. Ben and Midge received the well-deserved honor of being selected for the International B'nai B'rith Humanitarian Award.

I had the opportunity to meet and work with Ben while I was on Minnesota Governor LeVander's staff and Ben was a member of the State Parole Board. I also worked with Ben when we were both involved in park and recreation issues. I came to have the greatest respect for this man and for his concern and dedication to his community.

Through Ben I met Midge. Her contributions to her community and country have been equally impressive. Among many other activities, she was a member of the first national board of the United Jewish Appeal and for 4 years was president of the National Council of Jewish Women in Minnesota.

It is appropriate that they are sharing this award, just as they have shared everything else in their married life. More than anything else, Ben and Midge are a team.

Mr. President, I submit for the RECORD an article on the Bergers from the Nov. 7, 1980, "American Jewish World."

The article follows:

BEN BERGER: IMMIGRANT, DOUGHBOY, PHILANTHROPIST

(By Gary Diamond)

Ben Berger will be 84 his next birthday but he has no intention of sitting quietly and watching the world go by. "Why, I'm just getting my second wind," chuckles the man who, with his wife, Midge, will receive the International B'nai B'rith Humanitarian Award Sunday, November 16th, at the Radisson-South.

Ben has spent a lifetime in work, travel and service but has retained his zest for doing so and sees no reasons not to continue; he still has a number of irons in the fire. In his long life he has done many things and been many places thereby keeping a promise he made to himself as a tennager in his native Poland.

"I was born in 1897 in Ostrowiec, about 100 miles from Warsaw, when Czarist Russia ruled that part of Poland," he says. "We Jews were third class citizens. The Poles were the second class citizens, largely illiterate and mistreated by the Russians. So they blamed their troubles on the Jews. We were poor but not the poorest, we always had something for the beggars. Way back then I decided there must be a better life. I swore I'd find one that I'd see the world. I wanted to do things, find out what made Sammy run."

Certainly he has seen the world. With Midge accompanying him on most of the trips, he has visited, he estimates, 88 countries including the Soviet Union five times, Israel 10 times and every country behind the Iron Curtain more than once.

He has been in the amusement business 59 years but he has been much more than just a successful theater magnate. He has been the owner of professional sports teams; he's been a soldier, a civil servant, a restaurateur, has taken great interest in penology, planned parenthood and many Jewish and civic organizations. His philanthropy is legendary.

Ben married Mildred Goldberg Oct. 9, 1935 and they recently celebrated their 45th anniversary. "Midge", as she is known to her friends, shares her husband's interests and like him, believes in participation.

Back in World War II she worked with displaced families. She has been active with the state services for the blind using her voice to transcribe text books for blind students and made recordings for the blind radio network. She was a member of the first national board of the United Jewish Appeal, Women's Division (1939–51) and for four years was president of the National Council of Jewish Women in Minnesota. She has been active in B'nai B'rith since her marriage. And, according to Ben, she once made Menachem Begin, stern-faced Israeli prime minister, laugh.

"We were in Israel for the dedication of the 10-kilometer Hubert Humphrey Memorial Highway leading to Jerusalem," he said. "At a cocktail party the prime minister talked about how much he liked the Camp David setup the American presidents have. He said he'd like to have a similar one in Israel. 'Yes,' put in Midge, 'you could call it 'Mogen David.' Begin roared with laughter."

The Ben Berger odyssey started from Ostrowiec in 1913, a year before World War I broke out. He was 16 and had 200 rubles (about $100 American) in his pocket when he left home accompanied by an uncle. He wound up in Fargo, N.D. by way of Quebec, Canada, with only $6 left. So he got a job. Then he joined the National Guard and when the United States got into the war he found himself headed back for Europe as a soldier in the AEF and an American citizen. He took the citizenship oath in uniform at Camp Custer, Mich., in 1918.

His outfit went first to England and landed in France Nov. 11, 1918, the day the Armistice was signed. It was July 1919 before Cpl. Ben Berger got back to Fargo, but things started to move. In 1920 he joined B'nai B'rith (he was president of the Grand Forks chapter in 1925) and he opened a confectionery store. Then the theater business beckoned. A movie-owner friend told him he would make a good showman—the man proved eminently correct—and offered him a partnership. Together they bought a theater in Grand Forks for $8,000. That was 1921 and Ben's still in the business.

After four months he bought out the partner and built an amusement chain that consisted of three theaters in Grand Forks and others in Bemidji, Fergus Falls and Sioux Falls, S.D. He brought the Minneapolis Symphony Orchestra, famous artists and Broadway stars to Grand Forks and was prominent in civic and Jewish affairs until 1930 when he sold out and moved to Minneapolis where he founded the Berger Amusement Co. On last Sept. 1 he marked his 50th year in the Mill City—an eventful 50 years.

A high spot was his association with the Minneapolis Lakers who ruled the professional basketball world for nearly a decade. In 1947 he and Morris Chalfen for $15,000 bought the defunct Detroit Game franchise in the National Basketball League which included cities like Sheboygan and Oshkosh, Wis. All they got for their money was some old uniforms and a few basketballs but they signed Johnny Kundla to coach, named Max Winter general manager, signed super stars like George Mikan and Jim Pollard and were an instant success. They won the NBL championship in 1948 and the next year joined the bigger towns in the National Basketball Association and proceeded to win more titles in 1949–50–52–53–54. In 1957 Berger sold the club to Bob Short and 117 associates with a record of six championships in nine seasons.

"I hear," says Ben, "that the average salary in the NBA now is $180,000 a year and that many players make more than $200,000 a year. In our day we got the whole team, including the coach, for less than $200,000 a year."

Ben wasn't out of sports long. He took over the Minneapolis Millers hockey team at the turn of the sixties and ran it four years, winning the International League championship in 1960–61.

In 1944 Berger bought Schiek's, Minneapolis oldest and most famous restaurant in Minneapolis and operated it until 1971, a matter of 25 years. When forced out of the historic Third Street location he moved it to the old Farmers & Mechanics Bank building at 215 S. Fourth Street, taking along a good share of the fixtures to preserve the 19th century atmosphere. His Schiek's singing sextet was a long-standing entertainment hit.

Minneapolis service clubs did not admit Jewish members when Ben came down from Grand Forks and it was 1951 before he broke the barrier and was elected to the Kiwanis. In 1979 he donated $100,000 to Kiwanis. Two years before that the Bergers, who are champions of freedom of choice, gave $200,000 to the Planned Parenthood Fund.

On one of his tours Ben saw a fountain in Sydney, Australia, that intrigued him and had an architect duplicate it. He presented it to the city of Minneapolis but there was controversy over where to put it and it was 1975 before the beautiful $240,000 fountain was installed in Loring Park.

Ben was elected several times to the Minneapolis Park Board and served a dozen years. He also was a member of the Metropolitan Airports Commission. In 1979 he was elected commander of the Theodore Peterson American Legion Post. He has been Chief Barker of the Variety Club of the Northwest; president of the Independent Theater Owners of Minnesota, North and South Dakota; represented the United States government at the first Berlin Film Festival; was a member of the National Board of USO and state chairman of Radio Free Europe.

Ben served several years on the Minnesota State Parole Board and has worked hard for prison reform. He was vice chairman of the Governor's Committee to Investigate State Penal Institutions; was president of the Minnesota Prisoners' Aid Society and chairman of the Mayor's Committee for the Minneapolis Workhouse.

He also was one of the founders of AMICUS (a prisoners' counseling organization). He is a strong believer in rehabilitation and has found inmates' gratitude for his efforts to improve their conditions very gratifying.

Because of this interest in penology the Bergers endowed the Mildred and Benjamin Berger Chair of Criminology at Hebrew University in Jerusalem. There also is a Benjamin Berger Memorial Forest in Israel.

Ben is continuing his prison work and now is chairman of the board of AMICUS. He still is running the Berger Amusement Co.; is a board member of the National Conference of Christians and Jews, stays active in Kiwanis and is a member of Ira Weil Jeffery Lodge of B'nai B'rith.

All in all Ben Berger feels he has been a very fortunate fellow. He once told while receiving an AMICUS Award about a luncheon he attended at the White House. "At the table," he said, "were President Eisenhower, a Rockefeller sitting next to him, then a Mr. Alexander—I can't remember his first name but he was head of the House of Morgan—then me. I said to Mr. Alexander, "it's hard to imagine me, a little immigrant Jewish boy, sitting at this table with all these rich and powerful men. It could only happen in America."●

H.R. 6933, AMENDMENTS TO THE PATENT AND TRADEMARK LAWS

● Mr. STEVENSON. Mr. President, I was pleased to support the compromise legislation H.R. 6933, passed yesterday which provides for voluntary reexamination of contested patents, a restructuring of the patent fee schedule, improvements in the administration of the Patent and Trademark Office, and, most importantly, a uniform policy concerning the rights of nonprofit institutions and small businesses to license and exploit their inventions developed with Federal Government support.

This bill is an expression of the Senate's concern about America's capacity to produce and compete in a fiercely competitive world. It promises greater efficiency in the operation of the patent system. It recognizes that, on the whole, a policy of granting Government contractors exclusive rights in return for commercial development stands the best chance of securing the benefits of Federal R. & D. for the economy and the public. It gives small research firms a needed incentive to participate in Federal R. & D. programs and encourages the transfer of technology from university laboratories to commercial markets.

Like all legislation, H.R. 6933 falls short of an ideal bill. It will ameliorate but not dispel the growing crisis of confidence in the patent system, particularly the Patent Office, among the business, patent bar, and research communities. The PTO's incomplete prior art search files, inadequate staff and budget, and lack of expertise in the burgeoning field of biotechnology all merit the closest examination and action by the new administration and the next Congress.

In that regard, however, I am pleased that H.R. 6933 does not contain an amendment, considered earlier by the House, to establish the PTO as an independent agency. I hold no brief for the past performance of the Commerce Department in managing the Patent Office, but Congress has been equally remiss in failing to provide continuing oversight and direction. As a result of lagging innovation and declining industrial productivity, attitudes in both branches have begun to change significantly. Even if they had not, I doubt that independent status would insure the attention and support of either OMB or the authorization and appropriations committees. The PTO is small and, normally, its functions are noncontroversial.

Matters of technology, trade, and industrial policy must be closely coordinated. Increasingly, data generated by the Patent Office will be useful to industry analysts and program managers elsewhere in the Commerce Department. Similarly, the international trade and technology forecasting functions that Commerce is undertaking will help guide budget planning and management of the PTO's resources. It would be most unfortunate to sever this important link even before it is well established. A much more promising though ambitious solution is to write new legislation for the Patent Office and to put it on a periodic reauthorization cycle, providing ample opportunity for its clients and critics to present their case to Congress.

The provisions of H.R. 6933 allocating rights to inventions made with Federal assistance should be extended as soon as possible to all Government contractors. Witnesses in 4 days of hearings before the Commerce, Science and Transportation Committee urged a uniform Government patent policy that does not discriminate on the basis of company size or institutional tax status. Innovative small businesses do not account for our stagnant productivity, accelerating inflation, and eroding position in world markets. They continue to generate a large share of major inventions. Small businesses and universities are not alone in experiencing the disincentives and frustrations of restrictive Government patent policies. Moreover, this bill will be difficult to administer rationally and fairly. It arbitrarily penalizes successful companies that cross the employment or sales limits of one or another of the Small Business Administration's sets of eligibility criteria, all of them devised to suit entirely different administrative purposes.

Mr. President, let me not belabor, however, the deficiencies of H.R. 6933. I have every confidence that they will be addressed, constructively and successfully, by Senator SCHMITT and others who will assume the leadership on patent and technology issues.

In the meantime, those of us who share his concern about technological innovation are grateful to BIRCH BAYH, not only for bringing the substantial legislative effort of this Congress to a successful conclusion but also for devoting enormous time and energy to matters of great importance to the country but entailing little personal reward. I want also to congratulate Senator BAYH's staff, principally Joe Allen of the Judiciary Committee.

While we in the Senate have not always seen eye to eye with the Carter administration on various elements of this legislation, its passage is nonetheless a great credit to Jordan Baruch, retiring Assistant Secretary of Commerce for Science and Technology, and his assistants at the Departement, Ann Tonies and David Guberman. No one should underestimate Dr. Baruch's achievement in overcoming the longstanding objections of the Justice Department, reconciling the diverse interests of the R. & D. agencies, and persuading the President to endorse uniform Government patent policy legislation. On this and a variety of other fronts, Jordan Baruch has exploited the limited resources of his office to have an important and lasting influence on U.S. technology policies.●

IMPORTANCE OF CONTINUING THE HELSINKI DIALOG

● Mr. PELL. Mr. President, late last week an important breakthrough occurred in setting an agenda for the second review conference on the Final Act of the 1975 Conference on Security and Cooperation in Europe. The review conference, which opened early last week in Madrid, Spain, has been preceded by a long period of disagreement between the Western democracies and the Soviet Union and its allies over the attention to be given to a review of human rights violations under the Final Act.

An acceptable compromise, engineered by a group of neutral governments, was finally achieved on this point, thus preventing the conference from breaking up. But even before this problem developed with the Soviets, it appeared that the conference would be threatened by a U.S. boycott that a number of prominent people in this country were calling for as part of the U.S. response to the Soviet invasion of Afghanistan.

I opposed a U.S. boycott and was pleased that the administration also saw the merit in continuing the dialog with the Soviets on the security, economic and human rights issues contained in the Helsinki Final Act. In this connection, Anthony Lewis of the New York Times last week wrote an article in which he made a very persuasive case for continuing the process begun at Helsinki 5 years ago.

When the Soviet Union consented to the Helsinki Final Act in 1975, human rights principles assumed a more prominent and international role in the affairs of the world community. No longer could the repeated phrase "intervention in internal affairs" be enunciated in response to international reprimands for Soviet violations of basic human rights.

The Helsinki process has, for the last 5 years, focused on the signatories' obligations under the Final Act. At the Belgrade Review Conference in 1977–78, Western countries questioned the East's noncompliance with important human rights provisions. More importantly, we have seen "Helsinki Monitoring Groups" emerge in many of the Eastern societies. These groups are composed of ordinary citizens whose only goal is to hold their respective governments accountable to the commitments made in this international document. These groups, operating legitimately under the written laws of their own countries, have been systematically silenced. In the Soviet Union, highly respected and prominent citizens such as Sakharov, Orlov, Shcharansky and many others have been either exiled or imprisoned because of their commitment to the principles embodied in the Helsinki Final Act.

Mr. Lewis' article clearly identifies the need for a strengthened Helsinki process with the principal goal of keeping the Soviet Union and its allies accountable for their seemingly total disregard for human rights and accepted principles of international conduct. He specifically calls on President-elect Reagan to offer a ray of hope to the many dedicated and brave individuals who willingly endanger their continued freedom for principles that we in the West take for granted. Without this continued vigilance on the part of the United States and other Western nations any hope for improving standards of common decency in the world will be lost.

I ask that Mr. Lewis' article be printed in full at this point in the RECORD.

The article follows:

THE STAKES IN MADRID

(By Anthony Lewis)

WASHINGTON, November 12.—If any of us safe in the West can imagine being a victim of Soviet repression, one of the most terrifying possibilities today would be confinement in a mental hospital. The K.G.B. has done that to many dissidents. Diagnosed as disturbed, they are treated with disabling drugs and physically brutalized.

The only defense against the monstrous practice has been the courage of a few Soviet victims and psychiatrists who spoke out against it. The outside world began to notice, and some of these brave people set up an unofficial Commission to Investigate the Use of Psychiatry for Political Purposes. But now the voices are being silenced.

In September, Vyacheslav Bakhmin, a 33-year-old computer operator who helped found the commission, was sentenced to three years of forced labor for "slandering the Soviet system." At his trial he asked the court to hear defense witnesses who would support what he had said about the perversion of psychiatry. The witnesses were not allowed to testify.

Other members of the commission face repression. Two doctors, Alexander Podrabinek and Leonard Ternovsky, and another computer specialist, Irina Grivnina, are awaiting trial.

The attack on those protesting the misuse of psychiatry is just one part of a massive Soviet purge of dissidents this year. It began before the Olympic Games, when Western specialists thought the object was to prevent contacts between dissidents and people visiting Moscow for the Games. But the crackdown has continued since the Olympics ended in August.

All kinds of groups have been swept up in the systematic K.G.B. effort. They include editors of underground journals, nationalists from the Ukraine and the Baltic states, religious leaders and people working for human rights.

The latest arrests and trials have not evoked widespread protests abroad. That may be because better-known dissidents are already silenced: Andrei Sakharov in exile in Gorky; Yuri Orlov, founder of the Helsinki monitoring group, and Anatoly Scharansky and Ida Nudel, activists for Jewish emigration, in prison.

But whatever the reason for the tepid Western response, there is no doubt of its effect. The failure of governments and private groups to express their outrage has encouraged the K.G.B. to intensify the repression.

All this points up the importance, in both human and political terms, of the current Madrid conference to review implementation of the 1975 Helsinki accords. And it also makes clear why Soviet diplomats have fought so hard to limit discussion in Madrid of the Helsinki provisions on human rights.

In the five years since Helsinki, the Soviets have made a mockery of their promises to respect "human contacts," "freer movement of peoples" and "the right of the individual to know and act upon his rights." There could hardly be a more cynical act—to pick one example—than to repress a group whose only purpose was to monitor compliance with those pledges.

Soviet disregard of the human rights undertakings has led some right-wing voices in America to suggest that the United States simply denounce the Helsinki accords. But that would surely be cutting off our nose to spite our face.

The Soviets' desperate effort to avoid being called to account at Madrid shows that such international shame bothers them. Why should we give up the opportunity to point to their cynicism and brutality? Why should we disagree with the Soviet victims who want the West to stand firm on Helsinki? For example, Vaclav Havel, the imprisoned Czech playwright, and two colleagues recently managed to get out a letter urging action on human rights at Madrid.

The Helsinki accords give the West an important opportunity—and obligation. The Soviets cannot legitimately complain about "intervention in internal affairs" when they have signed an agreement making human rights a matter of international concern, and providing for periodic conferences to review compliance.

The obligations that Helsinki imposes on us is twofold. We have a duty, first, to do what we can for the victims of state tyranny, in the Soviet Union and elsewhere. And second, we have a duty to make our values clear to the world: to save our own souls.

President-elect Reagan is the man on whom those obligations especially rest. He has been cool in the past to the whole idea of Helsinki, but there are indications now that he appreciates the value of its human rights provisions. The Madrid conference can have a useful effect only if Mr. Reagan sends a clear signal that he intends to carry on the Helsinki review process—and hold the Soviet Union accountable for its broken promises.

After the Carter Administration's experience, no one pretend that there is a simple way to improve respect for human rights in the world. But it has made a difference to the victims and to us, when we have shown ourselves unwilling to close our eyes to evil.●

CHEMICAL WARFARE RESEARCH

● Mr. STEVENSON. Mr. President, I submit for the Record a recent editorial from "Environment Magazine" regarding the problem of chemical warfare research and the role and responsibilities of the scientific community in national security issues. The article quotes my distinguished colleague and good friend Congressman George Brown of California), one of the most thoughtful observers in the Congress on science issues. I commend him for his insights on this, as on so many other difficult issues. It has been a great privilege serving with him on the Board of the Office of Technology Assessment and working with him on countless far-sighted legislative initiatives ranging from promoting industrial innovaton to harnessing science and technology for the development of the world's poor. I urge Members' attention to this article.

The article follows:

Editorial From Environment Magazine

(By Azan McGowan)

The potential increase in chemical warfare research, and possible production, raises again with renewed force a very delicate issue. To what extent should the United States scientific community, and for that matter the world scientific community, enter into discussions and contractual arrangements with the defense establishment? Or, to put it another way, what are the implications of increased U.S. Defense Department funding of research, both basic and applied?

Congressman George E. Brown (D-Cal.), Chairman of the Subcommittee on Science, Research, and Technology of the House Committee on Science and Technology, said in a recent interview with SIPIscope (the newsletter of the Scientists' Institute for Public Information), "What I do fear is that the larger the amount of our national resources that is channeled through the Defense Department, the more difficult it is for us to wean ourselves away from an orientation towards defense." Earlier in the same interview he said, "Most scientists I have been acquainted with don't really care where the money comes from. They're not exactly money-grubbing in the sense that the term is normally used, but they think that their research has preeminate value regardless of the source of the funding."

Congressman Brown is widely regarded both in and out of Congress as being one of the most thoughtful leaders in our nation, particularly in areas of science and research. His is a clear statement of the many issues tangled together in the issue of defense-supported research that need to be teased apart and given careful thought. He is not asking for a particular solution but, rather, that serious thought be given to the matter by the scientific community.

No one likes war. This is particularly true in the scientific community, some of whose respected colleagues are apt to be in those very countries that are supposedly our enemies, or at least our competitors. War means a breakdown of international communications, and the scientific community as a whole—as well as many of its individual members—loses as a result. The standard liberal response during the 1960s to that breakdown was simple: no one should take research funding from the Defense Department.

But isn't this a head-in-the-sand approach? Wasn't the debate over the MX missile much more enlightened because there was an alternative proposal, the submarine-based missile program? That argument was made possible by virtue of the fact that the proponents of the alternative were involved in defense issues, and were knowledgeable enough to engage in an informed debate (I do not here imply that any of the people involved received Defense Department money).

The point is simply that it is the responsibility of the scientific community to be involved in issues crucial to national security and well-being, and defense is one of those areas. Since we are not advocating the abolition of the Defense Department, nor the concept of national defense, we have a responsibility to see that the issues are developed in the most humane and responsible way possible.

For this reason, much thought is necessary. Money cannot be accepted just because it is there. In this case, the Faustian bargain is much less obvious, but it is there nonetheless. It should be handled with care, and a great deal of thought.●

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

● Mr. CANNON. Mr. President, over the past month I have been in contact with the key Government officials involved in deciding the fate of the airport and airway development program. My hope was that the various parties might agree to compromise on the major points of controversy in order that this important program continue.

I was initially encouraged that Department of Transportation officials also expressed their desire to compromise on our differences and continue ADAP. Unfortunately, however, I can find no enthusiasm elsewhere to organize efforts to pass a compromise ADAP package this year.

I understand the desire of both Houses and the incoming administration to delay major policy legislation until next year. But, I would point out that the safety and capacity needs of the airports and airways will not wait idly by while the Government reorganizes itself next year. I believe that this is a piece of legislation which ought to be passed and I am disappointed to have encountered such widespread apathy to enacting a compromise package on ADAP.

I remind those who believe a new law can be enacted early next year that the Senate Commerce Committee reported its ADAP bill in October of 1979. The full Senate passed the ADAP authorization (S. 1648) last February; yet despite that 9-month leadtime none of the other bills needed to complete this legislation have been passed by either House. It is, therefore, naive to expect quick resolution of this complex legislation next year by new players in the Government.

Time is quickly running out, but I want to leave no doubt about my wishes to see this Congress fulfill its obligation to enact a new airport and airway development bill.●

SCIENCE AND TECHNOLOGY AND THE LESSER DEVELOPED NATIONS

● Mr. STEVENSON. Mr. President, science and technology are powerful instruments of human advancement and keys to the sound economic development of the less developed countries. Yet these countries lack the institutions and funds to perform research and adapt technologies to solve their pressing development problems. At present, less than 4 percent of the world's R. & D. is performed in LDC's on problems relevant to those countries—and three-quarters of the world's people.

This is changing. Considerable strides have been made by "middle-income" LDC's, such as Mexico and Brazil. These countries are making efforts to promote cooperation with other developing countries, and increasingly are exporting the fruits of research on technologies for rural development to other LDC's.

I submit for the Record an example of the scope for mutually beneficial research cooperation with LDC's and the opportunities the United States is missing. The article, entitled "Guayule Bounces Back," deals with research on a rubber-producing desert shrub being performed in Mexico, which could be of great relevance to the Southwestern United States.

The article is interesting in itself, but I introduce it also to salute the new publication from which it is excerpted—the first English language magazine on science and technology in a developing country. The magazine—called R. & D. Mexico—is designed to "bridge the information gap between Mexico and other countries and institutions in the areas of science, technology, and development." It is a bold and creative experiment, and I commend the Mexican National Council on Science and Technology (CONACYT) for its vision. Judging from the first colorful, informative issue, it is an experiment which seems destined for success. It is to be hoped that this valuable journal (to be published monthly) gets the wide circulation among scientists, the business community, and policymakers in this country which it deserves.

The article follows:

Guayule Bounces Back: Desert Shrub Competes With Hevea Rubber for Future International Markets

Mention the guayule plant to a European or a North American and the response is bound to be a questioning stare. Yet this unprepossessing foot-high shrub, which flourishes in the arid zones of Mexico and in the southwestern United States, is likely to enjoy increasing attention in the coming years, especially by those who are troubled by the rising costs of oil, the political pressures that threaten the world's materials supply and the knowledge that we are exhausting the world's capital of fossil fuels.

For guayule (wy-oo-le) is a commercially proven producer of natural rubber, a source that can compete successfully with the natural hevea rubber of Malaysia and oSuth America and, more important, substitute for and complement the manufacture and use of synthetic rubber. Since synthetic rubber relies on oil, the use of guayule means, in effect, a decrease in dependence on crude and a possible major step in the conservation of energy.

The plant is not an unknown quantity. It served as a significant source of rubber during World War II when the United States was denied access to Southeast Asia, and it was only squeezed out of the market after the war by the petroleum-based synthetics and by the surplus stocks from the recovered areas of Southeast Asia.

During World War II, in addition to launching a crash program to develop synthetic rubber, the United States increased its imports of Mexican guayule to 125,000 tons, only to abandon the plant once again when immediate needs declined.

Mexico, however, did not completely dismantle its guayule program. The National Commission on Arid Zones and CONACYT continued research on the plant. In 1974, the Center for Research in Applied Chemistry (CIQA) established a pilot facility in Saltillo, Coahuila, to improve the technology for manufacturing rubber from wild stands of guayule. Mexico is once again building commercial mills in those regions where guayule is abundant.

Mexico's stands of guayule have recovered. A recent survey reports three million tons of adult plants spread over 10 million acres in the states of Coahuila, Zacatecas, Chihuahua, Nuevo León and San Luis Postosi.

Guayule is vital, too, because synthetic rubber has not replaced natural rubber. Natural rubber is still required for products that demand a high degree of elasticity, resilience, tackiness and low heat build up. Airplane tires, for example, are made almost totally from natural rubber.

The United States imports a fifth of the world's rubber supply, over 700,000 metric tons. It obtains virtually all of this import from the hevea rubber plantations of Malaysia, Indonesia, Thailand, and Sri Lanka. Mexico also imports all but 11 percent of its natural rubber. There is, then, an obvious advantage in having a dependable supply of such a strategic material, and Mexican scientists now argue that it is possible to offer a product far superior to guayule rubber 30 years ago, one that can compete in price and quality with the best rubber on the market.

Guayule takes from four to seven years to reach an economically viable size: about three feet. A major asset of the plant is its ability to thrive on land too arid for food production. An interesting fact is that it produces most rubber in periods of stress such as very cool or dry weather when its growth slows and it becomes semidormant. Even when it remains unharvested, it retains the rubber it has produced.

Guayule has been called a plant-breeder's dream. In one variety, reproduction takes place without fertilization, resulting in an offspring that is genetically identical to the parent. Thus, a breeder can cross sexually reproducing plants to obtain useful characteristics and can then induce these plants to reproduce asexually to retain the hybrid attributes throughout subsequent generations.

Although there are 2,000 different species, not all are adaptable to industrial use. Wild strains have been found containing up to 26 percent rubber. But the most widely used strain when guayule was grown commercially contained only 20 percent. A breeding and selection program could undoubtedly improve the yield as it has in the case of hevea rubber.

The chemical and physical properties of guayule and hevea rubber are the same. Because the slightest variation in molecular structure can change the mechanical qualities of a product, scientists of the Center for Research in Applied Chemistry (CIQA) have used the most advanced electronic scanning techniques to analyze the plant's microstructure. They found no differences in molecular structure, length, weight, or the way the chain was joined together. They found that guayule lacks certain impurities that aid the vulcanization of hevea rubber. However, the vulcanization formula (the process whereby rubber is mixed with sulphur and other ingredients and molded under pressure at high heat) can be adjusted to get similar results.

LABORATORY TESTED

At the end of 1976, the first lots of guayule rubber were tested by laboratory analysis and in products. Their characteristics were found to be very similar to high-quality hevea rubber; in some cases they were superior. Major rubber companies in Mexico and abroad are currently road-testing guayule-rubber tires.

Guayule is also the source of a number of important by-products. Resin, for example, a major component that makes up 10 to 15 percent of the plant's weight, can be used to make adhesives, drying oils and rubber additives among other products. Waste pulp and cork can be compressed into blocks for use in construction, and the leaves, which contain up to 12 percent protein, can serve as livestock feed.

Cultivating guayule is also a way of generating income and providing employment, especially in rural areas. It has been suggested that guayule could benefit U.S. Indian reservations in Arizona and New Mexico, lands not really suitable for conventional crops.

Mexico's expertise in guayule processing and international advances in cultivation offer prospects for continued collaboration between different countries around the world.●

SENATOR MOYNIHAN SOUNDS WARNING OF FEDERAL CONTROL OVER HIGHER EDUCATION, DECLINE OF SCHOLARSHIP AND FREEDOM

● Mr. RANDOLPH. Mr. President, the decline of public education at the elementary and secondary levels is well-documented. We see test scores dwindle as programs proliferate. U.S. News & World Report refers to "America's battered high schools" and points to ill-prepared teachers, lax standards and illiterate graduates as just some of the problems facing secondary schools. Excellence in education today abounds largely in the ability of educators to complete multitudinous forms required by the Federal Government and prepare grant applications for programs decreed by Congress and proliferated by the Department of Education.

Mr. President, recently I addressed the Council of Chief State School Officers meeting at the Greenbrier Hotel. As ranking member of the Senate Subcommittee on Education, I warned the Nation's top school administrators that with inflation, shrinking enrollments, and rising budgets, they will have to compete as never before for their share of the education dollar. I learned that their concerns run not only to the availability of Federal funding, but to the increasingly complex demands for recordkeeping and compliance with Federal requirements.

Teachers, administrators, and all concerned with the education of our youth realize that the Government's largesse carries a high price tag—the loss of freedom and flexibility to teach and learn. In much of our educational community today, economic survival depends to a great degree on conformity and this, in my opinion, is a disastrous trend.

A potentially more dangerous trend in education today goes practically unnoticed. Since the 1950's, the Federal Government has invaded the higher education establishment to a degree undreamed of in the early days of academe. Seduced by Federal dollars, trustees and faculties docily comply with bureaucratic edict, no matter how ridiculous, in their efforts to keep on the dole. Academic freedom no longer exists in many of our Nation's colleges.

My learned colleague, Patrick Moynihan, is correctly concerned with the growing dependence of colleges and universities on their annual fix from Washington. As an author, academician, and legislator, he has seen the pervasive sweep by educational technocrats across this land, and he understands the long-range implications of subverting scholarship for expedient and subservient compliance to well-meaning but destructive governmental decrees.

He writes:

> Federal influence has gone from encouraging the development of curricula, which was the main theme of the NDEA, to much more pervasive setting of standards as to student enrollment and faculty selection.

Mr. President, effort to turn our institutions of higher learning into efficient, if inferior, knowledge factories will lead to a sterile academic climate which will adversely affect generations to come. Senator Moynihan has delineated the progressive path that already has been taken, and thoughtfully warns America of the dangers ahead. I ask that his article, "State vs. Academe—Nationalizing the Universities" appearing in the December issue of Harper's, be printed in the Record for the study and enlightenment of my colleagues and other questioning and concerned American citizens.

The article follows:

State vs. Academe—Nationalizing the Universities

(By Daniel Patrick Moynihan)

On July 3, 1980, James A. Dinnan, professor of education at the University of Georgia, surrendered in his academic robes to federal marshals at the Bibb County Jail in Macon, Georgia, to begin a prison sentence for contempt of court. Judge Wilbur D. Owens had cited him for contempt for refusing to tell how he voted in the decision of a faculty committee that had declined to recommend tenure for a younger colleague. To Dinnan's mind the fundamental process of academic self-governance was at issue: the decision as to who will teach, and, most especially, the choice of persons to be given lifetime teaching appointments. Judge Owens did not see it that way. In remarks from the bench he compared the closed proceeding of the tenure committee to the "blackball" system of the campus fraternities, which he had known as an undergraduate at the university.

A generation ago, the jailing of a professor asserting the integrity of traditional academic procedures would have aroused great alarm and protest. Professor Dinnan, however, was sentenced in silence. His colleagues helped some, and there has been some remonstrance. But, as in Conan Doyle's *Silver Blaze*, the curious thing is that the dog did not bark.

Not, of course, ultimately curious. As Sherlock Holmes deduced, and as we may too, the participants in the encounter were familiar with one another. At the King's Pyland stables in Devonshire the dog knew the trainer. In Athens, Georgia, the university faculty and administration were on equally familiar terms with the federal regulations that gave rise to the case of Professor Dinnan, in this particular instance those relating to sex discrimination under Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972.

The federal writ now routinely extends to the internal processes of the campus. The secretary of labor—in discharging his duty to ensure that organizations (including universities) receiving federal contracts do not discriminate in hiring—routinely requires compliance reports from contractors and is authorized to make further investigations, including examination of "books, records, and accounts," to ascertain compliance. Such compliance reviews are required for any organization awarded a federal contract of at least $1 million.

In a long-standing dispute between the University of California at Berkeley and the Department of Labor that concerns the right of such federal officials to copy and remove from campus confidential university records pertaining to faculty hiring and tenure decisions, Secretary of Labor Marshall ordered on September 4, 1980, that the university "is also hereby preliminarily and permanently prohibited from refusing to allow complainant to remove copies of said books, records, accounts, and other materials, from the University of California, Berkeley, campus, or from any other place at which they are maintained [and that the university's] present Government contracts and subcontracts be cancelled, terminated or suspended and that respondent be declared ineligible from further contracts and subcontracts, and from extensions or modifications of any existing contracts and subcontracts, until such time that it can satisfy the Director of OFCCP (Office of Federal Contracts Compliance Programs) that it is in compliance with Executive Order 11246 and the Secretary's regulations issued pursuant thereto, which I have found to have been violated in this case."

Clearly, the university has all but lost its institutional distinctiveness in the eyes of the state. This was the predictable development as universities became ever more dependent on the state and ever more supportive—I believe that is the correct word—of a powerful, activist, multifaceted state.

Dependence is the key issue. Thus, last summer, over "bitter academic opposition," as reported by Science magazine, the Office of Management and Budget imposed complex new accounting rules for federally sponsored research carried out on university campuses. The most onerous of these regulations established procedures by which universities must keep track of the time and effort of their professors to ensure that the government pays only for those activities integral to federally sponsored research projects. Stanford University estimates that this will increase the number of reports that it must send to Washington from three thousand to eighty thousand a year. But there was no alternative.

A vast transformation took place in the position of universities in the United States in the fifteen-year period between 1957 and 1972. Before then, the federal government had little role in their support and none whatever in their goverance. Since then, all is changed, especially at the great research institutions. Between a quarter and a half of the budgets of such universities as Columbia, Stanford, and Harvard now come from federal funds; at least half their undergraduates and graduates receive some federal assistance. This extension of aid has been accompanied by ever more detailed application of federal rules and regulations from various executive agencies. Simultaneously, federal courts are increasingly involved with the administration of universities, in a pattern now familiar in elementary- and secondary-school systems. A judge forced to determine whether there has been discrimination in effect decides who shall have tenure.

All this has come as something of a shock. In the main, the university community was most supportive of the government activism that is now affecting it. To a greater or lesser degree the universities politicized themselves in the 1960s, demanding a wide range of government intervention in the society at large: it is only now reaching them. Not all this intervention is to be lamented. To the contrary. I was an assistant secretary of labor in the administration of Lyndon B. Johnson and helped prepare Executive Order 11246, on equal employment opportunity. This continues to be the basis of the affirmative-action programs of the federal government. It was directed against a specific evil and accomplished much good. But who in the executive branch fifteen years ago would have dreamed the day would come when the federal courts would require a census in which all employees and judicial officers be classified by "race/national origin groups" including the subgroups "Arabic" and "Hebrew"? This was just the sort of thing we assumed we were working against.

Similarly, a good deal of the "confidentiality" that surrounds university decisions on matters such as tenure is a Victorian legacy that invites abuse and needs opening up. (Indeed, in the Middle Ages equivalent decisions were made in public and with public participation, it being assumed that the community at large had a right to pass on decisions as to who would be teaching and what.) But this is only one aspect of a more general regulatory regimen that is much the same with respect to any activity heavily dependent on federal money. What is unusual is the pained surprise to which it now gives rise. A notable example was the 1980 article published in The Public Interest by Derek Bok, president of Harvard University:

"It is not my purpose merely to complain about the delays and inconvenience of public regulation but to explore the more serious problems that arise when the government seeks to influence basic academic functions: what Justice Frankfurter once described as "the 'four essential freedoms' of a university—to determine for itself on academic ground who may teach, what may be taught, how it should be taught, and who may be admitted to study." . . . Each of the university's "four essential freedoms" has become the subject of increasing federal scrutiny and regulation."

However compelling, President Bok's protest came too late. The conditions that he protested were set between 1957 and 1972. It was at least possible during that period of transformation for the universities to have negotiated a distinctive relationship between themselves and the national government. It was not to be hoped that they could retain the near autonomy that British universities seemingly have managed to preserve into the age of government subvention. But it was possible to provide that universities be recognized as special institutions, not miniatures of the polity, that cannot be expected to perform well if subjected to all the regulations applied to the polity at large.

In particular, it was to be hoped that the research universities would establish their special needs. Foremost of these is their need for money without specific tasks or requirements attached. Only with institutional support from Washington could the campuses that perform nearly all of the basic research carried out in the United States—and that train succeeding generations of scientists and scholars—be able to maintain the academic excellence of a diverse student body in an egalitarian era disposed to mistake selectivity for elitism.

That this was not done involved a profound failure of leadership. No one spoke when there was still time. That some do so now only calls attention to the previous passivity. It is important for such protests to be registered, and on the margin they have some effect. But there should be no mistaking the extent to which universities are now wards of the state, and that there is no undoing this.

A declaration of interest is in order here. It happens that in 1959, then teaching at Syracue University, I wrote a critique of the National Defense Education Act of 1958. This legislation was the first of the three great enactments that tied the university to the state in America. I wrote at the time that this process had begun and warned that the direction it was taking would lead to the very condition we are in today. It wasn't that hard to foresee. Thereafter, I was marginally involved in assembling the Higher Education Act of 1965 and saw that enterprise—the second great enactment—deepen the trend of government intervention in higher education. In 1970 I wrote the presidential message that led to the Education Amendments of 1972, the third enactment of this transformation.

The transformation begins with the National Defense Education Act of 1958, a response to the Soviet launching of the "Sputnik" satellite the previous year. In 1976, William J. McGill, then president of Columbia University, noted the similarities and differences between the budget difficulties he was facing (which included finding $1 million for federal paperwork) for the coming academic year and those his predecessor had faced half a century earlier:

"Nicholas Murray Butler's budget for Columbia University in 1928 had no government money in it at all, whereas nearly one-third of my budget in 1978 will be paid for in Washington."

The National Defense Education Act resolved the long-standing dispute over federal aid to higher education, a dispute conducted along traditional liberal-conservative lines. Following the launching of Sputnik, a conservative Eisenhower administration proposed such a program, and a liberal Congress, with many variations of its own, enacted it. Higher education appeared to have won a victory, and had done so, but, I argued in my 1959 article, there was a cost. Education in effect assumed the blame for the political failure of the Eisenhower administration to beat the Russians into space. There was nothing deficient in U.S. technology. The country simply was not devoting enough resources to this particular task. And so political deception was present from the beginning.

The provisions of the act had three notable features. First, the principal benefits went to students rather than institutions. Second, for all the talk of major research universities, institutional benefits were provided for many schools, following the dictates of Congressional politics rather than being concentrated on the large research centers. Both these patterns have remained permanent.

Third, the act instituted a loyalty oath and affidavit for all beneficaries, and a particularly odious one at that, although it was later revoked. For the first time, belief, as against overt action, was made grounds for governmental sanction of withholding benefits. Section 1001(f) of the act stated:

"No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not believe in and is not a member of and does not support any organization that believes in or teaches the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic. . . ."

But the most significant aspect of the NDEA was that the universities themselves played no significant role in either its conception or enactment. It was an act of state done for reasons of state. The political scientist Lauriston R. King wrote in 1975: "The institutions played a negligible role in shaping policies of direct benefit to themselves or their student constituents. Instead they willingly accommodated national policy by providing men and resources to carry out the objectives of the government."

Norman C. Thomas, professor of political science at the University of Cincinnati, observed in the same year that "in the rationale for NDEA, national security was the end, education the means."

The silence from the academy was again notable in the Higher Education Act of 1965, the next large enactment in this field. In 1965, I was a member of the subcabinet, and while my involvement in the Higher Education Act of that year was peripheral, I was depressed by the repetition of the pattern that tied the universities closer to the government. I had been a member of the task force that drew up for President Johnson the program that came to be known as the "war on poverty." I now watched the universities pressed into that conflict, much as they had been summoned to the space wars of the previous decade.

The centerpiece of the 1965 legislation was the first program of federal-grant aid to needy undergraduate students: Educational Opportunity Grants. The grants were to go to persons "who for lack of financial means . . . would be unable to obtain" the "benefits of higher education." Helping them to go to college was one means by which the federal government was seeking to lift them out of poverty.

Other provisions of the Higher Education Act included federal insurance for student loans obtained from private lenders, categorical assistance for college libraries, aid for "developing" (in the main, black) institutions, creation of the National Teacher Corps, and a new program of federal assistance with equipment costs for colleges seeking to improve undergraduate instruction.

These were and are excellent programs. They are, however, fairly narrow ones, and they represent the polity's choice, as it were, rather than the university's choice. No money was made available for the universities to do with new things; perhaps best: to experimen with new things: perhaps more important, to preserve old ones.

The universities had little to do with the writing of this legislation. The White House staff put together the president's proposal and the Congressional leadership enacted it. It was done in that surge of legislative activity in 1965 directed toward social equality. Universities were instruments of these social goals, much as were the elementary and secondary schools—which in 1965 for the first time became beneficiaries of federal aid—but again on terms dictated by the antipoverty agenda.

That this approach to federal higher-education policy posed risks for higher education did not go altogether unnoticed by university administrators. In December 1965, Keith Spalding, president of Franklin and Marshall College, addressed a conference of educators:

"In more cases than not, the institution is required to tailor its program to the guidelines established by the national granting agency. With a slight adjustment here, a minor compromise there, the institution will get the grant. Then it may find itself committed to a program that makes not quite the demands it expected on its resources or engages those resources in an unbalancing way. The federal dollar is tempting, and in the absence of other means to mount an important project, the compromises become easier and easier to make. . . . With government money becoming available for library acquisitions, scholarships, special programs, and operating purposes, some of the special privileges that go with private status may no longer be legitimately claimed. . . ." But his was almost a lone voice. In the main, the leadership of higher education did not speak up, nor did it perceive the extent to which the government could manipulate higher education.

Five years later, in 1970, it fell to me to draft a presidential message on education. This was the first presidential message ever to be devoted exclusively to this subject: an event not without note in itself. This was also a period of intense politicization of university life, and so I undertook to do what perhaps could not be done: to propose, on the part of the state, that universities be enabled, or at least encouraged, to resist the intrusions of the federal government.

The president's message proposed that the federal government should guarantee every American youth access to higher education with what are now known as Basic Educational Opportunity Grants. This was a predictable development from the 1958 and 1965 legislation, in effect a proposal to universalize the principles embodied in the earlier enactments: federal aid to needy students, with the universities again instruments of the federal purpose, in this case the general objective of equalizing opportunities, and this was fine. With respect to institutions, however, I hoped for something new. It was clear that the major research universities were becoming heavily dependent on the federal government—not least because half were and are private, meaning that they had few resources of their states to summon.

Following a 1968 recommendation of the Carnegie Commission on Higher Education, the president's 1970 message proposed establishment of a National Foundation for Higher Education to address this difficulty. The message to Congress was explicit enough: "The crisis in higher education at this time is more than simply one of finances. It has to do with the uses to which the resources of higher education are put, as well as the amount of those resources, and it is past time the Federal government acknowledged its own responsibility for bringing about, through the forms of support it has given and the conditions of that support, a serious distortion of the activities of our centers of academic excellence."

The National Foundation (with a beginning budget of $200 million a year) was to be a free-standing agency, somewhat akin to Britain's University Grants Commission, with "a semi-autonomous board and director appointed by the President." Its stated mission was "to provide a source of funds for the support of excellence, new ideas and reform in higher education, which could be given out on the basis of the quality of the institutions and programs concerned."

Two years of Congressional hearings and debate followed. In the end the Education Amendments of 1972 included almost all of the president's 1970 proposals—with the single and conspicuous exception of the National Foundation for Higher Education. It was not adopted by Congress because it was rejected by the universities it was intended to help. The rejection was instantaneous and on the edge vehement.

There is a life cycle of political issues. This is a matter not much investigated as yet, but anyone who studies legislatures or elections will have sensed the pattern, or several patterns. The art of politics is to recognize an issue whose time has come, and one whose time has passed. In 1970, despite appearances, higher education was about to drop sharply on the political agenda of the nation. The president's education proposals were in the nature of a rounding out of a period of intense legislative activity. The United States had reached the moon, the war on poverty was institutionalized, the post-World War II baby boom was through school, just about out of college. Enrollments thereafter would level off and even decline. After fifteen years at center stage, the management of higher-education programs and legislation was clearly going to become just another function of the government.

The leaders of higher education evinced little sense of this. They extrapolated rising interest shown in them and the universities since the late 1950s and assumed it would rise indefinitely. Neither did they have the least sense that an opportunity to determine the relationship between academe and the government was being presented them that would not come again.

For my part, I spent the remainder of 1970 (at the end of which I would return to teaching) trying to persuade the leadership that this was the case. The effort only aroused suspicion. Clearly there was a failure of advocacy on my part; but just as clearly this was not a subject with which academic leaders were equipped to deal. Government was, in truth, something new to them.

Several possible explanations for this reticence suggested themselves, but none more strongly than the actual experience I had between March, when the president sent forth his proposals, and October, when I spoke to the American Council on Education:

"Had we thought categorical aid had distorted the relations of the higher-education community to the federal government before the program was announced, in the aftermath we were utterly convinced. Corrupted would not be too strong a term. No one seemed able to think of the whole subject.

Few, even, seemed able to think of the interests of a single whole institution. A major presidential initiative that, right or wrong, was at very least the product of some thought and someanalysis was greeted by silence on the part of precisely those institutions that are presumably devoted to thought and analysis."

But such rectitude had its cost. In 1972 Professor John C. Honey of Syracuse University wrote that the Education Amendments of 1972 were indeed of the nature of definitive, closing-cut legislation. He added: "The failure of the Washington-based spokesmen for higher education to contribute significantly to the shaping of those amendments verges on the scandalous."

The failure can be ascribed to all manner of reasons, not least to the intense distaste of the leaders of the elite institutions at the time for President Nixon, but, then, higher education had not much influenced any of the previous enactments; why should it have done differently in 1972?

Nor, it should be noted, did members of Congress who shaped the legislation receive the help from the universities that they thought they needed. Policy analysis seemingly gave way before what was perceived then on Capitol Hill as a sort of greed-by-consensus approach. In July 1975, the Higher Education Daily quoted Congressman John Brademas: "We turned to the citadels of reason. We said, 'Tell us what you need,' and they answered, 'We need $150 per student because that's what we've been able to agree on.'"

As the Seventies moved on, the perception began slowly to form in university circles that perhaps things had not gone well. Complaints about relations with the federal government began to be more frequently heard, and they were not confined to the routine laments that research grants were being cut back.

In 1974, the editors of Daedalus, the journal of the American Academy of Arts and Sciences, made the unusual decision to devote a double volume of the magazine to American higher education. Asked to contribute and article on "The Politics of Higher Education," I began with the theme of passivity, or, rather, the absence of organized action on behalf of reasonably coherent group interests:

"Why has there been so little initiative and effective organization on the part of higher education in pressing its interests with the national government? A review of the experience from the 1950s on suggests that government has behaved about as governments will do, pursuing recognizable interests, including that of acting and appearing to act in terms of fairly generously defined public interests. Higher education might have been expected to respond by becoming a moderately importunate and reasonably coherent claimant on national resources. During this same period—and given no better opportunity—elementary and secondary schools, and schoolteachers, fashioned themselves into an aggressive national lobby. Higher education did not. In a manner recorded more in literature than in politics, it responded in a passive mode, accepting support it had not the power to command; agreeing without over-much fuss to the small conditions and obligations that seemed ever to accompany such support. Dignity was maintained; dependency deepened. The series of historical accidents, which over the past two decades have given a political priority to the needs of higher education quite independent of any assertion of those needs by higher education, evidently induced an assumption that people, or rather The People, would always be kind. When, as of late, things have not quite worked as some would wish, there has been a tendency to attribute this to an aberrant condition in government which will soon enough be righted. This might be termed Waiting for '76."

Well, of course, 1976 came and nothing changed. As best I can judge, nothing now will change for a long time. The objectives of the state have been achieved; the bargaining power of the universities has accordingly quite dissipated. The subject of education has been disposed of. Environmentalism displaced it in the early Seventies, and even that issue seems now to be waning. Energy issues are coming to the fore.

Higher education is scarcely addressed in the party platforms of 1980. The Republicans undertake to "hold the federal bureaucracy accountable for its harassment of colleges and universities and will clear away the tangle of regulation that has unconscionably driven up their expenses and tuitions."

This will be recognized as a routine Repub-
The Democrats, for their part, propose to
lican promise to tame the bureaucracy.

The Democrats, for their part, propose to "reaffirm the federal responsibility for stable support of knowledge production and development of highly trained personnel in all areas of fundamental scientific and intellectual knowledge to meet social needs."

This is clearly an equally routine Democratic pledge: to keep up spending; in this case, for "knowledge production."

In a word, support for higher education has become a routine function of the national government. There is an agriculture program, a housing program, a higher-education program. Each goes on and each retains roughly its share of the budget, while growing steadily more detailed, a process that in the welfare program has been given the name "tireless tinkering."

The higher education reauthorization bill of 1980 extends all the existing programs, with a large number of small changes, but there are no significant changes in policy or in the fundamental definition of the federal role. Grants to needy students are increased. Loan programs are rearranged. Parents, as well as students, will henceforth be able to borrow. The 3 percent interest rate of the 1958 loan program is increased to 4 percent. Where there had once been a single program to aid "developing institutions," there will now be three. Additional funds will be made available to train teachers of the handicapped. Myriad other changes are made. But nothing of consequence will be different.*

I noted in Daedalus in 1975 that, in contrast to higher education, the elementary- and secondary-school teachers had "fashioned themselves into an aggressive national lobby." In 1976 the National Education Association endorsed the Democratic candidate for president, in return for a pledge to establish a Department of Education. This was done in 1979. What role had higher education in this momentous decision? As near as possible to none. Many of the principal organizations representing colleges and universities in Washington professed neutrality. Others were opposed to the creation of such a department because they felt it would be dominated by elementary and secondary interests. But any such latent opposition was effectively squelched by the Carter administration, which was nothing if not direct in making the interests of the state clear to leaders of the universities and making clear also that the interests of the state came first.

Thus, on February 1, 1979, the executive committee of the Association of American Universities was summoned to the White House. The presidents of seven major universities, including Purdue, Iowa, Stanford, and Indiana, were greeted by six senior administration officials: Vice-President Mondale, presidential science adviser Frank Press, presidential domestic-policy adviser Stuart Eizenstat, education aide Elizabeth Abramowitz, Commissioner of Education Ernest Boyer, and Assistant Secretary of HEW Mary Berry. They were told in explicit terms that the president was committed to the department and they were not to oppose it if they did not want their own programs cut. They did not oppose.

I give the specifics of this meeting only to suggest the reality of federal influence and the normal nature of its exercise. In fairness it should be noted that while the White House successfully put down the opposition of the various Washington association, some individual university presidents did speak out against the proposed department. What is remarkable is that one must think them courageous for having done so.

The relationship between the government and education continues to be fundamentally political. Hence, "waiting for '76" turned out to be much like waiting for Godot. Not much happens and nothing changes. This seems to have come as a surprise to some. All the Carter administration did was to establish a new department that will make regulation yet more extensive. This was not the intent of the planners of the new department. It will be the result.

What of the future? Federal influence has gone from encouraging the development of curricula, which was the main theme of the NDEA, to much more pervasive setting of standards as to student enrollment and faculty selection. There is a rule of sorts that organizations in conflict become like one another. In just this manner universities, once decentralized and collegial, more and more come to adopt the hierarchical, bureaucratic form of the federal government with which they deal. The structure of university governance is increasingly shaped to match the federal counterpart: a proliferation of vice-presidents, assistant deans, and deputy chancellors to deal with deputy directors, assistant secretaries, and deputy assistant secretaries. (In the new Department of Education one finds officials with the title Assistant Deputy Assistant Secretary.) Subtly, the leadership of universities seems to be turning toward men and women whose skills are in the kinds of adversary proceedings the federal government brings about. But universities will have to adapt. And if in doing so they lose much that is distinctive in their previous form and function—well, that is progress.

The federal government has acquired the power to shut down any university it chooses. The more important the university, the greater the power. And the greater the concentration of federal power in one place, the greater the danger. It was that danger that moved David Riesman to oppose the Department of Education, on the grounds that "education is . . . vulnerable to attack because something done in one of the three thousand accredited postsecondary institutions by somebody may offend somebody or get in the papers. It therefore needs to have many diverse sources of support, combined with a certain precious obscurity. . . . Education is best served by decentralization, not only in this huge and diverse country but also within the federal government and its many agencies."

There was a time when the universities could have insisted on more equal terms. They did not. Now they cannot. Sometimes, outside interests capture a federal bureaucracy. May it simply be noted that 37.8 percent of the budget of the American Council on Education in 1979 came from federal funds.

It is in the nature of universities to require patrons, in the nature of patrons to require certain forms of obeisance in return.

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* The pioneering National Defense Education Act was 25 pages long. The routine Higher Education Amendments Act of 1980 was 151 pages long.

A friend who is the master of a Cambridge University college, although a man of assertive agnostic inclination, nonetheless faithfully once each year prays for the soul of a sixteenth-century benefactress. Delayed gratification, however, is not natural to twentieth-century politics, and universities must now expect a long, for practical purposes permanent, regimen of pressure for the federal government to pursue this or that national purpose, purposes often at variance with the interests or inclinations of the universities themselves.

There is nothing to be done about this, save to be aware of it. The conquest of the private sector by the public sector, of which Joseph Schumpeter wrote a generation ago, continues apace. If the private institutions of America are to be preserved, we are going to have to learn to defend them.

UN-AFFIRMATIVE ACTION

Hillsdale College, a liberal-arts school in Michigan of about a thousand, has always paid the bills without federal aid. In an era of cost overruns and budget deficits, one would have thought this financial independence to be a cause for celebration. But the bureaucracy in Washington sees things otherwise, and in the early 1970's it began mailing the college solicitous letters, hoping to steer it down the path of righteousness and federal support. Could Hillsdale not see the error of its ways? Think of the millions of federal dollars that someday could line its coffers. Nevertheless, Hillsdale said no thanks and continued with its tasks.

All went well until 1975, when the federal government promulgated its Title IX regulations against discrimination. Any college or university on the federal dole would henceforth have to hire without regard to race, color, creed, or sex. Like every other college, Hillsdale was informed that it had ninety days to comply with the law. But Hillsdale assumed it was exempt from the edict. It made this assumption not to strike a blow for discrimination—the college graduated blacks and women before the Civil War—but simply to fend off the long arm of the government from academic matters.

More letters followed. This time the Department of Health, Education and Welfare said that if Hillsdale did not comply with the regulation, it would lose all federal money. Hillsdale responded by saying it received no such money.

Not taking no aid for an answer, in 1977 the secretary of HEW reasoned that student aid, such as veterans benefits, constituted aid to Hillsdale, and he announced that he was suspending any such aid until Hillsdale complied with Title IX. The trustees of Hillsdale thought this gesture unfair to the students and sued the government. The case is still heard, and there is a chance that it may go to the Supreme Court

So much for saying no to a gift horse.●

COAL PORTS CRISIS: A LOST ECONOMIC BONANZA?

● Mr. WARNER. Mr. President, the world coal study published in May of this year graphically highlighted the dramatic fact that the world's energy-dependent nations must rapidly turn to coal—if they want to break the economic domination of foreign oil producers.

America, with one of the world's largest reserves of coal, stood as a beacon to these energy-starved nations searching for energy stability amidst a sea of uncertainty brought on by political unrest, labor unrest, and the inability of other coal producing nations to supply the coal needs of the world.

Recognizing the opportunity that American coal reserves offered, the coal ships of the world at the beginning of 1980 began to queue up at our coal ports in ever-increasing numbers to be loaded with their precious energy cargoes.

It became obvious, early on, that our Nation's coal ports were not up to meeting the enormous demand.

Because our coal ports are not of sufficient depth to allow the world's super coal colliers (those ships of 100,000 dwt size and up) to berth and load America's coal, foreign nations have been forced to send a greater number of smaller colliers to our Nation's ports.

These extra, unnecessary ships add to the loading time and transport time, create monumental bottlenecks in our ports, and drastically increase the waiting time for receipt of cargo—thus increasing the cost of American coal and diminishing its competitive edge over coal from other foreign countries.

Currently there are some 102 of the world's coal colliers lying idle at the Port of Hampton Roads, for some 30–35 days each, waiting their turns to be loaded and on their way. Each day they lie idle adds $15,000 to $20,000 per ship to the cost of America's coal.

The Port of Hampton Roads gives the appearance of one gigantic parking lot for the world's coal colliers. But Hampton Roads is not unique. All of our Nation's coal ports are experiencing the same problem to some degree.

This phenomenon does not bode well for America's coal export market. As is pointedly noted in "The Future of U.S. Energy Ports," a July 1980 study by Rexford B Sherman of the American Association of Port Authorities—

> Coal, to be competitive, must offer a significant cost advantage over alternative fuels . . .
>
> Ports are a critical factor in the movement of coal. The capacity of a port to receive large coal vessels, load and turn them around without excessive delays has a major bearing on the competitiveness of coal on overseas markets. Vessel delays, for whatever reasons, are costly to shippers and lose business to competitors. Thus, ports must be dredged adequately to accommodate vessels of requisite drafts and possess docks and equipment needed to load them quickly and send them on their way.

Mr. President, I ask that this study in its entirety be printed in the RECORD at this point.

The study follows:

THE FUTURE OF U.S. ENERGY PORTS

(By Rexford B. Sherman)

America's ports play a crucial role in the movement of energy commodities. Most of our imported petroleum and an increasing proportion of our natural gas supplies are delivered by ocean carrier. The same is true of our expanding coal export trade. In 1977, U.S. water borne imports included 403.6 million tons of crude petroleum, 3.5 million tons of gasoline, 3.2 million tons of kerosene, 7.8 million tons of distilled fuel oil, 68.2 million tons of residual fuel oil, and 2.5 million tons of liquified gases. Coal exports in 1977 were 53.9 million tons.[1] This vast tonnage, so essential to the national well-being of the United States—to its economic and strategic interests—depends heavily on the availability of a modern and highly efficient port system.

At present, the United States is served by 189 deep draft ports located along its three seacoasts (including Hawaii, Alaska, Puerto Rico, and the Virgin Islands) and on the Great Lakes.[2] Our nation's port system has developed almost entirely as a result of state, local and private initiative. Port authorities are organized and administered as divisions of state and local governments. Between 1946 and 1978, approximately $5 billion was invested in the construction and modernization of port terminal facilities. In the 1973–1978 period alone, U.S. ports spent approximately $1.6 billion to expand and improve marine terminal capacities. The U.S. Maritime Administration projects that port development expenditures between 1978 and 1983 will total $3.4 billion—a firm indication of the port industry's commitment to meet the needs of U.S. waterborne commerce.[3] And while the bulk facilities that serve the energy trades have generally been the product of private investment, the public port agencies, individually and collectively, can do much to ensure the success of these endeavors.

Looking to the future always entails certain risks Even the most sophisticated projections of tonnage growth and facility requirements are by necessity tentative and liable to go far of the mark as a consequence of unforeseen developments. We have seen this happen repeatedly during the past decade. The Arab-Israeli War of 1973, the sudden emergence of OPEC as a major world economic force, and more recently, the Iranian Revolution and the Soviet invasion of Afghanistan have all had seriously traumatic impacts on world trade, the movement of energy commodities and world economic and political conditions in general. Uncertainties as to the availability of foreign energy supplies are bound to affect energy planning in all industrial nations.

Nevertheless, it would appear that major trends are emerging that will almost certainly have a significant impact on the energy trades and, as a consequence, on the United States port system. These conditions must necessarily weigh heavily in any decision-making relating to port facility development. The U.S. is certain to continue importing large quantities of crude oil and petroleum products over the remainder of the century, but at a decreasing rate. The Exxon Corporation's Energy Outlook 1980–2000 projects oil imports will rise to about 9.3 million barrels per day by 1990 (compared to the 1978 level of 8.2 million barrels per day), but then decline to 5.5 million barrels by the year 2000.[4] But the facts are that during the first half of 1980, U.S. crude oil imports, both crude and refined, have been running well below the 8 million barrel per day limit set by President Carter, and significantly below those of a year ago.[5] How permanent this trend will be remains to be seen—but the certainty of higher OPEC prices, the effects of conservation measures and increasing reliance on coal, nuclear, synthetic and other non-oil energy sources are sure to have a restraining effect on oil imports in the future.

What this suggests is a reduced requirement for expanded port oil receiving terminals at our ports. The Maritime Administration estimates that $2.2 billion will be invested in liquid and dry bulk cargo facilities in the 1978–1983 period, but much of that is assigned to the LOOP and Texas Deepwater Oil ports.[6] LOOP is expected to become operational this year,[7] but the future of other such ports is in doubt and, with the possible exception of Galveston's Pelican Island facility, may never be built.

While some expansion may occur on a regional level, along with necessary modernization and rehabilitation of existing facilities, it appears unlikely—given the uncertainty

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Footnotes at end of article.

that clouds the future of crude supplies—that any major investment nationwide will be made in additional or greatly expanded waterside oil receiving terminals.

For imported liquefied natural gases, the future also seems clouded and fraught with uncertainty. Exxon projects gas imports will increase from 1.4 trillion cubic feet in 1980 to 2.6 tcf in 1990 and 2.8 tcf by 2000 with imported liquefied natural gas accounting for 30 percent of the total.[8] A recent study by the U.S. Office of Technology Assessment states that U.S. imports of LNG could rise from the currently approved level of 0.8 tcf to between 1.3 and 1.8 tcf by the mid-1990s.[9]

Eleven LNG ships are now active in the U.S. trades; seven are under construction at U.S. yards; and the National Transportation Policies Study Commission projects in its medium growth scenario that the total could rise to 58 by 1990 and 82 by the year 2000.[10] But as of now, only four LNG terminals are operational—three importing terminals at Everett, Mass., Cove Point, Md., and Elba Island, Ga., and a loading terminal at Kenai, Alaska, through which LNG is being exported to Japan.[11] A fourth receiving terminal is under construction at Lake Charles, La., and will probably begin receiving LNG in early 1981.[12] A fifth—to be located near Oxnard, Ca.—designed to receive LNG from Indonesia and Alaska—has cleared the permitting hurdles but is now being challenged in court.[13] A number of other LNG terminal proposals have yet to advance beyond the talking stage.[14]

Problems with LNG arise from the heavy capital investment in ships and loading and receiving terminals, safety considerations, and supply availability. The OTA study, for example, predicts that $5 billion in capital investment would be required for a single "world scale" LNG venture in the early to mid–1980s, of which 40 percent would be for gas production and liquefication facilities in the exporting nation, 40 percent for the ships, and 20 percent for the import terminal and revaporization facilities in the United States.[15] Even if the safety issue were resolved, the question of supply, price, and, most importantly, investor confidence would remain.

Furthermore, past U.S. energy policy and the lengthy delays entailed in the permitting process and fending off legal challenges have been major impediments to LNG terminal development.

The major suppliers—Algeria, Indonesia, Nigeria and the Middle Eastern states—all of them OPEC members—are insisting that the prices of their gas should be linked to the price of petroleum. The rapid escalation of OPEC oil prices and periodic threats to shut off supplies to the West should caution us against developing a similar dependence on these same nations for gas supplies. Moreover, importing LNG can only exacerbate this country's balance of payments problem.

That implicit danger was underscored by a recent Algerian action cutting off natural gas shipments to France and to a U.S. company over a price dispute.[16] These circumstances are almost certain to make potential investors wary of committing large amounts of new capital to new LNG transportation systems, including of course, any receiving terminals that might be sited in the U.S.

The future of coal in U.S. foreign trade shines brightly in contrast with the rather negative outlook for oil and natural gas. The major western industrial nations, including the United States, have expressed rather firm determination to turn to coal as an important solution to their energy needs.

Here in the United States, the federal government has taken definite steps to restrict and ultimately to sharply curtail the use of petroleum and natural gas in electrical generating and industrial power plants. The Powerplant and Industrial Fuel Use Act of 1978 specifically calls for "the expanded use, consistent with applicable environmental requirements, of coal and other alternate fuels as primary energy sources for existing and new electric power plants and major fuel-burning installations." [17] Given the continuing controversy over nuclear power and the unlikelihood that solar, thermonuclear and other exotic energy alternatives will not be able to contribute significantly for many years to come, coal use is almost certain to emerge as the most practical near term answer to America's energy problem.

U.S. coal output totalled 770 million tons in 1979; Exxon projects U.S. output will exceed 1.2 billion tons by 1990 and 2.2 billion tons by the year 2000. Twenty years from now, coal may account for 33 percent the nation's energy supply, compared to 19 percent at present. Oil's share, by contrast, is projected to drop from 46 to 32 percent, and gas from 26 to 17 percent.[18]

The escalating price of oil and natural gas and the likelihood that OPEC nations may curtain or even cut off supplies have given Japan and Western Europe reasons even more compelling than our own to seek out alternative energy sources. Last May, the 20 industrial nations in the International Energy Agency agreed to increase their use of coal by converting oil-fired plans and constructing new coal burning facilities. Similar pledges were made at the Tokyo economic summit in June of that year and more recently at the Venice summit at which the participants agreed to double their coal production and use "by early 1990." [19] The IEA has estimated that the demand of the 24 nations comprising the Organization of Economic Cooperation and Development (OECD) could rise from the 591 million metric tons consumed in 1976 to 1.124 billion metric tons by the year 2000.[20]

The World Coal Study, *Coal—Bridge to the Future*, published in May 1980, concludes that coal will be required to meet half of the OECD's anticipated increase in the energy needs over the remainder of the century. Substantial growth in coal use is also predicted for the developed countries (most significantly India) and the so-called Centrally Planned Economics, especially the Soviet Union and the Peoples Republic of China.[21] South Africa, which possesses extensive coal reserves, has invested heavily in coal-based synthetic fuel facilities and derives 75 percent of its fuel supply from that source.[22] South Africa's example may very well be precedent for a massive conversion to coal energy by other advanced industrial nations.

As a general result, according to the World Coal Study, the international coal trade, which amounted to 200 million metric tons of coal equivalent (mtce) in 1977 (the unit tce is a metric ton—2,205 pounds—of coal with a heating value of 12,600 British thermal units (BTUS) per pound) will increase three to five times to 560–980 mtce by the year 2000, depending on the average annual increase in energy demand.[23] That would mean an unprecedented demand for American coal on the world market. The U.S. Department of Energy has conservatively estimated that U.S. steam coal exports for electrical power generation could reach 80 to 100 million short tons by 1990, and thereby create 38.000 new jobs for coal miners and another 190,000 new jobs in coal mining communities.[24]

Already a semblance of that future is taking form. The Japanese are now active in the market and have indicated their import requirements could rise from the level of one million tons per year to 53 million tons annually by 1990 and 80 million tons by 1995.[25] Other nations that have entered the market or have expressed active interest in steam coal are France, Italy, Great Britain, West Germany, Sweden, Denmark, and Brazil.[26]

In the post-war-era, U.S. coal exports have consisted almost exclusively of metallurgical coal. Other than shipments to Canada, the U.S. has exported very little steam coal.[27] That changed in 1979. U.S. steam coal exports exclusive of Canadian shipments jumped to 2.5 million tons, compared to 300,-000 tons in 1978, and could very possibly reach as much as 7 million tons in 1980. Paralleling this has been a surge in anthracite shipments bound through the port of Philadelphia for Japan, Korea, and Europe [28] and the beginning of coastwise movements of steam coal to power plants in New England.[29]

The United States is in a strong position to make the most of this tremendous opportunity. It has the largest and most varied reserves of quality coals available anywhere in the world. Furthermore, no other nation can match the efficiency of the U.S. coal mining industry.

While inland transportation rates, particularly where rail is the only alternative, are high and sometimes undercut the competitiveness of U.S. coal even on domestic markets, the facts are nevertheless that in recent months, thanks in particular to favorable ocean shipping rates, U.S. coal has been landed in Europe at prices below those charged for competing coals from South Africa and Australia.[30]

The United States is currently the world's leading coal exporter, although Australia, South Africa, Canada, and Poland are becoming very formidable competitors. A dramatic rise in U.S. coal exports would create many new jobs, not only in coal communities, but in the transportation, equipment, and all other industries that serve the coal industry. Furthermore, increased exports of thermal coals would be a particular boon to communities that until now have been largely dependent on metallurgical coals and are now suffering as consequence of the worldwide slowdown of steel production, and the general leveling off of met coal demand as a consequence of technological innovations which have reduced the met coal input needed to produce a ton of coke. Coal export growth could make an impressive contribution to gross national product, national income, and to the U.S. balance of payments. Coal exports to Japan, for example, could go a long way in helping to correct America's negative balance of trade with that country.

The potential is there, but there are also significant problems. Despite evidence of a trend, massive conversion to coal use on a world scale is by no means a foregone conclusion. Nor is there any divine guarantee that the United States will be able to take full advantage of the opportunity as it emerges. Among the constraints underscored by the IEA are present leasing schedules, environmental problems, current fiscal regimes, essential investments initiatives, and limits on transport capacity.[31] Most important, however, as the IEA goes on to state, "The principal impediment appears to be a failure on the part of many private and public energy planners to appreciate the growing economic attractiveness of using coal instead of oil." [32]

There lies the key. Coal, to be competitive, must offer a significant cost advantage over alternative fuels before large scale conversion will occur. That includes, not only the cost of production and delivery, but also the capital investment required for boilers and for the treatment of coal to make it environmentally safe. Moreover, consumers must be assured of steady supplies at prices they can count on. If the current OPEC price spiral continues, as it is almost certain to, accompanied by the ominous threat of supply disruption or curtailment, coal's advantage surely will be enhanced, providing of course, the price of delivered coal remains unchanged or climbs at a siginficantly slower rate. We

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Footnotes at end of article.

in the transportation industry—ports and carriers alike—have a very real interest in ensuring that coal maintains a strong competitive position versus other energy commodities. And we in the United States must ensure that American coal retains its primacy on the world market.

Ports are a critical factor in the movement of coal. The capacity of a port to receive large coal vessels, load, and turn them around without excessive delays has a major bearing on the competitiveness of coal on overseas markets. Vessel delays, for whatever reason, are costly to shippers and business to competitors. Thus, ports must be dredged adequately to accommodate vessels of requisite drafts and possess docks and equipment needed to load them quickly and send them on their way. Also criitcal is the port interface with the inland carriers, particularly railroads and barges, to ensure that coal arrives at the port in a timely fashion and can be readily moved to dockside without preventable interruption in the flow.

At present, U.S. ports equipped to serve the overseas coal trade are concentrated largely on the East Coast—at Philadelphia, Baltimore, and Hampton Roads. Smaller, though highly efficient terminals are located along the Gulf Coast—at Mobile and the lower Mississippi. Very limited capacity exists on the Pacific Coast.[33]

While a number of major coal loading facilities are located on the Great Lakes, the size and draft limitations imposed by the St. Lawrence Seaway and the Welland Canal effectively exclude their use by large, ocean-going coal ships, making it unlikely that they could ever, or at least in the foreseeable future, play much of a role in the overseas coal trade.

The current loading capacity of U.S. coal piers on the Atlantic and Gulf Coast ports have been set at about 118.1 million tons per year. Planned expansion of existing terminal and the proposed construction of new terminals could raise that to perhaps 126 million tons per year.[34] With current overseas exports averaging about 50 million tons,[35] that, at first glance, would seem entirely adequate. But if world demand expands as rapidly as some predict, that capacity could be quickly exhausted within the next decade. That coming on top of the expected surge in coastwise movements, particularly out of the North Atlantic ports, and the continuing movement of metallurgical coal could tax these facilities to their absolute limit in a very short time. Already there are predictions that U.S. ports will face an avalanche of as much as 20 to 25 million tons of steam coal within two or three years.[36]

The facts are that a number of these facilities, particularly at Hampton Roads, which accounts for some 70 percent of all U.S. overseas coal movements, have been subject to recurrent criticism of vessel congestion with as many as 30 ships swinging at anchor awaiting their turn at the coal berths. Foreign buyers are expressing scepticism as to the ability of U.S. ports to turn their ships around, and complain that costs incurred due to the long delays of coal ships at anchorage have become extremely costly to them.[37]

The Hampton Roads pier operators, in each case a railroad company, contend that pier capacity is more than adequate (and, in fact, underutilized), and that the problem has been caused by poor planning and a lack of coordination between the coal shippers and the vessel charterers. Stormy weather and the freezing of coal in the cars has also been blamed.[38] But whatever the reason, the problem is there, and unless something is done, will almost certainly grow in severity as the traffic increases. And unless a solution is found, our foreign customers may very well go elsewhere for their coal.

One partial solution, perhaps, would be to provide coal loading facilities for coastwise trade separate from those serving the export traffic. Still another might be the development of entirely new coal ports, perhaps in the Hudson or Delaware rivers or in the South Atlantic port range—at Morehead City, North Carolina; Burnswick, Georgia; Georgetown, South Carolina; to name some possibilities. Some of the current difficulty at Hampton Roads could, perhaps be alleviated by substituting ground storage for the present practice of storing coal awaiting exports in hopper cars. Dredging berths and access channels to greater depths and the construction of offshore loading terminals could, in some instances, meet the needs of the large, deep-draft bulkers (ranging up to 250,000 deadweight tons with drafts of 60 feet or more) that are almost certain to be employed in the coal trades in the future. A large U.S. coal company has expressed interest in the developmnt of a large new coal port, with a potential throughput of 50 million tons annually on the east coast.[39] Other expansion plans are being contemplated for Philadelphia and Baltimore.[40]

There is a particular need for major coal exporting terminals on the West Coast that would allow foreign customers, particularly Japan and other nations on the Asian rim, to take advantage of the massive deposits of low-sulfur bituminous coal that under lay our western states. The comparatively low heat content of this coal (averaging 9,500 btus per pound), however, makes it more costly to transport than higher rated coals.

To overcome this disadvantage, it must be moved in very large bulkships, which in turn will require port terminals capable of receiving them. Puget Sound, where channel and harbor depths reach over 65 feet, would be ideal. Other sites near the mouth of the Columbia River or off the coast of California might also meet the need. Pipelines through which coal in slurry would be moved directly to the loading port and than transfered either in slurry or dried to awaiting ships have been proposed as a means of overcoming the inland transportation problem.[41]

What must be kept in mind is the fact that the United States is facing stiff competition. Australia, South Africa, Canada, and Poland have moved aggressively to carve out market shares. Foreign buyers can shop around. They do not have to come to us, and if we fail to meet their requirements, they will and have, in fact, threatened to turn elsewhere for their coal. Already Japanese and European investors are pouring capital into the development of mines and related infrastructure in Australia, Canada, and South Africa.[42] The Japanese are negotiating countertrade agreements with the People's Republic of China[43] and the Soviet Union[44]—providing technology, capital, and expertise in exchange for coal. Once committed in this way, a customer is less likely to come to the U.S. for his

If the United States wants to export coal, it must be prepared to offer foreign users opportunities even more attractive than those offered elsewhere. For one thing, it should try to attract foreign investment. It should ensure that U.S. ports are fully capable of moving coal at least as efficiently as their overseas competitors. Every interest involved—the coal operators, the carriers, the federal government, and, most certainly, our port agencies—should unite in working out a policy that will ensure foreign customers that their needs are better met here than elsewhere.

Until recently, few public port agencies have paid much attention to the bulk trades. Waterside coal terminals were, for the most part, owned and operated by railroads and other private operators. The port agencies left all matters relating to the handling and shipping of coal to the shippers and carriers. But with coal promising to become of rapidly growing significance in U.S. port traffic, it is clear that this attitude should change. The ports should take more an active role.

For one thing, they could, for example, work with the shippers, the inland carriers, and the shipping interests in planning future facility needs, in reaching solutions aimed at assuring the smooth flow of coal and vessel traffic. As in the past, they would act as sponsors for deep-draft navigation projects required to accommodate colliers and other ship traffic. They could also head off local opposition, particularly from environmentalists, by educating the public and keeping it informed as to the need for coal terminals. Moreover, particularly in view of the generally weakened financial state of the nation's rail carriers, the port agencies themselves might well find it profitable to invest in and even operate coal facilities on their own. That is, in fact, what has happened in the port of Mobile with the development of the state-owned McDuffie coal terminal.[45] Overall, more active involvement of the public port agencies in coal terminal development and operation would help ensure that the necessary planning would reflect a broader public purpose, avoid wasteful duplication, allow access to public credit, and, hopefully gain wider public acceptance of the need.

The Federal government also has a key role to play, but, as we all know, the government tends to speak in conflicting voices—with the result it frequently undercuts and even negates the success of highly laudible and worthwhile objectives. The Carter Administration has committed itself to promoting the expansion of U.S. exports. Yet, at the same time, the policies and regulations of various federal agencies are making it increasingly difficult for ports to gain approval for the construction and maintenance of the navigation channels on which our foreign commerce so heavily depends. Intolerable delays in obtaining the necessary project authorizations have resulted from the extended permitting processes, environmental opposition, and nuisance suits. Moreover, federal environmental, safety, health, and security requirements have placed additional (and unproductive) financial burden on our ports.

If the government really wants to help, it should begin by cutting back the bewildering maze of regulations and standards and end the bureaucratic inertia that chokes off initiative and discourages progress. At the very least, it should simplify and speed up the permitting process which now threatens to close down our port system. It should resolve the conflicting policies and actions of its own agencies, and cooperate with other interests in working out a policy of common purpose—in this case, a policy of promoting of U.S. coal exports.

FOOTNOTES

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[2] U.S. Maritime Administration, Office of Port and Intermodal Development, *National Port Assessment (1980–1990)*, (Washington, D.C.: December 1979), p. 2.

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[4] Exxon Company, U.S.A., *Energy Outlook 1980–2000* (n.p.: December 1979), p. 16. (Hereafter cited as Exxon, *Energy Outlook*.)

[5] *Journal of Commerce*, May 5, 1980, p. 32; *Journal of Commerce*, May 12, 1980, p. 32; *Journal of Commerce*, May 19, 1980, p. 34;

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[6] MARAD, *Expenditure Survey*, pp. 12–13.

[7] *American Shipper* 22 (March 1980), p. 42; *Seatrade* 10 (March 1980), p. 113.

[8] Exxon, *Energy Outlook*, p. 14.

[9] U.S. Office of Technology Assessment, *Alternative Energy Future, Part I The Future of Liquified Natural Gas Imports*, (Washington, D.C.: Government Printing Office, March 1980), p. xi. (Hereafter cited as OTA, *LNG Imports*.)

[10] *Marine Engineering/Log* 85 (May 1980), pp. 143–144; National Transportation Policy Study Commission, *National Transportation Policies Through the Year 2000 Final Report* (Washington, D.C.: Government Printing Office, June 1980), p. 169.

[11] U.S. Office of Technology Assessment, *Transportation of Liquified Natural Gas*, (Washington, D.C.: Government Printing Office, September 1977), pp. 29–38.

[12] OTA, *LNG Imports*, p. 70.

[13] *Seatrade* 10 (April 1980), pp. 16–17.

[14] OTA, *LNG Imports*, pp. 70–71.

[15] *Ibid*, p. 69.

[16] *The New York Times*, April 11, 1980, p. D1; *Journal of Commerce*, April 4, 1980, p. 1; Journal of Commerce, April 11, 1980, p. 1.

[17] *Powerplant and Industrial Fuel Use Act of 1978*, P.L. 95–620, 92 Stat. 3291.

[18] Exxon, *Energy Outlook*, pp. 8, 12.

[19] *Journal of Commerce*, April 1, 1980, p. 33; U.S. Department of Energy, *DOE News*, April 14, 1980 (hereafter cited as *DOE News*.); *The New York Times*, June 24, 1980, p. A7.

[20] International Energy Agency, *Steam Coal Prospectus to 2000*, (Paris: OECD, 1978), p. 140. (Hereafter cited as IEA, *Coal Prospects*.)

[21] World Coal Study, *Coal—Bridge to the Future: Report of the World Coal Study*, (Cambridge, Mass.: Ballinger Publishing Company, 1980), pp. 17–18. (Hereafter cited at WOCOL, *Coal*.)

[22] IEA, *Coal Prospects*, p. 130.

[23] WOCOL, *Coal*, p. 106.

[24] *DOE News*, April 14, 1980.

[25] *Coal Age* 84 (November 1979), p. 25.

[26] *Journal of Commerce*, March 4, 1980, p. 33.

[27] National Coal Association, *International Coal 1979*, (Washington, D.C.: National Coal Association, 1980), pp. II–2 to II–15. (Hereafter cited as NCA, *International Coal*.)

[28] *Journal of Commerce*, March 4, 1980, p. 33.

[29] *Coal Outlook*, February 11, 1980, p. 5.

[30] *Coal Age* 85 (February 1980), p. 59; *Journal of Commerce*, March 5, 1980, p. 3.

[31] IEA, *Coal Prospects*, p. 8.

[32] *Ibid*, p. 5.

[33] NCA, *International Coal*, pp. II–24 to II–26; Mining Information Services, *1979* Keystone Coal Industry Manual, (New York: McGraw-Hill, 1979), pp. 196–220; *Journal of Commerce*, June 30, 1980, p. 1.

[34] National Transportation Policy Study Commission, *Coal Transport*, NTPSC Staff Working Paper No. 16, (Washington, D.C.: unpublished, 1979).

[35] NCA, *International Coal*, p. II–2.

[36] *Journal of Commerce*, June 30, 1980, p. 1.

[37] *Coal Outlook*, February 25, 1980, p. 3; *Journal of Commerce*, May 15, 1980, p. 9; *Journal of Commerce*, June 30, 1980, p. 8A.

[38] *Journal of Commerce*, May 13, 1980, p. 12; *The Times Advocate*, May 23, 1980, pp. 1, 7; *Coal Outlook*, February 25, 1980, p. 3.

[39] *Journal of Commerce*, July 1, 1980, pp. 1, 21.

[40] *Journal of Commerce*, June 30, 1980, p. 9A.

[41] See, for example, R. B. Jacques and R. K. Johnson, "A Marine Terminal for Exportation of Slurried Coal" in John Mascenik, ed., *Ports 80*, (New York: American Society of Civil Engineers, 1980), pp. 32–46.

[42] *Coal Age* 84 (November 1979), p. 53; *Coal Age* 85 (January 1980), p. 47; *Coal Age* 85 (February 1980), p. 53; *Seatrade* 9 (October 1980), p. 121.

[43] *Coal Age* 84 (December 1979), p. 55; *Journal of Commerce*, March 26, 1980, p. 33.

[44] *Coal Age* 84 (November 1979), p. 25.

[45] Alabama State Docks, *McDuffie Terminals*, (Mobile, Alabama: n.d.), *passim*.

● Mr. WARNER. France is one of those countries whose coal colliers have experienced delays in our Nation's coal ports. In a meeting I attended this past May in the office of the Governor of Virginia, French officials expressed their increasing concern over the delays their ships were incurring. They pointed to three problem areas they felt must be dealt with by the United States if the delays were to be corrected:

First. Restricted port depths;

Second. Inefficient shoreside facilities; and

Third. Present transportation system from mine-mouth to harbor.

In a memorandum dated by a June 10, 1980 cover letter sent to the U.S. Army Corps of Engineers, Mr. Albert Viala, vice chairman of ATIC, France's coal buying agency, laid out the increase in the cost of America's coal each of the above three problem areas creates.

Each adds $3 a ton to the cost of America's coal, for an aggregate increase of $9 a ton:

In other words, improvement of U.S. ports and railroad system could produce savings in the order of 30 percent of the transportation cost or 15 percent of the total price CIF European port per ton of coal.

In terms of global amount of money and figuring that West Europe might import 100 million tons per year of steam coal in 1990, savings could reach almost one billion U.S. dollars per year.

Mr. President, I ask that the cover letter and memorandum of June 10, 1980 be inserted at this point into the RECORD.

The material follows:

PARIS,
June 10, 1980.

Mr. E. R. HEIBERG III,
Major General, USA, Director of Civil Works Office, Department of the Army, Office of the Chief of Engineers, Washington, D.C.

DEAR GENERAL HEIBERG: I wish to reply although rather belatedly to your letter of March 31, 1980.

However it is only since a few days we are in a position to oversee our 1980 and 1981 purchases from the USA, it be for steam or coking coal. In the meantime we have also completed shipping arrangements and contracts which enable us to give you a better picture of the vessels we are most likely going to employ. These information are attached to the present letter.

I would like, as well, to thank you for all the invaluable help that your colleagues all over the United States extended to my associate, Jacques Dules, for his study of the ports and navigable waterways in the United States. I hope that a decision, favorable to both our countries, such as an investment in a loading facility, for example, will be contemplated.

I am planning another trip to the United States within a few months, and I am thinking of coming to Washington to bring you up to date on our plans. I hope that on this occasion I will have the opportunity to meet with General Morris, which was not possible during my January trip because of his absence.

With all my appreciation for your past assistance, and my thanks in advance for whatever help you can give us in the future for projects to our mutual benefit, I am, with best regards,

Sincerely yours,

ALBERT VIALA,
Vice-Chairman.

A.I.I.C.: ACTUAL AND PROSPECTIVE PURCHASES FROM THE UNITED STATES

[In million tons]

	1979	1980	1981/1990
Metallurgical coal (straight coals, blends)	3,030,000	3,600,000	Gradual increase expected from 8 to 16 million tons.
Steam coal	260,000	3,500,000	
Anthracite duffs	60,000	130,000	
Anthracite sized	70,000	175,000	
Coke breeze	10,000	230,000	
Total	3,430,000	7,635,000	

In 1980, about 300,000 tons will be moving to France outside ATIC under specific arrangements for making B.F. coke in France and to be exported from here.

In 1979, all the coals have been shipped through Philadelphia, Baltimore, and Hampton Roads.

In 1980, only 2 vessels so far with steam coal have been steamed in New Orleans as trials. Part of the coke breeze is being shipped from East Canadian ports (Philadelphia 300,000 tons, Baltimore 1,800,000 tons, Hampton Roads 5,200,000 tons, U.S. Gulf 200,000 tons, Canadian ports 100,000 tons).

For 1981 and onward, we expect to have more shipments through U.S. Gulf ports in the expectation of various arrangements we contemplate making.

SIZE OF VESSELS FOR THE CARRIAGE OF U.S. COALS

1. Vessels presently chartered on the market by ATIC:

We list hereunder some vessels recently chartered by ATIC for loading coal in the main U.S. ports. These vessels of various sizes are those which have loaded the maximum of cargo permitted by the present limitations in several U.S. ports generally used for the exports of U.S. Coal to France.

Ports: Name of vessels	Main characteristics (meters)				Tonnage loaded (MT)
	Loa	Beam	S. draft	L. TOW	
ampton Roads:					
E. W. Beatty	260	41,65	16,8	123,132	92.647
Orient Pioneer	260,6	41,60		104,490	93,501
Baltimore:					
Saxonia	253,6	32,2	14,22	76,899	57,738
Maris Huntsman	244,09	32,2	12,91	68,785	59,789
Davant:					
Castillo de Almansa	244,—	32,2	33,	60,000	50,000
Philadelphia					
Gimsnes	180,—	24,8	10,9	33,750	(1)

(1) Port car of 15/1700.

The vessels in the above table have to be considered only as examples illustrating the current maximum capacity of shipment of the main U.S. ports.

However, generally speaking, ATC in 1980 has chartered in most cases panamax vessels for loading coal and some combined carriers (ore bulk oil) for loading coking coal. The choice between the two types of vessels depends on the destination of the coal.

2. Vessels which ATIC would like to employ in the future:

To a large extent, we are convinced that the Future volume of the U.S. traffic to Europe and particularly France and transport costs would justify the employment of vessels over 120,000 TOW. We could already advise you on the types of vessels we have in mind:

Type "Montcalm":	
Deadweight summer (tons)	123, 125
Draft summer (meters)	16, 09
Length overall (meters)	267, 58
Beam maximum breadth (meters)	39, —
Type "Cetragpa" (just ordered):	
Deadweight summer (tons)	139, 500
Draft summer (meters)	16, —
Length overall (meters)	268, —
Beam maximum breadth (meters)	42, —
Type "Hermod":	
Deadweight summer (tons)	148, 489
Draft summer (meters)	17, 30
Length overall (meters)	291, 44
Beam maximum breadth (meters)	42, 74
Type "Aurora":	
Deadweight summer (tons)	154, 489
Draft summer (meters)	17, 30
Length overall (meters)	291, 44
Beam maximum breadth (meters)	42, 74

[French Memorandum]

COAL EXPORT OUT OF U.S.A. TOWARDS WEST EUROPE

1. The present situation:

1.1 Coal is exported through 4 main ports on the U.S. East Coast: Philadelphia, Baltimore, Newport News and Norfolk.

In order to reach Newport News and Norfolk, colliers have to ship through the same artificial access channel the depth of which is limited to 45 ft. (13, 5m) before reaching the naturally deep roadway known as Hampton Roads. Separate channels then connect Hampton Roads to Norfolk and Newport News ports; both are maintained by dredging at 45 ft. depth.

Baltimore port is situated 180 miles from the sea up in the Chesapeake Bay. Depths in Baltimore harbour, at the Chesapeake Bay entrance and in a third zone along the access channel are maintained by continuous dredging at 40 ft. (=12m) depth.

Philadelphia access is made by using the Delaware River, in which the 100 miles long access channel is also maintained by continuous and difficult dredging to theoritically 40 ft. practically 36 to 38 ft.

The situation map attached as Appendix I to the present memo illustrates the above. Available depths in the respective access channels restricts the draft of loaded ships leaving those ports and consequently their sizes and carrying capacities.

The following table summarizes essential data corresponding to each of the above mentioned ports together with the tonnage of coal exported through each of them in 1977.

Port	Controlling practical depth, feet	Maximum ship's draught, feet [1]	Maximum ship's dead weight, metric tons [2]	1977 coal tonnage export, metric tons
Norfolk	45	42	80, 000	17, 100, 000
Newport News	45	42	90, 000	4, 800, 000
Baltimore	40	37	60, 000	5, 300, 000
Philadelphia	38	35	35, 000	310, 000

[1] Figures quoted take in account a 2-ft tide, 5-ft clearance but do not take advantage of possible overdredging below authorized depth.

[2] Deadweight capacities correspond to usual ships fully loaded at the corresponding draught. Figures quoted are approximate round figures.

It must be recalled here that cost of transporting one ton of coal across the Atlantic (from Hampton Roads to Le Havre) is, today, in the order of (1): 16–17 U.S. dollars/ton when done in a 50.000 TDW ship, 13–14 U.S. dollors/ton when done in a 140.000 TDW ship.

Whereas many European ports can easily accommodate ships with 16m draught and 140.000 Dead Weight (in France only, Fos, Le Verdon. St Nazaire, Le Havre and Dunkerque are not or will very shortly be in such position), depths presently available in all U.S. ports limit the size of the ships which can be used and therefore increase the cost of its maritime transportation by some 3 U.S. $ per ton or 20 to 25 percent above the cost which could be obtained with the modern ships now in operation on other routes or already under construction.

1.2. In each of the four above mentioned coal export ports, coal is loaded into ships by using loading installations which belong to the private Railroad Companies servicing the corresponding port.

The following table summarize the main characteristics of the available loading installations.

Port	Designation of coal-loading installation	Name of railroad owner and operator	Total berthing length (feet)	Depth of water	Total average practical loading rate (t/h) [1]	Ships which can be simultaneously loaded
Norfolk	Pier N.G.	Norfolk & Western	1, 800	45	2,500 to 4,000	2
Newport News	Pier No. 15	Chessie System	2, 200	45	1,000 to 2,500	2
Baltimore	Curtis Bay	Chessie System	300	42	2,000	1
Philadelphia	Greenwich	Conrail	1, 015	37	1,000	1

[1] Average practical loading rate is somewhat unprecise, as it depends basically from the railroad transportation rate and the mining requirements.

Notes: Rates do not include demurrage charges and correspond to spot market.

In all the above mentioned loading installations coal is directly dumped from railroad cars on the belt conveyor system which finally loads the ship, without any ground storage. When the belt conveyor system would be capable to load at a very high rate (8.000T per hour on Pier n° 6 at Norfolk), the average practical loading rate is reduced to a fraction of that figure, because it is entirely dependent on the time required to bring railroad cars from the different track lines on which they are lined up waiting and to sort them so as to obtain the required quality in using coal produced by the specific coal mines corresponding to the shipment being actually done.

As a direct and inevitable consequence of the way loading of ships is performed, of the number of berths available (and, possibly, of the railroads transport capacity), ships loading coal in U.S. ports have to wait in quene line from one to four weeks, as an average 2 weeks.

In 1980, the demurage additional costs which will be paid by French consumers of US Coal will reach around 20 millions US$ or roughly 3 US$/ton.

That fact constitutes the second major difficulty which is met with exporting coal out of U.S.

1.3 Pennsylvania and West Virginia have been in the past the main good quality coal producing area. They remain today and will probably remain one of the areas in US with important reserves of high calorific and low sulfur content coal.

Up to now railroad transportation from the above mining areas to one of the four ports already mentioned is the only mode of transportation which can be used. Three railroad companies share the corresponding market and each of the above mentioned ports—except Baltimore—is served by one railroad company.

Norfolk is served by Norfolk and Western.
Newport News is served by Chessie System.
Baltimore is served by Chessie and Conrail.
Philadelphia is served by Conrail.

Railroad transportation rates have increased very rapidly and, in the eyes of outsiders, somewhat without logic in the last years.

Here below some typical current rates are tabulated (US$ per short ton).

[In percent]

	January 1977	January 1980	Total increase	Average rate of increase per year
West Virginia—				
To Hampton Roads	9. 20	12. 35	34. 2	10. 2
To Baltimore	8. 96	11. 92	33. 0	10. 0
To Philadelphia	7. 40	9. 95	34. 4	10. 3

Railroad transportation has not proved as reliable in connection with schedules and transport capacities as it would be required to decrease ships waiting time to a minimum.

Rates charged by railroad companies are also very high. Over the same distance, if the transportation could be organized by using the unit trains systems (100 cars of each 100 tons paying capacity which run as indivisible units between a loading point and an unloading point such as those in operation between Gillette, Wyoming and St. Louis, Missouri and Superior Terminal, Wisconsin), railroad transportation rate would most probably drop to less than 8 dollars per ton delivered in Hampton Roads ports. The present level of current railroad rates reflects the present status of the system where among other things railroad cars wait for days in port before being unloaded.

Railroad transportation is thus the third main area of difficulty we have been meeting.

1.4. To sum up, in the present situation, and in round approximative figures, U.S. coal is:

Purchased, delivered in railroad cars at West Virginian mines at $30/ton.

Transported by railroad to one of the Hampton Roads ports (through which 70% of the coal exports is effected) and loaded into ship at $12/ton.

Transported across the Atlantic at $16 to $19/ton.

Total CIF in a West European port including demurrage charges at loading port $58 to $61/ton.

Transport costs are almost equal to the production cost.

Restricted depths available in U.S. ports results in a surcharge of $3/ton.

Organization of the loading system brings, via demurrages, an additional surcharge of $3/ton.

Railroad present transportation organization as compared with a modern unit train system, cost an additional $3/ton.

In total, $9/ton.

In other words improvement of U.S. ports and railroad system could produce savings in the order of 30% of the transportation cost or 15% of the total price CIF European port per ton of coal.

In terms of global amount of money and figuring that West Europe might import 100 million tons per year of steam coal in 1990, savings could reach almost 1 billion US dollars per year.

2. The near future perspectives:

2.1 Increase in depths available in East Coast ports:

Philadelphia access channel will not be deepened: existence of rock strata make such project uneconomical.

U.S. Congress has approved since 1970 the deepening of Baltimore access channel to 50 ft. However strong environmentalist groups supported by one influential Maryland Senator (who was reelected in April 1980) succeeded until now by successive Court actions to block the project by preventing the State to dispose of the dredging spoil in deposition areas which are required. Some years may still lapse before actual deepening starts and, then, the works will take 5 to 8 years.

A plan to deepen the access channel to Hampton Roads to 55' exists and has been very recently presented to the public. It has yet to be approved by the relevant Federal Authorities and particularly by the Congress. Under usual current procedure rules, that may take some 7 years. Actual deepening will then require some 3 years.

Deepening of the access channels to Hampton Roads and to Baltimore is limited to 55' by the existence of the Chesapeake Bay Tunnel, the top level of which is 58'.

2.2 Improvement in the East coast coal loading capacity:

Improvement in the existing coal loading facilities is a decision of the Railroad Companies who own and operate them. Ground surfaces now occupied by the adjacent marshalling yards (in the order of 100 Ha or 250 acres in Norfolk, 40 Ha (or 100 acres) in Newport News and Baltimore) should make possible their modernization, especially in Norfolk. However there is, apparently, no clear plan ready to be presented, nor any decision by the railroad companies to go ahead in such direction.

All ideas of artificial islands to be built offshore as deep water bulk commodities transfer terminal facility, or of offshore loading piers are, to our knowledge, in the very preliminary design stage. The concept of building an artificial island port in the deep water, relatively sheltered area existing at the entrance of the Delaware river is probably the most realistic. However, 10 years or more will be required before its construction can effectively start.

A very limited number of sites may be developed into new modern coal loading facilities on the East Coast, with direct access to the deepest navigation channels now foreseen: may be one or two only. Other sites now considered or possibly to be considered in the future will have access to water depths restricted to 35–40 ft. Development of any new loading facility assumes that Railroad companies will supply those terminals in the same way as their own.

Forecasts show a very substantial increase in the coal demand for the next decade. In view of the increased demand in coal export through East coast ports improvements in their loading capacity will result in decreasing the coal transportation cost, if two further conditions are met:

Railroad transportation capacity can cope with that increased demand.

Improvements will be done in such a way and at such a rate that they will stay ahead of the coal export increase.

Above remarks show that perspectives are not very bright, as regards the possibility to rapidly eliminate or decrease the economical impact of the present difficulties as regards coal exports through U.S. East Coast.

Those ports nevertheless remain for obvious geographical reason the natural shipment ports of the Apalachian coal. The corresponding route should be the most economical. It seems that for a quick execution of all works necessary to make viable large scale coal exports through those ports there is a need:

For a strong political determination with clear priority mark.

For the development of an alternate competitive coal export route.

In view of the magnitude of the coal export increase now forseen, that alternate route is, in any case, a must.

2.3 Development of the Mississippi route:

The Ohio-Mississippi (and their tributaries) waterway system already transport 60 percent of the coal internally used in U.S. Easy to mine coal fields are being developed or in production in Illinois, West Kentucky, Wyoming, Montana, Colorado. At the same time coal consumption by public utilities in the South States, is rapidly and substantially increasing. To cope with that new situation several modern coal terminals with ground storage capacities in the order of 1,000,000 tons or more, with reclaimer-stackers units, and with 7.000 T/h barge loading installation have been recently put in operation or are being built in the region of Huntington, Louisville, St. Louis, Cairo.

Transportation by barge on the U.S. waterways is a very competitive industry. The very high powered (10.000HP) push boats used on the lower Mississippi (worth some 7 millions U.S. $ each) are the only type of equipment in the system, the ownership of which is concentrated in the hands of a few private companies; such companies however are a dozen and competition is said to remain effective. From St. Louis to Cairo tows of 25 barges each carrying 1400 tonnes are usual. From Cairo to New Orleans tows containing 40 to 45 barges of some size are common. One pusher is therefore handling some 20.000 tonnes to 60.000 tonnes of cargo.

Thus the lower Mississippi is one of the cheapest way to transport bulk commodities. From Cairo to New Orleans freight rate today is in the order of 3 to 4 $/ton. It will probably decrease (inflation discounted) in the future, when improvement of the barging system now under consideration will be effected.

As regards transoceanic exports, New Orleans area is the natural shipment port for commodities which have been barged down the Mississippi; because in order to reach any other port on the Gulf Coast (Mobile, Houston, . . .) the 40 or 45 barges tows would have to be divided in 15 barges units in New Orleans, and then use the Intracoastal waterway.

For that reason. and although todays tonage of coal exported through New Orleans port is very limited (1.5 to 3 millions T) 2 coal terminals already exist and several more will be built Those new terminals will include ground storage in excess of 1 million tons and will be able to load 45m wide ships (which is the beam of 140.000 TDW ship) at a rate in the order of 5.000 to 7.000 T per hour.

Draught of ships entering the Mississippi is however presently restricted to 40 ft. (12.2m). That limits their DW capacity to some 60.000 tons.

Limitation in draught occurs only at the entrance pass into the river. In the river itself up to Baton Rouge depth available are 60 to 100 ft.

Deepening of the entrance pass down to 55 ft. has been studied by the U.S. Army Corps of Engineers. It is feasible and economically justified, even if the recent forecast in coal export tonnages through New Orleans are not taken in account.

It would be possible—if our information are correct—to deepen the entrance pass down to 50 ft. as a first stage in a very short time (18 months maybe) once decided and at a very limited cost.

However, if the normal rules of procedures are followed, the start of the deepending works may not happen before 5 years.

If the entrance pass to the Mississippi river was deepened to 55 ft. (or at least 50 ft.) in the next 2 to three years, it is clear that New Orleans despite being some 1,000 miles more distant from West European ports than Hampton Roads, will be in the position to capture a very important share of the U.S. coal export. One essential condition is however that such deepening is done within the very next coming years.

3. Conclusion:

3.1 Besides Hay Point which is now capable of loading 150.000 DWT ships, the Australian ports of Port Kembla and Newcastle will in 1983 be deepened and organized so as to economically load 120.000 DWT ships. At the same time, Richards Bay in South Africa, which now accommodates 140.000 DWT ships, will have increased its loading capacity from 24 to 44 million tons. People's Republic of China, with the financial help of the Japanese Government, intends to put in operation at the same date a deep water coal export port in Shi Ju So.

West European Ports on the other side are today capable of accommodating ships with more than 130,000 DWT capacity.

3.2 For U.S.A., who have in their territory one of the most important coal reserve, who have a very powerful coal industry, not working presently to maximum capacity, who may have a decisive political and military interest in being the major coal supplier of western Europe, the possibility to take advantage of that situation hinges on:

(a) Deepening of the entrance pass to the Mississippi River to 50 ft minimum, 55 ft if possible within the next 3 years. This is the first priority.

(b) Deepening to 55 ft the access channel to Hampton Road within the shortest time allowed by national priority procedure.

(c) At the same time reorganizing and improving the railroad transportation and shiploading systems on the East Coast so as:

To obtain competitive FOB coal price.

Avoid ships waiting in loading ports.

We acknowledge with satisfaction the information that a Special Ad Hoc Committee consisting of representatives for the Department of Energy and Transportation, the Federal Maritime Administration, and the U.S. Army Corps of Engineers has been formed to develop a plan for major new U.S. coal exports in the years ahead.

We respectfully suggest that views express hereabove are submitted to the said Committee.

SUMMARY

1. Present situation:

1.1 Coal is now exported through the 4 East Coast ports of Norfolk, Newport News, Baltimore and Philadelphia. Depth of water available in the access channels to those ports are 45 ft. for Norfolk and Newport News; 40 ft. for Baltimore; and 38 ft. for Philadelphia.

Capacities of ships which can be accommodated in the same ports are limited to 90.000 DWT for the first 2, 60.000 DWT and 35.000 DWT for the 2 others respectively.

Most European receiving ports and competing coal export ports can accommodate 140.000 DWT ships or bigger. Draught limitation in US ports entails an extra cost of some 3; per ton over the rate which could be obtained with 140.000 DWT ships.

1.2 Coal loading facilities and coal railroad transport system in all US East Coast are for historical reasons organized in such a way that ships, as an average, wait 3 weeks before being loaded. Corresponding demurrage costs represent an extra cost of some 3 $/ton of coal transported.

1.3 The only practical way of transportation of coal from the Pennsylvania or West Virginia mines to the East Coast ports is railroad. Their rates have increased by more than 10 percent per year over the last 3 years. Their service does not offer the necessary reliability. The transportation system prevents the use of the modern unit train concept successfully operated between the West and Midwest. That concept, if it was applied on the East coast, would probably reduce the railroad transportation cost by some 3 dollars per ton.

1.4 In total, the present situation leads to a surcharge—in the order of 9 $/ton as compared with modern competitive ports.

If the total coal tonnage exported of US was to reach 100 millions tons a year as most pessimistic experts foresee, this would lead to an extra total charge of nearly 1 billion US $ per year and US coal will not be competitive.

2. The near future perspectives:

2.1 As regards a possible deepening of the East Coast ports:

Deepening of the access channel to Philadelphia is not feasible.

Deepening to 50 ft of Baltimore navigation channel has been approved by Congress in 1970 but has not yet started due to environmentalist Court actions. Actual dredging operation required will take 7 to 8 years.

Deepening to 55 ft of Hampton Roads channel has not yet been approved. Under normal rules of procedure, actual deepening could start within 7 years approximately.

2.1 There is no clear indication that the Railroad Cies who own and operate the existing coal loading facilities in the East Coast Ports, have embarked in the program of modernization required to load efficiently large size colliers.

New terminal sites with deep water frontage seem to be very scarce.

Offshore deep water ports or terminals are still in the early design stage and will not become facts before 10 years.

Assuming the overall coal loading capacity of the East coast ports is substantially increased, railroad transportation capacity and economy must in the same time be improved.

All above improvements should be achieved at a quicker pace than the increase in the coal demand.

2.3 Development of the Mississippi route for coal inland transportation is well underway. Modern high capacity coal terminals are built in the St. Louis-Cairo-Louisville-Huntington region, so as to load economically barges which will then be pushed down the Mississippi in 20,000 T to 60,000 units tows to Baton Rouge-New Orleans area. Modern transfer terminals capable of loading efficiently large size ships exist or are in the early construction stage in the New Orleans area.

The Mississippi route will thus be the most economical way to bring to the sea coal mined in Illinois, West Kentucky, Wyoming and Colorado.

2.4 Deepening of the entrance pass to the Mississippi river and New Orleans port appears as the only important action required in order to transform New Orleans area as one of the most important coal export ports. Deepening to 50 ft. is said as possible very quickly and at limited cost: it is the minimum improvement which is required and if done within 3 years, will permit US coal to remain competitive in face of the other important coal producers of the world.

3. Conclusion:

All non oil producing countries of the world are bound to rely heavily in the next decade on coal as their major energy source. West Europe for instance will have to import some 65 million tons of coal in 1985, 100 million in 1990.

U.S.A., as the nation in the free world who owns the largest coal reserves and enjoys a powerful coal mining industry, should naturally be one of the leading if not the leading coal supplier of the free world.

For U.S. coal to be competitive on the international market, 3 essential actions are required.

(a) Deepening of the entrance pass to the Mississippi River to 50 ft. minimum, 55 ft. if possible within the next 3 years. This is the first priority.

(b) Deepening to 55 ft. the access channel to Hampton Road within the shortest time allowed by national priority procedure.

(c) At the same time reorganizing and improving the railroad transportation and shiploading systems on the East Coast so as to obtain competitive FOB coal price, and avoid ships waiting in loading ports.

We acknowledge with satisfaction the information that a Special Ad Hoc Committee consisting of representatives for the Departments of Energy and Transportation, the Federal Maritime Administration, and the U.S. Army Corps of Engineers has been formed to develop a plan for major new U.S. coal exports in the years ahead.

We respectfully suggest that views expressed hereabove are submitted to the said Committee.

Mr. WARNER. The French strongly implied to those present at the May meeting that—even though they desperately need coal for their country and lean strongly toward America's coal to satisfy this need—unless these three problem areas were dealt with and rectified in a reasonable period of time, France, due to overriding economic factors, would be forced to look elsewhere for the fulfillment of its coal needs. France last year imported $179.7 million in coal from Hampton Roads.

This implied threat was aired publicly in July when the economic attaché for the French Embassy in Washington declared that French coal users are considering turning to Polish, South African, and Australian coal if the snags at Virginia's coal loading piers are not cleared up in the next few years.

Mr. President, I ask that the July 15, 1980 Virginia Ledger-Star article entitled "Port Snag Threatens French Coal Exports" be inserted in the RECORD at this point.

The article follows:

PORT SNAG THREATENS FRENCH COAL EXPORTS

(By Bill Byrd)

WASHINGTON.—France, which imported $179.7 million in coal from Hampton Roads in 1979, will take its business elsewhere if snags at area coal loading piers aren't cleared up in the next few years.

That warning came recently from Eric Thibau, economic attache for the French Embassy in Washington.

France ranked third among the countries receiving coal loaded in Hampton Roads during 1979. Japan ranked first, receiving $551.8 million worth of the fuel. Italy, which received $253.1 million, ranked second. Coal valued at $1.8 billion was loaded on ships in Hampton Roads last year.

Thibau said French coal users are considering turning to Polish, South African, and Australian coal if Virginia port facilities aren't modernized.

Thibau also said French importers might start using the more modern coal facilities at New Orleans instead of the Norfolk and Western and Chessie System piers in Hampton Roads.

High-level French delegations have complained about the Hampton Roads coal situation in meetings with Gov. John Dalton, U.S. Sen. Harry F. Byrd Jr. and federal energy officials.

The French have also met with coal industry and labor groups, Thibau said. They have warned that the switch could come within the "next three or four years" if ports aren't improved.

"We're not so much displeased as surprised," Thibau said. "When you think that the United States put a man on the moon, you'd think they would have modern railroad and pier facilities. But the technology at the piers is 30 to 50 years out of date.

"It's really time for the government to start investing in that," Thibau added.

Connie Holmes, executive secretary for the Coal Exporters Association in Washington, said Japanese coal importers are also worried about the Hampton Roads port problem.

"If they can't get our coal, they will go elsewhere," she said in a recent interview.

France was one of the western industrial nations which recently pledged at a Venice summit meeting to double its use of coal by 1990. French energy policy stresses coal and nuclear energy as means of decreasing the country's reliance on foreign crude oil.

Most of the coal exported to France from the United States is moved through Norfolk and Newport News, according to Thibau.

Much of the French-bound coal loaded in Hampton Roads in the past has been metallurgical coal used in steelmaking.

But Thibau said an increasing amount of steam coal for power plants will be needed by France in the coming decade.

French companies have already increased their American coal imports, according to coal industry figures compiled this month.

France imported 3.47 million tons of American coal from Jan. 1 to May 31. The imports are valued at $156.2 million.

French spokesmen said most of the coal was shipped out of Hampton Roads. That means France-bound coal formed about 18 percent of the Hampton Roads coal shipments in the first five months of the year.

The Hampton Roads piers loaded 18.6 million tons of the fuel in the first five months of 1980. That was an increase of almost 40 percent over the figures for the first five months of 1979.

The Hampton Roads piers loaded 13.2 million tons during the first five months of last year.

Many ships have encountered long delays while waiting to load coal at the Hampton Roads piers. The Hampton Roads Maritime Association reports 37 ships are waiting in Hampton Roads for their turn at the piers.

Thibau said French coal users are increasingly worried about getting their coal shipments on time. They fear the logjam at the port will make it impossible to increase their use of American coal, or continue using it at all.

"It's not that France isn't willing to buy coal from the United States," Thibau said. "But it might be materially impossible to do so."

Albert Viala, president of the French coal importers association, met with U.S. officials as early as January to discuss the loading problems, the attache said. Viala made a trip to Washington where he met with Byrd, the Bituminous Coal Operators Association, the United Mine Workers and the National Coal Association.

Viala also met with representatives of the Chessie System, the Norfolk and Western, and Conrail—the Congressionally-chartered railroad which serves the Northeast.

French officials also met with Dalton and other Virginia officials in May.

Dalton spokesman Paul Edwards said the talks produced one agreement: there are no easy answers to the problem.

Edwards said he doubted France would cut the amount of coal it now imports from Hampton Roads. He said a more likely prospect is that Hampton Roads would not get new business if the port situation isn't improved.

Thibau said French coal importers might continue to use Appalachian coal, even if it didn't come through Hampton Roads. He said New Orleans port facilities might be able to handle Appalachian coal barged down the Mississippi River.

But French importers have made contacts with the South African, Polish, and Australian coal industries, Thibau added. He said it was economically feasible for France to use these sources.

Mr. WARNER. This is not an isolated threat. Japan has also been openly critical of U.S. export operations. Japanese officials warned in an August meeting with American coal producers and exporters, held in Norfolk, Va., that unless delays in the Port of Hampton Roads are eliminated and American coal becomes more competitive, they will shy away from it.

Katsushigee Tanaka, an executive of Nippon Steel Corp., Japan's biggest steel company, bluntly stated:

> We're going to review all our present U.S. coal purchase contracts with a view to retaining only those which can offer competitive prices and stop renewing the rest.

Mr. President, I ask that the August 20, 1980 Virginia Pilot article entitled "Coal Loading Delays Costly, Japanese Say," and the August 22, 1980, Journal of Commerce article entitled "Japan Critical of U.S. Coal Operations," be inserted at this point in the RECORD.

The articles follow:

COAL LOADING DELAYS COSTLY, JAPANESE SAY

(By Bob Geske)

NORFOLK.—Costly delays in loading ships with coal in Hampton Roads and Baltimore must be eliminated if the two ports are to retain their 15-million-ton, $800-million-a-year coal trade with Japan, a spokesman for Japanese coal importers told U.S. coal officials Tuesday.

Katsushige Tanaka, a Japanese steel executive, told the Coal Exporters Association that such delays cost Japanese-chartered vessels as much as $400,000 in extra fees for a single ship in Hampton Roads earlier this year.

Port statistics released at the conference Monday showed that the 20 Japanese-chartered colliers calling at the port between May 12 and June 20 faced average delays of 16½ days, with the 83,000-ton Eulalie Del Mar sitting for 29 days. Tanaka said the $18 million to $20 million in extra fees placed on Japanese traders awaiting coal make continued trade infeasible because they have boosted the price of American coal used in steel-making by $5.50 per ton.

He told American coal producers their metallurgical coal prices of $50 per ton were already $20 a ton over offered prices in China and Australia, two other Japanese import sources.

He made his "brutally frank" assessment Tuesday morning during the second day of the White House-organized Japan-America Coal Conference at the Omni International Hotel.

"They told us we have a lot of problems to overcome here, but I think the underlying message that they have a genuine and sincere interest in dealing with us through at least the end of the century," said Carl Bagge, National Coal Association president.

"Tanaka simply told us friendship only goes so far in lopsided economics, and he chided us for allowing the railroads to dominate the coal trade," Bagge said.

"He told us we were just chicken in dealing with our own railroads, and told us our interests are at stake," Bagge said.

Hampton Roads coal piers, owned and operated by the Norfolk & Western Railway and the Chessie System, handled 9.1 million tons of Japanese coal last year, roughly a fourth of the 36 million tons handled in the port.

The Virginia Port Authority estimates that coal exports generate $163 million a year in the state, averaging about $18 a ton in revenue for Virginia's mines, railroads, shipping interests, and harbor merchants.

The Japanese apparently gave no timetable for withdrawing or reducing the trade drastically during closed door meetings this week, but Bagge said, "They'll give us time to correct our problems, I'm sure. They haven't forgotten that American coal and American commitments after World War II built their steel industry into what it is today, and they want to continue being our customers," Bagge said after Tanaka's speech.

"I think they laid it on the line and told us to clean up our own problems if we want to keep dealing," Bagge said.

French and Italian trade delegations gave the same critique to U.S. officials earlier this year.

Eastern coal producers and shippers were also told Tuesday that any growth in the Japanese steam coal trade will not come through their ports.

Satoru Murai, general manager of fuel for the Electric Power Development Co., Ltd., said inexpensive steam coal that sells for about $20 a ton cannot be mined in the Eastern U.S. and shipped through the Panama Canal to Japan at competitive prices.

Murai told the producers that the development of Western strip mines, railroads, and ports are the only way America can hope to meet Japan's burgeoning steam coal needs.

"There's no threat implied to Eastern shippers or ports," Bagge said, interpreting those remarks. "They're just telling us the economics of world trade."

Murai said the Japanese will contract with Western miners for "experimental loads" through the primitive bulk terminals of Long Beach, Los Angeles, and Richards Bay, Vancouver in search of a realistic market there.

"They also said they would like to participate with American interests in building a steam coal port on the West Coast or in Alaska," Bagge said. "I don't know if our concentration would be as much on those future steam coal needs as in preserving our 30-year steel coal trade," Bagge added.

"The Japanese conceded that the port delays have only become a problem in the past eight months to a year," Bagge said.

JAPAN CRITICAL OF U.S. COAL OPERATIONS

NORFOLK, VA.—American coal producers and exporters completed a three-day conference with Japanese customers Wednesday, admittedly shaken by warnings that the Japanese may look elsewhere for future coal imports.

"They were brutally frank and everyone listened, very carefully," Carl Bagge, president of the National Coal Association, said.

"I think we're all going away a bit shaken, but determined to try to do much of what Japan and other nations want," he said, noting foreign calls for reduced railroad freight rates and improved coal loading facilities.

Japanese officials warned that unless delays in the port of Hampton Roads are eliminated and American coal becomes more competitive, they will shy away from it.

For several months freighters have been backed up in Hampton Roads, the nation's largest coal exporting facility. Ships have had to wait up to three weeks to be loaded with coal. Each idle day costs about $10,000.

Japanese officials complained about the bottleneck and about railroad freight rates that have more than doubled during the past several years.

These rates were blamed, in part, for American coal costing them about $20 more per long ton than coal from Australia and Canada.

"We're going to review all our present U.S. coal purchase contracts with a view to retaining only those which can offer competitive prices and stop renewing the rest," said Katsushige Tanaka, an executive of Nippon Steel Corp., Japan's biggest steel company.

Said Mr. Bagge, "He (Tanaka) told us we were chicken on dealing with our own railroads and told us our own interests are at stake."

William Mason, president of the Coal Exporters Association, agreed that "railroads have unrealistically increased rates."

He expressed hope, however, that the entire U.S. coal industry will respond.

"It'll be in everyone's best interest," he said.

Mr. WARNER. I met recently with a large coal-buying delegation from the Netherlands which expressed similar concerns about America's coal exporting problems.

Their concerns were ably summarized by Mr. Daan Everts, First Economic Secretary of the Dutch Embassy, in a presentation he made in October at Roanoke, Va., before the Virginia Coal Council's "Appalachian Coal Awareness Week." Among the concerns expressed by the Dutch delegation and Mr. Everts was this:

> There is an eminent need for deepening the ports so as to allow U.S. coal to be exported in larger-built carriers than is presently possible. The capacity to load larger ships to create a larger scale then will make coal more competitive and benefit producers and consumers."
>
> It is absolutely crucial to most of the foreign observers that such works are very timely started and completed. If they are to take up to seven or eight or even up to ten years as they are rumored to be in the business, then valuable time and good opportunity will be lost. So expediting the process seems absolutely necessary.

Mr. President, I ask that Mr. Everts' full presentation and an October 24, 1980, Virginia Ledger-Star article, entitled "Deeper Ports Urged at Coal Conference," be inserted in the RECORD at this point.

The material follows:

DAAN EVERTS, ECONOMIC SECRETARY, DUTCH EMBASSY

Mr. EVERTS. Thank you, Jack. It's certainly a challenge to be the last speaker in the row and, in fact, the last speaker of the Conference. I can't quite see whether the audience is still awake, but hopefully, my accent will draw some attention.

Let me start out by saying that also on behalf of my colleagues from other countries abroad that it is a great pleasure and a great privilege to be at the Appalachian Coal Conference. I personally feel very honored to have the opportunity to share with you some of the concerns and expectations that exist on the other side of the ocean with respect to American coal and the American coal export potential. Some of you may have inferred from the program that I represent the whole of Europe. Let me correct that impression. I would have trouble with my European friends if I took that claim. I only represent one country in Europe, the Netherlands, quite a small one although energy-wise a major European country.

Due to our vast natural gas resources which you may have heard about, we are an important trader, energy exporter in Europe. That goes for coal as well.

I feel quite comfortable in predicting the Netherlands will play a major role in the international coal trade including from the U.S.A. For one thing, our own domestic use, consumption of coal, of imported coal will rise very dramatically, in fact, tenfold to over 30 million tons annually. But, in addition to that, we expect to play a major role in the coal shipment to other countries in Europe which you have heard before who have equally ambitious plans for increasing coal use. You heard the figures of 200 million tons by 1990 and up to 4 billion tons by the year 2000. That is imported steam coal.

Now, the Netherlands is a gateway to Europe and with Rotterdam being the biggest port in the world, we seem to be well-respected to serve as a major coal distribution center. At present, there are three terminals in Rotterdam, accessible for discharge of coal from large bulk carriers up to 250 thousand tons. The major terminal is being built in Europort with an annual capacity of ultimately 30 million tons. This terminal will have transfer capability by push barges and rail. By 1990, Dutch terminals will have a throughput capacity of about 65 million tons. The combined coal handling capacity of all Dutch ports and transportation will be added to accomodate imports for national coal and shipment to other countries well up through the year 2000.

Now, the question of particular interest at this Conference is how much of that coal will come from the United States and from your competing coal export countries. There is no doubt on our part and that has been firmly established also in the European Community Energy Discussions, the internal discussion is that the U.S. is to be the major, by far, supplier. Potentially, you have all that is needed to become the world's leading steam coal exporter. You have the reserves. You have the capital. You have the people with great dedication as these two days have borne out and you also seem to have a political administrative commitment to coal export.

The only question we have, and it is really the only as yet unanswered question, is whether American coal and that means, of course, Appalachian coal to Europe will be available at quantities and qualities required and at competitive prices. It is with respect to this question that a number of European and Japanese delegations as well have recently visited Washington.

In fact, only two weeks ago, I had the privilege of bringing thirty main coal traders and large consumers from Holland to Washington, Norfolk, and Baltimore. I thought it might be interesting to you to briefly sum up what their main concerns and expectations are.

There are, in fact, four. The first one was that our delegation, but the others as well, were impressed and generally encouraged by the positive export attitude by you as well as State authorities. What I have heard so far in this Conference only confirms that political commitment. Nevertheless, some concern exists about the long-term reliability of American supplies. Unlike oil, you don't have legal impediments to the export of coal, but protection could evolve at some point in the future, particularly when domestic and foreign needs are perceived to compete. Foreign purchasers would like to have assurances that no discrimination between domestic and foreign consumers will be met and that contracts will be fully honored.

It was suggested that a Congressional Legislation or, preferably, an Intergovernmental Treaty, an international treaty to take effect might be a desirable thing.

Now, having heard Senator Warner stress the overriding argument for coal exports and since it is to serve security, the energy security and the overall security of the Western World, I would subscribe that an international treaty would give this sort of assurance. It may well be appropriate.

Secondly, the main restraint to a sharp increase of coal exports was clearly seen to be the inadequacy of existing transportation and port infrastructure. That should not sound new to you after all that we have heard so far. It struck our delegation as particularly paradoxical, if not painful, that right now there seems to exist a surplus production capacity and that some 15,000 mine workers are involuntarily unemployed, while at the same time the international coal demand is surging. The port limitation is causing the congestion at Eastern ports and, as a result, long waiting periods and formidable demurrage costs we are considering a real handicap affecting trade prospects. It seems imperative that new facilities similar to Australia, Canada, and the Netherlands will build as soon as possible. Such facilities should have open storage yards in which many varieties can be blended and moved by fast belts. It's certainly encouraging and appreciation also was expressed that quite a few impressive investment plans have been announced. We certainly hope they will materialize as scheduled.

Besides the handling facilities, there is an eminent need for deepening the ports so as to allow U.S. coal to be exported in larger-built carriers than is presently possible. The capacity to load larger ships to create a larger scale that will make coal more competitive and benefit producers and consumers.

We, on the dock side, learned about various dredging proposals particularly regarding the one of Hampton Roads. I must say the news this afternoon during lunch announced by Senator Warner that he is to introduce a legislative proposal in Congress is very welcome, indeed.

It is absolutely crucial to most of the foreign observers that such works are very timely started and completed. If they are to take up to seven or eight or even up to ten years as they are rumored to be in the business, then valuable time and good opportunity will be lost. So, expediting the process seems absolutely necessary.

It's in this connection that I would like to remind you, somewhat selfishly I think, that the Netherlands has an unparalleled experience in know-how from works completed at home and abroad. In fact, half of my country wouldn't even exist if it were not for our construction and dredging capabilities. If it is true, as we have been told, that speedy completion of the harbor works at Hampton Roads and elsewhere will require this form of know-how. Then, I would suggest that our Dutch countries would be very happy to contribute expertise and equipment. You may want to consider how such participation could be facilitated in view of the restrictive Coast Guard laws.

Coming to the fourth point, with regard to inland transportation, it was quite evident that both my countrymen and others are puzzled and somewhat worried, I would say, by the rail situation. The likely impact of the recent deregulation law on cost and services is anything but clear. Maybe I am allowed to quote the leader of the Dutch Delegation who is a rather blunt person, I think. I should apologize, probably, for some of the language which follows, but Dutch coal traders are known to be frank people, so here he comes. "Any action which contributes to further increased transportation costs to an increased monopoly of foreign coal or to further reduce protection against unreasonable rates or, further, in addition services must be of great concern to both the coal producers and coal users." Now, he further wondered what the effect of the new law will be on the competitive situation between large and small companies and companies that ship coal mainly from the United States as compared to those which build their own loading piers thereby being in a position to provide for quicker turnaround of their rail cars.

In short, the new evolving rail situation was considered to be a major factor influencing the FOB price of American coal and, hence, international competitiveness.

Now, what I've done is refer to just a few main pre-occupations of the Dutch Delegation: the security of supply, the inland transportation, and the port facilities. Let there be no doubt that if these concerns are met, U.S. coal exports will play a vital role in future international energy trade. As a representative of what you might call a trusted ally and partner country of an international allied agency, the hope for increasing U.S. coal exports will contribute to the very much needed increase of energy security of the Western World. If only for that security reason, we hope and expect that its challenge will be met. The strong energy link with your country will add another vital connection to a longstanding, warm relationship which in the case of my country will be 200 years in 1982, in fact, your longest uninterrupted relation with any country in the world.

Thank you for the opportunity to be with you.

DEEPER PORTS URGED AT COAL CONFERENCE

ROANOKE.—European coal buyers have little doubt the United States could be the free world's major coal supplier, but there are some questions about whether it will perform as needed.

A Dutch government representative told the Appalachian Coal Awareness Conference here Friday the only question in foreign buyers' minds "is whether American coal, that is from the Appalachian coalfields, will be available at the quantity and quality required and at competitive prices."

"There's an immediate need to deepen ports" to allow larger coal vessels into Hampton Roads and other U.S. harbors, said Dean W. Everts of the Dutch embassy in Washington.

The Netherlands will play a significant role in European coal trade, Everts said, because its port of Rotterdam is the world's largest port and now has three coal terminals.

"The question is how much of that coal will come from the United States and from competing coal-exporting countries," he said. "There is no doubt from our point . . . that the United States could become the world's major supplier . . ."

Favoring coal exports from the United States are receptive political export climate, experience at mining coal and availability of capital, he added.

Everts also suggested an international treaty that would assure foreign countries of a supply of coal from the United States.

"Some concern exists about long-term reliability . . . particularly when domestic and foreign needs are seen to compete," he said.

"If these concerns are met, United States coal exports will play a major role in the future of international coal supply."

Delegations of foreign coal buyers also have found it ironic that some 15,000 coal miners are out of work when the steam coal market is burgeoning around the world, Everts said, and have concern about rising transportation costs.

Stability in costs, labor, supply and transportation are what the Dutch and other coal brokers are seeking, he said.

Besides Everts, representatives from France, Spain, Sweden, Great Britain and Gabon attended the two-day conference sponsored by the Virginia Coal Council of Richlands and the state.

Sen. John Warner, R-Va., took up his port-deepening theme again in a conference speech, saying coal exports through a deeper Hampton Roads channel are vital for national security.

"America's own national security is only as strong as our energy supply," Warner said. "To the extent we are able to provide our allies with a reasonable, reliable source of coal will they become less vulnerable to economic and military blackmail by foreign energy suppliers."

Warner repeated his intent to introduce legislation providing federal funds for dredging the Hampton Roads channel from 45 feet to 55 feet.

Hampton Roads would be given priority for dredging under Warner's bill, followed by dredging money for other ports. He estimated the Hampton Roads dredging would cost $300 million.

Some 400 to 450 coal industry representatives registered for the conference, which was aimed at pulling together coal people to discuss problems and solutions to them.

Two days of panel discussions and speeches were the public part of the event, but private discussions among the coal people may bear more fruit than the public rhetoric.

Mr. WARNER. Likewise, similar concerns were expressed by the Government of Denmark. I ask, Mr. President, that a June 9, 1980 letter by the Danish Minister of Energy to Ambassador-at-Large Henry L. Owen be inserted in the RECORD at this point.

The letter follows:

COPENHAGEN,
June 9, 1980.

Hon. HENRY L. OWEN,
Ambassador at Large, Department of State, Washington, USA.

DEAR HENRY OWEN: As agreed during our recent conversation in Washington, I am sending you herewith some information about the Danish import of coal from the USA and the difficulties encountered.

First of all it should be noted that the main users—and thus importers—of coal in Denmark are the electricity utilities. They account for almost 90 per cent of the Danish import of coal (entirely steam coal) which in 1979 totalled 7.500.000 metric tons. Of this, 178,000 tons—or 2.4 per cent—originated from the USA.

A substantial increase in Denmark's import of coal is foreseen: According to present forecasts the import in 1990 will be around 17 million metric tons, and by year 2000 the import will be 20–25 million tons. It should be noted, that the import is done on a private basis, the state does not deal in coal, but the government is certainly following the development on the coal market with great interest.

There is a general interest in Denmark for increasing the coal import from the USA, but the electricity utilities have pointed out, that there is a number of problems impeding the flow of trade. I have asked the two big associations of electricity utilities: Elsam, covering the western part of Denmark and Elkraft, covering the eastern part of Denmark, to report to me about their views of the problems and prospects for Danish import of steam coal from the USA. I am enclosing for your information translations of the main points of these reports.

I think we both agree about the importance of the IEA recommendation from May 1979 that "countries with the potential for large increases in coal production—among which the USA—will increase their coal production facilities and infrastructure to permit increased domestic use of coal as well as exports. . . ." I am sure, that a more free and secure access to US coal would reflect itself in an increase in the Danish import from your country.

The Danish Ministry of Energy is hoping to be able to send a delegation to the USA around October this year to further discuss these matters.

I am sending a copy of this letter with enclosures to the Honorable Charles W. Duncan, Secretary of Energy.

Yours sincerely,

POUL NIELSON.

DANISH MINISTRY OF ENERGY
JUNE 1980

Enclosure 1: Elsam's views on the prospects for import of coal from the USA.

BACKGROUND

The interest for US steam coal has been very modest in the 1970's. In 1979, however, the demand for coal was so big that a number of European countries, including the UK and France, had to go into the US market because Poland, Australia, Canada and South Africa could not meet the increased demand.

It is estimated that the demand for US coal has increased by 5 million metric tons which is less than 10 percent of the total coalexport which is around 60 million tons. This marginal increase in demand has, however, almost resulted in a collapse in the east-coast ports.

Most of the physical problems in connection with the coalexport are due to insufficient railroad- and portcapacities. It is the impression of Elsam that this is due to the very fragmented structure in the USA—e.g., the many railroad companies which operate rather independently and in an uncoordinated manner without any central planning in connection with a clear energy-policy (policy for export of coal as an energy-raw-material).

CONGESTION IN THE PORTS

In the east-coast ports, i.e., Newport News and Norfolk at Hampton Roads, there has, for the last many months, constantly been 15–30 ships waiting to be loaded with the result that the waiting time has been up to one month. At present it costs approx. $20,000 to wait for one day. Also in Baltimore and Philadelphia there are long waiting times for loading of coal.

The demurrage-payments of 7–10 $/ton of transported coal has had the result that many charters/owners have withdrawn the ships with the implication that contracts for deliveries have not been met. As an example can be mentioned, that Elsam has bought a shipment of coal to be delivered in March/April. It is not yet known when the coal will be delivered, if at all.

A German electricity utility (NWK), which has a partnership with one of the utilities belonging to the Elsam-group, had planned to import a number of cargoes of coal from the USA. Since none of these cargoes arrived, the storage of the NWK at the utility at a certain time during spring was reduced to a size corresponding to 14 days' consumption.

THE PORTS

The east-coast ports are built for export of metallurgical coal. This implies that the coal is stored in railroadwagons in the ports of embarkation with the aim of having the possibility for direct unloading into ship and the possibility to mix the coal according to quality specifications.

This storage-philosophy is not suited for ports of embarkation for steam coal, which requires very big storages of coal on open places with the possibilities for operation by stackers and reclaimers. The storage capacity at ports of embarkation of the size at the east-coast should be in the magnitude of 2–3 million tons. Furthermore the loading capacity is too small in most ports.

In Mobile and Devant in the Gulf-area the ports of embarkation are organised according to the above principles, but here the export-capacity is limited to 6–10 million tons.

In the US ports there is no planning or reservation as such of the necessary loading time for each ship, which is nominated. On the contrary, all ships which are nominated, are accepted and if there are waiting times, the loading-possibilities of each shipping-agent is limited according to a quotasystem on the railroad transport. This principle naturally reinforces the waiting time problem when the port capacity is insufficient.

THE RAILROADS

A large number of independent railroad companies operate in the eastern part of the USA. The cooperation between the companies is very poor which makes it difficult to make agreements concerning transport of the coal from the mines to the ports.

The coaltransport most often takes place in a number of coalwagons being coupled with wagons transporting other kinds of goods. At the next junction the coalwagons are placed on side-tracks waiting to be coupled to a new train. In order to make the system efficient, unit trains should be organised, which without stops can transport the coal directly from the mines to the ports.

Because of insufficient capacity at the ports of embarkation an accumulation of wagons often takes place, resulting in a deficit of wagons at the mines.

Several of the railroad companies have made very few new investments, as a consequence of which the material is old and worn out.

COALSLURRY PIPELINES

There are today a few coalslurry pipelines for transport of coal. It has been discussed during the last years to improve the infrastructure by this means of transportation, which however has been opposed by the railroad companies to avoid competition. The companies have been able to do this by refusing permits to let the pipelines cross the railroads.

NEGOTIATIONS CONCERNING PURCHASES OF COAL FROM THE USA

Elsam has in the past years had a great number of negotiations with US coalproducers. The above described problems have come to a day either directly or indirectly during these negotiations. In a number of cases the capacity-problem in the US ports have refrained potential coal-sellers from submitting promising offers. Several sellers have thus expressed the opinion, that they will not sell coal before the port-capacity is increased. In order to see that this is done the companies in question will themselves enter into port projects.

Because of the congestion problems in the ports Elsam is in favour of purchases of coal from the USA on a c.i.f. basis. In this case the seller of coal must bear the risk of the ship having to wait to be loaded, because the ports do not give any guaranties for loading within a set date. The waiting times that have been observed during the last months have involved extra expenses of 7–10 $/ton, corresponding to 25 per cent of the f.o.b. price of coal.

It goes without saying that this situation is unacceptable in the long run, both for the seller and the buyer.

DENMARK AS A POTENTIAL IMPORTER OF COAL FROM THE USA

Provided that the above mentioned problems can be solved and that US coal can be bought at reasonable prices and conditions, Denmark would be able to import 1–2 mill. tons a year in the beginning of the 1980'ies and an increasing amount in the second half of the 1980'ies.

THE NECESSARY INCREASE IN THE CAPACITY OF RAILROADS AND PORTS

In World Coal Study (WOCOL), the national report for the USA describes which actions are necessary regarding the infrastructure in order to increase the coal export in the longer run. It is impression of Elsam that the data for the capacity of the present ports is somewhat overestimated, cf. the present problems.

Enclosure 2. Elkraft's views on the prospects for import of coal from the USA.

The group of electricity utilities associated in Elkraft intends to include USA among the long-term suppliers of coal. A representative from one of the utilities has just returned from a round trip to the USA where he visited a selected number of suppliers and had talks with railroad-companies. During a long time a systematic survey of the US-market has been conducted and it will soon be possible to sign a couple of contracts each for 300,000 metric tons per year. The choice of suppliers will depend upon whether the firms have good visions about the future, being willing to make investments to improve the infrastructure.

The conclusion of long-term contracts with better producing firms can convince the railroad companies that foreign importers depend on the US market as a stable future source of supplies. The railroad companies have not always been convinced about this due to bad experiences. Improved prospects could no doubt motivate the railroad companies to make new investments, though it has been claimed e.g. with respect to the port of Norfolk, that the capacity of the loading pier is not fully utilized. It is, however, unrealistic to believe that a 100 per cent utilization can be achieved. The full capacity is perhaps only 60–70 percent of the theoretical capacity as is the case with many other industrial equipments. All suppliers of coal are therefore pressing for a new pier to be built.

Another big problem is lack of storage space at the ports. This problem is being partly remedied in Baltimore, and in Newport News a new private port is being built, but there is a great need for new facilities and storage space in Norfolk. Norfolk and Western Railways are of the opinion, that a better coordination of the arrival of railroad wagons and ships must take place. This, however must be considered as probably being impossible, because the arrival of ships can be delayed for some days in which case the system would break down. Interim-storage is therefore needed.

There is a great surplus capacity in the USA, around 100 mill. tons. In principle, therefore, there are no production problems. The situation is, however, serious for a number of smaller producers, who are expected to close down. US driftmines can—in contrast to the situation elsewhere—be re-opened rather easily. The USA must therefore be regarded as a potential supplier to Denmark if other deliveries to Denmark cannot be maintained on normal conditions.

In case investments in mines should be considered a possibility the USA is an ideal country. The productivity is high, up to 30 tons per manshift in underground driftmines. Elkraft expects to receive such offers at a later stage from serious companies. A number of these companies, however, have said that the same advantages can be obtained by virtue of long-term contracts.

Elkraft considers the US market as being the potentially greatest market and finds it very important to be established in the market in the right time.

Mr. WARNER. John Purvis, a Swedish representative to the European Parliament and a member of its energy committee, recently warned that America cannot take it for granted that it will capture the major share of the European export market:

> Ultimately, you're going to need some major new facilities to accommodate the large ships and load them quickly.

He stated that the largest ships will still be unable to use America's harbors unless the channels are deepened.

"Watch out for the Australians," Purvis warned.

Mr. President, I ask that the August 25, 1980, Roanoke Times and World News article entitled "Europe Concerned About Snarled Hampton Roads Coal Traffic" be inserted at this point into the RECORD.

The article follows:

EUROPE CONCERNED ABOUT SNARLED HAMPTON ROADS COAL TRAFFIC

(By James A. Bacon)

After seven years of unpredictable oil supplies and rising petroleum prices, most Americans think of the Europeans as fellow victims of OPEC villainy.

It may come as some surprise, then, that some Europeans worry that the United States, the nation with the world's largest coal reserves, could become the Saudi Arabia of a future cartel of coal-exporting countries.

This year, the country in the European Economic Community will import about 30 million tons of coal. Imports—mostly from the United States, Australia, South Africa and, eventually, China—are expected to climb to 300 million tons in 20 years.

As Europeans reduce their dependence on oil by stocking up on coal, many fear they are substituting one energy master for another: Exchanging oil embargos for coal miner strikes, chaos in Iran for revolution in South Africa.

"We're obviously concerned that there should be some assurance of supply. We don't want to stake everything" on one source of coal, says John Purvis, a Scottish representative to the European Parliament and a member of its energy committee.

But there isn't much choice: Coal miners are preferable to sheiks and ayotollahs. As European utilities and factories switch from oil to coal, their agents are scouring the world for reliable and diverse sources of coal.

Purvis is part of a European delegation that recently discussed energy issues with congressmen and Department of Energy officials. He visited Hampton Roads to take a look at the coal-loading ports, and came to Roanoke earlier this month to discuss coal transportation with Norfolk and Western Railway officials.

Because of political instability in South Africa and the high cost of transporting coal around the world from Australia, Europeans regard the United States as their preferred source of coal supplies. But Europeans are concerned about the interminable delays at Hampton Roads that cost shippers thousands of dollars every day, Purvis said.

The French have been especially vocal, threatening to take their business to the Gulf ports unless the problems are solved.

Eric Thibeau, an economic attache with the French embassy, blamed the problem on the railroads. "Everybody knows what the bottleneck is. The railroads are rather antiquated. Their port facilities are not large or sophisticated enough.

"This is a widespread impression. I heard a British guy say the same thing a couple of weeks ago. This is pretty well known," Thibeau said in a recent telephone interview.

After talking to dozens of American businessmen and government officials, Purvis has concluded that there are no simple solutions for the problem.

European utilities are unwilling to sign long-term contracts to buy American coal until the ports and railroads can sort out their transportation problems, Purvis said. But the railroads are unwilling to spend tens of millions of dollars to upgrade their ports unless they can be sure the Europeans will use them.

"My message back to Europe will be that if they want these things to happen, they'll have to give the coal mines and railroads in America long term assurances," Purvis said.

He would disagree with Europeans who describe American coal-loading facilities as antiquated, Purvis said, but Hampton Roads must develop a capacity to handle bigger ships if it is to retain its primary as the world's largest coal exporter.

"The ships are bigger than they were 20 years ago." The NW piers were designed to load two small ships simultaneously. Some of the large ships take up both berths, but can use only one of the loading ramps.

"Ultimately, you're going to need some major new facilities" to accommodate the large ships and load them quickly. Even then, the largest ships will be unable to use the harbors unless the channels are deepened, Purvis said.

Americans should not take it for granted that they will capture the lion's share of the European export market.

"Watch out for the Australians," Purvis said.

Mr. WARNER. "Watch out for the Australians." An idle threat? Will the foreign buyers go elsewhere if we cannot solve our coal problems?

The American Association of Port Authorities in its "Energy Ports" study stated:

> What must be kept in mind is the fact that the United States is facing stiff competition. Australia, South Africa, Canada, Poland, have moved aggressively to carve out market shares. Foreign buyers can shop around. They do not have to come to us, and if we fail to meet their requirements, they will and have, in fact, threatened to turn elsewhere for their coal. Already Japanese and European investors are pouring capital into the development of mines and related infra-structure in Australia, Canada, and South Africa. The Japanese are negotiating countertrade agreements with the Peoples Republic of China and the Soviet Union—providing technology, capital, and expertise in exchange for coal. Once committed in this way, a customer is less likely to come to the U.S. for his coal needs.

Already the newspapers are full of stories of the potential coal export market turning in large volumes, not only to the obvious current competitors—Canada, Australia, South Africa—but also new competitors which up until a year ago had never been seriously considered as a factor in the coal export market—the People's Republic of China, Colombia, and Mozambique.

In this regard, Mr. President, I ask unanimous consent that a series of articles be inserted in the RECORD at this point:

August 27, 1980, *Journal of Commerce* article "Port of Quebec Gains U.S. Coal Export Traffic."

July 25, 1980, *Journal of Commerce* article "Korea Utility, Australia Ink Coal Contract."

July 21, 1980, *Journal of Commerce* article "France, Australia Plan Joint Steam Coal Venture."

September 10, 1980 *Journal of Commerce* article "Japan to Negotiate China Coal Deal."

September 8, 1980, *Journal of Commerce* article "Japan To Negotiate for Canadian Coal."

September 10, 1980, *Journal of Commerce* article "Exxon Outlines Colombia Coal Project."

The material follows:

PORT OF QUEBEC GAINS US COAL EXPORT TRAFFIC

Prolonged delays for ocean vessels seeking to load export coal at U.S. ports are having a beneficial impact on the Port of Quebec through which an increasing amount of American coal is being transshipped, according to officials at the Canadian port.

It has been predicted that coal shipments through Quebec may this year increase 10-fold from the tonnage handled in 1979.

The demand for American coal, stemming from the high cost of oil in the world market, has severely taxed the ability of traditional U.S. coal ports to cope with the upsurge in calls by bulk carriers seeking cargo for Japan and West Europe.

Earlier this year it was estimated that as many as 35 ships were being backed up at Hampton Roads, Va., the most important coal shipment area in the United States, waiting for dock space.

The coal moving through Quebec is mainly destined for the United Kingdom, Germany, Belgium, Holland and France.

Mined in Pennsylvania, it is railed to Lake Erie ports and loaded aboard lake carriers for the trip through the Welland Canal, Lake Ontario and the St. Lawrence Seaway.

The coal is being handled by the St. Lawrence Stevedoring Co. which has a facility in the Beauport Flats area covering 25 acres and includes two berths.

In addition, the company has the availability of an 89-acre port-owned property with proportionate berth space.

The terminal has a water depth of from 42 to 51 feet and can accommodate vessels of up to 120,000 deadweight tons.

50,000 TONS HANDLED

Last year the facility handled some 50,000 metric tons of coal.

At the end of July, it was reported that the terminal had shipped out 150,000 tons.

According to Louis La Chance, president and general manager of St. Lawrence Stevedoring, there is a strong possibility that the facility will account for some 500,000 tons of export coal shipments by the end of 1980.

The projected total for the year, should it materialize, represents but a miniscule fraction of the American coal shipped abroad through Hampton Roads, Baltimore, Philadelphia and other U.S. ports, most of which have embarked on plans to enlarge and streamline their bulk cargo handling facilities to cope with the increasing coal traffic.

Completion of these projects is likely to be some months distant.

In the view of Quebec's port officials, however, the 500,000-ton total for the year, last approximated in the 1950s when West European industry was emerging from the devastation of World War II, appears a distinct possibility.

Korea Utility, Australia Ink Coal Contract

SEOUL, SOUTH KOREA.—The state-run Korea Electric Co. has signed a 10-year contract to import 500,000 metric tons of bituminous coal a year from Australia beginning in 1983, KECO officials said Thursday.

The contract was signed in Seoul between representatives of the Korean state utility and two Australian coal companies—Shell Co. and Thiess Brothers Proprietary Co.

The coal to be imported will be used for the Kojung electric power station now under construction in central South Korea, the officials said.

KECO earlier signed another 10-year contract to import 1.15 million metric tons of coal a year from Crows Nest Resources Ltd. of Canada and Ulan Coal Mines Ltd. of Australia for the Kojung plant.

France, Australia Plan Joint Steam Coal Venture

(By Arnold McKay)

PARIS.—A French state concern is understood to have agreed in principle with Bridge of Australia on a joint venture to explore and develop a steam coal deposit in Queensland with estimated reserves of about 800 million metric tons.

Signature of an agreement is expected before the end of the year. The French partner will be Minersa (Mines et Resources S.A.), subsidiary of COGEMA (Compagnie Generale des Matieres Nuclaires), wholly owned subsidiary of the French Atomic Energy Commission.

In May, Cogema and Charbonnages de France, the state coal monopoly, took a stake in Quintette Coal Ltd. of Canada for a 5 percent share of the production of a mine in British Columbia expected to reach 4 million tons in 1984.

Minersa, Compagnie Francaise des Petroles and Atlantic Richfield of the United States are negotiating for a permit in Colombias Cerrejon Basin.

France is the world's largest importer of steam coal.

Japan to Negotiate China Coal Deal

(By A. E. Cullison)

TOKYO.—Japan intends to request the Chinese to expand coal shipments from mines under joint development by the two countries by 2.5 million tons yearly between 1983 and 1985, sources close to the Japan-China Association on Economy and Trade disclosed Tuesday.

The proposition is to be brought up during bilateral negotiations that are expected to get under way in the Chinese capital in the near future, the sources said.

The talks will involve suggestions from both sides that the private long-term trade agreement be revised.

If the Chinese accept the Japanese proposal, Japan's import volume of this type of coal will climb to about 5,000,000 tons in 1983 and to as much as 10,000,000 tons annually in 1985.

Japan's proposal will be based upon requests received from the country's steel, cement and power industries, all of which are major importers of Chinese coal, the sources said.

According to present planning, a Japanese negotiating team, which departed for Peking late Tuesday night, will offer the proposal either Thursday or Friday.

Japan to Negotiate for Canadian Coal

(By A. E. Cullison)

TOKYO.—Representatives of two Canadian coal mining companies will arrive here around the middle of the month to engage in final price negotiations with importers interested in long-term arrangements for delivery of 5.3 million tons of coking coal annually.

A Japanese steel mill executive disclosed at the weekend that the two Canadian firms are Teck Corp. and Quintette Coal Ltd., both involved in preparations for development of the Bullmoose and Quintette metallurgical coal fields in the Northeastern sector of British Columbia.

According to the steel company official, Teck Corp. intends to develop coal deposits which will provide a yearly output of approximately 1.5 million tons, and Quintette roughly 3.8 million tons. Shipment of this coal probably will start in October 1983.

Tsuneji Nemoto, managing director in charge of raw material purchases of Nippon Kokan K.K., told newsmen that the major Japanese importers will be importing a minimum of 5 million tons of coking coal each year from the two Canadian companies.

In addition, another leading Japanese importer of metallurgical coal will be purchasing about 300,000 tons annually over a 10-year term beginning in October 1983. However, it was pointed out by Mr. Nemoto that the price must be reasonable and competitive under global marketing conditions.

Playing a key role in the negotiations on the Japanese side will be Nippon Kokan. Japan's second largest steel manufacturer, and Kobe Steel, the country's fifth biggest steelmaker.

The Japanese already have promised to construct roads, railways and at least one loading port in British Columbia in preparation for the export of the coal.

Mr. Nemoto has said that the Japanese firms have found that both the federal and provincial governments in the region are cooperative in their outlook towards the export of metallurgical coal to Japan.

But it was also pointed out that much will depend upon how willing the Canadian national railways are to Japanese proposals for lowering freight rates which now stand at about $2 per ton.

It was explained by Mr. Nemoto that in the case of Quintette Coal Ltd., the firm is owned 38.2 percent by Denison Mines Ltd. and 16.7 percent by Imperial Oil, both of Canada; 17.5 percent by Tokyo Boeki Ltd.. and 17.5 percent by Mitsui Mining Co., both of Japan; and 10 percent by Charbonnages de France.

Exxon Outlines Colombia Coal Project

Exxon Corp. will proceed with the $3 billion Cerrejon coal project in Colombia, the company said Tuesday.

Exxon has a 50 percent share in the project with Carbones de Colombia (Carbocol), the Colombian state coal company. Exxon will be the operator through Intercor, its wholly owned Colombian affiliate.

It is expected that operations will begin by about 1985, reaching 15 million tons annually by the late 80s, Exxon said.

The Cerrejon coal deposit is located on 94,000 acres on the northeastern tip of Colombia in the area of La Guajaria. It contains more than 1.6 billion tons of coal reserves to a depth of 666 feet.

Cerrejon coal has a high BTU value (11,800 BTUs per pound), low ash content (8.5 percent of coal), and low sulfur (0.6 percent of coal).

The project infrastructure includes a 90-mile railroad, a coal loading port, employee living facilities, an electric power distribution system and the development of the mine.

The Colombian government last Friday approved Carbocol's participation. The next step will be to review bids for a prime contractor during late 1980 and award the contract in early 1981, Exxon said.

Mr. WARNER. It is readily apparent that the threat that the coal export market will go elsewhere is no idle threat.

The foreign coal delegations with which I have met have joined in the French delegation's chorus—that unless the three problems enumerated by the French Government are rectified, economics of scale will force the market to go elsewhere.

How much time does the United States have to correct its coal export problems before the foreign buyers will throw up their hands in despair?

The foreign delegations indicate that they realize that the problems are complex and need time to be corrected. All of the delegations indicate that they are willing to wait a reasonable time.

But what is a reasonable time?

The French Government, in a letter to U.S. Ambassador-at-Large and Coordinator for Economic Summit Affairs, Henry Owens, set forth what appears to be its idea of a reasonable time:

> If, as I understand, the U.S. Government intends to develop its coal exports and if, further, it is hoped that long term steam coal contracts will rapidly be concluded, it is, in my opinion, indispensible that the Federal Government's decisions with regard to the ports of New Orleans, Hampton Roads and, more generally, the eastern seabord be made known as soon as possible. *It is also necessary that 55 foot channels and ground storage facilities be available by the end of 1983 at the latest.* (Italic added).

In 1983.

Since port improvement projects such

as dredging take several years to achieve, clearly the time to act is now.

I ask that Vice Chairman Albert Viala's May 20 letter to Ambassador Owens be inserted at this point into the RECORD.

The letter follows:

PARIS, *May 20, 1980.*

MONSIEUR L'AMBASSADEUR:

* * * * *

The problem of United States port capacities is of greater and greater concern to me because, as you know, demurrage charges are increasing at a rapid rate. A.T.I.C. will pay in excess of 20 million dollars in demurrage fees in 1980 for the 7 million (not 6 million as indicated in my letter of January 28th) tons of coal bought and exported from the United States.

I have just spent six days in the U.S. during which time I had a number of very interesting discussions looking toward the realization of several long term contracts. To this effect I was in contact with the Port Authority of New Orleans and of Richmond, as well as with Officials of the Department of Transportation in Washington. Mr. OULES, who is Consultant to A.T.I.C. for ports, met with Authorities in Baltimore.

Please find attached synopses of what was said:

(1) in New Orleans,
(2) in Richmond,
(3) in Washington

If, as I understand, the United States Government intends to develop its coal exports and if, further, it is hoped that long term steam coal contracts will rapidly be concluded, it is, in my opinion, indispensable that the Federal Government's decisions with regard to the ports of New Orleans, Hampton Roads and, more generally, the eastern seaboard be made known as soon as possible. It is also necessary that 55 foot channels and ground storage facilities be available by the end of 1983 at the latest.

Our Consultant Mr. Oules, Mr. Julienne, A.T.I.C.'s delegate in the United States, and, of course, myself are at your disposal for any further information you may wish to obtain.

* * * * *

ALBERT VIALA.

ANNEXES

(1) IN NEW ORLEANS

I have learned, as a result of my visit during the past week to New Orleans with the New Orleans District Corps of Engineers Personnel and the Port of New Orleans staff, that a 55 foot deepening project for the river is well advanced in plan but is probably at least 5 years off in terms of accomplishment. However, it is the opinion of the New Orleans District Personnel that if normal coordination and approval procedures were streamlined by executive order that at least the 50 foot portion of the channel could be realized in probably the next 2 or 3 years.

Minimal dredging for such an effort would be required as the depth of the Mississippi River from New Orleans to the gulf has a natural depth of 100 feet and only requires dredging during the last 21 miles. Therefore, the technical accomplishment of this project, particularly to the 50 foot depth, could be done very, very quickly if the President determines to assign such a priority for accomplishment to his various cabinet agencies involved.

(2) IN RICHMOND

This meeting was organized by the largest American coal exporter. Governor DALTON paid me the honor of asking Senator John WARNER, a representative of Senator BYRD, and a number of his colleagues in the Department of Commerce, Dept. of Transportation, the Corps of Engineers, etc. . . . to take part in the meeting. This gathering gave me the opportunity to inform those present of the considerable price hike in the cost of coal due to high demurrage charges. I also took it upon myself to warn them against a passive attitude that would quickly result in American coal becoming non competitive with Australian and South African coal.

Indeed, at present coal exports are blocked in these two countries owing to the lack of capacity in existing port facilities. I indicated that this will no longer be the case in 1983, at which time the ports of Newcastle and Kembia in Australia will be capable of accommodating ships larger than 120,000 tons, and the annual loading capacity of Richard's Bay in South Africa will have been increased from 24 to 44 million tons.

I, therefore, indicated that in the best interest of the United States and of the State of Virginia, with which we have had an excellent relationship since 1945, it would be necessary to complete by 1983:

The deepening to 55 foot of the channel at Hampton Roads, which according to the Representative of the Corps of Engineers poses no technical problems but would take quite a number of years if urgent procedures are not forthcoming to deal with among other things, environmental difficulties (the problem of dredging spoil in particular).

Improvement of back up arrangements for coal loading facilities (construction of new loading equipment, ground storage areas, etc. . . .) if such improvements are not forthcoming in conjunction with the deepening of the access channel, loading capacity, will be little, if at all, increased. During the meeting one of the participants suggested the creation of a superport serviced by C & O and N & W and operated by a third party—for instance, the State of Virginia. I do not know what merit this suggestion may have, it was a totally new one for me.

A differential system of railroad freight charges according to tonnage and length of contracts.

(3) IN WASHINGTON

I informed the representatives of the Department of Transportation as to the enormous potential for U.S. coal experts but I also drew their attention to the risk of never seeing this potential come to fruition if proper measures are not taken to improve the ports and inland transportation. Present were Members of a Department of Transportation group engaged in putting together a report on coal who were perfectly aware of the situation. I believe they agreed with the soundness of my remarks. They indicated that according to a recent report by the Corps of Engineers it would be economically feasible to deepen the channels at Hampton Roads and at New Orleans but that these operations would be subject to approval by. among others, the E.P.A. which risks taking a lot of time.

Mr. WARNER. Action must be taken quickly on the three problems pointed out by the French Government:

First. Shallow port depth;

Second. Inadequate and outdated shoreside facilities;

Third. Transportation problems between mine-mouth and harbor.

Of these three problem areas, the latter two fall clearly within private enterprise's domain.

If these problems are going to be corrected, it is going to take cooperation between various interested private enterprise groups as well as expenditures of capital by private industry.

And private industry has reason to undertake the task.

Daily, it seems, we see announcements of plans for new coal terminals to be built; in New York, N.Y.; Camden, N.J.; Baltimore, Md.; Hampton Roads, Va.; Wilmington, N.C.; Morehead City, N.C.; Savannah, Ga.; Charleston, S.C.; Astoria and Portland, Ore.; Seattle and Puget Sound, Wash.; and Long Beach, Calif., to name but a few.

Moreover, meetings between private industry groups are occuring on a regular basis in an effort to reach an agreement on the means to correct the transportation problem from the mine-mouth to the harbor.

Interestingly enough, the one problem area that historically has fallen totally within the jurisdiction of the Federal Government—the dredging of our Nation's ports and harbors to create adequate port depth—has yet to be addressed, even though the problem has reached critical proportions.

And alarmingly, this is the one problem area that is going to take the longest time to correct.

If we are to meet the foreign coal export targets as set out by the various coal delegations, the Federal Government must take prompt, wise and decisive action.

The proper course which this action should take will be the subject of further discussion by this Senator.●

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the convening hour is 12 noon on Monday, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

The Senate will recess shortly for the weekend. I congratulate my colleagues on the good work that has been done in expediting action on several pieces of legislation. The action on the defense appropriation bill was completed today, for example, much to the satisfaction of the leadership, and the Senate will not, therefore, be in tomorrow.

On Monday, the Senate convenes at noon, and shortly thereafter, following the recognition of the two leaders under the standing order, the Senate will resume consideration of the motion to proceed to take up the Senate bill on the superfund.

The parties closest to that measure have been working these last 2 days to resolve the problems in connection with the bill, and it is my understanding that they have made great progress.

Under the order that was previously entered, the Senate on Monday, following the two leaders under the standing order, will resume consideration of the motion to proceed to take up that bill.

I would hope and expect that the parties would be ready to proceed at that time, in which event the Senate will be acting on Monday on the superfund legislation and on amendments thereto.

Now, the Senate will be in session just Monday and Tuesday of next week and will go out for the Thanksgiving holiday at the close of business on Tuesday.

On Monday, December 1, the Senate will return following the holiday and be in session through Friday, December 5.

It is anticipated that during that period, the Senate will proceed to the consideration of one or more nominations on the Executive Calendar, and I am not sure at this moment precisely when will be the most appropriate moment to proceed to nominations.

I have indicated that the nomination that is now on the calendar under Judiciary will be at least one of the nominations to which I would hope to proceed.

Mr. BAKER. Mr. President, will the majority leader yield to me on that subject?

Mr. ROBERT C. BYRD. I should like to complete my thought in that regard.

I am not sure as to precisely when I can proceed to that nomination, but I simply suggest to Senators that in connection with that nomination and others, they be prepared at any time, beginning Monday, for a motion to proceed to executive session to consider the nomination. It may be on Monday or it may be subsequent to Monday. But I simply say that before the Senate winds up its business on December 5, I would certainly expect to be able to proceed to that and perhaps other nominations.

I have to take into consideration that there are other measures which need to be acted upon during the time remaining. The Senate will have the continuing resolution.

It may very well be that the Senate will take up the Agriculture appropriation bill, which had not previously been anticipated; but certain circumstances have changed, and I have been made privy to those circumstances today, which indicate to me that the Senate probably will now be able to act on the Agriculture appropriation bill.

The Senate may yet also take up the appropriation bill on Treasury and Postal Service. I anticipate the Senate's also taking up the revenue sharing measure. Moreover, I alert Senators to the possibility that the leadership will want to try to take up the fair housing legislation.

There are other measures—for instance, the reconciliation measure. The prospects are good, I think, for action on that measure. Then there is regulatory reform, which I hope can be done.

Other than these, there may be measures that do not occur to me at the moment or which will be considered later for action.

These constitute, I believe, what remains to be done, in addition to conference reports on various matters. The Interior appropriations conference report is one in particular that comes to my mind. It would have been taken up today but for the fact that the distinguished minority leader has stated to me privately that Mr. Stevens, who is the ranking minority manager of that measure, is not in the immediate environs of the Senate Chamber at the moment. So that will go over until Monday.

That pretty well sums up what remains to be done.

I beg the pardon of the distinguished minority leader for my delaying his comments in connection with the Executive Calendar, but I thought it might be well if I could put the whole statement in the Record with respect to the remaining work for the session.

I yield to the distinguished minority leader.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the majority leader.

Indeed, I welcome the additional remarks he has just concluded with respect to the Senate's legislative schedule for the remainder of this session, before our adjournment sine die.

I am sure the majority leader is aware of this, but for the record I should note that there is a hold on the one item on the Executive Calendar to which the majority leader referred, and we are not in a position to grant unanimous consent to proceed to the consideration of that item.

I must also advise the majority leader—once again, I know he is aware of this, but I think it well to spread it on the record—that the fair housing bill has a number of objections on this side; and I expect that there will be strenuous opposition to an effort by the distinguished majority leader to proceed to the consideration of that measure at this late date in this session.

I join him in hoping that we can deal with the revenue sharing authorization measure. I believe it is urgently important that we try to do that.

Of course, I join him as well in hoping that we can deal with any conference reports that might be brought before the Senate, and other matters as they may occur.

I also report that my understanding of the negotiations on the superfund bill is essentially the same as his. I have had the opportunity twice today to sit in on those negotiations for a brief time in each instance. It occurs to me that good progress is being made and that all the principal parties to this measure are present and participating. So I hope that those negotiations will continue even over the weekend, but certainly beginning again on Monday. I offer whatever help I can be in that respect, and I hope we can have some sort of statement to make shortly after we reconvene on Monday.

Mr. ROBERT C. BYRD. Mr. President, I, too, hope that the negotiations will continue through the weekend. I hope that those negotiations will be completed by Monday, so that the Senate can proceed to act on the superfund legislation.

I will be in the area throughout the weekend; and if I can be of any assistance in those negotiations, I stand ready to do so.

ORDER FOR HOUSE CONCURRENT RESOLUTION 453 TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that House Concurrent Resolution 453 be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NONLEGISLATIVE PERIODS (1981)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record the schedule of nonlegislative periods for 1981 which have been agreed upon between the distinguished minority leader and myself.

There being no objection, the schedule was ordered to be printed in the Record, as follows:

Nonlegislative Periods (1981)

Lincoln's Birthday: Monday, February 9; Tuesday, February 10; Wednesday, February 11; Thursday, February 12; Friday, February 13.

Easter: Monday, April 13; Tuesday, April 14; Wednesday, April 15; Thursday, April 16; Friday, April 17; Monday, April 20.

Memorial Day: Monday, May 25; Tuesday, May 26; Wednesday, May 27; Thursday, May 28; Friday, May 29.

July 4th: Monday, June 29; Tuesday, June 30; Wednesday, July 1; Thursday, July 2; Friday, July 3.

August Recess: Monday, August 3 until September 9.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the distinguished minority leader will have a request shortly with respect to the Dole amendment, No. 1789, which was added to the DOD appropriation bill which was passed today. It is my understanding that the minority leader's request has been cleared on my side of the aisle, particularly with Senator Stennis.

I am going to leave the Chamber at this time. There being no objections on my side of the aisle to the request by Mr. Baker when he makes it, the order for convening of the Senate is 12 o'clock noon on Monday, and I ask unanimous consent that following the action on the request of Mr. Baker, the Chair recess the Senate, under the order, over until Monday at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. Baker's statement is printed earlier in today's Record.)

RECESS

The PRESIDING OFFICER. The Senate will stand in recess until the hour of 12 noon Monday.

Thereupon, at 5:49 p.m., the Senate recessed until Monday, November 24, 1980, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate November 21, 1980:

In the Navy

The following temporary officers of the U.S. Navy for permanent promotion to the grades as indicated below, pursuant to title 10, United States Code, section 5780, 5782, and 5791.

Lieutenant commander

LINE

Campbell, Robert B.
Cunningham, Randall H.
Davis, Stephen B., Jr.
Everett, Richard A.
Hartwell, Charles M.
Pohle, James H.
Martin, Port R.
Smiley, Michael C.
Weigand, Karl R., Jr.
Wright, James R.

Lieutenant

LINE

Asbury, Richard S.
Babcock, Rowland A., Jr.
Barr, Robert H.
Baum, Samuel K.
Berg, Delano R.
Bergersen, Leonard L.
Bishop, Harold R.
Bohannan, Gary W.
Brown, William W., Jr.
Buchanan, Bobby A.
Carey, Stephen C.
Carlson, Dennis J.
Cummings, Brian J.
Dabney, Philip J.
Divine, Michael D.
Dwornik, Richard T.
Eason, George B. III
Eggen, Steven L.
Eisenstein, Donald A.
Ersek, David A.
Eubanks, Richard M.
Firth, Barry E.
Fitzhugh, Gary L.
Flynt, David B.
Garrison, Paul C. II
Gass, Michael R.
Grant, Raymond J.
Hall, James B.
Hardman, Andrew H.
Harman, Howard M.
Heisey, Philip M.
Iler, Robert W.
Jeter, James D.
Jobe, Terry L.
Johnson, Leo T., Jr.
Jorgensen, Paul C.
Joslin, William D., Jr.
Kelley, Michael C.
Leuschner, James W.
Lewis, David R.
Lockwood, Stephen O.
Loser, David A.
Marcino, Michael L.
Markevicz, John W.
McCoy, Kenneth W.
McWilliams, George R.
Measle, Richard A.
Meenen, Douglas E.
Mercurio, Stephen F.
Moon, Robert L.
Nakayama, Dean S.
Nayfack, John C.
Nelson, George R., Jr.
O'Hanlon, Jeremiah
Ohlemeyer, Richard T.
Palko, Thomas A.
Parks, Ralph F.
Penn, William T.
Peticolas, John R.
Reid, Dennis R.
Reisinger, Allen E.
Relue, Richard B.
Robbins, Frederick H.
Roberts, Bruce A.
Robey, Richard E., Jr.
Roddahl, Jeffrey L.
Schneider, Harvey L.
Shepard, Douglas L.
Sherrard, Martin V.
Silverio, Stephen R.
Skipper, Donald W.
Smallwood, James V.
Smith, Philip W.
Sontag, William C.
Steffen, David J.
Stiffler, Mark A.
Therrien, Alfred E.
Thompson, Ronald A.
Tibbs, David T.
Tomovick, Kenneth D.
Walmsley, Stephen R.
Wies, David S.
Wilson, James T.
Wright, Dale G.
Wylie, George J.
Zito, Hugh J.

SUPPLY CORPS

Craig, Rondall R.
Douglas, David B.
Foley, George B.
Keller, David P.
Lindsay, David A.
Murray, Edwin A.
Ostrom, Ronald G.
Sargent, William H.
Thornton, Robert G.

CHAPLAIN CORPS

Blegstad, Gary C.
Bruce, Gerald R.
Chadwick, Thomas K.
Clements, Don K.
Dickerson, Jerry L.
Hamilton, Loy B.
Jayne, Bruce C.
Langhorne, George A.
Oddo, Peter A.
Peters, Michael
Rector, Larry J.
Rector, Roscoe E., Jr.
Rowland, Robert G.
Tugan, Gary E.
Winslow, David A.

CIVIL ENGINEER CORPS

Bittle, James E.
Bovee, Stephen P.
Dalke, Gregory A.
Eckels, Robert T.
Howell, Richard A.
Huggins, Howard H.
Kubic, Charles R.
MacFarquhar, James D.
Soyka, Michael W.
Ziska, George, Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Lawlor, Michael E.

MEDICAL SERVICE CORPS

DeLong, Douglas S.
Henry, Frederic H.
Johnson, Ronald A.
Joseph, William A.
Mikkelsen, Donald J.
Nunn, Thomas D., Jr.

NURSE CORPS

Berryman, Mary A.
Brastad, Jeannette A.
Costello, Judith M.
Davis, Evelyn P.
Eckstein, Barbara J. B.
Hunter, Harriet Z.
Lassallecolon, Victor M.
Ledonne, Diane M.
Montclar, Honorene L.
Price, Roberta L.
Pruitt, Nancy S.
Riddell, Carol A.
Sheridan, Gary C.
Vernoski, Barbara K.
Williams, Mary D.
Zukowski, Suzanna M.

EXTENSIONS OF REMARKS

A NATIONAL MATERIALS POLICY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. BROWN of California. Mr. Speaker, I would like to bring attention to a recent article featured in Nation's Business magazine this October entitled, "Minerals: Our Next Crisis?" My colleagues have heard me and other Members of this body speak on a number of occasions of our concern for this Nation's situation and vulnerability with respect to key, strategically critical materials and minerals. On October 21, 1980, President Carter signed into law H.R. 2743, the "National Materials and Minerals Policy, Research and Development Act of 1980." This law (Public Law 96-479), the first of its kind in three decades and passed with strong bipartisan support, requires the executive branch to begin acting now in dealing with this complex yet critically important problem. It seems to me that the new administration would be well served to pay serious attention to Public Law 96-479 and take the necessary steps to begin this process.

I recommend the following article to my colleagues as a balanced view of the issue.

[From Nation's Business, October 1980]

MINERALS: OUR NEXT CRISIS?

Faced with a declining mining industry, America is increasing its reliance on foreign sources for nonfuel minerals including (left to right) cobalt, nickel, platinum, gold (to a lesser extent), manganese and titanium. Result: We may be more vulnerable to a cutoff of such strategic minerals than of oil.

MINERALS: THE RESOURCE GAP

(By Tony Velocci)

Americans' store-shelf mentality, the notion that whatever we need will somehow always be there, has apparently lulled us into a false sense of security which could someday be shattered by a crippling resource crisis that could be more disruptive than an oil embargo: a cutoff of foreign supplies of critical nonfuel minerals. The U.S. imports more than 50 percent of 13 strategic minerals needed for our economy and national defense. In the case of eight minerals, imports account for more than 80 percent of consumption.

In certain sophisticated applications, there is no known substitute for some of these. Of greatest concern are chromite and its derivatives (stainless steel, armor plate and artillery shells); cobalt (jet engines, turbines and cutting tools); manganese (battery electrolytes and to harden steel), and the platinum group metals (catalyst in chemical reactions, telecommunications and air pollution abatement equipment).

The U.S. in 1979 relied on imports for 90 percent of its chromite, 98 percent of its manganese ore, 98 percent of its cobalt and 89 percent of its platinum group metals.

Worse, America's primary sources include the Soviet Union and central and southern Africa. Zaire and Zambia, both very unstable nations with Soviet leanings, are America's key suppliers of cobalt. Should supplies of chromium and platinum from South Africa become unavailable, the United States would be dependent on its second largest supplier—the Soviet Union.

"When it comes to essential resources, OPEC is just the tip of the iceberg," says David J. Kroft, principal minerals economist for Dames & Moore, a San Francisco-based consulting firm.

"The country's fragile dependence on oil imports is only the first in series of minerals crises that we can expect for the remainder of the century."

William H. Dresher, dean of the College of Mines at the University of Arizona in Tucson and director of the state's Bureau of Geology and Mineral Technology, gives a slightly different assessment of what the U.S. faces:

"Hollywood, in recent years, has capitalized on present-day viewer appetite for suspense and horror films. Our federal government, not to be outdone, is putting the final touches on the scenario of its second horror production in less than a decade: the minerals crisis."

But a more tempered view of the problem comes from John D. Morgan, Jr., chief staff officer of the U.S. Bureau of Mines: "We're not complacent; neither are we about to fall into an abyss."

The United States' reliance on unstable governments and potential adversaries for so many of its strategic minerals has failed to arouse the public largely because the public is simply unaware, and understandably so. Most people hardly ever see the materials in their raw state and only enjoy the convenience or security they provide in their myraids of end uses.

And while an unmistakable parallel exists between our dependence on foreign oil and nonfuel minerals—the constant threat of price manipulation and supply curtailments—we may be more at risk because of our minerals dependency. Oil imports comprise about 40 percent of our national requirements, but we are nearly 100 percent dependent on outside sources for some of our most critical mineral needs.

In a recent National Academy of Sciences study of chromium, the authors concluded: "The fact that the United States is strategically more vulnerable to a long-term chromium embargo than to an embargo of any other natural resource, including petroleum, has not been recognized." Just three months ago, after studying the nation's minerals requirements, the Joint Economic Committee of Congress reached a similar conclusion.

More than once the U.S. has paid the price of its dependence. In 1978, for example, the invasion from Angola of Zaire's cobalt-producing Shaba Province resulted in a quadrupling of producer prices from $6.40 to $25 a pound—$50 on the spot market. Just prior to the invasion, the Soviet Union bought much of the world's surplus; during the worldwide shortfall that followed, the Soviets sold cobalt to the U.S. at artificially inflated prices.

On the supply side, the Soviets embargoed chromite exports to the U.S. during the Korean War; shipments resumed in 1960. More recently, the flow of certain strategic minerals has been interrupted several times because of fighting in southern Africa.

And, of course, it is accessibility, not price, which is the crucial concern. Representative James D. Santini (D-Nev.), the most vocal member of Congress on the minerals issue, says the United States and its Western allies are so vulnerable that a "chrome embargo by the Soviet Union and Zimbabwe would bring the entire industrial world to its knees in just six months." Morgan of the U.S. Bureau of Mines agrees that America faces potentially serious problems but suggests that the U.S. is in no immediate danger: "We wouldn't be on our knees, but we might get off our butts!"

Another nonfuel minerals specialist, private consultant Robert B. Keating, thinks otherwise: "South Africa's chromite and ferrochromium production could be halted abruptly or reduced severely by internal political problems, external attacks or attempted Soviet domination. The effects on our basic industries would be felt immediately. If such losses coincided with stoppages of Zimbabwean and Soviet chromite and ferrochromium supplies, then the damage to our industrial economy would be crippling."

Repercussions would not stop there, he says. "The United States would be forced into intense competition with other industrialized nations for supplies, a scramble that would place considerable strains upon Western alliances." America's allies are even worse off than the U.S. when it comes to import reliance.

WHEN IT COMES TO ESSENTIAL RESOURCES, OPEC IS JUST THE TIP OF THE ICEBERG

Exacerbating our reliance are the continuing decline of the United States' own domestic minerals industry and the Soviet Union's gradual shift toward becoming a net minerals importer itself, putting that nation on a collision course with the United States.

In 1950, the United States depended on imports to meet 50 percent or more of its needs for only four of the 13 strategic minerals. "We have gone from a positive balance of trade in minerals to a deficit of more than $9 billion, not including the value of imported petroleum and natural gas," says Dresher of the University of Arizona.

The drastic switch is due to a combination of reasons. Rapidly escalating costs, many of which are a result of government regulations, have severely eroded current and projected cash flows, reducing the incentive to invest in new plants and equipment. As obsolete operations are closed down for improvements, or retired altogether, fewer new ones are being brought on to replace them.

Mining, like the search for new oil and gas, is a high risk industry, characterized by high fixed costs and price volatility. In the case of some key minerals, the United States has no choice but to import them because there are no known domestic deposits. In the case of others, extracting them is uneconomical because of the cost of production and restricitve government regulations.

"The United States could be virtually self-sufficient in all but a few minerals, such as chromite," says Morgan of the Bureau of Mines. "It's a matter of economics." Senator Harrison H. Schmitt (R-N.M.), a geologist and former astronaut, essentially agrees. "Nature endowed us with unbelievably vast

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

natural resources, most of which have not been tapped, contrary to the uninformed or misguided statements of many in leadership positions," he says.

The other adverse trend working against the domestic minerals industry is the federal government's policy of withdrawing increasing amounts of land in Alaska and the mineral-rich West from public access. In Alaska, for example, some 105 million acres have been restricted from mineral exploration and development, with 56 million acres designated as national monuments. "The overwhelming part of these lands was never adequately evaluated for mineral potential," says American Mining Congress President J. Allen Overton.

Alaska has only two commercial mining operations of any size. One is a gold dredging operation and the other is a coal mine. Although Alaska is rated excellent in the potential for commercially viable amounts of chromite, nickel, cobalt and platinum, among other key minerals, only 17 percent of the land is actually open to prospecting.

Says Senator Schmitt: "As Soviet and other forces in the world gradually restrict or control our access to world energy and mineral resources, the question that wilderness-only advocates must answer is: 'Will they then advocate reopening Alaska and other federally controlled lands for rapid exploration and development in the national interest, when that national interest so dictates?' "

Also casting a pall on the long-term outlook is the Soviet Union's apparent mounting interest in mineral-rich developing countries. The U.S.S.R. already is a dominant political influence in Angola and in Mozambique. "The ultimate political direction that Zimbabwe will take remains uncertain," says Representative Santini, who is concerned about that nation's Marxist government and the fact that the Soviet Union is now importing minerals which it was recently exporting. Analysts, who had assumed that the U.S.S.R. was self-sufficient in minerals, now take a different view.

Soviet mines suffer from poor planning and design as well as declining ore grades, according to Daniel I. Fine, an international resource analyst and a consultant at the Mining and Minerals Resources Research Institute at the Massachusetts Institute of Technology. Mine recovery rates in some cases are as low as 40 percent.

All of this has led Santini, and a growing number of others in the public and private sectors as well, to believe that the U.S. and its allies are engaged in a "resource war." "From Moscow's viewpoint, a resource war is low-cost, low-casualty, low-visibility and usually below the threshold of effective response by the North Atlantic Treaty Organization," says Rear Adm. William C. Mott (Ret.), executive director of the Council on Economics and National Security, a Washington-based association composed of senior U.S. business and labor leaders.

Not everyone agrees. A Defense Department official, for instance, says: "A country could switch its political affiliation tomorrow and even refuse to export its minerals directly to this country, but as long as it remains in the world market its resources will find their way to the U.S."

Then there is our storehouse—the strategic stockpile. The stockpile is supposed to safeguard the nation from sudden supply interruptions, but there are serious problems. While more than 90 materials have been designated as basic stockpile materials, many of the levels are way below their national goal. For example:

Chromium metal—stockpile goal: 20,000 tons, stockpile level: 3,763 tons; cobalt—stockpile goal: 85.4 million pounds, stockpile level: 40.8 million pounds; chromite—stockpile goal: 3.2 million dried tons, stockpile level: 1.9 million; titanium sponge—stockpile goal: 195,000 tons, stockpile level: 32,231 tons; platinum—stockpile goal: 1.3 million troy ounces, stockpile level: 439,597 troy ounces, and nickel—stockpile goal: 200,000 tons, stockpile level: zero.

Originally established by an act of Congress in 1939 "to serve the interest of national defense only" and not for economic and budgetary purposes, the strategic stockpiles are intended to provide the United States with enough essential nonfuel minerals to sustain it through a three-year conventional war. But goals and planning have been erratic, and the program has been underfunded consistently. Moreover, economic considerations, rather than strategic, have sometimes seemed to dictate stockpile management.

"How else can one interpret the sale, beginning in 1964, of half the cobalt in the stockpile when there was no shortage in the market?" asks Simon D. Strauss, chairman of the committee on minerals availability of the American Mining Congress. "Nothing was sold through the back door," responds Paul K. Krueger, assistant associate director of the Resources Preparedness Office, an arm of the Federal Emergency Management Agency. "The sale had the approval of Congress. The cobalt inventory was more than double the national goals at the time."

From 1946 to 1958, stockpile planning was based on a five-year emergency basis, but that was amended to only a one-year contingency for the period from 1973 to 1976. Coupled with our dependency on unstable and unfriendly countries for a sizable share of our key minerals, the stockpile levels would appear to put the U.S. at a severe disadvantage in a non-nuclear conflict with the Soviet bloc.

"We might be able to stretch out titanium supplies out to eight, maybe nine months," says Krueger. "Cobalt could be stretched to perhaps 15 months."

Krueger's office requested $170 million for fiscal 1981 to resume building the stockpiles. President Carter lowered that to $150 million and the House Appropriations Committee further reduced it to $100 million. The Senate has yet to complete action on the legislation.

"The $100 million isn't much, but at least it's a start," says Krueger. Morgan of the Bureau of Mines estimates that it will take at least $6 billion to correct the imbalances. (For some less critical minerals, the quantity on hand far exceeds stockpile goals.) "Whether we will have 60 years [the time it would take to meet all goals at the rate of $100 million a year] of peace before we need them I don't know," says Morgan. "Draw your own conclusions."

Adding to the problem is the fact that virtually all of the stockpiled minerals were purchased in the early 1950s, so that the quality of some—cobalt, for example—fails to meet standards required for certain defense-related uses. Critics claim that less than 1 percent of the strategic minerals meet current quality standards. Responds Krueger: "That's wrong; perhaps 10 percent might not meet today's quality standards."

According to Krueger, top grade strategic minerals purchased from now on will probably be saved for the most sophisticated applications, such as weapons systems, during as emergency, while the inferior grades already in inventory will go toward less important items. A Defense Department spokesman says the inferior quality would pose no serious problem because materials could be upgraded in as little as 30 days. Says Representative Santini: "That kind of thinking borders on indefensible nonsense."

If there is any one element of the current minerals crisis which is most perplexing, it is perhaps that the nation was made aware of the problem 26 years ago. (There were also warnings back then about our energy outlook.) After hearing from 360 witnesses in 58 separate investigative sessions, the Senate Minerals, Materials and Fuels Economic Subcommittee reported to Congress in 1954 that the national security was in serious danger because of the U.S. reliance on foreign imports.

The committee recommended that the federal government speed up its program of stockpiling and encourage the domestic minerals industry to produce more. Laments Senator Schmitt: "These recommendations were not implemented, unfortunately, and in recent years, materials problems have become increasingly widespread and acute."

According to most people who are speaking out on the issue today, the U.S. is vulnerable now not because of what occurred between 1954 and 1980 but because of what failed to materialize—a comprehensive minerals policy, including a formal plan among Western industrialized nations on how to respond to varying degrees of a minerals cutoff.

But that's only partially correct. In 1970, Congress passed the Mining and Mineral Policy Act aimed at stimulating domestic mining and reducing America's dependence on imports. The policy was never really implemented.

In 1977, President Carter described the condition of the nation's foreign import reliance as alarming after 25 members of Congress apprised him of the situation. In response, the President ordered a comprehensive cabinet-level policy review to analyze the problem and propose solutions.

After an investigation that cost $3 million and involved 14 government agencies, the report, which was to have been completed by late 1978, was finished in August, 1979. "It was a dismal failure," says Harry J. Gray, chairman and chief executive officer of United Technologies Corporation, whose diversified, high-technology firm relies heavily on all of the strategic minerals. "It conveyed no sense of urgency about the seriousness of the situation. Perhaps the report's major failing was that it didn't identify any practicable solutions." Without chromium, says Gray, United Technologies could not make a durable, efficient gas turbine engine.

Representative Santini is even more outspoken on the report, "President Carter swept the problem underneath the bureaucratic rug until after Jan. 1, 1981—maybe forever," he says.

While it is true that the issue appears to be a sleeper, gauged by what little is written by the federal government for public dissemination, there is some activity going on, not including recent congressional hearings conducted by Santini. The National Security Council, for example, is conducting an interagency study of our minerals dependency, with special emphasis on cobalt, chromium and the platinum group metals.

The Defense Department is working with the Federal Emergency Management Agency to determine if funds, authorized under the Defense Production Act, could help meet national stockpile goals. Defense planners are also examining ongoing materials research and development programs to find substitutes. "We're looking for a hedge against massive cost escalations or substantial cutoffs," says William J. Perry, undersecretary of defense for research and engineering.

If the Joint Economic Committee's report is any indication, the nation may finally be moving toward adopting the kind of policy that is widely advocated. Among the committee's recommendations:

Encourage domestic minerals production and investment by increasing investment tax credits and permitting faster write-offs on capital equipment.

Make federal lands more accessible to mineral exploration and development.

Representative Santini and some of his Capitol Hill colleagues believe a nonfuel minerals policy should also include a planned response to worst-case scenarios involving either curtailments or radical price increases. In addition, Representative Santini has recommended establishing a new cabinet-level post for mineral and material affairs that would be responsible for the U.S. Geological Survey and a reorganized Bureau of Mines.

There are others who believe that the first step in alleviating our minerals dependency should be a nationwide educational program. Suggests Richard Holmquist, vice president of the American Mining Congress: "If the American people knew how many jobs depend directly on an uninterrupted flow of key minerals from abroad, they would explode."●

OVERREGULATION OF SMALL BUSINESS OPERATORS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. ROUSSELOT. Mr. Speaker, Mr. and Mrs. Warren Bryant, my constituents in California's 26th Congressional District, sent me a copy of an editorial published in the Service Reporter, a trade magazine for the heating and air-conditioning industry, which I found very interesting as it gives an example of the problems caused to our small business operators through the Federal Government's overregulation.

It seems to me as if the EPA is trying to put businessmen out of business. Compliance with EPA regulations has caused the American petroleum industry exorbitant cost increases—approximately $28 billion in 1978. How can any industry, no matter how large, afford this?

Coal companies have closed at least 10 mines in the Applachian region because the cost of complying with EPA is too high. There is an estimated 273-year coal supply in that area that the companies are unable to afford to mine. How can we afford for them not to mine it?

If this is happening to our large industries, imagine what is happening to our small ones. Mr. Earl Palmer, publisher of the Service Reporter and author of the editorial "EPA Needs To Be Told of Economic Consequences of Refrigerant Regs," explains what the cost is to the small businessman who is trying to comply with certain EPA regulations.

I insert this for my colleagues' thoughtful review:

EPA NEEDS TO BE TOLD OF ECONOMIC CONSEQUENCES OF REFRIGERANT REGS

The Environmental Protection Agency (EPA) plans to formally issue its Advanced Notice of Proposed Rulemaking on a production cap on refrigerants sometime soon, perhaps even before this issue hits the streets. Even without the regulation in our hands, the thrust of the regulation and its consequences are clear. EPA plans to cap refrigerant production at 1979 levels and then cut it back by 50% to 70% below 1979 levels.

EPA needs to know the economic consequences of this rule, particularly its effect on small users. Although EPA staff assures industry representatives they have considered the small user, there will be economic consequences they haven't even considered.

EPA thinks we all have "deep pockets," with the resources of DuPont, or Dow, or Carrier, or Trane. They have no concept of a three-man shop doing $200,000 a year.

The United States is the only country in the world attempting to regulate non-aerosol uses of CFCs. The United States accounts for only one-third of CFC emissions. In fact, other countries are moving at top speed to expand fluorocarbon plant capacity. Says the United Kingdom's Department of the Environment of EPA's action: "The UK Government has indicated that it considers such moves precipitate in view of the tenuous nature of the argument that there is a risk to health and the need for further research to gain adequate knowledge on which to base action."

They are going to create an artificial shortage that will, first, drive the price sky-high, and, second, make it hard to get so that users look for substitutes. This may be fine for people using fluorocarbons for foam blowing or solvents. But when you're out in the field, and you can't buy refrigerant at any price, you're out of business.

Rand Corp., in its study of the issue for EPA, said that R-22 was not a big contributor to the alleged ozone depletion, so the air conditioning and refrigeration industry would not be affected by regulation. Then the EPA included R-22 in its proposed regulation, invalidating Rand's statement. The regulation will have an impact—it will put many HVAC contractors out of business.●

PERSONAL EXPLANATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. McDONALD. Mr. Speaker, this morning I was unavoidably detained and was not present when the vote on the conference report to H.R. 7584, State-Justice-Commerce appropriations for fiscal year 1981, was taken. If I had been present I would have voted against the conference report.●

FDA REGULATIONS ON DRUG PRESCRIPTIONS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. SHELBY. Mr. Speaker, it has been brought to my attention that the Food and Drug Administration (FDA) has recently issued final regulations that will require pharmacists to give what is called a patient package insert to a customer when certain drugs are dispensed. These inserts will provide information to the consumer about the medication and possible side effects that have been associated with the drug. Let me say that programs which provide useful information are to be commended, but I have a number of reservations with respect to this federally mandated program which I wish to share with my colleagues.

FDA has stated that its regulations are very limited in scope only applying to some 10 drugs or classes of drugs. Second, the agency has indicated that this patient package insert program is a pilot project that will be tested and evaluated for the next 3 years to determine if these drug leaflets are beneficial to consumers. At first glance such an approach by FDA seems very reasonable since the program has been scaled down considerably and will be tested for a number of years.

The costs of the final regulations according to an official statement by Health and Human Services Secretary Patricia Harris will be approximately $21 million a year of which a certain amount of Federal funds will be provided to financially assist State medicaid programs in reimbursing pharmacists when an insert is given with the medication to a needy recipient. Although I fully agree that pharmacists must be adequately compensated for performing this mandated function of distributing PPI's, I am annoyed by the fact that the program will require matching State funds to subsidize the dispensing of these leaflets. Furthermore, I am disturbed that Secretary Harris made this commitment to reimburse pharmacists without consulting with the appropriate committees of Congress. As my colleagues know and so does HHS as well as the Health Care Financing Administration, in my home State of Alabama, we have been experiencing severe money problems with our medicaid program and we cannot afford to absorb any additional costs that will be generated by PPI's.

Beyond my misgivings about the impact of PPI's on State medicaid programs, I am equally concerned over the cost of PPI's and their effect on prescription drug prices in these times of high inflation. While we are all in support of having useful information about drugs and reducing health care costs, I have not seen any solid evidence to date that PPI's will actually save money in terms of lower medical bills. To the contrary, I see this $60 million pilot project increasing costs across the board for prescriptions.

I am also somewhat unclear why this program was implemented when there is an effort underway by a number of major drugstore chains to provide drug information to the consuming public on a voluntary basis. According to the National Association of Chain Drug Stores (NACDS) two drug chains in the Washington, D.C., metropolitan area, Peoples Drug and Drug Fair have this same kind of information available in their stores in a very easy to read notebook format and other drug chains throughout the country are adopting similar systems. In fact, these companies are providing information on the top 200 drug products as compared to FDA's program which covers only 10 items.

In this regard, it is my opinion that if these companies and independent drugstore operators are providing information about medications voluntarily, we do not need an expensive regulatory program that mandates the very same information. Such an exercise would seem to be overkill on the part of the FDA and will unnecessarily result in higher prices for drugs. Since this issue of patient package inserts is contained in the Drug Regulation Reform Act that is before the Congress, it is my hope that we will have an opportunity to examine this matter at length when Congress convenes next year.

In the meantime, Governor Reagan has promised us that his administration will immediately begin to consider for rescission many questionable government regulations. I certainly support this plan and recommend that this PPI requirement be among the first to be reevaluated.●

SOVIET JEWISH CITIZENS BEGIN HUNGER STRIKE

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. BRODHEAD. Mr. Speaker, on Tuesday, November 11, over 200 Soviet Jewish citizens who have been refused permission to emigrate to Israel began a hunger strike. This courageous action was timed to coincide with the beginning of the Madrid Conference on the Helsinki Accords.

The very occurrence of the hunger strike points up the desperate situation facing Jews in the Soviet Union. This year has seen a dramatic decrease in the level of emigration and a corresponding increase in the number of denials of visa requests. Those who receive responses are often denied without explanation or for arbitrary or dubious reasons. Many others never receive any official response whatsoever. Each refusal or each day spent waiting brings another measure of anxiety or despair.

The size of the dissident community in the Soviet Union has shrunk, and reports indicate that the level of official repression and antisemitism has increased. The hunger strike, which has exposed its participants to danger and harassment, and has already resulted in the arrest of one of Soviet Jewry's strongest voices, Viktor Brailovsky, demonstrated at once the courage of these men and women and the gravity of their plight.

At a time when the voice of freedom may be at its weakest within the Soviet Union, it is more important than ever that the voices of people around the world be raised in the cause of human rights. During the past 4 years, concern for human rights has taken an unprecedented place in our country's foreign policy and has vastly grown as a subject of the world's attention. I have been pleased to work with many of my colleagues for the advancement of this cause. I am hopeful that the ongoing Conference in Madrid and the actions of those Soviet citizens who long to join their loved ones in Israel will serve as powerful reminders of the magnitude of the job that still lies ahead of us.●

REMARKS OF PRESIDENT ALHAJI SHEHU SHAGARI AT WHITE HOUSE STATE DINNER HELD IN HIS HONOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. RANGEL. Mr. Speaker, on October 7, I attended a dinner at the White House honoring President Shagari of Nigeria. President Shagari spoke about the need to strengthen the ties between our two nations, and on the problems that his nation and others in the Third World have in meeting the challenges of the 20th century. Because of the important relationship that I foresee between our two countries in the future, I enter into the RECORD the remarks that Mr. Shagari so eloquently made that night:

PRESIDENT SHAGARI. President Carter and Mrs. Carter, Vice-President Mondale and Mrs. Mondale, your excellencies, distinguished guests, ladies and gentlemen, it is one year since I was in an election campaign, and your experience now in a period of election which from my own experience, I know, is a period which is very busy, and the fact that you can spare the time to meet us and entertain us, I, more than anybody else, know. It is a great sacrifice and it is done in your love of Africa and Nigeria, which we greatly appreciate.

I feel honored to be your special guest, and I want to take this opportunity to thank you, Mr. President, your government, and the people of the United States for the wonderful hospitality accorded to me and my entourage since our arrival in your great country. The toast which you have proposed to me and to my country is an expression of the deep and true friendship that has always existed between our two countries.

We in Nigeria, indeed, I daresay in all Africa welcome and value this friendship with your country, a friendship which we have consistently enjoyed since the beginning of your Administration. Before your time Africa and African affairs did not receive adequate and positive American attention as a matter of official policy. While it is true to say that African leaders have always been welcomed to the White House, it is also a fact that you, Mr. President, are the first American president to make an unprecedented visit to Nigeria in the spring of 1978. Your state visit, which was in return for the visit of my predecessor, General Obasanjo, whom you received in this same gracious setting, is a landmark in the friendly relations between our two peoples. These and other activities between our two countries reflect your commitment not only to seek to understand us better but also to build a very strong bond of friendship and cooperation between our two countries. In that way Nigeria and the United States have come to treat each other with the deserving respect and cooperative advantage of our two peoples. Our relationship is one which is based on interdependence. The friendship which characterizes it has made it possible for us to maximize those advantages that are derivable from it. We have, for example, set up the machinery of bilateral economic cooperation between our two governments to provide the framework within which contacts at various levels in the public and private sectors of the economy will be facilitated.

Our population of some 80 million people needs to be fed, housed, educated, and provided with good medical services to enable us to engage unhindered in the task of nation-building. Also, we know that your country is the most advanced producer of food in the world. We will, therefore, need expertise and investment by your people in our green revolution to which my administration attaches the greatest importance and has devoted a substantial portion of our resources.

In addition, we take this opportunity to invite your planners, architects and engineers to collaborate with their Nigerian counterparts to plan, design, and construct low-cost housing for our people. We will welcome, in short, American participation in the national development, as we have welcomed other countries. The combination of American technology and our own resources and manpower will enable us to contribute our output to the challenge of providing the material needs of our people. Massive American investment in the relevant areas of our development programs, a part from having many other advantages for our own two countries, will be another method to reverse the payment deficit that the U.S. now runs in its trade with Nigeria.

I know that this is a matter of considerable importance to you, Mr. President, and all Americans. Mr. President, the voluntary return of the Nigerian armed forces to their military function and the assumption of power by democratically elected government both guarantee an atmosphere of stable government security and security for those who may wish to come to our country. Our laws in this regard are fair and the most likely to assure mutual satisfaction and political stability.

Mr. President, we in Nigeria realize clearly that in order to achieve our goal of national development we need an atmosphere of international peace and security. The United States is one of the super-powers of this world whose actions help to determine the future of mankind. It is for this reason that we have welcomed with great interest and concern the fortunes of your talks with other super-powers in respect to nuclear disarmament and the control of strategic arms. Indeed, we applauded your efforts in the conclusion of the SALT II Treaty last year because we believe that mankind deserves to live without the fear of nuclear annihilation and that the treaty was one positive step towards freedom from nuclear holocaust.

We are your friends and we trust that you will not relent in your efforts to save us this anxiety. The fear of nuclear catastrophe, dreadful as it may be to contemplate, is not only our main concern. The yawning gap between the North and the South cannot fail to demand our prime attention because in spite of our oil resources we belong to the Third World.

My friends, this is not the time to bother you with data on economic control of the wealth of the world by developed nations, data of deprivation of the essentials of life, data on the staggering rise of death through famine and starvation, data on the soaring number of refugees in Africa and other parts of the world, and endless data of procrastinations and refusals on the part of developed countries to respond to calls from the poor to come to meaningful agreements. However, I feel this is an opportune moment to call on America, an influential voice in the North, to think on the matter which poses a real threat to the stability of the world if not arrested.

For those of us gathered here tonight we must realize that failure to act meaningfully to correct this economic imbalance between the two worlds will mean the loss of democracy and human rights as we know them in this part of the world. I believe America has the will and the capacity to lead the rest of the North in coming to an understanding of the developing countries. It is in your best interests to lead the way by opening up to the demand of the developing countries. On the other hand the message should also go out to our friends in Eastern Europe that they need to insure this world stability by extending substantial development aids to the developing countries. To argue, as they have done in the past, that they were never colonial powers and therefore unable to enter meaningful dialogue is nothing but an escapist posture.

Another equally pressing problem is that of racism which you have mentioned, Mr. President. The problems of colonialism and apartheid in Southern Africa are beginning—I have to say that I am particularly pleased with the fact that the efforts of our two countries contributed immensely to the final liberation of Zimbabwe. However we in Nigeria do not regard our independence as complete so long as there remains a parcel of land in Africa, on the African continent which is still under foreign domination, nor shall we rest in our struggle so long as racism and racial discrimination as a policy of government is practiced in our continent.

Your Vice-President re-stated very clearly your government's policy in this regard when he was in Lagos a few months ago, and we were very pleased to hear it anew. But may I ask, Mr. President, to let us work more closely and more diligently together to eradicate this evil which the whole international community has declared abominable. It is our hope that your administration and the entire American people who have purged racism from your own society by law will collaborate with us in doing the same by our votes in the United Nations in the case of our continent. It is better for South Africa to heed the voice of these nations now and work for peaceful change than to wait to be engulfed in a violent upheaval.

In closing, Mr. President, let me entertain the pleasant wish that these happy relations between the friendly peoples of the United States of America and the peoples of the Federal Republic of Nigeria, which we celebrate here tonight, will endure and that they will serve to make this world a better habitat for all mankind.

Your excellencies, distinguished guests, may I, in that fond hope, invite you to raise your glass and drink with me a toast to the personal well-being of President and Mrs. Carter, to the happiness of the American people. Thank you Mr. President.●

A TRIBUTE TO DAWSON MATHIS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. PANETTA. Mr. Speaker, I join my colleagues today in paying tribute to the distinguished gentleman from Georgia, DAWSON MATHIS, who I have had the pleasure of serving with these last 4 years on the House Agriculture Committee.

DAWSON is a unique and engaging individual whose presence in the House will be sorely missed. During the time I have had the pleasure of serving with him, he has proven himself a master of the art of political debate and persuasion. He truly has an uncanny ability to turn the direction of legislation to serve the needs of his constituents and of the Nation.

I am certain that DAWSON's distinguished record of service to the country will continue. He is young, intelligent, and energetic and will most certainly be a success in whatever challenges he undertakes in the future.●

CONFERENCE REPORT ON THE SECOND BUDGET RESOLUTION FOR FISCAL YEAR 1981

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. FISHER. Mr. Speaker, I would like to take a few minutes to discuss the conference report on the second budget resolution for fiscal year 1981 which was passed by the House yesterday. I believe that the House has acted responsibly from both a fiscal and procedural point of view, and so I was pleased to vote for the passage of this resolution.

As you recall, the first budget resolution for fiscal year 1981, which was passed in May of this year, provided for a slight surplus. Given the economic forecasts at the time and the need for fiscal restraint, I believe that this was a responsible target at which to aim. However, it is now clear that due to the recession which we have experienced, the revenues for fiscal year 1981 will be less than anticipated and the outlays for programs such as unemployment compensation will be greater. The combined effect of this economic situation makes a deficit for fiscal year 1981 inevitable.

The projected deficit in the conference report is $27.4 billion. I wish that the deficit could be smaller. However, as a practical matter, I believe that the steps which the conference committee took resulted in the lowest reasonable deficit. For example, the budget resolution assumes that the Congress will pass legislation which will trim the deficit by almost $10 billion from what it would be otherwise. This would be done by passing the reconciliation bill, which will cut some spending programs and increase tax revenues. Some of this additional revenue will be raised by taxing the capital gains realized by nonresident aliens who sell U.S. real estate. I was the sponsor of the legislation upon which this provision of the reconciliation bill is based. I am also pleased to note that the budget resolution provides for trimming the deficit without sacrificing the twice-a-year cost-of-living increase for Federal retirees. Furthermore, the conference committee demonstrated its commitment to the reconciliation process by stating that the Congress cannot adjourn for the year unless it passes the reconciliation bill.

Also important, the conference report calls for cutting $17 billion through a 2-percent across-the-board cut in Federal spending, by cutting out fraud, waste, and abuse in Federal programs other than those dealing with national defense and interest on the national debt. Although some savings can certainly be achieved by eliminating fraud and abuse, the bulk of these savings will have to be made up through greater efficiency in carrying out programs. I was especially gratified to see this provision as part of the conference report because it represents a personal victory of sorts. For the past several years, I have attempted to have the Congress agree to amendments which I offered to the budget resolutions for similar across-the-board cuts. It is good to see the value of this approach finally recognized in the conference report on the second budget resolution for fiscal year 1981.

However, I would have preferred to see this across-the-board cut include defense expenditures. Certainly, I support increased defense spending, and this resolution provides for almost a $27 billion increase over fiscal year 1980—an increase of approximately 20 percent. Nevertheless, once this increase is in place, I believe that the same incentive for efficiency should be applied to defense spending as is applied to civilian programs—a 2 percent across-the-board cut. And just as with civilian programs, there should be an effort in subsequent years to improve efficiency through similar across-the-board cuts.

The conference report also assumes that there will be a major tax cut bill passed in 1981. I support the spirit behind this provision of the conference report, having myself introduced legislation earlier this year for a comprehensive tax cut in 1981 primarily for the purposes of offsetting the effects of inflation and social security tax increases and for the purpose of encouraging capital investment. When the tax bill is actually passed by the Congress next year, I hope it will focus on these objectives and not be limited to a simple rate reduction which will serve mainly to increase consumer demand, and thereby fuel inflation further.

Finally, I believe that the Congress acted responsibily by passing the second budget resolution this year. The Budget Act of 1974 was passed in order to provide a comprehensive and coordinated approach to the congressional budget process. It is obvious that further improvements have to be made in that process. Nevertheless, not to have passed the second budget resolution before the adjournment of the 96th Congress, even though this is more than 2 months later than the act calls for, would have put us back to square 1 in budgetary discipline. I am pleased that we are still moving in the right direction.

I regret that I will not be able to participate actively in the budget process during the next 2 years. But I will be watching it closely. The second budget resolution for fiscal year 1981 indicates that the process itself is alive. It will be the work of the 97th Congress to see that it is followed with greater fidelity to the legislation that established the process and to make some improvements.●

ECONOMIC DEVELOPMENT ADMINISTRATION BILL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, like many others I am disappointed that nearly 2 years' work on the major economic development legislation has failed to reach a successful conclusion. I support passage of the simple extension that is before the House and agree that the new President should have a chance to make his own proposals. But some of the unfinished work cannot wait forever.

As you know, Mr. Speaker, the Banking Committee played a significant role in shaping what is known as title II of the expanded program of the Economic Development Administration in the legislation that finally failed in conference. This is the title involved with credit assistance for business—direct loans, loan guarantees and interest subsidies—and it encompassed the major innovation in the legislation. As a conferee, I worked with my colleagues from the Public Works Committee to achieve compromise solutions for some of the points in dispute with the Senate in this title, and in fact, we reached almost complete agreement.

The underlying thrust of the new legislation was that the best solution for the Nation's distressed communities, whether rural or urban, is the creation of permanent private sector jobs. While I originally favored a somewhat different approach in the form of a national development bank, I believe the expanded EDA program held out great promise in achieving that purpose. It is a purpose that it is not at odds with the philosophy of the incoming President, Mr. Reagan.

I do not know, of course, what Mr. Reagan will be proposing in this broad area of helping distressed areas apart from his endorsement of enterprise zones, which is an approach mainly through special forms of tax relief for business locating in the designated places. I believe the new administration will find that credit assistance is also essential as a tool for the job creation we all want.

In any case, EDA will continue to exist and, for the time being, it is the only tool we have. But as those of us who helped develop the proposed new program are acutely aware, EDA's present legislation is far from adequate. Even apart from the issue of whether its authority to make loans and loan guarantees for businesses investing in distressed cities and towns should be expanded, its existing loan guarantee program is seriously hampered by the lack of legislative authority to develop a working secondary market for this paper. Without a secondary market, there is little chance of a vigorous program with active participation of the commercial banks.

Mr. Speaker, I will not be here next year, but I would like to express the hope that the Banking and Public Works Committees will get to work early in the new session to modify title II in directions that were fully agreed upon in the recent Senate-House conference, particularly to make possible a secondary market. This should be largely noncontroversial and does not get into the issue of whether the EDA program should be greatly expanded or what the basic urban policy should be. It appears now that a loan guarantee program of $425 million will be approved in the appropriations bill for 1981, and this is large enough to make a good start if the present obstacles are removed.●

IN HONOR OF ELIZABETH DAVIS PITTS FOR HER OUTSTANDING SERVICE TO CINCINNATI AND THE STATE OF OHIO

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. LUKEN. Mr. Speaker, it is a pleasure and privilege to recognize and commend Elizabeth Davis Pitts for her many years of outstanding service to Cincinnati and the State of Ohio. Mrs. Pitts will be honored in a special event that will recognize her numerous milestones of leadership and distinguished public services.

Many will give special tribute to her in the aforementioned appreciation day and will acknowledge the fact that "she is indeed her brother's keeper." Her deep caring for all humanity laced with dignity, equality, and justice depict the kind of person she is in the community.

Mr. Speaker, Mrs. Pitts has served on local, State, and National committees that promote human services. Her involvements include, but are not limited to, a consumer representative of the National Advisory Committee and Council on Alcoholism. She is also a neighborhood representative of the Ohio Service Citizen Association and was appointed by former Governor Gilligan to the Ohio State Advisory Social Service and Welfare Council.

Elizabeth Davis Pitts was selected from over 368 candidates by the Cincinnati Enquirer in 1973, as one of the 10 outstanding women for the contributions she has made to Cincinnati.

Mrs. Pitts has waved the banner of sensitivity and compassion for the poor, the disadvantaged, and diverse ethnic cultures and deserves a day of honor for the many years of unmeasurable public service.

Speaking for the people of the Second District, Cincinnati, and the United States of America as a whole, I would like to thank Elizabeth Pitts for her long years of dedicated and distinguished public services.●

CITY OF HOPE HONORS M. E. "MIKE" HERSH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. WAXMAN. Mr. Speaker, It gives me great pleasure to join in the tribute which will honor M. E. "Mike" Hersh, president of the City of Hope. A testimonial dinner will be given by the Sportsmen's Club of the City of Hope on December 6, 1980, in recognition of his many years of service and leadership in this renowned organization.

The world renowned City of Hope Medical Center in Duarte, Calif., is embarking on its important decade of decision with extensive plans to enlarge its medical facilities for the treatment of cancer and to provide the most modern and effective surgical and medical procedures for the care and cure of victims of this disease. Mike Hersh through his dedication and leadership has made an immeasurable contribution to the work of the City of Hope. Long a leader in the community, Mike came to City of Hope leadership echelons in 1966 and was elected to its board of directors in 1969. He has served the medical and research center's diamond circle as president and as the National board of directors' chairman of construction. Through his efforts funds were raised for the construction and completion of the Sunny and Isadore Familian Children's Hospital and the Northwest Main Medical Building.

Born Meyer E. Hersh in Cleveland, Ohio, he moved to Los Angeles in 1946 after serving 3½ years in the U.S. Army during World War II. In 1947 he married Millie Hersh. Together they have served as the City of Hope's first family since 1975. Their children—sons Mitchell and Brian and daughter, Kerry—are justifiably proud of their parents' involvement in the City of Hope's crusade against cancer. With an infinite capacity for caring and expertise in getting a job done, Mike Hersh has been an inspiration to other dedicated supporters who have followed his example of humanitarian service. We are all the beneficiaries of his excellence.

I ask the Members to join me in congratulating M. E. "Mike" Hersh on his accomplishments and in wishing him many more years of a happy and productive life.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. CORCORAN. Mr. Speaker, due to another commitment yesterday, I was not present when the House considered the Department of Energy authorization bill for national security programs for fiscal year 1981 (H.R. 7265). Had I been present I would have voted for final passage of the bill and would have also agreed to the motion that the House resolve itself into the Committee of the Whole on said bill.●

HUMAN RIGHTS VIOLATIONS IN ARGENTINA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. BEILENSON. Mr. Speaker, today I would like to bring to my colleagues' attention the plight of Mr. Fernando Ruben Haber, an Argentine citizen who is being held at La Plata prison in Argentina. Mr. Haber is a 28-year-old Jewish law student who has been imprisoned without charges under National Executive Power since November 1976.

Mr. Haber was abducted from his place of employment shortly after completing law school in 1976, and his location was unknown until April of 1977. He is being held in preventive detention, presumably for his former participation in student union activities.

Argentine law allows persons being detained under National Executive Power to apply for the right of option to leave Argentina if they possess a certificate of eligibility to enter a foreign country. However, even though Mr. Haber has been certified as eligible for parole into the United States by U.S. consular officials, his right of option requests have been repeatedly denied by Argentine authorities.

Mr. Haber has recently petitioned again for the right of option to leave Argentina, and I hope that focusing renewed public attention on his unfortunate situation will aid in his release.

I believe it is important for Members of Congress to be apprised of human rights violations, such as the one I have been discussing today, so that this issue will continue to be a top priority during the newly elected 97th Congress. I am deeply concerned over the Argentine Government's disturbing treatment of its citizens, and I am hopeful that—by publicizing these abuses—Congress will encourage positive steps to be taken to prevent human rights violations in Argentina and throughout the world.●

HOUSE CONCURRENT RESOLUTION 437—SOUTH KOREA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. BONKER. Mr. Speaker, yesterday, the International Organizations Subcommittee of the Foreign Affairs Committee approved for full committee action House Concurrent Resolution 437. That resolution which I and my distinguished colleague PHILLIP BURTON introduced last September 23, 1980, has more than four dozen cosponsors and urges the Government of South Korea to fulfill its stated commitments to the democratization of South Korea and to commute the death sentence of Kim Dae Jung.

The repressive tendencies of the military government in South Korea have not changed. More than 800 political leaders and high-ranking officials have been banned from participating in Korean political life for the next 8 years. In a bid to further strengthen its hold on the country the military regime has banned all nongovernmental radio or TV broadcasting in Seoul and all news agencies have been ordered to merge into a single agency. The death sentence on Kim Dae Jung was upheld by a military appellate court in Seoul and the case is now before the Supreme Court.

General Chun must not make the mistake of looking upon our Presidential election as a sign that he can continue his repressive policies without fear of U.S. repercussions. President-elect Reagan has made it clear that the execution of Kim Dae Jung would have serious consequence for U.S. relations.

Chun must know that in order to protect Korea's territorial integrity and economic progress there must be domestic tranquility and a government that enjoys broad popular support. Discontent in South Korea will not disappear until all Koreans are assured the full protection of their basic human rights and a fair voice in their government.

A list of the cosponsors and the text of House Concurrent Resolution 437 follows:

COSPONSORS OF HOUSE CONCURRENT RESOLUTION 437

Burton, Phillip; Bedell, Berkley; Gray, William H.; Bowen, David R.; Fenwick, Millicent; Pease, Donald J.; Studds, Gerry E.; Barnes, Michael D.; Bingham, Jonathan B.; Wolpe, Howard; Rosenthal, Benjamin; Hall, Tony P.; Pritchard, Joel; Bonker, Don; Fithian, Floyd J.; Gilman, Benjamin; Yates, Sidney, R.; Dixon, Julian C.; Jenrette, John W.; McHugh, Matthew F.; Stokes, Louis; Miller, Clarence E.; Long, Clarence; Lehman, William; Edwards, Don; Seiberling, John F.; Hollenbeck, Harold C.; Forsythe, Edwin B.; Aucoin, Les; Garcia, Robert; Markey, Edward J.; Corcoran, Tom; Waxman, Henry A.; Pepper, Claude; Beilenson, Anthony C.; Edgar, Robert W.; Howard, James J.; Hutchinson, John G.; Oberstar, James L.; Miller, George; Simon, Paul; Weiss, Ted; Jeffords, James M.; Kildee, Dale E.; Stark, Fortney H.; Harris, Herb; Green, S. William; D'Amours, Norman E.; Schroeder, Patricia; Brown, George; Moffett, Toby; Harkin, Tom.

H. CON. RES. 437

Concurrent Resolution urging the Government of South Korea to fulfill its stated commitments to the democratization of South Korea and to commute the death sentence of Kim Dae Jung

Whereas for thirty-five years the United States has supported South Korea, not only with our national treasure but with the lives of American soldiers, in order to establish and protect a nation in which democracy and freedom could flourish; and

Whereas today the United States contributes to the defense and social welfare of South Korea; and

Whereas the United States has allowed itself to become a great market for South Korean products, contributing to our balance of trade deficit; and

Whereas the present leaders of that country have shown a flagrant disregard for democratic processes and for the civil and political rights of their citizens; and

Whereas that disregard has most recently been expressed in the imposition of a death sentence on opposition leader Kim Dae Jung, whose views represent the aspiration of millions of Koreans for a real role in their country's political process, and the imposition of harsh prison sentences for twenty-three other intellectual, political, and religious leaders; and

Whereas Kim Dae Jung and the others have been tried on charges which the Department of State has termed "far-fetched" and in a trial which has been totally devoid of internationally recognized standards of fairness; and

Whereas the judicial review process to which they are now subject lacks most of the characteristics of an independent and impartial judiciary; and

Whereas, if the sentence of execution of Kim Dae Jung and harsh sentence of other critics is carried out, it will only help to facilitate the present Government's alienation from the Korean people, and will make it increasingly difficult to justify to the American people the continuation of our close relationship: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress—

(1) to urge the Government of South Korea to fulfill its stated commitments to

the democratization of the country's political life;

(2) to urge the Government of South Korea to reconsider the process pursuant to which Kim Dae Jung and other critics of the Government have been tried and convicted; and

(3) that, in the event these harsh sentences are carried out, the Congress will review the present terms of the relationship between the United States and South Korea.●

TRIBUTE TO HON. LESTER L. WOLFF

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HALL of Texas. Mr. Speaker, when the current session comes to a close, Congress and the Nation will lose the services of a distinguished Member of this body, LESTER WOLFF. LESTER is a gentleman of the first rank, and I am going to miss him, because there are few people anywhere who can rival his expertise and knowledge of diplomacy and foreign affairs.

LESTER WOLFF has been in the forefront of efforts to obtain more information about American prisoners of war and missing in action in Southeast Asia. He is a person who does not take no for an answer, and the POW-MIA issue is a case in point. This searching, tragic, and often frustrating problem is one that has occupied a great deal of my attention here in the House, and in the difficult times for the families of our POW-MIA's following the cessation of hostilities in Southeast Asia, LESTER WOLFF has always been a beacon of hope for them and all Americans who want an accounting of our men left behind in that part of the world.

LESTER WOLFF has done a commendable job as chairman of the Subcommittee on Asian and Pacific Affairs. He has promoted harmony and understanding between the United States and its Asian allies, and he has accomplished much in promoting U.S. trade in the Asian nations, a matter that has benefited American business and labor as well as helping our balance of payments.

I have enjoyed serving with him on the Veterans' Affairs Committee and observing his keen interest in the welfare of our veterans. He has pushed hard for recognition of our Vietnam war veterans and has fought to upgrade the VA hospital system. In short, he is a man of compassion, understanding, and devotion to high ideals.

We will miss LESTER WOLFF. We will miss his good counsel and willingness to tackle a just cause. The Congress is a better place for his having served in it. I want to extend to him my best wishes for continued success in the future.●

A VIEW FROM THE WATERWAYS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. VAN DEERLIN. Mr. Speaker, a landmark law which has passed this Congress is the Staggers Rail Act of 1980. Most elements in our national transportation system agree that this legislation represented a victory for an evenhanded policy toward competition.

It goes without saying that no goal in our changing world can ever be thought fully attained. In regard to transportation policy, those who use America's great inland waterways are already looking toward new legislative endeavors in the next Congress.

Although I shall no longer occupy a slot on the new House Commerce Committee, I am pleased to offer for the RECORD a copy of an address by John A. Creedy, president of the Water Transport Association, before a recent meeting of the National Industrial Traffic League, in San Francisco.

Mr. Creedy's remarks, in part, follow:

The intricate maneuvering which produced the Staggers Rail Act of 1980 created a result which is perhaps a bit more complicated than was necessary. We certainly welcome the heavy emphasis given to competition, but a simple treble damage deterrent for undermining competition would have been a clean way of ensuring that the competition objectives of the Act would be realized. We may come to it in the next session of Congress.

We in the water carrier industry like very much what we have been hearing in the explanations of the new Act by Darius Gaskins, chairman of the ICC, and from the various Congressional aides who are currently making speeches telling us what they think happened. It could well be the beginning of a new era.

The main expectation is, to quote the ICC's chairman, a "lot more competition among railroads and between railroads and other modes than there has been in the past."

Government people tend to think few of us will really like that. But they would be underestimating the barge industry. That's the world we live in—lots of competition, heavy emphasis on cost-cutting, heavy emphasis on investment in improved productivity and efficiency. We thrive in this climate.

This is the time of the year that the Tennessee Valley Authority comes out with its annual analysis of barge competitive rail rates on traffic moving in and out of the Tennessee-Kentucky region. My copy for 1980 came in last week. Competitive pressures seem to be working fine. An array of multiple car rates, annual volume and monthly volume services, restricted routing and higher minimum volume rates is cited. Competitive levels are shown as 10 to more than 50 percent below the noncompetitive rates.

Barge competition has evidently produced a variety of rail pricing strategies which take advantage of greater efficiency in rail service. That pressure in turn has stimulated efficiencies in barge service.

TOWARD WEST COAST PORTS

A couple of weeks ago, in Minneapolis, I observed unit trains giving barge services on the Mississippi River plenty of competition. A lot of grain is heading west to the Pacific ports instead of south as competitive forces dictate different routings to market. Rail-water competition is alive and well on the Great Plains.

Barge competition is, in fact, likely to become more and more valuable to the shippers because it is more resistant to inflationary pressures than any other transport mode. One barge line, analyzing the situation, pointed out that barge labor costs represent only 20 percent of the revenue dollar compared to 50 percent for rail. A gallon of fuel will take a ton of freight 514 miles on the average by barge, but only 202 miles by rail. And downstream on the Mississippi, where so much of barge traffic is to be found, a gallon of fuel will take a ton of freight 1,347 miles, almost seven times the rail average. The less fuel you have to buy to do the job these days, the more resistant your prices are to inflation.

As we discussed rail deregulation with shippers since the last annual meeting of the NIT League, we found lively appreciation of the fact that competition is a two-way street. The railroads should be free to compete. At the same time, if the shippers are to enjoy the benefits of an alternative mode, they have to be concerned that the alternative mode is also fully free to compete. It is of crucial importance that the alternative mode is not suppressed by any one of a number of predatory tactics of the type which would be condemned under the antitrust laws, if the basic principles of the antitrust laws were fully applied.

And so, when we read to the end of the Staggers Act, we find the clear-cut provision in Section 707, which was supported by the NIT League and by other shipper groups, which singles out for special attention the relationships between water carriers and railroads, and makes crystal clear that existing law has not been modified to make lawful practices which undermine water competition.

There has been much frustration in the past with efforts to use a comparison of rail and water costs in competitive situations. Such comparisons were confusing and never worked well for anyone. In the new Act the prohibition against holding rates up to protect the traffic of another mode has not changed.

The new emphasis is where it belongs, on safeguarding the competitive process itself and prohibiting practices which have the effect of undermining competition. I quote the Senate-House Conference report:—"The intent is that none of the amendments made by this Act is to be used to legitimize the undermining of rail-water competition."

FIGHTING THE "FRATERNITY"

One of the practical problems of the past in promoting water transportation in this country has been that most railroaders felt that any traffic diverted from a railroad anywhere in the country was contrary to the interests of all members of the railroad club. Hence a water carrier or a shipper wanting to use water in combination with rail always had to fight the fraternity, even though a particular rail-water movement might be very much to the financial advantage of a particular railroad.

The climate is already changing under the business logic that there is often more profit to be made out of connecting with a barge line than connecting with another railroad.

But the emphasis on stimulating competition among railroads and on rail competition of other modes, particularly the water mode with the railroad, if the intent is realized, will accelerate the extent to which railroads will work with other modes.

One straw in the wind occurred last month on the decade-old unhappiness of a small company in Ashtabula, Ohio, the Pinney Dock & Transfer Company. For years, it is alleged, the railroad docks at Ashtabula have refused to handle Great Lakes self-unloaders. The railroads themselves have coordinated this refusal by setting rates which preclude the competition of the neighboring Pinney Dock, which does handle self-unloaders. In October, the Justice Department began a Grand Jury investigation of whether the railroads violated antitrust laws by these practices. The climate favoring such investigations has been greatly improved under the new Act. As Mr. Gaskins points out, there is less immunity from the antitrust laws and more reliance on the antitrust laws than ever before.

Some of the old restrictions on railroad pricing have been removed, but clearly competition is expected to work even-handedly among the modes.

The barge lines are beginning to look at some of the very high rates for short distances which apply to river crossing and which are clearly designed top block the competition of rail-water movements. An example is a rail rate on steel of $7 a ton for only four miles from a steel plant to the Ohio River which has the practical effect of protecting an all-rail movement.

Of broader application is new interest in the relationship of rates from coal mines in the Ohio Valley to Ohio River crossings and rates from the same coal mines to Atlantic ports. If the rates to the Ohio River ports on coal are designed to suppress or undermine the competition of the rail-barge services via New Orleans for export to world markets and artificially protect the all-rail services to Atlantic ports, it would appear there would be an effective remedy in the law, as reinforced by the Staggers Act.

Wherever there is the potential of a rail-water alternative, shippers should insist on railroads quoting a rate to the port which is comparable, costs considered, with the all-rail alternative. Where the rail-water route is much cheaper, the shipper should be sure he has explored the rail-water alternative to the all-rail route. Any refusal to quote comparable rates and services to the ports should be tested against the Interstate Commerce Act, as reinforced by the Staggers provisions, and, maybe, some think, against the standards of the Sherman Antitrust Act. Shippers negotiating a contract for an all-rail movement should ask for a contract for the rail portion of any potential rail-water movement. The potential value of such competition is specifically recognized by the Staggers Act.

When we talk about new laws, we tend to concentrate on worst cases. There are situations today in which water carriers are reporting a far more cooperative climate among railroads on rail-water coordination than ever before. All that lies ahead for the dramatic expansion of steam coal shipments for export and the continuing switch of electric utilities from gas and oil to coal is producing many new rail-water partners. Economics, rapid expansion of the market and self-interest of all parties make the outlook for these partnerships seem favorable. Heavy new investment is going into rail-water transfer facilities and new methods of improving rail and water efficiencies are developing.

A MOUSE AMONG THE LADIES

What isn't so happy is the curious rail attitude toward Federal investment in navigation facilities. Barge and truck lines have not opposed needed Federal measures for railroads however much they improve the efficiency of railroads and make them more formidable competitors.

But inland navigation investment produces extraordinary excitement among railroads, the same sort of excitement you get when you place a mouse among the ladies. Coal and nuclear energy are competitive, but you don't see the coal people subsidizing environmentalists to oppose nuclear plants.* * *

Government aid is government aid. By almost every standard of equity, government aid should be used to help moderate the transportation charges shippers pay. Navigation aids, whether for channels leading to rail loading docks at seaports, or channels on the inland rivers, certainly serve to moderate transport charges that would otherwise be necessary.

Finally, there is a bit of unfinished business we would like to suggest for the NIT League. Your present policy position favoring user charges for waterways should be made even-handed. There are user charges for airways to help defray government outlays, user charges for highways, user charges for waterways. Conspicuous by its absence in NIT League policies is one recommending user charges for railroads to help defray government outlays. To cut through all the complications of applying user charges to railroads, it is suggested as a first step a linkage between the level of a fuel user tax for inland waterways and that for railroads, with both escalating in the same amount and at the same time.●

DEFENSE AND THE SALT TREATIES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. HUBBARD. Mr. Speaker, Americans today are becoming increasingly alarmed about America's shrinking prestige abroad. In particular, many question the adequacy of our defense system and military preparedness. Soviet aggression in Afghanistan and the continued buildup of Soviet arms emphasize the imperiled position of the U.S. status as a superpower. We strongly need to reassess our defense policy, such as the SALT treaties, which threaten to jeopardize our military strength and preparedness.

These concerns about our military strength and prestige are voiced not only by adults, but also by America's youth, who wish to inherit a strong America. I insert the text of a letter from Chris Anderson, a freshman at Caldwell High School in Princeton, Ky.:

> Just the other day, I was watching a televison program entitled "The SALT Syndrome". This program is suggesting that the United States is actually letting the Soviet Union surpass our country in arms and supermissiles. The United States is not only letting Russia pass us up, but is also giving them the advanced technology that we have held to ourselves as an example of our superiority to them.
>
> It certainly does seem that we are trusting the Soviet Union as we never have before, almost as if we were Communistic ourselves. The United States is sitting with our backs turned, saying, "Well, Russia has been untrustworthy in the past, but I think it is OK to trust them now." Why should our country trust them now, with the world in the shape it is in, and with the Soviet Union's record of the past?
>
> Some 20 to 30 years ago, America was the superpower, with all other nations respecting it, and its people boasting that I am an American. Now, the Soviet Union has completely surpassed us in missiles, arms, and, seemingly, leadership.
>
> Now, my question is very simple and to the point, that any average freshman in high school could easily understand. Why has such a great nation as the United States of America, respected and looked upon as a land of opportunity, literally taken into the sewer, or rather into the hands of such a nation as the Soviet Union, who is so untrustworthy and looked upon as a nation with a Communist system? What has happened to America, that such a great "brain deterioration" has taken place? Is there a simple reason, or even a complicated reason, that this has occurred? I really do not believe that if Einstein was alive today the genius himself could not figure it out.
>
> The Soviet Government said that by 1980, they will bury the United States. They also say that the Communist system is the perfect system. It does seem that it is turning out just that way, does it not?
>
> Do you think that Russia is slowly picking off other nations merely for the fun of it, or do you think that they are working their way up to their goal of goals, the United States? Do you have an explanation for what is going on, or do you agree with my brain deterioration hypothesis?●

NATIONAL AND DULLES AIRPORTS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. FISHER. Mr. Speaker, over the last 6 years I have advocated a number of policy steps that the Department of Transportation and the Federal Aviation Administration could undertake to increase the use of Dulles International Airport and channel growth in air traffic in the Washington area away from National Airport. In general, these efforts have met with only frustration. But in the last year, Secretary of Transportation Neil Goldschmidt has demonstrated an understanding of the issues involved in managing Dulles and National Airports and has undertaken steps that should help to provide the proper balance between the two federally owned airports. I am pleased to see this beginning and look forward to continued progress.

Most recently the Secretary has announced that landing and mobile lounge fees will be waived for 2 years at Dulles Airport. The lost revenue will be covered by profits generated at National. No longer will airlines be able to say that Dulles is not competitively priced. Smaller aircraft will be allowed to bypass the mobile lounges and load and unload passengers at the terminal building. Ground transportation to Dulles will be improved through a commitment by the Secretary to work with the airlines for better bus service, including new buses, and through an earlier starting date for construction of the road to connect I-66 with the existing Dulles access road. Also the Secretary will help the airlines to obtain approval from the CAB for their collaboration on scheduling flights at Dulles without violating antitrust protections. These steps should help to make Dulles Airport more attractive to airlines.

In the meantime, plans are going forward for the Metropolitan Washington airports policy to go into effect in late April 1981. The policy will guide the future planning and operation of National and Dulles Airports. Although the policy permits passenger growth at National that I would have preferred not be allowed, it does set a cap on the number of passengers annually using the airport, which should be reached in about 2 years. The policy will also begin immediately reducing the number of hourly flights, with the prospect of further reductions when passenger growth reaches the ceiling. A strict curfew is another feature of the policy. The enhanced position of Dulles will help to insure that the limitations on National will be workable. With growth being discouraged at National and Dulles being made more attractive, the opportunity exists for a more realistic balance in the use of the two airports.

I have argued for even more aggressive steps to move traffic to Dulles. For instance, I have advocated to DOT on several occasions that there be a linkage between use of the two airports in which the right to schedule a certain number of flights at National would be contingent on the airline also scheduling a proportional number of flights at Dulles. This would assure a certain level of service at both airports while preventing the airlines from focusing all their resources on National alone.

Another step which should be taken to encourage use of Dulles would be through Federal employee travel policy. Airlines would be assured a certain basic market for flights out of Dulles if they contracted with the Government to provide services for its employees. The volume of employee travel can provide a carrot that should not be overlooked.

For the long run, I have been advocating immediate study of the potential benefits of transferring ownership—or long-term lease—and operation of both National and Dulles Airports to the State of Virginia or some State entity. This would remove the disadvantages now suffered at Dulles that result from the inappropriateness of expecting the FAA, which is primarily a regulatory agency, also to promote effectively the use of Dulles. Promotion is inconsistent with evenhanded regulation of all civil airports in the country. The more permanent solution is for Virginia to take over responsibility for the two airports, which together make up an economically viable package. To this end I have been urging the Governor of Virginia and the members of the State legislature from northern Virginia to investigate the possibilities. I have also proposed to DOT and FAA that they should be receptive to the State's owning and operating the airports.

The twin problems of an overly busy, noisy, and potentially unsafe National Airport and an underused, underpromoted Dulles Airport are at last being addressed. While this should have happened years ago, I am encouraged that commonsense and good policy are beginning to emerge. I hope the momentum will be maintained.●

CONGRESSIONAL SALUTE TO HON. ROSA RODRIGUEZ, OF NEW JERSEY, OUTSTANDING BUSINESSWOMAN, DISTINGUISHED CITIZEN, AND COMMUNITY LEADER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. ROE. Mr. Speaker, it is indeed a real pleasure to call to the attention of you and our colleagues in the Congress a most distinguished citizen, community leader, and good friend, Hon. Rosa Rodriguez, of Paterson, N.J., whose lifetime of dedicated service to the Passaic County community has earned her the highly coveted Woman of the Year Award of the Passaic County Democratic Women. I know you will want to join with me in extending our heartiest congratulations to Rosa Rodriguez and share the pride of her good husband, Gines I; their daughter, Mrs. Margaret Rosa Valera; and son, Gines II, in this well-deserved recognition of all of her good works on behalf of the people of Passaic County.

Mr. Speaker, we are proud to boast that Rosa was born and raised in Paterson, N.J., the first largest industrial city in our Nation, where her compassion, devotion, untiring efforts, and exemplary services to her fellowman in many charitable, civic, religious, and political endeavors have made a major contribution to the quality of life and way of life for all of our people.

In her business career pursuits, Mrs. Rodriguez graduated from the Spencer Business College of Paterson, N.J., and the Hackensack Beauty College of New Jersey and has been the manager and owner of the Rosa Rod Beauty Shop for 33 years. She has been a school attendant officer for the Paterson Board of Education for the past 15 years.

In her concern for the health and well-being of the families of our community and unselfish dedication in working toward improving their standards of living, she has been most active in many affiliations dedicated to helping others, as follows:

President of St. Leucio Society of Paterson, N.J., for 20 consecutive years; second term, 6 years, as Passaic County Mental Health Commissioner on which she also acted as secretary and treasurer; fourth term, 12 years on the board of directors of the YWCA assisting with the highly renowned Community Chest and United Way Fund Campaigns; chairman, International Fellowship for World Wide Mutual Aid YWCA, president of the Spanish-Portuguese Ladies Auxiliary; president of the C.C.C. Club; treasurer of the U.R.S. Club; recording secretary and publicity chairman of the Paterson Citizens Committee, Inc.; successful campaign manager for a State committeewoman; seven time successful aldermanic campaign manager; national chairman of the Democratic Women and on the Passaic County Democratic Executive Board; chairman of the Executive Board of the Federation of the Italian Societies; vice president, chairman of the Ways and Means Committee, traffic chairman of the Public School No. 21 PTA for which she took part on the Community Chest and Cancer Fund and was active in all phases of volunteer services.

Mr. Speaker, I appreciate the opportunity to seek this national recognition of a great lady whose quality leadership, sincerity of purpose, and standards of excellence throughout her lifetime have truly enriched our community, State, and Nation. We do indeed salute an outstanding businesswoman, distinguished citizen, and community leader—Hon. Rosa Rodriguez.●

CANCER SOCIETY HONORS ALLAN K. JONAS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. WAXMAN. Mr. Speaker, on December 4 the Coastal Cities Unit of Los Angeles of the American Cancer Society will pay tribute to an outstanding citizen: Allan K. Jonas.

For more than a quarter of a century, Allan Jonas has worked as a volunteer for the American Cancer Society. He has given freely of his time, talent, and boundless energy to advancing the fight against cancer. This month Mr. Jonas was elected chairman of the National Board of Directors of the American Cancer Society. This is not an honorary position. It is a demanding leadership position which Mr. Jonas has earned with his outstanding work for the society as finance chairman, national tobacco abuse chairman, and chairman of the Research and Clinical Investigation Committee.

In my own work as chairman of the House Subcommittee on Health and the Environment, I have turned often to Allan Jonas for expert advice and guidance. I respect Allan Jonas as one of the country's leading experts on such key matters as cancer prevention, the role of smoking in the genesis of cancer, and the prospects for breakthroughs in cancer treatment.

Allan Jonas and his wife Dorothy are perfect examples of involved citizens. They have managed to conduct extensive business and family activities while, at the same time, remaining deeply involved in public affairs. Jonas & Associates is a major industrial and commercial real estate firm in the Los Angeles area. Nevertheless, Allan Jonas turned aside his business responsibilities to serve under Gov. Edmund G. Brown as director of the California State Disaster Office. Mr. Jonas currently serves on the State board of medical quality assurance and in several other demanding civic posts.

I ask my colleagues to join me in saluting Allan K. Jonas for his wide ranging contributions to his community and our country and most especially for his steadfast devotion to the fight against cancer.●

PRESIDENT-ELECT REAGAN HAD BETTER BITE THE BULLET NOW

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. McDONALD. Mr. Speaker, given the state of the Nation's economy and defenses, it behooves President-elect Reagan to move hard and fast when he raises his right hand next January. The American people have had their fill of indecisiveness, procrastination, and the generally weak image of the United States under the leadership of President Carter. He has the necessary mandate and he should use it. The American people neither desire nor expect half steps. Mr. Howard Phillips, national director of the Conservative Caucus, recently spelled this out in a telegram to Ed Meese, who is the Director of the Transition Headquarters for the President-elect. The text of the telegram follows:

[Mailgram]

WASHINGTON, D.C.,
November 19, 1980.

DEAR ED: I am deeply concerned by reports that the Reagan administration will hold non-defense spending cuts to $13 billion or 2 percent of total Federal budget.

In order to permit major tax cuts, while increasing defense spending and balancing the budget, it will be necessary to make deep cuts in non-essential areas.

Your indication that no effort will be made to eliminate any significant program or agency is even more troubling. Now is the time to act boldly, doing what is required to overcome economic stagnation, control inflation, and thereby hold down high unemployment and interest rates. Given new conservative strength in Congress and the mood of the American people, no liberal legislation can be enacted and no authorization or appropriation can be approved, except at the initiative or acquiescence of the Reagan White House.

Seize the moment. Begin and Thatcher are in trouble because of their failure to act with sufficient boldness at the start of their tenures. In 1984, if not in 1982, America will ask the questions of you which were asked of Carter. High inflation, high unemployment, high interest will defeat our cause. Take the heat now from the Washington establishment, or take the heat later from the American people.

Sincerely,

HOWARD PHILLIPS,
National Director, Conservative Caucus.●

CONGRESSMAN SKELTON ADDRESSES ASSOCIATION OF MILITARY SCHOOLS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. IRELAND. Mr. Speaker, on November 5, our colleague, IKE SKELTON, gave a speech to the Association of Military Schools regarding our defense capabilities and the need to improve them dramatically. IKE's speech clearly describes our defense weaknesses and what we must do to improve them.

Because of IKE's excellent presentation of the facts. I would like to share his speech with our colleagues, so that we can use this as a basis for our deliberations on defense issues next year. Therefore, I insert a copy of his speech in the RECORD today.

Thank you, Mr. Speaker.

The speech follows:

ADDRESS OF CONGRESSMAN IKE SKELTON

Historical analogies are always inexact, yet it remains true that those who will not learn from history are doomed to repeat it. We in the United States confront the growing power of the Soviet Union both in Europe and in Asia. We are increasingly exposed to an imbalance of power which risks some mortal thrust. We are increasingly deprived of a sense of security and independence upon which the survival of the West has depended.

It is my conviction that this Nation today confronts a crisis with the Soviet Union similar to that which Britain faced with Germany in the decade of the thirties. It is a crisis to secure the peace, safety and freedom of our people and of free peoples everywhere to pursue their legitimate national aspirations for political, cultural and religious independence. It is for them and for us that I urge the upbuilding of American strength, an upbuilding based upon a realistic assessment of Soviet Power now and in the years to come.

"To urge the preparation of defense is not to assert the imminence of war." So Winston Churchill spoke in 1934. I assert the same today. "I do not," Churchill went on, "I do not believe that war is imminent or that war is inevitable, but it seems very difficult to resist the conclusion that, if we do not begin forthwith to put ourselves in a position of security, it will soon be beyond our power to do so."

So it was in 1934. So it is in 1980. Then, for Churchill and his contemporaries, "the great new fact," as he said, was that "Germany is rearming."

Churchill also warned that "this is only the beginning of the reckoning period. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year." And how bitter that cup was; the allies had to drink deep from that cup at places like Dunkirk, Normandy, Anzio and Bastogne.

Now, for us, in 1980, the "great new fact" is the alarming imbalance of power by which daily the Soviet Union grows ever stronger and stronger and, in consequence, more determinedly aggressive in its policies.

Over the past 15 years or more there has been a decided shift in the military balance between the United States and the Soviet Union, as we have failed to adapt our military programs to counter similar Soviet efforts. This has drastically altered the former situation of "mutually assured destruction" on both sides.

To be sure, we do have the capability of a retaliatory strike both by air and by sea. However, it is estimated that by 1985 the Soviets will be able to knock out some 90 percent of our land-based force. Secretary Harold Brown has warned that they may even have this capability by 1982.

American nuclear strategy has been built upon the concept of a second-strike. We have relied upon our ability effectively to retaliate against the Soviets rather than to defend the American homeland, people and production-base alike. We are the first and only great power in history to repudiate defense of its homeland in the belief that its retaliatory capability is an effective deterrent to any first strike. But it is precisely that retaliatory capability which has been steadily eroded.

Today, there can be no doubt about the quantitative superiority of the Soviet Union. They have 173 army divisions against our total, including active and reserve, of 28. Their massive conventional superiority gives them a flexibility with which we are unable to cope. At the same time, we are in danger of losing our qualitative edge in technology and hardware.

It is no secret how the Soviets have been able to accomplish this. Over the past decade their defense expenditures have grown steadily—from 12 percent of their Gross National Product in 1970 to as much as 18 percent in 1980. For the same period, U.S. defense expenditures as a share of GNP have declined from 7.5 percent to 4.6 percent.

How is it possible that this could happen? One important factor is to be found in American history and our experience of warfare. We are the only great power in the world today which has, during modern times, never been bombed and never had a major assault on its cities. This aspect of our experience, or lack of it, easily encourages a kind of "it can't happen here" complacency, causing us to think of war in terms of Flanders Fields, Iwo Jima or Da Nang.

On the other hand, the Soviet Union, and Imperial Russia before it, has had to contend with invasions of its territory in almost every century of its long history. We in America have not has foreign troops on our soil since the British invaded us in the War of 1812. The last American soldiers to meet invading enemy troops fought at Chalmette battlefield, near New Orleans, on January 8, 1815. Russians have experienced invasions as a grim reality—from the Mongols to Napoleon and Hilter. Thus, many Russians can't forget what most Americans can't remember. Unfortunately, modern warfare is no respecter of distance and no respecter of persons.

The realities we must face are far from reassuring. They will shake our complacency, as they should. Consider our dilemma at sea, often described as "a three-ocean commitment with a one-and-a-half ocean Navy"—too few ships and a scarcity of trained manpower stretched from the Atlantic to the Pacific and now out over the Indian Ocean and Persian Gulf as well. The much-publicized rapid-deployment force cannot safely be dispatched to the Persian Gulf area without seriously endangering our commitments to NATO, and in Korea, and wherever our strategic interests are at stake. We have an inadequate amphibious lift for our present three Marine divisions. In the vital areas of airlift and sealift alike, our ability to sustain our commitments is without an effective and credible nuclear deterrent. We will be increasingly subject to a kind of blackmail.

Civil defense has been probably our single most neglected weapon. While we have done virtually nothing in this area for a number of years, the Soviet Union has put into effect an ongoing nation-wide civil defense program under military control. Clearly, they consider civil defense to be part of their overall military strategy because it can limit human and material losses, and help their nation recover speedily from the effects of a nuclear war. This major civil defense effort further tips the strategic balance in favor of the Soviet Union. In light of their efforts, dare we do less?

By neglecting such areas as civil defense, have we not been sending a signal to the U.S.S.R. of a lack of determination to defend our vital interests? Is this not similar to the signal we undoubtedly sent the Japanese prior to World War II, when in 1939 America failed to properly fortify the Pacific Island of Guam?

There you have our situation. It is evident that the balance of power has been shifting—and the direction has been away from the United States.

These are somber thoughts—and they are meant to be. Yet they may also be bracing, calling forth great resources of courage and resolve from the hearts of our people. We must fully awaken to the nature of the crisis and respond accordingly. It is within our power to reverse the trend of recent years to redress the balance of strategic power. To do so as quickly as we can is an obligation we dare not evade. The future of this free Nation and the direction of the world community ride upon the decisions we must make if we would fulfill the responsibilities of moral and political leadership which are uniquely ours. The price of unreadiness will be greater by far than its alternative. What we must learn—and apply—is a simple principle: preparedness is deterrence. As Ambassador GEORGE F. KENNEN noted in a telegram sent from Moscow to Washington in 1946:

"(The Soviet Union) is highly sensitive to the logic of force. For this reason, it can easily withdraw—and usually does—when strong resistence is encountered at any point."

He added: "If the adversary has sufficient force and makes clear his readiness to use it, he rarely has to do so."

We found Ambassador Kennon's advise useful and true when America took strong stands in the Berlin blockade in 1948 and the Cuban missile crisis in 1962.

Our nation's military preparedness was a subject of great debate during the recent Presidential election campaign. Certainly, it is appropriate that candidates for the office of Chief Executive, the Commander-in-Chief of our Armed Forces, should completely discuss their views on this vital issue. But a Chief Executive does not raise our Armed Forces—Congress does. We must not forget that it is to the Congress that the Constitution gives the power "To raise and support Armies," and "To provide and maintain a Navy." Thus our nation's ability to attain the preparedness necessary for the 1980's will depend upon the ability of Congress to address our areas of weakness in military defense. I am pleased that a start has already been made. This year, Congress has taken a number of actions that will bolster our military strength. We adopted a peacetime record of $157.5 billion for defense for the new fiscal year—$2.5 billion above President Carter's budget request.

No military force is better than its people. Thus, military personnel must be our highest priority. Recently, we have seen our active forces experience a crippling shortage of skilled and experienced personnel due to low rates of retention. Recruiting goals have not always been met. In addition, our vital Reserve forces are seriously understrength.

To help with with these problems, in September, Congress authorized an 11.7 percent military pay increase, increases in enlistment and reenlistment bonuses, higher housing allowances for married personnel, and increases in certain special duty pays. A proposal by the House Appropriations Committee to cut $100 million from the military recruiting budget was rejected by the full House by an overwhelming vote. A bill which I introduced to increase the number of Army ROTC scholarships, and to set aside, for the first time, scholarships for cadets at military junior colleges was enacted into law. The House approved money for additional reservists.

In the area of strategic forces, Congress moved ahead on the development of the MX missile and the Trident submarine. In addition, we required the Pentagon to recommend a new bomber by March 15, 1981, to replace our aging B-52's. This may be the B-1, a variant of the B-1, the FB-111B/C, or an "advanced technology" bomber. But it must be ready to fly by 1987.

Our conventional forces will be strengthened by the purchase of additional 575 aircraft, 596 XM-1 tanks, and 10 ships. An enhanced shipbuilding program is especially important if our Navy is to have the ability to protect the sea lanes so vital to our economy and our national security.

To improve our readiness, Congress this year provided increased funding for operations and maintenance. This will allow our forces to purchase more spare parts, munitions, and other key support items, and it will allow increased training which is so vital with today's sophisticated weaponry.

Earlier, I mentioned that Civil Defense has been probably our single most neglected weapon. Fortunately, that neglect may be ending. The adoption of two amendments which I offered this year indicates as much. The first establishes guidelines for a comprehensive national civil defense program and states that civil defense should be an element of our overall strategic planning. The second increases funding for civil defense by $23 million over the amount recommended by the House Appropriations Committee.

These Civil Defense Amendments, like the other measure I have just mentioned, are only first steps. There are still many areas of military weakness which we must address if we are to attain the preparedness necessary for the 1980's:

We must continue to upgrade military pay and benefits to assure that we will be able to retain our key personnel. We must continue to reassess our method of meeting our manpower needs.

We must acknowledge the importance of Reserve and National Guard forces to our military strength and rebuild them into a force with full operational capability. They must no longer be treated as the "step children" of the American military.

We must procure sufficient quantities of the best weaponry available, and make sure our forces are well trained in its use.

We must put the Civil Defense program authorized by my amendment fully into effect.

These steps can, and must, be taken. They will not be achieved without overcoming serious opposition. The beginning we made this year, however, is encouraging. I believe that now a majority in Congress realizes that our defenses have slipped and are prepared to do something about it. The majority in Congress understands, as you and I do, that if we are to have peace in the world, the U.S. must have the military strength to deter or defeat an attack, and to resist coercion. Thus, Congress is beginning to turn the tide and has started rebuilding our national defenses.

Recently during a demonstration against registration for the draft the slogan "there is nothing worth dying for" was widely acclaimed. To which we can only observe that where there is nothing worth dying for, there is likely to be little or nothing worth living for. The "me" era of our recent past must give way to a new sense of patriotism and a concern for the survival of America. We in America have much that is worth living for—and we want to maintain it both for ourselves and for our children. This Nation remains the last best hope of freedom—as witness the influx of refugees—Afghans, Vietnamese, Cambodians, Cubans—tells us much about the nature of communism in practice.

The Great War of 1914-18 came about because of an imbalance of power. So with the Second World War. It need not be the case with a possible third, provided we are determined to preserve our strength and to use it with intelligence and with restraint.

For America in 1980, this is not—or need not be—"the beginning of the reckoning period", as Churchill termed it. May we come to see this critical time of the 1980's as the beginning of our awakening, painful and unpleasant in many respects yet also bracing and renewing. For liberty and freedom to flourish, there must be security for the individual and for the nation. Free men, in order to remain free must be brave and must have courage * * * courage and bravery to maintain a secure and strong nation.

We all remember the story of the young Baltimore lawyer, who during the War of 1812, was being held aboard a British Man-of-War in the Baltimore Harbor. He was told at sundown by the British Admiral, the enemy commander, to take a good last look at the American flag—the stars and stripes—flying over Baltimore's Fort McHenry, because the British would capture the Fort before sunrise the next day. All during the night, while the British assaulted the American position, the young man kept watch on the American flag by the rockets' red glare and the bursting bombs. At sunup, he saw the stars and stripes still flying, showing that the Americans had successfully resisted the enemy attack on Fort McHenry. The young lawyer, Francis Scott Key, was so moved that he wrote a poem—the Star Spangled Banner. In that poem, he penned a question that has since become a timeless challenge that must be answered by each generation and must be answered by us today: "Oh, say does that star spangled banner yet wave O'er the land of the free and the home of the brave?"●

OPEN MARKET—MORE OIL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. COLLINS of Texas. Mr. Speaker, U.S. imports of oil have risen from $3 billion to $80 billion since excess Government regulation curtailed U.S. production. As we have seen some deregulation in the past few years, we see more drilling.

When gas was limited to 0.19 Mcf there were only 28,755 wells completed in 1972. In 1980 with gas at 1.50 Mcf there will be 59,475 wells completed. Gas is more difficult to discover and produce but domestic gas costs the United States much less than imported LNG gas.

An interesting study was prepared by Abbott Sparks in the current November Petroleum Engineer magazine. You will be interested in the factual results of growth as written up in Petroleum Engineer by Abbott Sparks.

> Most of us remember that the "Course of Oil" (and gas) was an obstacle course throughout the 1960s. In terms of petroleum engineering degrees conferred, reserves discovered, and rigs running, the 1960s was the decade of disaster for U.S. exploration capability. Desperately needed price relief (since 1954) for the industry, and the nation, first flickered in 1971 when a 22¢/Mcf gas price cleared FPC.
>
> Since 1971, wellhead gas prices have increased nearly 1,000%; wellhead oil prices have increased 600%. Although wellhead gas has never brought more than half its oil equivalent price, the improved gas prices have led to substantial domestic gas reserve additions.
>
> Price factors for oil and gas have spurred impressive growth in both well completions and rigs running. Gas well completions have quadrupled. Oil well completions have doubled.
>
> Gas price has not caught up with oil in energy equivalent term, but will likely do so in the near future.
>
> It is interesting to analyse how the numbers have changed through the 1970s for these interrelated economics and operations (Table 1).
>
> On the threshold of this new decade of energy development in the 1980s, it is worthwhile to review the track record of the 1970s. The way these numbers work out through the 1980s—plus conservation factors—will profoundly influence U.S. energy, economic, and defense capability.

TABLE 1.—HOW PRICES INFLUENCE OPERATIONS

Year	Average wellhead prices[1]			Operations	
	Natural gas (per/Mcf)	Crude oil (per/bbl)	Natural gas (per/bbl) oil equivalent	Well completions[2]	Rotary rigs running.[3]
1972	$0.19	$3.39	$1.10	28,755	1,103
1974	0.30	6.74	1.74	32,893	1,480
1976	0.58	8.14	3,36	41,455	1,577
1978	0.91	8.96	5.28	48,513	2,304
1980	[4]1.50	[4]18.00	[4]8.70	[4]59,475	[4]2,911

[1] From American Petroleum Institute.

[2] Estimated, includes oil, gas, stratographic, and service wells.

[3] Hughes Tool Co. annual midyear count.

[4] Estimated. ●

JOHN M. MURPHY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. JOHNSON of California. Mr. Speaker, I know that my colleagues here join me in paying tribute to a very industrious, capable legislator, JOHN M. MURPHY. JACK MURPHY has worked for many years as an active member of the Interstate and Foreign Commerce Committee and has ably chaired the Committee on Merchant Marine and Fisheries.

For close to 4 years, I have had the distinct pleasure of serving with him as cochairman of the Congressional Port Caucus. We have proudly shared a strong interest in water resources development and, in particular, our Nation's ports and inland waterways.

Jack pushed forward many important measures that have helped the Nation's interest in waterborne commerce, which plays such a major role in promoting the economic growth and national defense needs of America. He has sought to preserve the U.S. Maritime Fleet and protect our Nation's coastlines and shores from erosion and oil spill damage.

In his capacity as chairman of the Merchant Marine and Fisheries Committee, he carefully balanced the seemingly conflicting roles of protecting the environment with the need for industrial growth, sponsoring numerous significant bills that protected our environment, as well as measures to free business from needless redtape. Specifically, the impressive list of legislation he has authored or cosponsored include the Coastal Zone Management Act, the Outer Continental Shelf Act amendments, and measures to extend the U.S. fishing limit to 200 miles, to protect endangered species, and to save marine mammals. Accordingly, the Congress and the Nation will miss his presence in this body and continue to receive the benefits of his legislative accomplishments. ●

TRIBUTE TO A SPECIAL KIND OF MAN

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BARNARD. Mr. Speaker, in honoring our good friend and colleague, DAWSON MATHIS, we pay tribute to a special kind of man. A man whose rugged individualism and good-natured commonsense have won him the respect of many and the awe of more than a few.

A practical and conscientious Representative, DAWSON has approached his responsibilities with great devotion. And the people of his Second District, the many peanut, corn, and tobacco farmers of his constituency, take great pride in what he has done for farming in south Georgia.

He has shown no timidity, as chairman of his Agriculture Subcommittee, in pressing for the needs of his people back home. And they revere and appreciate the work that he has done.

Men are measured by their success, but also by their striving. I like the idea expressed by Theodore Roosevelt, who said:

> The credit belongs to the man who is actually in the arena. Who strives valiantly. Who spends himself in a worthy cause. Who at the best, knows the triumph of high achievement. Who if he fails, at least fails while daring greatly. So that his place shall never be with those cold and timid souls who know neither defeat nor victory.

Such is the nature of politics.

DAWSON, we will miss your commanding personality, your engaging wit, and your sense of perspective here on the floor.

And we applaud the outstanding job that you have done over the past decade for the people of Georgia. ●

MATHIS TRIBUTE

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. JENKINS. Mr. Speaker, when the 97th Congress convenes next year, my friend and fellow Georgian DAWSON MATHIS will not be returning to this body to represent the Second District of our State.

For 10 years DAWSON MATHIS has served his constituents, the citizens of Georgia and our Nation with dedication and effectiveness. He leaves the House of Representatives with a record of distinguished service, having begun his career as its youngest Member when elected at the age of 28 in 1970.

His contribution as a member and subcommittee chairman of the House Agriculture Committee is unquestioned. The entire State of Georgia has received direct benefit from DAWSON'S expertise and aggressive efforts on the Agriculture Committee. He has been the vital key to Georgia's agricultural interests, ranging from the individual farmer to the large agribusiness conglomerate.

In addition, DAWSON has maintained a commonsense approach to all problems, national as well as regional. This ability has proved to be the stabilizing force and means to solutions on many occasions. He is a superb tactician; he can get things done. He has that rare quality of being able to view the whole picture, to decide on a plan of action and to accomplish that plan. I know from a personal standpoint of these particular qualities which DAWSON possesses. He was indeed a convincing and, I might add, successful advocate in my behalf when I came to the Congress 4 years ago seeking a seat as a freshman on the Ways and Means Committee.

Dawson Mathis will certainly be missed here in the House of Representatives. He has been a friend to those with whom and those for whom he has served.

However, as I have said, he was a young man when he came and still a young man as he takes his leave of this body. Dawson Mathis has many years of service ahead and great potential to reach even more far-reaching goals. I wish for him in the future opportunity and continued energy to pursue and fulfill his aims and aspirations. We will all be beneficiaries.●

A WELL DESERVED TRIBUTE

HON. FORTNEY (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. STARK. Mr. Speaker, on November 15, 1980, a section of Highway 24 in Oakland, Calif., was named for Mr. William Byron Rumford in recognition of his many achievements and contributions to the State of California.

William Rumford began his career in the pharmaceutical business, but soon became interested in politics. In 1948 he became the second black man elected to the California State Assembly, where he served for 18 years.

On November 30, 1980, a testimonial and dinner will be held for Rumford and his wife, Elsie Carrington Rumford, in honor of their distinguished service to the community.

After his political career, which included 6 years at the Federal Trade Commission, Mr. Rumford returned to his pharmaceutical business in Berkeley, which he opened in 1946. He now puts in a full 8-hour day there.

But Byron Rumford says, "I will never be out of politics completely." On behalf of the State of California and all those people to whom Mr. Rumford has given his unending service, I certainly hope he keeps his promise.●

NAVAL ORDER OF THE UNITED STATES OFFERS WISE COUNSEL ON U.S. DEFENSE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. RUDD. Mr. Speaker, as we await the beginning of the 97th Congress, I think it advisable that Members give careful advance consideration to the issues which must be debated in connection with strengthening our national defense.

I would call to the attention of my colleagues three resolutions recently adopted by the Naval Order of the United States.

The Naval Order of the United States was founded in 1890 and is composed of naval officers and their descendants. They have demonstrated a firm commitment to a strong national defense for the United States.

The resolutions are as follows:

Whereas in the geopolitics of the 1980s, the United States Navy must be able to provide floating military bases throughout the world, and

Whereas the growing strength of the Navy of the Soviet Union poses a growing threat to the power of the United States to use the sea lanes of the world, and

Whereas there are growing dangers in the Persian Gulf and in the Indian Ocean which require a stronger naval presence by the United States; now therefore, be it

Resolved, That the Naval Order of the United States recommends to the President and the Congress of the United States that immediate action be taken to increase the budgetary allocations to the United States Navy to provide for the United States a naval strength adequate to support its foreign policy commitments.

Whereas the Intelligence Services of the United States have been subject to increasing deterioration, and have been weakened considerably through well-meaning, but unfortunate activities originated by various individual members of the Congress, and

Whereas it is to the best interest of the United States that its Intelligence Services be greatly strengthened: Now Therefore, be it

Resolved, That the Naval Order of the United States strongly recommends that the President and the Congress take such action as may be necessary to strengthen the Intelligence Services, and to protect them from undue disclosure of sensitive sources, and permit them to operate without needless restriction and oversight.

Whereas one of the fundamental principles of United States Foreign Policy has, through the years, been the so-called Monroe Doctrine enunciated by President Monroe in his message to Congress in 1823, made in response to certain interventions by European powers in various areas of the Western Hemisphere, and

Whereas there appears to be a growing disregard of said doctrine: Now Therefore, be it

Resolved, By the Naval Order of the United States that we urgently request the President to re-enunciate the Monroe Doctrine, and to declare that the United States considers any attempt by any foreign powers to extend their system in this hemisphere, or to interfere with legitimate governments of states existing in this hemisphere, as an unfriendly act toward the United States as well as the state concerned.

I believe these views deserve serious consideration and action during the 97th Congress.●

GOOD LUCK TO JERRY AMBRO

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. CLAUSEN. Mr. Speaker, for a number of years, I have found Jerry Ambro to be extremely cooperative in attempting to advance legislation toward a constructive conclusion.

In particular, Jerry's background as an executive in local government added a dimension of expertise which has proved extremely beneficial to the deliberations of the House Public Works and Transportation Committee. His sensitivity to local government problems as well as the concerns and objectives of local government have been of great value to us all.

In addition to his legislative role, I enjoyed a good personal relationship with Jerry Ambro. He fought hard for the principles he believed in. I found him to be eminently fair in both a professional and personal sense.

In summarizing the relationship that existed between us, I can state positively that America's waters are cleaner, public facilities have been built and transportation systems have been developed because of his efforts and the excellent cooperation with Jerry Ambro of New York.

I wish Jerry and his family well and look forward to a continuing close and personal relationship with this dedicated New Yorker.●

VETERANS DAY ADDRESS BY HON. MAX CLELAND

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. ROBERTS. Mr. Speaker, on November 11, Veterans Day ceremonies were held throughout the Nation honoring the men and women who have served in our Armed Forces during war-time. A Veterans Day ceremony which always receives national attention is the annual Veterans Day ceremony at Arlington National Cemetery. This year, the representative of the President was the Administrator of Veterans' Affairs, Max Cleland, who after placing a wreath on the Tomb of the Unknown Soldier, delivered an address to the assembled guests.

I was unable to attend the Veterans Day ceremonies at Arlington this year. However, members of my committee staff were present, and reported that the Administrator delivered a most stirring and moving address which captured the spirit and meaning of the sacrifice veterans have made for this Nation.

Mr. Cleland informed those present that he was participating in his last ceremony as head of the Veterans' Administration.

Max Cleland, a seriously disabled Vietnam veteran, knows firsthand the tragedy of war. He is the youngest Administrator of Veterans' Affairs ever to serve in this high position. Max Cleland has extended his best efforts to take special action on problems experienced by Vietnam veterans, while at the same time not forgetting the contribution of veterans of previous wars.

I commend Max Cleland for this outstanding address, which I call to the attention of my colleagues.

VETERANS DAY SPEECH OF MAX CLELAND, NOVEMBER 11, 1980

Thank you very much ladies and gentlemen.

Welcome to this year's Veterans Day Ceremonies. This will be my last ceremony as head of the Veterans' Administration, and as one who has the honor of representing the President here at the wreath laying ceremony and here at the speaking thereafter. Let me say that my heart is filled with gratitude for:

All of you who really make things go in the area of veterans affairs in this country;

All of you who are a part of the veterans service organizations network;

All of you who are volunteers;

All of you in the military, who make such ceremonies like this really special; and especially,

All of those 200 or more thousand VA employees, without whom we in the Veterans' Administration would not be able to do our job.

Let me just say over the last four years, I have distilled two truths that I would like to leave with you. First of all, wars do not end when the shooting stops. They live on in the lives of those who are veterans of those wars. They live on in the lives of those who are survivors and dependents of those who lost their lives in war.

But, most of all they live on and on in the memories of those who have served—who have given their best for this country. That is why this nation should never forget, because the veteran never forgets. So wars do not end when the shooting stops. And hopefully this kind of ceremony will not end until the last veteran is gone.

Secondly, my Vietnam experience taught me that this country should never commit the troops before the nation itself is committed. We must commit the nation first and then commit the troops.

No veteran I ever talked to, whether he was a veteran of the Spanish-American War or World War I, or World War II, or Korea, or Vietnam ever wanted to be considered more or less than a veteran.

He wanted and she wanted that dignity and that honor and that respect, nothing more, nothing less. That's what the country ought to be about.

Wars do not end when the shooting stops; and the nation should commit itself first, and then the troops. All we want to be is veterans, not victims.

We want to be veterans of national service, not victims of an international traffic accident. That is the meaning of a ceremony like we have today. We are veterans—we are veterans of national service, not some freaks of a historic accident.

Most of us served in the military, not necessarily because it was the greatest thing to do at the time, but because we thought it was the thing we ought to do at the time. And that nobility of purpose deserves to be honored in a ceremony like today. So, please remember these two things, commit the nation first and then the troops, and then when the troops come home they won't have to worry about whether or not they have the honor and respect due to them. And, remember that this nation holds an obligation to those for whom the war is never over—because the veteran never forgets.

I came across a theme that seemed to articulate these two points. It was not written recently. It was written over 2,000 years ago by a Greek historian who wrote of the war of his generation and the veterans who perished and the veterans who came home.

These words:

"The sacrifice which they collectively made was individually repaid to them—for they received again, each one for himself, a praise which grows not old. And the noblest of all sepulchres, I speak not of that in which their remains are laid, but of that in which their glory survives, and is proclaimed always and on every fitting occasion both in word and deed.

"For the whole earth is the sepulchre of famous men. Not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial of them—graven not on stone, but in the hearts of men."

Thank you very much and God bless you.●

TRIBUTE TO RETIRING ROLAND L. MASON

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. SATTERFIELD. Mr. Speaker, I rise today to pay tribute to Roland L. Mason, Director of the Richmond, Va., Veterans' Administration Medical Center, on the occasion of his retirement after more than 34 years of outstanding service to the veterans of this country.

As chairman of the Subcommittee on Medical Facilities and Benefits of the House Veterans' Affairs Committee, I have learned of the qualities which make an excellent hospital director—energy, intelligence, courage and an earnest desire to provide the finest medical care to the patients. Roland Mason possesses these attributes in abundance.

Roland began his VA medical career in 1946, immediately upon his discharge from the Army. He progressed through a variety of responsible field and central office positions before becoming Director of the Richmond Medical Center on October 27, 1974. He administers the operation of this large and complex medical center through the application of vast and varied knowledge and experience in health care administration. In addition to his many responsibilities as Director of the Center, he remains extremely active in a wide variety of community affairs. Not the least of his service to the community is his acceptance of the position of medical director of district 7, which is comprised of the centers at Richmond, Hampton, Salem, Beckley, and Huntington.

Roland has attracted many young people who aspired to positions of leadership, both within the Veterans' Administration and in the private sector, and has been very solicitous of their training and progression upward to positions of responsibility.

Mr. Speaker, I ask my colleagues in the House to join with me in paying tribute to a fine and generous American, who is leaving a meaningful legacy of service to the veterans of the Richmond area and of this Nation.●

HOUSE RESOLUTION 774 APPROVED BY SUBCOMMITTEE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. OTTINGER. Mr. Speaker, I am pleased to report that on Thursday, November 21, the House Foreign Affairs Subcommittee on International Organizations passed House Resolution 774 by a unanimous voice vote. I would like to express my thanks to the subcommittee, and particularly to its distinguished chairman, DON BONKER, for their consideration of this resolution, which I believe sends a clear message to the new Bolivian regime that the House of Representatives will not sit silent while democratic principles are attacked, human rights are violated, and American citizens are intimidated.

I would like to take this opportunity to include in the RECORD House Resolution 774 as reported by the subcommittee:

Mr. Speaker and members of the subcommittee, I would like to thank you for this opportunity to comment on my proposed resolution, House Resolution 774, which concerns the tragic situation in Bolivia. The new regime that overthrew Bolivia's democratic process, has been marked by the violation of human rights including mass arrests, torture of prisoners, seizure and censorship of newspapers, and the intimidation of American citizens.

On July 17, 1980, the Bolivian military halted Bolivia's movement toward democracy by overthrowing a civilian interim government in the process of elections when it became apparent that the next President would be a longstanding advocate of constitutional and democratic rule.

Since then, the regime has engaged in a massive and brutal attack on the human rights of all people in Bolivia, including the American community. American and foreign journalists have been detained and harassed. Our own citizens, including diplomatic personnel, have had their lives threatened and their property destroyed. The disturbing incident that brought this situation to my attention was the arrest and the detention of two priests from the Maryknoll Mission in Ossining, N.Y., which is in my district. Despite their subsequent release, these priests, who dedicated their lives to improving the lot of the poor, were subject to such harassment that they were forced to leave Bolivia.

In response to these developments, the State Department canceled $47 million in economic aid and suspended another $36 million of assistance. All military aid was terminated. Our Ambassador to Bolivia, Marvin Weissman was recalled to Washington and our embassy staff was reduced to a minimum. There have been no official policy-level contacts since the coup.

House Resolution 774 makes a strong statement in support of these policies. We cannot sit silent as American citizens are threatened. We cannot sit silent when democratic principles are so blatantly violated. We cannot continue the free flow of aid to recipient nations that embark on policies which contradict our fundamental interests.

This bill enables us to send a clear signal to the world that the U.S. House of Representatives will not support foreign governments that engage in crimes of such a heinous nature. It is hoped that the bill will strengthen the State Department's hand and encourage Bolivia to return to the road toward democracy, a road that was tragically sidestepped on July 17.

Thank you.

PROPOSED CLEAN VERSION OF HOUSE RESOLUTION 774

Providing that the President should continue the termination of military assistance, severe curtailment of economic assistance, and the reduced official United States presence in Bolivia until the regime takes certain corrective actions.

Whereas the military regime headed by General Luis Garcia Meza has reportedly interrupted Bolivia's progress toward democracy and constitutional government by forcefully overthrowing a civilian interim government on July 17, 1980;

Whereas the new Bolivian regime has engaged in mass arrests, torture, executions, censorship, repression of civil rights, religious harassment, repression of trade unions, and widespread violence inflicted upon the people of Bolivia;

Whereas the Bolivian regime arrested without charges two American priests from the Maryknoll Mission in Ossining, New York, Father William J. Coy and Father John C. Moynihan, and has subjected them to continual harassment since their release;

Whereas the Bolivian regime has detained and harassed journalists from other countries, including correspondents from the United States;

Whereas the Bolivian regime has detained and intimidated United States citizens in Bolivia;

Whereas the Permanent Council of the Organization of American States has condemned the interruption of the democratic process and human rights in Bolivia;

Whereas the United States Department of State has already taken significant steps against the regime in Bolivia, including terminating military assistance and severely curtailing economic assistance to Bolivia and reducing the official United States presence in La Paz, the capital of Bolivia;

Whereas a mission of the International Confederation of Free Trade Unions was detained and mistreated by Bolivian authorities;

Whereas the Inter American Commission on Human Rights has officially deplored the Bolivian regime for failing to respond to their request to visit Bolivia;

Whereas the United Nations International Labor Organization has conducted an investigation of trade union rights in Bolivia;

Whereas commercial banks and International Financial Institutions continue to provide substantial financial resources to Bolivia in spite of international condemnation of the Bolivian regime;

Whereas the Bolivian regime has significant connections with well established drug traffickers; and

Whereas Amnesty International has estimated that at least one thousand arrests have been made in Bolivia since July 17, 1980, and five hundred are still in detention, and has requested that the new Bolivian regime compile and release without delay a list of those persons imprisoned or killed since the regime assumed power on that date: Now, therefore, be it

Resolved, That the President should not reestablish at a normal level an official United States presence in Bolivia, and the President should not furnish any military or economic assistance to Bolivia which has been terminated since the new Bolivian regime assumed power on July 17, 1980, unless the President determines that—

(1) Civil and other human rights have been restored to the people of Bolivia;

(2) The Bolivian regime has released all United States citizens in its custody who have been detained for political reasons, and has promised that no reprisals will be taken against such citizens;

(3) The Bolivian regime has restored the democratic process in Bolivia; and

(4) The reported involvement of the new Bolivian regime in international drug conspiracies has been properly assessed.●

TRIBUTE TO HON. JEROME AMBRO

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HALL of Texas. Mr. Speaker, my good friend and colleague, JERRY AMBRO, deserves our thanks and appreciation for making a positive contributions to the work of this House. As most of us are aware, his congressional district on Long Island is one that the pundits and professional political observers call a marginal district. Yet, JERRY AMBRO held the seat for three terms, and he made a gallant try for a fourth in a year that just bore bad tidings for Democrats.

JERRY AMBRO is a public servant in the finest sense of the word. He has been active in politics in his home of Huntington, N.Y., and has received untold honors and awards for his civic work and contribution to good government.

He brought a wealth of expertise to the House on the problems of urban areas and he has established an enviable record as an objective, fair-minded legislator devoid of partisanship and rancor.

JERRY AMBRO's work on the Public Works and Transportation Committee and the Science and Technology Committee, where he has been chairman of the Natural Resources and Environment Subcommittee, has been characterized by tremendous knowledge of and interest in the wide range of jurisdictions before these committees.

As an example of how JERRY AMBRO's service on the Public Works and Transportation Committee has benefited his constituency was his successful amendment to the highway bill establishing a computerized traffic flow system on Long Island that has the potential for revolutionizing traffic management in large, urban areas. He was also successful in getting an Economic Development Administration grant that was the first of its type designated exclusively for an urban area.

His success in getting strong Government support of the Isabel project at Brookhaven Lab is one of his most notable achievements. This project, which deals with high energy physics, is considered one of the most exciting scientific endeavors in recent memory.

Mr. Speaker, JERRY AMBRO has been an innovative, diligent, and successful lawmaker, and we are going to miss him. I wish him continued success in the future.●

BILLIONS FOR DEFENSE, PENNIES FOR SURVIVAL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. SEIBERLING. Mr. Speaker, the present change in administrations will doubtless bring with it a transformation of our foreign policy. This new policy has not yet been fully formulated; we in the Congress, through our words and actions, can play an important role in shaping it.

I do not think we can banish our present feelings of confusion by an enormous buildup of American military might and a grim girding of our national will. We cannot will ourselves out of confusion; we must think our way out of it. After two decades of setbacks and humiliations in foreign affairs, Americans certainly have reasons to be frustrated. Nevertheless, for nations, as for individuals, an instinctive resort to arms will not eliminate the sources of that frustration. More bombs and missiles cannot arrest our decline; in fact, America's two principal postwar foreign policies—containment and the Nixon doctrine—have both crumbled in part because smaller nations—Vietnam, Iran—were not cowed by our military arsenal.

If we are to build an effective foreign policy, we must reflect on the causes of our present confusion. And it is as a means to such reflection that I bring to the attention of my colleagues the 1980 edition of Ruth Leger Sivard's widely praised annual study, "World Military and Social Expenditures." Ms. Sivard's work has been sponsored in this country by the Arms Control Association, the Institute for World Order, the Rockefeller Foundation, the Stanley Foundation, the Union of Concerned Scientists, and the Peace Through Law Education Fund. This last organization, which I serve as president, is affiliated with Members of Congress for Peace Through Law (MCPL). Three of my fellow MCPL members, Representatives Paul Simon, Patricia Schroeder, and Toby Moffett, have joined with me in distributing copies of Ms. Sivard's study to the offices of every Member of the House and Senate.

I know of few persons more qualified than Ms. Sivard to analyze thoroughly and cogently the effects of the worldwide arms race upon global stability. Now director of the nonprofit research organization World Priorities, she served formerly as Chief of the Economics Division of the Arms Control and Disarmament Agency, and in executive positions with Dun & Bradstreet, Inc., in New York, the U.N. Relief and Rehabilitation Administration in Austria, the International Refugee Organization in Switzerland, and Marshall plan in France.

Her study is, this year as always, a mine of illuminating but disturbing information. For example, she points out that world military expenditures have increased faster than the worldwide rate of inflation for 8 years in a row; that in an oil-short world, our new XM-1 tank consumes nearly 2 gallons of gasoline per mile; that even though both sides agree that rough parity has been reached between the superpowers, and even though both must contend with increasingly sluggish economies, the United States and the Soviet Union are still spending more than $100 million a day to maintain and upgrade their military machines.

In arriving at a new foreign policy, we must not succumb to the specious belief in military might as the sole reliable guarantor of our national security. The world is, of course, a dangerous place, and we must be amply prepared to defend ourselves. But we need an ampler definition of national security, one that takes account of the many nonmilitary dangers likely to threaten global order during the remainder of this century. We can build a more sophisticated, more awesome version of the Maginot line if we choose. Ms. Sivard warns, however, that:

> The festering problems of today and tomorrow are the problems of poverty, unemployment, runaway inflation, pollution, injustice. Neglected in favor of armed might, they promise rising public anger and social upheaval against which no national military fortress can be made impregnable for long.

Once again this year, I am inserting a few of the many laudatory articles and editorials that have appeared in this country and in Europe in response to the publication of World Military and Social Expenditures 1980. I hope that all my colleagues will read the following articles, from the Christian Science Monitor, the Guardian of London, United Press International, and the Friday Review of Defense Literature, and will then be persuaded to read and reflect upon Ms. Sivard's unsettlingly perceptive study:

[From the Christian Science Monitor, Sept. 12, 1980]

The $500 Billion Arms Bill

(By Richard L. Strout)

The cost now comes to over $500 billion a year, according to a regular annual study sponsored by American, Canadian, and British arms control groups. This is the report issued by Ruth Leger Sivard, former chief of the economics division of the US Arms Control and Disarmament Agency and now head of the nonprofit research organization, World Priorities. The world for the eighth year increased its military expenditures faster than the rate of inflation. It is doubtful if it is getting greater security by its greater expenditures.

In November 1979, and twice again in 1980, the computer signaled an approaching nuclear attack on North America. These were false alerts as it turned out. Fortunately the nation was not jittery, and it made no response with an answering nuclear salvo. The false alerts—detected before the reply was triggered—were traced to a defective electronic component no bigger than a dime and worth about 46 cents. War or peace at some future date may hang on this little gimmick.

Paul C. Warnke, director of arms control in 1977 and 1978, declared in a recent press comment, "Our security needs can best be met by continuing to seek meaningful agreements on control of nuclear and conventional arms." He wants revival of the Russian-US SALT II arms talks but the treaty has stalled in the Senate (where 34 members have veto power) since Russia invaded Afghanistan. Mr. Warnke argues that a Russian-US arms race has no ending, because anything one nation does the other automatically follows.

The new Sivard study gives a dozen pages of tables comparing military and social expenditures of the world's nations. Many global problems spring from fast birth rates: Population increase is greater in the underdeveloped countries so that by A.D. 2000 the global craft will look like an unbalanced rowboat with prow sticking out of water and its over-weighted stern sinking under the mass. The tables show vividly that the leaders of the densely populated poor countries are avidly buying arms from the superpowers.

In the 1960s and 1970s the world spent $370 billion a year for arms. Soon it will be $600 billion. The United States and the Soviets account for nearly 60 percent.

Nuclear weapons have spread; currently there are 50,000 on earth. Six nations can produce them and 18 others probably have weapons stationed on their soil. Missiles can carry the strategic nuclear weapons 6,000 miles in half an hour. They have surprising accuracy: Fired from the other side of the globe, some can hit within a few hundred feet of the target.

Here are items from the study: The World War II tank cost $50,000, the latest tank $1,500,000. The new tank gets a mile on 1.9 gallons of gas. The training of military personnel in the United States costs twice as much per year as the education budget for the 300 million school-age children of South Asia. Average life span in the richer countries is 30 years longer than in the poorer countries.

The new Sivard report contends that "there is no defense at all against an attack with nuclear weapons."

[From the Guardian (London), Sept. 8, 1980]

Third World Spending on Arms Rises Sharply

(By John Hooper)

The world's annual military expenditure will exceed $500 billion (£207 billion) this year, according to a report published today. Last year's increase exceeded the global rate of inflation for the eighth year.

The report—written by a former chief of the economic division of the U.S. Arms Control and Disarmament Agency—estimates that governments are now spending eight times as much on research into new weapons as they are on solving energy problems. The two Superpowers' expenditure on nuclear arms alone is more than $100 million (£41 million) a day.

By far the biggest real increases in recent years have come from the Third World. Whereas in the decade to 1978 (the last year for which comprehensive figures are available) the military budgets of developed countries grew at constant prices by only 5.8 per cent those of developing countries went up by an average of 107.1 per cent.

World Military and Social Expenditure 1980 by Ruth Leger Sivard is available in the UK from Campaign Against Arms Trade, 5 Caledonian Road, London N1 9DX. £2 plus 25p post.

[From the United Press International]

More Than $500 Billion Spent on Weapons in 1979

Worldwide spending for weapons passed $500 billion last year, with the superpowers and their allies accounting for more than 80 percent of the total, a report sponsored by eight U.S. and British organizations said Saturday.

The yearly survey, "World Military and Social Expenditures," by Ruth Leger Sivard said global spending on armaments topped half a trillion dollars in 1979 and the bill is continuing to rise as weapons become increasingly expensive.

The study said military spending totaling $600 billion annually can be expected through the 1980s if current trends continue and even if inflation is brought to a standstill. In the 1960s and 1970s the yearly average expenditures for military purposes worldwide was $370 billion.

"We drift toward general nuclear war," Henry W. Kendall, chairman of the board of the Union of Concerned Scientists, one of the report's sponsors, wrote in a foreword to the report.

"The example set by the superpowers has not been lost on other nations," he said. "A half-dozen nations now possess nuclear explosives. As many again may acquire them in the near future.

"And a substantial portion of the weapons slated to be added to the tens of thousands now in the world inventories will be placed in missile systems capable of delivering nuclear first strikes. This will make control of crisis situations increasingly unsure."

The Soviet Union and the United States are setting the pace in the arms race, the study said. With their NATO and Warsaw Pact allies, they account for four out of every five dollars of military spending.

The report also said:

For the eighth consecutive year, military spending rose faster than the rate of inflation.

In an oil-short world, the newest tanks will burn nearly 2 gallons of gas per mile.

The training of miltary personnel in the United States alone costs twice as much a year as the education budget for the 300 million school-age children in south Asia.

The two superpowers are still investing "well over $100 million per day" to make their nuclear arsenals larger and more sophisticated, despite a stockpile of some 50,000 weapons between them.

Weapons research receives eight times as much public money worldwide as research for new energy.

The increased spending reduced the funds available for other tasks, such as health and education, the study said. The main burden falls on the developing world as military expenditures soak up money and skills from other sectors of the economy, it added.

The report is annually sponsored by the Institute For World Order, the arms control Association, Peace Through Law Education Funds, the Rockefeller Foundation, the Stanley Foundation, the Union of Concerned Scientists and two British groups, Project Ploughshares and the British Council of Churches.

[From the Friday Review of Defense Literature, Oct. 24, 1980]

Summarization of "World Military and Social Expenditures 1980"

(By Brant Keller)

Note.—Sponsors of this report are the Arms Control Association, Institute for World Order, Peace Through Law Education Fund, The Rockefeller Foundation, The Stanley Foundation, the Union of Concerned Scientists, the British Council of Churches, and Project Ploughshares—Ottawa, Ontario, Canada.

For eight years in a row, world military expenditures increased faster than the rate of inflation, states Sivard, with the nations of the world spending over $500 billion this year alone. This cancerous arms race that appears to feed upon fallacious fears of inferiority and an illusory desire for nuclear superiority has done nothing to safeguard the survival of mankind. Malfunctions in a computer due to a faulty electronic component worth 46 cents almost brought civilization as we know it to the brink of annihilation. Sivard states that there could be no winners in a nuclear war but that preparation for one by the two superpowers goes on at an accelerated rate. Since there are more nuclear weapons than could possibly justify deterrence, Sivard asserts, U.S. technological advances toward small, more accurate and powerful weapons has created a "counterforce" concept intended to make nuclear war more feasible. Sivard believes that the public must realize: "A major nuclear war between the U.S. and U.S.S.R., exchanging their thousands of nuclear weapons in a matter of hours, would mean deaths in the hundreds of millions and the destruction of the life-support systems—industry, transport, food, water, medical care—of both countries. The effects of nuclear war would not be confined to the two antagonists. Radiation sickness would spread with the winds. Disruption of the biosphere would cause crop failures world-wide, increased ultra-violet light and skin cancers. The immediate and later casualties could well put all of human civilization in jeopardy."

Sivard is concerned not only with nuclear proliferation but also with the increase of all military expenditures at the expense of adequate living standards. She notes that military budgets in general are "dead-end" expenditures which contribute to inflation and economic uncertainties. It is their drain on research funds that restrains productivity, according to Sivard, and non-defense needs are less capital-intensive, more labor-oriented in her estimation. Providing the reader with many graphs and tables full of figures to support her claims, Sivard states: "Official calculations for the US economy indicate that, for the same expenditure of funds, up to twice as many people can be employed in schools, health services, building homes and transit systems, as through military budgets."

In conclusion, Sivard warns: "The festering problems of today and tomorrow are the problems of poverty, unemployment, runaway inflation, pollution, injustice. Neglected in favor of armed might, they promise rising public anger and social upheaval against which no national military fortress can be made impregnable for long."●

TRIBUTE TO RETIRING NEW YORK MEMBERS

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. LONG of Louisiana. Mr. Speaker, the members of the Louisiana delegation don't always find themselves on the same side of the fence as our colleagues from New York, but we know a tough delegation when we see one. The Empire State is a diverse one, and they are lucky in that they have a delegation that so forcefully represents all of their interests. Seven of their number will not be with us for the 97th Congress. It will be a loss for both the House and the residents of New York State. They come from both sides of the aisle and all regions of that great State: Bob McEwen and Jim Hanley from upstate, Jerry Ambro and John Wydler from Long Island, Lester Wolff of Queens and Long Island, Liz Holtzman of Brooklyn, and Jack Murphy of Staten Island.

I would like to add a special goodby for my friend Jim Hanley. I have been most closely associated with him through our work with the United Democrats of Congress. As a founder and board member of UDC, he has provided much wisdom and guidance to moderate Democrats and encouraged Democratic cooperation throughout our diverse ranks. UDC will miss Jim Hanley.

While we in the House have had over 15 years to get to know and work with Jim, we have only had less than half that time to get to know Jerry Ambro. Like Jim, he came into Congress with a sweep of new Members. Jerry distinguished himself early on when Members of his freshman class of the Congress selected him to lead them in 1974. His leadership in the House Task Force on Industrial Innovation helped educate Members about the crucial need to improve American productivity. His diligent work to gain funds for research facilities at Brookhaven is a great contribution to our Nation, to science, and to the residents of Long Island that he has so well represented. I wish Jerry, Jim, and the other retiring Members of this great State delegation the best of luck in their future endeavors. We'll miss them all.●

TRIBUTE TO FRANK CADDY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. DINGELL. Mr. Speaker, I wish to take this opportunity to bring to the attention of my colleagues a fine American who will retire on January 1, 1981, as president of one of America's outstanding historical centers—Greenfield Village and Henry Ford Museum.

Frank Caddy has played a monumental role in the development and success of Greenfield Village and Henry Ford Museum. Located in Dearborn, Mich., in my 16th Congressional District, this 240-acre learning center contains more than 85 buildings moved from various parts of the United States and England. Caddy's mission at the village was to make three centuries of American history come to life to the 1½ million people who visit annually. The laboratory where Thomas Edison invented the first successful incandescent light bulb; a courthouse where Abraham Lincoln once practiced law; the house where Noah Webster compiled his dictionary; the cycle shop where Wilbur Wright built the components of the first airplane; and antiquated steam engines, horse drawn sleighs and cobblestone streets are only a few of the treasures Frank Caddy protects.

Frank Caddy assumed the presidency of Greenfield Village and Henry Ford Museum (the Edison Institute) on August 1, 1976. Previously, he had served as its vice president of administration, and treasurer and as a member of the Edison Institute board of trustees which administers the museum.

A resident of Dearborn for 29 years, Mr. Caddy has enjoyed a long history of service with the village and museum. In a November 1977, recognition of Mr. Caddy's 45 years of service, William Clay Ford, chairman of the board of trustees and grandson of the founder, noted that Mr. Caddy, more than anyone else, has had an instrumental role in developing this leading historical attraction.

In 1946, he was named controller and in 1952 director of administration and treasurer. He was promoted to vice president of administration, and elected a trustee in 1968. For 25 years, Frank Caddy has been treasurer of Seaboard Properties, Inc., and is a tration, and treasurer and as a member ment of this wholly owned subsidiary of the Edison Institute that operates the Dearborn Inn. He is chairman of Dearborn's 50th Anniversary Celebration Commission and served as chairman of the American Revolution Bicentennial Commission of Dearborn. He is currently a trustee of the Center for Creative Studies in Detroit, a trustee of the Thomas Alva Edison Foundation in New York, and a member of the board of directors of the Metropolitan Detroit Convention and Visitors Bureau. Caddy also serves on the board of directors of the Dearborn Bank & Trust.

Frank Caddy has served as president and director of the Dearborn Chamber of Commerce and as board chairman and director of the Dearborn YMCA. A past president and director of the Dearborn Rotary Club, Mr. Caddy also is a past chairman of the Dearborn Tourist and Convention Committee, past district chairman for advancement—Boy Scouts of America and a former member of the Citizen's Committee to Raise School Millage.

Frank Caddy has received numerous honors for his many professional and civic achievements. In 1963, he was the first recipient of the civic award which is now presented annually by the Dearborn Board of Realtors to the city's outstanding civic leader. In 1978, Mr. Caddy received a Dearborn Bar Association Liberty Bell Award for his significant contribution to the functioning of government and respect of law. Also, in 1978, he received a Regents Citation of Honor from the University of Michigan, Dearborn, honoring him for his role in bringing an understanding of American culture to the public. In 1979, Mr. Caddy was designated by the Rotary Foundation a Paul Harris Fellow for his years of devoted service to Rotary International. In 1979, Mr. Caddy received an honorary doctor of law degree from Alma College.

Mr. Caddy holds memberships in several organizations including the American Association of Museums, the Midwest Museums Association, the Dearborn Chamber of Commerce, Dearborn Rotary Club, Dearborn YMCA and Lincoln Lodge F. & A.M.

Frank Caddy is an elder in Dearborn's Cherry Hill Presbyterian Church, and in his second term as chairman of the administration committee there. He is married and the father of five children.

Frank Caddy is one of those rare citizens who has devoted much of his time, energy, and resources to the development of a worthwhile historic institution and in augmenting and inspiring social improvement and civic growth and responsibility. He has set a shining example of outstanding community service which should be observed by all Americans.●

MISSIONARY TAX EXEMPTIONS

HON. CARROLL HUBBARD, JR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. HUBBARD. Mr. Speaker, thousands of Americans are scattered throughout the world as missionaries and charitable workers. These dedicated servants leave the comforts of the United States and suffer untold hardships to deliver God's word in foreign lands and to offer assistance to those in need. Our missionaries abroad deserve our support and backing; yet our tax code penalizes these brave Americans. Instead of being offered a merited tax exemption for their efforts as good will ambassadors, American foreign missionaries are not only taxed by their own Government, but also often find themselves taxed by the country in which they are serving. I applaud my colleagues in the House for having the insight to redress this problem by passing H.R. 1319, with its section to restore tax exemption to all religious and charitable workers. I urge my colleagues in the Senate to do likewise, and pass this legislation promptly.

I wish to enter the text of a letter from the Rev. Hal F. Branson, associate pastor of the Immanuel Baptist Temple in Henderson, Ky., which underscores the need for prompt action to extend tax exemptions to foreign missionaries:

> "Taxation without representation" is a familiar problem in U.S. history books. Fortunately that was changed.
>
> "Double taxation" is a present day problem that we all deal with in one form or another, and there may be no easy answer to the problem.
>
> There is one form of "double taxation," however, that doesn't seem so complex. I refer to the matter of foreign missionaries being taxed by the country in which they live and an effort by the U.S. government to tax the same missionaries.
>
> I encourage you to stand up for the $20,000 tax exemption now being sought for foreign missionaries—or else work at keeping them from paying taxes in the country where they are serving.●

TRIBUTE TO DEPARTING COLLEAGUES

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. RAHALL. Mr. Speaker, I am pleased to join in the tribute for our seven distinguished colleagues from the State of New York who will not be with us for the 97th Congress. They have all served with dedication, and their experience and leadership will certainly be missed by us all.

Since 1962, JOHN M. MURPHY of Staten Island has represented the 17th District with pride, just as he fought for his country in the Korean war. His military service record is highlighted by the Distinguished Service Cross, the Purple Heart, and the Bronze Star.

His congressional career was highlighted with his chairmanship of the Committee on Merchant Marine and Fisheries.

JOHN MURPHY can be proud of his record, and he will be missed by this body.

JOHN W. WYDLER has represented New York's Fifth District since 1962, and his constituents in Nassau County have always received close attention to local matters, an aspect of service JOHN WYDLER was noted for.

His positions on the Government Operations Committee, and the Science and Technology Committee, won him the respect and praise of his colleagues, Democrats and Republicans alike. His absence will create a void, but we all can be pleased to have served with him.

JAMES M. HANLEY has distinguished himself in this body as chairman of the House Committee on Post Office and Civil Service, and he has worked diligently to be bring stability to both of these aspects of our Government.

In 1964, he came to Congress with a long list of civic achievements. His congressional achievements are just as impressive.

JAMES HANLEY's position of leadership will be filled in the next Congress, but his leadership qualities will be hard to replace.

After serving 10 years in the New York State senate, ROBERT MCEWEN came to Congress from the 30th District. His district covered the northernmost regions of New York State, but his service to his constituents remained close and valued.

As a member of the Committee on Appropriations, he advocated fiscal responsibility, a trademark that will be desired in the next Congress.

As chairman of the Subcommittee on Asia and Pacific Affairs, LESTER WOLFF of New York's Sixth District, played an important role in the opening of trade negotiations with China and trade with Japan. His interest in foreign affairs made him a forceful voice on the issue and respected by his colleagues.

Since 1964, LESTER WOLFF has represented his varied district with distinction. His presence will be missed in Congress and back home.

ELIZABETH HOLTZMAN defeated a legend to come to Congress from the 16th District of New York. In her 8 years of service, she made a name for herself in a number of areas.

From Watergate to women's rights, Congresswoman HOLTZMAN was in the fight, for her country and her constituency. She was a leader, and still is today, even though she will be leaving this House.

JEROME AMBRO has had a long career of public service. It was capped in 1974, with his election to Congress from New York's Third District. As a member of the Public Works and Transportation Committee, we served together. I was impressed, as I know we all were, with his ability and experience.

In 6 short years, JERRY AMBRO has left a mark on this House, and we all can be proud to have worked with him.

Mr. Speaker, on November 4, the voters of the 3d, 5th, 6th, 16th, 17th, 30th, and 32d Districts of New York chose successors to these seven distinguished Members. Those new Members will have some tough shoes to fill, because those voters will expect the same topnotch representation they received in the past.

I wish our departing colleagues the very best in the future, and believe that some of them may rejoin us in the years to come.●

TRIBUTE TO JEROME AMBRO

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ST GERMAIN. Mr. Speaker, it is with great pride that I pay tribute to my distinguished colleague, and good friend from New York, JERRY AMBRO.

JERRY's service in the House for the past 6 years is a tapestry of innovativeness and insight. His recognition of the import which Federal programs have upon the local public and private sector, and his ability to creatively synthesize his concerns into pragmatic legislation, have led to an effective melding of these constituencies. With his astute insight, and overriding concern of energy and environmental affairs, JERRY has woven an impressive trail of model legislation. These labors have not only profited his district, but serve as a model for communities throughout the Nation.

Representative AMBRO's initiative has resulted in the construction of a national Solar Energy Research Institute, a national pilot program in traffic management, to increase the flow of traffic while diminishing pollution and gasoline consumption, as well as drafting a comprehensive material and mineral policy, which provides management of these items which are critical to our national security and manufacturing needs. Coupled with his innate leadership abilities, these accomplishments stand as a monument to his uncanny grasp of government and articulate demeanor.

However, what will truly be irreplaceable is JERRY's warmth and good humor. I would never forgo an opportunity to consult with him on a vast spectrum of issues. His creative intellectual prowess and engaging personality generates a magnetism wherever he travels. With a sparkle in his eye, and his effervescent humor at hand, JERRY made even the most mundane matter a conversational delight.

While I am saddened by the departure of such a young and bright beacon in our chambers, I find consolation in knowing that whatever JERRY's future endeavors may be, he will enrich the lives of others as he has enlightened our own. It is with great sincerity and admiration that I wish JERRY a long and prosperous life filled with happiness and good health.●

VOYAGER 1 ENCOUNTERS SATURN

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. FUQUA. Mr. Speaker, the Nation can be proud of the incredible scientific and technological accomplishments of the NASA Voyager spacecraft. The Voyager passages of Jupiter and its moons last year will be recorded in the history books as exploratory events of the greatest magnitude, an almost impossibly difficult act to equal or surpass. But the drama that has unfolded over the last several days as Voyager 1 passed through the Saturnian system showed that it was, in fact, not impossible. Saturn, its rings and its many moons have proved to be equally exotic and fascinating. The scientific discoveries at Saturn have been outstanding, and the excitement of the events has captured the world's imagination. We congratulate the many dedicated men and women within Government, industry, and the universities who have made possible this stunning achievement by the Voyager mission.

The Voyager mission was a long time in the planning, having been initiated by NASA as a project in 1972. The mission was originally conceived to take advantage of a rare alinement of the outermost planets—Jupiter, Saturn, Uranus, Neptune, and Pluto—which would enable a spacecraft to visit more than one of these bodies in a single mission. The primary Voyager mission, however, was planned to explore only Jupiter and Saturn. This has now been achieved in a spectacular manner and the Voyager 2 encounter with Saturn next August will significantly augment the findings of Voyager 1. So beautifully are the spacecraft operating that Voyager 2 is now targeted to proceed on to Uranus, and possibly even Neptune.

Many of the secrets of the Saturnian system still remain to be revealed: This will occur gradually as scientists reduce and analyze the mass of data returned by the dozen instruments on Voyager. The discoveries already made, nonetheless, are extraordinary—the endless complexity and beauty of the rings, the diversity of the surfaces of the smaller moons, the several new moons just outside the rings—with two on a collision course—and the fantastic environment of Titan.

Titan, the largest moon of Saturn, has for years been an object of intense study by ground-based telescopes, but it has largely defied these efforts. We have now discovered that this moon, alone among the planetary satellites of the solar system, has a thick atmosphere comparable in density to that of the Earth. The resemblance to the present Earth's atmosphere, though, is slender. Since Titan's atmosphere is a mixture of methane and nitrogen, clouds of hydrocarbons and oceans of liquid nitrogen are now being suggested. With the availability of organic materials in the atmosphere, there is inevitable speculation about the possible complexity that may have been achieved by organic molecules on Titan. This remarkable object seems bound to become a prime target for future exploration with a renewed quest for information about the circumstances that led to the origin of life.

Many times in the past we have had occasion to marvel at the extraordinary achievements of our planetary exploration program—achievements that are unmatched by any other nation. Yet, the spectacular discoveries such as Voyager uncovered at Jupiter and Saturn represent only incremental contributions to unraveling secrets of the cosmos as well as Earth itself. Future space missions will continue this process and greatly enhance our knowledge of the solar system. Such opportunities presently being considered are the Venus orbiting imaging radar mission to map the surface of Venus; a mission to Halley or some other prominent comet; and missions using orbiters and probes to further study the outer planets.

The contributions of these national space efforts to human knowledge and understanding clearly justify the relatively small fraction of our resources. We cannot let the momentum wane or the opportunities pass unchallenged. Long after most of our present difficulties and preoccupations are forgotten, the achievements of Voyager will be remembered as a flowering of human genius in the 20th century.

As expressed in the Wall Street Journal editorial of November 17, 1980:

> It is the linkage of the bits and pieces of past scientific discoveries which now affords us the benefits of our modern, technological world. For that we all indebted to the labors of ages past. As Voyager probes the outer reaches of our solar system, man expands the boundaries of knowledge. For that future generations will be forever indebted to us.●

TRIBUTE TO HON. ELIZABETH HOLTZMAN

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HALL of Texas. Mr. Speaker, it has been a distinct honor for me to serve in the House with my good friend, Liz Holtzman. While our philosophy of government is markedly different, this has not diminished my respect for her or her abilities as a legislator. I have especially enjoyed serving with her on the Subcommittee on Immigration, Refugees, and International Law. As the subcommittee chairwoman, she has achieved an enviable record for thoroughness, total subject preparation, and tremendous knowledge of the difficult and often trying issues embraced by the subcommittee.

Liz Holtzman commands respect as a lawmaker because she does her homework. She takes her job seriously, and she has an outstanding legal mind. These traits have been most prominent in her work on the full Judiciary Committee. Even before my election to the House, I was impressed with her performance on the committee during the impeachment hearings.

As we all know, Liz Holtzman showed the Nation her indefatigable abilities as a campaigner when she took on a Senate campaign against seemingly insurmountable odds, won the Democratic primary in New York, and came within a whisper of winning the general election.

A person like Liz Holtzman is not content to sit on the sidelines as an observer. She is public-spirited and loves the give and take of politics. There is no question that the future will find her prominently involved in issues affecting the city of New York, the State of New York, and the Nation. I predict for her a bright future.●

TRIBUTE TO THE HONORABLE DAWSON MATHIS OF GEORGIA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Dawson Mathis has ably served the people of his district over the past 10 years as an effective spokesman for agriculture as well as a successful advocate for citizens interests. Perhaps he has been a strong consumer rights activist as a result of his being a TV news director from his Georgia home. Dawson has been an accomplished legislator serving in full on the Agriculture Committee, and a chairman of the Subcommittee on Oilseeds and Rice. In addition he has been a dedicated and progressive member of the Interior and Insular Affairs Committee, always speaking for what he felt was in the best interest of his people in the Second District. To Dawson Mathis, we are sad to see you go. But we hope you will carry on your representative talents in other ways.

This House of Representatives has benefited greatly from your 10 years here. The best of luck to you and your family in your future endeavors.●

TRIBUTE TO EDWARD J. PATTEN

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. STEED. Mr. Speaker, one of the great pleasures that has come to me during my service in this House has been the privilege of getting to know and work with Congressman Ed Patten of New Jersey.

He has served as a member of an appropriations subcommittee of which I am chairman for several years and no chairman has ever had a more helpful and dedicated coworker than Eddie Patten has been to this subcommittee and to me.

He has spent most of his adult life in public service, at the State level before becoming a Member of Congress, and during this time has acquired a knowledge and understanding seldom surpassed by anyone. His ability to get to the heart of a situation, even when gilding his remarks with a keen and refreshing humor, is remarkable. His personality and friendliness enables him to convert what otherwise would be a dull and humdrum day of committee work into a pleasant and fruitful experience.

Not the least of his association with his colleagues has been the cordial and friendly relationship he has maintained, and to the gracious and pleasant contribution that his charming wife has brought with the Pattens in their days in this legislative world. They are unusual, lovable and wonderful people and they will be missed in this place. It is apparent they have earned and deserve the rest and pleasure that only retirement can provide, and I join with all my colleagues in wishing them many years of health and hapiness.

Yes, they broke the mold when they made Ed Patten, but they did make a fine and outstanding public servant.●

A SALUTE TO HON. JOHN MURPHY, HON. JOHN WYDLER, HON. JAMES HANLEY, HON. ROBERT McEWEN, HON. LESTER WOLFF, HON. ELIZABETH HOLTZMAN, AND HON. JEROME AMBRO

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. STOKES. Mr. Speaker, I would like to thank the Honorable Samuel S. Stratton and his colleagues from the New York State delegation, the Honorable Joseph P. Addabbo and the Honorable Frank Horton for taking out this special order honoring seven Members of that delegation who will be leaving the House at the end of this session.

I join my colleagues in saluting the Honorable John M. Murphy, the Honorable John W. Wydler, the Honorable James M. Hanley, the Honorable Robert C. McEwen, the Honorable Lester L. Wolff, the Honorable Elizabeth Holtzman, and the Honorable Jerome A. Ambro. Collectively, these Members have served 98 years in the House of Representatives. The legislative leadership provided by these individuals will be missed as we convene the 97th Congress.

Mr. Speaker, although I have not always seen eye to eye with each of the Members we are saluting today and although I belong to a different political party from some of the Members, we have shared a common goal. That goal has been the betterment of this Nation and all of its citizens. In their own way, each of these individuals has taken us one step closer to the realization of that goal.

At this time, Mr. Speaker, I would like to mention each Member and what I perceive to be some of their greatest achievements in this body.

First of all, Congressman John M. Murphy, from the 17th District of New York, was elected to the 88th Congress. In his role as chairman of the Merchant Marine and Fisheries Committee, he pursued the best interests of merchant marines and the military academies in this country.

Congressman John Wydler, called the dean of the New York State delegation, also was elected to the 88th Congress. During his tenure in the House, he worked arduously on nuclear energy issues and revenue sharing. Just last week, Mr. Speaker, Congressman Wydler worked to get the revenue-sharing legislation through the House.

Moving to the next distinguished Member from the New York State delegation, Mr. Speaker, I would like to point out that the force behind much of the post office reform in recent years has been Congressman James Hanley. Through his chairmanship of the Committee on Post Office and Civil Service, Congressman Hanley has made a lasting impression on this body as well as the country.

Congressman Robert McEwen, elected to Congress in 1964, has been an active member of the House Appropriations Committee. Congressman McEwen deserves credit for securing $90 million for the 1980 Winter Olympic Games in Lake Placid, N.Y. Additionally, in terms of strengthening our Armed Forces, Congressman McEwen worked to get a permanent army training base at Fort Drumm which is one of the few bases in the Northern United States.

The Sixth District of New York has been represented by Congressman Lester Wolff since 1964. During that time, he has made his mark in foreign affairs and participated in the preliminary talks which finally resulted in the normalization of relations between the United States and China.

Mr. Speaker, Congresswoman ELIZABETH HOLTZMAN too has made a lasting impression in the House and in this Nation. She is probably best known for her successful sponsorship of the legislation extending ratification deadline for the ERA amendment.

Congressman JEROME AMBRO who was elected to the 94th Congress during his tenure took the forefront in the energy crisis in this Nation. He was instrumental in formulating the emergency energy legislation and gas rationing plan in this country to help us deal with any severe or prolonged energy crisis.

As you can see, Mr. Speaker, each of these Members has distinguished themselves in a particular area. As I mentioned at the beginning of this tribute, the one thread that binds them is their concern and dedication to the people of this Nation. This is the greatest tribute of all.●

CONGRATULATIONS FOR ROY BARRON, INDEPENDENT JOURNAL EDITOR

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. JOHN L. BURTON. Mr. Speaker, I would like to bring to the attention of my colleagues in the House the recent promotion of Roy L. Barron to editor of the Independent Journal in Marin County, Calif.

Mr. Barron was formerly the managing editor of the Independent Journal. He serves as member of the board of directors of the Marin County Chamber of Commerce and Visitors Bureau; chairman of the board of the First Baptist Church of San Anselmo, Calif., past chairman—for two terms—of the Marin Justice Council, and a member of the Rotary Club of San Rafael and the marvelous Marin Breakfast Club.

His journalistic credentials present an impressing array. He is currently president of the California-Nevada AP News Executive Council, board member of the Editors Conference division of California Newspaper Publishers Association and is also active in the national AP Managing Editors Association.

Before coming to California, Barron was executive editor of the Daily Journal of Kankakee, Ill. and managing editor of the Oneida New York Daily Dispatch. Earlier, Barron was city editor of the Wilmington, N.C. Star-News, and reporter and wire editor, the Kingsport, Tenn. Times-News.

Roy and his wife, Farline, live in Novato, Calif. and they have two daughters, Rebecca and Kathy.

I extend my congratulations to Mr. Barron for his recent appointment to the prestigious post of editor.●

AFIO ELECTS JACK MAURY AS ITS NEW PRESIDENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. McCLORY. Mr. Speaker, the Association of Former Intelligence Officers, known as AFIO, held its annual meeting last month and elected John M. Maury as its president.

Jack Maury has worked for the protection of our Nation's security for 40 years, from his service in the Marine Corps during World War II to his most recent assignment as Assistant Secretary of Defense for Legislative Affairs. In between, he spent most of his years with the Central Intelligence Agency, including serving as Station Chief in Athens and as CIA Legislative Counsel.

Jack, who is a dear friend of many years, has repeatedly given invaluable assistance to the Congress by providing instructive insights of the ever-present threat to our Nation from hostile foreign powers. His new stewardship will certainly provide AFIO with continued strong leadership as it strives to educate both the Congress and the public of the need for a strong and capable intelligence community, which, in my view, has served to protect our national security more than any other component of our national defense apparatus.

Jack Maury and all of those with whom he works at AFIO deserve our thanks and best wishes for the great service they have done and continue to do.

Mr. Speaker, at this point, I would like to append to my remarks the statement which Jack made upon assuming his new post. I would also like to include eight resolutions adopted by the AFIO membership. They reflect sound judgment on a number of current issues and reflect the experienced wisdom of a large group of distinguished former intelligence professionals.

The statement and resolutions follow:

FROM THE PRESIDENT'S DESK—A REPORT FROM JACK MAURY

Taking over a new job is like moving into a new house. No sooner does the novelty of new surroundings begin to fade than a thousand undetected or unforeseen inadequacies, defects, irritants and inconveniences rise up to challenge the ingenuity or try the patience of the new tenant. However, an examination of the current AFIO wheelhouse by this new tenant reveal an amazing absence of such problems. Or maybe not so amazing when one recalls the legendary administrative talents of Jack Blake. Certainly he and his colleagues on the Executive Committee and the Advisory Council along with Vice President Dick Bates, Treasurer Bob Novak, et al., have built on the foundations laid by Dave Phillips and the earlier officers and volunteers who worked with him a healthy and smooth-running organization well equipped to fulfill our commitment to "promote public understanding of the role of intelligence."

Nothing could better illustrate AFIO's current good health than the shining success of this year's convention. The overwhelming consensus of those present was that by every standard—attendance, programs, arrangements—this was the most successful convention to date, for which John Davis, Bob Roth and their co-workers deserve our lasting gratitude.

And now to look ahead. There's little doubt that the 1980's will confront the Nation in general, and our intelligence agencies in particular, with challenges as serious as any in our history, including those of the Civil War and the two World Wars. Our major adversary has the capability for a sudden and massive attack on our homeland; the "Third World" on which we are vitally dependent for critical resources is in turmoil, no doubt nourished and exploited by our sworn enemies; the allies on whom we relied to hold the line in the early days of World War I and World War II until we could effectively mobilize are no longer in a position to do so; and the overall military balance, in terms of both strategic and conventional forces, is steadily shifting to our disadvantage.

In such circumstances a number of remedies are called for, political, economic and military. But in terms of cost-effectiveness, early results and common prudence, none can be more responsive to the national needs than the strengthening of our intelligence agencies and freeing them of ill-conceived obstacles to the performance of their responsibilities. It is precisely because of the deterioration in our relative military position that we must increasingly rely on our eyes, ears and wits—our intelligence community—to remain alive and healthy. Without good intelligence these days we are a blind giant stumbling through an uncharted minefield. Bromley Smith, whom many will recall from his years on the NCS Staff a while back, put it as well as anybody when he said "Perhaps the greatest danger to peace in our time would be an ill informed American President."

But good intelligence isn't worth much unless we act on it. Any President of the United States, whatever his politics, needs as many of the tools of foreign policy as we can provide him. Often the most effective of these, in terms of both avoiding bloodshed and meeting the requirements of national security, are those undertaken covertly. It is in this area that some of the sharpest controversies have arisen regarding our intelligence operations, and these have led to what have been aptly called our "unilateral disarmament" in covert action.

AFIO's role, then, seems clear. On the basis of our collective experience and judgement we must try to promote a better public understanding of, and support for, our intelligence agencies as they face the kind of problems I've mentioned. In doing so we'll need the participation of a growing membership; we'll have to keep up with what's going on in the press and speak up through letters and articles where we find distortions and falsehoods; we have a similar problem in trying to dispel misconceptions in the academic community; and we have a major role to play in working with the appropriate committees of the Congress. There has been a marked improvement in the political climate on the Hill lately, and John Warner and Walter Pforzheimer have done a superb job in helping to head off several legislative monstrosities recently. But our intelligence agencies are still crippled by certain provisions of the Freedom of Information Act and the Foreign Intelligence Surveillance Act, and they desperately need effective legislation to protect intelligence sources and methods and the identities of covert personnel.

So there's plenty to be done—let's do it!

RESOLUTIONS ADOPTED BY THE ASSOCIATION OF FORMER INTELLIGENCE OFFICERS NATIONAL CONVENTION

The following resolutions on a variety of subjects of intelligence interest were adopted after discussion by the members attending this year's convention.

RESOLUTION ON CHARTERS

Whereas the last two Congresses have considered legislation which would place into law charters for certain intelligence agencies which were replete with examples of micro-management and restrictive minutia; and

Whereas it is the intent of certain members of Congress to re-introduce similar proposals in the next Congress; and

Whereas the Association of Former Intelligence Officers has consistently supported the concept of legislative charters for all intelligence agencies, which look forward to improving the effectiveness of intelligence;

Be it resolved that the Association of Former Intelligence Officers in Convention assembled on October 4, 1980 encourages Congress to pass, as amendments to the National Security Act of 1947, simple and concise legislative charters for all intelligence agencies.

RESOLUTION ON FOREIGN INTELLIGENCE SURVEILLANCE ACT

Whereas the requirement in the Foreign Intelligence Surveillance Act of 1978 that the Executive Branch must secure a judicial warrant to collect foreign intelligence by electronic surveillance of a foreign power, its agents or collaborators is a constitutionally objectional invasion of the powers reserved to the President; and

Whereas the Intelligence Community has proposed amendments to the Foreign Intelligence Surveillance Act of 1978 dealing with searches; and

Whereas the effectiveness of intelligence efforts should be improved by all reasonable means;

Be it resolved that the Association of Former Intelligence Officers in convention assembled on October 4, 1980 urge the Congress to repeal the unconstitutional requirement in the Foreign Intelligence Surveillance Act of 1978 of a judicial warrant in order to collect foreign intelligence by electronic surveillance of a foreign power, its agents or collaborators and to modify the Act to cover physical searches in appropriate circumstances.

RESOLUTION ON UNAUTHORIZED DISCLOSURES

Whereas there continue to be "leaks" and unauthorized disclosures of sensitive intelligence information; and

Whereas existing law is woefully inadequate to deter or criminally punish those who violate the trust put in them; and

Whereas various proposals have been introduced in Congress to prevent the unauthorized disclosure of intelligence sources and methods; and

Whereas by law the Director of Central Intelligence is "responsible for protecting intelligence sources and methods from unauthorized disclosure" but there is no law to punish criminally those who make such unauthorized disclosures;

Be it resolved that the Association of Former Intelligence Officers in convention assembled on October 4, 1980, urge the Congress to consider and pass legislation making it a crime for one to make unauthorized disclosures of intelligence sources and methods.

RESOLUTION ON FREEDOM OF INFORMATION ACT

Whereas the Freedom of Information Act as applied to the intelligence community has seriously impaired the effectiveness of intelligence efforts; and

Whereas the inability of intelligence agencies to assure sources and institutions, both foreign and domestic, that the agencies have full control of identities and sensitive information due to the Freedom of Information Act has caused a substantial reduction of cooperation and the loss of many sources; and

Whereas the basic objectives of the Freedom of Information Act would still be served if the Act were amended to exclude from its provisions sensitive operational files which are exempt from disclosure under the Act;

Be it resolved that the Association of Former Intelligence Officers in convention assembled on October 4, 1980 press upon the Congress the urgency of acting upon and passing legislation to exclude from the provisions of the Freedom of Information Act those files such as operational files which are exempt from disclosure by the Act.

RESOLUTION ON PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

Whereas, in 1956, the President of the United States, pursuant to a recommendation of the second Hoover Commission, established a Board whose members were appointed by him from among persons outside the Government on the basis of their ability, experience, and knowledge of matters relating to the national defense and security; and

Whereas the purpose of this Board, ultimately renamed the President's Foreign Intelligence Advisory Board (PFIAB), was to advise the President on a continuing basis concerning the effectiveness of the national intelligence effort and make appropriate recommendations for improvements; and

Whereas PFIAB was abolished by Presidential action in 1977 and has not been appropriately replaced as a permanent, nonpartisan body by a similar group of distinguished Americans, thus depriving the President and the Intelligence Community of a source of independent counsel for the national intelligence effort;

Be it resolved that the Association of Former Intelligence Officers in convention assembled on October 4, 1980 advocates that the President reestablish PFIAB to perform the functions in which it was formerly engaged and such other similar functions as the President finds appropriate.

RESOLUTION ON THE PBS PROGRAM "ON COMPANY BUSINESS"

Whereas the Public Broadcasting System, in cooperation with, and providing compensation to, Philip Agee, did air a highly inaccurate and biased three-part program on American intelligence title, "On Company Business"; and

Whereas a portion of the cost of producing the program was public money appropriated by Congress with the requirement that it be expended to provide the public with unbiased and balanced programming; and

Whereas the PBS advertised and in other ways represented the program as a scholarly and responsible overview of the CIA's history and major contribution to the on-going debate on the CIA's past, present and future; and

Whereas the PBS program did not identify the notorious defector, Philip Agee, and his views on Communism, but simply stated he was a former employee of the CIA;

Be it resolved that the Association of Former Intelligence Officers, in convention assembled on October 4, 1980 calls upon the Congress to investigate this deplorable misuse of public funds and to institute checks which will preclude future use of public money to present misleading material designed to undermine the national security.

RESOLUTION ON FBI EMPLOYEES

Whereas W. Mark Felt and Edward S. Miller are currently on trial in Federal court on charges of conducting searches and electronic surveillance of premises of persons associated with Weathermen extremist groups while employed by the FBI, and without securing judicial warrants; and

Whereas the Weathermen were publicly boasting of bombings of government offices and public places and threatening future bombings; and

Whereas the authorization and conduct of similar searches and surveillance was considered by many at that time to be within the law in order to prevent threats to property and lives;

Be it resolved that the Association of Former Intelligence Officers in convention assembled on October 4, 1980 deplores the indictment of W. Mark Felt and Edward S. Miller, who were respected public officials attempting to prevent crimes of violence damaging property and threatening lives by lawless terrorist groups.

RESOLUTION ON PROTECTING THE IDENTITIES OF INTELLIGENCE AGENTS

Whereas there is a concerted effort on the part of those who would destroy the United States intelligence services systematically to identify all U.S. intelligence operatives in other countries, an effort most graphically displayed in the periodical, "Covert Action Information Bulletin"; and

Whereas these disclosures are believed to have resulted in the murder of one CIA station chief and the machine-gunning of the home of another who was so identified; and

Whereas these disclosures have been based on classified and unclassified information gained from former U.S. Government employees and from individuals with no former access to classified information; and

Whereas these disclosures endanger the lives of U.S. intelligence operatives and seriously impair the effectiveness of intelligence activities;

Be it resolved that the Association of Former Intelligence Officers in convention assembled on October 4, 1980 calls upon Congress to enact legislation which would make it a criminal offense for any person to make such disclosure of the identify of a U.S. intelligence operative.●

JAY SOMMER CHOSEN NEW YORK STATE TEACHER OF THE YEAR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. OTTINGER. Mr. Speaker, Jay Sommer, a foreign language teacher at New Rochelle High School, has been chosen the New York State Teacher of the Year for 1981. He will represent New York State in the national Teacher of the Year competition. Mr. Sommer, a representative of the many outstanding teachers in New York and around the country, clearly exemplifies the best in teaching and I am pleased to share with my colleagues a brief recognition of his accomplishments and contributions.

The selection committee, made up of representatives of teacher, administrator, school board, parent, and student groups, praised Mr. Sommer as "one who has overcome great difficulties over the years and who instists that he has learned more than he has taught." Indeed, Mr. Sommer's life story is truly remarkable.

Jay Sommer was born in 1927 and raised in a small village in what was then Czechoslovakia. When he was 8, his father died and he had to quit school and go to work. During World War II, he was imprisoned in and then escaped from a Nazi labor camp, after which he spent several years hiding from the SS. After 2 more years in a displaced persons' camp, he emigrated to the United States at age 21.

Upon his arrival in this country, Mr. Sommer worked as a dishwasher and enrolled in school. He attended night school for 21 years, earned a bachelor's degree from Brooklyn College in 1956, a master's degree in Spanish literature and language from Hunter College in 1960 and a second master's degree in Russian from Fordham University in 1965. Presently, he is completing work on his Ph. D. in comparative literature at New York University.

Mr. Sommer is quick to give credit to our public school system. He says:

> If it were not for the American public school system I could never have gotten a formal education. At that time, there was no place else somebody arriving as an adult with a fourth grade education could have this sort of opportunity and I know there are many others like me. That opportunity is one of the most magnificent things about this country.

Mr. Sommer has been teaching French, Russian, Spanish, and Hebrew at New Rochelle High School for almost 20 years. The superintendent of schools, Leonard Misner, described Mr. Sommer as a master teacher whose abilities to instruct and inspire young people and instill a love of language are truly remarkable. In two decades at New Rochelle High School, Jay has also earned the admiration, affection and professional respect of his fellow teachers and school administrators.

At the awards ceremony, Mr. Sommer remarked, "In my tradition teaching is one of the most prestigious of professions, because after all, everything you have learned in life is useless, lost, unless you can pass it on to someone else."

I am pleased that the State of New York has chosen to honor Mr. Sommer. Mr. Sommer and the other State winners have made extraordinary contributions to their students and communities and deserve our recognition and commendation.●

TRIBUTE TO RETIRING NEW YORK DELEGATION

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. STEED. Mr. Speaker, I want to join in paying tribute to the contributions to our work here made over periods of as much as 18 years by the seven members of the New York delegation who, like me, will not be returning to the next Congress.

They are, of course, John M. Murphy, John W. Wydler, James M. Hanley, Robert C. McEwen, Lester L. Wolff, Elizabeth Holtzman, and Jerome A. Ambro.

As one who has worked closely with him, on both the Treasury-Post Office-General Government Appropriations Subcommittee and the Military Construction Appropriations Subcommittee, I can attest especially to the talents and dedication of Robert McEwen. He has been a dependable and productive member and one who has done a great deal to make successful the activities of our subcommittee.

Lester Wolff has made a sustained effort and contributed valiantly to the cause of narcotics control, and from my own subcommittee assignments I have had occasion to work with him frequently in this area.

James Hanley, both a personal neighbor and a capable chairman of the House Post Office and Civil Service Committee, is another who has left a real mark and whom I will miss.

I wish all of these fine Members everything good for the future.●

TRIBUTE TO ED PATTEN

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. CLAUSEN. Mr. Speaker, with the retirement of Ed Patten, the House will be losing one its most beloved and able Members. Ed was a remarkable man in so many ways and every one of us fortunate enough to know and work with him was enriched and rewarded by that association.

Ed and I arrived in Congress together in the 88th Congress. We have always had a friendly and productive relationship. I had the opportunity to work closely with him during a NATO inspection tour and I have always found Ed to be extremely cooperative in attempting to advance legislation toward a constructive conclusion.

He has always been a man of strong conviction. The warmth of his spirit, his great sense of humor and the depth of his knowledge were a source of comfort, counsel and advice that we could all feel free to call on—and we all did.

Ed was, first and foremost, "his own man." He believed very strongly in this great country and never failed to translate his strong beliefs into action. His guiding principle was, "to thine own self be true."

Throughout his career, Ed was a truly dedicated and compassionate man. It was my honor to call him my friend.

As he retires, it is my wish for Ed and his lovely wife Ann that they will have many more years to enjoy life and contribute to the enjoyment of life of their many friends. My warmest wishes to them for a long and happy future.●

BLACKS WORKING FOR THE WHITE MEDIA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. STOKES. Mr. Speaker, thank you for this opportunity to enter a recent newspaper article written by my distinguished colleague, Hon. William L. Clay. In this article, Congressman Clay addresses a recent situation caused by blacks in the white media. In a very insightful and articulate manner, Congressman Clay outlines the problem.

At this time, Mr. Speaker, I would like to enter in the Congressional Record, the article written by Congressman Clay which appeared in the November 6, 1980 issue of the St. Louis American.

The Black Caucus and Its Critics

> In recent weeks, the Congressional Black Caucus (CBC) has come under severe criticism from blacks in the media. Most of it has come from black members working for white media. Those individuals who were, in all probability, hired because organizations like the CBC, PUSH, NAACP, and others attacked the television networks and daily press for its discriminatory hiring policies. Those companies are now attempting to destroy the effectiveness of a national black organization.
>
> Black members of Congress do not feel that they are beyond criticism. But they do think it strange that blacks working for the white media who have refused to attack institutional racism in their own companies now have the audacity to malign those blacks in Congress who have. Instead of reporting the significance of the many workshops conducted by the CBC at its recent Tenth Annual Weekend; instead of articulating the major legislative accomplishments of the CBC; instead of documenting the stabilizing effect the CBC has had on black political life, they chose to highlight the social, fundraising aspects of the weekend.
>
> They chose to cast aspersions on the political motivations of Caucus Members and posed innocuous questions about the need to raise money to support Caucus programs. They, blacks working for the white media

who have refused to use their influence, their resources to expose white politicians and white organizations hellbent on repealing the 13th, 14th, and 15th amendments to the Constitution, now choose to challenge the legitimacy and even the need for a Congressional Black Caucus.

Isn't it strange that some of those employed by one of the television networks saw insufficient news in reporting that the workshop on the media attacked his network for the programming of the racially stereotypical "Beulah Land"? Isn't it strange that a black national columnist appearing in what some consider the most reactionary newspapers in the country, criticized the lateness of a meal served at the CBC dinner, but never the lateness of his recipient newspapers in moving into the 20th century in terms of racial tolerance?

Isn't it shameful that some blacks in the media dare not raise their voices against all that is untrue, indecent, and immoral in white American society but feel they have an unlimited license to destroy these organizations that offer some hope to black Americans. Blacks in the white media who believe they are where they are because of some special ability or outstanding talent would be well advised to reflect on the most recent past. They probably had those same credentials before the years of the great civil rights protest which incidentally most of them did not participate in. With all of those abilities and talents why are they reporting for television stations and not owning them? The answer probably just might lie in the fact that there are not enough organizations like the Congressional Black Caucus which they are attempting to destroy.●

TRIBUTE TO DAWSON MATHIS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressman DAWSON MATHIS, who is leaving the House after 10 years of effective, diligent service to the people of the Second District of Georgia and the Nation.

DAWSON and I are congressional classmates—we both joined the House of Representatives in 1971. It is hard to believe he and I have served in this body a full decade, but the calendar says that is the case and who are we to argue with Father Time.

I will miss DAWSON and hope he will return to visit with his friends in the House often in the future.

I extend to DAWSON and his family my best wishes for the future.●

PRESIDENT CARTER HONORS AMERICAN NOBEL LAUREATES IN SCIENCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. BROWN of California. Mr. Speaker, on Wednesday of this week President Carter met in the Oval Office with nine American scientists who have been selected by the Swedish Royal Academy to receive the Nobel Prize in science.

Three of those scientists will go to Stockholm in December to receive, along with five other Americans and two scientists from Great Britain and France, the prizes in science for 1980. These distinguished Americans were Dr. Val Fitch of Princeton University, Dr. James Cronin of the University of Chicago, and Dr. Baruj Benacerraf of the Harvard Medical School.

Also present on this occasion were six of the Nobel laureates from earlier years: Dr. Christian Anfinsen of the National Institutes of Health, Dr. Hamilton Smith of the Johns Hopkins University, Dr. Julius Axelrod also of the National Institutes of Health, Dr. Allen McCormack of Tufts University, Dr. Marshall Nirenberg of the National Institutes of Health, and Dr. Steven Weinberg of the University of Texas.

It was my privilege to be with the President when he met with these outstanding scientists, and to hear his remarks. I believe that they deserve a wider audience, and I ask the unanimous consent of my colleagues in the House that the President's observations be printed in the CONGRESSIONAL RECORD at this point.

THE PRESIDENT AND 1980 AMERICAN NOBEL PRIZE WINNERS

First of all let me say in the presence of the American press that it is a great honor for me as President to welcome to the Oval Office and to the White House these distinguished representatives of America who have won the Nobel Prize in the Sciences, primarily, but also, of course, in the other variants of life. In the last few years in economics America has been in the forefront of those honorable achievements.

These men have contributed in medicine, in chemistry, to give all people on earth a better life, a better understanding of the universe that God gave us. I think long after presidents and congressmen and other statesmen of the world have been forgotten, the work that these men do in the solitude of their laboratories will long be remembered.

Our nation comprises only about five percent of the earth's population, but since the Second World War, Americans have won more than half these distinguished prizes—and this year, 1980, out of eight awards given, Americans won six of them. This is a great testimony to our people, to our educational institutions, to the freedom of the human mind and the human endeavor, and I believe it is a testimony to the institution of innovation that has characterized Americans and their pioneer spirit.

We accept these awards as a nation for the individual achievements of these men with gratitude, but also with a sense of humility, recognizing that we have an obligation to further a better life for all people.

In the last two decades I have shared the concern of many of these here as to the lessening commitment of the federal government budget for commitment to basic research. We have reversed that trend in the last three years. All of the budgets that I have presented to Congress and that have been approved by Congress have had substantial increases in commitments within the federal government budget for basic research above and beyond inflationary trends, and I intend to continue the same commitment in the next upcoming budget.

I know that all these distinguished gentlemen, including the Ambassador from Sweden, George Brown who is in the Congress, have shared some of the thoughts that I have expressed to you. But on behalf of the American people I want to again congratulate them on their superlative achievements, for their courage in the face of difficulty, and persistence in the face of frequent discouragement. Their achievements have honored our country, and I am very grateful that the Nobel Committee has honored you for the superb contributions for a better life for all human beings.

Thank you again very much.

This occasion was a fitting and symbolic demonstration of President Carter's steadfast and long-standing support of American science.

In the House we share the President's pride in the accomplishments both of these scientists and in the accomplishments of his administration in maintaining and strengthening Government support of America's scientists. And since science is a nonpartisan matter we in the Congress pledge ourselves to work with the new administration of President-elect Reagan to carry on the great traditions established by U.S. scientists and by our Government in providing the support they need.●

SATTERFIELD TRIBUTE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. SHELBY. Mr. Speaker, I want to take the opportunity before he leaves the House of Representatives to let DAVE SATTERFIELD know what his fine leadership has meant to me during the 2 years we served together here in the House and on the Commerce and Veterans' Affairs Committees.

DAVE SATTERFIELD has been a vanguard for a lot of us conservative Democrats. He is a man ahead of his time, but it is obvious from the November election results that his time has finally arrived.

His voice has been the strong voice of reason. His only special interest has been that of the American people; his only motivation that of preserving the greatness of this country. He has fought an uphill battle to moderate the liberal elements that have dominated this Congress for several years, and his mark can be seen on provision after provision of critical legislation.

For many years DAVE SATTERFIELD has been one of the few stalwarts holding the line for conservative American values. I am sad that he will not be here next year to lead us in a Congress that will finally come close to reflecting those values. I and many other of his colleagues intend to continue to speak for him in his absence, though we can only hope to approach the powerful eloquence of his persuasion.

Dave Satterfield's friendship has been especially meaningful to me as a new Member. He has gone out of his way to share with me his expertise on issues before the subcommittees we share. Time and again he has given me support in my efforts.

Many times in committee when an idea was introduced that on its face would not seem likely to garner the support of the liberal majority of the Members, I have witnessed **Dave Satterfield** take that idea, sometimes his, sometimes not, and argue so forcefully and convincingly for it that enough opponents were swayed to pass it. It is this persuasive power, founded on sound reason, that has won him the respect of even those not philosophically attuned to him.

I want to thank **Dave Satterfield** for the strength of his leadership, for the example he has set for us to follow, and for his personal friendship. I wish him well, and I look forward to working with him in his new capacity.●

SENATE—*Monday, November 24, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by Hon. J. JAMES EXON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O give thanks unto the Lord; for He is good: for His mercy endureth forever.—Psalms 36: 1.

Our Father-God, at the opening of the festival week of Thanksgiving we lift our hearts to Thee in thankfulness for this good land and for Thy providential care over it from generation to generation. We thank Thee for the assurance of freedom to worship, to assemble, to publish, and to participate in determining our political leadership.

We thank Thee for the things which endure all change—beauty, goodness, truth—for the means of grace and the hope of the Gospel.

Watch over this land in the days to come. Bless the President and the President-elect and cause them so to synchronize their motives and coordinate their actions as to unite the Nation in a worthy national purpose heralding man's freedom under God and revealing a servant people to all mankind.

Blessed be the Lord forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 24, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. JAMES EXON, a Senator from the State of Nebraska, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. EXON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES SENATE

THE SENATE PRESS GALLERIES

Mr. ROBERT C. BYRD. Mr. President, over the past several months I have been speaking about the variety of elected and appointed officials of the Senate and their diverse responsibilities. I have discussed the majority and minority leaders, the party conferences, the Secretary of the Senate and Sergeant-at-Arms, the chaplain, Parliamentarian, desk clerks, reporters of debate, and even the ubiquitous page boys and girls. Today, I should like to speak about another group that maintains its offices here, in the capitol and has the run of the building with all of its privileges, from parking spaces to special elevators and dining facilities. But while this group is with us, they are not of us. They are not salaried employees of the Senate. I am speaking of the press corps that occupies the Senate Press Gallery.

One hundred years ago, Frank G. Carpenter, who covered Washington for the *Cleveland Ledger* under the name of "Carp," described the press corps as one of "two Congresses" in the Capitol:

> One sits on the floor of the House and the Senate; the other has seats in the galleries. One makes its speeches to the members of the two lawmaking bodies, the other talks to the nation. One sits but a few months a year; the other is in session all the time, weekdays and Sunday, year in and year out. The latter criticizes the former and praises or condones its actions. It has much to say of the future of great men.

Carp's description remains true, although now Congress, like the press, works almost continually rather than for a "few months a year."

From here, inside the Senate Chamber, we look up at the press behind their wooden desks along the northern gallery even as they peer down at us from over the parapets. Behind those desks and through the etched glass doors is the Capitol's own newsroom, reminiscent of a scene from "The Front Page." There you will find banks of telephone booths, clattering tickertape machines and typewriters, and squads of reporters in shirt sleeves turning out tomorrow's news. There is something incongruous about the Minton tiles, marble walls, and decorated ceilings in this newsroom, but, from the signs of clutter, I gather that the reporters have made themselves comfortable nevertheless.

There are actually four press galleries in the Senate: a gallery for newspaper reporters, a periodical gallery for magazine reporters, a press photographers' gallery, and a radio and television gallery. I will be talking about the origins and functions of these galleries and about some of the more prominent men and women who have served there. It is usually their job to report on my activities as a senator and as Majority Leader. Today, I will turn the tables and report on them.

Members of the press galleries are aware that the Senate did not always open its doors to them, did not always provide them space in and near the Chamber to facilitate their work. As I have mentioned in earlier remarks on the official reporters of debate, the first meetings of the Senate were conducted behind closed doors. There were not even any galleries for the public and the press until 1795. Until then, although an annual journal of Senate proceedings was published, the daily news of the Senate's activities filtered out only indirectly.

Even after public galleries were constructed and the doors were opened, reporters had no special place to sit apart from other interested spectators. Nor were all of the sessions open to them. All executive business—nominations and treaties—was carried on in closed session, a practice which lasted until 1929. A journalist named William Duane, for instance was cited for contempt of Congress in 1800 for publishing the text of a bill which had not been debated in public. The Senate issued a warrant for Duane's arrest, and he was sentenced to thirty days in jail.

Mr. Duane was by no means the only journalist penalized for his publication of Congressional documents and activities. In 1812, the House of Representatives brought in the editor of the Alexandria, Virginia *Herald*, Nathaniel Rounsavell, for publishing a secret message from President James Madison to the House on an embargo of American merchant ships on the eve of America's second war with Great Britain.

In March 1848, the Senate ordered its sergeant-at-arms to arrest a New York *Herald* reporter, John Nugent, when he published a secret text of the treaty of Guadalupe-Hidalgo, ending the Mexican-American war. Nugent refused to reveal his sources and was confined for over a month, in the Committee on Territories room, here in the Capitol Building. The prisoner ate his breakfast and lunches in the committee room but accompanied the sergeant-at-arms home each evening for supper. When Nugent steadfastly refused to talk, the Senate finally released him the following month.

There were two other reporter-prisoners in the Capitol. In 1871, Zebulon White and Hiram Ramsdell, reporters for the New York *Tribune* were arrested and locked in the Pacific Railroads Committee room. They had published a secret treaty of Washington which settled several Civil War era claims between the United States and Great Britain. White and Ramsdell also refused to divulge their sources and were finally released when the Senate adjourned. Their imprisonment does not appear to have been a harsh one. Accounts indicate that their wives and friends, including several senators, visited them every day; that they received books and fresh flowers; ate meals sent in from the Senate restaurant; and that they were entrusted with the key to their prison door.

As long as the practice of routinely holding executive sessions of the Senate behind closed doors continued, leaks to newspapers continued. It was a rare executive session that did not produce copious articles and relatively accurate tallies of votes in the next day's newspapers. Some wags suggested that the Senate held so many sessions in secret to guarantee better newspaper coverage. The press, they said, was not as interested in reporting the open sessions as they were the closed ones.

It was not until 1929 that the Senate changed its rules to hold executive sessions in public, except in extraordinary instances. The reason for this belated change was a controversy that arose over an Associated Press story which gave the vote talley on the nomination of former Senator Irvine Lenroot to the United States Court of Customs Claims. As it happened, the published talley was slightly incorrect and several senators called for an investigation of the chief AP Senate reporter, Paul Mallon. On the Senate floor, Mallon was defended by Senator Robert M. LaFollette, Jr., of Wisconsin, who opposed the secrecy rule and called the attempts to punish Mallon a suppression of freedom of the press. Finally, LaFollette pointed out the obvious, that the sources for all these stories on secret sessions of the Senate had to be the senators themselves. On June 18, 1929, the Senate therefore voted to make further secret sessions the exception, rather than the rule.

In retrospect, we can say that it was regrettable that the Senate conducted so much of the public business behind closed doors. The practice only bred suspicion in the public's mind and fostered ill-will between the press and the Senate. Today, after passage of several so-called "sunshine" reforms we have grown accustomed to carrying on our activities under the full light of public scrutiny. During the entire period since the end of World War II, for instance, the Senate has met in secret session fewer than twenty-five times, primarily to discuss highly sensitive military issues using classified documents. And even in those few instances, sanitized versions of the discussions were printed soon after in the CONGRESSIONAL RECORD.

Returning to the history of the press galleries, when the government moved to Washington in 1800, reporting on the activities of Congress was done exclusively by the *National Intelligencer*, which won a position on the Senate floor. Reports printed in the *Intelligencer* were then clipped out and reprinted in other papers throughout the nation. While the *Intelligencer* retained its privileged position on the floor for many years, it soon had competition from other papers. As early as January 1808, the Philadelphia Federalist paper *United States Gazette* was printing accounts under the bylines: "Reported for the *United States Gazette*" and "From our Correspondent at Washington."

Not until 1827 can the Capitol press corps as a continuing body be dated. According to historian Frederick B. Marbut, in his book, *News From The Capitol*, "Since that session which began in December of the year, every Congress has had its proceedings reported in some paper, somewhere in the country, by its own correspondent." Among the reporters who watched over the Senate's debates in that year was James Gordon Bennett, who would soon found the New York *Herald*, one of the most influential newspapers of the nineteenth century which pioneered many of the features that are standard in newspapers today.

It was James Gordon Bennett who later challenged the Senate's practice of awarding special press facilities on the floor to reporters from Washington papers, but relegating other correspondents from out-of-town papers to the public galleries. In 1841, Bennett's *Herald* attempted to place its own stenographers at desks on the Senate floor. Now, in those days a senator's desk was his office, and the Chamber was often crowded and noisy. Adding more reporters to the floor would have made conditions even worse. When the *Herald's* request was rejected, Bennett published a scathing editorial, writing: "We have to record this day one of the most outrageous, high-handed, unconstitutional acts ever perpetrated by any legislative assembly in a free land—an act of despotism, tyranny and usurpation against the liberty of the press." In large part because of Bennett's crusade, the Senate later that year adopted a change in its rules to "cause suitable accommodations" to be prepared in the eastern gallery for such reporters as may be admitted by the rules of the Senate. The gallery immediately above the presiding officer's chair would be set aside for two reporters from each Washington paper and one from each out-of-town paper that sent a correspondent. Crosby Noyes, one of the founders of the *Washington Star* came to Washington as a correspondent for the *Lewiston* (Maine) *Journal* in 1847 and later recalled his first impressions. "The Senate chamber was the center of interest," wrote Noyes, "and the reporters who congregated there were comfortably accommodated in a single row of seats, or rather stools, in a narrow gallery." That was our first Senate Press Gallery.

In those days it would not have been unusual to find the nation's leading editors in the gallery during the sessions of Congress, and the "editorial correspondence" they sent back to their papers was a powerful force in shaping public opinion and national legislation. There one would find James Watson Webb of the New York *Courier and Enquirer*, Thomas Ritchie of the Richmond *Enquirer*, Henry B. Anthony of the Providence *Journal*, and Thurlow Weed of the Albany *Evening Journal*. Even Horace Greeley, perhaps the most famous newspaperman of his generation, came to the Senate press gallery often to send back his own dispatches, and during his one term in Congress from 1848 to 1849 continued to file reports for the New York *Tribune*. Another early correspondent in the Senate Press Gallery was Whitelaw Reid who eventually became editor of the *Tribune* and a prominent statesman in his own right.

Also in the 1840's came the introduction of the telegraph, which revolutionized the reporting of the news. The first long-distance demonstration of the telegraph, I might add, took place on the first floor of the Capitol on May 24, 1844, when Samuel Finley Breese Morse sent the first message, "What hath God wrought," from Washington to Baltimore. The news returning from Baltimore to Washington was that of the Democratic convention, then being held in Baltimore, and Morse posted his dispatches on a bulletin board in the Capitol Rotunda, creating what we might call the first "wire service." Shortly afterwards, the New York Associated Press was established, placing its telegraph reporters in every city in the country. In Washington, its chief reporter was Louis A. Gobright, who studiously followed the business of the Senate and the House. The expense of sending telegraph messages and the variety of papers which would carry Associated Press reports, made Gobright one of the first practitioners of "objective journalism" in Washington. Whereas earlier reporters had colored their stories—as they do sometimes today—with partisan editorializing, Gobright considered it was his business merely to communicate the facts. "I do not act as a politician belonging to any school," he explained, "but try to be truthful and impartial. My dispatches are merely dry matters of fact and detail."

During the Civil War, newspapers from all over the Northern states sent correspondents to report on the conduct of the war, both militarily and administratively. Reporters swarmed over Washington, and when the war was over many of them stayed in the capital. A "Newspaper Row" developed along 14th Street at Pennsylvania Avenue, between the White House and the Capitol, flanked by the Willard and Ebbitt House hotels (the site of the current National Press Club). There the various news bureaus were located, where reporters would retire after a day at the Capitol to file their reports and make the rounds of the hotel bars picking up additional information. "From nine o'clock in the evening until after midnight," reported one correspondent in the 1870's, "unless there is a night session at the Capitol, Newspaper

Row is a busy place." On any given evening when the Congress was in session, it would not be unusual to find various senators and congressmen visiting Newspaper Row to give personal interviews to favored papers from their home states.

The real news in those days came from Congress, not the President. Presidents had no press secretaries and did not even maintain a news room in the White House until the beginning of the twentieth century. Presidents made formal speeches and statements, but otherwise spoke to the press through senior senators from their party. Lincoln, it is true, did give informal, non-attributed interviews during the war, and his immediate successor, Andrew Johnson, gave the first attributed presidential interview to a newspaper. For the most part, however, correspondents found the White House and Executive agencies far less productive of news than the Congress. As a result, the chief correspondents of each paper spent the greatest part of their time in the Senate and House press galleries, and at the various congressional committees. "At other times," wrote Ben Perley Poore, the dean of the Washington press corps in those years, "they are generally to be seen in the anterooms to the reporters' galleries, where they hold informal sessions of their own, often indulging in comments on what is going on in the halls nearby in a manner not overcomplimentary to those honorable Senators and Representatives who are there engaged in legislation."

In 1902, Crosby Noyes looked back over his fifty years of association with the congressional press galleries and called them a "training school for the production of able editors, statesmen, financiers, railroad magnates, generals, governors, poets, novelists, magazinists, and men of mark in all lines." When reading through the roster of reporters who have served in the Senate Press Gallery one becomes aware of the accuracy of Noyes' remarks. I, for one, was surprised to find among the nineteenth century reporters the name of Samuel Clemens, who, of course, wrote under the name of Mark Twain. In November 1867, Twain had just returned from a voyage to the Holy Land, about which he would soon publish his first book, the celebrated *Innocents Abroad*. Hoping to have some time to finish the book, earn a little money, and polish his skills as a lecturer, Twain signed on as a secretary to Senator William M. Stewart of Nevada. At the same time he was also a "letter writer" to the *Alta Californian* of San Francisco and the *Chicago Republican*. For an individual to work both on a Senate staff and as a reporter was not unusual for those days, when salaries for both positions were considerably lower than they are today.

Of course, Twain's reporting was not of the hard news variety, but rather that of humorous observation. Many of his comments, formed while observing the Senate in action from the galleries, still carry a witty message. As an example, let me read from his letter to the *Alta Californian* on February 11, 1868, in which he imparted his advice to a new senator:

"He ought not to spend millions in the purchase of volcanoes and earthquakes" (this was a reference to the purchase of Alaska) "and then 're-trench' by cutting off the Senate's stationery supplies.

"He ought not to keep mean whiskey at his rooms and tell his constituents it is forty years old.

"He ought not to draw a salary for his pet Newfoundland dog, under the name of 'Clerk' of the Senate Committee on So-Forth and So-Forth.

"He ought not to palm off old speeches from the *Congressional Globe* for 1832 as original, for behold, old speeches are even a more shameless fraud than new whiskey.

"He ought not to shirk important votes and then plead those threadbare 'sick relatives' in explanation. Something fresh must be tried . . .

"He ought to write a signature that another man can read, without direct inspiration from heaven." Amen.

"And finally, let him never make a speech until he has something to say." Good. "This last is about the hardest advice to follow that could be offered to a senator, perhaps."

When Twain left Washington in March 1868, he published a delightful essay on his experiences with the Senate, "My Late Senatorial Secretaryship," in which he claimed to have been fired for writing outrageous and indiscreet letters to Senator Stewart's Nevada constituents. The truth was more prosaic.

Mr. President, I ask unanimous consent to have printed in the RECORD at the close of my remarks some extracts from "My Late Senatorial Secretaryship."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBERT C. BYRD. He had simply returned to California to protect his copyright on *Innocents Abroad*, the book which would shortly make him the most famous of all American humorists. Five years later, Twain published his first novel, *The Gilded Age*, drawn heavily on the men and events he observed from the Senate Press Gallery. This novel introduced the public to the pious but conniving Senator Dilworthy, the expansive but ineffective schemer Colonel Sellers, and the beautiful lobbyist Laura Hawkins, who became popular stage characters in theatrical performances for the rest of the nineteenth century. Twain's treatment of the Senate is perhaps best summarized by a quotation from a fictitious newspaper in *The Gilded Age*:

> We are now reminded of a note which we have received from the notorious burglar Murphy, in which he finds fault with a statement of ours to the effect that he had served one term in the penitentiary and also one in the U.S. Senate. He says, "The latter statement is untrue and does me great injustice.

Mr. President, if Mark Twain had the most wicked wit of all congressional correspondents, Ben Perley Poore possessed the most jovial spirit and the greatest treasuretrove of anecdotes about Washington's political history. Poore's two volume *Reminiscences* treat the Senate and House far more kindly than did Twain's *Gilded Age*. In many ways, Ben Perley Poore personified the "Bohemian" spirit of the Washington press corps in those post-Civil War years. Those were the days when correspondents would dress in top hat and tails to appear in the press gallery for the opening day of Congress, and then manage to look quite disreputable for the rest of the session. Back then, this Chamber hung heavy with cigar smoke, fumed as equally by the correspondents as by the senators on the floor, and spittoons were more than ornamental relics.

Reporters in that "Bohemian" era often developed close ties to politicians, for mutual benefit. Poore, for instance, reported for the *Boston Journal*, a rock-ribbed Republican paper that was known as the "family Bible," all across New England. But he was also clerk of the Senate Committee on Printing Public Records, a committee chaired by Rhode Island's Republican Senator Henry B. Anthony. The *Boston Journal* paid Poore only for those few months that the Congress was in session, while the clerkship of the Senate committee supplemented his income for the rest of the year. As I have noted, this was not at all an uncommon arrangement in those days. But what a clerk the Senate had in Ben Perley Poore! In 1865 he took over the printing of the *Congressional Directory* and established the format of that most handy reference book which, in revised and expanded version, continues on today. He was also responsible for the monumental task of listing the nation's public documents in his *Descriptive Catalog of Government Publications of the United States, 1774–1881* (1885), and *The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the United States*, two volumes still very much in use.

It was, by the way, Ben Perley Poore who devised an entomological classification of congressional correspondents. He arranged them into "busy bees", "useless butterflies", "stinging wasps", "buzzing mosquitoes", and "hum-bugs". I Shall not venture to assess the contemporary appropriateness of such a classification.

Mr. President, this "Bohemian" era of the Washington press corps that I have been describing was also a period of post-war industrialization on a large scale and at a rapid pace, of financial wheeling and dealing, and of considerable economic and political corruption. Lobbyists and "claims agents"—who pressed the claims of Civil War veterans, widows and orphans, and businessmen who had suffered war losses—often posed as newspaper reporters to gain access to senators and to cover their own lobbying activities. Some legitimate reporters also engaged in lobbying, as historian Frederick Marbut has noted, using their press gallery privileges and contacts "to branch out into such profitable sidelines as lobbying, pressing claim and selling tips to lobbyists and speculators.

The two houses of Congress each attempted to deal with this problem. As early as 1852, the House of Representatives had adopted a rule to deny press credentials to anyone acting as a claims agent. Three years later, the House expelled a reporter who had been paid for winning a claim in favor of the Colt revolver patent. In 1857, the House also expelled a *New York Times* reporter for lobbying in favor of a Wisconsin land bill. In 1875, the House investigated four reporters who had received large cash payments for their work on behalf of legislation subsidizing the Pacific Mail Steamship Line. As a result of these abuses, the House adopted a resolution to deprive gallery credentials to any reporter who received a fee in connection with any legislation pending before Congress.

Decisions relating to who should be admitted to the press gallery in those days rested with the presiding officers of each house. In 1873, the Senate shifted this responsibility to the Rules Committee, while, in 1877, the House experimented with a novel idea for self-policing of the press galleries. The Speaker of the House met with a group of reporters to devise a system whereby congressional newsmen would elect a Standing Committee of Correspondents to determine that only *bona fide* reporters were admitted. This arrangement worked well enough, and, in 1884, the Senate Rules Committee also recognized the right of the Standing Committee to police the Senate Press Gallery. Since 1888, the rules adopted by the Standing Committee have been published in the *Congressional Directory*.

The Standing Committee performed—and still performs—most admirably. It negotiates with the Architect of the Capitol for space and maintenance of its quarters in the Capitol and Senate Office Buildings, selects the press gallery superintendents, and arranges for press facilities at committee hearings. Similar functions are performed by the Standing Committee of Press Photographers and by the executive committees of the Radio and Television and the periodical Press Galleries. Their most important function has been in determining the qualifications of reporters applying for admission to the press galleries and protecting Congress from lobbyists acting in the guise of reporters. This function has, however, created a certain exclusiveness in the galleries, and the Senate has had to act as an appeals court, from time to time, to liberalize the rules.

An early rule of the Standing Committee, for instance, limited access to only those reporters who filed their dispatches by telegraph. This eliminated all women correspondents from the press galleries, and there were as many as eleven of them in the 1870's. Since the women were all letter writers who submitted their columns too infrequently to justify the expense of telegraph dispatches, they were thus shut out of the press galleries. Senators and representatives, however, always made room for the women correspondents in the family galleries, rather than relegate them to the crowded public galleries.

I should note that the first woman to gain access to the press gallery was Jane Grey Swisshelm who, in 1850, marched into Vice President Millard Fillmore's office and demanded that, as a correspondent for the New York *Tribune*, she be seated in the press gallery. Fillmore, she reported, tried to dissuade her, saying that the place would be unpleasant for a lady, but he finally relented and assigned her a seat along with the other reporters. Her first appearance in the press gallery touched off quite a commotion, but she wrote that she "felt that the novelty would soon wear off, and that women would work there and win bread without annoyance."

Mrs. Swisshelm filed only four columns during her stay in the Senate Press Gallery, but they were dramatic ones concerning the events of the Compromise of 1850. When Senator Henry Foote of Mississippi drew a pistol on Senator Thomas Hart Benton of Missouri, on the Senate floor, Jane Swisshelm reported to her readers: "I sat in the reporters gallery, directly opposite the gentlemen, and saw it all." Unfortunately, Mrs. Swisshelm's last letter from the galleries was an unsubstantiated attack on the personal life of Senator Daniel Webster, repeating gossip common to the press galleries, but which other reporters thought wiser not to put into print. The incident embarrassed editor Horace Greeley of the *Tribune* and caused Mrs. Swisshelm to leave Washington, although she carried on her career as a journalist in Pennsylvania and Minnesota.

Slowly, over the years, women began to be employed as regular reporters filing telegraph dispatches and reappeared in the press galleries. Sex discrimination remained, however, primarily imposed by their newspapers. Mary Hornaday, a Washington correspondent for the *Christian Science Monitor* in the 1930's and '40's, recalled that women reporters did not receive the choicer assignments until World War II, when many of the male reporters were sent overseas to cover the warfront. Today, as Jane Swisshelm had predicted, women reporters are no longer a novelty, but take their place as regular members of the Senate press corps.

For many years, black journalists were also excluded from the press galleries on the grounds that they reported for weekly rather than daily newspapers. In 1943, the Standing Committee rejected the application of a member of the Associated Negro Press on those grounds, and acted similarly on the application of Louis R. Lautier in 1947. However, in the latter case, the Senate Committee on Rules and Administration met the next day and voted to overrule the Standing Committee of Correspondents, issuing a press card to Mr. Lautier (who, by the way, later became the first black reporter to be admitted to membership in the National Press Club). According to the minutes of the Standing Committee, its members later met to protest the "arbitrary" action of the Rules Committee, but on May 8, 1947, the Standing Committee revised its rules, opening the press galleries to reporters for any news service which regularly serviced news of national affairs to weekly papers.

A third group, who for a time found themselves shut out of the press galleries, were representatives of the new broadcast media. Daily newspaper reporters reacted suspiciously to the new media and complained that their quarters in the Capitol were already too crowded to accommodate radio news gatherers. Only those radio reporters who were already accredited through newspaper work were able to view the proceedings from the press galleries and make use of its facilities. Still, radio was a natural medium for United States senators; it was perfectly attuned to the sonorous voices, elaborate vocabularies, and beautiful diction of senators from the 1920's and 1930's. In 1923, only three years after the beginning of commercial radio, the opening of Congress and the State of the Union message by President Calvin Coolidge were broadcast over the radio from the House chamber. Radio facilities were also tied into a microphone system in the House of Representatives, but the system was abandoned a year later because congressmen complained that the microphones produced a "brassy, ringing sound, and they are a great obstance to hearing." The first radio broadcast from the Senate chamber occurred on March 3, 1929, during which retiring Vice President Charles Dawes and incoming Vice President Charles Curtis both spoke. When the first coast-to-coast network hookup was established in 1930, it was Senator William E. Borah of Idaho who made the first address across the entire nation. (Incidentally, the first loud speaker system in this Chamber was installed in May 1933 for the impeachment proceedings of Judge Harold Louderback.)

Despite those close ties, it was not until 1939 that radio reporters were successful in establishing their own press gallery. Led by radio commentator Fulton Lewis, Jr., a group of radio reporters went over the heads of the Standing Committee and petitioned the Senate Rules Committee. The Committee held hearings and eventually proposed a revision of Rule XXXIV (now Rule XXXIII) to permit "*bona fide* reporters for daily news dissemination through radio, wire, wireless and similar media transmission." That same year, a portion of the gallery was set aside for radio reporters, and offices were created for them on the gallery floor. There were also broadcast booths set up for live and taped interviews with senators.

Not until 1953 was "Television" added to the Radio and Television Gallery, but television reporters were in evidence around Capitol Hill for years before that. As early as 1947, President Truman's State of the Union message was televised. NBC also had used the radio gallery that year to broadcast the first panel discussion direct from the Capitol. Senator Tom Connally of Texas, Chairman of the Foreign Relations Committee, was one of the first senators to be interviewed on camera at the Capitol. He arrived home that night in time to see his face on the television screen, and afterwards became a strong proponent of televised broadcasting among his colleagues. Other senators returned from the campaign trail in 1950 enthusiastic about the new media, marveling that they could reach more voters in one broadcast than in months of personal appearances in their states.

Although proceedings in the Senate chamber have been televised only once—when Nelson Rockefeller was sworn in as Vice President on December 19, 1974—televised committee hearings go back to 1947 when General George C. Marshall testified on the Marshall plan to reconstruct postwar Europe. In 1950, the Kefauver crime investigation hearings, held in New York City, were broadcast, and when the cameras trained on the nervous hands of witness Frank Costello they made an eloquent statement that deeply affected audiences everywhere. In 1954, the American Broadcasting Company decided to provide live coverage of the Army-McCarthy hearings, and was the only network to do so. Commentators and historians have since judged that those television programs had more to do with swinging the tide of public opinion against the antics of Senator Joseph R. McCarthy than any other factor. Television coverage in 1957 of the Jimmy Hoffa hearings of the Senate Select Committee on Improper Activities in the Labor and Management Field (known as the "Rackets Committee") help to advance the presidential candidacies of Senators John F. Kennedy and Barry Goldwater. It also brought to public attention the committee's chief counsel, Robert F. Kennedy. In more recent years, we recall the dramatic impact of the televised hearings of the Ervin Committee's Watergate investigation, and of the House Judiciary Committee's deliberations on impeachment.

For years the House of Representatives banned television from its committee rooms, while Senate hearings and investigations were televised. Now both houses of Congress permit TV cameras in their committee hearings, and the House has gone so far as to permit televising—albeit in a very rigid sense—of its floor proceedings. Seven years ago, I called for televising, on a trial basis, the floor proceedings of the Senate, saying that "the time has come for a new look at the possibility of using the electronic media to bring the Senate and the people closer together." I was also involved with the planning for televising two anticipated events on the floor.

The first was the final Senate vote on the contested election for Senator from New Hampshire, between Mr. Wyman and Mr. Durkin. The second was the possible impeachment trial of President Richard Nixon. The Senate Rules Committee considered both of these occurrences of such significant historical importance that it recommended lifting the ban on televising. Of course, neither event took place.

Only two years ago, the Senate did permit radio broadcasting of the debate over the Panama Canal treaties.

It has been my opinion that the broadcasting of those proceedings constituted a service to the people of the country, in that they brought to the people better information, more accurate information as to the bases on which Senators voted for and against the treaties.

I think that it is healthy for us to have an informed public opinion with respect to controversial issues and particularly in that case do I feel that it was helpful in clearing away some of the distorted debris of ideas and misleading propaganda which were used by persons outside the Senate and inside the Senate who opposed the treaties.

I say that with all due respect to such individuals, because I am sure that many of them believed not only in their cause but in what they were saying.

Importantly, and significantly, I think, the test of the cake is in the eating, and in this instance the treaties have proved to be very beneficial to the United States. We can see this in the increased good will which has been reaped from the adoption of the treaties. This country enjoys, perhaps, the best relations with Panama that we have enjoyed during the past 30 years.

In passing, I think I should note that Panama was one of those countries which supported President Carter's call for an embargo of the Olympics. Panama also very strongly condemned the Soviet invasion of Afghanistan. In consonance with the efforts by Mr. Carter and his administration to deal with the boatlift, the refugees from Mariel Harbor, Panama, provided that no ships flying under Panamanian registry would be permitted to pick up refugees at Mariel Harbor. Panama was one of the very few countries—and I only know of two such—that were willing to allow the late Shah to enter the country following his hospitalization in the United States.

So our relations with Panama have greatly improved since the adoption of the treaties. But at the time those treaties were being debated, many inflammatory statements went out over the public radio emanating from this floor. I feel that the debate on the treaties was unduly prolonged by virtue of the radio broadcast of the debate. The debate lasted about eight weeks.

I feel it very well could have been brought to a close in six weeks and without taking the risks of creating an untoward incident in Panama during the debates by virtue of some of the statements which were being made on the Senate floor.

Nevertheless, as I say, radio broadcasts provided good information to the American people, so I suppose the good outweighed the bad. Again I have to say that I have no doubt but that the debate was prolonged by virtue of the broadcasts.

Mr. President, in my discussion of the historical relationship between the Senate and the press, I would be amiss not to mention the first official superintendent of the Senate Press Gallery, James D. Preston. For over fifty years, until his retirement in 1955, Jim Preston was a dedicated servant of the Senate. Senator Arthur Vandenberg of Michigan once told him: "You and the Senate Press Gallery are as indivisible as the Capitol and its dome." Jim Preston, the son of a Washington correspondent, and himself briefly a Washington reporter for the *Boston Journal*, became superintendent of the Senate Press Gallery in 1897. Prior to that time the superintendent's job had been an unofficial one, limited mostly to keeping the inkwells filled and supplying the reporters with writing paper. Unsatisfied with those mundane responsibilities, Preston began gathering copies of bills and committee reports for reporters, and followed the proceedings of the Senate himself to provide the correspondents with background information and other items that would help in the filing of their dispatches. He also began coaxing senators to make texts of their prepared speeches available in advance. When one considers the tons of advanced texts and other press releases that senators' offices now post in the press galleries, one wonders if Preston knew what a Pandora's box he was opening.

Jim Preston's wealth of knowledge about committee meetings and bill status, and his ability to dredge up factual information at a moment's notice, built him a reputation among the correspondents as "the Socrates of the press gallery," the "sage of the Senate," and "Old Man Senate." He also provied most helpful to new senators trying to learn the ropes. Georgia's distinguished Senator Walter George recalled how on his first day in the Senate, in 1922, he was expected to eulogize his deceased predecessor and send to the desk several resolutions, but he realized he did not know the first thing about getting started. "While I'm brooding," Senator George told the story, "suddenly there looms up this tall, thin fellow who walked like a pair of scissors. 'Need any help, buddy?' he asks. I spilled all my beans to him and he gave me the right answers. I depended on him for years until I could stand alone."

Today the press superintendents carry on the traditions which Jim Preston started, although the amount of work they handle has grown monumentally since his days. Don C. Womack is now Superintendent of the Senate Press Gallery, with Max M. Barber supervising the Radio and Television Gallery, Maurice J. Johnson in the Press Photographers' Gallery, and Roy L. McGhee in the Periodical Press Gallery.

Mr. President, there are perhaps three thousand people currently accredited to the various congressional press galleries—reporters and photographers not only from every state in this country but from nations around the globe. However, it is estimated that only three hundred actually cover Capitol Hill on a regular basis. These include correspondents from the major national news magazines, newspapers, and broadcast networks, many of whom are familiar faces on our television screens every evening, and in various weekly television news analyses. Perhaps two-thirds of the regular congressional press corps are not national reporters. Instead, they cover news of local importance to papers and stations in particular states or regions. These are the reporters who must satisfy editors who, as one correspondent complained, are only interested in "floods, military bases, and foreign imports." But this is not to minimize their importance, for all senators know well the reporters from their "home town" papers who interpret how national events will influence local affairs. They are perhaps our most direct communications link to our constituents, and their importance cannot be overemphasized.

The truth is that the Senate needs the press corps to keep the public informed about our legislative business. No amount of speeches and newsletters and personal correspondence could ever equal the impact of their daily reporting. We are not always pleased with the results. Students of journalism have confirmed long-held suspicions on Capitol Hill that the press as a whole devotes far more space and attention to the Executive Branch than to the Legislative Branch. Senators are disappointed when their speeches and legislative victories sometimes receive insufficient coverage, or when complicated legislative proposals are misconstrued, or when we are occasionally misquoted. Senators may complain, but they cannot censure the press for these differences of opinion. This is all part of what is called the "adversary" relationship between us, which makes for independence of the press. Perhaps a better word for the relations between Congress and the press is "symbiotic," indicating a close association between two dissimilar organisms which is usually, but not always, of mutual benefit.

Let me close by quoting once more from Mark Twain, who, in a letter written in January 1868, discussed an offer he had to serve as a congressional correspondent. "Mr. Bennett of the New York *Herald* tells me that if I will correspond twice a week from Washington, I may abuse and ridicule any body and *every* body I please." Senators may suspect that there are correspondents in the galleries who carry similar licenses today. But, while we do not always see things alike, we usually work together, the senators on the floor and the correspondents in the galleries, for those who make the news and those who report it are each trying to reach the same audience.

EXHIBIT 1

MY LATE SENATORIAL SECRETARYSHIP*

I am not a private secretary to a senator any more now. I held the berth two months in security and in great cheerfulness of spirit, but my bread began to return from over the waters then—that is to say, my works came back and revealed themselves. I judged it best to resign. The way of it was this. My employer sent for me one morning tolerably early, and, as soon as I had finished inserting some conundrums clandestinely into his last great speech upon finance, I entered the presence. There was something portentous in his appearance. His cravat was untied, his hair was in a state of disorder, and his countenance bore about it the signs of a suppressed storm. He held a package of letters in his tense grasp, and I knew that the dreaded Pacific mail was in. He said:

"I thought you were worthy of confidence."

I said, "Yes, sir."

He said, "I gave you a letter from certain of my constituents in the State of Nevada, asking the establishment of a post-office at Baldwin's Ranch, and told you to answer it, as ingeniously as you could, with arguments which should persuade them that there was no real necessity for an office at that place."

I felt easier. "Oh, if that is all, sir, I *did* do that."

"Yes, you *did*. I will read your answer for your own humiliation:

"'*Washington, Nov. 24*

"'*Messrs. Smith, Jones, and others.*

"'GENTLEMEN: What the mischief do you suppose you want with a post-office at Baldwin's Ranch? It would not do you any good. If any letters came there, you couldn't read them, you know; and, besides, such letters as ought to pass through, with money in them, for other localities, would not be likely to *get* through, you must perceive at once; and that would make trouble for us all. No, don't bother about a post-office in your camp. I have your best interests at heart, and feel that it would only be an ornamental folly. What you want is a nice jail, you know—a nice, substantial jail and a free school. These will be a lasting benefit to you. These will make you really contented and happy. I will move in the matter at once.

"'Very truly, etc.,

"'MARK TWAIN,

"'For James W. N——, U.S. Senator.'

"That is the way you answered that letter. Those people say they will hang me, if I ever enter that district again; and I am perfectly satisfied they *will*, too."

"Well, sir. I did not know I was doing any harm. I only wanted to convince them."

"Ah. Well, you *did* convince them, I make no manner of doubt. Now, here is another specimen. I gave you a petition from certain gentlemen of Nevada, praying that I would get a bill through Congress incorporating the Methodist Episcopal Church of the State of Nevada. I told you to say, in reply, that the creation of such a law came more properly within the province of the state legislature; and to endeavor to show them that, in the present feebleness of the religious element in that new commonwealth, the expediency of incorporting the church was questionable. What did you write?

"'*Washington, Nov. 24*

"'*Rev. John Halifax and others.*

"'GENTLEMEN: You will have to go to the state legislature about the speculation of yours—Congress don't know anything about religion. But don't you hurry to go there, either; because this thing you propose to do out in that new country isn't expedient—in fact, it is ridiculous. Your religious people there are too feeble, in intellect, in morality, in piety—in everything, pretty much. You had better drop this—you can't make it work. You can't issue stock on an incorporation like that—or if you could, it would only keep you in trouble all the time. The other denominations would abuse it, and "bear" it, and "sell it short," and break it down. They would do with it just as they would with one of your silver-mines out there—they would try to make all the world believe it was "wildcat." You ought not to do anything that is calculated to bring a sacred thing into disrepute. You ought to be ashamed of yourselves—that is what I think about it. You close your petition with the words: "And we will pray." I think you had better—you need to do it.

"'Very truly, etc.,

"'MARK TWAIN,

"'For James W. N——, U.S. Senator.'

"*That* luminous epistle finishes me with the religious element among my constituents. But that my political murder might be made sure, some evil instinct prompted me to hand you this memorial from the grave company of elders composing the board of aldermen of the city of San Francisco, to try your hand upon—a memorial praying that the city's right to the water-lots upon the city front might be established by law of Congress. I told you this was a dangerous matter to move in. I told you to write a non-committal letter to the aldermen—an ambiguous letter—a letter that should avoid, as far as possible, all real consideration and discussion of the water-lot question. If there is any feeling left in you—any shame—surely this letter you wrote, in obedience to that order, ought to evoke it, when its words fall upon your ears:

"'*Washington, Nov. 27.*

"'*The Honorable Board of Aldermen, etc.*

"'GENTLEMEN: George Washington, the revered Father of his Country, is dead. His long and brilliant career is closed, alas! forever. He was greatly respected in this section of the country, and his untimely decease cast a gloom over the whole community. He died on the 14th day of December, 1799. He passed peacefully away from the scene of his honors and his great achievements, the most lamented hero and the best beloved that ever earth hath yielded unto Death. At such a time as this, *you* speak of water-lots!—what a lot was his!

"'What is fame! Fame is an accident. Sir Isaac Newton discovered an apple falling to the ground—a trivial discovery, truly, and one which a million men had made before him—but his parents were influential, and so they tortured that small circumstance into something wonderful, and, lo! the simple world took up the shout and, in almost the twinkling of an eye, that man was famous. Treasure these thoughts.

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*Neider, Charles. The Complete Humorous Sketches and Tales of Mark Twain (N.Y. 1961), PS1303, N37.

"'Poesy, sweet poesy, who shall estimate what the world owes to thee!

"Mary had a little lamb, its fleece was white as snow—
And everywhere that Mary went, the lamb was sure to go."

"Jack and Gill went up the hill
To draw a pail of water;
Jack fell down and broke his crown,
And Gill came tumbling after."

"'For simplicity, elegance of diction, and freedom from immoral tendencies, I regard those two poems in the light of gems. They are suited to all grades of intelligence, to every sphere of life—to the field, to the nursery, to the guild. Especially should no Board of Aldermen be without them.

"'Venerable fossils! write again. Nothing improves one so much as friendly correspondence. Write again—and if there is anything in this memorial of yours that refers to anything in particular, do not be backward about explaining it. We shall always be happy to hear you chirp.

"'Very truly, etc.,

"'Mark Twain,

"'For James W. N——, U.S. Senator.'

"That is an atrocious, a ruinous epistle! Distraction!"

"Well, sir, I am really sorry if there is anything wrong about it—but—but it appears to me to dodge the water-lot question."

"Dodge the mischief! Oh!—but never mind. As long as destruction must come now, let it be complete. Let it be complete—let this last of your performances, which I am about to read, make a finality of it. I am a ruined man. I *had* my misgivings when I gave you the letter from Humboldt, asking that the post route from Indian Gulch to Shakespeare Gap and intermediate points be changed partly to the old Mormon trail. But I told you it was a delicate question, and warned you to deal with it deftly—to answer it dubiously, and leave them a little in the dark. And your fatal imbecility impelled you to make *this* disastrous reply. I should think you would stop your ears, if you are not dead to all shame:

"'*Washington, Nov. 30*

"'*Messrs. Perkins, Wagner, et al.*

"'Gentlemen: It is a delicate question about this Indian trail, but, handled with proper deftness and dubiousness, I doubt not we shall succeed in some measure or otherwise, because the place where the route leaves the Lassen Meadows, over beyond where those two Shawnee chiefs, Dilapidated-Vengeance and Biter-of-the-Clouds, were scalped last winter, this being the favorite direction to some, but others preferring something else in consequence of things, the Mormon trail leaving Mosby's at three in the morning, and passing through Jawbone Flat to Blucher, and then down by Jug-Handle, the road passing to the right of it, and naturally leaving it on the right, too, and Dawson's on the left of the trail where it passes to the left of said Dawson's and onward thence to Tomahawk, thus making the route cheaper, easier of access to all who can get at it, and compassing all the desirable objects so considered by others, and therefore, conferring the most good upon the greatest number, and, consequently, I am encouraged to hope we shall. However, I shall be ready, and happy, to afford you still further information upon the subject, from time to time, as you may desire it and the Post-office Department be enabled to furnish it to me.

"'Very truly, etc.,

"'Mark Twain,

"'For James W. N——, U.S. Senator.'

"There—now *what* do you think of that?"

"Well, I don't know, sir. It—well, it appears to me—to be dubious enough."

"Du—leave the house! I am a ruined man. Those Humboldt savages never will forgive me for tangling their brains up with this inhuman letter. I have lost the respect of the Methodist Church, the board of aldermen—"

"Well, I haven't anything to say about that, because I may have missed it a little in their cases, but I *was* too many for the Baldwin's Ranch people, General!"

"Leave the house! Leave it forever and forever, too."

I regarded that as a sort of covert intimation that my service could be dispensed with, and so I resigned. I never will be a private secretary to a senator again. You can't please that kind of people. They don't know anything. They can't appreciate a party's efforts.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. I yield now to Mr. Proxmire.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

YESTERDAY'S CRIME FORGOTTEN IS TODAY'S INJUSTICE

Mr. PROXMIRE. Mr. President, almost everyone in the world has heard about the Nazis' massacre of Jews during World War II. Historians, novelists, and statesmen have told this important tale many times over—and well they should. But, strangely enough, there has been a virtual silence about the other victims of Hitler's genocide policies. Consequently, the great suffering and loss of life experienced by these other groups have faded from the public memory.

One example of such universal amnesia involves the case of the Gypsies—of the Romanies, as they are more properly called. Somehow the world has managed to forget the fact that a half million Romanies were murdered in Hitler's death camps. But it is a fact which is not so easy for the Romanies to forget.

Last spring, 12 German Romanies staged a hunger strike at the Dachau camp memorial in an attempt to bring the public face-to-face with the terrible crimes committed against their people. This act was no publicity stunt, Mr. President; this was the last-resort cry of the forgotten. These people cried out for recognition by only means available to them: public suffering. It is a bitter truth that the right to starve is the only right that has never been denied to the Romanies.

These people deserve more than this. It is a sad and awful irony that these strikers were forced to torture themselves last spring in order to make the public recognize that they and their families were tortured or murdered 40 years ago. We, as a civilized nation, owe these people more than a mere recognition of their suffering. We owe them a pledge that such suffering will never be forced upon them again. That pledge is the ratification of the Genocide Treaty.

The Christian Science Monitor, in their September 2 edition, displayed once again their noble dedication to the ideal of human justice with a faithful description of the Romanies' plight. I think the U.S. Senate would do well to follow their lead. I urge each and every one of my colleagues to look into his or her heart and see if he or she does not find an obligation incribed there—an obligation to the persecuted, the downtrodden, the forgotten peoples of this world—to protect the right of these peoples to live with dignity. I ask my fellow Senators to fulfill their obligations: Ratify the Genocide Convention.

SUPERFUND LEGISLATION

Mr. PROXMIRE. Mr. President, today we will once again turn to the superfund. I wish to simply state that the polluting firms should be required to pay the full cost of pollution. In a free market we should have no Federal subsidy for pollution any more than we should have for the salaries of the management of these corporations.

If they incur a cost, and heaven knows the disposal of chemicals is a cost, then they should pay for it in full. That is the way the free market should work. Not 75 percent of it, not 88 percent of it, not 95 percent of it should be paid by these companies, but all of it. If they do pay all of it, then the free market works. If they do not it does not.

If they pay all of it then the customers of those corporations will pay, which they should pay, the full cost of what they buy. We certainly should not have the taxpayers or the victims of this pollution to have to pay any part of the cost of disposing of the chemicals and other effluents that the oil corporations and chemical corporations release into our environment.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

THE TRANSITION FROM THE CARTER TO THE REAGAN ADMINISTRATION

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, it is difficult to imagine a greater management challenge than the one that fell on Governor Reagan and those of us around him when he won the election on November 4. Within a short span of 11 weeks, it is his responsibility to assume the management of an enterprise that will spend more than $600 billion during the coming year. The dimensions of this task are staggering.

Thankfully, much progress has been made in organizing this transition. Individuals who have observed a number of transitions through the years tell me that the Reagan transition is far ahead of schedule. This progress is made in spite of the fact that the Government has grown larger than ever. I should also note that in spite of the larger dimensions of the task, the Reagan transition team is operating at the same level of funding as the Carter transition 4 years ago. This level of funding in reality amounts to an approximate 44-percent reduction since inflation has reduced the value of the $2 million appropriation for the transition in terms of constant dollars.

Needless to say, Mr. President, a number of individuals have been pressed into duty to assist with the challenge of accomplishing this extremely complex task. Working groups have been established under the broad headings of economic affairs, national security, resources and development, human services, and legal and administrative agencies. Under these working groups, teams have been organized to go into departments and agencies to gather information, so that incoming Cabinet officers, as well as the President-elect, have an accurate picture of what faces them on January 20. These individuals have been appointed for the transition only, and their presence on the transition team does not necessarily indicate they will have a role in the new administration nor does it indicate they will not have a role. Moreover, their assignment is one relating to information gathering only, and they have been told to avoid even the appearance of making policy.

The transition also has a mechanism in place to carefully consider all of the many qualified people who are being recommended to fill the approximately 4,000 positions that must be filed when administrations change.

As part of all the activity, Mr. President, the Reagan team has been conscientiously attempting to give Senators and Members of the House an appropriate role in the transition, especially as it relates to jurisdictional committees. This effort has included an attempt to keep Members informed about the activities of the transition team and about the individuals who are working on the various aspects of the transition.

In spite of this effort, Mr. President, many questions remain. In an effort to inform Senators and House Members, as well as the public, about transition activities and personnel, I ask unanimous consent that a collection of press releases from the Office of the President-elect be printed in the RECORD. Hopefully, this will provide the Congress with a convenient reference when questions arise about who is performing various tasks in the transfer of power from one President to a new one.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 12, 1980.

President-elect Ronald Reagan today announced the creation of a special unit—the Office of Executive Branch Management—to assure a smooth transition between the Carter and Reagan Administrations and designated William E. Timmons, Deputy Director of the Transition, to head it up.

This unit reports to the Director of the Transition Ed Meese and has the responsibility for providing liaison and coordination between the Departments and Agencies of government and the transition staff.

Within the framework of five working groups—Economic Affairs, National Security, Resources and Development, Human Services, and Legal and Administrative Agencies—special management teams will be assigned to the various government operations to analyze, assess and make recommendations on policies, programs, personnel, budgets and legislation.

Assisting each team will be a group of distinguished advisors from the Congress, the Governors and various special Task Forces.

Reporting to Mr. Timmons in the Office of Executive Branch Management will be five Group Directors: Stanton D. Anderson (Economic Affairs), David M. Abshire (National Security), Richard Fairbanks (Resources and Development), Elizabeth H. Dole (Human Services) and Loren A. Smith (Legal and Administrative Agencies).

Additionally, the senior advisor to this Office will be Frank Whetstone, the coordinator will be Stanley Ebner and Mr. Timmons' assistant will be John M. Nugent.

The Office of Executive Branch Management is the only official group authorized by the President-elect to represent the transition with federal government agencies. These officers of the transition will be housed at 1726 M Street, N.W., Washington, D.C.

Attached are biographies of the new Reagan appointees and lists of Departments and Agencies which will report to them.

William E. Timmons, 49, is a Deputy Director of the Reagan-Bush Transition, responsible for the Office of Executive Branch Management. During the recent campaign, Timmons was Ronald Reagan's National Political Director. He was also Governor Reagan's Convention Manager at the 1980 Republican National Convention in Detroit. Timmons has worked in the U.S. Senate, House of Representatives and the White House where he was the Assistant for Congressional Relations for both Presidents Nixon and Ford. Timmons is on leave from Timmons and Company, Inc., a consulting firm.

Frank A. Whetstone of Cut Bank, Montana, is the senior advisor of the Office of Executive Branch Management. He is in the office supply and equipment business as well as several other Montana enterprises. Whetstone has long been active in Republican Party presidential politics, having campaigned for Dewey, Taft, Nixon, Goldwater and Reagan. He has been closely identified with Governor Reagan's political career for over a dozen years. In the recent campaign he was senior advisor to the Political Operations and travelled with Reagan in the West.

Stanley Ebner, 46, is Coordinator for the Office of Executive Branch Management and is responsible for supervising interagency issues. Mr. Ebner is Corporate Vice President of Northrop and Manager of its Eastern Regional Office. Previously he had been Vice President and General Counsel of Timmons and Company, a Washington consulting firm. Mr. Ebner served in the Department of Justice, counsel to Senate Judiciary Committee and in 1973 became General Counsel in the White House Office of Management and Budget. A native of Connecticut, Mr. Ebner received his Bachelor's and law degrees from Yale University.

John M. Nugent, 36, is Executive Assistant to Mr. Timmons. He is a Vice President of Timmons and Company and previously was a Special Assistant for Congressional Affairs at the Federal Energy Administration. Before that, Mr. Nugent was Director of the Republican Task Force. He was born in Connecticut and attended Norwich University and the American University of Beirut, Lebanon.

Elizabeth Hanford Dole is Director of the Human Services Group. She was national chairman of the Voters for Reagan-Bush and was an active member of the Campaign Truth Squad. Mrs. Dole was a Commissioner of the Federal Trade Commission from 1973–1979. She also was Deputy Special Assistant to the President for Consumer Affairs from 1969–1973. Mrs. Dole holds a bachelor's degree from Duke University, M.A. in teaching from Harvard Graduate School of Education, and a law degree from Harvard. She is on the Board of Trustees at Duke, the Harvard Law School Council, Board of Directors of the National Council on Aging and numerous other boards and commissions.

Richard Fairbanks, 39, is the Director of the Resources and Development Group for the Transition. He is a partner in the Washington law firm of Beveridge, Fairbanks and Diamond. He also served three years on the White House Domestic Council where he was Associate Director for Natural Resources, Energy and Environment. Mr. Fairbanks also served in the Environmental Protection Agency and was a member of President Ford's Citizens' Advisory Committee on Environmental Quality. Mr. Fairbanks hails from Indianapolis, Indiana, and graduated with honors from Columbia University School of Law and Yale University.

Dr. David M. Abshire, 54, is the Director of the National Security Group in the Office of Executive Branch Management. He is the Chairman of the Center for Strategic and International Studies, Georgetown University, which he was a founder in 1962. A prolific writer, Dr. Abshire has written three books, is founder and co-editor of the Washington Quarterly, and contributes articles to a number of newspapers and professional publications. Dr. Abshire was Assistant Secretary of State from 1970–1973, is a member of the Congressional Commission on the Organization of the Government for the Conduct of Foreign Policy, and he was the first Chairman of the U.S. Board for International Broadcasting (1974–1977). He is a graduate of the United States Military Academy and received his Ph.D. from Georgetown University. Dr. Abshire is a native of Chattanooga, Tennessee.

Stanton D. Anderson, 40, is Director of the Economic Affairs Group. He is the managing partner of Surrey and Morse, an international law firm. From 1973 to 1975 he served as Deputy Assistant Secretary of State, and from 1971 to 1973 he was a Special Assistant to the President. In the recent presidential election, Mr. Anderson was Counselor to the Campaign for the Reagan-Bush Committee. Mr. Anderson is an honors graduate of Willamette University Law School where he was associate editor of the Law Review. He also attended Westmont College where he was an All-American basketball player. Mr. Anderson has served as a member of the President's Commission on Personnel Interchange.

The following is a listing of Executive Branch agencies and the Director responsible for teams to be assigned to them. The groupings are for the administrative convenience of the transition staff only and have no policy implications.

NATIONAL SECURITY GROUP

Dr. David M. Abshire.—
Department of State.
Department of Defense.
Central Intelligence Agency.
International Development Cooperation Agency.
Arms Control Disarmament Agency.
International Communication Agency.
Veterans Administration.
International Bank for Reconstruction and Development.
Overseas Private Investment Corporation.
Foreign Claims Settlement Commission.
Board for International Broadcasting.

RESOURCES AND DEVELOPMENT GROUP

Richard Fairbanks.—
Department of Agriculture.
Department of Energy.
Federal Energy Regulatory Commission.
Department of the Interior.
Environmental Protection Agency.
Nuclear Regulatory Commission.
Alaska Natural Gas Transportation System.
Commodity Futures Trading Commission.
Farm Credit Administration.
Tennessee Valley Authority.
Syn-Fuels Corporation.
Office for Micronesian Status Negotiations.
National Aeronautics and Space Administration.

HUMAN SERVICES GROUP

Elizabeth Dole.—
Department of Education.
Department of Health and Human Services.
Department of Housing and Urban Development.
ACTION.
Community Services Administration.
Federal Council on Aging.
National Credit Union Administration.

ECONOMIC AFFAIRS GROUP

Stanton D. Anderson.—
Council on Wage and Price Stability.
Office of Special Trade Representative.
Department of Commerce.
Department of Treasury.
Department of Transportation.
Comptroller of the Currency.
Export-Import Bank.
Small Business Administration.
International Trade Commission.
Federal Deposit Insurance Corporation.
Federal Reserve System.
National Transportation Safety Board.
Regional Development Commissions.
National Labor Relations Board.
Department of Labor.
Federal Labor Relations Authority.
Federal Mediation and Conciliation Service.
National Mediation Board.
Occupational Safety and Health Review Commission.
Federal Savings and Loan Insurance Corporation.

LEGAL AND ADMINISTRATIVE AGENCIES GROUP

Loren A. Smith.—
Department of Justice.
General Services Administration.
Office of Personnel Management.
United States Railway Association.
Civil Aeronautics Board.
Federal Communications Commission.
Federal Trade Commission.
Interstate Commerce Commission.
Securities Exchange Commission.
Federal Maritime Commission.
Consumer Product Safety Commission.
Federal Emergency Management Agency.
National Science Foundation.
Advisory Commission on Intergovernmental Relations.
United States Postal Service.
Federal Election Commission.
Merit System Protection Board.
Smithsonian Institution.
National Endowment for the Arts.
National Council on Historic Preservation.
Postal Rate Commission.
Civil Rights Commission.
Equal Employment Opportunity Commission.
Miscellaneous Boards and Commissions.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 13, 1980.

President-Elect Ronald Reagan today announced official team leaders for his transition groups which will be assigned responsibilities with the departments of government.

These special teams will maintain communications with Carter administration officials, inventory and assess existing policies, programs, personnel and budgets and make recommendations to the President-Elect. Particular attention will be given to issues that require early decisions by the new administration. Also the department and agency transition teams will be prepared to brief Reagan's Cabinet and Sub-Cabinet designees when they are announced.

Team leaders report to one of five Group Directors who manage issue clusters. They are Stanton D. Anderson, Elizabeth H. Dole, Dr. David M. Abshire, Richard Fairbanks, and Loren A. Smith. Group Directors, in turn, report to William E. Timmons, Deputy Director of the Transition.

Departmental team leaders are:

Department of State: Robert E. Neumann.
Department of Defense: William Van Cleave.
Department of Treasury: Gerald L. Parsky.
Department of Justice: Richard Wiley.
Department of Interior: Richard Richards.
Department of Agriculture: Richard Lyng.
Department of Commerce: Calvin J. Collier.
Department of Labor: Richard Shubert.
Department of Health and Human Services: Robert Carleson.
Department of Housing and Urban Development: Gerald Carmen.
Department of Transportation: Arthur E. Teele.
Department of Energy: Michel Halbouty.
Department of Education: Lorelei Kinder.

Brief biographies are attached. Team leaders for agencies and independent commissions, as well as members of the departmental teams, will be announced later.

DEPARTMENTAL TEAM LEADERS

Robert G. Neumann was Professor of Political Science (and Director of the Institute for International and Foreign Studies) at the University of California at Los Angeles, 1947–1966. He was then appointed U.S. Ambassador to Afghanistan, 1963–1973, and U.S. Ambassador to Morocco, 1973–1976. He is currently Vice Chairman of the Center for Strategic and International Studies at Georgetown University, in addition to his other duties as Coordinator of Middle East Programs and Editor of the Significant Issues Series, a Center publication. He is the author of numerous publications, including a CSIS monograph entitled "Toward a More Effective Executive Legislative Relationship in the Conduct of America's Foreign Affairs" (1977).

William R. Van Cleave is Professor of International Relations, Director of the Defense and Strategic Studies Program, and 1979–81 Associate of the Center for Study of the American Experience at the University of Southern California. He is also Chairman of the Strategic Alternatives Team and a member of the Board of Directors of the Committee on the Present Danger. He is on the Editorial Board of three scholarly journals. From 1969–1971 he was a member of the first SALT Delegation and a Special Assistant in the Office of Secretary of Defense. In 1976 he was a member of the "B Team" which was charged with reviewing official national intelligence estimates on Soviet strategic capabilities and objectives. Dr. Van Cleave is the author of numerous publications on strategic arms control, and national defense issues—most particularly on SALT—and is co-author of the recent book, "Strategic Options for the Early Eighties: What Can Be Done?" Dr. Van Cleave testified before the Senate Committee on Armed Services on the SALT I accords in 1972 and on SALT II in October 1979, and has testified numerous times before other Congressional Committees. He is a Defense Adviser to President-elect Ronald Reagan.

Gerald L. Parsky, Partner of Gibson, Dunn & Crutcher, lawyers, with head offices in Los Angeles and a branch office in Washington, D.C. From June 1974 until January 1977, he served as Assistant Secretary of the U.S. Treasury Department in charge of international affairs. Prior to his appointment as Assistant Secretary, Mr. Parsky served as Executive Assistant to the Deputy Secretary of the Treasury and Administrator of the Federal Energy Office, and as a Special Assistant to the Under Secretary of the Treasury. Mr. Parsky is an honors graduate of the University of Virginia Law School and of Princeton University.

Richard E. Wiley resigned as Chairman of the Federal Communications Commission in October of 1977 to join the law firm of Kirkland & Ellis. He is now Administrative Partner of the firm's Washington, D.C. office. A native of Illinois, Mr. Wiley graduated with distinction from Northwestern University and holds law degrees from both Northwestern and Georgetown University Law Schools. His tenure with the FCC began in 1970 as its General Counsel. In 1972, he was appointed to the Commission and, two years later, advanced to the Chairmanship.

Mr. Wiley's prior professional career included service as a Captain in The Army Judge Advocate General's Office at the Pentagon, an officer of a major corporation, and a partner in a Chicago law firm. Additionally, he taught law school for seven years, authored numerous articles in legal journals and was a Commissioner in the Illinois State Court of Claims. In addition, Mr. Wiley was appointed by both Presidents Nixon and Ford to the Council of the Administrative Conference of the United States.

Richard Richards has been active in Republican politics at both the state and national level. Most recently he was a senior consultant to Ronald Reagan and served as the Western Regional Political Director for the Reagan-Bush Committee. From 1966–1969 he was the Utah State Republican Chairman. A graduate of the University of Utah College of Law, Mr. Richards is the head of a law clinic in Ogden, Utah.

Richard Lyng, a native Californian and a graduate of the University of Notre Dame, is a private consultant in Washington. He served as the Deputy Director and then Director of Agriculture in the Nixon Administration, from 1969–1973. From 1973–1979, Mr. Lyng was the President of the American Meat Institute.

Calvin J. Collier is a partner in the law firm of Hughes, Hubbard & Reed and is resident in the firm's Washington, D.C. office. Until January 1978, Mr. Collier was a member of the Federal Trade Commission and served as Chairman of the FTC from March 1976 until April 1977. He also served as General Counsel of the FTC from July 1973 to March 1975, as Associate Director of the Office of Management and Budget from June 1975 to March 1976 as General Counsel of OMB from March 1975 to June 1975, and in various senior policy positions in government from 1969–1973. Mr. Collier is a Phi Beta Kappa graduate of Grinnell College and received his LL.B. from Duke University School of Law where he graduated with distinction, was Article Editor of the Duke Law Journal and was elected to the Order of the Coif. After law school he served as a law clerk to U.S. Circuit Court of Appeals Judge Harold Leventhal.

Richard Shubert is Vice Chairman of Bethlehem Steel Corporation. He has been with Bethlehem Steel in various capacities since 1961. From 1970 to 1975, Mr. Shubert served as Solicitor and later, as Under-Secretary of the Department of Labor. Mr. Shubert is a graduate of East Nazarene College and Yale Law School. He resides with his wife and family in Eastham, Pennsylvania.

Robert B. Carleson, former United States Commissioner on Welfare, is currently serving as the President-Elect's chairman of the Welfare Task Force. He is President of Robert B. Carleson & Associates, Inc., a management and public policy consulting firm. A native of Long Beach, California, he is a graduate of the University of Southern California, where he also did some graduate work in public administration after his Navy service during and after the Korean War. Mr. Carleson has held a number of public positions of importance at the city, state, and federal level—including such services as manager of two California cities, San Dimas and Pico Rivera; then progressing to Director of the California Department of Social Welfare under Governor Reagan. Mr. Carleson has served on numerous boards, commissions, and study groups dealing with public policy in the human resources area.

Gerald P. Carmen is a Manchester, New Hampshire, business and civic leader. In community affairs, he served as Commissioner of the Manchester Housing and Urban Renewal Authority for a five-year term. From January 21, 1969 through January 6, 1970 he served as vice chairman of the Authority and on January 6, 1970 he assumed the position of chairman until January 5, 1971. Mr. Carmen also served two terms as President of the Downtown Manchester Association and as state chairman for two terms in the New Hampshire Chapter, National Conference of Christians and Jews (NCCJ) and continues to serve as Director in the successor organization, New Hampshire Brotherhood Council. Mr. Carmen is also a former chairman of the Manchester Heart Fund campaign, and a former member of the Greater Manchester Chamber of Commerce's Ambassador's Club. Mr. Carmen has been active in Republican activities for over twenty-five years.

Arthur E. Teele is an attorney at law from Tallahassee, Florida, specializing in labor policy and labor relations management. He has served as a consultant and counsel to various federal, state and local labor departments and manpower agencies. In addition, he has served as Expert Counsel to the Secretary of Administration for the State of Florida, where he specialized in the state government's rules and regulations. He spent nine years in military service, serving as Senior Aide and Special Private Counsel to several of the military's top field commanders, including the XVIII Airborne Corp. While in Vietnam, he received the Purple Heart and Bronze Star for valor. Mr. Teele received his J.D. from Florida State University in 1972 and his B.S. from Florida A&M University in 1967. He is a member of the Florida Bar.

Michel T. Halbouty is a consultant geologist and petroleum engineer and active independent oil and gas producer and operator. He is an outstanding authority on geological and engineering problems of North America and is rated as one of the top experts on geology of Gulf Coast salt domes. Mr. Halbouty was born in 1909, earned his B.S. and M.S. degrees in geology and petroleum engineering from Texas A&M and doctorate from Colorado School of Mines in Technology. He is a member of many professional scientific and engineering societies and the National Academy of Engineering. He is past President of the American Association of Petroleum Geologists (1966–67). He is a visiting professor at Texas Tech and Texas A&M. He is Chairman of the Texas A&M Geosciences and Earth Resources Foundation. He has an honorary doctorate from the Montana College of Mineral Science and Technology. He has written over 200 scientific and engineering papers and has authored or coauthored several books.

Lorelei Kinder has opened many doors for women in politics. Ms. Kinder was the first woman to hold the position of Executive Director of the California Republican Party. She moved on to become the first woman Regional Political Coordinator for the Reagan campaign during the primaries. In this position, Ms. Kinder initiated a comprehensive organizational effort to reach out to women, blacks and Hispanics. During the past Presidential campaign, Ms. Kinder played a crucial role as the National Political Coordinator for voter groups division of the Reagan-Bush Committee. She was responsible for assisting and advising many diverse voter groups. The groups ranged from Senior Citizens to handicapped citizens to athletes. In addition, Ms. Kinder acted as a staff advisor to the Family Advisory Board of the Committee. The Board confronted many timely problems such as teenage drug abuse and how the American tax system is affecting the nation's family structure. Ms. Kinder's knowledge of minority relations vis-a-vis government activities dates back to the early 60's. During that time, she was the Administrative Assistant to a State Senator who was on the Education Committee. She conducted several studies for the Committee which dealt with the California education system and various ethnic groups as well as with other important subjects.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 13, 1980.

President-Elect Ronald Reagan today announced the appointment of Donald J. Devine as Transition Team Leader and R. T. (Tim) McNamar as Policy Coordinator for the Office of Personnel Management in the U.S. Government.

Mr. Devine and Mr. McNamar will work in the Transition Office of Executive Branch Management, led by William E. Timmons, and report to Loren A. Smith, Director of the Legal and Administrative Agencies Group.

Mr. Devine and Mr. McNamar will inventory and assess policy, programs, and personnel of the important Office of Personnel Management and will interface with President Carter's Transition Director of that agency, Alan Campbell.

Brief biographical information follows:

R. T. (Tim) McNamara is Executive Vice President of Beneficial Standard Corporation, a diversified financial services holding company in Los Angeles. He was formerly (1973-1977) Executive Director of the Federal Trade Commission in Washington where he was instrumental in reforming and improving the agency's budgeting, professional recruiting, and management systems. A lawyer, Michigan Law School 1963, he also has an M.B.A. from the Amos Tuck School at Dartmouth and an extensive background in management consulting in the public and private sectors. Before joining the FTC, he held several senior positions in the Economic Stabilization Program (1972-1974) in Washington.

Donald J. Devine, 43, has been an Associate Professor of Governmental Politics at the University of Maryland since 1967. He received his Ph.D. in Political Science from the Maxwell School at Syracuse University in 1967, specializing in American Politics, Public Administration, Urban Studies and Comparative Government. He holds an M.A. in Political Science from the City University of New York, and a B.B.A. from St. John's University, New York.

Devine is the author of three books on government and politics: 'Does Freedom Work?", "The Political Culture of the United States," and "The Attentive Public," as well as several articles in professional journals. During the campaign, he was Regional Political Director for Delaware, Maryland and the District of Columbia, and served as Deputy Director of Political Planning and Analysis.

Devine lives in Wheaton, Maryland with his wife, Ann Smith Devine, and their four children.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 13, 1980.

To help round out the Transition headquarters staff, President-Elect Ronald Reagan today announced the appointment of several Co-Directors and Assistants to issue cluster groups. The magnitude of the mission and the volume of work in the Office of Executive Branch Management, providing communications with the departments and agencies of government, required experienced personnel to coordinate the teams assigned to federal government units.

Sam Ballenger, 40, will be Co-Director of the Resource and Development Group within the Office of Executive Branch Management. He will work with Richard Fairbanks in carrying out responsibilities of that office. Mr. Ballenger is Legislative Assistant to Senator Paul Laxalt (R-Nev.) and has served the Senator for five years. He is an expert in the field of natural resources and environment. Mr. Ballenger also serves as Laxalt's staff advisor to The Senate Western Coalition which the Senator co-chairs. A graduate of the University of Colorado with Bachelor of Science degrees in business (finance major) and pharmacy, Mr. Ballenger's legal residence is Las Vegas, Nevada. He currently resides in Fairfax, Virginia, with his wife, Judith, and two children.

Mark S. Fowler, 39, will be Co-Director of the Legal and Administrative Agencies Group. He served as FCC Communications Counsel to the Reagan campaign, 1975–1976, and 1979 to present. He is senior partner in the communications law firm of Fowler & Meyers, P.C., Washington, D.C. He is married to Jane Y. Fowler, the father of two children, and resides in Arlington, Virginia. Fowler hails from Orlando, Florida. and is a graduate of the University of Florida (1966), the University of Florida College of Law (1969). Fowler has extensive experience as a broadcaster. He was employed in all phases of radio broadcasting from 1959 to 1969. Mr. Fowler will work with Loren A. Smith, Director of the Group.

John F. Lehman, Jr., will be the Co-Director of the National Security Group working with Dr. David Abshire. Born September 1942, Philadelphia, Pennsylvania, he is married to the former Barbara Thornton Wieland. They have one daughter and one son. Dr. Lehman is an officer in the U.S Navy Reserve, flying A6 and A4 aircraft.

Dr. Lehman graduated from St. Joseph's College and holds B.A. and M.A. degrees in International Law and Diplomacy from Cambridge University He received his M.A.

and Ph.D. in International Relations from the University of Pennsylvania.

Dr. Lehman first entered government service in January 1969. Initially appointed Staff Member to the National Security Council, he was made Special Counsel and Senior Staff Member to the Council in 1971. In July 1974, he was named a Delegate to the Mutual and Balanced Force Reductions Talks (MBFR) in Vienna. He served in that capacity until his nomination by the President as Deputy Director of the Arms Control and Disarmament Agency where he served until January 20, 1977. Since February 1977, Dr. Lehman has been the President of Abington Corporation.

Dr. Lehman is the recipient of several awards including an Earhart Fellowship from Cambridge from 1966–1967 and a Visiting Fellowship at the School of Advanced International Studies at Johns Hopkins in 1974. He is a member of the American Arbitration Association, International Panel. He is a consultant to several U.S. governmental agencies.

T. Kenneth Cribb, Jr. will be Deputy Director of the Legal and Administrative Agencies Group. He served as Deputy Chief Counsel to the Reagan-Bush Committee and is currently on leave of absence from the law firm of Dewey, Ballantine, Bushby, Palmer, and Wood. Mr. Cribb graduated from Washington and Lee University where he received the Washington Award. He received his law degree from the University of Virginia and was a finalist in the Lile Moot Court Competition. For six years, Mr. Cribb served as National Director of the Intercollegiate Studies Institute in Bryn Mawr, Pennsylvania. He was named an Outstanding Young Man of the Year in 1980 and is a trustee of the Philadelphia Society. Mr. Cribb is a native of Spartanburg, South Carolina.

Glenn R. Schleede is Assistant to the Resources and Development Group. Since July 1979, Mr. Schleede has been Senior Vice President of the National Coal Association. He joined NCA as Vice President of the Policy Planning in January 1977. NCA is the nationwide trade association of commercial coal producers and allied interests.

Prior to joining NCA, Mr. Schleede was Associate Director for Energy and Science for the Domestic Council in the White House. He began work with the Domestic Council in March 1973.

Previously, he served with the Atomic Energy Commission for four years (1961–1965) and with the Bureau of Budget and the Office of Management and Budget in the Executive Office of the President for 6½ years (1965–1972). He then spent one additional year with the Atomic Energy Commission where his position was Deputy Assistant Director for Policy and Program Review.

Schleede graduated in 1960 from Gustavus Adolphus College, St. Peter, Minnesota with a B.A. degree in Psychology. He then attended the University of Minnesota and received an M.A. in Industrial Relations. He is married to the former Sandra Klafehn of Brockport, New York, and they reside in Potomac, Maryland, with their three daughters.

David L. Chew, 28, will be Assistant to the Economics Group. He is Vice President of Citizen's Choice, a national citizens lobby organization concerned with economic and regulatory issues. Previously, he served as Administrative Assistant to Senator Bob Dole (R-Kans.) and was Director of Research for Timmons and Company, Inc. from 1975–1979. Chew was a Special Assistant to former Senator Bill Brock from 1970–1973. Mr. Chew is a graduate of the Georgetown University School of Foreign Service. He now resides in Washington, D.C.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 13, 1980.

President-Elect Ronald Reagan today named the leaders of his Congressional Relations Office for the Transition Staff.

This office will coordinate the day-to-day congressional activities, particularly as they pertain to the legislative objectives of the departments and agencies of the executive branch. All congressional liaison efforts will be closely coordinated with Senator Paul Laxalt (R-Nev.) who was named previously as Chairman of the Congressional Advisory Committee for the Transition. Others on the committee are: Rep. Tom Evans (R-Del.), as well as GOP leaders in the House and Senate.

Tom C. Korologos will serve as Director of Congressional Relations for President-Elect Ronald Reagan's Transition Staff.

Richard Williamson, 31, was also named Director of the Staff of the Congressional Advisory Committee which will work closely with Senator Laxalt and the Transition Team's Senior Policy Advisors in developing long-range legislative activities.

In addition, Mr. Reagan named Paul A. Russo, 37, as Deputy Director of Congressional Relations under Mr. Korologos.

Mr. Korologos, 47, a native of Salt Lake City, Utah, is a well-known and experienced legislative expert in the nation's capital. He is Vice President of Timmons and Company, a Washington based consulting company, and assisted the Reagan-Bush political operation in the fall campaign. He was an assistant for legislative affairs in the White House for both Presidents Ford and Nixon and worked for nine years for U.S. Senator Wallace F. Bennett (R-Utah).

Mr. Russo worked for Ronald Reagan in the 1976 presidential race, in the 1980 primaries, during the convention, and in the general election campaign Mr. Russo directed liaison with the Congress and Republican governors. Mr. Russo is a veteran of political campaigns and government service, working for Senator Bob Dole (R-Kans.), former Senator Bob Taft (R-Ohio), and Congressman Tom Evans (R-Del.). Additionally, he served as Special Assistant to then Governor Reagan in California.

Mr. Williamson is an attorney and a partner in Winston, Strawn, a Washington law firm. During the campaign he served as Deputy to Campaign Chairman Laxalt. He previously worked in both the Senate and the House.

Mr. Korologos' assistant will be Mike Bates, 30, also with Timmons and Company. Mr. Bates worked for Congressman Ed Madigan (R-Ill.) and Congressman Clarence Brown (R-Ohio), as well as the House Committee on Interstate and Foreign Commerce before joining the consulting firm.

Assistant Directors of Congressional Relations will be Powell Moore, Nancy Risque, Charles Leppert, Pat O'Donnell, William Kendall and former Congressman Marvin Esch and former Congressman Dan Kuykendall.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 14, 1980.

President-Elect Ronald Regan today announced the appointments of Robert Keith Gray and Charles Z. Wick as cochairmen of the 1981 Presidential Inaugural Committee.

In making the announcement President-Elect Reagan said he has picked Californian Wick and Washingtonian Gray to bring the East and West together in the Inaugural. As cochairmen of the Presidential Inaugural Committee, Gray and Wick will supervise the planning and coordination of all ceremonial and social activities surrounding the Inauguration of the new President.

Traditionally the Inaugural Committee's responsibility is to successfully plan, implement and manage, over a 65-day period a $3.5 million to $5.0 million break-even business, building to 3,000 or 4,000 staff and volunteer workers, supporting 16,000 to 20,000 military and civilian participants culminating in Inaugural functions having 500,000 to 1,000,000 people at the parade and in excess of 60,000 attending party-related functions.

Gray served as director of communications for the Reagan-Bush Committee and as deputy director of the campaign. He is vice chairman of Hill and Knowlton, Inc., the world's largest international public relations firm, and head of the firm's Washington operations. Gray, a Harvard Business School graduate, served the Eisenhower administration in various capacities, including Secretary of the Cabinet, Presidential Assistant and Appointments Secretary to President Eisenhower.

Wick served as a senior advisor to the Reagan-Bush Committee and was national chairman of Prelude to Victory, a series of major fundraising dinners held in 19 cities across the country and linked by closed-circuit television. He is a graduate of the University of Michigan, Case Western Reserve Law School, and a member of the Ohio and California State Bars. Wick's other interests include venture capital business, personal investments and real estate, and he resides at 120 South Mapleton Drive in Los Angeles, California.

In addition, the Honorable J. William Middendorf has been selected to serve as finance chairman of the 1980 Presidential Inaugural Committee. Middendorf has served as Secretary of the Navy and was former Ambassador to the Netherlands. He is currently president and chief executive officer of Financial General Bankshares.

Named also is Frederick K. Biebel as executive director of the Committee. Biebel is former national committeeman from Connecticut and its former state chairman until he resigned to join the Reagan-Bush Committee as national coordinator of Republican state organizations. He resides in Stratford, Connecticut.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 14, 1980.

President-elect Ronald Reagan announced today an additional series of Transition Team Leaders. These Team Leaders are the first of those who will be working with the various Agencies, Commissions and Government Corporations. The Transition Team Leaders will be responsible for overseeing the task of providing a smooth passage of authority to the new Reagan Administration.

The Team Leaders for the following Agencies, Commissions and Government Corporations were announced today:

Economic Affairs Group: Council on Wage and Price Stability, Small Business Administration.

National Security Group: Central Intelligence Agency, Veterans Administration, International Agencies.

Human Services Group: ACTION, Community Services Administration.

Resources and Development Group: Federal Energy Regulatory Commission, Environmental Protection Agency, Nuclear Regulatory Agency, Syn-Fuels Corporation.

Legal and Regulatory Agencies Group: Federal Communications Commission, Federal Trade Commission, Consumer Product Safety Commission, U.S. Postal Service, Equal Employment Opportunity Commission, Legal Services Corporation, Securities and Exchange Commission.

David Wimer, the Transition Team Leader for the Council on Wage and Price Stability, is the managing partner of Hay Associates, an international human resources consulting firm. Prior to his position with Hay, Mr. Wimer served as Special Assistant to the President from 1973–1974, Special Assistant to the Secretary of Labor from 1972–1973 and from 1963–1969 served as an officer in the U.S. Air Force. He joined Hay Associates in 1969 and, with the exception of a temporary leave of absense for government service, has been with them since. Mr. Wimer graduated from UCLA in 1963 and received his Masters in Public Administration from California State University at Northridge in 1967.

Max Hugel, 55 currently the Executive Vice President of Centronics Data Computer Corporation, will be the Transition Team Leader for the Small Business Administration.

Mr. Hugel, a graduate of the University of Michigan, previously served as a military intelligence officer from 1943–1947. From 1954–1975 he was President of Brother International Corporation, a firm specializing in the manufacture and export of consumer goods. For the last three months, Mr. Hugel has also served as the National Director of Voter Groups for the Reagan-Bush Campaign.

Laurence H. Silberman, the Transition Team Leader for the Central Intelligence Agency, is presently the Executive Vice President of Crocker National Bank in San Francisco. Prior to joining Crocker, he was managing partner of the Washington office of the law firm of Morrison and Foerster. He is also a visiting fellow of the American Enterprise Institute and a member of the Council of Foreign Relations.

From 1975–1977, Mr. Silberman was Ambassador to Yugoslavia, and, in 1976, he served as the President's Special Envoy to the European Community, Japan, Australia, and Canada on International Labor Organizations Affairs. From 1974–1975 he served as the Deputy Attorney General of the United States. In 1969 Mr. Silberman was appointed Solicitor of Labor (General Counsel) in the United States Labor Department, and in 1970 he became the Undersecretary of Labor, a position he held until 1973.

William H. Ayres, the Veterans Administration Team Leader, was a Member of the United States Congress for 20 years, from 1951 to 1971, representing the 14th Ohio Congressional District. During that time he was the Minority Leader of the Education, Labor and Veterans Affairs Committees and he co-authored the G.I. Bill Amendment. On leaving Congress, he directed the President's Jobs for Veterans program. He is currently with the Republican National Committee and directed the Veterans Division for Chairman Bill Brock.

Following his discharge from the Army, Mr. Ayres organized his own heating company with the help of World War II veterans.

Mr. Ayres is a life-time member of Kiwanis, the American Legion and AmVets. He is a graduate of Case Western Reserve University and is listed in Who's Who in America. He is married, has three children and one grandchild.

Frank Shakespeare, who will be the International Agencies Team Leader, is currently serving as the President of RKO General, Inc. and has served in this position since 1975. From 1973 to 1975 he was Executive Vice President of Westinghouse Electrical Corporation for Broadcasting, Learning and Leisure Time, and from 1969 to 1973 he was the Director of the United States Information Agency.

He is director of two corporate boards: RKO General, Inc. and Frontier Airlines, Inc. He is also a director for the National Strategy Information Center and the Committee on the Present Danger, and is on the Advisory Board for the Woodrow Wilson International Center for Scholars in Washington, D.C. He is a trustee and vice chairman of the Heritage Foundation and a trustee of Hillsdale College in Michigan.

Born in 1925 in New York, Mr. Shakespeare graduated from Holy Cross College and served in the United States Navy as a deck officer aboard an aircraft carrier in the Pacific. He is married to the former Deborah Anne Spaeth. They have three children and make their home in Greenwich, Connecticut.

John Burgess, 38, the Transition Team Leader for ACTION, has both field and Washington experience in ACTION. From April 1973 to 1975, Mr. Burgess served as Executive Assistant to the Director of ACTION. In that position, he participated in the overall administration of ACTION. In January of 1975, Mr. Burgess accepted the position of Peace Corps Director for Micronesia. His service in Micronesia provided him with excellent practical field experience.

Mr. Burgess has twice held the position of Nationalities Director at the Republican National Committee and acted as the Ethnic Press Director for the Reagan-Bush Committee. Previously, he served as Dean of Freshmen at Georgetown University and Assistant Dean of Georgetown School of Foreign Service.

Mr. Burgess is presently self-employed as an Educational and Political Consultant. He obtained his M.A. in Russian History at Georgetown University and has nearly completed his Ph.D. on the same subject.

Constance B. Newman, the Co-Founder and President of the Newman & Hermanson Company, a public policy research and evaluation firm, will be the Team Leader for the Community Services Administration. Prior to establishing the firm, Ms. Newman served as an Assistant Secretary of the Department of Housing and Urban Development. She had also served in policy-making positions in a number of Federal government agencies, including the Presidentially appointed positions of Commissioner of the Consumer Product Safety Commission and Director of VISTA; Special Assistant to the Secretary of the Department of Health, Education, and Welfare, and Chief of the Midwest Migrant Programs and at the old Office of Economic Opportunity (now Community Services Administration).

Ms. Newman holds an A.B. from Bates College and a B.S.L. from the University of Minnesota Law School. She has a number of honors including an honorary doctor of laws from Bates College and the Secretary's Award for Excellence from the Department of Housing and Urban Development. Among her listings are Who's Who Among Black Americans, Who's Who of American Women and Who's Who in American Politics. At present, Ms. Newman is a Visiting Fellow of the Woodrow Wilson Foundation, a Trustee of Underwriters' Laboratories, a Member of the Visiting Committee of Howard University School of Social Work.

Danny J. Boggs, 36, is the Team Leader for the Federal Energy Regulatory Commission. He is currently of counsel to the law firm of Bushnell, Gage, Reizen and Byington in Washington. He was Staff Director for Energy of the 1980 Republican Platform Committee, and a member of the Reagan-Bush Campaign Domestic and Economic Advisory Group and the Environmental Task Force. From 1976 to 1977, he was Assistant to the Chairman of the Federal Power Commission. He was Deputy Minority Counsel to the Senate Committee on Energy and Natural Resources in 1977 and 1979. A native of Bowling Green, Kentucky, Boggs graduated *cum laude* from Harvard College in 1965 and from the University of Chicago Law School in 1968. He currently resides in Arlington, Virginia.

Norman (Ike) B. Livermore, Jr., 69, is the Team Leader for the Environmental Protection Agency. He currently is serving as a member of the California Fish and Game Commission. He served as Secretary for Resources for the State of California from 1967 to 1974. Mr. Livermore is a member of: The Sierra Club (Board Member 1940–50), the Sierra Club Foundation, Save the Redwoods League, San Joaquin Wilderness Association, Japanese-American Environmental Conference and is a former member of the Executive Council of the Stanford Graduate Business School. He was a Director of the Audubon Society from 1976 to 1980, a Delegate to the International Environmental Conference in Stockholm in 1972 and Governor Reagan's Representative to the Public Land Law Review Commission in 1967–68. Mr. Livermore is a native of San Francisco and currently resides in San Rafael, California.

Richard T. Kennedy, 60, is the Team Leader for the Nuclear Regulatory Commission. He currently is a private consultant on energy matters. Colonel Kennedy served as a Commissioner of the Nuclear Regulatory Commission from 1975 to 1980. In 1973, he was appointed Deputy Assistant to the President for National Security Council Planning and served as Director of Planning for the National Security Council staff from 1969 to 1975. Colonel Kennedy retired from the United States Army in 1971. He graduated from the National War College in 1964, received a MBA with distinction from Harvard Business School in 1953 and a B.A. in Economics from the University of Rochester in 1941. Colonel Kennedy is a native of Rochester, New York, and currently resides in Washington.

Ed Noble has been designated the Transition Team Leader for the Syn-Fuels Corporation. He graduated from the University of Oklahoma in 1951 with a degree in Geology. After college he served as Second Lieutenant in the United States Army Reserves. Mr. Noble is a businessman with an impressive record of success as the developer and builder of the innovative 1.5 million square foot Lenox Square Shopping Center in Atlanta, Georgia. The massive enclosed mall, built 20 years ago, was the first regional center in the Southeast. He is the founder, developer and Chairman of the Board of Noble Inns Corportation which owns and operates motor hotels and restaurants. He is involved in increasing exportation of American products as founder and Chairman of the Board of Marketing, Research and Development Inc. He is also actively involved in farming, ranching, and the oil business in the Southwest. Since the early 70's, Mr. Noble has been Director and principal owner of the Autocrane Company in Tulsa, Oklahoma, which manufactures truck mounted electric cranes for the oil and heavy equipment industry. He is Director of Noble Affiliates Inc., an integrated group involved in oil and gas drilling contracting, oil and gas development and production, and the oil field trucking business. Mr. Noble served for 15 years on the Board of Overseers at the Hoover Institute in Palo Alto, California. He is an active trustee of the Samuel Roberts Noble Foundation which is primarily dedicated to medical research, agricultural research and conservation. Mr. Noble has two children and currently lives in Tulsa, Oklahoma.

Michael R. Gardner, 38, will be the Transition Team Leader for Federal Communications Commission and is a native of Washington, D.C. where he practices law as a partner in the firm of Bracewell & Patterson. Mr. Gardner was an official of the Federal Energy Administration and a six-year Member of the President's Committee on Mental Retardation. A graduate of Georgetown Law Center, Mr. Gardner currently resides in Washington, D.C., with his wife, Theresa Lennon Gardner, and daughters, Courtney Anne and Christine Lennon Gardner.

James C. Miller, III, the Team Leader for the Federal Trade Commission, is the Co-Director and Resident Scholar at the Center for the Study of Government Regulation, American Enterprise Institute for Public Policy Research. Dr. Miller received a Ph.D. in Economics from the University of Virginia in 1969, and has taught at Georgia State University (1968–1969), Texas A&M University (1972–1974) and George Washington University (1971–1972, 1975–1976, and 1980–present).

His service with the Federal government has included: Senior Staff Economist, Department of Transportation (1969–1972), Senior Staff Economist, Council of Economic Advisers (1974–1975), and Assistant Director (for government operations), Council on Wage and Price Stability.

Since January 1977, Dr. Miller has been at the American Enterprise Institute (AEI). His publications include: "Why the Draft?: The Case for a Volunteer Army" (Penguin, 1968): "Economic Regulation of Domestic Air Transport (Brookings, 1974); "Perspectives on Federal Transportation Policy" (AEI, 1975); and "Benefit/Cost Analyses of Social Regulation" (AEI, 1979).

Barbara Keating-EDH will be the Team Leader for the Consumer Product Safety Commission. In 1974 she was a United States Senate candidate from the State of New York on the Conservative ticket. She subsequently served as a special assistant to Senator James Buckley in the New York district office in 1975 and 1976. In 1977 Mrs. Keating-Edh formed Consumer Alert a nationwide consumer membership organization, based on free enterprise solutions to consumer dissatisfaction. She presently serves as active president of the organization. In addition, Mrs. Keating-Edh is the current supervisor of the refugee resettlement program in Modesto, which is involved in relocating 2,500 Indo-Chinese boat people.

Mrs. Keating-Edh was raised in New York and now lives in Modesto, California.

John Lathrop Ryan, who will be the U.S. Postal Service Transition Team Leader, is currently Executive Vice President of Dean Brothers Pumps, Inc. of Indiana. Mr. Ryan was a charter member and former chairman of the Postal Rate Commission.

Mr. Ryan's posts in the Republican Party have been extensive and varied, including alternate delegate to two national conventions and chairman of the Public Service Commission in Indiana. In addition to these activities, Mr. Ryan is a past president and current director of the Philadelphia Society. He also serves as a trustee of Hillsdale College and the Intercollegiate Studies Institute.

Robert P. Visser has been selected to head the Transition Team for the Federal Election Commission. Mr. Visser is a partner in the law firm of Peabody, Lambert & Meyers, Washington, D.C. He received a degree in physics from City College of New York, and a J.D. degree from the National Law Center, George Washington University, where he founded the Journal of Law and Economic Development. Mr. Visser is a member of the District of Columbia, California and New York bars. He is also a member of the National Panel of Arbitrators of the American Arbitration Association.

Mr. Visser was counsel to President Ford's campaign committee in 1976—the first presidential election held under the Federal Election Campaign Act. He served as counsel to the Vice President-elect Bush's presidential campaign in 1980 and in like capacity to the American Freedom Train Foundation.

Mr. Visser was born in New York, New York. He is married and has three children.

James A. Parker will be serving as the Transition Team Leader for the Equal Employment Opportunity Commission. Since 1978, Mr. Parker has been the President of the Lincoln Institute for Research and Education, Washington, D.C. The Institute is a public policy research center which studies Black middle income issues. The Institute publishes a quarterly journal, The Lincoln Review, and commissions studies of, and holds conferences and symposia on, these issues.

Mr. Parker was born in Philadelphia, Pennsylvania. He resides in Great Falls, Virginia, with his wife, Delores. The Parkers have two daughters, Yvette and De Ann.

William J. Olson, the Legal Services Corporation Transition Team Leader, is a partner in the Washington, D.C. law firm of Smiley, Murphy, Olson and Gilman. He received an A.B. degree from Brown University and a J.D. degree from the University of Richmond School of Law, and is a member of the Bar of the District of Columbia and the Commonwealth of Virginia. His practice concentrates in the areas of litigation and administrative law.

Mr. Olson has held positions in the Department of Transportation, the Office of Economic Opportunity, and the Domestic Council. He has written on a variety of subjects, including: educational finance, criminal justice, health, and postal law.

Mr. Olson currently serves as Chairman of the Fairfax County (Virginia) Republican Party, a member of the Board of Directors of Davis Memorial Goodwill Industries (Metropolitan Washington, D.C.), and Secretary/Treasurer of the Crime Victims Legal Advocacy Institute.

Dr. Roger W. Spencer is the Securities and Exchange Commission Team Leader. Dr. Spencer is currently Dean of the Division of Business and Administrative Studies at Trinity University in San Antonio, Texas, served as senior research coordinator at the Securities and Exchange Commission from mid-1976 to mid-1980. He was senior economist at the Federal Reserve Bank of St. Louis for the prior eight years. He has taught economics and finance at a number of universities, including Virginia Polytechnical Institute (Reston), George Washington University, Washington University, and University of South Carolina. Dr. Spencer received his Ph.D. in economics from the University of Virginial. He is the author of numerous articles in the fields of economics and finance.

Office of the President-Elect,
Washington, D.C., November 14, 1980.

President-Elect Ronald Reagan today announced his Economic Policy Coordinating Committee will meet Friday, November 14; Saturday, November 15; and Sunday, November 16, in Los Angeles.

The Economic Policy Coordinating Committee is chaired by George P. Schultz. All 14 members of the Committee will be in attendance. This meeting, which was planned some six weeks ago, will discuss implementation of the comprehensive economic program outlined by President-Elect Reagan in his Chicago speech, "A Strategy for Economic Growth," last September.

All eight task force reports have been completed and they will be discussed and digested by the group. These reports are the product of some 65 of our nation's top economists.

A list of the members of the Economic Policy Coordinating Committee and their Task Force Chairmanship follows:

George P. Schultz.—Vice Chairman, The Bechtel Group, former Secretary of the Treasury, former Secretary of Labor, and former Director of the Office of Management and Budget.

Arthur F. Burns (Chairman of International Monetary Policy Task Force).—Former Chairman of the Federal Reserve System, former Counsellor to President Nixon, and former Chairman of the Council of Economic Advisers under President Eisenhower.

Milton Friedman.—Senior Research Fellow, The Hoover Institution, Nobel Laureat in Economics.

Alan Greenspan (Chairman of Budget Task Force).—President, Townsend-Greenspan & Co., Inc.; former Chairman of the Council of Economic Advisers under President Ford.

Michel T. Halbouty (Chairman of the Energy Policy Advisory Group).—Geologist and Petroleum Engineer; former President of the American Association of Petroleum Geologists.

Jack Kemp.—Congressman from New York.

James T. Lynn.—Managing Partner, Jones, Day, Reavis, and Pogue; former Director, Office of Management and Budget, and former Secretary of Housing and Urban Development.

Paul McCracken (Chairman of the Inflation Policy Task Force).—Edmund Ezra Day University Professor of Business Administration at the University of Michigan; former Chairman of the Council of Economic Advisers under President Nixon.

William E. Simon.—Former Secretary of the Treasury.

Charles E. Walker (Chairman of the Tax Policy Task Force).—Chairman, Charles E. Walker Associates, Inc.; former Deputy Secretary of the Treasury.

Murray L. Weidenbaum (Chairman of the Regulatory Reform Task Force).—Director, Center for the Study of American Business, Washington University; former Assistant Secretary of the Treasury for Economic Policy.

Caspar Weinberger (Chairman of Spending Control Task Force).—Vice President and General Counsel, Bechtel, Inc.; former Secretary of Health, Education, and Welfare, former Director of the Office of Management and Budget, and former Chairman of the Federal Trade Commission.

Walter B. Wriston.—Chairman, Citibank/Citicorp.

Kenneth Oshman (Chairman of Innovation and Entrepreneurship Task Force).—President and Chief Executive Officer of ROLM Corporation.

The meeting will be held at the Federal Building, 1100 Wilshire Boulevard, Room 7106.

Office of the President-Elect,
Washington, D.C., November 14, 1980.

President-Elect Ronald Reagan today announced the first two appointees of his administration.

Appointed as Counselor to the President with Cabinet rank is Edwin Meese III, a San Diego, California, attorney and law professor, who was Chief of Staff of the Reagan-Bush campaign and who is currently serving as director of the Reagan transition organization.

Named to be Chief of Staff is James A. Baker III, a Houston, Texas, lawyer who was senior adviser to the Reagan-Bush campaign and who serves as deputy director of the transition organization.

Reagan stated that Meese will have responsibility for Cabinet administration, the Domestic Policy Staff of the Executive Office of the President and the staff operations of the National Security Council, in keeping with the desire of the President-Elect for greater involvement of the Cabinet in policy formation. In addition to serving on the Cabinet, Meese will be a presidentially-designated member of the National Security Council.

Baker will be responsible for directing all functions of the White House staff, including Congressional relations, administration, press relations, the White House personnel office, and other elements that have traditionally reported to the Chief of Staff. He will likewise participate as a principal in all policy group meetings and will also be a presidentially-designated member of the NSC.

Meese is currently on leave from his position as Professor of Law at the University of San Diego and director of its Center for

Criminal Justice Policy and Management. He also is a consulting attorney with the law firm of Knutson, Tobin, Meyer and Shannon in La Mesa, California.

A 1953 graduate of Yale University with a degree in public administration, Meese received his law degree from the University of California at Berkeley in 1958. He spent several years as a deputy district attorney in Alameda County, California, before becoming legal affairs secretary to then Governor Reagan in 1967.

Two years later he was promoted to executive assistant and chief of staff to the Governor. After leaving state government in 1975, Meese became vice president of Rohr Industries, Inc., an aerospace and transportation firm in Chula Vista, California, before returning to the practice of law.

Meese lives with his wife, Ursula, in La Mesa, California. They have three children, Michael, 20; Scott, 18; and Dana Lynne, 14. Active in numerous civic, legal and educational organizations, Meese serves on the board of directors of the California Journal and of the Institute for Contemporary Studies, a San Francisco-based public policy research organization. He recently retired as a lieutenant colonel in the Military Intelligence branch of the Army Reserve.

Baker is currently a partner in the Houston, Texas, law firm of Andrews, Kurth, Campbell and Jones. A 1952 graduate of Princeton University, Baker served two years on active duty with the U.S. Marine Corps from 1952–1954. He received his law degree from the University of Texas at Austin with honors in 1957. He practiced law with his present firm in Houston from 1957 until August, 1975, when he was appointed Under Secretary of Commerce by President Ford.

Baker was active in President Ford's campaign in 1976 serving as its national chairman during the general election. In 1978 he was unsuccessful in his only race for office as the Republican nominee for Attorney General of Texas. From January, 1979 until May, 1980 Baker was national chairman of the George Bush for President Committee.

Baker lives with his wife Suan in Houston, Texas. They have eight children: Jamie, 26; Stuart, 24; John, 20; Douglas, 19; Elizabeth, 19; Bo, 16; Will, 13; and Mary Bonner, 3. Active in numerous civic endeavors Baker serves on the governing bodies of Texas Childrens Hospital, Houston, the M.D. Anderson Hospital and Tumor Institute and the Woodrow Wilson International Center for Scholars at the Smithsonian.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 17, 1980.

The President-elect today announced the appointment of Paul J. Manafort, Jr. as Personnel Coordinator in the Office of Executive Branch Management, headed by William E. Timmons. Manafort will serve as liaison between the transition teams assigned to various departments and agencies and the President-elect's Office of Personnel Management, directed by Pendleton James.

Manafort, 31, served as Associate Director of the Presidential Personnel Office of the White House from 1975 to 1977. Prior to that, he was an attorney with Vorys, Sater, Seymour and Pease. He served as Director of Convention States during the primary campaign for Governor Reagan and was Deputy Political Director during the 1980 Republican National Convention. In the general election campaign, he served as political coordinator for southern states for the Reagan-Bush campaign. He is a partner in Black, Manafort and Stone, a political consulting and government relations company.

The President-elect also announced today the appointment of team leaders for the following governmental bodies:

Office of Special Trade Representative.—Henry Berliner.

International Trade Commission.—Michael A. Samuels.

Corporation for Public Broadcasting.—Fran Griffin.

National Aeronautics and Space Administration.—George Low.

Federal Emergency Management Agency.—Robert H. Kupperman.

National Endowment for the Arts.—Robert S. Carter.

National Endowment for the Humanities.—Richard J. Bishirjian.

Administrative Conference of the United States.—Robert J. D'Agostino.

Advisory Council on Historic Preservation.—Sheila Rabb Weidenfeld.

Biographical sketches of the above are attached.

Henry Berliner, has been a partner in the Washington based international law firm of Berliner and Maloney since 1969. He most recently served as chairman of the District of Columbia Commission on Judicial Disability and Tenure. He is a native of Washington and received his law degree from the George Washington University in 1964.

Michael A. Samuels, served as United States Ambassador to the Republican of Sierra Leone from 1975 to 1977. He is currently Executive Director for Third World Studies of the Center for Strategic and International Studies of Georgetown University. Samuels holds a Ph.D. in African History from Columbia University and has published several books and articles on Africa, Portuguese and trade matters.

Fran Griffin, is founder and president of Griffin Communications, a public affairs and public relations company. She served as producer and hostess of a radio talk program on WYCA AM/FM (Chicago) from 1973 to 1975 and as Meedia Director of the American Conservative Union from May, 1977 to November, 1980. In 1974, Griffin was a candidate for the Illinois State Senate and has pursued graduate studies in political science at the University of Chicago.

George Low, is President of Rensselaer Polytechnic Institute. He served as Acting Administrator of NASA from 1970 to 1976 and as Deputy Administrator from 1969 to 1970. He was a member of the Advisory Committee for Aeronautics and NASA from 1949 to 1976 and served as the Apollo Spacecraft Manager in 1964. He is 54 and resides in Troy, New York.

Robert H. Kupperman, served as Chief Scientist of the U.S. Arms Control and Disarmament Agency from 1973 to 1979. In 1979, he became a Senior Fellow at Georgetown University's Center for Strategic and International Studies and a Fellow of Los Alamos Scientific Laboratory. In 1960, he was employed by the Jet Propulsion Laboratory, where he conducted research on unmanned space exploration. In 1962, he joined Douglas Aircraft to work on strategic weapons systems and in 1964, became a member of the senior staff of the Institute for Defense Analyses. Following that, he joined the President's Office of Emergency Preparedness, first as the agency's Chief of Systems Evaluation and later as Assistant Director for Government Preparedness. He received his Ph.D. in applied mathematics in 1962 from New York University.

Robert S. Carter, served as Secretary to the President's Advisory Committee on the Arts and as a member of the Board of Trustees of the John F. Kennedy Center for the Performing Arts. In 1976, he was elected co-chairman of the Republican National Committee. He was formerly vice president for public affairs of Continental Airlines and is presently a public relations consultant in Washington.

Richard J. Bishirjian, is an Associate Professor of Political Science at the College of New Rochelle, New York. He is the author of two books: "A Public Philosophy Reader" and "Development of Political Theory." He serves as a Trustee of the Philadelphia Society and the International Seminar for Philosophy and Political Theory. He received his Ph.D. in America Government and Political Theory from Notre Dame University and resides in Tarrytown, New York.

Robert J. D'Agostino, is the Associate Dean of Delaware Law School and served as national chairman of Law Deans and Professors for Reagan-Bush. He is a consultant to the Small Business Administration's Score Project and received an M.A. from Columbia University and a J.D. from Emory University. He is 38.

Sheila Rabb Weidenfeld, served as Press Secretary to Betty Ford and as a Special Assistant to the President of the United States. She is a member of the President's Advisory Council on Historic Preservation and a Trustee of the Wolf Trap Foundation. She is currently president of D.C. Productions, Ltd. and is a native of Cambridge, Massachusetts.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 18, 1980.

The President-elect today announced the formation of the Transition Executive Advisory Committee. The committee will be chaired by William Casey and Anne Armstrong will serve as vice chairman.

Members of the committee announced today are:

Dean Burch, Liaison with the Vice President-elect.

Thomas Evans, United States Representative and Senior Advisor to the Transition team.

Max Hugel, Chairman, Voter Groups for Reagan-Bush.

Paul Laxalt, United States Senator and Chairman of the Congressional Advisory Committee.

Drew Lewis, Deputy Chairman of the Republican National Committee.

John Marsh, Formerly director of President Ford's Transition.

Edwin Meese, III, Director of the Transition and Counselor to the President-designate.

Max Rabb, Former vice chairman of the Reagan-Bush campaign and Cabinet Secretary during the Eisenhower Administration.

William French Smith, Chairman of the Transition Personnel Advisory Committee.

John Volpe, Former Governor of Massachusetts, former Ambassador to Italy and former Secretary of Transportation.

Cliff White, Political Consultant.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 19, 1980.

The President-elect today announced the appointment of Melvin L. Bradley as Special Advisor to the Director of the Office of Presidential Personnel.

Bradley, a graduate of Pepperdine University, will be responsible for recruiting minorities to the Reagan Administration. In addition, he will assure the inclusion of minority input into the entire personnel selection process. He will work directly with Pendleton James, Director of the Office of Presidential Personnel.

Bradley was Assistant to Governor Reagan for Community Affairs from 1970 to 1975. He is a resident of Altadena, California, and is on leave of absence from United Airlines.

OFFICE OF THE PRESIDENT-ELECT,
Washington, D.C., November 20, 1980.

The President-elect today announced additional appointments to the Office of Presidential Personnel, of which Pendleton James is Director. Announced today are:

Associate Director for Human Resources, James H. Cavanaugh.

Associate Director for National Security, Dudley Mecum.

Associate Director for Resource and Development, Donald G. Ogilvie.

Associate Director for Legal and Administrative Agencies, Tim McNamar.

Associate Director for Economic Affairs, Annelise Anderson.

Associate Director for Control and Administration, Helene von Damm.

Conflict of Interest Counsel, Fred Fielding.

Executive Assistant to the Director, Thomas Dawson.

Biographical sketches of the above are attached.

James H. Cavanaugh, PH.D., served as Deputy Chief of the White House Staff under President Ford. He joined the White House Staff in 1971 as Staff Assistant to the President for Health Affairs and became Deputy Director of the Domestic Council prior to becoming Deputy Chief of Staff. Prior to that, in 1966, he was appointed Special Assistant to the Surgeon General of the United States Public Health Service and in May, 1969, became Deputy Assistant Secretary for Health and Scientific Affairs of the U.S. Department of Health, Education and Welfare. He is a member of the President's Commission on the National Medal of Science as well as a Director of the Greater Irvine (California) Industrial League and the Lincoln Club of Orange County, California. Currently Senior Vice President for Science and Planning of the Allergan Pharmaceutical Company, he is a native of Madison, New Jersey and resides in Newport Beach, California.

Dudley Mecum, served as Assistant Secretary of the Army from 1971 to 1973 and as Assistant Director for Management and Organization of the Office of Management and Budget in 1973. He is a member of the Board of Visitors of the Defense Systems Management College and of the Board of Directors of the Association of the United States Army. Currently a managing partner of New York office of Peat, Marwick, Mitchell and Company. He is 45.

Donald G. Ogilvie, served as Associate Director for National Security and International Affairs of the Office of Management and Budget from 1973 to 1977 and in the Office of the Assistant Secretary of Defense for Systems Analysis from 1967 to 1969. He was Associate Dean and lecturer at the Yale School of Organization and Management from 1977 to 1980 and is currently corporate vice president for public policy of the Celanese Corporation. He is 37.

Tim McNamar, served as Executive Director of the Federal Trade Commission from 1973 to 1977 and as Director of Economic Policy and Case Analysis of the Pay Board of the Economic Stabilization Program of the Cost of Living Council from 1972 to 1973. He is currently executive vice president of the Beneficial Standard Corporation. He is 41.

Annelise Anderson, served as assistant professor of business administration at the School of Business Administration at the School of Business and Economics at California State University (Hayward) from 1975 to 1979. Since 1978, she has served as a research fellow at the Hoover Institution and since 1979, as an associate professor of business administration. From 1968 to 1969, she served as project manager for organized crime at the National Institute of Law Enforcement and Criminal Justice (Law Enforcement Assistance Administration, U.S. Department of Justice). She received her Ph. D. in Business Administration from Columbia University and resides in Palo Alto, California.

Helene von Damm, has served on Ronald Reagan's staff since 1966. From 1968 to 1974, she served as Governor Reagan's personal secretary and managed his office as a private citizen after his service as Governor of California. She served as northeast regional finance director during Governor Reagan's 1980 campaign and was born, raised and educated in Austria.

Fred Fielding, served as Deputy Counsel to the President of the United States from 1970 to 1974. From 1964 to 1970, with the exception of two years military service, he was in private practice in Philadelphia. Since 1974, he has been in the Washington office of Morgan, Lewis and Bockius. He received a J.D. from the University of Virginia. He is 41.

Thomas Dawson, was a Foreign Service Officer of the U.S. Department of State from 1971 to 1976. He was an economist with the Bureau of Economic and Business Affairs from 1971 to 1972, staff assistant to the Undersecretary of State for Economic Affairs (William Casey) from 1973 to 1974 and staff assistant to Ambassador Anne Armstrong at the embassy of the United States in London from 1974 to 1976. He is an associate with McKinsey and Company. He is 32.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I am ready to yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back my time remaining under the standing order.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business and that Senators may speak therein, and the period not extend beyond 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

WASTEFUL PRACTICES BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. HELMS. Mr. President, President-elect Reagan has frequently said that one of the most obvious ways to reduce Federal spending is by eliminating waste, fraud, and abuse in the Federal Government. He is absolutely correct and I would mention one specific wasteful practice that could be eliminated with substantial savings to the American taxpayer.

The widespread practice of the Federal bureaucracy—and Congress as well—of sending out news releases in standard letter-sized envelopes or in 9-by-12-inch manila envelopes may seem a small matter. But two recent editorials in the Goldsboro, N.C. News-Argus pointed out that the larger manila envelopes obviously cost much more to buy and mail than the standard letter-sized envelopes. Moreover, no good reason comes to mind that would justify using the more expensive manila envelopes.

In its editorial, the News-Argus estimated that a 9-by-12-inch manila envelope costs 25½ cents more to buy and mail than does a standard letter-sized envelope. Using this figure, the News-Argus estimated that if the major State agencies and institutions in North Carolina were to send out news releases in 9-by-12-inch manila envelopes instead of standard letter-sized envelopes, the additional cost to the taxpayers of my State may be as much as $2,625,480 per year.

In a second editorial the News-Argus complained that it was receiving news releases from the Department of Health and Human Services in 9-by-12-inch manila envelopes.

I have no idea how many news releases HHS sends out each year, but I imagine the number is substantial. By multipling by 25½ cents the number of news releases mailed, the amount of money wasted by just one Federal agency no doubt consumes the taxes paid by a substantial number of families who have a right to expect more prudent use of their hard-earned tax dollars.

I urge the committee with HHS oversight responsibility to take a look at this practice. If news releases are being mailed out by HHS in 9-by-12-inch manila envelopes with no justification for the practice, then I recommend that the budget of HHS be cut by the amount that is wasted.

I also hope other committees with oversight responsibility will ascertain whether this practice is to be found in other agencies. Where it is discovered, I hope budgets will be cut to encourage the wasteful agencies to discontinue the practice.

Mr. President, so that my colleagues may have the benefit of the editorials from the Goldsboro News-Argus, I ask unanimous consent that they be printed in the Record at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Goldsboro (N.C.) News-Argus, Oct. 9, 1980]

Our Favorite Federal Agency Wasting Money

Our favorite federal agency, the U.S. Department of Health, Education, and Welfare has joined the gang of bureaucracies sending out "news releases" in 10 by 12 inch Manila envelopes.

These are releases that would fit very well in far less expensive letter-size envelopes and be mailed at almost half the cost.

Two months ago this newspaper, projected some potential costs after being deluged by one agency with the oversized envelopes.

It was found that if each of our state agencies—only state agencies, mind you—sent out the same number of releases in the same size envelopes as that one agency, the annual additional cost in postage and materials would be $2.6 million.

The agency involved had explained that it was virtually impossible to send its releases any other way. But when the costs were explained and the agency was told no more of its releases would be considered for publication if sent in oversized envelopes, a miraculous thing happened.

Since that day all the releases have arrived in standard letter-size envelopes.

Perhaps the U.S. Congress could get that message to HEW. Maybe threaten to cut off its funds if it doesn't "comply with the guidelines" of economic common sense.

[From the Goldsboro (N.C.) News-Argus, Aug. 31, 1980]

$2.6 Million Potential Waste On "Small Item"

The urge was irresistible.

In recent weeks there seemed to have been an unusual number of two and three page press releases sent out in 9 by 12-inch Manila envelopes by public agencies.

Taxpayers, of course, were paying the additional cost of postage and materials for releases which could have been sent in standard size envelopes.

A call was placed to one of the offending agencies to ask why.

The head of the agency seemed surprised at the inquiry. The explanation was that for news releases of more than one page to be folded and sent in smaller envelopes, the production and mailing department needed two days "lead time".

Nothing in the release received that day suggested urgency of publication. Why could the department not have been allowed the necessary lead time?

"We have another release for next week," was the explanation which didn't really seem to explain anything.

Could there not be better planning to allow the lead time? "We're a small department."

Later the public relations official called back. The problem was even more complicated. News releases of two or more pages—"lead time" or no—had to be mailed in the larger envelopes because available equipment could not fold them and, with a mailing list of 600, the job could not be done manually.

The alternative would be to buy a special piece of folding equipment at a cost of several hundred dollars, it was explained. And the small agency couldn't justify that in its budget.

The problem, in short, loomed as insurmountable—at least in the view of the bureaucracy.

And in the overall scheme of things, the additional cost of envelopes and postage could be of little consequence.

Or could it?

Those heavy 9 by 12 inch Manilla envelopes with their gummed flaps and metal clasp fasteners will cost 13 cents each purchased and printed in lots of 1,000. A letter size envelope, similarly printed, would cost one-third of a cent purchased in the same volume.

The difference in envelop costs alone is more than 12½ cents each per mailing.

Then there is the cost of postage. The larger envelope with three-page releases could require 28 cents postage compared to 15 cents for the letter-size versions.

The difference in total costs for one news release sent to this newspaper was 25½ cents.

But that one relatively small agency reported it has a mailing list of 600 for its releases. And it sends out around three releases per week.

Considering only the major departments and agencies and including state-operated institutions of higher learning, one can conservatively count 110 potential suppliers of regular releases.

Many of these are considerably larger than the agency contacted by this newspaper this week. It is not unreasonable to suspect that three releases per week would not be an unusual average for major state agencies and institutions.

What if each of these agencies routinely used the larger envelopes the one small agency finds unavoidable?

The additional cost to North Carolina taxpayers could be $2,625,480 per year.

If they managed to hold half of their news releases to one page and sent out only the multi-page releases in the large envelopes, the additional annual cost would still be $1,312,740.

Individuals and private businesses and institutions that must reach into their own pockets to pay all costs would not be so quick to accept such a loss as unavoidable.

Neither should the state of North Carolina.

The newspapers, radio and television stations around the state can encourage more cost consciousness by refusing to use releases that needlessly come in oversized envelopes and requiring excessive postage.

TRIBUTE TO REPRESENTATIVE PETER W. RODINO, JR.

Mr. DECONCINI. Mr. President, recently I was pleased to read reports about a significant and moving ceremony in Italy which involved one of our colleagues, PETER W. RODINO, JR.

The ceremony was important for three reasons. First, it revealed and strengthened the close and cooperative relationship between the United States and Italy. Second, its purpose was to dedicate two buildings designed to serve the needs of children and the aged. Third, it marked a new and successful phase of the reconstruction of communities in northern Italy struck by earthquakes 4 years ago.

On May 6, 1976, the most destructive earthquake in Europe in more than 40 years jolted the peaceful rural towns of the Friuli region of Italy, in the northeastern corner of the country. Hardest hit was the small town of Majano, in the foothills of the Alps. Out of a population of 5,000, 4,700 were left homeless. More than 90 percent of the town's structures of homes, churches, and factories were devastated. One hundred and thirty-one persons lost their lives. An additional 108 persons were injured.

The Congress responded immediately to the disaster in the Friuli by appropriating $25 million for disaster relief and reconstruction. Following another disastrous earthquake only 4 months later in September 1976, an additional $25 million were approved. Finally $3 million more were appropriated for fiscal year 1980.

Under the auspices of the U.S. Agency for International Development and with the concurrence of the Department of State and Congress, funds which remained after the initial cost of emergency relief and assistance were committed to the construction of 14 schools and 7 centers for the aged.

On July 8, 1980, Mr. RODINO, the distinguished chairman of the House Committee on the Judiciary, our Ambassador to Italy, Richard N. Gardner, and Italian officials led the ceremonies dedicating the first two buildings of the project, an education center named for the Italo-American physicist, Enrico Fermi, and a home for the aged named for Mr. RODINO's wife, Marianna Stango Rodino.

The educational center includes an elementary school, a secondary school, a gymnasium and an auditorium. The center for the aged contains 29 double occupancy apartments, 6 double and 22 single bedrooms, a dining hall and kitchen, an 8-bed infirmary, an occupational therapy room, a large lounge, a laundry, a coffee shop, and staff offices and quarters.

At the ceremony, Ambassador Gardner read the following message from President Carter:

> I want you to know of my great admiration for Congressman Rodino and for his family because of their many efforts to bring our two countries closer together. The Italian-American heritage is one of the pillars of our country.
>
> To the people of Friuli, you have my great admiration for your energy and good spirits devoted to rebuilding your region after the devastation that struck it a few years ago. All Americans are proud to be able to join you in this effort. They join me in wishing you happiness, peace and prosperity in the years ahead.

Mr. RODINO, speaking in Italian, expressed his appreciation for the opportunity of participating with the hundreds of schoolchildren, senior citizens, and others in the dedication of these first new buildings of the reconstruction effort. He cited the close cooperation which existed among city officials, the U.S. AID Office, and the people of Friuli in bringing to reality projects for the young and the old in the devastated areas.

In dedicating the Marianna Stango Rodino Center for the Aged, he expressed the hope that the building, the first of seven to be constructed, would bring a sense of security and tranquillity to all of its future occupants and would remain a monument of solidarity between the American people and the people of Friuli. And he concluded:

> I wish especially to thank the Mayor of Majano, Mr. Alessandro Schiratti, and the Town Council for having chosen to dedicate this residential center in the name of my devoted wife. I cannot express to you in words the meaning of this gracious act for her and our children. We shall be grateful to you for the rest of our lives. From this moment on, my family will feel more than ever sentimentally tied to the town of Majano. May happiness and peace be always with you.

Grateful recognition is due to the U.S. AID Friuli team which conceived the project, oversaw the construction, and maintained close working relationships with the people of Friuli. This team, three Americans of Italian origin, was headed by Mr. Arturo Constantino, ably assisted by Mr. Tullio Biagini and Mr. John Saccheri.

Special mention is merited for Mr. Franco Bertagnolli, president of the Alpine Veterans Association. He and his organization have worked closely with the U.S. AID Office and taken an active part in the construction of many of the buildings financed by U.S. assistance through its technical office in Udine headed by Mr. Ernest Sardi. Mr. Bertagnolli exemplified the dedication, devotion to duty and pride traditionally attributed to the Alpine troops of Italy.

THE OFFICE OF TRANSPORTATION IN USDA

Mr. BAUCUS. Mr. President, within a few days we will be considering the fiscal year 1981 agricultural appropriations bill. As a part of that measure, we will be dealing with the status and funding of the Office of Transportation in USDA.

Mr. President, I want to apprise my colleagues of my strong support for and interest in the Office of Transportation in USDA. Since its inception nearly 2 years ago, the Office of Transportation, operating as a separate agency within USDA, has substantially improved

USDA's ability to respond to the very serious problems and needs that affect rural and agricultural transportation. Besides taking a leadership role in coordinating transportation services for our Nation's food producers, the Office of Transportation has developed numerous initiatives for assisting agricultural shippers and exporters in dealing with current problems and in helping them plan for future needs.

At this time, I would like to share with my colleagues a few of the many letters that have been received from farmers, cooperatives, and shippers praising the work of the Office of Transportation. I ask unanimous consent that the letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C., June 17, 1980.

Hon. THOMAS F. EAGLETON,
Chairman, Subcommittee on Agriculture, Committee on Appropriations, Washington, D.C.

DEAR SENATOR EAGLETON: The House Appropriations Committee has released its fiscal 1981 budget for the Department of Agriculture. It provides $1.7 million for the Office of Transportation for fiscal 1981. The National Council of Farmer Cooperatives believes this is not a sufficient appropriation for this office to do its job. We urge you and your subcommittee to increase this item to not less than $2.2 million.

You are well aware that inadequate transportation service is one of the most pressing problems confronting our farmers and their cooperatives. In 1978 Secretary Bergland took steps to place the Department of Agriculture in the forefront of attacking this problem by creating an Office of Transportation at USDA. This office has responded well, spearheading the Rural Transportation Advisory Task Force and providing all of agriculture with policy and technical expertise on many phases of rural transportation.

Unfortunately, the appropriations for this work have not kept pace with its needs. The annual budget has remained at $1.7 million every year since the office was created in 1978. Inflationary pressures are making it impossible for the staff to continue existing programs. New initiatives are totally beyond reach.

Farmers need more help to solve rural transportation problems. You can help by increasing the fiscal 1981 appropriation for the Office of Transportation at USDA to $2.2 million. This will insure adequate funding to not only continue but also strengthen the work of this vital component of USDA's total effort.

Sincerely,

KENNETH D. NADEN,
President.

SEPTEMBER 4, 1980.

Hon. HERMAN TALMADGE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TALMADGE: Just recently, personnel in the U.S. Department of Agriculture's Office of Transportation provided me considerable assistance on relatively short notice. I encountered problems with international and air-carrier rules and regulations while preparing to export bees from Georgia to Ireland.

I called Ron Schrader, Director of the Office of Transportation, and he sent Hunt Ashby, an experienced agricultural transportation specialist, to the Atlanta airport. Mr. Ashby worked with and advised the airline cargo personnel on loading and handling the bees for safe transport.

The bees went from Atlanta, with transfers at Chicago and New York, to Shannon in a 30-hour period, and arrived at destination in excellent condition. I attribute a great deal of this success to the assistance received from the USDA. I understand the Office of Transportation is a relatively small group within the USDA, specializing in providing research and technical assistance on problems associated with transporting agricultural products. I want you to know I appreciated its help and am supportive of programs that service the taxpayer in this manner.

Yours truly,

HARVEY F. YORK, Jr.

BLUE ANCHOR, INC.,
Sacramento, Calif., July 10, 1980.

Re Office of Transportation, USDA fiscal 1981 appropriations.

Hon. THOMAS F. EAGLETON,
Chairman, Subcommittee on Agriculture, Committee on Appropriations, Washington, D.C.

DEAR SENATOR EAGLETON: Blue Anchor, Inc. is a farmers marketing cooperative with administrative headquarters in Sacramento, CA. Our current membership is in excess of eight hundred member-growers of deciduous tree fruits and table grapes which are shipped only in an unprocessed fresh state from the states of California and Arizona in wholesale channels for retail stores.

Because our commodities are highly perishable, transportation has been time important and specialized. Because of rail problems in recent years, approximately 90 percent of our trans-continental transportation needs have been handled by independent owner-operators of refrigerated highway equipment which, because of rapidly escalating costs of fuel and other highway related factors, has become more difficult to secure. Added to this uncertainty has been the deregulation of the transportation of fresh fruits and vegetables by rail carriers.

I understand that the House Appropriations Committee has released the fiscal 1981 budget for the Department of Agriculture and provides for $1.7 million for the Office of Transportation. Because of the tremendous pressures and unsettled situation in the transportation of fresh perishable commodities, it is extremely important that the USDA Office of Transportation keep on top of changing conditions, monitor the effects on agriculture due to the costs of fuel and deregulation, and maintain the necessary national records of agriculture's transportation requirements to provide Congress with an up to the minute situation report and long term viability of agriculture's transportation needs.

As a member of the Rural Transportation Advisory Task Force whose report was submitted to Congress in January, I am aware of the major agricultural transportation problems facing all segments of agriculture today and I strongly support increasing the fiscal 1981 appropriation for the Office of Transportation at USDA to $2.2 million. On behalf of our membership, I ask your support to insure adequate funding for this extremely important part of the Department of Agriculture.

Sincerely,

W. F. GEACH,
Traffic Manager.

NATIONAL FARMERS ORGANIZATION,
Corning, Iowa, June 17, 1980.

Re: Office of Transportation—USDA; Page 56—House Appropriations Conference Report.

Hon. THOMAS EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR TOM: The USDA's Transportation Office is operating with funds and personnel pulled together from several agencies, at the 1978 FY level ($1.7 million). An Administration request for an increase of about $500,000 for 1981 was denied on the House side. Without this increase, the office will be unable to operate effectively for farmers. The man who heads the office successfully directed the Lock and Dam 26 efforts before moving to the Department.

Over the last few years that Transportation Office has become the one reliable central point in Government where we can turn for help on the difficulties encountered in moving farm commodities. Railroad bankruptcies, mergers and the ever-increasing energy costs will no doubt provide more transportation headaches for farm producers in the near future.

The USDA Transportation Office also will be responsible for implementing the Task Force recommendations that a number of our farm organizations helped to formulate.

If it can be managed reasonably, we believe it would be wise to recognize the original Administration request for approximately $2.2 million for this important work.

Hope this is constructive and helpful to you. With best regards,

Sincerely,

CHARLES L. FRAZIER,
Director, Washington Staff.

NATIONAL MARITIME COUNCIL,
Washington, D.C., August 5, 1980.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: The National Maritime Council, a nonprofit trade association representing all segments of the American maritime industry, would like to take this opportunity to express its views on H.R. 7591, a bill which would appropriate monies for the Department of Agriculture for FY 1981. Specifically, we would like to address the issue of adequate funding for the USDA's Office of Transportation.

Since its creation some 15 months ago, the Office of Transportation has performed well in fulfilling its many responsibilities involving current or anticipated problems in agricultural transportation. For the coming fiscal year, the Office requested increased funds in the amount of $491,000 in order to expand its activities beyond its current predominantly domestic services. This level of funding was approved by both the Secretary of Agriculture and the Office of Management and Budget.

The new areas which the Office of Transportation would involve itself in would include expanded activity in ocean transportation and the development of new markets for U.S. agricultural commodities. It is important to note that in 1979, U.S. agricultural exports totaled 147 million tons, having a value of $34.7 billion. Especially in light of this country's current balance of trade deficit, which reached $29 billion in 1979 (with the same deficit predicted for this year), it is encumbent that these export expansion efforts be allowed to proceed. However, implementation of the Office of Transportation's proposals could be curtailed or seriously jeopardized should the funds cut by the House Appropriations Committee not be restored.

The National Maritime Council recognizes the inherent transportation problems facing the agricultural shipper and notes, that thus far, joint action between the Office of Transportation and members of the maritime industry has resulted in a more efficient physical distribution of many types of agricultural products and the further education of shippers and carriers.

Transportation is a vital link in export expansion, and the NMC believes it is altogether appropriate that resources be committed now for a very worthwhile return in the near future. Accordingly, the National

Maritime Council urges that the $491,000 required by the USDA Office of Transportation be restored by the Senate Appropriations Committee so that this vitally important expansion effort may proceed.

Sincerely yours,

C. WILLIAM NEUHAUSER,
Executive Secretary.

FEDERAL BARGE LINES, INC.,
St. Louis, Mo., July 28, 1980.

Hon. THOMAS F. EAGLETON,
U.S. Senate
Washington, D.C.

DEAR SENATOR EAGLETON: It has come to my attention that you will shortly be considering the $2.2 million budget request for the Office of Transportation at the Department of Agriculture.

The waterways industry has a high regard for the performance of the Office of Transportation and supports its budget request. The transportation people in agriculture have a keen appreciation of the need of the farm community for an efficient, balanced transportation system by all modes. As the issues come and go, the staff effectively promotes greater efficiency in transportation and does it in a fair and even-handed way.

Sincerely yours,

JOHN F. LYNCH.

ANIMAL AIR TRANSPORTATION
ASSN., INC.,
Davie, Fla., June 27, 1980.

Hon. THOMAS F. EAGLETON,
U.S. Senate, Washington, D.C.

DEAR SENATOR EAGLETON: The Animal Air Transportation Association, a live animal transportation association, is concerned about the 1981 budget of the United States Department of Agriculture's Office of Transportation. We believe this office performs a vital function. Its work is especially significant because of the increased problems shippers face with energy constraints, and difficulties in the transportation of all types of agricultural products by air to domestic and international markets.

We understand the House Appropriations Committee has reduced the Secretary's budget by about $500,000, which obviously curtails the vital services the Office of Transportation has provided to our industry.

Therefore, we hope your committee recognizing the importance of their functions will recommend replacing the reduced funds for Office's FY 1981 budget.

Sincerely,

GLENN E. STEPHAN,
President.

BEE WORLD INC.,
Mesa, Ariz., June 23, 1980.

Hon. DENNIS DECONCINI,
Dirksen Senate Office,
Washington, D.C.

DEAR SENATOR: We are writing this letter of support for the outstanding work being done by the USDA office of Transportation in Beltsville, Maryland.

But first some background on Bee World Inc. of Mesa, Arizona. We began as hobbiests 6 years ago and just last December received a business loan so that we could expand into a substantial commercial operation.

The decision for this total commitment to the bee industry came through recognizance of the vital importance the honey bee plays in the production of agricultural crops. As you know land, water, energy and just about all costs have escalated for the farmer. This has made it so important to develop any resource that can assure the greatest yield per acre, and one of these is the honey bee. Why leave pollination to chance? The farmer contracts for bee pollination to the total of 14 billion dollars of agricultural products each year.

Senator, you probably have noticed the increase of honey as a supplement, or additive to many products that are honey fortified as seen on television commercials. This increased demand for honey has expanded the entire honey bee industry in the United States and Canada.

In addition to the above mentioned operation, we have opened up a new industry for Arizona, and that is the exportation of bees and queens to Canada and most likely to other parts of the Northern Hemisphere.

The beekeepers in the North have expanded, and along with this, their yearly need for replacement bees, as it is not economical for them to maintain the bees through the winter. The bees are destroyed each year and replaced by commercial operations from the United States.

You probably remember the television and newspaper coverage of the five million bees that died in a flight to Canada. Well that was us!

There are 140,000 packages of bees sold into the province of Alberta, Canada each year. All of these sales are delivered by truck, which represents a long and tiring trip quite often resulting in high mortality rates of bees and queens. Those that survive are totally disoriented and take 7–10 days to begin honey production.

Air freight certainly is not new but we have been successful in developing the techniques and implementation of this program. The need becomes obvious when you realize we ship the bees fresh from our apiaries to the beekeeper in 24 hours resulting in no loss of bees or queens to speak of. These bees become productive within two days, which adds 5–8 days of honey production time.

This year we shipped approximately 1000 packages, (10 million bees) and the response from the Canadian beekeeper has been tremendous. We already have commitments for next year of 10,000 packages and we fully expect this number to be greatly increased after our return from the Alberta Beekeepers Convention in Edmonton, from the fifth to the seventh of November.

We hope this background information to not be too dull but informative so that you can appreciate our concern for the continuance of the USDA office of Transportation.

Immediately after our disaster and the loss of 5 million bees the USDA was in touch with the Carl Hayden Bee Research Center in Tucson, and shortly after contacted us, asking if they could be of assistance.

It is difficult to put into words our appreciation for the USDA office of Transportation, of the dedication shown by their representatives: Bill Bailey and Hunt Ashby, who were flown out here and worked with us in the field, office, and airport, actually accompanying the bees on their flight to Canada. Their scientific and technical knowledge has made it possible to develop the formulation used to assure the success and continuance of a new and growing industry which projects to be quite valuable to Arizona and Canada.

Senator, we support this department of the USDA and strongly urge you and your office to seek the entire support of the Senate for the continual financial support of this outstanding department.

Yours truly,

KEN ORLETSKY.

GROWER-SHIPPER VEGETABLE
ASSOCIATION OF CENTRAL CALIFORNIA,
Salinas, Calif., June 27, 1980.

Hon. THOMAS F. EAGLETON,
Chairman, Senate Subcommittee on Agriculture and Related Agencies, Dirksen Building, Washington, D.C.

DEAR SENATOR EAGLETON: The Office of Transportation, U.S. Department of Agriculture, has been most helpful to California agriculture in solving its transportation problems. The Department of Transportation is probably more aggressive with much larger budgets, but it seems they have bypassed agricultural transportation needs. The U.S.D.A., through its Office of Transportation, has provided services, expertise, and valued advice in the moving of perishable commodities from field to consumer. This was evidenced by their comprehensive report on Piggyback Transportation which was the guideline for a major change in our industry.

As you may know, for many years agriculture depended upon truck transportation. However, with the rising cost of fuel and equipment we have turned more to the use of Piggybacks on rail flatcars. The U.S.D.A. comprehensive study of 1979 gave us the basis of a major change in our transportation practices.

It is our understanding that the Senate has approved an appropriation of $2.2 million dollars for the Office of Transportation U.S.D.A., but the House has approved a lesser amount. It is our sincere wish that the Senate view would prevail in the Conference Committee meeting as we very strongly feel that the U.S.D.A. Office of Transportation has been of major assistance to California agriculture and has been a major spokesman for agriculture in this area.

Very truly yours,

R. V. THORNTON,
Executive Vice President.

UNITED FRESH FRUIT
AND VEGETABLE ASSOCIATION,
Alexandria, Va., June 24, 1980.

United Fresh Fruit and Vegetable Association is the national trade association representing approximately 2700 members located in nearly all of the states. Our members are engaged in growing, packing, shipping, distributing and receiving fresh fruits and vegetables. They handle more than eighty (80) percent of the fresh produce commercially marketed in the United States.

Since the Office of Transportation (OT) was created at the U.S. Department of Agriculture fifteen (15) months ago, it has provided our association members with vital information and assistance. For example, in cooperation with the Agricultural Marketing Service, OT publishes a monthly summary of operating costs and rates of independent truckers that haul fresh fruits and vegetables.

OT was influential in ending last year's independent truckers strike and has since provided a forum to discuss and to resolve some problems of independent truckers hauling exempt agricultural commodities. The OT staff significantly contributed to the Rural Transportation Advisory Task Force, which released its final report earlier this year, and are responsible for implementing many of its recommendation. In addition, the Office of Transportation was instrumental in developing the White House policy on rural transportation.

United endorses these many worthwhile activities of OT and wishes that they be expanded. For example, OT has expressed an interest in developing new markets for U.S. agricultural commodities nad in analyzing and evaluating the acute transportation problems affecting rural and agricultural America. But for its limited resources, OT had favored providing demonstration funding for a United-sponsored program to standardize containers used in the transportation of fresh fruits and vegetables. This program is designed to reduce directly the cost of fresh produce at the consumer's dinner table by substantially reducing the number of containers which are used to ship produce.

So that the present programs of OT may continue and that additional activities, such as the standardization of containers, be included, United and its members support a budgetary increase for the Office of Transportation for FY 1981 and urge your support in this matter.

Sincerely,

BERNARD J. IMMING,
President.

AGRI-TRANS CORPORATION,
Sunset Hills, Mo., June 25, 1980.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: I recently learned from House Appropriations Committee Report #96, dated June 1980, that the budget proposal for the USDA's Office of Transportation has been earmarked for reduction by $500,000 to $1.7 million.

I want to petition you to consider restoration of the $500,000 contained in the Office of Transportation's original proposal.

The Office of Transportation is the agricultural community's only effective governmental spokesman in promoting transportation in rural America. With the imminent passage of rail deregulation legislation, it is imperative that the USDA's Office of Transportation be postured to protect the farmer's interest as the rail industry inherits dramatically increased market power vis-a-vis rural shippers.

I was a member of the Rural Transportation Advisory Task Force which was jointly chaired by the Secretaries of DOT and USDA. The USDA's Office of Transportation was tenacious in its defense of agricultural transportation's need for an effective and responsive system to support domestic food distribution and burgeoning agricultural exports. If we permit that Office's influence to wane, it is my view that transportation service to rural America will again deteriorate to the point that in several years the American farmer will demand re-regulation of the railroads. If rail deregulation is to have a legitimate chance for success in the agricultural sphere, it must be accompanied by the support of an agency which is solicitous of agriculture's needs. That support is best provided by a strong, adequately funded Office of Transportation.

I urge you to seek restoration of the full budget proposal to the USDA's Office of Transportation.

Sincerely,

RICHARD A. WILSON,
President and
Chief Executive Officer.

DEPARTMENT OF AGRICULTURE,
Bismarck, N.D., July 11, 1980.

Hon. QUENTIN BURDICK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: I want to put in a word for the funding of the Office of Transportation in the United States Department of Agriculture in Washington. I am sympathetic with the very difficult task you have in prioritizing the United States budget. Your efforts to attempt to balance the budget are laudatory and I encourage you to scrutinize budgets carefully in order to achieve that goal.

I am sure I sound inconsistent in making a request while lauding a balanced budget. I recognize your final decision on budgets however you make them, but at the same time, as I said earlier, I want to put in a word for the funding of the Office of Transportation in USDA.

As you know, transportation is one of the most difficult problems that agriculture faces. Understanding the problem in all its many facets is fundamental to our ability to solve that problem. I think attitudes are changing a great deal in the rural agricultural community. A part of that increased understanding has been the role of the Office of Transportation at USDA in helping agriculture deal with transportation problems. One of the important things that I think Secretary Bergland has done in his Department is to draw all transportation functions which were distributed amongst various divisions in the Department into one office and that office being the Office of Transportation. It has made those USDA transportation functions and budgets much more visible.

I, of course, encourage you to look at all those budgets carefully to make sure that they are working together.

I think the Office of Transportation in USDA has some very fine staff people who are doing a good job and I think it is very important to North Dakota agriculture that their research and policy recommendations be properly funded in order for agriculture to be able to come to grips with its transportation problems.

I had the privilege in 1979 of serving on our National Agriculture Transportation Task Force, established by the Congress and chaired by Secretaries Neil Goldschmidt and Bob Bergland.

We worked with staffs from the Department of Transportation and the I.C.C. was represented on that Task Force by a staff member. However, far and away, the biggest and most worthwhile staff assistance that we received came from the Office of Transportation in the Department of Agriculture. I was pleased that Secretary Bergland had taken the initiative earlier to consolidate all the transportation functions of the various divisions of the Department of Agriculture into one Office of Transportation. Now that it is requesting funding as a separate agency within USDA, it may very well appear to be a big increase in funding for one agency. But I think in many respects what it is is just greater visibility of funds being expended for transportation services to agriculture.

I just wanted to share these thoughts with you for your deliberation in what I know is an extremely difficult task for the Senate Appropriations Committee.

Sincerely,

MYRON JUST,
Commissioner of Agriculture.

MISSISSIPPI CHEMICAL CORP.,
Yazoo City, Miss., June 26, 1980.

Hon. THOMAS EAGLETON,
Chairman, Subcommittee on Agriculture, and Related Agencies, Washington, D.C.

DEAR SENATOR EAGLETON: We noticed last week in the House Appropriations Committee report that the U.S. Department of Agriculture's Transportation Office budget had been reduced from $2,190,000 to $1,699,000.

We strongly support the $2.2 million budget for the Office of Transportation, as it is the only agency working on rural agricultural transportation problems. After one hundred years of regulation, we are now facing a new transportation system of both rail and truck deregulation. Rail abandonments are more prevalent, rail mergers are such that we may be dealing with perhaps only a dozen rail lines in the future, and rail bankruptcies are a common occurrence.

From our standpoint, transportation of both agricultural products and supplies is critical to the nation, particularly in these trying times. We would urge that you support the $2.2 million budget.

Yours very truly,

JAMES A. PIERCE,
Director of Transportation.

IDAHO TRANSPORTATION COUNCIL,
Boise, Idaho, June 16, 1980.

Hon. JAMES MCCLURE,
Dirksen Senate Office Building,
Washington, D.C.

Subject: Appropriations Bill funding United States Department of Agriculture, Office of Transportation.

DEAR SENATOR: In the budget request made to Congress approximately $2.1 million was sought to fund the USDA Office of Transportation for the coming year. The House Appropriations Committee has seen fit to reduce that figure by some $491 thousand in its recommendation.

The House cut was motivated, apparently, in the belief that the Transportation Packaging Research Branch, which has been operating as a part of the Research and Economic Analysis Division of the USDA Office of Transportation since 1978, should be a part of the functions under direction of the Agricultural Marketing Service.

The USDA Office of Transportation reflects the charge made of the Secretary of Agriculture under the Agricultural Adjustment Act of 1938 and the Agricultural Marketing Act of 1946 to initiate actions before the Interstate Commerce Commission and assist and cooperate with cooperative associations of farmers in such actions as well as entering into rate and service negotiations for any needed improvement in transportation of agricultural products and farm supplies.

In the past fifteen years there have been scores of times when I have been involved in litigation, rate negotiations and transportation difficulties in which Idaho commodities have been involved when the USDA Office of Transportation has been effective in its help or a catalyst in joining the Idaho effort with the interests of other states. I would have to say that the aid given by USDA in these instances has been outstanding and excellent by any measure.

The office has a small staff—some 30 to 35 people, I believe—and the Packaging Research Branch makes up about 14 of that total. Recently transportation publications mentioned a breakthrough toward solving problems found in connection with live bee kills during carriage as freight. Not too long ago design changes were adopted by exporters to facilitate and better protect cattle being exported by vessel. Both these improvement stemmed from research conducted by the Beltsville USDA Office of Transportation Branch.

It is hard for me to foresee what kind of problems Idaho products will face in the newly emerging transportation scheme but it is obvious that keeping our packaging research and development capability closely tuned to sources which are so closely involved with current agricultural hauling problems is an ideal way to make the research productive.

Unless there exists some compelling reason to shift the direction of the Transportation Packaging Research to another quarter, I believe that its retention and funding as a function of the Office of Transportation will be very much in the interests of not only Idaho but the national agriculture.

Very truly yours,

R. L. HENRY,
Administrator.

AMERICA COTTON SHIPPERS ASSOCIATION,
June 19, 1980.

Hon. JIM SASSER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SASSER: We understand the House Appropriations Committee reduced funding for the Office of Transportation of the USDA by $491,000 for the upcoming fiscal year. That office has rendered invaluable assistance, not only to the cotton industry during the past season, but to all agriculture as well. It made a direct contribution in enabling the cotton industry to achieve over 7½ million bales for export thus far and certainly to reach our goal of over 9 million bales through this July, as well as 6½ million bales to the domestic mills.

We personally feel that agriculture plays a most important role in its contribution to our balance of payments and we urge that your committee not vote to reduce the appropriation for this most important department which has functioned so well.

Sincerely yours,

EARLE BILLINGS,
Executive Vice President.

SOIL EROSION AND WATER QUALITY: A STORY OF LOCAL, STATE, AND FEDERAL COOPERATION

Mr. BAUCUS. Mr. President, conservation of our Nation's precious agricultural farmlands should be one of our highest priorities. Since the days of President Theodore Roosevelt, one of the greatest of all conservationists, nearly every administration has recognized the need for the preservation and prudent management of our farmlands. Too often, however, this recognition has yielded little more than platitudes and political rhetoric. Today, our Nation's farmlands are being converted to nonagricultural uses at the alarming rate of nearly 3 million acres per year. Equally alarming is the loss of additional millions of acres of prime agricultural land each year through wind and soil erosion. There is much that must be done and can be done to reverse the steady erosion of our farmlands.

I would like, today, to share with my colleagues the story of one such effort. It is the story of Muddy Creek. It is a story of local landowners banding together, assuming responsibility, and taking the initiative to deal with a serious soil erosion and water quality problem. It is a story of private individuals working with local, State, and Federal officials in a concerted and coordinated fashion. It is a story—and a fine example—of interagency cooperation at all levels of government.

The story of Muddy Creek is far from over. Final resolution of the problem is estimated to take between 5 and 10 years. However, I am confident that the continued commitment of the individuals and agencies involved will produce positive results, as well as serving as an example of how we can work together to solve soil erosion and water quality problems throughout the country.

THE PROBLEM

Local, State, and Federal officials in Montana consider Muddy Creek to be the State's No. 1 water quality and soil conservation problem.

Muddy Creek is a serious nonpoint pollution problem located in north-central Montana near the city of Great Falls. The problem directly affects over 540 small farmers and ranchers.

Muddy Creek is a tributary of the Sun River, which enters the Missouri River 15 miles downstream at Great Falls, Mont. The Muddy Creek drainage system comprises 314 square miles of some of the most productive farmland in Montana. One-third of it is dry cropland, one-third is rangeland, and one-third is irrigated lands.

Major water quality, water conservation, and environmental problems derive from Muddy Creek drainage system. These problems impact upon the Muddy Creek, Sun, and Missouri Rivers drainage systems.

The major soil erosion and water quality problem centers upon the large amount of sediment being discharged into the Sun and Missouri Rivers. Approximately 213,000 tons of sediment and 90,000 acre/feet of water are discharged annually from Muddy Creek. Sedimentation and erosion from Muddy Creek now result in substantial annual losses of acres of prime agricultural land, as well as placing a severe sediment load on the Sun River and, in turn, the Missouri River.

LOCAL INITIATIVES

In the spring of 1979, local landowners took the initiative to begin dealing with the problem. They formed the Muddy Creek Landowners Association and appointed a task force to analyze the problem. With the help of a grant from the Montana State Department of Natural Resources, and with the assistance of 11 local, State, and Federal agencies, the Muddy Creek Task Force hired an engineering consultant to study the problem and devise solutions to combat it. In November 1979, the task force issued its report. As a preliminary assessment, the task force report reflected an extraordinary effort on the part of private and public individuals to gage the problem they faced.

Preliminary analyses indicated that resolution of the Muddy Creek problem would require a number of component solutions carefully planned and implemented over a 5- to 10-year period. The basic solution to the hydraulic, sediment, and nutrient problems associated with Muddy Creek was identified as the reduction of the flows and erosion in the Muddy Creek channel.

Preliminary analyses also estimated that the cost of solving the problem would be substantial. Initial projections called for an investment of up to $25 million over 10 years. More recent estimates target the cost at between $12 and $15 million.

The benefits of solving the problem were also identified. And they are substantial. They include:

First. The release for irrigation purposes of an additional 100,000 acre/feet of water annually, which is equivalent to $6 million per year using a benefit-for-irrigation calculation of $200 per acre;

Second. Additional power generation equivalent to $219,000 per year;

Third. Increased recreational use of the lower Sun River at a value of between $21,000 and $50,000 per year;

Fourth. Preservation of scores of acres of prime agricultural land; and

Fifth. Savings to landowners for damages now incurred by problems attendant to sediment and soil erosion.

With the completion of its report, the task force confronted a major problem. The task force recognized that additional technical assistance was required to devise implementation strategies and to identify sources of funding. They recognized that Federal assistance would be needed. While perfectly willing to contribute substantially to resolving the problem, none of the landowners, alone or together, could possibly absorb all of the costs or provide all of the technical assistance required. How could they, then, work their way through the labyrinth of Federal agencies and programs to achieve their objectives? The road that lay ahead was long, and the task large. It would require the coordinated efforts of several local, State, and Federal agencies.

The task force approached me for assistance. I was delighted to offer whatever help I could. Here was a serious problem for which local landowners, on their own initiative, had already expended prodigious efforts. Here was a serious soil erosion problem about which many administrations have bemoaned but for which too little had been done. Here was an opportunity to work on a problem of benefit to Montana and to the Nation, for the preservation of prime farmland is an investment in the present and the future that we simply cannot afford to ignore. Prime farmland, such as that in north-central Montana, is the best land for farming. It our most energy-efficient land, producing the most food with the least fuel, fertilizing, and labor.

FEDERAL LEVEL EFFORTS AND COMMITMENTS

In February 1980, at my request, three nationally recognized soil conservation and water quality experts toured Muddy Creek, reviewed the task force report, and met with local, State, and Federal officials in Montana. They were Dr. Art Hornsby of EPA's R. S. Kerr Environmental Research Center in Ada, Okla.; Dr. Dave Carter of USDA's Snake River Conservation Research Center in Kimberly, Idaho; and Prof. Gaylord Skogkerboe of the department of agricultural and chemical engineering, Colorado State University. Their experience with similar problems in other areas of the Nation has been extensive. I asked them to lend their expertise to assess the problem of Muddy Creek and to determine what should be done, how, and in what order of priority.

Upon completion of their visit, Drs. Hornsby and Carter submitted technical assistance reports to my office. In their reports, they applauded the work of the Muddy Creek Task Force and offered valuable suggestions on how to proceed.

One of their suggestions was the formation of a technical field committee to develop an action plan, a strong sense of priorities, and an implementation strategy. This has proven to be an invaluable recommendation. Following through on it, I worked with the Intergovernmental Affairs Office at the White House and with representatives of the agencies that would have to be involved in cleaning up Muddy Creek—USDA, EPA, DOI, and the U.S. Corps of Engineers. In June 1980, an Interagency Advisory Committee at the National level and a Technical Field Committee at the State level were formed to assist the Muddy Creek Task Force.

To date, the cooperation among the agencies represented on these committees has been excellent. They have met on several occasions, and are progressing well on a coordinated action program to reduce the soil erosion at Muddy Creek and to preserve valuable farmland. In the meantime, funding commitments have been obtained for a portion of the work—primarily for on-farm management practices—from a variety of sources, public and private. In addition, the Muddy Creek Task Force has submitted an application under the rural clean water program (RCWP) and will be approaching the State legislature as well as the Congress for funds in the future.

THE FUTURE OF MUDDY CREEK

Much remains to be done. But I am confident that a continued, coordinated Federal role in the Muddy Creek project can solve many of the problems in the basin itself, as well as serve as an example of the ways in which the combined efforts of local, State, and Federal agencies can enhance the rural areas of our Nation.

Mr. President, I would like to append to my statement several documents that provide flesh, if you will, to the outline of the Muddy Creek saga that I have provided above. These documents are:

First, the technical assistance reports of Drs. Hornsby and Carter; second, a CRS memorandum on the project; and, third, three letters from Federal officials describing the formation of the interagency and technical field committees, the activities of these committees to date, and their plans for future efforts.

I ask unanimous consent that the documents be printed at this point in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: In response to a request from your staff, I am pleased to transmit to you a report on the Muddy Creek Special Water Quality Project prepared by Dr. Arthur Hornsby of the Robert S. Kerr Environmental Research Laboratory in Ada, Oklahoma. As you may recall, Dr. Hornsby, together with representatives of the Department of Agriculture and Colorado State University, reviewed the project in late February.

I hope that you find Dr. Hornsby's observations informative and useful.

Sincerely yours,

STEPHEN J. GAGE,
Assistant Administrator.

TECHNICAL ASSISTANCE REPORT

At the request of U.S. Senator Max Baucus of Montana, Dr. David Carter, USDA/SEA, Kimberly, Idaho; Professor Gaylord Skogerboe, Colorado State University, Fort Collins, Colorado; and Dr. Arthur Hornsby, Office of Research and Development, USEPA, Ada, Oklahoma, participated in a tour of the Muddy Creek Special Water Quality Project area and a special meeting of the Muddy Creek Task Force in Great Falls, Montana, February 18–20, 1980. The purpose of this exercise was to review the preliminary studies conducted and to recommend the direction of future efforts of the Muddy Creek Task Force. The present conclusion of the Task Force is that $23 million are required to effect a solution to the erosion problem in Muddy Creek. These expenditures would be for (1) on-farm management, (2) a supply relief canal, (3) a return flow/waste water interceptor canal, (4) Muddy Creek channel stabilization and rehabilitation, (5) Irrigation District operations and maintenance, and (6) information and educational programs.

From an overview of the project activities (Muddy Creek Special Water Quality Project Report, November 1979; a low level overflight of Muddy Creek Drainage Basin; a ground level tour of the area; and meetings with local entities), several features were apparent. First, the erosion problem in Muddy Creek itself appears well defined. No additional studies are needed to ascertain that there is a problem. Secondly, the design of the main supply canal is such that there is no storage or surge capacity in the system after water is released from Pishkun Reservoir. Due to the length and capacity of this canal, serious operational problems occur if water is not delivered to farm sites. A structure or series of structures are needed to solve this problem. Thirdly, there is an apparent excess hydraulic loading of the drainage system presumably from excess application of irrigation water on district lands. Definitive data needed to identify the specific cause and effect relationships contributing to this problem apparently are not available. Based upon the limited time available for indepth analysis of available information, the following general conclusions were drawn.

A. Information and educational programs

The Muddy Creek Task Force has achieved remarkable success in involving local and state institutions in an effort to define the problem, place it in perspective, and to suggest possible solutions. They should be commended for this effort.

Additional efforts are needed which deal directly with farmers. The Cooperative Extension Service (CES), Soil Conservation Service (SCS) or other appropriate groups should provide farmers advice and assistance needed to reduce deep percolation losses and surface return flows. This should include efforts to achieve more uniform water distribution on the fields and resulting improvements in crop yields and fertilizer use efficiency.

B. On-farm water management

This is a key factor in reducing or solving the erosion problem in Muddy Creek. Unfortunately there is insufficient data available to assess the magnitude of impact that improved on-farm water management will have on hydraulic loading of the Muddy Creek drainage area. There is an urgent need for data which describes irrigation practices on individual farmers' fields. These data would include measurement of inflow-outflow, advance-recession, infiltration, soil moisture distribution, tailwater runoff and deep percolation.

Alternative surface irrigation systems should be considered, as well as sprinklers. The hydraulic performance of individual sprinkler irrigation systems should be examined. Sprinkler irrigation systems being installed should immediately be evaluated in order to assist the farmer in improving the new system. Automated surface irrigation systems should be demonstrated on farmers' fields. At least four different systems should be used in close proximity so that they can be easily utilized for tours or field days. The hydraulic performance of each should be evaluated.

Irrigation scheduling should be implemented throughout the District. For evaluation of benefits, irrigation scheduling should be implemented on a few fields where no physical modifications have been installed, a few where sprinkler irrigation systems have just been installed, and a few fields where automated surface irrigation systems have been installed. Review of these applications after two or three years can guide the CES or SCS in providing appropriate technology which is sensitive to local conditions and constraints.

C. Surge relief capacity in the main canal

Due to the current engineering design there is a need for additional capacity in the system to handle operational wastes which are unavoidable. One alternative proposed by the Task Force was to divert excess flows into Freezeout Lake and subsequently to Priest Lake and into the Teton River. While this alternative is technically feasible, the water will no longer be available to the District for use by irrigation.

Other alternatives should be examined which would provide storage at elevations which could be rerouted into the distribution canals. This might include a 3,000 acre-foot structure near Fairfield (perhaps near "A" drop), or lesser structures elsewhere to handle one to two days flow from Pishkun Reservoir.

D. Return flow interceptor canal

Due to the unknown impact of on-farm management improvements and control of supply canal surges, it does not seem reasonable to proceed with the interceptor canal. If the problem of excess water application (and operational losses) in the District can be solved, there would be no need for the interceptor canal. Consideration of this underscores the need for better data to define cause and effect relationships relating to cultural practices, water management and systems designs on the District lands.

E. Water quality assessment (other than sediment)

There are some apparent voids of data which are needed to provide an overall assessment of water quantity-water quality relationships in the Muddy Creek Drainage Area. The occurrence of a large number of saline seeps in the drainage area with little or no quantification of volume of flow or chemical constituents suggests an area where additional efforts may be needed. Are salinity, nutrients, or specific ions a contributing water quality problem in surface or subsurface flows? Are domestic wells being affected? Are there significant subsurface flows from the dryland areas north and east of Muddy Creek resulting from alternate fallow systems and do these flows significantly affect the flow and chemistry of Muddy Creek? What are the sources of nitrogen in the drainage water from irrigated lands?

These unanswered questions suggest that a carefully planned monitoring effort needs to be implemented to begin collecting water quantity and quality data which can be used to further identify water quality problems and to identify the sources of these problems. Water quantity and quality monitoring should be an integral part of any improvement program.

F. Alternative uses for water

Hydroelectric generation has been given preliminary study in the project. This should be encouraged since hydropower is environmentally clean and the region can make use of the additional energy.

Irrigation of additional lands has been suggested as a use for water made available by more efficient use of water on existing lands. Water quality impacts of this alternative use should be carefully examined before a commitment is made to extend water to these new lands.

SUMMARY

The Muddy Creek Task Force has made excellent progress in identifying a local water quality issue, involving the appropriate agencies in a dialogue to define available data and possible solutions, and developing a public awareness that environmental quality goals are commitments which impact the economics of our personal lives as well as the industrial base upon which our standard of living is supported. What is now needed is a mechanism to evaluate all available data, including scientific literature which might be applicable to this particular setting, to develop (1) an action plan, (2) a strong sense of priorities, and (3) an implementation strategy.

Although other approaches could be taken, one exists which has been proven effective and has not required extensive data collection and research. The approach was used under the auspices of P.L. 93–320 to guide the implementation program to increase the irrigation efficiency of the Wellton-Mohawk Irrigation District. This approach uses a Technical Field Committee to evaluate the available data, utilizes their judgment and technical experience to recommend specific management changes, and provides continued technical guidance for the implementation. Should such a Technical Field Committee be structured for the Muddy Creek Special Water Quality Project, its purpose would be (1) to evaluate all available data from the project area to determine if there are significant missing elements in this data array; (2) to use their collective experience and judgment to recommend the best course of action to undertake implementation; (3) to recommend specific data gathering or monitoring efforts to assist in the implementation effort; and (4) to provide continuing objective technical guidance during the implementation process.

Obviously, members of the Technical Field Committee would need to be professionals of highly technical abilities with expertise and experience in irrigation management and water quality relationships. A good mix of scientific and technical disciplines would be needed. These experts could be drawn from universities, USDA, USDI, USEPA, and the private sector.

During the special meeting of the Muddy Creek Task Force on February 20, 1980, it became apparent that various federal and state agencies would be active this coming growing season in studying various aspects of the Muddy Creek Special Water Quality Project area. While these efforts are useful, they will not be coordinated in a technical sense such that salient questions can be answered in a timely fashion. The Muddy Creek Task Force has received support to hire a coordinator; however, there is no chain of command which assures direct technical direction over the pertinent local, state, and federal agencies working in the area. The Task Force coordinator can provide a useful service in making all parties aware of the efforts performed by the various agencies, but not in technical oversight.

The above analysis pertains to implementation in the long term. Certain steps can be taken in the short term which provide needed information and direction immediately. From the standpoint of good resource management and water quality management, water-use efficiency and nitrogen-use efficiency should be encouraged and mechanisms for implementing them put into action. Irrigation scheduling and nutrient management are technologies available through government and private avenues.

Since there is little definitive information regarding on-farm uses (see paragraphs B and E above), an immediate effort needs to be started. An alternative worthy of discussion is the consideration of employing a contractor with considerable experience in irrigation and water quality management to come into the area this growing season to characterize the present irrigation management practices (direct measurements on specific farmsteads), to recommend specific alternative management practices, and to recommend specific monitoring programs that quantify the relationships between alternative management practices (potential "Best Management Practices," if you will) and the water quality benefits resulting from implementation of these practices. Such an effort could be accomplished in one growing season for approximately $60–80,000.

If the Muddy Creek Water Quality Project is to be considered for funding under the Rural Clean Water Program, the above technical effort would be required to show the linkage between proposed management changes and a water quality benefit.

The issue of sources of funding for the Muddy Creek Special Water Quality Project was not addressed in this analysis. Since the efforts foreseen are in the sense of implementation of known technologies, funding through existing action agencies seems appropriate.

U.S. DEPARTMENT OF AGRICULTURE,
Kimberly, Idaho, March 21, 1980.

Senator MAX BAUCUS,
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR BAUCUS: I have finally completed my evaluation of the Muddy Creek problem near Great Falls. I'm sorry to be a bit slow getting a report to you, but I have been very busy since the tour and meeting February 19 and 20. My time has been spent meeting other important commitments including some workshops for SCS, and advising the Malheur County, Oregon Nonpoint Source Water Quality Management Program Committee, and trying to perform regular job functions. Also, I wanted to be as thorough as I could in my evaluation, and that required considerable time.

The Muddy Creek Task Force has done an excellent job in presenting the problem. The Task Force should be commended for their organized approach. Members of the group certainly attempted to answer my questions and provide the information needed for evaluating the problem.

My evaluation of the problem and suggested approaches to a solution is attached. This evaluation is based upon the information gained through the tour, meeting, and written documents provided me. There are several unanswered questions concerning the Muddy Creek Area problem. Answers to these questions could alter my evaluation.

If I can assist you further on this problem I will try to help to the extent that my time and resources will allow.

Sincerely,

DAVID L. CARTER,
Supervisory Soil Scientist.

REPORT AND EVALUATION OF THE MUDDY CREEK PROBLEM AREA NEAR GREAT FALLS, MONTANA

MUDDY CREEK CHANNEL

The serious erosion problem along the Muddy Creek Channel is obvious. There are several approaches to solving this problem, but the primary approach should be to decrease the source of water entering the stream and to minimize fluctuations from high to low flows. The latter is difficult in total because of spring and late winter runoff. Flow records indicates that most of the flow in Muddy Creek occurs during the irrigation season. Therefore, the control that can be brought about during that time should have a good positive impact upon the erosion problem in Muddy Creek.

Anything that can be done to stabilize the stream bank along Muddy Creek would be a positive benefit. I am not an expert in stream bank stabilization, but it appears to me that in many reaches of the stream such stabilization would be rather difficult because of the deepness of the cuts already present. One alternative that could be considered would be to line a certain portion of the channel itself to avoid further cutting in serious areas.

Another possible consideration would be to construct a dam on Muddy Creek and form a reservoir which would likely fill up rather rapidly with sediment. This would essentially be a very large sediment retention basin, but it could eliminate or greatly reduce the amount of sediment flowing from the mouth of Muddy Creek.

WATER BALANCE

Based upon the crops grown in the Greenfields Irrigation district the annual evapotranspiration or water used by crops should be approximately 200,000 acre/feet per year. Precipitation for the area averages about 93,000 acre/feet per year and a certain portion of this precipitation contributes to the evapotranspiration. Some of the precipitation, of course, runs off and does not contribute. I assume that possible about 50,000 acre/feet of the precipitation could be used by growing crops. This means that approximately 150,000 acre/feet of water is needed for crop productivity on the 80,000 acre Greenfields Irrigation tract. This would mean that 150,000 acre/feet of irrigation water is needed for the actual crop production, assuming a 100% efficiency. Based upon studies in other areas, using similar types of irrigation, I would estimate that the irrigation efficiency is probably on the order of 30–35 percent. This means that about 400,000–450,000 acre/feet of irrigation water should be delivered to the 80,000 acres to provide the 150,000 acre/feet of evapotranspiration. According to the figures in my notes there is a delivery of around 300,000 acre/feet at the delivery point into the canal.

When considering all of these figures and estimates, there appeals to be a greater annual flow in Muddy Creek than can be accounted for by the water delivery into the canal and on to the farms in the Greenfields Irrigation district. This raises a question concerning other sources of water into Muddy Creek. One question that I raised during our tour, but did not see any evidence to support such question, concerns possible flow from the non-irrigated side into Muddy Creek. Based upon the information provided this flow would be very minimal. Another question that has crossed my mind is the possibility of seepage from one of the water bodies upstream where the water may flow along the surface of the shale and into Muddy Creek.

This information on the water balance raises some questions that I thing should be considered before proceeding with the proposed construction of an interceptor drain. Possible other sources of water into Muddy Creek should also be considered in view of the expected impact from improved irrigation practices on the Greenfields Irrigation district. If indeed there are other sources of water into Muddy Creek, then the impact of improved irrigation on the Greenfields Irrigation district would be less than expected. This does not mean that improved irrigation practices should not be pursued. They certainly should be, because at least a large portion of the Muddy Creek flow occurs simultaneously with the irrigation on the Greenfields district.

I suggest that a reevaluation of the water balance be made to try to better define sources and quantities of water. I was impressed that the Greenfields Irrigation district has a good set of records and that a good water balance could be calculated based upon those records. I suggest the following approach: First, obtain the amount of water diverted into the canal feeding the Greenfields Irrigation district, subtract from that value the amount delivered to farmer fields. The difference is seepage loss in the canal system. Keep in mind that this seepage loss could possibly contribute to the flow of Muddy Creek if it can flow in an underlying strata and get to Muddy Creek. Then, add the quantity of water delivered to farmer fields to the annual precipitation that infiltrates the soil. This, of course, would be an estimate. Subtract from the total of those two figures, the estimated annual evapotranspiration for the crops grown. I suggest that Dr. Hayden Ferguson, Dept. of Plant and Soil Science at the University of Montana at Bozeman may be able to provide you with some evapotranspiration estimates for your area. I could probably find some reasonable estimates here if you desire. Perhaps you already have that information.

Then subtract evapotranspiration from the water delivered plus precipitation and the remaining portion should be surface runoff and deep percolation, both of which could reach Muddy Creek. Your report indicated an annual flow in Muddy Creek of about 90,000 acre/feet per year, so compare that value with the contribution to Muddy Creek from the Greenfields Irrigation district calculated above, and if the flow in Muddy Creek exceeds that amount calculated then perhaps you should consider if seepage from the main canal is also reaching Muddy Creek. If it appears to you that there are other sources of water into Muddy Creek, then consideration should be given to reducing these sources.

I would be happy to discuss this by telephone with you if you would call.

I feel that it is very important to understand the water balance. Obviously, something is wrong with the figures I obtained from my visit and the report, because I could not account for the Muddy Creek flow.

ADDITIONAL STORAGE CONTROL

One problem encountered on managing the irrigation delivery to the Greenfields Irrigation district is the time lag of flow changes from the diversion dam. I suggest that a small storage reservoir, large enough to hold two days flow in the main canal, be constructed near the upper end of the irrigation district if possible. An alternative would be to construct two small storage reservoirs, one near the upper end of the irrigation district and a second one about half way down through the district. These reservoirs should be maintained essentially empty so that if a rainy period occurs, water could be diverted into these reservoirs for later use. At the same time the water could be cut off at the diversion. Following the rainy period, water could be available quickly from these small reservoirs within the system and provide a two days supply until water from the diversion dam again reached the irrigation district.

Such additional storage and control could do much towards eliminating the severe water fluctuations in Muddy Creek. This seems to me to be a much better alternative than to divert the water from Freezeout Lake into the Teton River. Once the water is diverted into the Teton River it cannot be brought back again for irrigation.

POTENTIAL FOR POWER GENERATION

I was very interested in the plan presented to generate electrical power along the canal system. I believe that wherever we can generate electrical power in these kinds of systems we should do so because of the potential power shortage in the country. Some of the power thus generated could be used to improve the irrigation efficiency on the Greenfields district.

However, converting to sprinkler irrigation will certainly not be a panacea nor provide a total solution to the problem. According to various studies that I am familiar with, sprinkler irrigation is about 70 percent efficient. This is about twice as efficient as the method you now use according to my estimate. If the entire irrigation tract were brought under sprinkler irrigation, the quantity of deep percolation and surface runoff might be decreased by about half. Such a conversion would probably provide water that could be used to irrigate additional land, but would probably not be a total solution to the problem. Certainly, it is not a cheap solution to the problem because developing sprinkler irrigation, equipping for it and pumping costs would greatly increase the operational cost to the farmer.

There are some lands on the project that certainly are steep enough that sprinkler irrigation should be used if these lands continue to be cultivated. Therefore, I'm not suggesting that sprinkler irrigation should not be used, but the total impact of changing or converting to sprinkler irrigation should be thoroughly evaluated before this approach is pursued for all of the land.

ON-FIELD STUDIES

Evidently the Montana Extension Service, the Soil Conservation Service and other parties are planning to make some on-field studies of irrigation efficiency and to make some assessment of how this efficiency might be improved. I certainly encourage these kinds of studies because they will give the detailed information needed for a better assessment of the water balance. There are alternative methods of irrigation in addition to sprinkling that might be considered. These proposed studies should provide data for alternative approaches on the Greenfields Irrigation district.

The on-site studies should include both water quantity and water quality evaluations. There seems to be a general concern about the poor quality of the irrigation return flow from the Greenfields Irrigation district. Evidently the water that percolates through the soil follows the top of shale until it exits the ground into a drainage stream. There seems to be a general feeling that this water is very salty. However, the data in your report indicated that the Muddy Creek water was not highly saline, and in fact, the salt concentration decreased sharply during the irrigation season when the flow in Muddy Creek was high. I recognize that these data are only fragmentary, but these data are all I have on which to base my observations.

The irrigation return flow seeping from the ground under the Greenfields Irrigation district may have been much more saline a few years ago than it is now. The residual salts may have been leached away so that the deep percolation water now is of much better quality than previously.

I suggest that in addition to measuring the quantity of water entering fields and leaving fields to get irrigation efficiency, that the water quality also be evaluated. I suggest that a number of the seeps be sampled on a regular basis and the electrical conductivity and any specific ions of interest be determined to give a measure of concentration. The flow of these same seeps should be measured if possible so that the total quantity of total salts or particular ions can be calculated over a selected time period.

NUTRIENTS

The report indicates considerable concern about the nutrients in Muddy Creek water. I do not believe that the nutrient concentrations are a serious problem. Most of the phosphorus in the stream is associated with the sediment eroded from the stream bank. Decreasing the sediment will decrease the phosphorus. There is some nitrate but this does not appear to be a serious problem. We have no way of knowing if algal blooms will indeed occur if the sediment concentration is lowered. Just because sufficient nutrients are available in a water does not mean that algal blooms will occur, particularly in a flowing stream. There are many factors in addition to the nutrients that influence algal blooms.

It is important to consider nutrients. If measures can be taken to reduce the nutrient concentration and the total amount of nutrients lost in runoff water, these measures would be beneficial. If possible, the plant nutrients should remain on the land to be used by crops.

PROPOSED INTERCEPTOR DRAIN

The proposed interceptor drain appears to offer a reasonable solution to the channeling problem in Muddy Creek. At this time, however, there does not appear to be sufficient information available to properly design nor to justify spending the funds that would be necessary to build a drain. We do not know how much of the flow in Muddy Creek could be reduced by improved irrigation practices on the Greenfields Irrigation district and possible irrigation of additional lands adjacent to that district, and we are not certain of other water sources in the Muddy Creek. Until these factors are better evaluated, the size of a proposed interceptor drain would only be a guess. At the cost of constructing such a lined drain, being so dependent on the size of the drain, we should be sure that we have sufficient justification for selecting a particular size so that we will not overspend funds uselessly.

I am not suggesting that an interceptor drain is not a good idea. It may well be a very beneficial approach, particularly along certain reaches of Muddy Creek. I do not believe, however, that sufficient information is presently available to justify the construction of a drain at this time.

One idea that might be considered is to construct a dam on Muddy Creek to form a large sediment retention basin. This dam could also serve as a structure for diverting Muddy Creek into an interceptor drain. This approach may allow constructing a shorter drain than presently proposed. More than one dam could be constructed.

DEVELOPMENT OF BEST MANAGEMENT PRACTICES AND EDUCATIONAL PROGRAMS

The proposed on-site studies this coming growing season should provide some very good information concerning alternative practices on the Greenfields Irrigation district to reduce return flow into Muddy Creek. I suggest that a very intensive education program be developed to promote practices that will beneficially reduce the flow into Muddy Creek and help the farmer to do a better managing effort. Everything that can reasonably be done to educate the farmer and irrigator will be beneficial. It is my experience that people respond positively when they understand the real benefits. Some of your on-site studies should be conducted where public access and attention can be drawn. Let the public know what you are doing, and why, and what you're hoping to find out.

SUMMARY

In summary, I believe that the Muddy Creek Task Force has made excellent progress towards identifying a serious problem and in organizing to develop and promote a solution to the problem. I commend the Task Force for the breadth of their approach and the sincerity exhibited towards solving the real problem. I recognize that additional technical help is needed to better evaluate some phases of the proposed solutions to the problem before expenditure of all of the funds requested can be justified. The on-site studies this coming season should be very helpful towards determining what practices will provide the most benefit. In addition, I believe that other technical data available should be evaluated by those having the expertise to do so.

The unified effort towards solving this important problem should be continued until a reasonable solution can be achieved.

THE LIBRARY OF CONGRESS,
Washington, D.C., March 12, 1980.

To: Hon. MAX BAUCUS,
From: Karla Perri, Analyst, Food and Agriculture Section, Environment and Natural Resources Policy Division;
Subject: Muddy Creek Erosion Problem.

This memorandum is sent in response to your request for information on the Muddy Creek erosion problem. Specific attention was to be directed to historical data on physical practices and budget outlays for various programs. Attached is a letter which explains the current positions of SCS, ASCS, and FmHA. Funding and technical assistance has been provided to farmers in the area for a number of years. Increases in staff and assistance will meet the requirements of an accelerated program.

THE WATER AND POWER RESOURCES SERVICE ADDITIONAL SOURCES ON FUNDING AND ON-SITE ASSISTANCE

I contacted Robert H. Madsen at the Billings Regional Office of the Water and Power Resources Service (WPRS), formerly the Bureau of Reclamation, as suggested in the letter from Lyall Schaefer. The WPRS has been installing sedimentation structures for the last 3 years, on the Sun River project, under their Soil Moisture and Conservation Program. Five months ago WPRS agreed to contact the state at the request of the local organization and discuss proposals. They are in the process of designing a rehabilitation and betterment program on the Muddy Creek Project.

The consultant report on Muddy Creek suggested building a power plant at the drainage area. WPRS has examined the site and indicates "it is one of the best they have ever seen". For the past three years, a planning and evaluation study for power plant operations has been at Gibson Dam, about 55 miles west of Muddy Creek. Those involved in the Muddy Creek discussion have commented that approval could be easily obtained to fund such a study at Muddy Creek. It would also insure the consistent flow of Federal dollars needed to eliminate the erosion problem. The WPRS, is also studying the possibility of analyzing the effects of keeping Water Act of Muddy Creek altogether.

Mr. Madsen is sending me a list of expenses by feature, that has been spent on the project the past three years. He is also sending a comprehensive budget of the Greenfields Irrigation district.

THE SOIL CONSERVATION SERVICE—THE GREAT PLAINS CONSERVATION PROGRAM

Funds cannot be obtained through the Great Plains Conservation Program, because the area of Montana included in the assistance program is range and dryland rather than the irrigated area of Muddy Creek.

THE ENVIRONMENTAL PROTECTION AGENCY—SECTION 208 WATER QUALITY PLANNING

The Environmental Protection Agency is considering a $25,000 initial payment to the district, for water quality planning under Section 208. However, technical assistance will be provided by SCS.

THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE THE RURAL CLEAN WATER PROGRAM

The Water Quality Council of the state of Montana submitted a request for 30.000 under title 3 of the Rural Clean Water Program. It was approved March 1, 1980.

I will keep you informed as additional reports on information arrives. If I can be of further assistance please call me at 287-7296.

U.S. DEPARTMENT OF AGRICULTURE,
Montana Office, March 4, 1980.

KARLA PERRI,
Library of Congress,
Washington, D.C.

DEAR KARLA: This is a combined letter from ASCS, SCS and FmHA on the past activities on the Greenfields Irrigation Project in Teton and Cascade Counties in Montana. This project contributes to the problems on Muddy Creek and is the area where on-farm work would be done under the proposed project.

Currently, SCS is spending about $55,000 per year to provide technical assistance to Teton County. On the basis of 40 percent of the landovers in the county being located in the portion draining to Muddy Creek, we would say that approximately $22,000 or one man-year per year is spent in our on-going program to provide technical assistance in the area that impacts on Muddy Creek.

SCS agrees with the logic in the Task Force Report which indicates that it should provide an additional two man-years technical assistance to the Muddy Creek area to meet the needs of an accelerated program. The additional cost of doing this will be about $50,000 per year.

In recent months additional staff assistance from the Great Falls Area Office, Bozeman State Office and neighboring field offices has been provided to serve the increased interests in the Muddy Creek area. There will be problems from our reduced technical assistance in those areas where staff assistance is taken to provide for Muddy Creek's needs. The sacrifices by other areas will become more apparent over time if SCS continues to increase assistance to Muddy Creek at a time when total SCS technical assistance to Montana is decreasing.

SCS is providing conservation planning and other technical assistance to approximately 60 landowners in the Muddy Creek area per year. In doing this, conservation plans are developed on about 2,500 acres per year. Approximately 20 landowners apply land leveling, irrigation water management, and erosion and sediment control practices which benefit about 2,400 acres annually in the Muddy Creek area.

With an additional two man-years of technical assistance, adequate cost-sharing program and landowner participation, SCS believes that land treatment in the Muddy Creek area can be increased to about three times the on-going rate. With this level of acceleration, it is expected that 60 landowners will apply practices each year to benefit about 7,500 acres per year. At this rate, 75 percent of the problem area should be treated in five years.

SCS is gathering data to refine in greater detail the kinds and amounts of practices needed in the area and the cost of installing them. The attached inventory and monitoring proposal explains SCS's work in this regard.

For information concerning the Water and Power Resource Service (former Bureau of Reclamation) activities, we would suggest that you contact Robert H. Madsen at the Billings Regional Office of WPRS. His FTS phone number is 585-6514.

ASCS has been using a substantial portion of the available funds under the Agricultural Conservation Program in Teton County on the Greenfields Bench for many years. Following is a list of the amount paid in Teton County for the practice, Reorganizing Irrigation Systems, for the past five years.

Year	Number of Producers	Cost Shares
1979	28	$48, 190
1978	60	49, 190
1977	52	30, 852
1976	32	24, 205
1975	51	40, 932

There is another much smaller irrigation project in Teton County and some of the above cost-sharing was applied on the other irrigated land in the county. However, the local office estimates that 80 to 90 percent of the above was applied on the Greenfields Bench. About 80 percent of the entire project is in Teton County and the remainder in Cascade County. While there are some practices applied on the Cascade County portion, I was not able to isolate this information from the accomplishment report for Cascade County.

There is always more demand for funds under ACP than there are funds available and this certainly has been true in this area. This has commonly been a limiting factor. Actual accomplishments on the ground are a combination of technical help, availability of qualified contractors, ability of the farmer to pay his share of the cost or to obtain sound credit as well as cost-sharing. While lack of cost-sharing funds has been a limiting factor, just increasing the available cost-sharing funds will not necessarily solve everything.

In the past three years FmHA has advanced loan funds in the amount of $422,500 for the soil and water loan program to land owners in the two counties which are in the Muddy Creek drainage. This year seven loans are in process for $172,500 which are for sprinkler systems and conservation practices which will reduce the runoff into Muddy Creek.

Loan assistance by FmHA will be continued and expanded if possible to meet the needs of farmers for better water management.

The increased FmHA activity will require more office space and two part time employees to meet the workload. This is necessary to meet the needs of an escalated program and cooperate with other involved agencies.

LYALL SCHAEFER, SED,
Montana State ASCS Office.

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 13, 1980.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: In response to your letter of June 4, 1980, concerning the Muddy Creek special water project, we convened, on June 12, 1980, a meeting of representatives of the Corps of Engineers, the Water and Power Resources Service of the Department of the Interior, and the Environmental Protection Agency. We discussed the report of the three consultants (Dr. David Carter, USDA/SEA, Kimberly, Idaho; Professor Gaylord Skogerboe, Colorado State University, Fort Collins, Colorado; and Dr. Arthur Hornsby, Office of Research and Development, USEPA, Ada, Olkahoma) and other related material. Our objective, of course, was to explore ways to continue the ongoing activities while also developing a comprehensive plan to coordinate, monitor, and, hopefully, expand those activities.

To provide continuing coordination of the Federal agencies involved and to guide further analyses, we have formed an "Interagency Advisory Committee" (IAC) at the National Office level. The members and alternates of the IAC are listed on the enclosed sheet.

At the field level, we are asking the Soil Conservation (SCS) State Conservationist for Montana, Van K. Haderlie, to form a "Technical Field Committee" (TFC) to organize and direct the monitoring and project formulation functions. The TFC will consist of regional representatives of the four agencies plus technical consultants outside the Federal Government as may be necessary to provide the required expertise. Staff work for the TFC will largely be provided by the SCS Resource Planning Staff headquartered at Bozeman, Montana, with supplemental help by other agencies. Also, the Missouri River Basin Commission will be kept informed of these activities so that proper coordination can be maintained with studies under its jurisdiction.

Financing of the monitoring, project development, and environmental assessments can be provided through the ongoing programs of the agencies involved. For SCS, the authority used will be Section 6 of Public Law 83-566, the Watershed Protection and Flood Prevention Act.

Plan implementation, other than possible redirection of current activity, is another matter. We suggest deferring further decisions until we receive detailed recommendations from the TFC.

We will proceed immediately to initiate this activity and will keep you advised of progress.

Sincerely,

JOSEPH W. HAAS,
Acting for Chief.

MUDDY CREEK SPECIAL WATER PROJECT—INTERAGENCY ADVISORY COMMITTEE (IAC)

Members

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(202-447-4527)
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U.S. DEPARTMENT OF AGRICULTURE,
Bozeman, Mont., October 28, 1980.
Hon. MAX BAUCUS,
U.S. Senate, Dirksen Office Building,
Washington, D.C.

DEAR SENATOR BAUCUS: This is in response to your letter of October 23, 1980, requesting an up-date on the activities of the Muddy Creek Technical Field Committee (TFC).

There is excellent cooperation among members of the TFC, and the committee is meeting at least once a month to coordinate and review the work that is being assembled. The date that we have set for having the draft of our report completed is December 31, 1980.

We prepared an outline of the areas to be covered in developing the strategy for Muddy Creek in September. An unedited copy of this outline is attached to give you some perspective of how we are working.

It appears that the agencies of Interior (WPRS predominantly) and Agriculture will have the most significant roles to play in applying the strategy to improve Muddy Creek. The Corps of Engineers has provided a good technical report covering structural methods to control the critically eroding Muddy Creek channel, and the Environmental Protection Agency (EPA) is working to evaluate the environmental effects of the strategies that are being assembled.

There are two broad areas in the strategy that we are developing. One of these is the area of on-farm management and the other consists of project-type activities to provide surge relief and to stabilize the Muddy Creek channel.

The on-farm strategy will be much like that presented in the Rural Clean Water Program application which you have reviewed recently. We are refining the on-farm water budget, improving our soil information, and finding better ways to display alternative levels of action and projected effects in our TFC strategy. The Rural Clean Water Program (RCWP) could certainly be a possibility for implementing the on-farm part if RCWP is adequately funded.

The TFC report will most likely indicate that the on-farm portion is ready for implementation. The main requirements will be for an adequate financial assistance program and enough USDA technical assistance to help landowners apply the most up-to-date systems of irrigation water management on their land.

For project-type activities, the report will set forth funding and manpower needs to plan and design the structures that are necessary components for alleviating the Muddy Creek problem.

We appreciate your concern and interest in our work on Muddy Creek. Please let us know if additional information is needed.

Sincerely,

VAN K. HADERLIE,
State Conservationist.

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C.
Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: This is in response to your letter of October 23, 1980, regarding the Muddy Creek Special Water Project. We are aware of the application that has been prepared for a Rural Clean Water Project on Muddy Creek. We will do all that we can to help assure that this is a good application and proposes a viable project.

New applications for assistance under the Rural Clean Water Program (RCWP) are being held at the State Office of the Agricultural Stabilization and Conservation Service (ASCS) pending the outcome of fiscal year 1981 program appropriation. ASCS will issue fiscal year 1981 program guidelines after the appropriation act is passed. The applications will then be submitted by the ASCS State committees in accordance with the guidelines.

The expected level of fiscal year 1981 appropriations is $20 million based on the President's budget request and actions taken by the U.S. House of Representatives. Selection of RCWP projects to be funded is made by the Secretary of Agriculture in consultation with the Administrator of Environmental Protection Agency. He will choose from among more than 50 applications requesting over $150 million as indicated by responses to the 1980 RCWP. We will make certain the Secretary is aware of your strong support of the Muddy Creek application.

The Technical Field Committee (TFC) in Montana is to prepare an action program for Muddy Creek by early 1981. We anticipate that it will include a combination of activities in addition to the RCWP, that are underway or might be undertaken in the near future. We expect that some of the proposals may require your support, possibly including legislative authority or special appropriations. The Inter-Agency Advisory Committee on the Muddy Creek Special Water Project has been supporting and encouraging the TFC in its efforts to provide a timely product.

Sincerely,

JOSEPH W. HAAS,
Deputy Chief for
Natural Resource Products.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for routine morning business is closed.

ENVIRONMENTAL EMERGENCY RESPONSE ACT

MOTION TO PROCEED TO CONSIDERATION OF S. 1480

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to the consideration of S. 1480, which the clerk will state.

The assistant legislative clerk read as follows:

> A motion by the Senator from West Virginia (Mr. ROBERT C. BYRD) to proceed to the consideration of S. 1480.

ORDER TO VITIATE THE ORDER FOR THE YEAS AND NAYS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the yeas and nays on the motion be vitiated.

Mr. MORGAN addressed the Chair.

Mr. BAKER. Reserving the right to object, Mr. President, let me say that I shall not object to the request of the majority leader. Indeed, I hope that the order for the yeas and nays will be vitiated. A little later today, I believe the majority leader and I shall both have statements to make in respect of this bill.

The long and the short of it is that the parties have agreed, I believe, on the substance of a bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MORGAN. Mr. President, reserving the right to object, as I understand it, the Senate is going to proceed with the superfund bill?

Mr. ROBERT C. BYRD. Yes, we hope to proceed.

Mr. MORGAN. I wonder if the leader will give me some idea as to how long he anticipates the bill will take.

Mr. ROBERT C. BYRD. There is no time agreement on it, I say to the distinguished Senator from North Carolina. I hope that the Senate can complete action on the measure today. There will be amendments offered, I am sure. I think the prospects are good for completion of action today.

Mr. MORGAN. Will my leader tell me whether or not he thinks the prospects are good for completing it before the day is over?

Mr. ROBERT C. BYRD. Yes, I think the prospects would be good.

The reason I say that is that several Senators have spent a good bit of time during the last several days trying to work out some of the problems associated with the bill. They have developed a compromise, which I think is supported by a good many Senators on both sides, and there will be other amendments offered.

Mr. MORGAN. Mr. President, I understand that compromise has been worked on, but I also understand that it is a very, very important bill. I have not been one of those who has been taken into anyone's confidence. I would not want to preclude any chances or any opportunities that I might have along this line.

Mr. President, I wonder if the leader would be agreeable to the suggestion of the absence of a quorum so we may discuss it?

Mr. ROBERT C. BYRD. Certainly.

Mr. MORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENVIRONMENTAL EMERGENCY RESPONSE ACT

Mr. ROBERT C. BYRD. Mr. President, I again ask unanimous consent that the order for the yeas and nays on the motion to proceed be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1480) to provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 2, line 6, strike "For the purposes of this Act—" and insert in lieu thereof the following:

(a) It is the intent of the Congress that this Act shall apply to hazardous substance disposal sites, facilities, and areas and to releases of hazardous substances from vessels and facilities (including rolling stock) into navigable waters, groundwater, public water supply, or air, or onto land.

(b) For the purposes of this Act—

On page 3, line 10, after "discharge" insert a comma and "release, or disposal";

On page 3, line 14, strike "containment" and insert "remedial action" or "remedy";

On page 3. line 16, strike "remedy," and insert "remedial action";

On page 3, line 18, after "substance" insert "other than";

On page 3, line 19, strike "site not" and insert "facility";

On page 3, line 24, strike "safety" and insert "welfare";

On page 4, line 5, after "wastes," insert "dredging or excavations,";

On page 4, line 6, after "the" insert "repair and";

On page 4. line 9, after "health" insert "and welfare";

On page 4. line 10, after the period, insert the following:

The term includes the costs of permanent relocation of residences, busineses, and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances or may otherwise be necessary to protect the public health or welfare.

On page 4, line 21, after the comma insert "or the provision of permanent effective drinking water supplies";

On page 4, line 23, beginning with "are" strike through and including "(B)" in line 24, and insert in lieu thereof the following:

(A) are more cost-efficient than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those hazardous substances at the affected facility or site; (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such hazardous substances; or (D).

On page 5, line 11, strike "containment" and insert "remedial actions";

On page 5, beginning with line 15, strike through and including page 6, line 20, and insert in lieu thereof the following:

(9) the term "facility" means (A) any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located;

On page 7, line 7, after "Act" insert the following: or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 4(j) of this Act, the Post-closure Liability Fund established under section 5(k) of this Act.

On page 7, line 13, strike "and any other water used as a source of public drinking water";

On page 7, line 25, after "Act" insert "(but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress)";

On page 8, line 9, strike "(1)" and insert "(2)";

On page 8, line 19, after the period, insert the following:

The term does not include pertroleum, including oil and fractions thereof which are not otherwise specifically listed or designated as hazardous substances under subparagraphs (A) through (F) of this paragraph;

On page 9, line 7, after "(15)" insert "(A)";

On page 9, line 7, strike "onshore or offshore";

On page 9, line 8, strike "hazardous substance disposal";

On page 9, line 10, after "operated" insert "or otherwise controlled activities at";

On page 9, beginning with line 14, insert the following:

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the generator of such hazardous substance shall not be considered to have caused or contributed to any discharge or release during such transportation which resulted solely from circumstances or conditions beyond his control;

On page 10, line 2, after "discharging," insert "injecting,";

On page 10, line 3, after "dumping" insert "into the environment";

On page 10, line 6, after "Health" insert "or welfare";

On page 10, line 6, strike the semicolon and "and" and insert a period;

On page 10, beginning with line 8, insert the following:

Such term shall not include—

(i) any release which results in exposure to persons solely within the workplace, with respect to a claim for which the employer of such persons is liable under applicable worker's compensation law;

(ii) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, to the extent such release is covered by financial protection required by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 3(c) or any other removal or remedial action, from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978;

(iii) the normal field application of fertilizer; or

(iv) emissions from the exhaust of a motor vehicle;

On page 11, line 5, after "(17)" insert "(A)";

On page 11, line 6, after "means" insert "(i)";

On page 11, line 8, after "substance" insert "(as defined in this Act), (ii)";

On page 11, line 12, after "health" insert "or welfare";

On page 11, line 16, after "environment" strike the period, insert a comma and the following: including the costs of remedy or remedial action and the costs of carrying out section 3(c)(3) of this Act;

(B) as part of the meaning of "remove" or "removal" under section 311(a) of the Clean Water Act and subparagraph (A) of this paragraph, such terms include, but are not limited to, security fencing or other measures to limit access; provision of alternative water supplies; temporary evacuation and housing of threatened individuals not otherwise provided; and any emergency assistance which may be provided under the Disaster Relief Act of 1974; and

(18) the term "federally permitted release" means (A) dwischarges in compliance with a permit under section 402 of the Clean Water Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Clean Water Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Clean Water Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Clean Water Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act, as amended, from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 or section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, as amended, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance

with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated or approved under these sections, and (I) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, as amended, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954, as amended.

On page 13, line 23, strike "PROHIBITED";

On page 13, line 24, after "SEC. 3. (a)(1)" insert the following:

For the purposes of this Act, the Congress hereby finds and declares that the manufacture, use, transportation, treatment, storage, disposal, and release of hazardous substances are ultrahazardous activities.

On page 14, line 3, insert "(2)";

On page 14, line 7, strike "in any quantity";

On page 14, line 8, after "health" insert "or welfare";

On page 14, line 9, after "and," insert "if the President deems it appropriate,";

On page 14, line 10, strike "may determine those quantities" and insert "set that quantity";

On page 14, line 11, after "any" insert "such";

On page 14, line 12, after "health" insert "or welfare";

On page 14, beginning with line 14, strike through and including line 20;

On page 15, line 5, strike "in violation of paragraph (2) of this subsection" and insert "other than a federally permitted release";

On page 15, line 11, after "2" insert "(b)";

On page 15, line 12, strike "in violation of this subsection" and insert "other than a federally permitted release";

On page 15, line 18, after "2" insert "(b)";

On page 15, line 19, strike "in violation of this subsection" and insert "other than a federally permitted release";

On page 16, line 5, after "2" insert "(b)";

On page 16, line 6, strike "in violation of this subsection" and insert "other than a federally permitted release";

On page 16, line 10, after "release" insert a comma and "discharge, or disposal";

On page 16, beginning with line 13, insert the following:

(C) Within twenty-four hours of receipt of any notification required by subparagraph (B) (i) or (iii) of this paragraph, the administrator of said agency shall notify the affected State agency or department designated by the Governor to receive notice of such discharge, release or disposal.

On page 16, line 19, after "who" insert "owns or operates, or has reason to believe that he or she";

On page 16, line 21, strike "hazardous substance disposal site" and insert "facility or site at which hazardous substances (other than as defined in section 2(b)(13)(G) of this Act) are stored or disposed of which is";

On page 17, line 2, after "such" insert "facility or";

On page 17, line 5, after "such" insert "facility or";

On page 17, line 7, after the period, insert "The Administrator shall notify the affected State agency or department designated by the Governor to receive notice of such facility or site.";

On page 17, line 11, after "such" insert "facility or";

On page 17, line 19, strike "hazardous substance disposal" and insert "facility or";

On page 17, line 23, strike "any records relating to the site or any hazardous substances" and insert "or falsify any records relating to the location, title, or condition of the facility or site or the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances";

On page 18, beginning with line 6, insert the following:

(C) Any deed or conveyance for any facility or site at which any hazardous substance (other than as defined in section 2(b)(13)(G) of this Act) has been disposed of or stored, or which has been contaminated by any release of such a hazardous substance, shall disclose upon its face the identity, quantity, location, condition, and circumstances of such disposal, storage, or contamination, to the full extent known to or ascertainable by the owner or other conveyer of such facility or site. Such deed or conveyance shall also contain such restrive convenants limiting the subsequent use or modification of such facility or site as may be necessary to protect the public health or welfare. This disclosures and restrictive covenants in such deed or conveyance shall be made a matter of public record in the registry of deeds or similar institution for the political subdivision in which said facility or site is located. Any person who knowingly violates the requirements of this subparagraph shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person shall be held liable under section 4 of this Act as an owner of such facility or site in the case of any discharge, release, or disposal of a hazardous substance from such facility or site.

On page 19, line 4, after "and" insert "to";

On page 19, line 3, strike "section" and insert "sections 3007 and";

On page 19, line 7, after "removal" insert "or remedial action";

On page 19, line 9, after "health" insert "and welfare";

On page 19, line 7, strike "hazardous substance dispcsal site" and insert "facility or site at which hazardous substances are stored, treated, or disposed of which is";

On page 19, line 16, strike "or";

On page 19, line 16, after "release" insert a comma and "or disposal";

On page 19, line 17, after "release" insert "or substantial threat of release";

On page 19, line 21, after the comma, strike "or" and insert "and";

On page 19, line 21, strike "the containment of" and insert "remedial action concerning";

On page 19, line 25, after "any" insert "other";

On page 20, line 2, after "health" insert "or welfare";

On page 20, line 3, after "removal" insert "and remedial action";

On page 20, line 5, strike "or hazardous substance disposal site";

On page 20, line 6, after "occurs, or" insert "by any";

On page 20, beginning with line 8, insert the following:

(2) Unless (A) the President finds that (i) continued removal actions are immediately required to prevent, limit or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis; or (B) the President has determined the appropriate remedial actions as provided in paragraph (4) and the State or States in which the source of the release is located have complied with section 6(a)(2)(A) of this Act, expenditures from the Fund, other than those authorized by paragraph (3) of this subsection, shall not continue after $1,000,000 has been obligated or six months has elapsed from the date of initial response to a release or discharge of hazardous substances.

(3) Whenever (A) any hazardous substance is released, discharged or disposed which, in the judgment of the President, may present a danger to public health or welfare or the environment, or (B) there is substantial threat of such release, or (C) the President has reason to believe that illness, disease or complaints thereof may be attributable to exposure to a chemical or other toxic substance, and there is evidence to suspect a release of such substance, the President may undertake such investigations, monitoring, surveys, testing or other information gathering as are necessary to identify the existence and extent of the discharge or release or threat thereof, the hazardous substances involved, the source of such substance, and the danger to public health, welfare or the environment. As appropriate, the President may, in addition, undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as are necessary to determine and direct removal and remedial actions, to recover the costs of such removal and remedial actions, and to enforce the provisions of this Act.

(4) The President shall determine appropriate remedial action in consultation with the State.

On page 21, line 17, strike "(2)" and insert "(5)";

On page 22, line 1, strike "Disposal Site";

On page 22, line 3, strike "such" and insert "facilities or";

On page 22, line 4, after "sites" insert "at which hazardous substances have been disposed of or otherwise come to be located";

On page 22, line 7, strike "containing" and insert "remedying";

On page 22, line 9, after "such" insert "facilities or";

On page 22, line 12, strike "emergency response, containment" and insert "removal, remedy";

On page 22, line 23, after "such" insert facilities or";

On page 23, line 2, after "such" insert "facilities or";

On page 23, beginning with line 3, insert the following:

Such plan shall specify a role for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor. Such plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Clean Water Act.

On page 23, line 19, strike "evidence" and insert "information";

On page 23, line 20, after "transportation," insert "discharge, release,";

On page 23, line 22, after "health" insert "or welfare";

On page 23, line 25, after "person" insert "causing or";

On page 24, beginning with line 5, insert the following:

(e) In awarding contracts to any person engaged in removal or remedial actions, the Administrator shall require compliance with Federal health and safety standards by contractors and subcontractors as a condition of such contracts.

(f) Notwithstanding any other provision of law and subject to the authority of section 6 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purposes of this Act. Upon determination that such procedures are necessary to effect the purposes of this Act, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

On page 24, line 19, after "person" insert "otherwise";

On page 24, line 20, strike "(i)";

On page 24, line 21, strike "(ii)";

On page 24, line 24, before "the owner" insert "(i)";

On page 24, line 24, strike "an onshore or offshore" and insert "a facility";

On page 25, beginning with line 1, insert the following:

(ii) any person who at the time of disposal of any hazardous substance owned or operated any facility or site at which such hazardous substances are disposed of,

(iii) any person who by contract, agreement, or otherwise arranged for disposal, treatment, or transport for disposal or treatment by any other party or entity of hazardous substances owned or possessed by such person, at facilities or sites owned or operated by such other party or entity and containing such hazardous substances, and

(iv) any person who accepts any hazardous substances for transport to disposal or treatment facilities or sites selected by such person,

On page 25, line 16, strike "in violation of section 3(a) of this Act, including any release excluded from the definition of "discharge" under section 311(a)(2) of the Clean Water Act" and insert "or from which any pollutant or containment is released resulting in action under section 3(c)(1) of this Act";

On page 25, line 20, strike "and any other person who caused or contributed or is causing or contributing to such discharge, release, or disposal, including but not limited to prior owners, lessees, and generators, transporters, or disposers of such hazardous substances,";

On page 26, line 1, strike "containment, or emergency response" and insert "or remedial action";

On page 26, line 23, after "from" insert "personal injury or from";

On page 27, line 4, after "costs" insert "or burial expenses";

On page 27, line 14, after "State" insert a colon and the following:

Provided, however, That no liability to the United States or State shall be imposed under subsection (a)(2)(C) of this section, where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license.

On page 28, beginning with line 8, strike through and including line 24, and insert in lieu thereof the following:

(c)(1) LIABILITY FOR MEDICAL EXPENSES.—A person liable for the discharge, release, or disposal of any hazardous substance under this section shall be liable for medical expenses as defined in subsection (a)(2)(F) of this section where such expenses were incurred in the treatment of injury or disease which such discharge, release or disposal caused or to which it significantly contributed.

(2) RELEVANCY EXCLUSIONS.—In connection with any claim for medical expenses under paragraph (1) of this subsection, the court may admit as relevant to the issue of causation evidence tending to establish that the hazardous substance in question causes or contributes to injury or disease of the sort claimed to have been suffered by the claimant, including, but without limitation, evidence indicating (A) an increase of incidence of such injury or disease in the exposed population above that which is otherwise probable, (B) results of pertinent epidemiological studies (without regard to the size of the sample), (C) results of pertinent animal studies, (D) results of pertinent tissue culture studies, (E) results of pertinent microorganism culture studies, and (F) results of laboratory or toxicologic studies.

(3)(A) PRESUMPTION OF CAUSE.—In connection with any claim for medical expenses brought pursuant to subparagraph (1) of this subsection, where the claimant introduces evidence sufficient to enable the trier of fact to find (i) that the claimant was exposed to a hazardous substance found in a discharge, release, or disposal which the defendant caused or to which he contributed, (ii) such exposure was in a quantity or for a duration with respect to which there is a reasonable likelihood that it is sufficient to cause or significantly contribute to injury or disease of the class or type of which the claimant complains, and (iii) that there exists a reasonable likelihood that exposure to such substance causes or significantly contributes to injury or disease of the class or type which the claimant claims to have suffered, then it shall be presumed that defendant caused or significantly contributed to that injury or disease.

(B) The presumption defined in subparagraph (A) of this paragraph affects only the burden of going forward with the presentation of the case. Nothing in this paragraph shall affect the burden of proof which shall remain with the claimant in accordance with rule 301 of the Federal Rules of Evidence.

On page 30, line 22, after "extent" insert a comma and "both procedurally and substantively,";

On page 30, line 24, after "under" insert "this";

On page 30, line 24, strike, "of this Act";

On page 31, beginning with line 6, strike through and including line 13, and insert in lieu thereof the following:

(f)(1) In any case where a person held liable under this section can demonstrate by a preponderance of the evidence that (A) the contribution of such person to a discharge, release, or disposal of a hazardous substance can be distinguished or apportioned and (B) such contribution was not a significant factor in causing or contributing to the discharge, release, or disposal or the damages resulting therefrom, the liability of such person shall be limited to that portion of the release or damages to which such person contributed.

(2) In any action brought under this section or section 6(c) of this Act, a person held jointly and severally liable with one or more other persons is entitled to seek contribution from such persons to the extent of the proportionate liability of such persons. In any case where a person held liable under this section alleges that the discharge, release, or disposal or the consequent damages are solely or in part due to the act or omission of a third party, such person retains all rights against such third party and shall be entitled to join such third party as a defendant in an action under this section or section 6(c) of this Act.

(3) Any matter or action concerning limitation or apportionment of liability under paragraph (1) or contribution under paragraph (2) of this subsection shall occur following determination of liability under subsection (a) of this section and appropriate payment of claims to any claimant, except to the extent such matter may be resolved pursuant to Rule 56 of the Federal Rules of Civil Procedure. The claimant is not an indispensable party in such matter or action.

(4) In apportioning or limiting liability of any party under this section, the trier of fact may consider factors, including—

(i) the ability of the party to demonstrate that his contribution to a discharge, release, or disposal of a hazardous substance can be distinguished;

(ii) the amount of hazardous substance involved;

(iii) the degree of toxicity of the hazardous substance involved;

(iv) the degree of involvement in the manufacture, treating, transporting, disposing of the hazardous substance; and

(v) the degree of cooperation with Federal, State, or local officials to prevent any harm to the public health or the environment.

On page 33, line 7, strike "hazardous substance disposal site" and insert "facility or site at which hazardous substances are stored or disposed of";

On page 33, line 10, after "utilized for the" insert "storage or";

On page 33, line 11, after "utilized the" insert "facility or";

On page 33, line 12, after "time for the" insert "storage or";

On page 33, line 13, after "transported," insert "stored,";

On page 33, line 14, strike "emergency response or containment" and insert "removal or remedial action";

On page 33, beginning with line 21, insert the following:

(h) No person shall be liable under this Act for damages as a result of acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice in accordance with the National Contingency Plan or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the possibility thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(i) No indemnification, hold harmless, conveyance, or similar agreement shall be effective to transfer from the owner or operator of a facility, or from any person who may be liable for a release under this section, to any other person the liability imposed under this section: *Provided,* That this subsection shall not apply to a transfer in a bona fide conveyance of a facility or site (1) between two parties not affiliated with each other in any way, (2) where there has been an adequate disclosure in writing consistent with section 3(a)(4)(C) of this Act of all facts and conditions (including potential economic consequences) material to such liability, and (3) to a transferor who can provide assurances of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with such facility or site.

(j)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 5(k) of this Act when—

(A) such facility and the owner and operator thereof have complied with each condition or requirement of such permit and with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration off site or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator shall so notify the owner and operator of such facility and the administrator of the fund established by section 5(k) of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administator that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 5(k) of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period for monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(k) No person (including the United States or any State) may recover under the authority of this section for any removal costs or damages resulting from the field application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

(l) Recovery by any person (including the United States or any State) for removal costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance. In addition, costs of removal incurred by the Federal Government in connection with a discharge specified in section 2(b)(18) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(m) Recovery by any person (including the United States or any State) for removal costs or damages resulting from a substance determined to be hazardous only under section 2(b)(13)(G) of this Act and not responded to by the President under section 3(c)(1)(B) of this Act, shall be pursuant to other applicable law in lieu of this section. Nothing in this subsection shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

(n)(1) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund be used under section 6 of this Act for the payment of any claim, for damages specified under subsection (a)(2) (A), (B), (C), (D), (G), or (E) (other than for loss resulting from personal injury) of this section, nor may any money in the Fund be used under section 6(a)(1) (E) or (F) of this Act, where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund be used under section 6 of this Act for the payment of any claim, for damages specified under subsection (a)(2)(F) of this section, or under subsection (a)(2)(E) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, and the claimant has discovered or has knowledge of his injury or disease prior to such date.

(3) No person (including the United States, the Fund, or any State) may recover under the authority of this section for damages specified under subsection (a)(2)(F) of this section or under subsection (a)(2)(E) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, but the claimant has not discovered or had knowledge of his injury or disease until after such date.

(4) For the purposes of this subsection, the costs of temporary or permanent relocation of residences and provision of alternative water supplies shall be deemed costs of removal and not damages specified in subsection (a)(2)(A) of this section.

(5) Nothing in this subsection shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

On page 40, beginning with line 8, strike through and including the word "Fund" in line 11;

On page 40, line 15, after "(1)" insert "(b)";

On page 40, line 16, strike "(1)" and insert "(A)";

On page 40, line 17, strike "(2)" and insert "(B)";

On page 40, line 19, strike "(3)" and insert "(C)";

On page 40, beginning with line 21, insert the following:

(D) amounts appropriated to the Fund pursuant to paragraph (3) of this subsection;

(E) all moneys transferred to the Fund under section 9(d)(4) of this Act;

(F) all interest received from the investment of moneys held by the Fund pursuant to subsection (h)(2).

(2) The total amount which may be collected in fees under subsection (c) shall not exceed—

(A) $250,000,000 for fiscal year 1981,

(B) $525,000,000 for fiscal year 1982, and

(C) $700,000,000 for each of fiscal years 1983 through 1986.

(3) There are authorized to be appropriated to the Fund for the fiscal year—

(A) 1981, $35,000,000,

(B) 1982, $75,000,000,

(C) 1983 and each fiscal year thereafter through 1986, $100,000,000.

On page 41, beginning with line 16, strike through and including page 44, line 2, and insert in lieu thereof the following:

(c)(1) In order to allocate the costs as broadly as possible among those who may generate, distribute, transport, dispose, or benefit from the use of hazardous substances while minimizing the burden of collection, fees shall be imposed early in the manufacturing cycle on the basic elements and compounds from which hazardous substances are generated. Beginning one hundred and eighty days after the enactment of this Act—

(A) each supplier of primary petrochemicals shall collect a fee established in accordance with this section on behalf of the Fund for each pound of primary petrochemicals supplied to any other person or used by such supplier,

(B) each supplier of inorganic raw materials shall collect a fee established in accordance with this section on behalf of the Fund for each short ton of inorganic raw materials supplied to any other person or used by such supplier, and

(C) each owner of a refinery receiving crude oil or unfinished petroleum oil shall pay a fee established in accordance with this section per barrel of oil received, each owner of petroleum oil for export shall pay a fee established in accordance with this section per barrel of oil exported at the point of export or loading for export, and each owner of petroleum oil for entry into the United States shall pay a fee established in accordance with this section per barrel of oil entered at the point of entry or unloading for entry, whether for import or transfer to a foreign country.

(2)(A) Under regulations promulgated by the Secretary of the Treasury, the fees in paragraph (1) of this subsection shall be imposed on the basis of a schedule of rates established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, consistent with subsections (d) and (e) of this section. The schedule of rates may be modified annually in accordance with this section, but in no event shall the fee exceed 2 per centum of the list price of the primary petrochemical, inorganic raw material, or petroleum oil when sold at arms length.

(B) No regulation that establishes fees promulgated by the Secretary of the Treasury, nor any modification of such a regulation, whether or not in effect, may be stayed by any court pending completion of judicial proceedings for the review of that regulation or modification.

(C) Any fees shall be imposed only once under this subsection on any quantity of petroleum oil, primary petrochemical, or inorganic raw material, except that any fee imposed on any quantity of refined petroleum used as a feedstock or a primary petrochemical shall be added, once and only once, to the fee imposed on that quantity pursuant to paragraph (1)(C) of this subsection.

(d)(1) The fee imposed on any primary petrochemical shall not exceed $20 per short ton of primary petrochemical: *Provided, however,* That the aggregate amount of such fees shall not exceed such amount as is necessary to produce revenues equal to, for the fiscal year—

(A) 1981, $162,000,000,

(B) 1982, $338,000,000, and

(C) 1983, and each fiscal year thereafter through 1986, $450,000,000 or such amount as determined by regulation pursuant to subsection (e)(1)(A) of this section.

(2) The fee imposed on any inorganic raw material shall not exceed $10 per short ton

of inorganic raw material: *Provided, however*, That the aggregate amount of such fees shall not exceed such amount as is necessary to produce revenues equal to, for the fiscal year—

(A) 1981, $50,000,000,

(B) 1982, $112,000,000, and

(C) 1983, and each fiscal year thereafter through 1986, $150,000,000, or such amount as determined by regulation pursuant to subsection (e) (1) (A) of this section.

(3) The fee imposed on any crude or unfinished petroleum oil shall not exceed 3 cents per barrel of petroleum oil received, exported or entered: *Provided, however*, That the aggregate amount of such fees shall not exceed such amount as is necessary to produce revenues equal to, for the fiscal year—

(A) 1981, $38,000,000,

(B) 1982, $75,000,000, and

(C) 1983, and each fiscal year thereafter through 1986, $100,000,000, or such amount as determined by regulation pursuant to subsection (e) (1) (A) of this section.

(4) Beginning in fiscal year 1981 and until modified pursuant to subsection (c) (2) (A) of this section, the fee imposed on primary petrochemicals, inorganic raw materials, and petroleum oil shall be—

[Dollars per short ton]

Acetylene	3.88
Benzene	3.88
Butane	3.88
Butylene, excluding that portion used to make butadiene	3.88
Butadiene	3.88
Ethylene	3.88
Methane, excluding that portion used to make ammonia	3.44
Naphthalene	3.88
Propylene	3.88
Toluene, excluding that portion used to make benzene	3.88
Xylene	3.88
Antimony	2.66
Antimony trioxide	2.24
Antimony sulfide	1.94
Arsenic	2.66
Arsenic trioxide	2.04
Barium sulfide	2.18
Bromine	2.66
Cadmium	2.66
Chlorine	2.66
Chromium	2.66
Chromite	1.12
Potassium dichromate	1.02
Sodium dichromate	1.12
Cobalt	2.66
Copper sulfate	2.13
Cupric oxide	2.14
Cuprous oxide	2.37
Hydrochloric acid	0.18
Hydrogen fluoride	2.53
Lead	2.66
Lead oxide	2.48
Mercury	2.66
Nickel	2.66
Nitric acid, excluding that portion used to make fertilizers	0.15
Phosphorous	2.66
Phosphoric acid, excluding that portion used to make fertilizers	0.18
Potassium hydroxide	0.11
Sodium hydroxide	0.11
Sulfuric acid, excluding that portion used to make fertilizers	0.16
Stannous chloride	1.51
Stannic chloride	1.13
Zinc	2.34
Zinc oxide	1.90
Ammonia, excluding that portion used to make fertilizers or used to make nitric acid	0.11

[Cents per barrel]

Petroleum oil	0.13

(e) (1) Beginning three years after the fee is first initiated and biannually thereafter, the Secretary of the Treasury may, in consultation with the Administrator of the Environmental Protection Agency, adjust by regulation the amount of the fee to better reflect the claims experience of the Fund for any primary petrochemical, inorganic raw material, or petroleum oil subject to a fee under this section. In making such adjustments, the Secretary shall, to the extent reasonably practicable, modify the fee so that:

(A) the percentage of the total annual moneys collected is approximately proportional to the incidence, as estimated from available information, of all primary petrochemicals, of all inorganic raw materials, and of crude oil (and their intermediates, final products and wastes) in releases requiring fund expenditures for each of these three classes;

(B) the fee rate for each primary petrochemical, inorganic raw material, and crude oil subject to the fee is approximately proportional to its (including intermediates, final products and waste) incidence, as estimated from available information, in releases requiring fund expenditures.

(2) In modifying the fee rate pursuant to paragraph (1) (B) of this subsection:

(A) If in the first three years a substance (its intermediates, final products, or wastes) has not been found in any releases requiring fund expenditures, the fee for that substance shall be set at the lowest rate applicable to any substance subject to the fee and that rate shall apply until the next biannual adjustment.

(B) If by the second biannual fee adjustment or any subsequent biannual fee adjustment, a substance (its intermediates, final products, and wastes) has not been found in any releases requiring fund expenditures, the fee for that substance may be set at zero, except that, if expenditures from the fund are subsequently required for a substance with a fee rate of zero, the Secretary may, by rule, reimpose a fee in the next annual fee collection period.

(C) The Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, may, where appropriate, distinguish among industrial categories to better appropriate the expenditure experience of the Fund. If it is concluded that (i) a particular industrial category and its suppliers have not caused or contributed significantly to releases of such substances requiring Fund expenditures; (ii) substances typical of those used by the industrial category or its suppliers have not been present significantly in releases of unknown origin from any facility or site where hazardous substances are stored or disposed and which have resulted in fund expenditures; and (iii) distinguishing among industrial categories would not preclude passing the fee on to ultimate consumers of hazardous substances present in releases, then such industrial category shall not be subject to a fee on the particular primary petrochemical, inorganic raw material or crude oil.

(3) Prior to the first adjustment of fee rates provided for in paragraph (1) (B) of this subsection, the fertilizer production industry is conclusively presumed to not impose significant costs upon the Fund and to be subject to a fee rate of zero. In implementing such paragraph, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether such fee rate requires adjustment to reflect the Fund's actual expenditure experience.

(4) Prior to the first adjustment of fee rates provided for in paragraph (1) (B) of this subsection, the fee on copper shall be imposed only on copper sulfate, cupric oxide, and cuprous oxide. In implementing this section, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall determine, pursuant to paragraph (1) (B) of this subsection, whether a fee should be imposed by rule on copper or additional copper compounds to reflect the Fund's actual expenditure experience. Copper which is exported shall be exempt from any fee.

(f) (1) In order to provide suppliers an economic incentive for the recycling and reuse of primary petrochemicals and inorganic raw materials, the Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency, may by rule reduce the fee which would otherwise be imposed under this section in proportion to the extent that the Secretary determines any portion of that primary petrochemical or inorganic raw materials to be—

(A) removed from the waste stream of a production process and recycled in such production process; reintroduced into the production of substances subject to the fee; or used as a source of fuel or other energy when used onsite or sold to other persons;

(B) derived from recycled material; or

(C) produced solely as a byproduct of pollution controls and used onsite or sold to other persons.

(2) No reduction in fees under paragraph (1) of this subsection may exceed the amount of the fee which would otherwise be imposed under this section on the sale or use of such primary petrochemical or inorganic raw material.

(g) Any fees imposed by subsection (c) shall be assessed and collected by the Secretary of the Treasury or his delegate, and the provisions of subtitle F of the Internal Revenue Code of 1954 shall apply to the assessment and collection of such fee as if such fee were a tax described in chapter 32 of such Code.

On page 52, line 19, strike "(d)" and insert "(h)";

On page 52, line 21, after the period, insert the following:

In any fiscal year, two-thirds of the money credited to the Fund as provided in subsection (b) (2) and (3) shall be available only for—

(A) costs of removal as provided under section 6(a) (1) (A), (B), (C), and (G);

(B) all other costs as provided for under section 6(a) (1) (C), (D), (E), (F), (H), (I), (J), (L), and (P); and

(C) that portion of administrative and personnel costs under section 6(a) (1) (K) which are incident to the costs in subparagraphs (A) and (B) of this paragraph.

On page 53, line 9, strike "above the level determined under paragraph (1),";

On page 53, beginning with line 17, insert the following:

(3) The Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, may use any excess in the Fund to purchase private reinsurance. Any such reinsurance shall be for the sole purpose of increasing the ability of the Fund to meet potential obligations as provided in section 6. Any contract to purchase such reinsurance made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a determination by the Secretary that advertising is not reasonably practicable.

(i) (1) Moneys recovered, collected, transferred, or loaned which are referred to in subsection (b) (1) and in paragraph (2) of this subsection, shall, as necessary, increase the moneys in the Fund provided by subsection (b) (2) and (3) to the extent necessary to meet the potential obligations of the Fund as determined by the President. All moneys credited to the Fund in any fiscal year shall remain available until expended.

On page 54, line 11, strike "(e)" and insert "(2)";

On page 55, beginning with line 12, insert the following:

(3) In any one fiscal year, any notes or other obligations authorized to be issued un-

der paragraph (2) of this subsection shall not exceed in amount the total of fees and appropriations authorized by subsection (b) (2) and (3) of this section for the subsequent fiscal year. Except as necessary to provide the costs of removal in the first two years after imposition of a fee under this section or to provide the costs of removal for one or more unanticipated catastrophe releases, the proceeds of any notes or obligations issued pursuant to paragraph (2) of this subsection shall not be used for the purposes identified in subsection (h)(1) (A), (B), and (C).

On page 55, beginning with line 23, strike through and including page 56, line 17, and insert in lieu thereof the following:

(j) Within four years after the fee is first initiated, the Administrator of the Environmental Protection Agency, after consultation with the Secretary of the Treasury and the Secretary of Transportation, shall submit a report on the fee system to the Congress. Opportunity shall be provided for public review and comment. The report shall make recommendations on any statutory changes which would further assure that, to the extent practicable, the burden of the fee system is on those substances and parties who create the problem addressed by this Act and that the costs of the fees are distributed as broadly as possible through the economy. Such recommendations should also address changes which would reduce administrative and reporting burdens. The report shall consider the feasibility of a variable fee which takes into account the likelihood of a discharge or release and the operational experience of classes so that incentives to proper handling and disincentives to improper or illegal handling or disposal of hazardous substances are maximized. In addition, the report shall provide the following information: (1) a summary of past disbursements from the Fund; (2) a projection of any future funding needs remaining after expiration of authority to impose fees and of the threat to public health, welfare and the environment posed by the releases creating such needs; (3) the record and experience of the Fund in recovering Fund disbursements from liable parties; and (4) the record of State participation in response and compensation.

(k)(1) There is hereby established in the Treasury of the United States a Post-closure Liability Fund, not to exceed $200,000,000. Such fund shall be administered by the President and the Secretary of the Treasury, as specified in this section.

(2) Beginning six months after the enactment of this Act, the Secretary of the Treasury shall collect from the owner or operator of each hazardous waste disposal facility which has received a permit or is accorded interim status under subtitle C of the Solid Waste Disposal Act, a fee on each unit of hazardous waste received at such facility, which will remain at such facility after such facility is closed in accordance with the requirements of such subtitle C. Such fee may reflect the relative hazard, including persistence of hazard, of such hazardous wastes, as determined in the discretion of the Administrator of the Environmental Protection Agency. For wastes of large volume and relatively low hazard, such fee shall reflect the relative hazard. Such fee shall initially be established at levels adequate to provide a fund of $200,000,000 five years after collection of such fee begins.

(3) Subsections (c)(2)(B), (g), (h)(2), and (i)(2) of this section shall apply to the Post-closure Liability Fund.

(4) Any modification of the fee under this subsection shall be designed to assure that the Post-closure Liability Fund is maintained at a level adequate to meet potential obligations, and not less than $100,000,000 nor, taking into account imminent obligational requirements, more than $200,000,000.

(5) Not later than three years after enactment of this Act, the President shall, after opportunity for public comment and consultation with States and affected private interests, submit recommendations to the Congress on any further legislation or amendments which may be necessary to assure that risk to public health and welfare and the environment from closed waste disposal facilities is minimized. Recommendations shall include, but not be limited to, the adequacy of the size of the Fund established by this subsection; and the appropriate division of responsibility among the Fund, State and iocal governments, and owners and operators of facilities for care of such facilities in perpetuity.

(6) The President shall appoint an advisory committee of State and local officials and owners or operators of facilities from which the fee provided in paragraph (2) of this subsection is collected, to observe and report to the President and the Congress on the administration of the Post-closure Liability Fund and the appropriateness of disbursements from such fund.

(l) For the purposes of this section, the term—

(1) "barrel" means forty-two United States gallons at 60 degrees Fahrenheit;

(2) "primary petrochemical" means only the following: acetylene; benzene; butane; butylene excluding that portion used to make butadiene; ethylene; methane excluding that portion used to make ammonia and acetylene; naphthalene; propylene; toluene excluding that portion used to make benzene; and xylene.

(3) "inorganic raw material" means only the following:

(A) antimony and the equivalent weight of antimony in antimony trioxide and antimony sulfide; arsenic and the equivalent weight of arsenic in arsenic trioxide; the equivalent weight of barium in barium sulfide; cadmium, chromium and the equivalent weight of chromium in chromite and potassium dichromate and sodium dichromate; cobalt; copper (except as provided in subsection (e)(4) of this section); lead and the equivalent weight of lead in lead oxide; mercury; nickel; the equivalent weight of tin in stannic chloride and stannous chloride; zinc and the equivalent weight of zinc in zinc oxide;

(B) chlorine, bromine; and the equivalent weight of flourine in hydrogen fluoride;

(C) phosphoric acid; sulfuric acid; hydrochloric acid; nitric acid; potassium hydroxide; and sodium hydroxide in hydrogen fluoride;

(D) elemental phosphorous; and

(E) ammonia excluding that portion used to make nitric acid;

(4) "refinery" means a permanently situated facility, located in the United States, which receives crude petroleum oil for the purpose of refinement;

(5) "supplier" means any person who produces, manufactures, or imports primary petrochemicals or inorganic raw materials and either provides, through sale or any other means, such primary petrochemicals or inorganic raw materials to other persons, or uses such primary petrochemicals and inorganic raw materials himself; and

(6) "petroleum oil" means petroleum, including crude petroleum or any fraction or residue therefrom, other than carbon black.

On page 61, line 20, after "damages" insert "under section 4(a)(2) (C), (E), or (F)";

On page 61, line 25, after "damage" insert "under section 4(a)(2) (C), (E), or (F)";

On page 62, line 3, strike "containment or emergency response" and insert "remedial action";

On page 62, line 13, after "Clean Water Act," insert "and needed to supplement equipment and services available through contractors or other non-Federal entities,";

On page 63, line 5, after "damages" insert "under section 4(a)(2) (C), (E), or (F)";

On page 63, line 9, strike "or to a delegation" and insert "and a contract";

On page 63, line 14, strike "hazardous substance disposal sites" and insert "releases, discharges, and disposal of hazardous subtances";

On page 63, line 20, strike "Federal Water Pollution Control Act" and insert "Clean Water Act";

On page 64, line 5, after "lost" insert "natural";

On page 64, line 10, after "dispersal," insert "remedial action,";

On page 64, line 20, strike "hazardous substance disposal sites" and insert "facilities or sites at which hazardous substances are present";

On page 64, line 22, strike "containment" and insert "remedy";

On page 65, line 3, strike the period and insert a semicolon;

On page 65, beginning with line 4, insert the following:

(L) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances are suffering from long-latency diseases;

(M) the reasonable costs of expert witnesses employed by claimants in actions to recover damages under section 4 of this Act, to the extent authorized by the court, and the costs of neutral expert panels which may be established in such actions by the court, sua sponte or on the motion of any party;

(N) payment of any claim for any capital loss or loss of income by an agricultural producer or processor due to destruction or loss of value of any livestock products, any poultry or eggs, any agricultural commodities (including grain, feed, or produce), or any orchard or cropland, forestland, rangeland, or pastureland taken out of production, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1974;

(O) payment of any claim for any capital loss or loss of income by a harvester or processor of fish or seafood due to destruction or loss of value of any fishery stock, any harvested fish or seafood, or any fish or seafood product, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1978;

(P) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance discharges, releases, or disposals. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

On page 67, line 8, strike "any removal costs" and insert "the costs of any remedial action";

On page 67, line 9, after "release" insert a comma and "or disposal";

On page 67, line 10, strike "from a hazardous waste disposal site not in compliance with a permit under subtitle C of the Solid Waste Disposal Act, other than the costs of emergency response";

On page 67, line 13, after "in which the" insert "facility or";

On page 67, line 16, strike "containment measures" and insert "removal and remedial actions";

On page 67, line 17, strike "containment" and insert "such actions";

On page 67, line 19, after "Administrator" insert "and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act";

On page 67, line 24, strike "removal; and" and insert "remedial action;";

On page 68, line 1, after "appropriate," insert "taking into account the degree of culpability and financial capability of the State or political subdivision,";

On page 68, line 3, strike "containment" and insert "removal or remedial action";

On page 68, line 5, after "disposal" insert "facility or";

On page 68, line 6, after "State" insert a semicolon and the following:

and (v) such State will assure that adequate measures will be taken or provided to protect the health and safety of State employees and of employees of contractors and subcontractors engaged in removal, remedy, and other response activities covered by this Act in accordance with the program for health and safety protection of employees under paragraph (1)(P) of this subsection. The President shall reduce the State share under clause (iii) of this subparagraph by the amount of documented direct out-of-pocket costs of removal and claims for damages payable under section 4(a)(2) (C), (E), and (F) of this Act which such State or a political subdivision thereof has paid with non-Federal funds since January 1, 1978, and before the enactment of this Act. Nothing in this section shall prevent a State or political subdivision thereof from bringing an action to recover from any person who is liable, pursuant to any law, any sums expended by a State or its political subdivision pursuant to this subsection.

On page 68, line 24, after "President" insert a comma and "after consultation with State and local governments,";

On page 68, line 25, after "identify" insert "and publish";

On page 69, line 1, beginning with "national" strike through and including the word "response," in line 6, and insert in lieu thereof the following:

criteria for determining priorities among releases or threatened releases throughout the United States (aa) for the purpose of taking remedial action, and (bb) to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. In establishing such criteria, the President shall consult, as appropriate, with affected private interests, including exposed populations. A list identifying priorities among known disposal facilities or sites or other releases for the purpose of taking remedial action shall be published not later than ninety days after the date of enactment of this Act and shall be revised at least annually thereafter. Criteria and priorities under this clause shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President,

On page 69, line 22, strike "the significance of the threat to public health, safety, and the environment;";

On page 69, line 25, after "such" insert "facilities or";

On page 70, line 5, strike "factors; and" and insert the following "factors. In establishing national priorities the President shall consider any priorities established by the States under subparagraph (C) of this paragraph;".

On page 70, line 11, strike "from a hazardous waste disposal site";

On page 70, line 13, strike "emergency response and containment" and insert "removal and remedial action in accordance with priorities established under clause (i)";

On page 70, line 16, strike "response and containment" and insert "measures";

On page 70, beginning with line 18, insert the following:

(C) Within twelve months after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President, priorities for remedial action among releases and potential releases in that State which present, or may present, a substantial threat to public health or the environment. Such priorities shall be established in accordance with the criteria published under clause (i) of subparagraph (B) and consistent with the National Contingency Plan as revised under section 3(c) of this Act.

(3)(A) Payment of any claim for out-of-pocket medical expenses under this section shall be limited to those incurred from the time of initial exposure to a hazardous substance in a discharge, release, or disposal, until six years following discovery of such exposure.

(B) Except as provided in paragraphs (1) (N) and (O) of this subsection, payment of any claim for calculable direct lost wages or personal income under section 4(a)(2)(E) of this Act shall be limited to 100 per centum of the actual net amount lost in the first year following the commencement of such loss and 80 per centum of the actual amount lost in the second year following the commencement of such loss.

(4) Except as provided in paragraph (1) (N) and (O) of this subsection, the fund shall not be used for the payment of any claims for damages under section 4(a)(2) (A), (B), (D), (E), (F), or (G) resulting from the field application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

(5)(A) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President may, in his discretion, defer payment of all claims or of any class of claims, make partial payment on a prorated basis to each affected claimant, or provide for the payment of claims on a priority basis determined under regulation as to relative hardship to claimants.

(B) Paragraph (1) (C), (E), (F), (L), and (M) of this subsection shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

On page 72, line 17, strike "cooperative agreement" and insert "contract";

On page 73, line 7, strike "onshore or offshore";

On page 73, line 9, strike "onshore or offshore";

On page 73, line 10, strike "five" and insert "fifteen";

On page 73, line 15, strike "onshore or offshore";

On page 73, line 20, strike "onshore or offshore";

On page 74, beginning with line 3, insert the following:

(E) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under this paragraph or subsection (c) of this section only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty or other evidence of financial responsibility furnished under section 7 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided,* That this subsection shall not alter the liability of any person under section 4 of this Act.

(F) The Fund administrator shall promptly review each claim application and enter an order which shall, within ninety days of application, either certify or deny certification as to the injury of the applicant. In making the determination, the Fund administrator may require any medical tests or examinations of the claimant as deemed necessary to confirm the diagnosis or determination of the injury. The Fund administrator may similarly require documentation, verification, and authentication of the amount of any claim for benefits.

(G) Any injured party who has filed a timely claim shall be entitled to benefits (by way of payment or reimbursement) for all medical costs pursuant to section 4(a)(2) (F) associated with the injury for which certification has been made by the Fund administrator. Such benefit shall be paid within sixty days of certification: *Provided, however,* That no award for medical benefits other than diagnostic services shall be made unless the injured party's medical expenses shall have been or will be at least $300.

(H)(i) Except as provided in clause (ii) of this subparagraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Fund and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) upon a determination by the President that advertising is not reasonably practicable. The President shall establish procedures under subparagraph (A) of this paragraph for the approval and payment of claims. When the services of a State agency are used in processing and settling claims, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(ii) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to process claims against the Fund.

(iii) Without regard to subsection (b) of section 556 of title 5, United States Code, the President is authorized to appoint, from time to time for a period not to exceed one hundred and eighty days, one or more individuals or, in the discretion of the President, panels, each comprised of three individuals, to hear and decide disputes regarding certifications, denials, or benefits which are filed by claimants. Such individuals or panel members may be appointed from the private sector or from any Federal agency except the staff administering the Fund. Each individual or panel member appointed from the private sector shall receive a per diem compensation, and each individual or panel member shall receive necessary travel and other expenses while engaged in work under this clause. The provisions of chapter 11 of title 18, United States Code, and of Executive Order 11222, as amended, regarding special Government employees, apply to individuals or panel members appointed from the private sector.

On page 76, line 21, strike "(E)" and insert "(1)";

On page 76, line 23, strike "six" and insert "three";

On page 76, line 24, after "loss" insert "or the date of enactment of this Act, whichever is later";

On page 77, beginning with line 1, insert the following:

(J) The remedies in this Act shall be deemed to be cumulative and not exclusive. Nothing in this Act shall require or be deemed to require pursuit of any claim against the Fund as a condition precedent to any other remedy.

On page 77, line 9, strike "or release" and insert "release, or disposal";

On page 77, line 12, strike "or release" and insert "release, or disposal";

On page 77, line 20, strike "only" and insert "any";

On page 79, line 9, strike "or release" and insert "release, or disposal";

On page 80, line 6, strike "Federal Water Pollution Control Act" and insert "Clean Water Act";

On page 80, beginning with line 7, insert the following:

(f) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under section 4(b) of this Act or subsection (a)(1)(F) of this section for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(g) In the case of any discharge, release, or disposal in which the President has not taken action under section 3(c) of this Act, the United States Government shall not seek damages under this Act or bring an action to recover damages under this Act unless the discharge, release, or disposal presented a substantial danger to public health or welfare or caused a significant amount of damages.

On page 81, line 3, strike "(f)" and insert "(h)";

On page 81, line 3, strike "Comptroller General" and insert "Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated";

One page 81, line 9, strike "The Comptroller General" and insert "Each such Inspector General";

On page 81, line 13, strike "The Comptroller General" and insert "Each such Inspector General";

On page 81, line 15, strike "Comptroller General" and insert "Inspector General";

On page 81, beginning with line 17, insert the following:

(i) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a)(1) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 4(j) of this Act, and, in addition, for payment of any claim or appropriate request for costs of removal, damages, or other compensation for injury or loss under section 4 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(j) No grant or contract for removal, remedy, remedial action, or other response to a discharge, release, or disposal of a hazardous substance under this Act shall be made unless the President finds that the grant or contract contains or is supported by reasonable assurance that all laborers and mechanics employed by grantees, contractors or subcontractors on projects of the type covered by the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with that Act; and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. 133z-5) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

On page 82, line 25, strike "Federal Water Pollution Control Act" and insert "Clean Water Act";

On page 83, line 2, after "substances" insert "(other than as defined in section 2(b)(13)(G) of this Act";

On page 83, beginning with line 14, strike through and including line 23, and insert in lieu thereof the following:

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) Financial responsibility requirements shall be in addition to those of existing law and for rolling stock comparable to those required for vessels under subsection (a) of this section. The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, court settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of no less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

On page 85, line 8, strike "(2)" and insert "(4)";

On page 85, line 13, after "Sec. 8." insert "(a)";

On page 85, line 15, after "discharge" insert a comma and "release, or disposal";

On page 85, beginning with line 18, insert the following:

(b) Any person who receives compensation for removal costs or damages pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages as provided in this Act.

On page 87, beginning with line 20, insert the following:

(e) In any case in which any provision of section 311 of the Clean Water Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

EMPLOYEE PROTECTION

SEC. 10. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filled or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorneys fees) as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who, acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter. The President shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days' notice, and shall at such hearing require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

On page 91, line 5, strike "10" and insert "11";

On page 91, line 7, after "Act" insert a comma and "other than for the Postclosure Liability Fund,";

On page 91, beginning with line 10, insert the following:

EXPIRATION

SEC. 11. (a) The authority to establish and collect fees pursuant to section 5 of this Act and the authority to obligate funds pursuant to section 6 of this Act, other than for the Postclosure Liability Fund, shall expire October 1, 1986.

(b) Any expenditure under section 6 of this Act, other than those involving the balance of the contingency fund established under section 311(k) of the Clean Water Act and transferred to the Fund under section 9(d)(4) of this Act, shall be made after October 1, 1980, for any claim arising before such date.

SEPARABILITY

SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Emergency Response Act".

PURPOSE AND DEFINITIONS

SEC. 2. (a) It is the intent of the Congress that this Act shall apply to hazardous substance disposal sites, facilities and areas and to releases of hazardous substances from vessels and facilities (including rolling stock) into the navigable waters, groundwater, public water supply, or air, or onto land.

(b) For the purposes of this Act—

(1) the terms "discharge", "vessel", "public vessel", "United States", "owner or operator", "remove" or "removal", "contiguous zone", "onshore facility", and "offshore facility," shall have the meaning provided in section 311(a) of the Clean Water Act;

(2) the terms "State", "person", "navigable waters", and "territorial seas" shall have the meaning provided in section 502 of the Clean Water Act;

(3) the terms "disposal", "hazardous waste", and "hazardous waste generation" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act and the terms "generator" and "transporter" shall have the meaning apparent under subtitle C of the Solid Waste Disposal Act;

(4) the term "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(5) the term "claim" means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from a discharge, release, or disposal of a hazardous substance;

(6) the term "claimant" means any person who presents a claim for compensation under this Act;

(7) the term "remedial action" or "remedy" means those actions consistent with eventual permanent remedial action taken in the event of a discharge or release or significant threat of discharge or release of a hazardous substance other than from a hazardous substance disposal facility in compliance with a permit under subtitle C of the Solid Waste Disposal Act, to prevent or minimize the discharge or release of hazardous substances so that they will not migrate to cause substantial danger to present or future public health or welfare, or to the environment. The term includes, but is not limited to, such onsite actions as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous substances, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, the repair and replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residences, businesses, and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances, or the provision of permanent alternative drinking water supplies unless the President determines that such actions (A) are more cost-efficient than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those hazardous substances at the affected facility or site; (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such hazardous substances; or (D) will result in less environmental impact than onsite remedial actions at such site;

(8) the term "damages" means damages for economic loss or personal injury or the loss of natural resources as specified in section 4(a)(2) of this Act;

(9) the term "facility" means (A) any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located;

(10) the term "Fund" means the Hazardous Substance Response Fund established under section 5 of this Act, or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 4(j) of this Act, the Post-closure Liability Fund established under section 5(k) of this Act;

(11) the term "groundwater" means water in a saturated zone or stratum beneath the surface of land or water;

(12) the term "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act or section 311(p) of the Clean Water Act;

(13) the term "hazardous substance" means (A) any hazardous substance designated under section 311(b) of the Clean Water Act, (B) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (C) any toxic pollutant listed under section 307(a) of the Clean Water Act, (D) any hazardous air pollutant listed under section 112 of the Clean Air Act, (E) any imminently hazardous chemical substance or mixture as that term is defined in section 7 of the Toxic Substances Control Act, (F) any substance or mixture which may be designated under section 3(a)(2) of this Act, and (G) any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and fractions thereof which are not otherwise specifically listed or designated as hazardous substances under suparagraphs (A) through (F) of this paragraph;

(14) the term "natural resources" includes land, fish, wildlife, biota, air, water, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15)(A) in the case of any abandoned site, the term "owner or operator" shall include the person who owned or operated or otherwise controlled activities at such facility or site immediately prior to such abandonment or at the time of any discharge, release, or disposal of a hazardous substance;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the generator of such hazardous substance shall not be considered to have caused or contributed to any discharge or release during such transportation which resulted solely from circumstances or conditions beyond his control;

(16) the term "release" means—

(A) any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping into the environment, or

(B) any other release into the environment which presents or may present a substantial danger to the public health or welfare or the environment.

Such term shall not include—

(i) any release which results in exposure to persons solely within the workplace, with respect to a claim for which the employer of such persons is liable under applicable worker's compensation law;

(ii) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, to the extent such release is covered by financial protection required by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 3(c) or any other removal or remedial action, from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978;

(iii) the normal field application of fertilizer; or

(IV) emissions from the exhaust of a motor vehicle;

(17)(A) the term "removal costs" or "costs of removal" means (i) costs incurred under section 311 (c), (d), (e), (b)(6) (C) or (D), or (f)(4) of the Clean Water Act in connection with a hazardous substance (as defined in this Act), (ii) costs incurred under section 504(b) of the Clean Water Act, and (iii) other costs of measures taken to prevent, minimize or mitigate damages or substantial danger to the public health or welfare or the environment associated with the discharge, release, or disposal or threatened discharge, release, or disposal of a hazardous substance or to clean up or remove a hazardous substance from the environment, including the costs of remedy or remedial action and the costs of carrying out section 3(c)(3) of this Act;

(B) as part of the meaning of "remove" or "removal" under section 311(a) of the Clean Water Act and subparagraph (A) of this paragraph, such terms include, but are not limited to, security fencing or other measures to limit access; provision of alternative water supplies; temporary evacuation and housing of threatened individuals not otherwise provided; and any emergency assistance which may be provided under the Disaster Relief Act of 1974; and

(18) the term "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Clean Water Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Clean Water Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Clean Water Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Clean Water Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act, as amended, from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, as amended, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title 1, Part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated or approved under these sections, and (I) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, as amended, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954, as amended.

RELEASE, NOTICE, PENALTY, RESPONSE

SEC. 3. (a)(1) For the purposes of this Act, the Congress hereby finds and declares that the manufacture, use, transportation, treatment, storage, disposal, and release of hazardous substances are ultrahazardous activities.

(2) The President shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 2(13) of this Act, such elements and compounds which, when discharged or released in any quantity into the environment, may present substantial danger to the public health or welfare or the environment, and, if the President deems it appropriate, in such regulations may determine those quantities set that quantity of any such hazardous substance the discharge or release of which may be harmful to the public health or welfare or the environment.

(3)(A) Any person (including, for purposes of this subparagraph, any agency or department of the United States Government) in charge of a vessel or any public vessel owned by the United States or a State or political subdivision thereof or an onshore facility or an offshore facility shall, as soon as such person has knowledge of any discharge, release, or disposal of a hazardous substance from such vessel or facility other than a federally permitted release, immediately notify the appropriate agency of the United States Government of such discharge, release, or disposal.

(B) Any person—

(i) in charge of a vessel from which a hazardous substance (other than as defined in section 2(b)(13)(G) of this Act) is discharged or released, in violation of this subsection other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(ii) in charge of a vessel from which a hazardous substance (other than as defined in section 2(b)(13)(G) of this Act) is discharged or released other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the discharge or release, or

(iii) in charge of an onshore facility or an offshore facility from or at which a hazardous substance (other than as defined in section 2(b)(13)(G) of this Act) is discharged, released, or disposed of in, other than a federally permitted release

who fails to notify immediately the appropriate agency of the United States Government as soon as such person has knowledge of such release, discharge, or disposal shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both.

(C) Within twenty-four hours of receipt of any notification required by subparagraph (B) (i) or (iii) of this paragraph, the administrator of said agency shall notify the affected State agency or department designated by the Governor to receive notice of such discharge, release or disposal.

(4)(A) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates, or has reason to believe that he or she may be subject to liability for, a facility or site at which hazardous substances (other than as defined in section 2(b)(13)(G) of this Act) are stored or disposed of which is not in compliance with a permit or accorded interim status under subtitle C of the Solid Waste Disposal Act shall notify the Administrator of the Environmental Protection Agency of the existence of such facility or site, specifying the amount and type of any hazardous substances to be found there, and any known, suspected, or likely discharges or releases of such substances from such facility or site. The Administrator may prescribe the manner and form of the notice and the information to be included. The Administrator shall notify the affected State agency or department designated by the Governor to receive notice of such facility or site. Any such person who knowingly fails to notify the Administrator of the existence of any such facility or site shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who fails to provide the notice required by this subsection shall not be entitled to any limitation of liability under this or any other law or to any defenses to liability set out in section 4 of this Act.

(B) After the enactment of this Act, it shall be unlawful for any person required to provide the notification of a facility or site set out in subparagraph (A) of this paragraph knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records relating to the location, title, or condition of the facility or site or the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited therein. Any person who violates this subparagraph shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(C) Any deed or conveyance for any facility or site at which any hazardous substance (other than as defined in section 2 (b)(13)(G) of this Act) has been disposed of or stored, or which has been contaminated by any release of such a hazardous substance, shall disclose upon its face the identity, quantity, location, condition, and circumstances of such disposal, storage, or contamination, to the full extent known to or ascertainable by the owner or other conveyer of such facility or site. Such deed or conveyance shall also contain such restrictive covenants limiting the subsequent use or modification of such facility or site as may be necessary to protect the public health or welfare. The disclosures and restrictive covenants in such deed or conveyance shall be made a matter of public record in the registry of deeds or similar institution for the political subdivision in which said facility or site is located. Any person who knowingly violates the requirements of this subparagraph shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person shall be held liable under section 4 of this Act as an owner of such facility or site in the case of any discharge, release, or disposal of a hazardous substance from such facility or site.

(b) The Administrator of the Environmental Protection Agency is authorized to establish and to enforce in accordance with sections 3007 and 3008 of the Solid Waste Disposal Act and sections 308 and 309 of the Clean Water Act, such control or removal or remedial action requirements as the Administrator deems appropriate to protect the public health and welfare and the environment for any facility or site at which hazardous substances are stored, treated, or disposed of which is not in compliance with a permit or accorded interim status under subtitle C of the Solid Waste Disposal Act.

(c) (1) Whenever any hazardous substance is discharged, released, or disposed of, or there is (A) a substantial threat of such a discharge, release, or disposal into the environment, or (B) a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent or substantial danger to the public health or welfare, the President is authorized to act to remove or arrange for the removal of, and provide for remedial action concerning, such hazardous substance, pollutant, or contaminant at any time (including the removal from any contaminated natural resource), or take any other emergency response measure which in the judgment of the President is necessary to protect the public health or welfare or the environment, unless the President determines such removal and remedial action will be done properly by the owner or operator of the vessel or onshore facility or offshore facility from which the discharge or release occurs, or by any other responsible party.

(2) Unless (A) the President finds that (i) continued removal actions are immediately required to prevent, limit or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis; or (B) the President has determined the appropriate remedial actions as provided in paragraph (4) and the State or States in which the source of the release is located have complied with section 6(a) (2) (A) of this Act, expenditures from the Fund, other then those authorized by paragraph (3) of this subsection, shall not continue after $1,000,000 has been obligated or six months has elapsed from the date of initial response to a release or discharge of hazardous substances.

(3) Whenever (A) any hazardous substance is released, discharged or disposed which, in the judgment of the President, may present a danger to public health or welfare or the environment, or (B) there is substantial threat of such release, or (C) the President has reason to believe that illness, disease or complaints thereof may be attributable to exposure to a chemical or other toxic substance, and there is evidence to suspect a release of such substance, the President may undertake such investigations, monitoring, surveys, testing or other information gathering as are necessary to identify the existence and extent of the discharge or release or threat thereof, the hazardous substances involved, the source of such substance, and the danger to public health, welfare or the environment. As appropriate, the President may, in addition, undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as are necessary to determine and direct removal and remedial actions, to recover the costs of such removal and remedial actions, and to enforce the provisions of this Act.

(4) The President shall determine appropriate remedial action in consultation with the State.

(5) Within one hundred and eighty days after the enactment of this Act, the President shall revise and republish the National Contingency Plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Clean Water Act to reflect and effectuate the responsibilities and powers created by this Act in addition to those matters specified in section 311(c) (2) of the Clean Water Act. Such revision shall include a new section of the Plan to be known as the National Hazardous Substance Response Plan, which shall include at a minimum—

(A) methods for discovering and investigating facilities or sites at which hazardous substances have been disposed of or otherwise come to be located;

(B) methods for evaluating, including analyses of relative cost, and remedying any discharges or releases or threats of discharges or releases from such facilities or sites which pose substantial danger to the public health or the environment;

(C) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(D) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the Plan;

(E) provision for identification, procurement, maintenance, and storage of response equipment and supplies; and

(F) a method for and assignment of responsibility for reporting the existence of such facilities or sites which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities or sites.

Such plan shall specify a role for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor. Such plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing or remedying releases of hazardous substances comparable to those required under section 311(c) (2) (F) and (G) and (j) (1) of the Clean Water Act. Following publication of the revised National Contingency Plan, the removal of hazardous substances and actions to minimize damage from hazardous substance discharges or the leases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the National Contingency Plan.

(d) Notwithstanding any other provision of law, upon receipt of information that the handling, storage, treatment, transportation, discharge, release, or disposal of any hazardous substance may present a danger to public health or welfare or the environment, the Administrator of the Environmental Protection Agency or the State (or their authorized agents as the case may be) may require any person causing or contributing to such danger to take such actions as may be necessary to ascertain the nature and extent of such danger, or may bring suit in the appropriate district court of the United States to require any such person to take such actions.

(e) In awarding contracts to any person engaged in removal or remedial actions, the Administrator shall require compliance with Federal health and safety standards by contractors and subcontractors as a condition of such contracts.

(f) Notwithstanding any other provision of law and subject to the authority of section 6 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purposes of this Act. Upon determination that such procedures are necessary to effect the purposes of this Act, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

LIABILITY FOR DAMAGES AND REMOVAL COSTS

SEC. 4. (a) Except where the person *otherwise* liable under this subsection can prove that a discharge, release, or disposal was caused solely by an act of God or an act of war, and notwithstanding any other provision or rule of law—

(i) the owner or operator of a vessel or a facility,

(ii) any person who at the time of disposal of any hazardous substance owned or operated any facility or site at which such hazardous substances are disposed of,

(iii) any person who by contract, agreement, or otherwise arranged for disposal, treatment, or transport for disposal or treatment by any other party or entity of hazardous substances owned or possessed by such person, at facilities or sites owned or operated by such other party or entity and containing such hazardous substances, and

(iv) any person who accepts any hazardous substances for transport to disposal or treatment facilities or sites selected by such person,

from which a hazardous substance is discharged, released, or disposed of, or from which any pollutant or contaminant is released resulting in action under section 3 (c) (1) of this Act, shall be jointly, severally, and strictly liable for—

(1) (A) all costs of removal, or remedial action incurred by the United States Government or a State, and

(B) any other costs or expenses incurred by any person to remove a hazardous substance as the terms "remove" or "removal" are defined in section 311(a) (8) of the Clean Water Act; and

(2) all damages for economic loss or loss due to personal injury or loss of natural resources resulting from such a discharge, release, or disposal, including—

(A) any injury to, destruction of, or loss of any real or personal property, including relocation costs;

(B) any loss of use of real or personal property;

(C) any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss;

(D) any loss of use of any natural resources, without regard to the ownership or management of such resources;

(E) any loss of income or profits or impairment of earning capacity resulting from personal injury or from injury to or destruction of real or personal property or natural resources, without regard to the ownership of such property or resources;

(F) all out-of-pocket medical expenses, including rehabilitation costs or burial expenses, due to personal injury; and

(G) any direct or indirect loss of tax, royalty, rental, or net profits share revenue by the Federal Government or any State or political subdivision thereof, for a period of not to exceed one year.

(b) In the case of an injury to, destruction of, or loss of natural resources under subsection (a) (2) (C) of this section, liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however*, That no liability to the United States or State shall be imposed under subsection (a) (2) (C) of this section, where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustees of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources.

(c)(1) LIABILITY FOR MEDICAL EXPENSES.—A person liable for the discharge, release, or disposal of any hazardous substance under this section shall be liable for medical expenses as defined in subsection (a)(2)(F) of this section where such expenses were incurred in the treatment of injury or disease which such discharge, release or disposal caused or to which it significantly contributed.

(2) RELEVANCY EXCLUSIONS.—In connection with any claim for medical expenses under paragraph (1) of this subsection, the court may admit as relevant to the issue of causation evidence tending to establish that the hazardous substance in question causes or contributes to injury or disease of the sort claimed to have been suffered by the claimant, including, but without limitation, evidence indicating (A) an increase of incidence of such injury or disease in the exposed population above that which is otherwise probable, (B) results of pertinent epidemiological studies (without regard to the size of the sample), (C) results of pertinent animal studies, (D) results of pertinent tissue culture studies, (E) results of pertinent microorganism culture studies, and (F) results of laboratory or toxicologic studies.

(3)(A) PRESUMPTION OF CAUSE.—In connection with any claim for medical expenses brought pursuant to subparagraph (1) of this subsection, where the claimant introduces evidence sufficient to enable the trier of fact to find (i) that the claimant was exposed to a hazardous substance found in a discharge, release, and disposal which the defendant caused or to which he contributed, (ii) such exposure was in a quantity or for a duration with respect to which there is a reasonable likelihood that it is sufficient to cause or significantly contribute to injury or disease of the class or type of which the claimant complains, and (iii) that there exists a reasonable likelihood that exposure to such substance causes or significantly contributes to injury or disease of the class or type which the claimant claims to have suffered, then it shall be presumed that defendant caused or significantly contributed to that injury or disease.

(B) The presumption defined in subparagraph (A) of this paragraph affects only the burden of going forward with the presentation of the case. Nothing in this paragraph shall affect the burden of proof which shall remain with the claimant in accordance with rule 301 of the Federal Rules of Evidence.

(d) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability for removal costs under this section.

(e) The owner or operator of a vessel shall be liable in accordance with this section and section 311 of the Federal Water Pollution Control Act and as provided under section 8 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(f)(1) In any case where a person held liable under this section can demonstrate by a preponderance of the evidence that (A) the contribution of such person to a discharge, release, or disposal of a hazardous substance can be distinguished or apportioned and (B) such contribution was not a significant factor in causing or contributing to the discharge, release, or disposal or the damages resulting therefrom, the liability of such person shall be limited to that portion of the release or damages to which such person contributed.

(2) In any action brought under this section or section 6(c) of this Act, a person held jointly and severally liable with one or more other persons is entitled to seek contribution from such persons to the extent of the proportionate liability of such persons. In any case where a person held liable under this section alleges that the discharge, release, or disposal or the consequent damages are solely or in part due to the act or omission of a third party, such person retains all rights against such third party and shall be entitled to join such third party as a defendant in an action under this section or section 6(c) of this Act.

(3) Any matter or action concerning limitation or apportionment of liability under paragraph (1) or contribution under paragraph (2) of this subsection shall occur following determination of liability under subsection (a) of this section and appropriate payment of claims to any claimant, except to the extent such matter may be resolved pursuant to Rule 56 of the Federal Rules of Civil Procedure. The claimant is not an indispensable party in such matter or action.

(4) In apportioning or limiting liability of any party under this section, the trier of fact may consider factors, including—

(i) the ability of the party to demonstrate that his contribution to a discharge, release, or disposal of a hazardous substance can be distinguished;

(ii) the amount of hazardous substance involved;

(iii) the degree of toxicity of the hazardous substance involved;

(iv) the degree of involvement in the manufacture, treating, transporting, disposing of the hazardous substance; and

(v) the degree of cooperation with Federal, State, or local officials to prevent any harm to the public health or the environment.

(g) If the owner or operator of a facility or site at which hazardous substances are stored or disposed of, who owned or operated the property at the time it was utilized for the storage or disposal of any hazardous substances, and who utilized the facility or site at that time for the storage or disposal of any hazardous substances produced, transported, stored, or disposed of by such owner or operator, fail to properly provide removal or remedial action upon request of the President, such owner or operator shall be liable to the United States for punitive damages in an amount three times the amount of any removal costs expended by the Fund under this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(h) No person shall be liable under this Act for damages as a result of acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice in accordance with the National Contingency Plan or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the possibility thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(i) No indemnification, hold harmless, conveyance, or similar agreement shall be effective to transfer from the owner or operator of a facility, or from any person who may be liable for a release under this section, to any other person the liability imposed under this section: *Provided*, That this subsection shall not apply to a transfer in a bona fide conveyance of a facility or site (1) between two parties not affiliated with each other in any way, (2) where there has been an adequate disclosure in writing consistent with section 3(a)(4)(C) of this Act of all facts and conditions (including potential economic consequences) material to such liability, and (3) to a transferor who can provide assurances of financial responsibility and continuing of operation consistent with the degree and duration of risks associated with such facility or site.

(j)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 5(k) of this Act when—

(A) such facility and the owner and operator thereof have complied with each condition or requirement of such permit and with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration off site or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator shall so notify the owner and operator of such facility and the administrator of the fund established by section 5(k) of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator that a facility has not complied with all condtions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 5(k) of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period for monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(k) No person (including the United States or any State) may recover under the authority of this section for any removal costs or damages resulting from the field application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

(1) Recovery by any person (including the United States or any State) for removal costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance. In addition, costs of removal incurred by the Federal Government in connection with a discharge specified in section 2(b)(18) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(m) Recovery by any person (including the United States or any State) for removal costs or damages resulting from a substance determined to be hazardous only under section 2(b)(13)(G) of this Act and not responded to by the President under section 3(c)(1)(B) of this Act, shall be pursuant to other applicable law in lieu of this section. Nothing in this subsection shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

(n)(1) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund be used under section 6 of this Act for the payment of any claim, for damages specified under subsection (a)(2) (A), (B), (C), (D), (G), or (E) (other than for loss resulting from personal injury) of this section, nor may any money in the Fund be used under section 6(a)(1) (E) or (F) of this Act, where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund be used under section 6 of this Act for the payment of any claim, for damages specified under subsection (a)(2)(F) of this section, or under subsection (a)(2)(E) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, and the claimant has discovered or has knowledge of his injury or disease prior to such date.

(3) No person (including the United States, the Fund, or any State) may recover under the authority of this section for damages specified under subsection (a)(2)(F) of this section or under subsection (a)(2)(E) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, but the claimant has not discovered or had knowledge of his injury or disease until after such date.

(4) For the purposes of this subsection, the costs of temporary or permanent relocation of residences and provision of alternative water supplies shall be deemed costs of removal and not damages specified in subsection (a)(2)(A) of this section.

(5) Nothing in this subsection shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

RESPONSE FUND ESTABLISHMENT

SEC. 5. (a) There is hereby established in the Treasury of the United States a Hazardous Substance Response Fund. The Fund shall be administered by the President and the Secretary of the Treasury, as specified in this section. The Fund may sue and be sued in its own name.

(b)(1) The Fund shall be constituted from—

(A) all fees collected pursuant to subsection (c);

(B) all moneys recovered on behalf of the Fund under section 6;

(C) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act;

(D) amounts appropriated to the Fund pursuant to paragraph (3) of this subsection;

(E) all moneys transferred to the Fund under section 9(d)(4) of this Act;

(F) all interest received from the investment of moneys held by the Fund pursuant to subsection (h)(2).

(2) The total amount which may be collected in fees under subsection (c) shall not exceed—

(A) $250,000,000 for fiscal year 1981,

(B) $525,000,000 for fiscal year 1982, and

(C) $700,000,000 for each of fiscal years 1983 through 1986.

(3) There are authorized to be appropriated to the Fund for the fiscal year—

(A) 1981 $35,000,000,

(B) 1982, $75,000,000,

(C) 1983 and each fiscal year thereafter through 1986, $100,000,000.

(c)(1) In order to allocate the costs as broadly as possible among those who may generate, distribute, transport, dispose, or benefit from the use of hazardous substances while minimizing the burden of collection, fees shall be imposed early in the manufacturing cycle on the basic elements and compounds from which hazardous substances are generated. Beginning one hundred and eighty days after the enactment of this Act—

(A) each supplier of primary petrochemicals shall collect a fee established in accordance with this section on behalf of the Fund for each pound of primary petrochemicals supplied to any other person or used by such supplier,

(B) each supplier of inorganic raw materials shall collect a fee established in accordance with this section on behalf of the Fund for each short ton of inorganic raw materials supplied to any other person or used by such supplier, and

(C) each owner of a refinery receiving crude oil or unfinished petroleum oil shall pay a fee established in accordance with this section per barrel of oil received, each owner of petroleum oil for export shall pay a fee established in accordance with this section per barrel of oil exported at the point of export or loading for export, and each owner of petroleum oil for entry into the United States shall pay a fee established in accordance with this section per barrel of oil entered at the point of entry or unloading for entry, whether for import or transfer to a foreign country.

(2)(A) Under regulations promulgated by the Secretary of the Treasury, the fees in paragraph (1) of this subsection shall be imposed on the basis of a schedule of rates established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, consistent with subsections (d) and (e) of this section. The schedule of rates may be modified annually in accordance with this section, but in no event shall the fee exceed 2 per centum of the list price of the primary petrochemical, inorganic raw material, or petroleum oil when sold at arm's length.

(B) No regulation that establishes fees promulgated by the Secretary of the Treasury, nor any modification of such a regulation, whether or not in effect, may be stayed by any court pending completion of judicial proceedings for the review of that regulation or modification.

(C) Any fees shall be imposed only once under this subsection on any quantity of petroleum oil, primary petrochemical, or inorganic raw material, except that any fee imposed on any quantity of refined petroleum used as a feedstock or a primary petrochemical shall be added, once and only once, to the fee imposed on that quantity pursuant to paragraph (1)(C) of this subsection.

(d)(1) The fee imposed on any primary petrochemical shall not exceed $20 per short ton of primary petrochemical: *Provided, however*, That the aggregate amount of such fees shall not exceed such amount as is necessary to produce revenues equal to, for the fiscal year—

(A) 1981, $162,000,000,

(B) 1982, $338,000,000, and

(C) 1983, and each fiscal year thereafter through 1986, $450,000,000 or such amount as determined by regulation pursuant to subsection (e)(1)(A) of this section.

(2) The fee imposed on any inorganic raw material shall not exceed $10 per short ton of inorganic raw material: *Provided, however*, That the aggregate amount of such fees shall not exceed such amount as is necessary to produce revenues equal to, for the fiscal year—

(A) 1981, $50,000,000,

(B) 1982, $112,000,000, and

(C) 1983, and each fiscal year thereafter through 1986, $150,000,000, or such amount as determined by regulation pursuant to subsection (e)(1)(A) of this section.

(3) The fee imposed on any crude or unfinished petroleum oil shall not exceed 3 cents per barrel of petroleum oil received, exported or entered: *Provided, however*, That the aggregate amount of such fees shall not exceed such amount as is necessary to produce revenues equal to, for the fiscal year—

(A) 1981, $38,000,000,

(B) 1982, $75,000,000, and

(C) 1983, and each fiscal year thereafter through 1986, $100,000,000, or such amount as determined by regulation pursuant to subsection (e)(1)(A) of this section.

(4) Beginning in fiscal year 1981 and until modified pursuant to subsection (c)(2)(A) of this section, the fee imposed on primary petrochemicals, inorganic raw materials, and petroleum oil shall be—

[Dollars per short ton]

Acetylene	3.88
Benzene	3.88
Butane	3.88
Butylene, excluding that portion used to make butadiene	3.88
Butadiene	3.88
Ethylene	3.88
Methane, excluding that portion used to make ammonia	3.44
Naphthalene	3.88
Propylene	3.88
Toluene, excluding that portion used to make benzene	3.88

Xylene	3.88
Antimony	2.66
Antimony trioxide	2.24
Antimony sulfide	1.94
Arsenic	2.66
Arsenic trioxide	2.04
Barium sulfide	2.18
Bromine	2.66
Cadmium	2.66
Chlorine	2.66
Chromium	2.66
Chromite	1.12
Potassium dichromate	1.02
Sodium dichromate	1.12
Cobalt	2.66
Copper sulfate	1.13
Cupric oxide	2.14
Cuprous oxide	2.37
Hydrochloric acid	0.18
Hydrogen fluoride	2.53
Lead	2.66
Lead oxide	2.48
Mercury	2.66
Nickel	2.66
Nitric acid, excluding that portion used to make fertilizers	0.15
Phosphorous	2.66
Phosphoric acid, excluding that portion used to make fertilizers	0.16
Potassium hydroxide	0.11
Sodium hydroxide	0.11
Sulfuric acid, excluding that portion used to make fertilizers	0.16
Stannous chloride	1.71
Stannic chloride	1.27
Zinc	2.66
Zinc oxide	1.15
Ammonia, excluding that portion used to make fertilizers or used to make nitric acid	0.11

[Cents per barrel]

Petroleum oil	0.756

(e)(1) Beginning three years after the fee is first initiated and biannually thereafter, the Secretary of the Treasury may, in consultation with the Administrator of the Environmental Protection Agency, adjust by regulation the amount of the fee to better reflect the claims experience of the Fund for any primary petrochemical, inorganic raw material, or petroleum oil subject to a fee under this section. In making such adjustments, the Secretary shall, to the extent reasonably practicable, modify the fee so that:

(A) the percentage of the total annual moneys collected is approximately proportional to the incidence, as estimated from available information, of all primary petrochemicals, of all inorganic raw materials, and of crude oil (and their intermediates, final products and wastes) in releases requiring fund expenditures for each of these three classes;

(B) the fee rate for each primary petrochemical, inorganic raw material, and crude oil subject to the fee is approximately proportional to its (including intermediates, final products and waste) incidence, as estimated from available information, in releases requiring fund expenditures.

(2) In modifying the fee rate pursuant to paragraph (1)(B) of this subsection:

(A) If in the first three years a substance (its intermediates, final products, or wastes) has not been found in any releases requiring fund expenditures, the fee for that substance shall be set at the lowest rate applicable to any substance subject to the fee and that rate shall apply until the next biannual adjustment.

(B) If by the second biannual fee adjustment or any subsequent biannual fee adjustment, a substance (its intermediates, final products, and wastes) has not been found in any releases requiring fund expenditures, the fee for that substance may be set at zero, except that, if expenditures from the fund are subsequently required for a substance with a fee rate of zero, the Secretary may, by rule, reimpose a fee in the next annual fee collection period.

(C) The Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, may, where appropriate, distinguish among industrial categories to better approximate the expenditure experience of the Fund. If it is concluded that (i) a particular industrial category and its suppliers have not caused or contributed significantly to releases of such substances requiring Fund expenditures; (ii) substances typical of those used by the industrial category or its suppliers have not been present significantly in releases of unknown origin from any facility or site where hazardous substances are stored or disposed and which have resulted in fund expenditures; and (iii) distinguishing among industrial categories would not preclude passing the fee on to ultimate consumers of hazardous substances present in releases, then such industrial category shall not be subject to a fee on the particular primary petrochemical, inorganic raw material or crude oil.

(3) Prior to the first adjustment of fee rates provided for in paragraph (1)(B) of this subsection, the fertilizer production industry is conclusively presumed to not impose significant costs upon the Fund and to be subject to a fee rate of zero. In implementing such paragraph, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether such fee rate requires adjustment to reflect the Fund's actual expenditure experience.

(4) Prior to the first adjustment of fee rates provided for in paragraph (1)(B) of this subsection, the fee on copper shall be imposed only on copper sulfate, cupric oxide, and cuprous oxide. In implementing this section, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall determine, pursuant to paragraph (1)(B) of this subsection, whether a fee should be imposed by rule on copper or additional copper compounds to reflect the Fund's actual expenditure experience. Copper which is exported shall be exempt from any fee.

(f)(1) In order to provide suppliers an economic incentive for the recycling and reuse of primary petrochemicals and inorganic raw materials, the Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency, may by rule reduce the fee which would otherwise be imposed under this section in proportion to the extent that the Secretary determines any portion of that primary petrochemical or inorganic raw material to be—

(A) removed from the waste stream of a production process and recycled in such production process; reintroduced into the production of substances subject to the fee; or used as a source of fuel or other energy when used onsite or sold to other persons;

(B) derived from recycled material; or

(C) produced solely as a byproduct of pollution controls and used onsite or sold to other persons.

(2) No reduction in fees under paragraph (1) of this subsection may exceed the amount of the fee which would otherwise be imposed under this section on the sale or use of such primary petrochemical or inorganic raw material.

(g) Any fees imposed by subsection (c) shall be assessed and collected by the Secretary of the Treasury or his delegate, and the provisions of subtitle F of the Internal Revenue Code of 1954 shall apply to the assessment and collection of such fee as if such fee were a tax described in chapter 32 of such Code.

(h)(1) The President shall determine the level of funding required for immediate access in order to meet potential obligations of the Fund. In any fiscal year, two-thirds of the money credited to the Fund as provided in subsection (b) (2) and (3) shall be available only for—

(A) costs of removal as provided under section 6(a)(1) (A), (B), (C), and (G);

(B) all other costs as provided for under section 6(a)(1) (C), (D), (E), (F), (H), (I), (J), (L), and (P); and

(C) that portion of administrative and personnel costs under section 6(a)(1)(K) which are incident to the costs in subparagraphs (A) and (B) of this paragraph.

(2) The Secretary of the Treasury may invest any excess in the Fund, in interest-bearing special obligations of the United States. Such special obligations may be redeemed at any time in accordance with the terms of the special issue and pursuant to regulations promulgated by the Secretary of the Treasury. The interest on, and the proceeds from the sale of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) The Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, may use any excess in the Fund to purchase private reinsurance. Any such reinsurance shall be for the sole purpose of increasing the ability of the Fund to meet potential obligations as provided in section 6. Any contract to purchase such reinsurance made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a determination by the Secretary that advertising is not reasonably practicable.

(i)(1) Moneys recovered, collected, transferred, or loaned which are referred to in subsection (b)(1) and in paragraph (2) of this subsection, shall, as necessary, increase the moneys in the Fund provided by subsection (b) (2) and (3) to the extent necessary to meet the potential obligations of the Fund as determined by the President. All moneys credited to the Fund in any fiscal year shall remain available until expended.

(2) If at any time the moneys available in the Fund are insufficient to meet the obligations of the Fund, the President shall issue to the Secretary of the Treasury notes or other obligations in the forms and denominations, bearing the interest rates and maturities and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of these notes or obligations shall be made by the President from moneys in the Fund. These notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of comparable maturity. The Secretary of the Treasury shall purchase any note or other obligations issued hereunder and, for that purpose, is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. The purpose for which securities may be issued under that Act are extended to include any purchase of these notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of these notes or other obligations shall be treated as public debt transactions of the United States. The authority of the President to issue notes or other obligations under this subsection shall be subject to such amounts as are provided in appropriation Acts.

(3) In any one fiscal year, any notes or other obligations authorized to be issued under paragraph (2) of this subsection shall not exceed in amount the total of fees and appropriations authorized by subsection (b) (2) and (3) of this section for the subse-

quent fiscal year. Except as necessary to provide the costs of removal in the first two years after imposition of a fee under this section or to provide the costs of removal for one or more unanticipated catastrophic releases, the proceeds of any notes or obligations issued pursuant to paragraph (2) of this subsection shall not be used for the purposes identified in subection (h)(1)(A), (B), and (C).

(j) Within four years after the fee is first initiated, the Administrator of the Environmental Protection Agency, after consultation with the Secretary of the Treasury and the Secretary of Transportation, shall submit a report on the fee system to the Congress. Opportunity shall be provided for public review and comment. The report shall make recommendations on any statutory changes which would further assure that, to the extent practicable, the burden of the fee system is on those substances and parties who create the problem addressed by this Act and that the costs of the fees are distributed as broadly as possible through the economy. Such recommendations should also address changes which would reduce administrative and reporting burdens. The report shall consider the feasibility of a variable fee which takes into account the likelihood of a discharge or release and the operational experience of classes so that incentives to proper handling and disincentives to improper or illegal handling or disposal of hazardous substances are maximized. In addition, the report shall provide the following information: (1) a summary of past disbursements from the Fund; (2) a projection of any future funding needs remaining after expiration of authority to impose fees and of the threat to public health, welfare and the environment posed by the releases creating such needs; (3) the record and experience of the Fund in recovering Fund disbursements from liable parties; and (4) the record of State participation in response and compensation.

(k)(1) There is hereby established in the Treasury of the United States a Post-closure Liability Fund, not to exceed $200,000,000. Such fund shall be administered by the President and the Secretary of the Treasury, as specified in this section.

(2) Beginning six months after the enactment of this Act, the Secretary of the Treasury shall collect from the owner or operator of each hazardous waste disposal facility which has received a permit or is accorded interim status under subtitle C of the Solid Waste Disposal Act, a fee on each unit of hazardous waste received at such facility, which will remain at such facility after such facility is closed in accordance with the requirements of such subtitle C. Such fee may reflect the relative hazard, including persistence of hazard, of such hazardous wastes, as determined in the discretion of the Administrator of the Environmental Protection Agency. For wastes of large volume and relatively low hazard, such fee shall reflect the relative hazard. Such fee shall initially be established at levels adequate to provide a fund of $200,000,000 five years after collection of such fee begins.

(3) Subsections (c)(2)(B), (g), (h)(2), and (i)(2) of this section shall apply to the Post-closure Liability Fund.

(4) Any modification of the fee under this subsection shall be designed to assure that the Post-closure Liability Fund is maintained at a level adequate to meet potential obligations, and not less than $100,000,000 nor, taking into account imminent obligational requirements, more than $200,000,000.

(5) Not later than three years after enactment of this Act, the President shall, after opportunity for public comment and consultation with States and affected private interests, submit recommendations to the Congress on any further legislation or amendments which may be necessary to assure that risk to public health and welfare and the environment from closed waste disposal facilities is minimized. Recommendations shall include, but not be limited to, the adequacy of the size of the Fund established by this subsection; and the appropriate division of responsibility among the Fund, State and local governments, and owners and operators of facilities for care of such facilities in perpetuity.

(6) The President shall appoint an advisory committee of State and local officials and owners or operators of facilities from which the fee provided in paragraph (2) of this subsection is collected, to observe and report to the President and the Congress on the administration of the Post-closure Liability Fund and the appropriateness of disbursements from such fund.

(l) For the purposes of this section, the term—

(1) "barrel" means forty-two United States gallons at 60 degrees Fahrenheit;

(2) "primary petrochemical" means only the following: acetylene; benzene; butane; butylene excluding that portion used to make butadiene; ethylene; methane excluding that portion used to make ammonia and acetylene; naphthalene; propylene; toluene excluding that portion used to make benzene; and xylene.

(3) "inorganic raw material" means only the following:

(A) antimony and the equivalent weight of antimony in antimony trioxide and antimony sulfide; arsenic and the equivalent weight of arsenic in arsenic trioxide; the equivalent weight of barium in barium sulfide; cadmium; chromium and the equivalent weight of chromium in chromite and potassium dichromate and sodium dichromate; cobalt; copper (except as provided in subsection (e)(4) of this section); lead and the equivalent weight of lead in lead oxide; mercury; nickel; the equivalent weight of tin in stannic chloride and stannous chloride; zinc and the equivalent weight of zinc in zinc oxide;

(B) chlorine; bromine; and the equivalent weight of fluorine in hydrogen fluoride;

(C) phosphoric acid; sulfuric acid; hydrochloric acid; nitric acid; potassium hydroxide; and sodium hydroxide in hydrogen fluoride;

(D) elemental phosphorous; and

(E) ammonia excluding that portion used to make nitric acid;

(4) "refinery" means a permanently situated facility, located in the United States, which receives crude petroleum oil for the purpose of refinement;

(5) "supplier" means any person who produces, manufactures, or imports primary petrochemicals or inorganic raw materials and either provides, through sale or any other means, such primary petrochemicals or inorganic raw materials to other persons, or uses such primary petrochemicals and inorganic raw materials himself; and

(6) "petroleum oil" means petroleum, including crude petroleum or any fraction or residue therefrom, other than carbon black.

USE OF RESPONSE FUND

SEC. 6. (a)(1) The President shall use the money in the Fund for the following purposes:

(A) payment of any claim for costs of removal or damages under section 4(a)(2)(C), (E), or (F) where the source of the discharge or release of a hazardous substance, or a person liable for such costs of removal or damages, is not known or cannot be identified;

(B) payment of any claim for costs of removal or damages under section 4(a)(2)(C), (E), or (F) in any case where the claim has not been satisfied in accordance with subsection (b) of this section;

(C) all removal costs or expenses, costs of remedial action, or other costs of carrying out the national contingency plan established under section 311(c) of the Clean Water Act or as amended under section 3 of this Act, including removal costs incurred by any person and approved under such national contingency plan;

(D) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under such national contingency plan;

(E) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a discharge or release of a hazardous substance;

(F) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of any discharge or release of a hazardous substance;

(G) reimbursement to any State for the payment of any claims for costs of removal or damages under section 4(a)(2) (C), (E), or (F) payable under this Act which such State has paid with funds under the control of such State pursuant to the national contingency plan and a contract under subsection (b) of this section;

(H) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases, discharges, and disposal of hazardous substances;

(I) subject to such amounts as are provided in appropriation Acts, not to exceed $10,000,000 per fiscal year, the costs of research related to the purposes of this Act and section 311 of the Clean Water Act, to be performed by Federal agencies including the Environmental Protection Agency, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. Such research shall include, but not be limited to (i) development and refinement of protocols to determine the type and extent of short and long term injury or loss of natural resources, (ii) development and refinement of the best available procedures to identify the value of injured or lost natural resources, (iii) laboratory or field research on the effects of hazardous substances on living and nonliving resources that will provide additional scientific basis for damage assessments, and (iv) research on minimizing the damage caused by spill control, dispersal, remedial action, and removal operations. Responsibility under the preceding sentence shall be assigned in accordance with the assessment responsibilities established under subsection (e)(2) of this section and officials responsible for such assessments shall be consulted before proposal of any research plan or appropriation request under the preceding sentence;

(J) subject to such amounts as are provided in appropriation Acts, the costs of research to develop mobile or portable onsite technology for response at facilities or sites at which hazardous substances are present, technology for onsite treatment, or remedy releases into groundwater, or other technology for the containment, treatment, or secure disposition of hazardous substances;

(K) subject to such amounts as are provided in appropriation Acts, the administrative and personnel costs of administering the Fund and this Act;

(L) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances are suffering from long-latency diseases;

(M) the reasonable costs of expert witnesses employed by claimants in actions to recover damages under section 4 of this Act, to the extent authorized by the court, and the costs of neutral expert panels which may be established in such actions by the court, sua sponte or on the motion of any party;

(N) payment of any claim for any capital loss or loss of income by an agricultural producer or processor due to destruction or loss of value of any livestock products, any poultry or eggs, any agricultural commodities (including grain, feed, or produce), or any orchard or cropland, forestland, rangeland, or pastureland taken out of production, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1974;

(O) payment of any claim for any capital loss or loss of income by a harvester or processor of fish or seafood due to destruction or loss of value of any fishery stock, any harvested fish or seafood, or any fish or seafood product, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1978;

(P) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance discharges, releases, or disposals. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(2)(A) The President shall not use any money in the Fund for the costs of any remedial action associated with a discharge, release, or disposal of a hazardous substance unless the State in which the facility or site is located first provides adequate assurance that (i) such State will use such money to provide for or otherwise assure any and all future maintenance of removal and remedial actions for the expected life of such actions, (ii) such State will assure the availability of a hazardous waste disposal facility acceptable to the Administrator and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances, (iii) such State will bear 10 per centum of such costs of remedial action; (iv) the Fund will recover at least 50 per centum or such greater amount as the President shall determine appropriate, taking into account the degree of culpability and financial capability of the State or political subdivision, of any sums expended on removal or remedial action at a hazardous substance disposal facility or site owned at the time of any disposal by a State or a political subdivision of a State; and (v) such State will assure that adequate measures will be taken or provided to protect the health and safety of State employees and of employees of contractors and subcontractors engaged in removal, remedy, and other response activities covered by this Act in accordance with the program for health and safety protection of employees under paragraph (1)(P) of this subsection. The President shall reduce the State share under clause (iii) of this subparagraph by the amount of documented direct out-of-pocket costs of removal and claims for damages payable under section 4(a)(2) (C), (E), and (F) of this Act which such State or a political subdivision thereof has paid with non-Federal funds since January 1, 1978, and before the enactment of this Act. Nothing in this section shall prevent a State or political subdivision thereof from bringing an action to recover from any person who is liable, pursuant to any law, any sums expended by a State or its political subdivision pursuant to this subsection.

(B) The President, after consultation with State and local governments shall identify and publish—

(i) criteria for determining priorities among releases or threatened releases throughout the United States (aa) for the purpose of taking remedial action, and (bb) to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. In establishing such criteria, the President shall consult, as appropriate, with affected private interests, including exposed populations. A list identifying priorities among known disposal facilities or sites or other releases for the purpose of taking remedial action shall be published not later than ninety days after the date of enactment of this Act and shall be revised at least annually thereafter. Criteria and priorities under this clause shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account, to the extent possible, the population at risk; the hazard potential of the hazardous substances at such facilities or sites; the potential for contamination of drinking water supplies; the potential for direct human contact; the potential for destruction of sensitive ecosystems; State preparedness to assume State costs and responsibilities; and other appropriate factors. In establishing national priorities the President shall consider any priorities established by the States under subparagraph (C) of this paragraph;

(ii) a system, including the use of contracts, whereby the State or States affected by a discharge or release of hazardous substances may act where necessary to provide removal and remedial action in accordance with the priorities established under clause (i) and may be reimbursed for the reasonable costs incurred for such measures from the Fund.

(C) Within twelve months after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President, priorities for remedial action among releases and potential releases in that State which present, or may present, a substantial threat to public health or the environment. Such priorities shall be established in accordance with the criteria published under clause (i) of subparagraph (B) and consistent with the National Contingency Plan as revised under section 3(c) of this Act.

(3)(A) Payment of any claim for out-of-pocket medical expenses under this section shall be limited to those incurred from the time of initial exposure to a hazardous substance in a discharge release, or disposal, until six years following discovery of such exposure.

(B) Except as provided in paragraph (1)(N) and (O) of this subsection, payment of any claim for calculable direct lost wages or other personal income under section 4(a)(2)(E) of this Act shall be limited to 100 per centum of the actual net amount lost in the first year following the commencement of such loss and 80 per centum of the actual amount lost in the second year following the commencement of such loss.

(4) Except as provided in paragraph (1)(N) and (O) of this subsection, the fund shall not be used for the payment of any claims for damages under section 4(a)(2)(A), (B), (D), (E), (F), or (G) resulting from the field application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

(5)(A) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President may, in his discretion, defer payment of all claims or of any class of claims, make partial payment on a prorated basis to each affected claimant, or provide for the payment of claims on a priority basis determined under regulation as to relative hardship to claimants.

(B) Paragraph (1)(C), (E), (F), (L) and (M) of this subsection shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(b)(1) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with subsection (a) of this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State with an adequate program operating under a contract with the Federal Government.

(2) The President is authorized to delegate the administration of his duties and authorities under this Act to the heads of those Federal departments, agencies, and instrumentalities which the President determines appropriate.

(3)(A) The President shall promulgate, and may from time to time amend, regulations for the presentation, filing, processing, settlement, and adjudication of claims for costs of removal or damages resulting from the discharge or release of a hazardous substance under this Act.

(B) Whenever the President receives information from any person alleging they have incurred costs of removal or damages resulting from the discharge or release of a hazardous substance for which the owner or operator of a vessel or facility is liable under section 4 of this Act, he shall notify the owner, operator, and guarantor of such vessel or facility of such allegation. Such owner or operator or guarantor may, within fifteen days after receiving such notification or presentation of any claim by a claimant, deny such allegations, or deny liability for damages for any of the reasons set forth in subsection (a) of section 4 of this Act.

(C) The owner and operator of any vessel or facility from which a hazardous substance has been discharged or released shall provide notice to all potential injured parties.

(D) All claims shall be presented in the first instance to the owner, operator, or guarantor of the vessel, or facility from which a hazardous substance has been discharged or released, and to any other person liable under section 4. In any case where the claim has not been satisfied in accordance with this paragraph, the claimant may elect to commence an action in court against such owner, operator, or guarantor or other person or to present the claim for payment from the fund under this section.

(E) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under this paragraph or subsection (c) of this section only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty or other evidence of financial responsibility furnished under section 7 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 4 of this Act.

(F) The Fund administrator shall promptly review each claim application and enter an order which shall, within ninety days of application, either certify or deny certification as to the injury of the applicant. In making the determination, the Fund administrator may require any medical tests or examinations of the claimant as deemed necessary to confirm the diagnosis or determination of the injury. The Fund administrator may similarly require documentation, verification, and authentication of the amount of any claim for benefits.

(G) Any injured party who has filed a timely claim shall be entitled to benefits (by way of payment or reimbursement) for all medical costs pursuant to section 4(a)(2)(F) associated with the injury for which certification has been made by the Fund administrator. Such benefit shall be paid within sixty days of certification: *Provided, however*, That no award for medical benefits other than for diagnostic services shall be made unless the injured party's medical expenses shall have been or will be at least $300.

(H)(i) Except as provided in clause (ii) of this subparagraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Fund and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) upon a determination by the President that advertising is not reasonably practicable. The President shall establish procedures under subparagraph (A) of this paragraph for the approval and payment of claims. When the services of a State agency are used in processing and settling claims, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(ii) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to process claims against the Fund.

(iii) Without regard to subsection (b) of section 556 of title 5, United States Code, the President is authorized to appoint, from time to time for a period not to exceed one hundred and eighty days, one or more individuals or, in the discretion of the President, panels, each comprised of three individuals, to hear and decide disputes regarding certifications, denials, or benefits which are filed by claimants. Such individuals or panel members may be appointed from the private sector, or from any Federal agency except the staff administering the Fund. Each individual or panel member appointed from the private sector shall receive a per diem compensation, and each individual or panel member shall receive necessary travel and other expenses while engaged in work under this clause. The provisions of chapter 11 of title 18, United States Code, and of Executive Order 11222, as amended, regarding special Government employees, apply to individuals or panel members appointed from the private sector.

(I) No claim may be presented nor may an action be commenced for damages under this Act unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later.

(J) The remedies in this Act shall be deemed to be cumulative and not exclusive. Nothing in this Act shall require or be deemed to require pursuit of any claim against the Fund as a condition precedent to any other remedy.

(e)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation all rights of the claimant to recover the costs of removal or damages from the person responsible or liable for such discharge, release, or disposal.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs of removal resulting from a discharge release, or disposal of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal such claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this Act, and, without regard to any limitation of liability, all costs incurred by the Fund by reason of the claim, including interest, administrative and adjudicative costs, and attorney's fees. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs of removal for which the compensation was paid.

(d) The Fund shall not be available to pay any claim for costs of removal or damages to the extent the discharge or release or the damages had been caused by the gross negligence or willful misconduct of that particular claimant.

(e)(1)(A) The President, acting through the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Environmental Protection Agency, and the Director of the Fish and Wildlife Service, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a discharge or release of a hazardous substance, for the purpose of section 4(a)(2)(C) and (D) of this Act, section 6(a)(1)(F) of this Act, and section 311(f)(4) and (5) of the Clean Water Act.

(B) Such regulations shall specify (i) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (ii) alternative protocols for conducting assessments in individual cases to determine the type and extent of short and long term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(C) Such regulations shall be reviewed and revised as appropriate every two years.

(2) In accordance with such regulations, damages for injury to, destruction of, or loss of natural resources resulting from a discharge, release, or disposal of a hazardous substance, for the purposes of section 4(a)(2)(C) and (D) and section 6(a)(1)(F) of this Act and section 311(f)(4) and (5) of the Clean Water Act, shall be assessed by (A) the Director of the Fish and Wildlife Service for living natural resources and their supporting ecosystems over which such Service has management or conservation authority, (B) the Administrator of the National Oceanic and Atmospheric Administration for other natural resources in the marine environment beyond the baseline of the territorial sea, and (C) the Administrator of the Environmental Protection Agency for all other natural resources. Such officials shall act for the President as trustee under section 4(b) of this Act and section 311(f)(5) of the Clean Water Act.

(3) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of section 4(a)(2)(C) and (D) and section 6(a)(1)(F) of this Act and section 311(f)(4) and (5) of the Clean Water Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 4(b) of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Clean Water Act.

(f) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under section 4(b) of this Act or subsection (a)(1)(F) of this section for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(g) In the case of any discharge, release, or disposal in which the President has not taken action under section 3(c) of this Act, the United States Government shall not seek damages under this Act or bring an action to recover damages under this Act unless the discharge, release, or disposal presented a substantial danger to public health or welfare or caused a significant amount of damages.

(h) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

(i) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a)(1) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 4(j) of this Act, and, in addition, for payment of any claim or appropriate request for costs of removal, damages, or other compensation for injury or loss under section 4 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(j) No grant or contract for removal, remedy, remedial action, or other response to a discharge release, or disposal of a hazardous substance under this Act shall be made unless the President finds that the grant or contract contains or is supported by reasonable assurance that all laborers and mechanics employed by grantees, contractors or subcontractors on projects of the type covered by the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5), will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with that Act; and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. 133z-5) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

FINANCIAL RESPONSIBILITY

Sec. 7. (a)(1) The owner or operator of any vessel over three hundred gross tons (except a non-self-propelled barge that does not carry hazardous substances as cargo) using any port or place in the United States or the navigable waters or any offshore facility shall establish and maintain in accordance with section 311(p) of the Clean Water Act evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances (other than as defined in section 2(b)(13)(G) of this Act) as cargo, or $5,000,000, whichever is greater). The provisions of paragraph (3), (4), (5), and (6) of such section 311(p) shall apply to any vessel, or the owner or operator thereof, subject to this section. This subsection shall take effect one hundred and eighty days after the enactment of this Act.

(2) Any vessel subject to the requirement of this subsection which is found in the navigable waters without the necessary evidence of financial responsibility shall be subject to seizure by the United States of any hazardous substances carried as cargo.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) Financial responsibility requirements shall be in addition to those of existing law and for rolling stock comparable to those required for vessels under subsection (a) of this section. The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, court settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of no less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) The owner or operator of any facility subject to this subsection who fails to comply with this subsection or the regulations prescribed thereunder shall be subject to a fine of not more than $10,000 per day of violation.

LITIGATION AND CONFORMING AMENDMENTS

Sec. 9. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the discharge or release or damages occurred, or in which the defendant resides, may be found, or does business.

(c) No provision of this Act shall be deemed or held to moot any litigation concerning any discharge, release, or disposal of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

(d) Section 311 of the Clean Water Act is amended as follows:

(1) Clause (H) of paragraph (2) of subsection (c) is amended by inserting after the wards "of this section" the words "or the fund established under section 5 of the Environmental Emergency Response Act, as appropriate,".

(2) Subsection (f) is amended, in the last sentence of paragraph (1), by inserting a comma after the word "vessel" and by adding immediately thereafter "or against any guarantor of an owner's or operator's liability under the Environmental Emergency Response Act,".

(3) Subsection (g) is amended, by inserting in the last sentence, after the word "party" the words "or against any guarantor of an owner's or operator's liability under the Environmental Emergency Response Act".

(4) One half of any sums appropriated prior to the enactment of this Act under subsection (k) of such section 311 and all sums appropriated under section 504(b) of the Clean Water Act shall be transferred to the Fund established under section 5 of this Act.

(e) In any case in which any provision of section 311 of the Clean Water Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

EMPLOYEE PROTECTION

Sec. 10. (a) No person shall fire, or any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed, or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

STATE LAWS AND PROGRAMS

Sec. 8. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the discharge, release, or disposal of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages as provided in this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code.

Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who, acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter. The President shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days' notice, and shall at such hearing require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

EXPIRATION

SEC. 11. (a) The authority to establish and collect fees pursuant to section 5 of this Act and the authority to obligate funds pursuant to section 6 of this Act, other than for the Postclosure Liability Fund, shall expire October 1, 1986.

(b) Any expenditure under section 6 of this Act, other than those involving the balance of the contingency fund established under section 311(k) of the Clean Water Act and transferred to the Fund under section 9(d)(4) of this Act, shall be made after October 1, 1980, for any claim arising before such date.

SEPARABILITY

SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Mr. ROBERT C. BYRD. Mr. President, the Senators who are the principal parties with respect to this bill and who are most knowledgeable concerning the problems attendant thereto have worked diligently over a period of some days and many hours to achieve a compromise solution by way of amendment which is now ready to be offered.

The distinguished minority leader and I have discussed the amendment with Mr. RANDOLPH, who is the chairman of the committee; with Mr. STAFFORD, who is the ranking minority member of the committee; with Mr. BRADLEY, who is one of the foremost among those who are supporters of the effort to legislate in this area during this session; with Mr. MOYNIHAN, who is on the Finance Committee; with Mr. HELMS, who is equally interested; and with other Senators. We have come to the conclusion, based on their desire as well as ours to achieve a feasible solution, considering the time constraints and other factors, that Senator BAKER and I will cosponsor the amendment that has been worked out and that we will oppose any amendments thereto.

I am ready to proceed by the offering of the amendment and to add my name as a cosponsor, and to support the amendment against amendments thereto.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BAKER. Mr. President, I thank the majority leader, and I congratulate him on the statement he has just made.

I believe that this is a good result. It is an appropriate thing for the Senate to do. I fully expect that the substitute which will be offered shortly, and which I will join in cosponsoring, will be dealt with in the Senate on a favorable basis. I believe it will be agreed to, and it is my hope that this will be done today.

There is one amendment that will be offered—the majority leader and I have discussed this, as have the parties to the negotiations that led to the compromise—and that is an amendment by the distinguished Senator from North Carolina. It is my belief—I hope I state this correctly—that the amendment to be offered by the Senator from North Carolina, in fact, places a cap on the dollar amount.

Mr. HELMS. That is correct.

Mr. BAKER. That has been agreed to by all parties. I join the majority leader in saying that, with the exception of that amendment, we, as the leadership, will oppose any other amendments to this bill.

This compromise is a fragile thing. Indeed, as the majority leader has pointed out, it was the subject of extensive negotiations, spanning a number of days, and it deals with a very difficult subject.

I take this opportunity, then, to pay my respects and express my appreciation to all those who participated—Senator RANDOLPH and Senator STAFFORD, of course, but also Senator HELMS, Senator MCCLURE, Senator DOMENICI, Senator DOLE, and many others. I will elaborate on that later.

However, at the moment, Mr. President, I join the majority leader in saying that this is an important initiative. This is a compromise with which all of us can live. We will oppose any amendments to it, and I hope it is agreed to in the Senate today.

AMENDMENT NO. 2631

Mr. STAFFORD. Mr. President, I call up amendment No. 2631, which is at the desk, and ask for its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, this is a floor amendment.

Mr. STAFFORD. This is an amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Yes, but it is offered from the floor; and before it can be offered, the committee amendments have to be agreed to.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as amended, then be considered as original text for the purpose of other amendments.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I renew my request. I ask that amendment No. 2631, which is pending at the desk, in the nature of a substitute for S. 1480, be given immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont (Mr. STAFFORD), for himself and others, proposes an amendment numbered 2631 in the nature of a substitute.

Mr. STAFFORD. Mr. President, I ask unanimous consent that reading of the amendment to be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

DEFINITIONS

SEC. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at 60 degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, groundwater, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works); well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State Implementation Plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307(b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section 232 of this Act;

(12) "groundwater" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas);

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20) (A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a)(3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for-hire carrier acting as an independent contractor during such transportation, (ii) the shipper of such hazardous substance shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107(a)(3) or (4), (i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons,

(B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer;

(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor or assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is most cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act;

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act;

(31) "National Contingency Plan" means the National Contingency Plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substances, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title.

NOTICES, PENALTIES

SEC. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release,

in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of any such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

(A) the location, title, or condition of a facility; and

(B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;

the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver is obtained under paragraph (3) of this subsection, it shall be unlawful for any such person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsections (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, that notification in accordance with subsections (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

SEC. 104. (a)(1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the National Contingency Plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the National Contingency Plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c)(1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however*, That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the National Contingency Plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

(d)(1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing 60 days notice, seek in the appropriate Federal District court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions

assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or potential threat to the public health or welfare or the environment, the President may, in his discretion, treat these related facilities as one for purposes of this section.

(e)(1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2)(A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of the Act by contractors and subcontractors as a condition of such contracts.

(g)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies, or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the Plan to be known as the National Hazardous Substance Response Plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial dangers to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the Plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the Plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

The Plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised National Contingency Plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the Plan. The President may, from time to time, revise and republish the National Contingency Plan.

ABATEMENT ACTION

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environmental Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the National Hazardous Substance Response Plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

LIABILITY

SEC. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by an other party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person,

from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the National Contingency Plan;

(B) any other necessary costs of response incurred by any other person consistent with the National Contingency Plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant, if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, $300 per gross ton, or $5,000,000, whichever is greater;

(B) for any other vessel, $300 per gross ton, or $500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, $50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than $8,000,000. Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

(D) for any facility other than those specified in subparagraph (C) of this paragraph, the total of all costs of response plus $50,000,000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of response and damages, if (A) the release or threat of release of a hazardous substance was the result of (i) willful misconduct or willful negligence within the privity or knowledge of such person, or (ii) a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the National Contingency Plan.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to any costs recovered from such person pursuant to section 112(c) of this Act. Any monies received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the National Contingency Plan or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however,* That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs or remedial action of such hazardous substance.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when—

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for post-closure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for post-closure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

FINANCIAL RESPONSIBILITY

SEC. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) The level of financial responsibility shall be initially established and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, court settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title.

The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation.

EMPLOYEE PROTECTION

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act;

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the National Contingency Plan established under section 311 (c) of the Clean Water Act and amended by section 105 of this title. *Provided, however*, that such costs must be approved under said plan and certified by the responsible Federal official;

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section. The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance may be asserted against the Fund under this title for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however*, That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against release of hazardous substances;

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are pro-

vided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under the National Contingency Plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d)(1) No money in the Fund may be used under subsection (c) (1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e)(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President may, in his discretion, defer payment of all claims or of any class of claims, make partial payment on a prorated basis to each affected claimant, or provide for the payment of claims on a priority basis determined under regulation.

(2) In any fiscal year, two-thirds of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h)(1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the National Contingency Plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f)(5) of the Federal Water Pollution Control Act.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

SEC. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within 60 days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor or other person or to present the claim to the Fund for payment.

(b)(1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one (1) year, or both.

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within 45 days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for

(4)(A) Within 90 days of the enactment of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within 90 days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpoena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpoenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpoena, the President may invoke the aid of the district court of the United States where the person is found, resides or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within 90 days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within 30 days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however,* That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any pre-arbitral settlement reached pursuant to subsection (b)(2)(a) of this section be admissible as evidence in any such proceeding.

(H) Within 20 days of the expiration of the appeal period for any arbitral award or decision, or within 20 days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for pre-arbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed 60 days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches 18 years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsection (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954.

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affect such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

Sec. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

Sec. 201. Short Title; Amendment of 1954 Code.

(a) Short Title.—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes On Petroleum and Certain Chemicals

Sec. 211. Imposition of Taxes.

(a) General Rule.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"Chapter 38—ENVIRONMENTAL TAXES

"Subchapter A. Tax on petroleum.
"Subchapter B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec. 4611. Imposition of tax.
"Sec. 4612. Definitions and special rules.

"Sec. 4611. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax of 0.99 cent a barrel on—

"(1) crude oil received at a United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) Tax on Certain Uses and Exportation.—

"(1) In general.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

"(2) Exception for use on premises where produced.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

"(c) Persons Liable for Tax.—

"(1) Crude oil received at refinery.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) Imported petroleum product.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) Tax on certain uses or exports.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) Termination.—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

"(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(2) the Secretary, after consultation with the Admiinstrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if the tax is suspended,

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

"Sec. 4612. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Crude oil.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) Domestic crude oil.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) Petroleum product.—The term 'petroleum product' includes crude oil.

"(4) United states.—

"(A) In general.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) United states includes continental shelf areas.—The principles of section 638 shall apply for purposes of the term 'United States'.

"(C) United states includes foreign trade zones.—The term 'United States' includes any foreign trade zone of the United States.

"(5) United states refinery.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) Refineries which produce natural gasoline.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) Premises.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) Barrel.—The term 'barrel' means 42 United States gallons.

"(9) Fractional part of barrel.—In the case of a fraction of a barrel, the tax as imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) Only One Tax Imposed with Respect to Any Product.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product.

"(c) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.
"Sec. 4662. Definitions and special rules.

"Sec. 4661. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of:	The tax is the following amount per ton:
Acetylene	$4.87
Benzene	4.87
Butane	4.87
Butylene	4.87
Butadiene	4.87
Ethylene	4.87
Methane	3.44
Napthalene	4.87
Propylene	4.87
Toluene	4.87
Xylene	4.87
Ammonia	2.64
Antimony	4.45
Antimony trioxide	3.75
Arsenic	4.45
Arsenic trioxide	3.41
Barium sulfide	2.30
Bromine	4.45
Cadmium	4.45
Chlorine	2.70
Chromium	4.45
Chromite	1.52
Potassium dichromate	1.69
Sodium dichromate	1.87
Cobalt	4.45
Cupric sulfate	1.87
Cupric oxide	3.59
Cuprous oxide	3.97
Hydrochloric acid	0.29
Hydrogen fluoride	4.23
Lead oxide	4.14
Mercury	4.47
Nickel	4.47
Phosphorous	4.47
Stannous chloride	2.85
Stannic chloride	2.12
Zinc chloride	2.22
Zinc sulfate	1.40
Potassium hydroxide	0.22
Sodium hydroxide	0.28
Sulfuric acid	0.26
Nitric acid	0.24

"(c) Termination.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

"Sec. 4662. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Taxable chemical.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

"(A) which is listed in the table under section 4661(b), and

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) United states.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(3) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

"(5) Fractional part of ton.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Exceptions; Other Special Rules.—For purposes of this subchapter—

"(1) Methane or butane used as a fuel.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).

"(2) Substances used in the production of fertilizer.—

"(A) In general.—In the case of nitric acid, sulfuric acid, or ammonia which is a qualified substance—

"(i) no tax shall be imposed under section 4661(a) for any sale before October 1, 1983, and

"(ii) in the case of a sale after September 30, 1983, the table contained in section 4661 (b) shall be applied by substituting 19 cents for the amount otherwise applicable to such substance.

"(B) Qualified substance.—For purposes of this subsection, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) Qualified use.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) Sulfuric acid produced as a byproduct of air pollution control.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under this section.

"(c) Use by Manufacturer, Etc., Considered Sale.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) Refund or Credit for Certain Uses.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) Use as fertilizer.—Under regulations prescribed by the Secretary, if

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, or ammonia without regard to subsection (b) (2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4661.".

(b) Clerical Amendment.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"Chapter 38. ENVIRONMENTAL TAXES.".

(c) Effective Date.—The amendments made by this section shall take effect on April 1, 1981.

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

Sec. 221. Establishment of Hazardous Substance Response Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) Transfers to Response Trust Fund.—

(1) Amounts equivalent to certain taxes, etc.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954,

(B) the amounts recovered on behalf of the Response Trust Fund under this Act, and

(C) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act,

(D) penalties assessed under Title I of this Act, and

(E) punitive damages under section 107(c) (8).

(2) Authorization for appropriations.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, $44,000,000,

(B) 1982, $44,000,000,

(C) 1983, $44,000,000,

(D) 1984, $44,000,000, and

(E) 1985, $44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) Transfer of funds.—There shall be transferred to the Response Trust Fund—

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) Expenditures From Response Trust Fund.—

(1) In general.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111 (c) of this Act.

(2) Limitations on expenditures.—At least two-thirds of the amounts appropriated to the Response Trust Fund under subsection (b)(1)(A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c) (2)(C).

Sec. 222. Liability of United States Limited to Amount in Trust Fund.

(a) General Rule.—Any claim for damages filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount for damages with respect to any such claim out of any source other than the Response Trust Fund.

(b) Order in Which Unpaid Claims Are To Be Paid.—If at any time the Response Trust Fund is unable (by reason of subsection (a)) to pay all of the claims (other than for response costs) payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

Sec. 223. Administrative Provisions.

(a) Method of Transfer.—The amounts appropriated by section 221(b)(1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amount required to be transferred.

(b) Management of Trust Fund.—

(1) Report.—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) Investment.—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of each such Trust Fund.

(c) Authority To Borrow.—

(1) In general.—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

(2) Limitations on advances to response trust fund.—

(A) Aggregate advances.—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time during any fiscal year shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1)(A) of section 221(b) of this Act for the following fiscal year, and

(B) Advances for payment of response costs.—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) Advances for other costs.—The maximum aggregate amount advanced to the Emergency Response Trust Fund which is outstanding at any one time during any fiscal year for the purpose of paying costs other than costs described in section 111 (a) (1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A) for such fiscal year.

(D) Final repayment.—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) Repayment of advances.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

Sec. 231. Imposition of Tax.

(a) In General.—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Tax on Hazardous Wastes

"Sec. 4681. Imposition of tax.
"Sec. 4682. Definitions and special rules.

"Sec. 4681. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be equal to $2.13 per dry weight ton of hazardous waste.

"Sec. 4682. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Hazardous waste.—The term 'hazardous waste' means any waste—

"(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress), or

"(B) subject to the reporting or recordkeeping requirements of section 3002 and 3004 of such Act, as so in effect.

(2). Qualified hazardous waste disposal facility.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.

"(b) Tax Imposed on Owner or Operator.—The tax imposed by section 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

"(c) Tax Not to Apply to Certain Wastes.—The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

"(d) Applicability of Section.—The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds $200,000,000, no tax shall be imposed under such section during the following calendar year.".

(b) Conforming Amendment.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter C—Tax on Hazardous Wastes.".

Sec. 232. Post-Closure Liability Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

(b) Expenditures From Post-Closure Liability Trust Fund.—Amounts in the Post-Closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).

(c) Administrative Provisions.—The provisions of section 222 and 223 of this Act shall apply with respect to the trust fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed $200,000,000.

Subtitle D—Study

Sec. 241. Study.

(a) General Rule.—The Secretary of the Treasury (in consultation with the Administrator of the Environmental Protection Agency) shall conduct a study on—

(1) the feasibility and desirability of—

(A) a schedule of taxes for the Response Trust Fund—

(i) which is based on the disposal or generation of hazardous waste, and

(ii) which would reflect the degree of hazard and risk of harm to the public health and the environment posed by the various hazardous wastes,

(B) a schedule of taxes for the Post-Closure Trust Fund—

(iii) which are designed to promote the recycling, incineration, and neutralization of hazardous waste,

(C) taxes imposed on substances not taxed by the amendments made by this title such as biomass and wastes designed as hazardous pursuant to section 3001 of the Solid Waste Disposal Act after the effective date of this Act,

(2) an exemption from or an increase in the substances or the amount of taxes imposed by section 4661 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund,

(3) the impact of the taxes imposed by sections 4611, 4661, and 4681 of the Internal Revenue Code of 1954 on the Nation's balance of trade with other countries (in consultation with the Secretary of Commerce and the United States Trade Representative), and

(4) the necessity for, and methods of financing (including the adequacy of the amount raised in light of future requirements), the Post-Closure Liability Trust Fund.

(b) The Administrator of the Environmental Protection Agency shall conduct studies on and make such recommendations as he deems appropriate on amendments to assure that risk to public health and welfare and the environment from closed hazardous waste facilities, is minimized. Recommendations shall include but not be limited to the appropriate division of responsibility among the Post-Closure Fund, State and local governments, the owners and operators of facilities, for their care in perpetuity; the appropriate role of private insurance and means of encouraging the development of such.

(c) Report.—

(1) In general.—Not later than January 1, 1985, the Secretary of the Treasury shall submit to the Congress a report on the results of the study conducted under subsection (a) (other than paragraph (4) thereof), together with such recommendations as he deems feasible.

(2) Post-closure liability trust fund.—The Secretary of the Treasury shall submit to the Congress a report on the results of the study conducted under subsection (a) (4), together with such recommendations as he deems feasible, on the date—

(A) which is 30 months after the date of the enactment of this Act, and

(B) which is 42 months after such date.

Sec. 242. Tax Treatment of Industrial Development Bonds Issues to Finance Pollution Control or Waste Disposal Facilities.

(a) In General.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by redesignating subsection (h) as subsection (j), and by inserting after subsection (g) the following new subsections:

"(h) Air or Water Pollution Control Facilities.—For purposes of this section—

"(1) In general.—The term 'air or water pollution control facility' means land or property of a character subject to depreciation under section 167—

"(A) which is acquired, constructed, reconstructed, or erected to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, storing, or preventing the creation or emission of pollutants, contaminants, wastes, or heat,

"(B) which is certified by the Federal certifying authority (as defined in section 169 (d) (2)) or the State certifying authority (as defined in section 169(d) (3)) as meeting or furthering Federal or State requirements for abatement or control of water or atmospheric pollution or contamination, and

"(C) all or a portion of the expenditures for the acquisition, construction, reconstruction, or erection of which would not be made except for the purpose of abating, controlling, or preventing pollution.

"(2) Exempt financing to be unavailable for expenditures for purposes other than pollution control.—

"(A) In general.—Subsection (b) (4) (F) of this section shall not apply with respect to any issue of obligations (otherwise qualifying under subsection (b) (4) (F)) if the portion of the proceeds of such issue which is used to provide air or water pollution control facilities exceeds (by more than an insubstantial amount) the amount by which—

"(i) the cost of acquiring, constructing, reconstructing, or erecting the facility, exceeds

"(ii) the net profit which may reasonably be expected to be derived through the recovery of wastes or otherwise in the operation of the facility over its actual useful life.

"(B) Net profit.—For purposes of this paragraph, the term 'net profit' means the present value of benefits (using a discount rate of 12½ percent) to be derived from that portion of such cost properly attributable to the purpose of increasing the output or capacity, or extending the useful life, or reducing the total operating costs of the plant or other property (or any unit thereof) in connection with which such facility is to be operated, reduced by the sum of—

"(i) the total cost incurred to acquire, construct, reconstruct, or erect the property (reduced by its estimated salvage value), and

"(ii) the present value (using a discount rate of 12¼ percent of) all expenses reasonably expected to be incurred in the operation and maintenance of the property, including utility and labor costs, Federal, State, and local income taxes, the cost of insurance, and interest expense.

"(i) Solid Waste Disposal Facilities.—For purposes of this section, the term 'hazardous waste or solid waste disposal facilities' includes land and property of a character subject to depreciation under section 167 which is acquired, constructed, reconstructed, or erected for no significant purpose other than to comply with hazardous or solid waste management requirements imposed by the Solid Waste Disposal Act.".

(b) Conforming Amendment.—Subparagraph (E) of section 103(b) (4) of such Code is amended by inserting ", hazardous waste," after "sewage".

(c) Clarification of Reference.—For purposes of section 103(i) of the Internal Revenue Code of 1954, any reference to the Solid Waste Disposal Act means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and as it is, or may be, amended from time to time by other Acts. No inference shall be drawn from the preceding sentence with respect to the presence or absence of the words "as amended", by themselves or in combination with a reference to another Act, whenever reference is made in any other provision of law to an Act by its short title.

(d) The amendments made by subsections (a) and (b) of this section shall apply with respect to obligations issued after the date of enactment of this Act and with respect to taxable years ending after that date.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

SEC. 301. (a) The President shall submit to the Congress, within four years after enactment of this Act a comprehensive report on experience with the implementation of this Act, including, but not limited to—

(1) the extent to which the Act and Fund are effective in enabling government to respond to and mitigate the effects of releases of hazardous substances;

(2) a summary of past receipts and disbursements from the Fund;

(3) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(4) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(5) the record of State participation in the system of response, liability, and compensation established by this Act;

(6) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(7) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, co-insurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

(c)(1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f)(4) and (5) of the Federal Water Pollution Control Act.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field obervation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short and long term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include:

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e)(1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within 12 months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The Study Chairman and one Reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to:

(i) carcinogens, mutagens, and teratogens, and (ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address:

(A) the need for revisions in existing statutory or common law; and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one Reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the National Contingency Plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

SEC. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutant or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985.

CONFORMING AMENDMENTS

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

(b) One half of any sums appropriated prior to the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the receiving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the -------- dealing with the matter of ---------, which rule or regulation was transmitted to Congress on --------", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

TRANSPORTATION

SEC. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances litsed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however*, That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

SEC. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substance Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates under section 5315 of title 5, United States Code.

(c) The amendment made by subsection (a) shall become effective 90 days after the date of the enactment of this Act.

SEPARABILITY

SEC. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

Mr. STAFFORD. Mr. President, in addition to the names of cosponsors which appear on the substitute now before the Senate, I ask unanimous consent that the names of the following Senators be added as cosponsors of this measure: The Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. DURENBERGER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I yield to the chairman of the Committee on Environment and Public Works, my dear friend and colleague over the years, Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, this measure is vitally important to the people of the United States. This legislation has been with us in the committee for a long, long time.

Mr. President, I earnestly support S. 1480, the Environmental Emergency Response Act, as I supported it as I did on July 11 of this year when 11 members of our Committee on Environment and Public Works, in rather general agreement, reported the legislation we discuss today. The substitute is not entirely as reported from the committee but I do want to say, of the 14 members of our committee, 11 members, voted for the measure and to report it to the Senate. In addition to myself, they are Senators BENTSEN, BURDICK, CHAFEE, CULVER, DOMENICI, GRAVEL, HART, MITCHELL, MOYNIHAN, and STAFFORD.

The Committee on Environment and Public Works reports an average of 50 bills to the Senate in any given Congress. It shows that the committee has a wide range of subject matters and when we reorganized the committee structure some nearly 4 years ago we had to take on certain new matters.

But the committee membership, working at a closer ratio than any other committee in the Senate—eight Democrats and six Republicans—has worked together. Senator STAFFORD, the ranking minority member, will substantiate, that in our progress on bills, very important bills, we have worked with very few animosities. There was no partisanship permitted insofar as I could lead the committee on the discussion of matters entirely upon what we were concerned with at the time. The majority of these are measures familiar to any committee: Extensions and reauthorizations of ongoing Federal programs. Occasionally, however, the committee brings landmark legislation to the Senate. S. 1480 is such a bill.

The majority of these measures are programs that are not sometimes given the attention, which they should have from the body politic, from the people of the country as a whole. But this legislation, Mr. President, is landmark legislation, by whatever term, a watershed in legislation of this type.

It is such a bill and the compromise is such a compromise. We have had during the past several days approximately 25 or 30 Senators from varying viewpoints and background, experiences, contacts, and interests participating in the discussions, including, of course, the majority leader, Mr. ROBERT C. BYRD, and the minority leader, Mr. BAKER.

I am disappointed that such an important bill to help solve such a pressing problem must be addressed in the very last days of this Congress. I had hoped that we could have resolved this issue much earlier, as the House has done. This legislation addresses one of the great problems of our time: The poisoning of our land and water.

We are here to discuss a compromise of the reported bill in order to find solutions to these urgent problems. We seek compromise because we are realists.

The problem of hazardous waste disposal in this Nation has reached frightening proportions. While new toxic chemicals and new hazardous waste disposal facilities will be controlled and regulated under existing law, there is no procedure for dealing with dangers posed by chemicals already in the marketplace and the haphazard handling of toxic materials and past disposal of chemical wastes. The increasing incidents of contaminated drinking water, surface water, and ground water; the destruction of fish and wildlife; and the threats to public safety from health hazards, explosions, and fires have all made this bill necessary. Our Nation cannot afford more Love Canals or incidents like that in Elizabeth N.J., or New Orleans. Our Nation cannot afford a delay in passing a law that will provide adequate Government cleanup and response for chemical accidents.

My State of West Virginia has been spared incidents of the magnitude of those I referred to. But, West Virginia is among the 10 leading States in the production of hazardous substances, so there is always a substantial threat.

We were cautioned not to act at this time, and there were those who believed in good conscience that we should wait until next year. I remember reading recently the editorial in the Washington Star which spoke of the seriousness of this problem but suggested that it would be better to wait until next year, so we understand the across-the-board questioning about our efforts.

But to me, and to others on the committee, we cannot delay in passing a law that will provide adequate cleanup and response to hazardous substances accidents.

The reported committee bill provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites. It was an effort to cope, at least in part, with the spread of toxic chemicals through our environment, and with the dangers these chemicals pose to our citizens and to our valuable resources.

In this Congress, the Senators and staff of the Environment and Public Works Committee have spent nearly 3 years listening to testimony, discussing, and debating possible solutions to the problems we have heard so much about recently. We have worked hard to achieve a bipartisan consensus on the committee through 11 days of the hearings and 17 days of markups.

Before the election recess, I noted that the Chemical Manufacturers Association, the National Association for Chemical Producers, supported the House bill (No. 7020). That legislation addresses only a portion of the problems produced from hazardous chemicals into the environment, but it certainly was a positive step in the right direction. I had heard the industry had accepted the need to address these growing problems and had agreed on some solutions.

Now I hear differently. Now I hear that industry support never really existed for the House superfund bill.

CMA had favored legislation that would only deal with abandoned hazardous waste sites.

However, the problem of dangerous chemical leaking into the environment now, or over the next 4 years, will not come solely from abandoned waste sites.

I was pleased to read in the New York Times last week that DuPont has come forward favoring superfund legislation in this Congress. This is a positive move. I hope that other industrial concerns will follow suit as we debate here today.

Now is the time to address the need for creating a better response mechanism so we can respond to the tragic incidents we find across this country in every State.

And let us not underestimate the seriousness of the problem. It does not derive solely from dump sites.

The Committee on Environment and Public Works has become aware that dump sites alone are not the only sources of toxic chemical releases. We now know that the consequences of these releases are widespread, affecting public health, valuable resources, and local economies far away from dump sites.

For example, the committee thought in 1972 it had addressed the problem of oil and chemical spills. Section 311 of the Clean Water Act provided for Government response, public funding, and liability of responsible parties. A revolving fund of $35 million was authorized to clean up these spills. Although other funds are authorized to clean up chemical releases under the Clean Water Act, section 311 is the only fund which has ever received an appropriation. In the mid-1970's the Nation began hearing about chemical disasters far beyond the scope of section 311.

For example, the General Electric Co. dumped spent polychlorinated biphenyls—PCB's—into the Hudson River in the 1970's, closing it to commercial fishing just when it was recovering from earlier pollution problems. The cost of dredging these cancer-causing wastes is between $25 and $200 million, depending on how thoroughly the job is completed.

In another incident, one small chemical plant in Hopewell, Va., dumped kepone production wastes into the James River, closing down a $2 million annual harvest of stripped bass, blue crabs, and other seafood. That problem struck close to home here in Washington. For a period of time, our local seafood sales plummeted because the public did not want to risk buying seafood that might be coming from the James River.

And in the San Gabriel Valley of California, 52 wells supplying water to nearly 400,000 residents have been found to contain trichloroethylene—TCE—which is poisonous and causes cancer. Some wells tested at over 600 parts per million.

We are learning about new disasters like these all the time.

Last summer, PCB's leaked from a broken transformer into animal feed at a feed processing plant. The leakage was not discovered in time, and as a result, more than $2 million worth of livestock and food were contaminated and had to be taken off the market in 19 States.

And a few months ago, in Louisiana, a docking accident resulted in one of the worst marine spills in the history of the United States. A large quantity of PCP spilled into the Mississippi River. More than 40 square miles of prime fishing grounds in the Mississippi River Delta were for a time closed.

The dangers posed by buried chemical wastes have only recently begun to make a dent in our national consciousness, largely as a result of the severe health problems discovered at Love Canal. As I said earlier, however, Love Canal is not a unique problem. For example:

In December 1978, several 55-gallon drums were seen floating in a flooded creek near Louisville, Ky. When environmental officials traced the drums upstream, they were astounded by what they found. There, in a rural meadow surrounded by wooded Kentucky hills, more than 20,000 drums full of toxic chemicals sat out in the open, exposed to the elements and rusting away. This leafy glade now has the name, "Valley of the Drums."

Last summer, a slick of oil was noticed floating on the Susquehanna River at Pittston, Pa. When EPA officials responded under section 311, they learned the slick was more than just oil. It included a variety of highly poisonous chemicals. This mess was pouring from the mouth of an old coal mine shaft. These chemicals were wastes trucked to Pittston from all over the Northeast, where they were poured into a ventilating shaft in a mine 3 miles from the river. At least 300,000 gallons of acids, cyanide compounds, industrial solvents, waste oil, and other chemicals are still believed to be in the ground. They could be washed to the surface anywhere in a 10-square-mile area.

Representative ROBERT ECKHARDT of Texas, who shared our committee's concern for learning the extent of the problem, found that 1,100 disposal sites, holding about 100 million tons of chemical wastes, had been used by the Nation's 53 largest chemical companies since 1950 without any regulatory control. During that time, some 950 waste haulers were used by these chemical companies to take wastes to unknown locations. The operators of 594 plants owned by these companies did not know where all their wastes had gone.

Mr. President, the chemical disposal problem is not just a matter of cleaning up drums of chemicals buried in the ground. Toxic wastes reach drinking water in other ways as well. For example, EPA has identified approximately 12,000 industrial impoundments and treatment lagoons which contain hazardous wastes. There is virtually no ground water monitoring at these sites, and a third of them are potentially prime sources of ground water contamination because they are unlined, they lie over usable ground water aquifers, and they are located in soils which are permeable and would allow their contents to sink into the ground water.

Mr. President, the releases causing these massive losses occur in many different ways, not just through leakage from a limited number of dump sites.

Mr. President, long-term effects of chemical releases are also having a grave impact on our public health. Senator STAFFORD, Senator CULVER, and former Senator Muskie released a report by the public health service in which the Surgeon General reported:

> That toxic chemicals are adding to the disease burden of the United States in a significant, although as yet ill-defined way. In addition, we believe that this problem will become more manifest in the years ahead.

These are the problems we are faced with. To meet these problems, the Committee on Environment and Public Works reported S. 1480, the Environmental Emergency Response Act. The purposes of this bill were:

First, to make those who release hazardous substances strictly liable for cleanup costs, mitigation, and third-party damages. Thus, it assures that the costs of chemical poison releases are borne by those responsible for the releases.

Second, the bill would establish broad Federal response authority, and a fund of $4.1 billion over 6 years to clean up and mitigate damages where a liable party does not clean up or cannot be found.

Third, the bill would provide an opportunity through the courts, and a more limited opportunity through the fund, for victims to receive prompt and adequate compensation for losses and injuries.

Fourth, the bill would provide that the fund be financed largely by those industries and consumers who profit from products and services associated with the hazardous substances which impose risks on society.

These solutions seemed reasonable. Granted, the scope of such legislation was considerable, but the problem is considerable. Now, we also find in these last days before the demise of the 96th Congress that opposition to such an approach is also considerable. So, we speak today of compromise—reasonable compromise.

The present and future chairmen of the Environment and Public Works Committee, Senator STAFFORD and myself, have, in hopes of expediency and fairness, created an alternative to S. 1480 which embodies those features of the Senate and House bills where there has been positive consensus. We have tried to eliminate those provisions which were controversial.

Last week Senator STAFFORD and I offered an amendment called the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Along with other Senators, we proposed concise language to deal effectively in this Congress with the chemical contamination problems which continue to plague us.

We have made many concessions from the original bill reported last summer. Some of the concessions that have been made in this compromise warrant close scrutiny here.

We have kept strict liability in the compromise, specifying the standard of liability under section 311 of the Clean Water Act, but we have deleted any reference to joint and several liability, relying on common law principles to determine when parties should be severally liable.

We have deleted the Federal cause of action for medical expenses or property or income loss.

We have deleted the special medical causation provisions.

We have cut the size of the fund considerably from $4.1 billion for 6 years to $1.6 billion for 5 years.

We have added a new third-party defense to liability.

We have added limits of liability under this bill for vessels, trucks, trains, and aircraft.

We have even added, in this nonregulatory bill, a provision to allow a legislative veto of regulations.

I think we have moved a considerable way toward alleviating those fears and concerns that so many have voiced on S. 1480. I would hope others would go as far. But let me say something that Senator STAFFORD and I feel strongly about. It is the scope of the response provided in our amendment. We maintain that H.R. 7020 which deals only with abandoned hazardous waste sites is too narrow. We believe that coverage of spills of oil and hazardous substances into navigable water, as embodied in H.R. 85 is also not enough. The problem is bigger than the singular scope presented in each of those bills. The problem encompasses both waste sites and spills and leaks of chemicals into the environment—and that is what we must address here. We would neglect out duties to deal with only half a problem. The compromise, while greatly pared from its original version, must and does at least address the scope of the problem that this Nation faces.

The liability regime in this substitute contains some changes in language from that in the bill reported by the Committee on Environment and Public Works. The changes were made in recognition of the difficulty in prescribing in statutory terms liability standards which will be applicable in individual cases. The changes do not reflect a rejection of the standards in the earlier bill.

Unless otherwise provided in this act, the standard of liability is intended to be the same as that provided in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321). I understand this to be a standard of strict liability.

It is intended that issues of liability not resolved by this act, if any, shall be governed by traditional and evolving principles of common law. An example is joint and several liability. Any reference to these terms has been deleted, and the liability of joint tort feasors will be determined under common or previous statutory law.

As under section 311, due care or the absence of negligence with respect to a release or threatened release of a hazardous substance does not constitute a defense under this act.

Mr. President, I would like to draw the Senate's attention to a very important aspect of the Stafford-Randolph substitute which is not addressed to either H.R. 85 or H.R. 7020. In developing the Senate's bill, particular attention has been given to how releases from facilities with existing Federal permits are to be treated. The Environment and Public Works Committee and particularly Senator BENTSEN, spent considerable time working out how S. 1480 should apply to federally permitted releases. The applicable federally permitted release provisions of S. 1480 have been preserved in the Stafford-Randolph substitute.

The Environment and Public Works Committee concluded that adoption of an express Federal liability mechanism for releases pursuant to certain Federal permit systems seemed inappropriate at this time. Such a proposition was particularly troublesome for permits under section 402 of the Clean Water Act because the Congress had excluded them from the act's section 311 liability provisions in 1978. The rule of common law is that compliance with a permit is not a defense to liability.

Moreover, the Congress has never said or suggested that a Federal permit amounts to a license to create threats to public health or the environment with legal immunity. However, in view of the large sums of money spent to comply with specific regulatory programs, liability for federally permitted releases ought to be determined based on the facts of each individual case. Therefore, the Stafford-Randolph substitute authorizes response to federally permitted releases, but requires costs to be assessed against the permit holder under the liability provisions of other laws, not this bill.

Section 107(j) of the substitute bill preserves the enforcement provisions of the regulatory laws. Permitted releases have some potential for causing harm in some emergency situations it will be difficult to distinguish between a permitted release and other sources. The President, using the fund, is expressly authorized to respond to problems caused by federally permitted releases. Further, the fund would be available to pay response costs and natural resource damages covered by this bill. The fund in recouping such costs, or any private damage actions, must rely on other law—common law or Federal or State statutory law—in lieu of the liability provisions of section 107. The determination of exactly what liability standards, defenses, or other rules apply will be made on a case-by-case basis pursuant to regimes other than that of this bill.

The defined term "federally permitted release" (section 101(10)) is a key element in the treatment of these releases under this bill. For purposes of this bill, it includes actions by the appropriate Federal agencies or under federally approved State programs. Where the term "legally enforceable" is used in section 101(10), to qualify for exemption from liability for any federally permitted release. the relevant terms of such permit must be legally enforceable.

"Federally permitted releases" would be excluded from the liability and notification provisions of this legislation.

The Environment and Public Works Committee continues to recognize the difficulty of marking clearing where the spill response programs of section 311 and of this bill apply and where the general discharge regulatory/permit programs of section 402 of the Clean Water

Act apply. This issue was central to an amendment to section 311 of the Clean Water Act enacted in 1978. The first three parts of the federally permitted release provision of the substitute bill preserve that amendment and the rulemaking taken by the Environmental Protection Agency to carry it into effect.

This the explanation for the 1978 amendment and the implementing regulations of the Environmental Protection Agency are continued.

Section 101(10) of the substitute contains other similar clarifications regarding pollution control programs under the wetlands protection program of section 404 of the Clean Water Act, the Clean Air Act, subtitle C of the Solid Waste Disposal Act, the Marine Protection Act, the Safe Drinking Water Act, and the Atomic Energy Act.

While the exemptions from liability for federally permitted releases are provided to give regulated parties clarity in their legal duties and responsibilities, these exemptions are not to operate to create gaps in actions necessary to protect the public or the environment.

Accidents—whatever their cause—which result in, or can reasonably be expected to result in releases of hazardous pollutants would not be exempt from the requirements and liabilities of this bill. Thus fires, ruptures, wrecks and the like invoke the response and liability provisions of the bill.

The Environment and Public Works Committee does not intend for the notification elements of the bill to apply to the federally permitted releases defined in section 101(10). The laws authorizing permits and regulations that control these releases provide for notification and such notification procedures should provide the same public benefits—especially regarding timely response—as would be provided in this substitute bill. Notice is crucial to the timely Government response which is central to the superfund bill. The federally permitted release exceptions are not directed at avoiding notice, but rather to make it clear which provisions of law apply to discharging sources.

Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 establishes the circumstances when notice must be given to the Government of a release of hazardous substances, including hazardous wastes. Notice of a release is the essential first step which enables the Government to respond quickly to the more significant releases, if the parties responsible fail to. The 8 years of experience with the spill response program established by section 311 of the Clean Water Act amply demonstrate the necessity of immediate notice if an emergency response program is to be effective in protecting public health, welfare, and the environment. The Government response program that would be established by this bill is modeled upon the experience with the Clean Water Act's spill response program.

Section 103 of this bill will result in procedural regulations concerning notice of a release of hazardous substances.

In issuing regulations under this section, the President may identify certain classes of persons, substances, or vessels and facilities which, although they may be responsible for releases of reportable quantities, are not required to report under section 103 of the act because they are already required to report or keep records of such releases under another statute, or because requiring such persons to report would create an undue administrative burden on the National Response Center or another Federal or State agency.

For example, it may not be necessary to require facilities regulated under subtitle C of the Solid Waste Disposal Act to report the receipt of shipments of hazardous waste to the National Response Center because records of those shipments will be kept under the manifest system required under subtitle C of the Solid Waste Disposal Act and such reporting system may be sufficient for the purposes of this act. Or it may not be appropriate to require generators of small (but reportable quantities of some hazardous wastes to report releases of those wastes because such reporting might tie up resources which should be directed at more significant releases.

Another change in Government notification from that in S. 1480 involves the establishment and use of reportable quantities of hazardous substances under section 102. The earlier Senate proposals authorized regulations establishing reportable quantities for hazardous substances, but required reporting of all releases of a hazardous substance.

Authority to designate additional hazardous substances and to establish reportable quantities for all hazardous substances is retained, but reporting of releases is now limited to those involving such reportable quantities. To assure that reporting commences immediately upon enactment, section 102(b) establishes a reportable quantity of one pound for all hazardous substances (except those already designated under the Clean Water Act) unless and until superseded by any regulations issued after the act's passage.

As noted by the Committee on Environment and Public Works (Report No. 96–84, p. 29), determination of such quantities need not take into account harm to public health or the environment. Reportable quantities are used solely as a Government notification trigger, and are not relevant under this act for purposes of liability or assessment of civil penalty.

Section 105 calls for the revision of the existing national contingency plan originally prepared pursuant to section 311 of the Clean Water Act. The revisions would expand the plan to effectuate the new powers and responsibilities created by this act.

As revised, the plan will be a comprehensive document detailing emergency response and remedial action procedures, including methods for discovery and investigation, methods for evaluating and remedying environmental emergencies and appropriate roles for governmental and private entities. The plan will contain guidance on cost-effectiveness. Such guidelines are intended to assure that alternative remedial options are considered when planning cleanup actions at a particular site. This guidance will also provide both criteria and procedures for selection of the most cost-effective and environmentally sound alternative for remedying the site. This selection will require a balancing of a variety of factors, including cost and engineering, to achieve the health and environmental goals of the legislation.

The plan also requires establishment of criteria for selection of priority sites or suspected sites. These criteria will be utilized to establish a priority list of sites requiring remedial action. This list must be published at least yearly, but may be revised at any time. This is intended to provide flexibility in setting the priority list to assure that the list, to the extent possible, reflects those sites or suspected sites that merit top priority treatment. Accordingly, although this list must be published as part of the national contingency plan, it is not intended that the entire plan be republished each time the priority list is revised. Public notice of the revised list will be sufficient.

This expansion of the section 311 program is expected to proceed without creation of regulatory or other gaps. It is intended that existing authority and regulations issued under section 311 of the Clean Water Act continue until superceded or revised by the implementation of this act. Response capabilities, notification requirements, existing regulations and the national contingency plan will remain in effect until replaced or supplemented under authority of this act.

Section 106(c) of the act requires the Administrator to develop guidelines for use of the imminent hazard and enforcement authorities of several major environmental laws. This provision reflects two facts. First, existing statutory authority is often underutilized; second, it reflects the fact that this legislation creates additional authorities that complement these laws.

These guidelines are intended to outline existing authorities and the new authorities created by this act, in order to adequately apprise governmental and private entities of these authorities and their relationship to clean up authorities.

It is recognized, however, that the diverse nature of environmental emergencies does not lend itself to rigid rules for utilization of a variety of legal authorities. Accordingly, this guidance is in no way intended to hamper either response or legal actions taken pursuant to these authorities. Rather, it will provide a framework within which to make crucial response and enforcement decisions.

Mr. President, this bill places the major responsibility for implementation directly on the President. Naturally, this responsibility will be delegated to the agencies that can most appropriately carry out each particular function. When the administration developed its own legislation which was submitted to the Congress last year, a division of responsibilities was agreed to which I believe represents the most appropriate way to implement this legislation.

First, the management of the Fund

would be the responsibility of the Environmental Protection Agency. In addition, the provisions of sections 102 and 103 would also be administered by EPA. Second, collection of the taxes and enforcement of the tax structure would be the responsibility of the Treasury Department. Third, the present distribution of responsibility for spills of hazardous substances between EPA and the Coast Guard, as established under the current National Contingency Plan, should be maintained. Finally, response and remedial action associated with hazardous sites would be implemented by EPA. It is extremely important that the responsibilities be clearly delineated so that quick responses to environmental problems not be impeded by bureaucratic quarreling and confusion.

I am pleased that every member of the Committee on Environment and Public Works took an active role in the long road toward developing sound legislation. This legislation, from its first days to the final compromise form we present today, is primarily the creation of BOB STAFFORD. Credit should also go to Senator JOHN CULVER, chairman of the Resource Protection Subcommittee, to former Senator Edmund Muskie, who as chairman of the Subcommittee on Environmental Pollution worked jointly with Senator CULVER until he left the Senate. The long hours of dedication contributed by Senator JOHN CHAFEE and Senator QUENTIN BURDICK definitely played leading roles during the deliberations of this bill. I also thank Senators MITCHELL, BENTSEN, MOYNIHAN, HART, GRAVEL, BAKER, PRESSLER, DOMENICI, and SIMPSON for their important contributions.

There is not any question that this Nation would be paralyzed without the tremendous discoveries and accomplishments established by our chemical industry. We can be proud of our standard of living in this Nation and can grant a considerable amount of the credit to chemical innovation.

But we have begun to see the threat of deadly chemicals which find their way into every niche of the biological systems so precious to us here on Earth.

We will not stop or even hinder the well-being of the important industries which produce critical synthetic materials in this country. But we must try to stop the spread of disease, the spread of environmental catastrophes, and the spread of poor handling of these dangerous products which can produce such problems.

I believe we can send an important signal to America today by moving with the compromise before us. We are asking for far less than the Committee on Environment and Public Works asked for last July with S. 1480. But we are asking for a chance to show we care and will respond to those who have suffered in the past and those who may suffer in the future.

Mr. STAFFORD. Mr. President, the country has waited a long time for this moment.

We are considering, and hopefully we will pass, a bill dealing with chemical poisons in the environment. What we have before us is, in this Senator's judgment, the major preventative health bill to come before the Congress in 4 years.

Together with the other members of the Committee on Environment and Public Works I have worked on this legislation for nearly 3 years. I will not say that it has been a labor of love, because the process has been trying. We have been beset with problems at nearly every turn.

But it has been a 3-year trial well worth it, if we succeed. Eighty percent of the American people want some legislation. That sentiment is reflected in the Senate, where 24 Senators have joined as sponsors of S. 1480. And, judging from what we know, those concerns are well founded. The Surgeon General of the United States considers toxic chemicals to pose the major threat to health in the United States for the decade of the 1980's.

Modern chemical technology has produced miracles that have greatly improved this Nation's standard of living. But the increased generation of hazardous substances associated with these new products has proved to be a serious threat to our Nation's public health and environment.

The legacy of past haphazard disposal of chemical wastes and the continuing danger of spills and other releases of dangerous chemicals pose what many call the most serious health and environmental challenges of the decade. Chemical spills capable of inflicting environmental harm occur about 3,500 times each year, and an estimated $65 to $260 million is needed to clean them up. More than 2,000 dumpsites containing hazardous chemicals are believed by the Environmental Protection Agency to pose threats to the public health. The costs of containing their contents is estimated to be an average of $3.6 million per site.

The acceptance of man-made chemicals—to the extent that they are hardly recognized as such anymore—has become a fact of daily life in the United States. We are dependent on synthetic chemicals for health, livelihood, housing, transportation, food, and for our funerals.

But within recent years, there has been a realization that what is our meat may also be our poison.

Item—In a report dated March, 1980, the Library of Congress concluded that damages to natural resources of the United States because of toxic chemicals were "substantial and enduring." The report identified damaged resources ranging from all five of the Great Lakes to the aquifer underlying the San Joaquin Valley, possibly the richest agricultural area in the United States.

Item—In a report to the President of the United States, the Toxic Substances Strategy Committee concluded that the cancer death rate in the United States had increased sharply and that "occupational exposure to carcinogens is believed to be a factor in more than 20 percent of all cases of cancer."

Item—In a report released in the spring of 1980, by the Office of Technology Assessment, agricultural losses because of chemical contamination were placed at $283 million. OTA said the value was based on economic data from only 6 of the 50 States and was therefore "likely to be a gross underestimation of the actual costs."

In 1979, the total production of chemicals in the United States was 565 billion pounds. Of this amount, 347 billion pounds was of chemicals officially classified by the U.S. Government as hazardous. Production growth is increasing at a rate of 7.6 percent in 1979. At that rate, production will double in 10 years.

This is not to say that chemicals are necessarily bad. On the contrary, they have contributed mightily to American prosperity. We rely increasingly on them because of this contribution which they made to American life in a changing and sometimes hostile world. In fact, most chemicals are benign. Only a small number of them cause cancer, birth defects, or other illnesses. But the fact remains that, small though the relative number of these dangerous chemicals may be, they can cause terrible damage when set loose on the public.

Moreover, because we do use these substances in such a large volume, the number of incidents involving them has increased dramatically in the recent past.

Using existing documentation, the Environmental Protection Agency identified some 250 hazardous waste sites involving damages or significant threats of damages. Among the reported incidents were 27 sites associated with actual damages to health (kidneys, cancer, mutations, aborted pregnancies, and so forth), 32 sites which have resulted in the closure of public and private drinking water wells, 130 sites with contaminated groundwaters and 74 sites where natural habitats have been damaged and are adversely affecting indigenous species.

The preliminary findings of a joint States/EPA survey of pits, ponds, and lagoons used to treat, store, and dispose of liquid wastes identify 11,000 industrial sites with 25,000 such surface impoundments. At least one-half of the sites are believed to contain hazardous wastes. The survey found that virtually no monitoring of groundwater was being conducted and that 30 percent of the impoundments, or 2,455 of the 8,221 sites assessed, are unlined; overlie usable groundwater aquifers, and have intervening soils which would freely allow liquid wastes to escape into groundwater.

Thomas Jorling, the Assistant Administrator for Water and Waste Management for the Environmental Protection Agency, testified before the Subcommittee on Environmental Pollution and Resource Protection in 1979, saying:

> There are about 3,500 incidents involving chemicals per year from sources which have the potential of releasing significant quantities of hazardous substances either onto land or into water. Of these, it is estimated that about 50 percent of 1,700 spills would reach navigable waters * * * there are about 700 to 1,200 significant spills per year.

Some examples of the type of accidents that have resulted from spills and other nonwaste disposal incidents include:

PCB's, a cancer-causing insulating fluid whose manufacture is now banned, leaked from an out-of-service transformer, entered the food chain and spread through 19 States and 2 foreign countries. Hundreds of thousands of hogs, chickens, turkeys, and a large quantity of other foodstuffs had to be destroyed.

One-third to one-half of the drinking water and irrigation wells in the San Joaquin Valley have been contaminated by a pesticide, DBCP. In sufficient amounts, this pesticide is known to cause sterility in males. It is suspected also of causing cancer.

From 1970 to 1977, the number of railroad transportation incidents involving hazardous substances increased 700 percent. Fatalities increased by 300 percent. A witness from the National Transportation Safety Board testified that 85 percent of those releases would have been prevented by the installation of relatively inexpensive safety devices.

Portions of Lakes Ontario and Erie have been closed to commercial fishing because of chemical contamination. The taking of coho salmon, stocked throughout the lakes to encourage a viable commercial and sport fishery, is banned because of chemical contamination.

Additional studies reveal that the spread of dangerous chemicals by spills and other incidents is presently a major environmental problem in this Nation:

The Congressional Research Service of the Library of Congress recently completed a catalog of natural resources lost or destroyed through releases of hazardous or toxic substances. It is almost 250 pages long, yet the Congressional Research Service says it is an incomplete effort. All of the reported incidents are essentially anecdotes.

In a recent report, the Department of Agriculture identified surface water basins which were contaminated by chemicals. These basins included practically the entire middle South.

The Surgeon General of the United States, in a report to the Committee on Environment and Public Works said that in his opinion toxic chemicals posed a major threat to public health in the United States. There is not a person in this room who does not carry body burdens of one or several of these substances, many of which have now been removed from the market because of their dangers.

What I have just described is the scope of the toxics problem in the United States. The scope of not just inactive hazardous waste disposal sites, as tragic as Love Canal may be. Nor is the scope accidental spills into rivers, as disastrous as they may be. The problem is just as broad as the benefit.

I am not suggesting, nor have the members of my committee suggested, that chemicals be banned. What we are proposing is that we reduce the number of people who may become victims of chemical poisoning incidents.

In the last few days, we have been urged to adopt the two House-passed bills, H.R. 85 and H.R. 7020, and, thus, avoid the need for a conference or for further legislative action. Because so many persons have seriously advanced this proposition, I feel I should explain why this alternative is not acceptable to the Senator from Vermont.

For 3 years, the Senate has worked on a bill that would respond to emergencies caused by chemical poisons, and to seek to discourage the release of those chemicals into the environment. In many ways, the Senate bill is analogous to the natural disaster assistance programs we have enacted into law. When those natural disaster assistance laws were enacted, no one suggested that we should respond to floods, but not to earthquakes.

It makes no more sense to make that kind of distinction when dealing with chemical emergencies than it does when dealing with natural emergencies. But, that is what the House bills do. They cover two narrow areas—spills of 299 substances into navigable waters, and releases from inactive hazardous waste sites.

It may be instructive to review some actual chemical emergencies to judge whether they would have been covered if the two House bills—which, nevertheless, were a step in the right direction, a good step—had been law when the emergencies occurred.

The release of Kepone into the James River, which posed a threat to the entire lower Chesapeake Bay, would not be covered by the House bills.

The Hudson River's contamination by PCB's would not be covered.

PCB's in Michigan, where damages exceeded $100 million, would not be covered.

DBCP, a pesticide known to cause sterility in males at high dosage levels, is found in more than one-third of the wells in the San Joaquin Valley. That condition would not be covered by the House bills.

TCE contaminates wells throughout Pennsylvania and many parts of New England. Ninety percent of those cases would not be covered.

PCB's were released a few months ago in an accident at a feed plant in Montana and the contamination found its way to 19 States and 2 foreign countries. That would not be covered.

Train derailments at Waverly, Tenn., and at Crestview, Fla., that killed and injured scores of people would not be covered; nor would the abandonment of 60,000 pounds of leaking and dangerous drums of phosphorous in Hagerstown, Md.

Those are just a few examples. But, they are the rule, not the exception. There is simply no good reason for us to respond to one type of release of a poison, but not another. The test should not be whether poison was released into river water rather than into well water; or by toxic waste buried in the ground rather than toxic waste discharged to the ground. The test should be whether the poison was released. I assure you that the victim does not care to make those distinctions, nor should the Congress.

In addition to those two House bills, there are two other measures now before the Senate. The first is S. 1480, which was reported by the Committee on Environment and Public Works last summer. That bill, although ambitious, is not the draconian proposal that many have made it out to be. Nevertheless, I am a realist and know that many perceive it as punitive and unnecessarily rigorous. For that reason, Senator RANDOLPH and I introduced a fourth version last week. That is embodied in amendment 2623.

Fundamentally, amendment 2623 is a combination of the best of the three other bills, and an elimination of the worst, or at least the most controversial. Frankly, it eliminates 75 percent of what we were seeking in S. 1480. But knowing of the urgent need for legislation, we were willing to do that.

That amendment is fairly simple. It provided a broad government response, analogous to the natural disaster legislation. It had strict liability provisions, but they were severely pared down. The size of the fund was reduced and, finally, we added a legislative veto of regulations.

I am afraid that there may still be some confusion in the minds of some Members as to what was deleted from S. 1480 in our original compromise, so I will enumerate the major ones.

We eliminated the Federal cause of action, including medical causation and statute of limitations.

We eliminated the term joint and several liability.

We eliminated the scope of liability.

We added a third party defense.

We reduced the size of the fund from $4.1 billion for 6 years to $2.7 billion under the amendment of the Senator from North Carolina (Mr. HELMS) which has just been agreed to, over the 5-year period.

We changed the ratio of contributions to 87.5 percent from industry and 12.5 percent from the public, and we added a legislative veto of regulations, a provision in none of the other bills.

It became clear, soon after we introduced our original compromise amendment last week that there remained strong concern and opposition to even that measure.

So, late last week, this Senator and others dedicated to the idea that we must have superfund legislation in this session of Congress, began a new round of negotiations with Members who have an interest in the issue.

With the approval of the distinguished majority leader (Mr. BYRD of West Virginia) and with the strong support and cooperative spirit of the distinguished minority leader (Mr. BAKER), who made available his office as well as his leadership and guidance, we met in extended sessions with a number of Senators and their staffs.

During those meetings, a new compromise was shaped, and its text was printed in the RECORD of Friday, November 21, 1980.

That text will show that supporters of the legislation made some additional major concessions in the final effort to achieve a superfund bill this year.

Here are the additional major items deleted from our original compromise bill introduced last week:

We eliminated all third party compensation from the fund, including out-of-pocket medical expenses of victims of releases.

> We placed a $50 million limit on compensation for each incident of natural resource damage.
>
> And finally, we reduced the size of the superfund to $1.6 billion for five years, as incorporated in the Helms amendment.

We intend to offer this latest version as a substitute for S. 1480.

So the Senate now has four measures before it dealing with releases of toxic chemicals into the environment. Of course, the Senate has a fifth choice available to it and that is to pass no bill at all this year. I am sure that some persons will urge that course of action, arguing that action in the lameduck session is hasty and intemperate.

But how tasty is this?

This legislation has been reviewed formally by three different committees—Environment and Public Works, Commerce, and Finance—of the Senate. Collectively, they contain more than half of our Members. Two other committees—Governmental Affairs and Human Resources—have held hearings on the subject. Two years ago, the Senate passed a comparable bill, S. 2083. In this Congress, our committee has held 34 days of hearings and markups. In one way or another, 65 or 70 of the 100 Members of the Senate have been personally involved in the development of this legislation over a 3-year period, not including last week's negotiations. That does not count, at least in this Senator's book, as a rush to judgment.

I am a realist. I know that Members of the Senate find S. 1480 too ambitious. I believe they are mistaken. I believe 23 other Senators agree with me because they have cosponsored S. 1480. But the fact remains that at this time and in this place S. 1480 cannot be enacted. But this final compromise can.

Of course, the Senate can choose to pass H.R. 85 and H.R. 7020 under the pretext that they will solve a part of the problem in the United States. But the truth is that they will not. They will not help those along the James River in Virginia or the Hudson in New York. Or the thousands of farmers forced to slaughter their cattle because of chemical contamination. Or the millions forced to drink well water contaminated by poisonous chemicals. Or the small businesses forced into bankruptcy. Or the families desperate for medical care.

There are only two bills that will do that and only one of those is politically viable now. And whatever the Senate may do now or next year, I hope it chooses one of those two.

I know that Members of the Senate find S. 1480 too ambitious. I do hope, very strongly, that in the face of the major problems we face in this country in connection with releases of toxic substances into the environment that this afternoon the Senate will pass the bill now supported by the majority and minority leaders as well as the number of cosponsors who have joined with Senator Randolph and myself in moving this bill forward. I yield the floor.

Mr. RANDOLPH. Mr. President, I ask for this further opportunity, and I shall be very brief.

I commend the constructive efforts of Bob Stafford for his analysis of the legislation that is now pending before us.

In my earlier remarks I discussed the legislation, and I gave specific instances about the situation in this country. Together I think they will form a background of information which will be very helpful to the membership as a whole, and, in fact, to the people of the country.

I underscore one thought that I perhaps should have expressed, because I offered legislation which became a part of the Senate reported bill.

I felt that that was very, very important that it be a part of the substitute which Senator Stafford and I have sponsored.

It is also present in the substitute: Postclosure liability. This was an amendment which I offered at the full committee level and which was accepted. It deals with adequate monitoring and maintenance of hazardous waste management facilities after closure.

One of the most perplexing problems in the area of hazardous waste disposal has been the scarcity of sites and the understandable reluctance of local communities to accept such sites with no guarantee that they will be adequately maintained, especially in the long-term sense. Another associated problem is the difficulty of licensed site operators in obtaining long-term insurance as is required under the Solid Waste Disposal Act.

A separate postclosure liability fund would be established and would finance the long-term postclosure monitoring and maintenance necessary to protect human health and the environment. Financing is only available, I emphasize, to hazardous waste disposal facilities permitted and properly closed under subtitle C of the Solid Waste Disposal Act. The fund would also fully assume the liability of owners and operators of such permitted sites for any damages or cleanup costs which are incurred at the site after closure.

The fund is to be financed by taxes on each unit of hazardous waste which is received by a permitted or interim status facility which will remain at such facility after closure. Because such residual wastes pose the greatest postclosure health and environmental danger, it is appropriate that facilities handling such substances finance the fund. The Administrator of the Environmental Protection Agency is given the discretion to determine how the fees are to be imposed.

No permits have thus far been issued under subtitle C of the Solid Waste Disposal Act. It is logical to assume that facilities planning to close within a short time will not be applying for such permits. It is expected, therefore, that there will be a period of at least 5 years before this fund will be required, during which taxes will be collected by the Treasury. The postclosure liability fund is authorized to receive $200 million.

In order to determine the adequacy of the amount in the fund, the Environmental Protection Agency is directed to conduct a 3-year study, after which the committee will reexamine the matter.

I feel that creation of the postclosure liability fund offers a meaningful solution to the problem of siting new facilities which will be necessary to meet our hazardous waste management need. Assurance that funds will be readily available to clean up and restore problem facilities and to pay future claims for property damage and personal injury will reinforce public confidence. In addition, a postclosure liability fund will encourage private companies to attract the investment capital necessary to build the next generation of modern hazardous waste management facilities.

At the same time, as the tax is collected only on waste which will remain at the site, material which can be disposed of by other means, such as incineration, would not be subject to the tax. The committee considers this to be an incentive to industry for the development of additional technologies to dispose of hazardous wastes other than by burial.

I think this is a very important part of our measure.

We are not working on a time limit on this bill, Mr. President, but I would like the opportunity to yield to Senator Moynihan, who will be speaking in his own behalf and as a member of our committee.

No member of our committee has been more constructive and more conscious of his and our obligation in these matters. Knowledgeable? Yes, he is certainly knowledgeable, and eloquent also.

(The following proceedings occurred earlier:)

Mr. STAFFORD. Mr. President, I had intended to follow the remarks of the chairman of the committee with my own opening remarks, but I shall at this point yield to the distinguished Senator from North Carolina (Mr. Helms) for the purpose of offering an amendment. I ask unanimous consent that his amendment appear in the Record after my remarks so that it will not break the continuity between the chairman of the committee and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1792

(Purpose: To terminate imposition of taxes when $1.38 billion has been raised ($1.6 billion minus $220 million authorized to be appropriated)

Mr. HELMS. Mr. President, I thank the Chair. Of course, I thank my able and distinguished friend from Vermont.

I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from North Carolina (Mr. Helms) proposes an unprinted amendment numbered 1792:
>
> At the end of section 303 omit the period and add the following: "or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of the Internal Revenue Code of 1954 total $1.38 billion, whichever occurs first. The Secretary of Treasury shall estimate when this level of $1.38 billion will be reached and shall by regulation, provide procedures for the termination of the tax authorized by this Act and imposed under sections 4611 and 4661 of the Internal Revenue Code of 1954."

Mr. HELMS. Mr. President, the distinguished majority leader and the distinguished minority leader have indicated that this amendment, I believe, is acceptable to both of the distinguished floor managers of the bill.

The amendment would simply set a limit on the amount of the tax which could be collected under the terms of the bill. As we have discussed, the fund would be limited to $1.6 billion, which includes the Federal contribution and the proceeds to the tax.

Moreover, Mr. President, this amendment would specify that when $1.38 billion, or the industry share, has been collected, the Treasury would cease to collect further taxes in connection with this legislation.

I want to say, Mr. President, that I am deeply appreciative of my colleagues for their insistence and their acceptance of the amendment.

Mr. STAFFORD. Mr. President, it is the contemplation of my distinguished friend who has offered the amendment that the balance between $1.38 billion and $1.6 billion would be the Federal contribution of 12½ percent.

Mr. HELMS. Yes.

Mr. STAFFORD. So the sum agreed in total is $1.6 billion.

Mr. HELMS. The Senator is correct, and I thank him.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. HELMS. Certainly.

Mr. MOYNIHAN. It has been my honor to serve on both the Committee on Environment and Public Works and on the Finance Committee, and so I have been involved in this legislation in both ways.

I would like to thank the Senator from North Carolina for his amendment. It is a prudent measure which lends an exactitude and a finite policy to this tax, and while I cannot speak, as it were, for the Finance Committee, I know my colleagues would welcome this and would be happy to support it.

Mr. HELMS. I thank the Senator.

Mr. RANDOLPH. Will the Senator yield to me?

Mr. HELMS. I would be delighted to yield to the Senator from West Virginia.

Mr. RANDOLPH. I do want to say to the Senator from North Carolina that I think he approached some of these matters with the realization that some of us, perhaps, in a sense are crusaders on this type of legislation. There are others who are more cautious. But you have worked with us, and I am ready, for the majority, to accept the cap, as it were, of $1.6 billion.

Mr. STAFFORD. Mr. President, if the Senator will yield further——

Mr. HELMS. I yield.

Mr. STAFFORD. I would like to express my appreciation to the Senator for his patience and his cooperation over a long time on Friday in working this out. For the minority, I am also prepared to accept the amendment.

Mr. HELMS. I thank the Senator. I can assure him it is always a privilege to be associated with him in any endeavor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (UP No. 1792) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Conclusion of earlier proceedings.)

Mr. MOYNIHAN. I thank our beloved chairman, the Senator from West Virginia.

Mr. President, I rise for a brief moment to do two things: First, to note that as we deal with what may be the most important environmental legislation in this decade, it is worth a moment's reflection on how it came about. Both the Senator from West Virginia, and his colleague, the distinguished Senator from Vermont, referred to the Love Canal in New York. The Senator from West Virginia observed that for 3 years he had been taking testimony in this matter. Those are exactly the 3 years from the time the situation in the Love Canal in the city of Niagara Falls was discovered.

Simply that the press might be able to report and that the public might know why we have moved toward this national system of response, I have had prepared a chronology of the events that followed the discovery of trichlorophenols and other hazardous substances in that neighborhood in mid-1977.

There are 71 discrete events—meetings, bills, petitions, reports—71 events over 3 years before; finally, there was an effective and reasonably complete response. Mr. President, that is what we are saving the other communities across this land from. That is why we are putting this bill through today.

Mr. President, as I know others wish to speak, I simply ask unanimous consent to have this chronology printed in the RECORD as evidence of our purpose. This is what we wish to avoid.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF EVENTS—LOVE CANAL DISPOSAL SITE, NIAGARA FALLS, NEW YORK

Background: Love Canal, scene of the recent environmental emergency, is a 16-acre tract in the S.E. corner of the City of Niagara Falls, approximately ¼ mile from the Niagara River at the site's southern end.

1894: Love Canal is begun as a navigable power canal linking Lake Ontario and the Niagara River but is never completed.

1930's onward: The site is used as an industrial dumpsite for drummed chemical wastes, process sludges, fly ash, and municipal waste.

1947: Hooker Electrochemical Corporation purchases site for its own use.

1953: Hooker sells property to Niagara County Board of Education for $1.00 at the Board's request. The Board of Education subsequently sells parcels of land to the City and private citizens; homes and an elementary school are built adjacent to and over the now filled and covered canal.

Early 1970's: Residents notice chemical odors in basements and in the field over the covered canal. Children find "chunks" of chemicals.

Early 1976: New York State Department of Environmental Conservation (DEC) advised by USEPA Region 11 that the EPA, legally, has no authority over the problem. Can only offer technical assistance (T/A).

Early 1977: DEC feels that clean-up could not occur for 2–3 years due to legal liability questions.

Mid 1977: City of Niagara Falls hires Calspan Corp. to assess problem. Wells are put in and samples analyzed. Calspan concludes that additional data are needed to further identify the extent of the problem.

Oct. 1977: N.Y. State Department of Health (DOH) finds trichlorophenol and lindane analogues in pond water and requests EPA assistance. The Office of Solid Waste (OSW), Hazardous Waste Management Division, EPA, EQ, makes a commitment to provide sampling, analysis and investigative assistance.

Dec. 13, 1977: Administrator Costle, in a letter to Congressman LaFalce indicates that the EPA is preparing a monitoring study to determine what action needs to be taken.

Jan. 8, 1978: EPA, OSW staff and technical assistance contractor's representatives meet with EPA Region II and State DEC officials to develop a plan of action. Agreements reached: to complete water sampling, deep well drilling, analyses, shallow ground water evaluation and to make overall technical recommendations.

Feb. 1978: EPA Region II study of basement air detects broad range of chemicals.

Apr. 25, 1978: Dr. Robert P. Whalen, State Health Commissioner, says conditions at site represent serious threat to health and welfare and orders the removal of exposed chemicals, immediate initiation of health studies and other appropriate measures to protect health and environment.

Apr. 26, 1978: Top staff of State DOH and DEC meet in Albany with the EPA to develop a plan for detailed remedial measures.

May 15, 1978: EPA Region II concludes from air sampling of basements that high levels of toxic vapors are present and suggest potentially serious health risk.

May 21, 1978: State Health Department reveals plan to conduct short and long-term medical studies involving residents of the Love Canal area.

Late June 1978: State Health Dept. begins medical and environmental investigations near the site including a house to house health survey, the taking of blood samples and the start of air quality testing.

June 28, 1978: Pentagon officials repeat their denial of any knowledge of records pertaining to possible disposal of U.S. Army wastes in the Love Canal at a meeting in Washington.

July 7, 1978: Health Department analysis of air samples collected from basements and other rooms of homes shows high level of toluene, chlorotoluene and chloroform.

July 14, 1978: Commissioner Whalen convenes meeting in Albany of all interested parties to report on epidemiologic findings and air sampling and to discuss the various engineering studies proposed. In attendance are representatives from the City of Niagara Falls, the State Health and Environmental Conservation Departments, Hooker Chemical Company (Congressman LaFalce's office), and consultants to EPA.

July 20, 1978: Governor Carey signs legislation granting additional emergency powers to the State Health Commissioner to deal with the Love Canal problem and appropriating $500,000 in State funds to conduct long-range health studies.

Aug. 2, 1978: N.Y. Commissioner of Health Whalen, acting under authority granted to him on July 20 by the State legislature, declares a state of emergency. He recommends the evacuation of pregnant women and children under 2 years in the first two "rings" (streets) of homes bordering the site.

Aug. 3, 1978: Governor Carey directs his staff to explore all forms of possible Federal assistance and telegraphs President Carter requesting Federal aid; he also enlists support of Senators Jacob Javits and Daniel Patrick Moynihan and Congressman LaFalce for legislative action to deal with the Love Canal situation.

Governor Carey directs his special interagency task force to find housing for families immediately affected by Dr. Whalen's order and provide additional financial assistance.

Aug. 4, 1978: Governor's Task Force opens relocation and health offices at 99th Street School.

DPM sends out a Dear Colleague letter to all Senators, asking support for DPM amendment to the Housing and Urban Development (HUD) appropriations bill to provide $4 million for the Love Canal.

Aug. 7, 1978: Governor Carey announces that State Government will purchase homes identified by the task force as affected by the Love Canal chemicals.

President Carter declares a state of emergency and approves financial assistance requiring the State to match funds on a 50/50 basis. EPA and the Office of Management and Budget (OMB) meet to discuss possible Congressional supplemental appropriations of up to $4 million for Love Canal.

U.S. Senate approves by voice vote a "sense of Congress" amendment saying a serious environmental disaster had occurred and that Federal aid should be forthcoming.

Aug. 8, 1978: EPA, OSW, HQ meets with the Administrator and staff of the Federal Disaster Assistance Administration (FDAA) to discuss emergency needs.

Aug. 9, 1978: State officials meet at the White House with representatives of the President, Congress, and Federal agencies to discuss aid for Love Canal.

Governor Carey announces that State will evacuate all 236 families living on both sides of 97th and 99th Streets.

Aug. 16, 1978: State DEC Commissioner, Peter A. Berle announces an investigation is underway which is expected to lead to court proceedings against those responsible for the Love Canal problem.

Aug. 18, 1978: EPA HQ and Regional officials meet in NY City to discuss the progress of on-site work.

State Health Department medical investigators and technicians from Roswell Park Memorial Institute in Buffalo complete two weeks of drawing blood samples, bringing the total to over 2,800 persons.

Aug. 29, 1978: 98 Love Canal families have been evacuated as of this date; 46 others have found suitable temporary housing and are ready to move. Task Force relocation staff is working with 91 remaining families.

Sept. 12, 1978: EPA Headquarters staff, grants staff and Region II staff meet in Albany with NYS Department of Health and Department of Environmental Conservation staff to assist in preparation of grants application package.

Sept. 30, 1978: President Carter signs HUD appropriations bill containing $4 million in appropriations for EPA targeted specifically for the Love Canal.

Oct. 5, 1978: The state gives final approval for the beginning of Love Canal remedial construction.

Oct. 26, 1978: The EPA announces it is making available $15 million to help states finance programs for safe handling and disposal of hazardous wastes.

Oct. 28, 1978: State Health Department agrees to permit 20 families outside of the evacuated "strip" to appeal the rejection of their request for evacuation.

Oct. 30, 1978: The New York State Office of Disaster Preparedness will "seek a top level policy decision" from Washington. The Federal Disaster Assistance Administration rejects all but about 10 percent of the State's claims, saying that President Carter insisted that the State carry the major portion of the financial burden of the Canal.

Feb. 9, 1979: State Health Commissioner David Axelrod recommends that all pregnant women and children under two years of age leave the six block area of the Love Canal.

Representative John LaFalce meets with William Wilcox, head of the Federal Disaster Assistance Administration. His requests include federal reimbursement to New York State for relocation of families and reconsideration of the FDAA's earlier decision not to assist in remedial construction.

Apr. 11, 1979: Several Hooker executives testify before The House Commerce investigation subcommittee. They said Hooker was aware that the health of residents was threatened more than 20 years ago.

Apr. 23, 1979: Engineering consultants estimate that it will cost more than $150 million for Hooker Chemical to clean up the waste disposal dumps.

May 1, 1979: EPA implements a forceful, multifaceted program for detection, measurement, cleanup and enforcement against the problems caused by hazardous wastes.

July 26, 1979: HEW Secretary Joseph Califano, Jr. announces that residents of the unevacuated areas surrounding Love Canal have been exposed to potential health risks. He asks HEW scientists to review the general health risks posed by chemical dumps.

Aug. 21, 1979: State health officials confirm the presence at the Love Canal of Dioxin, an extremely toxic chemical with no known antidote.

Sept. 5, 1979: 300 People move out their homes because of odors from the remedial work and ask New York State to find new housing for them. New York State says that the residents need a certificate from a M.D. stating that their health will be endangered if they remain in their homes.

Oct. 3, 1979: State Supreme Court Justice Joseph Kuszynski rejects a $2.5 billion class-action suit. It is ruled out by a technicality, but does not prevent further individual lawsuits on the case.

Oct. 14, 1979: The House Commerce Oversight committee recommends the relocation of all residents living in the wet areas near the canal.

Oct. 24, 1979: State officials say the discovery of construction flaws in the Love Canal remedial project is delaying completion of the project.

Oct. 26, 1979: A report by the State Department of Environmental Conservation says that the health and safety of residents may be at stake unless drastic steps are taken to handle the crisis.

October 27, 1979: A multi-billion dollar lawsuit alleging fraud, injury to personal health and property damage is served against Hooker Chemical on behalf of 900 Love Canal area residents.

Nov. 1–6, 1979: Governor Carey requests and receives $5 million in state aid to assist 550 Love Canal area residents who want to leave the Canal.

Nov. 9, 1979: Representative LaFalce writes President Carter complaining about the lack of federal agency coordination and action on Love Canal.

Nov. 20, 1979: EPA said that there is virtually no increase in the cancer risk to persons living in the Love Canal area, based on 1978 data.

Dec. 20, 1979: The U.S. Department of Justice, after a year-long investigation, files four suits against Hooker totalling $117 million for four sites in Niagara Falls, including the Love Canal.

Jan. 3, 1980: Governor Carey writes to President Carter asking for immediate federal assistance and a review of applications for $20 million in federal aid that were rejected.

May 17, 1980: EPA releases a study stating that chromosome damage exists in 11 of 36 Love Canal residents studied and says that relocation of 710 additional families may be necessary.

May 19, 1980: DPM meets with Rep. John LaFalce, Stuart Eizenstat and representatives of four federal agencies to discuss federal handling of Love Canal. Moynihan and LaFalce call for comprehensive health study and organized federal response.

Angry homeowners lock two federal environmental officials in the office of Love Canal Homeowners Association for five hours, demanding an immediate evacuation of their neighborhood.

Rep. LaFalce speaks directly with President Carter to discuss federal assistance for Love Canal.

May 20, 1980: Carter Administration meets to discuss the federal government's role in the possible evacuation. The Federal Emergency Management Agency (FEMA) says that it will not participate in permanent relocation.

May 21, 1980: Health and Human Services (HHS) releases the report of an HHS panel of outside experts which reviews the EPA chromosome study. The review panel concludes that this particular study does not provide definitive evidence for judging whether or not there has been demonstrated health damage at Love Canal. President Carter declares a federal emergency at Love Canal and orders the federal government and New York state jointly to begin the immediate temporary relocation of 710 families from the Niagara Falls area. Governor Hugh Carey calls for permanent relocation and the start of a valid and scientifically reliable study.

May 27, 1980: The federal government asks in federal court that the state health department be ordered to turn over 50,000 pages of data on Love Canal residents.

May 28, 1980: Residents indicate that they will not take part in health tests until the government agrees to buy the homes of those wishing permanent relocation.

May 31, 1980: Dr. Beverly Paigen, a research scientist at Roswell Park Memorial Institute announces medical testing to be done independently of EPA tests. Studies are to include: growth of children, nerve damage and the sperm of males.

June 1, 1980: New York State Assembly speaker Stanley Fink commissions an investigation into the toxic and hazardous contamination in Niagara County, based on preliminary evidence indicating U.S. government disposal of chemical warfare manufacture waste products.

June 3, 1980: Love Canal leaders meet with the EPA to assess the federal health and testing program. EPA announces that a comprehensive environment study will commence within a few days but that the overall medical results will not be available for a year.

June 4, 1980: EPA announces a two phase study including comprehensive medical examinations for Niagara Falls area residents and monitoring of environmental damage. The study will last six months. Statement says that federal government does not have authority to buy homes but that EPA will help review housing and community development programs to identify existing resources.

June 5, 1980: Governor Carey appoints a panel of six doctors to review for 30 days every medical study ever done of the Love Canal.

June 6, 1980: Senator Kennedy chairs hearing before the Committee on Labor and Human Resources and Committee on the Judiciary on hazardous waste disposal and hears testimony from two Love Canal residents.

June 11, 1980: A Federal court judge orders the state of New York added to the Department of Justice's law suit against Hooker.

June 17, 1980: Senators Moynihan and Javits send a Dear Colleague to all other Senators asking support for their amendment to H.R. 7325, the Supplemental Appropriations bill, which would enable the President to carry out permanent relocation at the Love Canal.

June 18, 1980: Governor Carey signs a bill creating the Love Canal Revitalization

Agency and providing $5 million in state appropriations to relocate families permanently and to continue clean-up. He also calls for $20 million in federal loans to New York State for this effort. Under the Carey proposal, families would be compensated for the equity value of their homes and would be eligible for 30 year 3 percent loans up to a maximum of $55,000 to purchase new homes.

July 2, 1980: Congress passes the Supplemental Appropriations bill which includes an amendment by Senators Javits and Moynihan. The amendment gives the President the authority to order permanent relocation of Love Canal residents.

July 8, 1980: President signs Supplemental Appropriations bill with Javits/Moynihan amendment.

July 22, 1980: 548 applications received for relocation of which 200 families have been relocated in motels and 143 families in private accommodations. To date, approximately $1.7 million has been spent on this program.

August 8, 1980: EPA begins environmental monitoring study. Air, soil and water samples will be tested, at a cost of $5.4 million.

September 9, 1980: 306 families have been relocated outside the Love Canal area.

October 1, 1980: President Carter signs agreement with Governor Carey that implements the delivery of $15 million through FEMA for the purchase of homes in Love Canal. Authority was granted under the Moynihan-Javits amendment.

Mr. MOYNIHAN. Finally, Mr. President, I must make one further remark. We know that there is a transition taking place in the leadership of this body and it is, in fact, embodied in this measure. The bill that we are soon to adopt was introduced by Mr. BAKER for Mr. STAFFORD for himself, Mr. RANDOLPH, Mr. MITCHELL, Mr. MOYNIHAN, Mr. BRADLEY, and others. It is, in fact, Mr. BAKER's bill—having been introduced by Mr. STAFFORD and Mr. RANDOLPH prior to that. It could never be on the floor without the unfailing informed support of the Senator from Kansas (Mr. DOLE).

Mr. President, if there is an augury of what we may hope for in the next Congress under the leadership of Mr. BAKER, Mr. STAFFORD, and Mr. DOLE, it is on the floor today and it is a happy one. We could not be doing this were it not for the determined concern of the present minority that it should be done and their finding the time, giving the support. These agreements were reached in the minority leader's office, where a great many more such agreements will be reached in the years ahead. I take it a very handsome omen for the American Nation and for this body that this has moved so well.

Mr. President, I express my gratitude to the Senator from Vermont, the Senator from Kansas, and the Senator from Tennessee and, of course, I know the sometime and fast evanescing majority wish to salute those across the aisle and thank them for it.

I thank my beloved chairman for yielding the floor to me.

Mr. RANDOLPH. Mr. President, another Member of the Senate who has given hours and hours, especially in recent days, to this subject matter, although he was certainly very, very cognizant of what had been happening, is the capable Senator from New Jersey (Mr. BRADLEY). He has been faced, and I mention it very briefly, with a situation which centers in Elizabeth, N.J. For his efforts, even before he speaks, as I yield to him, I again wish to say how much we have gained by his counsel in these matters.

Mr. BRADLEY. Mr. President, I thank the distinguished chairman of the Committee on Environment and Public Works for his kind remarks, and also those of my colleague from across the river, New York (Mr. MOYNIHAN).

Mr. President, the paramount environmental problem facing us now is the need to correct damage done over many years by improper hazardous waste disposal and hazardous waste spills.

In almost every State in the country, there are known incidents of either abandoned or inactive sites which threaten municipal water supplies, have caused or threaten to cause agricultural or commercial fishing losses, and whose potential explosive nature even threaten entire communities. For every site that has already been identified, many more await detection and examination.

A survey that I conducted of local officials and investigations by the State of New Jersey have already uncovered 235 such sites in my State which require attention. New Jersey has been in the forefront in identifying potential problems, establishing its own superfund to assist in cleanups and initiating a manifest system long before Congress acted. The dimensions of the problem are so great, however, that no single State can afford to make its State safe for its citizens.

Let me describe an example. The Chemical Control Corp., a bankrupt toxic waste disposal facility in Elizabeth, N.J., was found to have accepted hazardous wastes illegally and failed to dispose of them. On the date New Jersey sought receivership of that facility, some 40,000 to 50,000 drums, containing unidentified hazardous wastes in various stages of decay and exposed to the elements, were piled up outside. A building on the site contained drums stored up to the roof.

In addition to such flammable combinations as aniline and nitric acid, State officials found practically every variety of toxic waste. The State had to win a lengthy legal battle before going in to clean up the site. Even with assistance from New Jersey's Chemical Industry Council, the State could identify and clear away only a few thousand barrels—including 500 pounds of TNT, nitroglycerin and picric acid, as well as quantities of phosgene nerve gas before the site exploded in flames on the eve of Earth Day this year.

The current estimate of cleanup costs at this site by the State is between $10 and $15 million. But we were lucky. The fire burned hot enough, the wind was cooperative and we avoided what could have been a massive disaster, with many fatalities, in the most densely populated area of our Nation.

Other sites and spills in my State and the States of my colleagues require urgent action.

Our attention to these problems today shows that government and responsible private industry can work together to deal with past abuses and move on to insure that the past is not prolog. I am pleased to say that government-industry cooperation has worked in New Jersey and I believe the responsible industry leaders recognize that this legislation is important to them to restore public confidence in them and us.

Mr. President, although I do not serve on the Environment and Public Works Committee, I closely followed work on this legislation and participated, where possible, because of its impact on my State, New Jersey. All of the members of that committee are to be commended for their efforts to bring this bill to the floor, as well as the Senators who were involved in the compromise negotiations of last week. I believe they have demonstrated sensitivity to the economic problems of industry while attempting to confront a serious health risk. The measure before us is a substantial compromise from the original proposal which I cosponsored. The differences between this legislation and that passed by the House are not insurmountable. I believe a conference could resolve them quickly to insure final action this year.

Mr. President, the significant accomplishments of this legislation are clear.

First, a single mechanism is established to permit Government to pay cleanup costs resulting from releases of hazardous substances into the environment—air, water, land. In cases where the liable party is unknown, unable, or unwilling to respond, Government response would not have to wait for a determination of whether the release was into surface water, ground water, land or air. Restoring public safety will be the first concern and it will not be delayed by protracted legal proceedings. Released poisons could be cleaned up and contained, contaminated water supplies could be replaced, and people who were exposed could receive medical examinations.

Mr. President, I cannot emphasize enough the importance of this ability to respond. Over 6 months before the Chemical Control Corp. exploded into flames, I requested that the Coast Guard intervene to try to clean up the waterway.

The Coast Guard maintained they only could act under the provisions of section 311 of the Clean Water Act. They did not believe, from their analysis, that, indeed, there was leakage into the stream next to the Chemical Control Corp. Therefore, there was no response because there was no other provision of law at the Federal level which would have allowed a response.

When the fire hit on the eve of Earth Day and the explosion billowed flames hundreds of feet into the air, it was discovered that there was an underground pipe leading into the waterway which the Coast Guard had ignored.

So, the first thing this bill achieves is a mechanism that will permit immediate response to clean up a danger when it is discovered.

Second, the legislation provides for

emergency response without creating an elaborate regulatory bureaucracy.

Third, the cost of establishing the fund is distributed among producers of hazardous substances and the taxpayers. While seven-eighths of the costs are levied on producers, their share will actually amount to less than 50 percent of the fund because they will be able to deduct this tax from other industry tax liability. Although it has been argued that these costs are likely to be passed on to consumers, an analysis by the Congressional Budget Office indicates the consumer impact will be negligible. Moreover, the real cost of production includes safe disposal, and all of us should recognize that.

We cannot afford to lose this opportunity after coming so close to resolution of the issues involved.

Virtually no one opposes the need for a cleanup fund.

The major industry groups indicated their willingness to accept the two House-passed bills many months ago.

The differences between those bills and the Senate compromise developed so painstakingly are minor except in one important area—the scope of releases covered. A spill of hazardous wastes is no less dangerous to public health when it occurs on a turnpike or the George Washington Bridge than it would be in the Atlantic Ocean. In the face of imminent peril to the public, Government should not have to determine first whether the cause of the problem is a spill, a leaking pipe, or buried toxic substances leaking into a water supply. It should be able to respond. The comprehensive scope of the Senate bill makes it far superior to the more narrow House approach.

This legislation is not as extensive as I would like, but it is an important beginning. I hope the House will concur speedily in our amendments and that we will have a law enacted this year.

Mr. President, perhaps I have had a little more experience with this, as the chairman stated, because toxic waste sites in New Jersey are so prevalent, perhaps because the chemical industry in New Jersey is the oldest in the country. Although we slipped from the No. 1 chemistry State to the No. 4 chemistry State, the residue of all those years still remains in 233 toxic waste sites in the State of New Jersey.

But across this country, Mr. President, there is a toxic time bomb ticking. It is ticking and it leads, if not to explosions and fatalities in an immediate sense, to a slow death of being exposed to toxic chemicals over many years.

If the Government has one responsibility, it has many. But, certainly, one of them is to protect the public health and the public safety.

I think any Senator would agree that that is part of the solemn pledge he took when he became a Senator, to do what he can to protect the public health and the public safety.

Mr. President, for a long and assorted set of reasons and complicated explanations, we have gotten to the point where we are today, where there are thousands of toxic waste sites, time bombs ticking across this land, and it is imperative that we respond to those threats to our health and safety.

Mr. President, I think this compromise at least begins in that direction. With it we can, within the next 6 months to a year, have funds available for the cleanup of these dangers across this country.

I urge my colleagues to join with the leadership in opposing all amendments and coming to a quick resolution of this bill so that we can go to conference and get a final bill before this session of Congress is over.

Mr. TSONGAS. Mr. President, I rise in strong support of the compromise offered by Senators STAFFORD and RANDOLPH. The need for an emergency Federal response to deal with abandoned waste sites and chemical spills is real, and it is immediate. Some chemical companies have shown a callous disregard for human health and the environment in disposing of their wastes, and the result has been immense pain and suffering to persons living near waste sites and irreparable losses of natural resources.

The tragedy of Love Canal with its story of birth defects, miscarriages, and liver abnormalities from chemical exposure is the best known case, but there are other examples as well. They include pollution of the water supply of over 300,000 people in Iowa, discovery of up to 30,000 leaking barrels of chemical waste in Kentucky, and contamination of ground water supplies from the dumping of pesticide wastes in Tennessee.

For purposes of this act, Congress declares that manufacture, use, transportation, treatment, storage, disposal, and release of hazardous substances are ultrahazardous activities. This is not a new concept. Strict liability for ultrahazardous activities has been accepted and applied throughout the United States. It applies to the transportation of hazardous substances, the spraying of hazardous substances, and the keeping of explosives and flammables. The chemical industry has complained it does not know what it will be liable for, but strict liability is triggered only for releases of substances which have been previously designated hazardous by EPA.

The Stafford-Randolph compromise does not create new costs. It puts the costs on the sector most responsible for pollution and which benefits most from chemical production instead of on the victim or on the Government, as it stands now.

The Stafford-Randolph compromise envisions a 5-year fund of an estimated $1.6 billion. Industry has argued that the $1.2 billion authorized under H.R. 7020 is more than adequate. But in light of EPA's estimated costs of clean up and containment, $1.2 billion is definitely not adequate. EPA estimates that remedial action at Love Canal alone will cost $110 million. It projects the average clean up cost per site at $3 to $6 million and estimates costs for 40 actions filed so far by the Hazardous Waste Task Force at $330 to $590 million.

The Chemical Manufacturers Association has opposed taxes on feedstocks and proposes instead taxes on end products. There are several advantages to taxes on the 46 building blocks out of which all wastes and hazardous substances are made. First, it is fairer. A tax imposed at this early stage in the chain of production, distribution, consumption, and disposal will be more evenly passed on to all industrial sectors which produce and consume hazardous substances and generate hazardous wastes. Second, it is simpler to administer. Instead of taxing 260,000 generators, a tax would be levied on fewer than 1,000 sources.

CMA has argued that the fund would have a negative effect on the domestic chemical industry and on the Nation's economy. But the Congressional Budget Office, in reviewing the original bill, which proposed a fund of $4 billion, concluded that the effect on prices and production volumes of final products would be small and should have at most a very small effect on GNP, the price level, or unemployment. Again, with the Stafford-Randolph compromise, we are talking about a fund of only $1.6 billion.

Lastly, I would like to remind the chemical industry about two polls it would undoubtedly rather forget. One survey, prepared by Cambridge Reports, Inc., for the Chemical Manufacturers Association, was designed to poll the attitudes of politically active individuals; chemical industry neighbors, and opinion leaders in government, education, and the media on attitudes toward the industry. These were the results. The issue most on the minds of these people as far as the chemical industry was concerned was chemical waste disposal. As many as 93 percent of those identified as politically active said they were either "extremely" or "very concerned" about the disposal of waste material from chemical plants. Most people sampled did not believe the industry is properly concerned. In fact, many people surveyed felt that waste disposal was industry's least concern.

In a recent poll of the general population conducted for Union Carbide, a substantial majority of Americans favor strengthening laws protecting workers and consumers and more rigorous control over water and air pollution. These poll results are significant because 9 out of 10 Americans believe the average product costs more because of regulation. These surveys indicate that the American people want action on this legislation. The Stafford-Randolph compromise goes far to address industry concerns with S. 1480 as reported. I strongly urge my colleagues to respond to the widespread and deep public concern over waste disposal by backing the Stafford-Randolph compromise. It is our best chance of reducing the risks to public health and welfare from hazardous waste mismanagement.

Mr. President, I would like to engage in a colloquy, if I might, with the Senator from Kentucky.

Large quantities of hazardous materials are transported by motor carriers, and it is believed that the bulk of hazardous wastes is being transported by carriers that do not have appropriate authority. Carriers act with impunity because the current penalty under the Interstate Commerce Act for operating without authority is only $500. This is insufficient deterrent in light of the potentially large profits to be made by carriers transporting hazardous wastes illegally. The Stafford-Randolph compromise contains my recommendation that civil penalties for transporting hazardous wastes without a license be increased from a totally inadequate $500 to $20,000. Stiff civil penalties for operating without authority provide a strong weapon for the Commission in its efforts to reduce unlawful transportation of hazardous wastes.

However, much more needs to be done to deal with illegal transport and disposal of wastes. I am particularly concerned with the problem of "midnight dumpers" who dispose of toxic chemicals and hazardous materials in quarries, in streams, in forests, or spread them on open roads. Another tactic is to fill trucks with drums of these materials and abandon them in places where they will not be immediately discovered. Currently, this problem is particularly severe in New England—including my own State of Massachusetts—New York, New Jersey, and Louisiana. The practice is likely to spread to other States, however, now that EPA's manifest system is in effect to track hazardous waste shipments and attempt to force legal disposal.

In my view, we need to strengthen EPA's inspection powers under the Resource Recovery and Conservation Act, to clarify that the inspection authority extends to vehicles, and permit EPA to delegate its inspection authority to other Federal agencies, such as the Department of Transportation. I would also propose amending RCRA to provide for forfeiture of any vehicle used in connection with criminal acts under this statute. I believe it would also be useful to provide the Interstate Commerce Commission with authority to file independent actions in rem against rolling stock to recover fines.

Actions in these areas should be taken as soon as possible. It is my understanding that the Commerce Committee is committed to examining these issues at the earliest possible time in the next session. Is that correct?

Mr. FORD. Yes. We share the Senator's concern with the problem of the "midnight dumpers" and the need to provide appropriate enforcement tools. The new EPA regulations, which went into effect just last week, should help in identification of hazardous waste shipments. The Commerce Committee will be looking at the problems you have identified—to determine whether changes are needed in the Hazardous Materials Transportation Act or the provisions of 49 U.S.C. governing transportation in interstate commerce.

I understand this matter has been discussed with Senator CANNON, the chairman of the Commerce Committee. He has authorized me to agree that hearings on legislative changes in this area will be a high priority item for the Commerce Committee in the next Congress.

Mr. TSONGAS. I thank the Senator from Kentucky for his response in this colloquy. I will not introduce the amendments previously scheduled. I commend the Senator from Vermont and the Senator from West Virginia for their efforts.

Mr. RANDOLPH. Mr. President, the Senator from Massachusetts (Mr. TSONGAS), on many occasions, has brought to the attention of his colleagues the importance of strengthening, in realistic ways, the environmental quality of this country. He does it again today, as he brings to our attention matters that concern him, and his support for the substitute is very helpful.

Mr. President, we have a member of our committee who came on the committee at the time that the former Senator from Maine, Mr. Muskie, went from the Hill to the administration, to serve as Secretary of State. Senator MITCHELL has come to our committee, to succeed Senator Muskie, and both are from the same State.

Senator MITCHELL has been most painstaking. He is a man with a background of judicial experience, and he has said constantly that it is not so much what this measure does but what it does not do.

I simply make this comment in commendation as he seeks the floor and is recognized.

Mr. MITCHELL. Mr. President, I thank the chairman, the distinguished Senator from West Virginia, and the ranking minority member and soon to be chairman, the Senator from Vermont (Mr. STAFFORD) for their efforts in this matter.

One of my first activities upon coming to the Senate was to participate, as a member of the Committee on Environment and Public Works, in the drafting of the superfund bill. I was concerned about the magnitude of the hazardous waste threat to this country and the extent of human tragedy caused by such wastes.

In S. 1480, the bill reported from the Committee on Environment and Public Works, we have a comprehensive, yet reasonable answer to the chemical contamination that continues at this very moment.

S. 1480 is a reasonable bill. It is an equitable bill. But we are in final days of this session, and faced with the threat of a filibuster by the opponents of S. 1480.

So S. 1480 cannot be enacted this year. The choice is between this compromise and no bill at all. While I will vote for the bill now before us, with some reluctance, I feel a responsibility to tell my colleagues and my constituents why this measure cannot honestly be called a substitute for S. 1480.

The bill before us is a meaningful first step to respond to the severe threats posed by spills, leaks and releases of hazardous substances, as well as toxic dumpsites.

Authority is provided for immediate cleanup of releases of toxic chemicals into the environment and for the restoration of natural resources damaged by such releases.

A fund of $1.6 billion is established to finance these remedial actions. The fund is financed primarily through industry contributions.

A party may also be held strictly liable for the cleanup of chemical contamination and natural resource damage for which he is responsible.

I do not minimize the significance of this legislation.

But this bill is deficient because while it provides for the cleanup of places, and compensation for damage to things, it provides nothing for what is the most important part of the problem: injury to people.

The guiding principle of those who wrote S. 1480 was that those found responsible for harm caused by chemical contamination should pay for the costs of that harm. We are abandoning that principle here today when the damage involved is to a person.

As we all know, hazardous substances have wide-ranging effects including illness, birth defects, even death, as well as destruction of natural resources. Under S. 1480, a party could be held responsible for those wide-ranging effects, specifically:

Cleanup of a release of a toxic substance into the air, water, or land;

Out-of-pocket medical expenses of victims exposed to chemical poisons;

Compensation for lost wages or other personal income;

Capital loss due to the destruction of agricultural products from chemical contamination;

Loss to processors of fish or seafood from the release of a hazardous material;

Loss or damage to natural resources owned by the Federal or State governments, including the cost of restoring injured or destroyed natural resources; and

Costs of expert witness fees, health studies, and diagnostic examinations.

But the bill before us permits use of the fund only for cleanup of hazardous waste sites or spills and to compensate the Federal or State governments for damage to natural resources.

No longer can a victim of chemical poisoning seek from the fund out-of-pocket medical expenses for an illness resulting from the action or inaction of another party. Indeed, as to the fund a guilty party cannot be held accountable for any damage it has inflicted on a person.

Under this bill, if a toxic waste discharge injures both a tree and a person, the tree's owner, if it is a government, can promptly recover from the fund for the cost of repairing the damage, but the person cannot. In effect, at least as to the superfund, it is all right to kill people, but not trees.

In this bill, we are telling the people of this country that under our value system a property interest is worth compensating but human life is not. Let me illustrate this more specifically: Suppose a little girl plays in a State park. She is exposed to a chemical leaching into the park from a dumpsite, and she develops symptoms associated with that chemical, such as kidney disease, or cancer.

The trees in the park die from exposure to this same chemical.

Under the bill before us, the State may be fully reimbursed from the fund for the cost of restoring new trees to its park. But what about the little girl? We have given her no recourse from the fund. She cannot recover the money it will take to give her proper medical care. She cannot be reimbursed under this bill for restoration of her kidneys or her nervous system or her eyesight.

Neither logic nor compassion, good government nor commonsense compel this result. It is simply a failure of will on the part of Congress to deal with what is the most serious part of the problem—injuries to persons.

Of course the response is that the injured person still has a legal cause of action against the party causing the injury. To that I ask: If such a course is satisfactory for injured persons, why are we permitting direct recovery from the fund for injury to natural resources? The answer, obviously, is that private causes of action are agonizingly slow and inordinately expensive. It takes years, many years, and dollars, many thousands of dollars, to pursue one of these cases to a final determination through the courts. Those who discharge wastes know this, and the consequence is legal guerrilla warfare in which the objective is to force the other party to settle early. So we do not want damage to natural resources to await the workings of that process; we want prompt, full compensation in such cases so we can replant trees in the park and so we permit claims against the fund for damage to natural resources.

But if this cause of action is unacceptable to the Senate for governments whose natural resources are damaged, why is it acceptable for people who have been injured or killed?

By what standard of justice or decency is damage to property more important than damage to persons?

The only answer I have heard so far is the fear that a lot of phony claims will be filed. I note first that it says something about the judgment of Congress as to the morality of the American people that we are unwilling to permit prompt compensation of some admittedly valid claims because we fear that this may stimulate other fraudulent claims.

While there may be evidence on which to base an adverse judgment by the people on Congress, I am not certain that the contrary is true. In any event no such evidence has been presented. All that has been argued is the vague fear that creation of this fund will so stimulate the larcenous tendencies of the American people that we dare not give anyone access to the fund for personal injury.

Perhaps this is true, although I hope it is not. But at the least, if that is the basis for our decision, the argument should be made with such evidence as is available to support it.

Our failure to provide compensation from the fund for persons who are injured is even less defensible when we recall that S. 1480 provided liability only for out-of-pocket medical expenses. There would have been no compensation for the pain and suffering of an individual, or for the psychological damage he or she might sustain, or for the ultimate loss, death.

Having made the judgment that property is more important than persons, none of us here should delude ourselves or the people of this country about what we have done. Most particularly, we must not delude the thousands of people who are the victims, who are waiting for our help.

Many of these victims have told their tragedies publicly, and I shall recount some of them now.

We all know that an environmental disaster occurred at Love Canal, in Niagara Falls, N.Y. But listen to the personal account of this tragedy by a mother who has lived by Love Canal for more than 13 years; and this is a brief excerpt from some of her testimony before this Senate:

> My name is Ann Hillis. I am a wife, a mother, I live in Niagara Falls, New York. I also live close to a "dump". A dump called Love Canal. I don't want to live there anymore. I hate Love Canal, I hate my life at Love Canal. It's a strange life that I lead now, it is filled with disruption, frustrations, sleepless nights and a grip of fear that only those in similar situations can understand. We've lived in the home for 13½ years. We lost a child there.
>
> I want to tell you about my son. He's 10, he's a bright boy, he has a 91 average in school. As a baby he never required much sleep. He was put on a sedative at about age 7 months to about 18 months. He developed rashes, frequent bouts of diarrhea and respiratory problems—always respiratory problems.
>
> His first year at 99th Street School, built over part of Love Canal, he was admitted to the hospital very ill. The diagnosis was acute gastroenteritis, cause unknown. After that, more respiratory infections and tonsilitis. At age 6 the tonsils and adenoids were removed but the respiratory problems did not improve and he developed asthma.
>
> He started school last September, 7 miles across town. His school was closed due to chemicals, chemicals in the air and chemicals on the playground where he and all the children played. He started the school year off with an abscess in his nose and he was on antibiotics. He had repeated respiratory infections and bouts of asthma. By this time we the people were well aware of Love Canal as were our children. My son went into a depression, withdrawing from school, from his mother and his father, and he begged to leave. I promised that we would soon. One night last winter I got up and I looked in on him and his bed was empty. I looked all over and it was 2 a.m. I heard a cry from under the couch. My son was under there with his knees drawn up to his chin. I asked him to come out and tell me what was wrong, and his reply was, "I want to die. I don't want to live here any more. I know you will be sick again and I will be sick again."

Ann Hillis does not understand why a chemical company dumped over 80 different deadly chemicals into Love Canal. She says:

> They produce the chemicals. Surely they have some idea of what chemicals can do. The people of Love Canal now know what they have done. They have produced children with extra fingers, extra toes, double rows of teeth, cleft palate, enlarged hearts, vision and hearing impairment and retardation.

This woman came to Washington in desperation and asked us to help her. With this bill, we have failed her and countless other victims of chemical poisoning.

And who are some of the other victims? One of them was a little girl named "Andrea." She liked to play on a farm in Moscow Mills, Mo. One day a truck drove up and sprayed the barn floor with what the driver said was salvaged motor oil, to keep the dust from blowing around. Three days later, the birds began to die. Andrea was later hospitalized with a bladder disease, inflamed kidneys, nausea, and headaches. She had actually been exposed to the deadly chemical dioxin. This was one company's way of disposing of contaminated wastes. We have not helped victims like Andrea in this bill, either.

We have not helped the people of Toone, Tenn., who drank from wells polluted with high levels of extremely toxic chemicals.

We have not helped the 750 families of Gray, Maine, who drank chemically polluted groundwater for 4 years.

We have not helped the people of Jackson Township, N.J., where water supplies were contaminated by illegally dumped chemicals and residents have suffered premature deaths, kidney malfunctions and removals, and rashes.

We have not helped the people in Hopewell, Va., who worked in the plant that manufactured kepone, who now suffer from cancer, motor disorders, and neurological damage.

We have not helped the people in North Carolina who were exposed to PCB's illegally sprayed along 210 miles of roadway, and which can cause cancer and birth defects.

We have not helped the people who live around the Rocky Mountain Arsenal in Colorado, where the drinking water supply has been contaminated by the dumping of pesticides known to affect the central nervous system by causing headache, blurred vision, dizziness, involuntary muscular movements, sweating, insomnia, nausea, convulsions, loss of consciousness, disorientation, personality changes, and loss of memory.

Mr. President, people have been tragically harmed like this in virtually every State of the Union.

We have the opportunity to help them, not make them whole, but at least provide them with compensation for their out-of-pocket medical expenses, that is all, compensation for their out-of-pocket medical expenses, and we have not done that. Instead we have apparently decided that, as the chemical industry says, toxic chemicals are a societal problem, and society-at-large should be paid for them.

This bill represents a beginning. But we have far to go to fulfill our duty to the people we represent.

I for one intend to exert every effort to remedy this irrational elevation of things over people in the next Congress.

I hope my colleagues will join me in that effort. I thank the Chair and I thank the chairman and Senator STAFFORD.

Mr. STAFFORD. Mr. President, I want to thank the distinguished Senator from Maine, the able Senator from Maine—my senior colleague and good friend, the chairman of the committee, would say—for all of his most learned and thorough participation in the struggle to bring the bill we now have before us to the Senate.

I recognize, with the Senator from Maine, the defects in the present compromise. But, as I said earlier, the Senator from Vermont and the Senator from West Virginia believe in the art of the possible, and we are trying to do as much as we possibly can here in getting the bill we have here passed.

Mr. HART. May I raise a point of clarification with the Senator from Vermont?

Mr. STAFFORD. Certainly.

Mr. HART. As you know, Colorado and several other Western States have serious problems with wastes at radium sites that have been abandoned by companies whose radium mining, milling, and processing activities produced the wastes. These sites are dangerous because they are not properly controlled or regulated and emit low-level radiation. We have found many radium waste sites scattered across Colorado—under restaurants, in empty lots where children play, near factories, and elsewhere. These sites need to be cleaned up to protect the health and safety of Colorado citizens. My question is this: Does the term "hazardous substance," as defined in section 101(14) of this bill, include the wastes at these radium sites?

Mr. STAFFORD. I will gladly assure the Senator from Colorado that if the radium waste sites do not otherwise come within section 170 of the Atomic Energy Act, and are not specified in the Uranium Mill Tailings Act, they will be eligible for funding and remedial action, subject to the other conditions of this bill.

Mr. HART. I appreciate the assurances of the Senator from Vermont. I applaud his efforts in getting this legislation enacted and feel confident that it will go a long way toward removing a serious health and safety problem that has plagued Colorado and other States in which the mining, milling, and processing of radium have occurred.

Mr. STAFFORD. Mr. President, unless the Senator from West Virginia has a point to make, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I am pleased that the compromise measure worked out so diligently by my distinguished colleagues, Senators STAFFORD and RANDOLPH, and others includes the provisions of an amendment I had intended to offer on the floor providing a partial exemption for zinc products—specifically, exempting zinc metal and zinc oxide and instead, substituting zinc sulfate and zinc chloride.

This amendment insures that the economic burden imposed on the zinc industry is reasonable, both from an environmental and economic standpoint, thereby avoiding further unwarranted economic damage to this ailing industry.

Because zinc metal is not inherently toxic, it makes more sense to assess fees on zinc sulfate and zinc chloride which are the building blocks of numerous other zinc compounds. These two compounds are listed as hazardous by EPA in connection with section 311 of the Clean Water Act and by DOT as part of its hazardous materials list. Also exempted is zinc oxide.

It is my hope that this minor adjustment in the fee structure will provide modest relief for the ailing domestic zinc industry. As an indication of the dire straits in which this industry finds itself, within the past year the closure of two zinc smelters—St. Joe's Monaca, Pa., plant in December 1979, and New Jersey Zinc's Palmerton, Pa., plant in August 1980—resulted in the loss of 43 percent of the Nation's zinc metal production capacity, over 2,000 jobs, and a worsening of the balance-of-payments situation.

As further evidence of the justification for this amendment, I ask unanimous consent to have printed in the RECORD the following materials prepared by St. Joe Minerals Corp.:

Exhibit 1—The Declining American Zinc Industry;

Exhibit 2—U.S. Zinc Metal Production Capacity;

Exhibit 3—Critique of "Fees on Zinc";

Exhibit 4—Description of Zinc Sulfate and Zinc Chloride; and

Exhibit 5—Impact of Exempting Zinc and Zinc Oxide.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

EXHIBIT 1.—THE DECLINING AMERICAN ZINC INDUSTRY

Zinc is a vital material, as evidenced by the Government's current stockpile target of 1,425,000 tons. Its main uses are in galvanizing, to protect steel from corrosion, in die castings (where usage has been declining because of their decreased use in automobiles) and in brass. In tonnage terms zinc is the fourth most important metal, after steel, aluminum and copper. Below is a brief review of what has happened to the American zinc industry over the last decade:

1. Ten years ago, the United States produced over 1 million tons of zinc metal a year. It now produces just half that amount, about 500,000 tons a year.

2. Meanwhile, overseas zinc metal production has increased by 25 percent in the 1969–78 period, as new smelters, mainly in Europe and Japan, have been constructed.

3. A decade ago this country was dependent on foreign sources for 20–25 percent of its zinc metal; now, it is 50 percent import dependent.

4. Eleven U.S. zinc smelters have been closed since 1969. Only one, a small plant, has been replaced by a modern plant, also small; one new plant was opened last year; and one was re-opened but at drastically reduced capacity. In 1969 this country had 14 zinc smelters; in August 1980 it had six.

5. In the last year alone, the closure of two zinc smelters (St. Joe's Monaca, Pa., plant in December 1979, and New Jersey Zinc's, Palmerton, Pa., plant in August 1980) resulted in the loss of 43 percent of this country's zinc metal production capacity, about 2,200 jobs and a further drain on the nation's trade balance of, perhaps, $150–200 million a year. St. Joe recently announced a partial reopening of its Monaca smelter at about ¼ of rated capacity.

6. U.S. producers are currently quoting 39.5¢/lb. for zinc metal. In 1975—a recession year—prices were 39¢/lb.

7. Today's zinc metal price is only slightly more than in 1977 (35¢/lb.). In 1977, U.S. zinc producers collectively suffered a before-tax loss despite a 20 percent increase in consumption over 1975 levels.

EXHIBIT 2.—U.S. ZINC METAL PRODUCTION CAPACITY

[Short tons]

Zinc plant	Rated capacity (estimated)	1979 production (estimate)
Amax, Inc., East St. Louis, Ill	84,000	66,300
Asarco, Inc., Corpus Christi, Tex	108,000	59,200
Bunker Hill Co.,[1] Silver King, Idaho	104,000	81,403
National Zinc Co., Bartlesville, Okla	56,000	56,000
New Jersey Zinc Co.,[2] Clarksville, Tenn	90,000	(?)
St. Joe Minerals Corp.,[3] Monaca, Pa. (closed December 1979)	222,000	185,000
New Jersey Zinc Co.,[2] Palmerton, Pa. (closed August 1980)	118,000	65,000
Total capacity	782,000	
Less capacity lost from St. Joe and New Jersey Zinc closures	340,000	
Capacity as of August 1980	442,000	

[1] Subsidiary of Gulf Resources & Chemical Corp.

[2] Subsidiary of Gulf & Western Industries, Inc.

[3] St. Joe recently announced a partial reopening at about ¼ of rated capacity.

Note: In the last 9 months, closures have resulted in the loss of 43 percent of this country's zinc metal production capacity.

Source: Nonferrous Metal Data 1979, American Bureau of Metal Statistics.

EXHIBIT 3—CRITIQUE OF "FEES ON ZINC"

Attached is a detailed critique of an EPA document, "Fees on Zinc," which has been cited as justification for imposing Superfund fees on zinc.

The document represents a strained effort on EPA's part to trump up a case against zinc in the absence of any convincing data. One can only wonder if the "data" supporting the inclusion of other materials in Superfund is equally superficial.

First, the document incriminates zinc by listing a number of statutes and regulations in which zinc is listed as a hazardous substance. In truth, neither zinc metal nor zinc oxide appear on any such lists. Other zinc compounds do appear on these lists but not because of the presence of zinc in those compounds but rather because of the presence of other substances such as cyanide, arsenic and chromium.

Second, the document incriminates zinc by citing the damages it causes to aquatic life, animals and humans. In truth, some zinc compounds can be harmful to aquatic life, most often because of the presence of other materials in those compounds such as cyanide. Also, a number of zinc compounds are used as nutritive supplements of many animals and plants to prevent zinc deficiencies and to promote growth.

Concerning human health, EPA has not set any human health-related drinking water standards for zinc because the presence of massive quantities of zinc in drinking water is usually self-limiting, causing bad odor and taste, and the effects of drinking such water are transient and leave no permanent damage.

Further, incriminating zinc in connection with the El Paso smelter is intentionally misleading. It has never been suggested that zinc emissions from that smelter have caused any adverse human health effects and the effects which were noted have been subsequently discredited by reputable scientists. In addition, the smelting of zinc has not been shown to cause the release of hazardous quantities of other pollutants.

Third, the document incriminates zinc by citing dozens of instances where zinc has been detected in the environment. In truth, the studies from which this data were compiled provide no basis for incriminating zinc. Instead, the studies merely show that chemists have the capability to detect zinc. None of the studies show that zinc has been detected in levels sufficient to cause any damage to human health, the environment or the ground water.

Fact: First, only ten compounds—not twenty-four—are so designated. Second, neither zinc metal nor zinc oxide is designated hazardous under this act. Third, the zinc compounds designated hazardous are so designated because of the presence of materials, such as cyanide and arsenic, which can be combustible, corrosive and highly toxic in and of themselves.

TYPES OF DAMAGES

Natural resource damages from zinc and many zinc compounds

Statement 1: Acutely toxic to aquatic life and to livestock, bio accumulates.

Fact: Zinc may pose a potential problem for aquatic life, but it is doubtful whether it bio accumulates. Concerning livestock and plants, it is noteworthy that some zinc compounds have a very beneficial effect. For example, zinc carbonate and zinc oxide is used as a nutritive supplement for many animals, zinc sulfate is used to overcome zinc deficiencies in some plants and zinc bacitracin is used as a growth factor in swine and poultry nutrition.

Statement 2: Can render drinking water unusable due to extremely bad taste and odor.

Fact: EPA has not set any primary (health-related) standards for zinc under the Safe Drinking Water Act. EPA has set secondary standards to prevent adverse sensory (taste, smell) effects. It is true that large concentrations of zinc, many times in excess of EPA's drinking water standard, cause drinking water to have a bad odor and taste and it is unlikely that anyone would drink such water. However, even if someone did, the effects are transient and relatively minor, leaving no permanent damage.

Human health effects

Statement 1: Prolonged exposure of high concentrations can result in acute effects (nausea, loss of appetite, stiffness and irritability).

Fact: Again, such high concentrations, many times in excess of EPA's drinking water standard, would make it very unlikely that anyone would drink such water because of its odor or taste. Even if they did drink it, the effects mentioned are transient and leave no permanent damage.

Statement 2: Smelting zinc ore releases lead, arsenic, zinc, cadmium, which cause lead poisoning (effects of which include early death, especially in fetuses and young children, retardation, blindness, epilepsy, coma, abortions, premature birth and congenial abnormalities); cadmium induced kidney damage; and lung cancer from arsenic.

Fact: This is a very misleading and unfair statement for three reasons:

First, the effects attributed to lead emissions from zinc ore smelting only occur with the intake of massive quantities of lead. There is no scientific data that zinc smelting creates lead emissions sufficient to cause such effects.

Second, emissions of zinc during the smelting process have never been found to cause any adverse effects. Indeed, scientific studies indicate that concurrent intake of zinc with cadmium and lead tends to protect against lead and cadmium poisoning.

Third, the effects attributed to arsenic and cadmium released during zinc smelting only occur with a very large intake of these materials. Again there is no data even suggesting that arsenic and cadmium released during zinc smelting produce such effects.

PREVALENCE OF ZINC AND ZINC COMPOUNDS RELEASED TO THE ENVIRONMENT

It is impossible to respond to each of these statements as they reflect the combined findings from nine documents (one of which is unpublished, EPA internal documents and two others which are not available).

A review of the other six studies indicates that zinc has been unjustly incriminated, and that there is no valid basis for treating zinc as a hazardous substance under S. 1480. Below are comments on the nine documents:

1. Prevalence of Subsurface Migration of Hazardous Chemical Substances at Selected Industrial Waste Land Disposal Sites.

Source: EA, Oct. 1977, SW 634—NTIS.

There is absolutely no justification for including zinc in S. 1480 to be found in this document. This study examined 122 sites in 15 states and conducted an in-depth examination of ground water at 50 disposal sites in 11 states, and its findings are based on the flawed assumption that "ground water was considered contaminated with hazardous substances if one or more of the following constituents was detected: (1) heavy metals other than iron and manganese . . ." (p. V).

Zinc was detected at 11 sites at levels below EPA's drinking water standards. Zinc was also detected at 2 sites at levels in excess of EPA's drinking water standard for the following reasons:

"Zinc concentrations in the samples reflected the contact of the water [ground water] with zinc-coated casings [monitoring well casings] (p. 60).

"Zinc was detected in high concentrations . . . but was probably derived from galvanized [zinc coated] materials in the screen or casing [of the monitoring well]. *The background well did not show contamination*" (emphasis added) (p. 66).

2. Assessment of Groundwater Contamination at Michigan—Part I.

Source: Michigan Department of Natural Resources, December, 1979.

There is no data in this study to support inclusion of zinc under S. 1480. This study inventoried all sites in Michigan where ground water contamination is known or suspected.

Zinc was detected at only two sites, and there is no information on the concentrations of zinc found in the ground water. Further, it is noted that the source of "contamination" at one of the sites has been eliminated (apparently closed) (p. 73).

3. Resource Losses from Surface Water, Groundwater, and Atmospheric Contamination: A Catalog, prepared by the Congressional Research Service in March 1980 for the Committee on Environment and Public Works. U.S. Senate.

This document does not support zinc's inclusion in S. 1480. At sites where zinc was detected there is no information on levels of concentration, and many other truly hazardous heavy metals and pollutants were detected at those same sites. For example, at one site where zinc was detected, the ground water was also found to contain carcinogens, such as vinyl chloride and benzene, and a host of other chemicals (p. 112). Zinc can hardly be singled out for blame in this case or the others cited in the study.

One other incident mentioned in "Fees on Zinc" concerning a smelter in El Paso is discussed on p. 239 of the above study. First, the incident concerns lead smelting—not zinc smelting. Second, none of the effects referred to are related to emissions of zinc from that smelter. Third, a panel of the Society of Occupational Safety and Health (SOSH) chaired by Dr. Warren Muir of the Council on Environmental Quality stated regarding the El Paso incident and the studies:

"The opinion of the committee was that no firm conclusion could be drawn from the studies as to whether or not there are subclinical effects of lead on children in El Paso and that *the reports and data made available have not clearly demonstrated any psychologic or neurologic effects in the children under study.*" (emphasis added)

Source: Muir, W. R.: Abstract of a Review of Three Studies on the Effects of Lead Smelter Emissions in El Paso, Texas, in Air Quality Criteria for Lead, U.S. Environmental Protection Agency, Washington, 1977, pp E-1 to E-4.

Clearly, zinc was not a problem in the El Paso incident, and the above study casts serious doubts on whether any adverse effects are associated with the El Paso smelter.

4. Congressman Eckhardt study "Waste Disposal Site Survey."

Source: Oversight and Investigations Subcommittee of House Interstate and Foreign Commerce Committee October, 1979. 96-IFC 33.

There is no support for inclusion of zinc contained in this document. This study reports findings of a survey of 53 chemical companies. Cong. Eckhardt's subcommittee submitted a questionnaire to those companies asking that they identify whether certain components are present at their disposal sites.

One Line on the lengthy questionnaire asks the companies to indicate the presence of "zinc, cadmium, copper, chromium (trivalent)" (p. XXXIX). The questionnaire does not allow the respondent to identify the presence of only one of the four and is, therefore, extremely misleading. Indeed, it is entirely possible that none of the companies found zinc in their disposal sites.

Lastly, the subcommittee goes to great lengths to emphasize the limitations of the study (pp. XLIV-XLV) saying:

"It is further emphasized—and should be clearly understood by the reader—that *these are waste disposal sites, not necessarily hazardous waste disposal sites.* Not all reported waste would necessarily produce a hazardous site. Moreover, *neither the exact quantity of any particular chemical component in the waste disposed nor the condition* of the site itself is known. Thus, these sites do not necessarily pose threats to public health or the environment." (emphasis added)

5. CRS document—6 case studies of Compensation for Toxic Substances Pollution.

Source: CRS 9613, June, 1980.

There is only one mention of zinc in this entire document and that is in connection with the El Paso incident discussed above in item 3. Again, there is no indication that zinc caused any adverse effects at the El Paso smelter.

6. Criteria document for Zinc Ambient Water Quality Criteria.

Source: EPA's Office of Water Planning and Standards. PB 296-807.

This document concerns the effect of zinc on aquatic organisms—not humans. It is generally acknowledged that the presence of zinc at certain levels may pose a potential problem for aquatic organisms.

The document concluded that there is no human health risk posed by zinc and, therefore, made no recommendation to establish a primary (health related) drinking water standard. In addition, the document recommends no change in the secondary (esthetic) drinking water standard.

7. Damages and Threats Caused by Hazardous Materials Sites.

Source: EPA, January, 1980, EPA 4309-80 004.

This document is being "updated" by EPA and is not available to the public at this time.

8. Recent report by Fish and Wildlife Service on the Hudson, Potomac and Nanticoke (Md.) Rivers, June or July, 1980.

This report cannot be located, and the FWS is not even aware of its existence.

9. Unpublished field reports by EPA's Hazardous Waste Task Force.

Reportedly, these reports may be used for enforcement purposes and they are not available for public review.

EXHIBIT 4.—ZINC SULFATE

Major uses

Hardener in viscose rayon spinning baths.
Flotation reagent.
Preparation of zinc chemicals.
Electroplating.
Fungicide.

Trace element used to overcome zinc deficiencies in humans, animals and plants.

Pigment used in paints, floor coverings and coated fabrics.

Properties

Water soluble.

Some forms also soluble in methyl or ethyl alcohol or glycerol.

Building block for

Zinc bromide which is used in pharmaceuticals, photography, rayon manufacture and radiation viewing shields.

Zinc carbonate which is used as an animal food supplement, in rubber products, pharmaceuticals, ceramics, cosmetics and as fireproofing.

Zinc cyanide which is used in pharmaceuticals, insecticides and in electroplating.

Zinc ferrocyanide which is used in pharmaceuticals.

Zinc iodide which is used in pharmaceuticals.

Zinc laurate which is slightly flammable and used in paints, varnishes and as a softener and activator in rubber compounds.

Zinc palmitate which is used in lacquers, paint pigments, rubber compounds and as a plastics lubricant.

Zinc peroxide which is used in pharmaceuticals and cosmetics.

Zinc phosphate which is used in dental cements and as a steel and aluminum coating.

Zinc stearate which is used in cosmetics, greases, pharmaceuticals and lacquers.

Zinc sulfide which is used as paint and linoleum pigments, in rubber, plastics, X-rays, TV screens, luminous watch faces and fungicides.

Zinc dimethyldithiocarbamate which is used as an agricultural fungicide.

ZINC CHLORIDE

Major uses

Trace mineral added to animal feeds.
Dietary supplement.
Deodorant.
Galvanizing iron.
Electroplating.
Dental cements.
Pharmaceuticals.
Wood preservative.
Disinfectant.

Properties

Soluble in water, alcohol, glycerol and ether.

Inhalation of very high concentrations can have adverse pulmonary effects.

Building block for

Zinc ammonium chloride which is used in welding, dry batteries, galvanizing and as a soldering flux.

Zinc ethyl which is flammable and used as a catalyst and in aircraft and missile fuel.

EXHIBIT 5.—STATISTICS

	1979 (short tons)	Value at $10 ton (per year
Zinc metal:		
U.S. production	579,000	
Imports	581,000	
Total	1,160,000	$11,600,000
Zinc sulfate:		
U.S. production	52,000	
Imports	3,100	
Total	55,100	550,000
Zinc chloride:		
U.S. production	29,000	
Imports	650	
Total	29,650	296,500
Zinc oxide:		
U.S. production	190,000	
Imports	30,000	
Total	220,000	2,200,000

NET REVENUE LOSS

Provision	Net loss (gain (per year)
Exempt zinc metal	$11,600,000
Substitute zinc sulfate and zinc chloride	(846,500)
Exempt zinc oxide	2,200,000
Total	13,000,000

• **Mr. DANFORTH.** Mr. President, the disposal of hazardous waste is one of the most urgent problems confronting Federal and State government. It is an issue of great importance to the State of Missouri, where more than 100 abandoned sites have been discovered.

Hazardous waste disposal is a subject which has become heavily loaded with emotionalism. It is a subject which public officials often discuss in inflammatory terms. But by creating headlines for themselves, they also succeed in creating anxiety among the people. No one likes the idea of living near a waste disposal site. In many States where illicit dumping has occurred, citizens live in fear that their community will be the next Love Canal or Valley of the Drums. And the possibility of such a development justifiably frightens them.

Clearly, we have no time to lose. Hazardous wastes are produced daily; we cannot put them on hold while we dally through deliberations. There is only one way to restore public confidence on this issue: We must get on with the work of cleaning up what has already been dumped, and establishing safe dumping sites for future waste. The creation of a superfund is central to this process. Although there are many differences among Members of the Senate, I believe the clear consensus is that we must clean up abandoned hazardous dump sites as soon as possible. I strongly support and urge passage of the compromise superfund bill; it is the all-important first step in addressing this problem.•

• **Mr. HUDDLESTON.** Mr. President, I would like to commend the members of the Senate Environment and Public Works Committee and the Senate Finance Committee as well as all other interested parties including the distinguished leaders of both the majority and the minority for their outstanding efforts in reaching a compromise in the form of the amendment we have before us on the so-called superfund legislation. No one will argue that such a compromise was necessary in order to enact such urgently needed legislation addressing the hazardous waste problem during this session of Congress. We, in the Congress, simply cannot wait any longer to give the Environmental Protection Agency the tools it needs to finance the cleanup of abandoned, leaking hazardous waste sites and spills of toxic substances into water, on land or into the air. This compromise will grant the agency such authority.

Much has been written during the recent months, indeed the past 3 years, about the need to put the Nation's house in order with respect to the great environmental dangers connected with abuses of the environment by improper dealing with hazardous wastes. Hazardous wastes, if not properly disposed, are capable of causing death, cancer, miscarriages and birth defects. The Environmental Protection Agency has pointed out that there are several thousand potentially dangerous dumpsites around the country.

In my home State of Kentucky the need for superfund is abundantly clear. In 1977 the Louisville Municipal sewer system was contaminated by chlorinated organic chemicals dumped by a waste hauler. The waste water treatment plant was temporarily evacuated by workers because of the toxic fumes produced by the illegally dumped waste. The "Valley of the Drums" near West Point, Ky., is an abandoned disposal site containing approximately 17,000 drums of industrial waste. Chemicals migrating from the site have been detected in streams draining into the Ohio River.

In addition, an EPA enforcement task force has reported that there are some 128 potential hazardous waste sites identified to date in Kentucky, three of which are identified as having medium or high rates of seriousness. Yet another assessment by EPA has identified in Kentucky 174 industrial facilities with approximately 295 impoundments, 40 percent of which contain potentially hazardous waste. Two-thirds of these potentially hazardous waste impoundments are not lined and almost 75 percent of them have no ground water monitoring systems. These kinds of situations cannot be allowed to continue.

In short, Mr. President, we must move forward with this compromise which I believe contains the minimum coverage and financing necessary to launch a meaningful first step to address the severe threats posed by abandoned dumpsites, hazardous substance spills, leaks and releases. As a cosponsor of the compromise amendment, I urge my colleagues to join with me in support of this legislation in order that we can avoid any further delays in implementing effective action. I would like to point out as a matter of information that last week the HUD Independent Agencies Appropriations conference committee approved a $14 million increase in EPA's already inplace emergency uncontrolled hazardous waste program. This appropriation, which is a result of my amendment to the HUD Independent Agencies bill on the Senate floor, should enable EPA to properly prepare for the transition to the operation of the legislation we are acting upon today.•

Mr. HUMPHREY. Mr. President, the Stafford-Randolph substitute to S. 1480, the Environmental Emergency Response

Act, would allow an aggressive Federal response to certain hazardous waste sites identified as national priorities. While I am concerned over some of the provisions of the substitute and especially troubled over the manner in which this body is forced to consider the critical issue of hazardous waste in the closing moments of an unusual lameduck session, I nevertheless am pleased that the managers have agreed to accept, as part of the substitute, an amendment I had submitted to the committee for its consideration.

My provision deals with the setting of national priorities for Federal response. The language would require that the top 100 of these national priorities shall include, to the extent practicable, at least one site from each State, that site designated by the State as the one posing the greatest danger to its own residents.

By "to the extent practicable," it is not meant that the executive branch is to have free rein in the selection of priority hazardous waste sites. The language simply obligates the executive branch of the Federal Government to use commonsense. While most States including my own State of New Hampshire, possess at least one hazardous waste site serious enough to warrant aggressive Federal involvement, it may be that one or more States would not have such a site or might not desire a Federal presence.

The approach specified by this provision has already been incorporated in the House-passed Hazardous Waste Containment Act, H.R. 7020. The point is that the legislation before us sets up an elaborate mechanism requesting the States to inventory their hazardous waste sites and to submit this information to the Federal Government. This interest in receiving the inventories should imply that the information will be used and that the worst hazardous waste site in each State will be taken care of.

It seems very important to me that we rely upon the individual State governments, historically much closer to the people than Federal bureaucrats sitting in Washington, to designate the worst hazardous waste site within their borders needing aggressive Federal cleanup action. Nothing in the provision would prevent the executive branch from designating more than one hazardous waste site in a given State as a national priority. It will simply require that the list of national priorities shall, to the extent practicable, include at least one site from each State among the top 100 sites identified as priority targets.

In this fashion, the benefits of this legislation will be available to the residents of every State. After all, it is the residents of every State who will pay to implement this bill, either through direct tax money or through the payment of higher prices for certain household products and other necessary items.

Mr. President, the people in each of our States are very much aware of the hazardous waste problem. In many cases, ground and surface water supplies have been contaminated. In other cases, hazardous wastes have affected the quality of life of whole neighborhoods and have led to substantial declines in nearby property values. It therefore seems essential that any congressional response to this serious problem benefit the people in all 50 States. Thus, I am pleased that the managers of the substitute, the distinguished Senator from Vermont and the distinguished chairman, the Senator from West Virginia, have agreed to incorporate my provision into their substitute. I thank them for their cooperation.

UP AMENDMENT NO. 1793

Mr. HUMPHREY. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an unprinted amendment numbered 1793:

On page 113, line 11, strike "1985" and insert in lieu thereof "1983".

Mr. HUMPHREY. Mr. President, the amendment I offer will simply sunset the authority to collect the taxes mandated by this legislation 2 years earlier than under the provisions of the Stafford-Randolph substitute. I do this because I believe that the substitute has been overly generous in mandating sunset only at the end of September 1985. In view of the fact that we are being asked to consider legislation dealing with as critical an issue as hazardous wastes during the final moments of an unusual lame duck session of the Congress, and that there have been many thoughtful calls that we consider this matter only in the 97th Congress, I believe that the least this body can do is to mandate sunset in 1983 unless the authority is renewed by subsequent act of Congress.

As an example of the type of thoughtful calls to delay consideration of superfund, I should like to share with my colleagues recent editorials which appeared in the Washington Star and the Wall Street Journal, and I ask unanimous consent to have the editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

TRYING TO SALVAGE "SUPERFUND"

In an effort to salvage a "superfund" toxic-wastes bill before the lameduck Congress becomes a dead duck, supporters are trying desperately to generate Senate action an a substitute proposal—one that attempts to bridge the chasm between a House-passed bill and a broader Senate version considered too controversial for passage in the waning 96th Congress.

The substitute bill offered by Sens. Jennings Randolph, charman of the Environment Committee, Robert T. Stafford, R-Vt., the committee's ranking minority member and a prime supporter of toxic-wastes legislation, has the elasticity expected of last-minute compromises. The more ardent superfund advocates argue that it gives away too much of the original Senate bill's coverage in an effort to placate the House—which, not surprisingly prefers its own legislative package to control chemical contamination.

It would be preferable, it seems to us, to let legislation as sensitive as toxic wastes wait until the new Congress convenes in January. The distance between the original Senate bill and the House version is so great that even a concerned attempt to compromise, with several items from Column A and a few from Column B, may cause more problems of administration and equity than it resolves.

Senator Stafford, who is expected to be the new Environment Committee chairman and a sponsor of the original Senate bill, believes the public-health threats from chemical wastes are so urgent it is vital to address the problems without further delay. There is also apprehension among superfund supporters that a new Congress—and a Republican administration—might be more sympathetic to industry positions on toxic wastes, diminishing chances for what they consider an effective law. There is more demonology in that perspective than we care to accept. If industry has not eagerly embraced the pending legislation, neither has it been callous to the danger of toxic wastes.

Toxic wastes are a problem, possibly a severe one. A central element in fashioning legislation, however, has been to determine the dimensions of the problem. Estimates vary astoundingly. An episode like New York's Love Canal was an especially alarming instance of contamination; it constituted for many Americans, in part because of intensive and occasionally shrill news coverage and some careless pronouncements by government environmentalists, a definition of the problem—a questionable definition.

It does not argue complacency or indifference to suggest that there is room for more careful study and thought before Congress produces a toxic-waste bill. A consensus has developed that cleanup and control of chemical wastes is crucial, and that industry must share responsibility for accomplishing these goals. But the current proposals have a punitive quality that implies an intent as much to punish as to remedy.

We agree there is urgency in the toxic wastes issue. But the frenzied atmosphere of a lameduck session is not the climate in which to translate urgency into law.

SUPERFUND SUPERRUSH

No one paid much attention back in September when Congressman Dave Stockman brought up some trenchant criticisms of a $1.2 billion superfund bill for cleaning up abandoned chemical waste dumps. The bill passed the House by a whopping 351 to 23, many of the Congressmen no doubt taking comfort from the widespread assumption that no bill would ultimately pass because the Senate was considering a far more sweeping and expensive bill and no agreement was likely.

In the wake of a resounding national mandate against intrusive government, though, the outgoing Congress has decided to have a few for the road. After patching up similar differences to gulp down an Alaska lands bill, it is getting ready to swill the superfund. On Monday Senators Randolph and Stafford, respectively the outgoing Democratic and incoming Republican chairmen of the Environment and Public Works Committee, introduced a scaled-down Senate bill closer to the House version. On Tuesday, after only two hours of a scheduled three-day markup session, the Finance Committee voted unanimously to report the original Senate bill to the floor, indicating an urgency to pass something.

So it's worth taking a look or two at the merits of the bill, and in particular Congressman Stockman's pertinent criticisms of the House version. To start with, dumps do not migrate. Both the public health hazards associated with chemical wastes and the environmental tradeoffs are mostly local. State and municipal governments are in the best position to determine, say, whether it's worth sprucing up an eyesore even if that means raising production costs for local industries. There's no compelling reason for a strong federal role here.

Mr. Stockman also called attention to the dangerously open-ended language in the House superfund bill. It would give the Environmental Protection Agency plenary authority to clean up any waste site in the country any time a release of hazardous waste presents even a hypothetical threat of "substantial endangerment" to the environment—all without any criteria for cost limitation.

Someday about a year from now, Mr. Stockman suggested to his House colleagues, Congressmen "are going to receive a letter from a company in their district that has just received a $5 million or $10 million liability suit that was triggered by nothing more than a decision of a GS-14 that some landfill, some disposal site, somewhere, needed to be cleaned up and, as a result of an investigation that his office did, he found out that that company contributed a few hundred pounds of waste to that site 3 years ago."

The whole rush for the superfund, of course, was triggered by the controversy at Love Canal, which itself has turned out to be far more ambiguous than first reports suggested. Even state-sponsored experts have concluded that so far there is no hard scientific evidence of health damage from the wastes.

That is of course not to say that chemical wastes are no danger; Congressman Stockman supported the need for quick clean-up in the cases where health threats seem imminent. The superfund bill may even be, as its proponents have it, the most important environmental legislation of the Eighties. But if so, it's worth spending the time to get it right. We certainly do not need one last gasp of the open-ended, no-costs-barred approach the electorate rejected in turning out this Congress and voting in a quite different one.

Mr. HUMPHREY. Mr. President, the concern I have over the sunset issue was earlier addressed by my distinguished colleague, the Senator from North Carolina, when he added language to section 303 that would sunset the tax collecting authority once a certain amount of funds have been collected by the taxes. This amendment has already been agreed to I understand, but I would prefer the additional safeguard of an earlier sunset time be also included. Thus, I urge my colleagues to give this amendment careful consideration and I urge its adoption.

Mr. President, in addition to the editorials I have had printed in the Record, I shall ask unanimous consent to have printed in the Record a letter that is urging caution and delay in quickly adopting any superfund legislation during the lameduck session. This one is a letter I received from the National Association of Manufacturers and it will be of interest, I believe, to my colleagues.

I ask unanimous consent to have printed in the Record that letter to which I have made reference.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Association
of Manufacturers,
November 20, 1980.

Hon. Gordon Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: On Tuesday, November 18, the Senate Committee on Finance reported without change or recommendation S. 1480, the "Environment Emergency Response Act," otherwise known as "superfund." The ostensible reason for the Finance Committee's refusal to act is the stated intention of members of the Environment and Public Works Committee to offer a substitute to S. 1480 on the floor of the Senate.

The substitute is expected to reduce the size of the fund to $2.7 billion, 88 percent of which will be raised by industry-paid fees on barrels or crude oil and pounds of petrochemical feedstocks and inorganic compounds. Its sponsors claim that the substitute reduces the liability of those causing or contributing to the release of a hazardous substance, which, in fact, it would. However, the substitute retains a provision for attaching strict liability for such releases, which means that a showing of negligence or fault is not required.

The National Association of Manufacturers (NAM), which represents 12,000 manufacturing enterprises in the United States, strongly believes that hurried action on legislation of great magnitude, such as superfund, is grossly inappropriate in lame duck session, especially on a substitute bill that has been the subject of hearings or undergone the scrutiny of committees other than Environment and Public Works, such as the Committee on Commerce, Science, and Transportation. Lame duck action is even less desirable in light of the dramatic shift in the makeup of the Congress and the Executive Branch. The new administration and Congress should be allowed to formulate and debate their own proposals.

NAM has long supported legislation addressing the single major problem of cleaning up abandoned hazardous waste disposal sites, and will work diligently toward that end in the 97th Congress. S. 1480 and its substitute overreach this problem, however, and we cannot support them. We urge you, therefore, to vote against these bills in the waning hours of this Congress.

Thank you for your consideration of our views.

Sincerely,

Daniel W. Cannon,
Director, Environmental Affairs.

Mr. HUMPHREY. Mr. President, I call particular attention to the fact that the National Association of Manufacturers is firmly stating that it is not opposed to legitimate legislative proposals which would address the problem of abandoned hazardous waste disposal sites. The association simply feels that a lameduck session of Congress is far from the ideal circumstance in which to consider the matter.

I know that many of my colleagues will probably vote in favor of the Stafford-Randolph substitute though they would much prefer to delay until the convening of the 97th Congress. This is not to say that the tremendous efforts of our distinguished colleague, the Senator from New Hampshire's sister State of Vermont, and the distinguished chairman from West Virginia, are not appreciated. However, I am certain that my distinguished colleagues share my belief that this is not the ideal time nor the ideal manner in which to consider such legislative proposals.

While numerous amendments to the Stafford-Randolph substitute might be desired by many, I fear that such amendments, considered in the rush of the closing moments of this Congress, would be open to the same charge of inadequate consideration. After very careful consideration, and mindful of the great efforts of those who crafted the compromise before us, I decided to offer a very simple amendment rather than any amendments which would affect the substance of the legislation. In view of its simplicity, I believe that my colleagues should easily be able to see the merits of the amendment. While I am well aware of the fact that the distinguished majority leader and the distinguished minority leader have announced their intent to oppose any amendments to the substitute other than the previously adopted Helms amendment, I firmly believe that the amendment I have offered should be exempted from this opposition and I once again urge its adoption.

Mr. RANDOLPH. Mr. President, it is my understanding the Senator is withdrawing the amendment he had sought to have considered. Is that correct?

Mr. HUMPHREY. I intend to do that.

Mr. RANDOLPH. I do say that I think that the comment the Senator is making helps complete this record, at any time, whether it is now or later, and it is in that spirit that there was an agreement that this legislation might come to a vote, that as to amendments to be offered—not that they could not be offered—the leadership, including many, many Senators would necessarily vote against them. There would be a reason why some would not vote for them. But that is the understanding that we have had on both sides of the aisle.

So I know the Senator will do what he thinks best, but it is my hope that it might be withdrawn since he has spoken to the point of the amendment.

Mr. HUMPHREY. Mr. President, I am aware, of course, of the agreement reached by the leadership. They do not wish to impede the progress of this legislation or inconvenience my colleagues.

I did want to make the point, however, that I, as the case with so many, would have some very grave concerns about the wisdom of proceeding with so important and sensitive a matter under the present circumstances, namely, the lameduck nature of this session.

I think, however, that there has been enough discourse directed at this particular issue of sunsetting during the discussion of the Helms amendment, my own remarks, and those of Senator Randolph that it has to be clear to anyone reading the Record in the future that we do not mean for this to be an ongoing proposal many years in the existence, that if it should be necessary for there to be that kind of program, then it is hoped fervently by most of us, I believe, that a new Congress will take an in-depth look at this program with a view toward substantially changing it.

If the distinguished floor managers of this legislation are essentially in agreement with my sentiments on that point, I am willing to withdraw the amendment at this point.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. This is not said in pleasantry, but Senator Humphrey from New Hampshire is a pilot in his own right. He knows what it is to be up front at those controls on jets flying sometimes 30,000 feet above the Earth, and he also knows that even though the weather is smooth above the clouds often he has to come down under the cloud cover and touch down at an airport where the visibility is not too good and where the ceiling may be 100 or 150 feet.

I am only saying in this matter we are in some troubled water if we consider it. I am not attempting to delineate all the matters that we have had under consideration, but I assure my colleagues that this is a continuing matter of study in the Committee on Environment and Public Works, although that would perhaps better be said by Mr. STAFFORD and our colleague who will become the chairman in the 97th Congress.

But I feel Senator STAFFORD is sensitive to matters of concern on legislation of this type highlighted by the Senator from New Hampshire and three or four others who have spoken today, including the Senator from Maine (Mr. MITCHELL) who is a member of our committee, taking another viewpoint than that expressed by the Senator from New Hampshire.

I say to Senator STAFFORD that, as to matters that are considered here today in the form of an amendment which is withdrawn, these would be before our committee as we go into the 97th Congress.

Mr. STAFFORD. Mr. President, if the distinguished Senator will yield, I certainly agree with that.

While I have the floor for a second, if the Senator will yield further, I ask unanimous consent that Senators LEVIN and RIEGLE be added as cosponsors of the pending legislation, amendment 2631.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, I wish to clarify further, if possible, the sentiment which exists in regard to the sunset provision of this legislation, both that adopted on my own and my own amendment which I have withdrawn.

The point I am trying to make is that, if it is found necessary to have a major ongoing program in the future years, it is the hope of this body that the matter will be taken up anew and structured again from the beginning, that this particular program as it is now set up will not be continued on and on and on into the future. I think that is visible given the situation.

Mr. RANDOLPH. Mr. President, as the Senator knows, and I do not wish to interrupt, the legislation if it does become law will be for a 5-year period.

Mr. HUMPHREY. Yes.

Mr. RANDOLPH. That does not mean that any law could not be amended, of course, if the new Congress when it moves in, of course, decides to make that change. But that is the limitation in the pending measure.

Mr. HUMPHREY. Yes. I am trying to bring out the apparent concern and underline the apparent concern for the record in future times so people will understand what we had in the way of intent when this legislation was passed.

Senator HELMS has suggested amending the legislation with respect to a dollar figure. One might say he sunsetted the legislation with respect to a cap on the maximum tax that can be collected.

I offered an amendment that would sunset the bill 2 years earlier than the date which Senator RANDOLPH has just alluded to.

I am perfectly willing to have withdrawn that amendment, but I just want to make it clear that if this program is to continue on and on into the future it is our hope that a new Congress will take the matter up fresh and take a perhaps more relaxed and time-consuming approach to it.

After all, it has been put together in a time with perhaps a little more haste than many of us would wish to see. That is the purpose of my amendment and the reason I have withdrawn it is to make it clear we hope that if it is necessary to extend this legislation in any way that it will be done in perhaps a more orderly fashion and given even greater care in the future.

I yield the floor.

The PRESIDING OFFICER. For the edification of the Chair, does the Senator from New Hampshire withdraw his amendment?

Mr. HUMPHREY. Yes; I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. COHEN. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the Stafford-Randolph substitute to S. 1480, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Last week, long-awaited regulations to monitor transportation and disposal of hazardous wastes were finally enacted. Under the Resource Conservation and Recovery Act signed by President Ford in 1976, all generators of hazardous waste—including manufacturers and users of dangerous chemicals—as well as transporters of the substances, must keep accurate records of this material from point of origin to final disposal in acceptable sites and be accountable to EPA for all aspects of handling toxic substances.

Despite these far-reaching regulations, we know that we are only scratching the surface. Of the more than 30,000 sites in the United States that are used for treatment, disposal or storage of hazardous substances, EPA estimates that 2,000 may pose significant risks to human health and the environment and that 7,000 may require some sort of remedy. For years, despite the advances in technological progress, we have watched hazardous and poisonous chemicals disposed of in the most primitive manner—burial or dumping.

The problems this archaic disposal method have caused are staggering. A recent report issued by the Library of Congress at the request of the Environmental Pollution Subcommittee indicates that no region of the country is free of at least one single serious incident of long-term economic damage attributable to airborne toxics. The report indicates that this country faces serious problems with its water quality, its wildlife and farmland and other natural resources.

The Library of Congress study cites disturbing instances of resource damage in my own State of Maine, where residents of Gray recently discovered that their water supply had been poisoned by the burial of waste oil substances. Also, the report cites damage to clam flats on the Maine coast caused by mining residues, and damage to salmon eggs in one Maine lake caused by DDT residues.

Other reports uncovered equally disturbing problems in other parts of Maine and the remainder of New England as well. As many as 50 landfill sites in Maine that could cause a significant hazard to public health are found in a report compiled by the Environmental Protection Agency. An additional 100 municipal landfill sites were listed as containing toxic materials. EPA officials state that the potential threat from buried toxic chemicals is one of the top environmental issues confronting New England, which is cited as having the greatest potential for public health danger.

While much of the data about the scope of the problems are still being uncovered, we know two things: The problem of toxic wastes poisoning our environment is a growing one, and it will take generations for our resources to recover.

Clearly the time has come for the Congress to develop a mechanism to handle this problem. The bill which is before us today represents a clear compromise between the Senate bill, of which I am a cosponsor, and the two House bills.

The Stafford-Randolph bill makes a number of concessions to the House position: It eliminates the Federal cause of action, joint and several liability provisions, special medical causation provisions, and reduces the size of the fund considerably. It brings the bill closer to the original bill which received, at least in part, approval from industry.

Mr. President, I do not believe this bill is perfect. It is, however, a reasonable compromise at this late date and I urge my colleagues to support it.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MITCHELL). Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Senator TSONGAS of Massachusetts and Senator DANFORTH of Missouri may be added as cosponsors of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, the State of New Jersey has been and remains a strong proponent of the superfund legislation pending in the House and the Senate. We have been grappling with the serious environment and health problems stemming from discharges and illegal and improper disposal of hazardous wastes and oil for several years. In 1977, the New Jersey Legislature enacted a comprehensive statute covering discharges of oil and chemicals into surface and ground waters and onto land. The statute was amended in 1980 to expand coverage to include abandoned hazardous waste disposal sites and certain other "ancient" source discharges. The major source of revenues for the New Jersey Spill Compensation Fund is a tax applied to transfers of petroleum and a tax on nonpetroleum hazardous substances.

New Jersey and several of the other States with successful State spill funds (including Michigan, Florida, California, Maryland, and New York) have on repeated occasions expressed grave concerns that the preemption language contained in this bill may work to slow down governmental response to spills of oils and hazardous wastes by creating questions as to the availability of State and or Federal funds to provide operating, up front dollars to finance emergency cleanup and containment actions. I understand the concern debated over the years in conjunction with superfund that industry not be forced to suffer a double tax for the same functions carried out by different levels of government. I also understand that it is not the intent of the sponsors of this bill to make prompt, effective and thorough response to such releases more cumbersome.

Mr. President, in order to clarify the remaining questions concerning allowable State activity under this bill's preemption language, I wonder if the Senator from West Virginia would consent to respond to a few questions on this issue?

Am I correct in understanding that it is the purpose of this legislation to prohibit States from requiring any person to contribute to a fund for the purpose of reimbursing claims already provided for in this legislation?

Mr. RANDOLPH. Yes, that is the clear intent. The purpose is to prohibit States from creating duplicate funds to pay damage compensable under this bill.

Mr. BRADLEY. However, there is no such preemption of a State's ability to collect such taxes or fees for other costs associated with releases that are not compensable damages as defined in this legislation.

Mr. RANDOLPH. The Senator is correct.

Mr. BRADLEY. There is nothing in the language or intent of this bill which would prohibit a State from responding to a release either under agreement with the Secretary, at the direction of the Federal on-scene coordinator or in the absence of timely response by any other party. In fact, the Federal Government's cleanup and containment capability is viewed as something of an appeal of last resort in the absence of any other adequate and timely response, if my understanding is correct.

Mr. RANDOLPH. Yes, the Senator understands the intent of the bill correctly.

Mr. BRADLEY. In the event I have described, where a State or a contractor of the State is the respondent to the release and incurs economic loss normally compensable under the provisions of this bill, does this legislation intend that a State that has continued to collect taxes or fees to finance a State fund designed to cover expenses and economic loss not covered under the provisions of this bill have the right to use those State fund moneys to provide intermediate, up front capital to pay for these activities and seek reimbursement from the fund established under this bill.

Mr. RANDOLPH. Nothing in the language or intent of this bill would prohibit a State from using its fund for the purposes you have inquired about. The purpose of this legislation is simply to preempt double taxation of the substances enumerated in the bill for the purposes of compensation of the covered damage. The situation described in your inquiry is a question of bookkeeping rather than a subject of preemption. The expenditures by a State from its fund are temporary in nature and would be reimbursed and therefore ultimately paid from the fund established in this legislation.

Any damage not reimbursed by this bill fund may similarly be the proper subject of a State fund if a State so chooses to construct its fund. Finally, this bill is not retroactive in its preemption. The preemption provision will take effect 180 days after the enactment of this bill. Any funds collected or generated by a State fund prior to this date may be spent under the provisions and coverage of the appropriate State guidelines without conflict with this bill.

Mr. BRADLEY. Mr. President, I thank the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, let me state categorically that there is nothing in this bill that affects the uses to which a State may put the existing cleanup fund. This bill is silent on that subject. Thus a State may, after enactment of this bill, continue to spend its existing funds for any purpose that is lawful under the State law.

If, after enactment of this bill, a State continued to pay claims from a State fund, that would not be contrary to any provision of this bill. What this bill does is prohibit a State from requiring any person to contribute to any fund if the purpose of that fund is to compensate for a claim paid for under the provisions of this bill. Thus the State cannot receive a fee or a tax on a substance if that fee or tax is to go into a fund and the fund is for the purpose of paying oilspill damage claims.

Putting it simply, this is a prohibition against double taxation for the same purposes. It is not a prohibition on the uses that a State may make of its money, nor does it prohibit a State from imposing fees or taxes for other purposes connected with cleanup or restoration activities such as the purchase of pollution abatement equipment or the hiring or training of personnel for pollution prevention programs.

In summary, Mr. President, this preemption provision is narrow in scope and limited to the particular purpose of preventing double taxation.

Mr. BRADLEY. Am I correct in assuming that moneys expended by State funds can be used to provide the required 10 percent State match?

Mr. RANDOLPH. That is correct.

Mr. BRADLEY. And am I also correct in noting that State funds are preempted only for efforts which are in fact paid for by the Federal fund and that there would be no preemption for efforts which are eligible for Federal funds but for which there is no reimbursement?

Mr. RANDOLPH. That is correct.

Mr. BRADLEY. Finally, if the Federal Government determines that the needs at other sites require that Federal efforts be terminated at the first site before that site is completed, may a State fund complete the effort?

Mr. RANDOLPH. This legislation would permit that to happen.

● Mr. CANNON. Mr. President, on September 24, 1980, I submitted a number of amendments which I indicated would be introduced when the superfund legislation (S. 1480) was called up for consideration. These amendments, which respond to the concerns of the Commerce Committee, were developed as a result of our hearings on this important legislation. Additional amendments relating primarily to transportation issues were offered on September 26, 1980, by my colleague from New Mexico, Senator SCHMITT. These amendments have been printed and are reproduced in the RECORD of September 24, 1980, and September 26, 1980, respectively.

The Commerce Committee was particularly concerned about such matters as the broad application of certain provisions to transportation and commerce and the burdens which such application would impose. We suggested a definition of transportation which would not impose unnecessary and duplicative information-gathering requirements on the transportation sector. In order to avoid imposition of liability on carriers without appropriate notice, our amendments would coordinate the designation of materials as hazardous under the Hazardous Materials Transportation Act with the corresponding designation of hazardous substances under S. 1480. Another amendment I proposed would assure equal treatment of all modes with regard to treatment of exhaust emissions and would avoid the overly broad notification and other requirements for releases.

The Committee on Environment and Public Works has now had an opportunity to review the amendments addressing Commerce Committee concerns. An accommodation has been reached; the compromise legislation under consideration today contains changes which we believe satisfy the problems relating to the concerns of the Committee on Commerce, Science, and Transportation. Of particular importance are the changes in the area of preemption and the addition of limits on liability for releases involving motor vehicles, aircraft, pipelines, or rolling stock. In addition, the new language in section 107(c) requires the President to issue regulations establishing limits on liability (within the statutory parameters) for various types of facilities. When regulations are called for, as here, and the subject matter concerns transportation, it is my understanding that the Department of Transportation will be actively involved in developing and implementing such regulations.

We are extremely pleased that this matter has been worked out. I strongly support the goal of making our environment safer from pollution by hazardous substances, but this goal must be carried out carefully in order not to have unintended and potentially disastrous impacts on the commerce of this country. It is for that reason that we drafted and submitted amendments responding to concerns raised in Commerce Committee hearings. Now that the legislation has been modified to alleviate these concerns, I am able, as chairman of the Commerce Committee, to report that I have no objection to passage of the superfund bill in its present form.●

Mr. DOLE. Mr. President, I would like to congratulate the parties to the negotiations on the superfund legislation, which have produced a bill that I believe has a good chance of passage this afternoon. There was a spirit of cooperation and common concern on all sides that contributed greatly to the successful outcome: This is a case where diligent efforts paid off, and I am pleased with the result.

This was not the case a few days ago, and not too many hours ago.

I suggest that it is a matter that deserves the consideration of the Congress this year.

I think the distinguished chairman of the Finance Committee helped the Finance Committee move very promptly when they had S. 1480 under consideration and reported it out the same day, the very first day of the deliberations by the Senate Finance Committee, in an effort to speed up the process and give the full Senate and those with a particular interest a chance to negotiate and work out some compromise. This has been done by the distinguished Senator from Vermont (Mr. STAFFORD) and the distinguished Senator from West Virginia (Mr. RANDOLPH), along with a number of others, including the distinguished minority leader (Mr. BAKER).

I would particularly like to note the role played by the distinguished Senator from New York (Mr. MOYNIHAN), who serves very ably on both the Environment Committee and the Finance Committee. Senator MOYNIHAN has performed a valuable function due to his knowledge of the input both committees have had on this legislation.

The bill we have before us today is a reasonable, well-balanced approach to the problem of hazardous wastes. The bill provides a comprehensive scheme for cleaning up abandoned waste sites and dealing with future spills. In addition, the bill authorizes the cleanup fund to compensate for damage to natural resources where the public interest is involved. These are all areas where there has been a consensus on the need for action and on most of the particulars of the legislation needed to deal with the problem. For this reason I believe that if we approve the compromise bill, as I believe we should, the House of Representatives is likely to agree to the legislation when they return from Thanksgiving recess.

Mr. President, I appreciate the fact that there are those who would have preferred a broader bill than the one we have before us. But I believe we have chosen the right course by working from the consensus that has existed for some time on the need for legislation to clean up abandoned waste sites. At this late date in the legislative session, the point is not to quibble over every detail, but to find the best way to expedite a bill that has broad support.

I have said before that I support legislative action this year to clean up abandoned waste sites and deal with future spills, and I am glad that the prospects for passing such legislation have increased due to developments in the past week. There can be no question about the urgent need to deal with hazardous waste sites: The numerous potentially hazardous sites that the environmental protection agency has located throughout the country are a measure of the magnitude of the problem. No one disputes that it is serious problem, nor does anyone doubt that responsible Federal action is needed to protect present and future generations from the dangers to health and safety that Love Canal has come to typify for many Americans.

At the same time, Federal action must be responsible, and carefully calculated to deal with the immediate problem in a realistic and cost-effective way. I believe the compromise superfund bill will do that. It strictly limits damage claims that may be paid out of the fund, thereby avoiding the danger that we might create a liability system of unknown dimensions that could threaten future efforts to maintain tight fiscal control over the Federal budget. In addition, we avoid creating a conflict with existing programs of disability insurance, such as social security disability.

The compromise package also imposes limits on the discretion of those administering the response mechanism, to insure that reasonably cost-efficient actions are taken, and that the response to a given problem is shaped with regard to the entire range of problems covered by the fund and to the overall limit on the fund. It also makes sense to incorporate a definition of strict liability that will serve as a uniform standard in determining liability for cleanup and other costs, and this has been achieved by reference to the Clean Water Act.

Mr. President, all in all I believe the compromise package that has been put before the Senate is a good one, drafted with careful attention to the concerns of all the parties interested in this legislation, and structured to reflect a balance between the concern we all share over hazardous wastes, and the no less compelling need to create a self-financing mechanism that protects the fiscal integrity of the Federal Government. This is a measure that deserves our support.

So I suggest that we have had a chance this afternoon in the Senate Finance Committee to take a look at the section dealing with the tax. As far as this Senator is concerned, I would have liked to strike out the section with reference to borrowing authority. But, under the constraints, and I do not quarrel with that, amendments can be offered, but they would be opposed by the leadership, based on an agreement reached on Friday.

Mr. President, my proposed amendment would have eliminated any authority of the hazardous waste cleanup fund to borrow from general revenues of the Federal Government. I believe the parties to the superfund compromise have done excellent work, and they have proposed a bill that is sensibly limited in scope and has a good prospect of being a self-financing mechanism. However, the parties to the compromise did not really focus on the details of the proposed title II, the title that actually imposes the tax and establishes the fund.

I believe it would be consistent with the goals set by the compromise bill to strike the provision in title II that allows the fund to borrow from the Treasury. The borrowing provision was originally designed for S. 1480 as reported by the Environment Committee. That bill has now been significantly modified by the negotiations of the past few weeks, and we have a bill before us that ought to provide a self-financing mechanism for hazardous waste cleanup. Accordingly, there should be no need to provide borrowing authority. If there is reason to doubt that the fund will be self-sufficient, then we should work to tighten up the provisions of the bill. If the fund is self-contained, then it should not need to resort to borrowing from general revenues.

Mr. President, I support this bill and the effort that has gone into working out a reasonable compromise. I would just point out that the question of borrowing authority was not addressed in the context of the recent negotiations, and I feel confident that many of the Senators who were involved in the negotiations would agree with what I am proposing. We have worked hard in recent days to insure that the superfund will not impose costs on the general public far beyond the current estimates.

We have tried to develop a proposal that meets an urgent need but limits the risk of abuse. To allow recourse to the Federal Treasury to supplement the fund would be an admission that we are uncertain as to the success of our efforts. This is not a criticism of the pending proposal: I believe the proposal is a good one. I simply suggest that the borrowing authority is a loophole that ought to be closed, and which is inconsistent with the compromise bill as agreed to by the negotiators. If for any reason experience with the fund indicates that there is a need for such authority—and I trust that will not prove to be the case—it can always be provided for when that determination is made. Until then let us assume that we have a solvent fund.

In the event there should be a conference on this proposal, it would be the hope of the Senator from Kansas that they would adopt the House language in reference to borrowing.

It seems to me that if, in fact, this is to be a self-financing program, we should carefully restrict any borrowing authority after the first year.

This Senator can understand the necessity for borrowing authority in the first year from the Treasury against the fund. But I doubt the wisdom of that in subsequent years unless, of course, there were some catastrophic occurrence that would require some special treatment.

I ask unanimous consent to have printed at this point in the RECORD a copy of the amendment that I will not propose, but which I contemplated introducing with reference to borrowing authority.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Section 222, as proposed to be inserted by the amendment, is amended by striking out subsection (c).

Section 232(c), as proposed to be inserted by the amendment, is amended by striking out all that follows "section" the second place it appears and inserting in lieu thereof a period.

Mr. DOLE. Finally, Mr. President, there has been, as will be discussed later, some discussion of technical amendments, and those will be offered at the appropriate time by the distinguished floor manager of the bill.

One that I think is technical in nature is with reference to the fertilizer exemption. I was prepared to offer an amendment to exempt from the tax chemicals used in the production of fertilizer, to make that permanent.

I believe there has been some agreement on that as a technical modification. There will be a number of others offered at a later time by the manager of the bill.

Mr. President, the technical modification I refer to is to title II of the superfund compromise bill. My amendment simply provides that the exemption from the tax for chemicals used in the production of fertilizer shall be permanent. As presently drafted, the amendment expires after 1983, and chemicals used in fertilizer production would be taxed, albeit at a lower rate.

Some may say that a tax for a period of 2 years is not much of a hardship. That may be true, but taxes once imposed tend to stay in place for a long time, regardless of the original intent Congress may have expressed. There was a time when the Federal income tax was regarded as a temporary phenomenon. We should be realistic enough to acknowledge that there is a good chance that any chemicals taxed under this bill are likely to stay taxed for quite a while. Therefore it is important that we take the time now to see that appropriate substances are taxed, and that appropriate substances are exempted.

Mr. President, I would like to point out that the Senate Environment Committee, in its report on S. 1480, found that it was highly unlikely that the fertilizer production industry would impose significant costs on the fund. In other words, it appeared unlikely that fertilizer chemicals would contribute significantly to the hazardous waste problem that this legislation addresses.

The fertilizer industry testified to the Environment Committee that it has not contributed to the problem of abandoned waste sites, nor was it a likely contributor to the spill problem. If our criterion for the tax is whether the producer contributes to the hazardous waste problem; and I believe it should be; then fertilizer chemicals ought to be exempted altogether.

But there is another consideration as well. No one knows for certain what the impact of this tax will be on the economy as a whole, or on particular sectors of the economy. The EPA estimates that the impact on the economy will be minimal, and that may be true in many instances. But in the case of the agricultural community, we have to consider that any increase in the financial burden on farmers poses real risks. Farming is more sensitive to the ups and downs of the economy, of weather, and of the international situation. Another unpredictable factor is the last thing farmers need.

Mr. President, I believe my amendment is a good one. The impact on the total structure of the tax is not significant, and the taxes can readily be adjusted to reflect the change.

Mr. President, I think we are awaiting the arrival of the distinguished Senator from Pennsylvania (Mr. HEINZ) concerning an amendment that he will discuss.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the chairman of our Subcommittee on Resource Protection, the Senator from Iowa (Mr. CULVER), has worked not only in past weeks but also in past months and past years on the subject matter that is being discussed this afternoon. I am delighted, personally and for the committee, to recognize his leadership in these matters. I had hoped that he would speak this afternoon, and his schedule has accommodated itself to that at this time. I yield such time as he may desire to the Senator from Iowa.

Mr. CULVER. I thank the distinguished chairman.

At the outset, I commend the distinguished chairman and the ranking minority member of the committee, Senator STAFFORD, for the outstanding leadership they have demonstrated in working out this compromise on this important legislation. I also express my appreciation to the members of the Finance Committee, who also worked very hard to bring about this important occasion.

Mr. President, the need for this legislation first became apparent to many of us when serious health problems were uncovered as a result of chemical leakage at the Love Canal dump site in Niagara Falls, N.Y. But the magnitude of the problem goes far beyond that one site. EPA has documented damages at 250 known hazardous chemical dump sites. Chemical contamination of groundwater has been found at 130 of these sites. The only major water supply for the eastern third of Iowa has been threatened by leaking waste along the Cedar River.

The Committee on Environment and Public Works has become aware that the scope of toxic chemical releases is far broader than dump sites, and that the impact of these releases is much more pervasive than the health problems suffered by communities around dump sites.

Among the major incidents have been: The kepone release which contaminated the James River in Virginia, closing a $2 million a year commercial fishing ground; the PCB dumping that decimated chemical fishing in the Hudson just when it was coming back from other pollution problems; and the sacrifice of about $100 million in livestock and dairy products due to contamination of cattle feed in Michigan. Other instances of chemical contamination have recently occurred. In water-short California, 52 wells supplying water to nearly 400,000 residents of the San Gabriel Valley were found to contain up to 600 parts per million of trichloroethylene (TCE) which is poisonous and causes cancer. Just last month, 40 square miles of fishing grounds were closed due to a PCB spill in St. Bernard's Parish, La. Because of the number of incidents like these, the Senate decided in the last Congress that a much larger fund, financed primarily by industry, was needed to respond to spills and to pay some victim damages.

The chemical industry has downplayed these individual incidents, and at one time the Chemical Manufacturers Association testified that the Environmental Protection Agency had evidence of only 60 chemical spills per year in its files. Our committee asked EPA to search its files and verify what evidence was actually there. Last January, we received documentation of 3,076 voluntarily reported hazardous substance spills in the 2-year period between October 1977 and September 1979.

The chemical manufacturers have said that the real problem is just so-called orphan dump sites, and in 1 press release said that only 431 sites across the Nation were "potentially hazardous." But the EPA has cataloged nearly 6,000 disposal sites where further investigation is needed, and is adding 200 more a month.

A survey by Congressman ECKHARDT,

in which the Nation's 53 largest chemical companies cooperated, found 1,100 disposal sites, holding about 100 million tons of chemical wastes which are not subject to any regulatory control under existing law.

The Committee on Environment and Public Works also sought to document actual damages which have occurred due to mishandling of chemicals. At the request of former Senator Muskie, the Library of Congress compiled a 246-page catalog titled "Resources Losses From Surface Water, Groundwater, and Atmospheric Contamination."

This catalog of damages identifies thousands of well closings or major fish kills as a result of chemical contamination. The catalog cited estimates that half of the potential fishing in the Great Lakes is lost annually due to contamination-related curtailments. The Hudson, Susquehanna, the James, the Delaware, and the Shenandoah Rivers, among others, are seriously polluted by chemicals.

Moreover, the catalog did not include agricultural losses resulting from feed contamination, or contamination by livestock or food. Food losses were discussed in another report, 'Environmental Contaminants by Food," issued by the Office of Technology Assessment last December. Only six States responded to OTA's question about economic losses due to food contamination. Those six States reported a staggering $282 million in losses over a 10-year period.

The most important concern of this bill is the effect that chemical releases are having on public health. The Under Secretary of Health and Human Services, Nathan Stark, said in a letter transmitting a Surgeon General's report to our committee:

> The Surgeon General believes that, while at this time it is impossible to determine the precise dimensions of the toxic chemical problem, it is clear that it is a major and growing health problem. We believe that toxic chemicals are adding to the disease burden of the United States in a significant, although as yet, ill-defined way. In addition, we believe that this problem will become more manifest in the years ahead . . . We believe the magnitude of the public health risk associated with toxic chemicals will continue to increase until we are successful in controlling the introduction of these chemicals into our environment.
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> It is our hope and belief that full implementation of recent environmental control legislation will sharply reduce the introduction of toxic chemicals and, subsequently, the exposure of our people to such chemicals. We believe, however, that through this decade we will have to confront a series of environmental emergencies . . . Control of the future introduction of chemicals will not in itself be sufficient to address this major health problem. Serious efforts will have to be made to provide for the identification and cleanup of existing sources of toxic chemical contamination.

In summary, our committee documented that at least 3,076 chemical spills have occurred during the past 2 years; that EPA is investigating nearly 6,000 dumping grounds as suspected or known hazards to public health or resources; and that thousands of impoundments are potential threats to water supplies. The public health is being damaged, irreplaceable water supplies are being lost, and hundreds of millions of dollars worth of crops, livestock, and foodstuffs are being rendered inedible by mishandling of chemicals and their wastes.

To meet these problems, the Committee on Environment and Public Works reportedout S. 1480, "The Environmental Emergency Response Act." I am the principal sponsor of this bill.

Its purposes are to provide a way for the Government to rapidly clean up and mitigate chemical disasters, to assure injured victims prompt and adequate compensation, and to create an incentive for both a high standard of care and for a responsible party to clean up its own releases.

The committee bill has four basic elements to achieve its goals. First, it makes those who release hazardous substances strictly liable for cleanup costs, mitigation and third-party damages. Thus, it assures that the costs of chemical poison releases are borne by those responsible for the releases.

Second, the committee bill establishes broad Federal response authority and a $4.1 billion fund to clean up and mitigate damages where a liable party does not clean up or cannot be found.

Third, the committee bill provides an opportunity through the courts, and a more limited opportunity through the fund, for victims to receive prompt and adequate compensation for losses and injuries where the responsible party has not settled the claim.

Fourth, the fund is financed by those industries and consumers who profit from products and services associated with the hazardous substances which impose risks on society.

As chairman of the Senate Resource Protection Subcommittee in the current Congress, I have worked hard during the last 2 years to develop a strong superfund bill to protect individuals and the environment from chemical leaks and spills. The Environmental Emergency Response Act, which I introduced with Senator Muskie in July 1979, provided the comprehensive protection needed to deal with this serious and growing problem.

I would have preferred to see a strong bill like the Environmental Emergency Response Act enacted into law. However, I understood that its enactment during the postelection session was not feasible. Therefore, after consultation with Chairman RANDOLPH and Senator STAFFORD, the incoming chairman of the Committee on the Environment and Public Works, I supported the compromise superfund bill introduced last week, and urged several of my colleagues to support it.

Further negotiations and compromises on this new bill have continued during the last several days. Since I will not be serving in the next Congress, I believed it was more appropriate for Chairman RANDOLPH and Senator STAFFORD to head the effort to determine whether an effective superfund compromise can be enacted before the 96th Congress adjourns, or whether action should be put off until a new Congress convenes in January. I respect their judgment that it is preferable to complete action on this critically important subject at this time.

The dangers posed by toxic and hazardous chemicals must be effectively dealt with, and I hope the enactment of this legislation will enable the States and the Federal Government to begin to remedy the effects of the spread of toxic and hazardous substances quickly and effectively.

Mr. HEINZ. Mr. President, the substitute before us contains, on page 100, section 242, "Tax Treatment of Industrial Development Bonds Issued to Finance Pollution Control or Waste Disposal Facilities."

This is an amendment that I have urged upon my colleagues for inclusion in this legislation. In my judgment, the amendment is critical to furthering the provisions of current law, which, if the provisions of current law were dutifully enforced by the Internal Revenue Service as Congress intended, would eliminate the need for the amendment and, indeed, would go a long way toward eliminating the need for a massive superfund.

As you know, in 1976 Congress passed the Resource Conservation and Recovery Act to provide a cradle-to-grave manifest system for controlling the handling of hazardous wastes. This act was intended to prevent—before the fact—the types of environmental emergencies that we are now creating a massive superfund to clean up after the fact. Unifortunately, the regulations necessary to implement this act were tied up in the bureaucracy at EPA for 4 years and are just now taking effect.

To ease the regulatory burden on industry imposed by this and other environmental laws, Congress has also provided limited tax incentives for installing pollution control equipment under sections 103 and 169 of the Internal Revenue Code. Both of these provisions—section 103 (dealing with tax-exempt industrial development bonds) and section 169 (dealing with 5-year amortization)—reflect a recognition that investment in pollution control and solid waste disposal facilities is necessary to attain desirable social goals and to fulfill the mandates of environmental laws. These tax code provisions also reflect a recognition that such investments are not productive in the sense that they do not result in increased output or efficiency of operations.

Through regulation, and over the objections of the Environmental Protection Agency, the IRS has so narrowly interpreted section 103 of the code as to thwart the will of the Congress. Specifically, the IRS has:

First. Ignored the fact that Congress has amended the Solid Waste Disposal Act to regulate hazardous waste as well; instead, the IRS has held the definition of solid waste constant to that contained in the original act;

Second. Limited eligible financing to end-of-the-pipe, "black box" technologies while ignoring the fact that current environmental law recognizes and indeed encourages the role of process changes in abating pollution.

Before explaining the provisions of my amendment in greater detail, let me cite a few statistics that dramatize the need to maintain existing tax incentives for pollution control. These incentives are necessary to insure that expenditures for pollution abatement do not jeopardize the ability of American industry to make the productive capital investments necessary to modernize facilities, create jobs, expand production, maintain and enhance international competitiveness, improve productivity, and reduce inflation.

Consider, for example, the percentage of all plant and equipment expenditures that pollution abatement investments in 1978 represented for the following basic U.S. industries: Steelmaking—16.8 percent; chemicals—7.1 percent; petroleum—8.3 percent; and utilities—10 percent. The potential for a capital shortfall in the coming decade is clear. In the case of the steel industry, for example, the American Iron & Steel Institute has estimated, based upon a report by Arthur D. Little, Inc., that total environmental control expenditures for the next decade may reach $7 billion.

None of these figures includes the billions of dollars in additional taxes to be imposed as a result of the superfund legislation. In imposing this massive additional tax burden on American industry, we need to insure that the provisions of the tax code that are intended to encourage investment in socially desirable pollution control equipment are in fact available.

Based upon communications I have had with the National Solid Waste Management Association, the National Coal Association, the Council of Pollution Control Financing Agencies, and a host of individual companies, I fear that proposed IRS regulations under section 103 of the code will all but preclude this type of financing in the future.

My amendment addresses this concern by:

First, making clear that process changes that prevent the creation of pollution are eligible for tax-exempt financing;

Second, providing for certification of eligible pollution control facilities by the Environmental Protection Agency and State environmental control agencies;

Third, containing safeguards to insure that only that portion of any facility that actually represents a pollution control expenditure qualifies for tax-exempt financing; and

Fourth, making expressly clear that in amending the Solid Waste Disposal Act with the Resource Conservation and Recovery Act, Congress intended that nonnuclear hazardous waste management facilities should also qualify for section 103 financing.

Let me briefly explain each of these provisions.

Process changes eligible for section 103 financing:

Proposed IRS regulations limit section 103 financing to "black box," end-of-the-pipe technologies that represent discrete units; ignoring the demonstrated potential for process changes to prevent the creation or discharge of pollutants. Current environmental law recognizes and indeed encourages the role of process changes in abating pollution. In fact, such process changes could even be required under best available technology requirements.

From a public policy standpoint, it makes no sense to provide tax-exempt financing, for example, to a utility installing a scrubber to reduce emissions, while denying such financing to fuel pretreatment such as coal washing that also reduces emissions, at less cost and with less of an adverse impact on efficiency of operations.

My amendment would make clear that such process changes can qualify for tax-exempt financing. So that this provision cannot be interpreted as a "blank check" to qualify all plant modernizations, I submit the following list of process changes and facilities that might be expected to qualify for section 103 financing.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEINZ. This list is by no means exhaustive: We must avoid locking in potentially obsolete technologies by statute. At the same time, it is intended to provide the IRS with some guidance in determining what sorts of pollution control facilities Congress intends to qualify.

CERTIFICATION BY ENVIRONMENTAL CONTROL AGENCIES

As is already the case under section 169 of the Internal Revenue Code, the certification that a facility was installed to meet or further Federal or State requirements for abatement or control of water or atmospheric pollution or contamination would be made by the Environmental Protection Agency or the corresponding State environmental control agency. The certifying agency would also have to certify that the portion of the expenditure eligible for tax-exempt financing would not be made but for the purpose of abating, controlling, or preventing pollution.

SAFEGUARDS LIMITING TAX-EXEMPT FINANCING

I am sensitive to the concern that in qualifying process changes for this type of financing, we run the risk of also qualifying plant modernizations that have as an incidental effect the reduction of pollution. My amendment contains several safeguards for insuring that tax-exempt financing is limited to facilities or portions of facilities the expenditures for which are clearly for pollution control. Two of these safeguards I have already referenced: The list of eligible facilities and process changes, and the requirement for certification by environmental control agencies that the expenditure would not have been made but for Federal or State environmental control requirements.

An added safeguard is a formula for reducing the amount of financing eligible for tax-exempt financing to the extent that portions of the cost of a certified pollution control facility are recoverable in the form of economic benefit. The tax exemption would not apply to the portion of the proceeds of the bond issue that exceeds the amount by which the cost of acquiring, constructing, reconstructing, or erecting the facility exceeds the net profit which may reasonably be expected to be derived through the recovery of wastes or otherwise in the operation of the facility over its actual useful life. A formula for calculating this net profit is also set forth in the statute.

Although a final revenue loss estimate has yet to be prepared, EPA has informally calculated that the first year revenue loss due to the changes I propose would be approximately $94 million in the first year. I ask unanimous consent that a recent letter from EPA regarding the revenue impact of this measure be inserted in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

QUALIFYING NONNUCLEAR HAZARDOUS WASTE MANAGEMENT FACILITIES

Mr. HEINZ. Although Congress has amended the Solid Waste Disposal Act with the Resource Conservation and Recovery Act to require safe "cradle-to-grave" handling of hazardous waste, the IRS has held the definition of solid waste to the obsolete definition contained in the original act.

My amendment would make eligible for section 103 financing facilities necessary for compliance with the hazardous waste management provisions of RCRA, including onsite and offsite resource recovery and profitmaking recycling. The facilities that would be expected to qualify under this provision are set forth in the list I previously referenced.

(See exhibit 1.)

In closing, Mr. President I can think of no more appropriate place to clarify congressional intent with respect to tax-exempt pollution control financing than this superfund bill, which I fully support and which is necessary to protect the health and safety of our citizenry, but which will impose massive additional taxes on an American economy already overburdened by taxation. I urge its swift adoption.

EXHIBIT 1

FACILITIES AND PROCESS CHANGES ELIGIBLE FOR TAX-EXEMPT INDUSTRIAL DEVELOPMENT BOND FINANCING PURSUANT TO SECTION 103(b) OF THE INTERNAL REVENUE CODE

Eligible facilities and process changes shall include, but not be limited to, the following:

COAL MINING AND COMBUSTION

Coal washing and preparation to reduce sulphur emissions;

Fluidized bed boilers;

In mining operations, water diversion ditches that prevent natural water run-off from mingling with mining operations, becoming contaminated, and exiting as run-off pollution.

METALS

In metal "pickling" processes, equipment to convert sulphuric acid to hydrochloric acid, permitting acid regeneration and avoidance of waste treatment and sludge disposal expense.

INDUSTRIAL PRINTING

Equipment to convert water-based paints, thereby avoiding air pollution that occurs from dried solvents dispersing through stacks.

PAPER INDUSTRY

Recovery boilers and their associated precipitators, black liquor oxidation systems, and black liquor evaporation systems;

BREWING INDUSTRY

Dust control equipment;

Spent grain liquor evaporators.

SOLID WASTE MANAGEMENT

Landfills;

Landfarms;

Transfer stations;

Incinerators without heat or energy recovery facilities;

Incinerators with heat or energy recovery facilities;

Compaction equipment (shreders, balers, and compaction equipments);

Transportation vehicles used to implement the collection and disposal functions.

HAZARDOUS WASTE MANAGEMENT

(Same list as solid waste management but also:)

Deep injection wells;

Storage facilities;

Treatment facilities.

PETROLEUM INDUSTRY

Facilities to strip sulphur from gas streams to be combusted at the refinery;

Facilities to transport waste water to regional waste control facilities;

Floating roof storage tanks.

EXHIBIT 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., August 22, 1980.

Hon. JAMES R. JONES,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. JONES: This is in response to your letter of July 11, 1980 to the Administrator, requesting EPA's opinion on the desirability of making industrial development bonds (IDBs) available for financing pollution prevention activities. While EPA cannot speak for the Administration on the change you suggest, we are interested in it from an environmental standpoint because we believe it would help eliminate the current bias in our tax policy toward "end-of-pipe" pollution control.

By prohibiting the use of IDBs to finance facilities that prevent pollution, the IRS regulations provide a significant economic incentive to control pollution through "end-of-pipe" technologies. If we subsidize these technologies, then we also should afford similar financing alternatives for prevention activities. Our concern is that the IRS regulations may prompt a firm to invest in a less efficient approach (e.g., end-of-pipe control) simply because the after-tax cost is less than that for a more efficient approach (e.g., prevention technology).

The current IRS regulations also prohibit the use of IDBs to finance investments in process changes that may reduce or eliminate pollution. Again, we are concerned that this may cause private firms to select less efficient technologies for reducing pollution.

Expanding IDBs to cover process changes, however, may present administrative difficulties to IRS. Since IDBs should not be used to finance an entire investment in new process technology the problem is how to estimate the amount of the investment that goes toward pollution control. We have developed a rather straight forward approach for addressing this problem, but it may require that IRS agents collect more data than is now available to them. We propose that the difference in cost between the old and new facilities (on a current dollar basis) be considered as pollution control costs. Differences in rated capacities and economic benefits of the facilities complicate the calculation, but we think it is possible to make adjustments to the calculation to take such differences into consideration.

We are working very closely with IRS and Treasury to examine the feasibility and desirability of expanding coverage of IDBs to include prevention and process change technologies. We believe Treasury could handle this matter within their statutory authority.

We have made some very preliminary estimates of the likely losses to Treasury caused by extending the coverage of IDBs to both prevention and process change technologies. IDBs currently are used to finance about $3 billion of an estimated $7 billion of annual expenditures by industry on new plant and equipment for pollution abatement. Using $4 billion as an upper limit for additional IDB financing in combination with reasonable assumptions regarding interest rates and marginal tax rates, yields an estimated annual tax loss of $94 million. However, in the second year of expanded IDB financing, the tax loss would be doubled (i.e. $188 million), in the third year it would triple, etc. In present value terms, the annual tax loss would amount to about $860 million.

We are working with Treasury on this matter and will ask them to provide us with more accurate estimates of the likely revenue loss as we develop specific detailed proposals.

Sincerely,

WILLIAM DRAYTON, Jr.,
Assistant Administrator, for Planning and Management.

Mr. HEINZ. Mr. President, let me get to the nub of the question.

Congress enacted two sections of law: Section 103 providing tax-exempt industrial bonds for the purpose of installing air and water pollution control equipment, and section 169 dealing with the amortization of such expenses. It was contemplated by Congress at that time, as I have gone back through the legislative history, that what we wanted to do was this: When the Government came along and said you had to do something when there was, in effect, a Government mandate or requirement, you would be eligible for tax-exempt issuance of bonds through the appropriate authority, so that you could have access to capital at a reasonable cost—all the more critical, of course, when the cost of capital is going out of sight.

Through the internal decisionmaking process, by a group of people downtown, the Internal Revenue Service, it is this Senator's judgment that the intent of Congress has been frustrated; because what the Internal Revenue Service has done, by fiat, is to say that if you are putting in toxic waste disposal or control equipment, you are not eligible for the kind of tax-exempt industrial bond financing for which you would be eligible if you were polluting the air or the water.

I am not in favor of polluting the air or the water, but neither am I in favor of killing people with toxic wastes. I am not in favor of Love Canal and all the very dangerous substances, including dioxin, that have been found in the Love Canal in New York State.

We are talking about something that is every bit as critical if not more so than cleaning up the kind of air and water pollution that is such a threat. This Senator knows perhaps better than most what kinds of threats are involved in air pollution because it was in this Senator's home State at Donora a number of years ago that the air got so polluted there was a temperature inversion, sulfurous rain fell from the sky, and numerous people died. Toxic waste is every bit as potentially dangerous as what happened in Donora a number of years ago.

I feel very strongly about the need for this amendment. I had attempted during last week to contact most of the Senators who I thought were going to be interested in this amendment, and indeed I got general expressions of support from a large number of my colleagues. I know that Senator STAFFORD and Senator RANDOLPH favored this in principle. But in the final analysis it is very important that the Finance Committee to which I belong be equally as supportive of the amendment as I and the colleagues I have mentioned and the others, which includes some other members of the Finance Committee.

I am told that the Treasury Department, which I seem to recollect is the umbrella agency for the Internal Revenue Service the last I looked, does not like my amendment and that is because there is a Treasury objection that my amendment should not be included as section 242 of this bill.

Mr. President, I wish I could count on my fingers the number of times when the Treasury has objected to a provision that one of us on the Finance Committee has offered that we took that to be a compliment because so often when the Treasury objects all they are interested in doing is increasing revenues which means in English increasing taxes.

We all know that the tax burden is high enough and what we should be doing is finding ways of reforming it and reducing it, particularly where valid social concerns are going to be met.

But notwithstanding all of that, and I submit this amendment does meet the test of helping to meet valid social concerns, the Treasury has an objection.

The reason that creates a problem here, I am told, is that there are some people who feel that this amendment is not properly germane to this legislation.

First of all, it happens to be at this point in the substitute and I do believe that it is germane. It talks to hazardous waste, to toxic waste, and I do not know what could be more germane, and it seems to me that what I propose must be dealt with either now or at some later date, but dealt with surely and with a sense of certainty that we will deal with it.

I am told that if this section stays in the bill as it is we are not going to have a bill. If that is really the case, and I have had several Senators say to me that that is the case, I am willing to do what I have to do to move this legislation along because I want a superfund bill, but I wish to do so only if there are some pretty clear assurances as to what is going to happen should I decide to withdraw the amendment from the bill.

So I propound the question to the principals most concerned with section 242 remaining in the bill, Senator LONG and Senator DOLE, what plans they would have and under what circumstances and under what kind of timetable to facilitate the rapid consideration and enactment of this legislation?

Mr. LONG. Mr. President, as the Senator knows, this matter was discussed in the Finance Committee. In view of the fact that Treasury had a strong objection to the measure, it was felt by the Senators on the committee, the chairman in particular, that we should not add it to some other measure because it would be objected to. In view of the potential for a single Senator to kill a measure this late in the session by simply protecting his rights to suggest the absence of a quorum or to make a speech, do various and sundry things that might appeal to him, dilatory or not dilatory, as the case may be, any single Senator could prevent it from becoming law this late in the session. The amendment could kill the bill to which it was attached.

So, the Senator from Louisiana made the point that the amendment should not be added at that time to one of the bills that at that point were in the Finance Committee.

For all I know, the Senator may be 100-percent correct. I am not here to argue the merits with him about the amendment. He might be 100-percent correct on everything he said here.

If that is the case, in view of the objection we have from the Treasury this matter should be considered next year. As far as I am concerned the sooner the better. It may very well be that the next Secretary of the Treasury and the next Commissioner of Internal Revenue might see it the way that the Senator from Pennsylvania sees it. If they do, as far as I am concerned, if they want to change their position at the Treasury that will be all right. A new man is coming in, and for all we know the new man may be one who has been Secretary of the Treasury before, who had a lot of experience down there, or an Under Secretary, who had much experience in the area of that sort.

In any event, if the new Secretary of the Treasury wanted to simply change the Treasury position on the matter, that would be all right with the Senator from Louisiana. I would have no objection. If the Treasury position remains as it is now, I would think that the Senator would want to pursue this matter legislatively, if he did as far as I am concerned, I think we should hold a hearing to let the Senator explain his views and to let the Treasury explain theirs. We could research the matter somewhat in greater detail to establish if the Senator can that he is correct about the matter to further buttress his arguments and see what the Treasury can offer to support theirs, and simply decide it, vote one way or the other, and submit the matter to the Senate for decision.

Next year the Senator from Louisiana will not be chairman of the Finance Committee. I suspect the Senator from Kansas (Mr. Dole) will be the chairman of the committee and I would be very disappointed if he were not chairman of the committee because he has waited his turn in line for quite a while. He is entitled to it, deserves it, and as far as I am concerned, he is my candidate for the next chairman of the Finance Committee. So I hope that the Senator from Kansas (Mr. Dole) would see that the matter was considered early in the session next year and see that the Senator is offered a chance to resolve the matter legislatively in the event that the new Secretary of the Treasury and those who are appointed with him did not agree with the Senator from Pennsylvania.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. HEINZ. I am pleased to yield to my good friend and my candidate.

Mr. DOLE. Mr. President, I share the view expressed by my friend and colleague and chairman of the Finance Committee, Senator Long.

There was some discussion this afternoon at the 2 p.m. meeting with reference to the amendment. I do not think anyone quarreled about perhaps the merit, but we did wonder about the cost. No one could give us a cost estimate. We understand it is a very broad amendment. It even was suggested that it might cost more than the cleanup bill.

That may not have been an accurate comment, but it was one that was made. But I certainly share the view expressed by Senator Long.

I have also discussed this with the distinguished Senator from New Jersey, Senator Bradley, who has a direct interest in this amendment, and he has indicated support for the amendment and, as I understand, is a cosponsor.

So I just say to the distinguished Senator from Pennsylvania in the event I should become the chairman of the Senate Finance Committee——

Mr. HEINZ. We are counting on that.

Mr. DOLE. We could schedule this very early on.

In the event we have a new Secretary of the Treasury—and I assume we will have one announced very soon—I share the views expressed by my colleague, Senator Long, that this matter could be given a fresh look.

I did indicate to the Senator from Pennsylvania, I think the record should show, that certainly I have no objection to the substance of the amendment at this time. I want to take a look at the amendment, and I hope I do look carefully at it.

You correctly stated the matter of just not getting around to see enough of the Senators because of the lateness of the session, and there were some questions raised today, and, on that basis, and on the basis that it might imperil passage of this bill, I want to commend the Senator from Pennsylvania for what I hope will be his agreement to withdraw the amendment.

Mr. HEINZ. I yield to my friend from New Jersey.

Mr. BRADLEY. As a cosponsor of the amendment I think this is an important amendment, and I will work very closely with the Senator, if he desires, in the next Congress to attempt to see that this is passed. If someone is going to clean up toxic wastes we should give them the alternative of doing that through the unique financing that is available through IDB. So I certainly will be working with the Senator in the next Congress to get his amendment passed at the earliest possible date.

Mr. HEINZ. I thank the Senator from New Jersey.

I must say, hearing everybody proclaim the virtues of this amendment, tempts me to move for the immediate adoption of the bill, but I shall refrain from being led astray by that temptation.

I have one question for the Senator from Louisiana. I gather it is fair to say, and I hope he will correct me if I am wrong, that if the amendment were to remain in the bill he would strenuously object to it and take measures to prevent the passage of the bill; is that right?

Mr. LONG. I would feel it my duty to oppose this amendment and to do my best to see that it was eliminated from the bill, and even to urge that the House should resist it on the theory that it ought to be considered in the regular legislative fashion, and that the committee should have the opportunity to study it and to report it rather than it being offered on the floor at this late stage in the session.

Mr. HEINZ. Well, Mr. President, it is not my wish to prevent the passage of superfund. I would like a good bill. I think, frankly, my amendment would improve it, but I understand the concerns of my colleagues on the Finance Committee.

I have one last question I would like to address to the person whom I take to have enough votes to be elected the incoming chairman of the Finance Committee, and that is whether I might have, in his judgment, his support in scheduling the necessary hearings. I hope it will not take very long. The Treasury has already let their position be known. Other people have testified on this.

Second, whether he and I might jointly consult on whether this should be a separate bill which, assuming we have the same kind of support we appear to nearly have here today, and it should move through very quickly or as part of another package, that I might have his interest and concern as well as that of the Senator from Louisiana in trying to expedite what the judgment of the committee then becomes next year.

Mr. DOLE. Well, if I could respond very briefly, certainly I want to cooperate with the Senator from Pennsylvania, and as soon as I learn how to call a hearing [laughter]—you have to have that course on how to act as the majority, which should not take too long—as soon as I understand how to do those things, I will act at the pleasure of the Senator from Pennsylvania or I will ask the ranking Democrat, Senator Long, for advice on how to call a hearing on this proposal, and whatever route we take, I think it will probably be either separate legislation or, perhaps, as a part of a more general provision. I would not want to wait until the tax bill is reported. That may be some time next July, so I will cooperate fully with the Senator.

Mr. HEINZ. I thank both Senator Dole

and Senator Long for their very supportive comments on this.

Mr. President, I ask unanimous consent that section 242, as it appears starting at line 20, page 100, and through line 15 on page 104 be removed, be stricken from the amendment.

The PRESIDING OFFICER (Mr. Levin). Is there objection?

The Chair hears none, and it is so ordered. The amendment is so modified.

AMENDMENT NO. 2631 (AS FURTHER MODIFIED)

Mr. STAFFORD. Mr. President, I ask unanimous consent——

Mr. RANDOLPH. Mr. President, let us have order, please. This is an important announcement.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STAFFORD. Mr. President, I ask unanimous consent that I be permitted to modify amendment No. 2631 offered by myself, Senator Randolph, and 24 other cosponsors.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator will send the modifications to the desk.

Mr. STAFFORD. I send the modifications to the desk.

In order to explain the action I have taken, let me briefly summarize what the modifications are. Some are purely technical amendments. Some are minor amendments that were agreed to Friday afternoon between the hours of 3 and 7 but by inadvertence not included in the printed bill which was printed very hastily and that describes most of the amendments that are in the modified bill.

Specifically, I will enunciate the amendments. One will exempt farmers from pesticide notice requirements on page 20.

One touches on the liability of vessels limited to those "otherwise subject to the jurisdiction of the United States," on page 39.

Another covers "contractual relationship" language of third-party defense does not apply to rail carriers on page 40.

Liability limits for carriers can be reduced to $5 million for substances not covered by section 311 of the Clean Water Act, page 41.

Another clarifies the language for breaching liability limits for carriers to deal with releases where the primary cause was a violation of Federal standards on page 42.

Another provides that 85 percent of the fund annually be available for response rather than two-thirds as appears on page 62 and page 92 of the modified amendment.

Another corrects the figures on page 83 for mercury, nickel, and phosphorous, purely a technical amendment.

Another removes "substances derived from coal" from taxable chemicals on page 84.

Another consolidates study provisions in section 301, pages 98 to 100, and page 106.

Another adds changes to 49 USC to increase the penalty for illegal hauling of hazardous wastes; and finally one changes the period of time for extending fertilizer fee exemption from 3 to 5 years on page 85.

Mr. President, that is a summary of the amendments mostly agreed to Friday afternoon, and they are purely technical amendments to the bill.

Mr. President, I yield the floor.

Mr. RANDOLPH. I move the question on the amendments.

The PRESIDING OFFICER. The question is on agreeing on the amendment, No. 2631, as further modified.

Mr. BAKER. Mr. President, a parliamentary inquiry. The question to be put by the Chair is that on the modifications just submitted or on the substitute as previously offered?

The PRESIDING OFFICER. On the substitute, as modified.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the substitute, as modified.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON (when his name was called). Mr. President, on this vote, I have a pair with the distinguished Senator from Michigan (Mr. Riegle). If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Cannon), the Senator from Colorado (Mr. Hart), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Michigan (Mr. Riegle) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) and the Senator from Rhode Island (Mr. Pell) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. Garn), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Percy) are necessarily absent.

Mr. MOYNIHAN. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MOYNIHAN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senate will be in order.

The legislative clerk resumed and concluded the call of the roll.

The PRESIDING OFFICER. Is there any other Senator who wishes to vote?

The result was announced—yeas 78, nays 9, as follows:

[Rollcall Vote No. 484 Leg.]

YEAS—78

Armstrong
Baker
Baucus
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Ford
Glenn
Goldwater
Gravel
Hatch
Hatfield
Hayakawa
Heinz
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pressler
Pryor
Randolph
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young

NAYS—9

Bellmon
Exon
Heflin
Helms
Hollings
Morgan
Proxmire
Stevens
Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Nelson, against.

NOT VOTING—12

Bayh
Bentsen
Cannon
Garn
Hart
Laxalt
Mathias
Packwood
Pell
Percy
Ribicoff
Riegle

So the amendment (No. 2631), as modified, was agreed to as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

DEFINITIONS

Sec. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under

the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 of section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307 (b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section 232 of this Act;

(12) "ground water" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311 (b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect ot which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas);

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a) (3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the shipper of such hazardous substance shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107(a) (3) or (4)(i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproducts, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302 (a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer;

(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release

or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act;

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act.

(31) "national contingency plan" means the national contingency plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103(a) or (b) of this title.

NOTICES, PENALTIES

SEC. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release, in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this Act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

(A) the location, title, or condition of a facility, and

(B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;

the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver is obtained under paragraph (3) of this subsection, it shall be unlawful for any such person knowingly to destroy, mutilate, erase, dispose of, conceal,

or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act or to the handling and storage of such a pesticide product by an agricultural producer.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsection (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, That notification in accordance with subsection (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

SEC. 104. (a)(1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c)(1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however*, That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the national contingency plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

(d)(1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing sixty days notice, seek in the appropriate Federal district court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or potential threat to the public health or welfare or the environment, the President

may, in his discretion, treat these related facilities as one for purposes of this section.

(e) (1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and sample of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2) (A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this Act by contractors and subcontractors as a condition of such contracts.

(g) (1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies, or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

(1) method for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(1) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8) (A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

ABATEMENT ACTION

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environment Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the national hazardous substance response plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

LIABILITY

SEC. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel (otherwise subject to the jurisdiction of the United States) or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the national contingency plan;

(B) any other necessary costs of response incurred by any other person consistent with the national contingency plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, $300 per gross ton, or $5,000,000, whichever is greater;

(B) for any other vessel, $300 per gross ton, or $500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, $50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than $5,000,000 (or, for releases of hazardous substances as defined in section 101(14)(A) of this title into the navigable waters, $8,000,000). Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

(D) for any facility other than those specified in subparagraph (C) of this paragraph, the total of all costs of response plus $50,000.000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of responses and damages, if (A)(i) the release or threat of release of a hazardous substance was the result of willful misconduct or willful negligence within the privity or knowledge of such person, or (ii) the primary cause of the release was a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the national contingency plan. With respect to regulated carriers subject to the provisions of title 49 of the United States Code or vessels subject to the provisions of title 33 or 46 of the United States Code, subparagraph (A)(ii) of this paragraph shall be deemed to refer to Federal standards or regulations.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to any costs recovered from such person pursuant to section 112(c) of this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the national contingency plan or at the direction of an onscene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the

provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsections (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however,* That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when—

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

FINANCIAL RESPONSIBILITY

SEC. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification

furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation.

EMPLOYEE PROTECTION

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act;

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 311 (c) of the Clean Water Act and amended by section 105 of this title: *Provided, however*, That such costs must be approved under said plan and certified by the responsible Federal official;

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section.

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance from a vessel or a facility may be asserted against the Fund under this title for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however*, That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances;

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under the national contingency plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d) (1) No money in the Fund may be used under subsection (c) (1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e) (1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President shall pay such claims, to the extent authorized under this section, in full in the order in which they were finally determined.

(2) In any fiscal year, eighty-five percent of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h) (1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the national contingency plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f) (5) of the Federal Water Pollution Control Act.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

SEC. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

(b) (1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one (1) year, or both.

(2) (A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedure as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within ninety days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the members of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however,* That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2)(a) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsection (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954.

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affects such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

SEC. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes on Petroleum and Certain Chemicals

SEC. 211. IMPOSITION OF TAXES.

(a) GENERAL RULE.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—ENVIRONMENTAL TAXES

"SUBCHAPTER A. Tax on petroleum.
"SUBCHAPTER B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec. 4611. Imposition of tax.
"Sec. 4612. Definitions and special rules.

"SEC. 4611. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax of 0.79 cent a barrel on—

"(1) crude oil, received at United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) TAX ON CERTAIN USES AND EXPORTATION.—

"(1) IN GENERAL.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

"(2) EXCEPTION FOR USE ON PREMISES WHERE PRODUCED.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

'(c) PERSONS LIABLE FOR TAX.—

"(1) CRUDE OIL RECEIVED AT REFINERY.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) IMPORTED PETROLEUM PRODUCT.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) TAX ON CERTAIN USES OR EXPORTS.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) TERMINATION.—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

"(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(2) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if no tax is imposed under section 4611 or 4661 during the calendar year following the date referred to above,

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

"SEC. 4612. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) DOMESTIC CRUDE OIL.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) PETROLEUM PRODUCT.—The term 'petroleum product' includes crude oil.

"(4) UNITED STATES.—

"(A) IN GENERAL.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) UNITED STATES INCLUDES CONTINENTAL SHELF AREAS.—The principles of section 638 shall apply for purposes of the term 'United States'.

"(C) UNITED STATES INCLUDES FOREIGN TRADE ZONES.—The term 'United States' includes any foreign trade zone of the United States.

"(5) UNITED STATES REFINERY.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) REFINERIES WHICH PRODUCE NATURAL GASOLINE.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) PREMISES.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) BARREL.—The term 'barrel' means 42 United States gallons.

"(9) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) ONLY 1 TAX IMPOSED WITH RESPECT TO ANY PRODUCT.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product.

"(c) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.
"Sec. 4662. Definitions and special rules.

"Sec. 4661. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of:	The tax is the following amount per ton
Acetylene	$4.87
Benzene	4.87
Butane	4.87
Butylene	4.87
Butadiene	4.87
Ethylene	4.87
Methane	3.44
Napthalene	4.87
Propylene	4.87
Toluene	4.87
Xylene	4.87
Ammonia	2.64
Antimony	4.45
Antimony trioxide	3.75
Arsenic	4.45
Arsenic trioxide	3.41
Barium sulfide	2.30
Bromine	4.45
Cadmium	4.45
Chlorine	2.70
Chromium	4.45
Chromite	1.52
Potassium dichromate	1.69
Sodium dichromate	1.87
Cobalt	4.45
Cupric sulfate	1.87
Cupric oxide	3.59
Cuprous oxide	3.97
Hydrochloric acid	0.29
Hydrogen fluoride	4.23
Lead oxide	4.14
Mercury	4.15
Nickel	4.45
Phosporous	4.45
Stannous chloride	2.85
Stannic chloride	2.12
Zinc chloride	2.22
Zinc sulfate	1.90
Potassium hydroxide	0.22
Sodium hydroxide	0.28
Sulfuric acid	0.26
Nitric acid	0.24

"(c) TERMINATION.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

"SEC. 4662. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) TAXABLE CHEMICAL.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

"(A) which is listed in the table under section 461(b), and

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) United states.—The term 'United States' had the meaning given such term by section 4612(a)(4).

"(3) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

"(5) Fractional part of ton.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Exceptions; Other Special Rules.—For purposes of this subchapter—

"(1) Methane or butane used as a fuel.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).

"(2) Substances used in the production of fertilizer.—

"(A) In general.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia which is a qualified substance, no tax shall be imposed under section 4661(a).

"(B) Qualified substance.—For purposes of this section, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified, use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) Qualified use.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) Sulfuric acid produced as a byproduct of air pollution control.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under section 4661.

"(4) Substances derived from coal.—For purposes of this subchapter, the term 'taxable chemical' shall not include any substance to the extent derived from coal.

"(c) Use by Manufacturer, Etc., Considered Sale.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) Refund or Credit for Certain Uses.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) Use as fertilizer.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to make ammonia without regard to subsection (b)(2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance, then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section section 4661.".

(b) Clerical Amendment.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"Chapter 38. Environmental taxes.".

(c) Effective Date.—The amendments made by this section shall take effect on April 1, 1981.

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

Sec. 221. Establishment of Hazardous Substance Responsible Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) Transfers to Response Trust Fund.—

(1) Amounts equivalent to certain taxes, etc.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954,

(B) the amounts recovered on behalf of the Response Trust Fund under this Act,

(C) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act,

(D) penalties assessed under Title I of this Act, and

(E) punitive damages under section 107(c)(8) of this Act.

(2) Authorization for appropriations.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, $44,000,000,

(B) 1982, $44,000,000,

(C) 1983, $44,000,000,

(D) 1984, $44,000,000, and

(E) 1985, $44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) Transfer of funds.—There shall be transferred to the Response Trust Fund—

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) Expenditures From Response Trust Fund.—

(1) In general.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111(c) of this Act.

(2) Limitations on expenditures.—At least eighty-five percent of the amounts appropriated to the Response Trust Fund under subsection (b) (1)(A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C).

Sec. 222. Liability of United States Limited to Amount in Trust Fund.

(a) General Rule.—Any claim filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount with respect to any such claim out of any source other than the Response Trust Fund.

(b) Order in Which Unpaid Claims Are To Be Paid.—If at any time the Response Trust Fund is unable (by reason of subsection (a) or the limitation of section 221(c)(2)) to pay all of the claims payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

Sec. 223. Administrative Provisions.

(a) Method of Transfer.—The amounts appropriated by section 221(b)(1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) Management of Trust Fund.—

(1) Report.—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) Investment.—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

(c) Authority To Borrow.—

(1) In general.—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be

necessary to carry out the purposes of such Trust Fund.

(2) Limitations on advances to response trust fund.—

(A) Aggregate advances.—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1)(A) of section 221(b) of this Act for the following twelve months, and

(B) Advances for payment of response costs.—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) Advances for other costs.—The maximum aggregate amount advanced to the Response Trust Fund which is outstanding at any one time for the purpose of paying costs other than costs described in section 111 (a) (1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A).

(D) Final repayment.—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) Repayment of advances.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

Sec. 231. Imposition of Tax.

(a) In General.—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Tax on Hazardous Wastes

"Sec. 4681. Imposition of tax.
"Sec. 4682. Definitions and special rules.

"Sec. 4681. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be equal to $2.13 per dry weight ton of hazardous waste.

"Sec. 4682. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Hazardous waste.—The term 'hazardous waste' means any waste—

"(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress on that date), or

"(B) subject to the reporting or recordkeeping requirements of section 3002 and 3004 of such Act, as so in effect.

"(2) Qualified hazardous waste disposal facility.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.

"(b) Tax Imposed on Owner or Operator.—The tax imposed by section 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

"(c) Tax Not to Apply to Certain Wastes.—The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

"(d) Applicability of Section.—The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds $200,000,000, no tax shall be imposed under such section during the following calendar year.".

(b) Conforming Amendment.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter C. Tax on Hazardous Wastes.".

Sec. 232. Post-Closure Liability Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

(b) Expenditures From Post-closure Liability Trust Fund.—Amounts in the Post-closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).

(c) Administrative Provisions.—The provisions of sections 222 and 223 of this Act shall apply with respect to the Trust Fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed $200,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

Sec. 301. (a) The President shall submit to the Congress, within four years after enactment of this Act, a comprehensive report on experience with the implementation of this Act, including but not limited to—

(1) the extent to which the Act and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(2) a summary of past receipts and disbursements from the Fund;

(3) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(4) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(5) the record of State participation in the system of response, liability, and compensation established by this Act;

(6) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(7) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions for the Response Trust Fund and the Post Closure Liability Trust Fund.

(8) an exemption from or an increase in the substances or the amount of taxes imposed by section 4661 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund,

(9) the economic impact of taxing coal-derived substances and recycled metals.

(B) The Administrator of the Environmental Protection Agency (in consultation with the Secretary of the Treasury) shall submit to the Congress—(1) within 4 years after enactment of this Act, a report identifying additional wastes designated by rule as hazardous after the effective date of this Act and pursuant to Section 3001 of the Solid Waste Disposal Act and recommendations on appropriate tax rates for such wastes for the Post Closure Liability Trust Fund. The report shall, in addition, recommend a tax rate, considering the quantity and potential danger to human health and the environment posed by the disposal of any wastes which the Administrator, pursuant to subsection 3001(b)(2)(B) and subsection 3001(b)(3)(A) of the Solid Waste Disposal Act of 1980, has determined should be subject to regulation under Subtitle C of such Act. (2) Within 3 years after enactment of this Act, a report on the necessity for and the adequacy of the revenue raised, in relation to estimated future requirements, of the Post Closure Liability Trust Fund.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

(c)(1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f)(4) and (5) of the Federal Water Pollution Control Act.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors includ-

ing, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e) (1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

SEC. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutants or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985, or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of the Internal Revenue Code of 1954 total $1.38 billion, whichever occurs first. The Secretary of Treasury shall estimate when this level of $1.38 billion will be reached and shall by regulation, provide procedures for the termination of the tax authorized by this Act and imposed under Sections 4611 and 4661 of the Internal Revenue Code of 1954.

CONFORMING AMENDMENTS

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

(b) One-half of the unobligated balance remaining before the date of the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the   dealing with the matter of   , which rule or regulation was transmitted to Congress on   .", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval or such rule or regulation.

TRANSPORTATION

SEC. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances listed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however,* That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

(c) Section 11901 of title 49, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i);

(2) by inserting "and subsection (h)" after subsection (g) in subsection (i)(2) as so redesignated by paragraph (1) of this subsection; and

(3) by inserting the following new subsection (h);

"(h)(1) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10921 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed $20,000 for each violation.

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

SEC. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substances Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule pay rates under section 5315 of title 5, United States Code.

(c) The amendment made by subsection (a) shall become effective ninety days after the date of the enactment of this Act.

SEPARABILITY

SEC. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. WILLIAMS. Mr. President, after over 3 years, the full Senate has finally been given the opportunity to act on legislation to address the serious problems presented by the inadequate and inappropriate disposal of toxic chemical wastes. This may well be one of the most important and far-reaching pieces of environmental legislation of this decade. During the 1970's, a number of landmark laws were enacted which responded to the needs of our environment. It was the intent of Congress to improve the overall quality of the Nation's environment and to protect the health of our citizens. Today we have the opportunity to pass a bill which focuses on one major environmental danger which has long been neglected. Passage of this measure will establish a Federal mechanism, funded largely through fees on the chemical industry, to respond to the hazards of chemical waste.

The measure being considered today is a compromise worked out over many long days of negotiations. The bill, while certainly not as comprehensive as I had hope for, is an important, positive step which will insure much needed funding for the cleanup and management of chemical wastes. I believe my good friends the chairman and ranking minority member of the Senate Environment Committee (Senators RANDOLPH and STAFFORD) and all those who have been involved in the negotiations on this measure deserve our highest praise for their hard work and determination in fashioning an acceptable piece of legislation.

However, I have several very strong reservations over the proposed compromise. The bill does not meet many of my original hopes and expectations in several aspects and, were it not for the seriousness of the problem and the need to enact legislation this year to provide funding for mitigating the threat of chemical pollution, I would consider attempts to rectify what I believe are deficiencies with the present bill. While I do not believe that this would be an appropriate action at this time, I would like to outline my concerns in the hope that the Senate will consider these matters next year.

My most serious concern with the proposed legislation is the absence of a provision for the compensation of victims of chemical wastes for their out-of-pocket medical expenses. S. 1480, as originally reported by the Senate Environment Committee, would have allowed the fund to compensate those who were exposed to releases of toxic chemicals and suffered resulting health problems. The compromise that was proposed only last week provided for such payments but placed a limit on the amount an individual could receive of up to $30,000. This, I believe, was a substantial compromise on the part of the supporters of this legislation. Today's version, however, will not allow expenditures by the fund for out-of-pocket medical expenses. This is a very serious omission, and a harsh inequity for those who have already suffered from the effects of chemical wastes, as well as those who may suffer such fate in the future. These are the very individuals who have brought this serious problem to the attention of the Nation, the families of Love Canal, of Jackson Township, N.J., and of the many other areas contaminated by hazardous waste.

The assistance they have sought for so long is being denied them, though their problems are so well known to all of us. Mr. President, each day we hear of another incident of contamination, another dumpsite, another water supply poisoned and rendered unusable. What are we going to say to the people affected by these incidents when they come to us for help because the polluter is unknown or unable to pay compensation. Therefore, Mr. President, while I intend to vote for the bill as amended, I certainly do not intend to turn my back on these individuals and will work for the enactment of a compensation provision next year.

Furthermore, I do not feel it is necessary nor wise to preempt existing State programs as the compromise would do. These State programs have proved invaluable in many cases in allowing the State to respond to the dangers of chemical waste. My State of New Jersey has such a program, without which the cleanup of the chemical control site could not have begun. I am hopeful that an agreement can be achieved which will allow States a measure of flexibility so that their programs can play an important complimentary role with the Federal program in responding to hazardous waste problems.

The American people have waited too long for the Congress to act on this serious problem and, therefore I do not believe it would be in the public's interest to attempt to correct what I preceive to be problems with the proposed compromise. We can delay no longer, it is imperative that legislation be passed and a Federal response program established. Where the bill falls short we can improve upon it next year. Its important provisions should not be overlooked in our worries over its omissions. Money will be available for the cleanup of abandoned sites and incidences of releases whether they are in the water, on land, or in the air. The legislation will provide for the restoration of natural resources which have been damaged, and health studies will be carried out by the new "Agency for Toxic Substances and Disease Registry."

Mr. President, we must take this first step before we can take whatever actions are necessary to insure that all the concerns of our citizens are cared for.

Mr. LEAHY. Mr. President, today, the Senate will take an important step toward addressing one of the Nation's most troubling environmental pollution problems. With the passage of the Comprehensive Environmental Response, Compensation and Liability Act, the superfund bill, the Federal Government's ability to respond to incidents involving hazardous and highly toxic substances will be greatly strengthened.

I support this compromise legislation,

as strongly as I supported the original S. 1480, and I urge my colleagues to join me in approving the Stafford-Randolph substitute.

This country is only beginning to realize the long-term dangers inherent in the manufacture and use of hazardous and toxic substances. The tragedy at Love Canal points to many outstanding problems of compensating the victims of poisoning by hazardous substances, of assessing who is to blame for the damage, and of the proper role of the Government in responding to these emergencies. The problems of cleaning up hazardous waste spills, assessing liability for any physical, environmental, or economic damage, and funding any emergency response mitigation or treatment actions are of a magnitude and complexity to require legislation of this scope and structure.

Too many times this year, we have read reports of environmental and human catastrophes—at Love Canal, at Elizabeth, N.J., at the "Valley of the Drums" in West Point, Ky., and numerous other sites around the country where highly toxic, hazardous substances have escaped into the environment, contaminating the air and water supplies and creating still-unknown health dangers. There are hundreds, maybe even thousands, of orphan dumps, the long-abandoned waste disposal sites or manufacturing plants, scattered across the country. Many other sites are still active, regulated waste repositories, and we may never know the full extent, or location, of illegal dumping of these dangerous wastes and materials.

The costs of locating these orphan sites or of containing the active sites, of cleaning up the polluted areas and of mitigating any danger to the public health and safety are astronomical. The superfund bill which is before the Senate today will provide the necessary funds and authority to locate these sites and to begin to take the proper remedial actions.

This superfund legislation is the much heralded compromise, fashioned from the two bills passed by the House this fall and S. 1480, and engineered by my distinguished senior colleague (Mr. STAFFORD), with Senator BAKER, Senator RANDOLPH, and others. I take this opportunity to congratulate my colleagues for their perseverance and desire to insure passage this session of this vital legislation.

Mr. President, many of my colleagues today have recounted the stories of residents of Love Canal and the nightmare their lives have become. Earlier this year there were reports of illegal, midnight waste dumping on New England's back roads and in its forests and many Vermonters expressed their outrage and grave concern for the consequences, for the potential danger to their health, their livelihood and their environment. Environmental poisoning does not discriminate between victims, between drinking water supplies or already stagnant waters, between inhabited or rural areas.

I have heard many complaints that the scope of S. 1480 as reported was too broad, that the liability provisions captured not only the very large chemical manufacturers and users, such as Dow Chemical, but hundreds of small companies as well, and that these provisions would create an excessive burden on small businesses. However, the victims of toxic poisoning incidents include, ironically, very large numbers of small businesses.

For example, in 1976, the Agriculture, Nutrition, and Forestry Committee conducted several hearings on the dumping of Kepone on the James River, Va. At that time, there were 11 small marinas in operation on a tributary of the James River. Today only one of these is still in operation and it is on the verge of bankruptcy. Countless numbers of commercial fishing ventures have been forced out of business, and, although the State of Virginia has just recently approved commercial fishing in the James River, the area's service industries, bait shops, restaurants, and other small businesses have all but disappeared. Similarly, the PBB disaster in Michigan destroyed numbers of small-to-medium dairy farms and, had that incident happened my State of Vermont, its economy—its agriculture and travel industries—could very well have been crippled.

Mr. President, the country cannot afford any further delay in addressing the problems of hazardous waste disposal and in taking action to control environmental contamination. It is essential that we have available an adequate plan and resources to respond to oil or chemical spill emergencies, to clean up the area, to determine liability and assist the innocent victims of inadequate or illegal waste disposal. The passage of the compromise bill will provide the means and incentive to control the handling and disposal of hazardous substances and thus protect the public from further potentially irreparable harm.

Mr. CHAFEE. Mr. President, today, we are considering legislation to deal with what is fast becoming the most serious environmental problem of our time, hazardous waste sites and hazardous spills.

Some say we are rushing headlong into this issue without thinking, that we need more time in order to be rational about the problem. I challenge those who feel that way to come to my State of Rhode Island. I challenge them to meet with my constituents who fear that their drinking water is poisoned, their health endangered, and their resources contaminated. Will these citizens and millions of others like them find it reasonable to wait another few years for help? I doubt it, and I do not blame them.

We on the Environment and Public Works Committee have spent 3 years examining hazardous waste and spill legislation. Our present capability to clean up sites and spills and recover from the wrongdoer is dismal. The superfund bill sets a policy for dealing with these hazardous substances that are buried or otherwise present in our land and water. If we fail to act, the number of abandoned waste sits and the effects of spills will increase a hundredfold. The time has come to create the capability to clean up and monitor the dangerous waste sites and spills that beset our communities and people. Our Federal and State Governments must have a tool for holding liable those who are responsible for these costs.

During the last several months, I have visited several dangerous waste sites in my State of Rhode Island. I have seen the fear of the people who live nearby and the town officials who must try to deal with the problems with whatever resources they can bring to bear. In some cases, we have been able to provide at least some help—such as research moneys for cleanup at the Picillo site in Coventry and EPA assistance in monitoring and pumping out sections of the western sand and gravel site in Burrillville. EPA has also made a commitment to me to assist the town of North Smithfield with the landfill resources recovery site.

Now we must act on legislation to put in place a national program to deal with waste sites and spills. I join my colleagues today in cosponsoring the legislation which is pending before us. As an original cosponsor of S. 1480 and a member of the two Environment and Public Works Subcommittees which worked on superfund, I am pleased to see that the efforts of many concerned Members and others during the last few weeks have resulted in a version of the legislation coming to the floor that means victory for all those who have fought for hazardous waste legislation for so long.

This bill will establish a $1.6 billion fund for cleaning up abandoned waste sites and hazardous spills. The provision which I had earlier introduced in S. 1480 for the restoration of damaged natural resources remains in the legislation we are considering today. One of the most important items, especially in the view of my State, is that wrongdoers will be liable under this law for the costs incurred in cleanup and response, as well as the natural resource damages. Furthermore, this legislation does not interfere with the ability to go into State court and recover for additional damages not covered under this Federal scheme.

There are two issues which may pale in the light of the tremendous overall problem, but which are still very important, indeed. One of these is the ability we are giving the fund to expend moneys to study and monitor burgeoning problems at hazardous waste sites, before we know exactly what chemicals are there. Unless we can learn what troubles are brewing at a location, how will we know how or if to respond? This has happened time and again in my State and it has been a continuous struggle to come up with funds to pay for such studies. I consider such capability in the fund to be absolutely necessary.

Another item for which we authorize use of the fund is the cost of epidemiologic studies, victim registries, and certain diagnostic services for persons possibly suffering from long-latency diseases caused by hazardous releases. This information could be extremely helpful to possible victims and hopefully will defray some of the costs of recovery of damages.

Another section which is in the bill at my request is a study of the fee structure's impact on our balance of trade.

When the Treasury Department appeared before the Finance Committee on the superfund legislation, I asked the Department whether the tax would only be levied on imports, to the extent of the simple substance or feedstock. This is indeed the case, meaning that the tax will not be levied on imported intermediate products and imported final products derived from the designated feedstocks. Such a tax structure may impair the competitive position of certain of our domestic companies. Thus we have included in this legislation a study, to be conducted in cooperation with the Department of Commerce and the Special Trade Representative, of how the tax structure affects our country's balance of trade.

Mr. President, it is with great joy that I urge my colleagues to approve this superfund legislation. We have a duty to the people of this Nation to deal with the most serious environmental problem they and we may ever have to face.

Mr. HELMS. Mr. President, I want to be frank about my assessment of this superfund legislation. I wish the Senate had taken the time to consider fully not only S. 1480, but also the substitute that is before us, because I think many of my colleagues have concerns about the scope and the approach of the bill.

First, we are going far beyond what is needed to address the real problem—that of abandoned waste sites. I am concerned that the addition of this whole "release" concept will unnecessarily open the "Pandora's box" of new regulations and notice requirements—requirements which will not assist in the cost-effective cleanup of waste sites but that will in addition merely provide jobs for more bureaucrats at the expense of the consumers of America.

In addition, I have long supported State participation in any superfund bill dealing with hazardous waste sites. This is both a Federal and a State problem. States have benefited from an industrial location within their borders in salaries to employees, and in State taxes paid by the corporations. Therefore, the burden is not that of the Federal Government alone. We have seen the sad results of turning to the Federal Government to solve problems that could and should have been solved by local and State governments.

In that regard, I note that the compromise bill has eliminated any State "superfund" by preempting any participation by the chemical industry. I understand that a two-part system could be unwieldy, but if we are preempting participation, why not preempt Federal participation—for a change?

Now, as to this compromise bill before us. We have come a long way from the original S. 1480. It is interesting to look back to July 11, 1979, when Senator STAFFORD remarked on the floor of the Senate:

> The bill which we are introducing is not so much a solution as a suggestion. We expect many of its provisions to be subjected to considerable and sometimes heated debate. Ultimately some of them—perhaps many—will be changed during subcommittee, committee, and Senate review. That is exactly what we intend.

As he predicted, S. 1480 was the subject of intense controversy and was modified between the time it was introduced and when it was reported; but more than that, in the compromise bill being considered today. Great progress was made last week from the earlier printed version of the compromise. To provide a record of this progress. I shall submit for the RECORD at the conclusion of my remarks a list of changes as presented by the Environment and Public Works Committee, and the text of amendment No. 2622.

In all of this, Mr. President, there are significant improvements to which I will address myself.

First, the committee has deleted the term of joint and several liability. As originally introduced on July 11, 1979, S. 1480 imposed an unprecedented scheme of strict, joint, and several liability on owners, operators, and all others who caused or contributed or who are causing or contributing to a prohibited discharge, release, or disposal of a hazardous substance. Not only were such persons jointly and severally liable for Government cleanup and removal costs, but also for an extremely wide array of third-party damages.

As reported by the Committee on Environment and Public Works in July 1980, S. 1480 included a number of amendments apparently designed to mitigate some of the worst aspects of the bill as introduced. However, the joint and several liability language was retained in section 4.

Retention of joint and several liability in S. 1480 received intense and well-deserved criticism from a number of sources, since it could impose financial responsibility for massive costs and damages awards on persons who contributed only minimally (if at all) to a release or injury. Joint and several liability for costs and damages was especially pernicious in S. 1480, not only because of the exceedingly broad categories of persons subject to liability and the wide array of damages available, but also because it was coupled with an industry-based fund. Those contributing to the fund will frequently be paying for conditions they had no responsibility in creating or even contributing to. To adopt a joint and several liability scheme on top of this would have been grossly unfair.

The drafters of the Stafford-Randolph substitute have recognized this unfairness, and the lack of wisdom in eliminating any meaningful link between culpable conduct and financial responsibility. Consequently, all references to joint and several liability in the bill have been deleted. The bill now provides that the listed classes of defendants will be liable for Government removal and remedial costs and associated damages to natural resources, in accordance with the standard of liability specified in section 311 of the Federal Water Pollution Control Act. That section on its face does not impose joint and several liability, and the courts applying section 311 have not attempted to ignore the language of the statute.

It is very clear from the language of the Stafford-Randolph substitute itself, from the legislative history, and from the liability provisions of section 311 of the Federal Water Pollution Control Act, that now the Stafford-Randolph bill does not in and of itself create joint and several liability. The Government can sue a defendant under the bill only for those costs and damages that it can prove were caused by the defendant's conduct.

In addition, we have made great progress in terms of the size of this fund. As originally proposed the fund could have exceeded $4.1 billion. I am happy that my colleagues have agreed to adopt an amendment limiting the size of the fund to a total of $1.6 billion. Even at that level it will, over the next 5 years, cost each citizen of the United States $7 to support this fund. Now, I know the argument that the chemical feedstocks will be taxed to provide for about 88 percent of the fund; however, ultimately the American public will pay in higher prices for the goods produced from these chemicals.

Now, as to the funding mechanism, I am disturbed at the "both ends" approach of the tax. First, it taxes feedstocks of most chemicals without regard in any way to the amount or toxicity of the hazardous waste produced by industry, as a result of the use of the chemical feedstock. Then, there is an additional tax on the hazardous waste deposited at the waste site. We ought to use the latter approach exclusively rather than penalizing companies which produce no waste, or who attempt to minimize the production of waste.

The bottom line is this: We have gone a long way toward making a bad bill better. Still, for the reasons I have expressed, we need to sit down and thoroughly consider what we are doing with the passage of this bill. There are still some "bugs" in this thing which could be ironed out with further work; therefore, I must oppose the bill's passage.

EXHIBIT 1

CONCESSIONS IN STAFFORD-RANDOLPH COMPROMISE

Eliminated the federal cause of action, including medical causation and statute of limitations

Eliminated joint and several liability

Limited the scope of liability

Added a third party defense

Reduced size of the Fund from $4.1 billion for six years to $2.7 billion for five years

Set the industry share at 88 percent—halfway between the 100 percent share of H.R. 85 and 75 percent share of H.R. 7020

Adds a legislative veto of regulations, a provision in none of the bills

(By unanimous consent the text of amendment No. 2622 to S. 1480 is printed in the RECORD, as follows:)

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

DEFINITIONS

SEC. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 of section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections, (I) any injection of fluids or other materials authorized under appropriate State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307 (b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section of this Act;

(12) "ground water" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas);

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a) (3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the generator of such hazardous material shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107 (a) (3) or (4)(i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the exhaust of a motor vehicle, and (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release from any processing site designated under section 102 (a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal field application of fertilizer;

(23) "remove" or "removal" means the

cleanup or removal of released hazardous substances from the environment, necessary actions taken in the event of the threat of release of hazardous substances into the environment, necessary actions to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such onsite actions as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act; and

(30) "territorial sea" shall have the meaning provided in section 311(a) and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title.

NOTICES, PENALTIES

SEC. 103. (a)(1) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release, in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this Act: *Provided however*, That notification under this subsection is not required for any facility which would be reported hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the stoppage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(d) After the enactment of this Act, it shall be unlawful for any person required to provide the notification of a facility under subsection (c) of this section knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records relating to the location, title, or condition of the facility or the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited therein. Any person who violates this subsection shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(e) This section shall not apply to the field application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsection (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, That notification in accordance with subsection (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

Sec. 104. (a) (1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent or substantial danger to the public health or welfare, the President is authorized to act to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organism or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title.

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c) (1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owed at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damage compensable under section 111 of this title relating to the specific release in question: *Provided, however*, That in no event shall the amount of credit granted exceed the total response costs relating to the release.

(d) (1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing sixty days notice, seek in the appropriate Federal district court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(e) (1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2) (A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the Environmental Protection Agency) shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the Administrator (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this Act by contractors and subcontractors as a condition of such contracts.

(g)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies, or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants and contaminants, which shall include at a minimum:

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. At least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets". Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor. The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

ABATEMENT CONTROL

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be a substantial danger to the public health or welfare because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the President shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the national hazardous substance response plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

LIABILITY

SEC. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal, treatment, or transport for disposal or treatment of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be strictly liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State;

(B) any other necessary costs of removal incurred by any other person consistent with the national contingency plan published under section 105 of this Act; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant, if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c) If any person who is liable for a release or threat of release of a hazardous substance fails to properly provide removal or remedial action upon request of the President, such person shall be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to any costs recovered from such person pursuant to section 112(c) of this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in preparation for, or in the course of, rendering care, assistance, or advice in accordance with the national contingency plan or at the direction of an onscene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however*, That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and section 311 of the Clean Water Act and as provided under section 114 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any removal costs or damages resulting from the field application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance.

(j) Recovery by any person (including the United States or any State) for removal costs or damages resulting from a federaly permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance. In addition, costs of removal incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section of this Act when—

(A) such facility and the owner and operator thereof has complied withh the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

FINANCIAL RESPONSIBILITY

SEC. 108. (a) (1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b) (1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The minimum requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96–296.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke any rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against such claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation.

EMPLOYEE PROTECTION

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judiical review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title;

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 311 (c) of the Clean Water Act and amended by section 105 of this title: *Provided, however,* That such costs must be approved under said plan and certified by the responsible Federal official;

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this title.

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are repealed or modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance may be asserted against the Fund under this title for—

(1) all out-of-pocket medical expenses, including rehabilitation costs of burial expenses, due to personal injury;

(2) injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however,* That any such claim may be asserted only by the President, as trustee, or by any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State;

(3) any claim for any capital loss or loss of income by an agricultural producer or processor due to destruction or loss of value of any livestock or livestock products, any poultry or eggs, any agricultural commodities (including grain, feed, or produce), or any orchard or cropland, forestland, rangeland, or pastureland taken out of production, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1974; and

(4) any claim for any capital loss or loss of income by a harvester or processor of fish or seafood due to destruction or loss of value of any fishery stock, any harvested fish or seafood, or any fish or seafood product, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1978.

Payment of any claim for out-of-pocket medical expenses under this subsection shall be limited to those incurred from the time of initial exposure to a hazardous substance in a release, until six years following discovery of such exposure. Any such payment shall not exceed $30,000 to each such claimant, or such adjustment of such amount as the President shall annually establish, taking into account changes in the consumer price index. No claim shall be paid out for out-of-pocket medical expenses except to the extent the injured party's medical expenses exceed $300. Payment of any claim for calculable direct lost wages or other personal income under paragraphs (3) or (4) of this subsection shall be limited to 100 per centum of the actual net amount lost in the first year following the commencement of such loss and 80 per centum of the actual amount lost in the second year following the commencement of such loss, and shall be payable only to a claimant for whom the gross income from activities adversely affected by the release of a hazardous substance exceeds 25 per centum of his total gross income from all sources for the average of the preceding three taxable years.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroy, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances are suffering from long-latency diseases;

(5) to the extent authorized by the President in his discretion, and not to exceed $10,000,000 per fiscal year, the reasonable costs of expert witnesses employed by claimants in actions to recover damages under section 107 of this Act, to the extent authorized by the court, and the costs of neutral expert panels which may be established in such actions by the court, sua sponte or on the motion of any party;

(6) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under the national contingency plan; and

(7) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazardous, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d)(1) No money in the Fund may be used under subsection (c)(1) and (2) of this section, nor for the payment of any claim under subsection (b)(2) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim for out-of-pocket medical expenses under subsection (b) of this section where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, and the claimant has discovered or has knowledge of his injury or disease prior to such date.

(3) No money in the fund may be used for the payment of any claim for out-of-pocket medical expenses under subsection (b)(1 of this section where such expenses are associated with disease or injury resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e)(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President may, in his discretion, defer payment of all claims or of any class of claims, make partial payment on a prorated basis to each affected claimant, or provide for the payment of claims on a priority basis determined under regulation as to relative hardship to claimants.

(2) In any fiscal year, two-thirds of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice to all potential injured parties by publication or a notice in all local newspapers serving the affected area.

(h)(1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f)(4) and (5) of the Federal Water Pollution Control Act, shall be assessed by (A) the Director of the Fish and Wildlife Service for living natural resources and their supporting ecosystems over which such Service has management or conservation authority, (B) the Administrator of the National Oceanic and Atmospheric Administration for other natural resources in marine ecosystems, and (C) the Administrator of the Environmental Protection Agency for all other natural resoruces. Such officials shall act for the President as trustee under this section and section 311(f)(5) of the Federal Water Pollution Control Act.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by, or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of removal, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

CLAIMS PROCEDURE

SEC. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

(b)(1)(A) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one (1) year, or both.

(B) The President is authorized to designate geographic areas within which individuals, exposed to a hazardous substance in a release while in such area, may present claims to the Fund for payment for out-of-pocket medical expenses under section 111 (b)(1) of this Act. In determining such areas, the President may consider the length of exposure, documented exposure, extent of migration, pathways of human exposure, and such other factors as the President deems necessary.

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may apeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Prior to the effective date of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right of counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however*, That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2)(a) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all costs incurred by the Fund by reason of the claim, including interest, administrative and adjudicative costs, and attorney's fees. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d)(1) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however*, That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim for damages against the Fund pursuant to this title shall be deemed or held to have waived any other claim for damages not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occured, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsection (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954.

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages as provided in this Act.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

SEC. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

TITLE II

Reserved for Finance Committee action on Fund establishment, tax structure, and so forth.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

SEC. 301. (a) The President shall submit to the Congress, within four years after enactment of this Act, a comprehensive report on experience with the implementation of this Act, including, but not limited to—

(1) the extent to which the Act and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(2) a summary of past receipts and disbursements from the Fund;

(3) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(4) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(5) the record of State participation in the system of response, liability, and compensation established by this Act;

(6) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(7) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, co-insurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

(c)(1) The President, acting through the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Environmental Protection Agency, and the Director of the Fish and Wildlife Service, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measure of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to de-

termine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and short-falls for hazardous waste by management category on a State-by-State basis:

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e)(1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

SEC. 302. (a) All provisions of this Act shall be effective on the date of enactment of this Act.

(b) Any regulations issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

EXPIRATION, SUNSET PROVISION

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985.

CONFORMING AMENDMENTS

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

(b) One-half of any sums appropriated prior to the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the   dealing with the matter of   which rule or regulation was transmitted to Congress on   .", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

SEPARABILITY

SEC. 306. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

(The text of amendment No. 2623 to H.R. 7020 is identical to the text of amendment No. 2622.)

● Mr. **DURENBERGER**. Mr. President, it is reassuring to me that some of the most important pieces of legislation cause the greatest amount of agony for this body. It is the agony that gives birth to fair and thoughtful compromise.

Such is the case with the so-called superfund legislation. I want to congratulate my distinguished colleagues Senators STAFFORD and RANDOLPH for their persistence and determination. I hope their hard work, and the efforts of everyone who worked on this compromise, will be rewarded with passage of this important bill.

I am honored to be a cosponsor of the superfund bill being offered by Senators STAFFORD and RANDOLPH. While the bill is not everything that I and others may have hoped for, it is more than just a stopgap piece of legislation. This compromise is a significant first step toward building a framework that will allow us to complete the work on this issue in the 97th Congress. I am convinced that our success next year rides on the passage of this compromise.

This legislation will allow us to immediately tackle some of the most pressing problems of toxic releases. Certainly, even with this legislation, we have much work to do on toxic waste disposal, especially regarding the issues of siting such facilities. However, we have the opportunity to lay the necessary foundation by passing this bill. If we fail, we run the risk of being set back a year or more. It is vitally important that we refuse to take that risk.

The Stafford-Randolph bill is a sound compromise, and I urge my colleagues to serve both the immediate and the future public interest by passing this legislation.●

● Mr. JEPSEN. Mr. President, I intend to vote for the legislation before us today because we need to get about the business of cleaning chemical waste problem areas. Such cleanup activity is a part of the process and planning necessary to prevent the "poisoning of America."

The compromise before us today, I have been told, will provide the mechanism and direction to cleanup these hazardous waste sites. I hope this is true. I sometimes wonder about the overzealousness of the Environmental Protection Agency, the Government body which will primarily be responsible for the administration of this act. Generally, I do not favor legislation which expands the long arm of the Federal Government, as this bill will do. We would all do well to remember the three statements which are always suspect, "Let me just say a few brief words, the check is in the mail," and "I'm from the Government and here to help you."

The unfortunate truth is, however, that something needs to be done about inactive or abandoned hazardous waste sites now. Where health threats are imminent, quick corrective action is necessary. While this legislation is not the only way to provide that activity it may be the best option there is at the moment.

I generally believe that State and municipal governments are in the best position to determine the public health hazards associated with chemical wastes and what action or environmental tradeoffs should be made. However, it is my understanding that the National Governor's Association and the National Association of State Legislators support this compromise—an additional reason for supporting this proposal.

Chemicals are here to stay. We all use them and in this day and age we could not get by without them. This being the case, we must accept the proposition that cleanup and control of chemical wastes is in the public interest and therefore the Federal Government should implement directions that will provide satisfactory solutions to the safety hazards of chemical waste.

I want to vote for legislation to cleanup hazardous chemical waste sites now. I will be monitoring the administration of this bill to see that it performs now—not hundreds of regulations and court suits later.●

● Mr. DOMENICI. Mr. President, I am pleased to be a cosponsor of the compromise superfund bill now before this body. I know the hard work and the amount of time that the entire Environment and Public Works Committee has put into producing a superfund bill in this Congress, and I was pleased to play a part in the formulation of such a compromise.

This legislation is an important step forward in responding to the serious problem of leaking hazardous waste sites and spills of hazardous substances.

The bill provides the Environmental Protection Agency with the authority to respond quickly to spills and leaking sites that are causing harm to individuals and to the environment, and to contain and clean up the spills. By being able to respond quickly, EPA will stop many of the accompanying problems of long-term exposure to these substances.

The bill sets up a $1.6 billion fund over 5 years, financed primarily by industry fees, to provide the financing necessary to allow EPA to respond in a timely manner.

Clearly, Mr. President, the problem of hazardous substances must be addressed, and this body is acting in a responsible manner by passing legislation in this Congress. I was pleased to be able to be a part of this effort.●

● Mr. LEVIN. Mr. President, the superfund legislation pending before us today is landmark legislation in environmental protection, for my own State of Michigan, as well as for the Nation as a whole. I am a cosponsor of this measure because I support the enactment of comprehensive legislation that will provide a vehicle for the Government to respond to releases of hazardous substances and to clean-up abandoned hazardous waste sites.

Earlier this year, I submitted recommendations to the distinguished chairman from West Virginia (Mr. RANDOLPH) regarding needed changes in S. 1480. My primary interest was in ensuring that in enacting the measure, the Government was recognizing the importance of each State's role in implementing the bill.

I am happy to see that this substitute bill contains many of those recommendations, including consultation with State and local agencies in the development of the national contingency plan, reimbursement to States for expenses incurred in cleaning up hazardous waste sites prior to the enactment of the bill and consultation with States in the determination of response strategies environmental emergencies.

I am also happy to see that the committee has included in the bill, upon my recommendation, a provision that will provide for the establishment of an Office of Assistant Administrator for Solid Waste at the Environmental Protection Agency (EPA). This provision should prevent delays in the implementation of the statute such as those that occurred during the drafting of regulations to implement the Resource Conservation and Recovery Act of 1976. Most importantly, it will place the land protection programs of EPA on an equal footing with the air and water protection programs, so the agency will have strongly expressed demands for allocation of limited resources from all three divisions.

While I am distressed to note that the compromise does not provide for compensation to people who are the victims of releases of hazardous substances, I am convinced that this body should enact a superfund measure during this Congress. It starts us down a road which we must travel as a people. I urge all of my colleagues to support this legislation as another step toward the achievement of a safer, cleaner environment.●

● Mr. RANDOLPH. Mr. President, I thank my colleague from Michigan (Mr. LEVIN) for all of his suggestions and recommendations that have served to strengthen the statute and make it more equitable.

In addition to section 307 of the bill, which will establish an Office of Assistant Administrator for Solid Waste at EPA, Senator LEVIN has offered thoughtful recommendations to the bill that will provide for reimbursement to States for cleanup costs incurred prior to passage of the bill and consultation with States and local agencies for the development of the national contingency plan and for response strategies to sudden releases of hazardous substances. I heartily accepted these recommendations.

Regarding the first recommendation, incorporated into the bill as section 307, I agree that the need to eliminate structural administrative conflicts in the EPA, so as to hasten the implementation of this sorely needed superfund legislation, is of primary importance in consideration of this bill. I am happy to see that Senator LEVIN'S Governmental Affairs' Oversight Subcommittee has translated poor administration in the implementation of the Solid Waste Disposal Act by EPA into a positive improvement toward the implementation of superfund.

Again, I thank the Senator for all of his assistance in the long process toward enactment of this bill.●

● Mr. CANNON. Mr. President, section 104(e)(1) relates to information gathering for purposes of assisting in determining the need for response to a release. It is my understanding that this section is not intended to overlap or duplicate the information-gathering authority of the Department of Transportation under existing laws such as the Hazardous Materials Transportation Act, Ports and Waterways Safety or the Rail Safety Act. Is that correct?

Mr. RANDOLPH. Yes, Senator. That

is correct. No duplicate information-gathering authority is intended under this section.

Mr. CANNON. Section 103(a)(1) requires immediate notification to the National Response Center which was established under the Clean Water Act and has been administered by the U.S. Coast Guard. It is my understanding that the National Response Center will continue to be administered in the same fashion.

Also, this section requires that the notification be made by "any person in charge." It is my understanding that the term means any responsible person and will be construed in accordance with the designations presently made under the national contingency plan. Is my understanding of this section correct?

Mr. RANDOLPH. Yes, it is.

Mr. CANNON. Section 101(24) defines the term "remedy" to include those actions taken in the event of a threatened release to prevent such release. It is my understanding that this definition is not intended to overlap or duplicate the regulatory authority of the Department of Transportation under existing laws. Is that correct?

Mr. RANDOLPH. Yes, Senator, that is correct. No duplicate regulatory authority is intended by this definition.

Mr. CANNON. S. 1480 as originally reported included three separate exclusions relating to fertilizer and pesticides. One was an exclusion from the definition of "release" for the normal "field" application of fertilizer. In addition, the "field" application of pesticides is exempted from the application of certain notification requirements and liability provisions. S. 1480 as amended would remove the term "field." It is my understanding that these changes in no way are to alter the original intent of these exclusions, reflected in the legislative history accompanying S. 1480 as originally reported. Instead these changes are intended only to insure that these exclusions indeed apply to all customary uses of fertilizer and pesticides rather than just to such applications to fields.

Mr. RANDOLPH. Yes, that is correct.

Mr. CANNON. Section 107(e)(1) prohibits transfer of liability from the owner or operator of a facility to other persons through indemnification, hold harmless, or similar agreements or conveyances. Language is also included indicating that this prohibition on the transfer of liability does not act as a bar to such agreements, in particular to insurance agreements.

The net effect is to make the parties to such an agreement, which would not have been liable under this section, also liable to the degree specified in the agreement. It is my understanding that this section is designed to eliminate situations where the owner or operator of a facility uses its economic power to force the transfer of its liability to other persons, as a cost of doing business, thus escaping its liability under the act all together.

Mr. RANDOLPH. That is correct.●

● Mr. WEICKER. Mr. President, today I am happy to support and cosponsor the Stafford-Randolph substitute to S. 1480 the Environmental Emergency Response Act.

The so-called superfund bill is designed to help eliminate and prevent a most distressing blight on our land; the unrestricted dumping of toxic wastes into our waters and land.

Discharges of toxic wastes has already created serious health problems to our citizens; the Love Canal disaster and the Elizabeth, N.J., explosion being the most notable incidents.

Since Love Canal many additional and potential changes have come into focus. EPA estimates that hazardous dump sites nationwide range between 32,000 and 50,000, and those that are considered significant are between 1,200 and 2,000, but who knows how many more will be found. Indeed, EPA estimates that only 10 percent of a total 11 billion pounds of toxic wastes generated annually is disposed of in a safe and sound manner. The cost of toxic wastes cleanup can be enormous. The Love Canal estimate is roughly $20 to $25 million.

In my own State of Connecticut the problem is as acute as in other industrial States. In Wilton, Conn., as an example, a high incidence of cancer is thought to be a result of a 75-acre landfill. Less than 25 families lived in a four street area when the landfill was built in 1967. Nine people from these families have contracted cancer within the last 7 years and two others since 1970; a total of seven of these people have died.

Although there is no hard evidence that there is a link between the high incidence of cancer and the Wilton dump site, the facts are worthy of more than just concern.

There are much stricter laws dealing with hazardous wastes now than before the seventies including the Clean Water, Clean Air, Solid Waste Proposal and Toxic Substances Control Acts, however, present laws are still inadequate. These regulations do not address situations where the owner is unable to pay the cleanup costs or if the disposer of the wastes is unknown.

The problem of hazardous wastes and the health and environmental dangers they pose should be of concern to every Member of this Congress. Hazardous wastes are a problem everywhere, in every State and most municipalities.

I would like to see the strongest possible bill pass this Congress, but the high controversy surrounding S. 1480 will kill its chances in this late lameduck session. I, therefore, applaud my two colleagues Senators STAFFORD and RANDOLPH for working so hard and diligently to come up with a reasonable compromise between the Senate bill and the House passed versions H.R. 7020 and H.R. 85.

Mr. President, there is no need to continue on about the problems that hazardous wastes pose to this Nation; volumes have already been written. I just want to make my point clear that we cannot let any more time pass before we take the problem of hazardous wastes head on. We must pass the superfund bill now.●

● Mr. MITCHELL. Mr. President, I would like to address an inquiry to my friend from Vermont, Mr. STAFFORD. Is it your understanding that under this substitute to S. 1480, no State or other Federal law is affected by the provisions of this bill?

Mr. STAFFORD. That is correct.

Mr. MITCHELL. Is it your further understanding that no statute, State or Federal, or common law, providing for a standard of strict liabilities, is diminished by this bill?

Mr. STAFFORD. That is correct. Under the bill, no obligations or liabilities of any person under other Federal or State law, including common law, are diminished by the provisions of this bill.●

● Mr. KENNEDY. Mr. President, as a cosponsor of the Hazardous Containment Act of 1980, I would like to voice my support for Senate passage of a strong superfund bill in this Congress.

There is no question that the improper disposal of hazardous waste has become one of our Nation's most serious environmental problems. The Environmental Protection Agency estimates that as many as 30,000 dump sites nationwide may pose significant health problems to the public. Millions of Americans are exposed each day to potentially serious health effects as a result of improper disposal of hazardous waste.

In the Commonwealth of Massachusetts alone, there are 51 confirmed hazardous waste sites and another 321 sites that will require further investigation. Twenty-five cities and towns in the Commonwealth have been forced to shut down their public water systems due to the presence of toxic chemicals in their water supplies.

The tragedy in human terms was made very clear during a joint hearing before the Subcommittee on Health and Scientific Research and the Committee on the Judiciary which I chaired in June of this year:

Mrs. Anne Anderson from Woburn, Mass., told us of the arsenic and chromium pits that exist in her city, and of her young son's battle with leukemia;

Mr. James McCarthy of Jackson Township, N.J., told us of the contaminated landfill one mile from his home and of the tragic death of his 9-month-old child due to a rare form of kidney cancer;

Mr. Skip Foss talked about the dangerous chemicals in a landfill near his home in Bumper's Cove, Tenn., and how his daughter suffered from respiratory problems caused by the fumes from chemicals at the sites;

And we know only too well the terrifying story of Love Canal where an entire community in New York had to be relocated due to the tragic effects from the proximity of toxic chemicals.

We, as a nation, can no longer afford to ignore the serious health and environmental impacts of improperly disposed hazardous waste. We must not turn our backs on the human suffering that could endure for generations from exposure to toxic chemicals in our neighborhoods. The chemicals which were buried in 1960 are causing illness in 1980 and will continue to plague us in the decades to come. We must act now.

S. 1480 represents a critical first step in coming to grips with one of the most serious environmental issues of our time. Let us begin today the process that will insure that the future for our children is not clouded by the specter of unnecessary illness and a devastated environment.

In conclusion, Mr. President, the following article from the September 29, 1980, edition of U.S. News & World Report accurately describes the serious toxic waste problems of a city in Massachusetts. I ask that it be printed in the Record.

The article follows:

One Town Mired in a Toxic Wasteland

Woburn, Mass.—In this small working-class community 15 miles north of Boston, residents cite a litany of chemical abuses that some fear could make the town the next Love Canal.

Within Woburn's boundaries lies a wide range of deadly chemicals: Radioactive wastes, an arsenic pit, two lagoons of chromium, and residues from a plant where metal drums used for hazardous-waste disposal are cleaned.

These and other wastes, say residents, have combined to produce such side effects as strange-tasting water, foul odors and concentrations of explosive swamp gas.

State health statistics also show that Woburn has the highest cancer rate of any town its size in the state. Says Rick Leighton, the Environmental Protection Agency's chief troubleshooter in Woburn: "What you have here are a bunch of potentially bad factors in close proximity to each other and the drinking-water supply."

Woburn residents point to the eastern edge of town where an 800-acre industrial tract has a 127-year history of intensive chemical use and waste disposal.

Digging up the past. The property changed hands among various chemical companies until 1971, when Consolidated Chemical Industries, which produced glue from animal hide and bone, sold it to a local land developer.

The developer's bulldozers disturbed long-forgotten piles of animal carcases, spurring complaints from residents about a heavy rotten-egg smell. A court order halted work temporarily, but operations have since resumed.

"The smell was horrible. It would wake us up from a sound sleep in the middle of the night," says Judy Broderick, whose home in nearby Reading lies downwind of the land.

Other residents talk about eye-burning fumes, strange skin rashes and a general lethargy in Woburn and Reading, especially among the children.

On one Woburn street, residents claim, there have been three stillbirths and six miscarriages. Ten famillies there have reported cases of cancer in the last decade.

Officials of the Federal Center for Disease Control are studying 50 cancer deaths in Woburn, focusing on 36 rare kidney and liver-cancer fatalities that have occurred in the last 10 years.

In addition, they are looking into cases of leukemic children in Woburn, especially 10 youngsters—four of whom lived within half a mile of each other—who died of the disease.

Property values have slumped, and bottled-water sales have boomed. Barbara Opacki, a Woburn resident, complains her home has not appreciated in value as much as others in the Boston area. Adds City Engineer Tom Mermin: "I've talked with real estate people who tell me they can't sell homes here."

Times have changed. The big problem in Woburn, says Richard Chalpin, a state environmental official, is that waste-disposal practices considered unacceptable today were once judged to be perfectly safe.

Others insist that disposal areas should never have been disturbed. Dr. C. Reginald Hardcastle says he fought during his 20 years as Woburn health commissioner to prevent building on waste sites. Says Hardcastle: "I told anybody who asked, "I'll let you do one thing there. I'll let you be buried there."

Cleanup costs are estimated at 2 million dollars. But local officials don't know where to get the funds. To fence off an arsenic pit—a $250 job—the state had to use prison labor and coffee money from the state environmental-control office.●

● Mr. RIEGLE. Mr. President, I am gratified that the Senate has acted on this crucial legislation. As you know, Michigan has encountered severe problems in relation to toxic substances, and the citizens of my State are acutely aware of the dangers inherent in the production and disposal of toxic wastes.

The legislation before the Senate is a genuine compromise. In examining the substitute, I find that most of my concerns have been accommodated, and that we now have a measure that represents a positive step toward insuring a safe environment without being too burdensome or punitive on our necessary and valuable chemical industry.

I have worked with the State of Michigan to incorporate their particular concerns. They have made a tremendous effort to clean up abandoned sites, but their resources are severely strained. The legislation will provide the necessary funds to identify and neutralize the most critical sites in the State.

This bill is a first step. One of the most frustrating aspects of this issue is our lack of knowledge. We simply do not know the size of the problem, nor the total costs of the cleanup efforts. I think that the fund size is appropriate to begin these efforts, and that as we gain experience in this area, we will modify this legislation to fine-tune its approach. I applaud the work of the committee in adjusting some of the original provisions that were especially onerous to small business.

We can now look to the Resource Conservation and Recovery Act as an essential complement to this bill. There will finally be a procedure for the tracking and disposal of all hazardous chemicals. The superfund legislation will address the major threat caused by existing disposal sites, which is foremost in the minds of people.

Mr. President, I think that we have constructed a bill that clearly meets the needs and expectations of the country. I am satisfied with this measure, and hope that the House will act on it before adjournment. We cannot afford to wait any longer in establishing the necessary framework and funding to meet the hazards posed by toxic wastes.●

Mr. HELMS. Mr. President, under section 107 (c)(2), the limits on liability established by section 107(c)(1) do not apply if the primary cause of the release of a hazardous substance was a violation, within the privity or knowledge of an owner, operator, or other responsible person, of an applicable Federal safety, construction, or operating standard or regulation. Inasmuch as the whole scheme of section 107 (c)(2) appears to relate to knowing or willful conduct, I understand that the type of violation mentioned in 107 (c)(2) must be knowing or willful, as distinguished from a violation which is merely inadvertent.

Mr. STAFFORD. That is correct. Of course, knowledge is a state of mind, and cannot be proved directly. It must be inferred from facts. And if the facts show that there was knowledge, then the section applies.

Mr. HELMS. It is my understanding that this bill is to be substantially keyed to the national contingency plan to be established under section 105. By my reading of the bill, this plan is the principal instrument for governing the expenditure of money from the Fund. My concern is, first, that there be adequate direction in the bill that under the contingency plan cost benefit analysis will be applied to determine whether and when action should be taken to remove hazardous substances or to remedy or otherwise respond to releases. I read section 105 and, particularly, paragraphs (3), (7), and (8) as requiring those charged with developing the national contingency plan to take cost-benefit considerations into account, not only in determining whether particular measures are cost effective given a decision to take action under the act, but also in determining whether and when action should be taken at all. I also read the response authority section (section 104(c)(4) as charging the President to select remedial actions to carry out this section which are cost effective, and provide a balance between considerations of public welfare on the one hand and the availability of money from the Fund to respond to threats at other sites as well as the particular one under consideration.

I ask the chairman of the Environment and Public Works Committee and the ranking minority member of that committee, for the purposes of legislative history, whether my reading of these provisions is correct.

Mr. STAFFORD. The Senator is correct that considerations of the relationship between the costs and the benefits of a particular response action are an essential part of both the national contingency plan, to be developed under section 105, and the selection of remedial and response actions under section 104. We intend that priorities be set for expenditures from the fund, and that such expenditures be made in those situations which most present a threat. The fund should not be used to clean up or remedy any and every discharge.

Mr. HELMS. I appreciate the Senator's statement. It is also my understanding, and I wish to clarify this point, that since the national contingency plan will be revised and republished after notice and opportunity for public comment, it is the intention of the Senate that the plan be subject to the legislative veto provision in section 305. Would the gentleman clarify this point for the purposes of legislative history?

Mr. STAFFORD. Yes, again the Senator is correct. We envision that the national contingency plan would be submitted to the Congress, pursuant to section 305, and would be subject to legislative veto under that section.

Mr. SIMPSON. Mr. President, with the adoption of the compromise offered by Senator STAFFORD and Senator RANDOLPH there are several vital areas which require further elaboration for the record. One issue in particular necessitates additional clarity—liability under section 107. The report of the Senate Committee on Environmental and Public Works, Report No. 96-848, went into some detail on the nature of liability under S. 1480 did it not?

Mr. STAFFORD. Mr. President, Senator SIMPSON is correct. As reported by the committee, S. 1480 and its accompanying report set the standard of liability as one of joint, several, and strict liability. However, in order to avoid confusion over new language the compromise bill simply defers to existing law in section 311 of the Clean Water Act which already provides a liability standard for recovery of costs for response and remedial actions in preventing and cleaning up releases or discharges of hazardous substances.

Mr. SIMPSON. Mr. President, I find that to be a major improvement since there are various common law and statutory doctrines of "strict," "no fault," or product liability.

Mr. STAFFORD. The standard of liability in this compromise is the same as the liability under section 311(f)(1) of the Federal Clean Water Act. By referring to this section we avoid any confusion that might result from new language. The liability standard under section 311 will apply, unchanged, to this bill.

This is not an embodiment of other forms of no fault liability or innovative Federal intrusion into the law now developing within individual State jurisdiction.

Mr. President, Senator SIMPSON has expressed the intentions of myself and Chairman RANDOLPH on this point. In addition, the words "strict, joint, and several" are not used in the substitute with respect to liability.

Mr. SIMPSON. Mr. President, I should also like to pursue the measure of damages which would be used in determining liability for injury to natural resources. The committee report on S. 1480 had stated, as does this substitute, that costs for restoration and replacement would not be the limit for recovery. I am aware that the method for assessing resource damages is early in its development as a precise science. However, I believe that some guidance must be given by Congress in this area since the definition of natural resources in section 101(b) covers a very broad array of economic and esthetic values.

Mr. STAFFORD. Mr. President, let me respond to the Senator's concern by saying it is our intention that no damages for injury to natural resources be pursued until a restoration plan is developed and that rehabilitation and replacement of natural resources be accomplished in the most cost-effective manner possible. Our position has not changed on this point.

Mr. SIMPSON. Mr. President, I agree that rehabilitation should be planned and cost effective—those are sound principles of public administration. I also trust that the traditional legal rules for calculating of damages for injury in tort will be observed as part of cost effectiveness. For example, the law achieves cost effectiveness by awarding the difference in value before and after the injury, and where the injured interest can be restored to its original condition for less than the difference in value, the cost or restoration is used.

Such approaches are still the most fundamentally sound in determining damages.

I am concerned about the scope of the provision in section 107(c)(3) which suggests that persons who are liable for a release or threat of a release may be liable for punitive damages in an amount at least equal to and not more than three times the amount of any cost incurred by the fund if they fail to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106. For the purposes of legislative history, I would like to ask the chairman of the committee and the ranking minority member of the committee several questions regarding this provision.

First, I read the second sentence in section 106(a)—which grants the President authority to issue orders necessary to protect the public health and welfare and the environment—to be authority that may be exercised when the President believes there is an imminent and substantial endangerment to the public health or welfare or environment because of an actual or threatened release of a hazardous substance.

Thus, I consider the language of the first sentence of section 106(a), limiting action to cases where the President determines there is an imminent and substantial endangerment, and the first sentence of section 106(c), requiring the publication of guidelines for using emergency response authority, to apply only to the President's authority under section 106 to issue orders.

Mr. STAFFORD. Yes, the Senator is correct.

Mr. SIMPSON. Under section 107(c)(3), punitive damages may be imposed only when the failure to take proper removal or remedial action upon order is "without sufficient cause." What is intended by the phrase "without sufficient cause"?

Mr. STAFFORD. We intend that the phrase "sufficient cause" would encompass defenses such as the defense that the person who was the subject of the President's order was not the party responsible under the act for the release of the hazardous substance. It would certainly be unfair to assess punitive damages against a party who for good reason believed himself not to be the responsible party. For example, if there were, at the time of the order, substantial facts in question, or if the party subject to the order was not a substantial contributor to the release or threatened release, no punitive damages should either not be assessed or should be reduced in the interest of equity. There could also be "sufficient cause" for not complying with an order if the party subject to the order did not at the time have the financial or technical resources to comply or if no technological means for complying was available.

We also intend that the President's orders, and the expenditures for which a person might be liable for punitive damages, must have been valid. In particular, they must not be inconsistent with the national contingency plan and must in the President's belief, have been required in order to protect the public health or welfare or the environment. Thus, in deciding whether a person should be liable for punitive damages, we would expect the courts to examine the particular orders or expenditures from the fund to determine whether they were proper, given the standards of the act and of the national contingency plan, taking into account the fact that a threat to the public was posed by the situation sought to be corrected. If the orders or expenditures were not proper, then certainly no punitive damages should be assessed or they should be proportionate to the demands of equity.

In addition, Senator SIMPSON, I would note that, in accordance with your suggestion, the original terminology of sections 106(a) and 107(c)(3) referring to Presidential "requests" has been changed to Presidential "orders" in the interest of fairness to all parties.

THE SUPERFUND LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, the superfund legislation has traveled a long and difficult road. The bill provides a means for chemical spills and hazardous dump sites to be cleaned up in an efficient and orderly manner. Such operations have heretofore been carried out by a patchwork assortment of Federal, State, and local authorities.

The fund created in this legislation will require those who produce hazardous substances to bear a portion of the responsibility for cleaning them up in case of accident or improper disposal.

I commend my colleague from West Virginia (Mr. RANDOLPH) for his hard work in guiding this legislation. As chairman of the Committee on Environment and Public Works, he has been a leader in the effort to build a consensus. Senator STAFFORD, the ranking minority member of the committee, has also persevered in the search for a consensus. I commend Senator CULVER, chairman of the Resource Protection Subcommittee, who has added his considerable knowledge to the discussions, and Senator DOMENICI, who has contributed in a similar manner to this bill.

I thank the minority leader (Mr. BAKER) for his efforts on behalf of the superfund legislation. His leadership and cooperation have helped make today's action on this bill possible.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read a third time.

Mr. RANDOLPH. Mr. President, this is a revenue measure and we so understand it. I therefore ask unanimous consent that the Senate proceed to the consideration of H.R. 7020 and that all after the enacting clause be stricken and the language of S. 1480, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. I do not believe there is any objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 7020) to amend the Solid Waste Disposal Act to provide authorities to respond to releases of hazardous waste from inactive hazardous waste sites which endanger public health and the environment, to establish a Hazardous Waste Response Fund to be funded by a system of fees, to establish prohibitions and requirements concerning inactive, hazardous waste sites, to provide for liability of persons responsible for releases of hazardous waste at such sites, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. RANDOLPH. Mr. President, if we were to have another rollcall, it would be on the substance of what we have already voted in the Senate. That does not mean that it could not be asked for, but I see no reason for it. It would be a similar vote.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7020) was passed.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that further action on S. 1480 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I further ask unanimous consent that the title of H.R. 7020 be amended to carry the Senate title.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the title was amended.

Mr. RANDOLPH. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that 500 copies of H.R. 7020, as passed by the Senate, be printed for the use of the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the contributions of the Senate leadership have been substantial in the development and adoption of this compromise legislation. The majority leader, Senator ROBERT C. BYRD, my colleague from West Virginia, utilized his legislative skills, as did the minority leader, Senator HOWARD BAKER, in bringing the parties together and helping us to fashion this realistic and workable compromise. I thank them for their dedication to making the legislative process effective.

As always in major legislation of this type, we also owe much to our staffs who carry out much of the preliminary research and help to guide us through the many issues we must face, both in committee and in the Senate. Our thanks on this measure go to committee staff, both majority and minority, including John Yago, Bailey Guard, Phil Cummings, Curtis Moore, Sally Walker, Paul Fadelli, Martha Pope, Lee Fuller, James Range, Linda Findlay, and Bill Donovan.

I also acknowledge the contributions of Karl Braithwaite, who was a member of the committee staff throughout the development of the bill in committee, and Andy Mank, who has devoted the past year to assisting us on this subject as a technician detailed to the committee from the Environmental Protection Agency.

Mr. BAKER. Mr. President, passage today of S. 1480, as amended, is a major legislative landmark of this Congress and the result of patience, persistence, and compromise.

As a member of the Committee on Environment and Public Works, I am painfully aware of the complex and difficult issues involved in toxic waste disposal and cleanup. Existing law has often proven inadequate to address these questions. My own experience in relation to a significant hazardous waste problem in the Memphis-Shelby County area has convinced me of the need for more modern and comprehensive legislation. The result of our search for a workable legislative vehicle is the superfund compromise which the Senate has just adopted.

Many Senators have spent long and tedious hours fashioning this agreement. My particular thanks goes to Senators STAFFORD and RANDOLPH for their reasoned and thoughtful leadership. They have met the high standard of statesmanship which the Senate and the American people have come to expect of them and are deserving of special recognition and gratitude. Passage of a superfund bill is a direct consequence of their intelligent stewardship of this measure.

REQUEST TO RECOMMIT NOMINATION OF STEPHEN G. BREYER TO BE U.S. CIRCUIT JUDGE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nomination of Mr. Stephen G. Breyer to be U.S. circuit judge for the first circuit be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from North Carolina.

Mr. MORGAN. Mr. President, I object.

The PRESIDING OFFICER. The Chair stands corrected. The Chair recognizes the Senator from North Carolina.

Mr. MORGAN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no further rollcall votes today.

I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1 hour and that Senators may speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE ACTION AGENCY—PM 267

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am transmitting to the Congress the FY 1979 Annual Report of the ACTION agency, as required by section 407 of the Domestic Volunteer Services Act of 1973, as amended.

JIMMY CARTER.

THE WHITE HOUSE, *November 24, 1980.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4953. A communication from the Chairman of the National Agricultural Research and Extension Users Board, transmitting, pursuant to law, recommendations as to priorities for allocations of responsibilities and levels of funding for agricultural research and extension programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4954. A communication from the President of the United States, transmitting, pursuant to law, proposed amendments to the requests for appropriations for fiscal year 1981 for the Department of Defense—Military; to the Committee on Appropriations and ordered to be printed as a Senate document.

EC–4955. A communication from the Under Secretary of the Army, transmitting, pursuant to law, notice of the recent discovery and disposal of three suspected lethal nerve agent munitions at Dugway Proving Grounds, Utah; to the Committee on Armed Services.

EC–4956. A communication from the Acting Deputy Secretary of Energy, transmitting, pursuant ot law, the classification report and evaluation of electric motors and pumps; to the Committee on Energy and Natural Resources.

EC–4957. A communication from the Secretary of the Interior, transmitting, pursuant to law, notice of the submission of an application by Exxon Co., U.S.A. for refund of royalty overpayments for lease OCS 0367, offshore Louisiana; to the Committee on Energy and Natural Resources.

EC–4958. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report on the Energy Conservation for New Buildings Program, dated August 1980; to the Committee on Energy and Natural Resources.

EC–4959. A communication from the Assistant Secretary of the Interior for Land and Water Resources, transmitting, pursuant to law, the annual report for the Office of Water Research and Technology; to the Committee on Environment and Public Works.

EC–4960. A communication from the Chairman of the President's Commission on Pension Policy, transmitting, pursuant to law, the second interim report of the Commission; to the Committee on Governmental Affairs.

EC–4961. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority Retirement System, transmitting, pursuant to law, statements, tables, and general information for the TVA retirement system; to the Committee on Government Affairs.

EC–4962. A communication from the Assistant Secretary of Housing and Urban Development for Administration, transmitting, pursuant to law, a proposed new system of records for the Department for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC–4963. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on October 28, 1980; to the Committee on Governmental Affairs.

EC–4964. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

EC–4965. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

EC–4966. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

EC–4967. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

EC–4968. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

EC–4969. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

EC–4970. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of an act adopted by the Council and signed by the Mayor; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on Appropriations, with amendments:

H.R. 7591. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes (Rept. No. 96–1030).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 5973. An act to amend the Internal Revenue Code of 1954 to waive in certain cases the residency requirements for deductions or exclusions of individuals living abroad, to allow the tax-free rollover of certain distributions from money purchase pension plans, and for other purposes (Rept. No. 96–1031).

H.R. 7171. An act to make certain miscellaneous changes in the tax laws (Rept. No. 96–1032).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE:

S.J. Res. 212. Joint resolution to authorize and request the President to call a White House Conference on Education not later than June 30, 1981, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE:

S.J. Res. 212. Joint resolution to authorize and request the President to call a White House Conference on Education not later than June 30, 1981, and for other purposes; to the Committee on Labor and Human Resources.

WHITE HOUSE CONFERENCE ON EDUCATION

● Mr. CHAFEE. Mr. President, last week, November 16–22, the Nation celebrated American Education Week. The purpose of the week, which was sponsored by the American Legion, the National Conference of Parents and Teachers, the Department of Education, and the National Education Association, was to let the public know what its schools are doing and why—and what they could be doing.

It is a time each year when all Americans can look with pride and interest upon our education system.

Yet, this first American Education Week of the 1980's offered too little in the way of pride, and too much in the way of concern. As we begin this new decade, the Nation's educators view our educational system in a crisis situation. Continuing declines in test scores, increasing financial pressures, growing public disenchantment, teacher frustrations, and school violence and vandalism have all led to a reexamination of our previous assumptions about the classroom.

There persists a growing belief in our Nation that our schools are in trouble. Elected officials, educators, and millions of parents have come to the conclusion that the American education system is not working as well as it once did.

In spite of increased spending, the perception of the public is that quality of education has declined.

In 1962, the average per pupil cost of elementary and secondary school was $419. That same year, the average scores for verbal and math aptitude tests of high school seniors was 478 and 502 respectively.

Today, the per pupil cost has increased 500 percent to $2,150, while the aptitude test scores have declined to 426 for verbal skills and 466 for math.

Inflation is certainly a factor. But more important is the fact that during the past two decades, schools have been asked to respond to almost everything that ails the country, from racial discrimination to tooth decay.

The pressures to limit spending which we have observed lately are bound to become even more important during the 1980's. This will create a new conflict.

On one hand, the public is demanding better, more effective programs, stronger basic skill instruction, complex technical and vocational training, work/study programs, and more.

But, on the other hand, educators' hands may be tied, school budgets slashed, teachers laid off, and workloads and classloads increased—many times to the breaking point.

In addition, changing demographics will have a crucial effect upon our elementary, secondary, and higher education institutions.

Declining enrollments at every level of education are causing more emphasis to be placed on retraining veteran teachers, instead of training new ones. This change in emphasis is affecting not only teachers, but the institutions preparing them, the children in their classrooms, and the way we think about teacher education.

With the number of bachelor's degrees from teachers' colleges shrinking from 194,210 to 129,130 in the past 7 years, it is reasonable to assume that the teachers in today's classrooms will be the same teachers we rely on to educate our young people in 10, 20, or even 30 years from now.

No one disputes the fact that America's best schools are producing better educated graduates than ever before. But there are too few of them. Far too many students receive mediocre educations.

We are all aware of the magnitude of the problem. Educators have studied it. State and Federal Government have appropriated more money to solve it, and the press has publicized and dissected it—1957 was the last year that American education was given a thorough public reappraisal across the Nation as a result of the sputnik satellite launch.

Mr. President, today, I am introducing a modest piece of legislation which I believe would be helpful to American education.

I propose to the Congress that a White House Conference on Education be established next year to develop recommendations for the improvement of our Nation's school system.

Such national conferences have been sponsored before by several past administrations on such issues as small business, libraries, the aged, the family, and the handicapped. They have often led to significant changes and legislative reforms in these areas.

We need a lively discussion of our educational goals, covering a variety of important questions.

How do we identify successful school programs—and how can these programs be used by other schools?

What do we want our schools to teach?

How can we improve existing Federal programs, not by expanding them necessarily but by making them more responsive to local needs.

What are the prospects for the future? What kinds of skills and knowledge will our children need in the year 1990 or 2000?

The emerging demography of our school population raises questions about how to update teacher skills, infuse new ideas into the classroom, keep teachers from "burning out" as a result of the mounting pressures with which they must deal daily.

In addition, our institutions designed for teacher training face important questions and challenges caused by demographic changes.

In what form will teachers' colleges survive in the future, and how can they be most useful to veteran teachers?

By conducting a national conference on education, we can attempt to build a coalition among teachers, parents, school administrators, and Government officials.

Knowledge of which techniques work and which ones do not should be shared between public schools and private schools, between post-secondary institutions, and elementary and high schools.

By bringing together experts and laypersons, educators and taxpayers, we can assist in the improvement of the American school system.

If we fail to emphasize quality in the schools, our Nation will become less and less productive—not just economically and industrially but intellectually and aesthetically as well.

We have a good foundation on which to build. In many ways, our school system is still ahead of other nations; but we have taken on an ambitious task: To give all of our young people equally for 12 years an access to an excellent education.

Given the fact that in 1930, only 30 percent of American 17-year-olds were graduated from high school, this is an outstanding social vision.

We desperately need an emphasis on excellence and purpose. It is not enough to get into the system. All children must be well served when they are there.

A White House Conference on Education will help achieve this goal.●

ADDITIONAL COSPONSORS

S. 2890

At the request of Mr. LEVIN, the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 2890, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia and Augustnia Vashchenko.

AMENDMENT NO. 2631

At the request of Mr. STAFFORD, the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. RIEGLE), the Senator from Maine (Mr. COHEN), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Missouri (Mr. DANFORTH), and the Senator from West Virginia (Mr. ROBERT C. BYRD) were added as cosponsors of amendment No. 2631 proposed to S. 1480, a bill to provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

ADDITIONAL STATEMENTS

UNION CARBIDE EXPANSION IS SIGNAL THAT LONG-RANGE GROWTH IS UNDERWAY

● **Mr. RANDOLPH.** Mr. President, these are times when we are often hard put to find any good economic news. The voice of the doomsayers is heard throughout the land. But businesses, large and small, cannot weigh too heavily on the trends of the moment; these organizations must look down the road and plan for the future.

One of the Nation's major corporations, Union Carbide Corp., also is one of the largest employers in our home State of West Virginia. In fact, this vast chemical complex had its early beginning in the Kanawha Valley near the capital city of Charleston.

Union Carbide announced recently it will build a new $150 million silicones plant at South Charleston, scheduled to go on-stream in mid-1983. The new facility will be Union Carbide's second U.S. silicones plant and the second largest of six worldwide installations of the corporation and its affiliates.

Silicones are used in a variety of industrial, commercial and consumer products, ranging from textiles, paint additives, cosmetics, pharmaceuticals, polishes, glass fibers, and adhesives to electronics and paper manufacturing applications. The growth of the silicones market has encouraged the corporation to invest almost $200 million in new production facilities at South Charleston and in southern Italy.

Mr. President, this is a corporate expression of faith in the future, an acknowledgment that temporary blips on the economic screen should not be interpreted as a permanent change of climate. I ask that the company's announcement of its new undertaking and an article in the South Charleston plant publication, the Carbider, be placed in the RECORD.

The material follows:

UNION CARBIDE WILL BUILD $150 MILLION SILICONES PLANT IN SOUTH CHARLESTON, W. VA.—NEW HIGH-EFFICIENCY FACILITY WILL FEATURE LATEST IN SILICONES TECHNOLOGY

NEW YORK, October 10.—Union Carbide Corporation will build a world-scale silicones production facility at its South Charleston, West Virginia complex, Chairman William S. Sneath announced today. Detailed engineering is well underway, with ground breaking slated to take place in 1981. Scheduled to go on-stream in mid-1983 to manufacture a range of silicone products, the new facility will represent a capital investment of approximately $150 million, Mr. Sneath said.

According to Silicones and Urethane Intermediates Division President Rolf H. Towe, the new facility will be Union Carbide's second United States silicones plant and the second largest of the six worldwide facilities of Union Carbide and its affiliates. In diversity of products, it will be surpassed only by the Sistersville, West Virginia, plant. A European plant, due to be completed in 1982, is under construction in Southern Italy. Additional Union Carbide silicones facilities of Union Carbide affiliates are in operation in Brazil, Japan and Mexico.

The South Charleston and European plants represent key elements of a capital investment program of nearly $200 million and a confirmation of Union Carbide's commitment to meet the needs of silicones customers around the world, Mr. Towe said.

"The South Charleston plant's productive capacity will substantially increase Union Carbide's ability to support a variety of high-technology silicones markets in which Union Carbide has always played a leading role—silicone surfactants and organofunctional silanes, as well as volatile silicones, standard and specialty oils, antifoams, emulsions and gum and elastomer intermediates," Mr. Towe pointed out. Silicones are used in a multitude of industrial, commercial and consumer products, such as textiles, paper manufacture, paint additives, cosmetics, pharmaceuticals, polishes, glass fibers, adhesives, electronics and lubricants.

"We believe this new facility, based on Union Carbide's chemistry, approaches the maximum practical efficiency of the silicone reaction and features the latest technological, environmental, health and safety advances," Mr. Towe said.

[From the Carbider, Oct. 10, 1980]

SILICONES UNIT WILL BE BUILT HERE

Corporate Vice President Bob Pyle returned to his home state with some good news today. In a press conference held at 10 a.m. Friday in the State Capitol, Pyle, along with Johnny Wilson, a SUI Division Vice President, and South Charleston Plant Manager Earl Beckman, announced that Carbide will locate their new $150 million silicones plant in South Charleston.

Carbide's Field Construction Department here will build the unit and ground-breaking is set for early next year. The facility should go on-stream by the middle of 1983 and when completed will mean about 130 permanent jobs for the plant. During the peak construction period about 800 workers will be needed.

Process and design engineering is being handled at the Tech Center here and is already well underway. Pyle said the unit will be the second largest of Carbide's worldwide silicones facilities. In diversity of products, it will be surpassed only by our Sistersville Plant where Carbide first began commercial silicone production in 1955. There is also a plant being built in Southern Italy which will be completed by 1982.

The South Charleston facility will cover an eight acre site, adjacent to MacCorkle Avenue where the present Trash-To-Gas demonstration unit is. This unit, which has been idle since 1977, will be dismantled.

The process uses silicone metals, methanol and HCL as raw materials to make a variety of silicone monomers and intermediates. In addition it will also have the capability to process a number of finished products such as dimethyl silicone oils and volatile silicones. Such products are used in food, medicines, and personal care products and are nontoxic.

Engineered into the design of the plant will be the latest health, safety, and environmental features.

PROTECTIONISM VIII

• **Mr. HEINZ.** Mr. President, today I am submitting the last in a series of four excerpts of an article examining U.S. trade with Japan. The article, written by Frank Weil and Norman Glick and entitled "Japan—Is the Market Open? A View of the Japanese Market Drawn from U.S. Corporate Experience" serves as an informative study of restrictive Japanese trade barriers which have been used effectively against the United States. The article initially appeared in "Law and Policy in International Business," volume 11, No. 3, 1979.

Today's excerpt examines the imposition of trade barriers accomplished through the use of administrative guidance. Such administrative guidance takes the form of "influence, advice, and persuasion to cause firms or individuals to behave in particular ways." Such "guidance" usually has a significant impact for it is often given by Government officials "who have the power to provide—or withhold—loans, grants, subsidies, licenses, tax concessions, Government contracts, permissions to import, foreign exchange, approval of cartel arrangements, and other benefits to the company." It is furthermore traditional for Japanese business to rely on Government leadership for informal solutions to market problems.

Also included in today's excerpt is an examination of how Japan's distribution system imposes barriers to imports, especially in establishing an effective means of marketing a foreign product within Japan.

In conclusion, Weil and Glick maintain that—

> The immediate challenge for the Japanese government is to eliminate trade-restrictive practices or procedures. The opening of procurement by public corporations to foreign firms, and revision of the procedures for setting standards and certification to facilitate imports are two areas that should receive the earliest attention. The U.S. government for its part, must expand its export development activities in Japan to provide American exporters the information and support needed to enter into or to expand sales in Japan, U.S. firms need to reassess the Japanese market to see if past marketing constraints still exist and to develop a strategy designed for Japanese conditions.

Mr. President, I ask that this final excerpt on Japanese trade practices be printed in the RECORD.

The excerpt follows:

"Administrative guidance" is a method used by the Japanese government to achieve certain policy objectives. It reflects, in part, the Japanese penchant for avoiding confrontation by using informal channels to deal with problems, and provides the government with a flexible technique for maintaining "harmony" in the economy through the use of temporary measures that avoid the need for legislative action. Trade barriers accomplished through the use of administrative guidance are therefore considerably more subtle than overt product approval standards, government procurement policies, or even the somewhat intangible customs procedures outlined earlier.

Despite this intangibility, however, administrative guidance may nevertheless be a potent trade-restrictive force. Administrative guidance generally involves only "influence, advice, persuasion to cause firms or individuals to behave in particular ways . . . But the guidance is given by government officials "who may have the power to provide—or withhold—loans, grants, subsidies, licenses, tax concessions, government contracts, permissions to import, foreign exchange, approval of cartel arrangements," and other benefits to the company. In addition to this potential for direct reward or punishment, there is also a tradition of business reliance on government leadership for informal solutions to market problems.

Foreign firms selling in Japan may find that access to end-users in certain market sectors is limited by administrative guidance that favors domestic over foreign sources or that pressures importers to limit imports to a certain level. The government may use administrative guidance as a valve to slow down importation of a specific product. One such phenomenon occurred in 1974, after imports of ski boots, primarily from Italy and France, increased sharply. At that time, MITI advised importers (including manufacturers of U.S. ski boots) to reduce shipments by 20 percent. As a result, importers not only suffered losses due to decreased shipments, but also had to bear the costs of carrying higher than normal inventories. Administrative guidance thus adds to the normal level of risk faced by foreign suppliers since their levels of sales will not necessarily be consistent with their market competitiveness.

Two market access cases favorably resolved through the TFC involved the alleged use of administrative guidance by the Japanese government to encourage Japanese buyers to procure from domestic rather than foreign sources special alloy fuel tubing and channels for nuclear power plants. In the first case, a U.S. manufacturer had a contract to supply special alloy fuel cells to Japanese atomic power plants. The company planned to procure its supplies from its U.S. plant at a lower cost than would have been possible from its Japanese joint-venture partner. The Japanese government, however, pressed the company to supply the fuel cells from the Japanese facility. Following intervention by the TFC, MITI allowed the company to obtain its supply from its U.S. source. This decision was made on the basis of "commercial considerations."

In the second case, the U.S. company sought, without much success, Japanese customers for its fuel channels. One of the U.S. company's potential customers wrote in response to a sales proposal that "even if the channel has a good performance and reasonable price, we think, it seems to be very difficult to get the import license of your channels (our government) from the standpoint of the national policy." Another potential customer replied to the same company that "to my regret, [the] Japanese government has applied very strong municipal guidance to use domestically manufactured channel box[es] in accordance with the judgment that Japanese manufacturer[s] [are] well enough [able] to produce channel box[es] in commercial scale by themselves." Although the Japanese government denied the existence of administrative guidance in these two cases, it is clear that Japanese end-users recognize explicit or implicit governmental policy guidance which favors domestic sources over foreign suppliers.

Administrative guidance has been used on occasion to strengthen a Japanese industry confronted by import competition. The Fertilizer Institute, for instance, on behalf of its members in the United States, contended that MITI, to protect the Japanese fertilizer industry, informally limited the importation of diammonium phosphate (DAP), a phosphate material used in the manufacture of fertilizer. Because Japan has no domestic source of phosphate, it manufactures fertilizer from the imported intermediary product DAP, or from the imported raw material phosphate rock. The combination of rising energy costs and the state of the dollar made it more economical to import DAP than to manufacture it from imported phosphate rock. The Japanese fertilizer industry, however, "with fixed investments in rock processing facilities and operating at less than 50 percent capacity," reportedly pressed MITI to give "guidance" to importers to limit DAP imports.

On June 12, 1978, the Import Committee of the Fertilizer Council, an advisory body of the Ministry of Agriculture, Forestry and Fisheries (MAFF), and MITI reaffirmed an earlier recommendation that the import level of phosphate derivatives be set at approximately 20 percent of Japan's estimated domestic demand, and concluded that the details of the guidelines should be left to MITI. The report also pointed out that demand for imported DAP for the next fertilizer year (beginning July 1978) appeared to be unexpectedly strong. Yet Japan's imports of ammonium phosphates, primarily DAP, dropped from 230,000 metric tons in the year ending June 1978 to 138,000 metric tons the following year.

In response to the TFC inquiry in this case, MITI initially argued that the guidelines to limit DAP imports (as recommended by the Fertilizer Council) had no "binding force" and that MITI did not take any direct measures to restrict imports. In July, 1979, however, MITI modified its position by stating in a letter to the U.S. Embassy in Tokyo that MITI "does not and will not give any administrative guidance against the importation of diammonium phosphate." The letter went on to state that no "import guidelines" would be established during 1979–80. Although the DAP case is considered resolved, the fact remains, that the council's recommendations did result in a sharp drop in DAP imports.

The fertilizer case in particular indicates that administrative guidance may be the most frustrating trade barrier of all. It would appear from the nuclear power plant cases that the TFC provides an adequate and appropriate forum for the resolution of administrative guidance-related complaints. By necessity, a trade barrier the nature of which is nonspecific and the source of which is difficult to pinpoint must be resolved on a case-by-case basis, by a flexible entity such as the TFC. But, as in the fertilizer example, these same characteristics indicate that such cases are often difficult if not impossible to resolve without the cooperation of the "guiding" party.

As more of the concrete trade restrictions are eliminated, the number of administrative guidance cases may increase. The TFC alone may not be able adequately to deal with such cases. If Japan intends truly to open its markets to foreign trade, it is imperative that it not accomplish informally what it cannot do via official laws, regulations or policies. •

JAPAN'S DISTRIBUTION SYSTEM

Japan's distribution system is considered by many to be a nontariff barrier to imports. The difficulties result not from government policy, however, but from a complex, somewhat archaic system that, particularly with regard to consumer goods, evolved over time to meet the particular needs of the domestic market. Criticism of the Japanese distribution system often focuses on the very high retail price of imported goods. This, however, reflects Japan's traditional multilayered distribution system that for some products involves primary, secondary and tertiary distributors. The presence of wholesalers as a dominant factor in Japan is traceable to the Tokugawa era when small handicrafts manufacturers were completely dependent on wholesalers for the financing of the sale and transportation of their products. Their position in marketing was reinforced during the rapid industrialization that followed the Meiji Restoration as the manufacturers, including those involved in the production of capital and industrial goods, concentrated on production, and left sales and distribution to the wholesalers. Japanese wholesalers continue to play a more dominant role in the distribution of goods than their counterparts in the United States or Europe. In Japan, with a population about half that of the United States, there were 340,000 wholesalers in 1976 compared with 370,000 in the United States in 1972 and while its population is about twice that of the United Kingdom, Japan has almost seven times as many wholesalers (51,000 wholesalers in the United Kingdom in 1974). Further, there are more retail establishments in Japan than in the United States (1.61 million as opposed to 1.55 million) and more than three times the number in the United Kingdom (508,000).

The distribution pattern in Japan differs considerably from industry to industry. Consequently, it is difficult to make more than broad generalizations as to trade practices in Japan. Some insight may be gained, however, by example of those foreign firms that have managed to adjust to the Japanese distribution system and are selling successfully in Japan. One study by a Japanese government agency lists nine such companies: Olivetti Corp. of Japan (portable typewriters); Teijin Volvo Co., Ltd. (cars); Warner-Lambert Japan, Ltd. (Schick Products Division); Nippon Philipps Co., Ltd. (electric coffee makers); Estee Lauder, Japan (Aramis men's cosmetics); Twinings Tea; Tampax Tampon; Maison Cing Co. (fashion apparel); and McDonald, Japan. Of these case studies, three involve specific marketing arrangements with Japanese companies (Volvo, Warner-Lambert, Maison Cing); two involve the appointment of competitive marketing firms as sole agents for the importation and distribution of their products (Tampax Tampon, Twinings Tea); two involve the creation of a foreign-controlled distribution network from start to finish (McDonald's, Estee Lauder); and one involves a company following its own distribution pattern for a related product (Philipps). Finally, Olivetti, a long-established firm in Japan, improved its performance by cutting out wholesalers and selling its machines directly to retail stores.

The above examples demonstrate that while effort is required to understand the Japanese distribution system and to develop a marketing strategy appropriate to introduce a specific product on the Japanese market, there is no artificial restraint on trade. The aggregate of a complex distribution system, a market structure where traditional buyer/supplier relationships are strong, a social organization that reinforces traditional business ties, and a culture and language quite different than the U.S. executive is accustomed to, presents marketing challenges that can limit market success. These are problems, however, that the private sector must come to grips with, independent of government interference, if they are to succeed in the Japanese market.

CONCLUSION

The experience of U.S. companies in attempting to penetrate Japanese markets, as outlined above, demonstrates that the Japanese market for imports is, to a certain extent, restricted. On the other hand, a number of foreign companies successfully market their products in Japan. Although the Japanese have come a long way in opening the market to imports, there remains a residual array of explicit and implicit trade barriers. Moreover, these roadblocks are inconsistent with the strength of Japan's economy and the competitiveness of its industries.

The experience of the small boat manufacturer that withdrew from the Japanese market because of the extraordinary costs involved in meeting Japanese standards is one example of the problems faced by American exporters. Other companies may have forsaken the Japanese market because of restrictive procurement practices of quasi-government agencies or because the net effect of satisfying government requirements was a significant disincentive to sales.

The Japanese government, however, continues to make steady progress in meeting its commitment to increase imports. The implementation of the Strauss-Ushiba agreement and the favorable resolution of 14 cases raised in the TFC are examples of such progress. The various codes negotiated during the Multilateral Trade Negotiations (MTNs) in Geneva should lead to a change in Japan's import regime that will improve further opportunities for exports to Japan.

The MTNs, in addition to general tariff cuts, encompassed negotiations on agricultural products and a number of codes to revise those national regulations, procedures and practices that are not related to tariffs but that interfere nonetheless with the free flow of international trade.

(a) An agreement on subsidies and countervailing duties to limit trade-distorting subsidy practices:

(b) An agreement on safeguards to ensure that countries observe international trading rules when temporarily limiting imports that are injuring domestic industries:

(c) An agreement on technical banners to trade (standards) requiring participating countries "to use fair and open procedures in the adoption of product standards and related practices that affect international trade:"

(d) An agreement on *governmental procurement* to increase opportunities for . . . exporters to bid for sales to foreign governments." A key issue that still remains between the United States and Japan on this Code is Japan's unwillingness in the past to apply the Code sufficiently to purchases of the Nippon Telegraph and Telephone Corporation:

(e) An agreement on customs valuation to "encourage more uniform methods of appraising imports for the purpose of applying import duties:"

(f) Agreements to improve the international trading framework—a package of agreements to reform several aspects of the GATT system.

While the implementation of the MTN Codes is expected, in time, to lead to further measures in Japan's imports, there are other factors that will continue to limit the access of foreign-made goods. The traditional government industry relationship in developing industrial strategy and the maintenance of market "harmony" through informal guidance can impact adversely on future importation into Japan. Other factors have less to do with government policy than with the social and market organization that has evolved over the past 200 years. Japan's archaic distribution system is inefficiently complex and demands considerable effort by foreign firms seeking to develop a market for their products in Japan. The foreign firm must also contend with the traditional buyer-supplier relationship—particularly between members in a *Kerretsu*—that tends to give domestic suppliers an edge over foreign suppliers. Consequently, Japanese importers seek only "new" products not available in Japan over traditional products that may be price- or quality-competitive.

The U.S. trade deficit with Japan takes center stage for now. We should not, however, lose sight of the large volume of U.S. exports to Japan, which reached $12.6 billion in 1978, including more than $605 million in manufactured goods. The perception that the Japanese market is closed may not be entirely accurate, but problems do exist. These barriers must be dealt with in order to maintain a healthy trade relationship between the two nations.

The immediate challenge for the Japanese government is to eliminate trade-restrictive practices or procedures. The opening of procurement by public corporations to foreign firms, and revision of the procedures for setting standards and certification to facilitate imports are two areas that should receive the earliest attention. The U.S. government for its part, must expand its export development activities in Japan to provide American exporters the information and support needed to enter into or to expand sales in Japan. U.S. firms need to reassess the Japanese market to see if past marketing constraints still exist and to develop a strategy designed for Japanese conditions. The continued cooperation of the Japanese government in resolving problems raised in the TFC and TSG will serve to convince U.S. exporters that a mechanism exists for dealing expeditiously with market access problems that may arise in the course of trade with Japan.●

RACE/NATIONAL ORIGIN DESIGNATION OF FEDERAL COURT EMPLOYEES AND JUDICIAL OFFICERS

● Mr. MOYNIHAN. Mr. President, the most recent action by an agency of the Federal Government in the name of "equal employment opportunity" was the requirement, promulgated on August 22, 1980, by the Administrative Office of the U.S. Courts, that Federal court employees and judicial officers must thereafter be identified according to a listing of "race/national origin" groups that includes the separate subcategories "Hebrew" and "Arabic."

This is the first time in our history, so far as I know, that the Federal Government has asked that "Hebrew" employees be so identified.

It is, in my view, an ominous act.

On September 26 a second notice was distributed by the Administrative Office of the U.S. courts that, in effect, withdrew the requirement because "it appears that the prospect for any use of the information is too remote to warrant insistence on its collection." But that such a designation of Federal employees could even have been contemplated, however, much less set forth as a requirement, is nonetheless alarming. Clear proof, as if any were needed, that continued vigilance by those of us who care about such matters is imperative.

I ask that the August 22 memorandum be printed in the Record.

The memorandum follows:

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., August 22, 1980.

To: All Equal Employment Opportunity Coordinators.

In order to establish a data base for the automation of the equal employment reports, there is enclosed a listing of employees and judicial officers serving your court on June 30, 1980. The listings are being sent to the clerk of the court in those courts which have not yet informed us of the designation of a coordinator.

The listing of court employees is derived from the time and attendance lists for the biweekly payroll. For your convenience we have included the names of the local payroll certifying officers. Because this format was used, there will be individuals included on the list who are not employees of your court. In any such case please report the requested information and include in the "court code" column the number identifying the court which employs the individual. (See blue sheet.)

Please report the sex, race/national origin group and handicap status for each employee and judicial officer. The letters "M" and "F" should be used to identify sex. Codes to identify particular handicaps are set forth on the enclosed blue sheet. The race/national original groups are set forth on the enclosed yellow sheet. Please note that the category "White" has been revised to reflect the subgroups "Arabic" and "Hebrew."

The enclosed listing should represent all employees and judicial officers serving your court on June 30, 1980. Please indicate separately any individuals who should be deleted from or added to the list to make it accurate as of that date. If any individual has left the court since June 30th, please complete all requested information and insert the designation (SEP.) to the left of that person's name on the list.

The completed listing should be returned to the following address: Mr. Daniel R. Cavan Coordinator, Judiciary Equal Employment Program, Administrative Office of the United States Courts, Washington, D.C. 20544.

Sincerely yours,
DANIEL R. CAVAN,
COORDINATOR,
Judiciary Equal Employment Program.
Enclosures.

RACE/NATIONAL ORIGIN GROUPS

(1) White—Persons having origins in any of the original peoples of Europe, North Africa or the Middle East. The category does not include persons of Hispanic origin.

Please indicate the following distinct subgroups which are based on ethnic, not religious, factors: A. Arabic. B. Hebrew.

(2) Black—Persons having origins in any of the Black racial groups of Africa. The category does not include persons of Hispanic origin.

(3) Hispanic—All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(4) Asian—All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

(5) American Indian—All persons: (a) having origins in any of the original peoples of North America; and (b) maintaining cultural identification through tribal affiliation or community recognition. The category includes native Alaskan groups. ●

GAS WARFARE IN LAOS

● **Mr. HEINZ.** Mr. President, one of the more recent atrocities which has been occurring in Indochina concerns the genocide being carried out against the H'mong tribal refugees in Laos. A recent article in Reader's Digest illustrates the extent of the torture being inflicted upon these individuals.

The horror stories apparently are countless. Tribal refugees are frequently attacked through the use of poisonous gasses dropped by helicopters and planes. The most serious factor about these poisons, which the refugees call "rain," "gas," or "smoke," is that they cannot escape from the effects of the chemicals for they contaminate the water, plants, animals, and fields. The "rain" falls in various colors. Yellow and red tend to be the most serious, killing those who contact it directly. The green and blue-green rains tend to be less lethal yet victims usually suffer from vomiting, bloody diarrhea, fever, bleeding through the nose, and dizziness.

According to the article the present H'mong survivors living in Laos "now face a terrible future, for they are the targets of a deliberate, calculated policy of extermination." During the Vietnam war the H'mong were the backbone of the American resistance against the Communist forces in Laos. Seeking revenge for the actions of the H'mong forces, the Communist forces in Laos and Vietnam have been deliberately gassing the H'mong people since the American withdrawal in 1975. Untold thousands have died from gassing, starvation, disease, and many others have been shot attempting to escape to Thailand.

Mr. President, it is critical that all Senators be fully informed on this issue, and I ask that a copy of the article, written by Ms. Jane Hamilton-Merritt, and entitled "Gas Warfare in Laos: Communism's Drive to Annihilate a People," be printed in the RECORD.

The article follows:

GAS WARFARE IN LAOS: COMMUNISM'S DRIVE TO ANNIHILATE A PEOPLE

(By Jane Hamilton-Merritt)

The place is not a pretty sight. I.V.'s drip fluid into skinny arms. Doctors and nurses scurry from one wooden-slab bed to another, responding to pleas for help. I am at Ban Vinai, a refugee camp along the Mekong River just inside northern Thailand. It is populated by some 35,000 H'mong (pronounced Möng) tribal refugees from the mountains of Laos. They suffer from severe malnutrition, malaria, amoebic dysentry, tuberculosis, pneumonia and a host of parasites. For many there is a tragic complication: they have been gassed.

One of them is a friend of mine; yet I don't recognize him, although I have passed his pallet at least 20 times. Finally, through his pain, he recognizes me and sends a relative to bring me to him.

Nhia Yang Vang, about 40, had once been vigorous, energetic. Now he is a skeleton with sunken, haunted eyes. In a weak voice he tells me he had returned to Laos after I saw him in January. Concerned about relatives, he had gone back there with a party of 19 men for three months. During that time, he says, his team had been in areas sprayed by poisonous chemicals nine times.

Every few minutes his talk is broken by a racking cough that nearly strangles him. He spits bloody sputum into a tin can. A H'mong nurse tells me that he has chest pains, finds breathing difficult, cannot eat.

Nhia continues: "They hit us at the end of May at Nam Khing with the yellow chemicals. It was a white plane like a Soviet helicopter—low enough so that I could see the figures of two pilots. Immediately when they dropped the gas I fell to the ground vomiting blood. My eyes burned; I could not see. I have the 'red' diarrhea."

"It was a powder. When it touched my skin it became sticky, like an ointment, and when water is put on it, it becomes liquid." He stops for another bout of coughing. "You know, after a rain the chemicals will get into the water and poison it. Now that it is the rainy season, it will be so easy to poison us all."

"Just Like the Jews." In 1960, there were at least 500,000 H'mong in Laos. Today, perhaps 70,000 are still alive there, many of them sick or dying of malnutrition. Another 50,000 are in Thai refugee camps, and some 35,000 have been resettled in Western countries. The H'mong survivors in Laos now face a terrible future, for they are the targets of a deliberate, calculated policy of extermination.

This policy is the tragic heritage of the H'mong commitment to America's effort to prevent a communist takeover in Vietnam and Laos. The United States, unwilling to send its own troops into Laos, opted for another kind of army—a guerrilla army recruited mostly from the H'mong, but also from other Laotian tribes, such as the Yao, Lahu, Lao Teung. Trained by the U.S. military and the CIA, the H'mong formed the backbone of the resistance against the communist forces in Laos that were supported by North Vietnam, China and the U.S.S.R. They sabotaged war supplies moving south along the Ho Chi Minh Trail, and rescued American pilots shot down in Laos. They proved adept at intelligence work, gathering vital information on troop, tank and supply movements.

Gen. Vang Pao, who commanded the H'mong forces and now lives in the United States, told me recently that his forces destroyed millions of dollars' worth of military equipment, medical and food supplies moving down the Ho Chi Minh Trail into South Vietnam between 1962 and 1975. "To do that," he said, "my people gave 12,000 lives. All of that was secret, but now I want the American people to know."

When the Americans pulled out of Vietnam and Laos, the H'mong—and the sacrifices they had made—remained largely unknown But the Vietnamese and Pathet Lao did not forget. Li Chai, who now lives in Denver, Colo., and is a leader of the H'mong refugee group there, tells why: "The communists know that we were the Americans' hands, arms, feet and mouths. That's why they believe they must kill all H'mong—soldiers, farmers, children. We suffer and die just like the Jews in World War II, but the world ignores us."

HIDE IN CAVES

Gen. Vang Pao says, "Communist gassing of the H'mong people began in August 1975, at Mung Om and Nam Fen, south of Phu Bia, where 17,000 men, women and children were killed. I learned from a Pathet Lao defector that from 1975 to 1978 the gassing had killed 50,000 H'mong in the Phu Bia area alone. During that time some 45,000 died from starvation and disease, or were shot trying to escape to Thailand."

Today, in tribal refugee camps in northern Thailand, H'mong refugees tell of starvation, rape, the crippling of children whose fathers worked for the United States, of massacres. But what frightens them most are the poisons, which they call "rain," "gas," or "smoke," for they cannot hide from the chemicals that poison them, their water, animals, plants and fields.

Survivors speak of several kinds of "rain." Yellow and red are very serious, and a direct hit means sure death. Green and blue-green rains are not as immediately lethal. A small bit of opium often enables victims to survive, but they suffer vomiting, bloody diarrhea, fever, bleeding through the nose, and dizziness.*

Recently, still another chemical, a light-yellow powder, has been dropped by four-engine planes or by helicopters. The latter, a U.S. military spokesman tells me, resemble Soviet MI-4s or MI-8s.

A H'mong farmer, looking much older than his 40 years, says: "For two years they attack my area in Laos. The planes cover us with red smoke, and the people and animals die. We cannot grow rice or farm. We must hide in caves.

"They drop poison on us 200 times in 1978 and 1979. The first time five people die immediately. Red smoke rolls over the area and everyone is sick. It smells like burning rubber. I swallow a bit of opium, but slide to the ground unable to move. In about an hour I can get up, but I cannot eat or drink. I become very skinny. Twelve more people in my village die of being skinny."

CHRONICLE OF HORROR

The stories are countless. One man sits before me in Ban Vinai refugee camp in Thailand carrying "evidence" of the continued gassing in Laos. Trained by the Americans in intelligence in the 1970s, this former H'mong lieutenant had crossed the Mekong River to Thailand on June 6. From a miniature diary that he miraculously managed to bring, he quietly reads:

"On 15 May 1980, two Soviet helicopters dropped yellow powder on a H'mong village of 200 at coordinate TF 9376. Thirty-five died within seven days; the remaining are very sick."

He recites another attack. Then, carefully turning the tattered pages of his diary to check dates, figures and locations, he chronicles what happened to him after the American withdrawal from Laos in April 1975:

"The first gas attack was in October 1975. The communists couldn't take our village by fighting, but they came back with airplanes. One carried red gas, another yellow. Those near where the chemical rockets exploded fell unconscious, with bleeding from the mouth and nose. Many died. Soon afterward a yellow water flowed from their bodies.

"They hit us with gas for three days. Seventy-five people died immediately. Five hundred more died within a short time. I was lucky, for I was not in the village at the time.

"For three years we were constantly attacked like this. We must live in the jungle like animals. Since early 1980, people are so hungry that they eat leaves exposed to the chemicals, and 715 people have died in my area. I dig in the ground for roots and water, but many are too weak to do this. We have no cloth to cover our bodies from mosquitoes, so we all have malaria. We have no medicine, so we are all sick."

SHOT IN THE ARM

On a visit to Thailand in January, my friend Nhia Vang, who had just escaped from a Vietnamese prison camp in Laos, told me a story not only of genocide, but of an added horror: medically supervised experimentation that uses chemical agents on imprisoned H'mong men, women and children.

"In November 1978, a Vietnamese force of 3500 captured about 1200 H'mong men, women, and children—including mine—in the jungle where the red and yellow smoke had forced us to live. We were taken to a camp called Tong Mien, which held 1200 H'mong prisoners. We were given only a small portion of rice every 15 days, and many of my people were shot trying to get to the forest for food.

"Then, on March 25, two MiG jets flew low over our prison camp and sprayed us with white rain. One hundred people died immediately. The rest of us had diarrhea for 20 days, then fever; we cannot walk or raise our arms. Many more people die.

"In May, four Pathet Lao medics gave injections in the arm to 30 H'mong, including me. It was the color of water. I immediately became dizzy and could not breathe. Blood spurted from my nose and I fell to the ground unconscious. A relative blew opium smoke over me for several hours and finally the bleeding stopped. In 12 hours I could see again and by the next day I could walk.

"The next day four new medics came. This time they had injections and pills for 40 gassing victims. Some medics gave my people injections and green pills, other injections and white pills. Nothing happened for 12 hours; then they have trouble seeing, can't speak and black out. Fifteen died; the rest are very sick for a long time. The medics wrote reports on the people given medicine."

What has been the response of the United States to these atrocities? In my view, it has been appallingly weak and ineffectual.

The House Subcommittee on Asian and Pacific Affairs has taken testimony on the gassings. And the State Department and Department of Defense have made their own investigations. But they and other U.S. officials, including those in the White House, refuse to acknowledge that the evidence is conclusive.

After listening to testimony at the subcommittee hearings in April, Congressman Jim Leach (R., Iowa) seated: "I personally interviewed these refugees. I read State Department and Defense Department reports which are so numerous and so persuasive that they cannot be denied. No one in the White House ever saw a person being gassed in Auschwitz, but we know it occurred. I think this Administration has a moral responsibility to tell the people of the world what is happening."

URGENT MISSION

What government agencies want for "conclusive evidence" is a body for autopsy. But there are serious logistical difficulties in obtaining recently gassed victims and fresh chemicals because the gassing occurs in the remote mountains of Laos, many days' walk through enemy territory to the Thai border. One H'mong found a dispensed gas canister, wrapped it heavily in old clothes, and started to walk it out of Laos to Thailand. The chemical residue in the canister killed him before he reached the Mekong.

I asked Vang Neng, H'mong chief at Ban Vinai, about the U.S. insistence on having a body for autopsy. In a voice of frustration and anger, he said, "Yes, I have bodies for autopsy. I learned yesterday that the communists gassed a village on May 14, killing ten immediately. This is many days' walk from the Mekong. By the time we carry one body out, it will be spoiled."

Last fall, a step in the right direction was made when a team from the office of the Army Surgeon General was sent to Thailand to investigate the gassing allegations. They interviewed 40 men, two women and a 12-year-old girl, all of whom were witnesses to, and survivors of, gassing attack in Laos, and concluded in a report withheld from the public that chemical agents had been used against the H'mong. Two recommendations were: to "develop a plan whereby blood, tissue or other specimens may be rapidly transported from the suspect area to the Biomedical Laboratory for analysis, and to establish a medical team, on a standby basis, prepared to travel to the site of future allegations to conduct interviews/examinations." The final recommendation read: "From a military defense position, it would seem to be an extremely urgent mission to initiate the chemical agents that have been used and to develop appropriate countermeasures, antidotes, etc."

Unfortunately—indeed, unbelievably—those recommendations have been ignored. On June 30, 1980, I reported to the U.S. embassy in Bangkok that I had located two men in a refugee-camp hospital who reported being gassed in the latter part of May. The timing for testing was within the six-week limit recommended by the Surgeon General. After 14 days of evasive and false information by the embassy and other U.S. officials in Thailand, I returned to the camp myself to speak directly to the two men recently gassed and to the camp medical personnel.

Only then did I learn that medical experts familiar with gassing had not conducted the investigations. We had sent a Thai nurse and an American public health worker, who admitted he was a "novice" with regard to chemical warfare and, in his own words, had "very little" instruction even in how to collect samples. When I left Bangkok on July 18, the specimens were still there.

"WILL YOU HELP?"

While the West refuses to acknowledge the use of lethal chemical agents by the Soviet-backed regimes of Hanoi and the Pathet Lao, the Vietnamese government applauds its army's chemical-warfare branch by awarding it a Ho Chi Minh medal. According to Hanoi radio monitored in Thailand in April 1980, Gen. Le Trong Tan told the unit: "Chemical weapons contributed to winning the great victory in the great anti-U.S. salvation resistance struggle" and in "tasks in the new situation." The "new situation" undoubtedly refers to Laos, Cambodia—and possibly to Afghânistan.

The State Department calls evidence suggesting a Soviet role "circumstantial," but it is more than that. Independent intelligence sources have confirmed the presence of Soviet Gen. V. K. Pikolov's chemical-warfare forces in Laos—and subsequently in Kabul, Afghanistan. In addition, Soviet chemical-warfare experts are said to have visited several cities and areas in Laos to inspect "chemical explosives"—artillery shells, bombs, rockets. In sum, it is hard to escape the conclusion that the Soviets are involved, certainly in the production and distribution of chemical agents, and probably in on-site surveillance and medical experimentation.

Meanwhile, the H'mong continue to die. A H'mong leader who is responsible for almost 30,000 civilians in Laos recently crossed into Thailand. His words haunt me: "I have come to see if anyone has food, clothing or medicine to protect us from the gassing. Someone *must* help, soon, or we will all die. We are friends of the Americans. We fought for freedom. Will you help?"

Will we? How?

First, a fully publicized Congressional hearing—both Senate and House—into the gassing of the H'mong should be held. This would inform the U.S. people and attract world-press coverage of the atrocity. And the U.S. government should make communist gas warfare a major issue before the United Nations and every international forum.

Second, direct pressure should be applied on Hanoi by Free World industrial nations on whom Hanoi greatly relies for the technology and financial aid to rebuild Vietnam. This must be done at the highest private "hot-line" leader-to-leader level. Hanoi should be told that this inhuman policy must stop or aid will be halted.

Finally; since Vietnam is a client state of the Soviets (apparently the source of the lethal chemicals), the United States should inform the Soviets that any discussions of other issues will be put off until we are satisfied that chemical warfare in Laos has ceased.

At Ban Vinai camp, Vang Chue, an 18-year-old boy who has been gassed, is carried into the hospital. His chest heaves with erratic contractions and he struggles to breathe. His face is heavy with sweat and I see a tear looming—the first H'mong-soldier tear that I have ever seen. I lean down to talk with him.

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*Opium has for centuries been used medically for severe gastro-intestinal disturbances.

"I'm so sorry that my country is dying," he says in a voice of pain. "Please do something."●

ARGENTINA HUMAN RIGHTS

● Mr. KENNEDY. Mr. President, I would like to bring to the attention of my colleagues two separate events which involve human rights conditions in Argentina.

The first is the visit here last week of Adolfo Perez Esquivel an outspoken defender of human rights, who for his courage and commitment, has been named as the winner of the Nobel Peace Prize. Mr. Perez Esquivel is an architect who has worked as director of the Service for Peace and Justice in Latin America bringing hope and support to political prisoners and their families. For that work, he was imprisoned for 14 months without charge in Argentina in 1977. He was tortured and beaten.

The press reports of his visit clearly have captured the quiet strength of this man, his religious faith and his refusal to be silent in the face of repression.

There is a second subject related to human rights conditions in Argentina which is occurring this week. At the General Assembly of the Organization of American States, the nations of the hemisphere are debating the report of the Inter-American Commission on Human Rights on human rights in Argentina.

The 268-page report was prepared by the Commission an impartial body of experts from throughout the hemisphere. Its presentation to the General Assembly follows an onsite visit by the commission a year ago and incorporates as well information received since that time.

The conclusion of the Inter-American Commission report, underlined by exhaustive citation, is that "due to the actions or the failure to act on the part of the governmental authorities and their agents, numerous serious violations of fundamental human rights * * * were committed in the Republic of Argentina."

While the phrase "serious violations" may not echo with immediate force, let me cite from the report some of the specific kinds of violations:

"Persons belonging to or connected with government security agencies have killed numerous men and women subsequent to their being placed in detention.

"Thousands of detainees who have disappeared * * * may be presumed dead.

"The systematic use of torture and other cruel, inhuman, and degrading treatment.

"Violation of 'the right to a fair trial and due process * * * all of which is aggravated by the serious difficulties encountered by defense counsels * * * some of whom have died, disappeared, or are presently in prison for having taken on defense work of this kind.' "

These actions and violations conflict directly with provisions of the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Universal Declaration of Human Rights and on basic international obligations of the Government of Argentina.

In addition, the Inter-American Commission's report concluded that there were serious infringements of labor rights, suspension of political rights, and of the freedoms of speech and press.

The report ends with a series of specific recommendations to the Government of Argentina designed to restore respect for basic individual dignity and human freedoms. I would hope that those recommendations would be accepted, adopted, and acted upon by the Government of Argentina.

I shall submit the conclusions and recommendations of the Inter-American Commission on Human Rights for the RECORD at the conclusion of my remarks.

Mr. President, I would also like to have reprinted in the RECORD two additional citations from that report. The first section elaborates a process that has come to be known internationally as "the disappeared," it is official kidnaping, sanctioned by the Government, carried out by the Government and, in apparently most cases, ending with the summary execution by Government forces.

How many in Argentina disappeared? The Permanent Assembly of Human Rights in Argentina has submitted a list of nearly 6,000 which the Commission notes in its report. These are the cases with extensive documentation, where individuals were seen being taken away by security forces and where the families were willing to take the risk of publicly protesting. Amnesty International believes the number is higher perhaps closer to 15,000.

The cases reprinted in the report as examples underline the lack of credibility in the Government's formal denial of involvement. Pregnant women detained by security forces either permitted, after they have given birth in detention, to pass their children on to relatives, before they disappear forever. Or other individuals, seen by fellow prisoners in cells nearby, are the subject of denials by the Government that they ever have been detained—or even more macabre—that they were killed in armed confrontations.

The "disappeared" are not forgotten and their families, like the "Mothers of the Plaza de Mayo" still cherish the slim hope that their sons, daughters, and grandchildren might yet be living and they still demand answers from the Government of Argentina.

Finally, I also would ask that excerpts on the Commission's report concerning the use of torture be included and two statements one by a labor leader and educator Alfredo Bravo, and by the distinguished Argentina journalist, Jacobo Timerman.

I submit these excerpts also for the RECORD.

The material submitted for the RECORD follows:

REPORT ON THE SITUATION OF HUMAN RIGHTS IN ARGENTINA

(Organization of American States, Inter-American Commission on Human Rights)

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

1. In light of the background information and the considerations set forth in the present report, the Commission has reached the conclusion that, due to the actions or the failure to act on the part of the governmental authorities and their agents, numerous serious violations of fundamental human rights, as recognized in the American Declaration of the Rights and Duties of Man, were committed in the Republic of Argentina during the period covered by this report—1975 to 1979. In particular, the Commission considers that these violations have affected:

(a) the right to life, by virtue of the fact that persons belonging to or connected with government security agencies have killed numerous men and women subsequent to their being placed in detention; the Commission is particularly concerned about the circumstances relating to the thousands of detainees who have disappeared and who, for the reasons set forth in the report, based on the evidence, may be presumed dead;

(b) the right to personal freedom, in that numerous persons have been detained and placed at the disposal of the executive (PEN), in an indiscriminate manner and without reasonable cause; who have continued to be held in detention sine die, which in effect is tantamount to their serving an actual sentence; this situation has been aggravated by the severe restrictions and limitations placed on the right of option (to leave the country) provided for in Article 23 of the Constitution, thus undermining the true purpose of this right. Similarly, the prolonged residence in embassies of persons seeking asylum constitutes an infringement on their personal liberty which again is tantamount to their serving an actual sentence;

(c) the right to personal integrity and security, by means of the systematic use of torture and other cruel, inhuman and degrading treatment, the practice of which has taken on alarming characteristics;

(d) the right to a fair trial and due process, by virtue of the limitations the Judiciary is encountering in exercising its functions; the lack of proper guarantees in trials before military courts, and the inefficacy that has been demonstrated, in practise and in general, with respect to writs of Habeas Corpus in Argentina, all of whch is aggravated by the serious difficulties encountered bv defense counsels in their work on behalf of persons in detention, for reasons of security or public order (l'ordre publique), some of whom have died, disappeared or are presently in prison for having taken on defense work of this kind.

2. With regard to other rights established in the American Declaration of the Rights and Duties of Man, the Commission notes that while the failure to observe them does not assume the same gravity of the previous cases, the limitations to which they are subject also affect the total protection of human rights in Argentina. The Commission makes the following observations with respect to these rights:

(a) that the complete exercise of the freedom of opinion, expression and information has been limited, in different ways, by the enactment of emergency laws that have contributed to creating a climate of uncertainty and fear among those responsible for the communications media;

(b) that labor rights have been affected by the norms which have been decreed in this area and by their application, which has had a particular impact on the right of trade union association, due to military interference, and the promulgation of laws which injure the rights of the working class;

(c) that political rights are suspended;

(d) that, in general, there are no limitations on the freedom of religion and worship; however, the Commission was able to confirm that serious restrictions are placed on Jehovah's Witnesses in the practice of their religion, and that, while there is no official policy of antisemitism, in practice, and in certain cases, there has been discrimination against some Jews.

3. Also, the Commission considers that human rights defense agencies have encountered, and continue to encounter, unjustified obstacles in carrying out their work.

4. The Commission observes that subsequent to its visit to Argentina, in September 1979, violations of the right to life, liberty, personal integrity and security, and of the right to a fair trial and due process have decreased, and that particularly since October 1979, no denunciations have been submitted with respect to further disappearances of persons.

B. Recommendations

By virtue of the conclusions set forth above, the Commission feels that the following recommendations to the Government of Argentina are warranted:

1. With regard to the deaths that have been attributed to the governmental authorities and their agents, to initiate the correspond-Government on September 20, 1979 [1] and, to punish, with the full force of the law, those responsible for these deaths.

2. As regards the "disappeared", to implement the preliminary recommendations, made by the Commission to the Argentine Government on September 20, 1979[1] and, to inform the Commission in detail with respect to the situation of these persons.

3. In order to prevent new cases of disappearance, to create a central register of detainees that will enable their family members and other interested persons rapidly to learn of detentions that have taken place, to order that such detentions be carried out by properly identified agents, and to give instructions that the detainees be transferred without delay to places specifically intended for such purposes.

4. To consider the possibility of lifting the state of siege, in view of the fact that, according to repeated statements made by the Argentine Government, the reasons for which it was imposed no longer exist.

5. As regards detainees at the disposal of the Executive (PEN) and the right of option to leave the country, that the following measures be adopted:

(a) That the power granted to the Head of State pursuant to Article 23 of the Constitution, which authorizes the detention of persons during a state of siege, be made subject to a test of reasonable cause, and that such detentions not be extended indefinitely;

(b) That the following persons, detained at the disposal of the Executive (PEN), be released:

i. Persons who have been detained without reasonable cause or for a prolonged period of time;

ii. Persons who have been acquitted or who have already completed their sentences;

iii. Persons who are eligible for parole.

(c) That the exercise of the right of option to leave the country be completely restored, so that the processing of applications not be delayed in any way that might hinder the actual exercise of this right.

6. To conduct an in-depth investigation of the denunciations concerning the use of torture and other unlawful forms of coercion, and to punish with the full force of the law those responsible for such acts.

7. To instruct all the officials and agents responsible for the maintenance of public order, the security of the state, and the custody of detainees, with respect to the rights of detainees, particularly as regards the prohibition of all cruel, inhuman and degrading treatment, and to inform them of the sanctions to which they become liable in the event that they violate these rights.

8. To provide humanitarian treatment to those detained for reasons of security or public order, which treatment should in no case be inferior to that given to common prisoners, bearing in mind in both cases the internationally accepted Standard Minimum Rules for the Treatment of Prisoners.

9. To take the following steps with regard to due process guarantees and legal defense:

(a) To assure legal due process guarantees to persons who are brought to trial before military courts, especially the right to a defense by an attorney of the defendant's choosing.

(b) To appoint a Commission of qualified jurists to study the trials conducted by military tribunals during the state of siege, and to make pertinent recommendations in those cases where due process guarantees were lacking.

(c) To guarantee and facilitate an effective judicial investigation of the cases of persons detained under the security laws.

(d) To facilitate the provision of an effective defense by attorneys providing legal services to defendants.

10. To cooperate fully with the Judiciary to ensure the effectiveness of the writs of Habeas Corpus and Amparo.

11. As regards the right of opinion, expression and information, to repeal or, where appropriate, to amend, those laws, such as Law 20.840 and others, that limit the exercise of this right.

12. As regards labor rights, to take the necessary measures to ensure their actual observance, and as regards the right of trade union association, to guarantee the rights of workers' organizations, repealing, or, where appropriate, amending, laws that prevent their normal development.

13. As regards political rights, to take such steps as are necessary to restore the activity and participation of political parties in the public life of the nation, as well as to guarantee the political rights of citizens.

14. As regards the right of freedom of religion and of worship, to repeal Decree No. 1867 of August 31, 1976, which prohibits Jehovah's Witnesses from conducting any kind of activity, and to investigate and punish any discrimination against Jews.

15. As regards human rights defense agencies, to facilitate their contribution to the promotion and observance of human rights in Argentina.

CHAPTER III—THE PROBLEM OF THE DISAPPEARED

A. General considerations

1. During the last three years, the IACHR has received a large number of claims affecting a considerable number of persons in Argentina. These claims allege that said persons have been apprehended either in their homes, their jobs, or on the public thoroughfares, by armed men, who are occasionally in uniform, in operations and under conditions that indicate, due to the characteristics in which they are carried out, that they are conducted by agents of the State. After these actions have occurred, the persons apprehended disappear, and nothing is ever known of their whereabouts.

According to its regulatory provisions, the Commission has been processing the individual cases, by transmitting to the Government of Argentina the pertinent parts thereof and requesting that the respective information be provided.

With regard to the issue of observance of human rights, the Commission considers it vitally important to present in this chapter an analysis of this phenomenon, whose moral, family, social and legal implications deeply affect all members of Argentine society.

The Commission has in its files, lists with names, dates, and other data, as well as several studies that have been carried out regarding this problem. Without giving, for the time being, exact figures on the number of these disappeared persons, the information obtained makes it clear that there exists a situation of extreme irregularity requiring special discussion and analysis.

2. In its 1977 Annual Report to the General Assembly, the Commission already mentioned the phenomenon of the disappeared, and expressed its deep concern in the following terms:

"In various countries, there are numerous cases wherein the government systematically denies the detention of individuals, despite the convincing evidence that the claimants provide to verify their allegations that such persons have been detained by police or military authorities and, in some cases, that those persons are, or have been, confined in specified detention centers.

"This procedure is cruel and inhumane. As experience shows, a 'disappearance' not only constitutes an arbitrary deprivation of freedom but also a serious danger to the personal integrity and safety and to even the very life of the victim. It is, moreover, a true form of torture for the victims' family and friends, because of the uncertainty they experience as to the fate of the victim and because they feel powerless to provide legal, moral and material assistance."

Further, it is a demonstration of the government's inability to maintain public order and state security by legally-authorized means and of its defiant attitude toward national and international agencies engaged in the protection of human rights.

The 1976 Annual Report states the following:

"The 'disappearance' seems to be a comfortable expedient to avoid application of the legal provisions established for the defense of personal freedom, physical security, dignity and human life itself. In practice this procedure nullifies the legal standards established in recent years in some countries to avoid illegal detentions and the use of physical and psychological force against persons detained."

3. An important aspect that should be pointed out is in what might be the definition of a disappeared person. In the writ presented to the Supreme Court of Justice, entitled Pérez de Smith, Ana María et al. without request (dossier P–51 RN), 1,221 petitioners representing 1,542 disappeared persons describe the situation as follows:

"The persons referred to have been apprehended in their homes, jobs or on the public thoroughfares, depending on the case, by armed groups, who prima facie, and almost always stating so expressly, were acting in the exercise of some form of public authority. The above-mentioned operations took place openly, with a wide deployment of me—sometimes in uniform—arms and vehicles: in general they were carried out in an amount of time and with a thoroughness that confirm the assumption that these actions were carried out by members of the public forces.

"After being apprehended as stated, the persons on behalf of whom the undersigned present this petition have disappeared without a trace. All the recourses of habeas corpus, claims, criminal suits, and administrative efforts have failed, as the investigating authorities in each case have invariably reported no record on their detention."

4. In other denunciations or claims received by the IACHR it has been reported that the

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[1] See pages 7, 8 and 9.

armed groups that carry out the operations in the homes, apprehend the victim and occasionally his spouse and children, carry out a search of the home, looting the belongings of the residents, and as a general rule, take away all members of the family after placing hoods over their heads and eyes.

The persons affected by these operations, included in the lists at the IACHR, are mostly men and women 20 and 30 years of age, although older persons and minors have also been known to disappear. Some of the children, kidnapped with their parents, have been released and delivered to relatives or have been abandoned in the streets. Other children, however, continue to be listed among the disappeared.

According to the Commission's information the phenomenon of the disappeared affects professionals, students, union workers, employees in various areas of business, journalists, religious leaders, military recruits and businessmen; in other words, most elements of Argentine society.

B. Description of the operations

1. From reports received by the IACHR and from interviews and hearings held during the onsite observation with disappeared persons who later reappeared, as well as with relatives of the victims and witnesses of the above-noted actions, three stages emerge as part of the disappearance phenomenon:

a. The Apprehension or Kidnapping, described above, to which certain clarifications should be added.

The operations, for the most part, are carried out by groups whose number varies from 6 to 20 persons which arrive at the home or place of work of the victim in several unmarked cars without license plates, and equipped with radios that allow them to communicate with each other. In some cases they are accompanied by additional support forces in vans, in which, after the mission is completed, they transport the household goods that are taken from the homes of the victims.

The people carrying out the operation generally arrive in civilian clothing, with long and short firearms to intimidate the victims and witnesses. If the operation is carried out at the place of employment or on the public thoroughfare, it takes a very short time; however, at a residence it could take several hours, especially when necessary to await the victim's arrival.

It has also been denounced that when relatives, witnesses or building supervisors reported the occurrences to the local police, the response was usually, after admitting knowledge of the fact, to say that they were unable to intervene. In the few cases where police did arrive at the scene, they withdrew shortly after having spoken to the persons directly involved in the operation. This situation has been called "free zone", in favor of the intervening parties.

b. The Investigation.

After the kidnapping, there is a stage at which the persons are taken to various military establishments[1] for what could be called "background inquiry".

For testimony received from disappeared persons who were later released one can infer what sort of mechanisms were used in this phase of the operation. The persons in charge were well-trained, of rank, who used ill treatment and torture as a method of interrogation, with the clear purpose of weakening the victim in order to obtain confessions, information about other persons, and in some cases, as a system of intimidation of persons who were later set free without being interrogated,[2] usually friends or relatives who were with the victim at the time of apprehension.

All claimants agree that torture during prolonged illegal detentions was even more severe than during the short-term kidnappings.

According to testimony received, only a very small number of the persons apprehended during this stage were "regularized", that is, granted due process or placed under the control of the Executive (PEN). Instead, they were usually transferred to clandestine detention centers. During its on-site observation, the IACHR interviewed several persons in prison who experienced this and claimed to have been kept in places they could not identify, with persons who are at present listed among the disappeared.[3]

(c) The Disappearance.

2. Once the two previous stages have occurred, the phenomenon takes on dramatic characteristics, when no information about the whereabouts of the persons is made known. Only a very small percentage is later set free. The Commission will include in the following section testimony from several persons who reappeared[4] indicating the living conditions of the disappeared persons; the constant transfers that they were subjected to and the systems of surveillance and attention that they underwent.

3. The persons that reappeared reflect a physical and psychological state of serious breakdown; they live in a state of fear and in some cases they have had to undergo medical treatment to recover. A high percentage have left the country after having lived through this experience.

Up to now, the persons who have disappeared under the circumstances and methods mentioned above, continue to be regarded as missing.

C. Some cases of the disappeared

1. Some case histories of the disappeared discusssed below, have been noted and studied by the Commission. In view of the impossibility of analyzing each one of the thousands of denunciations received by the IACHR, it has been decided to select as representative examples, those cases, which in the Commission's view, can be considered as pilot cases illustrative of general situations. The IACHR has attempted to place them into categories based on their relative similarities.

2. The case of pregnant women is of great concern to the IACHR, not only for the mother's sake, but because of its implications regarding those about to be born and because of the repercussions this has on the family.

Among the cases presented, there are several instances of the kidnapping and disappearance of pregnant mothers:

3. Case 2970—Silvia Angélica Corazza de Sanchez.

The IACHR has received the following claim:

"Silvia Angélica, of Argentina nationality, 27 years of age, married. At the time of kidnapping on May 19, 1977, she was two months pregnant; seven months later the grandmother received the baby girl born in detention; Mrs. Corazza de Sánchez also has another little girl, four years old. Her identification card is number [redacted] She is a housewife and her address is: Bartolomé Mitre 2637, 2nd Floor, 42, Federal Capital. Date of kidnapping: 5.19.77. Place: "El Clavel" Bar, located Avenue Pavón across the street from the Lanús Station: Time: between 3.00 pm and 5 pm. On the date, time and the place mentioned, the victim was arrested by armed persons in civilian dress. She worked in a textile factory in the same city. At the time of the kidnapping she was two months pregnant. After seven months, she was taken to the home of her mother, accompanied by three persons, who, although dressed as civilians, belonged to police or security forces; they had a short meeting during which Mrs. Silvia Angélica handed her mother a new-born baby girl (five days old) stating that she had the baby while in detention and that she had been well treated during delivery. Once the baby was handed over, they left for an unknown destination. Since then nothing further has been heard of the whereabouts of the aforementioned person."

In note dated September 21, 1978, the Government replied as follows:

"C. Persons on whom there is no previous record of detention and who are the subjects of a police search under the authority of the Ministry of the Interior:

"3. Silvia Angélica Corazza de Sanchez.

At present the case is being processed in accordance with the regulations. However, the Commission considers that the Government's reply does not refute the complainant's statements.

G. Magnitude and consequence of the problem of the disappeared

1. The origin of the phenomenon of the disappeared, the manner in which the disappearances occurred, and the astonishing number of victims, are all intimately connected with the historical events that unfolded in Argentina during the last few years, in particular, the organized campaign against subversion. The violence employed by the terrorist groups was more than matched by that of the State security apparatus, resulting in serious abuses incurred in its attempt to suppress the subversion by dispensing with all moral and legal considerations.

Much of the testimony and information which the Commission has received appears to support the fact that in the campaign against subversion, special units were established with participation, at different levels, of each of the branches of the Armed Forces whose command units were autonomous and independent in their operations.

The activities of these command units were directed against all persons who, actually, or potentially, could pose a danger to the security of the State by virtue of their real or presumed ties to the subversive movement.

This campaign, unleashed for the purpose of totally annihilating the subversive movement, had its most sensitive, cruel and inhuman expression in the thousands of disappeared persons, today presumed dead, whom it left in its wake.

It appears evident that the decision to form the command units, that were involved in the disappearance and possible extermination of these thousands of persons, was adopted at the highest level of the Armed Forces, for the purpose of decentralizing the antisubversion campaign. As a result, each of the command units had unlimited power to eliminate terrorists or those suspected of being terrorists. . . .

3. The Commission is not able to give an exact number of the disappearances in Ar-

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[1] Several claims mentioned some of the places where it is alleged that persons listed as disappeared have been held. They are: Campo de Mayo; Federal Security Superintendency; Bridge 12 the Camino de la Cintura; Mar del Plata Naval Base; Guemes Brigade; the Naval Mechanics School; El Pozo de Arana in the city of La Plata; Infantry Guards in Palermo; Military Regiment "La Tablanda"; Police Commissary; and Military Regiment "La Rivera" in Córdoba, as well as other places mentioned in Chapter V.

[2] In Chapter V regarding Personal Integrity mention is made of the various torture systems applied.

[3] One example is that of Alvaro Aragón, detained under PEN, Case No. 3999. Mr. Aragón affirms in declarations before the judge who took cognizance of the case of Adolfo Rubén Moldawsky, Case 2398, that he spent this stage of his detention with him, that they talked on several occasions until they were separated, and that as of this date there is no knowledge of the whereabouts of Mr. Moldawsky.

[4] See Section C., subparagraph (j) relative to "Persons who disappeared and were later released."

gentina. Of all the lists of disappeared persons that have been received, the Commission believes that the most reliable, since it agrees with the number of complaints that it has received, is the list turned over to it by the Minister of the Interior, General Albano Harguindeguy. This list was prepared by the Permanent Assembly of Human Rights, the Commission of Family Members of Disappeared and Detained Persons for Political Reasons, the Argentine League of Human Rights and the Ecumenical Movement for Human Rights.[22] This list includes 5,818 persons who, between January 7, 1975 and May 30, 1979 were "apprehended in their homes, places of work or in public places by armed groups, who prima facie, and almost always stating so specifically, acted under the color of authority, using procedures conducted in the open, with a full display of men—uniformed at times—weapons and vehicles and carried out with a promptness and detail that confirms that those involved were working in a manner typical of the security forces.".

The aforementioned list does not include persons whose families have not presented testimony to the agencies that prepare the list. In the opinion of these agencies and the Commission, this means that it does not include all disappeared persons.

During the Commission's interview with General Harguindeguy, the General pointed out that his Ministry has carefully examined the list in question and that of this list his Ministry had received complaints of disappearances for 3,447 persons. Of these 2,092 had no information about them, 172 names were repeated, 16 persons were currently detained at the disposition of the Executive, 73 had appeared under different circumstances and 18 had died.

4. Whatever is the final number of disappeared persons, it is nonetheless impressive and does nothing if not confirm the extraordinary seriousness of this problem.

Furthermore, the lack of clarification of this problem of disappeared persons has affected many families in the Argentine community. The uncertainty and lack of all contact with the victims have upset the families greatly and especially the children who, in some cases, witnessed the kidnappings of their parents and the mistreatment to which they were subject during the raid. Many of these children will never see their parents again and will thus inherit a number of psychological problems from their memory of the circumstances of the disappearance.

On the other hand, many men and women between 18 and 25 years of age are affected by the anxiety and length of time that has passed without any knowledge of their parents or brothers and sisters.

Spouses, both men and women, who have been violently separated, live in an environment of severe mental disturbances, accentuated by the many economic and legal problems that this separation poses for them. Many men and women do not know whether they are widowed or still married. Many of them will never regain personal peace, harmony or security because of the exhaustion produced by their attempts to carry on in a home where the physical and moral absence of the father or the mother is felt every day.

These and other problems cannot be resolved as long as the situation of these thousands of disappeared persons is not clarified in a final and responsible manner.

5. The Commission took special interest in exhausting all possibilities to determine, without any shadow of a doubt, the truth of the present situation of the "disappeared". To this end, it made inquiries at prison establishments, military installations, cemeteries, the resocialization center, all those places where there was the slightest possibility that persons apprehended by police or military groups might be held or might have been buried. All of its efforts have been in vain.

These circumstances, combined with the information received by the Commission, lead the Commission to the painful conclusion that the great majority of the disappeared are dead, the causes of which it is not in a position to determine but which, in any event, a great responsibility for their captors or those who kept them detained.

6. After having studied with great thoroughness the responses of the Government with respect to all the cases discussed above, the Commission would like to make some general comments:

The Commission cannot fail to point out that during the period 1976–1979, a great number of persons, ultimately recognized by the Government as official detainees, were initially apprehended and held *incomunicado* in operations identical to those which, according to a great body of testimony received by the Commission, produced the disappearances which remain unexplained.

This information is confirmed by a great number of persons whose detention has been recognized at some point or another by the Government, who have testified to having seen in unofficial detention centers various disappeared persons, and to have seen them at times and under circumstances which coincide with the denunciations received by the Commission.

In a number of cases considered, such as the cases of Mrs. Forti, Ms. Hagelin, and Messrs. San Vicente and Falicoff, and others exhaustively investigated by the Commission, which are mentioned in this report, the explanations of the Government have been extremely inadequate and unconvincing. Most of the Government replies add very little of substance, and do not persuasively contradict the occurrence of the alleged events.

In addition, high Government officials have stated that the arrest of persons suspected of subversive activity were carried out on a regular basis by security forces in civilian clothing. Those and other functionaries have implied that the nature of the conflict required the application of measures that violated human rights.

In view of the circumstances, the Commission finds itself compelled to reiterate its conviction that the material facts of the denunciations must be presumed to be true.

D. Unlawful use of force and torture

1. Both before and during the on-site observation, the Commission had been receiving reports, testimonies and declarations pointing to the practice of unlawful use of force and torture in Argentina, in clear violation of the fundamental rights of man, the Argentine Constitution, and the aims proclaimed by the Military Government Junta of observing Christian morality, the national tradition and the dignity of the Argentine people.

The unlawful use of force and torture appear to have been carried out mainly during the interrogation phase, according to complaints presented on behalf of detainees in Argentine prisons as well on behalf of persons who disappeared or who have been kidnapped.

2. There are many ways in which unlawful physical force and psychological and mental torture, were practiced in special interrogation centers commonly known as chupaderos ("roughing-up centers") and in some cases, in the prisons. These torture practices, in many cases, were carried out over several months of interrogation sessions. The Commission has analyzed the large volume of testimony presented about these practices, and has selected the following illustrative examples:

(a) Brutal beating of inmates, which on several occasions has resulted in broken bones and partial disablement; in the case of pregnant women it has caused miscarriages and according to some allegations, has even resulted in the death of several persons. This type of beating is carried out with different kinds of metal, rubber, wooden and other weapons, and with fists and kicks. Denunciations have been made claiming rupture of the bladder, fractured ribs and sternum, or other serious internal injuries;

(b) Confinement in punishment cells for several weeks, for trivial infractions, under conditions of desperate isolation and with the application of cold water baths;

(c) The chaining of inmates to the headboards of beds, or to the seats of airplanes, or other vehicles in which they are transferred from one place to another, while being subject to beatings and insults;

(d) Mock executions, and, in some cases, the actual execution of inmates in the presence of other prisoners and relatives, as has occurred according to denunciations in Córdoba, Salta and in the Death Wing in La Plata, among others.

(e) Immersion by means of the so-called submarine, where the victim's head is covered with a cloth hood and intermittently forced into a vessel containing water, in order to induce asphyxiation as a means of obtaining information from the prisoner;

(f) The systematic application of the so-called picana eléctrica (electric prod), whereby the victim is tied to the metal parts of the bed and is subjected to currents of high voltage electricity on various parts of the body, such as the head, the temples, the mouth, the hands, the legs, the feet, the breasts and genitalia; furthermore the body is doused with water so as better to conduct the electrical charges. According to complaints received, in some cases the picana is applied while a physician checks on the victim's condition after each series of "shocks" administered;

(g) Burning various parts of the inmates body with cigarettes until they are covered with ulcerous wounds;

(h) The application of pins and other similar pointed instruments under the finger and toenails;

(i) The threat or consummation of rape of both women and men;

(j) Placing prisoners in pens with vicious dogs trained by the captors, until they are almost dismembered;

(k) Keeping prisoners prostrate and hooded for several weeks, with hands and feet tied while they are beaten;

(l) Suspending inmates from the ceiling with their hands handcuffed or tied; they are tied to metal or wooden bars, and their feet are kept a few inches off the floor, which is covered with pieces of broken glass. There are also cases where the victims are suspended from their hands or feet, causing fractures of their hips or other bones;

(m) The victims are kept for many hours in a standing position;

(n) Giving drugs, serum or injections to detainees while they are unconscious as a result of the lengthy torture;

(o) Meticulous searches of the prisoners, abusing all parts of the body, causing the corresponding humiliation;

(p) The use of the so-called bucket, which consists of immersing the feet in very cold and then very hot water for long periods of time.

3. In order better to appreciate some of the torture methods used by the military or police agents, some excerpts taken from testi-

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[22] For example, the Commission has recently proven this in two complaints received during the months of October and November of 1979. Fortunately in both cases the Government reported to the Commission that those persons, after being detained, are under arrest and at the disposition of the Executive (PEN).

mony presented by torture victims before the Commission during its on-site observation or prior to the visit are quoted:

4. **Case 2410—Professor Alfred Bravo,** Secretary General of the Confederation of Education Workers and Co-Chairman of the Permanent Assembly for Human Rights, reported as follows:

"On September 8, 1977, I was taken from the school where I was teaching, on Rivadavia street in Buenos Aires. I was told that I had to go with them (the people who came for him). I balked, demanded identification, but was taken to the Oriuro bridge, where they got out of the car and enacted a mock execution. Then they blindfolded me and began to subject me to physical mistreatment, then again, by car they took me to a place called 'the club', which is where persons people arrested by the Federal Police are taken.

"The prison was narrow; they took away everything I had; the next day was the first interrogation session and they applied the electric prod. During my days as a disappeared, from September 8 to 29, they interrogated me on how the Permanent Assembly for Human Rights got information out of the country, who its members were, and where it obtained its money. During the last session, they wanted to know about the Confederation of Argentine Educators.

During those days, I received various torture treatments, the main one being the 'bucket,' where they place your feet in ice-cold water, and when they begin to burn they take them out of the icy water and put them in hot water. As a result of this, I am still uncoordinated when I walk; the burns leave no marks. Aside from the 'bucket,' there is the 'crucifixion,' where they suspend you by the arms; you are not mistreated constantly, but rather, they beat you and then they leave and let you hang.

"Your wrists are tried with pieces of cloth so that there will be no marks, and the weight of your body makes you sag. I was subjected to the collective picana (prod) or the 'rake', which has two or three prongs which were placed on my gums and genitals. After I reappeared I was taken to Unit 9 in La Plata.

"When I was transferred to the interrogation center, I was placed on the floor of a pickup truck which had other bodies on it, both men and women. I was kept without food or water and in a state of psychological torture when they would tell me 'today it's your turn, you will be shot.'

"The torture procedure is very scientific. They moved us frequently from one place to another, and we always were together, never alone. Mostly the people being tortured lost consciousness very rapidly.

"On June 16, 1978, I was paroled, but on August 29 of the same year they tried to kidnap me again, which fact I denounced to the Ministry of the Interior. One month after this denunciation was made, I was dismissed from my job.

"In prison I had a bed on which I could not lie unless I was told to do so, and if I lay down earlier they would take us to an icy room called 'the pigs' (chanchos). The 'pigs' (chanchos) is a very small, cement room; at 5 am. you are made to get up and you can't sit down, you have to walk or to stand; I stayed there for five days. I lost 52 kilos while I was in detention.

"I was blindfolded and handcuffed the whole time. I did not eat anything for thirteen days, and once in a while, I was given a little glass of water; when I appeared in the Fifth Police Headquarters, I was handed my suitcase with a description of what it contained and they made my son sign a receipt for it.

"When I was let out, they gave me certain rehabilitation treatments, they fixed my ribs, etc. If a man survives 13 days of almost constant torture, it has to be because he has faith or some inner strength that enables him to survive. Many people return with tics, others with depression; some were given the drug 'mandrax' during their imprisonment then they were taken off it, and they became 'squealers' (buchón), which is what they call people who listen to prisoners' conversations and then inform the guards.

"At one time during torture, one of them came up to me and asked me why I defended subversives. I replied that I only defended the law and the constitution. Then this fellow told me that in this fight there was always a margin for error."

The Commission received the following reply from the Argentine Government:

"In this regard, the information on this individual shows that on 12.21.78, that is, prior to the date on which the Commission provided the Argentine government with additional information, Bravo ceased to be under the jurisdiction of the Executive and was consequently released.

"Furthermore, with regard to the additional information provided by the Commission with regard to the case of Mr. Alfredo Bravo, the Argentine Government wishes to reaffirm, once again, that when it keeps a person in detention at the disposal of the Executive it does so in exercise of the powers expressly provided in Article 23 of the Constitution, keeping foremost in mind the need to guarantee the majority of the population the right to live in peace, liberty and dignity, a population which for more than a decade has been affected by the constant and permanent aggression of terrorist and subversive elements; and these detentions are not, as is sometimes alleged, carried out for "ideological reasons," but are based on the need to protect Argentine society from potentially dangerous elements.

"Furthermore, the Argentine Government denies that activities with regard to Mr. Alfredo Bravo constitute any violation of human rights, but rather, that they fall within the present legal procedures."

The Commission is continuing its consideration of the present case.

5. Case 2502—Mr. Jacobo Timerman, former editor of the La Opinion newspaper. He made the following statement to the Commission:

"I was arrested at gun point at three o'clock in the morning. They stole jewelry, etc. I was handcuffed and they put a gun to my head. For one month, I was subjected to daily interrogations of up to 16 hours. Naked, blindfolded, tapiado (head covered), tied to a canvas cot, they wet my body and applied electrical currents. There was a physician who during the torture continually took my pulse, and another put lead in my mouth when I shouted with the pain of the shocks. My head hurt more than my genitals.

"After two hours of torture, they started the formal interrogation. I was in a very narrow, humid cell, and they did not allow me to go to the toilet. They kept me on my knees for several days. Then they took me to the federal Police, and then somewhere else, where I was handcuffed to my bed, all of this between April and August 1977.

"I was held as a disappeared person in a place called Puesto Vasco between Buenos Aires and La Plata and in another place called Caty the Martinez; in this latter place, I was with Rafael Perrota, a newspaperman, editor of Cronica, who never reappeared. I saw him for the first time in July 1977. By mistake, they put him in a cell with me; he was insane. Perrota's family paid a lot in ransom money, but he never appeared.

"I was tortured by a Comisaria (police inspector) and I would be able to identify even the exact place. I think they did not kill me because my captors thought they had 'Zion's Sage' in Argentina."

The Government of Argentina, in a note received by the IACHR on March 27, 1980, with regard to the conditions under which he was detained, states the following:

"With regard to the way in which the claimant was detained, it is essential to point out that the house arrest system instituted by Law 21,650 is, without doubt, a form of lessening the restrictions occasioned by the place in which the detention is carried out.

"This is so, because otherwise the detention must be effected in any of the prison facilities of the Republic; this obviously causes greater privations, to which Timerman was not subjected, because of what was explained above."

The IACHR is continuing its consideration of this case.

[From the Washington Post, Oct. 14, 1980]

Argentine Wins Nobel Peace Prize

(By Karen DeYoung)

Argentine human rights activist Adolfo Perez Esquivel, 49, has been named the winner of the 1980 Nobel Peace Prize for having "shone a light in the darkness" of repression in Latin America through his work coordinating nonviolent rights movements, the prize committee announced yesterday in Oslo.

A well-known sculptor and former professor at the Argentine National School of Fine Arts in Buenos Aires, Perez Esquivel in the early 1970s founded the Latin American Service for Peace and Justice, an organization designed to draw together, publish and facilitate the activities of a wide range of both religious and secular social justice agencies.

For that work, Perez Esquivel was arrested by military authorities in Argentina in April 1977, one year after they took over the government there. He was tortured and held for 15 months without charge until international pressure led to his release.

He was chosen for the $212,000 prize yesterday over other nominees who included President Carter, Pope John Paul II, British Foreign Minister Lord Carrington and Zimbabwean Prime Minister Robert Mugabe.

Perez Esquivel's selection continues a trend of awarding the peace prize to human rights activitists. Recent winners have been Soviet dissident Andrei Sakharov in 1975, Betty Williams and Matread Corrigan of Northern Ireland's Peace People in 1976, London-based Amnesty International in 1977 and last year a Roman Catholic nun, Mother Theresa of Calcultta.

Perez Esquivel is well-known in Latin human rights circles, but his name has rarely been published in Argentina's Spanish-language press. The Argentine government yesterday made no comment on the prize announcement, and observers in Buenos Aires said they believed the military was trying to minimize the attention his selection would draw to human rights abuses there.

Although the evening newspapers in the Argentine capital headlined the announcement, they gave little detail of Perez Esquivel's activities and emphasized his talent as a sculptor.

Earlier in the day, he met with reporters in the humble two-room apartment that houses the Peace and Justice Service offices, in the San Telmo section of Buenos Aires. Looking bemused and shy, he absentmindedly stroked a white cat as he answered questions and said that "this prize is not for me, but for my organization and for the cause of human rights and justice in Latin America."

He said he accepted the award on behalf of the poor people of Latin America, for the peasants and workers of its countries.

Human rights activists in the United States yesterday hailed his selection.

Robert Cox, who as editor of the English-language Buenos Aires Herald in 1977 published news of Perez Esquivel's arrest, helped work to free him and was forced to leave

Argentina this year, described the choice as "in the same tradition as Mother Theresa."

Perez Esquivel, Cox said, is a "simple and meek man, the most humble person in the world," who had dedicated his life, at considerable personal cost, to social justice in Latin America.

According to a biography prepared in 1978, when previous prizewinners Corrigan and Williams nominated him for a Nobel peace award, Perez Esquivel began teaching sculpture in Buenos Aires in 1956. It was not until 1971 that he became involved in local groups that followed the teachings of Indian leader Mohandas Gandhi, who led that country's independence struggle through nonviolent protest.

What began as an attempt to use Gandhi's teachings to form artisan cooperatives soon developed into a comprehensive nonviolence movement and in 1972 Perez Esquivel helped organize a general protest against violence in Argentina.

In 1973, he founded a publication called Peace and Justice, which brought together Latin American writings on nuclear nonproliferation, disarmament and social justice issues. One year later, in a conference for strategic nonviolence held in Medellin, Colombia, attended by a continent-wide assortment of church, peasant, and professional human rights activists, Perez Esquivel was named Latin American coordinator for the Peace and Justice Service.

This period was the beginning of a still-continuing cycle of violence and military regimes in Latin America, beginning with the Chilean coup in 1973, followed by the Argentine military takeover in 1976 and, this summer, a military coup in Bolivia.

At the time, Perez Esquivel outlined the organization's goals as the establishment of regular contact between secular and nonsecular human and civil rights groups, the interchange of information among them, mutual aid, and the channeling of their demands into common causes they could all share.

Although it is not officially connected to the Catholic Church the movement directed by Perez Esquivel includes many Catholic organizations in Latin countries and is supported by Brazil's liberal bishops, the activist church in Chile and a number of other Catholic-allied groups. It also includes peasant federations, union and university groups.

Perez Esquivel began a series of trips through Latin America to coordinate the movement's activities and it was while applying for a passport for one of these trips that he was arrested by Argentine police in April 1977.

The Argentine military had been in power little more than a year and, fighting against a highly organized network of leftist terrorists, it set about "cleaning up" the country through repressive means and arrested tens of thousands of people suspected of being subversives or of having subversive connections.

Thousands of those arrested disappeared without a trace. Perez Esquivel was one of the lucky ones, since he had gone to the police station with a friend who sounded the alarm when he did not come out of the headquarters.

Despite international outcries, however, Perez Esquivel was held until June 1978 in La Plata prison. After he was freed he wrote privately of torture and conditions in the jail, where he said he was sometimes kept in solitary confinement and was once beaten simply for laughing.

ARGENTINE RIGHTS ACTIVIST WINS NOBEL PEACE PRIZE

(By John Vinocur)

OSLO, October 13.—Adolfo Pérez Esquivel, the leader of an organization promoting human rights in Latin America, was named as the recipient of the Nobel Peace Prize for 1980 today.

Mr. Pérez Esquivel, a 48-year-old Argentine, was described in the citation of the Norwegian Nobel Committee as a man who has "shone a light in the darkness."

"The prize winner is an Argentine," the committee's chairman, Prof. John Sanness, said in reading the statement accompanying the award, "but the views he represents carry a vital message to many other countries, not least in Latin America, where social and political problems, as yet unsolved, have resulted in an escalation of the use of violence."

The award came as something of a surprise. Speculation in newspapers here about possible winners had centered on the participants in the Rhodesian peace settlement. Archbishop Helder Camara, of Recife, Brazil, and Urho Kekkonen, the President of Finland, had also been mentioned as possible choices.

The winner was so little known here that the Norwegian News Agency identified him as a Brazilian in its first dispatch on his selection.

Mr. Pérez Esquivel is secretary general of Servicio Paz y Justicia en America Latina, a human rights organization with headquarters in Buenos Aires and branches in several Latin American countries.

As described by the Noble Committee, the group's goals are the promotion of human, social, and economic rights through nonviolent means. Operating in cooperation with clergymen critical of conditions in Latin America, Servicio Paz y Justicia, or Service for Peace and Justice, has given assistance to peasants seeking land and to workers attempting to improve their conditions. The committee said the organization has a network of contacts throughout Latin America.

JAILED FOR MORE THAN A YEAR

Mr. Pérez Esquivel, a former professor of architecture, was jailed by the Argentine Government in April 1977 and released more than a year later without having been charged. He was able to travel to Europe this year and visited Oslo.

The Nobel Foundation's Norweigian director, Jakob Sverdrup, said that the selection of Mr. Pérez Esquival was made without controversy by the five-member committee appointed by the Norweigian Parliament. Mr. Pérez Esquivel, he said, was one of 57 individuals and 14 organizations proposed for the prize, which carries with it a $212,000 award. It was the third time the Argentine had been considered, Mr. Sverdrup said, and this time his nomination came from Mairead Corrigan and Betty Williams, winners of the Peace Prize in 1976 for their work in Northern Ireland.

In his attempts to solve conflicts by nonviolence, Mr. Pérez Esquivel was said by the committee to represent the same views as Andrei D. Sakharov, the Soviet physicist who was awarded the 1975 prize.

The citation said:

"In the early 1970's Argentina experienced a form of civil war in which extreme terrorist organizations created an atmosphere of insecurity and fear by their murders, bomb attacks, abductions and blackmail.

"The military regime that was subsequently set up has itself made use of extreme violence. Thousands of persons have vanished without trace, and in many cases we know that they have been brutally treated and put to death. All this has been carried out under cover of complete silence, without the semblance of legal procedure. This has disrupted the lives of men and women who have nothing in common with terrorism.

"Pérez Esquivel is among those Argentines who have shone a light in the darkness. He champions a solution of Argentina's grievous problems that dispenses with the use of violence, and is the spokesman of a revival of respect of human rights."

The committee added that Mr. Pérez Esquivel "represents in his struggle for human rights the struggle for Argentina's image and reputation in the world."

Servicio Paz y Justicia was set up in Montevideo, Uruguay, in 1966 to coordinate the activities of a number of nonviolent groups in Latin America. Mr. Pérez Esquivel left his teaching post in 1974 to become the organization's secretary general.

In 1976, he started an international campaign to persuade the United Nations to establish a human rights commission and was arrested by the Argentine military authorities the following year. When he was released, he was required to report to the police and to conform to other restrictions, but the committee said these controls had been allowed to lapse.

Mr. Pérez Esquivel is the second Argentine to win the Peace Prize since its creation in 1901. Carlos Saavedra Lamas, an Argentine Foreign Office official, received the prize in 1936 for helping to resolve a dispute between Paraguay and Bolivia. The prize was won last year by Mother Teresa, a nun working with the poor of Calcutta.

EXPELLED ARGENTINE HAILS AWARD

Jacobo Timerman, a publisher who was expelled from Argentina last year, yesterday hailed the award of the Nobel Peace Prize to Adolfo Pérez Esquivel.

"It is of great importance for the human rights fight in Argentina that Pérez Esquivel is the new Nobel Peace Prize winner," Mr. Timerman said by telephone from Columbia, Missouri, where he is giving a lecture on human rights and journalism in Argentina.

"Pérez Esquivel and myself are two of the very few journalists who were in jail in Argentina and submitted to torture and were able to survive and be released because of international pressure," he said.

"This award to Pérez Esquivel means that the world is aware of what it means to fight for human rights in Argentina," Mr. Timerman added.

[From the New York Times, Oct. 14, 1980]

A TIRELESS FRIEND OF THE DISPOSSESSED—ADOLPH PÉREZ ESQUIVEL

(By Edward Schumacher)

BUENOS AIRES, October 13.—Adolfo Pérez Esquivel stood patiently in sandals petting a white kitten and talking to Mexican television on the phone. It was one of dozens of phone calls that have poured in from all over the world since this morning, when he received a telegram from Norway marked "urgent."

"This Norweigian Nabel Committee has the honour to inform you," the telegram said in English, misspelling Nobel, "that the Nobel Prize for 1980 has been awarded to you. Letter to follow."

The office about him was shabby, with paint peeling from the ceiling. A bare light bulb was suspended in midair. A picture of Pope John Paul II was tacked on the wall and in a corner sat a chest marked "Study kit on Mahantma Gandhi."

Adolfo Pérez Esquivel (pronounced PEH-rez es-kih-BELL) is relatively unknown even in Argentina, but the telegram has suddenly changed that. His office was crammed with excited supporters and photographers. Only he seemed to be calm, ending the phone call and returning to the interview.

"I accept this prize in the name of Latin America and its workers," he said in a soft voice, "in the name of its campesinos and its priests who are working diligently for the peace and rights of all."

Mr. Pérez Esquivel, head of the Service for Peace and Justice in Latin America, is a Roman Catholic lay leader and human rights activist who has been instrumental in coordinating ecumenical human rights efforts throughout Latin America.

Working quietly and tirelessly at the committee level, he and others like him have helped to make churches, particularly the Catholic Church, in increasingly unified and potent force for human rights in a region where many people suffer economic and social deprivation and political repression.

One thing that has distinguished Mr. Pérez Esquivel from the others is that he has also been an outspoken leader and paid the consequences. Since a military coup in 1976, Argentina has had one of the most violently repressive regimes in Latin America. An advocate of nonviolence, Mr. Pérez Esquivel has condemned the junta for the estimated 10,000 to 20,000 people who have "disappeared" at the hands of state security forces.

He was arrested in 1977, tortured and jailed for more than a year. He was then placed under house arrest for 14 months more, but emerged from this confinement in September as active on behalf of human rights in Argentina and other Latin American countries as ever.

"I think things have improved here," Mr. Pérez Esquivel said. "But one problem is to find out what happened to the disappeared. Those who have not been processed and are in prison should either be judged or set free. If there is justice in Argentina, let it be practiced. People have to be respected for what they are—people."

Mr. Pérez Esquivel has been working with the so-called mothers of the Plaza de Mayo, who frequently gather before the presidential palace here to carry on a lonely vigil for their missing children.

MOST ARE PRESUMED DEAD

Most of the missing are presumed dead. The Government has resisted an accounting, saying that many are among the unnamed casualties that are part of any war, and it was a war against subversion that the Government says it was fighting. The "disappearances" have largely ended in the last year, though human rights groups say that 25 people are suspected of being victims of the practice this year.

The award of the Peace Prize to Mr. Pérez Esquivel is an embarrassment for the military Government, which was conspicuously silent about it today.

Mr. Pérez Esquivel said the prize would help "amplify" the human rights movement in Argentina and give weight to the pressure on the Government. He would use the prize money, he said, to further those ends.

The laureate, a 48-year-old with long, disheveled, brown hair who was dressed today in a simple blue sweater and trousers, considers himself a follower of Mr. Gandhi. But Mr. Pérez Esquivel is a backrooms man, a committee organizer, not a charismatic public leader. The list of human rights groups he has organized here and worked with in countries such as Chile, Paraguay, Brazil and El Salvador is long.

A SCULPTOR BY PROFESSION

He is married and has three sons, the oldest of whom, 24-year-old Leopoldo, works with him in his quest to better human rights in Latin America.

Mr. Pérez Esquivel, a sculptor by profession, was a professor of architecture at the National Institute of Fine Arts and many of his works are displayed in museums and plazas here. But he is also an evangelical Catholic akin to the theologians in Latin America who stress the social work of the church. He has dropped his sculpturing almost totally for his human rights crusade.

Mr. Pérez Esquivel protested violence in Argentina before the military coup, when extreme rightists and leftists terrorized the population and battled each other. In 1972, at about the time he began organizing human rights groups in earnest, he engaged in a hunger strike to protest the violence.

His own arrest and detention—he was never charged—was widely protested by leading cardinals in Latin America and Europe. He declined today to specify what torture he endured, but in an interview last year he was quoted as having said that he was beaten on the testicles and that water was withheld from him for a week.

"Instead of talking of problems," he said today, "I rather speak of hope. It gives me energy to go ahead and push."

ADMINISTRATIVE LAW JUDGE SYSTEM

● Mr. HATCH. Mr. President, I would like to use this opportunity to call to the attention of the Senate what I believe to be a serious breach of the administrative law judge system. While this is only one specific case, it may well illustrate a problem Government wide.

The Federal Trade Commission has for several years been pursuing an antitrust case against the Nation's three largest cereal manufacturers. The administrative law judge handling the case was Harry H. Hinkes, who decided to retire before the case was brought to a conclusion. Realizing that the matter would have to be retried and reresearched under a new ALJ, FTC Chairman Pertchuck approved a contract totaling $72,000 to retain Mr. Hinkes' involvement in the case.

I suggest that this gravely impunes Mr. Hinkes' independence from the FTC and his objectivity in judging the case. Even though Chairman Pertchuck removed himself from the Commission's consideration of the contract itself, it is known that he phoned Mr. Hinkes to urge his acceptance of the offer.

I sincerely hope that the new Congress will take a long hard look at the performance of the ALJ system, reviewing the testimony taken at the oversight hearings last September by the Consumer Subcommittee, and recommend substantive changes where they are appropriate. It is not too much to expect from this quasi-judicial system that it is fair and free from biased influence. If this country continues to rely on regulation instead of law to achieve our various objectives, then our citizens must be assured of complete and objective consideration of their cases.

Thank you, Mr. President.●

PRIDE OF THE MARINES

● Mr. METZENBAUM. Mr. President, on November 23, an article appeared in the Chicago Express-News by Maury Maverick that called to mind the extraordinary patriotism of a truly extraordinary man—the late Senator Paul Douglas of Illinois.

We remember Paul Douglas today for his contribution to this Nation's social legislation for his brilliant academic career at the University of Chicago, and for his three outstanding terms in the U.S. Senate.

But, in this article, Mr. Maverick, who is himself the son of a great Texas Congressperson, portrays another Paul Douglas. That was the renowned economist, who, at the outset of World War II, used his substantial political influence to secure a special favor for himself.

Mr. Maverick wrote:

> It was 1942 and a company of enlisted Marines was about to graduate from Paris Island, S.C., the East Coast boot camp for leathernecks.
>
> A drill instructor spoke his piece by congratulating the boots for their accomplishments. Up and down the line he looked at young men in their teens. Then his eyes came to a man with snow white hair. It was PFC Paul Douglas, 50 years of age.
>
> Prof. Douglas could have remained a civilian or become a colonel at the snap of his fingers. But Paul had a thing in his gut about the plain people of his country; he identified with them. Pulling strings is what got him to the Marine enlisted men's boot camp, where he neither gave nor received any quarter.

Paul Douglas went on to fight in some of the most savage battles of the Pacific war, in places with names like Okinawa and Pelelieu. He won a Bronze Star for "heroic achievement." And he carried for the rest of his life the scars of the wounds he sustained on Okinawa.

Senator Paul Douglas was one of the finest men to ever have graced this Chamber. He left for us an example of compassion, integrity, and unsurpassed courage—moral, physical, and intellectual. He has not been and will not be forgotten.

So, Mr. President, I warmly endorse Maury Maverick's call at the conclusion of his column for "a round of cheers for the Marines on their 205th anniversary." And I add to that a special cheer for the memory of Paul Douglas—economist, Senator, statesman, and proud fighting man of the Corps.

I ask that the text of Mr. Maverick's article be printed in its entirety in the Record.

The article follows:

Paul H. Douglas: Marine, Senator

(By Maury Maverick)

If the Army and the Navy
Ever gaze on Heaven's scenes,
They will find the streets are guarded
By United States Marines.
—From "The Marines' Hymn"

It was 1942 and a company of enlisted Marines was about to graduate from Parris Island, S.C., the East Coast boot camp for leathernecks.

A drill instructor spoke his piece by congratulating the boots for their accomplishments. Up and down the line he looked at young men in their teens. Then his eyes came to a man with snow white hair. It was PFC Paul Douglas, 50 years of age!

Paul Douglas? You mean the man who became the United States senator from Illinois after World War II? Yes, brothers and sisters, it was old Paul who, before going back to civilian life, would be wounded at Pelelieu and Okinawa and be awarded the Bronze Star.

Born in Salem, Mass., on March 26, 1892, he graduated from Bowdoin College and then took a graduate degree from Columbia. First an instructor at Harvard, then at Reed College in Oregon, his most famous stint as a teacher was at the University of Chicago, where he became a renowned professor of economics, the moderator of the Chicago Round Table of the Air—a nationally respected radio discussion group—and a consultant to the White House along with other friends of Franklin Roosevelt like Samuel "Sammy the Rose" Roseman—born in San

Antonio, by the way—and Thomas "Tommy the Cork" Corcoran.

When the call to arms came after Pearl Harbor, Prof. Douglas could have remained a civilian or become a colonel at the snap of his fingers. But Paul had a thing in his gut about the plain people of this country; he identified with them. He decided to go to war as an enlisted man. Pulling strings is what got him to the Marine enlisted men's boot camp, where he neither gave nor received any quarter.

It was a grand day for the famous University of Chicago professor as he stood with his fellow Marines about to graduate. Hardened sergeants, old China Marines no less, were standing off to the side. They had come to watch Paul graduate.

Suddenly a Jeep appeared driven by a Marine Corps general.

"PFC Paul Douglas front and center! Get in this Jeep. The White House is calling."

Off they drove and the enlisted man was taken to a telephone.

"Hello, Capt. Douglas, how are you? This is Franklin Roosevelt."

"Mr. President, I'm not a captain, I'm a private first class."

"Paul, as of this moment it is Capt. Douglas."

That day with PFC stripes on his sleeves and a captain's bars on his collar, Paul Douglas spent farewell hours with his buddies, some of them young enough to be his grandchildren.

Is this a true story? It's about 99 percent the truth, and was one of the tales swapped back and forth last week when former Marines got together for a San Antonio birthday party of the U.S. Marine Corps, which claims its inception as Nov. 10, 1775—the first recruiting was done at Tuns Tavern in Philadelphia. The proprietor of the tavern, an Irishman named Robert Mullan, was made captain of a company of Marines.

The person in our town who knew Douglas the best during World War II is Fritz Knust, a lawyer and a retired Marine colonel. They were close friends at Noumea, New Caledonia.

Around spring of 1943, Knust went to Paul Douglas, then an adjutant for the purpose of sending officers to combat or for rotation to the states. "Paul," Fritz said, "There's an officer from San Antonio who wants orders to combat: his name is John Goode."

Paul took the name down and in a matter of days John was off to the First Marine Division, a Silver Star and two Purple Hearts. An old friend of mine despite our philosophical differences, John asked Charles Orsinger, a conservative, and me to be the godfathers of one of his sons. The thought was that any way the world revolution went, right or left, his kid would have a friend.

It was at the front lines on Okinawa where Lt. Goode last saw Paul Douglas. Here is Goode's memory of that moment:

"Flame throwers were needed and Marines to operate them. Because of casualties, word went out for volunteers, Douglas had been way back at division headquarters. No one knows how he did it to this day, but he got his hands of some flame throwers and made himself up a squad of clerk typists. It was an astonishing thing for me to see that old white-haired man struggling with flame throwers and other heavy equipment.

"Something else unusual happend. Douglas said to me. 'Franklin Roosevelt has just died.' There were tears streaming down his face; we knew he was deeply hurt because he had been a significant figure in the New Deal. Paul said he was going into the caves and do mop up work on the Japanese. That's what he was doing when he was wounded."

While fighting in the caves, Paul's flame thrower exploded. He was burned over a good deal of his body, especially one of his hands, which looked like a claw until the day he died years later. It was in that cave that he won the Bronze Star for "heroic achievement in action."

After a stay in various hospitals, Douglas was discharged from the Marines and went back to Chicago with a desire to enter politics. The Democratic Party was keeping an eye on two men. One was Adlai Stevenson, who wanted to be the Illinois senator, and the other was Paul Douglas, who wanted to be governor.

Before World War II, Paul had fought the Cook County political machine. The boys in the backroom decided it would be a lot safer to have Paul Douglas in Washington than in the governor's office. Paul knew where the skeltons were and no telling what kind of a reform program he might have started had he been the governor.

In the U.S. Senate, to which he won election in 1948, Douglas was a lonely figure. President Harry Truman disliked him; LBJ did not consider him a favorite. In 1967 Paul was defeated for re-election by Charles Percy, and lived out his life with Emily Taft Douglas, his wife, a fine woman, and once a member of Congress herself.

What kind of a man was Douglas to Fritz Knust, the San Antonio lawyer, Republican and conservative? Well, here's what Fritz told me the other day:

"Paul to me was a brilliant man of compassion and a superb Marine officer who told me the only time he ever asked FDR for a favor was when he got the White House to clear it for him to go to the enlisted men's boot camp.

"He knew and loved classical music and at night would come to my tent and we would play phonograph records together and talk about books. He was a liberal, but he rejected dishonesty whether it was in a liberal or a conservative. I know why he had trouble in the Senate; Paul had a strict moral sense of right and wrong. You write something nice about the man."

So here's a round of cheers for the Marines on their 205th anniversary with an extra cheer for Paul Douglas. He was my friend. Today's column is in his memory.●

RADIATION FROM COAL VERSUS NUCLEAR POWER

● Mr. GRAVEL. Mr. President, nuclear promoters are fond of spreading myths about how much radiation the public is exposed to, and will be exposed to, from nuclear power. It is hard to believe there is even one American who hasn't heard the song "Nuclear power will give you less radiation than * * *" followed by things like "living in Denver," "getting a chest X-ray," "living in a brick house," "sleeping next to your wife," and so forth.

LOSING TOUCH WITH REALITY

These claims are fraudulent on their face, because no one has any idea what the real dose of radiation to the public from nuclear power is going to be. It all depends on how perfectly the astronomical quantities of radioactive poisons generated will be contained—including some which remain dangerous hundreds of thousands of years.

Nuclear promoters seem to have lost touch with reality when they predict that a nuclear power economy will only deliver a trivial dose of radiation to the public. In their never-never world, the leaks, puffs, burps, spills and "unexpected migrations" of radioactivity we in the real world hear about almost daily never happen. Things like the Three Mile Island accident don't happen.

PERFECTION REQUIRED—99.999 PERCENT

Remembering that just one of the large nuclear plants now being built can produce the radioactive equivalent of 1,000 Hiroshima-type atom bombs each year, it becomes apparent that in order to keep their promises of a trivial radiation dose, nuclear promoters will have to achieve better than 99.999-percent perfection in their containment of their radioactive poisons. It is a little hard to believe, using one's common sense, that any humans will ever achieve that level of perfection. It is especially difficult given the fact that about 4 tons of "Special Nuclear Materials" are already estimated to be MUFFED (material unaccounted for—missing, in nuclear parlance), and that recently 2 grams of plutonium fell out of a filing cabinet at a nuclear facility in Colorado.

IF EVERYTHING GOES PERFECTLY

In short, the whole basis for the promises of the nuclear promoters can be summed up with the foolish idea that "if everything goes perfectly, then everything will go perfectly." Actually, there is substantial evidence the nuclear industry does not believe everything will go perfectly, because for the past decade they have steadfastly fought efforts to reduce the amount of radiation the Government allows the public to be exposed to. If they only plan to give us a trivial dose (like 1 or 2 millirems per year, average) why did they fight the 170 millirem, and then the 25 millirem, limits?

THE RADIATION FROM COAL MYTH

Mr. President, in addition to the fraudulent claims I mentioned earlier, one which the nuclear promoters have been pushing lately is the myth that there is a greater radiation hazard associated with generating electricity from coal than from nuclear power. I am pleased to provide some information from a leading scientist, Dr. John W. Gofman, which thoroughly puts this myth to rest, along with some other claims of the nuclear propagandists. I request that part of the letters-to-the-editor section of the June 1980 edition of Libertarian Review (published at 1620 Montgomery St., San Francisco, Calif. 94111) be printed at this point in the RECORD, along with a brief biography of Dr. Gofman and an additional note of my own.

The material follows:

COAL VERSUS NUKES AS A RADIATION HAZARD

(Adapted from "Radiation and Human Health," by John W. Gofman, Sierra Club Books, 1981 in press)

And more on nukes . . .

Your continued attack on nuclear power has the hysterical tone that permeates the popular press, and is based on very shaky scientific reasoning. Mr. Riggenbach's reading of the article he cited in the *New England Journal of Medicine* was evidently quite superficial. He states that: "Leukemia has occurred at more than two times the normal rate among persons who were under 15 and living in Utah in the path of fallout from the tests' (p. 22 of May, 1979, issue). According to the actual article (*N. Eng J Med* 300:399), the mortality rate for leukemia in the high-fallout counties was increased by 2.44 times over its pre-test rate, which was abnormally low, but was only 33 percent greater than the leukemia mortality for the United States as a whole. For the low-fallout counties, the mortality was also increased, but by 9.6 percent, which was not statistically significant. In contrast, other childhood cancers actually declined, by 5.2 percent in the high-fallout areas, and 4.2 percent in the low-fallout areas. Total cancer mortality (leukemia plus other childhood cancers), was 8.46 per 100,000 children in the susceptible age group *before* the nuclear tests, and 7.46 per 100,000 in children born at the time of the nuclear tests. That is actually a *decrease*. Now, I do not mean to imply that fallout is good for children. Clearly exposure to radiation increases cancer risk. The question is, by how much, and how does this compare with risk from other means of generating energy. Furthermore, the fallout from atmospheric tests of bombs causes much more radiation exposure than power plants. The amount measured at Three Mile Island was about one-tenth the amount occurring in Pennsylvania at the time a bomb was exploded by Red China. Now, Dr. Gofman is quite concerned that there is no risk. Therefore, he should be agitating about coal-fired plants, for the airborne effluents from them cause a higher radiation dose than those from nuclear plants. (*Science* 202:1048, Dec. 1978). By the way, radioactive effluents are very easy to measure. Chemical ones are more difficult, and have more unpredictable and unknown effects.

The AMA Council on Scientific Affairs has published estimates of the various risks from mining injuries, pneumonconiosis, radiation exposure, air pollution, etc. (Journal of the American Medical Association 240: 2193, Nov. 10, 1978). Total deaths expected per 1000 megawatt electric units generated by various means are as follows: Coal 2.16–314; Oil 1.1–101; Natural gas 0.06–0.28; Nuclear 0.045–1.1.

What about solar? A "huge solar plant," the world's largest solar-powered electric generating plant, opened in Coolidge, Arizona, a few days ago. It cost $4.5 million. It covers one acre, and will provide sufficient electricity to irrigate 200 acres. That's about 150 kilowatts. It takes about 1000 megawatts to supply a million people. At $30,000 per kilowatt times 1000 kilowatts per megawatt times 1000, that's $30,000,000,000 ($30 billion) for a power plant for one big city. I'm sure the cost will come down some, but I don't think such a plant is going to make it in a free market, no matter how many cartoons you and others publish.

JANE M. ORIENT, M.D.,
Tucson, Arizona.

Gofman replies:

If my response to Mr. Buck and Dr. Orient shows impatience, it is because their letters can not be distinguished from the misinformation supplied to the public by the Atomic Industrial Forum and other nuclear promoters, often via letters-to-the-editor. It is to the credit of The Libertarian Review that its editors try to help readers find the scientific truth, instead of letting the magazine naively serve as an uncritical agent for the nuclear promoters.

I shall deal with the major claims of Dr. Orient's letter, but it would take too much space to deal with them all. As the great libertarian teacher, F. A. Harper, wrote in "To Shoot a Myth":

> The real reason why myths are impossible to shoot is that the forms they can take are infinite in number, and also that they evade one's aim at infinite speed. As to the number of forms myths can take, consider the possible answers to 2 plus 2. The only non-mythical answer is 4. But there are infinite mythical answers. . . . So if one's aim were perfect and he could shoot a myth with every shot, he could spend his entire lifetime shooting myths released by only one myth factory, without ever demolishing all this factory could produce. For automation is well established in myth factories; their production can operate at a fantastic speed. . . . And in addition, myths are hard to shoot because they flit here and there at the speed of force without resistance since they are not burdened by the weight and rigid confines of fact. And if you should be so lucky as to hit one squarely, it is likely only to spatter into any number of submyths, as if you hit a gob of mercury with a hammer. . . . (Writings of F. A. Harper, Volume 2).

Dr. Orient assures us that she does not mean to imply that fallout is good for children. At least that should be reassuring about Dr. Orient. But it is simply flabbergasting that she chooses a preliminary evaluation of leukemia in Utah to answer her own question: By how much does radiation increase the cancer risk? I did not realize there were still any physicians who are unfamiliar with the mountain of epidemiological evidence from Hiroshima and Nagasaki, from the irradiated patients with ankylosing spondylitis, and from the numerous quantitative studies of breast cancer induced by radiation. Cancer and leukemia risks per rad are to be found for Hiroshima and Nagasaki in Beebe, G.W., Kato, H., and Land, C.E., "Studies of the Mortality of A-Bomb Survivors: Part 6: Mortality and Radiation Dose, 1950–1974" Cancer Research 75, 138–201, 1978. Cancer and leukemia risks per rad, for the ankylosing spondylitics, are to be found in "Sources and Effects of Ionizing Radiation," Annex G, page 361, United Nations Scientific Committee on the Effects of Atomic Radiation, 1977 Report to the General Assembly, United Nations, New York, 1977. (Numerous additional data providing relationships between radiation dose and cancer induction will also be found there.)

From these data, Dr. Orient could well ascertain to what extent radiation increases the risk (the occurrence) of both leukemia and cancer. Any physician slightly familiar with this subject, would mention the solid data rather than isolating a preliminary study in Utah—where one does not even have a dose-estimate—to claim that opposition to nuclear power is "based on very shaky scientific reasoning"!

As for the estimates by the A.M.A. Council of Scientific Affairs on the mortality-risk from generating electricity by various fuels, those estimates are simply and totally worthless. Anyone at all can generate a Santa Claus wish-list stating a trivial dose which he (she) wishes will be the actual dose given to people by nuclear power. Neither Dr. Orient nor the people she cites have the foggiest notion of what the dose really is now and will be from the nuclear power cycle (for reasons, see LR, October 79). By the way, measurements of the average gamma-ray dose at the perimeter of the utility's property tell you exactly nothing about the real exposure-problem via air, water, and soil contamination. The dose at the fence-line can be trivial while the dose delivered at great distances can be a public health disaster.

To know what the mortality-risk from nukes is and will be requires knowing what the dose is and will be. This requires, among other things, that Dr. Orient and others know whether containment of the poisons is and will be 99 percent . . . or 99.9999 perfect for all the radioactive garbage in the nuclear cycle. Anyone who assures us he (she) knows this is either lying or incompetent or both. When I predict that containment will not be 99.99 percent perfect, and that nuclear power will therefore lead to a public health disaster, I label my prediction as a prediction and not as a fact. But it is a fact that nuclear power is a giant experiment upon the human species, including upon many individuals who do not consent to be guinea pigs.

The fact that no one knows the present or future dose from nukes makes the dose impossible to compare with fallout doses.

In arguing that LR and Dr. Gofman should agitate about coal-fired plants . . . Dr. Orient [is] barking up the wrong tree. Even before I took a position against nuclear power, I was opposing the sloppy, filthy, careless, callous, murderous misuses of coal. When Senator Edmund Muskie asked me during a Congressional Hearing in 1969 how I felt about killing people by coal emissions, I replied, "Senator, I do not condone homicide with knives any more than with guns."

Ironically, it is my consistency in defending human rights against all sources of pollution which is causing alarm and apoplexy among some passionately protechnology libertarians, who seem to think (temporarily, I'm sure) that random murder in order to achieve affluence (affluence via technology) and/or progress (see below) is the same as killing for self-defense!

I, too, love technology with a passion. My opposition to premeditated random murder by any type of technology does not mean that I belong to the "simple-life-is-better" camp of environmentalists. I love the power of technology (including chemical inventions) to liberate humans from repetitive toil (via machinery and tools), from poor health (via sanitation technology, for example), from ignorance of the natural laws (via all sorts of sophisticated research tools), from limited access to the capital of accumulated human ideas, knowledge, music and art (via affordable books, televisions, phonograph discs and tapes, etc.).

But modern technologies developed in a non-libertarian world, and so their producers and users were permitted to violate the rights of third parties with impunity, e.g. they were allowed to pollute third parties, which is trespass. As libertarians, who believe that no individual (or group of individuals) may do anything at all with anyone else's life, liberty, or property without that person's consent, it is perfectly natural for us to insist that producers and users of technologies adjust themselves to respecting our individual human rights!

It can't happen overnight. But it can happen . . . apparently without the help of some leading "libertarians" who subordinate their passion for libertarian principles to their passion for technology!

Dr. Orient claims that "the airborne effluents from [coal-fired plants] cause a higher radiation dose than those from nuclear plants." Exceedingly poor to absent science is the basis for that claim, whether or not it was published in Science magazine. The Libertarian Review can do better! I shall now show that nuclear power generation puts 35 to 81 times more of the naturally radio-active nuclide onto the surface of the Earth than does coal power. Note that this ratio is exclusive of the astronomical quantity of manmade (unnatural) radio-nuclides created by nuclear power plants.

No one disputes that coal contains, in quite variable amounts from source-region to source-region, some radioactive uranium, thorium, and their decay-products. If one wishes to know how much natural radioactivity is brought to the environment by the nuclear power cycle vs. the coal power cycle, it is self-evident that one would compare all parts of the nuclear cycle which put natural radioactivity into the environment with all parts of the coal cycle which do that. It is also self-evident that it would be fraudulent to demonstrate one part of the coal cycle releasing natural radionuclides, and fail to demonstrate that part of the nuclear cycle which releases by far most of its natural radionuclides! Sadly, precisely this fraud is commonplace in the promotion of "clean" nuclear power.

The honest comparison asks, which of the two fuel cycles (coal power or nuclear power) puts more uranium and decay products into a position to enter the biosphere? The issue is NOT whether the natural radioactivity is spewed out of the stack of a coal plant as fly ash and gas, vs. getting dumped into a huge mound of tailings which leak into rivers and from which radon gas and other materials are carried off on the winds. The issue is, how much natural radioactivities do the two cycles put above ground which would otherwise remain deeply buried in the earth?

The ^{238}Uranium decay series will have the same number of curies of every member of the decay chain. Thus, if there is one curie of ^{238}U, there will be one curie of ^{234}U, one curie of ^{230}Th, one curie of ^{226}Ra, and one curie of all further decay products, including ^{222}Radon. It is largely the ^{226}Radium and ^{222}Radon which are the subjects of health concern with respect to natural radioactivities associated with any particular fuel cycle.

So we can look at the nuclear fuel cycle and the coal power cycle with respect to any single member of the uranium decay chain and feel confident that this describes the environmental load of other members of the deacy chain.

Let us use ^{238}Uranium as the monitor for the decay-chain which starts with that nuclide, and calculate the quantity of ^{238}U (and necessarily the whole decay-chain) which will be brought to the surface of the Earth for the generation of one megawatt-year of electricity via the uranium light-water-reactor cycle versus the coal-fired electric power cycle.

(a) Uranium in the Nuclear Cycles per Megawatt-Year of Electricity

I have presented the datum that the current light-water-reactor cycle, when performing theoretically, delivers 3.033×10^7 kilowatt-hours (electrical) per short ton of U_3O_8 (which is the "yellowcake" delivered from milling operations). (Ref: Gofman, "Gross Energy Available through Light Water Reactors," May 1977). This is the same as 3.033×10^4 megawatt-hours (electrical) per short ton, and dividing by 8760 hours per year, we have

$$\frac{3.033 \times 10^4}{8760} = 3.45$$ megatwatt-years electrical) per 2000 pounds of U_3O_8. Since there are 454 grams per pound, this means 3.46 megawatt-years(e) from $(2000) \times (454) = 9.08 \times 10^5$ grams U_3O_8. Therefore the power output is 1 megawatt-year (electrical) from every 2.62×10^5 grams of U_3O_8. But we are interested in uranium, not its oxide, so we use the fact that uranium constitutes 84.8 percent of U_3O_8. Therefore, one megawatt-year(e) requires $(0.848) \times (2.62) \times 10^5$ grams), or 2.22×10^5 grams of uranium itself. These calculations are quite consistent with Nero's estimates for the light water reactor cycle. (Ref: Anthony Nero, Guidebook to Nuclear Reactors, 1979).

The summary here is that we must bring to the Earth's surface 222,000 grams of uranium, and of course all the decay products of uranium (including ^{226}Radium and ^{222}Radon), for every megawatt-year of electricity produced by the nuclear fuel cycle.

(b) Uranium in the Coal Power Fuel Cycle per Megawatt-Year of Electricity

The United Nations Scientific Committee on Effects of Atomic Radiation provides the datum that 3×10^3 tonnes of coal are used per megawatt-year of electrical power. There will be differences for different coals, but this is a reasonable number to work with. From UNSCEAR tabulations, for U.S. coals, there are two values for the members of the decay chain, 0.7 and 0.3 picocuries of uranium per gram of coal. We shall do the calculations for both these values.

First we calculate the number of grams of coal per megawatt-year(e), which is $(3 \times 10^3$ tonnes$) \times (10^6$ grams per tonne$) = 3 \times 10^9$ grams of coal. For 0.7 picocuries of ^{238}Uranium per gram of coal, the total uranium brought up with the coal would be $(0.7) \times (3 \times 10^9) = 1.1 \times 10^9$ picocuries for the coal required to produce one megawatt-year (electrical). From separate calculations, it can be shown that each gram of uranium represents 3.3×10^5 picocuries of ^{238}U alpha particle activity. Therefore, 2.1×10^9 picocuries represents

$$\frac{(2.1 \times 10^9)}{(3.3 \times 10^5)} = 6364$$ grams of uranium. If we use the UNSCEAR value of 0.3 PCi per gram of coal, the uranium brought up would be 3/7 as much, or $(3/7) \times 6364 = 2727$ grams of uranium in the coal required for one megawatt-year of electrical power.

(c) Comparison of the Nuclear and the Coal Fuel Cycles.

If we use the value of 0.7 PCi ^{238}U per gram of coal, the nuclear cycle brings to the Earth's surface a much larger quantity of ^{238}U and its decay products than does the coal cycle, the ratio of the amounts being

$$\frac{222{,}000}{6364} = 34.9$$ times as much from nuclear as from coal cycle.

If we use the lower value for uranium content of coal, of 0.3 picocuries per gram of coal, the ratio is even much more unfavorable for the nuclear fuel cycle, being

$$\frac{222{,}000}{2727} = 81.4$$ times as much natural radioactivity brought to the surface of the Earth as for the coal cycle.

(d) Summary

Thus the commonly made assertion that there is more natural radioactivity associated with the coal cycle than with the nuclear cycle is wrong by a factor of 35 to 81 times!

This does not necessarily mean the dose from the natural nuclides associated with nukes will be 35–81 times higher than the dose associated with coal. The dose-ratio from the natural nuclides may be higher than that, lower than that, or about equal, depending on several unknowns. Unknowns include the actual migration and reconcentration of these nuclides in the biosphere, and the likelihood of human irresponsibility, like using some of the uranium tailings for major building projects in Colorado, like damming uranium mill ponds with dams which break, to name real examples.

The whole comparison of the natural radioactivity from the coal and nuclear cycles is one device among many which nuclear promotors use successfully to divert people's attention from the totality of the problem, which is very much larger.

Furthermore, the comparison does not address the tacit, unlibertarian assumption that an individual can be legitimately forced to accept either coal pollution or nuclear pollution against his will, by us technology-lovers, as long as we claim it is for the sake of "the economy," "human progress," or (if we dismiss collective benefits) for individual affluence and progress!

As for Dr. Orient's assertion that one cannot build an economic solar plant with cartoons, I think she is absolutely right. I have never heard of any power plant being built with cartoons. But if Dr. Orient really wants to know something about the prospects of solar energy, I am surprised she has not read the abundance of serious reports, including some from the Department of Energy, on the excellent progress toward photovoltaic ("solar cells") generation of electricity at costs per kilowatt grossly lower than the costs for the monstrous large-scale plant prototype in the desert.

Dr. Orient might ask herself, who wanted this desert-type of solar plant? Is she aware that one of the reasons this approach was taken was probably to show how expensive solar could be, if one tried hard enough to make it so?

Just remove all the non-free-market subsidies and monopoly-powers and liability-limits which protect nuclear power products. Just let solar energy compete with nuclear energy in a truly free market (for instance, repeal the building codes that are obstacles to solar power), where we honor the human rights against price regulation and guaranteed profits, against eminent domain, against government-granted monopoly, against government-legalized trespass and enforced guinea-piggery! Just try the free market, Dr. Orient, and we will find out if solar plants will be built at competitive costs or not.

However, even in a free market, solar plants will not be built with cartoons. For that illumination, we shall be forever grateful to Dr. Orient.

About the author:

John W. Gofman is Professor Emeritus of Medical Physics at the University of California, Berkeley; Chairman of the Committee for Nuclear Responsibility; former Associate Director of the Lawrence Livermore Laboratory (1964–1969); author of the forthcoming book, *Radiation and Human Health* (Sierra Club Books, Inc., 1981).

In earlier years, he worked on the Manhattan Project; developed ways to separate Plutonium from fission products and unfissioned Uranium; co-discovered Uranium-233 and proved its fissionability; did extensive research in the 1950's on atherosclerosis and lipoproteins, and later on cancer and chromosomes, the biological effects of ionizing radiation, and the toxicity of Plutonium.

Mr. GRAVEL. As Dr. Gofman states, his calculations only reflect the natural radioactivity brought to the Earth's surface. Although he opposes nuclear power, Dr. Gofman has been characteristically kind to the nuclear industry by only declaring them wrong by a factor of 35 to 81 times. The case becomes even more overwhelming if one also considers the huge amount of additional radioactivity created by the nuclear fuel cycle.

THE COAL BURDEN

When coal is mined and burned, no additional radioactivity is created. The only radioactivity which can escape to the environment is that contained in the coal.

As Dr. Gofman shows, the uranium brought up with the coal to produce one annual megawatt of electricity is 2.1×10^9 picocuries, using the most radioactive coal figure of 0.7 picocuries of uranium per gram of coal. However, in order to figure the total radioactive burden of the coal, one must multiply by 14 to account for the 14 members of ^{238}Uranium decay chain. Thus (2.1×10^9) picocuries times $14 = (29.4 \times 10^9)$ picocuries. Since there are 1 trillion picocuries in a curie, the coal burden expressed in curies per annual megawatt of electricity is 0.0294 curies $[(29.4 \times 10^9) \div 1$ trillion $= 0.0294]$.

THE NUCLEAR BURDEN

Unlike coal, when nuclear fuel is used, additional quantities of radioactive poisons are created. According to the United Nations Scientific Committee on Effects of Atomic Radiation (UNSCEAR),[1] after allowing 150 days for some of the radioactivity to decay, a typical nuclear plant has produced 151,511.9743 curies of radioactivity per annual megawatt of electricity produced.

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[1] United Nations Scientific Committee on the Effects of Atomic Radiation (1977) *Sources and Effects of Ionizing Radiation*, 1977 Report to the General Assembly, with Annexes, United Nations, New York, 1977. (Page 202, Table 25.)

THE COMPARISON

By simply dividing the "nuclear curies" by the "coal curies" we find that, when considering both the natural and man-made radiation, the nuclear cycle has the potential of delivering over 5 million times as much radiation as the dirtiest coal cycle (151,511.9743÷0.0294=5,153,468.5). Put another way, to even come close to matching the dirtiest coal, the nuclear industry would have to contain its poisons with better than 99.9999 percent perfection.●

SOUTH DAKOTA LEGISLATIVE QUESTIONNAIRE RESULTS

● Mr. **PRESSLER.** Mr. President, the 4,050 responses to my annual legislative questionnaire produced some surprises and some strong statements by concerned South Dakotans. I think that my colleagues will find the tabulation of the poll to be of great interest.

One clear message was received from the 71 percent who said a balanced budget is very important in fighting inflation. However, the respondents also sought higher military spending and some increases in spending for the elderly and water projects.

I would like to emphasize that the survey could not be called truly scientific, since it was sent to South Dakotans on my mailing list, distributed from my offices, and handed out at the South Dakota State Fair. It would not meet the requirements of random sampling, because the people who received the questionnaire and took the time to fill it out may have ideas differing from the general population.

Nevertheless, the responses are a valuable insight into South Dakota opinion. The extensive comments that many persons wrote in spaces provided on the questionnaire are frequently more meaningful than the statistical totals.

Even though some worthy programs might have to be cut, said 71 percent of the respondents, a balanced budget is very important. Twenty-three percent considered it somewhat important. A substantial number rejected wage and price guidelines, and most rejected government intervention into private loan policy. Opinion split evenly on a constitutional amendment to limit government spending.

In the area of energy, more respondents blamed the President and Congress for the high price of gasoline and fuel than blamed the oil producing countries. The most popular solution to the oil situation was deregulation and fewer government controls. Fifty-three percent are in favor of uranium mining in eastern South Dakota, and 54 percent approve of mining in the Black Hills.

The difficult situation of many of the elderly was reflected in the answers to the senior citizen portion of the questionnaire. An overwhelming majority, 77 percent, listed inflation as the leading problem facing senior citizens. Only 10 percent said that health care was the most severe problem, although there was very strong support for Medicare coverage of the cost of medical drugs for the elderly. Three-quarters of the respondents rejected the idea of a Cabinet-level Department of Older Americans.

In defense matters, 7 out of 10 replied that the amount spent on military and defense items was too little.

The difficulties of farming this year were reflected in the 39 percent of farmers and ranchers who reported cutting back on fertilizer, and the 24 percent who sold land or equipment to gain operating cash. No clear consensus existed on exempting farmers from energy conservation taxes: One-quarter thought there should be a complete exemption, 37 percent thought there should be no exemption, and the rest were in between.

Mr. President, I want to thank the many people who took the time and effort to respond to my legislative questionnaire. It was obvious that people had been very careful and thoughtful in their answers.

For the benefit of my colleagues who may wish to further examine the results of my questionnaire, I ask that a copy of the tabulation be printed at this point in the RECORD.

The tabulation follows:

LEGISLATIVE QUESTIONNAIRE—1980, SENATOR LARRY PRESSLER

[In percent]

	West	East	Total
ENERGY			
(1) Is the Government doing enough with loans, subsidies and plans to encourage the development of gasohol?			
(a) Yes, the Government is spending the right amount	23	27	25
(b) The Government is spending too little	55	58	57
(c) The Government is spending too much	22	15	18
(2) Who is responsible for the high cost of gasoline and fuel?			
(a) The oil-producing countries	22	23	22
(b) The oil companies	27	32	30
(c) The gas station owners	0	0	0
(d) Congress	17	14	16
(e) The President	13	8	11
(f) The consumers	3	3	3
(g) All of the above	16	17	17
(h) Not sure	2	3	2
(3) What do you think would be the single most important step to take to improve the oil situation?			
(a) Higher prices for oil companies to encourage domestic production	2	3	2
(b) Government should mandate production decisions	3	7	5
(c) Government should take over oil companies	3	4	4
(d) Consumers should conserve	14	15	15
(e) Government should ration	5	5	5
(f) Higher taxes to promote conservation	2	2	2
(g) Government should put pressure on oil producers abroad	12	13	12
(h) Deregulation and fewer government controls	48	37	42
(i) Other	11	14	13
(4) Some say that uranium mining hurt the environment and take away farmland. Others say we need the uranium for energy production. How do you feel about potential uranium mining in eastern South Dakota?			
(a) Very opposed	19	24	22
(b) Somewhat opposed	10	13	12
(c) No opinion	13	14	13
(d) Somewhat in favor	27	28	27
(e) Very much in favor	31	21	26
(5) How do you feel about uranium mining in the Black Hills?			
(a) Very opposed	22	24	23
(b) Somewhat opposed	13	13	13
(c) No opinion	6	14	10
(d) Somewhat in favor	27	27	27
(e) Very much in favor	32	22	27
ECONOMY AND SMALL BUSINESS			
(1) Inflation has reached unprecedented heights this year. Some have suggested that one way to fight inflation would be to balance the Federal budget, even though some worthy programs would be cut. How important do you think a balanced budget would be in fighting inflation?			
(a) Not at all important	7	6	6
(b) Somewhat important	22	23	23
(c) Very important	71	71	71
(2) Some have suggested wage-price guidelines as a way to combat inflation. Which of the following do you favor?			
(a) No wage and price guidelines	47	40	44
(b) Voluntary wage and price guidelines	28	31	29
(c) Mandatory wage and price guidelines	25	29	27
(3) Some have said the only way to limit Government spending is to pass an amendment to the U.S. Constitution. Do you agree with this view?			
(a) Yes	49	47	48
(b) No	51	53	52
(4) Do you think that the needs of small business and agriculture justify Government intervention into private credit allocation in order to have banks redistribute the way they now grant loans?			
(a) Yes	16	18	17
(b) No	84	82	83
DEFENSE ISSUES			
(1) The amount of money spent on military and defense items is:			
(a) Too little	77	62	69
(b) Too much	7	14	11
(c) About right	16	24	20
AGRICULTURE			
(1) Some have suggested that farmers should be partially or wholly exempt from energy conservation taxes such as the proposed tax on gasoline, even though the rest of the economy would then bear the burden. How large an exemption do you think farmers should have from such a proposal?			
(a) 100 percent (they should pay no conservation tax)	25	25	25
(b) 75 percent	7	9	8
(c) 50 percent	20	22	21
(d) 25 percent	9	9	9
(e) 0 percent	39	35	37
(2) If you are a farmer or rancher, is the high cost of production forcing you to cut back sharply on the use of fertilizer this year in order to save money?			
(a) Yes	31	43	39
(b) No	69	57	61
(3) If you are a farmer or rancher, have you had to sell any equipment or get a loan against land in order to gain operating cash?			
(a) Yes	23	25	24
(b) No	77	75	76
SENIOR CITIZENS			
(1) What is the most pressing problem facing senior citizens in South Dakota?			
(a) Inflation	75	80	77
(b) Health care	9	11	10
(c) Housing	7	3	5
(d) Transportation	7	4	6
(e) Other	2	2	2
(2) Are South Dakota senior citizens treated fairly in Federal Government programs and Federal tax policy?			
(a) Yes	33	45	39
(b) No	17	15	16
(c) Not sure	50	40	45
(3) Should medicare cover the cost of medical drugs for the elderly?			
(a) Yes	72	67	69
(b) No	28	33	31

	West	East	Total
(4) Do the problems of our growing number of elderly warrant creation of a Cabinet-level Department of Older Americans even though such a creation would result in an increase in the size of the Federal Government?			
(a) Yes	8	9	9
(b) No	77	73	75
(c) Not sure	15	18	16
(5) Congregate housing provides senior citizens with individual apartments while also furnishing a daily meal program and health care. Because it is a new concept, Congress has provided limited funding for units to be constructed for the low and lower-middle income elderly. Would you like to see this type of housing program expanded?			
(a) Yes	62	55	58
(b) No	38	55	58
WATER ISSUE			
(1) Should the Oahe project be deauthorized:			
(a) Yes, as a straight trade for the WEB project	4	7	6
(b) Yes, if South Dakota gets the WER pipeline and other project commitments from the administration	33	34	34
(c) Yes, even if we do not get commitments for substitute projects	12	9	10
(d) Yes, but only if South Dakota gets full compensation for lands lost to construction of the mainstem dams along the Missouri	22	20	21
(e) No, the Oahe project should not be deauthorized	29	30	29
(2) Some say that the Federal Government should require a State or municipality to share the cost of a federally sponsored water project. What percentage of the cost do you think the Federal Government should require?			
(a) No requirement	21	18	20
(b) Less than ¼	21	24	22
(c) ½ or less	38	39	38
(d) Less than ¾	7	7	7
(e) Alternative	13	12	13
MISCELLANEOUS			
(1) Are you—			
(a) Female	40	39	39
(b) Male	60	61	61
(2) Which of the following categories does your age fall into?			
(a) 18 to 29 yr old	11	13	12
(b) 30 to 49	49	33	42
(c) 50 to 64	21	28	24
(d) 65 and over	19	26	22
(3) Do you consider yourself a farmer or a member of a farm family?			
(a) Yes	26	43	35
(b) No	74	57	65
(4) Do you consider yourself a small business manager or owner?			
(a) Yes	26	42	33
(b) No	74	58	67

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FREE ENTERPRISE AND NUCLEAR POWER

● Mr. **GRAVEL**. Mr. President, I am heartened to see that growing numbers of people and groups are recognizing the dangers of Government meddling in the energy business. In no area is the danger more evident than with respect to nuclear power.

In the 1950s, when using nuclear fission for electricity was first seriously considered, private utilities were reluctant to build nuclear power plants. They wisely realized that a single bad mishap with one plant could wipe out the assets of any single utility. The insurance industry also recognized the magnitude of the problem, and prudently refused to insure utilities against liability claims following major disasters—except for a trivial portion of potential damages.

Then the Government entered the picture by passing the Price-Anderson Act, limiting the liability of the entire nuclear industry. For good measure, Government-issued insurance was also provided. Without that artificial protection, there is little doubt that the nuclear power problem never would have had a chance to get started. The normal constraint on reckless activity in a free enterprise system—financial responsibility for the consequences of one's activity—would have stopped it cold.

ECONOMIC COMPETITIVENESS

Another way in which the free enterprise system could have protected us from nuclear dangers, had it not been distorted by government, is through economic competitiveness. Today, despite the billions upon billions of tax dollars spent to subsidize nuclear power, the nuclear industry is stalled. Over the past 5 years, more plants have been canceled and deferred than ordered. I do not think there is any doubt that had this industry not received massive subsidization, it probably would not have started and certainly would not have survived. In fact, Ralph Nader has correctly pointed out that it is the hope of even more generous Government bailouts in the future that keeps the industry alive.

Mr. President, I request that two items describing the way Government interference in the free enterprise system has distorted the nuclear issue be printed at this point in the RECORD, along with a brief article explaining why rationing is not an answer to the broader energy picture.

The material follows:

[From Competition, April 1980]

THE PRICE-ANDERSON ACT: SUBSIDIZING NUCLEAR ENERGY

(By Joe Cobb and Sheldon Richman)

The debate over nuclear power is clouded by public ignorance and fear, and inaccurate images of nuclear power as opposed to the alternatives, such as coal. Scientifically, nuclear power may be safer than coal, safer than petroleum, and safer than hydroelectric power. When we factor in the costs and safety of manufacturing solar collectors, it may even be also safer than solar power. The problem with nuclear power is that few people believe it is safe. We have government intervention and regulation to thank for that.

The tragedy of Three Mile Island is a case in point. There has been an amazing economic cost to General Public Utilities Corp., the people of eastern Pennsylvania who had to evacuate their homes and close their businesses during the crisis, and the rest of the U.S. conomy due to the setback in power plant development. Now that we have had time to examine the outcome, measure the radioactivity, and inspect the backup systems, the price paid for this information and experience is almost unbelievable. Yet, the manner in which government policy toward nuclear power has developed, and the way in which public utilities have relied upon government licensing, testing, and insurance, virtually guarantee that incidents like Three Mile Island will recur.

From its earliest stages, nuclear power was a government subsidized, promoted, and regulated process. Except for the subscription of private capital for power plant construction, one could describe the nuclear industry as a nationalized industry. Like any creature of the government, the politics of nuclear power have now come to overshadow the technical and pure economic considerations. Public interest groups that might never have become involved in an industry that had been developed and tested by free market considerations have found a responsive forum in Congress, the Nuclear Regulatory Commission, and the various state public utility commissions. The tragedy of it all is that nuclear power could be a very promising energy source; but we may never know. The economic cost of public panic, such as surrounded Three Mile Island—and may accompany future incidents that will certainly occur—is so great that nuclear power today may be uneconomically expensive. Yet, most of these costs at present are distributed among the public as unquantified externalities by such devices as the Price-Anderson Act, and by public utility regulations that distribute the costs on an average basis among millions of electricity consumers.

WHAT IS PRICE-ANDERSON?

The Price-Anderson Act was passed in 1957 initially and revised in 1975. It shifted much of the nuclear risk from the industry to taxpayers. Price-Anderson required operators to buy the maximum liability coverage available, $60 million (now $140 million), while, for a token premium, the federal government would indemnify them up to $500 million per accident. Currently, another $360 million in coverage comes from a cooperative arrangement among utilities, whereby each pledges $5 million per reactor owned to cover liability claims beyond the initial $140 million of insurance. As the number of reactors in services increases beyond the present 72 (there are 90 more in various stages of development), the size of this fund will continue to grow, up to the federally established ceiling, thus phasing out the taxpayers' share.

But although the 1975 revision of the act has the ceiling eventually growing from $560 million to over $1 billion, it remains a ceiling—even if actual losses were to be far higher. Various government studies have made estimates that a worst-case catastrophic reactor accident could cause anywhere from $7 billion to as much as $280 billion in property damage alone, not counting thousands of deaths and injuries. (Admittedly, the probability of such a catastrophe is extremely small.)

Further, the manufacturers of plant equipment are not required to purchase any insurance at all, since they are covered by the operators' policies. And while it provides "no-fault" coverage to claimants, the act shields manufacturers from any liability whatever! Keep in mind that the Three Mile Island accident is attributed to human error and faulty parts.

DEBATE OVER RENEWAL

The act was renewed in 1975 after hot congressional debate. "The minute that we cannot get Price-Anderson, it is the end of the nuclear industry in this country," said Sen. John O. Pastore, then chairman of the Joint Atomic Energy Committee. Interestingly, an official of Babcock & Wilcox, the firm that built the Three Mile Island plant, told the committee, "In the event of unfavorable Congressional action, we may well be forced to reconsider our role in the nuclear industry."

Opponents of renewal argued that the act is a subsidy giving the industry an unfair cost advantage over other energy forms and that the industry would exercise greater quality control if it were fully responsible for its actions. It needs no special protection, opponents said, citing nuclear expert

Norman C. Rasmussen's estimate that the odds against an accident costing more than $560 million are about two in one million per reactor per year.

The industry replied that the mere possibility of a catastrophe would force manufacturers to abandon the field. And no one would call their bluff to find out.

Congress—backed by the Ford administration; the nuclear, electrical utility, and insurance industries; and the AFL–CIO—extended the act for 10 years, voting down amendments to allow injured parties to sue for damages beyond the limit. And although the act was amended to phase out government participation by a complex formula, the limitation on total liability remains.

Given the very divided nature of public opinion and scientific opinion on the issue of nuclear safety, the continued reliance upon political regulation by the industry is a mistake. The general public has a legitimate basis for supporting antinuclear activists, like Jane Fonda and Ralph Nader, because they are—by the industry's use of government protection—threatened politically in an area where they believe their safety is at issue. The industry has a responsibility to prove it is safe, rather than merely relying upon the Nuclear Regulatory Commission to certify it so, and to stand openly exposed to the full cost of insurance against whatever risk may exist.

A NON-POLITICAL INDUSTRY

If the nuclear power industry can separate itself from politics, for example by calling for the repeal of the Price-Anderson Act, it would be in a position to confront public fears without the seeming duplicity it now bears. Since expert studies, such as the Rasmussen Report, give very low probabilities to any genuine nuclear disasters, the real costs of these dangers ought to be low. As in so many other cases, it has been the willingness of businessmen to seek government protection that has led to their political and regulatory problems.

Council Exposes Rationing Myth

Joe Cobb, the Council's Director of Energy Policy, has published an Issue Analysis entitled "The Gas Rationing Myth." Challenging the popular assumptions about rationing, Cobb demonstrates that rationing will not solve the problem of shortages and high prices for gasoline.

The argument that gasoline rationing is needed is essentially a prejudice, he argues, because many people believe an explicitly designed system would be superior to a market process with its flexible prices and profit-seeking entrepreneurs. "The idea of gasoline rationing is a political fantasy in which everyone else will suffer the pain and inconvenience, but their own lives will go on as usual," he writes. Only the free market offers a long-run solution to a sudden or severe interruption in oil supplies.

Cobb points out, first of all, that gasoline rationing did not "work" in World War II or in other countries, if by "working" we mean solving the problems of shortages and high prices.

There are two basic goals of a rationing plan. The first is that priorities should be set by public policy instead of consumer choice, in order to insure "equity" or "equal sacrifice" for all gasoline users. But if it is legal for motorists to sell their ration tickets—as in the proposed plan—then the users with the highest demand for gasoline will still have to purchase some coupons. And any government allocation system would still mean that there would be too much gasoline in some areas and not enough in others. A "white market" in ration tickets would mean that some people who received coupons would collect a windfall profit from their sale, but producers would have no incentive to bring more oil to market. Long lines at service stations would recur.

The second goal of a rationing system is the prevention of a sudden jump in the price of fuel. But when ration tickets are traded or sold, then users with the highest demand for gasoline will have to pay a high price for ration tickets—in effect a higher price for gasoline. And even those gasoline consumers who use their own ration coupons will be affected by the market price, because each unit of gasoline they buy for their own consumption will cost them the foregone opportunity of income from the sale of their coupons. In effect, what they will pay for a gallon of gasoline is the price at the pump plus the amount of money they could have gotten by selling their ration coupons. Gasoline rationing, therefore, will not prevent an increase in the cost to consumers of gasoline during a severe supply interruption.

Cobb concludes, "Gasoline rationing is not a feasible solution to the problem of a severe or sudden supply interruption. It is not true that public policy priorities would take precedence over consumer choices, as reflected in prices; and it is not true that gasoline rationing would assure necessary supplies to those whom public policy might assign priority."

Cobb's report was distributed to all members of Congress and to members of the media. A similar version appeared this month in Policy Report, a monthly review of economic policy issues by the Cato Institute of San Francisco.●

INTERNATIONAL LABOR ACTIVITIES OF THE AFL–CIO

● Mr. HATCH. Mr. President, it has been a pleasure to observe the international labor activities that Lane Kirkland has directed during his first year as president of the AFL–CIO. I submit for the RECORD today two articles about those efforts, as well as a thoughtful commentary on the legacy of George Meany in international affairs from National Review.

In sharp contrast to the socialist foreign policy attitudes of many European labor leaders, Lane Kirkland and George Meany before him have worked hard to maintain free trade unions and to oppose the influence of the Soviet Union not only by supporting free unions but also by becoming more and more involved in the process of formulating American foreign policy so as to insure its antitotalitarian direction, in the words of Arnold Beichman in this article from National Review. I would remind my colleagues that the AFL backed the Truman doctrine, supported NATO's establishment, supported liberation movements in Eastern Europe and, more recently, supported dissidents within the Soviet Union. In fact, long before most of us knew about it, the AFL leadership exposed the Gulag Archipelago in the late 1940's at the U.N. with a map whose accuracy was later confirmed by Solzhenitsyn.

In the past year, Mr. President, Lane Kirkland has continued this fine tradition of involvement in foreign policy. He has been active in the delicate area of supporting the new independent trade union organization in Poland, and he has continued to support Soviet dissidents, especially by speaking out against the internal exile of Andrei Sakharov and by supporting the work of the Ad Hoc Citizens Committee for the Madrid-Helsinki Review Meeting which met 2 weeks ago in the lobby of the AFL–CIO building in Washington with Senators JOHN HEINZ and HENRY JACKSON.

Mr. President, I personally support these efforts of Lane Kirkland and the following positions he has taken in the field of foreign policy in the past year as well:

First. Kirkland's denunciation of the Soviet invasion of Afghanistan as a "murderous attack" which merits a cut off of all technological support of the U.S.S.R. in order to confront the Soviet Politburo with scarcer resources, higher costs, and harder choices.

Second. Kirkland's call to restrict credits and technology sales like the Kama truck plant that has produced supposedly civilian vehicles that have shown up in Soviet forces in Afghanistan.

Third. Kirkland's demand that the Soviet Union cease helping to block the distribution of food in Cambodia which is having genocidal consequences.

Fourth. Kirkland's call to never allow the Olympics to meet in Moscow because it would demean the spirit of the Olympics to do so in a nation which oppresses its citizens.

Fifth. Kirkland's repeated calls for defense budget increases which will keep our Nation strong, a rebuke to those who try force decisions into a framework of "guns and butter" which Lane Kirkland has called always dangerous and fundamentally dishonest.

The articles follow:

[From the National Review, Dec. 7, 1979]

George Meany's Legacy

In the 27 years that George Meany was president, first of the AFL and, later, of the merged AFL–CIO, a singular phenomenon developed among American liberals and progressives (hereinafter known as LPs), the Men of the Left: a feeling of contempt, despair, and disgust about American workers, unions, and leaders. Such emotions about workers were shared by intellectuals in European industrial democracies. They all recoiled with horror and frustration at the stubborn unwillingness of workers in North America, France, Britain, and the Mediterranean countries to forgo so-called "bread-and-butter" trade union demands and begin to foment socialist revolutions under Marxist intellectual leadership, and thus create the Land of Beulah.

Such hostility to workers by LPs was inspired more than a century ago when Marx and Engels appointed the Proletariat as mankind's liberator-to-be: as the future "gravediggers of capitalism" under the political direction of Marx, Engels, and their followers. The workers are disappointing them all.

All this seems long ago, when we can see the effects of Marxism-Leninism in Western Europe, where trade union leaders find no problem in mixing with Soviet trade-union gendarmes or Communist trade-union officials. So far as I know, George Meany in all his years as a labor official avoided any contact with totalitarian trade-union leaders, whether from Moscow or the then-Franco Spain.

You would think such a policy would win for Meany the plaudits of the LPs. Not at all. From Lenin to the present day, the Bolsheviks have destroyed free trade unions and tied workers to their machines in the form of industrial feudalism which no worker in any democracy would willingly accept. LPs, many of them non-Communist, have found workers and leaders in industrial democracies a repulsive breed for failing to follow political direction from their intellectual betters. Meany, the AFL–CIO, and the American worker, particularly the hardhat construction worker, became the target of an extraordinary amount of abuse in recent years.

Thus you have the distinguished, now retired, New York Times labor journalist. A. H. Raskin, a decade ago, describe the American worker as "the most reactionary political force in the country." In 1959 the Washington Post castigated Meany for "taking a benighted attitude toward the cultural exchange program" with the Soviet Union.

John Kenneth Galbraith has complained that he has been on Meany's "—list" from the moment he began to oppose the Vietnam War. (I suspect Galbraith made that list long before.) Murray Kempton has written that "the AFL–CIO has lived happily in a society which more lavishly than any in history has managed the care and feeding of incompetent white people." Henry Brandon, the London *Sunday Times* Washington correspondent, attacked American workers for being "too fat and conservative" to support the SDS.

When the Meany era in American labor history is examined, it will be noted—with some delight, I believe—that the first president of the AFL–CIO paid no attention to the disillusion and frustration of the LPs with American labor. Meany understood the reason for LP antipathy toward him and American unions. Under his leadership. U.S. labor more and more involved itself in the formulation of American foreign policy so as to ensure its anti-totalitarian direction.

Thus, the AFL backed the Truman Doctrine, opposed Henry Wallace's Progressive Party, supported NATO, supported liberation movements in Eastern Europe as it today supports dissident movements in the Soviet Union. And to its everlasting honor, the AFL exposed the Gulag Archipelago in the late 1940s at the United Nations with a map whose accuracy was later confirmed by Aleksandr Solzhenitsyn and other victims. The AFL–CIO successfully pressed for U.S. withdrawal from a pro-Soviet International Labor Organization in 1975 despite State Department reluctance to do so.* As for detente, for Meany it was merely a word which changed nothing in the Soviet crusade against democracy.

As Meany steps down, he leaves behind not only an admirable record as an effective anti-totalitarian voice, but a successor, Lane Kirkland, who will continue these anti-Communist policies. Last October, when still secretary of the AFL–CIO, Kirkland was asked whether as the future president of the AFL–CIO he would reconsider the policy of vetoing visits by Soviet Bloc trade-union delegations. He said, succinctly, "I would not."

The anti-Communist policies of the AFL–CIO are, it would seem, imbedded in stone despite changing intellectual fashions of the day—that Communism is softening, liberalizing, thawing, mending. Meany leaves behind a labor movement whose leadership has demonstrated a political sophistication about totalitarianism unmatched by any other labor movement in the Free World. Eurocommunism may be a possibility for Western Europe. That there is no such thing as Americommunism is in large part due to the doughtiest anti-Communist of them all, George Meany.—ARNOLD BEICHMAN

[From the Christian Science Monitor, Feb. 4, 1980]

AFL–CIO RALLIES TO SAKHAROV CAUSE

(By Ed Townsend)

Lane Kirkland is turning out to be just as tough an anti-Communist as George Meany.

The new AFL–CIO president has been bluntly outspoken in his condemnation of the recent internal exile of Soviet dissident Andrei Sakharov, one of the Soviet Union's foremost scientists, and has intensified the AFL–CIO's already fiery anger at the USSR.

The federation of unions, with 13.6 million members, has been a spearhead of support for Soviet and other dissidents through the years. Dr. Sakharov was invited to address the AFL–CIO's biennial convention in 1977, when the Soviet Union appeared to be relaxing its restrictions on dissidents. At the last minute, Dr. Sakharov was barred from leaving the country.

The AFL–CIO obtained a copy of the speech he planned to make. It was read at the convention and then widely distributed. In the speech, Dr. Sakharov warned against too much Western reliance on détente and ties with the Soviet Union.

"Authorities in the USSR undertake the most shameless measures to cut off channels of communication with the West, and it seems to me that only by actively opposing this can we anticipate successful cooperation in the struggle for human rights," Dr. Sakharov's text said in 1977.

The dissident scientist continued to be a beacon of citizens unhappy with their Communist regime and was listed as a sponsor of the International Sakharov Hearings, a biennial human rights conference last held in Washington under AFL–CIO auspices in 1979, with Mr. Kirkland as chairman.

The conference reiterated demands that the Soviet Union live up to the provisions of the 1977 Helsinki accord on human rights.

According to the Soviet government newspaper, Izvestia, Dr. Sakharov was arrested and banished, with his wife, to the closed city of Gorky for "blurting out" state secrets to Westerners. Mr. Kirkland, along with the White House, blames his criticism of the Soviet invasion of Afghanistan for the "brutal attempt to silence this gentle and heroic couple."

"This is a grim reminder of the character of the men who run the machine that now poses the greatest threat to peace since World War II," Mr. Kirkland said. He pledged the federation's "best efforts" behind "appropriate steps to ensure that Dr. Sakharov's voice is not silenced."

Mr. Kirkland has been blunt and outspoken in other calls for toughness against the Soviet Union:

In declaring strong support for President Carter's retaliation against the Soviet invasion of Afghanistan, he denounced the "murderous attack" and said that "mere indignation" in the United States is not enough. There must be a hard-nosed policy that will cut off all technological support of the USSR and confront its Politburo "with scarcer resources, higher costs, and harder choices," he said.

"It is high time that American business stop selling, on easy credit, the rope that will hang us," Mr. Kirkland declared. He noted that US corporations sold the Russians parts for their SS–18 missiles and built the Kama River truck plant that produced the vehicles that have been rolling into Afghanistan.

He blamed the Soviet Union for "right now helping to block the distribution of food in Cambodia, with truly genocidal consequences."

Echoing one of Mr. Meany's last public statements, he said that "it would demean the Olympic spirit if the Games were held in a nation which oppresses and represses the human freedoms of its citizens." He urged that the 1980 games be moved out of Moscow.

And he said the Carter administration and the nation must not be put into a situation of having to choose between social needs and defense needs, terming a "guns or butter" argument "always dangerous and fundamentally dishonest."

[From the Washington Post, Sept. 11, 1980]

POLES CRITICIZE AFL–CIO FOR AIDING NEW UNIONS

(By Bradley Graham)

WARSAW, September 10.—The Polish news agency today sharply attacked the AFL–CIO for giving aid to Poland's fledgling independent trade union movement, calling it an "intrusion" that "can only do harm" to the new unions as well as the general effort to put the country's internal affairs back into order.

The attack came in a dispatch written from the government-run agency's Washington bureau and reflected the deepening concern among Communist Party authorities about the quickening exodus of workers and professionals from the official trade unions to the new, independent ones.

Last Wednesday, AFL–CIO President Lane Kirkland announced that the American labor movement was setting up a special fund to help the new independent Polish unions and launching a campaign to raise money for them. So far, however, the United Auto Workers has been the only U.S. labor group reported to have sent money to the new Polish unions, contributing to a $120,000 gift sent by several labor movements in other Western countries.

[Polish authorities have complained to the U.S. Embassy in Warsaw about money being sent by American labor unions to help Poland's independent trade unions, United Press International reported, quoting a Western diplomatic source in the Polish capital. The Ministry of Foreign Affairs had expressed its "unhappiness," the source said, adding that the money was sent despite U.S. State Department objections.]

Meanwhile, strikes persisted and new conflicts flared in about 20 districts throughout Poland today, according to Warsaw government sources. Though part of the ongoing series of local walkouts to press local demands, they are also evidence of the general surge in Polish workers' assertiveness.

Worry that the new unions will drain the old ones of members, leaving them simply empty, administrative shells, is expected to force the official groups to go on the offensive to appear more forthright in defending worker interests.

[Polish Deputy Premier Mieczyslaw Jagielski met senior Soviet adviser. Mikhail Suslov in Moscow for talks believed to have centered on the political situation in Poland, Reuters reported. The official Soviet news agency Tass indicated that differing views were expressed but said the meeting took place "in a warm and friendly atmosphere." Jagielski is the first senior Polish official to visit Moscow since the Polish government agreed to allow workers independent unions.]

Polish authorities, including the new party chief Stanislaw Kania, have been stressing in public speeches the achievements of the official trade unions and the need to maintain organizational unity within the labor movement. At the same time, the Warsaw government has assured workers it would honor its pledge to permit the formation of independent unions made in the agreements signed last month at Gdansk and Szczecin.

It is becoming apparent, however, that the new unions are to be left for the time being to find guidance and funding outside the government and the party—but still within Poland. Financial or other forms of aid from Western-based unions rankles Polish officials and is regarded as interference in Poland's internal affairs.

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*In mid-December, with AFL–CIO backing, a Cabinet-level committee will undertake to return to the ILO because there have been major reforms within the ILO structure.

Singling out the AFL–CIO for having an unconcealed "rabid antisocialist program," the state news agency PAP charged the American labor federation with aiming "to intrude upon the new Polish trade union movement with a line of action that is inimical to the foundations of the Polish socio-political system and Poland's alliances."

Referring to a recent U.S. News and World Report interview with AFL–CIO president Kirkland, the agency reported that "Kirkland believes the trade unions should be antigovernment and takes it for granted that they will represent an anti-Soviet orientation and a political opposition."

PAP said that the AFL–CIO assistance "is not intended in good faith and out of genuine concern for Poland's weal. It is nothing else but part of an antisocialist campaign hitting at Poland's basic interests and the Polish raison d'etat. It is of no help and runs fundamentally counter to Poland's search for desirable solutions to its internal problems."

Early this month, United Auto Workers President Douglas Fraser disclosed that his and other Western unions had given about $120,000 to the new unions through the International Federation of Metal Workers in Switzerland. Fraser said the money was intended to help provide food and other assistance to the striking workers.

A certain headiness appear to have taken hold in Polish working and professional groups in the wake of last week's unprecedented agreements.

Efforts to organize independent unions seem to be gaining almost faddish proportions. This spirit was evident in a conference here today of several hundred scientists, technicians and educators from Warsaw University, the Warsaw Academy of Sciences and high schools and research institutes that were considering laying the groundwork for a new association.

While the move is still tentative—with such details as charter officers, membership requirements and the relationship to management and the state yet to be worked out—the mood of the session was said by observers to be enthusiastic and determined.

Even in many factories not on strike, a "climate of mass meetings and discussion prevails," Warsaw television reported today.●

ANOTHER NUCLEAR HOAX

● Mr. GRAVEL. Mr. President, ever since the 1973 Arab oil embargo nuclear promoters have been playing on the legitimate fears Americans have about foreign fuel dependence. They say that we should let them build their unsafe, uneconomic plants "for the sake of reducing our dependence on foreign oil." It turns out that this claim is as misleading as all the other claims they make about plant safety, radiation toxicity, and so forth.

Dr. George Weil, a pioneer nuclear physicist for whom I have the greatest respect, has carefully analyzed the situation and finds that nuclear advocates are overstating the amount of foreign oil saved by nuclear power by as much as tenfold.

Dr. Weil's analysis was reported in the August 23, 1980, issue of National Journal in an article by William J. Lanouette. Mr. Lanouette also shed light on the manner in which the nuclear industry seems to pull figures from thin air to suit its needs. According to Lanouette, after circulating a factsheet on Capitol Hill claiming operating nuclear plants represented 1.3 million barrels of oil per day, the nuclear lobby could not back up the claim. In fact, says Lanouette, they told reporters:

> It's just too complicated. . . . Besides, our statistical needs are not that specific. We just need it for use on the Hill.

Mr. President, that statement helps explain why the nuclear industry won the "Doublespeak Award" last year from the National Council of Teachers of English.

The claims about reducing foreign fuel dependence become even more fraudulent when one remembers that uranium is already being imported to stretch our very limited domestic supply. Proven reserves of uranium in the United States suitable for the light water reactors now operating and being built may not even be sufficient to fuel the plants now operating and under construction for their full lifetimes.

It would be folly to suppose that the industry's failure to be candid with Congress and the American people is accidental. Nuclear salesmen are burdened with a product that is repugnant, economically indefensible, and is being so recognized by encouragingly large numbers of people. To protect their self-interest, they have little choice but to resort to misrepresentation. I hope that Congress will not fall prey to it, and irreversibly mortgage the health and safety of the public based on misleading information.

Mr. President, I request that the August 23, 1980, National Journal article be printed at this point in the Record.

The article follows:

[From the National Journal, Aug. 23, 1980]

NUCLEAR POWER MEANS MORE ENERGY, BUT DOES IT MEAN LESS OIL?

(By William J. Lanouette)

Nuclear power's lobbyists and advocates at three Washington offices are busy assembling statistics to demonstrate a tenet of U.S. energy policy: that domestic reactors are needed to displace imported oil.

"We're working them up now," said Betsy Warren, a registered lobbyist for the Edison Electric Institute (EEI), an association of privately owned utilities. "We've decided that the three of us need to agree on a set of numbers, so we can speak with one voice."

The three are EEI, the Atomic Industrial Forum Inc. (AIF), a nuclear trade association, and the American Nuclear Energy Council (ANEC), the industry's full-time lobbying group. But beyond the desire to agree among themselves on a set of figures, the three groups will need the numbers for a more significant reason.

Recent studies by an independent energy consultant, drawing on the utility industry's own data, conclude that the connection between nuclear power and oil is insignificant today and of dubious value for guiding energy policy in the future. The consultant is George L. Weil, a nuclear physicist who has been involved with atomic energy from the first.

One of Weil's findings is that the nuclear industry overstates the amount of imported oil that nuclear power can replace by a factor of six and that President Carter, in his own statements, has overstated it tenfold.

"The obvious conclusion from current data," Weil said in an interview, "is that if you do want nuclear plants to displace imported oil, then the place you should build them is in New England. But because of the high population density, New England is probably the worst place to build them."

CHALLENGING INDUSTRY

Weil, who first spelled out some of his findings in a letter to The New York Times last February, has a lengthy list of credentials in the nuclear field. It was Weil, as a young colleague of Enrico Fermi, who actually withdrew the final control rod to begin the world's first controlled nuclear chain reaction on Dec. 2, 1942, at Stagg Field in Chicago.

Weil also participated in the first atomic bomb test in 1945, and from 1947 to 1952 worked at the Atomic Energy Commission as chief of the reactor branch, chief of the civilian power branch and assistant director of the reactor development division.

As a civilian, Weil was the first of the nuclear pioneers to warn about safety problems, addressing the AIF on the hazards of nuclear power plants in 1954.

In 1955, he was appointed technical director for U.S. participation in the United Nations' first International Conference on the Peaceful Uses of Atomic Energy. And, over the years, Weil has become increasingly critical of nuclear power, basing his objections on safety, economic and environmental concerns.

Weil's sharp challenge to the optimistic conclusions of the nuclear industry and its supporters is based on data he obtained by sending questionnaires to the country's nuclear utilities.

He said his findings contradict a recent statement to the Nuclear Regulatory Commission by Roger J. Sherman, chairman of the AIF, that "the nuclear reactors presently licensed to operate . . . are supplying the nation with electricity that otherwise could require burning 1.5 million barrels of oil per day," or 548 million barrels a year.

Weil also cited a comment by President Carter that "each nuclear plant eliminates the need to import 13 million barrels of oil annually." With 68 operating plants, that's a total of some 884 million barrels a year.

Weil himself concludes that 88 million barrels a year is much closer to the mark.

That's an astounding difference, which in part can be traced to more generous assumptions by Sherman and Carter about the capacity factor of the nuclear plants—the amount of power they actually produce compared with their maximum potential.

But even that accounts for only a small part of the difference, which Weil attributes to the clash between two fundamental concepts: equivalence and displacement. Even if a nuclear plant produces electricity equivalent to that generated by a given amount of oil, can you assume that the plant is displacing that much oil? Or might it be displacing other fuels, such as coal and gas?

Weil says that Sherman's and Carter's figures assume that every nuclear plant displaces an oil-powered plant. But that's not true, he said. Nuclear plants located in the coal regions are more likely to be displacing coal than oil and, in other areas, the alternatives may have included natural gas or oil as well.

Of the 68 nuclear plants that operated during 1979, Weil discovered, 10 "definitely" displaced 67 million barrels of oil. Another 43 "definitely" displaced coal. And the other 15 displaced either oil, coal or gas.

He apportioned the plants that displaced a mixture of fossil fuels and arrived at a range of actual displacement between 67 and 108 million barrels of oil for the year. The median, 88 million barrels, led Weil to conclude that Sherman overstated the nuclear-oil connection by a factor of 6 and Carter by a factor of 10.

Putting these numbers into perspective, Weil said: "The median of 88 million barrels could be saved by a 3 per cent drop in gasoline consumption. . . . It's hardly a significant amount."

The 10 plants that Weil identified as "definitely" displacing oil are all located in the Northeast, the area of the country that also imports most of its oil.

Furthermore, Weil used available federal statistics to calculate which of the 91 nuclear plants under construction would displace oil. His conclusion, based on current fossil fuel consumption by the utilities building these plants: 61 of the new plants would displace coal, 24 would displace oil, coal or gas and only 6 would definitely displace oil. The six—four in the Northeast and two in Mississippi—would displace about 160,000 barrels of oil a day, or 58 million barrels a year, Weil calculated.

INDUSTRY'S SIDE

Jack Schenck, EEI's vice president for economic policy analysis, finds Weil's estimate of 88 million barrels a year "very low," but says he doesn't have a more reliable estimate himself. "We have no published numbers for the amount actually displaced [by nuclear plants]. It's possible to make a rough estimate, however."

Schenck said that in response to legislation proposed last year that could have led to a shutdown of all nuclear plants, EEI estimated a consequent rise in oil consumption of about 880,000 barrels a day, or 321 million barrels a year.

"This involves an immediate shutdown," he said "and the closer in you get the more likely it is that oil would be the alternative fuel. Postponement of an operating license for three years is likely to involve a mix of [alternative] sources, and long-term probably involves coal."

Nuclear boosters in Washington began making the connection between atomic power and imported oil soon after the 1973 Arab oil embargo. They assumed at the time that with foreign energy supplies threatened, the country would embrace "the nuclear option."

But analysts at the Federal Energy Administration reported a surprising conclusion in their November 1974 "Project Independence" report: "Accelerating nuclear power plant construction does not reduce [oil] imports much; in general, it replaces new coal-fired plants."

That did not stop nuclear advocates. Even before the Three Mile Island accident in March 1979, nuclear advocates used the oil import argument to urge an end to the Nuclear Regulatory Commission's shutdown of five plants for earthquake and safety concerns. Estimates of the oil needed to replace power from the closed nuclear plants ranged widely, from 200,000 barrels a day to only 65,000. (See NJ, 4/7/79, p. 556).

After Three Mile Island, the nuclear lobby fought back by pressing still harder on the connection between nuclear power and oil, especially when the revolutionary government in Iran threatened to cut off oil exports. With this argument, which they called "the Ayatollah factor," they headed off a temporary construction moratorium in Congress and pressured the NRC to end its pause in issuing new plant operating licenses. (See NJ, 2/9/80, p. 245.)

In its booklet on "Nuclear Power— Answers to Your Questions," EEI stated that the most important reason for having nuclear power plants is "for the sake of reducing our dependence on foreign oil." And the American Nuclear Energy Council circulated a fact sheet on Capitol Hill that stated that "the 70 nuclear plants currently operating represent the equivalent of 1.3 million barrels of oil per day, or about three times the nation's current oil imports from Iran."

When asked by reporters for precise calculations about actual oil displacement, however, the nuclear lobby pleads ignorance. "It's just too complicated," an EEI analyst said. "Besides, our statistical needs are not that specific. We just need it for use on the Hill."

In a study last December that tended to rebut the nuclear lobby's position, Lincoln E. Moses, administrator of the Energy Department's Energy Information Administration, warned that nuclear power that is equivalent to a given amount of oil does not necessarily replace that much oil.

Nevertheless, in his January State of the Union message, Carter again made the nuclear-oil connection, saying that "once we have instituted the necessary reforms to assure safety, we must resume the licensing process promptly so that the new plants which we will need to reduce our dependence on foreign oil can be built and operated."

But Weil's numbers suggest that the President's rationale for promoting nuclear power as a means of cutting oil imports affects only about 25 percent of the plants in operation and only about 15 percent of those that are under construction.

As Carter and the nuclear industry have discovered, however, the foreign oil issue is an emotional and effective one. Weil's calculations may well demonstrate that the nuclear-oil connection is minimal today and marginal in the country's energy future. But without a clearer focus on the facts behind the connection and the policy options that they present, the country may continue to "go nuclear" at the wrong time and for the wrong reason.

As Robert Stobaugh and Daniel Yergin, the co-editors of the Harvard business school's Energy Future report, wrote in a Foreign Affairs article last spring: "It is an open question whether nuclear power in 1990 will be providing any more energy than it provided in 1978. To generate this amount of electricity by oil would have required 1.4 million barrels a day. In fact, however, the linking of nuclear power to oil dependence is somewhat misleading, because nuclear power—except in the short run for certain geographical areas—is primarily an alternative to coal, not oil. . . . But even as an alternative to coal, nuclear's future is increasingly uncertain."●

MANNING OUR ARMED FORCES IN THE 1980'S

● Mr. HARRY F. BYRD, JR. Mr. President, on November 18, retired Army Gen. Bruce C. Clarke delivered an address on "Manning Our Armed Forces in the 1980's" before the Bethesda chapter of the Retired Officers Association.

General Clarke had a distinguished career in the Army, culminating with service as Commanding General of the 7th Army in Europe, chief of the U.S. Continental Army Command and Commander in Chief of the U.S. Army in Europe and Commander of the Essential Army Group of NATO.

In the field of military manpower, General Clarke clearly knows whereof he speaks.

General Clarke believes that a peacetime draft, as a practical matter, will not be instituted, and that it is therefore of the greatest importance that military officials and civic leaders in our communities advance the idea that military service is both honorable and rewarding.

I believe that in the context of the ongoing debate about maintaining a strong military force, and improving the quality of persons entering the military service, General Clarke's observations are most significant.

I ask that the text of General Clarke's address be printed at this point in the RECORD.

The address follow:

MANNING OUR ARMED FORCES IN THE 1980's

(By Gen. Bruce C. Clarke, USA, ret.)

We now have a law which requires our youths to register for possible Selective Service in the Armed Forces. It will not bring anyone into the Services until and unless our Congress enacts a Selective Service Act and our President signs it.

Such Congressional action will not come unless a potential enemy causes some dramatic event which very seriously affects our vital interests, and arouses our people to feel a very great threat to America.

In the meantime, the only enlisted people in our Armed Forces will be those whom we enlist and reenlist.

Where will they come from and what will be their background? They must come from the products of our high schools. Perhaps 75 percent will be graduates; the rest will have had some high school work; most will be physically qualified.

How do we obtain them? This is done by Recruiting Officers and Non-Commissioned Officers. These personnel are especially selected and trained to "sell" the advantages of the Armed Forces. They perform a difficult task with limited pay and allowances. They are dedicated; but they need help.

Who do they have to "sell"? In addition to prospective recruits, they have to favorably present to high school principals, high school counselors, the prospects' families and friends, and to the community in general, the information about the Services and the advantages of an honorable career in the Military—both to them and to our country.

What can you do about it?

As concerned citizens, patriots and leaders in your communities, you can help in recruiting by:

1. Encouraging our high school principals and counselors to welcome recruiters and assist them.

2. Seeing that those who enlist to serve their country are given the publicity and recognition in local papers and organizations.

3. Encouraging young people to enlist as a patriotic duty towards our great country, and not just for its personal benefits.

4. Helping and encouraging those who have served our country honestly and faithfully to obtain employment and to continue their education if they choose.

5. Promoting the idea that serving our country is "the thing to do", and will be helpful in the life-time career that lies ahead.

If the enemy agents, who observe and report the public attitude of Americans, could be convinced of this changed attitude of our people, it would go a long way to establish the strength of America, and would act as a big deterrent to any potential aggressor. America pays, and will continue to pay, a huge sum of money to insure that our national defense forces are adequate for the purpose. If adequate, and competent personnel are not forthcoming as volunteers, our country will be more and more inclined to consider that a draft is essential.

What are the advantages of a term of honest and faithful service in our armed services?

1. Increases individual maturity and a responsible attitude toward later education and a career.

2. Teaches how to accept, interpret and respond to directions from those in authority.

3. Broadens one due to contacts with people from other backgrounds, localities and environments.

4. Develops appreciation and pride in our country, its history and institutions.

5. Teaches practical skills, habits and personal standards; emphasizes integrity, courtesy and ethics.

6. Develops ability to lead, teamwork and self-confidence.

7. Helps to develop our country's prestige and influence in the world family of nations. Adds to our standing with our allies.

8. Helps to deter wars and aggression.

9. Provides facilities for starting college work through evening classes given on many posts, bases and stations by accredited colleges. Earns credits toward financial assistance for furthering education after discharge.

10. Enables one to receive the highly respected distinction of being an Honorably Discharged Veteran.

What can you do individually? You can bring this up in discussions with your friends, associates and neighbors. You can contact your high school principals, high school counselors and your local papers. You can speak to groups and write articles for local publication.

Why are you especially qualified to do this? Your experience and background give you and your service to our country a high prestige in your communities. You can speak from wide experience.

A final question: Are these recruits, whom we thus obtain, able to be trained and motivated to serve well and adequately in our modern Armed Forces? This is not a good question under the circumstances. They must be adequately trained and motivated. We have done that in the Armed Services for many years. We are more efficient in training and motivating people than the institutions from which they came. Only officers and NCO's who can do that should be allowed to train troops.●

ANTINUCLEAR ELECTION VICTORIES

● Mr. GRAVEL. Mr. President, although the Presidential race overshadowed other ballot issues this past election year, there was a lot of good news for critics of the nuclear power industry. Antinuclear initiative referendum votes actually passed in Oregon and Washington, came exceedingly close to passing in Montana and South Dakota, and in Maine the most ambitious proposal (to shut down the State's only existing plant) garnered over 40 percent of the vote.

In view of the unconscionable campaign being waged by the Government and nuclear industry to convince people they "need nuclear power to avoid freezing in the dark," I would like to pay tribute to the courage and conviction of ciitzens who put these measures on their ballots. Doing so inevitably results in torrents of false and misleading advertising from the nuclear industry, which the citizens then must combat with the truth. In view of the growing rate of success these initiatives are having, I think it is clear the truth is getting through in spite of all the obstacles.

A MESSAGE FOR CONGRESS

Successful antinuclear initiatives carry an important message for Congress. I predict that unless Congress and the President act to drastically restrict, and eventually eliminate, the nuclear cloud being imposed on the American people, we shall see more of these State-level campaigns, and ever greater numbers of them will be successful.

Mr. President, a brief roundup of what the recent election meant to antinuclear voters is included in the current progress report of the Task Force Against Nuclear Pollution, Inc. I request that it be printed in the RECORD at this point.

The article follows:

[From the Task Force Against Nuclear Pollution, Inc., Washington, D.C.]

ELECTION ROUNDUP

In Maine, in a special election Sept. 23, voters rejected by only 41 percent to 59 percent an initiative measure to shut down the State's single operating nuke. We think this is good news because in spite of a massive propaganda campaign financed by the nuclear industry on the "freezing in the dark, unemployed" theme, only 9 percent less than a majority of Maine citizens voted for the shut down. The failure to trounce this "radical" proposal is bad news for the n-industry and its financiers.

In Montana (which passed an initiative in 1978 effectively preventing any nukes there) a measure November 4 designed to prevent disposal of uranium mining/milling wastes failed by less than four tenths of a percent. A switch of as litle as 1500 votes could have made the difference!

In Washington State, an initiative November 4 banning the import of out-of-State non-medical radioactivewaste unless complicated legislative requirements are met (including approval by the Washington State legislature) PASSED with 75 percent of the vote! Hanford, the Nation's largest radioactive waste dump, is in eastern Washington. Authorities had planned to cart radioactive debris there—from Three Mile Island, Pennsylvania, over 2,000 miles away.

Also in Washington State, two of the Nation's loudest nuclear proponents, both Democrats, were soundly defeated; Gov. Dixy Lee Ray (former Atomic Energy Commission Chairwoman), dubbed "Ms. Plutonium" by Ralph Nader, lost her primary Sept. 16. On Nov. 4, Rep. Mike McCormack was defeated. McCormack, an AEC chemist for 20 years, was Congress' most vociferous nuclear promoter. His longtime anti-nuclear foe on the Science and Technology Committee, Rep. Richard Ottinger (D-NY) was re-elected by a large margin.

In Oregon, voters PASSED an initiative Nov. 4 by 53 percent to 47 percent requiring that all future nukes be subject to voter approval, and that a federally licensed waste disposal site be in operation first.

Also in Oregon, the candicacy of longtime anti-nuclear activist Lloyd Marbet appears to have cost Rep. Al Ullman (Chairman of the House Ways and Means Committee) his seat; unofficial returns show Marbet garnered about 10,000 votes, with only less than 4,000 votes separating Ullman and the winner. Marbet ran because Ullman refused to repudiate the Northwest Power bill, a scheme to further subsidize nukes. Meanwhile, Rep. Jim Weaver (D-OR), a passionate nuclear foe, won re-election easily.

The message from the heavily-nuclearized Pacific Northwest seems clear: a majority of citizens are extremely skeptical about further nuclear development, and advocating nuclear power can be dangerous (politically, too)!

In South Dakota, an initiative Nov. 4 to restrict nuclear facilities lost by about 51 percent to 49 percent, after initiative proponents were outspent by about 30 to 1.

In New Hampshire, voters rejected a comeback atempt by former Gov. Meldrim Thomson, defeated 2 years ago due to his support of raising electric rates to finance the Seabrook nuke.●

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF JOHN KELLY SISK

Mr. THURMOND. Mr. President, John Kelly Sisk, one of South Carolina's most distinguished businessmen, passed away on November 6, 1980.

Mr. Sisk was publisher and chairman of the board of the Greenville News and Greenville Piedmont, and chairman of the board of Multimedia, Inc.

I had known Mr. Sisk for many years. He was a good friend and a trusted businessman. He was dedicated and sincere in his ambitions, and he was devoted to bringing professional journalism to his readers. He once said:

> Newspapers and broadcasting stations must be operated as a public trust. They have the responsibility of informing and entertaining their public but do not have the privilege of slanting the news to put across a personal point of view.

The honesty and fairness he displayed was obviously clear in his management of news coverage, and the standards he maintained for more than 30 years in the communications field were respected by professionals all over the Nation.

Mr. Sisk became chairman of Multimedia Inc. in 1968. Under his leadership, the corporation acquired 13 daily newspapers and 22 nondaily newspapers, the Music City News, five television stations, 12 radio stations, and a number of cable systems.

He was a former national director of the Associated Press, and in 1978 received Financial Magazine's "most effective newspaper executive" award.

In 1962 he served as president of the South Carolina Press Association. In 1963 he was president of the Southern Newspapers Publishers Association. One year later he became chairman of its board of directors.

Mr. Sisk attended Livingston University in Alabama and the University of Alabama, where he received a degree in business administration.

He worked as a certified public accountant before joining The Greenville News-Piedmont Co. in 1948.

He was devoted to the newspaper industry as well as to many Greenville area civic organizations. He was former chairman of the board of Greenville General Hospital, past president of the Greater Greenville Chamber of Commerce, and past chairman of the Greenville County Red Cross Chapter.

Mr. Sisk was also a director of South Carolina National Bank, Dan River Inc., and Liberty Life Insurance Co.

I am extremely proud to have known this outstanding man, who believed in his community and the communications industry. My deepest sympathy is extended to his lovely wife, Isbell; his son, John Kelly Sisk, Jr. of Jacksonville, Fla.; and his daughter, Mrs. F. Lawton Irick, Jr., of Holly Hill, S.C. I know he will be sorely missed, but they can take genuine solace in knowing the lifelong benefits he gave to so many.

Mr. President, in order that I may share with my colleagues a few editorials and articles about this fine man from The Greenville News-Piedmont, the State, the Charleston News and Courier and Evening Post, Sumter Daily Item, Orangeburg Times and Democrat, Anderson Daily Mail, Spartanburg Herald, The Charlotte Observer, New York Times, Montgomery (Alabama) Advertiser, Clarksville (Tennessee) Leaf-Chronicle, The South Carolina Press Association Newspaper, and WFBC Television, I ask unanimous consent that they be printed in the Record at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[Greenville, (S.C.) News, Nov. 7, 1980]

Kelly Sisk, News-Piedmont Publisher, Dies

J. Kelly Sisk, publisher of The Greenville News and Greenville Piedmont and chairman of the board of Multimedia, Inc., died Thursday.

Sisk, 67, collapsed about noon at the Poinsett Club and was taken to Greenville General Hospital where he underwent neurosurgery. He died about 8 p.m.

"Multimedia will keenly feel the loss of our chairman and friend," said Wilson C. Wearn, president and chief executive of Multimedia. "Kelly Sisk was one of those who brought the company into being and who led it to significant growth."

Sisk took the reins of Multimedia in 1968 at the death of Roger C. Peace, longtime Publisher of The News and the Piedmont.

Peace formed the corporation shortly before his death by merging the News-Piedmont Co., which owned WFBC radio and television, with the Asheville Citizen-Times Co. and television stations in Macon, Ga., and Knoxville, Tenn.

Multimedia flourished under Sisk's aggressive and imaginative leadership. Today the corporation owns 13 daily newspapers, 22 non-daily newspapers, The Music City News, five television stations, 12 radio stations and a number of cable systems.

In recent years the corporation has moved into production of television programs. Multimedia syndicates the Phil Donahue show, the Bob Braun show and the "Young People's Special" series.

Sisk's guiding hand extended into fields other than communications. He was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co.

He was a trustee of The Duke Endowment and Converse College, and an advisory trustee of Furman University.

Sisk was a former national director of The Associated Press. In 1978 he was honored nationally by Financial Magazine as the year's most effective newspaper executive.

In 1962 he served as president of the South Carolina Press Association. The following year he was president of the Southern Newspaper Publishers Association and in 1964 became chairman of its board of directors.

"Newspapers and broadcasting stations must be operated as a public trust," Sisk said. "They have the responsibility of informing and entertaining their public but do not have the privilege of slanting the news to put across a personal point of view."

He added: "It is the duty of an organization like ours to furnish leadership in worthwhile projects such as the economic growth of the area, the betterment of living conditions and the arts."

The son of a former Clemson University professor, Sisk spent four of his boyhood years in the Upstate. "During that time I came to love the Piedmont region," he often said.

After living in Cookeville, Tenn., and Clemson, the Sisks settled in Livingston, Ala., where the father taught and the son enrolled at Livingston University.

The younger Sisk transferred to the University of Alabama and in 1934 he received a degree in business administration.

The nation was in the depth of the Great Depression when Sisk finished college. "I wanted a job," he later recalled, "but didn't know where I could get one or just what I would be doing."

He borrowed $100 from his father for a bus trip to visit friends in New Hampshire. Along the way he stopped over in New York City to see a friend, who told him about an opening with an accounting firm.

Sisk worked for five years for the firm and became a certified public accountant.

In 1939 he and Mrs. Sisk, the former Isbell Lane of Talladega, Ala., moved to Greenville. Sisk associated with Belton R. O'Neall, whose accounting office was in the old News Building at Main and Broad streets.

When O'Neall retired, he sold the business to Sisk and it became J. Kelly Sisk & Co. Among his clients was the News-Piedmont Co., and through this association he met publisher Roger C. Peace.

Years later Peace remarked: "The best move I ever made was to bring Kelly Sisk into the newspaper with us."

On Sept. 16, 1948, Sisk was elected a News-Piedmont director to succeed J. E. Sirrine, who died a year earlier. Sisk was made business manager and treasurer of the company.

In 1953 the News-Piedmont Co., which owned radio station WFBC, entered the television business and WFBC-TV went on the air. Sisk was elected treasurer of the broadcasting enterprise.

Further expansion followed in both the newspaper and broadcasting fields with purchase of the Asheville Citizen-Times Co. and later television stations in Knoxville, Tenn., and Macon, Ga.

With the formation of Multimedia in 1968, all of the companies merged. Shortly afterward Sisk was elected president and chief executive officer to succeed Peace.

In addition to serving as Multimedia's board chairman, Sisk was chairman of the board of The Greenville News-Piedmont Co. and publisher of the two newspapers.

Sisk is a former chairman of the board of Greenville General Hospital, past president of the Greater Greenville Chamber of Commerce and past chairman of the Greenville County Red Cross chapter.

He was a member of Buncombe Street United Methodist Church. The family home is on Southland Avenue.

Survivors include his widow; a son, John K. Sisk Jr. of Jacksonville, Fla.; and a daughter, Mrs. F. Lawton (Lane) Irick Jr. of Holly Hill.

Thomas McAfee Funeral Home is in charge of arrangements, which will be announced later.

[Greenville (S.C.) News-Piedmont, Nov. 8, 1980]

J. Kelly Sisk: A Tall Man

He was a man of tall qualities who took giant steps across the newspaper landscape of this country.

The business world knew Kelly Sisk for his success and leadership. But what will stay with his friends and business associates as a memory to outlast that reputation was his compassion and his unyielding good humor.

He was a man who smiled. And behind that smile was a man who gave of his money and his time to people who needed help and encouragement. It might be truly said of Sisk that he had no enemies. He avoided at almost any cost those words or actions that might make someone uncomfortable or result in hurt.

For more than 30 years Sisk played a key role in the management of these newspapers.

He was chief business advisor to the late Roger C. Peace and their vision and energies brought about Multimedia, today a nationally-regarded communications company.

As chairman of the board of Multimedia and in other corporate seats he held, Sisk was considered aggressive. His business abilities were recognized in the nation's halls of commerce.

Less obvious, because he didn't believe in standing on soapboxes, was Sisk's dedication to the profession of journalism. He knew that newspapers and broadcasting stations had to be profitable to be successful. But he also was convinced that the business side and the news and editorial side had to be kept separate for the benefit of both.

There might be no greater tribute paid a newspaper publisher than to note that he maintained the integrity and fairness of the news columns. Sisk continued a tradition set by Peace that advertisers and other special interests not be allowed to interfere with coverage of the news.

He was firmly committed to the newspapers and the community. Over the years Sisk was involved personally in major civic undertakings, ranging across virtually every worthwhile organization in Greenville and in newspaper circles throughout the country.

He brought to each the same measure of sound judgment, innovative thinking and good will that he applied to these pages and to Multimedia.

Obviously, Kelly Sisk will be missed by his associates here. But the legacy of good business and good journalism he left will benefit the community—and the communications industry—for many years.

[From the State (Columbia, S.C.), Nov. 12 1980]

J. Kelly Sisk

The untimely death of J. Kelly Sisk, publisher of the Greenville News and Greenville Piedmont, and chairman of Multimedia, Inc., was sad news to his colleagues and friends throughout the United States.

A quiet and warm personality, a kind man to everyone, Mr. Sisk was also an aggressive and innovative businessman who earned national recognition for himself and Multimedia.

At the death of the News-Piedmont's publisher, Roger C. Peace, in 1968, Mr. Sisk took charge of the newly formed corporation, which then included other newspapers in Asheville and television stations in Greenville, Macon, Ga., and Knoxville.

Since then, Multimedia has acquired 11 more daily newspapers, 22 non-dailies, four television stations, 11 radio stations, a number of cable television systems and the Music City News in Nashville.

In his 30-year career in Greenville, Mr. Sisk was not so busy that he didn't participate in almost every major civic project, and he insisted his newspapers be committed to the community's improvement.

Mr. Sisk was an outstanding professional in the communication industry, and he was admired for his personal character. His death is mourned by many.

[From the Charleston (S.C.) News & Courier, Nov. 7, 1980]

Board Chairman of Multimedia, J. K. Sisk, Dies

Greenville.—J. Kelly Sisk, board chairman of Multimedia, Inc., and publisher of the Greenville News and Greenville Piedmont, died Thursday at the age of 67.

Sisk collapsed about noon Thursday and was taken to Greenville General Hospital, where he underwent neurosurgery. He died about 8 p.m.

Wilson C. Wearn, president and chief executive of Multimedia, said the company "will keenly feel the loss of our chairman and friend. Kelly Sisk was one of those who brought the company into being and who led it to significant growth."

Sisk took charge of Multimedia in 1968 at the death of Roger C. Peace, who had formed the corporation shortly before he died by merging the News-Piedmont Co., the Asheville, N.C., Citizen-Times Co. and television stations in Macon, Ga., and Knoxville, Tenn. The News-Piedmont Co. owns WFBC–TV and WFBC radio in Greenville.

Under Sisk's leadership, Multimedia acquired 11 other daily newspapers, 22 nondaily newspapers, the Music City News, four television stations, 11 radio stations and a number of cable TV systems. Multimedia also syndicates the Phil Donahue Show, the Bob Braun Show and the "Young People's Special" series on television.

Sisk was a director of South Carolina National Bank, Dan River, Inc., and Liberty Life Insurance Co. A former national director of the Associated Press, he was honored in 1962 by Financial Magazine as the year's most effective newspaper executive.

[From the Charleston (S.C.) News & Courier, Nov. 9, 1980]

J. Kelly Sisk

J. Kelly Sisk, a Tennessean, helped the late Roger C. Peace, the Greenville newspaper publisher, put in place the first blocks on which was built a large communications corporation. When Mr. Peace died in 1968, Mr. Sisk took charge of the Greenville papers and of Multimedia, Inc. With his leadership and businessmen, Multimedia enjoyed significant growth. In a period of 12 years it acquired 33 newspapers—11 of them dailies—in addition to four television stations, 11 radio stations and several cable television systems. Multimedia became not only a multi-state operation, but ranked in size among the top 20 such communications businesses in the nation.

Despite those successes, J. Kelly Sisk remained the same: modest, unassuming. In his steady rise from accountant to treasurer of The Greenville News and the Piedmont to publisher and Multimedia board chairman, Mr. Sisk thought consistently in terms of what was good for business, the Piedmont and South Carolina as a whole.

Like others in a wide circle of friends and business acquaintances, we are saddened by his unexpected death at 67.

J. Kelly Sisk, Publisher, Dies In Greenville

Greenville.—J. Kelly Sisk, board chairman of Multimedia Inc. and publisher of the Greenville News and Greenville Piedmont, died Thursday at the age of 67.

Sisk collapsed about noon Thursday and was taken to Greenville General Hospital, where he underwent neurosurgery. He died about 8 p.m.

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Under Sisk's leadership, Multimedia acquired 11 other daily newspapers, 22 nondaily newspapers. The Music City News, four television stations, 11 radio stations and a number of cable TV systems. Multimedia also syndicates the Phil Donahue Show, the Bob Braum Show and the "Young People's Special" series on television.

Sisk was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co. A former national director of The Associated Press, he was honored in 1978 by Financial Magazine as the year's most effective newspaper executive.

He was also served as president of the South Carolina Press Association and president and chairman of the board of directors of the Southern Newspaper Publishers Association. In addition to his professional associations, Sisk served in various capacities for a number of Greenville area civic organizations.

Funeral arrangements are incomplete.

[Sumter (S.C.) Daily Item, Nov. 8, 1980]

Greenville Publisher Sisk Collapses, Dies

Greenville (AP).—J. Kelly Sisk, board chairman of Multimedia Inc. and publisher of the Greenville News and Greenville Piedmont, has died. He was 67.

Sisk collapsed about noon Thursday and was taken to Greenville General Hospital, where he underwent neurosurgery. He died about 8 p.m.

Wilson C. Wearn, president and chief executive of Multimedia, said the company "will keenly feel the loss of our chairman and friend. Kelly Sisk was one of those who brought the company into being and who led it to significant growth."

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Sisk was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co. A former national director of The Associated Press, he was honored in 1978 by Financial Magazine as the year's most effective newspaper executive.

"As a director of AP for nine years and chairman of AP's important finance committee, Kelly Sisk made an outstanding contribution to the wire service's coverage of the 1970's," said Jack Tarver, AP chairman and vice chairman of Cox Enterprises in Atlanta. "The board joins me in expressing heartfelt sorrow at the loss."

[From the Orangeburg (S.C.) Times and Democrat, Nov. 8, 1980]

J. Kelly Sisk, Multimedia Chairman, Burial Today

Greenville, S.C.—J. Kelly Sisk, under whose leadership Multimedia Co. became one of the Southeast's largest publishing and broadcasting conglomerates, will be buried Saturday.

Sisk, 67, died Thursday night at Greenville General Hospital, about eight hours after collapsing at Greenville's Poinsett Club. He was chairman of the board of Multimedia and publisher of the Greenville News and the Greenville Piedmont.

Funeral services were scheduled for 10:30 a.m. Saturday at Buncombe Street United Methodist Church in Greenville, followed by burial at Springwood Cemetery.

Sisk, an Alabama native and graduate of the University of Alabama, was described Friday by his co-publisher, Rhea Eskew, as an avid watcher of politics. Sisk was "absolutely ecstatic" about this week's election results, Eskew said.

About Mr. Sisk's career, Eskew said: "He believed very strongly in the integrity of the news columns. He never put up with advertiser influence in the news columns. He understood what journalism is about: fairness, accuracy, reporting news. And he understood that the first duty of a newspaper is to make money. If it doesn't, it can't do anything."

Sisk took charge of Multimedia in 1968 after the death of the corporation's founder, Roger Peace, who had merged the News-Piedmont Co., the Asheville Citizen-Times Co. and two television stations.

Under his leadership, Multimedia acquired 11 other daily newspapers, 22 nondaily papers, the Music City News, four television and 11 radio stations and a number of cable television systems.

Mr. Sisk had also served as president of the South Carolina Press Association and was president and board chairman of the Southern Newspaper Publishers Association. He also served eight years on the board of directors of the Associated Press.

He was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co.

Sisk is survived by his wife, Isbell Sisk; a daughter, Lane Irick, of Holly Hill, S.C.; a son, John Sisk Jr. of Jacksonville, Fla.; and a sister, Mrs. C. C. McDaris of Orlando, Fla.

[From the Anderson (S.C.) Daily Mail, Nov. 8, 1980]

Sisk

Greenville, S.C.—J. Kelly Sisk, board chairman of Multimedia Inc. and publisher of the Greenville News and Greenville Piedmont, has died, He was 67.

Sisk collapsed about noon Thursday and was taken to Greenville General Hospital, where he underwent neurosurgery. He died about 8 p.m.

Wilson C. Hearn, president and chief executive of Multimedia, said the company "will keenly feel the loss of our chairman and friend. Kelly Sisk was one of those who brought the company into being and who led it to significant growth."

Sisk took charge of Multimedia in 1968 at the death of Roger C. Peace, who had formed the corporation shortly before he died by merging the News-Piedmont Co., the Asheville, N.C., Citizen-Times Co. and television stations in Macon, Ga., and Knoxville, Tenn. The News-Piedmont Co. owns WFBC–TV and WFBC radio in Greenville.

Under Sisk's leadership, Multimedia acquired 11 other daily newspapers, 22 nondaily newspapers, The Music City News, four television stations, 11 radio stations and a number of cable TV systems, Multimedia also syndicates the Phil Donahue Show, the Bob Braun Show, and the "Young People's Special" series on television.

Sisk was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co. A former national director of The Associated Press, he was honored in 1978 by Financial Magazine as the year's most effective newspaper executive.

"As a director of AP for nine years and chairman of AP's important finance committee, Kelly Sisk made an outstanding contribution to the wire service's coverage of the 1970s," said Jack Tarver, AP chairman and vice chairman of Cox Enterprises in Atlanta. "The board joins me in expressing heartfelt sorrow at the loss."

[Spartanburg (S.C.) Herald, Nov. 8, 1980]

Greenville News, Piedmont Publisher J. Kelly Sisk Dies

Greenville.—J. Kelly Sisk, board chairman of Multimedia Inc. and publisher of the Greenville News and Greenville Piedmont, died Thursday at the age of 67.

Sisk collapsed about noon Thursday and was taken to Greenville General Hospital, where he underwent neurosurgery. He died shortly before 6 p.m.

Wilson C. Wearn, president and chief executive of Multimedia, said the company "will keenly feel the loss of our chairman and friend. Kelly Sisk was one of those who brought the company into being and who led it to significant growth."

Sisk took charge of Multimedia in 1968 at the death of Roger C. Peace, who had formed the corporation shortly before he died by merging the News Piedmont Co., the Asheville, N.C., Citizen-Times Co. and television stations in Macon, Ga., and Knoxville, Tenn. The News-Piedmont Co. owns WFBC–TV and WFBC radio in Greenville.

Under Sisk's leadership, Multimedia acquired 11 other daily newspapers, 22 non-daily newspapers, The Music City News, four television stations, 11 radio stations and a number of cable TV systems. Multimedia also syndicates the Phil Donahue Show, the Bob Braun Show and the "Young People's Special" series on television.

Sisk was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co. A former national director of The Associated Press, he was honored in 1962 by Financial Magazine as the year's most effective newspaper executive.

He has also served as president of the South Carolina Press Association and president and chairman of the board of directors of the Southern Newspaper Publishers Association.

[The Charlotte Observer, Nov. 8, 1980]

S.C. Publisher J. Kelly Sisk Dies in Greenville

(By Marilyn Mather)

J. Kelly Sisk, publisher of the Greenville News and the Greenville Piedmont in South Carolina, died Thursday.

He was board chairman of Multimedia Inc., a conglomerate of newspapers, television and radio stations.

Mr. Sisk collapsed at lunch at Greenville's Poinsett Club and died about 8 p.m. after neurosurgery at Greenville General Hospital. He was 67.

Mr. Sisk, a graduate of the University of Alabama, the state where he grew up, arrived in Greenville in 1939. A certified public accountant, he joined the newspaper in 1948 as business manager and treasurer.

He took charge of Multimedia 20 years later after the death of the corporation's founder, Roger Peace, who had merged the News-Piedmont Co., the Asheville Citizen-Times Co. and two television stations.

Under his leadership, Multimedia acquired 11 other daily newspapers, 22 non-daily papers, the Music City News, four television and 11 radio stations and a number of cable television systems.

Mr. Sisk had also served as president of the S.C. Press Association and was president and board chairman of the Southern Newspaper Publishers Association. He also served eight years on the board of directors of the Associated Press.

He was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co.

Mr. Sisk was an avid watcher of politics, his co-publisher in Greenville, Rhea Eskew, said Friday afternoon. He was "absolutely ecstatic" about this week's election results, Eskew said.

About Mr. Sisk's career, Eskew said: "He believed very strongly in the integrity of the news columns. He never put up with advertiser influence in the news columns. He understood what journalism is about: fairness, accuracy, reporting news. And he understood that the first duty of a newspaper is to make money. If it doesn't, it can't do anything."

Mr. Sisk was an avid golfer, but had to give the game up because of severe arthritis of the spine. Sisk played in the first Heritage Golf Classic at Hilton Head in 1969 and prized a photograph taken of him and professional golfer Jack Nicklaus.

He had a home at Hilton Head and enjoyed boating until he broke a foot jumping from a dock, Eskew said.

"He always had a smile," Eskew said. Eskew repeated a story told by Mr. Sisk's sister, Mrs. C. C. McDaris, about when he was a baby and his mother woke him up at night to give him castor oil, "he came up with a smile."

Services will be at 10:30 this morning at Buncombe Street United Methodist Church in Greenville.

He is survived by wife, Isbell Sisk; daughter, Lane Irick, of Hilly Hill, S.C.; son, John Sisk Jr. of Jacksonville, Fla.; and sister, Mrs. McDaris of Orlando, Fla.

[From the New York Times, Nov. 8, 1980]

J. Kelly Sisk, Publisher and Head of Multimedia in Greenville, S.C.

(By Jill Smolowe)

John Kelly Sisk, chairman of Multimedia Inc., a communications holding company in Greenville, S.C., that owns 35 newspapers, five television stations and 12 radio stations, died Thursday. He was 67 years old.

Mr. Sisk was named president of Multimedia when the company was formed 12 years ago and served as chairman of the board from 1973 until his death. He was also chairman of the Greenville News-Piedmont Company, a division of Multimedia, from 1963 on.

Mr. Sisk appeared to have been in good health until he collapsed Thursday afternoon at a social club in Greenville. He died a few hours later after undergoing neurosurgery. The cause of his death has not been determined.

Born March 3, 1913, in Cookeville, Tenn., Mr. Sisk spent most of his life in the South. He grew up in Livingston, Ala., and Clemson, S.C. After attending Livington University briefly, Mr. Sisk transferred to the University of Alabama, where he received a degree in business administration in 1934.

WORKED AS NEW YORK ACCOUNTANT

After working for five years as an accountant in New York City, Mr. Sisk moved to Greenville, where he spent the rest of his life. In 1939, he was employed by an accounting firm in the same building as two sister newspapers, The Greenville News and The Greenville Piedmont. In 1948 Mr. Sisk became a director of the News-Piedmont Company, the first of several executive positions with the company.

Multimedia was formed in 1968 with the merger of the two Greenville papers, and the addition of the Asheville Citizen Times and two Southern television stations. Serving first as president and then as chairman, Mr. Sisk oversaw an expansion of the communications company to 13 daily newspapers, 22 nondailies, five television stations, 12 radio stations, a number of cable systems and a magazine.

Mr. Sisk served on the boards of several hospitals, banks and insurance companies. A member of the American Newspaper Publishers Association, Mr. Sisk also served as a director on the board of The Associated Press and was the president of the Southern Publishers Association in 1963 and publisher of the organization in 1964.

He is survived by his wife, Isbell; a son, John K. Sisk Jr. of Jacksonville, Fla.; a daughter, Lane Lawton of Holly Hill, S.C., five grandchildren. Services will be held today at 10:30 A.M. at the Buncombe Street United Methodist Church in Greenville.

[Montgomery (Ala.) Advertiser, Nov. 8, 1980]

Multimedia Chairman Dies

Greenville, S.C.—J. Kelly Sisk, chairman of the board of Multimedia Inc., parent company of The Montgomery Advertiser and Alabama Journal, died Thursday in a Greenville hospital. He was 67.

Sisk, a graduate of the University of Alabama and a former resident of Livingston, was also publisher of The Greenville News and Greenville Piedmont.

He collapsed about noon and was taken to Greenville General Hospital where he underwent neurosurgery. He died shortly before 7 p.m.

"Multimedia will keenly feel the loss of our chairman and friend," said Wilson C. Wearn, president and chief executive officer of Multimedia. "Kelly Sisk was one of those who brought the company into being and led it to significant growth."

Sisk took charge of Multimedia in 1968 after the death of Roger C. Peace, longtime publisher of The News and The Piedmont. Peace formed the corporation shortly before his death by merging the News-Piedmont Co., which owned WFBC radio and television, with The Asheville (N.C.) Citizen-Times Co. and television stations in Macon, Ga., and Knoxville, Tenn.

In January 1969, the company bought The Advertiser Co., which owns the two Montgomery newspapers and the Prattville Progress.

Multimedia grew under Sisk's leadership and now owns 13 daily newspapers, 22 non-daily newspapers, the Music City News, five television stations, 12 radio stations and a number of cable stations.

In recent years the corporation has moved into production of television programs. Multimedia syndicates the Phil Donahue Show, the Bob Braun Show, and the "Young People's Special" series.

Sisk's leadership extended into other fields. He was director of South Carolina National Bank, Dan River Inc., and Liberty Life Insurance Co.

He was a trustee of the Duke Endowment and Converse College and an advisory trustee of Furman University.

Sisk was a former national director of the Associated Press in 1978. He was honored nationally by Financial Magazine as the year's most effective newspaper executive.

Sisk returned to Alabama on several occasions to speak at the universities he attended or for other organizations. After giving the commencement address at Livingston University, he was given an honorary doctor of laws degree.

In 1971, he was a featured speaker in a distinguished lecture series at the University of Alabama and keynote speaker for the kickoff of the local United Appeal drive.

In 1962, he served as president of the South Carolina Press Association. The following year, he was president of the Southern Newspaper Publishers Association and in 1964 became chairman of its board of directors.

[Clarksville (Tenn.) Leaf-Chronicle, Nov. 8, 1980]

Board Chairman Of Multimedia Dies

Greenville, S.C. (AP).—J. Kelly Sisk, board chairman of Multimedia Inc. and publisher of the Greenville News and Greenville Piedmont, died Thursday at the age of 67.

Sisk collapsed about noon Thursday and was taken to Greenville General Hospital, where he underwent neurosurgery. He died about 8 p.m.

Wilson C. Wearn, president and chief executive of Multimedia, said the company "will keenly feel the loss of our chairman and friend. Kelly Sisk was one of those who brought the company into being and who led it to significant growth."

Sisk took charge of Multimedia in 1968 at the death of Roger C. Peace, who had formed the corporation shortly before he died by merging the News-Piedmont Co., the Asheville, N.C., Citizen-Times Co. and television stations in Macon, Ga., and Knoxville, Tenn. The News-Piedmont Co. owns WFBC–TV and WFBC radio in Greenville.

Under Sisk's leadership, Multimedia acquired 11 other daily newspapers, 22 non-daily newspapers, The Music City News, four television stations, 11 radio stations and a number of cable TV systems. Multimedia, the parent company of *The Leaf-Chronicle* also syndicates the Phil Donahue Show, the Bob Braun Show and the "Young People's Special" series on television.

Sisk was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co. A former national director of The Associated Press, he was honored in 1962 by Financial Magazine as the year's most effective newspaper executive.

He has also served as president of the South Carolina Press Association and president and chairman of the board of directors of the Southern Newspaper Publishers Association.

[South Carolina Press Association Newspaper, Nov. 12, 1980]

J. KELLY SISK, MULTIMEDIA LEADER

GREENVILLE, S.C.—J. Kelly Sisk, under whose leadership Multimedia Co. became one of the Southeast's largest publishing and broadcasting conglomerates, was buried Nov. 8.

Sisk, 61, died Nov. 6 at Greenville General Hospital, about eight hours after collapsing at Greenville's Poinsett Club. He was chairman of the board of Multimedia and publisher of the Greenville News and the Greenville Piedmont.

Sisk, an Alabama native and graduate of the University of Alabama, was described Friday by his co-publisher, Rhea Eskew, as an avid watcher of politics. Sisk was "absolutely ecstatic" about this week's election results, Eskew said.

About Mr. Sisk's career, Eskew said: "He believed very strongly in the integrity of the news columns. He never put up with advertiser influence in the news columns. He understood what journalism is about: fairness, accuracy, reporting news. And he understood that the first duty of a newspaper is to make money. If it doesn't it can't do anything."

Sisk took charge of Multimedia in 1968 after the death of the corporation's founder, Roger Peace, who had merged the News-Piedmont Co., the Asheville Citizen-Times Co. and two television stations.

Under his leadership, Multimedia acquired 11 other daily newspapers, 22 nondaily papers, the Music City News, four television and 11 radio stations and a number of cable television systems.

Mr. Sisk had also served as president of the South Carolina Press Association and was president and board chairman of the Southern Newspaper Publishers Association. He also served eight years on the board of directors of the Associated Press.

He was a director of South Carolina National Bank, Dan River Inc. and Liberty Life Insurance Co.

Sisk is survived by his wife, Isbell Sisk; a daughter, Lane Irick, of Holly Hill, S.C.; a son, John Sisk, Jr. of Jacksonville, Fla.; and a sister, Mrs. C. C. McDaris of Orlando, Fla.

KELLY SISK—PUBLISHER, FRIEND

The news stories and obituary of Multimedia Chairman Kelly Sisk have recounted the accomplishments of a highly successful businessman and civic leader. We address the passing of Mr. Sisk at this time as a personal loss to those who knew him so long and so well—as a colleague, friend and fellow human being.

Phillips Brooks said, in a sermon of long ago, that "greatness, in spite of its name, appears to be not so much a certain size—as a certain quality in human lives." Kelly Sisk had a certain quality—a special quality that made for greatness.

It can truly be said of him that he rose to a high position by his own merit. In achieving success in the business world, he carried with him an unswerving concern for others—for his family, his fellow workers, his church, his community. His astuteness as a businessman, his integrity, fair-mindedness, personal magnetism and affability combined to form that special quality that so enriched the lives of those around him.

As we say hail and farewell to Kelly Sisk, we have a very large sense of loss, knowing that we are diminished by his death—but, at the same time, a sense of gratitude for his life and works—for having known him as friend, colleague and fellow human being.

Mr. DECONCINI. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERALISM AND THE U.S. SENATE: THE RECORD OF THE 96TH CONGRESS

Mr. MORGAN. Mr. President, I should like to make a few remarks about the role of federalism in the U.S. Senate. As most Senators know by now, I am a student of the men who wrote the Federalist Papers, and I devote much time to studying this great work.

Federalism is a concept that will never go out of date in this country. Although much of our history has shown the expanding role of the Federal Government, I strongly believe that we are now coming to a time when States will take a more active role in government.

I point out, parenthetically, that we now are in the second month of our new fiscal year; and if my memory serves me correctly, there still are eight to 10 budgets which have not been adopted for this year. That in itself, I believe, indicates that Congress is trying to undertake and is trying to do more than it can readily do.

While people who argue for more State power have often had a tough time in the Senate, I think that in the future we will see more receptivity to this concept. Federalism, of course, implies that States accept the responsibility for carrying out programs. One reason for the rapid expansion of Federal power since 1930 was simply the vacuum of responsibility that had come to pass as States left many crucial areas of government untouched. With this in mind, I would like to speak on the role of federalism in the 96th Congress.

Our form of government is unique in the world for the way it has blended the often-competing values of liberty and of equality. There is no nation in the world that has a government that is as stable, in the eyes of the world, as is ours. The Constitution that created this Government has over a period of almost two centuries demonstrated its strength and its ability to adapt to a changing world. The complex scheme of Government devised by the Constitutional Convention of 1787 has proved to be as well suited to a sophisticated and technologically oriented society as it was to the simpled agrarian society of that day.

One of the primary reasons for the strength and stability of our system of government is that it is rooted in federalism. This was a unique contribution of the framers of our Constitution. Emerging from a loose confederation of States and having gained independence from a strong national government, they fashioned a new kind of government, one that would balance the interests of the States and of the Nation. This federal principle has been one reason that our system has remained viable throughout so many political, geographic, and societal changes.

Maintaining a truly federal system has never been easy. Writing in 1825, Thomas Jefferson said:

> I see—with the deepest afflicition, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the states, and the consolidation in itself of all powers, foreign and domestic. . . . It is but too evident that the three ruling branches (of the federal government) are in combination to strip their colleagues, the state authorities, of the powers reserved to them. (Letter to W. B. Giles; quoted in Saul K. Padover, ed., *Thomas Jefferson on Democracy*, p. 54)

This struggle to maintain federalism continues to be critical to the cause of constitutional government. This paper examines the role of the U.S. Senate in that effort, using as an example actions during the 96th Congress.

THE ROLE OF THE SENATE

The Senate fills a particularly sensitive role in the federal system. While each branch of Government is essential to the delicately balanced scheme prescribed by your Constitution, the Senate was designed for the express purpose of protecting the rights of the States and curbing possible excesses of majority rule. It is helpful in this regard to review the intent of the framers of the Constitution in establishing the Senate.

The Federalist Papers (No. 62) list six "inconveniences which a Republic must suffer from the want of such an institution" and shows how the Senate is designed to correct these. First, those persons who administer the Government may forget their obligations to their constituents and prove unfaithful to the public trust. The Senate, as a second branch of the Legislature, serves as a check on this and "doubles the security to the people." Second, "the necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions." To correct this, the Senate should be a less numerous body and should hold its authority for a longer term of office.

The third defect to be remedied by a Senate "lies in a want of due acquaintance with the objectives and principles of legislation." An assembly of men called from private pursuits for a short term will commit errors in the exercise of their legislative trust; a well-constituted Senate can provide more knowledge of the means by which the objects of Government can be attained. Fourth, "the mutability in the public councils arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the Government." A fifth desideratum illustrating the need for a Senate is that it can provide "an attention to the judgment of other Nations."

The sixth purpose for a Senate is to provide a legislative body "which, having sufficient permanency to provide for such objectives as require a continued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects." Underlying those purposes is a recognition that "such an institution may be sometimes necessary as a defense to the people against their own temporary errors and delusions."

Thus, the function of the Senate was to be a stable, deliberative body, unmoved by the temporary passions of the electorate or by the schemes of political demagogues. It was to design long-range legislative solutions to problems and not yield to popular demands for legislation that might later prove to be unwise or unnecessary. It was to be the conservator of the public trust and of our constitutional principles. Such a body ought to be especially cognizant of the need to preserve federalism, even at the occasional expense of otherwise desirable legislation.

The composition of the Senate also gives it a special responsibility to protect the federal system. The "Federalist Papers" point out that:

> The equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States and an instrument for preserving that residual sovereignty. (No. 62).

The method of selecting the Senate was part of a "great compromise" between opposing factions in our Constitutional Convention. The convention had come close to dissolving over the issue of representation. The small States feared that their liberties would be endangered if the legislature were selected on the basis of proportional representation, while the larger States felt their security and fiscal stability would be threatened if each State had an equal vote.

The federal system emerged as a "great compromise" between those who favored a confederation and those who favored a National Government. As Carl Van Doren wrote:

> The small states, by giving up their claim to equal representation in the popular branch of the legislature of the United States, had given up their attachment to a mere confederation. The large states, by giving up their claim to proportional representation in the Senate, had given up any hopes they may have had for a consolidated government. The states would now survive as states in a federal system to which they conceded the right to make, execute, and interpret federal laws, while themselves retaining the right to govern themselves within their own borders. (*The Great Rehearsal*, Time-Life edition, 1965, p. 154).

Under this compromise, the Senate was to preserve the rights of the States and to protect that degree of sovereignty they had retained. This was a distinctly different responsibility than that of the House of Representatives, which was constituted so as to reflect the majority opinion and to respond rapidly to changes in that opinion. Federalism was made the particular business of the Senate. I will now discuss how well the Senate has met that responsibility during the 96th Congress.

ISSUES BEFORE THE 96TH CONGRESS

Federalism is so woven into the fiber of our governmental system that it is an intrinsic part of most of the Senate's work. Except for national defense and foreign relations, it is hard to think of an area of legislative concern that does not impact, directly or indirectly, on Federal-State relationships. Even the Federal budget affects the division of responsibility between governments, not only through the specific programs it funds, but because dollars spent at the Federal level are not available to the States.

The volume of senatorial activity that relates to the federalism issue is so great as to make a complete analysis of legislative actions relating to it impractical, even for one session of the Congress. In 1979 alone there were 509 rollcall votes in the Senate, and it is safe to say that the great majority of these had some bearing on Federal-State relations. I have, therefore, identified 11 rollcall votes that illustrate the question of federalism in the various forms that it comes before the Senate and that show the range of responses that result. These sample rollcalls all involve a substantial question of federalism. In other respects these are widely divergent measures.

The 11 rollcalls discussed here illustrate four underlying issues in the balance of power between Federal and State governments. The first measures proposed a change in the basic constitutional structure of our system. The second category is composed of measures which would allow the Federal Government, through legislation or regulation, to override State law or State constitutional provisions in certain areas. The third group of measures involve the question of whether a governmental function should be performed by a Federal or a State agency. The final category consists of two bills that would increase the Federal role in activities that have been traditionally carried out by the States.

The measures under consideration here involve a diverse array of functions and purposes; their only common nexus is their impact, immediate or potential, on the balance between State and Federal Governments. Several involve the question of how best to administer an emerging area of governmental activity—in this case, energy conservation and mobilization, while others—like legislation relating to inmates of institutions, involve an activity that is as old as Government. Some of these measures concern programs that involve Federal funding to the States or localities, while others have no fiscal considerations. Some, like those concerned with energy, involve a critical question that demands an immediate congressional response; others, like a proposal to establish a Federal Department of Education, do not reflect any immediate crisis. A number of these bills have unquestionably commendable objectives; others are more controversial in nature.

ILLUSTRATIVE VOTES ON FEDERALISM ISSUES

The most clearly defined issue of federalism was presented in Senate Joint Resolution 28, which would have proposed a constitutional amendment to abolish the electoral college and to provide for the direct popular election of the President. It was not just the Southerners who viewed this as a threat to States' rights; opposition to the measure crossed party, ideological, and regional lines. In speaking against this measure, I quoted at length from John F. Kennedy who, as a Senator from Massachusetts, had opposed the concept when it was proposed 20 years ago. Kennedy had said that changing the electoral college system "would strike a blow at State's rights in major proportions. It would probably end States' rights and make this country one great unit."

This was not just empty rhetoric. The electoral college had been designed to play a crucial role in the delicate balance of powers. As James Madison explained in "the Federalist"—

> The State governments may be regarded as constituent and essential parts of the federal government. . . . Without the intervention of the State legislatures, the President of the United States cannot be elected at all. (No. 45).

Abolishing the role of the States by going to a direct national election drastically changes a system that, despite its faults, has served us well for almost two centuries.

The major difference between direct elections and the electoral college is that one is a competition for votes and the other is a competition for States. Forcing a candidate for President to compete for States makes him address the special needs and concerns of our diverse population. It makes it difficult for sectional candidacies or extremists ever to prevail and has helped prevent the growth of divisive third parties. As a result, we have had moderate, pragmatic Presidents with broadly based support for virtually all of our national history.

The second type of threat to federalism that comes before the Congress is legislation that would override State laws. Four such measures are discussed here. The first is S. 1177, a bill extending aid to community mental health centers. As it came from committee, the bill included a "bill of rights: For patients in public mental facilities." This detailed statement, which would have become Federal law if enacted, gave patients such rights as the right to refuse treatment, to be treated in "the least restrictive manner," to file complaints through a grievance procedure, and similar safeguards.

The goal of this bill—to protect mental patients, was admirable. This was more than a question of protecting the interests of mental patients; it was a question of who could do it best the States or the Federal Government. Mental health is clearly a responsibility of the States, which provide most of the programs and the funding. Thirty-five States had already enacted patients' bills of rights. To pass a Federal statute overriding these States laws was clearly an unwarranted incursion by the Federal Government into a State responsibility.

I offered an amendment to S. 1177, which retained a bill of rights but recommended its adoption rather than making it mandatory. The amendment stated:

> It is the sense of the Congress that each State should review and revise, if necessary, its laws to insure that mental health patients receive the protection and services they require.

There was general concurrence that this represented a better approach to the problem, and the amendment passed by a vote of 91 to 1. S. 1177 was subsequently enacted.

Another example of a proper goal improperly pursued concerns day care centers. The 1974 Budget Act provides that committees may be instructed to reduce spending within their jurisdictions whenever that is required to meet the budget ceilings. In 1980, Congress issued such instructions for the first time. The Senate Finance Committee responded by recommending that implementation of new day care standards under titles XX and IV of the Social Security Act be suspended for 1 year. In debate it was stated that the Congressional Budget Office estimated that this suspension would save $20 million, although opponents argued that savings would be minimal.

An amendment to reinstate these standards, offered by the Senator from California (Mr. Cranston), was rejected by a vote of 74 to 15. In rejecting the amendment, the majority supported the argument that day care centers were already subject to State and local standards governing health, fire, sanitation, and other matters. The adoption of the regulations would result in increased costs to the centers and, ultimately, to the parents, although the Federal Government had not established a clear need for further regulation of such facilities.

The three votes discussed thus far all resulted in victories for federalism. This is far from a typical record. The next two rollcalls that I will discuss resulted in the enactment of bills that preempt State laws and even some State constitutional provisions.

Senate bill 1308, the Priority Energy Project Act of 1979, was enacted by a vote of 68 to 25. It was intended to slash through the complex layers of regulations and requirements which have slowed development of domestic energy projects by allowing a Federal Energy Mobilization Board to grant special status to certain projects. The Board could then set deadlines for Federal, State, and local agencies faced with decisions on these priority projects. If an agency missed a deadline, the Federal Board could step in and make a decision for it.

Although something clearly had to be done to expedite energy development, there was substantial and strong opposition to this approach. Senator Muskie called it an "unprecedented intrusion into State and local prerogatives to protect the health and safety of their citizens." Senator Dole argued that:

> The creation of such a board, with such far-reaching power to ride roughshod over State and local substantive and procedural law, in the absence of a clear national emergency, would involve serious constitutional problems.

However, a majoriy of the Senators—and I might say, Mr. President, including myself—felt that this energy situation was serious enough and was enough of a national emergency to justify this sweeping grant of power.

I might say, Mr. President, that this one occasion when my staff and I disagreed. After having given the State ample time to move and then, if they did not move, I though it was not unjust for the Federal Government to move in. Nevertheless, my staff outvoted me and, in scoring the votes for and against federalism, they scored the vote for this power as being against federalism, even though I voted the other way.

No national emergency was involved in H.R. 4986, the Depository Institutions Deregulation Act of 1979. The act authorized negotiable order of withdrawal (NOW) accounts in federally chartered banks and savings and loan associations. I offered an amendment specifying that this authorization would not apply unless State-chartered savings and loan associations were also permitted to have NOW accounts. The amendment was defeated by a vote of 38 to 52.

The role of the States in banking matters has been debated since the earliest days of the Republic when a national bank was in operation for a number of years. The present national banking system began in the 1850's and has been extensively modified. Through a series of congressional actions, national banks have been allowed to engage in branch banking provided that the laws of the State in which they operate permit the State-charatered institutions to do so. This system has worked very well. My amendment would have extended this same approach to NOW accounts, thus leaving to the States the decision as to whether these services should be offered.

In enacting Senate bill 1149, the Housing and Community Development Amendments of 1979, the Senate overrode not only State laws, but also State constitutions. The section in question exempted Federal loans and mortgages from State usury ceilings. Proponents said that such ceilings, while well intentioned, often have the effect of shutting off credit to borrowers.

I offered an amendment to delete this section from the bill, arguing that it would suspend the usury provisions of various State constitutions, which had been adopted by the voters of those States, and of State laws, which had been enacted by their legislatures. We would be preempting the right of the States to govern usury in their own jurisdictions. There is sometimes a good argument that can be made when Congress wants to preempt State laws; in this case, the argument was that a few States have unrealistic interest ceilings that are not in the best interest of their people. But if the people of those States want to amend their statutes or constitutions, they can do so. It should not be done by perfunctory vote on the floor of the U.S. Senate. Again, however, the Senate was less concerned with the proper limits on its jurisdiction than it was with remedying a problem, and the amendment lost by a 2-to-1 margin.

The third group of roll calls centered on the issue of whether a governmental function should be carried out at the Federal level or channeled through existing agencies at the State level. The score here was mixed. While one of the measures discussed here called for a significant contribution by the States, two did not.

Senate bill 1030, the Emergency Energy Conservation Act of 1979, was passed by a vote of 80 to 13. This measure gave the President limited authority to impose gasoline rationing in case of an energy emergency. More importantly, in terms of federalism, it fashioned a role for the States, as well as the Federal Government, in meeting a critical national problem. The President was authorized to establish an emergency conservation program and to set conservation targets for the States. The Governor of each State could then submit plans to meet his State's target. A State with insufficient authority to enforce mandatory energy conservation could request that specific Federal measures could be enforced in the State by Federal authority.

Federal authority would be used in a State only pursuant to a plan developed by the State and approved by the President. Only in the event the State fails to submit a plan, or if it fails to achieve the proper level of conservation after a reasonable period of time, would the Federal plan be imposed. Thus, the plan gives the President authority to protect the national interest while relying on the experience and insights of the States to fashion their own programs. It seems to me that this is the kind of approach contemplated by our Constitution.

Another energy-related bill, S. 1280, failed to provide a significant role for the States. The bill authorized the Department of Energy to make grants to local governments in consultation with the Secretary of Housing and Urban Development. Local funding applications go through the State only for comment and review.

Senators Domenici and Hatfield offered an amendment to give funds to the

States for distribution to localities. The Secretary of HUD would still determine amounts to go to cities, and local governments would still be required to develop comprehensive energy strategies. But, as Senator DOMENICI explained, his amendment would decentralize decisionmaking while retaining the same criteria for grant awards. It would utilize existing State agencies to administer the program rather than open another level of bureaucracy. When it came to a vote, the amendment was defeated by a narrow margin.

A similar defeat for the federal principle was found in the rejection of an amendment to Senate bill 1648, the Airport and Airway System Development Act of 1979. This and a related measure authorized funds for airport development and planning. They shifted the emphasis in Federal funding away from large airports, airports throughout the country. Opponents of the amendment argued that State involvement would not be a positive addition to planning but would introduce another level of bureaucracy in the funding process. This argument prevailed, and the amendment lost by a vote of 39 to 49.

Finally, I want to discuss measures that reflect increasing Federal encroachment on State functions. Throughout our history education has been the business of the States and localities, as has been the commitment and care of institutionalized persons. While neither function has been exercised without problems, sometimes of major dimensions, the States have never turned away from these responsibilities but have constantly tried to improve their performance. Despite this record, the Federal Government increasingly intervenes in both areas.

S. 210, which passed after 18 months of congressional consideration, created a Federal Department of Education. It consolidated 152 existing programs, with 17,350 employees, which makes it the fifth largest of the 13 Cabinet Departments. An amendment was unsuccessfully offered by Senator SCHWEIKER to make the chief Federal education official an Under Secretary of the Department of Health, Education, and Welfare, instead of creating a separate agency. Senator SCHWEIKER pointed out that his amendment was a logical, rational, efficient, and cost-effective way to give higher status and higher recognition to education.

S. 210 specifically prohibited the new Department of Education from increasing Federal control over schools. However, there was widespread concern in the Congress that establishment of a separate department would undermine the traditional independence of locally run schools. Even the education community was split on the issue; while the measure was backed by the National Education Association, it was opposed by the American Federation of Teachers and by many institutions of higher education. To many of us, the measure was, at best, unwarranted and, at the worst, dangerous. The primary responsibility of the States and localities in education is unquestioned, yet it was being singled out as a function important enough to merit separate Cabinet status in the Federal Government, thus placing it on a level with such clearly national interests as defense and foreign relations.

The final example of a congressional incursion into States' rights is H.R. 10, the Civil Rights of Institutionalized Persons Act. This measure permitted the U.S. Department of Justice to bring suits against States in order to protect the rights of prisoners, and other institutionalized persons. Prior to this act, the Federal Government could intervene in such suits but could not initiate them.

The bill had a stormy legislative history which was reflected in the fact that it was amended 35 times. It finally passed the Senate by a vote of 56 to 36, after 2 days of debate, during which another amendment was accepted and several more were rejected. No one could quarrel with the measure's ultimate objective which is to provide an adequate standard of care for institutionalized persons. The question was whether or not that objective is best served by sending lawyers from the U.S. Department of Justice and agents from the Federal Bureau of Investigation into State institutions with litigation in mind. Most States were already making a bona fide effort to improve institutional conditions, and this effort was hurt, rather than helped, by protracted lawsuits, which often resulted in court-run institutions.

The Senator from Nebraska spoke at some length on a particular situation.

I had opposed this bill consistently, because I believe that it does serious violence to the principles behind our Federal-State system. My service as a State attorney general has given me insights into the damage that could be done by this kind of legal tactic. It is significant that two of the Senators who argued against the bill on the final day were former State attorneys general, myself and Senator DANFORTH, and two former Governors, Senator BOREN, and Senator EXON. Their experience at the State level undoubtedly made them more aware of the potential for a great abuse of power in this kind of legislation, as the Federal Government can be very heavyhanded in its dealings with the individual States.

SENATE VOTING PATTERNS

The accompanying table shows the Senate vote on each of the rollcalls that I have discussed. Some of these rollcalls are on final passage of a bill, while others are shown in terms of their implication of federalism, rather than as they were actually cast. Thus, a plus means that a vote was supportive of federalism, and not necessarily that it was a "yes" vote on the measure.

The chief conclusion that can be drawn from a study of this table is that there is no "pro-federalism" bloc in the Senate; rather, these issues are decided on a measure-by-measure basis, with the States' interests being just one of the many factors considered in each case. The Southern Senators are more likely to vote in support of federalism than are their colleagues from other regions, but, otherwise, there is no geographic pattern in the voting. Similarly, there is no consistent party pattern, although Republicans are more apt to support federalism than are Democrats.

No Senator has a perfect record on these rollcalls—I might add parenthetically, if I had prevailed with my staff I would have—but five Senators took the federalism position in all but one of these votes. These were Senators HARRY BYRD, HAYAKAWA, HELMS, WARNER, and myself. These five Senators represented both political parties; all but one, however, were from the South. All five failed to take the federalist position on the same measure; they voted in favor of S. 1308 concerning energy emergencies. An additional seven Senators were pro-federalism on all but two rollcalls: Senators HUMPHREY, JEPSEN, LAXALT, NUNN, SCHWEICKER, SIMPSON, and WALLOP. All but one of these seven are Republicans, but they represent all regions of the country.

Conversely, the Senators who most consistently took an antifederalism position were almost all Democrats. Senator KENNEDY voted on only 5 of these 11 issues but consistently supported expansion of the National Government's role. Ten other Senators voted against the federalist position on all but one or two of these rollcalls. They were Senators CHURCH, CRANSTON, CULVER, BAYH, DURKIN, INOUYE, JAVITS, METZENBAUM, RIBICOFF, and TSONGAS. The party distinction is also indicated in the fact that the Senators who cast over half of their votes on these issues against the federalist position included 47 Democrats and 15 Republicans.

Finally, Mr. President, these divisions indicate that Senators' votes on issues relating to federalism are not governed by the size of the State they represent. The big State-little State schism in the constitutional convention was responsible for our system of selecting the Congress, and it was intended that the Senate should represent the interest of the smaller States. The record on these 11 rollcalls indicates, however, that Senators from small States are no more firmly committed to the cause of federalism than are their colleagues from the more populous areas.

Mr. President, the remarks that I have presented have been prepared by my staff and me over the last 2 years. The Chair will note that I have not presented them until after the election so as not to bias or prejudice the voters in one way or another, but simply to state the facts. The Chair will notice that, unlike some people who establish rating bureaus, I did not score exactly 100; I only missed one. It really was done for what I hope will be a constructive purpose, to show that federalism is a viable force in our system of government.

I am pleased that the National Governors Conference, in July, adopted unanimously a resolution referring to the role of federalism in our dual system of government and calling for a commission to study how it can better be brought about.

Mr. President, I say to the Chair and to my colleagues that most of my remarks and tables had been prepared and tabulated prior to that date. I ask unanimous consent now that the six sheets showing the tabulation of Senate votes by the 96th Congress on the issues that I have discussed for each Senator be printed at the conclusion of my remarks.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

SENATE VOTES, 96TH CONGRESS

Correct vote	S. 210 N (1)	S. 210A Y (2)	S. 1030 Y (3)	S. R 28 N (4)	S. 1149 Y (5)	S. 1308 N (6)	H.R. 4986 Y (7)	S. 1648 Y (8)	S. 10 N (9)	S. 2885 N (10)	S. 1177 Y (11)	S. 128 Y (12)
Armstrong (Colorado)	+	+	−	−	/	+	+	−	+	+	+	+
Baker (Tennessee)	−	−	+	−	−	/	/	/	+	+	+	+
Baucus (Montana)	−	−	+	−	−	+	+	−	−	/	+	−
Bayh (Indiana)	/	/	+	−	−	−	/	−	−	−	+	−
Bellmon (Oklahoma)	−	−	+	−	−	−	/	+	/	/	+	+
Bentsen (Texas)	−	−	+	−	−	−	+	−	−	+	+	−
Biden (Delaware)	−	/	+	+	−	+	−	−	−	−	+	−
Boren (Oklahoma)	−	−	+	−	−	−	−	+	+	+	+	+
Boschwitz (Minnesota)	−	−	−	+	+	−	−	+	−	+	+	+
Bradley (New Jersey)	−	−	+	+	−	−	−	/	−	−	+	−
Bumpers (Arkansas)	−	−	+	+	/	−	−	+	+	+	+	/
Burdick (North Dakota)	−	−	+	−	−	+	−	−	−	−	+	/
Byrd, H (Virginia)	+	+	+	+	+	−	+	+	+	+	+	+
Byrd, R. (West Virginia)	−	−	+	−	−	−	+	−	−	+	+	−
Cannon (Nevada)	−	−	+	+	−	−	/	−	−	+	+	+
Chaffee (Rhode Island)	−	−	+	−	+	−	−	+	−	+	+	+
Chiles (Florida)	−	−	/	+	+	−	+	−	/	+	+	+
Church (Idaho)	−	−	/	−	/	−	−	−	−	+	/	/
Cochran (Mississippi)	−	−	−	+	−	−	−	/	+	+	+	+
Cohen (Maine)	+	+	+	+	−	−	−	+	+	+	+	+
Cranston (California)	−	−	+	−	−	−	−	−	−	−	+	−
Culver (Iowa)	−	−	+	−	−	/	−	−	−	−	+	/
Danforth (Missouri)	−	−	+	−	−	−	+	−	+	+	+	+
DeConcini (Arizona)	−	−	+	−	−	−	+	+	−	+	+	−
Dole (Kansas)	+	+	+	−	−	+	−	+	−	+	+	+
Domenici (New Mexico)	−	−	+	+	−	−	+	−	+	+	+	+
Durenberger (Minnesota)	−	−	+	−	+	+	−	+	−	−	+	−
Durkin (New Hampshire)	−	/	/	+	−	−	−	−	−	+	/	−
Eagleton (Missouri)	−	−	+	+	/	−	−	−	/	+	+	−
Exon (Nebraska)	+	+	+	−	/	−	−	−	+	+	+	+
Ford (Kentucky)	−	−	+	−	−	−	+	−	/	+	+	−
Garn (Utah)	−	+	+	−	−	+	−	−	+	+	+	+
Glenn (Ohio)	−	−	+	−	−	+	/	−	/	/	+	−
Goldwater (Arizona)	+	+	−	+	/	−	+	/	+	/	+	−
Gravel (Alaska)	/	/	−	−	−	+	/	/	−	+	+	−
Hart (Colorado)	−	−	+	−	+	+	−	/	−	+	+	+
Hatch (Utah)	−	+	+	+	−	+	−	−	−	+	+	+
Hatfield (Oregon)	−	−	+	−	+	−	+	+	−	+	+	+
Hayakawa (California)	+	+	+	+	−	/	/	+	+	+	+	/
Heflin (Alabama)	−	−	+	+	−	−	+	−	−	+	+	−
Heinz (Pennsylvania)	−	+	+	+	/	−	/	+	−	+	+	+
Helms (North Carolina)	+	−	−	+	+	+	+	+	+	+	+	+
Hollings (South Carolina)	−	+	+	+	/	−	+	+	+	+	+	−
Huddleston (Kentucky)	−	+	+	−	−	−	+	+	−	/	+	−
Humphrey (New Hampshire)	+	−	−	+	+	+	−	+	+	+	+	+
Inouye (Hawaii)	/	/	+	−	−	−	−	+	−	−	/	−
Jackson (Washington)	−	+	+	−	−	−	−	−	−	+	+	−
Javits (New York)	−	−	+	−	−	−	−	−	−	−	+	−
Jepsen (Iowa)	+	−	−	+	−	/	+	+	+	+	+	/
Johnston (Lousiana)	−	+	+	−	+	−	+	+	+	+	+	/
Kassebaum (Kansas)	+	+	+	+	−	+	−	−	−	+	+	/
Kennedy (Massachusetts)	−	/	/	−	−	−	/	/	−	/	/	/
Laxalt (Nevada)	+	/	/	+	−	/	+	−	+	+	+	+
Leahy (Vermont)	−	−	+	−	/	−	−	+	−	+	+	−
Levin (Michigan)	−	−	+	−	−	−	−	+	−	+	+	+
Long (Louisiana)	−	/	+	+	/	−	−	−	+	+	+	−
Lugar (Indiana)	+	+	−	+	−	+	−	/	−	+	+	+
Magnuson (Washington)	−	−	+	−	−	−	−	−	−	+	+	−
Mathias (Maryland)	−	/	+	−	−	−	−	−	−	+	+	−
Matsunaga (Hawaii)	−	−	+	−	−	−	−	+	−	+	+	−
McClure (Iowa)	−	+	−	+	/	−	+	+	+	+	+	+
McGovern (South Dakota)	−	−	+	−	−	+	−	/	−	/	+	−
Melcher (Montana)	−	−	+	+	−	−	+	−	−	+	+	−
Metzenbaum (Ohio)	−	−	+	−	−	−	−	−	−	−	+	−
Muskie/Mitchell (Maine)	/	/	+	+	/	+	−	−	+	+	+	+
Morgan (North Carolina)	+	+	+	×	+	−	+	+	+	+	+	+
Moynihan (New York)	+	+	+	+	−	−	−	−	−	−	+	−
Nelson (Wisconsin)	−	−	+	−	−	+	−	+	−	+	+	−
Nunn (Georgia)	−	−	+	+	+	−	+	+	+	+	+	/
Packwood (Oregon)	−	−	/	−	+	+	−	−	−	/	+	+
Pell (Rhode Island)	−	−	+	−	−	−	−	−	−	+	+	−
Percy (Illinois)	−	−	+	+	−	−	−	+	−	+	+	−
Pressler (South Carolina)	−	/	+	+	−	+	/	+	−	/	+	+
Proxmire (Wisconsin)	+	+	+	−	−	+	−	+	−	+	−	−
Pryor (Arkansas)	−	−	+	−	−	−	−	/	−	+	+	+
Randolph (West Virginia)	−	−	+	−	−	−	+	−	−	+	+	−
Ribicoff (Connecticut)	−	−	+	−	/	+	−	−	−	/	+	−
Riegle (Michigan)	−	−	+	−	−	−	−	+	−	+	+	−
Roth (Delaware)	−	−	−	+	+	+	−	−	+	+	/	+
Sarbanes (Maryland)	−	/	+	+	−	−	−	+	−	−	−	−
Sasser (Tennessee)	−	−	+	−	−	−	−	/	−	+	+	−
Schmitt (New Mexico)	+	+	+	+	−	+	+	−	+	/	+	+
Schweiker (Pennsylvania)	+	+	+	+	−	+	+	+	+	+	+	+
Simpson (Wyoming)	−	+	+	+	+	−	+	+	+	+	+	+
Stafford (Vermont)	/	/	+	−	−	−	−	+	−	+	+	−
Stennis (Mississippi)	−	−	+	+	−	−	+	−	+	+	+	−
Stevens (Arkansas)	−	−	−	+	/	−	+	−	+	+	+	+
Stevenson (Illinois)	−	−	+	−	/	−	−	−	+	−	+	−
Stewart (Alabama)	−	−	+	−	+	−	+	−	−	+	+	−
Stone (Florida)	−	−	/	+	+	−	+	−	−	+	+	−
Talmadge (Georgia)	−	−	+	+	/	−	+	−	+	+	/	/
Thurmond (South Carolina)	−	−	+	+	−	−	+	+	+	+	+	+
Tower (Texas)	+	+	−	+	/	−	−	−	+	+	+	/
Tsongas (Massachusetts)	−	−	+	−	−	−	−	−	−	−	+	−
Wallop (Wyoming)	+	/	+	+	+	−	+	+	−	+	+	+
Warner (Virginia)	+	+	+	+	+	−	+	+	+	+	+	+
Weicker (Connecticut)	−	−	+	+	−	+	+	−	−	+	+	−
Williams (New Jersey)	−	−	+	−	−	−	−	+	−	−	+	−
Young (North Dakota)	−	−	+	+	−	−	+	/	+	+	+	+
Zorinsky (Nebraska)	−	+	+	−	+	−	+	−	+	+	+	−

Plus equals: Voted on amendment correctly. Minus equals: Voted on amendment wrongly. Shil equals: Absent and unannounced.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE W, 96TH CONGRESS, 2D SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the protocol amending the 1916 convention with Canada for the protection of migratory birds, Executive W, 96th Congress, 2d session, which was transmitted to the Senate today by the President of the United States, and ask that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. BOREN). Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Convention of August 16, 1916 for the Protection of Migratory Birds in Canada and the United States of America. The Protocol modernizes and adds flexibility to the subsistence taking provisions of the Canada convention by allowing the contracting parties to authorize the taking of migratory birds and the collection of their eggs by the indigenous inhabitants of the State of Alaska and the Indians and Inuit of Canada for their own nutritional and other essential needs, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds. The report of the Department of State is enclosed for the information of the Senate in connection with its consideration of the Protocol.

The 1916 Convention pertaining to Canada was the first of our migratory bird conventions and reflected the knowledge of ornithology and migratory bird management at the time. The Convention makes a valuable contribution to the conservation of migratory birds by establishing for migratory game birds, migratory insectivorous birds, and other migratory nongame birds, closed seasons during which no hunting is permitted except for scientific or propagating purposes under permits issued by proper authorities. The taking of nests or eggs of such birds is also prohibited except for scientific or propagating purposes under laws or regulations.

The Convention has very narrow exceptions which permit the taking by Alaskan Eskimos and Indians of a few sea birds and eggs for subsistence purposes. These narrow exceptions present two problems, however. They do not recognize the centuries old historical use of other species of migratory birds by Alaskan natives. In addition, they do not recognize and permit needed subsistence taking by other local rural residents of bush Alaska who are neither Indian, Aleut, nor Eskimo. As a result, the provisions of the Convention have been widely ignored by the rural subsistence inhabitants of Alaska. Further, there has been considerable friction among different user groups, and between user groups and law enforcement and management officials. The conclusion of the Department of the Interior is that the existing subsistence provisions of the Convention are "unworkable, unenforceable, and incapable of responding to the legitimate subsistence needs of many rural Alaskans."

The provisions of the Protocol adequately respond to the subsistence needs of the State of Alaska, while at the same time protecting our migratory bird resources. The Protocol does not abrogate the limited rights granted to Indians and Eskimos in the 1916 Convention, but broadens subsistence taking rights to all "indigenous inhabitants of the State of Alaska" so as to respond to subsistence needs of rural Alaska in a racially nondiscriminatory way. Excessive exploitation of the birds is guarded against by reserving to the competent authorities of the two countries the right respectively to determine what constitutes legitimate subsistence needs, and to establish hunting seasons so as to provide for the preservation and maintenance of stocks of migratory birds.

I am confident that this Protocol will enhance our ability to manage and conserve a valuable natural resource. I urge the Senate to act favorably on this Convention at an early date by giving its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *November 24, 1980.*

APPOINTMENT OF THE CAPITOL ARCHITECT

Mr. ROBERT C. BYRD Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 892, S. 2760.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2760) to provide that the Architect of the Capitol shall be appointed by and with the advice and consent of the Senate.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, there are currently four positions in the legislative branch of the Government which are appointed by the President: the Architect of the Capitol; the Librarian of Congress; the Comptroller General, head of the General Accounting Office; and the Public Printer, head of the Government Printing Office. Of these, the Architect of the Capitol is the only position whose nomination is not confirmed by the Senate.

This arrangement appears to be merely an accident of history. The first Architect of the United States was appointed in 1793 by President Washington. During the construction of the Capitol (1793–1865) appointments to the position of Architect were made on a temporary basis as the progress on the construction of the building required. However, the Office of the Architect has been continued from 1851 to the present. No one has ever undertaken changing the method of appointment used since the beginning, and, consequently, the position is still filled solely by appointment of the President.

The purpose of this bill is to correct this historical anachronism. The bill provides that the Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate. The bill shall only take effect in the case of vacancies occurring on or after the date of enactment of this act.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes." (February 14, 1902, chapter 17, 32 Stat. 20, as amended; 40 U.S.C. 162) is amended by inserting "by and with the advice and consent of the Senate" immediately after "shall be appointed by the President".

SEC. 2. The amendment made by this Act shall be effective only in the case of appointments to the Office of Architect of the Capitol which are made to fill vacancies in such Office occurring on or after the date of enactment of this Act.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TREATMENT OF CHRISTIANS BY THE SOVIET UNION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1100 (S. Con. Res. 60).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, this calendar number is cleared on our side, and we join the majority leader in his request.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res 60) expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with amendments, as follows:

On page 2, line 5, after "(1)" strike "reaffirm" and insert "continues to affirm";

On page 2, line 5, strike "commitment" and insert "support";

On page 2, line 6, strike "to" and insert the following: "for full implementation of all the provisions of";

On page 3, line 4, strike "Christians" and insert the following: "all religious believers";

On page 3, line 5, after "publics", insert the following: "including Christians";

On page 3, line 6, strike "Christians" and insert "persons";

On page 3, line 12, after "of" insert the following "all persons, including";

● Mr. BOREN. Mr. President, I am proud to be principal cosponsor of Senate Concurrent Resolution 60 expressing the sense of the Congress affirming the support of the United States for full implementation of all the provisions of the Helsinki accords.

Few subjects have achieved such constant attention as the plight of those in the Soviet Union who have been denied basic human rights because of their religious beliefs.

The Soviet Union continues to subject these people to harsh retaliation, when their only crime is to request permission to emigrate to the Western World.

The Soviets have signed such international documents as the Helsinki accords and then show little interest in fully implementing the provisions of that agreement.

This resolution expresses the Sense of the Congress that the President, acting through the Secretary of State, or any other appropriate officer of the executive branch, should continue to confirm the support of the United States for full implementation of the agreement and to communicate to the Soviet Union in the strongest terms the disapproval of the United States of religious harassment and restrictions on the freedom to emigrate. It further calls on the President to advise the Soviets that we expect them to honor their commitments under this agreement and other international law.

Last year, I visited the Soviet Union and met with some of those who have been trying to emigrate. It is difficult to describe the feeling of hopelessness that accompanies the stories these people have to tell, not only of their own deprivations, but of those of friends and family members, many of whom have disappeared into psychiatric hospitals and forced labor camps throughout Russia.

We cannot betray the hopes and prayers of those who look to the United States to be the continuing champion of human rights.

Mr. President, the persecution of which I speak cannot be denied. Ten thousand evangelical Protestants had their names and addresses published in 1979 as witness to their desire to emigrate from the Soviet Union. The latest estimate sets the figure at some 50 thousand Soviet Christians, mostly Pentecostals and Baptists, who want to leave the Soviet Union.

Nearly every Member of this body has signed many letters on behalf of Soviet Jews wishing to emigrate to Israel or America. While these letters are faithfully delivered, the response to them is most often negative.

Despite these disappointments, we must continue our efforts—continue to give hope through instruments like the passage of this resolution. I urge its adoption.●

● Mr. DECONCINI. Mr. President, I address an issue which can never remain in the shadow of American consciousness. I am referring to all persons living in the Soviet Union and its satellite countries who have the courage and determination to stand up for their belief in religious freedom and basic human rights. Regrettably, it is not unusual for the Soviet regime to suppress the voices of freedom in their country. It is not unusual for men to be arbitrarily abused, not because their underlying motives are criminal in nature but because their religious or political beliefs do not conform to the rigid policies of the Soviet totalitarian state. It is, therefore, essential that Americans continue to show concern and support for all persons who are suffering needless persecution at the hands of Soviet rulers. Americans can make a difference in the eternal struggle for individual liberty.

For this reason, I am pleased to join several of my colleagues in the support of two companion resolutions which address the need to focus our attention on the plight of many Christians whose basic human rights have been blatantly violated by the Soviet Union and Eastern Europe. Senate Concurrent Resolution 60 urges the administration to voice its abhorrence to Soviet rulers concerning the religious harassment of Christians and the restrictions on emigration. Senate Concurrent Resolution 61 urges leaders in the U.S.S.R. and Soviet-occupied Bulgaria, Yugoslavia, Romania, and Poland to uphold their commitment to the Helsinki Accords, and to demand the immediate release of 40 individuals who have been severely persecuted.

Although the Soviet Constitution pays lipservice to the principle of religious freedom by guaranteeing every citizen the right to believe in God and to live in accordance with his or her beliefs, religious communities and individual believers are consistently harassed and repressed. Soviet policy requires all religious groups to register with the state, an act which permits the church building to be legally open to inspection at any time. It also places the religious group under Soviet control. Christians in Russia have mounted protests in response to such religious repression, but their struggle has only resulted in increased persecution. Pentecostals, Baptists, and some elements of the Russian Orthodox Church are targets of antireligious campaigns.

Reports have reached the West which disclose a number of prison sentences given to Russian Christians. Men and women who have been involved in underground church activities or in Helsinki-monitoring groups are incarcerated for their "anti-Soviet" actions. Human rights documents and documents showing religious repression are continually confiscated from the homes of leading activists and their companions. Religious leaders are particularly susceptible to house searches and arrests for no legitimate reason. These persons are singled out to symbolize the potential fate of anyone who tries to threaten the totalitarian state.

In recent years, there have been approximately 20,000 Russian Christians who have applied to emigrate to escape their unbearable existence under Soviet rule. Yet, their applications to emigrate are repeatedly denied without official explanations. Furthermore, emigration policy in the USSR is a costly, controlled and selective process which is particularly discriminating to minorities. For many it becomes a futile, nightmarish experience.

Applicants systematically are demoted or fired from their jobs, harassed, followed, watched, searched, interrogated, silenced by being sent to psychiatric hospitals, and ultimately imprisoned or banished to Siberian hard labor camps. A New Soviet law has made the process even more difficult by requiring a character reference from only an immediate family member who lives outside the Soviet Union.

We, as Americans, must never forget how fortunate we are to live in a country which recognizes and respects the value of the individual. Our Constitution explicitly guarantees to each and every American citizen freedom of religion, thought, and expression. If we cherish these ideals, then we must be willing to defend them. As American educator Robert Maynard Hutchins so eloquently said: "Human rights rest on human dignity. The dignity of man is an ideal worth fighting for and worth dying for."

Soviet dissenters carry a heavy burden for merely claiming their rights as human beings. America should answer their cries for support by continuing to play a key role in the preservation of individual identity. The destiny of mankind is in grave danger if those who actively seek to destroy the human spirit are victorious. Our voice of outrage must be heard.

Soviet leaders have consistently failed to comply with what they have agreed to on paper. They have violated the principles of their own constitution; they have violated the principles of the Helsinki Final Act; and they have violated the principles of the United Nations Charter. It is time that Soviet rulers live up to their pledges. It is time that Soviet citizens be granted the right to follow their individual conscience. That is the meaning of détente. And if the Soviet Union persists in strangling human freedom, it will continue to be a pariah, scorned, and rejected not just by the United States but by the entire civilized community.

Mr. President, I urge my colleagues to enthusiastically endorse these two essential resolutions in the eternal struggle for human rights throughout the world.●

Mr. JEPSEN. Mr. President, I simply wish to express at this time my appreciation to Senator ROBERT C. BYRD and to Senator BAKER, the leadership of the Senate, for bringing this on the calendar at this late date in the session. This is a sense of urgency that many of us feel and something that will be very helpful in bringing about and focusing the attention on the problems that our Christian brothers are experiencing in the Union of Soviet Socialist Republics, in Russia. I do appreciate the cooperation from the leadership in the Senate in bringing this to a vote at this time.

Mr. President, in Madrid, Spain, on November 20, Jerome Shestak, Ambassador to the United Nations Human Rights Commission in Geneva and a public member of the U.S. delegation to Madrid, addressed the fact that the USSR has blatantly disregarded its pledges in the Helsinki Final Act concerning the religious rights of its citizens. Orthodox Christians, Baptists, Lutherans, Pentecostals, Catholics, and countless other believers belonging to unregistered churches are trying to stand up and gain the freedom to worship and to practice their Christianity without being brought continuously into conflict with the state.

American authorities are aware of this problem. They know, for example, that some 20,000 Soviet Christians have decided to risk the worst by sending their names, ages, and addresses to the Supreme Soviet asking for permission to emigrate. But to date, our Government has answered with near silence and passive acquiescence. The case of the Vashchenko and Chmykhalov families, the seven Christians held in our embassy in Moscow, is a glaring example of this.

Mr. President, Senate Concurrent Resolution 60, which we are considering today, expresses the sense of Congress that the President and other officials within the executive branch convey to the Soviet Union, in unequivocal terms, that this country strongly disapproves of the religious harassment of Christians and the restrictions on them to freely emigrate. Resolution 60 further states that the United States expects the Soviet Union to honor its commitments under the Helsinki Accords. While today the Senate is considering Senate Concurrent Resolution 60, its companion, Resolution 61, will hopefully be given equal attention at a later date.

Those believers who live in the Soviet Union consider the United States of America as the last bastion of hope for religious freedom. I am reminded of the words of a Lutheran minister who, during World War II, was imprisoned in a camp where 76,000 Jews had been killed under the Hitler regime. He was asked, "How did the world let this happen?" He answered, "The Nazis came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time, there was no one left to speak for me."

The persecution and the repression in the U.S.S.R. and Soviet bloc countries is painfully real. According to Natalia Solzhenitsyn, wife of Alexander Solzhenitsyn, once Russia had 300,000 ministers at the end of the 19th century; today, there are 13,000. Once Russia had 60,000 churches, 25,000 chapels, approximately 800 monasteries; today, there are less than 10 monasteries and the churches are 6,500.

And yet, this is not an indication of a decrease in the faith of Russians. To the contrary, despite having been beaten down, spat upon, tormented, and wounded, the church in Russia has not died; there has been a rebirth of faith. At Dartmouth College in 1978, Mrs. Solzhenitsyn pleaded with the American people. "You were not with us when we were being killed," she said. "Please come and help us today, when we are trying to stand up."

In that spirit, a massive outpouring of public indignation from millions of Americans and their leaders is urgently needed. Such a campaign requires that Americans from all walks of life join together to condemn these atrocities, request a halt to the persecution of believers in the Soviet Union, and demand the release of those Christians who wish to leave the Soviet Union and its satellite countries.

It has to be a campaign starting at the grassroots, one that persists until leaders in Washington and Moscow understand that they dare not ignore the will of the people. It is not going to be easy. Neither should we expect immediate changes within the Soviet Union. It could mean years of sacrifice. But we must act now. Hopefully, we will be able to look back 10 years from today and see that real progress was made on behalf of Christians behind the Iron Curtain. You and I who represent the American people can make a difference.

In conclusion, because of my deep concern for those behind the Iron Curtain who suffer persecution for their religious beliefs, Congressman Jack Kemp and I have established a nonprofit organization called CREED, Christian Rescue Effort for the Emancipation of Dissidents, to head up such a campaign. The purpose of CREED is to call the Christian community around the world to aid and support those "dissidents" in Soviet Russia and satellite countries for whom a statement of faith is an invitation to persecution and suffering. CREED desires to join with and help coordinate the efforts of those groups already existing on behalf of persecuted Christians.

Senate Concurrent Resolution 60 is merely the beginning of our crusade. But it is a very important signal, and I want to commend the Senate Foreign Relations Committee for its consideration of this resolution.

Mr. President, I ask unanimous consent to have printed in the Record statements that I have received on the plight of Christians in the Soviet Union and its satellite countries.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Creed,
Washington, D.C., September 15, 1980.

Re Senate Concurrent Resolution 60 and 61.

Why, it may be asked, should the human rights of Christian dissidents in the U.S.S.R. be important so far as the free countries of the west are concerned, particularly the U.S.A.?

I. The first reason is an obvious one, namely, Christians in the U.S.A. have shown indifference to the plight of imprisoned and persecuted Christians in the U.S.S.R. until recently Jewish organizations on the other hand have been singularly successful, particularly since 1973, in drawing the attention of the west to the plight of Jews in similar circumstances.

II. Christianity has provided the basic ideals of human rights for Russians over the past millennium, particularly since the fall of Constantinople. After the fall of Constantinople, France was regarded as the Third Rome and Russia was upheld as the only Orthodox state in the world.

The Russians have never known a peoples' government. The state has existed for them as a tyranny. Their consciousness of human dignity and uniqueness has been kept alive by the Christian tradition; through the liturgies of the Church and its great music; the kenotic literature of the peasants which affirm the dignity of the believer, particularly at the moment of his or her defeat by the power of the state; the great writings of Dostoevski and Tolstoy; the examples of mystics and martyrs; the existence of strongly ecumenical sobornosts- or spiritual communities and the development of a Christian intelligentsia dedicated to the human freedom from the late 19th century until the October Revolution of 1917. This led to the establishment of atheistic communism dedicated to the destruction of all religions, particularly Christian thought with its strong emphasis upon the sovereignty of the ascended Christ over all nations, and the responsibility of believers to affirm their freedom in and through Him.

III. Christian intellectuals who were once Communists have provided a Christian philosophy which is based upon a biblical anthropology, and therefore, provides the intellectual means essential to self understanding. The works of Nicholas Berdyaev, for example, have been best sellers in the underground market. He is known as the apostle and philosopher of Christian freedom. While no one knows the extent of the Christian communities among the people there is evidence that it is considerable, and that such communities provide the ideals and values essential to authentically human existence.

IV. In the light of history and experience it is evident that dialectical materialism has failed to control the thinking of the Russian people. The only hope of freedom for them is through Christ. The icons representing Him invariably show Him to be compassionate and long suffering. He suffers with them, and therefore enables them to transcend their own difficulties and persecutions.

V. A clearly articulated expression of Christian will in the U.S.A. would strengthen greatly the will of dissidents, and underground Christians in the U.S.S.R. The U.S.A., despite communist propaganda, is still seen to be the last bastian of religious freedom. The emphasis upon human rights therefore, at this time based upon the Christian understanding of God and man would do much to encourage the cause of freedom in the U.S.S.R. and further the possibilities of international peace.

VI. The U.S.S.R. has shown itself sensitive to world opinion as exemplified by the response to the Jewish pressure groups since 1973. It may be presumed that tyrannies not only hate people, qua people, but fear them as well. The U.S.S.R. has strengthened its control systems against dissidents within the past few years, nevertheless, dissent appears to be increasing. Examples of this are the Charter 77 signed by 240 intellectuals in January, 1977 and the recent strike of the workers for independent unions in Poland. Although the Polish Roman Catholic Church may not have supported this strike as openly as it might have done, the Church is nevertheless seen as the only hope of free expression for the people. The support of Christians in the U.S.A. for every religious group will challenge the U.S.S.R., inspire every expression of Christian freedom, and affirm once again the origin and destiny of this country as the advocate of human freedom and dignity.

BYLEORUSSIAN-AMERICAN
ASSOCIATION, INC.,
Jamaica, N.Y., September 8, 1980.
Hon. ROGER W. JEPSEN,
U.S. Senate,
Washington, D.C.

DEAR SIR: This letter is concerned with the religious persecution in Byelorussia.

The present state of both major Christian religious congregations: the Eastern Orthodox and the Roman Catholic as well as the Byelorussian Protestants is deplorable, probably worse than in any other part of the Soviet Union.

The only existing Orthodox Seminary in Byelorussia, the Zhyrovitsy Seminary, was closed in 1963. Some available statistical data reveals the following: Byelorussia had 3,024 Orthodox Clergy in 1916 and in 1970 it had only 142. The Roman Catholic Church had 917 Clergy in 1916 and in 1970 it only had 22. The number of Clergy steadily diminishes: they are arrested, expelled and die of old age. Many of the Clergy are detained in the psychiatric asylums as is Rev. Jazep Rynkevich (Grodno region) who was arrested in 1973 and since then has been kept in the psychiatric ward.

The destruction of Churches is going on at a steadily increasing pace. As recently as 1979, the Chronicle reports the following desecrations: the 15th century Gothic Church in Grodno and the Church in Vidzy (near the town of Pastavy) have been destroyed. In Voranava, north of the town Lida, the people attempted to save their Church from destruction, but the army and militia detachments were brought on the scene and in a night the Church was completely destroyed. In Navahradak, the birth place of Adam Mickevich, the Dominican Church has been desecrated almost totally; the second Church in Navahradak, situated near by the ruins of the old castle, is still functioning. Its priest is, however, an old man whose health has been damaged by years in Soviet labor camps. Catholics in Navahradak are afraid that after his death the Church will be closed and eventually destroyed.

The destruction of Churches goes hand-in-hand with the persecution of believers and the Clergy.

The attacks on the Church in Byelorussia never stopped since the October Revolution. One of the reasons that religious persecutions in Byelorussia were very ferocious is that the Byelorussian National Movement, which culminated with the proclamation of Byelorussian Independence on March 25th, 1918, called also for the establishment of an Independent Byelorussian Autocephalic Orthodox Church.

The Byelorussian Sobors of 1922, 1927 and 1942 finalized the formation of a Byelorussian Autocephalic Orthodox Church. This Church is totally destroyed.

In recent decades, the government launched an almost unprecedented attack on Byelorussian Protestant communities. As reported in Soviet Byelorussian newspapers *"Sovetskaia Belorussia"* and *"Zviazda,"* the Protestant communities were harassed and liquidated in the following cities: Minsk, Vitebsk, Pinsk, Baranavichy, Grodno, Brest, and Babrujsk. The extent to which the authorities are determined to eradicate the Protestantism in Byelorussia is best proved by the Svietlana Misiuk case.

"In the village of Gneuchytsa in Ivanava region of Brest oblast, Svietlana Mikhajlauna Misiuk, an eighth-grade student, was severely beaten in October (1977). The schoolmistress, Lidia Polakevich, grabbed the girl by the hair in the teachers' room and beat her in the presence of two other teachers until Svietlana fell to the floor unconscious. The girl was revived by seltzer water bought at the school lunch counter. The ordeal continued for two hours. While it was going on the school administrator, Piotr Famich Polakevich, chased students away with a stick in order to prevent them from hearing the screams. Svietlana's crime was that she comes from a religious family and is herself a believer. After Svietlana regained consciousness, Polakevich threatened that if she told anyone about the incident, she would be charged with libel and that, in any event, no one would believe her because she had no witnesses. An official from Minsk, in charge of religious affairs, when asked about the incident, said that the girl had no witnesses, that she was simply feigning, and that news about the incident should not be circulated."

The authorities in Soviet Byelorussia seem to be firmly convinced that the best way to fight religion is by destroying Churches and arresting Clergy.

Recently, the attacks increased against Byelorussian Pentecostal churches and several prominent members of this congregation were arrested in Minsk and Grodno.

Atheistic propaganda is also on the increase. The best testimony to this is the new Soviet Byelorussian Encyclopedia (1973) which states:

"The Communist Party and the Soviet State are carrying out scientific atheistic propaganda among the people through various educational media such as schools and cultural institutions, radio, television, press, etc. The Communist Party considers the atheistic education an important constituent of its educational task."

The same encyclopedia admits that in the past the rights of the believers were violated and that the churches were closed against the will of the people. Such events took place in the Vitebsk and Mazyr regions. The atheistic propaganda and work is well supported by statistical data which shows that in 1953, 1,708 lessons of atheistic propaganda were presented, in 1964 there were twenty times as many lessons given, and toward the 1970's the army of anti-religious propagandists in Byelorussia consisted of 5,000 lecturers, about 1,400 professionals, and 23,000 agitators who were working in the field.

A very great importance is attached to the radio broadcasts in Minsk. Below we cite some excerpts from the Minsk radio-program "For Believers and Non-Believers" which was broadcast in December of 1979 by Yury Ermaliuk and Nadia Kushniarenka.

The broadcast begins with a discussion of letters from two listeners, one a believer and the other an atheist. The believer describes her visits to Church and what they mean to her, while the non-believer writes about his own and his collective's successes at work and busy social life. Ermaliuk remarks: "Ultimately, every person has the right to his or her opinion."

Kushniarenka, responding to a question from one of the letter-writers, says: "Esteemed comrade, you ask why we do not invite believers, to broadcast over the radio. The Constitution of our country . . . gives . . . the right to profess any religion, or none, to exercise religious cults and to conduct atheist propaganda. But our laws set definite limits for the activities of religious organizations. This is quite sensible, for in this country the Church is separated from the state. Believers may not conduct religious propaganda outside cult establishments. Likewise, atheists may not give lectures and talks at the cult establishments. . . . It would seem from the above that were the editorial staff of the radio program "For Believers and Non-Believers" to invite a religious person to the studio, they would violate the law."

Each year Byelorussian Publishing Houses in Minsk publish an abundance of books and pamphlets on matters of religion and atheism in Byelorussia. The atheistic propaganda and the attacks on the Church in Byelorussia are seemingly more intensive than in other republics of the Soviet Union. The reason for that could be that Byelorussia is deemed "one of the dangerous western borders" and Byelorussians, being deeply religious, also still oppose the Soviet regime in other cultural aspects.

Sincerely,

ZORA KIPEL,
National Secretary.

JEWISH FEDERATION OF
GREATER DES MOINES,
Des Moines, Iowa, September 10, 1980.
To: Hon. Roger Jepsen, U.S. Senator.
From: Community Relations Commission of the Jewish Federation of Greater Des Moines.

We would like to indicate to you our support of S. Con. Res. 60 and 61 before the Senate Foreign Relations Committee. These Resolutions, which call for extending the efforts of the U.S. Government to achieve the release of the beleaguered and persecuted Christian dissidents and Prisoners of Conscience in the Soviet Union, have our active support. Any effort which promotes human rights in communist countries and demands that the Soviet government be held faithful to the Helsinki Accords, of which they are a charter signatory, is an important endeavor.

As you know, there has been a 60 percent drop in Jewish emigration from the Soviet Union during 1980, as compared with similar months in 1979. Furthermore, the plight of those Jews still in the USSR threatens to become more grim. The Soviet Union has increasingly discriminated against its Jews by restricting higher education and employment opportunities. It has stepped up state-sponsored anti-Semitism and continues the virtual denial to Jews of their religious and cultural rights. These activities against the Jews are likewise meted out to those Christians who seek to demonstrate their faith publicly. These activities against religious denominations are in violation of the USSR's own constitution.

The Community Relations Commission of the Jewish Federation of Greater Des Moines applauds your efforts to bring attention and justice to those of any faith in the Soviet Union who desire an expression of their human rights.

APPEAL

To President Carter.
To U.S. Senate.
To U.S. Congress.

We, the 30,000 Pentecostal Christians, who have decided to seek refuge in any non-Communist country, have declared our decision officially and within the USSR law. A fierce anti-religious campaign is now being waged in the USSR and its consequences are: prison, concentration camps, banishment, deprivation of the right to work, deprivation of parental rights, and deprivation of the parents' right to give their own children religious upbringing.

According to the new Constitution and the laws on family and marriage (Section 52), Soviet citizens have the duty to bring up their children in the spirit of the moral code of the builders of Communism and that kind of upbringing makes it an obligation to workship not God but the Communist Party and Lenin.

The statistics from one congregation in Nakhodka alone may offer an example of religious "freedom" in the USSR. Over the past 50 years this congregation has lost more than 20 members who had been shot to death or tortured to death in concentration camps, prisons and banishment. Three families have been deprived of their parental rights. Two members were confined in psychiatric hospitals because they had tried to complain about the persecution to the United Nations. Such are the sacrifices of one congregation—and there are many thousands of such congregations in this country. This compels us to think about our further existence and particularly about our children's future. In any case, we must regard ourselves as criminals in this country: if we submit to the government, we sin against our God, since by its laws on religion the government forces us to break Christ's fundamental commandments. If we remain faithful to our God, the government treats us like criminals. There is but one solution for us—to leave this country.

The members of the congregation in Nakhodka have been trying to emigrate from the USSR for as long as 14 years. The following members of that congregation have been sentenced: Sidenko (to 4 years) and Patrushev (3 years at hard labor and 2 years under public supervision).

Our emigration movement is based on the Declaration of Human Rights and more recently on the Helsinki Agreement. These noble documents reflect in fact the sense of human dignity. After the ratification of these documents our people saw that the time has come to demand their human rights, and 30,000 Pentecostal Christians decided to emigrate from the USSR. Thus far, however, none of us could enjoy these rights because the government of the USSR in its own way interprets emigration as treason. Consequently, we have found ourselves in an even worse predicament: instead of providing a springboard for our release, those documents served to create controversy, since after their ratification the Soviet government wailed to implement them in a responsible way. Nevertheless, at the same time other governments gained an opportunity to voice their disagreement with the situation of human rights in the USSR.

This happened because no guarantees had been demanded for the implementation of those documents. We are very anxious about the debates in U.S. Congress on changes of the Jackson [-Vanik] Amendment and of the U.S. law on foreign trade. The Jackson [-Vanik] Amendment is thus far the only leverage exerting pressure on the Soviet government in the question of emigration from the USSR (primarily of the Jews).

We wish to appeal to you most urgently that you not only leave the Amendment intact but that you extend it so as to include the Pentecostal Christians wishing to emigrate from the USSR. We are in the same predicament as hostages. Please help us leave this country.

Signed:

Boris Perchatkin, Pereulok Uritskogo 11, Nakhodka; Vasily Patrushev, Ulitsa-Pionerskaya 16, Nakhodka; Sergey Anishchenko, Ulitsa Novaya 55 Nakhodka; Leonty Anishchenko, Ulitsa Kolkhoznaya 24, Sukhumi; Nikolay Goretoi, Ulitsa Komsomolskaya, St. Starotitovskaya, Kransnodarsky Kray; Vasily Gorelkin, Tapu, Estonian SSR; Vasily Shelyuk, Ulitsa Vvedenskaya 33, Kvartira 45, Rovno, Ukrainian SSR; Anatoly Rabichenko, Ulitsa Lomonosova 16, Batumi, Georgian SSR; Stanislav Zherdev, Ulitsa Khmeleva 21, Kvartira 21, Moscow; [plus 280 additional signatures with addresses].

CZECHOSLOVAK NATIONAL
COUNCIL OF AMERICA,
Washington, D.C., September 12, 1980.

Hon. ROGER W. JEPSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JEPSEN: The Czechoslovak National Council of America appreciates greatly the opportunity to submit written testimony concerning religious repression in Czechoslovakia. Below are only a few examples of the way the Czechoslovak authorities are trying to eliminate religion from the lives of the people of Czechoslovakia.

After the Archbishop of Cracow, Karol Wojtyla, was elected Pope, the attacks on the Vatican and religion in general in the Eastern European press abated to some extent. Czechoslovakia, however, was one of the first countries of the Soviet bloc to quickly revert to the old atheistic propaganda methods and to attack religion and believers. Nothing, however, has changed in the domestic persecution and oppression of active priests and laymen, especially those who signed Charter 77, the Human Rights Manifesto.

Frantisek Bublan, the Catholic priest of Breclav, raised a black flag over his church the day Pope Paul VI died. He was instructed by the municipal authorities to take the flag down, because festivities were being held in town. After the festivities ended, Bublan raised the flag again. This happened to coincide with the 10th anniversary of the Soviet invasion of Czechoslovakia; the priest was indicted for provocation and detained although a pastoral letter had urged that black flags be flown to mark the death of the Pope. Bublan was a signatory of Charter 77.

In Hradec Kralove, 46-year-old Catholic priest, Vojtech Srna was tried for celebrating mass at a summer camp for students of Esperanto without permission of the authorities. The indictment stated that the accused intended to obstruct the exercise of state supervision over the Church.

Father Jiri Gajzler was called to a hospital to administer the last rites to a dying soldier, at which time he allegedly gave Holy Communion to five other patients. Father Gajzler was arrested, tried and sentenced to nine months of imprisonment. The state, at the same time, withdrew its permission for him to officiate as a priest.

Jan Simsa, priest of the Church of the Czech Brethren and Charter 77 signatory, was arrested during a search of his apartment when the police tried to confiscate a letter from Professor Jan Patocka, Charter 77 spokesman, who died on March 13, 1977, as a direct consequence of eleven hours of police interrogation. Jan Simsa tried to protect his wife who guarded the letter with her body. Simsa was tried and sentenced to 18 months of loss of freedom. Eleven other protestant priests have been the target of police persecution.

In Czechoslovakia priests are denied admission to hospitals and other institutions, without first obtaining permission from the authorities. In Slovakia, there have been several cases in which doctors were investigated for attending religious services. They were reproached on the grounds that by doing so, they were engaging in spreading anti-state propaganda, since religious ideology is irreconcilable with the Marxist Weltanschaung (World outlook).

Along with the persecution of priests and the faithful—primarily parents who send their children to lessons of religious instruction, there is also now a broad atheistic propaganda campaign in progress. Last year, for example, an all Slovak Seminar was held in Piestany on the subject of "Questions concerning the Humanistic and Moral Essence of Scientific Atheism". It was held under the auspices of the Institute of Scientific Atheism in Bratislava.

Although instructions in religion are guaranteed by the Constitution, the authorities practice a different approach: (1) teachers who are known to hold religious beliefs, are fired from their job; (2) students, who are being sent by their parents to attend instructions in religion, are ridiculed by other students and sometimes even threatened by teachers; (3) citizens who hold religious beliefs, cannot hold any public office or a supervisory position in other state run institutions.

Magda Cerovska, a teacher in Zvolen, was fired from her job, because she participated in religious ceremonies. Dr. Irena Rysava, was fired from her job as the head of the Zilina District Hospital, because of her religious beliefs.

Following the Pope's visit to Poland, many Catholic activists and priests were arrested. They were charged with subversion and with impeding state's supervision over religious activities. Their homes were searched, religious books and materials were confiscated and typewriters and duplicating devices were removed from the homes. Over thirty persons were interrogated, apartments and houses of twenty-one Catholics were searched, ten persons were detained for 2 or 3 days and five of the most active Catholics were imprisoned for several months: Josef Adamek, a pensioner of Olomouc; Frantisek Lizna, a priest, practicing without a state license and a Charter 77 signatory, of Olomouc; Rudolf Smahel, a priest of Uherske Hradiste; Josef Vlcek; Jan Krumpholc of Radikov. Detained, but later released were also: Dr. Joseph Zverina, Charter 77 signatory and Jiri Kaplan, both of Prague; Dr. Mecislav Razek of Brno; Josef Brtnik of Sivice; Svatopluk Krumpholc of Olomouc and Dr. Silvo Krcmery of Bratislava. All were charged under Article 118, Sec. 1 of the Czechoslovak Penal Code (unlawful business activity).

The nuns in Czechoslovakia are also subjected to persecution and harassment. They are being removed from all places of ministry where they might have contact with youth. Thus no more day schools, boarding schools or orphanages. Recently, sisters have been forced out of jobs as nurses in hospitals. The only work that is currently open to them, is care of the aged and the feebleminded. And such minimal work as is allowed to nuns in the care of the aged, is to be performed in institutions run by the state.

The State Secretariat for Church Affairs, which is a department of the Czechoslovak Ministry of Culture, is in charge of controlling all religious activities. It is notorious for its harshness which is being felt in many ways. Its anti-religious attitude is notable, too, in the way it controls the number of priests whom it allows to practice religion. Priests, who retire, or are unable to perform their duties because of illness, or those, who die, are not being replaced on a one for one basis. The Secretariat is restricting the issuance of permits with the end result that there are fewer and fewer priests allowed to conduct religious services.

Repression is an abstract word. However, there is nothing abstract about the repression of religion and religious activities in Czechoslovakia.

Sincerely,

ANNA FALTUS,
Vice President.

JOINT BALTIC AMERICAN
NATIONAL COMMITTEE,
September 14, 1980.

Hon. ROGER W. JEPSEN,
U.S. Senate, Dirksen Building,
Washington, D.C.

DEAR SENATOR JEPSEN: We are pleased to respond to your letter of September 5 and to learn that S. Con. Res. 60 and 61 will very likely gain full congressional adoption. With the preparatory session of the Madrid review meeting of the Conference on Security and Cooperation in Europe already underway, these measures could not have been more timely.

We first wrote to you about the resolutions on July 16, 1980 and at that time proposed a number of additional names to the clauses in S. Con. Res. 61 dealing with incarcerated Lithuanian, Latvian and Estonian activists. We enclose a copy of that letter and, again, urge that those names be included in the final version of S. Con. Res. 61. By doing so, the resolution will, in the Baltic case, be made current which otherwise would not be the case. S. Con. Res. 61 should seek to reflect the widespread persecutions which have taken place in the USSR and East Europe since it was introduced late last year. Similarly, S. Con. Res. 61 should contain a clause on Czechoslovakians, most notably those members of the "Charter 77" movement who were tried and sentenced earlier this year. We further direct your attention to the case of Ludmilla and Larissa Zaitsev, two Russian sisters named in S. Con. Res. 61, both of whom, as we indicate in our July 16 letter, may have been released from incarceration a number of months ago. Such changes as we suggest would give S. Con. Res. 61 greater immediacy and should be of benefit to the U.S. delegation at Madrid when the resolutions are brought to its attention.

In lieu of a written statement for the record, we do enclose for your information and future reference a number of publications which document the state of religious and other freedoms in the Baltic States. Selected excerpts would be pertinent to the subject matter of S. Con. Res. 60 and 61.

Your efforts on the matters addressed by the two resolutions are very welcome and have the full support of the Baltic American community. Please feel free to call on us if we can be of assistance in the future.

Sincerely,

JOHN B. GENYS,
Chair and Lithuanian American Council, Inc.
GUNARS MEIEROVICS,
American Latvian Association, Inc.
MAIDO KARI,
Estonian American Natl. Council.
JOHN BOLSTEINS,
Director of Public Relations.

SLAVIC GOSPEL ASSOCIATION, INC.,
Wheaton, Ill., September 10, 1980.

Hon. ROGER W. JEPSEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR JEPSEN: I commend you for introducing Senate Concurrent Resolutions 60 and 61. As director of the Slavic Gospel Association, I am personally aware of the Soviet bloc countries' disregard for the rights of Christians. I join you in urging these countries to abide by Principle VII of the Helsinki Accords Final Act which guarantees freedom to profess and practice religious belief.

Our organization maintains extensive contact with Christians in the Soviet Union and the Soviet bloc countries. Through these contacts, I know that the authorities there continue to interfere with the practice of Christianity. And I continually hear first-hand accounts of repression against believers in these countries.

For example, the atheistic governments of the Eastern bloc often refuse to recognize the legitimacy of Christian congregations and deny them the right to assemble together. Other congregations are denied permission to build adequate facilities in which to worship. Religious education is virtually prohibited. In addition, many believers in Eastern Europe are victims of discrimination. Christian students are prohibited from entering certain fields; many are completely denied the right to higher education. Believers continually face discrimination in their jobs; they are denied promotions and sometimes even demoted simply because of their Christian beliefs.

I am also concerned for my Christian brothers and sisters imprisoned for their faith and join you in protesting their treatment. It seems that the plight of believers, particularly those in the Soviet Union, is worsening.

Several leaders of the unregistered Baptist church there have recently been arrested and tried: Mikhail Khorev, pastor of the unregistered church in Kishinev, was sentenced to five years of strict regime; Vasil Ryzhuk and Vasili Smirnov, leaders of the Dedovsk church near Moscow, were sentenced to three years and two years imprisonment, respectively.

Trials of other unregistered Baptist leaders, including Nikolai Baturin, secretary of the Council of Evangelical Baptist Churches (CEBC), are still pending. CEBC Chairman Gennadi Kryuchkov has been working in hiding since 1970 for fear of reprisals against him by Soviet authorities. Russian Orthodox churchmen are being imprisoned. Just last month, Father Gleb Yakunin, co-founder of the Committee for the Defense of Believers' Rights, was sentenced to five years in a labor camp and five years' internal exile under charges of "anti-Soviet agitation and propaganda."

Believers in the Soviet bloc countries are also standing trial for their Christian stance. Father Gheorge Calciu, a Romanian Orthodox priest, recently received a ten-year sentence. He has previously spent sixteen years in prison. Five Bulgarian Pentecostals—Nathaniel Tsachev, Georgi Todorov, Peter Yanev, Mitko Zhekov, and Bancho Banchev—are now serving prison sentences because of their Christian activity. The list could go on.

Again let me voice my support for S. Con. Res. 60 and 61. It is my hope and prayer that the adoption of these resolutions might help secure for believers behind the Iron Curtain the religious freedoms guaranteed them under the conditions of the Helsinki Accords.

Sincerely yours,

PETER DEYNEKA, JR.,
General Director.

Mr. JEPSEN. Mr. President, I have no further comment. I thank the Chair.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Iowa for bringing this matter to the attention of the leadership and especially appreciate his contribution in making it possible for the Senate to act on this matter at this time in a favorable way.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, together with the preamble, is agreed to, as follows:

Whereas the Union of Soviet Socialist Republics and the United States were signatories of the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords); and

Whereas in signing the Helsinki Accords the Union of Soviet Socialist Republics promised to recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or beliefs, in accordance with the dictates of his own conscience; and

Whereas despite the Helsinki Accords millions of Americans have had to work together to relieve the suffering and secure the emigration of an untold number of Soviet Jews; and

Whereas these efforts on behalf of the Soviet Jews must continue as they have produced some success; and

Whereas the suffering of Soviet Christians has been equally great and their needs remain equally desperate; and

Whereas for Christians of conviction, simple but persistent public declarations of faith have provoked harsh retaliation, including public humiliation, social ostracism, and isolation inside concentration camps and so-called psychiatric hospitals; and

Whereas the United States authorities are aware of this problem and know that some twenty thousand Soviet Christians have decided to risk the worst by sending their names to the Supreme Soviet, asking for permission to emigrate; and

Whereas freedom-loving people all over the world look to the United States as the leader of the free world to take up their cause of basic human rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting through the Secretary of State or any other appropriate officer of the executive branch, should—

(1) continue to affirm support of the United States for full implementation of all the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords);

(2) communicate to the Government of the Union of Soviet Socialist Republics in the strongest terms the disapproval of the United States of religious harassment of all religious believers in the Union of Soviet Socialist Republics including Christians and of the restrictions on the freedom of such persons to emigrate; and

(3) advise the Government of the Union of Soviet Socialist Republics that the United States expects the Union of Soviet Socialist Republics to honor its commitments under the Helsinki Accords and other international law, including its commitments regarding the rights of all persons, including Christians to practice their religion and to emigrate without government interference.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. JEPSEN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER POSTPONING INDEFINITELY CALENDAR ORDERS NO. 591 AND NO. 946

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 591, S. 1518, a bill to amend title 38 of the United States Code to permit disclosure of names and addresses and other information maintained by the Veterans' Administration to a consumer reporting agency for certain debt collection purposes and Calendar Order No. 946, H.R. 7394, an act to amend title 38, United States Code, to revise the veteran's vocational rehabilitation program, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, to provide certain cost-saving administrative provisions, and for other purposes be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF AGRICULTURE APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I have assured the distinguished minority leader that there would be no more business tonight; and while he is here, I take the occasion to ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the Senate proceed to the consideration of the Agriculture appropriation bill.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—the reservation is for the purpose of advising the majority leader that that item is cleared for consideration tomorrow. The 3-day rule, of course, has not run, but we do waive that. The scheduling suggested by the majority leader is satisfactory to us.

Mr. ROBERT C. BYRD. I thank the minority leader.

The ACTING PRESIDENT pro tempore. Without objection, it its so ordered.

PROPOSAL TO PUBLISH "THE HISTORY OF THE UNITED STATES SENATE" IN BOOK FORM

Mr. ROBERT C. BYRD. Mr. President, I will yield to the distinguished Senator from Alabama, and then I will deliver my statement on the United States Senate. This is the 28th statement. I have not inserted a statement in the RECORD thus far. I have taken the time of the Senate to deliver the statements, and I would not want to break away from that pattern.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I have heard many of the statements made by the majority leader on this subject, and I have stated previously on the floor that I felt that, at some point, the statements on the history of the U.S. Senate delivered thus far and yet to be delivered by the distinguished majority leader should be gathered, bound, and published as a volume. At the appropriate time, it will be my pleasure, if the majority leader is willing, to offer such a resolution in this session of Congress.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Tennessee. He does me great honor in making this suggestion, and I appreciate it. I hope that the statements, once they are completed, will be worthy of the consideration of the Senator and others of my colleagues.

I yield to the Senator from Alabama.

Mr. HEFLIN. I thank the majority leader for yielding to me.

NATIONAL VETERANS AWARD PRESENTED BY SENATOR HEFLIN

Mr. HEFLIN. Mr. President, Birmingham, Ala., annually has a great Veterans Day celebration. In my judgment, it is the finest Veterans Day celebration in the United States.

I ask unanimous consent to have printed in the RECORD the speech delivered by the National Commander of the American Legion, Michael J. Kogutek, together with a speech I delivered in awarding the National Veterans Award to Gen. Louis H. Wilson, retired Commandant of the Marine Corps. This National Veterans Award is an award by the three veterans organizations—the American Legion, the Veterans of Foreign Wars, and the Disabled American Veteran.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

VETERANS DAY, 1980, SPEECH GIVEN BY COMMANDER MICHAEL J. KOGUTEK

Thank you very much. John, Senator Heflin, General Wilson, and by the way General, a Happy 205th Birthday to the Marine Corps, Mr. Mayor, Distinguished guests here at the head table and elsewhere, Ladies and Gentlemen.

I am honored to be your guest speaker here tonight, and I am pleased that this year it is The American Legion's turn to host this outstanding event—for a number of reasons.

Birmingham is a special place to me, and indeed to all veterans. I feel right at home here. As in my own hometown, Lackawanna, New York, steel plays an important part of the economic life here. It plays a major role in my own life, too. When my term in office ends next year I will return to my office as plant manager of the Buffalo Brake Beam Company; but I will remember this day as one of the highlights of my work on behalf of our Nation's thirty million veterans.

In that important work, I have met many fine people who help in many ways. And one of them is Alabama's own coach, Paul "Bear" Bryant, a long time member of The American Legion and a man who surprised many last year by winning the Commander's Public Relations Award as a fine communicator and as a fine example of America's veterans.

Sadly, one of the men who also share my commitment to veterans is no longer with us. I note with sadness the passing of my counterpart at the Veterans of Foreign Wars, T. C. Selman, who died October 22. His was an effective voice on behalf of the Nation's veterans for many years. We will miss him.

This, Birmingham's National Veterans Day Program, is a tribute to all men like T. C. Selman, and to all friends of veterans. Indeed, it was with the encouragement of one of the great men in our history, the late President Dwight Eisenhower, that this program had its beginnings. "Ike" knew of your dreams and plans for this annual celebration back in the late 1940's when Raymond Weeks outlined the plan for him. Then working in the Pentagon, "Ike's" reaction was unmistakable. He said to Weeks: "By God! We need to honor those men and women with a Veterans Day. I think it's a good idea." Indeed he did. He was to have been the first program speaker, and would have been, if Columbia University in my own home state—had not called him first to serve as its President. He sent, instead, one of the most popular generals of World War II, Omar Bradley, and through that kind of encouragement helped immensely in the founding of this national Veterans Day.

I know the people of Birmingham, and of Alabama, share The American Legion's concerns and that you have always taken this day to your hearts in a special way. History books aren't always correct about who is responsible for Veterans Day. Birmingham, Alabama should get full credit for the designation of November 11 as national Veterans Day with help from President Eisenhower, Senator Sparkman and Congressman Edward H. Rees. President Eisenhower signed the bill in 1953 but do you know why it didn't go into effect until the next year? The calendar companies insisted on getting a year's lead time.

The founders of this day were blessed with a vision, not only of the future, but of the past as well, and through that vision have extended honors to even that lonely man with a long rifle in his arms who, more than 200 years ago, stood gazing across a frozen river. He pulled his ragged muffler across his face to ward off the bitter wind and then resumed his post. It was a scene that was repeated a hundred times that evening as the colonial minutemen waited for the advancing British forces. Tired, yet determined; afraid, yet certain; alone, yet united with others. This citizen soldier never flinched in his struggle for liberty and democracy. His wasn't a particularly heroic act—if heroism means extreme bravery—but it was outstanding in terms of devotion to duty. Outnumbered, underfed, poorly equipped, he defeated his adversary nevertheless in the battle that followed. And in the years that have followed, time and again his devotion to God and Country has been reflected in countless other battles and repeated in strange and foreign lands.

This nameless citizen soldier was the prototype of millions of other men and women who have fought for democracy since that winter night so long ago. Yet, as every school child knows, he has inspired countless victories and has been responsible for turning the tide in thousands of battles. His example is one that is not easily forgotten, and when we honor the veteran today, we must begin by acknowledging the presence of his spirit here. And if he were here today, what would he tell us?

He might begin by telling us that this is no time to consider reducing our commitment to maintaining peace through strength. Even then, back in 1776, there were voices crying aloud for the citizen soldier to give up his rifle for a plow. But he didn't do it as long as he knew his liberty was threatened. Today, we must recognize the wisdom of his actions. No matter what the well intentioned but misinformed tell us, the spirit of the first veteran must guide us. We must be prepared, as he was, to protect ourselves against the oppressor. Our detractors will call it saber rattling, but the real enemies of peace and freedom will see it as a deterrent to waging war against us. He certainly wouldn't advise us to apologize for wanting to be strong, one must never apologize for defending our sacred trust. Never. The first veteran, this colonial minuteman, might also remind us that on the special day we must repay the debt we owe to those who served and to the widows and orphans of those who paid the supreme sacrifice by giving their lives for their country. He would no doubt, explain that those who sacrificed are a distinct group entitled to certain preferential considerations.

These considerations are premised upon the fact that those who serve and offer their lives in defense of their country during time of war evidence the highest form of patriotism. In acknowledgement, and as an expression of gratitude, a grateful government has bestowed special benefits upon this special group of citizens. Today, for example, the Veterans' Administration must remain as viable as it has ever been to serve the veteran and his family. He would explain that those who would decimate the V.A. in the name of fiscal responsibility are being morally irresponsible to those who have sacrified for their country. He would demand that we pledge to our fellow veterans—those who are less fortunate than we who are here tonight—those grievously wounded in mind and body—that we must stand guardian over the Veterans' Administration and the well deserved benefit program it administers.

Finally, the veteran of our war of independence would implore us to honor the commitments we have made to future generations in memory of those who have gone before us. He would tell us that democracy can only exist in a world of constancy where ideals are more than mere fashion. He would say, no doubt, that the sacrifices of the past must not be eradicated by our actions in the future.

As National Commander of The American Legion, I can assure you that the spirit of the first American veterans will not be ne-gated by any actions on our part. Nor will we stand by idly and watch others destroy the fabric of American life through legislative or executive cuts. We in the Legion understand the needs of this country from a unique perspective. As former servicemen and women, we can identify with the distinguished military here tonight and their legitimate needs. But as civilians, we also know the pressures of domestic life, the need for social reform, and the need to improve the quality of life in America. And finally, we share the vision of the first veterans who learned the value of peace through experience in war. As much as is humanly possible, then, we have included this balanced perspective in our programs and resolutions for the current year and beyond.

It is not enough that we honor the veteran here today. We must go beyond today and keep this sense of recognition and this deep appreciation with us all the time. And we must remember that we are not honoring one group of veterans from one era or another. Rather, we honor all veterans, from all wars, and the sacrifices they have endured and the blessings they have permitted us to enjoy in an atmosphere of peace and freedom. So as we remember that colonial militiaman on that cold winter night over 200 years ago, let us also remember the doughboys and the GIs and every serviceman and woman. And as we reflect on what we owe them, let us resolve to keep the thought in mind that the best way to repay them is to keep America strong and free.

Thank you.

SPEECH OF SENATOR HOWELL T. HEFLIN AWARDING THE NATIONAL VETERANS AWARD TO GEN. LOUIS H. WILSON, U.S.M.C., RETIRED

It is with great personal pride that I have the honor of presenting the National Veteran's Award to General Louis H. Wilson, USMC, (Ret.). I served with Lou Wilson in the 9th Marines in WW II. He received the Congressional Medal of Honor for his gallantry and valor in the battle of Guam. A great Alabamian, Judge Conrad M. Fowler, who was then a Captain in the Marine Corps, and I were on Guam with him. Guam was American territory that needed to be recaptured from the Japanese. This, as well as Guam's strategic location in the Pacific, made the Guam campaign a most important mission.

The "Striking" 9th Marines were in the assault waves of the 3rd Marine Division that landed south of Agana.

F Company, an assault rifle company led by then Captain Wilson, fought through the beaches and moved inward to capture Fonte Hill, a terrain feature that dominated the regimental beachhead. The terrain was open and rugged. Machine gun and rifle fire was intense.

During the successful battle to capture Fonte Hill, Captain Wilson was wounded, then he was wounded the second time. He refused to leave his men to receive treatment for his wounds. Then he was wounded the third time. He refused to leave the front lines until after he had organized his Marines to repel the Japanese counter attacks expected to come during the night.

Finally, around dark he left the front lines to receive treatment for his wounds. While he was receiving first-aid, the enemy launched a fierce counter attack against Fonte Hill. Captain Wilson immediately returned to his company in spite of medical personnel's insistence that he be evacuated. Upon his return to the front lines, General Wilson led his Marines in repelling the counter attack and other banzai attacks that occurred throughout the night. F Company held Fonte Hill. Had the enemy succeeded in capturing Fonte Hill, they could have poured troops into the beachhead area and jeopardized the entire operation.

Marines and Japs fought in close combat, frequently hand-to-hand throughout the night. On one occasion Captain Wilson rescued a wounded Marine lying helpless 50 yards into no-man's land.

In the early morning he led a patrol of 17 Marines through withering fire to secure a terrain feature that covered a Japanese approach to Fonte Hill. 13 of his men were struck down, but Captain Wilson and the remaining 3 men of the patrol seized the high ground and held it until reinforcements arrived.

After reciting his conspicuous gallantry and intrepidity at the risk of life, above and beyond the call of duty, the Congressional Resolution awarding him the Congressional Medal of Honor cited the events of that fateful day and ended with these words:

"By his indomitable leadership, daring combat tactics and valor in the face of overwhelming odds, Captain Wilson succeeded in capturing and holding strategic high ground in his regimental sector thereby contributing to the success of his regimental mission."

"His inspiring conduct throughout the critical period of this decisive action sustains and enhances the highest traditions of the United States Naval Service."

General Wilson stayed in the Marine Corps following the end of World War II. As he moved up the promotion ladder he experienced service as Assistant G–3 of the 1st Marine Division and Commanding Officer of the 2nd Battalion, 5th Regiment of the 1st Marine Division in Korea. He served in the Viet Nam war in numerous capacities and was awarded the Legion of Merit and the Republic of Vietnam Cross of Gallantry with gold star. During his career he served as Commander of the 1st Marine Amphibious Forces as a Major General, and in 1972 assumed command as a Lt. General of the Fleet Marine Forces, Pacific. Among his decorations are the Korean Order of National Security Merit, the Philippine Legion of Merit and the Defense Distinguished Service Medal with Oak Leaf cluster.

When he assumed the position of Commandant of the Marine Corps he found the Marine Corps in Disarray, resulting from the aftermath of the Viet Nam war. He quickly took charge to restore the Marine Corps to its previous high standards. He raised the recruiting standards, succeeded in discharging thousands of misfits from the Marine Corps and is recognized as having returned to the United States Marine Corps its true esprit de corps.

During his tenure as a member of the Joint Chiefs of Staff, the Commandant of the Marine Corps was given full voting power. He was the only member of the joint Chiefs of Staff that recommended to the President that SALT II not be signed.

Since his retirement he has returned to his home state of Mississippi. He now serves the Veteran's Administration as Chairman of the Veteran's Administration Cemeteries and Memorial Advisory Committee. He is also a member of the American Battle Monument Commission. He is now active on the Board of Directors of several of America's leading business enterprises. General Wilson and his lovely wife, Jane, who was his Milsaps College sweetheart, have one daughter, Janet Wilson. She graduated from Auburn University and is now a second year law student at the University of Alabama. General Wilson has become a great follower of Auburn and Alabama football.

The hours between dusk and dawn of the night of July 25–26, 1944, will be long remembered. Lt. Colonel Eustis Smoak commanded the 3rd Battalion of the 9th Marines. His battalion joined F Company, commanded by Captain Wilson. Lt. Colonel Robert Cushman was the commanding officer of the 2nd battalion of 9th Marines. F Company and Captain Wilson were under his command. Lt. Colonel Cushman later became Commandant of the Marine Corps.

During the hours of darkness Lt. Colonel Smoak, a slow talking, lanky, rawboned Texan, told Lt. Colonel Cushman over the field telephone in his slow talking manner, "I have reason to believe that your right flank company has been annihilated."

I don't know what Bob Cushman said in reply, but he could have correctly stated as follows: "Eustis, as long as Lou Wilson is alive, the enemy will be repelled."

General Wilson repelled Japanese, Koreans, North Vietnamese and other communist troops during his fighting years.

He repelled ill-discipline, lack of spirit, misfits and other enemies of the Marine Corps as its Commandant.

He repelled intellectual subservience by exercising his independent judgment as a member of the Joint Chiefs of Staff.

He will continue to endeavor to repel the enemies of America as long as he lives.

It is my pleasure to present the National Veteran's Award to a Marine's Marine, a great American and a long time personal friend, **General Louis H. Wilson**, on this the 10th Day of November 1980, the 205th anniversary of the birth of the United States Marine Corps. On behalf of 30 million living veterans I would like to ask the National Commander of the American Legion, Honorable Michael J. Kogutek, to assist me in presenting this award to General Wilson.

THE CALCULUS OF STREET CRIME

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times on November 21, 1980, entitled "The Calculus of Street Crime."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CALCULUS OF STREET CRIME

"I use to always think I could beat it, and I always did." That is the testimony of an unrepentant mugger, Harvel Wilder, as portrayed in the Times by Barbara Basler. What Harvel Wilder has always beaten is the law, despite many arrests. He confirms what we all know (and what Mayor Koch keeps echoing without accepting any responsibility): some hardened criminals are neither awed nor deterred by the police, the courts and the prisons. For them, crime pays.

But the calculus of crime has another side. It costs money to fight criminals. New York and other cities are now experiencing more crime than ever, and so there is much tough talk about fighting back. But talk is cheap. And cracking down on criminals entails choices and costs that the complaining public, and its leaders, have so far refused to confront. Often, there is an even deeper problem: for New York, money spent on one crisis invariably provokes another.

Crime in New York has certainly increased over the last decade. In 1970, the city suffered 1,117 homicides and 74,102 robberies. By 1979, the toll had risen to 1,733 homicides and 82,572 robberies—despite a population decline of one million. This year will probably see new records set in both categories; the use of handguns in felony crimes has jumped by 32 percent in just one year.

Yet in the same decade, the police force has shrunk by nearly a third, or 9,000 officers. The state's prisons are full. So are the holding tanks for teen-age offenders. Court dockets are overloaded and jury trials are rare. Deals must be made, but prosecutors facing crowded courts and jails have little bargaining power.

Even a Harvel Wilder eventually understands. The first lessons, of course, are that life can be brutal and that jobs are scarce for the city's under-classes. Yet job or no job, someone who has experimented in crime is bound to learn that robbery pays better. And no matter how clumsy he may be, the criminal soon learns that the machinery of justice is even less efficient.

There's no way to contain a rising tide of crime with a leaky dam built too low in the first place. The unavoidable price is more police, prosecutors, judges and prisons. Men like Harvel Wilder can probably still be impressed by punishment that is swift, predictable and proportionate. But that means higher taxes, which can have the paradoxical effect of chasing away jobs. The crime problem is a vicious circle. Understanding that is a necessary step in dealing with it.

WASHINGTON AND LEE UNIVERSITY DISTINGUISHED ALUMNUS AWARD

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks the text of the Distinguished Alumnus Award presented by Washington and Lee University to Henry Poellnitz Johnston, Sr., together with a speech by Mr. Johnston on William R. King, a Vice President of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, William Rufus King occupies an unusual posture in the history of this country. He is the only Vice President elected from Alabama, and he is the only Vice President of the United States who took the oath of office on foreign soil.

EXHIBIT 1

WASHINGTON AND LEE UNIVERSITY—HENRY POELLNITZ JOHNSTON, SR.

Henry Poellnitz Johnston, B.A., Washington and Lee, 1929, was a most active undergraduate student, particularly in student publications. Among his undergraduate honors was election to Omicron Delta Kappa. His professional career carried forward his student interests. He was publisher of the Huntsville Times and was a pioneer in the field of radio in his native State, holding executive positions in radio stations WAPI and WSGN in Birmingham, Alabama. He was a founder and first president of the Alabama Broadcasters Association.

Throughout his long career he has been deeply interested in civic and charitable activities, particularly those involving health and education. He is a former chairman of the Birmingham Chapter of the American Red Cross. As president of the Lurleen B. Wallace Memorial Hospital Fund, he headed a successful drive for a multimillion-dollar fund for a cancer clinic and hospital at the University of Alabama Medical Center in Birmingham. He has served with distinction on the board of directors of the American Cancer Society and of the Alabama branch of that society. He has also served as a director of the Alabama Foundation for Hearing and Speech.

His ability and leadership have been recognized by numerous directorships and awards, including an honorary doctorate of humanities from the University of Alabama in Birmingham.

He is a devoted family man, and has carried his hobby of family history to professional levels in the authorship and publication of four books. This hobby and two others, travel and photography, have not interfered with his serious philanthropic pursuits; but they indicate the breadth and enthusiasm of his interests. He has written of his travels and has recorded them with skillful photography.

He is a loyal alumnus of Washington and Lee, having served as a member of the Alumni Board and a former president of the Birmingham Chapter. He has been a generous benefactor to his alma mater: he is a member of the Robert E. Lee Associates and has established three scholarships, one in his own name, one in memory of his father, Charles Poellnitz Johnston, and one in memory of his son, Henry Poellnitz Johnston, Jr., a 1970 graduate of Washington and Lee, who gave his life in the service of his Country.

Washington and Lee proudly recognizes this devoted son with the Alumni Association's Distinguished Alumnus Award.

WILLIAM R. KING

(By Henry Poellnitz Johnston, Alabama Historical Association, Selma, Ala., April 25 and 26, 1980)

Do any of you know who Thomas DeVane King of Alabama was?

Well I can simply answer that by saying, if it had not been for him I would not be here today; for Thomas DeVane King was my great, great grandfather and he bore the name Thomas DeVane after his grandfather, Thomas DeVane.

Thomas DeVane King was the oldest brother of John DeVane King and an older brother of William Rufus King, the person we are most interested in on this occasion.

I'd like to start off by saying that so many, many people whose ancestor was William King claim that they were close relatives of William Rufus King when in reality there was little, if any, relationship whatsoever. In the census of 1790 there were 17 William Kings living in the state of North Carolina and some 6 or 7 living in the state of Virginia.

The progenitor of our King family was Michael King who came from Norwich, England and landed in the upper Parish of Nansemond County. Very unfortunately, his will was destroyed by fire when the courthouse burned.

Among the children of Michael King was Henry King who moved into North Carolina, just a good skip and a jump across the state line.

Henry King had among his children a Michael King whom we shall designate as Michael II, and among Michael II's children was Michael III.

This Michael III married Mary Snell, the daughter of Roger Snell. Mary Snell King's sister, Ann, married Henry King III who was a full blood brother of Michael King III.

It's interesting to note that some of Henry and Ann Snell King's descendants moved to Murfreesboro, Tennessee and then to Madison County, Alabama and later to Marengo County where a Henry King married Helen King who was a sister of William Rufus King.

William King, the son of Michael King III, married Margaret DeVane. The family of the DeVanes is very interesting, for the first one to come to America was Thomas DeVane, and he had married Margaret Conde. Both were Huguenots and Margaret Conde was of the House of Orleans. Just when they came to America I do not know, but they left France after the Revocation of the Edict of Nantes and it's believed they moved either to Scotland or Northern Ireland before going to Barbados and then to Wilmington, North Carolina.

Thomas and Margaret owned a plantation on the Black River not far from Ivanhoe, where today stands the Black Water Presbyterian Church. This Thomas and Margaret had three children, John, Thomas, and Margaret.

It's right interesting that Thomas DeVane married Mary Larkins and John DeVane married Mary's sister, Ann. Their mother was Tabitha Larkins. She first married John Larkins and after his death married a Robinson. No one in North Carolina has yet been able to ascertain the maiden name of Tabitha Larkins.

Thomas DeVane and Mary Larkins had a daughter named Margaret DeVane, who, of course, was the wife of William King; and they were the parents of Thomas DeVane King, William Rufus King, and John DeVane King.

Now, that very briefly gives us the history of the two important families in my talk or dissertation to you today.

William King's plantation was just some six or eight miles northeast of Newton Grove, Sampson County. The 1970 population shows a total of 546, so in the time of the Kings, I'm sure it was not any larger.

In the Spring of 1786, Margaret DeVane King left her plantation home in a surrey with a driver and a mid-wife named Granny Bec to visit her mother and father on the Black River.

This information comes from Mr. D. G. Shaw, Jr., who talks with the positiveness as an eye witness. He has lived his entire life in Sampson County and is a school teacher. He says some years later Granny Bec delivered his grandmother. Mr. Shaw's mother is a DeVane.

Margaret DeVane King was expecting a child and thought she had ample time to make this visit to see her mother and father and return to her home before the baby was due.

She almost over-stayed her time; for on her way back home, just a mile or so down the dirt road from her mother's and father's plantation, labor pains set in and they slowed down their pace. Little by little the pains got worse and finally they stopped the surrey on the side of the road and Granny Bec had her lay down on a comfort along side of the road; and after a few more labor pains, into the world was born the future Vice President of the United States.

We know very little about William Rufus King during his youth, but we do know that he graduated from the University of North Carolina and studied law under William Duffy. Thomas DeVane King likewise graduated from the University of North Carolina and was a Trustee at the University from 1805 to 1813.

In 1808 and 1809 William Rufus King represented Sampson County in the House of Commons. In 1811 to 1816 he represented his district in the Congress of the United States. In 1816 he was appointed Secretary of the Legation to Russia with the Honorable William Pinckney of Maryland being the Envoy. While on this assignment he traveled over much of Europe and became a very well posted man on European affairs.

There is a story which started. lord knows when; but one day he was attending a formal social affair being held by Alexander I, then Czar of Russia, and his German born wife. In the line was their beautiful daughter, and William R. King hesitated long enough to kiss the hand of this beautiful daughter.

On the way back to his rooming place, he was told that, that might cost him his position in Russia. The next morning, bright and early, there came a rap on his door and there was a note from this beautiful princess telling him how much she enjoyed meeting him and for him to come back and see her any time he wished.

My father used to always say that the longer a dog is dead, the faster he runs. We find that John Oates, writing in his book, The Story of Fayetteville, states, "King hesitated long enough in the line to kiss the hand of the Czar's daughter," and that there was a letter from the Czar's daughter telling him to come see her whenever he wished.

We find that Hoover Adams, writing in the Charlotte Sunday Observer in January of 1940 said, "William Rufus King spent considerable time at the Court of St. James, and while in Russia became engaged to a beautiful noble woman, the highest ranking lady of the country. His marriage to her was forbidden however when he refused to renounce the United States and settle in Russia. It is interesting to note that he died a bachelor."

I was not wholly satisfied with this, so I looked in the Encyclopedia Americana and found that Alexander I, married a German princess and had only one child who died in infancy.

I thought I'd pursue this a little further and looked in the Encyclopedia Britannica which states that Alexander I had no children.

So, I thought it would be interesting to look up the Russian Encyclopedia, and there is a very lengthy article about Alexander that definitely says that they were unable to have any children.

When William Rufus King came back to America, he understood that the state of Alabama was being set up, since Mississippi, in 1817, had already been founded.

Because of his wide experience, we find that three statesmen, William R. King from Dallas County, Judge Taylor of Madison County, and Judge Henry Hitchcock of Washington County were appointed to draw up the constitution of the State of Alabama; and because of the great experience of King, it is believed that he actually did most of the work with the help and advice of the other two.

After this mission was accomplished, William R. King started to his old home place in North Carolina, when he was overtaken and told that he had been appointed one of Alabama's two senators, being appointed for the short term of four years.

W. Brewer, who was living at that time, says on page 212 of his book, "In 1829 King was chosen for another six year term by a unanimous vote and that it was during this time that his "affair of honor" occurred with Mr. John C. Perry of Dallas County, ex-treasurer of the State. Major M. J. (Michael Johnston) Kenan, also a planter of the county, used disrespectful words to Mr. King on the street in Cahaba which the latter resented by drawing a sword-cane and passing it crosswise Mr. Kenan's chest and refused to accept a challenge because of the character of the latter's insult." He goes on further to say, "Mr. Perry bore the note of challenge without knowledge of its import; and when it was declined bore another with that knowledge."

It is known that Mr. Perry and Mr. Kenan never did fight that duel. William R. King lived to die of TB in 1853.

We do know that John D. King, a baby brother of William R. King who was his idol, wrote his will which is in Book A, page 99–101 of the Dallas County records. I will not quote the entire will but will quote a couple of paragraphs.

"Having determined to settle a controversy that has been of long standing, and knowing that my life must be in jeopardy, I have thought best to give to my friend the necessary instructions on how to arrange my worldly affairs. It is my will and desire that they will take this instrument as my last will and testament."

The will was written July 27, 1832 and was found and probated September 10, 1834 in Minutes C, page 66, record of October 2. 1834.

Quoting from my book on William R. King, Bessie Hogan Williams said, "the duel was planned and John DeVane King's will was written in anticipation of it, but that it was never fought, and he died of malaria."

All I know about the duel is that neither my grandmother nor any of her brothers or sisters ever mentioned the fact that there was a duel in the family; and Bob Kenan, a native, is doubtful about the whole thing.

Now, let's go back to the time that William R. King was a Senator. He remained a Senator from 1819 to 1841 when he was appointed Ambassador to France by John Tyler. It was a time when the United States was so anxious to annex Texas as a state. We were having opposition from England and Spain and we just needed the friendship of France.

I do not know whether President Tyler was aware of the fact that William R. King's ancestor, Margaret Conde, as mentioned before, was from the House of Orleans and King Louie Philippe was likewise from the House of Orleans. He had been in exile in the United States and we know he had visited in Mobile, and it was certainly a fact that he had met William R. King and that they had become friends.

Pickett, in his "History of Alabama," says that King, immediately upon arriving in France received an audience of the King. He presented his credentials at once and entered upon the object of his mission.

After frequent conferences with the King, who had calmly consented that he might discuss the subject with him without going through the foreign office; Col. King, as he refers to him, succeeded in convincing Louie Philippe that the contemplated protest, while it would not arrest the annexation, would engender on the minds of the American people the feeling of hostility towards France which would operate most injuriously to the interests of both countries.

Dr. MacLemore, a professor of History at Judson College, in 1938 was given a scholarship to study the French and American diplomatic relationship. He was requested to see if he could sustain that the King did not go through the foreign office but dealt directly with William R. King. Dr. MacLemore said that in all his research in the Archives, he never found anything dealing with the whole Texas question bearing the signature of William R. King, so apparently John Tyler had been extremely smart in his selection of William R. King to negotiate with France.

After his mission was over he returned to King's Bend and was appointed to a vacancy in the Senate and remained there until the elections of 1852. If you will recall, there was a great deal of strife in America at that time. It was the North versus the South, the slavery question.

The Democrats selected Franklin Pierce of Vermont and William Rufus King of Alabama as their choice. William R. King was not a well man at the time. He had tuberculosis and was sent to Cuba for his health.

Quoting from my book on William R. King, "J. A. Treserra, the City Historian of Matanzas, Cuba, wrote in 1952, 'William Rufus King . . . followed the advice of his doctors, left Washington . . . on January 15, 1853 . . . for Havana. . . . Mr. King spent 16 days in Havana and on Tuesday, February 15, 1853, . . . he arrived in Matanzas and went to live in Victoria, in the city of LaCumbre, the property of . . . William Scott Jenckes. To escape the harsh airs of the north, he transferred to the south on the 7th of March and from then until April 7th he resided on the Adriana Estate, ... In the end his health failed and he returned to his own country . . . arriving at the Port of Mobile on April 11th; he left Mobile on April 15th for his home, Cahaba in Dallas County, in the center of Alabama. There Mr. King ended his days surrounded by his family and friends, on Monday, April 18th, 1853.' "

Elizabeth Colman, writing in the Montgomery Advertiser in 1961, says, "Sadness was in the air as he landed in Mobile, and was greeted by throngs, and he appeared so feeble as he was helped from his boat, his head held high, and a look of peace as again he was on his beloved Alabama soil. He was taken to his plantation near Selma, where on the evening of April 18, 1853, he passed away with the words on his lips, 'Hush, let me pass quietly.' "

I have visited Matanzas twice and the Adriana Plantation once. I can visualize no more beautiful spot in the world than the remains of that old home on the hill overlooking the Caribbean.

I kind of relived that day that he was there and took the oath issued by Sharkey who was head of our Diplomatic Corps in Havana. This was done by a special act of the legislature of Congress. No other vice president ever took the oath of office outside of the continental United States.

William Rufus King's will was written January 1, 1853 while he was still in Washington. It is rather lengthy but is on file in the Dallas County Courthouse.

A paragraph in William R. King's will states, "I wish my said executors to cause a large and airy vault to be erected at my residence in the Piney Hills large enough to hold ten or twelve bodies, and that they cause to be transferred to it the remains of my grandmother (Mary Larkins DeVane), my mother (Margaret DeVane King), John Beck, my brother-in-law, and those of my brother, John D. King."

William Thomas King, his nephew, was one of the executors and the largest beneficiary of his estate. To the best of our knowledge, it was in 1856 that he and his wife visited all of Italy. On this mission they must have been looking for the marble that was used for the vault that William R. King had wished built at Chestnut Hill, where he lived and many of the family were buried.

Thomas DeVane King died in 1854 one year after his younger brother, William; so while William Thomas King was in Italy, he bought a second Italian marble mausoleum which was erected in Tuscaloosa in Evergreen Cemetery just back of the stadium.

Of course William R. King was buried shortly after his death at Chestnut Hill in what I believe must have been a brick vault until the marble vault arrived when his body was transferred.

They had abandoned the old King's Bend Cemetery because of the flooding of the Alabama River practically every year. The only members of the family to be buried at King's Bend were his grandmother, Mary Larkins DeVane who died in 1818; John Beck who died in 1822, his mother, Margaret DeVane King who died in 1826; and his brother, John DeVane King who died in 1833. To the best of my knowledge, John DeVane King was the last to be buried there.

Maybe this is a good place to stop, but there is so much more to tell.

William R. King was buried in 1853 and everybody thought things were peaceful. William Thomas King went to war and was killed in the Battle of Manassas. His holdings then went to Evelyn Collier King, his wife. I must pause to say they had four girls. Two died very young, one died in her mid-twenties, and the other one died during World War II. Where they were living in 1880 I do not know, but they had no particular interest in the family. That is known.

A group in Selma, confused as certain groups usually are, said that Chestnut Hill would flood every year. They were thinking of the old cemetery because Chestnut Hill is actually ten feet higher than where William R. King is now buried in Selma.

There was another group who thought since he was one of the organizers of Selma and picked its name, that he should be honored by being buried in their cemetery. Evelyn King apparently gave her permission.

One cool evening with snow on the ground, as Bessie Hogan Williams says, a wagon full of hay crossed the old Selma bridge and down the old Montgomery Highway passing her home. On the wagon were two black men and Alpheus E. Baker, Mayor of Selma, and Daniel Brislin, Selma's undertaker, who were well known to the two Hogan sisters, Louisa and Bessie. They made no attempt to stop and get the keys to the vault which were in Louisa's possession, but went straight to the cemetery.

Under the hay was a sledge hammer, and it wasn't long before they had knocked the lock off the door and removed the old style coffin and carefully covered it with hay. Just as the sun was setting, one of the black men hollered out to one of the Hogan girls' employees, "We got him under the hay."

That was about 98 years ago; so again, the longer a dog is dead, the faster he runs.

The story now goes around that William R. King's body was on the second floor of the undertaking establishment on Water Street just off Washington Street, and the next day his body was resting in his removed vault.

Ladies and gentlemen, you do not move a marble vault some 12 or 13 miles, taking it down and putting it up again in a days time.

Trying to get all of this documented, John A. Russell, Superintendent of the Cemetery Department of the City of Selma, wrote me that, "He (William Rufus King) is buried in the ground under the marble mausoleum that bears his name. We recently opened the Tomb and there is nothing in it. It is interesting to note that each piece of stone was marked so that it would fit back together properly when the Mausoleum was moved from the plantation."

Mary Crawford Brantly was the last of the grandchildren of Margaret King Jones, and we were reminiscing about this escapade in Selma. She did not know too much about it other than that when Aunt Evelyn King came to Tuscaloosa to see her around the turn of the century, my grandmother Margaret, who was a red-headed feisty girl, refused to see her.

So, in spite of what some of the Selma people said, that the Tuscaloosa Kings favored the moving of the body, it seems the Tuscaloosa Kings did not approve.

ORDER FOR RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:15 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 10:15 tomorrow morning.

The motion was agreed to; and the Senate, at 7:37 p.m. recessed until Tuesday, November 25, 1980, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate on November 24, 1980:

DEPARTMENT OF STATE

Fernando E. Rondon, of Virginia, a Foreign Service officer of class 2, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

Henry Reiter Webb, Jr., of Virginia, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Alice Coig McDonald, of Kentucky, to be a member of the National Council on Educational Research for a term expiring September 30, 1982, vice John Corbally, term expired.

EXTENSIONS OF REMARKS

COSEP DOCUMENT EVALUATES NATIONAL SITUATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I call to the attention of my colleagues a document published by the Higher Council of Private Enterprise (COSEP) in Nicaragua. It evaluates the performance of the Sandinista regime in Nicaragua and calls attention to the discrepancies between the goals of that regime and the actuality of the failures of that administration.

This document calls into question a great many assumptions about the Sandinistas' dedication to economic and social development and support for democratic principles.

I hope my colleagues will give careful consideration to COSEP's analysis.

COSEP DOCUMENT EVALUATES NATIONAL SITUATION

Aware of its obligation to contribute to sound national development—the only way to achieve the political, economic and social development of all Nicaraguans—the Higher Council of Private Enterprise (COSEP) hereby fulfills its duty of evaluating the Nicaraguan situation after 15 months of revolutionary government in light of the National Reconstruction Government program. This program has been the focal point for national unity in all the sectors of the country, a unity which put an end to the dynastic dictatorship and which is necessary to achieve democratization, complete justice, freedom and the economic development of the nation.

The Nicaraguan private sector has supported the revolution and fully participated in the civic struggles with the rest of the people until this national unity achieved victory over the dynastic dictatorship. As a member of this revolutionary struggle, to which we were linked from its very beginning, we are willing to continue struggling so that the revolution will be a complete victory and we can achieve the social changes which are necessary to obtain true social peace which will allow the Nicaraguans to work in unity and in harmony to solve the basic problems of our people: health, housing, education and work.

We want to clearly state all of this right at the start because we know that the more radical sectors of the Sandinist National Liberation Front [FSLN] Party [as published] will try to term this patriotic document a counterrevolutionary document, but it is our historic responsibility to make this analysis to motivate the reconstruction government and the duty of the patriotic sectors of the FSLN and the people of Nicaragua to think this over and to straighten out the paths of the fatherland.

On June 18, 1979, the National Reconstruction Government issued its first proclamation of unity and its government program, with the support of all the democratic forces of the country, establishing the bases for a new free and democratic Nicaragua.

In November, 1979, 4 months after the victory, COSEP sent a document to the National Reconstruction Government junta which was later published, pointing out that the government was deviating from the government program and that this was harmful to the national unity which is indispensable for consolidating revolutionary victory.

In spite of the deviations which we then pointed out and most of which still exist today, the private sector has shown its willingness to contribute to maintaining the national unity by participating in a dialogue with the national government in May of 1980; joined the State Council, in spite of the fact that the composition of the council has been unilaterally changed by the FSLN Party; made numerous efforts to obtain the approval of the economic aid for Nicaragua; and above all, contributed with its efforts to increase production.

We are making this analysis, in a spirit of constructive criticism and are hoping to arouse the patriotic and nationalist thoughts of the responsible leaders of the government and of the FSLN Party, as well as of the Nicaraguan people.

POLITICAL AREA

In this analysis, we point out the following:

The FSLN is, in fact, a political party, but it avoids calling itself a party, which brings about the government-party-FSLN confusion.

The above-mentioned means the FSLN party uses the economic and material resources of the state for the purposes of the FSLN party.

The FSLN Party has imposed its election ideas on the government junta by ordering that the electoral process begin in 1981 and that it culminate in 1985 with the election "of the best men and programs of the government."

The FSLN Party has said that in those elections power will not be "raffled" as power is in the hands of the people through its vanguard: the FSLN. In this manner, the FSLN has defined its plans to remain forever in power, implementing a system of elections restricted only to the changing of people at the levels of government which are not important for the political decisions.

The government junta, the top authority of the nation, has accepted the supremacy of the National Directorate of the FSLN Party, which turns the junta into an organization that carries out the will of the FSLN.

The legislative branch is likewise in the hands of the FSLN Party, and more specifically of its National Directorate, which controls the government junta and the State Council since the number of its representatives was unilaterally changed from 33 to 47, increasing only the participation of the FSLN and the organizations which are controlled by the party.

The judiciary branch is weakened by the creation of the Ministry of Justice which is the one which interprets the laws. The law of habeas corpus does not protect against the laws that violate the rights of the Nicaraguans as specified in the basic statutes as well as the statutes of rights and guarantees.

Although positive steps have been made in the field of human rights, there continue to be abuses which are harmful to the rights of citizens.

Freedom of expression has been restricted by decrees 511-512, and above all by their extensive and arbitrary interpretation. Besides, the independent media is constantly suffering pressure and harassment by the media which is controlled by the FSLN Party and their more radical leaders.

Freedom of worship, which is officially respected, could be harmed by the "need to politically reorient all religious festivities" (a document which circulated among the FSLN militants last December).

Trade union freedom is subject to the unofficial pressure to create the "single federation." Besides, the machinery of the state is used to convince the workers of the advisability of joining the trade unions of the FSLN Party.

The law on public order and safety is regarded as ambiguous and dangerous for press freedom and civil liberties in general.

A state security office was created whose activities and plans the citizens are unaware of. They are concerned about the presence of aides from Cuba and other countries with a marked totalitarian slant.

The government's efforts to end certain dictatorial vices such as smuggling, illegal loans and so forth are viewed as positive. However, government officials have certain privileges such as the free use of housing and the use of state funds for FSLN Party activities.

The administration of justice is deficient in Nicaragua. There is no de jure system where the law is upheld.

Municipal autonomy is not guaranteed by law and the municipal board members have been elected by acclamation, not by secret ballot. They are also fired by the government junta when they don't cooperate with the FSLN Party.

The Sandinista People's Army is controlled by the FSLN Party. Its leaders conduct electoral activities and, even though its exact membership is unknown, it is far from being "minimal" as set forth in the government program.

The national police are also under FSLN Party control. Until recently their work in keeping public order had been satisfactory. However, on 8 and 9 November the police permitted vandalism at the Nicaraguan Democratic Movement building and even protected the assailants.

Nicaragua's foreign policy is aligned with Cuba's markedly pro-Soviet policy.

The return of Nicaraguans who are living out of the country and who might contribute to the country's development has not been promoted. On the contrary, many Nicaraguans have left the country.

ECONOMIC SECTOR

In the economic sector, we point out:

It would be inappropriate to expect the goals of economic reactivation to have been achieved in 15 months in office but, despite the lack of official figures, we must evaluate the current situation.

The financial-banking system, foreign trade and the mines were nationalized. The property of Somoza and his cronies has been expropriated, along with some other illegal expropriations.

The 1980 balance-of-trade deficit will be much larger than the $176 million estimated by the government due to the increase in imports from Central America and the reduction in exports.

The balance-of-payments deficit will be much higher than estimated.

Inflation due to domestic causes is very high even though precise statistical data is not available.

Despite the government's report that a mixed economy has been implemented in Nicaragua with limitations on the state sector, the fact is that the state economic sector seems to be headed toward state capitalism. Confiscations have continued, even though decree 38 has been suspended, and the illegal takeover of land businesses and businesses has continued.

The farmland expropriations were not contemplated in decrees 3 and 38 and at least one recent confiscation case of a business "confiscated in July 1979 had not become effective because the government was then incapable of administering it."

The state property area is being managed by corporations under the direction of the ministries in charge of the activities in question. This has prepared the way for unfair competition between state and private enterprises and it fosters inefficiency among state enterprises.

The efforts made by the Nicaraguan Fishing Institute are thought to be positive.

No long-term development plan has been outlined to effectively reduce unemployment. State investment plans are unknown.

Rice production is unsatisfactory and rice is being imported even though Nicaragua has the necessary infrastructure to meet the domestic demand. Price ceilings have been established below production costs.

Sugar consumption increases by 28 percent this year which, along with the production drop, caused an unprecedented shortage.

Beef production has dropped considerably. The government has not taken any meaningful action to promote the development of the cattle industry. Credit is insufficient.

Dairy production has decreased to such an extent that Nicaragua is importing powdered milk to meet the increasing demand.

The corn and sorghum harvested this year will be sufficient, but not the beans.

The government has not developed the agroindustrial sector.

The mechanisms for the commercialization of exports are in the government's hands and there is not much information on this. There is, however, some information that certain inadequate decisions have been made. This has meant that we have sold our products without taking advantage of the best prices.

Our delegates to the State Council recently tried to request information from the Foreign Trade Ministry at that forum, but their request was rejected.

Domestic trade has been affected by the erratic policy adopted by the Nicaraguan Basic Foods Enterprise for the purchase and sale of basic products. This policy is also characterized by the harassment of small businessmen in the markets, who have been unjustly accused of speculating and hoarding.

The area planted with cotton this year was 113,000 manzanas less than in 1978–1979, and this year's production will be 149,000 bales less than that of 1978–1979. This will prevent us from duly taking advantage of the additional $25 that the quintal [quintal oro] of cotton currently costs in the international markets.

The price of quintal of coffee has dropped from $177 to $122. Production this year may amount to 1.5 million quintals, but it will be difficult to harvest it. The financing given to coffee is considered insufficient.

Industrial reactivation has been below the program. The labor problems and the seizure of enterprises have constituted the most negative factors with regard to reactivation. Exports to Central America, which represent 25 percent of our industrial production have been alarmingly reduced, as compared to the 1978 exports.

The construction sector has not been reactivated as was expected. This has a negative effect on the reduction of unemployment, since the construction sector has a great multiplying effect over the related industries.

A part of the foreign debt has been renegotiated successfully, but the foreign debt has been increased by 25 percent. A large part of these credits have been used by the Central Bank to finance public spending and the financial system; in the long term, this is harmful.

The government has displayed alarming slowness in disbursing the external resources placed at its disposal by the international institutions. This represents a delay in investments in the construction industry and has a negative effect on currency. The government's investment projects for this year will not be fulfilled as programmed.

The 1980 fiscal policy seeks to increase the tax burden of Nicaraguans from 9.5 percent to 16 percent of the GNP. This is regarded as an extremely abrupt change. The government wants to collect 3.231 billion cordobas this year, a goal that will not be achieved, since the Central Bank must continue financing the government.

There is little information about public spending. There have been signs, however, that the government's current expenses during the first semester have been way above what was programmed. The government had estimated a deficit of 312 million cordobas for 1980. The Planning Ministry has estimated that the deficit will amount to 918 million cordobas, that is, three times more than what was programmed.

The financial policy has been erratic. Facilities were initially given to reactivate the economy, but credits have been restricted at the times when they were most needed for production. The financial system's indebtedness to the Central Bank in June 1980 amounted to 2,338 billion cordobas, while in June 1979 it amounted to only 773 million cordobas.

No foreign investments have been made in Nicaragua due to the current climate of political uncertainty and to the fact that decree 358 discourages such investments.

There has been no agrarian reform to provide the peasants with their own land. The Nicaraguan Agrarian Reform Institute has followed a model of state capitalism and maintains the land under its direct control.

The Atlantic area has not been aided significantly. On the contrary, the recent developments in Bluefields show that the people are dissatisfied with the way things are being handled in the Atlantic area.

No advances have been made in the area of Central America's economic integration. There is a lack of definition in connection with the future of the Common Market.

SOCIAL AREA

In the social area we point out the following:

The government's policy in the area of employment has been harmful for the long-term development of the economy because it has been mostly aimed at unnecessarily increasing the number of public employees and army members. Unemployment should be fought by creating sources of productive work, but this will be very difficult to achieve as long as the climate of uncertainty resulting from the deliberately provoked expropriations and seizures of land and factories persists.

No new labor code has been promulgated and the current one is often not respected.

It took only 2 weeks to create the single health system and for this reason, the results in the health area are mediocre.

State guidance in the area of education should not become an instrument to politicize our youths under a specific ideological current. The Marxist-Leninist orientation in the national university is obvious. In order to direct the country's education, the state must take the views of parents and professional organizations into consideration.

It is felt that the literacy campaign constituted a meritorious effort by the government, our youth, teachers and parents. However, we disapprove of the efforts to politically manipulate this noble effort to teach our brothers.

No national housing plan has been drafted.

The quality of the public transportation units has been improved, but serious deficiencies still exist in the public transportation service.

Several positive efforts have been carried out in the area of attention to children.

The Culture Ministry has helped promote the national culture, but the emphasis given to the promotion of cultural events coming from Marxist countries is noticeable.

No urgent measures have been implemented to reactivate investment in the construction area in the destroyed cities.

The number of ministries has been increased, thus creating an inefficient bureaucratism that hinders the work of the state's efficient employees and officials.

The private sector has been excluded from the making of decisions connected with planning. As regards these decisions, the application of political criteria has prevailed over administrative efficiency.

CONCLUSIONS

Political area

I. Fifteen months after the victory of the Nicaraguan revolution, the National Reconstruction Government program, despite the fact that this was the axis of unity for all of the country's sectors and the fact that the program acknowledges that its contents are in keeping with the people's aspirations, for which all Nicaraguans fought.

II. The National Reconstruction Government has stopped being a pluralist government of national unity and has become the government of a party, the FSLN. The National Directorate of that party, has in fact become the nation's executive and legislative branches and has minimized the judicial branch's functions.

III. The national unity has been destroyed in the practice, as a result of the FSLN's intention to build national unity around itself, while subjecting the rest of the political, economic and social organizations to its dictates. This is very far removed from the national unity in freedom, without the subjection of some to others, which gave rise to the government program and led us to victory over the dictatorship.

IV. The nation's armed forces have become the armed forces of the FSLN Party.

V. In practice, the bases on which to develop a free and democratic Nicaragua are not being laid and press freedom has been seriously restricted. The elections have been postponed until 1985 by orders of the FSLN Party without any justification. In addition, judging by the statements made by the members of the National Directorate of that organization, the nature of those elections cannot in any way be trusted. They have described themselves as the eternal vanguard of the Nicaraguan people, and have proclaimed their intention to remain in power forever. The elections will serve other purposes. The FSLN Party is an untouchable; it arrived in power to stay, regardless of what the people may freely decide.

Economic area

1. The production goals outlined in the economic reactivation plan have not been fulfilled. The economy has not been reactivated at a satisfactory rate.

2. The government policy on unemployment has been a mistake. It has promoted the creation of unproductive jobs, while unnecessarily increasing the bureaucracy and the number of army members, instead of promoting work by creating new sources of productive employment and encouraging the private sector to invest to create additional work sources.

3. The government has implemented a number of controls with ceiling prices that are below the production costs. This discourages production and investments in those areas.

4. The lack of definition about the scope of the state's area and its characteristic does not permit one to visualize a mixed economy system. Rather, it seems that state capitalism is being implemented. The political uncertainty, the seizure of lands and companies, the illegal expropriations and confiscations and the political manipulation of the labor sectors in this respect, confirm this statement.

Social area

All programs planned for the social benefit of our people, such as those in the area of health, housing and education, must be based on a healthy economic development. A climate of political confidence is required for this.

Since a suitable climate for production does not exist in Nicaragua, the plans aimed at benefitting the people will be reduced in the practice to mediocre results, such as those of the single health system.

GENERAL CONCLUSION

All the above leads us to conclude that the most radical sectors within the FSLN Party, of clear Marxist-Leninist tendency, are laying the groundwork to implement in Nicaragua a communist political-economic project, with the capitalism of a totalitarian state and with the subsequent restrictions of all citizens freedoms.

FINAL RECOMMENDATION

In view of the above problems, which threaten to lead us toward economic and political chaos—the first manifestations of which are now being felt—COSEP reiterates its position that the only way to guarantee the success of the Nicaraguan revolution is by reactivating true national unity by returning to the original guidelines of the national government program, which guaranteed this unity.

Therefore, we urge the National Reconstruction Government and the conscientious and patriotic leaders within the FSLN to return to the guidelines of the government program. Only in this manner will we be able to reactivate the economy to suitable levels, to resolve our people's basic problems and to truly democratize our fatherland, giving a specific and real meaning the idea of a free Nicaragua.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 25, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 1

2:00 p.m.
Conferees
On S. 2080, establishing public buildings policies for the Federal Government, permanently establishing the Public Buildings Service in the General Services Administration, authorizing funds for fiscal year 1981 for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
S-145, Capitol

DECEMBER 2

9:00 a.m.
Special on Aging
To resume oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 3

9:30 a.m.
Judiciary
To hold hearings to examine the Federal responsibility to State and local law enforcement in the field of criminal justice.
2228 Dirksen Building

2:00 p.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 4

10:00 a.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

SENATE—*Tuesday, November 25, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High:

To show forth Thy loving kindness in the morning and Thy faithfulness every night.—Psalms 92: 1, 2.

Let us pray.

O Lord, our God, we thank Thee for the blessings of life in this free land—for the fruits of the soil, the untold resources of the Earth, the opportunities for work and play and healthful living, for freedom of speech and written word, for public education and regard for every person's welfare. As we thank Thee for these and all Thy mercies, we beseech Thee to guide us here in all our actions to complete the work before us to the end that every citizen may have full civil rights, equality under law, and a life with dignity and eternal meaning. Make our Nation great in that greatness which alone is pleasing to Thee, even the righteousness of obeying Thy law and doing Thy holy will. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., November 25, 1980.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.
>
> WARREN G. MAGNUSON,
> *President pro tempore.*

Mr. DECONCINI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

LET US FIGHT INFLATION AND FORGET ABOUT KEMP-ROTH

Mr. ROBERT C. BYRD. Mr. President, last week Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System, appeared before the House Subcommittee on Domestic Monetary Policy. He used that opportunity to reflect on the Fed's experience with its year-old policy of concentrating on controlling money supply aggregates while allowing interest rates to swing freely.

In his statement, Mr. Volcker consistently returned to the theme that the fight against inflation cannot be left up to the Fed alone. Lack of an effective incomes policy and only moderate success over the past year at reining in Federal spending have placed too great a burden on monetary policy.

Tight money discourages investment. If the Fed is forced to fight inflation with tight money, the entire economy will suffer over the long run from the failure to increase our investment in plant and equipment.

Mr. Volcker makes this point forcefully in his statement:

> The point is sometimes made that, in theory, monetary restraint, sustained strongly enough and long enough, can alone do the job of restoring price stability. Perhaps so—in the long run. But over what period of time and at what unnecessary cost, in recurrent pressures on financial markets, in inhibiting investment and dampening productivity, in lost output and deferred growth?

At what cost indeed. Currently, the automobile industry is staggering from the high cost of inventory financing and consumer credit. The housing industry is also under severe pressures from high mortgage rates.

One can argue that these shocks from restrictive monetary policy will be short-lived since monetary restraint will soon reduce inflationary expectations and thus interest rates.

However, Mr. Volcker, obviously a strong supporter of monetary restraint, recognizes the limitations of monetarism.

> But the world at large—the real world of huge prolonged deficits, of wage bargaining building in rising costs for years ahead, of enormous pressure to protect established competitive positions and living standards even when productivity cannot support them—will not focus on the technicalities of the various M's, the precise targets, or short-run fluctuations about those targets.

I would hope that President-elect Reagan's economic advisers have taken note of Mr. Volcker's warnings. I hope that they will rethink their support for massive, across the board, consumption oriented, personal tax cuts. Thirty percent tax cuts for everyone, when measured against promises to increase defense and hold entitlements harmless, assure large Federal deficits. And large Federal deficits will leave the Fed fighting alone against inflation, on only one front.

I hope that when Mr. Reagan sends up his budget and tax-cutting plan next year, he will heed Mr. Volcker's advice, and abandon the fiscal radicalism that characterized the campaign period. Both tax equity and fiscal responsibility demand a new approach.

The Congress is anxious to work with the President-elect to promote economic growth and halt the corrosive effects of 10 percent inflation.

But Senate Democrats cannot support a fiscal plan, based on campaign promises and utterly unrealistic assumptions, which leaves the entire burden of fighting inflation on monetary policy.

Mr. Volcker put the issue succinctly:

> We need the perception and the reality that essential monetary restraint will be combined with persistent and effective policies in other directions so that monetary restraint can be tolerable and sustainable.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

THE DISASTER IN ITALY

Mr. BAKER. Mr. President, the Italian people, who have never been strangers to the devastation of nature, have suffered yet another tragedy. The earthquake that struck southern Italy in the Provinces of Salerno, Naples, Potenza, and Avellino has left more than 1,000 dead and has rendered many thousands homeless. We do not yet know the extent of this tragedy. We know only that it is immense.

As the fullest extent of this disaster becomes known, Mr. President, we will know better the kinds of assistance that may be required for the injured, the hungry, and the homeless. The United States should and will be quickly forthcoming in its help for the Italian people, for, even in the best of times, we have a special bond of kinship and solidarity with the nation that has contributed so generously to the richness of America. For the moment, we can only join President Carter and other leaders throughout the world in expressing to Prime

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Minister Freloni, his newly established government, and the people of Italy our profound sorrow and willingness to help.

For my part, I offer my own commitment, a commitment that will be shared equally and fully on both sides of the aisle in this Chamber, and that is to assist in moving quickly and expeditiously any special legislation that may be required to provide the assistance needed from the American people. I shall ask the administration to advise the Congress at the earliest possible date of any assistance requiring special legislation and I assure the administration of my fullest cooperation as we attempt to respond to this awful disaster.

For the record, and as an indication of the true nature of this event, I ask unanimous consent that the New York Times article of this morning be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOLL MAY GO HIGHER: HISTORIC AREAS IN RUINS—VICTIMS ARE TRAPPED FOR HOURS IN WRECKAGE

ROME, November 24.—More than 1,000 people were killed and several thousand were injured in the earthquake last night in southern Italy, the Italian Interior Ministry said tonight.

However, reliable casualty figures were still unavailable tonight from several mountain villages and hamlets in the Apennines near Potenza and Avellino, east of Naples. Destroyed bridges and roads, fog and severed telephone lines slowed rescue operations.

Worst hit were the provinces of Naples, Salerno, Potenza and Avellino. The Government said that 97 municipalities suffered serious damage.

9 OF 10 HOUSES DESTROYED

At least 300 dead were reported in the town of Sant'Angelo de' Lombardi, a few miles east of Avellino, where 9 out of 10 houses were reported destroyed.

The plight of the town was not known until midmorning, when a local official succeeded in broadcasting distress calls over a private radio.

In Balvano, a mountain village southwest of Potenza, about a hundred people were killed at Sunday evening mass when the facade of a medieval church crumbled. About 400 people were attending mass.

The historic center of Potenza, the provincial capital, lay in ruins today. Historic quarters, with their ancient buildings, also suffered most in other towns.

The earthquake hit at 7:36 P.M. yesterday, a time when most people in the small towns and villages of southern Italy were seated at dinner tables.

The first tremor measured 6.8 on the Richter scale. Many more tremors—32 in one official report—followed over a period of several hours. The ensuing tremors were less violent than the first shock, but witnesses reported that a large number of people were killed or injured when buildings damaged by the first tremor collapsed under the impact of the subsequent ones.

The Richter scale is a measure of ground motion as recorded by seismographs. An earthquate registering 6 can cause severe damage; one registering 7 is considered "major" and capable of causing widespread damage. The San Francisco earthquake in 1906, which occurred before the Richter scale was devised, has been estimated at 8.3.

The Italian earthquake was felt from the island of Sicily in the south to Trieste in the northeastern corner of the nation. No casualties were reported in the north.

The destruction and the casualties occurred in an area of about 10,000 square miles in southern Italy between Caserta, 16 miles north of Naples, and Potenza, 90 miles east of Naples.

1976 QUAKE KILLED 997

The epicenter of the quake was halfway between Potenza and Avellino, the two worst-hit provincial capitals. Tiny Pescopagano, the closest town to the center of the quake, was virtually razed but suffered only 19 casualties, according to the Interior Ministry. First reports that more than 70 people had died in the town proved to be unfounded, the ministry said.

The last major earthquake that struck Italy killed 997 people in the northern Friuli region in 1976.

Thousands of soldiers, firemen, carabinieri, forest guards, local policemen and Red Cross volunteers took part today in the rescue operations.

Camera crews for RAI, the national Italian television network, gave distraught residents in the stricken towns a chance to tell friends and relatives in other parts of the country that they had survived. For many this was the only way to communicate with other parts of the country, as telephone lines were down in much of the affected area.

In Rome, the Interior Ministry set up a bank of telephone lines for people to call in with news and questions about relatives. The numbers were announced on television.

CABINET AIDE RUNS RESCUE

In midafternoon, Interior Minister Virginio Rognoni announced that Giuseppe Zamberletti, a Christian Democratic Member of Parliament, was put in charge of the rescue operation. He served in the same role after the Friuli quake.

Army trucks took hundreds of tents and campers to the Potenza-Avellino area. Helicopters flew in blood plasma and other medical supplies. Field hospitals were set up in many towns. Naples, the largest stricken city, served as the logistics center.

As night fell, however, it was clear that thousands of survivors would spend the night without shelter, protected against the damp cold by open fires and borrowed blankets.

In the cities of Potenza and Avellino as well as some of the bigger towns of the region, rescue workers continued their operations into the night, using generator-driven searchlights provided by the army as they dug in the ruins of buildings.

Although hopes of rescuing survivors dwindled, a 9-year-old girl was found alive in the Potenza area around noon today, more than 16 hours after the quake. In Naples, a young girl and her mother were rescued alive after 16 hours under the rubble of a nine-story apartment building that had collapsed.

Mr. BAKER. Mr. President, I yield my remaining time to the control of the majority leader for whatever purpose he may require.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished majority leader.

UNITED STATES AND WEST EUROPEAN DISAGREEMENTS OVER THE SOVIET MILITARY THREAT—PART 2

Mr. PROXMIRE. Mr. President, 1 year ago, on October 25, 1979, I gave a speech in the Senate demonstrating the sharp disagreements over military policy between the United States and our NATO allies. I said then that these disagreements were becoming more common and more serious. My conclusion was that the disagreements over military policy are illustrative of the widening differences between the United States and West European perceptions of the Soviet military threat to NATO, and these differences can result in irreparable harm to the alliance.

The major fact that I brought forward in my speech of 1 year ago was that West Germany appeared to be planning increases in its defense budget significantly below the 3-percent rate of increase agreed to by the NATO allies. My analysis of the available figures indicated that while West German defense plans called for a defense budget increase of about 3 percent in 1980, it would only achieve about 2 percent in 1981 and less in the following 2 years. This analysis was based on projections of inflation likely to be experienced in West Germany.

Moreover, I pointed out that other NATO governments, including Denmark and the Netherlands, might also fall substantially below the 3-percent pledge.

The evidence is now undeniable that many, if not most, of our NATO allies are falling behind the 3-percent real growth defense goal. Among the reasons offered by NATO and European spokesmen are inflation, budgetary pressures, and lack of public support for higher defense spending.

An article in the Aviation Week and Space Technology issue of October 27, 1980, reports that real defense spending in West Germany will be below 3 percent in 1980, and that only by manipulating budgetary figures to include questionable items is there an increase close to the pledge. Among the questionable items included in the German defense budget is an arms package for Turkey consisting of old military equipment. The following nations will also probably be unable to meet the 3-percent target in 1981, according to Aviation Week and Space Technology:

> The Netherlands has limited its real growth in defense spending to 1.5 percent.
>
> In Denmark a debate is taking place over a proposal to freeze defense spending for the next 4 years.
>
> In Belgium, serious economic problems are forcing cutbacks on military activities.
>
> In Italy an inflation rate of about 18 percent makes it unlikely that the 3-percent target will be met.
>
> No one expects Portugal to come close to the 3-percent target.
>
> Turkey is expecting, at best, a 55-per-

cent inflation rate in 1981 and it is also unlikely that it will meet the target.

A recent news report out of London discloses a battle over the defense budget taking place in the government of Prime Minister Margaret Thatcher. According to press reports, the Treasury Ministry is recommending that defense expenditures be held down over the next 3 years. According to the Washington Post, British defense officials acknowledge that the 3-percent target is unlikely to be met this year. The reason as in several other European countries, appears to be the high rate of inflation.

I might add, that a year ago I made an inquiry to the British Embassy about this question of real defense spending. My calculations indicated that, based on official British figures, their defense spending could increase by 3 percent in real terms only if there was a drastic reduction in their inflation rate. The reply I received was that the British Government expected to meet the 3-percent target. Apparently, those who made the reply did not adequately take into account the problem of inflation.

But those who may feel gloomy over the ability or willingness of NATO allies to live up to their 3-percent spending pledge can take some cheer. Apparently, Luxembourg, that tower of military strength in Western Europe, is expected to reach the 3-percent target in 1981.

It should be obvious by now that there is something about the military threat that does not add up. The impetus for increasing our own military spending comes largely from the perception in Washington of a growing Soviet military threat to NATO, a threat that is aimed at Western Europe. Yet, the nations of Western Europe appear to be either reneging or dragging their feet on the matter of increasing their defense spending. Spokesmen for NATO and others cite economic and budgetary pressures as the main reason for the Europeans falling behind the 3-percent target.

That may be. But does not it tell us something about the way the Europeans view their priorities, their military requirements, and the Soviet military threat? I assume that if the Europeans felt strongly enough about the Soviet threat, they would meet the 3-percent target despite the economic constraints.

If the European countries do not meet the 3-percent target, that ought to be convincing evidence of the need to reassess our own priorities.

The Soviets are undoubtedly building up their military capabilities. The issue is what do American interests require in terms of our own defense spending?

Popular or not, proposals to increase the defense budget need to be carefully scrutinized. And at some point in the deliberations, I would like someone to explain the divergence of views that appear to exist between Washington and most of the capitals of Western Europe with respect to NATO's military requirements.

I ask unanimous consent to have printed in the Record the article from Aviation Week and Space Technology, October 27, 1980, entitled "Doubt Cast on NATO's 3-Percent Real Growth Defense Goal," and the article from the Washington Post, October 25, 1980, entitled "Britain Cutting Defense Outlays Despite Promise."

There being no objection, the material was ordered to be printed in the Record, as follows:

Britain Cutting Defense Outlays Despite Promise

(By Leonard Downie, Jr.)

London, October 24.—Documents leaked apparently by angry defense officials here show that the British Treasury has proposed substantial cuts in the country's planned military spending over the next three years which would undermine its commitment to meet NATO targets for increased defense outlays.

The documents are diplomatically embarrassing both to Prime Minister Margaret Thatcher, whose government has promised adherence to a 3 percent NATO-wide annual increase, and to the Carter administration, which proposed that goal for the alliance in 1977 and has considered Britain a bulwark of compliance. The British Treasury has put a lid on such defense spending for the rest of this year and has recommended that more than $1 billion be cut from planned increases over the next three years.

Thatcher could still override the Treasury's recommendations, but defense officials have acknowledged that the 3 percent target is unlikely to be met this year.

Earlier, the Thatcher government had trumpeted its commitment to the full 3 percent defense increases as evidence of its strong loyalty to U.S. leadership in the North Atlantic Treaty Organization.

[The White House and the Defense Department refused to comment on the evidence of changes in British military spending.]

American officials have pointed to the example of Britain in trying to prod West Germany and—outside NATO—Japan to raise their defense budgets. Despite sometimes intense pressure from Washington, the smaller NATO nations Denmark, Belgium and Holland are falling short of the proclaimed goal.

Until now, Thatcher has exempted defense from her monetarist economic policy of budgetary cutbacks.

But the recommendations of Treasury, leaked yesterday, could mean that Britain's defense spending would rise by only half the 3 percent NATO target through 1984, although Thatcher's Defense Secretary Francis Pym said today that final decisions have not yet been made.

Defense officials and military commanders are fighting the Treasury's spending restraints in a bureaucratic battle that became public with the leak to Britain's domestic news service, the Press Association, of the secret government documents revealing not only the Treasury's plans but the military's objections. Pym has acknowledged the authenticity of the documents and begun an investigation into their leak, which violates Britain's draconian Official Secrets Act.

In a confidential letter to Pym last month, Thatcher's top budget cutter, Treasury Chief Secretary John Biffen, said defense must now "accept a fair share" of new, across-the-board spending cuts because of the country's "acute economic difficulty." Biffen told Pym that "clearly this would mean that we would not meet the 3 percent target."

Thatcher's pledge to reduce government spending during Britain's economic crisis apparently may now be given precedence over the commitment to meet the NATO target. "A strong defense requires a strong economy," Biffen wrote to Pym in mid-September.

But the Defense Ministry's top civil servant, Permanent Undersecretary Frank Cooper, warned Pym in a secret memo a few weeks later that Britain's military chiefs of staff were "naturally seriously concerned" about the effect the reductions would have on operations and weapons buying.

Even before Biffen sent his letter recommending the new cuts, the military chiefs complained to Cooper at a meeting in August, according to another secret memo, that they were being given too little money for major weapons programs.

Pym then said at another meeting two days later, according to the documents, that he "could not rule out the option of slower progress towards plans to improve manning levels in the Army over the next few years."

Britain's chief of staff, Adm. Terence Lewin, responded that the military chiefs would prefer to review Britain's overall defense commitments instead. Present and former defense officials had previously warned that Britain's participation in NATO deployment might have to be reduced to afford the $12 billion for replacing Britain's multiple-warhead Trident submarine-based nuclear missile system. The recently reduced Trident program remains protected from further cuts in planned defense spending.

Pym has already ordered minor changes in Britain's military deployment, reducing the cruising speed of British ships on NATO duty in the Mediterranean to save fuel, pulling two British frigates out of a NATO exercise and canceling joint exercises with Danish forces, according to the documents.

Cooper warned Pym in a confidential memo two weeks ago of "evidence of more NATO and international awareness of our reduction in activity levels" at a time when the "international situation had deteriorated dangerously" because of the Iraqi-Iranian war.

Doubt Cast on NATO's 3-Percent Real Growth Defense Goal

(By Eugene Kozicharow)

Brussels.—Preliminary forecast indicates that almost every European member nation of the North Atlantic Treaty Organization will fail to meet the alliance's goal of 3 percent real growth in annual defense spending in 1981, according to NATO officials here.

The officials, who have been closely monitoring defense budget projections for the coming year, told Aviation Week & Space Technology that, depending on the individual national inflation rates, tiny Luxembourg appears to be the only European alliance member definitely to hit a 3 percent plus growth in real defense spending.

The officials pointed out that the goal of 3 percent real growth in defense spending was a linchpin of U.S. foreign policy in 1977 when President Jimmy Carter convinced the alliance to back increased spending for defense to counter a massive Warsaw Pact military modernization program. They added that it is even possible the U.S. will not meet the required 3 percent real growth figure for Fiscal 1981.

"There are serious concerns about this whole question of 3 percent," one NATO official said.

Acknowledging the problem, NATO Secretary General Joseph Luns recently said all

NATO member nation budgets will come under increasing pressure in the next few years.

"It would appear that the immediate economic future for the NATO allies will be marked by continued high inflation rates, increasing unemployment, low economic growth and prolonged balance of payments problems," he said.

He added that competition for declining government revenues is quite intense, with continuous pressure for greater government spending on economic relief measures, at the sacrifice of other budgetary demands.

"This situation seems hardly propitious for improving upon the current ratio, by which, for example, Western Europe expends seven times more on social welfare than on defense.

"Rather, unless governments can find ways to build broader public support for greater efforts in the defense field, which in the present circumstances I find difficult to forecast with any confidence, many of them will probably be doing well merely to maintain defense expenditures at their present levels," the official said.

Luns said the alliance's defense difficulties are taking place while Soviet defense expenditures rise. "The Soviet defense budget is rising at the rate of 4–5 percent in real terms each year and stands now at the equivalent of about $160 billion."

NATO officials said that already in Fiscal 1980 many alliance members were struggling to meet the 3 percent real growth figure as the price of oil and inflation rates cut into national budgets. West Germany, which is considered a mainstay of European nations in NATO, barely hit the 3 percent real growth figure after approving a supplemental fuel expenditure and by including in its defense budget an arms package of old military equipment that went to Turkey.

The officials said the following nations will probably fail to meet the 3 percent target in 1981:

Holland—The country's $5.5 billion defense budget limits growth in real terms to 1.5 percent.

Denmark—The Danish government is in a serious battle with opposition parties and other NATO nations over its plans to freeze defense spending in real growth for the next four years, 1981–85. The Danish government position prompted a letter from Defense Secretary Harold Brown that expressed doubts the Danish military will be able to perform NATO tasks in the future.

Belgium—With serious economic problems, Belgium's defense forces have been forced to cut back on military exercises, air force training flights and troop movements. Because of a lack of fuel, the Belgian armed forces were forced to use the railroads to move equipment and personnel.

Italy—With an inflation rate of about 18 percent a year, only a major defense appropriation will carry Italian spending over the 3 percent figure. Lack of a stable government and increasing unemployment also will make inroads in efforts to bolster defense spending.

West Germany—Sharp downturn in the West German economy with predictions of only 1 percent in economic growth in the next year, plus rising unemployment, indicates that West Germany's real growth in defense will be below the 3 percent mark. NATO officials predict it will reach about 2.8 percent, but the increasing cost of defense systems in the midst of a major defense modernization program could reduce the figure further.

Portugal—Economically hamstrung in the last several years, Portugal has had to live largely off the aid of other alliance members and no one sees it coming close to a 3 percent figure in real defense increases.

Turkey—Only a major bailout earlier this year prevented the Turkish economy from collapsing and Western military leaders foresee difficult times ahead. Turkish military leaders are predicting a 55 percent inflation rate for 1981, which would be a major achievement, considering that skyrocketing inflation rate this year was almost double.

NATO officials said inflation rates also will determine whether other European alliance members, the United Kingdom, and Norway in particular, will hit the 3 percent real growth target. They noted that both countries are almost self-supporting in oil, but major internal problems have led to high unemployment and expensive social programs that compete directly with defense outlays.

While the government of Margaret Thatcher in England has publicly endorsed a strong defense, an 18 percent inflation rate and massive unemployment are key national issues.

In the case of Norway, one official said, "It is one of the stronger performers in the alliance," with hopes running high that it will achieve the targeted spending. The officials said Luxembourg's defense spending will increase by 4 percent in real terms in 1981, but added that the small nation is only a marginal contributor to the alliance's force structure. Luxembourg's defense budget in 1979 was about $400 million. The NATO officials added that Canada is expected to reach 3 percent in real growth in defense spending in 1981, the country's second year in a row to achieve that figure after falling short in previous years.

A bright spot in Western European spending is France's 1981 budget, which forecasts a 18 percent increase in defense spending (see p. 63). Although no longer a military member of the alliance, France's real spending for defense, discounting a 10.5-13 percent inflation rate, is seen as a positive step in a rather bleak year by NATO officials. With most European NATO allies slipping below the real growth amount required by NATO, officials are looking to Washington for leadership to insure that NATO's defense posture does not erode because of a lack of funds.

Officials point to election campaign statements by both President Carter and Republican Party nominee Ronald Reagan firmly committing the U.S. to an increase in defense spending. Some officials, however, are leery of President Carter's sudden efforts to make a strong defense budget a major campaign issue. They point to Carter's performance in 1978 when only a last-minute change of U.S. policy prevented the U.S. from failing to meet the 3 percent commitment. Also, it was supplemental funding and strong congressional action in 1979 that pulled the U.S. defense budget over the 3 percent target, they claim.

While both Gen. Bernard Rogers, Supreme Allied Commander-Europe, and top Defense Dept. official Robert Komer have pressed European government leaders to fall in line to meet the spending goal, internal national problems have forced most NATO nations to forego the target. Burgeoning military system costs also have seriously crimped national defense budgets with many nations forced to defer or suspend certain acquisition programs, other officials asserted (AW&ST Oct. 20, p. 113). One official said Gen. Rogers has repeatedly warned European allies that the 1980s is a very critical period and a failure of NATO to match Soviet spending will lead to serious consequences. "If the West doesn't meet the challenge, we will be in for a very rough time. U.S. representatives are insisting that the allies must carry their share," he said.

Other officials assert President Carter's own paring of the U.S. defense budget, with major cutbacks in Navy and Army programs, have given European governments a way out in cutting back on their own spending. They claimed the Office of Management and Budget cutbacks in operations and maintenance funding for all the services had reduced military readiness.

While some NATO officials maintain that the 3 percent goal is hard to quantify because of many economic factors, including inflation and specific national policy concerning strong currency, others say it has become a symbol of strong alliance. Failure to meet that goal, however, indicates a decision on the part of national governments to divert funds for other programs subsequently decreasing maintenance of NATO strength, one official said.

U.S. firmness in meeting the 3 percent goal is a key element in getting the other allies to make a similar effort, he said. "The U.S. must stand up and be counted."

RESIGNATION OF JAY JANIS

Mr. PROXMIRE. Mr. President, yesterday Jav Janis, the Chairman of the Federal Home Loan Bank Board, announced his resignation effective on December 15. The Home Loan Bank Board is a relatively obscure agency but it affects the lives of millions of Americans. It supervises the savings and loan industry which has been the principal source of mortgage credit for the American family. And it plays a key role in designing programs and policies to maintain a steady and even flow of mortgage credit.

Jay Janis has been one of the ablest and most dedicated Chairmen the Bank Board has ever had and his leadership will be sorely missed. The most impressive quality about Jay Janis is his deep understanding of housing and housing finance. He served as a top assistant to Housing Secretary Robert Weaver in the Johnson administration. He then became a highly successful home builder in Florida. He served as the Under Secretary of HUD in the Carter administration. And, for the last year and a half he has been at the helm of the Home Loan Bank Board during the most perilous period of the history of the savings and loan industry. Wracked by double digit inflation and the most severe earnings squeeze in its history, the savings and loan industry was most fortunate to have a regulator of Mr. Janis' calibre on the job.

Jay Janis also did a superb job in leading the industry toward a more enlightened lending policy in older, urban neighborhoods. Today the savings and loan industry, more than ever before, has become active in helping to revitalize hundreds of older neighborhoods and much of the credit for this belongs to Jay Janis.

Also, Mr. President, Jay Janis, perhaps more than anyone in Washington, appreciates the unique and vital role played by the savings and loan industry in our housing finance system. At a time when the Congress was acting on the most substantial financial restructuring legislation since the early days of the New Deal, Jay's counsel and advice was indispensable.

Mr. President, Jay Janis has served his country well and his departure from the Bank Board comes as a great disappointment. We in the Congress and the country at large owe him a great debt.

Mr. MORGAN. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. MORGAN. Mr. President, I did not know of the resignation of Mr. Jay Janis, Chairman of the Federal Home Loan Bank Board, until my distinguished colleague from Wisconsin pointed it out.

I want to join in the comments the Senator has made with regard to Mr. Janis.

I do not know of any man who has served in that position at a more difficult time, especially during a more difficult transition period, and with great dignity and ability, than Mr. Jay Janis.

I think he has a particular understanding of the role of the savings and loan industry, the role it has played in home building throughout America for decades now.

He has shown extreme courage in working with the new Deregulation Committee that was created by this Congress earlier.

I, too, regret that he is leaving. I understand, of course, his reasons for leaving.

But I join in the praise of my distinguished colleague from Wisconsin because I think he certainly deserves those comments. He has rendered the Nation a real service.

I thank the Chair.

THE HOLOCAUST SURVIVORS—THE ONGOING TRAGEDY OF GENOCIDE

Mr. PROXMIRE. Mr. President, 35 years ago, the world witnessed the most horrible genocide known to mankind. As Allied forces liberated the Nazi concentration camps in 1945, the dreadful realization of Nazi atrocities became apparent. I have spoken out many times in the past about the 6 million Jews who were killed by the Nazis. I will continue to speak about them, for they must never be forgotten. However, today, I would like to speak about the few brave survivors of the holocaust.

A new and imprtant work has just been published, "The Faith and Doubt of Holocaust Survivors" by Reeve Robert Brenner. Through interviews with holocaust survivors, the book examines the underlying meaning of their experiences. The personal testimonies of the survivors are sad and tragic, but must be heard if one is to have a true understanding of the terror of the holocaust.

Brenner maintains that "thousands of survivors dispersed in all the world remain living victims and witnesses" of the dreadful acts of the Nazis. Victims of brutality unprecedented in modern times. Witnesses who demand that we do everything possible to insure that genocide never happen again.

But can this be insured? I think not. The nature of man is such that there never can be guarantees. However, we can move one step closer to preventing another holocaust by ratifying the Genocide Convention. I urge my colleagues to pass the genocide treaty in a show of support for human rights and dignity.

In Brenner's books, one survivor of a Nazi concentration camp believes that man was to blame for the holocaust. Man made the holocaust, but man also could have prevented it. Man can now help prevent another genocide from occurring. In the words of this survivor, "God gave man free will. God did not create man a robot, but rather capable of making decisions and free choices."

Mr. President, it is time we heed the advice of a man whose mental and physical scars will be with him forever. It is time that we act and ratify the Genocide Convention.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MELCHER). Without objection, it is so ordered.

MOTION TO PROCEED TO CONSIDER THE NOMINATION OF STEPHEN G. BREYER TO BE U.S. CIRCUIT JUDGE

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed in executive session to consider the nomination of Stephen Breyer.

The PRESIDING OFFICER. Is there objection?

Mr. DeCONCINI. Mr. President, I have raised the question of whether the nomination is properly before the Senate because it was reported in violation of Senate rule XXVI 7(a) (1) in that it was not reported by a majority of the members of the Judiciary Committee physically present at the time.

Mr. HUMPHREY. Mr. President, I wish to avail myself of the opportunity to discuss this matter.

The PRESIDING OFFICER. It is not a debatable question.

Mr. BAKER. Mr. President, parliamentary inquiry. Is the Chair ruling that a point of order is not debatable?

The PRESIDING OFFICER. The motion is not debatable. The underlying motion is not debatable. On the question of a point of order it is at the sufferance of the Chair.

Mr. BAKER. Mr. President, I appeal the ruling of the Chair on that point.

The PRESIDING OFFICER. The appeal, of course, is debatable.

Mr. ROBERT C. BYRD. Mr. President, how can an appeal be lodged? The Chair has not issued any ruling.

The PRESIDING OFFICER. The appeal ordinarily would be debatable. It is not debatable at this point because of the underlying question which is not debatable.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BAKER. Mr. President, I ask for the yeas and nays on the appeal.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I move to lay the appeal on the table.

Mr. BAKER. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the appeal from the ruling of the Chair. The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. NUNN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from

Wyoming (Mr. WALLOP) are necessarily absent.

Mr. ROBERT C. BYRD. Regular order, Mr. President.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 40, nays 37, as follows:

[Rollcall Vote No. 485 Leg.]

YEAS—40

Baucus
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cranston
Culver
DeConcini
Eagleton
Exon
Ford
Glenn
Heflin
Hollings
Huddleston
Jackson
Johnston
Leahy
Levin
Long
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Talmadge
Williams

NAYS—37

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Goldwater
Hatch
Hatfield
Heinz
Helms
Humphrey
Inouye
Jepsen
Kassebaum
Laxalt
Lugar
McClure
Morgan
Pressler
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Thurmond
Tower
Warner
Weicker
Young
Zorinsky

NOT VOTING—23

Bayh
Bentsen
Biden
Cannon
Church
Durkin
Garn
Gravel
Hart
Hayakawa
Javits
Kennedy
Magnuson
Mathias
Matsunaga
Nunn
Packwood
Pell
Percy
Ribicoff
Stone
Tsongas
Wallop

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair is now ready to rule——

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, that is not in order. We have just had a rollcall. It shows a quorum is present. No business has intervened.

The PRESIDING OFFICER. The Senator from West Virginia is correct. There has been no intervening business since the rollcall. To determine the question of order, the Chair will have to ask a representative of the committee, since the chairman is not here, if there was an actual majority of the committee present when the nomination was reported.

Mr. DeCONCINI. Mr. President, I am a member of the Committee on the Judiciary. There was not an executive session when the vote on Mr. Breyer was taken up. There was not a physical majority there.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate will be in order so we can hear the Senator from Arizona. This is an important statement we all should hear.

Mr. DeCONCINI. Mr. President, I am a member of the Judiciary Committee and there was not a physical majority present when voting this nomination out.

The PRESIDING OFFICER. The Chair then asks, how was the nomination reported out?

Mr. DeCONCINI. It was polled out by a written poll circulated to all the members.

Mr. HUMPHREY. Mr. President, I move to recess.

Mr. ROBERT C. BYRD. Mr. President, the Senator can make the motion, but I hope the Chair will rule as soon as possible.

Mr. DeCONCINI addressed the Chair.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is the Senator's motion to recess made according to the resolution relative to the recess for today?

Mr. HUMPHREY. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion.

CALL OF THE ROLL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 35 Leg.]

Armstrong
Baker
Baucus
Bayh
Bellmon
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Exon
Ford
Glenn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Talmadge
Thurmond
Tower
Warner
Weicker
Williams
Young
Zorinsky

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to recess.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to recess. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. BAKER. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 21, nays 57, as follows:

[Rollcall Vote No. 486 Leg.]

YEAS—21

Armstrong
Baker
Boschwitz
Cohen
Danforth
Dole
Hatfield
Hayakawa
Heinz
Helms
Jepsen
Laxalt
Lugar
McClure
Pressler
Roth
Schmitt
Schweiker
Simpson
Tower
Warner

NAYS—57

Baucus
Bayh
Bellmon
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cranston
Culver
DeConcini
Domenici
Durkin
Eagleton
Exon
Ford
Glenn
Goldwater
Hatch
Heflin
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kassebaum
Leahy
Levin
Long
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Stevenson
Stewart
Talmadge
Thurmond
Weicker
Williams
Young
Zorinsky

NOT VOTING—22

Bentsen
Biden
Cannon
Church
Durenberger
Garn
Gravel
Hart
Javits
Kennedy
Magnuson
Mathias
Matsunaga
Packwood
Pell
Percy
Ribicoff
Stennis
Stevens
Stone
Tsongas
Wallop

So the motion to recess was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the motion was rejected, if I am qualified to do so, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is qualified.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I hope the Senator will not continue in his futile effort to delay the inevitable.

The Chair is going to rule at some point during the day, and the Senate will then proceed to take up the Agriculture appropriation bill. I hope we will finish the bill today and take care of the Senate's business so that the Senators might go home at a reasonable hour. The Senator may be delaying the reasonable hour when Senators may be able to go home.

In any event, the adjournment resolution for next Friday a week has not yet been enacted, and the Senate will complete its business before it goes home on Friday, December 5; and all these hours that are ticking away now may be very valuable hours when that point arrives.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the motion to recess was rejected. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER (Mr. EXON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 20, nays 62, as follows:

[Rollcall Vote No. 487 Leg.]

YEAS—20

Armstrong
Baker
Boschwitz
Cohen
Durenberger
Hatfield
Heinz
Helms
Humphrey
Jepsen
Laxalt
Lugar
McClure
Morgan
Pressler
Roth
Schmitt
Simpson
Stevens
Warner

NAYS—62

Baucus
Bayh
Bellmon
Boren
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Exon
Ford
Glenn
Goldwater
Hatch
Hayakawa
Heflin
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Leahy
Levin
Long
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nelson
Nunn
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Schweiker
Stafford
Stennis
Stevenson
Stewart
Talmadge
Thurmond
Tower
Weicker
Williams
Young
Zorinsky

NOT VOTING—18

Bentsen
Biden
Cannon
Church
Garn
Gravel
Hart
Kennedy
Magnuson
Mathias
Matsunaga
Packwood
Pell
Percy
Ribicoff
Stone
Tsongas
Wallop

So the motion to reconsider vote No. 486 was rejected.

The PRESIDING OFFICER. The question of order is well taken.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The nomination having been reported in the absence of an actual majority of the committee present——

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER (continuing). The reporting thereof is void, and the nomination is sent back to the committee.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO RECESS UNTIL 3 P.M.

Mr. HUMPHREY. I move to recess until 3 p.m. and I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, he cannot move and suggest the absence of a quorum. When he moves, he loses the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire to recess.

Mr. HUMPHREY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 21, nays 59, as follows:

[Rollcall Vote No. 488 Leg.]

YEAS—21

Armstrong
Baker
Boschwitz
Cochran
Cohen
Danforth
Dole
Domenici
Hatfield
Heinz
Humphrey
Jepsen
Laxalt
Lugar
McClure
Pressler
Roth
Schmitt
Schweiker
Simpson
Warner

NAYS—59

Baucus
Bayh
Bellmon
Boren
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cranston
Culver
DeConcini
Durenberger
Eagleton
Exon
Ford
Glenn
Goldwater
Hatch
Hayakawa
Heflin
Helms
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Leahy
Levin
Long
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Stennis
Stevens
Stevenson
Stewart
Talmadge
Thurmond
Weicker
Williams
Young
Zorinsky

NOT VOTING—20

Bentsen
Biden
Cannon
Church
Durkin
Garn
Gravel
Hart
Kennedy
Magnuson
Mathias
Matsunaga
Packwood
Pell
Percy
Ribicoff
Stone
Tower
Tsongas
Wallop

So the motion to recess until 3 p.m. was rejected.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. The clerk will state H.R. 7591 by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7591) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

The Senate proceeded to consider the bill.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. COHEN may proceed for not to exceed 3 minutes on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF ENERGY NATIONAL DEFENSE PROGRAMS AUTHORIZATION ACT

Mr. COHEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3074.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

(The amendment of the House is printed in the Record of November 20, 1980 beginning at page 30399.)

UP AMENDMENT NO. 1794

Mr. COHEN. Mr. President, I move that the Senate agree to the amendment of the House to S. 3074 with an amendment.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, Mr. Jackson has approved the request by the distinguished Senator from Maine (Mr. Cohen).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. Cohen) proposes an unprinted amendment numbered 1794.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

Sec. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, $141,775,000, to be allocated as follows:

(A) For glass laser experiments, $69,800,000.

(B) For gas laser experiments, $38,000,000.

(C) For particle beam experiments, $15,700,000.

(D) For supporting research and experiments, $17,000,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, $1,275,000.

(2) For the naval reactors development program, $250,350,000, including $10,350,000 for program direction.

(3) For weapons activities, $1,836,823,000, to be allocated as follows:

(A) For research and development, $501,064,000.

(B) For weapons testing, $318,000,000.

(C) For production and surveillance, $980,100,000.

(D) For program direction, $37,659,000.

(4) For verification and control technology, $38,591,000, including $1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, $709,255,000, to be allocated as follows:

(A) For production reactor expenses, $226,907,000.

(B) For the processing of defense nuclear materials, $104,419,000.

(C) For supporting services, $93,739,000, of which $15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $26,890,000.

(E) For special isotope separations research, $14,815,000.

(F) For decontamination and decommissioning, $4,000,000.

(G) For interim waste operations, $149,940,000.

(H) For long term waste management technology, $75,500,000, of which $5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96–164.

(I) For transportation research and development, $5,000,000.

(J) For program direction, $3,045,000, of which $1,330,000 shall be used for materials production and $1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), $43,304,000, including $3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

Sec. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81–D–101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,300.

Project 80–AE–11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000, for a total project authorization of $15,300,000.

Project 80–AE–12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000 for a total project authorization of $7,600,000.

Project 75–3–b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000, for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81–T–111, general plant projects, various locations, $3,320,000.

Project 81–T–112, modifications and additions to prototype facilities, various locations, $103,000,000.

Project 81–T–113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000.

(3) For weapons activities:

Project 81–D–102, general plant projects, various locations, $28,900,000.

Project 81–D–103, plant engineering and design, various locations, $4,600,000.

Project 81–D–104, heavy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81–D–105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

Project 81–D–106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 81–D–107, utilities and equipment restoration, replacement, and upgrade, various locations, $31,000,000.

Project 81–D–108, reactor support facilities, Sandia National Laboratories, New Mexico, $9,000,000.

Project 81–D–110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project 81–D–111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81–D–112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, $4,100,000.

Project 81–D–115, MX warhead production facilities, various locations, $10,000,000.

Project 81–D–116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, $75,000,000.

Project 81–D–119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81–D–120, control of effluents and pollutants, Y–12 Plant, Oak Ridge, Tennessee, $3,000,000.

Project 81–D–121, upgrade weapons staging area roads, Pantex Plant, Texas, $1,600,000.

Project 81–D–133, earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, $3,000,000.

Project 81–D–134, earthquake damage restoration, Sandia National Laboratory at Livermore, California, $2,000,000.

Project 80–AE–5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 80–AE–6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of $29,900,000 for a total project authorization of $69,300,000.

Project 79–7–e, production and assembly facilities, Pantex Plant, Amarillo, Texas, an additional sum of $13,000,000 for a total project authorization of $23,000,000.

Project 79–7–p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

(4) For materials production and byproducts management:

Project 81–D–123, general plant projects, various locations, $14,600,000.

Project 81–D–124, plant engineering and design, various locations, $4,200,000.

Project 81–D–125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, $5,100,000.

Project 81–D–126, pollution abatement facilities, Richland, Washington, $1,000,000.

Project 81–D–128, restoration of production capabilities, various locations, $35,000,000.

Project 81–D–131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

Project 81–D–141, hangers for N-reactor irradiated fuel storage, Richland, Washington, $5,000,000.

Project 81–D–142, steam transfer header, Savannah River, South Carolina, $7,000,000.

Project 81–D–143, L-reactor upgrade, Savannah River, South Carolina, $49,000,000.

Project 77–13–a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $34,000,000, for a total project authorization of $149,400,000.

Project 81–T–101, general plant projects, various locations, $9,140,000.

Project 81–T–102, plant engineering and design, various locations, $5,130,000.

Project 81–T–103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 81–T–104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $20,000,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $10,000,000.

Project 81–T–106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, $10,000,000 (AE only).

Project 77–13–f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of $29,000,000, for a total project authorization of $119,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $800,000;

(E) for materials production and byproducts management, $75,507,000 of which $53,000,000 shall be used for materials production and $22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

ENHANCED RADIATION WARHEADS

SEC. 212. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70–3 and the W79–1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 213. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and shall submit the plan and his recommendations to the Armed Services Committees of the Congress not later than October 1, 1981.

Mr. COHEN. Mr. President, Chairman JACKSON and I have worked closely together on S. 3074, an original bill authorizing the national defense program directed by the Department of Energy. S. 3074 as originally enacted by the Senate contained within it significant initiatives in the area of nuclear weapons and special nuclear materials production. The bill also authorized important programs in defense nuclear waste management, naval nuclear reactors, inertial confinement fusion, and arms control verification technologies.

S. 3074 as amended by the House contains complementary intiatives guided by the same spirit which resulted in Senate action. The amendment proposed by Senator JACKSON and myself to the House version of our bill is designed to reconcile House and Senate differences in a manner which I believe will be mutually acceptable to both Houses and which reflects later more accurate DOE estimates of funding requirements.

The justification for enacting S. 3074 and the amendments remains the same. If corrective action is not taken soon serious shortages in nuclear material for strategic and theater weapons will limit our nuclear forces modernization efforts and options. To prevent this, action must be taken to promote the conversion and upgrading of the N-reactor at Richland, Wash., the Purex fuel processing plant at Richland, and the L-reactor at Savannah River, S.C.

Material production facilities, as well as weapon production facilities and assembly facilities must be refurbished. Today the facilities which are so important to our national security are in a sad state of repair. The nuclear weapons complex has, according to the Carter administration, a restoration backlog of $674 million and the material production facilities will require an additional $414 million over the next 5 years.

In S. 3074 the Senate has attempted to mitigate the harmful effects of inflation and price rises in nonnuclear materials, such as gold, which are used in defense programs. Also, we have again taken steps to insure that defense nuclear waste management will proceed without delay so that defense programs will not suffer in the future because of failure to deal with this problem. In that regard, I should point out that our amendment would accept from the House bill language directing that defense nuclear production and by-product management programs be administered by the Assistant Secretary of Energy for defense programs rather than the Assistant Secretary for Nuclear Power. This organizational change will insure that nuclear waste management will receive the additional support it deserves.

For the testing of nuclear weapons the proposed amendment will contain $318 million. This is less than the $335 million authorized in the Senate bill but reflects revised estimates of costs provided by DOE and for which a supplement appropriation request is being prepared. The amendment also contains section 212 which states that "The Secretary of Energy shall produce and stockpile the nuclear materials and warhead components necessary to enable the rapid conversion of W70-3 and the W79-1 warheads to enhance radiation capability." This action is entirely consistent with U.S. policy and was of course already contained in the original Senate bill.

In summary, Mr. President, this is important legislation which I hope can be enacted as soon as possible. I would like to commend the Senate leadership and my other colleagues who have helped expedite this legislation.

Mr. JACKSON. Mr. President, on September 30, 1980, the Senate passed S. 3074, the fiscal year 1981 Department of Energy defense programs authorization bill. The full House acted on the companion bill, H.R. 7265, on November 20, 1980.

In most respects the two bills—S. 3074 as passed by the Senate and the House amendment to S. 3074, which is now before the Senate—are quite similar. However, there are some differences and little time remains to reconcile those differences. In an effort to expedite matters, Senator COHEN and I have drafted a comprehensive amendment which we intend to offer as a substitute to the House amendment. This amendment has been gone over by our counterparts in the House—Chairman MEL PRICE and Representative BOB WILSON—who have indicated that the amendment is acceptable to them. This amendment has also been concurred in by other members of the Armed Services Committee who are involved in these nuclear weapons programs.

As I said, there are some differences between the two bills. Rather than try to go over each one, I ask unanimous consent that a table be inserted in the RECORD at the conclusion of my remarks which is a detailed accounting of every difference and shows the compromise that is reflected in the Cohen-Jackson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Generally, we are talking about "fact-of-life" changes—changes as a result of differing amounts that appear in the already enacted Energy and Water Development Appropriations Act, changes resulting from pending and anticipated supplementals, and so forth. I would be pleased to go into any particular item if there are questions.

Summarizing the dollar differences, S. 3074 as passed by the Senate authorized appropriations of $4,024,582,000. The House amendment authorized $3,629,650,000. The Cohen-Jackson amendment totals $3,973,225,000—over $50 million less than the original Senate-passed bill.

Mr. President, this is an important annual authorization bill that must be enacted this session. Nothing is more important to our national security than the credibility of our strategic deterrent, and this bill is the cornerstone of our strategic programs.

EXHIBIT 1

DEPARTMENT OF ENERGY—TITLE I: NATIONAL SECURITY PROGRAMS FISCAL YEAR 1981

[Dollar amounts in millions]

Item	Amended request	Appropriation Act Public Law 96-367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jackson substitute amendment
Inertial confinement fusion	$236.150	$209.600	$213.650	$236.150	$218.425
Naval reactors	398.350	303.350	308.350	398.350	398.350
Weapons Activities	2,187.623	2,068.723	2,157.323	2,208.192	2,203.923
Verification and control technology	93.391	39.391	39.391	41.391	39.391
Defense nuclear materials—Production management	549.500	553.700	572.470	706.435	407.500
Defense nuclear materials—Byproducts management	330.660	300.160	291.262	383.660	361.932
Nuclear materials security and safeguards	46.704	46.704	46.704	50.404	47.604
Total	3,788.378	[1] 3,521.628	3,629.650	4,024.532	3,973.225
Total, operating expenses	2,895.123	2,890.623	2,914.123	3,061.727	3,020.098
Total, plant and capital equipment	893.255	600.005	715.527	962.855	953.127
Total, DOE defense programs authorization	3,788.378	3,490.628	3,629.650	4,024.582	3,973.225

[1] Less $31,000,000 for fiscal year 1980 deferrals per House Appropriations Conference Report 96-1366.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—OPERATING EXPENSES, FISCAL YEAR 1981

[Dollar amounts in millions]

Item No.	Item	Amended request	Appropriation Act Public Law 96–367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jackson substitute amendment
	Defense intertial confinement fusion:					
1	Glass laser experiments	$52.800	$68.525	[1] $69.800	$52.000	$69.800
2	Gas laser experiments	41.000	38.000	[1] 38.000	41.000	38.000
3	Particle beam experiments	15.000	15.700	[1] 15.400	15.000	15.700
4	Supporting research and experiments	50.225	17.000	[1] 12.525	50.225	17.000
5	Program direction	1.275	1.275	[1] 1.275	1.275	1.275
6	Total	159.500	140.500	[1] 137.000	[1] 159.500	141.775
	Weapons activities:					
7	Research and development	501.064	501.064	501.064	499.225	501.064
8	Weapons testing	241.000	261.000	[1] 286.000	335.000	318.000
9	Production and surveillance	980.100	980.100	980.100	944.888	980.100
10	Program direction	37.659	37.659	[1] 37.659	37.659	37.659
11	Total	1,759.823	1,779.823	1,804.823	[1] 1,816.692	1,836.823
12	Verification and control technology	36.826	36.826	36.826	38.826	36.826
13	Program direction	1.765	1.765	[1] 1.765	1.765	1.765
14	Total	38.591	38.591	[1] 38.591	[1] 40.591	38.591
	Defense nuclear materials—production and byproducts management:					
15	Production reactor operations	200.907	200.907	[1] 200.907	240.088	226.907
16	Processing of nuclear materials	92.019	92.019	[1] 92.019	111.996	104.419
17	Supporting services	65.939	80.939	[1] 80.939	95.771	93.739
	Purex startup		(15.000)	[1] (15.000)		(15.000)
18	Florinel processing	26.890	26.890	[1] 26.890	27.935	26.890
19	Special isoptopes separation research	4.815	9.815	[1] 14.815	4.815	14.815
20	Program direction, production	1.330	1.330	[1] 1.330	1.330	1.330
21	Total, production	391.900	411.900	416.900	[1] 481.935	468.100
22	Decontamination and decommissioning	6.000	4.000	[1] 4.000	6.000	4.000
23	Interim waste management	139.940	135.940	[1] 149.940	149.940	149.940
24	Long-term waste management	99.000	75.500	[1] 62.500	99.000	75.500
25	Terminal storage (WIPP)	0	5.000	[1] 5.000	9.000	5.000
26	Transportation research and development	5.000	5.000	[1] 5.000	0	5.000
27	Program direction, byproducts	1.715	1.715	[1] 1.715	1.715	1.715
28	Total, byproducts	251.655	277.155	223.155	[1] 265.655	241.155
29	Total, defense nuclear materials, production and byproducts management	643.555	639.055	[1] 640.055	740.590	709.255
30	Nuclear materials security and safeguards	39.509	39.509	39.509	43.209	39.509
31	Program direction	3.795	3.795	[1] 3.795	3.795	3.795
31	Program direction	3.795	3.795	[1] 3.795	3.795	3.795
32	Total	43.304	43.304	[1] 43.304	[1] 47.004	43.304

DOE NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—PLANT AND CAPITAL EQUIPMENT, FISCAL YEAR 1981

	Naval reactors development:					
33	Project 81–T–112, modifications and additions to prototype facilities, various locations	103.000	10.000	13.000	103.000	103.000
	Weapons activities:					
34	Project 81–D–103, plant engineering and design, various locations	4.600	4.000	4.600	10.000	4.600
35	Project 81–D–108, reactor support facilities, Sandia National Labs, N. Mex	0	2.000	2.000	9.000	9.000
36	Project 81–D–112, tritium-handling facility, Los Alamos, N. Mex	0	0	0	4.100	4.100
37	Project 81–D–114 exhaust plenum modifications, Rocky Flats Plant, Colo	10.500	0	0	10.500	0
38	Project 81–D–116, utilities and equipment restoration, replacement, and upgrade, phase II various locations (weapons complex)	115.000	25.000	75.000	115.000	75.000
39	Project 81–D–120, control of effluents and pollutants, Y–12 plant, Tenn	6.400	3.000	0	6.400	3.000
40	Project 81–D–133, earthquake damage restoration, Lawrence Livermore National Lab, Calif	0	2.000	3.000	0	3.000
41	Project 81–D–134, earthquake damage restoration, Sandia National Lab at Livermore, Calif	0	1.000	2.000	0	2.000
42	Project 80–AE–6, utilities and equipment restoration, replacement, and upgrade, various locations	29.900	25.300	29.900	0	29.900
43	Project 79–7–e, production and assembly facilities, Pantex, Tex	13.000	1.300	13.000	13.000	13.000
	Defense nuclear materials—Production and by products management:					
44	Project 81–D–123, general plant projects, various locations	14.600	12.500	15.600	14.600	14.600
45	Project 81–D–126, pollution abatement facilities, Richland, Wash	0	0	0	1.000	1.000
46	Project 81–D–128, restoration of production capabilities, various locations	34.100	9.000	34.100	68.400	35.000
47	Project 81–D–141, hangers for N-reactor, Richland, Wash	0	5.000	0	5.000	5.000
48	Project 81–D–142, steam transfer header, Savannah River, S.C	0	0	0	7.000	7.000
49	Project 81–D–143, L-reactor restart, Savannah River, S.C	0	0	0	18.000	49.000
50	Project 81–T–102, plant engineering and design, various locations	9.865	14.865	5.130	9.865	5.130
51	Project 81–T–104, radioactive waste facilities improvements, Oak Ridge National Lab, Tenn	20.000	5.000	5.000	20.000	20.000
52	Project 81–T–105, defense waste processing facility, Savannah River, S.C	0	0	10.000	0	10.000
53	Project 81–T–106, transuranic waste treatment facility, Idaho (AE only)	0	0	0	10.000	10.000
54	Project 77–13–f, waste isolation pilot plant, N. Mex	0	15.000	0	29.000	29.000
	Capital equipment not related to construction:					
55	Defense nuclear materials, production management	35.100	35.100	35.400	38.700	53.000
56	Defense nuclear materials, byproducts management	25.000	17.500	22.507	25.000	22.507

[1] Denotes number appearing in the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum until Senators who will manage the appropriations bill arrive in the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

The Senate continued with the consideration of the bill.

Mr. EAGLETON. Mr. President, the bill reported by the committee would provide $21.6 billion in new budget authority, $248 million less than the House bill, and some $381.3 million below the budget. I must caution that only $9.7 billion is included in the bill for food stamps—essentially the presently authorized ceiling on appropriations. It is a virtual certainty that additional funds will be required for the food stamp program in fiscal year 1981. In addition, I must caution that these figures include a reduction of over $300 million for the child nutrition programs, based on the estimated savings which will result from final action on reconciliation now pending in conference. These cuts were not assumed in either the President's budget or the House-passed bill.

I would like to highlight a few key amendments to the House bill:

Net increase in research programs of $61.4 million, including $7 million for Hatch Act grants, $25 million for competitive grants. The House bill was about $22.6 million below the budget for research.

Increase of $11.1 million for extension—otherwise called Smith-Lever—grants.

Increase of $16.1 million for pest and disease control programs.

Increase of $44.2 million for the programs of the Soil Conservation Service.

Mr. President, the bill as reported by the committee addresses the needs of U.S. agriculture, in my opinion. The substantial increases provided for the important research and conservation programs of the Department of Agriculture illustrate the concern of the Appropriations Committee over the future productive capacity of our farms. Without a continued strong research program, the productivity which sets U.S. agriculture apart in the world will begin to wane. Likewise, if we neglect the conservation of our soil, our productive capacity is bound to decline.

Mr. President, I ask unanimous consent that the section on pages 6 through 8 of the committee report which summarizes the major changes recommended to the House bill and other pertinent material summarizing the bill be included in the record at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

HIGHLIGHTS OF MAJOR CHANGES RECOMMENDED TO HOUSE BILL

Highlights of major recommendations and changes to the House bill are:

Office of the Secretary, Departmental Administration, Governmental and Public Affairs and Office of the Inspector General, and Office of the General Counsel.—Accepts House recommendations but restores $375,000 for Inspector General and deletes $202,000 for information dissemination requirements that were not justified.

Federal Grain Inspection Service.—Restores $2,500,000 reduced by House based on revised estimate of impact of hiring freeze. The agency has an exemption.

Science and Education Administration.—Agricultural research: Net increase of $23,160,000 over House bill. Also includes transfer of $10,800,000 for biomass energy research from Department of Energy to USDA, and funds a corrective plan for Plum Island ($10,100,000).

Cooperative research: Provides for 11.4-percent increase for formula grants (Hatch Act and cooperative forestry), adjusts special research grants to eliminate multiple year "pyramiding," provides $7,500,000 for section 1433 formula grants for animal health and disease research and $5,000,000 for section 1434 regional animal health and disease grants. Also, funds budget request of $25,000,000 for competitive grants.

Extension: Provides for 11.4-percent increase for Smith-Lever formula grants, funds Bankhead-Jones Act at $11,500,000, and provides $5,000,000 for renewable resources extension, a new program.

Animal and Plant Health Inspection Service.—Makes minor adjustments in smaller programs based on USDA appeal. Provides $5,500,000 for imported fire ant. Adds $7,159,000 for brucellosis to provide for 10-year eradication effort. Restores House cut based on hiring freeze since APHIS has been granted an exemption.

Food Safety and Quality Service.—Restores $1,000,000 of House cut for hiring freeze since agency has an exemption for meat and poultry inspection.

Economics and Statistics Service.—Makes small adjustments in program increase where funds were not justified. Transfers $4,700,000 to a new appropriation, Agricultural Cooperatives Service, to reflect its recent establishment.

World Food and Agricultural Outlook and Situation Board.—Accepts House bill.

Agricultural Marketing Service.—Accepts House bill, but directs a travel reduction sufficient to continue market news service without closing any field offices, and adds field representatives for transportation office to implement railroad deregulation bill.

Agricultural Stabilization and Conservation Service.—Accepts House bill for salaries and expenses and new $1,500,000 beekeeper indemnity program, but limits payments to each individual participant to $20,000 per year as recommended by the Inspector General.

Federal Crop Insurance Corporation.—Provides direct appropriations of $29,558,000 and eliminates the limitation language, as required by the 1980 Federal Crop Insurance Act.

Commodity Credit Corporation.—Accepts House bill.

Farmers Home Administration.—Rural housing insurance fund: Deletes $100,000,000 for section 515 rental housing because of recent IG reports of continuing abuses. Adds $100,000,000 for above-moderate-income guaranteed loans, and $20,000,000 for rural rental assistance in lieu of a similar number of units (850) proposed for the home ownership assistance program.

Agricultural credit insurance fund: Adds $100,000,000 for farm ownership loans to keep them at the fiscal year 1980 level.

Rural development insurance fund: Adds $200,000,000 for water and sewer facility loans and $60,000,000 for community facility loans. Deletes insured business and industrial loans.

Grant programs: Accepts House bill for water and waste disposal grants, low-income housing repair grants, rural housing for domestic farm labor, mutual and self-help housing, rural community fire protection, rural development planning, and housing supervisory assistance grants. Deletes $10,000,000 for unbudgeted business and industrial development grants.

Salaries and expenses: Adds $5,300,000 to House bill to continue existing computer systems and requires development of new plan on unified management information system that meets GAO, IG, and House Government Operations Committee objections.

Rural Electrification Administration.—Adopts House bill on electrification and telephone revolving fund, telephone bank and rural communication development fund, and salaries and expenses with the exception of limitation on guaranteed loans.

Soil Conservation Service.—Conservation operations: Adds $10,000,000 for technical assistance to retain current level of assistance.

River basin surveys: Adopts House bill.

Watershed planning and watershed and flood prevention operations: Deletes new starts as recommended in budget (reduction of $43,060,000) because of backlog.

Resource conservation and development: Accepts USDA appeal adjusting technical assistance and financial assistance, but funds same total ($34,046,000) as House bill. Deletes new planning starts pending GAO evaluation due in January.

Great Plains: Restores $135,000 for necessary staffing.

Agricultural Stabilization and Conservation Service—Conservation.—Accepts House bill for rural clean water program, agricultural conservation program, water bank, and emergency conservation program. Adds $5,000,000 for forestry incentives to keep this at the fiscal year 1980 level ($15,000,000).

Food and Nutrition Service.—Child nutrition: Cuts $364,000,000 from House bill and eliminates new "turnbacks" of summer feeding and child care programs.

Special milk: Deletes $57,400,000 to reflect current law savings implemented in last year's supplemental.

WIC: Adds $2,500,000 to House bill for commodity program.

Food stamps: Accepts House bill ($9,739,276,000), the current authorization for program.

Food donations: Accepts House bill, but requires improvements in donations programs in trust territories and restudy of proposal to implement food stamps in Northern Marianas.

Food program administration: Funds budget request, a $3,977,000 increase over House bill.

Foreign Agricultural Service.—Accepts House bill.

Office of International Cooperation and Development.—Adds $3,135,000 for international scientific and technical cooperation and requests universities to examine matching funding for travel in the future.

Public Law 480.—Accepts House bill (same as budget request).

Food and Drug Administration.—Provides $3,135,000 increase over House bill and directs FDA to use $500,000 for a study by National Academy of Science or similar organization of a science panel to assess carcinogens and other toxic substances.

Commodity Futures Trading Commission.—Adds $2,123,000 to House bill to continue current staffing level and fund highest priority computer needs.

Fraud, waste, abuse, and error: Adds report language and general provisions to provide limits on last quarter spending, 15-percent cut in consultants, collect on debts overdue to the Government, and require resolution of pending audits by end of fiscal year 1981 or within 6 months.

Working capital fund: Refocuses limitation based on revised USDA analysis. Requires periodic reporting.

Overhead on cooperative agreements: Limits overhead to a maximum of 10 percent on any true cooperative agreement.

AMOUNT IN NEW BUDGET (OBLIGATIONAL) AUTHORITY, FISCAL YEAR 1981

Amount of bill as passed by the House	$21,910,687,000
Amount of decrease by Senate Committee	248,369,000
Amount of bill as reported to the Senate	21,662,318,000
Amount of 1980 Appropriations Acts to date	20,036,854,006
Amount of estimates, 1981	22,043,626,329
The bill as reported to the Senate:	
Over the appropriations provided in 1980	1,625,463,994
Under the estimates for 1981	381,308,329
Under the House bill	248,369,000

	1980 enacted	1981 budget estimate	1981 House bill	1981 Committee recommendation
Title I: Agricultural programs	$4,890,391,006	$5,204,121,329	$5,178,574,000	$5,290,476,000
Title II: Rural development and assistance programs	2,217,352,000	2,193,570,000	2,266,695,000	2,311,257,000
Title III: Domestic food programs	11,642,199,000	12,977,776,000	12,809,799,000	12,394,876,000
Title IV: International programs	944,627,000	1,296,787,000	1,291,465,000	1,296,297,000
Title V: Related agencies	342,285,000	371,372,000	364,154,000	369,412,000
Total, new budget (obligational) authority	20,036,854,006	22,043,626,329	21,910,687,000	21,662,318,000
Transfers from sec. 32	1,831,086,000	1,879,653,000	1,879,653,000	1,879,653,000
Total obligational authority	21,867,940,006	23,923,279,329	23,790,340,000	23,541,971,000

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, the bill we have before us, the appropriations for Agriculture, rural development, and related agencies, is a very important bill. It is important to every American, since it includes funding for ag research which is the foundation upon which food abundance is faced. Also contained in it is funding of a broad array of other vital and necessary activities. While the principal subject of the bill is agriculture, and there is perhaps no other sector of our economy which is as basic and necessary to the strength of our Nation as agriculture, the fact is, most of the money goes for nonagriculture programs.

In fact, only about 9 percent of the outlays associated with the bill are for agriculture.

This is thought of as the agriculture appropriations bill, Mr. President, but most of this money is not for agriculture but for other programs. Only 9 percent is for agriculture.

The lion's share of the spending in this bill goes for important social programs such as food stamps, school lunch, and the WIC program. These activities make up nearly three-quarters of the bill. This bill includes funding to assist in meeting food needs abroad, saving another 6 percent—over a billion dollars—is used in the Public Law 480 program to address world hunger. The other 10 percent goes for conservation, rural development, energy and consumer service, and the like.

So here we have a bill, Mr. President, called the agricultural appropriations bill; 9 percent is for agriculture, 3.7 for various feeding programs, 6 percent is for Public Law 480 for foreign aid, and the other 10 percent is for various kinds of consumer services, energy, and conservation and other programs, some of which are connected with agriculture in some aspects.

Beyond basic food needs, this bill provides over $600 million to protect the health of our people through regulatory programs of the Food and Drug Administration and the meat, poultry, and commodity inspection programs of USDA.

Through programs funded in this bill, we also provide urgently needed help to rural areas so that rural citizens have improved opportunities for adequate housing, employment, and public services. This bill also funds programs to protect the soil and water resources upon which the wealth of our Nation is based.

Mr. President, I am pleased that the Senate has found the time in the closing days of this Congress to act on this bill. For a time, there was some doubt we could do that. The fact we have the bill before us is largely due to the efforts of our distinguished chairman, Senator EAGLETON, with the help and guidance of the widely respected chairman and ranking minority member of our committee, who made it possible for us to bring this bill to the floor in this fashion.

Mr. President, I believe this bill goes far in meeting the most critical needs within our jurisdiction.

I congratulate Senator EAGLETON. He has been extremely pleasant and productive to work with. He has an excellent understanding of this bill and has managed both the hearings and the markup of the bill in a highly commendable fashion. It has been a pleasure to be associated with him in this endeavor.

In my 12 years as a Senator, under three Presidents, there has never been a truly adequate budget submitted for agricultural research. Year after year, Congress adds money to the appropriation bill for ag research.

Frankly, I cannot understand why no administration has recognized the importance of this Federal responsibility. It baffles me. Daily we hear reports that our country is no longer as competitive, that we are losing our technological advantage, that our neighbors in the world can no longer look to us for leadership. In agriculture this is simply not true, at least not yet, and it is not true because of our years of continuing commitment to research and development in agriculture.

But we are in danger of losing this leadership if we neglect the agricultural research responsibility which the Federal Government has.

The record of U.S. agriculture is remarkable. In this country, fewer than 3 percent of our citizens produce enough food to feed our entire Nation. In many countries it takes half the citizens, some places up to 70 percent or 80 percent. But here 3 percent of our citizens use modern equipment, and our technology is able to produce enough, an abundance for our own citizens and a surplus for export in a highly competitive world market, and in this market we hear about $40 billion of badly needed foreign exchange.

We are now importing something like $80 billion a year worth of oil and selling about $40 billion of farm products abroad, without which we would be in desperate straits as far as paying for the oil we now import from abroad.

Our land grant institutions, our research facilities, our system of technology extension, and our efficient methods of farming are the envy of the world. Mr. President, I am pleased that this bill provides the level of funding needed to maintain a modest ag research effort. Over $630 million is recommended for agricultural research, an increase of about $70 million over fiscal year 1980, and $61 million over the budget request.

So here, again, the Congress has taken the administration request, which is grossly inadequate, and added $61 million for agricultural research. While I would like to have seen a larger increase, but recognizing the fiscal restraints we faced, we did the best we could. We have provided sufficient to keep up with inflation, as our resources permit. In future years, I feel greater emphasis must be placed on agricultural research by future Congresses.

Mr. President, there is one other point I would like to discuss, that is the budgetary impact on this measure.

This bill provides a total of $23.9 billion in budget authority and $19.9 billion in outlays. Taking into account anticipated supplementals, it is estimated that total fiscal year 1981 costs will total $25.3 billion in budget authority and $21.1 billion in outlays.

This total exceeds the subcommittee allocation under the first budget resolution by a billion dollars in budget authority and over $1.6 billion in outlays. This overage can be attributed in large measure to increased cost estimates of the food stamp program which is highly sensitive to economic changes. But even under the revised second budget resolution which Congress adopted last week, it is clear that the bill total still is excessive, and more than provided in our budget resolution.

Mr. President, as ranking minority member of the Senate Budget Committee, I am painfully aware that the levels agreed to in the second budget resolution are unrealistic. I said this when the resolution was on the floor. The spending contained in appropriation bills already acted upon, and that expected in those bills remaining, will by the most conservative estimates, exceed the spending limits in the committee's allocation by about $5 billion in both budget authority and outlays.

Mr. President, realistically, it will be much higher than that.

This $5 billion constitutes about 6 percent of nonentitlement spending, exempting defense, under the jurisdiction under the Committee on Appropriations. With one-quarter of the fiscal year almost over—to achieve the spending target of the budget resolution, Congress will have to cut more than 8 percent of the remaining year's program and if Congress does not act until April, which is a likely assumption, the cut will have to be 12 percent for the balance of the fiscal year. That, I submit, would be a Draconian move.

To achieve an 8-percent cut of this bill, without reducing feeding programs severely, it would be necessary to terminate every agriculture function program funded in the measure. This is something Congress needs to understand.

We talk about a 2-percent across-the-board cut and we want to exempt defense, we want to exempt social security, veterans, certain other entitlement programs, so we try to cut the remaining programs to get a 2-percent across-the-board cut. It would mean cutting them 8 percent. If we try that and do not touch the feeding programs, that means we wipe out every agricultural function in this measure.

I think Members who are prone to want to vote for these cuts ought to realize that when we do that we could do absolutely irreparable harm to ongoing programs, such as agricultural research.

If we were to cut 8 percent out of this bill, it would mean we would have to stop all rural development, conservation and regulatory programs. This would simply be unrealistic.

But even assuming that Congress will allow spending to increase—and thereby increase the deficit—unless we are willing to accept a $50 billion deficit, we clearly will have to restrain spending. This applies to this bill—the next Congress must confront those hard decisions and make reductions or face another huge deficit. That will cause more inflation, drive interest up, and increase the economic stresses which the country is already feeling.

Yesterday, in the committee markup of the bill, we reduced funding of the child nutrition programs by $364 million in anticipation of a conference agreement on the reconciliation bill. But we must cut more to live within any reasonable spending total. That is why I intend to propose an amendment today to cut another $100 million from the Public Law 480 program.

I support these programs, but there is no way that we can continue to spend at the rates that have become our custom, and expect to ever balance the budget and bring inflation under control.

It is for that reason that I call up the amendment I have at the desk.

Mr. EAGLETON. Mr. President, will the Senator withhold his amendment so that I may take care of a housekeeping chore?

The PRESIDING OFFICER. Until the committee amendments are disposed of, floor amendments are not in order.

Mr. EAGLETON. That is what I want to take care of.

If the Senator will yield, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendments as original text, provided that no point of order shall be raised by reason of the agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments are agreed to en bloc.

The committee amendments agreed to en bloc are as follows:

On page 2, line 15, strike "$3,457,800" and insert "$3,693,800";

On page 2, line 18, strike "$9,292,200 for Capper Volstead Monitoring" and insert "$9,256,200";

On page 3, line 11, strike "$9,063,000" and insert "$8,861,000";

On page 4, line 2, strike "$27,752,000" and insert "$28,127,000";

On page 4, line 21, strike "$22,457,000" and insert "$24,957,000";

On page 5, line 17, strike "$396,234,000" and insert "$419,394,000";

On page 5, line 21, after "3109", insert the following: ": *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of international conferences, if such conferences are in support of agency programs:";

On page 6, line 9, strike the following: "(except headhouses connecting greenhouses)";

On page 6, line 10, after "$88,000", insert the following: "except for headhouses and greenhouses which shall be limited to $500,000";

On page 6, line 19, after "California,", insert the following: "the establishment of a photo-period house at Canal Point, Florida, and construction of facilities at Plum Island, New York; Beckley, West Virginia; and Stillwater, Oklahoma:";

On page 7, line 2, after "(21 U.S.C. 113a)," insert the following: "*Provided further*, That $13,600,000 of the appropriation provided herein for construction of facilities shall remain available until expended.";

On page 8, line 7, strike "$125,115,000" and insert "$132,115,000";

On page 8, line 16, strike "$10,424,000" and insert "$11,124,000";

On page 8, line 20, strike "$18,543,000" and insert "$20,000,000";

On page 9, line 2, strike "$18,848,000" and insert "$10,475,000";

On page 9, line 4, after "(7 U.S.C. 4501)," insert the following: "$25,000,000 for competitive research grants, including administrative expenses; $7,500,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; $5,000,000 for the support of animal health and disease programs authorized by section 1434 of Public Law 95–113, including administrative expenses;";

On page 9, line 20, strike "$175,592,000" and insert "$213,914,000";

On page 10, line 7, strike "$199,896,000" and insert "$211,000,000";

On page 10, line 9, beginning with "payments", strike through and including "$3,000,000" on line 10;

On page 10, line 12, beginning with "payments", strike through and including "$1,020,000" on line 13;

On page 10, line 16, beginning with "payments" strike through and including "$1,300,000" on line 18, and insert the following: "payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $5,000,000;";

On page 11, line 1, strike "$10,898,000" and insert "$11,600,000";

On page 11, line 4, strike "$293,081,000" and insert "$304,567,000";

On page 11, line 18, after "extension", insert the following: "and higher education";

On page 11, line 20, strike "$5,948,000" and insert "$6,361,000";

On page 12, line 13, strike "$250,138,000" and insert "$262,486,000";

On page 13, line 22, strike "$3,186,000, and insert "$6,986,000";

On page 14, line 4, after the semicolon, insert the following: "a facility in Hawaii at a Federal cost of $3,800,000;";

On page 14, line 16, strike "$292,818,000" and insert "$293,818,000";

On page 15, strike line 19, and insert the following:

"ECONOMICS AND STATISTICS SERVICE";

On page 15, line 21, strike ", Statistics, and Cooperatives", and insert the following" "and Statistics";

On page 16, line 3, strike "research" through and including the semicolon on line 4;

On page 16, line 16, strike $94,803,000" and insert "$89,953,000";

On page 17 after line 14, insert the following:

AGRICULTURAL COOPERATIVES SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,700,000: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.

On page 19, line 16, strike "$1,699,000" and insert "$2,186,000";

On page 22, line 21, after "Government", insert the following: *"Provided further*, That no participant in the beekeeper indemnity program shall be eligible to receive payments in excess of $20,000 in any fiscal year.";

On page 23, line 15, strike "$11,195,000" and insert "$29,558,000';

On page 23, strike line 16 through and including line 18;

On page 26, line 4, strike "$4,125,600,000", and insert "$4,025,600,000";

On page 26, line 5, strike "$3,245,600,000" and insert "$3,145,600,000";

On page 26, line 10, after "Act", insert the following: "; *Provided*, That unsubsidized interest guaranteed loans of not to exceed $100,000,000 shall be in addition to these amounts";

On page 26, line 18, strike "$393,000,000" and insert "$413,000,000";

On page 27, line 16, strike "$949,600,000" and insert "$1,049,600,000";

On page 27, line 17, strike "$870,000,000" and insert "$970,000,000";

On page 28, line 11, strike "$700,000,000" and insert "$900,000,000";

On page 28, line 12, beginning with "industrial" strike through and including "loans" on line 14, and insert the following: "guaranteed industrial development loans, $741,000,000";

On page 28, line 16, strike "$240,000,000" and insert "$300,000,000";

On page 30, strike line 1 through and including line 4;

On page 30, line 17, beginning with $239,684,000" strike through and including "and" on line 20, and insert the following: "$244,984,000, including";

On page 32, line 1, beginning with ", but" strike through and including line 4;

On page 34, line 7, strike "$283,001,000" and insert "$293,001,000";

On page 35, line 25, strike "$10,660,000" and insert "$6,660,000";

On page 36, line 14, strike "$167,524,000" and insert "$205,651,000";

On page 36, line 15, strike "$18,500,000" and insert "$17,489,000";

On page 37, beginning on line 16, strike the following: ", of which $390,000 shall be for the authorization of 6 new areas";

On page 38, line 6, strike "$19,987,000" and insert "$20,122,000";

On page 39, line 13, strike "approved farming practices" and insert the following: "enduring conservation and environmental enhancement measures and practices, as specified in section 1501 of Public Law 95–113 (including those practices or programs which are deemed essential to maintain soil productivity, prevent soil depletion, or prevent increased cost of production, thus assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy)";

On page 42, line 12, strike "$10,000,000" and insert "$15,000,000";

On page 43, line 8, strike "$3,638,776,000" and insert "$3,274,776,000";

On page 43, line 8, strike "$1,759,123,000" and insert "$1,395,123,000";

On page 43, line 19, strike "during fiscal year 1981" and insert the following: "after September 1, 1980";

On page 45, line 17, strike "$176,200,000" and insert "$118,800,000";

On page 45, line 21, after "reimbursement", insert the following: *"Provided further*, That none of the funds appropriated in this Act may be used for payments which exceed 5 cents per half-pint of milk served after September 1, 1980, which is served to children who are not eligible for free milk and which is served in schools, child care institutions, and summer camps participating in meal service programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966.";

On page 46, line 11, strike "$924,540,000" and insert "$927,040,000";

On page 46, line 23, strike *"Provided"*. through and including the colon on page 47, line 7;

On page 47, line 24, strike "$82,000,000" and insert "$85,977,000";

On page 48, line 8, after "3109", insert the following: ": *Provided further*, That no funds appropriated in this or any other Act shall be used by the Secretary to administer directly in any State any program authorized under the National School Lunch Act or the Child Nutrition Act of 1966 that the Secretary did not directly administer in fiscal year 1980.";

On page 48, line 16, strike "agricultural" and insert "Agricultural";

On page 49, line 12, strike "$2,000,000" and insert "$6,832,000";

On page 51, line 4, strike "$319,535,000" and insert "$322,670,000";

On page 51, line 16, strike "$16,366,000" and insert "$18,489,000";

On page 53, strike line 10 through and including line 15, and insert the following:

Sec. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $1,000,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

On page 55, strike line 5 through and including line 25, and insert the following:

Sec. 614. (a) No appropriations made available in this act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

Sec. 615. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 616. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this act shall be resolved within 6 months of completing the initial audit report.

Sec. 617. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

Sec. 618. (a) Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under the act for procurement of consultant services shall be reduced by $1,488,000.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Sec. 619. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 percentum of the value of the loans closed during the fiscal year.

Sec. 620. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the value of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 621. Within 60 days of enactment of this bill, the Department of Energy shall transfer $10,800,000 to the Department of Agriculture for biomass and alcohol fuels research in accordance with existing interagency agreements. This sum represents the total fiscal year 1981 funding for the Department of Energy's on-farm and herbaceous programs, the near-term silviculture program and on-farm alcohol stills.

SEC. 622. None of the funds appropriated in the Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281).

SEC. 623. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These departments and related agencies shall also submit to the appropriations committees, within 30 days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committees on Appropriations of the two Houses a revised schedule. Departments and related agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall analyze these schedules and reports and assess their implications for congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budget of the two Houses of Congress.

SEC. 624. Notwithstanding any other provision of law, the following watershed projects under Public Law 83-566 are hereby exempted from the requirements of Executive Orders 12133 and 12141: Grasshopper-Coal Creek, Kansas; Stewart Creek, Kentucky; Mozingo Creek, Missouri; Blind Brook, New York; Piney Creek-Soak Creek, West Virginia; and Upper Mud River, West Virginia.

UP AMENDMENT NO. 1795

(Purpose: To reduce P.L. 480 appropriations by $100 million)

Mr. BELLMON. Mr. President, I now call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an unprinted amendment numbered 1795.

Mr. BELLMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

P.L. 480

On page 50, line 5, strike "$892,400,000" and insert in lieu thereof: "$842,400,000".

On page 50, line 5, strike "$406,330,000" and insert in lieu thereof: "$356,330,000".

On page 50, line 10, strike "$822,600,000" and insert in lieu thereof: "$772,600,000".

On page 50, line 11, strike "$822,600,000" and insert in lieu thereof: "$772,600,000".

Mr. BELLMON. Mr. President, I will undertake to explain the impact of this amendment. It is not at all complex. It is the same amendment I offered in committee, which was voted down on a fairly close vote.

The situation is that we are adding substantially in this bill to the Public Law 480 levels of 1980. Even with my amendment, we will still have more money in the bill than in the 1980 bill. As part of the effort to hold down Federal spending, the Public Law 480 program should be held as close to last year's level as possible. The assumption that many programs would be treated in this manner was embodied in the second concurrent budget resolution, and my amendment attempts to do that.

Cutting Public Law 480, title I, by $50 million in outlay would still leave the program at a higher level than in 1980.

This is the so-called sales program in which the United States sells agricultural commodities to friendly countries on long-term dollar-repayable terms. This is an important aspect of our foreign policy in many cases—especially as it relates to Egypt. But I believe that many of the programs which have not yet been negotiated but may be intended by the AID should be delayed in order to promote fiscal discipline at home and to encourage developing countries to give greater attention to developing their own agricultural potential.

The amendment also proposes to cut Public Law 480, title II, by $50 million in outlays. Under this title, the United States donates food to meet famine or other extraordinary relief requirements. I would not suggest that we do anything to hinder this objective. However, for fiscal 1981, $102 million has been earmarked for such purposes. There is no indication that the United States is actively directing, through negotiations, the voluntary agencies which distribute title II food to target these emergencies with their own allocations, thereby freeing funds which could be reduced from this bill.

Finally, while the United States does all it can to provide food aid, Europe should begin increasing its food aid programs. We cannot feed the world alone.

My information is that of the $1.4 billion expended by all countries for food aid loans and grants in 1978, the United States supplied $1 billion.

I will repeat that: Taking into account all the aid expended by all countries for food support in fiscal year 1978, the last figures we could get, the total is $1.4 billion. Of that, the United States contributed $1 billion. This means that countries such as Japan, England, West Germany, France, and all the other industrialized countries put up $400 million, and the people of the United States footed 2½ times as much, or $1 billion.

Public Law 480 is a necessary and worthwhile program. But I feel that, to the extent we do not deny food for famine relief, Public Law 480 should be asked to cut back its activities and to direct its assets to accomplishing its key requirements.

Also, the new administration should put pressure on our allies to make sure that they bear a greater part of this burden.

A hard look should be taken at this situation, because governments of many developing countries traditionally have followed what they call cheap food policies. They use one kind of device or another to hold down the cost of food to their consumers. The result is that food prices are so low that the producers of food are not able to afford the fertilizer or the improved seed or equipment or chemicals they need to expand food production at home.

The result is that a country which may have an enormous potential to increase its food production continues to look to the United States for food handouts when it would be far wiser to allow food prices to rise to a realistic level, so that their farmers could do a better job of developing the agricultural resources the country has.

It makes no sense for the United States to dump cheap food into an economy where the domestic food producers are unable to get the capital they need to develop their land and in this way, in effect, contribute to a lasting food shortage.

The fact is that the world's population is likely to grow by about 2 billion people between now and the end of the century. Unless we take steps to encourage developing countries to place greater emphasis upon domestic food production, we will find ourselves called upon to feed more and more people who literally will be without food and in danger of starving, when a wiser course would be to restrain our food giveaway programs and place greater emphasis on agricultural development in countries which could feed themselves.

We should start now to take a hard look at Public Law 480 as to the impact it is having on food production in developing countries. We should encourage the governments of developing countries to terminate the cheap food policies which frustrate development of indigenous food production. Most countries can do far more in producing food for their own population. The United States needs to support such goals. When we provide cheap or free food, we often hurt those we seek to help.

Mr. President, for those reasons, I believe this amendment is an improvement in this bill, and I urge its adoption.

I will give for the RECORD the figures for the Public Law 480 title I and title II programs for fiscal years 1980 and 1981.

For title I, in fiscal 1980, Congress provided $266.2 million. For fiscal 1981, in this bill, it is $406.3 million. That is an amendment is adopted, there still will be an increase of $90 million in this program.

In title II, in fiscal year 1980, we provided $620.1 million. This bill appropriates $822.6 million. That is an increase of $202.5 million. After my amendment is approved, if it is approved, we would still increase the appropriation by $152.5 million.

Mr. President, in my judgment, we are being fair, even generous, to those who look to us for food assistance, particularly at a time when we are in danger of running another $40 billion or $50 billion deficit.

Mr. President, I ask unanimous consent that Mr. Chuck Connor, of Senator LUGAR's staff, be granted the privilege of the floor during the consideration of H.R. 7591.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I rise in opposition to the Bellmon amendment.

If I may direct Senator BELLMON to page 95 of our committee report, the figures under which I believe we are operating are set forth on the table in the middle of page 95. That chart is labeled "Program Operating Levels and Appropriations," and if we total both titles I and II and also title III, here is the comparative picture, as I understand it: For fiscal year 1979, $1,374,402,952; for fiscal year 1980, estimated, $1,650,952,285; for fiscal year 1981, $1,715,000,000.

Under the Bellmon amendment which would cut $100 million, it would make the 1981 estimate $1,615,000,000, or about $35 million lower than the 1980 estimate. I think taking such action would be a mistake.

Second, we have to take note of the fact that there has been a rather sharp increase in commodity prices in recent months. Hence, the $1,715,000,000 estimated for fiscal year 1981 will not buy the same amount of commodities that those same dollars would have bought when the estimates for program requirements were made about 1 year ago.

My third point is that there are areas of absolutely chronic need insofar as foodstuffs are concerned.

Just recently in the press were a series of articles, for instance, on the starvation conditions in the Horn of Africa, in the Somalia-Ogaden Ethiopia area of the Horn, where thousands—it may even be in the millions—are in a dread state of starvation. The Sahel area is still an area of chronic need, and we could go on down a very sad litany of places around the world where there are starving people in absolute dire straits.

I do not think it is very comforting to those individuals who are on the brink of losing their lives by reason of starvation to say, "Well, we are cutting back on Public Law 480 and on grain that you might otherwise receive because we think we have gone too far with this program, and it has been counterproductive insofar as the agricultural conditions of your respective countries are concerned."

That may be interesting and even arguable in theory, but it does not resolve the immediate and compelling world hunger needs that are not postponed, that are not remediable by even an immediate change in agricultural policy of the countries in question.

The only way I know of to feed starving people is to have some food available to feed them and feed them now. Thus, I think that it would be a mistake to cut back on the Public Law 480 program at this time, and I peg my case solely on the basis of humanitarianism and on the basis of the fact that with today's international agricultural prices being what they are even the modest increase that we estimate will be spent in fiscal year 1981 will not go as far in terms of the purchase of foodstuffs as the dollars we provided last year.

So, for all of those reasons, I oppose the Bellmon amendment and at the appropriate time I will ask for the yeas and nays thereon and we will have a vote.

Mr. BELLMON. Mr. President, I wish to respond briefly to my friend from Missouri and then suggest we may lay this amendment aside. On this side of the aisle they are in a Policy Committee meeting and will be through at 2 p.m. I wish for us not to vote until the Policy Committee meeting is over.

Mr. EAGLETON. All right.

Mr. BELLMON. Mr. President, turning to the table that Senator EAGLETON had been discussing on page 95 of the report, you will see at the bottom of that table there is a line called "total appropriations." It shows in fiscal year 1979 Congress appropriated $805,900,000 in fiscal year 1980 the estimate is $805,336,000. That is an increase of some $81 million. But for fiscal year 1981—remember this is the year when we are supposedly facing some fiscal restraint—we are increasing the appropriation to $1,228,930,000. That is an increase, if my arithmetic serves me right, of some $350 million.

The year before we increased $80 million and this year we come along and increase $350 million. Even after my amendment is adopted, if it is, we will still increase the appropriations $242 million over 1980.

So this is not, as I have said, a Draconian amendment. It is in my judgment a very reasonable thing to do.

The program level is subject to a great many executive decisions which Congress does not have any control over, and I suggest that given the amount of money this amendment would allow, which is over $1 billion—it would be $1,128,000,000—there is still ample room to provide for continued growth in the program if that is the decision that the executive branch makes. So my amendment would still allow the appropriations to grow $242 million over 1980.

I submit in a year like we are facing now that is an adequate level of growth in this program.

Mr. EAGLETON. Mr. President, a brief response, the operable figures, the ones that really come into effect insofar as the spending level of these programs are the ones that I cited in the upper part of the chart. The text immediately preceding the chart reads:

> Because of the various funding authorities, actual program levels vary from the amount provided in the appropriations bill as are reflected in the following table.

Thus, the figures that are truly meaningful in this regard insofar as what the spending level was in fiscal year 1980 and what it will be in fiscal year 1981 insofar as Public Law 480 is concerned are the figures that I cited earlier. The estimate for fiscal year 1980 is $1,650,952,285; the estimate for fiscal year 1981 is $1,715,000,000.

The figures at the bottom of the chart do not reflect what is estimated to be actually spent in the ensuing fiscal year.

Thus, I think I am correct that the Bellmon amendment would constitute a cut, when you cut back $100 million from a total program level of $1,715,000,000. So that is the way I interpret the figures. That is the way I am advised they should be interpreted. But obviously Senator BELLMON sees it in a different light.

In any event, Mr. President, I shall ask unanimous consent that the vote on this amendment take place sometime after 2 p.m. linked up with some other amendment we may have gotten to at that time and we can do the votes back to back.

Mr. President, I ask for the yeas and nays on the Bellmon amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the vote on this amendment be postponed to a time after 2 p.m. and to occur immediately preceding whatever rollcall votes by that time have been ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

UP AMENDMENT NO. 1796

(Purpose: To add $7 million to funds for Conservation Operations under the Soil Conservation Service)

Mr. MELCHER. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Montana (Mr. MELCHER), for himself and Mr. JEPSEN and Mr. BOSCHWITZ proposes an unprinted amendment numbered 1796:
>
> On page 34, line 7, strike out "$293,001,000" and insert in lieu thereof "$300,000,000".

Mr. MELCHER. Mr. President, I offer this amendment on behalf of myself and Senator JEPSEN of Iowa and Senator BOSCHWITZ of Minnesota.

We are offering it in order to make a little bit of sense out of the Soil Conservation Service funding for this coming fiscal year. We need to hold in place, as much as possible, the employees of the Service. There has been a cutback under both the House-passed bill and the Senate committee's version of the bill in what is actually available if we take into account the salary increases that have been agreed to for this coming fiscal year.

There have been some personnel layoffs—we want to bring that to a halt—We do not want to lose, by attrition or resignation, the number of personnel efficient operation requires.

We do not really feel we can afford to do that. The fact is that we are not really getting sufficient soil conservation work done on our agricultural land, and we do not think any further cuts are in order.

Mr. President, the conservation operations line item in the Soil Conservation Service budget represents the basic source of technical assistance to the farmers and ranchers of this Nation for getting conservation practices established on the land. This provides the personnel at the field level. If we lose these field technicians, we would not get the conservation work done, no matter how much cost sharing or other incentives we offer.

In fiscal year 1980, conservation operations was funded at $276.7 million. During fiscal year 1980, all Federal agencies received pay increases under provisions of the Pay Act. This salary increase amounted to $21 million for SCS. Only $7.7 million was subsequently added to the SCS budget through supplemental appropriations. SCS was forced to absorb, through personnel cuts, the remaining $13 million.

Personnel cuts in an agency such as SCS must be made through attrition and through retirements. The administratively imposed hiring freeze allowed SCS to fill only 4 out of 10 vacancies. The House bill locks in the effects of this hiring freeze. The net result is that there are fewer technical personnel at the field level to assist farmers and ranchers with conservation problems.

The purpose of this amendment is to put conservation technical assistance back on some semblance of fiscal year 1979 levels. In order to do this, I would like to review some basic arithmetic with you:

The base for fiscal year 1980 which should be considered from which we decide on the appropriations level of fiscal year 1981 funding should be both the basic fiscal year 1980 appropriation and the Pay Act increase. This amounts to $276.7 million plus $21 million, or $297.7.

Seventeen percent of the conservation operations budget goes for nonsalary items which are subject to the going rate of inflation. If one considered that the inflation rate was only 10 percent during fiscal year 1980, a hold-even budget for fiscal year 1981 should include an additional $5.1 million.

297.7+5.1=$302.8

My mail indicates that during fiscal year 1980, the Soil Conservation Service imposed a 10-percent reduction in mileage on its employees and delayed the purchase of new vehicles at many locations in order to stay within available appropriations. This has resulted in less technical assistance to landowners and a drastic depletion of the safety of the fleet of vehicles available in the field. Such depletion cannot go on forever.

These calculations do not even consider the impact of the October 1, 1980, Pay Act increase of 9.1 percent. This increase has impacted the conservation operations budget by $22.5 million. Hopefully, this shortfall can be considered in supplemental appropriations by the next Congress.

Now, just what are conservation operations?

First and foremost, it is the payroll—the line item where most of the SCS personnel are paid from.

Conservation operations provide technical assistance to farmers, ranchers, and other landowners in the planning and application of conservation treatment needed to protect the resource base.

This includes assistance to participants of the agricultural conservation program administered by the Agricultural Stabilization and Conservation Service; assistance to Indians; and strip-mined land that has to be reclaimed.

Another part of conservation operations is land inventory and monitoring. It provides soil and water resource data for land conservation, use, and development. It helps local government in making development decisions. The information it produces can be used for making local development decisions, to identify prime farmland and to protect the environment.

A third part of conservation operations is the soil survey. These soil surveys are an inventory of our basic resource to determine land capabilities and conservation treatment needs. Soil survey publications include interpretations useful to cooperating farmers, governments at all levels, and for basic information on land to be surface mined.

Another part of conservation operations is the snow survey, which is really water forecasting. In many portions of the water-short West, the snow that falls on the mountains in the winter is the water that will be available throughout the rest of the year. Information on the amount of snowpack is vital to everyone who uses water in the West.

Over the past 10 years, through succeeding economy measures, the Soil Conservation Service has lost about 3,000 technician jobs. This has concerned the States and some of them have begun to hire conservationists to supplement the Federal effort. But the States have been rewarded for their desire to expand the work of conservation by having the Federal Government continually trying to cut back on the SCS staff. That does not seem like much of an incentive for the States to try to do more. It seems to me it would work just the opposite.

Finally, conservation operations cover work for the Soil and Water Conservation Act of 1977, a device through which the Congress hopes to get a better quality of conservation effort.

We have to have more knowledge about the status of our resources and the condition of our land and water resources. Soil losses from our lands continue at an unacceptable rate. In Montana alone there are 35 million acres in desperate need of conservation treatment. Our lakes, ponds, and waterways are filling with chemicals and silt. We are not going to win this battle with erosion without a Federal commitment.

Simply put, the conservation programs for the Department of Agriculture have been gutted by inflation. Each year we come here and appropriate the same amounts for soil and water conservation, and sometimes a little less. We do this in the name of economy. But, because of inflation, we have steadily allowed our conservation efforts to decline, as the number of dollars each year buys less and less conservation.

I have spoken before on the floor of the Senate about the Cedars of Lebanon. They are just a historical figure now because the soil of Lebanon was wasted by inattention. If we do not make the small contributions to the continued productivity of our own land today, this Nation will pay through the nose for our poor stewardship down the road in a way that will make the energy crisis seem like small potatoes.

The fact is that if we really believe that our soil and water resources are important, we have to provide for this very important function. These are funds mostly for jobs, but they are the best protection this country has found for avoiding soil damage, for conserving soil.

Another part of the conservation operations is planned inventory and monitoring to provide soil and water resource data for land conservation use and development. It helps local government in making development decisions.

The information it provides can be used for making local government decisions to identify prime farmland and to protect the environment.

A third part of conservation operations is soil conserving. These soil services are an inventory of our basic resources to determine land capabilities and conservation needs. Only about half of our Nation's land has been inventoried, mostly because the money has not been provided to do the job.

If we really want to protect our land and water—if we really believe that this is one of our very basic goals in this country—I think it is time we hold the line on erosion of the Soil Conservation Service.

I am gratified the Senate Appropriations Committee put in an additional $10 million over what the House approved. That is a significant amount of money. Unfortunately, we are dealing with a gigantic problem, one compounded by the searing heat and low rainfall of recent summers.

I hope my colleagues will join me in this restoration amendment.

Mr. JEPSEN. Mr. President, as ranking member of the Environment, Soil Conservation, and Forestry Subcommittee of the Senate Agriculture Committee, I have joined Senator MELCHER as cosponsor of this amendment.

We are all looking for ways to eliminate fat in the Federal budget these days. The Congress finally realizes that our economy and t the axpayers of this country cannot afford yesterday's spending patterns. But when we are looking for fat in the Federal budget this year, let me tell you, there is not any in the conservation operations portion of the Soil Conservation Service budget.

In fact, conservation operations has

fallen a little short every year for the last 10, and resulted in the loss of about 3,000 technicians' jobs.

In fiscal year 1980, conservation operations was funded at $276.7 million, but all Federal agencies received pay increases under provisions of the Pay Act. This salary increase amounted to $21 million for the SCS. But because only $7.7 million was added to the SCS budget through supplemental appropriations, SCS was forced to absorb, through personnel cuts, the remaining $13 million.

As Senator Melcher noted, our amendment attempts to keep conservation technical assistance at fiscal year 1979 levels. Therefore, the base for fiscal year 1980 which should be considered when we decide the fiscal year 1981 appropriations level is the combined basic fiscal year 1980 appropriations and the Pay Act increase. This amounts to $276.7 million, plus $21 million, which adds up to a total of $297.7 million.

In addition, 17 percent of the conservation operations budget goes to nonsalary items which are subject to inflation. Even if we used 10 percent as the level of inflation during fiscal year 1980, a hold-even budget for fiscal year 1981 would have to include an additional $5.1 million. Therefore, the minimum total amount needed for fiscal year 1981 is $302.8 million.

In addition, this amendment does not include the impact of the October 1980 pay increase of 9.1 percent. That increase will cost the SCS another $22 million.

I do not want to insinuate that the Agriculture Appropriations Committee has not done its job. Senators Eagleton and Bellmon are aware of the importance of soil conservation programs and they have added $10 million in conservation operations moneys to the House-passed bill. We are very grateful to them for restoring this amount, but it is simply not enough.

Mr. President, if there ever was a government program truly worthy of every dime put into it, and more, it is conservation operations. The salaries of soil conservationists is what makes the conservation operations program. These technicians educate farmers on how to keep their soil from washing down the streams and rivers of America and blowing away in the wind.

Expertise is mostly what the Soil Conservation Service has to offer. Its conservationists and technicians cannot go out and farm the land; but they advise farmers on proper methods of plowing, terracing, pond building, hedgerow maintenance, crop rotation, and other practices that slow down water and wind erosion. Conservation operations moneys fund the salaries of Federal employees who literally get "dirt in their fingernails and mud on their boots," as I heard an Iowan describe them this summer.

Concern about the quality of our soil has been evident for much of our country's history. In 1813, our third President, Thomas Jefferson, described the soil as "the gift of God to the living." Nearly 100 years later, Theodore Roosevelt, our 26th President, noted that, "When the soil is gone, man must also go."

But erosion has not concerned us very much lately because American agriculture productivity has far exceeded the national and international demand for food and fiber. Soil erosion seemed to be the least of our worries.

Unfortunately, recent statistics tell us a different story. These statistics tell us that the deterioration of agriculture land quality—coupled with loss of agriculture land quality—could be so great in the next few years that what has seemed like an infinite capacity to produce food and fiber may no longer be possible. Our Nation's farmers may not be able to meet both national needs and the needs of our foreign partners in trade. And no one can dispute that soil, once eroded, takes hundreds of years to rebuild.

This summer I conducted a series of soil conservation field hearings in Iowa on behalf of the Senate Agriculture Committee. Even though I knew beforehand that most Iowans consider agricultural land our State's most valuable resource and soil erosion our most severe problem, I was still overwhelmed by the enthusiasm of Iowa farmers about soil conservation. One local Iowa philosopher summed up the farmers' feelings. He said:

> Oil can be replaced by another form of energy, but nothing known to mankind can replace our soil.

I heard the same advice over and over again from those who testified at the hearings—farmers are good stewards of their lands, and they want to protect their resource base. Give them the education, the demonstrations, and the sound practical advice on conservation plans for their farms and they will do as much conservation work as time and money will allow. But they need that technical advice to get started. The Director of the Iowa State Department of Soil Conservation believes soil conservationists may be the single most important element, in any effort, to expand soil conservation efforts, in Iowa or any other State.

The State of Iowa itself, I might add, puts more money into soil conservation efforts than any other State in the Union. As they do so, however, their enthusiasm to expand the work of conservation is dampened when the Federal Government continually attempts to cut back the SCS staff and other soil conservation programs. No wonder Iowans are becoming reluctant to add more money to this State-run program.

Mr. President, in order to avoid a future where there is too little productive farmland to meet national and international needs, we must give our landowners a helping hand today. Even though the United States has the best agriculture technology in the world, the best fertilizers, herbicides, and the most modern equipment, the basic and most important ingredient for providing abundant food is good soil. Conservation operations moneys provide the biggest bang for the bucks of any Federal program around, and this amendment will help maintain conservation operations at the 1979 and 1980 levels.

Mr. EAGLETON. Mr. President, our bill added $10 million over the House bill for conservation operations. So, in essence, we are $20 million above the fiscal year 1980 level. The Melcher amendment would add an additional $7 million to that.

And may I suggest to my colleague from Oklahoma that perhaps we might take this to conference and discuss it with Mr. Whitten.

Mr. BELLMON. Mr. President, there is no question that the Soil Conservation Service is one of the great needs of the country. There are many reports about how that, due to more intensive agriculture now, that our soil is being lost at an almost frightening rate.

I have no objection to going ahead with the conference.

The reason we did add money to the House figure is we felt we had gone about as far as we could under the fiscal restraints we faced when we marked up the bill.

I support the concept, if we can find the money. That is the problem.

Mr. MELCHER. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (UP No. 1796) was agreed to.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Heflin). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

UP AMENDMENT NO. 1797

(Purpose: To provide an independent and adequately funded Office of Transportation)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Montana (Mr. Baucus) proposes an unprinted amendment numbered 1797.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike out beginning on page 19, line 11 through line 22. Insert the following on page 20 after line 2:
>
> "Office of Transportation.—For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,677,000. *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of build-

ings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building."

Mr. BAUCUS. Mr. President, this amendment is really very simple. It does two things:

First, it provides that the Office of Transportation within the U.S. Department of Agriculture will continue to be an independent office as it is now. The Senate committee bill proposes to merge this office into the existing Agricultural Marketing Service.

Second, my amendment increases the funding for this office from $2.2 to $2.7 million.

Mr. President, my colleagues in this Chamber are aware of the serious problems of rural and agricultural transportation.

I need not elaborate on all of them here, but will offer some examples. We have seen the bankruptcy of the Milwaukee and the Rock Island Railroads; we witness almost daily the willy-nilly abandonment of rail branch lines; we confront ever skyrocketing grain freight rates, grain car shortages, and bottlenecks in nearly every sector of the transportation system.

Recognizing these problems, in 1978 we passed legislation to create a Rural Transportation Advisory Task Force. This task force was to evaluate the needs of rural transportation and to develop recommendations for Congress.

Just a few months ago this task force issued its final report. One of its recommendations stands out clearly. The report states that no single agency is presently responsible for assessing and evaluating on a consistent basis the rural transportation network.

Components of the transportation system have been studied extensively, but policymakers and planners have tended to miss the forest for the proverbial trees.

The Office of Transportation which Secretary Bergland created by pulling together parts of 14 agencies is the first effort by this Government to deal comprehensively with the serious problems of agricultural transportation.

During the brief time this Office of Transportation has operated as a separate agency, USDA has been responding much better to the needs of rural and agricultural people in transportation matters. And it has managed to establish a firm, cooperative working relationship with the Department of Transportation.

The office has assisted rural shippers in branch line abandonments. It has helped with the problems of skyrocketing freight rates—this is especially important now that we have deregulated trucking and the railroads.

The Office of Transportation is researching new ideas, like cattle cars with automatic waterers, that can provide new efficiencies in our transportation system.

Mr. President, I want to emphasize that no other agency is looking out for the needs of agricultural producers in transportation matters. We know that our railroad system is failing to serve agricultural producers. We know about the serious problems with roads and bridges. We know that there will be new problems as farmers and ranchers adapt to rail and truck deregulation.

The Senate committee bill would merge the Office of Transportation into the Agricultural Marketing Service. The ability of the office to deal effectively with the Interstate Commerce Commission, with the Department of Transportation, and with farmers and ranchers would be severely compromised.

I am sure that every Member of this body has at one time or another promised to help expand agricultural exports. I have, and a couple of years ago I asked the General Accounting Office to examine the grain marketing system to find out how much exports could be expanded.

The GAO has identified transportation as the weakest link in our grain marketing system. And GAO investigators have told me that as early as 1981 our transportation system may fail to carry the amount of grain this country would like to export.

In its brief existence, the Office of Transportation has received testimonials from numerous agricultural groups. Yesterday, I submitted for the Record letters from several of them. They include: The National Council of Farmer Cooperatives, the National Farmers Organization, the National Maritime Counsel, the Animal Air Transportation Association, Bee World, Inc., the Grower-Shipper Vegetable Association of Central California, the United Fresh Fruit Association, the Agri-Trans Corporation, and several State departments of agriculture.

Mr. President, this is not an expensive or far-reaching amendment. But it is an important part of our effort to improve rural transportation and expand agricultural exports. I hope my colleagues will accept this amendment.

Mr. EAGLETON. Mr. President, what the Baucus amendment proposes was contained in the budget submission from the Department of Agriculture. We saw fit in the markup of the bill not to honor that budget request, frankly, in order to try to save some dollars.

There is some merit I concede to the administration's proposal as espoused by Senator Baucus and I would suggest that we accept this amendment and take the matter to conference and ventilate it there next week.

Mr. BELLMON. Mr. President, I agree with the position stated by the chairman. I can see merit to the proposal of the Senator from Montana, and we would be happy to defend his position in conference.

Mr. BAUCUS. Mr. President, I thank the Senators from Missouri and Oklahoma for accepting the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (UP No. 1797) was agreed to.

Mr. BELLMON. Mr. President, we have sent word to Mr. Helms.

Mr. EAGLETON. Mr. President, moving with remarkable dispatch on this bill, as I look on the sheet that indicates the possible amendments, I know of only three that remain to be debated. Of course, we have to vote sometime after 2 o'clock on the Bellmon amendment.

I am informed that Senator Riegle has a modest amendment dealing with blueberry research. Then, if my understanding is correct, Senator Helms has two amendments, one on food stamps and one on child nutrition. Insofar as I know, those are the only amendments being currently contemplated, so I think word is being sent to Senator Riegle and to Senator Helms that we are in this position on the bill.

I am also informed that perhaps Senator Levin has an amendment, so word also will be sent to him.

While we are awaiting the arrival of Senators Riegle, Levin, and Helms, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1798

(Purpose: To provide $100,000 for Cooperative Research into developing an integrated approach to Blueberry Shoestring Virus Control)

Mr. RIEGLE. Mr. President, I have an amendment which I wish to offer. It is offered on behalf of myself, Senator Bradley, and Senator Levin. Actually, it is one item which affects the bill in two areas. I ask that the amendments be considered en bloc, and I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. Riegle), for himself, Mr. Levin, and Mr. Bradley, proposes an unprinted amendment numbered 1798.

Mr. RIEGLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will give a verbal explanation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 20, strike out "$213,914,000" and insert in lieu thereof "$214,014,000".

Mr. RIEGLE. Mr. President, I hope the committee will be able to accept this amendment.

Mr. President, I am pleased to be joined by my distinguished colleagues, Senator Levin and Senator Bradley, in offering this amendment to the Agriculture appropriations measure, H.R. 7591. The amendment would provide $100,000 for research on a very serious problem affecting the blueberry industry across the country. It is concentrated in my State of Michigan, but it affects other States as well.

The purpose of this amendment is to begin aggressive research to develop an integrated approach to controlling blueberry shoestring virus disease. Michigan State University has, with grower assistance, begun work in this area, but the scope of the problem and the potential losses from this disease are of such magnitude that I feel we should expand the research effort.

Blueberries are an important commodity in the United States. We produce approximately 123 million pounds, which contributes over $167 million to the national economy. Blueberries are primarily grown on very small family farms, with a bulk of the value of the crop devoted to the processing, transportation, and marketing of the product. We export sizable quantities of blueberries to Japan and Europe.

Michigan leads the Nation in the production of blueberries with a little more than 30 percent of the total crop. Other important producing States are New Jersey, Washington, North Carolina, Oregon, Georgia, Florida, Arkansas, and Maine. As new varieties are developed, blueberries will be grown in many more areas, especially in the South.

Blueberries require very specific soil conditions, high acidity and high water table. This limits the amount of land that is available for blueberry production and makes it imperative that we control the virus before it infects more acreage.

The disease was first identified in New Jersey in 1957. It has infected much of the crop in New Jersey and has been spread to Michigan through the plants that are grown in New Jersey and sold to other States. The virus is spread by an aphid which inhabits blueberries. This insect deposits the virus in a healthy plant, which then begins the long gestation period for the disease. It is difficult to control given the 4 years it takes from infection to complete infestation of one plant. Producers who grow plants for resale have no way of knowing, short of extensive scientific analysis, which plants carry the virus. Once the plants are in a field, all neighboring bushes can be infected, and ultimately an entire business can be devastated.

In Michigan alone the amount of infected acreage based on statistical sampling, may be 16 percent of the 10,000 bearing acres. This translates into a total of 150,000 infected plants in our State alone. The losses from this occur from the diminished yields from infected bushes, as well as the major cost of removing infected bushes and planting new ones. It takes 10 years to bring new plants into full production, so the economic losses continue over a lengthy period of time. In Michigan, losses are estimated to total more than $3 million annually.

Little is known about the actual progression of the disease. We know that it can decimate entire fields. I have seen places in Michigan where beautiful rows of healthy blueberry bushes are interrupted by stretches of bare soil, which is the legacy of the disease.

Michigan State University has taken some initial steps to research this disease, with the full assistance, both financial and practical, of the growers. I am confident that the addition of these moneys will be utilized in an efficient and beneficial manner. I spoke with the Director of the Cooperative Extension Service today and was informed that a team is ready to expend the research efforts, once additional moneys are provided, and that we can get a handle on this disease within a short period of time.

This amendment is important to Michigan and to the other States which have large blueberry growing areas. Blueberries are a small crop in comparison to corn or feedgrains, but they represent a livelihood to many small, independent, and hardworking farmers. I urge the Senate to adopt this amendment.

I might further say that Michigan State University has a richly deserved reputation in agricultural research. Over the years they have done a tremendous job in tracking down a number of these problems as they affect different areas of agriculture.

I think the fact that they already are underway with this program and they have the kind of strong research track record which indicates that we will more than get our money's worth for this investment. I hope that the committee would feel they can accept the amendment.

Mr. BRADLEY. Mr. President, I would like at this time to add my support for the amendment offered by my distinguished colleague from Michigan to provide funds for research which should one day find a cure for a plant disease known as blueberry shoestring virus. I am delighted in joining Senator Levin as a cosponsor of this amendment because this crop disease poses significant danger to the livelihood of the thousands of Americans who grow blueberries.

The blueberry industry, I am proud to say, is an important part of the economy of my home State of New Jersey, which is the second largest producer of blueberries in the country. Nationwide, the blueberry crop stretches from such diverse States as Michigan to Florida and from New Jersey to Washington. This widespread production is indicative of the importance which blueberries play in the agricultural output of our Nation; in one recent year this crop contributed $167 million to the economy of North America.

However, the blueberry shoestring virus now threatens the continued growth of this industry. The virus was originally detected in New Jersey over 20 years ago and since then this disease has been found in other parts of the Nation. It has become especially serious in New Jersey and Michigan. However, this is not just a regional problem because if efforts are not taken soon, this will be a grave national agricultural concern. The infestation of this disease in other States means that our national blueberry crop is threatened.

The amendment which I support contains funding for plant pathology, entimony, and horticulture for a period of 5 years. Let us act now before the problem requires massive Government assistance as the disease spreads unchecked.

• Mr. LEVIN. Mr. President, I rise as a cosponsor of this amendment which will add funds to this appropriations bill which are badly needed to allow Michigan State University to begin a coordinated program of plant pathology, entomology, and horticulture which will be aimed at developing solutions to the problem of blueberry shoestring virus (BBSSV) which has been identified as a very serious disease affecting blueberries in Michigan, New Jersey, and other States.

The annual blueberry crop in North America is approximately 123 million pounds and contributes $167 million to the economy of North America. The blueberry industry supports many small family farms, jobs for many agricultural workers and the associated industries. Blueberries are also exported to Europe and Japan which helps reduce the balance-of-payments deficits in the United States.

Michigan annually produces 30 percent of the North American crop. In my State alone, it is estimated that 36,300 plants already have shoestring disease and as many as 145,000 plants may become infected in the 10,000 acres of blueberries in Michigan within the 4-year cycle of the disease. The current loss is estimated to be well over $3 million.

The funds appropriated by this amendment will go toward research to control the spread of this disease and toward the development of methods of resistance to the disease. I want to point out that the research provided for will incorporate integrated pest management procedures and can be used for further research on systematic blueberry diseases in North America. The research will be applicable to all areas where blueberries grow and will be of great assistance to the entire blueberry industry. It is important to note that blueberries are produced in nine States right now and experimental plantings are being made in other States. I urge my colleagues to support this amendment. Its adoption will benefit the entire country.•

Mr. EAGLETON. Mr. President, I think there is some merit to Senator Riegle's proposal. As I understand it, the dollar amount would be $100,000. I think he has made a sufficiently compelling case that this is an amendment we can well accept.

Mr. BELLMON. Mr. President, I can see the importance of this amendment to the farmers affected and I have no objection to the amendment.

Mr. RIEGLE. Mr. President, I thank both Members for their willingness to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1798) was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Tom Little of my staff be granted privilege of the floor during debate and voting on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR FOR DISTINGUISHED JAPANESE VISITORS

Mr. HATCH. Mr. President, I ask unanimous consent that seven distinguished visitors from Japan be granted privilege of the floor: Mr. Michita Sakata, head of the delegation; Mr. Asao Mihara, Mr. Shin Kanenmaru, Mr. Noboru Minowa; those four, I understand, are Members of the Japanese Diet.

Adm. Ryohei, Oga; Mr. Michigo Sakata, Mr. Asahiko Mihara, Mr. Arima, and Mr. Nuruata from the Japanese Embassy; and Mr. Agawa from the Japan Defense College.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE JAPANESE DIET

Mr. HATCH. Mr. President, I am honored to have a distinguished group of visitors with us in the Senate Chamber today. These men are all members of the Japanese Diet and have just recently returned from the NATO Ministers Conference held in Brussels this past week. I had the privilege of meeting these gentlemen last August in Tokyo and participating with them in a landmark conference celebrating the 20th anniversary of the Mutual Defense Treaty between the United States and Japan.

During this conference, four of the gentlemen in the delegation made excellent addresses to those attending. Last week I inserted in the RECORD the remarks of the Honorable Asao Mihara, one of the major speakers at the Conference. Today, I should like to insert into the RECORD the remarks of three other gentlemen.

Mr. Michita Sakata, a member of the House of Representatives and a former Director of the National Defense Agency is with us today. At the conference in Tokyo his remarks were entitled "The Political Situation and the Defense of Japan."

Also with us today is Mr. Shin Kanemaru, a member of the House of Representatives and also a former Director of the National Defense Agency. His remarks at the conference in Tokyo were entitled "The Japan-United States Security System as it Enters its Third Phase—Outlook of the Situation in Northeast Asia in the 1980's."

In addition, we also have Mr. Noboru Minowa present. At the Tokyo Conference his remarks were entitled, "The Future of the Japan-United States Relationship—A Proposal."

All of the speeches at the Conference were excellent, and the three that I have brought to my colleagues attention today are certainly noteworthy. As many of you may know, this Conference dealt with a very controversial issue, the role of Japan in the security of the Western Pacific. Over the past 20 years the relationship between Japan and our own Nation has evolved into a close bond, strengthened by both cultural and economic interests. It is in the area of security that we must now turn our attention.

Twenty years ago the world political situation was very different. The threat to the free world was confined to certain regions. Now this threat is on a global basis and every nation of the world must be concerned about its impact. In Japan the debate over the Japanese role in this strategy is currently evolving. Many of the leading thinkers in Japanese security issues are acutely aware that Japan must assume a larger share of the burden. Quite naturally there is opposition to this course. We here in the United States are only too familiar with this debate as it applies to our own action. Only last Friday the Senate passed the largest defense budget in history.

Mr. President, I ask unanimous consent that the speeches by the gentlemen in attendance today be printed in the RECORD, and I hope that my colleagues will join me in welcoming them to the Senate today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE POLITICAL SITUATION AND THE DEFENSE OF JAPAN

(By Michita Sakata)

I. CHANGES IN THE MILITARY SITUATION IN ASIA SINCE 1975 AND THE RESPONSE OF JAPAN AND THE UNITED STATES

Ladies and Gentlemen: It is my great honor and pleasure to be given this opportunity of speaking on the theme of the "Political Situation and Japanese Defence" today.

I served as Director of our Defence Agency in the Miki Cabinet for two years, from 1975 through 1976, approximately 15 years after the signing of the Japan-U.S. Security Treaty.

In the U.S., this was the time when Mr. Ford was the President and Mr. Schlesinger was the Secretary of Defence.

I think that this was very fortunate for Japan and the U.S., and for security and peace in NE Asia.

I am happy to welcome Mr. Ford today who was President at the time for the two following reasons:

For one thing, at that time, between Secretary Schlesinger and me, an agreement was reached on "Cooperation on Defence between Japan and the U.S." (appendix 1), concerning the cooperation on defence between the two countries. For another, at that time, I presented to the Cabinet the "Outline of Our Defence Program", and it was adopted by the Cabinet.

However, in the political world, it isn't every day that things will be decided so smoothly, and, as in the proverb, "good and evil are interwoven", this is true in Japan and the U.S., as it was our destiny before and as it is today. What the people require of us politicians is for us to possess the ability to turn evil into blessings.

During the time I was Director of the Defence Agency, several events, which had serious consequence on Japanese security, occurred in East and Northeast Asia. Among those events were:

(1) The fall of Saigon and the withdrawal of U.S. forces from Vietnam;

(2) Tension on the Korean Peninsula, and the murder of members of American military force at Panmonjun;

(3) The forced landing of a Mig 25 fighter plane at Hakodate, one of our northern cities.

During that time we were shaken domestically by the Lockheed pay-off case. We were in a furor, not only in the government, but in the Diet and by public opinion.

1. Withdrawal of the U.S. forces from Vietnam

I think that the American people were sorry when Saigon fell, just one year before the U.S. celebrated the Bicentennial Anniversary of its independence.

Immediately after the fall of Saigon, I had an opportunity to see Admiral Geiler. I congratulated him on his courage and meritorious action in successfully saving the lives of the officers and crew of the SS Mayagess, and then I went on to say to him as follows:

"The US now has a free hand in Asia, and you will begin a new approach in Asia. What the Japanese could not achieve in World War II was accomplished by the U.S., i.e., the principle of civilian control. I think the spirit of the War of Independence is still very much alive in your country".

My prediction, "that the U.S. now has a free hand in Asia and will develop a new diplomacy" turned out to be true.

With the Peoples' Republic of China, which was your enemy before the U.S. is now deepening its friendly relationship. Japan, with the basis of the Japan-US Security Treaty, is also developing friendly relationships with the Peoples' Republic of China in the areas of economy, trade, technology, education and culture. Without the Japan-US Security system, however, Japan on its own could not have accomplished all this.

2. Tension in Korean Peninsula and the murder of the U.S. military personnel at Panmonjun

With the U.S. withdrawal from Asia, Japan, the ROK, the members of ASEAN such as Thailand, Indonesia, the Philippines, etc. suffered a serious blow to the security of their respective countries.

It also encouraged Pyongyang (North Korea), and there was increased tension on the Korean Peninsula.

I think the resolute attitude taken by President Ford at the time, and the fact that a possible war was prevented with the solid presence of the American forces in Korea so that the peace and security of Japan and Korean Peninsula were not disrupted and the political stability of NE Asia were maintained are achievements which are to be highly appreciated. The fact that Japan supplied the military bases to the U.S. forces for the support of their free and appropriate actions goes to show how close the mutual relationship was between Japan and the U.S. under the Japan-U.S. Security Treaty system.

I would like to take this opportunity to thank most sincerely President Ford, General Stilwell, the American government, and the American forces for their appropriate actions during that crisis on the Korean Peninsula.

II. INCREASED CONSCIOUSNESS OF DEFENSE AND THE POLITICAL TREND IN JAPAN

The series of events in NE Asia, mentioned above, heightened tension in the areas surrounding the Japanese Archipelago, and the steady and accelerated build up of the Soviet military forces in East Asia, the new developments in Chinese politics, based upon the opposition between China and the USSR, had a strong impact on the defense consciousness of the Japanese people.

These events also gave a great jolt to Japanese politics and the defense policies of the Japanese political parties.

According to the public opinion survey (appendix 3), as of 1972, the ratio of those who supported the Japanese Self-defense forces and the Japan-U.S. Security Treaty was 73% and 44% respectively. In 1978, these figures increased to 86% for the Self-defense forces and 68% for the Japan-U.S. Security Treaty.

The breakdown of 83% who supported Self-defense forces in 1977, by the political parties they supported, showed:

	Percent
LDP	93
Democratic Socialist Party	91
Komeito (Clean government) party	82
Japan Socialist Party	78
New Liberal Club	77
Japan Communist Party	55

In other words, this clearly indicates that even among the supporters of opposition parties, mainly the Japan Communist Party and the Japan Socialist Party (appendix 4), which oppose to the existence of the Japanese Self Defense forces and the Japan-U.S. Security Treaty in the Diet, insisting that they should be abrogated, there is the beginning of change in their consciousness.

It is surmised that this change would eventually prompt the change in the consciousness of those responsible for planning defense policy in the opposition parties.

This is proved by the fact that since 1976, the Japanese Democratic Socialist Party and Komeito Party adopted the attitude that, although they did not want the scale of the Self Defense forces to be expanded and our defense capability to be strengthened more than they are now, still they came to accept the reality of the existence of the Self Defense forces and the Japan-U.S. Security Treaty. Another proof is the fact some of the Japan Socialist Party members became dissatisfied with the defense policy of the JSP, severed their relationship from the party and organized the Shaminren (Socialist Democrats League), indicating that the policy planners of political parties are gradually becoming aware that their position will have to be changed.

The reason why there has been such a change in the defense policies of opposition political parties is the increased threat posed by the build up of Soviet military forces, the changed environment in NE Asia, especially the increased tension between the PRC and the USSR, the resumption of formal relationships between the PRC and the U.S., the signing of the sino-Japanese Peace and Friendship Treaty. These events have brought about a new situation in NE Asia, with the PRC now playing a new and important role in the international political scene.

And there is also another reason. We aimed at the establishment of defence policy, based upon the peoples' consensus, which can be supported by as many political parties as possible, and which is in keeping with the present consciousness of the general public on our Constitution. Furthermore, such a defense policy was established in the expectation of a change in the defence policy of the political parties and the ensuing political developments based upon such a change. "The Outline of Defence Program" which was adopted, at a Cabinet meeting in October, 1976, envisages a defence system of high quality, wtih neither too much nor too little, and I flatter myself to think that this outline came to be understood and accepted by many of our people.

I must emphasize here, however, that the Japan Socialist Party and the Japan Communist Party which not only strongly oppose but advocate the abrogation and dissolution of the Japan-US Security Treaty and the Japanese Self Defense forces will not change their opinion immediately.

I must appeal to the American participants at this seminar to take cognizance of this fact concerning the defence policy in Japan and to understand fully the very complicated political situation in Japan.

III. POLITICAL TREND CONCERNING SECURITY IN THE 1980'S

As we look back on the general political trends since the signing of the Japan-US Security Treaty, it was only the Liberal-Democratic Party which supported the treaty in the years between 1960 and the beginning of the 1970s. All the opposition parties were strongly opposed to it, as they were afraid that it might again involve Japan in war.

However, since 1975, the Democratic Socialist Party of Japan started to adopt a realistic line, and in recent years, the Komeito Party and the New Liberal Club seem also to take a similar line.

And yet we must not overlook the fact, that the result of the general election, as recent as the last one, in 1980 (appendix 2) showed that out of 511 Diet seats, 136 insisted on abrogation of the Self Defence forces and the Japan-US Security Pact. This constitutes nearly one-half of all the opposition members.

Since the advance of the USSR into Afghanistan, together with the increased Soviet military strength in our northern territory, the threat of the USSR has loomed up big and there have been brisk discussions taking place on security issues in Japan.

Although I am happy to see many of us are now seriously considering the peace and security of Japan, there is still a possibility of the fruit gained so far not materializing into anything, depending upon the trend of such discussion, since the peoples' understanding and support of the government's defense policy are only beginning to burgeoning now, and also since the basis of the peoples' consensus on this point remains still very fragile.

There is still intense discussion going on as to the constitutionality of the Self Defense forces. This discussion as to the constitutionality of the Self Defense forces began with their inception, and the discussion has not been finalized yet. It continued even today.

The government and the LDP insist that this constitutionality problem has already been settled (appendix 6). However, the opposition parties, especially the Japan Socialist Party and the Japan Communist Party, still maintain that it is a violation of our Constitution and have not yielded an inch on this point.

It is undeniable that one of the biggest reasons why Japan has not yet formed a definite defense policy after so many years is because of this disagreement on the constitutionality of our Self Defense forces.

However, the insistence that Japan should not arm itself and remain neutral is an unrealistic argument, seen from the international situation, and I do not think that there are many Japanese who believe in that fallacy.

I must point out the danger of the argument that we should increase our defense forces rapidly and in a drastic manner, as it may be counter-productive in that it may repel the people who would like to consider the security of Japan based upon a national consensus, which is about to settle down, and this precious consensus might collapse altogether.

We must not drive away the Democratic Socialist Party and the Komeito, which are beginning to recognize that the Japan-U.S. Security system and our Self Defense forces so that they would adopt again an anti-Japan-U.S. Security Pact and an anti-Self Defense forces position. I think sophisticated political consideration will be required in this regard.

Therefore, our immediate and biggest task is to implement quickly a "defense force which can independently deal with limited aggression, of less than the small scale", as aimed at by the "Outline of our Defense Program".

While the U.S. and the PRC will oppose the USSR in Asia in the 1980s, it is clear that the Japanese political trend would be influenced by the U.S. strategic policy in the next few years.

The Japanese people are wondering naively at present if the U.S. would really protect us, when a crisis arises, even if Japan would fulfill what we set out to do. This was clearly indicated in the opinion poll carried out by the Press Asahi in 1979; 56 percent of the Japanese believe that in that event the U.S. would "not protect Japan".

Lastly, I must ask a favor of the American participants.

I wish that the U.S. would indicate to us your long-range, consistent and systematic strategy concerning Japan and would you make an effort so that Japan will understand and accept it. I also wish that you would give us the opportunity of always conferring with us on the issues which may seriously affect our relationship, and implement what is decided at such conferences.

Thank you.

APPENDIX 1

On Cooperation on defence between Japan and the U.S. Items of agreement:

1. Regular meeting between Japan and the U.S. . . . once a year, (Between the Director of the Japanese Defence Agency and the U.S. Secretary of Defence)

2. Meeting at the administrative level between Japan and the U.S. . . . once a year

3. Establishment of the subcommittee of the Japan-U.S. Security Council

Achievement and Development:

1. "Guide on cooperation on defence between Japan and the U.S.". . . approved at Cabinet meeting on Nov. 27, 1978

APPENDIX 2

Outline of our defence programs (basic idea on defence)

1. This was approved at the Cabinet meeting in Oct. 1976

2. Features:

(1) Defence force to function to maintain peace (Denial capability)

(2) Balanced and consistent capabilities of front equipment, rear support and resistance

(3) Capability, enabling us to deal with limited aggression, of less than small scale, on our own

3. See the separate paper attached (Introduction to 1976 "White Paper on Defence")

Meetings at Administrative Level:

1. in Hawaii, on Jan. 16, 1978

2. in Hawaii, on July 31, 1979

3. in Hawaii, on June 30, 1980

Regular Japan-U.S. Conferences:

1. Sakata-Schlesinger meeting, in Tokyo, on May 1, 1975

2. Nihara-Brown meeting, in Washington, D.C., on Sept. 14, 1977 (separately, another Mihara-Brown meeting, in Tokyo, on July 27, 1977)

3. Kanamaru-Brown meeting, in Tokyo, on Nov. 9, 1978

4. Yamashita-Brown meeting, in Washington, D.C., on Aug. 16, 1979

Yamashita-Brown meeting, in Tokyo, on Oct. 20, 1979.

Kubota-Brown meeting, in Tokyo, Jan. 14, 1980.

APPENDIX 3

OPINION CENSUS

[Survey by the Prime Minister's Office]

	Support of self-defense forces (percent)	Support of Japan-United States Security Treaty (percent)
1972	73	44
1975	79	
1977	83	
1978	86	68

APPENDIX 4

CHANGE IN THE DIET MEMBERS OPPOSED TO SELF-DEFENSE FORCES AND THE JAPAN-UNITED STATES SECURITY TREATY

	1976	1979	1980
Total of opposition seats (excluding the LDP and independents)	241	244	218
Against self-defense forces and the Security Pact (JSP and JCP)	140	146	136
Total Diet seats	511	511	511

APPENDIX 5

SEATS WON BY POLITICAL PARTIES AT LAST 3 GENERAL ELECTIONS (1975–80)

	1976	1979	1980
LDP	249	248	286
JSP	123	107	107
Komeito	55	57	34
DSP	29	35	33
JCP	17	4	12
New Liberal Club	17	4	12
League of Socialist Democrats	[1] 0	2	3
Independents	21	19	7
Total	511	511	511

[1] Small group.

APPENDIX 6

CONSTITUTIONAL ISSUE

[Survey by the Asahi Press in 1979]

	Percen
1. Should we revise our present Constitution?	
For the revision to allow our armament	17
Opposed to the revision for armament	73
2. Should Japan have nuclear arms in the future?	
Yes	15
No	73

THE JAPAN-UNITED STATES SECURITY SYSTEM AS IT ENTERS ITS THIRD PHASE—OUTLOOK OF THE SITUATION IN NORTHEAST ASIA IN THE 1980's

(By Shin Kanemaru)

It is my great honor to have this opportunity of expressing some of my views at this seminar, commemorating the 20th anniversary of signing of the Japan-US Security Treaty.

Many people before me have already observed that military balance in the world, centering around the US and the USSR, is now facing a turning point.

That is to say that the American nuclear superiority, which once constituted the main pillar in the maintenance of postwar peace, has been lost. In conventional military forces, too, the USSR has come to possess the capability of carrying out global operations, so that it can willfully develop its political and military strategies in Asia, Africa, and in the area surrounding the Japanese archipelago.

The Western nations have been obliged to establish drastic measures in the face of these changes in the worldwide military structure.

Last January, in the so-called "Carter Doctrine," the US government declared that the US will not hesitate to exercise military means, if necessary, for the defense of Persian Gulf. At the end of last year, the NATO Council meeting decided to deploy new strategic nuclear weapons to oppose the Soviet SS–20 missiles. These events suggest that there is now a new mood of confrontation between the USSR and the US, or between East and West.

The situation surrounding Japan is also becoming severe.

Not only the free world, but also Japan is facing a crisis which may threaten its existence, for the first time since the war, what with the loss of the US naval supremacy over the USSR in the Pacific and Indian Oceans, the rapid increase of Soviet military forces in the Siberian Maritime Provinces, Sakhalin, and on our northern islands, plus the fact that Vietnam is being turned into Soviet military bases.

Under our Constitution, which adheres to pacifism, our defense is based upon the line of non-aggression, and of not being aggressed upon. We have firmly maintained the policy of three non-nuclear principles and accept never again becoming a military power capable of offensive action.

Japanese defense consciousness and defense system are something unique in the world, but while we maintained this attitude undeniably the Japan-US Security Treaty played a great role even in the purely military area. It has been approximately 30 years since we signed the first security treaty with the US, the military and economic giant of the world. In the course of years since, Japan was never involved in a war, never even felt its threat, and we could live quite peacefully until today.

I would like to divide these years into three periods: the first period after the signing of the original Japan-US Security Treaty in 1952 to 1960. The second period is the 20 years since the signing of the present Security Treaty until today. The third period will be the decade of the 1980's and the ensuing period.

It seems to me this third period is the most crucial one, testing the true merit of the Japan-US Security Treaty, crucial for Japan and for the US, in fact, for the whole free world. I think the Japanese defense policy, now that we are entering the third phase of the Japan-US Security Treaty system, should naturally be based upon the treaty, but we should forsake the old system of solely depending upon the US, and remember that our policy should be based upon the national spirit that we will defend our own country with our own effort, which is the starting point for any autonomous national defense.

Our defense must be such that we can effectively deter various and varied threats which can be expected.

In order for us to have such a defense system, we should establish correct priorities as to the importance of the quality and quantity of the defense forces we should have, and not be guided by the consideration that our military budget should be a certain percent of our GNP, determined by mathematics. Our defense force is full of defects at present, and we must squarely face the reality that it is not the sort of defense force which can fight, so we should go ahead and drastically improve our defense forces.

As to the Japan-US security system itself, I think it will be necessary for us to recognize the fact that together with our own defense forces, the Treaty should be the basis of our defense, and in accordance with the change in the military strength of any party which threatens us. We should have close contact with the US on what responsibility Japan should shoulder in the operational functions and the range of operations for the forces of the two countries.

In what areas is our defense force defective? Wherein lies the weakness in the equipment of our land, sea, and air Self-Defense forces? Is there any defect in our rear support system? We should reflect on these points, of course, but I hope that on the part of American people responsible for defense and your specialists on defense, you, too, will give us your frank advice.

It is important for us to make sure that the Japan-U.S. Security Treaty will enable us to fully function against all the threats expected in the 80s, now that we are entering the third phase of the treaty, based upon the policy I have just described to you.

As I hope has been made clear so far, I am convinced that Japan should place the utmost importance on the cooperative relationship with the United States, in the coming 20 years.

It goes without saying that the relationship between Japan and the United States, as prescribed in the Treaty, is not limited to the area of defense alone, but it is important for us to establish and strengthen the friendly cooperation in politics, economy, culture, etc. between the two countries. In this respect, this third phase should be the period of increasing mutual understanding and trust in our relationship. What is the Security Treaty, without the understanding and trust between the two countries?

I think that heart to heart communication between the two nations is more important than a document. I would like to stress the fact that a piece of paper, with promises written on it, when such a promise is without the support of sincere understanding and trust, is mere waste paper.

One of the defects of our defense force is its weakness in collecting information. Of course we will be making our own efforts to rectify this point as much as possible, but I hope that the United States would give us further assistance in this respect.

Another favor I would like to ask of you is that I wish you would be concerned about the security of the group of free nations surrounding Japan.

The Korean Peninsula is the fuse and powder magazine which may ignite a great danger in NE Asia. North Korea, north of the 38th parallel, with its background of great military strength, watches constantly for any opportunity to advance into South Korea, as has been proved by the existence of three underground tunnels, which have been discovered so far, and which penetrate into the demilitarized zone. We must face the fact that although the Republic of Korea, even with its great efforts to defend itself, is always exposed to the threat from the north. When there is no peace in the Korean Peninsula, there is no peace in NE Asia. If the forces north of the 38th parallel would come down to Pusan, peace in Japan would be shattered.

For the security of NE Asia, it is indispensable to continue the powerful U.S. military presence on Korean Peninsula for a long time to come. I hope that the participants from the United States today will again recognize this point.

Next I would like to turn to the problem of Formosan Strait.

If Taiwan and the Taiwan Strait should be placed under the control of a Communist nation, it would have a serious effect on Japan, as this strait is strategically a very important one, along with Malaccan Strait, in the long sea lane which leads from Europe, from the Mideast, to the Japanese archipelago. There is only this sea lane between us and China, and separating us from the Republic of China in Taiwan. The security of Taiwan and the Republic of Korea are critical to the security of Japan.

Thus, I would like to appeal to the US to pay further attention to the security of the Republic of China in Taiwan and the Republic of Korea, for the sake of our own security also.

With the firm conviction that the security of these two countries is inseparable from our own security, I advocated the establishment of a "NE Asia and West Pacific Security Council of Members of Parliament," to the two countries concerned, and including the Diet members from Japan, we have held meetings three times.

At our third general meeting, we decided that we must ask the cooperation of the US on the security of this area, and we called on the members of the US Senate and the

House of Representatives to join us. We held the NE Asia and West Pacific Security Council of Members of Parliaments from the four countries in Washington, D.C. on January 16 this year. We agreed that it was a very significant conference, and the US Congressmen proposed that the second conference should be held somewhere in Asia.

To the participants here who came all the way from America, let me say that I realize that the US is responsible not only for its own security, but also for the security of Western Europe, the Mideast, East Asia, and in fact the whole free world, under the very severe military balance which has to be maintained against the USSR, and yet I am asking you to give us your continued cooperation for the security of Asia, including Japan.

I give you my word, however, that Japan would make its own contribution for the maintenance of peace in the world. Will do our utmost in the areas of foreign policy, economy, culture, and at the same time, we will be making a substantial and steady defense effort ourselves.

I have revealed some of my views, and before I conclude my presentation, I must report to you that the second general meeting of the NE Asia and West Pacific Security Council of Members of Parliaments, consisting of MPs of 3 free Asian countries and the US Congress, originally scheduled to meet in Seoul in November this year, is going to be postponed to early summer next year, because of the recent domestic situation in the Republic of Korea. As soon as the agenda and other particulars have been decided, I shall inform you. I hope that I shall be able to meet as many participants from the US as possible on that occasion.

Thank you.

THE FUTURE OF THE JAPAN-UNITED STATES RELATIONSHIP—A PROPOSAL

(By Noboru Minowa)

It is an honor for me to have this opportunity of stating my views as one of the speakers at the seminar commemorating the 20th anniversary of the signing of the Japan-US Security Treaty.

Mr. Shin Kanemaru already told you that the Japan-US security system has now entered its third phase, and I am in full agreement with this view. We are suddenly made aware of the Soviet military threat as we see its steady build-up and its military intervention in Afghanistan. The USSR not only has not returned to us our own northern territories, but also they went ahead deploying and strengthening the one-division-strong mechanized forces there, as if they are making ready to pounce upon us, as you know already. Even so, it was fortunate that we could live in peace so far, adhering to the principle of not attacking others, and not having been set upon by other countries so far. I believe it was due to the great role played by the Japan-US Security Treaty that this situation has been able to continue.

As we look back upon recent history, it strikes us that Soviet military intervention has never been carried out against the American allies. When we recall the attack on the three Baltic countries from 1930 to 1940, the Hungarian incident of 1956, entry of Soviet forces into Czechoslovakia in 1968, strangely enough, these countries were Soviet satellite countries which had concluded treaties with the USSR. Most recently, Afghanistan concluded a neutrality treaty with the USSR and only one year after it signed the Amity and Friendship Treaty with the USSR, it was attacked by the USSR. Thinking back upon these incidents, we realize that it was the countries without an American presence, or influence, or where the US would not possibly come to their aid, which suffered Soviet military aggression.

Nobody can deny the fact that the reason why Japan could live in peace so far was because of the Japan-US Security Treaty. I am convinced that the deterrent effect of the Japan-US Security Treaty still continues, for, although the USSR may be a military power, it is not an economic power any more. I do not think it would have sustainability when militarily engaged with the US. The USSR is fully aware of the fact it is they who would suffer a severe burn when they make a head-on collision with the US. Even though the USSR concentrates on its military build-up, it is obvious in terms of overall national strength that it cannot compete with the US. Because at a time of war, it is overall national strength which matters. That is why the Japan-US Security Treaty acts as great deterrent of war even now.

I associate myself with what Mr. Kanemaru who said, that American influence should be extended to the ROK and the Republic of China which are our neighbors. Peace for our neighbors is inseparable from our own peace.

Speaking about our neighbors, the People's Republic of China has become a friendly country to us to Japan and the US. There have been more and more personnel and material interchanges between us. However, I would like to drop a word of caution here. I shall be quite frank with you. I may be wrong, but it seems to me that the US is resigned to the fact, in opposing to the USSR, that Japan is not to be depended on, that neither the ROK nor the Republic of China is too dependable either and, if so, perhaps it should depend upon Continental China, which openly opposes to the USSR. Actually Continental China expects the US to help it with arms. This is my concern. The leading country among the free nations gives arms, or its technology, to a communistic country. I cannot help having some anxiety about this fact. I do not want to see Continental China turning into a military power. If the US thinks that it saves some trouble in opposing the USSR, when it gives this sort of assistance to China, then, although it may present a threat against the USSR, in the long run, it may also constitute a grave threat to the surrounding free nations like Japan, the ROK, and the Republic of China. I do not think we should furnish a fuse which may lead to a new dispute.

To the participants from the US! I would like for you to think back on your own experience in giving military aid to other countries, which ended up as failures. What happened in Vietnam? In Iran? I ask you, the guns which the US gave to these countries are aimed in which direction now? Can we give arms to communistic countries? What sort of guarantee have we that these arms would not be aimed at us eventually?

Participants from the US, I urge you to think over this point.

Turning back to the 1980s, I am very much afraid that it is going to be a decade of unpredictable hardship.

There is an anxiety held that there may yet be a World War III in this decade. There is the danger in Asia, in the mideast, in Europe, and in Africa, in fact, all over the world. I am quoting, "A war is politics with the shedding of blood and politics is a war without the shedding of blood." We must go on seeking politics without any bloodshedding. It is necessary for us to have the wisdom of deterring another war. In this respect, the Japan-US Security Treaty is the wisdom itself of the two countries. And we must use this wisdom for world peace.

As Mr. Kanemaru already reported to you, we held a meeting of the Security Council of the members of parliament, consisting of three free nations in Asia 3 times. We have started having interchanges also with the NATO countries from this year. Through these interchanges, we can increase our solidarity with the free world and unite our wisdom for world peace.

I reflect upon the fact that on the part of us, the Japanese, there has been always a sort of self-indulgent feeling, or too much dependency on the U.S., thinking that the U.S. would come to our aid when we need it. Ours is a Peace Constitution and it is stipulated that in any dispute, we must not try to resolve it with military means, and as you know very well, there is a limitation to our military means. Our 3 non nuclear principles is one of these. And yet our Constitution does not negate military force for our self defence, and we can possess the minimum military force for our defence. I think our dependency on the U.S. comes from our way of thinking that since the U.S. is so powerful, it is all right for us to depend on the U.S. Because of restrictions imposed upon us by our Constitution, we cannot have ever increasing armaments, so that there is no other way but depending upon the U.S. However, we are beginning to realize that although it is true that there is such a restriction stipulated in our Constitution, depending upon our own effort, it it possible for us to better arm ourselves for our self defence. I would like for you to see what sort of record we have accumulated in the past 10 years. The rate of increase in our defence budget is 6–7 percent over the preceding year. We maintained this ratio of increase even under the severe economic conditions after the oil crisis. I think Japan should continue in our defence effort, steadily, assiduously, even in the unpredictable and unclear economic situation of the 1980s.

I think we should revise the pattern we have adopted so far, determining our defence effort within the range of so many percentages of our GNP, in improving our defence force, because, defence is a relative thing, to begin with, and should be revised, in accordance with the changes in the opposing party. When the opposing party threatening us is increasing its military force, we must increase our own defence force also accordingly. In improving our defence force, in the coming 80s, we must have a correct estimate of the threat from the opposing party.

We must have an accurate idea about the opposing party's capacity of transporting men and equipment, their resistance, etc. and in turn estimate clearly how much defence force would be required on our part. After we decided what is required in having the improved defence force, then we can calculate how many years it would take, in view of our financial condition. I think our defence force should be improved in the 1980s based upon this way of thinking, and when we do that, I think we can promise you that we will be making an effort in the marked and steady build-up. Along with this, I think it is necessary for us to strengthen the tie of the Japan-U.S. Security system, which is the basis of our defence policy. I would like to make a proposal here.

Mr. Kanemaru said that it is more important to have heart-to-heart communication and understanding than signing of a mere piece of paper. However fine language a treaty may be couched in, when the peoples of the two countries are alienated, it is nothing. And I am in complete agreement with the sentiment expressed by Mr. Kanemaru in this regard. There are so many things which we must talk over between Japan and the US, not just the problem of defence, but also in all the areas of economy, foreign policy, etc. Understanding is generated when we exhaust our discussions. Without mutual understanding, there is no mutual trust, only real, meaningful one, based upon the true understanding of the two signatory countries. I would like to express my sincere respect to Mr. Kanemaru who stressed that the Japan-US Security Treaty must be of this sort, in keeping with the trend in the 80s, which may well be a decade of turbulence.

We know that there is the so-called Atlantic Assembly, organized between the US and NATO member countries. I understand that it is divided into the subcommittees on defence, economy and foreign policy, and at each committee meeting, dialogue of a very high degree is carried out among the members of the assembly. I attribute the fact that things went on comparatively smoothly among NATO countries to this sort of interchange. I envy the fact that there was no trouble among the NATO members to expand their defence budgets, 3% over the preceding year every year, as the US would increase its defence budget by 5% over the preceding year. Unfortunately, it is not so easy for us, when we are to increase our share of the mutual defence based upon the Japan-US Security Treaty, and our own defence budget. I think perhaps chances are that we have not fully exhausted our discussion. There are also frictions seen in the field of economy between the two countries. Here again, we should have more conversations. Unless we do that, we cannot enhance the true merit of the Japan-US Security Treaty.

Ladies and gentlemen, I would like for you to give thought to the creation of "Pacific Assembly", which would be the counterpart of the Atlantic Assembly for the NATO countries. I am quite aware that there are differences in the circumstances in each region, and in the international situation each respective country is placed in, between us and NATO members, but in order to deepen our mutual understanding and trust, and the heart-to-heart solidarity, I sincerely hope that there could be created a Pacific Assembly, participated in by members of the US Congress and the Japanese Diet. I hope you will give us your views on this matter, and it is my fond hope that there will be a unanimous agreement reached between the members of the two national assemblies. With the creation of such a meeting, I am sure that the problems in many areas which lie between our two countries will be resolved with mutual understanding and trust. I leave the matter to the discretion of our able chairmen. Before concluding my speech, I wish the very best to you individually and to your country. Thank you for your patience.

The PRESIDING OFFICER. The Chair welcomes the distinguished visitors from Japan and recognizes the majority leader at this time.

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask our guests to stand, so that we might recognize them; and I ask unanimous consent that immediately the Senate stand in recess for 30 minutes, to allow Senators who are preparing amendments for the Agriculture appropriation bill to come to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

[Applause, Senators rising.]

Thereupon, at 1:53 p.m., the Senate recessed until 2:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRYOR).

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I would urge the two cloakrooms to put out calls inquiring as to whether or not there are any further amendments to the pending measure. I would hope we could get an understanding if there are such amendments so that we know how much work lies ahead of us on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

The Senate continued with the consideration of the bill.

UP AMENDMENT NO. 1795

Mr. BELLMON. Mr. President, earlier this afternoon, I believe there was an agreement to postpone a vote on the Bellmon amendment until after 2 o'clock. It is now 2:30. I wonder if the floor manager of the bill has any objection to calling up the amendment for a vote at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators desiring to vote?

The result was announced—yeas 21, nays 61, as follows:

[Rollcall Vote No. 489 Leg.]

YEAS—21

Bellmon
Boren
Byrd, Harry F., Jr.
Domenici
Exon
Goldwater
Helms
Hollings
Humphrey
Laxalt
Long
Mitchell
Proxmire
Roth
Schmitt
Schweiker
Stafford
Stevens
Thurmond
Tower
Warner

NAYS—61

Armstrong
Baker
Baucus
Bayh
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Durenberger
Durkin
Eagleton
Ford
Glenn
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Huddleston
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Leahy
Levin
Lugar
Magnuson
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Nunn
Pressler
Pryor
Randolph
Riegle
Sarbanes
Sasser
Simpson
Stennis
Stevenson
Stone
Weicker
Williams
Young
Zorinsky

NOT VOTING—18

Bentsen
Biden
Cannon
Church
Culver
Garn
Gravel
Hart
Kennedy
Mathias
Packwood
Pell
Percy
Ribicoff
Stewart
Talmadge
Tsongas
Wallop

So Mr. BELLMON'S amendment (UP No. 1795) was rejected.

UP AMENDMENT NO. 1799

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 1799.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 13, before the period insert the following:

"*Provided further*, That, of the funds provided herein, there shall be available $2,250,000 with which the Secretary shall conduct a two-year pilot project study in 108 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts."

Mr. McCLURE. Mr. President, this amendment restates what the Senate already once voted upon with respect to the school lunch program, to provide that a certain amount of the funds available within the school lunch program be available for both a cash grant and a letter of credit program to expand the experimental program that has been in effect, involving 8 school districts around the country, to include an additional 100 school districts.

Without going into all the arguments that support that amendment and the reasons why it is being offered now, I simply say that the arguments were ventilated thoroughly at the time this amendment was first offered to the Senate; and the Senate, after deliberation, did adopt this amendment on other legislation which is now bogged down in conference.

I simply offer the amendment here today in an effort to make sure that whichever piece of legislation gets through carries this amendment through to law, so that we will get the experimental program underway.

The amendment has been made available to the managers of the bill on both sides of the aisle. It is my understanding that they are prepared to accept the amendment. If that is the fact, I will not burden the Senate with a long discussion of it.

Mr. EAGLETON. Mr. President, I have no serious objection to the McClure amendment. I recommend that we accept the amendment and take it to conference.

I point out to my colleague that in the conference, we do have some difficulty from time to time with the House on matters that fall into the legislative area, as opposed to the appropriation area, but he understands that difficulty. He has been a conferee with us on these matters.

Speaking for myself, I am willing to accept this amendment and take it to conference. I believe that the Senator from Oklahoma (Mr. BELLMON) also is prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1799) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1800

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1800.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TITLE FEEDING PROGRAMS

REDUCTION IN GENERAL REIMBURSEMENT

SEC. . Notwithstanding section 4 of the National School Lunch Act, for the fiscal year ending September 30, 1981, the national average payment per lunch under such Act for such fiscal year, after being adjusted under section 11(a) of such Act, shall be reduced by 2½ cents for any school food authority under which less than 60 percent of the lunches served in the school lunch program were served free or at reduced price during the second preceding school year. The amount of State administrative expense funds to be made available to the States by the Secretary of Agriculture under section 7 of the Child Nutrition Act of 1966 for the fiscal year ending September 30, 1983, shall not be reduced because of a reduction in the amount of Federal funds expended as a result of the preceding sentence.

REDUCTION IN COMMUNITY ASSISTANCE

SEC. . (a) For the fiscal year ending September 30, 1981, the national average value of donated foods, or cash payments in lieu thereof, as determined under seciton 6(c) of the National School Lunch Act, shall be reduced by 2 cents.

INCOME ELIGIBILITY GUIDELINES

SEC. . (a) During the fiscal year ending September 30, 1981, the income poverty guidelines described in the second sentence of section 9(b)(1) of the National School Lunch Act shall be adjusted annually without regard to the proviso contained in such sentence.

(b) In computing household income under section 9(b) of the National School Lunch Act for the fiscal year ending September 30, 1981—

(1) in States other than Alaska, Hawaii, and Guam, the Secretary shall allow a standard deduction of $60 each month for each household, which standard deduction shall be adjusted to the nearest $5 on July 1, 1980, to reflect changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for items other than food for the period beginning September 1977 and ending March 1980;

(2) the monthly standard deduction allowed in Alaska shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Alaska bear to the applicable income poverty guidelines for such States; and

(3) the monthly standard deduction allowed in Hawaii and Guam shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Hawaii bear to the applicable income poverty guidelines for such States.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. . (a) For the fiscal year ending September 30, 1981, the income poverty guidelines described in the second sentence of section 9(b)(1) of the National School Lunch Act shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget adjusted annually pursuant to section 625 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971 (d)) for the forty-eight States.

(b) For the fiscal year ending September 30, 1981, with respect to reduced price lunches, the income poverty guidelines referred to in the eighth and ninth sentences of section 9(b)(1) of the National School Lunch Act, shall be prescribed at 85 per centum above the applicable family size income levels in the income poverty guidelines prescribed by the Secretary.

ANNUAL ADJUSTMENTS

SEC. . The proviso contained in the first sentence of the second paragraph under section 11(a) of the National School Lunch Act shall have no effect during the fiscal year ending September 30, 1981.

(b) During the fiscal year ending September 30, 1981—

(1) no semiannual adjustment required under the second sentence of the second paragraph under section 11(a) shall be made on January 1 of such fiscal year; and

(2) the adjustment required under the second sentence of the second paragraph under section 11(a) which is to be made on July 1 of such fiscal year shall reflect the changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for lunches served during the preceding 12-month period.

INELIGIBILITY OF JOB CORPS CENTERS

SEC. . During the fiscal year ending September 30, 1981, for purposes of the National School Lunch Act and the Child Nutrition Act of 1966, the term "school" shall not be considered to include Job Corps Centers funded by the Department of Labor.

FOOD SUPPLEMENTS

SEC. . (a) Section 13(b)(2) of the National School Lunch Act is amended by striking out "Any" and inserting in lieu thereof "Except during fiscal year 1981, any".

(b) During the fiscal year ending September 30, 1981, any service institution (as defined under section 13(a)(1)(B) of the National School Lunch Act) shall be permitted, under section 13 of the National School Lunch Act, to serve lunch and either breakfast or a meal supplement each day of operation, and any service institution that is a camp or that serves meals primarily to migrant children shall be permitted to serve not more than four meals each day of operation, if—

(1) the service institution has both the administrative capability to serve such meals, and the food preparation and food holding capabilities, where applicable, to manage more than one meal service each day; and

(2) the service period of different meals does not coincide or overlap.

Meals which camps and any such service institutions serving meals primarily to migrant children may serve shall include a breakfast, a lunch, a supper, and meal supplements.

NATIONAL AVERAGE PAYMENT FOR SUPPLEMENTS

SEC. . (a) During the fiscal year ending September 30, 1981, in determining under paragraphs (1) through (3) of section 17(c) of the National School Lunch Act the national average payment rate for supplements served in institutions (other than family or group day care home sponsoring organizations)—

(1) no adjustment under such paragraphs shall be made on January 1 of such fiscal year; and

(2) the adjustment under such paragraphs required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

(b) For the fiscal year ending September 30, 1981, the average payment rate determined under paragraphs (1) through (3) of section 17(c) of the National School Lunch Act for supplements served in institutions (other than family or group day care home sponsoring organizations), taking into account any adjustment under such paragraphs in accordance with subsection (a) of this section, shall be reduced by 3 cents.

REDUCTION IN EQUIPMENT ASSISTANCE

SEC. . Notwithstanding the first sentence of section 17(n) of the National School Lunch Act, during the fiscal year ending September 30, 1981, only $4,000,000 shall be made available under such section for the purpose of providing equipment assistance to enable institutions to establish, maintain, and expand the child care food program.

PAYMENTS FOR FREE BREAKFASTS

SEC. . Notwithstanding section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966, in determining the maximum payment for free breakfasts under such section for the fiscal year ending September 30, 1981—

(1) no adjustment under such section shall be made on January 1 of such fiscal year; and

(2) the adjustment under such section required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

Mr. HELMS. Mr. President, the Appropriations Committee yesterday moved to strike $364 million from the budget of the child nutrition programs. The amendment I have just introduced contains language to specify how that $364 million in savings will be achieved.

Those savings are to be made, under the provisions of this amendment, only through provisions which previously passed the Senate as a part of the Omnibus Reconciliation Act. It does not include all of those savings, however. Specifically, it omits language which would save an additional $22 million from the summer feeding program. In addition, it does not include savings which are already dealt with either in this bill or in previous legislation, such as savings from special milk, nutrition education and training, and food service equipment assistance.

I am introducing this amendment for a very specific reason. The budget reconciliation subconference on child nutrition is now held up in one of the most bizarre and disturbing conferences I have yet witnessed. The ostensible "conference report" which is now circulating—despite the fact that its provisions were never agreed to by any conference in which members of the authorizing committees were present—includes reauthorizations through 1984 of programs which are never even mentioned in the reconciliation package. It is my belief that these reauthorization dates are beyond the scope of a reconciliation conference. Every other minority member of the reconciliation conference committee seems to share my belief. Not a single one in either House or Senate has signed the report. In addition, not even a majority of the House Education and Labor Committee members have signed the report, and it is from that committee that this "conference report" originated.

In the event that that conference report is never put into law—and I hope it never is, as long as the reauthorization dates are attached—I believe we must insure that the intended savings are put into effect for this fiscal year at a minimum. To that end, I am offering specific language to save the $364 million called for in this bill.

I ask unanimous consent to have printed in the RECORD a table in connection with this matter.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated savings from Helms child nutrition amendment to the agriculture appropriations bill

(CBO estimates assume a January 1, effective date)

[In millions of dollars]

Section 4 reimbursement rate reduction of 2½ cents	$60
2 cent reduction in commodity assistance	63
Elimination of poverty update; charge of 20 cents on reduced price lunches; participation response	97
Annualized indexing for all programs	108
Summer feeding meal changes	18
Expansion of child care feeding eligibility to Title XX for-profit sponsors	
Child care snacks	5
Child care equipment assistance	2
Job Corps Center restriction	11
Total entitlement savings	364

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. EAGLETON. Mr. President, what amendment are we talking about?

The PRESIDING OFFICER. To the bill.

Mr. EAGLETON. Mr. President, are we voting on Senator HELMS' amendment?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, does the Senator care to explain his amendment any further?

Mr. HELMS. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER (Mr. BAUCUS). The Senate will be in order.

The Senator will not proceed until the Senate is in order.

The Senator from Missouri.

Mr. EAGLETON. Mr. President, the pending Helms amendment before us deals with the child nutrition program and is part of the reconciliation conference that is still in progress. Also included in that reconciliation conference are many other cuts and changes affecting other facets of public and social endeavor. For example, in the reconciliation conference are civil and military retirees' once-a-year cost of living only, changes in the tax laws to increase certain taxes, certain matters pertaining to veterans' benefits, matters pertaining to unemployment benefits, matters pertaining to Postal Service subsidies, and the like.

What the Senator from North Carolina is doing, if I understand it, is lifting out one of those changes, that is, child nutrition, and presenting it to us separately at this time.

Also in the reconciliation conference pertaining to agriculture and nutrition, in addition to these changes in child nutrition programs, is an extension of the WIC program to 1984.

Is that the understanding of the Senator from North Carolina?

Mr. HELMS. Mr. President, I am sorry. I cannot hear, and I did not understand the Senator's question.

The PRESIDING OFFICER. The Senator will please suspend until the Senate is in order.

Mr. EAGLETON. Mr. President, my question to the Senator from North Carolina is, is it his understanding that in the reconciliation conference, in addition to considering the matter that is before us in the Helms amendment the conferees have under consideration the extension of the WIC program to 1984?

Mr. HELMS. That is correct, I say to the Senator.

Mr. EAGLETON. Will the Senator object then, in order to make this thing balance and complete, if I amended his amendment to extend the WIC program as authorized to 1984?

Mr. HELMS. I say to the Senator that I will have to object. This is a program that we should take a look at in 1982 and not extend it as far in advance as 1984.

As the Senator knows, in the conference committee we are having a discussion about that, as well as, some disagreement.

So I have to object most respectfully to the Senator's suggestion.

Mr. EAGLETON. Mr. President, I am going to have to suggest the absence of a quorum. I wish to draw an amendment to the Senator's amendment to cover WIC, and I do not have it prepared at this moment. I wish the indulgence of the Senate a few moments to properly draw it.

Mr. HELMS. Mr. President, will the Senator withhold?

Mr. EAGLETON. Yes.

Mr. HELMS. Will it not be better for this amendment to be laid aside temporarily so the Senate can proceed to another amendment if it chooses to do so?

Mr. EAGLETON. That will be excellent if we have another Senator here prepared to propose an amendment. That will be very fine.

Mr. HELMS. Mr. President, I ask unanimous consent that my amendment be laid aside temporarily to be called up at the conclusion of action on the next succeeding amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. I thank the Senator.

Mr. HELMS. I thank the Chair.

UP AMENDMENT NO. 1801

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 1801.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 18, prior to the period insert the following:

Provided further, That in addition to the funds provided under this head, the sum of $17.526,000 appropriated in the Department of the Interior and Related Agencies Appropriations Act, 1981, is hereby transferred and merged with this appropriation to carry out the authorities rested in the Secretary of Agriculture by the Act of March 2, 1931 (46 Stat. 1468–1469; 7 U.S.C. 426–426B), except to the extent that such functions relate to research concerning, and the control of, migratory waterfowl depredations.

Mr. McCLURE. Mr. President, this amendment deals with what has proven to be a very controversial activity on the part of the Federal Government, and that is the animal damage control unit which is now reposed in the Department of the Interior where it runs into direct conflict with congressional mandates to the Fish and Wildlife Service to protect and enhance fish and wildlife, because a part of the animals and the control unit is that which its function is directed toward the control of predators that prey upon domestic livestock that are on public lands.

And the administration of it has been subject to that conflict ever since in 1939 when the unit was transferred by administrative action from the Department of Agriculture to the Department of the Interior.

I think there are good arguments on both sides of where it should be reposed, but the original action by Congress was to place it in the Department of Agriculture and it is only administrative action that long ago transferred it to the Department of the Interior.

My amendment would move the money back from the Department of the Interior appropriation to the Department of Agriculture appropriation which could now then be administered.

Mr. President, it is fair to say that many members of the Fish and Wildlife Service support this move. They think it is a constructive way of eliminating the conflict that now exists within the Fish and Wildlife Service and would permit them, with a much more direct approach and with less ambiguity, to deal with the questions of protecting fish and wildlife, while at the same time vesting in the Department of Agriculture a very unambiguous directive to protect the values of the domestic livestock industry upon the public lands.

It is further supported, I believe, by a memorandum dated May 6, 1980, to the Assistant Secretary of Policy, Budget, and Administration from the Director of the U.S. Fish and Wildlife Service, which memorandum, among other things, calls for the abolition of the Division of Animal Damage Control.

I am told that that memorandum has now been approved and is the official policy of the Department of the Interior and will be implemented.

If that is a fact, and I believe it to be a fact, then it seems to me that we should recognize that, instead of putting money into an agency of the Department of the Interior that they have already decided to abolish, we should put that function and the money to support that function in the Department of Agriculture where it was before.

That is the purpose of my amendment and that is the effect of it, and it simply transfers the money thus already authorized, already earmarked for this function, puts it where it will be implemented as the Department of the Interior has indicated they believe it should be done and the Department of Agriculture used to do before it was transferred by Executive order.

Mr. METZENBAUM. Mr. President, will the Senator from Idaho be good enough to advise as to how the Department of the Interior has made known its position? Is there a letter or some communication on it?

Mr. McCLURE. As I indicated, there is a memorandum of May 6, 1980, in which they indicated the recommendation of the Fish and Wildlife Service that the Division of Animal Damage Control should be abolished. That memorandum has now been adopted.

Mr. METZENBAUM. But would this not conflict with the usual inclination of the Senator from Idaho to try to save money? Is he actually not saying now because the money is hanging out there we should put it into the Agriculture Department?

Mr. McCLURE. No, not at all.

Mr. METZENBAUM. If we did not spend it, could we not save those dollars?

Mr. McCLURE. Not at all. Let me say to my friend from Ohio the function has been implemented. There is no question that the Congress of the United States has continuously and uninterruptedly recommended that there be such a division, that it be funded, and that the activity be undertaken.

This is not a question of whether or not it should be expended; it is a question of where it should be expended; whether it should be in a department that says they do not want it, they intend to abolish it and try to get out of it—they feel it is in conflict with what they are doing or what they have been doing—or to put it into a department that does not have that ambivalence and does not desire to have that ambivalence.

Mr. METZENBAUM. How much money is involved?

Mr. McCLURE. $17,526,000.

Mr. METZENBAUM. Do I understand this is an appropriation, not an authorization bill; is that correct?

Mr. McCLURE. That is correct.

Mr. METZENBAUM. Would not the authorizing committee, either the Committee on Agriculture or the Energy Committee, having to do with the Department of the Interior, would they not—have they taken any action with respect to this subject?

Mr. McCLURE. The Energy Committee has not. The Energy Committee is the committee of jurisdiction on the Interior side. The Agriculture Committee is the committee of jurisdiction on the Department of Agriculture side and has not, and I suspect the reason it has not is that the action by this administration has come so late that there was no opportunity for the authorizing committee to look at the decision they had made.

Mr. METZENBAUM. In view of the fact that this is an appropriation bill, it would seem to me that the Senator from Idaho is actually making a very substantive change. It would occur to me that since he is going to be the chairman-elect of the Energy Committee——

Mr. McCLURE. Mr. President, will the Senator yield at that point? I misspoke. I said the Energy Committee. The actual committee is the Environment and Public Works Committee on the Senate side.

Mr. METZENBAUM. In view of the fact that it is almost at the conclusion of the session, there obviously is no action required at the present time, and I must confess that I do not know nearly as much about this subject as does the Senator from Idaho, but I have real concern about making substantive changes in the closing hours of a session, and, whether those changes have to do with this subject or any other, I feel it is inappropriate and that it should not occur.

I think the appropriate committee ought to have an opportunity to consider it, and then this body ought not to be asked, with that kind of hasty action, to make a substantive change at this time.

I wonder whether the Senator from Idaho, who is going to be part of the majority come January 5, would not see fit to take this matter up in the usual course of events rather than attempting to make this change at his point?

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. METZENBAUM. Yes.

Mr. McCLURE. Mr. President, the Senator, as usual, knows a way to reach the sensibilities of the Senator from Idaho. Yes, under ordinary circumstances I would not even have brought this to the attention of the Senate or attempted to make a change. But a very critical problem exists there on the public lands that needs to be dealt with and does not wait. Congress can procrastinate over a long period of time, but things happen out there in the real world even while we wait to see that the proper procedures are followed or the proper jurisdictional committees are appealed to.

Certainly, if the amendment is not adopted, it would be the intention of the Senator from Idaho to call it to the attention of the appropriate committees for early action next year. But I hope we will not have to wait for that action. I hope the Senator from Ohio will be persuaded not to object to the amendment, and might indeed support the amendment, at least to this extent.

I understand what the Senator is saying about bringing things up at the last minute that have substance. This is not without substance, and I confess that if it be adopted here today that we be given an opportunity to take it to conference, and if, as a matter of fact, the Senator, looking at the amendment, might have very grave doubts or serious objections, he can then persuade the members of the conference to drop it in the conference or that the Members of the House resist the adoption of the amendment when it gets to conference.

But it is a matter that has had ongoing discussion of how we deal with the control of predators that are decimating the livestock industry in the western ranges. It is a critical problem. It is a problem now that exists; it is not a problem that does not exist or has not existed.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. METZENBAUM. I yield.

Mr. MELCHER. I thank my friend from Ohio.

I want to say it is more than a western range problem. Predator control problems, long a burden in the West, are moving East. I very much regret the circumstances we are in here because I do not know what the Department of the Interior's intentions are in abolishing this group.

We have to control predators in some way. Whether we use 1080 or something that is better, predators must be controlled. If we are talking about the question of humaneness, I would point out then why predators are numerous, it is more humane to the lambs or to the ewes, to save their lives by reducing the predator population. The predator problem is certainly out of hand in Montana.

What the new Secretary of the Interior will do about this question I do not know. But under the circumstances, rather than having the group abolished, as outlined in the memorandum to which the Senator from Idaho has referred, I would like to hold them intact. This is the only vehicle we have to hold them intact, and I would suggest we vote for the amendment.

Mr. TOWER. Mr. President. I want to commend the Senator from Idaho for bringing up this amendment. I think maybe the urgency of the problem of the predator control might be brought home more graphically to the distinguished Senator from Ohio if we could import about 50,000 coyotes into his State and turn them loose in the suburbs. It would help to keep the population down, I can assure you.

But I ask you, have you ever looked into the eyes of little lambs? They look like little children. This coyote coming in there cutting and slashing at this poor little innocent lamb, kills it, and eats it, and unless the boarder hawks run him off he goes and kills another one.

We have a terrible problem, and it is driving up the cost of mutton and lamb to the good people of the State of Ohio. The consumers are paying when these coyotes get in there and kill maybe 40, 50 percent of the lamb crop. What they do not get the golden eagle does get, and they are protected.

So I would urge you folks in urban areas to think of the cost of meat on your table, and support us in trying to transfer predator control to the department where it belongs, where they understand it, and that is the Department of Agriculture.

So I hope the distinguished Senator from Idaho will prevail in his amendment.

Mr. METZENBAUM. Mr. President, I would just like to say to my friend from Texas and my friend from Idaho, where have you been? Where is the authorizing legislation? Why do you not put a bill in or why did you not and why did you not get it? Why all of a sudden at 3:15 of the afternoon of the day we are about to recess do you suddenly come up with a new idea? If there is pending legislation, you have not said so, and if that is the case I would appreciate the Senator from Idaho advising me.

Mr. McCLURE. Mr. President, this is not a new proposal. It has been published for months. It has been discussed widely for months, and the urgency only comes about because the Department of the Interior has decided to abolish the unit.

Mr. METZENBAUM. When did they do that?

Mr. McCLURE. What?

Mr. METZENBAUM. When did they do that?

Mr. McCLURE. I do not have the action date upon which the memorandum was adopted by the Department as their official policy, at least this portion of it. I am sorry I cannot give that information to the Senator from Ohio. I wish I could.

Mr. METZENBAUM. What is the date of the memorandum?

Mr. McCLURE. The memorandum is dated May 6. The action by which it was adopted as the policy of the Department is somewhat later than that, and I cannot tell you the exact date. But let me say to my friend from Ohio it is not just a western issue. Certainly as the Senator from Ohio knows, there is a great deal of concern about the cost of living these days, and I am sure the Senator from Ohio has heard that even in his own districts in his own State. One of the components of the cost-of-living index that is going to rise more rapidly in the months just ahead of us than any other is that of food, food on the table, meat for American families.

That is part of what is involved in this issue here today. We can talk all we want about due deliberation and appropriate legislative vehicles, but people out there who are buying food for their families are going to do so at a meat market that does not wait for our initiatives here.

We can procrastinate on that and see the food supply is reduced. We can slow down the process here and see the price of meat on the tables go up. And we can see the diets of Americans begin to change as they find less costly substitutes for the meat that otherwise would be more abundantly available to them.

I suggest we should not do that. I suggest, and I hope the House would agree, that we can move now in an affirmative way to tell the American people that there will be a better supply of meat on their tables next year as a result of the action that we take here, rather than to say, "I'm sorry. We found it inconvenient to act because it was not brought up in the right way at the right time and at an earlier date in a different bill."

I think the people of America want action. They do not want us to debate over procedural formats.

● Mr. SIMPSON. Mr. President, I wish to express my most enthusiastic support for the amendment offered by the Senator from Idaho. As a member of the Senate Committee on Environment and Public Works, which is the authorizing committee for the animal damage control program, I chaired 2 days of oversight hearings on the subject of the efficiency and responsiveness of the program now administered by the U.S. Fish and Wildlife Service.

Over the course of this extensive presentation of testimony from all interests: stockmen, scientists, conservationists, environmentalists, and administrators—I became very firmly convinced that the Department of the Interior either did not have all of the pertinent facts or simply did not wish to even consider the good judgment of its own agency experts when a revised predator control program was unveiled in its November 1979 policy memorandum. The real issue is one of protecting wildlife and domestic livestock from excessive coyote predation—just what the original act required—rather than just keeping a "body count" of coyotes killed by government trappers.

The adaptability and cunning of the coyote requires that all possible methods, lethal and nonlethal, be used in a manner that provides protection to big game and domestic livestock during such critical periods as lambing, fawning, and rearing. No one is calling for extinction of that wily adversary.

The November policy memorandum is now on the verge of implementation. The most absurd part of it sets levels of acceptable losses for the American livestock industry at a figure which will amount to over $100 million in this coming year. I believe that it would be absolutely irresponsible to permit any agency which takes such a callous and arrogant attitude toward our domestic livestock producers to continue to manage such a program, which has been so thoroughly misguided and mismanaged.

The Animal Damage Control Act and total disregard of it by this administrative secretarial policy has been a matter of some controversy. Yet, the predator damage control program as set out in the 1931 legislation remains the sole expression of Congress in this area. I think this administration has forgotten that it directs Federal cooperation of all affected interests in bringing predation under control and it even permits—although I certainly do not advocate it—the eradication of animals which are damaging important agriculture interests. If the Department of the Interior is unwilling to fulfill congressional directives on the issue then those functions for predator control must be transferred to an agency of our government that is prepared to do just that. Let us do it.●

Mr. METZENBAUM. Mr. President, since my first Senate session, nothing irritates this Senator more than finding legislation adopted as substantive issues on appropriations bills. We do it and we should not do it.

I have asked the Senator from Idaho if he would be good enough to withdraw this amendment so that the matter might be processed before the committee in a regular manner. I, frankly, do not know whether the amendment is good or bad. I cannot believe all the impact that the Senator says would ensue or result from this amendment would, indeed result. I doubt it; but the Senator might be right. He knows more about the subject than I do. But I do not believe this is the way to deal with this subject.

Under the circumstances, Mr. President, I raise a point of order The point of order is this is legislation under an appropriations bill

The PRESIDING OFFICER The point of order is, Does the pending amendment constitute legislation because it amends existing law?

The Chair sustains the point of order because the amendment does amend existing law.

Mr. McCLURE. Mr. President, I appeal the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Idaho appeal the ruling of the Chair?

Mr. McCLURE. I appeal the ruling of the Chair.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, Senator METZENBAUM asked my view as to whether the committee supports the position of the Chair and the committee does. I suggest, then, that we proceed to the vote on the appeal of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhole Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators who wish to vote?

The result was announced—yeas 33, nays 49, as follows:

[Rollcall Vote No. 490 Leg.]

YEAS—33

Bumpers
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cranston
Durkin
Eagleton
Glenn
Heflin
Hollings
Huddleston
Inouye
Levin
Long
Magnuson
Matsunaga
McGovern
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stone
Williams

NAYS—49

Armstrong
Baker
Baucus
Bayh
Bellmon
Boren
Boschwitz
Bradley
Burdick
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Ford
Goldwater
Hatch
Hatfield
Hayakawa
Heinz
Helms
Humphrey
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Lugar
McClure
Melcher
Nunn
Pressler
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Thurmond
Tower
Warner
Weicker
Young
Zorinsky

NOT VOTING—18

Bentsen
Biden
Cannon
Church
Culver
Garn
Gravel
Hart
Kennedy
Mathias
Packwood
Pell
Percy
Ribicoff
Stewart
Talmadge
Tsongas
Wallop

So, the ruling of the Chair was not sustained as the judgment of the Senate.

The PRESIDING OFFICER. The decision of the Chair does not stand as the judgment of the Senate.

The question is on the amendment of the Senator from Idaho.

Mr. MORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. MORGAN. Mr. President, I am sure some Senators know by now that I ran out of votes on election night, shortly before I obtained enough to win the election. But I thought I ought to take this opportunity to enlighten some of my colleagues, especially some here who are targeted for next year, as to what can happen to us on these so-called parliamentary votes.

For instance, today I voted to sustain the Chair, which I always was taught I should do unless I clearly thought the Chair was in error. However, unless a rollcall vote is made on the next vote, my vote to sustain the Chair may be interpreted as being in a contrary position.

I want to give an example. On one of the fliers that my opposition put out against me, it had this chart, "Voted against limiting the power of the OSHA bureaucracy to inspect small businesses with good safety records," dated July 20, 1979, and then in fine print it had H.R. 4389.

Most of us remember the debate going on here in the Senate during the 6 years I was here as to where we were going to draw the line applying to OSHA. I think most Senators who know me will recall it has generally been my view that with small businesses, 10 or less, that OSHA should not apply, unless it had a bad record.

Not only had that been my point of view, but I had even sponsored amendments to that effect.

So Senators can imagine the chagrin or surprise I had when I found my opposition distributing leaflets which said that I had opposed limiting the bureaucracy with regard to OSHA.

So I immediately got on the telephone and said to the research staff, "Pray tell me, what happened on July 20, 1979?" Because I certainly did not intend to do that. Here is what it was, and I am reading now from my own memorandum:

> During the consideration of the appropriations bill for the Department of Labor and HEW, an amendment was proposed by Senator FRANK CHURCH of Idaho to exempt "safe" small businesses from the coverage of the occupational Safety and Health Act. Senator MORGAN supported this approach and had supported it in 1978 when the same amendment was attached to the Small Business Administration bill.
>
> In 1979, there was objection to this amendment being offered to an appropriation bill on the grounds that it was not germane.

That is my understanding, I say to the Senator from Ohio, that that was the objection to this bill. In other words, the objection was that it was legislating on an appropriations bill.

> The Parliamentarian so ruled, and Senator Morgan voted to support the Chair, which is generally customary.

I am reading from my staff memorandum.

> However, the Senate ignored the Parliamentarian ruling of germaneness.

I believe we did that again today.

> When the amendment was submitted on its merits, the very next vote, Senator MORGAN voted for the amendment. To claim that he voted against the proposal on the basis of a Parliamentary vote is a distortion of the record.

Again, I am reading from my memorandum. I go on to state that this had happened quite frequently.

So what I am saying is that I just want to caution my colleagues that when you are playing with parliamentary moves, you are giving potential opposition ammunition to throw at you; because in a one-line excerpt—and I say to Senator MCGOVERN that I had his picture and Senator KENNEDY's picture at the top of it. We distributed their pictures quite frequently in North Carolina. [Laughter.]

Some of my friends down there were surprised to know how close we were. [Laughter.]

Nevertheless, this one line generated an impression that was directly contrary to what my own opinion was and what I had supported and had voted for and had even introduced. Once that impression is created, it takes an awful lot of explaining to try to explain it or to make it understood.

So we have been playing rather loosely with parliamentary moves. I am just citing his one example, and I will cite many more to the Senate next week.

For that reason, I now make this inquiry of the Chair: Does the question now revolve back to the adoption of the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORGAN. Because of what possibly might be interpreted later as a vote one way or the other because of the vote on the parliamentary rule, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Delaware (Mr. Biden), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Wisconsin (Mr. Nelson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Stewart), the Senator from Georgia (Mr. Talmadge), and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. Garn), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. Wallop) would vote "yea."

The PRESIDING OFFICER (Mr. Mitchell). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 53, nays 29, as follows:

[Rollcall Vote No. 491 Leg.]

YEAS—53

Armstrong
Baker
Baucus
Bellmon
Boren
Boschwitz
Bradley
Burdick
Byrd,
  Harry F., Jr.
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Ford
Goldwater
Hatch
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Long
Lugar
McClure
Melcher
Moynihan
Nunn
Pressler
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stone
Thurmond
Tower
Warner
Weicker
Young
Zorinsky

NAYS—29

Bayh
Bumpers
Byrd, Robert C.
Chafee
Chiles
Cranston
Culver
Durkin
Eagleton
Glenn
Hatfield
Inouye
Kennedy
Levin
Magnuson
Matsunaga
McGovern
Metzenbaum
Mitchell
Morgan
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Williams

NOT VOTING—18

Bentsen
Biden
Cannon
Church
Garn
Gravel
Hart
Hollings
Mathias
Nelson
Packwood
Pell
Percy
Ribicoff
Stewart
Talmadge
Tsongas
Wallop

So Mr. McClure's amendment (UP No. 1801) was agreed to.

Mr. McCLURE. Mr. President I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senators Pressler, Simpson, Melcher, and Laxalt be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, if the Senator will yield, I would ask the Senator to add my name.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. And add Senator Goldwater.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question recurs on the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Kentucky (Mr. Huddleston) for his submitting an amendment, following which, and upon the disposition of which, my amendment would be the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UP AMENDMENT NO. 1802

(Purpose: To increase the amount of administrative and operating funds for the Federal Crop Insurance Corporation)

Mr. HUDDLESTON. Mr. President, on behalf of myself, the Senator from North Carolina (Mr. Helms) and the Senator from Georgia (Mr. Talmadge) I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. Huddleston), for himself, Mr. Helms, and Mr. Talmadge, proposes an unprinted amendment numbered 1802:

On page 23, line 15, strike out "$29,558,000" and insert in lieu thereof "$78,228,000".

Mr. HUDDLESTON. Mr. President, what this amendment does is to correct the Department of Agriculture's failure to provide in adequate time a justification for a budget request for the Federal Crop Insurance Corporation. Senator Eagleton's subcommittee did not have an opportunity to review this request, as I understand it, and to provide for this funding.

As all my colleagues know, we have passed and sent to the President, and it has been signed into law, a new crop insurance program to replace the disaster program that has been in effect for so many years and has been very costly to the taxpayers of the country. At the same time that it has been costly, it has not been adequate in meeting the needs of our farmers to compensate for natural disasters or for other reasons which their production is severely reduced.

So the comprehensive crop insurance program will enable the agriculture producers of the country to insure their crops with premiums subsidized by this program for all kinds of losses that may occur and for virtually all types of crops. The disaster program is limited to a relatively few number of crops and, in looking over the history of it, has served a relatively few number of farmers.

This is an effort to save money and at the same time extend to the farmer an opportunity to purchase insurance for his crops. What we are asking is that an additional approximately $49 million be added so that this program can be implemented in this coming fiscal year.

It is very important that the program be implemented effectively and correctly, because it is not unlike at all the starting of a new business venture. Its success will depend on its acceptance by the farmers throughout the country. The premiums are determined on an actuarial basis depending on the history of crop grown in the various areas of the country.

If we do not have adequate participation, if a farmer is unable to understand this new program and does not avail himself of it, then the chances of success will be diminished and likewise the cost will be increased. So it is vital that we provide this funding so that all of the machinery can be set up and put into action so that this will be a successful program.

I recognize that we have to go to conference on this figure. During that period of time the Department will have adequate opportunity to come before the members of the conference to more adequately explain the need for this funding. So——

Mr. EAGLETON. It speaks for itself.

Mr. HUDDLESTON. It speaks for itself, as my colleague has said. I move the adoption of the amendment.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. This is not much more than another $50 million increase; really not very much at all, the way we do business around here.

Our committee was informed of this request by the administration last Friday. I guess they could have waited until January 19. As best we can decipher this $50 million appropriation, it includes some of the following:

It includes $14 million for reimbursement to the ASCS office employees. Well, that is all well and good, except that such reimbursement is specifically prohibited in this bill by section 611 thereof.

Then it has a questionable item of $10 million for "advertising," to tell farmers about the new crop insurance program. As one of my colleagues has whispered at my side, Mr. Rafshoon could possibly use that $10 million since I noticed in the morning paper he is losing some of his advertising accounts.

One of the other items in the bill is $7 million for printing costs. I hear Senator after Senator rail against paperwork, forms, and all of that.

So here it is. We get an amendment on Friday of last week and are told that this is a must item that we have to put in the bill. Even our rather hasty perusal of it causes us to believe that this is a less than perfect expenditure of $50 million.

So I am going to oppose the amendment. The hour is getting reasonably late. I have said what I have to say on it. Let us have a vote on it.

Mr. HUDDLESTON. Mr. President, if the Senator will yield for just one response to the Senator's concerns, let me point out again that this is a new program and it is very much like starting a new commercial enterprise. Certainly we have to have forms for application. The ASCS offices which will handle some of the sales and some of the applications will have to secure the crop reports so that an actuarial finding can be made on the potential loss of each crop in each section of the country. All of these things have to be done to put this program in operation.

And then, of course, advertising is necessary. As I say, you have to convince the farmer or sell the farmer on the program in order to make it effective and to reduce the cost of the program.

The whole enterprise is for the purpose of doing two things: No. 1, from my standpoint, it is going to give the farmers of the Nation an opportunity to buy protection which they will pay the largest part of, buy protection against all kinds of things that can happen to a crop during its growing year.

As the situation is now with the disaster program, there has to be a disaster declared by the President before funding will be made available to them. Well, that is little comfort to a farmer who may, for some particular localized reason, wipe out his crops through some natural disaster or natural disorder but not sufficient enough in area to merit a declaration of a natural disaster.

So this will offer the opportunity that is not now available to the American farmer to secure protection against total loss from his crop being damaged by a natural cause.

The second purpose of it is to save money. The disaster program is growing in cost. As I mentioned before, it is limited in application, affecting only a few crops, and is not providing the kind of protection that our growers need. That is the reason for the need for the program itself.

As I say, it is important to get the program started correctly. This funding is needed, the advertising is needed, and the forms are needed. All of this is needed to put into place a new program.

I make no apologies for the Department of Agriculture for being tardy in getting to the subcommittee chairman on the need for this appropriation. I would say that if they cannot do that satisfactorily between now and the time for the conference, then they would have little chance in holding this in the conference. That is their responsibility. I hope they will fulfill it. But at this point I see no way of assuring that we are going to have a crop insurance program which farmers have been led to believe will be available to them without these funds being made available and the purposes for which the funds are designated put into effect.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Delaware (Mr. Biden), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Colorado (Mr. Hart), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Stewart), the Senator from Georgia (Mr. Talmadge), the Senator from Massachusetts (Mr. Tsongas), and the Senator from South Carolina (Mr. Hollings) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell), would vote "nay."

Mr. BAKER. I announce that the Senator From Utah (Mr. Garn), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 38, nays 44, as follows:

[Rollcall Vote No. 492 Leg.]

YEAS—38

Baucus
Bayh
Bumpers
Burdick
Chiles
Cochran
Dole
Durenberger
Exon
Glenn
Hayakawa
Heflin
Helms
Huddleston
Inouye
Jackson
Johnston
Kassebaum
Levin
Long
Magnuson
Matsunaga
McClure
McGovern
Melcher
Morgan
Nelson
Nunn
Pressler
Pryor
Randolph
Sarbanes
Sasser
Stennis
Stone
Thurmond
Warner
Young

NAYS—44

Armstrong
Baker
Bellmon
Boren
Boschwitz
Bradley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Cohen
Cranston
Culver
Danforth
DeConcini
Domenici
Durkin
Eagleton
Goldwater
Hatch
Hatfield
Heinz
Humphrey
Javits
Jepsen
Kennedy
Laxalt
Leahy
Lugar
Metzenbaum
Mitchell
Moynihan
Proxmire
Riegle
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevenson
Tower
Wallop
Weicker
Williams
Zorinsky

ANSWERED "PRESENT"—1

Ford

NOT VOTING—17

Bentsen
Biden
Cannon
Church
Garn
Gravel
Hart
Hollings
Mathias
Packwood
Pell
Percy
Ribicoff
Stevens
Stewart
Talmadge
Tsongas

So Mr. Huddleston's amendment (UP No. 1802) was rejected.

UP AMENDMENT NO. 1800

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from North Carolina.

The Senator from North Carolina.

Mr. HELMS. The distinguished occupant of the chair may wish to check with the Parliamentarian on the parliamentary——

The PRESIDING OFFICER. The Senate will be in order. Senators will clear the well and suspend conversation.

The Senator from North Carolina.

Mr. HELMS. I am about to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. I ask the Chair if the Chair agrees with the Senator from North Carolina that the pending amendment is, in fact, legislation on an appropriation bill.

The PRESIDING OFFICER. It is.

Mr. HELMS. I thank the Chair, and I agree. So I shall not delay the Senate further. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 1803

(Purpose: To increase funding for Rural Water and Waste Disposal Grants)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. Dole) proposes an unprinted amendment numbered 1803:

On page 26, line 23, strike out "$200,000,000" and insert in lieu thereof "$250,000,000".

Mr. DOLE. Mr. President, I do not intend to press this amendment, but I do want to point up the fact that this amendment would restore the funding level of a program vital to Kansas and all rural America—the rural water program. This program authorizes grants to be made to associations, public, and quasi-public agencies and certain Indian tribes to finance projects for the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

My amendment would add $50 million to the $200 million recommended by the Appropriations Committee. Even with the adoption of my amendment, this program will still be funded at a level 12 percent lower than the $290 million allocated in fiscal 1980. Accepting the committee's recommendation will result in a 30-percent decrease in this critical rural program.

Mr. President, those of us who live most of our lives in cities take access to pure, running water for granted. We assume that everyone in our country can go to the sink for a glass of water. We also assume that every home that so desires has access to a sewage disposal system.

This simply is not true. Thousands of rural American homes have only recently received access to these basic necessities of life. Much of the progress we have made can be attributed to the rural water grants program Congress has been funding for years. With this money, rural water districts have been formed all across the country to develop water distribution and waste disposal systems. The impact has been great. One in ten Kansans receive their water from a rural water district.

But the job is far from complete. Water and waste systems are still desperately needed in many sparsely populated set areas of the country. We are now going into counties where the cost per unit is high, but the need is equally great. The work must continue.

We simply cannot cut this many dollars from the rural water grants program. We must restore at least the $50 million provided for in my amendment. I can think of no more important role for Government than assuring each and every American citizen access to water. Before any other kind of progress or development can occur, we must take care of the basics. The recent drought in the Midwest and South only serve to underline this great need.

I hope that those here in the Senate today who take their water for granted will not turn their backs on the thousands of Americans who have yet to receive this most basic service.

I understand the budget constraints, but I wanted to make the point that I believe this is a very important program—one that concerns a great many Americans.

Mr. BELLMON. Will the Senator yield?

Mr. DOLE. Yes.

Mr. BELLMON. I will explain what the committee has done insofar as this program is concerned in fiscal year 1980.

The grant program was $290 million. The budget request was to go down to $100 million. The committee put in $200 million for grants.

In the loan provision of the program in fiscal year 1980, the level was $700 million. These are 5 percent loans, not grants, but, certainly, very advantageous loans. That was $700 million.

We have increased it in 1981 to $900 million.

So, actually, there is more money available by some $110 million in this program than was available in 1980.

There are fewer funds available as grants, but more money is available as 5-percent loans.

Mr. DOLE. I thank my distinguished colleague for that explanation.

I certainly share his view that the 5-percent money is still a good bargain.

Based on that explanation and my previous statement, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 1804

Mr. DOLE. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 1804:

On page 46, line 16, strike out "$9,451,276,000" and insert in lieu thereof "$10,712,000,000".

Mr. DOLE. Mr. President, this unprinted amendment would raise the $9.7 billion allotted to the food stamp program to $11 billion, which it is estimated will be necessary to fully fund the program for fiscal year 1981, at current levels.

Last May, we witnessed a serious crisis in food stamp program funding that almost cut off benefits to recipients beginning in June. However, the Congress acted at the very last minute to provide the funding necessary to prevent a suspension of benefits to needy recipients.

We already know that the $9.7 billion which the agriculture appropriations bill provides for is $1.3 billion short of the amount that would be necessary to adequately fund the program.

I recall the conversations with reference to the funding levels. I know the desire to hold the funding level below $10 billion for a certain period of time. I do not believe anybody suggests we can go through the next year with a $9.7 billion figure. We cannot justify taking inadequate action at this time, which would imply a reduction or suspension of benefits to needy individuals and families.

I also suggest some say that we will have 5 or 6 months of full funding next year. This is enough to fund the program at current levels for that period of time, and then the new administration can address the problem.

I hope the new administration will begin immediately to address not only this area, but other areas and, generally, our entire economic situation. But this amendment would avert a funding crisis in fiscal year 1981. It would seem to me this is action that should be taken today to forestall any crisis that might occur next June or July, about the time Congress may be going out for an August recess.

If we permit this appropriations bill to pass, knowing that at some point down the line, we will encounter a funding crisis similar to that in fiscal 1980, then we will be responsible for intentionally bringing on a suspension or reduction of benefits. I strongly recommend that we take action now to avert a future funding crisis in fiscal year 1981.

Although we hope the new administration will begin immediately to address our current economic woes, we can at best anticipate that our Nation's economy will remain unstable for quite some time. We owe it to our low-income citizens, especially the elderly and disabled, to insure that they will not be threatened by further hardship somewhere down the road. Until our economy is well along the route to recovery, we can anticipate high expenditures in the food stamp program, and we should take action now to protect the interests of those who fall victim to economic circumstances beyond their control.

I yield to the distinguished Senator from North Carolina.

UP AMENDMENT NO. 1805

Mr. HELMS. Mr. President, I send to the desk an amendment to the amendment offered by the distinguished Senator from Kansas.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1805:

In lieu of the matter proposed to be inserted by the amendment of Mr. DOLE, insert the following: "$10,212,000,000. It is the intent of Congress that there shall be no further appropriations for purposes of this program and that the Secretary act accordingly."

Mr. HELMS. Mr. President, the Senator from North Carolina is trying to reach an accord with those who favor substantially higher funding for the food stamp program than I do. I say to Senators that the pending amendment to the Dole amendment would reduce the funding available for the food stamp program to $10.5 billion.

Mr. President, the point is this: The Secretary of Agriculture has the capability to restrict food stamp expenditures to that level, and language is included in my amendment directing him to do so.

Mr. President, $10.5 billion is the maximum food stamp spending stipulated by the second concurrent budget resolution. Restricting this program to that figure, $10.5 billion, in the judgment of the Senator from North Carolina, is very generous. Indeed, it is some $800 million higher than the level recommended by the House and Senate Appropriation Committees. Moreover, it is approximately $1.1 billion more than the program cost during the last fiscal year ending September 30. In fact, when the so-called benefit reductions required by my amendment are implemented in January, no food stamp household will see a decrease in the size of its food stamp allotment from the previous month. Actually, there will be a January increase in food stamp benefits under my amendment. I mention that to emphasize that I am trying to be reasonable—but at the same time protect the taxpayers as much as I can.

In simple terms, the Secretary will prevent the increase in food stamps allotments from being as great as the increase otherwise would be. Thereby, the pending Helms amendment will save the taxpayers $500 million.

Mr. President, I understand that the administrative remedies available to the Secretary will restrict expenditures, including an adjustment in the value of the thrifty food plan. This would cause those recipients with the lowest income to experience the lowest percentage reductions in benefits. At any rate, the so-called benefit reductions required under the pending amendment would offset the Consumer Price Index adjustment that is scheduled to substantially increase benefits.

Furthermore, Senators should be aware that the Secretary's discretion in directing benefit reductions is very broad. For example, it is clear that the Secretary could achieve the required savings by delaying the Consumer Price

Index adjustment now scheduled for January 1.

Mr. President, this amendment is proposed in lieu of a supplemental food stamp appropriation next year. It simply restricts food stamp expenditures to a level consistent with our brandnew budget. This is the first major test of our new budget. Do we intend to comply with that budget? Senators will honestly answer that question when they vote on this amendment.

Now is the time to act on this issue. Those who propose to wait until next year to address the issue are asking that we delay the decision until such a late date in the fiscal year that a reduction in program expenditures would stand as a drastic cut that would hurt the truly needy—or perhaps we would again face the possibility of a complete program shutdown.

In the interest of the truly needy who rely on this program, the Senate should resolve the food stamp funding issue now rather than waiting until consideration of a supplemental appropriation bill.

I urge the adoption of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BOREN). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as I understand, the practical effect of this would be to raise the cap from the present level, $9.7 billion, to about $10.5 billion.

Mr. HELMS. That is correct.

Mr. DOLE. Though savings have been referred to, there are no specific areas where that might be achieved. However, as I understand, it would give the incoming administration some more time next year to take a look at the program—to suggest areas of savings, or maybe no savings. In any event, the practical effect of it is to raise the cap by about $800 million.

Mr. HELMS. That is correct. I believe the Senator will agree that that is a rather major concession on the part of the Senator from North Carolina. I went to protect the taxpayers as much as possible.

Mr. DOLE. If that is the way the Senator from Kansas understands it, I will be willing to accept the amendment.

Mr. EAGLETON. Mr. President, will the Senator yield for a question?

Mr. HELMS. I yield.

Mr. EAGLETON. I was interested in the exchange between Senator DOLE and Senator HELMS. That is not how I read the Helms amendment.

If the Helms amendment prevails, it would provide a limit of $10.5 billion for food stamps. That is clearly inadequate for the remainder of fiscal year 1981. The Secretary would be obliged to act at the earliest possible opportunity to immediately cut benefits.

Let me cite some examples of what the cut in benefits would be. Let us take an example in Mississippi: A mother with three young children and no outside income would be eligible for the maximum welfare AFDC benefit of $120 a month. Assuming eligibility for a $40 excess shelter deduction, this family of four would currently be eligible for $208 a month in food stamps. Thus, the family's total monthly income, to cover all living expenses, would be $328 a month.

Under the Helms amendment, which is in effect a 10-percent cut over the remaining 6 months of the program—the family's monthly food stamp allotment would be reduced to $187 a month; and its total monthly income would be reduced to $307 a month.

Another example supplied by the Department of Agriculture: An elderly couple whose sole income is $250 a month from social security would be eligible for $84 a month in food stamps, assuming moderate excess shelter allowance of $50 and medical allowance of $20. Their total monthly income would be $334. Under the Helms amendment, that $334 would be cut to $323.

Finally, a single, disabled person who currently has only $200 a month in SSI benefits would qualify for $47 a month of food stamp benefits, assuming excess shelter allowance of $50 and medical of $20.

Under the Helms proposal, the monthly food stamp benefits for such an individual would be cut from $47 to $41.

So the information we have, with the language that Senator HELMS has added to his dollar figure, is that the aforementioned cuts that I give by way of illustration would have to be made, and they would have to be made at the earliest opportunity for the Secretary to act. I believe that is within 30 days of when the bill will be signed by the President.

Mr. DOLE. Mr. President, I shall pose a question to the distinguished Senator from North Carolina. This does not mean that Congress is locked in at that figure. Does Congress still have a right to change this figure or any other figure we might arrive at?

Mr. HELMS. Of course the Senator is absolutely correct. The problem the Senator from Missouri has with his facts is that they are incorrect. In the first place, it is not 10 percent; it is 5 percent, assuming the worst case scenario.

Mr. EAGLETON. Three months have already gone in this fiscal year.

Mr. HELMS. I understand, but the Senator is still incorrect in his information. I know where he got it. He got it from the same seemingly incompetent Federal food stamp administrators who have been running the food stamp program all these years. If the Lord lets us live long enough we are going to have a different set of administrators in the Agriculture Department running the food stamp program. There will not be any difficulty in cutting off those whom so many local food stamp administrators have characterized as parasites who have infested the food stamp program. I wish Senators could hear the candid assessments by local administrators.

So the Senate is running no risk. The poor who are so often referred to in these debates run no risk. We just are hearing today a repetition of the same old rhetoric that has come out of that Department all these years. I think it is time to put an end to the rhetoric. The American people are expecting us to tighten this program up, reduce it to the truly needy, and stop there.

Mr. DOLE. Mr. President, the Senator from Kansas has more than a passing interest in the program. It seems to me what we are doing here is simply changing the cap, in fact adding to the cap about $800 million, which seems to me to be a positive step forward.

Mr. HELMS. Of course, it is.

Mr. DOLE. It may be interpreted differently by different Members, but as I view it as I have discussed it with the distinguished Senator from North Carolina, as I understand the ability of Congress to change anything next year and as I understand the need for a new administration to have some time to review the program and suggest where changes might be made, it occurred to me that by increasing the funding to $800 million we would not be caught in the same near crisis that prevailed last May. As most Members of the Senate perceive this or many Members perceive it, it will not be received positively, because I think we are going to be adding to the cost of the food stamp program by $800 million. But we are discussing funding of the program and how we can best do that by avoiding a crisis sometime next summer.

I yield the floor.

Mr. CHAFEE. Mr. President, I wish to direct a couple of questions, if I might, to the distinguished Senator from North Carolina.

The food stamp program is an entitlement program and the entitlement program, as I understand it, is based on the eligibility criteria that is set forth. By putting a cap on a program, as I understand it, just means that that is the extent of the money that can be spent, and when that money runs out, be it in April, or May, or whenever, it is those who are eligible under our criteria who cannot collect. In other words, it seems to me if there is a cry to tighten up in this program the way to proceed is to tighten up on the eligibility criteria, not on the amount that is provided which sets an artificial cap.

The Senator may correct me if I am wrong, but as I recall we went through this last year or this past summer. We had a cap, and those eligible came in and collected their food stamps. Then the cap is reached, and we have to provide for those in the remaining months, and we have to add some to it.

So I cannot see that this is the correct way to proceed.

Mr. DOLE. There is already a cap on it.

Mr. CHAFEE. I understand there is already a cap on it. But that to me is not the correct way to tackle this problem. The correct way to tackle it is in the committee that the distinguished Senator will be chairman of where he sets the criteria, does he not, in that committee?

Mr. HELMS. The Senator is right. I have tried to tighten up on the criteria time and time again. I have been on the losing side most of the time. I do not think I will be on the losing side next year. But the Senator is correct. It seems to be an entitlement program, but it really is not because of the cap. The cap is historic in this program, and I think it will be continued.

But I do not disagree for one moment with the Senator's assertion that we should tighten the eligibility requirements. That is precisely what is wrong, but right now all we can do in the appropriations bill is to try to limit it to a reasonable amount of spending. That is all we can do right here.

Mr. CHAFEE. Mr. President, is that the way to proceed? Those who are eligible, who are deserving under the program, as we set it forth in this Congress and indeed passed in this Senate, come forward to receive their stamps and they are entitled to them. Then what we are saying under the proposal the Senator from North Carolina is making is that those on the tail end of the line, namely, those who would happen to come forward in July, August, and September, get none.

Mr. HELMS. The same argument can be made against the amendment by the Senator from Kansas. He also proposes a cap, and I imagine that the distinguished Senator from Missouri proposes a cap.

What does the Senator from Rhode Island propose that we do here in an appropriations bill when it has been reported out of the committee with the cap making it a limited entitlement, not an entitlement bill? It is limited by a cap.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. CHAFEE. I yield.

Mr. DOLE. As a practical matter in passing any food stamp legislation, the House insists on the cap. When we have set an unrealistic cap at $9.7 billion, it was because of the insistence of the distinguished chairman of the House Ag Committee, a friend of mine, TOM FOLEY, and he knew no way of passing that bill in the House of Representatives if the cap exceeded $10 billion. So we agreed on a figure of $9.7 billion.

To fully fund the program under current levels would be about anywhere from $10.8 billion to $11.3 billion. We are not certain what the exact dollar figure would be.

But by increasing the cap to $10.5 billion from $9.7 billion we give the new administration the time to do those very things, and I agree with the distinguished Senator from Rhode Island that we should be changing eligibility requirements, but that would give the new administration several months in which to do that. But the cap is there and all we propose to do is, as I understand it, to increase the funding by $800 billion.

Mr. McGOVERN. Mr. President, I wish to make a quick observation and perhaps ask a question of the Senator from North Carolina or the Senator from Kansas.

I wish to say, first of all, that as one who has been rather intimately involved in these nutritional programs, I continue to consider them the most successful of all of our Government programs. We do not have a great many success stories these days, but if one looks back over the last 12 years there has been a bipartisan effort, led, I think it is fair to say, by the Senate, in which we have committed this country to win the war against hunger in the United States.

I think we have largely won that war by the programs that are now in place. They are a marvelous demonstration of what Government can do when it is run with some commonsense and with some sense of compassion. There are not better programs on the statute books today than these nutritional programs that enable even low-income Americans to avoid hunger and starvation. When one looks at the success that we had in the child nutrition programs, in the school lunch program, the special supplemental feeding program for women, infants, and children, and the food stamp program, that package of nutritional programs has enabled Congress to say that we have led the way in a very successful and victorious effort to put an end to hunger in the United States.

It would be the height of folly just at the moment that this victory has been achieved and this very successful program has achieved the effectiveness that it has for us to do anything that would destroy that effectiveness.

The problem that I personally have with the amendment offered by the Senator from North Carolina—and I am not so sure about the proposal by the Senator from Kansas—is that it not only sets a cap, but, if I read the amendment correctly, it also adds this language:

> It is the intent of Congress that there shall be no further appropriations for purposes of this program, and that the Secretary shall act accordingly.

What that means, in effect, Mr. President, is if we adopt this amendment today with the arbitrary ceiling that is being proposed in this amendment, you, in effect, flaunt the previous language in the authorization bill which said, in effect, it is all right to set a cap but do not tie the hands of the administrators or of the Congress in such a way as to reduce the benefits of people who are participating in the program.

In other words, what is the justice in saying, on the one hand, we are going to provide a thrifty meal plan for food stamp participants—and nobody in the Government has ever devised a more economical low-cost meal plan than that—and then saying in the next breath, "Provided we authorize enough money to pay for it"?

That is the problem, as I see it, with this amendment. It will have the effect, if the projected inflation does its work—and we have projections on food inflation that run as high as 14 percent in the year ahead, and none of us knows where the unemployment level is going to be—but those are the two factors that are most likely to increase food stamp participation.

With all due respect to the critics of this program, it is not laziness, it is not dishonesty, it is not a collapse of American values that are responsible for the increase in participation in the program; it is the fact that Congress has wisely recognized that no one ought to go hungry in a country as affluent and as blessed as the United States. But the effect of this amendment may be to take away with one hand what we offer with another.

I know the Senator from Kansas has been committed to this program from the very beginning, and has participated not only in strengthening the program but in leading some of the reforms that have corrected some of the abuses that needed to be corrected in the program.

But I do not think it is a mistake to say, in effect, that we are going to see to it that no American family falls below a certain dietary level. No matter what the situation, if they fall below an income of a certain level we have all agreed upon is a humane level, we are going to guarantee that they will at least have the so-called thrifty plan diet.

I think I can say here without any real fear of being proved wrong that there probably is not a Senate family that eats that thrifty diet multiplied by two. I also think I am on fairly sound ground in saying that this dining room, those of us who have used it, probably returned more to us in the way of subsidized meals than any families now receiving aid in the way of food stamp families.

I am not one of the departing Senators trying to embarrass anyone or suggesting that we change that arrangement in the dining room, but I do want to say that it bothers me to see a program which has gone thus far suddenly the subject of so much criticism that I think, in effect, denies the commitment we have made to low-income families across the country.

Most of the people benefiting from food stamps are children, they are old people, they are handicapped people. All of them are poor people, and it just seems to me that it is a mistake to include this language.

If the Senate wants to set some kind of cap, that is one thing. But we ought not to have this language as the amendment is now drafted, "It is the intent of Congress that there shall be no further appropriations for purposes of this program."

I think that is a bad precedent in any event. It does not take into account the contingencies that could confront the administrators of the program.

Under those circumstances, if I understand the amendment properly, and if I misunderstand it I hope I will be corrected, I hope the Senate will reject it.

Mr. EAGLETON. Mr. President, I have an amendment to the Helms amendment.

The PRESIDING OFFICER. The clerk will report.

The Chair will announce that the Chair stands corrected. The Helms amendment is an amendment in the second degree, and an amendment thereto would be in the third degree and, therefore, not in order.

Mr. EAGLETON. All right. Then I wish to speak in opposition to the Helms amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. The remarks of Senator McGOVERN are preeminently correct. He has put his finger, and properly so, on the mischief of the Helms amendment.

At first blush and after only a superficial reading it even smacks of belated humanitarianism on the part of the Senator from North Carolina. He is going to increase appropriations for food stamps. Religion has come late unto him.

Senator DOLE was delighted to see what at first blush appeared to be an improvement. But it is the additional language in the Helms amendment, of course, which has the lethal effect that apparently the Senator intends in order to eradicate from this country those to whom he refers as parasites—poor people, young people, elderly people, disabled people—the parasites upon whom he wishes to impose his wrath.

Thirty-eight cents a meal. That is what the thrifty food plan allows, 38 cents a meal to the very young, the very old, the very poor, and the disabled, the parasites of America. That is what he is after in this language which is innocently added to what at first blush appears to be an unexpectedly generous figure.

That is exactly what that amendment will do. It will require an immediate cut of the type I have mentioned.

An elderly couple on social security, are they parasites, because all they get out of social security is $250 a month and if that is the sole source of their income, they get $84 a month in food stamps? Senator HELMS says that is too much. He says they ought to be cut to $73 a month, those parasites. That is just what he is attempting to do with this amendment.

Let us strip it of any humanitarianism or any warmth. It is to get the parasites that he describes.

So I think the amendment ought to be identified for precisely what it is. At an appropriate time I will move to table the Helms amendment, but I do not want to cut off debate.

Mr. CHAFEE. Mr. President, I have great trouble with this amendment. It seems to me that the people can get some satisfaction in voting for a cap, but if we really want to get at the problems of the program that are suggested to exist—and I am not espousing an argument that there are not all kinds of problems in the program, it is expensive, and it is expensive because there appear to be a lot of poor people out there in America—then let us vote on the criteria; let us vote, have a vote, on who is eligible, should such and such a person be eligible. We have had such votes here in the past. We voted 2 years ago, I believe, that there would not be any cash payment required for the stamps. We voted in connection with students, and we have had all sorts of votes, and I think that is the correct way to proceed.

But I do not think it is correct to proceed with this cap business, which can only cause trouble, cause misery, for those who are eligible under the present criteria, and who will lose out in the closing months of the fiscal year when there is no more money but the people are still there.

Now, one of the problems that is raised is in January of this year there will be an 11-percent cost-of-living increase for the beneficiaries of the program. I am not sure that that has been taken into consideration in this cap. But I am just opposed to this business of placing a cap on what is, in fact, an entitlement program, and let us get to the entitlement part if we so choose, but not proceed in this manner.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I would much prefer to speak for myself than to have the distinguished Senator from Missouri speak for me. He is entitled to his views, even as to what he thinks is my intent on this or any other matter. He may even be sincere, but he is sincerely wrong.

The fact is, Mr. President, that the truly needy of this country are being deprived of the kind of help they need by such foolish administration of the food stamp program as has been so apparent all these years.

Mr. President, do you want to know whose voices are among the strongest in criticism of the food stamp program? I will tell you—the local administrators of the program, the people in the local communities who are locked in by the regulations and the rules that come down from Washington, D.C.

These local administrators have repeatedly said that if they did not have to hand out food stamps to people who just do not want to work, there would be more help for needy children and others about whom Senator EAGLETON weeps such copious tears. We could extend more help to the crippled and the blind. The local administrators know that the food stamp program is out of control. And so do the American people, Mr. President.

If the Senator from Missouri or any other Senator doubts it, let him ask his local administrators. Come to my office, Senator, and I will show you what local administrators all over this country have written to me.

This food stamp program is running wild. I believe, Mr. President, that there are millions of Americans across this country who have seen the abuse of this program at the supermarket.

Let us look at the practical effect of my amendment, which the Senator from Missouri criticizes so vehemently. This amendment will assure that the truly needy people in the program will not—let me repeat, will not—face a shutdown in July or August. By addressing this issue now, we will be telling the Secretary of Agriculture how much tax money he should expect to receive for food stamps this fiscal year.

And Congress, as the Senator from Kansas said, can appropriate more money if Congress decides later to do it. The hands of Congress are not being tied by this amendment. But the Secretary should not plan on additional appropriations. He should, instead, send to this Congress, including the Senate Committee on Agriculture, his detailed plan to tighten up this program. And I believe that any reasonable recommendation will receive earnest consideration, by the committee, by this Senate, and certainly by this Senator from North Carolina.

To plan now, Mr. President, to appropriate more than the generous $10.5 billion specified by my amendment is simply a plan to do violence to the budget that we passed in this Chamber just 1 week ago.

I do not want to be offensive to my friend from Missouri, but his suggestion that I lack compassion for the poor is unseemly. It is simply not so. I think he knows that. If he wants to compare his record of compassion with mine I will be glad to have him do so.

We have a duty to the poor, certainly. But we have a duty also to the working taxpayers of this country who are fed up to here, Mr. President, with overruns in the cost of this and other welfare programs. It is time that commonsense was restored. It is time that we dropped some of the pious cliches, and leveled with the American people. It is time that we faced the reality of what this food stamp program is and how it has been so badly abused.

The Senator from Missouri claims that the thrifty food plan provides for only 38 cents per meal. That is another incorrect statement on his part. The per meal per person value of the thrifty food plan is almost twice that amount. So here we have the same old rhetoric that anybody who tries to put a limit on this food stamp program is hardhearted and against the poor and all of that. It simply is not so. What the Senator from North Carolina favors is fiscal responsibility. That can be done and that can be achieved with commonsense. We should get about it.

Mr. President, if the Senator wants to move to table the amendment, that is his privilege. But I say again that the Secretary of Agriculture has discretion in making benefit reductions so that the truly needy will be protected. That is what I expect him to do. I think that effective January 20 we will have a Secretary of Agriculture who will do precisely that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I think we have probably discussed the merits. Again, I want the record to reflect my agreement in principle with the remarks of the distinguished Senator from South Dakota, Senator McGOVERN. I know of no one who has had a more constructive role in this effort over the past 12 years than the distinguished Senator from South Dakota.

The Senator from Kansas found himself in agreement—sometimes a lonely voice in agreement—with the Senator from South Dakota, because I share the view that there is a great deal of merit in this program. I can understand the differences we may have as to how we achieve a balance and how we protect the interest of the taxpayers on the one hand and those who may be in need on the other.

It is a very expensive process. No one has ever denied that it is not an expensive program. There have been efforts made in the Agriculture Committee, the authorizing committee, to tighten up the program. There have been efforts made in the Appropriations Committee to tighten up the program. Some of those efforts were led by different members of the committee, by the Senator from North Carolina, by the Senator from Kansas, the Senator from South Dakota, the Senator from Georgia, Senator TALMADGE, and others.

Having said that, let us go back to what I thought I was suggesting after much discussion in offering my amendment which would effectively fully fund the program but still with a cap—because whether we do anything with the amendment or not there is still going to be a cap—there is a cap right now, and that cap is $9.7 billion. The Senator from Kansas sought to raise that to about $11 billion, which, according to most estimates, would fully fund the program.

An amendment to my amendment has been offered by the distinguished Senator from North Carolina which would reduce that figure to effectively $10.5 billion, still $800 million above the cap in the bill before us. So I suggest the Senator from North Carolina is trying to make certain that the program will be funded.

With reference to the additional language, this Senator reads it one way. I read earlier language in a way that I could not accept, because it was very specific about what may or may not be done. But as this Senator interprets this language, and as I have been reassured by the Senator from North Carolina, there is nothing in the additional language, and could be nothing in the additional language, that would bind the next Congress, which will start here on January 5, 1981.

For that reason, I have concluded, maybe improperly, that we are in effect raising the cap by $800 million, that we are providing some more flexibility for the incoming administration, and that we are sayng to the incoming administration: Do as has been suggested by the Senator from Rhode Island, Senator CHAFEE—either appropriate more funds to fully fund this program or come in with appropriate changes or modifications that will provide savings to prevent any need for increases in appropriations.

Having said that, this is the way the Senator interprets the amendment.

I will further say that we have a responsibility this next year in this program to make certain that we do not try to become fiscal conservatives at the expense of low income Americans. This Senator has indicated publicly that, as a member of the Nutrition Subcommittee, and perhaps the chairman of that subcommittee (though that is yet to be determined), it will be my purpose to make certain we improve the program. We can do that, and it can be done, in my view, without doing harm and without jeopardizing the rights of those who rely on this program for the very reasons stated by the Senator from South Dakota.

Mr. BELLMON. Mr. President, I would like to make a very short comment and then ask a question of the distinguished Senators from Kansas and North Carolina.

The official estimates I have been furnished on the cost of the food stamp program for fiscal 1981 shows the program is likely to cost $11 billion. I do not know where Senator DOLE gets his information, but that is my information. Limiting appropriations to $10.5 billion would require a $0.5 billion cut. To obtain that cut, we are always talking about how it can be done—by changing eligibility, by putting in a means test and all kinds of ways. Frankly, I am in favor of trying to get the program under control. It has gone up since the Dole-McGovern amendment was adopted. The cost has almost doubled. Something has to be done.

The committee recommendation of $9.7 billion is all that is authorized. That puts us up to the authorization.

If we go ahead and adopt the Dole amendment, as modified by the Senator from North Carolina, would the sponsors, both of whom are members of the Agriculture Committee, and the Senator from North Carolina will be chairman next year, agree to make this change subject to authorization, which would mean that the program would have to be examined by the authorizing committee before the money is available? That would put the Senator into the position of almost immediately reviewing the program.

Mr. HELMS. I would say in answer to the Senator, yes, but it is going to be examined anyhow.

Mr. BELLMON. Perhaps it would be the same on the Senate side. If we made it subject to authorization, it would also require the House to get into the authorization review.

Mr. HELMS. I am advised that the authorization will expire next year and the program will have to be reauthorized next year.

Mr. BELLMON. The current authorization runs through fiscal 1981, does it not?

Mr. HELMS. Yes.

Mr. BELLMON. This money would be available in fiscal 1981.

Mr. HELMS. That is correct.

Mr. BELLMON. So if we required this money to be authorized, then it would require that the program be reexamined before the fiscal year was over.

Mr. HELMS. I see the Senator's point and I agree with him.

Mr. BELLMON. Can we so amend the amendment to make it subject to authorization?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily so that the distinguished Senator from California (Mr. HAYAKAWA) can offer an amendment which I understand will be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. At the conclusion of action on the amendment of the Senator from California, I ask that we return to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1806

Mr. HAYAKAWA. Mr. President, I want to offer an amendment which amends two figures previously amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HAYAKAWA. I ask unanimous consent to consider my amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAYAKAWA. My amendment is as follows:

On page 9, line 2, strike out "$10,575,000" and insert "$11,075,000."

On page 9, line 20, strike out "$214,014,000" and insert instead "$214,514,000".

The PRESIDING OFFICER. Will the Senator send his amendment to the desk? The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. HAYAKAWA) proposes an unprinted amendment numbered 1806.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 2, strike out "$10,575,000" and insert "$11,075,000".

On page 9, line 20, strike out "$214,014,000" and insert "$214,514,000".

Mr. HAYAKAWA. This amendment restores to the agricultural appropriation bill $500,000 for cooperative research for germ plasm.

This money was recommended in the President's budget. It was also included in the bill as it passed the House. The $500,000 I want to restore to the agricultural appropriations bill will actually provide funds for the States' share of germ plasm research facilities, and it will complement the money, that is, $13.1 million, that was included under the agriculture research section of the bill for germ plasm research. Once the proper facilities are constructed, the money must be provided to staff and maintain a germ plasm repository for this research.

I shall explain in a moment, Mr. President, what germ plasm means, in case it is not clear to others.

In this case, we need to provide the funding for the States' share of the clonal repositories and fruit trees. These facilities are actually located in various parts of the country but they serve the entire Nation.

These facilities are in Davis, Calif.; Corvallis, Oreg.; and Geneva, N.Y.

Further facilities are planned for Riverside, Calif.

The program is already underway.

Mr. President, this is an ongoing program and the research is long-term with long-term benefits. But the research involves, and this is what germ plasm is about, developing fruit and nut trees that are disease resistant and pest resistant. We cannot interrupt this research and expect any kind of results.

I hope you understand, Mr. President, that when they are disease resistant and pest resistant, then the use of chemical pesticides and chemical insecticides disappear because they are, by nature, resistant to these dangers.

Our producers rely very heavily on such research in order to stay competitive. As you know, our producers are constantly facing stiff competition from other countries. We must do what we can to help our growers. I believe it would be foolish to cut these research funds for a program that is successful and ongoing.

As I said, Mr. President, the House has already included this money in the bill that it passed, and the money was also recommended in the President's budget. I implore the present managers of this bill to join in this appropriation.

In Davis, Calif., they store germ plasm for apricots, almonds, walnuts, peaches, pistachios and European wine grapes.

As I mentioned, there are other kinds of crops whose germ plasm is stored in other parts of the country, wherever they are needed and important.

The Environmental Protection Agency has become more stringent in its regulation of pesticides. Therefore, further research in this kind of disease resistant and pest resistant plants is of great importance, especially if we are to have stronger and more stringent environmental controls over the use of pesticides and insecticides.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from California.

Mr. HUMPHREY. Mr. President, have the yeas and nays been ordered on these amendments?

The PRESIDING OFFICER. The yeas and nays have not been ordered on these amendments.

Mr. HAYAKAWA. Mr. President, I do not think I need the yeas and nays.

Mr. BELLMON. We accept the amendment.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Do I maintain the right to ask for the yeas and nays at this juncture?

The PRESIDING OFFICER. The Senator has that right.

Mr. HUMPHREY. I ask for the yeas and nays.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments en bloc of the Senator from California.

The amendments were agreed to.

Mr. HAYAKAWA. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BELLMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1805

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I have done the best I know how to assure responsible funding for this program. In fact, I have gone far beyond what I think it ought to be and I have met the usual kind of heavy-handed criticism. I am left with no recourse. In a moment, I am going to make a suggestion to the Senator from Kansas for his consideration, but first I simply say, as I said earlier, some of the strongest criticisms of the operation of the food stamp program come from the administrators on the local level, level-headed and dedicated public servants who know what is going on. They do not have to have a Senator from North Carolina or a Senator from Kansas or Missouri or anybody else to tell them what is going on. They know. They see the abuses of the food stamp program every day. And so do housewives in the supermarket. So we ought to put an end to the nonsense that we have heard today—that those of us who are trying to control this program are somewhat lacking in compassion. It is time that we showed some compassion for the forgotten American, the taxpayer.

I want to point out a few things about the food stamp program. In 1967, I ask the Chair if he knows how many people were receiving food stamps? One out of 157. By 1970, because of eligibility requirements being relaxed, it was 1 in 47; in 1973, 1 in 17; in 1975, 1 in 13. Now, today, one out of every seven Americans is eligible.

We talk about being tightfisted. My soul, Mr. President, $10.5 billion for a program—how in the world can that be characterized as tightfisted? Even the Senator from Missouri must be straining to come up with that conclusion. I cannot believe he was serious.

Just last week, Congress adopted the second concurrent budget resolution. That resolution allowed what? Precisely the figure that the Senator from North Carolina has proposed in his amendment—$10.5 billion in food stamp funding. So, in the name of consistency—and we ought to be consistent around this place—we ought to be attentive to what we did last week. All I am saying is that food stamp spending must at least be limited to that level.

So what do I hear? I hear insulting suggestions that I lack compassion, that I have no concern for the poor. I would never say that about another Senator, Mr. President. I never have and never will. I think I ought to say for the record that I resent it.

What we are talking about is trying to do something to get this country straightened out again, in terms of this program and all the rest of them that——

Mr. EAGLETON. Will the Senator yield for a question?

Mr. HELMS. No, sir, I did not interrupt the Senator when he was making his unfortunate statements.

Mr. EAGLETON. Did the Senator use the word "parasite"?

Mr. HELMS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAGLETON. Mr. President——

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. The word "parasite" did not originate with JESSE HELMS. It originated with administrators on the local level.

Mr. President, I say again, to be consistent with the budget that we just adopted last week, I believe that food stamp spending must be limited to that level. Make no mistake about it, Mr. President, this is not—repeat, it is not—a harsh or unreasonable change in the food stamp program; $10.5 billion is the full amount of funding allowed in our budget. It is an increase of $800 million above the appropriation level recommended by the Appropriations Committees of both the House and the Senate; $10.5 billion is $1,100,000,000 above the food stamp funding of last year. Who will seriously suggest that such an enormous sum is hardhearted?

Let the record be clear, Mr. President. Notwithstanding the rhetoric that we have heard on this floor today, no food stamp recipient will receive a lesser amount of food stamps than in a previous month when this change is implemented in January. It simply reduces the amount of increase that recipients will receive in January because of the regular Consumer Price Index adjustments. Therefore, no adverse action notices need be sent to recipients advising them of a change in benefits.

We must keep expenditures within the level that we provide in the budget, Mr. President. That is the intent of my amendment and that is the sole intent.

Mr. President, the Senator from Rhode Island described the food stamp program in the technical term as being an entitlement program. I say to him that in technical terms, it is a limited entitlement program. That ought to be made clear.

Let me say again, Mr. President, that I have tried to be cooperative in this matter. I have gone far beyond what I would like to see done in terms of bringing this program under control. I have done the best I know how. I wonder if the distinguished Senator from Kansas would be willing to consider withdrawing his amendment, which would, of course, bring down my amendment? Then we can proceed from there.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I think the distinguished Senator from North Carolina has probably made a good suggestion. I think it would most likely be preliminary to what we are going to have early next year. There is still going to be a cap on the bill. It is going to be $800 million less than suggested by the Senator from New York, about $1.3 billion less than suggested by the Senator from Kansas. But there is still a cap. That cap is $9.7 billion.

Come next July, we could be facing the same crisis we faced last year when the Secretary had no discretion but to send out notices to start reducing benefits. The Congress met that crisis somewhat belatedly.

It was in order to avoid such a crisis, that the Senator from Kansas stood up about an hour and a half ago and suggested that maybe we ought to increase the cap. I agree with the Senator from Rhode Island that perhaps the cap is arbitrary. The best way to make permanent changes is in program eligibility and other benefit provisions.

I believe we have had a good airing of what will be discussed time and time again on the Senate floor. I think everyone understands we are going back to $9.7 billion—not to the $10.5 billion suggested by the Senator from North Carolina, not to the $11 billion suggested by the Senator from Kansas, but back to the $9.7 billion as originally authorized.

Come next year, it will be incumbent on the incoming Reagan administration to face up to this problem very early, because, as I have indicated, if that is not done, there will be a crisis in this program insofar as the beneficiaries are concerned come July, August, and September.

There is such a thing as compassion for the taxpayers as well as low-income Americans. I do not know of anyone in this body who lacks compassion.

But I will be working closely with the distinguished Senator from North Carolina and everyone else on the Senate Agriculture Committee next year to try to improve the program and not deprive low-income Americans, senior citizens, the handicapped, and others who are beneficiaries of this program, not because they want to be but because of necessity, so that their rights and their benefits will be preserved.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. EAGLETON. Mr. President, I have remarks at this juncture on this bill.

I make no apology to anyone with respect to any rhetoric that has been used. The inflammatory rhetoric was injected into this debate by the Senator from North Carolina referring to food stamp recipients as parasites.

I want to clarify for the Record, and these are the facts, exactly who are the recipients of food stamps and some highlights from the program.

Twenty-two million people are recipients of food stamps, three-fifths of all recipients are either the elderly, disabled, or very young children; 2½ million of them are elderly; 10 million of the 22 million are children.

The average benefit received by all of the participants is 38 cents per meal—I stand by that figure, that is the established figure. It has been widely publicized.

Further, there has not been a benefit increase for food stamp recipients since January 1980, and food prices have already gone up in the intervening months, over 10 percent.

So I am delighted with the action now taken jointly by Senator Dole and Senator Helms, thereby, in withdrawing their amendments, leaving the bill in its original posture.

Mr. BELLMON. Mr. President, before we leave this subject, I ask unanimous consent that a table showing the trends and cost of the food stamp program be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

C.B.O.

FOOD STAMP EXPENDITURES

[Fiscal years]

	Total expenditures (billions)	Percent increase over prior year	Recipients (millions)
1975	$4.7	63.3	17.1
1976	5.7	22.0	18.6
1977	5.4	−5.2	17.1
1978	5.6	3.7	15.8
1979	6.9	23.2	20.2
1980	9.2	33.3	21.2
1981[1]	10.8	17.3	23.0

[1] Estimate.

Mr. BELLMON. Mr. President, I will cite a couple of facts.

In fiscal year 1975, the cost of the food stamp program was $4.7 billion. In 1978, it was $5.6 billion. It had grown modestly during that 4-year period, but that was the year when the Dole-McGovern amendment began its impact.

Between 1978 and 1980, the cost had grown to $9.2 billion. It is estimated that for 1981, the cost would be $10.8 billion.

So it is obvious to me that here is a program that does need careful reexamination. I am hopeful that the new administration will work carefully to see if there are places where some saving can be made without working a hardship on people who genuinely need the benefits this program provides.

UP AMENDMENT NO. 1807

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

> The Senator from Colorado (Mr. Armstrong), on behalf of himself and Mr. Hatch, proposes an unprinted amendment numbered 1807:
>
> At the appropriate place in the bill, insert the following:
>
> Sec. . None of the funds herein appropriated shall be available to pay the expenses of—
>
> (1) parties intervening in any regulatory proceeding; or
>
> (2) any person acting as a witness, expert, or advisor; for or on behalf of any public or private organization appearing before the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration.

Mr. ARMSTRONG. Mr. President, the amendment I am now offering to the agriculture appropriations bill (H.R. 7591) will insure that the USDA does not attempt to implement a program of intervenor funding, for which the Department does not have statutory authority. This amendment prohibits the Agriculture Department from using Federal tax dollars to initiate a proposed departmental public intervention program.

In March 1978, President Carter issued Executive Order 12044 which directed each executive agency to adopt procedures to improve existing and future regulations. Section 2(c) of this order stated that agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations. Suggested procedures include the issuance of advance notices of proposed rulemaking, the holding of open conferences or public hearings, notifying interested parties directly, et cetera.

The Agriculture Department has implemented this Executive order and has developed an Office of Public Participation to enhance public participation and awareness of USDA policies. This Office provides decision calendars informing the public of proposed USDA hearings and actions, provides statements describing the impact of proposed regulations, and attempts to insure that regulations are written in "plain English."

Mr. President, I would like to emphasize that my amendment does not attempt to shut down the USDA Office of Public Participation. I commend the Department for its efforts to improve and increase public participation. Better decisions can be achieved as a result of increased opportunities for discussion and debate. The Department has taken significant strides in this direction. The establishment of decision calendars will help inform the public about what is being planned and by whom. Impact analysis statements and additional press releases will help provide a full explanation of the implications of proposed actions and will aid in explaining how a decision was made. Also, the writing of regulations in "plain English" will lead to an improved understanding of the regulations that are issued. The allowance of at least 60 days for public comments, with regional public hearings, will provide the public adequate time and opportunity to respond to most proposed regulations. These proposals for increased public participation are worthwhile and will provide the Department with additional information in its rulemaking proceedings.

However, the USDA has also interpreted that Executive Order 12044 authorizes the Department to use Federal funds to pay the expenses of individuals, private or public organizations who participate in USDA hearings or participate in the Department's rulemaking process.

In 1978, the USDA began to develop a program to reimburse certain "qualified" people and organizations which participate in departmental hearings. In May 1980, the USDA published final regulations for the repayment of certain participants in the USDA rulemaking proceedings.

Mr. President, I believe the concept of public intervenor funding is flawed and represents a misdirection of public funds. American farmers have been hard hit by inflation. Congress must take the responsibility to bring inflation to a halt through the adoption of sound fiscal policies. Reimbursing participants in rulemaking proceedings is one that we can least afford. It results in the diversion of budget dollars from other agriculturally related programs. As an example, the expenditure of such funding in areas of research and education would have a more beneficial impact on agriculture than the reimbursement of participants.

Second, since the Department weighs evenly oral and written comments on proposed rulemakings, the submission of a written comment will assure that any and all participants have the opportunity to participate in the regulatory process. Reimbursement of participants is unnecessary to insure representations of a public interest.

Third, the public intervenor program is susceptible to widespread abuse and fraud. For example, the regulations provide that the final decision as to who will receive such moneys will be decided upon by some official within the Department. There are no safeguards to prevent moneys under this program from simply being awarded to organizations supportive of the regulatory proposal. There is a probability that the intervenor money will be doled out to USDA favorites in the self-proclaimed professional public interest community, who will support USDA regulatory proposals. No matter how carefully devised the criteria for public intervenors can be abused and subverted to funnel Federal tax dollars to favored organizations.

Obviously, the concept of this program is wasteful, unworkable, and open to possible abuse and fraud. However, an even greater concern is the fact that the USDA public intervenor program is another example of the Federal bureaucracy initiating a program without congressional authority. Indeed, I would like to emphasize that Congress in the past has voted against the initiation of such programs.

Mr. President, on Monday, September 22, 1980, the Senate once again addressed the question of intervenor funding. On this day, the distinguished Senator from Missouri, Senator DANFORTH, offered an amendment to the HUD appropriations bill which prohibited the Office of Consumer Affairs from spending Federal funds to initiate an intervenor program. The Senate adopted this amendment.

I would like to point out to my colleagues that the United States Code provides that no Federal funds shall be expended except as provided by the Congress. I do not believe USDA has the statutory authority to spend funds for the public intervenor program. The Department has relied upon the Comptroller General's ruling that a Federal agency may find that it has implied authority to pay the costs of participants in agency proceedings. In addition, the USDA Public Participation Steering Committee report stated that "the USDA would seem to have authority to pay these costs."

There is no line item in the Agriculture appropriations budget for the implementation of the intervenor program. However, it is quite obvious that the Department intends to implement the intervenor program this year. The USDA handbook entitled "Reimbursement of Participants in USDA Rulemaking Proceeding—A Handbook for Applicants," states:

> The availability of funds for participation in particular USDA rulemaking proceedings will be determined by the agency involved and induced in the notice of rulemaking which is announced in various ways.

In other words, each agency with USDA will establish its own spending level for this intervenor funding. This action completely circumvents the congressional appropriations process and is an attempt by the USDA to completely ignore congressional opposition to such a program.

Mr. President, this program is being implemented without statutory authority but only on solicitors' opinions. This program is in direct defiance of Congress which has on numerous occasions opposed such a program.

The adoption of this amendment which prohibits the implementation of the USDA intervenor funding program is another step in bringing the Federal bureaucracy back under control. I urge my colleagues to adopt this amendment to the Agriculture appropriations bill.

Mr. President, it would be my purpose not to discuss this matter at length in the hope that it could be accepted without lengthy argument.

I express this hope, although my amendment addresses itself to an important and sometimes controversial issue. The reason I think perhaps this could be accepted without much controversy or detailed discussion is that it is a matter which has been discussed recently in the Senate and voted on recently in the Senate. That is, the question of whether or not we ought to have Federal payments for professional witnesses and intervenors.

It is my belief that to do so would be a mistake.

The USDA has shown a certain tendency to want to establish a program of federally funded intervenors, notwithstanding the fact that Congress has declined to provide such funding.

The purpose of my amendment is to simply make it absolutely clear that in no event will any of the funds contained herein be used for that purpose.

Unless there is objection, I would like to stop at that point and go on to other business. If there are those who would like to have a more detailed explanation, I will be happy to speak on this matter at length.

Mr. MORGAN. Mr. President, I apologize for failing to hear the first part of the Senator's explanation. I was otherwise engaged.

But is this the part that relates to an appropriation that could be used for consumer affairs, consumer activities?

Mr. ARMSTRONG. No. I have another amendment, I say to the Senator, which addresses that issue.

This amendment prohibits the use of any Federal funds for intervenors in any regulatory proceedings, or paying any person acting as a witness, expert or advisory, in proceedings before the USDA.

It does not address itself to the question of consumer affairs.

Mr. MORGAN. What kind of proceeding before the USDA would they normally have? There must be dozens of them, but I cannot think of them offhand.

Mr. ARMSTRONG. We are talking about rulemaking proceedings of various kinds. In fact, just to give the background of it, in March 1978 the President issued an Executive order which directed each executive agency to adopt procedures respecting the rulemaking process.

Section 2(c) of this order stated that agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations.

That is a purpose I am sure we all agree with, and which is commendable.

Unfortunately, in implementing this provision the Department of Agriculture has interpreted it to mean they were permitted to pay witnesses to come before the Department in its rulemaking proceedings, to pay people to come forward and give their opinions on matters which were under decision by the Department.

In my opinion, this is wasteful. But the thing really concerning me is not the potential for the waste of Federal money, but the fact that it is open to simply being used as a way to pay professional witnesses who are in agreement with proposals advanced by the Department.

It is an unwholesome kind of relationship between a rulemaking body and the witnesses. It could be—and I suspect that in some cases might well become—merely a payoff to self-appointed public interest groups and, in fact, could become an important source of funding for such groups if this practice became widespread.

The Senate considered this matter most recently on September 22, when the distinguished Senator from Missouri (Mr. DANFORTH) offered an amendment to the HUD bill which prohibited the Office of Consumer Affairs from spending Federal funds to initiate an intervenor program. The Senate adopted this amendment.

This brings me back, Mr. President, to the point at which I began, that since the Senate previously has considered this proposal, it is not my purpose to discuss it at length or to ask for a rollcall vote, unless there is an objection to the issue.

Mr. MORGAN. Under the illustration given by the Senator from Colorado, I could not agree more readily with him.

The only thing about it is this: Suppose the USDA is called upon to adopt trade regulations or regulations with regard to beef or soybeans or tobacco or corn, and they really need some expertise in order to work out those regulations. Would they be forbidden, under the amendment of the Senator from Colorado, from bringing in that kind of expertise?

I use as my background the years when I was attorney general of North Carolina and acted as a public advocate with regard to ratemaking. Quite often, we had to bring in economists and experts who held expertise in utility rates and profits, and so forth. Without them, I would have been helpless.

Would this amendment prohibit the kind of case I am talking about, where you need particular expertise, and at the same time accomplish what the Senator would like to have accomplished?

Mr. ARMSTRONG. Mr. President, the answer is that the legitimate needs of the Department can be accommodated notwithstanding the pending amendment.

As a matter of fact, it is my position—and I believe it is a sound legal position—that the Department is acting well beyond its legal authority in undertaking a program of paying witnesses. That is what we really are talking about—paid witnesses. We are talking about consultants; we are talking about staffers. We are talking about people who come before rulemaking proceedings to testify and who are paid for doing so. In my opinion, there is no statutory authority for the Department to do so; therefore, such expenditures violate the law.

However, the Department is relying upon the Comptroller General's ruling that the Department may imply that it has the authority to pay the costs.

In addition, the USDA Public Participation Steering Committee report states:

> The USDA would seem to have the authority to pay these costs.

So there has been an interpretation which at least hints that they have the authority to pay these witnesses—an interpretation with which I disagree.

However, rather than leave it a grey area, it seems to me wise to make a definitive statement and simply say that none of the funds in this bill shall be used for that purpose.

In my opinion, it would not affect the ability of the Department to hire consultants or to proceed as they have proceeded for many years. This is aimed at a specific program and a specific executive order which I believe has been misinterpreted.

Mr. MORGAN. I could not agree more, for the purpose expressed by the Senator from Colorado, except that I have some concern that there might be some areas where it might be helpful.

Mr. STEVENSON. Mr. President, will the Senator yield for a question?

Mr. MORGAN. I yield.

Mr. STEVENSON. If this amendment is going to take some time, I wonder whether the distinguished Senator from Colorado would permit his amendment to be laid aside temporarily, in order that I might offer an amendment to which I believe there is no objection and which I believe the managers will accept.

Mr. ARMSTRONG. I inquire of the managers: Is it their intention to object to this amendment?

Mr. EAGLETON. Yes.

Mr. ARMSTRONG. In that case, I am happy to comply with the request of the Senator from Illinois that this amendment be laid aside temporarily, with the understanding that upon the completion of his amendment, this amendment will be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. I thank the Senator from Colorado.

UP AMENDMENT NO. 1808

Mr. STEVENSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Illinois (Mr. STEVENSON) proposes an unprinted amendment numbered 1808.

Mr. STEVENSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At Sec. 624, p. 61, line 20, delete the phrase, "and Upper Mud River, West Virginia." and insert in lieu thereof "Upper Mud River, West Virginia; South Zumbro Watershed, Dodge and Olmstead Counties, Minnesota; Elk Creek Watershed, Kansas; and Little Calumet Watershed, Illinois."

Mr. STEVENSON. Mr. President, I offer this amendment on behalf of myself, Senator DURENBERGER, and Senator KASSEBAUM.

The amendment simply expands the waiver in section 624 to permit three additional watersheds to be considered for funding. Those watersheds are the South Zumbro watershed in Minnesota, the Elk Creek watershed in Kansas, and the Little Calumet watershed in Illinois.

The amendment adds no money to the bill. It simply permits these watersheds to be considered along with the others for funding. They are good projects, and all have been approved by the Soil Conservation Association.

I do not know of any objection to this amendment.

Mr. BOSCHWITZ. Mr. President, there was reference a little earlier to the distinguished Senator from Illinois offering an amendment that exempted certain watershed projects from review by the Water Resources Council. I ask unanimous consent that my name be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I have no objection to the amendment. These items come under the same waiver that already has been applied to several other projects. They do not come under any direct funding in the bill.

Mr. STEVENSON. The Senator is correct.

Mr. BELLMON. Mr. President, the Senator from Oklahoma has no objection to this amendment.

However, the reason these projects are held up is due to the inability or the unwillingness of the Water Resources Council to act.

I am not sure that the Senate is wise in overriding an executive agency which was set up for the specific purpose of looking into these water projects. I do not know why they have not approved or disapproved these, but I hope we will not be faced with this in the future. The agency should make the decision in a timely way.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (UP No. 1808) was agreed to.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BELLMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1807

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, having at least set the stage for discussion of this amendment, I will be interested to learn what objection the Senator from Missouri has, and I retain the hope that, upon reflection, he will be inclined to support the amendment.

Mr. EAGLETON. My objection to the Senator's amendment, in its total substance, is to disagree with what the Senator is trying to do.

I ask the Senator from Colorado what the vote on the amendment was on September 22. Was it a voice vote?

Mr. ARMSTRONG. Mr. President, the Senator from Colorado will have to research that question, and I shall report presently.

Mr. EAGLETON. Did the amendment stay in the final bill? Does anyone know that? Did it survive?

I understand that the conference report on the HUD bill has been filed. Perhaps someone could check to see if it remained in the bill.

In any event, while that is being ascertained—if it can be ascertained—in essence, this amendment would deny the use of funds so that outside witnesses, experts, or advisers could appear before departmental proceedings.

This matter was discussed and dealt with in the fiscal year 1979 Agriculture appropriations bill, a rider similar to this. I do not know the exact wording, but a similar rider was added over on the House side, and we agreed to this compromise language in the conference on the 1979 bill.

The proposed rider was deleted, but this language was put in the conference report:

> Any public participation programs utilizing funds provided in this act shall not be operative until the department or agency has promulgated regulations that comply with the Comptroller General's rulings on this matter.

The Comptroller General had raised some objections, so we wrote into the report that those objections had to be dealt with directly.

> Furthermore, except for an expert witness whose technical expertise is required no applicant shall be eligible to receive reimbursement if he is not a resident of the locality to

> be affected or if the interest he seeks to represent is already adequately represented by the department or other participant.

We tried in that language, however well or however poorly, to try to put some constraints on the possible indiscriminate funding of any old expert from any where to come in and testify at some interdepartment hearing. But there are many legitimate times when an individual from an affected State, who does not have the financial wherewithal on his or her own to make a trip to Washington to appear in a matter before the Department, nevertheless has a legitimate interest and a legitimate viewpoint that should be heard.

I think what is being proposed in this amendment will deny people access to the governmental system by, in essence, saying that only those who have the financial wherewithal for the round trip plane ticket may attend. To deny access to people less well off and thus make them unable to participate because of financial inadequacy is to foreclose the system to individuals. Therefore, I disagree with the substance of what the Senator from Colorado has attempted to do.

Mr. ARMSTRONG. Mr. President, I appreciate the thoughtful remarks of the Senator from Missouri. He referred to a document and I was not clear what he was referring to.

But the question I raise just to be sure I am on solid ground is this: Could he cite any statutory authority for the expenditure of funds in this matter? This is a matter that I have been causally interested in for some years. I am not aware of any statutory authority for the expenditure of funds in this manner.

Of course, a long established law is that one cannot spend money for something that is not authorized. I wonder if the Senator could cite any provision of the United States Code that permits this funding. Was he reading from some statute?

Mr. EAGLETON. It is the General Accounting Office rule that expenditure of funds for these purposes is legal. I do not know if we have the GAO report with us in the Chamber. That is my recollection from the time we were debating this on the fiscal year 1979 bill, that GAO attested to the fact that the expenditures for these purposes which were then going on were in fact legal. I do not have the document with me. I am sorry.

Mr. ARMSTRONG. I thought that was what the Senator was referring to. That is the same report which I referred to in my opening remarks and which I think is law for the reasons that I stated at that time.

However, the Senator avoids the necessity of someone having to litigate the issue to make a legal determination of whether or not such authority exists.

In view of what has been said, Mr. President, let me begin again. I think I have taken more time perhaps by trying to take a shortcut rather than laying out clearly the reasons why this amendment should be adopted which I now wish to do.

In fact, I have not yet pinned down for the Senator, and we will do so shortly, what the vote was on September 22, 1980, on the HUD bill when this same issue was raised. I only mentioned that not as a justification for the merits of this amendment but simply as a reason why I thought perhaps it could be handled expeditiously and without detailed argument on either side.

Let me now explain in some detail the purpose of this amendment. The purpose of my amendment is to assure that the USDA does not attempt to implement or continue a program of intervenor funding for which, in my opinion, the Department does not have statutory authority.

This amendment prohibits the Agriculture Department from using Federal tax dollars to initiate a proposed departmental public intervention program.

In March 1978 President Carter issued Executive Order 12,044 which directed each executive agency to adopt procedures to improve existing and future regulations. Section 2(c) of this order stated that agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations. Suggested procedures include the issuance of advance notices of proposed rulemaking, the holding of open conferences or public hearings, notifying interested parties directly and other procedures.

The Department of Agriculture has implemented this executive order and developed an office of public participation to enhance the public participation and awareness of USDA policies. This office provides decision calendars informing the public of proposed USDA hearings and actions, describes statements describing the impact of proposed legislation and attempts to assure that regulations are written in plain English, all worthy, commendable objectives.

Mr. President, I wish to emphasize that my amendment does not in any sense infringe upon or attempt to shut down the USDA Office of Public Participation. Indeed, I compliment and commend the Department for its efforts to improve the public's understanding of the proposal which is pending before the USDA.

However, my concern goes to another aspect of the interpretation. The USDA has interpreted this Executive Order 12044 to authorize the Department to use Federal funds to pay the expenses of individuals, private or public organizations, that participate in USDA hearings or participate in the Department's rulemaking process.

In 1978, the USDA began to develop a program to reimburse what we termed qualified people and organizations which participate in departmental hearings.

In May, 1980 the USDA published final regulations for the repayment of certain participants in USDA rulemaking proceedings.

Mr. President, I believe that the concept of intervenor funding is seriously flawed and represents a misdirection of public funds. I am not going to labor that point because the possibility of spending funds unwisely is not the serious concern which I feel here, although it is not a trivial one.

Second, I observe that the Senator from Missouri, I think, has emphasized wrongly the role of coming to Washington to testify. I believe it is the duty and practice of the Department to weigh evenly oral and written comments on proposed rulemakings. Therefore, the submission of a written comment should assure and I believe in most instances will assure the active participation of people all over the country without the necessity of coming to Washington or other locations where hearings may be held.

Indeed those of us who have participated in such hearings often feel that a well-written statement submitted in the proper form will have more actual weight than a personal appearance.

Third, and this is the thing that really concerns me and motivates my amendment, the public intervenor program is susceptible to widespread abuse. For example, the regulations which have been adopted provide that the final decision as to who will receive such moneys will be decided upon by an official of the Department. The same official in many cases is the person who is proposing the rulemaking on which the hearing is being held.

There are no safeguards to prevent moneys under this program from simply being awarded to organizations or individuals who are supportive of the pending regulatory proposal. Indeed there is probability that the intervenor money will be doled out to USDA favorites in the self-proclaimed professional public interest community, in other words, to, in effect, create a paid lobby, a paid witness for USDA proposals.

It seems to me that this is an inevitable consequence of such intervenor funding no matter how carefully just criteria might be revised to prevent abuse.

However, as far as I am aware there are even no proposals in the Department for preventing this kind of abuse.

Under the circumstances, it seems to me that the Senate acted wisely on the 22d of September when we adopted an amendment by the Senator from Missouri (Mr. DANFORTH) which prohibited intervenor funding in the Department of HUD.

I wish to point out, as I mentioned a moment ago, that the U.S. Code provides that no Federal funds shall be expended except as provided by law. I am aware of any statutory backing for the concept of intervenor funding which is now being pursued by USDA.

The Department, as the Senator from Missouri has pointed out, is relying upon the Comptroller General ruling that a Federal agency may find that it has implied authority to pay the cost of participance in agency proceedings. In addition, the USDA public participation steering committee report states:

> The USDA would seem to have authority to pay these costs.

There is, however, so far as I am aware no line item in the Agriculture appropriations bill nor in the budget of the Department of Agriculture for implementation of this program.

Under the circumstances, Mr. President, at very best the legal ground for implementing this kind of a program is shaky.

The policy issue, it seems to me, is an important departure from the norm for us to begin to pay witnesses to come before a rulemaking proceeding within the Department of Agriculture or other Federal departments.

So while the amount of dollars involved is not very large, it seems to me that the principle is a very important one, and one upon which the Congress should express itself. If we wish to pay intervenors to take part in these hearings, we ought to set guidelines and establish some safeguards so that there is a fair balance of which witnesses get paid and which witnesses do not. That is the background of this amendment. I hope under the circumstances the managers will be willing to accept this amendment.

Mr. President, I also ask unanimous consent that Senator Thurmond be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I have said what I had to say in my earlier remarks, and I need not repeat them.

The Armstrong amendment as it is drawn means that even an expert witness could not be reimbursed for coming before the Department. And, in my opinion, even more important than the problem this would create for the so-called expert is the fact that the average person would not be able to participate in a departmental hearing if that average person happens to live in Missouri or Colorado unless, of course, that average person happened to have an above-average income and could hire himself an above-average Washington lawyer to represent his point of view.

I do not subscribe at all to the notion that mailing in a well-prepared statement is just as efficacious and just as effective as coming and appearing at some proceeding in person. We get statements by the baleful in our various committee hearings. But when a live witness comes before the committee and has a prepared statement, by reason of his very presence we are obliged to at least pay him some attention.

So if access to Government is to be for those who have the financial wherewithal to hire a lawyer, then so be it. But I think in the interests of the democratization of governmental procedures we would want to provide some minimal access to the less affluent to get their point of view before an appropriate bureaucrat.

That is why I think the Armstrong amendment, although well-intentioned, is nonetheless misdirected.

As best we can ascertain, the provision to which Senator Armstrong referred in the HUD appropriations bill was adopted by the Senate on a voice vote, and then later was dropped in the HUD conference. That is the best we can piece together with the information we have. We may be in error, but that is how it appears to us.

Mr. ARMSTRONG. Mr. President, if the Senator will yield briefly, I now have before me the Record of September 22, 1980. The Senator was correct. The amendment was adopted on a voice vote because immediately preceding the adoption of the amendment there was an amendment adopted relating to the Office of Consumer Affairs, which was adopted by a vote of 42 to 36, and then by a vote of 37 yeas to 39 nays the Senate failed to agree to a motion to table the amendment, and by 38 yeas and 39 nays the Senate failed to agree to a motion to reconsider the motion to table.

The reason I think it was adopted by voice vote was that it had been voted on in principle immediately prior to that time. So I think that straightens up the Record.

The only reason I raised that issue was to save time. It does not bear on the merits of the issue or the substance of it. But I thought since it had been voted on previously by the Senate we could avoid an extended debate.

Mr. President, unless there is further debate, I am ready to proceed to a vote on this, and I would be glad to ask for a division vote.

Mr. EAGLETON. We might as well have the yeas and nays. You gave such a recital that I am excited to see how this might come out. [Laughter.]

Mr. ARMSTRONG. I join the Senator from Missouri in asking for the yeas and nays.

The PRESIDING OFFICER (Mr. Leahy). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Delaware (Mr. Biden), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Stewart), the Senator from Georgia (Mr. Talmadge), the Senator from Massachusetts (Mr. Tsongas), the Senator from Alabama (Mr. Heflin), the Senator from Kentucky (Mr. Huddleston), the Senator from Louisiana (Mr. Johnston), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from New York (Mr. Moynihan), the Senator from Mississippi (Mr. Stennis), the Senator from Florida (Mr. Stone), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

Mr. BAKER. I announce that the Senator from Utah (Mr. Garn), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 36, nays 38, as follows:

[Rollcall Vote No. 493 Leg.]

YEAS—36

Armstrong
Baker
Boren
Boschwitz
Byrd,
  Harry F., Jr.
Chiles
Cochran
Cohen
Danforth
Dole
Domenici
Exon
Goldwater
Hatch
Hayakawa
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Lugar
McClure
Melcher
Morgan
Pressler
Proxmire
Roth
Sasser
Schmitt
Schweiker
Simpson
Thurmond
Tower
Wallop
Warner
Zorinsky

NAYS—38

Baucus
Bayh
Bellmon
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chafee
Cranston
Culver
DeConcini
Durenberger
Durkin
Eagleton
Ford
Glenn
Hatfield
Heinz
Inouye
Jackson
Javits
Kennedy
Leahy
Levin
Matsunaga
McGovern
Metzenbaum
Mitchell
Nelson
Nunn
Pryor
Randolph
Riegle
Sarbanes
Stafford
Stevenson
Weicker
Young

NOT VOTING—26

Bentsen
Biden
Cannon
Church
Garn
Gravel
Hart
Heflin
Hollings
Huddleston
Johnston
Long
Magnuson
Mathias
Moynihan
Packwood
Pell
Percy
Ribicoff
Stennis
Stevens
Stewart
Stone
Talmadge
Tsongas
Williams

So Mr. Armstrong's amendment (UP No. 1807) was rejected.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Will the Senate be in order?

Mr. EAGLETON. Mr. President, it is my understanding that Senator Armstrong has one additional amendment which will probably require a vote. Senator Levin also has an amendment.

The PRESIDING OFFICER. Will the Senator from Missouri withhold for a moment?

Will the Senate be in order?

Mr. EAGLETON. Mr. President, I believe there is one additional Armstrong amendment which will require a vote, a Levin matter that will not require a vote, and then final passage. That is the best we can ascertain as to the intent of our colleagues.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Department of Agriculture has a responsibility to be sure that food stamps are not accepted for noneligible items such as soap, paper towels and toothpaste. Accepting the food stamps for those purposes can lead to a fine and suspension of license. In the process, the Department has, in many instances, denied the most fundamental right of business people, the right to defend themselves.

Frequently, small business people are sent citations 6 months after the transaction being complained about by the Department of Agriculture.

There is no way that a small business person or even a large business person can go back 6 months before and reconstruct all the sales to determine whether or not a noneligible item such as a roll of toilet paper, a towel, a tube of toothpaste, or a soap pad was sold and food stamps accepted for them.

It may be easier for a government agency to proceed against a small person, but I think it is intolerable, unconscionable, and a practice which should end.

The answer to this problem, and it is a real problem and it is pervasive, is prompt notice by the Department of Agriculture after the alleged incident.

That was the purpose of the amendment which I had planned to offer, Mr. President, an amendment which I now ask unanimous consent to be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

> At the appropriate place insert the following:
>
> None of the available funds under this or any other act shall be available to the Department of Agriculture to assess a penalty to a retailer based on a violation of a regulation or regulations governing the food products for which food stamps can be utilized unless said notification of said violation is delivered to said retailer or his agent or employee on the premises within one working day following the events which are the subject matter of the notification—unless the notification is based upon a complaint of someone other than an employee or agent of the United States Department of Agriculture. Nothing herein shall prevent the utilization at any proceeding of evidence of earlier alleged violations if such evidence is otherwise permitted by the rules of evidence applicable to the proceeding.

Mr. LEVIN. I am not going to offer this amendment today because the committee should have the opportunity, and I have spoken to both managers on this matter, to review the matter which I am raising here, to seek guidance from whatever source they may want to seek guidance on this matter, and to report back to the full Senate on their findings.

I do hope, however, Mr. President, that the managers of the bill will get the committee and the staff of the committee cracking on this matter so that a clear, fundamental violation of rights, which I believe exists in this type of aproach, will be corrected, and so that the Senate will go on record some day soon next year as saying no to a practice which makes it absolutely impossible for small business people to defend themselves against this type of a charge.

Mr. EAGLETON. Mr. President, I think the Senator from Michigan has raised a valid inquiry. He has expressed his concern over this matter to the Department of Agriculture and they responded to him in a letter dated November 25, 1980. I do not deem the response to be adequate. The Department states:

> I believe that such a delay is unusual. However, let me assure you we will make every effort to lessen the gap between the time stores are investigated and notified of their disqualification.

I think a gap of weeks or months, or whatever the time frame was in the examples that the Senator from Michigan offered, is an undue length of time. If the Senator would permit us, I would like to request the Inspector General of the U.S. Department of Agriculture, who is a very professional individual, I can assure the Senator, for his appraisal and his inquiry into the matter as raised by the Senator from Michigan.

Mr. LEVIN. I thank my friend from Missouri. I would welcome that investigation report. I intend also, Mr. President, to pursue this matter with vigor so that an injustice to the small business people particularly in this country can be corrected. We obviously must put an end to the use of food stamps for an ineligible purpose. No one wants them used in that way. We must also put an end to a practice which cannot be justified, although the end is clearly one that we all support and endorse.

I thank again the floor manager of the bill on our side and I look forward to the report of the Inspector General of the Department of Agriculture.

UP AMENDMENT NO. 1809

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Colorado (Mr. Armstrong) proposes an unprinted amendment numbered 1809:
>
> At the appropriate place in the bill, insert the following:
>
> Sec. . None of the funds appropriated in this act may be used for an Office of Consumer Affairs as directed by Executive Order 12160.

Mr. ARMSTRONG. Mr. President, the amendment speaks for itself. My amendment will simply prohibit the Department of Agriculture from using any of the appropriated funds in this bill for establishing or maintaining an Office of Consumer Affairs.

The question of creating a consumer affairs agency has been debated on many occasions by Congress. On the most recent occasion that this was voted on—February 8, 1978—the House of Representatives defeated the administration's proposed Office of Consumer Affairs by a vote of 189 to 227. It seems to me that this action clearly indicates Congress opposition to the establishment of an Office of Consumer Affairs.

Mr. President, it is a debatable issue whether or not such an office or department or bureau is a good idea. I was one of those who thought it was misnamed, that it would not aid in any known consumer interest; it would, indeed, be just another layer of costly and unnecessary bureaucracy. My purpose tonight is not to go back and litigate the policy issue, but merely to point out that Congress made a decision not to create a consumer affairs agency.

However, the administration has refused to heed Congress position on this issue. On September 26, 1979, President Carter issued Executive Order 12160 entitled, "Providing for Enhancement and Coordination of Federal Consumer Programs" which directed the Secretary of the major departments to establish in each department an Office of Consumer Affairs.

As a result of this directive, the Secretary of Agriculture appointed a special assistant to develop a USDA Office of Consumer Affairs. In fiscal year 1980, USDA spent $40,000 from the Office of the Secretary's fund to implement this program. On June 9, 1980, USDA published in the Federal Register, its "Final Consumer Affairs Plan."

To fully implement this program in fiscal year 1981, USDA requested $200,000 in its budget submission for an Office of Consumer Affairs, although this money has not, so far as I am aware, been provided in this budget. I should like to ask the Appropriations Committee if I am correct in that understanding. It has not been provided. In fact, I understand it was considered by the House and taken out.

My concern is that even without any specific funding by the Congress, nonetheless, the Department may go ahead, as it did last year, and spend from the fund of the Office of the Secretary.

That is the reason for the amendment, simply to prevent spending that was not contemplated or approved by Congress nor authorized by law.

Mr. BELLMON. Mr. President, I believe the Senator from Colorado has a valid point here. In my judgment, most of the agencies in the USDA are consumer affairs agencies. That is the reason they are there, to look after the interests of consumers. I see no reason to set up another agency for this purpose.

As I understand it, it is planned by the Department to set up an office of consumer affairs. As a matter of fact, it is discussed in some of the explanations we have been given. I was not aware of this until the Senator from Colorado raised the issue. I can see some merit in what the Senator is attempting to do.

Mr. President, on page 8 of a document called the 1981 budget explanatory notes, there is talked about an increase of $220,000 for the Consumer Affairs Office.

Mr. ARMSTRONG. I thank the Senator for his contribution and I appreciate his support.

Mr. EAGLETON. Mr. President, the House has not deleted money for the Office of Consumer Affairs. If the amendment of the Senator from Colorado prevails, it will continue to be funded. It was established pursuant to Executive order. Its purpose will be to have general oversight over the Department's consumer outreach and involvement actions and procedures, including establishing departmentwide policy and philosophy on involving consumers in decisions and programs.

The budget request that the Senator seeks to delete is intended to provide funding for three positions in the Office of Consumer Affairs to enable the Secretary to carry out the responsibility created under Executive Order 12160.

Mr. President, I oppose the amendment of the Senator from Colorado and I ask for the yeas and nays.

Before we go to this vote, Mr. President, may we dispose of any other matters, then have back-to-back votes on the Armstrong amendment and passage so as to expedite everyone's departure?

Mr. HUMPHREY. Mr. President, reserving the right to object, I shall not object provided I can be assured that the Chair will recognize me before passage of H.R. 7591.

Mr. EAGLETON. What I am suggesting is that we dispose of as many matters as we can and then vote on the Armstrong amendment and passage—whatever is the desire is all right with me.

Let me ask the Senator from Colorado, will he be willing to lay aside his amendment temporarily and dispose of a few matters, then go to it?

Mr. ARMSTRONG. Mr. President, I shall be happy to cooperate in any way. I am not sure that will get fully the purpose of the Senator from New Hampshire, but I am at the disposal of Senators. It does not matter to me when we vote on it.

Mr. EAGLETON. May we get the yeas and nays on this amendment?

The PRESIDING OFFICER (Mr. Bumpers). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, was there a unanimous-consent request pending?

The PRESIDING OFFICER. Did the Senator from Missouri make his request in the form of a unanimous-consent request?

Mr. EAGLETON. I did not want to impose on the Senator from Colorado and his amendment. I was going to ask unanimous consent that it be temporarily laid aside so that we can dispose of other matters. I make such a request.

Mr. HUMPHREY. Will the Senator state it, please?

Mr. EAGLETON. I ask unanimous consent that the amendment of the Senator from Colorado be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The bill is open to further amendment.

UP AMENDMENT NO. 1810

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. Bellmon) proposes an unprinted amendment numbered 1810.

Mr. BELLMON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, after line 20, add the following new section:

"Sec. . None of the funds appropriated in this Act may be used to administer any peanut price support program which provides loans to recipients other than farmers, except that this proviso shall not apply to organizations currently eligible for such payments."

Mr. BELLMON. Mr. President, this amendment relates to the administration of the peanut price program. Over the years, the program has been satisfactorily administered, with grower organizations providing certain services to the Department. There is a proposal now to change that administratively. The effect of this amendment will be to maintain the status quo. It will give us a chance to look into what the effect of the proposed change will be on the program and if it develops that the change is in the national interest, the amendment could be dropped in conference. If not, perhaps the House will go along with this change.

Mr. EAGLETON. Mr. President, with the understanding described by the Senator from Oklahoma, we shall take the matter to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BELLMON. I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BELLMON. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico (Mr. Domenici) be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now recurs——

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Is the Chair about to go to third reading?

The PRESIDING OFFICER. The question will recur at this point on the amendment of the Senator from Colorado.

The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Delaware (Mr. Biden), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Colorado (Mr. Hart), the Senator from Alabama (Mr. Heflin), the Senator from South Carolina (Mr. Hollings), the Senator from Kentucky (Mr. Huddleston), the Senator from Louisiana (Mr. Johnston), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from New York (Mr. Moynihan), the Senator from Connecticut (Mr. Ribicoff), the Senator from Mississippi (Mr. Stennis), the Senator from Alabama (Mr. Stewart), the Senator from Florida (Mr. Stone), the Senator from Georgia (Mr. Talmadge), the Senator from Massachusetts (Mr. Tsongas), the Senator from New Jersey (Mr. Williams), the Senator from New Hampshire (Mr. Durkin), the Senator from Illinois (Mr. Stevenson), and the Senator from Wisconsin (Mr. Nelson) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "nay."

Mr. BAKER. I announce that the Senator from Utah (Mr. Garn), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 39, nays 32, as follows:

[Rollcall Vote No. 494 Leg.]

YEAS—39

Armstrong
Baker
Bellmon
Boren
Boschwitz
Byrd,
  Harry F., Jr.
Chafee
Cochran
Danforth
Dole
Domenici
Durenberger
Exon
Ford
Goldwater
Hatch
Hayakawa
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Lugar
McClure
Melcher
Morgan
Nunn
Pressler
Proxmire
Roth
Schmitt
Schweiker
Simpson
Thurmond
Tower
Wallop
Young
Zorinsky

NAYS—32

Baucus
Bayh
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chiles
Cohen
Cranston
Culver
DeConcini
Eagleton
Glenn
Hatfield
Inouye
Jackson
Javits
Kennedy
Leahy
Levin
Matsunaga
McGovern
Metzenbaum
Mitchell
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Warner
Weicker

NOT VOTING—29

Bentsen
Biden
Cannon
Church
Durkin
Garn
Gravel
Hart
Heflin
Hollings
Huddleston
Johnston
Long
Magnuson
Mathias
Moynihan
Nelson
Packwood
Pell
Percy
Ribicoff
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Tsongas
Williams

So Mr. Armstrong's amendment (UP No. 1809) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. JOHNSTON. Mr. President, I am particularly pleased to note that the Agriculture appropriations bill, as reported, contains a small add on I offered during full committee markup for one of the most efficient and effective nutrition programs we have, the commodity supplemental feeding program. This program provides supplementary food packages to low income pregnant and nursing women and children under the age of 6 who are certified as being at nutritional risk. The food which is distributed is bought at wholesale, not retail, prices and is therefore very cost effective. Moreover, food—not coupons—is given directly to these women and children, assuring that what is prescribed for them is consumed.

New Orleans has participated in this program since 1969 and this remains a program having widespread support throughout the city, from participants to the business community. We have experienced tremendous growth—over 500 percent—in the last year for a number of reasons including certification problems which almost crippled our program but have now been resolved, an influx of Cuban refugees and other Central American immigrants and the recession. The $2.5 million I added will accommodate this increase, but will not accommodate food price inflation. Thus, strong program management will be needed to make sure that these funds cover those now on the rolls. Without this small addition—10 percent—there would be severe cutbacks and mothers would face a choice of keeping their 3-year-old on, but delaying enrollment of an infant. And in some cases, women approaching their third trimester would find that they had been dropped, during one of the most critical stages of their pregnancy.

Mr. President, this addition is critical to the continued operation of CSFP and I urge my colleagues who will be conferees to see that it is retained.●

Mr. ROBERT C. BYRD. Mr. President, American agriculture is one of our most important national assets. Our farmers' produce contributes to the good health and well-being of every American. American agriculture also contributes significantly to the relief of world hunger.

I commend the efforts of Senator EAGLETON, chairman of the Appropriations Subcommittee on Agriculture, and the able assistance of Senator BELLMON, ranking minority member on the subcommittee. As representatives of farm States, both gentlemen have firsthand knowledge of farmers' needs. They have had the cooperation of the other members on the subcommittee and the full committee in preparing a bill which addresses the problems of farmers and agriculture-related programs.

American agriculture touches the lives of every person—the food placed on a family's dinner table, the agricultural products sent overseas, the food stamp and special milk programs—all have, in one way or another, affected our lives.

One need only think of the food-for-peace program, which has helped to reduce world hunger for over a quarter century.

There are other important agriculture-related programs funded in this bill. The Farmers Home Administration and the Soil Conservation Service are two agencies which have been essential to the development of rural America.

Agricultural research is an important component of a healthy American agriculture industry. There are agricultural research activities in my own State of West Virginia. The Appalachian Regional Soil, Water, and Air Research Laboratory at Beckley, W. Va., is currently under construction, and the funds provided in this bill will help both to complete construction of the laboratory and provide it with necessary equipment. Soil, water and air research, and conservation are essential to growing healthy crops and devising ways to use our land resources effectively.

The Appalachian fruit research station in Kearneysville, W. Va., is funded in this bill. In operation for just over 1 year, the facility has contributed much to research in improving the quality of apples, peaches, apricots, and other fruits and berries.

The Federal Crop Insurance Corporation and the Commodity Credit Corporation are funded in this bill. Both are important to improving the stability of agricultural activities and products. The Federal Crop Insurance Corporation was authorized by the 1980 Federal Crop Insurance Act, an important achievement of the 96th Congress. The purpose of this act is to promote the national welfare by improving the economic stability of agriculture through a sound system of crop insurance, and to provide for the research and experience helpful in devising and establishing such insurance. The Commodity Credit Corporation helps stabilize and support farm prices, and maintains balanced supplies of agricultural commodities.

There are other important programs funded in this bill, too numerous to name. Each is important to maintaining a strong American agricultural industry and improving our agricultural products. The Appropriations Subcommittee on Agriculture has done a good job of seeing that these programs are adequately funded. The subcommittee has eliminated unnecessary funding by strengthening efforts to reduce fraud, waste, abuse, and error. The Appropriations Committee deserves a vote of thanks for its hard work and realistic recommendations.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from South Dakota (Mr. McGOVERN), the Senator from Illinois (Mr. STEVENSON), the Senator from Alabama (Mr. STEWART), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New Hampshire (Mr. DURKIN) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

Mr. BAKER. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators desiring to vote?

The result was announced—yeas 58, nays 11, as follows:

[Rollcall Vote No. 495 Leg.]

YEAS—58

Baker
Baucus
Bayh
Bellmon
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chafee
Chiles
Cochran
Cohen
Cranston
Culver
Danforth
Dole
Durenberger
Eagleton
Exon
Ford
Glenn
Hatch
Hatfield
Hayakawa
Heinz
Inouye
Jackson
Javits
Jepsen
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mitchell
Morgan
Nunn
Pressler
Pryor
Randolph
Riegle
Sarbanes
Sasser
Schweiker
Simpson
Stennis
Thurmond
Tower
Wallop
Warner
Weicker
Zorinsky

NAYS—11

Armstrong
Byrd,
  Harry F., Jr.
DeConcini
Domenici
Goldwater
Helms
Humphrey
McClure
Proxmire
Roth
Schmitt

NOT VOTING—31

Bentsen
Biden
Cannon
Church
Durkin
Garn
Gravel
Hart
Heflin
Hollings
Huddleston
Johnston
Long
Magnuson
Mathias
McGovern
Moynihan
Nelson
Packwood
Pell
Percy
Ribicoff
Stafford
Stevens
Stevenson
Stewart
Stone
Talmadge
Tsongas
Williams
Young

So the bill (H.R. 7591), as amended, was passed.

Mr. EAGLETON. Mr. President, I move

to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Missouri, without losing my right to the floor.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendments to H.R. 7591 and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Bumpers) appointed Mr. Eagleton, Mr. Stennis, Mr. Proxmire, Mr. Robert C. Byrd, Mr. Bayh, Mr. Chiles, Mr. Burdick, Mr. Sasser, Mr. Magnuson, Mr. Bellmon, Mr. Young, Mr. McClure, Mr. Garn, and Mr. Schmitt conferees on the part of the Senate.

AUTHORIZATION FOR SENATORS TO SUBMIT STATEMENTS AND INTRODUCE BILLS AND RESOLUTIONS UNTIL 9 P.M. TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may insert statements in the Record and that there may be bills and resolutions introduced until 9 p.m. tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President. reserving the right to object, I did not hear the Senator.

Mr. ROBERT C. BYRD. I merely asked that Senators might have until 9 o'clock tonight to introduce bills and resolutions.

Mr. HELMS. Very well.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until midnight tonight to file reports.

Mr. HUMPHREY. Mr. President, reserving the right to object, I wonder if the distinguished majority leader will consent to modify his request to exclude from it reports from the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Not at this time.

Mr. HUMPHREY. Then I am afraid I must object to the request, Mr President.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees other than the Committee on the Judiciary may have until midnight tonight to file reports.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE, THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until 11 a.m. on December 1 the Secretary of the Senate may be authorized to receive messages from the other body and from the President of the United States, and that they may be appropriately referred.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that throughout the recess over until 11 a.m. on Monday, December 1, the Vice President of the United States, the President of the Senate pro tempore, and the Acting President pro tempore may be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATOR ABRAHAM RIBICOFF

Mr. BUMPERS. Mr. President, it has been my rare privilege to serve 6 years in the U.S. Senate with the senior Senator from Connecticut, Abraham Ribicoff. Abe was born in a city tenement in the early years of this century and proved that the American dream was no fiction. He became one of the most successful, and certainly one of the most admired, public figures of his time.

Senator Ribicoff is the only active American to have served as a State legislator, a judge, a Congressman, a Governor, a Cabinet officer, and a U.S. Senator. I think we should all be humbled to know that he has said it is the Senate that will leave him with his fondest memories.

Abe will be remembered in part from his role in establishing the Department of Housing and Urban Development, the Department of Transportation, the Department of Education, the Department of Energy, and in enacting civil service reform and in getting the regulatory reform movement off the ground. But most of all Abe will be remembered for his combination of qualities that are so rarely found and so desperately needed: That of the intellectual, who read everything he could get his hands on in the public library as soon as he learned to read, and that of the man of good common horsesense who would never be swayed by the fashions of the moment. Abe has been a real trial to those observers of politics who can only see their subjects through ideological labels.

I think it is to Abe's great credit that he has brought many fine, talented men and women into public service. From his Senate staff alone have come a Federal district judge, a U.S. attorney, a U.S. Congressman, a provost at Wesleyan University, and a host of others. What Abe has contributed to the Senate and to the body politic is permanent. We will miss him here, but hope we will not be completely cut off from his counsel.

RETIREMENT OF ABRAHAM RIBICOFF, SENATOR FROM CONNECTICUT

Mr. DOLE. Mr. President, the Senate has often been called a club. But, for anyone who spends more than a few weeks in this Chamber or in the office or committee rooms, where much of the Senate's work is done, the club is also a family and, as in a family, one of the hardest words in the English language to pronounce is goodbye. It will be said many times in this city, by and to good men and women of both parties. Their departures may be entirely voluntary or they may be the result of a realinement of voter sentiment by which our system periodically refreshes itself, but, whatever, the reason, they cannot depart from this family without an expression of our gratitude and our lasting affection.

The Senate is not a vacuum; just the opposite, there are differences here. There is partisanship, and as the late Adlai Stevenson once said, "Thank God for partisanship for it is the life blood of democracy." Here, however profound our disagreements, they are tempered by civility and administered by friendship. No party affiliation, no ideological labor can begin to match our common allegiance to the country or the political process we try to make reflect the best within each of us.

Abraham Ribicoff is such a man, admired by his colleagues for his reason, his ability to bring opposing views together, and his capacity to discover new needs, including an economy less regulated and more productive.

I am proud and honored to have had the opportunity to serve on the Finance Committee with my good friend from Connecticut, and I can say unequivocably that his presence will be greatly missed.

For the past 18 years Senator Ribicoff has served his State and his Nation with dignity and decency. His record of public service is a litany of superior achievement: the Governor of his State, a Member of the House of Representatives, a Cabinet officer during the Kennedy administration and, as a Member of the Senate for the past 18 years. Although he will be elsewhere, Abe's record of public service will stand the test of time as an enduring standard for all who strive to serve their fellow countrymen.

Over our years of service together I have come to admire Abe Ribicoff as an imaginative legislator, as a man who was always willing to set aside partisan differences for the sake of principle, and as a man who always put the good of our Nation above all else.

In closing I will simply add that the laws Abe has written or helped to write and the example of service to his country will extend to influence future generations and help to shape the customs and attitudes of future Senates.

And so, Mr. President, although it is difficult to do, I say goodbye to Abe Ribicoff and wish he and his lovely wife Casey a happy, fruitful, and successful future.

EFFECT OF PAPERWORK REDUCTION ACT ON TVA

Mr. BAKER. Mr. President, I was pleased with the Senate's recent action in passing the Paperwork Reduction Act of 1980. It is essential that the amount of time and money expended by Federal agencies in disseminating information be limited to essential and effective transactions.

However, I am concerned about the possible impact of this legislation on the Tennessee Valley Authority's electric power program. The TVA power program is financed solely by the ratepayers of the Tennessee Valley region and does not receive appropriated funds. Congress has required TVA to keep its power rates as low as possible and has delegated this responsibility to the TVA Board of Directors. In carrying out this responsibility, the Board has found certain types of information to be necessary in managing the power program in a businesslike manner.

In this matter, I am speaking specifically of such things as, first, the annual and monthly financial reports filed with TVA by TVA's municipal and cooperative distributors; second, the research surveys used in conjunction with TVA's solar programs; third, the customer response forms and surveys used in conjunction with TVA's load-management demonstration activities; fourth, the collection of information from homeowners and businesses in conjunction with TVA's home weatherization and commercial and industrial conservation programs; and fifth, other collections, management, or use of information necessary for the economical and efficient operation of the TVA power program.

Under the Paperwork Reduction Act of 1980, the Director of the Office of Management and Budget has the authority to review the routine information flow from Federal agencies. However, in light of the unique nature of the TVA power program, I would ask that the Director give TVA every consideration for exemption from this act in the previously mentioned areas.

Mr. CHILES. Mr. President, I would like to assure the Senator from Tennessee that the Director of OMB does have the authority to act expeditiously on the kind of information collection requests you have listed. It was not the intent of the committee to hamper necessary information flow in Federal agencies. I believe the Senator will find that the legislation is designed to eliminate duplicative and unnecessary burdensome information requests of the citizens of Tennessee.

I would say further to the Senator from Tennessee that I agree that the requirements of the TVA power program are different than other Federal programs and that the Director of OMB should carefully consider how to insure that the TVA's information needs are met without unnecessarily burdening the citizens of Tennessee or unduly hampering the operations of the Tennessee Valley Authority.

WORLDWIDE COAL USE

Mr. ROBERT C. BYRD. Mr. President, the Senate coal caucus was pleased to meet today with the American representatives to the Coal Industry Advisory Board, an advisory board to the International Energy Agency. The CIAB was established to provide practical advice on how the IEA objective of doubling coal production and use by 1990 is to be achieved. The board is composed of 33 individuals from major coal-related industries around the world, including coal companies, electric utilities, manufacturing companies and national coal and electric boards, who have volunteered their services in this effort.

In May 1979, member nations of the IEA adopted a set of principles calling for the doubling of coal production and use by 1990, consistent with the requirements of preserving the environment. These principles were affirmed by the participants at the Venice summit meeting in June 1980. This goal of increased coal use is to be accomplished primarily through minimizing the use of oil for electricity generation and encouraging the construction of new coal-fired powerplants. In addition, high priority is to be placed on research and development and the rapid commercialization of advanced coal technologies.

The Coal Industry Advisory Board has concentrated its initial study on obstacles which constrain increased coal use. It established six working groups to examine the problems of production, environmental restraints, transportation requirements, international trade, coal use and research and development. The findings of these working groups have provided the basis for the first report of the board to the IEA.

This report is valuable for every Member of the Senate concerned with the problem of international energy security. The study concludes that prompt and positive action is required to accelerate the worldwide shift from oil to coal, and sets forth a series of recommendations to advance that goal. The 97th Congress will be asked to address the issues of port improvements, upgrading rail facilities, and unwinding excessive environmental and land use regulations. I commend the American representatives to this important international commission for their hard work and significant contribution and I urge my colleagues to study their recommendations carefully.

I ask unanimous consent that the material entitled "Report of the Coal Industry Advisory Board to the International Energy Agency Ministers" be printed in the Record in its entirety.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of the Coal Industry Advisory Board to the International Energy Agency Ministers

PART I—COAL ACTION PROGRAMME

Increased coal production and use: An international objective

The world energy outlook has worsened considerably over the past two years and the IEA believes that the world oil market will be in a very fragile balance at best over the coming decade. Basic changes in the use of energy are needed if we are to reduce dependence on oil. Stronger conservation measures and determined efforts to accelerate the development of all energy sources are essential to provide the foundation for sustained and balanced economic growth.

There is a great danger that the effect of the current recession will remove the sense of urgency in developing alternative sources of energy. It is critical that the impetus toward reducing reliance on oil be maintained.

Coal has a particularly important role to play in this process for the following reasons:

Reserves are abundant and widely dispersed, mostly within the industrialised countries.

Coal is already widely used for electricity generation and large industrial installations. In the long term, new combustion technologies and the conversion of coal to synthetic gas and liquid fuel will lead to an even greater market penetration of coal.

Coal is and should continue to be commercially attractive for utilities and large industrial users in most nations, providing the additional costs necessary to meet environmental standards are not excessive.

Expanded production, trade and use of coal would have a major positive influence on economic growth.

Although primarily concerned with the development of coal within the OECD, the CIAB recognises the importance of coal as an energy option and potential export commodity for many developing countries where growth expectations are currently constrained by the high price of oil. A substantial increase in coal production, use and trade should lead to increased opportunities for such countries, thus further easing the world energy situation.

The role of the CIAB

The CIAB was established by the International Energy Agency to provide practical advice on how the objective of doubling coal production and use by 1990 and tripling it by the end of the century is to be achieved. The Board is composed of 33 individuals from major coal-related industries around the world, including coal companies; electric utilities; steel, oil and manufacturing companies; and national coal and electric boards, who have volunteered their services for the work of the CIAB.

At its first meeting, in April of 1980, the Board agreed that it would concentrate its attention on the potential for a substantial expansion in the production, use and trade of thermal coal and on how obstacles that might constrain such expansion could be constructively addressed. It established six Working Groups to examine coal use; production; environmental issues; infrastructure requirements; international trade; and research and development. The findings of these Working Groups, summarized in Part II, have provided the basis for this first report of the CIAB to IEA Energy Ministers.

The Working Groups have drawn heavily on the data in the World Coal Study—"Coal—Bridge to the Future"—for their working assumptions. The CIAB appreciates the cooperation of the WOCOL staff.

The CIAB has thus far focused its attention on thermal coal and its ability to reduce oil consumption. While some oil is used in blast furnaces, the quantities are small in comparison to the total. Therefore, metallurgical coal has not been the subject of direct study by the CIAB except where its production or transportation may have impact on the growth in the use of thermal coal.

The CIAB wishes to thank associates of the members and the IEA Secretariat for the assistance provided to the Working Groups.

Conclusions of the CIAB

The Coal Industry Advisory Board welcomes the commitment by governments to the Principles for IEA Action on Coal in May 1979 and the more recent Declaration of the Venice Summit which called for the doubling of coal production and use by 1990, consistent with the requirements of preserving our environment. While the coal reserves to support this expansion exist, the CIAB finds that prompt and positive action is required to accelerate the shift from oil to coal. If this does not happen, the goal for 1990 will not be met.

The main use for thermal coal until 2000 will be in electric utilities for which coal is an economically attractive fuel. Industrial markets, although occupying a smaller role, represent an important and growing sector. In some countries, space heating requirements which now rely heavily on oil as a source of energy can be met by using coal through district heating, combined heat and power, electricity, etc. The conversion of coal to gas and liquid form will become an increasingly important factor.

The objective of tripling coal use by 2000 requires that major actions be taken. Most important, coal-fired generating capacity within the OECD must increase significantly and many existing facilities must be converted to coal-firing. It now appears that coal-fired generating capacity will have to be increased over the next 20 years from 350 GWe at present to about 1100 GWe.

The objective of doubling coal use by 1990 will be difficult to achieve as there is some doubt as to whether, given the present state of planning and required lead times, sufficient coal-fired generating capacity can be in operation by 1990.

The major constraint for achieving doubling and tripling of coal use by 1990 and 2000 respectively may well be the existence of uncertainties facing electric utilities that are inhibiting investments in generating capacity. These uncertainties arise from a number of sources including:

The future demand for electricity

The relative roles of coal and nuclear power

Environmental concerns about emissions, waste disposal and land use

Lengthening lead times caused by regulatory procedures

Questions arising about the future availability of natural gas.

The CIAB concludes that these uncertainties can be significantly reduced by firm and prompt government and industry action.

Substantial investments will also have to be made in other parts of the coal chain, in particular for coal logistic infrastructure which is currently a major bottleneck, and development of coal mines. At the present time, coal producers and investors in the infrastructure chain, public or private, are hesitant to make the necessary investments in view of the above uncertainties and lack of clear long-term government policies.

Achievement of these objectives will also require the development of a free and competitive international trade in thermal coal. This is particularly challenging since, until recently, virtually all coal moving in seaborne international trade has been metallurgical coal. The characteristics of metallurgical coal trade are different from those of thermal coal in terms of quality, the customers, and the handling requirements. Therefore, the development of a trade in thermal coal is not merely an extension of the present trade in metallurgical coal.

There are a number of existing and potential obstacles to the timely development of the capability to mine and trade coal in the required amounts. In addition to the market uncertainties noted above, these include concerns about:

Environmental, land use and permitting procedures that delay the development of new mines and associated infrastructure in some cases more than necessary

The stability of royalty and taxation policies

Reliability of international contracts

Shortages of skilled manpower

Transportation costs

In some cases, limitations on access to reserves which derive from government leasing policies

Availability of capital in those countries which limit participation in mining projects by foreign investors.

These concerns must be addressed simultaneously and urgently in order for coal to play its role. A coordinated and comprehensive action programme for governments and industry is necessary.

The CIAB recognizes that industry and government both have important roles in dealing with these obstacles. The principal role the CIAB believes governments can play is to provide a stable business environment and framework within which investment decisions about the coal chain can be made. Within this framework, industry should be willing to make the necessary long-term commitments. Furthermore, the CIAB believes that financing for the necessary investments can be found provided that there is a stable and attractive business environment and that appropriate and secure long-term commitments are made.

There is insufficient emphasis at present on coal-related research, development and demonstration. Efficient and aggressive research, development and demonstration programmes along the whole coal chain should be given higher priority by both industry and governments. This can lead to greatly increased coal use in existing and new markets under conditions of improved costs and environmental acceptability.

Generally speaking, the environmental problems attendant on coal mining, transportation and use can be resolved with presently available technologies. The costs to consumers of complying with increasingly tighter environmental protection laws are high and are likely to get higher. In some cases, standards have been formulated with little or no assessment of the costs involved. The CIAB believes that appropriate environmental standards, taking into account overall costs and the impact on improved health and safety, need to be a continuing area for government attention. However, the CIAB supports further efforts to increase the cost-effectiveness of solving these environmental problems through further research and process development.

The CIAB members recognize that in order to fulfil the IEA coal objective and to resolve the problems identified above, there should be strengthened, consistent and effective cooperation between governments and industry to stimulate and encourage the coal industry. There is also need for greater cooperation between producers and consumers, including joint participation in projects as appropriate. Such cooperation will contribute to a progressive removal of uncertainties related to coal development.

Recommendations to governments

The CIAB recommends that:

1. Governments adopt measures to ensure an increase in coal use compatible with the IEA's objectives. Implicit in the IEA's goals to double coal use by 1990 and triple it by the year 2000 is a requirement for coal-fired generating capacity within the OECD countries to increase from the current level of about 350 GWe to about 1100 GWe by the end of the century. Although expressed intentions suggest that this level is attainable, corresponding commitments are lacking.

The CIAB therefore recommends that OECD countries make specific commitments to create conditions under which the necessary coal-fired generating capacity can be put in place. This commitment must be backed up by measures to:

Allow oil and gas prices to adjust to world levels;

Prohibit the construction of new oil-fired utility boilers for baseload and, wherever possible, for intermediate power generation;

Encourage the planned conversion of existing oil-fired boilers to coal, for both utilities and large industrial users;

Maximize coal use in large new industrial boilers;

Convert boiler facilities on government premises to coal.

2. Information about coal use needs to be made available as a top priority. Regular reports, of a more specific nature than presently available, of future plans for electricity generation including new capacity, retirements and existing capacity by type (i.e. energy source and load type) should be reported to the IEA for subsequent publication. Procedure should also be instituted for the collection and publication of data concerning coal use capabilities in the industrial and space heating sector.

3. The coal producing and exporting governments adopt measures to permit an increase in coal production and transportation capabilities compatible with the needs of the coal-using sectors. These measures should include:

Provision of a stable climate in each of their countries for investment in coal production and transportation;

Clarity and continuity of energy policies;

Expanded and clarified leasing policies;

Clear and stable royalty and taxation policies.

4. Governments take urgent action to streamline and coordinate administrative procedures at central and local levels influencing efficient production, transportation and use of coal. This recommendation addresses itself particularly to regulatory and planning procedures, including those concerned with protection of the environment.

5. Governments report in more detail than at present to the IEA, for subsequent publication, the capabilities of and plans for coal production and for improvement to the coal transportation infrastructure (in particular, railroads, pipelines and ports) to move the required amount of coal into export markets.

6. In countries where expansion of production is likely to outstrip the availability of manpower, governments should consider undertaking steps, together with industry, to alleviate this constraint. Such steps could include:

Support for accelerated training programs at all levels of technical, managerial and production skills;

Cooperating with industry to develop improvements in productivity commensurate with maintenance of health and safety standards;

Reviewing immigration policies where appropriate.

7. Governments should be prepared where necessary to give adequate assurances that coal trade will not be disrupted or restricted and that they will not take action to alter the terms of existing contracts.

8. Governments with specific restrictions on foreign investment and ownership should consider whether or not such barriers are impeding the development of coal mines and infrastructure. If they are impeding development, then the governments should examine the need to alleviate the barriers.

9. To the degree that a government is directly involved in the coal chain, funds be made available for expansion as required to meet the IEA's coal use objectives. Governments should also provide appropriate support for the private sector to accelerate the shift from oil to coal, for example by means of fiscal incentives to encourage such a shift.

10. Industry should be allowed sufficient flexibility to develop technical solutions for meeting environmental requirements. Stability of regulations be sought so as not to encumber present investment decisions or penalise previous ones.

11. Governments should take action to solve and coordinate land-use conflicts, primarily in densely populated areas, with respect to the planning and construction of new transportation systems, coal-use facilities and coal mines. They should also encourage, where necessary, regional and local development programmes which involve coal facilities and required social and physical infrastructure.

12. Governments should stimulate research, development and demonstration into new, more efficient and environmentally acceptable systems for mining, transporting and using coal, bearing in mind the long-term nature of these programmes. They should encourage international collaboration in such RD&D programmes and joint projects to ensure the development of new technologies without unnecessary duplication of effort.

13. Governments should facilitate the provision of finances and technology to Third-World countries where opportunities exist for coal production and use.

14. Comprehensive public information programmes be initiated by industry and governments to obtain broader public support for and commitment to greatly increased coal use.

Recommendations to industry

The CIAB recommends that:

1. Suppliers, transporters and users of coal explore and enter into, as appropriate to the specific situation, long-term relationships such as long-term contracts, joint ventures, etc., around which decisions concerning investments in the mining, movement and use of coal can be easily made.

2. Electric utilities thoroughly examine further opportunities for reducing the use of oil by using more coal not only in conventional coal-burning units, but also by exploring and adopting new technologies and systems as they become commercially available.

3. Industry urgently examine the shift from oil to coal as a matter of the highest priority.

4. Industry be alert and responsive to the opportunities that expanded use of coal will create for provision of equipment, supplies and services (such as mining equipment, delivery systems, coal combustion and processing equipment, etc.). Early involvement of manufacturers in development projects will facilitate the timely supply of equipment.

5. Participants in various parts of the coal transportation infrastructure be alert and responsive to opportunities that an expanded use of and trade in coal will provide. Of particular concern to the CIAB is the responsiveness of the railroads and ports, and the availability of coal slurry pipelines, to fulfilling the requirements of a rapidly growing trade in thermal coal on land and on the seas.

6. Industry take the initiative in acting together with the responsible authorities to minimise health and safety and environmental hazards associated with the mining, movement and use of coal.

7. Industry ensure that training programmes are developed to secure an adequate supply of technicians, skilled workers and managers which will be required with the expansion in the mining, movement and use of coal.

8. Research, development and demonstration be aggressively pursued in all aspects of the mining, processing and movement of coal. The benefits from such efforts may be expected to include:

Wider outlets for the use of coal

Lower costs to the final consumer

Higher labour productivity, especially in underground coal mining

Greater safety for those employed in the industry

Amelioration of the environmental impact of the coal chain.

9. There is a need to intensify efforts to monitor, stimulate and publish R & D work in all segments of the coal chain. We suggest that this could be achieved both through the increased activity of existing IEA organisations and through the formation of a professional body for the participation of individuals. A group should be formed to investigate and develop this concept.

10. Industry develop more effective management methods and programmes to promote better industrial relations and stability of coal supply.

11. Industry cooperate with governments by providing the appropriate information concerning capabilities and facilities in place and planned for the mining, processing, movement and use of coal so that governments have the information necessary to implement our recommendations.

12. Industry establish effective communication programmes to advise the general public of the necessity for using coal and for assuring the general public that industry can do what is required in a responsible fashion.

13. In order to enhance the consistency and reliability of supply, those in the coal chain, especially users and suppliers, improve definitions of coal quality for specification and measurement purposes. Coal-use installations should be designed in such a way as to use as broad a range of coals as possible.

Next steps for the CIAB

Convey the Findings of the CIAB to Individual Countries

This Report contains no recommendations aimed directly at specific problems in particular countries. It was considered appropriate to focus the conclusions and reommendations for action in this first Report at the overall problems, although their resolution will clearly require each country to undertake its own programmes.

However, the six Working Groups of the CIAB considered a number of issues and recommendations specific to one country or another. The discussions at the various Working Group meetings have given the members new perspectives and insights into probems in their own countries. The CIAB believes that these insights and the recommendations for action in specific countries are of critical importance. They should be followed up by the IEA in its review of member countries' coal policies, and by both government and industry in each country.

Therefore, the CIAB is suggesting that its members meet as soon as possible with energy ministers to discuss the specific conclusions and recommendations for action in that country as developed by the six Working Groups.

Convey the Conclusions and Recommendations to Industry

The individual members of the CIAB are involved in industry affairs in their own countries in many different ways. Each member of the CIAB has the task to convey the findings, conclusions and recommendations of the CIAB to industry. Special attention should be paid to finding ways to implement the recommendations to industry in this report.

Examine the IEA Review of Member Countries' Performance in Accordance With the Principles for IEA Action on Coal

The CIAB has concluded that the 1990 coal use objective may not be achieved unless investment in coal use facilities is substantially increased in the near future. The IEA will be conducting a review of each country's progress in meeting that objective. The CIAB recommends that it examine the results of this review at an early stage and report at its next meeting on its recommendations for solving problems identified in the review process.

Follow-up This Report

At its next meeting, CIAB members will also report on:

The results of their efforts to convey the country-specific conclusions and recommendations to governments

Conclusions about progress being made in implementing the recommendations to government and industry in this Report

Recommendations for further actions to resolve specific bottlenecks in the coal chain.

Set Up Task Forces to Examine Issues Related to Coal Use, Production and Infrastructure

The CIAB has concluded that a regular flow of improved information on aspects of the coal chain is necessary. It has recommended that governments submit such information to the IEA; that industry cooperate in providing such information to governments, and that this information be published by the IEA.

In addition, the CIAB has concluded that further consideration will have to be given to the substance of several matters on which Working Groups have already reported, on a global and country-specific basis.

The CIAB has therefore set up continuing task forces on coal use, production and infrastructure, both to advise and assist the IEA as to its methods and structures for collecting, analysing and publishing information on those subjects, and to continue consideration of substantive issues in the areas of coal use, production and infrastructure.

Neither the CIAB nor these task forces will be involved in the collection or use of any specific data, nor will the confidential or proprietary data of any company or entity collected by the IEA be made available to them.

Study Industrial Use of Coal

Time has not permitted the CIAB to focus on the use of coal in industry to the desired extent. A Task Force has been set up to examine this important issue and, in particular, to review—

The potential for coal use in large energy-intensive industries (such as iron and steel, cement, chemicals, pulp and paper);

Obstacles to increased coal use and ways in which they might be reduced.

The study will focus on both new and existing processes, both for industrial production and for coal use. Results will be reported to the next meeting of the CIAB.

PART II—EXECUTIVE SUMMARY OF THE FINDINGS OF THE CIAB WORKING GROUPS

The CIAB in April established six Working Groups to assess potential constraints to expanded coal use and advise on how such constraints might be alleviated.

These Groups addressed the subject areas of use; production; infrastructure; trade; environment; and R. & D.

These Reports are summarised in this section of the CIAB Report.

Working Group on Coal Use

The Working Group on Coal Use assessed the prospects for coal use in 1990 and 2000, on the basis of a questionnaire sent to 14 countries which, in 1978, accounted for 87 percent of total coal use within the OECD. The questionnaire asked for a breakdown of coal use according to 4 major categories: electricity and heat; industrial steam and hot water use; iron and steel industry use; and coal processing. Countries were also requested to comment on the supporting policy framework and potential obstacles to increased coal use. The Working Group compared the results of the questionnaire with the results of the recent World Coal Study (WOCOL).

The summary results are shown in Table 1 below:

TABLE 1.—PROJECTED COAL USE, 1990 AND 2000

[Mtce]

		1990		2000	
	1978 actual	CIAB questionnaire	WOCOL report	CIAB questionnaire	WOCOL report
Electricity and heat	597	1, 194–1, 231	860–1, 131	1, 557–1, 625	1, 243–1, 748
Industry:					
Steam and hot water	82	193– 198	145– 201	308– 335	219– 378
Iron and steel	205	261	272– 279	304– 311	297– 313
Coal conversion	1	40	10– 26	166– 187	156– 353
Total	884	1, 688–1, 730	1, 287–1, 637	2, 335–2, 459	1, 915–2, 792

The responses to the CIAB questionnaire indicate a potential to double coal use by 1990 and almost triple it by 2000. The estimates for 1990 are considerably higher than the estimates presented in the WOCOL report, particularly for electricity and heat generation. This difference is almost entirely attributable to a much higher estimate for the United States in the case of the CIAB questionnaire than was made in the WOCOL report. But the report cautions that the estimates do not appear to be based on investment decisions. The Working Group on Coal Use did not collect detailed information on expected capacity expansion in the electricity generating sector and this has created some difficulty in evaluating the feasibility of the country projections for coal use in that sector.

Both the report of the Working Group and the WOCOL study show a greatly increased role for coal conversion towards the end of the century, but it is clear that this will not play a major role in the tripling of coal use by that date.

The Working Group report notes a number of potential obstacles that might constrain the use of coal. There was general agreement that the most serious were long and costly delays brought about by environmental and permitting procedural requirements, as well as difficulties in dealing with the disposal of ash and other wastes from burning coal. It was also recognized that the potential for coal use in electricity generation is affected by the current uncertainty in many countries over the pace at which nuclear power is likely to expand.

Working group on coal production

The Working Group used as a bench-mark the higher set of estimates of production capability contained in the World Coal Study (WOCOL-Case B), which approximates to the target adopted by Heads of State at Venice in June of 1980. It identified and marked a number of potential constraints to coal production and recommended actions aimed at the removal of these constraints. The Group concluded that without such action, coal availability to OECD countries could fall short of the target adopted by some 10 percent of the total.

Market uncertainty was considered the single most important constraint by this Working Group. While coal producers are prepared to make the investments required to expand coal production they have yet to see firm commitments to build coal-fired capacity on the scale required. There is a real danger that this absence of commitment will delay investment in new production facilities and create a supply shortfall. If this delay extends to infrastructure facilities the resulting inefficiencies in the supply chain could exacerbate the situation. Uncertainty could be reduced by the publication of information about existing and planned investments in coal using facilities, particularly in the electric utility market, the largest coal market in the next two decades.

Costs and pricing emerged as the second most serious potential constraint on several counts. In some countries the competitive position of coal is distorted by the control of oil and gas prices below world levels. However, of more general significance, several countries expressed concern that arbitrary increases in governmental taxation and royalty policies would distort their competitive position and reduce or delay investment; on a world scale the consequence would be a supply shortfall.

Inadequate infrastructure facilities were noted as a problem since they could increase the costs to consumers and destabilise the market. The potential impact of this constraint is expected to be greatest in the two countries expected to make the greatest contribution to world trade in coal in the next twenty years—the United States and Australia. Indeed, it is estimated that United States exports of steam coal in 1980 will be some 10 million tons less than they might have been without existing port congestion.

Environmental constraints related to coal production are seen as moderate or serious constraints by several Working Group members and regarded as requiring continuous review as output expands to ensure that the OECD recommendations on coal and the environment, regarding the adoption of a cost-benefit approach, are followed.

Proposals for the opening of new mines are required to go through increasingly lengthy consultation procedures to obtain the necessary permits and planning permission. At present these procedures account for some 20–30 percent of the total lead time between the decision to invest and the commencement of production. The need for some form of procedure to consider the interest of those involved is not questioned but positive steps to streamline the process are strongly recommended.

While a shortage of investment funds is not considered as a general constraint to the expansion of coal output the Group noted that restrictions on foreign capital investment in Australia and Canada would exclude certain capital resources that could otherwise play an important role in the expansion of coal production.

Several countries, notably Australia and Canada regard labour as a serious constraint and concern is expressed that an adequate supply of suitably trained technicians, managers and skilled workers will not be available unless specific initiatives are undertaken by private industry and/or by government.

Physical reserves are not considered a constraint in any of the five major OECD coal-producing countries in the 20-year time frame considered in this study. However, due to the leasing and land-use policies of the United States government, access to reserves is viewed as a moderate constraint on United States coal output after 1990. Fifty percent of United States coal reserves are located in the western United States where 65 percent of the coal is on government-owned lands and development of an additional 15–25 percent of non-federal western coal is directly controlled by the government by virtue of the chequerboard ownership patterns.

Infrastructure working group

The Working Group on Infrastructure assessed inland transportation capabilities and port facilities with the view to determining their adequacy to support a substantial increase in international trade in thermal coal. In this assessment, the Group gave heavy emphasis to the very significant economies of scale that would accompany an increase in use of very large vessels, estimating that ships of 150,000 dwt would reduce unit transportation costs by 25 to 50 percent as compared to ships of 70,000 dwt. The Group expressed concern that infrastructure could become the most serious bottleneck in the entire coal chain and, if this were to happen, it could be difficult to maintain reasonable landed coal prices when considering the need for a rapidly growing market for thermal coal.

The Group felt, in general, that many of the potential difficulties associated with the timely development of adequate inland delivery and port systems could and would be resolved so long as:

Adequate long-term arrangements between buyers and sellers could be agreed as a basis of support for the necessary investments; and

An overall public policy framework exists that would provide certainty that the rules of the game would not be changed in a way that rendered necessary infrastructure development unprofitable.

It was recognised, however, that providing the required infrastructure, given the very rapid growth envisaged in thermal coal movement, would require a coherent policy approach to infrastructure development, together with measures to reduce the long lead times that exist in some countries.

The Working Group also made a number of observations regarding the situation in particular countries. For example:

(a) with regard to port facilities, it was felt that existing ports on the east and south coasts of the United States should be deepened to provide access for larger vessels. The lack of adequate port facilities in the western United States was also noted. It was felt that Prince Rupert (on the west coast of Canada) should be developed as a major export port. The Group also felt that a high priority needs to be given to expanding Australian ports to deal with anticipated coal exports in the period after 1985 and, in particular, that Australian authorities should give greater consideration to larger ships in their port planning.

On the importing side, the Group expressed the view that the most economical way of receiving coal would appear to be by superports and suggested that consideration should be given to the development of at least one superport in north-west Europe and one superport in the Mediterranean.

(b) with regard to inland transportation networks, considerable concern was expressed that the existing railroad network might prove to be a serious constraint on coal movement, particularly in the United States and western Canada. Potential impediments to expansion of rail capacity in these areas require attention, together with alternative means of inland transportation such as slurry pipelines.

Further consideration of inland transportation problems in Europe is also required, taking into account the possible movement towards superports. It was suggested that internal distribution systems need improvement in Germany, Switzerland and Austria.

The report noted the challenge and opportunities for the shipbuilding industry that would arise from expansion of trade in thermal coal on the scale envisaged. A trend to much larger ships will probably require commitments by users to either ownership or long-term charter arrangements.

International trade working group

The Working Group addressed the international trade implications of the working assumption adopted at the first meeting of the CIAB that world coal consumption could double by 1990 and triple by 2000. This implies a higher rate of increase for international trade, from the present level of 200 million tons to 485 million tons in 1990 and 1000 million tons in 2000. Trade in thermal coal is likely to grow more quickly than trade in metallurgical coal, which today accounts for about two-thirds of total coal trade.

The Working Group decided to make the figures contained in the report of the World Coal Study and examine and express its views on these including:

Requirements for shipping and port loading and unloading facilities

Finance for international trade including transport

Flows of coal in international trade including economics

Special factors in the Third World

Government contribution to achieving the general objectives

Actions by industry.

It was considered that the very ambitious targets for the growth in international trade could be achieved provided that governments and industry take the required action forthwith to establish an international climate which will permit expansion of trade on this scale, to convince the public that the export of natural resources which this implies is acceptable, and to make the necessary investments. In particular, in view of the lead times involved, early decisions need to be made on the necessary investments, both at the producing and consuming ends and the governments concerned must take prompt steps to establish a favourable international regime.

There is a danger that the effect of the current recession and of energy conservation may remove the sense of urgency in developing coal supplies to substitute for oil, our prime objective. The current recession also seems likely to delay business decisions on the necessary investment, particularly on the installation of new coal buring equipment and this may delay the achievement of the targets unless specific measures are taken to counteract it.

Another cause of uncertainty is the question whether the expected volumes can be loaded out of ports in the United States. There were similar concerns expressed about Australia and South Africa.

The Working Group concluded that internationally traded coal is and will remain competitive with other forms of energy for many users, especially steam raising in electricity generation and industry, and that financing of ships and ports is not likely to be a problem. The Group emphasized the need for a stable investment climate, since the lead times for coal development and infrastructure are long.

The Group also noted that potential investors in certain Third World countries need to be encouraged to face the increased risks and uncertainties which tend to be associated with projects in these countries. One contribution to this could be the participation of the World Bank. In addition, there will be a need for transfer of technology by governments and industry.

The Group welcomed the commitment made by the governments represented on the Governing Board of the IEA to promote coal trade; it observed that the practice of extraterritorial application of United States legislation may be considered a potential constraint to world coal trade.

The Group also recommended that governments act to overcome environmental problems; create a stable regulatory and fiscal climate; enforce contractual obligations; and break the circle of inaction which arises when importers and exporters each wait for the other to make the first investment decision.

Finally the Working Group believes that industry itself has a major contribution to make, in particular with respect to the design and construction of ports and infrastructure; ordering, building and operating ships; research and development; and coal specification and quality control.

Working group on environmental issues

All industrial activity including energy supply systems has an impact on the environment. Each energy source creates its own particular environmental, health and safety concerns. Coal is a versatile fuel that can be used in many ways and at each stage, from coal in the ground to final consumption, environmental, health and safety issues are raised.

The effects of coal production, transportation and use on the environment have to be examined in the context of impacts from all other sources and a balance should be struck between the environmental, health and safety implications on the one hand and the energy and economic implications on the other.

The Working Group has not treated the possibility of reducing the environmental impact by increased efficiency or conservation, but the potential for more efficient and effective use of coal at all points along the chain to minimize the environmental impacts should be recognized. The Working Group did not consider the environmental effects of technologies now under development for the production of synthetic fuels.

In general the impacts of coal extraction and transportation and the deposition of solid waste are of a local nature and are considered only briefly in this report. Emission into the atmosphere can result in local, regional and global effects. The control measures differ by countries both because of circumstances — geographical, climatic, ecological and industrial—of each region and because of differing approaches.

For CO_2 theoretical models indicate that increased use of fossil fuel might in the long run result in increased temperature and movements of climatic zones. The Working Group urged that international research efforts in this field be continued. However, according to the Working Group the CO_2 question will not necessarily be a hindrance to increased coal use in the coming decades.

The Working Group concluded that emission of SO_2 gives widespread effects and is the major cause for the formation of acid rain now occurring in some regions and that acid rain is a significant contributing factor to the acidification of lakes in areas with low buffering capacity. According to the Working Group, the most cost effective way to handle this problem is a programme which combines reduced emissions, emission through high stacks and liming in sensitive areas. These programmes must be established in international cooperation and according to local conditions.

The magnitude of the different emissions with flue gases is determined by combustion technology, type of coal used and flue gas cleaning. The technology exists at a moderate cost to reduce the emission of particulates and NO_x to the same as from oil-fired equipment. It is possible to extract SO_2 and NO_x from the flue gas by chemical processes. The cost for these processes, however, is very high. In some densely populated and industrialized regions this technology could be a necessary step in order to maintain environmental quality when the consumption of fossil fuels increases. Processes that promise a reduction in cost are at present under development.

The Working Group noted that knowledge and scientific agreement is not complete about characteristics and effects of emission. However, the present knowledge provides a sufficient base for establishing priorities and a relevant description of the major emissions. There are a great number of compounds occurring in very minute quantities in flue gases. Our knowledge about these compounds and the potential adverse effects is scarce. However, there is no scientific reason to assume that these substances contribute significantly to total risk of impact on environment and health.

Some emissions from the use of coal give only a small contribution to the total emission load compared with other sources of emission, such as traffic or industrial processes.

The Working Group concluded that there are no environmental reasons to prevent coal from substituting for oil and from meeting increasing demands for energy in the coming decades if due environmental consideration is taken in design and operation of installations for production, transport and use of coal. The Group recommended a number of actions which are reflected in the body of this report.

R & D working group

The Working Group's remit was to survey the status of current R & D, the likely timing of commercialisation of new and improved technologies and to identify areas where R & D can contribute to overcoming the constraints that could hinder the growth of coal production and use.

The Group agreed to survey selected technologies relating to all the links in the chain from coal in the ground to fuel delivered to the final user. The survey attempted to identify for each technology the status of the R & D, some of the centres of current research programmes and the priority that the development should receive. For each technology coal quality limitations were indicated and the time frame for commercialisation was estimated. In addition, the Group was concerned that many problems and constraints would be encountered in scaling up and commercialising the new technologies now at the pilot stage. The sums of capital required are very large, the scientific, technical and managerial skills requested are scarce and the engineering construction capabilities world wide will need enlarging.

The Group was particularly concerned that even the major countries' manufacturers are not developing components and materials that may be required in full-scale fuel conversion plants. The Group suggested that manufacturers be brought into the development projects early enough to have time to do their development work.

The subject of coal chemistry and physics was identified as one that would benefit substantially from increased research effort. In particular, the application of polymer chemistry holds out the possibility of greatly increasing the selectivity and control of synfuel processes. The Group recommended that private companies and governments who promote grants to university and research institutions stipulate that all or a portion of the grants be directed to coal chemistry and physical research.

The priorities assigned to the selected technologies and the discussions of the Group indicated that the highest priority should be given in the area of mining, to developing and automating continuous and longwall mining systems; in the area of coal cleaning to automation and control; in transport, to all aspects of slurry pipelines. In the key R & D area of utilisation, the commercialisation of current developments would be achieved during the period 1980–2000 in the following order:

Improved efficiencies of coal combustion including fluidised bed systems;

Utilisation of coal/oil mixtures in utility and industrial boilers;

Coal conversion processes (not directed towards the production of electricity) with:

Gasification and indirect liquefaction;

Catalytic hydrogenation for direct liquefaction; and

Pyrolysis (around the turn of the century);

Integrated combined cycle gasification and pressurised fluidised bed systems.

The Group concluded that in the period 1990–2000, a rapid increase in overall coal use can be achieved if the constraints can be resolved. It felt that the problems of infrastructure and the early introduction of fuel conversion projects could be resolved only through accelerated research and the knowledge that capital will be available.

Addendum 1—Text of the Principles for IEA Action on Coal

(Adopted by the Governing Board of the International Energy Agency meeting at Ministerial Level 21–22 May, 1979)

PRINCIPLES FOR IEA ACTION ON COAL

I. Coal in the Overall Energy Context.—

The Governing Board at Ministerial level:

1. Has reassessed the overall energy prospects to 1985 and beyond, and concludes:

(a) The basic prospects for energy market developments have not improved since the meeting of the Governing Board at Ministerial level in October, 1977.

(b) The world is still confronted with the serious risk that within the decade of the 1980's it will not have sufficient oil and other forms of energy available at reasonable prices unless present energy policies are strengthened. Such a situation would have severe economic, social and political repercussions in all Member countries and throughout the world.

(c) Developments in international oil markets during recent months have demonstrated how difficult it is to predict accurately when such a situation might arise. They have, moreover, shown clearly how exposed the world's oil supply system is, even in the short term, to unexpected supply disruptions.

2. Recognises and reaffirms the continuing need for strong policy action in all sectors of energy policy.

3. With regard to coal in particular, notes the study "Steam Coal Prospects to 2000" in which the Secretariat, on the basis of its own analysis, presents views on the potential contribution of coal to the future energy supply and demand balance.

4. Assesses the future potential for coal as follows:

(a) Conventional oil supplies will not be available at reasonable prices and in sufficient quantities to meet the growing needs of the world during the medium and longer term.

(b) Coal, nuclear power and energy conservation are the principal energy options with major potential for reducing oil dependence and thus improving the overall energy position in the medium term.

(c) In many areas of the world, coal is now economically competitive with oil in major energy consumption sectors. The competitiveness of coal is likely to improve in the future. Moreover, the coal resource base is extensive and could sustain a greatly increased production of coal.

(d) Long lead times for investment in coal utilisation equipment on the demand side and in mining and transportation on the supply side limit the short-term potential to expand coal's contribution. Beyond 1985, coal could provide a substantially greater contribution to the energy needs of IEA countries. This depends on the adoption by governments now of appropriate coal policies which stimulate capital investments on a scale commensurate with the long-term potential of this energy source.

5. Considers that with action along the lines set forth below, thermal coal utilisation in the IEA area, which in 1976 was 475 Mtoe, could, by adoption of strong national coal policies, increase beyond the 900 Mtoe for 1990 in current forecasts based on country submissions towards the 1500 Mtoe level for 2000 projected in the Secretariat's accelerated policy case in "Steam Coal Prospects to 2000".

6. Recognizes that the achievement of a rate of steam coal utilization of this order will require long term policies conducive to increased coal utilization, trade, and production in order to encourage the necessary capital investment.

7. Recognizes, however, that countries with different constitutional structures, with different national economic systems, or with differing forms of organisation of their coal industries, whether private, public or mixed, will, in their endeavours to increase coal utilisation, trade and production, necessarily have to implement and apply these Principles for IEA Action on Coal in ways which are compatible with these situations.

8. Recognises that some significant coal producers, particularly the United Kingdom and Germany, will wish to maintain policies for safeguarding their domestic coal production at levels required for energy, social or regional policy reasons.

9. Recognizes that increased coal utilisation, trade and production must proceed under acceptable environmental conditions. This will require careful planning from the beginning in order to assure a reasonable and continuing balance between energy requirements and environmental requirements.

10. Concludes that long-term oriented, effective and reliable action by Governments of IEA countries is necessary to reduce the uncertainties associated with the coal option and to improve the conditions under which enterprises develop coal utilisation, production and trade, including action to ensure the environmental acceptability of coal.

11. Concludes that in order for national coal policy measures of individual IEA countries to reinforce each other and achieve their full potential, their adoption and implementation should be on the basis of international cooperation within the IEA along the following lines:

(a) Coal will be established as a major energy source within the IEA group, and countries where coal does not at present contribute significantly to energy balances will consider it as one of the primary alternative energy choices.

(b) Countries with the potential for large increases in coal production, in particular Australia, Canada and the United States, will extend their coal production facilities and infrastructure to permit increased domestic use of coal as well as exports consistent with economic and social costs.

(c) Other significant coal producing countries, in particular and the United Kingdom and Germany, while securing the level of their coal production required by energy, social and regional policies, will accept imported coal rather than oil to meet demand in excess of this level.

(d) All IEA countries will enlarge their use of coal; where insufficient coal is available domestically, countries will seek long-term secure supplies of imported coal and provide security of access to markets.

12. Concludes that cooperation with countries which are not members of IEA, and with regional or other groups of countries with significant coal interests, would also make a positive contribution to increased coal use and trade.

13. Concludes that in order to provide reliable long-term conditions for the development of expanded trade and investment in coal, IEA countries should implement domestic measures in a manner which encourages such development.

14. Concludes that it will be necessary to establish procedures for assessment of evolving national coal programmes and policy on an on-going basis, within the IEA. The purpose of such consideration will be to ensure that national coal policy planning in each IEA country proceeds on the basis of cooperation among IEA countries and takes full account of the overall energy situation.

II. Principles for Coal Policy.—

The Governing Board at Ministerial level adopts the following Principles for Coal Policy:

15. As an essential element in meeting future energy needs, and in the light of coal's potential as outlined in Section I, IEA countries will, as common objectives, expand:

(a) the use of coal as an alternative fuel;

(b) the production of coal to meet this increased demand;

(c) international trade in coal to meet increased demand.

They will make that commitment clearly known to investors, industry and the general public.

16. They will assess their environmental policies, provisions and practices affecting coal mining, transport and combustion, disposal of coal waste, and land reclamation and, where necessary, will amplify and clarify them, taking into account:

(a) technology which is already available and which can be made widely and effectively utilised in commercial applications;

(b) the need to develop technologies for additional improvements through research and development, and to commercialize them as soon as they are economically viable;

(c) the need to provide long-term reliability for investments by minimizing revisions of environmental standards for existing facilities which disproportionately increase costs in relation to environmental benefits;

(d) the need to minimise the complexities, costs and duration of procedures for obtaining necessary approvals.

17. They will assess on a cooperative basis the wider environmental impact of increasing coal production and combustion taking into account the Recommendations on Coal and the Environment adopted by the OECD Council on 8th May, 1979 following a proposal by the Environment Committee meeting at Ministerial level on 7th-8th May, 1979.

18. In fulfilling their existing commitment to allow domestic energy prices to reach a level which encourages energy conservation and development of alternative sources of energy, IEA countries will allow coal to develop its full competitive power.

19. They will ensure that the use of oil for electricity generation is minimised by national energy policy planning which, with a minimum of exemptions, precludes new or replacement based load oil-fired capacity; progressively confines oil to middle and peak loads; and makes maximum use of fuels other than oil in dual-fired capacity.

20. They will encourage the development of transportation systems, port facilities and other infrastructure, where necessary, to handle much larger volumes of coal.

21. They will ensure that advanced methods for coal mining, transport and combustion (particularly fluidized bed combustion, improved emissions control and disposal and utilization of solid wastes) and conversion into other fuels, receive high priority in energy R, D & D programmes; and will promote the rapid commercialization of advanced coal technologies which are economically feasible and environmentally acceptable.

22. IEA countries both as producers and consumers will facilitate the expansion of international trade in coal and will do so on a basis which encourages the development of stable relations between consumers and producers, on fair, reasonable and competitive terms, especially by means of long term contracts. They will ensure that an economic, fiscal and investment climate prevails which is conducive to development of coal production, trade and utilization as envisaged in these Principles for IEA Action on Coal.

23. In order to provide reliable conditions for the development of expanded markets for coal, IEA countries which have measures in force concerning international trade in coal, including coal prices, will implement and apply those measures in a manner which fully supports these Principles for IEA Action on Coal; and they will not introduce new measures regarding international trade in coal which are inconsistent with these Principles for IEA Action on Coal except for over-riding reasons concerning the national interest, in which case they will take full account of these Principles for IEA Action on Coal.*

24. Once a long-term contract for international trade in coal has come into force, the governments of IEA countries concerned will not interfere with the implementation of the contract in accordance with its terms, unless they are compelled to do so by severe developments in the coal supply situation occurring in an individual country which threatens that country's well-being; or by a severe international energy supply emergency in which latter case they will apply any restrictions on an equitable and non-discriminatory basis.

25. In their efforts to establish an investment climate which encourages the investment necessary to expand coal production, IEA countries will in general maintain positive attitudes towards investment for coal projects, including international investment flows. Insofar as IEA countries have measures in force which provide for review or control of international investment flows, they will implement and apply those measures in a manner which fully supports these Principles for IEA Action on Coal. They will not introduce new measures regarding international investment flows for coal projects which are inconsistent with these Principles for IEA Action on Coal except for over-riding reasons concerning the national interest, in which case they will take full account of these Principles for IEA Action on Coal.*

26. To help maintain a steady flow of coal in commercial channels on a non-discriminatory basis, IEA countries will monitor the structure and growth of international coal trade as it develops.

27. In designing and implementing their national energy policies, IEA countries will take the specific steps described in the annex.

ANNEX I

Specific steps to increases

Coal Utilization

1. Ensure that national energy policy planning precludes, with a minimum of exceptions, the construction of new or replacement base-load power plants which are exclusively or mainly oil-fired. Exceptions should be permitted only where they are reasonably covered by the following situations:

National action has been taken to restructure refinery yield patterns toward light products but has not yet been able to eliminate excess quantities of residual fuel oil which cannot be used for other purposes;

Economic or supply conditions, including remoteness of location, are such that use of fuels other than oil is unreasonably expensive in comparison with oil;

Because of local climatic or demographic conditions it is impossible or unreasonably expensive to use fuels other than oil fuels in an environmentally acceptable way even with advanced technology.

2. Require that existing oil-fired base-load power plants be progressively limited to middle or peak load requirements.

3. Ensure that dual-fired power plants are not fired with oil unless other fuels are unreasonably expensive in comparison with oil or it is temporarily necessary for environmental reasons.

4. Facilitate timely construction of coal-fired power plants and supporting facilities where necessary, e.g. by improved siting and licensing procedures.

5. Encourage electric utilities to secure, and coal producers to supply, a larger part of coal requirements for power generation under long-term arrangements in order to achieve long-term supply stability; and facilitate negotiations between electric utilities and coal producers.

6. Encourage the substitution of coal for oil in new and existing industrial facilities for production of steam and process heat, unless the costs, including those for environmental protection, would be unreasonably high in comparison with oil.

7. Encourage the use of large coal-fired boilers when planning new industrial parks, district heating and cogeneration projects.

8. Ensure adequate research and development and facilitate the rapid commercialisation of improved technologies for coal combustion, including means for keeping the coal combustion cycle environmentally acceptable.

9. Encourage the commercialisation of technologies for converting coal into gas or liquid fuels, including demonstration plants.

Coal Mining

10. Ensure that fiscal regimes, e.g., government royalties and severance taxes, or transportation tariffs do not adversely affect the viability of coal mining developments.

11. Undertake programmes for labour training, improved community infrastructure and other services, where necessary to increase production.

12. Ensure that conditions for leasing of or other access to government lands and for licensing procedures for mine development encourage timely and effective expansion of coal production.

13. Ensure that mining regulations relating to environmental safety and health regulations take account of available technologies.

Coal Transportation

14. Encourage the development of efficient, economic and environmentally acceptable transportation systems with adequate capacity and flexibility (e.g. inland transportation facilities, ocean port facilities and seagoing carriers) where necessary to handle expected increases in coal trade volumes.

ANNEX II

Decision of the Governing Board on procedures for review of IEA countries' coal policies

The Governing Board—

Considering that the Governing Board at Ministerial Level on 21st-22nd May, 1979 adopted the Principles for IEA Action on Coal;

Considering the need for systematic review and assessment of coal policies as well as the need for a framework for consultations among IEA countries on coal policies;

decides:

1. The extent to which the Principles for Coal Policy set forth in Section II of the Principles for IEA Action on Coal and the specific steps described in the Annex thereto are adopted and implemented as part of the national coal policies of individual IEA countries will be a principal element of the IEA process of systematic review.

2. At regular intervals (not ordinarily less than every two years), the Governing board will assess the prospects for world coal production, trade and utilisation, and review the extent to which the main elements of national coal policies required to provide a cooperative framework within the IEA for expansion of coal use and trade have been adopted and implemented. In connection with each such review, IEA countries will inform the Governing Board, inter alia, as to the matters enumerated below, and be prepared to consult with other IEA countries within the Governing Board as to their impact on energy supply and demand:

(a) Their trade policy system which secures levels of domestic coal production (paragraph 11c of the Principles);

(b) Their proposed level of coal utilisation and in particular the extent to which their national energy policy planning permits the construction of new or replacement base-load power plants which are exclusively or mainly oil-fired, and their reasons therefor (paragraph 1 of Annex to the Principles);

(c) Whether their trade policy system and its implementation, insofar as it affects coal, is consistent with the Principles for IEA Action on Coal [paragraphs (22), (23) and (24) of the Principles];

(d) The extent to which necessary long-term investments in coal production and transportation facilities have been forthcoming; whether existing measures in force which provide for review or control of international investment flows have been implemented or applied in a manner which fully supports the Principles for IEA Action on Coal; and whether new measures introduced regarding international investment flows are consistent with the Principles for IEA Action on Coal, (paragraphs 22 and 25 of the Principles).

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*The exception stated at the end of paragraphs 23 and 25 is included at the request of Australia and Canada, and accepted by the other IEA countries on the basis of statements to the meeting by these two countries.

3. IEA countries will report to the Governing Board and be prepared to consult with other IEA countries under the aegis of the Governing Board, preferably before the event but in any case without delay:

(a) Whenever they introduce, or have introduced, a significant change in their policy regarding any of the matters referred to in paragraph 2 of this Decision;

(b) As to the nature of any over-riding reasons concerning the national interest which have led to new measures regarding international trade in coal (paragraph 23 of the Principles) or international investment flows for coal projects (paragraph 25 of the Principles), and the measures they intend to apply or have applied;

(c) As to the nature of any emergency because of which they intend to interfere, or have interfered, with transactions under long-term coal supply contracts (paragraph 24 of the Principles);

(d) Measures envisaged or taken to counter commercial activities which threaten to disrupt the steady flow of coal in commercial channels (paragraph 26 of the Principles).

ADDENDUM 2—MEMBERS AND ASSOCIATES OF THE COAL INDUSTRY ADVISORY BOARD

MEMBERS OF THE COAL INDUSTRY ADVISORY BOARD

Chairman, Mr. Nicholas T. Camicia, President and Chief Executive Officer, The Pittston Company, United States.

Vice Chairmen, Mr. Thornton F. Bradshaw, President, Atlantic Richfield Co., United States.

Sir Derek Ezra, Chairman of the National Coal Board, United Kingdom.

Mr. Yoshihiko Morozumi, President, Electric Power Development Co. Ltd., Japan.

Dr. Günter Winkelmann, Chairman of the Executive Board of Stinnes A.G., Member of the Executive Board of VEBA A.G., Germany.

Members

Mr. Richard Austen, Chairman and Managing Director, Austen & Butta Ltd., Australia.

Dr. Silvio Bobbio, Managing Director, Societa Azionaria Minero-Metallurgica S.P.A., Italy.

Mr. Ralph E. Bailey, Chairman & Chief Executive Officer, CONOCO Inc., United States.

Mr. D. S. Carruthers, Managing Director, Pacific Coal Pty. Ltd., Australia.

Mr. P. Fentener van Vlissingen, Steenkolen Handels Vereniging, Netherlands.

Mr. M. Gatti, General Director for Supplies, ENEL, Italy.

Mr. Hermann Gruner, Vorstandsmitglied der Dyckerhoff Zementwerke A.G., Germany.

Mr. N. Brian Heal, Manager of Fuel, Electricity Commission of New South Wales, Australia.

Dipl. Ing. Hans Juvancic, Mitglied des Vorstandes der Voest-Alpine A.G., Austria.

Mr. Arne S. Lundberg, Director, Swedish State Company Ltd., Sweden.

Mr. Milan Nastich, President, Ontario Hydro, Canada.

Mr. Manuel Portis Valls, Vice President, Carbunion, Spain.

Dr. Ing. Ulrich Segatz, Vorstand der Preussischen Elektrizitäts A.G., Germany.

Mr. Jean Féron, Inspecteur Général, Electricité de France (EDF), France.

Mr. R. C. Gilmore, Vice President, Marketing and Sales, Canadian Pacific Ltd., Canada.

Mr. Enji Haseo, Executive Vice President, Board of Directors, Mitsubishi Corporation, Japan.

Mr. Toshitsugu Ishihara, Director, General Manager of Energy and Mineral Resources, Research Department, Mitsui Mining Company Ltd., Japan.

Dipl. Ing. Rudolf Lenhartz, Vorsitzender des Vorstandes der Saarbergwerke A.G., Germany.

Mr. J. H. Morrish, President, Fording Coal Ltd., Canada.

Mr. Guy W. Nichols, Chairman, President and Chief Executive Officer, New England Electric System, United States.

Mr. Robert H. Quenon, President, Peabody Coal Company, United States.

Mr. George P. Schultz, Vice Chairman, Bechtel Group of Companies, United States.

Mr. Richard S. Sommer, President, RS Industries, United States.

Mr. Masami Tajiri, Managing Director, Tokyo Electric Power Company Inc., Japan.

Mr. Ir. L. C. van Wachem, Member of the Board of Directors, Shell Internationale Petroleum, Maatschappij, Netherlands.

Sir David Steel, Chairman, British Petroleum, United Kingdom.

Mr. Katsushige Tanaka, General Manager, Fuel and Ferrous Material Dept., Nippon Steel Corporation, Japan.

Mr. James W. Wilcock, Chairman and President, Joy Manufacturing Company, United States.

Associates to the members of the Coal Industry Advisory Board

Mr. Z. Allen, F. R. Schwab & Associates, Inc., New York, United States (Mr. N. T. Camicia).

Mr. R. Belgrave, British Petroleum, London, United Kingdom (Sir David Steel).

Mr. S. O. Ericson, Scandinavian Engineering Corp., Stockman, Sweden (Mr. A. Lundberg).

Mr. D. I. Farrell, Fording Coal Ltd., Calgary, (Alberta) Canada (Mr. J. H. Morrish).

Mr. D. J. Goerz, Bechtel National Inc., San Francisco, United States (Mr. G. P. Shultz).

Mr. I. Hiwasaki, Mitsubishi Corporation, Tokyo, Japan (Mr. E. Haseo).

Ms. G. Jackson, Peabody Coal Company, St. Louis (Missouri), United States (Mr. R. H. Quenon).

Dr. M. Jelinek, Stinnes International A.G., Zug, Switzerland (Dr. G. Winkelmann).

Mr. A. Kinoshita, Electric Power Development Co., Tokyo, Japan (Mr. Y. Morozumi).

Mr. N. Kobayashi, Mitsubishi Corporation, London, United Kingdom (Mr. E. Haseo).

Dr. I. Leibson, Bechtel Inc., San Francisco, United States (Mr. G. P. Shultz).

Mr. B. Lundin, Statsforetag, Stockholm, Sweden (Mr. A. Lundberg).

Mr. R. J. Maisonpierre, CONOCO International Inc., Stamford (Connecticut), United States (Mr. R. E. Bailey).

Mr. K. Mitsumasu, Japan Coal Development Co. Ltd., Tokyo, Japan (Mr. T. Ishihara).

Mr. W. Mülkens, Bundesverband der Deutschen, Industrie (BDI), Köln, Germany (Mr. H. Gruner).

Mr. R. Ormerod, National Coal Board, London, United Kingdom (Sir Derek Ezra).

Mr. K. Otfried, Saarbergwerke A.G., Saarbrücken, Germany (Dipl. Ing. R. Lenhartz).

Mr. G. F. Pecchioli, Shell International Petroleum Company Ltd., London, United Kingdom (Mr. Ir. L.C. van Wachem).

Mr. W. Peek, SSM Coal Bv, Rotterdam, Netherlands (Mr. P. Fentener van Vlissingen).

Mr. Ritchie, Canadian Pacific, Montreal, Canada (Mr. R. C. Gilmore).

Mr. H. Saito, Nippon Steel Corporation, Düsseldorf, Germany (Mr. K. Tanaka).

Mr. T. Sato, Mitsui Mining Co Ltd., Tokyo, Japan (Mr. T. Ishihara).

Dr. K. Schmidt, VDEW, Frankfurt/Main, Germany (Dr. U. Segatz).

Mr. Schulz, ELSAM, Fredericia, Denmark (Mr. P. Sachmann).

Mr. Seyd, Stinnes A.G., Mulheim-Ruhr, Germany (Dr. G. Winkelmann).

Mr. R. H. Stau, Fording Coal Co. Ltd., Calgary (Alberta), Canada (Mr. J. H. Morrish).

Dr. D. Sternlight, Atlantic Richfield Company, Los Angeles, United States (Mr. T. F. Bradshaw).

Mr. S. Ueda, Tokyo Electric Power Company Inc., Tokyo, Japan (Mr. M. Tajiri).

Mr. T. Toyooka, Electric Power Development Co., Tokyo, Japan (Mr. Y. Morozumi).

Mr. H. A. Weinek, Voest-Alpine A.G., Linz-Donau, Austria (Dipl. Ing. H. Juvancic).

NAVY CHARTER OF FOREIGN-BUILT VESSELS

Mr. HEINZ. Mr. President, last week we considered defense appropriations for fiscal year 1981. Since then, a matter has come to my attention that has, I believe, an important bearing on the Navy's ship procurement program.

I understand that the Navy's military sealift command is now soliciting bids for the charter of foreign-built ships to carry American military cargoes and even for our interim rapid deployment fleet now stationed in Diego Garcia. My information is that MSC will receive bids until noon today and plans to charter "one or more" of these foreign-built vessels before December 22, 1980.

I need not dwell before this body on the difficult straits the American shipbuilding industry is now in. Commercial orders have declined substantially and are expected to remain at low levels until the late 1980's. Access to military shipbuilding contracts may mean the difference between life and death for many American yards, and the Navy itself has recognized its central role in assuring that we continue to have an adequate industrial base and not have to rely on foreign yards. We in the Congress have long recognized our own responsibilities in this area by offsetting at least some of the unfair cost advantages enjoyed by many foreign competitors of American shipbuilders.

In view of these efforts, it is particularly difficult for me to understand how the MSC could seek to undermine American shipbuilding by long-term charters of foreign-built ships. In Pennsylvania alone, tens of thousands of workers in the steel mills, in the machine shops and in the shipyards depend on American shipbuilding. Even more workers in support industries reap the fruits of American shipbuilding. Now that we have at last come to realize the need to strengthen our Navy, as stated so well by the Wall Street Journal column by Vermont Royster, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THINKING THINGS OVER: THE MILITARY SEESAW

(By Vermont Royster)

"If peacetime operations were to escalate to a war at sea . . . the balance would be heavily weighted on the side of the Soviet navy."

That quotation isn't from some admiral in the Pentagon or some "hawkish" politician in Congress. It's from the latest issue of Jane's Fighting Ships, the British publication which for 83 years has been the authoritative source on the world's navies.

Jane's then proceeds to document, ship category by ship category, the Soviet navy's edge not simply in numbers (we're superior in numbers of carriers) but in some advanced technology and everywhere in manning and therefore in "state of readiness."

There's nothing novel about this conclusion. The Pentagon has recently acknowledged the limited state of readiness of the fleet, including that of aircraft carriers, and of the Army and Air Force as well as the Navy. We heard much about that in the recent presidential campaign. President Carter, after having previously cut back on military appropriations, has lately proposed increases. President-elect Reagan proposes still further increases.

Jane's thus confirms what we already know. What is as interesting, and perhaps more pertinent, are the reflections offered on how this state of affairs came to be. The substance of it lies in the dictum of Admiral Mahan laid down a long time ago that a dictatorship, except in times of crisis, can outrun a democracy in building and sustaining a navy. It's a dictum that applies to armed forces in general.

For over half a century our military preparedness has been on a kind of seesaw. Between 1914 and 1918 we built a force to be reckoned with. Then in the 1920s, says Jane's, "the laudable aim of force reduction overcame prudence."

Thus when World War II overtook us, as many of my generation will remember, we were again woefully unprepared. In 1939-40 soldiers drilled with broomsticks and drove trucks as "pretend" tanks. Once in the war we at first had convoys shepherded by old World War I destroyers without even soundgear to detect submarines. Many ships were sunk, many merchant seamen died, for the years of military neglect.

By V-J day, nonetheless, we had the most powerful military force in the world. The atom bomb aside, there was none to match ours. Six months later all had been dismantled. We had barely three army divisions in combat readiness. The Navy still had ships but all were undermanned. A destroyer on which I had served at Okinawa couldn't have fought one from the Honduran navy.

After that the seesaw went up and down. We pulled ourselves together for the Berlin Blockade crisis, re-girded ourselves for Korea and later Vietnam. As late as 1962 President Kennedy could face down Khrushchev over Cuba. It was a lesson the Soviets did not forget.

But we did Jane's dates the shifting of the balance on the seesaw from the middle 1960s at a time when economic conditions in the USSR lagged far behind our own.

"The watchword 'detente' was for many an excuse for reductions in those forces charged with NATO's security," as Jane's puts it. "In fact, detente was providing the USSR with a double advantage, a diminution of armed opposition and a bolstering of its technical and economic condition."

There was another factor too, I think, that affected the balance. We continued to think primarily in terms of nuclear warfare in which we could destroy the Soviet Union as well as it could us. The Soviets, on the other hand, continued to build up "conventional" forces, recognizing that there might be many situations where those forces could be decisive.

That applies to some of the current potential trouble spots, notably the Persian Gulf and the whole of the Middle East. We are scrambling around, cannibalizing many units, to put together a fast-reaction force. That's a useful thing to do. It doesn't solve our problems vis-a-vis the growing Soviet might.

Faced with that grim situation we are going to have to do what President-elect Reagan plans to do, increase military spending. We err, though, if we think that solves the problem. The temptation will be to look at the billions Mr. Reagan adds to the military budget, grit our teeth at the cost and then sigh with relief that something is being done about our defenses.

But the real secret of the Soviet success in building up military power isn't in the total spent but in the fact that Russia has spent steadily on long-range programs steadily adhered to. One small but significant note: When Mr. Reagan takes office in January, the head of the Soviet navy will mark his 25th year in that post. In the same period we've had six Presidents, ten Secretaries of Defense and a score of Chiefs of Staff, all with different ideas about our defense forces.

So something more is required than money. Otherwise all President Reagan will have done is tip our end of the seesaw temporarily. For what about the President who follows Mr. Reagan?

The something more that's required is something Admiral Mahan thought a democracy can't do, maintain a steady and consistent defense policy. Just throwing money at the defense problem risks waste and mistakes. It also risks weariness and political reaction, a problem the Soviet Union doesn't have.

Mr. Reagan would do better, I think, to proceed perhaps less rapidly but with a long-range program the country will sustain. The rest is up to us. We'll have to change our national psychology of swinging from alarm to complacency. That will take some doing. But if it isn't done our military defense will never get off that seesaw.

Mr. HEINZ. Mr. President, I call upon the Navy to, consistent with national security needs, immediately review the bid solicitation and seek American built vessels.

EXPORT CREDIT STATEMENT OF SENATORS HEINZ AND GARN

Mr. HEINZ. Mr. President, I submit the following statement for the RECORD on behalf of Senator GARN and myself:

We feel impelled to comment on the recent offer by the Finance Ministers of the European Community to raise the floor under export credit interest rates by a modest 0.6 percent. The administration has labeled this offer as welcome but "grossly inadequate." That characterization, we think, is quite apt. Those of us in the Congress who have been supporters of the Export-Import Bank over the past 2 years have repeatedly noted that while we support the Bank in its efforts to provide the American exporting community with adequate export financing, it would be far better to sit down with our trade competitors in the OECD and reach a sensible agreement to end the cutrate and cutthroat competition in subsidized export credits. With market rates approaching 12 percent per annum, the European offer to go to a 8.35-percent interest rate floor in credits to the developing world can only be characterized as "grossly inadequate."

What is particularly distressing to us about the recent offer is that the reports coming out of Europe indicate that the European Community and the Japanese would like to reach an agreement which provides internationally agreed upon export credits reflecting the true cost of money in the currency in which the export credits are offered, but that one recalcitrant member of the group has thwarted all attempts to do so. It is no secret that that member is France.

We must say that we find the French attitude on this issue to be an appalling signal of an intention to engage in a predatory export strategy in the large capital goods sector, in items such as aircraft and power generating equipment. Such behavior has no place in an international trading community based on equity and reciprocity—the sort of community which the U.S. Government has striven to achieve since its first postwar efforts to rebuild Europe and Japan.

It is our hope that the French Government will reconsider its position on this issue and that it will overrule the recent position taken by its Finance Minister. Predatory behavior in trade has no place in the Western community of nations, whether it is in the more obvious mode of dumping, or in the more concealed mode of subsidized export credits.

As supporters of the Export-Import Bank, and as Senators who plan to take a very active role in the trade arena in the 97th Congress, we want to go on record now, in no uncertain terms, to warn that a continued French position blocking an international agreement to end subsidized export financing can only result in an export credit war in which the entire Western exporting community—and most particularly the French exporting community—loses. We hope that it would be clear to the French Government that during the forthcoming OECD export credit negotiations the current administration has the full support of the majority of the next Congress and that continued foot-dragging and obstructionism in the waning days of the Carter administration can only create animosity and retaliation from the 97th Congress.

MESSAGE FROM THE HOUSE

At 5:21 p.m., a message from the House of Representatives announced that the Speaker has signed the following bills and joint resolutions:

S. 885. An act to assist the electric consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes;

S. 1135. An act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be part of the Moapa Indian Reservation;

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1386. An act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorization of appropriations contained in such acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such act, and for other purposes;

S. 1578. An act for the relief of Dr. Halla Brown;

S. 1828. An act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes;

S. 2352. An act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes;

S. 2441. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes;

S. 3152. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years;

S. 3193. An act to designate the Jacob K. Javits Federal Building;

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week";

H.R. 2510. An act to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system;

H.R. 2583. An act to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of unemployment as a justice or judge of the United States, and for other purposes;

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934;

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community;

H.R. 7698. An act for the relief of two mining claimants;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes: and

H.J. Res. 634. Joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

The bill S. 885 and the joint resolution Senate Joint Resolution 156, were subsequently signed by the President pro tempore.

The other enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. DECONCINI).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, November 25, 1980, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 885. An act to assist the electrical consumers of the Pacific Northwest through the use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes; and

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4971. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate and under German Offset Agreement for the quarter ended September 30, 1980; to the Committee on Appropriations.

EC–4972. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the schoolbus operation at Minot Air Force Base, N. Dak., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC–4973. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the family housing maintenance function at Beale Air Force Base, Calif., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC–4974. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the transient aircraft alert maintenance function at Travis Air Force Base, Calif., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC–4975. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, notice of a study with respect to converting the insect and rodent control activity at Ford Hood, Tex., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC–4976. A communication from the Acting Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report on sales of refined petroleum products and sales of retail gasoline for August 1980; to the Committee on Energy and Natural Resources.

EC–4977. A communication from the Acting Chairman of the Guam Election Commission, transmitting, pursuant to law, the results of the election for President/Vice President of the United States in Guam; to the Committee on Energy and Natural Resources.

EC–4978. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Humics, Chlorination, and Drinking Water Quality"; to the Committee on Environment and Public Works.

EC–4979. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for acquisition by lease of space for the new statutory location of the U.S. district court in White Plains, N.Y.; to the Committee on Environment and Public Works.

EC–4980. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Additional Federal Aid For Urban Water Distribution Systems Should Wait Until Needs Are Clearly Established"; to the Committee on Environment and Public Works.

EC–4981. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the final instruments and texts of the bilateral agreements negotiated during the Tokyo round of the multilateral trade negotiations; to the Committee on Finance.

EC–4982. A communication from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project performance audit reports or project completion reports prepared by the Asian Development Bank; to the Committee on Foreign Relations.

EC–4983. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, reports on international agreements, other than treaties, entered into by the United States in the 60-day period prior to November 18, 1980; to the Committee on Foreign Relations.

EC–4984. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Postal Service Merit Program Should Provide More Incentive For Improving Performance"; to the Committee on Governmental Affairs.

EC–4985. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the authorization, issuance, security, and payment of bonds, notes, and other obligations of the District of Columbia to the Committee on Governmental Affairs.

EC–4986. A communication from the Director of the Community Services Administration, transmitting, pursuant to law, the second semi-annual report of the Community Services Administration's Inspector General for the period April 1 through September 30, 1980; to the Committee on Governmental Affairs.

EC–4987. A communication from the Chief of the Procurement and Property Management Branch of the Community Services Administration, transmitting, pursuant to law, the annual report of the Administration on the utilization of foreign excess property for fiscal year 1980; to the Committee on Governmental Affairs.

EC–4988. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Millions In Stock Funds Mismanaged At Defense Personnel Support Center"; to the Committee on Governmental Affairs.

EC–4989. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Policies On U.S. Citizens Studying Medicine Abroad Need Review And Reappraisal"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–930. A petition from a citizen of Mechanicsville, Va., concerning the appointment of certain individuals in the Reagan administration; ordered to lie on the table.

POM–931. A petition from a citizen of Macungie, Pa., concerning the appointment of certain individuals in the Reagan administration; ordered to lie on the table.

POM–932. A petition from a citizen of El Dorado, Ark., concerning the appointment of certain individuals in the Reagan administration; ordered to lie on the table.

POM–933. A petition from a citizen of Independence, Kans., concerning the appointment of certain individuals in the Reagan administration; to the Committee on Labor and Human Resources.

POM-934. A petition from a citizen of Felton, Calif., concerning the appointment of certain individuals in the Reagan administration; to the Committee on Labor and Human Resources.

POM-935. A petition from a citizen of Solana Beach Calif., concerning the appointment of certain individuals in the Reagan administration; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, with an amendment (in the nature of a substitute):

H.R. 5505. An act to simplify certain provisions of the Internal Revenue Code of 1954, and for other purposes (Rept. No. 96-1033).

By Mr. LONG, from the Committee on Finance, with an amendment (in the nature of a substitute) and an amendment to the title:

H.R. 5391. An act to amend chapter 42 of the Internal Revenue Code of 1954 with respect to the determination of second tier taxes (Rept. No. 96-1034).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 5043. An act to amend the Internal Revenue Code of 1954 to provide for the tax treatment of bankruptcy, insolvency, and similar proceedings, and for other purposes (Rept. No. 96-1035).

H.R. 7956. An act to make various changes in the tax laws (Rept. No. 96-1036).

By Mr. LONG, from the Committee on Finance, with amendments, and an amendment to the title:

H.R. 4968. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases the net operating loss carryover period for a taxpayer who ceases to be real estate investment trust shall be the same as the net operating loss carryover period for a taxpayer who continues to be real estate investment trust (Rept. No. 96-1037).

By Mr. LONG, from the Committee on Finance, with amendments, and an amendment to the title:

H.R. 6806. An act to amend sections 46(f) and 167(l) of the Internal Revenue Code of 1954 with respect to the treatment of public utility property (Rept. No. 96-1038).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation:

Mr. CANNON. Mr. President, as in executive session, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 12 and November 18, 1980, at the end of the Senate proceedings).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TOWER:

S. 3226. A bill for the relief of Wesley United Methodist Church, Wichita Falls, Tex.; to the Select Committee on Small Business.

By Mr. HAYAKAWA (for himself and Mr. Cranston):

S. 3227. A bill for the relief of Benjamin Bane; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 3228. A bill to provide for the reinstatement and validation of U.S. oil and gas lease No. M-15450 (ND); to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 3229. A bill to amend the Foreign Assistance Act of 1961 to authorize the appropriation of special earthquake relief assistance for Italy in fiscal year 1980, and for other purposes; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. DeConcini, Mrs. Kassebaum, Mr. Dole, Mr. Chafee, Mr. McClure, Mr. Baker, Mr. Lugar, Mr. Warner, Mr. Bradley, Mr. Heflin, Mr. Sarbanes, Mr. Leahy, Mr. Heinz, Mr. McGovern, and Mr. Metzenbaum).

S. 3230. A bill to provide for reconstruction assistance for the victims of the recent earthquakes in Italy, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA (for himself and Mr. Cranston):

S. 3227. A bill for the relief of Benjamin Bane; to the Committee on the Judiciary.

BENJAMIN BANE

● Mr. HAYAKAWA. Mr. President, I am introducing today a bill on behalf of myself and Mr. Cranston that will provide that Benjamin Bane shall be considered not to have lost his status as a citizen of the United States.

Dr. Bane has through the years fallen victim to a series of catastrophic and administrative situations beyond his control. Dr. Bane was born in Durham, N.C. in 1905. In 1911, Benjamin Bane traveled with his parents to South Africa where he remained until he was 23 years old. At that time, he decided to continue his education as a dentist in the United States. However, upon discovering that his premedical education would not be accepted in the United States, Dr. Bane alternatively pursued his education in England where he obtained his doctorate of dentistry.

When Dr. Bane attempted to return to the United States, he was informed at the U.S. Embassy in England that a passport could not be issued in the absence of a birth certificate. Unfortunately, the Hall of Records in North Carolina, where his birth certificate was filed, had been destroyed by fire. In a subsequent attempt to obtain a U.S. passport, he was told that it would be expeditious to apply for and travel on a British passport. Therein lies the tragedy. In the haste of the processing, Dr. Bane was not informed that his application for a British passport would in any way affect his American citizenship.

Unfortunately, the rest of Dr. Bane's efforts to prove his citizenship have been unsuccessful, even though he eventually was able to secure another record of his American birth. This American born doctor, a California constitutent of mine, is now terminally ill, and I am most proud to sponsor this bill on his behalf.●

By Mr. KENNEDY:

S. 3229. A bill to amend the Foreign Assistance Act of 1961 to authorize the appropriation of special earthquake relief assistance for Italy in fiscal year 1980, and for other purposes; to the Committee on Foreign Relations.

ITALIAN EARTHQUAKE ASSISTANCE

● Mr. KENNEDY. Mr. President, I am deeply concerned by the severe earthquakes which struck southern Italy 2 days ago. The death toll is expected to approach 3,000, and at least 100,000 people are expected to be homeless. According to the Italian Government, 97 municipalities have suffered serious damage in the provinces of Naples, Salerno, Potenza, and Avellino.

I believe that our concern would be great wherever and whenever such a disaster strikes. But it is even greater in the case of Italy, such a close friend and ally of the United States with which we have strong bonds of mutual interest and friendship. Our Nation should take the lead in organizing an international response to the destruction and casualties, which have spread over 10,000 square miles in the vicinity of Naples. They are much greater than the last major earthquake which struck the Friuli region of northern Italy in 1976, killing 997 people and making some 45,000 homeless.

Mr. President, the damage is enormous and the human tragedy demands a generous and immediate response from the United States. I am consulting urgently with the administration, which is making emergency relief available, both through our diplomatic posts and through our military installations. Six helicopters, 1,000 tents, and relief commodities and supplies have already been supplied by the United States; more are on their way.

Both the Italian and U.S. Governments are now compiling on an emergency basis the full requirements for relief and rehabilitation in southern Italy. We can expect clarification of the extent of needs from the Italian Government and a full assessment from the U.S. Office of Foreign Disaster Assistance within a matter of days.

The full impact of the earthquake will not be fully known for some time. But, the immediate humanitarian needs of the earthquake victims are those needs common to all victims of natural disasters—food, water, shelter, medicine, blankets, and other supplies.

Additional amounts, however, will surely be needed in the days ahead. Given the escalating humanitarian needs in Italy, and the constraints on the availability of disaster relief funds during the remainder of this fiscal year, I believe that special legislation should be expeditiously considered by Congress. For that reason I am introducing today a bill to provide $50,000,000 in emergency relief and rehabilitation assistance to the earthquake victims of Italy.

The purpose of this bill is to authorize an emergency appropriation for responding to the relief and rehabilitation needs of earthquake victims in Italy. This is a working bill which I hope will receive the speedy consideration of the Foreign Relations Committee. In addition, I look forward to working with the Committee on Appropriations to insure that we respond promptly and effectively to this humanitarian crisis. Our Nation did so for northern Italy in 1976; it should do so again for southern Italy today.

I am hopeful that our Government, in concert with others in the international community, will spare no effort in responding to any appeals for help from the Italian Government. The people of Italy have suffered a great tragedy. They are our good friends. And we must continue the long tradition of mutual friendship and concern.

I request that material relevant to the earthquake, just received from the Office of Foreign Disaster Assistance, be inserted, following the text of the bill, at this point in the RECORD.

There being no objection, the bill and memo were ordered to be printed in the RECORD, as follows:

S. 3229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 495B of the Foreign Assistance Act of 1961 is amended by—

(1) striking out subsection (c) and inserting in lieu thereof the following:

"(c) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief and reconstruction in Italy to assist in alleviating the human suffering caused by recent earthquakes in that country. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $50,000,000 for the fiscal year 1981, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491."; and

(2) adding at the end thereof the following:

"(d) Obligations incurred before the date of enactment of this subsection against other appropriations or accounts for the purpose of providing relief and reconstruction assistance to the people of Italy may be charged to the appropriations under this section.".

INTERNATIONAL DEVELOPMENT CORPORATION,
Washington, D.C., November 24, 1980.

INFORMATION MEMORANDUM FOR MEMBERS OF CONGRESS

From: Joseph A. Mitchell, Director, Office of U.S. Foreign Disaster Assistance

Subject: Public Response to Foreign Disaster Situations

As you know, a devastating earthquake has struck the Naples region of Italy. While we are still in the process of gathering information on the exact toll of this disaster, it does appear to be a serious situation. We will be producing periodic situation reports during the emergency phase of the disaster which will be available should you require this information. Also, we will have specific information available on the voluntary agencies conducting relief programs in the area. Please be advised that as of this date the Government of Italy has not asked for international assistance.

In the past, some members of Congress and their staffs have suggested that the issuance of guidance material on the subject of public donations to the victims of foreign disasters would be useful. To maximize United States assistance to disaster victims while serving the interests of the public more effectively and efficiently, we are providing the following guidelines for your use when contacted by constituents about donations to victims of foreign disasters:

(1) Those who wish to contribute to any relief efforts should be encouraged to make cash donations to their favorite voluntary agency with programs in the affected country. Voluntary agencies work at the local level abroad and are, therefore, keenly aware of the victims' needs as well as the cultural and social customs which define appropriate types of assistance. Several voluntary agencies, including the Red Cross, have established programs around the world.

(2) Although most people give food or clothing more readily than money, cash donations entail no transport costs and create greater flexibility in terms of the types of relief given. Not only do cash donations help meet the victims' perceived needs more rapidly, but they also help satisfy other needs which, after such disruptive events, can change quickly and unexpectedly. In contrast, the process of collecting items such as food and clothing can often be painstakingly slow and their benefit thus dramatically reduced.

(3) The U.S. Government does not have funds for the transportation of privately donated goods to disaster victims. In addition, the use of United States military transport is limited by the Department of Defense (DOD) to situations where there is no civilian transportation available. When DOD transportation is used for any foreign disaster purpose, it must be paid for out of limited funds appropriated for foreign disaster relief. Therefore, if your constituents decide to collect goods for disaster victims, arranging to transport those goods should be as important to them as the collection of the goods themselves. Constituents should be urged to collect only those items requested or approved by the receiving agency, whether that agency be a voluntary organization or an agency in the affected country.

If you have any questions, please contact the Office of U.S. Foreign Disaster Assistance, Agency for International Development, at 202-632-9784. Your assistance and cooperation in helping disaster victims, as well as preventing relief supply and telephone lines from becoming clogged, would be invaluable. Thank you.

[Situation Report No. 1 Monday, November 24, 1980, 4:00 p.m.]

ITALY—EARTHQUAKE

Data

Strike Date: November 23, 1980.

Location: Naples region including the cities of Avellino, Potenza, Salerno, Naples, Caserta, Benevento, Murolucano, Pescopagano and Balvano. 30 percent of the province of Basilicata was badly damaged.

Dead: Over 700.

Homeless: Unknown.

Injured: Unknown.

People Affected: Unable to determine.

Intensity: Major earthquake measuring 6.8 on Richter Scale occurred on November 23 followed by seven tremors. Aftershocks continued in Naples A.M. of November 24.

Damage: Extent of damage unknown.

General situation

Widespread damage has been reported over an area of approximately 2,500 square miles. Details of damage are not yet available.

Travel within Naples becoming more difficult and park areas have become congested.

Streets in Naples are jammed with cars as most people expect another shock and are afraid to return to their homes.

Warning broadcast to inhabitants of Naples that water supply already polluted and that drinking water must be boiled.

Action taken by the Government of Italy

Italian government has mobilized 2,500 troops from Naples in an effort to assist victims.

Field hospitals are being set up in all major areas: Avellino, Potenza, Eboli.

One hundred fifty trailer trucks departed from Ancona with emergency supplies.

Bari and its province have also been mobilized in sending manpower and equipment to nearby areas.

Mr. Guiseppe Lamberletti has been designated the Coordinator of the relief effort.

Assistance provided by the U.S. Government

None to date. The U.S. Ambassador has not yet formally submitted a disaster determination.

Assistance provided by American voluntary agencies/private groups

None.

Assistance provided by the international community

League of Red Cross Societies has made a first installment of $290,698.00 to the Italian Red Cross to locally purchase essential relief supplies.

JOSEPH A. MITCHELL,
Director.

[Situation Report No. 2, Tuesday, November 24, 1980, 3:30 p.m.]

ITALY—EARTHQUAKE

Data

Strike Date: November 23, 1980.

Location: Naples region including the cities of Avellino, Potenza, Salerno, Naples, Caserta, Benevento, Murolucano, Pescopagano and Balvano. 30 percent of the province of Basilicata was badly damaged.

Dead: Over 1,700 (unofficial 2,000–3,000).

Homeless: 100,000.

Injured: Unknown.

People Affected: Unable to determine.

Intensity: Major earthquake measuring 6.8 on Richter Scale occurred on November 23 followed by seven tremors. Aftershocks continued in Naples A.M. of November 24.

Damage: Extent of damage unknown.

General situation

Widespread damage has been reported over an area of approximately 2,500 square miles. Details of damage are not yet available.

Affected area is mostly in mountain or hill country and difficulty is encountered in getting accurate figures as to dead, injured and homeless. However, official channels indicate that all affected towns have been reached by assistance teams.

Urban areas suffered considerable damage where facades of many standing buildings have fallen to the streets.

Travel within Naples becoming more difficult and park areas have become congested.

Streets in Naples are jammed with cars as most people expect another shock and are afraid to return to their homes.

Shelter appears to be the greatest need. Specific requests have been made for tents, trailers and possible pre-fabricated housing units. Blankets, beds, heaters, cooking equipment and electric generators are also in large demand.

Warning broadcast to inhabitants of Naples that water supply already polluted and that drinking water must be boiled.

Action taken by the Government of Italy

Italian government has mobilized 12,000 troops from Naples in an effort to assist victims with 7,000 already on the scene.

Field hospitals are being set up in all major areas: Avellino, Potenza, Eboli.

One hundred fifty trailer trucks departed from Ancona with emergency supplies.

Bari and its province have also been mobilized in sending manpower and equipment to nearby areas.

Mr. Giuseppe Lamberletti has been designated the Coordinator of the relief effort.

Convoys of relief supplies, firemen, equipment, etc. continue to move into the area.

Italian Red Cross has provided 27 ambulances and personnel, medication and blood plasma.

Government relief coordination center has been established in Potenza.

Assistance provided by the U.S. Government

The American Charge d'Affaires, Robert P. Paganelli, on November 2, 1980 determined that a disaster situation existed in Italy. It is requested that $25,000 be committed toward the shipment of tents.

U.S. tasked DOD to airlift up to 1,000 tents from European stock. The shipment will be composed of various sized U.S. military-type tents.

U.S. is deploying six helicopters (four Air Force and two naval) to be used for both reconnaissance and relief operations.

U.S. military installations within the region have been alerted to lend to the GOI such rescue and relief operations as necessary.

Assistance povided by American voluntary agencies private groups

CRS has committed an initial $50,000 to the Italian Earthquake Fund which will be supervised by CARITAS in Italy.

CRS is also conducting its annual appeal for clothing which will be used to replenish the supply distributed from its stock in Italy.

Save The Children Federation engaged in explanatory review and small fund raising activities which are expected to result in a $10,000 effort.

Assistance provided by the international community

The GOI, to date has not issued an international appeal for aid to the victims of the earthquake.

League of Red Cross Societies has made a first installment of $290,698 to the Italian Red Cross to locally purchase essential relief supplies.

United Kingdom has sent 216 tents and 5000 blankets.

Switzerland—200 tents.

Australia—$432,250 cash to National Appeal in Australia, organized by Italian Community.

Joseph A. Mitchell,
Director. ●

ADDITIONAL COSPONSORS

S. 2542

At the request of Mr. Chafee, the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 2542, a bill to grant a Federal charter to the Italian American War Veterans of the United States of America.

SENATE JOINT RESOLUTION 211

At the request of Mr. Hatch, the Senator from Michigan (Mr. Levin), the Senator from Montana (Mr. Baucus), and the Senator from New Mexico (Mr. Schmitt) were added as cosponsors of Senate Joint Resolution 211, a joint resolution designating the week beginning March 8, 1981, as "Women's History Week."

SENATE RESOLUTION 492

At the request of Mr. Hatfield, the Senator from Michigan (Mr. Riegle), and the Senator from Maine (Mr. Cohen) were added as cosponsors of Senate Resolution 492, a resolution to amend and implement rule XLII of the Standing Rules of the Senate, relating to employment practices.

AMENDMENTS SUBMITTED FOR PRINTING

INDIANA DUNES NATIONAL LAKESHORE

AMENDMENT NO. 2632

(Ordered to be printed and to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (H.R. 8350) for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York, and for other purposes.

Mr. BAYH. Mr. President during the last 18 years, I have worked with several Members of this body, most recently with my distinguished colleague from Indiana (Mr. Lugar), to try to complete the program that was started some time ago relative to the Indiana Dunes National Lakeshore. Before the end of the session, I hope to be able to introduce with Senator Lugar an amendment which will complete this task.

This amendment will include the excluded portions of the town of Beverly Shores within the boundaries of the Indiana Dunes National Lakeshore. Ever since the lakeshore was established in 1966, the exclusion of two sections of Beverly Shores known as the "island" and "highway strip" has brought the issue of the Indiana dunes back before Congress time and again. The amendment being offered today will put the issue to rest. We ask for the support of all Senators.

DESCRIPTION OF THE DUNES

The Indiana dunes is located at the southern tip of Lake Michigan entirely within the State of Indiana. It consists of a fascinating complex of dune ridges, moving dunes, beautiful beaches, marshes, woodlands, and bogs. Over the years some of these natural features have been destroyed by residential and commercial development. However, other parts have been preserved and protected by both individual and governmental efforts.

The major portions of the National Lakeshore are located between the cities of Gary, Hammond, and East Chicago on the west, and Michigan City on the east. Also located in this area are a number of towns, several steel mills, a public utility generating station, and the Indiana Dunes State Park. The lakeshore is within 50 miles of the Chicago loop with easy access from Chicago, Gary, Michigan City, and South Bend by the South Shore Railroad. It is a recreational area for the people of this vast metropolitan region.

HISTORY OF LEGISLATION

In 1966, the Indiana Dunes National Lakeshore was created after a long effort by Senator Paul H. Douglas of Illinois. The 1966 bill brought approximately 8,330 acres within the boundaries of the lakeshore including two-thirds of the town of Beverly Shores and 2,220 acres in the Indiana Dunes State Park.

In 1976, a second Indiana Dunes National Lakeshore bill was passed expanding the lakeshore to include an additional 3,663 acres including 330 acres of the Hoosier Prairie, a State nature preserve. This brought the total acreage of the park to 11,993 acres, not counting another 542 acres within the boundaries beneath Lake Michigan.

However, the 1976 bill again did not include the portions of the town of Beverly Shores remaining outside the lakeshore. Instead Congress authorized the Park Service to conduct a study of these remaining portions of Beverly Shores as well as an area commonly known as the "NIPSCO Greenbelt."

Unfortunately, the 1976 bill also reduced the homeowners' right to a 25-year leaseback to only 20 years—the shortest leaseback term of any unit in the National Park System. It also removed the suspension of condemnation for homeowners contained in Senator Douglas' original 1966 legislation. These changes had the effect of creating some opposition to inclusion of the balance of Beverly Shores which did not exist before.

By 1977, the study was completed. In 1978, the Senate voted to include the Beverly Shores study areas in the lakeshore as a part of other legislation. However, those provisions were dropped in conference committee because the House had not voted on them.

Last year Senator Lugar and I introduced S. 599 to include the excluded portions of Beverly Shores in the lakeshore. On October 29, 1979, the House passed by a voice vote an amended version of H.R. 2742, the companion bill to S. 599. This amended version not only included the excluded portions of Beverly Shores, but also some additional areas including parts of the NIPSCO Greenbelt as well as a portion of the town of Dune Acres. H.R. 2742 as passed by the House also increased the leaseback for homeowners from 20 years to 25 years, not to extend beyond the year 2010, and as an alternative, provided homeowners the option of a life estate.

H.R. 2742 was not reported out of the Senate Energy and Natural Resources Committee, although a modified version of that bill had the support of the chairman of the Parks, Recreation, and Renewable Resources Subcommittee, Senator Bumpers. However, the House included another set of dunes provisions in S. 1910, a bill relating to American Falls in Idaho, which came back from the House as an omnibus parks bill.

The dunes provisions contained in the House version of S. 1910 included the remaining portions of Beverly Shores and five other relatively undeveloped areas, but omitted the NIPSCO Greenbelt and any part of the town of Dune Acres. S. 1910 provided leasebacks until October 1, 2010, and the alternative of a life-estate. It also suspended the power of condemnation for 10 years.

The provisions of the amendment we are offering today are identical to the dunes provisions in S. 1910, with one small exception: To be eligible for the leaseback provisions one does not have to be a homeowner of record as of October 1, 1980. The reason for deleting this provision was to make sure that in the event that appropriations were not forthcoming, a homeowner would not be faced with a situation where he could not find a buyer because the buyer would not be eligible for the leaseback provisions. However, under our amendment life estates would still be limited to owners of record as of October 1, 1980.

THE ISSUE OF BEVERLY SHORES

The town of Beverly Shores is located at the eastern end of the lakeshore, next to Michigan City, Ind. It contains the longest strip of lakeshore bordering Lake Michigan, extending approximately 5 miles from the Indiana Dunes State Park to Michigan City.

The center of Beverly Shores has come to be known as the "island." The "island" is not actually an island surrounded by water, but the largest portion of the town that was not included in the lakeshore in 1966. It is completely surrounded by lakeshore property, and it is located along the beach immediately behind Lake Front Drive.

The island is 2 miles long and ½ mile wide, encompassing both high dunes and wetlands. The U.S. 12 highway strip is the only other part of Beverly Shores excluded from the lakeshore. It is 1½ miles long bordering either side of U.S. Highway 12.

Failure to include the Beverly Shores "island" within the lakeshore places a hole in the largest tract of land in the lakeshore. Unless Beverly Shores "island" is added to the lakeshore, the use of the 5 miles of beach between the Indiana Dunes State Park and Michigan City will be severely limited by inadequate parking, poor access, and lack of adequate visitor facilities, particularly the 2 miles directly in front of the "island."

Failure to include the U.S. highway 12 strip will allow intensive commercial development near the entrance to the largest part of the lakeshore, prevent use of a portion of it for much needed visitor parking, and prevent restoration of the remainder to a relatively natural state.

The reason the remaining portions of Beverly Shores have not yet been added to the lakeshore has primarily been the cost of acquisition. Acquisition of the Beverly Shores "island" and "highway strip" would cost approximately $31.5 million. However, the Federal Government has already invested over $60 million in land acquisition for the lakeshore, not counting the lands purchased by the State of Indiana. At today's prices, this property would be worth much, much more.

The Beverly Shores portion of the lakeshore can never be fully developed properly as a recreational area without inclusion of the island. Furthermore, commercial and residential development in the very heart of the largest part of the lakeshore would destroy much of the intrinsic beauty and value of the investment we have already made.

Inclusion in the lakeshore is desperately needed to allow the Park Service to acquire any land threatened by immediate development. Otherwise, Beverly Shores "island" and "highway strip" will become a jumble of McDonald's, Kentucky fried chickens, gas stations, high rise condominiums, trailer courts, motels, quick markets, and other commercial development. All this would be in the very heart of the lakeshore.

THE STUDY

The study of the Beverly Shores area completed by the Park Service in June 1977 at the request of Congress describes this area as follows:

> Area III–A is the Beverly Shores "island", a 652 acre low-density residential area, with minimal commercial development. . . ." Of this 652 acres, 453 acres are open space, 131 acres are residential, 54 acres are streets and roads, and the remaining 14 acres include a park, two institutional buildings, and 6 businesses. On the 131 residential acres there are 287 homes. However, 77 percent of the area consists of open space, streets and roads.
>
> Area III–C is a 56 acres strip of land lying along both sides of U.S. Highway 12 which supports low density residential and commercial development." Of this 56 acres, 34 acres are open space, 5 acres are residential, 7 acres are in streets and roads, 9 acres are business, and one acre has an institutional building. On the 5 acres of residential property, there are 14 buildings, and there are 13 buildings on the 9 acres of business property. Seventy three percent of this area consists of open space, streets and roads.

If these two areas are not included in the lakeshore, the study projects a population of over 8,000 people with 2,560 buildings. Among the impacts of such development noted by the Park Service study are:

> The population could increase from an estimated population of 900 to an estimated population of 8,000 assuming the area was developed to *its currently zoned private development potential*. A local resident population of 8,000 *could result in almost exclusive use of the federally owned beach by locals* rather than the intended use by regional and national visitors. (Emphasis added.)
>
> The area would continue to be attractive for second-home and primary residential development, multi-family residential and commercial development, and potentially for highrise condominium development and related tourist services development such as fast food places, quick markets, and motels.
>
> Strip commercial development along U.S. 12 might continue the degradation of visual quality in this area.
>
> Development of commercial and multi-family structures . . . might result in the loss of the highly scenic quality that presently exists. This development might result in the visual encroachment of signs, large off-street parking lots, multi-storied structures, and overhead utility lines, and the substantial removal of vegetation.

Again, all this would be in the very heart of the lakeshore.

THE IMMEDIATE THREAT TO THE LAKESHORE AND ITS POTENTIAL PROMISE

The above scenario has suddenly become a very serious immediate threat to the lakeshore. A few days ago, on November 20, 1980, an Indiana court ruled that the Beverly Shores zoning ordinance was invalid. That zoning ordinance was all that stood in the way of intensive development of the Beverly Shores "island" and "highway strip."

This action by the court makes passage of this legislation even more urgent because homes, trailer courts, high rise condominiums, motels, quick markets, and commercial developments can now be built virtually without restriction in those two sections of Beverly Shores which are not in the lakeshore.

Correction of this problem will not only require promulgation of a new ordinance which will take several weeks, but it will also require adoption of a master plan which will take months. Thus inclusion in the lakeshore is now desparately needed to allow the Park Service to acquire any land threatened by immediate development.

A major reason for inclusion of this area in the lakeshore has always been to prevent intensive development from occurring in the future. Every year that passes, more vacant land will be developed and the cost of acquisition will escalate. However, that rationale has suddenly become extremely urgent. Thus a key provision of any dunes legislation is the power to prevent future development in the area through use of the power of condemnation.

Inclusion of the "island" and the highway 12 "strip" now will stop further destruction of vacant duneland. It will also make additional land for visitor use available almost immediately. With inclusion, the usable beach area would be increased from 10½ acres to 18 acres. The land base to develop additional parking and visitor facilities would become available, and existing town roads could be fully utilized for access to the beach.

We have already invested $60 million in land acquisition for the lakeshore, but the payoff will come when we develop access to this prime area in such a way as to maximize its use by visitors without harming the dunes themselves. The bill would authorize $34.7 million for land acquisition, about 91 percent of which would be used for the purchase of the excluded portions of Beverly Shores. However, the cost of acquiring the excluded portions at some future date will be much greater than it is today because delay will only result in more construction in the area.

Acquisition of vacant lands will make three-fourths of this area available to visitors almost immediately. Acquisition of the remaining properties would reduce and eventually eliminate conflict between visitors and residents. Trespassing and parking on private property would eventually be ended. Optimal development of the lakeshore could be obtained.

If we act now by including the remaining portions of Beverly Shores, the lakeshore will have obtained a powerful ally—

time. Time will be on the side of the lakeshore because as time passes, the leasebacks and life-estates reserved by homeowners will expire. However, if we fail to act now, time will be running against the lakeshore causing intensive development in what should be the very heart of the Indiana Dunes National Lakeshore Park.

LOCAL SUPPORT FOR THE LEGISLATION

There are presently 319 homes in the island and highway strip. Most of these homeowners favor inclusion in the lakeshore. A prolakeshore town board (5 pro-inclusion members) were elected even though they are from the minority party in the area. This has happened both in 1975 and 1979—off-year elections when inclusion in the lakeshore was the issue. Furthermore, the opposing slate did not run on an anti-inclusion platform, but simply took no position on the issue in hope of obtaining votes from both sides.

In 1970, the town board surveyed the residents, and 204 favored inclusion. In 1972, the town board surveyed the residents of the island and strip only and the results were 131 yes and 17 no. In 1974, the association of Beverly Shores residents surveyed the island. Of the 83 percent of improved property owners canvassed personally, 87 percent favored inclusion.

In 1979, the association made another survey even after the suspension of condemnation was removed and the leaseback reduced to 20 years. That survey of the island and strip showed 192 owners of improved property for, 70 against, 7 with no opinion, and 50 were not contacted since many homeowners are part year residents.

HOMEOWNER PROVISIONS

Under the leaseback provisions of this legislation, the owners of single family dwellings constructed before October 1, 1980, may retain their homes until October 1, 2010, or for as long as they live, whichever they choose. The power of condemnation with respect to these homes will also be suspended for 10 years during which time sales and leasebacks can be arranged without the threat of condemnation.

Thus the legislation improves the homeowner provisions in several ways:

First. Suspension of condemnation until October 1, 1990. (The indefinite suspension of condemnation contained in the original 1966 legislation was removed in 1976.)

Most homeowners will want to sell and obtain the leaseback provisions. However, it will be far better if most of these sales do not take place under the threat of condemnation. Most homeowners realize the advantages of the leaseback provisions and would decide to sell anyway as they get older. However, the 10-year suspension provides the opportunity for them to do so on a willing-buyer, willing-seller, basis without the adverse psychological impact of being subject to immediate condemnation.

Second. Homeowners may retain leasebacks until October 1, 2010, or alternatively a life-estate.

(A 25-year leaseback was contained in the original 1966 legislation, but was reduced to 20 years in 1976.)

This provision allows a leaseback to extend until a date 30 years from now regardless of when the property is sold to the Park Service, or alternatively, the homeowner may obtain a life-estate if he or she makes a good faith offer to sell to the Park Service prior to October 1, 1985. Leasebacks presently cost 1 percent of the sale price for each year taken.

To be eligible for the life-estate, the homeowner must have attained the age of majority by October 1, 1980, and must also be a homeowner of record as of that date. The purpose of this restriction is to prevent title from being transferred to a minor for purposes of obtaining a potentially long life-estate.

However, the provision in S. 1910 making leasebacks available only to homeowners of record as of October 1, 1980, has been deleted. The reason for this deletion is that if appropriations should at any time not be forthcoming for land acquisition, or prior to the effective date of the authorization on October 1, 1981, a homeowner would not be able to sell his property since any potential buyer would not be eligible for the leaseback provisions. However, this provision still applies to life estates.

Third. A cut off date of October 1, 1980. This is the date by which construction must have begun in areas included in the lakeshore by this bill in order for those homes to be eligible for the homeowner provisions. These provisions apply only to detached, single-family dwellings for noncommercial purposes built prior to the cutoff date.

Fourth. Finally leasebacks previously granted for 20 years or less may be extended by 9 years. This provision provides some equity to homeowners who sold after 1976 under threat of condemnation with only a 20-year leaseback. A total of 29 years would be the equivalent to what a homeowner gets who sells to the Park Service on October 1, 1981, and takes a leaseback until October 1, 2010.

VISITATION

Visitation at the dunes is growing rapidly. One of the major reasons for acquiring the remaining portions of Beverly Shores is to provide for adequate parking and other facilities to meet rising visitation at the lakeshore. Total visitation at the Indian Dunes National Lakeshore was greater than any other park in the Midwest region in 1979—exceeding 2 million people.

The 1979 figure for recreational visits—1,606,166—more than doubled the 677,532 figure the previous year. This does not include another 1,400,000 visitors at the Indiana Dunes State Park which is part of the lakeshore.

Many potential visitors are being turned away and not counted as evidence by the number of times the four major parking lots near the beach have been closed during May and June of this year, particularly on weekends with good weather. The parking lots at Mount Baldy and Central Avenue in Beverly Shores were both closed 16 times in May and June this year. The parking lot at Kemil Road Beach in Beverly Shores was closed 8 times in those 2 months, and the West Beach parking lot was closed 14 times. West Beach is a 600-car parking lot.

The reason for the boom is clear; 10 million people live within a 100-mile radius of the Indiana Dunes National Lakeshore. The park serves all of northern Indiana, as well as the Chicago metropolitan area. As gas prices rise and distant travel grows more expensive, millions of people are turning to parks closer to home, especially those like the dunes which combine natural attractions with outdoor recreation.

Although the legislation adds only 1,196 acres (708 in Beverly Shores) to the 11,993 acre lakeshore (including the Indiana Dunes State Park and the Hoosier Prairie), these additional acres are strategically located to provide a substantial base for increased visitation. They will enable utilization of the largest single area of the park. Otherwise the lakeshore will be broken up into a narrow area between the State park and the "island" and another area east of the island in which the dunes will be threatened by bulldozers to provide adequate parking for visitors.

The Beverly Shores portion of the Lakeshore is strategically located near the Visitor Center in such a way at long last people who travel to the lakeshore or through northern Indiana can be directed to the major beach area of the lakeshore without confusion or being turned away because no parking is available. This in turn should promote even more use and visitation.

Only by including the excluded areas can the lakeshore be developed in such a way as to maximize access, parking, and public facilities without destroying the dunes themselves. Consequently, the issue of including these excluded areas in Beverly Shores will not go away.

With inclusion, there will be a manageable, unbroken stretch of dunes extending 8-miles long and 1-mile wide from the entrance of the Indiana Dunes State Park on the west to Michigan City on the east.

SHORE EROSION

A major consideration in adding the island to the lakeshore and being able to acquire the properties within it, is that the narrow 2-mile strip of shoreline the Government presently owns in front of Beverly Shores island is eroding. Unless millions of dollars are spent to halt the erosion, this strip of shoreline which the Government already owns may be lost. Only by acquisition of the land in the Beverly Shores island just behind it, can the lakeshore be assured of owning the beachfront and shoreline wherever it may be.

Loss of public ownership of 2 miles of shoreline is only part of the problem. If the National Park Service does not acquire the Beverly Shores island, the Federal Government is likely to get stuck with the continuing cost of preventing shore erosion or compensating owners for those damages. The National Park Service has already spent $3 million for a temporary revetment which has already developed serious gaps and requires regular maintenance.

It is estimated that the damages which

will result from continuing erosion will amount to some $13 million over the next 50 years assuming no further development; 60 percent of these damages stem from the Michigan City Harbor, an Army Corps of Engineers project for which the United States can ultimately be held liable.

The remainder of the erosion is natural, and while the Government may not be liable for natural erosion, in all likelihood pressure would be brought to bear to protect the homes on the lakefront. It could be argued by homeowners that there is a Government responsibility to protect its shoreline to prevent erosion on adjacent private land.

Some of the most expensive properties in Beverly Shores are located in the areas subject to shore erosion. The costs associated with attempting to prevent these damages over the next 50 years are extremely high. They are estimated at between $47½ million and $54 million over the next 50 years in 1977 prices. Acquisition of Beverly Shores island would reduce these potential costs by $13½ million to $20 million even if steps were still taken to protect the lakeshore against the erosion attributable to the Michigan City Harbor.

Consequently, the real cost of acquisition to the Government is only a portion of the purchase price because of the significant erosion control which will not be necessary if these private structures are eventually removed.

Existing development in the "island" also contributes to background erosion as would any further development. Rapid runoff from roofs, gutters, driveways, and roads, combined with saturation of the soil by septic systems, all contribute to the erosion problem. Stopping future development and over time removing existing structures should help to reduce and prevent some of this background erosion.

OTHER PROVISIONS OF THE BILL

Five relatively undeveloped areas are also included in the bill to provide additional parking, improved access to the park, protection of natural features, and a campground site. These include the Mt. Baldy staging area (III–E), the Indiana Highway 51 extension (VII–B), the Nippissing addition (VII–A), the Gary access corridor (VII–C), and the campground site (III–D). The combined cost of these areas is $3,120,000 of which $1,700,000 is for the campground site.

The Mt. Baldy staging area consists of 83 acres in Michigan City adjacent to the largest moving dune in the lakeshore, Mt. Baldy. This would be a main parking area for visitors to Mt. Baldy and is conveniently located near route 12 and the South Shore Railroad. It would serve as the center for shuttle bus service to Mt. Baldy and other parts of the lakeshore. The only alternative sites involve destruction of either dunes or marsh lands already included in the park. The area contains only three houses, and it is included in the bill with the support of Mayor Clifford Arnold of Michigan City and Congressman BRADEMAS.

The Indiana highway 51 extension is a 2-acre site which is needed for extension of highway 51 for the new main entrance to the west unit of the lakeshore. The Park Service has indicated its support for this particular approach to the west unit.

The Nippissing addition consists of 161 acres at the western edge of the lakeshore. It is a virtually untouched tract of low dune ridges and interdunal ponds located adjacent to the west unit of the lakeshore. It represents an important part of the ecological history of the area as these dunes were created at a time when the shores of Lake Michigan temporarily were at a higher level. The only intrusion is a NIPSCO powerline. There would be a 350-foot corridor along the powerline over which the Park Service would be limited to obtaining an easement to allow public access to the rest of the area. This area was included at the request of Congressman BENJAMIN.

The Gary access corridor consists of 60 acres lying directly to the west of the Nippissing addition (above). It is in a remarkably natural state even though it extends right to the heart of downtown Gary. Low dune ridges covered with oaks, dune grasses, and wild flowers (including blue lupine, wild roses, puccoon, spiderwort, and prickly-pear cactus) are interspersed with interdunal ponds and marshy areas. It provides walking access from downtown Gary and a proposed multimodal transportation center to the west unit of the lakeshore. It could be the starting point for a trail system from downtown Gary through the entire length of the park to Mt. Baldy and Michigan City. Three structures in this corridor are not included. Inclusion is supported by the city of Gary and Congressman BENJAMIN.

The campground site consists of 182 acres located around the site of an old golf course south of the highway 12 strip. It would be an ideal campground site for the lakeshore. There has been some development in this area which accounts for its cost.

This legislation also authorizes a study of transportation into and within the lakeshore with special emphasis on public transportation and use of the existing passenger car fleet of the South Shore Railroad. The study is to be carried out by the Secretary of Interior using the facilities of the regional transportation planning agency as well as other agencies and organizations designated by the Secretary; $200,000 is authorized for this study to be completed in 2 years.

The amendment also sets the termination date for the Lakeshore Advisory Commission on September 30, 1985, instead of September of 1982. It provides one additional member of the commission for the city of Gary and one additional member for the city of Michigan City, the two largest cities near the lakeshore.

The amendment also allows the Park Service to purchase school lands within the lakeshore. Under Indiana law, schools cannot donate land. The practice has been not to appropriate funds for land owned by public agencies. This authority would only affect a 40-acre tract in the west unit of the lakeshore and a small site in the "island."

By enacting this legislation we can complete Senator Paul H. Douglas's dream for the Indiana dunes in a way that he would have approved. In order to honor Douglas, the legislation dedicates the Lakeshore to his memory. It designates the west unit of the lakeshore (about 1,800 acres) as the "Paul H. Douglas Ecological and Recreational Unit." It authorizes the designation or construction of the "Paul H. Douglas Environmental Education Center." Right now there is not even a bust of Douglas at the lakeshore. The park remains the Indiana Dunes National Lakeshore, but Senator Douglas will at last be fully honored for the role he played in establishing the lakeshore.

The total cost of the bill is just under $36½ million. This includes $34.7 million for land acquisition, $1,560,000 for development of which up to $500,000 is for the Douglas Environmental Education Center, and $200,000 for the transportation study.

SUPPORT FOR THE BILL

Support for the bill is widespread. The Indiana General Assembly passed a resolution earlier this year calling for enactment of H.R. 2742 and S. 599.

The three Congressmen BRADEMAS, BENJAMIN, and FITHIAN who represent northwest Indiana support inclusion. Indiana's Congressman on the Interior Committee, Congressman SHARP, supports inclusion. The National Park Service supports inclusion. Senator KENNEDY and Senator FORD have joined in cosponsoring S. 599. Governor-elect Robert Orr also supports inclusion, as does Gov. Otis R. Bowen.

Major newspapers of the area support inclusion including the Gary Post-Tribune, the Chesterton Tribune, the South Bend Tribune, the Chicago Tribune, and the Hammond Times.

Environmental groups supporting inclusion of the remaining portions of Beverly Shores include the Save the Dunes Council established in 1952, the Izaak Walton League, the Nature Conservancy, the National Audubon Society, the Sierra Club, the National Wildlife Federation, and the National Parks and Conservation Association.

Labor unions and other organizations supporting the inclusion of the excluded portions of Beverly Shores include the Lake County AFL–CIO Central Labor Union, Local 1010 of the United Steelworkers of America, region 3 of the United Auto Workers (Indiana and Kentucky), the Northwestern Indiana Building Trades Council, the Indiana State Teachers Association, and the Indiana Federation of Teachers.

SUMMARY

Thus for all these reasons—to prevent the degradation of our investment in the dunes, to provide improved access and facilities for the lakeshore, to improve the homeowners' provisions, to complete the dream of Senator DOUGLAS, to avoid the problems with shore erosion, and to keep this bill from coming back year after year, I urge Senators to join us in enacting this legislation to save the dunes.

ADDITIONAL STATEMENTS

TREATMENT OF CHRISTIANS BY THE SOVIET UNION

● Mr. HAYAKAWA. Mr. President, it is with pleasure that I note yesterday's passage of Senate Concurrent Resolution 60 which addresses the continued persecution of Jews as well as Christians residing in the Soviet Union and other East European countries. The flagrant violation of human rights on the part of the East European bloc is a direct and bold violation of the Helsinki Accords signed by these member nations in 1975. Such an egregious failure on part of the Soviet Union and the East European countries will not go unheeded by the Western peoples.

I am pleased that the U.S. delegation is utilizing the open forum of the Madrid Conference to express our dissatisfaction with the Soviet's record in human rights. The courage and resolve displayed by the Soviet and East European dissidents demands our resolute support in their struggle for civil liberties. The passage of Senate Concurrent Resolution 60 sends a clear message of our continued endorsement of human rights and religious freedom for the people of the Soviet Union and East European countries.

Thank you Mr. President.●

THE RETIREMENT OF THOMAS W. CHRISTOPHER, DEAN OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW

● Mr. HEFLIN. Mr. President, I submit for the RECORD an article entitled "Dean Christopher's Decade" relating to the retirement of Thomas W. Christopher, dean of the University of Alabama Law School.

The article follows:

DEAN CHRISTOPHER'S DECADE

(By Dan Graves)

Thomas W. Christopher, Dean of the University of Alabama School of Law, will conclude 20 years of administrative service when his resignation from his current position becomes effective this fall.

Christopher came to Alabama as law school dean in 1971, and while the national average for a law school dean's stay at one school is three years, Christopher remained at the Capstone to build not only the programs and services of its law school, but also a lasting physical facility as fine as any law school building in the nation.

An Alabama law graduate himself, Christopher does not regret his decision to resign. "You have to leave sometime, and you like to pick your time. Things are in good shape here, and the building is finished. It was just a good time to leave," he said. "I like to teach, and I like to write books, so I was looking for a good time when I could stop my administrative work and shift duties elsewhere."

Besides the Law Center building the object of his utmost attention in recent years, Christopher is proud of other accomplishments which he is quick to admit are not the product of his efforts alone. The part-time masters in taxation program, which was the first such program of its kind in the country, was realized under Christopher's leadership.

"I'm also proud of all three law journals," Christopher said. "The Alabama Law Review was already here and it continues to be as strong as it ever was. I feel these give law students more opportunity to participate and gives the law school much more exposure," he said.

The moot court program and the Student Bar Association were mentioned as areas of growth which give the dean pride. But Christopher's ability to encourage an active relationship with the Alabama Bar Association and Alabama law school graduates may have had the most lasting effect on the law school. Contributions from lawyers, coupled with legislative appropriation increases have resulted in a doubling of the law school budget since the time when Christopher came to Alabama nine years ago.

"Faculty salaries have more than doubled over that period, but they are still not as high as they should be," he said. "The problem was that they were so low to begin with, but I'm proud of the increases we have seen. We now have an excellent faculty because we can offer them something competitive.

Dean Christopher updated the law school during his deanship, but he said being a dean nowadays is not as easy as it was for deans of yesteryear.

"Democracy," he responded when asked what is the greatest problem a dean faces today. "The old deans ran things and didn't ask anybody what they thought about anything. That's not the best way to run a law school, and I don't favor that way, but it does cause less disagreement and confusion for the administrator."

Whoever replaces Christopher as law school dean will face many of the problems he faced and many more to try his nerves. What kind of person does the law school need right now as its leader?

"Every faculty member would give a different answer to that question, Christopher said, "and I'll have just one vote like anybody else. I think we all want a strong person, not someone that's going to be run over. We need someone that will keep the connection between the law school and the bar association. We all want someone who will encourage scholarship as well as good teaching.

"All of us want more than we'll get," he continued. "Good deans are hard to come by because about a third of the law schools are now looking for a dean, and there aren't that many around. Some people who used to want to be a dean don't want to be any more. It's a tougher job than it used to be. There are more strains and problems, so a lot of good people just don't have a strong stomach and they're too nervous for this job."

For the few people who are in the market for a deanship, Christopher believes Alabama will be the kind of place they will want to go. "This is a very attractive place, and I can't imagine us not being able to get a really highly qualified person."

When a new dean takes up where Christopher left off and Christopher is teaching, writing, and fishing, there will be plenty of challenges and duties for that person to work on.

"We have a good library, but we need a great library," Christopher said. An important future project is to "increase the number and quality of the books in our library, and increase the staff.

"Another priority, as I see it, is better salaries for the faculty so we can get and keep good faculty. More scholarships," Christopher said, "are needed. I would like to see that no student had to work a lick and could spend full-time on the books. Of course, if we said no students could work now, some would have to drop out.

"The law school needs its own private endowment of 20 to 25 million dollars. We've got an endowment now of about one million dollars, but we need a large endowment in addition to legislative appropriations, and you don't get that with ten dollar gifts. It takes estate planning and some other things."

Christopher said he would not change the entrance requirements for incoming freshmen if he were staying on as dean. He said that the law school would not be serving its purpose as a state law school if it were to raise the entrance requirements. He also is satisfied with the faculty.

Christopher does not feel the objectives of the law school will change for at least the next 30 to 40 years, but he does believe Alabama's law school will continue to change in some ways.

"Perhaps the methods we use to turn out lawyers will change. The current trend is for more practical training. The increased emphasis on the moot court competition and other areas is an illustration of that," he said.

"Things like lawyer advertising are going to have a big impact on the profession. The computer is going to have an effect. The computer has almost a stranglehold on our society, and as lawyers are so many of the decision makers, they are going to have to know how to use the computer as an aid," Christopher said. He believes the demand for lawyers will increase due to increased government regulation and the increasing body of law. He predicts these factors and the need for educating lawyers about them will bring about change in American legal education.

Christopher intends to be a part of that future legal education through his writing and teaching. He leaves the deanship a proud man for the many accomplishments to which his administration gave birth. But he gives credit to others who he says were more important in making things happen at the Capstone law school.

"I am very, very proud of this law school and the people I have worked with here," he said. "I haven't done as many favors for the law school as it has done for me." ●

ADOPTION WEEK

● Mr. TOWER. Mr. President, this Thanksgiving week is also known as Adoption Week in America. There are some special Americans to whom I would like to pay tribute by thanking them for being adoptive parents for thousands of children—children who have been orphaned; children who were abused or neglected by their biological families; or children whose biological parents made an adoption plan at the beginning of the child's life. This country's most vulnerable children are being cared for by adoptive parents with the love and nurturing needed by all children.

Too much attention is currently being

placed by the media on adopted children who seek to uncover their biological parents' pasts. Instead, I want to focus our gratitude on the adoptive parents, grandparents, brothers, sisters, and others who are truly the "real" family for adopted children. During this Thanksgiving week, we should be thankful for our families who have given their love and support to one another in order to raise up healthy, secure, and productive citizens for our country.

As many of my colleagues in the Senate know, I have been very concerned about serious flaws present in the Model State Adoption Act drafted by an advisory panel for the Secretary of Health and Human Services. The concerns of mine and several other of my colleagues in both the Senate and House of Representatives have, of course, been matched by those of the adoption agencies which serve families and by the thousands of families of adoptive parents, of adults who were adopted as infants, of biological parents who placed their children for adoption. I am convinced that under the leadership of President-elect Reagan, these flaws will be corrected, and the country will be provided with a Model State Adoption Act which will truly assist States in their efforts to eliminate barriers to adoption, especially for special needs children. Therefore, I strongly recommend that any further action on the Model Act, including further publication for comment, be postponed until after January 20, 1981.●

THE VOYAGER MISSION

● Mr. CRANSTON. Mr. President, during the week of November 12 we were privileged to be a part of one of the finest hours of American scientific and technical achievement. Our Voyager spacecraft, a jewel of engineering, produced worldwide headlines as it swept through the moon and ring system of the giant planet Saturn. And like the genie of Aladdin, it opened wonders beyond our wildest imagination. Shimmering globes of ice, cloud: covered oceans of hydrogen, swirling storms of high speed winds, and the majestic and mysterious rings, brought us adventure on a cosmic scale.

These new vistas would have awed even the most intrepid of explorers: Columbus, Magellan, Byrd, Perry, and the rest. And through the marvel of American space technology, it was possible to share the Saturn experience across the Earth. The images returning from Saturn were beamed all over the world by communication satellites we now take for granted. People thronged to our National Air and Space Museum to become more a part of another American "first" in space. The pictures returned from Saturn have received international news coverage. The success of the Voyager mission is truly phenomenal and a feat of which we are all very proud.

I offer my heartiest congratulations to the National Aeronautics and Space Administration (NASA) and to the Jet Propulsion Laboratory (JPL) in California. I am delighted that JPL has played such a major role in the Voyager mission. JPL is a research and development facility operated by the California Institute of Technology for NASA. The laboratory not only designed and constructed the Voyager spacecraft but managed its actual flight with its tracking and data processing facilities. JPL's work on Voyager is hardly over, though: JPL's scientific team will now analyze the information gathered by Voyager. Results so far indicate that the mission has far exceeded its promise.

The tremendous achievements of the Voyager mission call to mind our continuing commitment as a nation to new space exploration. We should not allow this commitment to lapse. The next exploration we have firmly planned is for the planet Jupiter through the Project Gallileo, which is scheduled for the late 1980's. Between completion of the Voyager mission and Project Gallileo, we should carefully consider other exciting, valuable steps we may take in the continuing drama of unwrapping the mysteries of the cosmos.

One such opportunity is space-based observation of Halley's Comet, which will return in 1986 for its once-every-75-years visit. Halley's Comet has fascinated mankind throughout history. Josephus, the Jewish historian, recorded the appearance of a comet, resembling a sword, that he said foretold the destruction of Jerusalem in A.D. 70. That comet thought to be Halleys Comet, which made a close approach to Earth in the spring of A.D. 66. Fascination with Halley's Comet has not diminished over the centuries. A number of nations plan missions to explore the comet in 1986. The United States should consider such a mission, perhaps making use of knowledge and equipment from the Voyager mission.

A second opportunity exists in a potential mission to explore Venus, a planet so shrouded in clouds that it cannot be explored from orbit with cameras. It can, however, be "seen" by radar, and we have the technology to use radar to map the planet in detail as we did on Mars almost 10 years ago.

Just as we explore new horizons on the outskirts of space, we are also moving rapidly into an era of using inner space as an extension of life on Earth. Satellites are an integral part of life as we all benefit from communications systems made possible by them. The Space Shuttle, which I have long supported, is being readied for its first operational mission and holds the promise for America's continuing leadership in sending satellites to space and in initiating and managing space-based research and experiments.

Both new exploration of space and increasing use of that part of space already important to our daily lives are key facets of the national space program.

I repeat my hearty congratulations to NASA and the Jet Propulsion Laboratory for their tremendous contribution to America's space effort.●

OUR LANGUAGE BARRIERS

● Mr. HARRY F. BYRD, JR. Mr. President, one of the many foolish Federal programs is the requirement of the Federal Department of Education that students of other nationalities be taught in their own language in our public schools. School districts which do not satisfactorily comply face a cutoff of Federal funds.

One of the most thoughtful analyses of where this regulation leads is a piece by Henry E. Catto, Jr., in the current issue of Newsweek. Mr. Catto is chairman of Washington Communications Corp., which publishes the Washington Journalism Review. He served as Ambassador to El Salvador, 1971–73.

I ask that Mr. Catto's excellent piece be published at this point in the RECORD.

The article follows:

OUR LANGUAGE BARRIERS

(By Henry E. Catto, Jr.)

By the end of the next decade it is entirely possible that the United States will once again confront the fateful choice it faced in 1860: schism or civil war. The cause this time will be language, and the crisis will have resulted in no small measure from government policy.

Two recent events, coming with dramatic simultaneity, foreshadow this bleak future. The separatist election in Quebec showed the grim danger of two competing languages within one nation. And the Spanish armada of Cubans fleeing their wretched homeland is a clear reminder that it is happening to us. Unfortunately, like some vague vatic dream, the memory will fade and we will do nothing to avert the problem until it is too late.

The American tradition has been, of course, for each wave of immigrants to put aside its language, save for special occasions, and learn English. But in the mid-'60s, understandably anxious to overcome the problems of minorities, the Federal government in its zeal unwisely abandoned this tradition.

The beginning of it all was innocuous enough. The Elementary and Secondary Education Act of 1965 was amended by a $7.5 million pilot program that would allow a Spanish-speaking student to be taught his basics in Spanish; as his English improved, he would switch into it and not lag behind his peers.

Brainchild: In 1967 I testified in favor of this project before Sen. Ralph Yarborough's subcommittee. The bill was the brainchild of liberal Democrats. Its sponsors thought the favorable opinion of a south Texas Republican Spanish-speaker such as myself would be helpful. Aware of the benefits of being bilingual, I obliged. I know from experience that command of more than one tongue is enormously useful. In commerce, government or society in general, multilingualism is a helpful tool and a mark of sophistication. The trend in America away from foreign-language study is a cause for legitimate concern. I have, however, come sorely to regret having testified for the pilot program; for, in the way of things governmental, the winsome babe has, in its maturity, turned monstrous.

The problem started in the courts. In 1974, in the case of *Lau v. Nichols*, the Supreme Court ruled that Chinese-speaking students in San Francisco were being discriminated against by being taught in English. It ordered relief but did not specify what form the relief should take. The office of Civil Rights of the Department of Health, Education and Welfare could have gone two ways to implement the decision: increase special English instruction or impose teaching in Chinese. With an unerring instinct for disaster, it chose the latter. Consider some of the results.

First, and most bizarre, students now have the right to be taught not only in Chinese or in Spanish, but also in Aleut, Navajo, Apache, Japanese, Yiddish, Russian, Tagalog, or any one of 60-odd additional tongues.

Second, the cost of the program, borne on the wings of the Lau decision, has soared. In 1981 it is projected to be $192 million, a beautiful example of how governmental acorns grow. Thus far, the program has cost $942,063,000.

Third, school districts (some 300 of them throughout the nation) which do not satisfactorily comply with these guidelines face a cutoff of vital Federal funds. A "bilingual/bicultural" program is mandatory if there are twenty or more students of similar linguistic background in a district. There is no compelling law of the land in this loss of local control over local education. There are only proposed Department of Education regulations. Congress, in spite of the perversion of its idea, docilely continues to provide the funding which makes the travesty possible.

Finally, and not surprisingly, a vocal constituency in defense of the status quo has sprung up. The principal defenders are mostly Hispanics, a healthy sprinkling of the New Left reformers and teachers' organizations for whom bilingualism provides the twin treats of a cause perceived as progressive to fight for and thousands of teaching jobs. The whole matter reached the height of absurdity recently when the New Jersey teachers' lobby went to court to overturn a state rule requiring that teachers in bilingual programs be able to speak English. The New Jersey Education Association thought this rule to be racist, and it was clearly inconvenient for many teachers who could not speak English. As The New York Times tuttutted editorially, bilingual **is** bilingual: ". . . it is one thing for any group to choose to lead a bilingual life, quite another for it to try to turn America into a bilingual society." The Federal court in Trenton fortunately ruled for inconvenience and upheld the state.

Magnet: Is there no way to turn the tide? Probably not. Floods of illegal immigrants continue to pour in from Mexico, Central America and South America. While some of these Spanish-speakers are dispersed throughout the country, many remain concentrated near their points of entry—in Florida, Texas, New Mexico, Arizona and California. For these people, assimilation in the historic tradition is difficult. One can listen to Spanish radio, watch Spanish TV and even vote in Spanish. Add education in Spanish as a right, and the melting-pot principle is in danger. Indeed, Dr. Josue Gonzalez, head of the Department of Education's bilingual program, is publicly on record as welcoming its end.

Here then are the ingredients: huge numbers of Spanish-speakers resident in the Southwest, supplemented by uncontrolled immigration; the linguistic magnet of Mexico, and the restless hunger of politicians for votes. Add a government policy whose results inevitably weaken the absolutely basic social cement of language (a policy which, incidentally, condescendingly implies that the Spanish-speaker, unlike the Italian, Swede, or Russian before him, cannot "hack it" in English without special help). The result: trouble. One nation indivisible? Don't count on it.●

PROTECTIONISM IX

● Mr. HEINZ. Mr. President, in my continuing effort to inform Senators about the various facets of protectionism I want to include in the RECORD excerpts of another article which addresses some of the causes and effects of protectionism.

Written by Susan Strange, the article, entitled "The Management of Surplus Capacity: Or How Does Theory Stand up to Protectionism 1970's Style?" examines whether the trend toward protectionism has occurred as a temporary response to economic difficulties or is the result of the structural formation of the international system.

The article, through the examination of political theories, reviews the present causes of protectionism and other restrictions in international trade. Tracking the movement from an era of free trade during the 1950's and 1960's to an era of greater obstacles in the way of foreign imports during the 1970's Strange suggests that—

> We must "reconsider some of the widely held theories by which we have been accustomed to explaining the way the international political economy works and how it might develop in the future."

Mr. President, I ask that this article on protectionist trends be printed in the RECORD.

The article follows:

THE MANAGEMENT OF SURPLUS CAPACITY OR HOW DOES THEORY STAND UP TO PROTECTIONISM 1970's STYLE?

(By Susan Strange)

For most of this decade, the world has experience an economic depression. This prolonged experience has produced a distinct and undeniable trend in international economic relations toward protectionism and the restriction of trade. States have reversed the movement of the 1950s and 1960s toward freer trade and (dispute the MTN agreement on tariff cuts) have put more and bigger obstacles in the way of foreign imports and greater restrictions on foreign enterprises. This trend should lead us to reconsider some of the widely held theories by which we have been accustomed to explaining the way the international political economy works and how it might develop in the future. How many of our conventional notions will prove to have been fairweather ideas that will not survive the harsher climate of the 1970s? Which of them are still valid and which must we prepare to abandon as obsolete?

Liberal theory holds strongly that the market-oriented system leads both to wealth through growth in the economic system and to harmony in the political system—to the virtuous ends both of efficiency and of good order. But in interpreting economic history, liberal theorists have to explain why states have not always been wholehearted in their pursuit of the open economy and free, unrestricted trade. They have tended to use two rather different explanations, one stressing the adverse influence of domestic political structures, the other the adverse influence of global political structures. The first explanation simply asserts that the power of producers interested in their own short-term interests in economic security is unfortunately better organized and thus sometimes able to outweigh the interest of the state and the consumers in the general welfare goal of greater efficiency and more vigorous economic growth. Against their own long term interest, therefore, governments are persuaded to use their power in the market system to protect the producers. But this mistaken preference for sectoral stability over general efficiency is self-defeating. According to Jan Tumlir and his colleagues in the GATT secretariat, resistance to change in the world's production structure by any government is self-defeating, politically as well as economically. Nonadjustment cumulates and the competitiveness of the economy is progressively weakened, while the political consequences of keeping people in low-skill, low-technology jobs create inequity and dissatisfaction, ultimately threatening the social foundations of the political system. The added temptations of buying popularity by protecting jobs in a recession therefore must be resisted out of enlightened self-interest. "The main danger of protectionism is that it exploits and fosters a misconception of society's internal and external interests which, properly defined, cannot be in conflict."

The second explanation is that the market mechanism can only operate successfully when the political structure is hegemonic and power is centralized and not too dispersed. According to Charles Kindleberger, economic harmony in the world economy requires "magistracy," or leadership. When the center country either loses its economic dominance or when its political hegemony weakens as a result of loss of confidence in the order that it tries to maintain, international economic relations will become more acrimonious and barriers will be raised to movements of goods and capital. According to this interpretation, the liberalism of the 1950s and 1960s was not the norm of trade diplomacy in world political economy, but rather a temporary aberration resulting from American military and commercial superiority. The strong trader was the free trader and nuclear and financial power gave the right to insist on trade liberalization. Yet this interlude was almost as brief as the corresponding period just over a hundred years ago when the Cobden-Chevalier Treaty between France and Britain (who then accounted between them for 60 percent of international trade) heralded a few short years of trade liberalization—years which ended with the depression of the 1870s and the widespread trend to trade protectionism in Germany, France, Russia, the United States, Austria, and later Japan. According to this interpretation, a return to liberalism in international economic policy would only be possible if U.S. hegemony were restored. The probable consequence of a multipolar power structure, by contrast, would be (as in pre-1914 Europe) a trend towards nationalism in economic diplomacy. To adherents of this view, the protectionist trend of the 1970s is connected with the decline in American hegemony during that decade.

The second area of theory concerns economic development more than international trade. Elites in the capitalist world have assumed that the world market economy offers poor countries the best means to raise productivity and improve their living standards. But if the evidence now suggests that success in exploiting opportunities for production for export will result only in impenetrable barriers being raised to further expansion, then export-led strategies for development may be inappropriate. Neither the original Rostowian theory that the developing countries would, like Japan and Australia, eventually be able to "takeoff," nor the later Prebischian theory (crudely put) that this would happen only if those with a "headstart" in the growth race transferred resources and offered preferential trade opportunities to the developing countries could still be accepted. New theories would have to be developed that take better account of the resistance of the industrialized countries to rapid increases in imports, and of the differentials in bargaining power as well as factor endowment among aspirants to development.

The third area of theory has to do with the roles of international organizations. A good deal of international organization theory rests on unstated incrementalist assumptions of a rather naive kind. Much recent writing appears to assume that because there is more international consultation, more and longer agreed statements of general principles, and more activity conducted through international organizations, the influence of these organizations is steadily expanding.

The leaders in neo-functionalist theorizing—notably Haas—have recently been careful to qualify their conclusions about the probability of "spillover" and to acknowledge that different kinds of international cooperation give rise to different kinds of "learning" processes. Yet much widely-accepted neo-functionalist writing still tells us that gradual progress is being achieved in managing the international political economy. Progress toward the development of world order, or universal rules or codes of conduct, or supranational administrative structures for their execution may, it is admitted, be uneven and sometimes slow, yet effort will not go unrewarded. Thanks to spillover" effects from one field of national policy making to another, and thanks to a presumed learning process by which nations, like people, perform better as they get older and more experienced, conventional neo-functionalist wisdom tells us that gradual improvement is being achieved in the international political economy.

Yet one of the paradoxes of international economic relations in the 1970s has been that the soft words exchanged in trade organizations have coexisted with hard deeds perpetrated by national governments. The reversion to economic nationalism has been accompanied by constant reiterations of continued commitment to international cooperation and consultation. The international bureaucracies of Geneva, New York, Paris, and Brussels have been kept busier than ever exchanging papers and proposals and patiently concocting endless draft documents to which, it is hoped, even deeply divided states might subscribe. But the reality has increasingly been one of unilateral action, even where policy is supposedly subject to multilateral agreement. International organizations concerned with trade matters—such as GATT, OECD, and the European Community—have functioned increasingly not as the administrators or executors of internationally agreed regimes but rather as would-be legitimizers of deviant or strictly self-serving behavior.

These implications of protectionism for theory are, of course, only important if the trend toward protectionism is not merely a temporary response to economic difficulties but the result of deep structural causes. Clearly, the world recession of the 1970s has been serious. Although world trade rose between 1972 and 1976 from $420 billion to $1020 billion, much of this reflects rising prices and the depreciation of the dollar. Between the top of the boom in 1973 and the bottom of the trough in 1975, the volume of trade actually did fall. Both industrial production and mineral extraction only regained 1973 levels in 1976. While there has been some recovery in the last two years, it has been uneven as well as sluggish. While the indices of industrial output of the United States, Germany, and Japan rose quite strongly in the twelve months to August 1978, Britain's rose by only 2 percent and Italy's by 3 percent; those of France and Belgium fell. Thus although the American view of the world economy was relatively bright in 1978, this rosy view was shared by few Europeans or Japanese.

Yet if this cyclical downturn were a sufficient explanation of the protectionist trend, the challenge to liberal theory would be less serious. One widely held interpretation of the international political economy contends that international commercial diplomacy has always been something of a zebra—black stripes of trade restriction in the interests of economic nationalism (and producers' security) alternating with white stripes of trade liberalization in the interest of international integration (and consumers' welfare). Whether the zebra looked like a white animal with black stripes or a black animal with white stripes depended on when and where you saw it. Hard times or economic weakness for the individual state brought out the tendency to trade protection; good times and economic strength the tendency to trade liberalization. Economic diplomacy therefore has always reflected, according to this interpretation, a variable mixture of both tendencies. When the exogenous variable of world economic activity changes for the better, the pendulum will swing back to trade liberalization and governments can resume an uninvolved ring-holding posture leaving national markets open to the most efficient low-cost producers, whether domestic or foreign.

Yet certain features of the 1970s recession suggest that this explanation is not adequate. First, the problem of surplus capacity, which has long existed in agricultural trade and in minerals and other raw materials, has now appeared in a number of processing and manufacturing industries. And market-sharing and price-fixing arrangements such as governments have hitherto used for commodities have now been made for manufacturers. The political issue is the same—how the costs of adjusting to an imbalance between supply and demand shall be distributed—but the problem sectors are more numerous and the negotiations more complex.

Three principal economic trends suggest why this has happened. First, in more and more industries, advancing technology has vastly increased the amount of capital that has to be invested for each unit of output and the leadtime before the investment results in increased output. Higher fixed costs and lower marginal costs (not to mention the resistance of organized labor to change) make production processes far less flexible and reallocation of factors much more costly. The producers' incentive for self-protection through restrictive practices is greatly increased.

Yet this is made more difficult by the second trend: in sector after sector, industrial arrangements that once were effective if they included all the producers in the national economy no longer suffice. The few sectors in which producers have always served a global market (oil, chemicals, diamonds, steel, shipping services) have been joined by many more. When these are threatened by surplus capacity, restrictive arrangements now have to be international to be effective.

Finally, the ability of the developing countries to compete in industrial markets with developed countries has proved much greater than was anticipated even ten years ago. Even in the midst of the recession, manufacturing production in developing countries reached an average annual rate of increase of 8.5 percent.

These are fundamental changes in the economic structure of the international system. They suggest that contemporary protectionism is not merely a passing phase, but a reflection of widespread resistance to deep-seated structural change. If one accepts, furthermore, the Kindleberger theory that hegemony is essential for international economic order, as magistracy is for national economic order, conventional views on the future of the world economy become quite problematic. Many liberal-minded people, Americans especially, have seen themselves in favor of free trade and international cooperation but opposed to imperialism. But if economic liberalism is only attainable through American hegemony and if there is indeed a basic and irremediabe tendency to conflict of economic interest in the international system, then hopes for international cooperation in a multipower system, for a resolution of conflict among more-or-less equal industrialized states, have been sadly illusory. The realistic school from Hobbes to Kenneth Waltz and Hedley Bull is due for a revival. The classic pessimists from Voltaire and Rousseau to Talleyrand and Metternich are vindicated. For the ideal shared by old fashioned liberals and social democrats, by business executives and old fashioned Marxists, can never be realized so long as political authority is shared among sovereign states. It would be unreasonable to expect such states either to apply principles of "fair shares" to others in socialist planning or to regulate (and compensate for) a market economy so that the economic interests of others are given precedence over their own.●

HOUSING AND JOBS

● Mr. WILLIAMS. Mr. President, meaningful employment opportunity and a safe, sanitary place to live comprise two of the most fundamental elements of a decent life in today's society. Yet, it has become increasingly apparent that the troubles of our erratic economy have exacted a heavy toll on jobs and housing. Over the past year, we have seen unemployment rolls swell to more than 8.2 million people, while housing starts have plummeted to their lowest level in years.

Less apparent has been the extent to which the problems our wayward economy has inflicted on the housing sector have in turn spawned additional problems for the job market. Housing and jobs are closely intertwined in a complex relationship in which the availability and adequacy of each hold great significance for the other. Industry to expand must be certain that an affordable supply of housing within reasonable commuting distance is available for use by the labor pool on which it intends to draw. Indeed, the very existence of that labor pool can depend on whether or not such housing is in place.

We know how decent housing at an affordable price can help maintain worker morale, can contribute to improved productivity in the workplace, and can play a role in business decisions about plant location. These decisions, of course, have enormous impact on the economic futures of the communities involved. By the same token, a plentiful, secure source of employment helps to anchor neighborhoods and indeed entire communities, contributing to better housing and neighborhood quality. During my tenure as chairman of the Senate Housing and Urban Affairs Subcommittee, I have been deeply aware of the dependence of decent housing and adequate job opportunity on one another and have strived to assure that this relationship is more broadly recognized and strengthened. The UDAG program, which can be used to improve the supply and the adequacy of housing as it expands community business and employment opportunities, and the congregate housing services program which directs that residents of projects where the program is implemented be given priority in any hiring done to carry out the program, are just two ways in which housing and job concerns have been addressed together in the Housing Subcommittee.

Unfortunately, the inflationary forces in today's economy, along with exclusionary local housing policies are undermining such efforts, and are weakening the link between housing and employment.

The spiraling cost of housing—rental as well as owned—along with the hostility of some areas to the development of moderate priced housing, are placing obstacles in the path of industries seeking to expand their operations into new areas, or to improve efficiency and productivity in existing locations by transferring from other places workers with specialized skills. Such obstacles can have serious consequences for companies, for individual workers, and for whole communities. Moreover, as mismatches worsen between plant location and job opportunities on one hand, and housing adequacy on the other hand, the prospects for employment and for the economy will also worsen. Clearly, this is a situation which we cannot afford to neglect.

An article entitled "The Job-Housing Link," written by B. Judith Glassman, and appearing in last week's New York Times, is one of the latest entries into the continuing discussion about the need to address human concerns in a comprehensive, rather than fragmented manner. Ms. Glassman correctly notes the interdependence of jobs on adequate housing supply and affordability, and offers creative insights into the responsibilities of both public and private sectors to understand and support that interdependence. Ms. Glassman has written a most useful essay, which has meaning for the work of the next Congress, and which I believe merits the close attention of my colleagues.

Mr. President, I submit for the RECORD this article.

The article follows:

THE JOB-HOUSING LINK

(By B. Judith Glassman)

TEANECK, N.J.—The setting is a suburban restaurant, and business is good. A line is forming—a growing line of customers who become increasingly irritated as they discover that half the dining area is roped off, unavailable for use. An unhappy manager explains his problem: Customers abound but he is unable to use his facility fully because help cannot be found. Prospective workers, although anxious for jobs, simply cannot find housing that they can afford within reasonable commuting distance.

The pattern of a disparity between the location of jobs and affordable housing has been growing throughout the country in recent years. Housing opportunities have not followed the growth of jobs into suburban regions; the consequences are long, expensive, energy-consuming commutes from rural and urban areas for middle-income families, and virtual inaccessibility to job opportunities for lower-income people. How did this happen?

The movement of industry and commerce into suburban regions that began in the 1970's, and that is continuing, generally has not been accompanied by corporate planners' concern with the problem of where workers would live. Their assumption of at least one car in every garage and the availability of an ever-growing road network has meant that the usual link between job and nearby housing has been considered irrelevant. In addition, they have expected that the housing market would respond to the new demand. For a variety of reasons, however, chiefly exclusionary practices by affected communities and enormous escalation in housing costs relative to income, this response has not materialized, except for homes for highly paid executives.

The energy revolution of the last five years, in the meantime, has drastically aggravated the dangers of this pattern. Society, and the workers themselves, can no longer afford long commutes to jobs. The close connection between home and employment must be reestablished. How can we reforge this link with minimum delay? The crucial decision, the one that is essential if any strategy is to work, is acknowledgement of the responsibility to introduce housing into the corporate-planning process; businesses must understand that this is in their self-interest. Once this premise has been accepted, employers can consider the following steps a sampler of possibilities, neither applicable in all situations nor exhaustive, but at least a place to begin:

The first step would be to conduct two surveys: a housing-needs assessment for employees at all income levels, and a housing-resources inventory of the region, including both existing and potential housing. A housing strategy should then be developed to deal with gaps. Local communities should be told about the plan and should be strongly encouraged to eliminate zoning impediments to meeting the identified needs.

A second step would be for industry to develop financing opportunities for housing employees whose incomes place them among the priced-out groups. The first might be down-payment assistance: Loans could be provided for down payments to low- and moderate-income employees, with deferred repayments tied to future salary increases. The second could be incentive financing: Construction loans at favorable interest rates could be made available to builders willing to produce housing units within the price ranges that conform to housing-strategy goals. The third could be shared investment: Companies could assume a portion of the financial investment in a home of a low- or moderate-income employee in return for a proportional share in the equity realized upon sale of the house.

The actions suggested here, although constructive for moderate-income workers now priced out of the home-buying market, would do little for low-income workers for whom subsidized rental housing is necessary if access to jobs is to be provided. For them, one possibility that has begun to gain currency is to make available corporate-owned land, which is frequently left unused as an esthetic buffer, to nonprofit or public-housing agencies. With imagination and environmental care, such land could be turned into attractive townhouse clusters yet kept at costs eligible to obtain governmental subsidies.

Government, too, must systematize its planning role. The fragmented approach by which economic-development agencies reach out avidly for jobs but ignore housing, by which housing agencies (where they exist at all) strive for homes but ignore job opportunities, and by which transportation agencies are ultimately bequeathed the resulting, insoluble mismatch is irrational. If for no other reason than to help banish the energy nightmares we are creating, we must coordinate our planning processes, at all levels of government, in order to reestablish the historic link between jobs and housing.●

PAPERWORK REDUCTION ACT OF 1980

● **Mr. MITCHELL.** Mr. President, I rise to express my support for S. 1411, the Paperwork Reduction Act of 1980, which passed the Senate on Wednesday, November 19.

The burdens imposed upon individuals and businesses across this country by unnecessary and wasteful Federal paperwork requirements are obvious. People from all walks of life have at one time or another been subjected to the imposition of excessive Federal paperwork requirements, whether they are tax forms, medicare forms, financial loan applications, job applications, or compliance reports. What is not so obvious is the cost of all of this Federal paperwork.

It was estimated, 3 years ago, that the cost of Federal paperwork requirements amounted to billions of dollars each year. Much of this cost is not reflected in the Federal budget. Instead, the public is forced to expend its time, effort, and money to comply with the increasing burden of Federal paperwork requirements. It is a form of "hidden tax" that has a serious impact on the economy and well-being of the Nation.

Paperwork costs go beyond the financial costs. The small businessmen are discouraged and intimidated by the excessive paperwork involved in expanding their businesses; doctors discourage medicare business because of the burden of filling out forms; teachers estimate that it takes 26 extra working days to fill out necessary forms.

The Paperwork Reduction Act has two main objectives: First, to insure that agencies make only necessary information requests of the public, and second, to eliminate those paperwork requirements that are unnecessary and wasteful.

The goal established by the Paperwork Reduction Act is to reduce the costs associated with paperwork by 25 percent over a 3-year period. The bill attempts to achieve this objective in three areas. First, it proposes to consolidate control over Federal Government paperwork in one central office. Currently, the Office of Management and Budget oversees the paperwork of the executive branch agencies, the General Accounting Office oversees independent agencies, and nobody oversees the IRS and the banking regulatory agencies. With the enactment of this law, nearly every Federal agency will be required to submit its significant paperwork requests to the OMB for clearance.

Second, the bill proposes a qualifying test for each proposal involving significant government paperwork—is the information sought truly necessary to achieve the agency's objective and, if so, is it available from other sources within the Government? In addition, each agency will be required to take steps to minimize the burden of the information request.

Third, the bill establishes a central clearinghouse of information to enable cooperation and coordination among the various Federal agencies. This information locator system will enable any Federal agency to determine if the information they seek is available elsewhere in the Government.

This legislation will do much to alleviate the burdens imposed upon the American people by the Federal Government. Businesses and consumers should benefit from the enactment of this law. I support the Paperwork Reduction Act of 1980 and am hopeful that the conference committee will act promptly to resolve the differences between the House and Senate version of this legislation.●

NEED FOR IMPROVED DEBT COLLECTION

● Mr. SASSER. Mr. President, I call the attention of my colleagues to an editorial article in the November 25, 1980, issue of the Washington Star entitled, "Cutting by Collecting." The article retells our efforts here in the Senate to improve Federal debt collection efforts as a means of reducing the deficit. I ask that the article be printed in the Record at the conclusion of my remarks.

Mr. President, I urge that my colleagues join Senator Percy and me as cosponsors of S. 3160 which is intended to increase the efficiency of Government-wide efforts to collect debts owed to the United States. Any Member who has any questions or who wishes to join as a cosponsor may contact us, Terry Sauvain at 4–7251 or Alan Mertz at 4–4108.

The article follows:

Cutting by Collecting

We see the foreshadowing already—a good many of the brave promises to cut government spending may be as hard to carry out this time as they have always turned out to be when previous would-be budget-trimmers tried. Even before the Reagan administration has taken office, there have been murmurs about departments and programs that may not be abolished after all. At least not right away.

Don't give in to cynicism, though. Not all hope of taming the monster is gone.

In fact there is one federal money-saving scheme that may at last take off after a couple of years of unsuccessful efforts to launch it. This is Tennessee Sen. James Sasser's drive to collect debts owed to government agencies. It could make a $16-billion difference in the national deficit within a year.

The immediate focus of the effort is a bill co-sponsored by Sen. Charles Percy of Illinois, which would turn over the names of loan defaulters to the commercial credit establishment. Senator Sasser also favors applying two other sticks to people delinquent on government loans. One is bringing the Internal Revenue Service into the picture so that overdue loans will be made up out of tax refunds. Another would deduct from the salaries of federal employees to make up the arrears.

In the past, there has been some hesitation about such measures. Partly, it has been inspired by privacy considerations, partly by fears of giving IRS powers that might be misused. Mostly, it has reflected official indifference to the collection problem.

Program directors concerned with loans have been much more interested in getting appropriations and distributing the money than in enforcing repayment. Besides, with the magnitude of many such operations, follow-ups on individual defaulters have often seemed to be more trouble than they were worth.

Now, however, it has become apparent that the money lost by failure to police borrowers is well out of the nickel-and-dime range. It quickly adds up to billions.

It has also become apparent that the cost of recovering some of the lost billions is minor. It has been estimated by those who have pushed government debt collection that every dollar spent in that direction brings back $30.

Furthermore, the proposed remedies can work without violating citizen rights. They have been tried on the state level with salutary results. In New Jersey, for example, the condition of all student loans is known to credit bureaus from the beginning. Defaults are comparatively few. In Oregon, the threat of IRS refund withholding has been an effective discipline for borrowers since 1972.

At present, of the $175 billion owed the federal government, $47 billion is due now, and of that, $25 billion is in arrears. It's a bouquet of foreign aid, agriculture, small business, housing and urban development projects and education, with student loans making up the biggest single category.

Actually, this category illustrates with peculiar vividness what else is wrong with letting this form go unchecked. Besides the money, there's a moral issue: It encourages dishonesty, public and private, if people who cheat on their obligations can expect to get away with it. It has not gone unnoticed among welfare recipients how often the children of affluence behave as though their student loans were another form of dole.

Although Republicans voted against some of Senator Sasser's proposed loan recovery measures in 1979, it may be hope that the economy mood of the new administration will give them second thoughts this time. It will take leadership from the Office of Management and Budget to put the collection effort over even if Senator Sasser gets the legislation he wants in the new Congress. Whatever it takes, though, there's something in it for all of us.●

AUTOWORKER PLIGHT CONTINUES: IMPORTS REMAIN A KEY FACTOR

● Mr. BAYH. Mr. President, on November 18, 1980, a number of distinguished Americans participated in the annual conference of the prestigious Institute for Socioeconomic Studies in New York City. I want to take this opportunity to call to the attention of my colleagues the remarks which UAW President Doug Fraser made to the conference. I think Mr. Fraser's knowledge and work with the many problems confronting the automobile industry, and the workers whom he represents, especially commend his comments on the present crisis. I ask that his remarks be printed in the Record.

The remarks follow:

Commentary Adapted From a Speech Delivered by Douglas A. Fraser

The most pressing problem which the Reagan Administration must address promptly is the crisis in the auto industry—an industry that has a profound impact on America's overall economy. Workers continue to experience massive layoffs and the automakers continue to lose literally billions of dollars.

Foreign imports have played a major role in the auto crisis, as having rising energy prices and shortages, and recessionary policies such as rising interest rates.

The International Trade Commission (ITC) recently handed us a major setback when it ruled that imports were not the tic auto industry.

I'm hopeful President Carter in the weeks remaining in his term will make good his pledge to seek a voluntary agreement to limit Japanese imports temporarily. Should that not occur, the issue of the exploitation of our market by the Japanese automakers greatest single cause of injury to the domestic must become one of the first matters that the Reagan Administration tackles.

We in the UAW have long been advocates of free trade. This is a principle which we have not abandoned.

We are fully aware of the benefits to all of humanity that expanded world commerce can bring. But we always thought free trade must be fair trade.

That has not been the case with respect to U.S.-Japanese trade, particularly in autos and trucks, in recent years.

In the period after 1950, Japan's auto industry was targeted—as a matter of that nation's public policy—for vigorous, "hothouse" growth.

From vehicle production of essentially zero, the Japanese grew remarkably over the next 30 years, reaching a production level this year of 12 million cars and trucks. Throughout the period of early growth, credit and other resources were consciously allocated to the fledgling Japanese auto industry. The Japanese domestic industry and market were strictly protected. That meant vehicles of North American manufacture were for years and years kept out. Yet, the industry being developed was never intended to be restricted to serving the Japanese domestic market.

Had the Japanese been as shortsighted as U.S. businessmen—or our government—they never would have persisted. After this lengthy period of careful nurturing, the Japanese auto industry emerged as a formidable competitor.

When, in the early spring of 1979, gas lines formed and gas prices began to skyrocket in the wake of revolution in Iran and OPEC increases, the American domestic producers were not equipped to handle the abrupt shift in the U.S. car and truck market.

The Japanese were poised and ready to capitalize on this sudden advantage. Auto plants in Japan worked heavy overtime to build cars for export to the U.S. market while countless thousands of auto workers and workers in related supplier industries in this country were forced into the unemployment lines.

From 4 percent in 1970, the Japanese share of the total U.S. vehicle market skyrocketed to almost 23 percent. That growth in market share has been nothing short of explosive since the spring of 1979.

This has not been an orderly, phased increase achieved without major disruption or injury to the domestic industry and its workers—far from it.

Skyrocketing imports occurred at precisely the same time as plummeting domestic production. The case for injury, in our view, could not have been stronger.

It was precisely to deal with cases such as this that the International Trade Commission was created, in full accordance with GATT and other provisions of international law.

To seek temporary import restraints, as we have done, is not protectionism in the 1930's "beggar-thy-neighbor" unilateral style. The distinction could not be clearer, yet it appears to be widely misunderstood.

Our goal has always been a negotiated settlement that would be based on voluntary import restraint in the short term and an agreement for those who sell high volume in our market to produce here as well.

We chose to go to the ITC in the absence of such a settlement.

All we want is temporary import restraint, to give the U.S. auto industry sufficient breathing room to retool to meet the competitive challenge.

We greatly fear that the alternative—which we are witnessing—is permanent damage. We want this relief, not to assist the companies, but to preserve the jobs of our members.

Indeed, we have long felt that the appropriate solution, given that the Japanese have attained such a large share of the U.S. market, is direct investment by the Japanese companies in productive facilities over here.

It is inconceivable that a similar tribunal in Japan or any other industrialized nation would have ruled as the ITC has done.

Indeed, countries of Europe and other parts of the world are moving effectively to limit Japanese import penetration into their home market, to protect domestic employment.

As the only wide-open vehicle market in the world, the United States will increasingly be the target for export-bound Japanese cars and trucks. That means unemployment is being exported to us.

Other countries impose tough requirements that a certain percentage of the parts contained in autos sold there must be manufactured there.

Mexico is just one example. Because of tough local content laws, both Chrysler and Ford have altered plans and are developing vital new four-cylinder engine capacity in Mexico, while thousands of U.S. auto workers are unemployed.

Mexico is a developing country which wants badly to industrialize. But what about auto workers in *our* country and *our* jobs?

I do not believe it is protectionist to feel that our government has a responsibility to defend U.S. workers against actions by other governments, or injurious trade practices of other nations industries, which deprive us of our jobs.

Despite the bitter ITC setback, we are more convinced than ever that the course we adopted is necessary and correct. We have not abandoned or repudiated our free trade principles. But auto workers cannot be expected to sacrifice their livelihoods on the altar of an abstraction.

Commitment to free trade never embodies passive acceptance of massive dislocation. We cannot accept that American workers should become the victims of industry's shortsightedness or government's failure and unwillingness to plan.●

THE FAMILY WITH A HANDICAPPED NEWBORN CHILD

● **Mr. JEPSEN.** Mr. President, last week, Dr. C. Everett Koop addressed a meeting in the Senate Caucus Room in which numerous Members of the House and Senate participated. Dr. Koop is surgeon-in-chief of the Children's Hospital of Philadelphia and professor of pediatric surgery and pediatrics at the University of Pennsylvania School of Medicine. Dr. Koop eloquently described the circumstances of the family with a handicapped child and how the lessons learned in the care and treatment of these patients can be applied to the care of others.

Dr. Koop's work first gained international public attention in 1974 when he and his medical team successfully separated Siamese twin baby girls in a 10½-hour operation. More recently, Dr. Koop joined the noted theologian, Francis Schaeffer in creating the five-part film series and book, "Whatever Happened to the Human Race?"

The recipient of numerous honorary degrees, Dr. Koop is the author of more than 170 articles and books on the practice of medicine. He has received the highest recognition within his profession, both in this country and overseas, including the Browne Gold Medal of the British Association of Pediatric Surgeons, the Ladd Gold Medal of the American Academy of Pediatrics, the Presbyterian Man of the Year Award, the Jewish Community Chaplaincy Services' Man of the Year Award, and the French Legion of Honor.

Mr. President, because of the timeliness of Dr. Koop's statement and its relevance to broader health policy considerations, I ask that his address before the recent symposium of the American Family Institute entitled, "The Family with a Handicapped Newborn" be printed in the Record and I strongly commend it to the attention of my colleagues.

The address follows:

The Family With a Handicapped Newborn

(By C. Everett Koop, M.D., ScD. (Med.))

It is with a sense of gratitude that I speak to you today on some of the circumstances, problems, and benefits that arise when a handicapped child is born into a family. Were it not for a body such as the American Family Institute, it would be easy to become discouraged over an event such as the White House Conference on Families. That conference was convened by those to whom reality was only relative and attended by more enemies of the family than by those who saw the family as the basic moral building block in our society—a place of nurture for what an earlier and more moral generation saw to be the best things in life. That was before hedonistic life styles and worship of the nonexistent god of secular humanism undermined the foundation of the family that provided us with the standards, the morality, and the self-giving love enabling us to reach out to others less fortunate.

The family is not threatened by poverty, by inadequate education, and the lack of a more beneficent social planning government. Indeed these deprivations, when they exist, mold, knit, and glue together the family structure that can survive and prosper in the face of adversity.

Take the trend of the past several decades, the encroachment on the traditional family structure by all the anti-family forces abroad in the land today, add to that the narcissitic preoccupation with health, and compound it all with the economic jargon of modern medicine—cost effectiveness—and you must agree that the ordinary family is at risk. Deliver a handicapped baby into that family and risk becomes a reality in potential disaster, disaster for the family in part but especially for the youngster.

Let me set the stage: A family is expecting a baby for nine long months and their mental image is that of the bright eyed adorable baby on the label of Gerber's baby food jars. The expected labor arrives, the delivery is difficult, and the mother wakes not to cuddle the Gerber baby in those first precious moments of bonding but to be told her baby had a congenital defect and even now is en route with her husband to a distant city where complex surgery will be performed in an effort to save the child's life after which a long process of habilitation must take place for the youngster to assume a normal role in society. The props are gone. Hope has become despair. Joyful expectancy has been replaced by a fear of the unknown, a devastating anxiety of how to cope. She does not know whether the medical estimate of form and function is realistic or grossly deficient, and overall there is the thought of impending doom, particularly associated with economics.

It is my belief that the baby—my patient—will do best in the heart of his family and that the shattered family can be rehabilitated. I know what can be accomplished in the habilitation of a child born less than perfect. I know what can be done with that child's family. I know that these children become loved and loving, that they are creative, and that their entrance into a family is frequently looked back upon in subsequent years as an extraordinarily positive experience. I am aware that those who never had the privilege of working with handicapped children after the correction of a congenital defect think that the life of the child could obviously be nothing but unhappy and miserable. Yet it has been my constant experience that disability and unhappiness do not go hand in hand. The most unhappy children I have known have been completely normal. On the other hand, there is remarkable joy and happiness in the lives of most handicapped children; yet some have borne burdens which I would have found difficult to face indeed.

Believing that when the family and the handicapped child are given the proper support and guidance, they will all be better for the experience, it has been my lifelong practice to provide this support and guidance and I know it works.

A young man now in graduate school was born without arms below the elbow and missing one leg below the knee. He was the victim of the prescription of thalidamide to his pregnant mother at the time of limb budding. When his father stood at his bassinette in the hospital where he was born, he said only this: "This one needs our love more." With that love and muddling through, it had a happy ending, which is really now only the beginning of this young man's productive life. The love they needed, they had; the muddling through could have been better.

Here is how the young man feels today: "I am very glad to be alive. I live a full, meaningful life. I have many friends and many things that I want to do in life. I think the secret of living with a handicap is realizing who you are—that you are a human being, somebody who is very special—looking at the things that you can do in spite of your handicap, and maybe even through your handicap."

This family in crisis is a threat to itself as well as to other families, indeed to all of society as well. It is a crisis situation which must be faced; it has a solution; indeed it has long term benefits even for you and me.

One of the so-called treatment options in a youngster such as I have just described is to do nothing and let the baby expire from inattention. The relativistic ethic in medicine which permits this has been the target of my concern and my anger and has occupied a major part of my time for the past two years. I allude to it only in passing to say killing the patient to get rid of the defect has never been a part of responsible, moral medical practice.

For almost thirty-five years now, I have devoted the major part of my professional life to the management of children born with a congenital defect. Because I was the sixth person in the United States to limit his surgical practice to the care of children, I was in my early years a surgeon of the skin and its contents. Therefore, my experience with congenital defects is broader than just the field that ordinarily is now called general pediatric surgery. Although in more recent years I have become a specialist's specialist and my interests have been confined to those congenital anomalies incompatible with life but nevertheless amenable to surgical correction, early on I was concerned with the management of cleft lips and palates, orthopedic defects, spina bifida and its complications, congenital heart disease, and major urologic defects.

There was a day when medicine was not only a profession but was considered to be an art. There were even those who considered it to be a calling such as the ministry. A man who practiced medicine was called to a compassionate ethic that led him to the service of his fellow man. He worked in diagnosis and treatment in the realm of trust between the patient and himself. When he dealt with a child or an incompetent adult, he dealt in the realm of trust between the patient's family and himself.

One of the distortions in society which will not benefit any family and least of all the family we are discussing is a change in semantics and hence philosophy in the practice of medicine.

The semantic change which has crept into medicine is one in which the patient is called the consumer. The patient is called the consumer as though he were eating cereal. The physician is called a provider as though he were delivering gasoline. We refer to the health care delivery system as though it were some monolithic structure from which the consumer had the right to expect only success. Delivery systems and consumers imply contracts.

Contracts imply restrictions and the restrictions that are implied are not just on the physician but they end up by being restrictions on the type of health care actually delivered, the very thing that the system is seeking to avoid by the semantic change.

One of the complications of this change toward consumerism is the expectancy of perfection. There was a day when the patient (not the consumer) had confidence in his physician in such a way that he saw him practicing in the realm of trust, knew he was going to get the best that was possible for his physician to accomplish. Now after the provider has outlined for the consumer what his expectancy is from the ensuing relationship, if the result is either less than perfection or less than the provider's estimate of his approach to perfection, then the consumer feels it is his right to be compensated for the discrepancy. The only way he can be compensated is by a financial reward following a malpractice litigation. Human bodies are not like carburetors; the same thing does not affect all patients in the same way. There is an inherent failure rate in all that the physician seeks to accomplish.

I would like to suggest to you some of the things that happen in reference to the handicapped newborn and his family. Eventually one physician assumes the responsibility for primary care; he is the overseer, the guide, and the counselor. He will be representative of one of four kinds of physicians.

First, he might be a physician who will act in support of the child and the family as I have suggested. I think it is not only fitting and proper, but rewarding to all concerned as well.

Secondly, there will be a physician who presents death as an option in management.

Thirdly, there will be the physician who suggests institutionalization for the child in question.

Finally, there will be the physician who will be one of the previous two but who becomes hostile to the family if his advice is not taken.

What of the parents? They have several courses of action open to them. If they are not in the hands of a team that will do all it can to bring the pertinent agencies into contact with the family for their ultimate benefit, they will have to forage for themselves. These parents seek on their own what society has to offer and usually admit that they face society is an adversary position. Most apply their learning to their own child and adjust slowly and with difficulty to the life that lies ahead of them as does their child. Occasionally, a set of parents will become so incensed at the failure of support from society that they will try to do for similarly afflicted children all they have learned to do for their own. Out of what is early on a selfish exploration there comes the desire to share with others, of such stuff are local and national foundations formed for the betterment of specific diagnostic problems.

How does an outsider view the physician?

Roslyn Benjamin Darling has done this in a book appropriately entitled "Families Against Society." In reference to pediatricians caring for spina bifida patients being raised in intact families, she had this to say: "Some doctors were quite sympathetic toward parents of handicapped children. Others were not. A few were decidedly hostile toward parents who kept such children at home. These doctors' views are understandable within the context of their socialization and the stigmatizing society and their training in medical school where success is typically equated with curing and normalcy of function and problems are treated on an individual rather than on a societal basis."

I have tried to paint in broad strokes—the family in crisis particularly with a handicapped child. I would like to say a few words about solutions and nonsolutions as well as the side effects of society's proper care of the situation.

The first nonsolution I have already referred to is getting rid of the baby. The medical profession has traditionally made its treatment of patients a reflection of our society's concern for those who are ill or helpless. Often the profession has acted as advocate for those who had no one else to stand up for them. In the hippocratic tradition and in line with the judoe-Christian ethic, the medical profession formerly responded with love and compassion toward the helpless child and I think that is the only acceptable way it can function in the future.

The second nonsolution is all inclusive catastrophic health insurance. Although I would like to study ways that catastrophic insurance might be effective, my great concern is that with the passage of time the definition of catastrophe becomes more and more benign and it is easy to see how catastrophic insurance could get out of hand and be the thin edge of the wedge by which a national health service becomes a reality.

The third nonsolution is a national health service. I say that on the basis of long and initimate association with the National Health Service of the United Kingdom. I have seen it destroy the patient, not the defect, because of economics alone.

Recently when Professor Robert Zachary and I were conducting seminars in the United Kingdom, a woman rose to ask a question. This is essentially what she said: "I am a general practitioner in the national health service. Three years ago a daughter was born to us who had spina bifida and I was told she would die within three weeks. When a nurse told me she was being starved to death, I signed her out of the hospital against advice. She is now a bright, adorable, three-year-old girl who is the light of our lives. However, she has an incontinent bladder and orthopedic deformities which keep her from walking. Her spina bifida has never been repaired. But because I signed her out of the hospital against advice and because she was initially classified as nontreatable, there is no way I can obtain any urologic or orthopedic help for my child under the national health service. At my own expense I am keeping her on urinary antibiotics in order to protect her kidneys. What can I do?"

Professor Zachary told her her only recourse was to seek private care in England and I told her if she would get the child to Philadelphia, we would eventually send her home walking in calipers, controlling her urine with an ileal bladder and she might even be the second lady Prime Minister of Great Britain.

For solutions I would like to suggest a computer that can give courage and care; second, that experience can cut costs; third, that free enterprise can surpass the government, and finally, that ingenuity can take the handicapped out of an institution and restore him to his home and family.

The year 1981 will see me come to the end of a thirty-five year tenure as the surgeon-in-chief of the oldest children's hospital in the western hemisphere. It is my hope that after the necessary adjustment, I can make available to physicians and parents a comprehensive service to take the sting out of managing a handicapped child. What I envision is a national computerized service that could be questioned by physician or parent to provide for any handicapping diagnosis, the most competent diagnostic service closes to home the closest competent therapeutic service, a list of all the available governmental and private agencies that could be of help to the parents and their children, and finally a readout of nearby parents with similar situations who have coped with the problem in the past.

If we could make this service available to parents and physicians alike, I think we would remove the terrible fear that exists that the odds are too great against the handicapped child and his family to make any effort worthwhile and to slay forever the myth that only perfect quality of life is life worth living. That is the computer that can deliver care and courage.

The first time that anything is done in medicine will almost always be the most expensive time. As experience grows, as techniques improve, hospital care is shortened, rehabilitation is quicker, and the economic impact is far less. There is a major bony defect of the chest wall in children that requires correction if one is not to be a cardiac cripple in adult life. During the operation in days gone by I used to transfuse these patients, post-operatively they were in oxygen tents, their hospitalization consumed three weeks, and their return to normal activity was delayed for three months. Now when in certain seasons of the year I do one of these every operating day, I never use a blood transfusion, post-operative oxygen is almost unheard of, hospitalization varies from three to seven days, and full activity is resumed two weeks after discharge. That is experience that cuts cost.

In the extraordinary care which is absolutely essential to the surgical management of any congenital defect incompatible with life but amenable to surgical correction, there will be certain patients who become respirator dependent. As such they live in hospitals, they are extraordinarily expensive, and they are deprived of the nurture of the family because they cannot live at home. It does not have to be this way. Taking our cue from a remarkable French experience in a northern suburb of Paris, we now have sent a number of respirator dependent patients home. We have had to revise the technology of their care, but in addition to the tremendous human benefits to the family and the patient, the cost has been cut from $600 a day for care in a respiratory unit in the hospital to $40 a day at home. As the numbers increase, I am confident that this cost can be reduced to $50 a week. Incidentally, the process of weaning the youngster off the respirator is better accomplished in the loving environment at home than it is in the caring but nevertheless non-family atmosphere of the hospital.

And, the care of those youngsters at home does not have to be done at the cost of the Government. Given enough patients at home on respirators, the French experience has shown that competitive free enterprise can deliver a superior service to patients and families than that provided by the Government and can do it more cheaply.

This is only one instance where ingenuity can restore a child to his home and family at a savings through free enterprise over the cost of governmental medicine.

There are beneficial side effects to all of us that come from our attention on the care of the handicapped newborn. First of all, as the patient is benefited, so is his family. Secondly, the necessity for the special care required raises up a new type of paraprofessional that makes the care of the next patient easier and cheaper but also has a spinoff to the care of patients with similar or related if not identical problems. Finally, every so often there comes a time when the experience and sometimes the sacrifice of one child will provide untold benefits to other patients.

A number of years ago a newborn child was operated upon in the Children's Hospital of Philadelphia and almost her entire bowel was found to be gangrenous; the unaffected bowel was not long enough to support life. In an institution aggressively seeking innovative procedures and trying desperately to push back the frontiers of pediatric surgery, one of my colleagues resected the gangrenous bowel and kept the child alive on total parenteral nutrition. She never ate by mouth; all her nutrition was supplied by vein. The hope was that a small bowel transplant would eventually be possible to restore this child to satisfactory existence. Before that technique could be achieved, the patient succumbed but until then she had been on total intravenous feedings, gaining weight and developing according to acceptable standards over a period of 400 days. The cost was enormous. The patient died, but because she was the first to ever be maintained on total parenteral nutrition, medical science learned a great proportion of what it now knows about hyperalimentation or total parenteral nutrition from this one little girl. It is without doubt one of the greatest medical advances of the past several decades.

What we learned from that experience was intended for her own good and not for the good of society. But it did provide society with a now recognized nutritional technique which has saved the lives of thousands upon thousands of children and hundreds of thousands of adults around the world. In addition to that, hospital stays have been shortened, wounds have healed more quickly, rehabilitation has been possible sooner, and hitherto almost unmanageable situations like small intertinal fistulae have come under surgical control. Hospitalization for this nutritional support alone averages about $300 a day and now can be done at home for about one-tenth of that cost.

I have spent my life professionally in the care of what the world calls handicapped children. All of these had a physical defect to start with, some were habilitated to be indistinguishable from normal. Others were not pristine in form or function. Some had a mental handicap as well. They live and do well in families. They merely exist in institutions. I have seen many childless couples become a family when they took a handicapped child by adoption. Other traditional natural families have expanded by the same process. It all takes a tremendous investment in vision, time, effort, and money. There are tragedies and triumphs. But blessings frequently come with braces.

I would like to close with an anecdote.

Sometime ago in preparation of a speech I was going to give in Toronto I interviewed the mother of one of my patients and told her I would like to quote her answers to two questions.

The first question I asked was: "What is the most awful thing that ever happened to you in your life?"

And she said: "Having our son born with all those defects that required 26 operations to correct."

Having performed 22 of those operations and having stayed with her during the other four, I said, "that was an easy answer and I expected it. But now tell me, what is the best thing that ever happened to you?"

And she said: "Having our son born with all those defects that required 26 operations to correct."●

MAYOR WILLIAM H. HUDNUT III, TO BE PRESIDENT OF THE NATIONAL LEAGUE OF CITIES

● Mr. LUGAR. Mr. President, next week, the Honorable William H. Hudnut III, the distinguished mayor of the city of Indianapolis, will be sworn in as the president of the National League of Cities, a position I also held during my tenure as mayor of Indianapolis.

Under Bill Hudnut's leadership, the city of Indianapolis has continued to make impressive strides forward in the areas of crime reduction, economic expansion, downtown revitalization, and neighborhood renovation and stabilization, programs given the utmost priority during my administration. When I left office in January 1976, Indianapolis had a balanced budget, a municipal bond rating of Aaa (the highest possible), and a budget surplus. Bill Hudnut has continued the type of fiscal leadership that has led to Indianapolis' ongoing monetary health in addition to numerous awards for its financial reporting practices.

Since Bill Hudnut's election in November 1975, Indianapolis has exprienced more than $1.5 billion in new investment, and the number of jobs has grown by more than 84,000, all in an era of double-digit inflation and general economic problems across the Nation. The crime rate in Indianapolis has been lowered by a full 15 percent during Bill's term.

Bill Hudnut is no stranger to Washington. During the 93d Congress (1973–74), he represented Indiana's 11th Congressional District, sponsoring 17 bills which are now public laws. He was recognized by the National Association of Mental Health for his support of mental health legislation and was honored with the Watchdog of the Treasury Award for his efforts to curb excessive Government spending and high taxation.

Mr. President, I congratulate Bill Hudnut on his election as president of the National League of Cities, and look forward to a continuing close working relationship with the league during his tenure as we all work to solve the economic problems that continue to confront our Nation's cities.

Mr. President, I ask that Mayor Bill Hudnut's biography be printed in the Record.

The biography follows:

WILLIAM H. HUDNUT III

William H. Hudnut III was re-elected to a second four-year term as Mayor of Indianapolis in a record-breaking landslide election on November 6, 1979. Hudnut defeated his opponent by more than 83,000 votes, claiming nearly 74 percent of the votes cast. In so doing, he retained leadership of the modern Unified Government serving the 775,882 citizens of Indianapolis.

Bill Hudnut is the President-elect of the National League of Cities, and President of the Indiana Republican Mayors' Association. He is past President of the Indiana Association of Cities and Towns, has served on the Executive Committee of the Metropolitan Mayors' Caucus and is active in the U.S. Conference of Mayors.

Under Bill's leadership, the City of Indianapolis has made impressive strides forward in the areas of crime reduction, economic expansion, downtown revitalization and neighborhood renovation and stabilization. In an era of double-digit inflation, Bill has reduced City operating expenses by 15 percent in the past two years while still providing the citizens of Indianapolis with top-notch services.

The City has won awards for its financial reporting practices and "Aaa" financial rating. Hudnut established the nation's first municipal "Environmental Court" and was a prime mover behind the enactment of a tax abatement program which has stimulated nearly $100 million in new investment in decaying parts of the City. He has succeeded in maintaining close contact with the people by establishing the Mayor's Neighborhood Advisory Council as well as a traveling mobile office. And to stimulate economic revitalization in the neighborhoods, he created the City's Division of Neighborhood Development.

Since Hudnut's first election in November 1975, the City of Indianapolis has experienced more than $1.5 billion in new investment, and the number of jobs has grown by more than $84,000. The crime rate was fully 15 percent lower at the end of Bill's first term than it was when he took office.

Under Hudnut's leadership, the Indianapolis Sports Center was constructed and historic Monument Circle was beautified, adding an extra sparkle to the downtown area. The future holds even more exciting developments including the White River Park project, a unique downtown shopping mall, renovation of the historic Indiana Theatre and the construction of substantial amounts of downtown housing.

Prior to becoming Mayor, Mr. Hudnut was Director of the Department of Public Affairs and Community Service at Indiana Central University. He was also a management consultant to several large businesses in Indianapolis and a member of the Advisory Board of the American Federation of Small Business.

Bill Hudnut served as Indiana's Eleventh District Congressman in the 93rd Congress (1973–74) in which he sponsored 17 bills which are now public law. He was recognized by the National Association of Mental Health for his support of mental health legislation and was honored with the "Watchdog of the Treasury" Award for his efforts to curb excessive government spending and high taxation.

Born on October 17, 1932, at Cincinnati, Ohio, Mr. Hudnut attended the Darrow School at New Lebanon, N.Y. He was graduated from Princeton University in 1954 with high honors, including election to Phi Beta Kappa. He was also graduated from Union Theological Seminary, summa cum laude, in 1957.

Prior to entering Congress, Mr. Hudnut was senior minister of Second Presbyterian Church in Indianapolis. A third generation minister, he also served churches in Buffalo and Annapolis, Maryland.

Long active in Civic Affairs, Bill Hudnut currently serves on the Board of Trustees of Indiana Central University. He also serves on the Board of Directors for Goodwill Industries and the Indianapolis Center for Advanced Research. Mr. Hudnut is also a member of the Advisory Board of IUPUI.

A 33rd degree Mason, he is also a member of the Downtown Kiwanis Club, Moose Lodge No. 17, the Antelope Club and the Columbia Club.

Hudnut is married and the father of five children.●

TRADE AND SECURITY

● Mr. WARNER. Mr. President, I would like to bring to the attention of this body a recent editorial that appeared in the Richmond Times-Dispatch, entitled "Trade and Security." It provides a brief account of the visit to the United States of perhaps the top Soviet scientific defector to the West—Dr. Anatoly P. Fedoseyev. While in Washington, Dr. Fedoseyev provided a detailed analysis as to how the Soviet Union goes about targeting and then obtaining U.S. strategic technology to be utilized by its military. As a high-ranking scientist for 36 years he "dealt very often with American blueprints and technical reports marked 'confidential' or 'secret' or 'top secret'."

But this is just the tip of the iceberg. Mr. President, as a cosponsor of S. 2606—legislation introduced by Senator GARN to create an independent Office of Strategic Trade (OST), let me say that I endorse Dr. Fedoseyev's assertion that our "decentralized authority for strategic export control is no match for the Soviet's highly organized technology transfer apparatus." The decisionmaking process that led to the many horror stories such as the construction of the Kama River truck factory, built and financed in large part by the United States is proof enough of this fact.

After a fine set of hearings on the bill, I look forward to S. 2606's reintroduction in the 97th Congress and agree with the Times-Dispatch that—

> The Garn bill's passage and implementation ought to be high on the list of the Reagan administration's priorities.

Mr. President I urge my colleagues to read this editorial and ask that it be printed in the RECORD.

The editorial follows:

TRADE AND SECURITY

The need for stricter controls on American exports of technological gear to the Soviet Union and its allies and satellites was emphasized in recent congressional testimony by a man with a fascinating perspective on the issue. Dr. Anatoly P. Fedoseyev, a prominent Soviet electronic scientist who defected to Britain in 1971, offered a description of Soviet methods of exploiting Western research and development based on his own 36-year career as one of the chief exploiters.

Dr. Fedoseyev, a two-time Lenin Prize winner and major developer of the anti-aircraft radar employed by the Soviet antiballistic missile system, said that whenever Soviet strategists hear a rumor of a new technological development in the West that might be useful to them, they use their diplomatic and foreign trade agencies to the fullest in gaining information about the given project through contact with the project's subcontractors. These efforts, he said, including theft and illegal purchasing as well as legal acquisitions of equipment, plans and catalogs, "permit the acquisition of a rather accurate picture of the subject under consideration without contacting the 'main' firm." So effective is the Soviet apparatus for gaining access to the latest Western technology, Dr. Fedoseyev related, that during his career in Russia he "dealt very often with American blueprints and technical reports marked 'confidential' or 'secret' or even 'top secret.' "

The Soviet defector declared that the United States' decentralized authority for strategic export control is no match for the Soviets' highly organized technology transfer apparatus. The U.S. very much needs a centralized office for control of strategic trade, he asserted, arguing that such an agency could substantially reduce the volume of technology transfers that are against American interests. He recommended a clampdown on exchange of valuable research even with "innocent-looking" Soviet agencies—the Institute for Agricultural Machinery, for instance—because there is "no strictly and purely 'civilian' industry in the USSR. The entire country, in one manner or another, serves the military establishment and purpose."

Explaining his defection and his motive for offering testimony, Dr. Fedoseyev said:

"The experience of my life in the USSR and my participation in the affairs and development of military technologies gradually led me to the conclusion that the Soviet Union, jointly with the other socialist countries, presents a great danger to humanity—a much more grave danger than any experienced by mankind in its history."

Dr. Fedoseyev's testimony was arranged by Sen. Jake Garn, R-Utah, sponsor of a bill that ought to make American strategic export control much more effective. At present, the head of the Office of Export Administration, who may deny an export license because of strategic considerations, may have his decision overturned by the secretary of commerce, who is properly concerned with the overall promotion of American exports. The Garn bill would establish an Office of Strategic Trade divorced from the Commerce Department and accountable directly to the president. The elections have greatly buoyed the chances for passage of the Garn bill, for in the 97th Congress Sen. Garn will become chairman of the Senate Banking Committee, which oversees the Office of Export Administration. The Garn bill's passage and implementation ought to be high on the list of Reagan administration's priorities.●

HAWAII FIRST IN LITTER CONTROL

● Mr. MATSUNAGA. Mr. President, I have often described Hawaii as the Nation's most beautiful State, and I am pleased to be able to offer additional proof of that fact today. The Island State has just been notified that it has won first prize in the Keep America Beautiful litter control program.

Keep America Beautiful is a national public service organization founded in 1953 and composed of more than 120 corporations, trade associations, and labor unions. Its object is to encourage citizen participation in efforts to clean up the environment.

This is the first year that the State of Hawaii has participated in the national litter control contest sponsored by Keep America Beautiful. Therefore, it is all the more significant that a panel of environmental authorities chose the Hawaii program as the first-prize winner. Reportedly, the judges were particularly impressed by the overall quality and the large number of programs for volunteers interested in keeping Hawaii clean. These included educational programs, recycling programs, distribution of free automobile litter bags, and stronger enforcement of antilitter ordinances.

The all-out effort to keep Hawaii beautiful was headed by Maurice Sullivan, chairman of the Governor's advisory committee on litter control; Clyde Morita, administrator of the litter control program; and Les Ihara, its staff director. I know that my colleagues will wish to join me in congratulating them for a job well done.

I submit for the RECORD an article from the Honolulu Star-Bulletin of Thursday, November 13, 1980, which contains more details about the Hawaii litter control program.

The article follows:

ISLE LITTER CONTROL PROGRAM WINS TOP PRIZE NATIONALLY

Hawaii's State Litter Control Program has been awarded first place in the state category for its outstanding environmental improvement efforts by Keep America Beautiful Inc. of New York City.

Gov. George Ariyoshi sent congratulations to Maurice Sullivan, chairman of the Governor's Advisory Committee on Litter Control, and Clyde Morita, administrator of the state program, for the award.

A panel of authorities in community and environmental affairs reviewed hundreds of entries throughout the country before making final selections in 14 areas and organizational categories. Virginia won in the state category last year.

Morita said that "the judges were especially impressed with the variety and depth of programs, including educational programs, media support, recycling and cleanup campaigns, enforcement stakeouts, car litter bag distribution, and various volunteer programs."

"It's an award the community can be proud of," he said. "The award-winning program reflects the community's concern and participation."

This was the first year that Hawaii entered the competition. The entry package was put together by the Litter Control Program staff under direction of Les Ihara, who has been the source of many of the program's innovative ideas, Morita said.

Morita and possibly Sullivan will attend the awards luncheon Dec. 4 in New York City.

Keep America Beautiful is a national public service organization founded in 1953 that encourages citizen involvement in environmental improvement. Its membership includes more than 120 corporations, trade associations and labor unions.●

RECESS UNTIL 11 A.M. MONDAY, DECEMBER 1, 1980

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess——

Mr. HUMPHREY. Mr. President, I move to table that motion.

Mr. ROBERT C. BYRD. The Senator cannot move to table that motion.

Mr. President, I move that the Senate stand in recess, in conformity with the resolution (H. Con. Res. 451) that has been adopted by both Houses.

Mr. HUMPHREY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HUMPHREY. Mr. President, is a motion to table in order?

The PRESIDING OFFICER. A motion to table a motion to recess is not in order.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, might I inquire of the majority leader just how late he expects this body to stay in tonight?

Mr. ROBERT C. BYRD. Mr. President, the Senator might direct his question to Mr. HUMPHREY. I have just moved to recess pursuant to the resolution which was passed this past Thursday. That resolution provides for a recess over until 11 a.m. on Monday, December 1. If the Senator from New Hampshire wants a rollcall vote, the motion is not debatable.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. I just want it clarified. We are recessing until 11 a.m. Monday with no thought of coming back tonight, is that correct?

The PRESIDING OFFICER. Pursuant to the resolution, the motion to recess is a motion to recess until 11 a.m. on Monday, December 1.

Mr. ROBERT C. BYRD. And it is not debatable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HUMPHREY. Mr. President, I apologize.

The PRESIDING OFFICER. The question is on the motion to recess.

The motion was agreed to, and, at 7:51 p.m., the Senate recessed until Monday, December 1, 1980, at 11 a.m.

SENATE—*Monday, December 1, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. DeConcini).

PRAYER

The Reverend Robert L. Maddox, Ph. D., Special Assistant for Religious Liaison at the White House, offered the following prayer:

Father, as we enter into the season of Christmas, may Your love and peace, like a warm mantle, envelop us.

May the best of yesterday and the promise of tomorrow merge into a new and hopeful reality today.

As simple folk and wise men sought the brightness of the child long ago, grant to all of us the stimulation of a good quest and the soul satisfaction of at least a measure of discovery in our day.

Bless, O Lord, these Senators, earthen vessels to whom so much has been entrusted. Help them today, Lord, to deliberate with commonsense and compassion. Help them feel the possibilities and problems that are before us Americans. Save them from cynicism and pessimism. Make them strong enough to let Yours, ours, and history's call be the final standard on which they base today's decisions.

In the last few days, we have meditated on gratitude. Mingle our gratitude with humility, courage, temperance, and a commitment to serve You and Your people in this Nation and around the world.

Holy Father, as we rush headlong into a new year, a new administration, and into a new era, may we have the good sense to seek Your mind and face. May we have the wisdom from on high to translate Your transcendence into the everyday affairs of this Nation.

We praise Your name and yield ourselves to You. In Jesus name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

ORDER OF BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the order of business today be held in abeyance until 12 noon, at which time the Senate will reconvene.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. INOUYE. Mr. President, I move that the Senate stand in recess until 12 noon today.

The motion was agreed to; and at 11:04 a.m. the Senate recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Pryor).

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTIONS IN ENROLLMENT OF H.R. 39—ALASKA LANDS LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 452 and House Concurrent Resolution 453 in that order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The first concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 452) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

Mr. STEVENS. Mr. President, on behalf of Senator Jackson, Senator Tsongas, Senator Randolph, and myself, I submit the following as legislative history to accompany House Concurrent Resolution 452 and I ask that it be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Alaska Lands

MINOR REVISIONS

The concurrent resolution would revise the Alaska National Interest Lands Conservation Act by—

1. Amending definitions to include "Native Groups" within the category of "Native Corporations" and to correct reference to Native selections.

2. Specifying that only public lands (and not State or private lands) are to be subject to the conservation system unit regulations applying to public lands. Regulations required by the Alaska Native Claims Settlement Act (such as required by Sec. 22(g) of ANCSA) are not affected.

3. Making clear (through specific language) that other particular provisions of the bill (such as the wilderness reviews) apply only to public lands.

4. Conforming the usages of "Federal lands" and "public lands" (which have the same definition in each bill).

5. Amending the punctuation in section 803 (definition of "subsistence uses").

6. Specifying that in the event of discrepancies between acreages specified in the bill and the official maps, the maps control.

7. Conforming the references to subsistence uses in the National Parks and National Wildlife Refuges sections, so that they are uniform.

The change in sections 302 and 303 of "local rural residents" to "local residents" is merely technical to standardize the terminology used in Titles II and III. Since the definition of "subsistence uses" in Section 803 limits such uses to "rural Alaska residents", a reading of Title VIII and Titles II and III together make it clear that the policy throughout is that only local rural residents are by statute provided the opportunity to engage in subsistence uses in areas of the National Park System and the National Wildlife Refuge System.

8. Making clear that the portion of the Tongass being put into Glacier Bay National Preserve is deleted from National Forest status.

9. Revising the administrative-sites provisions (Section 1306) to clarify ability of Secretary to lease office space, etc.

10. Adding a specific prohibition of the charging of entrance fees at the National Park System units in Alaska.

11. Clarifying provisions regarding previous special-use permits for cabins in the Tongass National Forest, Southeast, Alaska.

12. Clarifying provisions relating to mineral development at Quartz Hill.

13. Assuring recognition of valid existing rights.

14. Correcting various spelling errors, erroneous cross-references, legal descriptions, omissions of terms, and other errors.

Other revisions include the following:

NATIVE LAND INTERESTS

Throughout the long Alaska lands debate there has been one area of concern on which there was almost unanimous agreement among all of the parties involved: that an essential component of any Alaska lands bill should contain provisions to expedite conveyance of public land to Alaska Natives and the State of Alaska.

This change incorporates a provision of the House bill relating to transfers of public lands to Alaska Natives (primarily related to village "core" townships) so that the Interior Department has a legislative directive to continue the existing program until such time as Natives receive their land entitlement, as promised nearly ten years ago.

NATIVE ALLOTMENTS IN NATIONAL PETROLEUM RESERVE IN ALASKA

Under the provisions of Section 905 of the bill, most Alaska Native allotment applications made pursuant to the Act of May 17, 1906, which were pending before the Department of the Interior on or before December 18, 1971, are automatically approved, except

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

under certain circumstances. Section 905 applies only to allotment applications that describe land that was unreserved on December 13, 1968. On that date, lands within the National Petroleum Reserve in Alaska (then identified as Naval Petroleum Reserve Numbered 4) were reserved by the Federal government. In view of plans to open the NPR-Alaska to private oil and gas leasing, it is appropriate to make certain that pending Native allotment applications for the surface estate of lands within the NPR-Alaska are treated as are the other allotment applications elsewhere in the State covered by Section 905, and the revisions do just that.

REVISIONS OF SECTION 807

The proposal would revise section 807 of the Senate bill. For some time all of the parties involved in the development of the subsistence title have felt that section 807 needed improvement. Members of the House and Department of the Interior representatives felt that the section created unnecessary ambiguity with respect to the administrative authority of the Secretary to manage the public lands. Members of the Senate and representatives of the State of Alaska felt that the section was administratively cumbersome and left unresolved the avenue of relief for aggrieved individuals and organizations other than local committees and regional councils. And the Alaska Federation of Natives expressed concern that the section would not ensure that timely and appropriate relief would in fact be available when necessary to protect the continuation of subsistence needs. As a result, for the past several months all parties have been working together to refine section 807. Because the House of Representatives concurred in the Senate amendments to H.R. 39, there was no procedural opportunity, until now, to insert a redrafted section.

Under the new approach, the Secretary's authorities and responsibilities for the management of the public lands and the protection of subsistence uses is neither enlarged nor diminished by section 807. Rather, the section establishes a private right of action to enable any aggrieved local resident, person or organization to file a civil action in the United States District Court for the District of Alaska if necessary to compel either the State or the Federal government to properly discharge their respective responsibilities under section 804.

As a practical matter, the State's responsibilities under section 804 will be focused primarily on ensuring that hunting and fishing regulations adopted by the Alaska Board of Game and the Alaska Board of Fisheries are in compliance with the requirements of the section. If a board adopts regulations which are not in compliance with the section, or if a board fails to adopt regulations necessary to ensure the timely and adequate implementation of the subsistence priority, local residents and other aggrieved persons and organizations are empowered to seek a Federal court order to compel the board to conform its actions to the requirements of section 804. However, it also should be noted that actions of the Alaska Department of Fish and Game and other State agencies and officials may also give rise to a cause of action under section 804 which may be brought in the Federal court pursuant to the provisions of section 807.

The responsibilities of the Federal government under section 804 will interact with many of the actions of the various Federal land managers with respect to the public lands in Alaska, and of course these responsibilities will be enforceable through the usual course of judicial proceedings.

Prior to filing an action pursuant to this section against either the State or the Federal government, the plaintiffs must exhaust any administrative remedies which are available. The version of section 807 which this new provision replaces contained a number of administrative mechanisms designed to facilitate communication between State and Federal resource and land managers and affected local residents engaged in subsistence uses to resolve disputes prior to the initiation of judicial action. Both the State and Federal governments should endeavor to include these same informal dispute resolution mechanisms in their respective administrative procedures.

At a minimum, the plaintiffs must attempt to utilize whatever State or Federal administrative remedies are available.

Because of the importance of State-Federal interaction in the development and implementation of a successful subsistence management program, both the State and Federal governments are encouraged to develop new administrative procedures for the resolution of subsistence-related disputes through negotiation and mediation so that resort to the judicial system will be minimized. However, administrative remedies must take into account the difficulty of communication and travel in rural Alaska, and must ensure that adequate administrative relief is in fact reasonably attainable in a timely manner.

Before an action may be filed against the State of Alaska, the plaintiffs must have exhausted any State, but not Federal, administrative remedies which are reasonably available. Similarly, before an action may be filed against the Federal government, the plaintiffs must have exhausted any Federal, but not State, administrative remedies which are reasonably available. However, the normal requirements of administrative exhaustion established by the Federal courts are applicable to actions filed pursuant to section 807. Consequently, the plaintiffs need not participate in an administrative process which is futile, or which cannot reasonably be expected to result in timely and appropriate administrative relief.

In any civil action brought pursuant to section 807, the Court may grant preliminary relief, if the granting of such relief is appropriate under the facts of the case. If the Court preliminary determines that the defendant has failed to make adequate and timely provision for the priority for subsistence uses after having been provided a reasonable opportunity to do so; that such failure threatens the ability of rural residents or local resident, as appropriate in the particular case, to satisfy their subsistence needs; that preliminary relief is necessary to assure that such residents are provided a timely opportunity to satisfy such needs; and that preliminary relief does not threaten the continued viability of the fish or wildlife population which is the subject of the civil action, preliminary relief should be granted. However, no preliminary relief of any kind may be granted until after an opportunity for hearing.

Because of the strong public interest in the effective implementation of the subsistence priority by both the State and the Federal government, local residents and other aggrieved persons and organizations who are prevailing parties in an action filed pursuant to section 807 shall be awarded their full costs and reasonable attorney's fees. This provision is important to ensure that the residents of Native villages, many of which are among the poorest communities in the Nation, will be able to secure adequate representation.

The section is the sole Federal judicial remedy created by the subsistence title through which aggrieved local residents and other persons and organizations may seek to compel the State of Alaska to provide for the priority for subsistence uses set forth in section 804. However, it should be noted that at the same time an aggrieved person or organization is pursuing a civil action in the Federal courts filed pursuant to this section, a civil action in State court to ensure compliance with State law may also be prosecuted concurrently.

REVISION OF SECTION 1313

Our proposal refines the language of section 1313 of the Act to more clearly define the relationship of the closure provisions of section 1313 and section 816. Section 816 establishes the sole standard for the closure of any portion of the public lands, including National Park Preserves, to the taking of fish and wildlife for subsistence uses. Section 1313 establishes the standard for the closure of National Park Preserves to the taking of fish and wildlife for nonsubsistence uses. The precise purview of these two sections is important because subsistence uses may not be curtailed merely for reasons of public use and enjoyment. Similarly, absent an emergency, a particular area may not be closed to subsistence uses without notice and a hearing in the local vicinity of the closure. In an emergency, a closure to subsistence may not be implemented prior to the declaration of specified findings by the appropriate Secretary. Neither of these requirements are mandated by section 1313.

Paragraph (3) of the concurrent resolution does not eliminate or impair the Secretary's authority to acquire lands within conservation system units as provided in section 1302 of the bill, or the Secretary's authority to accept the relinquishment of selections within the conservation system units, as provided in section 1415 of the bill. The language of this part of the resolution is, rather, a specific statement of positive authority for the Secretary.

In addition, until lands selected by the State and the Native Corporations are conveyed to these entities, and consistent with section 906(o)(2) of H.R. 39, it is intended that these lands within the conservation system units are to be administered by the conservation system unit manager similar to the way such lands are currently being managed. While the land manager will be responsible for these lands until conveyed, the Bureau of Land Management will continue to be responsible for the conveyance process under the Alaska Native Claims Settlement Act and the Alaska Statehood Act, and it is our intention that these conveyances be expedited in every possible way.

Change number (42) (to section 1314 of the Alaska National Interest Lands Conservation Act) is a perfecting amendment designed to maintain the status quo in historic Federal-State relations concerning fish and wildlife management, except as specifically modified by this Act in the Subsistence Title. For example, for the National Park System components, this provision intends to make applicable in Alaskan Parks and Preserves the same Federal-State relations on fish and wildlife management that apply in lower 48 State national parks and preserves. Similarly, the same historic management principles and processes would apply to National Wildlife Refuge System units.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 452) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTIONS IN ENROLLMENT OF H.R. 39—ALASKAN LANDS LEGISLATION

The PRESIDING OFFICER. The clerk will state the second concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 453) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

Mr. STEVENS. Mr. President, I submit four statements as legislative history for H.R. 39, the Alaska lands bill. I ask that the statements be printed in full at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SECTION 807

Mr. President, the Section 807 now before us contains a rewrite of section 807 of the Senate bill. Section 807 is the "judicial enforcement" component of the subsistence management title. The old section 807 was drafted by the Senate Energy and Natural Resources Committee during the 95th. Congress and included in the subsistence title in place of an elaborate "administrative enforcement" provision which was included in the version of H.R. 39 passed by the House.

The House provision mandated the Secretary of the Interior or Secretary of Agriculture, as appropriate, to supercede State regulation of fish within the water of Alaska and wildlife on the public lands of Alaska whenever in his judgment the State had failed to timely and adequately provide for the priority for subsistence uses. The State could not have obtained judicial review of the Secretary's determination of noncompliance until at sixty days after the effective date of the supersession, by which time the particular situation which, in the Secretary's judgment, required Federal interference with State fish and wildlife regulation would most probably have abated of its own volition. Such Judicial review would have provided the State only illusory protection from arbitrary administrative determinations. State fish and wildlife management would have been left to the mercy of the Secretary.

The alternative approach developed by the Senate Energy Committee neither enlarges or diminishes the existing administrative authorities of the two Secretaries for the management of the public lands, nor does it attempt to resolve the issue of whether the Secretaries are under a legal obligation to exercise those authorities for the benefit of Alaska Native and other rural residents engaged in subsistence uses on the (waters and) public lands of Alaska. Rather, the Committee section 807 establishes a complex "judicial enforcement" scheme whereby the Secretary of the Interior is required to represent local advisory committees and regional advisory councils in civil actions to compel the State, if necessary, to conform its regulation of fish (stocks in the waters of Alaska), and wildlife populations on the public lands, to the requirements of section 804.

After passage of H.R. 39 by the United States Senate all of the parties which have been active in the development of the subsistence title were of the opinion that section 807 could be refined into a more workable form. The State of Alaska was particularly concerned about the difficult nature of its relationship with the Federal government which could result from the use of section 807, and the resultant damage to the traditional State-Federal and wildlife management relationship.

The State was also concerned that the section did not provide a comprehensive mechanism for resolution of subsistence-related disputes since the avenue of relief for aggrieved local residents and persons and organizations other than local committees and regional councils, is not mentioned in the section. As a consequence, the State could have been denied procedural protections which are provided in section 807.

The redrafted section 807 now before us is a cooperative effort by all interested parties, including the State of Alaska, to develop a workable subsistence management system. The section establishes a private Federal right of action for any aggrieved local resident, person, or organization, including a local committee or regional council, who believes that the State or the Federal government has not met their respective responsibilities under section 804 in a particular situation. Before initiating such an action, a private litigant must have complied with the normal rules for the exhaustion of administrative remedies which are a prerequisite to the prosecution of a civil action in the Federal courts.

Preliminary relief is available pursuant to Federal Rule of Civil Procedure 65 and applicable case law. However, no preliminary relief is available in a civil action in which the State is a defendant until after the State has had an opportunity for hearing on the granting of such relief. Although the normal case law applicable to motions for preliminary relief in an action brought pursuant to section 807, in determining whether such relief is appropriate in a particular instance, the Court should consider such factors as whether the defendant has failed to timely and adequately provide for the subsistence priority, whether such failure threatens the ability of rural residents or local residents, as appropriate in the particular factual situation at issue, to satisfy their subsistence needs, whether preliminary relief is necessary to assure that residents who may have been adversely affected by the defendant's failure to provide the subsistence priority are provided a timely and adequately opportunity to satisfy their subsistence needs, and whether the granting of preliminary relief will threaten the continued viability of the fish or wildlife population which is the subject of civil action.

The section is the sole Federal judicial remedy for any aggrieved local resident, person, or organization which believes that the State of Alaska has failed, in a particular instance, to timely and adequately provide for the priority for subsistence uses established by section 804.

NATURAL DIVERSITY

Mr. President, title III of the amendment to H.R. 39 which was negotiated with Senator Tsongas, and which was recently adopted by the House of Representatives, contains some new language which has never before appeared in any of the many incarnations of H.R. 39 which have been considered by the Congress over the past four years. Sections 302 and 303 of title III designate as a major purpose of each new or expanding refuge the conservation of fish and wildlife populations and habitats "in their natural diversity".

The phrase "in their natural diversity" was included in each subsection of those two sections to emphasize the importance of maintaining the flora and fauna within each refuge in a healthy condition. The term is not intended to, in any way, restrict the authority of the Fish and Wildlife Service to manipulate habitat for the benefit of fish or wildlife populations within a refuge or for the benefit of the use of such populations by man as part of the balanced management program mandated by the Alaska National Interest Lands Conservation Act and other applicable law. The term also is not intended to preclude predator control on refuge lands in appropriate instances.

The word "natural" as used in the phrase "in their natural diversity" is specifically not intended to have the same meaning as that term is used in section 815(1). It is well recognized that habitat manipulation and predator control and other management techniques frequently employed on refuge lands are inappropriate within National Parks and National Park Monuments. Section 815(1) recognizes this difference by providing that the level of subsistence uses within a National Park or National Park Monument may not be inconsistent with the conservation of "natural and healthy" fish and wildlife populations within the park or monument, while within National Wildlife Refuges the level of subsistence uses of such populations may not be inconsistent with the conservation of "healthy" populations.

Nothing in the phrase "in their natural diversity" in title III is intended to disrupt this well-defined, and long recognized difference in the management responsibilities of the National Park Service and the Fish and Wildlife Service.

WILDERNESS BOUNDARIES

Mr. President: Throughout the Alaska lands legislation, we have adopted the policy that conservation system designations end at the mean high tide mark in coastal areas. I want to make it clear that this policy also applies to all wilderness designations, particularly those in Southeast Alaska, even though the statute is silent on this point. In other words, the governing maps, which are controlling, should clearly portray what has been a consistent Congressional policy for the last couple of years.

HOUSE CONCURRENT RESOLUTION 453

Mr. President: House Concurrent Resolution 453 instructs the enrolling clerk to make a specific change in the enrollment of the Alaska lands bill prior to its being sent to the President for his signature. The provision added by this resolution is similar to section 905(a) of the bill. That provision approves certain native allotment applications under the Act of May 6, 1906. A number of specific requirements are included in section 905(a) to require adjudication. This concept is being applied to non-native public land entries in Alaska including but not limited to pending homesteads, trade and manufacturing sites, homesites, and headquarter sites. Those entries located within National Parks or wilderness areas within the indicated Tongass and Chugach Forests in Alaska shall be for entries located in wildlife refuges, those entries which have been properly made under applicable law and which subject or on application timely filed, and which were properly maintained under applicable law are to be approved without adjudication, subject to the provisions of section 1327(a) (3), under the terms of this section.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 453) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL ASSISTANCE REFORM ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1070.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 878) to streamline and simplify the general applicable requirements attached to Federal assistance programs and their implementation; to facilitate the consolidation of assistance programs; to provide for multi-year funding of certain grant programs; to expedite the processing of applications for Federal assistance involving more than one grant; to extend and amend the law relating to intergovernmental cooperation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Assistance Reform Act of 1980".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to encourage the consolidation of Federal grant programs, when such consolidation is consistent with applicable statutes and would further the goals and objectives of the grant programs consolidated;

(2) to provide for the efficient use of Federal, State, and local government audit resources;

(3) to enable State and local governments and nonprofit organizations to adapt programs for Federal assistance to the particular needs of beneficiaries and the operating practices of recipients by drawing upon appropriations available from more than one Federal program;

(4) to streamline and simplify generally applicable national policy requirements attached to Federal assistance programs; and

(5) to implement several other improvements in the administration of the Federal grant system.

TITLE I—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 101. (a) Title 5, United States Code, is amended by inserting after chapter 9 the following new chapter:

"Chapter 10—FEDERAL ASSISTANCE PROGRAM CONSOLIDATION

"Sec.
"1001. Definitions.
"1002. Examination of Federal assistance programs required.
"1003. Federal assistance program consolidation plans.
"1004. Limitations on powers.
"1005. Method of taking effect.
"1006. Effect on other laws and regulations.

"§ 1001. Definitions.

"For purposes of this chapter—

"(1) the term 'agency' has the same meaning as the term 'Federal agency' in section 101 of the Intergovernmental Cooperation Act of 1968;

"(2) the term 'consolidation plan' means a Federal assistance program consolidation plan proposed under section 1003 of this title;

"(3) the term 'Federal assistance' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts, cooperative agreements or technical assistance to State or local governments or other recipients, except that such term does not include direct cash assistance to individuals, contracts for the procurement of goods and services of the United States, subsidies, or insurance;

"(4) the term 'functionally related programs' refers to those programs which have, in essence, the same major purposes and provide assistance to the same types of beneficiaries and recipient groups; and

"(5) the term 'resolution' means a joint resolution of the Senate and the House of Representatives, the matter after the resolving clause of which is as follows: 'That the Congress of the United States approves the consolidation plan numbered , transmitted by the President on , 19 , including such changes as may have been subsequently proposed by the President in accordance with section 1003 (e) of title 5, United States Code.', the first blank space therein being filled with the number of the plan and the second blank space therein being filled with the date on which the plan was transmitted to the Congress.

"§ 1002. Examination of Federal assistance programs required

"Prior to the beginning of each regular session of Congress, the President shall examine the various Federal assistance programs established by law in order to determine if consolidation of any such programs is necessary or desirable to—

"(1) facilitate the adaptation of Federal assistance programs to the particular needs of beneficiaries and the operating practices of recipients in a manner consistent with congressional purposes;

"(2) promote better administration and more effective planning of such programs;

"(3) improve coordination of such programs;

"(4) eliminate program overlap and duplication; and

"(5) promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"§ 1003. Federal assistance program consolidation plans

"(a) If the President, after making the examination required by section 1002 of this title, finds that consolidation of Federal assistance programs is necessary or desirable to accomplish the purposes specified in paragraphs (1) through (5) of such section, he shall prepare one or more Federal assistance consolidation plans. The President shall transmit each such consolidation plan (bearing an identification number) to the Congress within sixty days of continuous session of Congress after the beginning of each regular session of such Congress. Each such consolidation plan shall include a declaration that the consolidation included in the plan is necessary or desirable to accomplish the purposes specified in such paragraphs and an explanation of how each program included in the plan is functionally related to the other programs included in the plan.

"(b) In each consolidation plan transmitted to the Congress under this section, the President shall—

"(1) place responsibility for administration of the consolidation plan and each of the Federal assistance programs included in such plan in a single Federal agency;

"(2) specify in detail the terms and conditions under which the Federal assistance programs included in the plan will be administered, including a specification of requirements such as State and local matching for Federal funds, allotment and apportionment, financial management, planning, and eligibility requirements to be used in the plan, except that in selecting the terms and conditions for the administration of the plan, the President is limited by the terms and conditions included in one or more of the Federal assistance programs being consolidated and such other conditions as are required to insure that the intended benefits are delivered to the intended beneficiaries in a manner consistent with congressional purposes; and

"(3) specify the date of expiration of the consolidation plan, except that in selecting an expiration date under this paragraph the President shall specify a date which—

"(A) except as provided in subparagraph (B) of this paragraph, is not earlier than the earliest date and not later than the latest date on which the authorizations of appropriations for any of the Federal assistance programs consolidated under the plan expire; and

"(B) is not later than ten years after the effective date of the plan.

"(c) The President shall include with each consolidation plan transmitted to the Congress under this section a message which describes (1) the differences between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and the terms and conditions that will be applicable to such programs after the consolidation plan becomes effective, and (2) the reasons for selecting the terms and conditions used in the consolidation plan.

"(d) The President shall transmit each consolidation plan to both Houses of Congress on the same day and to each House while it is in session, except that—

"(1) the President may not transmit a consolidation plan to the Congress within thirty days of continuous session of Congress after the transmission of a previous consolidation plan concerning one or more of the same programs; and

"(2) not more than three consolidation plans may be pending before the Congress at one time.

"(e) Before a resolution with respect to a consolidation plan has been ordered reported by a committee in the House and Senate designated pursuant to section 1005(d)(1), in either the Senate or the House of Representatives, the President may make modifications or revisions of the plan, which shall thereafter be treated as a part of the consolidation plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter.

"(f) Within sixty days of continuous session of Congress after the beginning of each regular session of Congress, the President shall prepare and transmit to the Congress a report concerning the administration of this chapter. The report shall include a detailed analysis of the need for and desirability of the consolidation of Federal assistance programs and shall describe proposed consolidation plans and the actions taken to implement consolidation plans which have become effective. If, during the year preceding the year in which the report is made, the President has not submitted a consolidation plan under this chapter, the report shall cite the reasons why he did not submit such a plan.

"§ 1004. Limitations on powers

"(a) A consolidation plan may not provide for, and may not have the effect of, (1) consolidating any Federal assistance programs which are not functionally related, or (2) transferring responsibility for the administration of any program contained in such plan to an agency which was not responsible for the administration of any Federal assistance program included in the consolidation plan prior to the date on which the consolidation plan takes effect or, (3) providing that a group or person becomes eligible for assistance under the plan that is not eligible under one or more of the programs being consolidated or (4) excluding any person or group from eligibility for assistance under the consolidation plan that is already eligible for assistance under one or more of the programs being consolidated.

"(b) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(c) The authority under this title will expire ten years from the date it becomes effective.

"§ 1005. Method of taking effect

"(a) A consolidation plan shall be effective upon approval by the President of a resolution which has been adopted within ninety days of continuous session of Congress after the date of transmittal of the plan to the Congress.

"(b) A consolidation plan may provide that any provision of the plan may be effective at a time later than the date on which the plan becomes effective.

"(c) On the day on which a consolidation plan is transmitted to the Senate and the House of Representatives, a resolution shall be introduced (by request) in the Senate by the Chairman of the Committee on Governmental Affairs of the Senate, or by a Member or Members of the Senate designated by such chairman; and shall be introduced (by request) in the House by the chairman of the Committee on Government Operations of the House, or by a Member or Members of the House designated by such chairman.

"(d)(1) A resolution with respect to a consolidation plan shall be referred to the committee of the Senate and the House of Representatives having primary jurisdiction over such resolution under the rules of the Senate and the House of Representatives.

(2) Any resolution with respect to a consolidation plan affirmatively reported by the committee with primary jurisdiction which contains any matter within the jurisdiction of any other committee shall be referred to such other committee for a period of fifteen days of continuous session of Congress if the chairman of such other committee requests such referral no later than the day following the day on which the resolution is reported by the committee with primary jurisdiction. In any case in which such other committee fails to report the resolution within the period herein prescribed, such committee shall be automatically discharged from further consideration of such resolution on the sixteenth day of continuous session of Congress following the day on which such resolution is referred to such committee.

"(3) Each committee to which the resolution is referred shall consider the consolidation plan and shall make its recommendations to the Senate or the House of Representatives, as the case may be, except that no committee shall take action on the consolidation plan with fifteen calendar days of its transmittal to Congress.

"(e) When the last committee to which the resolution has been referred has reported, or has been discharged from further consideration of a resolution with respect to a consolidation plan, pursuant to (d)(2), it is in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is privileged in the Senate and highly privileged in the House of Representatives and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(f) For purposes of this section and section 1003 of this title—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days in which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

"(g) The provisions of subsections (c) through (k) of this section and of paragraph (4) of section 1001 of this title are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House with respect to resolutions referred to in such subsections and paragraph; and they supersede other rules to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"§ 1006. Effect on other laws and regulations

"(a) To the extent that any provision of a consolidation plan which becomes effective under this chapter is inconsistent with any provision of law enacted prior to the effective date of the plan, the provision of the consolidation plan shall control to the extent that such plan specifies the provision of law to be superseded, consistent with section 1003 (b)(2).

"(b) Within a reasonable time after the consolidation plan becomes effective, modifications shall be made in any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan to reconcile any inconsistency as thereof with the consolidation plan, as set forth in that plan, but otherwise shall continue in effect.

"(c) No action or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of a consolidation plan under this chapter. On motion or supplemental petition filed at any time within twelve months after any such plan takes effect, showing a necessity for survival of the action or other proceeding to obtain a settlement of the questions involved, the court may allow the action or other proceeding to be maintained by or against the successor of the head or officer under the consolidation plan or, if there is no successor, against such agency or officer as the President designates.

"(d) A consolidation plan may provide for the transfer of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in such plan shall be available for any or all such programs, and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed an authorization of appropriations and other budget authority for any or all of such programs. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the agencies administering the programs. The Office of Management and Budget shall report to the Appropriations Committees, as part of their annual budget submission, on the saving effected under the consolidation plan.".

(b) The table of chapters for part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

"10. Federal Assistance Program Consolidation .... 1001."

TITLE II—FINANCIAL MANAGEMENT AND AUDIT OF FEDERAL ASSISTANCE PROGRAMS

PURPOSE

SEC. 201. It is the purposes of this title—

(1) to improve the financial management of Federal assistance programs;

(2) to promote the efficient use of audit resources;

(3) to relieve State and local governments, especially small communities, and nonprofit organizations, of the costs and paperwork burdens due to conflicting and redundant requirements of Federal assistance programs; and

(4) to provide for the establishment of consistent requirements for the financial management and audit of Federal assistance provided to or administered by State and local governments and nonprofit organizations.

DEFINITIONS

SEC. 202. As used in this title—

(1) the term "financial and compliance audit" means a systematic review or appraisal of a recipient of Federal assistance to determine and report whether the financial operations of the recipient are properly conducted and financial reports are presented fairly; and whether the entity has complied with significant compliance requirements contained in laws and regulations that can materially affect the entities' financial operations, conditions and reports.

(2) The term "public accountants" means certified public accountants, or licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State.

(3) The term "independent auditors" means properly constituted State or local government audit agencies or public accountants, who have no direct relationship with the functions or activities being audited or with the business conducted by any of the officials of the government agency or unit being audited.

(4) The term "independent audit" means

an audit conducted by independent auditors.

(5) The term "generally accepted auditing standards" means the auditing standards set forth in the financial and compliance element of the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions", issued by the Comptroller General of the United States and incorporating the audit standards of the American Institute of Certified Public Accountants.

(6) The term "Federal assistance" means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts, cooperative agreements or technical assistance to State or local governments or other recipients, except that such term does not include direct Federal cash assistance to individuals, contracts for the procurement of goods and services of the United States, subsidies, insurance or assistance provided by the Tennessee Valley Authority.

(7) The term "local government" means any unit of government within a State, a county, borough, municipality, city, town, township, parish, local public authority, special district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government but shall not be construed to mean any Indian tribe as defined in section 3(c) of the Indian Financing Act of 1974.

(8) The term "entity" means a first level organizational unit of a State or local government or nonprofit organization, and includes all subordinate organizational units within such first level unit and all contractors providing services to such unit.

(9) The term "nonprofit organization" means an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

GENERAL FINANCIAL MANAGEMENT AND AUDIT

SEC. 203. (a) In order to insure that Federal accountability systems do not impose unnecessary, conflicting, and duplicative accounting, auditing, and reporting requirements upon State and local governments, especially upon small communities and nonprofit organizations, who are recipients of Federal assistance and in order to reduce the costs, paperwork, and regulatory burdens associated with Federal assistance programs, the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall, consistent with applicable law, develop, establish, and maintain for use by all Federal agencies standard accounting, auditing, and financial management policies, procedures, and requirements for the administration, accounting, and financial auditing of grants, contracts, cooperative agreements, and other forms of Federal assistance to State and local governments and nonprofit organizations. Any such policy, procedure, or requirement shall not conflict with any applicable audit standard developed by the Comptroller General of the United States. Standard policies, procedures, and requirements developed by the Director of the Office of Management and Budget pursuant to this section shall include—

(1) terms, definitions, and conditions used in conjunction with grants, contracts, cooperative agreements, and other forms of Federal assistance to State and local governments;

(2) generally accepted accounting principles and standards as required for financial accounting and reporting;

(3) uniform requirements for grant application forms;

(4) uniform principles and standards for sound financial management and auditing; and

(5) uniform payment policies for grants, contracts, cooperative agreements, and other forms of Federal assistance.

(b) The Director of the Office of Management and Budget shall prescribe directives to carry out the standard policies, procedures, and requirements established pursuant to subsection (a). Any such directive shall be binding on all Federal departments and agencies. Such directives shall prescribe effective means to coordinate Federal, State, and local audits of grant programs.

ACCOUNTING AND AUDITING PROCEDURES AND REQUIREMENTS

SEC. 204. (a) At least once every two years, there shall be a single independent financial and compliance audit of—

(1) State and local governments, or State and local governmental entities and the subgrantees of such State and local governments or governmental entities; and

(2) nonprofit organizations or entities of nonprofit organizations and the subgrantees of such nonprofit organizations or entities,

which receive Federal assistance. Any such audit shall include an evaluation of the accounting and control systems of the recipient of Federal assistance and of the activities by the recipient to comply with the financial and performance requirements of grants received by the recipient from the Federal Government. Audits carried out pursuant to this section shall be audits of the recipient, rather than audits of individual grants or programs. In the case of any recipient of Federal assistance which receives less than $100,000 per year, the audit required by this section shall be conducted at least once every five years, but not more frequently than once every three years, unless there is evidence of fraud or other violation of Federal law in connection with such assistance.

(b) A State government shall have the responsibility for financial and compliance audits of the State government or State governmental entities receiving Federal assistance, and the subgrantees of such government or entities. A local government shall have the responsibility for financial and compliance audits of the local government, local governmental entities receiving Federal assistance, and the subgrantees of such government or entities. A nonprofit organization shall have responsibility for financial and compliance audits of the nonprofit organization or entities of the nonprofit organization receiving Federal assistance and the subgrantees of such nonprofit organizations or entities unless by law, the State or local government has such responsibility, in which the event the State or local government, as appropriate, shall have the responsibility for such audits. The audits shall be made by independent auditors in accordance with generally accepted auditing standards and shall include an opinion as to whether the recipient's accounting policies and financial statements follow generally accepted accounting principles and standards.

(c)(1) The Federal Government shall be responsible, through the quality review process established pursuant to subsection (d), for assuring that financial and compliance audits conducted by independent auditors meet generally accepted auditing standards. Nothing in this title limits the authority of Federal agencies to make audits of Federal grants-in-aid to State and local governments, State and local governmental entities and the subgrantees of such State and local government or governmental entities: *Provided, however*, That if independent audits arranged for by State or local governments meet generally accepted auditing standards and other requirements established pursuant to subsection (d) Federal agencies shall rely on those audits and any additional audit work shall build upon the work already done.

(2) The Federal Government is responsible for conducting, or contracting (to such extent or in such amounts as are provided in appropriations Acts) for the conduct of, audits which are not financial and compliance audits.

(3) Nothing in this title limits the Federal Government's responsibility or authority to enforce Federal law or regulations, procedures or reporting requirements arising pursuant thereto.

(d) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish and approve a quality review process that will assure the proper performance of audits. Audits performed by Federal, State, or local government audit agencies which have been approved pursuant to quality review process shall be accepted by all Federal agencies making and administering grants.

(e) The Director of the Office of Management and Budget shall prescribe appropriate means for the reimbursement of independent auditors for actual expenses incurred for such parts of audits as are performed on behalf of the Federal Government, including provisions for—

(1) direct reimbursement for such expenses; and

(2) equitable financial settlements when such audits fail to meet the standard policies, procedures, and requirements developed pursuant to section 203.

SEC. 205. The term State, as used in this title, shall not be construed to mean any Indian tribe as defined in section 3(c) of the Indian Financing Act of 1974.

TITLE III—INTEGRATED GRANT DEVELOPMENT

SEC. 301. This title may be cited as the "Integrated Grant Development Act of 1980".

PURPOSES

SEC. 302. The purpose of this title is to improve Federal assistance program performance by enabling State and local governments and nonprofit organizations to use Federal assistance more effectively and efficiently and adapt that assistance more readily to the particular needs of such governments or organizations through the wider use of projects drawing upon resources available from more than one Federal agency, program, or appropriation. It is the further purpose of this title to encourage arrangements between the Federal Government and State governments under which local governments and nonprofit organizations may more effectively and efficiently combine State and Federal resources in support of projects of common interest to the beneficiaries, the governments and organizations concerned.

DEFINITIONS

SEC. 303. For purposes of this title—

(1) the term "Federal assistance program" means any program that provides assistance through grants, cooperative agreements, or contractual arrangements, but does not include assistance in the form of revenue sharing, loans, loan guarantees, or insurance;

(2) the term "applicant" means any State or local government or nonprofit organization acting separately or together in seeking assistance with respect to a single project;

(3) the term "project" means any undertaking, whether of a temporary or continuing nature, that includes components proposed or approved for assistance under more than one Federal program, or under one or more Federal and one or more State programs, if each such component contributes materially to the accomplishment of a single purpose or closely related purposes;

(4) the term "Federal agency" means any agency, department, corporation, independent establishment, or other entity of the executive branch of the Government of the United States;

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, and any tribe as defined in section 3(c) of the Indian Financing Act of 1974; and

(6) the term "local government" means any local unit of government, including a city, county, parish, town township, village, school district, council of governments, or other agency or instrumentality of a local unit of government.

BASIC RESPONSIBILITIES OF THE PRESIDENT AND THE HEADS OF FEDERAL AGENCIES

SEC. 304. (a) The President shall issue such guidelines as may be necessary to assure that all Federal agencies carry out subsection 304 (b) in a manner consistent with the purposes of this title. In promulgating such guidelines, the President may require that Federal agencies adopt or prescribe procedures that will assure that applicants for assistance under projects funded pursuant to this title make appropriate efforts to (1) secure the views and recommendations of recipients and beneficiaries of Federal assistance who may be significantly affected by such projects and (2) resolve questions of common interest to such recipients prior to submission of any application.

(b) Subject to applicable law and to such guidelines as the President shall issue pursuant to subsection (a), the head of each Federal agency shall—

(1) identify related programs likely to be particularly suitable or appropriate for providing joint support;

(2) promulgate guidelines, and develop and publicize model or illustrative projects, joint or common application forms, and other materials and guidance to assist in the planning and development of projects drawing support from different programs;

(3) review administratively established program requirements in order to determine which requirements may impede integrated grant development for projects and the extent to which such requirements may be modified, and on the basis of such review, make appropriate modifications in such requirements;

(4) establish common technical or administrative rules with respect to related programs to assist in integrated grant development for specific projects or classes of projects under such programs; and

(5) create joint or common procedures and mechanisms for the processing of applications, the supervision of projects, and the evaluation of performance, including procedures for—

(A) designating agencies to assume responsibilities for the processing of applications on behalf of several agencies;

(B) designating managing agencies to assume responsibilities for project supervision and performance evaluation on behalf of several agencies; and

(C) insuring that participating Federal agencies contribute proportionately to the support of the administrative costs of the agency designated under subparagraphs (A) and (B) which are attributable to integrated grant development, including costs for the provision of staff, administrative, and fiscal services.

(c) To the maximum extent permitted by law, the head of each Federal agency shall act to further the purposes of this title with respect to Federal assistance programs administered by his agency. The head of each Federal agency shall consult and cooperate with the heads of other Federal agencies with respect to Federal assistance programs that may be appropriate to provide joint support of projects undertaken by State or local governments or nonprofit organizations.

(d) The Director of the Office of Management and Budget shall have responsibility for carrying out the provisions of this title, including responsibility for—

(1) the provision of overall guidance and the training of Federal agency personnel concerning the implementation of this title;

(2) the development of criteria to guide Federal agencies in identifying programs suitable for integrated grant development;

(3) the coordination of agency actions concerning integrated grant projects and the resolution of conflicts which may arise between agencies in developing uniform provisions under section 307;

(4) the conduct of meetings to resolve problems which may arise between Federal agencies and recipients of Federal assistance in the development and administration of integrated grant programs; and

(5) the monitoring of the use by Federal, State, and local government agencies of the opportunities available under this title for the development and administration of integrated grant projects.

PROCESSING OF APPLICATIONS

SEC. 305. In processing applications or requests for assistance for an integrated grant project, the head of each Federal agency shall assure, to the extent reasonably possible that—

(1) all required reviews and approvals are handled expeditiously;

(2) full account is taken of time constraints that would affect the feasibility of an integrated grant project in any case in which the applicant has informed the agency of such constraints;

(3) the applicant is required to deal with a minimum number of representatives of Federal agencies, acting separately or as a common board or panel;

(4) the applicant is promptly informed of decisions concerning an application and of any special problems or impediments that may affect the feasibility of the provision of Federal assistance on an integrated basis; and

(5) the applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency that could more appropriately be secured through direct communication among the Federal agencies involved.

SPECIAL AUTHORITIES; BASIC CONDITIONS

SEC. 306. (a) Subject to the conditions prescribed in subsection (b), the head of each Federal agency shall use the authority described in sections 307, 308, and 309 with respect to projects assisted under more than one Federal assistance program.

(b) The authority described in sections 307, 308, and 309 shall be exercised by Federal agencies only pursuant to regulations prescribed by the President. Such regulations shall include criteria or procedures to assure that the authority described in such sections is—

(1) limited in use to problems that cannot be adequately dealt with through other actions pursuant to this title or other applicable law;

(2) applied only as is necessary to promote expeditious processing of applications or effective and efficient administration of projects; and

(3) applied in a manner consistent with the protection of the Federal interest.

ESTABLISHMENT OF UNIFORM TECHNICAL OR ADMINISTRATIVE REQUIREMENTS

SEC. 307. (a) In order to provide for projects that would otherwise be subject to varying or conflicting technical or administrative rules and procedures not required by law, the head of each Federal agency shall adopt and adhere to uniform provisions with respect to—

(1) the financial administration of such projects, including requirements concerning accounting, reporting and auditing, maintenance of separate bank accounts, and use of letters-of-credit, except that the head of a Federal agency shall adopt and adhere to such uniform provisions to the extent such provisions are consistent with the requirements of section 309;

(2) the timing of Federal payments for such projects and methods for such payments;

(3) the form in which assistance is provided, including grants, cooperative agreements, and contracts; and

(4) the accountability for, and the disposition of, records, property, or structures acquired or constructed with Federal assistance.

(b) In order to permit processing of applications in accordance with the purposes of this title, the head of each Federal agency may provide for review of proposals for projects by a single panel, board, or committee in lieu of review by separate panels, boards, or committees, except when such separate review is specifically required by law.

DELEGATION OF POWERS

SEC. 308. With the approval of the President, the head of a Federal agency may delegate to the head of another Federal agency any power or function relating to the supervision or administration of Federal assistance for projects or classes of projects funded under this title, or may make other arrangements with the head of a Federal agency to perform such supervision or administration. The head of an agency may delegate a power or function under this section only on such conditions as may be appropriate to assure that the power or function delegated is exercised in accordance with applicable statutory provisions and policies. A delegation under this section shall not relieve the head of the Federal agency making such delegation of responsibility for the proper and efficient management of projects assisted by this agency.

FUNDING ARRANGEMENTS AND PROCEDURES

SEC. 309. (a) In order to provide for the effective administration of funds drawn from more than one Federal program or appropriation in support of projects under this title, there may be established management funds with respect to such projects, from time to time, there shall be transferred to the management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee, any amounts remaining in the hands of the grantee at the completion of the project shall be returned to the contributing agencies on a proportional basis.

(b) Any account in a management fund shall be subject to such agreements, not inconsistent with this section and other applicable law, as may be entered into by participating Federal agencies with respect to the discharge of the responsibilities of such agencies and shall assure the availability of necessary information to such agencies and to the Congress. Any such agreement shall provide that the agency administering the management fund shall be responsible and accountable for the amounts provided for each account established in the fund, and that such agency shall provide an accounting of such amounts by program and by appropriation. Any such agreement may include procedures for determining whether amounts in the account are in excess of the amounts required, for returning any such excess to the participating Federal agencies in accordance with the availability of the applicable appropriation and in accordance with a formula providing an equitable distribution, and for effective returns according to the applicable appropriations, subject to fiscal year limitations. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the agencies administering the programs. The Office of Management and Budget shall report to the Appropriations Committees, as part of their annual budget submission, on the saving effected by the integrated grants.

(c) Each recipient of funds under a project financed through a management fund established pursuant to this section shall keep such records as the head of the Federal agency responsible for administering the fund shall prescribe. Such records shall, at a minimum, fully disclose—

(1) the amount and disposition of Federal assistance received by such recipient under each program and appropriation;

(2) the total cost of the project for which such Federal assistance was granted;

(3) the amount of the cost of the project supplied by sources other than the Federal Government; and

(4) such other information as will facilitate an effective audit of the recipient.

(d) The head of the Federal agency responsible for administering a management fund established pursuant to this section and the Comptroller General of the United States or any of their duly authorized representatives shall have access, for the purposes of audit and examination, to any books, documents, papers, and records of any recipient of Federal assistance under a project financed through a management fund established pursuant to this subsection that are pertinent to such assistance.

(e) A single non-Federal share shall be established for any project financed through a management fund according to the Federal share ratios applicable to the Federal assistance programs from which the project draws support, and the necessary proportion of funds shall be transferred to the project account from each such program.

SEC. 310. Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for integrated grant development involving that program and any other Federal assistance program.

REPORTING

SEC. 311. At least two years before the date on which the provisions of this title expire, the President shall prepare and transmit to the Congress a comprehensive report which describes the actions taken by Federal agencies under this title and which makes recommendations for the continuation modification, or termination of this title. The report shall provide a detailed evaluation of the administration of this title, including information regarding the benefits, costs, and savings of integrated grant projects accruing to the Federal Government and to participating State and local governments and private nonprofit organizations.

EFFECTIVE DATE AND EXPIRATION

SEC. 312. This title shall become effective one hundred and twenty days after the date of enactment of this Act, and shall expire five years after the date upon which it becomes effective. The expiration of this title shall not affect any project approved prior to the date of such expiration.

TITLE IV—ADMINISTRATION OF GENERALLY APPLICABLE FEDERAL ASSISTANCE REQUIREMENTS

SEC. 401. The Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VII—ADMINISTRATION OF GENERALLY APPLICABLLE FEDERAL ASSISTANCE REQUIREMENTS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title—

"(1) to encourage simplification, standardization, and coordination to the maximum extent feasible in the administration of all national policy requirements which are generally applicable to Federal assistance consistent with the goals and objectives of such requirements;

"(2) to improve the procedures by which such requirements are developed, implemented, and evaluated; and

"(3) to reduce the overall administrative burden of such requirements on assistance recipients.

"DEFINITIONS

"SEC. 702. As used in this title—

"(1) the term 'generally applicable requirement' means any requirement—

"(A) with which an assistance recipient is required to comply under Federal law or administrative rule or regulation in order to achieve national policy objectives; and

"(B) which applies to programs administered by two or more assistance agencies, regardless of whether such requirement is contained in one or more of such laws, rules, or regulations;

"(2) the term 'designated agency' means a Federal agency designated by the President pursuant to this title, or a Federal agency which has been designated by law, to coordinate the preparation and implementation of national policy assistance standards for specified generally applicable requirements and report on the administration of such requirements.

"(3) the term 'assistance recipient' means a State or local government or other organization that receives Federal assistance;

"(4) the term 'national policy assistance standards' means a set of guidelines, statements of objectives, standards or other documents issued to achieve the objectives of certain generally applicable requirements in a manner which is, to the greatest extent feasible, substantially uniform among affected assistance programs and is designed to take into account characteristics of classes of recipients or types of assistance;

"(5) the term 'assistance agency' means a Federal agency that administers a Federal assistance program; and

"(6) the term 'Federal assistance' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Federal Government), or technical assistance.

"ASSIGNMENT OF DESIGNATED AGENCIES

"SEC. 703. (a) Within one hundred twenty days after the date of enactment of this title, and from time to time thereafter as he deems appropriate, the President shall designate, consistent with any applicable law, including reorganization plans, a Federal agency to coordinate the preparation of national policy assistance standards for one or more generally applicable requirements for Federal assistance and to report on the implementation of such requirements. As determined by the President, designated agencies shall be responsible for generally applicable requirements in various subject areas such as—

"(1) labor practices requirements;

"(2) public employee standards;

"(3) equal services requirements;

"(4) equal employment requirements;

"(5) access to Government information;

"(6) procurement standards;

"(7) planning requirements;

"(8) financial and administrative requirements; and

"(9) environmental protection requirements.

"(b) In evaluating Federal agencies for designation under subsection (a), the President shall consider—

"(1) the relationship of the generally applicable requirement to the functions and program responsibilities of the agency;

"(2) the capacity of the agency to effectively carry out the responsibilities of a designated agency; and

"(3) the smallest number of designated agencies which is practicable for the promulgation of national policy assistance standards for implementing related generally applicable requirements.

"(c) If any generally applicable requirement is established pursuant to a statute or administrative rule or regulation enacted or adopted after the date of enactment of this title, the President shall, in accordance with subsections (a) and (b), designate a Federal agency to coordinate preparation of national policy standards for such requirement and report on the implementation of such requirement.

"ISSUANCE OF NATIONAL POLICY ASSISTANCE STANDARDS

"SEC. 704. (a) (1) Each designated agency shall coordinate the preparation of national policy assistance standards to implement the generally applicable requirements in the subject areas for which the agency is responsible. The President shall establish a date for the preparation of each national policy assistance standard which shall be not later than two years after the date on which the agency is designated under section 703. If any generally applicable requirement is affected or established by a statute or administrative rule or regulation enacted or adopted after the date of enactment of this title, the President shall set a specific date for the preparation of national policy assistance standards under this section which shall be not later than two years after the date of enactment of such law.

"(2) In coordinating the preparation of any national policy assistance standards under this section, the designated agency shall organize and chair an interagency task force consisting of each assistance agency responsible for implementing the national policy objective. It shall be the responsibility of the designated agency to ensure that the task force prepares each national policy assistance standard by the date established pursuant to paragraph (1) of this subsection and to publish as soon as practicable any such standard prepared pursuant to this section. The task force shall consult, in accordance with any procedures established under section 707(b) of this title, with affected assistance recipients, beneficiaries, and other interested parties. The task force shall begin consultation at the earliest possible time after the date on which the agency is designated by the President under section 703.

"(b) National policy assistance standards for generally applicable requirements shall be consistent with applicable law and, to the maximum extent possible—

"(1) be simple and clear;

"(2) not unnecessarily increase the reporting required of assistance recipients;

"(3) eliminate any unnecessary compliance burdens such standards place upon assistance recipients, to the extent it is possible to do so while still ensuring the full achievement of national policy assistance objectives of the relevant generally applicable requirements;

"(4) include standard compliance procedures, provisions for technical assistance, and other facilitative procedures; and

"(5) be accompanied by a list, based on existing relevant statutory provisions, of the

Federal assistance programs to which such standards apply.

"(c) Within one hundred and twenty days after a designated agency publishes national policy assistance standards prepared under this section, each assistance agency administering a Federal assistance program to which such standards apply shall implement and conform to such standards unless the President establishes, after review, a longer period for the implementation of such standards in order to lessen the impact of such standards on affected assistance recipients. Each assistance agency shall be responsible for insuring that affected assistance recipients comply with such standards.

"(d) Each designated agency shall coordinate the implementation of relevant national assistance policy standards in accordance with the procedures established under section 707(b) and shall, to the maximum extent feasible, ensure that revisions or additions to such standards occur only on the first day of each fiscal year.

"(e) No national policy assistance standard developed and issued pursuant to this section shall in any manner diminish or detract from any requirement of law including compliance and enforcement procedures contained in any generally applicable requirement, especially procedures designed to enforce prohibitions against discrimination on the basis of race, religion, sex, national origin, or handicap.

"IMPLEMENTATION AND ENFORCEMENT ROLES OF FEDERAL AGENCIES

"SEC. 705. (a) The head of each assistance agency shall designate a senior official of the agency responsible for the formulation of policy relating to the administration of Federal assistance to—

"(1) coordinate compliance activities under generally applicable standards throughout the agency;

"(2) ensure the complete and active participation of the agency in the development and implementation of national policy assistance standards; and

"(3) represent the position of the agency on questions relating to generally applicable requirements and associated national policy assistance standards.

"(b) Except as otherwise provided by law, the head of an assistance agency is authorized, in his discretion, to certify and accept State or local government reporting requirements, regulations, directives, standards, and compliance monitoring and enforcement procedures if the agency determines that such State or local government requirements contain the same requirements as national policy assistance standards and that such State or local government requirements are fully complied with and enforced. Nothing in this subsection limits the assistance agency's responsibility or authority to enforce Federal law or its regulations, procedures or reporting requirements raising thereunder. For good cause an assistance agency may rescind any certification issued under this subsection, but shall provide the State or local government with due notice prior to taking any such action and provide such government with an opportunity to demonstrate why the agency action should not be taken.

"(c) Federal agencies administering Federal assistance programs shall take appropriate action, including the provision of technical assistance, to assist affected assistance recipients in their efforts to comply with applicable national policy assistance standards.

"LEGISLATION TO REMOVE IMPEDIMENTS TO IMPLEMENTATION

"SEC. 706. (a) If a designated agency is unable to publish national policy assistance standards pursuant to section 704 due to conflicting or inconsistent provisions of law, or due to other factors which have prevented the development of such standards in accordance with the provisions of this title, the agency shall report its inability to develop such standards to the President. After receipt of such report, the President may direct the agency to prepare a proposed bill to remove any such impediments to the development of such national policy assistance standards and to submit such bill to the President for transmission to the Congress.

"(b) If the President determines, after study, that certain Federal assistance programs should be exempted from any generally applicable requirement established by statute or that basic components of any such requirement are inappropriate, inefficient or poorly suited to effective management, he may prepare a proposed bill to repeal, restrict, or revise the scope or structure of such requirement and shall submit to the Congress his determination under this subsection and such proposed bill.

"GENERAL OVERSIGHT

"SEC. 707. (a) The President may delegate to the Director of the Office of Management and Budget or to the head of any other Federal agency responsibility for monitoring the overall implementation of this title, except that the President may not delegate the authority to name designated agencies under section 703.

"(b) In carrying out the provisions of this title, the President, or in carrying out any responsibility delegated under subsection (a), the Director of the Office of Management and Budget or the head of a Federal agency, may—

"(1) establish a uniform procedure for the development, implementation, and evaluation of national policy assistance standards or other guidance and instructions to recipients required by this title, including provisions to insure the active participation of assistance agencies, program beneficiaries, and assistance recipients to the maximum extent possible; and

"(2) review the administration of generally applicable requirements to improve the effectiveness of such requirements, including working with the designated agencies to insure effective application of national policy assistance standards to the requirements of particular assistance programs or to the recipients of such programs.

"(c) In carrying out any responsibility delegated under this section, the Office of Management and Budget or the Director thereof shall keep the Congress fully informed of his actions and related agency activities.".

SEC. 402. Nothing in this title affects in any way any existing authority the President, the Office of Management and Budget or the Director thereof may otherwise have under the laws of the United States, with respect to the administration of Federal assistance requirements.

TITLE V—MISCELLANEOUS

INFORMATION ON FEDERAL ASSISTANCE

SEC. 501. Section 201 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4211) is amended to read as follows:

"FULL INFORMATION ON FUNDS RECEIVED

"SEC. 201. (a) Any Federal agency which administers a program of Federal assistance to any State government or to a political subdivision thereof shall, upon request, provide written information on the purpose and amounts of such Federal assistance to the State agency which has been designated by the Governor of the State, in consultation with the State legislature, to receive such information.

"(b) The Director of the Office of Management and Budget shall assure that Federal agencies develop procedures and information collection systems to carry out this section and shall monitor compliance by Federal agencies with the provisions of this section.".

PROCEDURAL SAFEGUARDS AND REGULATORY FLEXIBILITY

SEC. 502. Title II of the Intergovernmental Cooperation Act of 1968 is amended by adding at the end thereof the following new sections:

"PROCEDURAL SAFEGUARDS

"SEC. 205. Any Federal agency which administers any program of Federal financial assistance to State and local governments shall—

"(1) provide advance notice to a State or local government of an action by the agency—

"(A) to withdraw the provision of Federal financial assistance to such government;

"(B) to refuse to renew Federal financial assistance which was provided to such government during the fiscal year prior to the fiscal year for which the action is being taken; or

"(C) to withdraw a Federal commitment of funds for any program or project affecting a State or local government where public notice of such Federal commitment to participate has been made;

"(2) upon request of any State or local government whose application for assistance has been rejected by the agency, provide such State or local government with an explanation of the reason or reasons for the rejection of the application; and

"(3) upon request of a State or local government which has received notice of an agency action under paragraph (1), provide such government with an opportunity to demonstrate why the agency action should not be taken. This section does not apply where the withdrawal or refusal by a Federal agency is required by law.

"REGULATORY FLEXIBILITY

"SEC. 206. (a) Whenever a Federal agency which makes grants to State, local governments, and nonprofit organizations adopts a major change in any regulation for the administration of such grants or in any statement or document of the agency specifying conditions for the receipt of such grants, and in the opinion of the head of the granting agency, such State, local government, or nonprofit organization has made a substantial commitment of time and expenditures in administering or applying for the grant under the provisions of the existing regulation, statement or document, the head of such agency may waive for such State and local government compliance with the change in provisions of the regulation, statement or document affecting such grant. The head of an agency shall not grant a waiver that has the effect of diminishing or detracting from any requirement of law or regulation or from fulfillment of the purposes of any affected assistance program.

"(b) This section does not apply to any changed regulation, statement, or document which is required by law. This section is not intended to create any new or additional right to sue.

"STUDY OF ALTERNATIVE APPROACHES TO SERVICE DELIVERY

"SEC. 207. (a) The United States Advisory Commission on Intergovernmental Relations is directed to conduct a study of alternative methods of delivering public services supported by grants-in-aid in order to improve the effectiveness and efficiency of such services. The study shall examine methods of stimulating innovation in the delivery of services and increasing the responsiveness of service-delivery organizations to their clients by introducing competition, consumer choices, and options into the provision of such services.

"(b) The Advisory Commission shall present its findings and recommendations to the President and the Congress no later than September 30, 1981.".

ANNUAL ANALYSIS OF THE ADMINISTRATIVE COSTS OF FEDERAL ASSISTANCE PROGRAMS

SEC. 503. (a) The Director of the Office of Management and Budget shall establish criteria for comparing the sizes of Federal assistance programs based upon the laws authorizing Federal assistance programs and the amounts authorized to carry out each such program.

(b) By October 15 of each year, the Director of the Office of Management and Budget shall, using the criteria established pursuant to subsection (a), prepare a list of the one hundred largest Federal assistance programs during the preceding fiscal year.

(c) By December 1 of each year, the head of an agency which administers each program included in the list prepared pursuant to the Director an analysis of the cost incurred by the agency in administering each such program during the preceding fiscal year. The analysis shall include, for each such program, a comparison of such total cost with the total amount of funds appropriated to carry out such program in such fiscal year.

(d) For purposes of this section, the term "Federal assistance program" has the same meaning as in section 107 of the Intergovernmental Cooperation Act of 1968.

PILOT PROGRAM TO ASSESS THE ADMINISTRATIVE COSTS OF FEDERAL ASSISTANCE PROGRAMS

SEC. 504. (a) The Director of the Office of Management and Budget shall conduct a pilot program to develop and implement methods to assess the administrative costs of Federal assistance programs. In conducting such pilot program, the Director shall select for assessment under the pilot program a representative sample of Federal assistance programs in a number such that the amount appropriated to carry out such selected Federal assistance programs in any fiscal year comprises at least 10 per centum of the amount appropriated to carry out all Federal assistance programs during such fiscal year. Within eighteen months after the date of enactment of this Act, the Director shall report to the Congress concerning the results of the pilot program.

(b) For purposes of this section, the term "Federal assistance programs" has the same meaning as in section 107 of the Intergovernmental Cooperation Act of 1968.

Amend the title so as to read: "A bill to reform the laws relating to the provision of Federal assistance in order to provide State and local governments with greater flexibility in managing programs and projects using such assistance and thereby enable such governments to reduce administrative costs and emphasize the community priorities for which such assistance is provided.".

● Mr. SASSER. Mr. President, the Federal Assistance Reform Act of 1980 is a significant piece of legislation which has strong bipartisan support in the Senate. This act was unanimously recommended for passage by the Senate Governmental Affairs Committee on September 10. I join with Senator ROTH—the sponsor of S. 878—and Senators DANFORTH, NELSON, BAUCUS, NUNN, and TALMADGE in cosponsoring this bill.

The Senate Subcommittee on Intergovernmental Relations held extensive hearings on this legislation on July 27, September 6, and October 3 of 1979. The result is the committee version of S. 878 presented on the floor today.

Senator ROTH is to be complimented for his effort on this legislation to reform the administrative burdens which excessive paperwork and overregulation and narrow auditing requirements impose on State and local governments and other recipients of Federal assistance. Also to be commended is Senator DANFORTH, the sponsor of S. 904, the Federal Assistance Reform and Small Community Act, which was incorporated into the committee version of S. 878. Senator DANFORTH brought to the attention of the subcommittee the plight of smaller communities which lack the resources needed to successfully administer Federal grant programs.

As my colleagues in the Senate well know, this is a time when more and more curbs must be placed on Government spending in order to combat an inflationary economy. S. 878 is one piece of legislation which promises to save money by promoting more efficient and effective management of over 500 Federal aid programs. The legislation is based on years of research on grant management conducted by the Advisory Commission on Intergovernmental Relations. And it incorporates many recommendations from numerous General Accounting Office reports.

Every Senator shares my concern that Federal dollars be spent wisely on programs that really count. In 1981, the Federal Government will spend over $90 billion for grants to fund programs for better health and welfare, education, transportation, and environmental protection. The bulk of this amount—about $82 billion will be channeled through State and local governments. The impact of these grant dollars on the 50 States and some 38,000 cities and counties is substantial. In fact, the Federal Government now funds 25 percent of the total expenditures of States and local governments.

Yet, our Federal aid system desperately needs constructive oversight. The Congress wants to know the results of programs enacted in the past so that they can better allocate Federal resources for the future. The changes in the administration of the categorical grant system proposed by S. 878 can create a more rational, disciplined, and orderly approach to the management of categorical grants.

And better management of our Federal grant system, as proposed in the legislation before you, will be the best way the Congress can offset any eventual decline in Federal aid going to State and local governments. Because of pressing needs elsewhere in the budget—for defense, for energy production and conservation, for sensible and solvent social security programs—we may have less Federal aid appropriations in the future. Therefore, we must streamline our grant-in-aid system along the lines suggested in the Federal Assistance Reform Act so that the Federal grant dollar can go further during these times of fiscal austerity.

Indeed, it might be reasonable to expect that if it costs us 10 percent of our Federal grant budget to administer our nearly 500 Federal aid programs, we might be able to reduce that overhead down to 5 percent, saving several billion dollars in the process. That reason alone is sufficient to pass this legislation.

S. 878 will promote better grant-in-aid administration in several ways. First it will promote more Presidential and congressional interest in the consolidation of narrow, overlapping grant programs. Second, the legislation will provide for a single Federal audit of State and local grant recipients which can be conducted by State and local audit agencies. This will reduce duplicative Federal grant audits and provide for more effective audits. Third, the bill will revise and renew legislative authority for administrative or case-by-case consolidation—at the request of a particular recipient government—of Federal grant programs. This will simplify administrative procedures and promote management cost-sharing among agencies. Fourth, S. 878 would encourage the development of uniform "cross-cutting" Federal aid requirements—or those which are attached to all Federal grant programs.

Other provisions of the bill would:

Require the Office of Management and Budget to develop a system to provide comprehensive information on Federal assistance awarded to State and local governments each fiscal year;

Insure that assistance recipients are given adequate information about cases where their Federal funds are withdrawn or their grant applications denied;

Encourage Federal agencies to temporarily waive changes in regulations for recipients which have made substantial effort to comply with old rules;

Request a study by the Advisory Commission on Intergovernmental Relations on ways to improve the delivery of public services; and

Require a study by the Office of Management and Budget of ways to determine the costs for administering Federal grant programs.

Senators LEVIN, DURENBERGER, and PERCY suggested these various provisions in S. 878. They are to be commended for the thoughtful recommendations they have made to improve the Federal grant system.

Mr. President, the lives of the bulk of the American population are touched daily by the grant system. As many as 100 million Americans may be the direct beneficiaries of grants to State or local governments or grants to individuals.

Serving the needs of these beneficiaries is, of course, the major purpose of the individual grant programs. But these needs must be served in my view, by programs which are well planned with an eye toward the most efficient and economical use of the scarce Federal resources with which they are funded.

In presenting this legislation to the Senate today, I want especially to commend Senator ABRAHAM RIBICOFF, the chairman of the Senate Governmental Affairs Committee, for the work that he—and his committee staff, particularly Marilyn Harris—have done to insure that S. 878 incorporates every assurance that the goals and objectives of Federal grant programs are not lost sight of in the effort to impose better management practices on the grant system.

I would also like to commend the staff of the Subcommittee on Intergovernmental Relations which I chair for their diligent work on this legislation, most especially John Callahan, Dru Smith, Peter Levine, Andy Conlin, Tom Berrigan, Terry Jolly, Louise Echols, and Carol Harvey of the majority staff, Link Hoewing and Joan McEntee of Senator ROTH's staff, and Chris Brewster of Senator DANFORTH's staff.

Mr. President, I am particularly pleased to move for passage of this legislation. I believe that its enactment is a first step toward building a better Federal aid system for the 1980's.

I ask that the section-by-section analysis of its provisions be printed in the RECORD.

The analysis follows:

IX. SECTION-BY-SECTION ANALYSIS

Sec. 2. Statement of Purpose. The Act is intended to encourage grant consolidation, both administratively and by legislation; to simplify the cross-cutting national policy requirements; and to improve addministrative procedures, including audits, for Federal grants-in-aid.

TITLE I. FEDERAL ASSISTANCE PROGRAM CONSOLIDATION

Sec. 101, Amends Title 5, United States Code, by inserting a new Chapter 10 comprised of Sections 1001 through 1007.

Section 1001. Definitions. Defines the terms "agency," "consolidation plan," "Federal Assistance," "functionally related programs," and the term "resolution," for the purposes of the chapter.

Section 1002. Authorities. Specifies that consolidation for the purpose of improving management of grant programs may be examined by the President for the consideration of Congress prior to the beginning of each Congressional session.

Section 1003. Federal Assistance Program Consolidation Plan. Provides the President with the authority to prepare Federal assistance consolidation plans to submit to Congress when the Consolidation would accomplish any of the purposes of this title. The consolidation plan prepared by the President must name a single Federal agency to administer the program and issue the rules and regulations guiding its management. The terms and conditions governing any consolidated program are limited to those of one or more of the separate programs merged within it, and the President must report how the provisions of the consolidation compare with the terms and conditions of the separate programs. In the consolidation plan, the President must include any program conditions designed to ensure that the intended beneficiaries of the programs are served consistent with congressional purposes. In presenting his consolidation plan, the President must report the administrative cost history for each of the programs consolidated and project the effect of consolidation on the future costs for administration. No consolidation plan is to remain in effect more than ten years.

The President must deliver the consolidation plan to both Houses of Congress on the same day during the session. No more than three consolidation plans can be considered by Congress at any one time. Modifications and revisions in the plan can be made by the President at any time before the Committee with primary jurisdiction in either House has favorably reported it. The President is required to report to Congress, within sixty days after the beginning of each year, on the content of proposed consolidation plans, the implementation of plans already enacted and, when no plans are submitted during a Congress, the reasons why no consolidations are needed.

Section 1004. Limitations on Powers. Prohibit the consolidation of programs which are not functionally related and the assignment of the administrative responsibility to any agency which did not administer any federal assistance program included in the consolidation plan prior to the consolidation. A single consolidation plan may provide for only one consolidation of two or more Federal assistance programs. The President's authority to suggest consolidations under the provisions of the Title will expire ten years after it becomes effective. Beneficiaries of any of the programs consolidated may not be excluded from benefits under the consolidation plan, nor may new beneficiaries be added.

Section 1005. Method of Taking Effect. Provides that a consolidation plan will take effect upon Presidential approval of an affirmative joint resolution passed by Congress within 90 days of continuous session after submission of the plan. Consolidation plans are to be referred to committees with primary jurisdiction under the rules of the House and Senate. After a resolution has been affirmatively reported by a committee of primary jurisdiction, the chairman of any other committee with jurisdiction over any matter contained in the plan may request secondary referral of the resolution to that committee and such request shall be granted if it has been made on the same or subsequent day to the primary committee's reporting of the resolution. If a committee to which the plan has been secondarily referred has not reported the resolution within fifteen days it is automatically discharged from further consideration and it may go to the floor. On the floor, a motion to consider the resolution is privileged, non-debatable and nonamendable. No motions to reconsider or postpone the vote or proceed to other business are in order. The rules for enactment are specified as part of the rules of each House. The constitutional right of either House to change the rules is recognized in the section.

Section 1006. Effect on Other Laws and Regulations. Provides that when a consolidation plan is in conflict with a previously enacted statute, the consolidation plan shall prevail, as long as its terms and conditions were specified in the consolidation plan and are limited to those of one or more of the programs consolidated.

Regulations for programs consolidated will remain in effect until necessary modifications are made to reconcile inconsistencies with the plan. These inconsistencies must be set forth in the consolidation plan.

Legal actions against agency heads administering any of the programs consolidated may be continued against the head of the agency administering the consolidation.

The appropriations for the programs consolidated may be aggregated under the consolidation plan. Unexpended funds revert to the agencies administering the programs. The savings effected by the consolidation of grant programs must be reported to the appropriations committees by the Office of Management and Budget.

TITLE II. FINANCIAL MANAGEMENT AND AUDIT OF FEDERAL ASSISTANCE PROGRAMS

Section 201. Purpose. Establishes consistent audit requirements to promote more efficient use of Federal, State and local audit resources and to improve the financial management of Federal assistance.

Section 202. Definitions. Defines the terms "financial and compliance audit," "public accountants," "independent auditors," "independent audit," "generally accepted auditing standards," "entity," "non-profit organization," "Federal assistance," and "local governments."

Section 203. General Financial Management and Audit. Provides for the development of consistent accounting, auditing and financial management requirements by the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, for use by all Federal agencies as criteria to assist state and local government and non-profit organization federal assistance program audits. The requirements must comply with standards set by the Comptroller General of the United States. Directives for implementation of the standard procedures shall be issued by the Office of Management and Budget and shall be binding upon all Federal agencies.

Section 204. Accounting and Auditing Procedures and Requirements. Requires a single, independent, biennial audit of government or non-profit organizations to evaluate their administration of federal grants-in-aid. Less frequent audits are required for recipients of $100.000 or less a year in federal assistance.

Establishes the responsibility of States and local governments and non-profit organizations for conducting financial and compliance audits of Federal grant programs within their jurisdiction. The Federal Government retains responsibility for audits of federal grants-in-aid and must ensure that such audits meet generally accepted auditing standards. Audits other than financial and compliance audits are the responsibility of the Federal Government. Any Federal agency responsible for a grant program may conduct an audit at any time, building upon the state or local or non-profit organization audit.

Directs OMD to establish a quality review process, with the approval of GAO, to be used by the Federal agencies in evaluating state and local government audits of their grant programs. Audits which meet the criteria set by OMB must be accepted by the administering Federal agencies.

Directs OMB to establish methods of payment of independent auditors for the expense of conducting all or any part of an audit on behalf of the Federal government. Provision is also to be made for equitable financial settlements for audits conducted by independent auditors which fail to meet the standards developed by the Office of Management and Budget.

Section 205. Definition of "State". States that the term "state" as used in the title, shall not be construed to mean any Indian tribe as defined in section 3(c) of the Indian Financing Act of 1974.

TITLE III. INTEGRATED GRANT DEVELOPMENT

Section 301. States that this Title may be cited as the "Integrated Grant Development Act of 1980."

Section 302. Purposes. States that the purpose of the Title is to improve grant management by allowing State and local governments and non-profit organizations, to adapt and combine grant-in-aid resources to more effectively meet their needs and priorities.

Section 303. Definitions. Defines "Federal Assistance Program," "applicant," "project," "Federal Agency," "State," and "local government" for the purposes of this Title.

Section 304. Basic Responsibilities of the President and the Heads of Federal Agencies. Provides the President with the authority to issue guidelines to carry out the intent of the Act, in particular to direct the Federal agencies to identify related grant programs which would be suitable for integrated funding. The agencies are required to issue guidelines to facilitate integrated funding of grant programs, publicize model projects and modify administrative requirements which are found, upon review, to prevent the integrated funding of related programs.

Agencies participating in integrated grant projects are directed to contribute proportionately to the lead agency's costs to administer the project. Agency heads are directed to take any action, within the scope of their statutory powers, to further the purposes of the Act.

The Director of the Office of Management and Budget is responsible for administering the Act. This includes coordination, evaluation and guidance for the use of integrated funding and the resolution of any conflicts which may arise.

Section 305. Application Processing. Directs that all agency heads participating in integrated grant management projects shall assure, as far as possible, that reviews and approvals for projects are handled without delays, that applicants are required to deal with a minimum of federal officials and that applicants are informed promptly of all agency decisions.

Section 306. Special Authorities: Basic Conditions. Provides that the authorities described in this title shall only be used when the individual problems of a particular integrated grants project cannot be addressed using the procedures set forth in other sections of this Title.

Section 307. Establishment of Uniform Technical or Administrative Requirements. Provides for the adoption of uniform requirements for financial management, time for release of funds, criteria for choosing grant instrument and accountability procedures for records or property when agency heads find that a particular project would otherwise be subject to conflicting administrative rules. Permits the formation of a single panel or board to review integrated grant project proposals.

Section 308. Delegation of Powers. Permits agencies to delegate powers or functions to other agencies for the administration of federal assistance programs with the approval of the President. Such a delegation of authority does not relieve the Federal agency head of the responsibility for the efficient management of his agency's projects.

Section 309. Funding Arrangements of Procedures. Provides for the establishment of a management fund to support integrated grant projects and for the transfer, from time to time, of the proportionate share of each grant appropriation in the amount needed for payment to the recipient. Funds which are unused on the completion of a project are to be returned to the contributing agencies on a proportional basis.

Management fund accounts are subject to Federal agency agreements with respect to the discharge of the responsibilities of such agencies. The agency administering the management fund must account for the amounts provided, by program and appropriation, for each account established in the fund. From time-to-time, following agreed upon procedures, amounts in the account may be examined to determine whether they are in excess of the amounts required so that the excess may be returned to the participating agencies on a proportional basis. The Office of Management and Budget must report on savings from the integration of grants in their yearly budget presentation before the Appropriations Committee.

Recipients of money for integrated projects financed through the management fund must keep records as required by the administering Federal agency, disclosing the amounts received under each separate program, the total cost of the project, the amounts supplied by sources other than the Federal Government and other information necessary for an effective audit.

The head of the administering Federal agency for an integrated grant program and the Comptroller General of the United States, or their representatives, are to be given access to all books, documents or other records of the recipient of money for the integrated project for the purpose of audit and examination.

Any project covered by an integrated management fund should have a single, non-Federal matching share based on the applicable Federal share ratios when matching shares are required by several grants. The necessary proportion of such funds is to be transferred to the project accounts from each such program.

Section 310. Ancillary Provisions. Permits funds available for technical assistance and training to be used for such assistance in connection with proposed or approved integrated grant projects.

Section 311. Reporting. Two years prior to the expiration of the Act, the President is required to report to Congress on activities undertaken pursuant to the Act. The rep must include estimates of the costs, benefits and savings of the Act to Federal, State and local governments and private, non-private organizations.

Section 312. Effective Date and Expiration. The Act is effective 120 days after the date of enactment and expires five years after the effective date. Projects approved prior to the date of expiration are not affected by the termination of the authority under the Act.

TITLE IV. ADMINISTRATION OF GENERALLY APPLICABLE FEDERAL ASSISTANCE REQUIREMENTS

Section 401. The Intergovernmental Cooperation Act is amended by adding a new Title VII "Administration of Generally Applicable Federal Assistance Requirements."

Section 701. Statement of Purpose. Indicates the intention of the Title to encourage the simplification, standardization, and coordination of national policy assistance requirements generally applicable to Federal assistance programs so that assistance recipients will have greater flexibility in administration and reduced paperwork burdens.

Section 702. Definitions. Defines "generally applicable requirement," "designated agency," "assistance recipient," "national policy assistance standards," "assistance agency," and "Federal assistance," for the purpose of this title.

Section 703. Assignment of Designated Agencies. Directs the President to designate a single assistance agency to coordinate the preparation of national policy assistance requirements to implement various generally applicable requirements. In selecting designated agency, the President is directed to consider whether the policy area covered relates to the agency's other responsibilities, the capacity of the agency to undertake the duties of a designated agency and the desirability of having the smallest possible number of designated agencies for all national policy areas.

Section 704. Issuance of National Policy Assistance Standards. Establishes procedures and timing for the issuance of national policy assistance standards by the designated agencies. Directs the President to set a time limit, within a two-year period, for the development of national policy assistance standards adopted by the designated agencies. Standards for laws enacted or administrative requirements adopted after the effective date of this Title must be published by a specific time set by the President, but not more than two years from the date of enactment. Requires the designated agency to organize and chair an interagency task force of the assistance agencies which implement the national policy assistance standards to be simplified. Requires consultation by the interagency task force with affected parties in developing standards for the administration of national policy requirements attached to assistance programs. Directs that the standards developed must reduce compliance burdens for assistance recipients while ensuring continued achievement of national policy objectives. Provides that national policy assistance standards will be binding on Federal agencies administering grant programs and mandates conformance by the administering agencies with such national policy assistance standards within 120 days of their publication, unless the time limit is extended by the President. Designated agencies may amend their standards when necessary but, if possible, changes should not be made more than once a year. A simplified national policy assistance standard must continue to enforce all legal requirements contained in the generally applicable requirements.

Section 705. Implementation and Enforcement Roles of Federal Agencies. Directs the selection of a policy level official in each assistance agency to be responsible for ensuring agency compliance with generally applicable requirements and agency participation in the development and implementation of national policy assistance standards. Allows administering agencies to certify that State or local governments are in compliance with State or local requirements that are equivalent to the Federally established national policy assistance standards. Such certification may be withdrawn for good cause by the administering agency if there is a finding of non-compliance, but the Federal agency must provide the state or local government with due notice prior to taking such action, and must provide the state or local government with an opportunity to demonstrate why such action should not be taken. Administering agencies must provide technical assistance to recipients in their efforts to comply with national policy assistance standards.

Section 706. Legislation To Remove Impediments to Implementation. Provides procedures for the development of legislation to remove impediments to the formulation of national policy assistance standards by the designated agencies. If standards cannot be developed by a designated agency because of conflicts in the law, or because of other unresolvable issues, the agency may prepare a bill dealing with the problem for approval and submission by the President to Congress. Directs the President to study Federal assistance programs and generally applicable requirements to determine whether certain assistance programs should be excluded from coverage or whether certain generally applicable requirements are inappropriate or unmanageable. When the President determines, based on study, that repeal, revision or restriction of requirements is necessary, legislation my be submitted to Congress for that purpose.

Section 707. General Oversight. Provides that the President may delegate to the Director of the Office of Management and Budget or other agency head, the responsibility for overseeing the implementation of this Title. In carrying out these responsibilities, the agency head is authorized to prescribe a uniform procedure for promulgating national policy assistance standards, to resolve conflicts, and to review the administration of generally applicable requirements. The agency head must keep Congress informed of agency activities undertaken pursuant to this Title.

Section 402. Authority of OMB Director. States that nothing in this Title affects in any way existing authority the President, the Office of Management and Budget, or the Director thereof may otherwise have under the laws of the United States, with respect to the administration of Federal assistance requirements.

TITLE V. MISCELLANEOUS

Section 501. Full Information on Funds Received. Amends the Intergovernmental Cooperation Act of 1968 (42 USC 4211) to require assistance administering agencies to provide information on all grants awarded to a state and its political subdivisions. Provides that such information be available to the state agency designated by the governor of each state to receive and disseminate such information.

Section 502. Miscellaneous Provisions. Amends Title II of the Intergovernmental Cooperation Act of 1968 (42 USC 4214) to provide for notification to states or localities before a Federal agency takes action to withdraw, refuse to renew or deny Federal assistance to their jurisdiction. A Federal agency rejecting a state or local government's application for Federal assistance must give reasons for the rejection if they are requested by the state or local government. The state or local government must be given thirty days to respond before the Federal agency takes final action to deny or withdraw Federal financial assistance.

Further amends Title II of the Intergovernmental Cooperation Act of 1968 to provide that following changes in regulations governing the use of Federal financial assistance, Federal agencies may waive the requirement for any State or local government which has taken substantial steps to comply with existing regulations and requirements. This waiver authority would apply only to regulations promulgated by the agency, not changes required by law. No waiver could be granted which would prevent the purposes of the Federal grant program from being fulfilled. This section does not create any additional or new right to sue.

Further amends Title II of the Intergovernmental Cooperation Act of 1968 by directing a study by the Advisory Commission on Intergovernmental Relations of alternative methods of delivering public services supported by Federal grants. The findings are to be presented to Congress by September 30, 1981.

Section 503. Annual Analysis of the Administrative Costs of Federal Assistance. Requires each Federal agency administering one of the 100 largest (according to criteria developed by the Office of Management and Budget) Federal assistance programs to analyze the Federal-level administrative costs for the program for the prior fiscal year. This analysis is to be submitted to the director of OMB by December 1 of each year, who shall transmit them to Congress in a single compilation document.

Section 504. Pilot Program To Assess the Administrative Costs of Federal Assistance Programs. Directs OMB to develop a methodology for assessing all administrative costs for Federal assistance programs including those incurred by state, local or non-governmental organizations. OMB is directed to conduct a pilot program using a sample of at least ten percent, based on appropriations, of all grant programs. This study is to be completed within 18 months of the effective date of this bill and reported to Congress.

X. TEXT OF S. 878 AS REPORTED

"A bill to reform the laws relating to the provision of Federal assistance in order to provide State and local governments with greater flexibility in managing programs and projects using such assistance and thereby enable such governments to reduce administrative costs and emphasize the community priorities for which such assistance is provided.".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Assistance Reform Act of 1980".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to encourage the consolidation of Federal grant programs, when such consolidation is consistent with applicable statutes and would further the goals and objectives of the grant programs consolidated;

(2) to provide for the efficient use of Federal, State, and local government audit resources;

(3) to enable State and local governments and nonprofit organizations to adapt programs for Federal assistance to the particular needs of beneficiaries and the operating practices of recipients by drawing upon appropriations available from more than one Federal program;

(4) to streamline and simplify generally applicable national policy requirements attached to Federal assistance programs; and

(5) to implement several other improvements in the administration of the Federal grant system.

TITLE I—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 101. (a) Title 5, United States Code, is amended by inserting after chapter 9 the following new chapter:

"Chapter 10—FEDERAL ASSISTANCE PROGRAM CONSOLIDATION

"Sec.
"1001. Definitions.
"1002. Examination of Federal assistance programs required.
"1003. Federal assistance program consolidation plans.
"1004. Limitations on powers.
"1005. Method of taking effect.
"1006. Effect on other laws and regulations.

"§ 1001. Definitions

"For purposes of this chapter—

"(1) the term 'agency' has the same meaning as the term 'Federal agency' in section 101 of the Intergovernmental Cooperation Act of 1968;

"(2) the term 'consolidation plan' means a Federal assistance program consolidation plan proposed under section 1003 of this title;

"(3) the term 'Federal assistance' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts, cooperative agreements or technical assistance to State or local governments or other recipients, except that such term does not include direct cash assistance to individuals, contracts for the procurement of goods and services of the United States, subsidies, or insurance;

"(4) the term 'functionally related programs' refers to those programs which have, in essence, the same major purposes and provide assistance to the same types of beneficiaries and recipient groups; and

"(5) the term 'resolution' means a joint resolution of the Senate and the House of Representatives, the matter after the resolving clause of which is as follows: 'That the Congress of the United States approves the consolidation plan numbered , transmitted by the President on , 19 , including such changes as may have been subsequently proposed by the President in accordance with section 1003(e) of title 5, United States Code.', the first blank space therein being filled with the number of the plan and the second blank space therein being filled with the date on which the plan was transmitted to the Congress.

"§ 1002. Examination of Federal assistance programs required

"Prior to the beginning of each regular session of Congress, the President shall examine the various Federal assistance programs established by law in order to determine if consolidation of any such programs is necessary or desirable to—

"(1) facilitate the adaptation of Federal assistance programs to the particular needs of beneficiaries and the operating practices of recipients in a manner consistent with congressional purposes;

"(2) promote better administration and more effective planning of such programs;

"(3) improve coordination of such programs;

"(4) eliminate program overlap and duplication; and

"(5) promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"§ 1003. Federal assistance program consolidation plans

"(a) If the President, after making the examination required by section 1002 of this title, finds that consolidation of Federal assistance programs is necessary or desirable to accomplish the purposes specified in paragraphs (1) through (5) of such section, he shall prepare one or more Federal assistance consolidation plans. The President shall transmit each such consolidation plan (bearing an identification number) to the Congress within sixty days of continuous session of Congress after the beginning of each regular session of such Congress. Each such consolidation plan shall include a declaration that the consolidation included in the plan is necessary or desirable to accomplish the purposes specified in such paragraphs and an explanation of how each program included in the plan is functionally related to the other programs included in the plan.

"(b) In each consolidation plan transmitted to the Congress under this section, the President shall—

"(1) place responsibility for administration of the consolidation plan and each of the Federal assistance programs included in such plan in a single Federal agency;

"(2) specify in detail the terms and conditions under which the Federal assistance programs included in the plan will be administered, including a specification of requirements such as State and local matching for Federal funds, allotment and apportionment, financial management, planning, and eligibility requirements to be used in the plan, except that in selecting the terms and conditions for the administration of the plan, the President is limited by the terms and conditions included in one or more of the Federal assistance programs being consolidated and such other conditions as are required to insure that the intended benefits are delivered to the intended beneficiaries in a manner consistent with congressional purposes; and

"(3) specify the date of expiration of the consolidation plan, except that in selecting an expiration date under this paragraph the President shall specify a date which—

"(A) except as provided in subparagraph (B) of this paragraph, is not earlier than the earliest date and not later than the latest date on which the authorizations of appropriations for any of the Federal assistance programs consolidated under the plan expire; and

"(B) is not later than ten years after the effective date of the plan.

"(c)(1) The President shall include with each consolidation plan transmitted to the Congress under this section a message which describes (A) the differences between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and the terms and conditions that will be applicable to such programs after the consolidation plan becomes effective, and (B) the reasons for selecting the terms and conditions used in the consolidation plan.

"(2) The message required by paragraph (1) of this subsection shall include—

"(A) for each Federal assistance program to be consolidated under the plan, an analysis of the cost incurred by Federal, State, local and other governmental and nongovernmental agencies in implementing and administering the program prior to the date on which the plan is submitted; and

"(B) an assessment of how the implementation and administration of the consolidation plan will affect such costs.

"(d) The President shall transmit each consolidation plan to both Houses of Congress on the same day and to each House while it is in session, except that—

"(1) the President may not transmit a consolidation plan to the Congress within thirty days of continuous session of Congress after the transmission of a previous consolidation plan concerning one or more of the same programs; and

"(2) not more than three consolidation plans may be pending before the Congress at one time.

"(e) Before a resolution with respect to a consolidation plan has been ordered reported by a committee in the House and Senate designated pursuant to section 1005(d)(1), in either the Senate or the House of Representatives, the President may make modifications or revisions of the plan, which shall thereafter be treated as a part of the consolidation plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter.

"(f) Within sixty days of continuous session of Congress after the beginning of each regular session of Congress, the President shall prepare and transmit to the Congress a report concerning the administration of this chapter. The report shall include a detailed analysis of the need for and desirability of the consolidation of Federal assistance programs and shall describe proposed consolidation plans and the actions taken to implement consolidation plans which have become effective. If, during the year preceding the year in which the report is made, the President has not submitted a consolidation plan under this chapter, the report shall cite the reasons why he did not submit such a plan.

"§ 1004. Limitations on powers

"(a) A consolidation plan may not provide for, and may not have the effect of, (1) consolidating any Federal assistance programs which are not functionally related, or (2) transferring responsibility for the administration of any program contained in such plan to an agency which was not responsible for the administration of any Federal assistance program included in the consolidation plan prior to the date on which the consolidation plan takes effect or, (3) providing that a group or person becomes eligible for assistance under the plan that is not eligible under one or more of the programs being consolidated or (4) excluding any person or group from eligibility for assistance under the consolidation plan that is already eligible for assistance under one or more of the programs being consolidated.

"(b) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(c) The authority under this title will expire ten years from the date it becomes effective.

"§ 1005. Method of taking effect

"(a) A consolidation plan shall be effective upon approval by the President of a resolution which has been adopted within ninety days of continuous session of Congress after the date of transmittal of the plan to the Congress.

"(b) A consolidation plan may provide that any provision of the plan may be effective at a time later than the date on which the plan becomes effective.

"(c) On the day on which a consolidation plan is transmitted to the Senate and the House of Representatives, a resolution shall be introduced (by request) in the Senate by the Chairman of the Committee on Governmental Affairs of the Senate, or by a Member or Members of the Senate designated by such chairman; and shall be introduced (by request) in the House by the chairman of the Committee on Government Operations of the House, or by a Member or Members of the House designated by such chairman.

"(d)(1) A resolution with respect to a consolidation plan shall be referred to the committee of the Senate and the House of Representatives having primary jurisdiction over such resolution under the rules of the Senate and the House of Representatives.

"(2) Any resolution with respect to a consolidation plan affirmatively reported by the committee with primary jurisdiction which contains any matter within the jurisdiction of any other committee shall be referred to such other committee for a period of fifteen days of continuous session of Congress if the chairman of such other committee requests such referral no later than the day following the day on which the resolution is reported by the committee with primary jurisdiction. In any case in which such other committee fails to report the resolution within the period herein prescribed, such committee shall be automatically discharged from further consideration of such resolution on the sixteenth day of continuous session of Congress following the day on which such resolution is referred to such committee.

"(3) Each committee to which the resolution is referred shall consider the consolidation plan and shall make its recommendations to the Senate or the House of Representatives, as the case may be, except that no committee shall take action on the consolidation plan within fifteen calendar days of its transmittal to Congress.

"(e) When the last committee to which the resolution has been referred has reported, or has been discharged from further consideration of a resolution with respect to a consolidation plan, pursuant to (d)(2), it is in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is privileged in the Senate and highly privileged in the House of Representatives and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(f) For purposes of this section and section 1003 of this title—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days in which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

"(g) The provisions of subsections (c) through (k) of this section and of paragraph (4) of section 1001 of this title are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House with respect to resolutions referred to in such subsections and paragraph; and they supersede other rules of the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"§ 1006. Effect on other laws and regulations

"(a) To to extent that any provision of a consolidation plan which becomes effective under this chapter is inconsistent with any provision of law enacted prior to the effective date of the plan, the provision of the consolidation plan shall control to the extent that such plan specifies the provision of law to be superseded, consistent with section 1003(b)(2).

"(b) Within a reasonable time after the consolidation plan becomes effective, modifications shall be made in any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan to reconcile any inconsistency as thereof with the consolidation plan, as set forth in that plan, but otherwise shall continue in effect.

"(c) No action or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of a consolidation plan under this chapter. On motion or supplemental petition filed at any time within twelve months after any such plan takes effect, showing a necessity for survival of the action or other proceeding to obtain a settlement of the questions involved, the court may allow the action or other proceeding to be maintained by or against the successor of the head or officer under the consolidation plan or, if there is no successor, against such agency or officer as the President designates.

"(d) A consolidation plan may provide for the transfer of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in such plan shall be available for any or all such programs, and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed an authorization of appropriations and other budget authority for any or all of such programs. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the agencies administering the programs. The Office of Management and Budget shall report to the Appropriations Committees, as part of their annual budget submission, on the saving effected under the consolidation plan.".

(b) The table of chapters for part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

"10. Federal Assistance Program Consolidation .... 1001.".

TITLE II—FINANCIAL MANAGEMENT AND AUDIT OF FEDERAL ASSISTANCE PROGRAMS

PURPOSE

SEC. 201. It is the purpose of this title—

(1) to improve the financial management of Federal assistance programs;

(2) to promote the efficient use of audit resources;

(3) to relieve State and local governments, especially small communities, and nonprofit organizations, of the costs and paperwork burdens due to conflicting and redundant requirements of Federal assistance programs; and

(4) to provide for the establishment of consistent requirements for the financial management and audit of Federal assistance provided to or administered by State and local governments and nonprofit organizations.

DEFINITIONS

SEC. 202. As used in this title—

(1) the term "financial and compliance audit" means a systematic review or appraisal of a recipient of Federal assistance to determine and report whether the financial operations of the recipient are properly conducted and financial reports are presented fairly; and whether the entity has complied

with significant compliance requirements contained in laws and regulations that can materially affect the entities' financial operations, conditions and reports.

(2) The term "public accountants" means certified public accountants, or licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State.

(3) The term "independent auditors" means properly constituted State or local government audit agencies or public accountants, who have no direct relationship with the functions or activities being audited or with the business conducted by any of the officials of the government agency or unit being audited.

(4) The term "independent audit" means an audit conducted by independent auditors.

(5) The term "generally accepted auditing standards" means the auditing standards set forth in the financial and compliance element of the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions", issued by the Comptroller General of the United States and incorporating the audit standards of the American Institute of Certified Public Accountants.

(6) The term "Federal assistance" means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts, cooperative agreements or technical assistance to State or local governments or other recipients, except that such term does not include direct Federal cash assistance to individuals, contracts for the procurement of goods and services of the United States, subsidies, insurance or assistance provided by the Tennessee Valley Authority.

(7) The term "local government" means any unit of government within a State, a county, borough, municipality, city, town, township, parish, local public authority, special district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government but shall not be construed to mean any Indian tribe as defined in section 3(c) of the Indian Financing Act of 1974.

(8) The term "entity" means a first level organizational unit of a State or local government or nonprofit organization, and includes all subordinate organizational units within such first level unit and all contractors providing services to such unit.

(9) The term "nonprofit organization" means an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

GENERAL FINANCIAL MANAGEMENT AND AUDIT

SEC. 203. (a) In order to insure that Federal accountability systems do not impose unnecessary, conflicting, and duplicative accounting, auditing, and reporting requirements upon State and local governments, especially upon small communities and nonprofit organizations, who are recipients of Federal assistance and in order to reduce the costs, paperwork, and regulatory burdens associated with Federal assistance programs, the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall, consistent with applicable law, develop, establish, and maintain for use by all Federal agencies standard accounting, auditing, and financial management policies, procedures, and requirements for the administration, accounting, and financial auditing of grants, contracts, cooperative agreements, and other forms of Federal assistance to State and local governments and nonprofit organizations. Any such policy, procedure, or requirement shall not conflict with any applicable audit standard developed by the Comptroller General of the United States. Standard policies, procedures, and requirements developed by the Director of the Office of Management and Budget pursuant to this section shall include—

(1) terms, definitions, and conditions used in conjunction with grants, contracts, cooperative agreements, and other forms of Federal assistance to State and local governments;

(2) generally accepted accounting principles and standards as required for financial accounting and reporting;

(3) uniform requirements for grant application forms;

(4) uniform principles and standards for sound financial management and auditing; and

(5) uniform payment policies for grants, contracts, cooperative agreements, and other forms of Federal assistance.

(b) The Director of the Office of Management and Budget shall prescribe directives to carry out the standard policies, procedures, and requirements established pursuant to subsection (a). Any such directive shall be binding on all Federal departments and agencies. Such directives shall prescribe effective means to coordinate Federal, State, and local audits of grant programs.

ACCOUNTING AND AUDITING PROCEDURES AND REQUIREMENTS

SEC. 204. (a) At least once every two years, there shall be a single independent financial and compliance audit of—

(1) State and local governments, or State and local governmental entities and the subgrantees of such State and local governments or governmental entities; and

(2) nonprofit organizations or entities of nonprofit organizations and the subgrantees of such nonprofit organizations or entities,

which receive Federal assistance. Any such audit shall include an evaluation of the accounting and control systems of the recipient of Federal assistance and of the activities by the recipients to comply with the financial and performance requirements of grants received by the recipient from the Federal Government. Audits carried out pursuant to this section shall be audits of the recipient, rather than audits of individual grants or programs. In the case of any recipient of Federal assistance which receives less than $100,000 per year, the audit required by this section shall be conducted at least once every five years, but not more frequently than once every three years, unless there is evidence of fraud or other violation of Federal law in connection with such assistance.

(b) A State government shall have the responsibility for financial and compliance audits of the State government or State governmental entities receiving Federal assistance, and the subgrantees of such government or entities. A local government shall have the responsibility for financial and compliance audits of the local government, local governmental entities receiving Federal assistance, and the subgrantees of such government or entities. A nonprofit organization shall have responsibility for financial and compliance audits of the nonprofit organization or entities of the nonprofit organization receiving Federal assistance and the subgrantees of such nonprofit organizations or entities unless by law, the State or local government has such responsibility, in which event the State or local government, as appropriate, shall have the responsibility for such audits. The audits shall be made by independent auditors in accordance with generally accepted auditing standards and shall include an opinion as to whether the recipient's accounting policies and financial statements follow generally accepted accounting principles and standards.

(c)(1) The Federal Government shall be responsible, through the quality review process established pursuant to subsection (d), for assuring that financial and compliance audits conducted by independent auditors meet generally accepted auditing standards. Nothing in this title limits the authority of Federal agencies to make audits of Federal grants-in-aid to State and local governments, State and local governmental entities and the subgrantees of such State and local government or governmental entities: *Provided, however*, That if independent audits arranged for by State or local governments meet generally accepted auditing standards and other requirements established pursuant to subsection (d) Federal agencies shall rely on those audits and any additional audit work shall build upon the work already done.

(2) The Federal Government is responsible for conducting, or contracting (to such extent or in such amounts as are provided in appropriations Acts) for the conduct of, audits which are not financial and compliance audits.

(3) Nothing in this title limits the Federal Government's responsibility or authority to enforce Federal law or regulations, procedures or reporting requirements arising pursuant thereto.

(d) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish and approve a quality review process that will assure the proper performance of audits. Audits performed by Federal, State, or local government audit agencies which have been approved pursuant to quality review process shall be accepted by all Federal agencies making and administering grants.

(e) The Director of the Office of Management and Budget shall prescribe appropriate means for the reimbursement of independent auditors for actual expenses incurred for such parts of audits as are performed on behalf of the Federal Government, including provisions for—

(1) direct reimbursement for such expenses; and

(2) equitable financial settlements when such audits fail to meet the standard policies, procedures, and requirements developed pursuant to section 203.

SEC. 205. The term State, as used in this title, shall not be construed to mean any Indian tribe as defined in section 3(c) of the Indian Financing Act of 1974.

TITLE III—INTEGRATED GRANT DEVELOPMENT

SEC. 301. This title may be cited as the "Integrated Grant Development Act of 1980".

PURPOSES

SEC. 302. The purpose of this title is to improve Federal assistance program performance by enabling State and local governments and nonprofit organizations to use Federal assistance more effectively and efficiently and adapt that assistance more readily to the particular needs of such governments or organizations through the wider use of projects drawing upon resources available from more than one Federal agency, program, or appropriation. It is the further purpose of this title to encourage arrangements between the Federal Government and State governments under which local governments and nonprofit organizations may more effectively and efficiently combine State and Federal resources in support of projects of common interest to the beneficiaries, the governments and organizations concerned.

DEFINITIONS

SEC. 303. For purposes of this title—

(1) the term "Federal assistance program" means any program that provides assistance through grants, cooperative agreements, or contractual arrangements, but does not include assistance in the form of revenue sharing, loans, loan guarantees, or insurance;

(2) the term "applicant" means any State or local government or nonprofit organization acting separately or together in seek-

ing assistance with respect to a single project;

(3) the term "project" means any undertaking, whether of a temporary or continuing nature, that includes components proposed or approved for assistance under more than one Federal program, or under one or more Federal and one or more State programs, if each such component contributes materially to the accomplishment of a single purpose or closely related purposes;

(4) the term "Federal agency" means any agency, department, corporation, independent establishment, or other entity of the executive branch of the Government of the United States;

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, any tribe as defined in section 3(c) of the Indian Financing Act of 1974; and

(6) the term "local government" means any local unit of government, including a city, county, parish, town, township, village, school district, council of governments, or other agency or instrumentality of a local unit of government.

BASIC RESPONSIBILITIES OF THE PRESIDENT AND THE HEADS OF FEDERAL AGENCIES

SEC. 304. (a) The President shall issue such guidelines as may be necessary to assure that all Federal agencies carry out subsection 304 (b) in a manner consistent with the purposes of this title. In promulgating such guidelines, the President may require that Federal agencies adopt or prescribe procedures that will assure that applicants for assistance under projects funded pursuant to this title make appropriate efforts to (1) secure the views and recommendations of recipients and beneficiaries of Federal assistance who may be significantly affected by such projects and (2) resolve questions of common interest to such recipients prior to submission of any application.

(b) Subject to applicable law and to such guidelines as the President shall issue pursuant to subsection (a), the head of each Federal agency shall—

(1) identify related programs likely to be particularly suitable or appropriate for providing joint support;

(2) promulgate guidelines, and develop and publicize model or illustrative projects, joint or common application forms, and other materials and guidance to assist in the planning and development of projects drawing support from different programs;

(3) review administratively established program requirements in order to determine which requirements may impede integrated grant development for projects and the extent to which such requirements may be modified, and on the basis of such review, make appropriate modifications in such requirements;

(4) establish common technical or administrative rules with respect to related programs to assist in integrated grant development for specific projects or classes of projects under such programs; and

(5) create joint or common procedures and mechanisms for the processing of applications, the supervision of projects, and the evaluation of performance, including procedures for—

(A) designating agencies to assume responsibilities for the processing of applications on behalf of several agencies;

(B) designating managing agencies to assume responsibilities for project supervision and performance evaluation on behalf of several agencies; and

(C) insuring that participating Federal agencies contribute proportionately to the support of the administrative costs of the agency designated under subparagraphs (A) and (B) which are attributable to integrated grant development, including costs for the provision of staff, administrative, and fiscal services.

(c) To the maximum extent permitted by law, the head of each Federal agency shall act to further the purposes of this title with respect to Federal assistance programs administered by his agency. The head of each Federal agency shall consult and cooperate with the heads of other Federal agencies with respect to Federal assistance programs that may be appropriate to provide joint support of projects undertaken by State or local governments or nonprofit organizations.

(d) The Director of the Office of Management and Budget shall have responsibility for carrying out the provisions of this title, including responsibility for—

(1) the provision of overall guidance and the training of Federal agency personnel concerning the implementation of this title;

(2) the development of criteria to guide Federal agencies in identifying programs suitable for integrated grant development;

(3) the coordination of agency actions concerning integrated grant projects and the resolution of conflicts which may arise between agencies in developing uniform provisions under section 307;

(4) the conduct of meetings to resolve problems which may arise between Federal agencies and recipients of Federal assistance in the development and administration of integrated grant programs; and

(5) the monitoring of the use by Federal, State, and local government agencies of the opportunities available under this title for the development and administration of integrated grant projects.

PROCESSING OF APPLICATIONS

SEC. 305. In processing applications or requests for assistance for an integrated grant project, the head of each Federal agency shall assure, to the extent reasonably possible that—

(1) all required reviews and approvals are handled expeditiously;

(2) full account is taken of time constraints that would affect the feasibility of an integrated grant project in any case in which the applicant has informed the agency of such constraints;

(3) the applicant is required to deal with a minimum number of representatives of Federal agencies, acting separately or as a common board or panel;

(4) the applicant is promptly informed of decisions concerning an application and of any special problems or impediments that may affect the feasibility of the provision of Federal assistance on an integrated basis; and

(5) the applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency that could more appropriately be secured through direct communication among the Federal agencies involved.

SPECIAL AUTHORITIES; BASIC CONDITIONS

SEC. 306. (a) Subject to the conditions prescribed in subsection (b), the head of each Federal agency shall use the authority described in sections 307, 308, and 309 with respect to projects assisted under more than one Federal assistance program.

(b) The authority described in sections 307, 308, and 309 shall be exercised by Federal agencies only pursuant to regulations prescribed by the President. Such regulations shall include criteria or procedures to assure that the authority described in such sections is—

(1) limited in use to problems that cannot be adequately dealt with through other action pursuant to this title or other applicable law;

(2) applied only as is necessary to promote expeditious processing of applications or effective and efficient administration of projects; and

(3) applied in a manner consistent with the protection of the Federal interest.

ESTABLISHMENT OF UNIFORM TECHNICAL OR ADMINISTRATIVE REQUIREMENTS

SEC. 307. (a) In order to provide for projects that would otherwise be subject to varying or conflicting technical or administrative rules and procedures not required by law, the head of each Federal agency shall adopt and adhere to uniform provisions with respect to—

(1) the financial administration of such projects, including requirements concerning accounting, reporting and auditing, maintenance of separate bank accounts, and use of letters-of-credit, except that the head of a Federal agency shall adopt and adhere to such uniform provisions to the extent such provisions are consistent with the requirements of section 309;

(2) the timing of Federal payments for such projects and methods for such payments;

(3) the form in which assistance is provided, including grants, cooperative agreements, and contracts; and

(4) the accountability for, and the disposition of, records, property, or structures acquired or constructed with Federal assistance.

(b) In order to permit processing of applications in accordance with the purposes of this title, the head of each Federal agency may provide for review of proposals for projects by a single panel, board, or committee in lieu of review by separate panels, boards, or committees, except when such separate review is specifically required by law.

DELEGATION OF POWERS

SEC. 308. With the approval of the President, the head of a Federal agency may delegate to the head of another Federal agency any power or function relating to the supervision or administration of Federal assistance for projects or classes of projects funded under this title, or may make other arrangements with the head of a Federal agency to perform such supervision or administration. The head of an agency may delegate a power or function under this section only on such conditions as may be appropriate to assure that the power or function delegated is exercised in accordance with applicable statutory provisions and policies. A delegation under this section shall not relieve the head of the Federal agency making such delegation of responsibility for the proper and efficient management of projects assisted by his agency.

FUNDING ARRANGEMENTS AND PROCEDURES

SEC. 309. (a) In order to provide for the more effective administration of funds drawn from more than one Federal program or appropriation in support of projects under this title, there may be established management funds with respect to such projects, from time to time, there shall be transferred to the management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee, any amounts remaining in the hands of the grantee at the completion of the project shall be returned to the contributing agencies on a proportional basis.

(b) Any account in a management fund shall be subject to such agreements, not inconsistent with this section and other applicable law, as may be entered into by participating Federal agencies with respect to the discharge of the responsibilities of such agencies and shall assure the availability of necessary information to such agencies and to the Congress. Any such agreement shall provide that the agency administering the management fund shall be responsible and accountable for the amounts provided for each account established in the fund, and that such agency shall provide an accounting of such amounts by program and by appropriation. Any such agreement may include procedures for determining whether amounts in the account are in excess of the amounts required, for returning any such excess to the participating Federal agencies in accordance with the availability of the applicable appropriation and in accordance with a formula providing an equitable distribution, and for effective returns according to the applicable appropriations, subject to fiscal year limitations. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the agencies administering the programs. The Office of Management and Budget shall report to the Appropriations Committees, as part of their annual budget submission, on the saving effected by the integrated grants.

(c) Each recipient of funds under a project financed through a management fund established pursuant to this section shall keep such records as the head of the Federal agency responsible for administering the fund shall prescribe. Such records shall, at a minimum, fully disclose—

(1) the amount and disposition of Federal assistance received by such recipient under each program and appropriation;

(2) the total cost of the project for which such Federal assistance was granted;

(3) the amount of the cost of the project supplied by sources other than the Federal Government; and

(4) such other information as will facilitate an effective audit of the recipient.

(d) The head of the Federal agency responsible for administering a management fund established pursuant to this section and the Comptroller General of the United States or any of their duly authorized representatives shall have access, for the purposes of audit and examination, to any books, documents, papers, and records of any recipient of Federal assistance under a project financed through a management fund established pursuant to this subsection that are pertinent to such assistance.

(e) A single non-Federal share shall be established for any project financed through a management fund according to the Federal share ratios applicable to the Federal assistance programs from which the project draws support, and the necessary proportion of funds shall be transferred to the project account from each such program.

Sec. 310. Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for integrated grant development involving that program and any other Federal assistance program.

REPORTING

Sec. 311. At least two years before the date on which the provisions of this title expire, the President shall prepare and transmit to the Congress a comprehensive report which describes the actions taken by Federal agencies under this title and which makes recommendations for the continuation, modification, or termination of this title. The report shall provide a detailed evaluation of the administration of this title, including information regarding the benefits, costs, and savings of integrated grant projects accruing to the Federal Government and to participating State and local governments and private nonprofit organizations.

EFFECTIVE DATE AND EXPIRATION

Sec. 312. This title shall become effective one hundred and twenty days after the date of enactment of this Act, an shall expire five years after the date upon which it becomes effective. The expiration of this title shall not affect any project approved prior to the date of such expiration.

TITLE IV—ADMINISTRATION OF GENERALLY APPLICABLE FEDERAL ASSISTANCE REQUIREMENTS

Sec. 401. The Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VII—ADMINISTRATION OF GENERALLY APPLICABLE FEDERAL ASSISTANCE REQUIREMENTS

"STATEMENT OF PURPOSE

"Sec. 701. It is the purpose of this title—

"(1) to encourage simplification, standardization, and coordination to the maximum extent feasible in the administration of all national policy requirements which are generally applicable to Federal assistance consistent with the goals and objectives of such requirements;

"(2) to improve the procedures by which such requirements are developed, implemented, and evaluated; and

"(3) to reduce the overall administrative burden of such requirements on assistance recipients.

"DEFINITIONS

"Sec. 702. As used in this title—

"(1) the term 'generally applicable requirement' means any requirement—

"(A) with which an assistance recipient is required to comply under Federal law or administrative rule or regulation in order to achieve national policy objectives; and

"(B) which applies to programs administered by two or more assistance agencies, regardless of whether such requirement is contained in one or more of such laws, rules, or regulations;

"(2) the term 'designated agency' means a Federal agency designated by the President pursuant to this title, or a Federal agency which has been designated by law, to coordinate the preparation and implementation of national policy assistance standards for specified generally applicable requirements and report on the administration of such requirements.

"(3) the term 'assistance recipient' means a State or local government or other organization that receives Federal assistance;

"(4) the term 'national policy assistance standards' means a set of guidelines, statements of objectives, standards or other documents issued to achieve the objectives of certain generally applicable requirements in a manner which is, to the greatest extent feasible, substantially uniform among affected assistance programs and is designed to take into account characteristics of classes of recipients or types of assistance;

"(5) the term 'assistance agency' means a Federal agency that administers a Federal assistance program; and

"(6) the term 'Federal assistance' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Federal Government), or technical assistance.

"ASSIGNMENT OF DESIGNATED AGENCIES

"Sec. 703. (a) Within one hundred twenty days after the date of enactment of this title, and from time to time thereafter as he deems appropriate, the President shall designate, consistent with any applicable law, including reorganization plans, a Federal agency to coordinate the preparation of national policy assistance standards for one or more generally applicable requirements for Federal assistance and to report on the implementation of such requirements. As determined by the President, designated agencies shall be responsible for generally applicable requirements in various subject areas such as—

"(1) labor practices requirements;

"(2) public employee standards;

"(3) equal services requirements;

"(4) equal employment requirements;

"(5) access to Government information;

"(6) procurement standards;

"(7) planning requirements;

"(8) financial and administrative requirements; and

"(9) environmental protection requirements.

"(b) In evaluating Federal agencies for designation under subsection (a), the President shall consider—

"(1) the relationship of the generally applicable requirement to the functions and program responsibilities of the agency;

"(2) the capacity of the agency to effectively carry out the responsibilities of a designated agency; and

"(3) the smallest number of designated agencies which is practicable for the promulgation of national policy assistance standards for implementing related generally applicable requirements.

"(c) If any generally applicable requirement is established pursuant to a statute or administrative rule or regulation enacted or adopted after the date of enactment of this title, the President shall, in accordance with subsections (a) and (b), designate a Federal agency to coordinate preparation of national policy standards for such requirement and report on the implementation of such requirement.

"ISSUANCE OF NATIONAL POLICY ASSISTANCE STANDARDS

"Sec. 704. (a)(1) Each designated agency shall coordinate the preparation of national policy assistance standards to implement the generally applicable requirements in the subject areas for which the agency is responsible. The President shall establish a date for the preparation of each national policy assistance standard which shall be not later than two years after the date on which the agency is designated under section 703. If any generally applicable requirement is affected or established by a statute or administrative rule or regulation enacted or adopted after the date of enactment of this title, the President shall set a specific date for the preparation of national policy assistance standards under this section which shall be not later than two years after the date of enactment of such law.

"(2) In coordinating the preparation of any national policy assistance standards under this section, the designated agency shall organize and chair an interagency task force consisting of each assistance agency responsible for implementing the national policy objective. It shall be the responsibility of the designated agency to ensure that the task force prepares each national policy assistance standard by the date established pursuant to paragraph (1) of this subsection and to publish as soon as practicable any such standard prepared pursuant to this section. The task force shall consult, in accordance with any procedures established under section 707(b) of this title, with affected assistance recipients, beneficiaries, and other interested parties. The task force shall begin consultation at the earliest possible time after the date on which the agency is designated by the President under section 703.

"(b) National policy assistance standards for generally applicable requirements shall be consistent with applicable law and, to the maximum extent possible—

"(1) be simple and clear;

"(2) not unnecessarily increase the reporting required of assistance recipients;

"(3) eliminate any unnecessary compliance burdens such standards place upon assistance recipients, to the extent it is possible to do so while still ensuring the full achievement of national policy assistance objectives of the relevant generally applicable requirements;

"(4) include standard compliance procedures, provisions for technical assistance, and other facilitative procedures; and

"(5) be accompanied by a list, based on existing relevant statutory provisions, of the Federal assistance programs to which such standards apply.

"(c) Within one hundred and twenty days after a designated agency publishes national policy assistance standards prepared under this section, each assistance agency administering a Federal assistance program to which such standards apply shall implement and conform to such standards unless the President establishes, after review, a longer period for the implementation of such standards in order to lessen the impact of such standards on affected assistance recipients. Each assistance agency shall be responsible for insuring that affected assistance recipients comply with such standards.

"(d) Each designated agency shall coordinate the implementation of relevant national assistance policy standards in accordance with the procedures established under section 707(b) and shall, to the maximum extent feasible, ensure that revisions or additions to such standards occur only on the first day of each fiscal year.

"(e) No national policy assistance standard developed and issued pursuant to this section shall in any manner diminish or detract from any requirement of law including compliance and enforcement procedures contained in any generally applicable requirement, especially procedures designed to enforce prohibitions against discrimination on the basis of race, religion, sex, national origin, or handicap.

"IMPLEMENTATION AND ENFORCEMENT ROLES OF FEDERAL AGENCIES

"SEC. 705. (a) The head of each assistance agency shall designate a senior official of the agency responsible for the formulation of policy relating to the administration of Federal assistance to—

"(1) coordinate compliance activities under generally applicable standards throughout the agency;

"(2) ensure the complete and active participation of the agency in the development and implementation of national policy assistance standards; and

"(3) represent the position of the agency on questions relating to generally applicable requirements and associated national policy assistance standards.

"(b) Except as otherwise provided by law, the head of an assistance agency is authorized, in his discretion, to certify and accept State and local government reporting requirements, regulations, directives, standards, and compliance monitoring and enforcement procedures if the agency determines that such State or local government requirements contain the same requirements as national policy assistance standards and that such State or local government requirements are fully complied with and enforced. Nothing in this subsection limits the assistance agency's responsibility or authority to enforce Federal law or its regulations, procedures or reporting requirements arising thereunder. For good cause, an assistance agency may rescind any certification issued under this subsection, but shall provide the State or local government with due notice prior to taking such action and provide such government with an opportunity to demonstrate why the agency action should not be taken.

"(c) Federal agencies administering Federal assistance programs shall take appropriate action, including the provision of technical assistance, to assist affected recipients in their efforts to comply with applicable national policy assistance standards.

"LEGISLATION TO REMOVE IMPEDIMENTS TO IMPLEMENTATION"

"SEC. 706. (a) If a designated agency is unable to publish national policy assistance standards pursuant to section 704 due to conflicting or inconsistent provisions of law, or due to other factors which have prevented the development of such standards in accordance with the provisions of this title, the agency shall report its inability to develop such standards to the President. After receipt of such report, the President may direct the agency to prepare a proposed bill to remove any such impediments to the development of such national policy assistance standards and to submit such bill to the President for transmission to the Congress.

"(b) If the President determines, after study, that certain Federal assistance programs should be exempted from any generally applicable requirements established by statute or that basic components of any such requirement are inappropriate, inefficient or poorly suited to effective management, he may prepare a proposed bill to repeal, restrict, or revise the scope or structure of such requirement and shall submit to the Congress his determination under this subsection and such proposed bill.

"GENERAL OVERSIGHT

"SEC. 707. (a) The President may delegate to the Director of the Office of Management and Budget or to the head of any other Federal agency responsibility for monitoring the overall implementation of this title, except that the President may not delegate the authority to name designated agencies under section 703.

"(b) In carrying out the provisions of this title, the President, or in carrying out any responsibility delegated under subsection (a), the Director of the Office of Management and Budget or the head of a Federal agency, may—

"(1) establish a uniform procedure for the development, implementation, and evaluation of national policy assistance standards or other guidance and instructions to recipients required by this title, including provisions to insure the active participation of assistance agencies, program beneficiaries, and assistance recipients to the maximum extent possible; and

"(2) review the administration of generally applicable requirements to improve the effectiveness of such requirements, including working with the designated agencies to insure effective application of national policy assistance standards to the requirements of particular assistance programs or to the recipients of such programs.

"(c) In carrying out any responsibility delegated under this section, the Office of Management and Budget or the Director thereof shall keep the Congress fully informed of his actions and related agency activities.".

SEC. 402. Nothing in this title affects in any way any existing authority the President, the Office of Management and Budget or the Director thereof may otherwise have under the laws of the United States with respect to the administration of Federal assistance requirements.

TITLE V—MISCELLANEOUS

INFORMATION ON FEDERAL ASSISTANCE

SEC. 501. Section 201 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4211) is amended to read as follows:

"FULL INFORMATION ON FUNDS RECEIVED

"SEC. 201. (a) Any Federal agency which administers a program of Federal assistance to any State government or to a political subdivision thereof shall, upon request, provide written information on the purpose and amounts of such Federal assistance to the State agency which has been designated by the Governor of the State, in consultation with the State legislature, to receive such information.

"(b) The Director of the Office of Management and Budget shall assure that Federal agencies develop procedures and information collection systems to carry out this section and shall monitor compliance by Federal agencies with the provisions of this section.".

PROCEDURAL SAFEGUARDS AND REGULATORY FLEXIBILITY

SEC. 502. Title II of the Intergovernmental Cooperation Act of 1968 is amended by adding at the end thereof the following new sections:

"PROCEDURAL SAFEGUARDS

"SEC. 205. Any Federal agency which administers any program of Federal financial assistance to State and local governments shall—

"(1) provide advance notice to a State or local government of an action by the agency—

"(A) to withdraw the provision of Federal financial assistance to such government;

"(B) to refuse to renew Federal financial assistance which was provided to such government during the fiscal year prior to the fiscal year for which the action is being taken; or

"(C) to withdraw a Federal commitment of funds for any program or project affecting a State or local government where public notice of such Federal commitment to participate has been made;

"(2) upon request of any State or local government whose application for assistance has been rejected by the agency, provide such State or local government with an explanation of the reason or reasons for the rejection of the application; and

"(3) upon request of a State or local government which has received notice of an agency action under paragraph (1), provide such government with an opportunity to demonstrate why the agency action should not be taken. This section does not apply where the withdrawal or refusal by a Federal agency is required by law.

"REGULATORY FLEXIBILITY

"SEC. 206. (a) Whenever a Federal agency which makes grants to State, local governments, and nonprofit organizations adopts a major change in any regulation for the administration of such grants or in any statement or document of the agency specifying conditions for the receipt of such grants, and in the opinion of the head of the granting agency, such State, local government, or nonprofit organization has made a substantial commitment of time and expenditures in administering or applying for the grant under the provisions of the existing regulation, statement or document, the head of such agency may waive for such State and local government compliance with the change in provisions of the regulation, statement or document affecting such grant. The head of an agency shall not grant a waiver that has the effect of diminishing or detracting from any requirement of law or regulation or from fulfillment of the purposes of any affected assistance program.

"(b) This section does not apply to any changed regulation, statement, or document which is required by law. This section is not intended to create any new or additional right to sue.

"STUDY OF ALTERNATIVE APPROACHES TO SERVICE DELIVERY

"SEC. 207 (a) The United States Advisory Commission on Intergovernmental Relations is directed to conduct a study of alternative methods of delivering public services supported by grants-in-aid in order to improve the effectiveness and efficiency of such services. The study shall examine methods of stimulating innovation in the delivery of services and increasing the responsiveness of service-delivery organizations to their clients by introducing competition, consumer choices, and options into the provision of such services.

"(b) The Advisory Commission shall present its findings, and recommendations to the President and the Congress no later than September 30, 1981.".

SEC. 503. Annual Analysis of the Administrative Costs of Federal Assistance Programs.

(a) The Director of the Office of Management and Budget shall establish criteria for comparing the sizes of Federal assistance programs based upon the laws authorizing Federal assistance programs and the amounts authorized to carry out each such program.

(b) By October 15 each year, the Director of the Office of Management and Budget shall, using the criteria established pursuant to subsection (a), prepare a list of the 100-largest Federal assistance programs during the preceding fiscal year.

(c) By December 1 of each year, the head of an agency which administers each program included in the list prepared pursuant to subsection (b) shall prepare and transmit to the Director an analysis of the cost incurred by the agency in administering each such program during the preceding fiscal year. The analysis shall include, for each such program, a comparison of such total cost with the total amount of funds appropriated to carry out such program in such fiscal year.

(d) For purposes of this section, the term "Federal assistance program" has the same meaning as in section 107 of the Intergovernmental Cooperation Act of 1968.

SEC. 504. Pilot Program to Assess the Administrative Costs of Federal Assistance Programs.

(a) The Director of the Office of Management and Budget shall conduct a pilot program to develop and implement methods to assess the administrative costs of Federal assistance programs. In conducting such pilot program, the Director shall select for assessment under the pilot program a representative sample of Federal assistance programs in a number such that the amount appropriated to carry out such selected Federal assistance programs in any fiscal year comprises at least 10 percent of the amount appropriated to carry out all Federal assistance programs during such fiscal year. Within 18 months after the date of enactment of this Act, the Director shall report to the Congress concerning the results of the pilot program.

(b) For purposes of this section, the term "Federal assistance programs" has the same meaning as in section 107 of the Intergovernmental Cooperation Act of 1968.●

● Mr. DANFORTH. Mr. President, I strongly support S. 878, the Federal Assistance Reform Act.

For 3 years now I have worked with Senator SASSER, Senator ROTH, Senator Muskie and others to effect some meaningful reform of the Federal grant system. This legislation, which proposes the consolidation of Federal grant programs, the standardization of cross-cutting Federal regulations, and the simplification of Federal audit procedures, among other reforms is an important initiative. Unfortunately, from all indications, not enough time remains in this Congress to insure its enactment. Nonetheless, I am confident that we have laid the groundwork for continued work in the next Congress.●

CALENDAR NO. 1070

● Mr. ROTH. Mr. President, I am very pleased to join with Senator SASSER in bringing this important reform legislation before the Senate. It has been more than a decade since the Congress has considered major reforms of the Federal grants system. The Federal Assistance Reform Act, S. 878, which we are considering today, represents almost 3 years of work on the part of the Intergovernmental Relations Subcommittee and will provide the basis for substantial improvements in the management of the wasteful, inefficient, and chaotic Federal assistance system. I commend the chairman of the IGR Subcommittee, Senator SASSER, for his leadership on this legislation, and wish to acknowledge the important contributions of Senators DANFORTH, DURENBERGER, PERCY, and LEVIN in revising and improving this legislation.

Mr. President, Federal grants to State and local governments are an obscure and seemingly unimportant subject to many people. Yet, Federal assistance, and the manner in which it affects our federal system of government, is one of the most significant factors conditioning the economic and social health of our country. A look at the breadth of Federal grants-in-aid reveals a system which can only be called a "collage of chaos" in which the artist must have had his eyes closed while he worked.

Of the nearly 80,000 units of State and local government in existence today, about 63,000 receive some Federal grant funds. Seventy-four percent of all State agencies receive aid from the Federal coffers and the percentage of State agencies receiving more than 50 percent of their budgets from Federal grant programs has increased from 10 percent in the midsixties to over 25 percent in the late seventies. In some areas, such as housing and urban renewal, Federal assistance makes up almost 85 percent of the amount spent by State and local governments. From approximately 160 grant programs in 1950, the range of Federal assistance programs has expanded to nearly 500 separate programs in 1980. There are so many narrow and often redtape laden grant programs that 19 percent of the State/local grant component of the Federal budget is consumed by 466 specific, categorical programs.

The grants system has, over time, become a de facto Federal regulatory system for State and local activities. The paperwork generated through the application and reporting process in the grants system costs well over $9 billion a year. Some grant programs have administrative overhead as high as 28 percent of available funding and it has been estimated that categorical grants, on average, have paperwork and management costs averaging 12 to 17 percent of total funds appropriated.

Grants cost so much to apply for that one State education office decided not to apply for a $4,500 grant because it estimated that the total costs to do so would exceed $6,000. The city of Wilmington in my own State has informed me that grant applications seldom leave the city unless they are more than 2 inches thick. Some studies have calculated that the average medium-sized city must juggle over 1,000 Federal and State regulations at any given moment and most of these regulations are attached to grants. The State of California spends over half of its $1.2 billion administrative budget complying with Federal requirements many of which stem from grant programs.

This de facto regulatory system has seldom been examined and assessed. While the effects of regulations on the private sector have been analyzed and bills are now pending to reduce the costs of unnecessary regulations on businesses, little attention has been paid to the effects of grant regulation on State and local governments. And unlike regulatory costs affecting private companies which are passed on to consumers who can, to an extent, avoid the extra costs by switching to other products or reducing purchases of a product, the costs of grant regulations are passed on directly to State and local taxpayers who cannot avoid paying their taxes.

One of the most troublesome aspects of this grants regulation process is the existence of so-called cross-cutting requirements and regulations. These requirements, attached to most grant programs to encourage the achievement of various national goals such as environmental protection, are extremely costly and the same requirement, based on the same statute is usually administered by each Federal grants agency in different ways with differing paperwork requirements and compliance procedures.

Around 60 of these cross-cutting requirements exist, at least that is how many we have been able to identify. The lack of substantial uniformity not only in regulations but in the method of administering cross-cutting regulations has further confused a needlessly complex Federal assistance system.

The serious condition of our federal system cannot be exaggerated. Our current network of intergovernmental relations has become dangerously overloaded to the point that American federalism's most trumpeted traditional virtues—flexibility, adaptability, and cooperation—are critically endangered.

This threatening condition has largely come about as a consequence of a rapid expansion in the overall scope and range of specific concerns of the Federal assistance system. The system has, to quote the Advisory Commission on Intergovernmental Relations, "intergovernmentalized" to the point that the so-called cooperative system of federalism has, in reality, precious little cooperation and a great amount of inevitable conflict. Cooperation rests on shared goals and mutual trust, rare commodities in this period of controversial and unclear program goals, expanded conditions and requirements and increasingly unclear lines of accountability all a result of a too fragmented federal system.

These problems, fragmentation, unnecessary redtape, and excessively specific requirements and rules are continuing to grow. For example, after the energy crisis in 1973, 29 new energy assistance programs were created to help various groups cope with energy problems. Instead of a comprehensive and well-coordinated energy effort, we put 29 programs into nine different agencies, each program with its own requirements and conditions. Sadly, the complex Federal grants maze does not serve citizens well because too much time and money are spent administering programs instead of delivering services. The unmanageable and wasteful Federal assistance process steals valuable time and resources from important national issues and priorities.

The assistance system, or "nonsystem" to be more accurate, has become so complex that potential recipients, our partners in the effort to achieve vital national objectives, are beginning to have grave doubts about the value of Federal assistance. For example, the State of Wyoming turned down a recent formula grant because the paperwork involved was twice as costly as the value of the grant.

In the Georgia Department of Education, no grant under $5,000 is considered worth applying for. One large midwestern city spends upward of 20 percent of all Federal aid it receives on the administration of Federal programs. When the grants system, which is based on voluntary acceptance of Federal funds, becomes so costly and complex that possible participants begin to question the value of Federal aid, substantial changes and improvements are imperative.

The grant reform legislation the IGR Subcommittee has produced would, among other things, force the agencies to streamline and standardize similar grant requirements, require improved and simplified Federal auditing procedures, stimulate serious congressional consideration of consolidation proposals and encourage greater Federal, State, and local cooperation. It is a major piece of reform legislation based on recommendations from the General Accounting Office, the Advisory Commission on Intergovernmental Relations, the Office of Management and Budget, the Paperwork Commission, and even some proposals suggested as far back as the Hoover Commission. It has the support of most of those groups that must assume the burden of administering Federal programs including the National Association of Counties, the National Governors Association, and the National League of Cities.

I am pleased that we have come this far with this legislation. I am extremely hopeful we can pass the bill in this session of Congress. With all the efforts we are making to cut back budget expenditures at the Federal level, especially in grant programs, it seems to me the time is now for this bill. It is the least we can do in the Congress to make grant programs more flexible and efficient as we reduce grant expenditures.●

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. LEVIN. Mr. President, I am pleased to have the opportunity to speak on behalf of the Federal Assistance Act of 1980, S. 878, which proposes to reform the Federal grants process. As the former president of the Detroit City Council, I can assure you of the importance of reform in this area. This bill addresses many concerns I have about the problems State and local governments encounter in dealing with the Federal grants process.

I am proud to associate myself with the general goals and purposes of this legislation. It addresses two problems that concern me deeply: First, inconsistent and duplicative regulation, and second, the lack of flexibility at the local level to adapt programs to fit local needs and circumstances.

In trying to conform to Federal regulations, local governments are often confounded by requirements of one set of regulations and the conflicting requirements of another. One agency says you must meet emission standards; another says you must improve gas mileage, and the goals work at cross purposes. One agency requires that floors be washed every 3 hours for health reasons; another says floors must be dry for safety reasons. The EPA requires that measurement for noise pollution resulting from airport construction be made according to one formula. The FAA requires the same measurement by a different formula. Basic education grants are supplemented by other programs which are on different timetables and require unnecessary duplication by applicants. The list is almost endless.

I support the consolidation approach taken by title II of S. 878 to help address the inconsistency problem.

I also support the integrated grant development approach taken by title III to address the problem of lack of flexibility in adapting Federal programs to local needs. It is a serious problem which often results in the failure of a program to accomplish its goals.

While the reforms I just cited will vastly improve the Federal assistance process, I also believed that there were a number of additional ways to protect and guarantee the rights of State and local governments in their dealings with Federal agencies. As a result of that belief, I suggested, and the Governmental Affairs Committee concurred, that the provisions of title V of the bill be added.

Title V embodies my concept of a procedural "bill of rights" for State and local governments which receive Federal grants.

Its provisions would give Federal agencies the authority to waive newly promulgated regulations and requirements for those State and local governments which have made a substantial commitment of time and expenditures under the superseded regulations. This could give recipients of grants some protection from revisions in grant regulations and requirements in the middle of a program. We adopted a similar approach recently on the HUD appropriation bill.

Additionally, title V would require Federal agencies to notify State and local governments of funding decisions in three instances; first, when a Federal agency withdraws funds from an ongoing project or program; second, when a Federal agency refuses to renew funding for a grant which had been funded in the previous year; and third, when a Federal agency withdraws a public commitment of funds for a State or local program. Similarly, where the Federal agency refuses to renew or withdraws funding, the agency would also be required, on request, to give the State or local government an opportunity to demonstrate why agency action should not be taken.

Also where an application for assistance is rejected, agencies would be required, on request, to provide an explanation of the reason or reasons for their action to the State or local government.

As a former local official myself, I am particularly sensitive to the need for communication and flexibility between State and local governments and Federal agencies. The opportunity for exchange and consultation not only enables the State and local governments to better administer their local programs, but it also provides the Federal agency with meaningful review of its own grant programs. Flexibility in the application of Federal program regulations would also prove invaluable in improved program effectiveness.

A large number of problems encountered by local officials grow out of the Federal agencies' practice of changing regulations in the middle of a program. There is nothing more aggravating and costly to local governments than changing the rules in the middle of the game.

Several specific examples from my experience as a local official affirm the need for the provisions contained in title V.

For instance, there was a sewer program near Battle Creek, Mich., where the Federal Government, after requiring the local government to put up a local share, and after that money was spent planning the sewer improvement, changed the regulations on Federal eligibility so that the sewer plan was no longer eligible.

The cost to local governments of midstream changes in regulation include not only the actual cost of complying with the changes but the cost of determining what the impact of those changes will be. In Wisconsin, for example, it was estimated that every time a Federal regulation changes, it costs the State $50,000 a year just to determine what changes must be made. Where there is a mid-stream change in regulations, the Federal agency should, at a minimum, have the power to allow the local government to abide by the earlier set of regulations once work has begun or the local government has taken substantial action pursuant to the earlier regulations.

An additional set of problems are created for State and local governments because of the lack of prompt Federal agency notice when funding decisions are reached, and the absence of any opportunity for the State or local government to learn the reasons for those decisions.

A number of years ago, the Federal Bureau of Prisons notified Detroit that it wished to build a Federal detention center in downtown Detroit across the street from the Federal courthouse. The city agreed and set aside some available land which remained off limits to other developments for a number of years. The Federal Bureau of Prisons requested an appropriation from the Congress and the appropriation was approved. Recently, the Federal Bureau of Prisons, without any notice to the city, decided to cancel the project and so informed the Appropriations Committees of the House and the Senate which began reprograming the funds.

The consequences of this decision were quite damaging financially to the city; the valuable land had sat idle for years, generating no revenue and forestalling needed development. Yet the decision was not communicated directly to the city, and was only revealed eventually by rumor.

When a local government has acted in reliance on an announced Federal project, the least the Federal agency should do is to notify the local government prior to reaching a final decision to drop the project.

Title V of this bill will require an agency to provide State or local governments upon their request with explanations of their actions. The process created by these provisions will create an opportunity for improved consultation and more frequent contact among agency personnel and State and local officials. Finally, the process should help assure all parties in the Federal assistance system that specific and reasoned procedures are in place to guarantee the effectiveness of grant programs.

Although most of the examples I have mentioned are based on my experience in Michigan, I know that most of my colleagues have heard similar examples from local governments in their own States.

This title and the entire Federal Assistance Act offer the opportunity to insure fairness and commonsense and at the same time contribute to the overall simplification and streamlining of all Federal assistance programs.

Mr. President, I ask unanimous consent that I be added as a cosponsor to S. 878.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 878), as amended, was passed.

The title was amended so as to read:

A bill to reform the laws relating to the provision of Federal assistance in order to provide State and local governments with greater flexibility in managing programs and projects using such assistance and thereby enable such governments to reduce administrative costs and emphasize the community priorities for which such assistance is provided.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Talmadge, I submit a report of the committee of conference on H.R. 7018 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7018) to extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record.)

● Mr. TALMADGE. Mr. President, the conference report on H.R. 7018 will extend the authorization for appropriations to support the Federal pesticide program under the Federal Insecticide, Fungicide, and Rodenticide Act—FIFRA—through September 30, 1981.

The conference report does not extend the authorization for FIFRA appropriations beyond fiscal year 1981. There is continuing concern that the programs and regulations being developed by the environmental protection agency effectively implement the substantial amendments to FIFRA made by Congress in 1978. In light of this concern, it is important that Congress review EPA's implementation effort in 1981 prior to authorizing appropriations for 1982 and subsequent fiscal years.

The conference report also makes several amendments to FIFRA to expand the role of the Scientific Advisory Board under FIFRA. Under these amendments, the advisory board will be able to provide valuable assistance and scientific expertise to EPA in managing the Federal pesticide program.

The conference report also makes EPA regulations under FIFRA subject to legislative review and veto. The conference report requires that any such legislative veto be aproved by both Houses of Congress. It also establishes procedures to expedite judicial review of the constitutionality of the FIFRA legislative veto.

Mr. President, adoption of the conference report on H.R. 7018 is needed to give EPA its authorization for appropriations for the pesticide program for fiscal year 1981. The conference report also contains provisions that will substantially improve the operation of the pesticide program—by expanding the role of the Scientific Advisory Board and providing for legislative review of FIFRA regulations. I urge my colleagues to join me in voting to adopt the conference report.●

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH PROGRAMS EXTENSION ACT OF 1980—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Kennedy, I submit a report of the committee of conference on S. 988 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 988) entitled the Health Sciences Promotion Act of 1980, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record.)

● Mr. KENNEDY. Mr. President, I urge adoption of the conference report on S. 988, the Health Programs Extension Act of 1980. This act provides for the continued operation of essential programs in the areas of biomedical research, health planning, and health manpower.

I am disappointed that we were not able to come to agreement with the House on many of the substantive issues regarding biomedical research on which we were divided. The compromises reached in this bill leave for next year the resolution of the basic question as to how health sciences research in the Department of Health and Human Services is to be authorized, and the specific roles of the Congress, the executive branch and the private sector in its oversight and prioritization. As the Members of this body are well aware, the position held to our conferees has the overwhelming support of the academic and biomedical research communities. This conference agreement is consistent with our commitment to the interests of biomedical research not to extend further time and dollar constraints on the authorizations of their activities, and to seek broader input into the setting of the Nation's health research priorities.

I am, nevertheless, pleased to be able to present to this body a bill which has received the careful attention of each of the conferees, and which addresses a number of pressing issues. This bill:

Provides authorizations for the National Cancer Institute and National Heart, Lung and Blood Institute for fiscal years 1981 and 1982.

Restructures and clarifies the statutory base for the National Institute of Arthritis, Metabolism and Digestive Diseases, and gives fuller recognition to the scope of its functions by renaming it the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases.

Makes certain technical amendments in the health planning authorizations to provide for smoother, more equitable program administration.

Makes several technical changes in health manpower authorities to provide for increased availability of student assistance funds, to extend provisions related to foreign medical graduates, and to provide expansion of the private practice option under the National Health Service Corps.

Mr. President, may I also note in closing that this bill has benefitted from the hard work and close attention of Congressman TIM LEE CARTER, and Senator RICHARD SCHWEIKER. I have been much indebted during the 10 years of my chairmanship of the Health Subcommittee for the spirit of cooperation offered by these two gentlemen.

I believe it is fair to say that no piece of legislation has been enacted in the health area during this time where a sense of true and free consensus on the issues did not exist between us. I have always felt that health is too important an issue for partisan positions, and I believe the major strides that the Congress has made in health legislation during the past 10 years bears eloquent testimony to the willingness of both these men to work in this spirit of common endeavor.●

● Mr. JAVITS. Mr. President, I rise in support of the conference agreement on S. 988, but would like to express reservations regarding a miscellaneous provision included in the conference agreement relating to alien foreign medical graduates (FMG's).

The provision in question amends the Immigration and Nationality Act to extend for 1 year an existing authority which permits a hospital that is presently heavily dependent on FMG's to meet its service requirements to recruit FMG's under relaxed immigration restrictions in order to avoid seriously disrupting the hospital's ability to deliver critical services—the so-called substantial disruption waiver provision.

Mr. President, the need for the extension of this waiver provision is unquestionable. Without such an extension, many hospitals in my State and other States will be unable to provide essential services to their communities. The point I wish to make, however, is that this provision is simply an emergency measure. It is not a responsible, long-term solution which takes into account those factors that cause hospitals to be dependent on FMG's such as the geographic maldistribution of physicians in this country and the deteriorating financial condition of many urban hospitals.

In this regard, I developed in cooperation with the members of the Senate Labor and Human Resources and Judiciary Committees a comprehensive package of amendments aimed at this problem for inclusion in S. 2375, the Health Professions Training and Distribution Act of 1980—a measure which is now in conference but which may not be enacted this year due to seemingly irreconcilable differences between the House and Senate. This package consists of the following provisions:

A 5-year extension of the waiver provision with restrictions on the number of waivers any hospital may receive declining to zero by the end of the 5-year period in order to provide for an orderly transition and reduction of dependence on FMG's;

Provisions imposing stiff requirements on the hospitals and their respective States and localities to implement plans for reducing dependence on FMG's; and

Provisions authorizing the use of National Health Service Corps personnel to assist hospitals in reducing dependence on FMG's.

In my judgment, these provisions coupled with others in S. 2375 which were designed to address such issues as the geographic maldistribution of physicians would have greatly reduced, if not eliminated, our dependence on FMG's within the time stipulated.

I regret that a jurisdictional disagreement in the House of Representatives regarding whether this matter is best addressed on a health bill or an immigration bill prevented the development of a more appropriate solution even in the context of S. 988. I had hoped that an agreement could be reached between all concerned parties of the House and Senate Health and Immigration Subcommittees on a mutually acceptable solution which could then have been incorporated into whatever bill had the most likely chance of passage.

However, Representative HOLTZMAN, chairwoman of the House Judiciary Subcommittee on Immigration, Refugees and International Law, insisted that a longer term solution be provided for only in H.R. 7273, the Immigration and Nationality Efficiency Act which has passed neither the House nor Senate but which may be acted upon before the Congress adjourns. Should this bill be taken up in the Senate, I feel I must offer those amendments affecting the Immigration and Nationality Act now in S. 2375 to that bill when it comes to the floor.

In closing, I would like to thank my colleagues in the conference committee on S. 988 for their willingness to include this emergency provision in S. 988, and especially Senators KENNEDY, SCHWEIKER and THURMOND for their continuing cooperation on this matter throughout this year.●

● Mr. SCHWEIKER. Mr. President, before the Senate today is the conference report on S. 988. This legislation, which reauthorizes many of our critical biomedical research activities, passed the Senate by unanimous vote last June. I am pleased to be able to report that, although the conference committee did not succeed in resolving all the issues in disagreement between the House and Senate versions of this bill, the agreement we have reached is completely consistent with the Senate-passed bill.

I have been particularly concerned with the future of programs within the National Institutes of Health relating to diabetes, as well as the arthritis, digestive diseases, and kidney disease programs conducted by the National Institute of Arthritis, Metabolism and Digestive Diseases. In February 1979, I introduced and conducted hearings on S. 451, the diabetes research and training amendments. The key concepts of my bill are reflected in the conference report now under consideration, and I would like to discuss them briefly.

Diabetes is a systemic disease, leaving virtually no part of the body unaffected. It cuts across the traditional categorical boundaries of the National Institutes of Health. The lead institute for diabetes research remains the NIAMDD, but nearly half of research expenditures are made through other institutes.

Recognizing the unique nature of diabetes, and responding to the needs identified by the National Commission on Diabetes in its long-range plan to combat this disease and its complications, the Congress has acted through authorizing and appropriations legislation to place greater emphasis on diabetes research and to improve coordination of diabetes programs—including NIH programs, State diabetes control projects administered by the Center for Disease Control, the Indian Health Service model diabetes care program, and private sector activities. The result of these efforts, which began in earnest when my National Diabetes Research and Education Act was enacted in 1974, has been the development of a model approach to dealing with a chronic disease that transcends the traditional categorical boundaries.

S. 988 will extend and strengthen these important programs. The conference report continues the diabetes research and training centers program for 3 years and grants additional authority for the provision of training stipends through each center. It strengthens the statutory role of the Associate Director for Diabetes as the primary Federal official with responsibility for diabetes research and training.

Through the National Diabetes Data Group and the National Diabetes Information Clearinghouse, the conference report emphasizes the importance of education, data collection and information dissemination activities. The National Diabetes Advisory Board, which brings together Federal officials, concerned scientists, and law people to keep our diabetes programs on track, is reauthorized for 3 years and charged with updating the long-range diabetes plan. To highlight the importance of research in diabetes—now the largest single program in the NIAMDD—and kidney diseases, S. 988 changes the name of the Institute to the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases.

Similar authorities, using the diabetes model, are provided for arthritis and digestive programs, including the establishment of a National Digestive Diseases Advisory Board as recommended by the Commission on Digestive Diseases and embodied in bills sponsored by Congressman TIM LEE CARTER and Senator THAD COCHRAN. Lastly, authorizations for the important work of the National Cancer Institute and the National Heart, Lung, and Blood Institute are extended for 2 years.

Mr. President, the success of the conference committee in reaching agreement on these provisions, and the fact that both the House and Senate bills contained proposals that were quite similar in purpose, is clear evidence of overwhelming consensus on the need to extend and strengthen these important programs. I urge my colleagues to join me in supporting the conference report.●

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTIONS IN ENROLLMENT OF S. 988

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I submit a Senate concurrent resolution making corrections in the enrollment of S. 988 just agreed to. I ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 136) directing the Secretary of the Senate to make corrections in the enrollment of the bill S. 988.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 136) was agreed to, as follows:

S. CON. RES. 136

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 988) entitled the "Health Sciences Promotion Act of 1980", the Secretary of the Senate shall make the following corrections:

(1) In the proposed heading for section 434 of the Public Health Service Act (as contained in section 203(a) of the bill) strike out "INSTITUTES" and insert in lieu thereof "INSTITUTE".

(2) In section 435(a) of the Public Health Service Act (as amended by section 204(c) of the bill) strike out "subsection (d)" and insert in lieu thereof "this subsection".

(3) In section 206 of the bill strike out "304" and insert in lieu thereof "205".

(4) In the proposed section 437(b)(2) of the Public Health Service Act (as contained in section 206 of the bill)—

(A) strike out "(or the director's designee)";

(B) insert after "Defense" the following "(or the designees of such ex officio members), the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Board is established"; and

(C) insert before the period at the end the following: "(or the designees of such ex officio members)".

(5) In the proposed section 437(h)(3) of the Public Health Service Act (as contained in section 206 of the bill) strike out "the Secretary" and insert in lieu thereof "Congress, the Secretary".

(6) In the proposed section 1516(d)(3)(B)(iii) of the Public Health Service Act (as contained in section 302 of the bill)—

(A) insert before ", or" at the end of subclause (I) the following: "unless the population of the area for which it is designated has decreased, unless the level of non-Federal funds on which its grant is computed has decreased, or unless the amount available for its grant is decreased because of an increase in the minimum grant prescribed by subsection (c)(1)(C)"; and

(B) insert before the period at the end of subclause (II) the following: "unless the population of the area for which it is designated has increased, unless the level of non-Federal funds on which its grant is computed has increased, or unless the amount of its grant is increased under subsection (c)(1)(C)".

(7) In the proposed section 1527(h) of the Public Health Service Act (as contained in section 307 of the bill)—

(A) strike out "the change" in paragraph (2)(B)(ii) and insert in lieu thereof "a change"; and

(B) strike out "the change described in subparagraph (A)" in paragraph (3) and insert in lieu thereof "a change described in subparagraph (A), (B), or (C)".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL CHARTER TO ITALIAN-AMERICAN WAR VETERANS OF THE UNITED STATES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1161.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2542) to grant a Federal charter to the Italian-American War Veterans of the United States of America.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

● Mr. CHAFEE. Mr. President, I rise today to speak on behalf of the Italian American War Veterans of the United States (IAWV), and to urge my colleagues here in the Senate to grant this fine organization a Federal charter.

My reasons for introducing this legislation earlier this year grow out of the long and fruitful relationship I have had with the IAWV in the State of Rhode Island. I first began working with them 18 years ago, in 1963, when I was elected Governor of Rhode Island. Since that time, I have had ample opportunity to see their good works, and to appreciate their contribution to veterans and to the community at large.

The Rhode Island Department of the IAWV is neither the largest nor the oldest in the Nation. It was incorporated in 1950 and there are now 13 posts in the State. Yet, they have been very active in Rhode Island.

For many years, IAWV volunteers have served disabled and aged veterans in the veterans hospital in Davis Park, Providence, and the veterans home in Bristol. They have provided money for the maintenance of the veterans cemetery in Exeter, and for college scholarships to deserving young students. Earlier this year, the Rhode Island Department of the IAWV send funds and supplies to the homeless refugees in the Azores following a serious earthquake in the islands.

As might be expected, the IAWV actively coordinates its activities with other veterans groups in the State and Mr. Dando DiManna, currently the Rhode Island Department Commander, is also vice president of the United Veterans Council of Rhode Island, an organization which combines all veterans organizations in the State.

In my judgment, Mr. President, the fine record of the IAWV in Rhode Island is a reflection of their solid work for veterans in other States as well. I recently received an example of this in the form of a letter from Joseph C. Barone of Syracuse, N.Y. Mr. Barone is the adjutant of the local chapter of the Disabled American Veterans. He wrote that the Italian American War Veterans in his area have cooperated in all endeavors to promote and assist less fortunate veterans, and "have proven themselves in the general welfare of the community at large in every respect."

It is my understanding that any group requesting a Federal charter must pass a set of basic requirements or "minimum standards" set out by this committee. Let me begin by saying that I support these standards, and never would have proposed a Federal charter for the IAWV unless I thought their organization and record of service to the Nation's veterans exceeded these standards in every possible way.

First, the IAWV has operated under various State charters for almost 50 years, the first such charter having been granted in 1932 in Connecticut. During this time, it has conducted a broad range of activities which are clearly in the public interest.

Second, the granting of a Federal charter will clearly provide the IAWV with a boost to its membership and its activities across the Nation. The lack of a charter inhibits public service organizations and places "red tape" between them and the very people they are trying to help. With a membership of almost 7,000 public-spirited people, the IAWV represents a terrific resource to be used in the battle to help disabled, aged and economically deprived veterans, their families and their communities. A Federal charter will help this resource to grow and to expand its activities.

Third, the Italian American War Veterans have an open door policy in terms of membership. While many of its members are drawn from those with Italian heritage, it is open to any honorably discharged American veteran regardless of sex, race, religion, and national origin.

Fourth, the IAWV is organized as a nonprofit service group in the States where it is incorporated. Its purpose is to engage in charitable, educational, civic improvement and patriotic activities. The IAWV is engaged in activities which are truly national in scope, and it has been of service to this country for almost half a century.

Mr. President, just last week, I received a letter from a constituent in Rhode Island who asked why "the funds that once supported a fine veterans hospital system no longer exist." Her concerns were reflected in a recent letter written by Stan Pealer, national commander of the Disabled American Veterans, who stated, "We have an obligation to make certain that the men who sacrificed their health and their future for our country are not neglected."

It seems clear to me, Mr. President, that with the specter of fiscal austerity staring us in the face in the coming years, the problem of scarce resources for America's veterans is going to get worse, not better. We are all going to have to learn that Federal funds are not limitless and cannot meet all the demands of the deserving.

In my judgment, the volunteer services of groups like the IAWV and the Disabled American Veterans will of necessity plan an expanding role in serving the needs of our veterans. And we should encourage them to do so. Granting a Federal charter will cost this Congress and this Government little more than the cost of printing the document itself. Such an action would be a strong symbol of encouragement not only to the IAWV, but to other worthy organizations that perform similar services. What we will realize from this expenditure is more than just the savings to the Government of the services provided by the IAWV. What we will realize will be the deep personal satisfaction that comes from being part of an unselfish effort to help our fellow man.

Mr. President, according to the Veterans' Administration, volunteer hours donated free-of-charge by public-spirited organizations such as the Italian-American War Veterans amount to almost $35 million per year. These organizations provide an additional $45 million per year through donations of goods and materials. On this basis, and because of the possibility of more stringent Federal budgets in the future, I believe it is vital to support the voluntary efforts of all our veterans service organizations. Your support, and that of this Senate in obtaining a Federal charter for the IAWV will enhance their fine service to America's hospitalized veterans across the Nation.

In closing, Mr. President, I would like to add that this bill has received broad bipartisan support here in the Senate. We currently have 48 cosponsors drawn from both sides of the Chamber and the bill was reported unanimously from Senate Judiciary Committee last week.

We have also received letters of endorsement from a broad range of veterans and civic groups across the country. I ask that a selection of these letters and an excerpt from the Judiciary Committee Report (96–1029) be printed into the RECORD.

The material follows:

PURPOSE

The purpose of the bill is to grant a Federal charter to Italian-American War Veterans of the United States.

STATEMENT

This bill proposes to grant a Federal charter to Italian-American War Veterans (IAWV) of the United States, which was founded in 1932. The IAWV has no national office other than at the home of the current national commander. While the IAWV draws much of its membership from those of Italian heritage, membership is open to any honorably discharged veteran regardless of sex, race, religion or national origin. There are currently almost 7,000 members.

The primary purpose of the IAWV is to stimulate patriotism and good will among veterans through a broad range of community-related activities. The IAWV and its ladies auxiliary have been active in veterans' hospitals and homes across the Nation for many years, and have participated in numerous charitable, educational, patriotic and civic improvement activities where both time and funds were generously shared with the less fortunate.

The IAWV is incorporated in 10 States across the Nation, and is organized as a nonprofit service organization. It is nonpolitical and nonsectarian in nature.

The Italian-American War Veterans of the United States meets the Judiciary Committee standards for granting a Federal charter. In the 91st Congress, the Senate and House Judiciary Committees jointly adopted five standards for the granting of Federal charters. Under these standards, the organization under consideration must demonstrate that it is:

(1) Operating under a charter by a State or the District of Columbia and that it has so operated for a sufficient length of time to demonstrate its permanence and that its activities are clearly in the public interest;

(2) Of such unique character that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation;

(3) Organized and operated solely for charitable, literary, educational, scientific, patriotic, or civic improvement purposes;

(4) Organized and operated as a nonpartisan and nonprofit organization; and

(5) Organized and operated for the primary purpose of conducting activities which are of national need, which need cannot be met except upon the issuance of a Federal charter.

In order to guarantee that the charter is nonpartisan, the Judiciary Committee, during the 96th Congress, adopted informal guidelines which require that such legislation must have not less than 40 cosponsors, with at least 15 Democrats and 15 Republicans.

Testimony at the hearing demonstrated that the IAWV satisfies all of these requirements.

First, the IAWV has operated as a nonprofit service organization since 1932, when it was first incorporated in the State of Connecticut. Since then, it has been incorporated in nine additional States as follows: New York (1933), New Jersey (1936), California (1939), Pennsylvania (1941), Ohio (1943), Massachusetts (1944), Rhode Island (1950), Florida (19[illegible]5) and Illinois (1971). In addition to its incorporated State departments, the IAWV has a newly formed post in Arizona which should become a State Department in the near future. Throughout its almost 50 years of national existence, the IAWV has engaged in a broad range of civic, charitable and community-related activities.

Second although the IAWV has been able to operate on a State-by-State, region-by-region basis, its membership, functions and service to the Nation could be greatly expanded if it were given a Federal charter. Official recognition of the sort that would be given by the granting of a Federal charter is essential if the IAWV is to broaden its activities in areas where it does not have an incorporated State department, and where officials of the military and veterans service organizations do not feel confident their cooperation with IAWV volunteers is authorized or approved by the Government. The IAWV is unique in its commitment to the service of this Nation's veterans, their families and their communities. The granting of a Federal charter could only enhance this commitment to service.

Third, the IAWV has demonstrated over the years that it operates strictly in the interest of the public. Its activities are charitable, patriotic and intended for civic improvement purposes. The organization serves the welfare and best interests of veterans, their wives, widows and dependents and the communities in which they operate. Members provide both moral and financial assistance in the hospitals and homes of veterans. They decorate soldiers' graves, participate in patriotic observances, award scholarships, support senior citizen and youth activities, and work in conjunction with other veterans' organizations. In addition to these activities, they have raised funds to help provide relief for areas in the world which have been struck by disasters.

Last year alone IAWV volunteers contributed 26,362 hours of service to the Nation and expended more than $73,942.60 on these activities. The following is a breakdown of services by category:

The Veterans Administration Voluntary Service/Rehabilitation program:

Total number of volunteers	1,810	
Total hours credited	8,889	
Total moneys spent		$32,550.39
Community service program:		
Total number of volunteers	2,036	
Total hours credited	11,804	
Total moneys spent		24,940.05
Child welfare program:		
Total number of volunteers	489	
Total hours credited	3,226	
Total moneys spent		14,421.62
Patriotic activities program:		
Total number of volunteers	758	
Total hours credited	2,443	
Total moneys spent		2,030

The Judiciary Committee believes that this type of commitment over almost 50 years merits recognition and the granting of a Federal charter.

Fourth, although the membership of the IAWV is drawn largely from those of Italian heritage, its membership is open to any honorably discharged veteran regardless of sex, race, religion or national origin. The IAWV has literally hundreds of non-Italian members who have joined because of their commitment to the IAWV's public service goals. Under the terms of its by-laws and charter, the IAWV may not engage in either politically oriented or profitmaking activities. The U.S. Internal Revenue Service has declared the IAWV to be a tax-exempt organization since July 8, 1947.

Fifth, the IAWV has rendered unique service to the Nation's veterans and their families across the country for almost 50 years. The hearing held on S. 2542 clearly revealed that the granting of a Federal charter to the IAWV would increase its membership allowing it to expand the range and scope of its activities across the Nation. As this committee discovered during its hearings on the Gold Star Wives, the lack of a charter inhibits public service organizations and places redtape between them and the very people they are trying to help. With a membership of almost 7,000 public-spirited people, the IAWV represents a large resource to be used in the battle to help disabled aged and economically deprived veterans, their families and their communities.

According to Mr. Ed Rose, Director of Voluntary Services of the Veterans Administration, volunteer hours donated free of charge by public-spirited organizations such as the IAWV amount to almost $35 million per year. These organizations provide an additional $45 million per year through donations of goods and materials. On this basis, and because of the possibility of more stringent Federal budgets in the future, the committee found that it is in the national interest to support the voluntary efforts of veterans service organizations such as the IAWV. As Mr. Rose concluded in his statement at the hearing:

"The economy and our expanding programs will necessitate greater numbers of committed and dedicated volunteers being identified and encouraged to participate in our service delivery system. We need without question all the organizations like the IAWV we can muster. I know that a National Charter will enhance their efforts and I support them fully."

The committee believes the services of groups like the IAWV will of necessity play an expanding role in serving the needs of our veterans, and we should encourage them to do so. Granting a Federal charter will cost this Congress and this Government little more than the cost of printing the document itself. Such an action would be a strong symbol of encouragement to the IAWV to expand its outstanding service contributions to the Nation.

As the IAWV approaches its 50th anniversary, the committee believes the IAWV's longstanding request for a Federal charter should be granted. There is broad bipartisan support in the Senate for a Federal charter for the IAWV. S. 2542 currently lists 46 cosponsors, 12 of whom serve on the Judiciary Committee. These cosponsors include the chairman of the Judiciary Committee, the majority leader, and the ranking minority member of the Veterans Affairs Committee.

RECOMMENDATION

It is the opinion of the committee that the legislation is meritorious, and it reports S. 2542 favorably.

REGULATORY IMPACT

There is no regulatory impact.

COST

The enactment of this legislation involves no direct additional expenditure to the Government, as indicated by the letter below.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 17, 1980.

HON. EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request and pursuant to section 202 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2542, a bill to grant a Federal charter to the Italian American War Veterans of the United States of America, as referred to the Senate Committee on the Judiciary, April 3, 1980.

This bill would grant a Federal charter and the privileges and prerogatives afforded other national veterans organizations to the Italian American War Veterans of the United States of America.

Based on information from the Veterans Administration, it is expected that no significant costs will be incurred by the Federal Government as a result of the enactment of this legislation.

Sincerely,

ALICE M. RIVLIN,
Director.

APPENDIX 1.—LETTER FROM DISABLED AMERICAN VETERANS,

DISABLED AMERICAN VETERANS,
Washington, D.C., November 19, 1980.

Hon. DENNIS DECONCINI,
Dirksen Senate Office Building.
U.S. Senate, Washington, D.C.

DEAR SENATOR DECONCINI: This letter is in reference to S. 2542, a bill introduced on April 3, of this year by Senator John H. Chafee, which has as its purpose the incorporation of the Italian American War Veterans of the United States of America.

On behalf of the 670,000 members of the Disabled American Veterans, I wish to inform you that our organization supports congressional passage of S. 2542.

Formed in 1932 as a nonprofit service organization, the Italian American War Veterans has drawn most of its membership from those former U.S. servicemen and women with Italian heritage. However, membership in the Italian American War Veterans is open to any American citizen, regardless of race, religion or national origin, who is honorably discharged from the Armed Forces of the United States.

Though it is true that those eligible for membership in the Italian American War Veterans also have membership eligibility in other service organizations, we believe the granting of a Federal charter to such an organization of honorably discharged veterans to be unquestionably meritorious.

In addition to stimulating organizational growth and viability, Federal incorporation would greatly enhance the ability of the Italian American War Veterans to carry on their current programs of charitable, educational, patriotic and civic purpose. This organization, I am sure, carries the potential to make valuable contributions to American society as a whole, in addition to the many services it will offer to its present and future membership.

The DAV urges the speedy and favorable consideration of S. 2542 by you and your colleagues of the Judiciary Committee. I also respectfully request that this letter be incorporated as a part of the committee's hearing record on this most important legislation.

Sincerely yours,

STAN PEALER,
National Commander.

DISABLED AMERICAN VETERANS,
Washington, D.C., November 19, 1980.

Hon. DENNIS DECONCINI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DECONCINI: This letter is in reference to S. 2542, a bill introduced on April 3 of this year by Senator John H. Chafee, which has as its purpose the incorporation of the Italian American War Veterans of the United States of America.

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Though it is true that those eligible for membership in the Italian American War Veterans also have membership eligibility in other service organizations, we believe the granting of a federal charter to such an organization of honorably discharged veterans to be unquestionably meritorious.

In addition to stimulating organizational growth and viability, federal incorporation would greatly enhance the ability of the Italian American War Veterans to carry on their current programs of charitable, educational, patriotic and civic purpose. This organization, I am sure, carries the potential to make valuable contributions to American society as a whole, in addition to the many services it will offer to its present and future membership.

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Sincerely yours,

STAN PEALER,
National Commander.

EXECUTIVE CHAMBER,
Providence, R.I., November 18, 1980.

Hon. DENNIS DECONCINI,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR DECONCINI: I am proud to recommend to you for a Federal Charter the Italian-American War Veteran organization of this nation which is composed of outstanding veterans of the various international wars which this country has had to engage in during past years. As a member of this fine organization, I have joined with my comrades in a host of philanthropic, educational, and community service projects which have enhanced the quality of life of many of our fellow citizens, and added a great measure of cooperative effort to solve the myriad problems that confront us in our society.

Whether it has been in commemorating the sacrifices of fallen comrades, or offering succour and support to their families, or to those sorely in need, the Italian-American War Veterans have always been ready to answer the call of service. Indeed, here in Rhode Island and in neighboring New England states their singular contribution to educational, medical, and social service programs have been frequently honored for the breadth of their involvement and for the unwavering commitment to successful completion of each of the tasks that they have elected to perform. I am most confident that the citizens of Rhode Island join with me in its power to support their application for a federal charter, and I urge you to offer your full consideration to their application.

Sincerely,

VINCENT A. CIANCI, Jr.
Mayor of Providence.

RHODE ISLAND VETERANS' HOME,
Bristol, R.I., November 18, 1980.

Hon. JOHN H. CHAFEE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CHAFEE: It is with great pleasure that I offer my complete support for the successful enactment of Senate Bill 2542 which would provide a Federal Charter for the Italian American War Veterans of the United States.

As Chief of the State Office of Veterans Affairs and Commandant of the Rhode Island Veterans' Home, I have witnessed first hand the extensive rehabilitation work and community services provided by the ITAM VETS to thousands of Rhode Island citizens. Particularly impressive is their rehabilitation program provided to assist disabled veterans at the VA Hospital in Providence and the Rhode Island Veterans' Home in Bristol.

The ITAM VETS participate in many state and local patriotic programs involving parade exercises, particularly on Memorial Day, Veterans Day, July Fourth, to name a few. A special youth oratorical contest is conducted each year inviting all high school students to participate. Scholarships and Savings Bonds are presented to the winners who are honored at the Convention Banquet in June.

I am sure you will agree with me that the ITAM VETS practice actively the principles and purposes of the preamble on which they were founded and fully deserve to be Federally Chartered.

Your continued and active support for the enactment of Senate Bill 2542 is most appreciated.

Sincerely,

LOUIS P. ALFANO, Jr.,
Commandant.

THE COMMONWEALTH OF MASSACHUSETTS,
Boston, Mass., November 19, 1980.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHAFEE: I am writing to you in reference to S–2542 regarding the granting of a federal charter of the Italian-American War Veterans of the United States.

In my capacity as State Representative from the Tenth Worcester District and as a member of the Italian-American Veterans, I am well aware of the work that this organization has done, in visitation to veteran's hospitals, service to the community, helping people in need in all ways that are humanly possible.

It is with great pleasure that I ask your help in the granting of this federal chapter.

If I may be of further assistance to you, please do not hesitate to contact me at my home or my office.

Sincerely,

SALVATORE P. CIMINO,
State Representative.

DISABLED AMERICAN VETERANS,
Syracuse, N.Y., October 26, 1980.

Hon. SENATOR JOHN CHAFEE,
Senate House Building,
Washington, D.C.

DEAR SENATOR CHAFEE: I would like to take this opportunity to commend you for introducing a bill to grant the Italian American War Veterans of the U.S. a federal charter. This grant was long over-due as the American Italian War Veterans have established themselves as strong at heart in battle, but as most italians as good at heart and compassion for others.

I am not a member of the Italian American War Vets' organization. However, I am very active in the DAV and have worked very closely with the IAWV in this area in regard to mutual interests regarding the hospitalized veterans at the VA Medical Center in Syracuse, N.Y. They have been more than cooperative in all our endeavors to promote and assist those comrades less fortunate than us. If that was not enough, they are also interested and have proven of themselves in the general welfare of the community at large in every respect.

I'm sure that you will press for early consideration of the bill and we congratulate you for your efforts in seeing it come to pass as soon as possible.

Our hats are off to you and with every best wish and good health.

Very sincerely yours,

JOSEPH C. BARONE,
Adjutant.

NORTH SYRACUSE AMERICAN LEGION,
Syracuse, N.Y., November 12, 1980.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: I endorse the application of the Italian-American War Veterans for recognition and Congressional approval to be chartered as a recognized veterans organization.

As a retired Armed Forces veteran (over twenty years service); Past Post Commander of the North Syracuse American Legion Post #1297; Past Cheminot of a Fifth District La Soceite Forty and Eight, Grand Voiture de New York; and presently serving in officer capacities of three veteran organizations. I am familiar with the requirements and accomplishments needed to be a truly veterans organization.

The Italian-American War Veterans organization fulfills all of the facets of service to God, Country, veterans, children of veterans, and more. Among their many programs, in which members, personally known to me, which are provided in the Syracuse area include: a once-the-month spaghetti dinner at the Syracuse Veterans Medical Facility, also a Christmas gift donation for friends and relatives of hospitalized veterans, a bi-monthly Bingo game, Christmas, Easter, and selected other special days at the VA facility. The local unit sponsors a complete baseball team in the Syracuse Conference of Little League Baseball; participates in all Memorial Services to our departed comrades, active in parades and other observances of national importance pertaining to our great nation. The local unit gives strong support to the local United Way Fund Campaign, supports area Boy Scouts (purchased and donated ten tents to the Nedrow Troop, Onondaga Indian Reservation), maintains, decorates, holds services in one of the many fine parks in Syracuse.

Although it may be considered an ethnic group, they are true Americans, and should be given every consideration possible for their efforts to establish themselves as a truly American style Veterans Organization.

I wholeheartedly endorse their application for a Federal Charter.

Respectfully,

PAUL B. NEUMAN,
Past Commander.

VILLAGE OF MELROSE PARK,
November 18, 1980.

Hon. JOHN H. CHAFEE,
Dirksen Building,
Washington, D.C.

DEAR SENATOR CHAFEE: May we extend our personal congratulations for the efforts you have expended on behalf of the Italian American War Veterans of the United States, Inc., concerning the passage of Senate Bill S–2542 which would grant them a Federal Charter.

We have been informed that you were successful in obtaining the 40 Co-sponsors required, before the Judiciary Committee would consider this matter.

We, in Illinois have long been aware of the charity and community service provided by the Italian American War Veterans for nearly half a century. Their voluntary service through the various Veterans Administration hospitals within our community, has been multitudinous and always appreciated by the recipients of their generosity.

May we wish you, and the ITAM Vets, every success in achieving this federal recognition, long past due.

Respectfully,

C. AUGUST TADDEO,
Mayor.●

Mr. ROBERT C. BYRD. Mr. President, I am pleased to be a cosponsor of this legislation, which would grant a Federal charter to the Italian American War Veterans (IAWV) of the United States. The Italian American War Veterans has operated a nonprofit, public-service organization for almost 50 years. It is incorporated in 10 States and is active in several others. While the IAWV has drawn most of its members from former U.S. servicemen and women with Italian heritage, membership is open to any honorably discharged veteran, regardless of race, religion, or national origin. There are now nearly 7,000 members.

Over the years, the Italian American War Veterans has worked to foster patriotism and good will among veterans through a wide scope of community-related activities. Members have spent a majority of their funds and, perhaps more importantly, a great deal of time serving veterans' homes and hospitals across the country. The IAWV's central concern has been to provide companionship for confined veterans, and financial assistance to those in need.

Since 1932, the Italian American War Veterans has participated in a broad range of civic charitable activities, including educational scholarships, senior citizen and youth support, and patriotic observances. While the IAWV's primary purpose has been public service in the United States, members have raised relief funds for areas in the world which have been struck by natural disasters. Currently, members are engaged in relief efforts for the many victims of the recent, tragic earthquake which hit southern Italy.

Although the IAWV has been able to successfully operate on a State-to-State and region-by-region basis, it is my hope that granting a Federal charter will act as a catalyst for membership increases and expanded activities across the country. The Italian American War Veterans is unique in its service to this Nation's veterans, their families and their communities. Granting a Federal charter can only augment this commitment to service.

Many hundreds of non-Italian Americans have joined the IAWV because of its commitment to public service goals. The Italian American War Veterans serves as a daily reminder "to care for him who shall have borne the battle."

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons:

Louis Ambrosio, Chatham, New York;
Carmen Albanese, Union, New Jersey;
John Amadio, Struthers, Ohio;
Anonio Alfano, Warwick, Rhode Island;
Anthony Arcomano, Trenton, New Jersey;
Peter Argenti, Lorain, Ohio;
Herbert Asbi, Johnston, Rhode Island;
Guy Asci, East Boston, Massachusetts;
Vincent Badali, Rochester, New York;
Larry Battisti, Chicago, Illinois;

Angelo Bennati, Nutley, New Jersey;
Orlando Bisbano, Bristol, Rhode Island;
Joseph Bosco, Everett, Massachusetts;
Dominick Butch, Youngstown, Ohio;
Frank Ciccone, Providence, Rhode Island;
Eugene Civitello, Schenectady, New York;
Robert Clementi, Chicago, Illinois;
Anthony Crea, Senior, Trenton, New Jersey;
Frank Cretella, East Haven, Connecticut;
James Cuzzone, Park Ridge, Illinois;
Armond Centazzo, Bristol, Rhode Island;
Kenneth Crisafulli, Oswego, New York;
Julius Catanzarite, Elyria, Ohio;
Robert Dardano, Rochester, New York;
Anthony D'Avolio, Chicago, Illinois;
Ugo DelGizzo, Warwick, Rhode Island;
Michael DeMarco, Youngstown, Ohio;
Armando DeMartino, Malden, Massachusetts;
John DePastino, Waterbury, Connecticut;
Silvio DeSantis, Lafayette Hill, Pennsylvania;
Ernest D'Ambrosio, Fall River, Massachusetts;
Joseph DiPrima, Leominster, Massachusetts;
Joseph DeSantis, Rochester, New York;
Dando DeManna, Johnston, Rhode Island;
Neil DellArco, Youngstown, Ohio;
Vincent Esposito, Philadelphia, Pennsylvania;
Dominic Esposito, Lorain, Ohio;
Frank Ferraiola, Norristown, Pennsylvania;
George Falconiero, Conshohocken, Pennsylvania;
Alfred Faticoni, Newington, Connecticut;
Louis Gagliardi, New Britain, Connecticut;
Joseph Gaeto, Melrose Park, Illinois;
Louis Gaimpa, Norridge, Illinois;
Sam Grillo, Taftville, Connecticut;
Al Laudone, Norwich, Connecticut;
Joseph Leonelli, Cranston, Rhode Island;
Daniel Lomurno, Collingswood, New Jersey;
Vincent Loparco, Camillus, New York;
John Luparia, Wallingford, Connecticut;
Charles Maccia, Roselle, New Jersey;
Carl Mangona, Saratoga Springs, New York;
John Masciantonia, Philadelphia, Pennsylvania;
Ralph Mongiovi, Medford, Massachusetts;
Anthony Munio, Providence, Rhode Island;
Anthony Mastroiani, Milford, Massachusetts;
Louis Mucci, Medford, Massachusetts;
Anthony Murello, Lorain, Ohio;
Rocco Maglione, Malden, Massachusetts;
Guy Mucci, Revere, Massachusetts;
Rocco Marcantonio, Meriden, Connecticut;
John Marinelli, Franklin Park, Illinois;
John Nave, Syracuse, New York;
Anthony Nicotera, Melrose Park, Illinois;
Ralph Paparella, East Providence, Rhode Island;
George Pecci, Trenton, New Jersey;
Carl Padula, Waterbury, Connecticut;
Frank Panniello, Everett, Massachusetts;
Tino LaPaglia, Phoenix, Arizona;
Mario Cattani, Phoenix, Arizona;
Emilio Pasquale, Little Falls, New York;
Anthony Petrellis, Belmont Hills, Pennsylvania;
Paul Pistilli, Saratoga Springs, New York;
Dominick Rosati, Syracuse, New York;
Nicholas Raimo, Belleville, New Jersey;
Basil Rigano, Malden, Massachusetts;
Michael Rongo, Elmwood Park, Illinois;
Anthony Ross, Canfield, Ohio;
Santo Sacchetti, Providence, Rhode Island;
Ralph San Felice, Saratoga Springs, New York;
Sylvester San Felice, Saratoga Springs, New York;
John Sarlo, Waterbury, Connecticut;
Michael Scricca, New Britain, Connecticut;
Father Joseph Tamburcini, East Liverpool, Ohio;
Anthony Tucci, Youngstown, Ohio;
Pat Verdigilo, Enfield, Connecticut;
Francis Villa, Malden, Massachusetts;

and their successors, are created a body corporate by the name of the Italian American War Veterans of the United States of America (hereinafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession, powers, and limitations contained in this Act.

Sec. 2. A majority of the persons named in the first section of this Act, or their successors, are authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, employment of personnel, and the doing of such other acts as may be necessary for such purpose.

Sec. 3. The objects and purposes of the corporation are as follows:

(a) To be an internationalized type of veterans organization.

(b) To promote peace, prosperity, and good will between the peoples of the United States and the Republic of Italy.

(c) To stimulate patriotism in the minds of all Americans by encouraging the study of the history of our Nation.

(d) To give patriotic allegiance to the United States, fidelity to its Constitution and laws, and support to the security of civil liberty and permanence of free institutions.

(e) To preserve and defend the United States from all enemies without any restrictions whatsoever.

(f) To gather, collate, edit, publish, and exhibit the memorabilia, data, records, military awards, decorations, citations, and so forth, for the purpose of preserving the memories and records of patriotic service performed by men and women who served in the Armed Forces of the United States.

(g) To be a nonprofit, nonpolitical, and nonsectarian corporation.

(h) To be a bona fide veterans' organization on a local, regional, State, national, and international level, and to enjoy all the appropriate rights and privileges.

Sec. 4. The corporation shall have perpetual succession and shall have the power—

(a) to sue and be sued;

(b) to acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes;

(c) to make and enter into contracts;

(d) to accept gifts, legacies, and devices which will further the corporate purposes;

(e) to borrow money for the purposes of the corporation, issue bonds therefor, and secure same by mortgage, subject in every case to all applicable provisions of Federal and State law;

(f) to adopt and alter a corporate seal;

(g) to establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;

(h) to choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes;

(i) to establish and maintain offices for the conduct of the affairs of the corporation;

(j) to adopt and alter a constitution and bylaws not inconsistent with law;

(k) to publish a newspaper, magazine, or other publications;

(l) to adopt and alter emblems and badges;

(m) to have a women's auxiliary;

(n) to conduct Columbus Day affairs and celebration, as well as any other patriotic doings or functions; and

(o) to do any and all acts and things necessary and proper to accomplish the objects and purposes of the corporation.

Sec. 5. The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

Sec. 6. The corporation shall not furnish financial aid to, or otherwise promote the candidacy of any person seeking public office.

Sec. 7. Any American citizen shall be eligible for membership in the corporation who was honorably discharged from the Armed Forces of the United States of America under conditions and provisions outlined in the corporation's constitution and bylaws.

Sec. 8. The headquarters and principal place of business of the corporation shall be located in the city of Hartford, Connecticut, or such other place as may be later determined by the corporation, but the activities of the corporation as set out in this Act shall not be confined to that place, but shall be conducted throughout the several States and any territory or possession of the United States, including Puerto Rico.

Sec. 9. In the event of final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of sick and disabled veterans.

Sec. 10. The corporation and its State and regional organizations and local chapters or posts shall have the sole and exclusive right to have and use in carrying out its purposes and objectives the name "Italian American War Veterans of the United States of America", and such seals, emblems, and badges as the corporation may lawfully adopt.

Sec. 11. The corporation shall—

(a) keep correct and complete books and records of account, and shall also keep minutes of the proceedings of its members, executive committee, and committee, having any authority of the executive committee;

(b) keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote; and

(c) permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any proper purposes at any reasonable time.

Sec. 12. (a) As a condition precedent to the exercise of any power or privilege granted or conferred in this Act, the corporation shall file in the office of the Secretary of each State or of any territory or possession of the United States, in which organizations, chapters, or posts may be organized, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept services of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, is deemed notice to or service upon the corporation.

Sec. 13. Such provisions, privileges, and prerogatives as have been granted to other national veterans' organizations by virtue of their being incorporated by Congress are granted to the Italian American War Veterans of the United States of America.

Sec. 14. (a) No part of the income or assets of the corporation shall inure to any member, director, officer, or employee of the corporation or be distributable to any person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

SEC. 15. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 16. The provisions of sections 2 and 3 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law" (36 U.S.C. 1102, 1103), approved August 30, 1964, shall apply with respect to the corporation.

SEC. 17. The corporation may acquire the assets of the following State corporations of the Italian American War Veterans of the United States, Incorporated, upon discharging or satisfactorily providing for the payment and discharge of all the liability of such corporation and upon complying with all applicable laws of the State: New York, Corporation of 1933; Connecticut, Corporation of 1932; New Jersey, Corporation of 1936; California, Corporation of 1939; Pennsylvania, Corporation of 1941; Ohio, Corporation of 1943; Rhode Island, Corporation of 1950; Florida, Corporation of 1955; and Massachusetts, Corporation of 1944.

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE STATE OF NEW MEXICO FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 8298 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8298) to designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SCHMITT. Mr. President, in the crush of legislation to be disposed of in the wanning days of this Congress, it is heartening to see the passage of H.R. 8298, the New Mexico Wilderness Act (RARE II).

This much-needed legislation was the product of a detailed examination of the Forest Service's proposal by the New Mexico congressional delegation and was concurred in by all members of the delegation. This bill is also acceptable to the State government. The Subcommittee on Parks, Recreation, and Renewable Resources of the Senate Energy and Natural Resources Committee held hearings on this bill on May 29, 1980, receiving testimony from a wide number of interested parties.

This legislation was needed to quickly end the uncertainty in the status of the lands which have been recommended for wilderness by the Forest Service as a result of the Roadless Area Review and Evaluation, No. 2, or RARE II. It was imperative that this legislation be passed during the 96th Congress so that those lands which the Congress considers and deems unsuitable for inclusion in the national wilderness system can be quickly released from a protective status and put under multiple-use plans which will benefit the economy of the State. It is unfortunate, in this regard, that current law does not permit flexible multiple use of public land so that preservation and economic benefit can go hand-in-hand, taking advantage of new knowledge and technology, as well as new national needs.

Mr. President, this legislation reflects the input from many New Mexicans with widely divergent viewpoints and the best compromise which we, as a delegation, could work between those viewpoints under the constraints of current law. The hearing held on May 29 and the comments we have received since the introduction of S. 2583 provided information which resulted in changes in the original bill. It now represents as closely and as fairly as possible all New Mexican concerns and future New Mexico needs. Many comments were received by all four offices of the New Mexico delegation which have brought additional facts to our attention and consideration.

I do not support the contention that all lands recommended by the Forest Service for wilderness or further study should be designated for wilderness, or future generations of New Mexicans will be deprived of their heritage. Nor do I support the reverse contention that no lands should be designated as wilderness or the economy of New Mexico will fall into shambles and new growth halted. I do support a compromise between these two positions, which can be reached if each interest group will consider what its highest priorities are and where it is possible to compromise. A compromise which preserves some lands as wilderness for future generations to enjoy and allows other lands to return to multiple-use under Forest Service management to facilitate economic growth will provide the maximum benefit for New Mexicans now and in the future. It is that compromise which this legislation attempts to strike. I believe that fairminded people reviewing this measure will agree.

Additionally important in this legislation are measures making possible the development of integrated management plans for aesthetically, historically, and potentially mineral rich public lands.

Consultation with the Federal agencies involved, the archeological conservency, State government, the University of New Mexico and the energy companies who were in lease agreements with the Federal Government, resulted in the establishment of the Chaco Canyon National Historical Park.

The Chaco Canyon legislation authorizes certain revisions to the boundaries of Chaco Canyon National Monument and redesignates Chaco Canyon as a national historical park. It provides for protection and maintenance of "archeological sites" representative of prehistoric Chacoan culture in the San Juan basin.

The development of management plans for the "historic park" is to be created by the National Park Service in consultation with the Bureau of Indian Affairs, the Bureau of Land Management and State. The development of management plans for the archeological sites is to be created by the National Park Service in cooperation with and concurrence with the Bureau of Indian Affairs, the Bureau of Land Management and the State.

Finally, the establishment of the Langmuir Research site, to provide for investigation of atmospheric processes and astronomical phenomena in an environment free from air pollution and high luminosity, illustrates the mutual enhancement and compatibility of esthetic and historic preservation, scientific research and economic development that the New Mexico Wilderness Act (RARE II) has strived to achieve.

Mr. President, I also say that it is extremely important, I think, for all of the States that are going to be involved in the next Congress on RARE II type legislation to recognize that this Congress in several instances has been able to deal with that legislation under fairly complex political circumstances.

It can be done. It is made most difficult by the interpretations and the actual wording of current wilderness law in that multiple use plans are very difficult to come to fruition in the consideration of specific areas designated or proposed to be designated as wilderness.

In the interim bill, I think we have made a great deal of progress in understanding this issue and in actually putting into statute some provisions for appropriate multiple use that not only enhance the wilderness values of the land, but enhance the economic values.

I recommend to my colleagues in both Houses a continuation of this effort and, if necessary, a basic modification of law so that we can use some commonsense in not only designation of, but the utilization of, these scenic and economically valuable areas.

In the case of the New Mexico RARE II, there was close cooperation between the House and the Senate persons involved, including a 2-day helicopter tour of the wilderness areas in which Congressman SEIBERLING, Congressman LUJAN, and I participated. It was found that once on the site and once up to the wall, if you will, of consideration of the bill, almost all groups who had an interest, whether in wilderness or economic use of wilderness, were far more reasonable in what they could work out as a compromise for a specific area than what had been experienced in the actual drafting of the bill, and in consideration of all inputs, had been taken separately.

So we do have, not a perfect bill, but a bill which I think strikes the best balance possible under the existing law. If we can make some modest changes in existing law, I think we can find an even better balance in the future which further enhances wilderness value, as well as enhances the economic value of the particular areas.

Mr. DOMENICI. Mr. President, it is with a sense of true satisfaction that I rise in support of H.R. 8298, the New Mexico Wilderness Act. This bill culminates 9 years of effort on the part of the Forest Service, environmental groups, mining, timber, and grazing interests, a large number of individuals in my State of New Mexico; and more recently, in the last 2 years it represents the combined efforts of the Governor of New Mexico, the New Mexico delegation, and our respective staffs. This bill represents a compromise on S. 2261, which passed the Senate on September 30, and which faced an uncertain future in the House. However, thanks to the cooperation and assistance of the Forest Service and the Governor of New Mexico, and the House Subcommittee on Public Lands, the New Mexico delegation has been able to complete a 3-day field inspection of most of the areas proposed for wilderness or wilderness study, and to once again meet with the interested parties at 10 different locations in New Mexico to discuss the particulars of each area. The inspection trip was completed on November 11, and since then I have worked closely with the rest of the New Mexico delegation, the House Subcommittee on Public Lands, and the Governor, to develop the consensus bill H.R. 8298, before us today. Hearings on the New Mexico wilderness designations were held by Chairman BUMPERS and myself for the Subcommittee on Parks, Recreation, and Renewable Resources of the Committee on Energy and Natural Resources on May 29, 1980.

This bill is unique for the spirit of cooperation that produced it. It was developed by the Governor's office, environmental groups, mining, grazing and timber interests, all working together with the congressional delegation.

The joint efforts of the delegation have produced a good bill, which will clear up a lot of uncertainties. In my opinion it is balanced, and I commend Congressman LUJAN for his effort in getting it through the House.

There are no objections I know of to the provisions of H.R. 8298. Most of these provisions have either cleared the Senate previously or are acceptable.

I offer the following detailed explanation of the changes agreed to by the delegation, the Governor, and the House Subcommittee on Public Lands:

APACHE KID WILDERNESS

The Senate bill proposed a wilderness of 40,000 acres, whereas H.R. 8298 designates a wilderness of approximately 45,000 acres. During the field inspection tour of this area, it was determined, based on local public input, that the wilderness boundary should be located further south than the Senate originally proposed in order to incorporate the high peaks in the area, as well as the spectacular scenery in Indian Creek and along Skeleton Ridge.

CRUCES BASIN

Not included in the Senate-passed bill, this 18,000-acre area represents a type of terrain and vegetative mixes not generally found in other components of the wilderness system. An intense fire in the 1880's burned over a large basin resulting in the current grass-covered hills, deep canyons and aspen forests with small patches of spruce. Its relatively "open" terrain affords spectacular views of distant high mountains in Colorado and New Mexico and makes the area highly suited for primitive recreation. The wilderness boundary is drawn to exclude most areas of existing motorized use and several existing livestock water impoundments and improvements.

The agreement to include the area in wilderness was made with the specific understanding by Congress that wilderness designation will not interfere with the construction of additional fencing authorized for the area in the current allotment management plan and with further understanding that wilderness will not require any reduction in the potential numbers of animal unit months (AUM's) assigned to the area in the existing allotment management plan.

GILA WILDERNESS ADDITIONS

The substitute revised the Senate proposal in these areas. First, some 5,000 acres were deleted north of Beaver Points and the north end of the area to allow for timber harvest if the Forest Service determines this is appropriate. Second, some 10,000 acres were added to protect the unique Sapello Box Canyon with its spectacular rock formations and a portion of its scenic watershed above its confluence with the Gila River, as well as lands within the existing Gila Primitive Area which lie along the highway into the Gila Cliff Dwellings National Monument. These additions were recommended for wilderness by the Forest Service.

The final additions comprise rugged terrain along the southwest boundary of the area. These additions total some 7,000 acres and contain rock formations which the Forest Service believes possess "extraordinary wilderness characteristics." The additions will also provide a better wilderness boundary location on identifiable topographic features and save the Forest Service considerable expense in surveying and identifying a wilderness boundary.

PECOS WILDERNESS ADDITIONS

The substitute deletes approximately 9,000 acres of land on the north end of the area for its timber potential, and 12,000 acres in a long finger of Forest Service recommended wilderness additions to the east of the Santa Fe municipal watersheds. Recent mineral surveys in this area have revealed a good commercial potential for several minerals including lead, copper, and zinc. Lands in this area that lie within the Santa Fe municipal watershed were left within the wilderness proposal, and some 6,000 acres of additional lands which the Forest Service had recommended for "further planning" were added to round out wilderness protection of the upper Santa Fe River watershed. Congress is aware that the Santa Fe municipal watershed is currently closed to public entry, and a provision was incorporated in the substitute to insure that wilderness designation within the watershed will not interfere with this closure or with any Federal, State, or local laws, rules, or regulations which apply to the watershed.

LATIR PEAK WILDERNESS

The substitute adds some 5,000 acres to the proposed wilderness of 20,000 acres. The addition was recommended for wilderness by the Forest Service and contains the beautiful Heart Lake and scenic Lake Fork Creek drainage, which is the most heavily used approach to the mountainous country in the heart of the proposal. As in the Senate bill, lands containing some commercial timber east of the Rito Claro are excluded from wilderness.

WHEELER PEAK ADDITIONS

The substitute restores some 5,600 acres which were deleted from wilderness in the Senate-passed bill. This Sawmill Creek area abuts lands owned by the Taos Pueblo, and the Pueblo has requested wilderness because of the area's proximity to several religious sites and to preserve its importance as a pristine watershed. In addition, the Sawmill Creek area will complement the diversity of the existing wilderness with lower elevation lands and serve to spread out the very high primitive recreation use which the Wheeler Peak area now receives.

BLUE RANGE PRIMITIVE AREA

The substitute corrects an inadvertent error in the Senate bill by which the portion of the existing Blue Range Primitive Area in Arizona would have been repealed. The designation of these Arizona lands will presumably be addressed in future legislation pertaining to RARE II lands in Arizona.

WILDERNESS STUDY AREAS

The bill designates six wilderness study areas. Three of these areas—Bunk Robinson, Hell Hole, and Whitmire Canyon—lie adjacent to RARE II lands in Arizona which were identified for "further planning" by the Forest Service, and it was agreed that the New Mexico lands should undergo further wilderness study so as not to have their wilderness consideration limited to the arbitrary State line which runs through the areas.

The Lower San Francisco Wilderness Study Area of the Senate bill was retained, but was reduced in size from 25,700 to 8,800 acres. The 8,800-acre study area of the substitute was recommended for wilderness by the President but wilderness study was deemed more appropriate by Congress in order to allow time to evaluate the effects of motorized vehicle use on the wildlife and terrain in this scenic river canyon.

During the field inspection tour, considerable sentiment was expressed to split the substitute's proposed 46,000-acre Columbine-Hondo Wilderness Study Area, with the approximate western two-thirds going into wilderness and lands east of Gold Hill dropping into nonwilderness. However, mineral surveys in the area are still ongoing, and it was determined that additional time was needed to assess the mineral potential before a final wilderness decision is reached. The substitute, therefore, legislates the Forest Service's recommendation that the area undergo further wilderness study.

On the Texas-New Mexico border, the substitute designates a 21,000-acre Guadalupe Escarpment Wilderness Study Area. Although this area, which links

Carlsbad Caverns and Guadalupe Mountains National Parks, was recommended for wilderness by the Forest Service, it was agreed that further wilderness study is a preferable designation at this time. Wilderness study will allow time to determine whether the area has a high potential for oil and gas.

SUFFICIENCY LANGUAGE

The sufficiency language is essentially the same formula which was contained in Senate- or House-passed legislation pertaining to RARE II lands in California, Colorado, and Alaska. The effects of this formula are thoroughly discussed in House Report 96–1223 and Senate Report 96–914. However, the substitute departs from the previous language in that lands identified by the Forest Service in RARE II for "further planning" are released from that designation. As such, these lands, unless specifically designated for wilderness or for wilderness study by H.R. 8298, will not undergo further wilderness review until "second generation" forest land management plants are developed in the 1990's, when they will again be reviewed, if appropriate.

GRAZING

Grazing within the wilderness and wilderness additions in the substitute will, as with all other national forest wilderness areas, be governed subject to the guidelines contained in House Report 96–617. These guidelines have already been implemented by the Forest Service.

FIRE MANAGEMENT

Fire management within the wilderness and wilderness additions of this legislation should be in accordance with secton 4(d)(1) of the Wilderness Act. Further congressional guidance on this issue can be found on page 37 of House Report 96–540. This guidance should be applied to the New Mexico wilderness areas.

Mr. President, the Honorable Bruce King, Governor of the State of New Mexico, has sent me a telegram in support of the New Mexico Wilderness Act, as it passed the House on Friday, November 21, 1980. The full text of this message follows:

> DEAR SENATOR DOMENICI: The current status of wilderness legislation for New Mexico forest areas has been discussed with me. My support of the Senate's version of this legislation continues with the compromise developed with Congressman Seiberling and his staff. I am sure we all appreciate the sensitive nature of this subject. Please convey to Congressman Sieberling my appreciation of his willingness to yield to recognition of the level of compromise which the Senate version contained. It is my understanding that the House Committee's version includes a net increase of approximately 30,000 acres to the amount included in the Senate version. Thanks for your help in the total operation. Let me know if further input would be helpful.
>
> Sincerely,
>
> BRUCE KING,
> *Governor,*
> *Santa Fe, N. Mex.*

Title II of H.R. 8298 is identical to my bill, S. 2364, which passed the Senate September 25, 1980. This legislation authorizes and directs the Secretary of Agriculture to enter into a land use agreement with the New Mexico Institute of Mining and Technology to establish the Langmuir Research Site in the Magdalena Mountains near Socorro, N. Mex.

New Mexico is the site of a great deal of research in the atmospheric and astronomical sciences. In addition to the laboratories operated by New Mexico State University, University of New Mexico, and New Mexico Tech, two national observatories, the Sacramental Peak Solar Observatory, and the National Radio Astronomy Observatory, conduct active research in my State. Furthermore, the New Mexico Institute of Mining and Technology has operated the Langmuir Laboratory on South Baldy Mountain for several years.

This bill is not simply a statement in support of current research programs, nor simply for their protection. New Mexico has a unique natural resource of great value to our Nation's astronomical sciences. Several of the high mountains in my State are ideally suited for future scientific research. Also, these sites hold the promise of remaining relatively free from light pollution, which is one of the major problems plaguing many of the Nation's observatories.

New Mexico offers a unique opportunity to major scientific groups to make use of the impressive list of facilities available. Such projects not only bring scientific talent to our State, but also add to our national scientific prestige.

Since the spring of 1978, researchers from the Langmuir Laboratory and members of the wilderness study committee have explored a number of alternatives for the research site. This legislation contains carefully worded provisions which meet the needs of both scientists and the concerns of conservationists. The research site will foster high altitude research, while protecting the natural qualities of the national forest lands and I urge its approval.

Title III of this bill passed the Senate as S. 2261 on September 30, 1980. This legislation authorizes and directs the Secretary of Interior to reimburse Albert and Eulia Rodriguez for improvements to land removed from them. This bill reimburses them for the loss of their home.

Title IV of this bill passed the Senate as S. 539 on December 20, 1979.

In this legislation, the Secretary of the Interior is authorized to amend the contract between the Vermejo Conservancy District and the United States in order to relieve the Vermejo Conservancy District of its remaining repayment obligation under the current contract, as well as other penalties or other assessments or costs, including interest, which may have become due or owing before the date of enactment of this act.

It transfers all right, title, and interest to the project facilities back to the conservancy district, except that the Vermejo Conservancy District, to the extent practicable, shall continue to operate and maintain the facilities of the Vermejo reclamation project for the benefit of all authorized project users and in accordance with authorized purposes.

The Vermejo project was authorized in 1950 under the Bureau of Reclamation and completed within 5 years. Since 1966 the district has not been able to repay the debt and there are no immediate prospects of it being able to since the quantity of water that was to have been available to irrigate the crops has consistently fallen extremely short. All the delinquency assessments and penalties are canceled. Provision is made for repayment when and if water becomes available.

The title V provisions of this bill are identical to S. 3091, which was reported in the Senate, November 17, 1980, from the Committee on Energy and Natural Resources. Hearings were held September 11, 1980.

This legislation will authorize certain revisions to the boundary of Chaco Canyon National Monument and redesignate the monument as a national historical park. It will provide for the protection and maintenance of certain outlying archeological sites representative of the prehistoric Chacoan culture in the San Juan Basin of New Mexico.

Archeological research of the past decade has provided evidence that the prehistoric Chacoan culture may have been the most highly organized and far-reaching culture of its time on this continent north of Mexico. The Chacoan cultural system grew to include at least 80 communities spread throughout a 30,000-square-mile region. All of these communities may have been linked by an extensive road system emanating from the massive masonry structures of Chaco Canyon.

Development of the San Juan basin's important natural resources will not be hindered by the preservation of the archeological integrity of the area. The Chacoan resources of the San Juan basin can be protected and preserved, while at the same time the rights of current landowners to the traditional use of their properties can be respected.

Cooperation of all agencies, individuals and commodity producers within the basin is needed to insure a balance among uses to assure environmental protection and resource availability. This cooperation is already in evidence today.

This legislation will provide a firm foundation for continuing this cooperation among the diverse interests of the archeological and academic communities, the energy producing interests, the involved Federal and State agencies, the Navajo Nation, and individual New Mexicans.

In anticipate this bill will result in a national model of what can be achieved by diverse interests working together for mutual benefit.

This legislation redesignates Chaco Canyon National Monument as an historical park and adds 13,020 acres to the contiguous park boundary, for a new total of 33,989 acres.

It establishes 33 outlving archeological protection sites throughout the San Juan Basin, a unique designation, of 8,771 acres.

It directs the Secretary of the Interior to develop a joint management plan among the National Park Service, Bureau of Land Management, the Bureau of Indian Affairs, and the Governor of New Mexico for the management and protection of those sites.

It provides for the compatible development of the energy resources of the San Juan Basin at the same time protecting the archeological sites.

The National Park Service has the archeological interpretation responsibility for those sites and the Bureau of Land Management and Bureau of Indian Affairs and the State of New Mexico together have responsibility for all other phases of management, according to current management responsibilities, as outlined in the joint management plan.

It provides the Secretary of the Interior with authority and direction to establish a pool of lease lands for exchange for privately held leases on those lands being acquired for the historical park.

The committee has reported S. 3091 and Senate Report 96-1019 details the legislative history of this bill.

Title VI of this bill establishes the Salinas National Monument. It has previously passed the House and I know of no objection to its provisions.

Three ancient ruins are being consolidated into the Salinas National Monument. They are:

Gran Quivira National Monument, the largest, lying south of Mountainair,

Quarai State Park, north of Mountainair, and Abo State Park, to the west.

This newly designated national monument will be under the direction and management of the National Park Service.

Mr. President, I believe that H.R. 8298 represents a consensus of all parties involved, and I am pleased we were able to work out this compromise with our colleagues from the House.

Let me take this opportunity to commend Congressman SEIBERLING, chairman of the Subcommittee on Public Lands, for his diligent efforts on behalf of the New Mexico Wilderness Act. I am grateful that he would take time from his busy schedule to visit my State and obtain firsthand knowledge of the wilderness area proposals. I also wish to thank Southwestern Regional Forester Gene Hassell for his hospitality and accommodation of the congressional party during this wilderness field review.

Finally, Mr. President, I urge the adoption of H.R. 8298 by the Senate as being in the best interests of New Mexico and this Nation.

Mr. SCHMITT. Mr. President, I want to ask my distinguished senior colleague to take a great deal of credit for this bill and the associated measures that have been attached to it. He and Representative LUJAN and the late Representative Harold Runnels and I worked throughout most of this year in close cooperation, as Senator DOMENICI has indicated, with every interest that possibly could have been involved, not only in the overall issue of wilderness but also with respect to each specific proposed wilderness area—those that were considered by the Forest Service initially, those that were considered and proposed by the White House, those which finally became part of the Senate-passed bill, and those that became part of the compromise legislation we have before us today.

The distinguished senior Senator from New Mexico was a strong and instrumental part of this whole process, and without his leadership, I doubt very seriously if we could have gone as far as we have or even have reached the compromises that have been possible. I thank him for his association with respect to this measure, and I am sure we will be associated with many others along a similar vein.

Mr. DOMENICI. Mr. President, I am most appreciative of the kind words that Senator SCHMITT has spoken in my behalf; but, equally as important, I am very pleased that he also has commended the various people and institutions that have worked so hard to bring this bill to fruition.

I say this with all sincerity to Senator SCHMITT: I do not believe we could have completed a wilderness bill as good as this without his interest, his input, and the many hours he spent, particularly the last effort, in which he actually went out and visited almost every one of the sites. When it got down to going out and visiting these areas with his understanding of their geological significance for uses other than wilderness, and the various kinds of multiple uses about which people are concerned, I believe that with his insight and his knowledge of natural resources, we have contributed to an excellent bill.

I think the Senator will agree with me that there is no way this kind of bill will please everyone. There will be those who will say it is too much wilderness; there will be those who will say it is not enough. There are other users who do not think we should have added any wilderness.

I hope the Senator agrees that we really did the very best and we tried very hard, and I believe we succeeded from the standpoint of not locking up any wilderness better suited to multiple use; that we really are concerned, for the foreseeable future, in terms of development and use; that we did our very best in terms of our cattlemen and their concerns about the multiple-use implications as they apply to them and the wilderness.

We still have a long way to go there, in terms of new regulations, as the Senator and I know. But I believe that, for these particular areas, we have done the very best, and I hope he will concur in that.

Mr. SCHMITT. I certainly do concur.

I suppose that if I had to give final credit for creating an atmosphere making possible the compromise that is going to be passed, it would be to the people who participated in the tour we made with Representative SEIBERLING. Those people, as the Senator knows, have an extraordinarily special relationship with the land, particularly in northern New Mexico, but also elsewhere throughout the State. They were able to articulate to the Representative and his staff, in ways far beyond our ability, just what that special relationship was and how it goes back centuries in many cases and is closely tied to the land and the use of the land. These kinds of concessions and these kinds of compromises were absolutely necessary to preserve not only the local economy but also a way of life that these people deeply believe in.

I feel we were successful in creating a framework in which that was possible. Although the final results, as the Senator has indicated, are not satisfactory to everyone, I believe they are satisfactory to the overall interests of the State of New Mexico.

Mr. DOMENICI. I wholeheartedly agree. I, too, believe that those people, who understand the subject and who expressed their views very specifically, were tremendously helpful in the final, waning days of this compromise process.

Before I yield the floor, I should like to make a closing comment about wilderness in general.

I greatly appreciate the intuition and knowledge that the Senator has gained about this wilderness concept in the few years he has been here. I hope that Congresses in the future will take a look at whether or not there are ways to preserve the basic wilderness qualities without being so restrictive of some of the other uses.

I believe that in many instances—I am referring to continuation of cattle grazing, feeding, and watering—we have been so restrictive that it is all or nothing, either/or; and as a result, we have these confrontations that do not have to exist between users.

We also will have to take a look at the management of wilderness from the standpoint of fire protection and excessive timber fall. Sooner or later, we will have to find time for these kinds of things in this institution and not just deal with something because it has been a matter of law which may have been very salutary and helpful when Clinton B. Anderson, our predecessor in the Senate for many years, first came up with the concept for a much smaller total area in wilderness than we have today. Its flexibility is very much in question today, its rigidity as a management tool. It is something that has to be looked at, and I hope the Senator will comment on that, because I believe he has some very good ideas.

Mr. SCHMITT. I thank the Senator.

I believe that the key to understanding the basic problem we face in wilderness, particularly in the lower 48 States, is that the wilderness of the past is no more; that the areas we are attempting to preserve as wilderness are too small for the wilderness to protect itself. A hundred years ago, there were vast areas in which a fire could occur or underbrush could grow up and choke out the wildlife as well as the grass, and the wilderness eventually would heal itself. It was big enough to do that in terms of area.

Now, however, in protecting a small area, we actually can contribute to its destruction. In the Wheeler Peak area of New Mexico, we have seen the influx of people who want to enjoy that area, reach such proportions that they actually are contributing to its destruction, just in their numbers.

In the Gila Wilderness, the first wilderness so designated in the United States, we have seen areas where the curtailment of outgrazing has contributed to the growth of underbrush, which in turn is contributing to extraordinary fire damage. I am afraid that when the next fire cycle occurs in the next 4 or 5 years, we will run a risk of losing the major portions of that area.

In the Pecos Wilderness, another beautiful area of north-central New Mexico, we have dead-fall that is contributing to disease; and because of overrestrictive regulations, we cannot go in and cut the dead-fall out for firewood. In the traditional wood gathering activities of many New Mexicans, we have seen restriction to the point, in terms of use of modern equipment, that it becomes almost an impossible task to conduct these traditional activities.

On the other hand, we are seeing poachers from surrounding States coming in and taking out large amounts of firewood because the Forest Service does not have the personnel to supervise that particular activity and make sure that it is done legally.

All these problems are coming to the fore because we have designated wilderness, and we are beginning to see what compromises are going to be required.

Fortunately, many of the groups which are strongly advocating the designation of wilderness areas also are beginning to realize that it is going to take good, commonsense management, some of which can be economical in terms of its return to local communities in order to protect the wilderness itself.

The Senator makes an excellent point, and I hope the next Congress will be able to deal with this matter in a very systematic and commonsense way.

Mr. DOMENICI. And some of this commonsense management will require a great deal of oversight and perhaps some changes in the law.

Mr. SCHMITT. Although the law probably contains the essential elements of multiple-use managment in protection of the wilderness as well as protection of local economies, the interpretations of that law have built up a body of regulatory and judicial law that may make it necessary to go in and clarify exactly what Congress meant in those provisions. That is something we must work on. There is no question in my mind about that.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8298) was ordered to a third reading, was read the third time, and passed.

BANKRUPTCY ACT AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. DeConcini, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 658.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 658) to correct technical errors, clarify and make minor substantive changes to Public Law 95-598.

(The amendment of the House is printed in the Record of September 22, 1980 beginning at page 26485.)

UP AMENDMENT NO. 1811

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House with a further amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd) proposes an unprinted amendment numbered 1811.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE

Section 1. (a) Section 101(2)(D) of title 11 of the United States Code is amended by striking out "or all" immediately after "business".

(b) Section 101(8)(B) of title 11 of the United States Code is amended by striking out the colon at the end thereof and inserting a semicolon in lieu thereof.

(c) Section 101(9)(B) of title 11 of the United States Code is amended by inserting "348(d), 502(e)(2)," immediately after "section".

(d) Section 101(14) of title 11 of the United States Code is amended by inserting "and" imemdiately after "trust,".

(e) Section 101(24) of title 11 of the United States Code is amended by striking out "stock broker" and inserting "stockbroker" in lieu thereof.

(f) Section 101(26)(B) of title 11 of the United States Code is amended—

(1) in clause (i), by striking out "the kind specified in subparagraph (A)(i) of this paragraph; and" and inserting "a kind specified in subparagraph (A)(i) of this paragraph; or" in lieu thereof; and

(2) in clause (ii), by striking out "separate" each place it appears and inserting "nonpartnership" in lieu thereof and by striking out "the kind specified in subparagraph (A)(ii)" and inserting "a kind specified in subparagraph (A)(i) or (A)(ii)" in lieu thereof.

(g) Section 101 of title 11 of the United States Code is amended—

(1) by redesignating paragraphs (35), (36), (37), (38), (39), and (40) as paragraphs (36), (37), (38), (40), (41), and (42) respectively; and

(2) by adding immediately after paragraph (34) the following new paragraph:

"(35) 'securities clearing agency' means person that is registered as a clearing agency under section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1), or whose business is confined to the performance of functions of a clearing agency with respect to 'exempted securities', as defined in section 3(12) of such Act (15 U.S.C. 78c(12)) for the purposes of such section 17A;".

(h) Section 101(36)(A)(xii) of title 11 of the United States Code, as so redesignated, is amended by striking out "is the subject of a registration statement" and inserting "is required to be the subject of a registration statement" in lieu thereof.

(i) Section 101(36)(B)(iii) of title 11 of the United States Code, as so redesignated, is amended by striking out "commodity" the second place it appears.

(j) Section 101(36)(B)(vi) of title 11 of the United States Code, as so redesignated, is amended—

(1) by striking out "certificate specified in clause (xii) of subparagraph (A)" and inserting "certificate of a kind specified in subparagraph (A)(xii)" in lieu thereof; and

(2) by striking out "the subject of such a registration statement" and inserting "required to be the subject of a registration statement" in lieu thereof.

(k) Section 101 of title 11 of the United States Code is amended by inserting immediately after paragraph (38), as so redesignated, the following new paragraph:

"(39) 'State' includes the District of Columbia and Puerto Rico, except for the purpose of who may be a debtor under chapter 9 of this title;".

(l) Section 101(41) of title 11 of the United States Code, as so redesignated, is amended to read as follows:

"(41) 'stockbroker' means person—

"(A) with respect to which there is a customer, as defined in section 741 of this title; and

"(B) that is engaged in the business of effecting transactions in securities—

"(i) for the account of others; or

"(ii) with members of the general public, from or for such person's own account;".

(m) Section 101(42) of title 11 of the United States Code, as so redesignated, is amended by striking out the period and inserting "; and" in lieu thereof.

(n) Section 101 of title 11 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(43) 'United States', when used in a geographical sense, includes all locations where the judicial jurisdiction of the United States extends, including territories and possessions of the United States.".

Sec. 2. Section 102(8) of title 11 of the United States Code is amended by striking out "continued" and inserting "contained" in lieu thereof.

Sec. 3. (a) Section 103(c) of title 11 of the United States Code is amended by striking out "stockholder" and inserting "stockbroker" in lieu thereof.

(b) Section 103(d) of title 11 of the United States Code is amended by striking out "except with respect to section 746(c) which applies to margin payments made by any debtor to a commodity broker or forward contract merchant".

Sec. 4. (a) Subsections (a)(1), (b)(1), and (c)(1) of section 108 of title 11 of the United States Code are each amended by striking out "and" each place it appears and inserting "or" in lieu thereof.

(b) Subsections (a), (b), and (c) of section 108 of title 11 of the United States Code are each amended by inserting "nonbankruptcy" immediately after "applicable" and immediately after "entered in a".

(c) Section 108(a) of title 11 of the United States Code is amended by inserting ", or any person to whose rights the trustee succeeds," immediately after "debtor".

(d) Section 108(c) of title 11 of the United States Code is amended by—

(a) Inserting after "bankruptcy court" the following: "Or for taking other collection action, including levy,".

(b) Adding a new subsection (d) to read as follows:

"(d) If applicable law or an agreement suspends the period of limitation for assessing a tax liability of the debtor as of the commencement of a case under this title, such suspension shall not expire before 90 days following the earlier of—

"(1) termination or expiration of the stay under section 362 of this title, or

"(2) the date, determined under sections

362(b)(9) and 505(c) of this title, after which assessment of such tax liability is permitted.".

(c) Adding a new subsection (e) to read as follows:

"(e) If applicable law fixes a period for filing a petition or otherwise commencing an action in the United States Tax Court, or in a similar judicial or administrative forum under State or local law, and if any such act is stayed under section 362 of this title, such period shall not expire before 60 days after termination or expiration of the stay with respect to any such petition or action.".

SEC. 5. (a) Section 109(a) of title 11 of the United States Code is amended by striking out "in the United States," the first place it appears.

(b) Section 109(c)(5)(D) of title 11 of the United States Code is amended by striking out "preference" and inserting "transfer that is avoidable under section 547 of this title" in lieu thereof.

(c) Section 109(d) of title 11 of the United States Code is amended by striking out "stockholder" and inserting "stockbroker" in lieu thereof.

SEC. 6. Section 303(b) of title 11 of the United States Code is amended by inserting "against a person" immediately after "case".

SEC. 7. Section 303(j)(2) of title 11 of the United States Code is amended by striking out "debtors" and inserting "debtor" in lieu thereof.

SEC. 8. Section 321(b) of title 11 of the United States Code is amended by striking out "a case" and inserting "the case" in lieu thereof.

SEC. 9. Section 322(b)(1) of title 11 of the United States Code is amended by inserting "required to be" immediately after "bond".

SEC. 10. (a) Section 326(a) of title 11 of the United States Code is amended by inserting "of this title" immediately after "7 or 11".

(b) Section 326(d) of title 11 of the United States Code is amended to read as follows:

"(d) The court may deny allowance of compensation for services or reimbursement of expenses of the trustee if the trustee failed to make diligent inquiry into facts that would permit denial of allowance under section 328(c) of this title or, with knowledge of such facts, employed a professional person under section 327 of this title.".

SEC. 11. Section 328(a) of title 11 of the United States Code is amended by striking out "unanticipatable" and inserting "not capable of being anticipated" in lieu thereof.

SEC. 12. (a) Section 329(a) of title 11 of the United States Code is amended by striking out "and" the first place it appears and inserting "or" in lieu thereof.

(b) Section 329(b)(1) of title 11 of the United States Code is amended by striking out "trustee" and inserting "estate" in lieu thereof.

SEC. 13. Section 330(a) of title 11 of the United States Code is amended—

(1) by striking out "to any parties in interest and to the United States trustee"; and

(2) in paragraph (1), by striking out "time, the nature, the extent, and the value of such services" and inserting "nature, the extent, the value of such services, the time spent on such services" in lieu thereof.

SEC. 14. Section 326(a) of title 11 of the United States Code is amended by striking out "but not in excess of $20,000, and one percent on any amount in excess of $50,000."

SEC. 14A. Section 330(b) of title 11 of the United States Code is amended by striking out "$20" and inserting in lieu thereof "$45".

SEC. 14B. Section 330 of title 11 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(c) In a case under Chapter 13 of this title the compensation paid to the trustee serving in the case shall not be less than $10 per month during the administration of the plan.".

SEC. 15. Section 341 of title 11 of the United States Code is amended to read as follows:

"§ 341. Notice

"There shall be given such notice as is appropriate, including notice to any holder of a community claim, of an order for relief in a case under this title".

SEC. 16. (a) Section 342 of title 11 of the United States Code is amended to read as follows:

"§ 342. Meetings of creditors and equity security holders

"(a) In a case under chapter 7 or 11 of this title, within a reasonable time after the order for relief in a case under this title, there shall be a meeting of creditors.

"(b) In a case under chapter 13 of this title, the court may order a meeting of creditors.

"(c) The court may order a meeting of any equity security holders.

"(d) The court may not preside at, and may not attend, any meeting under this section.".

(b) The table of sections for chapter 3 of title 11 of the United States Code is amended by striking out the items relating to sections 341 and 342 and inserting in lieu thereof the following:

"341. Notice.

"342. Meetings of creditors and equity security holders.".

SEC. 16. Section 343 of title 11 of the United States Code is amended—

(1) by striking out "341(a)" and inserting "342" in lieu thereof; and

(2) by striking out "examiner" the last place it appears and inserting "examine" in lieu thereof.

SEC. 17. Section 344 of title 11 of the United States Code is amended by inserting "or in accordance with such regulations as may be promulgated by the Attorney General" immediately before the period.

SEC. 18. Section 345 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(c) All entities with which such moneys are deposited or invested are authorized to deposit or invest such moneys as may be required under this section.".

SEC. 19. (a) Section 346(c)(2) of title 11 of the United States Code is amended by striking out "operation" and inserting "corporation" in lieu thereof.

(b) Section 346(F) of title 11 of the United States Code is amended by deleting "state or local."

(c) Section 346(g)(2) of title 11 of the United States Code is amended by striking out ", as adjusted under subsection (j)(5) of this section.".

(d) Section 346(j) of title 11 of the United States Code is amended by striking out paragraphs (3), (4), (5), (6), and (7).

SEC. 20. Section 347(a) of title 11 of the United States Code is amended by striking out "under chapter 129 of title 28" and inserting "under section 725 of title 31" in lieu thereof.

SEC. 21. Section 348(b) of title 11 of the United States Code is amended by striking out "means" and inserting "refers to" in lieu thereof.

SEC. 22. Section 349(b) of title 11 of the United States Code is amended—

(1) in paragraph (1)(B), by striking out "522(i)(2)" and inserting "522(h)(2)" in lieu thereof; and

(2) in paragraph (2), by striking out "522(i)(1)" and inserting "522(h)(2)" in lieu thereof.

SEC. 23. Section 350(b) of title 11 of the United States Code is amended by striking out "a" and inserting "A" in lieu thereof.

SEC. 24. Section 361(1) of title 11 of the United States Code is amended by inserting "a cash payment or" immediately after "make".

SEC. 25. (a) Section 362(a) of title 11 of the United States Code is amended—

(1) by inserting "and section 365 of this title" immediately after "of this section";

(2) in paragraph (1), by inserting "action or" immediately after "other"; and

(3) in paragraph (3), by inserting "or to exercise control over property of the estate" immediately after "estate" the second place it appears.

(4) in paragraph (8) by striking "Court concerning the debtor" and inserting in lieu thereof "Court or similar administrative or judicial forum under State or local law, concerning the debtor."

(b) Section 362(b) of title 11 of the United States Code is amended—

(1) in paragraph (3), by inserting "or to the extent that such act is accomplished within the period provided under section 547(e)(2) of this title" immediately after "title";

(2) in paragraph (4) by striking out "or" following "police" and inserting "and" in lieu thereof.

(3) in paragraph (6), by striking out "that are" and inserting "regarding" in lieu thereof, by striking out "commodity" immediately after "forward", and by inserting immediately before the semicolon the following: ", or, under subsection (a) of this section, of the setoff of any mutual debt and claim of a commodity broker, forward contract merchant, stockbroker, or securities agency aganist the debtor for a margin payment, as defined in section 741 or section 761 of this title, or settlement payment arising out of a commodity contract, as defined in section 761 of this title, forward contract, or securities contract, as defined in section 741 of this title, against cash, a security, or other property held by such commodity broker, forward contract merchant, stockbroker, or securities clearing agency to margin, guarantee, or secure such commodity contract, forward contract, or securities contract";

(3) in paragraph (7), by striking out "said" and inserting "the" in lieu thereof and by striking out "or" the last place it appears;

(4) in paragraph (8), by striking out the period and inserting a semicolon in lieu thereof; and

(5) by adding at the end thereof the following new paragraphs:

"(9) under subsection (a) of this section, of the filing of any continuation statement or the refiling of any notice of a Federal tax lien required by nonbankruptcy law properly filed under such law before the date of the filing of the petition; or

"(10) under subsection (a) of this section, of the presentment of a negotiable instrument and the giving of notice of and protesting dishonor of such an instrument."

(c) Section 362(c)(2)(B) of title 11 of the United State Code is amended by striking out "and" and inserting "or" in lieu thereof.

(d) Section 362(d)(2) of title 11 of the United States Code is amended—

(1) by inserting "under subsection (a) of this section" immediately after "property" the first place it appears; and

(2) in subparagraph (B), by inserting "in a case under chapter 11 of this title or to an effective plan in a case under chapter 13 of this title, as the case may be" immediately after "reorganization".

(e) Section 362(e) of title 11 of the United States Code is amended—

(1) in the first sentence by inserting "the conclusion of" immediately after "pending"; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "The court shall order such stay continued in ef-

fect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such hearing shall be commenced not later than thirty days after the conclusion of such preliminary hearing."

(f) Section 362(f) of title 11 of the United States Code is amended by striking out "The" and inserting "Upon request of a party in interest, the", and by inserting "with or" immediately after "court,".

Sec. 26. (a) Section 363(a) of title 11 of the United States Code is amended by inserting "whenever acquired" immediately after "equivalents" and by inserting "and includes the proceeds, products, offspring, rents, or profits of property subpect to a security interest as provided in section 552 (b) of this title whether existing before or after the commencement of a case under this title" immediately after "interest".

(b) Section 363(b) of title 11 of the United States Code is amended—

(1) by striking out "(b)" and inserting "(b)(1)" in lieu thereof; and

(2) by adding at the end thereof the following new paragraph:

"(2) If notification is required under subsection (a) of section 7A of the Clayton Act (15 U.S.C. 18a) in the case of a transaction under this subsection, then—

"(A) Notwithstanding subsection (a) of such section, such notification shall be given by the trustee; and

"(B) notwithstanding subsection (b) of such section, the required waiting period shall end on the tenth day after the date of the receipt of such notification, unless the court, after notice and hearing, orders otherwise.".

(c) Section 363(e) of title 11 of the United States Code is amended—

(1) by inserting ", with or without a hearing," immediately after "court"; and

(2) by striking out the last sentence.

(d) Section 363(f)(3) of title 11 of the United States Code is amended by striking out "such interest" the second place it appears and inserting "all liens on such property" in lieu thereof.

(e) Section 363(h) of title 11 of the United States Code is amended by striking out "immediately before" and inserting "at the time of" in lieu thereof.

(f) Section 363(j) of title 11 of the United States Code is amended by striking out "compenation" and inserting "compensation" in lieu thereof.

(g) Section 363(k) of title 11 of the United States Code is amended by striking out "if the holder" and inserting "the holder of such claim may bid at such sale, and, if such holder" in lieu thereof.

(h) Section 363(l) of title 11 of the United States Code is amended—

(1) by striking out "conditions" and inserting "condition" in lieu thereof;

(2) by striking out "a taking" and inserting "or the taking" in lieu thereof; and

(3) by striking out "interests" and inserting "interest" in lieu thereof.

(i) Section 363(n) of title 11 of the United States Code is amended—

(1) by striking out "void" and inserting "avoid" in lieu thereof;

(2) by striking out "voiding" and inserting "avoiding" in lieu thereof; and

(3) by amending the last sentence to read as follows: "In addition to any recovery under the preceding sentence, the court may grant judgment for punitive damages in favor of the estate and against any such party that entered into such an agreement in willful disregard of this subsection.".

(j) Section 363 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(o) In any hearing under this section—

"(1) the trustee has the burden of proof on the issue of adequate protection; and

"(2) the entity asserting an interest in property has the burden of proof on the issue of the validity, priority, or extent of such interest.".

Sec. 27. (a) Section 365(b)(2)(A) of title 11 of the United States Code is amended by inserting "or an insider" immediately after "the debtor".

(b) Section 365(c)(1)(A) of title 11 of the United States Code is amended—

(1) by striking out "the trustee" and inserting "an entity other than the debtor or the debtor in possession" in lieu thereof; and

(2) by inserting "by virtue of the nature of such contract or lease" immediately before ", whether".

(c) Paragraphs (1) and (2) of section 365(d) of title 11 of the United States Code are each amended by striking out "In" and inserting "Notwithstanding section 108(b) of this title, in" in lieu thereof.

(d) Section 365(d)(2) of title 11 of the United States Code is amended by inserting ", subject to the court's approval," immediately after "trustee" the first place it appears.

(e) Section 365(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "or lease" each place it appears and inserting ", lease, or applicable law" in lieu thereof; and

(2) in paragraph (2), by striking out "the trustee" and inserting "an entity other than the debtor or the debtor in possession" in lieu thereof.

(f) Section 365(f)(3) of title 11 of the United States Code is amended by inserting a comma immediately after "applicable law".

(g) Section 365(h)(1) of title 11 of the United States Code is amended by striking out "treat the lease" and inserting "treat such lease" in lieu thereof.

(h) Section 365(h)(2) of title 11 of the United States Code is amended by inserting "under such lease" immediately after "debtor".

(i) Section 365(h) of the United States Code is amended by addition of the following new subsection:

"(3) In the event that the lease shall elect to treat the lease under this subsection as terminated any sublease, leasehold mortgagee or similarly situated entity may elect to succeed to the right of the leasee to remain in possession.".

(j) Section 365(i)(2)(A) of title 11 of the United States Code is amended by striking out the comma after "may" and by inserting "under such contract" immediately after "debtor".

(k) Section 365(j) of title 11 of the United States Code is amended by inserting "to or for the benefit of the debtor" immediately before the period at the end thereof.

Sec. 28. Section 366(a) of title 11 of the United States Code is amended by inserting "of the commencement of a case under this title or" immediately after "basis".

Sec. 29. Section 501(d) of title 11 of the United States Code is amended by inserting "502(e)(2)," immediately before "502(f)".

Sec. 30. (a) Section 502(a) of title 11 of the United States Code is amended by inserting "general" immediately before "partner".

(b) Section 502(b) of title 11 of the United States Code is amended—

(1) by inserting "(e)(2)," immediately after "subsections";

(2) by inserting "in lawful currency of the United States" immediately after "claim" the second place it appears;

(3) in paragraph (1), by striking out ", and unenforceable against" and inserting "and" in lieu thereof;

(4) in paragraph (2), by inserting "other than unmatured interest due to an original issue discount of less than one-half of 1 percent of the stated redemption price at maturity multiplied by the number of full years from the date of original issue to maturity" immediately after "interest";

(5) by striking out paragraph (3) and redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), (7), and (8), respectively;

(6) in paragraph (3), as so redesignated, by inserting "the" immediately after "exceeds";

(7) in paragraph (5), as so redesignated, by striking out "the claim" and inserting "such claim" in lieu thereof, by striking out the comma after "petition", and by inserting "or 523(a)(6)" immediately after "523(a)(5)";

(8) by amending paragraph (6), as so redesignated, to read as follows:

"(6) if such claim is the claim of a lessor for damages resulting from the termination of a lease of real property, such claim exceeds—

"(A) without acceleration, the greater of—

"(i) the rent reserved for the rental year during which such termination occurs; or

"(ii) 15 percent of the rent reserved for the remaining term of such lease, not to exceed the rent reserved for the three years commencing with the rental year during which termination occurs; plus

"(B) any unpaid rent due under such lease, without acceleration, on the earlier of—

"(i) the date of the filing of the petition; or

"(ii) the date on which such lessor repossessed, or the lessee surrendered, the leased property;"; and

(9) in paragraph (7), as so redesignated, by inserting "the claim of an employee" immediately before "for damages", by striking out "and" in subparagraph (A)(i) and inserting "or" in lieu thereof, by striking out "the" the first place it appears in subparagraph (B) and inserting "any" in lieu thereof, and by inserting a comma immediately after "such contract" in subparagraph (B).

(c) Section 502(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "the" before "fixing" and by striking out "closing" and inserting "administration" in lieu thereof; and

(2) in paragraph (2), by inserting "right to payment arising from a" immediately after "any" and by striking out "if such breach gives rise to a right to payment".

(d) Section 502(d) of title 11 of the United States Code is amended by striking out "section 542, 543, 550, or 553 of", by striking out "section 522(f), 522(h), 544, 545, 547, 548, 549, or 724(a) of", and by striking out "section 522(i), 542, 543, 550, or 553 of".

(e) Section 502(e)(1) of title 11, United States Code, is amended—

(1) by striking out "and (b)" and inserting ", (b), and (c)" in lieu thereof and by striking out the commas immediately before and immediately after "or has secured";

(2) in subparagraph (B), by inserting "or disallowance" immediately after "allowance"; and

(3) in subparagraph (C), by striking out "requests subrogation" and inserting "asserts a right of subrogation to the rights of such creditor" in lieu thereof, and by striking out "to the rights of such creditor".

(f) Section 502(h) of title 11 of the United States Code is amended by striking out "522(i)" and inserting "522" in lieu thereof.

(g) Section 502(i) of title 11 of the United States Code is amended to read as follows:

"(i) There shall be allowed a claim for any tax liability arising from payment from the estate of a claim for wages, salaries, or commissions, including vacation, severance, or sick pay, whether or not a proof of such claim is filed.".

(h) Section 502(j) of title 11 of the United States Code is amended to read as follows:

"(j) A claim that has been allowed or

disallowed may be reconsidered for cause. A reconsidered claim may be allowed or disallowed according to the equities of the case. Reconsideration of a claim under this subsection does not affect the validity of any payment or transfer from the estate made to a holder of an allowed claim on account of such allowed claim that is not reconsidered, but if a reconsidered claim is allowed and is of the same class as such holder's claim, such holder may not receive any additional payment or transfer from the estate on account of such holder's allowed claim until the holder of such reconsidered and allowed claim receives payment on account of such claim proportionate in value to that already received by such other holder. This subsection does not alter or modify the trustee's right to recover from a creditor any excess payment or transfer made to such creditor.".

Sec. 31. Section 503(b) of title 11 of the United States Code is amended—

(1) by striking out the comma immediately after "be allowed";

(2) in paragraph (1)(B)(i), by inserting "or required to be collected or withheld from another with respect to any payment made by or to the estate" immediately after "estate";

(3) in paragraph (1)(C), by striking out the comma immediately after "credit", and by inserting "incurred by the estate" immediately after "paragraph";

(4) in paragraph (2), by inserting "(a)" immediately after "330";

(5) in paragraph (3), by inserting a comma immediately after "paragraph (4) of this subsection";

(6) in paragraph (3)(C), by striking out the comma immediately after "case";

(7) in paragraph (5), by striking out "and" immediately after the semicolon;

(8) in paragraph (6), by striking out the period and inserting "; and" in lieu thereof; and

(9) by adding at the end thereof the following new paragraph:

"(7) the actual, necessary expenses, other than compensation and reimbursement specified in paragraph (2) of this subsection, incurred by a committee appointed under section 1102 of this title.".

Sec. 32. Section 505(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "or liability of an entity for" immediately after "or legality of" and by striking out ", whether or not paid, and whether or not contested before and adjudicated by a judicial or administrative tribunal or competent jurisdiction" and inserting "or paid" in lieu thereof:

(2) in paragraph (2)(A), by inserting "or liability of an entity for" immediately after "or legality of" and by striking out "or legality" and inserting ", legality, or liability" in lieu thereof; and

(3) in pargagraph (2)(B)(i), by striking out "and" and inserting "or" in lieu thereof.

(4) by adding a new paragraph (3) to read as follows:

"(3) Notwithstanding subparagraph (B) of this paragraph, the court may offset against a claim for, or request for payment of, a tax liability any counterclaim with respect to such tax liability for the same taxable period, event, act (or failure to act) to which the claim or request for payment relates, and may, where appropriate, order a net credit or refund to be made to the estate. The preceding sentence shall not apply if, at the commencement of the case under this title, the debtor had filed suit for refund relating to such taxable period, event, act (or failure to act), and if the stay on continuation of such suit is terminated under section 362 of this title.".

Sec. 33. (a) Section 506(a) of title 11 of the United States Code is amended to read as follows:

"(a) An allowed claim of a creditor either secured by a lien on property in which the estate has an interest or that is subject to setoff under section 553 of this title is a secured claim to the extent of the value of such lien or to the extent of the amount subject to setoff, as the case may be, and, except to the extent that such creditor does not have recourse under any agreement or applicable nonbankruptcy law against the debtor on account of such claim, is an unsecured claim to the extent that the value of such lien or the amount so subject to setoff is less than the amount of such allowed claim. For the purpose of this subsection, value shall be determined in light of the purpose of the valuation and of any disposition proposed for such property and in conjunction with any hearing on disposition or use or on a plan affecting such creditor's interest.".

(b) Section 506(b) of title 11 of the United States Code is amended by inserting "for" immediately after "provided".

(c) Paragraphs (1) and (2) of section 506(d) of title 11 of the United States Code are amended to read as follows:

"(1) such claim was disallowed only under section 502(b)(5) or 502(e) of this title; or

"(2) such claim is not an allowed secured claim due only to the failure of any entity to file a proof of such claim under section 501 of this title.".

Sec. 34. (a) Section 507(a) of title 11 of the United States Code is amended—

(1) in paragraph (3), by inserting a comma after "severance";

(2) in paragraph (4), by striking out "employee benefit plans" and inserting "an employee benefit plan" in lieu thereof;

(3) in paragraph (4)(B)(i), by inserting "each" immediately after "covered by";

(4) in paragraph (6), by inserting "only" immediately after "units,";

(5) in paragraph (6)(A), by amending clauses (ii) and (iii) to read as follows:

"(ii) assessed within 240 days before the date of the filing of the petition; or

"(iii) not assessed before the commencement of the case but not prohibited, at the time of the commencement of the case, from being assessed under the applicable statute of limitations, other than a tax or customs duty of a kind excepted from discharge solely under section 523(a)(1)(B) or 523(a)(1)(C) of this title;"; and

(6) in paragraph (6)(D), by striking out "earned from the debtor" and inserting ", or paid" in lieu thereof and by striking out "whether or not actually paid before such date,".

(b) Section 507(b) of title 11 of the United States Code is amended to read as follows:

"(b) Notwithstanding section 726(b) of this title, if the trustee provides, under section 362, 363, or 364 of this title, adequate protection of the interest of an entity other than the estate that has an interest in property of the estate or if the court finds that there is adequate protection of such interest by a lien on such property and if, notwithstanding such protection, the holder of such interest has a claim allowable under section 503(b)(1) of this title arising from the stay of action against such property under section 362 of this title, from the use, sale, or lease of such property under section 363 of this title, or from the granting of a lien under section 364(d) of this title, then such holder's allowable claim shall have priority over every other claim of a kind specified in subsection (a)(1) of this section.".

(c) Section 507(c) of title 11 of the United States Code is amended by striking out "shall be treated the same" and inserting "has the same priority" in lieu thereof.

(d) Section 507(d) of title 11 of the United States Code is amended to read as follows:

"(d) If a claim of a kind specified in subsection (a)(3), (a)(4), (a)(5), or (a)(6) of this section is held by an entity other than the original holder of such claim, then such claim is entitled to priority under each such subsection, as the case may be, but only to the extent of the value actually transferred to or for the benefit of such original holder on account of the transfer of such claim by such original holder.".

Sec. 35. (a) Section 509(a) of title 11 of the United States Code is amended by striking out "subsections (b) and" and inserting "subsection (b) or" in lieu thereof, and by inserting "against the debtor" immediately after "a creditor".

(b) Section 509(b)(1) of title 11 of the United States Code is amended by striking out "of a" and inserting "of such" in lieu thereof.

(c) Section 509(c) of title 11 of the United States Code is amended by striking out "section 509 of this title" and inserting "this section" in lieu thereof.

Sec. 36. Section 510(b) of title 11 of the United States Code is amended to read as follows:

"(b) For the purposes of distribution under this title, a claim arising from rescission of a purchase or sale of a security of the debtor or of an affiliate of the debtor or for damages arising from the purchase or sale of such a security shall be subordinated to all claims or interests that are senior to the claim or interest represented by such security.".

Sec. 37. (a) Section 521(1) of title 11 of the United States Code is amended to read as follows:

"(1) file a list of creditors and, unless the court orders otherwise, a schedule of assets, liabilities, and equity interests, and a statement of the debtor's financial affairs;".

(b) Section 521(3) of title 11 of the United States Code is amended by inserting ", whether or not immunity is granted under 344 of this title" immediately after "estate" the second place it appears.

Sec. 38. (a) Section 522(a)(2) of title 11 of the United States Code is amended by inserting ", or with respect to property that becomes property of the estate after such date, as of the date such property becomes property of the estate" immediately after "petition".

(b) Section 522(b) of title 11 of the United States Code is amended to read as follows:

"(b) Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate either—

"(1) property wherever located of a kind specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (2) of this subsection specifically does not so authorize; or

"(2) any property or interest of the debtor in property, as of the date of the filing of the petition, to the extent that such property or interest is exempt or not subject to process or levy under Federal law, other than subsection (d) of this section, or is exempt or not subject to levy by a creditor, of only the debtor, on a simple contract whether or not such a creditor exists, under State or local law that is applicable on the date of the filing of the petition at the place in which the debtor's domicile has been located for the 180 days immediately preceding the date of the filing of the petition, or for a longer portion of such 180-day period than in any other place.".

(c) Section 522(c) of title 11 of the United States Code is amended to read as follows:

"(c) Unless the case is dismissed, property exempted under this section is not liable during or after the case for any debt of the debtor that arose, or that is determined under section 502 of this title as if such debt had arisen, before the commencement of the case, except—

"(1) a debt of a kind specified in section 523(a)(1), 523(a)(5), or 523(a)(6) of this title; or

"(2) a debt secured by a lien that is—

"(A)(i) not avoided under subsection (f) or (g) of this section or under section 544, 545, 547, 548, 549, or 724(a) of this title; and

"(ii) not void under section 506(d) of this title; or

"(B) a tax lien, notice of which is properly filed, whether or not such lien is avoided under section 545(2) of this title.".

(d) Section 522(d)(3) of title 11 of the United States Code is amended by striking out "that are".

(e) Section 522(e) of title 11 of the United States Code is amended—

(1) by striking out "exemptions" and inserting "an exemption" in lieu thereof;

(2) by striking out "with respect to such claim against property that" and inserting "to the extent of such claim with respect to property" in lieu thereof;

(3) by striking out "or (h) of this section to avoid a transfer, under subsection (g)" and by inserting ", (g), (h)," in lieu thereof; and

(4) by striking out "to exempt property, or under subsection (i) of this section to recover property or to preserve a transfer,".

(f) Section 522(f) of title 11 of the United States Code is amended—

(1) by striking out "exemptions" and inserting "an exemption" in lieu thereof; and

(2) in paragraph (2)(A), by inserting "jewelry, or" immediately after "crops,", and striking out ", or jewelry that are" after "musical instruments".

(g) Section 522(g) of title 11 of the United States Code is amended to read as follows:

"(g) Notwithstanding any waiver of an exemption, the debtor may avoid a transfer or recover a setoff of property of the debtor and exempt such property under subsection (i) or this section, whether or not the trustee attempts to recover such property or avoid such transfer, if—

"(1)(A) such transfer is avoidable by the trustee under section 544, 545, 547, 548, 549, or 724(a) of this title, or recoverable by the trustee under section 553 of this title;

"(B) such transfer was not a voluntary transfer of such property by the debtor; and

"(C) the debtor did not conceal such property; or

"(2) such transfer is in satisfaction of a lien of a kind specified in subsection (f)(2) of this section.".

(h) Section 522(h) of title 11 of the United States Code is amended to read as follows:

"(h)(1) The debtor's power to avoid a transfer or recover a setoff under subsection (f) or (g) of this section is subject to the limitations of section 550 of this title to which the trustee's power to avoid such a transfer or recover such a setoff under this title is subject.

"(2) Notwithstanding section 551 of this title, a transfer avoided or property recovered by the trustee or by the debtor may be preserved for the benefit of the debtor, if—

"(A)(i) such property otherwise would be exempt under subsection (i) of this section;

"(ii) such transfer was not a voluntary transfer of such property by the debtor; and

"(iii) the debtor did not conceal such property; or

"(B) such transfer is of a kind specified in subsection (f) of this section.".

(i) Section 522(i) of title 11 of the United States Code is amended to read as follows:

"(i) The debtor may exempt under subsection (b) of this section property disencumbered or recovered under subsection (f), (g), or (h) of this section to the extent the debtor could have exempted such property under subsection (b) of this section had such property not been encumbered, transferred, or set off.".

(j) Section 522(j) of title 11 of the United States Code is amended to read as follows:

"(j) The debtor may exempt a particular kind of property under subsection (i) of this section only to the extent that such exemption, plus the debtor's already claimed exemption of the same kind of property under subsection (b) of this section, does not exceed the limitation specified for such kind of property in subsection (b) of this section.".

(k) Section 522(k) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "(g)" and inserting "(i)" in lieu thereof; and

(2) in paragraph (2), by striking out "(h)" and inserting "(g)" in lieu thereof, and by striking out "or of recovery of property under subsection (i)(1) of this section,".

(l) Section 522(l) of title 11 of the United States Code is amended by striking out ", or may claim property as exempt from property of the estate" and by inserting after the second sentence thereof the following new sentence: "In the event of the debtor's death, a dependent of the debtor may claim property as exempt from property of the estate.".

Sec. 39. (a) Section 523(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by striking out "obtaining" each place it appears, and by striking out "refinance of credit," and inserting "refinancing of credit, to the extent obtained" in lieu thereof;

(2) in paragraph (3), by striking out "(6)" each place it appears and inserting "(7)" in lieu thereof;

(3) by amending paragraph (5) to read as follows:

"(5) to a spouse, former spouse, or child of the debtor, for support of such child, but not to the extent that such debt includes a liability designated as support unless such liability actually is in the nature of support;";

(4) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively; and

(5) by inserting after paragraph (5) the following new paragraph:

"(6) to a spouse or former spouse of the debtor for alimony to, maintenance for, or support of such spouse, but not to the extent that such debt includes a liability designated as alimony, maintenance, or support, unless such liability actually is in the nature of alimony, maintenance, or support;".

(b) Section 523(b) of title 11 of the United States Code is amended by striking out "(8)" and inserting "(9)" in lieu thereof.

(c) Section 523(c) of title 11 of the United States Code is amended by inserting "of a kind" immediately after "debt" the first time it appears, and by striking out "(6)" each place it appears and inserting "(7)" in lieu thereof.

Sec. 40. (a) Section 524(a) of title 11 of the United States Code is amended—

(1) by striking out "any act" each place it appears and inserting "an act" in lieu thereof; and

(2) in paragraph (2), by inserting a comma immediately after "recover", by inserting "wherever located and by whomever held, whether directed toward the debtor or any other entity, and" immediately after "property of the debtor,", and by inserting ", except to the extent provided under section 522(c) of this title" immediately after "waived".

(b) Section 524(c)(4)(B)(ii) of title 11 of the United States Code is amended by striking out "redemption under section 722 of this title" and inserting "the terms and conditions of redemption by the debtor" in lieu thereof.

(c) Section 524(d) of title 11 of the United States Code is amended—

(1) in paragraph (1)(B)(ii), by inserting "and" immediately after the semicolon; and

(2) in paragraph (2), by striking out subsection" the second time it appears and inserting "section" in lieu thereof.

Sec. 41. Section 525 of title 11 of the United States Code is amended by inserting "the" immediately before "Perishable".

Sec. 42. (a) Section 541(a) of title 11 of the United States Code is amended—

(1) by striking out "under" the second place it appears;

(2) by inserting "and by whomever held" immediately after "located";

(3) in paragraph (3), by inserting "329(b), 363(n)," immediately after "section";

(4) in paragraph (5), by striking out "An" and inserting "Any" in lieu thereof; and

(5) in paragraph (6), by striking out "and" and inserting "or" in lieu thereof.

(b) Section 541(c) of title 11 of the United States Code is amended—

(1) by inserting "in an agreement, transfer instrument, or applicable law" immediately after "provision"; and

(2) in paragraph (1)(B), by striking out "the taking" and inserting "taking" in lieu thereof, and by inserting "before such commencement" immediately after "custodian".

(c) Section 541(d) of title 11 of the United States Code is amended by inserting "(1)" immediately after "(a)".

(d) Section 541(e) of title 11 of the United States Code is repealed.

Sec. 43. Section 542(e) of title 11 of the United States Code is amended by inserting "to turn over or" immediately before "disclose".

Sec 44. (a) Section 543(a) of title 11 of the United States Code is amended by inserting ", product, offspring, rents, or profits" immediately after "proceeds".

(b) Section 543(b) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "held by or" immediately after "debtor", and by inserting ", product, offspring, rents, or profits" immediately after "proceeds"; and

(2) in paragraph (2), by inserting ", product, offspring, rents, or profits" immediately after "proceeds".

(c) Section 543(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "or proceeds, product, offspring, rents, or profits of such property" immediately after "property"; and

(2) in paragraph (3), by inserting "that has been" immediately before "approved".

(d) Section 543 of title 11 of the United States Code is amended by adding at the end thereof the following new subsections:

"(e) For purposes of this section, custodian shall not include an assignee under a general assignment for the benefit of the debtor's creditors that was appointed or took possession more than 120 days before the date of the filing of the petition, but the trustee or the court may nevertheless and at any time, require such an assignee to file an accounting as set forth in subsection (b)(2) of this section.

"(f) For purposes of subsection (e), the term 'general assignment for the benefit of the debtor's creditors' means an assignment which is for the benefit of all of the debtor's creditors.".

Sec. 45. (a) Section 544(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "such" immediately after "obtained";

(2) in paragraph (2), by striking out "; and" and inserting "; or" in lieu thereof; and

(3) in paragraph (3), by inserting ", other than fixtures," immediately after "property", and by inserting "and has perfected such transfer" immediately after "purchaser" the second place it appears.

SEC. 46. Section 545 of title 11 of the United States Code is amended—

(1) in paragraph (1)(A), by striking out "is" immediately after "debtor";

(2) in paragraph (1)(C), by striking out "appointed" and inserting "appointed or authorized to take" in lieu thereof; and

(3) in paragraph (2), by striking out "on the date of the filing of the petition" each place it appears and inserting "at the time of the commencement of the case" in lieu thereof.

SEC. 47. (a) Section 546(a) of title 11 of the United States Code is amended in paragraph (1) by striking out "and" and inserting "or" in lieu thereof.

(b) Section 546(b) of title 11 of the United States Code is amended by striking out "the trustee under section 544, 545, or" and inserting "a trustee under sections 544, 545, and" in lieu thereof.

(c) Section 546(c) of title 11 of the United States Code is amended—

(1) by striking out "the trustee" and inserting "a trustee" in lieu thereof;

(2) by striking out "right" the first place it appears;

(3) by inserting "of goods" immediately after "seller" the first place it appears;

(4) by striking out "of goods" immediately after "business," and inserting "that has sold goods" in lieu thereof; and

(5) in paragraph (2), by inserting "the" immediately after "if", and by striking out "an administrative expense" and inserting "a claim of a kind specified in section 503(b) of this title" in lieu thereof.

(d) Section 546 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding section 544, 545, 547, 548(a)(2), and 548(b) of this title, the trustee of a broker may not avoid a transfer that is a margin payment, as defined in section 741 or 761 of this title, deposit, or settlement payment, made by or to a commodity broker, forward contract merchant, stockbroker, or securities clearing agency, that is made before the commencement of the case, except under section 548(a)(1) of this title.".

SEC. 48. (a) Section 547(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting "including proceeds of such property," immediately after "law,"; and

(2) in paragraph (4), by striking out ", without penalty" and by inserting "without penalty" immediately after "payable".

(b) Section 547(b) of title 11 of the United States Code is amended by striking out "of property of the debtor" and inserting "of an interest of the debtor in property" in lieu thereof.

(c) Section 547(c) of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by inserting "by the debtor" immediately after "incurred";

(2) in paragraph (3), by striking out "of" the first place it appears and inserting "that creates" in lieu thereof;

(3) in paragraph (3)(B), by inserting "on or" immediately after "perfected" and by striking out "such security interest attaches" and inserting "the debtor receives possession of such property" in lieu thereof; and

(4) in paragraph (5), by striking out "of" the first place it appears and inserting "that creates" in lieu thereof and by striking out "all security interest" and inserting "all such security interests" in lieu thereof.

(d) Section 547(d) of title 11 of the United States Code is amended—

(1) by striking out "A" and inserting "The" in lieu thereof;

(2) by inserting "an interest in" immediately after "transfer of";

(3) by inserting "to or for the benefit of a surety" immediately after "transferred"; and

(4) by inserting "such" immediately after "reimbursement of".

(e) Section 547(e) of title 11 of the United States Code is amended:

(1) by amending paragraph (1) to read as follows:

"(1) For the purposes of this section, a transfer of property is perfected when either a bona fide purchaser from the debtor of real property, other than fixtures, or a creditor on a simple contract, against whom applicable law permits such transfer to be perfected, cannot acquire an interest in such real property or a judicial lien on personal property that is superior to the interest of the transferee."; and

(2) in paragraph (2)(C)(i), by striking out "and" and inserting "or" in lieu thereof.

(f) Section 547 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(g) For the purposes of this section, the trustee has the burden of proving the avoidability of a transfer under subsection (b) of this section, and the creditor or party in interest against whom recovery or avoidance is sought has the burden of proving the nonavoidability of a transfer under subsection (c) of this section.".

SEC. 49. (a) Section 548(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "occurred" and inserting "was made" in lieu thereof; and

(2) in paragraph (2)(B)(ii), by inserting "or a transaction" immediately after "engaged in business"

(b) Section 548(b) of title 11 of the United States Code is amended by striking out "the debtor" each place it appears and inserting "such debtor" in lieu thereof.

(c) Section 548(c) of title 11 of the United States Code is amended—

(1) by inserting "or may retain" immediately after "lien on"; and

(2) by striking out ", may retain any lien transferred,".

(d) Section 548(d)(1) of title 11 of the United States Code is amended by striking out "becomes so far" and inserting "is so" in lieu thereof, by striking out "such transfer could have been" and inserting "applicable law permits such transfer to be" in lieu thereof, and by striking out "occurs" and inserting "is made" in lieu thereof.

(e) Section 548(d)(2)(B) of title 11 of the United States Code is amended by striking out "or forward contract merchant" and inserting ", forward contract merchant, stockbroker, or securities clearing agency" in lieu thereof and by striking out "761 (15)" and inserting "741 or 761" in lieu thereof.

SEC. 50. (a) Section 549(a) of title 11 of the United States Code is amended—

(1) by striking out "(b) and (c)" and inserting "(b) or (c)" in lieu thereof; and

(2) in paragraph (2)(A), by inserting "only" immediately after "authorized".

(b) Section 549(b) of title 11 of the United States Code is amended—

(1) by inserting "the trustee may not avoid under subsection (a) of this section" immediately after "involuntary case,";

(2) by striking out "that occurs" and inserting "made" in lieu thereof;

(3) by striking out "is valid against the trustee to the extent of" and inserting "to the extent" in lieu thereof; and

(4) by inserting "is" immediately before "given".

(c) Section 549(c) of title 11 of the United States Code is amended to read as follows:

"(c) The trustee may not avoid under subsection (a) of this section a transfer of real property to a good faith purchaser without knowledge of the commencement of the case and for present fair equivalent value unless a copy or notice of the petition was filed, where a conveyance of such real property may be recorded to perfect such transfer, before such transfer is so perfected that a bona fide purchaser of such property, against whom applicable law permits such transfer to be perfected, could not acquire an interest that is superior to the interest of such good faith purchaser. A good faith purchaser without knowledge of the commencement of the case and for less than present fair equivalent value has a lien on the property transferred to the extent of any present value given, unless a copy or notice of the petition was so filed before such transfer was so perfected.".

(d) Section 549(d)(1) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

SEC. 51. (a) Section 550(a) of title 11 of the United States Code is amended—

(1) by inserting "363(n)," immediately before "544";

(2) by inserting "553(b)" immediately after "549,"; and

(3) in paragraph (2), by striking out "immediate or mediate transferee of" and inserting "subsequent transferee of" in lieu thereof.

(b) Section 550(b)(2) of title 11 of the United States Code is amended by striking out "immediate or mediate" and inserting "subsequent" in lieu thereof.

(c) Section 550(d) of title 11 of the United States Code is amended—

(1) in paragraph (1)(A), by inserting "or accruing to" immediately after "by";

(2) in paragraph (1)(B), by striking out "value" and inserting "the value of such property" in lieu thereof;

(3) in paragraph (2), by striking out subparagraphs (D) and (E) and inserting in lieu thereof the following:

"(D) payment of any debt secured by a lien on such property that is superior or equal to the rights of the estate; and"; and

(4) in paragraph (2), by redesignating subparagraph (F) as subparagraph (E).

(d) Section 550(e)(1) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

SEC. 52. Section 551 of title 11 of the United States Code is amended by striking out "but only with respect to property of the estate".

SEC. 53. Section 552(b) of title 11 of the United States Code is amended—

(1) by inserting "522," immediately after "506(c),";

(2) by striking out "a secured party enter" and inserting "an entity entered" in lieu thereof; and

(3) by striking out "except to the extent" and inserting "except to any extent" in lieu thereof.

SEC. 54. Section 553(b)(1) of title 11 of the United States Code is amended—

(1) by striking out "or 365(h)(1)" and inserting ", 365(h)(2), or 365(i)(2)" in lieu thereof.

SEC. 55. (a) Subsections (a) and (b) of section 554 of title 11 of the United States Code are each amended by inserting "and benefit" immediately after "value".

(b) Section 554(c) of title 11 of the United States Code is amended to read as follows:

"(c) Unless the court orders otherwise, any property scheduled under section 521(1) of this title not otherwise administered at the time of the closing of a case is abandoned to the debtor and administered for purposes of section 350 of this title.".

(c) Section 554(d) of title 11 of the United States Code is amended by striking out "section (a) or (b) of".

SEC. 56. (a) Chapter 5 of title 11 of the United States Code is amended by adding at the end thereof the following new section:

"§ 555. Defenses of the estate

"The estate shall have the benefit of any defense available to the debtor as against any entity other than the estate, including statutes of limitation, statutes of frauds, usury, and other personal defenses. A waiver of any such defense by the debtor after the commencement of the case does not bind the estate.".

(b) The table of sections for chapter 5 of title 11 of the United States Code is amended by adding at the end thereof the following new item:

"555. Defenses of the estate.".

Sec. 57. The table of sections for chapter 7 of title 11 of the United States Code is amended by striking out "Succesor" in the item relating to section 703 and inserting "Successor" in lieu thereof.

Sec. 58. (a) Section 702(b) of title 11 of the United States Code is amended—

(1) by inserting "held" immediately after "meeting of creditors"; and

(2) by striking out "351" and inserting "342" in lieu thereof.

(b) Section 702(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "of a kind" immediately after "claims"; and

(2) in paragraph (2), by inserting "a" immediately after "for".

(c) Section 702(d) of title 11 of the United States Code is amended by striking out "subsection (c) of".

Sec. 59. Section 703(b) of title 11 of the United States Code is amended by striking out "specified in section 701(a) of this title. Sections 701(b) and 701(c) of this title apply to such interim trustee" and inserting "and subject to the provisions of section 701 of this title" in lieu thereof.

Sec. 60. Section 704 of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "up";

(2) in paragraph (7), by striking out "with the court and"; and

(3) by amending paragraph (8) to read as follows:

"(8) file interim reports, as circumstances justify, of the condition of the estate and make and file a final report and account of the administration of the estate with the court.".

Sec. 61. Section 705(a) of title 11 of the United States Code is amended by striking out "under section 341(a)" and inserting "of creditors held under section 342" in lieu thereof.

Sec. 62. Paragraphs (1) and (2) of section 707 of title 11 of the United States Code are each amended by striking out "and" and inserting "or" in lieu thereof.

Sec. 63. Section 722 of title 11 of the United States Code is amended to read as follows:

"§ 722. Redemption

"(a) The debtor may redeem property under the provisions of section 524(c) of this title or subsection (b) of this section.

"(b) An individual debtor may, whether or not such debtor has waived such right, redeem from the holder of a lien that secures a dischargeable consumer debt, tangible personal properly intended primarily for personal, family, or household use, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying in cash such holder at the time of redemption before the case is closed the amount of such holder's allowed secured claim.".

Sec. 64. (a) Section 723(a) of title 11 of the United States Code is amended by striking out "title" and inserting "chapter" in lieu thereof.

(b) Section 723(c) of title 11 of the United States Code is amended—

(1) by striking out "such case" each place it appears and inserting "such partner's case" in lieu thereof;

(2) by striking out "be property" and inserting "by property" in lieu thereof;

(3) by striking out "726(a)" and inserting "726" in lieu thereof; and

(4) by striking out "the kind" and inserting "a kind" in lieu thereof.

Sec. 65. (a) Section 724(b) of title 11 of the United States Code is amended—

(1) by striking out "and" the first place it appears and by striking out "taxes" and inserting "a tax" in lieu therof;

(2) in paragraph (1), by striking out "such tax lien" and inserting "the lien securing such tax claim" in lieu thereof;

(3) in paragraph (2), by striking out "claims" and inserting "any holder of a claim of a kind" in lieu thereof;

(4) in paragraph (3), by inserting "tax" immediately after "allowed" and by striking out "that is";

(5) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) fifth, to any holder of a claim of a kind specified in sections 507(a)(1), 507(a)(2), 507(a)(3), 507(a)(4), and 507(a)(5) of this title, to the extent that such claim is not paid under paragraph (2) of this subsection;";

(6) in paragraph (6), as so redesignated, by striking out "fifth" and inserting "sixth" in lieu thereof, by inserting "tax" after allowed", and by striking out "tax" immediately after "such" the third place it appears; and

(7) in paragraph (7), as so redesignated, by striking out "sixth" and inserting "seventh" in lieu thereof.

(b) Section 724(c) of title 11 of the United States Code is amended by striking out "creditor" and inserting "holder of a claim" in lieu thereof and by striking out "creditors" each place it appears and inserting "holders" in lieu thereof.

(c) Section 724(d) of title 11 of the United States Code is amended by striking out "whose priority" and inserting "the priority of which" in lieu thereof and by inserting "if such lien were" immediately after "the same as".

Sec. 66. Section 725 of title 11 of the United States Code is amended by inserting "of property of the estate" immediately after "distribution".

Sec. 67. (a) Section 726(a) of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by inserting ", 501(b), or 501(c)" immediately after "501(a)", and by adding "or" immediately after the semicolon;

(2) by striking out paragraph (2)(B) and redesignating paragraph (2)(C) as paragraph (2)(B);

(3) in paragraph (2)(B), as so redesignated, by inserting ", 501(b), or 501(c)" immediately after "501(a)";

(4) in paragraph (3), by inserting ", 501(b), or 501(c)" immediately after "501(a)", and by striking out "(C)" and inserting "(B)" in lieu thereof; and

(5) in paragraph (5), by inserting "or contract" immediately after "legal" and inserting "whichever is greater" immediately after "rate".

(b) Section 726(b) of title 11 of the United States Code is amended—

(1) by striking out "a particular paragraph" and inserting "each such particular paragraph" in lieu thereof; and

(2) by striking out "administrative expenses" each place it appears and inserting "a claim allowed under section 503(b) of this title" in lieu thereof, and by striking out "have" and inserting "has" in lieu thereof.

(c) Section 726(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "Administrative expenses" and inserting "Claims allowed under section 503 of this title" in lieu thereof; and

(2) in paragraph (2), by striking out "Claims other than for administrative expenses" and inserting "Allowed claims, other than claims allowed under section 503 of this title," in lieu thereof.

Sec. 68. (a) Section 727(a) of title 11 of the United States Code is amended—

(1) in paragraph (6)(C), by striking out "property" and inserting "properly" in lieu thereof;

(2) in paragraph (7), by inserting ", under this title or under the Bankruptcy Act," immediately after "another case"; and

(3) in paragraph (8), by inserting a comma immediately after "371".

(b) Section 727(c)(1) of title 11 of the United States Code is amended by inserting "the granting of a" immediately after "to".

(c) Section 727(e)(2)(A) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

Sec. 69. (a) Section 728(c) of title 11 of the United States Code is amended by striking out the comma immediately after "taxable income".

(b) Section 728(d)(2) of title 11 of the United States Code is amended by inserting "otherwise" immediately after "is", and by striking out "otherwise" immediately after "partner".

Sec. 70. Section 741 of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by striking out "holds" and inserting "has" in lieu thereof and by striking out "business as a stockbroker" and inserting "such debtor's business as a stockbroker," in lieu thereof;

(2) in paragraph (2)(B), by striking out "holds" and inserting "has" in lieu thereof;

(3) in paragraph (4), by striking out "at any time";

(4) in paragraph (4)(A)(i), by striking out "and that is" and inserting "from and that is the lawful" in lieu thereof;

(5) in paragraph (4)(A)(ii), by inserting "of a customer" immediately after "claim";

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (8), respectively;

(7) by inserting immediately after paragraph (4) the following new paragraph:

"(5) 'margin payment' means payment or deposit of cash, a security, or other property, that is commonly known to the securities trade as original margin, initial margin, maintenance margin, or variation margin, or as a market-to-market payment, or that secures an obligation of a participant in a securities clearing agency;";

(8) in paragraph (6), as so redesignated, by striking out "the aggregate of all of a customer's accounts that such customer holds" and inserting "all accounts of a customer that such customer has" in lieu thereof;

(9) in paragraph (6)(A)(i), as so redesignated, by inserting a comma immediately after "petition", and by inserting "any" immediately after "except";

(10) in paragraph (6)(A)(ii), as so redesignated, by inserting "in such capacity" immediately after "customer";

(11) in paragraph (6)(B), as so redesignated, by striking out "342" and inserting "341" in lieu thereof, and by inserting "in such capacity" immediately before the semicolon; and

(12) by inserting immediately after paragraph (6), as so redesignated, the following new paragraph:

"(7) 'securities contract' means contract for the purchase, sale, or loan of a security, including an option for the purchase or sale of a security, or the guarantee of any settlement of cash or securities by a securities clearing agency; and".

Sec. 71. Section 743 of title 11 of the United States Code is amended by striking out "342(a)" and inserting "341" in lieu thereof.

Sec. 72. Section 744 of title 11 of the United States Code is amended by inserting "but" immediately after "relief,".

Sec. 73. (a) Section 745(a) of title 11 of the United States Code is amended by inserting "the debtor for" immediately after "by".

(b) Section 745(c) of title 11 of the United

States Code is amended by striking out "A" and inserting "Each" in lieu thereof.

Sec. 74. (a) Section 746(a) of title 11 of the United States Code is amended—

(1) by striking out "effects, with respect to cash or a security," and inserting "enters into" in lieu thereof;

(2) by striking out "with respect to such cash or security";

(3) by striking out "such date" and inserting "the date of the filing of the petition" in lieu thereof; and

(4) by striking out "effected" and inserting "entered into" in lieu thereof.

(b) Section 746(b) title 11 of the United States Code is amended—

(1) by striking out "has a claim for" and inserting "transferred to the debtor" in lieu thereof; and

(2) in paragraph (2), by striking out "is".

(c) The section heading for section 746 of title 11 of the United States Code is amended to read as follows:

"§ 746. Extent of customer claims".

Sec. 75. Section 747 of title 11 of the United States Code is amended by striking out "such claim arose" and inserting "the transaction giving rise to such claim occurred" in lieu thereof.

Sec. 76. Section 749 of title 11 of the United States Code is amended—

(1) by striking out "Any" and inserting "(a) Except as otherwise provided in this section, any" in lieu thereof;

(2) by inserting "by the debtor" immediately before "of property";

(3) by striking out "except" and inserting "but" in lieu thereof;

(4) by inserting "such property" immediately after "trustee, and";

(5) by striking out "549, or 724(a)" and inserting "or 549" in lieu thereof; and

(6) by adding at the end thereof the following new subsection:

"(b) Notwithstanding sections 544, 545, 547, 548, and 549 of this title, the trustee may not avoid a transfer made before five days after the date of the filing of the petition if such transfer is approved by the Commission by rule or order, either before or after such transfer, and if such transfer is—

"(1) a transfer of a securities contract entered into or carried by or through the debtor on behalf of a customer, and of any cash, security, or other property margining or securing such securities contract; or

"(2) the liquidation of a securities contract entered into or carried by or through the debtor on behalf of a customer.".

Sec. 77. (a) Section 752(a) of title 11 of the United States Code is amended—

(1) by striking out "customers allowed" and inserting "customers' allowed";

(2) by inserting "of the kind" immediately after "except claims"; and

(3) by inserting "such" immediately before "customer property.".

(b) Section 752(b)(2) of title 11 of the United States Code is amended by striking out "726(a)" and inserting "726" in lieu thereof.

(c) Section 752(c) of title 11 of the United States Code is amended to read as follows:

"(c) Any cash or security remaining after the liquidation of a security created under a security agreement made by the debtor, excluding property excluded under section 741 (4)(B) of this title, shall be apportioned between the general estate and customer property in the same proportion as the general estate of the debtor and customer property were subject to such security interest.".

Sec. 78. Section 761 of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting "made" immediately after "commodity contracts";

(2) in paragraph (4), by striking out "if the debtor is" each place it appears and inserting "with respect to" in lieu thereof;

(3) in paragraph (4)(D), by inserting ", or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by the debtor" immediately before the semicolon;

(4) in paragraph (9), by striking out "if the debtor is" each place it appears and inserting "with respect to" in lieu thereof;

(5) in paragraph (9)(A), by striking out "the debtor" each place it appears and inserting "such futures commission merchant" in lieu thereof and by striking out "the debtor's" and inserting "such futures commission merchant's" in lieu thereof;

(6) in paragraph (9)(B), by striking out "the debtor" each place it appears and inserting "such foreign futures commission merchant" in lieu thereof and by striking out "the debtor's" and inserting "such foreign futures commission merchant's" in lieu thereof;

(7) in paragraph (9)(C), by striking out "the debtor" each place it appears and inserting "such leverage transaction merchant" in lieu thereof, by striking out "the debtor's" and inserting "such leverage transaction merchant's" in lieu thereof by inserting "or" immediately after the semicolon in clause (i), and by striking out "hold" in clause (ii) and inserting "holds" in lieu thereof;

(8) in paragraph (9)(D), by striking out "the debtor" each place it appears and inserting "such clearing organization" in lieu thereof;

(9) in paragraph (9)(E), by striking out "the debtor" each place it appears and inserting "such commodity options dealer" in lieu thereof and by striking out "the debtor's" and inserting "such commodity options dealer's" in lieu thereof;

(10) in paragraph (10), by striking out "at any time", by striking out "and that is" in subparagraph (A)(viii) and inserting "from and that is the lawful" in lieu thereof, and by striking out "based on such property" in subparagraph (B) and inserting "for which such property would be liable" in lieu thereof;

(11) in paragraph (12), by inserting a comma immediately after "property" and by striking out the comma after "credit";

(12) in paragraph (13), by striking out "217 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 15a)" and inserting "19 of the Commodity Exchange Act (7 U.S.C. 23)" in lieu thereof;

(13) in paragraph (14), by striking out "that is engaged";

(14) in paragraph (15), by striking out "or variation margin," and inserting "variation margin, or as a mark-to-market payment," immediately before "including";

(15) in paragraph (16), by striking out "at any time"; and

(16) in paragraph (17), by striking out "the aggregate of all of a customer's accounts" and inserting "all accounts of a customer" in lieu thereof, by striking out "holds" and inserting "has" in lieu thereof, by inserting "the" immediately after "(A)" in subparagraph (A), by inserting "in such capacity" immediately after "customer" in subparagraph (A)(ii), by striking out subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

Sec. 79. Section 762 of title 11 of the United States Code is amended by striking out "342" and inserting "341" in lieu thereof.

Sec. 80. Section 763(a) of title 11 of the United States Code is amended by inserting "the debtor for" immediately after "by" and by striking out "deemed to be" and inserting "treated as" in lieu thereof.

Sec. 81. (a) Section 764(a) of title 11 of the United States Code is amended—

(1) by inserting "by the debtor" immediately after "any transfer";

(2) by striking out "except" and inserting "but" in lieu thereof;

(3) by inserting "such property" immediately after "trustee, and"; and

(4) by striking out "is" each place it appears and inserting "shall be" in lieu thereof.

(b) Section 764(c) of title 11 of the United States Code is repealed.

Sec. 82. (a) Section 765(a) of title 11 of the United States Code is amended by striking out "notice under" and inserting "notice required by" in lieu thereof and by striking out "342" and inserting "341" in lieu thereof.

(b) Section 765(b) of title 11 of the United States Code is amended by striking out "commitment" and inserting "commodity contract" in lieu thereof.

Sec. 83. (a) Section 766(a) of title 11 of the United States Code is amended—

(1) by striking out "of" the first place it appears and inserting "held by the debtor for" in lieu thereof; and

(2) by inserting "to such customer" immediately after "distribution".

(b) Section 766(b) of title 11 of the United States Code is amended—

(1) by amending the first sentence thereof to read as follows: "If an open commodity contract is being actively traded as of the date of the filing of the petition, the trustee shall, as required by sections 765 and 766(c) of this title, transfer such commodity contract, if feasible, or close out such commodity contract on or before the last day of trading in such contract or on the first day on which notice of intent to deliver on such commodity contract may be tendered, whichever first occurs."; and

(2) by inserting "the" immediately after "rules of".

(c) Section 766(d) of title 11 of the United States Code is amended by striking out "such amount, then the" and inserting "the amount to which the customer of the debtor is entitled under subsection (h) or (i) of this section, then such" in lieu thereof, and by inserting "then" immediately after "trustee" the second place it appears.

(d) Section 766(h) of title 11 of the United States Code is amended by inserting "and except that a customer net equity claim based on a proprietary account, as defined by Commission rule, regulation, or order, may not be paid either in whole or in part, directly or indirectly, out of customer property unless all other customer net equity claims have been paid in full" immediately after "this section".

(e) Section 766(j)(2) of title 11 of the United States Code is amended by striking out "726(a)" and inserting "726" in lieu thereof.

Sec. 84. Section 901(a) of title 11 of the United States Code is amended—

(1) by inserting "341, 342," immediately after "301,";

(2) by striking out "552,";

(3) by striking out "$547" and inserting "547(a), 547(b), 547(c), 547(d), 547(e)(1), 547(e)(2), 547(f), 547(g)" in lieu thereof;

(4) by striking out "1109" and inserting "1109(b)" in lieu thereof; and

(4) by inserting a comma immediately after "1111(b)".

Sec. 85. Section 902(2) of title 11 of the United States Code is amended by striking out "title, legal or equitable, to real property against which has been levied a special assessment or special tax" and by inserting "legal or equitable title to real property against which a special assessment or special tax has been levied" in lieu thereof.

Sec. 86. Section 903(2) of title 11 of the United States Code is amended by striking out "to" the first place it appears.

Sec. 87. Chapter 9 of title 11 of the United States Code is amended by striking out "SUBCHAPTER II" and inserting "SUBCHAPTER II" in lieu thereof.

Sec. 88. (a) Section 921(c) of title 11 of the United States Code, is amended by striking out "an" and inserting "any" in lieu thereof, and by striking out the comma after "petition" the second place it appears.

(b) Section 921 of title 11 of the United States Code is amended by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) Section 921(d) of title 11 of the United States Code, as so redesignated, is amended by striking out "subsection (d)" and inserting "subsection (c)" in lieu thereof.

Sec. 89. (a) Section 922(a)(1) of title 11 of the United States Code is amended by inserting "a" immediately before "judicial", and by inserting "action or" immediately before "proceeding".

(b) Section 922(b) of title 11 of the United States Code is amended by striking out "and (g)" and inserting "(g), and (h)" in lieu thereof.

Sec. 90. (a) Section 927(a)(4) of title 11 of the United States Code is amended by striking out "if" and inserting "failure of" in lieu thereof, and by striking out "is not" and inserting "to be" in lieu thereof.

(b) Section 927(b) of title 11 of the United States Code is amended by inserting "of a plan under this chapter" immediately after "confirmation".

Sec. 91. Section 943(b) of title 11 of the United States Code is amended—

(1) in paragraph (4), by striking out "to be taken"; and

(2) by amending paragraph (5) to read as follows:

"(5) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in section 507(a)(1) of this title will receive on account of such claim cash equal to the allowed amount of such claim; and".

Sec. 92. Section 945(a) of title 11 of the United States Code is amended by striking out "execution" and inserting "implementation" in lieu thereof.

Sec. 93. Section 1102(b)(1) of title 11 of the United States Code is amended by striking out "order for relief" and inserting "commencement of the case" in lieu thereof.

Sec. 94. Section 1103(c) of title 11 of the United States Code is amended—

(1) in paragraph (3), by striking out "recommendations" and inserting "determinations" in lieu thereof, and by inserting "or rejections" immediately after "acceptances"; and

(2) in paragraph (4), by striking out ", if a trustee or examiner, as the case may be, has not previously been appointed under this chapter in the case".

Sec. 95. Section 1105 of title 11 of the United States Code is amended by striking out "estate, and" and inserting "estate and of the" in lieu thereof.

Sec. 96. Section 1106(b) of title 11 of the United States Code is amended by inserting ", except to the extent that the court orders otherwise," immediately before "any other".

Sec. 97. Section 1107(a) of title 11 of the United States Code is amended by inserting "serving in a case" immediately after "on a trustee".

Sec. 98. Section 1108 of title 11 of the United States Code is amended by inserting ", on request of a party in interest and after notice and a hearing," immediately after "court".

Sec. 99. Section 1111(b) of title 11 of the United States Code is amended to read as follows:

"(b)(1) Except where property of the estate that secures a claim is sold subject to section 363(k) of this title, abandoned under section 554 of this title, or surrendered to the holders of such claims, or is to be sold, abandoned, or surrendered under the plan—

"(A) a claim secured by such property shall be allowed or disallowed under section 502 of this title the same as if the holder of such claim had recourse against the debtor on account of such claim, whether or not such holder had such recourse, unless the class of which such claim is a part elects, by at least two-thirds in amount and more than one-half in number of allowed claims of such class, to be governed by subparagraph (B) of this paragraph; and

"(B) unless the aggregate value of the interests in such property of the holders of such claims is inconsequential, the class may elect, as provided under subparagraph (A) of this paragraph, that such claims of such class, whether or not the holders of such claims had recourse against the debtor and notwithstanding section 506(a) of this title, are secured claims to the full extent that such claims are allowed.

"(2) The provisions of paragraph (1)(A) of this subsection are limited to the purposes of this chapter and such paragraph does not in any other way alter, affect, or create any right or liability of any other entity.".

Sec. 100. (a) Section 1112(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by striking out "is an involuntary case originally commenced under this chapter" and inserting "originally was commenced as an involuntary case under this chapter" in lieu thereof; and

(2) in paragraph (3), by striking out "on other than" and inserting "other than on" in lieu thereof.

(b) Section 1112(b) of title 11 of the United States Code is amended—

(1) in paragraph (5), by inserting "a request made for" immediately before "additional"; and

(2) in paragraph (8), by striking out "and" inserting "or" in lieu thereof.

Sec. 101. (a) Section 1121(c)(3) of title 11 of the United States Code is amended by striking out "the claims or interests of which are" and inserting "of claims or interests that is" in lieu thereof.

(b) Section 1121(d) of title 11 of the United States Code is amended by inserting "made within the respective periods specified in subsection (c) of this section" immediately after "interest."

Sec. 102. (a) Section 1123(a) of title 11 of the United States Code is amended—

(1) by striking out "A" and inserting "Notwithstanding any otherwise applicable nonbankruptcy law, a" in lieu thereof;

(2) in paragraph (1), by inserting a comma immediately after "classes of claims" and immediately after "507(a)(6) of this title";

(3) in paragraph (3), by striking out "shall";

(4) in paragraph (5), by striking out "execution" and inserting "implementation" in lieu thereof;

(5) in paragraph (5)(G), by inserting "of" immediately after "waiving"; and

(6) in paragraph (6), by striking out "equity securities" the first place it appears and inserting "common stock" in lieu thereof.

(b) Section 1123(b)(2) of title 11 of the United States Code is amended by striking out "or rejection" and inserting ", rejection, or assignment" in lieu thereof and by striking out "under section 365 of this title" and inserting "under such section" in lieu thereof.

Sec. 103. Section 1124 of title 11 of the United States Code is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) cures any such default that occurred before or after the commencement of the case under this title, other than a default of a kind specified in section 365(b)(2) of this title;"; and

(2) in paragraph (3)(B)(i), by striking out "and" and inserting "or" in lieu thereof.

Sec. 104. (a) Section 1125(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting ", but need not include such information about any other possible or proposed plan" immediately after "plan";

(2) in paragraph (2)(B), by inserting "the" immediately after "with"; and

(3) in paragraph (2)(C), by inserting "of" immediately after "holders".

(b) Section 1125(d) of title 11 of the United States Code is amended—

(1) by inserting "required under subsection (b) of this section" immediately after "statement" the first place it appears; and

(2) by inserting ", or otherwise seek review of," immediately after "appeal from".

(c) Section 1125(e) of title 11 of the United States Code is amended by inserting "acceptance or rejection of a plan" immediately after "solicits" and by inserting "solicitation of acceptance or rejection of a plan or" immediately after "governing".

Sec. 105. (a) Section 1126(b)(2) of title 11 of the United States Code is amended by striking out "1125(a)(1)" and inserting "1125(a)" in lieu thereof.

(b) Section 1126(d) of title 11 of the United States Code is amended by inserting a comma immediately after "such interests" the first place it appears.

(c) Section 1126(f) of title 11 of the United States Code is amended—

(1) by striking out "is deemed" and inserting in lieu thereof ", and each holder of a claim or interest of such class, are deemed";

(2) by striking out "solicititation" and inserting "solicitation" in lieu thereof; and

(3) by striking out "interest" and inserting "interests" in lieu thereof.

(d) Section 1126(g) of title 11 of the United States Code is amended by striking out "any payment or compensation" and inserting "receive or retain any property" in lieu thereof.

Sec. 106. (a) Section 1127(a) of title 11 of the United States Code is amended by inserting "of a plan" immediately after "After the proponent" and by inserting "of such plan" imediately after "modification".

(b) Section 1127(b) of title 11 of the United States Code is amended by striking out "the court, after notice and a hearing, confirms such plan, as modified, under section 1129 of this title, and circumstances warrant such modification" and inserting "circumstances warrant such modification and the court, after notice and a hearing, confirms such plan as modified, under section 1129 of this title" in lieu thereof.

Sec. 107. (a) Section 1129(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "chapter." and inserting "title." in lieu thereof;

(2) in paragraph (2), by striking out "chapter." and inserting "title." in lieu thereof;

(3) by amending paragraph (4) to read as follows:

"(4) Any payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable;";

(4) in paragraph (5)(A)(ii), by striking out the period and inserting "; and" in lieu thereof;

(5) in paragraph (5)(B), by striking out "The" and inserting "the" in lieu thereof;

(6) in paragraph (6), by inserting "governmental" immediately after "Any";

(7) in paragraph (7), by inserting "of claims or interests" immediately after "each

class", and by striking out "creditor's" in subparagraph (B) and inserting "holder's" in lieu thereof;

(8) in paragraph (8), by inserting "of claims or interests" immediately after "each class"; and

(9) in paragraph (9)(C), by inserting "507(a)(1) that results from the sale of a capital asset, recapture of an investment tax credit, recapture of depreciation, or similar event or" immediately after "section";

(10) by amending paragraph (10) to read as follows:

"(11) If a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider or any class deemed to have accepted the plan under section 1126(f) of this title.".

(b) Section 1129(b) of title 11 of the United States Code is amended—

(1) by striking out "Notwithstanding section 510(a) of this title, if" and inserting "If" in lieu thereof;

(2) in paragraph (2)(A), by striking out "lien" each place it appears and inserting "liens" in lieu thereof;

(3) in paragraph (2)(B)(ii), by inserting "under the plan" immediately after "retain"; and

(4) in paragraph (2)(C)(i), by striking out "claim" and inserting "interest" in lieu thereof and by striking out "and the value" and inserting "or the value" in lieu thereof.

(c) Section 1129(d) of title 11 of the United States Code is amended—

(1) by striking out "a party in interest that is";

(2) by inserting "the application of" immediately after "avoidance of" the second place it appears; and

(3) by adding at the end thereof the following new sentence: "In any hearing under this subsection, the governmental unit has the burden of proof on the issue of avoidance.".

"SEC. 108. (a) Section 1141(a) of title 11 of the United States Code is amended—

(1) by striking out "Except" and inserting "Notwithstanding section 510(a) of this title and except" in lieu thereof; and

(2) by striking out "any creditor or equity security holder of, or general partner in," and inserting "any creditor, equity security holder, or general partner in" in lieu thereof.

(b) Section 1141(c) of title 11 of the United States Code is amended to read as follows:

(c) Except as provided in subsections (d)(2) and (d)(3) of this section and except as otherwise provided in the plan or in the order confirming the plan, after confirmation of a plan, the property dealt with by the plan is free and clear of all claims and interests of creditors, equity security holders, and of general partners in the debtor.".

SEC. 109. (a) The heading for section 1142 of title 11 of the United States Code is amended to read as follows: "§ 1142. Implementation of plan".

(b) The item relating to section 1142 in the table of sections for chapter 11 of title 11 of the United States Code is amended by striking out "Execution" and inserting "Implementation" in lieu thereof.

(c) Section 1142(a) of title 11 of the United States Code is amended by striking out the comma after "plan" the second place it appears.

(d) Section 1142(b) of title 11 of the United States Code is amended by inserting "a" immediately after "by".

SEC. 110. Section 1144 of title 11 of the United States Code is amended by inserting "if and only" immediately after "revoke such order".

SEC. 111. (a) Section 1145(a) of title 11 of the United States Code is amended—

(1) by striking out "Except with respect to an entity that is an underwriter as defined in subsection (b) of this section, section" and inserting "Section" in lieu thereof;

(2) in paragraph (3), by striking out "or an affiliate";

(3) in paragraph (3)(B)(i), by inserting "or 15(d)" immediately after "13" and by inserting "or 78o(d)" immediately after "78m";

(4) by amending paragraph (3)(B)(ii) to read as follows:

"(ii) in compliance with the disclosure and reporting provision of such applicable section; and";

(5) in paragraph (3)(C), by striking out "two" each place it appears and inserting "one" in lieu thereof;

(6) in paragraph (3)(C)(ii), by striking out "180" each place it appears and inserting "90" in lieu thereof; and

(7) in paragraph (4), by striking out "stockholder" each place it appears and inserting "stockbroker" in lieu thereof.

(b) Section 1145(b) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "and except with respect to ordinary trading transactions of an entity that is not an issuer" immediately after "subsection";

(2) in paragraph (1)(C), by striking out "for" and inserting "from" in lieu thereof;

(3) in paragraph (2)(A)(i), by striking out "combination" and inserting "or combining" in lieu thereof; and

(4) in paragraph (2)(A)(ii), by striking out "among" and inserting "from or to" in lieu thereof.

(c) Section 1145(d) of title 11 of the United States Code is amended by striking out "commercial".

SEC. 112. (a) Section 1146(c) of title 11 of the United States Code is amended by striking out "State or local".

(b) Section 1146(d)(1) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

SEC. 113. Section 1161 of title 11 of the United States Code is amended by striking out "341" and inserting "342" in lieu thereof.

SEC. 114. Section 1163 of title 11 of the United States Code is amended by striking out "qualified" and inserting "eligible, qualified," in lieu thereof.

SEC. 115. Section 1166 of title 11 of the United States Code is amended by striking out "the Interstate Commerce Act (49 U.S.C. 1 et seq.)" and inserting "subtitle IV of title 49" in lieu thereof.

SEC. 116. Section 1168(b) of title 11 of the United States Code is amended by inserting a comma immediately after "approval".

SEC. 117. Section 1169(c) of title 11 of the United States Code is amended by striking out "the Interstate Commerce Act (49 U.S.C. 1 et seq.)" and inserting "subtitle IV of title 49" in lieu thereof.

SEC. 118. (a) Section 1170(a) of title 11 of the United States Code is amended by inserting "of all or a portion" immediately after "the abandonment".

(b) Section 1170(c) of title 11 of the United States Code is amended by inserting a comma immediately after "abandonment".

(c) Section 1170(d)(2) of title 11 of the United States Code is amended—

(1) by striking out "the abandonment of a railroad line" and inserting "such abandonment" in lieu thereof; and

(2) by striking out "termination" each place it appears and inserting "suspension" in lieu thereof.

SEC. 119. Section 1171(b) of title 11 of the United States Code is amended by striking out "such" and inserting "the same" in lieu thereof.

SEC. 120. Section 1173(a)(4) of title 11 of the United States Code is amended by striking out "compatible" and inserting "consistent" in lieu thereof.

SEC. 121. (a) Section 1301(b) of title 11 of the United States Code is amended by inserting "and may protest" immediately after "of" the first place it appears.

(b) Section 1301(c)(3) of title 11 of the United States Code is amended by inserting "continuation of" immediately after "by".

(c) Section 1301 of title 11 of the United States Code is amended by adding the following new subsection:

"(d) The confirmation of a plan shall automatically grant relief from the stay provided by subsection (a) of this section to the extent that the plan purposes not to pay such claim.".

SEC. 122. (a) Section 1302(b) of title 11 of the United States Code is amended—

(1) in paragraph (2)(C), by striking out "and";

(2) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) dispose of, under regulations issued by the Director of the Administrative Office of the United States Courts, monies received or to be received in a case under chapter XIII of the Bankruptcy Act; and".

(b) Section 1302(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "fix" and inserting "set for such individual" in lieu thereof;

(2) in paragraph (1)(A), by striking out "for such individual";

(3) in paragraph (2), by inserting "made to entities entitled" immediately after "payments"; and

(4) in paragraph (2)(A), by striking out "of" and inserting "received by" in lieu thereof and by striking out "upon all payments" and inserting "of all such payments made" in lieu thereof.

SEC. 123. Section 1304(b) of title 11 of the United States Code is amended by striking out the comma immediately after "of the debtor".

SEC. 134. (a) Section 1307(b) of title 11 of the United States Code is amended by inserting a comma immediately after "time".

(b) Section 1307(c) of title 11 of the United States Code is amended—

(1) in paragraph (4), by inserting "a request made for" immediately before "additional";

(2) in paragraph (6), by striking out "and" immediately after the semicolon and inserting "or" in lieu thereof; and

(3) in paragraph (7), by inserting "other than completion of payments under the plan" immediately after "in the plan".

SEC. 125. (a) Section 1322(a)(2) of title 11 of the United States Code is amended by inserting a comma immediately after "payments".

(b) Section 1322(b) of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting ", or leave unaffected the rights of holders of any class of claims" immediately before the semicolon;

(2) in paragraph (4), by inserting "other" immediately after "claim or any";

(3) in paragraph (5), by striking out "maintenance of payments" and by striking out "on any unsecured claim or secured claim" and inserting "maintain payments on any claim" in lieu thereof;

(4) in paragraph (7), by inserting "subject to section 365 of this title," immediately before "provide", by striking out "or rejection" and inserting ", rejection, or assignment" in lieu thereof, and by striking out "under section 365 of this title" and inserting "under such section" in lieu thereof; and

(5) in paragraph (8), by striking out "any".

SEC. 126. Section 1323(c) of title 11 of the United States Code is amended by striking out "the plan as modified, unless the modification provides for a change in the rights of such holder from what such rights were under the plan before modification, and" and inserting "such plan as modified, unless" in lieu thereof.

Sec. 127. Section 1324 of title 11 of the United States Code is amended by striking out "the" the second place it appears.

Sec. 128. (a) Section 1325(a)(1) of title 11 of the United States Code is amended by inserting "the" immediately before "other".

(b) Section 1325(a)(4) of title 11 of the United States Code is amended by inserting ", and such plan represents the debtor's bona fide effort" immediately before the semicolon.

(c) Section 1325(b) of title 11 of the United States Code is amended by striking "After confirmation of a plan," and inserting "Upon the filing of the case," and striking out "any" the second place it appears.

Sec. 129. Section 1326(a)(2) of title 11 of the United States Code is amended by inserting "of this title" immediately after "1302(d)".

Sec. 130. Section 1328(a)(2) of title 11 of the United States Code is amended by striking out "523(a)(5)" and inserting "523(a)(3), 523(a)(4), 523(a)(5), 523(a)(6), 523(a)(7), 523(a)(8), 523(a)(9), and 523(a)(10)" in lieu thereof.

Sec. 131. Section 1328(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "by the debtor" immediately after "obtained"; and

(2) in paragraph (2), by striking out "knowledge of such fraud came to the requesting party" and inserting "the requesting party did not know of such fraud until" in lieu thereof.

Sec. 132. Section 1329(a) of title 11 of the United States Code is amended—

(1) by inserting "of the plan" immediately after "confirmation" and by striking out "a plan" and inserting "such plan" in lieu thereof; and

(2) in paragraph (3), by striking out the comma.

Sec. 133. Section 15102 of title 11 of the United States Code is amended by striking out "chapter" the first place it appears and inserting "title" in lieu thereof.

Sec. 134. Section 15103(f) of title 11 of the United States Code is amended—

(1) by striking out "324,";

(2) by inserting "342(b)," immediately after "326(b),";

(3) by inserting "1106(a)(1), 1108," immediately after "1105"; and

(4) by inserting "1302(b)(1), 1302(b)(3)," immediately after "1302(a),".

Sec. 135. Section 15322(b)(1) of title 11 of the United States Code is amended by inserting "required to be" immediately after "bond", by striking out "(2)", and by inserting "of this title" before the semicolon.

Sec. 136. Section 15324 of title 11 of the United States Code is amended by inserting a comma immediately after "a trustee".

Sec. 137. Section 15330 of title 11 of the United States Code is amended by adding at the end thereof the following: "The notice required under section 330 of this title shall be given to the United States trustee.".

Sec. 138. (a) Chapter 15 of title 11 of the United States Code is amended by inserting after section 15330 the following new section:

"§ 15342. Meetings of creditors

"In a case under chapter 13 of this title, the United States trustee may call a meeting of creditors. The court may not preside at, and may not attend, any meeting under this section.".

(b) The table of sections for chapter 15 of title 11 is amended by inserting immediately below the item relating to section 15330 the following new item:

"15342. Meetings of creditors.".

Sec. 139. Section 15343 of title 11 of the United States Code is amended by striking out "section 341(a)" and inserting "section 342 or 15342" in lieu thereof.

Sec. 140. (a) Section 15701(a) of title 11 of the United States Code is amended by striking out "trustee established" and inserting "trustees established" in lieu thereof.

(b) Section 15701(b) of title 11 of the United States Code is amended by striking out "such persons" and inserting "the members of such panel" in lieu thereof.

Sec. 141. (a) Section 15703(a) of title 11 of the United States Code is amended by striking out "specified in section 15701(a) of this title. Sections 701(b) and 701(c) of this title apply to such interim trustee." and by inserting "and subject to the provisions of sections 701 and 15701 of this title." in lieu thereof.

(b) Section 15703(b) of title 11 of the United States Code is amended by striking out "truste" and inserting "trustee" in lieu thereof.

Sec. 142. Section 15704 of title 11 of the United States Code is amended to read as follows:

"§ 15704. Duties of trustee

"The trustee shall—

"(1) if the business of the debtor is authorized to be operated, file with the United States trustee periodic reports and summaries of the operation of such business, including a statement of receipts and disbursements; and

"(2) make and file interim reports, as circumstances justify, on the condition of the estate with the United States trustee and make and file a final report and account of the administration of the estate with the United States trustee and the court.".

Sec. 143. Section 151102(b) of title 11 of the United States Code is amended by striking out "interest of" and inserting "interest," in lieu thereof.

Sec. 144. (a) Chapter 15 of title 11 of the United States Code is amended by inserting after section 151105 the following new sections:

"§ 151106. Duties of trustee and examiner

"A trustee shall perform the duties specified in sections 704(2), 704(4), 704(6), and 15704 of this title.

"(b) A trustee shall transmit a copy or a summary of any statement filed under section 1106(a)(4)(A) of this title to any creditors' committee, to any indenture trustee, to the United States trustee, and to any other entity as the court designates.

"§ 151108. Authorization to operate business

"Unless the court, upon the request of a party in interest or the United States trustee if there is no creditors' committee and after notice and a hearing, orders otherwise, the trustee may operate the debtor's business.".

(b) The table of sections for chapter 15 of title 11 of the United States Code is amended by inserting after the item relating to section 151105 the following new items:

"151106. Duties of trustee and examiner.
"151108. Authorization to operate business.".

Sec. 145. (a) Section 151302(a) of title 11 of the United State Code is amended by inserting ", or shall appoint a disinterested person to serve," immediately after "The United States trustee shall serve".

(b) Section 151302(b) of title 11 of the United States Code is amended to read as follows:

"(b) The trustee shall—

"(1) perform the duties specified in sections 704(2), 704(4), 704(6), and 15704 of this title; and

"(2) dispose of, pursuant to regulations issued by the Attorney General, moneys received or to be received in a case under chapter XIII of the Bankruptcy Act.".

TITLE II—AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE

Sec. 201. Section 151(c) of title 28 of the United States Code is amended by inserting a comma immediately after "suit".

Sec. 202. (a) Section 152 of title 28 of the United States Code is amended by adding at the end thereof the following:

"In recommending individuals to the President for appointment as bankruptcy judges, the Judicial Council of each circuit shall follow standards and procedures promulgated by the Judicial Conference of the United States. Such standards and procedures shall contain provision for public notice of all vacancies of bankruptcy judgeships. Further, such standards and procedures shall ensure that the Judicial Council gives due consideration to all qualified individuals, regardless of race, color, religion, sex, or place of national origin."

(b) The Congress—

(1) takes notice of the fact that less than 2 per centum of bankruptcy judges are women, less than 3 per centum of bankruptcy judges are blacks, and only one bankruptcy judge is of Hispanic origin; and

(2) suggests that the President, in selecting individuals for nomination to bankruptcy judgeships created by this Act, give due consideration to qualified individuals without regard to race, color, sex, religion, or national origin.

Sec. 203. Section 155(a) of title 28 of the United States Code is amended to read as follows:

"(a) In each district having more than one bankruptcy judge, the judge in regular active service who is senior in continuous time of active service and under seventy years of age shall be the chief judge of the bankruptcy court, except that the age limitation shall not apply until April 1, 1984. If all the bankruptcy judges in regular active service are seventy years of age or older the youngest shall act as chief judge until a judge has been appointed and qualified who is under seventy years of age, but such judge may not act as chief judge until he has served as a bankruptcy judge for 180 days."

Sec. 204. Section 158 of title 28 of the United States Code is amended by striking out "Court" and inserting "Bankruptcy court" in lieu thereof.

Sec. 205. (a) Section 160(a) of title 28 of United States Code is amended by striking out "each circuit" and inserting "such circuit" in lieu thereof.

(b) Section 160 of title 28 of the United States Code is amended by adding at the end thereof the following new subsections:

"(d) A panel may exercise the powers of a bankruptcy court.

"(e) A single judge of a panel may enter an order if irreparable damage will result if such order is not entered. Such order shall remain in force only until the hearing and determination by the panel of three judges."

Sec. 206. (a) Section 294(c) of title 28 of the United States Code is amended by striking out "district or bankruptcy judge" and inserting ", district, or bankruptcy" in lieu thereof.

(b) Section 294(d) of title 28 of the United States Code is amended by striking out "district judge or bankruptcy judge" and inserting "district, or bankruptcy judge" in lieu thereof.

Sec. 207. Section 295 of title 28 of the United States Code is amended by inserting a comma immediately before "district, or".

Sec. 208. Section 451 of title 28 of the United States Code is amended—

(1) in the first undesignated paragraph

by inserting "and appellate panels created under section 160 of this title" before the period;

(2) in the first and third undesignated paragraphs by striking out "and" the second place it appears in each such paragraph and inserting a comma in lieu thereof and by striking out ", the judges of which are entitled to hold office for a term of 14 years"; and

(3) in the third undesignated paragraph by striking out "Congress" and inserting "Congress" in lieu thereof and by striking out "and judge" and inserting "and judges" in lieu thereof.

Sec. 209. Section 456 of title 28 of the United States Code is amended—

(1) in the fourth undesignated paragraph, by inserting a comma immediately after "district"; and

(2) in the fifth undesignated paragraph, by striking out the semicolon immediately after "each district judge" and inserting a comma in lieu thereof.

Sec. 210. Section 569(a) of title 28 of the United States Code is amended by inserting "court" immediately after "of the bankruptcy".

Sec. 211. Section 571(b) of title 28 of the United States Code is amended by striking out "United States marshals, under regulations prescribed by the" and by striking out the comma immediately after "Courts".

Sec. 212. Sections 581(a) and 582(a) of title 28 of the United States Code are each amended by inserting ", without regard to the provisions of title 5 governing appointment in the competitive civil service," after "appoint".

Sec. 213. (a) Section 586(a) of title 28 of the United States Code is amended—

(1) in paragraph (5), by striking out "and" immediately after the semicolon;

(2) in paragraph (6), by striking out the period and inserting "; and" in lieu thereof; and

(3) by adding at the end thereof the following new paragraph:

"(7) administer oaths to and take the testimony of witnesses called to testify at meetings under title 11 or appoint a designee to so act.".

(b) Section 586(b) of title 28 of the United States Code is amended by striking out "trustee" the third place it appears and inserting "trustees to serve as standing trustee" in lieu thereof.

(c) Section 586(e)(2) is amended—

(1) by inserting "made to entities entitled" immediately after "payments" the first place it appears;

(2) in subparagraph (A), by striking out "of" and inserting "received by" in lieu "trustee" the third place it appears and inserting "trustees to serve as standing trustee" in lieu thereof.

(3) in subparagraph (B), by inserting "fee fixed under paragraph (1)(B) of this subsection" immediately after "the percentage"; and

(4) in subparagraph (B)(i), by striking out "individual" and inserting "individual's" in lieu thereof.

Sec. 214. Section 587 of title 28 of the United States Code is amended by adding at the end thereof the following: "The positions of such trustees shall not be in the Senior Executive Service.".

Sec. 215. (a) Section 604(a) of title 28 of the United States Code is amended—

(1) in paragraph (10), by striking out "(17)" each place it appears and inserting "(18)" in lieu thereof;

(2) by redesignating paragraph (17) as paragraph (18);

(3) by redesignating paragraph (13), as added by section 225(a)(2) of the Act of November 6, 1978 (92 Stat. 2549), as paragraph (17);

(4) by redesignating paragraph (14), as redesignated by section 225(a)(1) of the Act of November 6, 1978 (92 Stat. 2549), as paragraph (13); and

(5) by inserting immediately after paragraph (13) the following new paragraph:

"(14) Pursuant to section 1828 of this title, establish a program for the provision of special interpretation services in courts of the United States;".

(b) Subsection (f) of section 604 of title 28 of the United States Code, as added by section 225(b) of the Act of November 6, 1978 (92 Stat. 2549), is redesignated as subsection (h) and is amended by striking out "or remove a trustee appointed from the panel".

Sec. 216. Section 634(a) of title 28 of the United States Code is amended by inserting a comma after "salaries" the first place it appears and by striking out "rates for" and all that follows through "as amended" and inserting "an amount fixed in accordance with section 225 of the Federal Salary Act of 1967, subject to adjustment in accordance with such Act and section 461 of this title" in lieu thereof.

Sec. 217. (a) Section 773(c) of title 28 of the United States Code is amended by striking out "a circuit" and inserting "an appellate" in lieu thereof, and by striking out the parentheses around "but presents a substantial question".

(b) Section 773 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

(d) Court reporters appointed under this section shall be appointed in accordance with all of the standards and procedures applicable to appointments under section 753 of this title and shall be governed by the rules and regulations applicable to court reporters appointed under section 753 of this title. Mechanical means of recording proceedings may include stenomask, and contract reporters may be used in lieu of or in addition to court reporters appointed under this section. The Director of the Administrative Office of the United States Courts may negotiate contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

Sec. 218. (a) Section 1293(a) of title 28 of the United States Code is amended by striking out "decisions" and inserting "judgments, orders, and decrees" in lieu thereof.

(b) Section 1293(b) of title 28 of the United States Code is amended—

(1) by striking out "an appellate panel created under section 160 or";

(2) by striking out "District court of the United States" and inserting "district court of the United States," in lieu thereof; and

(3) by inserting ", and of appeals from interlocutory orders and decrees of an appellate panel created under section 160 of this title, a district court, and a bankruptcy court, but only by leave of the court of appeals to which the appeal is taken" immediately before the period.

Sec. 219. Section 1334(c) of title 28 of the United States Code is amended by striking out "that section" and inserting "this section" in lieu thereof.

Sec. 220. (a) Section 1471(a) of title 28 of the United States Code is amended by striking out "subsection" and inserting "subsection" in lieu thereof.

(b) Subsections (c) and (e) of section 1471 of title 28 of the United States Code are each amended by striking out "commenced" and inserting "pending" in lieu thereof.

(c) Section 1471(c) of title 28 of the United States Code is amended by inserting "or a proceeding arising under title 11 or arising in or related to a case under title 11" immediately after "title 11".

(d) Section 1471(d) of title 28 is amended by striking out "a district court or".

(e) Section 1471(e) of title 28 of the United States Code is amended by inserting ", and of all property, wherever located, of the estate in such case" immediately before the period at the end thereof.

Sec. 221. Section 1472(1) of title 28 of the United States Code is amended by striking out "principle" and inserting "principal" in lieu thereof.

Sec. 222. (a) Section 1473(a) of title 28 of the United States Code is amended by striking out "Except" and inserting "Notwithstanding any Act of Congress that confers venue in a specific district and except" in lieu thereof.

(b) Section 1473(c) of title 28 of the United States Code is amended by striking out "section" the first place it appears and inserting "subsection" in lieu thereof.

Sec. 223. Section 1481 of title 28 of the United States Code is amended by inserting "(a)" before "A" and by adding at the end thereof the following new subsection:

"(b) A contempt punishable by a bankruptcy court includes any act that is in violation of a stay under title 11.".

Sec. 224. Section 1482(b) of title 28 of the United States Code is amended by striking out "judgments, orders," and inserting "orders" in lieu thereof.

Sec. 225. Section 1827(i) of title 28 of the United States Code is amended by striking out "referee in bankruptcy" and inserting "bankruptcy judge" in lieu thereof.

Sec. 226. Section 1871(a) of title 28 of the United States Code is amended to read as follows:

"(a) Grand jurors in district courts and petit jurors in district courts and bankruptcy courts appearing pursuant to this chapter shall be paid the fees and allowances provided by this section. The requisite fees and allowances shall be disbursed, on the certificate of the clerk of the district court or of the clerk of the bankruptcy court, by the clerk of the district court in accordance with the procedure established by the Director of the Administrative Office of the United States Courts. Attendance fees for extended service under subsection (b) of this section shall be certified by the clerk of the district court only upon the order of a district judge or by the clerk of the bankruptcy court only upon the order of a bankruptcy judge.".

Sec. 227. Section 1923(b) of title 28 of the United States Code is amended to read as follows:

"(b) The docket fees of United States attorneys shall be paid to the clerk of the district court, the docket fees of United States trustees shall be paid to the clerk of the bankruptcy court, and all such fees shall then be paid by the clerks into the Treasury.".

Sec. 228. Section 1930(a)(1) of title 28 of the United States Code is amended by striking out the period after $60 and inserting "in the case of a single filing and $100 in a joint case" and by inserting a new (5) to read as follows: For any proceeding in any case under title 11, $15.

Sec. 229. Section 1962 of title 28 of the United States Code is amended by inserting "or bankruptcy court" immediately after "district court".

Sec. 230. Section 1963 of title 28 of the United States Code is amended—

(1) in each paragraph, by inserting "or bankruptcy court" immediately after "district court" the first place it appears;

(2) in the first sentence of the first undesignated paragraph, by inserting "with the clerk of the district court or the bankruptcy court, whichever is appropriate" before the period at the end thereof;

(3) by striking out "where registered" and inserting in lieu thereof "where entered".

(4) by adding at the end thereof the following new undesignated paragraph:

"An order of discharge or an order of confirmation in a case under title 11 which has become final may be registered in any other district by filing in the office of the clerk of the bankruptcy court of that district a certified copy of the order and when so registered shall have the same effect as an order of the bankruptcy court of the district where so registered and may be enforced in like manner.".

Sec. 231. Section 1964 of title 28 of the United States Code is amended by inserting "or bankruptcy court" immediately after "district court" each place it appears.

Sec. 232. Section 2075 of title 28 of the United States Code is amended by striking out "in cases under title 11" and inserting "in cases under title 11 and in proceedings arising under title 11 or arising in or related to cases under title 11" in lieu thereof.

Sec. 233. Section 2256(1)(C) of title 28 of the United States Code is amended by inserting "or under title 11" immediately after "title".

Sec. 234. (a) Section 1914 of title 28 of the United States Code is amended by striking out subsection (d).

(b) The District of Columbia Code is amended—

(1) in section 15–701(a), by striking out "clerk of the United States District Court for the District of Columbia,";

(2) in section 15–703—

(A) by striking out "(b)" and subsection (a); and

(B) in the catchline of such section by striking out "Deposit for costs; security" and inserting in lieu thereof "Security";

(3) in section 15–704—

(A) in subsection (a) by striking out "(a)" and by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "the Superior Court of the District of Columbia"; and

(B) by striking out subsection (b);

(4) by striking out section 15–706;

(5) in section 15–712 by striking out "Any District of Columbia Court" and inserting in lieu thereof "The Superior Court of the District of Columbia and the District of Columbia Court of Appeals"; and

(6) in the analysis of sections for chapter 7 of title 15, by striking out the item relating to section 15–706.

TITLE III—AMENDMENTS TO THE ACT OF NOVEMBER 6, 1978

Sec. 301. The title of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies", approved November 6, 1978 (Public Law 95–598; 92 Stat. 2549) (hereinafter in this title referred to as the "Act") is amended to read as follows: "An Act to establish a uniform law on the subject of bankruptcies".

Sec. 302. The Act is amended by inserting after the enacting clause the following: "That this Act may be cited as the 'Bankruptcy Reform Act of 1978'."

Sec. 303. Section 216 of the Act is amended by striking out "record" and inserting "records" in lieu thereof.

Sec. 304. Section 222 of the Act is amended by striking out "assistance" and inserting "assistants" in lieu thereof.

Sec. 305. Section 232 of the Act is repealed.

Sec. 306. Section 308(f)(3) of the Act is amended by striking out "'C'" and inserting "'(C)'" in lieu thereof.

Sec. 307. Section 402(c) of the Act is amended—

(1) by striking out "210," and inserting "205, 206, 207, 211, 213," in lieu thereof;

(2) by inserting "226," immediately after "225,"; and

(3) by inserting "248" immediately after "246,".

Sec. 308. (a) Section 403(a) of the Act is amended by striking out "this Act" and inserting "the provisions of this Act other than this subsection and subsections (b) and (d) of this section" and by striking out "the Act" and inserting "such provisions".

(b) Section 403(b) of the Act is amended by inserting "or after" immediately after "on".

(c) Section 403(e) of the Act is amended to read as follows:

"(e) Notwithstanding subsection (a) of this section—

"(1) the amount by which a fee exceeds $100,000 may not be charged under section 40c(2)(b) of the Bankruptcy Act in a case in which the plan is confirmed after September 30, 1979;

"(2) after September 30, 1979, all moneys collected for payment into the referees' salary and expense fund in cases filed under the Bankruptcy Act shall be collected and paid into the general fund of the Treasury; and

"(3) any balance in the referees' salary and expense fund in the Treasury on October 1, 1979, shall be transferred to the general fund of the Treasury and the referees' salary and expense fund account shall be closed.".

Sec. 309. (a) Section 404(b) of the Act is amended to read as follows:

"(b) The term of a referee in bankruptcy who is serving on the date of enactment of this Act is extended to and expires on March 31, 1984, or when his successor takes office, and such person shall have the title United States bankruptcy judge. During the period commencing on October 1, 1979, and ending on March 31, 1984 (hereinafter in this title referred to as 'the transition period'), unless a bankruptcy judge is certified to be not qualified by the Chief Judge of the Circuit Court after a finding that such judge is not qualified is made by a merit screening committee established under subsection (c) of this section, such judge shall serve in the court of bankruptcy continued under subsection (a) of this section to which such United States bankruptcy judge was appointed, in the manner prescribed by this title. Section 8335(a) of title 5 of the United States Code shall not apply to United States bankruptcy judges during this title referred to as 'the transition period, United States bankruptcy judges shall be exempt from annual and sick leave laws and regulations.".

(b) Section 404(c) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following new sentence: "There shall be established for each judicial district a merit screening committee composed of the president or the designee of the president of the State bar association, the president or designee of the president of a local bar association for the area within the judicial district wherein a referee in bankruptcy maintains his official headquarters and the dean, or designee of the dean, of an accredited law school, if any, located within the judicial district or State, and if no such law school exists, then a lay member selected by the chief judge of the United States district court for the judicial district wherein the referee in bankruptcy maintains his official headquarters.".

(c) Section 404(d) of the Act is amended by striking out "41,".

(d) Section 404(e) of the Act is amended by inserting immediately after the first sentence the following new sentence: "Bankruptcy judges for the district shall decide where the headquarters office of the clerk of the bankruptcy court shall be located.".

(e) Section 404 of the Act is amended by adding at the end thereof the following new subsections:

"(h) During the transition period, the powers granted under section 2071 of title 28 of the United States Code shall be exercised by the United States bankruptcy court of a district, exclusive of the district court of such district, for the purpose of promulgating local rules of procedure to be applicable in cases and proceedings before a United States bankruptcy judge of such court, and such powers shall be exercised for such purpose by the appellate panels created under section 160 of title 28 of the United States Code to be applicable in appeals before such an appellate panel.

"(i) During the transition period, section 155 to the extent it does not displace a designated chief judge and sections 156, 157, 158, and 159 of title 28 of the United States Code, contained in section 201 of this Act, and the amendment contained in section 210 of this Act, shall apply to the courts of bankruptcy continued under section 404(a) of this Act the same as such amendments apply to the United States bankruptcy courts established under section 201 of this Act.".

Sec. 310. (a) Section 405(a) of the Act is amended—

(1) by striking out "such cases" the first place it appears and inserting "in all cases under title 11 or arising in or related to a case under title 11 pending during the transition period" in lieu thereof; and

(2) in paragraph (1)(C), by inserting ", except as provided in subsection (c) of this section" immediately before the period at the end thereof.

(b) Section 405(c)(2) of the Act is amended by inserting "240," immediately after "238,".

(c) Section 405(d) of the Act is amended by striking out "248" and inserting "247" in lieu thereof.

Sec. 311. Section 406(b) of the Act is amended by inserting immediately after the first sentence the following new sentence: "The recommendations may provide for a bankruptcy judge to serve in more than one contiguous judicial district or circuit.".

Sec. 312. Section 407(c) of the Act is amended by striking out "332" and inserting "333" in lieu thereof.

Sec. 313. Section 408 of the Act is amended by adding at the end thereof the following new subsection:

"(d) During the transition period, section 604(h) of title 28 of the United States Code does not apply to bankruptcy courts for districts listed in section 581(a) of such title.".

Sec. 314. Section 409(a)(1) of the Act is amended by striking out "September 30, 1983" and inserting "March 31, 1984" in lieu thereof.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Section 19 of the Commodity Exchange Act (7 U.S.C. 24) is redesignated as section 20 of such Act.

Sec. 402. Section 4(e) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499d(e)) is amended—

(1) by inserting "under the Bankruptcy Act or been a debtor in a case filed under title 11 of the United States Code or received a discharge in such case" immediately after "bankrupt" the first place it appears; and

(2) by inserting "under the Bankruptcy Act or which has been a debtor in a case filed under title 11 of the United States Code" immediately after "bankrupt" the second place it appears.

Sec. 403. (a) Section 6(d) of the Securities Investor Protection Act (15 U.S.C. 78fff(d)) is amended by striking out "section 16(5)(A)" and inserting "section 16(4)(A)" in lieu thereof.

(b) Section 8(e)(4)(C) of such Act (15 U.S.C. 78fff2(e)(a)(4)(C)) is amended by striking out "section 9(a)(5)" and inserting "section 9(a)(4)" in lieu thereof.

Sec. 404. Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended by inserting ", except for cases under chapter 13 or chapter XIII as the case may be, which antedate the report by more than 6 years" immediately after "year".

Sec. 405. Section 151 of title 18 of the United States Code is amended by striking out "mean" and inserting "means" in lieu thereof.

Sec. 406. Section 424(b)(3)(B) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 934(b)(3)(B)) is amended by striking out "the Bankruptcy Act" and inserting "title 11 of the United States Code" in lieu thereof.

Sec. 407. Section 3468 of the Revised Statutes of the United States (31 U.S.C. 193) is amended by adding at the end thereof the following new sentence: "This section does not apply, however, in a case under title 11 of the United States Code or in a case arising in or relating to a case under such title.".

Sec. 408. At the end of section 456(a) of the Social Security Act, add the following:

"(b) A debt which is a child support obligation assigned to a State under section 402 (a)(26) is not released by a discharge in bankruptcy under the Bankruptcy Code or Bankruptcy Act."

Sec. 409. Section 1961(1)(D) of title 18 of the United States Code is amended by inserting "or a case under the Bankruptcy Act" after "title 11."

TITLE V—RELATED PROVISIONS OF LAW

Sec. 501. Nothing in any provision of Federal or State law shall operate to prevent, stay, or otherwise prohibit a stockbroker or securities clearing agency from exercising a contractual right to liquidate a securities contract or to cause the liquidation of a securities contract, nor shall any court issue any order preventing, staying, or otherwise prohibiting the exercise of such contractual right, unless such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or is required because of a threat to the national security. As used in this section, the term—

(1) "contractual right" includes, but is not limited to, a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency; and

(2) "securities contract" means a securities contract as defined in section 741 of title 11 of the United States Code.

Sec. 502. No provision of Federal or State law shall operate to prevent, stay, or otherwise prohibit a commodity broker or forward contract merchant from exercising a contractual right to liquidate a commodity contract or forward contract, or to cause the liquidation of a commodity contract or forward contract, and no court may issue any order preventing, staying, or otherwise prohibiting the exercise of such contractual right unless such order is required because of a threat to the national security. As used in this section, the term—

(1) "contractual right" includes, but is not limited to, a right set forth in a rule or bylaw of a clearing organization or a contract market or in a resolution of the governing board thereof; and

(2) "commodity contract" means a commodity contract as defined in section 761 of title 11 of the United States Code.

Sec. 503. During the period beginning on the date of the enactment of this Act and ending on April 1, 1984, the amendments contained in sections 222, 223, 224, 225, 226, and 236 shall apply to courts of bankruptcy continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-589; 92 Stat. 2549).

Sec. 504. This Act may be cited as the "Bankruptcy Amendments Act of 1980".

Section 505(a) Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767, as amended: 31 U.S.C. 241), is amended as follows:

(1) By striking out "$15,000" in subsection (a)(1) and inserting in place thereof "$25,000".

(2) By striking out "$15,000" in subsection (b)(1) and inserting in place thereof "$25,000".

(b) The amendments provided in Subsection (a) of this Section shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment.

TITLE VI—EFFECTIVE DATES

Sec. 601. (a) Except as provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act and shall apply only to cases filed under title 11 of the United States Code after such date.

(b) The amendments made by sections 201, 202, 203, 204, 205, 211, 212, 219, 220, 221, 222, 223, 224, 225, 226, and 236 of this Act shall take effect on April 1, 1984.

● Mr. DECONCINI. Mr. President, today's action on S. 658, the Bankruptcy Code Amendment of 1980, culminates over 2 years of work on refining the statutory language of title 11 of the United States Code, commonly referred to as the Bankruptcy Code. When the Code passed in 1978, it was the largest piece of legislation in volume processed during the 95th Congress. Inevitably errors and omissions were made in the final hectic days of that session as the Congress worked toward final passage of the code. The bill before us today is basically one of technical and conforming type amendments that are totally unobjectionable and reflect the congressional intent that may not always have been clear regarding the Code.

I must be candid, however, and point out that although this bill as originally introduced was referred to as the bankruptcy technical amendments bill, the bill before us also contains some provisions that go beyond the definition of technical and are substantive. The reason for this is primarily the result of our having had the benefit of 14 months of experience under the new Code—it was effective on October 1, 1979—and the knowledge that came with that experience which dictated that some substantive changes to the law were required to maintain fair and orderly bankruptcy administration.

Overall, the Bankruptcy Code has worked well, although the period of adjustment for both debtor and creditor has been trying at times. Numerous suggestions for amendments have come to our attention in the past year that are not included in this bill not because they did not have merit but because of a general feeling expressed by Chairman EDWARDS in the House, and distinguished groups such as the National Bankruptcy Conference, that the proper experience, data, and information were lacking to make any substantial changes at this time.

There are a number of changes that I would have liked to have included in this bill but have deferred action on until next year. For instance, at present there is no threshold standard a debtor must meet to go into bankruptcy. A solvent person could take advantage of the code to the detriment of creditors and the disrepute of the law in general. I would have preferred a standard of insolvency or inability to pay debts as they become due, such as is required of municipalities in section 109 be extended to all apply to all chapters.

The preference section has been a mess. Specifically, great potential costs and uncertainties have been placed upon small businesses such as sporting goods companies where traditionally credit is extended in the normal course of business over periods of time that often lead to the result that preferences are "unintentionally" made that can later be recovered to the great detriment of the innocent vendor businessman. A complete review must be undertaken next year.

Earlier this year I introduced and held hearings on S. 3023, a bill to correct a specific problem in the preference section that would have created an exception for certain types of commercial paper. Although favorable testimony was received, I shall defer further action on this amendment pending the opportunity for the House to give it full consideration. Regrettably, I shall wait until next year to pursue the issue. Another issue that I would have liked to address, and will next year, is the sordid tactics employed by many lawyers in advertising their bankruptcy practice and encouraging members of the public to take bankruptcy.

Another general area of concern that has been expressed to me repeatedly in recent months is the general functioning of our bankruptcy court system. Of particular concern to people, judges and lawyers alike, is the way first meetings of creditors are being conducted, the validity and purpose of discharge hearings, and the general role of judges in quasi-administrative workings of the court.

Again, I would have preferred to address these issues now but out of deference to requests from my colleagues in the House, these issues will have to await review next year. I do sincerely hope, however, that all parties involved in the bankruptcy process will make a special efforts in the interim to make the process work for the benefit of all the citizens affected by the process.

In particular, I hope our Nation's fine corps of bankruptcy judges will do everything in their power to make the system "work," and not take the attitude that they are above the "fray" and would be somehow tainted by taking part in some mundane administrative matters that are necessary to make the system work well. The example of the work of Judge David Kline in Oklahoma in his tireless efforts to make the system work would be well to emulate. Another example of outstanding work on behalf of the public is that of Richard Levine of the Department of Justice who has done a fine job creating and overseeing the offices of the U.S. trustees.

This bill would not have been possible without the omnipresent assistance and encouragement of my fellow members of the Committee on the Judiciary, Chairman KENNEDY, the ranking minority member Senator THURMOND, and the ranking member of the Subcommittee on Improvements in Judicial Machinery, Senator DOLE. I thank them all. Senator THURMOND, particularly, played a lead role in discussions with the House on the issue of retirement, in which he opposed the proposals set forth by the House. Although I personally, again, would have preferred to address that issue this year, it may prove beneficial to have the benefit of more time to consider the policies involved and address them in a future Congress.

Finally, I would like to thank Chairman DON EDWARDS, members of his committee and his fine staff, for their unending efforts to bring about a more perfect bankruptcy code. A special word of thanks is also deserved for Harry Dixon, Jr., former minority consultant to the subcommittee who has given freely of his time and enormous talents to assist the subcommittee again this Congress on S. 658. Last but not least I would like to thank Bob Feidler and the outstanding support staff, Sharon Zalewski, Sherrie Gregoire, Pam Philips, Adrian Hall, Ann Woodley, and Cele Swenson of the Subcommittee on Improvements in Judicial Machinery for their yeoman work in initially developing the bill and seeing it through to a successful conclusion.

Following today's Senate action on S. 658, only final action by the House will be required. I am confident that for the good of the bankruptcy process, and in a larger sense, the general welfare of the country, that the House will accede to the Senate amendments. We have tried to be fair in striking a compromise, which, although both sides would have preferred certain additional changes, makes a significant step forward in bringing about a more perfect bankruptcy code and process. Outstanding judges from throughout the country have urged me to pass this bill even if it did not contain the retirement provision they ideally would like to have seen. I must believe in counsel I receive from such outstanding judges as Hugh Caldwell and James Moriarty who between them have served on the bankruptcy bench for nearly half a century. They have put aside whatever personal benefit an increased retirement package meant for them and, for the good of all parties associated with the bankruptcy process, have urged me to pass the bill. I appreciate their selflessness and urge other bankruptcy judges and my colleagues in the House to put the good of the country ahead of personal interest. The following is a summary of the key provisions of a Senate amendment:

Section 11 of the House Amendment is rejected. An examiner is not authorized to employ counsel or other professional assistance as is the Trustee.

Section 14 of the Senate Amendment is new and intended to assure that Trustees will be adequately compensated for their services particularly in the operating Chapter 7 or 11 case. The amendment raises the maximum fee permitted from 1 percent to 2 percent of all moneys in excess of $50,000 handled by the Trustee. Notwithstanding the limit increase the Court must still find that the compensation is reasonable. Trustee fees are earned separately in a Chapter 11 or 7 case. For example if a Chapter 11 case is converted to Chapter 7, the limitations in section 327 would be applied separately and not cumulatively even though the same Trustee served in both cases.

Section 14A of the Senate amendment adopts the Senate bill's intent to increase the Trustee's minimum fee. The amount of the increase, $80, as contained in the Senate bill is reduced to $45 but the increased fee is made applicable to all cases as opposed to making the award discretionary with the court. The administrative Office of the United States Courts is encouraged to develop a system of making the $45 payments that will result in the least expense and administrative work for the government. For example there could be no disadvantage to the government and the taxpayers if the $45 were paid from appropriate funds, provided, the full filing fee had been received by clerk of court and deposited in the Treasury.

Section 14B of the Senate Amendment is new. Minimal payment plans under Chapter 13 have become a financial burden upon the Trustees required to administer them. This amendment will assure that the Trustee is paid at least $10 per month for his services if the percentage of the monthly payments to creditors that he would be entitled to receive would be less than $10.

Section 17 of the Senate amendment recognizes that the process for granting immunity under title 18 is not designed to incorporate time considerations present in bankruptcy proceedings. To this extent, therefore, provision is made for enabling the Attorney General to promulgate regulations whereby immunity, when requested, can be granted expeditiously in a bankruptcy proceeding.

Section 25 of the Senate amendment adopts the position taken in the House amendment regarding subsections (a), (b), (c), (d), and (f). In subsection (a)(3), the automatic stay against acts to obtain possession of property of or from the estate also encompasses acts to exercise control over such property without the need for actually obtaining possession but is not intended to limit those acts specifically authorized by this title, such as those contemplated under sections 342 and 343. Subsection (e) clarifies the circumstances under which preliminary and final hearings under section 362(e) may be continued, particularly that the requisite findings must be made by the court when a preliminary hearing is not concluded within the 30 days provided and that the final hearing must be commenced, unless a preliminary hearing is continued, within the 30 days specified.

Section 25(b)(2) of the Senate Amendment is new. It is intended to clarify that the exception from the automatic stay for injunctive actions by the government is to occur only in instance where there is a serious potential for harm to the public such as the debtor is polluting with toxic waste, and not the ordinary case where the government unit is simply enforcing its regulations by way of injunction.

Section 26 of the Senate amendment adopts the position taken in the House amendment regarding subsections (a), (c), (d), (e), (f), (g), (h), (i), and (j). The priority spoken of in subsection (j) is not that encompassed by section 507 of title 11 but that which might exist under applicable nonbankruptcy law. Subsection (b) makes it clear that an out-of-the-ordinary-course-of-business transaction which might result in anticompetitive effects is subject to the Hart-Scott-Rodino pre-merger notice requirements but only as specified in title 11.

Section 27 of the Senate amendment adopts the position taken in the House amendment regarding subsections (a), (b), (c), (d), (e), (f), (h), (j), and (k). The amendment contained in subsection (i) is not intended to limit the trustee's right of rejection but to enable a sublessee or leasehold mortgagee to step into the position of the debtor's lessee in the event the lessee seeks to treat the trustee's rejection as a termination.

Section 31 Paragraph (2) is new and is intended to assure that administrative expense treatment is not denied to taxes withheld or required to be withheld from administrative wages.

Section 33 of the Senate amendment adopts the position taken in the House amendment except with respect to the limitation added in Section 506(b). It was the intent of Congress to provide that such charges are to be paid in a bankruptcy proceeding where the value of the collateral is sufficient to do so even though such charges might not be enforceable under applicable non-bankruptcy law.

Section 34. It is contemplated by the amendment to Section 507(d) that a governmental unit's claim and its attendant priority may be asserted by one who has satisfied such a claim.

Section 37 of the Senate amendment adopts the position taken in the House amendment regarding Subsection (a) and adds the further provision in Subsection (b) to clarify that the debtor's obligations under Section 521 should not be limited by any assertion of a privilege against self-incrimination.

Section 39 of the Senate amendment adopts the House amendment which clarifies the non-dischargability of a debt for alimony and child support. Deleted is the limitation of the Section 523 (a)(5) that the debt if assigned is dischargeable. The Bankruptcy Court continues to be permitted to determine the nature of the obligation to insure that property settlements disguised as alimony or child support are discharged. This however does not permit the court to modify the level of support or alimony as established in the original award. The debtor who seeks a reduction in support or alimony must petition the state court having jurisdiction over the original decree.

Section 48(c)(2) of the House Amendment which would amend Section 547(c)(2) is rejected in the Senate amendment as an unnecessary stylistic change. Consideration was given to the addition of a separate exception to Section 547, the preference section, as introduced in S. 3023. That bill would exempt payments of bank letter of credit, and similar instrument supported commercial paper having a maturity of 270 days or less from recovery under the preference section. Because of concern for the possible effect of Section 547, many issuers of such paper are being artificially restricted to 45 days or less maturities in order to qualify for the exception provided by Section 547(c)(2), with the resulting lack of flexibility in the market. For commercial paper of longer maturity than 45 days the need for complex legal opinions and questionable structural acrobatics have resulted. The exception contained in S. 3023 is not included in the Senate amendment since there was not an opportunity to consider it prior to the passage of the House amendment. The basic principle of Section 547 which requires a diminution of the debtor's estate before the transfer is voidable is generally applicable to commercial paper issues. Where commercial paper notes are paid with the proceeds of new paper, the payment of such notes does not diminish the debtor's estate to the extent of the new notes issued. As a result such payments are not avoidable even though not made within the 45 day requirements of Section 547(c)(2). Contrary to language in the case of *Twist Cap Inc. v Southeast Bank of Tampa*, 1 B R 284 (D. Fla. 1979) payments of the commercial paper by the letter of credit bank also are not preferential or enjoinable since the payments are not being made with property of the estate.

Section 54 of the Senate amendment rejects the position taken in the House amendment except to the extent that it makes a technical amendment to the referenced sections.

Section 60 of the Senate amendment adopts the position taken in the House amendment with the addition of the qualification that interim reports, although rarely needed in liquidation proceedings, might be justified when, for example, the trustee must operate the business.

Section 63 of the Senate amendment adopts the position taken in the House amendment with the addition of the clarification that a redemption under Section 722 contemplates a cash lump sum payment unless that affected creditor agrees otherwise as might occur in the context of a reaffirmation.

Section 67 of the Senate amendment adopts the position taken in the House amendment with the addition of the alternative of allowing interest to be paid under Section 726(a)(5) at the higher of the legal or contract rate, to prevent a liquidation proceeding from being a vehicle for a solvent debtor to escape the obligation to pay a contract rate of interest.

Section 84 of the Senate amendment adopts the position taken in the House amendment with the addition of provisions for notices and meetings of creditors in a proceeding to adjust the debts of a municipality.

Section 107 of the Senate amendment adopts the position taken in the House amendment with the addition of several positions taken in the Senate bill most notably the provision found in 180(g) of the Senate bill that requires one actual voting class to accept the plan. The Senate receded to the House on its provision to amend 1103(b) of the code to allow the secretary to a creditor committee to also be employed separately by a creditor in the case. Although the Senate receded, the issue of whether a creditor committee should have the freedom of choice to determine its employees, including the committee attorney and accountant remains. The issue will have to be considered again in the near future after further experience under the Code and an evaluation of the impact of this section on the quality of professional assistance available to creditor committees particularly in rural areas with few bankruptcy practitioners.

Section 111 of the Senate amendment adopts the position taken in the House amendment with the addition of a provision from the Senate bill.

Chapter 13 is the Chapter for adjustment of debts for individuals with regular income. In proceedings under that Chapter the debtor seeks protection of the bankruptcy court but with the intention of working out a reasonable payment schedule with his creditors as opposed to liquidation or 'straight' bankruptcy. In practice under the code it has been the most misused and abused portion of the Bankruptcy Code. Designed for debtors who wanted to pay their debts but who suffered from severe cash flow problems, the Chapter has become a haven for debtors with far less noble goals who are seeking a discharge of their unsecured indebtedness after minimal or no payments to creditors. That situation should not be allowed to continue and to tint the efforts of those debtors who are striving to meet their financial duties and are making reasonable repayments through Chapter 13 plans. With that in mind, several amendments designed to thwart the debtor who is trying to take advantage of the liberal provisions of Chapter 13 have been adopted, but which will still leave Chapter 13 an attractive alternative to the straight bankruptcy for the debtor who is sincerely trying to repay his obligations.

Section 121(c) amends 1301 to grant a creditor automatic relief from the co-debtor stay to the extent that the confirmed plan will not pay a creditor's claim in full.

Section 122. The regulations to be promulgated under Section 1302(b)(3) might contemplate the use of old Chapter XIII money for work done in new chapter 13 cases although this is not encouraged.

Section 128(b) amends Section 1325(a)(4) of the Code by requiring a "bona fide effort" on the part of the debtor to repay his unsecured debts under the Chapter 13 plan. This test is in addition to the requirement that the unsecured creditors must be paid at least what they would be entitled to receive if the debtor was in a Chapter 7 liquidation proceedings. The Senate bill provides for a 'best effort' test while the House provided for a 'good faith effort'. The 'bona fide' standard envisions not only a sincere good faith effort by the debtor, but also one that proposes payments to the creditors that represent a significant percentage, if not all, of the debts owed.

The "bona fide effort" requirement is responsive to the widespread concern among creditors and judges alike that the provisions of Chapter 13 as enacted inadvertently permitted plans to be confirmed that proposed little or no payments to unsecured creditors. This is contrary to the historical spirit and intent of Chapter 13 which was to afford the debtor the protection of the bankruptcy court while the debtor worked out a plan to repay his creditors over a period of years out of his future earnings. Thus, Chapter 13 is a remedy for the individual with severe cash-flow problems while Chapter 7 would be available for the debtor who simply had no present or foreseeable prospects of paying his debts at all.

Under the new law, too often instead of meaningful payments to unsecured creditors, the norm has become "zero" or nominal payment plans in many jurisdictions. In other areas, judges have had to strain the provisions of Section 1325 by decision or informal rule to reach the right result vis-a-vis the level of payments of the debtor for the particular case.

Many courts have construed the good-faith language, Section 1325(a)(3) to this end, which was not intended by Congress in the enactment of that requirement. The good-faith requirement of that Section is meant to bar the confirmation of a Chapter 13 plan where the debtor either does not intend to effectuate the plan as proposed or where the proposed plan is for a purpose not permitted under Title 11. For instance, a debtor is not entitled to the confirmation of any plan the principal purpose of which is to render the debtor incapable of meeting legal obligations for the support and maintenance of a former spouse or dependent child.

The "bona fide effort" test is intended to require that the plan proposed by the debtor is a real effort and not a half-hearted effort by the debtor to repay his creditors. It means that the debtor should forego luxuries during the term of the plan. For most debtors some sacrifice and adjustment to the debtor's standard of living will be required. There should be no such expenses as the purchase of new cars or for that matter continuing to make payments on a nearly new car at the expense of unsecured creditors under the plan. The court should look at all the circumstances of debtor and, in some cases, require the debtor to pursue a more modest lifestyle.

This is not to say that any court should require undue financial hardship of the debtor during the plan.

No arbitrary repayment levels should be required by judges, neither should trustees be permitted to require a certain level of payments in return for not opposing confirmation.

There must be room in Chapter 13 for the debtor on welfare or old age assistance who can only pay a nominal amount. There should not be room for the single payment plan or the new college or the professional school graduate seeking a new start at the expense of his creditors and future generations of students. In some cases courts should require the debtor to repay his unsecured creditors in full, but that should not necessarily become the norm as it was in many jurisdictions under the Bankruptcy Act.

In short, Chapter 13 must be a legitimate alternative for the debtor in financial difficulty who honestly wants to pay his debts. If this is the case, then the debtor's own creditors will encourage the debtor to seek the alternative and the maximum repayment to all creditors will be achieved. Finally all those in the credit community must treat the Chapter 13 debtor as a better credit risk than the debtor who has taken straight bankruptcy. Thus, the historical spirit and intent of Chapter 13 will be preserved and the intent of Congress achieved.

Section 130 of the Senate amendment adds to the list of debts non-dischargeable in a chapter 13 proceeding to assure that the chapter 13 alternative is not used by debtors for purposes of discharging obligations inconsistent with the intent of Congress in providing the chapter 13 alternative.

Section 134 of the Senate amendment adopts the position taken in the House amendment with the addition that in pilot United States trustee districts the same standards and procedures for the removal of a trustee will operate as they do in the non-pilot districts.

Section 138. This amendment is not to be interpreted as reflecting that United States trustees may not call meetings in other than chapter 13 proceedings.

Section 142 of the Senate amendment adopts the position taken in the House amendment with the addition of the qualification that interim reports, although rarely needed in liquidation proceedings, might be justified when, for example, the trustee must operate the business.

Section 144 of the Senate amendment adopts the position taken in the House amendment with the qualification upon the right of the United States trustee to request the court that a debtor in possession be removed only if there is no creditors' committee which would, under normal circumstances, be the party in interest to make such a request.

Section 145. The regulations to be promulgated under Section 151302(b)(2) might contemplate the use of old Chapter XIII money for work done in new Chapter 13 cases.

Section 202 of the Senate amendment adopts the position taken in the House amendment with a slight modification of the affirmative action standard.

Section 203 of the Senate amendment eliminates the age limitation for chief judge of the bankruptcy court. This limitation is discriminatory and without justification and could deny to the courts and the public the benefit of experience and sophistication in the administrative responsibilities which devolve upon a chief judge.

Section 213 of the Senate amendment adopts the position taken in the House amendment with the exception of the House provision granting the United States trustee the power to remove trustees without other limitation. This will not be accomplished by the earlier amendment making Section 324 applicable in pilot United States trustee districts.

Section 215 of the Senate amendment adopts the position taken in the House amendment with the addition of removing from the authority of the Administrative Office of United States Courts the power to remove a trustee from a case. This is now consistent with the treatment of trustee removal in pilot districts.

Section 217 of the Senate amendment modifies the position taken in the House amendment. The exemption from Section 3709 of the Revised Statutes, which enables the Director to negotiate contracts in lieu of formal advertising and will enable him to take into consideration in the evaluation of offers the previous experience of prospective reporters as bankruptcy court reporters.

Section 220 of the Senate amendment adopts the position taken in the House amendment with the addition of a clarification in the abstention provision required because of the exercise by the bankruptcy court of the entire jurisdiction of cases under title 11 leaving nothing from which the district court can abstain.

Section 311 of the Senate amendment adopts the position taken in the Senate bill.

Section 408 of the Senate amendment tracks the amendment made by Section 39 to make clear in the Social Security Act itself the bankruptcy policy that the alimony and child support obligation even though assigned to a state welfare agency is not discharged in the bankruptcy case.

Section 409 of the Senate amendment adds a provision not included in the Senate Bill on House amendment to make clear that bankruptcy fraud under the RICO Statute is a predicate crime regardless of whether it occurred in connection with a case under the former Bankruptcy Act of 1898 or the new Bankruptcy Code.

Section 601 of the Senate amendment adopts the position taken in the House amendment with the exception of the elimination of an erroneously included provision.

● Mr. DOLE. Mr. President, I raise to support wholeheartedly S. 658, a bill to correct technical errors, clarify, and make minor substantive changes to Public Law 95–598, the Bankruptcy Reform Act of 1978.

On November 6, 1978, the Bankruptcy Reform Act of 1978, a comprehensive revision of the Federal bankruptcy laws, was signed into effect. Since that time, judges, scholars, and bankruptcy practitioners have reviewed its provisions and suggested to the Senate Judiciary Committee numerous technical amendments and minor substantive changes. On September 7, 1979, the Senate passed S. 658 which embodied many of those recommendations. A little over a year later, the House passed its version, H.R. 5447. For the past 2 months, the respective would-be Senate and House conferees and their staffs have attempted vigorously and thoroughly to work out differences before Congress adjourns sine die.

S. 658, in its present form before the Senate, represents the best legislative effort possible, at this time. Further substantive changes without additional hearings would have been inappropriate. Hopefully, such hearings will be held early in the next Congress.

I would like to commend Senator DECONCINI and his staff for their diligence, perseverance, and accommodation with the other Senate and House Members involved from introduction of S. 658 over 18 months ago to hopefully its final passage.

The Senator from Kansas therefore urges his colleagues to pass by unanimous consent S. 658, technical amendments to the Bankruptcy Reform Act of 1978.●

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAYMENT AND SETTLEMENT OF CLAIMS OF U.S. CIVILIAN AND MILITARY PERSONNEL

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CULVER, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6086.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 6086) entitled "An Act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate recede from the amendments of the Senate.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

AUTHORIZATION TO INDEFINITELY POSTPONE CALENDAR ORDERS NOS. 802 AND 1052

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 802, a bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1981 through 1983, and Calendar Order No. 1052, a bill to amend Federal securities laws to facilitate the mobilization of capital for new small- and medium-sized companies by encouraging venture capital activities and promoting public investment, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 15 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

KRISTALLNACHT

Mr. PROXMIRE. Mr. President, one of the most shameful and deplorable chapters of our world history began 42 years ago this month.

November 9, 1938, known in German as Kristallnacht, or the Night of the Broken Glass, is historically regarded as the beginning of the holocaust, the Nazis' organized persecution of the Jews in Europe. That night, thousands of Jewish synagogues, businesses, and homes were systematically burned, destroyed, rampaged and looted. Many Jews were killed, and scores were arrested and jailed. Kristallnacht foreshadowed the terror and horror which prevailed in Europe until the end of the war.

Until their defeat in 1945, the Germans not only applied torture and cruelty against the Jews, but they also attempted to eliminate the Jewish population from the face of the Earth.

Such odious and inhumane behavior can never be allowed to recur.

Our country was a sharp critic and enemy of the Nazi regime, and it is not a perpetrator of human rights violations. Yet our reserve to prevent the recurrence of another holocaust will not be considered fully credible until the United States ratifies the Genocide Convention.

This treaty denounces the intent to eliminate a religious, ethnic, racial, or national group of peoples.

Yet, although our country has had over 30 years to ratify the treaty, we have not yet done so. We are the only major industrialized nation to have not ratified the Genocide Convention.

The holocaust could happen again. World War II ended only 35 short years ago. The chances of recurrence of the extermination of masses of people will be greatly reduced, however, if all nations unite to express global contempt for this crime.

We must join the other nations of the world in a universal declaration, resolving that the repugnant horrors unleashed after Kristallnacht must never be repeated.

The United States cannot continue to give even tacit approval to the extermination of human beings.

I urge my colleagues to move immediately to ratify the Genocide Convention.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 15 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 12:35 p.m., recessed until 12:50 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRYOR).

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12:50:27 p.m., recessed until 1:20:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LEAHY).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I will shortly move to proceed to take up a bill. I am awaiting the arrival of Mr. BAKER.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1156, H.R. 5200, the fair housing bill.

Mr. HELMS. I object.

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of Calendar Order No. 1156, H.R. 5200.

CALL OF THE ROLL

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

The following Senators answered to their names:

[Quorum No. 36 Leg.]

Baker
Byrd, Robert C.
Glenn
Gravel
Hatch
Helms
Humphrey
Kennedy
Leahy
Morgan
Simpson
Thurmond

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

The legislative clerk proceeded to call the roll of the absent Senators.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Oklahoma (Mr. BOREN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. TSONGAS) is absent because of death in the family.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER (Mr. BAUCUS). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 68, nays 8, as follows:

[Rollcall Vote No. 496 Leg.]

YEAS—68

Armstrong
Baker
Baucus
Bayh
Bellmon
Biden
Bradley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Cochran
Cohen
Danforth
DeConcini
Domenici
Durenberger
Eagleton
Exon
Garn
Glenn
Gravel
Hart
Hatch
Hatfield
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Percy
Pressler
Pryor
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stewart
Thurmond
Young
Zorinsky

NAYS—8

Boschwitz
Goldwater
Hayakawa
Long
Proxmire
Wallop
Warner
Weicker

NOT VOTING—24

Bentsen
Boren
Burdick
Cannon
Chiles
Church
Cranston
Culver
Dole
Durkin
Ford
Hollings
Javits
Magnuson
Pell
Randolph
Ribicoff
Stafford
Stevenson
Stone
Talmadge
Tower
Tsongas
Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT OF TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

Mr. KENNEDY. Mr. President, I rise in support of H.R. 5200—the Fair Housing Amendments Act of 1980. It is the single most important civil rights legislation of this Congress. It is the single most important civil rights legislation of the past decade. It is essential to give strength and scope to the civil rights laws on the books. And it is essential to keep the faith with those courageous Congresses which gave us such laws.

Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate is not in order. The Senate will not proceed until it is in order. Will Senators who are conversing please cease doing so or retire to the cloakrooms?

The Senator from Massachusetts.

Mr. KENNEDY. It was over 12 years ago, Mr. President, in the spring of 1968, that Congress enacted the Civil Rights Act of 1968, and with it title VIII—the fair housing provision. In part the act was made possible by the historic victories which preceded it—the Voting Rights Act of 1965, which suspended the two centuries' practice of disenfranchisement by color—and the Civil Rights Act of 1964, which sought to cleanse the stain of segregation in public accommodations. And in part the act was made necessary by the limitations of those prior victories, made visible in the explosion of racial and social unrest which followed them.

Two centuries earlier, Alexis De Toqueville had written that "reform . . . only serves to reveal more clearly what still remains oppressive." In the wake of our greatest victories, our people saw the legacy of hatred which had made them necessary. As the 91st Congress convened to consider the fair housing proposals in the spring of 1968, our Nation was engulfed in the turmoil which followed the death a week earlier of Dr. Martin Luther King, Jr. The Nation's Capital was in a state of seige, guarded by 13,000 Federal troops, who stood against a backdrop of destruction and desolation within three blocks of this Chamber. The violence had spread across our country, eventually engulfing 115 cities and towns. One night before, the President of the United States had announced that he would not seek reelection. And in this environment of unrest and uncertainty, the Congress found the will and the courage to move forward—to make unlawful any discrimination on the basis of race, color, religion, sex, or national origin in the sale, rental, or financing of homes.

In recounting the history of that struggle, Senator Phil Hart said later that "the last major sphere of daily activity—the effort to find housing of one's choice—had been brought under the scrutiny of Federal law." But Phil Hart knew, as Thomas Jefferson had written 200 years earlier, that "the execution of the laws is more important than the making of them." And to the time of his death, Phil Hart fought to strengthen the enforcement provisions of the Fair Housing Act of 1968.

Today that struggle continues. And to any who doubt its necessity—to any who say that the battle for fair housing has been fought and won—I say let them ask Travis McMillan of California, who was told that he could not rent a house in Van Nuys because the neighbors had threatened to burn a cross on his lawn.

Let them ask Peter Purdue of Michigan, who tried to purchase a house in West Bloomfield Township, but was quoted a prohibitive deposit-requirement by the builder, and told that the house would not be available for 8½ months. The same house was sold, with a reasonable deposit, to a white family which moved in 3 months later.

Let them ask the members of the American Council for the Blind, who write of "the insidious barriers which keep handicapped persons isolated and outside the mainstream of American life," the barriers which are placed in front of those who are handicapped, who want to own or rent their own home.

Or let them ask David Sicard of New York, who had the affrontery to want to live in Rosedale. One resident said: "They shouldn't be here, (because) (t)his is Rosedale." Another resident said: "It's just like a disease. It follows. It keeps going * * * we're going to keep them out of Rosedale." And for the arrogance of choosing a place to live, David Sicard's home was firebombed and destroyed.

In the splendor of this Chamber, Mr. President, we often speak of civil rights in abstract terms. But for these Americans, the struggle for civil rights is a daily, concrete presence, and the deprivation of civil rights is a personal form of slavery—a personal link to the roots of our common shame. Justice Stewart wrote once that—

> When racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then too it is a relic of slavery.

And to those who wear the badge of slavery, the principles of law or the peities of their makers are little consolation. After his house in Rosedale had been firebombed, David Sicard said:

> When you can't live where you want to live, there's almost no point in living.

For David Sicard and for thousands like him, the Fair Housing Act has failed. It has failed because on its face the act contains an enforcement scheme so patently inadequate that it renders the original legislation little more than a statement of principle. It is an historic statement of principle. It is a courageous statement of principle. But it is not enough.

The current act delegates initial scrutiny to the Department of Housing and Urban Development. HUD has the power to screen complaints and to conciliate and persuade landlords and owners to comply with the act. But HUD has no power to enforce its conclusions, and thus violators have the absolute freedom to ignore its counsel. Former HUD Secretary Carla Hills has called that scheme "an invitation to intransigence," and it is little wonder that HUD receives only 6,000 complaints out of an estimated 2.5 million acts of housing discrimination annually—that only 277 of those 6,000 complaints are successfully arbitrated—and that only about 70 of those 277 cases—70 of 2.5 million acts of discrimination—result in securing contested housing for the victim.

That system of enforcement—and the prescription which creates it—is clearly no enforcement at all. And the only alternative means of governmental assistance is the intervention of the Department of Justice, limited to the prosecution of cases disclosing a "pattern or practice" of discrimination in housing. In short, the Department of Justice is limited by statute to the big cases, the test cases, to the exclusion of any redress of individual grievances. Last year the Department filed only 15 "pattern or practice" cases. To the other victims of housing discrimination, the doors of Government were closed.

Of course the act does permit such victims the prosecution of private civil actions. But civil actions can take up to 2 years before trial in many of our larger cities. The typical Federal case takes 21 months. When the issue is housing—when the question is whether a claimant who needs immediate occupancy has the right to immediate occupancy—the delay of even a month can effectively moot the controversy. And for those who would seek judicial scrutiny as a means of redressing and compensating past discrimination, the act creates a second disincentive; it offers attorney fees only to successful claimants who prove that they are financially worthy of the award. While most victims of housing discrimination are low-income Americans, the necessity of proof is a serious deterrent, and the costs of litigation are prohibitive to those who daily struggle to pay the price of housing, food, and energy.

By its very terms, the current enforcement scheme is an invitation to continued acts of housing discrimination. And that is not a subjective conclusion. It is obvious to anyone who sees the evidence of rampant housing discrimination in this country. When a law has teeth—when its enforcement scheme is tight and sure—it changes the reality of life. In the 4 years after passage of the Voting Rights Act in 1965, for example, 800,000 black Americans were registered to vote, compared with 46,000 in the 8 years before the act. In Mississippi alone black voter registration rose from 7 percent to 60 percent in 4 years.

But the Fair Housing Act—which sought not merely to reduce but to end all vestiges of discrimination in housing—has had no measurable impact on the incidence of such discrimination. Most of us are familiar with the 1979 HUD study of 3,200 sales in 40 metropolitan areas. It found that blacks are discriminated against in the rental market up to 75 percent of the time, and in the sales market almost 62 percent of the time. The incidence of discrimination for Hispanics and the handicapped was even higher. One study in the Dallas rental market found dark-skinned Mexican-Americans to be victimized by discrimination 96 percent of the time.

The New York Times concluded that—

> The 1968 law notwithstanding, housing discrimination is a fact of life.

The ACLU has written that—

> There has been no significant decline in the high levels of residential segregation by race in the last 12 years.

And our colleague, Representative Don Edwards of California, who after exhaustive study coauthored this legislation with Father Drinan of Massachusetts, has said:

> The fact is that, 12 years after the Fair Housing Act, there is constant and continuing defiance of the law.

It is true of course that strict enforcement alone will not eradicate so pervasive a pattern of bias. The beliefs and practices which perpetuate it are subtle and complex. There remain zoning, building and realtor practices which block or concentrate the construction of low- and moderate-income housing. There remain urban renewal and highway programs which create new ghettos in their wake, and cut them off from cities and suburbs.

There remain lending policies which reenforce redlining by financial institutions and insurers. There remain location decisions for government installations which draw skilled white workers out of the central cities. And there remain the subtleties of housing discrimination itself, which make detection and prosecution difficult. These include the provision of different information to different races; the quotation of different terms of sale or rental, different rates of interest, or different sums for down payment, security or cleaning deposits; the more subtle forms of redlining; and the practice of steering, by which blacks and other minorities have found housing, but only in neighborhoods remarkably homogeneous by race. One recent study in Richmond, Va., found the practice of racial steering so rampant that it had created two separate, distinct, and unequal housing markets.

And yet for all the subtleties and complexities of housing discrimination in this country, it is equally true that we will never successfully address the issue without effective legal enforcement against demonstrable acts of discrimination. At the least, we can begin to create a deterrent to the most flagrant violations, through the visible evidence of forceful prosecution. And at the least, we can begin to be heard and counted on the question of housing discrimination—not merely by the invocation of principle, but by the power of example. Sixteen years ago, when he was Solicitor General of the United States, Justice Thurgood Marshall said that—

> Laws not only provide concrete benefits; they can even change in the hearts of men . . . for good or evil.

By its inaction and acquiescence in the 1930's and 1940's—according to the Senate Select Committee on Equal Opportunity—the Federal Housing Administration put its imprimatur on de facto residential segregation, restricting loans to racially "homogeneous neighborhoods" in the "interest of stability." So too, by our action or inaction, will this Congress be recorded on the same question of housing segregation. And so too do we have the chance to change the hearts of men and women.

We must not foresake that chance. At stake is far more even than the right to a decent home or to equality of choice—though these would surely be enough. At stake is perhaps the most important single key to solving the panoply of problems which surround the question of segregation and discrimination. The question of equal access to health care is bound inextricably to the segregation of races and economic classes. The problem of equal employment opportunity and equal training opportunity is in large measure a product of disparities between the location of jobs and the location of those who seek them. And the central questions of unequal education—which have troubled every Member of this body—might virtually disappear in the wake of truly-integrated housing patterns. The spectre sketched 12 years ago by the National Commission on Civil Disorders—the spectre of "two societies, one black, one white—separate and unequal"—is conjured in its deepest sense by the homogeneity of housing patterns by race.

And so we cannot fail in the quest to end discrimination in housing, even if the journey will be long and difficult. This legislation takes a crucial step, by creating a new enforcement mechanism which is strong, swift and sure.

As a threshold matter, it extends coverage of the act to the 35 million handicapped individuals in this Nation. For them, and for those discriminated against on account of race, color, religion, sex, or national origin, the act creates a new administrative procedure in the Department of Housing and Urban Development, a procedure designed to insure the swiftest possible resolution of disputes—in an area in which swift resolution is essential.

Though the victims of housing discrimination maintain the option to proceed initially in Federal district court, and to obtain attorney fees for meritorious claims, they now have a second option—the administrative hearing of complaints by administrative law judges in HUD, who hear only housing cases and thus develop the expertise essential to a just and swift consideration of cases. The administrative law judges will be empowered to order appropriate relief, including cease-and-desist orders, civil penalties, and compensation for damages. As an option, the new act permits the parties to submit to binding arbitration through informal processes. It also requires the referral by HUD of complaints arising in States or localities certified to maintain rights and remedies substantially equivalent to those of Federal law.

At present, 22 States and 80 localities are HUD-certified, and 5 other States are moving toward compliance. In the absence of referral or arbitration, the ruling of the administrative law judge is subject to appeal within HUD to a new fair housing review commission, responsible for appointing the administrative law judges, and insulated from political influence even from within its own agency. Of course the decision of the review commission, whether affirming or reversing the decision of the administrative law judge, is subject to appeal in the Federal courts. And to supplement this administrative procedure, the Department of Justice will be empowered not only to initiate "pattern or practice" cases, but in addition and with HUD's endorsement, to bring actions in redress of individual acts of discrimination.

The keynote of this new system is swift and efficient administration of justice. The option of binding arbitration, the referral to competent State or local agencies, the expertise of the administrative law judges, the power of selective intervention by the Department of Justice—all these mechanisms combine to create a system in which enforcement is appropriate, fair and speedy. For this reason, the Judiciary Committee rejected an alternative procedure requiring initial referral of complaints to Federal magistrates, with appeal de novo in the Federal courts. Even assuming for sake of argument the constitutionality of and the statutory authority for such nonconsensual referral, such a plan would locate housing complaints precisely where they should not be—in the clogged, crowded, delay-ridden Federal courts. And because the only argument in favor of such an alternative is the asserted partiality of an administrative system within HUD—an assertion which is clearly incorrect—the committee rejected this alternative. There is no reason to assume that the administrative law judges and the Fair Housing Review Commission will be anything less than fair and impartial. The act specifically forbids the Secretary of Housing and Urban Development to review, modify, or rescind the ruling of the administrative law judge. And the procedure is identical to that of 17 Federal agencies which currently resolve disputes free of bias in administrative forums.

Of course, we should amend the act where it needs to be strengthened. But at the least, we cannot fail to endorse its central feature—a strong and effective enforcement system. We have rested too long with the hollow statement of principle, while millions of Americans suffer the daily frustrations of bias and bigotry. Their plight is not a partisan concern. Their hope will dim in a partisan struggle. And our obligations are far greater than the partisan divisions of an election year.

In the period after World War II, it was the Damocles sword of filibuster which stood alone in the way of our progress. It killed the effort to ban the poll tax, to create a permanent employment agency, to ban segregation in housing and Federal construction, to outlaw lynching, and to bar Federal aid to segregated State programs. It sapped the spirit of equality and progress. It perpetuated human degradation.

For 33 days in the spring of 1968, the Damocles sword hung over this body, guarding a legacy of bias against the sunlight of brotherhood. And when the sword was finally lifted, it was Republicans and Democrats who welcomed the sunlight together. It was Everett McKinley Dirksen and 23 other Republicans who joined 41 Democrats in voting to end the debate. It was 29 Republicans and 42 Democrats who joined together for final passage. And in the House of Representatives, 100 Republicans joined with 150 Democrats to enshrine the principle of fair housing into Federal law.

Today, 12 years later, we await the same spirit of common purpose. There is a contest on for the heart of America, and all of us will be counted. Let us stand together for human dignity.

Mr. President, I ask unanimous consent that additional materials be printed in the RECORD which indicate the broad support for this bill, including the support of the President and several other individuals, organizations, and coalitions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, D.C., September 10, 1980.

DEAR SENATOR: The Leadership Conference on Civil Rights, comprised of 147 major national organizations representing Blacks, Hispanic and Asian Americans, labor, the major religious groups, women, the handicapped, minority businesses and professions and the aged, strongly urges you to support S. 506, the Fair Housing Amendments Act of 1980 as reported by the Senate Judiciary Committee.

We regard this bill as the single most important piece of civil rights legislation before the 96th Congress. Experience over the past 12 years with Title VIII, the existing law, has pointed up its inadequacies and the need for a bill that will end unlawful housing discrimination. S. 506 will make many of the necessary improvements.

We urge you to oppose two amendments, rejected by the Judiciary Committee, that will be introduced again on the Senate floor. These amendments would: (1) strike the administrative enforcement provision, a provision we regard as the essential ingredient for an effective law; and (2) require that discriminatory intent rather than effect be established as the standard of proof necessary in Title VIII cases. We are attaching additional information regarding these two proposals which are set forth in the Committee's minority report.

The Leadership Conference urges you to oppose these and any other weakening amendments that would gut the Fair Housing bill. We also urge you to vote for cloture in the event of a filibuster so that the Senate can work its will.

Sincerely,

CLARENCE MITCHELL,
Chairman.
ARNOLD ARONSON,
Secretary.
JANE O'GRADY,
Legislative Chairperson.

1. ENFORCEMENT

In the 12 years since Title VIII was enacted, the only real enforcement mechanism available to persons subjected to unlawful housing discrimination is the time consuming and expensive process of court action. This fundamental weakness is responsible in large part, for the relative ineffectiveness of the law.

Accordingly, instead of relying solely on judicial action, S. 506 establishes an administrative enforcement procedure which would assure due process for all parties, fairness and impartiality throughout the course of the process and complete separation of the roles of prosecutor and adjudicator. Thus, the adjudicator is independent of HUD, which performs the investigative function. The role of the adjudicator is carried out by administrative law judges (ALJs), who are employees of the Fair Housing Review Commission, an agency totally independent of HUD. The Commission consists of three members appointed by the President for established terms. Further, the Commission is free to reverse decisions by the ALJs if it disagrees with them. Appeal to the courts is then provided under the traditional standard of review.

Under the minority's proposal, hearings would be held, not by traditional administrative law judges, but by United States Magistrates, who are agents of federal district courts. These Magistrate hearings would be mandatory without regard to the consent of the parties. Following a decision by the Magistrate, there could be an appeal to the district court for a de novo jury trial. This would render the Magistrate hearing process a useless exercise, in that any party seeking a delay would undoubtedly demand—and receive—a de novo jury trial by the district court after the Magistrate proceeding.

The Leadership Conference submits that this proposal offers no real alternative to the existing unsatisfactory court enforcement mechanism. Indeed, it merely provides an additional cumbersome and time-consuming step. Further, its use of the Magistrate mechanism would seriously compromise important procedural safeguards that provided the basis for successful enactment last year of the Magistrates legislation.

First, under the Magistrates legislation, cases may not be referred to Magistrates without the consent of the parties. By contrast, under the minority proposal, referral to Magistrates would be mandatory, without regard to the consent of the parties, even without consultation with them.

Second, under the Magistrates legislation, hearings by Magistrates are not subject to a de novo jury trial by the district court. Rather, the Magistrate's hearing, conducted with the consent of the parties, takes the place of the traditional district court trial. Again by contrast, under the minority proposal, the mandatory Magistrate's hearing would be merely a prelude to the full-scale district court jury trial that is now, and has always been, available.

The purported justification of the need for this proposal is to assure due process. Senator Thurmond mistakenly perceives Title VIII as a criminal statute and points to the constitutional guarantee of a jury trial in all criminal cases to support this proposal. His three minority colleagues, while recognizing that Title VIII is a civil statute, assert that the authority to impose civil penalties, as provided under S. 506, also invokes the constitutional jury trial requirement.

This view of the requirements of the Constitution is plainly wrong. It ignores the fact that the courts, including the United States Supreme Court, have uniformly upheld the imposition of civil penalties through administrative enforcement, and expressly rejected the assertion that a jury trial is constitutionally required. It also ignores the due process safeguards provided by the Senate Judiciary Committee to assure full protection of the rights of all parties. Further, it ignores more than five decades of experience in administrative enforcement, during which the courts have carefully scrutinized—and uniformly approved—similar enforcement procedures. Of the 348 federal statutes that authorize civil penalties, 141 expressly delegate to an administrative agency, the authority to impose the penalty.

Yet, the four minority members would single out fair housing as the one matter that should be subject to special jury trial requirements. The Senate Judiciary Committee considered, and wisely rejected, this proposal. The Leadership Conference urgently requests that the Senate similarly reject it.

2. DISCRIMINATORY INTENT V. DISCRIMINATORY EFFECT

The second proposal by the four minority Senators would represent a reversal of existing substantive court precedents on the standard of proof required under Title VIII. The proposal would require that in all zoning or other land use cases, as well as in all other cases brought under Title VIII, discriminatory intent must be proved to establish a violation of Title VIII. This proposal was also considered and rejected by the Senate Committee.

The Leadership Conference submits that, for several reasons, the Senate should affirm the Judiciary Committee's decision.

First, the minority asserts that HUD, through administrative fiat, has established discriminatory effect as the standard of proof in Title VIII cases. This is demonstrably wrong. HUD which has no enforcement authority under Title VIII, has issued no rulings on the Title VIII standard of proof, either in land use or any other fair housing cases. Those rulings have been made by the courts, and in cases initiated almost entirely by private parties, not by the Government. Further, all zoning and other land use cases would have to be referred, under the bill, to the courts. They would not be eligible for administrative decision. Thus, the standard of proof in such cases would continue to be subject to court determination, on the traditional case-by-case basis.

Second, the courts are not, as the minority suggests, divided on the correct standard of proof under Title VIII. Over the 12 years since Title VIII was enacted, six of the 10 United States Courts of Appeals have rendered decisions on this issue in state or local land use cases. All have held that discriminatory effect is the correct standard.

In addition, the minority has misrepresented the meaning of discriminatory effect for Title VIII purposes. It does not mean, as they suggest, that "proportional" representation of racial minorities in the local community is required. Nor does it mean that "economic status" is added to the scope of protection under Title VIII. The Fair Housing Law, by its terms, is concerned only with discrimination based on race, color, religion, sex, and national origin. (S. 506 would include handicapped persons under the scope of protection). It is solely in this context that the courts have evaluated the various cases.

The courts have also been guided by Supreme Court decisions in cases under Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Law. This is the functional equivalent of the Fair Housing Law. The Court has uniformly held that discriminatory effect, not purpose or intent, is the correct standard of proof. Thus, as the Committee Report accurately states, S. 506 would merely reaffirm existing judicial interpretation of Title VIII.

Third, the proposal would be unwise as a policy matter. Under S. 506, land use cases, as well as other complex or novel matters, must be referred to the courts for decision. The minority proposal would tie the hands of the courts, preventing them from exercising their sound discretion and judgment in deciding fair housing cases. Instead, a rigid "intent" standard would be imposed for land use or other types of Title VIII cases.

Fourth, the Fair Housing Amendments bill is intended to strengthen Title VIII. But there can be no doubt that imposition of an "intent" test would constitute a significant weakening of the protections afforded under Title VIII, as interpreted by the courts. It would be a strange result if this legislation, intended to correct the various Title VIII inadequacies demonstrated over the past 12 years, resulted instead in introducing additional inadequacies.

For these reasons, the Leadership Conference strongly urges Senate rejection of this ill-advised proposal.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., September 10, 1980.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The American Civil Liberties Union urges your support of S. 506, the Fair Housing Act Amendments of 1980. This important legislation amends Title VIII of the Civil Rights Act of 1968 in order to strengthen the statutory bar against discrimination in the sale or rental of housing based on race, creed, color, or national origin.

Because the Congress failed to authorize an administrative enforcement mechanism for the Department of Housing and Urban Development when it passed the 1968 Act, Title VIII has been enforced primarily through litigation. Many recent studies show that the financially burdensome and time-consuming process of federal court litigation has not served significantly to reduce discriminatory housing practices. Consequently, there has been no significant decline in the high levels of residential segregation by race in the last twelve years.

The ACLU firmly believes that administrative enforcement authority for the Department of Housing and Urban Development is essential if the federal mandate of equal opportunity in housing is ever to be consistently enforced. We support the enforcement provision drafted by Senators Bayh and Heflin as a reasonable modification of the administrative enforcement process originally proposed in S. 506. Under the Bayh-Heflin procedure, complaints would be referred to those jurisdictions which have substantially equivalent state or local fair housing agencies, and a federal administrative proceeding would be established for persons who do not benefit from local fair housing laws.

A few organizations, such as the National Association of Realtors, have rejected the Bayh-Heflin approach and have endorsed a system proposed by Senator DeConcini of mandatory referrals of housing cases to magistrates. We submit that such a system offers no improvement over existing law and is unacceptable for several reasons.

First, the DeConcini approach violates both the intent and the substance of P.L. 96–82, the Magistrates Act of 1980. It would permit nonconsensual and categorical referral of housing discrimination cases to U.S. magistrates. This approach ignores requirements of Article III federal court jurisdiction. See *United States* v. *Raddatz*, 48 U.S.L.W. 4813 (June 23, 1980). Absent informed and voluntary consent, we submit that the DeConcini approach is unconstitutional and contrary to the purpose of the Magistrates Act.

Secondly, the DeConcini approach does nothing to improve or change the expensive and time-consuming nature of federal court proceedings. In fact, the possibility for additional delay is created by the option of an appeal of the magistrate's decision in a trial de novo. The due process guarantees of the Administrative Procedure Act have been repeatedly upheld in the federal courts. The Bayh-Heflin procedure has been carefully framed to accommodate these guarantees as well as other legitimate concerns, particularly with respect to assuring the independence of the administrative law judges and reviewing officers in determining the merits of housing complaints.

Finally, the ACLU strongly urges the Senate to remove language in the bill sponsored by Senator Hatch allowing property appraisers to discriminate by using race, national origin, religion or sex of the occupants or the neighborhood as a reason to give property different values. While appraisers may be able to document their claim that fluctuations in the price of housing sometimes reflect the changing racial composition in neighborhoods, this does not justify the use of race as a causal factor in determining property values. In addition, if this language remains in the bill, other housing industries such as lending institutions could use the same argument for their practices, and the core principle of Title VIII would be eroded in piecemeal fashion. The Hatch language would also substantially weaken current anti-discrimination law by requiring an "intent test" to be used to prove that discrimination has occurred. This language, if enacted, would create the first exception of coverage from Title VIII for parties involved in housing transactions and would make discriminatory appraisal practices impossible to challenge. Appraisers are an essential part of the home purchasing process and should, therefore, be covered by Title VIII. See *United States* v. *American Institute of Real Estate Appraisers*, 422 F.Supp. 1072 (N.D. Ill) 1977.

The ACLU urges the adoption of S. 506, without further amendments that weaken the bill or current law. A strong fair housing law is critically needed so that discrimination based on race, national origin, religion, creed, sex or handicap will cease to burden the citizens of this country.

Yours sincerely,

JOHN SHATTUCK,
Director.
LAURA MURPHY,
Legislative Representative.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., September 11, 1980.

DEAR SENATOR: As President of the U.S. Conference of Mayors, I appreciate the opportunity to share the views of my organization on S. 506, the Fair Housing Amendments Act of 1980, which will be before you for floor consideration shortly.

The Conference of Mayors strongly supports the development of better, more effective enforcement provisions to enable victims of housing discrimination to obtain speedy resolution of complaints. While passage of the Fair Housing Act of 1968 was a major landmark for this nation, the experience of the past 12 years has shown that the remedies available to individuals victimized by housing discrimination are woefully inadequate.

For this reason, the U.S. Conference of Mayors strongly supports the provisions in S. 506 for an independent Administrative Law Judge system to hear and rule on complaints of housing discrimination. Adoption of this system would provide for the first time a speedy, inexpensive way for housing discrimination complaints to be resolved. Decisions by these ALJs could be appealed to a federal court, ensuring due process. The ALJs under S. 506 will be housed in an independent commission, not within HUD. This eliminates one of the fears about the ALJ system as originally proposed to the Judiciary Committee.

We strongly oppose any moves on the floor to amend this provision of the bill. An alternative system using federal magistrates simply will not provide the same speedy, administrative enforcement option for the Fair Housing Act. It would throw complainants back into a costly and time-consuming judicial process. In addition, major constitutional issues will arise if the magistrates are used in ways not authorized or contemplated by the Magistrates Act.

We strongly urge you to oppose any amendments to remove the administrative remedy provided in S. 506.

We also oppose any amendments which would require that racial intent be proved to establish an unfair housing practice, either in zoning or any other cases. The courts have already ruled on zoning cases, and further legislation is not necessary. Any additional extension of this doctrine would effectively gut the Fair Housing Act and leave it a meaningless platitude. We urge you to oppose any amendments which will add this requirement to the bill.

The bill reported by the Judiciary Committee is not perfect. We oppose several provisions which are contained in it. The provisions of the bill which we oppose are:

1. The Hatch amendment to permit race to be used as a factor in housing appraisals. Allowing one group—appraisers—whose reports are used by lenders and others to use race as a factor in determining home value and, therefore, to avoid the provisions of the Act, would poison the whole process.

2. The Heflin amendment which denies an administrative remedy to people who are harmed by discriminatory housing practices, but are not the "immediate or direct" victims. There is no justification for relegating people who are hurt by discrimination which violates Title VIII to more expensive and time consuming court processes.

3. The Heflin amendment denying victims of discrimination the right to participate in the administrative hearing, to be represented by an attorney, and to call witnesses. It is unfair to exclude the victim from the administrative hearings, particularly since the decision of an ALJ under the Committee bill can only be appealed to the U.S. Court of Appeals on the basis of the record of the administrative hearing. Leaving a plaintiff only the option of appeal on the basis of a record which may be inadequate is grossly unfair and undermines the due process to which all complainants should be entitled.

4. The Simpson amendment which vitiates the validity of HUD regulations. This provision in the Committee bill robs HUD's administrative regulations of the force of law and makes a travesty of the federal system. It would make civil rights enforcement a second class process, and treat it differently than other government regulations.

These four provisions of S. 506 as reported by the Judiciary Committee are inimical to the spirit of the Fair Housing Act. We support any amendments on the floor to alter or remove these four provisions. We urge you to support such moves and vote against these harmful provisions.

Thank you again for this opportunity to share our views on S. 506.

Sincerely,

RICHARD G. HATCHER,
President.

AMERICAN COUNCIL OF THE BLIND,
Washington, D.C.

DEAR SENATOR: We urgently request that you be present for the Judiciary Committee mark-up scheduled to begin at 10:00 a.m. on Wednesday, July 23, 1980 and that you support the Bayh-Heflin version of S. 506.

The attached resolution, unanimously passed at our recent national convention, recognizes the serious problems faced by blind and disabled Americans because of discrimination in the sale of rental of housing and the resolution expresses our strong support of S. 506, as it would be amended by the Bayh-Heflin proposal.

Please attend the Judiciary Committee mark-up and vote favorably on the Bayh-Heflin version of S. 506.

Thank you for your concern for and support of blind and disabled persons.

Sincerely,

KATHLEEN MEGIVERN,
Staff Attorney.

Whereas discrimination in the sale or rental of housing continues to be a serious problem for blind and disabled persons; and

Whereas the members of the American Council of the Blind unanimously endorsed the Fair Housing Act Amendments, H.R. 5200 and S. 506, during their 1979 national convention; and

Whereas the House of Representatives has recently passed H.R. 5200 and action is now required by the Senate if this bill is to become law; and

Whereas the version of S. 506 which is currently pending before the Senate Committee on the Judiciary has been seriously weakened by an amendment sponsored by Senator DeConcini; and

Whereas if the legislation is passed in this weakened form it will be of little benefit to blind or disabled persons; and

Whereas Senators Bayh and Heflin have proposed an amendment which will restore S. 506 to its full level of effectiveness and strength; now, therefore, be it

Resolved by the American Council of the Blind in convention assembled this 18th day of July, 1980 in Louisville, Kentucky, that the Senate Committee on the Judiciary be urged to favorably report S. 506 as it would be amended by Senators Bayh and Heflin; and further, that the Judiciary Committee take this action as soon as possible on Tuesday, July 22, 1980; be it further

Resolved that all members of the U.S. Senate be urged to support S. 506, as it would be amended by the Bayh-Heflin proposal and that if opponents of this bill attempt to block passage by means of a filibuster, all members of the U.S. Senate are urged to vote in favor of cloture so that S. 506 can be duly considered; be it further

Resolved that every state affiliate of the American Council of the Blind be urged to contact their Senators asking support of S. 506 and that the National Office of the American Council of the Blind deliver this resolution to every member of the U.S. Senate.

NATIONAL LOW INCOME HOUSING COALITION,
Washington, D.C., July 22, 1980.

Senator EDWARD M. KENNEDY,
Dirksen Building,
Washington, D.C.

DEAR TED: I understand that the Senate Judiciary Committee will meet on Wednesday, July 23, at 10 a.m., to consider the Fair Housing Amendments Act, S. 506. On behalf of the National Low Income Housing Coalition, I urge your support of strong administrative enforcement procedures as embodied in the Bayh-Heflin substitute to S. 506.

The Fair Housing Amendments Act is one of the most important pieces of civil rights legislation in a decade. Discrimination in housing sales and rental is one of the most prevalent forms of discrimination, and has extremely far-reaching and insidious effects. Housing discrimination can end if but only if there are strong and effective enforcement mechanisms readily available to all. I urge your support of these crucial enforcement procedures.

With warm personal regards, I am

Sincerely,

EDWARD W. BROOKE,
Chairperson.

NATIONAL BLACK CAUCUS OF LOCAL ELECTED OFFICIALS,
Washington, D.C., June 18, 1980.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Judiciary Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the Senate Judiciary Committee will be considering S. 506, the Fair Housing Amendments Bill, at a mark-up session on June 24. It is vitally important that the Senate Committee report this needed legislation favorably and quickly, to facilitate its enactment during this session of Congress.

S. 506 strengthens the existing federal fair housing law in a variety of significant ways. First, it adds protection against housing discrimination for handicapped persons. Second, it clarifies certain ambiguities in the law's coverage. Third, and most important, it strengthens enforcement of the law by providing alternatives to sole recourse to court action. The bill offers real hope that the promise of fair housing, which Congress pledged in 1968, can be achieved in fact as well as in legal theory.

The Senate Subcommittee on Constitutional Rights recently concluded its mark-up of S. 506. Unfortunately, the Subcommittee added several amendments which severely weaken the legislation. Chief among these weakening amendments is one that would provide a form of exemption for real estate appraisers and one that would eliminate express reference to property insurance in the coverage of Title VIII. By far the most crippling amendment adopted by the Subcommittee is the one that would eliminate administrative enforcement and substitute a complex system of magistrates and courts in its place. We urge the full Committee to restore the bill to its previous form and to override the adverse actions taken by the Subcommittee. We especially urge you and the Committee to restore administrative enforcement to the bill so that the thousands of people who are daily subjected to the insult and humiliation of housing discrimination can have the realistic hopes of securing their fair housing rights.

We again urge the Committee to act favorably and expeditiously on this important legislation.

Sincerely,

Woody Etherly, Jr.,
President, NBC/LEO and Councilman, Flint, Mich.

The National Urban Coalition,
Washington, D.C., July 28, 1980.

Dear Senator: I am writing to express once again my support for the Fair Housing Amendments and to emphasize the vital importance of the Bayh-Heflin amendment to allow administrative law judges to rule on discrimination complaints brought before HUD. I view this as a major civil rights bill and the Bayh-Heflin amendment as an absolutely essential addition to the text.

Other enforcement proposals—(1) to allow administrative law judges to hear complaints from those directly affected by discriminatory actions but to require class actions to be heard by the courts, or (2) to require reconciliation through HUD first followed by binding arbitration—are unsatisfactory if we wish adequately to protect the civil rights of all Americans.

I have strong objections to (1) any language which would attempt to distinguish between the intent and the effect of discrimination, and (2) any amendment which would provide for legislative veto of an administrative law judge's decision. One other Hatch amendment on exclusionary zoning and Thurmond amendments to limit punitive damages to $1,000 and to undermine the bill's commitment to strong affirmative action are also unacceptable.

Finally, I favor eliminating language which would allow appraisers to consider "all relevant factors" in making their appraisals and would clearly have the effect of allowing discrimination in this field.

I urge you to consider the obstacles which still today may prevent minorities, women, elderly or handicapped Americans—anyone who is different—from renting an apartment or buying a house. With this legislation you can do much to help remove the obstacles where they occur so that some day the question simply will not arise.

Sincerely,

M. Carl Holman,
President.

[Memorandum]

League of Women Voters
of the United States,
Washington, D.C., September 10, 1980.

To: Members of the United States Senate.
From: Ruth J. Hinerfeld, President and Ruth Robbins, Action Chair.
Re: Fair Housing Amendments Act, S. 506.

The League of Women Voters of the United States urges you to support the Fair Housing Amendments, S. 506, when it comes to the Senate floor this month. Equal access to housing came one step closer to reality when the Senate Judiciary Committee reported S. 506 with a strong administrative enforcement provision. The League endorses this administrative enforcement mechanism because it strengthens the 1968 Fair Housing Act by giving the Department of Housing and Urban Development the enforcement tools and administrative powers necessary to ensure fair housing for all citizens.

The committee bill provides strong administrative enforcement through administrative law judges (ALJs) that will be selected and housed by a new, presidentially appointed Fair Housing Review Commission. This provision, offered in the committee by Senators Bayh and Heflin, will provide victims of housing discrimination with prompt and effective relief of their complaints. Two amendments may be offered on the floor that will eliminate the administrative remedy in favor of more costly and time-consuming judicial procedures. The League urges you to support the committee's administrative enforcement procedure and to oppose any attempts to weaken it or to strike it from the bill.

In the committee bill there are two amendments which we believe significantly weaken its effectiveness. The first, offered by Senator Hatch, is an "intent" amendment for the appraisal process. It would require an intent, rather than effects test, to find an appraisal discriminatory. Thus, while the effect of the appraisal may very well be discriminatory, if intent cannot be proven, appraisals are not covered by the law. The League urges you to vote to remove this amendment from the bill, because we believe that any discrimination, no matter the origin, should not be sanctioned under law.

The other amendment, offered in committee by Senator Heflin, is a "standing" amendment. It would limit the access to the administrative enforcement procedures of the bill to those persons who have actually been denied access to housing. The League also encourages you to remove this amendment because it not only limits access to the administrative enforcement procedure established in the bill, but limits the amount of access under current court decisions. It would exclude those victims of area-wide steering or red-lining. This is clearly a step backward in civil rights enforcement.

On the Senate floor, another pair of amendments requiring "intent" to be proven in cases involving discriminatory zoning practices or in all cases of housing discrimination will be offered by Senator Hatch. These amendments would force the victim to prove that the alleged discriminator meant to discriminate. The League urges you to vote against these amendments because, as noted above, we believe any discrimination, intentional or not, should not be sanctioned under law.

In conclusion, the LWVUS urges you to support the Fair Housing Amendments, one of the most important pieces of civil rights legislation this decade. We oppose any efforts to weaken the Bayh-Heflin administrative enforcement mechanism in the committee bill. We support removal from the committee bill of the Hatch "intent" amendment for appraisers and the Heflin "standing" amendment. And, we oppose the two Hatch "intent" amendments that will be offered on the floor. A strong fair housing bill will make equal access to housing, a major concern to the League for many years, a reality for all American citizens.

Network,
Washington, D.C., September 15, 1980.

Dear Senator: Very soon you will be voting on a most important civil rights bill, the Fair Housing Amendments Act of 1980. NETWORK firmly believes that housing discrimination will continue to exist unless the necessary amendments are adopted which would rectify the enforcement procedures for fair housing.

S. 506, as passed by the Senate Judiciary Committee, is a favorable step in that direction. It includes acceptable administrative enforcement provisions and coverage of the handicapped.

However, it also includes provisions that weaken the bill. It virtually exempts appraisers by permitting them to report factors such as race or ethnicity, so long as there is no intent to discriminate; it denies an administrative remedy to people who are harmed by discriminatory housing practices but are not the "immediate" or "direct" victims; it denies the victim of discrimination the right to participate in the administrative hearing, to be represented by an attorney and to call witnesses.

NETWORK urges you to support the committee version of S. 506 and to support any strengthening amendments offered on the floor.

NETWORK urges you to vote against any weakening amendments that will be offered including:

Amendments by Senator Thurmond which would destroy the Administrative remedy,

Amendments by Senator Hatch which would require racial intent to be proved to establish an unfair housing practice—either in cases involving discriminatory zoning practices or in all cases.

The right to choose a home freely is a right that can no longer be ignored. This bill must pass. It cannot become a pawn in political maneuvering. It is a right within our tradition, and we must honor it.

Sincerely,

Carol Coston, OP,
Executive Director.
Nancy Sylvester,
Lobbyist.

National Catholic Conference
for Interracial Justice,
September 22, 1980.

Dear Senator: I urge and beg you to work with Senator Byrd, the Majority Leader, to see that S. 506, the Fair Housing Bill, is brought to a vote before the Senate recesses for the November Elections.

Senator, there is a clear and documented need for this piece of legislation. We know the size and extent of the present injury. I know that some of your Colleagues harbor grave misgivings about the administrative law judge provision—but those are unsubstantiated fears overagainst clear documented evidence on the side of those who press for some relief for certain populations currently suffering from the effects of discrimination.

Senator, we are not without some experience of the ALJ procedure. S. 506 attempts to strike a middle course which would protect the legitimate rights of all the parties concerned. As you know, Senator, the Bill envisages a judiciary appeal of administrative law judgments.

Please work to bring S. 506 to a vote before you recess in early October.

All that is good.

Sincerely,

REV. FREDERICK M. HINTON,
Executive Director.

NATIONAL WOMEN'S
POLITICAL CAUCUS,
Washington, D.C., September 19, 1980.

DEAR SENATOR: You will soon have an opportunity to vote on major civil rights legislation, the Fair Housing Amendments. Because this legislation would give the Department of Housing and Urban Development the power to issue orders stopping discrimination in housing (rather than simply suggesting that the discrimination be halted), we support it wholeheartedly.

Until women and minorities are accorded equitable treatment when buying or renting homes, it is essential that the federal government take responsible action to ensure that no person is denied housing on the basis of race, color, religion, national origin or sex.

All families deserve to have equal, barrier-free access to adequate shelter.

We encourage you to vote for this important legislation, and against any weakening amendments.

Sincerely,

CAROL B. GROSSMAN,
National President, Women's Equity Action League.

IRIS F. MITGANG,
National Chair, National Women's Political Caucus.

THE NATIONAL ASSOCIATION OF
NEGRO BUSINESS AND PROFESSIONAL WOMENS' CLUBS, INC.
Washington, D.C., September 9, 1980.

DEAR SENATOR: The National Association of Negro Business and Professional Women's Clubs, Inc. urges you to support S. 506, the Fair Housing Amendments Act of 1980.

This legislation should be passed without weakening amendments, especially any amendment to destroy the administrative remedy for enforcement.

We also oppose the "so called" Hatch amendment which would add a requirement that the victim prove that the discriminator "meant" to discriminate. This amendment would undermine the entire foundation of the fair housing law.

This is the most important civil rights bill in a decade and we urge that you support our position.

The NANBPWC, Inc. is a national organization with 350 clubs in 35 states.

Sincerely,

MARY SINGLETARY,
President.

NATIONAL URBAN LEAGUE, INC.,
Washington, D.C., June 18, 1980.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: As you well know, the Fair Housing Act Amendments of 1979 is one of the most important pieces of civil rights legislation in some time. The National Urban League has been working for its passage over a year, and is pleased that a strong bill has been passed by the House of Representatives. We are hopeful that we can secure a similar success in the Senate.

Although we recognize that your schedule is extremely busy and that you have many priorities, we would like to urge you to personally chair the Senate Judiciary Committee consideration of S. 506. Your influence and acumen will be invaluable in ensuring that the Committee reports out a favorable bill. The Subcommittee version of the legislation contains three particularly regressive amendments, and we know that your participation and leadership will be essential in the effort to defeat them.

Sincerely,

MAUDINE R. COOPER,
Acting Vice President for Washington Operations.

[Memorandum]

THE UNITED PRESBYTERIAN
CHURCH IN THE U.S.A.,
Washington, D.C., September 10, 1980.

To: All Members of the Senate.
From: Mary Jane Patterson, Director, Robert Barrie, Associate Director.
Subject: S. 506, Fair Housing Amendments Act of 1980.

The General Assembly of the United Presbyterian Church in the U.S.A. has often spoken forcefully and directly to the issue of discrimination of all forms, and on numerous occasions, has made special reference to housing discrimination.

Following that tradition, and under the authority of the General Assembly, we now write to urge you to support the fair housing bill, to oppose amendments that would weaken it, and support amendments that would strengthen it.

We regard as especially important the administrative enforcement provisions of the bill as reported by Committee on the Judiciary. Please oppose any effort to strike or weaken them, or to require proof of intent to discriminate before violations can be found.

On the other hand, we hope you will support floor amendments which will strengthen the bill. The committee bill would exempt real estate appraisers from its provisions by permitting them to report such factors as race or ethnicity, as long as there is no intention to discriminate. Please support efforts to close that loop hole. Other provisions which will strengthen the bill are those which will affect standing to bring complaints or participate in hearings before Administrative Law Judges and strengthen the power of the Department of Housing and Urban Development to issue viable fair housing regulations.

If there is an attempt to filibuster the bill, please vote for cloture. This bill can be a major step in the forward march against discrimination. Please do all you can to enhance that outcome and prevent amendments which would make it a backward rather than a forward step.

Mr. KENNEDY. Mr. President, as the chairman of the Committee on the Judiciary—at least for 1 more week—I wish to indicate how much all the members of the committee and how much all of us in the Senate owe to the distinguished Senator from Indiana (Mr. BAYH), who is the prime sponsor of this measure, for the work he has done in the committee and the markup in getting this measure to the floor. His tireless efforts and his constancy of purpose have brought this measure to the Senate Calendar, where it has been for some period of time.

I believe that all of us who speak in support of this legislation acknowledge his primacy and his leadership in this area, and I welcome his comments.

Mr. BAYH. Mr. President, I appreciate the very thoughtful and gracious remarks of my friend and colleague and chairman, the Senator from Massachusetts.

Indeed, he, as much as the Senator from Indiana, has been responsible for this measure. Ever since the two of us had the good fortune to arrive in the Senate about the same time, the Senator from Massachusetts and the Senator from Indiana have shared a common bond of trying to root out, once and for all, the last vestiges of slavery and second-class citizenship. I have considered it a pleasure to work with him. It has been an honor to do so.

Although some of us may be following this battle from environs different from those of the U.S. Senate, we will be more than willing to help carry the spears for those who remain and to sort of serve as quartermasters on the outside, until we finally are rid of this terrible blight on America of second-class citizenship.

I thank the Senator from Massachusetts for the role he has played as chairman of the Judiciary Committee. I want the RECORD to show that it has been an exemplary record of great accomplishment, and the Senate and the country are in his debt.

In the closing days of this session, I believe it is appropriate to make a major effort to try to capstone the work of this 2-year term, to see if we finally can put teeth into the housing laws as they have been described very well by the Senator from Massachusetts.

No place do I find discrimination more distasteful—save perhaps in the voting booth—than in the area of discrimination in housing. We have a great deal of discussion about our home being our castle. The fact is that for those who happen to have a certain color, a certain surname, or even a certain disability, they cannot live in a castle, even if they can afford it, because they are prohibited, very subtly in some neighborhoods, from buying adequate housing for themselves and their families.

I ask the Senate's tolerance, in following my good friend from Massachusetts, very briefly, to add my views to those which have been appropriately and adequately discussed by the Senator from Massachusetts.

I am glad to see that the Fair Housing Amendments Act is finally before the Senate. I would prefer to have had the bill brought up earlier, before this last week of the 96th Congress.

I feel it is important for the Senate to consider and pass on this subject which I feel is the most important civil rights bill for a decade.

In addition to expressing my deep appreciation of the Senator from Massachusetts as the chairman of the Judiciary Committee, I think we owe the distinguished majority leader a debt of gratitude for his willingness to join in this effort and try to find a way parliamentarily in which here in the closing days of this session we can pass this important piece of legislation.

As we all know, Mr. President, the other body passed a comparable bill, H.R. 5200, on June 12 of this year, some time ago. I was just thinking back. My distinguished friend and colleague from Maryland and I introduced this bill on March 1, 1979, even longer ago and it has been pending on the Senate Calendar since August 26 of this year.

It seems to me it is high time for the bill to come up. The only action necessary for the bill to become law is for the Senate to act swiftly and send the bill to the President. There is no time or need for delay, and I hope my colleagues will resolve their differences as quickly as possible and move this legislation on so that the President may affix his signature to it before the end of the year.

Perhaps it would be helpful to have a brief review in general of what S. 506 or indeed H.R. 5200 does. What are the basic principles and basic mechanisms?

First of all, S. 506 and H.R. 5200 amend the 12-year-old Fair Housing Act, title VIII of the Civil Rights Act, in two significant ways.

First, they would set up a governmental enforcement mechanism. As the Senator from Massachusetts has pointed out, we have had this very important area of legislation covered for a good deal of time, for more than 10 years, but we have not had the kind of enforcement mechanism that made the law in practical terms worth much more than the paper it was written on. Indeed it has given individual rights, but these individual rights have been very insufficient when one looks at the invidious patterns of discrimination which would exclude whole populations of our society from access to adequate housing.

So the first goal which would be accomplished by the passage of either of these pieces of legislation would be to provide an enforcement mechanism which would make meaningful the Fair Housing Act, title VIII of the Civil Rights Act, and provide this guarantee for all of our citizens. For the first time, we would allow the Federal Government to protect all people covered by title VIII, all people, not just those who had the resources and the determination to bring a suit on their own.

Also, at the present time, the Fair Housing Act is the only civil rights act that places the burden of vindicating his or her rights solely on the victim of discriminatory practices. Quite the contrary to the expression of concern by some who oppose this legislation that this is a big step, it is an unusual step. The fact of the matter is that the exception, the unusual facet of all of our civil rights bills is the Fair Housing Act which is the only Civil Rights Act that does not provide an enforcement mechanism short of placing the total burden of vindication on the aggrieved party.

The victim of discrimination or aggrieved persons could proceed to remedy housing discrimination in three basic ways.

First, through administrative action, through HUD, where the Department of Housing and Urban Development would bring an action for the aggrieved person before an administrative law judge.

Second, the Federal district court where the Department of Justice would be the moving force. HUD could refer a charge of discriminatory housing practice to the Attorney General who could then bring an action in Federal district court on behalf of an aggrieved person.

And third, the Federal district court, of course, would still remain a forum for an individual suit. An aggrieved person would still retain under this act the authority which is currently in the law of filing an action in district court under the Fair Housing Act.

This has proved to be very insufficient. It has been very difficult for the average aggrieved party, oftentimes low income, of modest means, to be able to summon up the resources necessary to pursue this action. So it has not worked well. But we do not feel that we should deny aggrieved parties that right so we just add that to the other two more significant new enforcement mechanisms.

The second feature of this bill is that it adds handicapped as a protected class under title VIII: This means that all the rights to fair and open housing now available to racial and ethnic minorities will be available to handicapped individuals. Of these rights one of the most significant is the prohibitions against exclusionary zoning. As with racial and ethnic minorities, title 804 of title VIII would be amended by either of these bills to prevent States and localities from using zoning ordinances to exclude group homes or community residences of eight or fewer persons simply because handicapped persons would be living there.

This is a type of a most invidious discrimination which I think has passed us by and the most sensitive of our citizens are not aware of it, the fact that people because of certain disabilities, certain problems they have with mind or body, are denied equal access to a home with others who are more fortunate as far as their physical and mental capacities are concerned.

So the second significant feature of either one of these bills is to bring into the law that element against which we are leveling the forces of Government to prohibit discrimination, those individuals who are disabled by one means or another so that we will stop once and for all the discrimination which now exists in many communities against those who are disabled when they try to buy a place in which to live.

There have been a number of compromises made in the bill since it was introduced. I look at the bill as it is now constituted. It seems to me there are only two areas of possible disagreement. They concern the enforcement mechanism and the standard of proof needed to show a violation of title VIII of the Fair Housing Act.

I thought it might be helpful here in these early stages of this discussion to emphasize the pros and cons of the various means of handling these two particular very sensitive areas, and I think the Senator from Indiana would be less than honest and I think most all of us who have dealt with this issue over a number of months or years understand that is a very controversial question. The fact of the matter is we have to have the courage, it seems to me, to stand up and say we are going to take the steps necessary to stop people from being kept out of homes in neighborhoods because they happen to be a certain color or have physical disabilities or because they have certain ethnic surnames. We are either going to stand up and be counted on this or we are not. The time has long passed, it seems to me, for us to find excuses to temper our action. Let us stand up and do the job the way it should be done.

As I look at these two areas, I call the attention of the Senate, first of all, to the enforcement controversy.

Under existing title VIII, the only real enforcement mechanism available to persons subjected to unlawful housing discrimination is the time-consuming and expensive process of court action. Over the 12 years since title VIII was enacted, this has proved to be a fundamental weakness in the law, as I said earlier. Indeed, the lack of access to expeditious enforcement of title VIII rights is responsible, in large part, for the relative ineffectiveness of that important law in achieving its goal of eliminating housing discrimination throughout the country.

So by changing and by adding an enforcement mechanism we really make a great law an effective law, instead of one that is just nice to read.

This basic weakness was obvious to the bipartisan cosponsors and, accordingly, an alternative to sole recourse to judicial action is included in the bill, an administrative enforcement procedure. This administrative procedure was worked out after careful deliberation and represents, in fact, substantial modifications from the original version of S. 506 or H.R. 5200. Anyone who has followed the course of this legislation will see that there has been a significant effort made on the part of those of us who have sponsored this legislation to try to reach an accommodation with those who are on the other side of this issue. These modifications were aimed at assuring due process for all parties, fairness and impartiality throughout the course of the administrative enforcement process, and complete separation of the roles of prosecutor and adjudicator. Thus, the role of adjudicator is entirely separated from HUD, which performs the investigative function. That is different, let me say, than the way in which the bill was originally introduced. The role of adjudicator is carried out by administrative law judges, who are employees of the Fair Housing Review Commission, an agency totally independent of HUD. The Fair Housing Review Commission consists of three members who are appointed by the President for established terms. They may not be removed except for "inefficiency, neglect of duty, or malfeasance in office." Further, the Commission is free to reverse decisions by the administrative law judges if it disagrees with those decisions. Appeal to the courts is then provided under the traditional standard of review.

The minority proposal would substitute for this expeditious procedure a mechanism even more cumbersome and time-consuming than that which has already proved unsatisfactory under existing title VIII. Furthermore, the mechanism proposed by those who desire to amend this enforcement provision would constitute a distortion of basic principles underlying recent congressional legislation concerning the basic purpose of U.S. magistrates in that law which has only recently been passed and is still in the process of being organized.

Under the minority's proposal, hearings would be held, not by traditional administrative law judges, but by U.S. magistrates, who are agents of Federal district courts. These magistrate hearings would be without regard to the consent of the parties. Following a decision by the magistrate, there could be an appeal to the district court for a de novo jury trial. This would render the magistrate hearing process a useless exercise in that any party seeking a delay would undoubtedly demand—and receive—a de novo jury trial by the district court after the magistrate proceeding. So we are making it more difficult than it is now and more time consuming.

This proposal offers no real alternative to the existing unsatisfactory court enforcement mechanism afforded under title VIII. Indeed, it merely provides an additional cumbersome step to the existing court enforcement mechanism that has already demonstrated its unsatisfactory cumbersomeness. Further, its use of the magistrate mechanism would seriously compromise important procedural safeguards that provided the basis for successful enactment of the magistrates legislation.

First, under the magistrates legislation, enacted just last year, cases may not be referred to magistrates without the consent of the parties. By contrast, under the minority proposal, referral to magistrates would be mandatory, without regard to the consent of the parties, even without consultation with them.

Second, under the magistrates legislation, hearings by magistrates are not subject to a de novo jury trial by the district court. Rather, the magistrate's hearing, conducted with the consent of the parties, takes the place of the traditional district court trial. Again by contrast, under the minority proposal, the mandatory magistrate's hearing would be merely a prelude to the full-scale district court jury trial that is now, and has always been, available. Thus, the minority proposal would not only undermine basic principles of the recent—and relatively untested—magistrates legislation, but it would do so for no salutary purpose.

The purported justification of the need for this proposal is to assure due process. It is, mistakenly, argued in the report that title VIII was a criminal statute and thus the constitutional guarantee of a jury trial in all criminal cases was applicable. While the minority report seems to recognize that title VIII is a civil statute, it still asserts that the authority to impose civil penalties, as provided under S. 506, also invokes the constitutional jury trial requirement provided for under a criminal statute. So it seems to me there is a good deal of inconsistency there as far as the minority report contained on the bill.

This view of the requirements of the Constitution is plainly wrong. It ignores the fact that the courts, including the U.S. Supreme Court, have uniformly upheld and approved the imposition of civil penalties through administrative enforcement, and expressly rejected the assertion that a jury trial is constitutionally required. It also ignores the careful due process safeguards provided by the committee to assure full protection of the rights of all parties. These safeguards go well beyond those afforded under universally accepted administrative procedure. Further, it ignores more than five decades of experience in administrative enforcement, during which the courts have carefully scrutinized—and uniformly approved—similar enforcement procedures. Indeed, there are currently 348 Federal statutes that authorize the provision of civil penalties. Of these, 141 include an express delegation to an administrative agency with authority to impose the penalty. Many of these statutes contain procedures that provide considerably less in the way of assurances of fairness and impartiality than those contained in the Judiciary Committee bill.

Yet, the four minority members would single out fair housing as the one matter that should be subject to special jury trial requirements. Their arguments simply do not stand up under the test of logic, law, or experience. The committee considered, and wisely rejected, this proposal.

2. DISCRIMINATORY INTENT VERSUS DISCRIMINATORY EFFECT

The second proposal by the four minority Senators would make a radical change in the standard of proof in title VIII cases. It would require a demonstration of discriminatory intent for purposes of showing a violation of title VIII. Unlike their first proposal, which would nullify a salutary procedural change in existing title VIII, this minority proposal would represent a reversal of existing substantive court precedents on the standard of proof required under title VIII. The proposal would require that in all zoning or other land use cases, discriminatory intent must be proved to establish a violation of title VIII. It would also require that in all other cases brought under title VIII, discriminatory intent must be proved. The Senate should affirm the committee's decision.

First, the proposal is based on a set of factual premises that are simply wrong. The minority asserts that HUD, through administrative fiat, has established discriminatory effect as the standard of proof in title VIII cases. This is demonstrably wrong. HUD, which has no enforcement authority under title VIII, has issued no rulings on the title VIII standard of proof, either in land use or any other fair housing cases. Those rulings have been made by the courts, and in cases initiated almost entirely by private parties, not by the Government. Further, all zoning and other land use cases would have to be referred, under the bill, to the courts. They would not be eligible for administrative decision. Thus, the standard of proof in such cases would continue to be subject to court determination, on the traditional case-by-case basis.

Second, the proposal is based on the incorrect assessment of court decisions on the title VIII standard of proof. The courts are not, as the minority suggests, divided on the correct standard of proof under title VIII. Over the 12 years since title VIII was enacted, 6 of the 10 U.S. courts of appeals—second, third, fifth, seventh, eighth, and ninth—have rendered decisions on this issue in State or local land use cases. All have held that discriminatory effect is the correct standard. "Effect, not motivation, is the touchstone * * *" (under title VIII).[1]

In addition, the minority has misrepresented the meaning of discriminatory effect for title VIII purposes. It does not mean, as they suggest, that "proportional" representation of racial minorities in the local community is required. Nor does it mean that "economic status" is added to the scope of protection under title VIII. The fair housing law, by its terms, is concerned only with discrimination based on race, color, religion, sex, and national origin. It is solely in this context that the courts have evaluated the various cases. In so doing, they have looked at the inevitable result of the challenged conduct—the effect—not merely at the sometimes unknowable motivation underlying that conduct.

The courts have also been guided by the unbroken line of Supreme Court decisions in cases under title VII of the Civil Rights Act of 1964, the equal employment opportunity law. This is the functional equivalent of the fair housing law. The Supreme Court has uniformly held that discriminatory effect, not purpose or intent, is the correct standard of proof.

Thus, as the majority report accurately states, S. 506 would merely reaffirm existing judicial interpretation of title VIII. By contrast, the minority proposal would roll back more than 10 years of consistent court precedent and establish a totally different—and much more stringent—standard of proof under title VIII.

Third, the proposal would be unwise as a policy matter. Land use cases, as well as other complex or novel matters, must be referred to the courts for decision. The minority proposal would have the unfortunate result of tying the hands of the courts, preventing them from exercising their sound discretion and judgment in deciding fair housing cases. Instead, a rigid "intent" standard would be imposed for land use or other types of title VIII cases. In light of the minority's professed faith in the courts as the one institution to which protection of due process rights can be entrusted, this restriction sounds, at the least, a discordant note.

Fourth, the fair housing amendments bill is intended to strengthen title VIII. Indeed, all members of the committee profess full support for strengthening the law. But there can be no doubt that imposition of an "intent" test would constitute a significant weakening of the substance of the protections afforded under existing title VIII as interpreted by the courts. It would be a strange result if this legislation, intended to correct the various title VIII inadequacies demonstrated over the past 12 years, resulted instead in introducing additional inadequacies.

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[1] Indeed, in the one contrary private housing discrimination case cited by the minority, the court acknowledged that in cases challenging governmental action, such as land use cases, discriminatory effect is the correct standard.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield momentarily——

Mr. BAYH. Yes, I am glad to yield.

Mr. ROBERT C. BYRD. I call up a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 5200, an act to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.
>
> Robert C. Byrd, Edward M. Kennedy, Thomas F. Eagleton, Carl Levin, Alan Cranston, Howard M. Metzenbaum, Paul S. Sarbanes, Donald W. Riegle, Jr., Max Baucus, Daniel Patrick Moynihan, Birch Bayh, Rudy Boschwitz, Charles McC. Mathias, Jr., Joseph R. Biden, Jr., Jennings Randolph, John Glenn.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. BAYH. Mr. President, I yield to my distinguished colleague and coworker in the vineyard for passage of this legislation, the Senator from Maryland (Mr. MATHIAS), who is on the floor prepared to make some comments on this bill.

Mr. MATHIAS. Mr. President, the bill before us represents the culmination of almost 3 years of legislative refinement by the sponsors of this legislation.

I might say to the Senator from Indiana that no one has played a more distinguished role in bringing this bill to the floor in what I feel is a very acceptable form than the Senator from Indiana. He has been tireless in his efforts in this regard, and I think the bill reflects the kind of care, skill, and experience that have been invested in it.

The goal of the bill is to provide enforcement teeth to title VIII of the Civil Rights Act of 1968 by providing for an expeditious hearing and a resolution of individual housing discrimination complaints brought before HUD.

The bill does this by providing for simple proceedings. I think nobody wants to erect any complex or complicated institutions at this moment in history, so we provide for simple proceedings, for speedy disposition of cases, and for a reduction of the expense to all of the parties.

We do this while, at the same time, providing the present option of going to the district court.

In addition, the bill provides for a de novo review of the decision of the administrative law judge by an independent Fair Housing Review Commission and by the circuit court of appeals.

It is my belief that this process will expedite the resolution of housing discrimination complaints and will assure that the law of the land is enforced.

It will also add credence to the existing HUD conciliation process as well as to the conciliation process that is presently available at the State level and at the local level where individual cases are to be referred by the Secretary of HUD in instances where they have substantially equivalent processes and remedies as those which are provided in the bill.

The National Committee Against Discrimination in Housing in 1978 conducted a housing survey of the practices of 3,000 brokers and rental agents in 40 metropolitan areas.

The survey was conducted under a contract with the Department of Housing and Urban Development and it revealed that discrimination in the sale and rental of housing continues to exist even after a decade has passed since the passage of the Civil Rights Act of 1968.

This survey is well known and I do not want to repeat it, but I would just cite for the Senate one example of discrimination which was recounted by the NCDH testers. I will not mention the name of the city or the name of the State, but the following incident did occur:

> In one real estate office the black auditor got no response from the agent. The secretary was told to tell the auditor that the company handled only commercial and industrial real estate. However, the white auditor was asked to be seated, offered a business card and asked questions about the kind of home she wished to purchase. The agent offered to obtain financing for her, and even picked her up the next day so they could look at homes together. She was shown three homes, all in her price range and with good financing available. One white auditor reported that the agent "said I must have been from out of town to be requesting 'East Side' housing" . . . said it was "against the law for her to make references to 'mixed neighborhoods' but thought I'd better know first—she didn't want me to be walking in 'cold' and then coming down on her because she was showing me 'mixed areas.' " The auditor was shown homes in "non-mixed" areas.

Now that was a documented incident. The survey showed that, based on race, equal treatment was not accorded to persons seeking housing. Subsequent analysis by HUD showed that equal treatment was extended to blacks as well as whites in only 30 percent of the rental market and only 10 percent of the sales market surveyed by the National Committee Against Discrimination in Housing.

I think we all are aware that discrimination often takes subtle but very effective forms. Some examples of housing practices that are currently unlawful but which still persist include the fact that a member of a protected class—and by a "protected class," I would include a racial minority or ethnic minority or perhaps a woman—might be provided with information different from that which is available to other people in the public. As a result, housing opportunities are made less available to protected classes by being told that the unit is not available or that the agent is not authorized to close this particular deal—all those kinds of subtle prevarications.

Second, the kind of practices include steering, which is generally meant to suggest that blacks seek housing only in black neighborhoods or in neighborhoods already integrated or mixed and that whites stay in white areas.

Another practice is requiring different terms of sale or different rates of rent for the protected classes. Obviously, to suggest to one of the protected groups that the interest rate is going to be higher than for other people would be a discouraging factor. And of course the term "redlining" is well known in this connection; that is the refusal of a lending institution to insure or to finance a dwelling because of the composition of the neighborhood.

The reasons these practices have persisted, even after the passage of the Civil Rights Act of 1968, is very simply because we do not have an effective method of enforcement of that law.

Under title VIII of the Civil Rights Act of 1968, the Department of Housing and Urban Development has powers, but really very weak powers, to enforce the law. Essentially, these powers are confined to documenting instances of discrimination and then to attempt a process of conciliation. There is no "big stick" which could serve as an incentive to the disputing parties to reach a mutually acceptable settlement or agreement.

The General Accounting Office, also studying this problem in 1978, made the following findings about HUD's fair housing efforts:

> The Department's efforts to resolve discrimination complaints in the private sector have also been ineffective. GAO reviewed 332 complaints received by three regional offices between January 1, 1973, and April 30, 1976, and found that the Department was unable to resolve 247 for lack of clear evidence of discrimination. In 57 cases the Department was able to determine that discrimination occurred; 36 cases were resolved. Twenty-one of the 36 received housing and/or monetary compensation.

Now I am told that since that study was made HUD has made a significant reduction in its housing discrimination caseload and has expedited the disposition of pending cases. However, the former Secretary of HUD was extremely candid when she testified a year or so ago. The former Secretary, Patricia Harris, said:

> The lack of adequate enforcement power has been the most serious obstacle to the development of an effective fair housing program within HUD. Our present authority is limited to a purely voluntary process of "conference, conciliation, and persuasion." I will not dwell upon the ironies associated with a law that mandates HUD to investigate and to establish the existence of violations of law, and then limits the Secretary to asking the discovered lawbreaker whether he wants to discuss the matter. Simply put, "concilia-

tion" all too often has proved inadequate means of securing compliance with the substantive provisions of Title VIII.

Based on this evidence, I think we should be proud to bring this bill to the floor of the Senate. And I would particularly salute the sponsors of this fair housing bill, the distinguished Senator from Indiana, who has just spoken, Mr. Bayh, Mr. Metzenbaum, Mr. Javits, Mr. Heinz, Mr. Stafford, Mr. Glenn, Mr. Weicker, Mr. Dole, Mr. Leahy, Mr. Tsongas, Mr. Biden, Mr. Durkin, and, of course, the distinguished chairman of the Judiciary Committee who brings the bill to the floor today, the Senator from Massachusetts, Mr. Kennedy.

Now, the bill is useful in spelling out the alternative routes which a person alleging a discriminatory housing practice can pursue at the Federal level. It gives the complainant the option of taking his or her complaint to the district court or of filing a formal complaint with HUD where an administrative hearing would be held by an independently appointed administrative law judge.

Let me repeat, by an independently appointed administrative law judge.

The bill further insures that HUD refers those cases to State and local agencies which have already been certified by HUD as "substantially equivalent." Once a complainant has come to HUD, then, the legislation provides that HUD may, with reasonable cause, subpena documents and witnesses, issue interrogatories, and represent the individual complainant. The administrative law judge may make findings of fact and conclusions of law, order relief, and impose a civil penalty.

The complainant is also given the option of commencing a civil action up to 2 years after the alleged discriminatory housing practice, provided a hearing before the administrative law judge has not begun. In such cases, the court can appoint an attorney for the plaintiff, and award monetary relief, declaratory relief, and/or punitive damages. The prevailing party in cases before HUD or the courts may also be awarded reasonable attorneys' fees.

Over 80 percent of this Nation's housing is covered by title VIII. The remainder is covered by the Civil Rights Act of 1866 with respect to racial discrimination. This bill clarifies the definition of those who are covered by title VIII to include the physically or mentally impaired.

Last, this bill continues to exempt single, shared units from title VIII coverage, insuring that persons in individual apartments and houses have the right to choose those with whom they share common facilities.

Within HUD, responsibility for implementing title VIII is delegated to the HUD regional offices. Each regional office has an assistant regional administrator for fair housing and equal opportunity who will have the day-to-day responsibility for supervising compliance, field support, and evaluation. A little over half of the time of the people involved in this effort is spent on enforcement of title VIII and practically all that effort today relates to processing of complaints.

The Department of Housing and Urban Development reports continuing progress in reducing the fair housing complaint backlog. During fiscal year 1978, HUD processed 3,910 title VIII complaints. It reduced its processing time and virtually eliminated the backlog. Of those 3,910 complaints, 341 or 8 percent were successfully conciliated. But this record, I think, reveals the weakness of the conciliation process. If it had a greater responsibility and a greater authority, and specifically the power to appear before an administrative law judge on behalf of individual complainants, then I think those conciliation cases would move along more quickly and a great many more would be resolved to the satisfaction of all the parties involved.

I think the Senate will agree that the time has come for HUD to have the authority to take positive action in the field of fair housing and equal opportunity.

We can do so by passing this bill today.

Mr. President, I ask unanimous consent at this time to have printed in the Record an extremely important letter addressed to me by Moon Landrieu, Secretary of Housing and Urban Development, under date of October 8, 1980, and which I think is a powerful argument for the adoption of the pending legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Housing
and Urban Development,
Washington, D.C., October 8, 1980.

Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: This is in response to your letter of September 19, 1980 concerning S. 506, the "Fair Housing Amendments Act of 1980." I, too, am disturbed by the misinformation being circulated about the legislation and welcome the opportunity to clarify for the record those provisions of S. 506 which have been the subject of much of this misinformation.

As reported by the Senate Committee on the Judiciary, S. 506 retains the administrative hearing process which the President regards as the heart of the proposal to strengthen existing Federal fair housing enforcement. However, the Committee bill has provided special safeguards which exceed those already applicable to administrative hearings under the Administrative Procedure Act (APA) and which ensure an absolute separation of the function of hearing and determining disputes from the responsibility for the investigation of charges and the presentation of evidence. Only the latter functions remain with the Department of Housing and Urban Development. Under S. 506, the outcome of housing discrimination charges that cannot be resolved by negotiations and conciliation would be decided at a "hearing on the record" before an impartial administrative law judge. Such a hearing would be subject to all the procedural safeguards available for full-blown evidentiary, trial-type hearings under the APA.

Further to ensure the impartiality of the hearing process and the independence of the administrative law judges, the Committee bill would establish a Fair Housing Review Commission as a separate entity outside of HUD. The Commission would be composed of three persons appointed by the President with the advice and consent of the Senate, and the power of the President to remove the commissioners would be very limited. The Commission would appoint and employ the administrative law judges (hired according to established merit selection procedures and civil service regulations). The Senate bill contains special provisions on promulgation of a code of ethics to assure the independence of the administrative law judges. It also would require the Fair Housing Commission, within 180 days of its formulation, to promulgate rules of discovery consistent with the Federal Rules of Civil Procedure.

Additional due process protections under the Committee bill include a right by any party to an appeal of an order of an administrative law judge before the Fair Housing Review Commission and subsequent appeal to the appropriate circuit court of appeals.

Opponents of the administrative process provided in the bill have sought support for a system of magistrate hearings, as a substitute proposal. Proponents of similar change have already fought and lost in the House, both in Committee and on the floor. As you know, they were also unsuccessful in the Senate Judiciary Committee.

A major basis for supporting an administrative procedure as an alternative to court action is that it offers a more rapid, simpler and less expensive determination of the rights of the parties in most of the anticipated 6,000 housing discrimination charges received by HUD each year. The magistrate proposal, on the other hand, is an extremely ponderous procedure. As previously proposed before the Senate Committee, this procedure provided for judicial review in the district court, including a de novo jury trial if requested by either party, coupled with a second appeal as of right to the appellate court. It would thus be costly, time-consuming and (probably) seldom employed, since S. 506 permits direct access to the district court, as an alternative to the magistrate process, in any event.

In addition, magistrates, like district judges, hear cases in major cities only, and in many districts only part-time magistrates are available. Administrative law judges, on the other hand, would be available on a full-time basis and would travel to particular communities to hear isolated cases in a locale convenient to the parties.

Although most magistrates are well-qualified, the magistrate system has been revised recently and there are at present many inexperienced magistrates working in the Federal district courts. Furthermore, a particular magistrate would confront a housing discrimination case only occasionally, while performing other duties most of the time. Administrative law judges who developed experience in the hearing of housing discrimination cases would, therefore, be better qualified to determine such cases.

Opponents of the administrative procedure have asserted that administrative law judges cannot assess damages. The sponsors of the original bill have argued that damages can constitutionally be assessed in the administrative hearing. Only post-act litigation will settle this issue with any certainty, but it should be noted that the magistrate proposal considered in committee did not mandate that magistrate hearings include trial by jury at the magistrate level. Under existing law, jury trials are available before magistrates only if the parties consent, and damages cannot be awarded unless a jury is empaneled. It is very unlikely that a respondent would consent to a jury trial in a case where he was facing liability in damages. Thus, any possible disability on the part of administrative law judges to award damages is shared by magistrates, if they hear cases without juries. An ALJ's power to award damages is unclear and remains to be decided by the courts. It is already a certainty, however, that magistrates, as district court officers, do not have power to award damages in the absence of a jury. See *Curtis v. Loether*, 94 S. Ct. (1974). ALJs, however, promise the chance to reach final decisions faster, thus affording more aggrieved parties direct relief in the form of the housing being sought.

Opponents of the administrative process have erroneously asserted that the bill provides for administrative hearings chiefly as havens for "testers" who, they say, will seek financial settlements and victimize respondents. Under S. 506, only direct injury controversies involving deprivation of housing or financing could be heard in the administrative tribunal. Any case involving indirectly injured parties would have to be referred to the Attorney General for litigation. The bill also prohibits the Secretary of HUD (or any other Federal officer or employee) from providing assistance to individuals or organizations to "induce violations of this title", unless such action is undertaken for the purpose of verifying a violation which the Secretary of HUD has reason to believe has occurred.

In our view, the only possible means available to provide for effective enforcement of individual fair housing rights lies in the development of an administrative hearing procedure. As indicated, such procedures ensure due process protections for the parties equivalent to those which would be provided under a magistrate system, while at the same time providing faster, less expensive and less cumbersome proceedings for the majority of cases that HUD receives. In addition, the Committee bill provides that complex cases involving novel legal issues and all land use disputes as well as cases involving substantial monetary loss be referred to the Attorney General for appropriate court action.

Finally, a major issue which has generated much concern and created a great deal of confusion involves zoning and local land use. Opponents of the bill have totally ignored the actual content of the bill, using S. 506 as a device for attacking the existing law. They have claimed that S. 506 gives HUD new authority to impose land use controls and prescribe the composition of entire neighborhoods. Neither the Senate version nor the House version of the Fair Housing Amendments Act purports to alter existing law with regard to land use matters, except for an amendment which would limit the use of the Fair Housing Act as a basis for attacking minimum lot size requirements without a showing of intent. In addition, both bills would require all land-use or zoning cases to be heard by courts, rather than by administrative law judges.

The efforts which have been made to destroy the so-called "effects test" in fair housing cases are, again, not directed at the content of S. 506, but rather are attempts to pull back from established case law. The "effects test" that opponents regard with such suspicion is emphatically not the mechanically-applied rule that the Committee Report's Minority Views implies, wherein any showing that a racial group is not proportionally represented leads to instant retribution by the courts.

As applied, the effects test is a balancing process under which courts have analyzed evidence of both invidious purpose and disproportionate racial impact. When the test is applied, a court accepts the assumption that in some cases racial discrimination may be determined by proof of racially disparate effect—but only in circumstances where a defendant fails to show adequate non-racial justification for his or her actions. Disproportionate racial impact alone, without regard to justification—the kind of effects test the Minority Views describes—is inadequate to establish a case of discrimination in any judicial circuit.

The courts have repeatedly noted the difficulty (particularly in zoning and land-use disputes) of establishing convincing proof of intent to discriminate. Discriminators seldom are so foolish as to take overt action indicating such intent. A zoning board or city council pressured by racially-based resistance to construction of an integrated housing project will seldom, if ever, take action which is openly responsive to racial opposition. It will be traffic problems, or sewer service, or overcrowding in the schools, which will go on the record as a basis for rejecting the project. In some cases such justifications may be valid, and in others they may not. The courts, wisely, have recognized that doing justice is more complicated than reading the minutes of a council meeting or trying to look into the minds of voting members.

Preservation of this rational, thoughtful mode of analyzing evidence is imperative to the success of civil rights law enforcement. The "proof of intent" test proposed by opponents of S. 506 will be offered on the Senate floor as an amendment to S. 506. If successful, such an amendment would repudiate the judiciary's carefully-balanced standard of proof developed over the past two decades.

Opponents of the bill have further tried to confuse the issue and divert attention away from the language of the legislation by referencing a notice of proposed rulemaking, published in the Federal Register in February 1980, indicating HUD's intention to promulgate regulations involving unlawful zoning and land use practices.

As you are aware, under existing law, HUD is required to accept and investigate complaints alleging violations of the prohibitions against discrimination in Title VIII and to make determinations as to whether to attempt to resolve matters involved in such complaints. The purpose of the proposed rulemaking is to provide guidance with respect to matters to be considered in processing complaints cognizable under Title VIII involving alleged discriminatory practices. Existing Title VIII has been judicially construed to include discriminatory zoning and land use actions. HUD does not intend, however, through publication of a regulation or any other action to infringe on local control of zoning and land use matters, but rather would enunciate the standard that HUD will use in determining whether a violation of Title VIII has occurred. It is our hope that such an articulation through the regulatory process will strengthen enforcement of the Act, and provide further guidance to the public and the state and local agencies involved in the various aspects of the housing industry.

It appears to me that you and the other sponsors of this vital legislation have extended yourselves to accept numerous amendments to this bill in order to assure proper separation of functions, adequate opportunity for pretrial discovery, and to guarantee an unbiased forum. The introduced bill always contained adequate due process protections, but the many accepted amendments have added unprecedented safeguards. The administrative hearing process set forth in the reported bill has my unqualified support.

Once again, thank you for contacting the Department and allowing us to provide you with this clarifying information.

Sincerely,

MOON LANDRIEU.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I rise in support of the legislation and hope we will proceed to its consideration.

What are we trying to do in this land of the free and the home of the brave?

It seems to me what we are trying to do is to bring all Americans to the starting line with an equal chance to succeed. And what are the areas where equality is of such importance? Certainly, an equal chance to vote; certainly, an equal opportunity for a job, not just a job but all jobs; certainly, an equal chance for accommodations.

We want equality for all Americans in all areas, and this definitely includes the opportunity for equal housing.

The present legislation which we have on the books, Mr. President, has not succeeded. I think that is pretty clear from the documents which have been submitted for the RECORD both by the distinguished senior Senator from Massachusetts and the senior Senator from Maryland.

So Mr. President, I think we ought to move on with this legislation. As I say, I support it. But I hope at least we will have an opportunity for the Senate to move to the consideration of it. If there are amendments let us consider them. Come forward with them and we will vote up or down on them.

In my own State of Rhode Island, Mr. President, we have legislation that is quite similar to the Federal legislation. It has not erased all the problems which have been pointed out by the opponents who testified or spoke when the legislation appeared before the Judiciary Committee.

Mr. President, I think this is extremely important legislation. I urge my fellow Senators to look upon it with favor and to vote for it, and, above all, to move forward with a consideration of the bill in the remaining hours of this waning session. Thank you, Mr. President.

Mr. JAVITS. Mr. President, we are not legislating in vacuums here, even though it is the last week or supposed to be, and this is a lameduck session. Who knows it better than I do? And the Senate will be continued with its new Members beginning in January and these great national issues will be dealt with. Therefore, the question properly before us, as this is a motion to take up this bill is, Why should we do it now? I wish to address myself to that particular point.

Mr. President, having participated in a very active way in the civil rights struggle of 1964 which resulted in the landmark bill now law, I can testify to the fact that it was then in answer to a strident national call which could not be denied except at the risk of grave instability and, indeed, as we all know, public disorder, with a large section of our population feeling that it was both depressed and oppressed.

So, with the concert of both majority and minority leaders here in the Senate and after a monumental struggle lasting for months, we finally passed the bill.

There is no doubt about the fact that it was imperfect, and there is no doubt about the fact that we have had to deal with its problems since. For example, we have given the EEOC, the Equal Employment Opportunity Commission, the power to sue to redress employment discrimination. Though we have chosen here in this bill as reported out by the committee to provide for administrative procedure, the same step which we took respecting the EEOC would also be something of a step if that is all that we could take, though I feel very strongly that the bill pretty much as it stands is the right way to go.

Mr. President, the question then is must we take this measure up at this time? Socially speaking in this country there is a very urgent need to consider it now and enough of the ground has already been gone over so that Congress can take action now properly even though there is only a week to go.

I believe, Mr. President, this measure must be taken up now. There is an extremely deep disquiet in this country. Chickens may very well come home to roost on that issue as to minorities, blacks, Puerto Ricans, Hispanics and many others who feel that there is certain housing in this country, certain zoning in this country, and other practices which make their opportunity for housing limited and marked taboo upon certain sections of our community and certain homes in that community on strictly discriminatory grounds.

That persists in an atmosphere which is felt to have made the last Presidential election a conservative sweep. I do not believe that to be true, but nonetheless that is the prevailing judgment, and that certifies to these minorities the fact that they cannot hope to have just treatment particularly in so critical a matter as fair housing.

Let us remember that we are dealing with the essentials of food, clothing, and shelter, and this is one of those three.

Let us also remember that we have now found that people at the lower end of the economic scale have one feeling which is critically important to them and that is the feeling of dignity, the feeling that they, also, shall rate in real equality with everyone else in the community.

I do not believe that these very understandable, very passionately held views, this very deep feeling in the hearts of millions of Americans will respond other than with justice, and that if it is denied or so delayed as to be denied that we will reap the whirlwind in terms of high instability of social relations and public order in this country.

Therefore, exactly at this time when we are being forehanded about taking action long overdue to fortify the civil rights guarantees of equal housing opportunity, this is the very moment, the most appropriate moment, at which we shall act upon this matter.

Now we know very well, having a lot of experience, that this bill will not emerge from the Senate in its present form and that the opportunity for amendment, particularly as the opponents of this particular bill feel themselves very strong, is very great and they probably can work a great deal of their will on this bill.

In addition, let us remember that a fair housing bill is already half-way home. It has already passed the other body and, if we fail to take it up this week, that will end the process and cancel out the passage by the other body and we will have to start de novo, all over again. This is an additional reason for deep resentment on the part of those who feel themselves discriminated against in respect of housing.

So, Mr. President, for all of those reasons and especially because it would be most auspicious on the eve of a change in administration which strikes a certain amount of concern and perhaps in many cases fear in the hearts of many of those who are minorities, that is, members of groups which are minority groups in this country, it is the very time that it would be highly beneficial to the public good to take up a measure of this kind.

I believe, Mr. President, that the two major problems which the bill faces are highly susceptible of being dealt with in the legislative process so that they come out in a fair way. The one, of course, is the question of what shall be the type of administrative action which may be taken and the plan of the bill with administrative judges is, in my judgment, the good one. The effort to amend it to provide a magistrates proceeding with a trial de novo in the district court I think is simply an effort to delay and cripple the best result as far as the person discriminated against is concerned.

But again that could all be dealt with by the Senate and, in my judgment, the basic fact that the legislation will be considered at all and will be considered now when the concerns are the greatest is superior to any other consideration, especially in view of the fact that the Senate can and undoubtedly will amend this bill in the principal areas which are worrying its opponents.

Second, as to the question of intent or impact as the rationale for decision, in my judgment impact is the right test; it is the test pursued in other manifestations of discrimination, including employment.

How well I remember, Mr. President, the fears engendered here on the floor by Senators representing constituencies that no employment would be secure from litigation by the EEOC or by the individual; that there would be no labor relations which could be relied on because anyone who was not hired would then have a right to alleged discrimination.

Well, Mr. President, even those who opposed the civil rights bill on employment the hardest no longer make that point. Indeed it goes back long before 1964—in 1945—when we in New York passed the Ives-Quinn bill, a State law against discrimination in employment opportunities.

Ives, the name in that bill, is Senator Irving Ives of New York who came to the U.S. Senate thereafter and served with me in the early years when I was here after 1956.

The volumes of testimony as to how the economy of New York would be torn up by the roots if we passed any such bill were spread upon the record in the most complete way. Nonetheless, we passed such a bill.

There was no great amount of litigation at all. Indeed, when I was attorney general of the State of New York in 1955 and 1956 there was no unusual amount of litigation respecting discrimination in employment, nor has there been under the Federal law.

Some great cases have been won, and indeed they should have been won, but there has been no overturn of the economic situation or of employer employee relations such as was envisioned mainly by, in my judgment, misguided employers' who expected the worst. It did not happen. As I say, it did not happen even some 19 years before the Civil Rights Act of 1964.

So, Mr. President, in summary, because precisely there is concern, and even fear, in the hearts of many members of minority groups about what will happen in the new administration, and because this ground has now been thoroughly gone over, and because the House has passed the bill, and because the Senate bill is an effective vehicle for a fair resolution of this matter, and because national unity and national strength depend very heavily upon the feeling of justice in the breasts of Americans, including, of course, the millions of Americans who are numbered in minority groups who claim themselves subject to housing discrimination, this is exactly the right time to deal with this matter.

It is ready to be disposed of. If it goes over into the next Congress it will be weeks and months, perhaps—I hate to say it—even years before we will even reach this stage again at which action can be taken.

For all of those reasons, Mr. President, I will act in any way that is open to me to sustain the motion to consider this particular bill at this particular time.

Mr. MATHIAS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MATHIAS. Mr. President, I want to thank the Senator from New York for his very eloquent statement, which is particularly welcome in the Senate today because it comes from one who has spoken out effectively and successfully on every one of the great civil rights measures that has been considered by the Senate in the current generation.

Coming as it does from one who has had this rich experience, I think his words are particularly valuable, and I would, if I picked out any single part of his statement for particular attention, look to what he has told the Senate about the concerns of people who feel that this measure will in some way be burdensome or dictatorial or authoritarian.

I think he has very accurately and very wisely pointed out that measures of this sort which attempt merely to provide equal opportunity for all Americans may be feared in prospect but in retrospect are seen not to be burdens, not to be irritants in our society but, in fact, have worked extremely well to move us closer to the goal of a colorblind society in which there is true equality before the law.

Mr. JAVITS. I thank my colleague very much for those observations.

I might say, too, that the definition usually applied to a conservative is to leave things as they are. The difficulty is that life will not let us do that. We cannot leave things as they are. If we do not change them they may change us, and if the conservative wants anything it certainly is not that.

Therefore, it seems to me, Mr. President, that the hallmark of successful conservatism is to understand the currents which sweep men and women in our time and to do our utmost to retain what is important and underlies our lives and our social living in order to have the substance rather than to observe the form.

So, in my judgment, 1964 marked a great victory for conservation because it preserved a set of values which might easily have been destroyed if the majority had not been willing to give some ground on its absolutely untrammeled right to discriminate if it shows except with very, very difficult legal remedies which were found highly ineffective before that time.

I believe this is another example, of how long it takes to bring about a measure of justice. It also shows us—and that is especially applicable to the new Members who come into the Senate—how easy it is to be persuaded that, "Well, let us pass this bill by for now. Let us wait a little while. We will get it done."

A little while comes to 5, 10, 20 years. It is going to be 1981, if the opponents have their way, before fair housing can even begin the process all over again, and I think that is rather sad for our country. There is much argument that the election signified simply a rejection of Carter and how he ran things, while others argue that it signified a real change in the social and economic outlook of the country in terms of conservatism. Perhaps there is a conservative tide running in our country, but Mr. President, it seems to me that the hallmark of a conservative is that he is ready to move in order to maintain the basic values for which he lives and for which he contends.

It seems to me that considering the stage to which we have brought this fair housing measure, this is just the moment, and it would be extremely wise, in the interests of those who are against this measure, to work their will on it now rather than to delay all the time which it may take.

I have a personal example of that, that I will tell my colleagues about. Way back in 1960, we had a big row on this floor about a national health plan—1960; 20 years ago. I remember standing in almost this place and telling a martyred President, who was then in the Senate, just before election time that I had problems with this bill and that others did.

Mr. President, little did I know that 20 years later, with the enormous help of many Senators, we have made but middling steps on the way to what we could have then accomplished by taking one vote in the Senate. That is the danger of things like this: They fester and fester and fester and all of a sudden there is a blowup and everybody says "What a surprise. Where did that come from?" Well, it is pretty easy to find out where it came from.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. JAVITS. Of course. The Senator was very gracious to me.

Mr. HATCH. As my distinguished colleague from New York has always been to me. I do not think there is anybody in the history of the Senate or in my experience in the Senate who has done more to stand up for civil rights than the distinguished Senator from New York. I commend him for his desire to right wrongs and to do what is right for a large segment of our population; that is, those who are minorities and have difficulties in achieving and obtaining fair housing. I also believe that many of his remarks are appropriate today.

I do feel, however, that the definition of a conservative as one who wants to leave things as they are applies to some conservatives. I agree with him that there are other conservatives who are progressive and who really do want to solve these problems.

However, I also believe that one of the utmost desires of most of us who are interested in the civil rights movement, as I know the distinguished Senator from New York is and certainly his colleague, the Senator from Utah, is, as well, is that we want to preserve the intent and the meaning of the Civil Rights Act of 1964, which basically prevents any discrimination based on race, sex, national origin, religion, and so forth.

I believe we have moved a long ways away from that particular end. I believe we in this country have ignored the legislative intent at the time that act was enacted and during the debates leading up to that act and also during the debates on the Fair Housing Act itself in 1966 through 1968.

I believe we are in danger of creating more racism in America than ever before as a result of approaches like at least two of them in this bill which I have spoken out against today, and that is giving the bureaucracy the right to fine property owners up to $10,000 as a result of complaints, founded or unfounded, and such other remedies that are appropriate without giving the property owners the right to a trial by jury, even though I acknowledge this is in the nature of a civil remedy versus the sixth amendment criminal remedy.

Second, and more importantly, to in essence adopt an effects test in preference to a test that requires intent to discriminate I think is going to give the bureaucracy more room to manipulate and maneuver and cause racism in America than ever before. Because if we take away that legal standard that the person or individual, whoever they are, that are being sued pursuant to this bill, that proof would have to be offered of an intent to discriminate, if we take away that obligation it seems to me we have taken away some of the basic rights of our citizens and it cannot help but lead to dissatisfaction and discontent all over America.

As the distinguished Senator from New York knows, I have spoken out against quotas in the form of affirmative action which I believe had been coming down practically as Government-mandated discrimination based on race only. I believe there is more dissension and racism in America today as a result of some of these bureaucratic approaches—and, I think, misinformed approaches—on the basis of what the Congress really desired than ever before.

I am also concerned that if you take away the obligation of proving that there was literally an intent to discriminate—and I acknowledge even by circumstantial evidence which we have been willing to accept in the Judiciary Committee—and merely leave it up to an effects test which could, in effect, abolish local and county and State zoning ordinances, I think you are opening up some problems here that literally will create more problems than this bill in its present form could ever solve and, in the process, perhaps, even causing more racism in America than we have today.

I know that the distinguished Senator from New York, who is one of my dearest friends in this Senate and who I deeply respect and he knows it, is as sincere and as dedicated and as knowledgeable and as informed as any man in this great body.

But I am concerned about these issues. We have even indicated, both in committee and on this floor today, that we are interested in having some teeth in the Fair Housing Act amendments, but we are also interested in preventing manifest injustice and misuse of the public laws by the bureaucracy which seems to occur every time we are not as definite and as sure of ourselves as literally the law should be.

I did not mean to take this much time of the distinguished Senator from New York, but I did feel I should point this out; that there are some of us, yes, who are called conservatives who literally want these injustices, who literally want to stop unfair practices and unfair housing discrimination, and who believe we can reach that goal without changing the very nature of the Constitution itself and without the proper test that really ought to be applied in these causes.

Keep in mind that I am acknowledging that if we have an intent test that they could still prove intent through circumstantial as well as other evidence, so that they go to a jury and let a jury of their peers make that determination. Under this bill, we are giving the right to anybody to file any kind of a complaint, no matter whether it is right or wrong, with HUD having the obligation of pursuing the bill at taxpayers' expense against fellow taxpayers who own property and who may not have discriminated in the slightest degree.

We are extending the liability way beyond intent to discriminate, way beyond what we think the original intent of the Civil Rights Act of 1964 was and, in turn, establishing a protected class or, if you will, a preferred class of people in what has always been billed, what has always been described, what has always been determined to be a classless society. We are going to make class distinctions in a classless society like never before. This bill tends to do that.

Those are two of the major problems I have with it. I have many other problems, but those are two of the major areas where we feel the interest of all citizens has to be taken into consideration.

I apologize for interrupting the distinguished Senator from New York for this much time. I do appreciate his strong stand in favor of civil rights. I do admire and appreciate him in basically every way as we have served together in the Senate. I, for one, count him as one of my dearest friends in the Senate. He has taught me much and I have a deep desire for and a hope that he will continue to teach me much in the future and I have quite a great assurance that he will.

Mr. JAVITS. Mr. President, I thank my colleague very much for those fine words.

May I say, however, that it seems rather strange to me that it is the party who is injured who has to prove that he is not a privileged class. It is not a privileged class, unhappily—maybe it is a privileged class to be injured. The injury of the housing discrimination is much too grave, in my judgment, to say that we are creating a new kind of discrimination because we are going to discriminate against those people who do injustices by requiring them to do justice.

May I point out, too, that this matter of intent is a very easy way to get off the hook, as the curbstone saying would have it. The reason that we have impact is precisely because that is the circumstancial evidence. The continuity of such an impact makes it very clear that you do not have to prove intent because it is demonstrated by a succession of acts which have the kind of impact which is defined.

I believe that the impact test is the only one that can really be effective in this matter.

Also I might say to my colleagues, it is so easy to wave this word "bureaucracy" around. Well, in a bureaucracy there is the judiciary, too. Are we not a bureaucracy? Who are we? We are elected by millions of people to rule our country in their name. We might just as well be called the same thing. But it seems to be an invidious term. If you call something bureaucracy, then what they do is wrong, unjust, unfair, dictatorial. If you do not call them a bureaucracy, they become just, wise, and learned men.

I really believe that it does represent a very fundamental difference in outlook for living in a settled society. We owe something to that society. People like myself seek very hard to see that it is paid.

I believe, therefore, that we adopt rules and methods which seek to obtain an effective social result and at the same time susceptible of proof pro and con. I think this is one of those instances.

Mr. HATCH. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. HATCH. The Senator has raised an important point. The intent test offered would not permit proving by circumstantial evidence, even by impact circumstantial evidence, that there was an intent to discriminate in a case that goes to the jury. We feel that the time-honored approach in this country, of course, is to give fellow citizens, when there are liabilities this large, especially brought by the Federal Government on behalf of other citizens, the right to a better measure, and secondly the right to have some evidence, not just a presumption but some evidence, that there was in fact an intent to discriminate.

We feel that if you take away that basic privilege and that basic right you are just turning over to the bureaucracy, whether that is a proper term or not, turning over to people who are not elected, to make decisions to the detriment of everybody else.

I would further point out that the intent test which we have offered in committee, and which I will basically offer on this floor, does not preclude consideration of any and all evidence, including the fact of discriminatory impact or effect. Discriminatory impact or effect would simply, in and of themselves, as concepts, not be dispositive as under the effects test. What I am saying is that with the very intent amendment that we will offer in this matter—should it reach that point—we are bringing out that all evidence could be offered, including discriminatory impact or effect, which is what the distinguished Senator has so eloquently discussed.

I think we can reach the goals of the distinguished Senator from New York as well as the goals of the Senator from Utah if we would have that type of an amendment to this bill. But be that as it may, that is one of the major logjams and one of the major, crucial issues. I think it is the crucial, major issue in this particular battle to be fought this week.

Mr. JAVITS. May I say if we do not call up the bill, we will not reach anything. If people like myself believe that we take up the bill and then we have our day and the Senator from Utah has his day, then another great cause of social irritation is removed. That is the way I hope the Senate will vote today. I thank my colleague.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER (Mr. Exon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I move that we proceed.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

Mr. HATCH. Will the Senator withhold?

The PRESIDING OFFICER. Does the Senator withhold?

Mr. HUMPHREY. I withhold.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is with great regret that I find myself in a position of opposition to S. 506, the proposed Fair Housing Act amendments. Since the first day of hearings on this measure by the subcommittee on the constitution, I have expressed my support for the fundamental objectives of this act.

I am convinced that there are gaps in the 1968 open Housing Act that make it difficult to fully promote the goals of that act—equality of housing opportunity for all citizens. I favor legislation that would strengthen the effectiveness of enforcement of that act. I also favor legislation that would extend the coverage of title VIII to persons who are discriminated against on the basis of physical handicap.

Both S. 506 and its House counterpart, H.R. 5200, however, go far beyond these objectives. It is because of this that we go into the final week of the 96th Congress without fair housing legislation. It is because of this that many Members of this body who would have no objection to a reasonable strengthening of the 1968 act now find themselves in strong opposition to the pending measures.

I will focus my comments upon the Senate bill, although I, of course, note that the House bill is also upon our calendar. I would direct my colleagues to the Congressional Record of June 19 of this year (pages 15717-15721) in which I expressed my concern over the abuse of Senate Rule 14 in placing the House measure directly upon the Senate Calendar.

While I have a large number of concerns with the draftsmanship of S. 506, the number of overriding objections boil down only to two. These are not new concerns but have been those which have generated my opposition to this bill both at the subcommittee and the committee levels. In neither of these areas is the companion House bill an improvement.

First, I strongly support Senators DeConcini and Thurmond in their efforts to insure that individuals charged with being in violation of title VIII have the option of a jury trial. While I recognize that the sanctions contained in this bill are not technically "criminal" sanctions, with respect to which the sixth amendment to our Constitution would guarantee the right to a jury trial, there is very little real difference. Under section 811 of the bill, an individual may be subject to a $10,000 fine and "such other relief as may be appropriated." The fine does not go to the aggrieved party as compensation but goes to the coffers of the Federal Government. It is a punitive measure, pure and simple.

Also addressed by the DeConcini-Thurmond amendment is the issue of the appropriate forum in which to try alleged title VIII violations. While I continue to believe that such cases ought to be heard before an article III court, I far prefer the DeConcini-Thurmond compromise which would place such cases before a district court magistrate, and insure that they are considered in an expeditious manner. There must be some genuinely neutral arbitrator to hear these cases, not simply an administrative law judge, whether appointed by HUD, by the Justice Department, or by some newly formed fair housing review commission. It is simply wrong for an individual respondent to be sued by the executive branch of the Federal Government, with that same branch in the role of prosecutor, investigator, judge, and jury. This is particularly true when that judge and jury will be directly or indirectly subject to the pressures of whichever constituency gains the uppermost influence with HUD, whether that constituency is the civil rights community, real estate interests, or any other group.

The administrative law judge procedure may be fine when we are talking about social security complaints, or transportation rate regulations, or agricultural marketing orders. It is not fine, however, when it is used to decide cases between two individual and adversarial parties. It is an abuse to employ a process that arose out of the need to dispose of complex and highly technical cases in an efficient manner for the resolution of civil rights cases.

Indeed, I find it highly ironic that this bill treats the requirements of procedural due process in such a cavalier manner considering the protection that such due process has made to the achievement of genuine civil rights for all in this country.

I would now like to address my second major concern with this bill. It is, frankly speaking, my major concern. It is my major concern because the implications are substantial in a way that extends far beyond the Fair Housing Act alone.

The issue is, What constitutes discrimination "because of" race, color, religion, sex, national origin, or handicap? The answer to this question will be critical in determining whether the Fair Housing Act is going to be employed in a manner that protects persons who are denied housing opportunities because of these irrelevant characteristics, or whether it will become part of the arsenal of those few individuals in the Federal Government who see their charge as the social restructuring of this country.

Section 804 of the present Open Housing Act states simply that it shall be unlawful to do any one of a number of activities, such as the refusal to sell or rent a house after a bona fide offer, "because of" race, color, religion, sex, or national origin.

According to my Webster's dictionary, the phrase "because of" means "by reason of" or "on account of." There is, in other words, a nexus or a relationship between the activity and the proscribed motivation.

Let us take a look at the activities under section 804 that may serve as predicate activities for a violation of title VIII. Section (a), for example, states that it is unlawful "because of" race, color, religion, sex, or national origin to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to another person.

This does not say that it is always unlawful to refuse to sell or rent after the making of a bona fide offer. It does not say that it is a per se violation of the act to refuse to negotiate with another for the sale or rental of a dwelling. It only says that these activities shall be unlawful if they are done "because of" another's race, color, religion, sex, or national origin, in another word's "by reason of" or "on account of" these characteristics.

That Webster's and my interpretation of this phrase is not novel is evidenced by the fact that this understanding was also the unanimous understanding of the 90th Congress which drafted these words. There was not one statement to suggest that anything was intended by this phrase other than its obvious meaning.

Senator Brooke, for example, our former distinguished colleague, noted that, "A person can sell his property to anyone he chooses as long as it is by personal choice and not because of motivations of discrimination." 114 Congressional Record 2283 (1968).

The distinguished chairman of the House Judiciary Committee, Representative Peter Rodino, expressed similar views. When asked by another member whether or not a financial institution could refuse to extend credit in certain geographical areas, Representative Rodino responded that the bill was not intended to ban geographical, or any other discrimination, as long as it is not "racially motivated." 114 Congressional Record 4690 (1968).

Senator Ervin observed that prohibited acts are those which "stem only from the motive of the homeowner." 114 Congressional Record 2283 (1968). Representative Moore of West Virginia noted that the act would reach only the "discriminatorily motivated homeowner," 112 Congressional Record 17511 (1966). Representative Whitener noted that title VIII denied to every property owner "the right to consider race as an influencing factor in the selection of a tenant or customer." 112 Congressional Record 18395 (1966). And Senator Tydings concluded that, "The purpose of title VIII is to eliminate discrimination as a factor in the sale of property." 114 Congressional Record 2537 (1968).

Vice President, then Senator, Mondale's remarks are also noteworthy in this respect. He stated at the time of debate,

> The bill permits an owner to do everything that he could do anyhow with his property . . . except refuse to sell it to a person solely on the basis of his color . . . that is all it does.

Discussion of the meaning of the "because of" phrase was couched in terms of individual homeowners, rather than in terms of municipalities, simply because no one in Congress seemed to perceive title VIII as reaching anything other than private discrimination. In *Otero* v. *New York City Housing Authority*, 484 F.2d 1122, 1134 (2d Cir. 1973), for example, it was observed that title VIII was primarily designed to prohibit discrimination in the sale or rental of private housing.

To the extent, though, that the "because of" phrase has any meaning, there is absolutely no basis for distinguishing between its meaning in the context of private housing transactions and its meaning in the context of local or municipal actions.

Despite the seemingly clear and uncontradicted language and legislative history of title VIII, it was not long before the social engineers in HUD and the Civil Rights Division of the Justice Department began to develop a new test for determining the existence of discrimination. It is the merits of this test that Congress, for the first time, will have the opportunity to vote on in the context of S. 506.

In place of the traditional test for discrimination which looked to the intent or purpose or motivation of the actor, the newly devised test—the "effects" test or "disparate impact" test—largely disregarded the state of mind. Instead, it focused solely upon whether or not an action had the effect or is likely to have the effect of impacting upon protected groups in a different manner than nonprotected groups. It is a test totally inconsistent with the intent of the framers of the original Open Housing Act.

The "effects" test has grown to greatest prominence in the area of local zoning and land-use authority. Rather than accepting the burden of proving whether or not a community possesses some discriminatory purpose in adopting a zoning or land-use practice, HUD and the Justice Department have increasingly brought suits against communities on the basis of practices which have the discriminatory effect of "under-representation" of minorities within neighborhoods or communities.

Use of this test has effectively transformed title VIII from a measure prohibiting discriminatory actions into one prohibiting any actions that do not affirmatively contribute to "proportional" representation in the local community for minority groups given special protections by title VIII.

Through use of the "effects" test, communities have been sued for a wide variety of zoning and land-use practices. One community—Manchester, Conn.—was sued because it refused to participate in a voluntary Federal program—the community development block grant program—that would have required the construction of large numbers of low-income housing units. Another community—Dunkirk, N.Y.—was sued because of policies placing restrictions upon multifamily dwellings. Other communities have been sued for placing restrictions upon group homes in residential neighborhoods, or for establishing minimum lot-size requirements. Communities—such as Birmingham, Mich.—have been sued for acts of omission, as well as for acts of commission. Birmingham refused to abide by the suggestions of the Justice Department and rezone land within its boundaries to accommodate development of a federally-subsidized housing project.

HUD's basic procedure is to use statistics. For example, if a suburban community has a 10 percent minority population while the neighboring metropolitan area has a 20 percent minority population, that community becomes suspect. Any local zoning or land-use policy adopted by that community is suspect to the extent that it does not have the effect of affirmatively promoting the "proper" 20 percent minority representation.

The amendment that I am offering will require proof of intent to discriminate before a community is sued on the basis of adopting or failing to adopt a zoning or land-use practice. It is not the purpose of this amendment to suggest that any of the practices that I have described—minimum lot sizes, density zoning, et cetera—are necessarily permissible. The only purpose of the amendment is to require that the Federal Government make some showing that the practice was adopted or continued or rejected for an unlawful purpose. If that burden can be overcome, then none of these practices is insulated from Federal action.

My concern with the "effects" test does not arise merely from concern over past misapplication of the test; it is precisely because the test has been applied properly that I am concerned. What the "effects" test does in the land-use and zoning area is to call into question some of the most fundamental premises of local zoning authority.

The consistent application of the test, and I can only assume that this will be the case, will be to add the concept of "economic status" to the list of traits that cannot lawfully be a basis for housing discrimination. The result is a direct assault upon local zoning and land-use prerogatives. For many, if not most, land-use practices have the effect of increasing the costs of housing and therefore of limiting access by lower income individuals.

Since various groups, for whatever reasons, differ in their wealth or income characteristics, the impact of zoning or land-use practices is often "disparate" in the sense that the Federal bureaucrats have used the term. "Under-representation" or "over-representation" of various groups is inevitable if we are to have the benefits of zoning. This is true, whether the zoning be related to efforts to promote community health, safety, beauty, residential character, property values, or whatever.

To use the obvious example—race—it is clear that there are wide disparities between the economic status of the average white and the average black. There are many reasons for this fact, some of them innocent—the average black person tends to be younger than the average white person—and some of them not so innocent—the undeniable amount of racial discrimination that continues to exists in many areas of American society.

Are we to conclude from this fact that any local zoning or land-use policy that tends to make housing more inaccessible to lower income groups is violative of title VIII because it exerts a disproportionately detrimental influence upon blacks? Are we even willing to say that such a policy is not per se violative but that the burden of proving nondiscrimination rests upon the adopting community?

Not only has the "effects" test been adopted by the Federal Government on the basis of whether or not actions have the effect of disproportionately limiting access by protected groups, but it has been suggested that an even broader test could be justified by title VIII. This broader test would make unlawful even actions which have the effect of limiting access to all groups equally, but which thereby delay the achievement of "proportionate" representation for protected groups. Most zoning or land-use policies which can generally be described as "no-growth" oriented would fall into this classification. Such a test would make unlawful local practices by predominantly white communities that tend toward maintenance of the character of the community, not in the racial sense, but in the sense, for example, of placing limitations upon new construction or in preferring single family detached dwellings to apartment units, or in other policies designed to maintain the existing population density, or the suburban or rural lifestyle.

Whatever any of us may think about the desirability of community diversity or heterogeneity, these are decisions that remain those for the local citizenry itself, provided that no actions are taken by them with an intent to discriminate against groups protected by title VIII. To use any other test for discrimination than an intent test is to invest overwhelming authority in the Federal bureaucracy to utilize their own notions of social good to restructure communities across the Nation.

Before I address the question of how S. 506 would affect the intent against effect test controversy, let me briefly examine the legal status of these tests under title VIII. The Supreme Court has clearly stated that public actions, and this would include local and municipal zoning practices, must be committed with a discriminatory intent or purpose before they are in violation of the 14th amendment's equal protection clause, *Washington* v. *Davis* 426 U.S. 299 (1976). As the Court observed in this case—

> A law neutral on its face and serving ends otherwise within the power of the Government to pursue is not invalid simply because it may affect a greater proportion of one race than of another. 426 U.S. 242.

In rendering this decision, the Washington Court rejected the "disproportionate impact" analysis that had been adopted by a number of lower Federal courts under which a mere demonstration that a public action adversely affected a protected class sufficed to evidence discrimination, at least absent some substantial justification.

During the next term of the Court, another case was decided that reemphasized the constitutional requirement that intent or purpose was necessary in order to make out an equal protection violation. In *Village of Arlington Heights* v. *Metropolitan Housing Authority* 429 U.S. 252 (1976), the High Court refused to invalidate a zoning decision by a local board that impacted more severely upon blacks and low-income persons than on others. The Court observed that racial minorities constituted only 18 percent of the area population involved in the Arlington Heights case, but 40 percent of the income groups that would have been eligible for a low-income project, the rezoning for which was rejected by the city. Again, the Court held that official action will not be held unconstitutional solely because it results in a racially disproportionate impact.

In yet another recent case, the Court affirmed the necessity of the intent test for discrimination under the 14th amendment. In *City of Mobile* v. *Bolden*, docket No. 77-1844 (1980), it was held that the city of Mobile, Ala., was not in violation of the 15th amendment (relating to voting rights) as the result of the adoption of an at-large electoral system that arguably resulted in reduced electoral influence for minority groups. Again, some demonstration of racially discriminatory motivation was found to be a necessary ingredient of a constitutional violation. Nor did the Court find such a system to be in violation of the 14th amendment's equal protection clause. Justice Stewart in the majority opinion stated:

> It is not enough to show that the group allegedly discriminated against has not elected representatives in proportion to its numbers . . . a plaintiff must show that the disputed plan was conceived or operated as a purposeful device to further racial discrimination . . . although dicta may be drawn from a few of the court's earlier opinions suggesting that disproportionate effects alone may establish a claim of unconstitutional racial vote dilution, the fact is that such a view is not supported by any decision of this court. More importantly, such a view is not consistent with the meaning of the equal protection clause as it has been understood in a variety of other contexts involving alleged racial discrimination. Docket No. 77-1844, pages 10-11.

There can be little question then that the Court has interpreted the Constitution in a manner that requires that most claims of racial discrimination be judged by an intent test. What they have never formally addressed, however, is the precise question of whether or not the statutory formulation involved in title VIII also requires this test. In the only case that they have confronted in which this issue has been raised—the Arlington Heights case—the Court remanded the issue to the seventh circuit which had never addressed it in the first instance.

Can there be separate tests for discrimination, one arising out of the language of the Constitution and another arising out of a statutory measure presumably adopted by virtue of such constitutional authority. Although I am prepared to admit that men of good faith can differ on this issue, I do not believe that this can be the case. In other words, I not only do not believe that it was the intent of the 90th Congress to read the "effects" test into title VIII, but I question the constitutional authority of any Congress to outlaw public—or private—actions in the guise of fighting racial discrimination, where there is no racially discriminatory purpose or motivation.

If it is not a denial of equal protection to take genuinely neutral actions that may incidentally have some measure of racially disparate impact, I do not understand how Congress, under the authority of that amendment, can enact its own legislation that would achieve these ends. To the extent, however, that the Fair Housing Act depends for its constitutional authority upon some other constitutional provision, such as the commerce clause, I recognize that other issues arise.

What has been the response of the lower Federal courts to the statutory issues involved in title VIII? I believe that the fairest summarization is that the circuits are mixed on the question of whether or not the "effects" test is permissible under the Open Housing Act. Some have interpreted the statutory language of title VIII in a manner requiring proof of purpose or intent, while others have found the "effects" test to be valid. I would emphasize that, whatever their conclusions, there is absolutely nothing that would prevent this Congress—the 96th Congress—from clarifying the intent of the 90th Congress and expressly requiring an intent test. Each of the circuits that have decided this controversy have done nothing more than purport to uncover the meaning of the statutory provisions in title VIII.

Having the utmost faith in the ability of my friend and colleague from Indiana (Mr. BAYH) to articulate those cases coming from circuits which have allowed the "effects" test, I would like to summarize those which have adopted the contrary—and in my opinion—the correct view.

In *Madison* v. *Jeffers* (494 F.2d 114 (1974)), the Fourth Circuit Court of Appeals considered a case in which the appellants charged a homeowner had acted in violation of title VIII by refusing to sell him certain properties that had been offered for sale and then removed from the market. The court concluded that the seller's failure to sell might have been motivated by factors other than race, and that no proof was forthcoming that demonstrated that this failure arose because of the appellants' race.

> The civil rights statutes as interpreted make clear that one who sells or leases real estate has a right to refuse approval on any honest basis unrelated to the race of the prospective purchaser.

In *Skillken* v. *Toledo* (528 F.2d 867 (1975)), the sixth circuit looked at the requirements of title VIII. A nonprofit corporation engaged in the development and construction of an apartment unit, together with a class of low-income minority individuals, brought an action against the defendant city on the grounds that the city refused to rezone a plot of land to permit the construction of low-income housing in a certain neighborhood. The court concluded in reversing the decision of the lower court—

> There was no proof that race had anything to do with the adoption of the comprehensive zoning ordinance in effect at the present time . . . the property owners were interested solely in protecting the values of their own property which they did not want to be diminished by a change in the zoning . . . the zoning laws in the present case are not inherently suspect. To apply the compelling interest test would virtually invalidate all forms of state legislation where people are affected differently.

It added further:

> Members of the city council did not cause nor create the concentration of black people in Toledo, and they are under no legal obligation to deconcentrate the area or the change the zoning laws to bring about deconcentration . . . we live in a free society. The time has not yet arrived for the courts to strike down state zoning laws which are neutral on their face and valid when passed, in order to permit the concentration of large numbers of low cost public housing units in a neighborhood where they do not belong and where the property owners, relying on the zoning laws have spent large sums of money to build fine homes for the enjoyment of their families.

The fourth and sixth circuits were later joined by the second circuit in their rejection of any form of "effects" test. In *Boyd* v. *Lefrak* 509 F.2d 1110 (1975), a class action was brought on behalf of public assistance recipients seeking to enjoin an apartment owner from adopting certain financial criteria in determining eligibility for tenancy in his apartments. The owner had adopted a requirement that tenant-applicants have weekly net incomes equal to at least 90 percent of the monthly rental of apartments, or, alternatively, that they obtain a cosignor of the lease whose weekly net income was equal to 110 percent of the month's rent. There was no contention that these criteria had been applied in anything less than an even-handed manner.

(Mr. MITCHELL assumed the chair.)

Mr. HATCH. The argument of the public assistance recipients was that such financial criteria constituted discrimination "because of" race since the 90-percent rule excluded all public assistance recipients from tenancy eligibility except for the extremely small number who were able to obtain an acceptable cosignor. Further, since the large majority of relief recipients in the vicinity of the apartment—New York City—were black, the effect was to exclude a disproportionately large number of blacks from tenancy eligibility. The premise of the group's argument, as recognized by the Court, was that welfare recipiency "must be seen as the functional equivalent of race," a premise that inexorably follows from the adoption of the "effects" test.

In its opinion, the Court stated:

> Such an equivalency between race and income has been rejected by the Supreme Court in *James* v. *Valtierra* 402 U.S. 137 (1971) . . . as in *Valtierra*, the rule under consideration here cannot be said to rest on distinctions based on race. While blacks and Puerto Ricans do not have the same access to Lefrak apartments as do whites, the reason for this inequality is not racial discrimination but rather the disparity in economic level among these groups . . . a businessman's differential treatment of different economic groups is not necessarily racial discrimination and is not made so because minorities are statistically overrepresented in the poorer economic groups. The fact that differentiation in eligibility rates for defendants' apartments is correlated with race proves merely that minorities tend to be poorer than is the general population.

The Court concluded by observing:

> In order to utilize the correlation between race and income to establish a violation of the Fair Housing Act on the part of a private landlord, plaintiffs would have to show that there existed some demonstrable prejudicial treatment of minorities over and above that which is the inevitable result of disparity in income. Just as this Court will not impose even on the Government an affirmative duty to construct low-income housing when the decision not to build is not racially motivated . . . so we will not impose an affirmative duty on the private landlord to accept low income tenants absent evidence that his motivation is racial rather than economic in origin . . . similarly because there has been no finding of racially motivated discrimination, appellants have not violated the Civil Rights Act of 1966.

Thus, the present state of the law in this area is that, in order to prove a constitutional equal protection violation, proof or intent or purpose is required, while the Federal circuits remain divided on whether or not there is a similar statutory requirement. At least three circuits, however, have adopted some form of intent requirement similar to that posited by the Supreme Court in Arlington Heights.

What then is the impact of S. 506 upon this law? The Senate report seems to be totally oblivious to this disagreement among the circuits. On page 18 of this report (96–919), it reads:

> S. 506 also continues existing case law regarding the standard of proof to establish a violation of title VIII. The courts have held that the plaintiff seeking to show a discriminatory housing practice may prove either that the defendant intentionally engaged in housing discrimination or that the defendant's conduct had a racially discriminatory effect . . . S. 506 reaffirms (sic) the "effects" test as one way of proving a violation of title VIII.

If S. 506 becomes law, there will be few courts that will be willing to disregard this "legislative intent." The plainly incorrect language of this report will, by a self-fulfilling prophecy, become the law of the land.

In addition, there are two specific provisions of S. 506 that explicitly require the adoption of an "intent" test. Section 5(f) requires proof of intent before one form of zoning ordinance—a minimum lot size requirement—can be found in violation, while section 5(e) requires proof of intent before a professional appraisal can be found in violation of title VIII. While I, of course, have no objection to the substance of these provisions, I do believe that they convey the implication that other forms of public and private actions may be found in violation of the act even in the absence of an intent requirement. That is not present law and I do not believe that it should become future law.

Even if S. 506 were purely neutral on the applicable test for identifying discrimination under title VIII, I would find it objectionable. I do not believe that this body should quietly acquiesce in the sort of social engineering being pursued by DHUD and the Justice Department. There is, as I have noted earlier, absolutely no justification whatsoever in either the language or the legislative history of title VIII to justify the use of the "effects" test. I do not believe that this body ought to tolerate the various "innovative" or "creative" theories of civil rights litigation that flow so easily from the employment of this test.

I note in this regard that both Federal departments have reaffirmed their commitment to this form of social engineering. In the Federal Register of February 25 of this year (page 12265), HUD published an advance notice of rulemaking under title VIII. Among the proposed rules were those dealing with such matters as discrimination in the financing of housing, discrimination in real estate practices, conduct which constitutes "steering," prohibited appraisal practices, residential redlining, discrimination in property insurance practices, and "affirmative administration of Federal programs relating to housing." If nothing else, I suggest that the breadth of these rules is sufficient cause to insure that there is an effective legislative veto provision of HUD title VIII actions in the law.

In addition, however, it announced its decision to publish proposed rules on the subject of unlawful zoning and land use practices. In describing its intentions HUD stated:

> This rule would describe the applicability of title VIII of the Civil Rights Act of 1968 to zoning and land-use practices and would indicate the tests to be used by HUD in determining whether a violation has occurred.

It is clear that HUD would like to codify the "effects" test, something that has never been done before. In the same vein, the Justice Department has announced its intentions to "take a major new look" at "exclusionary" zoning and land-use practices. Washington Post, January 18, 1980. Attorney General Benjamin Civiletti remarked on this occasion:

> There's a prospect that if we change our focus to planning, zoning, and financing we could bring suits that would have a substantial effect in breaking down the nooses around some of our major cities in fair-housing development in the suburbs. We've done very little of that.

Drew Days, head of the Department's Civil Rights Division, commented further that the Department has been attempting to overcome its reluctance to pursue land-use cases and that it was necessary to shift greater resources from private fair housing suits to "broader" attacks on zoning discrimination cases.

Whatever the nature of the "effects" test, and whatever its virtues, it is clearly not a test for uncovering "discrimination" in the traditional sense of that term. I am amazed by the ease with which the Justice Department and HUD have thrown aside traditional notions of discrimination and eliminated any need to prove that a given state of mind existed at the time of an alleged violation of title VIII.

The analogy to the criminal law is entirely proper, in my opinion. A crime—as well as a civil rights violation—requires that there be both a physical part and a mental part. With rare exceptions, a criminal actor must not only commit some proscribed act, but must commit it while possessing the requisite "bad mind" or mens rea. As the old Latin phrase goes, an act does not make one guilty unless his mind is guilty.

What are the primary objections to the intent test? What are its alleged shortcomings? Basically, the major concern seems to be that the test is ill equipped to deal with the realities of modern-day discriminatory activities. Such activities, both in the housing area and elsewhere, have grown increasingly sophisticated and subtle. As the seventh circuit has put it:

> A strict focus on intent permits racial discrimination to go unpunished in the absence of evidence of overt bigotry. As overtly bigoted behaviour has become more unfashionable, evidence of intent has become harder to find. But this does not mean that racial discrimination has disappeared. *Metropolitan Housing Development vs. Arlington Heights* 558 F.2d 1283, 1290 (1977).

In short, it is easier to prove a violation of title VIII when the "effects" test is employed than when an intent test is employed.

I find this argument extremely ironic, coming from those who place such great pride upon their civil libertarian instincts, such as the ACLU (which opposes my amendment) and much of the civil rights community. I did not realize that it was the primary objective of our system of justice to secure easy prosecutions or convictions. I would quite agree that easing the standard of proof in housing discrimination cases, as well as in any other civil or criminal case, will make "victory" easier to secure for one side or another. I had thought that the civil libertarian community would be the first to recognize that there are other objectives to be promoted by our legal than simply a high batting average for HUD or the Justice Department in pursuing housing discrimination actions.

The key question here, to my mind, is simply this: What does Congress seek to accomplish through title VIII? What does Congress seek to accomplish through the Fair Housing Act amendments? Does it seek to prohibit discriminatory actions, or rather does it seek to prohibit any actions—or even any omissions—that do not have the effect of providing the most housing for protected groups? What precisely is the purpose of this legislation?

If it is the former, then not only should the test make prosecutions of cases that do not involve discriminatory intent "more difficult"—the test should make this impossible. That prosecutions would be made more or less difficult is not nearly as relevant a point as are considerations of equity, due process, and congressional purpose.

I would ask my colleagues if we wish to subject individuals and communities to $10,000 fines, the possibility of injunctive orders, and "such other relief as may be appropriate," not to mention the extreme stigma of being labeled a civil rights violator, when there is no ill will, no discriminatory motivations, and no intention to act in a manner that makes distinctions between people on the basis of race, color, sex, religion, or national origin? Does such a person or such a community deserve to be subject to the sanctions of this act? Does this enhance the integrity of our legal system? Is it really more important that we make prosecutions "less difficult?"

The seventh circuit is totally wrong in its description of the intent test. It has never been a requirement of the test that there be "overtly bigoted behaviour." It has never been necessary under this test for an individual to stand up and proclaim his hatred toward blacks or Puerto Ricans or Mormons before the requisite discriminatory intent could be identified. This is not true, and I will write that into this amendment if there is the slightest scintilla of doubt about this.

The intent test requires nothing more than that the trier of fact in a case consider all the evidence available to him, including whatever circumstantial evidence exists, and on the basis of all this determine whether or not intent can be shown to exist. It is a process no different from proving any other factual element in a case.

How then can intent be proved if there are no express statements of discriminatory purpose? The Supreme Court in Arlington Heights, while unequivocally rejecting the "effects" test, noted:

> Determining whether a discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.

Among the factors that the Court noted may be helpful in proving the existence of discriminatory intent are the historical background of a decision, the specific sequence of events leading up to the challenged action, whether or not there were any departures from regular operating procedures, contemporary statements of involved parties, and, not least of all, the disparate impact or "effects" of an action.

Under the intent test, the fact that a private or official action had the effect of limiting access to some benefit by protected groups may well be a crucial consideration. As the Court also noted in Arlington Heights:

> Sometimes a clear pattern, unexplainable on grounds other than race, emerges from the effect of the State action even when the governing legislation appears neutral on its face.

Unlike the "effects" test, however, the fact of disparate impact is not necessarily dispositive, nor does it necessarily shift the burden of proof to the respondent. Under the intent test, large disparities in impact are not necessarily indicative that some action was motivated by unlawful discrimination, but neither are small disparities necessarily indicative that an action was not so motivated.

In *Resident Advisory Board* v. *Rizzo* 564 F. 2d 126 (3rd Cir. 1977), the Court again listed factors that could be evaluated by courts attempting to uncover discriminatory intent under title VIII. Among the appropriate considerations were: First, the discriminatory impact of the policy or practice; second, the historical background; third, the sequence of events leading up to the challenged decisions; fourth, departures from normal procedural sequences; fifth; departures from normal substantive criteria; and sixth, the legislative or administrative history of the challenged decisions. In *Columbus Board of Education* v. *Penick*, — U.S. — (1979), the Supreme Court added that another highly relevant factor is whether the defendant adhered to the challenged policy with "full knowledge of its predictable effects."

Under the intent test, in other words, proof of discriminatory intent can be demonstrated by the cumulation of whatever direct or circumstantial evidence is available to the courts. It should be emphasized also that there is no requirement that the test be satisfied by demonstrating that the racially invidious purpose was the only motivating purpose. Once any discriminatory purpose has been demonstrated, even where alternative and legitimate purposes might also have existed, the burden is shifted to the defendant to prove that the same decision would have resulted even absent an impermissible motive. Arlington Heights 429 U.S. 252, 265–6, 270 (1977); *Mount Healthy City Board of Education* v. *Dole* 429 U.S. 274, 284 (1977).

Despite some of the more alarmist cries, the employment of the intent test is not likely to result in different verdicts in very many title VIII cases. It is worth noting that even those circuit courts that have been most receptive to the "effects" test have indicated that the defendants before them would have been found in violation of title VIII regardless of what test for discrimination had been used. In *U.S.* v. *City of Parma* 7 EOH RPT 15,896 (D.C., ND, Ohio 1980), for example, the Court concluded by holding:

> Regardless of whether a racially discriminatory intent or a racially discriminatory effects standard is employed, Parma has violated sections 804(a) and 817 of the Fair Housing Act. At page 15,939.

As I have looked through the cases myself, I do not believe that the courts would have had a particularly difficult time finding against most of the communities on the basis of either an "effects" standard or an intent standard.

What my primary concern is, is not that the "effects" standard has been employed in an abusive manner in the past, although I believe that this is clearly true in a number of instances. Rather, I am concerned, first, about the fact that, from a standpoint of equity and due process, Federal prosecutors should have to demonstrate some malevolent or wrongful purpose before they succeed in imposing the sanctions of S. 506 or any other civil rights act.

Second, I am concerned that, once we accept the fundamental premises of the "effects" test, there is absolutely no principaled stopping point at which we can say that discrimination has truly been ferretted out of existence, short of absolute numerical equality. I am particularly concerned about the potential for social engineering and Federal interference that the "effects" test may carry in the hands of Federal administrators who might wish to impose their own notions of the social good upon the Nation.

It is also worth emphasizing that the use of the "effects" test by HUD and the Justice Department has not merely been a device for shifting the burden of coming forward with evidence in housing discrimination cases. I might add, however, that I would personally find even this objectionable by seeming to raise the presumption that zoning or land-use practices are commonly discriminatory and that a prima facie case can be made out simply through a demonstration of disparate impact.

As I have noted earlier, if credence is given to the "effects" test approach to discrimination, most, if not all, forms of zoning would be susceptible to attack. Most, if not all, commonly employed zoning practices impact in a disparate manner upon various income groups, while members of racial and other minority groups tend frequently to be represented unequally among various income groups.

It is unacceptable policy, in my opinion, to place even the burden of coming forward upon communities on the basis of nothing more than the fact that they have acted or omitted to act with respect to some facially neutral zoning or land-use practice.

The "effects" test, however, has developed into something more than even this. It has commonly been used to shift the burden of proof to the defendants, requiring them either to prove the fact of nondiscrimination—often an extremely difficult proposition, as is the proof of most negatives—or the fact that a legitimate business or public policy purpose lay behind the action and that no alternative actions could have been taken that would have achieved similar business or public policy purposes.

In other instances, the test has developed into a per se proposition in which proof of a discriminatory effect suffices to establish a valid title VIII claim. In *United States* vs. *Mitchell* 580 F. 2d 789 (5th Cir. 1978), for example, the court focused exclusively upon the discriminatory effect, applying it in a conclusory manner. The fifth circuit noted, "statistics, although not dispositive have a critical if not decisive significance".

Ordinarily, a plaintiff in a civil action—much less the prosecution in a criminal action—must produce evidence sufficient to persuade the trier of fact that the respondent's conduct was in violation of some provision of the law. The main exceptions to the procedure fall within several categories, none of which seem particularly relevant here.

One exception is where the party asserting the less likely or less reasonable proposition is required to bear the burden of proof. Unless we are prepared to presume in title VIII that facially neutral zoning or land-use laws are more often discriminatory, in an illegal sense, than not, this serves as no justification for shifting the burden to the defendant. Another exception occasionally may arise when one party has special access to information bearing upon the case. A genuinely nondiscriminating public or private should have little, if no, information in possession that would provide exculpating evidence. Nor is there any reason to believe that a discriminating party would not also be able to produce documentary material indistinguishable from that of the innocent party.

Mr. President, it has come to my attention that the Department of Housing and Urban Development has circulated a letter in which they accuse proponents of the intent amendment of "totally ignoring the actual content of the bill." Let me read several excerpts from this letter into the RECORD and briefly respond to them. I believe that it is HUD and the proponents of S. 506, as presently written, who are attempting to obscure the actual issues involved here.

HUD's letter starts by stating:

> Opponents have claimed that S. 506 gives HUD new authority to impose land-use controls and prescribe the composition of various neighborhoods. Neither the Senate version nor the House version of the Fair Housing Amendments Act purports to alter existing law with regard to land-use matters, except for an amendment which would limit the use of the Fair Housing Act as a base for attacking minimum lot size requirements without a showing of intent. In addition, both bills would require all land-use or zoning cases to be heard by courts, rather than administrative law judges.

Let me make several brief points on these claims by the Department. First, it is the contention of opponents of the "effects" test that S. 506 accords new authority to HUD because it expressly adopts the "effects" test as a permissible standard for uncovering discrimination. Despite what HUD believes, it is not at all clear that this test is "existing law" with regard to land-use matters. Even if it were, it is clear that HUD has exercised uncommon caution in the application of this test only because it has never before earned congressional imprimatur. S. 506 would remove these remaining inhibitions. To the extent that the "effects" test is not now law, and to the extent that S. 506 would make it law, yes, HUD would be given new authority to involve itself in local zoning and land-use affairs.

The requirement of proof of intent with regard to minimum lot size regulations simply strengthens the implication that other zoning or land-use practices do not require a similar standard of proof. The amendment is salutory, but was adopted only after a more comprehensive zoning and land-use amendment was rejected in committee. There is no basis for making a rational distinction between minimum lot size zoning practices and any other zoning practice. This amendment was adopted over HUD's objection.

Finally, HUD's emphasis upon the fact that land-use and zoning matters would be heard by courts, rather than ALJ's, is not particularly relevant. Such matters have always been heard in this forum, since the ALJ procedure is only being created in S. 506. The concern of opponents of the effects test is not the procedural one of which forum these cases are heard in, but rather the substantive one of which legal standard is to be applied in whatever the forum is. HUD supported keeping these cases before ALJ's.

HUD continues in its letter:

> The efforts which have made to destroy the so-called effects test in fair housing cases are, again, not directed at the content of S. 506, but rather are attempts to pull back from established case law. The effects test that opponents regard with such suspicion is emphatically not the mechanically-applied rule that the committee report's minority views implies, wherein any showing that a racial group is not proportionately represented leads to instant retribution by the courts.

Again, there is sharp disagreement on what is established case law. It is worth noting, however, that whatever is established case law, there is absolutely nothing to prevent this or any other Congress from altering the language of title VIII and altering established case law.

It is not simply the manner in which the "effects" test has been applied by the courts that is of concern. It is also the manner in which it has been applied by HUD and is capable of being used in an abusive and harassing manner. The test has been applied in a manner in which statistics are paramount and in which discriminatory motivations are irrelevant. Whether or not this is a "mechanical" test depends upon one's perspective. Most importantly, opponents may wonder what protections are built into the "effects" test that would insure that it is not, in the future, used in a "mechanical" manner. I note with interest the recent comments, in the context of affirmative action hiring policies, by Mr. Donald Elisburg, Assistant Secretary of Labor—

> The Labor Department's long-held position is that the outreach obligation begins when the percentage of minorities and women employed in a job is less than their availability in the labor force. The employer's position was, in effect, that this obligation should begin only when the disparity between the availability of these groups in the labor force and their employment by the employer was so great that a statistical case could be made that Firestone was engaging in actual discrimination.

That is from the Wall Street Journal, July 31, 1980.

So much for the notion that there is some hidden guarantee that tests for "discrimination" of these kinds will not be employed in a "mechanical" manner.

HUD goes on to say:

> As applied, the effects test is a balancing process under which courts have analyzed evidence of both invidious purpose and disproportionate racial impact. When the test is applied, a court accepts the assumption that in some cases racial discrimination may be determined by proof of racially disparate effect—but only in circumstances where a defendant fails to show adequate nonracial justification for his or her actions. Disproportionate racial impact alone, without regard to justification, the kind of effects test that the minority views describes, is inadequate to establish a case of discrimination in any circuit.

HUD is more closely describing the intent test here than the "effects" test. It is only the former which weighs and balances both "individious purpose" and "disproportionate impact." As I have noted earlier, there are variations of the "effects" test—this is one of its difficulties, since no one knows precisely which "effects" test HUD or the courts will adopt in a given instance. In some instances, the test shifts the burden of coming forward and producing evidence. In some instances, it shifts the burden of proof to the respondents. And in some instances, despite HUD's claim, it represents a per se violation, *United States* v. *Mitchell*, 580 F. 2d 789 (5th Cir. 1978). Each of these results offends this Senator's sense of equity and due process.

HUD proceeds to say:

> The courts have repeatedly noted the difficulty (particularly in zoning and land-use disputes) of establishing convincing proof of intent to discriminate. Discriminators seldom are so foolish as to take overt action indicating such intent. A zoning board or city council pressured by racially-based resistance to construction of an integrated housing project will seldom, if ever, take action which is openly responsive to racial opposition. It will be traffic problems, or sewer service or overcrowding in the schools which will go on the record as a basis for rejecting the project. In some cases such justifications may be valid and in others they may not. The courts wisely have recognized that doing justice is more complicated than reading the minutes of a council meeting or trying to look into the minds of voting members.

As has been emphasized by virtually every court and commentator who has spoken approvingly of the intent test, there is absolutely no need to establish "overt actions" indicating intent. Courts may consider the totality of the evidence available to them, including whatever circumstantial evidence exists. This would include evidence of disparate impact or effect. The need to prove some manner of intent or purpose is a common need in both our criminal and civil systems of justice. It is far from an insurmountable problem. What HUD seems to be saying is that because it is sometimes difficult to prove intent, we will make sure that intent becomes an irrelevant issue. What precisely are the standards that HUD would use in determining in which cases "traffic problems" or "sewer service" is a valid justification for some zoning action and in which cases it is not a valid justification? What precisely are its criteria? Finally, as confident as I am in the integrity and wisdom of our Federal judiciary, I would far prefer that they interpreted the law than that they did "justice" in determining whose school overcrowding problems were real and whose were not.

HUD then states:

> Preservation of this rational, thoughtful mode of analyzing evidence is imperative to the success of civil rights law enforcement. The "proof of intent" test proposed by opponents of S. 506 will be offered on the Senate floor as an amendment to S. 506. If successful, such an amendment would repudiate the judiciary's carefully-balanced standard of proof developed over the past two decades.

Once again, there is disagreement over what the "proof of intent" amendment would "repudiate." Even among those circuits which have countenanced the "effects" test, there is no agreement as to what constitutes the test, either with respect to the initial showing required by the Government, the effect of making that showing, and the means for overcoming that showing. There is no "carefully-balanced" standard of proof. The only clearly articulable and comprehensible test for discrimination that exists today is one that has been stated by the Supreme Court and that would be stated by 99 out of every 100 people on the street—the intent test. It is ironic that HUD should be detailing what is "imperative" to the success of "civil rights law enforcement" when it is this same agency that has been blamed by the U.S. Civil Rights Commission as being the major reason why present fair housing laws are not being enforced effectively. It is not "imperative" to the success of this movement ever that the civil rights of persons accused of title VIII violations be treated in a perfunctory manner.

Finally, HUD states:

> Opponents of the bill have further tried to confuse the issue and divert attention away from the language of the legislation by referencing a notice of proposed rulemaking, published in the Federal Register in February 1980, indicating HUD's intentions to promulgate regulations involving unlawful zoning and land-use practices . . . Under existing law, HUD is required to accept and investigate complaints alleging violations of the prohibitions against discrimination in Title VIII . . . HUD does not intend through publication of a regulation or any other action to infringe on local control of zoning and land-use matters, but rather would enunciate the standard that HUD will use in determining whether a violation of title VIII has occurred.

I am not sure how it "confuses" the issue to highlight HUD's intent to promulgate regulations concerning the "tests" to be used by HUD in determining when to pursue title VIII complaints. This is precisely the issue involved here—should HUD be able to promulgate regulations that would adopt any "test" for uncovering discrimination other than an intent test? Are there alternative "tests," any of which is permissible under the provisions of title VIII in identifying prohibited practices? HUD's proposed regulations (February 25, 1980) are not merely for the purpose of determining how it will establish its litigative priorities, but are expressly for the purpose of establishing standards for identifying what constitutes discrimination. This is the substance of the "proof of intent" issue.

No one disputes HUD's present rulemaking authority. Nor does anyone dispute that HUD has employed the "effects" test in the past and would like to institutionalize such employment in the future through formal rules. The only dispute is whether or not the use of the "effects" test has ever been within HUD's authority. That is the issue involved in S. 506.

I am adamantly committed to the elimination of discrimination in the area of housing opportunities. I have expressed support for the objectives of the pending bill ever since it came before the Constitution Subcommittee on which I sit. I am just as adamantly opposed, however, to the sort of Federal social engineering policies that will be encouraged by congressional acquiescence in the use of this amazing test for "discrimination." In both of these positions, I believe that I, and other opponents of the "effects" test are faithfully reflecting the views of a large majority of the citizenry of this country, without regard to race, color, religion, sex, handicap, or national origin.

I have a letter from the National Association of Counties, dated September 10, 1980, regarding S. 506 the Fair Housing Amendments Act of 1980 which I shall read into the RECORD at this time.

> DEAR SENATOR: This is to advise you of the strong support of the National Association of Counties (NACo) for S. 506, the "Fair Housing Amendments Act of 1980," which will be considered by the Senate shortly. This long-overdue legislation provides for effective enforcement in an expeditious and less costly manner, of the Nation's fair housing law.
>
> In addition to supporting the bill, NACo also strongly supports an amendment to be offered by Senator Orrin Hatch which would require that a complainant alleging discrimination in local government zoning actions or land use practices prove intent to discriminate. This amendment seeks to clarify a number of conflicting court decisions, some

of which have relied on an "intent" test while others have relied on an "effects" test.

We believe very strongly that as a matter of public policy, the official actions of local elected officials must be presumed to be non-discriminatory in the absence of evidence to the contrary. Thus, the burden of proving discrimination would rest on the complainant rather than on local officials proving they did not.

While the use of the intent test may place a greater burden on the complainant, to do otherwise might well result in a chilling effect on the ability of local elected officials to perform their duties. Since the question of whether discrimination has occurred is often a close one, the Hatch amendment would afford these officials protection from nusiance suits some of which subject them to personal liability, while at the same time providing protection to the protected classes under the Act from instances of true discrimination.

We note that the bill does not prohibit a minimum lot size requirement for residences unless such a requirement is imposed with intent to discriminate. While we of course support this, we urge that it be extended to cover all other land use practices or zoning actions, such as the location of or other restrictions on multi-family housing.

We strongly urge you to vote in favor of the Hatch amendment.

Sincerely,

BERNARD F. HILLENLUND.

I have a letter from the National Apartment Association dated September 16, 1980:

NATIONAL APARTMENT ASSOCIATION,
Washington, D.C., September 16, 1980.
Hon. ORRIN G. HATCH,
Washington, D.C.

DEAR SENATOR HATCH: On behalf of the National Apartment Association, I urge support for the three amendments to S. 506, the Fair Housing Amendments Act of 1980, described below. The National Apartment Association policy statement has long supported the principal of eliminating discrimination in housing based on race, color, religion, sex, or national origin. However, we feel that S. 506 is an unnecessary expansion of HUD authority. These three amendments will ameliorate the harshness of this legislation if is should be passed.

We support an amendment to be introduced by Senator Orrin Hatch which will clarify the existing law by providing that landlords would only be in violation of the fair housing laws if particular rental policies have the intent to discriminate. Some courts presently use the "effects" test, finding a violation of the fair housing laws if the effect of a rental policy has a disproportionate impact on the protected class of individuals as defined in the fair housing laws. However, there are many legitimate rental policies that have nothing to do with discrimination which might fail the "effects" test. Income requirements, credit checks, or an adult only policy are legitimate rental policies that might fail the "effects" test.

We also support an amendment to be introduced by Senator Dennis DeConcini which would transfer enforcement of the fair housing laws away from administrative law judges, as proposed in S. 506, back to the courts, as under existing law. It is important that the right to a hearing before an impartial tribunal and the constitutional right to a jury trial be preserved. The use of an administrative law judge as an enforcement method would deny these basic rights.

I cite to my colleagues a Wall Street Journal editorial dated September 15, 1980, entitled "Equity and Housing."

EQUITY AND HOUSING

Since the enactments of civil rights legislation in the early 1960s, federal agencies have greatly distorted the original concept of equality of opportunity. With support from the courts, the principle of affirmative action has been introduced to justify discrimination in favor of blacks and other minorities in recompense for discrimination against their forbears. Further yet, we now have federal agencies pursuing a doctrine that turns equality of opportunity entirely on its ear in an attempt to produce a utopian miracle, equality of result. This has led to attempts at social engineering that are the antithesis of the freedoms the civil rights movement originally sought to protect. And there is every evidence they produce nothing but discontent and disorder.

The Senate has a chance this week to begin to redress the balance. Senator Orrin Hatch—with the backing of Senators Thurmond, Laxalt and Cochran—plans to introduce an amendment to the Open Housing Act of 1968 to clarify what constitutes discrimination "because of" race, color, creed or national origin. His intention is to tell federal agencies that they have no authority to engineer the structure of society; their job, rather, is to guard against infringement of individual rights.

The Open Housing Act was designed to outlaw discrimination in the sale or rental of housing and to provide mechanisms for enforcement. The act, along with a growing public awareness of the unfairness of racial and religious discrimination, has undoubtedly reduced the level of intentional discrimination in housing. Of course, it still is true that blacks, on average, are less able to afford higher cost housing than whites, a problem that in some cases may reflect continuing barriers to job entry or advancement but has little if anything to do with housing discrimination.

Federal officials, however, have broadened their attack from real estate sales practices and the like to local zoning and land-use laws. Moreover, the Department of Housing and Urban Development and the Justice Department no longer accept the burden of proving whether a community has a discriminatory intent in adopting certain zoning or land-use practices. Rather, they have begun to bring suit against communities because of practices which have the effect of "under-representing" minorities within neighborhoods.

Instead of prohibiting intentional discrimination, HUD and Justice are acting to prohibit any action that doesn't affirmatively contribute to achieving "proportional" representation of minorities in a community. HUD's procedure is to use statistics. If, for example, a suburban community has a 10 percent minority population while the surrounding metropolitan area has a 20 percent minority population, that community's zoning practices become suspect. This "effect test" has been used against minimum lot size requirements and restrictions on multi-family dwellings in order to achieve the "proper" minority ratio for that community.

"To use any other test for discrimination than an intent test is to invest overwhelming authority in the federal bureaucracy to utilize their own notion of social good to restructure communities across the nation," states the minority report of the Senate Judiciary Committee on the Open Housing Act.

The notion that government could or even should ensure equality of result is fallacious and dangerous. It attacks the concepts of freedom and property protection embodied in the Constitution.

The framers of the Constitution and the legislators who enacted the 1960s civil rights bills could never have intended the federal government to take on the responsibility to restructure society. Their clear intention was to protect minorities from discrimination aimed at denying them their just and full constitutional rights. The further we stray away from that concept of discrimination the less freedom each of us will enjoy.

(Mr. JOHNSTON assumed the chair.)

Mr. HATCH. In the Washington Star dated Sunday, October 5, 1980, entitled "Fair Housing Deficiencies," an editorial makes a pretty good case for what we have been chatting about:

FAIR HOUSING DEFICIENCIES

It is just as well that the fair housing proposal did not come up in the Senate in the jumbled days before the election recess. Better to leave it for the lame-duck session in November when two aspects also contained in the House version, can be debated as their sensitivity demands. And, we trust, be modified.

One must look hard to find opposition to the principle of strengthening the Open Housing Act of 1968. That law was largely an exhortation, relying on reconciliation as the primary enforcement mechanism, and the results have not been negligible. But if the law has not been toothless, as supporters of the new proposal maintain, neither does it provide effective redress for persistent discrimination.

The new fair housing proposal would establish a special corps of administrative law judges to hear and decide complaints; they could levy fines of up to $10,000 for violations. This means that charges of discrimination would be prosecuted, judged and decided within the executive branch rather than the judicial.

The major argument in behalf of the administrative law judges is that relief through the courts has not been sufficiently rapid. Expediency, in and of itself, is a poor legislative premise. To negate such a procedural flanking maneuver, Sen. Dennis DeConcini, R-Ariz., is offering a sensible amendment to insure due process and, at the same time, accelerate the resolution of complaints. Expedited hearings would be held, appropriately, before judicial magistrates. This would provide the right to trial by jury, compliance with rules of evidence and procedures and, far from least, an independent and neutral judge.

Further, to create yet another layer of bureaucracy, when an appropriate forum for adjudication already exists, amounts to another exercise in statism.

That brings us to an even greater deficiency in the House bill and the measure pending in the Senate—a mischievous murkiness over what would constitute discrimination "because of" race, color, religion, sex, national origin or physical handicap under Title VIII of the 1968 law. Interpretation of this provision will significantly determine the federal government's role in zoning and land-use decisions of local communities where contentions of housing discrimination arise, as they increasingly have done.

The Departments of Justice and HUD have adopted a test for determining unlawful discrimination that "is totally inconsistent with the intent" of the 1968 law, argue Senators Thurmond, Hatch, Laxalt and Cochran in a convincing Judiciary Committee minority report. "Rather than accepting the burden of proving whether or not a community possesses a discriminatory intent in adopting a zoning or land-use practice, these agencies have begun to bring suit against communities on the basis of practices that have the discriminatory effect of 'under-representation' of minorities within neighborhoods or communities."

An "effect" of discrimination is an elusive interpretive basis. The implications could extend even to "economic status." It may be more difficult to establish intent to discriminate—though not nearly so difficult as supporters of the "effects test" contend. Circumstantial evidence can establish legal intent.

But "that prosecutions would be made more or less difficult is not nearly as relevant a point as are considerations of equity,

> due process, and congressional purpose," the minority report correctly asserts. Senator Hatch intends to offer two remedial amendments, one addressing policy issues such as zoning and the other targeted to alleged violations by apartment owners and homesellers.
>
> The DeConcini and Hatch modifications, we believe, are vital. While it is desirable to strengthen the Open Housing Act, it is imperative that the means to that end do not themselves do violence to fundamental principles of equity.

Columnist Joseph Sobran had this to say:

> Soon—maybe next week—the Senate will take up the Fair Housing Act that squeaked through the House this summer by one vote (Speaker Tip O'Neill's). The apparent purpose of the act, a pet of the Carter administration, is to continue the holy war on racism. Its actual result will be to beef up the federal government's power to find people guilty of breaking laws they didn't break.
>
> That act will face a challenge in the form of an Amendment, to be proposed by Utah Republican Orrin Hatch. Put briefly, Hatch wants to keep the burden of proof on the prosecutor, not the defendant, in civil rights cases. That is, after all, part of the essence of civil rights.
>
> The Fair Housing Act is a tougher version of the Open Housing Act of 1968. In enforcing the 1968 law, the Department of Housing and Urban Development and the Justice Department have recently adopted tests for detecting discrimination that are not only shoddy but also, as Hatch points out, violate the intent of those who passed the law 12 years ago.
>
> Rather than find proof of discriminatory motives, HUD and Justice have taken to suing communities on the basis of racial patterns of residence that show "under-representation" of minorities. They have brought actions charging communities with violating the law simply for passing minimum lot size requirements, restrictions on multi-family dwellings, and restrictions on group homes in residential neighborhoods. There are, to be sure, interesting libertarian arguments against such local restrictions of property rights, but if you think the federal government is actuated by libertarian philosophy, you must be Rip Van Winkle.
>
> As a matter of fact the Supreme Court has already ruled, in constitutional rather than merely statutory cases, that statistical proportions don't suffice as evidence of discriminatory intent, or constitute actual discrimination. This hasn't noticeably lessened the bureaucratic drive for power, which finds it convenient to make Americans suspects en masse whenever they fail to migrate and settle down in accordance with the pipe dreams of social engineers.
>
> There is deeper irony. Santayana defined a fanatic as one who redoubles his efforts when he has forgotten his reasons. By that standard, the federal government is keeping a lot of fanatics on the payroll. The original motive of civil rights legislation was to produce a color-blind society. Instead we have a highly color-conscious, even a color-obsessed, society, in which we have regressed from the civilized position that you mustn't harm a man because of his race to the dubious position that you must do him special favors because of his race.
>
> We hoped, back around 1964, to eliminate patterns of social asymmetry by eliminating individual injustice. The hope was noble, but naive. Today we are governed by people who want to eliminate social asymmetry by committing acts of injustice. The final irony is that the injustices are being perpetrated by the government itself.
>
> Racial injustice is evil because, primarily, is represents injustice to particular people. A remedy that inflicts another kind of injustice—by dispensing with due process and the presumption of innocence—can hardly be called a remedy at all. Especially if it aggrandizes the power of irresponsible rulers.
>
> The Hatch amendment would force the government to show an actual intent or purpose to discriminate behind local land-use and zoning practices. If adopted, that will mitigate the harm of the Fair Housing Act. We would probably be better off without either the Act or Hatch's amendment, or indeed the whole body of laws and regulations that have put our motives under federal scrutiny. But that's another story, for a better day.

In the October issue of the National Review, it states:

> INADMISSIBLE EVIDENCE
>
> James Dinnan, an education professor in Georgia, has gone to jail. He refuses to tell a court how he voted in the tenure case of a young woman in his department. She has brought suit (with the help of the National Education Association) on grounds of sex discrimination. This means dredging up not only facts but motives, and Dinnan contends that the court's inquiry violates academic freedom. He is now serving three months for contempt of court (he appeared at the jail in academic robes), and may wind up doing 18 more months.
>
> The plaintiff's lawyer contends that unless such inquiries can be made, the right not to suffer discrimination by sex can't be practically enforced. But in every sort of litigation or prosecution there are forms of inadmissible evidence and limits on how one may gather it.
>
> Dinnan, on the other hand, makes two claims. One is that his "conscience" is under attack. But a vote affecting another person's livelihood isn't exactly a matter between the voter and God. Dinnan was acting in an official capacity, and it is reasonable to insist that he be accountable to someone.
>
> But who? He is on stronger ground when he argues that what is at stake is "the integrity of the system." Any institution that wants to remain free has to be trusted by society at large to make its own discretionary decisions. A dubious feature of most "civil rights" laws is that they make people responsible to the state not so much for overt acts as for the motives and reasons behind those acts—and the federal bureaucracy has been moving systematically to place the burden of proof on defendants. The Justice Department's willingness to use residential patterns as actionable evidence of racial discrimination is a recent case in point.
>
> As long as we have such laws—and we are clearly stuck with them for quite a while—it is important that we formulate appropriate rules of evidence for their enforcement. And a key consideration in any such rules must be to keep the burden of proof on the prosecution—not only in justice to the defendant, but to prevent the wholesale satellization of local and private institutions by the Federal Government. In the absence of a sound code, universities will continue to be bullied by loose accusations and eager bureaucrats.

I received letters from a large number of mayors in the country, but one I would particularly like to refer to is a letter from the Honorable Pete Wilson, which has been endorsed by the select list of mayors and local officials who endorsed the DeConcini amendment to S. 506, the Fair Housing Amendments of 1980.

The select list of mayors and local officials who endorse the DeConcini amendment to S. 506, the Fair Housing Amendments of 1980, are as follows:

> The Honorable Lewis Murphy, Mayor of Tucson, Arizona;
>
> The Honorable Hernan Padilla, Mayor of San Juan, Puerto Rico;
>
> The Honorable Margaret Hance, Mayor of Phoenix, Arizona;
>
> The Honorable John F. Sammons, Jr., Mayor of Temple, Texas;
>
> The Honorable Don Erickson, Mayor of Cheyenne, Wyoming;
>
> The Honorable Donald L. Weinhold, Jr., Mayor of Salisbury, North Carolina;
>
> The Honorable Carl Langford, Mayor of Orlando, Florida;
>
> The Honorable Stephen F. Olsen, Mayor of Racine, Wisconsin;
>
> Mr. Dalton Roberts, County Executive, Hamilton County, Tennessee;
>
> Planning Commission, Covina, California;
>
> Mr. Norbert Nuttleman, Chairman, La Crosse County Zoning and Planning Commission, La Crosse County, Wisconsin;
>
> Mr. Robert Edwards, Zoning Administrator, Woodford County, Illinois;
>
> The Honorable William McNichols, Jr., Mayor of Denver, Colorado;
>
> The Honorable Edmond J. Russ, Mayor of Gardena, California;
>
> The Honorable George Sullivan, Mayor of Anchorage, Alaska;
>
> The Honorable James P. Deyo, Mayor of Yuma, Arizona;
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> The Honorable Burl A. Underhill, Mayor of Ft. Myers, Florida;
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> The Honorable Robert L. Smith, Mayor of Newton, Iowa;
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> The Honorable Paul A. Lenz, Mayor of Alton, Illinois;
>
> The Honorable Joe Saleeby, Mayor of North Myrtle Beach, So. Carolina;
>
> The Honorable Francis S. Furey, Mayor of Valley Stream, New York;
>
> The Honorable Erastus Corning, II, Mayor of Albany, New York;
>
> Mr. James N. McCord, City Attorney, Fayetteville, Arkansas;
>
> Area Planning and Zoning Board, Adams County, Nebraska;
>
> Mr. Donald N. Johnston, County Administrator, Campbell County Board of Supervisors, Campbell County, Virginia;
>
> Mr. James Record, Chairman, Madison County Commission, Madison County, Alabama; and
>
> The Honorable John Seymour, Mayor of Anaheim, California.

The letter dated September 16, 1980, from Pete Wilson, Mayor, city of San Diego, reads as follows:

> Dear Senator Hatch: The Senate will be voting shortly on S. 506, Fair Housing Amendments of 1980, to improve the enforcement of the 1968 law against housing discrimination. We support this objective.
>
> However, as Mayors and local officials, we are seriously concerned with the broad new authority which S. 506 appears to give to the Department of Housing and Urban Development to regulate and investigate zoning and land use decisions, tax assessment policies, and other similar local community issues normally left to local discretion.
>
> HUD was not given this power when the law was enacted in 1968. Since then, no court has delegated to HUD this broad authority.
>
> S. 506, however, at least seems to imply new responsibility for the Secretary of HUD to inquire into the effects and motives of local zoning and land use decisions, and according to Congressional Budget Office Reports, it provides 12 new lawyers and 50 additional investigators to carry out that charge.
>
> Proponents of S. 506 would have you believe that HUD will not become involved in local land use matters because, under the so-called Heflin amendment, the Secretary is required to refer zoning or land use cases to the Attorney General rather than to the Ad-

ministrative Law Judge for hearing. But the language of the Heflin amendment does not make clear that the Secretary is without authority to regulate and investigate local decisions such as zoning and land use ordinances, notwithstanding the requirement that he refer such charges to the Attorney General for hearing after HUD investigation. To the contrary, HUD's true intentions are expressed in the Rule it proposed in the notice (which we are enclosing) in the February 5, 1980, Federal Register. We are, frankly, very much concerned that S. 506 may be construed as conferring upon HUD the authority it desires to regulate and investigate local zoning and land use decisions.

Senator, we don't believe HUD should have such authority.

Further, we don't believe HUD should have authority to investigate or bring complaints against our cities' tax assessment policies, urban renewal efforts, or housing or residential growth management plans because they don't fit the expectations of HUD's social engineers.

As we read the Heflin Amendment, such matters need not be referred for hearing to the Attorney General if they are not "determined by the Secretary" in his sole, unappealable discretion, to involve "any novel issue of law or fact or other complicating factor." In such cases, charges presumably would be heard by an Administrative Law Judge under the Presidential Commission, which S. 506 proposes to create.

We need your help to accomplish two objectives when S. 506 comes before the Senate.

First, the Senate should make it absolutely clear in S. 506 that HUD has no power to regulate local zoning and land use matters as that agency proposed on February 5.

Second, we urge your support for the amendment by Senator Dennis DeConcini (D-Arizona) which will mandate the expedited use of U.S. Magistrates within the Federal court system, in place of the new Administrative Law Judge Tribunal proposed by S. 506 as it has come to the floor of the Senate.

The DeConcini amendment rejects the notion that the Executive Branch of the Federal government should be the prosecutor, judge and jury all at the same time as would be the case if a new administrative court is established.

Most importantly, the DeConcini amendment guarantees that HUD's desire to intrude in local government will be tempered by judicial reason.

We thank you for this chance to alert you to these significant shortcomings in otherwise good legislation. With the two changes we recommend, we would urge adoption of new amendments to the Fair Housing Act.

Sincerely,

Pete Wilson,
Mayor, City of San Diego.

Smith Hempstone, in an article in the Richmond News-Leader, dated November 8, 1980, entitled "HUD Steps Up War Against Property Rights," writes as follows:

HUD Steps Up War Against Property Rights

(By Smith Hempstone)

Those wonderful people who over the past quarter-century have done so much to increase American industrial productivity and improve the quality of public education hope now to do the same for housing in these United States.

Which is to say that the Department of Housing and Urban Development, through the civil rights division of the Justice Department, hopes to make access to housing not just color-blind, as it should be, but tilted in favor of minority groups.

Beginning with President John F. Kennedy's Executive Order 11063 of 1962 and ending with Title VIII of the Civil Rights Act of 1968, the thrust of federal law has been to prohibit discrimination on grounds of race, color, creed or national origin in access to housing.

The Open Housing Act of 1968 and previous legislation had been geared primarily to deal with discrimination by individuals against other individuals. But in recent years HUD and the Justice Department increasingly have been filing actions against communities on grounds that their zoning and land-use practices are discriminatory.

What's more, there have been prosecutions even where the intent to discriminate was absent or completely unproved, solely on grounds that the effect of such local ordinances was discriminatory. A bill now before the Senate (S. 506), would enshrine this nefarious approach in law.

The net effect of the Senate bill (the House already has passed similar legislation), Sen. Orrin Hatch (R.-Utah) points out, would be "to transform the Open Housing Act from one prohibiting discriminatory housing practices into one mandating 'representative' balances of minority groups."

In other words, a suburb with a 10 percent black population adjoining a city with a 20 percent black population might well find itself convicted on the basis of this statistical "evidence" of prima facie discriminatory zoning practices.

This is exactly what happened to the landmark 1954 Supreme Court decision, Brown v. Board of Education, which demanded color-blindness in access to public education, but subsequently was interpreted to require "affirmative action" to achieve racial balance, ultimately leading to the Alice-in-Wonderland world of busing and other inanities.

Hatch calls the bill, which would give federal bureaucrats the power to second-guess the "proper" racial, ethnic or religious mix of a neighborhood, "pure and simple social engineering at its worst." And the gentleman from Utah is exactly right.

One is entitled to one's own opinion as to the desirability of homogeneity or diversity within a neighborhood, and most reasonable people would concede there is something to be said for both. But to take that decision away from the people is to stand the law on its head.

As Hatch points out, large disparities in the impact of zoning law on minority groups are not necessarily indicative that the laws were motivated by unlawful discrimination. just as small disparities are not conclusive proof these ordinances were not so motivated.

By shifting the burden of proof in housing discrimination cases from intent to effect, HUD would stack the legal deck against local communities, forcing them into the unenviable position of having to try to prove a negative (lack of discriminatory effect in the face of prima facie statistical evidence to the contrary).

As is the case with so much of what comes out of Congress, S. 506, setting up as it would a clash between property rights and civil rights, clearly would benefit at least one class of citizens: lawyers.

How the courts would rule in such a maze of litigation is anybody's guess. The signals have been conflicting on cases already adjudicated in which HUD has based its position on effect rather than intent.

In one such case, in which a community refused to pass a new zoning ordinance decreasing minimum square footage requirements on building lots, an Ohio court noted that:

"We live in a free society. The time has not yet arrived for the courts to strike down zoning laws which are neutral on their face and valid when passed in order to permit the construction of large numbers of low-cost public housing units in a neighborhood where they do not belong."

One can only say amen to that. And good luck to Sen. Hatch in amending S. 506.

Mr. LEVIN. Mr. President, in 1968, Congress enacted title VIII of the Civil Rights Act in order to provide, within constitutional limitations, for fair housing throughout the United States. The purpose of the act was to insure that no persons are denied housing or financing for housing because of their race, color, national origin, religion, or sex.

In order to enforce this law, the act gave HUD the authority to investigate and to attempt to reconcile complaints of housing discrimination. It gave the U.S. Attorney General the authority to bring suits in discrimination cases which are "pattern or practice" and which raise issues of "general importance." Beyond this, an individual who experiences discrimination must file a suit in court, which can often be lengthy and expensive and in many instances, discourages persons who feel discriminated against to pursue their complaint.

Thus, Mr. President, the 1968 act gave HUD the responsibility to insure that fair housing exists throughout the country but it gave them inadequate authority to carry out that responsibility.

Twelve years of experience with the Fair Housing Act has demonstrated that the provisions of that law are still inadequate to insure fair housing for all persons. The weak enforcement powers of HUD discourage many persons from even filing a complaint; it is recognized that, even if discrimination exists, HUD can do little about it. If a person wishes to pursue their complaint, they must file a suit in court. Even with a timely completion of a case in court, the process is costly. Those who cannot afford to pursue their complaint in a court case, and many of these same persons are persons who experience discrimination, reach a dead end if HUD cannot reconcile their complaint.

Mr. President, hearings since the 92d Congress have highlighted the inadequacies of the 1968 act in providing enforcement measures which insure that the purpose of the act is carried out. These inadequacies are appropriately dealt with in the 1980 fair housing amendments.

The 1980 fair housing bill does not seek to punish—it seeks to protect. It does not propose to limit, inhibit or take away in any way, any proper or legal behavior and actions of real estate, landlords, and others involved in the selling and renting of houses and apartments. S. 506 is instead geared to provide the necessary tools to insure the 14th amendment guarantees of equal protection and treatment, and promote equal opportunity and freedom of choice in housing—this aspect of our lives that is such a fundamental and integral part of the American dream.

Mr. President, title VIII of the Civil Rights Act was signed into law in 1968, the very same year of Rev. Martin Luther King's tragic death. I find it a truly sad irony that as we approach the 13th anniversary of his death, that his visions and dream—things that cannot be shot down, meanings whose truths will not die, are still so far away from being a reality.

Reverend King used to speak of the day when all people can live together in harmony. But this phrase "live together in harmony" has more than just figurative meaning. For there is in fact no tool, no means, no method, that will so definitely bring about racial harmony when people of all races, religions and nationalities are free to live where they choose. For it is only when people can live and grow together that they are truly able to perceive the common feelings and experiences that serve as common bonds among all people and breed the kindness, love and understanding, that can help wipe out the misunderstanding and suspicions that lead to the evils of prejudice.

Mr. President, I hope that we will immediately proceed to consideration of this pressing legislation.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, it is my understanding that the distinguished majority leader would like to go to a resolution in honor of one of our colleagues and, perhaps, to one other matter which we have to resolve. It has also been the understanding that, at the conclusion of today, this matter will be the pending business again tomorrow.

Mr. ROBERT C. BYRD. It would be, yes, Mr. President.

Mr. HATCH. Starting the first thing in the morning.

Mr. ROBERT C. BYRD. Mr. President, it would be at least the underlying pending business. Conference reports are privileged, so if a privileged matter were called up, that matter would be pending in the morning. But this would be the underlying matter.

Mr. HATCH. I understand.

Mr. President, I thank the distinguished majority leader I yield the floor.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of routine morning business for not to exceed 1 hour, and that Senators may speak during that period for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEORGE ROGERS WINNING THE HEISMAN TROPHY

Mr. THURMOND. Mr. President, I have the high honor today of rising for the purpose of extending my heartiest congratulations to Mr. George Rogers, senior tailback for the University of South Carolina football team, on the occasion of his winning the 1980 Heisman trophy. This trophy, the winner of which was announced earlier today, is given annually to America's top college football player.

During his career at South Carolina, George Rogers rushed for 4,958 yards, placing him fourth on the all-time collegiate rushing list. This season, George Rogers led the Nation in total rushing yardage and in average yards gained per game. In addition. George Rogers scored 14 touchdowns this past season, and has now rushed for over 100 yards in 21 straight games.

I would also like to take this opportunity to note that the University of South Carolina has been chosen as a participant in this year's Gator Bowl in Jacksonville, Fla. To George Rogers and the University of South Carolina football team, congratulations for a fine season and a job well done.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

GOVERNING INTERNATIONAL FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND PORTUGAL—PM 268

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Fishery Conservation and Management Act of 1976 (Public Law 94–265; 16 U.S.C. 1801), I transmit herewith a governing international fishery agreement between the United States and Portugal, signed at Washington on October 16, 1980.

This agreement is one of a series to be negotiated in accordance with that legislation. I urge that the Congress give favorable consideration to this agreement at an early date. Since 60 calendar days of continuous session, as required by the legislation, may not be available, I recommend that the Congress consider issuance of a joint resolution to bring this agreement into force.

JIMMY CARTER.

THE WHITE HOUSE, *December 1, 1980.*

PRESIDENTIAL APPROVAL

A message from the President of the United States reported that on November 26, 1980, he had approved and signed the following joint resolution:

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23, through 29, 1980, as "National Family Week."

ENROLLED BILLS PRESENTED

The Secretary reported that on Wednesday, November 26, 1980, he had presented to the President of the United States the following enrolled bills:

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1135. An act to provide for certain lands to be held in trust for the Maopa Band of Paiutes and to be considered to be part of the Maopa Indian Reservation;

S. 1386. An act to amend the National Foundation on the Arts and The Humanities Act of 1965 and the Museum Services Act to extend the authorization of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes;

S. 1578. An act for the relief of Doctor Halla Brown;

S. 1828. An act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes;

S. 2352. An act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes;

S. 2441. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes:

S. 3152. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years; and

S. 3193. An act to designate the Jacob K. Javits Federal Building.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 1:21 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5496. An act to amend the National Historic Preservation Act of 1966, and for other purposes; and

H.R. 6933. An act to amend the patent and trademark laws.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. DECONCINI).

At 5:06 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2227. An act to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas.

The message also announced that the House has agreed to the amendment of the Senate to the following bill:

H.R. 8228. An act to provide that a certain portion of Lake Erie shall be declared nonnavigable.

The message further announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 6410. An act to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes, disagreed to by the Senate; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and has appointed Mr. UDALL, Mr. PHILLIP BURTON, Mr. KASTENMEIER, Mr. FLORIO, Mr. SEBELIUS, and Mr. LAGOMARSINO as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 6211. An act to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act;

H.R. 6257. An act to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes;

H.R. 8235. An act to grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created; and

H.J. Res. 205. Joint resolution authorizing appropriation funds for acquisition of a monument to Doctor Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7591) making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon: and has appointed Mr. WHITTEN, Mr. BURLISON, Mr. TRAXLER, Mr. ALEXANDER, Mr. MCHUGH, Mr. NATCHER, Mr. HIGHTOWER, Mr. STEED, Mr. ANDREWS of North Dakota, Mr. ROBINSON, Mr. MYERS of Indiana, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has agreed to House Resolution 813 on the death of the Honorable John W. McCormack, of Massachusetts.

At 6:10 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2726. An act to authorize appropriations for environmental research, development, and demonstrations for fiscal year 1981, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7273. An act to amend the Immigration and Nationality Act, and for other purposes;

H.R. 8388. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1918. An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to the appointment, promotion, separation, and mandatory retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the permanent grade of commodore admiral in the Navy, to equalize the treatment of female commissioned officers with that of male commissioned officers, and for other purposes; and

H.R. 39. An act to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. MAGNUSON).

HOUSE BILL REFERRED

The following bill was read twice by its title, and referred as indicated:

H.R. 8388. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy; to the Committee on Foreign Relations.

HOUSE BILL PLACED ON THE CALENDAR

The following bill was read twice by its title, and ordered placed on the calendar:

H.R. 7273. An act to amend the Immigration and Nationality Act, and for other purposes.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under the authority of the order of November 25, 1980, the following report of a committee was submitted on November 25, 1980, during the recess of the Senate:

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 4155. An act to amend the Internal Revenue Code of 1954 to allow the Internal Revenue Service to disclose the mailing addresses of individuals who have defaulted on certain student loans solely for purposes of collecting such loans (Rept. No. 96–1039).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NELSON, from the Select Committee on Small Business:

A Special Report entitled "Budget Allocations To The Select Committee On Small Business" (Rept. No. 96–1040).

By Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, with an amendment:

S.J. Res. 189. Joint resolution to establish a Commission on Presidential Nominations (Rept. No. 96–1041).

By Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, with amendments, and an amendment to the preamble:

S. Res. 474. A resolution relating to public access to Senate records at the National Archives (Rept. No. 96–1042).

By Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, without amendment:

S. Res. 538. An original resolution relating to the payment of witness fees (Rept. No. 96–1043).

S. Res. 539. An original resolution relating to existing limitations on reimbursement of certain transportation, per diem, and official expenses incurred by certain Senate personnel (Rept. No. 96–1044).

S. Res. 540. An original resolution relating to payment of travel expenses of a Senator and employees of his office (Rept. 96–1045).

S. Res. 541. An original resolution to pay a gratuity to Deborah D. Ford.

By Mr. BAYH, from the Committee on the Judiciary, with an amendment (in the nature of a substitute):

S. 2849. A bill for the relief of Charles Jeffrey Greene (Rept. No. 96–1046).

By Mr. MELCHER, from the Select Committee on Indian Affairs, without amendment:

H.R. 7147. An act to provide that certain land of the United States shall be held by the United States in trust for certain communities of the Mdewakanton Sioux in Minnesota (Rept. No. 96–1047).

By Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, without amendment:

S. Res. 542. An original resolution waving section 402(a) of the Congressional Budget Act with respect to the consideration of S.J. Res. 189, a joint resolution to establish a Commission on Presidential Nominations, referred to the Committee on the the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr KENNEDY, from the Committee on the Judiciary:

Stephen G. Breyer, of Massachusetts, to be U.S. circuit judge for the first circuit.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CANNON:

S. 3231. A bill to authorize the conveyance of certain lands to the County of Mineral, Nevada; to the Committee on Armed Services.

By Mr. CANNON (for himself and Mr. LAXALT):

S. 3232. A bill to grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 3233. A bill to amend the Energy Security Act by adding a domestic procurement requirement; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CANNON:

S. 3231. A bill to authorize the conveyance of certain lands to the County of Mineral, Nev.; to the Committee on Armed Services.

TRANSFER OF LANDS TO MINERAL COUNTY, NEV.

Mr. CANNON. Mr. President, I introduce a bill to provide for the transfer of certain lands to the government of Mineral County, Nev., presently being used by the Department of the Army.

The land involved is presently part of the Hawthorne Ammunition Depot, and specifically within the residential area of Babbit, Nev. As the depot is scaled down over the next several years, the Army's need for this land will disappear, and it will become surplus. The land should be conveyed to the communities which have helped maintain and provide services to the military installation over the years. This bill would provide for the transfer to the county and thence to the community of Hawthorne at the cost of the administrative expenses.

Mineral county is 90-percent federally owned. The major community in the county, Hawthorne, is virtually landlocked and surrounded by Federal land. In order to expand it has been necessary to obtain congressional approval for land transfers over the years. That is what the bill will approve.

This land is suited primarily for urban use. The best disposition of the land would be that contemplated in the bill, and I urge its favorable attention.

I recognize that the measure will not be fully considered by the Congress this year, but I want to put on notice the Department of the Army and the appropriate Senate committee that I will pursue this matter diligently in the 97th Congress.

By Mr. CANNON (for himself and Mr. Laxalt):

S. 3232. A bill to grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created; to the Committee on the Judiciary.

LAKE TAHOE REGIONAL COMPACT RATIFICATION

Mr. CANNON. Mr. President, on behalf of my distinguished colleague, Senator Laxalt, and myself, I introduce an historic bill to grant the consent of the Congress to the Lake Tahoe Regional Compact.

This measure will ratify an agreement reached after long and difficult negotiation between the two States of Nevada and California to a planning organization and to a process for limiting and guiding the development of Lake Tahoe, a precious environmental jewel. Basically, the compact will reestablish with new authority and a new mandate the Tahoe Regional Planning Agency, making it the sole authority for future planning in the Tahoe basin. Additionally, the compact will establish new guidelines and limits on growth and require studies to determine the environmental damage thresholds of the basin.

After a long dialog between the States over the different interests and goals of each, this compact has been agreed upon and adopted by the respective State legislatures. This process was completed only recently, making the introduction of this bill at this late date unavoidable. However, because of the importance of this compact and the agreement at long last of virtually all parties with an interest in the lake, I am hopeful some action will be possible this year. The interests of the basin and of the Nation will be served by the early consideration of this measure.

By Mr. HEINZ:

S. 3233. A bill to amend the Energy Security Act by adding a domestic procurement requirement; to the Committee on Energy and Natural Resources.

DEVELOPMENT OF ALTERNATIVE ENERGY RESOURCES

● Mr. HEINZ. Mr. President, today I am introducing legislation to insure that in our development of alternative energy resources under the Energy Security Act, we adhere to a strong Buy American policy so that projects which receive Federal funds or guarantees purchase an appropriate share of U.S. materials.

The Energy Security Act was passed by Congress in an effort to establish American energy independence through the development of alternative energy sources within the United States. It follows as a corollary that the construction and maintenance of these projects should also encourage independence by relying on American materials and labor. However, as projects have begun, we have discovered that some of them have relied in part on foreign materials, at the expense of American labor and industry. During this time of high unemployment, the continued loss of our Nation's technology, materials and jobs to foreign competition, particularly in the area of federally financed synthetic fuels development, is a matter of grave concern.

One recent case illustrates the problem that confronts us. Two months ago a large contract for the production of heavy-guage plate steel, to be used in a synthetic fuels plant, was awarded to a Japanese firm. The Japanese firm, Hitachi, Ltd., had originally bid $10 million for the job, the same as the lowest domestic bidder, Chicago, Bridge, & Iron Works. Yet Hitachi was subsequently allowed to revise its bid, which it reduced to $8 million, largely by lowering its expected transportation costs. As a result of the new bid, Hitachi was awarded the contract to supply 14 gasifier vessels to the American Natural Resource project in Beulah, N. Dak. Fortunately, in this case a compromise was ultimately reached, and the contract award was divided between the domestic and foreign producer, assuming a domestic share of the project.

There is no indication that future synthetic fuel constructors will feel similarly compelled to purchase domestic materials despite the clear economic rationale for doing so. Congressional Research Service study for example, indicates that the return to the domestic economy, in the form of taxes on domestic purchases, outweighs the savings realized through a foreign purchase unless the offshore price is at least 50-percent below the domestic price.

Mr. President, I ask that that study be included in the Record at the conclusion of my remarks.

The threat of continued importation of foreign materials in the construction of synthetic fuels plants makes it essential to assure American participation in the fabrication of major capital equipment for these programs. Such action will prevent the shutdown of essential, high technology, production facilities, the unemployment of skilled workers and the loss of American technological leadership.

Underutilization of America's primary industries cannot continue. The awarding of contracts for the production of synthetic fuels, with over $20 billion to be expended by 1982 and billions more likely to be allocated by 1990, underscores the urgent need to prevent this from occurring again in the future.

Present law authorizing these expenditures contains no special "Buy American" provisions of its own, and to the extent that Federal financing is indirect, as with loan guarantees, the current Buy American Act would not apply either. My legislation seeks to correct this anomaly by establishing the general presumption of domestic procurement with appropriate exception for foreign sources such as domestic unavailability or a situation where the foreign bid is substantially lower than the domestic one.

Specifically, the legislation I introduce today seeks to amend the present Energy Security Act by providing that:

> Funds authorized under the Energy Security Act or by any Act amended by it and administered as part of the synthetic fuels programs shall not be obligated, authorized or guaranteed where the cost would exceed $500,000, unless such articles, materials and supplies, to be used by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance under this Act, have been mined, produced, and manufactured in the United States.

The above provision would not apply where the administrator of the particular program in question determines that: First, its application would be inconsistent with the public interest; second, supplies of the class or kind to be used in the manufacture of articles, materials or supplies are not mined, produced or manufactured in the United States in sufficient or reasonably available quantities; third, its application would result in a more than 20 per centum increase in cost of the overall project after applying and granting appropriate price adjustments to domestic products based on the portion of the project cost likely to be returned to the United States and to States in the form of tax revenues (25 per centum, if the domestic articles, materials and supplies are produced in a "Substantial Labor Surplus Area" as defined by the U.S. Department of Labor).

In conclusion, I want to emphasize the importance of building a truly independent American synthetic fuels industry. It is essential that we maintain a high level of productivity in our Nation's indispensible, high technology, production facilities. Moreover, we must safeguard the continued employment of our skilled workers. These considerations make the establishment if a domestic procurement program, in our development of synthetic fuels, of primary importance. My proposed legislation is not rigid in its approach, allowing for appropriate exceptions for the purchase of foreign materials under conditions of domestic unavailability or when the foreign bid is substantially below the domestic one. I ask that my colleagues in the Senate join me in assuring the continued strength of our Nation's industry and economy through the enactment of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Energy Security Act (Public Law 96-294) is amended by adding at the end thereof the following new title:

"TITLE IX—RESTRICTION OF CERTAIN EXPENDITURES

"GENERAL PROVISION

"SEC. 901. (a) Notwithstanding any other provision of law, no funds authorized by this Act or by any Act amended by this Act and administered as part of this Act shall be obligated, authorized or guaranteed where the cost would exceed $500,000, unless goods, to be used by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance under this section, have been mined, produced, or manufactured in the United States.

"(b) The provisions of subsection (a) of this paragraph shall not apply where the contracting authority determines that—

"(1) the application of such restriction would be inconsistent with the public interest;

"(2) goods of the class or kind to be used in the manufacture of articles, materials or supplies are not mined, produced or manufactured in the United States in sufficient or reasonably avialable quantities; or

"(3) the application of such restriction would result in a more than 20 percent increase in cost of the articles, materials or supplies after applying and granting appropriate price adjustments to domestic goods based on the portion of the items cost likely to be returned to the United States and to States in the form of tax revenues.

(c) For the purposes of subsection (b) 20 percent increase in cost shall be deemed to be 25 percent increase in cost where the domestic goods are produced in a substantial labor surplus area as defined by the Secretary of Labor.●

ADDITIONAL COSPONSORS

S. 878

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 878, a bill to streamline and simplify the generally applicable requirements attached to Federal assistance programs and their implementation; to facilitate the consolidation of assistance programs; to provide for multiyear funding of certain grant programs; to expedite the processing of applications for Federal assistance involving more than one grant; to extend and amend the law relating to intergovernmental cooperation; and for other purposes.

S. 2906

At the request of Mr. DANFORTH, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 2906, a bill to amend the Internal Revenue Code of 1954 to provide a credit against tax for certain research and experimental expenditures, and for other purposes.

S. 3204

At the request of Mr. HAYAKAWA, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 3204, a bill to establish provisions governing the day and times for the election of electors of the President and the Vice Preisdent.

S. 3205

At the request of Mr. HAYAKAWA, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 3205, a bill to establish provisions governing the day and times for the election of electors of the President and Vice President.

S. 3206

At the request of Mr. HAYAKAWA, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 3206, a bill to establish temporary provisions governing the day and times for the elections of Senators, Members of the House of Representatives, and electors of the President and Vice President.

S. 3207

At the request of Mr. HAYAKAWA, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 3207, a bill to restrict the release of results from Presidential elections until all polls are closed.

SENATE JOINT RESOLUTION 126

At the request of Mr. THURMOND, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Joint Resolution 126, a joint resolution proposing an amendment to the Constitution to promote fiscal responsibility.

SENATE RESOLUTION 538—ORIGINAL RESOLUTION REPORTED RELATING TO THE PAYMENT OF WITNESS FEES

Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, reported the following original resolution which was ordered placed on the calendar:

S. RES. 538

Resolved, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $75 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination.

SEC. 2. The provisions of the first section of this resolution shall be effective with all fees payable on or after December 5, 1980.

SENATE RESOLUTION 539—ORIGINAL RESOLUTION REPORTED RELATING TO OFFICIAL EXPENSES INCURRED BY SENATE PERSONNEL

Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, reported the following original resolution which was ordered placed on the calendar:

S. RES. 539

Resolved, That moneys in the contingent fund of the Senate shall be available to make reimbursements of expenditures authorized by paragraph (1) of subsection (h) of section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(h)) without regard to the limitations contained in paragraph (2) of such subsection (h).

SEC. 2. The provisions of the first section of this resolution shall be applicable in the case of reimbursements of expenditures incurred after December 31, 1980.

SENATE RESOLUTION 540—ORIGINAL RESOLUTION REPORTED RELATING TO PAYMENT OF TRAVEL EXPENSES

Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, reported the following original resolution which was ordered placed on the calendar:

S. RES. 540

Resolved, That, until otherwise provided by law, reimbursement with respect to travel expenses incurred by a Senator or employee described in section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58 (e)) shall be made as if the phrase "only for actual transportation expenses" read "for travel expenses essential to the transaction of official business while away from his official station or post of duty.".

SEC. 2. The provisions of section 1 of this resolution shall become effective with all vouchers submitted on or after the date agreed to by the Senate.

SENATE RESOLUTION 541—ORIGINAL RESOLUTION REPORTED RELATING TO THE PAYMENT OF A GRATUITY

Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, reported the following original resolution which was ordered placed on the calendar:

S. RES. 541

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Deborah D: Ford, widow of Gregory A. Ford, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 542—ORIGINAL RESOLUTION REPORTED WAIVING THE BUDGET ACT

Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, reported the following original resolution which was referred to the Committee on the Budget:

S. Res. 542

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S.J. Res. 189. Such waiver is necessary because the joint resolution authorizes to be appropriated beginning in FY 1981 such sums as may be necessary to carry out the provisions of the resolution. The joint resolution was not introduced until June 27, 1980, therefore, it was impossible for the Committee to meet the prescribed May 15 deadline.

AMENDMENTS SUBMITTED FOR PRINTING

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1981

AMENDMENT NO. 2633

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON submitted an amendment intended to be proposed by him to the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

● Mr. EAGLETON. Mr. President, I send to the desk an amendment to H.R. 7583, the Treasury, Postal Service, and General Government Appropriations Act. In anticipation of consideration of this legislation, I ask that this amendment be printed and lie at the table; and I ask unanimous consent that the amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 12, strike out lines 18 through 24.

On page 13, line 7, strike out "Sec. 108." and insert "Sec. 107.".

On page 13, line 17, strike out "Sec. 109." and insert "Sec. 108.".

On page 14, line 1, strike out "Sec. 110." and insert "Sec. 109.".

On page 14, line 8, strike out "Sec. 111." and insert "Sec. 110.".●

ADDITIONAL STATEMENTS

PROPOSED ARMS SALES

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Church, I announce that section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the Record at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room S-116 in the Capitol.

The notification follows:

Defense Security
Assistance Agency,
Washington, D.C., November 17, 1980.

Hon. Frank Church,
Chairman, Committee on Foreign Relations,
Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-02 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Switzerland for defense articles and services estimated to cost $40 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

Ernest Graves,
Director.

[Transmittal No. 81-02]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Switzerland.

(ii) Total Estimated Value:

[In millions]

Major defense equipment*	$36
Other	4
Total	40

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Five hundred AGM-65 series missiles plus spares, associated support equipment, and training.

(iv) Military Department: Air Force (YAB).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: November 17, 1980.

THE NEW FACE OF THE CONGRESSIONAL BUDGET ACT

● Mr. MATHIAS. Mr. President, a thought-provoking analysis of the course that is being taken as we enter the seventh year since the Congressional Budget and Impoundment Act was signed into law on July 12, 1974, appears in the September 15 issue of Education Times.

In the past 6 years Congress has not only refrained from amending the budget law but has not seriously considered proposals to amend it. This is unusual. It is rare that a comprehensive statute such as this, especially one which took us onto unchartered seas, should go so long without alteration. As with any lengthy, comprehensive law, difficulties unforeseen at the time of enactment appear, sections of the law are variously interpreted, some provisions seem unclear, others need to be made more workable.

The Education Times article is not a criticism of the act but rather a thoughtful analysis of what it has wrought. It merits reading. I ask that it be printed in the Record.

The article follows:

The New Faces of the Congressional Budget Act

(By Roy Millenson)

Anyone concerned with the flow of federal education funds to states and localities, institutions and individuals ignores at his peril the congressional budget law and the process it commands.

July 12 marked six years since the Congressional Budget and Impoundment Control Act (P.L. 93-344) was signed into law, intended to give Congress better control of fiscal matters.

Enough time has now passed for a few conclusions to emerge, some clear and some tenuous.

First, there is an anomaly.

On one hand, the budget act is at it nadir of failure, in the sense that Congress is not following the language of the law.

Last year, to cite several examples, the Second Budget Resolution was adopted more than two months after the Sept. 15 deadline set in the law; only three of 12 routine appropriations bill were enacted by the beginning of the fiscal year; and the Senate adopted one budget waiver for every three days it was in session.

This year doesn't look much better.

The First Budget Resolution for 1981 was adopted more than two months past its statutory due date; the Second Budget Resolution will miss its Sept. 15 statutory deadline; and, again, not all the appropriations bill will be enacted by the Oct. 1 beginning of the 1981 fiscal year.

Once more, Congress will have to rely on a continuing resolution to keep programs funded, a device the budget reform was supposed to relegate to history.

On the other hand, the law is at the zenith of success in achieving its basic objective of applying a brake on expenditures by means of a strengthened congressional role in the budget process.

Two recent examples may suffice to illustrate how the letter of the law has been stretched but the intent preserved.

While the statute contemplates reconciliation (a process of cutting spending to stay within budget goals) after the second and binding budget resolution is adopted, Congress this year moved ahead with reconciliation after the *first* budget resolution, which is supposed to set spending targets only.

When the President in March submitted a package of education rescissions, or cancellations of appropriated funds. Congress did not act to approve them within the 45-day period called for in the law, but later enacted rescissions on its own, using the President's request as a base and making its own revisions.

To sum it up, the score for *form* is low, but the score for *substance* is high.

THE BUDGET AS A CURB ON CONGRESS

A second conclusion.

Several veteran observers have noted that the budget act is but another phase in the evolving congressional effort to restrict itself, an effort particularly manifest in the House of Representatives.

In the House, until the early part of this century, a strong speaker kept that body in check.

With the fall of the legendary "Uncle Joe" Cannon, the Rules Committee rose to power, and under such determined chairmen as "Judge" Howard Smith of Virginia, it became the graveyard for various initiatives in social legislation.

The eventual reduction of the power of the Rules Committee in the 1960s was followed by additional "reforms" which curbed

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the power of committee chairmen who had often been able to put a damper on the enactment of social and other programs.

The budget and appropriation processes fill this vacuum.

In the Senate, which has traditionally been more free-wheeling, the filibuster rule has been eased and the powers of committee and subcommittee chairmen have been weakened.

Here, also, the funding process—both budget and appropriations—is now providing restrains.

AN INSTRUMENT FOR CHANGE

A third phenomenon, while not as strongly defined, nevertheless merits reference.

It took the advent of World War II to bring about the demise of New Deal programs which had originated in the 1930s, had developed constituencies, and had become politically difficult to lay to rest.

Now, in 1980, the so-called budget crunch has to a degree become an instrument to curb some of the grant and other programs which proliferated since World War II, especially during the Johnson years.

Naturally, with the growth of sophisticated lobbies in Washington (over 200 education interest groups have offices in the capital), cutting back programs is more difficult.

But here the added factor of inflation helps the process. Thus, programs which in the past were increased every year are now level funded or slightly reduced, using inflation as the instrument to effect a real reduction of 10 to 15 percent annually.

The cumulative effect can prove rather deadening.

To be sure, the analogy between events today and those three decades ago is not a precise one, but there is enough of a similarity to warrant interest as year-seven of the budget law gets under way.

THE ALIEN BUDGET

Fourth, there is yet another anomaly.

The 1974 budget reform law, by involving the Congress more intimately in the budget process, was supposed to bring the process closer to the people. The House of Representatives, after all, is known as "the people's house."

But it hasn't worked out that way.

The budget process is so intricate, so complex, and so little understood that it has become much more difficult for the public to comprehend exactly what is going on and how to influence events.

THE NEW POWER CENTER

Fifth, as might be expected by any students of Parkinson's Law, the process has taken on a life of its own and has bred internecine rivalries.

The clash between Senate Budget committee Chairman Hollings and Senate Appropriations Committee Chairman Magnuson is a recently publicized manifestation of the continuing friction between budget committees on one hand and the authorizing and appropriations committees on the other.

The long-established authorizing and appropriations fiefdoms do not take easily to relinquishing their powers.

As the power of the budget committees becomes more evident, members of the House and Senate are beginning to recognize the desirability of assignment to those panels. And as more senior representatives and senators—those with more clout and more experience—join the budget committees, it is logical to expect that the budget committees in turn will accumulate even more power and privilege and be able to push more effectively into the turf of the appropriations and authorizing committees.

CONCLUSION

An essay such as this should arrive at some wise conclusions and possibly even forecast the future turn of events. No, thanks. There are too many ifs.

What new turn will congressional budgeting take if Reagan is elected President but one or both houses of Congress remain Democratic?

How will the power clash between the budget committees on one hand and the appropriation and authorizing committees on the other be resolved?

Will the budget process, which is employed as a brake on expanded spending, evolve into a device to discourage new programs?

When the business cycle returns to an upswing, inflation is tamped down, and the resulting prosperity eases the budget crunch, will Congress and the nation still be consumed by the ins and outs of the Federal budget?

What would be the result if a strong and popular President should decide to take on the Congress in the budget arena?

These questions may never draw a fraction of the attention of a new *Star Wars* movie or the Billy Carter sideshow, but they number among the issues which thoughtful citizens cannot ignore.●

PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES

● Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Church I wish to announce that section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the Record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on November 18, 1980.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

The notification follows:

Defense Security Assistance Agency,
Washington, D.C., November 17, 1980.

Dr. Hans Binnendijk,
Deputy Staff Director, Committee on Foreign Relations, Washington, D.C.

Dear Dr. Binnendijk: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country tentatively estimated to cost in excess of $25 million.

Sincerely,

Ernest Graves,
Director.●

THE RETIREMENT OF SENATOR ABE RIBICOFF

● Mr. PACKWOOD. Mr. President, someone once remarked that there are not enough people like Abe Ribicoff in this world. Few could aspire to his record of public service going back more than four decades. Few have worked so hard to represent the people of Connecticut and all Americans through his service in the Senate and the many other tough jobs he has tackled.

The Senate was fortunate to have shared his brilliance and leadership for the past 18 years. During the 12 years we served together in the Senate, Abe consistently represented the cause of civil rights, battling bigotry, and prejudice wherever it existed. He is often described as having grown up "on the wrong side of the tracks." That vantage point enabled him to develop an independence and a strong sense of justice that provided the framework for his years of public service.

Abe Ribicoff grew up, the son of a Russian immigrant factory worker, in New Britain, Conn. He worked his way through college and law school but practiced law only a short time before seeking—and winning—a seat in the State house of representatives. From there he entered the U.S. House of Representatives, served in the cabinet of President John F. Kennedy as Secretary of Health, Education, and Welfare and, 18 years ago, started his Senate career.

Abe Ribicoff's retirement from the Senate this year will mark the end of an important chapter in the history of the Senate.●

DESIGNATION OF UNIVERSITY OF KANSAS AS MINING INSTITUTE

● Mr. DOLE. Mr. President, title III of the Surface Mining Control and Reclamation Act of 1977 authorizes the establishment of mining and mineral research institutes at qualified universities to strengthen research and training in all areas of minerals engineering, including all forms of mining and petroleum extraction. It is my view that this is a financially modest but very sound program and was adopted as part of our overall effort to strengthen our domestic energy capabilities.

The act authorizes the establishment of a mining institute in each State that is judged to have a qualified university. Subsequent to the enactment of the legislation, the Advisory Committee on Mining and Minerals Research identified 37 such universities across the country.

Since the inception of the program, the Congress, in cooperation with the Secretary of Interior, has played an active role in selecting States to be designated to have mining institutes. To date, 31 States have been so designated.

Mr. President, the University of Kansas is one of the 37 officially qualified institutions. Indeed, I have had informal but reliable advice that the university is one of the very highest ranked universities in this area of mining and minerals engineering. From personal knowledge, I know that the university has great strength in petroleum extraction and, indeed, it now operates one of the most significant and important tertiary oil recovery programs in the Nation. And as you know, petroleum production is one of Kansas' most important industries, and Kansas wants to continue to do its share in helping our Nation loose the stranglehold which foreign energy producers now have on us. It is the feeling of the Senator from Kansas that designating the University of Kansas as a mining institute would have been one more step toward reaching that goal. Thus, the work that the university has done and will continue to do will have significant impact on the Kansas economy and on our national efforts to increase domestic petroleum production.

Therefore, when the University of Kansas approached me earlier this year about being designated as a mining institute, I was more than happy to lend my support to that request. Consequently, in May my distinguished colleague, Senator KASSEBAUM, and I contacted Senator STEVENS, the ranking member of the Interior Appropriations Subcommittee, and also Senator BYRD, the distinguished chairman of the subcommittee.

I later had assurances from my distinguished colleague from Alaska that he would support the designation of Kansas to receive the mining institute under the fiscal year 1981 Interior appropriations. Subsequently, the subcommittee did act to authorize a mining institute in Kansas as well as in Wisconsin and Florida. I am most appreciative of this action.

Mr. President, I was most disturbed, however, that when the Interior bill went to conference with the House, this provision was dropped from the bill. I believe this was a most unfortunate action not only for my State, but for all States. For it is all 50 of our States which will ultimately benefit from the mining institute program. Kansas clearly is qualified under all the provisions of the law to have a mining institute. All of the experts in this area would agree that it is one of the more technically qualified institutions in the country, and I am pleased to say the support from the Kansas congressional delegation has been vigorous and unanimous.

Mr. President, 3 years have lapsed since this State mining and mineral research institute program began. In the opinion of this Senator, it is really quite unfair to the university, to the State of Kansas, and to all who have consistently fought for those programs and policies that would aid in our struggle for energy independence, not to designate this institution as a mining institute particularly when all agree that it is one of the more qualified institutions in the country in this area.

I recognize that budget constraints could be a factor. But, I would point out that qualified institutions may be designated without increasing total appropriations, although ideally additional funds would be helpful. Moreover, funds can be shifted within the overall program to assure that qualified institutions are able to initiate activities that are called for and authorized by law. In closing, I would simply say that even if a slight, and I emphasize the word slight, increase were necessary, it is a wise and sound investment in our Nation's future. If this Congress can authorize $88 billion for a synthetic fuels program, is it not equally important to insure that our Nation's academic community be properly equipped to train those who wish to dedicate their life's work to the energy field?●

PROTECTIONISM X

● Mr. HEINZ. Mr. President, I continue today with the second part of an article on protectionist practices. Written by Susan Strange and entitled "The Management of Surplus Capacity: Or How Does Theory Stand Up To Protectionism 1979's Style?", today's excerpt is an in-depth study of the international textile industry. In using a sectoral analysis the article attempts to answer a series of questions, both political and economic, "about the nature of the product, its mode of production, the number and type of producers and consumers, the factors affecting exchange, and the key bargains (rather than actors) which decide the resulting distribution among groups and states of costs and benefits, risks and security."

The article maintains that the textile industry is a sector of the international economic system in which restrictive policies have led to negotiation over marketsharing. The article seeks to understand the motives and objectives for initiating these various restrictions and whether they were instigated as temporary solutions or permanent ameliorative measures. It further seeks to determine what the apparent outcomes of these measures, are, both economic and political.

Generally this excerpt sets forth the conclusion that:

> The issue of textile market shares will prove increasingly divisive (and though) there have been extensive efforts through international organization to achieve agreement and cooperation . . . the conflicts have not been resolved; rather, they have been deepened.

Though pessimistic in tone the article merits review to further understand contemporary international economic problems and their possible solutions.

I urge Senators to read Ms. Strange's article, and I ask that it be printed at this point in the RECORD.

The article follows:

TEXTILES

The Long-term Textile Agreement (LTA) of 1962 was the first important multilateral arrangement regulating redistribution of market shares for manufacturers. It was negotiated without undue difficulty and the fact that it endured for over a decade encouraged hopes that national policies for industrial import restrictions could be made subject to universal rules and principles and to multilateral surveillance—comparable to those applied to tariff barriers—thus safeguarding the international trade system from deteriorating into a battleground for economic nationalism.

But in retrospect there were some special reasons which accounted for its apparent success. By accidents of history, only two industrialized countries, the United States and Britain, had left their home markets wide open to imported textiles. The United States was alone in offering a substantial market to Japan; the British alone in offering a substantial market to India, Pakistan, and Hong Kong. Both had found it necessary in the 1950s to check the mounting pressure of imports by getting their importunate suppliers to accept bilateral restrictive agreements on their sales.

The United States had got into this isolated position through its special strategic relationship with Japan. To maintain this the United States had pressured the Europeans into accepting Japan as a contracting party to the GATT. But the British and the other Europeans had wriggled out of their obligation to treat Japanese imports in the same way as those of other GATT members by resorting to Article 35 (Non-application of the Agreement between particular contracting parties). This was something that the United States, having led the campaign to let Japan join the "club," could hardly do. Nor could it easily ask the European members of GATT to allow it another waiver under Article 19 in addition to the one it had just obtained for its agricultural products. Under pressure from a protectionist textile lobby in Congress, the United States chose to get the Japanese government to agree "voluntarily" to limit textile imports, and thus do the U.S.'s dirty work. Hong Kong, however, was less susceptible to American pressure; and Hong Kong's textile exports to the U.S. went from $5.8 million in 1956 to $54.8 million in 1958.[16]

Britain had been similarly caught by earlier obligations. Britain's dated from the 1930s when it had agreed to discriminate in favor of Commonwealth exports. Then and for some years to come it was assumed that these would consist of primary products.[17] Even in 1953 it was not expected that Commonwealth exports of textiles would rise from a 4 percent share of the British market in that year to a 30 percent share only six years later. Still believing—as British policy makers did in the years after Suez—that Britain's world position depended on the Commonwealth connection, no British government could go back on the preferential principle altogether. Yet Conservative and Labour members of Parliament from Lancashire constituencies united in demanding that the government impose quota restrictions on their Commonwealth competitors. The solution for the British, as for the Americans, lay in dispersing the pressure on themselves by opening up other large markets and by putting some outside limits on the pace of change in market shares. The shared assumption was that through international agreement a steadily but slowly expanding place could be found for the output of these new textile industries.

This was an aim which the Japanese government could easily support. Better a clear set of rules legitimized by a multilateral agreement than a bilateral arrangement which might at any time be upset by a capricious U.S. Congress. As a result of the voluntary export restrictions demanded by the United States in 1957, the Japanese government had already made use of the inter-industry cartel to work out an orderly marketing system which would not bring it into diplomatic conflict with the United States.

The United States had taken a first initiative by setting up a Working Party on the Avoidance of Market Disruption in 1959. This led to the Short-term Textile Agreement and then in 1962 to the LTA. The result of negotiations with the textile exporters was a bargain in which everybody seemed to gain and no one lost, since bilateral agreements could now legitimately replace unilateral quotas. The situation was summed up as follows by the Curzons:

Footnotes at end of article.

TABLE 1.—VALUE AND PERCENTAGE SHARE OF DEVELOPING COUNTRIES' TEXTILE IMPORTS IN OECD COUNTRIES

	Developed (OECD)		United States		France		West Germany		United Kingdom	
	U.S. dollars (millions)	Percent	U. S. dollars (millions)	Percent	U.S. dollars (millions)	Percent	U.S. dollars (millions)	Percent	U.S dollars (millions)	Percent
Cotton yarn and woven fabrics:[1]										
1967	262.1	25.7	84.2	52.7	2.6	5.4	6.7	8.4	84.5	48.0
1970	367.8	28.6	89.5	48.8	12.1	15.0	30.6	18.9	74.5	48.0
1973	872.5	32.0	198.3	60.5	34.8	13.1	72.3	19.2	121.1	41.5
1975	770.6	24.6	NA	NA	58.2	14.1	99.9	203.0	114.4	334.0
Man-made yarn and woven fabrics:[2]										
1967	14.4	1.6	4.5	4.7	0.2		0.9	0.4	2.2	2.0
1970	58.4	2.5	12.4	5.7	2.1	1.0	4.0	1.0	8.9	4.5
1973	301.2	6.0	23.6	5.7	10.4	3.1	27.8	3.1	50.6	10.3
1975	133.3	3.9	NA	NA	4.4	11.0	24.3	3.7	12.6	3.9
Clothing:[3]										
1967	576.2	23.9	261.4	43.3	2.6	2.0	83.6	26.3	100.5	45.5
1970	1,267.7	26.8	640.8	56.2	17.5	6.9	199.7	20.8	134.5	42.5
1973	3,729.7	36.2	1,500.7	69.2	91.6	15.6	710.5	27.9	414.2	50.7
1975	554.9	39.0	2,027.4	79.0	185.3	20.7	1,225.6	33.4	588.4	49.3

[1] Cotton yarn and woven fabrics, Standard International Trade Classification (SITC) 6513, 6314,652.

[2] Man-made yarn and woven fabrics, SITC 6516,6517,6536.

[3] Clothing, SITC 841,842.

Source: OECD, Trade Series C. 1973, 1975 vol. II.

TABLE 2.—CLOTHING AND TEXTILE EXPORTS FROM OIL IMPORTING DEVELOPING COUNTRIES

	1963	1973	1976
As percentage of total exports by value:			
Clothing	9	17	19
Textiles	33	17	14
	1963–73		1973–76
Contribution to increase in exports of all manufactures:			
Clothing	22		27
Textiles	15		10
	1959–60		1975
Ratio of imports from developing countries to industrialized countries as percentage of their apparent consumption:			
Clothing	1.0		8.6
Textiles	1.6		3.2

Source: "Adjustment, Trade, and Growth in Developed and Developing Countries," GATT Studies in International Trade, 6 (September 1978), tables 6, 7, and 19.

"Very briefly, the LTA legitimised bilateral agreements to restrain exports undertaken by participants. The only limitations placed on the terms of these bilateral agreements were that (a) the existence of market disruption should be acknowledged by both the importing and the exporting country; (b) that any action to restrict trade had to be justified in terms of market disruption and (c) that any restriction that lasted for more than a year should provide for at least 5 percent growth of trade per annum." [18]

The agreements had to be in respect of specific products (cotton or at least half-cotton) from specific sources. But a decade later the nature of the problem had quite changed; the challenge was being made to a new market and it was not Japanese textiles so much as those from developing countries, and not cotton so much as clothing and synthetic yarns and fabrics that were fast invading the markets of Europe and America. And since these were genuinely low-cost products they were not usually covered by the Anti-Dumping Code agreed upon in 1957 which required not only increasing market shares but also export prices lower than domestic ones. Table 1 shows the value and share of developing countries' textile imports in OECD countries; Table 2 clothing and textile exports from oil importing developing countries. The mathematics of geometric progression had by the earlier 1970s created a situation in which markets that had started as the more open had come under increasing pressure much faster than those which had started from a very small base. Tensions between the industrialized countries, therefore, were apt to increase while the LDCs' demands for bigger market shares, in the changed political climate of the 1970s, were far less muted and inhibited than Japan's had been.

When the LTA was replaced by the Multi Fibre Agreement (MFA) in 1974, the LDCs had asked that bilateral agreements should last no more than a year or, if extended, that they should provide for an increase of 15 percent a year for import quotas instead of 5 percent. They had accepted 6 percent only with the understanding that bilateral agreements would be phased out by 1977, that new ones would be permitted only under conditions set by the MFA agreement, and that a Surveillance Board (TSB) should be set up to arbitrate disputes and exercise some impartial judgment on alleged market disruption.

Since 1974, voluntary restraint agreements under the MFA (Article 4) have been negotiated by the United States, the EEC, and other European countries, but not Japan. The list of developing countries interested in gaining a negotiated share of the consuming markets of the First World has lengthened and now includes some Latin American countries (Brazil, Colombia), some East European ones (Yugoslavia, Hungary, Poland, Romania) as well as the Asian newcomers like Macao and Malaysia, following the lead of Taiwan, Singapore, and Hong Kong. Some of these agreements have overlapped with quota arrangements made under the Generalized Special Preference (GSP) arrangements, so that some LDCs have to administer an MFA quota and then, within it, a duty-free tariff quota under the GSP. (And, as Richard Cooper has pointed out, this artificial restraint on supply from a low-cost source has merely redistributed the profits either to the successful exporter or to his government without doing much for the country's development.)

When the MFA came up for renewal in 1977 there were no signs of the bilateral agreements being phased out. On the contrary they were multiplying rapidly and making more difficult the task of replacing them with a single set of rules. Nor was there any real basis for agreement on the principles which should underlie the rules. The developing countries by and large were demanding freer access and ultimately the managed displacements of all DC textile industries by those of the Third World; while the DCs were more anxious than ever to restrict access and to slow down the redistribution of market shares to the developing countries. The result was that after months of recrimination the two sides were still deadlocked. Renewed attempts in Geneva in summer 1977 to find common ground failed utterly. Several of the signatories of the original MFA appear to have concluded that they need not wait for a multilateral solution. In April, Britain had resorted to unilateral import restrictions and both France and Canada invoked Article XIX of the GATT to put temporary checks on textile imports in the most sensitive categories.

The United States however was reluctant simply to let the agreement expire at the end of 1977. To mask the underlying disagreement, it proposed a protocol extending the MFA for another four years, to which members could adhere or not. At first this stratagem failed to win approval. India, Brazil, and Egypt led other developing countries in angrily rejecting the proposal as inadequate. The European Community rejected it as over generous, claiming that its members had taken the brunt of the consequences in the increased LDC textile exports, especially in the synthetic fibre business (polyesters, acrylics and nylon) and in ready-made clothes like shirts and sweaters.

European fibre producers had overall losses of about $1 billion in 1976 and the European Commission argued that extension of the MFA as it stood would mean the loss of another 1,600,000 jobs for European textile workers by 1982. These findings were broadly confirmed by another study by the International Labour Organization.

The United States nevertheless persisted in its efforts to paper over the divisions and finally at the eleventh hour, in closed sessions of bargaining, won agreement on an open-ended extension of the MFA for another four years—but with the contradictory clause appended that temporary measures could legitimately be imposed unilaterally "in exceptional circumstances."

Thus, though the outward form of multilateralism had been preserved, the developing countries were still seething with discontent while each of the industrialized countries had determined to go its own way. Indeed, the United States promptly set about negotiating a bilateral agreement with Japan, concluded in March 1978, which fixed a ceiling on Japanese textiles imports equal to their 1977 volume. Canada concluded a similar restrictive agreement with South Korea, and the European Community which had already started negotiating in the summer of 1977 with Hong Kong and Singapore began at once to open bilateral talks with other Third World textile exporters.

The MFA negotiations revealed clearly serious divisions within each group. Among the developing countries, the early birds wanted to keep the shares they had gained without dividing them with the Johnny-come-latelys. Among the industrialized countries, the Europeans who had made most room for LDC imports wanted the convoy principle to operate so that they could hold the line until others gave up a comparable share of their domestic markets to the LDCs.

The ultimate objectives of international policy—the principles that should guide negotiation and agreement and bodies like the

TSB—are consequently uncertain. The DCs want to use agreement to decelerate change so as to relieve the political, social and economic pressures in their societies arising from foreign competition in textiles. The LDCs are interested in using agreement to accelerate change in order to assist their economic growth. But there is also disagreement between those who want to accelerate aggregate change (thus aiding the strongest semi-developed countries to increase their industrialization and growth) and those who want to accelerate more change in the poorest and least-developed countries—a point of view that finds more sympathy in the United States and some other developed countries (possibly because it looks humanitarian but promises to cause them less inconvenience).

That there should be a difference over the objectives of international public policy is hardly surprising when there is continuing uncertainty not only within the North-South groups but even within national societies. Are old industries to be treated as social pensioners—like peasant systems of agriculture? Some industrial policies adopted suggest that they should: they are given a measure of protection and state aid to rationalize and modernize—both policies carrying the implied promise that they will never be totally eliminated.

The British example is illustrative. The Lancashire cotton industry has been reduced in twenty years from 20 million spindles to 2.7 million; from 367,000 looms to 57,000; from 231,000 workers to 57,000. It now expects that the irreducible bottom has been reached. But as elsewhere, the general welfare interest in cheap T-shirts and sweaters competes with the sectoral and regional welfare interest of the pensioner industries and their workers, just as the cheap food interest—allied to the anti-inflationary interest of the states—did (and does) with the welfare of the farmers and their workers.

One real issue which came up in the 1977 MFA negotiations was whether the right of importing countries to apply a global quota ensuring that no more than 20, or 50 or 80 percent of the home market should be conceded to all imports. Those who favored this proposition tended to back it by using indicators which supported their case by maximizing the appearance of import penetration—whether this was the number of jobs lost (i.e., the reduction in numbers employed by domestic producers)[19] or the share of total sales taken by imports. This might be measured by volume or by value. The real issues were thus often masked—as in monetary issues of political moment—by apparently technical debate over the choice of an appropriate indicator.

The globalization issue—if the principle were conceded—creates a formidable number of problems for international cooperation, agreement, and organization. First it raises the awkward question—so far suppressed—of the relative size of global quotas accepted by the various consumer countries. Should the indicator here be by population GNP per head; textile consumption (and in what base year); including or excluding re-exports? Should it be based on a program of steps towards a future goal of the irreducible industry? Any of these indicators could put Japan and the East Europeans and after them Spain, Yugoslavia, and Portugal, under pressure from the frontliners like Britain, America and, more recently, West Germany to take a "fairer share."

The technical question of how to define the industry or the market, and to what extent and how it should be subdivided into the market, e.g., for textiles and clothing,[20] shirts, grey cloth, cotton, wool, synthetics, labor-intensive products vs. capital-intensive ones) is really an argument about a welfare principle, perceived as valid in many of the industrialized countries and implicitly accepted in every agreement since the first LTA—of the acceptable rate of change. What this principle asserts is that the strong (foreign) competitors should share the responsibility with the weak (domestic) one for slowing down the rate of change wherever this exceeds a given pace.

A third and comparatively new (or new-old, since it also came up in the agricultural sector in the 1930s) issue is what account should be taken of the effects of world recession. Should the pace of market-share redistribution in favor of LDCs be slowed, as COMITEXTIL (the European Producers' organization) and the British textile producers have argued? (The latter protested, successfully it would seem, that a 6 percent increase for LDCs may be conceded in normal times but not when demand is growing at only 2.5 percent per annum.) Or should it be speeded up, as many development economists and all the LDC governments would urge? Obviously, the competition for market shares is fiercer as demand slackens, easier as it picks up. But how should international arrangements respond? Once again, the problem can be presented in technical terms of how the irreducible domestic industry, the final fortress should be defined. But the real issue is over who carries the risk of world depression and the burden of adjusting to it. Once the fortress-industry principle is conceded, the burden of making a case for change shifts (so to speak) from the rich-country defenders to the poor-country attackers.

The latter, however, reject the basic assumption, contesting that when hit by oil and fertilizer prices, sagging commodity markets, and worsening deficits, the LDCs deserve not a smaller share of the cake, but a larger one to help them survive.

Essentially the real power seems to rest (as it always has) with importing countries. In the last resort, they are free to give or withhold market shares as they believe their national interest demands. Only in the somewhat unlikely circumstances of a scarcity of textiles and cloths in the world market, or perhaps in some rather special and high-technology lines of production[21] when the sellers are in strong monopoly or oligopolistic situations is there likely to be a more equal balance of bargaining power between buyers and sellers. The existence of a one-way rachet device in trade negotiation as proclaimed by the GATT has been shown to be (what it always was)—an eye-deceiving device to aid international cooperation.

With so loose a multilateral agreement as the renewed MFA, the prospect is for a retreat into bilateral negotiations in which the Group of 77 will be unable to exercise much combined persuasion. Most LDCs will be under pressure in their bilateral bargaining to offer their customers other benefits in exchange for market share concessions, whether these are orders for arms or aircraft, construction contracts, or more political concessions. The United States has pacts with about thirty countries, the European Community about twenty-two. Japan has some bilateral agreements on silk products but these are not covered by the MFA and has no restrictions as yet on imported cottons or synthetics. The Americans in 1977 offered Hong Kong a five year agreement limiting the increase in quotas for 1978 to 1.5 percent before resuming the commitment to 6 percent a year. The European Community, if it takes the Commission's advice, will freeze quotas for 1978 but resume the 6 percent thereafter, provided its partners accept lower differential rates for specially sensitive sectors. The Commission suggested that its member governments should undertake to stop imposing their own unilateral import quotas out of the blue (as the French and British did) and should offer LDCs more generous tariff treatment under the Generalized Special Preference arrangements. But there were differences of opinion with the Brussels Commission as well as between the member countries. Policy so far as been an entirely pragmatic response to the need to do something to maintain falling employment, with no long-term planning in mind and no consulative machinery to undertake it.

Broadly speaking, therefore, it seems that the issue of textile market shares will prove increasingly divisive—both between North and South and within each group. There have been extensive efforts through international organization to achieve agreement and cooperation, but despite the formal document the conflicts have not been resolved; rather, they have deepened.

FOOTNOTES

[16] For a fuller account see Gerard and Victoria Curzon, "The Management of Trade Relations in the GATT" in *International Economic Relations: the western system in the 1960s and 1970s*. A. Shonfeld, ed., (Beverly Hills, Calif.: Sage Publications, 1976).

[17] S. Strange, *Sterling and British Policy: a political study of an international currency in decline* (London, New York; Oxford University Press, 1971).

[18] Curzons, op. cit.

[19] This is a tricky indicator. Numbers employed may be reduced far more rapidly as a result of rationalization and modernization of plant, substituting capital for labor, than through competition from foreign imports.

[20] An important question for the LDCs. In 1974 they ran an overall deficit in textile trade with developed countries of $1330 million (in 1970, $1130 million)—but an overall surplus on trade in clothing of $3940 million (in 1970, $830 million).

[21] The U.S. ban on exports of nylon yarn in 1974 was a recent demonstration of such power, but substitution in textile markets is high and no such seller's power would be effective for very long.●

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCESS TO SENATE RECORDS AT THE NATIONAL ARCHIVES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 474.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A Senate Resolution (S. Res. 474) relating to public access to Senate records at the National Archives.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia.

There being no objection, the Senate proceeded to consider the resolution, which was reported from the Committee on Rules and Administration with amendments as follows:

On page 2, line 3, strike "XXX" and insert "XI"; and

On page 3, line 2, strike "so transferred" and insert "pursuant to section 2".

Mr. ROBERT C. BYRD. Mr. President, on February 24, 1977, the Temporary Select Committee to Study the Senate

Committee System recommended that the "Senate adopt a resolution directing that all noncurrent committee records be opened within a certain reasonable time after their creation except where a committee declares that personal privacy, national security, or other national interest requires continued confidentiality."

The resolution which I am today calling up would provide, for the first time in the Senate's 191-year history, a program for systematic public access to this body's nonsensitive records in the custody of the National Archives. This resolution will serve to clarify the responsibilities of the Secretary of the Senate, as set forth in Senate Rule XI, and it will have the effect of reducing or eliminating altogether the chronic confusion that has existed regarding which Senate noncurrent records are subject to public access.

This resolution would result in the opening of all routine Senate records at the National Archives 20 years from the date of their creation. Sensitive records, such as investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations would be opened within 50 years of their creation. All records would be subject to the National Archives' routine screening procedures.

The resolution would do nothing to interfere with Senate committees' control of their own records. They may extend or shorten the access period for portions, or all, of their records, and the Secretary of the Senate would provide them the opportunity to review their existing policy at the beginning of each Congress.

Mr. President, this resolution has the unanimous support of Rules Committee members on both sides of the aisle. It is similar to a measure that I understand is now being considered by the House, and it is in harmony with access policies for executive branch records. It also has the support of the Archivist of the United States.

As the Senate's bicentennial approaches, it is important for scholars and the general public to have equitable and full access to the documentary sources of this body's past. This resolution will go a long way to insure the achievement of that goal.

Mr. President, either today or tomorrow, or one day this week I intend to speak at greater length on the nature and richness of Senate records at the National Archives.

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was amended and agreed to.

The resolution, as amended, with its preamble, as amended, is as follows:

Whereas under rule XI of the Standing Rules of the Senate and section 2114 of title 44, United States Code, the Secretary of the Senate is responsible for transferring, at the close of each Congress, all noncurrent records of the Senate and Senate committees to the General Services Administration for preservation;

Whereas such rule and section provide that such records are subject to the orders of the Senate; and

Whereas orderly and timely public access to the Senate's records at the National Archives will greatly contribute to greater public knowledge of and interest in the Senate of the United States: Now, therefore, be it

Resolved, That any records of the Senate or any committee of the Senate which are transferred to the General Services Administration under rule XI of the Standing Rules of the Senate and section 2114 of title 44, United States Code, and which have been made public prior to their transfer may be made available for public use.

SEC. 2. (a) Subject to such rules or regulations as the Secretary of the Senate may prescribe, any other records of the Senate or any committee of the Senate which are so transferred may be made available for public use—

(1) in the case of investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations, when such files and records have been in existence for fifty years; and

(2) in the case of all other such records, when such records have been in existence for twenty years. (b) Notwithstanding the provisions of subsection (a), any committee of the Senate may, by action of the full committee, prescribe a different time when any of its records may be made available for public use, under specific conditions to be fixed by such committee, by giving notice thereof to the Secretary of the Senate and the Administrator of General Services.

SEC. 3. (a) This resolution shall not be construed to authorize the public disclosure of any record pursuant to section 2 if such disclosure is prohibited by law or Executive order of the President.

(b) Notwithstanding the provisions of section 2, the Secretary of the Senate may prohibit or restrict the public disclosure of any record so transferred, other than any record of a Senate committee, if he determines that public disclosure of such record would not be in the public interest and so notifies the Administrator of General Services.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the Administrator of General Services.

Mr. ROBERT C. BYRD. Mr. President, I move en bloc to reconsider the votes by which the resolution, as amended, with its preamble, as amended, were agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DR. RALPH J. BUNCHE MONUMENT

Mr. ROBERT C. BYRD. Mr. President, I ask that a message from the House on House Joint Resolution 205 be laid before the Senate.

The PRESIDING OFFICER (Mr. BOREN). The joint resolution will be stated.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 205) authorizing appropriation of funds for acquisition of a monument to Dr. Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the House joint resolution be considered as having been read the first and second time and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 205) was passed.

The preamble was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMERICAN FOLKLIFE CENTER APPROPRIATIONS FOR FISCAL YEARS 1982, 1983, AND 1984

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 7805.

The PRESIDING OFFICER laid before the Senate H.R. 7805, an act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time by title and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

The bill (H.R. 7805) was ordered to be read a third time, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

H.R. 7815 RE-REFERRED TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of Mr. RANDOLPH, that the Committee on Environment and Public Works be discharged from further consideration of H.R. 7815, and that the bill be re-referred to the Committee on Governmental Affairs. This is an act to recognize the meritorious achievement of certain individuals by providing for the designation of certain post offices in their honor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ISSUANCE OF CERTAIN PATENTS UNDER THE COLOR OF TITLE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6211.

The PRESIDING OFFICER laid before the Senate a message from the House of

Representatives on H.R. 6211, an act to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time by title, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

● Mr. BUMPERS. Mr. President, although Senator SCHMITT has introduced companion legislation to this measure, the Senate Committee on Energy and Natural Resources has not had an opportunity to formally consider this legislation. However, H.R. 6211 relates to the Bureau of Land Management's Rio Grande Occupancy Resolution Program Area in New Mexico which the Congress has supported since its inception in 1977 with specific appropriations in the cadastral survey and lands programs. H.R. 6211 resolves a legal impediment to the implementation of this program thereby preventing a hardship to many families who would otherwise be forced to vacate their homes.

Therefore, Mr. President, I urge the adoption of H.R. 6211.●

Mr. SCHMITT. Mr. President, I am pleased to see the passage today of H R. 6211, legislation which deals specifically with a problem in the small community of Dixon, N. Mex.

It is always a pleasure to see the wheels of Government churn somewhat slowly but, nevertheless, churn within this Congress to solve a very specific problem that was brought to my attention some time ago.

Dixon is a small northern, rural community bordering on Bureau of Land Management lands, State lands, Indian lands and national forest lands. After meeting with the residents of the Dixon area in May 1979 and after close study of their legal problem, it became evident to me that through no one's fault, a great injustice was about to take place.

As has happened in many Western States over the years, families have moved onto public lands unknowingly and paid taxes on the land for many years believing they held valid title to that land. The Bureau is currently conducting cadastral, that is, ownership surveys on these holdings so that title may be transferred to the residents who qualify under the Color of Title Acts of 1928 and 1932, as amended.

Unfortunately, for many families, the transfer of title may not be possible due to the establishment in the early 1900's of a power site withdrawal order for part of those lands by the Bureau of Reclamation, now the Water and Power Resources Service, and the Federal Power Commission. These withdrawals were to protect the public land from disposal in order to have sites available for future powersites or irrigation projects. The withdrawals were made in Washington using the existing maps. Unknown to the withdrawing agencies was the fact that there were persons living on some of these same public lands.

Some of the occupancies on this land go back 100 years or more. Since the withdrawals were made, there has been no Federal development for power or irrigation on this withdrawn land nor does there appear to be any indication that there will be. When the surveys are complete, the agencies involved will have to begin to take action either to transfer title to residents on public lands or to force them to vacate the land. The establishment of the withdrawal order legally precludes the transfers of title under the Color of Title Acts for the families in a withdrawal area.

This legislation will allow the Secretary of the Interior, with the concurrence of the agency for which the withdrawal was made, to transfer title to those persons who otherwise qualify under the Color of Title Acts except for the fact that they fall within a power withdrawal site. I am grateful that the Congress saw fit to expedite this legislation quickly so that no qualified person will be forced to vacate. Many of the families that are concerned are not well off financially. Forced eviction from their homes would impose an incredible hardship upon these families and would be inequitable and unnecessary.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF INTERIOR APPROPRIATIONS, 1981—CONFERENCE REPORT

Mr. HUDDLESTON. Mr. President, I submit a report of the committee of conference on H.R. 7724 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 20, 1980.)

Mr. HUDDLESTON. Mr. President, the conference agreement on the appropriation bill for the Department of the Interior and related agencies for the 1981 fiscal year totals nearly $9.5 billion, and that final number reflects concerted efforts on both sides of the Capitol to restrain spending wherever possible without impairing the important energy and natural resource programs funded in the bill. That total appropriation agreed to in conference—the exact number is $9,466,787,000—does indeed compare favorably to both last year's total funding and even to the budget estimates and House allowance. It puts us $17.7 billion below 1980 funding, more than $882 million below the budget request, and more than $1 billion under the House allowance, while exceeding the Senate-passed number by $268.5 million.

But I would be less than candid, Mr. President, if I did not also point out that there are some large one-time appropriations that tend to distort that comparison. There is, for instance, nearly a $1 billion difference between the budget request and the total amount being appropriated by Congress for the strategic petroleum reserve. If we remove the reserve numbers from the comparison we find that we are actually $36.3 million over the budget estimates, some $53.7 million above the House allowance, and still more than $268.5 million above the Senate allowance for the bill.

We still have to analyze the final budget resolution ceilings on budget authority and outlays and assign them among the various appropriation subcommittees, but it is obvious that we are pushing hard against the Interior Subcommittee ceiling if not surpassing it at this point. We see, then, that we will be in an extremely tight situation next year when we are confronted with supplemental spending needs of the Government.

With only a few exceptions, Mr. President, the major increases over the President's budget in the final conference agreement for the bill are directed at high priority energy development and natural resource conservation programs. Including funds already enacted in the continuing resolution, we are providing a total of $1.5 billion to resume filling the strategic petroleum reserve at an accelerated rate—averaging at least 300,000 barrels per day with this new funding and the more than $2 billion carryover in spending authority. I might add the conferees approved the Senate language mandating this rate of fill except in special uncontrollable situations.

There was only a very slight modification in the Senate mandate, Mr. President, and the final bill makes it urgently clear that the President should give this important energy reserve the highest priority. The conferees also approved the $60.5 million increase for the national petroleum reserve in Alaska so that exploration can continue while the Interior Department prepares to lease the first 2 million acres of the reserve for private exploration and development under accelerated authority also provided in the bill. Further, there was agreement on a $42 million increase in the Senate allowance to insure continued work on two high-Btu coal gasification demonstrations. I should also note, Mr. President, that the conferees accepted the entire $50 million Senate allowance for preimplementation work on gasoline rationing.

In the area of natural resources, Mr. President, the substantial conference increase in the Senate allowance for the land and water conservation fund was mainly for Redwoods National Park acquisition costs. We accepted half of the $50 million House allowance for this area, along with several other adjustments in Federal program funding. The $228 million for State assistance was not in conference. In agreement with the President's budget, the Senate had no new funding for the urban parks grant program, and the final allowance in conference was put at $20 million instead of the $45 million approved by the House. Together with carryover funds, this will finance a $65 million program level this year, the same as fiscal 1980. The other major change within the Interior Department was the addition of $16 million, the House allowance for additional abandoned mine reclamation work. This funding is to be transferred to the Bureau of Mines to expedite high priority Federal projects.

Mr. President, there was a net increase of some $6 million for Indian programs in both the Interior Department and the Department of Health and Human Services, adding more than $50 million to the Bureau of Indian Affairs and Indian Health Service over the budgeted amounts mainly for school and hospital construction.

In the Forest Service appropriations, Mr. President, a major difference in the House and Senate allowances involved the level of timber sales to be financed for this and future years. The compromise reached after considerable negotiation will add nearly $30 million to the Senate allowance to finance a timber sale level of 11.9 billion board-feet. We believe this is the most effective sales level given current market conditions and the general economic situation nationwide. However, the conferees have noted in the statement of the managers that a supplemental appropriation will be required to offset declining timber receipts that normally go to forest road construction.

There is one more point I wish to make, Mr. President, on behalf of both the Senate and House conferees. This is a most important point that was to be included in the statement of the managers but was inadvertently dropped out in our efforts to move forward quickly with this report. The point is that the Appropriation Committees of both the House and the Senate will expect all agencies funded in the Interior appropriations bill to report quarterly on how funding is apportioned. This report is to be at the level of detail carried in the committee reports on the bill. In cases where there is a difference in that level of detail between the House and the Senate, the more specific level should be followed.

Mr. President, there were 136 amendments in conference in total, and these amendments in turn involved dozens of smaller program differences. We faced a difficult and extremely complex task in taking this bill to conference and hammering out a workable agreement in such a short amount of time. It is impossible to cover anything more than the most significant conference agreements, but I will be happy to answer any questions Senators may have on individual issues that were before us.

Mr. President, I ask unanimous consent that a comparative tabulation of the fiscal 1980 appropriations and the budget, House, Senate, and conference committee allowances for fiscal year 1981 be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY, FISCAL YEAR 1981

[Fiscal year]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
TITLE I									
DEPARTMENT OF THE INTERIOR									
LAND AND WATER RESOURCES									
Bureau of Land Management									
Management of lands and resources	$354, 396, 000	$352, 500, 000	$349, 662, 000	$339, 162, 000	$343, 962, 000	−$10, 434, 000	−$8, 538, 000	−$5, 700, 000	+$4, 800, 000
Acquisition, construction, and maintenance	16, 343, 000	14, 568, 000	14, 568, 000	14, 768, 000	14, 768, 000	−1, 575, 000	+200, 000	+200, 000	
Payments in lieu of taxes	108, 000, 000	81, 000, 000	85, 000, 000	108, 000, 000	103, 000, 000	−5, 000, 000	+22, 000, 000	+18, 000, 000	−5, 000, 000
Oregon and California grant lands (indefinite, appropriation of receipts)	55, 000, 000	57, 500, 000	57, 500, 000	57, 500, 000	57, 500, 000	+2, 500, 000			
Range improvements (indefinite, appropriation of receipts)	10, 620, 000	13, 500, 000	13, 500, 000	13, 500, 000	13, 500, 000	+2, 880, 000			
Recreation development and operation of recreation facilities (indefinite, special fund)	300, 000	300, 000	300, 000			−300, 000	−300, 000	−300, 000	
Service charges, deposits, and forfeitures (indefinite, special fund)	13, 750, 000	9, 600, 000	9, 600, 000	9, 600, 000	9, 600, 000	−4, 150, 000			
Miscellaneous trust funds (indefinite)	100, 000	100, 000	100, 000	100, 000	100, 000				
Total, Bureau of Land Management	558, 509, 000	529, 068, 000	530, 230, 000	542, 630, 000	542, 430, 000	−16, 079, 000	+13, 362, 000	+12, 200, 000	−200, 000
Office of Water Research and Technology									
alaries and expenses	32, 781, 000	32, 613, 000	30, 485, 000	30, 485, 000	30, 485, 000	−2, 296, 000	−2, 128, 000		
Total, Land and Water Resources	591, 290, 000	561, 681, 000	560, 715, 000	573, 115, 000	572, 915, 000	−18, 375, 000	+11, 234, 000	+12, 200, 000	−200, 000
FISH AND WILDLIFE AND PARKS									
Heritage Conservation and Recreation Service									
Salaries and expenses	15, 701, 000	16, 010, 000	15, 755, 000	16, 005, 000	15, 980, 000	+279, 000	−30, 000	+225, 000	−25, 000
Urban park and recreation fund	125, 000, 000		45, 000, 000		20, 000, 000	−105, 000, 000	+20, 000, 000	−25, 000, 000	+20, 000, 000
Recission	−15, 000, 000					+15, 000, 000			
Subtotal	110, 000, 000		45, 000, 000		20, 000, 000	−90, 000, 000	+20, 000, 000	−25, 000, 000	+20, 000, 000
Land and Water Conservation Fund (indefinite)	509, 194, 000	233, 000, 000	394, 185, 000	351, 368, 000	378, 593, 000	−130, 601, 000	+145, 593, 000	−15, 592, 000	+27, 225, 000
Historic preservation fund	55, 000, 000	25, 000, 000	32, 500, 000	32, 500, 000	32, 500, 000	−22, 500, 000	+7, 500, 000		
Total, Heritage Conservation and Recreation Service	689, 895, 000	274, 010, 000	487, 440, 000	399, 873, 000	447, 073, 000	−242, 822, 000	+173, 063, 000	−40, 367, 000	+47, 200, 000

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY, FISCAL YEAR 1981—Continued

[Fiscal year]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
U.S. Fish and Wildlife Service									
Resource management	211, 991, 000	27, 306, 000	225, 354, 000	225, 424, 000	225, 566, 000	+13, 575, 000	−1, 740, 000	+212, 000	+142, 000
Construction and anadromous fish	58, 757, 000	39, 898, 000	34, 561, 000	40, 405, 000	37, 897, 000	−20, 860, 000	−2, 001, 000	+3, 336, 000	−2, 508, 000
Natonal Wildlife Refuge fund	1, 950, 000	9, 500, 000	9, 500, 000	8, 500, 000	8, 500, 000	+6, 550, 000	−1, 000, 000	−1, 000, 000	
Migratory bird conservation account (definite, repayable advance)	15, 000, 000		2, 000, 000		1, 250, 000	−13, 750, 000	+1, 250, 000	−750, 000	+1, 250, 000
Development and operation of recreation facilties (indefinite, special fund)	200, 000	250, 000	250, 000			−200, 000	−250, 000	−250, 000	
Total, U.S. Fish and Wildlife Service	287, 898, 000	276, 954, 000	271, 665, 000	274, 329, 000	273, 213, 000	−14, 685, 000	−3, 741, 000	+1, 548, 000	−1, 116, 000
National Park Service									
Operation of the national park system	391, 148, 000	422, 297, 000	415, 163, 000	440, 743, 000	444, 828, 000	+53, 680, 000	+22, 531, 000	+29, 665, 000	+4, 085, 000
Construction	112, 154, 000	62, 015, 000	34, 203, 000	47, 777, 000	43, 367, 000	−68, 787, 000	−18, 648, 000	+9, 164, 000	−4, 410, 000
Rescission	−3, 000, 000					+3, 000, 000			
Appropriation to liquidate contract authority	(15, 500, 000)					(−15, 500, 000)			
Subtotal	109, 154, 000	62, 015, 000	34, 203, 000	47, 777, 000	43, 367, 000	−65, 787, 000	−18, 648, 000	+9, 164, 000	−4, 410, 000
Road construction (rescission of appropriation to liquidate contract authority)	(−5, 552, 000)					(+5, 552, 000)			
Planning, development, and operation of recreation facilities (indefinite, special fund)	16, 217, 000	15, 007, 000	14, 750, 000			−16, 217, 000	−15, 007, 000	−14, 750, 000	
John F. Kennedy Center for the Performing Arts	4, 130, 000	4, 400, 000	4, 400, 000	4, 143, 000	4, 400, 000	+270, 000			+257, 000
Total, National Park Service	520 649, 000	503, 719, 000	468, 516, 000	492, 663, 000	492, 595, 000	−28, 054, 000	−11, 124, 000	+24, 079, 000	−68, 000
Total, Fish and Wildlife and Parks	1, 498, 442, 000	1, 054, 683, 000	1, 227, 621, 000	1, 166, 865, 000	1, 212, 881, 000	−285, 561, 000	+158, 198, 000	−14, 740, 000	+46, 016, 000
ENERGY AND MINERALS									
Geological Survey									
Surveys, investigations, and research	471, 155, 000	486, 611, 000	477, 137, 000	483, 837, 000	486, 537, 000	+15, 382, 000	−74, 000	+9, 400, 000	+2, 700, 000
Exploration of national petroleum reserve in Alaska	175, 627, 000	46, 501, 000	194, 251, 000	46, 501, 000	107, 001, 000	−68, 626, 000	+60, 500, 000	−87, 250, 000	+60, 500, 000
Total, Geological Survey	646, 782, 000	533, 112, 000	671, 388, 000	530, 338, 000	593, 538, 000	−53, 244, 000	+60, 426, 000	−77, 850, 000	+63, 200, 000
Bureau of Mines									
Mines and minerals	134, 503, 000	140, 248, 000	140, 678, 000	137, 378, 000	139, 428, 000	+4, 925, 000	−820, 000	−1, 250, 000	+2, 050, 000
Office of Surface Mining Reclamation and Enforcement									
Regulation and technology	84, 687, 000	100, 346, 000	98, 811, 000	88, 024, 000	92, 833, 000	+8, 146, 000	−7, 513, 000	−5, 978, 000	+4, 809, 000
Abandoned mine reclamation fund (definite, trust fund)	94, 916, 000	87, 485, 000	87, 485, 000	66, 485, 000	82, 485, 000	−12, 431, 000	−5, 000, 000	−5, 000, 000	+16, 000, 000
Total, Office of Surface Mining Reclamation and Enforcement	179, 603, 000	187, 831, 000	186, 296, 000	154, 509, 000	175, 318, 000	−4, 285, 000	−12, 513, 000	−10, 978, 000	+20, 809, 000
Total, Energy and Minerals	960, 888, 000	861, 191, 000	998, 362, 000	822, 225, 000	908, 284, 000	−52, 604, 000	+47, 093, 000	−90, 078, 000	+86, 059, 000
INDIAN AFFAIRS									
Bureau of Indian Affairs									
Operation of Indian Programs	806, 551, 000	816, 190, 000	815, 019, 000	806, 366, 000	812, 739, 000	+6, 188, 000	−3, 451, 000	−2, 280, 000	+6, 373, 000
C konstruction	89, 374, 000	71, 338, 000	99, 590, 000	99, 745, 000	100, 182, 000	+10, 808, 000	+28, 844, 000	+592, 000	+437, 000
oad construction	66, 479, 000	48, 625, 000	48, 625, 000	48, 625, 000	48, 625, 000	−17, 854, 000			
Alaska native fund	30, 000, 000	30, 000, 000	30, 000, 000	30, 000, 000	30, 000, 000				
Trust funds (definite)	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000				
Trust funds (indefinite)	23, 000, 000	23, 000, 000	23, 000, 000	23, 000, 000	23, 000, 000				
Salt River Pima-Maricopa settlement	3, 917, 000					−3, 917, 000			
Eastern Indians Land Claims Settlement		81, 500, 000		81, 500, 000	81, 500, 000	+81, 500, 000		+81, 500, 000	
Total, Bureau of Indian Affairs	1, 022, 321, 000	1, 073, 653, 000	1, 019, 234, 000	1, 092, 236, 000	1, 099, 046, 000	+76, 725, 000	+25, 393, 000	+79, 812, 000	+6, 810, 000
TERRITORIAL AFFAIRS									
Office of Territorial Affairs									
Administration of territories	90, 079, 000	81, 384, 000	84, 384, 000	69, 684, 000	72, 284, 000	−17, 795, 000	−9, 100, 000	−12, 100, 000	+2, 600, 000
Trust Territory of the Pacific Islands	120, 002, 000	93, 071, 000	93, 804, 000	94, 354, 000	94, 354, 000	−25, 648, 000	+1, 283, 000	+550, 000	
Total, Office of Territorial Affairs	210, 081, 000	174, 455, 000	178, 188, 000	164, 038, 000	166, 638, 000	−43, 443, 000	−7, 817, 000	+11, 550, 000	+2, 600, 000
SECRETARIAL O FICES									
Office of the Solicitor									
Salaries and expenses	16, 241, 000	16, 796, 000	16, 113, 000	16, 513, 000	16, 313, 000	+72, 000	−483, 000	+200, 000	−200, 000

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY, FISCAL YEAR 1981—**Continued**

[Fiscal year]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Office of the Secretary									
Departmental Management	50, 844, 000	58, 137, 000	39, 251, 000	37, 294, 000	37, 619, 000	−13, 225, 000	−20, 518, 000	−1, 632, 000	+325, 000
Office of Construction Management			8, 750, 000	8, 750, 000	8, 750, 000	+8, 750, 000	+8, 750, 000		
Office of Inspector General			8, 500, 000	8, 500, 000	8, 500, 000	+8, 500, 000	+8, 500, 000		
Salaries and expenses (special foreign currency programs)	1, 000, 000					−1, 000, 000			
Youth Conservation Corps				60, 000, 000	60, 000, 000	+60, 000, 000	+60, 000, 000	+60, 000, 000	
Rural Water Treatment and Distribution System				1, 900, 000	1, 900, 000	+1, 900, 000	+1, 900, 000	+1, 900, 000	
Total, Office of the Secretary	51, 844, 000	58, 137, 000	56, 501, 000	116, 444, 000	116, 769, 000	+64, 925, 000	+58, 632, 000	+50, 268, 000	+325, 000
Total, Secretarial Offices	68, 085, 000	74, 933, 000	72, 614, 000	132, 957, 000	133, 082, 000	+64, 997, 000	+58, 149, 000	+60, 468, 000	+125, 000
Consultant services				−7, 484, 000					+7, 484, 000
Total, title I, new budget (obligational) authority, Department of the Interior	4, 351, 107, 000	3, 800, 596, 000	4, 056, 734, 000	3, 943, 952, 000	4, 092, 846, 000	−258, 261, 000	+292, 250, 000	+36, 112, 000	+148, 894, 00
Consisting of:									
Appropriations	4, 369, 107, 000	3, 800, 596, 000	4, 056, 734, 000	3, 943, 952, 000	4, 092, 846, 000	−276, 261, 000	+292, 250, 000	+36, 112, 000	+148, 894, 000
Definite appropriations	3, 738, 776, 000	3, 357, 339, 000	3, 516, 799, 000	3, 327, 218, 000	3, 441, 403, 000	−297, 373, 000	+84, 064, 000	−75, 396, 000	+114, 185, 000
ndefinite appropriations	630, 331, 000	361, 757, 000	522, 685, 000	463, 568, 000	490, 793, 000	−139, 538, 000	+129, 036, 000	−31, 892, 000	+27, 225, 000
Rescissions	−18, 000, 000					+18, 000, 000			
Appropriation to liquidate contract authority	(15, 500, 000)					(−15, 500, 000)			
Rescission of appropriation to liquidate contract authority	(−5, 552, 000)					(+5, 552, 000.			
TITLE II									
RELATED AGENCIES									
DEPARTMENT OF AGRICULTURE									
Forest Service									
Research	111, 531, 000	124, 100, 000	124, 100, 000	119, 700, 000	122, 200, 000	+10, 669, 000	−1, 900, 000	−1, 900, 000	+2, 500, 000
State and private forestry	73, 554, 000	64, 577, 000	71, 466, 000	77, 206, 000	73, 116, 000	−438, 000	+8, 539, 000	+1, 650, 000	−4, 090, 000
National forest system	958, 608, 000	864, 444, 000	881, 821, 000	872, 114, 000	879, 458, 000	−79, 150, 000	+15, 014, 000	−2, 363, 000	+7, 344, 000
Consultant services				−156, 000	−156, 000	−156, 000	−156, 000	−156, 000	
Construction and land acquisition	428, 794, 000	353, 415, 000	405, 465, 000	354, 336, 000	378, 586, 000	−50, 208, 000	+25, 171, 000	−26, 879, 000	+24, 250, 000
Youth Conservation Corps	54, 797, 000	39, 700, 000	60, 000, 000			−54, 797, 000	−39, 700, 000	−60, 000, 000	
Acquisition of lands for national forests:									
Special acts (special fund, indefinite)	325, 000	754, 000	754, 000	754, 000	754, 000	+429, 000			
Acquisition of lands to complete land exchanges (special fund, indefinite)	155, 000	446, 000	446, 000	446, 000	446, 000	+291, 000			
Rangeland improvements (special fund, indefinite)	5, 900, 000	6, 800, 000	6, 800, 000	6, 800, 000	6, 800, 000	+900, 000			
Construction and operation of recreation facilities (indefinite, special fund)	3, 850, 000	3, 900, 000	3, 900, 000			−3, 850, 000	−3, 900, 000	−3, 900, 000	
Total, Forest Service	1, 637, 514, 000	1, 458, 136, 000	1, 554, 752, 000	1, 431, 200, 000	1, 461, 204, 000	−176, 310, 000	+3, 068, 000	+93, 548, 000	+30, 004, 000
DEPARTMENT OF ENERGY									
Alternative fuels production	20, 000, 000, 000					−20, 000, 000, 000			
Fossil energy research and development	750, 627, 000	687, 650, 000	670, 605, 000	689, 300, 000	711, 435, 000	−39, 192, 000	+23, 785, 000	+40, 830, 000	+22, 135, 000
Rescission	−17, 600, 000					+17, 600, 000			
Subtotal	733, 027, 000	687, 650, 000	670, 605, 000	689, 300, 000	711, 435, 000	−21, 532, 000	+23, 785, 000	+40, 830, 000	+22, 135, 000
Fossil energy construction	103, 250, 000	445, 835, 000	445, 300, 000	380, 100, 000	423, 300, 000	+320, 050, 000	−22, 535, 000	−22, 000, 000	+43, 200, 000
Energy production, demonstration, and distribution	111, 221, 000	236, 337, 000	176, 337, 000	224, 587, 000	226, 062, 000	+114, 841, 000	−10, 275, 000	+49, 725, 000	+1, 475, 000
Energy conservation	631, 302, 000	1, 024, 284, 000	850, 607, 000	853, 132, 000	862, 107, 000	+230, 805, 000	−162, 177, 000	+11, 500, 000	+8, 975, 000
Reappropriation	158, 750, 000					−158, 750, 000			
Rescission	−10, 000, 000					+10, 000, 000			
Subtotal	780, 052, 000	1, 024, 284, 000	850, 607, 000	853, 132, 000	862, 107, 000	+82, 055, 000	−162, 177, 000	+11, 500, 000	+8, 975. 000
Economic regulation	152, 879, 000	258, 971, 000	141, 999, 000	173, 432, 000	176, 867, 000	+23, 988, 000	−82, 104, 000	+34, 868, 000	+3, 435, 000
Rescission	−1, 000, 000					+1, 000, 000			
Subtotal	151, 879, 000	258, 971, 000	141, 999, 000	173, 432, 000	176, 867, 000	+24, 988, 000	− 82, 104, 000	+34, 868, 000	+3, 435, 000

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY, FISCAL YEAR 1981—Continued

[Fiscal year]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Strategic petroleum reserve		103, 978, 000	876, 918, 000	102, 000, 000	102, 000, 000	+102, 000, 000	−1, 978, 000	−774, 918, 000	
Reappropriation		917, 000, 000	300, 000, 000				−917, 000, 000	−300, 000, 000	
Rescission	−2, 000, 000, 000					+2, 000, 000, 000			
Subtotal	−2, 000, 000, 000	1, 020, 978, 000	1, 176, 918, 000	102, 000, 000	102, 000, 000	+2, 102, 000, 000	−918, 978, 000	−1, 074, 918, 000	
Energy Information Administration	90, 773, 000	113, 223, 000	106, 812, 000	104, 117, 000	104, 117, 000	+13, 344, 000	−9, 106, 000	−2, 695, 000	
Total, Department of Energy	19, 970, 202, 000	3, 787, 278, 000	3, 568, 578, 000	2, 526, 668, 000	2, 605, 888, 000	−17, 364, 314, 000	−1, 181, 390, 000	−962, 690, 000	+79, 220, 000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Indian health services	547, 209, 000	591, 319, 000	593, 619, 000	592 332 000	594, 119, 000	+46, 910, 000	+2, 800, 000	+500, 000	+1, 787, 000
Indian health facilities	74, 302, 000	60, 670, 000	88, 831, 000	84, 469, 000	84, 469, 000	+10, 167, 000	+23, 799, 000	−4, 362, 000	
Total, Indian health	621, 511, 000	651, 989, 000	682, 450, 000	676, 801, 000	678, 588, 000	+57, 077, 000	+26, 599, 000	−3, 862, 000	+1, 787, 000
DEPARTMENT OF EDUCATION									
Office of Elementary and Secondary Education									
Indian education	75, 900, 000	100, 950, 000	81, 680, 000	84, 180, 000	81, 680, 000	+5, 780, 000	−19, 270, 000		−2, 500, 000
Departmental Management									
Institute of Museum Services	10, 900, 000	12, 900, 000	12, 900, 000	12, 057, 000	12, 857, 000	+1, 957, 000	−43, 000	−43, 000	+800, 000
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION									
Salaries and expenses	985, 000	1, 180, 000	1, 180, 000	2, 680, 000	2, 680, 000	+1, 695, 000	+1, 500, 000	+1, 500, 000	
SMITHSONIAN INSTITUTION									
Salaries and expenses	107, 781, 000	119, 590, 000	118, 838, 000	115, 721, 000	117, 665, 000	+9, 884, 000	−1, 925, 000	−1, 173, 000	+1, 944, 000
Museum programs and related research (special foreign currency program)	4, 200, 000	4, 450, 000	3, 650, 000	3, 650, 000	3, 650, 000	−550, 000	−800, 000		
Construction and improvements, National Zoological Park	6, 250, 000	3, 290, 000	3, 290, 000	2, 790, 000	3, 290, 000	−2, 960, 000			+500, 000
Restoration and renovation of buildings	5, 250, 000	8, 039, 000	8, 039, 000	7, 039, 000	7, 539, 000	+2, 289, 000	−500, 000	−500, 000	+500, 000
Construction	20, 600, 000	500, 000		500, 000	5, 000, 000	−15, 600, 000	+4, 500, 000	+5, 000, 000	+4, 500, 000
Subtotal	144, 081, 000	135, 869, 000	133, 817, 000	129, 700, 000	137, 144, 000	−6, 937, 000	+1, 275, 000	+3, 327, 000	+7, 444, 000
Salaries and expenses, National Gallery of Art	22, 241, 000	24, 464, 000	24, 464, 000	24, 089, 000	24, 314, 000	+2, 073, 000	−150, 000	−150, 000	+225, 000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1, 621, 000	1, 795, 000	1, 795, 000	1, 795, 000	1, 795, 000	+174, 000			
Total, Smithsonian Institution	167, 943, 000	162, 128, 000	160, 076, 000	155, 584, 000	163, 253, 000	−4, 690, 000	+1, 125, 000	+3, 177, 000	+7, 669, 000
ARCHITECT OF THE CAPITOL									
Memorial to Hale Boggs				6, 500	7, 000	+7, 000	+7, 000	+7, 000	+500
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES									
National Endowment for the Arts									
Salaries and expenses	97, 210, 000	114, 495, 000	114, 495, 000	112, 635, 000	113, 960, 000	+16, 750, 000	−535, 000	−535, 000	+1, 325, 000
Administrative expenses	12, 000, 000	12, 865, 000	12, 865, 000	12, 165, 000	11, 900, 000	−100, 000	−965, 000	−965, 000	−265, 000
Subtotal	109, 210, 000	127, 360, 000	127, 360, 000	124, 800, 000	125, 860, 000	+16, 650, 000	−1, 500, 000	−1, 500, 000	+1, 060, 000
Matching grants (indefinite)	45, 400, 000	32, 700, 000	32, 700, 000	31, 200, 000	32, 700, 000	−12, 700, 000			+1, 500, 000
Total, National Endowment for the Arts	154, 610, 000	160, 060, 000	160, 060, 000	156, 000, 000	158, 560, 000	+3, 950, 000	−1, 500, 000	−1, 500, 000	+2, 560, 000
National Endowment for the Humanities									
Salaries and expenses	100, 300, 000	106, 522, 000	106, 522, 000	106, 022, 000	106, 522, 000	+6, 222, 000			+500, 000
Administrative expenses	11, 400, 000	12, 219, 000	12, 219, 000	11, 777, 000	11, 277, 000	−123, 000	−942, 000	−942, 000	−500, 000
Subtotal	111, 700, 000	118, 741, 000	118, 741, 000	117, 799, 000	117, 799, 000	+6, 099, 000	−942, 000	−942, 000	
Matching grants (indefinite)	38, 400, 000	33, 500, 000	33, 500, 000	33, 500, 000	33, 500, 000	−4, 900, 000			
Total, National Endowment for the Humanities	150, 100, 000	152, 241, 000	152, 241, 000	151, 299, 000	151, 299, 000	+1, 199, 000	−942, 000	−942, 000	
Total, National Foundation on the Arts and the Humanities	304, 710, 000	312, 301, 000	312, 301, 000	307, 299, 000	309, 859, 000	+5, 149, 000	−2, 442, 000	−2, 442, 000	+2, 560, 000

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Commission of Fine Arts									
Salaries and expenses	268, 000	290, 000	285, 000	285, 000	285, 000	+17, 000	−5, 000		
Advisory Council on Historic Preservation									
Salaries and expenses	1, 375, 000	1, 603, 000	1, 523, 000	1, 523, 000	1, 523, 000	+148, 000	−80, 000		
National Capital Planning Commission									
Salaries and expenses	2, 150, 000	2, 362, 000	2, 300, 000	2, 270, 000	2, 270, 000	+120, 000	−92, 000	−30, 000	
Franklin Delano Roosevelt Memorial Commission									
Salaries and expenses	40, 000	30, 000	40, 000	30, 000	30, 000	−10, 000		−10, 000	
Pennsylvania Avenue Development Corporation									
Salaries and expenses	1, 906, 000	2, 716, 000	2, 508, 000	2, 343, 000	2, 443, 000	+537, 000	−273, 000	−65, 000	+100, 000
Land acquisition and development fund (borrowing authority)	17, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	−2, 000, 000			
Public development	20, 610, 000	14, 169, 000	14, 169, 000	14, 169, 000	14, 169, 000	−6, 441, 000			
Total, Pennsylvania Avenue Development Corporation	39, 516, 000	31, 885, 000	31, 677, 000	31, 512, 000	31, 612, 000	−7, 904, 000	−273, 000	−65, 000	+100, 000
Federal Inspector for the Alaska Gas Pipeline									
Permitting and enforcement	10, 600, 000	25, 868, 000	21, 843, 000	21, 483, 000	21, 483, 000	+10, 883, 000	−4, 385, 000		
Rescission	−2, 700, 000					+2, 700, 000			
Total, Federal Inspector for the Alaska Gas Pipeline	7, 900, 000	25, 868, 000	21, 483, 000	21, 483, 000	21, 483, 000	+13, 583, 000	−4, 385, 000		
Holocaust Memorial Council									
Salaries and expenses				722, 000	722, 000	+722, 000	+722, 000	+722, 000	
Total, title II, new budget (obligational) authority, related agencies	22, 840, 914, 000	6, 548, 900, 000	6, 431, 225, 000	5, 254, 300, 500	5, 373, 941, 000	−17, 466, 973, 000	−1, 174, 959, 000	−1, 057, 284, 000	+119, 640, 500
Consisting of:									
Appropriations	24, 696, 464, 000	5, 616, 900, 000	6, 116, 225, 000	5, 238, 572, 000	5, 358, 212, 000	−19, 338, 252, 000	−258, 688, 000	−758, 013, 000	+119, 640, 000
Definite appropriations	24, 602, 434, 000	5, 538, 800, 000	6, 038, 125, 000	5, 166, 028, 000	5, 284, 168, 000	−19, 318, 266, 000	−254, 632, 000	−753, 957, 000	+118, 140, 000
Indefinite appropriations	94, 030, 000	78, 100, 000	78, 100, 000	72, 700, 000	74, 200, 000	−19, 830, 000	−3, 900, 000	−3, 900, 000	+1, 500, 000
Rescissions	−2, 031, 300, 000					+2, 031, 300, 000			
Reappropriation	158, 750, 000	917, 000, 000	300, 000, 000			−158, 750, 000	−917, 000, 000	−300, 000, 000	
Borrowing authority	17, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	−2, 000, 000			
RECAPITULATION									
Total, new budget (obligational) authority, all titles	27, 192, 021, 000	10, 349, 496, 000	10, 487, 959, 000	9, 198, 252, 500	9, 466, 787, 000	−17, 725, 234, 000	−882, 709, 000	−1, 021, 172, 000	+268, 534, 500
Consisting of:									
Appropriations	29, 065, 571, 000	9, 417, 496, 000	10, 172, 959, 000	9, 182, 524, 000	9, 451, 058, 000	−19, 614, 513, 000	+33, 562, 000	−721, 901, 000	+268, 534, 000
Definite appropriations	(28, 341, 210, 000)	(8, 896, 139, 000)	(9, 554, 924, 000)	(8, 493, 246, 000)	(8, 725, 571, 000)	(−19, 615, 639, 000)	(−170, 568, 000)	(−829, 353, 000)	(+232, 325, 000)
Indefinite appropriations	(724, 361, 000)	(439, 857 000)	(600, 785, 000)	(536, 268, 000)	(564, 993, 000)	(−159, 368, 000)	(+125, 136, 000)	(−35, 792, 000)	(+28, 725, 000)
Rescissions	−2, 049, 300, 000					+2, 049, 300, 000			
Reappropriation	158, 750, 000	917, 000, 000	300, 000, 000			−158, 750, 000	−917, 000, 000	−300, 000, 000	
Borrowing authority	17, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	−2, 000, 000			
Appropriation to liquidate contract authority	(15, 500, 000)					(−15, 500, 000)			
Rescission of an appropriation to liquidate contract authority	(−5, 552, 000)					(+5, 552, 000)			
TITLE I DEPARTMENT OF THE INTERIOR									
Bureau of Land Management	558, 509, 000	529, 068, 000	530, 230, 000	542, 630, 000	542, 430, 000	−16, 079, 000	+13, 362, 000	+12, 200, 000	−200, 000
Office of Water Research and Technology	32, 781, 000	32, 613, 000	30, 485, 000	30, 485, 000	30, 485, 000	−2, 296, 000	−2, 128, 000		
Heritage Conservation and Recreation Service	689, 895, 000	274, 010, 000	487, 440, 000	399, 873, 000	447, 073, 000	−242, 822, 000	+173, 063, 000	−40, 367, 000	+47, 200, 000
U.S. Fish and Wildlife Service	287, 898, 000	276, 954, 000	271, 665, 000	274, 329, 000	273, 213, 000	−14, 685, 000	−3, 741, 000	+1, 548, 000	−1, 116, 000
National Park Service	520, 649, 000	503, 719, 000	468, 516, 000	492, 663, 000	492, 595, 000	−28, 054, 000	−11, 124, 000	+24, 079, 000	−68, 000
Geological Survey	646, 782, 000	533, 112, 000	671, 388, 000	530, 338, 000	593, 538, 000	−53, 244, 000	+60, 426, 000	−77, 850, 000	+63, 200, 000
Bureau of Mines	134, 503, 000	140, 248, 000	140, 678, 000	137, 378, 000	139, 428, 000	+4, 925, 000	−820, 000	−1, 250, 000	+2, 050, 000
Office of Surface Mining Reclamation and Enforcement	179, 603, 000	187, 831, 000	186, 296, 000	154, 509, 000	175, 318, 000	−4, 285, 000	−12, 513, 000	−10, 978, 000	+20, 809, 100
Bureau of Indian Affairs	1, 022, 321, 000	1, 073, 653, 000	1, 091, 234, 000	1, 092, 236, 000	1, 099, 046, 000	+76, 725, 000	+25, 373, 000	+79, 812, 000	+6, 810, 000
Territorial Affairs	210, 081, 000	174, 455, 000	178, 188, 000	164, 038, 000	166, 638, 000	−43, 443, 000	−7, 817, 000	+11, 550, 000	+2, 600, 000
Office of the Solicitor	16, 251, 000	16, 796, 000	16, 113, 000	16, 513, 000	16, 313, 000	+72, 000	−483, 000	+200, 000	−200, 000
Office of the Secretary	51, 844, 000	58, 137, 000	56, 501, 000	116, 444, 000	116, 769, 000	+64, 925, 000	+58, 632, 000	+60, 268, 000	+325, 000
Total, title I, Department of the Interior	4, 351, 107, 000	3, 800, 596, 000	4, 056, 734, 000	3, 943, 952, 000	4, 092, 846, 000	−258, 261, 000	+292, 250, 000	+36, 112, 000	+148, 894, 000

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY, FISCAL YEAR 1981—Continued

[Fiscal year]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimates, 1981	House bill	Senate bill
TITLE II									
RELATED AGENCIES									
Forest Service	1, 637, 514, 000	1, 458, 136, 000	1, 554, 752, 000	1, 431, 200, 000	1, 461, 204, 000	−176, 310, 000	+3, 068, 000	−93, 548, 000	+30, 004, 000
Department of Energy	19, 970, 202, 000	3, 787, 278, 000	3, 568, 578, 000	2, 526, 668, 000	2, 605, 888, 000	−17, 364, 314, 000	−1, 181, 390, 000	−962, 690, 000	+79, 220, 000
Indian Health	621, 511, 000	651, 989, 000	682, 450, 000	676, 801, 000	678, 588, 000	+57, 077, 000	+26, 599, 000	−3, 862, 000	+1, 787, 000
Indian Education	75, 900, 000	100, 950, 000	81, 680, 000	84, 180, 000	81, 680, 000	+5, 780, 000	−19, 270, 000		−2, 500, 000
Institute of Museum Services	10, 900, 000	12, 900, 000	12, 900, 000	12, 057, 000	12, 857, 000	+1, 957, 000	−43, 000	−43, 000	+800, 000
Navajo and Hopi Indian Relocation Commission	985, 000	1, 180, 000	1, 180, 000	2, 680, 000	2, 680, 000	+1, 695, 000	+1, 500, 000	+1, 500, 000	
Smithsonian	144, 081, 000	135, 869, 000	133, 817, 000	129, 700, 000	137, 144, 000	−6, 937, 000	+1, 275, 000	+3, 327, 000	+7, 444, 000
National Gallery of Art	22, 241, 000	24, 464, 000	24, 464, 000	24, 089, 000	24, 314, 000	+2, 073, 000	−150, 000	−150, 000	+225, 000
Woodrow Wilson International Center for Scholars	1, 621, 000	1, 795, 000	1, 795, 000	1, 795, 000	1, 795, 000	+174, 000			
Architect of the Capitol				6, 500	7, 000	+7, 000	+7, 000	+7, 000	+500
National Endowment for the Arts	154, 610, 000	160, 060, 000	160, 060, 000	156, 000, 000	158, 560, 000	+3, 950, 000	−1, 500, 000	−1, 500, 000	+2, 560, 000
National Endowment for the Humanities	150, 100, 000	152, 241, 000	152, 241, 000	151, 299, 000	151, 299, 000	+1, 199, 000	−942, 000	−942, 000	
Commission of Fine Arts	268, 000	290, 000	285, 000	285, 000	285, 000	+17, 000	−5, 000		
Advisory Council on Historic Preservation	1, 375, 000	1, 603, 000	1, 523, 000	1, 523, 000	1, 523, 000	+148, 000	−80, 000		
National Capital Planning Commission	2, 150, 000	2, 362, 000	2, 300, 000	2, 270, 000	2, 270, 000	+120, 000	−92, 000	−30, 000	
Franklin Delano Roosevelt Memorial Commission	40, 000	30, 000	40, 000	30, 000	30, 000	−10, 000		−10, 000	
Pennsylvania Avenue Development Corporation	39, 516, 000	31, 885, 000	31, 677, 000	31, 512, 000	31, 612, 000	−7, 904, 000	−273, 000	−65, 000	+100, 000
Federal Inspector for the Alaska Gas Pipeline	7, 900, 000	25, 868, 000	21, 483, 000	21, 483, 000	21, 483, 000	+13, 583, 000	−4, 385, 000		
Holocaust Memorial Council				722, 000	722, 000	+722, 000	+722, 000	+722, 000	
Total, title II, Related Agencies	22, 840, 914, 000	6, 548, 900, 000	6, 431, 225, 000	5, 254, 300, 500	5, 373, 941, 000	−17, 466, 973, 000	−1, 174, 959, 000	−1, 057, 284, 000	+119, 640, 500
Grand total	27, 192, 021, 000	10, 349, 496, 000	10, 487, 959, 000	9, 198, 252, 500	9, 466, 787, 000	−17, 725, 234, 000	−882, 709, 000	−1, 021, 172, 000	+268, 534, 500

Mr. HUDDLESTON. Mr. President, there will be a slight difference between the table just printed here and the one carried in the House proceedings on November 21. That is because we have just discovered an omission in the budget estimate column. A late-arriving budget estimate of $81.5 million for Indian Land Claims Settlement in the State of Maine was not included in the budget total, and this affected the comparisons. This oversight has been corrected in the Senate version of the table.

Mr. President, in closing I must pay tribute to the House conferees, particularly Congressman SIDNEY R. YATES who acted as conference chairman again this year. Without his tireless work and cooperation in leading the House conferees and the conference committee as a whole, this agreement would not have been possible. I also wish to thank my fellow Senate conferees for their help in bringing about a rapid and equitable agreement in what amounted to a marathon session interrupted only when members had to answer their respective rollcalls. It took a good deal of restraint on both sides to bring all these difficult issues to agreement so quickly. Finally, Mr. President, let me commend the distinguished ranking minority member on the Interior Subcommittee, the Senator from Alaska (Mr. STEVENS). From the very beginning when we started hearings on the fiscal 1981 appropriation last February, he has worked long and hard on this bill despite the demands of his leadership position. It was his cooperation to the very end on one of the major amendments that threatened to disrupt the conference that has made this quick agreement possible and will pave the way for final enactment.

I yield to the Senator from Alaska.

Mr. STEVENS. I thank the Senator from Kentucky.

The conferees have agreed to include language to expedite private leasing and exploration of the entire National Petroleum Reserve in Alaska. In developing this leasing program, the Secretary should consider the existing and potential use of already identified reserves by local communities and Federal facilities for heat and electricity, as is the case with the Barrow gas fields. In the Naval Petroleum Reserves Production Act of 1976, 42 USC section 6504(e), the Congress made a commitment to have the Secretary provide natural gas to the village of Barrow at reasonable rates. Consequently, the conferees expect the Secretary, in selecting areas for lease, to consider existing and potential use by Federal installations and the local communities. The Secretary should carefully examine with the affected communities and Federal agencies how the lease sales should be structured so as not to impair these previous commitments.

It is my opinion the conferees did not intend to amend or otherwise alter section 1431(o) of the recently passed Alaska National Interest Land Conservation Act, which is known as H.R. 39, which will be signed by the President tomorrow. Inasmuch as that act will become law prior to this one, I do not think there will be any problem, but I wanted the statement to appear in the legislative history so that there will be absolutely no question about it.

I thank the Chair and I thank my good friend from Kentucky.

Mr. JOHNSTON. Mr. President, first I want to congratulate my distinguished colleague from Kentucky for his efforts in managing not only this bill but the joint conference as well. He richly deserves our praise. Second, I would like to insure that there is a clear understanding with respect to amendment No. 78, which has the effect of leveraging loan guarantee appropriations available to the Secretaries of Agriculture and Energy for biomass energy projects under the Energy Security Act. I want to emphasize that is the intent of the sponsors of this amendment as well as the conferees that the Department of Energy utilize this new leveraging authority at the earliest possible date to fund as many qualified projects as practical from among the 57 proposals that were submitted in response to the first alcohol fuel loan guarantee solicitation notwithstanding any prior limitations on funding authority to the contrary. It is important that the alcohol production capacity represented by such qualified projects be placed into operation as soon as possible to assist the Nation in reducing its dependence on imported fuels.

Mr. HUDDLESTON. Mr. President, I thank my colleague from Louisiana for his kind remarks, and I associate myself with his comments about the need to expedite to the fullest this new loan leveraging authority. He is correct in his explanation of the intent of the sponsors as well as the conferees that the Department of Energy not delay this program by requiring new solicitations before implementation of this new authority but that they make every effort to fund as many of the qualified projects from their first solicitation as possible in the shortest possible time.

Mr. JOHNSTON. Mr. President, I again wish to thank my distinguished colleague from Kentucky.

Mr. SCHMITT. Before this conference report is adopted, I have a question for the manager (Senator HUDDLESTON) concerning the Fish and Wildlife Service portion of the bill. As you know, the Senate was disturbed that the Service was contemplating downgrading the Albuquerque office from a regional office to an area office with a transfer of the regional office's functions to Denver. At the time that this was occurring, the House had directed that the area concept be studied with a report due this coming year. In light of these developments, the Senate report included the following language on page 23:

> The Committee opposes the closing or redesignation of the Albuquerque regional office or the Phoenix area office. Such action would be premature when an evaluation of the effectiveness of area offices is still pending.

Following the filing of the Senate report, the Director of the Fish and Wildlife Service, Mr. Greenwalt, stated that he would prefer to make the savings necessary to maintain Albuquerque as a regional office by reducing slightly the administrative expenses of all the regional offices. This would allow him to meet the budget targets and honor the Senate language without any adverse impact on construction funds or other projects.

My question is very simple. Is there anything in this conference report that prohibits the Fish and Wildlife Service from maintaining Albuquerque as a regional office at this time?

Mr. HUDDLESTON. No, there is nothing in the bill, the conference report or the legislative history that prohibits the Fish and Wildlife Service from maintaining Albuquerque as a regional office. In fact the only specific legislative directive is that found in the Senate report which you quoted earlier.

Mr. SCHMITT. I thank the Senator for this clarification of legislative intent

● Mr. MITCHELL. Mr. President, I am pleased to note that the House conferees agreed to the Senate position and retained in this bill $81.5 million to fund the Maine Indian Settlement Act. The authorizing legislation, which this appropriation funds, was signed into law by the President in October. It provides for the creation of two trusts—a $27 million trust fund as income to the tribes and a $54.5 million trust fund to purchase land.

The Maine Indian land claims case has been of deep concern to the people of Maine for several years. Indeed, this appropriation represents the culmination of many years of review and negotiations by representatives of the State of Maine, the Federal Government, the Maine landowners, the Passamaquoddy and Penobscot Tribes, and the Houlton Band of Maliseet Indians. The Federal legislation funded by this appropriation is a companion measure to State legislation, known as "An act to implement the Maine Indian Claims Settlement."

The State legislation addresses the criminal, civil, and tax aspects of the proposed settlement. The Federal legislation extinguishes all Indian land claims in Maine, thus removing the cloud on title to two-thirds of the State which has existed since suit was filed, and authorizes two trust funds for the benefit of Maine Indians.

It is clear to me from my experience with this issue as U.S. attorney, and from concerns expressed by State officials, and individual citizens, that settlement of these claims is in the best interests of Maine and the country. Further litigation would continue economic and social disruptions felt in Maine since the beginning of this suit. For all concerned, it is best to leave this divisiveness behind us and to work together for the good of all Maine citizens and the country.

I would like to again thank the chairman of the Interior Subcommittee, Senator BYRD, for his leadership in seeing that these funds were retained as part of the conference report.●

Mr. HUDDLESTON. Mr. President, if there be no further discussion, I ask that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I ask that the clerk state the amendments in disagreement.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

> The amendments in disagreement are numbered 12, 17, 22, 24, 31, 32, 34, 52, 64, 74, 78, 82, 84, 85, 86, 88, 91, 94, 108, 110, 113, 119, 124, 132, 133, 134, 135, 136, and 128.

The amendments are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$21,520,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$225,566,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$444,828,000".

Resolved. That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by the said amendment, insert ": *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of contributions or pledges derived from non-government sources which have not previously been used for Federal matching purposes".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by the said amendment, insert:

": *Provided further*, That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$486,537,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$150,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numebred 52 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$100,182,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by the said amendment, insert:

SEC. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94-458 as they apply to reporting to Congress on potential new areas of the National Park System: *Provided*, That not to exceed $100,000 may be available to study proposed new areas of the National Park System.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$22,429,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by the said amendment, insert:

DEPARTMENT OF THE TREASURY ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96–304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96–126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204(a)(1) of Public Law 96–294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a)(2) of Public Law 96–294: *Provided*, That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or solicitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 82 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$711,435,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$226,062,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 85 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$206,466,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$862,107,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$176,867,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by the said amendment insert ": *Provided,* That the President shall immediately seek to undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further,* That the requirements of the preceding provision shall be in addition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$594,119,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 108 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by the said amendment, insert:

CONSTRUCTION

For necessary expenses to construct museum support facilities, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $5,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 110 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$7,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 113 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$11,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 119 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$11,277,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 124 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,500".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 133 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert "308".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 113 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert "309".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 134 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

SEC. 310. (a) Notwithstanding any other provisions of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following: Forest Service, $156,000: *Provided,* That not to exceed $4,600,000 of the funds made available by Sec. 112 of Public Law 96-369 shall be available to the Forest Service until expended for continuing development and demonstration of aerial logging systems.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "311".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 136 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert "312".

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, there was one amendment placed in this bill at my request that has now been taken care of by the concurrent resolutions we passed earlier today. On the basis of that, I move that the Senate recede from its amendment No. 128.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the Senate concur en bloc in the remainder of the amendments of the House to the amendments of the Senate.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to concur en bloc was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order entered earlier, that the Senate stand recessed until tomorrow morning at 10 o'clock.

The motion was agreed to; and at 6:21 p.m., the Senate recessed until Tuesday, December 2, 1980, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 1, 1980:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Capt. Kelly E. Taggart to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration, with the grade of rear admiral (upper half).

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. Robert T. Marsh, [redacted]FR, U.S. Air Force.

Gen. Alton D. Slay, U.S. Air Force, (age 56), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

HOUSE OF REPRESENTATIVES—*Monday, December 1, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O give thanks to the Lord, for He is good; for His steadfast love endures forever! Let the redeemed of the Lord say so, whom He has redeemed from trouble and gathered in from the lands, from the east and from the west, from the north and from the south.—Psalms 107: 1–3.

O Lord, Your word of hope has gone out to all the peoples of the Earth. We rejoice that whatever our circumstance in life Your message of peace among the nations and respect for one another can transcend our differences and renew us in the common bond that You gave us in our creation. Bring us together, O Lord, in Your holy love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 568) entitled "An act to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities for the National Science Foundation for fiscal years 1981 and 1982, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1918. An act to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7020. An act to amend the Solid Waste Disposal Act to provide authorities to respond to release of hazardous waste from inactive hazardous waste sites which endanger public health and the environment, to establish a hazardous waste response fund to be funded by a system of fees, to establish prohibitions and requirements concerning inactive hazardous waste sites, to provide for liability of persons responsible for releases of hazardous waste at such sites, and for other purposes;

H.R. 7385. An act to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes;

H.R. 7591. An act making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes; and

H.R. 8105. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8105) entitled "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes," disagreed to by the House; requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. MAGNUSON, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. YOUNG, Mr. STEVENS, Mr. SCHWEIKER, Mr. BELLMON, Mr. WEICKER, and Mr. GARN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7591) entitled "An act making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes," disagreed to by the House; requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon; and appoints Mr. EAGLETON, Mr. STENNIS, Mr. PROXMIRE, Mr. ROBERT C. BYRD, Mr. BAYH, Mr. CHILES, Mr. BURDICK, Mr. SASSER, Mr. MAGNUSON, Mr. BELLMON, Mr. YOUNG, Mr. McCLURE, Mr. GARN, and Mr. SCHMITT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 3074. An act to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2363) entitled "An act to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BUMPERS, Mr. MELCHER, Mr. HATFIELD, and Mr. McCLURE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2760. An act to provide that the Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate; and

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making further continuing appropriations for the fiscal year 1981.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7591, AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7591) making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and appoints the following conferees: Messrs. WHITTEN, BURLISON, TRAXLER, ALEXANDER, McHUGH, NATCHER, HIGHTOWER, STEED, ANDREWS of North Dakota, ROBINSON, MYERS of Indiana, and CONTE.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 7591, AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until mdinight tomorrow, Tuesday, December 2, 1980, to file a conference report on the bill (H.R. 7591) making appropriations for Agriculture, rural development and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT AND ANY AMENDMENTS IN DISAGREEMENT ON H.R. 7591, AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, or any day thereafter, to consider the conference report and any amendments in disagreement on the bill (H.R. 7591) making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *November 24, 1980.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted November 21, 1980, the Clerk has received the following messages from the Secretary of the Senate:

(1) On Monday, November 24, 1980, that the Senate agree to the amendment of the House of Representatives to the bill (S. 1179) entitled "An Act to incorporate the Gold Star Wives of America.".

(2) On Monday, November 24, 1980, that the Senate passed without amendment House Joint Resolution 634.

(3) On Monday, November 24, 1980, that the Senate passed without amendment H.R. 4892.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted the Speaker on Friday, November 21, 1980, the Speaker did on Tuesday, November 25, 1980, sign the following enrolled bills:

H.R. 2510. An act to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system;

H.R. 2583. An act to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of unemployment as a justice or judge of the United States, and for other purposes;

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934;

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native roll and to allow their enrollment with the Metlakatla Indian community;

H.R. 7698. An act for the relief of two mining claimants;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes;

H.J. Res. 634. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse;

S. 885. An act to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River power system to achieve cost-effective energy conservation, to encourage the development of renewable energy resources to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes;

S. 1135. An act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be part of the Moapa Indian Reservation;

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1386. An act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorization of appropriations contained in such acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such act and for other purposes.

S. 1578. An act for the relief of Dr. Halla Brown.

S. 1828. An act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes;

S. 2352. An act to increase the authorization for the Council on Wage and Price Stability to extend the duration of such Council and for other purposes.

S. 2441. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes;

S. 3152. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such acts for 2 additional years;

S. 3193. An act to designate the Jacob K. Javits Federal Building; and

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week."

CHAIRMAN OF FEDERAL RESERVE BOARD SHOULD RESIGN

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, for nearly 14 months the Federal Reserve Board has pursued a policy of ignoring steep interest rate increases as it tries to dampen inflation through control of the money supply.

Yet today we still have double-digit inflation, while the prime lending rate is again edging toward that record-shattering level of 20 percent that we endured last spring.

The economy needs most what the Fed has failed to deliver—reasonably low and predictable interest rates, so businessmen and consumers alike can borrow and spend.

I have therefore written to Federal Reserve Chairman Volcker, asking that he resign. Hopefully, the new administration will learn from the disastrous experiments of the old.

NATION'S ECONOMY STAGGERED BY HIGH INTEREST RATES

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the Nation's economy has been staggered by high interest rates.

During the month of November, the prime rate jumped four times, from 14½ percent to 17¾ percent. With every jump more small businesses closed their doors.

With apparent little reason, the Federal Reserve Board has deliberately encouraged this upward spiral in interest rates, not only choking off economic growth, but now seriously endangering many businesses of long successful standing.

Because of record high interest rates, business failures this year are up 64 percent from the high level of failures suffered in 1974, according to Dun & Bradstreet.

High interest rates have not just made it harder to get into debt; they have made it practically impossible to get out of debt. They have crippled the homebuilding industry, the automobile industry, small business, and consumers everywhere.

Even the First Pennsylvania Bank has fallen victim to high interest rates, having to pay more for new funds than it receives from the bonds it holds.

Otherwise healthy companies like White Motor, Korvette's, and Braniff are suffering because of the interest rate. The highest profit return in the healthiest of industries, before interest, is about 26 percent. If the prime rate goes to 20 percent, most companies simply cannot stay in business. Certainly they cannot expand to employ more people. Almost everywhere, we see the signs of business retraction.

Completely on their own and without any recourse to the people's elected Representatives in Congress or to the administration, members of the Federal Reserve Board have taken it upon themselves to plunge this country into a recession.

It is not fair to the incoming administration. It is not fair to the outgoing administration. Most of all, it is not fair to the country. The Federal Reserve is not elected by anybody. Apparently its members feel they are not answerable to anybody but themselves.

If the new President can gain control of the Federal Reserve Board and let it understand who has been chosen to run this country as Harry Truman did, he will be a hero, and deservedly so. If he cannot, then heaven help us all.

□ 1210

DISASTER ASSISTANCE FOR ITALY

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, the private relief efforts of American citizens to assist the thousands of victims of the Italian earthquake is yet another example of the compassion of Americans. I know that my colleagues will want to join me in an effort to see that our Government is as responsive to the needs of disaster victims as are our constituents.

I am joining Chairman ZABLOCKI of the Foreign Affairs Committee in supporting legislation to provide $50 million in disaster assistance for the earthquake ravaged southern provinces of Italy. But, in addition to cosponsoring that important bill, I am introducing legislation to complement and supplement the monetary relief efforts. My legislation will enable those survivors of the earthquake who wish to emigrate to the United States to do so if they apply for visas within 1 year. The legislation extends this special status to the residents of the regions affected by the earthquake, if their home or place of business was destroyed by the quake.

The money we send, both as private contributions and through Government disaster relief efforts will never bring back the thousands of dead, or repair the irreparable damage. It will, of course, help, and will be greatly appreciated. But, throughout this past week, as my family and friends have tried to speak with our relatives in Italy, sometimes to learn they were safe, other times to learn they had not survived, I know it would have been a comfort to know that if they wished, our relatives could join us here. My bill (H.R. 8387) would allow just that, and I hope my colleagues will support my efforts to alleviate the suffering of thousands of homeless Italians.

INFLATION IS HERE TO STAY

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, reports that the new administration will immediately deregulate old oil and natural gas insures that inflation will not be contained. Immediate deregulation of oil will raise gasoline prices by 16 cents per gallon. Deregulation of natural gas will come upon the American people like the return of the ice age. Home heating with gas could double in 3 years. More and more of our shrinking dollars will have to be spent for fuel.

Our rate of inflation will, in turn, signal an increase in OPEC oil prices. We must expect to pay for the costs of both sides of the Iran-Iraqi war.

Deregulation is good if it eliminates redtape—however, the deregulation of greed will be very costly to the American people.

A TRIBUTE TO THE LATE JOHN WILLIAM McCORMACK

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, last Tuesday, I was in Boston, Mass., as this Nation laid to rest one of the greatest men I ever have had the privilege to know, former Speaker of the House John William McCormack.

John McCormack lived a full and rich life, and the lives he touched were fuller and richer for knowing him. When I first came to serve in this Chamber in January of 1965, Speaker McCormack was ready to help in any way that he could. His kindness, warmth, generosity, integrity, concern and wisdom were invaluable assets for all of us who sought his guidance.

Speaker McCormack presided over this House during an extraordinary period in our history, when the Congress enacted landmark legislation in the fields of civil rights, education, health care, and the war on poverty. Yet, with all the power that he wielded, we all knew him as a consummate gentleman, and his constituents always knew him as one of their own who always had the time to talk about whatever was on their mind. I remember him walking through the halls of the House office buildings, asking the maintenance personnel what he could do to make their jobs easier. Status was not important to John McCormack, for he cared about all people.

Politically, Speaker McCormack was a truly great Democrat, who believed deeply in our Party and its principles, and who worked diligently to make the dreams of the Democratic Party become reality. But, as Speaker, he never let his political leanings interfere with his absolute fairness and impartiality.

John McCormack was a shining example for all to see and to learn from. He was devoted to Harriet, his wife of more than half a century. It is said that they never spent a night apart in more than 52 years of marriage. During her fatal illness, he spent each night for more than a year in an adjacent hospital room.

He was devoted to the people of his home district in south Boston, to whom his doors were always open and whom he visited often. Even after his retirement from public office in 1971, he continued to try to help people with their problems, maintaining an office in the Boston Federal Building until shortly before his death.

He was devoted to the Congress, where he reached a pinnacle of success without ever forgetting his roots, and where he led with evenhandedness and firmness and compassion.

He was devoted to his party, which he served nobly. And he was devoted to his country, which has lost a great and good son.

I feel a tremendous sense of personal loss at the passing of John McCormack. I loved him and will miss him.

HOMEOWNERSHIP IS BECOMING AN IMPOSSIBLE DREAM

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, high interest rates are one of the most critical economic problems facing this country today—and have been throughout the past 3 years. High-interest-rate policies attack a fundamental part of the American experience in the 20th century—the ability of an American family to buy a home. Those policies are quickly transforming the dream of homeownership into an impossible dream.

The goal of homeownership has inspired saving, hard work, and even sacrifice in American families. We should have grave doubts about national policies which are making it impossible for young and moderate income families to buy a home. I do not believe this country is well suited to be a Nation of landlords and tenants.

The American people are justified in expecting their Government to insure that hard work and thrift will continue to enable them to buy a home. They will judge harshly those responsible for policies that prevent them from participating in the great American experience of owning a home.

ITALIAN EARTHQUAKE ASSISTANCE

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, for the last 8 days we have read accounts and seen TV and news pictures of the devastation caused by the earthquakes which have struck southern Italy. The death toll has reached 3,000 by official count and will undoubtedly be much higher when the full extent of the disaster is known. More than 300,000 people are homeless and snow and freezing temperatures are hindering relief efforts.

The people of Italy, who have for so long enjoyed a special bond of friendship with the people of the United States, need our help. The agency for International Development possesses the means to respond to the most immediate needs of the survivors, but more assistance will be required as the full dimensions of the tragedy become known. I am joining today with Congressman ZABLOCKI, chairman of the Committee on Foreign Affairs, and other Members of Congress to sponsor a bill which will provide $50 million in relief and rehabilitation aid for the earthquake victims. These funds will provide long-term assistance to help survivors rebuild their lives, their homes, and their villages.

The United States has a proud tradition of helping other nations cope with natural disasters. Providing prompt assistance to the people of Italy will be in keeping with that tradition. I hope that the bill we introduce today can be quickly considered by Congress so that our response to the tragedy in Italy can be timely and effective.

SPECIAL ORDER FOR JOHN W. McCORMACK

Mr. BOLAND. Mr. Speaker, may I also call to the attention of the House the passing of one of our most distinguished Americans, the late Speaker of the House, John W. McCormack.

I will have a special order in the middle of the week where all Members can revise and extend their remarks on the passing of this beloved American.

The SPEAKER. The Chair wants to thank the gentleman from Massachusetts.

RECORDBREAKING INTEREST RATES

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, all indications are that we are headed for another round of recordbreaking high interest rates, the second time in less than 8 months.

In the past, economic theory has told us that high interest rates reduce consumer and business demand because the cost of borrowing becomes prohibitive. But that theory does not seem valid anymore.

Some people and businesses are indeed prohibited from borrowing by high rates. But they happen to be low- and moderate-income people and many small businesses, the people and businesses who in many instances are in the most need of borrowed funds.

Actions by the Federal Reserve to restrict the money supply and supposedly curb inflation seem instead to be contributing to inflation. Higher interest rates are passed along as a cost of doing business so that consumers pay more for products and services instead of doing without. The housing industry and auto industry are both being devastated by high interest rates, just at a time when both were beginning to recover from the last round of high rates.

Mr. Speaker, inflation is probably the most serious problem this country faces, but the Fed seems to be trying to solve that problem singlehandedly. I think it is already clear that a single-pronged approach will not work.

ITALY NEEDS ASSISTANCE

(Mr. ZEFERETTI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZEFERETTI. Mr. Speaker, all of us have been shocked and grieved to note the natural disaster that has struck southern Italy in the form of the worst earthquake in 65 years. The provinces of Naples, Salerno, Potenza, and Avellino have suffered enormous damage with the death toll expected to exceed 3,000—the number of homeless is at least 200,000.

The administration has acted with compassion and promptness to make available emergency assistance to the people most affected through our military installations and diplomatic posts. Our bases in Italy have provided helicopters, tents, and relief commodities; more are on their way.

However, this is only a start; 97 municipalities have been utterly devastated, and cannot reconstruct themselves in any kind of quick time without immediate humanitarian needs—food, water, shelter, medicine, blankets, and other supplies. I believe special legislation should be expeditiously considered by Congress, and for that reason I am pleased to join the distinguished chairman of the Foreign Affairs, Committee, Mr. ZABLOCKI, in cosponsoring a bill to provide $50 million in emergency relief and rehabilitation assistance to the earthquake victims of Italy.

Italy is a strong ally with whom we have longstanding ties of affection, love of free government, ethnicity, and culture. The people of Italy have suffered a great tragedy and we should spare no effort in responding to any appeals for help from the Italian Government.

Mr. Speaker, our assistance now is vital, timely, and appropriate. It is my hope that this legislation will be swiftly approved in this Congress and sent on its way to continue our long tradition of mutual friendship and concern.

HIGH INTEREST RATES

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, I join in this dialog on the high interest rates.

For a long time I have had serious concerns, long before we got anywhere near this kind of interest rate. We have to recognize, however, that we are going to continue to rely excessively on monetary policies if we do not do more, first, in the area of fiscal policy, and second, if we do not use another tool that is there that Harry Truman used, that others have used, and that is credit control which would restrain without adding an inflationary factor as high interest rates do. There is also a long-range inflationary factor in high interest rates because not only are we increasing inflation right now with high interest rates, we are contracting the housing market, and that creates long-range inflation problems, for housing is not a flexible market in the same sense that tomatoes or watches or shirts might be. Families and individuals must have a place to live. And that demand will not diminish. If demand stays high, and supply declines, the result is more inflation. So high interest notes are doubly inflationary.

□ 1220

STRANGE WORLD OF RENT CONTROL

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, what a strange world we live in. Ronald Reagan is elected President of the United States on the major promise that he would get the Government off the backs of the American people, and yet barely 2 weeks after his election an advisory task force to President-elect Reagan comes out with a proposal ending all Federal assistance to localities, and if they continue in existence, rent control laws that they have enacted.

The task force's report should alarm all of us. I urge the President-elect to ignore its imprudent and probably unconstitutional suggestion. The course suggested by the task force can only lead to intergovernmental conflict, real estate speculation, and displacement of thousands of low- and moderate-income tenants as rents are quickly raised to unaffordable heights.

The task force suggestion contradicts Mr. Reagan's own preference for State and local control of their own affairs. More fundamentally, such a withdrawal of Federal funds would most likely violate the rights of localities to adopt laws in matters not expressly delegated to the Federal Government.

Indeed, this so-called solution to housing problems would be totally counterproductive. It would penalize cities that have acknowledged a shortage of affordable rental housing, and have made the effort to correct the shortage by enacting rent control laws.

The incoming administration should disregard the task force report, and leave local matters to local governments.

THE 25TH ANNIVERSARY OF MONTGOMERY BUS BOYCOTT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, 25 years ago today the civil rights movement was launched in Montgomery, Ala. It began when a young woman named Rosa Parks boarded a bus and sat down. As the bus filled up, a white man asked for her seat, and Mrs. Parks refused. She was ordered off the bus and arrested. A few days later, her quiet courage electrified the country. The local NAACP chapter organized a bus boycott and obtained the help of a young Baptist minister named Rev. Martin Luther King, Jr.

The segregation of buses in Montgomery ended a year later as many black citizens became schooled in civil disobedience for the first time in their lives. The resolve and determination in the black community of Montgomery reverberated throughout the Nation for many years afterward.

It is fitting on this 25th anniversary of that historic event that we reexamine its meaning for the Nation and celebrate the individuals who had the courage to resist injustice.

QUESTIONABLE POLICIES OF FEDERAL RESERVE BOARD

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I join with our majority leader and others who have preceded me speaking briefly about the high interest rates that affect the people of the United States. I serve on the Committee on Banking, Finance and Urban Affairs, and the Financial Institutions Subcommittee. Much effort has gone into trying to bring down interest rates. We have not had the cooperation we should have had from the Federal Reserve Board.

I question the policies of the Federal Reserve Board and the need to continue to increase interest rates. Be assured that this past Thanksgiving holiday season, while in Kentucky in my own district, I did hear from hundreds of people concerned about high interest rates and their inability to borrow money and about their inability to make payments on money they may have borrowed in the past.

I ask my colleagues to work on this problem during this week and as we think toward the next Congress in our efforts to bring down interest rates. I congratulate the majority leaders and others who have preceded me in speaking on this issue.

The SPEAKER pro tempore (Mr. Danielson). The Chair recognizes the gentleman from Florida (Mr. Nelson).

RAVAGES OF HIGH INTEREST RATES UPON THE ECONOMY OF THE COUNTRY

(Mr. NELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON. Mr. Speaker, my colleagues preceding me have spoken of the ravages of high interest rates upon the economy of our country. Let me give one brief example. In Florida in the housing industry, it has virtually come to a standstill because of high interest rates. And interestingly, the Federal 235 Housing program is one Government homeownership program that has helped to keep alive home building in Florida and helped to meet a critical housing shortage need.

My colleague, the gentleman from Massachusetts (Mr. Boland) was gracious to recognize this need in the Appropriations Conference Committee.

In sum, the greater need in this country is to reduce intolerably high interest rates so that a home building industry can move ahead and supply the housing needs of this country.

UNITED STATES SHOULD WITHDRAW FROM HELSINKI ACCORD

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PORTER. Mr. Speaker, the evidence is incontrovertible that the Soviet Union has broken every commitment contained in the 1975 Helsinki Final Act accord.

The Soviets have—

Waged a systematic campaign of repression, in violation of the accord, to stamp out dissent. Hundreds of Soviet dissidents have been arrested, exiled or confined in psychiatric hospitals.

Drastically curtailed the emigration of Soviet Jews—from 50,000 in 1979 to a current monthly rate of roughly 1,000.

Renewed jamming of Western radio broadcasts, despite a promise to make information from abroad more readily available.

Invaded Afghanistan and stationed 85,000 troops there. In the Helsinki document, the Soviets expressly agreed to "refrain * * * from the threats or use of force against the territorial integrity or political independence of any state."

Notwithstanding the Madrid Review Conference now underway among 35 signatory members, there exists a clear record of Soviet noncompliance, violation and disregard for the provisions of this act. In fact, Soviet noncompliance has become so obvious that the United States must, in good conscience, seriously consider steps for American withdrawal and nullification of the 1975 accord.

Moscow cannot continue to have it both ways. To ignore increasing violations of fundamental Soviet obligations assumed under the accord, while at the same time allowing the benefits of Western recognition of wartime Soviet conquests in Eastern Europe is absolutely intolerable.

For this reason, I am today introducing a joint resolution urging an immediate United States withdrawal from our obligations under the Helsinki accord unless the President certifies to both Houses of Congress, within 60 days after the close of the Madrid Conference, that substantial progress has been made on Soviet compliance with its basic provisions.

The Soviets' brutal repression of fundamental human rights, including the freedom of emigration, coupled with their recent invasion of neutral neighboring Afghanistan, have demonstrated to the world the nature of Soviet intentions. These actions are ample evidence of Soviet disregard for any Helsinki obligations assumed when inking the accord. The United States should act now to put an end to this Soviet sham and fraud initiated at Helsinki in 1975.

□ 1230

HIGH INTEREST RATES

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, young couples in our country have great difficulty in buying homes. The average cost of a home in the United States today is $80,000. The prime interest rate is now 18 percent, but in many places money can be borrowed for 16 percent.

At 16 percent, the cost of an $80,000 home in interest alone is $12,800. This is the exact reason why the housing industry today is depressed and our young people cannot buy homes.

Not only that, farmers, small businessmen, all businessmen are having serious difficulty with these high interest rates.

Mr. Volcker, there is no doubt about it, is a good man; he believes in the brotherhood of man, the fatherhood of God, the neighborhood of New York City, and 20-percent interest.

AID TO ITALY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today I have introduced emergency legislation authorizing $50 million in U.S. aid to Italy whose Provinces of Salerno, Naples, Potenza, and Avellino were devastated by a major earthquake on November 23, 1980. My bill is identical to one sponsored on November 25 by Senator Kennedy, and it is endorsed by President Carter.

While the full enormity of this disaster has yet to be measured, already the earthquake has killed more than 3,000 persons and left another 300,000 homeless. No official damage estimates have been released, but the area of damage covers more than 10,000 square miles. Entire towns and villages have been wiped out. As many as 90 to 100 villages have been destroyed.

The human tragedy demands an immediate and generous response from the U.S. Government. It has been our policy whenever disaster strikes—but our cause should be more compelling in the case of Italy—a close friend—and staunch ally with whom we have such strong bonds of mutual interest and the first nation to call for the U.S. hostage release.

Four years ago when the Friuli regions of Italy were ravaged by an earthquake, Congress responded with $25 million in aid. The need today is greater—the time is shorter. Let us proceed with the greatest of speed toward enactment of this legislation, and let us spare no effort in aiding the people of Italy in their dark hours of need.

THE LATE HONORABLE JOHN W. McCORMACK

Mr. BOLAND. Mr. Speaker, I offer a privileged resolution (H. Res. 813) relating to the death of the Honorable John W. McCormack, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 813

Resolved, That the House has learned with profound sorrow of the death of the Honorable John W. McCormack, former Member of the House for twenty-one consecutive terms, and Speaker of the House of Representatives for the Eighty-seventh, Eighty-eighth, Eighty-ninth, Ninetieth, and Ninety-first Congresses.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO ISSUE PATENTS UNDER COLOR OF TITLE ACT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (H.R. 6211) to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DANIELSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Color of Title Act, as amended (43 U.S.C. 1068), the Secretary of the Interior is authorized to issue a patent under such Act to any applicant for a patent covering lands within the Rio Grande Occupancy Resolution Program Area, New Mexico, if such applicant is otherwise qualified to receive such patent but for the fact that the land covered by the application for such patent involves an adverse claim or claims arising out of, or in connection with, a withdrawal order.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SEIBERLING: Strike all after the enacting clause and insert the following:

SECTION 1. That, in the administration of the Color of Title Act, as amended (43 U.S.C. 1068) and the Act of February 23, 1932 (43 U.S.C. 178), the Secretary of the Interior is authorized to issue a patent under such Acts to any applicant for a patent covering lands within the Rio Grande Occupancy Resolution Program Area, New Mexico (hereinafter in this Act referred to as "the area"), if (1) such applicant is otherwise qualified to receive such patent but for the fact that the land covered by the application for such patent involves an adverse claim or claims arising out of, or in connection with, a withdrawal order; and (2) the Secretary has determined, with the concurrence of the agency for which the withdrawal was made, that the continuation of the withdrawal is no longer needed, and that termination of the withdrawal will not adversely affect any Federal program as projected.

SEC. 2. No interest in any federal land or water resource values are intended to be affected by this Act other than by express terms in the patents authorized to be issued pursuant to section 1 hereof.

SEC. 3. This Act does not apply to Indian lands or lands withdrawn for Indian use unless the applicant is a beneficiary of such Indian withdrawal.

SEC. 4. No later than one year after the date of enactment of this Act, each agency for whom a withdrawal of lands within the area was made shall advise the Secretary as to whether the continuation of each such withdrawal is needed and as to whether termination of any such withdrawal would adversely affect any Federal program as projected. Upon receipt of such advice from such agencies, but in no event later than two years after the date of enactment of this Act, the Secretary shall decide whether or not to make the determination described in section 1 of this Act.

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I take this time only to have the gentleman give us an explanation of what the bill entails.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Ohio.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, H.R. 6211 deals with some of the persistent land-title problems in northern New Mexico. It would increase the administrative authorities of the Secretary of the Interior so as to enable him to grant title to small tracts of public lands to people who have established a qualifying claim through occupancy under a color of title and payment of taxes. The committee amendment includes a number of revisions suggested by the administration. I believe that this is a completely noncontroversial bill, and our committee ordered it reported upon the initiative of the gentleman from New Mexico (Mr. LUJAN).

I ask unanimous consent to extend my remarks and to include a portion of our committee's report at this point in the RECORD.

PURPOSE

The purpose of H.R. 6211 is to authorize the Secretary of the Interior to issue a patent under the Color-of-Title Act, as amended (43 U.S.C. 1068) to any applicant for a patent covering lands within the Rio Grande Occupancy Resolution Program Area, New Mexico. Such a patent could be issued under the Color-of-Title Act even though the lands claimed were under a withdrawal order.

BACKGROUND AND NEED

The Color-of-Title Act requires the Secretary to convey public lands which the Secretary determines have been held in good faith under a documented claim of title for more than 20 years, provided the lands have been reduced to cultivation or contain valuable improvements. In addition, the Act authorizes the Secretary, in his discretion, to convey public lands which have been held continuously in good faith and under a documented claim of title since January 1, 1901, during which time all State and local property taxes have been paid. Patents issued under the Act cannot convey more than 160 acres of land. The government may issue a patent for the land upon payment of the appraised value, exclusive of increased value from development or improvements adjusted to reflect any equities demonstrated by the applicant, but at not less than $1.25 per acre.

In the early 1900's portions of public land in what is now known as the Rio Grande Occupancy Resolution Program Area were withdrawn for use as power sites, or for water resource projects of the Water and Power Resources Service (formerly the Bureau of Reclamation). The power site withdrawals are subject to the regulatory authority of the Federal Energy Regulatory Commission (formerly the Federal Power Commission). These lands were initially occupied in the 1930's despite the existence of the withdrawals. The public lands in this area are now scattered and intermingled with private river-front lands, state lands, Indian lands and National Forest lands, extending from Socorro north to Colorado.

The occupants of the withdrawn lands have sought to aquire title to the lands they have been occupying. In an effort to resolve these disputes through the use of the Color-of-Title Act the Bureau of Land Management (BLM) established the Rio Grande Occupancy Resolution Program Area, receiving full Congressional support through specific spending authorizations. Resolution of claims that qualify under the Color-of-Title Act is one method of resolving these problems. However, under well established rulings, color-of-title claims can apply only to unreserved public land areas. Thus, where the public lands have been withdrawn, as in the instant cases, a color-of-title claim may not be entertained by the Secretary.

The committee has noted that many of the occupants of the areas in question have claims or interests which have been maintained for generations. Some of the claims go back as far as 50 years. The studies and other work of the Bureau of Land Management, combined with population growth and other developments in northern New Mexico have combined to produce, demonstrate the need for a simplification of the land-title situation which this bill addresses. In its consideration of the bill, the committee has been particularly desirous of taking action which will assist the BLM to resolve as quickly as possible as many as possible of the color-of-title applications within the subject area, and to avoid inequities and hardships to those persons whose applications are of long standing.

THE COMMITTEE AMENDMENT

The committee amendment in the nature of a substitute incorporates a number of changes in the original bill which were suggested by the administration: It includes a reference to the act of February 23, 1932, which deals specifically with color-of-title claims for public land tracts adjacent to Spanish or Mexican land grants in New Mexico; disclaims any intent to affect any interest in Federal land or water resources other than as provided in the express terms of patents which may be issued under authorization of the bill; exempts Indian land; and in particular provides that the Secretary of the Interior is to issue a patent to an applicant in the affected area only after a Secretarial determination based on the concurrence of the agency for which the involved withdrawal was made that the continuation of a particular withdrawal is no longer needed and that termination of the withdrawal will not adversely affect any Federal program as projected. It is the understanding that any patents issued, under authority of this act and the other relevant statutes cited herein, after such a determination, will have the effect of terminating the withdrawal of the particular tract which is the subject of such a patent.

However, the committee amendment also includes, as section 4, language which was not based on an administration recommendation. Section 4 is an action-forcing provision. It requires that each agency for which a withdrawal has been made within the relevant area notify the Secretary of the Interior as to whether the continuation of each such withdrawal is needed and as to whether termination of any such withdrawal would adversely affect any Federal program as projected. This notification to the Secretary must be made within 1 year after the date of enactment. Section 4 further provides that the Secretary of the Interior shall decide, on the basis of the information supplied by the agencies for whom the withdrawals were made, whether or not to make the determination that the continuation of one or more such withdrawals is no longer needed and whether or not termination of one or more of the withdrawals can occur without adverse effect on a projected Federal program. This secretarial decision must be made no later than 2 years after the date of enactment.

Mr. LUJAN. I thank the gentleman for his explanation.

Mr. Speaker, I rise today in support of my bill, H.R. 6211, which is a bill to authorize the Secretary of the Interior to issue patents under the Color of Title Act to individuals who would otherwise qualify except they live within power-site withdrawal areas.

The bill is the result of an effort to settle as equitably and quickly as possible a land title problem near Dixon, N. Mex. Individuals and families there find themselves ineligible for color of title claims because the Bureau of Land Management land on which they live is also land withdrawn for power-site use.

New Mexico has been plagued with land title problems for years due to the fact that when it was settled, many people simply moved onto the land they felt was worth settling. Also the children of individuals with small holding claims patents accidentally built on public lands when they thought they were on their parents' land. This was true near Dixon.

On August 7, 1916, the Federal Power Commission, now known as the Federal Energy Regulatory Commission, withdrew from public use some land near Dixon, and on September 30, 1916, the Bureau of Reclamation, now known as the Water and Power Resource Service, followed suit, both withdrawals having been requested for power-siting purposes. This action had gone virtually unnoticed until quite recently when some basic changes took place.

First of all, the BLM took a close look at the plat for the Dixon area, found that there were many trespass problems, and called a meeting in the area to notify the community of them. A cadastral survey was begun to determine exact boundaries. It showed that the land occupied by many of the individuals with color of title claims is located within the powersite withdrawals and therefore cannot be turned over to them under the act since the possession cannot be considered peaceful adverse possession.

The enactment of the Federal Land Policy and Management Act (FLPMA) prevents the turning over of land in the area to private owners without extensive land planning. When the land planning has been completed, the Commission and the Service will be asked to consider removing their withdrawals, but this approach can be expected to take years to complete. Even if the power site withdrawals are canceled, the individuals with what would be color-of-title claims under normal circumstances would not be permitted to exercise their claims, and, under FLPMA, would be required to pay fair market value for their land.

This would create a very inequitable situation. Individuals and families whose claims go back as far as 50 years would be placed in a situation where they would be required to pay fair market value for land they had always considered to be theirs. Their claims would be handled under the same terms as those of the recent occupants. The situation is already tense due to friction between long-term residents who consider the area to be theirs, and the comparative newcomers who knowingly took up residence on public lands and whose lifestyles are far different from the traditional ones of the older families. To top it off, just down the road families and individuals on BLM land, but not on powersite withdrawal land, are receiving color-of-title patents as a result of the survey. Believe me, the people affected by the withdrawals are having a hard time comprehending the difference they consider artificial at best between their land and their neighbors. To enforce the type of injustice that would be required by FLPMA and lack of action on this bill would bring tensions to the boiling point and would spark strong resentment, if not outright hatred, of the BLM and the Federal Government.

My bill would enable the Federal Government to avoid creating such a situation. It would authorize the BLM to apply color-of-title standards to this area and other areas within the Rio Grande occupancy resolution program area, thus permitting long-term residents to take title to their land at little cost, not only near Dixon, but in other similar areas of New Mexico that have not yet come to our attention, but that, I am sure, exist. It would allow the BLM to apply different standards to the different cases and claims and to recognize the equities or lack of them on an individual basis.

This is fair and just and for this I ask your support.

Thank you.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 24, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit a sealed envelope received from The White House at 12:10 p.m. on Monday, November 24, 1980, and said to contain a message from the President wherein he transmits the 1979 Annual Report of the ACTION Agency.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

FISCAL YEAR 1979 ANNUAL REPORT OF ACTION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am transmitting to the Congress the FY 1979 Annual Report of the ACTION agency, as required by section 407 of the Domestic Volunteer Services Act of 1973, as amended.

JIMMY CARTER.

THE WHITE HOUSE, *November 24, 1980.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

RALPH J. BUNCHE MONUMENT

Mr. NEDZI. Mr. Speaker, I move to suspend the rule and pass the joint resolution (H.J. Res. 205) authorizing appropriation of funds for acquisition of a monument to Dr. Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City, as amended.

The Clerk read the joint resolution, as follows:

H.J. RES. 205

Whereas Doctor Ralph J. Bunche, winner of the Nobel Peace Prize and former Under Secretary of the United Nations, was a man of great vision and strength and was one of the most distinguished citizens of the United States and the world;

Whereas the proposed acquisition of a monument to Doctor Bunche (consisting of a fifty-foot, sculptured stainless steel obelisk) and its installation in Ralph J. Bunche Park in New York City is conceived as a symbol of man's renunciation of war and corruption and has been approved and endorsed by the United Nations Art Committee, the Visual Arts Committee of New York, and the New York City Parks Commission; and

Whereas the acquisition and installation of this monument will contribute to the artistic and cultural vitality of New York City and will combine the beauty and timeliness of art with a perspective of historical greatness, a hope for future prosperity and peace, and a tribute to a man whose illustrious career was a dedication to the achievement of world peace: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there are authorized to be appropriated not more than $45,000 to the Secretary of the Interior for payment to the Phelps-Stokes Fund of New York City for use by such Fund for acquisition and installation (including related landscaping) of a monument to Doctor Ralph J. Bunche.

(b) Not later than one year after the date on which funds are appropriated under this Act, the Phelps-Stokes Fund shall report to the Congress the amount and source of all sums used for acquisition and installation of such monument.

SEC. 2. The monument referred to in the first section shall consist of a fifty-foot, sculptured, stainless steel obelisk created by Daniel Johnson and named "Peace Form One", and shall be installed in Ralph J. Bunche Park in New York City.

The SPEAKER pro tempore. Is a second demanded?

Mr. FRENZEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. NEDZI) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 205 authorizes the appropriation of funds for the acquisition and installation of a monument to Dr. Ralph J. Bunche in New York City.

This resolution recognizes Dr. Bunche, known for his dedication to the achievement of world peace, as one of our Nation's most distinguished citizens. Dr. Bunche served at the United Nations for two decades and, as the Under Secretary of the United Nations, was the highest ranking black American official. Known as the great peacemaker, Dr. Bunche was awarded the Nobel Peace Prize for his efforts in negotiating the Palestine Accord between the new State of Israel and the Arab States in 1949. His commitment, integrity, dedication, and intellect, channeled through diplomacy and nonviolent protest, are inspirations for us all.

It is fitting, therefore, that a memorial honoring this great American be located across from the United Nations in a small park—maintained by the city of New York—which was renamed the "Ralph J. Bunche Park" in 1979. The monument is a 50-foot stainless steel obelisk created by Daniel Johnson named "Peace Form One," a symbol of man's determination and struggle for peace.

The Phelps-Stokes Fund of New York City is the sponsoring agency which has raised $440,000 over the past 3 years for this memorial. House Joint Resolution 205 as amended would authorize to be appropriated no more than $45,000 to the Secretary of the Interior for payment to the Phelps-Stokes Fund for use by the fund for the acquisition and installation of the monument. The memorial was dedicated at a ceremony on September 15 of this year and the authorized appropriation in this resolution is the amount by which estimated project costs exceed the private donations already raised.

This resolution would authorize a Federal contribution to a very fitting memorial. I urge favorable consideration of House Joint Resolution 205.

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Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise in support of this resolution. I have been working with the Phelps-Stokes Foundation from the beginning of this idea to pay tribute to Ralph Bunche, a great American, and also working with the United Nations which had impediments in terms of making a contribution to this, even though at the ceremony which I was privileged to participate in, members from all over the world gave testimony as to the great contribution that Ralph Bunche has made.

I thought it was an outstanding gesture to see that for the first time since I have been in the Congress, people in the private sector would reach out and make the type of contributions that were necessary to make this beautiful monument possible. It seems to me that even though I have been prepared in the past to ask the Congress to fund this monument completely, what it amounts to now, as pointed out by the chairman, is that we are asking the Congress not to underwrite the cost of this great monument, but to make a small donation of $45,000 to it.

It seems to me that it does give us an opportunity not only to say thank you to a great American, but at the same time to encourage the role that he has played in bringing peace to the peoples of this world that we are living in, and I do hope the Members see fit to suspend the rules and pass this resolution with the amendments attached.

Mr. BAUMAN. Would the gentleman from Michigan (Mr. NEDZI) yield for a question?

Mr. NEDZI. Yes, of course, I yield.

Mr. BAUMAN. The gentleman from Maryland looked in vain for a report on this legislation. I find none was filed. The bill itself is almost 2 years old and originally called for the taxpayers of the United States to pay the entire amount of $485,000. As has been indicated in the gentleman's remarks, the great majority of that amount has now been raised by private subscription, and in effect we are being asked to step in and provide the remainder of $45,000 that apparently they could not raise.

Is there any precedent for the Congress of the United States, in effect, bailing out a private organization in an instance like this? I know many times we have authorized and paid for the entire cost of a monument, but this would appear that the fund raising drive has failed, for whatever reason, and we are in effect making up the difference with taxpayers' money. I do not think this is the precedent we should set.

Mr. NEDZI. I have not reviewed the precedents nor researched the question which the gentleman has put to me. However, I can say that there is substantial recedent for the Congress picking up the full tab on this. As far as this Member is concerned, this is a very desirable precedent where we have to pay only 10 percent.

Mr. BAUMAN. My concern is that other organizations will in the future proceed with fundraising drive privately and then feel they can come to the Congress with a worthy argument saying, "We could not make up the difference; you pick up the tab." That essentially is what is being said here.

Mr. NEDZI. The gentleman is quite right. As a matter of fact, that to my knowledge has been done in the past. However, in those cases that I am aware of, or that particular case, the Congress did not respond.

Mr. BAUMAN. I thank the gentleman, but oppose the bill.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I rise today in favor of House Joint Resolution 205, which would authorize the Secretary of the Interior to contribute to the construction and installation of the Ralph Bunche Memorial, which is located in my congressional district. I would like to take this opportunity to encourage passage of this resolution, which Mr. RANGEL introduced, and of which I am a cosponsor.

Although the monument is already constructed, the money, authorized under this resolution would be used to make up the difference in costs between the total cost of the monument, and private funds which have been raised by the Phelps-Stokes Foundation. This resolution represents a worthwhile endeavor to recognize one of our most distinguished citizens, and one to which I believe the

Federal Government ought to make a contribution.

Dr. Bunche contributed tremendously to our domestic and international well being. He was a leader in the civil rights movement, and a director of the NAACP. Ralph Bunche also will be remembered as a distinguished scholar, the first black to receive a Ph. D. in political science, and the first black to serve as president of the American Political Science Association. Perhaps Dr. Bunche's greatest impact was in the area of international affairs. He was the first black to receive a Nobel Peace Prize, in 1950. His service as an Under Secretary General at the United Nations, and his efforts to keep peace in the then-Belgian Congo, Suez, and Cyprus earn for Ralph Bunche a distinguished place in our history.

I urge my colleagues to agree to this resolution, and to recognize the efforts made by Dr. Bunche on behalf of black Americans, and of all Americans.

Mr. FRENZEL. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I simply want to say that the minority on the Committee on House Administration is in agreement with the description of the bill as articulated by our distinguished acting chairman, the gentleman from Michigan (Mr. NEDZI).

We think it is meritorious. It is a very small amount of money to pay.

I would note for the record, Mr. Speaker, that some years ago our committee authorized a memorial to Dr. Martin Luther King to be placed in the Capitol. That bill was not successful in the Senate, much to our regret. This is not necessarily supposed to be a substitute; but we hope it will find a warmer reception in the Senate.

The committee is not embarrassed by the precedent set in this bill. The committee thinks the bill is a good one, believes that it sets no bad precedents, and urges that it be adopted.

Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. NEDZI. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. SEIBERLING). The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and pass the joint resolution—House Joint Resolution 205—as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the title of House Joint Resolution 205 be amended to read: "Authorizing appropriation of funds for acquisition of a monument to Dr. Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. NEDZI)?

There was no objection .

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FEDERAL PRIVACY OF MEDICAL INFORMATION ACT

Mr. PREYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5935) to protect the privacy of medical information maintained by medical care facilities, to amend section 552a of title 5, United States Code, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5935

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Privacy of Medical Information Act".

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Sec. 1. Short title.
Sec. 2. Findings and purposes.

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Sec. 151. Criminal penalty for obtaining medical information through false pretenses or theft.
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TITLE II—AMENDMENTS TO TITLE 5, UNITED STATES CODE

Sec. 201. Amendment to title 5, United States Code.

TITLE III—TRANSITION; EFFECTIVE DATES

Sec. 301. Continued applicability of Act.
Sec. 302. Effective dates and promulgation of regulations.

FINDINGS AND PURPOSES

SEC. 2. (a) Congress finds that—

(1)(A) the right to privacy is a personal and fundamental right protected by the Constitution of the United States,

(B) the collection, maintenance, use, and dissemination of medical information can threaten a patient's right to privacy.

(C) medical information about a patient is disclosed by medical care facilities without the knowledge or consent of the patient for purposes unrelated to the provision of medical services to the patient,

(D) disclosure of medical information about a patient can affect the patient's ability to obtain employment, education, insurance, credit, and other necessities,

(E) in order to prevent misuse of medical information, a patient must be able to exercise more direct control over medical information about the patient, and

(F) a patient's right to privacy must be balanced against the legitimate needs of public and private organizations for individually identifiable medical information in performing law enforcement, public health, medical research, health planning, fiscal, and other important functions; and

(2)(A) the Federal Government plays an increasingly important role in the provision, payment, and regulation of medical care,

(B) due to the large number of patients who travel in interstate commerce seeking medical care, the large volume of medical information sent in interstate commerce, and the complex and interrelated nature of the modern medical care system, all medical care facilities affect interstate commerce,

(C) violations of the confidentiality of medical information as found by the Congress and by the Privacy Protection Study Commission are problems that require national solutions, and

(D) there is a need for Federal statutory protection of the privacy of medical information collected and maintained by medical care facilities.

(b) The purposes of this Act are—

(1) to establish procedures assuring the right of patients to inspect and amend medical information about them;

(2) to define the circumstances under which individually identifiable medical information may be disclosed with, or without, the consent of the patient; and

(3) to make it a crime to request or obtain medical information from medical care facilities under false pretenses.

TITLE I—PRIVACY OF MEDICAL INFORMATION

PART A—DEFINITIONS, EFFECT ON OTHER LAW, AND RIGHTS OF MINORS AND INCOMPETENTS

DEFINITIONS

SEC. 101. For purposes of this Act:

(1) The term "accounting" means, with respect to the disclosure of medical information about a patient and maintained by a medical care facility, the recording of (A) the name or other identifier of the patient, (B) the date and purpose of the disclosure, (C) the name and address of the individual to whom the disclosure was made, and (D) the identity of the government authority or other organization on whose behalf the disclosure was made.

(2) the term "audit" means an assessment, evaluation, determination, or investigation relating to—

(A) the legal, fiscal, or management standards or measures of performance;

(B) the licensing, accreditation, or certification of medical care facilities or medical care professionals; or

(C) medical peer review;

conducted by the Joint Commission on Accreditation of Hospitals, a Professional Standards Review Organization, or a government authority or by an organization acting on behalf of a government authority pursuant to a requirement of a government authority, or conducted in connection with a public or private program of payments to a medical care facility.

(3) The term "employee" means, with respect to a medical care facility or person, a person who is employed by, responsible to, affiliated with, or performing a function on behalf of, the facility or person, and includes, with respect to a medical care facility, a student or faculty member of a health professional school affiliated with the facility.

(4) The term "government authority" means any governmental entity—

(A) of the United States, or of any territory or possession thereof, or

(B) of a State or political subdivision therein, or any officer or employee thereof.

(5) The term "health research project" means a biomedical, epidemiologic, or health services research project or a health statistics project.

(6)(A) The term "institutional review board" means—

(i) an institutional review board established in accordance with regulations of the Secretary under section 474 of the Public Health Service Act,

(ii) a similar board established under regulations of another Federal Government authority, or

(iii) a similar board which meets such requirements as the Secretary may specify.

(B) The term "appropriate institutional review board" means, with respect to a health research project intending to use medical information maintained by a medical care facility or health researcher, (i) the institutional review board for the organization sponsoring the project, (ii) the institutional review board for the medical care facility or health researcher, (iii) the institutional review board for another medical care facility or institution which maintains medical information also intended to be used in the project, or (iv) in the case of a project for which an institutional review board described in clause (i), (ii), or (iii) is not available to review the project, any institutional review board.

(7) The term "law enforcement inquiry" means a lawful investigation or official proceeding inquiring into a specific violation of, or failure to comply with, any criminal or civil statute or any regulation, rule, or order issued pursuant thereto.

(8) The term "medical care facility" means—

(A) a hospital, as described in paragraph (1) of subsection (e), (f), or (g) of section 1861 of the Social Security Act and in section 1861(e)(7) of such Act,

(B) a skilled nursing facility, as described in section 1861(j)(1) and (9) of the Social Security Act,

(C) an intermediate care facility certified by a State agency for participation in a program under title XIX of the Social Security Act,

(D) an intermediate care facility, outpatient clinic, ambulatory care facility, or other clinic or facility that offers medical examination, care, or treatment and that is operated by a Federal Government authority, or

(E) an intermediate care facility, outpatient clinic, ambulatory care facility, or other clinic or facility that offers medical examination, care, or treatment, if the clinic or facility is operated by a State government authority and if the clinic or facility is made subject to the provisions of this Act by State statute.

Such term does not include any such medical facility located outside any State or which primarily serves inmates or residents of a prison, jail, or other penal or correctional facility.

(9) The term "medical information" means any material that—

(A)(i) contains information relating to the health, examination, care, or treatment of a patient, or (ii) is to be added to such material under the provisions of this title, and

(B) is in a form enabling the patient to be identified.

(10) The term "patient" means a living individual.

(11) The term "person" includes—

(A) a corporation, company, association, firm, partnership, society, trust, and a joint stock company, as well as an individual, and

(B) except for purposes of section 151, a government authority.

(12) The term "Secretary" means the Secretary of Health and Human Services.

(13) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

EFFECT ON OTHER LAWS

SEC. 102. (a) No law of any State, or political subdivision therein, may authorize or compel the disclosure of medical information which is prohibited under this title.

(b) This title does not supersede—

(1) any restriction on the disclosure or use of medical information under (A) section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (B) section 408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, or (C) section 1163 of the Social Security Act;

(2) any other such restriction of Federal, State, or local law on disclosure or use of medical information relating to alcohol or drug abuse, or examination, care, or treatment for such abuse; or

(3) any restriction of Federal, State, or local law on inspection of or disclosure of medical information relating to psychiatric, psychological, or mental health examination, care, or treatment.

(c)(1) A State may prohibit disclosure of medical information otherwise permitted to be disclosed under part C of this title, except where such prohibition would be inconsistent with paragraph (2) of this subsection.

(2) Nothing in this title shall be construed to make any medical care facility of a Federal Government authority or any Federal agency subject to any State or local law not otherwise applicable.

(d) The fact that this Act may permit medical information to be disclosed by a medical care facility shall not in any way abridge or destroy the confidential or privileged character of the information, except for the purpose for which the disclosure was made.

RIGHTS OF INCOMPETENTS

SEC. 103. (a) A person who is permitted under State law to exercise the rights of another individual (other than because of the individual's minority) may, to the extent authorized under State law, exercise and discharge the rights of the individual under this title.

(b) For any period for which a medical care facility determines that a patient in the facility—

(1) does not have another person who can exercise the patient's rights in accordance with subsection (a) or section 104(b), and

(2) suffers from a medical condition that prevents the patient from acting knowingly or effectively on the patient's own behalf,

the medical care facility or, at the election of the facility, the patient's next of kin may exercise the right of the patient to authorize disclosure under section 115 for the purpose of obtaining payment from a third-party payor for medical examination, care, or treatment provided by the facility or for the purpose of the medical examination, care, or treatment, or the maintenance of the patient.

RIGHTS OF MINORS

SEC. 104. (a) Except as provided in section 103, in the case of a patient—

(1) who is eighteen years of age or older, all rights of the patient shall be exercised by the patient; or

(2) who, acting alone, has the legal capacity to apply for and obtain a type of medical examination, care, or treatment and who has sought such examination, care, or treatment, the patient shall exercise all rights of a patient under this title with respect to medical information relating to that examination, care, or treatment.

(b) Except as provided in subsection (a)(2), with respect to a patient who is—

(1) under fourteen years of age, all the patient's rights under this title shall be exercised through the parent or legal guardian of the patient; or

(2) fourteen, fifteen, sixteen, or seventeen years of age, the right of inspection (under section 111), the right of amendment (under section 112), and the right to authorize disclosure of medical information (under section 115) of the patient may be exercised either by the patient or by the parent or legal guardian of the patient.

PART B—RIGHTS OF INSPECTION, CORRECTION, AND NOTICE, AND AUTHORIZED DISCLOSURE

INSPECTION OF MEDICAL INFORMATION

SEC. 111. (a)(1) Except as provided under subsection (b), a medical care facility shall permit a patient to inspect any medical information that the facility maintains about the patient, and shall permit the patient to have a copy of the information. The patient may designate in writing another individual to inspect, or to have a copy of, the information on behalf of the patient or to accompany the patient during the inspection. When a patient or other individual inspects or obtains a copy of medical information under this subsection, the facility may offer to explain or interpret the information.

(2) Except as otherwise specifically provided by law, a medical care facility may—

(A) require a written request for the inspection and copying of medical information under this section;

(B) charge a reasonable fee (no more than its actual cost or ten dollars, whichever is greater) for permitting inspection of information (or a copy of information) under this section; and

(C) charge a reasonable fee (no greater than the copying fee imposed on third-party payers) for providing a copy of medical information under this section.

(3) A medical care facility shall comply with or deny a request for inspection or copying of medical information under this section within the period of thirty days (or such shorter period as may otherwise be provided by law) beginning on the date it receives the request.

(4)(A) A medical care facility may comply with a request for inspection of medical information under this section by providing for inspection of a copy of the information.

(B) In the case of a medical care facility which complies with such a request by providing for inspection of a copy of information under subparagraph (A) and which imposes a charge (described in paragraph (2)(B)) for making the copy for the inspection, the facility may not impose an additional charge described in paragraph (2)(C) for providing that copy to the patient.

(D)(1) A medical care facility is not required by this section to permit inspection or copying of information by a patient if—

(A) in the exercise of reasonable medical judgment, the facility determines that inspection or copying of the information would cause sufficient harm to the patient so as to outweigh the desirability of permitting access;

(B)(i) the information consists of psychiatric, psychological, or mental health treatment notes, and (ii) the facility does not permit disclosure of the notes to any person not engaged in treatment of the patient except (I) with the patient's authorization or (II) under compulsion of law;

(C)(i) the information relates to an individual other than the patient,

(ii) disclosure of the information would constitute a danger to the physical safety of any individual, or

(iii) the information identifies or could reasonably lead to the identification of an individual who is a confidential source of information to a health care provider concerning the patient's condition, examination, care, or treatment;

(D) the information is (i) used by the facility solely for administrative purposes and not in the examination, care, or treatment of the patient, and (ii) is not disclosed outside the facility;

(E) the information duplicates information available for inspection under subsection (a); or

(F) the information is compiled solely in reasonable anticipation of a civil action or proceeding or for use in such an action or proceeding.

(2) If information is withheld under paragraph (1)(A), the facility shall permit the information to be inspected and copied by a person, selected by the patient, who is (A) a licensed or certified health professional, (B) an attorney, (C) a family member, or (D) other person permitted to be designated under State law. If inspection or copying of medical information by the family member selected by the patient would cause sufficient harm to the patient or to a family member so as to outweigh the desirability of permitting access, the facility is not required to permit access by the family member, but the facility shall permit the patient to select another person in accordance with this paragraph.

(3) If a facility denies a request for inspection or copying under this section, the facility shall provide the patient (or patient's designated representative) with a written statement of the reasons for the denial.

AMENDMENT OF MEDICAL INFORMATION

SEC. 112. (a) In the case of a medical care facility that maintains medical information about a patient, if the patient requests in writing that the facility correct or supplement the medical information, the facility shall, within the period of forty-five days (or such shorter period as may otherwise be provided under State law) beginning on the date it receives the request, either—

(1)(A) make the amendment requested; (B) inform the patient of the amendment that has been made; and (C) inform any person who is identified by the patient, who is not an employee of the facility, and to whom the unamended portion of the information was previously disclosed of the amendment that has been made; or

(2) inform the patient of (A) the reasons for its refusal to make the amendment, (B) any procedures for further review of the refusal, and (C) the patient's right to file with the facility a concise statement setting forth the requested amendment and the patients' reasons for disagreeing with the refusal of the facility.

After a patient has filed a statement of disagreement, the facility, in any subsequent disclosure of the disputed portion of the information, shall include a copy of the patient's statement and may include a concise statement of the facility's reasons for not making the requested amendment.

(b) Subsection (a) shall not be construed to require a medical care facility—

(1) to conduct a formal, informal, or other hearing or proceeding concerning a request for an amendment to medical information it maintains, or

(2) to erase or otherwise delete any medical information it determines to be incorrect,

and, for purposes of such subsection, a correction is deemed to have been made to medical information where incorrect information is clearly marked as incorrect and supplementary correct information is made part of the medical information about the patient.

(c) For purposes of this section, the term "amendment" includes correction and supplementation.

NOTICE OF INFORMATION PRACTICES

SEC. 113. (a) A medical care facility shall prepare a brief, clear, easily understood written notice of information practices describing—

(1) the disclosures of medical information that the facility may make without the written authorization of the patient;

(2) all the rights and procedures under this title; and

(3) the procedures established by the facility for the exercise of these rights.

Such notice shall be prepared in English and shall also be translated into such other language (or languages) as are used by individuals who have limited English language ability and who compose (as determined by the facility in its discretion) a significant percentage of the residents of the facility's service area.

(b) A medical care facility shall—

(1) provide any individual, upon request, with a copy of the facility's notice of information practices (described in subsection (a));

(2) post in conspicuous places in the facility such notice and a statement of availability of such notice;

(3) provide each inpatient with a written statement—

(A) that the facility's notice of information practices is available to each patient upon request,

(B) that (i) the patient has the right to inspect and seek amendment of medical information maintained by the facility about the patient, and (ii) the facility may disclose medical information about the patient under certain circumstances without the patient's authorization, and

(C) of the circumstances under which the patient may object to and prevent a disclosure described in subparagraph (B)(ii).

(4) make other reasonable efforts to inform each outpatient of the facility of the existence and availability of the facility's notice of information practices and of the patient's rights under sections 111, 112, 115(b), 123(1), and 130(a)(1).

DISCLOSURE OF MEDICAL INFORMATION

SEC. 114. (a) A medical care facility—

(1) may not disclose medical information about a patient other than to the patient or the patient's designated representative (under section 111) unless either (A) the patient has authorized the disclosure under section 115, or (B) the disclosure is permitted under part C without such an authorization;

(2) may not disclose medical information to any person unless the person is properly identified; and

(3) shall, in the case of disclosure of medical information made—

(A) pursuant to an authorization described in section 115, limit the disclosure to the information authorized to be disclosed, or

(B) under a section in part C without such an authorization, limit the disclosure to the information permitted to be disclosed under such section.

(b) If a medical care facility discloses medical information about a patient pursuant to section 124 (relating to health research), section 125 (relating to public health investigations), section 126 (relating to audits), or section 127 (relating to health and safety) and the disclosure involves the examination, recording, or removal of any medical information, the facility shall maintain an accounting (as defined in section 101(1)) of the disclosure, and shall make the accounting available to the patient upon request.

AUTHORIZATION FOR DISCLOSURE OF MEDICAL INFORMATION

SEC. 115. (a) For purposes of this title, a patient has authorized disclosure to a person of medical information maintained by a medical care facility only if—

(1) the authorization is (A) in writing, (B) dated, and (C) signed by the patient;

(2) the facility is specifically named or generically described in the authorization as authorized to disclose such information;

(3) the person to whom the information is to be disclosed is specifically named or generically described in the authorization as a person to whom such information may be disclosed;

(4) the information to be disclosed is described in the authorization; and

(5) except as provided in subsection (b), the disclosure occurs before the earlier of (A) the date or event (if any), specified in the authorization, upon which the authorization expires, or (B) (except in the case of an authorization executed in connection with the use of medical information to determine eligibility for, or the amount of, benefits under title 38, United States Code) two years after the date of the execution of the authorization.

A State, or political subdivision therein, or a medical care facility may impose additional requirements for authorizations by patients of disclosures.

(b) Where a patient, on admission to a medical care facility, has authorized disclosure to an organization in connection with a program of payments to medical care facilities to permit validation of expenditures for medical services and such program permits the filing of an insurance claim relating to such admission more than two years after the date of such admission, such authorization shall expire two years after the date upon which such insurance claim is filed.

(c) A patient in writing may revoke or amend an authorization, in whole or in part, at any time, except—

(1) when disclosure of medical information has been authorized to permit validation of expenditures for medical services or based on medical condition, or

(2) when action has been taken in reliance on the authorization.

(d) A medical care facility that discloses medical information about a patient pursuant to this section shall maintain a copy of the authorization as part of the medical information about the patient.

PART C—DISCLOSURE OF MEDICAL INFORMATION WITHOUT PATIENT AUTHORIZATION

RIGHT OF MEDICAL CARE FACILITIES TO REFUSE DISCLOSURES

SEC. 120. (a) Except as provided in section 111—

(1) nothing in this Act shall be construed to require a medical care facility to disclose medical information not otherwise required to be disclosed by law, and

(2) with respect to medical information relating to psychiatric, psychological, or mental health examination, care, or treatment, a medical care facility may impose such limitations on the disclosure or use of such information in accordance and conformity with any other provisions of law which provide for the application of rules or procedures for the maintenance, use, or disclosure of psychiatric, psychological, or mental health information, as it finds appropriate.

(b) Except as otherwise required by law, a State or political subdivision therein or a medical care facility may impose additional requirements for disclosures that are made without the authorization described in section 115(a).

EMPLOYEE USE

SEC. 121. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is to an employee (as defined in section 101(3)) of the facility who has a need for the medical information in the performance of his duties.

(b) Medical information disclosed under this section shall not be further disclosed except in accordance with this title.

CONSULTATION

SEC. 122. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is to a medical care professional who will use the information in connection with the care or treatment of a specific patient.

(b) Medical information about a patient disclosed by a medical care facility under this section that is used in connection with the care or treatment of another patient shall not be further disclosed except where required by law or necessary to fulfill the purpose for which the information was obtained.

ADMISSION AND HEALTH STATUS INFORMATION

SEC. 123. A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure only reveals the presence of the patient at the facility, his location in the facility, and his general condition, and—

(1)(A) the patient has not objected in writing to the disclosure, or

(B) in the case of a patient described in section 103(b), the patient's next of kin has not objected in writing to the disclosure; and

(2) the information does not reveal the nature of the patient's illness, diagnosis, or treatment.

HEALTH RESEARCH

SEC. 124. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is for use in a health research (as defined in section 101(5)) which has been determined by an appropriate institutional review board (as defined in section 101(6)(B)) to be—

(1) of sufficient importance so as to outweigh the intrusion into the privacy of the patient that would result from the disclosure, and

(2) reasonably impracticable to conduct without such information,

and if, after such determination and at least seven days before medical information is first disclosed for use in the project, the person conducting the project provides the chief medical officer of the State in which the facility is located (or another official of the State designated by the Governor, or other chief executive officer, of the State) with notice of the determination of the review board and a description of the project.

(b) Any person who obtains medical information pursuant to subsection (a) shall—

(1) remove or destroy, at the earliest opportunity consistent with the purposes of the project, information that would enable patients to be identified, unless an appropriate institutional review board has determined that (A) there is an adequate health or research justification for retention of such identifiers, and (B) there is an adequate plan to protect the identifiers from improper use and disclosure;

(2) not disclose in any public report such medical information that would enable patients to be identified; and

(3) not further use or disclose such medical information in a manner that would enable patients to be identified, except, if not otherwise prohibited by law—

(A) for disclosure to an employee (as defined in section 101(3)) of the person who has a need for the information in performing his duties under the project,

(B) in emergency circumstances affecting the health or safety of any individual or involving imminent danger of aggrevated property destruction,

(C) for use in another health research project, under the same conditions (including a separate determination described in subsection (a) by an appropriate institutional review board) and subject to the same restrictions on use and disclosure applicable under this subsection to the original project,

(D) for disclosure to a properly identified person for the purpose of an audit related to the project, if information that would enable patients to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(E) when required by law.

PUBLIC HEALTH INVESTIGATIONS

SEC. 125. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if (1) the disclosure is for use in an investigation involving the public health conducted by or under the direction of a government authority responsible for public health matters, or (2) the information is required by law to be disclosed to such authority. For purposes of complying with clause (1) of the previous sentence, a medical care facility may rely on a written certification, by the person seeking medical information, stating that the information is being sought, and is reasonably needed, for the purposes of a public health investigation if the certification is accompanied by a written statement of the entity conducting the investigation that the person is authorized to conduct the investigation on the entity's behalf.

(b) Any person who obtains medical information pursuant to subsection (a) shall—

(1) remove or destroy, at the earliest opportunity consistent with the purpose of the public health investigation, information that would enable patients to be identified;

(2) not disclose in any public report such medical information that would enable patients to be identified; and

(3) not further use or disclose such medical information in a manner that would enable patients to be identified, except, if not otherwise prohibited by law—

(A) for use in an investigation involving the public health, subject to the restrictions on use and disclosure set forth in this subsection,

(B) in emergency circumstances affecting the health or safety of any individual or involving imminent danger of aggravated property destruction,

(C) for use in a health research project, under the same conditions (including a separate determination described in section 124 (a) by an appropriate institutional review board) and subject to the same restrictions on use and disclosure applicable under section 124, or

(D) when required by law.

(c) No medical information about a patient disclosed by a medical care facility under this section may be used in, or disclosed for, any administrative, civil, or criminal action or investigation directed against the patient except in an action or investigation arising out of and directly related to the public health matter for which the disclosure was made.

AUDIT

SEC. 126. (a) A medical care facility may, subject to subsection (e), disclose medical information it maintains about a patient, without the authorization described in section 115(a), to the extent reasonably needed for purposes of an audit (as defined in section 101(2)). For purposes of complying with the previous sentence, a medical care facility may rely on a written certification, by the person seeking medical information, stating that the information is being sought, and is reasonably needed, for the purposes of an audit if the certification is accompanied by a written statement of the entity conducting the audit that the person is authorized to conduct the audit on the entity's behalf.

(b) Any person who obtains medical information pursuant to subsection (a)—

(1) shall remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable patients to be identified;

(2) shall not disclose in any public report such medical information that would enable patients to be identified; and

(3) may (unless otherwise prohibited by law) further use or disclose such medical information in a manner that would enable patients to be identified only—

(A) for disclosure to an employee of the entity conducting the audit who has a need for the information in performing his duties under the audit or to the person for whom the audit is being conducted,

(B) in emergency circumstances affecting the health or safety of any individual or involving imminent danger of aggravated property destruction,

(C) when required by law,

(D) for use in a related audit of the same facility or program, subject to the restrictions on use and disclosure set forth in this subsection, or

(E) for use in an administrative, civil, or criminal action or investigation, subject to the restrictions on use and disclosure set forth in subsection (c).

(c) No medical information about a patient disclosed by a medical care facility under this section may be used in, or disclosed for, any administrative, civil, or criminal action or investigation directed against the patient except in an action or investigation arising out of and directly related to the program being audited.

(d) Subsection (a) shall not apply to disclosure of medical information about a medical care professional in the case of the licensure or certification of that medical care professional.

(e) A medical care facility may not disclose medical information it maintains about a patient under this section to a person who is acting (or purporting to act) as an officer, agent, or employee of the United States or who is acting (or purporting to act) on behalf of an entity conducting activities as a professional standards review organization under part B of title XI of the Social Security Act, unless either—

(1) the patient has authorized the disclosure under section 115, or

(2) the information relates to medical care which is or was provided directly by the Federal Government or is or was payable (in whole or in part) under a Federal program or any other program receiving Federal financial assistance.

HEALTH AND SAFETY

SEC. 127. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is based on reasonable grounds to believe that the information is needed—

(1) to assist in the identification of a dead individual, or

(2) to alleviate emergency circumstances—

(A) affecting the health or safety of any individual, or

(B) involving imminent danger of aggravated property destruction.

(b) Medical information disclosed by a medical care facility under this section shall not be further disclosed except, if not otherwise prohibited by law, where necessary to fulfill the purpose for which the information was obtained.

LEGALLY REQUIRED REPORTING

SEC. 128. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is—

(1) pursuant to a law requiring the reporting of (A) child abuse and neglect information, or (B) specific medical information to law enforcement authorities;

(2) of information described in paragraph (1) and the medical care facility is operated by a Federal agency; or

(3) directed by a court in connection with a court-ordered examination of a patient.

(b) Medical information disclosed by a medical care facility under this section shall not be further disclosed except, if not otherwise prohibited by law, where necessary to fulfill the purpose for which the information was obtained, or for a purpose, and subject to the conditions, specified in section 124, 125, or 126.

SECRET SERVICE OR FOREIGN INTELLIGENCE

SEC. 129. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if—

(1) the disclosure is to—

(A) the United States Secret Service for the purpose of conducting its protective functions under section 3056 of title 18, United States Code (relating to Secret Service powers), under section 202 of title 3, United States Code (relating to the Executive Protective Service), or under Public Law 90–331 (relating to Secret Service protection of Presidential and Vice Presidential candidates), or

(B) a Federal Government authority authorized by statute or executive order to conduct foreign intelligence or counterintelligence activities for the purpose of conducting such activities;

(2) the government authority seeking the disclosure provides the facility with a written certification that—

(A) is signed by a supervisory official of a rank designated by the head of the government authority,

(B) specifies the information requested, and

(C) states that the information is needed for a lawful purpose under this section; and

(3) in the case of medical information sought under paragraph (1)(B) about a patient who is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence, the head of the government authority seeking the information (or a senior official designated by regulation by the head of that authority) certifies in writing, before the certification described in paragraph (2) is made, that—

(A) facts or circumstances exist that reasonably indicate that the patient is an agent of a foreign power,

(B) the patient is a source of foreign intelligence or counterintelligence assistance and the medical information is necessary to determine in a timely manner the suitability or credibility of the patient, or

(C) the information is to assist in the identification or location of an agent of a foreign power.

If a certification is made under paragraph (3) by a government authority, the head of that authority shall promptly report to the Attorney General on such certification. As used in this subsection, the term "agent of a foreign power" has the meaning given such term in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)).

(b) No medical care facility, or employee of the facility, shall disclose to any person that a government authority has sought or obtained access to medical information under this section, and any written certification provided pursuant to this section shall not be made, or considered, a part of the medical information maintained by the facility about the patient.

(c)(1) Medical information disclosed by a medical care facility under subsection (a)(1)(A) shall not be further disclosed except, if not otherwise prohibited by law, where necessary to fulfill the purpose for which the information was obtained.

(2) Medical information disclosed by a medical care facility under subparagraph (B) or (C) of subsection (a)(3) shall not be further used or disclosed except for a foreign intelligence or counterintelligence purpose.

(3) The Secretary of the Treasury shall, not later than 120 days after the date of the enactment of this title, first promulgate guidelines governing the use, retention, and disclosure of medical information (and, to the extent feasible, guidelines concerning when consultations should be undertaken with appropriate medical personnel with respect to the interpretation of such information) disclosed by a medical care facility under subsection (a)(1)(A). The Secretary of the Treasury shall, upon the promulgation or modification of such guidelines, transmit such guidelines or modifications to the appropriate committees of the House of Representatives and of the Senate.

(4) The Attorney General shall, not later than 120 days after the date of the enactment of this title, first promulgate guidelines governing the use, retention, and disclosure of medical information disclosed by a medical care facility under subsection (a)(1)(B). The Attorney General shall, upon the promulgation or modification of such guidelines, transmit such guidelines or modifications to the Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the Senate.

NEXT OF KIN AND CUSTODIANS

SEC. 130. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is—

(1) to the next of kin or legal representative of the patient or to an individual with whom the patient has a personal relationship, the information disclosed relates to the current treatment of the patient, is consistent with accepted medical practice, and the patient has not previously objected; or

(2) to the custodian of the patient, if the patient is an inmate or resident of a penal, correctional, detention, or other similar custodial facility and the information relates to the current treatment of the patient and is reasonably necessary in order to protect the health of the patient.

(b) Medical information disclosed by a medical care facility under subsection (a)(2) shall not be further disclosed except, if not otherwise prohibited by law, where necessary to fulfill the purpose for which the information was obtained, or for a purpose, and subject to the conditions, specified in section 124, 125, or 126.

LAW ENFORCEMENT FUNCTIONS

SEC. 131. (a) A medical care facility may disclose medical information it maintains about a patient to a law enforcement agency, without the authorization described in section 115(a), if—

(1) the information—

(A) is (i) for use in a law enforcement inquiry involving a health or disability program funded or operated by a government authority, or (ii) needed for use in a proceeding against a medical care facility in which a government authority is seeking to redress the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; or

(B) is—

(i) to assist in the identification or location of a suspect, fugitive, or witness in a law enforcement inquiry,

(ii) disclosed in connection with criminal activity committed at the medical care facility or against anyone associated with the facility, or

(iii) needed to determine whether a crime has been committed and the nature of any crime that may have been committed (other than a crime that may have been committed by the patient), and does not relate to psychiatric, psychological, or mental health treatment; and

(2) in the case of disclosure of medical information pursuant to a request by the agency, the agency provides the facility with a written certification that—

(A) is signed by a supervisory official of a rank designated by the head of the authority,

(B) specifies the information requested, and

(C) states that the information is needed for a lawful purpose under this section.

(b) Medical information disclosed by a medical care facility to an agency under this section shall—

(1) not be disclosed for, or used in, any administrative, civil, or criminal action or investigation against the patient, except in an action or investigation arising out of and directly related to the action or investigation for which the information was obtained, and

(2) not be otherwise used or disclosed by the agency, unless the use or disclosure is necessary to fulfill the purpose for which the information was obtained and is not otherwise prohibited by law.

JUDICIAL AND ADMINISTRATIVE PROCEEDINGS

SEC. 132. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is made pursuant to the Federal Rules of Civil or Criminal Procedure or comparable rules of other courts or administrative agencies in connection with litigation or proceedings to which the patient is a party.

(b) A person seeking medical information maintained by a facility about a patient under this section shall provide the facility with a written certification that the patient is a party to the litigation or proceedings for which the information is sought.

SUBPENAS, SUMMONSES, WARRANTS, AND SEARCH WARRANTS

SEC. 133. (a) A medical care facility may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if—

(1) the disclosure is pursuant to a subpena issued under the authority of a grand jury,

(2) the disclosure is pursuant to an administrative summons, subpena, or warrant, or a judicial summons, subpena, or search warrant and the conditions for such disclosure under section 124 (relating to health research), section 125 (relating to public health investigations), section 126 (relating to audits), section 127 (relating to health and safety), section 128 (relating to legally required reporting), section 131(a)(1)(A) (relating to investigations or prosecutions

of fraud or other criminal activity), or section 131(a)(1)(E) (relating to civil rights proceedings) have been met; or

(3)(A) the disclosure is pursuant to an administrative summons, subpena, or warrant or a judicial summons, subpena, or search warrant, and (B) the facility is provided a written certification by the person seeking the information that the person has complied with the applicable access provisions of section 141 or 143(a),

and the facility maintains a copy of the summons, subpena, warrant, or search warrant as part of the medical information on the patient. Any person who obtains information under paragraph (2) shall comply with the same conditions and restrictions on use and disclosure contained in the section for which conditions for the disclosure are met.

(b) Medical information disclosed by a medical care facility under paragraph (2) or (3) of subsection (a) shall—

(1) not be disclosed for, or used in, any administrative, civil, or criminal action or investigation against the patient, except in an action or investigation arising out of and directly related to the inquiry for which the information was obtained, and

(2) not be otherwise used or disclosed by the authority unless the use or disclosure is necessary to fulfill the purpose for which the information was obtained and is not otherwise prohibited by law.

(c) Nothing in this section shall be construed as authority for a medical care facility to refuse to comply with a valid administrative summons, subpena, or warrant, or a valid judicial summons, subpena, or search warrant.

FEDERAL MEDICAL CARE FACILITIES

SEC. 134. (a) A medical care facility of a Federal Government authority, or other medical care facility providing services on behalf of a Federal Government authority, may disclose medical information it maintains about a patient, without the authorization described in section 115(a), if the disclosure is—

(1) to a component of the Veterans' Administration, and the information is needed to determine eligibility for benefits under title 38, United States Code;

(2) to an official of the uniformed services (as defined in section 2101(3) of title 5, United States Code) and the information is needed to determine eligibility for service-related benefits;

(3) by a medical care facility operated by the uniformed services (as used in paragraph (2)) to an official of the uniformed service for the purpose of determining eligibility of a member of the uniformed service for service, promotion, assignment, or training; or

(4) for the purpose of filing a claim against a third party, if—

(A) the agency that operates the facility is required by law to pay for medical services provided to the patient,

(B) there are reasonable grounds to believe that the third party is liable for the cost of the medical services provided to the patient, and

(C) the patient is notified in writing of the intended disclosure at least ten days before the date such disclosure is made.

(b) Medical information disclosed by a medical care facility under this section shall not be further used or disclosed except—

(1) where necessary to fulfill the purpose for which the information was obtained, or

(2) for a use permitted under section 552a of title 5, United States Code.

RESTRICTIONS ON USE OF MEDICAL INFORMATION BY FEDERAL GRAND JURIES

SEC. 135. Medical information about a patient disclosed by a medical care facility under section 133(a)(1) pursuant to a subpena issued under the authority of a Federal grand jury—

(1) shall be returnable only on a date when the grand jury is in session and actually presented to the grand jury;

(2) shall be used only for the purpose of considering whether to issue an indictment or report by that grand jury, or for the purpose of prosecuting a crime for which that indictment or report is issued, or for a purpose authorized by rule 6(e) of the Federal Rules of Criminal Procedure;

(3) shall be destroyed or returned to the medical care facility if not used for one of the purposes specified in paragraph (2); and

(4) shall not be maintained, or a description of the contents of such information shall not be maintained, by any government authority other than in the sealed records of the grand jury, unless such information has been used in the prosecution of a crime for which the grand jury issued an indictment or presentment or for a purpose authorized by rule 6(e) of the Federal Rules of Criminal Procedure.

PART D—ACCESS PROCEDURES, CHALLENGE RIGHTS, AND REPORTING ACCESS PROCEDURES FOR LAW ENFORCEMENT SUMMONSES, SUBPENAS, WARRANTS, AND SEARCH WARRANTS

SEC. 141. (a) No government authority may obtain medical information about a patient from a medical care facility for use in a law enforcement inquiry pursuant to an administrative summons or subpena or a judicial summons or subpena under section 133(a)(3) unless—

(1) there are reasonable grounds to believe that the information will be relevant to the law enforcement inquiry being conducted by the government authority;

(2) except as provided in subsection (c), a copy of the summons or subpena has been served upon the patient or mailed to his last known address on or before the date on which the summons or subpena was served on the medical care facility, together with (A) a notice stating with reasonable specificity the nature of the law enforcement inquiry, and (B) a notice (published by the Secretary under section 153(a)(1)) of the patient's right to challenge the summons or subpena, in accordance with section 142; and

(3)(A)(i) ten days have passed from the date of service or (ii) fourteen days have passed from the date of mailing, and within such time period the patient has not initiated a challenge in accordance with section 142, or

(B) disclosure is ordered by a court under such section.

(b)(1) No government authority may obtain medical information about a patient from a medical care facility for use in a law enforcement inquiry pursuant to an administrative warrant under section 133(a)(3) unless there are reasonable grounds to believe that the information will be relevant to the law enforcement inquiry being conducted by the government authority.

(2) A government authority which obtains medical information about a patient from a medical care facility pursuant to a search warrant or administrative warrant shall, not later than ninety days after the date the warrant was served on the facility, serve the patient with, or mail to the last known address of the patient, a copy of the search warrant.

(c)(1) A government authority may apply to an appropriate court to delay (for an initial period of not longer than ninety days) serving or mailing a copy of a summons or subpena and a notice otherwise required under subsection (a)(2) with respect to a law enforcement inquiry. The government authority may apply to the court for extensions of the delay.

(2) An application for a delay, or extension of a delay, under this subsection shall state, with reasonable specificity, the reasons why the delay or extension is being sought.

(3) If the court finds that—

(A) the inquiry being conducted is within the lawful jurisdiction of the government authority seeking the medical information;

(B) there are reasonable grounds to believe that the information being sought will be relevant to the inquiry;

(C) the public interest in the administration of justice outweighs the patient's privacy interest; and

(D) there are reasonable grounds to believe that receipt of a notice by the patient will result in—

(i) endangering the life or physical safety of any individual,

(ii) flight from prosecution,

(iii) destruction of or tampering with evidence,

(iv) intimidation of potential witnesses, or

(v) unduly delaying a trial or ongoing judicial proceeding,

the court shall enter an ex parte order delaying, or extending the delay of, the notice and an order prohibiting the medical care facility from revealing the request for, or the disclosure of, the information.

(4) Upon the expiration of a period of delay of notice under this subsection, the government authority shall serve upon the patient, with the service of the summons or subpena and the notice, a copy of any applications filed and approved under this subsection.

CHALLENGE PROCEDURES FOR LAW ENFORCEMENT SUMMONSES AND SUBPENAS

SEC. 142. (a) Within ten days of the date of service or fourteen days of the date of mailing of a summons or subpena of a government authority seeking medical information about a patient from a medical care facility under section 133(a)(3) except a summons or subpena issued in compliance with the provisions of section 143(a), the patient may file (without filing fee)—

(1)(A) in the case of a State judicial subpena, in the court which issued the subpena, or

(B) in the case of another subpena or summons issued under the authority of a State, in a court of competent jurisdiction; or

(2)(A) in the case of a subpena issued under the authority of a Federal court, in any Federal court of competent jurisdiction, or

(B) in the case of any other summons or subpena issued under the authority of the United States, in (i) the United States district court for the district in which the patient resides or in which the summons or subpena was issued or (ii) another United States district court of competent jurisdiction, a motion to quash the subpena or summons and may file with such motion such affidavits and sworn documents as may be appropriate. A copy of the motion shall be served by the patient upon the government authority by delivery or by registered or certified mail.

(b)(1) The government authority may file with the court such affidavits and other sworn documents as sustain the validity of the summons or subpena. If the filing of the government authority raises a matter not contained in the notice described in section 141(a)(2)(A), the patient may file with the court, within five days of the date of the authority's filing, affidavits and sworn documents in response to such new matter. The court, upon the request of the patient, the government authority, or both, shall proceed in camera.

(c) The court may conduct such proceedings as it deems appropriate to rule on the motion. All such proceedings shall be completed, and the motion ruled on, within seven calendar days of the date of the government authority's filing.

(d) (1) A court may deny a patient's timely motion under subsection (a) if it finds that there are reasonable grounds to believe that—

(A) the law enforcement inquiry is legitimate, and

(B) the information sought is relevant to that inquiry,

unless the court finds that the patient's privacy interest outweighs the public interest in the administration of justice.

(2) In determining under this section whether a patient's privacy interest outweighs the public interest in the administration of justice, the court may consider—

(A) the degree to which disclosure of the information will embarrass, injure, or invade the privacy of the patient and the effect of the disclosure on the patient's future medical examination, care, or treatment;

(B) the importance of the information to the inquiry being conducted; and

(C) any other factor deemed relevant by the court. The patient shall have the burden of demonstrating that the patient's privacy interest outweighs the public interest in the administration of justice.

(3) The court may assess against a Federal Government authority attorney fees and court costs reasonably incurred in the case of any motion brought under subsection (a) against the authority and in which the patient has substantially prevailed.

(e) A court ruling denying a motion to quash under this section shall not be deemed a final order and no interlocutory appeal may be taken therefrom by the patient. An appeal of such a ruling may be taken by the patient within such period of time as provided by law as part of any appeal from a final order in any legal proceeding initiated against him arising out of or based upon the medical information disclosed.

ACCESS AND CHALLENGE PROCEDURES FOR OTHER SUMMONSES AND SUBPENAS

SEC. 143. (a) No person (other than a government authority under section 141) may obtain medical information about a patient from a medical care facility pursuant to a summons or subpena under section 133(a) (3) unless—

(1) there are reasonable grounds to believe that the information will be relevant to a lawsuit or other judicial or administrative proceeding;

(2) a copy of the summons or subpena has been served upon the patient or mailed to his last known address on or before the date on which the summons or subpena was served on the medical care facility, together with a notice (published by the Secretary under section 153(a)(2)) of the patient's right to challenge the summons or subpena, in accordance with subsection (b); and

(3)(A) ten days have passed from the date of service or fourteen days have passed from the date of the mailing and within such time period the patient has not initiated a challenge in accordance with subsection (b), or

(B) disclosure is ordered by a court under such subsection.

(b) Within ten days of the date of service or fourteen days of the date of mailing of a summons or subpena seeking medical information about a patient from a medical care facility under subsection (a), the patient may file (without filing fee) in any court of competent jurisdiction, a motion to quash the summons or subpena, with a copy served on the person seeking the information. The patient may oppose, or seek to limit, the summons or subpena on any grounds that would otherwise be available if the patient were in possession of the information.

CONSTRUCTION OF PART; SUSPENSION OF STATUTE OF LIMITATIONS

SEC. 144. (a) Nothing in this part shall affect the rights of a medical care facility to challenge requests for medical information. Nothing in section 141, 142, or 143 shall entitle a patient to assert the rights of a medical care facility.

(b) If a patient files a motion under this Act which has the effect of delaying the access of a government authority to medical information about the patient, any applicable statute of limitations shall be deemed to be tolled for the period beginning on the date such motion was filed and ending on the date upon which the motion is decided.

REPORTS

SEC. 145. (a) The Director of the Administrative Office of the United States Courts shall include in his annual report to Congress (1) the number of delays of notice sought and the number granted under section 141(c), (2) the number of successful and unsuccessful challenges made under sections 142 and 143(b), and (3) such other information as he deems appropriate.

(b) (1) On an annual basis each agency obtaining medical information pursuant to section 129(a)(1)(B) shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all such access to medical information.

(2) Nothing in paragraph (1) shall be deemed to limit the authority and responsibility of the appropriate committees of each House of Congress to obtain such information as they may need to carry out their respective functions and duties.

(c) In January of each year, the Attorney General shall transmit to the Congress a public report listing, for the previous year, the number of requests for medical information made pursuant to section 129(a)(1)(B).

PART E—ENFORCEMENT

CRIMINAL PENALTY FOR OBTAINING MEDICAL INFORMATION THROUGH FALSE PRETENSES OR THEFT

SEC. 151. (a) Any person who, under false or fraudulent pretenses or with a false or fraudulent certification required or provided for under this Act, requests or obtains medical information about a patient from a medical care facility or an authorization from a patient to disclose such information shall be fined not more than $10,000 or imprisoned for not more than six months, or both.

(b) Any person who, under false or fraudulent pretenses or with a false or fraudulent certification required or provided for under this Act, requests or obtains medical information about a patient from a medical care facility or an authorization from a patient to disclose such information and who intentionally sells or transfers such information for profit or monetary gain, shall be fined not more than $30,000, or imprisoned for not more than eighteen months, or both.

(c) Any person who unlawfully takes medical information from a medical care facility and who intentionally sells or transfers such information for profit or monetary gain shall be fined not more than $30,000, or imprisoned for not more than eighteen months, or both.

CIVIL SUITS

SEC. 152. (a) Any patient whose rights under this title have been knowingly or negligently violated—

(1) by an officer or employee of—

(A) the United States, or

(B) any government authority of a State which has waived its sovereign immunity to a claim for damages resulting from a violation of this title, while the officer or employee was acting within the scope of the office or employment, may maintain a civil action for actual damages and for equitable relief against the United States or State government authority, respectively;

(2) by an officer or employee of—

(A) a government authority of a State not described in paragraph (1)(B), or

(B) another government authority, while the officer or employee was not acting within the scope of the office or employment, may maintain a civil action for actual damages and for equitable relief against the employee or officer; or

(3) by a medical care facility, health researcher, auditor, or any other person (not described in paragraph (1) or (2)), may maintain a civil action for actual damages and for equitable relief against the researcher, auditor, or other such person.

Such a civil action shall be barred unless the complaint is filed within two years after (i) the date the right of action accrues, or (ii) in the case of a person under a legal disability at the time the right of action accrues, the date the disability ceases. For purposes of the previous sentence, in the case of a disclosure of medical information about a patient constituting the violation of rights under this title, the cause of action with respect to such action shall accrue when the patient knows or has reason to know that such disclosure was made. The district courts of the United States shall have jurisdiction in actions brought under this section, other than actions brought against a State government authority.

(b) (1) Any patient who is entitled to recover actual damages under this section because of a knowing violation of this title and who proves such actual damages shall be entitled to recover the amount of the actual damages proved, or $1,000, whichever is greater.

(2) In any suit brought under this section because of a knowing violation of this title in which the complainant has been awarded actual damages or in which the complainant has substantially prevailed in an action for equitable relief, the court may assess against the defendant reasonable attorney fees and court costs reasonably incurred.

(3) Any document or agreement (A) purporting to waive a patient's rights under this title or the right of a patient to secure damages or other relief under this section for violation of such rights and (B) executed by the patient before such rights have been violated, shall be void as against public policy and shall not bar, or be introduced in evidence in, any action brought under this section.

(c) If a medical care facility has established a written internal procedure that allows a patient who has been denied inspection or amendment of medical information to appeal the denial, the patient may not file a civil action in connection with the denial until the earlier of (1) the date the appeal procedure has been exhausted or (2) five months after the date the original request for inspection or amendment was made.

(d) (1) A medical care facility that makes a disclosure of medical information about a patient that is permitted by this title and not otherwise prohibited by law shall not be liable to the patient for such disclosure.

(2) If the members of an institutional review board have in good faith determined that a health research project is of sufficient importance to outweigh the privacy interest of a patient, the members, the board, and the parent institution of the board shall not be liable to the patient as a result of that determination.

(3) A medical care facility that relies in good faith on a certification required or provided for under this title by a government authority or other person and dis-

closes medical information about a patient in accordance with this title shall not be liable to the patient for such disclosure.

(4) A medical care facility that determines in accordance with section 103(b)(2) and in good faith that a patient suffers from a medical condition that prevents the patient from acting knowingly or effectively on the patient's own behalf shall not be liable to the patient as a result of that determination.

(5) A medical care facility that has in good faith determined that a person is properly identified and has made a disclosure of medical information about a patient in reliance on that identification shall not be liable to the patient for a violation of section 114(a)(2) as a result of that determination.

(e) The remedy provided under subsection (a)(1) against a government authority for a violation of rights under this title by an officer or employee of a government authority while acting within the scope of his office or employment shall be exclusive of any other civil action or proceeding concerning the same subject matter against that officer or employee (or his estate).

RESPONSIBILITIES OF SECRETARY

SEC. 153. (a) The Secretary shall promulgate, by regulation, a brief, clear, and easily understood notice—

(1) for use under section 141(a)(2), detailing the rights of a patient who wishes to challenge, under section 142, the disclosure of medical information about the patient under such section, and

(2) for use under subsection (a) of section 143, detailing the rights of a patient who wishes to challenge, under subsection (b) of such section, the disclosure of medical information about the patient under such section.

Such notices shall be prepared in English and the Secretary shall provide for their translation into such other language (or languages) used by individuals who have limited English language ability and who compose a significant percentage of the residents of the service area of any facility subject to this title.

(b) The Secretary shall publish a nonbinding model notice of information practices describing the disclosures and rights of patients required to be included in the notices of information practices under paragraphs (1) and (2) of section 113(a). Such notice shall be prepared in English and the Secretary shall provide for its translation into such other language (or languages) as a medical care facility may request, based on the facility's determination that a significant percentage of the residents of the service area of the facility is composed of individuals who have limited English language ability and who use that language (or languages).

(c) The Secretary shall conduct a study as to the feasibility of treating as a medical care facility, for the purposes of some or all of the provisions of this Act, an outpatient clinic, ambulatory care facility, or health maintenance organization receiving funds from a Federal Government authority under title III, IV, X, XI, XII, or XIII of the Public Health Service Act, title V of the Social Security Act, the Community Mental Health Centers Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, or the Drug Abuse Prevention, Treatment, and Rehabilitation Act. The Secretary shall report to Congress on such study not later than six months after the date of the enactment of this Act.

TITLE II—AMENDMENT TO TITLE 5, UNITED STATES CODE

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 201. Section 552a of title 5, United States Code, is amended by adding at the end the following new subsection:

"(r) Any medical information contained in a system of records maintained by a medical care facility subject to title I of the Federal Privacy of Medical Information Act shall not be subject to the provisions of subsections (b) through (d), (e)(3), (e)(4)(D), (e)(8), (e)(11), (f)(3), and (g) through (k) of this section, if the medical information is subject to the provisions of such title.".

TITLE III—TRANSITION AND EFFECTIVE DATES

CONTINUED APPLICABILITY OF ACT

SEC. 301. If a facility ceases to be a medical care facility, the provisions of this Act shall continue to apply to medical information maintained by the facility and obtained by the facility before it ceased to be a medical care facility.

EFFECTIVE DATES

SEC. 302. (a)(1) Except as otherwise provided in this subsection, this Act and the amendments made by this Act shall take effect on the first day of the first calendar quarter beginning more than one year after the date of the enactment of this Act.

(2) This Act and the amendments made by this Act shall apply with respect to Federal medical care facilities on the first day of the first calendar quarter beginning more than one hundred and eighty days after the date of the enactment of this Act.

(3) Section 151 shall take effect on the date of the enactment of this Act.

(4) Unless otherwise prohibited by law, an authorization for disclosure of medical information which—

(A) was granted by a patient before the applicable effective date of this Act,

(B) which was legally sufficient to authorize disclosure of medical information on the date before such effective date, and

(C) is not legally sufficient under section 115,

shall nevertheless be valid for two years from such effective date unless the authorization is revoked by the patient as provided in section 115(b) or otherwise expires.

(b) The Secretary shall first establish final regulations to carry out section 153(a), and shall first publish the model notice of information practices required by section 153(b), not later than the first day of the second month that begins before the effective date specified in subsection (a)(2).

(c) If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The SPEAKER pro tempore. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. PREYER) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the confidentiality of medical records has been an essential element of the medical care relationship ever since the dawn of medicine. Since the fourth century, B.C., the Hippocratic Oath has required doctors to maintain the confidentiality of patient communications. Today, there are many people besides doctors who are involved in providing and paying for medical services, and we can no longer rely on a one sentence confidentiality oath to protect privacy.

The purpose of H.R. 5935 is to protect the privacy of patients by establishing rules for the use and disclosure of medical information maintained by medical care facilities. Specifically, the bill does the following:

First, it requires medical care facilities to inform patients of recordkeeping practices for medical information;

Second, it regulates and restricts the disclosure of medical information by medical care facilities;

Third, it permits patients to inspect medical records about themselves and to seek correction of those records; and

Fourth, it makes it a crime to obtain medical records from a medical care facility under false pretenses.

There are several features of the legislation that I would like to highlight. First, the bill only covers medical care institutions and does not regulate recordkeeping practices of private physicians. Second, the bill is self-enforcing and the Department of Health and Human Services has no increased regulatory authority over hospitals. This means that there will be no additional regulations for hospitals. Third, the bill generally establishes minimum criteria for privacy protection. States will be free to enact stronger privacy legislation.

The medical privacy legislation had its origins in the work of the Privacy Protection Study Commission. In its 1977 report, the Privacy Commission found that the comparative insulation of medical records from collateral uses that was normal a few years ago cannot be entirely restored. The Commission recommended that a Federal law be enacted to protect the privacy of medical records.

In April of last year in his privacy message to Congress, President Carter endorsed this recommendation.

Based on the work of the Commission, the Subcommittee on Government Information and Individual Rights, which I chair, began work on medical privacy legislation in 1977. In this Congress, we held 7 days of hearings and, in addition, conducted extensive consulations with all affected groups.

The bill before the House today is the product of these extensive deliberations. It has been considered by the Health and the Environment Subcommittee of the Interstate and Foreign Commerce Committee and by the Health Subcommittee of Ways and Means, as well as by the Government Operations Committee. All of the improvements recommended by these committees have been incorporated in the bill we will vote on today.

In summary I would like to emphasize that H.R. 5935 strikes a fair and appropriate balance between the patient's right of privacy and the legitimate needs of others for medical information. I urge support for this important and timely piece of legislation.

Any piece of legislation that has been referred to more than one committee can only be brought to the floor with the cooperation of many people. Foremost among those who deserve credit is Tom Kindness, the ranking minority member of the Subcommittee on Government Information and Individual Rights. Many of the features of H.R. 5935 that I just mentioned were added to the bill at his suggestion. Tom Kindness' support and leadership have made H.R. 5935 a moderate and carefully targeted bill.

I would also like to thank Henry Waxman, Charles Rangel, Tim Lee Carter, Philip M. Crane, Jack Brooks, Frank Horton, Al Ullman, Barber Conable, Robert Kastenmeier, and Peter Rodino for their help with H.R. 5935.

Finally, I would like to acknowledge the valuable assistance of several staff members. Although there were many who contributed to H.R. 5935, the contributions of Tom Morr, minority counsel to the Subcommittee on Government Information and Individual Rights, and John Fanning, of the Office of Health Policy at the Department of Health and Human Services, were outstanding.

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I particularly want to thank Bob Gellman, who is the principal author of the very excellent report on this bill.

Mr. Speaker, I would urge the adoption of this bill.

Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. I thank the distinguished gentleman for yielding.

Mr. Speaker, as you know this bill addresses the very important and sensitive issue of the individual's right to privacy with respect to medical information about himself or herself.

As a physician—I am particularly aware of the need to preserve confidentiality as the basis of the patient-physician relationship. Moreover, in this era of increased Federal involvement in the financing and delivery of health care, it is more essential than ever before to provide appropriate safeguards for the protection of confidential medical information.

And this bill seeks to provide such protection.

Moreover, it does not preempt State laws that impose additional restrictions on unauthorized disclosures.

Briefly, H.R. 5935 gives patients the right to inspect their medical records—or copies of them—and to seek correction of those records. Also, the bill requires medical care facilities to inform patients of recordkeeping practices for medical information. In addition, the bill restricts the disclosure of medical information without the consent of the patient. Finally, H.R. 5935 makes it a crime to obtain medical records under false pretenses.

And although the bill generally limits access to patient records without consent, this legislation provides certain exceptions where disclosure of such information to a third party such as a public health officer or a health researcher may be justified by a compelling public interest.

As a former public health officer, and as one who is sensitive to the epidemiological needs of the research community, I believe the authority provided in the bill to address these and other critical situations is necessary and in the public interest.

Yet, even in these exceptional situations, the bill does not mandate disclosure. The authority to make the final decision about disclosure of records rests with the medical care facility which is in the best position to determine the validity of the request.

In sum, Mr. Speaker, I would point out that this measure reflects the work and contributions of three major committees of the House and I believe H.R. 5935 deserves the support of my colleagues.

And in closing I want to take this opportunity to commend my good friend and distinguished colleague, Judge Richardson Preyer, not only for his excellent work on this bill but for his 12 years of public service in this body and for the many, many invaluable contributions he has made.

Over the years it has been my good fortune to have worked with Rich in the Commerce Health Subcommittee and in the full committee. And I submit that no one has approached his work and responsibilities with more integrity, more dedication, and more intellect than my distinguished colleague from North Carolina. His mark of excellence is everywhere and he has made a record not only as a distinguished legislator but as a uniquely humane and principled individual whose friendship Katie and I will always cherish. He will be sorely missed by us all in the House and by our colleagues in the Senate as well.

If with pleasure you are viewing
Any work a man is doing
And you like him, or you love him, say it now!
Don't withhold your approbation
Till the parson makes oration
And he lies with snowy lilies o'er his brow.
For no matter how you shout it
He won't really care about it
He won't know how many teardrops you have shed.
If you think some praise is due him
Now's the time to hand it to him.

More than fame and more than money
Is the comment, kind and sunny
And the hearty warm approval of a friend;
Oh! It gives to life a savor
And strengthens those who waver
And gives one heart and courage to the end.
If one earns your praise—bestow it!
If you like him—let him know it!
Let the words of true encouragement be said!
Let's not wait 'till life is over,
And he lives beneath the clover.

Mr. Speaker, now is the time to hand praise to our good friend, Rich Preyer, from the great State of North Carolina.

Mr. PREYER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank Dr. Carter for his remarks. I have enjoyed hearing Shakespeare fall from his lips during my years up here. I think the bard he just quoted was some other bard than Shakespeare, but I appreciate his remarks just the same.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Brooks).

Mr. BROOKS. Mr. Speaker, I rise in strong support of H.R. 5935, the Federal Privacy of Medical Information Act. H.R. 5935 fulfills one of the important recommendations of the Privacy Protection Study Commission. Through a Federal statute, it creates a legitimate expectation of confidentiality in medical records.

The distinguished chairman of the Government Information and Individual Rights Subcommittee, Mr. Preyer, has given a detailed description of the provisions of H.R. 5935. I will just add that the bill has been considered by three committees of the House—Government Operations, Interstate and Foreign Commerce, and Ways and Means—and that these three committees have produced a bill that advances important privacy goals with a minimum of expense and Federal involvement.

This is a solid and prudent piece of legislation, typical of the legislation Rich Preyer has always sponsored, and I urge my colleagues to join me in supporting H.R. 5935.

Mr. ERLENBORN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, in our subcommittee of the Committee on Government Operations, we had extensive hearings on this bill. I attended most of those hearings, and I asked every witness:

> What actual case of invasion of a medical patient's privacy are you aware of that would give rise to the necessity of this regulatory legislation?

We only had, as a result of the long, extensive hearings, one case in the United States and one experience in Canada. In other words, Mr. Speaker, this is a solution seeking for a problem. It is a complicated bill. In subcommittee we considered, as I recall, over 50 different amendments. After the bill was reported by the Government Operations Committee, it was sent to the Commerce Committee, where it was further amended. And then I understand the Ways and Means Committee also made recommendations.

Mr. Speaker, we do not even have a printed copy of the bill available that is being considered today under suspension. We are not quite certain what is in this bill. We do know that this is not the proper way to legislate, to have a bill which is not thoroughly understood, which is complicated, before the House with such brief opportunity for debate and no opportunity for amendment.

Now, I certainly have to agree with my good friend, the gentleman from Kentucky (Mr. Carter) about our chairman, the gentleman from North Carolina (Mr. Preyer), and I am sad to see him leave this body. But I do not think that we should engage in this type of legislating as a memorial to any individual. I think the House should know what it is we are doing, what kind of imposition we are putting on the hospitals and other health care facilities in the United

States, and not buy a pig in a poke, as we are being asked to do here today.

I can tell you that the intelligence community and the Federal Bureau of Investigation, are opposed to the bill. I can tell you that the American Hospital Association is opposed to the bill.

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I can tell you that there were dissenting votes when the bill was reported from our committee. If there is a problem, the evidence could have been brought before our committee. As I say, it was not.

Mr. Speaker, this is the wrong procedure for a bill that is not needed or justified and I hope the House will reject it.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I will be happy to yield to my colleague from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding. I agree with him 100 percent and associate myself with the very erudite remarks he has made.

I would only add that I have had the occasion to talk to hospital people in my State of Ohio who are associated with this problem. We have Ohio laws; we have a vast body of case law. Here we go again in Washington telling the States, the local people, that they are not right, that we will preempt the field. This is wrong. This is a bad bill and I hope it will be defeated.

Mr. PREYER. Mr. Speaker, I yield 3 minutes to the chairman of the Subcommittee on Health of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I thank my distinguished colleague from North Carolina for the opportunity to speak in support of this legislation.

All of us in the Congress, whatever our political perspectives, share in common a conviction about the need to preserve individual privacy in the face of technological and other intrusions on our private lives. Translating this principle into practice in the area of medical information, however, is an enormously difficult and complex task. We should all be grateful, therefore, that Mr. PREYER, Mr. KINDNESS, and their colleagues on the Government Operations Committee have successfully managed to produce a balanced and responsible bill.

Certainly it is not the last word on the subject of medical information privacy. As chairman of the Health Subcommittee, I can assure Members that this is a complex and changing field. But this bill is a crucial beginning; and it reflects the best possible judgments that can be made at this time by the members of the Health Subcommittee and the other committees which have contributed to its formulation.

There is little doubt in my mind that the bill fills a critical gap by establishing patient rights to examine their own medical records, to generally limit the disclosure of these records in accordance with written patient authorizations, and to curtail, in accordance with defined guidelines and safeguards, the variety of purposes for which medical information is now used. This is something that needs to be done and can be done uniformly and effectively only through the medium of Federal legislation—legislation which sets forth the general policy and minimum protections of individual privacy without precluding State and local governments, and the professional community, from further refining and protecting the rights of patients and medical facilities alike.

Mr. Speaker, I think we owe a debt to Mr. PREYER whose wisdom, patience, and sense of responsibility—qualities which have characterized his long and distinguished career in this body—has given us the opportunity to effectively address the long-neglected issue of the privacy of medical information. I urge the Members to join me in supporting this bill.

Mr. Speaker, at this time I would like to direct an inquiry to my distinguished colleague from North Carolina with regard to certain provisions that are in the bill.

Am I correct in my understanding that the bill does not encompass medical information which is in a form that does not permit the identification of the patient?

Mr. PREYER. Yes. H.R. 5935 only regulates the disclosure or redisclosure of medical information if that information is in a form enabling a patient to be identified.

Mr. RANGEL. Would the bill permit the continued use of the universal claim forms standard in third party payment plans for authorizing the release of appropriate information to insurers?

Mr. PREYER. The patient authorization for release of medical information reflected in the universal claim form for prescription drugs currently in use meets the standards of section 115 of H.R. 5935 for generic description of those to whom information may be disclosed.

Mr. RANGEL. Will hospitals which currently employ data processing services to assist in fiscal and inventory management be permitted under the bill to continue to employ such services?

Mr. PREYER. The answer to the question is yes.

Mr. RANGEL. Lastly, are private insurance plans encompassed under the audit provisions of the bill?

Mr. PREYER. Under H.R. 5935, insurance claim reimbursement will require a patient's consent for release of medical information. However, private insurers and third party payment services may also have access to medical information under the audit section of H.R. 5935 in connection with an audit operation. The distinction between an audit function as opposed to a claim function is delineated in the bill.

Mr. RANGEL. I thank my colleague for his helpful responses, and I urge support of the bill.

Mr. ERLENBORN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, public concern over the protection of personal privacy has risen exponentially with our ability to store and rapidly transmit vast amounts of data. Not too many years ago, personal privacy was protected by the cost and practical difficulties associated with storing and handling paper records. Modern data processing methods and technology have changed all of that.

This is not an imagined problem, as some would have us believe. In fact, a large part of the problem has been created by the Congress. During hearings on H.R. 5935, the Committee on Government Operations confirmed that medical information maintained by hospitals and nursing homes is widely used for a variety of nontreatment purposes. Auditors, researchers, employers, insurance companies, public health authorities, law enforcement officers and others seek access to patient medical information for numerous legitimate and often beneficial uses. Many people, however, have no idea, or may have no idea, that their privacy is being violated.

Among the biggest users of medical information is the Federal Government, and this is why I say that the Congress has created a large part of the problem we are seeking to address in this bill. The Federal involvement in health care has expanded dramatically in recent years. Medical information is used by Federal authorities for purposes of medicare, medicaid, professional standards review organizations, utilization review boards, health planning agencies, and other purposes pursuant to Federal laws and regulations, oftentimes involving the examination of records of persons other than those who are involved in these Federal programs.

Roughly 39 percent of all hospital expenses and 33 percent of nursing home expenses are paid with Federal funds. This extensive involvement of the Federal Government in health care has resulted in ever-increasing Government appetite for patient information. As the Federal role in health care has grown, so has the risk of invasion of personal privacy by the Government. There is a need for Federal legislation to protect the privacy of patient-identifiable medical information. Under the U.S. Constitution, the supremacy clause prevents State laws from regulating Federal Government conduct. It is as simple as that. And for this reason, and because of the major Federal involvement in health care, no State privacy protection law can adequately protect patient privacy.

This legislation, if enacted, would provide a model for the States, in some degree, of course, and will encourage improved State protection of medical information privacy.

Generally, H.R. 5935 establishes minimum standards of protection, but it permits States and facilities to impose higher standards if desired. The committees that have worked on this bill have sought to protect medical information privacy at the lowest possible cost. The burden on hospitals to implement the bill's procedures are very minimal. Accounting requirements have been virtually eliminated. A conscious effort was made to avoid unnecessary paperwork. The bill's requirements are closely alined with current medical recordkeeping practices.

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It is expected that startup and operation costs would be negligible. In an effort to keep the bureaucracy in check, there is no Federal regulatory or rulemaking authority under the bill. This is perhaps the most noteworthy aspect of this legislation. Medical facilities and others need only to refer to the statute to know what is expected of them and it provides them with a protection against demands for information that they seek not to disclose.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I oppose passage of this bill at this time under this procedure. This is a very important bill having to do with foreign intelligence agents, having to do with the acquiring of very important information that may have national security implications. It never was submitted to the Intelligence Committees. It never was submitted to the Committee on the Judiciary and we are talking about privacy and access to medical records.

Now, I know it went to the Committee on Ways and Means. It came out of the Committee on Government Operations and I guess the Committee on Housing Administration. I do not know what the third committee was. However, I am very dismayed that it did not go to the Intelligence Committee and it did not go to the Committee on the Judiciary. Because of the significance of this important legislation, because of the complexity of it, the nuances of the right of privacy as against national security interest, this is the last procedure that ought to be used to pass such an important bill where no amendments are possible at all.

I have the highest respect for the gentleman from North Carolina, Judge PREYER, and I have the highest respect for those people whose brains and whose commitment have gone into formulating this legislation. However, because of the overriding importance, because we are going to have a new administration in, I think we ought to deliberately look at this rather than rush through on a suspension procedure something that has national security implications.

Mr. Speaker, I respectfully and regretfully hope that this is defeated so that we can take a better, more deliberate look at this very important legislation in the coming session of Congress.

Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 5935, the Federal Privacy of Medical Information Act.

This bill is inappropriate for consideration under suspension of the rules. It is a long and complex bill which embodies numerous policy decisions which merit thorough review and an opportunity for amendment by the Committee of the Whole.

While many of the technical problems with this legislation have been ironed out as it has moved through three committees, groups such as the American Medical Association and the American Hospital Association still prefer State legislation to this Federal bill. Given this opposition to H.R. 5935 by groups who are directly affected by its provisions, it strikes me as unwise to rush this bill through the House in the closing hours of the session. Because of the Thanksgiving recess, I suspect that many of you have not had an opportunity to study this bill as thoroughly as you might like. Postponing action on a measure like this until the next Congress would provide ample time for careful reflection.

It will do little harm to postpone consideration of this matter, because the Government Information and Individual Rights Subcommittee in its 7 days of hearings on this subject could find no real record of abuse of medical records by doctors or medical facilities. In fact, hospitals have a rather good record of protecting the confidentiality of patient records. In my view the few instances where individuals or organizations have obtained access to medical records through fraud are an insufficient basis to justify a piece of legislation as sweeping as this one.

Finally, I view this bill as an intrusion by the Federal Government into powers reserved to the States. The laws of the 50 States are not silent on the subject of the confidentiality of medical records. Uniform Federal law in this area will only serve to stifle creative protections of medical privacy at the State level. While this is a "minimum standards" bill, the minimum standard we would establish with this bill is so high that few States would attempt more stringent privacy protection. If there is one thing the results of the last election have taught us, it is that the voters want less Federal regulation of their affairs, not more.

While I have great respect and fondness for the distinguished chairman of the Government Information Subcommittee, I do not believe this bill merits the approval of the House.

Mr. ERLENBORN. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 5935 on suspension.

Clearly, the procedures developed in section 129 place a substantial burden on the intelligence agencies of our Government, insuring limited access only when necessary to fulfill intelligence requirements and careful use of the information so obtained. However, after consideration by the Government Operations and Interstate Foreign Commerce Committees, H.R. 5935, as concurred in by the intelligence community, was referred to the Ways and Means Committee where an amendment to section 120 was adopted without any consultation with the intelligence community or the staff of the House Intelligence Committee and without any testimony or public record having been taken.

The operative effect of this new amendment is to destroy the balance otherwise crafted in section 129 in that a very vague, broad sweeping category of "information relating to psychiatric, psychological, or mental health examination, care, or treatment * * *" may be withheld by a medical care facility "as it finds appropriate." Thus, while section 129 would establish strict procedures allowing the legitimate and lawful access needs of Federal intelligence authorities to medical information to be fulfilled, section 120 carves out a broad exemption. This is unacceptable to the intelligence community. The information that is exempted via section 120 may be critical in terms of developing a full intelligence picture of an individual upon which important policy decisions may be based.

Such an amendment would allow any State to construct barriers to access and thus thwart the fulfillment of legitimate intelligence requirements.

Section 120 would set a dangerous precedent inviting any special interest lobbying group to push for exemptions in such legislation on the grounds that "their" information has a special quality about it that requires special protections, notwithstanding strict procedures to be followed prior to access being granted and notwithstanding the lawful counterbalancing need for access to such information.

Section 120 could prevent access in information about foreign leaders as well as information about an individual who may be acting as an agent of a foreign power in the United States. Additionally, the section 120 amendment could thwart the Secret Service in fulfillment of its Presidential protective mission since the Ways and Means Committee amendment applies across the board. In a time when our leaders need the best intelligence possible on which to base their policy decisions, it would be absurd to shackle our intelligence agencies with such a provision. This Congress must not leave such a legacy to the intelligence community. We must not, in our haste to pass legislation in the last week of Congress on suspension calendar, hinder the lawful intelligence functions of our Government. It is not appropriate that this matter be brought up on suspension.

Mr. ERLENBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, in light of the procedures being used, I rise in opposition to the bill.

Mr. Speaker, I am not sure that this bill is a bad one. It may even be a good one. My quarrel with it is not substantive. I object to the procedure under which it is being considered.

H.R. 5935 is a complicated, comprehensive bill. It has traveled through three standing committees where large amounts of testimony were accumulated. This House has no business passing a bill this important under a procedure which strictly limits debate and prohibits amendment.

The suspension procedure has been outrageously overused during this 96th Congress. It was intended to be a procedure to handle simple, noncontroversial bills.

Today we are considering a complex, highly controversial bill. It is a bill that is unknown to most Members because it has never passed any committee in its present form.

The House should reject the procedure by voting down this bill.

Mr. PREYER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I thank the gentleman from North Carolina (Mr. PREYER) for yielding.

Mr. Speaker, my opposition to this bill is based and predicated on the opposition that has been voiced here by the gentleman from Illinois (Mr. HYDE) and by the ranking Republican member on the Committee on Intelligence, the gentleman from Virginia (Mr. ROBINSON).

This bill, in my judgment, does represent a truly laudable effort in establishing standards for the privacy of certain medical records.

I think it is a culmination of a lot of hard work.

I want to acknowledge that from the beginning, the staff of the Committee on Government Operations worked with the staff of the Permanent Select Committee on Intelligence to craft the foreign intelligence provisions of the bill.

Their efforts have resulted in workable provisions which are supported by the intelligence community.

However, new provisions have appeared in the bill that we have before us today. Section 120 now distinguishes certain types of medical records, such as psychiatric records, and invites refusals to provide such records even though all the requirements of the act, and they are tough requirements, have been complied with.

This bill does not require that a health care provider must give information to a Government agency in any case. So, the new provisions are not only unnecessary, but they have the effect of encouraging refusals to provide mental health information when there is a clear national interest in requesting it.

Mr. Speaker, I believe this bill has much to recommend it.

I believe, however, that the new provisions which have been added to section 120 are unwise and unnecessary.

I only wish the bill could be amended to strike this provision.

Since that is not possible, I believe we must insist that it come before the House in a way that does permit amendment.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. PREYER. Mr. Speaker, I yield 30 additional seconds to the gentleman from Massachusetts (Mr. BOLAND).

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. Mr. Speaker, I am delighted to yield to my colleague on the Permanent Committee on Intelligence, the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding, and I want to join with the chairman of the Permanent Select Committee on Intelligence in what I consider to be a very strong statement against the passage of this measure. The gentleman from Massachusetts (Mr. BOLAND) made two very important statements. Under the wording of the bill, no Government agency must divulge this type of medical information.

Second, I think the chairman is saying there are very strict standards under the current reading of the bill against casual release of the information.

I think the gentleman has made a powerful statement on behalf of defeating this bill under suspension.

Mr. BOLAND. Mr. Speaker, I thank the gentleman for his comments.

Mr. PREYER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I rise in support of H.R. 5935, the Federal Privacy of Medical Information Act.

The Privacy Act of 1974 recognized the principle that individuals should have control over records about themselves, including access to those records, the ability to correct inaccurate information contained therein, and adequate safeguards against unauthorized and undue disclosure of records to the myriad parties potentially interested in them. Although actual invasion of privacy may not be the explicit purpose when outside parties use individuals' records, it is frequently the unintended result.

Medical records represent one category of personal documents that are increasingly utilized by numerous agencies and organizations not directly involved in providing medical services. As the Government Operations Committee report notes, medical information is used by private and government health insurance plans, public health agencies; medical and social researchers; rehabilitation and social welfare programs; employers; life and casualty insurers; Federal, State, and local health agencies; schools; courts; law enforcement agencies; credit investigation companies; accrediting, licensing, and certifying agencies; the press; and others. Clearly, the average citizen needs to insure that his or her medical records contain accurate information and that such information is released only to those whose use is authorized. Absent such a right, the potential for abuse and excessive intrusion into an individual's privacy is indeed great.

The legislation before us today is the product of three committees' efforts. While I believe that it falls short of completely achieving its stated purpose, it is nevertheless a significant improvement over current law. Under the provisions of this bill, patients in most medical care facilities will now be able to control access to their medical records, inspect the records themselves, and amend incorrect or misleading information. They will also have the right to be informed about how information will be used. Medical care facilities will have the responsibility for controlling disclosure of patients' records.

As a member of the Committee on Government Operations, I voted against the legislation reported out of that committee because the full committee amended the version originally approved by the Government Information and Individual Rights Subcommittee. In the subcommittee version, clear procedural steps were established for both authorized and unauthorized disclosure of medical records, in particular the unauthorized disclosure of medical information to law enforcement agencies seeking access for purposes of gathering foreign intelligence and counterintelligence data.

Section 129, which carefully defined the standards for such disclosure, was then altered in full committee in a manner which upset the vital balance between protecting individual privacy and maintaining necessary societal access. Had that provision remained unchanged in the final version of the legislation, I would be compelled to again vote against it. However, the Interstate and Foreign Commerce Committee narrowed this provision so that it is, while far from ideal, at least acceptable. Therefore, because I believe it is important to pass this bill during this Congress, I intend to vote for H.R. 5935, as reported.

I would like to pay special tribute to our distinguished colleague and chairman from North Carolina (Mr. PREYER), who is one of the driving forces behind this legislation. I am sure his absence will be felt by all the Members of this body, but his wisdom and leadership will be especially missed by members of the Government Information and Individual Rights Subcommittee.

I urge my colleagues to join me in supporting this progressive step toward greater protection of the privacy of all our citizens.

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Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, it is a bit distressing to this Member that this body should be considering a bill as important and as complicated as this one under suspension of the rules, especially since only one of the three committees of jurisdiction has had the opportunity to pass on the language before us today. Proponents will argue that this bill is basically permissive in nature, that it simply codifies existing practices. But others are concerned that, instead of focusing on protecting patients against unwarranted invasions into their privacy, the practical effect of this legislation will be to guarantee access to patient medical records by a wide variety of Federal officials. In any event, everyone will agree that this legislation will directly impact on thousands of medical care facilities and millions of Americans who have received medical care in a place other than their doctor's office. For that reason alone, if for no other, this measure deserves more thorough consideration than can possibly be given in under the suspension procedure.

Just for the record, I might note that the November 14 draft of the legislation which incorporates the amendments to the legislation recommended by the Ways and Means Committee is 63 pages long. With respect to the content of those pages, it can be argued that guaranteeing patient access to his or her own records should be left to the States rather than become a subject for Federal legislation. Also, the codification of current practice may clarify matters for Federal officials wanting access to medical records but the extent to which it protects the fourth amendment rights of patients is far less certain. Unquestionably, the Ways and Means Committee proposal prohibiting access to medical records of those who have paid for their own medical care is a big improvement on what was recommended by the Government Operations Committee and the Commerce Committee. However, there is still a problem with regards to access by the Secret Service and by the intelligence gathering agencies. This bill permits medical facilities to give medical records to those folks: First, if the head of the requesting agency certifies as to the need for the information; and second, with the understanding that it will not be redisclosed. Requiring the Secretary of the Treasury to issue guidelines may help a little, but that is no substitute for requiring an agency to obtain an ex parte order from a Federal court before such information is released.

Last June 18, when this bill was being considered by the Health Subcommittee of the Commerce Committee, I offered an amendment that would have required the Secret Service and our intelligence gathering agencies to get just such an ex parte order but that amendment lost by a tie vote. Since then not enough has been changed to alter my belief that such an amendment is needed and I would offer it today if the opportunity were present. And I know there are others, such as my distinguished colleague from Illinois (Mr. ERLENBORN), who would like to offer amendments as well but, under this suspension procedure, they are prohibited from doing so. This is most unfortunate, because many of these amendments are important, just as the bill itself is important, and the issues they raise deserve to be considered. After all, medical records contain some of the most sensitive information that exists on individuals. Unintended release of such information can hurt people's chances for employment and promotion; it can cause the acute embarrassment, and it can harm their standing in their own communities.

With all that at stake, we simply cannot afford to pass a piece of ill-considered legislation just to say that we have passed something. Therefore, I urge my colleagues to vote "no" on this motion to suspend the rules so that we can treat this sensitive subject with the deliberation and attention that it deserves.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a few short weeks the new Congress is going to be convening in this Chamber. As one of the first things that Congress will do as in each Congress, we will consider the rules applicable to the procedures of that Congress. I would suggest at this time one of the rules we look at very carefully is the procedure for suspension of the rules for the passage of bills, the procedure we are engaged in right now.

I have had called to my attention, through the consideration of several bills on the Suspension Calendar recently, the rather strange situation that faces us today with this bill. We have before us a bill that has not been approved by any committee. No committee of the Congress has approved the version of the bill before us. Just a few weeks ago we had another bill to which I was managing the opposition, and the bill passed. Only after it passed did I find that the chairman in submitting the bill had amended the bill to make its application retroactive.

That was not the bill that has been approved by our Education and Labor Committee, but in submitting the bill the chairman, acting alone, without authorization from the committee, from the subcommittee or from anyone else, added an amendment to make the bill retroactive. I do not fault the one who was managing the bill at the time because he was called in at the last moment, but no one brought before this body the fact that the bill had been amended. Thus, we were not aware when we voted for that bill the contents of the bill, particularly, its retroactive effect.

Now, Mr. Speaker, we have before us a bill that has not been approved by any committee. As far as I can tell under the procedures now allowed under the rules, only the chairman who calls the bill up has the final authority as to what the contents of that bill shall be.

I know that our good chairman has acted in good faith and has acted properly under the rules but, as I say, we have before us a bill that has never been printed, has never been approved by a committee. Actually, the total contents of that bill are not known to me. I have not seen the bill. I think a typewritten copy was shown to our staff late last week and probably not even in time, unless we were working over the weekend, for the staff to read and totally comprehend what it is that is brought before us today.

Mr. Speaker, I submit this sort of procedure should not be allowed. If we are going to call ourselves, as we so often do, the greatest deliberative body in the world, we ought to have the information and the knowledge to deliberate and should not be acting at the request and the final determination of the one man who happens to be the chairman and the one who calls up and manages the bill.

We have heard the version of the bill that appears before us today differs drastically in the foreign intelligence field from that approved by our Committee on Government Operations. It has been changed. We have a different version before us today that has turned around some Members who thought the basic bill may have been all right, but a provision has been changed and, fortunately, they are aware of that and they can express their opposition.

I would hope next year when we consider the rules, we would change the rules so that only a bill that has been approved by a committee can be brought before the House under suspension rather than give this authority to one individual Member to draft the final version of the bill and call it up under a procedure where we cannot even amend it and very likely not even read it before it is brought up.

Mr. PREYER. Mr. Speaker, I yield myself the remaining time.

I want to reply to the question about the intelligence provision in the bill. The suggestion has been made that there is a drastic change from the original bill and that it somehow endangers national security.

I notice the chairman of the Intelligence Committee did point out we have worked with his committee and that they were in agreement with the basic provisions of this bill dealing with intelligence access and that they agreed that those provisions were workable.

What they disagreed with was an amendment from the Committee on Ways and Means which permits doctors to withhold psychiatric information except where disclosure is required by law. This reflects current law. Doctors now have the ability to refuse to disclose medical information. The bill does not change this in any way. It is hard to understand how a provision that permits doctors to protect the privacy of their patients could endanger national security. This provision does not restrict activities of our intelligence agencies in any way.

Others have argued that this legislation should be passed at the State level rather than the Federal level. There are many reasons why it should be done at the Federal level, but the most important one is simply this: State law cannot control Federal agency activity. Only Federal legislation can limit the collection and use of medical information by Federal agencies. Thirty-nine percent of all of the cost for hospitalization today are paid for with Federal funds. Thirty-three percent of nursing care expenses come from the Federal Government. State legislation simply cannot affect the collection or use of information related to these payments.

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With regard to the use of the suspension calendar, I wish that we had time to have had this bill formally approved by all of the committees and brought up under regular procedures. However, the bill was approved by the Committee on Government Operations. It was approved by the Committee on Interstate and Foreign Commerce, which made a few improvements. It was considered by the Committee on Ways and Means, which suggested a few additional changes. A substantial number of the Members of this body are familiar with the bill.

Trying to obtain approval from so many different committees has been a slow process. That has prevented us from bringing this bill to the House floor any earlier. But there have been no major changes from the original bill. There have been some improvements, but no change in the basic structure or purpose of this bill.

Finally, some have said that there is no evidence of abuse of medical records to justify the bill. At the hearings, we uncovered significant evidence that trafficking in medical records is a nationwide problem, and the only effective way to stop this activity is with a Federal law. State laws are not adequate to deal with the problem.

However, this legislation does not rest solely on the finding of abuse. The need to control Federal agency collection and use of medical information more than justifies the bill. In addition, I would like to point out that H.R. 5935 is so tightly drafted that it will result in a small savings to the Federal Government.

Mr. Speaker, I urge the adoption of the bill.

● Mr. KILDEE. Mr. Speaker, the Federal Privacy of Medical Information Act will provide adequate and reasonable safeguards to help assure the proper dissemination of medical information. Presently, medical information can be transferred without the knowledge and consent of patients. This legislation will require that consent be obtained from individuals prior to the dissemination of their personal medical information, except in those cases for which information is released pursuant to a court order or is utilized in a general manner for the purpose of financial or professional accountability or scientific study.

Patients in most States do not have the right to even inspect their own medical files. This legislation provides procedures under which individuals can acquire their medical records and submit corrections to those statements which they believe to be in error. Individuals will gain a measure of control over their medical histories. The fundamental belief upon which this legislation rests is that the average American citizen has the ability to understand and be a partner in the management of his medical information. Patients will be taken out of the vacuum of not being able to know what is in their personal medical file and not knowing with whom that information is being shared.

We have witnessed in the past decade an unprecedented growth in the computerization of medical histories, a practice I am sure will continue at an accelerated rate. Virtually every sector of American society can claim the need for personal medical information in the prudent practice of their discipline. With computerization, the cost of information exchange, retention, and utilization has been dramatically reduced.

It is time for the American people to assess and help to decide who, has and who has not, a legitimate need for an individual's personal medical information. I support this legislation as presented without reservation.●

● Mr. McCLORY. Mr. Speaker, I join my colleagues in protesting the passage of this bill via the Suspension Calendar. As often happens, the end of a Congress spells danger. Bills slip in on us via the Suspension Calendar which would never stand a chance under ordinary circumstances. This may be such a case.

H.R. 5935 addresses, among other things, the extent to which the Department of Justice and the CIA can investigate medical records and determine from them certain foreign intelligence information. It has been referred to the Committee on Government Operations, the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means. Perhaps it should also have been referred to the Judiciary Committee and the Select Committee on Intelligence. In any event, it certainly should not be allowed to emerge from this body without an extensive debate about its provisions and their ultimate effect.

I am informed that the Department of Justice and the Attorney General vigorously object to certain portions of this bill and have proposed certain clarifying amendments which, of course, cannot be considered at this time. I believe, therefore, that we ought to defeat this legislation today and reconsider it in the next Congress when its import can be more carefully examined, and when an opportunity for thoughtful review by the Judiciary and Intelligence Committee will be afforded.●

● Mr. DRINAN. Mr. Speaker, a 13-year-old orphan was once placed in a mental institution for 6 months because no other home could be found for him. In 1976, the orphan, by then a grown man, was denied a New York taxi license because his medical records revealed that he had been in a mental institution.

I learned of this and countless similar incidents during hearings before the Subcommittee on Government Information and Individual Rights, on which I serve. I became convinced of the need for this legislation and am proud to be a cosponsor.

The Federal Privacy of Medical Information Act would restrict unauthorized access to medical records while allowing patients to inspect their own records, and make corrections if necessary. Mr. Speaker, I strongly urge its passage.●

● Mr. PHILIP M. CRANE. Mr. Speaker, Americans consulted their physicians an estimated 1 billion, 22 million times in 1979, an average of 4.6 visits for each person in the country. Approximately 694 million of these visits occurred in the doctor's private offices; another 136 million took place in clinics and emergency rooms of hospitals. Inpatient admissions accounted for most of the remainder. Each of these contacts with a physician generated a new medical record, or added information to an existing record. To get a more complete idea of the amount of confidential medical information on record, however, we must remember that more than 5 percent of the U.S. population over 65 resides in a nursing home. Considering further that the recommended minimum retention period for a medical record is 10 to 25 years, you can imagine the amount of sensitive medical information being compiled, xeroxed, exchanged, filed and stored across the Nation. If this information were to fall into callous and unaccountable hands, the damage in terms of human distress would be almost incomprehensible.

Perhaps I could illustrate the potential for abuse of this confidential information by quoting from the front page of the New York Times, May 12, 1977, edition. The headline reads: "Abortion Study Invades Privacy." The article continues:

> ALBANY, May 11.—The New York State Health Department has been conducting a federally financed study of the effects of abortion involving 48,000 women, without their knowledge, in what two state legislators charged today was a "massive invasion of privacy."
>
> To illustrate the possible breach of confidentiality, the legislators held up a Health Department progress report that, to demonstrate the effectiveness of a certain computer program, included a "sample output" with the names of 28 women subjects who had abortions and were subsequently married.
>
> The report had been filed with the National Institutes of Health, which is financing the three-year $308,000 study. Under Federal law it would be available to anyone who requested it.

A followup article in the Times carried the headline: "Abortion Study With Names." The first paragraph of that article also capsulated the danger of breaches in medical privacy:

> Without their knowledge, 48,000 New York State women have become subjects of an abortion study financed by the National Institutes of Health and conducted by the New York State Health Department. The research is legal because the data comes from public records, but questions arise as to whether or not it is ethical.

Mr. Speaker, I do not need to catalog at length the humiliation, lost opportunities, and harmful consequences for these women or countless other patients if their records were disclosed in the wrong places. These records detail the kinds of intimacies many people may not even share with their spouses. Yet, as we have seen, that same information can readily pass into the hands of Government agencies.

The unthinkable damage to the lives of patients is not the only consequence of inadequate confidentiality safeguards. In recent hearings before the House Health Subcommittee, on which I serve as ranking member, we learned that the tragedy of medical disclosures is deeper than many realize. Several doctors testified that they are reluctant to make records if their sacred Hippocratic Oath may be violated by the act of recording. Patients testified that they are hesitant to freely speak with their doctor when their ailments may later be open to the scrutiny of Federal agents. The very purpose of records is jeopardized by a lack of complete privacy.

This is not a minor problem. The 1977 National Bureau of Standards study on medical records privacy concluded that—

> Overall the main finding . . . is that identified patient information from medical records now flows regularly out of the primary care setting in ways that allow patients few controls over these disclosures.

In 1974 Congress underscored its concern for the confidentiality of personal records by passing the Privacy Act. A loophole in that act, however, has allowed some government agencies to retain their authority to inspect medical records. In fact, a private patient whose treatment is not covered by a Federal assistance program may even have his record inspected to formulate standards or norms for patients receiving Federal assistance. Section 2(b)(1) is the Privacy Act's most abused loophole:

> The purpose of this Act is to provide certain safeguard against an invasion of personal privacy by requiring Federal agencies, except as otherwise provided by law, to permit an individual to determine what records pertaining to him are collected.

The language "except as otherwise provided by law" has provided many agencies with the opportunity they needed to continue to scrutinize private records. Perhaps we can get an idea of the potential for medical records abuse this loophole made possible by examining a provision of the Social Security Act, section 1156(a):

> Each Professional Standards Review Organization shall apply professionally developed norms of care, diagnosis, and treatment based upon typical patterns of practice in its regions.

These governing norms for professional standards review organizations (PSRO's) are not to simply spring into existence; the Social Security Act empowers each PSRO to "collect such data relevant to its function and such information and keep and maintain such records in such form as the Secretary may require." (Section 1155(f)(1)(B) of the Social Security Act.) To make clear the breadth of this Federal agency's power to invade the privacy of medical records, I will quote one further provision from the Social Security Act:

> Section 1155(b)(3): PSRO's may "examine the pertinent records of any practitioner or provider of health care services."

The Social Security Act, therefore, is a classic example of how a law may grant federal agencies unwarranted authority to enter physicians' offices and inspect the private records of all patients. Moreover, the Privacy Act does not reduce the threat in the slightest.

Perhaps you can understand, Mr. Speaker, why I felt it essential to amend H.R. 5935 when it was considered by the Ways and Means Committee. My amendments to H.R. 5935 are a step toward closing the dangerous loophole in the Privacy Act. I regret, however, that this bill is considered today under a suspension of the House rules. This will make it impossible for me to offer many other amendments to protect the confidentiality of medical records completely.

My amendment, which will be a portion of H.R. 5935, relates directly to the problem I mentioned earlier—PSRO's and other Government auditors using their unlimited authority to pry into all medical records. My amendment prohibits PSRO's and other Government auditors under section 126 of the bill from examining the records of any patient whose medical care is not provided under a Federal assistance program. In other words, PSRO's and other auditors will need to receive permission from any private patient before inspecting his records to develop norms or for any other purpose.

This will place some limitations on the present power of PSRO's to examine "the records of any practitioner." At least those who are not receiving Federal Government assistance will be protected against the intrusion of Federal clerks.

Unfortunately this will not solve all major problems. At the outset of my address, I mentioned the New York State abortion research incident. Considering this bill under a suspension of the rules will prohibit me from offering an amendment to prevent this from happening again. The health research section of H.R. 5935, section 124, will continue to allow such research to be done as long as the research effort is approved by an "institutional review board." Ironically the organization sponsoring the research could also be the "institutional review board" charged with protecting privacy. We will not be able to amend the bill to correct this inadequacy. This is only one problem still lurking in H.R. 5935. Under the guise of a public health investigation, a health and safety inquiry, or a law enforcement search, a Federal agent can still gain access to almost any medical record. The loophole in the Privacy Act has not been closed.

We can praise this bill for giving a patient access to his own records and for attempting to tighten some of the areas of potential records abuse, but in other respects the bill is more a "Federal Disclosure and Access to Medical Records Act" than it is a "Federal Privacy of Medical Information Act." The bill states that "a patient's right to privacy must be balanced against the legitimate needs of public and private organizations for individually identifiable medical information." This sentence crystallizes my objections to the bill. We have no authority to balance a constitutional right against a mere need, even if that need is dignified with the adjective "legitimate."

Justice William O. Douglas, concurring in the case of *Doe* v. *Bolton*, 410 U.S. 179, stated clearly:

> The right to privacy has no more conspicuous place than in the physician-patient relationship. . . . The right to seek advice on one's health and the right to place reliance on the physician of one's choice are basic to the 14th Amendment.

Moreover, the Bill of Rights was drafted to protect individuals against these very invasions of privacy. The first amendment recognizes a right to freely speak to one's doctor. The fourth amendment recognizes the right to be secure against searches and seizures of personal records. The fifth amendment recognizes that we need not testify against ourselves openly or via medical records. A constitutional right should not be blithely "balanced" against mere "needs" of the Government or private agencies.

While I have tried to stress the inviolability of these rights with my amendments in committee, many of them will not be in order today. We may wish to reexamine this legislation again when we have the time to consider the full ramifications of medical records privacy.●

● Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5935, the Federal Privacy of Medical Information Act, a bill to protect the privacy of medical information about patients of medical care facilities.

The bill has three major elements. It defines the rights of patients to inspect and seek correction of medical information about them that is maintained by medical care facilities. It defines the circumstances under which a medial care facility may disclose patient identifiable medical information to third parties, with or without the consent of the patient. Finally, the bill defines criminal penalties for obtaining patient medical records from medical care facilities under false or fraudulent pretenses or by theft.

Taken together, these elements represent a major step toward the creation of a legitimate, enforceable expectation of confidentiality of patient medical information.

Last June, the Subcommittee on Health and the Environment had the opportunity to review H.R. 5935 as reported by the Committee on Government Operations. I can assure my colleagues that the subcommittee went over the bill with a fine-tooth comb. The full committee followed suit later that same month. The bill now before you benefited greatly from that thorough review, and particularly from the contributions of the ranking minority member, Dr. TIM LEE CARTER, and the senior majority member, Mr. DAVID SATTERFIELD, who interest in this area is a longstanding one.

Let me summarize briefly some of the major improvements our subcommittee and full committee made in this bill.

We limited to 2 years the period for which a patient could give written authorization for the disclosure of his or her medical records to third parties. (An exception to this limitation was made to accommodate the needs of veterans' service organizations.) This change will eliminate perpetual consents, under which patients unwittingly give up all control over the use of their medical records.

We modified the requirement that medical care facilities allow inspection of medical information about a patient by that patient in order to permit facilities to make available a copy of the information, rather than the original. This gives facilities concerned with the integrity of their medical records the flexibility of providing the patient with the original or with a copy of the document, at their option.

We added a requirement that, in the case of disclosures of medical information for purposes of health research, the person conducting the research project must notify the chief medical officer of the State at least 7 days before the medical care facility holding the records sought actually makes the records available. This 1-week notice will give the State official an opportunity to take whatever additional steps might be authorized under State law to protect the privacy of the medical information sought in connection with the proposed research.

We specified that, if a medical care facility discloses medical information about a patient without a patient's consent to a health researcher, a public health investigator, an auditor, or for health and safety purposes, the facility is required to maintain an accounting of the disclosure and to make the accounting available to the patient on request. The purpose of this accounting requirement, which will apply whenever information is recorded or removed, is to give patients the ability to determine to whom, and for what reasons their medical records were disclosed.

In fashioning these and numerous other amendments to the Government Operations Committee bill, our subcommittee and full committee sought to balance the patient's interest in confidentiality against society's legitimate needs for limited access to patient medical information. I believe that we have succeeded in striking a reasonable, workable balance within a framework that does not unduly burden medical care facilities or their patients.

Mr. Speaker, I would like to conclude my remarks by expressing my deep personal admiration for the contributions that my distinguished colleague, Mr. RICHARDSON PREYER, has made to the work of our subcommittee, the full committee, and the House. During the 6 years that I have had the privilege of serving with Judge PREYER on the subcommittee, he has consistently displayed the qualities to which all Members of this Chamber, regardless of partisan affiliation or ideological viewpoint, aspire—fairness, integrity, sound judgment, the courage to take on difficult issues, and great dignity, whether in victory or in defeat.

As the business of governing becomes ever more difficult, the house will need men and women of Judge PREYER's caliber if it is to fulfill its institutional responsibilities in this society. I greatly regret the departure of this eminent legislator, a man who so ably fulfilled the mission defined by his alma mater: "In the Nation's service." ●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. PREYER) that the House suspend the rules and pass the bill, H.R. 5935, as amended.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF CONFEREES ON S. 2363, GEORGIA O'KEEFFE NATIONAL HISTORIC SITE

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes, with a House amendment thereto, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees: Messrs. UDALL, PHILLIP BURTON, KASTENMEIER, FLORIO, SEBELIUS, and LAGOMARSINO.

There was no objection.

PAPERWORK REDUCTION ACT OF 1980

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 6410) to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Paperwork Reduction Act of 1980".

SEC. 2. (a) Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purpose.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities—submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Federal Information Locator System.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purpose

"The purpose of this chapter is—

"(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

"(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

"(3) to maximize the usefulness of information collected by the Federal Government;

"(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) to ensure that automatic data processing and telecommunications technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and, wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to the Federal Government; and

"(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

"(2) the terms 'automatic data processing,' 'automatic data processing equipment,' and 'telecommunications' do not include any data processing or telecommunications system or equipment, the function, operation or use of which—

"(A) involves intelligence activities;

"(B) involves cryptologic activities related to national security;

"(C) involves the direct command and control of military forces;

"(D) involves equipment which is an integral part of a weapon or weapons system; or

"(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll finance, logistics, and personnel management;

"(3) the term 'burden' means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

"(4) the term 'collection of information' means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the

United States which are to be used for general statistical purposes;

"(5) the term 'data element' means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

"(6) the term 'data element dictionary' means a system containing standard and uniform definitions and cross references for commonly used data elements;

"(7) the term 'data profile' means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a description of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

"(8) the term 'Director' means the Director of the Office of Management and Budget;

"(9) the term 'directory of information resources' means a catalog of information collection requests, containing a data profile for each request;

"(10) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occcupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(11) the term 'information collection request' means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirements, or other similar method calling for the collection of information;

"(12) the term 'information referral service' means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

"(13) the term 'information systems' means management information systems;

"(14) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(15) the term 'practical utility' means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion; and

"(16) the term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

"§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy.

"§ 3504. Authority and functions of Director

"(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing telecommunications, and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law.

"(b) The general information policy functions of the Director shall include—

"(1) developing and implementing uniform and consistent information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

"(2) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

"(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

"(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

"(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

"(c) The information collection request clearance and other paperwork control functions of the Director shall include—

"(1) reviewing and approving information collection requests proposed by agencies;

"(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

"(3) ensuring that all information collection requests—

"(A) are inventoried, display a control number and, when appropriate, an expiration date;

"(B) indicate the request is in accordance with the clearance requirements of section 3507; and

"(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

"(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

"(5) setting goals for reduction of the burdens of Federal information collection requests;

"(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

"(7) designing and operating, in accordance with section 3511, the Federal Information Locator System.

"(d) The statistical policy and coordination functions of the Director shall include—

"(1) developing long range plans for the improved performance of Federal statistical activities and programs;

"(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(3) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

"(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines.

"(e) The records management functions of the Director shall include—

"(1) providing advice and assistance to the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

"(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Administrator of General Services thereunder; and

"(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

"(f) The privacy functions of the Director shall include—

"(1) developing and implementing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by or on behalf of agencies;

"(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

"(3) monitoring compliance with section 552a of title 5, United States Code, and related information management laws.

"(g) The Federal automatic data processing and telecommunications functions of the Director shall include—

"(1) developing and implementing policies, principles, standards, and guidelines for automatic data processing and telecommunications functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(f) of the Federal Property and Administrative Services Act of 1949;

"(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(g) of such Act;

"(3) providing advice and guidance on the acquisition and use of automatic data processing and telecommunications equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of automatic data processing and telecommunications equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

"(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices, and informing the President and the Congress of the progress made therein.

"(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section.

"(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

"(5) Nothing in this section prevents the Director, in his discretion—

"(A) from disapproving any information collection request which was not specifically required by an agency rule;

"(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or

"(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable.

"(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) Upon enactment of this Act—

"(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

"(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

"(2) within one year after the effective date of this Act—

"(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4–206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities;

"(B) establish the Federal Information Locator System;

"(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

"(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

"(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs; and

"(3) within two years after the effective date of this Act—

"(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(B) identify initiatives to improve productivity in Federal operations using information proecssing technology;

"(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;

"(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

"(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and

"(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

"§ 3506. Federal agency responsibilities

"(a) Each agency shall be responsible for carrying out its information management activities in an efficient effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated.

"(c) Each agency shall—

"(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

"(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

"(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter.

"(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

"§ 3507. Public information collection activities—submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

"(1) the agency has taken actions, including consultation with the Director, to—

"(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

"(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

"(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

"(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission; and

"(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

"(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request and shall make such decisions publicly available. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

"(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under sections 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the override authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

"(d) The Director may not approve an information collection request for a period in excess of three years.

"(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(f) An agency shall not engage in a collection information without obtaining from the Director a control number to be displayed upon the information collection request.

"(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of ninety days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law.

"(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Federal Information Locator System

"(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter in this section referred to as the 'System') which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the authoritative register of all information collection requests.

"(b) In designing and operating the System, the Director shall—

"(1) design and operate an indexing system for the System;

"(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

"(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

"(A) agency officials who are planning new information collection activities; and

"(B) on request, members of the general public; and

"(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) The Director shall, with the advice and assistance of the Administrator of General Services, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

"(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

"(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

§ 3514. Responsiveness to Congress

"(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

"(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

"(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

"(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

"(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

"(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

"(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

"(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter; and

"(8) with respect to recommendations of the Commission on Federal Paperwork—

"(A) a description of the specific actions taken on or planned for each recommendation

"(B) a target date for implementing each recommendation accepted but not implemented; and

"(C) an explanation of the reasons for any delay in completing action on such recommendations.

"(b) The preparation of any report required by this section shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"In the development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4–206 of Executive Order 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 313 of the Budget and Accounting Act of 1921, as amended, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

"§ 3520. Authorization of appropriations

"There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

"(1) not to exceed $8,000,000 for the fiscal year ending September 30, 1981;

"(2) not to exceed $8,500,000 for the fiscal year ending September 30, 1982; and

"(3) not to exceed $9,000,000 for the fiscal year ending September 30, 1983."

(b) The item relating to chapter 35 in the table of chapters for such title is amended to read as follows:

"35. Coordination of Federal Information Policy.".

(c)(1) Section 2904(10) of such title is amended to read as follows:

"(10) report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Administrator deems desirable (A) on the results of activities conducted pursuant to paragraphs (1) through (9) of this section, (B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (8) and (9) of this section, and (C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations."

(2) Section 2905 of such title is amended by redesignating the text thereof as subsection (a) and by adding at the end of such section the following new subsection:

"(b) The Administrator of General Services shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.".

Sec. 3. (a) The President and the Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility under section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b).

(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 and Reorganization Plan No. 1 for telecommunications, and under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

Sec. 4. (a) Section 400A of the General Education Provisions Act is amended by (1) striking out "and" after "institutions" in subsection (a)(1)(A) and inserting in lieu thereof 'or", and (2) by amending subsection (a)(3)(B) to read as follows:

"(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency, except as required by this subsection and by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code. If a requirement for information is submitted pursuant to this Act for review, the timetable for the Director's approval established in section 3507 of the Paperwork Reduction Act of 1980 shall commence on the date the request is submitted, and no independent submission to the Director shall be required under such Act.".

(b) Section 201(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211) is repealed.

(c) Section 708(f) of the Public Health Service Act (42 U.S.C. 292h(f)) is repealed.

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.".

Sec. 5. This Act shall take effect on April 1, 1981.

Amend the title so as to read: "An Act to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.".

The SPEAKER pro tempore. Is a second demanded?

Mrs. SNOWE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. Brooks) will be recognized for 20 minutes, and the gentlewoman from Maine (Mrs. Snowe) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Brooks).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6410 is the result of a growing awareness that the Federal Government needs to improve the management and use of its information resources. Serious deficiencies exist in present agency management of these resources and, if allowed to continue, will drastically reduce the effectiveness of Government while, at the same time, impose an increasing burden on the public.

The basic premise of this legislation is that information is a valuable resource and should be effectively managed like other resources. Based on this premise, the bill provides clear statutory authority to reduce the paperwork burdens generated by the Government and to consolidate the currently fragmented information policy responsibilities into a strong central management office in OMB. The consolidation of responsibilities will enable the OMB Director to provide needed leadership and direction for the Government's information activities. Successful implementation of this legislation will result in: First, substantially reduced costs and burdens to both the Government and the public; and second, enhanced Government efficiency and effectiveness.

H.R. 6410 passed the House on March 24 of this year by a vote of 328 to 13. The Senate amended and unanimously passed the House bill on November 19.

The Senate version of the bill differs from the House-passed version in three respects:

First. The Senate amendment requires OMB to expedite the clearance of agency information collection requests when specific emergency conditions exist;

Second. It insures that OMB's review of agency information collection requests will be coordinated with agency rulemaking procedures established by the Administrative Procedure Act or other similar legislation; and

Third. The amendment provides specific exemptions from the bill for certain intelligence, defense, and investigatory activities. Existing statutes covering these activities are not affected by this amendment.

I believe these amendments are in keeping with the objectives of the bill.

There are several issues which have been raised by opponents of this legislation, principally the Air Force, which should be discussed.

First, concerns have been expressed that H.R. 6410 would amplify failures of the existing ADP acquisition process by further complicating the acquisition process and expanding the roles of OMB and GSA.

The opponents offer no explanation of their concern that the acquisition process will become more complicated as a result of H.R. 6410. In fact, H.R. 6410 creates an environment necessary for simplifying the acquisition process. Lines of responsibility within each agency for information systems planning, management, and acquisition will be clearly drawn when H.R. 6410 is implemented. Today these responsibilities are fragmented and uncoordinated—facts recognized by the Congress and by the President's ADP Reorganization Project.

Nonetheless, there remains a concern that H.R. 6410 would expand the scope of the Brooks—Public Law 306—and the roles of GSA and OMB and that such expansion, if it were implemented, would be undesirable. This concern seems to fall in four areas:

TELECOMMUNICATIONS EQUIPMENT

Assertions have been made that the bill amends the Brooks Act to bring telecommunications equipment under the ADP acquisition process. This is not true. GSA and OMB have broad Government-wide responsibilities for telecommunications equipment and services established under existing laws and executive orders.

These authorities are independent of the Brooks Act. H.R. 6410 does not add to GSA/OMB authority nor does it define telecommunications as subject to ADP procurement procedures. The bill acknowledges that ADP and telecommunications are intricately related and are significant tools to be used by each agency. As such, these items are of sufficient Government-wide importance to warrant long-range planning, OMB attention, and congressional review.

OPEN-ENDED MEANING OF ADP

The opponents particularly dwell on the issue of "embedded" computers and makes note of some perceived GSA effort last December to apply Brooks Act procedures to "guided missiles, weapons fire control equipment, space vehicles, microcircuits, and miniprocessors." This appears to be related to an episode of misunderstanding by DOD of communications from GSA regarding the applicability of ADP procurement procedures. By law, GSA's ADP procedures are applied to commercially available general purpose computers. Defense or other systems which only incidentally contain data processing components are acquired under other appropriate procurement procedures.

This is consistent with interpretations of the Brooks' Act by the Department of Justice and GAO. The Federal procurement regulations are soon to be reissued with this important point clarified. These revisions have been coordinated with DOD and all other Federal agencies.

ADDITIONAL GSA PLANNING

H.R. 6410 requires every agency to develop a 5-year plan for meeting their information technology resource requirements. GAO has repeatedly reported that the agencies have failed miserably in such planning activities. H.R. 6410 further requires that OMB, with the advice and assistance of GSA, develop a Government-wide plan that will assure that the most recent technologies are known and are made available to meet the agencies' requirements. Periodic reviews should be conducted in order to report to Congress the progress being made toward the objectives of the legislation.

The opponents fear that GSA would expand its role into definitions of mission agency ADP requirements. GSA is clearly prohibited from such incursions by existing statutes and the proposed legislation.

OMB ADMINISTRATION OF THE BROOKS ACT

The opponents also assert that OMB has not demonstrated competence in administering its current oversight and management responsibilities under the Brooks Act. This observation has been made on many occasions by the House Committee on Government Operations. The OMB failing has been its passive acceptance of its Brooks Act role and its reluctance to provide leadership and direction. An active advocacy and oversight role for OMB is needed and is required by the proposed legislation. The opponents see H.R. 6410 as singling out ADP procurement for micromanagement by OMB where in fact the proposed legislation and thrust of governmental improvement are far broader, much more necessary, and long overdue.

POTENTIAL EXEMPTION FROM MANAGEMENT AND OVERSIGHT

The second broad area I would like to address is the assertion that DOD should be totally exempt from the management and oversight principles established by the legislation. The justification for such an exemption appears to be twofold. First, there is a claim that ADP and telecommunications should not be included in a "paperwork reduction bill." Second is the claim that strengthening oversight of DOD's ADP and telecommunications activities will weaken our national defense.

Turning to the first argument, I believe it is necessary for the Congress and the public to understand that there is an inextricable interrelationship between information technology, paperwork, and redtape.

The demand for governmental services has resulted in the creation of increasing numbers of complex Federal programs. This growth, coupled with the availability and application of modern technology, has fostered an almost addictive demand for more and more information. At the present, there are virtually no managerial and budgetary controls on this demand. The Government has treated information as a free good without regard to: First, the hidden costs to the public to provide information; and second, the costs to the Government to collect, use, and disseminate information.

Even more importantly, the Government's ability to manage information has not improved sufficiently to handle this information explosion. In fact, the Government's traditional information systems are breaking down under the burden. Instead of providing timely and accurate information to manage Government programs and services, these systems more often than not stifle communications between the Government and the people, mislead the Government decisionmakers, clog information channels, and suffocate Government officials under mounds of computer printouts.

Unless something is done to correct this waste and inefficiency, the Government will fall increasingly behind in meeting its responsibilities to the Amercan taxpayer. It was this finding that drove the Paperwork Commission to recommend the consolidation of all information policysetting activities, including ADP and telecommunications, into a central management office. The Commission believed strong central leadership was essential to bring about the basic fundamental changes that need to take place in the Government's management of its information resources.

As for the claim that increased oversight will somehow harm our national defense effort, there is no evidence which has been presented that supports this assertion.

The examples raised by the opponents are based on highly selective and misleading data. The claims that GSA has repeatedly interfered with DOD determinations of need for ADP equipment refers to efforts to stop sole-sourcing of "favored" vendors by military components. The claim that a significant portion of the lengthy acquisition time for complex ADP systems is attributable to delays caused by the procedures imposed by the Brooks Act runs counter to recent GAO studies that show the military departments responsible for most of the delay. Close examination of the other cases show no support for the conclusions drawn from them. Each case illustrates poor planning and poor judgment by military managers and not undue interference or delay by GSA, OMB, or Congress.

I am happy to see that the Senate amendment supports the concept of strong central management over the Government's information activities. I urge the House to accept the Senate-passed bill.

Mr. HORTON. Mr. Speaker, I rise in support of H.R. 6410, the Paperwork Reduction Act of 1980.

This bill, of which I am the principal cosponsor, has an extremely meritorious purpose: It creates a structure within the Federal Government for the better management of Federal information resources. Under the bill, the Office of Management and Budget is to set Government-wide information policy, and each agency, through its single information resources manager, is to implement that policy. As an aspect of better management, and a specific way in which the Federal paperwork burden can be reduced, OMB is granted the power to approve or reject any request which any agency proposes to make for the collection of information from 10 or more persons.

The version of the bill now before us—the version which was passed by the other body—is similar to the one which passed the House by a vote of 328 to 13 last March. The most significant difference between the two measures is the inclusion of a new subsection 3504(h) in the Senate version. The Senate provision is innovative in that it attempts to link the regulation-writing process with the collection of information by the Federal Government. The provision does this by mandating that OMB review and comment on each proposed regulation which contains a requirement for the collection of information.

Because subsection 3504(h) which the Senate has added to the bill is extremely complex, I think it is essential to clarify three points about it:

First, OMB's authority to review and comment on portions of proposed regulations which require the collection of information is supplemental to that agency's authority to approve or reject specific information collection requests. No matter what its action may have been with regard to a proposed regulation, OMB may freely approve or reject any specific collection request deriving from such a regulation.

Second, in reviewing proposed regulations, OMB may disapprove any collection requirement which it finds "unreasonable"—which is to say, not of sound judgment in the opinion of the OMB Director. The purpose of 3504(h)(5)(C) is not to restrict unduly the ability of OMB to act, but to insure that in acting, OMB have justification for what it does.

Third, decisions by OMB under this provision are not reviewable in court. Section 3504(h)(9) states that there shall be no judicial review of any OMB decision to approve or not act upon a proposed regulation; because the power to approve implies the power to disapprove, this paragraph in effect forbids court challenge of any decision to pursue any of the options open to OMB—approval, disapproval, or inaction.

Mr. Speaker, this measure has been through many forms and many deliberations since its essence was recommended by the Commission on Federal Paperwork 3 years ago. I would be very pleased to have all my colleagues assist it over its final legislative hurdle today, and I look forward to important managerial improvements in the Federal Government as it becomes law.

Mrs. SNOWE. Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. Brooks) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 6410.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the bill, H.R. 6410, were concurred in.

A motion to reconsider was laid on the table.

RED RIVER COMPACT

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 7206, to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas, as amended.

The Clerk read as follows:

H.R. 7206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The consent of Congress is hereby given to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas, of May 12, 1978, as ratified by the States of Arkansas, Louisiana, Oklahoma, and Texas, as follows:

PREAMBLE

The States of Arkansas, Louisiana, Oklahoma, and Texas, pursuant to the acts of their respective Governors or legislatures, or both, being moved by considerations of interstate comity, have resolved to compact with respect to the water of the Red River and its tributaries. By Act of Congress, Public Law No. 346 (84th Congress, First Session), the consent of the United States has been granted for said States to negotiate and enter into a compact providing for an equitable apportionment of such water; and pursuant to that Act the President has designated the representative of the United States.

Further, the consent of Congress has been given for two or more States to negotiate and enter into agreements relating to water pollution control by the provisions of the Federal Water Pollution Control Act (Public Law 92-500, 33 U.S.C. 125 et seq.).

The Signatory States acting through their duly authorized Compact Commissioners, after several years of negotiations, have agreed to an equitable apportionment of the water of the Red River and its tributaries and do hereby submit and recommend that this compact be adopted by the respective legislatures and approved by Congress as hereinafter set forth:

ARTICLE I

PURPOSES

Section 1.01. The principal purposes of this Compact are:

(a) To promote interstate comity and remove causes of controversy between each of the affected states by governing the use, control and distribution of the interstate water of the Red River and its tributaries;

(b) To provide an equitable apportionment among the Signatory States of the water of the Red River and its tributaries;

(c) To promote an active program for the control and alleviation of natural deterioration and pollution of the water of the Red River Basin and to provide for enforcement of laws related thereto;

(d) To provide the means for an active program for the conservation of water, protection of lives and property from floods, improvement of water quality, development of navigation and regulation of flows in the Red River Basin; and

(e) To provide a basis for state or joint state planning and action by ascertaining and identifying each state's share in the interstate water of the Red River Basin and the apportionment thereof.

ARTICLE II

GENERAL PROVISIONS

Section 2.01. Each Signatory State may use the water allocated to it by the Compact in any manner deemed beneficial by that state. Each state may freely administer water rights and uses in accordance with the laws of that state, but such uses shall be subject to the availability of water in accordance with the apportionments made by this Compact.

Section 2.02. The use of water by the United States in connection with any Federal project shall be in accordance with the Act of Congress authorizing the project and the water shall be charged to the state or states receiving the benefit therefrom.

Section 2.03. Any Signatory State using the channel of Red River or its tributaries to convey stored water shall be subject to an appropriate reduction in the amount which may be withdrawn at the point of removal to account for transmission losses.

Section 2.04. The failure of any state to use any portion of the water allocated to it shall not constitute relinquishment or forfeiture of the right to such use.

Section 2.05. Each Signatory State shall have the right to:

(a) Construct conservation storage capacity for the impoundment of water allocated by this Compact;

(b) Replace within the same area any storage capacity recognized or authorized by this Compact made unusable by any cause, including losses due to sediment storage;

(c) Construct reservoir storage capacity for the purposes of flood and sediment control as well as storage of water which is either imported or is to be exported if such storage does not adversely affect the delivery of water apportioned to any other Signatory State; and

(d) Use the bed and banks of the Red River and its tributaries to convey stored water, imported or exported water, and water apportioned according to this Compact.

Section 2.06. Signatory States may cooperate to obtain construction of facilities of joint benefits to such states.

Section 2.07. Nothing in this Compact shall be deemed to impair or affect the powers, rights, or obligations of the United States, or those claiming under its authority, in, over and to water of the Red River Basin.

Section 2.08. Nothing in this Compact shall be construed to include within the water apportioned by this Compact any water consumed in each state by livestock or for domestic purposes; provided, however, the storage of such water is in accordance with the laws of the respective states but any such impoundment shall not exceed 200 acre-feet, or such smaller quantity as may be provided for the laws of each state.

Section 2.09. In the event any state shall import water into the Red River Basin from any other river basin, the Signatory State making the importation shall have the use of such imported water.

SECTION 2.10. Nothing in this Compact shall be deemed to:

(a) Interfere with or impair the right or power of any Signatory State to regulate within its boundaries the appropriation, use, and control of water, or quality of water, not inconsistent with its obligations under this Compact;

(b) Repeal or prevent the enactment of any legislation or the enforcement of any requirement by any Signatory State imposing any additional conditions or restrictions to further lessen or prevent the pollution or natural deterioration of water within its jurisdiction; provided nothing contained in this paragraph shall alter any provision of this Compact dealing with the apportionment of water or the rights thereto; or

(c) Waive any state's immunity under the Eleventh Amendment of the Constitution of the United States, or as constituting the consent of any state to be sued by its own citizens.

SECTION 2.11. Accounting for apportionment purposes on interstate streams shall not be mandatory under the terms of the Compact until one or more affected states deem the accounting necessary.

SECTION 2.12. For the purposes of apportionment of the water among the Signatory States, the Red River is hereby divided into the following major subdivision:

(a) Reach I—the Red River and tributaries from the New Mexico-Texas State boundary to Denison Dam;

(b) Reach II—the Red River from Denison Dam to the point where it crosses the Arkansas-Louisiana state boundary and all tributaries which contribute to the flow of the River within this reach;

(c) Reach III—the tributaries west of the Red River which cross the Texas-Louisiana state boundary, the Arkansas-Louisiana state boundary, and those which cross both the Texas-Arkansas state boundary and the Arkansas-Louisiana state boundary;

(d) Reach IV—the tributaries east of the Red River in Arkansas which cross the Arkansas-Louisiana state boundary; and

(e) Reach V—that portion of the Red River and tributaries in Louisiana not included in Reach III or in Reach IV.

SECTION 2.13. If any part or application of this Compact shall be declared invalid by a court of competent jurisdiction, all other severable provisions and applications of this Compact shall remain in full force and effect.

SECTION 2.14. Subject to the availability of water in accordance with this Compact, nothing in this Compact shall be held or construed to alter, impair, or increase, validate, or prejudice any existing water right or right of water use that is legally recognized on the effective date of this Compact by either statutes or courts of the Signatory State within which it is located.

ARTICLE III

DEFINITIONS

SECTION 3.01. In this Compact:

(a) The States of Arkansas, Louisiana, Oklahoma, and Texas are referred to as "Arkansas," "Louisiana," "Oklahoma," and "Texas," respectively, or individually as "State" or "Signatory State," or collectively as "States" or "Signatory States."

(b) The term "Red River" means the stream below the crossing of the Texas-Oklahoma state boundary at longitude 100 degrees west.

(c) The term "Red River Basin" means all of the natural drainage area of the Red River and its tributaries east of the New Mexico-Texas state boundary and above its junction with Atchafalaya and Old Rivers.

(d) The term "water of the Red River Basin" means the water originating in any part of the Red River Basin and flowing to or in the Red River or any of its tributaries.

(e) The term "tributary" means any stream which contributes to the flow of the Red River.

(f) The term "interstate tributary" means a tributary of the Red River, the drainage area of which includes portions of two or more Signatory States.

(g) The term "intrastate tributary" means a tributary of the Red River, the drainage area of which is entirely within a single Signatory State.

(h) The term "Commission" means the agency created by Article IX of this Compact for the administration thereof.

(i) The term "pollution" means the alteration of the physical, chemical or biological characteristics of water by the acts or instrumentalities of man which create or are likely to result in a material and adverse effect upon human beings, domestic or wild animals, fish and other acquatic life, or adversely affect any other lawful use of such water; provided, that for the purpose of this Compact, "pollution" shall not mean or include "natural deterioration."

(j) The term "natural deterioration" means the material reduction in the quality of water resulting from the leaching of solubles from the soils and rocks through or over which the water flows naturally.

(k) The term "designated water" means water released from storage, paid for by non-Federal interests, for delivery to a specific point of use or diversion.

(l) The term "undesignated water" means all water released from storage other than "designated water."

(m) The term "conservation storage capacity" means that portion of the active capacity of reservoirs available for the storage of water for subsequent beneficial use, and it excludes any portion of the capacity of reservoirs allocated solely to flood control and sediment control, or either of them.

(n) The term "runoff" means both the portion of precipitation which runs off the surface of a drainage area and that portion of the precipitation that enters the streams after passing through the portions of the earth.

ARTICLE IV

APPORTIONMENT OF WATER—REACH I

Oklahoma—Texas

Subdivision of Reach I and Apportionment of Water Therein

Reach I of the Red River is divided into topographical subbasins, with the water therein allocated as follows:

SECTION 4.01. Subbasin 1—Interstate streams—Texas.

(a) This includes the Texas portion of Buck Creek, Sand (lebos) Creek, Salt Fork Red River, Elm Creek, North Fork Red River, Sweetwater Creek, and Washita River, together with all their tributaries in Texas which lie west of the 100th Meridian.

(b) The annual flow within this subbasin is hereby apportioned sixty (60) percent to Texas and forty (40) percent to Oklahoma.

SECTION 4.02. Subbasin 2—Intrastate and Interstate streams—Oklahoma.

(a) This subbasin is composed of all tributaries of the Red River in Oklahoma and portions thereof upstream to the Texas-Oklahoma state boundary at longitude 100 degrees west, beginning from Denison Dam and upstream to and including Buck Creek.

(b) The State of Oklahoma shall have free and unrestricted use of the water of this subbasin.

SECTION. 4.03. Subbasin 3—Intrastate streams—Texas.

(a) This includes the tributaries of the Red River in Texas, beginning from Denison Dam and upstream to and including Prairie Dog Town Fork Red River.

(b) The State of Texas shall have free and unrestricted use of the water in this subbasin.

SECTION 4.04. Subbasin 4—Mainstem of the Red River and Lake Texoma.

(a) This subbasin includes all of Lake Texoma and the Red River beginning at Denison Dam and continuing upstream to the Texas-Oklahoma state boundary at longitude 100 degrees west.

(b) The storage of Lake Texoma and flow from the mainstem of the Red River into Lake Texoma is apportioned as follows:

(1) Oklahoma 200,000 acre-feet and Texas 200,000 acre-feet, which quantities shall include existing allocations and uses; and

(2) Additional quantities in a ratio of fifty (50) percent to Oklahoma and fifty (50) percent to Texas.

SECTION 4.05. Special Provisions.

(a) Texas and Oklahoma may construct, jointly or in cooperation with the United States, storage or other facilities for the conservation and use of water; provided that any facilities constructed on the Red River boundary between the two states shall not be inconsistent with the Federal legislation authorizing Denison Dam and Reservoir project.

(b) Texas shall not accept for filing, or grant a permit, for the construction of a dam to impound water solely for irrigation, flood control, soil conservation, mining and recovery of minerals, hydroelectric power, navigation, recreation and pleasure, or for any other purpose other than for domestic, municipal, and industrial water supply, on the mainstream of the North Fork Red River or any of its tributaries within Texas above Lugert-Altus Reservoir until the date that imported water, sufficient to meet the municipal and irrigation needs of Western Oklahoma is provided, or until January 1, 2000, whichever occurs first.

ARTICLE V

APPORTIONMENT OF WATER—REACH II

Arkansas, Oklahoma, Texas, and Louisiana

Subdivision of Reach II and Allocation of Water Therein

Reach II of the Red River is divided into topographic subbasins, and the water therein is allocated as follows:

SECTION 5.01. Subbasin 1—Intrastate streams—Oklahoma.

(a) This subbasin includes those streams and their tributaries above existing, authorized and proposed last downstream major damsites, wholly in Oklahoma and flowing into Red River below Denison Dam and above the Oklahoma-Arkansas state boundary. These streams and their tributaries with existing authorized and proposed last downstream major damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Island-Bayou: Albany	85,200	33 51 5 N	96 11.4 W
Blue River: Durant	147,000	33 55.5 N	96 04.2 W
Boggy River: Boswell	1,243,800	34 01.6 N	95 45.0 W
Kiamichi River: Hugo	240,700	34 01.0 N	95 22.6 W

(b) Oklahoma is apportioned the water of this subbasin and shall have unrestricted use thereof.

SECTION 5.02. Subbasin 2—Intrastate streams—Texas.

(a) This subbasin includes those streams and their tributaries above existing authorized or proposed last downstream major damsites, wholly in Texas and flowing into Red River below Denison Dam and above the Texas-Arkansas state boundary. These streams and their tributaries with existing, authorized or proposed last downstream major damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Shawnee Creek: Randall Lake	5,400	33 48.1 N	96 34.8 W
Brushy Creek: Valley Lake	15,000	33 38.7 N	96 21.5 W
Bois d'Arc Creek: New Bonham Reservoir	130,600	33 42.9 N	95 58.2 W
Coffee Mill Creek: Coffee Mill Lake	8,000	33 44.1 N	95 58.0 W
Sandy Creek: Lake Crockett	3,900	33 44.5 N	95 55.5 W
Sanders Creek: Pat Mayse	124,500	33 51.2 N	95 32.9 W
Pine Creek: Lake Crook	11,011	33 43.7 N	95 34.0 W
Big Pine Creek: Big Pine Lake	138,600	33 52.0 N	95 11.7 W
Pecan Bayou: Pecan Bayou	625,000	33 41.1 N	94 58.7 W
Mud Creek: Liberty Hill	97,700	33 33.0 N	94 29.3 W
Mud Creek: KVW Ranch Lakes (3)	3,440	33 34.8 N	94 27.3 W

(b) Texas is apportioned the water of this subbasin and shall have unrestricted use thereof.

SECTION 5.03. Subbasin 3—Interstate Streams—Oklahoma and Arkansas.

(a) This subbasin includes Little River and its tributaries above Millwood Dam.

(b) The States of Oklahoma and Arkansas shall have free and unrestricted use of the water of this subbasin within their respective states, subject, however, to the limitation, that Oklahoma shall allow a quantity of water equal to 40 percent of the total runoff originating below the following existing, authorized or proposed last downstream major damsites in Oklahoma to flow into Arkansas:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Little River: Pine Creek	70,500	34 06.8 N	95 04.9 W
Glover Creek: Lukfata	258,600	34 08.5 N	94 55.4 W
Mountain Fork River: Broken Bow	470,100	34 08.9 N	94 41.2 W

(c) Accounting will be on an annual basis unless otherwise deemed necessary by the States of Arkansas and Oklahoma.

SECTION 5.04 Subbasin 4—Interstate streams—Texas and Arkansas.

(a) This subbasin shall consist of those streams and their tributaries above existing, authorized or proposed last downstream major damsites, originating in Texas and crossing the Texas-Arkansas state boundary before flowing into the Red River in Arkansas. These streams and their tributaries with existing, authorized or proposed last downstream major damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
McKinney Bayou Trib: Bringle Lake	3,052	33 30.6 N	94 06.2 W
Barkman Creek: Barkman Reservoir	15,900	33 29.7 N	94 10.3 W
Sulphur River: Texarkana	386,900	33 18.3 N	94 09.6 W

(b) The State of Texas shall have the free and unrestricted use of the water of this subbasin.

SECTION 5.05. Subbasin 5—Mainstream of the Red River and tributaries.

(a) This subbasin includes that portion of the Red River, together with its tributaries, from Denison Dam down to the Arkansas-Louisiana state boundary, excluding all tributaries included in the other four subbasins of Reach II.

(b) Water within this subbasin is allocated as follows:

(1) The Signatory States shall have equal rights to the use of runoff originating in subbasin 5 and undesignated water flowing into subbasin 5, so long as the flow of the Red River at the Arkansas-Louisiana state boundary is 3,000 cubic feet per second or more, provided no state is entitled to more than 25 percent of the water in excess of 3,000 cubic feet per second.

(2) Whenever the flow of the Red River at the Arkansas-Louisiana state boundary is less than 3,000 cubic feet per second, but more than 1,000 cubic feet per second, the States of Arkansas, Oklahoma, and Texas shall allow to flow into the Red River for delivery to the State of Louisiana a quantity of water equal to 40 percent of the total weekly runoff originating in subbasin 5 and 40 percent of undesignated water flowing into subbasin 5; provided, however, that this requirement shall not be interpreted to require any state to release stored water.

(3) Whenever the flow of the Red River at the Arkansas-Louisiana state boundary falls below 1,000 cubic feet per second, the States of Arkansas, Oklahoma, and Texas shall allow a quantity of water equal to all the weekly runoff originating in subbasin 5 and all undesignated water flowing in subbasin 5 within their respective states to flow into the Red River as required to maintain a 1,000 cubic foot per second flow at the Arkansas- Louisiana state boundary.

(c) Whenever the flow at Index, Arkansas, is less than 526 c.f.s., the states of Oklahoma and Texas shall each allow a quantity of water equal to 40 percent of the total weekly runoff originating in subbasin 5 within their respective states to flow into the Red River; provided however, this provision shall be invoked only at the request of Arkansas, only after Arkansas has ceased all diversions from the Red River itself in Arkansas above Index, and only if the provisions of Subsections 5.05 (b) (2) and (3) have not caused a limitation of diversions in subbasin 5.

(d) No state guarantees to maintain a minimum low flow to a downstream state.

SECTION 5.06. Special Provisions.

(a) Reservoirs within the limits of Reach II, subbasin 5, with a conservation storage capacity of 1,000 acre feet or less in existence or authorized on the date of the Compact pursuant to the rights and privileges granted by a Signatory State authorizing such reservoirs, shall be exempt from the provisions of Section 5.05; provided, if any right to store water in, or use water from, an existing exempt reservoir expires or is cancelled after the effective date of the Campact the exemption for such rights provided by this section shall be lost.

(b) A Signatory State may authorize a change in the purpose or place of use of water from a reservoir exempted by subparagraph (a) of this section without losing that exemption, if the quantity of auhorized use and storage is not increased.

(c) Additionally, exemptions from the provisions of Section 5.05 shall not apply to direct diversions from Red River to off-channel reservoirs or lands.

ARTICLE VI

APPORTIONMENT OF WATER—REACH III

Arkansas, Louisiana, and Texas

Subdivision of Reach III and Allocation of Water Therein

Reach III of the Red River is divided into topographic subbasins, and the water therein allocated, as follows:

SECTION 6.01. Subbasin 1—Interstate streams—Arkansas and Texas.

(a) This subbasin includes the Texas portion of those streams crossing the Arkansas-Texas state boundary one or more times and flowing through Arkansas into Cypress Creek-Twelve Mile Bayou watershed in Louisiana.

(b) Texas is apportioned sixty (60) percent of the runoff of this subbasin and shall have unrestricted use thereof; Arkansas is entitled to forty (40) percent of the runoff of this subbasin.

SECTION 6.02. Subbasin 2—Interstate streams—Arkansas and Louisiana.

(a) This subbasin includes the Arkansas portion of those streams flowing from Subbasin 1 into Arkansas, as well as other streams in Arkansas which cross the Arkansas-Louisiana state boundary one or more times and flow into Cypress Creek-Twelve Mile Bayou watershed in Louisiana.

(b) Arkansas is apportioned sixty (60) percent of the runoff of this subbasin and shall have unrestricted use thereof; Louisiana is entitled to forty (40) percent of the runoff of this subbasin.

SECTION 6.03. Subbasin 3—Interstate streams—Texas and Louisiana.

(a) This subbasin includes the Texas portion of all tributaries crossing the Texas-Louisiana state boundary one or more times and flowing into Caddo Lake, Cypress Creek-Twelve Mile Bayou or Cross Lake, as well as the Louisiana portion of such tributaries.

(b) Texas and Louisiana within their respective boundaries shall each have the unrestricted use of the water of this subbasin subject to the following allocation:

(1) Texas shall have the unrestricted right to all water above Marshall, Lake O' the Pines, and Black Cypress damsites; however, Texas shall not cause runoff to be depleted to a quantity less than that which would have occurred with the full operation of Franklin County, Titus County, Ellison Creek, Johnson Creek, Lake O' the Pines, Marshall, and Black Cypress Reservoirs constructed, and those other impoundments and diversions existing on the effective date of this Compact. Any depletions of runoff in excess of the depletions described above shall be charged against Texas' apportionment of the water in Caddo Reservoir.

(2) Texas and Louisiana shall each have the unrestricted right to use fifty (50) percent of the conservation storage capacity in the present Caddo Lake for the impoundment of water for state use, subject to the provision that supplies for existing uses of water from Caddo Lake, on date of Compact, are not reduced.

(3) Texas and Louisiana shall each have the unrestricted right to fifty (50) percent of the conservation storage capacity of any future enlargement of Caddo Lake, provided, the two states may negotiate for the release of each state's share of the storage space on terms mutually agreed upon by the two states after the effective date of this Compact.

(4) Inflow to Caddo Lake from its drainage area downstream from Marshall, Lake O' the Pines, and Black Cypress damsites and downstream from other last downstream dams in existence on the date of the signing of the Compact document by the Compact Commissioners, will be allowed to continue flowing into Caddo Lake except that any manmade depletions to this inflow by Texas will be subtracted from the Texas share of the water in Caddo Lake.

(c) In regard to the water of interstate streams which do not contribute to the inflow to Cross Lake or Caddo Lake, Texas shall have the unrestricted right to divert and use this water on the basis of a division of runoff above the state boundary of sixty (60) percent to Texas and forty (40) percent to Louisiana.

(d) Texas and Louisiana will not construct improvements on the Cross Lake watershed in either state that will affect the yield of Cross Lake; provided, however, this subsection shall be subject to the provisions of Section 2.08.

SECTION 6.04. Subbasin 4—Intrastate streams—Louisiana:

(a) This subbasin includes that area of Louisiana in Reach III not included within any other subbasin:

(b) Louisiana shall have free and unrestricted use of the water of this subbasin.

Article VII

APPORTIONMENT OF WATER—REACH IV

Arkansas and Louisiana

Subdivision of Reach IV and Allocation of Water Therein

Reach IV of the Red River is divided into topographic subbasins, and the water therein allocated as follows:

Section 7.01. Subbasin 1—Intrastate streams—Arkansas.

(a) This subbasin includes those streams and their tributaries above last downstream major damsites orginating in Arkansas and crossing the Arkansas-Louisiana state boundary before flowing into the Red River in Louisiana. Those major last downstream damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Ouachita River: Lake Catherine	19,000	34°26.6′N	93°01.6′W
Caddo River: DeGray Lake	1,377,000	34°13.2′N	93°06.6′W
Little Missouri River: Lake Greeson	600,000	34°03.9′N	93°42.9′W
Alum Fork, Saline River: Lake Winona	63,264	32°47.8′N	92°51.0′W

(b) Arkansas is apportioned the waters of this subbasin and shall have unrestricted use thereof.

Section 7.02. Subbasin 2—Interstate Streams—Arkansas and Louisiana.

(a) This subbasin shall consist of Reach IV less subbasin 1 as defined in Section 7.01 (a) above.

(b) The State of Arkansas shall have free and unrestricted use of the water of this reach subject to the limitation that Arkansas shall allow a quantity of water equal to forty (40) percent of the weekly runoff originating below or flowing from the last downstream major damsite to flow into Louisiana. Where there are no designated last downstream damsites, Arkansas shall allow a quantity of water equal to forty (40) percent of the total weekly runoff originating above the state boundary to flow into Louisiana. Use of water in this subbasin is subject to low flow provisions of subparagraph 7.03 (b).

Section 7.03. Special Provisions.

(a) Arkansas may use the beds and banks of segments of Reach IV for the purpose of conveying its share of water to designated downstream diversions.

(b) The State of Arkansas does not guarantee to maintain a minimum low flow for Louisiana in Reach IV. However, on the following streams when the use of water in Arkansas reduces the flow at the Arkansas-Louisiana state boundary to the following amounts:

(1) Ouachita—780 cfs
(2) Bayou Bartholomew—80 cfs
(3) Boeuf River—40 cfs
(4) Bavou Macon—40 cfs

the State of Arkansas pledges to take affirmative steps to regulate the diversions of runoff originating or flowing into Reach IV in such a manner as to permit an equitable apportionment of the runoff as set out herein to flow into the State of Louisiana. In its control and regulation of the water of Reach IV any adjudication or order rendered by the State of Arkansas or any of its instrumentalities or agencies affecting the terms of this Compact shall not be effective against the State of Louisiana nor any of its citizens or inhabitants until approved by the Commission.

Article VIII

APPORTIONMENT OF WATER—REACH V

Section 8.01. Reach V of the Red River consists of the mainstem Red River and all of its tributaries lying wholly within the State of Louisiana. The State of Louisiana shall have free and unrestricted use of the water of this subbasin.

Article IX

ADMINISTRATION OF THE COMPACT

Section 9.01. There is hereby created an interstate administrative agency to be known as the "Red River Compact Commission," hereinafter called the "Commission." The Commission shall be composed of two representatives from each Signatory State who shall be designated or appointed in accordance with the laws of each State, and one Commissioner representing the United States, who shall be appointed by the President. The Federal Commissioner shall be the Chairman of the Commission but shall not have the right to vote. The failure of the President to appoint a Federal Commissioner will not prevent the operation or effect of this Compact, and the eight representatives from the Signatory States will elect a Chairman for the Commission.

Section 9.02. The Commission shall meet and organize within 60 days after the effective date of this Compact. Thereafter, meetings shall be held at such times and places as the Commission shall decide.

Section 9.03. Each of the two Commissioners from each state shall have one vote: *Provided, however,* That if only one representative from a state attends he is authorized to vote on behalf of the absent Commissioner from that state. Representatives from three states shall constitute a quorum. Any action concerned with administration of this Compact or any action requiring compliance with specific terms of this Compact shall require six concurring votes. If a proposed action of the Commission affects existing water rights in a State, and that action is not expressly provided for in this Compact, eight concurring votes shall be required.

Section 9.04.

(a) The salaries and personal expenses of each state's representative shall be paid by the government that it represents, and the salaries and personal expenses of the Federal Commissioner will be paid for by the United States.

(b) The Commission's expenses for any additional stream flow gaging stations shall be equitably apportioned among the states involved in the reach in which the stream flow gaging stations are located.

(c) All other expenses incurred by the Commission shall be borne equally by the Signatory States and shall be paid by the Commission out of the "Red River Compact Commission Fund." Such Fund shall be initiated and maintained by equal payments of each state into the fund. Disbursement shall be made from the fund in such manner as may be authorized by the Commission. Such fund shall not be subject to audit and accounting procedures of the State; however, all receipts and disbursements of the fund by the Commission shall be audited by a qualified independent public accountant at regular intervals, and the report of such audits shall be included in and become a part of the annual report of the Commission. Each State shall have the right to make its own audit of the accounts of the Commission at any reasonable time.

Article X

POWERS AND DUTIES OF THE COMMISSION

Section 10.01. The Commission shall have the power to:

(a) Adopt rules and regulations governing its operation and enforcement of the terms of the Compact;

(b) Establish and maintain an office for the conduct of its affairs and, if desirable, from time to time, change its location;

(c) Employ or contract with such engineering, legal, clerical, and other personnel as it may determine necessary for the exercise of its functions under this Compact without regard to the Civil Service Laws of any Signatory State; provided that such employees shall be paid by and be responsible to the Commission and shall not be considered employees of any Signatory State;

(d) Acquire, use and dispose of such real and personal property as it may consider necessary;

(e) Enter into contracts with appropriate State or Federal agencies for the collection, correlation, and presentation of factual data, for the maintenance of records and for the preparation of reports;

(f) Secure from the head of any department or agency of the Federal or State government such information as it may need or deem to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed; provided such information is not privileged and the department or agency is not precluded by law from releasing same;

(g) Make findings, recommendations, or reports in connection with carrying out the purposes of this compact, including, but not limited to, a finding that a Signatory State is or is not in violation of any of the provisions of this Compact. The Commission is authorized to make such investigations and studies, and to hold such hearings as it may deem necessary for said purposes. It is authorized to make and file official certified copies of any of its findings, recommendations or reports with such officers or agencies of any Signatory State, or the United States, as may have any interest in or jurisdiction over the subject matter. The making of finds, recommendations, or reports by the Commission shall not be a condition precedent to the instituting or maintaining of any action or proceeding of any kind by a Signatory State in any court or tribunal, or before any agency or officer, for the protection of any right under this Compact or for the enforcement of any of its provisions; and

(h) Print or otherwise reproduce and distribute its proceedings and reports.

Section 20.02. The Commission shall:

(a) Cause to be established, maintained, and operated such stream, reservoir and other gaging stations as are necessary for the proper administration of the Compact;

(b) Cause to be collected, analyzed and reported such information on stream flows, water quality, water storage and such other data as are necessary for the proper administration of the Compact;

(c) Perform all other functions required of it by the Compact and do all things necessary, proper and convenient in the performance of its duties thereunder;

(d) Prepare and submit to the Governor of each of the Signatory States a budget covering the anticipated expenses of the Commission for the following fiscal biennium;

(e) Prepare and submit an annual report to the Governor of each Signatory State and to the President of the United States covering the activities of the Commission for the preceding fiscal year, together with an accounting of all funds received and expended by it in the conduct of its work;

(f) Make available to the Governor or to any official agency of the Signatory State or to any authorized representative of the United States, upon request, any information within its possession;

(g) Not incur any obligation in excess of the unencumbered balance of its funds, nor pledge the credit of any of the Signatory States; and

(h) Make available to a Signatory State or the United States in any action arising under this Compact; without subpena, the testimony of any officer or employee of the Commission having knowledge of any relevant facts.

ARTICLE XI

POLLUTION

SECTION 11.01. The Signatory States recognize that the increase in population and the growth of industrial, agricultural, mining and other activities combined with natural pollution sources may lead to a diminution of the quality of water in the Red River Basin which may render the water harmful or injurious to the health and welfare of the people and impair the usefulness or public enjoyment of the water for beneficial purposes, thereby resulting in adverse social, economic, and environmental impacts.

SECTION 11.02. Although affirming the primary duty and responsibility of each Signatory State to take appropriate action under its own laws to prevent, diminish, and regulate all pollution sources within its boundaries which adversely affect the water of the Red River Basin, the states recognize that the control and abatement of the naturally occurring salinity sources as well as, under certain circumstances, the maintenance and enhancement of the quality of water in the Red River Basin may require the cooperative action of all states.

SECTION 11.03. The Signatory States agree to cooperate with agencies of the United States to devise and effectuate means of alleviating the natural deterioration of the water of the Red River Basin.

SECTION 11.04. The Commission shall have the power to cooperate with the United States, the Signatory States and other entities in programs for abating and controlling pollution and natural deterioration of the water of the Red River Basin, and to recommend reasonable water quality objectives to the states.

SECTION 11.05. Each Signatory State agrees to maintain current records of waste discharges into the Red River Basin and the type and quality of such discharges, which records shall be furnished to the Commission upon request.

SECTION 11.06. Upon receipt of a complaint from the Governor of a Signatory State that the interstate water of the Red River Basin in which it has an interest are being materially and adversely affected by pollution and that the state in which the pollution originates has failed after reasonable notice to take appropriate abatement measures, the Commission shall make such findings as are appropriate and thereafter provide such findings to the Governor of the state in which such pollution originates and request appropriate corrective action. The Commission, however, shall not take any action with respect to pollution which adversely affects only the state in which such pollution originates.

SECTION 11.07. In addition to its other powers set forth under this Article, the Commission shall have the authority, upon receipt of six concurring votes, to utilize applicable Federal statutes to institute legal action in its own name against the person or entity responsible for interstate pollution problems; provided, however, sixty (60) days before initiating legal action the Commission shall notify the Governor of the state in which the pollution source is located to allow that state an opportunity to initiate action in its own name.

SECTION 11.08. Without predjudice to any other remedy available to the Commission, or any Signatory State, any state which is materially and adversely affected by the pollution of the water of the Red River Basin by pollution originating in another Sagnatory State may institute a suit against any individual, corporation, partnership, or association, or against any Signatory State or political or governmental subdivision thereof, or against any officer, agency, department, bureau, district or instrumentality of or in any Signatory State contributing to such pollution in accordance with applicable Federal statutes. Nothing herein shall be construed as depriving any persons of any rights of action relating to pollution which such person would have if this Compact had not been made.

ARTICLE XII

TERMINATION AND AMENDMENT OF COMPACT

SECTION 12.01. This Compact may be terminated at any time by appropriate action of the legislatures of all of the four Signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

SECTION 12.02. This Compact may be amended at any time by appropriate action of the legislatures of all Signatory States that are affected by such amendment. The consent of the United States Congress must be obtained before such amendment is effective.

ARTICLE XIII

RATIFICATION AND EFFECTIVE DATE OF COMPACT

SECTION 13.01. Notice of ratification of this Compact by the legislature of each Signatory State shall be given by the governor thereof of the governors of each of the other Signatory States and to the President of the United States. The President is hereby requested to give notice to the governors of each of the Signatory States of the consent of this Compact by the Congress of the United States.

SECTION 13.02. This Compact shall become effective, binding and obligatory when, and only when:

(a) It has been duly ratified by each of the Signatory States; and

(b) It has been consented to by an Act of the Congress of the United States,

which act provides that:

Any other statute of the United States to the contrary notwithstanding, in any case or controversy:

which involves the construction or application of this Compact; in which one or more of the Signatory States to this Compact is a plaintiff or plaintiffs; and

which is within the judicial power of the United States as set forth in the Constitution of the United States;

and without any requirement, limitation or regard as to the sum or value of the matter in controversy, or of the place of residence or citizenship of, or of the nature, character or legal status of, any of the other proper parties plaintiff or defendant in such case or controversy:

The consent of Congress is given to name and join the United States as a party defendant or otherwise in any such case or controversy in the Supreme Court of the United States if the United States is an indispensable party thereto.

SECTION 13.03. The United States District Courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other Federal or state court, in matters in which the Supreme Court, or other court has original jurisdiction) of any case or controversy involving the application or construction of this Compact; that said jurisdiction shall include, but not be limited to, suits between Signatory States; and that the venue of such case or controversy may be brought in any judicial district in which the acts complained of (or any portion thereof) occur.

SIGNED AND APPROVED on the 12th day of May, 1978 at Denison Dam.

FOR ARKANSAS:
JOHN P. SAXTON
Commissioner
FOR OKLAHOMA:
ORVILLE B. SAUNDERS
Commissioner
FOR LOUISIANA:
ARTHUR R. THEIS
Commissioner
FOR TEXAS:
FRED PARKEY
Commissioner
FOR UNITED STATES OF AMERICA:
R. C. MARSHALL, Major General
Representative

SECTION 2. In order to carry out the purposes of this Act, and the purposes of article XIII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party defendant or otherwise in the United States Supreme Court or in a district court with concurrent jurisdiction in matters in which the Supreme Court has original jurisdiction in any case or controversy involving the construction or application of this Compact in which one or more of the Signatory States to this Compact is a plaintiff, and which is within the judicial power of the United States as set forth in the Constitution of the United States, if the United States of America is an indispensable party and without any requirement, limitation or regard as to the sum or value of the matter in controversy, or of the place of residence or citizenship of, or of the nature, character or legal status of, any of the other proper parties plaintiff or defendant in such case or controversy.

SECTION 3. The right to alter, amend, or repeal this Act is expressly reserved.

SECTION 4. The United States District Courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other Federal or state court, in matters in which the Supreme Court, or other court has original jurisdiction) of any case or controversy involving the application or construction of this Compact; that said jurisdiction shall include, but not be limited to, suits between Signatory States; and that the venue of such case or controversy may be in any judicial district in which the acts complained of (or any portion thereof) occur.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 7206.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

The bill H.R. 7206 provides that the consent of Congress is to be given the Red River compact entered into by the States of Arkansas, Louisiana, Oklahoma, and Texas.

As is stated in the compact, its purpose is to promote interstate comity and remove causes of controversy between each of the affected States by governing the use, control, and distribution of the waters of the interstate Red River and its tributaries. There is to be an active program for the control and alleviation of natural deterioration and pollution of the water of the Red River Basin and there will be provision for the enforcement of the laws relating thereto. This compact will provide the means for an active program to implement the conservation of water, protection of lives and property from floods, improvement of water quality, development of navigation, and regulation of flows in the Red River Basin.

The 1,222-mile-long Red River rises in the high plains of eastern New Mexico, flows eastward across the Texas Panhandle, and forms the boundary between Texas and Oklahoma. It skirts the southern edge of the Kiamichi (Quachita) Mountains of Oklahoma, then meanders across southwestern Arkansas and through the coastal plain of Louisiana to its confluence with the Atchafalaya River.

The total drainage of the Red River, exclusive of the Quachita-Black River system, is 69,200 square miles. Drainage from the upper 39,700 square miles, where valleys are wide and flat and uplands are rolling to hilly, is controlled by Denison Dam near Denison, Tex. The area of the basin below Denison Dam, exclusive of the Quachita-Black River Basin, includes 29,500 square miles of mostly gentle rolling terrain with nearly flat flood plains.

The Red River compact developed in the following manner. In 1955 the 84th Congress passed Public Law 346, granting the consent of Congress to the States of Arkansas, Louisiana, Oklahoma, and Texas to negotiate and enter into a compact providing for the equitable apportionment of the water of the Red River and its tributaries. The law required that a Federal Chairman appointed by the President be named as a nonvoting member of the Commission. His role was basically that of presiding at meetings and, in an unbiased way, acting as a catalyst in the negotiations. He also had the responsibility of protecting Federal interests in connection with compact matters. Negotiations were concluded in 1978 and a formal signing ceremony was held on Denison Dam on May 12, 1978.

The compact was reviewed by all agencies of the Federal Government under the coordination of the Office of Management and Budget as required by their regulations. The Red River compact has now been ratified by all involved States and on January 28, 1980, ratifying legislation was introduced in the Senate by Senator LONG of Louisiana, and on April 29, 1980, by Congressman HALL of Texas (Senate bill 2227 and House bill 7206).

At the hearing conducted by the Subcommittee on Administrative Law and Governmental Relations on November 13, 1980, the witness appearing in behalf of the Army stated that the Department of the Army generally supports the efforts of the States to resolve disputes of mutual concern through formal compacts. As in private commercial dealings between individuals, a formal written agreement is a preferred method for resolving differences. The Department of the Army has advised the committee that it views the compact as an agreement by the interested States on matters of mutual concern which is binding only on them. In its statement presented to the subcommittee on November 13, 1980, the Army stated that, therefore, the Department of the Army interposed no objection to congressional consent of the compact.

In section 2 of the bill, there is provision for a partial waiver of the sovereign immunity of the United States under which the United States merely consents to be sued in any case involving the construction of application of the compact in which the United States is an indispensible party. The fact that the compact contains this partial waiver of sovereign immunity should not be interpreted to mean that the provisions of the compact are binding on the United States. In this connection, in its report to the committee on the bill, H.R. 7206, the Department of Justice recommended that section 2 of the bill be amended to clarify the language relating to this limited waiver of sovereign immunity. The subcommittee adopted that amendment and the amended bill contains the language recommended by the Department of Justice. As to the compact, the waiver would extend only to cases or controversies involving the construction or application of the compacts brought originally in the Supreme Court, if the United States is an indispensable party. In section 4 of the bill, the U.S. district courts are given concurrent jurisdiction with the Supreme Court over such cases and controversies. The amendment therefore clarifies that the limited waiver applies to cases and controversies involving the construction or application of the compact in the U.S. district courts which are to have concurrent jurisdiction with the Supreme Court over such cases or controversies.

The following is a summary of the provisions of the compact:

The Red River Compact provides for the following allocations of water among Arkansas, Louisiana, Oklahoma, and Texas:

I. Reach I-Red River and Tributaries from the New Mexico-Texas State boundary to Denison Dam.—

Subbasin 1—Interstate streams—Texas: 60 percent to Texas and 40 percent to Oklahoma

Subbasin 2—Intrastate and Interstate streams—Oklahoma: Unrestricted use to Oklahoma

Subbasin 3—Intrastate streams in Texas: Unrestricted to Texas

Subbasin 4—Mainstream of the Red River and Lake Texoma: 200,000 acre feet each to Texas and Oklahoma plus 50 percent each of additional quantities

II. Reach II-Red River from Denison Dam to the Arkansas-Louisiana Border.—

Subbasin 1—Intrastate streams—Oklahoma: Unrestricted use to Oklahoma with 4 dam sites specified

Subbasin 2—Intrastate streams—Texas: Unrestricted use to Texas with 11 dam sites specified

Subbasin 3—Interstate streams—Oklahoma and Arkansas: Unrestricted use of water within own state provided Oklahoma allows 40 percent of the total runoff originating below the last downstream major damsite in Oklahoma to flow into Arkansas.

Subbasin 4—Interstate streams—Texas and Arkansas: Unrestricted use to Texas with 3 dam sites specified.

Subbasin 5—Mainstem of the Red River and tributaries: The four states shall share equally in all water provided the flow of the Red River at the Arkansas-Louisiana border is 3,000 cubic feet per second. If the flow at the border is more than 1,000 but less than 3,000 cubic feet per second, Arkansas, Oklahoma and Texas shall allow 40 percent of the total weekly runoff and 40 percent of the undesignated water in the subbasin to flow into Louisiana. If the flow at the border is less than 1,000 cubic feet per second, Texas, Oklahoma, and Arkansas shall allow the required amount to total weekly runoff and undesignated water to flow through to Louisiana to maintain the 1,000 cubic foot per second flow.

After Arkansas has ended diversion about Index, Arkansas and at Arkansas' request, Oklahoma and Texas will allow up to 40 percent of their total weekly runoff to flow into Arkansas if the flow at Index, Arkansas, is less than 526 cubic feet per second.

III. Reach III—Tributaries West of the Red River.—

Subbasin 1—Interstate streams—Arkansas and Texas: Unrestricted use of 60 percent of runoff to Texas: unrestricted use of 40 percent of runoff to Arkansas.

Subbasin 2—Interstate streams—Arkansas and Louisiana: Unrestricted use of 60 percent of runoff to Arkansas; unrestricted use of 40 percent of runoff to Arkansas.

Subbasin 3—Interstate streams—Texas and Louisiana: Unrestricted use within own boundaries subject to certain limitations. Texas and Louisiana will share equally in the waters of Caddo Lake.

Subbasin 4—Intrastate streams—Louisiana: Unrestricted use to Louisiana.

IV. Reach IV—Tributaries East of the Red River in Arkansas.

Subbasin 1—Intrastate streams—Arkansas: Unrestricted use to Arkansas with four specified dam sites.

Subbasin 2—Interstate streams—Arkansas and Louisiana: Arkansas has unrestricted use subject to the limitation that Arkansas allow at least 40 percent of the total weekly runoff originating above the state border to flow into Louisiana.

V. Reach V—Portion of Red River and Tributaries living wholly in Louisiana.—Unrestricted use to Louisiana.

The compact will be administered by the Red River Compact Commission composed of two representatives from each state and one U.S. Commissioner appointed by the President. The federal Commissioner shall be the non-voting Chairman.

The Commission has the authority to cooperate with the United States, the signatory states, and other entities in programs for abating and controlling pollution and natural deterioration of water of the Red River Basin and to recommend reasonable water quality objectives of the states.

The compact in section 12.01 states that the compact may be terminated at any time by appropriate action of the legislatures of all four signatory States but that the rights established under the compact shall continue unimpaired. This means that unanimous consent of the parties would be required to terminate the compact. By requiring continuation of rights created under the compact even in the event of termination, the provision effectively binds the States to the compact's allocation of water unless amended by all States with the consent of Congress. Accordingly, rights which are granted as a result of the approval of the compact would not be impaired by any such termination, and those rights would not be ended by a termination of the compact.

The committee has been advised by the Department of the Army and by the Department of the Interior that there is no objection to the approval of this bill. The bill has been amended to meet the concerns of the Department of Justice. The compact has been enacted into law by the legislatures of each of the States who are parties to the compact. It is recommended that the amended bill be considered favorably.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would grant the necessary consent of Congress as required by the Constitution to the Red River Compact, which has been agreed to by the State of Arkansas, Louisiana, Oklahoma, and Texas.

In 1955 Congress authorized these four States to enter into negotiations and develop an interstate compact to provide for an equitable apportionment of the water from the Red River and its tributaries. This statute (Public Law 84–346) provided that the Federal Government would be represented in these negotiations by a Federal Chairman who would be a nonvoting member of the Commission. These complex negotiations were finally concluded in 1978 and the terms of the compact had been agreed to by all four of the affected States.

On November 13, 1980, the Subcommittee on Administrative Law and Governmental Relations heard testimony from the Army Corps of Engineers on H.R. 7206. The Corps of Engineers expressed their full support for the terms of the compact and urged its speedy ratification. The Red River Compact has also been reviewed by the Department of Interior and the U.S. Water Resources Council—both of which urge ratification.

Mr. Speaker, the Red River Compact reflects Federal-State cooperation at its best. It is my view that the four States that have been involved in this process have brought about an equitable and fair resolution of the issues facing the Red River region. The Senate already granted its consent to the terms of the Red River Compact with the passage of S. 2227 on September 24, 1980. I strongly urge the House of Representatives to suspend the rules and give its approval to this compact.

At the same time our subcommittee was considering the Red River Compact, we also heard testimony on another interstate compact covering Caddo Lake, involving the States of Texas and Louisiana. The Caddo Lake Compact is an adjunct to the Red River Compact. However, the subcommittee chose to defer action on the proposed Caddo Lake Compact for a number of legal and policy reasons.

First of all, unlike the Red River Compact, the Caddo Lake agreement was negotiated between the two States with no direct Federal involvement. In fact, the Army Corps of Engineers has urged that we defer action on this corollary compact until there has been a Federal review as required by the Office of Management and Budget guidelines.

Also, the text of the Caddo Lake compact contains some confusing and ambiguous language. For example, section 8(a) of the compact seems to raise serious questions as to whether or not the residents on the Texas side of Caddo Lake would receive fair market value for their property if it is taken by the raising of the spillway.

In contrast, this same section makes it quite clear that the residents of Louisiana would receive "current market value" under identical circumstances. Further, section 8(c) allows an action for damages by property owners, injured by a unilateral decision to raise the spillway. Unfortunately, this section seems to preclude the possibility of suits for injunctive relief by the residents of the area in the States where irreparable harm might result. Finally, our subcommittee received testimony from citizens groups from the Caddo Lake area who expressed concern that they had not been fully heard on the terms of the agreement and urging that a full environmental impact study be undertaken before Congress ratifies the agreement.

For all of the above reasons, our subcomittee deemed it wise to withhold ratification on the Caddo Lake compact at this time. I am hopeful that the States of Texas and Louisiana can revise the text of the compact to satisfy the concerns and objections raised before our subcommittee. Under this circumstance I would expect that the 97th Congress could give early ratification to a revised Caddo Lake Compact.

Again, Mr. Speaker, I urge the House of Representatives act favorably on H.R. 7206—the Red River Compact.

● Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 7206, the Red River Compact.

Basically, this legislation gives final authorization to an interstate compact between Texas, Louisiana, Oklahoma, and Arkansas, governing the use and apportionment of water from the Red River and its tributaries.

This legislation was unanimously approved by the Senate on September 24, and I am hopeful that the House will give its approval to the bill today as people from the four-State area are most anxious to have the compact become law before the end of the year.

Actually this compact has been in the offing for some 25 years. In 1955 the 84th Congress passed Public Law 346, which authorized the four affected States to enter into a compact. The bill before us today is the culmination of years of hard work, careful negotiations, and dedication by public officials, civic organizations, and public-spirited individuals to arrive at a fair and equitable distribution of water resources from the Red River and its tributaries.

As a member of the House Judiciary Committee, I was pleased to introduce H.R. 7206, to give final approval to the compact, and I want to take this opportunity to thank my dear friend, the distinguished chairman of the Subcommittee on Administrative Law and Governmental Relations, the gentleman from California (Mr. DANIELSON), for his strong interest in this bill as evidenced by a hearing that he held on it just recently.

During the hearing, an impressive list of witnesses appeared before the committee in behalf of H.R. 7206. We were fortunate to have a number of distinguished Texans to testify in behalf of the bill including Mr. Douglas Caroom, the assistant attorney general of Texas; Mr. Ken Nelson, the Red River Compact commissioner for Texas; Mr. Fred Parkey, the general manager of the Red River Authority of Texas; Mr. Bob Whittenton, the coordinator for the respective compact commissioners; and, Mr. Homer Tanner, the director of the Northeast Texas Municipal Water District.

As I stated, lengthy negotiations took place before the four States agreed to this compact. I am informed that approximately 50 major meetings took place between the States, most of which lasted at least 2 days. Public input was exceptionally strong, and numerous Federal agencies participated in the decisionmaking process. The compact before us calls for continued involvement by the United States with a nonvoting representative to be designated as the chairman of the compact commission.

Mr. Speaker, the Red River and its tributaries is one of our greatest resources in the Southwest. The Red River figures prominently in our folklore and culture. The mere mention of the Red River envisions western ballads, cattle drives and John Wayne. But, more important, it means water for an area that has too often suffered from inadequate water supply.

As I have pointed out so often, unless we move quickly and conscientiously to take inventory of the Nation's water supply and plan adequately for its future use and development, a crisis far worse than the energy crisis will ensue; namely, that of lack of wholesome water for drinking, crop irrigation, energy stimulus, and recreation.

The Red River Compact is a step in the right direction to assure sufficient water supply. It represents an investment in our future, and I commend the many officials from the States who shaped and fashioned the compact. Now, each State will understand its water rights and will act accordingly.

I urge the adoption of H.R. 7206 under suspension of the rules.●

● Mr. HUCKABY. Mr. Speaker, I rise in strong support of H.R. 7206, legislation which will grant the consent of Congress to the Red River Compact between my State of Louisiana, and the States of Arkansas, Oklahoma, and Texas.

The negotiations by these four States have brought forth a compact which equitably apportions the water of the Red River among the four States. Further, the compact provides a means for the prevention and control of pollution and natural deterioration of the water, conservation of water, and protection of lives and property. While the legislatures of the four affected States were required to approve the compact before its submission to Congress, that approval by the States indicates, I believe, a broad base of support for this bill.

The Red River is important to my State, and my congressional district. Already the Red River is important to the northern part of Louisiana, and should become even more important in the years ahead. So there is a need to pass this legislation and ratify the action of Louisiana, Arkansas, Oklahoma, and Texas. I believe that the Red River Compact will open a new era of cooperation and friendship among these States, because the compact addresses water resources, surely one of the most important natural resources of all. The agreement is fair and equitable, and I urge its expeditious approval.●

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Mr. DANIELSON. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. MOORHEAD of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 7206, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2227) to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The consent of Congress is hereby given to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas, of May 12, 1978, as ratified by the States of Arkansas, Louisiana, Oklahoma, and Texas, as follows:

PREAMBLE

The States of Arkansas, Louisiana, Oklahoma, and Texas, pursuant to the acts of their respective Governors or legislatures, or both, being moved by considerations of interstate comity, have resolved to compact with respect to the water of the 'Red River and its tributaries. By Act of Congress, Public Law No. 346 (84th Congress, First Session), the consent of the United States has been granted for said States to negotiate and enter into a compact providing for an equitable apportionment of such water; and pursuant to that Act the President has designated the representative of the United States.

Further, the consent of Congress has been given for two or more States to negotiate and enter into agreements relating to water pollution control by the provisions of the Federal Water Pollution Control Act (Public Law 92-500, 33 U.S.C. 1251 et seq.).

The Signatory States acting through their duly authorized Compact Commissioners, after several years of negotiations, have agreed to an equitable apportionment of the water of the Red River and its tributaries and do hereby submit and recommend that this compact be adopted by the respective legislatures and approved by Congress as hereinafter set forth:

ARTICLE I

PURPOSES

SECTION 1.01. The principal purposes of this Compact are:

(a) To promote interstate comity and remove causes of controversy between each of the affected States by governing the use, control and distribution of the interstate water of the Red River and its tributaries;

(b) To provide an equitable apportionment among the Signatory States of the water of the Red River and its tributaries;

(c) To promote an active program for the control and alleviation of natural deterioration and pollution of the water of the Red River Basin and to provide for enforcement of the laws related thereto;

(d) To provide the means for an active program for the conservation of water, protection of lives and property from floods, improvement of water quality, development of navigation and regulation of flows in the Red River Basin; and

(e) To provide a basis for State or joint State planning and action by ascertaining and identifying each State's share in the interstate water of the Red River Basin and the apportionment thereof.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.01. Each Signatory State may use the water allocated to it by this Compact in any manner deemed beneficial by that State. Each State may freely administer water rights and uses in accordance with the laws of that State, but such uses shall be subject to the availability of water in accordance with the apportionments made by this Compact.

SECTION 2.02. The use of water by the United States in connection with any individual Federal project shall be in accordance with the Act of Congress authorizing the project and the water shall be charged to the State or States receiving the benefit therefrom.

SECTION 2.03. Any Signatory State using the channel of Red River or its tributaries to convey stored water shall be subject to an appropriate reduction in the amount which may be withdrawn at the point of removal to account for transmission losses.

SECTION 2.04. The failure of any State to use any portion of the water allocated to it shall not constitute relinquishment or forfeiture of the right to such use.

SECTION 2.05. Each Signatory State shall have the right to:

(a) Construct conservation storage capacity for the impoundment of water allocated by this Compact;

(b) Replace within the same area any storage capacity recognized or authorized by this Compact made unusable by any cause, including losses due to sediment storage;

(c) Construct reservoir storage capacity for the purposes of flood and sediment control as well as storage of water which is either imported or is to be exported if such storage does not adversely affect the delivery of water apportioned to any other signatory State; and

(d) Use the bed and banks of the Red River and its tributaries to convey stored water, imported or exported water, and water apportioned according to this Compact.

SECTION 2.06. Signatory States may cooperate to obtain construction of facilities of joint benefits to such states.

SECTION 2.07. Nothing in this Compact shall be deemed to impair or affect the powers, rights, or obligations of the United States, or those claiming under its authority, in, over and to water of the Red River Basin.

SECTION 2.08. Nothing in this Compact shall be construed to include within the water apportioned by this Compact any water consumed in each state by livestock or for domestic purposes; *Provided, however,* the storage of such water is in accordance with the laws of the respective states but any such impoundment shall not exceed 200-acre feet, or such smaller quantity as may be provided for by the laws of each state.

SECTION 2.09. In the event any state shall import water into the Red River Basin from any other river basin, the Signatory State making the importation shall have the use of such imported water.

SECTION 2.10. Nothing in this Compact shall be deemed to:

(a) Interfere with or impair the right or power of any Signatory State to regulate within its boundaries the appropriation, use, and control of water, or quality of water, not inconsistent with its obligations under this Compact;

(b) Repeal or prevent the enactment of any legislation or the enforcement of any requirement by any Signatory State imposing any additional conditions or restrictions to further lessen or prevent the pollution or natural deterioration of water within its jurisdiction; provided nothing contained in this paragraph shall alter any provision of this Compact dealing with the apportionment of water or the rights thereto; or

(c) Waive any state's immunity under the Eleventh Amendment of the Constitution of the United States, or as constituting the consent of any state to be sued by its own citizens.

SECTION 2.11. Accounting for apportionment purposes on interstate streams shall not be mandatory under the terms of the Compact until one or more affected states deem the accounting necessary.

SECTION 2.12. For the purposes of apportionment of the water among the Signatory States, the Red River is hereby divided into the following major subdivisions:

(a) Reach I—the Red River and tributaries from the New Mexico-Texas state boundary to Denison Dam;

(b) Reach II—the Red River from Denison Dam to the point where it crosses the Arkansas-Louisiana state boundary and all tributaries which contribute to the flow of the River within this reach;

(c) Reach III—the tributaries west of the Red River which cross the Texas-Louisiana state boundary, the Arkansas-Louisiana state boundary, and those which cross both the Texas-Arkansas state boundary and the Arkansas-Louisiana state boundary;

(d) Reach IV—the tributaries east of the Red River in Arkansas which cross the Arkansas-Louisiana state boundary; and

(e) Reach V—that portion of the Red River and tributaries in Louisiana not included in Reach II or in Reach IV.

SECTION 2.13. If any part or application of this Compact shall be declared invalid by a court of competent jurisdiction, all other severable provisions and applications of this Compact shall remain in full force and effect.

SECTION 2.14. Subject to the availability of water in accordance with this Compact, nothing in this Compact shall be held or construed to alter, impair, or increase, validate, or prejudice any existing water right or right of water use that is legally recognized on the effective date of this Compact by either statutes or courts of the Signatory State within which it is located.

ARTICLE III

DEFINITIONS

SECTION 3.01. In this Compact:

(a) The States of Arkansas, Louisiana, Oklahoma, and Texas are referred to as "Arkansas," "Louisiana," "Oklahoma," and "Texas," respectively, or individually as "State" or "Signatory State," or collectively as "States" or "Signatory States."

(b) The term "Red River" means the stream below the crossing of the Texas-Oklahoma state boundary at longitude 100 degrees west.

(c) The term "Red River Basin" means all of the natural drainage area of the Red River and its tributaries east of the New Mexico-Texas state boundary and above its junction with Atchafalaya and Old Rivers.

(d) The term "water of the Red River Basin" means the water originating in any part of the Red River Basin and flowing to or in the Red River or any of its tributaries.

(e) The term "tributary" means any stream which contributes to the flow of the Red River.

(f) The term "interstate tributary" means a tributary of the Red River, the drainage area of which includes portions of two or more Signatory States.

(g) The term "intrastate tributary" means a tributary of the Red River, the drainage area of which is entirely within a single Signatory State.

(h) The term "Commission" means the agency created by Article IX of this Compact for the administration thereof.

(i) The term "pollution" means the alteration of the physical, chemical or biological characteristics of water by the acts or instrumentalities of man which create or are likely to result in a material and adverse effect upon human beings, domestic or wild animals, fish and other aquatic life, or adversely affect any other lawful use of such water; provided, that for the purpose of this Compact, "pollution" shall not mean or include "natural deterioration."

(j) The term "natural deterioration" means the material reduction in the quality of water resulting from the leaching of solubles from the soils and rocks through or over which the water flows naturally.

(k) The term "designated water" means water released from storage, paid for by non-Federal interests, for delivery to a specific point of use or diversion.

(l) The term "undesignated water" means all water released from storage other than "designated water."

(m) The term "conservation storage capacity" means that portion of the active capacity of reservoirs available for the storage of water for subsequent beneficial use, and it excludes any portion of the capacity of reservoirs allocated solely to flood control and sediment control, or either of them.

(n) The term "runoff" means both the portion of precipitation which runs off the surface of a drainage area and that portion of the precipitation that enters the streams after passing through the portions of the earth.

ARTICLE IV

APPORTIONMENT OF WATER—REACH I

Oklahoma—Texas

Subdivision of Reach I and Apportionment of Water Therein

Reach I of the Red River is divided into topographical subbasins, with the water therein allocated as follows:

SECTION 4.01. Subbasin 1—Interstate streams—Texas.

(a) This includes the Texas portion of Buck Creek, Sand (lebos) Creek, Salt Fork Red River, Elm Creek, North Fork Red River, Sweetwater Creek, and Washita River, together with all their tributaries in Texas which lie west of the 100th Meridian.

(b) The annual flow within this subbasin is hereby apportioned sixty (60) percent to Texas and forty (40) percent to Oklahoma.

SECTION 4.02. Subbasin 2—Intrastate and Interstate streams—Oklahoma.

(a) This subbasin is composed of all tributaries of the Red River in Oklahoma and portions thereof upstream to the Texas-Oklahoma state boundary at longitude 100 degrees west, beginning from Denison Dam and upstream to and including Buck Creek.

(b) The State of Oklahoma shall have free and unrestricted use of the water of this subbasin.

SECTION 4.03. Subbasin 3—Intrastate streams—Texas.

(a) This includes the tributaries of the Red River in Texas, beginning from Denison Dam and upstream to and including Prairie Dog Town Fork, Red River.

(b) The State of Texas shall have free and unrestricted use of the water in this subbasin.

SECTION 4.04. Subbasin 4—Mainstem of the Red River and Lake Texoma.

(a) This subbasin includes all of Lake Texoma and the Red River beginning at Denison Dam and continuing upstream to the Texas-Oklahoma state boundary at longitude 100 degrees west.

(b) The storage of Lake Texoma and flow from the mainstem of the Red River into Lake Texoma is apportioned as follows:

(1) Oklahoma 200,000 acre-feet and Texas 200,000 acre-feet, which quantities shall include existing allocations and uses; and

(2) Additional quantities in a ratio of fifty (50) percent to Oklahoma and fifty (50) percent to Texas.

SECTION 4.05. Special Provisions.

(a) Texas and Oklahoma may construct, jointly or in cooperation with the United States, storage or other facilities for the conservation and use of water; provided that any facilities constructed on the Red River boundary between the two states shall not be inconsistent with the Federal legislation authorizing Denison Dam and Reservoir project.

(b) Texas shall not accept for filing, or grant a permit, for the construction of a dam to impound water solely for irrigation, flood control, soil conservation, mining and recovery of minerals, hydroelectric power, navigation, recreation and pleasure, or for any other purpose other than for domestic, municipal, and industrial water supply, on the mainstem of the North Fork Red River or any of its tributaries within Texas above Lugert-Altus Reservoir until the date that imported water, sufficient to meet the municipal and irrigation needs of Western Oklahoma is provided, or until January 1, 2000, whichever occurs first.

ARTICLE V

APPORTIONMENT OF WATER—REACH II

Arkansas, Oklahoma, Texas, and Louisiana

Subdivision of Reach II and Allocation of Water Therein

Reach II of the Red River is divided into topographic subbasins, and the water therein is allocated as follows:

SECTION 5.01. Subbasin 1—Intrastate streams—Oklahoma.

(a) This subbasin includes those streams and their tributaries above existing, authorized or proposed last downstream major damsites, wholly in Oklahoma and flowing into Red River below Denison Dam and above the Oklahoma-Arkansas state boundary. These streams and their tributaries with existing, authorized or proposed last downstream major damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Island-Bayou: Albany	85, 200	33°51.5′N	96°11.4′W
Blue River: Durant	147, 000	33°55.5′N	96°04.2′W
Boggy River: Boswell	1, 243, 800	34°01.6′N	95°45.0′W
Kiamichi River: Hugo	240, 700	34°01.0′N	95°22.6′W

(b) Oklahoma is apportioned the water of this subbasin and shall have unrestricted use thereof.

SECTION 5.02. Subbasin 2—Intrastate streams—Texas.

(a) This subbasin includes those streams and their tributaries above existing authorized or proposed last downstream major damsites, wholly in Texas and flowing into Red River below Denison Dam and above the Texas-Arkansas state boundary. These streams and their tributaries with existing, authorized or proposed last downstream major damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Shawnee Creek: Randall Lake	5, 400	33°48.1′	96°34.8′ W
Brushy Creek: Valley Lake	15, 000	33°38.7′ N	96°21.5′ W
Bois d' Arc Creek: New Bonham Resevoir	130, 600	33°42.9′ N	95°58.2′ W
Coffee Mill Creek: Coffee Mill Lake	8, 000	33°44.1′ N	95°58.0′ W
Sandy Creek: Lake Crockett	3, 900	33°44.5′ N	95°55.5′ W
Sanders Creek: Pat Mayse	124, 500	33°51.2′ N	95°32.9′ W
Pine Creek: Lake Cook	11, 011	33°43.7′ N	95°34.0′ W
Big Pine Creek: Big Pine Lake	138, 600	33°52.0′ N	95°11.7′ W
Pecan Bayou: Pecan Bayou	625, 000	33°41.1′ N	94°58.7′ W
Mud Creek: Liberty Hill	97, 700	33°33.0′ N	94°29.3′ W
Mud Creek: KVW Ranch Lakes (3)	3, 440	33°34.8′ N	94°27.3′ W

(b) Texas is apportioned the water of this subbasin and shall have unrestricted use thereof.

SECTION. 5.03 Subbasin 3—Interstate Streams—Oklahoma and Arkansas.

(a) This subbasin includes Little River and its tributaries above Millwood Dam.

(b) The States of Oklahoma and Arkansas shall have free and unrestricted use of the water of this subbasin within their respective states, subject, however, to the limitation, that Oklahoma shall allow a quantity of water equal to 40 percent of the total runoff originating below the following existing, authorized or proposed last downstream major damsites in Oklahoma to flow into Arkansas:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Little River: Pine Creek	70, 500	34°06.8′ N	95°04.9′ W
Glover Creek: Lukfata	258, 600	34°08.5′ N	94°55.4′ W
Mountain Fork River: Broken Bow	470, 100	34°08.9′ N	94°41.2′ W

(c) Accounting will be on an annual basis unless otherwise deemed necessary by the States of Arkansas and Oklahoma.

SECTION 5.04. Subbasin 4—Interstate streams—Texas and Arkansas.

(a) This subbasin shall consist of those streams and their tributaries above existing, authorized or proposed last downstream major damsites, originating in Texas and crossing the Texas-Arkansas state boundary before flowing into the Red River in Arkansas. These streams and their tributaries with existing, authorized or propose last downstream major dam-sites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
McKinney Bayou Trib: Bringle Lake	3,052	33°30.6′ N	94°06.2′ W
Barkman Creek: Barkman Reservoir	15,900	33°29.7′ N	94°10.3′ W
Sulphur River: Texarkana	386,900	33°18.3′ N	94°09.6′ W

(b) The State of Texas shall have the free and unrestricted use of the water of this subbasin.

SECTION 5.05. Subbasin 5—Mainstem of the Red River and tributaries.

(a) This subbasin includes that portion of the Red River, together with its tributaries, from Denison Dam down to the Arkansas-Louisiana state boundary, excluding all tributaries included in the other four subbasins of Reach II.

(b) Water within this subbasin is allocated as follows:

(1) The Signatory States shall have equal rights to the use of runoff originating in subbasin 5 and undesignated water flowing into subbasin 5, so long as the flow of the Red River at the Arkansas-Louisiana state boundary is 3,000 cubic feet per second or more, provided no state is entitled to more than 25 percent of the water in excess of 3,000 cubic feet per second.

(2) Whenever the flow of the Red River at the Arkansas-Louisiana state boundary is less than 3,000 cubic feet per second, but more than 1,000 cubic feet per second, the States of Arkansas, Oklahoma, and Texas shall allow to flow into the Red River for delivery to the State of Louisiana a quantity of water equal to 40 percent of the total weekly runoff originating in subbasin 5 and 40 percent of undesignated water flowing into subbasin 5; provided, however, that this requirement shall not be interpreted to require any state to release stored water.

(3) Whenever the flow of the Red River at the Arkansas-Louisiana state boundary falls below 1,000 cubic feet per second, the States of Arkansas, Oklahoma, and Texas shall allow a quantity of water equal to all the weekly runoff originating in subbasin 5 and all undesignated water flowing into subbasin 5 within their respective states to flow into the Red River as required to maintain a 1,000 cubic foot per second flow at the Arkansas-Louisiana state boundary.

(c) Whenever the flow at Index, Arkansas, is less than 526 c.f.s., the states of Oklahoma and Texas shall each allow a quantity of water equal to 40 percent of the total weekly runoff originating in subbasin 5 within their respective states to flow into the Red River; provided however, this provision shall be invoked only at the request of Arkansas, only after Arkansas has ceased all diversions from the Red River itself in Arkansas above Index, and only if the provisions of Subsections 5.05(b) (2) and (3) have not caused a limitation of diversions in subbasin 5.

(d) No state guarantees to maintain a minimum low flow to a downstream state.

SECTION 5.06. Special Provisions.

(a) Reservoirs within the limits of Reach II, subbasin 5, with a conservation storage capacity of 1,000 acre feet or less in existence or authorized on the date of the Compact pursuant to the rights and privileges granted by a Signatory State authorizing such reservoirs, shall be exempt from the provisions of Section 5.05; provided, if any right to store water in, or use water from, an existing exempt reservoir expires or is cancelled after the effective date of the Compact the exemption for such rights provided by this section shall be lost.

(b) A Signatory State may authorize a change in the purpose or place of use of water from a reservoir exempted by subparagraph (a) of this section without losing that exemption, if the quantity of authorized use and storage is not increased.

(c) Additionally, exemptions from the provisions of Section 5.05 shall not apply to direct diversions from Red River to off-channel reservoirs or lands.

ARTICLE VI

APPORTIONMENT OF WATER—REACH III

Arkansas, Louisiana, and Texas

Subdivision of Reach III and Allocation of Water Therein

Reach III of the Red River is divided into topographic subbasins, and the water therein allocated, as follows:

SECTION 6.01. Subbasin 1—Interstate streams—Arkansas and Texas.

(a) This subbasin includes the Texas portion of those streams crossing the Arkansas-Texas state boundary one or more times and flowing through Arkansas into Cypress Creek-Twelve Mile Bayou watershed in Louisiana.

(b) Texas is apportioned sixty (60) percent of the runoff of this subbasin and shall have unrestricted use thereof; Arkansas is entitled to forty (40) percent of the runoff of this subbasin.

SECTION 6.02. Subbasin 2—Interstate streams—Arkansas and Louisiana.

(a) This subbasin includes the Arkansas portion of those streams flowing from Subbasin 1 into Arkansas, as well as other streams in Arkansas which cross the Arkansas-Louisiana state boundary one or more times and flow into Cypress Creek-Twelve Mile Bayou watershed in Louisiana.

(b) Arkansas is apportioned sixty (60) percent of the runoff of this subbasin and shall have unrestricted use thereof; Louisiana is entitled to forty (40) percent of the runoff of this subbasin.

SECTION 6.03. Subbasin 3—Interstate streams—Texas and Louisiana.

(a) This subbasin includes the Texas portion of all tributaries crossing the Texas-Louisiana state boundary one or more times and flowing into Caddo Lake, Cypress Creek-Twelve Mile Bayou or Cross Lake, as well as the Louisiana portion of such tributaries.

(b) Texas and Louisiana within their respective boundaries shall each have the unrestricted use of the water of this subbasin subject to the following allocation:

(1) Texas shall have the unrestricted right to all water above Marshall, Lake O' the Pines, and Black Cypress damsites; however, Texas shall not cause runoff to be depleted to a quantity less than that which would have occurred with the full operation of Franklin County, Titus County, Ellison Creek, Johnson Creek, Lake O' the Pines, Marshall, and Black Cypress Reservoirs constructed, and those other impoundments and diversions existing on the effective date of this Compact. Any depletions of runoff in excess of the depletions described above shall be charged against Texas' apportionment of the water in Caddo Reservoir.

(2) Texas and Louisiana shall each have the unrestricted right to use fifty (50) percent of the conservation storage capacity in the present Caddo Lake for the impoundment of water for state use, subject to the provision that supplies for existing uses of water from Caddo Lake, on date of Compact, are not reduced.

(3) Texas and Louisiana shall each have the unrestricted right to fifty (50) percent of the conservation storage capacity of any future enlargement of Caddo Lake, provided, the two states may negotiate for the release of each state's share of the storage space on terms mutually agreed upon by the two states after the effective date of this Compact.

(4) Inflow to Caddo Lake from its drainage area downstream from Marshall, Lake O' the Pines, and Black Cypress damsites and downstream from other last downstream dams in existence on the date of the signing of the Compact document by the Compact Commissioners, will be allowed to continue flowing into Caddo Lake except that any manmade depletions to this inflow by Texas will be subtracted from the Texas share of the water in Caddo Lake.

(c) In regard to the water of interstate streams which do not contribute to the inflow to Cross Lake or Caddo Lake, Texas shall have the unrestricted right to divert and use this water on the basis of a division of runoff above the State boundary of sixty (60) percent to Texas and forty (40) percent to Louisiana.

(d) Texas and Louisiana will not construct improvements on the Cross Lake Watershed in either State that will affect the yield of Cross Lake; *Provided, however*, this subsection shall be subject to the provisions of section 2.08.

SECTION 6.04. Subbasin 4—Intrastate streams—Louisiana.

(a) This subbasin includes that area of Louisiana in Reach III not included within any other subbasn.

(b) Louisiana shall have free and unrestricted use of the water of this subbasin.

ARTICLE VII

APPORTIONMENT OF WATER—REACH IV

Arkansas and Louisiana

Subdivision of Reach IV and Allocation of Water Therein

Reach IV of the Red River is divided into the topographic subbasins, and the water therein allocated as follows:

SECTION 7.01. Subbasin 1—Intrastate streams—Arkansas.

(a) This subbasin includes those streams and their tributaries above last downstream major damsites originating in Arkansas and crossing the Arkansas-Louisiana State boundary before flowing into the Red River in Louisiana. Those major last downstream damsites are as follows:

Stream and site	Ac-ft	Location	
		Latitude	Longitude
Ouachita River: Lake Catherine	19,000	34°26.6′N	93°01.6′W
Caddo River: DeGray Lake	1,377,000	34°13.2′N	93°06.6′W
Little Missouri River: Lake Greeson	600,000	34°08.9′N	93°42.9′W
Alum Fork, Saline River: Lake Winona	63,264	32°47.8′N	92°51.0′W

(b) Arkansas is apportioned the waters of this subbasin and shall have unrestricted use thereof.

SECTION 7.02. Subbasin 2—Interstate Streams—Arkansas and Louisiana.

(a) This subbasin shall consist of Reach IV less subbasin 1 as defined in Section 7.01 (a) above.

(b) The State of Arkansas shall have free and unrestricted use of the water of this reach subject to the limitation that Arkansas shall allow a quantity of water equal to forty (40) percent of the weekly runoff originating below or flowing from the last downstream major damsite to flow into Louisiana. Where there are no designated last downstream damsites, Arkansas shall allow a quantity of water equal to forty (40) percent of the total weekly runoff originating above the state boundary to flow into Louisiana. Use of water in this subbasin is subject to low flow provisions of subparagraph 7.03(b).

SECTION 7.03. Special Provisions.

(a) Arkansas may use the beds and banks of segments of Reach IV for the purpose of conveying its share of water to designated downstream diversions.

(b) The State of Arkansas does not guarantee to maintain a minimum low flow for Louisiana in Reach IV. However, on the following streams when the use of water in Arkansas reduces the flow at the Arkansas-Louisiana state boundary to the following amounts:

(1) Ouachita—780 cfs
(2) Bayou Bartholomew—80 cfs
(3) Boeuf River—40 cfs
(4) Bayou Macon—40 cfs

the State of Arkansas pledges to take affirmative steps to regulate the diversions of runoff originating or flowing into Reach IV in such a manner as to permit an equitable apportionment of the runoff as set out herein to flow into the State of Louisiana. In its control and regulation of the water of Reach IV any adjudication or order rendered by the State of Arkansas or any of its instrumentalities or agencies affecting the terms of this Compact shall not be effective against the State of Louisiana nor any of its citizens or inhabitants until approved by the Commission.

ARTICLE VIII

APPORTIONMENT OF WATER—REACH V

SECTION 8.01. Reach V of the Red River consists of the mainstem Red River and all of its tributaries lying wholly within the State of Louisiana. The State of Louisiana shall have free and unrestricted use of the water of this subbasin.

ARTICLE IX

ADMINISTRATION OF THE COMPACT

SECTION 9.01. There is hereby created an interstate administrative agency to be known as the "Red River Compact Commission," hereinafter called the "Commission." The Commission shall be composed of two representatives from each Signatory State who shall be designated or appointed in accordance with the laws of each state, and one Commissioner representing the United States, who shall be appointed by the President. The Federal Commissioner shall be the Chairman of the Commission but shall not have the right to vote. The failure of the President to appoint a Federal Commissioner will not prevent the operation or effect of this Compact, and the eight representatives from the Signatory States will elect a Chairman for the Commission.

SECTION 9.02. The Commission shall meet and organize within 60 days after the effective date of this Compact. Thereafter, meetings shall be held at such times and places as the Commission shall decide.

SECTION 9.03. Each of the two Commissioners from each state shall have one vote; provided, however, that if only one representative from a state attends he is authorized to vote on behalf of the absent Commissioner from that state. Representatives from three states shall constitute a quorum. Any action concerned with administration of this Compact or any action requiring compliance with specific terms of this Compact shall require six concurring votes. If a proposed action of the Commission affects existing water rights in a state, and that action is not expressly provided for in this Compact, eight concurring votes shall be required.

SECTION 9.04.

(a) The salaries and personal expenses of each state's representative shall be paid by the government that it represents, and the salaries and personal expenses of the Federal Commissioner will be paid for by the United States.

(b) The Commission's expenses for any additional stream flow gauging stations shall be equitably apportioned among the states involved in the reach in which the stream flow gauging stations are located.

(c) All other expenses incurred by the Commission shall be borne equally by the Signatory States and shall be paid by the Commission out of the "Red River Compact Commission Fund." Such Fund shall be initiated and maintained by equal payments of each state into the fund. Disbursement shall be made from the fund in such manner as may be authorized by the Commission. Such fund shall not be subject to audit and accounting procedures of the State; however, all receipts and disbursements of the fund by the Commission shall be audited by a qualified independent public accountant at regular intervals, and the report of such audits shall be included in and become a part of the annual report of the Commission. Each State shall have the right to make its own audit of the accounts of the Commission at any reasonable time.

ARTICLE X

POWERS AND DUTIES OF THE COMMISSION

SECTION 10.01. The Commission shall have the power to:

(a) Adopt rules and regulations governing its operation and enforcement of the terms of the Compact;

(b) Establish and maintain an office for the conduct of its affairs and, if desirable, from time to time, change its location;

(c) Employ or contract with such engineering, legal, clerical and other personnel as it may determine necessary for the exercise of its functions under this Compact without regard to the Civil Service Laws of any Signatory State; provided that such employees shall be paid by and be responsible to the Commission and shall not be considered employees of any Signatory State;

(d) Acquire, use and dispose of such real and personal property as it may consider necessary;

(e) Enter into contracts with appropriate State or Federal agencies for the collection, correlation and presentation of factual data, for the maintenance of records and for the preparation of reports;

(f) Secure from the head of any department or agency of the Federal or State government such information as it may need or deem to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed; provided such information is not privileged and the department or agency is not precluded by law from releasing same;

(g) Make findings, recommendations or reports in connection with carrying out the purposes of this compact, including, but not limited to, a finding that a Signatory State is or is not in violation of any of the provisions of this Compact. The Commission is authorized to make such investigations and studies, and to hold such hearings as it may deem necessary for said purposes. It is authorized to make and file official certified copies of any of its findings, recommendations or reports with such officers or agencies of any Signatory State, or the United States, as may have any interest in or jurisdiction over the subject matter. The making of finds, recommendations, or reports by the Commission shall not be a condition precedent to the instituting or maintaining of any action or proceeding of any kind by a Signatory State in any court or tribunal, or before any agency or officer, for the protection of any right under this Compact or for the enforcement of any of its provisions; and

(h) Print or otherwise reproduce and distribute its proceedings and reports.

SECTION 10.02. The Commission shall:

(a) Cause to be established, maintained, and operated such stream, reservoir and other gaging stations as are necessary for the proper administration of the Compact;

(b) Cause to be collected, analyzed and reported such information on stream flows, water quality, water storage and such other data as are necessary for the proper administration of the Compact;

(c) Perform all other functions required of it by the Compact and do all things necessary, proper and convenient in the performance of its duties thereunder;

(d) Prepare and submit to the governor of each of the Signatory States a budget covering the anticipated expenses of the Commission for the following fiscal biennium;

(e) Prepare and submit an annual report to the governor of each Signatory State and to the President of the United States covering the activities of the Commission for the preceding fiscal year, together with an accounting of all funds received and expended by it in the conduct of its work;

(f) Make available to the governor or to any official agency of the Signatory State or to any authorized representative of the United States, upon request, any information within its possession;

(g) Not incur any obligation in excess of the unencumbered balance of its funds, nor pledge the credit of any of the Signatory States; and

(h) Make available to a Signatory State or the United States in any action arising under this Compact; without subpoena, the testimony of any officer or employee of the Commission having knowledge of any relevant facts.

ARTICLE XI

POLLUTION

SECTION 11.01. The Signatory States recognized that the increase in population and the growth of industrial, agricultural, mining and other activities combined with natural pollution sources may lead to a diminution of the quality of water in the Red River Basin which may render the water harmful or injurious to the health and welfare of the people and impair the usefulness or public enjoyment of the water for beneficial purposes, thereby resulting in adverse social, economic, and environmental impacts.

SECTION 11.02. Although affirming the primary duty and responsibility of each Signatory State to take appropriate action under its own laws to prevent, diminish, and regulate all pollution sources within its boundaries which adversely affect the water of the Red River Basin, the states recognize that the control and abatement of the naturally-occurring salinity sources as well as, under certain circumstances, the maintenance and enhancement of the quality of water in the Red River Basin may require the cooperative action of all states.

SECTION 11.03. The Signatory States agree to cooperate with agencies of the United States to devise and effectuate means of alleviating the natural deterioration of the water of the Red River Basin.

SECTION 11.04. The Commission shall have the power to cooperate with the United States, the Signatory States and other entities in programs for abating and controlling pollution and natural deterioration of the water of the Red River Basin, and to recommend reasonable water quality objectives to the states.

SECTION 11.05. Each Signatory State agrees to maintain current records of waste discharges into the Red River Basin and the type and quality of such discharges, which records shall be furnished to the Commission upon request.

SECTION 11.06. Upon receipt of a complaint from the governor of a Signatory State that the interstate water of the Red River Basin in which it has an interest are being materially and adversely affected by pollution and that the state in which the pollution originates has failed after reasonable notice to take appropriate abatement measures, the Commission shall make such findings as are appropriate and thereafter provide such findings to the governor of the state in which such pollution originates and request appropriate corrective action. The Commission, however, shall not take any action with respect to pollution which adversely affects only the state in which such pollution originates.

SECTION 11.07. In addition to its other powers set forth under this Article, the Commission shall have the authority, upon receipt of six concurring votes, to utilize applicable Federal statutes to institute legal action in its own name against the person or entity responsible for interstate pollution problems; provided, however, sixty (60) days before initiating legal action the Commission shall notify the Governor of the state in which the pollution source is located to allow that state an opportunity to initiate action in its own name.

SECTION 11.08. Without prejudice to any other remedy available to the Commission, or any Signatory State, any state which is materially and adversely affected by the pollution of the water of the Red River Basin by pollution originating in another Signatory State may institute a suit against any individual, corporation, partnership, or association, or against any Signatory State or political or governmental subdivision thereof, or against any officer, agency, department, bureau, district or instrumentality of or in any Signatory State contributing to such pollution in accordance with applicable Federal statutes. Nothing herein shall be construed as depriving any persons of any rights of action relating to pollution which such person would have if this Compact had not been made.

ARTICLE XII

TERMINATION AND AMENDMENT OF COMPACT

SECTION 12.01. This Compact may be terminated at any time by appropriate action of the legislatures of all of the four Signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

SECTION 12.02. This Compact may be amended at any time by appropriate action of the legislatures of all Signatory States that are affected by such amendment. The consent of the United States Congress must be obtained before any such amendment is effective.

ARTICLE XIII

RATIFICATION AND EFFECTIVE DATE OF COMPACT

SECTION 13.01. Notice of ratification of this Compact by the legislature of each Signatory State shall be given by the governor thereof to the governors of each of the other Signatory States and to the President of the United States. The President is hereby requested to give notice to the governors of each of the Signatory States of the consent to this Compact by the Congress of the United States.

SECTION 13.02. This Compact shall become effective, binding and obligatory when, and only when:

(a) It has been duly ratified by each of the Signatory States; and

(b) It has been consented to by an Act of the Congress of the United States,

which Act provides that:

Any other statute of the United States to the contrary notwithstanding, in any case or controversy:

which involves the construction or application of this Compact; in which one or more of the Signatory States to this Compact is a plaintiff or plaintiffs; and

which is within the judicial power of the United States as set forth in the Constitution of the United States; and without any requirement, limitation or regard as to the sum or value of the matter in controversy, or of the place of residence or citizenship of, or of the nature, character or legal status of, any of the other proper parties plaintiff or defendant in such case or controversy:

The consent of Congress is given to name and join the United States as a party defendant or otherwise in any such case or controversy in the Supreme Court of the United States if the United States is an indispensable party thereto.

SECTION 13.03. The United States District Courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other Federal or state court, in matters in which the Supreme Court, or other court has original jurisdiction) of any case or controversy involving the application or construction of this Compact; that said jurisdiction shall include, but not be limited to, suits between Signatory States; and that the venue of such case or controversy may be brought in any judicial district in which the acts complained of (or any portion thereof) occur.

SIGNED AND APPROVED on the 12th day of May, 1978 at Denison Dam.

FOR ARKANSAS:
JOHN P. SAXTON
Commissioner
FOR OKLAHOMA:
ORVILLE B. SAUNDERS
Commissioner
FOR LOUISIANA:
ARTHUR R. THEIS
Commissioner
FOR TEXAS:
FRED PARKEY
Commissioner
FOR UNITED STATES OF AMERICA:
R. C. MARSHALL, Major General
Representative

SECTION 2. In order to carry out the purposes of this Act, and the purposes of article XIII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party defendant or otherwise in the United States Supreme Court or other court of concurrent jurisdiction, in any case or controversy involving the construction or application of this Compact in which one or more of the Signatory States to this Compact is a plaintiff, and which is within the judical power of the United States as set forth in the Constitution of the United States, if the United States of America is an indispensable party and without any requirement, limitation or regard as to the sum or value of the matter in controversy, or of the place of residence or citizenship of, or of the nature, character or legal status of, any of the other proper parties plaintiff or defendant in such case or controvery.

SECTION 3. The right to alter, amend, or repeal this Act is expressly reserved.

SECTION 4. The United States District Courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other Federal or state court, in matters in which the Supreme Court, or other court has original jurisdiction) of any case or controversy involving the application or construction of this Compact; that said jurisdiction shall include, but not be limited to, suits between Signatory States; and that the venue of such case or controversy may be in any judicial district in which the acts complained of (or any portion thereof) occur.

MOTION OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DANIELSON moves to strike out all after the enacting clause of S. 2227 and to insert in lieu thereof the provisions of H.R. 7206 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7206 was laid on the table.

TAHOE REGIONAL PLANNING COMPACT

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8235) to grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created, as amended.

The Clerk read as follows:

H.R. 8235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake, the consent of the Congress is hereby given to the Tahoe Regional Planning Compact heretofore adopted by the States of California and Nevada, which compact reads as follows:

TAHOE REGIONAL PLANNING COMPACT

ARTICLE I.—FINDINGS AND DECLARATIONS OF POLICY

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilties for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national signifi-

cance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

Article II.—Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

Article III.—Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000.

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000.

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plans, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of as least four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointments, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV.—PERSONNEL

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion. assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V.—PLANNING

(1) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment, the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles. Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

Until the regional plan is revised, or a new transportaiton plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdiction located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civil groups and private persons.

ARTICLE VI.—AGENCY'S POWERS

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, very such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavation, cuts and grading; piers, harbors, breakwaters or channels and other shoreline development; waste disposal in shoreline areas; waste disposal from boats; mobilehome parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan. The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned

the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calender year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	252
2. Placer County	278
3. Carson City	0
4. Douglas County	339
5. Washoe County	739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	64, 324
2. Placer County	23, 000
3. Carson City	0
4. Douglas County	57, 354
5. Washoe County	50, 600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. § 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District #1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to one approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If the external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraphs (D) or (E), it is subject to the applicable provisions of this compact. If the external modification is determined to have no such effect, is it not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI(g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f), the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An information report wherever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the States of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(7) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is late, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII.—ENVIRONMENTAL IMPACT STATEMENTS

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommend courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class projects will not have a significant effect on the environment.

Article VIII.—Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

Article IX.—Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices.

Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(e) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

Article X.—Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage or interstate waters or upon any appropriative water right.

SEC. 2. The Secretary of Agriculture and the heads of other appropriate agencies are authorized, upon the request of the Tahoe Regional Planning Agency, to cooperate with the Tahoe Regional Planning Agency in all respects compatible with carrying out the normal duties of their agencies.

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a non-voting representative of the United States to the governing body of the Tahoe Regional Planning Agency.

SEC. 4. Any additional powers conferred on the Agency pursuant to Article X, Section 1(b) of the compact shall not be exercised unless consented to by the Congress.

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over, or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

SEC. 6. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The

gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIELSON. Mr. Speaker, the purpose of H.R. 8235 is to grant the consent of Congress to amendments to the Tahoe Regional Planning Compact which was first approved by Congress on December 18, 1969 (Public Law 91-148, 83 Stat. 360).

In approving the original compact, the Congress recognized the need for protection of the unique qualities of the Lake Tahoe Basin, a High Sierra Mountain lake area of great natural beauty that is situated on the borders of the States of California and Nevada. That compact was adopted by these two States to establish the Tahoe Regional Planning Agency (TRPA). It empowered this agency to develop and implement a regional plan and to establish standards, ordinances, and regulations which would maintain balance between the region's natural endowment and its manmade environment.

Although the original compact enabled significant accomplishments in rezoning on the basis of land capability, the objectives of the compact were not fully achieved because of significant deficiencies in the procedures it provided, in particular, the voting procedure, the 60-day administrative rule, the lack of zoning jurisdiction over certain lands, and the uncertainty of financial support for the agency. Because of these deficiencies, environmental degradation of Lake Tahoe and its surrounding continued.

On May 30, 1980, President Carter stated that Lake Tahoe is a national treasure and that the Lake Tahoe Basin is an area of national concern in which the protection of environmental qualities is of critical importance. He urged the States of California and Nevada to alter the Tahoe Regional Planning Compact so the agency could operate more effectively.

Subsequently, both States did amend the compact and submitted it to the Congress for ratification. H.R. 8235 is the proposal submitted by the States for congressional consent. This amended compact contains many improvements over the original bistate agreement.

Some of the key improvements in the proposed new compact are:

First. Environmental threshold carrying capacities are to be developed and used as the basis for the regional plan;

Second. Plan revision must achieve and maintain the environmental threshold carrying capacities;

Third. State versus local representation on the governing body of the agency would be better balanced; that is 4:3;

Fourth. The opportunity for project approval by default is eliminated;

Fifth. A majority vote by both States is needed to adopt or change environmental threshold carrying capacities, the plan, and ordinances, rules, and regulations;

Sixth. A Tahoe transportation district is established; and

Seventh. A moratorium on subdivisions, condominiums, apartments, planned unit developments, new casinos, and sewage treatment facilities is established until a regional plan is revised.

I would like to bring to the attention of my colleagues the fact that the bill before this House contains an amendment, the contents of which were in the original 1969 compact and were inadvertently omitted from the new compact when it was introduced in the House. The amendment contains four elements, which I will describe briefly:

First. A provision that the President may appoint a nonvoting member to the governing body of the Tahoe Regional Planning Agency;

Second. A statement that any new powers granted to the agency by the States that are parties to the compact may not be exercised without the consent of Congress;

Third. A statement that the compact does not supersede other laws of the United States; and

Fourth. A requirement that the agency disclose such information to the Congress as the Congress or its committees request.

Each of these elements simply provides a clear statement of the relationship between the Federal Government and the participants in the compact.

This compact has the support of the States which seek its approval, California and Nevada, as well as the support of the Department of Agriculture which has reviewed its provisions. In addition, this bill has been reported favorably with the amendment I have described by the Subcommittee on Administrative Law and Governmental Relations of the House Committee on the Judiciary.

It is important that Congress act promptly to grant consent to the bistate compact as California terminates the old compact December 31, 1980, and cannot initiate the new compact until it is ratified by Congress. Loss of momentum at this revitalization stage would indeed be a setback. I therefore urge your support in passing this bill.

Mr. MOORHEAD of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legendary beauty of Lake Tahoe truly makes it one of our outstanding national resources. Lake Tahoe is a magnificant alpine lake, which borders on both the States of California and Nevada. But, clearly, the interest in preserving this remarkable treasure is not confined solely to those two States.

Earlier this year, President Carter issued an executive order establishing a Lake Tahoe Federal Coordinating Council. The aim of this Council is to see that the Federal Government does its part to maintain and upgrade the environmental quality of the Lake Tahoe Basin. The legislation—H.R. 8255—which we consider today would represent another important step toward the environmental protection and enhancement of Lake Tahoe.

H.R. 8235 would modernize and revitalize the existing interstate compact between California and Nevada on Lake Tahoe. In 1969 Congress ratified the initial Tahoe Regional Planning Compact—Public Law 91-148—and authorized the creation of a Tahoe Regional Planning Agency—TRPA. However, since that time, it has become evident that there are certain structural defects in the TRPA and, hence, the operation of the compact. As a consequence, the States of California and Nevada have negotiated an amended agreement to better serve the Lake Tahoe region.

The major improvements which would be brought about by the new Tahoe Regional Planning Compact are as follows: First, a new bistate governing board is created; second, a new voting procedure is established, which has the effect of making project approval more difficult; third, environmental threshold capacities are to be developed, with the assistance of the relevant Federal agencies, and used as the basis for a new regional plan; fourth, a limited moratorium is imposed upon new development, including any new casinos; fifth, environmental impact statements would be required prior to any project approval; and sixth, a Tahoe transportation district is established.

Mr. Speaker, Lake Tahoe's unique beauty has been a magnet for tourists, and new residents. In recent years, its water quality has declined at an alarming rate. This new bistate compact would provide the machinery for accommodating the growth of this region while at the same time maintaining its special environment. This amended compact has the support of the legislatures of both California and Nevada. The Department of Agriculture strongly recommends the enactment of H.R. 8235. I strongly urge my colleagues to support this needed legislation and ratify the revised Tahoe Regional Planning Compact. Hopefully, its implementation will maintain Lake Tahoe, as Mark Twain described it—"The jewel of the Sierras."

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Speaker, I rise in strong support of H.R. 8235, of which I am a cosponsor. The legislation before us grants congressional approval to the Tahoe Regional Planning Agency (TRPA), thereby revitalizing this needed planning panel. As one who is privileged to represent the southern portion of beautiful Lake Tahoe on the California side, I am delighted that my colleagues have seen fit to bring this measure to the floor in an expeditious and responsible manner.

Both Houses of Congress must ratify this legislation, which sets forth the terms of the compact agreed to by the legislatures of California and Nevada to encourage wise use of Lake Tahoe's resources. In approving this bill, we will be demonstrating our recognition of the importance of insuring a strong State and local voice in decisions affecting the precious Tahoe Basin. I consider the terms of the agreement to be equitable and workable, and all those who have labored diligently to arrive at the language of this compact are to be commended.

In 1969, when the Tahoe Regional Planning Agency was initially ratified by Congress, it was pointed out that Lake Tahoe and the majestic Sierra Mountains which form the lake's basin were among our most prized national scenic treasures. Working in concert, the States of California and Nevada made every effort to protect that valued environmental entity for future generations. During the 1960's, Americans pledged to halt the destruction of environmental gifts such as Lake Tahoe, and to insure that advancing urbanization and industrialization did not leave us stripped of our natural heritage. In the intervening years, the need for protection of the environment has become more urgent, as has the realization that State and local control must be encouraged.

The bill before us serves as tangible proof of our renewed commitment to the dual goals of environmental protection and enhanced local decision. It serves as an instrument of ratification, enabling California and Nevada to continue striving for prudent use and conservation of the waters of Lake Tahoe, and of the resources in the basin. I sincerely hope that my colleagues will vote favorably on this measure so that no delays will be incurred in implementing the terms of the bistate compact, and I urge rapid approval of this needed bill.

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● Mr. JOHNSON of California. Mr. Speaker, the Tahoe Regional Planning Commission has provided an equitable and feasible management system for this unique alpine lake since the initial compact was ratified by Congress in 1969. Even after a decade of disputes, disappointments, and frustrations, TRPA still represents the best mechanism we know of to deal with the unique problems of conservation and development in the Lake Tahoe Basin. Therefore, I fully support H.R. 8235, which ratifies further amendments to the Tahoe Regional Planning Compact, which have been approved by the States of California and Nevada.

I was the author of the original legislation for the ratification of this compact. Mr. Walter Baring of Nevada was the principal cosponsor. At that time, our former colleague and I represented the two congressional districts that contained the Lake Tahoe Basin.

As you know, I am a cosponsor of the present legislation, along with the Members who represent the districts which now cover the Tahoe Basin, Mr. SANTINI of Nevada and Mr. SHUMWAY of California, and others.

The regional planning and coordinating agency provides for primary representation by the governmental units that actually serve the basin. It establishes a mechanism for negotiation between different interests and points of view and for developing agreement on basin plans.

The multifacetted compact, as originally designed, was not without its faults. From the beginning, there were criticisms about the procedures of TRPA, largely caused by the fact that the agency encompassed an area lying in two States, each concerned about its own autonomy. However, as I have long held, the problems were not so much with the basic concept of a regional agency as much as with some of this particular agency's rules and stipulations. As time wore on, it became more and more clear that some changes would have to be made.

Some people wanted to eliminate the agency altogether, in favor of Federal management of the Tahoe Basin. Many believed that it could not survive. But, in the end, the two States did agree to the revisions that are spelled out in the legislation before you today.

In my judgment, the fact that the States of Nevada and California have finally agreed on amendments to this compact demonstrates general recognition of the merits of the Tahoe Regional Planning Agency.

The Congress, in ratifying the original Tahoe Regional Planning Compact, recognized the agreement between the States for what it was. We did not give the compact the status of a Federal agreement or an agreement in which the Federal Government had participated. The same will be true of our ratification of these amendments to the original compact, in my judgment.

In ratifying this well-thought-out bistate agreement, I believe we are officially confirming just that—a bistate agreement.●

● Mr. SANTINI. Mr. Speaker, I wish to take this opportunity to enter some remarks into the RECORD in support of H.R. 8235 which is my bill to ratify a bistate compact to protect the Lake Tahoe Basin.

For those of you who are not familiar with the Lake Tahoe Basin, I would like to take a minute to tell you about some of the problems there and how the bistate compact will solve them.

Lake Tahoe is a large alpine lake which lies in both Nevada and California. It is, in truth, a great American treasure. But Lake Tahoe is in trouble. From those days when the Tahoe Basin was home to Washoe Indians, this pristine lake has become a highly urbanized area for second home development, for ski resorts, for gaming, and for many, many other commercial and residential activities. We are indeed in danger of loving Lake Tahoe to death. Although this beautiful natural resource still can be characterized as "exceptionally clean," water quality over the past 10 years has declined at an alarming rate. We cannot turn the clock back to those days when Mark Twain described Lake Tahoe as the "Jewel of the Sierras," but we still have time to preserve and protect the lake for residents and visitors for generations to come.

In 1968, the State Legislatures of Nevada and California recognized that it was necessary for the two States to work together to address the problems associated with mushrooming growth and activity in the Lake Tahoe Basin. Consequently the two States agreed on a Tahoe Regional Planning Compact and in 1969 the U.S. Congress ratified the agreement. Over the last 10 years, the Tahoe Regional Planning Agency experienced growing pains. It became very clear that the compact, which sets the guidelines for accommodating growth and maintaining the environment, needed revitalization. The TRPA concept of regional control over the area is still a sound one, but the organization is desperately in need of repair.

Californians and Nevadans have spend almost a decade negotiating and deliberating on amendments to the 1969 bistate compact. On August 31, 1980, the Governor of California signed into law a complete revision of the Tahoe Regional Planning Compact; 2 weeks later the Nevada Legislature met in an unprecedented special session and adopted an identical version of the legislation.

It is that document, which both State legislatures enacted and both Governors signed into law, which is before you today. Let me describe the major points of the new Tahoe Regional Planning Compact:

First. A new bistate governing board is created;

Second. A new voting procedure is created which has the effect of making project approval more difficult;

Third. The new TRPA will develop environmental threshold capacities with the assistance of Federal agencies;

Fourth. A limited moratorium on development is established until a basinwide plan is developed;

Fifth. No new casinos (which have not already been approved) may be built, nor may any existing casinos be expanded;

Sixth. Environmental impact statements are required prior to project approval; and

Seventh. A transportation district is established to administer transportation plans to be developed by the New Tahoe Regional Planning Agency.

H.R. 8235 is the vehicle which will give congressional approval to the arduous efforts of California and Nevada to preserve and protect the environment in this unique area of the United States. In addition to the strong endorsement shown by the two State legislatures and

Governors, the New Tahoe Regional Planning Compact has the enthusiastic support of the congressional delegations representing the Lake Tahoe Basin. Joining me in introduction of H.R. 8235 are my colleagues BIZZ JOHNSON, NORM SHUMWAY, PHIL BURTON, DON CLAUSEN, and VIC FAZIO. We have, in this one instance, put aside our regional and our philosophical differences to provide for the betterment of this national resource.

I believe ratification of the bistate compact for Lake Tahoe is the single most important piece of legislation which the Tahoe Basin will see in the decade of the 1980's. The Tahoe Regional Planning Compact represents a true partnership of State, local, and Federal governments working together toward a common goal, and I feel immediate passage is extremely important.

Thank you.●

Mr. MOORHEAD of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 8235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL FOREST SYSTEM LANDS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6257) to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, referred to in this Act as the "Secretary", is authorized, when the Secretary determines it to be in the public interest (1) to sell or exchange, by quitclaim deed, all right, title and interest of the United States in and to National Forest System lands described in section 2; and (2) to accept, as consideration for the lands sold or exchanged, other lands, interests in lands, or cash payment, or any combination of such forms of consideration, equal in value to the fair market value of the lands, including the mineral estate, sold or exchanged by the Secretary. The Secretary shall insert in any such quitclaim deed such terms, covenants, conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife and wilderness values of the National Forest System and provision for appropriate public access to and use of lands within the System.

SEC. 2. The National Forest System lands which may be sold or exchanged under this Act are those the sale or exchange of which is not practicable under any other authority of the Secretary and which are (1) parcels of forty acres or less which are interspersed with or adjacent to mineral patents, which are determined by the Secretary, because of location or size, not to be subject to efficient administration, and which have a fair market value, as determined by the Secretary through appraisal within one year before or after the date application for sale or exchange is made to the Secretary, of not more than $150,000; (2) parcels of five acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous non-Federal survey, title search or other land description indicating that there was not such encroachment; and (3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States: *Provided*, That the abutting landowners will be given the first opportunity to acquire those rights-of-way.

SEC. 3. Any person to whom lands are conveyed pursuant to this Act shall bear all reasonable costs of administration, survey and appraisal incidental to such conveyance, as determined by the Secretary, except in those cases in which the Secretary determines that it would be consistent with the public interest to waive payment of such costs by such person. In the case of road rights-of-way conveyed pursuant to this Act, the person to whom the right-of-way is conveyed shall reimburse the United States for the value of any improvements to such right-of-way which may have been made by the United States.

SEC. 4. Conveyance of any road rights-of-way under this Act shall not be construed as permitting any designation, maintenance, or use of such rights-of-way for road or other purposes except to the extent permitted by State or local law and under conditions imposed by such law.

SEC. 5. For purposes of this Act, the word "person" includes any State or any political subdivision or entity thereof.

SEC. 6. The Secretary shall issue regulations to carry out the provisions of this Act, including specification of (1) criteria which shall be used in making the determination as to what constitutes the public interest; and (2) factors relating to location or size which shall be considered in connection with determining the lands to be sold or exchanged under clause (1) of section 2.

SEC. 7. Nothing in this Act shall authorize conveyance of Federal lands within the National Wilderness Preservation System.

The SPEAKER pro tempore (Mr. DANIELSON). Is a second demanded?

Mr. WAMPLER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6257, as amended, a bill to authorize the Secretary of Agriculture to convey certain lands in the National Forest System.

Scattered throughout the National Forest System are an estimated 200,000 tracts of land the size, shape, or location of which makes them impractical to administer as units of the National Forest System. These tracts are of three kinds: First, irregularly shaped tracts of 40 acres or less which are interspersed with or adjacent to mineral patents; second, tracts of five acres or less which are innocently occupied because of surveying errors; or third, road rights-of-way owned by the United States but which are no longer needed.

Presently, the Secretary lacks authority to dispose of these small parcels. Available methods to resolve the problems presented by these tracts, such as litigation or private legislation, are cumbersome, expensive, and time consuming. The authority to sell or exchange these tracts given the Secretary under the bill is subject to several safeguards. The consideration for the parcels conveyed—be it cash payment or exchange for other lands—must equal the fair market value of the parcels. The Secretary is directed to insert in the quitclaim deeds conveying the parcels such terms as are necessary to insure protection of the public interest, including protection of scenic, wildlife, and wilderness values.

Finally, persons to whom parcels are conveyed are required to bear all reasonable costs of administration, survey and appraisal incident to the conveyance.

H.R. 6257 was referred to, and reported favorably by, both the Committee on Agriculture and the Committee on Interior and Insular Affairs. The bills, as reported, have minor technical differences, and the Committee on Interior and Insular Affairs has agreed that the House consider the bill as reported by the Committee on Agriculture. The bill under consideration contains an amendment which does not appear in the bills as reported, but which is agreeable to both committees. It provides that abutting landowners shall be given the first opportunity to acquire the rights-of-way which the Secretary may convey under the bill.

H.R. 6257 will not only improve and simplify the administration of the National Forest System; it will also relieve a hardship or inconvenience innocently suffered by numerous private landowners.

I urge its prompt adoption by the House.

Mr. SPEAKER, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I rise in support of H.R. 6257, a bill which has been reported in identical form by the Committee on Interior and Insular Affairs and the Committee on Agriculture. I commend the gentleman from Washington (Mr. FOLEY) for his intiative in bringing this bill to the floor. As reported by our two committees, this bill will provide additional flexibility to the Secretary of Agriculture to administer the national forest lands by providing him with the new authority to sell or exchange certain limited categories of those lands—the so-called "small tracts"—without the need of a case-by-case authorization from the Congress.

The bill would permit the conveyance by quitclaim deed, as part of a sale or an exchange, of certain public lands within the national forest system which are: First, irregularly shaped tracts of 40 acres or less which cannot be efficiently or economically administered; second, tracts of 5 acres or less which are innocently occupied because of surveying errors; or third, road rights-of-way owned by the United States but which are no longer needed. In consideration for the lands sold or exchanged, the Secretary could accept either cash payment, lands or interest in lands equal to the fair market value of the lands sold or exchanged. Any mineral interests would be recognized in determination of value.

Mr. Speaker, many of the tracts dealt with in the bill were created during the late 19th and early 20th centuries through patenting of mining claims on the public lands in the West. The claims occurred in concentrated groups forming a broad patchwork, or they followed mineral veins or drainages, resulting in a jumbled interwoven pattern. Intermingled with the claims are residual, unpatented public lands of all sizes and shapes. Many of these fractions came under the administrative responsibility of the Forest Service upon creation of the national forests.

Intensified land use and growing development has resulted in a large increase in problems related to these fractional ownerships. Most of the mineral patents are no longer held for their mineral values. They may support ranching, industrial plants, irrigation sites and water power facilities, utility lines, roads, and intensive recreation sites.

Recently, some of the patented lands have been subdivided into vacation homesites. Because of the irregular shapes and the lack of definite and readily identifiable boundaries of the parcels, it is difficult for the public lands manager to fulfill his responsibility in the administration of the intermingled Federal lands. Problems include occupancy trespass, identification of rights-of-way for access and utilities, inadvertent sales of publicly owned fractions, and use by private developers.

Many of these fractions are of such small size or are located in a way so as to be of no practical use for national forest system purposes. The administration believes and our committees agree that they can appropriately be transferred to private ownership. The only method presently available is by land exchange under the General Exchange Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485-86). In most instances, exchanges are not feasible or the possible exchanges will not meet the requirements of that act. Furthermore, individual exchanges are an expensive, time-consuming and impractical means to resolve the problems of fractional ownerships.

The second category of National Forest System lands dealt with in the bill involve innocent encroachments which occur when improvements are constructed or used on a parcel of land acquired in good faith which is later found to over lap the national forests because of improper property line survey or error in the property title or land description. This frequently occurs when private lands are subdivided and sold as residential lots. The non-Federal surveys to establish the subdivision may be found to be incorrect when the adjoining Federal land boundary is later surveyed and marked. Our committee has been informed that a portion of the estimated 50,000 title claim and trespass situations that currently exist on National Forest System lands are due to good faith occupancy. The majority of these involve less than 1 acre.

Under present law, two means are available to handle such cases. A special use permit may be granted that, while acknowledging the occupancy, allows it to continue for a specified period. This period is usually sufficient only to amortize any improvements to the property. The permit is then canceled and the improvements must be removed.

Alternatively, a land exchange may be made that allows the owner to exchange other private lands for the Government lands in question. This means is usually not satisfactory because of the small acreages and irregular sizes and is an expensive and lengthy process. The only alternative presently available to the landowner is a congressional private relief bill. This also is usually a time-consuming and cumbersome process and occupies time of Congress and congressional staff and committees on matters that ought to be dealt with through an administrative process.

The bill also addresses the sale or exchange of hundreds of rights-of-way through private lands that have been reserved or acquired in fee by the Government. Most of these were reserved as exceptions from patents to homesteaders and they were intended to provide for existing, planned or potential "wagon roads" serving the homesteaded areas, or to assure public access to public lands. Many of the roads no longer exist or were never constructed. The average size of these strips is 2 acres. Some rights-of-way were acquired in conjunction with the civilian conservation corps program. The result has been the splitting of private ownerships by a strip of Federal land which may serve no useful purpose. The Federal lands are often incorporated into the adjacent private ownerships, resulting in various types of occupancy trespass. Like the mineral fractions these tracts, in the opinion of the administration and of our committee, cannot be effectively administered, and the administration and the committee believe that they can appropriately be transferred to private ownership.

Mr. Speaker, I believe that this bill will provide useful additional authority for proper administration of the affected public lands, and would result in a net saving to the Government through the reduction of both legislative and administrative expenses. I urge its approval by the House.

● Mr. WEAVER. Mr. Speaker, I rise in support of H.R. 6257 as amended and would like to associate myself with the remarks of Chairman FOLEY.

As chairman of the Forests Subcommittee and a member of the Public Lands Subcommittee of the Interior Committee which also has jurisdiction over this legislative proposal, I can assure my colleagues that this bill is in the interests of the Federal Government as manager of our National Forest System and other public lands, and in the interest of landowners adjacent to these public lands, whose property rights are affected by this bill.

This bill is in the interest of not only landowners in the West but also in the East. Innocent occupancy, good faith trespass, or encroachment, upon National Forest System lands, occurs throughout the United States, and is the most common type of claim against the Forest Service among the 50,000 claims which will be expedited by this bill.

I urge my colleagues to help out the private landowners adjacent to our national forests and vote for this bill.●

Mr. FOLEY. Mr. Speaker, I reserve the balance of my time.

Mr. WAMPLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6257, a bill which authorizes the Secretary of Agriculture to convey by quitclaim deed certain small parcels of National Forest System land, the sale or exchange of which is not practicable under any other authority of the Secretary.

The lands which may be conveyed are:

First. Parcels of 40 acres or less, valued at a maximum of $150,000, which are interspersed with or adjacent to mineral patents, and which are inefficient to manage because of location or size;

Second. Parcels of 5 acres or less which are innocently encroached upon by persons who relied in good faith on an erroneous non-Federal survey or other land description; and

Third. Federally reserved road rights-of-way which are surrounded by non-Federal lands and are no longer needed by the United States.

The consideration accepted by the Secretary is to equal the fair market value of the lands sold or exchanged by the Secretary. The bill requires the Secretary to insert in any quitclaim deed provisions necessary to protect the public interest.

The need for this long overdue legislation can be seen by the fact that scattered throughout the National Forest System there are an estimated 200,000 tracts of land the size, shape or location of which makes them impracticable to administer efficiently as units of the National Forest System.

For example, we have mining claims on Western public lands dating back to the last century. Many of the mineral patents are no longer held for their mineral values, but the land may support ranching, industrial plants, irrigation sites and water power facilities, utility lines, roads and recreation sites, with some of the patented lands having been subdivided into vacation homesites. Intermingled with the claims are residual, unpatented public lands of various shapes and sizes which came under the administration of the U.S. Forest Service upon creation of the national forests. These tracts of land are so small or are located in such a way that they are of little use to the National Forest System.

Another problem which exists throughout the United States is innocent occupancy, good faith trespass, or encroachment upon national forest lands which occur when improvements are constructed or are being used on a parcel of land acquired in good faith by a private party which is later found to overlap Federal land.

This has occurred when private lands adjoining public lands are subdivided and sold due to an improper line survey or an error in the title or land description. The error is generally determined when the public land is later surveyed and marked.

A trespass would be considered good faith if the private party had no knowledge that improvements would encroach upon public lands. While these cases represent small portions of land, frequently less than 1 acre, they constitute a major portion of the estimated 50,000 title claims cases existing on national forest lands. This legislation would eliminate a major portion of the title claim cases.

The road rights-of-way are narrow strips of public land on private land. Most were created as exceptions to homestead patents in order to provide access to the homesteaded area or to remaining public lands. Some were purchased by the Federal Government in conjunction with work of the Civilian Conservation Corps. Many of the roads no longer exist or were never built, with the average size being 2 acres. They occur in the West, particularly in Montana, Wyoming, Idaho, and Arizona and are no longer needed by the national forest system.

These three examples of small, irregularly shaped tracts of national forest lands create problems for both the Federal Government and private property lands, and the legislation before us today will go a long way toward resolving these problems. I urge my colleagues to support passage of this bill.

Mr. Speaker, I reserve the balance of my time.

● Mr. JOHNSON of Colorado. Mr. Speaker, I certainly support passage of this legislation. During my years of service on the House Committee on Interior and Insular Affairs, we have witnessed an increase in the amount of private legislation which is introduced in order to remedy fairly minor land title disputes involving very small tracts of public land which were innocently occupied; impractical to administer; or of no further use for public purposes.

Until now, the Forest Service has not had the proper authority to act on its own to begin to resolve literally tens of thousands of these minor public land title disputes. Because of the lack of authority to act administratively, special legislation has to be introduced, heard in committee, and acted on by the entire Congress simply to resolve relatively minor problems, but problems which nonetheless are very important to the individuals affected.

H.R. 6257 is a very tightly drawn bill which simply authorizes the Forest Service, through the Secretary of Agriculture, to sell or exchange small tracts of Forest Service System lands involving odd shapes of 40 acres or less which do not lend themselves to practical administration; also tracts of 5 acres or less which have been innocently occupied by private parties because of surveying or title errors; and road rights-of-way belonging to the United States but which are obviously no longer used or needed for public purposes.

As I pointed out, this legislation deals only with very small parcels of Forest Service System lands while still addressing the majority of public land title disputes which our committee has had to deal with many times through the legislative process. This bill will certainly help reduce the unnecessary time and expense incurred by the Government as well as private parties in the development and passage of private relief bills. It will also speed up the resolution of these problems.

I want to point out to the Forest Service that this bill, when signed into law, will be only as good as the administrators choose to make it. The Forest Service requested this authority. As a result of our hearings we determined the bill would be a positive contribution toward reducing bureaucratic and congressional delays and workload and speeding the timely resolution of minor land disputes involving Forest Service System lands. I strongly urge the Forest Service to make use of this tool and actively start to resolve the pending and future situations which can be appropriately dealt with as a result of the passage of this legislation.

There is no funding authorized or contemplated by this legislation, in fact it will save the Government and taxpayers some money. I urge adoption of the legislation.●

Mr. FOLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. Foley) that the House suspend the rules and pass the bill, H.R. 6257, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON H.R. 7018, FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT EXTENSION

Mr. FOLEY submitted the following conference report and statement on the bill (H.R. 7018) to extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes:

Conference Report (H. Rept. No. 96–1480)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7018) to extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SCIENTIFIC ADVISORY PANEL

Section 1. Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by—

(1) Inserting immediately after the fifth sentence the following new sentences: "The subpanels may be composed of scientists other than members of the advisory panel, as deemed necessary for the purpose of evaluating scientific studies relied upon by the Administrator with respect to proposed action. Such additional scientists shall be selected by the advisory panel."; and

(2) adding at the end thereof the following sentence: "Whenever the Administrator exercises authority under section 6(c) of this Act to immediately suspend the registration of any pesticide to prevent an imminent hazard, the Administrator shall promptly submit to the advisory panel for comment, as to the impact on health and the environment, the action taken to suspend the registration of such pesticide.".

PEER REVIEW

Sec. 2. (a) Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new subsection (e):

"(e) Peer Review.—The Administrator shall by written procedures, provide for peer review with respect to the design, protocols, and conduct of major scientific studies conducted under this Act by the Environmental Protection Agency or by any other Federal agency, any State or political subdivision thereof, or any institution or individual under grant, contract, or cooperative agreement from or with the Environmental Protection Agency. In such procedures, the Administrator shall also provide for peer review, using the advisory panel established under subsection (d) of this section or appropriate experts appointed by the Administrator from a current list of nominees maintained by such panel, with respect to the results of any such scientific studies relied upon by the Administrator with respect to actions the Administrator may take relating to the change in classification, suspension, or cancellation of a pesticide: *Provided*, That whenever the Administrator determines that circumstances do not permit the peer review of the results of any such scientific study prior to the Administrator's exercising authority under section 6(c) of this Act to immediately suspend the registration of any pesticide to prevent an imminent hazard, the Administrator shall promptly thereafter provide for the conduct of peer review as provided in this sentence. The evaluations and relevant documentation constituting the peer review that relate to the proposed scientific studies and the results of the completed scientific studies shall be included in the submission for comment forwarded by the Administrator to the advisory panel as provided in subsection (d). As used in this subsection, the term 'peer review' shall mean an independent evaluation by scientific experts, either within or outside the Environmental Protection Agency, in the appropriate disciplines.".

(b) The provisions of this section shall become effective upon publication in the Federal Register of final procedures for peer review as provided in this section, but in no event shall such provisions become effective later than one year after the date of enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 3. Section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new sentence: "There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1979, and ending September 30, 1980, such sums as may be necessary, but not in excess of $72,160,000, and for the period beginning October 1, 1980, and ending September 30, 1981, such sums as may be necessary, but not in excess of $77,500,000.".

CONGRESSIONAL REVIEW

SEC. 4. Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new paragraph (4):

"(4) RULE AND REGULATION REVIEW.—

"(A) CONGRESSIONAL REVIEW.—Notwithstanding any other provision of this Act, simultaneously with promulgation of any rule or regulation under this Act, the Administrator shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subparagraph (B), the rule or regulation shall not become effective, if within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule or regulation promulgated by the Administrator of the Environmental Protection Agency dealing with the matter of   , which rule or regulation was transmitted to Congress on   ', the blank spaces therein being appropriately filled.

"(B) EFFECTIVE DATE.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in subparagraph (A).

"(C) For the purposes of subparagraphs (A) and (B) of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

"(D) EFFECT OF CONGRESSIONAL INACTION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.

"(E) JUDICIAL REVIEW.—

"(i) Any interested party, including any person who participated in the rulemaking involved, may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this paragraph. The district court immediately shall certify all questions of the constitutionality of this paragraph to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

"(ii) Notwithstanding any other provision of law, any decision on a matter certified under clause (i) of this subparagraph shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

"(iii) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under clause (i) of this subparagraph.".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

THOMAS S. FOLEY,
E DE LA GARZA,
GEORGE E. BROWN, Jr.,
FLOYD J. FITHIAN,
IKE SKELTON,
DAN GLICKMAN,
GLENN ENGLISH,
WILLIAM C. WAMPLER,
MARGARET M. HECKLER,
CHUCK GRASSLEY,
ED MADIGAN,
Managers on the Part of the House.

HERMAN E. TALMADGE,
DICK STONE,
PATRICK J. LEAHY,
DONALD W. STEWART,
JESSE HELMS,
S. I. HAYAKAWA,
ROGER W. JEPSEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7018) to extend the Federal Insecticide, Fungicide, and Rodenticides Act until September 30, 1981, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The differences between the House bill and the Senate amendment, and the substitute agreed to in conference, are noted in the following outline, except for conforming, clarifying, and technical changes:

(1) SUBPANELS OF THE FIFRA SCIENTIFIC ADVISORY PANEL (SEC. 1(1))[*]

The *House* bill amends section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which authorizes the chairman of the FIFRA scientific advisory panel to create temporary subpanels on specific projects. The *House* bill provides that scientists who are not members of the scientific advisory panel may be included on the temporary subpanels, as necessary to evaluate scientific studies that the Administrator of the Environmental Protection Agency relies on with respect to proposed action. Under the *House* bill, the additional scientists would be selected by the scientific advisory panel.

The *Senate* amendment contains no comparable provision.

The *Conference* substitute adopts the *House* provision.

(2) PEER REVIEW OF SCIENTIFIC STUDIES—EFFECTIVE DATE (SEC. 2(B))

The *House* bill and *Senate* amendment require the Administrator to provide through written procedures for peer review of the design, protocols, conduct, and results of scientific studies conducted under FIFRA.

The *House* bill states that the provisions relating to peer review will become effective upon publication in the *Federal Register* of final written procedures for such peer review, but in no event later than one year after the date of enactment of the bill.

The *Senate* amendment contains no comparable effective date provision.

The *Conference* substitute adopts the *House* provision.

(3) CONGRESSIONAL REVIEW OF PROPOSED RULES AND REGULATIONS (SEC. 4)

The *House* bill requires the Administrator to submit proposed rules and regulations under FIFRA to Congress for review at the time that they are promulgated. Under the *House* bill, if Congress adopts a concurrent resolution disapproving a proposed rule or regulation under FIFRA within 90 calendar days of continuous session of Congress after its promulgation, the rule or regulation will not become effective. At the end of 60 calendar days of continuous session of Congress after the promulgation of a proposed rule or regulation, the rule or regulation could go into effect immediately if—

(a) no committee of either House of Congress has reported (or been discharged from further consideration of) a concurrent resolution of disapproval of the rule or regulation, and

(b) neither House has adopted such a resolution.

If a committee has reported or been discharged from consideration of, or either House has passed, the concurrent resolution of disapproval within such 60 calendar days, the rule or regulation could go into effect after 90 calendar days of continuous session if the concurrent resolution is not adopted. The *House* bill provides that, for purposes of legislative review of proposed rules and regulations—

(a) continuity of session is broken only by adjournment of Congress sine die; and

(b) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in computing 60 and 90 days of continuous session of Congress.

The *House* bill provides that congressional inaction or rejection of a concurrent resolution of disapproval of a proposed rule or regulation under FIFRA will not be deemed an expression of approval of the rule or regulation.

The *Senate* amendment contains no comparable provisions.

The *Conference* substitute adopts the *House* provisions with a modification that would add procedures to expedite judicial review of the constitutionality of the legislative veto provisions.

Under the *Conference* substitute, any interested party (including any person who participated in the rulemaking involved) could institute action in U.S. district court to construe the constitutionality of any part of the legislative veto provisions. The interested party could bring any form of action that is appropriate to construing the constitutionality of the provisions, including actions for declaratory judgment. The district court would certify all questions of constitutionality to the U.S. court of appeals for the circuit involved. The court of appeals would hear the matter sitting en banc.

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[*] The section references are references to the *Conference* substitute.

A matter certified to, and decided by, the court of appeals would be reviewable by the U.S. Supreme Court on direct appeal. An appeal to the Supreme Court would have to be filed within 20 days after the decision of the court of appeals is handed down.

Under the *Conference* substitute, the Supreme Court and courts of appeal would have a duty to advance on the docket and expedite to the greatest possible extent any action brought under the amendment.

Thomas S. Foley,
E de la Garza,
George E. Brown, Jr.,
Floyd J. Fithian,
Ike Skelton,
Dan Glickman,
Glenn English,
William C. Wampler,
Margaret M. Heckler,
Chuck Grassley,
Ed Madigan,
Managers on the Part of the House.
Herman E. Talmadge,
Dick Stone,
Patrick J. Leahy,
Donald W. Stewart,
Jesse Helms,
S. I. Hayakawa,
Roger W. Jepsen,
Managers on the Part of the Senate.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1981

Mr. FUQUA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7099) to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1981, and for other purposes as amended.

The Clerk read as follows:

H.R. 7099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1981".

PROGRAM AUTHORIZATIONS

Sec. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1981 for the following activities:

(1) Air quality activities in the Health and Ecological Effects program, $45,243,000.

(2) Air quality activities in the Industrial Processes program, $4,099,000.

(3) Air quality activities in the Monitoring and Technical Support program, $20,825,000.

(4) Water quality activities in the Health and Ecological Effects program, $25,384,000: *Provided,* That of the funds appropriated pursuant to this paragraph, $3,600,000 may be obligated and expended on the Great Lakes Research program through the Environmental Protection Agency's Large Lakes Research Station, Grosse Ile, Michigan: *Provided further,* That of the funds appropriated pursuant to this paragraph, $1,000,000 may be obligated and expended on research to develop environmentally sound methods to control aquatic weeds: *Provided further,* That of the funds appropriated pursuant to this paragraph, $950,000 may be obligated and expended on the Cold Climate Research program through the Environmental Protection Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon.

(5) Water quality activities in the Industrial Processes program, $13,737,000.

(6) Water quality activities in the Public Sector Activities program, $14,300,000; *Provided,* That of the funds appropriated pursuant to this paragraph, $500,000 may be obligated and expended on a program to develop and demonstrate wet-weather technology at New York, New York.

(7) Water quality activities in the Monitoring and Technical Support program $12,101,000.

(8) Drinking water activities, $29,547,000; *Provided,* That of the funds appropriated pursuant to this paragraph—

(A) $4,000,000 may be obligated and expended on the Groundwater Research program (and no part of such sum shall be subject to transfer to any other category under subsection (e)), and the Administrator shall submit to the Congress a plan for the conduct of groundwater research and the use of the results of this research within one hundred and twenty days after the date of the enactment of this Act;

(B) $12,359,000 is for the Health and Ecological Effects program;

(C) $12,180,000 is for the Public Sector Activities program; and

(D) $1,008,000 is for the Monitoring and Technical Support program.

(9) Solid waste activities in the Public Sector Activities program, $20,446,000: *Provided,* That of the funds appropriated pursuant to this paragraph—

(A) $300,000 may be obligated and expended on a program to demonstrate the effectiveness of in-place solidification of hazardous wastes at a site in Charles City, Iowa;

(B) $68,000 may be obligated and expended on a program to demonstrate monitoring and isolation methods for hazardous wastes at a site in Coventry, Rhode Island;

(C) $500,000 may be obligated and expended on a program to demonstrate cleanup technologies, monitoring methods, scoping studies and related activities for hazardous wastes at two hazardous waste sites in Burrillville and North Smithfield, and Smithfield, Rhode Island.

(10) Pesticides activities in the Health and Ecological Effects program, $5,970,000: *Provided,* That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(11) Pesticides activities in the Industrial Processes program, $2,900,000: *Provided,* That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(12) Pesticides activities in the Monitoring and Technical Support program $565,000: *Provided,* That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(13) Radiation activities in the Health and Ecological Effects program, $2,990,000.

(14) Radiation activities in the Monitoring and Technical Support program $191,000.

(15) Interdisciplinary activities in the Health and Ecological Effects program $5,232,000.

(16) Interdisciplinary activities in the Monitoring and Technical Support program $2,618,000.

(17) Interdisciplinary activities in the Anticipatory Research program, $14,745,000.

(18) Toxic substances activities in the Health and Ecological Effects program $27,876,000.

(19) Toxic substances activities in the Industrial Processes program, $1,772,000.

(20) Toxic substances activities in the Monitoring and Technical Support program, $2,688,000.

(21) Energy activities in the Health and Ecological Effects program, $49,246,000.

(22) Energy activities in the Energy Control program $53,358,000.

(b) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program management, $4,666,000.

(c) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program support, $25,213,000.

(d) When he finds it in the public interest, the Administrator of the Environmental Protection Agency is authorized to utilize funds authorized in subsection (a), (b), or (c) for appropriate scientific and professional review of research and development grant, contract, and cooperative agreement applications.

(e) Funds may be transferred between the categories listed in subsections (a), (b), and (c); except that no funds may be transferred from any particular category listed in any such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a), (b), or (c) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(f) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 15 per centum of funds appropriated to the Administrator for environmental research and development for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

AMENDMENT OF SCIENCE ADVISORY BOARD ESTABLISHMENT

Sec. 3. Section 8(a) of Public Law 95–155 (relating to the provision of advice by the Science Advisory Board) is amended by striking out "Science Advisory Board which shall provide such scientific advice as the Administrator requests" and inserting in lieu thereof "Science Advisory Board which shall provide such scientific advice as the Administrator, the President of the Senate, the Speaker of the House, or the Committees or Subcommittees of the Congress may request".

The SPEAKER pro tempore. Is a second demanded?

Mr. WALKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FUQUA) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. WALKER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 7099, authorizes fiscal year 1981 appropriations of $385.7 million for the EPA research and development program, $10.4 million below the President's request. This funding will support R. & D. activities in the areas of air and water quality, drinking water, hazardous waste, pesticides, radiation, toxic substances, and energy.

This bill is the result of extensive oversight hearings and investigation of EPA's R. & D. activities. Moreover, H.R. 7099, as amended, represents a workable compromise with the other body that is essentially the same bill that was reported out of our committee with some minor modifications. I believe this bill greatly strengthens the existing research program of the Environmental Protection Agency and I strongly urge its favorable consideration by my colleagues in the House.

I will ask Mr. AMBRO, chairman of the Subcommittee on Natural Resources and Environment, to comment on this legislation. The gentleman from New York (Mr. AMBRO) and the ranking minority member, Mr. WALKER, should be congratulated for their efforts in preparing a bill which reflect this body's concerns for budget constraint while at the same time responds to the environmental problems that threaten our society. Their dedication and efforts are true testimony of their service to this Nation.

Mr. Speaker, before yielding, I would like to say a few words about the importance of this legislation. The research programs that are authorized by this bill will have a profound impact on the future health and well-being of the general public and the environment in which we live. These programs generate knowledge about the effects of pollutants and the means by which exposure to harmful substances may be controlled and diminished.

Pollutants in our air and water from such sources as hazardous waste, toxic substances, and energy development and utilization present real dangers to our society. We must know what these dangers are and how they can be mitigated. With this knowledge, we can develop sound and reasonable strategies for protecting our environment while striking a proper balance between societal and economic goals.

The research programs of the Environmental Protection Agency thus serve an important service for this Nation. This legislation gives the needed authorization and guidance for these efforts.

One such effort that I would like to comment on is EPA's program for aquatic weed control. This is an area that I have been concerned with for some time. Noxious aquatic weeds are a major problem in lakes and streams, not only in the Southern United States, but in all portions of the country. These weeds affect water quality and marine life and cause flooding. Research is needed to learn how to control them in ways other than spraying toxic chemicals or by mechanical means. These methods are potentially harmful to marine life and humans.

Three years ago the Congress directed the EPA to conduct a research program in aquatic weed control. The Agency has been slow to carry out such a program. As a result, this bill authorizes $1 million for the EPA to support an aquatic weeds research program. EPA has advised us informally that they plan to commit $3.8 million over the next 4 years for an aquatic weeds program. This commitment is long overdue, but most welcomed. I anxiously await the results of this program and this committee will closely watch these activities to insure that practical solutions are identified and put into broad use.

Mr. Speaker, I am going to ask the gentleman from New York (Mr. AMBRO), chairman of the Subcommittee on Natural Resources and Environment to comment further about the legislation.

First I want to say, Mr. Speaker, that we are, indeed, grateful for the valued service that this gentleman has given in not only performing very excellently as chairman of this subcommittee, but also the hard work that he has done during his service in this Congress. He has been a loyal and dedicated subcommittee chairman and in the 97th Congress we are certainly going to miss the wise counsel of our colleague from New York (Mr. AMBRO).

At this time I yield such time as he may consume to the gentleman from New York (Mr. AMBRO).

□ 1400

Mr. AMBRO. I thank my friend, the chairman, the gentleman from Florida (Mr. FUQUA) very much for those kind and generous remarks.

Mr. Speaker, I rise to support the bill H.R. 7099, as amended, to authorize appropriations for EPA, environmental research, development, and demonstrations for fiscal year 1981. This bill should be considered less controversial and more valid today than when it was reported out of the committee some 8 months ago, and it represents a reasonable compromise that has been worked out with the Senate. In line with that, I might point out that we succeeded in removing section 3 which the other body had installed and which was considered less than germane to this bill. The funding authorization in this bill, $385.7 million, is comparable to the bill that was considered and ordered reported by the Committee on Science and Technology last spring.

The funds authorized here will be used for research projects which in turn will support the pollution abatement mission of EPA. In many cases, these abatement activities give rise to controversy and publicity when, in order to meet regulatory deadlines, the Agency makes regulatory decisions on the basis of inadequate information and weak data.

The Committee on Science and Technology is committed to insuring the development of a research program of the highest quality so that the EPA will formulate and implement credible regulatory decisions. This theme was central to the development of this bill. If we in the Congress are to insist that EPA's programs have a sound informational base, then a sound research program is essential.

While research quality was an important factor in considering this bill, we were also determined to eliminate excess funding. Specifically, there were areas where the Agency had large contracting efforts with relatively small in-house staff to oversee them. In these areas we had serious doubts about the Agency's ability to insure the quality and usefulness of the work being performed. We, therefore, made some funding reductions in these areas believing that both the research program and the Agency's ability to fulfill its mission will be beneficially affected and enhanced. Our message should be clear. We intend to have a cost-effective research program of the highest quality in EPA that is responsive to the environmental problems that threaten this Nation.

I would now like to address some of the specific provisions contained in the bill.

Section 2 authorizes funding for the regular research programs of EPA. These authorizations include: $70.2 million for air, $65.5 million for water quality, $29.5 million for drinking water, $20.4 million for hazardous waste, $9.4 million for pesticides, $3.2 million for radiation, $22.6 million for interdisciplinary research, $32.3 million for toxic substances, $102.6 million for energy, and $29.9 million for program management and support.

This bill is not one which deals directly with the enforcement arm of EPA or directly with its regulatory function. This bill deals indirectly but most significantly with both enforcement and regulations in a way which reflects both the needs and the mood of the Nation.

By that I mean I think that the vast majority of our citizens want, deserve and certainly should have a revitalized industrial base, an accelerated program of the development of alternative energy sources, and a strengthened economy while not inordinately sacrificing the air they breathe, the water they drink or the contamination of our precious natural resources. This bill starts with the premise that this country can move into this decade with the hope of having both: By specifically providing direction to the Office of Research and Development of EPA that its work must be at once valid and reasonable; by relating its findings not to alleged health effects on laboratory animals alone, as an example, but to the real effects and risks to human beings.

We direct the Office of Research Development to quantify human health effects, to develop themselves technologies and go through a learning process and an educational process which parallels that of the private sector, the process which all potential polluters must undertake to control emissions and to demonstrate the cost-effectiveness of these systems, to provide procedures and materials to document the validity after the fact of their monitoring data, and to provide as well the technical expertise, specialized facilities and equipment to the regulatory and enforcement arms.

Little wonder that EPA does not particularly like this bill. We are, in effect, forcing the agency to tilt within, of course, the constraints of existing laws, in the direction of finding pragmatic and realistic solutions to the Nation's environmental problems; to get down off their ivory tower; to best determine the adequacy of existing pollutant standards; and to offer data for future regulatory standards which are not merely whimsical attitudes of a regulation writer but are in fact credible reflections of the very real risks to human health and very real protections against the violations of human tolerances and human thresholds.

This research expansion in health and ecological effects focuses on removing the uncertainties of health effects associated with substances that are now regulated or proposed for regulation.

This bill is, indeed, better, much better than no bill, because by earmarking the line-itemizing, it insures that the research, development, and demonstration program will, in fact, underlie the promulgation of regulations and assure their reasonableness.

Of course, the agency prefers the almost carte blanche provision of appropriations, without an authorization bill, since the specific prudent, pragmatic, and reasonable direction this bill mandates is obviated by the broad discretion permitted in the absence of this bill.

So these considerations, in my view, become overriding in making the case for passage.

Lastly, this bill is very intensive in areas which I consider vital to the well-being of the country in the short, medium, and long term. I refer to groundwater especially.

As our magnificent push in the direction of new discoveries provides man with innovative means of enhancing his quality of life, so does that mean that thousands upon thousands of new chemical compounds are invented daily. While these new products and procedures immeasurably benefit humankind in one or another particular area, just as surely can it be said that they are available in such an extraordinary array of quantities that their effects, their real effects, have not been properly assessed.

EPA's answer, and that of too many other Federal agencies, has been in effect the promulgation of unreasonable regulations, to ban their use. The common complaint is embodied in the phrase "stopping progress."

But progress in one area can certainly mean retrogression in another, our drinking water, for example, our air quality which will surely deteriorate as a result of the burning of increased hydrocarbons for fuel and the concomitant loss of those elements critical to our survival. The acid rain problem, too little understood, too often dismissed but so very serious in its potential and present threat to crops, forests, fish, and animal life, not to mention our relations with Canada.

This bill pushes the Agency in the direction of truth—truth in providing the data base for regulation; truth in establishing criteria based on human, not laboratory rats, human threshold levels; truth in understanding the necessity, the difficulty, the efficacy of developing controls for removing contaminants and their costs; and, lastly, truth in approaching their research and development in a focused manner which reflects the needs of the Nation. Too often ORD and the Environmental Protection Agency are justifiably criticized for engaging in unstructured, extraneous, and invalid actions by those who would like to look into the fates of contaminants based on the frivolous, often disjointed, and certainly unrelated notions of seer and palm readers. Curious but not credible.

I do not mean to overstate the case. Surely, much of ORD's work is valuable. But, if there is one central notion that comes from sitting on a subcommittee and then chairing it, and while presiding over week upon week of hearings is that the wealth of miscellaneous information developed by this Office of Research is often unrelated to the very real regulatory and enforcement needs of the EPA and to the Nation. This bill seeks to make an additional start in correcting all of that, as I have tried to point out, and I urge its adoption.

□ 1410

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to inform my colleagues in the House that the minority fully supports this legislation which would authorize environmental research activities conducted by the EPA during fiscal year 1981. The bill before the House is one which our committee gave a great deal of consideration to and I am pleased to report to the House that this bill is $10.5 million below the budget request.

I would also like my colleagues in the House to know that we have been able to get the other body to agree to accept our version rather than the version passed earlier this year in the Senate which was $17 million higher than the comparable amount contained in the bill presently before the House.

Members of our committee consider it essential that we pass this 1-year authorization of the R. & D. program to insure that EPA will have adequate guidance from the Congress on areas where we feel their work has been insufficient. Among the items included in this compromise legislation are: $3,600,000 for a Great Lakes research program to be carried on through the Environmental Protection Agency large lakes research station at Grosse Ile, Mich.; $1,000,000 for research to develop environmentally sound methods to control aquatic weeds which are a serious problem in many areas of the South; $4,000,000 to be spent on the groundwater research program together with the requirement that the Administrator shall submit to the Congress a plan for the conduct of groundwater research; $500,000 to fund a concentrated effort of wet weather technology research and development proposed by our colleague Mr. WYDLER; $950,000 to be expended on cold climate research programs which is aimed at solving some of the unique and serious environmental problems which occur in Alaska; $300,000 to conduct a demonstration on the effectiveness of in place solidification of hazardous wastes at Charles City, Iowa; $68,000 for a demonstration project to monitor and isolate hazardous wastes at Coventry, R.I.; and $500,000 for studies and demonstration of cleanup technologies at hazardous waste sites in Burrillville and North Smithville, R.I.

Mr. Speaker, this is without a doubt one of the most responsible pieces of legislation which our committee has developed in the years I have served in this House. I would like to commend the members of the committee who have been active in our work this year and I would like to point out to the Members of the House that this is without a doubt legislation that all Members can and should support. Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I would also, for a moment, like to engage the gentleman from New York (Mr. AMBRO) in a colloquy with regard to some changes that we made in this bill in order to get the agreement between the House and the Senate.

As I understand it, some of the programs that we had made mandatory are now discretionary as we have outlined them in the bill before the House.

I would like to get the gentleman's opinion as to whether or not that discretionary language does not give a clear mandate to the agency, however, to go ahead in the areas that we have specifically outlined for spending.

Mr. AMBRO. If the gentleman will yield, in order to get around the objection that the word "shall" was used instead of the word "may" in an authorizing bill which succeeded rather than preceded the appropriations bill, we changed the word "shall," which was a mandate, to the word "may," which was less of a mandate. The word "shall" was replaced with the word "may."

In order to deal with the gentleman's specific question, I think I can say, after consultation with the full committee chairman, the gentleman from Florida (Mr. FUQUA), that the subcommittee in the succeeding year will pay very strict attention through oversight to all of the activities that we found it necessary early on to mandate but which now is discretionary as a result of this simple word change and will focus specifically on all of those issues which we have found so important to look at in order to assure that the agency does indeed carry out what we consider our mandate to them.

Mr. WALKER. I thank the gentleman for the explanation.

I think it might be well to point out to the House that some of those areas include the groundwater research that the gentleman spoke so eloquently about and also research in the Great Lakes, research on hazardous waste, and some of the great environmental concerns that are before the American public, that those are areas that we are really mandating some movement in. I think it is well for the House to know that the subcommittee was acting in areas where we think that the American people really want movement and perhaps regulation, but regulation based on sufficient data.

Mr. AMBRO. If the gentleman will yield further, I think it is important to reemphasize what I tried to say, and that was that there are so many environmental concerns that this Nation has, that the subcommittee, with my friend's considerable help, as the ranking minority member, had to in effect set in priority order those things which would assure that the critical elements in our survival would be addressed by the research branch of the Environmental Protection Agency.

The gentleman listed some of them. Some of them I mentioned. All are important. But certainly those mandates which would assure clean water, potable water, clean air, the effects of hazardous waste, the tilt of the agency away from utilizing rather spurious data and move them in the direction of determining the impact of those contaminants on human threshold and human health and human risk levels are the directions in which we tried to move the agency with this bill and its language, and indeed, as I said earlier, I have the assurance of the committee chairman, and I would hope that whomever becomes chairman of the subcommittee in the future, certainly if the gentleman remains on that subcommittee, that assurance will be supported by even greater commitment that oversight of ORD and the mandate that we consider necessary will, in fact, be undertaken.

Mr. WALKER. I thank the gentleman for his comment.

I think the one other area we have not mentioned in the colloquy that we also very definitely mandated was one proposed by our colleague, the gentleman from New York (Mr. WYDLER), and that was the wet weather technology research and development program that we feel there is a very definite need to move in.

I thank the gentleman for his response.

Mr. Speaker, I reserve the balance of my time.

Mr. FUQUA. Mr. Speaker, first of all, I want to commend the gentleman from Pennsylvania (Mr. WALKER), who is the ranking minority member, for the fine work that he has done and the cooperative attitude that he has had in bringing this bill about and also his dedicated service on the Committee on Science and Technology. We do deeply appreciate his fine work.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from California (Mr. BROWN), a member of the committee.

Mr. BROWN of California. Mr. Speaker, I would not impose upon the House to take this time except for two points which I wish to make.

First, I wish to add my voice again to those who have expressed praise for the chairman of the subcommittee, the distinguished gentleman from New York (Mr. AMBRO), who has very ably chaired this Subcommittee on Natural Resources and Environment during the past 2 years. He has brought an extremely valuable viewpoint to that subcommittee, and I am sure that all of the Members of the House are aware of his practical and realistic approach to the problems that face this agency, particularly the research and development problems, and I think the agency will recognize in the future, if they do not recognize at the present time, that the thrust which he has given to the work covered in this authorization legislation will be of great benefit both to the agency and to the American people in the years to come. I want to thank the chairman for his contribution to that.

Second, Mr. Speaker, I had expressed some reservations with regard to this legislation when it originally came to the floor, and I want to tell my colleagues at this time that these reservations are no longer held on my part. In some cases they have been mooted by actions taken since that time. But I think that we have a very good authorizing bill before us in this legislation. I am heartily in support of it, and I urge all of my colleagues to vote in favor of this legislation.

Mr. FUQUA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma (Mr. WATKINS), also a very valued member of the committee.

Mr. WATKINS. Mr. Speaker, I rise in support of this bill, and I would like to echo what a number of others have stated, that there is a tremendous need for adequate research, scientific research, done with integrity, regarding many of the environmental problems concerning our country.

☐ 1420

There are many people on both sides of the aisle who might have difficulty with certain regulations from EPA, but without question most of us deplore EPA arbitrarily setting standards without adequate research and scientific work being done concerning these measures. I would like to state that the gentleman from New York (Mr. AMBRO) has done a neat job, I want him to know that on many occasions in the future this House will be echoing his words when he said that this country is confronted with a time bomb as far as some of the problems that are going to result from contamination of ground water.

I think many of our cities, many of our citizens, are concerned with water being contaminated and having our drinking water supplies destroyed.

I would like to say, Mr. Speaker, that there happens to be money in this bill authorized for ground water research, but I deeply regret that in the appropriation bill, under renewable resources, that the needed money was not provided. I hope this House will see fit to do so in the future.

● Mr. REGULA. Mr. Speaker, I would like to applaud the Committee on Science and Technology for its attention to the problem of contracting out EPA's research program. In the report, the committee describes the problems of increasing outside contract work at the expense of in-house research. Increased paperwork and monitoring of agency contracts will most certainly have a negative effect on a capable research staff that should be employing its own research expertise.

I have addressed this issue on fiscal year 1981 appropriations bills to get more disclosure of outside contracts by Federal agencies. But, the best way to get at this problem is oversight by the authorizing committees as has been done in this bill. I believe this committee has accepted its responsibility by directing the EPA to "pursue appropriate corrective measures before expanding extramural research efforts."●

Mr. FUQUA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DANIELSON). The question is on the motion offered by the gentleman from Florida (Mr. FUQUA) that the House suspend the rules and pass the bill, H.R. 7099, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2726) to authorize appropriations for environmental research, development, and demonstrations for the fiscal years 1981, and for other purposes.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The clerk read the Senate bill, as follows:

S. 2726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1981".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1981 for the following activities:

(1) for air quality activities authorized under the Clean Air Act—

(A) in the Health and Ecological Effects program, $45,243,000;

(B) in the Industrial Processes program, $4,099,000;

(C) in the Monitoring and Technical Support program, $20,825,000;

(2) for water quality activities authorized under the Clean Water Act—

(A) in the Health and Ecological Effects program, $21,884,000, of which $950,000 shall be obligated and expended on the Cold Climate Research program through the Environmental Protection Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon;

(B) in the Industrial Processes program, $13,737,000, of which $2,500,000 is for the Renewable Resources program;

(C) in the Public Sector Activities program, $14,800,000;

(D) in the Monitoring and Technical Support program, $12,101,000;

(3) for water supply activities authorized under the Safe Drinking Water Act—

(A) in the Health and Ecological Effects program, $12,359,000;

(B) in the Public Sector Activities program, $14,080,000;

(C) in the Monitoring and Technical Support program, $1,008,000;

(4) for solid waste activities authorized under the Solid Waste Disposal Act, $26,446,000 of which—

(A) $300,000 is for a program to demonstrate the effectiveness of in-place solidification of hazardous wastes at a site in Charles City, Iowa;

(B) $68,000 is for a demonstration project to monitor and isolate hazardous wastes at a site in Coventry, Rhode Island.

(C) $500,000 is for a study of cement kiln wastes;

(D) $500,000 is for scoping studies, demonstration of cleanup technologies, continued monitoring, and related activities at two hazardous waste sites in Burrillville and North Smithfield, and Smithfield, Rhode Island;

(5) for pesticide activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act—

(A) in the Health and Ecological Effects program, $5,970,000;

(B) in the Industrial Processes program, $2,900,000;

(C) in the Monitoring and Technical Support program, $565,000;

(6) for radiation activities authorized under the Public Health Service Act—

(A) in the Health and Ecological Effects program, $2,990,000;

(B) in the Monitoring and Technical Support program, $191,000;

(7) for interdisciplinary activities—

(A) in the Health and Ecological Effects program, $5,232,000;

(B) in the Monitoring and Technical Support program, $2,868,000;

(C) in the Anticipatory Research program $14,745,000;

(8) for toxic substance activities authorized under the Toxic Substances Control Act—

(A) in the Health and Ecological Effects program, $31,876,000;

(B) in the Industrial Processes program, $1,772,000;

(C) in the Monitoring and Technical Support program, $3,247,000;

(9) for energy activities—

(A) in the Health and Ecological Effects program, $50,096,000;

(B) in the Energy Control program, $55,003,000, of which $500,000 is for a study of uranium mining wastes.

(b) There are authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program management $4,666,000.

(c) When he finds it in the public interest, the Administrator of the Environmental Protection Agency is authorized to utilize funds authorized in subsection (a) or (b) for appropriate scientific and professional review of research and development grant, contract, and cooperative agreement applications.

(d) Funds may be transferred between the categories listed in subsections (a) and (b) except that no funds may be transferred from any particular category listed in subsection (a) or (b) to any other category or categories listed in any such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) Each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(e) The Administrator shall establish a separately identified program to conduct continuing and long-term environmental research and development. Unless otherwise specified by law, at least 15 per centum of funds appropriated to the Administrator for environmental research and development in each category listed in subsection (a) of this section shall be allocated for such long-term environmental research and development under this subsection.

ACCESS FOR ENVIRONMENTAL RESEARCH

SEC. 3. (a) Within one year after the date of enactment of this Act, the Administrator of the Environmental Protetcion Agency, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Secretary of Energy, interested members of the public, and representatives of the oil shale industry, shall issue regulations providing for access to oil shale mining, processing, retorting and refining operations on federally owned land, by representatives of Federal, State and local government and other appropriate persons for reasonable and legitimate research on the environmental effects of oil shale operations. Compliance with such regulations shall be made a condition of any lease entered into by the United States with any oil shale operation, and each existing lease shall be deemed amended to incorporate such condition.

(b) The regulations issued under subsection (a) of this section shall provide for—

(1) certification by the Administrator of each person or class of persons to whom such access shall be granted to assure that the research needs of such person or class of persons require physical access to oil shale operations and cannot be satisfied by examination of information publicly available, and to assure compliance with this section by such persons or class of persons;

(2) restrictions on the access granted to certified persons, as necessary to—

(A) protect their health and safety;

(B) minimize interference with the oil shale operations; and

(3) conditions and restrictions for the use of information gained through such access to—

(A) preserve the privacy of trade secrets and other information which the Administrator determines must remain private to maintain the competitive position of the owner or operator of an oil shale operation or any contractor or subcontractor of such owner or operator; and

(B) allow information obtained through access provided by this section to be available to the public.

(c) Any person granted access to an oil shale facility for the purposes of this section shall be subject to the provisions of section 1905 of title 18, United States Code. The Administrator shall provide such persons with information necessary to assure that such persons understand the provisions of section 1905 of title 18, United States Code.

MOTION OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FUQUA moves to strike out all after the enacting clause of the Senate bill, S. 2726, and insert in lieu thereof the provisions contained in H.R. 7099, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7099) was laid on the table.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 7099, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 452. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39; and

H. Con. Res. 453. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 39.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 988) entitled "An act entitled the 'Health Science Promotion Act of 1980'."

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7018) entitled "An act to extend the Federal Insectiside, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes."

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2542. An act to grant a Federal charter to the Italian American War Veterans of the United States of America; and

S. Con. Res. 136. Concurrent resolution directing the Secretary of the Senate to make corrections in the Enrollment of the bill (S. 988).

BLACK LUNG BENEFITS ACT AMENDMENTS

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7745) to amend the Black Lung Benefits Act to provide that certain amounts available for disbursements under section 424 of such act shall be available for the payment of benefits and reimbursements in the case of miners whose last coal mine employment occurred before July 1, 1973.

The clerk read as follows:

H.R. 7745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 422(c) of the Black Lung Benefits Act (30 U.S.C. 932(c)) is amended by striking out "December 31, 1969" and inserting in lieu thereof "June 30, 1973".

(b) Section 422(j)(2) of the Black Lung Benefits Act (30 U.S.C. 932(j)(2)) is amended by striking out "January 1, 1970" and inserting in lieu thereof "July 1, 1973".

SEC. 2. (a) Section 424(a)(2) of the Black Lung Benefits Act (30 U.S.C. 934(a)(2)) is amended by striking out "January 1, 1970" and inserting in lieu thereof "July 1, 1973".

(b) Section 424(a) of the Black Lung Benefits Act (30 U.S.C. 934(a)) is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) the reimbursement of operators for amounts paid by such operators (other than as penalties or interest) at any time in satisfaction (in whole or in part) of claims of miners whose last employment in coal mines was terminated during the period beginning on January 1, 1970, and ending on June 30, 1973.".

SEC. 3. The amendments made by the foregoing provisions of this Act shall take effect on October 1, 1980.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, first let me make clear that H.R. 7745 will not burden the Federal Treasury one penny. We do not add any burden whatsoever on the Federal Treasury.

Mr. Speaker, H.R. 7745 corrects an inequity contained in the 1977 amendments to the Black Lung Benefits Act. Those amendments, along with the companion Black Lung Benefits Revenue Act of 1977, established the current financing mechanism for paying the claims of eligible black lung beneficiaries. They also prescribed the rules to determine whether a claim is the liability of a responsible coal operator or that of the black lung disability trust fund.

Generally, the trust fund pays benefits in cases in which the miner's last coal mine employment was before January 1, 1970.

The 1977 amendments also required that all claims which had been previously denied or which were then pending be subject to review under the revised eligibility criteria prescribed by the new law.

All claims approved pursuant to review were to be paid either by a responsible coal operator or by the trust fund, without regard to whether they had been filed initially under part B, Federal liability, or part C, coal operator liability, of the black lung program. Part B claims were those filed prior to July 1, 1973.

All claims filed and approved under part B of the program were paid out of general revenues prior to the 1977 black lung amendments. Claims filed and approved under part C were the responsibility of a coal operator or general revenues in the event a "responsible" coal operator could not be affixed with the liability.

The combined effect in the 1977 law of requiring the automatic review of old, part B claims, and of directing that those approved be paid by coal operators—either directly or through the trust fund—has produced a particularly harsh result on operators and their insurers.

They had no reason to anticipate that they would ever be held directly liable for a claim filed under part B; that is, before July 1, 1973. They now find themselves called upon to pay such claims in cases where the miner's last employment occurred between January 1, 1970, and June 30, 1973.

H.R. 7745 simply advances the cutoff date for trust fund claims liability from January 1, 1970, to July 1, 1973, in order to be consistent with the time requirements of part B in the underlying law.

It would require that claims approved pursuant to the review requirements of the 1977 amendments be paid out of the trust fund in cases where the miner's last coal mine employment was before July 1, 1973.

We are not transferring any liability from coal operators to the Treasury; rather, we are only—in respect of fairness—transferring liability from coal operators individually to coal operators indirectly and proportionately, through the revenues derived from the taxes paid by all coal operators to the black lung disability trust fund.

I think also thereby we are performing a fundamental act of equity. My personal judgment is that it was unfair in the 1977 law for us to have taken claims that—had they been previously approved—were earmarked as the financial responsibility of the Federal Government and to have retroactively assessed their cost upon subsequent approval under new and unforeseen criteria directly to unsuspecting and unprepared coal operators.

Although we spared them the financial burden of claims in which the miner's last coal mine employment was prior to January 1, 1970, we really should have advanced that cutoff date to July 1, 1973—the date upon which all coal operators were on notice that all claims filed on and thereafter were potentially their direct liability.

How many claims are affected by moving this date forward 3½ years? We are advised that approximately 8,000 to 11,000 claims will be approved in which the miner's last coal mine employment occurred on or after January 1, 1970, but before July 1, 1973.

These are claims which theoretically would be paid directly by individual coal operators but which, under the terms of H.R. 7745, will instead be paid out of the black lung disability trust fund.

Mr. Speaker, I am unaware of any significant opposition to this bill. Even the gentleman from Illinois (Mr. ERLENBORN), who voted against the bill in committee, has indicated repeatedly that his objections do not go to the substantive provisions or to the merits of H.R. 7745, but rather to specific circumstances arising out of the Federal black lung program—to which H.R. 7745 is only a corrective amendment.

As I indicated earlier, it is only an exercise in fairness and equity. It does not revise the eligibility criteria by which claims are evaluated. It does not substitute Federal revenues for coal operator moneys in the payment of these claims. Operators endorse it because it spreads a risk of which they had no clear advance warning among the industry at large.

Claimants receive equivalent benefits, whether they derive from a responsible coal operator or the trust fund. And the Congress should accept this as an opportunity to do what should in fairness have been done in 1977.

I do not see this legislation as presenting the difficult philosophical problems that past black lung legislation has posed. All fairminded people can agree to what we are doing in this bill without in any way contradicting their diverse views on the black lung benefits program generally.

I think the overwhelming, bipartisan vote this bill sustained in the Committee on Education and Labor is ample evidence of its broad support. It has been endorsed by coal operators—particularly small coal operators—insurance companies, the United Mine Workers of America, and the administration. I repeat: There has been no objection or opposition yet raised to the substantive merits of the bill itself.

H.R. 7745 deserves our unanimous support.

□ 1430

Mr. ERLENBORN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let me make a few brief points. First of all, you have had a description of the current law given to you in the presentation of the chairman of our committee, the gentleman from Kentucky (Mr. PERKINS). Let me remind my colleagues, the gentleman is the author of the current law.

A few statements made by the chairman, I think, need to be refuted. It has been stated in the report accompanying this bill that the bill is supported by the administration. This is not true. The Department of Labor, speaking for itself and not for the administration, testified in our committee. So, the flatout statement in the committee report that the bill is supported by the administration is incorrect.

Mr. PERKINS. Mr. Speaker, would the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Kentucky just briefly.

Mr. PERKINS. I think the Assistant Secretary so testified. Mr. Elisburg made it perfectly clear that the administration supported it.

Mr. ERLENBORN. Mr. Speaker, I refuse to yield any further.

The gentleman may think so, but Mr. Elisburg did not. It is my understanding that OMB did not clear an administration endorsement of H.R. 7745.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. ERLENBORN. Mr. Speaker, I do not yield any further. I did not interrupt the gentleman when he was controlling his time, and I will control my time.

The report and the gentleman from Kentucky flatout tell us this will not cost the Treasury any money. That was not the testimony from the Department of Labor. At the present time, under the 1977 amendments that were sold to this House on the theory that we were shifting the cost of black lung benefits from the taxpayers to the coal mining industry, we created a trust fund. That trust fund is now receiving enough money to pay about 30 percent of the benefits that are paid out annually. The chairman knows that. The testimony from the Department of Labor was clear. About 70 percent of the benefits come from the Treasury. That is today. It is a bankrupt trust fund that does not have sufficient revenues.

Very clearly, the Department of Labor testified that by the end of fiscal 1995, the deficit in that trust fund will be $9.2 billion. That is if nothing is done. This bill, if enacted, would add another $1.8 billion to that deficit. If you project this on out to about the year 2010, we will have a deficit in that fund running somewhere between $22 billion and $32 billion without this bill. With this bill it will be even larger.

What will happen very clearly is: If we pass this bill not one more dime will go into the pockets of any ex-coal miner for his or her dependents. It does nothing to add to payments to ex-coal miners with pneumoconiosis. What it will do is to reimburse coal mine operators and insurance companies for claims they have already paid. It will come out of the taxpayers' pocket to reimburse industry, the insurance industry, and the coal industry.

What we will do is to shift the burden of future payment of claims to the taxpayers. Now, the least we should do if we are to seriously consider this legislation is to take a look at that trust fund in its present unhealthy condition, see how it can be made healthy, and how we can fulfill the promise made by the chairman of our committee and the other sponsors in the 1977 amendments to shift the cost of these black lung benefits to the coal mine operators. That promise has not been kept.

If this bill is passed, it will even be less true than it is today. This is a bad bill. It ought not be brought up under suspension in the closing days of the session, but of course that is the history of black lung legislation. It is pushed through in a spirit or an atmosphere of emotion at the last minute.

The sponsors talk about the conditions that these poor coal miners had to face when they worked and the condition that they are in if they contract the disease. The fact is under the 1977 amendments, the current law today, all of the old claims already denied up until that point were re-reviewed and the General Accounting Office, at my request, looked at the files of all of these claims. Earlier this year I received from the General Accounting Office, an arm of this Congress, that made this assertion:

> That 88½ percent of the claims allowed under the 1977 amendments were allowed with either no medical proof of disability or inadequate proof of disability.

Now, translated that means only 11½ percent of the claims allowed had adequate medical evidence of disability.

□ 1440

That is the kind of bill you bought in 1977 with the promise you were going to shift the burden off the taxpayer's back and onto the coal mine operators. That promise was not kept. You should understand that it was not kept, and you should insist upon the defeat of this bill.

Mr. ERLENBORN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, however well-intentioned this legislation may have been, certainly its administration is a scandal. It is regrettable that the leadership of the gentleman from Illinois on the subject has not been heeded in this and previous Congresses.

I certainly wish to associate myself with his remarks on this measure and to pledge my support for the position he has here espoused. Ways and Means should have held hearings, and its input should have been sought to provide some fiscal responsibility in administration of the fund. We can have very little pride, as legislative craftsmen, in the black lung program, which more than any other I can think of proves that good intentions are not enough.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished chairman for yielding.

Mr. Speaker, I add my strong support for H.R. 7745 to the words of the chairman of the Education and Labor Committee who has brought this legislation to the floor today. I commend him for his tireless efforts.

Contrary to the remarks just expressed by the gentleman from Illinois, this is not typical for the usual passage of black lung legislation in this House. As the gentleman will recall and as many members of the Committee on Education and Labor will recall, those amendments that we passed in 1977 were passed in an orderly and timely fashion on the floor of the House of Representatives in the spring of that year and there was no last minute rush to pass those amendments. Members knew well the soundness of the actions taken by Congress at that time.

This bill today will advance the cutoff date for claims to be paid by the black lung trust fund from January 1977 to July of 1973. The law currently expects the coal operators to be responsible for payments of benefits for a period of time before the law was changed to require their participation in this part of the program.

Coal operators could not have anticipated pre-1973 liability when the 1977 amendments to the black lung law were being debated.

Enactment of this legislation will in no way result in additional tax expenditures for Federal liability for black lung benefits. Instead of these claims being paid directly by the coal operator they will instead be paid by the operator-financed trust fund thereby spreading the risk associated with such a liability proportionately throughout the entire industry.

Benefits will accrue to the coal operators by passage of this law. Mr. Speaker, I agree this bill will not add one penny to what the coal miner himself can expect. However, the miners and their families will be assisted because, through passage of this bill, many of the lengthy protests which so often delay benefits to the nearly 8,000 black lung victims will be eliminated. A certain amount of redtape will be cut for these claimants. The coal operators as well as the miners will save expensive legal fees that result when an operator protests awarding of a claim.

I would like to point out that this bill deals with a fixed number of persons and not with an expanding group of claimants. Only those persons who retired from the coal mines during the period of January 1, 1970, through July 1, 1973, will be affected. Although, Mr. Speaker, it is not a pleasant thought, I think it must be pointed out at this point that this group will decrease in number in the future as they gradually age and eventually succumb to the effects of this dreaded black lung disease.

Mr. Speaker, in conclusion as we call on our Nation to expand coal production and as we call upon our energy policy decisionmakers in this administration and future administrations to look upon our domestic sources of energy, such as coal, I think it only fair and only human that we also look at our most valuable natural resource, the coal miner, and insure that he or she is treated in a fair and humane manner. This legislation does not insure that completely, but every small step toward that goal is worth it.

Mr. ERLENBORN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. Rostenkowski).

Mr. ROSTENKOWSKI. Mr. Speaker, in 1977, the taxwriting committees developed legislation which established the black lung disability trust fund, with the Secretary of Treasury as the managing trustee, and imposed a new excise tax on coal to finance benefits payable out of the trust fund. Consistent with all other trust funds which are financed with excise taxes, the 1977 tax legislation specified the particular purposes for which revenues raised by the taxes can be spent from the black lung disability trust fund.

The purposes which were specified in the 1977 tax legislation include payment of disability benefits where there is no coal mine operator held liable for such benefits, and also payment of benefits where the miner's last coal mine employment was prior to 1970. The bill now before the House would change the provisions enacted in the 1977 tax legislation, by adding a totally new category of required payments out of the trust fund—namely, all benefits for miners whose last coal mine employment was after January 1, 1970, but before July 1, 1973.

Specifically, this bill would amend legislation developed by the taxwriting committees, which established the trust fund, specified its spending purposes, and imposed a tax as a financing mechanism. Unfortunately, the Ways and Means Committee has not been given an opportunity to consider the bill, or even to hold hearings on it.

According to Department of Labor estimates, which are printed as part of the minority views in the Education and Labor Committee report on this bill, the trust fund will have a deficit by fiscal 1981 of $672 million. On top of this expected deficit, this bill would add the costs of paying benefits for some 8,000 to 11,000 miners. The bill would shift liability for these benefits from particular coal mine operators to the trust fund. According to the DOL figures, by 1995, this bill would add some $1.8 billion to the trust fund deficit, which is already estimated to reach $9.2 billion by 1995. This is not the type of legislation that belongs on the suspension calendar.

Before any additional costs are imposed on a trust fund that already may have a significant deficit, this legislation should be considered by the taxwriting committees. Any increase in the tax on coal which might be required if this bill is enacted will be borne by all consumers of coal. Before the House puts into effect a bill which could result in substantial tax increases, the House should have the benefit of the judgment and expertise of the very committee that established the trust fund, specified its purposes, and imposed the new tax at its current rates.

Mr. Speaker, in 1977, the Congress established a two-track procedure for legislation relating to black lung benefits and financing the costs of such benefits. As was expressly stated on the House and Senate floors, the purpose of the two-track procedure was to set up a sound jurisdictional division both with respect to legislation then and also for future legislation and oversight in connection with the black lung program.

Under this two-track procedure, the tax committees have jurisdiction over the matters contained in the Black Lung Benefits Revenue Act of 1977. As I have already pointed out, the matters within the jurisdiction of the tax committees include the excise tax on coal, the establishment of the trust fund, the structure and administration of the trust fund, and the purposes for which payments can be made out of that trust fund. Those other matters within the jurisdiction of the Education and Labor Committee were placed in a separate bill, the Black Lung Benefits Reform Act of 1977.

This bill clearly amends a provision enacted in the Black Lung Benefits Revenue Act; it clearly expands the purposes for which payments can be made out of the trust fund and thus falls within the jurisdiction of the Ways and Means Committee. That committee has not had any opportunity to hear witnesses as to the need for any such change, the current financial situation of the trust fund, or whether any additional taxes should be imposed in light of the estimated deficit, expected even without the additional costs which would be imposed by this bill.

Mr. Speaker, the whole purpose of creating trust funds is to make these programs self-financing. That can only be done if benefit expansions are coordinated with sound financing. This is not the case in the current bill. I urge a "no" vote so that this matter can be considered in a responsible manner.

☐ 1450

Mr. ERLENBORN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. Wampler).

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 7745 and urge its approval by the House under suspension of the rules.

This bill will not result in the loss of any black lung claimants' benefits, and it will not change any requirements for eligibility for such benefits. It is a measure addressing financial responsibility only, and it is needed to correct the inequity in this area arising from the 1977 Black Lung Benefits Reform Act.

In ending further Federal liability for black lung claims through language of the 1977 act, Congress made coal operators directly liable for claims by miners last employed between January 1970 and July 1973. Liability was established indirectly for those last employed prior to January 1970 through the coal operator payments to the black lung disability trust fund.

Under the original Federal Coal Mine Health and Safety Act of 1969, the coal operators were responsible only for claims arising from employment which terminated after June 1973. The action of the Congress in passing the 1977 amendments suddenly made them directly liable for these additional claims, creating undue financial hardship on our coal operators.

This unfair burden can and should be rectified by passage of H.R. 7745, transferring liability from a direct status to an indirect status through contributions to the black lung disability trust fund.

We should not be in the position of changing the rules in the middle of the game, a situation which has occurred with the 1977 amendments. Small operators are particularly hard hit by the 1977 liability provisions, and broad support for H.R. 7745, to correct the inequity, is expressed by the operators, the miners, and the insurers.

I urge your support for injecting this measure of fairness in the black lung benefits program by suspending the rules and passing H.R. 7745.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. Murphy).

Mr. MURPHY of Pennsylvania. Mr. Speaker, I would like to point out that perhaps we had an oversight in the 1977 act as we labored over that bill and we placed the imposition of this 3½-year period on specific operators instead of at that time placing it as we did all claims prior to January of 1970 on the entire coal industry, by a tax on tonnage.

I would like to clarify Mr. Speaker, that it is on the entire coal industry that we are placing this imposition of claimants who have filed their black lung claims during the 3½-year period from January 1970 to July 1973. It is not being placed on the general tax dollar of the United States. It is placed on the trust fund.

Now, I agree with our distinguished chairman from Illinois that the trust fund has been in some trouble, but that is because the Department of Labor has been doing such an excellent job in processing the claims that had for so many years languished in the bureaucratic coffers here of Washington, D.C., in the social security offices; and those claims were never processed as they should have been. Had they been processed at the proper time, we would have been able to have foreseen these financial obligations on the trust fund.

I invite the Committee on Ways and Means and invite its distinguished chairman to consider the plight of the trust fund, but not take it out on those miners or those particular operators that we have placed this imposition upon.

I think that the Committee on Ways and Means can very well meet its task, review the status, review the situation of the trust fund, come up with whatever recommendations they have to the entire House; and we will be most happy to consider them and weigh the prospects of placing the trust fund in a solvent and proper manner.

I do not believe that by the year 1985 or, year 1990, there will be billions of dollars in deficit in the trust fund. Those claims now have generally all been processed. We have a few thousand of them remaining. When those few thousand backlogged claims are processed, we will have a clear picture on the total obligation of the trust fund.

Remember, every ton of coal that we mine produces dollars and cents into the trust fund. We are expanding the production of coal. More money will come into the trust fund. Our obligations will be clear, and I think that we should definitely support this measure because it will place the trust fund and black lung claims to rest in their proper place and proper perspective.

We invite the Committee on Ways and Means to straighten out the finances of it in the next Congress.

I, therefore, urge my colleagues to join us in this suspension so that we can pass a very proper measure.

Mr. ERLENBORN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it is incomprehensible to me how anyone can stand here on the floor and tell us that the reason there are many claims being approved today is that the Department of Labor did not process them before. The fact is those claims, the vast majority of them, were processed and denied. Then in 1977, the criteria was liberalized, and the law required that all of the claims be re-reviewed.

So the facts very clearly are not as just stated by the last speaker. The fact is these were denied claims re-reviewed under liberalized criteria; and therefore, now a vast majority of the claims approved are giving funds to people who either are not disabled, or if they have a disability, it is not caused by coal workers' pneumoconiosis. That is what is spread on the records of the hearing. That is what the Comptroller General has found.

Neither is it true, as the last speaker said, that this trust fund will be solvent. We had testimony from the Department of Labor. They manage the fund. They are the ones who tell us it will be almost $10 million in deficit by fiscal 1995 and possibly as high as $30 billion by 2010. It is not what the Congressional Budget Office tells us. They are the arm of the Congress, and they tell us that this will add to an already existing deficit.

So I hope when Members look at the record, they will look at the record coming from responsible spokesmen as to what the facts are, the Department of Labor and the Congressional Budget Office.

Mr. Speaker, I now yield 3 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Speaker, I rise in opposition to this bill. I, too, have been mystified by some of the remarks made on this floor about what this bill was going to cost.

As I understand it, the Department of Labor testified that the deficit in this fund, the black lung disability trust fund, will be $9.2 billion by 1995.

☐ 1500

This bill, the testimony says, will add $1.8 billion of new liability to that heavy deficit.

I am further informed that the fund takes in about 30 percent of what it pays out.

I am further informed that this bill will, of course, add a whole new series of liabilities, a whole new series of required claims that will be paid by the fund itself, which is insolvent.

That series of facts forms a doleful litany for the taxpayers and consumers of America. In the end they are the financiers of all schemes such as these. This one will sock them for nearly $2 billion.

The fact that this bill is before us at all, I think, is a bit of a disgrace. I cannot imagine that the people who had nothing to do with setting up the disability fund would now attempt to drain it a little drier. Those who write the tax laws will inevitably be forced to increase taxes for no good reason other than to protect coal operators, who the sponsors of this bill think need to be protected.

Further, Mr. Speaker, I think it is a worse disgrace that we are handling this bill under the suspension procedure. The suspension procedure is designed to handle simple, cheap, noncontroversial bills, for which the time of the House is not needed, for which the debate process is not needed and for which there is not needed extensive amendments.

In the case of this bill all those conditions are not fulfilled. It is a terribly controversial bill. It is a terribly multibillion-dollar expensive bill. Certainly it is a very complicated bill. Indeed, the trust fund itself is a very complicated fund.

On October 1, 20 members of the Committee on Ways and Means wrote to their colleagues suggesting that this bill be defeated. I would have thought that the House would not have scheduled this bill on this calendar.

It seems to me that the House would now be well advised to take the advice of its Members, and to take the advice of those people who have spoken on this floor. It ought to save the taxpayers and coal consumers the extra money by not alleviating the rightful burdens that now fall upon some of the coal operators.

Defeat this bill and let us get back to some reality on the Suspension Calendar.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alabama (Mr. Bevill).

Mr. BEVILL. Mr. Speaker, I thank the chairman, the gentleman from Kentucky (Mr. Perkins). I wish to commend the gentleman from Kentucky on this legislation. He has done a great job in working on this black lung compensation legislation year after year. I commend the gentleman on this.

I rise in support of the legislation.

Mr. PERKINS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, first, let me correct an assertion that the gentleman from Illinois (Mr. Erlenborn) made that the administration did not support this legislation.

On page 11 of the testimony of Secretary Elisburg, I asked this question:

> Mr. Perkins. The Department of Labor testified prior to the 1977 amendments with regard to an appropriate cutoff date for Trust Fund liability. I believe your testimony at that time suggested that the Trust Fund pay all claims where the last employment occurred prior to 1974. (Yet the Senate instead selected 1970 as a cutoff year.) Is it not fair to say that the cutoff date you originally suggested—very close to the one contained in this bill——is far less arbitrary than the one ultimately contained in the 1977 law?
>
> Mr. Elisburg. Yes, sir, and I believe that is one of the main factors in our support for the bill.

That is the Secretary that testified before the Department.

Now, Mr. Speaker, I am delighted that the Committee on Ways and Means is concerned about the solvency of the trust fund. I was present and a member of the conference when we agreed on the trust fund and the provisions to finance it. We all worked together. I worked hand in hand with the Committee on Ways and Means when we agreed to the assessment on the coal tonnage for the trust fund and we all want to see this trust fund solvent.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired. The gentleman has reserved 2 minutes.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 2 additional minutes.

Mr. PERKINS. Mr. Speaker, whether we approve this bill or do not approve this bill will not have any effect on whether the taxes will have to be increased insofar as the trust fund solvency is concerned in the future; but we will deprive some 8,000 people that are entitled to black lung payments. Those claims would be litigated for no earthly reason, very costly to the claimants when they are unable to bear that cost.

It would be my hope, Mr. Speaker, that we approve this legislation. The Committee on Education and Labor wishes to do everything possible to keep this trust fund solvent. We participated in it originally and we will work with the Committee on Ways and Means in the future.

It would be my hope that we approve this legislation for the sake of the 8,000 claimants that are entitled to their money, instead of keeping them in litigation. I think that is an unfair situation.

The only claims that are affected by this bill are those filed between January 1, 1970, and July 1, 1973.

I think it is nothing but equitable that we approve this legislation, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. Perkins) that the House suspend the rules and pass the bill, H.R. 7745.

The question was taken; and on a division (demanded by Mr. Erlenborn) there were—yeas 8, nays 9.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

☐ 1510

DISASTER ASSISTANCE FOR VICTIMS OF RECENT EARTHQUAKES IN SOUTHERN ITALY

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8388) to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

The Clerk read as follows:

H.R. 8388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 495B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(d)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from the earthquakes in southern Italy in late 1980. Accordingly, there are authorized to be appropriated to the President, in addition to amounts otherwise available for such purpose, $50,000,000 for the fiscal year 1981 for relief, rehabilitation, and reconstruction assistance for the victims of those earthquakes. Such assistance shall be provided in accordance with the policies and general authorities of section 491 and on such terms and conditions as the President may determine.

"(2) Amounts appropriated under this subsection are authorized to remain available until expended.

"(3) Obligations incurred against other appropriations or accounts for the purpose of providing relief, rehabilitation, and reconstruction assistance for the victims of the late 1980 earthquakes in southern Italy may be charged to appropriations, enacted after those obligations were incurred, for assistance for that purpose under this chapter.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to request support for H.R. 8388 to provide urgently needed relief to assist the people of Italy who are struggling to recover from an earthquake so severe that the full dimensions of the tragedy are still unknown. More than 5,000 persons may have been killed, countless scores left injured or homeless, with the damage extending over nearly 10 percent of the country.

Already the Italian Government has allocated $1.3 billion for immediate disaster assistance and has announced plans to make available $4.7 billion in 1981 for reconstruction. Resources equal to 2 to 3 percent of Italy's gross domestic product may be required for the reconstruction effort.

A disaster of this magnitude in any part of the world would provoke our concern and sympathy, but that concern is certainly much greater in the case of Italy, for the ties between our two countries are strong and close. Italy is one of the United States most dependable allies and friends. Indeed, the names of many of the cosponsors of the legislation before you now reflect the common heritage of Italy and the United States.

Although the United States has already provided more than $3.5 million in emergency disaster relief to Italy, we know that needs will be far greater. This legislation authorizes $50 million in disaster relief and reconstruction assistance to meet some of the urgent needs for shelter, food, and medical attention and, more importantly, to begin to work on the much longer term effort that will be necessary to rebuild vast portions of the country.

As many of you may recall, the United States also assisted Italy after the severe earthquakes struck the Fruili region of northern Italy in 1976. Twenty-five million dollars was provided immediately, and $30 million was made available a year later.

It is my hope that assistance we are now authorizing will follow the pattern and style of the assistance we provided earlier. Indeed, I would like to take this opportunity to commend Mr. Arturo Constantino of the Agency for International Development who headed that successful effort, and urge that an operation similar in style to the reconstruction program he is directing be extended to Southern Italy.

Mr. Speaker, our esteemed colleague, the chairman of the House Judiciary Committee, Mr. PETER RODINO, unfortunately for personal reasons is unable to be here to lend his support for this legislation. He asked me on his behalf to urge passage of this bill providing needed assistance to the victims of the earthquake. I include with my remarks the statements made by the Honorable Richard Gardner, U.S. Ambassador to Italy, and Mr. Joseph Mitchell, Director of the Office of Disaster Assistance at AID, when they appeared before the House Foreign Affairs Committee this morning to report on the status of U.S. assistance to Italy to date.

I strongly urge the Members to support H.R. 8388 to help the victims of one of the most severe earthquakes in recent times.

STATEMENT BY RICHARD N. GARDNER, U.S. AMBASSADOR TO ITALY

Mr. Chairman, Members of the Committee, I appreciate this opportunity to appear before you this morning to report to you on the effects of last week's earthquake in Italy. With me this morning are Joseph A. Mitchell, Director of the Office of U.S. Foreign Disaster Assistance and James F. Creagan, Officer-in-Charge of Italian Affairs for the Department of State.

A major earthquake, with its epicenter in the Appenine Mountains about 50 miles east of Naples, struck Italy in the evening of Sunday, November 23rd. This earthquake, measuring 6.8 on the Richter Scale, has caused the worst natural disaster in Western Europe in half a century.

The greatest loss of life and heaviest damage occurred in the provinces of Avellino, Potenza and Salerno with small hilltop villages—Saint Angelo dei Lombardi, San Mango sul Salore, Lioni, Muro Lucano—practically wiped off the map. Human suffering—from the anguish of families buried under rubble to the misery of homeless survival in the face of cruel winter storms—is incalculable. The death toll mounts as the missing become confirmed dead and it now stands at well over 3,000. Some 2,000 people are still missing and 8,000 injured. More than 200,000 have been rendered homeless.

Because the disaster affected most heavily a remote section of southern Italy, an area of small and generally declining hill towns off the major road and rail systems and somewhat distant even from the provincial centers, the magnitude of the disaster was not initially grasped. As the reports of tragedy came in, the Italian Government and people began to mount a rescue effort which has built to an impressive level. That effort was hampered by the elements—fog, rain and then sleet—and by the narrow, winding secondary road system serving the affected villages.

Italy is highly politicized and the earthquake produced instant political polemics and criticism about the pace of government response. I cannot enter into that polemic. But it should be clear to all that the Italian Government is engaging its full resources in the relief effort.

Thousands upon thousands of troops, firemen, and others have tackled the job. They are supported by Italian military resources from helicopters to trucks, much of which had to be brought down from the North. Cases of individual heroism are common. The government has already issued a decree law making 1.3 billion dollars available for disaster assistance and the treasury minister announced that an additional 4.7 billion dollars will be made available in 1981 for use in reconstruction of the earthquake zone. These measures may have a severe impact on the Italian economy as resources equivalent to 2-3 percent of GNP could be required for reconstruction. As one Italian daily put it, "the mobilization of resources is perhaps without precedent in Italy . . . the response of the nation to the appeal of the survivors has been immediate and generous. Beyond the polemics and criticism levelled at the government machinery . . . the army and police have worked and are still working to the limits of their forces."

The Italian effort is not enough. The international community must help and is doing so. The United States moved quickly. President Carter sent a message to President Pertini expressing condolences and offering U.S. assistance. Our embassy in Rome set up a task force to coordinate with the Italian Government. A.I.D.'s Office of U.S. Foreign Disaster Assistance initiated the U.S. Government's response with appropriate relief supplies, the cost of which already exceeds 35 million dollars. U.S. military personnel in Italy are cooperating with other international donors in assisting the Italians and we have U.S. helicopters, trucks and other equipment engaged in emergency aid. The spontaneous response from the American public, largely through the private voluntary agencies, is generous and heartwarming. Our prompt assistance efforts have been well received by the Italian Government, public and press.

It is important that the U.S. respond to the call for help from Italy. The Italian people and their government stand in the inner circle of America's closest friends and allies. Italy has stood with us on issues of common defense, from the strengthening of NATO to a united response on events in Afghanistan and the taking of U.S. hostages in Iran. We, along with Italy's other friends and allies can play only a supporting role in the struggle to overcome this calamity. But it is an important supporting role, even an essential one. Italy has stood by us and I respectfully contend that we must stand by her in this time of need.

The Italians recall how the U.S. Congress moved quickly and generously in 1976 following the destructive earthquake in Italy's northeast Friuli district. At that time the Congress provided $25 million for disaster relief, a sum matched in 1977 to support Italian reconstruction efforts. The earthquake which struck Italy's south last week was far more destructive—four times the number killed and perhaps five times the number of homeless. * * *

STATEMENT BY JOSEPH A. MITCHELL, DIRECTOR, OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE BUREAU FOR PRIVATE AND DEVELOPMENT COOPERATION, AGENCY FOR INTERNATIONAL DEVELOPMENT, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Mr. Chairman, Members of the Committee, I appreciate this opportunity to appear before you this morning to report to you on the U.S. relief program following last week's earthquake in Italy. A.I.D.'s Office of U.S. Foreign Disaster Assistance, of which I am the Director, has been involved in the provision of U.S. Government relief assistance since the earthquake occurred.

The American Charge d'Affaires, Robert Paganelli, declared on November 25th that the disaster caused by the November 23rd earthquake was of a magnitude that warranted U.S. Government assistance. My office immediately arranged for delivery of 1,000 family tents by the 322nd Airlift Division at Ramstein, Germany. These arrived within 24 hours in eighteen C-130 flights. In response to another request, six helicopters were deployed to assist in aerial assessment of damage and in relief and rescue missions: four from the 6th Aviation Detachment of the U.S. Air Force, stationed at Vicenza, Italy, and two from the U.S. Naval activity in Sigonella. Tuesday afternoon we arranged for the Department of Defense to airlift from the United States another thousand tents and 20,000 blankets. These all arrived Friday and Saturday.

We also requested the Department of Defense to authorize those U.S. military installations in the vicinity of the disaster area to be responsive to requests for the loan of equipment and the provision of services which were available and were immediately needed in rescue and relief operations. By Wednesday, we felt that we should send one of our senior disaster relief officers, George Beauchamp, to help the American Embassy staff manage the overall U.S. emergency response and to work with the Italian authorities in identifying specific requirements. His efforts are also useful in formulating operational relief assistance plans. The cost of these U.S. relief actions, to date, will amount to at least $3.5 million.

I might mention some of the other relief activities with which we are coordinating very closely.

A. The international community:

The League of International Red Cross Societies has made an initial instalment of $290,698 to the Italian Red Cross for local purchase of relief supplies. At least 15 national Red Cross Societies have contributed tents, blankets, sleeping bags, food, and money. More than 14 countries, and a number of international organizations have responded with contributions in kind and in money.

B. American Voluntary Agencies and Private Groups:

Several groups of Italian-Americans in different parts of the United States have launched appeals for contributions to be made through private voluntary organizations. This, we believe, is one of the most effective ways for individuals to respond to the needs of the victims. Whereas it is very difficult in front of our television sets to know exactly what the individual people need in the way of immediate assistance, contributions in the form of money through responsible private voluntary organizations can provide the food, clothing, and shelter which the victims customarily use.

The private voluntary organizations are also making their responses directly and through indigenous counterpart organizations. We are receiving preliminary reports of their plans, their commitments and their actual deliveries. At least twelve such agencies are taking an active part.

C. Details concerning the activities of the international and the private American disaster relief communities are provided on the Situation Reports issued regularly by my office.

Much remains to be done.

The problems facing the international community reach over a longer span of time, well into if not through the coming winter. In towns and cities which can be occupied, homes must be rebuilt. Schools, hospitals, public utilities and town buildings must be rebuilt. New buildings must be constructed according to modern seismic methods in this earthquake zone so a re-occurrence cannot strike these people down again. The cost will be immense, and the Government of Italy has already committed enormous resources. Families must be resettled, long term medical treatment must be made available to the survivors, and assistance must be given to return to a productive life.

Assistance to Italy will be in two areas—the short term emergency care of the survivors, and the longer term reconstruction of the life support systems which have been damaged or destroyed. We will continue to respond to requests from the Government of Italy, which come to us through Ambassador Gardner in Rome, for emergency relief assistance. We do this in the context of the international disaster community, coordinating closely with the United Nations agencies and with other donor countries and the private voluntary organizations.

Plans for reconstruction can be made only after a comprehensive assessment has been made of the area by engineers, town planners, scientists, and community leaders.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 30, 1980.

ITALY—EARTHQUAKE

Strike Date: November 23, 1980.

Location: Naples region including the cities of Avellino, Potenza, Salerno, Naples, Caserta, Benevento, Murolucano, Pescopagano and Balvano. Thirty percent of the province of Basilicata was badly damaged.

Dead: Over 3,000.
Missing: 1,900.
Homeless: 250,000.
Injured, 7,751.

People Affected: Unable to determine.

Intensity: Major earthquake measuring 6.8 on the Richter Scale occurred on November 23 followed by seven tremors. Aftershocks continued in Naples on November 24.

Damage: Extent of damage unknown.

GENERAL SITUATION

Widespread damage has been reported over an area of approximately 2,500 square miles. The number of towns and villages hit by the quake is estimated to be between 500-1000. As many as 90-100 villages are reported to be totally destroyed. Rescue operations have been hampered by damage to major highways and rail lines. Details of damage are not yet available.

Earthquake disaster area is mostly in mountain or hill country, therefore, difficulty is encountered in getting accurate figures as to dead, injured and homeless. However, official channels indicate that all affected towns have been reached by assistance teams.

Urban areas suffered considerable damage where facades of many standing buildings have fallen to the streets.

Winds, heavy rains and, in some places, snow have slowed rescue operations.

Travel within the Naples region is becoming more difficult and park areas have become congested with people fearful of returning to their homes in the disaster area.

Shelter appears to be the greatest need. Specific requests have been made for tents, trailers and pre-fabricated housing units. Blankets, beds, water purification units, heaters, cooking equipment and electric generators are also in great demand.

Warnings are broadcast to inhabitants of Naples that the water supply is already polluted and that water must be boiled before drinking. Water and power lines are out in much of the area.

ACTION TAKEN BY THE GOVERNMENT OF ITALY

Government of Italy, in an effort to assist the disaster victims, has mobilized over 25,000 defense personnel, 22,793 on the ground and about 3,000 for airlift operations. In addition, 8,000 firemen and 4,000 policemen are assisting.

Field hospitals have been set up in all major areas (including Avellino, Potenza, Eboli) in addition to detached health units.

One hundred and fifty trailer trucks departed from Ancona with emergency supplies. Some 84 helicopters (including six U.S.) and hundreds of pieces of heavy equipment are involved in the rescue operation.

The city of Bari and its province have also been mobilized in sending manpower and equipment to nearby areas.

Convoys of relief supplies, firemen, equipment, etc., continue to move into the area. The Ministry of Defense alone has deployed 1,000 trucks and supplied 3,000 tents.

Italian Red Cross has provided 27 ambulances and personnel, medication and blood plasma.

Government relief coordination center has been established in Potenza. The generosity of the Italian people has been overwhelming with private relief collections in Turin alone amounting to $2 million.

The Government has allocated $1.3 billion to help families of the dead and homeless.

ASSISTANCE PROVIDED BY THE U.S. GOVERNMENT

The American Charge d'Affaires, Robert P. Paganelli, on November 25, 1980, determined that a disaster situation existed in Italy and exercised his disaster relief authority.

OFDA tasked DOD to airlift 2,000 tents and more than 20,000 blankets into the affected area. The shipment is composed of various sizes of U.S. military-type tents. Some 30 U.S. military personnel are arriving to assist in setting up the tents.

U.S. deployed six helicopters (four U.S. Air Force and two U.S. Navy) for use in both reconnaissance and relief operations.

U.S. military installations within the region have been alerted as necessary to assist the GOI in rescue and relief operations. Portable communication sets are being provided in Avellino and the surrounding area to help communications with isolated hill villages.

The total value of U.S. Government assistance to date is more than $3.5 million.

ASSISTANCE PROVIDED BY AMERICAN VOLUNTARY AGENCIES/PRIVATE GROUPS

Catholic Relief Service (CRS) has committed an initial $50,000 to the Italian Earthquake Fund which will be supervised by CARITAS in Italy.

CRS is also conducting its annual appeal for clothing in the U.S. which will be used to replenish the supply distributed from its stock in Italy.

Save The Children Federation is engaged in exploratory review and is participating in the Save the Children Alliance allocation of a $100,000 relief grant.

The Salvation Army—$10,000 for the purchase of tents, blankets and local items.

Baptist World Alliance—$10,000 cash donation to Baptist Union in Italy.

Seventh-day Adventist World Service—Italian relief teams are providing first aid. They are planning further relief activities.

World Relief Commission is awaiting assessment by field personnel; $25,000 has been set aside to be released upon request.

Church World Service has set aside 600 bales of heavy clothing and 30,000 blankets, if requested by the GOI.

Church of Jesus Christ of Latter Day Saints—planning to airlift 12,000–18,000 lbs. of tents, clothing and food.

American National Red Cross—$25,000 cash contribution to the League of Red Cross Societies (LICROSS).

American Jewish Joint Distribution Committee—offering services of social welfare personnel located in Italy.

Salesian Order, Rockland County, N.Y.—$1,000 to Salesian Order in Rome as a first installment for the local purchase of food and medicine.

Group of Italian-American citizens in Delaware launched an appeal for $100,000 with contributions to be made through private voluntary organizations.

ASSISTANCE PROVIDED BY THE INTERNATIONAL COMMUNITY

European Economic Community—$1.5 million cash grant and food supplies.

League of Red Cross Societies has made a first installment of $290,698 to the Italian Red Cross to locally purchase essential relief supplies.

United Nations Disaster Relief Office—$30,000 for relief supplies.

GOVERNMENTS

Australia—$432,250 cash to National Appeal in Australia, organized by Italian Community.

Austria—70 tents; plasma; $199,430.

City of Vienna—$82,140.

City of Innsbruck—$82,140.

Canada—$1,800,0000 for relief ($1.5 million for reconstruction).

Federal Rep. of West Germany—600 tents; 4,400 sleeping bags; 25,600 blankets; lighting equipment; one field hospital, plus a planeload of dried plasma; one planeload each of food and clothing, five specialist groups (electrical, water, general repair); 20–500 semi-trailers; 6–10 trucks with earthmoving equipment.

France—160 tents and 7,000 blankets.

Holland—$39,896; 14,000 liters of milk.

Israel—medical supplies; $305,092 credit.

Japan—$200,000.

Luxembourg—100 beds and 200 liters of blood plasma.

Norway—100 tents.

Switzerland—300 tents; 1,000 blankets; 14 rescue teams with dogs; also doctors and medicines.

United Kingdom has sent 660 tents; 7,075 blankets and 450 ground sheets.

Yugoslavia—blankets and tents.

Red Cross Societies

Austria—42 large tents (valued at $157,870).

Belgium—1,000 blankets (valued at $8,387).

Canada—Cash grant $8,280. Help the Aged—Cash $4,140.

Denmark—200 tents and 10,375 blankets (value at $143,781); $17,972 cash grant to League Emergency Programme.

Federal Rep. of West Germany—4,000 blankets, 76 tents and 3,360 sleeping bags.

Caritas—8,000 blankets.

Diakonishes Werk—8,000 blankets.

Great Britain—52 bales knitted blankets; 4,850 blankets.

Japan—Cash grant $5.7.

Korea—Cash grant $5,000.

The Netherlands—Cash grant $35,836.

New Zealand—Cash grant $6,204.

Norway—Cash grant $19,723.

Sweden—Cash grant $23,001.

Switzerland—1,000 blankets and 100 tents (valued at $33,352).

Turkey—200 tents; 2,000 blankets; 500 kg flour and 500 kg rice.

Yugoslavia—30 tents and 200 blankets.

Red Cross of Montenegro—620 blankets and 30 tents.

Red Cross of Republic of Montenegro—100 tents, 1,000 blankets, 8 tons of sugar.

Red Cross of Macedonia—1,300 blankets; 100 tents and 100 sleeping bags all valued at $143,781.

OTHER NONGOVERNMENTAL AGENCIES

Denmark—Danish Church Aid—$17,972 to WCC Emergency Programme.

JOSEPH A. MITCHELL,
Director,
Office of U.S. Foreign Disaster Assistance.

PROVINCES REPORTED DAMAGED

Province of Avellino: Ariano Irpino; Calabritto; Caposele; Carfe; Castel Baronia; Conza Di Campania; Frigento; Gesulado; Lioni; Mirabella Eclano; Monte Forte Irpino; Montoro Inferiore; Montoro Superiore; Mora De Sanctis; Nusco; Paternopoli; San Mango Sul Calore; San Michele Di Scriva; Santa Lucia Di Serino; Sant'Angelo Dei Lombardi; Sant'Andrea Di Conza; Senerchia; Solofra; Solopio; Torella Dei Lombardi; Vulturara Irpina.

Province of Bari: Andria; Canosa Di Puglia; Trani.

Province of Benevento: Apice; Colle Sannita; Furchia; Guardia Sanframondi; Paduli; Pietralcina; Reino; San Nicola Manfredi; Sant'Agaia Dei Goti; Solopaca.

Province of Caserta: Arienzo; Aversa; Carinola; Casagiove; Garzano; Maddaloni.

Province of Matera: Ferrandina.

Province of Naples: City of Naples was not seriously damaged: Boscotrecase; Cardito; Casola; Castellammare Di Stabia; Frattamaggiore; Giugliano in Campania; Gregnano; Melito; Mezzapietra; Nola; Piano Di Sorrento; Sant'Aganello Di Sorrento; Sant'-Antimo; San Vitaliano; Scafati; Sorreto; Torre Annunziata; Torre Del Greco.

Province of Potenza: Balvano; Baragiano; Bella; Brienza; Castelgrande; Croleto Perticara; Marsico Nuovo; Monemurro; Muro Lucano; Melfi; Pescopagano; Picerno; Rionero in Vulture; Tito; Vaglio; Vietri.

Province of Salerno: Acerno; Angri; Atena Lucana; Baronissi; Battipaglia; Bellezzano; Bracigliano; Bucino; Calvanico; Campagna; Casoli; Sestelnuovo Di Conza; Castel San Giorgio; Cava Dei Tirreni; Collioano; Contrusi; Copec-chia; Eboli; Fisciano; Giffoni Sei Canali; Lancusi; Laviano; Mercato San Severino; Nocera Inferiore; Nocera Superiore; Ogliara; Olevano Sul Tusciano; Oliveto Citra; Pagani; Palomonte; Pellezzano; Penta; Polla; Ricigliano; San Gregorio Magno; San Magno Piemonte; Santomenna; Sanvitella; Sarno; Siano; Sordino; Tramonti; Vallo Della Lucania; Valvitella.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with my colleague, the distinguished chairman of the Foreign Affairs Committee, in urging the House to suspend the rules and adopt H.R. 8388 authorizing $50 million for relief of the victims of the disastrous recent earthquake which has devastated areas of southern Italy. Most of us have seen the daily reports of ever more suffering, death, and loss. More than 3,000 people are known to have died in this tragic natural disaster, and several hundred thousand have been left homeless in its wake.

Emergency rescue and relief efforts have been seriously hampered by the remoteness of some stricken towns and dangerous aftershocks which have further damaged buildings and caused landslides which have closed some roads. In addition, recent snows have blocked some mountain roads and further hindered hard-pressed rescue workers.

Nevertheless, the United States has already been able to provide 2,000 tents and 20,000 blankets, as well as assigning several helicopters from nearby U.S. military and naval forces to aid in the relief and rescue work.

Our assistance to the earthquake victims has thus far totaled about $3.5 million, which will be included in the total authorized in H.R. 8388. Our initial aid is part of a growing international assistance effort by government and private voluntary organizations. The Italian Government has itself allocated $1.3 billion to help the disaster victims as well as mobilizing some 37,000 military, law enforcement, and firefighting personnel. The European Economic Community so far provided $1.5 million, and Canada has given $1.8 million. Other donors include Australia, Austria, West Germany, France, Holland, Israel, Japan, Luxembourg, Norway, Switzerland, the United Kingdom, and Yugoslavia.

Red Cross societies in more than 15 countries have provided assistance. A number of American private voluntary organizations, many church-affiliated, are giving relief supplies and funds, and providing volunteers to help rescue and relief efforts.

Still much more remains to be done to maintain the survivors in the face of winter storms in the 2,500 square miles of mountainous rural terrain affected. Perhaps most sobering of all is the fact that the full extent of this tragedy is not yet known. No one can be certain how many more victims will be discovered as the search for survivors continues in the ruined towns and villages. Some officials reportedly fear the death toll will reach 10,000.

Traditionally, the American people have been among the first to respond and come to the aid of people who have been the victims of such a severe disaster. The private and official American response in this instance has again demonstrated our dedication to human principles. This legislation will provide authority for $50 million for much needed relief, rehabilitation and reconstruction assistance for the unfortunate people of Italy, a country which has been a good friend and ally. I urge the House to suspend the rules and pass this needed legislation.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. AMBRO).

Mr. AMBRO. Mr. Speaker, this is a catastrophe of huge proportions, as we all know. The speed with which the committee is acting must be highly commended, as must the chairman, the gentlemen from Wisconsin (Mr. ZABLOCKI), and the ranking minority member, the gentleman from Michigan (Mr. BROOMFIELD).

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I sent a telegram to the President on Friday asking him to display the same compassion to a nation which is the ancestral home of millions of those of us and our parents who came here; and while Italian Americans are not as aggressive as some in ferreting out Federal help, they are deeply concerned over the plight of their relatives and friends who are still in southern Italy, which is the area from which most Italian Americans come; and I think the bill before us is something that must be passed with alacrity. It has my full support, as I am sure it has that of the entire ad hoc caucus; and I urge its quick and expeditious passage.

Mr. BROOMFIELD. I yield 1 minute to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 8388, to provide $50 million for disaster relief to the ravaged sections of southern Italy, struck by a devastating earthquake 8 days ago. I commend the chairman, Mr. ZABLOCKI and the ranking member for their expeditious handling of this legislation.

We in the United States have always prided ourselves for a prompt and compassionate response when disaster strikes, whether at home or overseas.

The death and destruction in southern Italy make us painfully aware of the need for massive assistance to the survivors to help them rebuild their lives. The Italian Government reacted quickly, as did our own, to help allay the immediate suffering of those in the affected regions. But more must be done. This legislation will provide a significant addition to the disaster relief effort in southern Italy. I do not believe it comes close to what actually will be needed in the long run for the redevelopment of that area; but for the immediate needs of those who must rebuild, it is a major contribution.

I urge my colleagues to give this legislation their strong support.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I am happy to be associated with this legislation and would like to compliment its other sponsors. Those of us who come out of ethnic America could not feel more strongly about using the resources of the United States of America to help our cousins in need. For those of us of Polish background, we wish to join with our Italian cousins in very strong support of not only this legislation, but urging the Government to provide other resources and to create other structural opportunities to provide people-to-people help. The money that we are about to provide will be a very important first step.

Quite frankly, up until now I have been disappointed in the silent voice of the executive branch in speaking out on the great needs that the Italian people face. Though we sent 20,000 blankets, when we think of the magnitude of the disaster, I think that was like trying to fight a fire with a water pistol. This legislation is good, but the second thing is that I think we have more resources that we can send in. A few helicopters are not enough.

We have the resources of the U.S. military to defend ourselves anywhere in the free world. Let us use those resources to also defend and protect ourselves against natural disasters. I have got to believe that the Department of Defense right now has the wherewithal to help dig those people out quickly, to help provide better housing quickly, and if we can send in and are willing to send in the Marines to get our oil, we should also be willing to send in the Marines to help dig people out of the rubble.

The third point that I want to talk about for initiation is the kind of things the gentleman from New Jersey (Mr. GUARINI) is suggesting in which we develop certain opportunities for people-to-people help. People-to-people help would be changing our temporary visa requirements to allow Italians who are homeless to be joined with families here in the United States, to lift our postal restrictions so people could send aid and give of themselves. So, for those reasons, I urge the adoption of this legislation and other activities.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to commend the distinguished chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), and the ranking minority member, the gentleman from Michigan (Mr. BROOMFIELD), for so expeditiously bringing this measure to the floor at this time.

Mr. Speaker, I rise in support of H.R. 8388, a bill which I am pleased to have cosponsored, authorizing $50 million for relief of the victims of the recent disastrous earthquake in southern Italy.

The earthquake which struck Italy on November 23, measured 6.8 on the Richter scale, causing the worst natural disaster in Western Europe in half a century. The human suffering is incalculable with a death toll now confirmed at well over 3,000 with 2,000 more still missing, 8,000 injured and more than 200,000 homeless.

While the Italian Government has mobilized thousands of troops, firemen, and others, and has committed more than $6 billion, these efforts are not enough. The United States and the entire international community must assist. The United States has already provided more than $3.5 million in relief supplies and committed military helicopters, trucks and troops to the effort.

The Congress moved quickly in 1976 following another destructive earthquake in northeastern Italy by providing $25 million. Last week's earthquake left four times the number killed and perhaps five times the number homeless. As one of our Nation's oldest allies and friends, Italy has many times stood by us in our Nation's hour of need. We must now fulfill our moral obligation by providing humanitarian assistance to the distressed people of Italy.

Throughout history the American people have established a tradition of selfless humanitarianism toward those who have suffered natural disasters. As a cosponsor of H.R. 8388, I urge my colleagues to uphold our proud tradition and support the passage of this needed legislation.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, as a cosponsor of the pending bill, I would like to take this opportunity to congratulate the chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), for his extraordinarily expeditious response to a problem that exists in the Republic of Italy.

Also, Mr. Speaker at this time let me pay tribute to President Jimmy Carter for his leadership and full support of this endeavor. He has again demonstrated his compassion for those in need.

I rise in unqualified support of the pending legislation, H.R. 8388, which will authorize $50 million in emergency American assistance to aid the victims of the massive Italian earthquake of November 23, 1980.

I commend the Foreign Affairs Committee for their extraordinary speed in reporting this crucial measure to the House floor today—just hours after we reconvened. I had introduced comparable legislation, earlier today and am pleased to lend my total support to this effort.

The earthquake, which measured 6.8 on the 10 point Richter scale rumbled through the Naples region of Italy—including the cities of Avellino, Potenza, Salerno, Naples, Caserta, Benevento, Murolucano, Pescopagano, and Balvano—on the evening of Sunday, November 23. Thirty percent of the Province of Basilicata was badly damaged.

In pure statistical terms, the enormity of the situation is not yet known. However, preliminary data clearly reveals that this is the worst natural disaster to strike Western Europe in 50 years. Over 3,000 are dead, 1,900 are listed as missing, 7,751 are injured, over 250,000 have been left homeless, between 500 to 1,000 towns and villages have been affected by the quake, with as many as 90 to 100 villages totally destroyed.

Rescue operations have been hampered considerably by damage to major highways and rail lines, the mountainous terrain of the impacted areas, and in-climate weather conditions. In addition, aftershocks are still being felt. It was reported this morning that major new tremors are causing further damage and great fear. One report stated that a facility being used to treat the injured had to be evacuated as a result of the new tremors.

Certainly, the need for assistance is substantial. The Italian Government has already allocated $1.3 billion to aid those families of the dead and homeless. The Italian Treasury Minister has announced that an additional $4.7 billion will be made available in 1981 for use in reconstruction of the earthquake zone. Despite this enormous financial commitment—which will severely impact on the Italian economy—the Italian relief and reconstruction effort is not enough.

Fully recognizing the severity of the situation, the U.S. response has been prompt. In addition to the $50 million aid package before us today, which will be used primarily for long-term reconstruction efforts, we have already sent 2,000 tents and more than 20,000 blankets into the affected area. We have also deployed six helicopters, and alerted all U.S. military personnel in the region to assist in rescue and relief operations. To date, the current U.S. Government assistance totals $3.5 million, all of which will be reimbursed by the appropriations authorized under H.R. 8388.

Even more significant is the unprecedented display of solidarity among an overwhelming number of private yet diverse groups of Americans who are providing vast amounts of relief aid. They include the Catholic Relief Service, Save the Children Federation, the Salvation Army, Baptist World Alliance, Seventh-day Adventist World Service, World Relief Commission, Church World Service, Church of Jesus Christ of Latter Day Saints, American National Red Cross, American Jewish Joint Distribution Committee, and the Salesian Order.

As might be expected, Italian-American groups have been leading the private assistance campaign, especially those in the New York City area such as Il Progresso Disaster Fund, Italian Charities of America, Inc., Italian Historical Society of America, Order of the Sons of Italy in America, Columbus Citizens Committee, Inc., the Congress of Italian American Organizations, and the American Committee on Italian Migration.

In addition to the tremendous support provided by the groups and associations I have mentioned, let me advise my colleagues of one special effort I am closely associated with. Working closely with Italian Consul General Alessandro De Bossis, Mrs. Maria Pia Fanfani and Bishop Anthony Bevilacqua, we have established a special committee which will visit Italy around December 15 to personally visit the stricken regions and deliver funds to affected families. Each of the individuals I am privileged to work with in this project has distinguished themselves in prior efforts of this type, especially Mrs. Fanfani, wife of the former Italian Premier. Mrs. Fanfani has assisted relief efforts in Algeria, Panama, and Rumania. All of our efforts are being coordinated under the leadership of the distinguished Ambassador of Italy, Paolo Pansa Cedronio.

Let me also salute the people affiliated with Al Italia Airlines who have been providing invaluable assistance in the relief effort as well as the transporting of Italian-Americans to check on the status of relatives and friends in Italy.

The international and foreign diplomatic communities have also made impressive contributions to the immediate relief effort. Assistance has been provided by the European Economic Community, League of Red Cross Societies, United Nations Disaster Relief Office, and numerous foreign governments, including Australia, Austria, Canada, West Germany, France, Holland, Israel, Japan, Luxembourg, Norway, Switzerland, the United Kingdom, and Yugoslavia.

On a more personal level, we have heard many heartwarming stories of ham radio operators seeking to reassure Italian-Americans of their relatives' safety; church congregations accumulating thousands of dollars and tons of clothing; and civic opera patrons in Dallas donating $1,500 to the relief effort during a 15-minute passing of the hat at intermission.

Mr. Speaker, the Italian people and their Government are among our closest allies. We must not forget that Italy was the first to join us in calling for the immediate and safe release of American hostages in Iran. Just as they have come to our aid in times of trouble, we must lend a helping hand to our Italian friends during their time of suffering.

As we consider this legislation today, a proud memory is recollected. In 1976, another earthquake struck the Friuli, Venezia, and Giulia regions of Italy, killing 903 persons, and leaving between 80,000 and 100,000 homeless. Without hesitation, the Congress approved a $25 million aid package to those Italian earthquake victims.

In view of this year's far more tragic situation, I am convinced that the $50 million figure authorized in H.R. 8388 is fully warranted and most responsible under the circumstances. In keeping with our firmly established leadership role in foreign disaster relief efforts, and recognizing the tremendous outpouring of disaster aid from private and international sources, I urge the unanimous passage of this crucial and humanitarian piece of legislation.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Michigan (Mr. Broomfield).

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Speaker, I thank my good friend, the gentleman from Michigan (Mr. Broomfield) for yielding this minute to me, and I would like to congratulate him and the chairman of the full committee, the gentleman from Wisconsin (Mr. Zablocki), for bringing this legislation to us on the floor of the House the very first day that the House reconvened after this disaster. It is a terrible thing and has been viewed by the people of the United States as one of the most dreadful occurrences and natural disasters.

Mr. Speaker, as a cosponsor of H.R. 8338, I urge that the House adopt this important measure. This vital piece of legislation would provide $50 million in relief funds to assist the people of Italy in the wake of the catastrophic earthquake that shook their country last week.

The earthquake which struck southern Italy was the worst natural disaster to occur in Europe in the last 50 years. The suffering, the damage and the tragedy is absolutely unbelievable. Thousands were killed, thousands more were injured and left homeless.

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As has been said by my colleagues, the gentlemen from New York, this legislation is modeled after our response in 1976 and 1978 to the needs of reconstruction in northern Italy. I think that those responsible for the current reconstruction, as we go down the road, recognizing this $50 million authority is available, will know that we responded the way the American people would like us to respond at this time.

Many nations, Red Cross societies and international donors have already responded to the current damage and suffering in Italy. The small amount of relief provided for is the least our Nation can do. We must act to show our concern for this unfortunate human suffering and to show our concern for our good friends in Italy.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, the earthquake which struck the Naples region of Italy on November 23, and the aftershocks which continue to shake the area, have resulted in the worst natural disaster in Europe in over 50 years. I strongly support efforts to provide assistance to the victims of this tragedy, and am pleased to be a cosponsor of the legislation now before the House. I would like to take this opportunity to commend the distinguished chairman of the House Foreign Affairs Committee, Congressman Zablocki, and the members of his committee, for providing the House with the means to respond expeditiously to the needs of the people of Italy.

The dimensions of the disaster which has struck southern Italy will not be known for many weeks. We do know, however, that thousands of people have died and that hundreds of thousands of people are homeless. Harsh winter weather has descended upon the stricken region complicating the task of clearing the rubble and adding to the misery of the earthquake victims. Two kinds of aid are needed, emergency relief to satisfy the immediate needs of the survivors for food, shelter, and clothing, and long-term rehabilitation and reconstruction assistance to help people rebuild their homes and their towns. The Agency for International Development has the means to provide emergency relief and is already engaged in that effort. The legislation we are now considering will authorize the appropriation of $50 million to be used in the myriad of activities that will be required in the coming weeks and months to reconstruct the earthquake zone.

The United States has historically been at the forefront of efforts to assist nations beset by natural disasters. We responded promptly when northern Italy was wracked by an earthquake in 1976 and have provided similar relief to countries in Latin America, Africa, and Asia. Our actions have been in keeping with our tradition of helping those truly in need. The people of Italy need our help now. The bill reported by the Foreign Affairs Committee gives us the means to provide that help. Our prompt and overwhelming endorsement of this measure will be a strong signal to the Italian people that we are with them in their time of sorrow, and that we will be with them in the days ahead as they attempt to deal with the enormous tragedy of November 23. I urge my colleagues to approve H.R. 8388 today and to stand ready to approve an appropriation pursuant to that authorization when reported by the Appropriations Committee.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, I want to join in expressing support for this legislation which the committee has very wisely brought to the floor of the House.

In a sense, we are responding to a great and urgent need and in a very friendly and a very compassionate way. But this is a two-way street. The Republic of Italy has responded many, many times to needs which we have had, and they have supported us valiantly and loyally. We have gained great benefits from this loyal friendship which the Italian Government and the Italian people have demonstrated toward us. So, I think it is entirely fitting that we should reciprocate through this legislation and to express our heartfelt concern and to provide tangible support for our Italian friends during this period of their grief and suffering which they are experiencing.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. Mr. Speaker, I want to join the rest of my colleagues in congratulating the chairman, the gentleman from Wisconsin (Mr. Zablocki), and the ranking minority member of the committee, the gentleman from Michigan (Mr. Broomfield), for moving so rapidly on this subject.

This is one of the greatest disasters in human history. It certainly calls for the kind of response that we are giving. I am pleased to be a cosponsor of the legislation, and I would like to join in supporting the suggestions of the gentlewoman from Maryland (Ms. Mikulski) and the gentleman from New Jersey (Mr. Guarini) in suggesting further steps that I think the United States should and could take to be of further assistance to the victims of the terrible earthquake.

This has evoked a tremendous outpouring of private support throughout the country. In my own district in Westchester County there have been very substantial efforts to collect clothing and money, and I am very pleased to be cochairman of that effort in my county.

Mr. Speaker, I urge the speedy passage of this legislation.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Speaker, first, I want to express my appreciation and those of my constituents to the chairman of the committee, the gentleman from Wisconsin (Mr. Zablocki).

I happened to be in Madrid, at the Human Rights Conference, when this terrible event happened. The gentleman from New York (Mr. Gilman) was at that conference, as well, and he can recall Mr. Pell from the other body having to leave and to go to the site and come back about 36 hours later and report to us the kind of misery that was very evident there. But he also reported to us that almost immediately the American planes were coming in with supplies. I think we are all very proud of that. We are also proud of the human effort that we have seen that you cannot really put in dollar terms.

The gentleman from New York (Mr. Biaggi) is standing here, and I think those of us who are in touch with what has been happening know that he has been working tirelessly; on the phone, organizing, managing, making calls. You cannot put a dollar value on that kind of effort. You cannot put a dollar value on the kind of effort we have seen in our own districts and in our own States. Just prior to this debate, I was on the phone with the head of the Sons of Italy in Connecticut, with the UNCO people, and these people and many others are meeting on an almost constant basis. In the rather small city of Norwalk, Conn., in the last day and a half, $14,000 has been pledged. There is a hangar, an Alitalia hangar, at JFK, as I understand it, that has been opened up to receive supplies. So this is the real tribute. And the dollars that we vote here will only be a small supplement to that human effort which is really so moving and so necessary at this time.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Vento).

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 8388, to authorize assistance and disaster relief to the earthquake victims of southern Italy. I want to also commend my chairman, the gentleman from Wisconsin (Mr. Zablocki), and the ranking minority member, the gentleman from Michigan (Mr. Broomfield), for their cooperation and prompt action on this necessary measure.

Mr. Speaker, I am very proud today of this body, this House, and the Senate, and indeed of the American people in their generous response to understand the needs of those in Italy. This catastrophic effect of this geological event, an earthquake of 6.8 on the Richter scale, is indeed mindboggling in human terms. Obviously, all of us have seen some of the films and photographs that have been taken. Indeed, some Members have personally visited the sites and have reported back on the seriousness of this. I hope that we can promptly provide this help.

The earthquake damage and deaths have not even been quantified because of the magnitude. Rescue efforts have been thwarted by aftershocks and the inaccessibility of many small rural towns. The basic housing, water supply, roads, and power have been badly damaged by this earthquake. Hospitals and medical centers are inundated with injuries and human health conditions are threatened by the inability to even bury those who died in this event.

I am very pleased to note that within Minnesota's Fourth Congressional District, the parish of St. Ambrose with the dynamic leadership of Father Thomas J. Pingatore has collected over $5,000. A wonderful response by the people of our area. I am sure that this is occurring elsewhere and those contributions must continue to occur to meet the needs of those afflicted by this terrible earthquake.

We can look to Italy as a good ally, as a loyal ally, and this money is a part of an expression of the American people and their concern in response to those who have cooperated with us where and when needs have occurred.

We can look at this measure as an investment. Italy has contributed a great amount in terms of culture, technology, and science in the past and at the present, and will be able to do so in the future with our help.

Americans, indeed all mankind, will be rewarded many times over by virtue of our efforts to sustain this nation in an hour of need and human tragedy.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Wolff).

Mr. WOLFF. Mr. Speaker, I rise in support of the bill authorizing disaster assistance for Italy. The earthquake which struck the Naples region on November 23 is the worst natural disaster to befall Europe in at least 50 years. In magnitude and human suffering this earthquake surpasses the 1976 quake in Italy's Friuli district. As the affected region is rather remote, and not on the main rail lines, the extent of the disaster was not immediately apparent. The Naples region in southern Italy is made up of many small mountain towns many of which were totally destroyed.

In this earthquake over 3,000 people are known to have been killed, and 2,000 are still missing. Almost 8,000 people have been injured and possibly 200,000 people are homeless. The Italian Government is doing all it can to manage the rescue effort, but has been continually thwarted by bad weather conditions. The Government has already pledged a total of $6 billion for immediate and long term aid. The small amount of assistance authorized in this legislation is the very least that we can provide. Other nations, the European Community and many private groups have also pledged their assistance.

Italy has been one of our staunchest allies in Europe. They have supported us when almost every other of our European allies have not. While any people who are the victims of such a disaster deserve our immediate aid, we must show Italy that, as Italy is our steadfast ally, we will respond fully and with dispatch in their true hour of need. I urge my colleagues to support this legislation.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, obviously, those Members of Italian heritage, like myself, are particularly appreciate of the work of the chairman and others who have brought this legislation we cosponsored so quickly to the floor for action by the House.

No one will ever fully comprehend the depth of the tragedy, the human tragedy, the emotional tragedy in terms of people who are struggling to survive, struggling to find their relatives. We have all been contacted by individuals who have expressed tremendous private concern over what can be done to help. But this must be more than just a statement of private concern. This must be a statement of public concern by this country that we do want to help; that we do want to provide assistance. We recognize that there are millions of immigrants who have come from Italy to this country to make contributions to this Nation that can never be valued in terms of money—contributions to the very spirit of America. This bill represents a small symbol of our gratitude and of our concern to that country and its people for what they have provided this Nation. So I commend the chairman for his work and urge adoption of this measure.

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Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Speaker, I rise in support of the urgently needed measure now before us. Even as we speak, the extent of the devastation caused by last week's earthquakes in southern Italy unfolds before our eyes. Thousands have died, tens of thousands more have been injured, and hundreds of thousands have been left without homes.

We now know that several thousand persons lost their lives as a result of the earthquakes. Compounding the initial tragedy, new tremors have hindered the relief efforts. The survivors—most of whom have nowhere to go and no personal effects—are threatened by the elements and by disease as water supplies and sanitation systems become contaminated.

Mr. Speaker, I compliment my good friend from Wisconsin and his committee for their timely handling of this rerelief bill. I am honored to be its cosponsor. It is imperative that the United States act now to relieve this overwhelming human suffering. This aid for clothing, food, shelter, and medical supplies for the earthquake victims will be most helpful now, when they need it most.

The Italian nation is a good friend and ally of the United States. We must seize the initiative in responding to the destruction that has occurred. We must extend to the Italian people the longstanding tradition and compassion and generosity of the American people to those in need. This tradition is poignantly appropriate for a people so strongly tied to the United States by culture and blood: many Americans feel a personal concern for our families and friends throughout the region of Naples.

Mr. Speaker, I urge my colleagues to support this urgent measure without delay.

Mr. ZABLOCKI. Mr. Speaker, I yield one-half minute to the gentleman from New York (Mr. RICHMOND).

Mr. RICHMOND. Mr. Speaker, I rise in support of this pertinent and necessary legislation to provide international disaster assistance to earthquake-stricken Italy. I want first to compliment the distinguished chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, and the members of the committee for their expeditious and sensitive response to the plight of those whose lives, families, and livelihoods have been so deeply affected by the recent terrible earthquakes in southern Italy.

In the wake of such tragedies, we find the links that bind the entire human family to be more durable than the international and ethnic boundaries that create false separations. I am proud that our Nation and this House have once again extended themselves so humanly to those in need.

The ties that connect our country to Italy are deep and abiding. Most Members of the House have constituents with Italian roots. In my own district, there are more than 75,000 citizens of Italian descent, many of whom trace their origins to the earthquake-affected area of southern Italy. In response to their need for information about relatives and friends who still live in the disaster area, I established direct communications with American representatives stationed in Italy. The efficient and understanding responses that I received from our consulates in Naples and Rome were most gratifying. I want this record to reflect my most sincere compliments to those consular officials in Italy who represented us so well during this crisis.

In a series of telephone calls to our consulates in Naples and Rome, I was able to assure more than 200 of my constituents that their loved ones in southern Italy were not among the dead or injured. The gathering of the information in Italy that enabled me to pass these reassurances to my constituents was achieved with dispatch and ingenuity, under the most difficult circumstances imaginable, since internal transportation and communication networks in Italy have been seriously disrupted.

I was further able to establish the facts that permitted approvals of expedited tourist visas for Italian citizens whose homes and livelihood were destroyed in the earthquake. Despite the hardships of daily life in the midst of that destruction, our Embassy and consulates worked day and night to see that visas for persons who wished to join their families in this country were processed as rapidly as possible. The reaffirmation that the United States is still the haven for those whose lives and fortunes have crumbled due to forces totally beyond their control is one of the most significant messages that has emerged from this tragedy.

We must now find the means to permit those persons with emergency tourist visas—if they so desire and if they also have proper sponsorship in this country—to remain here, by expediting their applications for permanent residence. From what we know of these newly arrived earthquake victims we find them to be enterprising, as well as willing and able to provide for themselves. All of them have strong ties to relatives here who are themselves self-supporting and capable of assisting the new arrivals during the first stages of transition to life in this country. We would accomplish the twin benefits of offering a permanent haven to some of the earthquake victims, while infusing our communities with a number of capable, ambitious, self-reliant individuals.

Mr. Speaker, I offer these remarks in support of the legislation now before us for the relief of earthquake victims in southern Italy and also as a suggestion that we go beyond a response to the immediate crisis by offering longer term opportunities for those who seek the means to begin their lives anew, following the destruction they so innocently suffered.

Mr. ZABLOCKI. Mr. Speaker, I yield 1½ minutes to our colleague, the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I thank the chairman. I rise in support of the pending legislation.

Mr. Speaker, the commitment that is made to this serious disaster is very large indeed. In testimony that was given to the Foreign Affairs Committee we were advised that the Italian Government already has committed over $5 billion and the full cost for disaster relief and reconstruction is not yet known.

The international community has also responded, and there will be more efforts made on a joint basis for the tremendous assistance that is needed. The U.S. response is in total keeping with our usual action in matters of this kind.

There are over 150,000 people who have been dislocated, Mr. Speaker, and as one who has been through a part of the damaged area many years ago, I can tell the Members firsthand that it consists of and contains some of the most difficult terrain known. When it snows, roads are impassable; it is mountainous and there are many small towns. Thus, this huge natural disaster poses grave logistical problems for immediate relief, rehabilitation, and reconstruction.

So this expression from the American people, Mr. Speaker, will be met with grateful response by the people and the Government of Italy.

● Mr. RODINO. Mr. Speaker, the human devastation caused by the earthquake in southern Italy on November 23 makes it imperative that the U.S. Government respond immediately to help the hundreds of thousands of Italians who are left stranded.

The grim statistics listing how many men, women, and children have perished, how many are missing, and how many are known to be homeless are growing on a daily basis. We now know that over 3,000 persons are believed dead, over 1,000 persons are still unaccounted for, over 3,000 persons are seriously injured, and more than 200,000 remain homeless.

This is the most serious natural disaster to hit Europe in 65 years, and the exact proportions of human misery it is causing still have not become clear. The hundreds of thousands of people who lived in the 1,000-square-mile region which include parts of Naples, Salerno, Avellino, and Potenza are still trying to dig through the ruins with their bare hands to find their families and friends. Some 97 villages that have been leveled by the earthquake are located in mostly foggy, isolated mountain areas where the temperatures drop to below freezing and the roads are poor. Despite the presence of 15,000 Italian troops, thousands of volunteers from all over Europe, supplies by the Italian Government and international relief agencies, these towns are in critically short supply of food, shelter, and rescue equipment.

Mr. Speaker, many of the families that live in this region of Italy have relatives in the United States. Two generations ago these Italians came to America to contribute to our society. They brought with them the rich heritage and culture of their homeland, and used their skills and energies for their adopted country.

My father was one of those who left Avellino around the turn of the century to come to America. Many of these Americans still have family members in Naples, Salerno, Avellino, and Potenza, and many of my constituents in New Jersey have inquired about the earthquake victims.

Mr. Speaker, the United States must provide special help to Italy now or the human cost will continue to rise.

I have joined with the chairman of the House Foreign Affairs Committee, CLEMENT ZABLOCKI, in sponsoring this bill amending the Foreign Assistance Act of 1961 to authorize $50 million for fiscal year 1981 for relief, rehabilitation, and reconstruction assistance for the earthquake victims. The Carter administration is supporting this bill.

This legislation is in keeping with the role the United States has played in past relief efforts. In the aftermath of the 1976 earthquakes which hit northern Italy's Friuli region, Congress appropriated over $50 million to help rebuild homes and put villages back together. This summer I visited the town of Majano which was destroyed by these earthquakes. Over 100 people lost their lives in Majano, and 4,700 were left homeless.

I was able to see firsthand how the courageous and determined people of Majano used the help of the United States to rebuild their lives and their community. The total human cost of the 1976 earthquakes was 1,000 people dead and 120,000 left homeless. Even this terrible tragedy is modest when compared to the devastation that southern Italy faces at this moment. As the toll in human lives continues to climb, the earthquake's survivors are frustrated because there is not enough shelter and not enough rescue equipment. The international community is responding to the call to help Italy and America must do its part. Human compassion, decency, and respect for life demands nothing less than immediate action.

I urge the House to swiftly adopt this bill.●

● Mr. ANNUNZIO. Mr. Speaker, I am honored to join with my good friend, the Honorable CLEMENT J. ZABLOCKI, chairman of the House Foreign Affairs Committee, in the introduction of legislation to authorize $50 million in relief and reconstruction assistance for the desperate victims of the massive earthquake in southern Italy.

On November 23, 1980, the most severe earthquake in over half a century struck the southern regions of Italy. Shocks were felt through the entire country, and the aftershocks continue in the areas around Naples, as well as Avellino, Potenza, Salerno, Caserta, Benevento, Muro Lucano, Pescopagano, and Balvano.

The official death count continues to mount, with over 3,000 people now known dead, many more thousands missing or injured; and hundreds of thousands of people remain without homes or basic sanitary facilities in severe rain, snow, and cold.

According to the Agency for International Development, at least 30 percent of the province of Basilicata was badly damaged, making transportation of relief supplies difficult and time consuming. Hundreds of towns and villages were hit, and reports indicate that 90 to 100 were totally destroyed.

Earthquake relief funds have been established over the past week by many fine organizations, and generous Americans are moving to see that assistance is sent to Italy as quickly as possible. Americans have a long tradition of extending their help and encouragement to victims of tragedy around the world, and basic necessities for the injured and the homeless in southern Italy are already on the way.

The National Italian-American Foundation, the Order Sons of Italy in America, Catholic Relief Service, the American National Red Cross, the Seventh-day Adventist World Service, the Salvation Army, the Save the Children Federation, Church World Service, the Baptist World Alliance, the World Relief Commission, the Church of Jesus Christ of Latter Day Saints, the Jewish Joint Distribution Committee, and many other charitable organizations are doing splendid work to relieve the suffering and devastation caused by this catastrophe.

Nations and allies around the world have also joined in international efforts for the relief of the Italians, who have always been staunch advocates of the strong defense ties of the NATO alliance.

Mr. Speaker, Chairman ZABLOCKI has kindly expedited Foreign Affairs Committee consideration of the Italian earthquake relief legislation so that it is possible for the full House of Representatives to take prompt action today. I urge the support of my colleagues for this crucial bill, which will mean so much to the unfortunate victims of Italy's great tragedy.●

● Mr. HANLEY. Mr. Speaker, I want to commend the distinguished chairman of the Committee on Foreign Affairs, my good friend CLEMENT ZABLOCKI, for his initiative in bringing to the floor H.R. 8388, a bill to amend the Foreign Assistance Act of 1961 to authorize $50 million for international disaster assistance for the victims of the recent earthquakes in southern Italy.

The full dimensions of the tragedy still are uncertain. More than 3,000 persons are known to have been killed, several hundred thousand are left injured or homeless, and damage extends over nearly 10 percent of the country.

Emergency rescue and relief efforts have been seriously hampered by the remoteness of some stricken towns, and dangerous aftershocks have further damaged buildings and caused landslides which have closed roads. President Carter has called the quakes "the worst natural disaster to strike Western Europe in half a century." American Ambassador to Italy, Richard Gardner, says, "The human suffering—from anguish of families buried under rubble to the misery of homeless survival in the face of cruel winter storms—is incalculable."

Already the Italian Government has allocated $1.3 billion for immediate disaster assistance, and has announced plans to make available $4.7 billion in 1981 for reconstruction. The United States has provided more than $3.5 million in emergency disaster relief, but much more is needed. The additional money contained in H.R. 8388 will serve to meet some of the urgent necessity for shelter, food, and medical supplies.

Mr. Speaker, certainly we cannot put a price tag on this kind of tragedy, but we must do what we can to help ease the pain in some way. Again, I commend Mr. ZABLOCKI, his committee and this House for their speedy action, and hope that our colleagues in the Senate will follow suit.●

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and pass the bill, H.R. 8388.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1980

Ms. HOLTZMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7273) to amend the Immigration and Nationality Act, and for other purposes, as amended.

The clerk read as follows:

H.R. 7273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Immigration and Nationality Act Amendments of 1980".

(b) Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

SEC. 2. (a) Subsection (a)(15) of section 101 (8 U.S.C. 1101) is amended—

(1) by striking out "institution of learning or other recognized place of study" in subparagraph (F) and inserting in lieu thereof "college, university, seminary, conservatory, academic high school, elementary school, or other academic institution"; and

(2) by adding after subparagraph (L) the following new subparagraph;

"(M)(i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational, language, or other recognized nonacademic institution in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him.".

(b) Such section is further amended—

(1) by striking out "titles I and II" in subsection (b) and inserting in lieu thereof "this Act";

(2) by striking out "fourteen" in subparagraphs (E) and (F) of subsection (b)(1) and inserting in lieu thereof "sixteen"; and

(3) by striking out "title III" and all that follows through "(2) the terms" in subsection (c) and inserting in lieu thereof "title III, the terms".

(c) Such section is further amended by striking out the semicolon at the end of subsection (b)(1)(D) and inserting in lieu thereof "or natural father; or".

(d) Subsection (f) of such section is amended—

(1) by striking out paragraph (2); and

(2) by striking out "paragraphs (9), (10), and (23) of section 212(a)" in paragraph (3) and inserting in lieu thereof "paragraphs (9) and (10) of section 212(a) and so much of paragraph (23) of such section as relates to trafficking in narcotics".

SEC. 3. Section 204 (8 U.S.C. 1154) is amended by striking out subsection (d).

SEC. 4. Section 212 (8 U.S.C. 1182) is amended—

(1) by inserting "and who seek admission within five years of the date of such deportation or removal," in subsection (a)(17) after "section 242(b),";

(2) by striking out the second sentence of paragraph (6) of subsection (d); and

(3) by striking out "or (12)" in subsection (h) and inserting in lieu thereof "(12), or (23)".

SEC. 5. (a)(1) Section 212 (8 U.S.C. 1182) is amended by striking out the semicolon at the end of paragraph (32) of subsection (a) and inserting in lieu thereof a period and the following: "For the purposes of this paragraph, an alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners Examination if the alien was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date;".

(2) Subsection (j)(1)(B) of such section is amended by inserting before the semicolon at the end a period and the following: "For the purposes of this subparagraph, an alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners Examination if the alien was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date".

(3) Section 602 of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484), added by section 307(q)(3) of Public Law 95-83, is amended by striking out subsections (a) and (b).

(b) Subsection (j) of such section is amended—

(1) by striking out "(including any extension of the duration thereof under subparagraph (D))" in paragraph (1)(C);

(2) by striking out "Commissioner of Education" and "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Secretary of Education" and "Secretary of Health and Human Services", respectively;

(3) by amending subparagraph (D) of paragraph (1) to read as follows:

"(D) The duration of the alien's participation in the program of graduate medical education or training for which the alien is coming to the United States is limited to the time typically required to complete such program, as determined by the Director of the International Communication Agency at the time of the alien's entry into the United States, based on criteria established in coordination with the Secretary of Health and Human Services; except that the alien may, once and not later than two years after the date the alien enters the United States as an exchange visitor or acquires exchange visitor status, change the alien's designated program of graduate medical education or training if the Director approves the change and if a commitment and written assurance with respect to the alien's new program have been provided in accordance with subparagraph (C)."; and

(4)(A) by striking out "(ii)" in paragraph (1)(B) and inserting in lieu thereof "(ii)(I)";

(B) by inserting, in paragraph (1)(B), "(II)" before "has competency", "(III)" before "will be able to adapt", and "(IV)" before "has adequate prior education";

(C) by striking out "between the effective date" and all that follows through "to any alien" in paragraph (2)(A) and inserting in lieu thereof "between January 10, 1978, and December 31, 1982 (an additional one-year extension may be granted until December 31, 1983, in the case of a program which the Secretary of Health and Human Services finds has substantially reduced its reliance on aliens who are graduates of foreign medical schools and has made substantial progress in carrying out its plan as described in clause (ii) in 1981 and 1982) to any alien";

(D) by striking out "and (B) of paragraph (1)" in paragraph (2)(A) and inserting in lieu thereof "and (B)(ii)(I) of paragraph (1)";

(E) by inserting after "if" in paragraph (2)(A) the following: "(i) the Secretary of Health and Human Services determines, on a case-by-case basis, that";

(F) by striking out the period at the end of paragraph (2)(A) and inserting in lieu thereof the following:

", and (ii) the program has a comprehensive plan to reduce reliance on alien physicians, which plan the Secretary of Health and Human Services finds, in accordance with criteria published by the Secretary, to be satisfactory and to include the following:

"(I) A detailed discussion of specific problems that the program anticipates without such waiver and of the alternative resources and methods (including use of physician extenders and other paraprofessionals) that have been considered and have been and will be applied to reduce such disruption in the delivery of health services.

"(II) A detailed description of those changes of the program (including improvement of educational and medical services training) which have been considered and which have been or will be applied which would make the program more attractive to graduates of medical schools who are citizens of the United States.

"(III) A detailed description of the recruiting efforts which have been and will be undertaken to attract graduates of medical schools who are citizens of the United States.

"(IV) A detailed description and analysis of how the program, on a year-by-year basis, has phased down and will phase down its dependence upon aliens who are graduates of foreign medical schools so that the program will not be dependent upon the admission to the program of any additional such aliens after December 31, 1982."; and

(G) by inserting at the end of paragraph (2)(B) the following:

"The Secretary of Health and Human Services, in coordination with the Attorney General and the Secretary of State, shall (i) monitor the issuance of waivers under subparagraph (A) and the needs of the communities (with respect to which such waivers are issued) to assure that quality medical care is provided, and (ii) review each program with such a waiver to assure that the plan described in subparagraph (A)(ii) is being carried out and that participants in such program are being provided appropriate supervision in their medical education and training.

"(C) The Secretary of Health and Human Services, in coordination with the Attorney General and the Secretary of State, shall report to the Congress at the beginning of each fiscal year (beginning with fiscal year 1981) on the distribution (by geography, nationality, and medical specialty or field of practice) of foreign medical graduates in the United States who have received a waiver under subparagraph (A), including an analysis of the dependence of the various communities on aliens who are in medical education or training programs in the various medical specialties.".

(c) The amendments made by paragraphs (1) and (3) of subsection (b) shall apply to aliens entering the United States as exchange visitors (or otherwise acquiring exchange visitor status) on or after January 10, 1978, and the amendment made by subsection (b)(4)(C) shall take effect on December 31, 1980.

(d)(1) Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (F), by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or", and by adding after subparagraph (G) the following new subparagraph:

"(H) an immigrant, and his accompanying spouse and children, who has graduated from a medical school or has qualified to practice medicine in a foreign state, who was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date, who has competency in oral and written English, and who—

"(i) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) before January 1, 1974, and has been continuously present in the United States in the practice or study of medicine since the date of such entry, or

"(ii)(I) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) on or after January 1, 1974 and before January 10, 1977, and has been continuously present in the United States in the practice or study of medicine since the date of such entry, and

"(II) is deemed, under section 244(g)(3), to have practiced medicine in a physician shortage area for at least forty-eight months; except that the Secretary of Health and Human Services or the Attorney General may waive application of, or reduce the length of service required under, this subclause to the extent that compliance by an alien would involve extreme hardship to the alien.".

(2) Section 244 (8 U.S.C. 1254) is amended by adding at the end thereof the following new subsection:

"(g)(1) The Attorney General may, in his discretion, suspend and withhold deportation of an alien described in section 101(a)(27)(H)(ii)(I) during a period described in paragraph (2). If the Attorney General suspends and withholds the deportation of an alien under the previous sentence during a period, the Attorney General may, in his discretion, suspend and withhold the deportation of the alien's spouse and children during such period.

"(2) The period referred to in paragraph (1) with respect to an alien physician is—

"(A) the one year period begininng on the date of the enactment of this subsection, if the alien on such date is not serving as a physician in a physician shortage area (as determined under paragraph (3)), and

"(B) at any time during the forty-eight month period beginning—

"(i) in the case of an alien described in subparagraph (A), at the end of the period described in subparagraph (A), or

"(ii) in the case of an alien not described in subparagraph (A), on the date of the enactment of this subsection,

if at such time the alien physician is practicing medicine in a physician shortage area (as determined under paragraph (3)).

"(3) For purposes of this subsection, an alien is deemed to be practicing medicine in a physician shortage area if the alien is serving (as determined by the Secretary of Health and Human Services) as a physician—

"(A) in a geographic area (or for a population or facility) which has been designated by the Secretary of Health and Human Services as a health manpower shortage area for the alien's medical specialty or field of practice,

"(B) in a geographic area which has been otherwise identified by the Secretary of Health and Human Services as having an insufficient number of physicians in the alien's medical specialty or field of practice, in accordance with section 906 of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484), or

"(C) for such a governmental or other organization as the Secretary of Health and Human Services determines, at the request of the organization, to be in the national interest.".

(3) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by inserting "or a special immigrant described in section 101(a)(27)(H)" after "an immediate relative as defined in section 201(b)".

(e) The Secretary of Health and Human Services, after consultation with the Attorney General, the Secretary of State, and the Director of the International Communication Agency, shall evaluate the effectiveness and value to foreign nations and to the United States of exchange programs for the graduate medical education or training of aliens who are graduates of foreign medical schools, and shall report to Congress, not later than two years after the date of the enactment of this Act, on such evaluation and include in such report such recommendations for changes in legislation and regulations as may be appropriate.

SEC. 6. Section 223(b) (8 U.S.C. 1203(b)) is amended by striking out "one year from the date of issuance: *Provided*, That the Attorney General may in his descretion extend the validity of the permit for a period or periods not exceeding one year in the aggregate" and inserting in lieu thereof "two years from the date of issuance and shall not be renewable".

SEC. 7. (a) Subsection (a) of section 237 (8 U.S.C. 1227) is amended to read as follows:

"(a)(1) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be immediately deported, in accommodations of the same class in which he arrived, unless the Attorney General, in an individual case, in his discretion, concludes that immediate deportation is not practicable or proper. Deportation shall be to the country in which the alien boarded the vessel or aircraft on which he arrived in the United States, unless the alien boarded such vessel or aircraft in foreign territory contiguous to the United States or in any island adjacent thereto or adjacent to the United States and the alien is not a native, citizen, subject, or national of, or does not have a residence in, such foreign contiguous territory or adjacent island, in which case the deportation shall instead be to the country in which is located the port at which the alien embarked for such foreign contiguous territory or adjacent island. The cost of the maintenance including detention expenses and expenses incident to detention of any such alien while he is being detained shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (A) the alien was in possession of a valid, unexpired immigrant visa, or (B) the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (i) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date of which the alien was last examined and admitted by the Service, or (ii) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessels or aircraft established to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (C) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.

"(2) If the government of the country designated in paragraph (1) will not accept the alien into its territory, the alien's deportation shall be directed by the Attorney General, in his discretion and without necessarily giving any priority or preference because of their order as herein set forth, either to—

"(A) the country of which the alien is a subject, citizen, or national;

"(B) the country in which he was born;

"(C) the country in which he has a residence; or

"(D) any country which is willing to accept the alien into its territory, if deportation to any of the foregoing countries is impracticable, inadvisable, or impossible.".

(b) Subsection (b) of such section is amended—

(1) by striking out "to the country whence he came" in clause (3) and inserting in lieu thereof "to the country to which his deportation has been directed"; and

(2) by striking out "collector of customs" each place it appears and inserting in lieu thereof "district director of customs".

(c) Subsection (c) of such section is amended to read as follows:

"(c) An alien shall be deported on a vessel or aircraft owned by the same person who owns the vessel or aircraft on which the alien arrived in the United States, unless it is impracticable to so deport the alien within a reasonable time. The transportation expense of the alien's deportation shall be borne by the owner or owners of the vessel or aircraft on which the alien arrived. If the deportation is effected on a vessel or aircraft not owned by such owner or owners, the transportation expense of the alien's deportation may be paid from the appropriation for the enforcement of this Act and recovered by civil suit from any owner, agent, or consignee of the vessel or aircraft on which the alien arrived.".

SEC. 8. Section 241(f) (8 U.S.C. 1251(f) is amended to read as follows:

"(f)(1) The provisions of this section relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as aliens who have sought to procure or have procured visas or other documentation, or entry into the United States, by fraud or misrepresentation, whether willful or innocent, may, in the discretion of the Attorney General, be waived for any alien (other than an alien described in subsection (a)(19)) who—

"(A) is the spouse, parent, or child of a citizen of the United States or of an alien lawfully admitted to the United States for permanent residence; and

"(B) was in possession of an immigrant visa or equivalent document and was otherwise admissible to the United States at the time of such entry except for those grounds of inadmissibility specified under paragraphs (14), (20), and (21) of section 212(a) which were a direct result of that fraud or misrepresentation.

"(2) A waiver of deportation for fraud or misrepresentation granted under paragraph (1) shall also operate to waive deportation based on the grounds of inadmissibility at entry described under paragraph (1)(B) directly resulting from such fraud or misrepresentation.".

SEC. 9. Subsection (f) of section 244 (8 U.S.C. 1254) is amended to read as follows:

"(f) The provisions of subsection (a) shall not apply to an alien who—

"(1) entered the United States as a crewman subsequent to June 30, 1964; or

"(2)(A) was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J) or has acquired the status of such a nonimmigrant exchange alien after admission, (B) is subject to the two-year foreign resident requirement of section 212(e), and (C) has not fulfilled that requirement or received a waiver thereof.".

Sec. 10. Section 248 (8 U.S.C. 1258) is amended by striking out all that follows "except an alien classified as a nonimmigrant under" and inserting in lieu thereof the following: "paragraph (15) (C), (D), or (K) of section 101(a), or an alien classified as a nonimmigrant under paragraph (15) (J) of section 101(a) who is subject to the two-year foreign residence requirement of section 212(e) and has not received a waiver thereof unless he applies to have his classification changed from classification under paragraph (15) (J) to a classification under paragraph (15) (A) or (15) (G) of section 101(a).".

Sec. 11. Section 265 (8 U.S.C. 1305) is amended by striking out the first four sentences and inserting in lieu thereof the following: "Each alien required to be registered under this title who is within the United States shall notify the Attorney General in writing of each change of address and new address within ten days from the date of such change and furnish with such notice such additional information as the Attorney General may require by regulation.".

Sec. 12. Subsection (b) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(b) (1) Any conveyance, including any vessel, vehicle, or aircraft, which is used in the commission of a violation of subsection (a) shall be subject to seizure and forfeiture, except that—

"(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to the illegal act; and

"(B) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

"(2) Any conveyance subject to seizure under this section may be seized without warrant if there is probable cause to believe the conveyance has been used in a violation of subsection (a) and circumstances exist where a warrant is not constitutionally required.

"(3) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for the violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on custom officers or other persons regarding the seizure and forfeiture of conveyances under the customs laws shall be performed with respect to seizures and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

"(4) Whenever a conveyance is forfeited under this section the Attorney General may—

"(A) retain the conveyance for official use;

"(B) sell the conveyance, in which case the proceeds from any such sale shall be used to pay all proper expenses of the proceeding for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs; or

"(C) require that the General Services Administration take custody of the conveyance and remove it for disposition in accordance with law.

"(5) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause shall be first shown for the institution of such suit or action. In determining whether probable cause exists, any of the following shall be prima facie evidence that an alien involved in the alleged violation was not lawfully entitled to enter, or reside within, the United States:

"(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien was not lawfully entitled to enter, or reside within the United States.

"(B) Official records of the Service showing that the alien was not lawfully entitled to enter, or reside within, the United States.

"(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien was not entitled to enter, or reside within, the United States.".

Sec. 13. Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (b) as subsection (c) and by inserting "and subsection (b)" in that subsection after "Except as otherwise provided in subsection (a)", and

(2) by inserting after subsection (a) the following new subsection:

"(b) Moneys expended from appropriations for the Service for the purchase of evidence and subsequently recovered shall be reimbursed to the current appropriation for the Service.".

Sec. 14. Section 316(b) (8 U.S.C. 1427(b)) is amended by adding at the end the following: "The spouse and dependent unmarried sons and daughters who are members of the household of a person who qualifies for the benefits of this subsection shall also be entitled to such benefits during the period for which they were residing abroad as dependent members of the household of the person.".

Sec. 15. (a) Section 329(b) (8 U.S.C. 1440 (b)) is amended by inserting "and" at the end of paragraph (3), by striking out "; and" at the end of paragraph (4) and inserting in lieu thereof a period, and by striking out paragraph (5).

(b) Section 334(a) (8 U.S.C. 1445(a)) is amended by striking out "and duly verified by two witnesses,".

(c) Section 335 (8 U.S.C. 1446) is amended—

(1) by striking out "and the oaths of petitioner's witnesses to the petition for naturalization" in the second sentence of subsection (b);

(2) by striking out subsections (f), (g), and (h); and

(3) by redesignating subsection (i) as subsection (f).

(d) Section 336 (8 U.S.C. 1447) is amended—

(1) by striking out "and the witnesses" each place it appears in subsections (a) and (b);

(2) by striking out subsection (c);

(3) by redesignating subsection (d) as subsection (c);

(4) by redesignating subsection (e) as subsection (d) and striking out the last sentence thereof; and

(5) by redesignating subsection (f) as subsection (e).

(e) Section 328(b) (2) (8 U.S.C. 1439(b) (2)) is amended by striking out "and section 336(c)" and "and the witnesses".

Sec. 16. Section 344(c) (8 U.S.C. 1455(c)) is amended by striking out "$6,000" each place it appears and inserting in lieu thereof "$40,000".

Sec. 17. Section 13(b) of the Act of September 11, 1957 (71 Stat. 642; 8 U.S.C. 1255b (b)), is amended by inserting after "Attorney General" the first place it appears the following: "that the alien has shown compelling reasons demonstrating both that the alien is unable to return to the country represented by the government which accredited the alien or the member of the alien's immediate family and that adjustment of the alien's status to that of an alien lawfully admitted for permanent residence would be in the national interest,".

Sec. 18. (a) Section 101 (8 U.S.C. 1101) is amended—

(1) by striking out "Office of Education of the United States" in subsection (a) (15) (F) and inserting in lieu thereof "Secretary of Education";

(2) by striking out the period at the end of each of subparagraphs (H), (J), and (K) of subsection (a) (15) and inserting in lieu thereof a semicolon;

(3) by striking out the period at the end of subparagraph (L) of subsection (a) (15) and inserting in lieu thereof "; or";

(4) by striking out the second sentence of subsection (a) (33); and

(5) by striking out the period at the end of subparagraphs (C) and (E) of subsection (b) (1) and inserting in lieu thereof "; or."

(b) Section 204 (8 U.S.C. 1154) is amended by redesignating the subsection (f), which was added by section 7(b) of Public Law 94–571, as subsection (g).

(c) Section 212 (8 U.S.C. 1182) is amended by adding at the end of the following new subsection:

"(k) Any alien, excludable from the United States under paragraph (14), (20), or (21) of subsection (a), who is in possession of an immigrant visa may, if otherwise admissible, be admitted in the discretion of the Attorney General if the Attorney General is satisfied that exclusion was not known to, and could not have been ascertained by the exercise of reasonable diligence by, the immigrant before the time of departure of the vessel or aircraft from the last port outside the United States and outside foreign contiguous territory or, in the case of an immigrant coming from foreign contiguous territory, before the time of the immigrant's application for admission.".

(d) Section 221(a) (8 U.S.C. 1201(a)) is amended by striking out the period after "is charged" and inserting in lieu thereof a comma.

(e) (1) (A) The tenth sentence of subsection (b) of section 242 (8 U.S.C. 1252) is amended by striking out "or (18)" and inserting in lieu thereof "(18), or (19)".

(B) Subsection (e) of such section is amended by striking out "or (18)" and inserting in lieu thereof "(18), or (19)".

(2) Subsection (a) of section 244 (8 U.S.C. 1254) is amended by inserting "(other than an alien described in section 241(a) (19))" after "in the case of an alien" in the matter before paragraph (1).

(f) Section 244(d) (8 U.S.C. 1254(d)) is amended—

(1) by striking out "nonpreference", and

(2) by striking out "203(a) (7)" and inserting in lieu thereof "201(a) or 202(a)".

(g) Section 309 (8 U.S.C. 1409) is amended—

(1) by striking out "(3), (4), (5), and (7) of section 301(a)" in subsection (a) and inserting in lieu thereof "(c), (d), (e), and (g) of section 301", and

(2) by striking out "301(a) (7)" in subsection (b) and inserting in lieu thereof "301(g)".

(h) Sections 320(b), 321(b), and 322(b) (8 U.S.C. 1431(b), 1432(b), 1433(b)) are each amended by striking out "a child adopted while under the age of sixteen years who" and inserting in lieu thereof "an adopted child only if the child".

(i) The fourth sentence of section 337(a) (8 U.S.C. 1448(a)) is amended by striking out "or 323".

(j) Section 341 (8 U.S.C. 1452) is amended by striking out "(3), (4), (5), or (7) of section '01(a)" and inserting in lieu thereof "(c), (d), (e), or (g) of section 301".

(k) Section 349 (8 U.S.C. 1481), as amended by section 4 of Public Law 95–432, is amended by striking out the second "(a)" after "349.".

(l) Section 351 (8 U.S.C. 1483) is amended—

(1) by striking out "paragraphs (7), (8), and (9) of section 349" in subsection (a) and inserting in lieu thereof "paragraphs (6) and (7) of section 349(a)", and

(2) by striking out "(5), and (6)" in subsection (b) and inserting in lieu thereof "and (5)".

(m) Section 404 (8 U.S.C. 1101 note is amended by inserting "(other than chapter 2 of title IV)" after "this Act".

(n) The table of contents is amended by striking out the items relating to sections 350, 352, 353, 354, and 355.

(o)(1) Section 1429 of title 18, United States Code, is amended by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)".

(2) The Act of March 16, 1956 (8 U.S.C. 1401a) is amended by striking out "301(a)(7)" and inserting in lieu thereof "301(g)".

SEC. 19. The numerical limitations contained in sections 201 and 202 of the Immigration and Nationality Act shall not apply to any alien who is present in the United States and who, on or before June 1, 1978—

(1) qualified as a nonpreference immigrant under section 203(a)(8) of such Act (as in effect on June 1, 1978);

(2) was determined to be exempt from the labor certification requirement of section 212(a)(14) of such Act because the alien had actually invested, before such date, capital in an enterprise in the United States of which the alien became a principal manager and which employed a person or persons (other than the spouse or children of the alien) who are citizens of the United States or aliens lawfully admitted for permanent residence; and

(3) applied for adjustment of status to that of an alien lawfully admitted for permanent residence.

SEC. 20. (a)(1) The Attorney General and the Secretary of State are authorized to establish a pilot program (hereinafter in this section referred to as the "program") under which the requirement of section 212(a)(26)(B) of the Immigration and Nationality Act may be waived by the Attorney General and the Secretary of State acting jointly in the case of an alien who—

(A) is applying for admission during fiscal year 1981 a sa nonimmigrant visitor (described in section 101(a)(15)(B) of the Immigration and Nationality Act) for a period not exceeding ninety days;

(B) is a national of a country which—

(i) extends, or has agreed to extend, reciprocal privileges to citizens and nationals of the United States; and

(ii) has been designated as a pilot country under subsection (b);

(C) before such admission completes such immigration form as the Attorney General shall establish under paragraph (3) and executes a waiver of review and appeal described in paragraph (4);

(D) has a round-trip, nonrefundable, nontransferable, open-dated transportation ticket which—

(i) is issued by a carrier which has entered into an agreement described in subsection (c), and

(ii) guarantees transport of the alien out of the United States at the end of the alien's visit; and

(E) has been determined not to represent a threat to the welfare, safety, or security of the United States; except that no such alien may be admitted without a visa under this section if the alien failed to comply with the conditions of any previous admission as a nonimmigrant. The program may not be put into operation until the screening and monitoring system described in paragraph (2) is operational and the form described in paragraph (3) has been produced.

(2) The Attorney General in cooperation with the Secretary of State shall develop and establish an arrival and departure control system to screen and monitor the arrival and departure into the United States of nonimmigrant visitors receiving a visa waiver under the program.

(3) The Attorney General shall develop a form for use under the program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under this section and section 212(a) of the Immigration and Nationality Act;

(B) a description of the conditions of entry with a waiver under this section, including the limitation of such entry to ninety days, and the consequences of failure to abide by such conditions; and

(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

(4) No alien may be provided a waiver under this section unless the alien has waived any right (A) to review or appeal under the Immigration and Nationality Act of the immigration officer's determination as to the admissability of the alien at the port of entry into the United States or (B) to contest any action for deportation against the alien.

(b) The Attorney General and the Secretary of State acting jointly may designate up to five countries as pilot countries for purposes of this section. A country may not be designated as a pilot country unless the sum of (1) the total number of refusals during fiscal year 1979 of nonimmigrant visitor visas for nationals of that country and (2) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during fiscal year 1979 as a nonimmigrant visitor, was less than 2 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such fiscal year.

(c) The agreement referred to in subsection (a)(2)(D)(i) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under this section—

(1) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the ninety-day period described in subsection (a)(1)(A),

(2) to notify the Attorney General when the carrier has transported such a visitor to the United States and upon the expiration of the ninety-day period described in subsection (a)(1)(A) if the visitor has not used the return portion of the ticket within such ninety-day period, and

(3) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under this section.

The Attorney General may terminate such an agreement with five days notice to the carrier for the carrier's failure to meet such requirements.

(d)(1) Notwithstanding section 214(a) of the Immigration and Nationality Act, no alien admitted to the United States without a visa under this section shall be permitted to remain in the United States as a nonimmigrant alien for a period exceeding ninety days from the date of the alien's admission.

(2) Notwithstanding sections 245 and 248 of the Immigration and Nationality Act, no alien admitted to the United States without a visa under this section may have his status adjusted under either such section.

(e) The Attorney General and the Secretary of State, in consultation with the Secretary of Commerce, shall jointly monitor the program, shall conduct an analysis and study of the extent to which preclearance and preexamination immigration inspection abroad and inspection procedures (including one-stop and citizen-bypass procedures and expanded use of data processing systems) at United States' ports of entry can be utilized or modified to facilitate international travel, and shall report to Congress (not later than April 1, 1982) on the program and on such analysis and study.

SEC. 21. (a) Except as provided in subsection (b), and in section 5(c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendments made by section 2(a) shall apply on and after the first day of the sixth month beginning after the date of the enactment of this Act.

(2) The amendment made by section 16 shall apply to fiscal years beginning on or after October 1, 1980.

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. HOLTZMAN) will be recognized for 20 minutes, and the gentleman from New York (Mr. FISH) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, H.R. 7273 is a noncontroversial legislative package that will improve the efficiency of the Immigration and Naturalization Service, promote a more equitable application of the immigration laws, and at the same time save several millions of dollars over the next few years.

A few minor changes in the substitute committee amendment are included in my motion to suspend. The proposed changes are: First, deletion from the committee bill of provisions relating to G–4 (international organization) aliens and suspension of deportation procedures; and second, inclusion of the technical amendment recommended by the Department of Justice to INS' enforcement authority. These changes were made to accommodate concerns of certain minority members on the committee.

Mr. Speaker, with these changes, the legislation has overwhelming bipartisan support, having been approved unanimously by my Subcommittee on Immigration, Refugees and International Law, and on voice vote by the full Judiciary Committee. It is strongly supported by the administration.

H.R. 7273 is the product of lengthy study and deliberation by the subcommittee, which commenced with submission on April 30, 1979, of an administration proposal to "improve the efficiency of the Immigration and Naturalization Service."

Virtually all the provisions recommended by the Department of Justice are embodied in H.R. 7273, which I originally introduced in August 1979. In addition, the committee bill includes a number of housekeeping provisions, some stemming from our consideration of private immigration bills, and others relating to unnecessary and burdensome congressional reporting requirements. Both sets of provisions are intended to promote a fuller and more efficient administration of our immigration law.

Mr. Speaker, the bill accomplishes these objectives by eliminating some of the inequities in existing law; deleting certain requirements that have proved to be impractical and unproductive; and clarifying certain provisions that have been affected by confusing and sometimes, conflicting administrative and judicial decisions.

Mr. Speaker, this bill is designed to save millions of dollars for the taxpayers and thousands of work hours for immigration officials by eliminating unnecessary reporting requirements to Congress by INS and by eliminating unnecessary reporting requirements by aliens. It also eliminates some naturalization requirements which will free up additional Immigration Service personnel time to deal with the very lengthy backlog that now exist in the naturalization process. Not only will this legislation save millions of dollars, but in addition it will reduce the private bill caseload of the Congress of the United States. It will do this by increasing the age for adoption of foreign born children; by granting permanent resident status for certain investors who have entered the United States; by changing provisions with respect to foreign medical graduates; and also by permitting the Department of Justice to waive the absolute bar to admission for those convicted of certain minor drug offenses, primarily in cases of family reunification.

In addition, the bill is designed to help more effectively enforce the immigration laws. It does this by strengthening the forfeiture provisions under which the Immigration Services seizes vehicles, ships, and the like, that are used in the transportation of illegal aliens to the United States or within the United States. It also separates for the first time academic and nonacademic student visas so that more careful control can be exercised by INS over students coming to the United States. In addition, it reforms the deportation requirement and extends to the Government the same rights with respect to exclusion that now exist in deportation cases.

Presently, we can deport a person under exclusion proceeding only to the country "whence he came." If that country is unwilling to accept him, then he cannot be deported at all.

This bill will also eliminate some inequities in the present immigration law. For example, this bill does away with discrimination against the fathers of illegitimate children. In an important step, the bill also places for the first time restrictions on the ability of the Immigration Service to inquire into the private sex lives of people under its jurisdiction. Thus adultery is no longer an automatic bar to naturalization.

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The bill also has another provision of concern to a number of States and localities around this country. It relates to the problem of foreign medical graduates who have been used to staff municipal and other hospitals. Four years ago the Congress permitted hospitals in this country that had been utilizing foreign medical graduates who did not pass qualifying examinations to have 4 years within which to phase out their reliance on them. Many of these institutions did not take advantage of the 4-year period and continued to use foreign medical graduates who could not pass the visa qualifying examination.

So, we find ourselves confronted today with the same situation we were in 4 years ago. This bill provides a 2-year extension of the substantial disruption waiver period. But it holds the feet of the hospitals, so to speak, to the fire, by insisting on regular reporting requirements and regular monitoring by the Secretary of HHS in order to assure that there is a proper phasing out of the use of foreign medical graduates.

It seems to me inexcusable to permit "second classes" of medical care in this country for the poor and disadvantaged citizens by foreign medical graduates who have not passed certain qualifying exams and do not otherwise qualify for entry to the United States. We ought to have decent and competent medical care for all Americans.

Finally, this bill experiments with respect to attracting additional tourism to the United States. It sets up a pilot project which will waive certain visa requirements for residents of a limited number of countries over a limited period of time to see whether or not this will encourage additional tourism to the United States. The bill, however, also contains strict provisions to assure that we will not be burdened with illegal aliens should such an experiment be undertaken.

Hearings were held on this provision. It received substantial support from many organizations that are concerned with tourism. I think it is an important experiment, and I would hope that this provision as well as the other provisions of the bill would be adopted.

Let me now briefly highlight some of the major, less technical provisions of the bill:

Section 2 creates a new nonimmigrant classification for nonacademic students. This will enable INS to exercise greater control over this category of nonimmigrants and thereby minimize the incidence of abuse and misuse of student visas by nonacademic students and institutions. This section also allows the natural father of an illegitimate child to extend or receive the same immigration benefits as the natural mother.

Section 3 eliminates unnecessary paperwork by deleting the requirement that approved third and sixth preference visa petitions be reported to the Congress—a totally unproductive task.

Section 4 allows the Attorney General in cases of extreme hardship to waive inadmissability for minor drug-related activities by persons who are spouses, parents or children of citizens or permanent residents. At the current time, all types of criminal offenses—with the exception of murder—are waiverable and it makes no sense permanently to bar minor drug violators who have immediate relatives here from entry to this country. Drug cases have constituted one of the largest categories of private immigration bills considered and approved by the committee for the last several Congresses. Over the years, as a member of the Immigration Subcommittee, I have witnessed the severe hardship that has resulted from current law and this is particularly the case for alien spouses of U.S. citizens who have been convicted of possesssion of small amounts of marihuana.

Section 5 resolves several problems regarding foreign medical graduates. In particular, it grants permanent resident status to foreign medical graduates (FMG's) if they have been in this country for a lengthy time or if they have practiced in underserved areas. As I have already mentioned it also extends the so-called "substantial disruption waiver" period to prevent a health-care crisis in localities and States which are heavily dependent on FMG's. I should mention that a similar provision extending the waiver period for 1 year is currently contained in S. 988. I wish to make it clear that the provisions contained in H.R. 7273 are intended to supersede the limited approach contained in S. 988.

Section 7 allows excludable aliens to be deported to a variety of different countries, as opposed to existing law which limits deportation of such aliens to the country from "whence they came."

Section 11 eliminates the annual alien registration requirement but continues to require aliens to notify INS as to changes of address. According to CBO, this alone will save $800,000 annually.

Section 12 makes several revisions to INS' authority to seize and forfeit conveyances used in smuggling and transporting illegal aliens. In interpreting and implementing this provision, the Department of Justice should be guided by the more detailed legislative history contained in the committee's report on H.R. 8115.

Section 15 eliminates certain naturalization requirements, including the need for two witnesses, whose utility is of marginal value. This section will result in a savings of $1 million annually.

Section 16 allows State courts with jurisdiction to naturalize aliens to retain up to $20,000 in naturalization fees, rather than the current $3,000. This will more adequately compensate the State courts for the increased volume of naturalization petitions and concomitant increase in costs associated with processing the petitions. This more generous reimbursement formula is necessary in order to assure that these courts do not withdraw from the naturalization process.

Section 20 provides for the Attorney General and the Secretary of State jointly to establish a 1-year pilot program under which most tourists and business visitors from selected foreign countries would not be required to obtain nonimmigrant visas before traveling to the United States.

This bill goes a long way toward eliminating the requirements that presently confront the Immigration and Naturalization Service with redtape, unnecessary paperwork, and laws that are difficult to administer. This is a small but important step forward; obviously much more work needs to be done first, to get the Immigration Service to a point at which it can effectively enforce the laws, and second, to reform the laws so they can be efficiently and easily administered and are fair and equitable as well.

Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I wish to join my colleague and subcommittee chairman in support of this bill, H.R. 7273. Ms. HOLTZMAN has described the details of the bill, and I will not add to that description.

However, I do wish to set out what I feel is the need for this type of bill at this time. I believe we can all agree that the Immigration and Naturalization Service is an agency in severe trouble and in need of positive assistance. During the Department of Justice authorization, and again during House consideration of the Department of Justice appropriations bill, we added significant new funding to assist the Immigration and Naturalization Service to carry out its mandate. Such additional funding dealt with border patrol and inspection positions so that the Immigration Service could regain some control over our borders.

The bill we consider today makes several legislative changes which will free the Service of unnecessary and time-consuming activities that use man-hours without making any contribution to the execution of the laws which the Service is charged to enforce. Reports to the Congress that are now required have been added over the years, but their usefulness no longer exists. Court decisions have made sections of the Immigration and Nationality Act impossible to enforce. Other sections of the law have become meaningless and ineffective.

I am the first to agree that the entire Immigration and Nationality Act is in need of a thorough revision. Four Members of this House serve on the Select Commission on Immigration and Refugee Policy, which is charged with, among other things, recommending such a revision. Our Subcommittee on Immigration will most certainly consider all the recommendations of the Select Commission, during the next Congress.

The bill we consider today was drafted to avoid inclusion of far-reaching and significant new policy directions. The changes made, in addition to those eliminating meaningless reports and duties currently imposed on the Immigration Service, have their basis in private legislation which we have considered. For example, granting the Attorney General discretion to waive minor drug convictions merely shifts the discretion that has been often exercised by the subcommittee in private legislation in favor of close relatives of U.S. citizens who are at this time permanently barred from entering this country because of such drug conviction.

I think this bill will help the Immigration Service without sacrificing any protection of our citizens and the law enforcement function which we have given the Service. In fact, it should allow the Immigration and Naturalization Service to carry out its mandate more effectively by freeing it from meaningless tasks.

I am happy to support this bill and urge my colleagues to do likewise.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. FISH. I will be happy to yield to the ranking minority member of the committee, the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentlewoman from New York and the gentleman from New York for bringing this important legislation to the House.

Mr. Speaker, I rise in support of the bill as amended as it now is being considered under suspension of the rules. As I indicated in my additional views as set forth in the report on this bill, I am in support of the major objectives of the bill. The measure frees the Immigration Service of many meaningless and time-consuming tasks that otherwise occupy the time of the staff of that Service to the detriment of the enforcement of our overall immigration policies. I concur with the gentleman from New York (Mr. FISH) in that the Immigration Service is definitely an agency that needs the significant assistance, and we in this House have tried to provide that as far as personnel is concerned. Today we have the opportunity to provide additional assistance to the Service by removing some of the outdated and meaningless functions which it must perform under current law.

I specifically want to indicate my appreciation to the chairman and ranking member of the subcommittee that the provisions dealing with the families of employees of international organizations have been removed from the bill as considered. As I indicated in my additional views, I do not necessarily oppose this provision but merely object to the methods by which it was attached to the bill. I will urge subcommittee hearings to be held at an early date during the next Congress, and I trust that this issue can be resolved quickly in the next session.

Accordingly, I am pleased to join with my other colleagues from the Judiciary Committee and urge the suspension of the rules and passage of this legislation.

Ms. HOLTZMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I thank the gentlewoman for yielding.

Speaking on behalf of the gentlewoman from Maryland (Ms. MIKULSKI) I would like to ask the following questions in order to gain an understanding of section 4, subparagraphs 3 of H.R. 7273, a provision which would grant the Attorney General the discretion to allow the immigration of certain individuals convicted of drug offenses in foreign nations. Specifically, I am interested in the answers to the following questions:

Is this provision designed to provide administrative relief to American citizen spouses and their alien spouses who are now deportable or who have been forced to live in foreign countries against their wishes and apart from their families and in-laws in the United States due to a drug conviction of the alien spouse?

Ms. HOLTZMAN. Mr. Speaker, if the gentleman would yield, the answer is "Yes." The purpose and intent of this bill, and our understanding of it is that if an alien is subject to deportation under section 241(a)(11) for a minor drug offense committed within the United States and is the subject of a waiver with respect to the offense under section 212 (h), as amended, the Attorney General could adjust the alien's status without requiring the alien to depart from the United States and to re-enter if a visa number is immediately available. If none is currently available, the Attorney General should at his discretion delay deportation until one becomes available.

Mr. PANETTA. Is it the intent of H.R. 7273 to broaden the scope of "extreme hardship" to include such cases?

Ms. HOLTZMAN. I think the answer to the gentleman's question is obviously "Yes." The purpose of this legislation is obviously not to force an American citizen to choose between living with a spouse or close relative and remaining abroad or leaving the spouse or relative in order to live in the United States. This provision is not designed to split up families, but to permit their unification.

A situation of extreme hardship, in my judgment, and the judgment of the supporters of this legislation, would be a situation in which close family relations were seperated. I would hope that that would be understood.

Let me be absolutely clear, it is our intent that in the case of an alien who has committed a minor drug offense and whose immediate family includes citizens or permanent residents of the United States, the exclusion or deportation of the alien from the United States and consequent separation from these family members does constitute an "extreme hardship" within the meaning of section 212(h), as amended. In the committee's application of its rules relating to "unusual hardship" to cases of private immigration legislation, we have consistently interpreted "hardship" to include such cases.

Mr. PANETTA. I thank the gentlewoman.

Ms. HOLTZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished chairlady. I rise for the purpose of asking a question. In connection with what the gentlewoman referred to, which I think is section 20 on page 31, with respect to a new program or a pilot program that is visualized in this legislation, and the reason I rise is because on page 34, in explaining further the method of carrying out this program, and I interpret the program to be for the purposes of promoting tourism, it says:

> The Attorney General and the Secretary of State, acting jointly may designate up to five countries as pilot countries for purposes of this section.

Then, it goes on and it defines some conditions that would disqualify or qualify the countries.

My question is: Are these conditions herein set forth intended to disqualify or qualify a country such as Mexico, for example?

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Ms. HOLTZMAN. The conditions apply to all of the countries of the world and each country would have to meet them in order to qualify. I would say to the gentleman probably very few countries would be able to meet those requirements, but I cannot answer with respect to Mexico.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I rise in strong support of this bill. As a member of the subcommittee that has been dealing with this particular subject for some period of time, it has been evident to me, as I think it has been to all of the members of the subcommittee, that the INS truly is one agency of Government which needs a lot of work. I think those of us on the subcommittee have worked in good faith over the last 2 years to attempt to make some modification to allow them to work for better than they have in the past.

One of the things we have attempted to do in this particular bill is to streamline some of the procedures which will allow, I think, a more efficient and less expensive working of the INS.

To give one example, one section eliminates the two-witness requirement for naturalization. The Acting Commissioner of INS testified before our subcommittee:

> Witnesses selected by the petitioner are unlikely to reveal its faults, if any.

We have eliminated the requirement for two witnesses and it is estimated by the Congressional Budget Office that this provision alone could give us a savings of $1 million in the year 1981.

Similarly, as those of us on the Immigration Subcommittee are required to pass on a number of required bills, I think there come to our attention some changes which ought to be made. For instance, one section of this bill raises the age for consideration of entry into the United States of foreign-born adopted children from 14 to 16 years of age. The subcommittee has historically enacted legislation for adopted children in this age period for those people who otherwise meet all the general requirements of the law.

We had a subcommittee meeting just this morning in which we had a number of different cases brought to our attention where there was no need for action by the subcommittee on maybe three or four children from a family that were being adopted but there was for one because that one child happened to fall within the category of 14 to 16 years of age. Based on the experience we have had we have made the recommendation included in this bill.

Another section which I would suggest is important and which I requested be included in the subcommittee draft provides for the adjustment of status of certain investors who have qualified for nonpreference visas prior to June 1, 1978, but who, due to a change in the law, have no reasonable expectation of obtaining a visa in the near future. In other words, these were individuals who had in many ways been enticed to come into the United States for investment purposes with the promise that they would receive a number, a preference number, which would allow them to apply ultimately for permanent residence status here and following that citizenship. Once they got over here, we made a change in the law which basically meant they would never get a number.

As far as they are personally concerned, they have no difficulty as long as they stay in the United States. I had two specific instances in my own district in which families had come over here, availed themselves of the law as it existed at that time but now, because of the change in the law, are in a status which does not allow them to leave the United States.

I had one couple who had an 8-year-old child in a foreign country whom they wished to bring to this country sometime in the future. With this quirk in the law they cannot leave this country in order to bring their child back with them. These people have acted in good faith, they have made commitments to this country in terms of their investment, in terms of their continued presence here and I think all this does is alleviate an unintended difficulty in the law. It only applies to a few hundred people. At least that is the estimate we have received from the Department of State and from INS upon our request. In other words, I think this particular bill tightens up a number of things which needed attention, which came to our attention over the last couple of years, in ways that make INS work a little bit more effectively than they have.

I have been told, for instance, in the INS office in Los Angeles they have more than 10 people who do nothing but look for lost files 100 percent of the time. If you go into the INS office in Los Angeles—I know it is very similar in New York—you will find that they have stacks and stacks of files in shoe boxes because we have never given them the ability to make some changes and to come into the computer age. Some of our Government agencies are barely into the 20th century. I suggest the INS is barely into the 19th Century because of the difficulty they have experienced in getting any backup, frankly, from the Congress.

Last, I would point out one other small inequity in the law which I think this bill addresses. At the present time, the customs officials have the right under certain circumstances to seize vessels and vehicles which are utilized in the illegal transport, for instance, of drugs into this country. Unfortunately, because of the law which has existed until this time, Border Patrol officers do not have the same ability to seize vehicles and vessels which are utilized to bring in human cargo. That is the question of the transportation of illegal aliens into this country. This anomaly of the law has allowed a situation to exist whereby you can go on the border and talk with Border Patrol officers and find that they have found the same car utilized on numerous occasions to bring in illegal aliens. This will make a small change in that law which will allow us, with respect to the INS, to utilize the same law enforcement mechanisms that we now give to the customs officials in dealing with traffic of things such as narcotics.

Mr. Speaker, I think this particular bill, although it is important, and addresses a number of problems that exist and, therefore, might be considered somewhat comprehensive, should not be considered controversial in any way. I would ask that the Members on both sides of the aisle give this bill their full support.

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HOLTZMAN. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I would like to take this opportunity to compliment the members of the Subcommittee on Immigration for the diligence that they have shown in trying to resolve the many problems that the Immigration Service faces. I want to thank them for their cooperation in making this legislation possible and other important legislation upon which the subcommittee has acted.

Mr. Speaker, this legislation will make major improvements in the operation of the Immigration Service. It will remove redtape and unnecessary paperwork and will make the enforcement of the laws more effective and more equitable. I urge its passage.

Mr. FISH. Mr. Speaker, will the gentlewoman yield?

Ms. HOLTZMAN. I will be happy to yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I would like to take this opportunity to say that I have enjoyed my experience on this side of the aisle when the Chair of the subcommittee upon which we all three serve has brought legislation to this floor. I want to thank her for her graciousness to the minority during this Congress and for the leadership she has shown on the subcommittee and for the cooperation we have had.

I thank the gentlewoman very much.

Ms. HOLTZMAN. I thank the gentleman for his comments.

I yield back the balance of my time.

● Mr. WON PAT. Mr. Speaker, I wish to express my support for H.R. 7273, the Immigration and Nationality Act Amendments of 1980. This measure contains many good provisions which will simplify and make more efficient the work of the U.S. Immigration and Naturalization Service.

In particular, I want to address myself to section 20 of the bill, which would establish a visa waiver "pilot program" for nonimmigrant visitors to the United States. I have worked for many years to allow implementation of a similar program designed specifically for the territory of Guam. H.R. 848, my bill in this Congress, calls for waiving visa requirements for aliens visiting Guam for not more than 15 days. H.R. 7273 would give the same boost to my home island's tourist industry, provided the proposed pilot program includes Japan among the maximum of five countries to be designated as "pilot countries."

Guam depends on tourism as a prime part of its nonmilitary and nongovernmental economy. The largest portion of our tourist trade is from Japan. In 1979 almost 200,000 people traveled to Guam from Japan by airplane out of a total 264,000 visitor air arrivals. Our experience on Guam indicates there has been virtually no overstay problem or other tourist-related difficulty with Japanese tourists. The territory of Guam would benefit greatly from the visa waiver pilot program authorized in H.R. 7273 if the Attorney General and Secretary of State designate Japan as one of the pilot countries.

I strongly urge the House's approval of H.R. 7273 and its visa waiver pilot program provision.

Thank you.●

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. HOLTZMAN) that the House suspend the rules and pass the bill, H.R. 7273, as amended.

The question was taken; and (two-thirds having voted is favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1610

GENERAL LEAVE

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 7273, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

COMMUNITY AND STATE ENERGY PLANNING ASSISTANCE

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1280) to provide assistance to States and to political subdivisions within States to promote national energy objectives, and for other purpose, as amended.

The Clerk read as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Community and State Energy Planning Assistance Act of 1980".

(b) TABLE OF CONTENT.—

Sec. 1. Short title.
Sec. 2. Definitions.

TITLE I—COMMUNITY ENERGY PLANNING ASSISTANCE

Sec. 101. Grants to assist local community energy planning.
Sec. 102. Grants to assist implementation of community energy plans.
Sec. 103. Authorization of appropriations.
Sec. 104. Allocation of grants.
Sec. 105. General provisions regarding grants.
Sec. 106. Annual reports.

TITLE II—IMPROVEMENTS IN ADMINISTRATION OF EXISTING STATE ENERGY PLANNING PROGRAMS

Sec. 201. Consolidation and coordination of certain State energy grant programs.
Sec. 202. Reprograming of certain State energy grant funds.

TITLE III—STATE LONG-RANGE ENERGY PLANS

Sec. 301. Grants for State long-range energy planning.
Sec. 302. Authorization of appropriations.
Sec. 303. Allocation of grants.
Sec. 304. General provisions regarding grants.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) The term "applicant" means any unit of local government applying for a grant under section 101 or 102, or any combination of such units which files an application for such a grant.

(2) The term "conservation" means a reduction of inefficient energy consumption or an increase in the efficiency of energy use.

(3) The term "Governor" means the chief executive officer of a State, or the designee of such officer.

(4) The term "renewable resource" means any source of energy that is regenerative or essentially inexhaustible, including solar, wind, low-head hydroelectric, biomass, and ocean systems energy, but not including nuclear fission and fusion materials.

(5) The term "Secretary" means the Secretary of Energy.

(6) The term "State" means each of the 50 States and the District of Columbia.

(7) The term "unit of local government" means the government of a county, municipality, or township, which is a unit of general purpose government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes) and the District of Columbia. Such term also means the recognized body of an Indian tribe (as defined in section 412 of the Energy Conservation and Production Act) which governing body performs substantial governmental functions.

TITLE I—COMMUNITY ENERGY PLANNING ASSISTANCE

SEC. 101. GRANTS TO ASSIST LOCAL COMMUNITY ENERGY PLANNING.

(a) GRANTS.—In accordance with this section, section 105, and such regulations as the Secretary may prescribe, the Secretary may commit to make, a grant to any applicant for the costs of preparing a local energy plan.

(b) LOCAL ENERGY PLAN.—(1) For purposes of this section, a local energy plan is a plan of a unit of local government (or a combination of such units of government) which, when implemented, will—

(A) provide for energy conservation;

(B) encourage the use of renewable resources through technologies which are commercially available; or

(C) result in a combination of such conservation and renewable resource usage.

(2) In addition to the requirements of paragraph (1), each local energy plan shall—

(A) include recommendations for conservation of energy used in buildings owned by any unit of local government covered by the plan, as well as energy used in vehicle fleet and equipment operation, street and building lighting, traffic management, heating and cooling, and other municipal services and activities; and

(B) provide for coordination with Federal and State energy use and conservation programs, activities, and objectives.

(c) AMOUNT OF GRANT.—(1) The amount of any grant under this section for any applicant shall not exceed 80 percent of the reasonable costs paid or incurred by the applicant in preparing a local energy plan. The availability of financial assistance to an applicant under other provisions of Federal law shall be taken into account in determining the amount of any grant under this section to that applicant.

(2) The Secretary shall establish criteria for determining the amount of any grant under this section, which criteria shall include the population and other relevant characteristics of the applicant.

(d) APPLICATION; OPPORTUNITY FOR LOCAL PUBLIC COMMENT.—(1) A grant under this section shall be provided only upon the approval by the Secretary of an application containing the information required under subsection (f).

(2) An applicant shall provide for reasonable notice and opportunity for public comment on any application before it is submitted under this section.

(3) During the public comment period, the applicant shall provide a copy of any such proposed application to the Governor of the State in which the unit or units of local government are located.

(e) PERIOD ALLOWED FOR FILING APPLICATION.—(1) No grant may be made under this section unless—

(A) written notice of intent to apply for such grant is filed with the Secretary during the 6-month period beginning on the date on which funds are first appropriated for this title; and

(B) the grant application is filed with the Secretary during the 12-month period after notice of intent is filed under subparagraph (A).

(2) The Secretary may extend the periods for filing any notice of intent or application under this subsection.

(f) CONTENTS OF APPLICATIONS.—Any application for a grant under this section for preparation of a local energy plan shall include—

(1) a statement of the purposes of the plan for which a grant is sought under this section, including the types of energy use the applicant anticipates will be considered under the plan;

(2) a commitment that upon the development of the plan the applicant will undertake oversight and review of the plan and any activities taken under the plan, together with such assurances as the Secretary considers appropriate that resources will be available for such purposes;

(3) a statement of the source of funds for covering those costs of preparing the plan which are not covered by any grant under this title;

(4) a summary of the comments on the application received by the applicant under subsection (d)(2); and

(5) such other information as the Secretary may require.

Such application shall be simple and concise in form and shall require only such information as may be necessary to allow the Secretary to efficiently and effectively consider such application.

(g) Application Approval.—(1) After consideration of any grant application under this section and subject to the availability of funds, the Secretary may approve a grant under this section if the Secretary finds that the requirements of this title regarding such application have been met.

(2) In determining whether to approve any grant application, the Secretary shall take into account whether the unit or units of local government have energy plans and the adequacy of such plans.

(3) Any grant under this section shall be on terms and conditions which the Secretary determines are appropriate and which are consistent with the purposes of this Act. The terms and conditions shall—

(A) provide that the local energy plan will be completed and submitted to the Secretary on the date specified in the grant application (which shall not be later than 24 months after the date of the grant approval);

(B) require that, before submittal to the Secretary, the applicant—

(i) will make copies of the proposed plan available to the public and provide an opportunity (of not less than 60 days' duration) for oral or written public comment, and

(ii) may make such modifications in the plan as the applicant considers appropriate on the basis of the public comments; and

(C) require implementation of any aspects of the plan which do not require substantial cost to the applicant or any person affected by the plan.

(4) The Secretary may extend the date by which any action is required to be taken under paragraph (3).

(h) Consolidation.—(1) The Secretary shall prescribe procedures which permit and encourage units of local government to consolidate the filing of applications under this section and the preparing of local energy plans covering those units which file consolidated applications.

(2) Under procedures which the Secretary shall prescribe, applications received from units of local government which are within the jurisdiction of another unit of local government may be required to be consolidated with any application of that unit.

(i) Regulations.—The Secretary shall initially prescribe and make effective the regulations required to implement this section not later than 60 days after the date of the enactment of this Act.

Sec. 102. Grants to Assist Implementation of Community Energy Plans.

(a) Grants.—(1) In accordance with this section, section 105, and such regulations, as the Secretary may prescribe, the Secretary may commit to make and make, a grant to any applicant for the costs of implementing a local energy plan, whether or not prepared pursuant to a grant under section 101, if that plan is approved under subsection (c).

(2) Funds may be provided for only one 12-month period for the implementation of any local energy plan, except that the Secretary may, on request, extend the period of funding. In no event may the period of funding for implementation of any local energy plan exceed 36 months.

(b) Amount of Grant.—The amount of any grant under this section for any applicant shall not exceed 50 percent of the reasonable costs paid or incurred by the applicant in implementing a local energy plan. The availability of financial assistance to an applicant under other provisions of Federal law (other than under part H of title III of the Energy Policy and Conservation Act) shall be taken into account in determining the amount of any grant under this section to that applicant.

(c) Application; Plan Approval; Opportunity for Local Public Comment.—(1) A grant under this section shall be provided only upon the approval by the Secretary of an application containing the information required under subsection (d).

(2) The Secretary shall prescribe the periods during which applications may be filed and considered under this section.

(3) The Secretary shall not approve any application for a grant under this section unless the Secretary determines—

(A) that the local energy plan involved meets the requirements set forth in section 101(b); and

(B) that reasonable efforts have been or are being made to obtain funding under the provisions of part H of title III of the Energy Policy and Conservation Act for measures under the plan for which funds are available under such provisions.

(4) An applicant shall provide for reasonable notice and opportunity for public comment on any application before it is submitted under this section.

(5) During the public comment period, the applicant shall provide a copy of the proposed applicatoin to the Governor of the State in which the unit of local government involved is located.

(d) Contents of Applications.—Any application for a grant under this section for implementation of a local energy plan shall include—

(1) a copy of the local energy plan, together with any related implementation data and information;

(2) a commitment that upon termination of the grant the applicant will continue implementation of the plan and undertake oversight and review of the plan and its implementation, together with such assurances as the Secretary considers appropriate that resources will be available for such purposes;

(3) a statement of the source of funds for covering those costs of implementing the plan which are not covered by any grant under this title;

(4) evidence demonstrating that the actions proposed to be funded under the local energy plan are practicable;

(5) a summary of the comments on the plan received by the applicant under section 101(g)(3)(B), and any modifications in the plan based on such comments, together with a summary of comments received by the applicant on the grant application under this section; and

(6) such other information as the Secretary may require.

Such application shall be simple and concise in form and shall require only such information as may be necessary to allow the Secretary to efficiently and effectively consider such application.

(e) Application Approval.—(1) After consideration of any grant application under this section and subject to the availability of funds, the Secretary may approve a grant under this section if the Secretary finds that the requirements of this title regarding such application have been met.

(2) In determining whether to approve any grant application under this section, the Secretary shall give priority to those grant applications for implementation of local energy plans—

(A) which, for the funds involved, produce the greatest energy conservation or use of renewable resources;

(B) which will require the least amount of public subsidy or expenditure after the implementation period for which a grant is made under this section; and

(C) which are replicable.

(3) Any grant under this section shall be on terms and conditions which the Secretary determines are appropriate and which are consistent with the purposes of this Act.

(f) Regulations.—The Secretary shall initially prescribe and make effective the regulations required to implement this section not later than 60 days after the date of the enactment of this Act.

Sec. 103. Authorization of Appropriations.

(a) Authorization.—There is authorized to be appropriated to the Secretary for the 3 fiscal years beginning after September 30, 1981, not to exceed $420,000,000 for purposes of this title, of which—

(1) not to exceed $200,000,000 shall be available for purposes of grants under section 101 for preparing local energy plans;

(2) not to exceed $200,000,000 shall be available for grants under section 102 for implementing approved local energy plans; and

(3) not to exceed $20,000,000 shall be available for program administration under this title.

(b) Limitations.—(1) If so specified in an appropriation Act, any amount appropriated pursuant to this title may remain available without fiscal year limitation.

(2) Any authority under this title to enter into a contract, commitment, grant agreement, or other agreement obligating the United States to make outlays pursuant to this title may be exercised only to such extent as may be provided in advance in appropriation Acts.

Sec. 104. Allocation of Grants.

(a) In General.—Except as otherwise provided in subsection (b), the Secretary shall allocate the amounts made available under section 103 in any fiscal year for purposes of making grants under sections 101 and 102 as follows:

(1) 80 percent of amounts made available for any fiscal year shall be allocated with respect to the several States in accordance with a formula to be prescribed, by rule, by the Secretary, taking into account population and climate of each State, and such other factors as the Secretary may deem appropriate.

(2) 10 percent of amounts made available for any fiscal year shall be allocated with respect to the several States in such manner as the Secretary determines by rule after taking into account the availability and cost of fuel or other energy used in, and the amount of fuel or other energy consumed by and within the jurisdiction of, such States, and such other factors as the Secretary deems appropriate.

(3) 10 percent of amounts made available for any fiscal year shall be allocated in hardship cases in accordance with section 105(d) for paying grants to the extent such grants exceed the percentage limitations prescribed in sections 101(c) and 102(b).

(b) Limitation.—The total amount allocated for any State under subsection (a) in any year for section 101 or for section 102 shall not exceed 10 percent of the total amount allocated for all the States in such year under subsection (a) for that section.

(c) Administrative Expenses.—The Secretary shall prescribe rules limiting the amount of funds committed or granted to an applicant which may be expended for administrative expenses.

(d) Reallocation.—Funds allocated under this section for a fiscal year but not obligated in such fiscal year shall be available for reallocation under subsection (a) of this section in the subsequent fiscal year.

Sec. 105. General Provisions Regarding Grants.

(a) Technical Assistance.—Upon request, the Secretary may provide, subject to the availability of personnel and funds, information and technical assistance (including model laws and model local energy plans) to units of local government for purposes of aiding such units in applying for grants under this title and in preparing, implementing, and modifying local energy plans for which grants are provided under this title.

(b) No Community May Concurrently Receive Grants Under Sections 101 and 102.—A grant or commitment may not be made under section 102 for any unit of local government (or any combination in which that unit is consolidated for purposes of this title) during any fiscal year in which a grant or commitment is made under section 101 for such unit of government (or combination).

(c) Consideration of Applications.—The Secretary shall prescribe procedures and criteria applicable to the consideration and approval of applications for grants under this title. Such procedures and criteria shall ensure that—

(1) the applications of all units of local government are given equal consideration without regard to the types of such units and the sizes of the communities involved; and

(2) consideration is given to the fact that the limited administrative resources of small units of local government (including the recognized bodies of Indian tribes) place such units at a disadvantage in preparing applications for grants.

(d) Verification of Cost Estimates.—(1) The Secretary may not approve any application for a grant under this title unless the Secretary has taken reasonable steps to verify cost estimates, including the reasonableness thereof, and other information contained in the application.

(2) Before entering into any contract under this title for the purposes of carrying out such verification activities or other functions under this title, the Secretary shall determine that the work to be performed is appropriate to be performed by contract rather than by Federal employees, that such work cannot reasonably be performed by officers and employees of the Department of Energy under the jurisdiction of the Secretary, and that the work is needed.

(e) Adjustment of Limitations.—(1) The Secretary may make grants in excess of the limitations contained in sections 101(c) and 102(b) in severe hardship cases.

(2) The Secretary shall, by rule, prescribe criteria for determining applicants which are in a class of severe hardship. Such criteria shall take into account climate, fuel costs, fuel availability, ability to provide the non-Federal share of the costs, and such other factors that the Secretary deems appropriate.

(f) Final Action on Grant Applications To Occur Within 4 Months.—The Secretary shall take final action on any application for a grant under this title as soon as possible after the application is filed but not later than 120 days after the application is submitted, except that the Secretary may extend such period to a specified date with respect to any application if the Secretary publishes notice thereof in the Federal Register and includes with such notice a statement of the reasons for such extension, and if such extension does not extend beyond 24 months after the application was filed.

(g) Records.—(1) The Secretary shall require all units of local government receiving grants under this title to keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the respective portions of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary shall prescribe only such records as are necessary for any such audit and shall minimize the burden imposed on such recipients to create and retain records.

(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purposes of audit, evaluation, examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to such grant.

(h) Exclusion of Research and Development Funding.—Nothing in this title shall be construed to authorize funds for research or development purposes.

Sec. 106. Annual Reports.

The Secretary shall, within 1 year after the date of the enactment of this title and annually thereafter while funds are available under this title, submit to the Congress a detailed report of the actions taken under this title in the preceding fiscal year and the actions planned to be taken in the subsequent fiscal year. Such report shall show the allocations made (including the allocations made for units of local government in each State) and include information on the types of actions taken, with funds allocated, and an estimate of the energy savings achieved.

TITLE II—IMPROVEMENTS IN ADMINISTRATION OF EXISTING STATE ENERGY PLANNING PROGRAMS

Sec. 201. Consolidation and Coordination of Certain State Energy Grant Programs.

(a) Consolidation.—Notwithstanding any other provision of law, a State may submit an annual consolidated application requesting financial assistance under part D of title III of the Energy Policy and Conservation Act. The portion of the consolidated annual application for each program shall be approved by the State official or State agency specifically authorized to implement that program under State law.

(b) Uniform Time Periods.—To enable a State to submit a consolidated application described in subsection (a) for a uniform time period, the Secretary and the appropriate State official or State agency, by mutual agreement, may amend the program time period and any other administrative provision associated with financial assistance awarded under such part D before the approval of the consolidated application, and may agree that the unexpended balance of any funds made available under such programs may continue to be available for the purposes for which those funds were appropriated.

(c) Records and Accounting.—The Secretary shall prescribe rules providing, to the maximum extent practicable, uniformity consolidation, and coordination in the records and accounting procedures required under programs under such part D.

(d) Effect on Existing Administrative Authority.—Nothing in this section shall be construed as limiting or restricting the authority of the Secretary to undertake consolidation of the administration of other financial assistance programs under the jurisdiction of the Secretary, to the extent consistent with other provisions of law.

(e) Transition.—(1) The Secretary may prescribe rules providing for the orderly transition from multiple applications for financial assistance for State energy programs under such part D to the consolidated applications described in subsection (a) of this section.

(2) In the case of agreements for financial assistance entered into under such subpart D before the date of the enactment of this Act, the Secretary may—

(A) consolidate into one agreement any such agreements; and

(B) amend the time period covered by such agreements.

Sec. 202. Reprograming of Certain State Energy Grant Funds.

Notwithstanding any other law, the Secretary shall approve a State's request in a consolidated annual application under section 201 to use financial assistance appropriated for the administrative costs of a State energy program for expenditure for preparation of a State emergency conservation plan under section 212 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. 8512).

TITLE III—STATE LONG-RANGE ENERGY PLANS

Sec. 301. Grants for State Long-Range Energy Planning.

(a) Grants.—In accordance with this section, and such regulations as the Secretary may prescribe, the Secretary may commit to make, and make, a grant to any State for the costs of preparing, modifying, or administering a State long-range energy plan for such State.

(b) State Long-Range Energy Plan.—(1) For purposes of this section, a State long-range energy plan is a plan approved by the Governor which contains—

(A) an estimate of the then current energy supply and demand within the State, and a projection of energy supply and demand in the State over the 5-year period following the year in which an application is filed under subsection (e);

(B) a description of the types of energy use affected by the plan, and a statement of State objectives for energy conservation and renewable resource use for such types of energy usage during the 3-year period following the year in which the plan is filed under subsection (e), and thereafter;

(C) a description of, and cost estimates for, the programs the State proposes in order to achieve conservation of energy and increased renewable resource use; and

(D) a description of the ways in which the State will monitor and assess progress in meeting such objectives.

(2) In developing a long-range energy plan, each State shall consider—

(A) programs by natural gas utilities and by electric utilities regulated by the State to promote energy conservation and the use of renewable resources;

(B) State tax measures or other financial incentives to encourage energy conservation and use of renewable resources;

(C) measures designed to conserve energy used for transportation; and

(D) other programs to promote energy conservation and the use of renewable resources.

(3) In addition to the requirements of paragraph (1), each State long-range energy plan shall, in accordance with such regulations as the Secretary may prescribe, provide for coordination among Federal, State, and local energy use and conservation programs, activities, and objectives.

(c) Amount of Grant.—The amount of any grant under this section for any State shall not exceed 50 percent of the reasonable costs paid or incurred by the State in preparing a long-range energy plan. The availability of financial assistance to a State under other provisions of Federal law shall be taken into account in determining the amount of any grant under this section to that State.

(d) Application; Opportunity for Public Comment.—(1) A grant under this section shall be provided only upon the approval by the Secretary of an application filed by a State containing such information as the Secretary may require.

(2) A State shall provide for reasonable notice and opportunity for public com-

ment on any application before it is submitted under this section.

(e) PERIOD ALLOWED FOR FILING APPLICATION.—(1) No grant may be made under this section unless an application, approved by the Governor, for a grant under this section for that State is filed with the Secretary during the 6-month period beginning on the date on which funds are first appropriated for this title.

(2) The Secretary may extend the period for filing an application under this subsection.

(f) APPLICATION APPROVAL.—(1) After consideration of any application under this section and subject to the availability of funds, the Secretary may approve an application for a grant under this section if the Secretary finds that the requirements of this title regarding the application have been met.

(2) The Secretary shall approve or disapprove an application within 120 days after the date it is received by the Secretary.

(3) Any grant under this section shall be made on terms and conditions which the Secretary determines are appropriate and which are consistent with the purposes of this Act. The terms and conditions of any grant for the preparation or modification of a long-range energy plan shall—

(A) provide that the State long-range energy plan involved will be completed and submitted to the Secretary on the date specified in the grant application (which shall not be later than 9 months after the date of the grant approval);

(B) require that, before submittal to the Secretary, the State—

(i) will make copies of the proposed plan available to the public and provide an opportunity (of not less than 90 days' duration) for oral or written public comment, and

(ii) may make such modifications in the plan as the State considers appropriate on the basis of the public comments; and

(C) require implementation of any aspects of the plan which do not require substantial cost to the State or any person affected by the plan.

(4) In the case of any State, the Secretary may extend the date by which any action is required to be taken under paragraph (2) or (3).

(g) REVIEW AND APPROVAL OF STATE LONG-RANGE ENERGY PLANS—(1) The Secretary shall review a timely submission of a State long-range energy plan. Within 120 days after receipt of such plan, the Secretary shall approve or disapprove a State long-range energy plan or a modification thereof if the Secretary determines that such plan or a modification—

(A) provides for energy conservation:

(B) encourages the use of renewable resources through technologies which are commercially available; and

(C) complies with the requirements of this section and is consistent with Federal laws and programs.

(2) A State long-range energy plan shall be approved by the Secretary for a period of 2 years or such other period as the Secretary may determine appropriate for the implementation of such plan.

(3) The Secretary may extend the date by which approval or disapproval is required under paragraph (1) with respect to any particular plan or modification.

(h) REGULATIONS.—The Secretary shall initially prescribe and make effective the regulations required to implement this section not later than 60 days after the date of the enactment of this Act.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to the Secretary not to exceed $100.000.000 for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984, for purposes of this title.

(b) LIMITATIONS.—(1) Not more than 50 percent of the funds appropriated pursuant to subsection (a) for any fiscal year and expended for work performed for the Secretary may be expended for work performed by contract.

(2) If so specified in an appropriation Act, any amount appropriated pursuant to this title may remain available without fiscal year limitation.

(3) Any authority under this title to enter into a contract, commitment, grant agreement, or other agreement obligating the United States to make outlays pursuant to this title may be exercised only to such extent as may be provided in advance in appropriation Acts.

SEC. 303. ALLOCATION OF GRANTS.

(a) ALLOCATION.—The Secretary shall allocate the sums available for financial assistance under this title among the States in any fiscal year in the following manner:

(1) 75 percent shall be allocated on the basis of the resident population of the States; and

(2) 25 percent shall be allocated equally among the States.

(b) REALLOCATION.—Funds allocated under this title to any State for a fiscal year but not obligated by the Secretary in that fiscal year may at the option of the Secretary be reallocated among the States for the following fiscal year.

SEC. 304. GENERAL PROVISIONS REGARDING GRANTS.

(a) TECHNICAL ASSISTANCE.—Upon request, the Secretary may provide, subject to the availability of personnel and funds, information and technical assistance (including model laws and model State energy plans) to States for purposes of aiding such States in applying for grants under this title and in preparing, modifying, administering, and implementing State energy plans for which grants are provided under this title.

(b) RECORDS.—(1) The Secretary shall require all States receiving grants under this title to keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the respective portions of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purposes of audit, evaluation, examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to such grant.

(c) EXCLUSION OF RESEARCH AND DEVELOPMENT FUNDING.—Nothing in this title shall be construed to authorize funds for research or development purposes.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan (Mr. DINGELL) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, S. 1280, as amended, is designed to work toward a very simple, yet vitally important, goals—to encourage the conservation of energy and the use of renewable resources. It proposes to do this by providing financial assistance for the establishment and implementation of energy plans by States and units of local government and to provide for the coordination and consolidation of existing federally assisted State energy programs.

The record before the committee reveals unanimity among all witnesses as to the need for a major Federal effort to encourage effective conservation of energy and increased use of renewable resources.

The Nation is currently consuming 6.6 billion barrels of oil annually, 45 percent of which is imported. This reliance upon foreign oil not only jeopardizes U.S. security, it is generally recognized as a major contributor to inflation in the United States. Since January 1979, the price of oil imported from OPEC nations—30 percent of the oil consumed in the United States—has increased by over 100 percent and now accounts directly for almost $100 billion annually, almost twice the size of the U.S. balance-of-trade deficit. By increasing the cost of U.S. products, this indirectly accounts for a substantially greater share of the deficit.

The current national goal of producing 2 million barrels of synthetic fuel daily by 1990, while desirable and necessary, will not reduce U.S. dependence upon OPEC oil by enough to assure U.S. security or to significantly reduce the inflationary effects of current prices or future increases. The evidence before the committee clearly indicated that conservation of energy and increased use of renewable energy resources can make a significant contribution toward achieving these goals.

Testifying before our committee, the Honorable John G. Hutchinson, mayor, city of Charlestown, W. Va., and chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, cited the assertion of the recent report of the Harvard Business School, "Energy Future," that conservation could save the energy equivalent of 4.4 million barrels of oil per day by 1990.

Thus, if the United States were to achieve the 2-million-barrel-per-day goal of the synthetic fuel program and the 4.4 million-barrel-per-day goal of the conservation program, energy consumption could be reduced by the equivalent of 6.4-million-barrels-per-day in just 10 years. My distinguished colleague from Ohio (Mr. PEASE) noted that the 4.4-million-barrel-per-day savings by 1990 would, at today's prices, "result in a net savings of $230 billion to the American economy." Evidence before our committee indicates that if conservation includes increased use of renewable resources, the savings could be substantially larger.

Although there were differences in emphasis, there was general unanimity among witnesses as to the requirements of an effective program to encourage energy conservation and the increased use of renewables. S. 1280, as amended, meets those requirements.

S. 1280, as reported by the Committee on Interstate and Foreign Commerce, authorizes $140 million annually for 3 years beginning in fiscal year 1982 to be made available to assist units of local government. Of the total, $67 million is to be made available to assist local governments in planning. Under this part of the program the Federal share of any project can be as much as 80 percent. Another $67 million a year is to be available to assist local governments that already have plans in the implementation of those plans. The Federal share under this program can be as much as 50 percent. The remaining $20 million over 3 years is provided for program administration.

This program is designed to utilize the allocation formulas and procedures currently used in the schools and hospitals program under the Energy Policy and Conservation Act. This program is quite successful—utilizing its mechanisms should enable the Department of Energy to implement the important new program with minimum delay and maximum efficiency.

The legislation also authorizes $100 million annually for 3 years beginning in fiscal year 1982 to be made available to States to assist in long-range energy planning. The Federal share under this program can be as much as 50 percent.

I want to stress that two of the most important features of this legislation are its simplicity and its modest goals.

It creates no new and complex formulas, relying instead on proven formulas that States and local governments are familiar with and equally important, formulas that have been used successfully by DOE for similar programs.

The legislation imposes no complex new reporting requirements. It allows each State and each local government to work out conservation and renewable resource programs that fit its particular circumstance and meet its individual needs.

There are those who would have liked to force States to use this program to get into the complex issues of production of energy as well. This is an important activity, but experience has shown us over the years that if we try to accomplish too much in each piece of legislation, we end up falling short of all our goals. Conservation and increased use of renewables are important and the modest goals of this legislation can be met by concentrating upon this simple task.

S. 1280 as amended also consolidates and coordinates existing Federal-State programs to improve efficiency and reduce costs.

This is vitally needed legislation. It has had broad support from private and public sectors and is supported by the administration. I urge my colleagues to support the bill (S. 1280, as amended).

Mr. MOORHEAD of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to S. 1280. This legislation is extremely expensive costing three-quarters of a billion dollars and this legislation is extremely unnecessary.

Mr. Speaker, the Commerce Committee missed a real opportunity to make major necessary revisions in the plethora of energy conservation planning and grant programs now administered by the Department of Energy. Over the past several years, Congress has enacted almost a dozen laws, including the Energy Extension Service, which are duplicative and which have spawned hundreds of regulations regarding State and local energy conservation efforts. A number of these laws contain provisions for grants to units of State and local governments.

Unfortunately, many of these programs have failed in their intended purpose to have, in the process, wasted millions of dollars of taxpayers' money. In addition, several of the programs the Department of Energy now administers appear to be overlapping and in the need of streamlining and consolidation. Thus, the committee, through this legislation, had an opportunity to substantially revise a number of the programs which the Department of Energy now administers.

Unfortunately, the committee did not choose to revise existing Department of Energy programs. Instead, this legislation merely adds another pot of money available to the States and localities for even more "energy planning." Needless to say, most States and localities lack the capability for the detailed energy plans which the Department of Energy is likely to require under this legislation. As a result, most of the $720 million which this bill authorizes is likely to end up in the hands of consulting firms. It is very doubtful that much of this money will actually go toward positive programs for conserving energy.

Mr. Speaker, the Department of Energy contracts out over 80 percent of its total budget. Even though this bill provides safeguards over contractor services, on the whole this legislation will only add to this alarming trend which was just last Sunday a target of an incisive report by the program "60 minutes." In addition, this bill will subject local and State governments to the unnecessary services of contracting firms as these governments clamor for Federal funds.

In my view, this legislation should be revised to eliminate some of the duplication within the existing programs, and the total authorization level should be substantially reduced. In addition, I would favor the elimination of the authority of the Department of Energy to load up any grant with terms and conditions which the States and localities would be required to comply with before they would be entitled to the use of the funds. Through this back-door mechanism the Department of Energy may be able to essentially force many States and localities to adopt many of DOE's pet programs—many of which Congress has rejected in the past.

Mr. Speaker, another glaring deficiency in this type of legislation is that the role of the marketplace in promoting conservation is totally ignored. Marketplace forces reflected by increasing energy costs could very well do more for conservation than this duplicative three-quarters of a billion dollar program. And of course, marketplace forces are free of charge as far as Government expenditures are concerned.

I strongly urge a "no" vote. At the very least we should have the opportunity to clean up this bill and cut out the ocean of fat that surrounds it. The suspension mechanism precludes this. The next President intends to cut a lot of fat out of DOE and I do not think we ought to be adding fat at this time.

I want to emphasize that all 15 minority members of the Commerce Committee signed the minority views which were filed on this legislation.

In closing, Mr. Speaker, I remind my colleagues that this bill provides authorizations for fiscal years 1982, 1983, and 1984. As such, the Congress need not act on this matter until May 15, 1981. Therefore, there is absolutely no reason for this lameduck Congress to tie the hands of our new President.

Mr. DINGELL. Mr. Speaker, I yield one-half a minute to my distinguished colleague from Massachusetts (Mr. MOAKLEY).

(Mr. MOAKLEY asked and was given permission to speak out of order.)

SPECIAL ORDER FOR JOHN W. M'CORMACK

Mr. MOAKLEY. Mr. Speaker, I would like to advise the Members that the gentleman from Massachusetts (Mr. BOLAND) and I are reserving a special order after legislative business on Wednesday, December 3, 1980, in honor of Speaker John W. McCormack.

If any Member wishes to participate in the special order and is unable to be here at that time, prepared statements can be sent to my congressional office for inclusion in the RECORD.

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Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I rise in strong support of S. 1280, the Community and State Energy Planning Assistance Act, which I am very pleased to have played a significant role in formulating.

I commend both my subcommittee chairman, the gentleman from Michigan, Mr. JOHN DINGELL, and the committee chairman, the gentleman from West Virginia, Mr. HARLEY STAGGERS, for having the foresight to recognize the potential importance to the Nation of this legislation. The legislation is designed to encourage the conservation of energy in the use of renewable resources by providing financial assistance for the establishment and implementation of energy plans by states and units of local government.

It also provides for coordination and consolidation of existing federally assisted State energy programs.

I must say that I am nonplussed and surprised by the opposition of my friend, the gentleman from California (Mr. MOORHEAD), because this legislation, as we formulated it, took a very complicated bill that was sent up by the administration and put on all kinds of onerous requirements on States and localities and made it, in effect, a block grant program for the stated purposes to the States and localities. It did consolidate many of the programs that already existed and simplified them into this approach, which is an approach which the gentleman from California and other members of the minority frequently have espoused.

The bill as originally sent up by the administration places numerous complex and costly requirements on localities and States to qualify for funds.

The committee eliminated these burdensome requirements and transformed the character of the legislation into, as I said, what was in effect a block grant program for States and local governments, to carry out broad objectives of energy conservation in the use of renewable resources.

The bill thus eliminates great costs and burdens from States and municipalities and gives them maximum flexibility in designing conservation renewable programs suitable to their areas.

The bill provides for approximately $700 million over 3 years, beginning in fiscal year 1982, to help States and local communities identify and implement energy saving measures, measures to increase the use of renewable energy resources.

It quite intentionally does not address energy supply considerations toward which the Congress has directed countless hours of its attention and many billions of dollars in other legislation over the past 2 years.

The approach taken by this bill is to avoid complicated formulas, to avoid sending mixed signals to those who are implementing it around the country and to increase the efficiency with which we use energy.

I would like to quote a few paragraphs from a newspaper column which appeared recently, which I think eloquently discusses the potential of the program we are proposing today. This program is largely based on the experience of Franklin County, Mass. The title of the column is, "New England County Finds Its Own Energy Solution."

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DINGELL. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, I would like to quote from this columnist. He says:

> Like most of New England, Franklin County has no petroleum, coal, or uranium. Except for one hydro-electric plant on the Connecticut River and some local wood burning, the county imports all its energy. This fact led to a group of local businessmen, students and other citizens working with the University of Massachusetts at nearby Amherst to develop a county-wide energy analysis. There was some very good news. The survey looked at the prospect for local energy production which would pump consumer dollars into local business, banks and investments. The researchers found that a carefully planned transition to renewable energy resources would not be difficult, would probably yield actual increases in the local standard of living and would cut back sharply on air and water pollution. Most importantly, the study showed that there was enough local energy to meet the county's demands in the year 1985.

The article concludes:

> That is a spirit worth bottling and spreading around.

The author of this column was Ronald Reagan.

The Franklin County study was supported by a $36,000 grant from the Department of Energy.

The enactment of this bill will allow other communities around the country to begin to free themselves from their own energy import crises and use their own resources, as has Franklin County, so highly praised for its experience by the President-elect.

This legislation is also vitally needed because without this assistance, the States and localities simply could not afford to carry out their own self-help energy conservation and renewable energy resources activities mandated on them by the Federal Government and greatly in the national interest.

I strongly urge passage of this legislation.

Mr. MOORHEAD of California. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Wydler).

Mr. WYDLER. Mr. Speaker, I thank the gentleman for yielding.

These are the closing days of this session of Congress and, of course, we all like to hope that in the closing minutes of Congress, important legislation that cries out for action will be brought up and considered; but looking at the calendar we have before us today, we see a lot of bills that could easily go over until the next session. As a matter of fact, we would all be much better off if they would go over to the next session. Certainly this one takes the first prize in that regard.

This bill does not have to be considered today. It should be defeated. I hope everyone will vote no on it.

I have sent the Members a letter. I hope those who have read it understand what I was trying to say.

I do not blame the chairman of the subcommittee for bringing this up. I know he is under great pressure, but I really feel that this bill, S. 1280, should not be brought up on the Suspension Calendar. The Suspension Calendar is supposed to be reserved for legislation which is noncontroversial and with no important amendments pending. It should involve relatively low funding and it is legislation that should be expected to be merged with legislation from the Senate in very similar form.

This bill does not meet a single one of those criteria. We had a big fight about this bill, as the chairman of the Energy and Power Subcommittee knows. We went before the Rules Committee at that time and lost on a straight party line vote.

My amendment to the bill was not made in order, so that we could consider it on the floor; but even in spite of that, the Commerce Committee did not bring the bill up under the regular procedure. They brought the bill up under the suspension of the rules procedure to avoid amendments.

Let me emphasize what the gentleman from California has so clearly pointed out. This bill has not got any money in it for spending in fiscal year 1981, but for the following fiscal years it has authorization to spend three-quarters of a billion dollars. That is what we are passing on suspension, a bill to spend under the new administration three-quarters of a billion dollars and that, obviously, is not the kind of legislation that should be passed on the Suspension Calendar.

The bill itself, of course, calls for program planning at the State level. Now, what kind of program planning can a State do when it is required by the provisions of this bill to limit its planning to certain kinds of energy? Obviously, a State to make any kind of a sensible energy plan has to consider all the energy resources available to it and yet this bill tries to require the States to limit their energy planning to certain selected kinds of energy, which happen to be the only kind that the sponsors of the legislation like. This is not a sensible approach to a major problem facing our country.

I hope that the Members of the House, both on the Democratic and on the Republican side, will heed the advice of the gentleman from California (Mr. Moorhead) and defeat this bill. Let the next Congress take up the legislation under the normal procedure as it should do, consider important amendments which would be offered to the bill and then make a sensible decision for America.

At a time when we should be considering important legislation, the EMPA bill is relatively unimportant. There certainly is not a pressing need. It certainly should not be considered on the Suspension Calendar and I hope all the Members will vote "no."

Mr. MOORHEAD of California. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Speaker, I rise in support of S. 1280, the Community and State Energy Planning Assistance Act of 1980, but with a request for two points of clarification. This legislation provides financial assistance to the State and local governments for the establishment and implementation of essential energy plans that can help our Nation solve our serious energy problems. It also authorizes any State to submit an annual consolidated application requesting financial assistance under the Energy Policy and Conservation Act.

The time has come for us to meet our serious energy problems head on. The present costs of imported oil—almost $90 billion for this year—severely drain the financial strength of our country. This increasing oil bill has had a staggering effect on our balance-of-trade position, and has played a significant role in contributing to our current inflation problems.

Growing energy concerns make it imperative that we press forward with the development of our domestic renewable energy resources. According to many recent studies, and most notably the Harvard Business School study "Energy Future," these resources can play a major role in helping us to meet our future energy needs. These reports strongly indicate that our Nation would be much better served through the development of effective energy conservation and solar energy programs. Broadly speaking, the Harvard study saw these two sources as two major alternative energy resources for the rest of the century. In my opinion, the evidence is convincing that conservation is the most immediate and cost-effective means to deal with our current energy problems.

I believe that the legislation which we are considering today could be a step in helping us tap these energy resources. It will help encourage the needed use of effective conservation techniques and the development of our promising solar resources by State and local governments. Testimony before the Science and Technology Committee strongly suggested that any energy program similar to this legislation was desirable and in our Nation's best interests. One important point stressed by many of the witnesses was the need to allow the State and local governments to become effective partners in helping to reach our ambitious solar goals.

While I support this legislation, I would encourage the Department of Energy to implement this program in a manner that avoids as much redtape as possible. During hearings before the Science Committee, many of the witnesses emphasized the need to avoid imposing any unnecessary burdens on the State or local governments. We need to go forward with a program that will not severely tie the hands of the State and local governments. I would hope that we could obtain some clarification on this concern.

In addition, I also hope that we will be able to implement this program in a manner that will allow us to streamline our current Federal conservation programs, and in particular, the Federal energy outreach programs and their relationship with the Energy Extension Service. As many of my colleagues are aware, this particular program was originally designed to disseminate useful energy information on conservation and renewable resources to small businesses and consumers.

However, a recent report evaluating our overall Federal energy outreach program, including the EES, found that these activities have not been viewed as part of a comprehensive and integrated program. Furthermore, it suggested that the entire outreach effort had been poorly planned and that there was a pressing need to fully investigate just where we are going in this area. I find this most disturbing, especially in light of the importance attached to the need to "get the word out" on energy conservation and use. This is an area where I hope we can work to eliminate Government waste, avoid unnecessary duplication, and establish an effective and working outreach program. I would also request some clarification on this point.

Mr. Speaker, this legislation takes several important steps toward helping our Nation take advantage of our domestic energy resources. If properly administered, it will help our Nation develop a viable approach to our energy problems that can help us reduce our reliance on foreign oil supplies. For this reason, I support this legislation.

□ 1630

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I am happy to yield to the chairman of the subcommittee.

Mr. OTTINGER. First I would like to say how much I have enjoyed serving with the gentleman from New York (Mr. Fish), I as chairman and he as ranking minority member of the Energy Development and Applications Subcommittee, and acknowledge the very great contributions the gentleman has made. I would like to thank the gentleman for his support of this legislation.

The legislation was designed specifically to minimize redtape and burdens on States and localities. In the first paragraph of the committee report on page 29 and the third paragraph on page 37 the Secretary of Energy is specifically admonished with respect to applications in the first instance and reports in the second instance to have a maximum of simplicity and is required to see to it that the applications and reports are designed so that small communities and Indian tribes can participate and that there should be a minimum of burden on these small communities and Indian tribes.

With respect to the Energy Extension Service, I am a strong supporter of that and was cosponsor several years ago when that was initiated in the Committee on Science and Technology. This legislation is silent with respect to the Energy Extension Service, but it is anticipated that the funds that are obtained by the States and localities in many instances will be used to support the Energy Extension Service because it has been such a popular and successful program within the States and localities.

The other body has provided some specific provisions for consolidating the Energy Extension Service into this program in its legislation. I would like to assure the gentleman, and the other gentleman from New York (Mr. Wydler), that we will accept no provisions with respect to the Energy Extension Service except those as may be acceptable to the members of the Science and Technology Committee.

Mr. FISH. I thank the gentleman very much for his clarification and wish to state that I have enjoyed these past 2 years working under his leadership on the subcommittee very much.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Speaker, I thank my chairman for yielding and also for the work he has put into this piece of legislation because without his diligent attention to it, it would not be on the floor today.

What I am standing here waiting for is the first argument against this bill. I have yet to hear anyone raise any substantive arguments against it except some vague objection that it is not in perfect form at this time, but without any specificity.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I am happy to yield to the gentleman.

Mr. WYDLER. I am afraid that the gentleman did not listen to my statement. The first argument I made against the bill was that it was going to cost three-quarters of a billion dollars. I do not feel that a bill that is of that magnitude should be on the Suspension Calendar.

Mr. MARKEY. I would ask the gentleman if he objected when the fusion bill for $20 billion was on suspension?

Mr. WYDLER. No, but we did not pass that on suspension.

Mr. MARKEY. Was the gentleman offended at a bill of that magnitude? This bill is only 4 percent of that fusion bill which is a technology which might be able to give us some results by the year 2010 if we are lucky. Does the gentleman have any idea of the comparison between the cost of this bill and that and the potential payback?

Mr. WYDLER. I am afraid that again the gentleman did not hear me. I said to the gentleman I object to a bill that is going to cost three-quarters of a billion dollars being brought up on the Suspension Calendar. I think that is a serious objection to it. The gentleman may not agree with me, but that is the point I tried to make.

I will make other objections based on substantive matters if the gentleman wishes.

For example, why is the bill limited in its scope of State planning to so-called conservation and renewable forms of energy? How can a State which has coal resources, a State which has natural gas resources, a State which has nuclear resources ignore all of these resources in their energy planning? That just does not make any sense to me. Maybe it does to the gentleman.

Mr. MARKEY. If the gentleman will let me reclaim my time, I will be glad to tell the gentleman why: Because unfortunately conservation does not elicit the same kind of response as does oil decontrol and natural gas deregulation and passing a $2 or $3 billion bill to solve the nuclear waste disposal problem for that industry, or passing a synthetic fuels bill that might cost upward of $88 billion for that industry, or passing a bill for the nuclear industry of $20 billion for an unproven technology such as fusion. We just do not have those kinds of appropriations coming through here.

As a result, we are forced to accept a bill of under $1 billion which gives incentives to local communities which are pretty incapable at this point of being able to deal with the skyrocketing costs of fuel in their communities, to give them the opportunity and the wherewithal to be able to make long-term planning arrangements and implementation of those plans so that they will be able to reduce their energy consumption over the next 10 years while they are waiting for the boondoggles for the billions, the hundreds of billions of dollars which the gentleman has supported in an energy program for the major energy production industries of this country.

Mr. Speaker, I rise in support of S. 1280, and I would like to take a moment to thank the distinguished chairmen of the full committee and subcommittee for their outstanding leadership and commitment to community energy legislation.

This bill has been a long time in the making: Last year I introduced, with my colleague from Oregon (Mr. AuCoin), the Community Energy Efficiency Energy Act, to establish a 5-year, $5 billion program of incentives for community energy conservation and renewable energy planning. This year, expanding on the administration's EMPA legislation, the Senate adopted a community energy program, thanks to the strong leadership of Senators Tsongas and Williams.

Energy conservation and community energy planning do not elicit the same kind of enthusiasm as synthetic fuels and coal conversion programs do. Energy conservation just does not have the political appeal that energy production proposals have—but conservation is the biggest energy story of the decade, and it is happening all across the country.

Communities are starting to grasp what we in Congress have been slow to realize: Utilizing local resources and fostering creative energy planning and experimentation can save millions of barrels of oil every day.

The Harvard Business School estimated that by the end of this decade we could conserve the equivalent of 8 million barrels of oil a day by weatherizing our homes, offices and factories; by community innovation; by new and more efficient transportation patterns. Many of these conservation programs, to be most effective, must be executed at the local level.

Americans are pitching in and rolling up their sleeves to save energy. The examples of Davis, Calif., Portland, Oreg., and Fitchburg, Mass., are familiar to us all by now. They show us the potential. But so much more remains possible. The challenge to the Federal Government is to spur this grassroots effort along.

It is more critical than ever that we pass this legislation today. Local communities are hardly able to keep up with their skyrocketing fuel bills, and are simply unable to invest precious dollars in energy planning and conservation. They need assistance from the Federal Government to help themselves achieve energy independence.

Today we have the opportunity to make the Fitchburg's, Davis', and Seattle's commonplace, not the exceptions.

If we are to tap the full potential for energy conservation and renewable resource development, aggressive and innovative efforts by the cities and towns is essential. S. 1280 is an important step in that direction.

Mr. MOORHEAD of California. Mr. Speaker, I have no further requests for time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Speaker, I think what my colleague from Massachusetts (Mr. Markey) is trying to say is that some of us here have this fascination with things that look like the big answer. In a way it has been all too typically American and I think Americans have to rethink this kind of approach, that the answer always comes in big packages.

But when one looks at the schools' and hospitals' conservation programs, for example, a total of 11,402 buildings received $117 million in Federal assistance for the installation of energy conservation measures or in the form of technical assistance. The energy savings to those buildings will be the equivalent to 4,560,000 barrels of oil per year, not just this year but every year thereafter.

□ 1640

In the second cycle, which is the one we are currently in, an estimated 11,000 buildings will receive a total of $115 million in Federal assistance and the energy savings will be the equivalent of 4.5 million barrels of oil per year, not just this year, but every year thereafter.

You are talking about 9 million barrels, so it is easy to criticize so many millions of dollars, but this is a very good bill. We are going to look back at this bill, all of us, those who supported it and those who have not supported it, and if we manage to have a conference with the Senate and it does become law, we are going to look back and I think feel very good and very proud about this bill. This is a production bill. I know that there has been some criticism from my friends on this side, but when you can show those kinds of savings, I do not have to tell my friends it is just as good as sticking an oil well in the ground. It is far better, as the gentleman from Massachusetts (Mr. Markey) indicated than spending all this money on synfuels; we should have a synfuels program but for all this money, you get very limited savings.

Mr. Sawhill was on "Meet the Press" yesterday boasting that if everything works just right, we will have half a billion barrels a day. Half a million barrels only a day? By what—1991 because of the synfuels bill. How much per barrel? When we could be doing really hardcore conservation here. So I urge my friends to look a little more kindly on this and to give us some support.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I will be happy to yield to my colleague from New York (Mr. Wydler).

Mr. WYDLER. Again, I would like to say what the gentleman said. I have enjoyed working with him. I have great respect for his views, and although I do not always agree with his conclusions, I know he has thought the things through very well. The trouble I have with the reasoning of the gentleman is we are considering this bill on the Suspension Calendar.

Mr. MOFFETT. Let me reclaim my time. Would the gentleman support it on the regular calendar?

Mr. WYDLER. Just let me make the point: We are considering this on the Suspension Calendar. It is going to be a massive bill. There is no rush. You can consider it next year. At that time you will know what the new administration really wants. So I do not understand.

Mr. MOFFETT. I know the new administration does not want any conservation by Mr. Reagan's own admission.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. Moffett) has expired.

Does the gentleman from Michigan (Mr. Dingell) have further requests for time?

Does the gentleman from California (Mr. Moorhead) have further requests for time?

Mr. MOORHEAD of California. I have no requests for time, but I would like to yield myself 1 minute.

Mr. Speaker, I think that it must be pointed out that those of us on this side that oppose the legislation are not opposed to conservation, but I think that at this late date, when we have at least 75 Members serving in the Congress that have replacements elected for them, when we are authorizing money to be spent in the second, third, and fourth year of the incoming President Reagan's term of office, it is not the proper time to bring up this gigantic new program of spending three-quarters of a billion dollars. I think a lot can be done in the area of conservation. I do not think this bill makes the best use of money, and I do not think that this is the time that we should be considering it under suspension when there is no opportunity to improve the bill, no opportunity for amendment.

For that reason, I would ask for a "no" vote.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORHEAD of California. Mr. Speaker, I have no further requests for time at this time.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Indiana (Mr. Sharp).

Mr. SHARP. Mr. Speaker, I rise in support of enactment of S. 1280.

The House Energy and Power Subcommittee, on which I serve, first investigated the need for Federal assistance to State and local governments for energy conservation and planning in April and May 1978. I was privileged to preside over those hearings and we listened to a wide range of witnesses and experts report that Federal support in this area has great potential for significant energy conservation.

Some of the most important and innovative conservation efforts have been developed by local communities. S. 1280 will provide incentives to sustain those efforts and to encourage more communities to become involved in conserving energy and developing renewable resources. Many local governments have for some time now recognized the need to act, and they must be given the lion's share of the credit for having moved ahead in spite of inaction by the Congress.

Our country is fortunate to have communities like Davis, Calif., Ann Arbor, Mich., Clearwater, Fla., and Denver, Colo., which have taken the initiative and pioneered the development of effective local energy conservation programs. We now have their experiences, which we thoroughly evaluated, upon which to establish a program from which all our communities can benefit.

Most communities, however, are not Denver, Clearwater, Davis, or Ann Arbor. They do not have the financial base of support to develop and implement comprehensive energy planning and conservation programs. Many of our communities are, nonetheless, in a position to take maximum advantage of unique climates, natural resources, topography and recoverable resources to save significant amounts of our diminishing oil and natural gas supplies. We cannot waste these opportunities.

Mr. Speaker, there is not unanimity on the proper role, Federal role, in helping State and local governments achieve our national energy conservation goals. I doubt there will ever be complete agreement. We all agree, however, that Federal assistance is greatly needed if this effort is to continue and succeed.

With regard to the bill before us, I would like to point out that many elements of the highly successful schools and hospital energy conservation programs have been incorporated into S. 1280. We have been saving an estimated 39,000 barrels of oil per year for each $1.0 million we have spent through those programs. The cumulative savings year after year to our citizens cannot be overemphasized. We must make every reasonable effort to conserve and to reduce our frightening dependence on increasingly expensive foreign oil.

I believe the time has come to act. We cannot afford to lose more time nor to import more oil unnecessarily. S. 1280 is a reasonable approach to conserving significant amounts of energy, and it is supported by the organizations of State and local government which will implement the programs. I urge my colleagues to support S. 1280 so that we can get a good program underway as quickly as possible.

The SPEAKER pro tempore. Does the gentleman from California (Mr. Moorhead) have a request for time at this time?

Mr. MOORHEAD of California. Mr. Speaker, I would yield 5 minutes to the gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Speaker, I rise in opposition to this legislation. I was working in my office and heard the debate and was prompted to come over and make several comments about what has been said and about the bill itself.

In the first place, I think it is important to know that this bill was referred to the Committee on Science and Technology and it was referred to the Subcommittee on Energy Research and Production, of which I am a member and of which I am chairman and this committee considered the bill at some length and accepted substantial amendments to it; but it was also referred to another subcommittee, the Subcommittee on Energy Development and Applications chaired by the gentleman from New York (Mr. Ottinger), who also chairs the Subcommittee on Commerce. Mr. Ottinger refused to bring the bill up and, therefore, kept the Committee on Science and Technology from reporting it. So you only have the report of one committee before you today, and you only have the position of one committee before you, except for the comments from the gentleman from New York (Mr. Wydler).

I want my colleagues to know that the subcommittee which I chair accepted extensive amendments to this bill to make it an all-encompassing, comprehensive bill. This is what the gentleman from New York (Mr. Ottinger) and the sponsors of the bill are objecting to.

Mr. OTTINGER. Mr. Speaker, would the gentleman yield?

Mr. McCORMACK. I would be glad to yield.

Mr. OTTINGER. I appreciate the very genuine differences of opinion that we have on this. What we did, because of the desire of the gentleman from Washington (Mr. McCormack) to completely change the nature of the bill and go into matters over which the Commerce Committee does not have jurisdiction, was to act in the Commerce Committee just over the areas we did have jurisdiction over. And, indeed, if we had gone into many of the things the gentleman wanted to do in his committee, he would be here objecting vociferously that we had invaded the jurisdiction of the Committee on Science and Technology.

Mr. McCORMACK. I thank the gentleman.

I just want to say if we had followed the normal parliamentary procedures, we would have had two versions of this bill. We would have gone to the Committee on Rules and had some sort of rule prepared so we could have brought these two versions to the floor for debate and vote by the House.

I am confident if that had happened instead of the procedure we have before us today, the House would overwhelmingly have rejected the version we have before us today and accepted the broader, more comprehensive position prepared by the gentleman from New York (Mr. Wydler) and accepted by the Committee on Science and Technology.

What we are dealing with here is a point of philosophy. I think it is an important one to understand. The bill attempts to establish, to freeze in concrete, with a large sum of money, a program that assumes that States can plan their energy futures while ignoring the realistic energy sources which are available to them.

It says make your energy plans, but ignore nuclear energy, coal, oil, and gas. Pretend that you can solve your energy problems without your mainline energy sources. It is bad enough for it to say that, but it says next year spend three-quarters of a billion dollars doing that. It directs the States to pretend that they have no oil or gas or coal or nuclear, that the only chance they have to solve their energy problems is conservation, solar energy, synfuel energy, waste recycling, wood-burning, this sort of thing. All of these alternative energy sources are important, and we should be following them. It is my fervent hope that with extreme good luck we may be able to produce as much as 10 percent of our energy by the year 2000 from all of these things put together; but that would require a great deal of optimism.

Where does the rest of the energy come from? President Carter, at his meeting in Venice, the international meeting of all the Western leaders, pointed out—and the conclusion of this was—that 90 percent of the new energy that we must produce for the Western nations must come from coal and nuclear fission during the balance of this century. But here we are with a bill that says to all the States, we are going to give you all of this money and you must prepare a bill, if you participate, that assumes that those things do not exist.

That is why the Committee on Science and Technology insisted on making this bill more comprehensive. What did they do? It simply said consider all of the options. Consider all of the energy technologies, not just the ones we like. It did not say you may not consider this technology because we do not like it, because the Committee on Science and Technology, I think, is realistic enough to recognize that the people of this country do not have the luxury of choosing between energy technologies.

We need all of the energy we can get from every source we can get it and as soon as possible.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORHEAD of California. Mr. Speaker, I have 1 more minute. I will yield to the gentleman my last minute.

Mr. McCORMACK. I urge the Members to vote down this bill, and next year, when you come back again, to treat this matter more realistically and comprehensively, considering all energy technologies.

Mr. MARKEY. Mr. Speaker, would the gentleman yield?

Mr. McCORMACK. I will yield to the gentleman from Massachusetts (Mr. Markey) for a question if it does not take more than 20 seconds, so I have a chance to answer it.

Mr. MARKEY. I wonder whether the gentleman considered the $20 billion fusion bill that passed this year, and the $88 billion bill for the synfuel industry, and the aid to the coal industry, and the natural gas deregulation and oil decontrol bill?

Mr. McCORMACK. I have the gentleman's question, and I thank him. I take it this bill provides for the expenditure of three-quarters of a billion dollars next year; is that right?

Mr. MARKEY. No; over the next 3 years.

Mr. McCORMACK. The fusion bill is a 20-year program that is estimated to cost $20 billion over that period of time.

Mr. MARKEY. This bill is 4 percent of that. This is still 4 percent of the bill passed.

□ 1650

Mr. McCORMACK. That is right. And over a much shorter period of time. The synthetic fuels bill is a bill that the administration has come forward with and which is absolutely essential, which we hope to be providing 10 percent of our oil by 1990.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it is with a great deal of respect and a great deal of affection that I address my remarks to my colleague, the gentleman from Washington (Mr. McCORMACK), and my good friend, the gentleman from New York (Mr. WYDLER).

I have heard their speeches before. I have heard them in the Rules Committee, when they came to the Rules Committee to request a special rule on this particular bill to permit them to offer a nongermane amendment, which would add nuclear and the production of energy from natural gas, from fossil fuels and from exotic sources.

I thought that was a splendid idea, except that it does not belong on this bill which is a conservation bill and which will afford enormous and immediate payout in terms of money saved, in terms of dollars going out of this country and in terms of energy saved for the benefit of the entire American economy.

Now, I have no objection to my good friends, the gentleman from New York (Mr. WYDLER) and the gentleman from Washington (Mr. McCORMACK) coming forward with a bill which would stimulate production. Indeed, this Congress spends vast amounts of money on stimulating production of energy, and I hold that to be a laudable task. But I would ask my two good friends to keep in mind that we would be able to hear their screams clear out in their respective districts if the Commerce Committee had sought to bring to the floor a bill with the provisions of the kind that they have suggested to us, that is, that the Commerce Committee invade the jurisdiction of the Committee on Science and Technology with regard to nuclear matters, with regard to research and development, and with regard to other things properly under the jurisdiction of that committee. That is not the business of the Commerce Committee, and we have very carefully observed the jurisdiction of our committee.

Now, equally importantly, Mr. Speaker, it is fair to observe that we have waited long for my two dear friends to come forward with legislation to deal with the question they find troublesome, and that is the inclusion of the amendments which they have suggested here. I would point out that it is now in the closing days of this Congress, and after a long and indeed patient wait by the Commerce Committee, we have finally presented the House with a bill which will for modest expenditures save large amounts of energy. I regret that we have had to do this, because it was not that our patience had exhausted, but just that our time was running out. I know that they understand this.

My purpose in making these remarks is not to say anything unpleasant to or about my friends—and I will yield to them—but it is to have them to understand the milieu in which we moved and the reasons that we have proceeded in this fashion. So I would ask them to understand that if it is their wish to present to the House legislation relating to the production of energy, that they initiate it from their own committee.

I would also observe for the benefit of my two good friends that the legislation which they say was referred to their committee languished long and unhappily in that committee, and I will not explain why they cannot get the bills out of their own committee. They can explain that to the House without assistance from me.

I would like to observe, finally, though, for the benefit of my two good friends, that the legislation in question was referred to their committee only to deal with the question of the Energy Extension Service, which does properly lie within the jurisdiction of their committee and which the Commerce Committee has no intention of touching.

Now I yield to my good friend, the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Speaker, let me say this: I have the greatest affection and respect for the very effective chairman of the committee, and all I can say to him is that he may have heard my speech before, and probably lucky for him he will not hear it again.

Mr. DINGELL. I shall regret not hearing it again, because I shall miss the gentleman.

Mr. WYDLER. In any event, next year the gentleman will have plenty of time to take this up again.

Why does not the gentleman yield to the chairman of the subcommittee to answer the gentleman's question?

Mr. DINGELL. I yield to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. I want to say that the germaneness of one technology or another hardly lies, that the issue here is whether or not the bill should limit itself to a technology, whether or not it should limit itself to research and development or commercialization of a technology. And what the Science and Technology Committee has clearly stated is that if it applies to one energy production technology, then it applies to all energy production technologies.

Mr. DINGELL. I thank the gentleman.

Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, there is one other point that I think needs to be mentioned, to answer a criticism that was made by the other side. Our friends on the other side, particularly the gentleman from California, may recall that in the markup on this bill, the gentleman from Texas (Mr. LOEFFLER) and I introduced an amendment to give a special break to small towns in this bill. We hope it will be a precedent because many of us here, of course, have small towns in our districts. We want to make sure that the application is fair to them, that there is not a great deal of red tape. I think that is something that needs to be stressed because the gentleman from California did make a good point about the terms and conditions and how it might be a disadvantage to some of the smaller communities.

● Mr. BROWN of California. Mr. Speaker, I rise in support of S. 1280. As one who has for years supported a better Federal, State, and local government partnership in meeting this Nation's energy needs, I find the bill before us another positive and essential step in that direction. The existing Federal programs, which have taken years to develop, have several deficiencies. Among those deficiencies are insufficient resources, overlapping requirements from separate programs and an absence of sufficient incentives for creative planning and implementation of innovative energy options for State and local governments.

The legislation before us comes much later than it should have and is being attacked by some for that reason alone. While I cannot defend the scheduling, I must disagree with my colleagues that this reason alone disqualifies this bill from favorable action. The Senate has already acted on more extensive legislation, and the House has been supporting, in piecemeal fashion, most of the elements of this legislation. Passage of this version of S. 1280 is a rational step, consistent with the philosophy of local control which most Members of Congress, outgoing and incoming, support, and in no way commits future funds to anyone.

I wish this legislation were open for amendment. If it were, I would be supporting an amendment to clarify the role of the Federal Energy Extension Service in this process. The Senate already has such language, and the managers of this version of the bill have given assurances that the legislative intent will be to continue support for the underfunded. but successful, National Energy Extension Service.

Mr. Speaker, this bill has widespread support outside the Congress, has been the subject of extensive hearings in several committees of the Congress and is a sound revision and addition to our existing energy laws. I urge its support.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the Senate bill, S. 1280, as amended.

The question was taken.

Mr. WYDLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

ELIMINATING DUTY ON HARDWOOD VENEERS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 814) providing that immediately upon the adoption of this resolution the bill (H.R. 6975) to eliminate the duty on hardwood veneers, together with the Senate amendment thereto be, and the same is hereby, taken from the Speaker's table to the end that: First, the Senate amendment to the title of the bill be, and the same is hereby, agreed to; and second, the Senate amendment to the text of the bill be, and the same is hereby, agreed to.

The Clerk read as follows:

H. RES. 814

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 6975) to eliminate the duty on hardwood veneers, together with the Senate amendment thereto be, and the same is hereby, taken from the Speaker's table to the end that (1) the Senate amendment to the title of the bill be, and the same is hereby, agreed to; and (2) the Senate amendment to the text of the bill be, and the same is hereby, agreed to.

The SPEAKER pro tempore. Is a second demanded?

Mr. CONABLE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 20 minutes, and the gentleman from New York (Mr. CONABLE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 6975 as passed the Senate contains six provisions dealing with different sections of current law due to expire over the next several months. Two of these provisions, deductions for conservation easements and the tax treatment of Federal scholarships, have already passed the House in identical form, except for a transitional rule provided by the Senate in the case of certain scholarships.

Three of the remaining provisions, the independent contractor moratorium, the historic structure tax provisions, and the taxicab fuel exemption, have been the subject of hearings by the Subcommittee on Select Revenue Measures, and are merely extensions of current law. The final provision, the low income rental housing rehabilitation writeoff, is also an extension of current law.

These four provisions require further study in the next Congress to resolve various issues which have arisen in their operation.

In particular, the historic structure tax provisions will be carefully reviewed in light of testimony received by the Subcommittee on Select Revenue Measures during its recent hearings.

For example, the efficacy of the disincentives and their deleterious consequences must be weighed to determine whether some modifications are necessary, especially since the recently enacted Historic Preservation Act reauthorization included an owner consent requirement for National Register listing.

In addition, both the incentives and disincentives must be examined in the context of the larger tax bill which we will write next year. That bill may include the increased investment tax credit for rehabilitated buildings which the Senate Finance Committee approved earlier this year. This would reduce the attractiveness of these provisions unless they are coordinated with the credit. Finally, work in progress at the expiration date should also be made eligible for these incentives as it is currently in the case of the low income rental housing provision.

Mr. Speaker, approval of this bill today will allow taxpayers to continue ongoing projects and activities with certainty as to the tax consequences for the immediate future. I urge the House to approve H.R. 6975 as amended by the Senate.

□ 1700

Mr. CONABLE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill is known as the Tax Treatment Extension Act of 1980. I rise in support of it. Its number is H.R. 6975. The bill extends several provisions of our tax laws. It establishes new substantive rules relating to the deduction for contributions of easements and other partial interests in real property that are used for conservation purposes. The Internal Revenue Code allows as a deduction for contributions partial interests in real property that are used for conservation purposes. This is an exception to the general rule that a charitable contribution deduction must be allowed only for contributions of entire interest in real property.

Special laws governing charitable contributions of easements and other partial interest in real property were scheduled to expire in 1981. Rather than wait until the next Congress, the Committee on Ways and Means and the Select Revenue Measure Subcommittee held extensive hearings on existing rules. These hearings allowed the committee to revise existing rules in a way that satisfied the Treasury Department and major conservation groups. Unfortunately, because of its heavy program, the Committee on Ways and Means just could not establish permanent substantive rules in certain other areas in tax law. For this reason, H.R. 6975 extends certain existing tax provisions for specified periods of time.

In particular, the bill extends current rules governing the treatment of independent contractors until June 30, 1982, and extends the provision relating to historic structures until December 31, 1983.

We have all had some experience with the independent contractors law, and know that that is a veritable can of worms in the definitional requirements that are possible under the complex economic relationships which have sprung up under the law. The preservation tax credits relating to historic structures are another matter. These have been extended under this proposal until December 31, 1983.

However, the distinguished chairman of the subcommittee, Mr. ROSTENKOWSKI, and I have agreed between ourselves that we must review the historic preservation tax extension next year in the light of some of the practices which have sprung up since this was put into law. The law relating to historic preservation affects both incentives and disincentives.

We gave a 5-year writeoff for the rehabilitation of a registered landmark, which encourages people to rehabilitate historic buildings. We provide disincentives, however, which not only disallow the deduction for the demolition of a historic building, but deny accelerated depreciation to any building built to replace that historic building. The effect of these disincentives, according to those who work in this area of the law, has been somewhat suspect. For instance, we find people resisting the opportunity to put their buildings on the historic register of landmarks because they feel that they might be penalized subsequently by the disincentives in the law.

We also find that certain people whose buildings are already on the historic landmark register, faced with the problem of how to get full tax advantage of any new building they plan for that area, resort in some cases, we feel, to deliberate arson to get rid of a building which otherwise would be an impediment to the construction of a new building on the site by virtue of the existence of this law.

Now, frankly, that was not what the framers of this measure—and I was among them—had in mind. We did not want to have a rash of fires of historic landmarks as a result of the disincentives we put in the bill. It seems to me for that reason alone we should review the law carefully and be sure we have the right balance of incentives and disincentives so that we will encourage preservation of what is valuable about the past without providing unfortunate side effects that we can avoid.

The Committee on Ways and Means, then, will review the historic structure provisions, particularly those disincentives, early in the next Congress.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. CONABLE. Mr. Speaker, I yield myself 2 additional minutes.

Now, I do not want to get in any degree into the other provisions of this law, of the 167 K amendments relating to the accelerated 5-year writeoff of expenditures made to rehabilitate low-income housing, which are extended in this measure to December 31, 1983. Most people agree that that is a desirable tax incentive, and so I do not believe anyone will vote against this measure on account of this exclusion.

The extension of credit or reform of the credit on fuels used in taxicabs is a somewhat more questionable measure, but I must say that the taxicabs seem to have their friends, and one can make a case for the fuel conservation that is involved in use of taxicabs in judicious ways.

There is also a provision for exclusion from income of Federal scholarship grants and National Research Service awards. That clearly should be the case, and scholarships generally are excluded from income for income tax purposes. I see nothing wrong with this measure.

I think, with the modifications I have mentioned and the promise of early attention to the preservation tax provision, which is extended herein to December 31, 1983, so that we will not have to wait too long to deal with the disincentives measure, it should have the support of all Members of the House.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Senate amendments to H.R. 6975, now known as the Tax Treatment Extension Act of 1980.

This legislation contains a provision of vital importance to independent business people throughout the Nation. It extends for 18 months the ban on reclassification of independent contractors as employees by the Internal Revenue Service. This provision is virtually identical to my own bill, H.R. 8046, which would have extended the ban for 2 years. My legislation now has 65 cosponsors, an indication of the strong support in the House for this action.

The entire problem was precipitated, as my colleagues will remember, by the sudden decision by the IRS in the early seventies to begin reclassifying independent contractors as employees.

There are a number of crucial differences in tax status between employees and independent contractors. The tax consequences are particularly important for the businesses involved. When an individual is classified as an employee, the employer is required to act as a collecting agent for the Federal Government, withholding and remitting to the Treasury both income taxes and the employee's share of social security taxes, as well as paying unemployment taxes and the employer's share of social security taxes. If an individual is classified as an independent contractor, though, he is responsible for paying his own income taxes and self-employment taxes.

In years past, the determination of independent-contractor status was made under the common-law test. This system worked smoothly and fairly, providing certainty to all parties involved.

Unfortunately, in the early 1970's, the IRS arbitrarily decided to begin reclassifying as employees, workers who previously had met the common-law test for independent-contractor status. This policy ran contrary not only to previous court decisions but also to published revenue rulings and private IRS letter rulings and tax audits of the very businesses whose employees were being reclassified. Obviously, this was an extremely unfair and irrational situation. These reclassifications were retroactive, and they presented many companies with huge back tax assessments.

In addition, they removed the certainty upon which companies making use of independent contractors had relied in the past. Of course, the redesignations also hurt the individuals involved, since they suddenly lost their status as independent contractors and became subject to the strictures of employee status.

In 1976, reacting to what they saw as an obvious injustice, both Houses of Congress backed a statement in the conference report on the Tax Reform Act of 1976 which urged the IRS "not to apply any changed position or any newly stated position which is inconsistent with a prior general audit position in this general subject area to past, as opposed to future taxable years" until the completion of a study by the staff of the Joint Committee on Taxation. The IRS, though, ignored this judgment and continued to initiate audits and to assess businesses with taxes resulting from these reclassifications.

By reclassifying independent contractors in over 14 industries, the IRS was in effect reversing 50 years of past audit practices. Real estate brokers, insurance agents, direct sellers, beauticians, service-station operators, loggers, and others were being asked to pay these back taxes on hundreds of individuals who had historically considered themselves independent contractors. It was clear that a legislative remedy had to be found

In response to this need, I introduced, as did Congressman GEPHARDT and Senator DOLE, legislation to call an immediate halt to audits inconsistent with practices in effect as of January 1976. This legislation drew a great deal of support in the House, and the entire Congress recognized the necessity for this kind of action by including in the Revenue Act of 1978 a provision prohibiting the IRS from applying any new or changed position from that of common law determination with respect to an individual's status for employment tax purposes if the position was inconsistent with pre-1976 practices. This legislation also terminated any tax liabilities for taxpayers who had a reasonable basis for treating workers other than as employees.

In December of last year, Congress extended the prohibition on IRS actions in this area until January 1, 1981. H.R. 6975 now extends that deadline until June 30, 1982. That should give the incoming 97th Congress sufficient time to establish criteria for the proper classification of independent contractors.

I am a supporter of H.R. 3245, introduced by Congressman GEPHARDT, which would establish firm criteria to be met by independent contractors in order to qualify for the tax status which has made sense for them for so many years. Regardless of the final determination made by Congress on that legislation, though, it is important that we act now to stop any improper audit actions by the IRS. Congress, not the bureaucracy, must make tax law in this area.

□ 1710

Mr. CONABLE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GRADISON).

Mr. GRADISON. Mr. Speaker, I thank the gentleman from New York (Mr. CONABLE) for yielding. I rise in support of this measure. In doing so, I want to indicate that I do have reservations about one portion of this bill and that is the extension of the disincentives with regard to the tax treatment for historic structures.

I am satisfied on the basis of the hearings which have been held on this subject under the leadership of the distinguished gentleman from Illinois (Mr. ROSTENKOWSKI) that these provisions not only merit review, but probably merit elimination and I am reassured by the statements made both by the distinguished gentleman from Illinois and the distinguished gentleman from New York, that these will be subject to review at an early date by the Committee on Ways and Means.

Obviously, I am concerned to see us extend for 3 years provisions which, based upon our hearings, appear in many cases to have done more harm than good. The gentleman from New York (Mr. CONABLE) has delineated some of the specific instances in which these provisions may have been harmful. First, in discouraging listings on the National Register in the first place, and the second perhaps in some instances of actually serving to foster arson.

I have seen other evidences in my own community in which these provisions, the disincentives, have been harmful.

One of them, for example, involved the acquisition of a property of historic consequence, one that was listed in the National Register, and the purchaser made as a requirement that the seller demolish that property before it was purchased. The reason very simply was that the purchaser of the property did not want to be limited in any way by the Tax Code in the use of the property once acquired. The seller, since the seller happened to be a tax exempt organization and was going to sell the property anyway, was not suffering any handicap by virtue of demolishing the property before it was conveyed.

The net effect is one less historic property in our community and the possibility that the new purchaser might be able to develop the property in some way which may be consistent with retaining the property for some use, which happened to be a church, was totally lost.

Mr. Speaker, I want to compliment the gentleman from Illinois (Mr. ROSTENKOWSKI) and the gentleman from New York (Mr. CONABLE) for their comments, and in doing so, I sincerely hope that our review of this program will not be limited to revisions alone, but also the possibility of repeal.

Mr. CONABLE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise in support of H.R. 6975 as amended by the Senate.

This bill provides for: The necessary extension of the moratorium of the IRS from issuing any regulations or rulings on the independent contractors issue until July 1, 1982; the extension of certain tax incentives for the preservation of historic structures until December 31, 1983; and the extension of the tax incentives for the restoration and rehabilitation of low-income housing until January 1, 1984, extension of taxi fuels tax exemption, exclusion of scholarship income, and expansion of deductibility for contributions for conservation.

All of these extensions are necessary so that many individuals will be free from IRS harassment until the Congress has had an opportunity to complete the appropriate legislation in the areas covered by the bill. The provision on independent contractors is a matter of special urgency. The IRS has been over aggressive in past years in attempting to define independent contractors as employees.

I urge all of my colleagues to support this vital legislation.

Mr. CONABLE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I rise with my colleagues from the Committee on Ways and Means who have already addressed the issue of the employment tax status of independent contractors. I, too, regret that we have as a committee waited so long to solve this overdue problem and am pleased that we have finally taken action.

As my colleague from Minnesota (Mr. FRENZEL) has said, if we did nothing else in this legislation but handle this tax status for independent contractors it is reason enough for passage of H.R. 6975. I hope that we will not wait as a committee until June 30, 1982, to finish what we should have done a long time ago on this whole area of treatment of independent contractors and how they shall or shall not be taxed.

I am pleased that we are again preventing the Internal Revenue Service from issuing any new rules or regulations on this subject which they were very prone to try to do to "raise more revenue."

I am pleased that we have finally moved this legislative package. I am sorry it has taken us so long and I apologize to the thousands of constituents who have written on this subject.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I thank my colleague and chairman of our subcommittee.

I think this is one of the best bills of this kind I have seen in my years here bringing together several items that need to be done before this Congress expires, and me with it. In particular, I have an interest in the deductions of contributions for conservation easements, the extension of provisions relating to the historic preservation, and the employment tax status of independent contractors. Each of these very much needed, very useful, modest perhaps in dimension, but quite important that this Congress do and do today in this way.

I rise in full support of the entire measure.

Mr. CONABLE. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI) that the House suspend the rules and agree to the resolution (H. Res. 814).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5935, by the yeas and nays;
H.R. 7745, de novo; and
S. 1280, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

FEDERAL PRIVACY OF MEDICAL INFORMATION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5935, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. PREYER) that the House suspend the rules and pass the bill, H.R. 5935, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device; and there were—yeas 97, nays 259, answered "present" 1, not voting 75, as follows:

[Roll No. 650]

YEAS—97

Addabbo
Ambro
Barnes
Beilenson
Binhgam
Blanchard
Brademas
Brodhead
Brooks
Burton, John
Burton, Phillip
Carr
Carter
Cavanaugh
Chisholm
Conyers
Crockett
Danielson
Deckard
Dingell
Drinan
Eckhardt
Edgar
Edwards, Calif.
Evans, Ind.
Fascell
Fazio
Fisher
Fithian
Florio
Ford, Mich.
Gray
Gudger
Hall, Ohio
Harris
Hawkins
Holtzman
Howard
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Kastenmeier
Kildee
Kindness
Kostmayer
Lehman
Long, Md.
Lundine
McCloskey
McCormack
McHugh
McKinney
Maguire
Markey
Matsui
Mikulski
Miller, Calif.
Mitchell, Md.
Moffett
Moorhead, Pa.
Mottl
Murphy, Pa.
Nolan
Oberstar
Obey
Ottinger
Panetta
Patten
Pepper
Preyer
Rahall
Rangel
Reuss
Richmond
Rosenthal
Roybal
Scheuer
Seiberling
Shannon
Sharp
Solarz
Stack
Stark
Stokes
Studds
Traxler
Udall
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weaver
Weiss
Williams, Mont.
Wirth
Wolpe

NAYS—259

Abdnor
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.Dak.
Anthony
Archer
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey
Barnard
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Bevill
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Chappell
Cheney
Clausen
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Derrick
Derwinski
Dickinson
Dicks
Dixon
Dornan
Downey
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Ferraro
Findley
Fish
Flippo
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Goodling
Gore
Gradison
Grisham
Guarini
Guyer
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hansen
Harsha
Heckler
Hightower
Hillis
Hinson
Holland
Hollenbeck
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jones, Okla.
Kazen
Kemp
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lee
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
McKay
Marks
Marriott
Martin
Mathis
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Pashayan
Paul
Pease
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Railsback
Ratchford
Regula
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Staggers
Stangeland
Stanton
Steed
Stockman
Stratton
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—75

Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
Ashley
AuCoin
Baldus
Beard, R.I.
Bedell
Biaggi
Bolling
Bonior
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Clay
Cleveland
Collins, Ill.
Corman
Courter
Dellums
Devine
Dodd
Donnelly
Dougherty
Duncan, Oreg.
Fary
Fenwick
Frost
Garcia
Giaimo
Glickman
Goldwater
Gramm
Grassley

Green
Hagedorn
Hance
Harkin
Hefner
Heftel
Holt
Hutchinson
Ichord
Jenrette
Jones, Tenn.
Kelly
LaFalce
Leath, Tex.
Lederer
Lewis
Madigan
Marlenee
Mattox
Murphy, N.Y.
Neal
Nedzi
O'Brien
Patterson
Peyser
Quayle
Rhodes
Rodino
Santini
Schroeder
Spellman
Stenholm
Stewart
Thompson
Ullman
Wilson, C. H.
Wilson, Tex.
Yates
Young, Alaska

□ 1730

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Broomfield.

Mr. Fary with Mr. Dougherty.

Mr. Rodino with Mr. Lewis.

Mr. Jones of Tennessee with Mr. Madigan.

Mr. Donnelly with Mr. Brown of Ohio.

Mr. Santini with Mr. Broyhill.

Mr. Thompson with Mr. Frost.

Mr. Yates with Mrs. Fenwick.

Mr. Giaimo with Mr. Goldwater.

Mr. Garcia with Mr. O'Brien.

Mr. Applegate with Mr. Quayle.

Mr. AuCoin with Mr. Rhodes.

Mr. Baldus with Mr. Young of Alaska.

Mr. Hefner with Mr. Grassley.

Mr. Heftel with Mr. Gramm.

Mr. Bonior of Michigan with Mr. Cleveland.

Mr. Clay with Mr. Courter.

Mr. Neal with Mr. Devine.

Mr. Murphy of New York with Mr. Green.

Mr. Lederer with Mr. Hagedorn.

Mr. Brown of California with Mr. Marlenee.

Mrs. Collins of Illinois with Mr. Stenholm.

Mr. Dodd with Mr. Stewart.

Mr. Ichord with Mr. Hutchinson.

Mr. Charles H. Wilson of California with Mr. Leath of Texas.

Mr. Ullman with Mr. Nedzi.

Mrs. Schroeder with Mr. Charles Wilson of Texas.

Mr. Peyser with Mr. Kelly.

Mr. Patterson with Mr. Hance.

Mr. Corman with Mr. Duncan of Oregon.

Mr. Dellums with Mr. Andrews of North Carolina.

Mr. Glickman with Mr. Ashley.

Mr. Harkin with Mr. Biaggi.

Mr. Jenrette with Mr. Beard of Rhode Island.

Mr. LaFalce with Mr. Bedell.

Mr. Mattox with Mrs. Holt.

Mr. DICKS, Mr. NELSON, and Ms. FERRARO changed their votes from "yea" to "nay."

Mr. ROYBAL changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the povisions of clause 3(b) 3 of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

BLACK LUNG BENEFITS ACT AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 7745.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 7745.

The question was taken.

RECORDED VOTE

Mr. PERKINS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 118, answered "present" 1, not voting 76, as follows:

[Roll No. 651]

AYES—237

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anthony
Ashley
Aspin
Atkinson
Bailey
Barnard
Barnes
Benjamin
Bennett
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Buchanan
Burton, John
Burton, Phillip
Byron
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clinger
Coelho
Coleman
Conyers
Coughlin
Crockett
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Dicks
Dingell
Dixon
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
English
Erdahl
Ertel
Evans, Ind.
Fascell
Fazio
Ferraro
Findley
Fish
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fuqua
Gaydos
Gilman
Ginn
Gonzalez
Gore
Gray
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harris
Harsha
Hawkins
Heckler
Hightower
Hillis
Holland
Hollenbeck
Holtzman
Hopkins
Howard
Hubbard
Hutto
Ireland
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Leach, La.
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
McCormack
McDade
McHugh
McKay
Maguire
Markey
Marks
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Pease
Pepper
Perkins
Pickle
Preyer
Price
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Ritter
Roberts
Roe
Rose
Rosenthal
Roybal
Sabo
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Snyder
Solarz
St Germain
Stack
Staggers
Stark
Steed
Stokes
Studds
Swift
Synar
Tauzin
Traxler
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wright
Yatron
Young, Mo.
Zablocki
Zeferetti

NOES—118

Abdnor
Andrews, N.Dak.
Archer
Ashbrook
Badham
Bauman
Beard, Tenn.
Beilenson
Bereuter
Bonker
Burgener
Burlison
Butler
Campbell
Carney
Cheney
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dannemeyer
Derwinski
Dickinson
Dornan
Edwards, Ala.
Edwards, Okla.
Emery
Erlenborn
Evans, Del.
Evans, Ga.
Fisher
Forsythe
Frenzel
Gephardt
Gingrich
Goodling
Gradison
Grisham
Guyer
Hansen
Hinson
Horton
Huckaby
Hughes
Hyde
Jacobs
Jeffries
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Livingston
Loeffler
Lott
Lungren
McClory
McCloskey
McDonald
McEwen
McKinney
Marriott
Martin
Mathis
Michel
Montgomery
Moore
Moorhead, Calif.
Pashayan
Paul
Petri
Porter
Pritchard
Regula
Robinson
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Snowe
Solomon
Spence
Stangeland
Stanton
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Whitehurst
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Young, Fla.

ANSWERED "PRESENT"—1

Bafalis

NOT VOTING—76

Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
AuCoin
Baldus
Beard, R.I.
Bedell
Biaggi
Bolling
Bonior
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Clay
Cleveland
Collins, Ill.
Corman
Courter
Dellums
Devine
Dodd
Donnelly
Dougherty
Duncan, Oreg.
Fary
Fenwick
Frost
Garcia
Giaimo
Gibbons
Glickman
Goldwater
Gramm
Grassley
Green
Hagedorn
Hance
Harkin
Hefner
Heftel
Holt
Hutchinson
Ichord
Jenrette
Jones, Okla.
Jones, Tenn.
Kelly
LaFalce
Leath, Tex.
Lederer
Lewis
Madigan
Marlenee
Mattox
Murphy, N.Y.
Neal
Nedzi
O'Brien
Patterson
Peyser
Quayle
Rhodes
Rodino
Santini
Schroeder
Spellman
Stenholm
Stewart
Thompson
Ullman
Wilson, C. H.
Wilson, Tex.
Yates
Young, Alaska

□ 1740

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Andrews of North Carolina.

Mr. Fary with Mrs. Fenwick.

Mr. Rodino with Mr. Lewis.

Mrs. Schroeder with Mr. Madigan.

Mr. Baldus with Mr. Frost.

Mr. Applegate with Mr. Broomfield.

Mr. Biaggi with Mr. Brown of Ohio.

Mr. Brown of California with Mr. Goldwater.

Mr. Dellums with Mr. Gramm.

Mr. Dodd with Mr. O'Brien.

Mr. Donnelly with Mr. Quayle.

Mr. Hefner with Mr. Stewart.

Mr. Ichord with Mr. Young of Alaska.

Mr. Jones of Tennessee with Mr. Mattox.

Mr. LaFalce with Mr. Marlenee.

Mr. Lederer with Mr. Grassley.

Mr. Thompson with Mr. Dougherty.

Mr. Yates with Mr. Devine.

Mr. Murphy of New York with Mr. Courter.

Mr. Neal with Mr. Cleveland.

Mr. Patterson with Mr. Duncan of Oregon.

Mr. Santini with Mr. Broyhill.

Mr. Giaimo with Mr. Gibbons.

Mr. Garcia with Mr. Green.

Mr. Glickman with Mr. Hagedorn.

Mr. Harkin with Mr. Hance.

Mr. Heftel with Mr. Peyser.

Mr. Bedell with Mr. Rhodes.

Mr. AuCoin with Mr. Nedzi.

Mr. Bonior of Michigan with Mr. Stenholm.

Mr. Clay with Mr. Charles Wilson of Texas.

Mrs. Collins of Illinois with Mr. Leath of Texas.

Mr. Corman with Mrs. Holt.

Mr. Ullman with Mr. Hutchinson.

Mr. Charles H. Wilson of California with Mr. Jenrette.

Mr. Beard of Rhode Island with Mr. Jones of Oklahoma.

Mr. LEE changed his vote from "aye" to "no."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNITY AND STATE ENERGY PLANNING ASSISTANCE

The SPEAKER. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1280, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the Senate bill, S. 1280, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 164, nays 192, not voting 76, as follows:

[Roll No. 652]

YEAS—164

Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Aspin
Bailey
Barnes
Beilenson
Bereuter
Bingham
Blanchard
Boland
Bonker
Brademas
Brodhead
Buchanan
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clausen
Coelho
Conte
Conyers
Corcoran
Crockett
D'Amours
Daschle
Davis, Mich.
Deckard
Derrick
Dingell
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Erdahl
Ertel
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Florio
Ford, Mich.
Ford, Tenn.
Fowler
Fuqua
Gaydos
Gephardt
Gilman
Gonzalez
Goodling
Gore
Gray
Guarini
Hall, Ohio
Hamilton
Hanley
Harris
Hawkins
Heckler
Hollenbeck
Holtzman
Howard
Jeffords
Johnson, Calif.
Kastenmeier
Kildee
Kostmayer
Lehman
Leland
Lent
Levitas
Lloyd
Loeffler
Long, Md.
Lowry
Lujan
Luken
Lundine
McCloskey
McHugh
McKinney
Maguire
Markey
Matsui
Mavroules
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Mottl
Murphy, Pa.
Musto
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Pease
Pepper
Pickle
Preyer
Pritchard
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Roe
Rosenthal
Roybal
Royer
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Snowe
Solarz
Spence
St Germain
Stack
Staggers
Stark
Stokes
Studds
Swift
Synar
Traxler
Udall
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weaver
Weiss
Williams, Mont.
Wirth
Wolpe
Wright
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—192

Abdnor
Alexander
Andrews, N.Dak.
Anthony
Archer
Ashbrook
Ashley
Atkinson
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Benjamin
Bennett
Bethune
Bevill
Boggs
Boner
Bouquard
Bowen
Breaux
Brinkley
Brooks
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clinger
Coleman
Collins, Tex.
Conable
Cotter
Coughlin
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, S.C.
de la Garza
Derwinski
Dickinson
Dicks
Dixon
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
English
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Findley
Flippo
Foley
Forsythe
Fountain
Frenzel
Gibbons
Gingrich
Ginn
Gradison
Grisham
Gudger
Guyer
Hall, Tex.
Hammerschmidt
Hansen
Harsha
Hightower
Hillis
Hinson
Holland
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Colo.
Jones, Okla.
Kazen
Kemp
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lee
Livingston
Long, La.
Lott
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McKay
Marks
Marriott
Martin
Mathis
Mazzoli
Mica
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Nelson
Nichols
Pashayan
Paul
Perkins
Petri
Porter
Price
Pursell
Quillen
Railsback
Regula
Ritter
Roberts
Robinson
Rose
Rostenkowski
Roth
Rudd
Russo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solomon
Stangeland
Stanton
Steed
Stockman
Stratton
Stump
Symms
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Young, Fla.

NOT VOTING—76

Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
AuCoin
Baldus
Beard, R.I.
Bedell
Biaggi
Bolling
Bonior
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Clay
Cleveland
Collins, Ill.
Corman
Courter
Dellums
Devine
Dodd
Donnelly
Dougherty
Duncan, Oreg.
Fary
Fenwick
Frost
Garcia
Giaimo
Glickman
Goldwater
Gramm
Grassley
Green
Hagedorn
Hance
Harkin
Hefner
Heftel
Holt
Hutchinson
Ichord
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
LaFalce
Leath, Tex.
Lederer
Lewis
Madigan
Marlenee
Mattox
Murphy, N.Y.
Neal
Nedzi
O'Brien
Patterson
Peyser
Quayle
Rhodes
Rodino
Rousselot
Santini
Schroeder
Spellman
Stenholm
Stewart
Thompson
Ullman
Wilson, C. H.
Wilson, Tex.
Yates
Young, Alaska

□ 1750

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Madigan.

Mr. Fary with Mr. Young of Alaska.

Mr. Biaggi with Mr. Lewis.

Mr. Rodino with Mr. Kelly.

Mrs. Schroeder with Mr. Jenrette.

Mr. Bonior of Michigan with Mr. Jones of North Carolina.

Mr. Brown of California with Mrs. Fenwick.

Mr. AuCoin with Mr. Garcia.

Mr. Applegate with Mr. Frost.

Mr. Baldus with Mr. Andrews of North Carolina.

Mr. Giaimo with Mr. Beard of Rhode Island.

Mr. Glickman with Mr. Bedell.

Mr. Murphy of New York with Mr. Goldwater.

Mr. Mattox with Mr. Gramm.

Mr. Neal with Mr. O'Brien.

Mr. Yates with Mr. Quayle.

Mr. Charles H. Wilson of California with Mr. Marlenee.

Mr. Thompson with Mr. Rousselot.

Mr. Stewart with Mrs. Holt.

Mr. Ullman with Mr. Hutchinson.

Mr. Santini with Mr. Stenholm.

Mr. Patterson with Mr. Grassley.

Mr. Nedzi with Mr. Green.

Mr. Harkin with Mr. Cleveland.

Mr. Hefner with Mr. Courter.

Mr. Clay with Mr. Dougherty.

Mrs. Collins of Illinois with Mr. Duncan of Oregon.

Mr. Dodd with Mr. Hance.

Mr. Donnelly with Mr. Hagedorn.

Mr. Heftel with Mr. Devine.

Mr. Ichord with Mr. Dellums.

Mr. Jones of Tennessee with Mr. Broyhill.

Mr. LaFalce with Mr. Brown of Ohio.

Mr. Lederer with Mr. Broomfield.

Mr. Charles Wilson of Texas with Mr. Corman.

Mr. Peyser with Mr. Rhodes.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATIONS, 1981

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 3074), to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes; with a Senate amendment to the House amendment, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment, insert:

That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, $141,775,000, to be allocated as follows:

(A) For glass laser experiments, $69,800,000.

(B) For gas laser experiments, $38,000,000.

(C) For particle beam experiments, $15,700,000.

(D) For supporting research and experiments, $17,000,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, $1,275,000.

(2) For the naval reactors development program, $250,350,000, including $10,350,000 for program direction.

(3) For weapons activities, $1,836,823,000, to be allocated as follows:

(A) For research and development, $501,064,000.

(B) For weapons testing, $318,000,000.

(C) For production and surveillance, $980,100,000.

(D) For program direction, $37,659,000.

(4) For verification and control technology, $38,591,000, including $1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary of Defense Programs, $709,255,000, to be allocated as follows:

(A) For production reactor expenses, $226,907,000.

(B) For the processing of defense nuclear materials, $104,419,000.

(C) For supporting services, $93,739,000, of which $15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $26,890,000.

(E) For special isotope separations research, $14,815,000.

(F) For decontamination and decommissioning, $4,000,000.

(G) For interim waste operations, $149,940,000.

(H) For long term waste management technology, $75,500,000, of which $5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96-164.

(I) For transportation research and development, $5,000,000.

(J) For program direction, $3,045,000, of which $1,330,000 shall be used for materials production and $1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), $43,304,000, including $3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,000.

Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000, for a total project authorization of $15,300,000.

Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000 for a total project authorization of $7,600,000.

Project 75-3-b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000, for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81-T-111, general plant projects, various locations, $3,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $103,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000.

(3) For weapons activities:

Project 81-D-102, general plant projects, various locations, $28,900,000.

Project 81-D-103, plant engineering and design, various locations, $4,600,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, various locations, $31,000,000.

Project 81-D-108, reactor support facilities, Sandia National Laboratories, New Mexico, $9,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81-D-112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, $4,100,000.

Project 81-D-115, MX warhead production facilities, various locations, $10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, $75,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Texas, $1,600,000.

Project 81-D-133, earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, $3,000,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratory at Livermore, California, $2,000,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of $29,900,000 for a total project authorization of $69,300,000.

Project 79-7-e, production and assembly facilities, Pantex Plant, Amarillo, Texas, an additional sum of $13,000,000 for a total project authorization of $23,000,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

(4) For materials production and byproducts management:

Project 81-D-123, general plant projects, various locations, $14,600,000.

Project 81-D-124, plant engineering and design, various locations, $4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, $5,100,000.

Project 81-D-126, pollution abatement facilities, Richland, Washington, $1,000,000.

Project 81-D-128, restoration of production capabilities, various locations, $35,000,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

Project 81-D-141, hangers for N-reactor irradiated fuel storage, Richland, Washington, $5,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $7,000,000.

Project 81-D-143, L-reactor, upgrade, Savannah River, South Carolina, $49,000,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $34,000,000, for a total project authorization of $149,400,000.

Project 81-T-101, general plant projects, various locations, $9,140,000.

Project 81-T-102, plant engineering and design, various locations, $5,130,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratories, Tennessee, $20,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $10,000,000.

Project 81-T-106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, $10,000,000 (AE only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of $29,000,000, for a total project authorization of $119,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $800,000;

(E) for materials production and byproducts management, $75,507,000 of which $53,000,000 shall be used for materials production and $22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any pervious Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) (1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

ENHANCED RADIATION WARHEADS

SEC. 212. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70-3 and the W79-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 213. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and shall submit the plan and his recommendations to the Armed Services Committees of the Congress not later than October 1, 1981.

Mr. PRICE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BOB WILSON. Mr. Speaker, reserving the right to object, I do so in order that the chairman of the committee may explain the bill.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. BOB WILSON. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Speaker, I believe that a brief history of the Department of Energy national defense programs authorization legislation is in order. The Committee on Armed Services reported its authorization bill, H.R. 7265, on May 13, 1980. The Senate Armed Services Committee reported its bill, S. 3074, on August 26, 1980. The Senate bill was passed by the Senate on September 30, 1980; the full House did not act on H.R. 7265 until November 20, a few days ago.

It was the judgment of Senators JACKSON and COHEN and of Congressmen BOB WILSON and myself that there was insufficient time remaining in this session of Congress in order to have a conference and obtain passage of a conference report by both the House and Senate prior to the expected adjournment date of December 5. It was also our collective judgment that this very important legislation should become law as soon as possible. In an effort to expedite matters, a comprehensive amendment was drafted in such a manner that it would be acceptable to both the Senate and House as a resolution of the few differences between the House and Senate bills.

On November 25, 1980, the Senate called up the House amendment to the bill S. 3074 and amended that bill with a new text which reconciles the differences between the House and Senate. So that this important authorization bill will not be delayed for several months and to avoid the possibility that there will be no authorization for Department of Energy defense programs for fiscal year 1981, I am asking that the House concur in the Senate amendment.

As I have said, there are some differences between the two bills and I ask unanimous consent to insert a table in the RECORD at the conclusion of my remarks that will show the compromises as reflected in the Senate amendment.

Mr. Speaker, the Senate amendment contains certain "fact-of-life" changes that have resulted in circumstances brought to light since the budget was submitted early this year. First, the Senate amendment reflects the changes that appear in the already enacted Energy and Water Development Appropriation Act. Second, the amendment reflects changes resulting from pending and anticipated supplementals. These supplementals are in a large degree the result of unanticipated and unbudgeted double digit inflation. Third, the Senate amendment takes corrective action that will avoid serious shortages in nuclear materials for strategic and theater weapons. These possible shortages would limit our nuclear force modernization efforts and our strategic options.

To maintain our nuclear deterrent capability and to preserve future options, both the nuclear materials production and weapon production facilities of the Department of Energy must be modernized and refurbished. These facilities, of such importance to our national security, are in a sad state of repair. A large backlog of work must be accomplished over the next 5 years. The compromise amendment will begin this work in earnest in fiscal year 1981. I would also point out that the Senate amendment would also authorize important programs for defense nuclear waste management, naval nuclear reactors, inertial confinement fusion and arms control verification technology in fiscal year 1981. We will begin the first important work toward the construction of a waste vitrification plant at the Savannah River plant in South Carolina and a transuranic waste treatment facility in Idaho.

To summarize the dollar differences, the Senate amendment would authorize $3.97 billion, which is below the $4 billion authorized by the original Senate bill and above the amount of the House bill which is $3.63 billion.

I should point out that the Senate amendment contains the provision of the House bill directing that the defense nuclear materials production program and the defense byproducts management programs be administered by the Assistant Secretary of Energy for defense programs rather than the Assistant Secretary for Nuclear Power. This organizational change is necessary to preserve the integrity of the nuclear weapons program and to assure that defense waste management will receive the additional support that it deserves.

The Senate amendment also includes provisions that were contained in the Senate passed bill with respect to carrying out current U.S. policy for the production and stockpiling of nuclear materials and components to enable the deployment of W70-3 and W79-1, warheads, if the President decides to do so, with an enhanced radiation capability. Another provision of the Senate passed bill is included which deals with the formulation of a plan for the management of uranium mill tailings which have resulted from ore processing for use in defense programs over the years.

Mr. Speaker, this is an important authorization bill that must be enacted this session. No other bill, in my opinion, is more important to our national security and our strategic deterrent. These annual authorization bills are vital to future strategic programs.

DEPARTMENT OF ENERGY—TITLE I: NATIONAL SECURITY PROGRAMS, FISCAL YEAR 1981

[Dollar amounts in millions]

Item	Amended request	Appropriation Act Public Law 96-367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jackson substitute amendment
Inertial confinement fusion	$236.150	$209.600	$213.650	$236.150	$218.425
Naval reactors	398.350	303.350	308.350	398.350	398.350
Weapons Activities	2,187.623	2,068.723	2,157.823	2,208.192	2,203.923
Verification and control technology	39.391	39.391	39.391	41.391	39.391
Defense nuclear materials—Production management	549.500	553.700	572.470	706.435	704.500
Defense nuclear materials—Byproducts management	330.660	300.160	291.262	383.660	361.932
Nuclear materials security and safeguards	46.704	46.704	46.704	50.404	46.704
Total	3,788.378	[1] 3,521.628	3,629.650	4,024.532	3,973.225
Total, operating expenses	2,895.123	2,890.623	2,914.123	3,061.727	3,020.098
Total, plant and capital equipment	893.255	600.005	715.527	962.855	953.127
Total, DOE defense programs authorization	3,788.378	3,490.628	3,629.650	4,024.582	3,973.225

[1] Less $31,000,000 for fiscal year 1980 deferrals per House Appropriations Conference Report 96-1366.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—OPERATING EXPENSES, FISCAL YEAR 1981

[Dollar amounts in millions]

Item No.		Amended request	Appropriation Act Public Law 96-367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jacksot substitutn amendmene
	Defense intertial confinement fusion:					
1	Glass laser experiments	$52.800	$68.525	[1] $69.800	$52.000	$69.800
2	Gas laser experiments	41.000	38.000	[1] 38.000	41.000	38.000
3	Particle beam experiments	15.000	15.700	[1] 15.400	15.000	15.700
4	Supporting research and experiments	50.225	17.000	[1] 12.525	50.225	17.000
5	Program direction	1.275	1.275	[1] 1.275	1.275	1.275
6	Total	159.500	140.500	[1] 137.000	[1] 159.500	141.775
	Weapons activities:					
7	Research and development	501.064	501.064	501.064	499.225	501.064
8	Weapons testing	241.000	261.000	[1] 286.000	335.000	318.000
9	Production and surveillance	980.100	980.100	980.100	944.808	980.100
10	Program direction	37.659	37.659	[1] 37.659	37.659	37.659
11	Total	1,759.823	1,779.823	1,804.823	[1] 1,816.692	1,836.823
12	Verification and control technology	36.826	36.826	36.826	38.826	36.826
13	Program direction	1.765	1.765	[1] 1.765	1.765	1.765
14	Total	38.591	38.591	[1] 38.591	[1] 40.591	38.591
	Defense nuclear materials—production and byproducts management:					
15	Production reactor operations	200.907	200.907	[1] 200.907	240.088	226.907
16	Processing of nuclear materials	92.019	92.019	[1] 92.019	111.996	104.419
17	Supporting services	65.939	80.939	[1] 80.939	95.771	93.739
	Purex startup		(15.000)	[1] (15.000)		(15.000)
18	Florinel processing	26.890	26.890	[1] 26.890	27.935	26.890
19	Special isotopes separation research	4.815	9.815	[1] 14.815	4.815	14.815
20	Program direction, production	1.330	1.330	[1] 1.330	1.330	1.330
21	Total, production	391.900	411.900	416.900	[1] 481.935	468.100
22	Decontamination and decommissioning	6.000	4.000	[1] 4.000	6.000	4.000
23	Interim waste management	139.940	135.940	[1] 149.940	149.940	149.940
24	Long term waste management	99.000	75.500	[1] 62.500	99.000	75.500
25	Terminal storage (WIPP)	0	5.000	[1] 5.000	9.000	5.000
26	Transportation research and development	5.000	5.000	[1] 5.000	0	5.000
27	Program direction, byproducts	1.715	1.715	[1] 1.715	1.715	1.715
28	Total, byproducts	251.655	227.155	223.155	[1] 265.655	241.155
29	Total, defense nuclear materials, production and byproducts management	643.555	639.055	[1] 640.055	747.590	709.255
30	Nuclear materials security and safeguards	39.509	39.509	39.509	43.209	39.509
31	Program direction	3.795	3.795	[1] 3.795	3.795	3.795
32	Total	43.304	43.304	[1] 43.304	47.004	43.304

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—OPERATING EXPENSES, FISCAL YEAR 1981—Continued

[Dollar amounts in millions]

Item No.		Amended request	Appropriation Act Public Law 96-367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jackson substitute amendment
	DOE NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—PLANT AND CAPITAL EQUIPMENT, FISCAL YEAR 1981					
	Naval reactors development:					
33	Project 81–T–112, modifications and additions to prototype facilities, various locations	$103.000	$10.000	$13.000	$103.000	$103.000
	Weapons activities:					
34	Project 81–D–103, plant engineering and design, various locations	4.600	4.000	4.600	10.000	4.600
35	Project 81–D–108, reactor support facilities, Sandia National Labs, N. Mex	0	2.000	2.000	9.000	9.000
36	Project 81–D–112, tritium-handling facility, Los Alamos, N. Mex	0	0	0	4.100	4.100
37	Project 81–D–114 exhaust plenum modifications, Rocky Flats Plant, Colo	10.500	0	0	10.500	0
38	Project 81–D–116, utilities and equipment restoration, replacement, and upgrade, phase II various locations (weapons complex)	115.000	25.000	75.000	115.000	75.000
39	Project 81–D–120, control of effluents and pollutants, Y–12 plant, Tenn	6.400	3.000	0	6.400	3.000
40	Project 81–D–133, earthquake damage restoration, Lawrence Livermore National Lab, Calif	0	2.000	3.000	0	3.000
41	Project 81–D–134, earthquake damage restoration, Sandia National Lab at Livermore, Calif	0	1.000	2.000	0	2.000
42	Project 80–AE–6, utilities and equipment restoration, replacement, and upgrade, various locations	29.900	25.300	29.900	0	29.900
43	Project 79–7–e, production and assembly facilities, Pantex, Tex	13.000	1.300	13.000	13.000	13.000
	Defense nuclear materials—Production and by products management:					
44	Project 81–D–123, general plant projects, various locations	14.600	12.500	15.600	14.600	14.600
45	Project 81–D–126, pollution abatement facilities, Richland, Wash	0	0	0	1.000	1.000
46	Project 81–D–128, restoration of production capabilities, various locations	34.100	9.000	34.100	68.400	35.000
47	Project 81–D–141, hangers for N-reactor, Richland, Wash	0	5.000	0	5.000	5.000
48	Project 81–D–142, steam transfer header, Savannah River, S.C	0	0	0	7.000	7.000
49	Project 81–D–143, L-reactor restart, Savannah River, S.C	0	0	0	18.000	49.000
50	Project 81–T–102, plant engineering and design, various locations	9.865	14.865	5.130	9.865	5.130
51	Project 81–T–104, radioactive waste facilities improvements, Oak Ridge National Lab. Tenn	20.000	5.000	5.000	20.000	20.000
52	Project 81–T–105, defense waste processing facility, Savannah River, S.C	0	0	10.000	0	10.000
53	Project 81–T–106, transuranic waste treatment facility, Idaho (AE only)	0	0	0	10.000	10.000
54	Project 77–13–f, waste isolation pilot plant, N.Mex	0	15.000	0	29.000	29.000
	Capital equipment not related to construction:					
55	Defense nuclear materials, production management	35.100	35.100	35.400	38.700	53.000
56	Defense nuclear materials, byproducts management	25.000	17.500	22.507	25.000	22.507

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[1] Denotes number appearing in the bill.

Mr. BOB WILSON. Mr. Speaker, Chairman PRICE is absolutely correct in stating that the Department of Energy defense programs authorization bill must be enacted if we are to assure the continued modernization of U.S. strategic and tactical nuclear forces. While the defense programs of DOE have little visibility, it is these programs which have provided and will continue to provide all of the deterrent power which resides in our nuclear forces.

The amendment proposed by the Senate to the House version is designed to reconcile House and Senate differences in a manner which I believe should be acceptable to the House. The amendment reflects later, more accurate, DOE and administration funding requirements.

The compromise bill before us today makes a serious effort to mitigate the harmful effects of inflation and price rises in nonnuclear materials, such as titanium and beryllium as well as gold, which are used in significant amounts in nuclear weapons production. Also, the bill contains provisions to insure that defense nuclear waste management will proceed without delay so that defense programs will not suffer in the future because of failure to deal with this problem. The Senate accepted the House bill language directing that defense nuclear materials production and defense byproduct management programs be administered by the Assistant Secretary of Energy for defense programs. By removing this important operation from the purview of the Assistant Secretary for Nuclear Power we insure that defense nuclear waste receives the total support necessary to prepare the ultimate disposition of this waste.

Mr. Speaker, this compromise bill satisfies the needs of this Nation for continued nuclear weapons production. I urge its passage in the best interests of national security.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the legislation now being considered.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

INDIAN HEALTH CARE AMENDMENTS OF 1980

Mr. MILLER of California submitted the following conference report and statement on the Senate bill (S. 2728) to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 96–1483)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2728) to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That (a) this Act may be cited as the "Indian Health Care Amendments of 1980".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (90 Stat. 1400).

DEFINITIONS

SEC. 2. (a) Section 4(a) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(b) Section 4(h) is amended by striking out "composed of urban Indians" and inserting in lieu thereof "governed by an Indian controlled board of directors".

(c) Section 4 is amended by adding the following new subsections at the end thereof:

"(i) 'Rural Indian' means any individual who resides in a rural community as defined in subsection (j), who is an Indian within the meaning of subsection (c), and who is not otherwise eligible to receive health services from the Service.

"(j) 'Rural community' means any community that—

"(1) is not located on a Federal Indian reservation or trust area;

"(2) is not an Alaskan Native village;

"(3) is not an urban center; and

"(4) has a sufficient rural Indian population with unmet health needs, as determined by the Secretary, to warrant assistance under title V of this Act.

"(k) 'Rural Indian organization' means a nonprofit corporate body governed by a board of directors controlled by rural Indians and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).".

INDIAN HEALTH MANPOWER

SEC. 3. (a) Section 102(c) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $2,300,000 for the fiscal year ending September 30, 1981, $2,600,000 for the fiscal year ending September 30, 1982, $3,000,000 for the fiscal year ending September 30, 1983, and $3,500,000 for the fiscal year ending September 30, 1984.".

(b)(1) Section 103(b) is amended to read as follows:

"(b) Scholarship grants made pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any grantee, such scholarship not to exceed two years.

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry curriculum, such scholarship not to exceed four years.".

(2) Section 103(d) is amended by striking

out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $3,510,000 for the fiscal year ending September 30, 1981, $4,000,000 for the fiscal year ending September 30, 1982, $4,620,000 for the fiscal year ending September 30, 1983, and $5,300,000 for the fiscal year ending September 30, 1984.".

(c) Section 105(d) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $990,000 for the fiscal year ending September 30, 1981, $1,140,000 for the fiscal year ending September 30, 1982, $1,310,000 for the fiscal year ending September 30, 1983, and $1,510,000 for the fiscal year ending September 30, 1984.".

(d)(1) The first sentence of section 757(a) of the Public Health Service Act is amended by striking out "and for each of the succeeding four fiscal years such sums as may be specifically authorized by an Act enacted after the date of enactment of this section" and inserting in lieu thereof "$9,000,000 for the fiscal year ending September 30, 1981, $10,300,000 for the fiscal year ending September 30, 1982, $11,800,000 for the fiscal year ending September 30, 1983, and $13,600,000 for the fiscal year ending September 30, 1984".

(2) Section 757(b)(2) is amended—

(A) by striking out "his" and inserting in lieu thereof "the applicable"; and

(B) by striking out "him" and inserting in lieu thereof "the Secretary".

INDIAN HEALTH SERVICES

SEC. 4. (a)(1) Section 201(c)(1) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $20,250,000 for the fiscal year ending September 30, 1981, $23,000,000 for the fiscal year ending September 30, 1982, $26,500,000 for the fiscal year ending September 30, 1983, and $30,500,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(2) Section 201(c)(2) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $6,400,000 for the fiscal year ending September 30, 1981, $7,350,000 for the fiscal year ending September 30, 1982, $8,450,000 for the fiscal year ending September 30, 1983, and $9,700,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c)(3) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $1,875,000 for the fiscal year ending September 30, 1981, $2,150,000 for the fiscal year ending September 30, 1982, $2,500,000 for the fiscal year ending September 30, 1983, and $2,875,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(b)(1) Section 201(c)(4)(A) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $2,500,000 for the fiscal year ending September 30, 1981, $2,875,000 for the fiscal year ending September 30, 1982, $3,300,000 for the fiscal year ending September 30, 1983, and $3,800,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(2) Section 201(c)(4)(B) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $750,000 for the fiscal year ending September 30, 1981, $870,000 for the fiscal year ending September 30, 1982, $1,000,000 for the fiscal year ending September 30, 1983, and $1,150,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c)(4)(C) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $2,350,000 for the fiscal year ending September 30, 1981, $2,700,000 for the fiscal year ending September 30, 1982, $3,100,000 for the fiscal year ending September 30, 1983, and $3,600,000 for the fiscal year ending September 30, 1984, and such further positions are authorized as may be necessary for each such fiscal year.".

(4) Section 201(c)(4)(D) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $460,000 for the fiscal year ending September 30, 1981, $525,000 for the fiscal year ending September 30, 1982, $600,000 for the fiscal year ending September 30, 1983, and $690,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(5) Section 201(c)(4)(E) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $250,000 for the fiscal year ending September 30, 1981, $285,000 for the fiscal year ending September 30, 1982, $325,000 for the fiscal year ending September 30, 1983, and $375,000 for the fiscal year ending September 30, 1984.".

(c)(1) Section 201(c)(5) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $16,500,000 for the fiscal year ending September 30, 1981, $19,000,000 for the fiscal year ending September 30, 1982, $22,000,000 for the fiscal year ending September 30, 1983, and $25,100,000 for the fiscal year ending September 30, 1984.".

(2) Section 201(c)(6) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1981, $5,750,000 for the fiscal year ending September 30, 1982, $6,600,000 for the fiscal year ending September 30, 1983, and $7,600,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c) is amended by striking out paragraph (7).

INDIAN HEALTH FACILITIES

SEC. 5. Title III is amended by adding the following new section at the end thereof:

"AUTHORIZATIONS

"SEC. 305. There are authorized to be appropriated to carry out sections 301 and 302 for the fiscal year ending September 30, 1981, for the fiscal year ending Septembr 30, 1982, for the fiscal year ending September 30, 1983, and for the fiscal year ending September 30, 1984, such sums as may be necessary.".

ACCESS TO HEALTH SERVICES

SEC. 6. Title IV is amended by adding the following new section at the end thereof:

"GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS

"SEC. 404. (a) The Secretary, acting through the Service, shall make grants to or enter into contracts with tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

"(1) enroll under section 1818 of part A and sections 1836 and 1837 of part B of title XVIII of the Social Security Act;

"(2) pay monthly premiums for coverage due to financial need of such individual; and

"(3) apply for medical assistance provided pursuant to title XIX of the Social Security Act.

"(b) The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any contract or grant which the Secretary makes with any tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of Indians to be served that are or could be recipients of benefits under titles XVIII and XIX of the Social Security Act;

"(2) assist individual Indians in becoming familiar with and utilizing such benefits;

"(3) provide transportation to such individual Indians to the appropriate offices for enrollment or application for medical assistance;

"(4) develop and implement a schedule of income levels to determine the extent of payment of premiums by such organization for coverage of needy individuals; and methods of improving the participation of Indians in receiving the benefits provided pursuant to titles XVIII and XIX of the Social Security Act.

"(c) There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1981, $5,750,000 for the fiscal year ending September 30, 1982, $6,615,000 for the fiscal year ending September 30, 1983, and $7,610,000 for the fiscal year ending September 30, 1984.".

HEALTH SERVICES FOR URBAN AND RURAL INDIANS

SEC. 7. Title V is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN AND RURAL INDIANS

"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban areas and rural communities to make health services more accessible to the urban and rural Indian populations, respectively.

"CONTRACTS WITH URBAN AND RURAL INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, acting through the Service, shall enter into contracts with urban Indian organizations and with rural Indian organizations to assist such organizations to establish and administer, in the urban centers or rural communities in which such organizations are situated, programs which meet the requirements set forth in sections 503 and 504.

"CONTRACT ELIGIBILITY

"SEC. 503. (a) The Secretary, acting through the Service, shall place such conditions as deemed necessary to effect the purpose of this title in any contract which the Secretary makes with any urban or rural Indian organization pursuant to this title. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of urban or rural Indians which are or could be recipients of health referral or care services;

"(2) identify all public and private health service resources within the urban center or rural community in which the organization is situated which are or may be available to urban Indians or rural Indians, respectively;

"(3) assist such health services resources in providing service to such urban or rural Indians;

"(4) assist such urban or rural Indians in becoming familiar with and utilizing such resources;

"(5) provide basic health education to such urban or rural Indians;

"(6) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (3) through (5) of this subsection;

"(7) identify gaps between unmet health needs of urban Indians or rural Indians and the resources available to meet such needs;

"(8) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban or rural Indians; and

"(9) where necessary, provide or contract for health care services to urban or rural Indians.

"(b) The Secretary, acting through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations and rural Indian organizations to enter into contracts pursuant to this title. Such criteria shall, among other factors, take into consideration—

"(1) the extent of the unmet health care needs of urban Indians in the urban center or of rural Indians in the rural community involved;

"(2) the size of the urban Indian population or the rural Indian community to receive assistance;

"(3) the relative accessibility of health care services to such population in such urban center or rural community;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate any previous or current public or private health services project in such urban center or rural community that was or is funded in a manner other than pursuant to this title;

"(5) the appropriateness and likely effectiveness of the activities set forth in subsection (a) in such urban center or rural community;

"(6) the existence of an urban Indian organization or a rural Indian organization capable of performing the activities set forth in subsection (a) and entering into a contract with the Secretary pursuant to this title; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"OTHER CONTRACT REQUIREMENTS

"SEC. 504. (a) Contracts with urban Indian organizations or rural Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

"(b) Payments under any contracts pursuant to this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization or a rural Indian organization, revise or amend any contract made by the Secretary with such organization under this title as necessary to carry out the purposes of this title: *Provided, however*, That whenever an urban Indian organization or a rural Indian organization requests retrocession of the Secretary for any contract entered into pursuant to this title, such retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

"(d) In connection with any contract made pursuant to this title, the Secretary may permit an urban Indian organization or a rural Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban or rural Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban or rural Indians of services and assistance under such contracts by such organizations.

"REPORTS AND RECORDS

"SEC. 505. For each fiscal year during which an urban Indian organization or a rural Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a report including information gathered pursuant to section 503(a) (7) and (8), information on activities conducted by the organization pursuant to the contract, an accounting of the amounts and purposes for which Federal funds were expended, and such other information as the Secretary may request. The reports and records of the urban Indian organization or the rural Indian organization with respect to such contract shall be subject to audit by the Secretary and the Comptroller General of the United States.

"AUTHORIZATIONS

"SEC. 506. (a) There are authorized to be appropriated for contracts with urban Indian organization under this title $18,750,000 for the fiscal year ending September 30, 1981, $21,500,000 for the fiscal year ending September 30, 1982, $24,725,000 for the fiscal year ending September 30, 1983, and $28,500,000 for the fiscal year ending September 30, 1984.

"(b) There are authorized to be appropriated for contracts with rural Indian organizations under this title $3,000,000 for the fiscal year ending September 30, 1981, $3,000,000 for the fiscal year ending September 30, 1982, $3,000,000 for the fiscal year ending September 30, 1983, and $3,000,000 for the fiscal year ending September 30, 1984.

"REVIEW OF PROGRAM

"SEC. 507. Not later than the date six months after September 30, 1983, the Secretary, acting through the Service and with the assistance of the urban and rural Indian organizations that have entered into contracts under this title, shall review the program established under this title and submit to the Congress an assessment thereof and recommendations for any further legislative efforts the Secretary deems necessary to meet the purpose of this title."

MISCELLANEOUS

SEC. 8. (a) Section 704 is amended by adding the following new sentence at the end thereof: "Property leased by the Secretary from an Indian tribe may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe.".

(b) Title VII is amended by adding the following new sections at the end thereof:

"RESOURCE ALLOCATION PLAN

"SEC. 706. Within one year from the date of the enactment of this section, the Secretary shall submit to the Congress a resource allocation plan. Such plan shall explain the future allocation of services and funds among the service population of the Service and shall provide a schedule for reducing deficiencies in resources of tribes and nontribal specific entities.

"NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

"SEC. 707. (a) The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian tribes and organizations, a study of the health hazards to Indian miners and Indians on or near Indian reservations and in Indian communities as a result of nuclear resource development. Such study shall include—

"(1) an evaluation of the nature and extent of nuclear resource development related health problems currently exhibited among Indians and the causes of such health problems:

"(2) an analysis of the potential effect of ongoing and future nuclear resource development on or near Indian reservations and communities;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear powerplant operation and construction, and nuclear waste disposal;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the five years prior to the date of the enactment of this section that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) the efforts that have been made by Federal and State agencies and mining and milling companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such nuclear resource development.

"(b) Upon completion of such study the Secretary and the Service shall take into account the results of such study and develop a health care plan to address the health problems studied under subsection (a) the plan shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other nuclear development activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear development activities, may experience health problems.

"(c) The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than the date eighteen months after the date of enactment of this section. The health care plan prepared under subsection (b) shall be submitted in a report no later than the date one year after the date that the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

"(d)(1) There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees): the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Bureau of Mines, the Assistant Secretary for Occupational Safety and Health, and the Secretary of the Interior.

"(2) The Task Force shall identify existing and potential operations related to nuclear resource development that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community and enter into activities to correct existing health hazards and insure that current and future health problems resulting from nuclear resource development activities are minimized or reduced.

"(3) The Secretary shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

"(e) In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill, suffers from a work related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from a Service facility; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator;

the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator from such operator. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

"(f) There is authorized to be appropriated $300,000 to carry out the study as provided in subsection (a), such amount to be expended by the date eighteen months after the date of the enactment of this section.

"ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

"Sec. 708. (a) For the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to Indians in such State.

"(b) The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"(c) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year ending September 30, 1982, $2,000,000 for the fiscal year ending September 30, 1983, and $2,000,000 for the fiscal year ending September 30, 1984.

"CALIFORNIA FORMER FEDERALLY RECOGNIZED TRIBES

"SEC. 709. Indians in the State of California who are members or descendants of members of former Federally recognized tribes of the State of California shall be eligible for services from the Service in the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984.

"PERSONNEL CEILINGS DEMONSTRATION PROJECT

"SEC. 710. (a) In order to determine whether the Service can be better managed through fiscal controls without personnel ceilings, the Service shall, in conjunction with the Office of Personnel Management and the Secretary, conduct a demonstration project in which certain personnel ceilings in the Service are lifted. Such demonstration project shall be conducted in two of the Indian Health Service Areas and shall be closely monitored by the Service.

"(b) Not later than the date 2 years after the date of the enactment of this section, the Service shall submit a report to Congress regarding the demonstration project carried out under subsection (a). Such report shall include a discussion of whether the lifting of personnel ceilings would improve the Service's ability to deliver services, what potential negative impact the lifting of personnel ceilings might have on the control of Federal employment, and a determination as to whether the lifting of personnel ceilings should be expanded to the entire Service.".

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

MO UDALL,
GEO. MILLER,
LAMAR GUDGER,
RAY KOGOVSEK,
DON YOUNG,
DAN MARRIOTT,

Managers on the Part of the House.

D. INOUYE,
J. MELCHER,
DENNIS DECONCINI,
BILL COHEN,
M. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2728) to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The House amendment amended the title of the Senate bill. The House recedes.

SHORT TITLE

The Senate bill provided a short title for the bill, the Indian Health Care Amendments of 1980, and further provided that except where specifically provided otherwise, any amendment or repeal in the bill is to be considered to be made to a section or provision of the Indian Health Care Improvement Act (90 Stat. 1400). The House amendment had no such provision. The House recedes.

DEFINITIONS

The Senate bill amended definitions of "Secretary" and "urban Indian organization". The House amendment had no such provision. The conference substitute contains the provisions as contained in the Senate bill and adds definitions of "rural Indian", "rural community", and "rural Indian organization".

INDIAN HEALTH MANPOWER

Both the Senate bill and the House amendment amended section 102(c) to provide authorizations for appropriations to carry out the section for fiscal years 1981, 1982, 1983, and 1984. Both provided $2,300,000 for fiscal year 1981, $2,600,000 for fiscal year 1982, $3,000,000 for fiscal year 1983, and $3,500,000 for fiscal year 1984. The conference substitute contains this provision.

The Senate bill amended section 103(b) to provide two-year preparatory scholarship grants as well as four-year pregraduate education scholarship grants for grantees in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry curriculum leading to a baccalaureate degree. The House amendment had no similar provision. The House recedes.

The Senate bill amended section 103(c) of the Indian Health Care Improvement Act and section 757(b)(1) of the Public Health Service Act to provide that scholarships made pursuant to those sections shall be awarded by a day certain that such money shall be received by the grantees at least 15 days prior to registration for classes. The House amendment had no similar provisions. The Senate recedes. The committee of conference was concerned about the timeliness of scholarship awards but decided to eliminate these provisions from the conference substitute so as not to give the Indian Health Service the opportunity to fail to make an award to a grantee simply because the deadline had passed for whatever reasons (transcripts not received in time, schools failing to take some necessary action, etc.) The conferees felt that such a denial of a scholarship award would only hurt the students the sections were designed to help. However, the conferees reiterate direction to the Indian Health Service to make scholarship awards in as timely a fashion as possible.

Both the Senate bill and the House amendment amended section 103(d) to provide authorization for appropriations to carry out the section for fiscal years 1981, 1982, 1983, and 1984. The Senate bill authorized $3,510,000 for fiscal year 1981, $4,000,000 for fiscal year 1982, $4,620,000 for fiscal year 1983, and $5,300,000 for fiscal year 1984. The House amendment authorized $1,600,000 for fiscal year 1981, $1,800,000 for fiscal year 1982, $2,100,000 for fiscal year 1983, and $2,400,000 for fiscal year 1984. The House recedes.

Both the Senate bill and the House amendment amended section 105(d) to provide authorizations for appropriations for fiscal years 1981, 1982, 1983, and 1984. Both provided $990,000 for fiscal year 1981, $1,140,000 for fiscal year 1982, $1,310,000 for fiscal year 1983, and $1,510,000 for fiscal year 1984. The conference substitute includes this provision.

Both the Senate bill and the House amendment amended section 757(a) of the Public Health Service Act to provide authorizations for appropriations for fiscal years 1981, 1982, 1983, and 1984. Both provided $9,000,000 for fiscal year 1981, $10,300,000 for fiscal year 1982, $11,800,000 for fiscal year 1983, and $13,600,000 for fiscal year 1984. The conference substitute includes this provision.

The Senate bill amended section 757(b)(2) of the Public Health Service Act to make some technical corrections. The House amendment had no similar provision. The House recedes.

INDIAN HEALTH SERVICES

Both the Senate bill and the House amendment amended section 201(c)(1) to provide authorization for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984. The authorization levels are identical in the Senate bill and the House amendment at $20,250,000 for fiscal year 1981, $23,000,000 for fiscal year 1982, $26,500,000 for fiscal year 1983, and $30,500,000 for fiscal year 1984. The conference substitute contains this provision.

Both the Senate bill and the House amendment amended sction 201(c)(2) to provide authorizations for appropriations and positions for fiscal yars 1981, 1982, 1983, and 1984. The authorization levels are identical in in the Senate bill and the House amendment at $6,400,000 for fiscal year 1981, $7,350,000 for fiscal year 1982, $8,450,000 for fiscal year 1983, and $9,700,000 for fiscal year 1984. The conference substitute contains this provision.

Both the Senate bill and the House amendment amended section 201(c)(2) to provide authorizations for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984. The identical authorizations were at $1,875,000 for fiscal year 1981, $2,150,000 for fiscal year 1982, $2,500,000 for fiscal year 1983, and $2,875,000 for fiscal year 1984. The conference substitute contains this provision.

Both the Senate bill and the House amendment amended section 201(c)(4)(A) to provide authorizations for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984. The authorization levels in both the Senate bill and the House amendment were $2,500,000 for fiscal year 1981, $2,875,000 for fiscal year 1982, $3,300,000 for fiscal year 1983, and $3,800,000 for fiscal year 1984. The conference substitute contains this provision.

Both the Senate bill and the House amendment amended section 201(c)(4)(B) to provide authorizations for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984. The authorization levels in both the Senate bill and the House amendment were $750,000 for fiscal year 1981, $870,000 for fiscal year 1982, $1,000,000 for fiscal year 1983, and $1,150,000 for fiscal year 1984. The conference substitute includes this provision.

Both the Senate bill and the House amendment amended section 201(c)(4)(C) to provide authorizations for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984 in the amounts of $2,350,000 for fiscal year 1981, $2,700,000 for fiscal year 1982, $3,100,000 for fiscal year 1983, and $3,600,000 for fiscal year 1984. The conference substitute includes this provision.

Both the Senate bill and the House amendment amended section 201(c)(4)(D) to provide authorizations for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984 in the amounts of $460,000, $525,000, $600,000, and $690,000, respectively. The conference substitute includes this provision.

Both the Senate bill and the House amendment amended section 201(c)(4)(E) to provide authorizations for appropriations for fiscal years 1981, 1982, 1983, and 1984 in the amounts of $250,000,, $285,000, $325,000, and $375,000, respectively. The conference substitute includes this provision.

Both the Senate bill and the House amendment amended section 201(c)(5) to provide authorizations for appropriations for fiscal years 1981, 1982, 1983, and 1984. The Senate bill authorized $16,500,000 for fiscal year 1981, $19,000,000 for fiscal year 1982, $22,000,000 for fiscal year 1983, and $25,100,000 for fiscal year 1984. The House amendment authorized $15,000,000 for fiscal year 1981, $17,250,000 for fiscal year 1982, $19,840,000 for fiscal year 1983, and $22,800,000 for fiscal year 1984. The House recedes.

Both the Senate bill and the House amendment amended section 201(c)(6) to provide authorizations for appropriations and positions for fiscal years 1981, 1982, 1983, and 1984. The identical amounts authorized by the Senate bill and the House amendment were $5,000,000 for fiscal year 1981, $5,750,000 for fiscal year 1982, $6,600,000 for fiscal year 1983, and $7,600,000 for fiscal year 1984. The conference substitute contains this provision.

Both the Senate bill and the House amendment strike out section 201(c)(7) in its entirety. The conference substitute includes this provision.

INDIAN HEALTH FACILITIES

The Senate bill added a new section 305 to title III which authorizes such funds as may be necessary to carry out the purposes of sections 301 and 302 for fiscal years 1981, 1982, 1983, and 1984. The House amendment added a new section 305 which provides that funds to carry out the purposes of sections 301 and 302 may be appropriated for fiscal years 1981, 1982, 1983, and 1984 pursuant to the Snyder Act, as amended, and the Indian Health Transfer Act, as amended. The House recedes.

ACCESS TO HEALTH SERVICES

The Senate bill added a new section 404 to title IV. Such new section provides for the Secretary to make grants to or contracts with tribal organizations to assist such organizations in establishing and administering programs on federal Indian reservations and trust areas and in Alaska Native villages to assist individual Indians in enrolling in Medicare, in paying monthly premiums for coverage under Medicare, and in applying for medical assistance through Medicaid. The section also enumerates certain requirements which the Secretary must include, among other things, in any contract or grant made pursuant to this section. Authorizations for appropriations to carry out the section were provided in the amounts of $5,000,000 for fiscal year 1981, $5,750,000 for fiscal year 1982, $6,615,000 for fiscal year 1983, and $7,610,000 for fiscal year 1984. The House amendment contained no such provision. The House recedes with an amendment to provide that such grants or contracts assist tribal organizations in establishing and administering programs "on or near" federal Indian reservations and trust areas and "in or near" Alaska Native villages.

HEALTH SERVICES FOR URBAN AND RURAL INDIANS

Both the Senate bill and the House amendment amended section 506 to provide authorizations for appropriations for contracts with urban Indian organizations in the amounts of $18,750,000 for fiscal year 1981, $21,500,000 for fiscal year 1982, $24,725,000 for fiscal year 1983, and $28,500,000 for fiscal year 1984. The conference substitute includes this provision.

The Senate bill, but not the House amendment, amended section 507 to authorize the Secretary to provide assistance as he deems necessary to make health services more accessible to any individual Indian or group of Indians who are not receiving health services from the Service nor are entitled to receive services from an urban Indian organization under a contract made pursuant to title V. The section also provides authorizations for appropriations in the amounts of $9,375,000 for fiscal year 1981, $10,750,000 for fiscal year 1982, $12,362,500 for fiscal year 1983, and $14,250,000 for fiscal year 1984. The Senate bill, but not the House amendment, also amended section 508 to require a review by the Secretary of the programs established under title V and submission to the Congress of his assessment thereof and recommendations for any further legislative efforts he deems necessary to meet the purpose of this title, including section 507. Such report must contain an assessment of the unmet health needs of the urban Indian population and the Indian population in other nonreservation areas, including the needs of urban centers not previously served by an urban Indian organization under a contract made under this title. The Senate bill, but not the House amendment, also amended the heading of title V to read "TITLE V—HEALTH SERVICES FOR URBAN AND OTHER NON-RESERVATION INDIANS".

The compromise agreement amends title V to add "rural" wherever "urban" is found, "rural communities" wherever "urban centers" is found, and "rural Indian organizations" wherever "urban Indian organizations" is found in the provisions establishing the program. Section 4 is amended to add definitions of "rural Indian", "rural community", and "rural Indian organization". The compromise also amends section 506 to add authorizations for appropriations for the rural program in the amounts of $3,000,000 for each of fiscal years 1981, 1982, 1983, and 1984. The compromise also amends the heading of title V to read "TITLE V—HEALTH SERVICES FOR URBAN AND RURAL INDIANS".

MISCELLANEOUS

The Senate bill amended section 704 to provide authority for the reconstruction and renovation by the Secretary of any facility leased by the Secretary from an Indian tribe. The House amendment contained no similar provision. The House recedes.

The Senate bill, but not the House amendment, amended title VII to add a new section 706 which requires the Secretary to submit to Congress a resource allocation plan within one year from the date of enactment of this section. The House recedes.

The Senate bill, but not the House amendment, amended title VII to add a new section 707. Such section requires the Secretary to conduct, in conjunction with other appropriate federal agencies and in consultation with concerned Indian tribes and organizations, a study of the health hazards to Indians on or near Indian reservations and in Indian communities as a result of nuclear resource development, such study to be submitted to the Congress no later than the date eighteen months after the date of enactment of this section. The section provides an authorization for appropriations in the amount of $300,000 to be expended within the eighteen-month period from the date of enactment for the purpose of preparation of the study. The section further provides for the Secretary and the Service to develop a plan to address the health problems identified in the study and submit such plan and a report, including recommended activities for implementation of the plan as well as an evaluation of any activities previously undertaken by the Service to address such health problems. The plan and report must be submitted within one year after the submission of the study. The section also establishes an Intergovernmental Task Force composed of the Secretary or Administrator of specified federal agencies to identify existing or potential operations related to nuclear resource development that affect or may affect the health of such Indians, enter into activities to correct existing health hazards, and insure that current and future health problems resulting from nuclear development activities are minimized or reduced. The section designates a chairman for the task force and provides a minimum number of meetings of such task force to be held each year. The section further provides that the Service may recover from a mine or mill operator certain costs of any diagnosis and treatment rendered to an Indian who is entitled to health services from the Service, who by reason of his employment is entitled to medical care at the expense of his employer, and who, as a result of employment in a uranium mine or mill, suffers from a work-related illness or condition. The House recedes with an amendment providing that the Service may recover from a mine or mill operator certain costs of any diagnosis and treatment rendered to an Indian who, among other things, is "eligible for" health services from the Service rather than "entitled to" such services.

The Senate bill, but not the House amendment, amended title VII to add a new section 708 which directs the Service to designate the State of Arizona as a contract health service delivery area and provides that the Service shall not curtail any health care services provided to Indians residing on reservations in the state if such curtailment is due to provision of contract services in the state pursuant to such designation. The House recedes with an amendment providing that the Service is directed to designate Arizona as a contract health service delivery area during fiscal years 1982, 1983, and 1984 and that $2,000,000 is authorized for each such fiscal year to carry out the section. It is the intent of the conferees that, unless there is an administrative designation of the State of Arizona as a contract health service delivery area under any existing authority of the Secretary, no funds are to be made available to implement this section unless specifically appropriated pursuant to this section.

The House amendment, but not the Senate bill, amended section 4(c) of the Indian Health Care Improvement Act to provide that for purposes of titles II and III the terms "Indians" and "Indian" include Indians in the State of California who are members of former federally recognized Indian tribes in the State of California. The compromise agreement adds a new section 709 which provides that Indians in the State of California who are members or descendants of members of former federally recognized tribes of the State of California shall be eligible for services from the Indian Health Service beginning in fiscal year 1982 and ending at the end of fiscal year 1984. It is the understanding of the conferees that a decision of the United States District Court of the Northern District of California declared that the personal eligibility for services of current and subsequent dependents of terminated distributees in California was unaffected by the Termination Acts. This decision would necessarily provide that descendants of former federally recognized tribes in the State of California are already eligible for services provided by the Indian Health Service without this section. It is estimated that there are some 900 terminated distributees who would be the new eligibles under this section.

The committee of conference is concerned about the shortage of health personnel to provide adequate health services to Indian people at certain Indian Health Service facilities which has resulted from imposition of personnel ceilings. The conferees agreed to a provision providing for a demonstration project to determine whether the Indian Health Service can be better managed through fiscal controls without personnel ceilings. The conference substitute adds a new section 710 which directs the Indian Health Service to conduct, in conjunction with the Office of Personnel Management and the Secretary, a demonstration project in which position ceilings are lifted in two areas of the Indian Health Service in order to make such a determination regarding the advisability of such ceilings within the Indian Health Service.

Mo Udall,
Geo. Miller,
Lamar Gudger,
Ray Kogovsek,
Don Young,
Dan Marriott,
Managers on the Part of the House.
D. Inouye,
J. Melcher,
Dennis DeConcini,
Bill Cohen,
M. Hatfield,
Managers on the Part of the Senate.

☐ 1800

COMMUNICATION FROM THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and referred to the Committee on Appropriations:

Committee on Public Works
and Transportation,
Washington, D.C., November 19, 1980.
Thomas P. O'Neill,
The Speaker, House of Representatives, Washington, D.C.

Dear Mr. Speaker: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on November 18, 1980:

DIRECT FEDERAL CONSTRUCTION

East St. Louis, Illinois, U.S. Courthouse and Parking Facility.

REPAIR AND ALTERATIONS

Washington, D.C., Old Post Office Building.

Salt Lake City, Utah, U.S. Post Office and Courthouse.

Atlanta, Georgia, U.S. Post Office-Federal Annex.

LEASE

Atlantic City, New Jersey, Federal Aviation Administration (FAA) Technical Center.

The original and one copy of the authorizing resolutions are enclosed.

Sincerely,
Harold T. (Bizz) Johnson,
Chairman.

TRANSMISSION OF INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND PORTUGAL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–384)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed:

(For message, see proceedings of the Senate of today, December 1, 1980.)

AMENDING UNITED STATES CODE TO PERMIT EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED FEDERAL EMPLOYEES

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7466) to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 6, after line 10, insert:

Sec. 4. (a) Section 8332 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m) (1) Upon application to the Office of Personnel Management, any individual who is an employee on the date of the enactment of this subsection, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before the date of the enactment of this subsection while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 5 years' service on such committees as of the effective date of this section, and

"(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under section 8334 (c) of this title if such service were service as a Congressional employee.

"(2) The Office shall accept the certification of the President of the Senate (or his designee) or the Speaker of the House (or his designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to which credit is to be sought under this subsection.

"(3) An individual receiving credit for service for any period under this subsection shall not be granted credit for such service under the provisions of the Social Security Act.".

(b) The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. FORD of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with, and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, I do not necessarily intend to object, but I thought the House should know I believe this is the same matter the gentleman from Michigan (Mr. Ford) brought up last week, and it was objected to by the gentlewoman from New Jersey (Mrs. Fenwick).

Mr. FORD of Michigan. Yes, it is. My understanding is that the problems have been taken care of.

Mr. BAUMAN. May I inquire of the gentleman whether there has been any change in the text of the bill since that time? I read a copy of the proposed Senate amendment at that time, and it is not retroactive or prospective in nature at all. It simply pertains to those employees of these committees now in this status described in the legislation; is that correct?

Mr. FORD of Michigan. It applies only to people who are presently employees of the House and Senate who formerly were employees of the other committees. It would not apply prospectively to present employees of campaign committees at some future date.

Mr. BAUMAN. They would have to pay in in order to qualify under the bill?

Mr. FORD of Michigan. The department we are interested in has six Republican and four Democratic employees. I have the names of them. I would be happy to share them with the gentleman from Maryland.

Mr. BAUMAN. They would have to pay into the retirement system in order to qualify?

Mr. FORD of Michigan. They must pay the full amount that they would have paid had they been paying at that time.

Mr. BAUMAN. I thank the gentleman for his explanation.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. Ford) to dispense with further reading of the Senate amendment?

There was no objection.

The SPEAKER. Is there objection to the first request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, on rollcall 649 on H.R. 7584, on November 21, I am recorded as voting "aye." I intended to vote "no" and ask unanimous consent that this statement appear in the permanent Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE REVENUE SHARING FIGHT

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I would like to call to the attention of the House an editorial that appeared in the Washington Post on Friday, November 21, entitled "The Revenue Sharing Fight."

After looking at the way general revenue sharing has operated over the years, the Post's editors have concluded that when the latest extension of the program we are about to enact expires, Congress should—and I quote—

> Face up to what it really ought to do. That is to abolish general revenue sharing, at least for the states, as a program that is both wrong in principle and unfair in practice.

Mr. Speaker, that is what I have been saying for the last 8 years, and it has been pretty lonely out there. It is nice to have the support, however belatedly, of so eminent a publication, and I urge my colleagues to read the editorial.

THE REVENUE SHARING FIGHT

The fight over general revenue sharing began in earnest last winter when the administration and Congress got serious about balancing the budget. For each of eight years, the revenue-sharing program had, with little controversy, transferred several billion dollars of federal revenue to state and local governments for their own use. Now congressional leaders, stung by the demands of over 30 states that they balance the federal budget, have begun to question the wisdom and necessity of turning over federal taxes to state governments, many of which had been cutting taxes and running substantial surpluses.

While most state budget surpluses have disappeared with the onset of the recession, the basic revenue-sharing question has not. Why should the federal government take the heat from the citizens of the various states for raising their taxes—and then turn the money back to the governments of those states to spend as they please? It's been a long time since we heard about the "fiscal dividend"—that ever-receding surplus of federal revenues that economic growth and the end of the Vietnam War were supposed to produce, and that, it was argued, could be well used in supplementing the more limited taxing powers of states and localities. And while federal resources have come under increasing pressure, state resources have grown rapidly. All but six states now have income taxes, and all but five have sales taxes.

There are, of course, other arguments for sharing federal revenues. One is that there is a national interest in ensuring that at least the basic needs of all citizens are met, even if those citizens live in states that are unwilling or unable to help them when they are in trouble. But this argues for earmarking the money for particular purposes and establishing standards, as in the so-called "categorical" federal grant programs. By contrast, while states and localities may designate the money for worthy causes, the premise (and, for governors and mayors, the chief charm) of general revenue sharing is that it really has no strings attached.

A case certainly can be made for consolidation of the more than 500 special-purpose federal grant programs that create inefficiency and distort spending priorities at all government levels, but that's another issue worth a separate discussion.

A second possible argument would be that revenue sharing produced some general equalization of needs and resources among states. This assumes a rough comparability between the distribution of need and the distribution of shared revenues. Judged by its durability, the current formula, an ingenious compromise engineered nine years ago by Wilbur Mills, has certainly been a political success. But a comparison of the percentage of revenue-sharing funds received by each state with the percentage of federal revenues paid by the citizens of that state casts doubt on the program's fairness. Judged by this measure, most of the hard-pressed older industrial states, such as Michigan, Illinois and Ohio, have in recent years been net losers in the revenue-sharing game, while such resource-rich or growing states as California, Arizona, Montana and Alaska have been net gainers.

Both the House and the Senate have now passed a bill extending revenue sharing but suspending authorization for the state, but not the local, portion for next year. Thereafter, money for states would have to be voted each year, not effectively guaranteed as it is for localities. This is probably the best compromise that can be achieved for the moment until Congress can face up to what it really ought to do. That is to abolish general revenue sharing, at least for states, as a program that is both wrong in principle and unfair in practice.

FEDERAL RESERVE SHOULD RECONSIDER HIGH INTEREST RATE POLICY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the voters on November 4 sent a clear and unmistakable message that the economy and inflation are the preeminent concern of most Americans.

One of the principal causes of inflation is the criminally high interest rate policy now being imposed by the Federal Reserve. This policy does not reduce demand by producers, by farmers, and by manufacturers across the country. Farmers, for example, must borrow to produce regardless of the cost of credit.

Our economy depends to a large extent on its ability to grow. Growth depends on capital investment and consumer demand. With our present inflationary environment it has become clear that individual consumers and business will gladly pay higher rates of interest in order to acquire goods and services today which they perceive will cost even more tomorrow. If individuals and businesses come to accept the notion that the price of money is an open ended cost of doing business, which can be passed along to the consumer, then we can expect mounting pressure for increased income to meet the burgeoning costs of living. That, Mr. Speaker, is the essence of the inflationary wage-price spiral.

In my State, Arkansas, we have an even more acute problem because we have a constitutionally prescribed limitation on the amount of interest that can be charged by lending institutions. Our 10-percent usury limitation is designed to protect the consumer but when national interest rates drive the cost of money up to a point where lenders can no longer afford to make consumer, farm, home, and business loans, the State's economy virtually grinds to a halt.

I spoke this morning with a banker in the small community of Tuckerman, Ark. He told me that his bank has had to routinely turn down applicants for automobile, appliance, and other types of consumer loans because the cost of money to his bank exceeds, by a large measure, the interest the bank can charge its customers.

Mr. Speaker, the problem of high interest rates not only fuels the fires of inflation but, ironically, is driving money out of States like Arkansas. Retailers are hurt badly, banking and credit institutions are suffering, the housing market is dead in the water and farmers are experiencing an ever-tighter cost-price squeeze. Yet the cost of goods and services coming into the State continues to mount, increasing the price burden on consumers.

I believe it is time to reassess the Federal Reserve's policies of raising interest rates to restrict the supply of money. The evidence is becoming overwhelming that inflation is, in fact increased, rather than dampened with each new elevation of the Federal discount rate.

It is time, also, Mr. Speaker, for the Federal Reserve to distinguish between producer credit and consumer credit. In a credit-deprived economic environment, industrial growth is inhibited and the productive components of our economy are disadvantaged. This leads to contraction of our industrial and agricultural output with all the attendant ills of unemployment, diminished income, decreased revenue for governments at all levels, and the necessity for increased Federal outlays for income support.

AFGHANISTAN

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEREUTER. Mr. Speaker, the subject is Afghanistan. On November 20, I advised my colleagues of a vote to be taken that day in the United Nations on a resolution calling for removal of foreign troops from Afghanistan.

I am sure my colleagues will be interested in the action taken that day. The U.N. General Assembly voted overwhelmingly for the "immediate withdrawal" of the Soviet forces from Afghanistan.

The vote was 111 in favor, 22 against and 12 abstentions. Last January a similar vote for a Soviet pullout was 104 in favor, 18 against and 18 abstentions.

This is heartening news, for the action was taken despite Soviet pressure tactics and their threats that a vote for the resolution would be regarded as "an unfriendly act." Despite the strenuous Soviet efforts to persuade nonalined countries to reject the resolution, more than 40 Third World nations voted for a resolution affirming Afghanistan's "sovereignty, territorial integrity, political independence and nonalinement," and asking for the withdrawal of all foreign troops from the country. The nations of the world will not forget or condone the brutal aggression of the Soviet Union against its neighbor, Afghanistan.

The following is a list of those nations that did not vote for the resolution.

COUNTRIES VOTING AGAINST U.N. RESOLUTION

Afghanistan, Angola, Bulgaria, Byelorussia, Cuba, Czechoslovakia, Ethiopia, East Germany, Grenada, Hungary, Laos, Madagascar, Mongolia, Mozambique, Poland, Sao Tome/Principe, Seychelles, Soviet Union, Syria, Ukraine, Viet Nam, Southern Yemen.

COUNTRIES THAT ABSTAINED

Algeria, Benin, Cape Verde, Chad, Congo, Cyprus, Finland, Guinea-Bissau, India, Mali, Nicaragua, Zimbabwe.

COUNTRIES THAT DID NOT VOTE

Bhutan, Bolivia, Dominica, Iran, Libya, Romania, South Africa, St. Vincent/Grenadines, Union of Yemen.

A TRIBUTE TO CONGRESSMEN RICHARDSON PREYER, LAMAR GUDGER, AND SENATOR ROBERT MORGAN

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. Fountain) is recognized for 60 minutes.

Mr. FOUNTAIN. Mr. Speaker, as the dean of the North Carolina State congressional delegation, I have asked for this time to pay tribute to three of our distinguished colleagues, but I also have the sad duty of noting that they will not be returning for the 97th Congress.

These three distinguished men—Representatives Richardson Preyer, and Lamar Gudger here in the House and Senator Robert Morgan over in Senate—have all made valuable contributions to progress, in the life of the Nation. And I am proud to stand here today and pay tribute to these outstanding men who have served with such distinction, dedication and honor.

Because there are a number of Members in the Chamber today who wish to pay tribute to one or another of these Members from North Carolina, I will try to be as brief as is appropriate by extending my full remarks in the Record.

TRIBUTE TO RICHARDSON PREYER

Mr. Speaker, I would like to take the time now to pay tribute to my good friend and colleague, the Honorable Richardson Preyer of North Carolina, whose counsel and wisdom will be missed in the 97th Congress by many, many Members of this House.

During my years in Washington, I have known a great many legislators, and I am particularly pleased to have known and been associated with Rich Preyer. He is an extremely dedicated, intelligent, and articulate public servant. While reflecting on the great loss of the Sixth District of North Carolina, the Greensboro Daily News closed its editorial on Rich's career on this note:

> If there is solace, it is to be found in the remarkable shape and story of his career. Look there and learn. You shall not see its like.

I share that distinguished newspaper's heartfelt sense of loss.

Rich, who entered the Congress in its 91st meeting, has had a distinguished record of public service which began long before his election to Congress in 1968.

At the age of 34, Rich was appointed city judge in Greensboro; and in 1961, President John F. Kennedy appointed him Federal judge of the middle district court.

A quote from a radio program here in Washington gives us insight into the character of Rich Preyer:

> What kind of man gives up a lifetime federal judgeship to run for office? The same kind of man who goes beyond the call of duty in the battle of Okinawa, and wins the Bronze Star.

Rich Preyer's career is what public service is all about. As the Washington Star stated in an editorial:

> In a long record of public service, state and federal, Richardson Preyer's conduct almost defines probity.

Indeed, in public service, we are represented by the full range of the human species—with all its faults and all its abilities. Somehow, Rich has managed to take the best elements of the human arsenal and shape himself into an ideal public servant.

While Rich is a hardworking member of one political party, he is well-respected on both sides of the aisle. And while some public servants become noisy in their partisanship, Rich will show disagreement with intelligence, respect, and calm. And while some legislators forget the lessons which history has taught us, Rich has remained faithful to history's subtle lectures through his keen mind and unquestioned integrity.

The respect in which Rich is held really needs no amplification. It has been attested to time and time again in such cases as his appointment by Speaker O'Neill, who picked him to be chairman of a select committee, to write a code of ethics for this very House. Rich was also named to the Ethics Committee—an assignment which was not always pleasant, but which he undertook with his customary competence.

With such taxing and time-consuming appointments, many would let some of their other work slide. Not so for Rich Preyer. As a member of the House Committee on Government Operations, and as chairman of the Subcommittee on Government Information and Individual Rights, Rich has worked diligently not only to keep up on all his working assignments, but he has managed to excel in his every endeavor. I serve with him on this committee, and I know whereof I speak. Richardson Preyer is a doer with a capital "D."

Mr. Speaker, Rich and his lovely wife, Emily, will be sorely missed here in Washington. Emily possesses charm and grace in full measure.

Rich Preyer has served his district and the Nation with great distinction, love, and honor. He has been an accomplished legislator, and he is truly an outstanding American. I am proud to have served with Rich, and I wish him well in the years ahead. Our Nation will continue to need his great warmth, intelligence, and capacity for hard work.

I know that Rich will continue to be in the public eye—his country urgently needs him.

And now I would like to enter in the Record at this point excerpts from an editorial about Rich Preyer which appeared in the Greensboro Daily News of November 7, 1980. They are as follows:

A Good Man Lost

> One might say that Richardson Preyer began preparing for his defeat in the 1980 Sixth District congressional race on the day he was born.
>
> He grew up in a wealthy southern family, heir to a pharmaceutical company fortune and heir to the philosophy that wealthy men must serve their fellows where they can, with modesty and intelligence.
>
> This philosophy has deep roots in the South, particularly in the region's politics. Thomas Jefferson is its patron saint. His lineage includes the likes of LeRoy Percy of Mississippi, a man of wealth and principle, and a fierce opponent of a concurrent strain in southern politics, the demagoguery of the Bilbos, the Vardamans and the Longs. To such men as Percy and Richardson Preyer, public service was the ideal and reason ruled emotion.
>
> Representative Preyer has evinced precisely those qualities throughout his career of public service, first as a judge, then as a gubernatorial candidate and, for the last 12 years, as a six-term congressman in the U.S. House of Representatives.
>
> There is no room here to summarize Mr. Preyer's congressional career. Suffice to say that he served his constituents' interests with a quiet diligence and a self-effacing integrity. Ironical as it may seem, such attributes served him poorly on Tuesday at the polls.
>
> On that day, as people here and elsewhere across the nation scanned the stormy skies across America, they felt anger, confusion and fear. They wanted a change. In the face of such desire, a quiet, reasonable voice like Mr. Preyer's was as so much muffled thunder in the distance. "Thunder is good, thunder is impressive," they seemed to say, echoing Mark Twain, "but it is lightning that does the work."
>
> * * * * *
>
> If there is solace, it is to be found in the remarkable shape and story of his career. Look there and learn. You shall not soon see its like.

TRIBUTE TO LAMAR GUDGER

Mr. Speaker, at this time I would like to say a few words about my distinguished colleague and good friend of many years' standing, the Honorable Lamar Gudger, Congressman from the 11th District of North Carolina. It saddens many of us I am sure to think of beginning the 97th Congress without Lamar's steady and friendly voice in this body.

Lamar has long been a dedicated public servant to his city, county, State and Nation. He began his life of public service nearly 30 years ago in the North Carolina House of Representatives, and he served in our State senate for 5 years before the people of his district called him to the U.S. Congress. In fact, a number of years before his service in the North Carolina State Senate, we served together in the North Carolina legislature when he was in the house and I was in the senate. As a compassionate and legally trained man, Lamar qualified admirably for his State positions as chairman of the Legislative Commission on Children with Special Needs and the Commission on Correctional Programs and Speedy Trials.

As is the case with most truly distinguished leaders, LAMAR'S activities and accomplishments are large in scope. He has remained active in Asheville's Central Methodist Church throughout his fruitful years of public service. During World War II, he served gallantly as captain and navigator for the 305th Bomb Group, 8th Air Force, where he flew 30 missions over Germany and earned the Distinguished Flying Cross and the Air Medal with five Oak Leaf Clusters, as well as other decorations.

Upon entering the 95th Congress in 1977, LAMAR once again showed us his compassion, hard working ability, and legal acumen in his committee work. His service on the Select Committee on Aging for the past 2 years has been, as he puts it, "a labor of love." The Speaker could not have made a wiser appointment, and LAMAR will be very difficult to replace on this vital committee.

Always putting the people of his district first, LAMAR gained a spot on the Interior and Insular Affairs Committee. With more than 20 percent of the 11th District's land under Federal ownership, his appointments to the Subcommittee on National Parks and Insular Affairs and to the Subcommittee on Public Lands tapped his expertise as well as his district's needs. LAMAR's steady hand has been a prudent and effective plus to those committees.

True to his desire to serve all the people of his district, LAMAR introduced a bill to study the possibility of making the Cherokee Indian "Trail of Tears" part of the National Trail System.

The trail was the route taken in 1838 when U.S. Army soldiers evicted over 17,000 Cherokee Indians from their native lands and forced them to march from western North Carolina and north Georgia through Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma.

As LAMAR said:

> The Cherokees have been involved with the cultural, historical, military, religious, and commercial activities of the United States. The so-called Trail of Tears is a sad but important part of the Cherokee history.

I agreed with LAMAR when he introduced this legislation—which I have cosponsored—and I agree with him now. I can only hope that the Senate acts quickly on this legislation, under the omnibus parks legislation, which the House has already passed.

Finally, LAMAR's work on the important Judiciary Committee has been a tailor-made opportunity for the United States to benefit from his many years of experience as a trial lawyer and district attorney in the 19th Solicitorial District.

LAMAR GUDGER's many accomplishments have been recognized not only in North Carolina and in the Congress, but also by the national business community. Twice he has been honored by the National Federation of Independent Businesses, which presented him with its Guardian of Small Business Award. And in this day of excessive Government spending, LAMAR has been honored by the National Associated Businessmen with their Watchdog of the Treasury Award. To quote NAB Chairman Arthur T. Roth:

> Congressman Gudger deserves public recognition for his prudent voting against runaway federal spending and inflationary budget deficits. Gudger clearly sees that skyrocketing Federal spending is the primary cause of inflation, low productivity and economic stagnation which are wreaking havoc on the American people.

Clearly, LAMAR has fought hard to overcome America's number one opponent: inflation.

Mr. Speaker, LAMAR and his charming wife, Genie, will be missed in Washington circles. I have enjoyed their special brand of western North Carolina hospitality and warmth.

My friends, LAMAR GUDGER has ably served his district, his State, and his Nation. His dedication to hard work, his compassion, and his love of our great country will not be forgotten.

I am proud to have served with LAMAR in the North Carolina State legislature and especially here in the U.S. House of Representatives. He has worked diligently, and he has accomplished much. We continue to need LAMAR's dedication to this country, and I know that he will continue to serve his Nation and State with determination and great ability.

TRIBUTE TO ROBERT MORGAN

Mr. Speaker, at this time I would like to pay tribute to my friend and colleague, the Honorable ROBERT MORGAN, Senator from North Carolina. I am sorry to say that BOB will not be returning for the 97th Congress, and he will be sorely missed by all who have known of his hard work, his courage and his integrity.

BOB came to the Senate in 1975, after having ably served the State of North Carolina as a State senator for five terms and as the State's attorney general for 6 years. Indeed, BOB's hard work for consumer rights while he was attorney general achieved results of landmark proportions for the consumers of North Carolina and for consumers throughout our Nation. BOB was a national leader in this vital area of consumer protection—an issue which affects each of us. His consumer rights program will have lasting benefits for the people of North Carolina as well as for the Nation as a whole.

When BOB MORGAN came to the Senate, he did not seek the limelight. He got his committee assignments and went to work on behalf of North Carolina and our Nation. Colleagues on both sides of the aisle have found him to be a hardworking, conscientious, and reliable ally or advocate who does the necessary spadework and who is an effective spokesman for issues about which he feels strongly.

BOB has served devotedly on the Armed Services Committee and on the Banking, Housing, and Urban Affairs Committee in the Senate. He has championed our Nation's need for a strong national defense by supporting programs designed to effectively utilize our funds and manpower. If we are to remain a Nation which is second to none, we must thank men like BOB MORGAN for playing a crucial role in standing firm for our Nation's security. If our defenses fail, and our Nation falls, all other issues become insignificant, and BOB MORGAN knows this.

BOB's sense of duty to his country was evident long before his election to the U.S. Senate. He was a lieutenant commander in the U.S. Navy, and even now he is a lieutenant colonel in our Nation's Air Force Reserve. BOB MORGAN's devotion and love of his country is an excellent example for all of us to follow.

In domestic affairs, as a member of the Banking, Housing, and Urban Affairs Committee, BOB has served with distinction as chairman of the Subcommittee on Rural Housing. At a time when the spotlight is on the big cities, BOB has quietly worked to insure the well-being of the millions who reside outside the larger urban areas. In this important assignment, BOB once again shunned the limelight to deal with the needs of some of our less publicized citizens.

To attest to BOB's quiet effectiveness here, one only has to look to the Farmers Home Administration which has made more loans for rural housing in the 4 years since he assumed chairmanship of the Rural Housing Subcommittee than it made in the 40 previous years of its existence. Again, results, not high-minded oratory, separate the achievers from the fence sitters; and BOB MORGAN is a man who has always demanded results.

BOB and his gracious wife, Katie, will be greatly missed here in Washington. Whether at a "rubber chicken" dinner or at an elegant reception, the Morgans have the rare ability to make everyone feel at home and welcome.

That BOB is a man of compassion is evident to all of us who know him personally. Apart from raising two lovely daughters, Mary and Margaret, the Morgans took Rupert Tart into heart and home. Rupert, a young man with no family of his own, found a loving home with BOB and Katie, and Rupert is now married and expecting a child of his own. No doubt that his baby will also benefit from the warmth and love of the entire Morgan family. There are few men who have the compassion, strength of character, and the high intelligence of Senator ROBERT MORGAN.

Mr. Speaker, ROBERT MORGAN has ably served his State and his Nation. As majority leader ROBERT BYRD has said,

> If there is one attribute that Robert Morgan has brought to the Senate, it is commonsense in tackling the problems we face. And I cannot think of a better gift he could have brought or one which the country needs more.

In this time—a time when the world seems out of joint—BOB's down-to-earth, commonsense approach to our Nation's ills has served our country well. I could not agree more fully with Senator BYRD's assessment of BOB MORGAN.

Mr. Speaker, I am proud to have served with BOB MORGAN as a member of the North Carolina delegation here in Washington. I sincerely hope that the people of North Carolina and the rest of the Nation realize what a great leader they have had in BOB MORGAN. He has accomplished much in his distinguished career, and I know BOB will continue to serve this Nation with his hard work, commonsense, and integrity—his dedication to this country will permit nothing else.

In concluding my own remarks, I would like to include in the RECORD at this point some comments by the Governor of North Carolina, James B. Hunt, Jr., and by North Carolina's superintendent of public instruction, A. Craig Phillips, about these men. Their letters are as follows:

STATE OF NORTH CAROLINA,
Raleigh, N.C., November 25, 1980.

Hon. L. H. FOUNTAIN,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR L. H.: On behalf of the citizens of North Carolina, I want to pay tribute to three distinguished North Carolinians who have given greatly of themselves to serve our state and nation as members of Congress.

Senator Robert Morgan has served in the United States Senate with great distinction during his six years. His former service as North Carolina Attorney General prepared him well and his concerns were reflected by his keen interest in federalism and a strong role for the states. The contributions he made will certainly continue beyond his service in the Senate.

It is with great sadness that we note that Richardson Preyer will be leaving Congress this year. In his six terms as the Congressman from the 6th District of North Carolina, Rich Preyer has been a tireless and dedicated worker. His contributions in the area of ethics will continue to have a positive impact upon every action the Congress takes. He has worked closely with us and maintained strong ties with the people of North Carolina. Richardson Preyer has certainly distinguished himself as a true leader in every sense of the word.

The Honorable Lamar Gudger, in his two terms, has served the 11th District and North Carolina well. I want to pay tribute to him for the extensive work he did in seeking a criminal justice system that is fair and effective, and for his special efforts in protecting and maximizing the use of the natural resources of our beautiful Blue Ridge Mountain area for all citizens.

Each of these men has served North Carolina with honor and distinction. We shall miss working with them in Congress, but with the record of public service they each have established, we trust we will have the opportunity to work with them in other areas.

My warmest personal regards.

Sincerely,

JAMES B. HUNT, Jr.,
Governor.

STATE OF NORTH CAROLINA,
Raleigh, N.C., November 21, 1980.

Hon. L. H. FOUNTAIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FOUNTAIN: I am pleased to be informed that you have been granted a Special Order to honor Senator Robert Morgan, and Congressmen Richardson Preyer and Lamar Gudger. I am requesting that this letter be included as part of the Special Order.

Senator Morgan and Congressmen Preyer and Gudger have served North Carolina and the Nation with dignity and dedication. As State Superintendent of Public Instruction, I wish to express my sincere appreciation to each of them for their support of the public schools and for their efforts to improve educational opportunities for our children and youth. We shall miss working with them in the 97th Congress.

Thank you for making this occasion possible. I look forward to working with you in the years ahead.

Sincerely,

A. CRAIG PHILLIPS,
State Superintendent of
Public Instruction.

□ 1820

Mr. ROSE. Mr. Speaker, would the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. Mr. Speaker, I want to thank my dean for yielding and observe that not only is he our dean, but he is one of the most eloquent Members of the House of Representatives. I do not believe, dean, that I have ever heard you more eloquent and more precise and proper than you have just been about these three colleagues of ours.

I would like to very sincerely join in every remark that you have made about these departing colleagues. You have done them proud and done us proud, sir, by what you have just said, the RECORD, I hope, will fully display that.

We have lost three very good and very close friends and the State of North Carolina no longer has their services in Washington. But I am quite sure that in whatever capacity that they choose to serve in the future, that the people of North Carolina and of our Nation will be greatly served.

I thank you for what you said. We will miss them personally. We will miss their advice and counsel and most importantly, we will miss them as three very important friends and members of the North Carolina delegation.

I thank you, sir, for yielding.

Mr. FOUNTAIN. I appreciate your comments about me and I am sure they themselves appreciate your comments about them.

Mr. PEPPER. Mr. Speaker, would the gentleman yield?

Mr. FOUNTAIN. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman in the well for yielding to me to join in the tribute that he has just so ably paid to our distinguished colleagues from North Carolina upon their leaving this House, Mr. PREYER and Mr. GUDGER.

No future volume entitled "Profiles in Courage" could possibly be adequate or complete if it were dealing with the public men of this era without space being appropriately accorded to the name and the career of RICHARDSON PREYER.

I have not known in my lifetime a man who was more the symbol of intelligence and integrity than the man we affectionately call RICHIE PREYER. He was a very symbolic suggestion of integrity in public office. He was first approved by the U.S. Senate, as by the President of the United States, to be a U.S. district judge. That required a finding by the investigative authorities of the Department of Justice that he was a man of outstanding repute and integrity. Then, in the performance of the solemn duties of that high office, he achieved eminence and distinction and the respect of all who were aware of the great job that he did.

I do not know of any other man in my own career or within my own knowledge or experience who has given up a U.S. judgeship to be a Member of the House of Representatives in the U.S. Congress. While I think there is no lesser responsibility on the part of one who serves here, there are all the prerequisites of permanence, there are all the attributes of dignity and respect associated with the high office of judge that most men covet and most reluctantly would lay aside.

Yet, I am sure, though I have never heard him express himself on the matter, that the reason that RICHIE PREYER chose to give up a job of lifetime tenure, a position of the highest respect and esteem and to come to this House was because he thought as a Member of this House he could render a greater service to his State and country than he could render even serving in the exalted position of a judge on the bench.

All of us who know of his record here know how eminently he succeeded in rendering that quality of service. There was never a difficult task that the leadership of this House had to find a man to be willing to undertake and offered it to RICHIE PREYER but that he willingly undertook it, however arduous and difficult the performance of that duty might be. He was a man who never shrank from the stern call of duty. His colleagues knew that when RICHIE PREYER made a report or a recommendation that it came not only from a very high level of intelligence, but it came from a man of integrity beyond reproach, a man so dedicated to duty that he could not be turned aside by any sort of diverse influence.

So, his record here in this House is a record of the highest quality of public duty so well performed. I am sure that every Member of this House will recognize that this House is poorer indeed that RICHIE PREYER after the new year will not honor us with his presence here. Many of us will never forget the warmth of his friendship, the kindliness, and the gentility of his demeanor, the quality of gentleman as well as statesman that he was, the kind of American of whom we can all always be so eminently proud that he personified.

I think we can say of RICHIE PREYER, as Antony said over the fallen Brutus in his tent at Philippi:

His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This was a man."

Might I also say a word, if the gentleman would yield further, about our distinguished colleague, LAMAR GUDGER. I feel a particular loss of a personal nature because of LAMAR GUDGER passing from this House because he was an eminent member of the House Select Committee on Aging of which I have the honor to be the chairman. There was no more faithful member of that committee than LAMAR GUDGER, no man more deeply concerned about the well-being of the elderly of this country than LAMAR GUDGER, a man who worked harder to help those in the ranks of seniority who needed assistance than LAMAR GUDGER. Holding hearings in his district and in other parts of the country, developing information that would be the basis of recommendations and often legislation, LAMAR GUDGER immeasurably enriched the lives of the elderly people of this country.

The tragedy is to be borne by them as well as by us that he will no longer be in that committee and on this floor as an eloquent and dedicated spokesman for many things yet to be done to make their lives longer and healthier and happier.

So, I am proud to raise my voice in tribute and in gratitude to Lamar Gudger as a Member of that category for what he has done for the elderly of America and for the pleasure and pride and privilege I had of being his colleague and his friend in that service. I wish him in all the years of his life, and may they be long, the health and the happiness, and the respect and the gratitude he so richly deserves.

I thank the gentleman for yielding.

Mr. FOUNTAIN. Mr. Speaker, for many years I have admired the gentleman who has just spoken, when he was in the U.S. Senate and during his presence here in the House, his eloquence and the way in which he expresses himself so well, particularly extemporaneously. I want to say that the gentleman from Florida has again demonstrated capacity to speak with eloquence about these two distinguished friends of ours and I am sure they appreciate it and so do we.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, would the gentleman yield?

Mr. FOUNTAIN. I am happy to yield to the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to give me an opportunity to pay a personal tribute to one of my oldest and dearest friends in the world, Richardson Preyer. Mr. Speaker, our friendship began a long time ago when we were in law school together and we were both married and the two families lived in a small apartment building right next door and our two first-born children were born only 2 days apart. So that I can say that Emily and Rich Preyer and Lucy and Bill Moorhead became very close friends a long time ago. That friendship never ended but continued and you can imagine my delight when in 1968 Rich was elected to the Congress and I knew that this old friendship, which had continued, could be closer geographically than it had been able to be before.

There is so much that could be said about Richardson Preyer and his service to the Congress. I know the gentleman in the well, the dean of the delegation, and Rich Preyer and I served on the Committee on Government Operations together and we know from personal experience how hard and dedicated his work is on that committee. He is now the chairman of the Subcommittee on Government Information and Individual Rights, a subcommittee in earlier years under slightly different name I had the honor of chairing. I was proud to see that Richardson Preyer carried on and improved on everything I tried to do.

□ 1830

Rich also took on the delicate task of chairing the select committee to write a code of ethics for the House, a position to which the Speaker appointed him in 1977. He was asked to serve on the House Ethics Committee and the Assassinations Committee. He was selected because everyone recognized that he is Mr. Integrity of the Congress. He accepted the appointments not for personal reasons or political popularity, but because he thought it was his duty. He took on difficult and unpopular jobs because he thought it was his duty and he was selected for them because the leadership recognized the quality of judiciousness which he always had. Maybe it is because of his experience as being a distinguished judge in North Carolina but certainly we in the House of Representatives recognized and admired these qualities.

Mr. Speaker, it is unusual for a district to send to Congress a man of such outstanding qualities and capabilities.

The Sixth District of North Carolina did that. I am sorry that the Sixth District made a different decision this time but I think they will recognize finally that they have missed, they will miss the quality of dedicated duty to his constituents that Richardson Preyer has always displayed. I certainly wish my dearest friends, Emily and Rich Preyer, the best for the future.

Mr. Speaker, if the gentleman would continue to yield, I would also rise to pay tribute to the other distinguished gentleman from North Carolina in that House of Representatives, the Honorable Lamar Gudger. He has served as an able legislator and dedicated friend. He has been an instrumental leader in the House Committee on Aging and, in addition, a strong member of the Interior and Insular Affairs Committee and the Committee on the Judiciary.

This body and the 11th District of North Carolina will miss his loyal services and friendship. I wish him well in the future.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FOUNTAIN. I thank the gentleman for his eloquent contribution and for bringing in a personal touch of his previous relationship with Rich Preyer. I am sure they will appreciate it very much.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I now yield to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. I would like to add just a word about the gentleman from North Carolina who came to Congress when I came, Lamar Gudger. I found him to be a legislator's legislator, a good friend and a fine person. We will sorely miss him here and I wish him well in the days ahead.

I think that one thing, when you know Lamar Gudger, you realize that his main purpose throughout his years has been to serve his country. From the moment that he acquired his distinguished war record to the moment he serves his last day in this body, we can truthfully say of his entire career that he has served his country well. He has distinguished himself because he has a very able mind. He has been one of the leaders and opinionmakers on the Committee on the Judiciary. More than that he has been a friend to all who wished his friendship. More than that he has set a moral tone that all of us wish to aspire to.

Mr. Speaker, I wish Lamar Gudger and his charming wife all the very best in the days ahead.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FOUNTAIN. I thank the gentleman from Missouri for his contribution.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I will be glad to yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, I am honored to rise today to say a few words on behalf of one of the most distinguished Members in the House of Representatives, my friend and colleague, Richardson Preyer.

The judge and I were both elected to Congress in 1968. Since that time I have witnessed this fine man from North Carolina evolve into one of our most respected Members. He is truly a statesman. Through his dedicated and hard work on the Interstate and Foreign Commerce Committee, the Government Operations Committee, and the Standards of Official Conduct Committee, Rich has compiled a record of public service which any of us here would be proud to have.

Since our first meeting in the 91st Congress I have continually been impressed with his personal warmth, unquestionable integrity, and his rare qualities of leadership. Throughout these past 12 years he has represented the Sixth District of North Carolina with the highest level of competence and legislative ability, and always demonstrated a genuine concern for his constituents and his country. While this great institution is the poorer for his departure, his constituents back home will be the ones who will be most affected.

I know how much time and effort Rich devoted to the American people through his position on his committees. He has been forthright and forceful when stating his positions. All those who understand the workings of Congress will agree that Rich is one who truly represented his constituents and got things done.

My wife, Lee, joins me in extending to the judge, his wife, Emily, and their five children our warmest wishes in all their future endeavors.

Mr. FOUNTAIN. Mr. Speaker, I now recognize the gentlewoman from Louisiana (Mrs. Boggs).

Mrs. BOGGS. I would like so much to say thank you to Richardson Preyer for his wise counsel and his diligent service, his love of this institution and for his stalwart protection of our precious American freedoms. I would also like to say a thank you to Emily Preyer, the lovely Emily, who in a lively and resourceful and meaningful way served the Congress of the United States and the Nation as the president of the Congressional Club. I will miss both of them from this body and from the service in the Congress very much. I hope they will be around to enliven our lives and to help us in our decisions in the years to come.

I thank you, Mr. Speaker.

Mr. FOUNTAIN. I thank the gentlewoman for her contribution. I am sure Rich Preyer and Lamar Gudger appreciate your comments very much. I now yield to the gentleman from California (Mr. Waxman).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding to me. I want to join with my colleagues in paying tribute to our colleague, Richardson Preyer. I was stunned by his defeat for reelection in November. I have lost a good friend and an exceptionally able colleague. The people of North Carolina have lost one of the finest legislators in Congress.

I served with Rich over the last 6 years in the Committee on Interstate and Foreign Commerce and its Subcommittee on Health and the Environment. He has been a consistent ally and a welcome source of support. No one will be able to adequately replace him.

Rich has the highest respect of everyone in this House. On every issue we have faced Rich Preyer has applied a careful and balanced perspective. He cares about people and is constantly concerned that they be treated fairly, decently, and at all times justly. He believed Government must take sides on behalf of those who need help, opportunity, or protection. Be they children who need preventive health programs, or common citizens victimized by discrimination. He has been a voice for civil rights, social justice, and human dignity. His was a voice to which we all listened.

Mr. Speaker, 2 years ago Rich and I opposed each other for the chairmanship of the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce. It was a hard and close fight but there were never any hard feelings between us. Immediately after the decision was made, we shook hands and resolved to go forward together, and we have. I have turned to Rich often in this Congress and very much regret I will not be able to do so in the next. I want to wish him well and extend my profound thanks for all he has done. I thank him for the great contribution he has made to this country. I hope that when the time comes for me to conclude my service in this Congress that I can say I have accomplished as much with as much dignity as Rich Preyer has done in the terms he has served with us.

Thank you very much.

Mr. FOUNTAIN. I thank the gentleman for his contribution and I now yield to the gentleman from Ohio (Mr. Kindness).

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding. I would seek to join my colleagues in expressing the great pleasure that it has been to serve with Richardson Preyer in the House of Representatives and to mention the respect I have gained for this great man in the time that we have worked together on the Government Information and Individual Rights Subcommittee of the Committee on Government Operations.

□ 1840

It is a pleasure to work with a gentleman who not only exercises his intellect in a way that is intended to bring forth the best in legislative content, but to be really under the influence of a gentleman who is a gentleman all the way in his consideration of other people, the needs of Americans everywhere who will be affected by legislation.

I feel that it has been an honor and a privilege to serve with him in that close a capacity and wish him the very, very best in whatever he undertakes next, which I am sure will be a successful undertaking indeed.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Ohio.

● Mr. VANIK. Mr. Speaker, it has been my privilege to serve with Richardson Preyer since 1968. This fine Representative brought honor and distinction to this Chamber and its heritage.

We strive for fairness and objectivity. His fine and fair judicial mind was always at work—always at service.

I extend best wishes to Richardson Preyer and his lovely wife, Emily. As a contemporary, I value the privilege of knowing and working with Richardson Preyer, Congressman, judge, and friend.●

Mr. FOUNTAIN. I thank the gentleman from Ohio for his contribution.

I would like to state that I have a folder here with a large number of tributes from Members who wanted to be here in person but because of circumstances beyond their control were not. They have submitted for insertion in the Record, both from the Republican as well as the Democratic sides, their personal tributes of these distinguished Members of the Congress of the United States.

Mr. Speaker, I want to express my sincere appreciation to all of the Members of the House who have participated in this special order, and who have said so many well-deserved and splendid things about Congressmen Rich Preyer and Lamar Gudger and Senator Bob Morgan, the retiring Members of the North Carolina delegation. And while we are saddened that they are not returning, we are indeed fortunate to have benefited Congress and to the Nation.

● Mr. JONES of North Carolina. Mr. Speaker, my association with Senator Robert Morgan goes back to the mid-fifties when I had the pleasure of serving with him in the North Carolina General Assembly. Later I watched with admiration his North Carolina Senate leadership and his outstanding record as attorney general of North Carolina, and his 6 years of dedicated service in the U.S. Senate.

I regret as much as anyone that he will not be with us during the 97th Congress, but I am sure that he will continue to render valuable service to the people of North Carolina in whatever capacity he sees fit to occupy.

In closing, I wish he and his family much health and happiness in the years ahead.●

● Mr. COELHO. Mr. Speaker, I rise with my friends and colleagues to pay tribute to another friend and colleague, Richardson Preyer. For 12 years—six consecutive Congresses—Rich has served his district, his State, and his Nation.

I will always think of him as the "conscience" of the House. His ideals and character are above reproach. His counsel has been valuable to us as we have faced difficult decisions in recent years.

I am genuinely sorry to see him leave the House. Perhaps it is a cliche to say that he will be missed, but that is the case, nevertheless.

Mr. Speaker, both Rich and his colleague, Lamar Gudger, have served well. I wish them both all the best.●

● Mr. EDWARDS of California. Mr. Speaker, the House will be losing one of its great intellects and humanitarians at the end of this Congress. Richardson Preyer has been in the forefront over his years here in our common struggle for further equality of opportunity in this country. His wise counsel on civil and human rights legislation will be sorely missed. There were none here in the House more concerned with protecting the principles in the Constitution from the annual assault that has become so common.

I value very highly the personal and professional relationship I have had with Rich. The courage he always showed on the tough issues of the day was inspiring to those of us who could always count on widespread support for our votes in our district. Rich did not always have this luxury, particularly on civil rights matters, but his principles never wavered. I am sure that history will record that he was among the most influential southern Members of this era in the House of Representatives. His voice was one of moderation and conciliation in a time of great cleavages in the political fabric of our country. I am very sorry to see him leave. His service to the country has been tremendous. I am sure though that he will continue to be of service to his country in the years ahead in other capacities.

Lastly, Mr. Speaker, this city will be less attractive without the Preyers, Richardson and his Emily. She has brought to this place grace and style together with a delicious sense of humor and a warmth that have made living here much more tolerable than if we had been here without them.●

● Mr. JONES of North Carolina. Mr. Speaker, the vicissitudes of politics are indeed strange. It is almost impossible to believe that such an outstanding gentleman as well as Congressman, Richardson Preyer, will not be returning to the Congress.

Certainly with his ability and dedication to whatever job might be at hand, I have no fears for his future. In whatever area of our economy that he might see fit to pursue, he will certainly make a valuable contribution to same.

To Rich and his fine family, I wish them many years of health and happiness and assure him that he will be missed here on the House floor in the days ahead.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Richardson Preyer, who is retiring at the close of the 96th Congress.

Richardson Preyer has given 12 years of dedicated and devoted service to his constituents of the Sixth District of North Carolina, and has compiled an outstanding record during his distinguished career. His diligent efforts as a member of the House Interstate and Foreign Commerce Committee and the House Committee on Standards of Official Conduct have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a stronger and better country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has RICHARDSON PREYER. As the chairman of the Subcommittee on Government Information and Individual Rights of the House Government Operations Committee, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's citizens caught in the bewildering maze of outrageous Federal bureaucracy.

RICHARDSON is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to RICHARDSON PREYER my best wishes for continued success in devotion to the highest principles.●

● Mr. EDWARDS of California. Mr. Speaker, LAMAR GUDGER's departure from Congress is a blow to the Judiciary Committee's tradition of fine legal scholarship. He has been, by all accounts, a very able and active member of the committee and has put his stamp on many pieces of legislation that passed through the committee. LAMAR is a very effective speaker and always pressed his convictions with articulate and well-reasoned debate. It was one such conviction that American women have to thank him for when he cast the deciding aye vote to send the equal rights amendment extension to the House floor in 1978.

LAMAR has been a friend of the people in pursuing their interests here. He has been a friend of the Democratic Party in pursuing the goals of the party and working with other Democratic Members. Most of all, he has been a friend of mine, one who I can call on to receive frank opinion and good advice. I am very sorry to see him not coming back. We will miss his excellence on the committee.●

● Mr. CHAPPELL. Mr. Speaker, it is fitting that we pause and pay tribute to the service of our retiring colleague, the Honorable RICHARDSON PREYER of North Carolina.

He is known by his colleagues for his great integrity and sound judgment. His service on the Interstate and Foreign Commerce Committee particularly in addressing public health and environmental issues has been exemplary. His perceptive insights and broad experience in the committee's field of responsibility will be hard to replace.

It is invariably a distinct pleasure to be with RICHARDSON and, while he possesses many fine attributes, I feel that his gentleness and his generosity in dealing with his fellow man are possibly his greatest virtues.

Everything I say about him can be said by every Member of the House. He is a loyal friend. He is a dedicated American and true patriot. He is respected and admired by all of us and is held in affection by everyone of his colleagues. Our collective best wishes go to RICHARDSON PREYER as he embarks on new ventures. We will miss him.●

● Mr. McCLORY. Mr. Speaker, in the reports following the recent national elections, it was surprising to many of us to learn of the defeat of our colleague, Congressman RICHARDSON PREYER of North Carolina. RICH PREYER and I have not always been in agreement on political and legislative issues. However, I have always maintained a high respect for RICH PREYER's views and for his conscientious application to the issues coming before his committees and before this body.

It has been a special privilege to serve as a fellow delegate with RICH PREYER at various Inter-Parliamentary Union meetings. Most recently he served as the chairman of our U.S. group and acquitted himself with dignity and with great skill.

I have been impressed by the breadth of RICHARDSON PREYER's intellectual pursuits, including notably the presentation which he made last year on the anniversary of the birth of Sir Thomas More, at ceremonies held in the Folger Shakespearean Library here in Washington.

RICH PREYER's adherence to high ethical standards and his participation in the work of the House Committee on Standards of Official Conduct have been major contributions to the reputation and work product of the U.S. House of Representatives.

Mr. Speaker, I should add also that my wife, Doris, and I have enjoyed a close personal friendship with RICH and Emily PREYER during recent years. We have been together on many social occasions and have found a particular interest in the sport of tennis at which both RICH and Emily PREYER excel.

Finally, it should be observed that the associations which we make in this body are frequently independent of party concerns and even philosophical positions. As I have indicated RICH PREYER, and I have differed on many issues which have come before this body in the course of our service here. However, on the issue of personal friendship and mutual respect, there has never been any disagreement.

In his involuntary retirement from this body, I want to assure RICH PREYER of my good wishes for his future, his health and his continued useful service to his State and Nation. My wife, Doris, joins me in this personal expression to RICH and Emily PREYER.●

● Mr. JONES of Oklahoma. Mr. Speaker, the House of Representatives can ill afford to lose two men of the caliber of those we honor here today. Although I am certainly pleased to join in bestowing well-deserved praise, I cannot say that the loss of these two men from this body, which occasions our speeches, pleases me at all.

RICHARDSON PREYER has served his district for 12 years, as a voice of reason and sound public policy. When called upon for tasks which others avoided, he did not shirk them. He accepted, and filled with distinction, some of the most difficult committee assignments that this body has ever seen.

LAMAR GUDGER, in only 4 years, has established his reputation as a dedicated, concerned, forthright and intelligent representative. What I think is most remarkable about both of these men, Mr. Speaker, is the degree of honesty and decency that they brought with them to their terms of service.

The integrity that LAMAR and RICH brought to public service should be emulated by all those who desire to serve in public office. These men are truly dedicated to serving their district, their State and their Nation. We need more people like them, and I am sorry to see them go. Because of the virtues they have displayed in Congress, I know that the future can hold only good things for them, and I wish them the very best.●

● Mr. HEFNER. Mr. Speaker, the House of Representatives will convene in January of 1981 without one of the finest men ever to serve in this Chamber. My dear friend and colleague, RICHARDSON PREYER, will be sorely missed. RICH has served the people of North Carolina and of this Nation with courage and distinction. He has provided us with a voice of moderation and of calm. With sense and sensitivity, RICH has dedicated himself to the principles upon which this great Nation was founded. As a champion of the rights of individual freedom, his efforts have been tireless, his words articulate, and his ideas thoughtful. RICH's wisdom and knowledge have been an inspiration to us all and shall long be remembered. Not only does he have the ability to achieve compromise and resolve disputes, but also he is a witty man in his own unassuming way. RICH's experience and understanding of the law have added great strength to this Congress. Above all, RICHARDSON PREYER is a gentleman of unquestioned integrity and quiet competence. The city of Washington will miss one of its most gracious ladies in Emily, for she is a sheer delight to all who know her. On behalf of my family and staff, I wish Emily and RICH every happiness and may God bestow upon them only life's fullest blessings.●

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from North Carolina (Mr. FOUNTAIN) for taking this special order so that Members can salute our distinguished colleague, RICHARDSON PREYER, who will not be returning for the 97th Congress. Congressman PREYER will be sorely missed by this legislative body and the Nation.

RICHARDSON PREYER and I came to Washington at the same time as Members of the 91st Congress. During our first term in Congress, both of us served on the House Un-American Activities Committee which was renamed the House Internal Security Committee.

From this first association and down through the years, I have gained respect for RICHARDSON PREYER's legal ability, integrity and general views on a variety of issues. This respect and friendship has been maintained over the years.

When I became chairman of the House Select Committee on Assassinations, I again had the fortune of working on a committee with RICHARDSON PREYER. He served as the chairman of the Kennedy Subcommittee which investigated the circumstances surrounding the assassination of President John Kennedy. RICHARDSON PREYER was also the ranking Democrat on the full committee.

Because of his fine legal ability and dedication to his work, I relied heavily on him during the committee's proceedings. At times when I was unable to convene meetings of the committee, I was proud to have RICHARDSON PREYER assume the Chair. On these occasions, RICHARDSON PREYER always conducted the business of the committee in a scholarly and judicial way.

Mr. Speaker, this action has been characteristic of the way RICHARDSON PREYER has conducted himself throughout his tenure in the U.S. House of Representatives. I am proud to have served with a man of such great dignity and commitment. I shall miss his leadership and friendship in the House as we start the 97th Congress.●

● Mr. JONES of North Carolina. Mr. Speaker, it is unfortunate that Members of this body represent districts which are so closely divided among the two major political parties that causes one to be faced with a major campaign every 2 years. But such is the case of my friend, LAMAR GUDGER, who after only two terms has made his mark within the Halls of Congress.

It is regrettable that the House will not have the benefit of his services, particularly in the judicial area in the months and years ahead. I will personally miss LAMAR and wish for him and his family the best of everything in the years ahead.●

● Mr. DERWINSKI. Mr. Speaker, it is a special pleasure for me to pay tribute to our distinguished colleague, RICHARDSON PREYER, as he leaves the House of Representatives at the close of this session.

I have served with RICHARDSON PREYER on many Interparliamentary Union meetings, where his outstanding leadership role as the chairman of the U.S. delegation provided effective representation for the United States in these international sessions. I can attest to his skill as a parliamentarian, his courage of conviction, and his strong leadership in the field of international relations.

RICH is one of our most valuable House Members. We will miss him as an outstanding colleague, and a conscientious and effective legislator. He leaves us at the end of this session after 12 years of dedicated and capable service.

As a member of the House Government Operations and Interstate and Foreign Commerce Committees, RICH has worked tirelessly to improve the integrity and efficiency of the services of the Federal Government. He has significantly contributed to the shaping of responsible policy which has been beneficial to all Americans.

My wife, Pat, joins me in extending our warm wishes to RICH and his wife, Emily for all the best in the years ahead. We add our sincerest wishes to them for continued good health and happiness.●

● Ms. FERRARO. Mr. Speaker, one of the most rewarding parts of being a Member of Congress is having the opportunity to meet and form friendships with people from totally different backgrounds. LAMAR GUDGER came to Washington, 2 years before I, from the mountains of North Carolina. His district includes the Great Smoky Mountain National Park, which is the most visited national park in the country. When my fellow New Yorkers travel to the Smokies on vacation, they find a very different life from the one they left in Queens.

Our different backgrounds, and the differing needs of our constituents, give LAMAR and me different legislative interests. But the process of learning about the problems and concerns of people from other regions of the country is what makes good legislation, and good government. Serving with people like LAMAR GUDGER has added to this learning experience.

Of course, there are also areas where our interests and concerns are the same. On the Select Committee on Aging, and especially on the Subcommittee on Retirement Income and Employment, I have found that we share a strong commitment to protecting the rights and interests of retirees as well as senior citizens who continue to work.

LAMAR GUDGER has been involved in North Carolina politics for the better part of 30 years. In that time, he has served the people of western North Carolina as a member of the State House of Representatives, as a district solicitor, and as a member of the North Carolina State Senate in addition to his service in Congress. In each of these forums, he has earned the respect and the affection of his colleagues. I want to join the rest of my colleagues tonight in wishing LAMAR GUDGER the greatest success and happiness in his future endeavors.●

● Mr. BINGHAM. Mr. Speaker, North Carolina has given fine legislators to the U.S. Congress, but I am sure none finer than LAMAR GUDGER and RICHARDSON PREYER. I usually have confidence in the ultimate wisdom of the American voter, but in these two cases that confidence has been severely shaken.

I have had the pleasure of serving on the Interior Committee with LAMAR GUDGER and have greatly admired the wise and judicious way in which he approached the important issues that come before that committee. Obviously a fine lawyer and a courteous gentleman, LAMAR has served the committee, the Congress, and his constituents with distinction.

Although I have not served on a committee with RICH PREYER, I have known him well as one of the most highly admired Members of the House. Chaucer's expression, "a parfit gentle knight," applies perfectly to RICH. In addition to his keen sense of justice and his devotion to the work of Congressman, he has managed to live a well-rounded life, displaying so many talents that he might be considered a 20th century "renaissance man." Since RICH came to Congress in January 1969, my wife and I have been privileged to enjoy a warm friendship with RICH and Emily, and we will miss them greatly. We can only hope that, before long, the tide that swept them away will turn and bring them back.●

● Mr. FITHIAN. Mr. Speaker, I would like to take this time to share my regret that Congressman RICHARDSON PREYER will be leaving the Congress at the end of this term. Among the colleagues we all regret losing, I believe we will feel his loss especially, for he has filled a special role in the House that very few, even if they could match his commitment, could fill.

In particular, I have had the chance to work closely with RICHARDSON PREYER on the Select Committee on Assassinations, where I have seen and learned from his dedication, his care, his level-headed judgment, and his fairness. I saw, too, the results that such efforts can bring. For me, service with Mr. PREYER on that committee was one of the high points of my service in the House and an affirmation of what a Congressman, at his best, should be. It is not speaking too strongly to say that the regard Americans have generally for the Congress would stand at a higher point, were they able, as I was, to witness the contribution of Members like RICHARDSON PREYER to the governing of our Nation.

But Congressman PREYER's contributions to our House and to our country reach far beyond the specific example I can cite from the Assassinations Committee. In his service on the Government Operations Committee, in his efforts on the House Ethics Committee, in the judgment and fairness he has brought to the Chair of the House itself during heated and sensitive debate, he has proved himself again and again as a resource we have trusted in and relied on in this body. In any area of endeavor throughout society there is a need for men like RICHARDSON PREYER, and I know, therefore, that his gifts and dedication will not be wasted. In some other endeavor, they will be put to use, not lost. But I know, too, that in the House we will feel the loss very deeply, and through its effect on our deliberations, the loss will also be felt by the country.

In closing, let me wish Congressman PREYER all the best in the next challenge he assumes and emphasize how deeply I appreciate all he has given to the challenge of service in the House of Representatives.●

● Ms. OAKAR. Mr. Speaker, it is with a clear sense of regret that the House of Representatives bids farewell to the reputable statesman from North Carolina, Congressman LAMAR GUDGER. Both his effective leadership and untiring efforts in behalf of his constituents deserve far more than a simple commendation can provide. Moreover, his contribution of character and the courage of his decisions cannot be captured in either the time or space allotted. These limitations notwithstanding, however, Congressman GUDGER's sincerity of purpose and integrity of action will not be lost on the Class of '76, nor forgotten in the House of Representatives, nor overlooked by the 11th District of North Carolina. Congressman GUDGER's legal expertise will be sorely missed on the House Judiciary Committee and I will personally and professionally feel his absence on the Select Committee on Aging. The spirit of his discipline, his quest for knowledge and his humanity, however, will continue as both an influence and an example on Capitol Hill. It is my sincere hope that the Honorable LAMAR GUDGER chooses to remain in public life. Our Nation cannot afford to lose such an invaluable asset.●

● Mr. DERRICK. Mr. Speaker, I would like to thank my friend and colleague from North Carolina, L. H. Fountain, for reserving this time today so that the Members of this Chamber might have the opportunity to offer tribute to the retiring members of the North Carolina delegation.

The U.S. Congress, as well as the State of North Carolina, Mr. Speaker, stand to lose from the untimely retirement of these Members of Congress. Few could argue the effectiveness and competence of both Lamar Gudger and Richardson Preyer in the House, and Robert Morgan in the Senate.

As a graduate of Princeton and Harvard Law, and former U.S. district judge, one would be hard pressed to have found a more appropriate Member to serve on the House Committee on Standards of Official Conduct than Richardson Preyer. On a wide range of extremely tough issues, including the investigations of the assassination of John Kennedy, the Koreagate scandal, and in calling for more complete financial disclosure for Members of Congress, Richardson exemplified uncommon persistence and ability in facing complex and politically volatile issues headon.

Likewise, Mr. Speaker, I am saddened to have to wish farewell to another colleague and good friend from North Carolina, Lamar Gudger. The citizens of the 11th District will find it difficult to find a more dedicated and tireless worker in the U.S. House of Representatives. As a Member of the House Interior and Insular Affairs Committee, the Judiciary Committee, and the Select Committee on Aging, Lamar, like his fellow colleague Richardson Preyer, was unafraid to tackle the tough issues. Because I represent the adjoining district in South Carolina, I have had the pleasure of sharing a platform with Lamar. I can attest to the fact that his presence in the House will indeed be missed.

While I do wish to voice my regret over the loss of these distinguished Members of Congress, Mr. Speaker, I am also assured that their past and present careers have established a pattern of individual distinction which will surely continue after they have left this office. I would like to offer them all the best of luck.●

● Mr. HALL of Texas. Mr. Speaker, I thank the distinguished gentleman from North Carolina for taking this special order to honor our colleagues from North Carolina, my dear friends Richardson Preyer and Lamar Gudger. These gentlemen have made a great contribution to the work of the House, and I am deeply saddened that they will not join us in January.

I serve on the Judiciary Committee with Lamar Gudger, and one of the most rewarding experiences I have had in the House is my close work with him on the committee. He is a gentleman in the classic sense—a person totally devoid of rancor, dogmatism, and pettiness. He has an abiding love of the law, and this characteristic shines forth in his patient, analytical approach to the very complex issues that come before the Judiciary Committee.

I respect Lamar Gudger's professionalism and absolute devotion to duty. He does not shirk responsibility, and his keen attention to issues before the House should serve as a model for all of us.

We knew Lamar would have a difficult fight for re-election, because his district is considered marginal. It was a great honor for me as a friend, admirer, and fellow Democrat to record a campaign spot for him to be used on radio stations in his district. Unfortunately, this effort and others fell short, and despite a valiant struggle, his bid for reelection narrowly missed the mark.

Nevertheless, Lamar Gudger is the kind of man who will not be content to sit on the sidelines. As a practicing attorney since 1942, a former solicitor, a former member of the North Carolina Legislature, and an active participant in numerous civic and charitable endeavors, we can expect to hear more from him in the future.

In the past 4 years I have developed a strong friendship for Lamar Gudger. Our wives are good friends, and my wife, Madeleine, shares in my keen disappointment over the results of the election. But true friendship transcends the irony and setbacks of politics, and I look forward to many more years of close association with this distinguished American.

It is also difficult for his friends and colleagues to realize that Richardson Preyer will not be a Member of the 97th Congress. Few people have served in this body with such outstanding credentials as Richardson Preyer brought here 12 years ago.

Richardson Preyer is widley known as an academician and distinguished jurist. Not only has he served as a city judge and superior court judge in his native North Carolina, but at the age of 42 he was appointed a U.S. District Court judge.

In the past few years the Congress has had its share of scandals, and many who took the oath of office have stood accused of wrongdoing. Yet, in the darkest days of the so-called "Koreagate" and "Abscam" scandals, the news media consistently pointed out to the American people that most Members of Congress like Richardson Preyer were not afraid to get at the truth and let the chips fall where they may. Integrity, ethics, truth—these are words that symbolize Richardson Preyer's political career, and they are traits that should be emulated by every man and woman who aspires to public office.

The State of North Carolina has given this Nation some of its finest leaders and patriots. Lamar Gudger and Richardson Preyer stand tall among North Carolina's greatest sons. We will miss them.●

● Mr. McCLORY. Mr. Speaker, in the course of our service here in the House of Representatives, it is most natural that we should develop friendships on both sides of the aisle. One of those friendships which I have experienced has been with our colleague, Lamar Gudger of North Carolina, who was defeated in his reelection bid in November.

Entirely aside for partisan political considerations, I have come to know and respect Lamar Gudger as a most thoughtful and hardworking Member of the House Judiciary Committee. Lamar and I have combined our efforts on many legislative initiatives and for the most part, we have seen eye-to-eye on issues relating to law enforcement and the administration of justice.

Mr. Speaker, I am pleased to take part in this special order commending Representative Lamar Gudger on his long and distinguished service in behalf of the 11th District of North Carolina.

In addition to our service together on the Judiciary Committee and in connection with numerous pieces of legislation on the floor of the House, I have enjoyed a cordial and friendly relationship with Lamar during his years of service in this body.

My wife, Doris, and I extend to Lamar and to his devoted and attractive wife, Jeannie, our best wishes for good health and for continued useful service to his community, State and Nation.●

● Mr. BROOKS. Mr. Speaker, the House, and, indeed, the Nation will be the poorer with the departure of Judge Preyer from our ranks. The calm and reasoned judgment he brought to bear on the many issues with which we have been confronted during his service here exemplified the legislative process at its best.

I will feel a deep sense of personal loss, both as a friend of Judge Preyer and as chairman of the Government Operations Committee, on which he served with such distinction. His work as chairman of the Subcommittee on Government Information and Individual Rights will live long and will be of immeasurable benefit to millions.

Judge Preyer's career of public service is long and varied and if he should choose to continue it, I hope he will be afforded that opportunity. In any event, I wish him well in whatever endeavor he undertakes. He has earned the respect and admiration of us all, which will follow him as he takes his leave of us.●

● Mr. DINGELL. Mr. Speaker, as you know, our colleague Richardson Preyer is leaving Congress at the end of this term. I wish to join my colleagues at this time in honoring Rich, who has distinguished himself with an impressive list of accomplishments in service to his constituency, his State, and his Nation.

Rich has earned great respect from his colleagues in the House. His active service on the Government Operations Committee and his contributions as one of my hard working colleagues on the Interstate and Foreign Commerce Committee have been a tremendous asset.

In his 12 years of service Rich has won many friends as he has dealt with the complexity of legislative issues with fairness and determined commitment and fortitude.

I am confident that all of my colleagues join with me in this tribute to Rich Preyer and we extend our best wishes to him for the future.●

● Mr. DRINAN. Mr. Speaker, it has been a rare honor for me to serve for 10 years in the Congress with Richardson Preyer. He has been and will continue to be in every sense of the word a most distinguished Member of this body.

Richardson Preyer graduated from Princeton University and Harvard Law School after which he served his country in the U.S. Navy in World War II.

He has served as a city judge, a superior court judge, and finally a Federal U.S. district court judge in the years 1961–63.

I have admired Richardson Preyer for his erudition, his wonderful good judgment, and for his devotion to the welfare of our Nation.

I know that Richardson Preyer will have a third distinguished career after regrettably he leaves the House of Representatives. I and his many friends in this body wish him every continued success and happiness.●

● Mr. BOLAND. Mr. Speaker, it is with great pleasure that I join my colleagues in honoring Richardson Preyer.

Since his early days as a distinguished attorney and judge in North Carolina and through his productive career in the Congress, Richardson Preyer has dedicated himself wholeheartedly to serving the people of North Carolina and this Nation. Through his significant work on the Commerce Committee, the Committee on Government Operations, and the Committee on Standards of Official Conduct, he has guided the House in solving some of the most perplexing problems of our time.

I know that all the Members of the House will miss Richardson Preyer. The decisions we will make in the future will certainly be more difficult without the benefit of his foresight and commonsense. I am pleased to join Richardson's many friends in the House in extending to him our best wishes for success in his future endeavors.●

● Mr. HORTON. Mr. Speaker, it is an honor and a privilege to join my good friend and colleague, Chairman Fountain, in paying tribute to our esteemed colleague on the Government Operations Committee, Congressman Richardson Preyer. Unfortunately, Rich will not be with us in the 97th Congress.

For 12 years, our good friend, Rich Preyer, has served in this House with dedication and distinction. He labored long and hard on so many matters that came before the House and the committees on which he served. As one of his colleagues who served with him on the House Government Operations Committee, I became well acquainted with Rich's effective leadership as chairman of the Subcommittee on Government Information and Individual Rights.

During his two-term chairmanship of this subcommittee, Rich was responsible for a number of well-regarded investigative reports and legislation that became known as the Presidential Records Act. The subcommittee has often been at the forefront of congressional efforts to safeguard congressional intent and insure efficiency and economy in Government.

Rich also served on the Committee on Interstate and Foreign Commerce and the Committee on Standards of Official Conduct. He is to be commended for the difficult challenges with which he was faced in these and other areas.

I join my many colleagues in wishing Rich Preyer well. He will undoubtedly bring the dedication and distinction to whatever task he next takes on.●

● Mr. ERLENBORN. Mr. Speaker, it is with real sadness that I join our colleagues today in paying tribute to the Honorable Richardson Preyer.

The good judge's presence in this house has added immeasurably to its stature. He has been not only an able and honorable spokesman for the people of North Carolina's Sixth District, but a legislator's legislator.

Rich Preyer and I have sometimes approached the same goals in different ways, as we did just earlier today. Our goals, however, have often been similar and where we have differed it has only been in degree and always in a gentlemanly, informed manner.

I hope and expect that Rich leaves this House with a sense of satisfaction and gratification, and I hope and expect that he will find much satisfaction and gratification in whatever pursuits the future holds for him.●

● Mr. JOHNSON of California. Mr. Speaker, I rise to salute Congressman Lamar Gudger of North Carolina who is returning to his native Asheville after an all-too-short tenure in this body.

In the 4 years he has served in the House of Representatives, Congressman Gudger has won many, many friends, and I am proud to count myself among them. In the well of the House and in committee, he has earned the respect of all his colleagues for his grasp of the legislative process and his concern for his constituents, particularly the elderly.

Representative Gudger has served with distinction on two subcommittees of the Judiciary Committee that deal with the problems of the aging, the Subcommittee on Housing and Consumer Interests, and the Subcommittee on Retirement Income and Employment, as well as the Interior and Insular Affairs Committee's Subcommittees on Public Lands and National Parks and Insular Affairs. His service in these areas has been of special benefit to his 11th District which contains an unusually large proportion of senior citizens and includes a significant Federal interest—more than 20 percent of its land area is under Federal ownership.

My good friend's involvement with public service goes back far beyond his election to Congress in 1976. In World War II, he was a highly decorated captain and navigator in the U.S. 8th Air Force, and in the post-war years he served for 25 years in the North Carolina State Legislature before coming to Washington.

Congressman Gudger and his good wife Eugenia are going home to Asheville, and we wish them well.●

● Mr. CHAPPELL. Mr. Speaker, I rise to join my colleagues in a special tribute to a dedicated public servant, the Honorable Lamar Gudger of North Carolina. It has been my pleasure to serve with this distinguished gentleman, and I regret that he will be leaving us when the 96th Congress adjourns. His leadership and counsel will be sorely missed.

Lamar Gudger's two terms in the U.S. House of Representatives have been most eventful and well marked by important achievements. His work on the House Select Committee on Aging has been instrumental in framing legislation to assist and protect the interests of our senior citizens. His perceptive insights and broad experience in the committee's field of responsibility will be hard to replace.

Lamar Gudger is an especially able and valuable Member of the House. He is conscientious. He is affable. All of us will miss him as a friend and as a colleague. My best warm wishes go with Lamar as he embarks on new endeavors.●

● Mr. DRINAN. Mr. Speaker, I will remember with appreciation and admiration the fine work of Congressman Lamar Gudger in this body.

I have served with this distinguished attorney as a member of the House Judiciary Committee. He has been a devoted member of the Subcommittee on Criminal Justice which I have the honor to chair.

Lamar Gudger served his Nation in World War II in the U.S. Air Force and served his State of North Carolina both in its house of representatives and in its State senate.

Lamar Gudger's work will be remembered by all of his colleagues, and particularly by myself. I and all those who have benefited by his presence in the House of Representatives wish him every continued success.●

● Mr. BROYHILL. Mr. Speaker, Lamar Gudger and I have had the privilege of working together on a number of legislative proposals representing the views of the constituents in our adjoining districts back home. The successful legislative campaigns on the Trail of Tears and the Overmountain Victory Trail bills are two good examples.

To these efforts, Lamar has brought his customary diligence and dedication. I wish you well in your future endeavors, Lamar.

Mr. Speaker, it is seldom that we have the opportunity to share these Halls with a more thoughtful and hard-working Representative than Richardson Preyer. During the past 12 years, I have cosponsored a number of proposals with Rich, such as the Risk Retention Act and the Product Liability Act. To those efforts, he brought his customary study and dedication.

In addition, Louise and I have been neighbors of Rich and Emily Preyer for the past 3 years. They have been most gracious, friendly, and hospitable. We will miss them.

Louise joins with me in wishing them both well in their future endeavors.●

● Mr. BOWEN. Mr. Speaker, there is no Member of the House of Representatives with whom I have enjoyed my service more during the 8 years I have been here than Congressman Richardson Preyer of North Carolina. Nor is there a Congressman who has contributed more to this body through his intellect, his character, and his moral leadership.

It is, of course, very sad that Richardson Preyer must retire from the Congress at the close of this session, but I am confident that we will continue to benefit from his incisive mind, his balanced judgment of issues, and his warm personal friendship.

We want RICH, Emily, and all their family to know that we hold a very special sense of love and affection for them and that all those who have had the good fortune to know them will not forget them, regardless of how long or short our service may be in this imperfect institution, where we endeavor to be of some service to others.

Perhaps that concept of service, based upon a deep Christian sense of commitment, best describes the character of RICHARDSON PREYER. His sense of service, tempered with a spirit of toleration, of moderation, and of sympathetic understanding of others, is a legacy that RICHARDSON PREYER will leave to the U.S. House of Representatives and to the Nation.●

● Mr. REUSS. Mr. Speaker, I am pleased to join in this tribute to my colleagues, LAMAR GUDGER and RICHARDSON PREYER. In his 4 years as Congressman, LAMAR GUDGER has effectively augmented his lifetime of dedicated service to the people of North Carolina. His contributions as a member of the Interior and Judiciary Committees belie his relatively brief tenure.

I especially regret the loss to this body of my respected and admired colleague, RICHARDSON PREYER. For 12 years, RICH has blessed us with his dignified presence and moderating influence. His approach to the issues before Congress and the Nation has followed unswervingly the path of reason and reflection, and avoided the pitfalls of emotionalism and dogma. RICH has been passionately devoted to principle, and his integrity, his intelligence and sense of history have served him well in that regard. Always humble and soft-spoken, RICH has been a source of quiet influence and unobtrusive leadership for his colleagues of both parties. As the new Congress grapples with the difficult problems confronting the Nation and the world, I much regret that the soft but steady voice of RICHARDSON PREYER will be absent from the debate.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in paying tribute to three gentlemen from North Carolina, Senator ROBERT MORGAN and Congressmen RICHARDSON PREYER and LAMAR GUDGER, who will be leaving the House after the 96th Congress.

BOB MORGAN's work on the Senate Intelligence Committee to combat unethical tactics in our intelligence work abroad has placed him in high regard among his counterparts on the House Intelligence Committee. We will all miss him.

LAMAR GUDGER's presence will also be sorely missed by all. I served with LAMAR on the Courts Subcommittee on the Judiciary, and LAMAR's dedication and expertise in legislative matters has earned my respect—indeed that of my colleagues also.

RICHARDSON PREYER's departure from the Congress will be a severe blow to all who champion integrity in Government. I will never forget RICH's hard work on the Select Ethics Committee in drafting the Comprehensive Ethics in Government Act.

I extend to these gentlemen my best wishes for health and happiness in the years to come.●

● Mr. JOHNSON of California. Mr. Speaker, all of us in this body who have come to know the Honorable RICHARDSON PREYER during his 12 years of service for the Sixth Congressional District of North Carolina share a deep sense of loss today.

The Judge lost an election on November 4, but the real loser was the Congress of the United States. From the day he first entered this Chamber in 1969, RICH PREYER was marked as one of the finest intellects and diligent legislators ever to serve in the House of Representatives.

Congressman PREYER never sought power or prominence; the House discovered him and thrust him into the limelight—as chairman of the subcommittee assigned to inquire into the assassination of President John F. Kennedy and later as chairman of the special committee which wrote into law the tough Code of Ethics which now rules the conduct of the House.

Our friend from North Carolina served aboard a destroyer in the Atlantic and South Pacific for 4 years during World War II and was awarded the Bronze Star for action in Okinawa. He has been a city, State, and Federal judge, an activist in civic affairs, a man steeped in the Jeffersonian tradition of public service.

Mr. Speaker, Congressman PREYER's hometown newspaper, the Greensboro Daily News, spoke for all of us in these words, written shortly after his election defeat:

> Throughout his campaign, he acknowledged the fears and frustrations of the people * * * but he refused to doff his servant's robes for the trappings of a savior. His dispassionate tongue was lit by no pentecostal fires. To his challenger's scathing attack, he responded in cool, often muted, ways. So he lost.
>
> That is disappointing, for Richardson Preyer and the many people he served so well and so long. If there is solace, it is to be found in the remarkable shape and story of his career. Look there and learn. You shall not soon see its like.●

● Mr. WHITLEY. Mr. Speaker, as the 96th Congress draws to a close, it marks the end—at least temporarily—of the service here of three very distinguished North Carolinians: RICHARDSON PREYER and LAMAR GUDGER in the House and ROBERT MORGAN in the Senate.

I do not want to take up the time of this body or of those who will read my words detailing the life story of these three men. Their biographies are in the Congressional Directory and I am sure that my colleagues will detail much of it.

What I prefer to do is highlight a few of my personal experiences with and impressions of these remarkable men.

In the case of Senator MORGAN, he and I were classmates at Wake Forest Law School, graduating together in 1950. Even then, he was marked as a leader and it did not take long after his graduation for his leadership to be felt and acknowledged. As a State senator, he was honored by his colleagues by being chosen president pro tem. As North Carolina's attorney general, he received the Louis Wyman award as the outstanding attorney general in the Nation. When he first ran for election to the U.S. Senate, he surprised many political prognosticators by winning the Democratic nomination by a sizable majority in a first primary without the necessity for a runoff.

A conservative where fiscal affairs are concerned and one who was taught the doctrine of limited government and States rights by no less an authority than former State supreme court justice, I. Beverly Lake, ROBERT MORGAN nevertheless had a keen perception of the needs and expectations of the average and lower income citizens. Some said he had a streak of populism.

A good husband and father, devout Christian and community-minded citizen, he had a strong commitment to the cause of higher education which caused him to work hard to upgrade the status of his alma mater, East Carolina University where, among other activities, he served as chairman of its board. In addition, he has made various contributions to Campbell University in his home county.

A man with an unusual interest in history, he has a somewhat surprising knack of quoting from the Federalist Papers and Jefferson's writings relating modern issues to the basic precept upon which our Nation was founded.

At present, ROBERT MORGAN lives in Harnett County, N.C., in the district which I have the honor to represent in the House. I have been proud to claim him as my constituent and I hope that whatever his future may hold the longtime relationship between us can and will continue.

I first met RICHARDSON PREYER when he was a candidate for Governor of North Carolina in 1964. He had taken the very unusual step of giving up the security of a lifetime position as a Federal district judge to jump into the political quagmire of a race for Governor of North Carolina.

My first impression of him was that he was a kind and gentle being who cared deeply for his fellow man. I have never changed that impression.

Born to wealth and raised in the gentility of private school and Ivy League education, it would have been so easy for him to be completely insensitive to the plight of those of lower estate, but the exact opposite was always the case.

He lost that race for Governor because at the time, North Carolina was not ready to elect to its chief office a man who so obviously and enthusiastically was supported by minorities and opposed by vested interests, but 4 years later, he was elected to represent North Carolina's Sixth District in the House and has been here since.

In the House, he has quickly earned the reputation as one of the most highly respected Members. He has rendered outstanding service on the Committee on Interstate and Foreign Commerce and has been singled out by the Speaker for critical special assignments such as the Ethics Committee and the committee to investigate the assassinations of John F. Kennedy and Dr. Martin Luther King.

Intellectual, scholarly, but with a strong sense of practicality and justice, RICHARDSON PREYER was one of the few men who, while not holding a major leadership position, nevertheless made an indelible impression on the House and on his colleagues who served with him.

All of us are the richer for his service and the poorer for its loss. I wish him well as he moves on to new activities and am hopeful that our paths will cross often.

LAMAR GUDGER and I were elected as new freshmen Congressmen in 1976. Both of us were forced to run in a primary, a runoff, and a general election campaign to win our seats initially and had much in common when we were sworn in together in January 1977.

His experience as an outstanding trial lawyer and veteran State senator gave him a perspective which was most helpful to him—especially as he accepted a difficult and troublesome task in his service on the House Judiciary Committee.

I always respected him for his inquisitive, kind and his lawyerly approach of seeking out the facts. Beyond that, he demonstrates the rare knack of being able to sift through advice and take the good and reject the not-so-good.

A wise and moderate man, he often felt the conflicting pressures of constituency and interest group influence on the one hand against equally persuasive arguments that the well-being of the Nation lay in the other direction. He was not one to take his responsibility lightly and was always concerned that his decisions were ultimately right.

LAMAR will take back to his law practice in Asheville the added wisdom and knowledge gained from working in the judicial process at the highest national level. He will undoubtedly continue to serve his community, the State, and the Nation well.●

● Mr. MONTGOMERY. Mr. Speaker, I join with the rest of my colleagues today to pay tribute to two outstanding Members from North Carolina who, unfortunately, will not be serving in this body come next January. Their loss will be our loss and the Nation's loss.

RICHARDSON PREYER came to the House 12 years ago after a very distinguished career as a Federal judge. The integrity for which he was known on the bench became a hallmark of his service in the House. He has always been a Member of high principle who approached his legislative tasks with fairness and objectivity.

An example of the respect in which RICH PREYER is held is the fact that he was chosen to serve on the Committee on Standards of Official Conduct. Like the other members of the committee, he had a thankless task to perform numerous times, but he always approached his job with his usual impartiality and dedication.

Mr. Speaker, in the short 4 years it has been my privilege to know and work with LAMAR GUDGER I have found him to be equally hard working. He never shirked from his legislative responsibilities and based on a personal visit I made to his congressional district I came away with the feeling that he also tackled the needs and problems of his constituents with the same dedication.

LAMAR GUDGER was always a strong voice for an improved national defense and for this I thank him because we need more Members like LAMAR who are willing to stand up on behalf of our Armed Forces. The concerns he expressed for a stronger defense were sincere and well founded.

Mr. Speaker, I will miss LAMAR and RICH as both friends and colleagues in the coming years and take this opportunity to wish both of them the very best in the future and express appreciation for their dedicated service and friendship.●

● Mr. JOHNSON of California. Mr. Speaker, I rise to add my voice to those of his many friends in the other body who have expressed their deep regret at the impending departure of the Honorable ROBERT MORGAN from the U.S. Senate.

During his 6 years of service in the 95th and 96th Congresses, I have had many opportunities, both in House-Senate conferences and in less formal meetings, to observe at firsthand the qualities that raised this distinguished gentleman from North Carolina to eminence in public life.

Senator MORGAN failed to win reelection last month, perhaps because he refused to waver in his commitment to the overall public good, refused to let political opportunism sway him from positions that he considered to be in the highest, best interest of his State and his country.

Our good friend has served the Nation long and well in both public and private life. He served in the U.S. Navy during World War II and again in the Korean conflict; he served for five terms in the North Carolina Senate and for nine terms as chairman of the board of trustees of East Carolina University.

We do not know at this time what course Senator MORGAN will pursue when he returns to his native State, but we can be certain that it will be one of continued service and distinction. We wish all the best for him and his family.●

● Mr. NEAL. Mr. Speaker, I appreciate the opportunity to say a few words in praise of three distinguished North Carolinians who will be leaving the Congress at the end of this session. They are the Honorable ROBERT MORGAN, U.S. Senator from North Carolina, and two of our colleagues in the House, the Honorable L. RICHARDSON PREYER and the Honorable LAMAR GUDGER.

It is appropriate, I think, to speak first of Congressman PREYER, not only because of his length of service, but also because of what I consider to be his unique standing in the Congress of the United States. There is not a man or woman among us who commands greater respect for intelligence, honesty, integrity, and the courage of conviction. Indeed, he has been the model of all these things to whom many, if not most, of us have looked for example and inspiration.

Mr. Speaker, sometimes it is not our good fortune to alter the course of human events; nor can it be said that our collective wits are greater than the wisdom of the people. Certainly, we are justly required to submit to their will. It is difficult, however, to believe that both the Congress and the Nation shall not suffer great loss when RICH PREYER leaves office at the end of the 96th Congress. And that, Mr. Speaker, is not intended as a criticism of his successor. The plain fact, in my opinion, is that there are very few Americans who can fill RICH PREYER's bunyanesque shoes, or match his character.

Congressman GUDGER, who like our friend from Greensboro was defeated in the recent election, has been with us for two terms. And like many of us, he was always destined to a vigorous battle and a close decision at the polls. This year, the tide of fortune turned against him and he, too, became a victim rather than a victor.

Yet we all know that LAMAR GUDGER is not a loser. Wherever he goes, whatever he does, he will always be found in the thick of the fray. His career in this House has been marked by his nature to inquire, to assess, and then to act. He has been an asset to this body, and a credit to his constituency. We shall miss him, and we wish him well.

In Senator MORGAN, we find a distinguished career of public service interrupted, if not terminated, as it came into full flower. Beginning with his college days, he became involved in the politics of his party and over the years served in various elective offices at the State and local level. In 1974, he was elected to succeed Senator Sam J. Ervin and brought to the U.S. Senate much of the same political philosophy that had marked the long and illustrious career of his predecessor.

Senator MORGAN has served with great distinction in every duty that his State and his country called upon him to perform. As a member of the Armed Forces; as a county clerk of court; as a State legislator; as attorney general of North Carolina; and as a U.S. Senator—he brought to office every virtue necessary to distinguish him as a great American.

Mr. Speaker, I have not come, as did Marc Antony "to bury Caesar," but, rather, to praise him. I will not weep, figuratively, the tears of remorse that none of these three would shed. Their work is not ended, but will, I am convinced, bear even greater fruit in the future.

But, sadly, they will be absent from this stage. And their going, Mr. Speaker, leaves us to ponder how briskly the curtain closes, and how abruptly the drama ends.●

● Mr. HEFNER. Mr. Speaker, it has been an honor for me to serve in the House of Representatives with my good friend, LAMAR GUDGER.

In 4 short years, LAMAR has distinguished himself as one of the hardest working Members of this great body. Hard work, Mr. Speaker, is a trait of a true "mountain man."

LAMAR's district, the mountains of North Carolina, has produced men and women of extraordinary ability who have contributed lasting impressions on our country; Thomas Wolfe, Carl Sand-berg, the Eastern Band of the Cherokee Nation, and one of North Carolina's greatest Governors, Zebullon Vance, whose monument stands in Statuary Hall, are among a few. LAMAR GUDGER'S persistence, eagerness, love for his district, and his positive legislative ability has left an impression on me and my colleagues in the House of Representatives.

I thank him for his contributions to this Nation which were made in the honorable tradition of his mountain heritage.●

● Mr. FUQUA. Mr. Speaker, two of our colleagues from North Carolina will be ending their careers in this House at the conclusion of the 96th Congress.

Seldom has a State been so ably represented as was North Carolina by RICHARDSON PREYER and LAMAR GUDGER.

RICHARDSON PREYER'S 12-year career in the U.S. House of Representatives capped 27 years of public service dating back to 1953 when he was a city judge and spanning terms as a State superior court judge. The special insights into law which he brought to Congress were a valuable asset to all of us who had the pleasure and privilege of serving with him.

LAMAR GUDGER began his public service career in the North Carolina House of Representatives in the early 1950's and spent 6 years in the State senate from 1971 to 1977. His insights into State government were an immeasurable assistance to his colleagues in this House who had the advantage of working with him over the past 4 years.

Also leaving Congress at the end of the 96th Congress will be Senator ROBERT MORGAN of North Carolina who, with our valued House colleagues, was a constant source of wisdom and sound judgment upon whom the people of the Nation and his State could always depend. I sincerely hope that Senator MORGAN will use some of his new leisure time to visit with one of my favorite constituents, his sister Esther Morgan of Gainesville, Fla. Senator MORGAN will always be a welcome visitor in the Second District of Florida.●

● Mr. BEVILL. Mr. Speaker, I would like to join with my colleagues in extending my sincere best wishes to my good friend RICHARDSON PREYER, as he leaves the House of Representatives. His 12 years of dedicated service to the people of the Sixth District of North Carolina have been yet another achievement in a remarkable life.

In addition to his outstanding performance in the House. RICHARDSON PREYER also has served the citizens of his State as a judge, and has brought his keen insight of the judiciary into his service in Congress.

It is a pleasure to see a person of RICHARDSON'S skills, intellect, and abilities enter into public service and devote his efforts to serving his fellow countrymen. His integrity and performance have been examples to us all.

I will miss his friendship and his contributions to the work of Congress, as will all of his many close friends in this body.●

● Mr. RAHALL. Mr. Speaker, I want to thank my good friend and colleague from North Carolina (Mr. FOUNTAIN) for taking this special order today so that we may pay tribute to three distinguished Members of Congress who will not be joining us for the 97th Congress, the Honorable RICHARDSON PREYER, the Honorable ROBERT MORGAN, and the Honorable LAMAR GUDGER.

For a total of 22 years, these fine men have served in the House and Senate with great pride and dedication for their State and Nation. We will miss them when Congress convenes on January 5.

Mr. Speaker, I feel a special closeness to the State of North Carolina and its people, having graduated from Duke University in Durham. That relationship has grown due to my friendships with the members of that State's congressional delegation, and I am proud to call the men we honor today, friends.

I can think of no other man who better exemplifies the high standards of public service, than RICHARDSON PREYER. Since 1968, Judge PREYER has represented the people of the Sixth District, and for those 12 years, they were afforded Government at its best.

As an accomplished attorney and jurist, RICHARDSON PREYER served on the bench of the Greensboro City Court, the North Carolina Superior Court, and the U.S. district court. His legal experience and knowledge is second to none, and this was best made known to me while we served on the Committee on Standards of Official Conduct together.

His record in this body is just as distinguished, and his absence will certainly be felt when the 97th Congress begins work.

Since 1974, the State of North Carolina has been ably represented in the U.S. Senate by ROBERT MORGAN.

Prior to his service in Congress, ROBERT MORGAN had a long career in representative government serving in the State legislature and later as attorney general.

As a veteran, his work in the Senate has been centered around national security, and his work on the Senate Intelligence Committee has been one of careful and constructive criticism of some agency abuses.

The State and the Senate will miss ROBERT MORGAN, for in the 6 years he has been here, he has gained the respect of his colleagues and constituents.

LAMAR GUDGER and I came to Congress together in 1976, and have served together on the Interior and Insular Affairs Committee. I value his friendship and know his daughter, Mrs. Carol Perkins, well. I say to LAMAR and his entire family, I look forward to our continued and longlasting friendship.

As a State representative and as a State senator, LAMAR GUDGER came to this House well versed in government, and his experience was proven each time he took to the well or debated a bill in committee. His leadership and abilities to examine in depth in a judicious manner the complexities and implications of important national legislation will be missed in the next Congress.

To these North Carolinians go my warmest regards and my special thanks for the valuable assistance and cooperative relationships you have provided this Congress and this Nation.●

GENERAL LEAVE

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

A TRIBUTE TO THE HONORABLE SAMUEL L. DEVINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes.

Mr. LATTA. Mr Speaker, I take this time today to pay tribute to one of our outstanding colleagues who will not be returning to the 97th Congress. I have reference to our good friend, SAM DEVINE.

I have had the good fortune of serving not only in this House with SAM, but I served with him in the State legislature before we both came to Congress together some 22 years ago. Having served with SAM all these years, I can say without any equivocation there is not a more honest, loyal, dedicated, and conscientious public servant than SAM DEVINE. He is a man of character and high moral principles. In short, SAM DEVINE is a gentleman, a proud father of three wonderful daughters, a devoted husband, and a man I have been mighty proud to call my friend all these many years. We are all going to miss SAM in this House, and the constituents he has served so well for so long are going to miss him.

As ranking Republican member on the House Interstate and Foreign Commerce Committee, he was always constructive and especially helpful to the newer members. As chairman of the House Republican Conference, he was always fair and impartial. As a Member of the House of Representatives for 22 years, he has been a bulwark of fiscal conservatism. He held steady to the belief that the role of the Federal Government should be a limited one. Fiscal discipline loses a champion as SAM DEVINE leaves the Congress.

He is one who could always be counted on to vote for what he deemed best for his country and he never wavered in this commitment. I do not know the person who will be representing the 12th District of Ohio in the 97th Congress but I do know he has some mighty big shoes to fill. SAM DEVINE is a superior legislator, a wonderful friend, and a great American.

My wife, Rose Mary, and I extend our very best wishes to SAM and his good wife, Betty, for much happiness and success in whatever life now has in store for them.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to my colleague from Ohio.

Mr. WYLIE. Mr. Speaker, I appreciate the chance to say something about my colleague and my friend, SAM DEVINE, a friend who I have traveled with for 14 years over 1,000 times between Columbus and Washington via the airlines, a friend who I have shared many personal experiences with over that time.

I will miss our dinner conversations about our hometown, about legislation coming before the various committees of Congress and the House, and about our families, about a marriage, about the birth of a grandchild, an illness, a death, the kind of discussions on which lasting friendships are made.

I must say that my own reelection victory was overshadowed on Wednesday morning with the realization in those moments that SAM DEVINE will be missing from Congress and that something will indeed be missing from my life. For me, the Halls of Congress will be emptier by his not being here. We will continue to see each other, of course, and we will remain as friends.

SAM DEVINE is an honest patriot, who never stopped fighting for wise and frugal government. For 22 years, he has served in Congress for a principle with distinction.

Before coming to Congress, SAM DEVINE served as an FBI agent during World War II and was a member of the team that discovered the Nazi attempt to infiltrate the United States through the use of the small pocket submarines. He served with distinction as a member of the Ohio General Assembly for three terms, and it was there that I first became well acquainted with him. Later on, he served as prosecuting attorney in Franklin County.

SAM DEVINE can justifiably look back with personal pleasure and a deep sense of satisfaction on an outstanding record of public service. Marjorie and I wish for SAM and Betty much pleasure and satisfaction in the years ahead.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I am sure tonight many of us would like to take a substantial amount of time to express our appreciation to the gentleman for having this time set aside to express our feelings about SAM DEVINE and the service he has given to not only the Congress, but also, of course, to his country and that many of us would like to go through a long laundry list of the fine accomplishments and achievements that we think that he has performed here in the House.

But I guess we all, each in our own way, will try to summarize more quickly some of the more poignant items that remain with us in recommending SAM's service here in the House of Representatives.

We all know that he served from time to time on weekends as a referee. I think that the thing that I appreciated the most about SAM—and I am sure others did—is he carried one of the traits here to the House of Representatives of being willing to blow the whistle on ideas or outrageous activities when they did occur, and he was not afraid to do so in a way that got to the point, said it quick and sat down. That is what we expect referees to do in any game in which they are officiating. He certainly performed that function very well here in the House of Representatives.

But above all, I guess I admired, and still admire SAM for his willingness to just say it quick, to the point, and address issues in a way that we could all understand in plain English, that we do not always have the benefit of someone who will get to the point so quickly.

□ 1850

Additionally, SAM did serve in a very positive way as our conference chairman. We are sorry, some of us, that it took so long for him to get there, because we voted for him several times before he finally made it; but in any regard, he was a good conference chairman and as has already been stated, very fair and treated all Members the same way.

We are, indeed, sorry, as my colleague from Ohio, both our colleagues from Ohio stated, that he is leaving these Halls, because he truly was the epitome of what I think and many of us think the people's representative should be. This is the people's body and he certainly exemplified that high character at all times. He never in any way compromised his highest ideal of what it is to be a Member of Congress, to represent his district in the people's body.

So we are sorry that his tenure here was shortened maybe a little sooner than it should have been. As the gentleman has already stated, I think those shoes are going to be awfully difficult to fill.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

I yield to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding.

SAM DEVINE during the time that we have served concurrently in this House of Representatives has appealed to me as a man of patriotism, principle, purpose, and pride. Those outstanding qualities in SAM DEVINE have made him and marked him as an exceptional and outstanding person and outstanding Member of the U.S. House of Representatives.

We could go on at great length about the things that SAM DEVINE has done, not just during the short time that I have served here and while he has served, but in the years before that in which he served the State of Ohio with such great patriotism purpose, principle, and pride.

We are proud of SAM DEVINE. We are proud of his patriotism. We are proud of his purpose and his principle, but take great pride in having from the State of Ohio, a man who served the people who comprised his constituency and also the people of Ohio at large so well over a period of years.

In those four ways in particular I feel that SAM is exemplified in patriotism, in purpose, in principle, and in pride. I trust that those principles, those outstanding virtues, will remain his in whatever he undertakes to do.

I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. I thank the gentleman for yielding.

An old campaign slogan of SAM's went "to err is but human but to vote for SAM is devine." This past November the citizens of Ohio's 12th District erred in not sending SAM DEVINE back to Washington.

SAM DEVINE is what Congress is all about. It is having to make hard decisions, to work long hours, to know what has to be done and doing it. SAM DEVINE rose to a leadership position in his party by actions, not words. He is the type of person you can depend on, a person who knows how to get results.

It is a real shame that SAM, who has fought long and hard for the type of policies and principles espoused by the incoming administration, will not be on hand to help implement these policies and principles.

I do not want to plan SAM's future for him, but I hope he plans to put his talents to work for the new administration.

As one who has worked side by side with SAM for the 14 years that I have been a Member, it is hard to envision a Congress without SAM DEVINE as a Member. There will be a void that will be hard to fill.

To put it in terms that an Ohioan can appreciate, it will be like Ohio State, SAM's alma mater, trying to replace Art Schlichter. It is a big if not impossible task. The SAM DEVINES and Art Schlichters of the world come along once in a lifetime. And I am fortunate that SAM came along in my lifetime. He has been a good friend and mentor.

SAM, we are going to miss you; and the Nation you so ably served is going to miss you. Good luck and Godspeed.

Mr. LATTA. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. I thank my colleague for yielding.

Mr. Speaker, I want to take this personal privilege to spread upon the record my intimate and longstanding association with SAM DEVINE. We both served on the House Administration Committee and serving together I have grown to know him, yes, as a conservative, but a fair conservative, one that weighs both sides of a question.

Yes, in his conservative viewpoint, he did come down hard on the position of saving money for the Government, and in good conscience taking that position.

On the House Administration Committee, some practical things were done and SAM was a spearhead at times. For instance, the voting machinery which we now experience and use and which works most of the time was supported strongly by SAM and he along with the leadership and the House Administration did pursue that project to its final conclusion and we now have this added convenience.

To get into the more technical aspect of things, the very controversial, but very important election law in its original concept and the changes and amendments that were made and finally in the support in its final passage, the form that it passed in, was due in immeasurable part to SAM DEVINE, his longstanding experience over 20 years and his persistency in pursuing that aspect of very highly technical legislation.

I want the record to show unequivocally that in all my experiences and in my personal acquaintanceship with Sam on the House Administration Committee and, yes, in a personal more informal viewpoint, I always found him a man of unquestioned integrity, a man that was sincere and a man I think that called upon his background as a former FBI agent to try to be as fair as he could be, and yet be as persistent in pursuing his viewpoint and his political philosophy and his concept of good government.

I wish to conclude at this time with the thought among my colleagues, and I know I express their feelings in many, many ways of those who are not here today to say what I am saying, that I consider it a very sad moment and with great reluctance do I say goodby to a great, dedicated public servant in the form of Sam Devine.

Mr. LATTA. Mr. Speaker, I yield to my friend, the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Mr. Speaker, I guess none of us really fully understand the decisions of the American people. I think to a large extent it is because of the frustrations and dissatisfactions which our people felt that so many of our colleagues were not returned.

We on this side were the victims more of that dissatisfaction, as the polls indicate and the tremendous landslide of President-elect Reagan; but it may be that to some extent our good friend, Sam Devine, was a victim of that same kind of dissatisfaction with the state of the economy and the state of affairs in the country and this was the way people had to express it.

Sam Devine was a wonderful person. I never had the pleasure of serving with him on any committee in the Congress, but on many occasions in the back before we were about to cast a vote, Sam and I have entered into a little quiet colloquy and though being of different political persuasions, we quite often found ourselves taking the same position.

One thing I admire about him was as soon as he knew what the subject was, he had no difficulty in saying yes or no and quite often I think we probably influenced each other in our thinking before the decision was made.

□ 1900

Quite often when Sam got a chance to get a good, hard rubdown in the gymnasium I would drop in and we would continue our discussions of the state of the Nation and the problems we faced. He is a wonderful, friendly person and I want to associate myself with the gentleman from Ohio (Mr. Latta) and all others who have paid tribute to our mutual friend, Sam Devine, and to express the hope that wherever he may be and in whatever he undertakes that he will be as successful as he was here as a Member of this distinguished body.

Mr. LATTA. I thank the gentleman for his comments.

I now yield to the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Speaker, I think my colleague for yielding, the distinguished dean of the Ohio delegation who at such a young age has achieved such a high position. I cannot help but think, and I say to my colleague from Ohio (Mr. Latta) as I was sitting here listening to my colleagues, and earlier this afternoon I was at a meeting talking to some of the new Congressmen, my thoughts go back over the 20 years I have with Sam Devine, and as I watched the new Members coming in with their interest in committees, their expectations, the excitement they have of being elected to the U.S. Congress, I cannot help but think if they emulated some of the qualities, at least two of the qualities that I will mention here of my distinguished friend and colleague, Sam Devine, that they, too, could embark on a career that might last a decade or two, that they, too, might have the respect and the esteem of their colleagues.

I have known Sam, as all of you have, particularly the gentleman from Ohio (Mr. Latta), Congressman Devine from his own home area, and I would say if I were to be pressed as a legislator often is pressed to condense what one or two things about Sam Devine really stand out, I would say first of all Sam Devine is one of those legislators who always put his country first. That does not always work out in this body. I wish it did. I wish all of us had that tendency, but quite often we think of other things. But I can say, because I talk over most of the issues with Sam, and we sit on the floor and discuss them. Sam had one instinct of what was good for the country.

I think he had a second instinct and I thought of that this afternoon when I was watching 40 or 50 Members hold up their right hand to become Members of the Congress next January, brandnew Members, Sam had a way of putting other legislators' interests ahead of his own. He was always a person to go ask to have something done, for instance, if he wanted a committee assignment. He liked the responsibilities that dealt with the day-to-day operation of the House, things that most of us would shun. He liked to help Members get the committees they wanted. You would find Member after Member come on the House floor and sit down beside Sam Devine and say, "How do I get on the Armed Services Committee," or "What do I do to get on another committee." Sam always had the time to help other Members.

He also had the time, I might add, to help other Members who were running for office. If I were to think in the last 8 or 10 years, I would guess Sam Devine probably spent more time working for Republican candidates, particularly Republican candidates for the Presidency, than he did maybe in his own race. I think that was the case when Richard Nixon was in the White House. Sam was one of the floor leaders at the convention for Mr. Nixon. He was a very close friend and advocate and a worker for Gerald Ford. He was our State chairman in the Reagan for President Committee this year.

That tells about Sam Devine. He always put his time for his country and for helping others. In the process, I might add, he did a very fine job as a Member of Congress.

I am particularly lucky because I come from a district contiguous to Sam Devine's own 12th District. I would guess if I were to count, I do not know, Sam is a meticulous person and he probably knows exactly where I tend to generalize a little bit more, I think I have probably made around 1,200 roundtrips between Columbus, Ohio, and Washington, D.C. My guess is Sam Devine has probably made another 150 or 200 more than I have. How many mornings on the way back we would talk about the upcoming events of the week and the issues that would affect our country.

I will say as one person, quite frankly, I am going to miss Sam Devine. He was more than a good legislator. He was a great friend.

But I do think it is wonderful he will be able to spend a little more time with his wonderful wife, Betty, who was so often there to meet him when he would come back to Columbus. Sam Devine epitomizes everything I think is an ideal as far as serving in this body. I hope the new Members when they come in in January will look at the career of Sam Devine and say, "I would like to be just like him."

Mr. LATTA. I am happy at this time to yield to my friend from New York (Mr. Solomon).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding. I will try to be brief because I know there are some other Members from Ohio, and some other more veteran Members than I waiting to speak. But I did want to take this opportunity to say a couple of words about Sam Devine for two reasons. One on my own behalf and the other, more importantly on behalf of a former colleague of Sam Devine's that served for many years with him, and my predecessor once removed, a former Congressman named Carleton King, who was one of Sam's closest friends when they were here together. I know that if Carleton were here in the Chamber tonight, I am sure that he would echo the same sentiments that I feel so strongly.

I am pleased to join with my colleagues in paying tribute to one of this body's most distinguished Members, Sam Devine, in my opinion.

In the brief time I have served in Congress, I have come to know Sam Devine as a man with a deep love for his Nation and for the institution in which he has served with such distinction for the past 22 years.

Over the past 30 years of public service, Sam Devine has developed an admirable record, and his wisdom and experience will be missed. The Congress will be losing Sam Devine, but he will continue to be an example for all of us. I deeply appreciate what Sam has done for our Nation, and I am grateful for his friendship and guidance.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

I yield at this time to the gentleman from Ohio (Mr. Guyer).

Mr. GUYER. Mr. Speaker, I thank the gentleman for yielding. I realize much has been said that should not be repeated.

I actually was in the State senate and it was about 14 years before I came here to be a colleague with SAM. I used to kid him when I went to convention and I would say, well, he always could win because he had "divine help." I know that sounds awfully corny, but I do believe in the person of SAM DEVINE this country had a lot of divine help.

I also think his name "SAM" is not misguided to describe Uncle Sam's best friend. I believe that with all my heart.

Very few people knew what SAM really did in life because even though he made those 1-minute speeches so effectively, he seldom used the perpendicular pronoun "I." He came to my hometown and made a speech for me, which is ironic to think how much he did for all of us, and that our arms were not quite long enough to do something for him.

He had been a football official. He never talked about that. He was one of the great ones of this country.

I think maybe from that love of sports he found out that it is fairness that counts in Government as it counts in life.

SAM DEVINE's entire life has been dedication and service. He served his community without expectations of any reward. He served his neighbors without thought to praise. He served his country because he loved it. He served others, usually at the cost and expense of being away from his family. In some respects his record in Congress may never be equalled because SAM regarded the property, the possessions, the rights, and well-being of his constituents as things that we should safeguard at any cost.

SAM fought for budgetary austerity when it was not popular. He raised his voice against needless spending, though it cost him the hostility of the spenders.

His character was never seared, and his loyalty was never doubted. Some say that SAM DEVINE lost an election. I do not believe that, because SAM was never defeated.

If anybody lost, it is the people of America. In principle, this election was not a defeat; it is a valedictory, and we who knew him best know he leaves us a monument in these Chambers that may not be equaled, and an image that will be seen, a voice that will still be heard, and a conviction that will still prevail.

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I think SAM DEVINE worked above self in such a manner. For him I hope all doors will open, new curtains will be raised, new ventures will be his as a challenge. We all know how much he will be missed in this Chamber, but his legacy of a strong and free America will be a living bequest to those who come after him.

Good luck to SAM DEVINE.

Mr. EDWARDS of Alabama. Will the gentleman yield?

Mr. LATTA. I will be glad to yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, I would like to pay my respects to our colleague, SAM DEVINE. We are going to miss him around here. We have a special relationship that has meant a great deal to me over the years here in Washington, for 8 years, I guess. I was secretary of the House Republican Conference when SAM was the vice chairman. It seemed like I was always chasing my leader. I never could catch up with him. When he became chairman of the Republican Conference, I became vice chairman and worked closely with him again. It is not my desire, however, to follow him into his next path, that is, out of Congress. But I am going to miss him here. He has been a real leader in the House. He has been a good frield of mine. He has been the kind of person that a young Member could visit with and seek advice from and counsel with and could know that after he talked to SAM about a problem or asked for some guidance, he could come away feeling very good about the conversation with SAM DEVINE. He had a great record back home in the FBI, in the Ohio Legislature, here in the Congress for all these years; and I wish him and his wife, his family, all the best as he goes in another direction now; and I am sure whatever SAM does as he leaves the Congress, this country will be the benefactor of that work.

He has been a person who loves this Nation, loves this country, and it has been a great pleasure for all of us here to work with him.

My only regret is that as our side of the aisle has elected a President and we now have control of the Senate, and we are starting to flex a little muscle around here in the House. We are really going to miss SAM's leadership and guidance as we embark upon what I believe to be an important effort over the next few years on behalf of this Nation.

I thank the gentleman for taking this special order, and we all wish SAM well.

● Mr. VANIK. Mr. Speaker, I wish to join my colleagues in paying tribute to my fellow Ohioan, the Honorable SAMUEL L. DEVINE. SAM has served in this Congress for 11 terms. In this time he has become known as an effective and responsible representative of the State of Ohio.

As the senior member of the Interstate and Foreign Commerce Committee, he has had tremendous input in the vast business of the committee. As a member of the Subcommittee on Health and Environment and the Subcommittee on Consumer Protection and Finance, he has been able to leave a lasting mark on the direction of legislation in these exciting areas.

SAM is a diligent, responsible legislator who has preserved the best traditions of representation.●

● Mr. KEMP. Mr. Speaker, in these final days of the 96th Congress, I would like to take the time to express my warmest appreciation to my good friend, SAM DEVINE.

For 22 years SAM has been stalwart in the fight against Government intrusion into the lives of American citizens. As the ranking minority member of the Interstate and Foreign Commerce Committee, SAM would often urge his fellow committeemen to put an end to needless regulation in an effort to get our economy back on the right track. Whether it has been in the fight to preserve the free enterprise system or rebuild a strong national defense, SAM DEVINE has been a tireless and effective leader who has earned all of our respect and particularly so because of his integrity.

Since SAM DEVINE took over the leadership post of the Republican Conference in March, I have had the great pleasure of working very closely with him. Through his initiative, many of our party's policies and ideas have been instrumental in the rejuvenation of Republicanism across the Nation. We in the Republican Party owe a significant debt to SAM that cannot easily be repaid.

During his years of service to our Nation, his State and his congressional district, SAM has displayed the qualities of a true leader.

With supporters and opponents, his trademark has been uncompromising fairness, a characteristic which also endeared him to football fans during some 30 years as a college and high school field official.

SAM, we in Congress and I, personally, will miss your daily presence as a friend, a colleague, and a comrade in arms in the battle of ideas.

But, consistent with my days as a football player when I paid more than my share of attention to the officials, I and my colleagues, and your friends, will seek your counsel in the field of statesmanship.

I am proud to have served with you. I look forward to our lasting friendship. And I wish you and your family the very best in the days and years ahead. America owes SAM DEVINE a debt of gratitude.●

● Mr. MONTGOMERY. Mr. Speaker, for the entire 14 years I have been privileged to serve in this body, it has been my pleasure to serve with SAM DEVINE of Ohio and know him as a valued colleague. I do not think there is a single one of the 22 years SAM has served that he has not failed to make several important contributions to the House and thus to the Nation.

I will regret losing the service of SAM DEVINE because we will be losing a Member who always strongly supported the recommendations of the House Armed Services Committee on which I serve. And now more than ever, we need Members of the House who appreciate and understand the problems we are experiencing in the military and are willing to vote to correct these problems.

Mr. Speaker, another hallmark of SAM DEVINE's career has been his strong belief in a responsible fiscal policy on the part of the Federal Government. This belief really came to light in his service on the House Administration Committee where he worked with others to tighten up the operation of the Congress itself and always voted to require congressional committees to hold the line on their spending.

I join with my colleagues today to wish SAM the very best in the years to come. SAM, we will miss you as a colleague and we will miss you as a personal friend on a day-to-day basis. Good luck and Godspeed.●

● Mr. CHAPPELL. Mr. Speaker, I rise today to pay tribute to my friend and colleague, SAMUEL L. DEVINE who has so ably represented the 12th Congressional District of Ohio for the past 22 years. The citizens of Columbus are losing a very able and conscientious representative who has displayed outstanding leadership qualities and the foresight to deal with many of the problems which confront us.

His work on the Interstate and Foreign Commerce Committee is deserving of recognition. Sam has been especially effective in his role as ranking minority member on this committee and has demonstrated a clear understanding of the contributions of the free enterprise system and the need to lessen Government's restrictive role in the private economy. In my view, Sam Devine is a man who has stood by his convictions despite the fact that his views were sometimes controversial and would result in political fallout.

He has made exemplary contributions to the House of Representatives. He has served his constituents, his colleagues and this great institution well. We will all miss him yet we are certain that he will make an equally valuable contribution wherever he goes.

I am happy to join my colleagues in expressing our appreciation for having had the honor of serving with him and in extending to him our best wishes in his future endeavors ●

● Mr. DERWINSKI. Mr. Speaker, I would like to join in paying tribute to our colleague, Sam Devine, who will be leaving us with the adjournment of the 96th Congress. As fellow Members of the class of the 86th Congress, it has been an honor and a privilege to serve with Sam for the past 22 years.

During his years in Congress, Sam has served the people of Ohio's 12th District with dedication and distinction. He is recognized as a man of integrity and ability, who has been a champion for the State of Ohio as well as for the Nation. Sam's legislative record speaks for itself. Dedication and careful concern for his constituents and for his country have been hallmarks of his work in Congress over the past 22 years.

His leadership in the Republican ranks, first as vice chairman of the conference committee and now as its chairman, has been instrumental in shepherding major legislation which embodies the Republican philosophy through the Congress. We have been fortunate to have Sam as a colleague and to benefit from his extraordinary legislative ability.

In addition to a long and distinguished career as a legislator, we are all familiar with Sam's warmth, good nature, and kindness. We will miss his inspiration and strength.

I take this opportunity to wish Sam all the best in whatever he chooses to undertake. I am confident that he will bring to it the same dedication that he has brought to his congressional career. It is my hope that Sam's talents and special role in the Republican Party ranks will be recognized by President-elect Reagan's administration and that he will be properly considered for appointment in the executive branch should he desire to continue his career in public service.

My wife, Pat, joins me in wishing Sam and his wife, Betty, health, happiness, and good fortune.●

● Mr. YOUNG of Florida. Mr. Speaker, the gentleman from Ohio should be commended for setting aside this time to honor one of our most distinguished colleagues, the Honorable Sam Devine.

As a Member, we have all had many days when there was not enough time for everything we had to do. Those days must have come about often for Sam Devine, who seemed to be involved in just about everything. As the ranking minority member of the Committee on Interstate and Foreign Commerce and as the senior minority member on the House Administration Committee, Sam's committee assignments took up a great amount of his time. He also served on the Executive Committee of the Committee on Committees and he was a vital and active member in many party matters as a member of the Republican Policy Committee and as the vice chairman of the Republican Conference his last five terms.

Despite the time constraints Sam was under due to such a busy schedule, he always had time to be a friend of mine and many of his colleagues. And now, after 22 years of serving his country, Sam will be leaving the House.

The contributions Sam has made to this body will be missed, and it will probably take several Members to fill all of his assignments. But no one will be able to fill in for Sam as a close personal friend of mine.

Our personal relationship began nearly 20 years ago when I, as a young State senator, had the privilege of traveling throughout the South with him as he brought the message of fiscal responsibility to audiences in places seldom visited by Congressmen. As a modern day Paul Revere, Sam sounded the alarm which was finally heeded by Americans this year. While Sam will not be here with us, he has every right to be proud of his part in the determined effort to restore fiscal responsibility to our Government.●

● Mr. de la GARZA. Mr. Speaker, I would like to join my colleagues in the House of Representatives in saluting the Honorable Samuel L. Devine, who is leaving the House after 22 years of dedicated and effective service on behalf of the people of the 12th District of Ohio and of the United States.

Congressman Devine preceded me in the House by 4 years, and while he may have sat on the other side of the aisle from me, I can say that we have shared many of the same concerns for the welfare of our Nation.

At this transition in his life, after a total of 40 years in public service, I wish our colleague Samuel L. Devine the best of luck in whatever paths he may wish to pursue.●

● Mr. SHUSTER. Mr. Speaker, I rise to join our many colleagues who are paying tribute to Sam Devine, a leader of the first degree. It has been an honor and a pleasure to serve in the House with Sam. Sam Devine had already been in the House for 14 years when I was first elected in 1972. At the time, he was serving as vice chairman of the Republican Conference and I shall always remember his patient and valuable advice during my first months in Washington.

More recently, it has been my fortune to serve with Sam in the Republican leadershp. It was there that I truly saw his perspicacity, his grasp of the issues, and his unerring sound judgment in charting a party course. As chairman of the Republican Conference during most of the 96th Congress, he was faced with many challenges. He handled these volatile issues adroitly, with skill and sensitivity for the parties involved.

But, more than that, perhaps his greatest contribution as conference chairman has been the rejuvenation of the conference, making it a driving force in serving all of the Republican members.

We will all greatly miss Sam Devine and bid him well in whatever future endeavors he undertakes. There is no doubt in my mind, however, that Sam Devine will continue to be a leader wherever he goes.●

● Mr. WON PAT. Mr. Speaker, it is with great pleasure that I add my voice to that of our many colleagues here today to praise our departing colleague, Representative Sam Devine of Ohio.

It goes without saying that we were all shocked to hear of Sam's misfortune on election day. He has been an important figure in this body since 1959. As a member of the Republican Party, he led the Republican House Conference and was a man who earned the lasting respect of his colleagues on both sides of the aisle here in the House.

I will always remember Congressman Devine for his totally fair approach to issues facing this Nation. He was always willing to work with a member of either political party who offered an approach to a problem which he felt was consistent with the national interests.

It has been a great honor to serve with Sam Devine during my service in the U.S. Congress. I wish him well in the future and hope he will continue to serve this Nation in a capacity which will permit him to use his many years of experience. He is a credit to his country and to the Republican Party which he loves so well. He will certainly be missed by his many friends here in the Congress who have come to rely on his advice and counsel.

Thank you.●

● Mr. RHODES. Mr. Speaker, it is with a deep sense of loss and regret that I rise to pay tribute to my very good friend and distinguished colleague from Ohio, Congressman Sam Devine.

Sam's departure, after 11 terms in this body, will be keenly felt by those of us who have come to know him as an active and concerned Member of the House.

In particular, I will miss the sound counsel and excellent commonsense advice he contributed as part of the Republican leadership team, which he joined in 1971, when he was elected vice chairman of the House Republican Conference.

Sam served in that capacity until 1979, when he was elected conference chairman, a position he has filled with distinction and honor. His contributions, such as the new conference directory, his program of regular meetings and briefings for Members, will be well remembered.

Sam also was an active member of the House Republican Policy Committee, where his words of wisdom at the weekly meetings helped all of us to put the issues under debate into proper perspective.

In addition to his leadership responsibilities, Sam also was for some years the ranking minority member on the Committee on Interstate and Foreign Commerce, a responsibility he undertook in 1972.

The name of Sam Devine may not be a household word in this country. Yet, through his solid counsel and sound advice—through his friendly willingness to be helpful to all Members, Sam has earned a special niche in this body.

I know that all of my colleagues, on both sides of the aisle, join me in wishing Sam the very best in the years ahead. He will be sorely missed when the 97th Congress convenes next month.●

● Mr. McCLORY. Mr. Speaker, when the news came on election day that Sam Devine, one of the most popular members on the Republican side of the aisle, had lost his bid for re-election, it imported a sad note to an otherwise happy evening for the Republican Party.

It imported also a note of irony since Sam Devine is foremost among the Republicans in the House with a claim to having helped produce that victory. As chairman of the House Republican Conference, he was instrumental in focusing public attention on such issues as rampant inflation, the unbalanced Federal budget, and the weakening defense posture of the United States.

It was the attention focused on such issues by Republicans in the House of Representatives, in the Senate, and of course by the President-elect, that resulted in the massive landslide of last November 4.

Sam Devine can take pride in the work he has done. Many of the young Republicans entering the House in January will be there in part because of the work done by Sam Devine. Many will find in Sam Devine's long career in this body a pattern for public service which they would be wise to emulate.

For my own part, I am proud to have claimed Sam Devine as a colleague and a friend during my 18 years in this House.●

● Mr. SHUMWAY. Mr. Speaker, it is particularly fitting for us to utilize this time to recognize the many achievements of our friend and colleague, Sam Devine. I am indeed pleased to have this opportunity to pay tribute to his fine record, and to assure him that his absence from the upcoming Congress will be acutely noticed.

Since his election to the 86th Congress in 1958, Sam Devine has demonstrated the finest attributes of a responsible legislator. His leadership and ability have been consistently evident, and his cooperative efforts to work with his colleagues are indeed commendable. Sam's outstanding contributions as ranking minority member of the Committee on Interstate and Foreign Commerce speak for themselves, as do his numerous efforts as a member of the Committee on House Administration. For those of us in the minority party, Sam Devine's guidance as vice chairman of the Republican Conference and also as a member of the Republican Policy Committee has been invaluable.

Although I have only been privileged to count Sam Devine among my friends and colleagues for the past 2 years, I am fully convinced of his laudable abilities. He stands as a fine example for others to emulate, and I extend to him every best wish for continued reward in the years ahead.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Samuel L. Devine, who is retiring at the close of the 96th Congress after 22 years of service in the House of Representatives.

During the 16 years that I have served in the Congress, I have had the opportunity to get to know Sam well as a fellow member of the House Administration Committee. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage.

Elected to the 86th Congress in 1958, Sam Devine has given outstanding service to his constituents of the 12th District of Ohio. His diligent efforts as a member of the House Interstate and Foreign Commerce Committee have been both fruitful and beneficial to the citizens of this Nation, and he has compiled a splendid record of excellence and achievement.

Sam is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to Samuel L. Devine my best wishes for a healthy and happy retirement.●

● Mr. QUILLEN. Mr. Speaker, I would like to join my colleagues in paying tribute to Congressman Samuel L. Devine for his many years of dedicated service in the House of Representatives.

Sam has done a tremendous job in serving his constituents, his State, and our Nation, and he will be greatly missed. He has contributed so much to this country, and his untiring efforts and ability will be remembered with admiration and respect.

As vice chairman and chairman of the Republican Conference, Sam's responsible leadership has been very important to the Republican Party. He has been an effective and hard-working leader, and his record of accomplishments is an example for all of us to follow. I have personally enjoyed working with him as part of the Republican leadership team, and his advice and guidance have always been very helpful.

I know Sam will continue his high level of service as he moves on to new and even greater challenges, and I am sure the future holds many more wonderful things in store for him.

I join my colleagues in extending my congratulations to Sam on a job well done, and I wish him the very best in all his future endeavors.●

● Mr. HAGEDORN. Mr. Speaker, the House of Representatives will be absent one of its most distinguished Members when the 97th Congress convenes next month without Sam Devine. The presence of Sam Devine in the Congress for the past 22 years has been of enormous benefit not only to his constituents but to all Republicans in the House as well.

In addition to his able leadership on the Interstate and Foreign Commerce and House Administration Committees, Sam has been an outstanding chairman of the House Republican Conference during the 96th Congress. Throughout his tenure, he has guided our conference with skill. We Republicans will miss his leadership.

I want to congratulate Sam on his outstanding career in the House and wish him a healthy and prosperous future.●

● Mr. RAHALL. Mr. Speaker, I am pleased to join my colleague from the Buckeye State, Mr. Latta, in paying tribute today to another Ohioan, who will be leaving Congress at the end of this session, the Honorable Sam Devine.

Since 1958, Sam Devine has represented the 12th District of Ohio and the city of Columbus with great distinction and pride. He has served his district, his State, and his country well. As a county prosecuting attorney, as a member of the Ohio House of Representatives, and then as a Member of Congress, Sam Devine's knowledge, experience, and leadership have been a source of pride for his family, friends, and constituents. He will indeed be missed.

The States of West Virginia and Ohio border one another, so to an extent Sam and I are neighbors, but his West Virginia connections go even further. Sam's daughter, Carol, is married to a close friend of mine, Matt Miller of Huntington, W. Va. Matt's father is likewise a long-time friend of mine, "Dutch" Miller. The Millers, as residents of Huntington, are constituents of mine, and I am pleased with that fact.

Also, Sally Albertazzie of Sam's staff, has family in Martinsburg, W. Va., particularly her father, Col. Ralph Albertazzie, former pilot for Air Force One.

I am sure all of these fine individuals share the respect, we do in this body, for Sam Devine. For 22 years he has been a mainstay on the House Commerce Committee, where he will complete his career as the ranking minority member.

All of us in Congress will someday realize that there is indeed life after Congress. I know Sam will realize that, and I know also that we all wish him the very best in the years to come.●

● Mr. LOEFFLER. Mr. Speaker, the House of Representatives will open the 97th Congress next January without one of its most respected members, Sam Devine. From the beginning of his more than 20 years of service in this body, he won the trust and gained the admiration of his colleagues. His legislative contributions are many and well known to all. Moreover, his capable and effective leadership within the House over the years sets the highest standard for all of us to emulate. I will miss my friend Sam Devine; we all will. But the example he has set, both personally and professionally, will remain with us.

● Mr. COLLINS of Texas. Mr. Speaker, I thank the gentleman from Ohio for yielding so I can add my respects regarding Sam Devine. Serving with Sam Devine on the Commerce Committee has given me a broad view of his abilities. He has the vision and the courage to encourage business with incentives to expand and create more jobs. Sam is a builder.

Sam has led the fight against a liberal Congress which placed excessive and cumbersome regulations on business development. Devine served as ranking Republican on the Commerce Committee which saw him leading the Republican minority against the liberal Democratic majority. Our recent economic survey reflects America's need to turn to the basic plan Sam advocated. American business has not been able to keep up with foreign industry, where for the past 10 years foreign companies have been able each year to reinvest 60 percent more in new machinery, plant and equipment.

Sam Devine has assumed full leadership responsibility as he has moved forward this past term and served as chairman of the Republican Conference. The policy positions he has established for Republicans in Congress gives us the foundation for aggressive legislation as we build towards 1981.

Sam is a warm friendly person. I have always enjoyed working with Sam as he puts it right on the line and you know exactly where you both stand. Sam's complete honesty and integrity gives him stature as our leader. His many years of dedicated work and study with hearings and markups has made Sam one of Washington's foremost authorities on business legislation. His counsel and judgment on policy as well as technical issues will be a deep loss to our Commerce Committee and the Republican Conference.

Sam was always on the House floor when any key issues came up. He forcefully spoke right to the point. We will miss Sam, who was always a hard fighter advocating less Government and less taxes. A balanced budget to end inflation was always a top-priority issue when he rose to speak in behalf of the Republican minority.

Sam was always calm and levelheaded. We will miss the Devine common sense. But mainly I am going to miss big, jovial, delightful Sam Devine. He is more than a great friend; Sam Devine is a great statesman.

Ohio has sent us many of our Nation's leaders. And listed at the top among Ohio's great sons, we would all include Sam Devine, who has served Congress and our Nation so well.●

● Mr. RINALDO. Mr. Speaker, it gives me great pleasure to join with my colleagues in paying tribute to the Honorable Sam L. Devine, who is leaving Congress at the conclusion of this session after having ably and effectively represented the residents of Ohio's 12th District since 1958.

During his 22 years of service, he has brought to the deliberations of the House a strong sense of personal conviction, integrity, and high moral character. In establishing an outstanding record of public service, he has contributed creatively and constructively to legislation advancing the welfare of the Nation.

Sam has been a tireless and dedicated legislator, and his love of his work, State and Nation has had a positive influence on all who have known and worked with him.

He has won respect from both sides of the aisle and from people familiar with his accomplishments.

I express my admiration and gratitude for a job well done, and I wish Sam success and happiness in his future endeavors.●

● Mr. CLINGER. Mr. Speaker, I take this opportunity to honor Congressman Samuel Devine of Ohio as an outgoing Member of the House of Representatives who has served in this Chamber with distinction for over 20 years.

The political tides have shifted considerably during Mr. Devine's tenure in Congress. While I can only comment on my past 2 years in Congress, it would come as a surprise to me if I were to hear that Mr. Devine adjusted his political beliefs according to the whims of an everchanging public opinion.

Mr. Devine has been a strong supporter for tightening the fiscal reins on Government spending and less regulation of the private sector. Advocacy of these beliefs was not always in vogue. I believe it can be said that the ascendancy of these ideas to prominence in the past election benefited from Mr. Devine's leadership position on the Republican Conference.

Ironically, Mr. Devine will not be here for the 97th Congress to benefit from the fruits of his labor. But those of us who agree with Mr. Devine certainly will benefit, and in that sense, the efforts of Congressman Samuel Devine will continue even without his presence.●

● Mrs. HOLT. Mr. Speaker, most of us recognize the transitory nature of our congressional careers, but it is distressing that we will soon be missing the presence of our friend and colleague Sam Devine.

The gentleman from Ohio—and I use the term "gentleman" for its classical meaning—has served with great distinction in this House for 22 years. Many of us looked to him for counsel and leadership. He offered us the quality known as wisdom, and we will miss him.

We should note that Sam Devine is a cum laude graduate of the University of Notre Dame Law School, served as a special agent of the FBI, practiced law, and was elected to three terms in the Ohio Legislature before coming to Congress. Seldom has anybody come to Congress so well prepared for the law-making tasks of our country, and he won the respect of his colleagues on both sides of the aisle.

Over the years, he demonstrated his talent for leadership in the House Administration Committee, the Committee on Interstate and Foreign Commerce, the Republican Policy Committee, and the Republican Conference.

Mr. Speaker, I believe this House will be poorer without the services of Sam Devine, and I am sure all Members will join me in wishing him a happy retirement.●

● Mr. BROYHILL. Mr. Speaker, having served on the Interstate and Foreign Commerce Committee since first coming to Congress, I have had the opportunity to work with Sam Devine since the very beginning of my service here. We did not always sit side by side on the full committee, but I gradually sneaked up on him as others left for various reasons such as to become Federal judges. I became the ranking minority member of the Commerce Committee only because Sam had been raised to the eminence of his present position in the conference and could not also serve as ranker. So we traded seats.

Sam did not exactly come to his congressional career out of nowhere. He had long since paid his political dues in his home State of Ohio. Experience as an FBI agent, a prosecutor, and a member of the Ohio Legislature gave him a running start to be an outstanding legislator. It also gave him an opportunity to formulate his philosophy of government, a philosophy to which he has been unswervingly true over the years.

Working with Sam has been a rewarding experience in many different respects. First of all, he gave us who were down the ladder a chance to develop. Upon becoming the ranking minority member of the Commerce Committee, he made it known quickly that he expected the ranking minority members of the various subcommittees to run their own operations. This gave us the chance to make our mistakes and learn the hard lessons of parliamentary give and take. Not that Sam was throwing us to the sharks. Far from it. He was there, and his extensive experience, his help, his guidance was always available. But it was that chance to wade into the fray in all its respects in subcommittee, in full committee, on the floor, and even in the atmosphere of the interhouse conferences which helped mature those of us fortunate enough to serve under his aegis.

In addition to giving us the opportunity to goof up, Sam was always standing ready to help bail us out when necessary. At times he had to stand firm against odds. He backed his colleagues and the staff. One of the most remarkable aspects of all this was the fact that through it all he always kept his cool. He was invariably unflappable, and this was both an example and an inspiration to the rest of us. As ranker he was as fair and equitable to all the minority members as it is humanly possible to be. New members were always given consideration with their particular problems and given every feasible chance to make points in their attempts to influence legislation before the committee.

But it must always be borne in mind that the minority does not run the show either in legislative or in administrative matters. There must be reasonably harmonious relations with the majority. During Sam's tenure as ranking minority member, our relations with our majority counterparts in things legislative depended, of course, upon the issues at hand, but in things administrative wherein we received the people and tools with which to do the job Sam maintained a consistently good and fruitful relationship with our departing chairman, Harley O. Staggers, and the genial clerk of the full committee, the late W. Ed Williamson. Friction was almost nonexistent.

Those qualities which impressed us working closely with Sam would naturally come to the attention of the whole of the minority membership, and this was exemplified by his being chosen vice chairman of the Republican Conference and eventually to the very top of the Republican hierarchy as chairman of the conference. In all, a very remarkable career, and one which should give any member great and enduring satisfaction.

Let us hope that Sam now chooses some line of endeavor which will give us further opportunity to do business with him.

To hark back to the lyrics of that old song, I suppose I could say, "Sam, you made me what I am today. I hope you're satisfied." ●

● Mr. SCHULZE. Mr. Speaker, today I rise to pay tribute to our distinguished colleague from Ohio, the Honorable Sam Devine, who is retiring after 22 years of service to our Nation.

His leadership will be sorely missed in the 97th Congress, in two particular places: On the Interstate and Foreign Commerce Committee, where he is the ranking Republican, and with the Republican Conference, which he chairs. The scope of his excellence, however, goes beyond these endeavors. His dedication and commitment have won the respect of his colleagues on both sides of the aisle.

The Congress is losing an able legislator with the departure of Sam Devine, and the people of the 12th District of Ohio an effective representative. We are truly sorry to see him go, and I am sure that he takes with him our heartfelt thanks and our best wishes for continued success and fulfillment.●

● Mr. HARSHA. Mr. Speaker, I would like to join with my colleagues in honoring an outstanding man and an outstanding Congressman—the Honorable Sam Devine.

The residents of the 12th District of Ohio have been extremely fortunate to be represented by such a dedicated, conscientious, and capable legislator during the past 22 years. I am sure they will miss his fair, hard-working, and effective representation of their interests.

As ranking minority member of the House Committee on Interstate and Foreign Commerce and as senior minority member of the House Administration Committee, Sam has contributed greatly to the accomplishments of these bodies by his sound judgment and knowledgeability of their legislative areas. However, I would like to pay particular tribute to the outstanding service Sam has rendered the Republican Members of the House through his work on the Republican Policy Committee, the Executive Committee of the Committee on Committees, and as vice chairman of the Republican Conference.

It has been a genuine pleasure and privilege to serve with Sam in the House and to work with him on matters of importance and concern to the Nation and our State. I would like to join with his many other friends and admirers in wishing him many more happy and productive years. His wisdom and wise counsel will be missed in the Congress.●

● Mr. STANTON. Mr. Speaker, one of the few bleak notes for Republicans on election night this year was the news of Sam Devine's defeat. It is sad that this man who has fought so long and hard for Republican principles will no longer be a Member of Congress.

Sam Devine will be missed for many reasons. His leadership on the Interstate and Foreign Commerce Committee is repected by his colleagues in both parties. For years he has played a key role on House Administration. But most of all, I will remember Sam as a Republican. His contributions as a member of the Republican Policy Committee and the Republican Conference have helped immeasurably to bring our party to its present strength.

Sam Devine was truly a Representative of Columbus. His warmth and open friendliness, his easy going manner and marvelous sense of humor, his love of sports are all characteristics of his Midwestern heritage. I have been proud to serve with Sam. It is just not going to be the same around here without him.

I say to Sam Devine—Thanks for a job well done.●

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from Ohio, Mr. Latta, for taking out this special order so that Members can salute our distinguished colleague Sam Devine, who will not be returning for the 97th Congress. I think that I can speak for the other members of the Ohio delegation by saying that Sam Devine's leadership will be sorely missed in the 97th Congress.

Unlike some of the other Members of the House, I did not become acquainted with Sam Devine by virtue of committee assignments until I was appointed the chairman of the House Select Committee on Assassinations. At that time, Sam Devine was the ranking minority member of the committee which was charged with investigating the circumstances surrounding the assassinations of President John Kennedy and Dr. Martin Luther King, Jr.

As many of my colleagues know, Mr. Speaker, prior to my appointment as chairman of the committee the committee was a source of much turmoil. As a result of my appointment, a number of meetings at different times during the day and night were convened to arrest some of the turmoil. During this time, Sam Devine was present at every meeting and very supportive of my work as chairman on a nonpartisan basis.

Once the committee was set on the right track, Sam Devine continued to be very cooperative and supportive. He was deeply committed to the work of the committee, which was witnessed by his presence at every meeting. I came to rely on him, and his judgment and background with the FBI provided to be invaluable to the committee.

As a result of this association and many other projects we collaborated on like the tribute to his former teammate at Ohio State, Jesse Owens, a strong friendship developed between us. I for one will be sorry to see him leave this body.

Mr. Speaker, in my estimation this Nation has lost a great legislator and friend. I would like to wish Sam Devine the best in the days ahead.●

Mr. LATTA. Mr. Speaker, I am pleased to join my colleagues in honoring Bill Harsha and recognizing his talented contributions over the last 20 years in the House of Representatives.

Warm, friendly and conscientiously dedicated to the integrity of the Congress as an institution, it would be an impossible task to mention all of Bill Harsha's achievements. His contributions to develop this country's water resources, improving the safety conditions of our highways, and devoting his attentions and concern for our Nation's veterans, are unparalleled.

Intelligent, competent and well informed on national issues that confront every American, Bill has been a sensitive, hard working and dedicated Member of the House. More importantly, Bill is a quiet man who is not known to boast or flaunt his achievements; he does not need to. He is admired by his staff, his colleagues, and his constituents. He is deeply respected by all who know him and he makes no secret of returning that feeling. When these aspects of his character are combined with his outstanding legislative knowledge and political ability, the result is a man who teaches and learns, who formulates and compromises, who respects and is respected.

I would like to commend Bill on his distinguished public career and wish him a long and enjoyable retirement filled with good health and happiness. He will be sorely missed by all of us who had the privilege to know him.

I would be happy to yield to my colleague from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. I thank my colleague for yielding. I would not add very much to that except for one personal anecdote. We can all recount what Bill has done over the years in his work on the Committee on Public Works and Transportation. Bill Harsha has something that very few of us—and certainly not the person speaking—has, and that is, he does not have constituents, he has fans. I spent a lot of time traveling his district, and I would point out to my colleagues on both sides of the aisle that is really not what you would call a Republican district. That is a Harsha district.

I remember when I was active in the Young Republicans some years ago—more than I would like to admit—traveling that district that was a strong Democratic district. It was represented almost 20 years by the late Representative James Polk. When Bill Harsha was elected, after about 5 or 6 years of his hard work, that became a Harsha district. I can say, because I have been to at least four of his testimonial dinners and picnics in the last several weeks, I do not think I have ever been in a district in this country where there is such an outpouring of true affection for a Member of Congress as in the Sixth District of Ohio.

As a matter of fact, I am a little envious. I know I wish I had some of that. I think I get a certain amount of like and dislike as all of us do, but I do not think very many of us could have a fan club in our district quite like Bill Harsha's. That tells you a lot about Bill. Some of us kid him and call him the King of the Ohio River. Most of his district is on the Ohio

River. Being on the Committee on Public Works and Transportation, of course, does not really hurt that, but I would say going in and out of his counties that if many Members of this body could serve 20 years and have the affection that they have for him, there is enough there in that one district to spread around really for the other 434.

I am not going to go into all of his wonderful accomplishments. I have worked with him over the years in the Young Republicans, the State Republican Central Committee, politics and so forth; but very few are as warmly liked, respected, and I would even add the word loved in their district as Bill Harsha. I think that tells an awful lot about the man.

Mr. LATTA. I would be happy to yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for taking this special order today to honor two great men, Sam Devine and Bill Harsha.

Sam and I, of course, have served on the Committee on House Administration and have had a lot of fun several times blocking pieces of legislation such as public financing and other things that we thought would work evil on the politics of the day. We are going to miss him. We are going to miss his wise counsel around here. We do say a sincere and heartfelt, "Thank you, Sam," for a job well done.

Mr. Speaker, I rise today to pay tribute to a dear friend and distinguished colleague, Bill Harsha.

Bill Harsha is that unique sort of man who is possessed of such integrity, such ability, such inherent class, that the respect and admiration we all feel for him transcend all partisan bounds.

His diligence and fortitude are the stuff of legend. With his work, he has carved out a place in this House that none can surpass and few ever hope to equal; he has set a standard for all to follow in years to come. I am reminded, especially in view of Bill's expertise in the field of transportation, of a poem written some 40 years ago by Miss Will Allen Dromgoole. It is entitled "The Bridge Builder," and with your indulgence I would like to read it to you.

An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim,
The sullen stream had no fears for him;
But he turned when safe on the other side,
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,
"You are wasting your strength with building here.
Your journey will end with the ending day,
You never again will pass this way.
You've crossed the chasm, deep and wide,
Why build you this bridge at eventide?"

The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me to-day
A youth whose feet must pass this way.
The chasm that was as naught to me
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim—
Good friend, I am building this bridge for him.

My colleagues, I will not today say, "Farewell" to Bill Harsha. I am convinced that among the blessings of God will be the privilege of seeing Bill as frequently as ever. But I will take this time to salute him on a job well done for his constituents and for his beloved country. It has been an honor to have served together with Bill Harsha. I shall always be proud to call him my friend, and I hope that he will always think the same of me.

Mr. LATTA. Mr. Speaker, I yield to the gentleman from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, one of the things that makes this body that we serve in so great, is the way that Members with differing views, learn to pull together and work with each other for the good of the country.

I think that, often as not, new Members come to the House viewing their colleagues on the other side of the aisle as the "enemy." Then, they begin working with people like Bill Harsha. And they quickly come to appreciate and be thankful for the wisdom, insight into problems, and warm friendliness that a Bill Harsha can and does give them.

I have served on the Public Works and Transportation Committee with Bill Harsha for many years. Like all of us, at times he was concerned with partisan issues. But his primary and overriding concern, always, was for the good of the country, his State, and those Ohio constituents that sent him, over and over again, to Congress.

Over the years I have had the pleasure of working together with Bill on many issues. And I believe that on each one of them, the results have been better because of his active participation and the meaningful contributions he has made. Bill always had a great instinct for what would work, and what would not. He has the ability to look at something that seems fine on paper, and point out problems it will have in the "real world." So, it is a great tribute to Bill that our Public Works Committee has been able to put together so much outstanding legislation over the years.

As often as not, a major craftsman behind these bills has been Bill Harsha. He has been a leader and he has been a spokesman, and he will be missed. Mr. Speaker, Bill Harsha is such a man that even after he leaves us, I feel certain that many of us will be calling him for advice and guidance on legislation that is before us. We cannot afford not to tap the well of information and mature judgment that is within Bill Harsha.

Whatever Bill chooses to do in the months and years ahead, be it hunt and fish in Ohio, or the resumption of an active career, Lee and I know he will do it well, and wish him, Rosemary and their family all the best.

□ 1920

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, on a number of occasions I have taken the microphone in the well of the House and extolled the gentleman, who has been described as one of the fairest and firmest individuals that I have had the privilege to share a ranking minority chairmanship with, that is the gentleman from Ohio (Mr. Harsha).

Bill Harsha has served with extraordinary distinction. He is a man recognized and enormously respected for being smart, tough, and always thoroughly prepared. He has mastered the intricacies of parliamentary procedure as well as anyone in this body and if there is anyone that has done a job that is worthy of recognition, it is the gentleman from Ohio, Bill Harsha.

Mr. Speaker, Bill Harsha has an unprecedented record of protecting and advancing the interests of his constituents. At the same time, he has been a champion of legislation that is responsible and responsive from a nationwide perspective. He enjoys the highest esteem and deep respect of all of us here in Congress because he is fair, firm, and factual. He is fair in the scrutiny that he gives the legislative proposals that come before him; firm in the commitment he makes to properly evaluate those proposals; and factual in the approach he takes in formulating positions concerning legislation.

Because of Bill Harsha and the 20 years of service he has given to this Congress and this Nation, our rivers and streams will be cleaner and more able to be enjoyed by both recreational and commercial users. Our highways will be better designed and safer. The country's airport and aviation laws have been vastly improved so that new aircraft will be built with cleaner and quieter engines and airports will become good neighbors in the community. Because of Bill Harsha, we have a body of economic development legislation that is revitalizing regional growth and prosperity nationwide. And locks and dam 26 on the Mississippi River will stand as living monuments to Bill Harsha's perseverance and legislative genius.

Mr. Speaker, when Bill Harsha retires at the end of this session, the rest of us in the House will miss him and his contributions far more than anyone else who has retired in a long, long time. He has served the American people exceptionally well and he will always be remembered as the statesman and incredibly capable administrator that he is.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to my colleague from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

It is with special appreciation that I wish to offer my remarks honoring my good friend and colleague, William H. Harsha. Bill is that special kind of representative whose record in Congress deserves recognition and attention due to his ability to work within the legislative process and within the system in its finest tradition.

Bill worked hard to earn his reputation through his 20 years in Congress and his 10 years' experience as ranking minority member of the House Public Works and Transportation Committee. His strength was best characterized in the Contract Carrier when the writer, citing the lyrics of Jim Croce's song, urged, "Don't mess around with Bill."

The article properly credited Bill Harsha with skillfully gaining the passage of the landmark trucking legislation, which in itself is a tribute to his ability. His colleagues on the committee spoke of him in glowing terms during the course of the debate on that bill.

Bill Harsha worked for his district and for the country. The people of the Sixth District are justly proud of having a man of his caliber as their representative over the past 20 years, as were all people of the State of Ohio. I wish here to personally express my sincere thanks to Bill Harsha, who helped me on several occasions on projects affecting my district. Without his help, progress would not have been made on those projects, which were of concern to me.

For all of Bill Harsha's efforts and the outstanding job he has done over the past two decades, the people of Ohio and the country want to thank him, I am sure. I want to thank him for his perspective and skill, which will be missed in the House.

Marjorie and I wish to express our best wishes for Bill and Rosemary in their new endeavors, whatever they might be.

Mr. LATTA. I thank the gentleman.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to my colleague from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

All good things must come to an end and so it is with the House career of my good friend and colleague from Ohio, Bill Harsha.

For 20 years, Bill Harsha has represented the citizens of southern Ohio with distinction and dedication. Bill Harsha has been a people's Congressman during his 10 terms in Congress as well as being a knowledgeable and respected legislator. He has provided the constituents of the Sixth Congressional District outstanding service. If they had a problem, Bill Harsha was there to help.

I make these comments from firsthand experience. As the representative from Ohio's 10th District, I have the good fortune to represent the district immediately east of Bill's. We share a long common boundary. As a result, we deal with a number of the same State and regional officials. We work together on a number of projects of benefit to both districts. And work Bill does for his district, for his State, and for his Nation.

When I first came to Congress, I had the pleasure of being a member of the House Public Works and Transportation Committee, a committee which Bill has served on for the entire length of his congressional service. For the last 10 years, he has been the ranking minority member of that committee.

In his capacity as a member of the Public Works and Transportation Committee, he has fought long, hard, and successfully for rural America. Largely through his efforts we in southern Ohio can travel through our region on the Appalachian Highway; we in southern Ohio can enjoy the new opportunities and facilities made possible through such Public Works Committee authorized programs as the Economic Development Administration and the Appalachian Regional Commission.

Bill's talents and expertise in the area of highway safety have been internationally recognized. In 1973, Great Britain's Minister of Transportation presented Bill with the first "International Road Safety Award."

Bill Harsha has made things happen in these Chambers and he is going to be awfully hard to replace. I wish Bill well as he begins his new career as a Washington attorney. May the many good works he did for his district, State, and Nation stand as a lasting tribute to this fine legislator.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to say just a few words about our good friend, Bill Harsha. He is one of those fellows who, when youngsters come to Congress, immediately they recognize him. They look up to him. They understudy him, and those who have done that have become very able Members of the House, I think, over the years.

The thing that impressed me about Bill is that he was on one of those committees as ranking minority member that touched just about everybody's district in every part of the country at one time or another through waterways, through highways, through airways, through every method or mode of transportation. And so, he was much in demand to be called on by Members of the House and by those who are not in the House. I never visited with him about a project or a problem we might have had in our area that he was not always available, always attentive, always willing to listen and advise.

I think that the one good thing that can be said about Bill, above all else, is that he built America. He happened to be on the right committee that was involved in building America, and as the leader on the minority side of that committee for the last 10 years he has participated in the growth of this great country.

□ 1930

I suppose if there is any one thing that can be said about someone in this Nation of ours, if we can say that they did work to build this Nation, that they did participate in its growth, and that they did leave their mark when they served this great Nation of ours, then that is something to be said about a person that is very nice and very fine. If we can say that about any person, that person is Bill Harsha.

Mr. Speaker, I certainly wish him well in his retirement and look forward to seeing him in the years to come. I thank the gentleman from Ohio (Mr. Latta) for taking this special order.

Mr. LATTA. Mr. Speaker, I thank the gentleman from Alabama (Mr. Edwards) for his comments, and I thank all my colleagues for their statements concerning Bill Harsha and also concerning Sam Devine.

● Mr. GOLDWATER. Mr. Speaker, as an active member of the Committee on Public Works and Transportation, it is with great pleasure that I rise to salute a fellow committee colleague. Although the committee will miss Bill's hard work and dedication, I believe his constituents will miss him more. His popularity at home and in this Chamber is a fine tribute to his remarkable ability as a Representative.

Bill's role as an influential congressional leader cannot be overestimated. His attention to legislative detail, and his insistence on quality work, has made Bill a truly respected Congressman.

We will miss Bill, but those who will miss him most will be the newly elected Members who never had the opportunity to learn from him. My very best wishes go with him as he prepares to leave the Congress for his new role as a private citizen.●

● Mr. YOUNG of Florida. Mr. Speaker, the gentleman from Ohio should be commended for setting aside this time to honor one of our most distinguished colleagues, the Honorable Bill Harsha.

I have had the privilege of serving in the House with Bill Harsha for half of his 20 years. During that time we have worked together many times. As the ranking Republican on the Public Works and Transportation Committee, Bill has been invaluable to me, to my district and to the State of Florida in helping with important water and transportation projects. Some other colleagues have also told me of countless instances when Bill has helped them with projects that have improved their districts and States.

Not only have we worked together, but I have had the opportunity to become a close personal friend of Bill's, a relationship that has been very important to me in that I have learned from his experience. Now, after serving 10 terms, Bill has decided to retire. He retires with an outstanding record of service to the Congress and to his country. Bill's career as a Congressman sets a standard that the new and returning Members should strive for when the 97th Congress convenes next month.●

● Mr. ROBINSON. Mr. Speaker, I am glad that the distinguished gentleman from Ohio, Mr. Latta, has taken this special order. As we hustle toward the sine die adjournment of the 96th Congress, it is fitting that we allot ourselves time to recognize the dedicated service of colleagues who are completing their service in the House and who, to our great regret will not be assisting with their valued counsel those of us who, God willing, will be privileged to serve in the 97th Congress.

At this time, we salute another distinguished Member of the Ohio delegation.

the Honorable William H. Harsha, ranking minority member of the Committee on Public Works and Transportation.

Bill Harsha had completed his first decade of service here when I was in the company taking the oath for the first time. I learned quickly of the respect in which he was held by his colleagues, and I was grateful for his ready friendship and considerate counsel.

Our colleague from Portsmouth, Ohio, has made many contributions to the formulation of legislative policies over the years. His active interests in the House have been wide ranging. He has distinguished himself particularly, however, by his conscientious, consistent efforts to approach public works and transportation needs of the Nation with a concern for the limitations of fiscal prudence.

Over the years, he has dealt with authorizing legislation involving the commitment of many billions of dollars. He has supported programs of construction which he felt could be justified to the taxpayers, and he has never hesitated to oppose programs or projects which he concluded were not fully justified.

Bill Harsha has labored diligently in the House for the common good of all Americans. In doing so, he has always kept in mind that the people of the Sixth District of Ohio sent him here to represent them in particular, and their concerns have had his faithful attention. Now, he is completing 20 years of service to his district and to the Nation. Even as we will regret to see him leave, we will be envying the additional time he will have for the company of his fine family, and for his hobbies of hunting and fishing.●

● Mr. SNYDER. Mr. Speaker, at the end of this session this body loses one of its most distinguished and capable Members, Congressman William H. Harsha. I have known Bill Harsha for more than 18 years and in that time I have grown to respect his judgment and his ability to get things done. He is a leader to whom we look on virtually every issue that comes before the Committee on Public Works and Transportation.

His accomplishments in this body are many and it would take more time than I have available to recount them. There are a few points that do deserve recognition, however. Bill Harsha is an individual with a firm commitment to the environment, a man dedicated to promoting a better life for all of our citizens, and a foremost supporter of a strong America. He has authored the Federal Water Pollution Control Act and has argued effectively for protecting our Nation's wetlands—steming in part from his avid interest in hunting and fishing.

Throughout his career he has worked to improve the quality of our Nation's waters not only through strong environmental laws but also through the water resource program of the U.S. Army Corps of Engineers. He has also worked to increase the quality of life for Americans through his efforts to pass Federal aid highway legislation, jobs creation legislation, and the Appalachian Regional Development Act. However, Bill is probably best known for his work in the field of transportation.

Knowledgeable sources concede that he is the father of the Federal Highway Safety Program. In more recent years, he has been one of the principal architects of legislation making the first meaningful reforms in 40 years in the economic regulation of the airline and motor carrier industries.

Beyond the legislative ability of Congressman Harsha, I will also lose a friend on whom I have relied heavily on for advice and counsel. To him and to his lovely wife, Rosemary, I offer my best wishes and I hope that we will continue to see them so that we will continue to have the benefit of Bill's expertise and friendship.●

● Mr. HOWARD. Mr. Speaker, one of the great advantages of serving on the Public Works and Transportation Committee has been the tremendous degree of cooperation enjoyed by Democrats and Republicans over the years. We may be entering a new era, I do not know, I certainly hope not.

That cooperation is what has enabled us to present to the Nation a balanced, total surface transportation system that serves both the urban and rural segments of our population. We have been fortunate in the past to bring to the floor of the House measures with strong, bipartisan support.

Bill Harsha deserves much of the credit for the success of public works bills in this body. As chairman of the Surface Transportation Subcommittee, I work closely with him, forging compromises on highway, mass transit and trucking legislation. Always firm but also openminded, he provides a clear voice for the Republicans on our committee. The respect and good will he established has served his party well during Republican and Democratic administrations. He has promoted his party's initiatives with tremendous success in many Democratic Congresses.

As the author of the Highway Safety Act, he is responsible more than any other individual for saving thousands of lives by making structural improvements in our roadways. He is an expert in all transportation modes and his retirement from the House of Representatives means that we are about to lose perhaps our greatest storehouse of information on the transportation systems in this country.

His expertise ranges from the Clean Water Act to airline deregulation to Appalachian regional development. He has left his mark on all of these programs and laws and he has had an impact on those of us who worked with him and learned from him.

I will miss my friend, Bill Harsha. But I hear rumors going around and I hope they are true—that Bill has some very bright prospects ahead of him. I know that if he remains in Government in Washington, I can look forward to a continued friendship and to working closely with him. So that makes the thought of his retirement a lot more palatable to myself and others on the committee who consider him a friend as well as a colleague.●

● Mr. CHAPPELL. Mr. Speaker, I respectfully join my colleagues in paying a special tribute to the Honorable William H. Harsha of Ohio.

His long record of productive service to his congressional district, his State, and his Nation is marked with integrity, effectiveness, and dedication to sound principles of government. He has authored and led the passage of a great many bills which reside in our statute books—laws that significantly contribute to the quality of our life today and that of future generations.

In addition, Bill has been the recipient of numerous awards for his outstanding work in Congress. He received the James A. Rhodes Award for "Outstanding Public Contribution and Service in Natural Resource Management" and was honored for the role he played in formulating and marshaling through Congress the landmark Highway Safety Act of 1973.

As the ranking Republican on the House Committee on Public Works and Transportation, Bill was instrumental in framing legislation that benefited the environment and yet protected the economic interests of the Nation.

With Bill Harsha's retirement from this great body upon the adjournment of the 96th Congress, the Republic will have lost one of its most valuable servants. His leadership and counsel will be sorely missed.

My best wishes go with Bill as he embarks on new endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, for two decades, the people of Ohio and this Nation have been fortunate enough to have the dedicated service of Bill Harsha. And we in this body have also profited from his contributions as a valued colleague.

I believe one of the hallmarks of Bill's career will be his strong belief in fiscal responsibility. Nowhere was this more evident than in his service on the Public Works and Transportation Committee. I never envied his task of having to balance the needs of individual members against the scarce funds available for public works projects. But he always approached his decisions with fairness and objectivity and for that we in this body can be grateful.

Mr. Speaker, on a more personal note, I can say that I will miss the rugged individualism of Bill Harsha. He is a person who believes in speaking his mind and you never have to wonder where he stands on any given issue. And more importantly, his word has always been his bond—a trait of character that will be sorely missed in this body.

Bill, individually and collectively, we wish you the very best in retirement from the Congress although we know that a man of your energy will not be retiring completely from your efforts to seek a better way of life for your fellow Americans.●

● Mr. ROE. Mr. Speaker, it is indeed a privilege to rise today and honor my good friend Bill Harsha, who after 20 years of service in the House of Representatives, has decided to retire.

I feel most fortunate to have served in Congress with a man of Bill Harsha's abilities. As ranking minority member on the House Public Works and Transportation Committee, he has been a key element in both helping to author and securing the passage of such major pieces of legislation as the Water Quality Act of 1972, Appalachian Regional Development Act, the Economic Development Administration bill, the Federal Aid Highway Act, and the Omnibus Highway Safety Act of 1972.

Despite his many years in Congress, Bill Harsha remains today as close to the people of the Sixth Congressional District of Ohio as the day he entered the House of Representatives in 1960. Bill Harsha truly "is" one of the people of the Sixth Congressional District of Ohio.

His belief in strong family ties, a moral life code, and an unending devotion to our great Nation has endeared him to the hearts of the people he represents. Like ourselves, they also will surely miss his guidance in the years to come.

It can be truly said that Bill Harsha was a most unique lawmaker. His warm friendly manner made him many friends in the Nation's Capital. But that soft-spokenness gave way to strong determination when it came to securing passage of legislation to aid the people of his congressional district.

There is much speculation that Bill Harsha will soon be announced as a key member of President-elect Reagan's team. If that is the case, the Nation as a whole will learn what we in Congress already know. Bill Harsha is a "one-of-a-kind" man.●

● Mr. JOHNSON of California. Mr. Speaker, I consider it a great privilege to participate in this special order in honor of our distinguished colleague, Bill Harsha.

As my colleagues know, Bill Harsha has served as ranking minority member of the Committee on Public Works and Transportation for the past 10 years. For the past 4 years it has been my honor to serve as chairman of that same committee alongside Bill Harsha.

On September 9, 1980, a reception commemorating Bill Harsha's tremendous record of service in the House of Representatives was held. Since a statement I offered on that occasion has never been printed and since it states very well my feelings about Bill Harsha as a friend and as a distinguished public servant, I would like to include the text of that statement at this point.

STATEMENT

> Bill, I regret very much that a commitment I made many weeks ago prevents my being with you and with our mutual friends tonight. I am sending this statement, however, because I doubt if there will be anyone present who is in a better position than I to speak about the magnitude of your contribution to the Committee on Public Works and Transportation and through it, to the U.S. House of Representatives and to the Nation. For 20 years now we have worked side by side, separated by party labels but joined together by common objectives in all our many transportation and public works programs. For the past 10 years, you have led the minority side of our Committee with great fairness and unparalleled skill.
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> I recall how as a freshman Member you did what then was almost unheard of for a newcomer and particularly a newcomer in the minority party: you took the lead on a major issue, that of public vs. private power dams. From those early days to the recent enactment of landmark transportation law of great moment to the group honoring you tonight, you have held faithfully to the course of excellence and integrity. You have contributed as much as any one person to the fact that of *all* Committees, our Committee has one of the best legislative records on the floor of the House.
>
> Bill, I would gladly recount dozens of specific measures which would never have become law without your first-rate leadership and your hard work—leadership and hard work which often went unadvertised and unacclaimed. To mention only two areas: you have been the pace-setter on highway safety legislation for years, and it is safe to say that there are literally thousands of American drivers alive today because of Bill Harsha. There are many thousands more who are living productive lives unhindered by crippling injury because of Bill Harsha.
>
> Countless Americans enjoy a cleaner, safer environment today because of Bill Harsha. Citizens of every state in the Union have enjoyed and will continue to enjoy the recreational pleasures of clean rivers and lakes because of Bill Harsha.
>
> The people who are present and honoring you tonight are doing so because of your giant contribution in the transportation field. This is very appropriate, but I hope they will reflect a moment on how you have enriched their lives—and the lives of their families and friends—in so many other areas as well.
>
> The feeling of loss, however, is lessened by the knowledge that you will continue after your retirement to contribute to the many causes you have championed.
>
> I hope that tonight's celebration can somehow capture and communicate the greatness of your accomplishments over these 20 years. If so, a proper introduction will have been written for the many good years you still have ahead of you. I know you will use the years well. The country needs your continued active involvement in our national affairs.

The House of Representatives will miss Bill Harsha keenly, and certainly the Committee on Public Works and Transportation upon which he served so long and so well will miss him even more.

My wife, Albra, joins me in wishing Bill Harsha and his family many years of well deserved enjoyment.●

● Mr. SCHULZE. Mr. Speaker, I am pleased to join Del Latta and the rest of my colleagues in appreciation for Bill Harsha's long record of service to our Nation.

Bill leaves with us a tangible record of his dedicated work on the Public Works and Transportation Committee: The Water Quality Act, the Appalachian Regional Development Act, the Economic Development Act, the Federal Aid Highway Act, and the Omnibus Highway Safety Act, to name just a few of his legislative accomplishments. But more, he has labored above and beyond the call of duty to insure America's future in two vital areas: Water supply and highway safety. The recognition he has received from constituent and other groups says more about the scope of his contribution in these areas than we can hope to express.

On this, the occasion of his retirement, we honor Bill Harsha for his substantial contribution to the work of this body during the past 20 years. But his lifelong participation in the public arena tells of a commitment to the democratic process that will not be laid aside. Bill, I am happy for this opportunity to extend to you my thanks, and my best wishes in all your future endeavors.●

● Mr. HAGEDORN. Mr. Speaker, in my 6 years in Congress, I have been privileged to serve under the able leadership of Bill Harsha on the Public Works and Transportation Committee. He has been a strong, effective, and creative ranking member who could be counted on by the more junior members on the committee to advocate our point of view. The House of Representatives and the Nation have been the beneficiaries of his 20 years in Congress.

Whether Bill continues his career in the private sector or further government service, he will carry with him years of experience and an unsurpassed knowledge of our Nation's transportation system and the problems it faces. Whatever his future endeavors, I know he will pursue them with the same determination and energy as he exhibited in carrying out his responsibilities here in Congress.

I congratulate Bill Harsha and wish him a healthy and prosperous future.●

● Mr. BEVILL. Mr. Speaker, I would like to take this opportunity to join with my colleagues in honoring my good friend Bill Harsha, for his remarkable accomplishments during his 20 years in the House.

Bill has come to be a special person in this body, because of his leadership in helping this Nation develop its water resources throughout the country.

Bill Harsha is a skilled tactician in the development of legislation which is beneficial to the country. The various public works and transportation projects which he has helped to become realities have been instrumental in making this Nation a better place in which to live.

From my position on the Energy and Water Development Appropriations Subcommittee, I have had many opportunities to work closely with Bill, and I have come to have great respect and admiration for his deep concern and commitment to the people of his district and his country.

I know that he will be missed by all of us in the House, and his service to the people of the Sixth District of Ohio will be hard to equal. His district is very fortunate to have had the services of Bill Harsha for the past 20 years, and the House will certainly be diminished by his retirement.●

● Mr. QUILLEN. Mr. Speaker, it is with great pleasure that I take this opportunity to offer my congratulations to Congressman William H. Harsha on 20 years of serving this country so well in the House of Representatives.

His dedication and ability will be sorely missed in the upcoming Congress, as he has ably served not only the Sixth District of Ohio, but the entire country as well. His distinguished record demonstrates his effectiveness, integrity, and dedication, which will be remembered for many years to come.

Bill has earned great respect for his hard work as ranking minority member of the House Public Works and Transportation Committee, and he has made many important contributions to this country.

Even though Bill is retiring from the Congress, I know he will continue to serve this country to the best of his ability. I hope he will have the opportunity to do some of the things for which he had never had the time, as we all dream of doing someday.

I am confident that all of my colleagues join with me in wishing BILL great happiness and success in the years ahead.●

● Mr. RHODES. Mr. Speaker, with a sorrowful sense that, as the saying goes, all good things must come to an end, I rise to join with my colleagues in bidding a fond farewell to my good friend and colleague from Ohio, Congressman WILLIAM HARSHA.

BILL HARSHA has decided to retire after serving this body, the people of this country, and the voters of the Sixth District of Ohio with distinction and honor for 20 years.

He has served as a member of the Committee on Public Works ever since he was first elected to the House in 1960, and as the ranking minority member since 1971. It should be no wonder to anyone that BILL HARSHA is considered one of the Nation's leading experts on matters pertaining to highway safety and to water pollution, two of the main areas of concern for that committee.

BILL HARSHA's contributions to the advancement of improvements in those areas are legendary. Every major piece of legislation carries his input.

Beyond those legislative confines, however, I have valued his advice and counsel as a member of the Republican team. I will miss him—even including his ever-present pipe—and wish him the absolute best in the years to come.●

● Mr. SHUSTER. Mr. Speaker, no one deserves the plaudits and applause of the House of Representatives more for outstanding and dedicated service than the good gentleman from the Buckeye State, WILLIAM H. HARSHA.

I have had the honor of serving on the House Public Works and Transportation Committee with BILL since 1973. His counsel has been invaluable to me especially when I assumed the duties of ranking member of the Surface Transportation Subcommittee and BILL was ranking on the full committeee. I want to thank BILL for his leadership on the committee and his ability to work with all members of the committee to get things done.

BILL has used the slogan in his reelection campaigns of being a Congressman who gets things done. BILL HARSHA coauthored the Landmark Water Quality Act of 1972, the Appalachian Regional Development Act, the Economic Development Act, the Federal-aid Highway Act and the Omnibus Highway Safety Act of 1972. I have worked with him since 1975 on bills ranging from the Surface Transportation Assistance Act of 1978 to the Motor Carrier Reform Act of 1980. BILL HARSHA gets things done and his good work is now the law of the land.

BILL HARSHA's leadership will be missed. Many a time during critical phases of a measure's course through committee a roadblock would arise or a few members would stray ever so briefly. It would not take long, in a way only BILL HARSHA could accomplish, to get that roadblock cleared or those members educated to the virtue's of his position.

I will sincerely miss BILL HARSHA and I wish him the very best as he and Rosemary start a new career.●

● Mr. McCLORY. Mr. Speaker, it is a privilege to speak a few words of tribute to Congressman BILL HARSHA, one of the few Republicans in Congress who has served longer than I have. Now, at the end of a long and distinguished career in the House, BILL HARSHA has elected to retire.

As ranking minority member on the House Public Works Committee, BILL has probably had an opportunity to work on matters of mutual interest with every Member on this side of the aisle, and not a few on the other side. I know that I report the common sentiment when I say that he has always dealt fairly with his colleagues and been of assistance to them in many matters large and small.

As he retires from the House, I am sure that BILL HARSHA will remain active and committed to the ideals he has espoused throughout his tenure in Washington. He leaves us with the respect of his colleagues and the affection of his many friends.●

● Mr. ROBERTS. Mr. Speaker, BILL HARSHA will be sorely missed.

Mr. Speaker, the retirement of BILL HARSHA is not only a loss to this body and the Sixth District of Ohio, it is a loss to the entire country. The list of his legislative accomplishments and awards is endless.

It has been my privilege and pleasure to serve with BILL HARSHA on the Public Works and Transportation Committee. Without his expertise and contributions this country would not have the safe, modern highway system we all enjoy. We would not have the economic development programs.

As chairman of the Subcommittee on Water Resources, I can personally attest to his diligent work in improving and preserving our irreplaceable water supplies. We would not have the flood control and water pollution control we now have without his efforts to clean up our rivers and lakes and restore them for the benefit of future generations.

BILL HARSHA's 20 years of distinguished and dedicated service have made this land a better place for all. I am proud to call him my friend and wish him all the happiness and success in whatever endeavors he chooses.●

● Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to join with my colleagues in paying tribute to my good friend and colleague, BILL HARSHA upon his retirement from Congress.

I had the pleasure of serving with BILL on the Public Works and Transportation Committee where he has served as its ranking minority member for 10 years. His dedication and untiring efforts in addressing issues relating to aviation, highways, mass transit, economic development, and water pollution have earned him the admiration and gratitude of all Members. Certainly his leadership abilities, as well as his vast knowledge, have been invaluable.

BILL's ability to develop sound and meaningful legislation in what sometimes seemed to be uncompromising circumstances has won him the friendship and respect of his colleagues from both sides of the aisle. He will be sorely missed by all.

On this occasion, I want to convey to BILL my sincere thanks for his friendship and the limitless assistance he has provided to me personality. I wish him all success and happiness as he embarks on new endeavors.●

● Mr. GINN. Mr. Speaker, among those who will not be joining us for the opening of the 97th Congress next year will be our distinguished colleague and my good friend, BILL HARSHA. His retirement after so many years of dedicated service is indeed well deserved, but his will be a loss that cannot be replaced.

As a freshman Member of Congress some 8 years ago, I had the good fortune of coming to know BILL HARSHA as a fellow member of the House Committee on Public Works and Transportation. Despite his heavy burden of responsibilities, he found time to be a source of sound advice and good judgment for me, and I shall always remember the insights he shared with me in work of the Congress.

I know that many of my colleagues will make mention of BILL's list of accomplishments in his long tenure of service, and I join in that recognition. But my own sense of sadness in BILL's departure centers more on the fact that we in the Congress are about to lose more than an able legislator.

With the departure of BILL HARSHA, we are losing a man of fairness, honor, and integrity. We are losing a man with a priceless wealth of experience and a man who could always be counted on to be ever mindful of our collective responsibilities to the people of this great country.

Mr. Speaker, I regret that we will not have the benefit of BILL HARSHA's leadership when the new Congress convenes, but I take comfort in knowing that this body has been made a better place as a result of his service.

BILL HARSHA is a great man and good friend, and I hope that he will always be available to us as a counselor and a leader.●

● Mr. HORTON. Mr. Speaker, when this Congress comes to a close later this week, the House will have lost some of its most able and important leaders. Unfortunately, my good friend and colleague has chosen, like far too many of our colleagues, to retire at the end of the 96th Congress. BILL HARSHA and his many contributions to this House and the constituents of Ohio's Sixth Congressional District will certainly be remembered with great respect and admiration.

As ranking minority member of the House Committee on Public Works and Transportation, BILL HARSHA has played a key role in shaping the legislation under the jurisdiction of his committee. Although there are many bills to which the attention of the House could be directed, I think his role in the Airline Deregulation Act, airline noise control, and highway legislation stand as some of his most outstanding achievements. Capable and effective leadership is a most important asset to any committee.

Bill has demonstrated the importance of that quality.

When the 97th Congress convenes next January, we will be confronted by an array of complex challenges. Although he will not be a Member of this House, I am hopeful that Bill will continue to share with us his insights and expertise.●

● Mr. ROYER. Mr. Speaker, I rise, with great humility, to join the many friends of Bill Harsha in honoring him today.

As the ranking member of the Public Works and Transportation Committee, Bill so often evidenced the type of leadership which we long for in Congress, but so rarely see. Although my tenure on the Public Works and Transportation Committee has been relatively short, I have had the opportunity to participate in some major legislation coming from the committee—not the least of which was the trucking deregulation bill which we passed and the President signed into law. Bill's mobilizing of all conflicting opinions, and then working out the necessary compromises permitted this valuable piece of legislation to issue in a timely fashion. Where we would be without Bill's efforts on this measure is anyone's guess.

The legacy that Bill Harsha leaves spans many Congresses. I am proud to have served with him in this one. The highest honor that any Member of Congress can have is the respect of his or her peers. Bill Harsha has that respect, and I am honored to be able to say that my name is joined with those here today who pay homage to him.●

● Mr. CLINGER. Mr. Speaker, Bill Harsha has been more than a colleague to me in the 2 years that I have been privileged to serve with him. He has been a valued friend and an invaluable mentor.

I have been fortunate indeed to have served on the Public Works and Transportation Committee under his wise and thoughtful leadership. His willingness to share his vast knowledge about public works and transportation policy in the United States with freshmen members such as myself has been invaluable. I know that I have become a more useful member of the committee because of his tutelage.

Bill has been an outstanding ranking member, a willing and cooperative partner with the majority whenever possible but a forceful and articulate advocate of the minority position when necessary. He has mastered the complexities and subtleties of all matters under the committee's jurisdiction better than anyone I know and I am convinced that several pieces of crucial legislation passed the House solely because of the great respect Members have for his knowledge.

When I served as chief counsel of EDA I often faced Bill Harsha across the witness table at hearings, not without a great deal of trepidation. He was a tough, well informed but totally fair inquisitor. He always zeroed in on the weak points of my testimony and I knew that I had to be thoroughly prepared if he was on the panel.

We will all miss the gentleman from Ohio enormously and the House will be a poorer place without him. I welcome the opportunity to thank him for the many years of outstanding service to this body, and to wish him God speed and good skiing. May your moguls all be manageable, Bill.●

● Mr. STANTON. Mr. Speaker, Bill Harsha had already served two terms when I came to Congress 16 years ago so that it is difficult for me to imagine the House or the Ohio delegation without him. With his retirement at the end of this session, I am certain that his constituents in the Sixth District, having been so well represented by Bill over the past two decades, feel the very same way.

As the ranking Republican on the Public Works Committee, Bill Harsha will be remembered for his knowledge and effectiveness. His cooperative nature served all of us well and he will surely be missed in that role also.

Bill can look back over the past 20 years with a genuine sense of pride and accomplishment. I respect and admire his decision to retire while he is still in his prime and wish him the very best in the years ahead.●

● Mr. ERLENBORN. Mr. Speaker, among the colleagues to whom we are today bidding a fond farewell is the 20-year representative for the people of the Sixth District of Ohio, the Honorable William H. Harsha.

It has been a pleasure to serve with Bill for 16 of those years, and I hope his retirement will find him among new and old colleagues who may also know that pleasure.

Bill has been a hard-working legislator and has left his mark on countless laws. I hope he will have time now to catch up on his favorite sports and will meet with as much success in those adventures.●

● Mr. FUQUA. Mr. Speaker, my good friend and esteemed colleague William Harsha of Ohio will be ending his service in this House at the conclusion of the 96th Congress.

Bill Harsha has enjoyed a distinguished 20-year career in this House, capping a devotion to public service which started in 1947 when he served as an assistant city solicitor.

Bill Harsha's wise counsel and valuable insights have been among the finest resources of this House since he first arrived in 1961.

Colleagues will probably remember Bill Harsha most for his dedicated and effective work on the House Public Works and Transportation Committee, where he has risen to the position of ranking minority member.

His effective service and his friendship will be a sad loss for this House.●

● Mr. SOLOMON. Mr. Speaker, it is a pleasure to join with so many of my colleagues in paying tribute to Bill Harsha on his retirement from Congress. While the people of the Sixth District of Ohio will undoubtedly be well represented in the new Congress, they are losing a man of the highest ability and integrity.

Over the past 20 years, Bill Harsha has built a record which all Members envy, but few achieve. As a member of the Public Works and Transportation Committee, on which Bill is the ranking minority member, I have been fortunate to learn a great deal from a man with a tremendous amount of experience and public service. I have come to admire Bill Harsha, and above all, to respect him.

The retirement of Bill Harsha, represents a great loss to this body and to the Nation. After 30 years of public service, Bill certainly deserves to take it easy, but his shoes will not be easy to fill.●

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from Ohio, the Honorable Delbert L. Latta for taking out this special order so that Members can salute our distinguished retiring colleague, the Honorable Bill Harsha. I have had the pleasure of working with Bill Harsha since I was elected to this body in 1968.

During my association with Bill Harsha both as a Member of Congress and a member of the Ohio congressional delegation, I have found him to be an outstanding legislator and committed to the welfare of his constituents. Both the Congress and the people of the Sixth District of Ohio will miss his leadership.

Mr. Speaker, I would like to take a few minutes to point out some of Bill Harsha's achievements since he was elected to the 87th Congress. During his tenure here in the House of Representatives, Bill Harsha has dedicated much of his legislative initiatives to water pollution and highway safety. He was the coauthor of the Water Quality Act of 1972, the Appalachian Regional Development Act, the Federal Aid Highway Act, and the Omnibus Highway Safety Act of 1972. He has also made great contributions on the House Committee on Public Works and Transportation on which he serves as the ranking Republican member and the House Committee on the District of Columbia.

Mr. Speaker, because of the active role Bill Harsha has taken both on the floor of the House and in his committee assignments, this Nation is stronger.

I join my colleagues in wishing Bill Harsha every best wish in all of his future endeavors.●

● Mr. KINDNESS. Mr. Speaker, the retirement of Bill Harsha is a loss both to his constituents as well as to his colleagues here in the House, including those new Members who will be sworn in for the first time on January 5.

There has been a huge turnover in the membership of the House over the last 6 years. We have gained enthusiasm, optimism, and fresh thinking; yet, we have lost experience and wisdom that comes only from serving a number of years in this body.

On the Public Works and Transportation Committee, Bill Harsha has participated in the fulfillment of the Interstate Highway System and in the attempts to clean up our waterways through the Clean Water Act. Most recently, he helped to shepherd through this House the legislation affecting regulation of the trucking industry.

His knowledge of these issues and of the controversies that have arisen over the years with respect to them will be sorely missed by his colleagues. I hope that, although he will be retired from the Congress, we will continue to have the benefit of his wisdom on these issues in some capacity in the years to come.

I might add, drawing from personal experience, that Bill and I represent adjoining districts, so I have met a number of his constituents. They would have been happy to return him to Congress for another 20 years, and I am sure that they would share in the sentiments we express today on his behalf.●

GENERAL LEAVE

Mr. LATTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. Cavanaugh). Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTES TO THE HONORABLE PETER H. KOSTMAYER AND THE HONORABLE RAPHAEL MUSTO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Gaydos) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, I have taken this special order today on behalf of the Pennsylvania delegation, which in times past has had as part of its makeup Members and colleagues of ours who have served 35 and 25 years, but through a series of circumstances and events, of course, the Pennsylvania delegation now is of a younger breed. With that thought in mind, I refer to our two Members who are leaving us, Pete Kostmayer and Raphael Musto, after having served a relatively short period of time and who would fall in that classification as somewhat new Members.

Although they were somewhat new and served limited terms, they have been Members who indicated in very short order that they had a unique ability and a knack to get things done, to represent their constituencies, and to carry on the famous tradition of effective and joint action by the Pennsylvania delegation.

I have taken the special order today on behalf of my two good colleagues, and I wish to pay tribute to Congressman Pete Kostmayer, who will be departing from Congress at the end of this session. I wish to pay tribute also to our mutual colleague, Ray Musto.

Going to Pete Kostmayer first, he is a graduate of Columbia University. It is obvious that he has effectively represented the people of the Eighth District of Pennsylvania during his first term and during his second term after he was reelected. As a fellow Democrat, he has served on the Interior Committee and on the Committee on Government Operations.

During his first term in Congress, Pete Kostmayer was honored when he was elected by 44 fellow freshmen Democrats to serve at that time on the Democratic Steering and Policy Committee to represent their interests. They manifested their faith in Pete and indicated that he would be the person who could be entrusted with the responsibility of representing them in their newness and as freshmen representatives in that class.

Pete has also served on a number of important subcommittees in the Congress involved primarily in energy and the environment, including the Subcommittee on Energy and Environment chaired by Congressman Morris Udall, and the Subcommittee on Energy, the Environment, and Natural Resources.

His record indicates he is a strong environmentalist. Pete received the Pennsylvania Sierra Club's Man-of-the-Year Award in 1977. He has personally authored legislation to preserve a third of the Delaware River as a wild and scenic river, and he has also sponsored wilderness legislation for the Allegheny National Forest, as well as several important amendments to the Alaska lands legislation.

But while Pete has an impressive record of accomplishments on behalf of the environment, he also believes and has also worked to assure that our environmental laws are implemented in a way that recognizes the importance of jobs, particularly in the State of Pennsylvania. For instance, Congressman Kostmayer has sponsored legislation to give special depreciation benefits for investments in pollution control equipment, with special deductions. As a fellow member of the Congressional Steel Caucus, I have had the privilege of working with Pete on matters concerning the U.S. steel industry, which is so important and so fundamentally a part of Pennsylvania. While he has served in this body, he has worked closely with the steel industry and the Environmental Protection Agency in general to work out an agreement for the use of the "bubble" concept in his congressional district at United States Steel's Fairless Works. That concept has been adopted today to pertain to various geographical areas in this country.

Our colleague, Congressman Kostmayer, has also authored legislation to establish an employee stockownership plan for American workers, reimposing price controls on home heating oil, and requiring the Department of Energy to earmark at least 12 percent of its huge research and development budget to small business rather than just large corporations.

Pete has received praise from groups committed to minimal Federal spending while at the same time demonstrating concern for the poor, for workers, for minorities, for women, and for the consumer. He has consistently supported programs to protect individuals from government and from general corporate abuses.

Pete has been an active and an effective Member while serving in the Congress in many, many areas of activities which I have already recognized. During his somewhat short tenure he has earned the respect of his colleagues, and he will certainly be missed by all. It has been my privilege to know and work with Pete, and I wish him the best in the years to come.

Along with Pete Kostmayer, there is another colleague whom we wish to honor and pay a special tribute to, and I refer to my good friend, Raphael Musto, a fellow Pennsylvanian with whom I have worked on the Subcommittee on Health and Safety of the Committee on Education and Labor, and who represents the 11th Congressional District of Pennsylvania.

He is a native son of Pennsylvania. He is the son of Rose Musto and the late State representative, James Musto, a legislator who had been long active in the public affairs of Pennsylvania.

He has made a mark in Pennsylvania, serving in Harrisburg on behalf of all our colleagues and the people of Pennsylvania particularly.

Raphael received his B.S. degree in accounting from Kings College in Wilkes-Barre, Pa., and he served as a corporal in the U.S. Army from 1951 to 1953.

His extensive involvement in civic affairs includes membership in the Knights of Columbus and the Greater Pittston Chamber of Commerce. He is a charter member of the Pittston Township Lions Club, and his membership in the Pittston Township Volunteer Fire Company is well known. Raphael Musto serves on the board of directors of the Economic Development Council of Northeastern Pennsylvania and on the Alumni Association of Kings College in Pennsylvania.

Congressman Musto was elected to the Pennsylvania House of Representatives in a special election to fill his late father's unexpired term in 1971, and he was reelected to four consecutive terms in that body. While in the statehouse, he served on the appropriations committee, was vice chairman of the labor relations committee, and also served on the environmental quality board. He brought all of that experience to this body.

While in the statehouse, Raphael sponsored black lung benefits legislation and was instrumental in getting cost-of-living increases for State black lung recipients. He was actively involved in expanding unemployment compensation benefits and has a long history of service to working men and women. Raphael also supported the senior citizens property tax and rental rebate program to provide rebates to needy senior citizens.

On April 9, 1980, Raphael won a special election to serve in the U.S. Congress. He was appointed to the House Education and Labor Committee and to the Subcommittee on Health and Safety, which I have the privilege to chair.

Having worked with Raphael on the Subcommittee on Health and Safety, I can testify to his diligent attendance and active service. I will miss having him on the subcommittee as well as working with him as a fellow legislator and Pennsylvanian. It has been a privilege to serve with Raphael, and I wish him, his wife Frances, and their four children the best in their future endeavors.

Mr. CAVANAUGH. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Nebraska.

Mr. CAVANAUGH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. Gaydos), and I commend him for securing this special order to acknowledge the contributions of his two colleagues from Pennsylvania.

As the gentleman well knows, I came to this Congress with the gentleman from Pennsylvania (Mr. KOSTMAYER), and I have served during the past 4 years with him. During that time we have become the closest of friends, and he has become in my view one of the most respected associates and colleagues and servants of the people that this institution has ever been blessed to draw upon as a resource.

As the gentleman has outlined, the really tremendous legislative and personal accomplishments of PETER KOSTMAYER, the respect with which his colleagues have held him, and the substantive contributions that he has made to the legislation of this Nation and the public policy of this country have been substantial while only serving here for 4 years.

I think that probably his greatest personal achievement—and I know this is the event which he considers to be his greatest accomplishment during his service in this body—was the designation of the Delaware River as a wild and scenic river, thereby preserving that historic landmark for all future generations of Americans to enjoy in its original and natural state. Without the service of PETER KOSTMAYER and without his unique talents and without the generation that his colleagues in this House of Representatives extended to him, that great historic treasure would have been forever lost to future generations of Americans.

So it is an accomplishment which he can rightfully point to with great pride, and it is an achievement that would not have resulted had it not been for his service.

But in my view, his service has broader and more significant implications for this country, and I think that the people of Pennsylvania and of the Bucks County area that sent PETER KOSTMAYER here can take great pride in the fact that they offered his talents and unique personality for service to this Nation.

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In many subtler ways than the accomplishment of the designation of the Delaware River as a wild and scenic river, PETER KOSTMAYER has served his country and served the people of eastern Pennsylvania. He is a student of Abraham Lincoln but he is, more than that, a kinship spirit of that great American in that he brings to the service of the people a sensitivity about each individual's aspirations, each individual's dreams and he himself embodies a vision of this country that seeks to move our Nation and, therefore, mankind in a direction of ultimate advancement and of individual achievement, of individual dignity, of the enhancement of every member of our society and of the establishment of a system of society which assures the equality of opportunity for every member and the maximum of opportunity for the development of their talents, their contribution and their enriched lives.

I think it is that more profound sense of service and mission that ultimately will signify the service of PETER KOSTMAYER to this Congress, this country and to the people of Pennsylvania.

I think it is unfortunate that in the most recent election his services were not acknowledged. I think that this setback for him and really for this institution and for the country will be a temporary one. I think that in the future history of this country PETER KOSTMAYER has a significant role to play. If he does not return here, he will certainly return in some other fashion to serve the people of this country.

It has been an honor and a pleasure for me to serve with him during the period of time that I have also served in this body. I think his service will stand as a monument to integrity and sincerity throughout the entire future history of this great Nation of ours.

I commend the gentleman from Pennsylvania for taking this period of time to acknowledge the service of his two colleagues from Pennsylvania. Indeed, their service has been meaningful to this country and to the people of Pennsylvania.

Mr. GAYDOS. I wish to thank my colleague from Nebraska for his pointed and informative remarks.

At this time, I would continue to point out that on April 9, 1980, RAY MUSTO won a special election to serve in the U.S. Congress and he was appointed at that time to the Committee on Education and Labor, serving on the Health and Safety Subcommittee. He championed, as he did in the State House of Pennsylvania, black lung legislation in all of its ramifications and all of the changes, and the recent changes that were made in that most humane and most important legislation as it affects those who suffer from black lung and those who were destined in the past to live in abject poverty.

Before that, and for the many other accomplishments and dedications of RAY MUSTO, one of which no less was the fact that he was always available to make a quorum to put into operation our committee system, he would always respond and was a very sensitive legislator, second to none. I shall personally miss him on the subcommittee, and working with him, as I did my good friend, PETE KOSTMAYER. Again, I allude to the fact that the Pennsylvania delegation is now a young delegation, counterdistinguished from its historical background when it was considered an older, influential delegation. Things are moving in the right direction. Seniority is manifesting itself and we hope again to reach those heights as in the past as an effective and cohesive type of delegation as our history indicates.

At this time I yield to my good friend and colleague, the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY. Mr. Speaker, I would like to compliment Congressman JOE GAYDOS for taking this special order on behalf of PETE KOSTMAYER and RAY MUSTO. PETE is a fellow with whom I frequently found myself in disagreement on philosophic issues but he was a gentleman who was consistently very, very honest and displayed a great deal of personal and intellectual integrity in his treatment of issues. He would always let you know where he stood. He argued and defended his positions very, very well and I think we are going to miss the voice of someone who had the courage when it was unpopular to take stands that generally did not coincide with what the conventional wisdom would otherwise dictate. He was a diligent, extremely hard-working Member of the U.S. House of Representatives. We will miss him not only here, but we will miss him in Pennsylvania.

RAY MUSTO is a fellow I did not get to know very well politically, I suppose. It is very unfortunate that he did not have enough time to spend here to establish the kind of record that indications were he would establish. He was an ardent and very strong supporter of labor interests represented in his district. He represented them very, very well for the short period of time he was here. I did get to know him personally better than I did politically. He was a fine and honest gentleman. I think we are going to miss him a great, great deal.

Mr. GAYDOS. I thank my colleague. At this time I yield to my colleague, the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I thank the gentleman very much for yielding to me. I want to express my appreciation to the gentleman for taking this special order that we might pay our respects to two colleagues who will not be with us in the 97th Congress, but who have the admiration and the respect of all of us who had the occasion to work with them.

RAY MUSTO has been here only briefly but during the course of time he has been in the Congress and in the House of Representatives he has demonstrated his willingness and capacity to perform the necessary work and to go beyond the necessary work on behalf of his constituents and on behalf of the Nation.

PETER KOSTMAYER and I arrived in Congress at the same time. We were both elected in the 1976 election and were Members of the 95th Congress.

Peter was one of those who very quietly and very effectively became involved in, I think, some of the major concerns that not only the people of his district have but people across the country have.

I had occasion to spend many summers along the Delaware where my brother had a home in the Port Jervis area and for years we have been hearing about the destruction of Tocks Island which is going to be imminent. The people in the surrounding area thought there was really very little they could do about saving that great scenic area. It was not until PETER KOSTMAYER took the issue up after his arrival here that he was able to offer and then get adopted legislation preserving a third of the Delaware River as a wild and scenic river and, therefore, blocking the Tocks Island Dam which would have, in fact, destroyed a great portion of that river which is used by canoeists and river and wild life enthusiasts continuously.

Mr. Speaker, I had the privilege of serving with PETER KOSTMAYER on the Government Information and Individual

Rights Subcommittee of the Committee on Government Operations. The thing that impressed me in my service on that committee is that he had a full and constant appreciation of the Constitution of the United States of America and the Bill of Rights and was very, very sensitive to any effort to impinge on the rights of the people as far as the Constitution was concerned.

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We have a tendency sometimes in this body and indeed as people of the Nation to be very sensitive and concerned about property rights, but we very often tend to forget that this country really differs from most other countries on the face of the Earth because of its commitment to the liberty and freedom of its people; and that is safeguarded only because we have a Constitution which sets forth those rights.

PETER KOSTMAYER never forgot the Constitution, and I think that for me the great contribution that he made to this body was in helping to preserve the Constitution, the Bill of Rights, and making sure that erosion did not take place and that he was able to warn against, to stand up against whatever seemed to be a popular effort to erode even unwittingly the Constitution.

I think that All Americans who are concerned about the liberty and freedom of this country and about having a Constitution to hand down to future generations have reason to be proud of the service that PETER KOSTMAYER performed in the House of Representatives.

I know that we are going to miss him because of his continued and constant dedication to matters of basic and fundamental importance to the people of this country. I know that we will eagerly await his return either to this body or to whatever other arena of public service that he may feel that he wants to aspire to.

I know that the people of his district received the most ample representation that is possible to get. I know that they will want to in fact make use of his talents for public service again.

Again, I want to thank our colleague from Pennsylvania for taking this time.

Mr. GAYDOS. I now yield to my colleague from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding and express my commendation to him in taking out this time for a special order to pay tribute to our colleague, PETER KOSTMAYER, who is leaving.

At this last week of the legislative session, it is not uncommon to pay tribute to those Members of the House of Representatives who are in fact leaving after their period of service here. We have heard during this week tributes paid to people who have had a long period of time in which they have contributed much to the legislation that has gone through the Congress of the United States. We are now paying tribute to a gentleman who has only served for 4 years, whose time and service to the country, as a Member of the House of Representatives, has been cut short in this last election. His accomplishments of these 4 years are many. They have been articulated well by those who have preceding me in speaking.

Certainly his work as an environmentalist and his preservation of the Delaware River is a continuing tribute to the effect with which he handled his legislative affairs.

His effective work in the area of ethics in pointing the direction for those of us in public office to take, standards to which we ought to be sworn to uphold, were matters that brought to him great credit and pointed to all of us the direction that we ought to be taking in improving the integrity of this House and the public respect, earning back the public respect for this institution.

I feel that the tribute that we pay to him is not so much for the past 4 years of service, as great as they may have been, but the tribute that we pay to PETER KOSTMAYER as an individual who offers so much yet to this country.

I have no doubt in my mind that PETER KOSTMAYER, whether he returns to this House or goes into some other position, will be a source of constant pride for those of us who have known him and worked with him and cherished his friendship.

He will continue to uphold those very high standards of personal integrity that he brought as a Member of the House of Representatives here in the last 4 years.

I know that he will continue to set forth for all of us a standard of accomplishment that will be an inspiration to those of us who have known him and to those who will study all he has accomplished in his career.

He was and is a student of American history, as our friend JOHN CAVANAUGH from Nebraska has pointed out, and it is in that study of American history, I know he has a deep appreciation not only of this institution, but of this Nation, all it has stood for in the past and all that it can mean in the future.

I join my colleagues in wishing PETER KOSTMAYER the best for his future and the realization that the future for him will be one which will bring much happiness to him and continued service from him to this Nation.

Thank you.

Mr. GAYDOS. I thank my colleague from California.

I know, in conclusion, that I speak on behalf of my colleague, the gentleman from California (Mr. CLAUSEN), who is very active in the Steel Caucus, that the services of these two colleagues of ours are going to be quite sorely missed. They were very active in the Steel Caucus. I have from some of the senior Members had descriptions of the Steel Caucus entered into the RECORD to the effect that the Steel Caucus is one of the most effective caucuses and organizations in these Halls of Congress.

We have dealt with a very complicated issue in that Steel Caucus. We have accomplished much by having a very close association with the administration. Hopefully, we will keep that in being with the new administration.

We were very active in helping to pass and to interpret and to amend the Trade Act of last year, a very complicated subject matter. I think the record speaks for itself. Great accomplishments in a very sensitive area.

For these two gentlemen to leave at this time, it is going to be somewhat of a setback, but we hope to replace them with other active colleagues.

● Mr. GEPHARDT. Mr. Speaker, I am honored to join with my colleagues in paying tribute to my colleague PETER KOSTMAYER. I treasure my friendship with Representative KOSTMAYER.

PETER KOSTMAYER is an outstanding human being—principled, ethical, caring, and conscientious. Likewise, he is a superb legislator—intelligent, accessible, reasonable, and responsible.

But the most important thing to be said about PETER is that he pursued his responsibilities as a Representative with the utmost enthusiasm, energy, and dedication.

Harry S. Truman once said:

> I studied the lives of great men and famous women, and I found that the men and women who got to the top were those who did the jobs they had in hand, with everything they had of energy and enthusiasm and hard work.

PETER KOSTMAYER will decide at some point in the future to again offer himself for public service. His future constituents will benefit from the diligent hard work of a gifted human being. I wish you PETER all good things in whatever course your life takes. It was my honor to serve with you, to know you, and to learn from you.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressmen PETER KOSTMAYER and RAPHAEL MUSTO, two distinguished members of the Pennsylvania delegation who will not be returning to the House after the 96th Congress.

Though RAY MUSTO has not been with us long, in his months of work in the House he has been of great service to his colleagues and his constituents. He showed the true strength of his character by accepting a difficult task and completing it well.

PETE KOSTMAYER'S presence will also be missed in the years ahead. His brief 4-year tenure as the Representative from the Eighth District of Pennsylvania was productive and he can take pride in his accomplishments as he leaves this body.

To both of these Pennsylvanians I extend my best wishes for much health and happiness in the years to come.●

● Mr. GLICKMAN. Mr. Speaker, I hate to see PETER KOSTMAYER leaving this House. PETER has given much to the House during his two terms. This body can never have enough men of his caliber, intelligence, and commitment. In whatever debate he might be participating, PETER always made a real contribution and often raised points that all too many House Members would rather not face up to. His commitment to environmental protection is well respected, and it will leave its mark on this Nation. And he was not afraid to search out waste—even in the operations of the Congress itself—and to work for its elimination. His constituents and the American taxpayers had a Representative on their side in PETE KOSTMAYER.

And, fortunately for all of us, the results of the last election have not lessened his commitment or his willingness to fight for what he is convinced is right. That is clearly evidenced by the active role he is continuing to play on behalf of the rights of States in the licensing of nuclear waste sites within their borders.

The people of Pennsylvania were fortunate to have PETER KOSTMAYER standing up for them in the House, and I am lucky to have a terrific friend in that same man. PETER will be missed in the Halls of Congress, but I know we all wish him the very best.●

● Mr. JONES of Oklahoma. Mr. Speaker, the State of Pennsylvania and the House of Representatives will not have the service of two distinguished public servants in the next session of Congress. RAY MUSTO and PETE KOSTMAYER will be leaving public life, and this body will be depleted of two of its most valuable resources.

In a relatively short period of time, RAY MUSTO established himself as a hard-working, dedicated, and active Member of the House. Stepping into a tough situation, RAY proved to be more than equal to the task, and he served the people of Pennsylvania with honor and distinction. We have certainly benefited from his presence in the 96th Congress, and I sincerely hope that he will continue to work for the people of our Nation in his future endeavors.

It has also been my pleasure to work with PETE KOSTMAYER during the past 4 years. He has capably represented Pennsylvania's Eighth Congressional District, attending to his constituents' needs as well as always being well prepared on all legislative matters. He has truly contributed to his Government, and I am grateful for his hard work and sacrifices.

Many good public servants are departing from Congress, but we will miss none more than RAY MUSTO and PETE KOSTMAYER.●

● Mr. MONTGOMERY. Mr. Speaker, I appreciate my colleague, Mr. GAYDOS, for making this time available and providing us an opportunity to express publicly our appreciation to PETER KOSTMAYER and RAPHAEL MUSTO for their service in the House of Representatives.

In their own areas of special legislative interests, both of these Members distinguished themselves by working diligently for those policies that they felt would be in the best interest of the Nation. While I did not always agree with their point of view, I do compliment them on their dedication and their willingness to tackle forthrightly some of the tough issues of the time.

I join with the other Members of the House in wishing the best for PETE and RAPHAEL in the years ahead. Their public service in this body has not and will not go unnoticed.●

● Mr. EDWARDS of California. Mr. Speaker, I think I speak on behalf of all environmentalists when I say that PETER KOSTMAYER will be greatly missed when we begin the 97th Congress. PETER has been a champion of legislation which calls for the production of safe and clean energy. He has fashioned and supported bills which protect our last remaining wild rivers. No doubt, good reason for Pennsylvania's Sierra Club to name him Man of the Year in 1977.

PETER has advocated the wise and prudent use of our natural resources, not the usual cry we hear so often pleading for more domestic production of energy—at any cost. This theme has formed an interesting coalition of fiscal conservatives with liberal environmentalists.

PETER was the author of the bill, now law, which placed 114 miles or approximately one-third of the Delaware River under the protection of the Wild and Scenic Rivers Act. This courageous act was accomplished after Congress had authorized the construction of the Tocks Island Dam. I have been working to place the Stanislaus River in California under the protection of this very same act, because of the limited economic and energy benefits consumers will receive at an outrageous cost. PETER's work on the Tocks Island Dam has served as an inspiration to me and others in this quest. The huge Tocks Island Dam was not cost efficient and would have wasted more taxpayers' money to complete the project, while destroying the magnificent Delaware River. Our great-grandchildren will enjoy the wonders of the river, thanks to PETER KOSTMAYER.●

● Mr. BROOKS. Mr. Speaker, in his all-too-brief time of service in the House of Representatives, PETE KOSTMAYER stamped himself as a man of outstanding ability and promise. We were particularly fortunate on the Committee on Government Operations to have the benefit of his questioning intellect in our deliberations.

I am sure that we will be hearing much more from PETE in the years to come and I wish him well in whatever he chooses to do.●

● Mr. GUDGER. Mr. Speaker, I would like to associate myself with the remarks of my distinguished colleagues in expressing their respect for and gratitude to our friend, PETER H. KOSTMAYER, of Pennsylvania's Eighth District.

Congressman KOSTMAYER has distinguished himself as an able Member of the 95th and 96th Congresses by outstanding service on the House Government Operations Committee chaired by our esteemed friend JACK BROOKS and on the House Interior and Insular Affairs Committee chaired by our distinguished colleague, Congressman MORRIS UDALL.

Like Congressman KOSTMAYER, I began my congressional service in the 95th Congress and, like him, it has been my privilege to be a member of the House Interior Committee during the Carter administration during which great strides have been made in dealing with environmental issues. Some of the issues include: The Alaska National Interest Lands Conservation Act, which is to be signed into law tomorrow by the President of the United States; offshore mining; disposal of nuclear waste; the Northwest power bill; and wilderness legislation affecting several States. In the forging of each of these measures. Congressman KOSTMAYER has labored diligently and the end product has his mark upon it.

The residents of Pennsylvania's Eighth District can be truly proud of Congressman KOSTMAYER for his foresight and the courageous application of his energies. He has certainly been a competent advocate on the floor of the House.

Congressman PETER KOSTMAYER will be missed here in the House of Representatives. It is my personal hope that he will be able to return again to serve in the Congress of the United States where he has proved himself a qualified and capable lawmaker.●

● Mr. DRINAN. Mr. Speaker, it is with profound personal regret that I note that PETER KOSTMAYER will not be returning to the 97th Congress.

I have admired PETER KOSTMAYER from the very moment that he came to this body in 1976. I have been honored to serve with him on the Government Operations Committee where his diligent work was very evident in hearings and in markup.

PETER KOSTMAYER, a graduate of Columbia University, has before him a very splendid career. We have the hope that the career of this young and promising individual will include a further period of service in the U.S. House of Representatives.

I and the many, many friends of PETER KOSTMAYER in this body wish him every continued success as a new phase of his already distinguished career begins.●

● Mr. BINGHAM. Mr. Speaker, PETER KOSTMAYER came to Congress almost 4 years ago as one of the bright lights of the 95th Congress, having won in a district long represented by a Republican. This year the tidal wave that swept the country carried PETER off as well.

I had the pleasure and privilege of serving with PETER on the Interior Committee where his contributions were imaginative, thoughtful and altogether useful, especially in the field of nuclear power.

PETER is a young man and I am sure he has a splendid career ahead of him. I wish him well in whatever he undertakes, but I hope he will choose to continue in public service, where he has so much to offer.●

● Mr. ATKINSON. Mr. Speaker, I am honored to participate in this tribute to our distinguished colleagues PETER KOSTMAYER and RAPHAEL MUSTO, with whom I have had the pleasure of serving during the 96th Congress.

PETE KOSTMAYER's efforts on behalf of consumers and his dedication to the people of Pennsylvania's Eighth Congressional District during his 4 years of service stand as the best testament of all.

When I first arrived here, PETE KOSTMAYER was helpful to me in every way. This fine public servant will be missed in the Halls of Congress, but I know that his presence on the public scene will continue. Our Nation cannot afford to lose the talents of such a valued leader.

My friend and colleague, RAY MUSTO, brought warmth and wisdom to our delegation and this Chamber. His sparkling personality and enthusiasm for public service are surpassed by no one. I know

Ray is a very caring person and that colored all of his work here. His cooperativeness within the Pennsylvania delegation helped us to reach decisions amicably. I will miss Ray but I know his efforts on behalf of the public will not cease when he leaves this House.

Mr. Speaker, these are two fine gentlemen and colleagues. I join their other friends and coworkers in the House when I wish them well in their future endeavors. They represent the finest qualities of public servants.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Raphael Musto, who is retiring at the close of the 96th Congress.

Raphael Musto has given almost 10 years of dedicated and devoted service to his constituents in Pennsylvania, both as a Congressman and as a representative in the Pennsylvania Legislature, where he served on the appropriations committee and the environmental quality board, and was the vice chairman of the labor relations committee.

In the House of Representatives, Raphael served as a member of the House Committee on Education and Labor, and his diligent efforts there proved to be most beneficial to the citizens of this Nation.

Raphael is a fine legislator and a distinguished leader, and he will be missed by his colleagues here in the Congress as well as by his constituents in the 11th Congressional District of Pennsylvania whom he has served so well.

I extend to Raphael Musto my best wishes for continued success in all of his endeavors in the years ahead.●

● Mr. PANETTA. Mr. Speaker, of all the individuals who will be leaving this body at the end of the week, there are few whom I will miss as much as Pete Kostmayer.

Pete and I both came to Congress in 1977, and we immediately began working together on efforts to bring needed reforms to the House. We had some important successes, but one of the most rewarding aspects of the fight for me was the beginning of a strong friendship with Pete. That friendship has maintained itself over the past few years, and I hope it will continue for many years to come.

During these few years, Pete has been one of the most effective and well-respected Members of this body, and I have been particularly impressed with his work on the Committee on Interior and Insular Affairs. I was grateful for his taking time earlier this year to attend a hearing in my district so that he could listen to my constituents' views on a bill of great importance to them. This was just one example of the dedication Pete showed to his work, and his commitment to providing his constituents with effective representation was equally strong.

Mr. Speaker, Pete Kostmayer is still a young man with tremendous talents, and I know he has a great future ahead of him. His departure is very sad for me personally and a great loss for the Congress and the Nation. But his own life will continue, and I wish him all the best in the years to come. I am sure my colleagues join me in that wish.●

● Mr. RAHALL. Mr. Speaker, I am proud to participate in this special order today, to honor two distinguished Members of this House, Pete Kostmayer and Ray Musto, both of the State of Pennsylvania.

I have come to know of these men well; I value their friendship and will miss them both when the 97th Congress convenes next month.

Pete Kostmayer and I came to Congress in 1976. We served together on the Interior and Insular Affairs Committee. In the 4 short years he has served the people of the Eighth District of Pennsylvania, Pete was a strong voice for high ethical standards in this body, and he returned frequently to his district to deal with the personal concerns of his constituents.

Regardless of the fact that he was defeated in this year's election, Pete remains a promising figure, who I am sure will continue to express his views and speak out as a leader in his State and Nation.

Ray Musto, who has represented the 11th District of Pennsylvania for a little over a year, will certainly be missed. Ray and I share a special concern for the individuals who will be called upon in the coming years to bear the brunt of this Nation's greater reliance on domestic energy sources, the coal miner.

As a member of the Education and Labor Committee, Ray spoke out and worked for the coal miners of this Nation, and I know his leadership in this area will certainly be missed.

Mr. Speaker, the States of West Virginia and Pennsylvania border on one another. In many cases our concerns are similar. I regret the loss of these two fine Members, because our working relationship was a good one, and I felt progress was being made in major issues because of their presence here. I wish both Pete and Ray the best, and hope to see them from time to time.●

● Mr. FUQUA. Mr. Speaker, this House will lose a valuable voice for the people at the end of the 96th Congress when Peter Kostmayer of Pennsylvania's Eighth District concludes his congressional career.

I have had the pleasure and privilege of working side by side with Pete Kostmayer on the Government Operations Committee, an experience through which I have developed the deepest respect for his performance of his duties.

Peter Kostmayer served with distinction in this House, bringing with him a fresh and youthful viewpoint along with the ability to effectively articulate the issues he felt were most important to the Nation and his constituents.

I feel certain that Peter Kostmayer will again be urged by his many friends to take up his career in public service where his talents can be such a valuable contribution to society and look forward eagerly to the day when we can again work together.●

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A TRIBUTE TO BOB WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Burgener) is recognized for 60 minutes.

Mr. BURGENER. Mr. Speaker, when the new 97th Congress is sworn in on January 5, 1981, it will be the first time that our colleague Bob Wilson of California's 41st Congressional District will not raise his hand and take the oath of office as a Member of this House since January 3, 1953.

As we all know—and deeply regret—for the good of the order—and the Republic—Bob is voluntarily retiring after 28 years of unbroken, unselfish, and highly distinguished service to his district and our Nation as a Member of the U.S. House of Representatives.

I claim some small personal credit for Bob Wilson coming to Congress—and I am very proud of this. I claim it is my major contribution to the good of the Republic—some of my critics claim it is my only contribution.

But in any event, I was a member of a small committee of five or six people who—in 1952—were active in San Diego in both the Young Republicans and the nonpartisan junior chamber of commerce—which, incidentally included Bob Wilson—who was then president of the San Diego Junior Chamber of Commerce. The mission of this small committee was to find the most capable, competent, and electable Republican candidate to seek our party's nomination for Congress in what was then California's 30th District. At that time California had 30 seats in the U.S. House of Representatives, as opposed to the present 43.

The task of our small committee was not difficult at all. In spite of Bob Wilson's plea that someone else would be better, and except for Wilson's vote, the committee was unanimous—Bob Wilson would run. As history now reveals, he went on to win the nomination—then to win the general election—and along with Dwight D. Eisehower, he took up his new duties in January of 1953. He has been reelected for the 13 succeeding Congresses—14 times in all—from the 83d Congress up to, and including the 96th—14 elections—28 years of service.

Other speakers today will touch upon Bob's distinguished career on the Armed Services Committee—he had the good fortune to be appointed as a member of the Armed Services Committee as a freshman. As it now turns out—no one would question that the "good fortune" of that appointment turned out to be the Nation's "good fortune" since Bob Wilson has become not only nationally known, but internationally known, for his commitment to a U.S. defense capability second to none in the world.

Let me instead mention the kind of a private citizen Bob Wilson was—which indeed would clearly indicate the factors that motivated the good people of his district to select him to represent them, not only that first time in the elections of 1952, but in all the succeeding 13 Congresses up to the present time.

Bob Wilson gave freely and unstintingly of his personal time to community service. The list of civic organizations in which he was active—in fact serving at one time or another as president of most of them—is too numerous to list in these proceedings. Let me just highlight a few of his outstanding contributions to our community.

As an activist in the San Diego Junior Chamber of Commerce, he led a major project to gain long overdue public recognition for John J. Montgomery, the "forgotten man of aviation." John J. Montgomery made a successful nonpowered glider flight from Otay Mesa in San Diego County on March 17, 1884—years before the Wright Brothers' historic powered flight of 1903.

He persuaded a major Hollywood movie studio to do a documentary film on this historic flight—the profits from which were donated to the Junior Chamber of Commerce. Because of Bob Wilson's efforts, a large historic marker is now on the site of the Montgomery flight.

On the political side—Bob has been a political activist long before he was persuaded by his friends to seek office himself. Two of his principal efforts come to mind. He was campaign manager in the initial campaign of the late Mr. Don Keller, who served with distinction as district attorney for San Diego County for many years.

In 1952, long before Bob ever dreamed of becoming a candidate himself, he led one of the national movements to "draft" Eisenhower to run for the Republican nomination for President of the United States. Bob—along with another San Diegan, Elliott Cushman—wrote and producted a tabloid-size newspaper of the highest professional quality. This newspaper, several hundred thousand copies, was distributed to opinion and party leaders all over the United States. The cost, time, talent and energy was all donated by Bob and his partner. His dedication to good government is unquestioned, unreserved, unselfish, and was established long before he became a candidate for public office. His service as chairman of the Republican Congressional Campaign Committee from 1962 to 1973 is legendary.

I knew Bob for several years before he became a candidate. We worked together in business—he, as a young advertising executive and I, as a real estate man whose employer always retained the firm, with which Bob was associated, for years. My personal admiration and deep friendship for Bob began in 1947—some 33 years ago. This friendship is one I have treasured, and always will.

I know that Bob Wilson and his good wife, Shirley, will enjoy many years of new challenges. He will not "retire"—he never would. He will, I trust, enjoy a richly deserved, and less demanding, new and rewarding lifestyle.

The House—and this Nation—is better because Bob Wilson gave 28 years of his life to all of us.

☐ 2000

Mr. Speaker, I yield to the gentleman from California (Mr. Clausen).

Mr. CLAUSEN. Mr. Speaker, I believe that one of the most missed Members of the 97th Congress will be Representative Bob Wilson of California.

As I contemplate his leaving, I think back to my own election to the 88th Congress when Bob was chairman of the National Republican Congressional Committee. He answered my many questions straight arrow—with no holds barred. From that time on, Bob was a friend—a man of consideration on whom I could rely on for candor and sound advice.

These attributes have special significance to me because of my recent succession to Bob as "dean" of the California Republican delegation and in this capacity, Bob will always stand as a personal source of inspiration—a man of impeccable integrity, a sense of fairness and a full commitment to the cause and principles that are embodied in our great Constitution.

In his capacity as ranking minority member of the House Armed Services Committee, Bob Wilson has provided me with a unique opportunity for access while at the same time providing me with his knowledge, insight, and understanding which has been of enormous help to me over the years.

I can honestly say that there have been very few legislative problems of particular interest to my district which did not receive expeditious consideration.

Bob has contributed 28 years of dedicated service to the people of San Diego, the people of California and the entire Nation. Over these years, Bob has been a landmark of unquestioned ability, warmth, kindness, and friendship which will be missed by his many friends on both sides of the aisle. The large number of awards and commendations he has received will serve as living testimony to this great and congenial Congressman from California. I have indeed been fortunate to have served with Bob in the House of Representatives and the people of my State will long remember and appreciate his service to the Nation. We will miss you, Bob, and wish you and Shirley much happiness and continued success in your retirement.

Mr. BURGENER. Mr. Speaker, I yield to the gentleman from California (Mr. Badham).

Mr. BADHAM. Mr. Speaker, I thank the gentleman for yielding. I thank the gentleman particularly as my good friend for taking this special order for one of our finest Congressmen ever, the Honorable Bob Wilson of San Diego.

Bob Wilson was one of the first Congressmen I ever met; in fact, he was the second Congressman I ever met, one of my predecessors being the first, Jim Utt, who was a classmate of Bob Wilson back in the 1952-53 class. Jim Utt told me, as one of my counselors, that if I ever needed anything in the Congress to be sure and talk to Bob Wilson.

It was some years after that that I met and had the pleasure of meeting with Bob Wilson when he was the chairman of RNCC, as has been said. At that time he was doing everything he could to bring more Republicans to the Congress. Bob, I will have to say, is doing a better job all the time. We are gaining more and I hope soon we will have even more; but Bob has been an inspiration and a guiding light to me.

I will have to say that prior to my arriving to take membership in the 95th Congress, I counseled with Bob Wilson and he guided me in the ways that I should go, hopefully, and recommended very highly and very strongly to me that I should become a member of the Committee on Armed Services, which I did with his help and it is something that I will never regret as long as I have the privilege to represent an area of California in this august body.

Bob has been the ranking member of the Armed Services Committee for some years; indeed, all the years that I have been in the Congress. I can say for sure that Bob Wilson is respected as our friend, the gentleman from California (Clair Burgener) said, not only in California, but nationally and, indeed, internationally, for the strong posture that he has advocated and maintained for the defense of our country.

I am sure that Bob when he leaves the Halls of Congress will not be leaving service to his country or to the defense of his country, but will, indeed give counsel and advice to the Halls of Congress and to the bodies that work to provide by our industrial base a strong defense for this country.

I think Bob who has served 28 years in the Halls of Congress will have at least as outstanding a career outside the Halls of Congress as he and Shirley enjoy the years that will come in business and in pleasure.

I would just say to Bob that Anne and I have enjoyed the friendship, the counsel, the guidance, and all that has gone with serving in the Congress with Bob Wilson.

Again I thank the gentleman for taking this special order to honor a great Californian.

Mr. BURGENER. I thank my colleague for his contribution.

I yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

I participated a little earlier in tribute to the Honorable Sam Devine and Bill Harsha from my own State of Ohio. When I heard that a tribute was going to be paid to Bob Wilson through this special order which the gentleman has taken, for which we all compliment him, I decided that I would stick around and put in 2 cents worth on behalf of Bob Wilson, too.

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I guess many of us here in Congress owe to some degree a vote of thanks and a debt of gratitude to Bob Wilson for helping us come here. He was chairman of the House Republican Campaign Committee when I first ran for Congress in 1966. I will say that he was very helpful, especially in what we call early-on money, which helped me get started. I think I would be remiss if I did not thank him for helping me in my election bid that year.

Bob has been, according to my observation, an extremely effective and dedicated Congressman. He has been dedicated to the cause of good government. His work on the Armed Services Committee has been significant as far as the defense of this country is concerned and, as the gentleman in the well has said he is recognized as one of the true experts in the field of national defense by the leaders of our country as well as by the leaders of other countries in the free world. His record of accomplishment and achievement will long be remembered and appreciated.

Bob will be missed by his presence here, but his presence here will be noted and long remembered for what he did here and for the good he has done for the country. It has been an honor for me to serve in the Congress of the United States with Bob Wilson.

Marjorie and I wish Bob and Shirley much happiness in whatever endeavor they choose to participate in in the future.

Mr. BURGENER. I thank my colleague.

At this time I yield to my distinguished colleague from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, I rise to join with my colleagues in saying farewell to my good friend and colleague from California, the Honorable Bob Wilson. After 28 years of distinguished and unblemished service to his constituents and the Nation, Bob has decided not to seek reelection.

Bob Wilson is a gentleman. He has never let partisanship interfere with the work of this Chamber. As the ranking minority member of the Armed Services Committee, he has demonstrated his keen ability time and again to address the problems which this Nation faces. I shall personally miss his friendship, wise counsel, and powerful advocacy of measures which not only benefit the State of California but also the rest of the country.

Mr. Speaker, as you know, the California State delegation is the largest and most diverse group in the House. Yet, with the collaboration and teamwork of all 43 members we have been quite successful in our efforts on behalf of the State. As the ranking member of the delegation it was Bob who played a key role in assuring the success of many of these efforts.

Certainly, if Bob had decided to seek reelection to the 97th Congress, his constituents in the 41st District would have, as they have done in the past, reelected him by a comfortable margin. It has been a rewarding personal experience for me to have known Bob as a colleague and I am honored to have served with him.

My wife Lee joins me in congratulating Bob on 28 years of outstanding public service in Congress, and wish he and his wife, Shirley, and their three children well in all their future endeavors.

Mr. BURGENER. I yield to the gentleman from Alabama (Mr. Edwards).

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Speaker, the late George Andrews, our former colleague from Alabama, used to say that there were only two ways to get out of this Chamber or out of this House and both had to do with a box. I would say that our friend Bob Wilson has defeated the system. He is going out under his own power, of his own free will, into a future I think that will continue to have very much to do with service to this Nation. We are all very proud of him for that.

I suppose most all of us, as we go through life, come to know people who have a positive influence on us. If we are not constantly benefiting by our relationships with others, then we probably are not applying ourselves properly. Bob Wilson is such a person as far as I am concerned.

As has already been said, Bob Wilson was one of those who had much to do with many of us being here as the chairman of the Republican Congressional Campaign Committee. He was one of my first contacts as I embarked upon the task of running on the Republican ticket in southwest Alabama where no Republican had ever been elected before.

When I came here, I watched him and I worked with him, and I learned from him. Today he is the ranking minority member on the Armed Services Committee and I am the ranking minority member on the Defense Appropriations Subcommittee. So even to this good day I cannot do very much until Bob does his work, and he has done it well.

We have worked together for the defense of this country, for the good of this Nation. Sometimes we have clashed severely over what is best for the defense of this country. I guess I must say that if he has taught me one thing, it is to be of independent mind and that independence springs forth every once in a while where we do clash over certain issues as to what is the right approach to take for defense.

But I have watched him over the years. He has expressed his concern for the readiness of this country from a defense standpoint, as he has expressed his concern over the retention of our troops in the armed services, over the caliber of the people who are serving, over the pay and benefits and allowances that we are providing for our service people, over the equipment that we are procuring. Even as he is approaching the end of his career in the House he is very much involved in trying to find ways to improve the industrial base of this country so that in time of war it can be mobilized in a fashion that will start to produce weapons and parts and those things needed as we have to defend this country.

So I think he has been a great asset, not only to this House, but he has been a stalwart in this Nation. I want to thank the gentleman from California (Mr. Burgener) for taking this special order and allowing us to have a few words to say about our friend Bob. We wish Bob and Shirley all of the best. We look forward to seeing him many, many more times after he has gone from this House, because I know that he will be very much involved in whatever he is doing.

Mr. BURGENER. I thank the gentleman for his comments.

I yield to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. I thank the gentleman from California.

I was interested in what my friend from Alabama (Mr. Edwards) had to say about defense because I know, being the ranking member on the Appropriations Committee, how much he has worked with Bob Wilson on defense. Those of us that have served so long with Bob in Congress always think of the Nation's defense because he talks about it, believes in it, and so it is on such an occasion, and now when it looks like Congress is beginning to finally realize the full impact, the full importance of defense, that Bob is going to be out on the outside advising us, because he has been such a part of the system.

When I think about Bob I think about him as a gentleman, as the gentleman from California (Mr. Anderson), said. But also I think of him because of the active part he has played in our own party. He has been such a great leader in the Republican Party. He was chairman of our congressional committee when it made the greatest gains that were ever made. I remember my own experience in getting interested in partisan politics was when I heard Bob Wilson speak to a group out in Colorado Springs. We were attending a meeting of the Young Presidents Organization. It was a group of about 100 businessmen that were presidents of companies. He talked to us not only about our responsibility to help good candidates, but he made a real hard pitch, a real hard sell on the fact that we ought to think about getting involved, because he said there are too many people that talk about good government and not enough people that do something about it.

I thought about it many times. Actually it was 4 years later when I got into politics, but that particular speech stuck in my mind. You never know when you are selling hard, and I have appreciated so much what Bob Wilson has done not only for the Republican Party but what he has meant to me and what his inspiration has meant to our entire country. I thank the gentleman.

Mr. BURGENER. I thank my friend.

At this time I yield to my colleague from California (Mr. Waxman).

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Mr. WAXMAN. Mr. Speaker, I thank my colleague very much for yielding to me and for allowing me this opportunity to join with the others who have expressed their tribute to Bob Wilson. I am somewhat in a minority in expressing my admiration for him, not that we all do not share that admiration, but I am a Democrat and somewhat of a liberal Democrat paying tribute to a man who is not only a Republican, but a leader in the Republican Party. But I pay this tribute to him because of my own personal admiration for Bob and Shirley Wilson.

I admire the way he has approached his congressional duties. More importantly, I admire the tremendous dedication he has to the national defense as the ranking minority member of the Committee on Armed Services. He has a long legislative record of arguing successfully, and sometimes unsuccessfully, for the best possible national defense which our country deserves and so desperately needs.

I remember on a personal level traveling with Bob and Shirley to the Soviet Union a couple of years ago and talking to them as we met some of the Refusniks, people who had been denied the kind of freedom in this country that we take for granted. The commitment that Bob and Shirley showed to the human rights of those peoples who had been denied those rights expressed to me so much about the man and his feeling of patriotism and warmth and dedication to this Nation. It expressed so much to me about that side of the national defense picture which ought not to be ignored. It is that side that recognizes the need for national defense so that this country will never see the day when any of our people will be imprisoned as those we saw in the Soviet Union.

I did not want to pass up this opportunity to personally pay tribute to Bob and to Shirley and to wish them the very best for future health and success.

Mr. BURGENER. I thank the gentleman. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding. I mentioned earlier when we were giving accolades to Sam Devine that my former predecessor, Carlton J. King, was a good friend of Sam's. I know that he also was a good friend of Bob Wilson's. I can recall when Carlton King knew that I was coming to Washington. He knew that I wanted to serve on the Committee on Armed Services. He said, "Gerry, Bob Wilson is not only a great American and a great Congressman, but he is a gentleman, and, above all else, he thinks the way you do."

He said, "When you get there, if you do get on the Committee on Armed Services"—which I have not yet—he said, "You will never go wrong by following Bob Wilson's lead."

I have watched Bob Wilson. I have followed him for the last 2 years. I am sorry I did not know him as long as everybody else. Carlton King sure was right. He is a great American, a great Congressman, a gentleman, and he sure thinks the way I do.

Mr. BURGENER. I thank my colleague. As we come to the end of this special order, I was talking with Bob Wilson earlier this afternoon. He told me he is just about honored out. He has just about had so many farewell parties he may decide not to leave. I know that I am not going to say goodby to him. I hope to see him every day for the rest of my life almost. But next week in San Diego, at another gathering, there will be 1,000 people assembled, I believe, on the 11th of December, to honor Bob Wilson. That is just one of many, many times.

Many Members have come to me this evening, who had to leave, who had remarks they wished to deliver. It has been a rare privilege to take this special order, to say a very temporary goodby to a great, great guy that I have been associated with for 33 years.

I hope, Bob, the next 33 years will be just as much fun for both of us.

● Mr. RHODES. Mr. Speaker, one of the most difficult things to confront at the ending of each Congress is the hard fact that Members depart, and old friends hang it up. So it is with regret that I note the imminent departure of Bob Wilson, a longtime friend, a great public servant of California and the Nation, and a leader in the Republican membership in the House.

As the saying goes—Bob Wilson and I go way back. We came to Congress together as freshmen during the Eisenhower administration, and we are the last of that crop of Republican legislators who have served continuously in the Congress.

Bob Wilson has worked hard for the Republican cause during his 28 years in the Congress. He was chairman of the Republican congressional committee during difficult times and laid the foundation to rebuild our strength in the House by pushing for a strong Washington-based committee to help retain incumbencies, and elect new Republicans to the House.

He has been a staunch supporter of a strong defense for the Nation, even through times when it was considered out of fashion to be in favor of national security. His 14 elections testify to the effective job he has done for the San Diego area during nearly three decades in Congress.

It has been my distinct privilege to have had Bob Wilson as a warm personal friend during our tenure in the House. While I will miss him greatly in the 97th, I am pleased that he and his lovely wife, Shirley, will now have time to devote to interests that the press of congressional and party business prevented him from enjoying in the past. Bob Wilson has been a dedicated and courageous Member of Congress, and a partisan in the best sense of the word. I share with his host of friends on both sides of the aisle our sense of loss at his leaving, and our very best wishes for a long and fulfilling retirement.●

● Mr. DORNAN. Mr. Speaker, during the last major debate on the Defense Authorization Act on May 13, 1980, I took the well to support a follow-on to our aging B-52 bomber fleet, a fixed-wing variant of the B-1. At that time, I prefaced my floor remarks by paying tribute to the ranking minority member of the House Armed Services Committee, the man we are honoring today, for his selfless dedication to the defense of this country and to the preservation of the peace.

It was well known that Bob Wilson was, among his other numerous and stellar accomplishments, a driving force behind this year's strong bipartisan effort to strengthen our Strategic Air Command. For that alone, he merits our enduring appreciation. But beyond any single issue, beyond any specific debate on the complex and deadly serious questions of national security, he has earned our deep and abiding appreciation for the treasure trove of experience and wisdom he has brought to the deliberations of this House.

Bob served as a private in the Army during World War II. But his interests in the field of national defense and national security have been wide-ranging. He served as a member of the Board of Trustees of the U.S. Naval Academy and the U.S. Air Force Academy. He was a founding member of the Marine Technology Society and a board member of the American Oceanic Organization. But Bob Wilson's reputation as a Member of this House was given added luster when he was appointed the ranking minority member of the Armed Services Committee, a post he has held since 1975. During these past 5 years, my good friend and colleague from California, burned the midnight oil in his efforts on that prestigious committee, with friends from both sides of the aisle, to do everything he possibly could to shore up the defenses of this Nation in the face of the most ominous military buildup on the part of a totalitarian power in modern history.

Bob Wilson has relayed to us individually, and in his official capacity, what history has taught us throughout the centuries of man's existence: that peace and security cannot be left to the good will or pretended beneficience of adversaries, but must rest upon the secure foundation of an unambiguous national purpose, self-confidence, readiness, and military strength.

The good people of his San Diego district will surely miss their fine public servant. By all accounts, most notably 28 years of his life in Congress, he has served them very well. We must all remember that we serve here not as a matter of private right or special privilege, but only because we are charged with holding a public trust. It is only through adhering to that sacred trust that we win the respect and confidence of the people who elected us and protect and maintain the constitutional authority of this Congress. In this respect, Bob's great congressional career serves as a model for all of us.

Speaking personally, I know that I shall miss his kindness, his consideration, his strong and unerring advice on matters of public policy. Bob, I know that I share the sentiments, particularly of the California delegation, when I wish you every happiness.

God bless and keep you.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Bob Wilson, who is retiring at the close of the 96th Congress after almost three decades of service in the House of Representatives.

I have been privileged to serve with Bob during the 16 years of my service in the Congress. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage.

Elected to the 83d Congress, Bob Wilson has given dedicated and devoted service to his constituents of the 41st Congressional District of California for 28 years. His diligent efforts as the ranking minority member of the House Armed Services Committee have been both fruitful and beneficial to the citizens of this

Nation, and he has compiled a splendid record of excellence and achievement.

Bob is a fine legislator and a distinguished leader, and he will be missed here in the House.

I extend Bob Wilson my best wishes for a healthy and happy retirement.●

● Mr. ERLENBORN. Mr. Speaker, I deem it a privilege to take this opportunity to say "Bon Voyage" to our colleague from California, the Honorable Bob Wilson.

After serving his neighbors in California's 41st District for 14 terms, Bob has decided to retire. We will miss him, but I hope his retirement means he will get to spend more time in beautiful sunny California. May the satisfaction of his long career as a public servant and good health be his to enjoy in his golden years.●

● Mr. QUILLEN. Mr. Speaker, I would like to take this opportunity to congratulate Congressman Bob Wilson on his many years of distinguished service in the House of Representatives.

The tremendous work he has done in serving his constituents and our Nation is a shining example for others to follow, and his efforts will long be remembered. His record of accomplishments shows a great deal of dedication and ability as well as personal integrity.

Bob's knowledge and experience on defense matters have made him an effective member of the Armed Services Committee, and as ranking minority member he has made many important contributions to this country.

I know he will continue his high level of service as he retires from the Congress. We will all miss him, but I am sure the future holds many more wonderful things in store. I hope he will have the opportunity to do some of the things for which he has never had time in the past, as we all dream of doing some day.

It is with great pleasure that I join my colleagues in paying tribute to Bob Wilson, and I wish him great happiness in the years to come.●

● Mr. BEVILL. Mr. Speaker, for the past 28 years this body has had as one of its most distinguished Members, an individual who has shown true concern and commitment to the continued ability of this Nation to defend itself. Bob Wilson has become a spokesman for our military and for its personnel.

His position on the Armed Services Committee has enabled him to be of immeasurable benefit to America's military, by continually seeking a stronger and better equipped armed services.

Bob Wilson has also been a devoted representative of his district, the 41st District of California. The people he represented in the House of Representatives have been fortunate, indeed, to have a man of his integrity and ability speak for them in this body.

I will miss his friendship in the House, but I wish him a happy and long retirement as he returns home to his friends in California.●

● Mr. COELHO. Mr. Speaker, it has been my privilege to have served with Bob Wilson in two capacities. For 13 years I was a staff member with former Congressman Bernie Sisk, and I was able to work with Congressman Wilson and his staff. For the past 2 years I have had the honor of serving in the House with Bob, representing the people of California.

While we are members of different parties, we each respect the other's views—we can "agree to disagree." Bob is an affable gentleman, respected by all who have served with him.

As the senior member of the California delegation, all of us have looked to him as a source of knowledge. I wish him the best for the future.●

● Mr. MITCHELL of New York. Mr. Speaker, I would like to take this opportunity to pay tribute to the Honorable Bob Wilson of California. As the ranking minority member of the House Armed Services Committee, Bob has been both a good friend and capable leader. I want to express my deep appreciation for his guidance, support, and friendship.

Throughout his long and distinguished career in the House of Representatives, Bob has demonstrated his substantial legislative skills, his diligence as a responsive representative, and as a forceful spokesman for a strong and vigorous national defense.

I know that Bob will be missed by his constituents, by his colleagues on the Armed Services Committee as well as the entire membership of the House. He will be particularly missed by those who have persistently endeavored to insure that our Nation is capable of providing for its own security and for the peace of the world.●

● Mr. ZABLOCKI. Mr. Speaker, I was sorry to hear of the retirement of our colleague, Representative Bob Wilson. He will be missed by our colleagues on both sides of the aisle in the House of Representatives.

Bob Wilson is a hard-working, conscientious Member of Congress. While I did not always agree with him on all issues, I respect his strong commitments to his philosophy and his consistent support of legislative initiatives to promote that philosophy. Bob Wilson has well represented his constituents in the 41st District of California with consistent dedication and success.

Mr. Speaker, Bob Wilson's high ideals and deeply held convictions are an inspiration to us all. As ranking minority member of the House Armed Services Committee, Bob has developed a keen knowledge of defense-related matters and has always supported a strong national defense for this country. He is widely respected in the field and his knowledge has greatly benefited this body.

Mr. Speaker, I join our colleagues in this tribute to Representative Bob Wilson and I extend my sincere best wishes to Bob and his lovely wife Shirley. May they enjoy many, many years of happiness in their retirement and in their future endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, this body and our Nation will be losing one of its most effective Members of Congress when Bob Wilson retires after 28 years of dedicated public service.

I will personally feel the loss most acutely as a member of the Armed Services Committee where we will no longer have Bob Wilson's voice of reason and experience speaking on behalf of a stronger national defense in America. It has certainly been a privilege for me to serve with him on Armed Services and I have always highly valued his expert and experienced views on military matters.

We in this body are not the only ones to recognize Bob's abilities in national defense matters. His efforts have also been recognized by the Non-Commissioned Officers Association, Civil Defense League, Fleet Reserve Association, and Reserve Officers Association, plus others. To be honored in this way speaks well of the fruitful years of contributions Bob Wilson has made to his Nation and this body.

Mr. Speaker. Not only will I miss Bob as a valued colleague, but also as a personal friend. I join with the others speaking today to wish him the very best in the years to come and to thank him for a job well done.●

● Mr. MATSUI. Mr. Speaker, the House of Representatives will be losing a valuable and distinguished member when Bob Wilson retires.

First elected in 1952, Bob Wilson has served with honor, principle, and distinction. Members on both sides of the aisle have come to respect his thoughtful insight on a whole gamut of issues, especially those concerning our national defense. His long service has truly been a benefit to the rest of us in the California delegation, who have often relied on the knowledge and wisdom he has gained during his tenure in the House of Representatives.

Mr. Speaker, I know I speak for all Members of the House when I say how saddened I will be by his departure. He has done a great service to his constituents by his years in Congress, and a great favor to our Nation.●

● Mr. HILLIS. Mr. Speaker, I would like to add my name to the list of Members who today are expressing their regret that Bob Wilson will be retiring from Congress at the end of this year.

I have served with Congressman Wilson on the Armed Services Committee for 7 years. During that time, I have had the opportunity to get to know him as a person and as a leader on the committee. As the highest ranking Republican, he has always worked with the rest of us in seeking out the Nation's defense interests and making sure they are represented in the legislation reported from the committee.

It has not always been easy to represent a stronger military and increased defense spending; however, Bob Wilson never shirked his responsibility or wavered from his commitment of insuring an adequate defense budget. His work on the Armed Services Committee has not gone unnoticed. He has received numerous awards for his dedication to improving the quality of life for military personnel and their dependents. His leadership will be missed as those of us on the Armed Services Committee continue to build on the many legislative achievements he has made.

All Americans owe a special thank you to Bob Wilson for the tremendous job he has done. I hope Bob will continue to give us his counsel from time to time so that we may benefit from his insight into the many problems facing our Defense Department.

Although we will miss him greatly, I wish him the best of luck as he leaves the House.●

● Mr. KAZEN. Mr. Speaker, we in the House may be saying formal goodby to Bob Wilson today, but few of us who served with him will forget him. He was in the House when many of us came as new Members. In fact, he ranks with Minority Leader John Rhodes as the Members of the Republican Party who have served here longest.

It has been my pleasure as well as honor to be associated with him as a member of the House Armed Services Committee. In meetings of that committee, I have known him to be as thoughtful and hard working as he has been congenial and friendly. He combined his great interest and expertise in military personnel matters with a strong belief that our Armed Services must have adequate weaponry to keep our Nation's strength second to none.

My wife Connie and I count Bob and Shirley Wilson as very good friends and think very highly of them. We are pleased to know that they expect to remain residents of the Washington area. I am confident we have not seen the last of Bob Wilson around this Chamber, and I find that fact a major consolation as we bid farewell to him today.●

● Mr. DANNEMEYER. Mr. Speaker, it is indeed a privilege to join with many of my colleagues in honoring a distinguished fellow Californian, Bob Wilson, as he concludes his congressional career. Over the past 28 years, Bob has served with great distinction, not only attending to the needs of his San Diego district but to the needs of the country as well. As ranking minority member of the House Armed Services Committee, he has worked hard to see that our defense needs were met and that our servicemen got a fair shake. His will be large shoes to fill.

I have only had the pleasure of serving with Bob in the Congress these past 2 years. But, in far less time than that, I came to appreciate his talent, leadership, and advice. He has been a cohesive force within the California delegation, a man whose experience has been invaluable to all those wise enough to seek his counsel. As he begins what we all hope and expect will be a long, active and rewarding retirement, let me add my voice to those who wish him well. He will indeed be missed.●

● Mr. KRAMER. Mr. Speaker, although I have only had the privilege of serving a single term with the distinguished gentleman from California (Mr. Bob Wilson), while he has honored this body with 14 terms of service, I have deeply appreciated having the opportunity to serve this brief time with him.

His knowledge of matters affecting our Armed Forces, and his support in legislation and policies critical to not only my district but to our national defense posture as a whole have won my wholehearted admiration. While I would not want to deprive him and his family of his hard-earned rest, I regret that we could not have spent more time in pursuit of our mutual interests in improving our national defense.

No amount of words ever captures the essence of a man nor of his performance in office. Nor will any amount of rhetoric describe the many contributions Bob Wilson has made to this body over the years, and to the state of our national defenses.

Both my staff and I have turned to him for advice and information, particularly in matters of defense, and have always found him both willing and ready to help.

His advice on defense matters has always been sound, and that soundness and expertise will not be easily replaced.

I join the gentleman from California (Mr. Burgener) in commending the departing and distinguished Member from California, Mr. Bob Wilson, and wish him the very best in the years ahead.●

● Mr. LOEFFLER. Mr. Speaker, I am pleased to join my colleagues in honoring one of the most distinguished Members of the House, and his 28 years of service to his district and our Nation. Since his first election to the 83d Congress, Bob Wilson has served the 41st District of California tirelessly, gaining both the respect of his colleagues and the trust of his constituents. As chairman of the Republican Congressional Committee for 12 years, from 1961 to 1973, Bob was an effective and skillful force in the election of Republican Members of Congress throughout the Nation, and one to whom the Republican Party owes a great debt of gratitude.

As a member of the House Armed Services Committee for many years, and as ranking minority member since 1975, Bob Wilson has been a strong voice for a responsible national defense posture, and he has received numerous honors for his leadership in this, and many other successful legislative efforts. His voice and efforts will truly be missed.

There are very few words which could adequately pay tribute to the honor and respect which Bob Wilson has gained in his service to our Nation. He is a friend, and we will all miss him.●

● Mr. NICHOLS. Mr. Speaker, I am pleased that we have taken this special order so that the many friends of our colleague, Bob Wilson, may have the opportunity to express our thoughts as he departs from the Congress.

It has been my privilege to serve with Bob on the House Armed Services Committee for some 12 years and I have never known a harder working or more dedicated member of that committee in behalf of providing a strong defense for these United States. Bob has especially represented the San Diego area well and his military constituency throughout that district will most certainly miss the services he has rendered in behalf of the active duty and the retired military communities.

Mr. Speaker, I do not profess to understand Bob's constituency but in what is obviously a Republican year, I am persuaded beyond any reasonable shadow of a doubt that the good people of California would have again reelected Bob Wilson had he not chosen to retire from this body in which he has served so ably for the past 28 years.

I shall miss Bob Wilson's expertise and his sound judgment on military matters and especially so in the procurement of weapons in which he had great knowledge; however, I am pleased to learn that his plans include remaining in the Washington area where I predict he will be equally successful in whatever field he elects to enter.

Carolyn and I extend our very best wishes to Bob and Shirley and anticipate many additional years of pleasant relationship with the both of them.●

● Mr. ROBINSON. Mr. Speaker, it is a privilege to join in this colloquy honoring our longtime colleague, Congressman Bob Wilson of California, one of the truly outstanding defense experts in the Congress of the United States.

Bob's solid expertise in matters pertaining to our national security will be sorely missed when he steps down from his congressional seat at the end of this year, after 28 years of distinguished service to the people of California and the Nation.

In addition to his committee leadership responsibilities in the House of Representatives, Bob was serving as chairman of the Republican congressional committee at the time I came to Congress in 1971. His kind guidance and counsel at that time was warmly appreciated by me, as I know it was by all who were part of the "freshman minority class" in that 92d Congress. In fact, it was a role that Bob cheerfully and ably filled for a whole succession of newly elected Republican Members of the House during his long tenure as head of that organization.

Bob Wilson is best known in Congress, of course, for his steady, good-willed determination to help rebuild for America a national defense system second to none, including the provision of adequate pay and benefits for military personnel and their dependents.

As ranking minority member of the House Armed Services Committee, Bob has worked tirelessly to restore America's present diminished naval fleet, and to upgrade our sea, air, and land-based defense systems so that these will be capable of deterring aggression and keeping the peace. He has been a staunch advocate for giving a margin of safety to all components of the U.S. Armed Forces, including Reserve and Guard units. In these matters, Bob has made a very fine and responsible contribution to the people of our Nation.

I might add that when the House Permanent Select Committee on Intelligence was established in the 95th Congress, for over a year through its formative and initial functioning stages, I had the pleasure of working closely with Bob on this committee. His keen insight, experience and wisdom helped to launch this important panel in a trustworthy, responsible manner. His example of leadership has been of valued personal benefit, now that I must occupy his old job as the committee's ranking minority member.

For all such reasons, I am very proud to join in saluting Bob Wilson as he prepares to retire from Federal elective office. He is a great patriot, and an outstanding American.

Best wishes, Bob, for an enjoyable, happy life in retirement.●

● Mr. DICKINSON. Mr. Speaker, one of the crowning highlights of my service in the House has been my friendship with Bob Wilson of San Diego and California's 41st District.

With Bob's retirement, after 28 years service in the House, the American people are losing a giant who has worked tirelessly for a strong national defense. I am losing my boss—the senior minority member of the Armed Services Committee, who has so competently led Republican members of the committee since 1975. Our committee will sorely miss Bob and the talents he has provided our Nation through 14 terms on the Hill.

A man of rich humor, I have come to love Bob's light, yet refreshing, and thoroughly sound approach to getting the committee's job done. A leader in the effort to maintain U.S. sea power, Bob has led the fight against erosion of Naval power which we have experienced during the last several years. As ranking minority member of the Subcommittee on Procurement and Military Nuclear systems, Bob has labored valiantly against the tide, to see that our Nation procured the systems necessary for our Armed Forces.

Although Bob has worked for the force structure and equipment necessary for our Armed Forces to be successful if committed to war, he has fought hard to improve pay and benefits for military personnel and their dependents. He is the sponsor of recent major improvements in the military survivor benefits program and is the recipient of numerous awards for his efforts on behalf of military personnel.

Many Republicans will recall that Bob rendered our party great service as chairman of the National Republican Congressional Committee for 12 years. A champion of senior citizens, Bob was a founder and ranking minority member of the House Select Committee on Aging. An early advocate of the important role of oceanography, Bob introduced the first legislation which led to the establishment of the National Oceanic Atmospheric Administration.

Bob Wilson has served the people of California and the entire United States in an outstanding manner. We will miss him and the vital role he has played in the security of our Nation. Because we respect so very much his service to the Congress and our Nation, we will be inspired to pick up the ball and carry on in his absence.

It has been an honor and a joy to count Bob Wilson as a friend. My wife Barbara and I will long cherish our friends Bob and Shirley.●

● Mr. MINETA. Mr. Speaker, it is a pleasure to join my colleagues today in this tribute to Bob Wilson as he prepares to retire from the Congress when it finishes its business for the year.

For the past 28 years that he has served in the House of Representatives, Bob's skills as a legislator and representative have served his district well as it has grown into the diverse and vital area that it is today. He has also served on the Armed Services Committee and has taken an active role in improving and strengthening our Nation's defense.

I have had the privilege to work with Bob as he has presided over many meetings as the senior Republican from our State of California. I know that many others share my view that the work he has done for California has been outstanding and that we have all benefited from his leadership and dedication in serving our State and our Nation.

Bob's retirement will be a loss to the House of Representatives. I am happy to have this opportunity to extend my best wishes to Shirley and Bob upon his retirement.●

● Mr. SCHULZE. Mr. Speaker, it is my pleasure to take this opportunity to join with my colleagues in recognizing the dedication and accomplishments of the Honorable Bob Wilson, one of the two senior Republicans in the House of Representatives. I am convinced that we are joined in these sentiments by countless thousands of American servicemen and women, on whose behalf he has labored tirelessly these past 28 years.

In my first term, it was my great honor to serve with Bob on the House Armed Services Committee. Throughout his tenure on that committee, he has been a consistent advocate of a defense policy based on strength, a philosophy now receiving the support it deserves. As a freshman and beyond, I have found his knowledge and expertise on defense matters to be extremely valuable. His leadership in this vital area will continue to have a profound impact on the security of the United States.

Bob Wilson's record speaks for itself. He has been, and I predict will continue to be, the epitome of the public servant. Bob, we wish you all the best in the future.●

● Mrs. HOLT. Mr. Speaker, it is with a mixed feeling that I join the gentleman from California (Mr. Burgener) on this occasion. In one sense, it is a personal pleasure to honor and pay tribute to our retiring colleague Bob Wilson. In another sense, his retirement from the House of Representatives does mean the loss of an invaluable Member from our midst.

Bob's 28 years of distinguished service in the Congress have brought America better Government and a conscience for a strong nation militarily and economically.

I believe no finer man has carried the cause for effective bipartisan leadership and we will all miss his wise counsel and unwavering commitment. As ranking minority member of the House Armed Services Committee, he has strived to make America a better place in which to live, and to make it more secure at a time when we are being challenged and tested by potential enemies.

I wish Bob and his gracious wife Shirley a most pleasant and well-earned retirement and continued success in all their future endeavors.●

● Mr. PASHAYAN. Mr. Speaker, unlike many of my colleagues, I have not had the honor of serving with Bob Wilson for more than 2 years. What I can relate is the great kindness and understanding that was shown to me when I became a Member of this body in the 96th Congress.

As an incoming freshman I found the pitfalls and inscrutable nature of Capitol Hill challenging. It was Bob Wilson who helped this freshman through the maze. I shall never forget his invaluable insight and shall miss him both as a colleague and as a friend.●

● Mr. LENT. Mr. Speaker, as the 96th Congress draws to a close and we bid farewell to our colleagues who will not be returning to this House of Representatives in January, I am especially honored to pay tribute to my good friend and colleague, the Honorable Bob Wilson of San Diego, Calif.

I first met Bob while I was a young naval officer stationed in San Diego in 1954. Bob was a Congressman then, and I was most impressed to hear him speak out on the issues of that era. Over the years, his efforts on behalf of his district and the Nation have been an inspiration to all of us.

Bob has much to be proud of in his 28 years of congressional service. Perhaps closest to his heart are the many contributions he has made to the plight of America's enlisted military personnel. As the ranking Republican on the House Armed Services Committee, Bob has well earned recognition as the friend of the enlisted man.

As well, Bob aptly can be called the father of the National Oceanic and Atmospheric Administration," for he first proposed legislation calling for a national oceanic organization. As a result of his foresight and vision, this country has moved ahead on the important mission of exploring, charting, and managing the vast resources of our global oceans.

This body will sorely miss Bob Wilson, though he leaves behind a legacy of which he can be proud. My wife Barbara joins me in extending Bob and Shirley our very best wishes in the years ahead.●

● Mr. DERWINSKI. Mr. Speaker, our colleague Bob Wilson is retiring from public service at the conclusion of this Congress, a choice that he made and announced many months ago, a choice that all of us regretted, but certainly understood. His retirement will be a great loss to the House of Representatives, and I believe to our Nation.

For the past 28 years, Bob has served his constituents of the 41st District of California with utmost dedication and energetic representation. His legislative expertise and his responsiveness to the needs of his constituents and the people of this Nation were often demonstrated in this body.

As ranking Republican on the House Armed Services Committee, Bob has played a major role in the consideration and passage of defense legislation which has provided us with stronger military capabilities. He gained a reputation as an effective, conscientious, and knowledgeable member of that committee.

Bob's ability and dedication are well-known among his peers, and his traits of character have won him high esteem. Bob has served as chairman of the Congressional Campaign Committee where he demonstrated his knowledge and effectiveness in expanding the number of Republicans in elected office.

I wish Bob a very long and happy retirement. He will be sorely missed by his constituents, his fellow Members and the Nation, but I sincerely hope that Bob and his lovely wife, Shirley, will continue to enjoy health and good fortune in the years ahead.●

● Mr. VAN DEERLIN. Mr. Speaker, our colleague, Bob Wilson, has assumed almost legendary proportions in San Diego, our mutual hometown. If San Diegans look around, they can scarcely miss seeing something that Bob helped bring to the city during his 28 years of productive service in this body.

Several of San Diego's finest attractions bear Bob's stamp. Harbor Island, for example, is home to some of our finest hotels and most beautiful parklands. Yet, Harbor Island would not even exist if Mr. Wilson had not persuaded Congress to fund a dredging project which in turn provided the sand and dirt to "build" the 75-acre island in the late 1950's.

Bob also was instrumental in pushing legislation to allow a conveyance of Navy land that helped provide a nucleus of its San Diego campus for the University of California.

He also won approval for bills to preserve and enlarge the Cabrillo National Monument, at the tip of Point Loma. And now the Cabrillo Monument, built around a picturesque 19th century lighthouse, is the most heavily visited such facility in the country.

The list goes on and on. As much as anyone, Bob can take credit for our outstanding veterans hospital, completed within the past decade as a well equipped complex of 800 beds. Before we got our own VA hospital, eligible persons had to travel 100 miles up the road to Long Beach for inpatient care.

If we look a bit further in the San Diego area, we see other signs of Bob's work and his effectiveness in dealing with Democrats as well as Republicans here in the House.

He worked hard for our downtown Federal building-courthouse, for Spanish Landing Park and for a better deal for our embattled tuna fleet.

But most of all, Bob is remembered and known for his work with the Navy, to improve and strengthen the Navy's hand in dealing with our adversaries around the world. At the same time Bob has been the most important intermediary between the Navy and its biggest port—San Diego. At least in part as a result of his labors, the Navy and the surrounding civilian communities of San Diego are benefiting as never before from each other.

And Bob has always been a leader in obtaining better pay and benefits for active and retired military personnel. In our county some 400,000 persons—military people and their families—recognize Bob as a true champion of their interests.

Mrs. Van Deerlin and I now count Bob and Shirley among our closest friends. It was not always thus; when I first came to Congress, nearly 18 years ago, Bob and I were divided by some rather bitter political partisanship. Over the years, we have both tempered our views, and I think we have been more effective legislators as a result. Bob today is well and favorably known for the consideration he shows to Members on both sides of the aisle. We still have our disagreements, of course, but now it is a case of "agreeing to disagree," without rancor.

Bob Wilson is esteemed as a senior statesman not just of his party, but of the entire Congress. As such he will be sorely missed.

Mr. Speaker, I offer an editorial from the San Diego Union, written last January after Bob announced his intention to retire:

An Impressive Record

> Rep. Bob Wilson cleared the political air in San Diego last week when he said he would end his 28 years of service in Congress at the expiration of his current term. Now that the guessing about his retirement is over, the next question is the one that will not be answered until the November election.
>
> The obvious question of who will succeed Mr. Wilson promises to generate an uncommon level of political activity in San Diego's 41st District. At this point the best guidelines for the coming talent-search by both Republican and Democratic voters are found in Mr Wilson's own impressive record as a congressman.
>
> Why have San Diegans elected Mr. Wilson to Congress 14 times? The answer is that he has done his job so well—that he has remained sensitive to the political mood of his district, that he has fought a good fight for the interests of San Diego in Washington and won more battles than he lost, and that he has run an efficient office sensitive to the individual problems of his constituents.
>
> It is not necessary here to list the specific or general achievements of Mr. Wilson since he went to Washington 28 years ago from a city entering a phenomenal period of postwar growth. San Diego's importance today as a naval base and as a center for defense production and technology speaks for itself. San Diegans need only look around to see the benefits of having a respected and energetic representative on the House Armed Services Committee.
>
> The record of Mr. Wilson in Washington, however, points to the problem now confronting San Diego. Our congressman steps down as the ranking minority member of the Armed Services Committee, and is at the top of the Republican seniority ladder in the entire House. His successor will enter the 97th Congress next January as a freshman in a 435-member body where experience counts.
>
> Fortunately Mr. Wilson will be in his seat during the important coming year. Decisions affecting the nation's military posture and the future role of the Navy will be made in 1980. He remains in a position to influence those decisions and others which he can now approach as loose ends to be tied up as he brings his congressional career to a close.
>
> San Diego's link with Washington will be crucial this year and into the future, and not only in terms of defense-related issues, including appropriations for our new Navy Hospital. There is a federal role in further development of San Diego harbor, and in hopes for expansion of a rail transit system here. The development of a new San Diego airport will involve the federal government and the Navy, whether or not the current focus on the Miramar site moves ahead.
>
> Mr. Wilson will be in a position at the end of the year to help his successor pick up these and other endeavors and do the job with them that San Diego has come to expect from its congressional representative. The aim should be a transition without a break in stride.
>
> Tough, partisan campaigning can now be expected to capture a congressional seat that once was regarded as "safe" for the Republicans. Mr. Wilson among other things has been a loyal and energetic worker for his party, once heading the national GOP congressional campaign committee. One reason for his success, however, has been his ability to work with Democrats—especially various chairmen of the Armed Services Committee—during a long, lean period of GOP minority in Congress.
>
> Both parties will push hard to send a new San Diego representative to Congress wearing their label. We hope the winnowing-out process produces candidates in both parties who reflect a commitment to fiscal responsibility and a strong defense, prepared to serve with loyalty to the people back home and sympathy with their problems.
>
> Those qualities kept Rep. Bob Wilson in Congress for 28 years and are a measure of what San Diego should try to find in picking his successor.●

● Mr. YOUNG of Florida. Mr. Speaker, the gentleman from California should be commended for setting aside this time to honor one of our most distinguished colleagues, the Honorable Bob Wilson.

For 28 years Bob Wilson has served this country. He has been widely recognized for his work to support and strengthen the Nation's armed services. The awards he has received from organizations aware of his crusade to raise the standard of living for the Nation's servicemen are too numerous to mention. He has carried out his work on the Armed Services Committee, where he has been the ranking Republican since 1975. That is where I first had the pleasure and privilege of watching Bob work. Together we served on the committee, and I got to see firsthand his concern for our military personnel. No one in the House has fought harder to see that their standard of living is raised and that the military is able to retain more of the skilled people it has trained.

Bob was shocked to see and hear about servicemen and their families being forced to live on food stamps because they are underpaid. Bob is retiring after 14 terms of service, and it will be very important to pick up where he leaves off in his fight to upgrade the standard of living for those people who are defending our country. Bob dedicated himself to that cause and we must continue to follow his example.●

● Mr. LEE. Mr. Speaker, colleagues, I rise today in tandem with the many friends of Congressman Bob Wilson of California who has chosen to retire from a long and most distinguished term of service in this House.

I am sure that I am joined by countless fellow first-, second-, and more-term Members of this House when I say that we will miss Bob's experienced and helpful presence in this Chamber. While it is certain that the legislative history books will speak of his accomplishments on behalf of the enlisted man in America's military service and his monumental contributions to the field of oceanographic research efforts by this Government, those same books might not adequately reflect the statesmanship and welcoming nature of Congressman Bob Wilson. His tenure will stand as a beacon of thoughtful, dedicated service to Members of the House long after his retirement has taken effect.

Please allow me to use this occasion to thank Mr. Wilson for his efforts and service in Congress on behalf of all my constitutents in New York, and on behalf of every American who holds the respect Mr. Wilson fostered in a strong defensive posture for America. Allow me, at the same time, to wish a long, restful, and prosperous retirement to our friend, Mr. Wilson, who has represented California's 41st District so ably for so long.●

● Mr. BROYHILL. Mr. Speaker, many good men and women are leaving the House of Representatives at the end of this session. Our distinguished colleague, Bob Wilson, stands at the top of the list.

Bob Wilson has served the people of San Diego for the past 28 years. Indeed, it would be more accurate to say that he has served the people of this Nation because he has done just that.

Bob Wilson has worked hard in many areas, but I believe he will be remembered most for his diligent work on behalf of a strong defense for our country. He has approached this important subject with much commonsense and hard work.

We will all miss you, Bob, both as a top-notch legislator and as a good friend.●

● Mr. SHUMWAY. Mr. Speaker, I am pleased to have this opportunity to pay tribute to my friend and colleague, Bob Wilson, and I appreciate the fact that the gentleman from California (Mr. Burgener) has reserved this time.

I first began working with Bob Wilson while I was still a Member-elect, during the orientation session provided for incoming Members of Congress. His invaluable assistance and guidance as chairman of the California Republican congressional delegation ensure that all of us who were joining the largest such delegation began our efforts on the right foot. During the intervening years, Bob's helpful efforts have continued, and his exemplary leadership has enabled our delegation to make a responsible, positive impact.

Long before I was privileged to join this body, Bob Wilson was making an impact of his own. His departure from Congress at the end of this session will leave a very large void—one which will be felt not only by the people of his congressional district and our great State, but also by the Nation. His presence and effectiveness will not be forgotten.

Bob Wilson's expertise and knowledge extend to many areas, but perhaps his ability in the area of national defense will be missed most of all. I trust that it is a source of personal achievement to him to know that his message has at last been heeded and that his determination has contributed greatly to the changing trend in defense thinking.

Bob exemplifies character, integrity and responsibility. His attention to the needs of the Nation has been thoughtful and reasoned, and the legislative products for which he has been responsible will be remembered. I am delighted to consider him my friend, and I am pleased to extend to him every best wish for continued fulfillment.●

● Mr. KEMP. Mr. Speaker, it is with a sense of privilege and a distinct honor to add a few words of tribute to our distinguished colleague, Bob Wilson.

Long before I came to the Congress, Bob was my mentor.

When I was with the Chargers in San Diego, he had the patience to take me under his wing. As a freshman in this body, he continued his stewardship in my behalf.

For this, and much, much more, I shall always be grateful to Bob Wilson.

What can I add to what has been said about Bob?

No Congressman has been a better friend to the men and women of our Armed Forces or to the veterans of this Nation than Bob. No one has worked harder to help assure peace through strength than he has through his contributions to the deliberations and legislation considered and guided through the House Armed Services Committee and through this Chamber.

That Bob Wilson is the recipient of the Noncommissioned Officers' L. Mendel Rivers Legislative Award, the National Security Award, plaudits from the American Military Retirees' Association and many other honors for his devotion to the maintenance of America's freedom is clearly understandable. But even more than such richly deserved recognition, we must remember the legacy he has bestowed upon us.

The paths that he has cleared must be maintained and broadened if we are to be worthy of the example Bob Wilson has shown us. For a colleague who devoted 28 years to an uncompromising fight for the defense of American freedom, we can do no less.

Bob, your contributions are indelible. We will continue to seek your wise counsel.

Let me add my personal best wishes to your wife, your children, and grandchildren.

And as they say in the fleet you served so faithfully, "Well done." ●

GENERAL LEAVE

Mr. BURGENER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE COLLINS BUSING AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Collins) is recognized for 45 minutes.

Mr. COLLINS of Texas. Mr. Speaker, one of the most constructive acts of legislation in this session was congressional inclusion of the Collins amendment in the Justice appropriations bill. Let us analyze the impact of this amendment in helping to curtail the forced busing that has done so much to reduce quality of education in America.

Since forced busing has been imposed on America's public schools by court orders the scholastic aptitude tests have dropped 82 points. Each year, seniors are given these comprehensive SAT examinations and every year their total academic knowledge has kept sliding downward.

Let us see what this amendment does and does not do. First and foremost, the Department of Justice is precluded from taking any action to require forced busing as a remedy. The Department can bring any actions it wishes and seek any remedy except busing. This means, of course, that they still have the power to both investigate and bring actions to redress discrimination so long as that redress does not include busing.

Second, my amendment does not impact upon any existing court orders which have required forced busing.

Third, my amendment does not in any way limit the power of any for the court to order busing as a remedy.

Many of those who have opposed my efforts to eliminate this wasteful and inefficient social experiment say my amendment is unconstitutional. I submit it is totally constitutional for the following reasons: First, my amendment addresses a matter clearly and unequivocably within the purview of Congress; this, of course, is the matter of appropriations where the Congress is preeminent. Article I, section I of the Constitution provides that "all legislative Powers herein granted shall be vested in the Congress of the United States * * *." Article I, section 9 further provides that "No money shall be drawn from the Treasury but in Consequence of Appropriations made by Law."

What these provisions of the Constitution say very clearly is that it is the constitutional prerogative of the Congress to determine where, how much, and for what purposes appropriations will be used. My amendment flows directly from that authority.

Second, the Department of Justice is an agency of the Government whose duties and responsibilities are established by the Congress. The Constitution contains no provision specifying the duties of this Department, namely, because nowhere in the Constitution is there any reference to a Department of Justice nor even of an Attorney General. This being the case, it is up to the Congress to determine the duties of this Department. Congress can also create or abolish any administrative unit. In fact, there was no Justice Department in existence until 1870. Thus, it is unmistakingly clear that laws passed by the Congress determine what every agency of the Federal Government can do and cannot do. And it is the responsibility of the President to enforce the laws passed by the Congress. Congress could even abolish the Justice Department just as there are currently discussions concerning the abolition of the Departments of Energy and Education. What Congress creates Congress can eliminate.

Third, my amendment is entirely consistent with the landmark Civil Rights Act of 1964. This legislation specifically authorizes the Attorney General to bring desegregation litigation. Desegregation is a term that is defined by the legislation itself. Section 401 of this act specifically provides that desegregation "shall not mean the assignment of students to public school in order to overcome racial imbalance." Section 407 further provides that—

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve a racial balance.

In fact, during the floor debate on the 1964 Civil Rights Act, Senator Hubert Humphrey, floor manager of this legislation, stated:

> While the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to affect integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race.

Thus, my amendment is entirely consistent with the Civil Rights Act of 1964.

Fourth, my amendment in no way affects the power of the courts.

Fifth, my amendment in no way affects the power of any individual to bring any action in any court. If anyone looks at the famous busing cases such as the Swann case, these were actions brought by individuals, not by the Justice Department. What my amendment does is say that the Federal Government itself should stay out of efforts to require busing.

Sixth, even though my amendment does eliminate the power of the courts to grant busing as a remedy, two Supreme Court cases, Ex Parte McCardle and Lauf against E. G. Shinner & Co., make absolutely clear that Congress has the power to limit remedies which courts can apply. If the Congress can constitutionally limit court remedies, can there be any question that it can limit the Department of Justice from seeking remedies such as busing?

Courts should not create more segregation. Busing has caused many cities to become much more segregated. Let me give you some busing negative impact. Compare 1968 and 1977 as to the percent of minority students in big city schools. Note the increase in segregation.

City	1968	1977
Atlanta	62	89
Boston	31	56
Dallas	38	62
Houston	47	66
Memphis	54	71
New Orleans	69	84
San Francisco	59	72
St. Louis	63	72

We seek balance, yet with busing we see American school systems more and more minority-dominated.

Education is a primary concern to all Americans. We believe in the family, the neighborhood and greater educational attainment for all Americans.

If the court should feel that there are changes that should be made for minority student education, there are several constructive alternatives that are available. Freedom of choice would allow students to go to other schools in their system.

Magnet schools provide an excellent alternative as their full curricula is exciting and comprehensive.

In Richardson, Tex., their district has an outstanding program. They chose the Hamilton Park School in a black neighborhood. They allow half of the students to be Anglos. Anglos are accepted only where space is available and they have a waiting list until 1985. Blacks are allowed to transfer but at Hamilton Park only one black student in 5 years has requested it. This school has a full day and the program runs from 7 a.m. until 5:30. Special courses in music, theater, computer, and athletics are included. There is strong parental support, and parental interest is the major influence in improvement for education as a motivational force for children.

Forced busing has been tested over and over and always has been an educational failure. Money could be spent more efficiently and effectively in educating youngsters. In the 14 years when Dallas schools diverted their emphasis from education to transportation, the cost per pupil increased from $361 to $1,746. The schools have better teachers but forced busing and the disciplinary problems resulting from tensions caused by children leaving their neighborhood have resulted in lowered education for all.

With America's need to save on energy resources, why does America waste oil on forced busing? This applies only to forced busing. Busing of handicapped and rural students is in no way limited or modified by my amendment.

There are many alternatives available if local communities are determined to have busing. I talked with Dr. David Armor in Los Angeles about the rapidly accelerated busing in California. What I was most interested to learn is that this busing suit was introduced by the Civil Liberties Union so there was independent counsel introducing it. Furthermore, it is interesting that in California, cases are being processed through the State courts as they are judged under State law.

We need to thoroughly review the impact of school busing because of the tremendous setback it has given to America's education. We are losing quality education in the public schools. Scholastic aptitude test scores are down 82 points since busing started. The public schools have 4 million fewer children than they did 10 years ago. Last year when we checked the dropout ratio, we found that today 25 percent of the high school students are dropping out before they graduate, whereas before busing started the dropout ratio was only 20 percent.

Let me give you an example of how busing relates to achievement. A 1979 study conducted in the Dallas Independent School District showed that 1,115 students who were not bused away from their neighborhood schools, were one-quarter year ahead of their 810 counterparts; the nonbused students showed higher achievement in both mathematics and language arts.

We do not want to have America's school system become a minority school system as we need balance in schools. Today, we see that in Boston 50 percent of their students are minority. In the public schools of San Francisco, 72 percent are minority students. In Atlanta, Ga., they have 90 percent minority students. In Dallas when busing was started the public school system was 38 percent minority and today it is a 67 percent minority system. It is also distressing to see empty school buildings. I checked 25 elementary schools in Dallas. Many schools have been built to hold 800 students. Schools such as Hexter have an attendance of 169, and Withers 134. We find a large school like Cabell which has room for 1,300 but only has 196 children enrolled. How absurd it is to leave schools empty so as to bus to overcrowded schools.

The best education achievement program that I have heard about came in a black school in Chicago that is headed up by Mrs. Marva Collins. Clement Stone recognized her at an achievement banquet as the Achiever of the Year. This fine teacher started her own school in South Chicago. All of the pupils are black and live in the neighborhood. She has no teaching aids. The physical facilities are very limited. They have a crowded classroom. But Marva Collins is a dynamic teacher. The pupils are motivated to learn and they have strong parental encouragement. Her pupils have an average reading skill two and three grades advanced of their class level. There is no busing. These are black students who are setting the pace for America with their achievement record.

In discussing forced busing, we seem to have forgotten the history of how the issue arose. It began with the Brown decision by the Supreme Court back in 1954. There was a little black girl in Wichita, Kans., who wanted to go to a neighborhood school seven blocks from her home. She was forced to go on a bus 27 blocks to another school because of her race. The court wisely and justly said that every child in America shall be entitled to and must go to their neighborhood school. Also the court said with a firm voice that no child shall be sent to any school because of race. Now what has happened is a complete reversal. Children are being forced now to get on a bus to go across town and leave their neighborhoods. Children are being assigned to schools based on race and are allocated by racial quotas. What kind of a country do we live in where we have reversed the equity of the Brown decision.

Congress has legislated time and again to curtail forced school busing. In the education appropriation bill for the current year the limitations on school busing are definite. Violation of section 304 or 305 should be cause to stop Federal funds to a school district. Here are sections 304 and 305 which establish the legislative intent:

> SEC. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.
>
> SEC. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.
>
> (b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Congress wants schools to concentrate on teaching rather than transportation.

☐ 2040

THE 25TH ANNIVERSARY OF THE MONTGOMERY BUS BOYCOTT

The SPEAKER pro tempore (Mr. WAXMAN). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 40 minutes.

Mr. CONYERS. Mr. Speaker, 25 years ago on this day, the civil rights movement in America was born.

It began on a Thursday evening in Montgomery, Ala., December 1, 1955, when a young woman named Rosa Parks boarded a bus to take her home from her job at a local department store. As the bus filled up, a white man asked for her seat. That had been a routine matter in the past. Montgomery's buses were segregated, and segregation was enforced by the bus drivers who had police powers under a local statute. But on that day, that special day, Rosa Parks refused to give up her seat. She was ordered off the bus and arrested. Within a few hours, Edgar Daniel Nixon, head of the Montgomery chapter of the NAACP, posted a $100 bond and she was released from jail.

Word about the incident spread quickly throughout the black community. Two days later, a meeting was organized at the Dexter Avenue Baptist Church to discuss what actions could be taken to support Mrs. Parks and to end the indignity of segregated buses. Resentment against the practice of segregation had been smouldering for months, and periodically local leaders had raised the idea of a bus boycott. Yet no action had been taken until that fateful day of Mrs. Parks' arrest.

The Dexter Avenue Church meeting accepted Edgar Nixon's proposal to launch a citywide bus boycott. The Montgomery Improvement Association was formed with Dr. King as its president. Leaflets were printed and circulated urging citizens to walk to work the following Monday, the day of Rosa Parks' court appearance. Black citizens boycotted Montgomery buses all winter, spring, and fall. The city gained a worldwide reputation as "the walking city." Mrs. Parks was found guilty and paid a $14 fine. Others were arrested later and eventually a class-action suit found its way to the U.S. Supreme Court. On December 13, 1956, 1 year later, the Court struck down the segregation statutes and bus company practices as unconstitutional. The rest is history.

Today it is fitting on the 25th anniversary of the Montgomery bus boycott that we reexamine the meaning of that historic event for the Nation and celebrate the remarkable courage of the individuals involved who made the fateful decisions to defend their rights and resist injustice.

The special order is not intended as an exercise at nostalgia. It is true that the passage of these many years has dimmed many memories, particularly since the events of that period were immensely painful for all sides and led to a profound change in our national life. It is important that we relearn the lessons of that period.

Yet there is a larger significance today in those events beyond commemorating the past.

The Montgomery bus boycott launched a civil rights revolution, a legal and peaceful revolution that led to far-reaching changes in society—a social movement that is rare in the annals of history.

The dignified and determined example of Rosa Parks and others less well known was inspirational and led to massive public support throughout the Nation.

Black Americans in Montgomery and later in many other Southern towns and cities learned and understood the power of nonviolent, disobedient protest. The bus boycott educated a generation of citizens in the methods of social, economic, and political change.

The boycott was the event that brought to national attention a minister Martin Luther King, Jr., emerged, and moved on and was able to accomplish many other historic changes in the way the Nation viewed itself and conducted its life.

Indispensable mass political organizations evolved in many places that offered new hope to millions of citizens.

And future generations could recall the power of a single individual to create a better society—even when circumstances change and the burning issues no longer are legal and civil rights, but have become social and economic rights—the rights to a job, to decent housing and community life, to good schooling and adequate health care.

The elements and implications of the Montgomery bus boycott hold particular significance today as we look out and see throughout the Nation a rising tide of personal and group violence; a growing frustration with the avenues for peaceful social change; a mounting despair among the jobless, especially the youth who are unemployed; and the longing in certain quarters to put a stop to any further social and economic progress and instead return to "the good old days" when things were simpler.

I see as one dimension of the meaning of the Montgomery bus boycott that there are many challenging and constructive outlets for social change, that have the power to overcome the violence, and despair that are gathering steam among too many people in too many places today.

It is for this reason that I have asked for special orders to commemorate the 25th anniversary of the bus boycott and have in mind that we rededicate ourselves to its meaning and apply it to solving the very urgent problems that confront us today.

• Mr. BLANCHARD. Mr. Speaker, it is fitting that Rosa Parks is known as the mother of the civil rights movement. Even though the Supreme Court had handed down its historic decision in the Brown case a year before Mrs. Parks' fateful bus ride in Montgomery, Ala., it was her insistence on human dignity that stays in our hearts and minds. It was the Montgomery bus boycott that brought the Rev. Martin Luther King to prominence, and it was the movement that Dr. King led that changed Ameirca.

All too often we hear the voices of some in this country complain that the civil rights movement has gone too far, that the time has come to turn the clock back. Those of us who represent predominantly white, middle-income constituents, should think very carefully to what those individuals are really saying. While Americans may disagree about the best methods for achieving racial justice and equal opportunity for all, we must not waiver in our dedication to those goals. And that is why, on the 25th anniversary of the Montgomery bus boycott, we must remember people like Rosa Parks with pride.•

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE INFORMATION SCIENCE AND TECHNOLOGY ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, I am introducing today a bill entitled "The Information Science and Technology Act of 1980." By so doing I intend to emphasize my interest in addressing the serious challenges presented to policymakers by the explosive growth of microelectronics and telecommunications technologies.

Rapid advances in these fields, and the convergence of computers and telecommunications, have created new opportunities for economic growth, increased export markets, and gains in productivity, and will permit increased public access to all kinds of useful information. At the same time, these advances have important implications for the size and structure of the future workforce, for the evolution of educational institutions, for personal privacy and civil liberties, and for many other concerns central to our personal and societal values. If we are to take advantage of the opportunities made possible by the new information technologies and minimize potential negative impacts, our social and governmental institutions must come to grips with the important policy questions raised by these scientific and technological developments.

Mr. Speaker, information and communications technologies are still in a stage of rapid development, and this development will be a dominant feature of the coming decade. The bill which I am introducing establishes on institute for information policy and research, with a lifespan of 10 years. I view the institute as a transitional mechanism to facilitate our Nation's evolution toward a society based increasingly on information products and services. This mechanism would make possible cooperative planning among the Federal Government, business, educational interests, and State and local governments, for the productive and humane use of information technology in the workplace, school, and home.

I believe that the independence of the institute would allow it a broad and integrated perspective on such issues as institutional structure and regulatory policy, a perspective not subject to the political or bureaucratic constraints on the several dispersed agencies now concerned with information issues. As structured in this legislation, the institute would not be engaged in hardware research and development, nor would it have any regulatory authority. Its primary purpose would be to provide a focal point for policy research and analysis and a forum for consideration of the information interests of Government, business, and education.

I regard the bill in its present form as a working draft, and I welcome comments and suggestions from interested individuals and organizations. After consideration of suggested changes, I hope to introduce a revised version early in the 97th Congress. At that time I look forward to entering into more extensive discussion of the fundamental importance of this issue, and I will present in detail the case for pursuing this particular legislative approach.

Although the legislation I am introducing was developed as an outgrowth of work in the Science and Technology Committee, it is clear that a phenomenon as broad in its impact as the "information revolution" cannot respect committee jurisdictions. The results of new technological developments are of concern to every Member of this House, and the impacts I have alluded to obviously extend to the responsibilities, expertise, and interest of numerous other committees. I am not distressed by this shared interest and responsibility. In fact, a concerted effort is needed, and I look forward to working with other Members and other committees to meet the legislative challenges presented by these exciting new advances. I realize I am not alone or unique in sensing the momentous changes we are facing as we move into an information society. I hope that those of our colleagues who share with me the sense of excitement and awe over the technological changes we are witnessing will join in a cooperative network dedicated to mobilizing the capabilities of the new information technology for the benefit of society.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SWIFT) is recognized for 5 minutes.

● Mr. SWIFT. Mr. Speaker, I noted with surprise that the record listed me as voting in favor of the Brooks amendment to the revenue-sharing bill. This would have deleted the revenue-sharing authorization for State governments. Fortunately it was rejected by a vote of 65 to 306.

While I have voted against State revenue sharing in the past due to large surpluses that the State treasuries have boasted, I had determined to vote for it this time. The surpluses have largely vanished and I fear that curtailments in State revenue sharing at a time of reduced or nonexistent surpluses will encourage State governments to reduce assistance to local governments, which already face almost impossible budget crunches.

However, in double checking, I found that I was indeed recorded as voting for the amendment. I wish to state for the record that this vote was inadvertent and that I am pleased that the amendment was defeated 65 to 306.

REDUCTIONS SHOULD BEGIN WITH THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, one of the serious internal problems Congress has faced in recent years is the proliferation of staff on Capitol Hill. The House and Senate have become major bureaucracies, and the cost of running Congress has skyrocketed.

Most of us have heard this stated before, but I think the facts are worth repeating. In the last 20 years, there has been a tenfold increase in the cost of running Congress. The number of staff, meanwhile, has virtually tripled. While inflation is to blame for the part of the cost increase and a rise in the Nation's population creates a need for additional personnel, the actual increases in costs and staff far outstrip what might be considered a reasonable expansion.

I believe that Congress is making an attempt to cut costs, or at least to slow down the increase. The appropriations bill for the legislative branch for fiscal year 1981, as passed by the House in July, represents an increase from 1980 of only 2½ percent. Given the rate of inflation, this is a good start.

However, at a time when the cost of all Government is soaring out of control and inflation appears to be on the upswing once again, Congress must set an example of genuine austerity. In the other body, the future majority leader has indicated that he will attempt to reduce committee expenses, largely through staff cuts, by 10 percent during the 97th Congress. I believe the House of Representatives should set a similar goal.

Of course, the party reversal in the other body will permit the new majority to achieve overall staff cuts while actually increasing its own patronage and hiring powers substantially. Thus, while I am pleased to see that there will be reductions, the level of actual sacrifice should not be overestimated.

By the same token, achieving cuts in the House will not be easy; great sacrifice will be required. However, I think major reductions can be achieved, particularly in committee staffs. In my view, and, I think, in the view of most individual Members, the committee staffs have become bloated with unneeded personnel. This does not mean that committee employees are not quality workers and individuals. What it means is that many of them simply are not necessary to the smooth operation of the committees and the Congress. I believe that a commitment to austerity in the committees and in other support staff could produce substantial reductions.

As I have said, the other body intends to achieve a 10-percent reduction in 1981. Given the vastly different situation in the House, it would be extremely difficult to make identical cuts here. Nevertheless, if the proper effort is made, the House should be able to achieve a 10-percent reduction in personnel costs during the 2 years of the 97th Congress.

Of course, the legislative appropriations bill for fiscal year 1981 has already been adopted by the House. But this should not prevent us from beginning to make these cuts through attrition in the coming months. In addition, we should make a commitment to a 10-percent reduction in the fiscal year 1982 budget. Thus, by the end of the 97th Congress, we will have achieved a full 10-percent reduction in expenditures for staff.

I would not recommend this action if I felt it would endanger any of the proper and vital functions of Congress. Like the executive bureaucracies, from the Department of Energy to the Pentagon to Health and Human Services, congressional operations are plagued by inefficiency and waste. This slows Congress down, making it less effective than it must be to maintain the healthy checks and balances required by the Constitution. Given the possibility of attacks on congressional legislative prerogatives in the years ahead, we must trim down to fighting weight. My proposal can help us to achieve that goal, and I hope the House will join me in making the necessary commitment and sacrifice.●

CONGRESSMAN PERKINS INTRODUCES LEGISLATION AMENDING THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, I have today introduced legislation amending the Surface Mining Control and Reclamation Act of 1977. This legislation amends section 515 of the act by adding this new subsection:

> (g) Each State program and each Federal program shall include procedures pursuant to which the regulatory authority may issue a permit for mining operations without regard to the requirement to restore the approximate original contour set forth in subsections (b) (3) or (d) (2) and (3) of this section where the owner of the surface of the land subject to such mining operations specifies a different reclamation standard. Such different reclamation standard may include retention of any highwall created by such mining operations, but only if the state authority determines that the plan under this subsection is consistent with the purposes of this Act.

Current law requires that the land be returned to the approximate original contour. Although there are provisions for variation, the requirement that all highwalls be eliminated functions to preclude almost any variation from the approximate original contour in the Eastern United States. This amendment will allow the surface owner to grant permission for the land to be reclaimed so that it may be used for pastures, tree farms, housing projects, or other productive uses. The environment is protected by requiring that reclamation plan under this amendment be consistent with the purposes of this act.

The following example illustrates the necessity for this legislation. The surface owner wishes the land reclaimed so that it is suitable for tree farming. Part of the reclamation plan is to provide an access road. It is necessary, in order to accomplish this postmining use, to leave a highwall exposed. The exposed highwall is sandstone. The engineering plan prevents sedimentation of streams and acid runoff. It is an environmentally safe reclamation plan which replaces a nonrenewable resource with a renewable resource. Current law, however, prevents this desirable reclamation plan.

The situation I have just described is not a hypothetical situation. These are the facts of *Tollage Creek Elkhorn Mining Company* v. *Office of Surface Mining*, Docket No. MX-0-30-R, Notice of Violation No. 79-2-66-31, Office of Hearings and Appeals, Department of the Interior, January 31, 1980. The opinion stated that "Respondent's inspector (Office of Surface Mining) testified that leaving the highwall would cause no environmental damage and that, if an access road were to be constructed he could think of no better site other than its present location." The opinion concluded as follows:

> Under the terms of the Act, I am forced to conclude that the notice of violation was validly issued. Such a finding, however, points up a basic flaw of the Act. Sections of the Act allow flexibility in requirements that land be restored to approximate original contour so that access roads can be built to facilitate postmining uses of the land, yet these same sections specifically state that all highwalls must be eliminated. In the present situation, however, an access road which would allow for postmining use of the land is difficult if not impossible to construct unless some part of the highwall is left exposed. Further, retention of the highwall causes no damage to the environment. No allegations of environmental damage were made and no evidence of such was produced. In effect, this is such a situation where retention of the highwall should be allowed because elimination will result in the consequent difficulty of access for valuable postmining use of the land. The situation is so unfair that it cries for legislative relief.

This modest amendment will allow productive postmining use of the land in an environmentally safe manner. It allows the surface owner, who oftentimes is not the mineral owner, to have a say in the reclamation program. It allows for the creation of renewable resources after the removal of nonrenewable resources. I urge my colleagues to support this improvement in the Surface Mining Control and Reclamation Act of 1977.

CONFERENCE REPORT ON H.R. 7765

Mr. GIAIMO submitted the following conference report and statement on the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981:

CONFERENCE REPORT (H. REPT. NO. 96-1479)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—SHORT TITLE AND DECLARATION OF PURPOSE

SHORT TITLE

SEC. 101. This Act may be cited as the "Omnibus Reconciliation Act of 1980".

PURPOSE

SEC. 102. It is the purpose of this Act to implement the recommendations which were made by specified committees of the House of Representatives and the Senate pursuant to directions contained in section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981 (H. Con. Res. 307, 96th Congress), and pursuant to the reconciliation requirements which were imposed by such concurrent resolution as provided in section 310 of the Congressional Budget Act of 1974.

TITLE II—SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

Subtitle A—Savings Under the School Lunch and Child Nutrition Programs

REDUCTION IN GENERAL REIMBURSEMENT

SEC. 201. (a) Notwithstanding section 4 of the National School Lunch Act, for the fiscal year ending September 30, 1981, the national average payment per lunch under such Act for such fiscal year, after being adjusted under section 11(a) of such Act, shall be reduced by 2½ cents for any school food authority under which less than 60 percent of the lunches served in the school lunch program were served free or at reduced price during the second preceding school year. The amount of State administrative expense funds to be made available to the States by the Secretary of Agriculture under section 7 of the Child Nutrition Act of 1966 for the fiscal year ending September 30, 1983, and the amount of State revenues appropriated or used for meeting the requirements under section 7 of the National School Lunch Act for the school year ending June 30, 1982, shall not be reduced because of a reduction in the amount of Federal funds expended as a result of the preceding sentence. For the purpose of this section, the term "school food authority" means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate a school lunch or school breakfast program.

(b) Section 7 of the Child Nutrition Act of 1966 is amended by—

(1) in subsection (e), striking out "and the succeeding fiscal year" and inserting in lieu thereof "and for the five succeeding fiscal years"; and

(2) in subsection (i), striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1984".

REDUCTION IN COMMODITY ASSISTANCE

SEC. 202. (a) For the fiscal year ending September 30, 1981, the national average value of donated foods, or cash payments in lieu thereof, as determined under section 6(e) of the National School Lunch Act, shall be reduced by 2 cents.

(b) Section 6 of the National School Lunch Act is amended by adding at the end thereof a new subsection (f) as follows:

"(f) Beginning with the school year ending June 30, 1981, the Secretary shall not offer commodity assistance based upon the number of breakfasts served to children under section 4 of the Child Nutrition Act of 1966.".

(c) Section 14(a) of the National School Lunch Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

INCOME ELIGIBILITY GUIDELINES

SEC. 203. (a) During the fiscal year ending September 30, 1981, the income poverty guidelines for the purposes of section 9 of the National School Lunch Act shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget adjusted annually pursuant to section 625 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d) for the forty-eight States.

(b) In computing household income under section 9(b) of the National School Lunch Act for the fiscal year ending September 30, 1981—

(1) in States other than Alaska, Hawaii, and Guam, the Secretary shall allow a standard deduction of $60 each month for each household, which shall be adjusted to the nearest $5 on July 1, 1980, to reflect changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for items other than food for the period beginning September 1977 and ending March 1980;

(2) the monthly standard deduction allowed in Alaska shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Alaska bear to the applicable income poverty guidelines for such States; and

(3) the monthly standard deduction allowed in Hawaii and Guam shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Hawaii bear to the applicable income poverty guidelines for such States.

(c) For the school year ending June 30, 1981, the Secretary may prescribe procedures for implementing the revisions in the income poverty guidelines for free and reduced price lunches contained in this section that may allow school food authorities to (1) use applications distributed at the beginning of the school year when making eligibility determinations based on the revised income poverty guidelines or (2) distribute new applications containing the revised income poverty guidelines and make eligibility determinations using the new applications.

(d) Section 17 of the Child Nutrition Act of 1966 is amended by—

(1) in subsection (c)(2), striking out "for the fiscal years ending September 30, 1981, and September 30, 1982" and inserting in lieu thereof "for the fiscal year ending September 30, 1981, and for each succeeding fiscal year ending on or before September 30, 1984";

(2) in the first sentence of subsection (g), striking out "$950,000,000 for the fiscal year ending September 30, 1982" and inserting in lieu thereof "such sums as may be necessary for the three subsequent fiscal years"; and

(3) in subsection (h)(2), striking out "1982" and inserting in lieu thereof "1984".

SPECIAL ASSISTANCE

SEC. 204. (a) Section 11(a) of the National School Lunch Act is amended by striking out in the fifth sentence ": *Provided*, That if in any State all schools charge students a uniform price for reduced-price lunches, and such price is less than 20 cents, the special assistance factor prescribed for reduced-price lunches in such State shall be equal to the special assistance factor for free lunches reduced by either 10 cents or the price charged for reduced-price lunches in such State, whichever is greater".

(b) During the fiscal year ending September 30, 1981—

(1) no semiannual adjustment required under the sixth sentence of section 11(a) of the National School Lunch Act shall be made on January 1 of such fiscal year; and

(2) the adjustment required under the second proviso in the sixth sentence of section 11(a) of the National School Lunch Act which is to be made on July 1 of such fiscal year shall reflect the changes in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for lunches served during the preceding 12-month period.

MISCELLANEOUS PROVISIONS AND DEFINITIONS, NATIONAL SCHOOL LUNCH ACT

SEC. 205. Section 12(d) of the National School Lunch Act is amended by inserting in paragraph (6) ", but excluding Job Corps Centers funded by the Department of Labor" after "retarded".

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 206. Section 13 of the National School Lunch Act is amended by—

(1) amending subsection (b)(2) to read as follows:

"(2) Any service institution may only serve lunch and either breakfast or a meal supplement during each day of operation, except that any service institution that is a camp or that serves meals primarily to migrant children may serve up to four meals during each day of operation, if (A) the service institution has the administrative capability and the food preparation and food holding capabilities where applicable) to serve more than one meal per day, and (B) the service period of different meals does not coincide or overlap. The meals that camps and migrant programs may serve shall include a breakfast, a lunch, a supper, and meal supplements."; and

(2) in subsection (p), striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1984".

AMENDMENT TO THE CHILD CARE FOOD PROGRAM

SEC. 207. (a) Section 17(a) of the National School Lunch Act is amended in the second sentence by inserting before the period at the end thereof the following: "; and such term shall also mean any other private organization providing nonresidential day care services for which it receives compensation from amounts granted to the States under title XX of the Social Security Act".

(b) The amendment made by subsection (a) of this section shall apply with respect to all fiscal years beginning on or after October 1, 1980.

ADJUSTMENTS

SEC. 208. (a) During the fiscal year ending September 30, 1981, in determining the national average payment rate for supplements served in institutions (other than family or group day care home sponsoring organizations) participating in the child care food program under paragraphs (1) through (3) of section 17(c) of the National School Lunch Act—

(1) no adjustment under such paragraph shall be made on January 1 of such fiscal year; and

(2) the adjustment under such paragraphs required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

(b) Section 17(c) of the National School Lunch Act is amended by inserting the following at the end of paragraphs (1), (2), and (3); "The average payment rate for supplements served in such institutions shall be 3 cents lower than the adjusted rate prescribed by the Secretary in accordance with the adjustment formula contained in this paragraph.".

(c) Section 17(n)(1) of the National School Lunch Act is amended by striking out "$6,000,000 and inserting in lieu thereof "$4,000,000".

SPECIAL MILK PROGRAM

SEC. 209. Section 3 of the Child Nutrition Act of 1966 is amended by inserting the following after the seventh sentence: "Notwithstanding the preceding two sentences, the rate of reimbursement per half-pint of milk, which is served to children who are not eligible for free milk in schools, child care institutions, and summer camps participating in meal service programs under the National School Lunch Act and this Act, shall be 5 cents.".

PAYMENTS FOR FREE BREAKFASTS

SEC. 210. Notwithstanding section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966, in determining the maximum payment for free breakfasts under such section for the fiscal year ending September 30, 1981—

(1) no adjustment under such section shall be made on January 1 of such fiscal year; and

(2) the adjustment under such section required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

FOOD SERVICE EQUIPMENT ASSISTANCE

SEC. 211. Section 5 of the Child Nutrition Act of 1966 is amended by—

(1) amending subsection (a) to read as follows:

"(a) There is authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1981, $30,000,000 for the fiscal year ending September 30, 1982, $35,000,000 for the fiscal year ending September 30, 1983, and $40,000,000 for each succeeding fiscal year, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act."; and

(2) in subsection (e), striking out "fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980" and inserting in lieu thereof "fiscal year ending September 30, 1978, and for each succeeding fiscal year ending on or before September 30, 1984";

MISCELLANEOUS PROVISIONS AND DEFINITIONS, CHILD NUTRITION ACT OF 1966

SEC. 212. Section 15(c) of the Child Nutrition Act of 1966 is amended by inserting ", but excluding Job Corps Centers funded by the Department of Labor" after "retarded".

NUTRITION EDUCATION AND TRAINING

SEC. 213. Section 19(j)(2) of the Child Nutrition Act of 1966 is amended by—

(1) striking out "For the fiscal year beginning October 1, 1979" and inserting in lieu thereof "For the fiscal year ending September 30, 1980, and for each succeeding fiscal year ending on or before September 30, 1984";

(2) inserting after the first sentence the following: "For the fiscal year beginning October 1, 1980, and subsequent fiscal years, there is authorized to be appropriated for the grants referred to in the preceding sentence not more than $15,000,000."; and

(3) striking out "preceding sentence" and inserting in lieu thereof "second preceding sentence".

TITLE III—STUDENT LOAN PROGRAMS

SAVINGS ACHIEVED

SEC. 301. For other provisions of law which reduce spending for fiscal year 1981 in satisfaction of the reconciliation requirements imposed by sections 3(a) (2) and 3(a) (18) of H. Con. Res. 307 (96th Congress), see the Education Amendments of 1980 (Public Law 96–374).

DISCLOSURE OF LOCATION OF BORROWERS WHO HAVE DEFAULTED ON STUDENT LOANS

SEC. 302. (a) Paragraph (4) of section 6103(m) of the Internal Revenue Code of 1954 (relating to individuals who have defaulted on student loans) is amended to read as follows:

"(4) INDIVIDUALS WHO HAVE DEFAULTED ON STUDENT LOANS.—

"(A) IN GENERAL.—Upon written request by the Secretary of Education, the Secretary may disclose the mailing address of any taxpayer who has defaulted on a loan—

"(i) made under part B or E of title IV of the Higher Education Act of 1965, or

"(ii) made pursuant to section 3(a) (1) of the Migration and Refugee Assistance Act of 1962 to a student at an institution of higher education,

for use only by officers, employees or agents of the Department of Education for purposes of locating such taxpayer for purposes of collecting such loan.

"(B) DISCLOSURE TO EDUCATIONAL INSTITUTIONS, ETC.—Any mailing address disclosed under subparagraph (A) (i) may be disclosed by the Secretary of Education to—

"(i) any lender, or any State or nonprofit guarantee agency, which is participating under part B of title IV of the Higher Education Act of 1965, or

"(ii) any educational institution with which the Secretary of Education has an agreement under part E of title IV of such Act,

for use only by officers, employees or agents of such lender, guarantee agency, or institution whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such loan programs for purposes of collecting such loans.".

(b) The first sentence of section 7213(a) (2) of such Code (relating to unauthorized disclosure of information by State and other employees) is amended to read as follows: "It shall be unlawful for any person (not described in paragraph (1)) willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in section 6103(b)) acquired by him or another person under subsection (d), (l) (6) or (7), or (m) (4) of section 6103.".

(c) The amendments made by subsections (a) and (b) of this section shall take effect on the date of the enactment of this Act.

TITLE IV—CIVIL SERVICE, POSTAL SERVICE, AND RELATED PROGRAMS

Subtitle A—Savings Under the Civil Service Program

ELIMINATION OF RETROACTIVE ANNUITY ADJUSTMENT; PRORATION OF INITIAL ADJUSTMENT

SEC. 401. (a) Section 8340(c) of title 5, United States Code, relating to cost-of-living adjustments, is amended—

(1) by striking out paragraph (1) thereof; and

(2) by inserting in lieu thereof the following new paragraph:

"(1) The first increase (if any) made under subsection (b) of this section to an annuity which is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member, shall be equal to the product (adjusted to the nearest 1/10 of 1 percent) of—

"(A) 1/6 of the applicable percent change computed under subsection (b) of this section, multiplied by

"(B) the number of full months for which the annuity was payable from the Fund before the effective date of the increase (counting any portion of a month as a full month).".

(b) (1) The amendment made by subsection (a) (1) shall apply with respect to annuities commencing after the 45th day after the date of the enactment of this Act.

(2) The amendment made by subsection (a) (2) shall take effect with respect to any annuity increase which takes effect after the date of the enactment of this Act.

ELIMINATION OF CREDIT FOR HOLIDAYS IN CALCULATING LUMP-SUM LEAVE PAYMENTS

SEC. 402. (a) Section 5551(a) of title 5, United States Code, relating to lump-sum payment at separation for accumulated leave, is amended by adding at the end thereof the following new sentence: "The period of leave used for calculating the lump-sum payment shall not be extended due to any holiday occurring after separation.".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to employees separating from the service on or after such date.

DISABILITY RETIREMENT ELIGIBILITY

SEC. 403. (a) Section 8337(a) of title 5, United States Code, relating to disability retirement, is amended to read as follows:

"(a) An employee who completes 5 years of civilian service and has become disabled shall be retired on the employee's own application or on application by the employee's agency. Any employee shall be considered to be disabled only if the employee is found by the Office of Personnel Management to be unable, because of disease or injury, to render useful and efficient service in the employee's position and is not qualified for reassignment, under procedures prescribed by the Office, to a vacant position which is in the agency at the same grade or level and in which the employee would be able to render useful and efficient service. For the purpose of the preceding sentence, an employee of the United States Postal Service shall be considered not qualified for a reassignment described in that sentence if the reassignment is to a position in a different craft or is inconsistent with the terms of a collective bargaining agreement covering the employee. A Member who completes 5 years of Member service and is found by the Office to be disabled for useful and efficient service as a Member because of disease or injury shall be retired on the Member's own application. An annuity authorized by this section is computed under section 8339(g) of this title, unless the employee or Member is eligible for a higher annuity computed under section 8339(a)–(e) or (n).".

(b) Section 8331 of title 5, United States Code, is amended by striking out paragraph (6).

(c) The amendments made by this section shall take effect on the 90th day after the date of the enactment of this Act.

MINIMUM DISABILITY RETIREMENT ANNUITY

SEC. 404. (a) Section 8339(g) of title 5, United States Code, is amended by adding at the end thereof the following: "However, if an employee or Member retiring under section 8337 of this title is receiving retired pay or retainer pay for military service (except that specified in section 8332(c) (1) or (2) of this title) or Veterans' Administration pension or compensation in lieu of such retired or retainer pay, the annuity of that employee or Member shall be computed under subsection (a), (b), or (c) of this section, as appropriate, excluding credit for military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in section 5532 of this title, or the Veterans Administration pension or compensation in lieu of such retired or retainer pay, is less than the smaller of the annuity otherwise payable under paragraph (1) or (2) of this subsection, an amount equal to the difference shall be added to the annuity payable under subsection (a), (b), or (c) of this section, as appropriate.".

(b) Section 8347 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m) Notwithstanding any other provision of law, for the purpose of ensuring the accuracy of information used in the administration of this chapter, at the request of the Director of the Office of Personnel Management—

"(1) the Secretary of Defense or the Secretary's designee shall provide information on retired or retainer pay provided under title 10; and

"(2) the Administrator of Veterans Affairs shall provide information on pensions or compensation provided under title 38.

The Director shall request only such information as the Director determines is necessary. The Director, in consultation with the officials from whom information is requested, shall establish, by regulation and otherwise, such safeguards as are necessary to ensure that information made available under this subsection is used only for the purpose authorized.".

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

EXEMPTION OF LIFE INSURANCE PREMIUMS FROM STATE TAXATION

SEC. 405. (a) Section 8714 of title 5, United States Code, relating to Employees' Life Insurance Fund, is amended by adding at the end thereof the following new subsection:

"(c) (1) No tax, fee, or other monetary payment may be imposed or collected by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid under an insurance policy purchased under this chapter.

"(2) Paragraph (1) of this subsection shall not be construed to exempt any company issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by that company from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity.".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to premiums paid or or after such date.

Subtitle B—Savings Under the Postal Service Program

AUTHORIZATIONS FOR PUBLIC SERVICE APPROPRIATIONS

SEC. 411. Section 2401(b) (1) (C) of title 39, United States Code, is amended by striking out "an amount equal to 8 percent of such sum for fiscal year 1971" and inserting in lieu thereof "$486,000,000".

CONTINUATION OF SIX-DAY MAIL DELIVERY

SEC. 412. During the period from the date of enactment of this Act until October 1, 1981, the Postal Service shall take no action to reduce or to plan to reduce during that period of time the number of days each week for regular mail delivery.

AUTHORIZATION FOR REVENUE FOREGONE APPROPRIATIONS

SEC. 413. (a) Notwithstanding the provisions of sections 2401(c) and 3626 of title 39, United States Code, the authorization for appropriations for fiscal year 1981 for revenue foregone for mail matter described in former sections 4452(b) and (c) of title 39, United States Code, shall be $50,000,000 less than would be authorized if this section were not enacted.

(b) The reduction in authorization made by subsection (a) of this section may be deemed a failure of appropriation for the purposes of section 3627 of title 39, United States Code.

RECONCILIATION APPROPRIATIONS

SEC. 414. (a) Section 2401(c) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume.".

(b) The request for a reconciliation appropriation described in subsection (a) of this section which was submitted by the Postal Service for fiscal year 1981 shall be resubmitted for fiscal year 1982.

EFFECTIVE DATE

SEC. 415. The provisions of this subtitle, including the amendments made by this subtitle, shall take effect on the date of the enactment of this Act.

Subtitle C—Savings Under the Federal Employees' Compensation Act

AMENDMENTS

SEC. 421. (a) Subsection (a) of section 8146a of title 5, United States Code, is amended to read as follows:

"(a) Compensation payable on account of disability or death which occurred more than one year before March 1 of each year shall be annually increased on that date by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.".

(b) Section 8101 of title 5, United States Code, is amended by striking out paragraph (19), and by redesignating paragraphs (20) and (21) as paragraphs (19) and (20), respectively.

EFFECTIVE DATE

SEC. 422. The amendments made by section 421 shall take effect on the date of the enactment of this Act with respect to any adjustments which are to be made on or after that date; except that the period specified in such section as extending from December to December shall, with respect to the adjustment to be made on March 1, 1981, extend instead from the last month in which the price index resulted in an adjustment prior to enactment to December of 1980.

TITLE V—HIGHWAY, RAIL, AND RELATED PROGRAMS

Subtitle A—Highway Programs

SEC. 501. Notwithstanding any other provision of law, the total of all obligations for "State and Community Highway Safety" (23 U.S.C. 402) for the fiscal year ending September 30, 1981, shall not exceed $150,405,000.

Subtitle B—Other Programs

SEC. 511. If the Senate and the House of Representatives approve a conference report on the bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, which includes an authorization for fiscal year 1981 pursuant to section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 that exceeds $53,800,000, then the Secretary of the Senate is directed to include the following provision in the enrolled copy of such bill: "Of the funds authorized to be appropriated pursuant to section 121 of the National Traffic Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) not more than $53,800,000 is authorized to be appropriated in fiscal year 1981.".

SEC. 512. (a) For provisions of law which reduce spending for fiscal year 1981 under the railroad rehabilitation and improvement financing program established under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 in satisfaction of the reconciliation requirements imposed by sections 3(a)(3) and 3(a)(13) of H. Con. Res. 307 (96th Congress), see the Staggers Rail Act of 1980 (Public Law 96–448).

(b) For provisions of law which further reduce spending for fiscal year 1981 in satisfaction of the reconciliation requirements imposed by sections 3(a)(3) and 3(a)(13) of H. Con. Res. 307 (96th Congress), see the Passenger Railroad Rebuilding Act of 1980 (Public Law 96–254).

TITLE VI—AIRPORT AND AIRWAY IMPROVEMENT ACT

SEC. 601. Notwithstanding any other provision of law, the total amount of grants which the Secretary is authorized to make from the Airport and Airway Trust Fund for airport development and airport planning and for grants under section 104(e) of the Airport Safety and Noise Abatement Act of 1979, as amended, for the fiscal year ending September 30, 1981, shall not exceed $725,000,000.

TITLE VII—VETERANS' PROGRAMS

SEC. 701. For provisions of law which reduce spending for fiscal year 1981 in veterans' programs in satisfaction of the reconciliation requirements imposed by sections 3(a)(7) and 3(a)(20) of H. Con. Res. 307 (96th Congress), see section 401 of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96–330), section 504 of the Veterans' Disability Compensation and Housing Benefits Amendments of 1980 (Public Law 96–385), and sections 201, 202, 211, 212, and 802(b), and title VI, of the Veterans' Rehabilitation and Education Amendments of 1930 (Public Law 96–466).

TITLE VIII—SMALL BUSINESS PROGRAMS

SEC. 801. For provisions of law which reduce spending for fiscal 1981 in small business programs in satisfaction of the reconciliation requirements imposed by sections 3(a)(6) and 3(a)(19) of H. Con. Res. 307 (96th Congress), see Public Law 96–302 (the Small Business Development Act of 1980).

TITLE IX—MEDICARE AND MEDICAID RELATED PROVISIONS

SHORT TITLE; TABLE OF CONTENTS OF TITLE

SEC. 900. This title may be cited as the "Medicare and Medicaid Amendments of 1980".

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Part A—Provisions Relating to Medicare and Medicaid

Subpart I—Provider Reimbursement Changes

NONPROFIT HOSPITAL PHILANTHROPY

Sec. 901. (a) Part A of title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"NONPROFIT HOSPITAL PHILANTHROPY

"Sec. 1134. For purposes of determining, under titles V, XVIII, and XIX of this Act, the reasonable costs of services provided by nonprofit hospitals, the following items shall not be deducted from the operating costs of such hospitals:

"(1) A grant, gift, or endowment, or income therefrom, which is to or for such a hospital and which has not been designated by the donor for paying any specific operating costs.

"(2) A grant or similar payment which is to such a hospital, which was made by a governmental entity, and which is not available under the terms of the grant or payment for use as operating funds.

"(3) Those types of donor designated grants and gifts (including grants and similar payments which are made by a governmental entity), and income therefrom, which the Secretary determines, in the best interests of needed health care, should be encouraged.

"(4) The proceeds from the sale or mortgage of any real estate or other capital asset of such a hospital, which real estate or asset the hospital acquired through gift or grant, if such proceeds are not available for use as operating funds under the terms of the gift or grant.

Paragraph (4) shall not apply to the recovery of the appropriate share of depreciation when gains or losses are realized from the disposal of depreciable assets.".

(b) The amendment made by subsection (a) shall apply to grants, gifts, and endowments, and income therefrom, made or established after the date of the enactment of this Act.

REIMBURSEMENT FOR INAPPROPRIATE INPATIENT HOSPITAL SERVICES

Sec. 902. (a)(1) Section 1861(v)(1) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(G)(i) In any case in which a hospital provides inpatient services to an individual that would constitute post-hospital extended care services if provided by a skilled nursing facility and a Professional Standards Review Organization (or, in the absence of such a qualified organization, an organization or agency with review responsibility as is otherwise provided for under part A of title XI) determines that inpatient hospital services for the individual are not medically necessary but post-hospital extended care services for the individual are medically necessary and such extended care services are not otherwise available to the individual (as determined in accordance with criteria established by the Secretary) at the time of such determination, payment for such services provided to the individual shall continue to be made under this title at the payment rate described in clause (ii) during the period in which—

"(I) such post-hospital extended care services for the individual are medically necessary and not otherwise available to the individual (as so determined),

"(II) inpatient hospital services for the individual are not medically necessary, and

"(III) the individual is entitled to have payment made for post-hospital extended care services under this title,

except that if the Secretary determines that the hospital had (during the immediately preceding calendar year) an average daily occupancy rate of 80 percent or more, such payment shall be made (during such period) on the basis of the reasonable cost of inpatient hospital services.

"(ii)(I) Except as provided in subclause (II), the payment rate referred to in clause (i) is a rate equal to the estimated adjusted State-wide average rate per patient-day paid for services provided in skilled nursing facilities under the State plan approved under title XIX for the State in which such hospital is located, or, if the State in which the hospital is located does not have a State plan approved under title XIX, the estimated adjusted State-wide average allowable costs per patient-day for extended care services under this title in that State.

"(II) If a hospital has a unit which is a skilled nursing facility, the payment rate referred to in clause (i) for the hospital is a rate equal to the lesser of the rate described in subclause (I) or the allowable costs in effect under this title for extended care services provided to patients of such unit.

"(iii) Any day on which an individual receives inpatient services for which payment is made under this subparagraph shall, for purposes of this Act (other than this subparagraph), be deemed to be a day on which the individual received inpatient hospital services.

"(iv) For the purpose of determining the occupancy rate with respect to hospitals under clause (i)—

"(I) public hospitals under common ownership may elect (with the approval of the Secretary) to be treated as a single hospital, and

"(II) beginning two years after the date this subparagraph is first applied with respect to a hospital, the Secretary, to the extent feasible, shall not treat as an inpatient an individual with respect to whom payment is made to the hospital only because of this subparagraph or section 1902(h).".

(2) For amendment to section 1158(a) of the Social Security Act relating to these provisions, see section 931(h) of this title.

(3) Section 1158(d) of such Act is amended by adding at the end the following new sentence: "In the case of disapproval of inpatient hospital services where payment for inpatient services is continued under section 1861(v)(1)(G) or section 1902(h), the previous sentence shall not apply with respect to such disapproval.".

(b)(1) Section 1902(a)(13)(D) of such Act is amended—

(A) by inserting "(i)" after "(D)",

(B) by striking out the semicolon and inserting in lieu thereof a comma, and

(C) by inserting at the end thereof the following new clause:

"(ii) for payment of the reasonable cost of inappropriate inpatient services (described in subsection (h)(1)) for which payment is provided only because of subsection (h) at the rate of payment for such services provided for under such subsection.".

(2) Section 1902 of such Act is further amended by adding at the end the following new subsection:

"(h)(1) In any case in which a hospital provides inpatient services to an individual that would constitute skilled nursing facility services if provided by a skilled nursing facility or that would constitute intermediate care facility services if provided by an intermediate care facility and a Professional Standards Review Organization (or, in the absence of such a qualified organization, an organization or agency with review responsibility as is otherwise provided for under part A of title XI) determines that inpatient hospital services for the individual are not medically necessary but skilled nursing facility services or intermediate care facility services, respectively, for the individual are medically necessary and such type of facility services are not otherwise available to the individual (as determined in accordance with criteria established by the Secretary) at the time of such determination, payment for inpatient hospital services shall continue to be made under the State plan approved under this title at the payment rate described in paragraph (2) for such type of services during the period in which—

"(A) such skilled nursing facility services or intermediate care facility services (as the case may be) for the individual are medically necessary and not otherwise available to the individual (as so determined),

"(B) inpatient hospital services for the individual are not medically necessary, and

"(C) the individual is entitled to receive medical assistance with respect to such facility services under the State plan,

except that if the Secretary determines that the hospital had (during the immediately preceding calendar year) an average daily occupancy rate of 80 percent or more, such payment shall be made (during such period) on the same basis as otherwise used under the State's plan for payments for providing inpatient hospital services.

"(2)(A) Except as provided in subparagraph (B), the payment rate referred to in paragraph (1), in the case of skilled nursing facility services or intermediate care facility services, is the estimated adjusted State-wide average rate per patient-day paid for such respective type of services provided under the State plan.

"(B) If a hospital has a unit which is a skilled nursing facility or intermediate care facility, the payment rate referred to in paragraph (1), in the case of inpatient services which constitute skilled nursing facility services or intermediate care facility services, is a rate equal to the lesser of the rate described in subparagraph (A) or the allowable costs in effect under the State plan for such type of inpatient services provided to patients of such unit.

"(3) Any day on which an individual receives inpatient services for which payment is made under this subsection shall, for purposes of this Act (other than this subsection), be deemed to be a day on which the individual received inpatient hospital services.

"(4) For the purpose of determining the occupancy rate with respect to hospitals under paragraph (2)—

"(A) public hospitals under common ownership may elect (with the approval of the Secretary) to be treated as a single hospital, and

"(B) beginning two years after the date this subsection is first applied with respect to a hospital, the Secretary, to the extent feasible, shall not treat as an inpatient an individual with respect to whom payment is made to the hospital only because of this subsection or section 1861(v)(1)(G).".

(c) The amendments made by this section shall become effective on the date on which final regulations, promulgated by the Secretary to implement such amendments, are first issued; and those regulations shall be issued not later than the first day of the sixth month following the month in which this Act is enacted.

CONTINUED USE OF DEMONSTRATION PROJECT REIMBURSEMENT SYSTEMS

SEC. 903. (a) Section 1814(b) of the Social Security Act is amended—

(1) by inserting "except as provided in paragraph (3)" in paragraph (1) before "the lesser",

(2) by striking out "or" at the end of paragraph (1),

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new paragraph:

"(3) if some or all of the hospitals in a State have been reimbursed for services (for which payment may be made under this part) pursuant to a reimbursement system approved as a demonstration project under section 402 of the Social Security Amendments of 1967 or section 222 of the Social Security Amendments of 1972, if the rate of increase in such hospitals in their costs per hospital inpatient admission of individuals entitled to benefits under this part over the duration of such project was equal to or less than such rate of increase for admissions of such individuals with respect to all hospitals in the United States during such period, and if either the State has legislative authority to operate such system and the State elects to have reimbursement to such hospitals made in accordance with this paragraph or the system is operated through a voluntary agreement of hospitals and such hospitals elect to have reimbursement to those hospitals made in accordance with this paragraph, then the Secretary may provide for continuation of reimbursement to such hospitals under such system until the Secretary determines that—

"(A) a third-party payor reimburses such a hospital on a basis other than under such system, or

"(B) the rate of increase for the previous three-year period in such hospitals in costs per hospital inpatient admission of individuals entitled to benefits under this part is greater than such rate of increase for admissions of such individuals with respect to all hospitals in the United States for such period.

In the case of any State which has had such a demonstration project reimbursement system in continuous operation since July 1, 1977, the Secretary shall provide under paragraph (3) for continuation of reimbursement to hospitals in the State under such system until the Secretary determines that either of the conditions described in subparagraph (A) or (B) of such paragraph has occurred.".

(b) Section 1902(a)(13)(D)(i) of such Act, as amended by section 902(b)(1) of this title, is amended by inserting after "title XVIII" the following: ", except that in the case of hospitals reimbursed for services under part A of title XVIII in accordance with section 1814(b)(3), the plan must provide for payment of inpatient hospital services provided in such hospitals under the plan in accordance with the reimbursement system used under such section".

(c) Notwithstanding any other provision of law, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") may not provide for more than a total of six State-wide medicare hospital reimbursement demonstration projects under the authority of section 402 of the Social Security Amendments of 1967 or of section 222 of the Social Security Amendments of 1972, including any such projects provided for before the date of the enactment of this Act.

HOSPITAL PROVIDERS OF LONG-TERM CARE SERVICES ("SWING-BEDS")

SEC. 904. (a)(1) Title XVIII of the Social Security Act is amended by adding after section 1882 the following new section:

"HOSPITAL PROVIDERS OF EXTENDED CARE SERVICES

"SEC. 1883. (a)(1) Any hospital (other than a hospital which has in effect a waiver under subparagraph (A) of the last sentence of section 1861(e)) which has an agreement under section 1866 may (subject to subsection(b)) enter into an agreement with the Secretary under which its inpatient hospital facilities may be used for the furnishing of services of the type which, if furnished by a skilled nursing facility, would constitute extended care services.

"(2)(A) Notwithstanding any other provision of this title, payment to any hospital for services furnished under an agreement entered into under this section shall be based upon the reasonable cost of the services as determined under subparagraph (B).

"(B)(i) The reasonable cost of the services consists of the reasonable cost of routine services (determined under clause (ii)) and the reasonable cost of ancillary services (determined under clause (iii)).

"(ii) The reasonable cost of routine services furnished during any calendar year by a hospital under an agreement under this section is equal to the product of—

"(I) the number of patient-days during the year for which the services were furnished, and

"(II) the average reasonable cost per patient-day, such average reasonable cost per patient-day being the average rate per patient-day paid for routine services during the previous calendar year under the State plan (of the State in which the hospital is located) under title XIX to skilled nursing facilities located in the State and which meet the requirements specified in section 1902(a)(28), or, in the case of a hospital located in a State which does not have such a State plan, the average rate per patient-day paid for routine services during the previous calendar year under this title to skilled nursing facilities in such State.

"(iii) The reasonable cost of ancillary services shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services.

"(b) The Secretary may not enter into an agreement under this section with any hospital unless—

"(1) except as provided under subsection (g), the hospital is located in a rural area and has less than 50 beds, and

"(2) the hospital has been granted a certificate of need for the provision of long-term care services from the State health planning and development agency (designated under section 1521 of the Public Health Service Act) for the State in which the hospital is located.

"(c) An agreement with a hospital under this section shall, except as otherwise provided under regulations of the Secretary, be of the same duration and subject to termination on the same conditions as are agreements with skilled nursing facilities under section 1866 and shall, where not inconsistent with any provision of this section, impose the same duties, responsibilities, conditions, and limitations, as those imposed under such agreements entered into under section 1866; except that no such agreement with any hospital shall be in effect for any period during which the hospital does not have in effect an agreement under section 1866, or during which there is in effect for the hospital a waiver under subparagraph (A) of the last sentence of section 1861(e). A hospital with respect to which an agreement under this section has been terminated shall not be eligible to enter into a new agreement until a two-year period has elapsed from the termination date.

"(d) Any agreement with a hospital under this section shall provide that payment for services will be made only for services for which payment would be made as post-hospital extended care services if those services had been furnished by a skilled nursing facility under an agreement entered into under section 1866; and any individual who is furnished services, for which payment may be made under an agreement under this section, shall, for purposes of this title (other than this section), be deemed to have received post-hospital extended care services in like manner and to the same extent as if the services furnished to him had been post-hospital extended care services furnished by a skilled nursing facility under an agreement under section 1866.

"(e) During a period for which a hospital has in effect an agreement under this section, in order to allocate routine costs between hospital and long-term care services for purposes of determining payment for inpatient hospital services, the total reimbursement due for routine services from all classes of long-term care patients (including title XVIII, title XIX, and private pay patients) shall be subtracted from the hospital's total routine costs before calculations are made to determine title XVIII reimbursement for routine hospital services.

"(f) A hospital which enters into an agreement with the Secretary under this section shall be required to meet those conditions applicable to skilled nursing facilities relating to discharge planning and the social services function (and staffing requirements to satisfy it) which are promulgated by the Secretary under section 1861(j)(15). Services furnished by such a hospital which would otherwise constitute post-hospital extended care services if furnished by a skilled nursing facility shall be subject to the same requirements applicable to such services when furnished by a skilled nursing facility except for those requirements the Secretary determines are inappropriate in the case of these services being furnished by a hospital under this section.

"(g) The Secretary may enter into an agreement under this section on a demonstration basis with any hospital which does not meet the requirement of subsection (b)(1), if the hospital otherwise meets the requirements of this section.".

(b) Title XIX of such Act is amended by adding after section 1912 the following new section:

"HOSPITAL PROVIDERS OF SKILLED NURSING AND INTERMEDIATE CARE SERVICES

"SEC. 1913. (a) Notwithstanding any other provision of this title, payment may be made, in accordance with this section, under a State plan approved under this title for skilled nursing facility services and intermediate care facility services furnished by a hospital which has in effect an agreement under section 1883.

"(b)(1) Payment to any such hospital, for any skilled nursing or intermediate care facility services furnished pursuant to subsection (a), shall be at a rate equal to the average rate per patient-day paid for routine services during the previous calendar year under the State plan to skilled nursing and intermediate care facilities, respectively, located in the State in which the hospital is located. The reasonable cost of ancillary services shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services.

"(2) With respect to any period for which a hospital has an agreement under section 1883, in order to allocate routine costs between hospital and long-term care services, the total reimbursement for routine services due from all classes of long-term care patients (including title XVIII, title XIX, and private pay patients) shall be subtracted from the hospital total routine costs before calculations are made to determine reimbursement for routine hospital services under the State plan.".

(c) Within three years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report evaluating the programs established by the amendments made by this section and shall include in such report an analysis of—

(1) the extent and effect of the agreements under such programs on availability and effective and economical provision of long-term care services,

(2) whether such programs should be continued,

(3) the results of any demonstration projects conducted under such programs, and

(4) whether eligibility to participate in such programs should be extended to other hospitals, regardless of bed size or geographic location, where there is a shortage of long-term care beds.

(d) The amendments made by this section shall become effective on the date on which final regulations, promulgated by the Secretary to implement such amendments, are first issued; and those regulations shall be issued not later than the first day of the sixth month following the month in which this Act is enacted.

WITHHOLDING OF FEDERAL SHARE OF PAYMENTS TO MEDICAID PROVIDERS TO RECOVER MEDICARE OVERPAYMENTS

SEC. 905. (a) Subparagraphs (D)(i) and (E) of section 1902(a)(13) of the Social Security Act are each amended by inserting "(except where the State agency is subject to an order under section 1914)" after "payment".

(b) Section 1903(a)(1) of such Act is amended by striking out "subject to subsections (g) and (h)" and inserting in lieu thereof "subject to subsections (g), (h), and (j)".

(c)(1) Section 1903(j) of such Act is amended to read as follows:

"(j) Notwithstanding the preceding provisions of this section, the amount determined under subsection (a)(1) for any State for any quarter shall be adjusted in accordance with section 1914.".

(2) Section 1903(n) of such Act is amended by striking out "or is subject to a suspension of payment order issued under subsection (j)".

(d) Title XIX of such Act is amended by adding after section 1913 (added by section 904(b) of this title) the following new section:

"WITHHOLDING OF FEDERAL SHARE OF PAYMENTS FOR CERTAIN MEDICARE PROVIDERS

"SEC. 1914. (a) The Secretary may adjust, in accordance with this section, the Federal matching payment to a State with respect to expenditures for medical assistance for care or services furnished in any quarter by—

"(1) an institution (A) which has or previously had in effect an agreement with the Secretary under section 1866; and (B)(i) from which the Secretary has been unable to recover overpayments made under title XVIII, or (ii) from which the Secretary has been unable to collect the information necessary to enable him to determine the amount (if any) of the overpayments made to such institution under title XVIII; and

"(2) any person (A) who (i) has previously accepted payment on the basis of an assignment under section 1842(b)(3)(B)(ii), and (ii) during the annual period immediately preceding such quarter submitted no claims for payment under title XVIII, or submitted claims for payment under title XVIII which aggregated less than the amount of overpayments made to him, and (B)(i) from whom the Secretary has been unable to recover overpayments received in violation of the terms of such assignment, or (ii) from whom the Secretary has been unable to collect the information necessary to enable him to determine the amount (if any) of the overpayments made to such person under title XVIII.

"(b) The Secretary may (subject to the remaining provisions of this section) reduce payment to a State under this title for any quarter by an amount equal to the lesser of the Federal matching share of payments to any institution or person specified in subsection (a), or the total overpayments to such institution or person under title XVIII, and may require the State to reduce its payment to such institution or person by such amount.

"(c) The Secretary shall not make any adjustment in the payment to a State, nor require any adjustment in the payment to an institution or person, pursuant to subsection (b) until after he has provided adequate notice (which shall be not less than 60 days) to the State agency and the institution or person.

"(d) The Secretary shall by regulation provide procedures for implementation of this section, which procedures shall (1) determine the amount of the Federal payment to which the institution or person would otherwise be entitled under this section which shall be treated as a setoff against overpayments under title XVIII, and (2) assure the restoration to the institution or person of amounts withheld under this section which are ultimately determined to be in excess of overpayments under title XVIII and to which the institution or person would otherwise be entitled under this title.

"(e) The Secretary shall restore to the trust funds established under sections 1817 and 1841, as appropriate, amounts recovered under this section as setoffs against overpayments under title XVIII.

"(f) Notwithstanding any other provision of this title, an institution or person shall not be entitled to recover from any State any amount in payment for medical care and services under this title which is withheld by the State agency pursuant to an order by the Secretary under subsection (b).".

Subpart II—Other Administrative Provisions

QUALITY ASSURANCE PROGRAMS FOR CLINICAL LABORATORIES

SEC. 911. Section 1123(a) of the Social Security Act is amended by striking out "1977" and inserting in lieu thereof "1981".

REQUIREMENTS CONCERNING REPORTING OF FINANCIAL INTEREST

SEC. 912. (a) Section 1124(a)(3)(A)(ii) of the Social Security Act is amended to read as follows:

"(ii) is the owner of a whole or part interest in any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the entity or any of the property or assets thereof, which whole or part interest is equal to or exceeds $25,000 or 5 per centum of the total property and assets of the entity; or".

(b) Section 1902(a)(35) of such Act is amended to read as follows:

"(35) provide that any disclosing entity (as defined in section 1124(a)(2)) receiving payments under such plan complies with the requirements of section 1124;".

EXCLUSION OF HEALTH CARE PROFESSIONALS CONVICTED OF MEDICARE- OR MEDICAID-RELATED CRIMES

SEC. 913. (a) Part A of title XI of the Social Security Act is amended by inserting after section 1127 the following new section:

"EXCLUSION OF CERTAIN INDIVIDUALS CONVICTED OF MEDICARE- OR MEDICAID-RELATED CRIMES

"SEC. 1128. (a) Whenever the Secretary determines that a physician or other individual has been convicted (on or after October 25, 1977, or within such period prior to that date as the Secretary shall specify in regulations) of a criminal offense related to such individual's participation in the delivery of medical care or services under title XVIII, XIX, or XX, the Secretary—

"(1) shall bar from participation in the program under title XVIII, for such period as he may deem appropriate, each such individual otherwise eligible to participate in such program;

"(2)(A) shall promptly notify each appropriate State agency administering or supervising the administration of a State plan approved under title XIX or title XX, of the fact and circumstances of such determination and (except as provided in subparagraph (B)) require each such agency to bar such individual from participation in such program for such period as he shall specify, which in the case of an individual specified in paragraph (1) shall be the period established pursuant to paragraph (1);

"(B) may waive the requirement under subparagraph (A) to bar an individual from participation in a State plan program under title XIX or title XX, where he receives and approves a request for such a waiver with respect to that individual from the State agency administering or supervising the administration of such plan; and

"(3) shall promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of such individual of the fact and circumstances of such determination, request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and request that such State or local agency or authority keep the Secretary and the Inspector General of the Department of Health and Human Services fully and currently informed with respect to any actions taken in response to such request.

"(b) A determination made by the Secretary under this section shall be effective at such time and upon such reasonable notice to the public and to the person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of inpatient hospital services, post-hospital extended care services, and home health services furnished under title XVIII, such determination shall be effective in the manner provided in paragraphs (3) and (4) of section 1866(b) with respect to terminations of agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur.

"(c) Any person who is the subject of an adverse determination made by the Secretary under subsection (a) shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).".

(b) Section 1862(e) of such Act is amended to read as follows:

"(e) No payment may be made under this title with respect to any item or service furnished by a physician or other individual during the period when he is barred pursuant to section 1128 from participation in the program under this title.".

(c) Section 1902(a)(39) of such Act is amended to read as follows:

"(39) provide that the State agency shall bar any specified individual from participation in the program under the State plan for the period specified by the Secretary, when required by him to do so pursuant to section 1128, and provide that no payment may be made under the plan with respect to any item or service furnished by such individual during such period;".

(d) Section 1902(g) of such Act is repealed.

(e) Section 2003(d)(1) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (I),

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and", and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) provides that the State will bar any specified individual from participation in the program for the period specified by the Secretary when required by him to do so pursuant to section 1128, and provides that no payment may be made under the program with respect to any item or service furnished by such individual during such period.".

COORDINATED AUDITS UNDER THE SOCIAL SECURITY ACT

SEC. 914. (a) Title XI of the Social Security Act is amended by inserting after section 1128 (added by section 913(a) of this title) the following new section:

"COORDINATED AUDITS

"SEC. 1129. (a) If an entity provides services reimbursable on a cost-related basis under title V or XIX, as well as services reimbursable on such a basis under title XVIII, the Secretary shall require, as a condition for payment to any State under title V or XIX with respect to administrative costs incurred in the performance of audits of the books, accounts, and records of that entity, that these audits be coordinated through common audit procedures with audits performed with respect to the entity for purposes of title XVIII. The Secretary shall specify by regulation such methods as he finds feasible and equitable for the apportionment of the cost of coordinated audits between the program established under title V or XIX and the program established under title XVIII. Where the Secretary finds that a State has declined to participate in such a common audit with respect to title V or XIX, he shall reduce the payments otherwise due such State under such title by an amount which he estimates to be in excess of the amount that would have been apportioned to the State under the title (for the expenses of the State incurred in the common audit) if it had participated in the common audit.

"(b)(1) In the case of entities which have audits coordinated under subsection (a), the Secretary shall establish one or more projects to demonstrate the feasibility of creating a single coordinated appeal hearing to adjudicate those administrative cost items which are determined under such a coordinated audit and which such entities dispute and appeal.

"(2) In the case of a demonstration project under this subsection, the Secretary may waive such requirements of title V, XVIII, or XIX as would prevent carrying out the project or would require duplicative activity or otherwise create unnecessary administrative burdens in carrying out the project.

"(3) The Secretary shall report to Congress not later than December 31, 1982, with respect to demonstration projects conducted under this subsection, including the reaction of the entities involved and estimates of any savings effected through reduction of duplication of appeal hearings, and shall include in such report recommendations for such legislation as the Secretary deems appropriate to insure the maximum feasible coordination of such appeal hearings.

"(4) The Secretary shall also provide for the review of the feasibility of establishing a single coordinated process for the collection of overpayments established in a coordinated audit under subsection (a). The Secretary shall report to Congress not later than December 31, 1981, on such review and on such recommendations for changes in legislation as the Secretary deems appropriate.".

(b)(1) Section 1902(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (40);

(B) by striking out the period at the end of paragraph (41) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (41) the following new paragraph:

"(42) provide (A) that the records of any entity participating in the plan and providing services reimbursable on a cost-related basis will be audited as the Secretary determines to be necessary to insure that proper payments are made under the plan, (B) that such audits, for such entities also providing services under title XVIII, will be coordinated and conducted jointly (to such extent and in such manner as the Secretary shall prescribe) with audits conducted for purposes of such part, and (C) for payment of such proportion of costs of each such common audit as is determined under methods specified by the Secretary under section 1129(a).".

(2)(A) The amendments made by paragraph (1) shall (except as provided under subparagraph (B)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on and after the first day of the first calendar quarter beginning more than 30 days after the date of the enactment of this Act.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (1), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(c)(1) Section 505(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (14);

(B) by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (15) the following new paragraph:

"(16) provides (A) that the records of any entity participating in the plan and providing services reimbursable on a cost-related basis will be audited as the Secretary determines to be necessary to insure that proper payments are made under the plan, (B) that such audits, for entities also providing services under title XVIII, will be coordinated and conducted jointly (to such extent and in such manner as the Secretary shall prescribe) with audits conducted for purposes of such part, and (C) for payment of such proportion of costs of each such common audit as is determined under methods specified by the Secretary under section 1129(a).".

(2) The amendments made by paragraph (1) shall apply to services provided, under a State plan approved under title V of the Social Security Act, on and after the first day of the first calendar quarter beginning more than 30 days after the date of the enactment of this Act.

(d) The Secretary shall report to the Congress, not later than December 31, 1981, on actions the Secretary has taken (1) to coordinate the conduct of institutional audits and inspections which are required under the programs funded under title V, XVIII, or XIX of the Social Security Act, and (2) to coordinate such audits and inspections with those conducted by other cost payers, and he shall include in such report recommendations for such legislation as he deems appropriate to assure the maximum feasible coordination of such institutional audits and inspections.

LIFE SAFETY CODE REQUIREMENTS

SEC. 915. (a) Section 1861(j)(13) of the Social Security Act is amended by striking out "the Life Safety Code of the National Fire Protection Association (23rd edition, 1973)" and inserting in lieu thereof "such edition (as is specified by the Secretary in regulations) of the Life Safety Code of the National Fire Protection Association".

(b) Any institution (or part of an institution) which complied with the requirements of section 1861(j)(13) of the Social Security Act on the day before the date of the enactment of this Act shall, so long as such compliance is maintained (either by meeting the applicable provisions of the Life Safety Code (21st edition, 1967, or 23d edition, 1973), with or without waivers of specific provisions, or by meeting the applicable provisions of a fire and safety code imposed by State law as provided for in such section 1861(j)(13)), be considered (for purposes of titles XVIII or XIX of such Act) to be in compliance with the requirements of such section 1861(j)(13), as it is amended by subsection (a) of this section.

ALTERNATIVE TO DECERTIFICATION OF LONG-TERM CARE FACILITIES OUT OF COMPLIANCE WITH CONDITIONS OF PARTICIPATION; LOOK BEHIND AUTHORITY

SEC. 916. (a) Section 1866 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Where the Secretary determines that a skilled nursing facility which has filed an agreement pursuant to subsection (a)(1) or which has been certified for participation in a plan approved under title XIX no longer substantially meets the provisions of section 1861(j), and further determines that the facility's deficiencies—

"(A) immediately jeopardize the health and safety of its patients, the Secretary shall provide for the termination of the agreement or of the certification of the facility and shall provide, or

"(B) do not immediately jeopardize the health and safety of its patients, the Secretary may, in lieu of terminating the agreement or certification of the facility, provide that no payment shall be made under this title (and order a State agency established or designated pursuant to section 1902(a)(5) of this Act to administer or supervise the administration of the State plan under title XIX of this Act to deny payment under such title XIX) with respect to any individual admitted to such facility after a date specified by him.

"(2) The Secretary shall not make such a decision with respect to a facility until such facility has had a reasonable opportunity, following the initial determination that it no longer substantially meets the provisions of section 1861(j), to correct its deficiencies, and, following this period, has been given reasonable notice and opportunity for a hearing.

"(3) The Secretary's decision to deny payment may be made effective only after such notice to the public and to the facility as may be prescribed in regulations, and its effectiveness shall terminate (A) when the Secretary finds that the facility is in substantial compliance (or is making good faith efforts to achieve substantial compliance) with the provisions of section 1861(j), or (B) in the case described in paragraph (1)(B), with the end of the eleventh month following the month such decision is made effective, whichever occurs first. If a facility to which clause (B) of the previous sentence applies still fails to substantially meet the provisions of section 1861(j) on the date specified in such clause, the Secretary shall terminate such facility's agreement or provide for termination of such facility's certification, notwithstanding the provisions of paragraph (2) of subsection (b), effective with the first day of the first month following the month specified in such clause.".

(b)(1)(A) Section 1902 of such Act is amended by adding after subsection (h) (added by section 902(b)(2) of this title) the following new subsection:

"(i)(1) In addition to any other authority under State law, where a State determines that a skilled nursing facility or intermediate care facility which is certified for participation under its plan no longer substantially meets the provisions of section 1851(j) or section 1905(c), respectively, and further determines that the facility's deficiencies—

"(A) immediately jeopardize the health and safety of its patients, the State shall provide for the termination of the facility's certification for participation under the plan and may provide, or

"(B) do not immediately jeopardize the health and safety of its patients, the State may, in lieu of providing for terminating the facility's certification for participation under the plan, provide

that no payment will be made under the State plan with respect to any individual admitted to such facility after a date specified by the State.

"(2) The State shall not make such a decision with respect to a facility until the facility has had a reasonable opportunity, following the initial determination that it no longer substantially meets the provisions of section 1861(j) or section 1905(c) (as the case may be), to correct its deficiencies, and, following this period, has been given reasonable notice and opportunity for a hearing.

"(3) The State's decision to deny payment may be made effective only after such notice to the public and to the facility as may be provided for by the State, and its effectiveness shall terminate (A) when the State finds that the facility is in substantial compliance (or is making good faith efforts to achieve substantial compliance) with the provisions of section 1861(j) or section 1905(c) (as the case may be), or (B) in the case described in paragraph (1)(B), with the end of the eleventh month following the month such decision is made effective, whichever occurs first. If a facility to which clause (B) of the previous sentence applies still fails to substantially meet the provisions of the respective section on the date specified in such clause, the State shall terminate such facility's certification for participation under the plan effective with the first day of the first month following the month specified in such clause.".

(B) Such section is further amended by inserting before the semicolon at the end of subsection (a)(33)(B) the following: ", except that, if the Secretary has cause to question the adequacy of such determinations, the Secretary is authorized to validate State determinations and, on that basis, make independent and binding determinations concerning the extent to which individual institutions and agencies meet the requirements for participation".

(2) Section 1910 of such Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Secretary may cancel approval of any skilled nursing or intermediate care facility at any time if he finds on the basis of a determination made by him as provided in section 1902(a)(33)(B) that a facility fails to meet the requirements contained in section 1902(a)(28) or section 1905(c), or if he finds grounds for termination of his agreement with the facility pursuant to section 1866(b). In that event the Secretary shall notify the State agency and the skilled nursing facility or intermediate care facility that approval of eligibility of the facility to participate in the programs established by this title and title XVIII shall be terminated at a time specified by the Secretary. The approval of eligibility of any such facility to participate in such programs may not be reinstated unless the Secretary finds that the reason for termination has been removed and there is reasonable assurance that it will not recur.

"(2) Any skilled nursing facility or intermediate care facility which is dissatisfied with a determination by the Secretary that it no longer qualifies as a skilled nursing facility or intermediate care facility for purposes of this title, shall be entitled to a hearing by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). Any agreement between such facility and the State agency shall remain in effect until the period for filing a request for a hearing has expired or, if a request has been filed, until a decision has been made by the Secretary; except that the agreement shall not be extended if the Secretary makes a written determination, specifying the reasons therefor, that the continuation of provider status constitutes an immediate and serious threat to the health and safety of patients, and the Secretary certifies that the facility has been notified of its deficiencies and has failed to correct them.".

CRIMINAL STANDARDS FOR CERTAIN MEDICARE- AND MEDICAID-RELATED CRIMES

SEC. 917. Paragraphs (1) and (2) of section 1877(b) of the Social Security Act and of section 1909(b) of such Act are each amended by inserting "knowingly and willfully" after "Whoever".

REIMBURSEMENT OF CLINICAL LABORATORIES

SEC. 918. (a)(1) Section 1842 of the Social Security Act is amended by inserting at the end the following new subsection:

"(h) If a physician's bill or request for payment for a physician's services includes a charge to a patient for a laboratory test for which payment may be made under this part, the amount payable with respect to the test shall be determined as follows:

"(1) If the bill or request for payment indicates that the physician who submitted the bill or for whose services the request for payment was made personally performed or supervised the performance of the test or that another physician with whom the physician shares his practice personally performed or supervised the test, the payment shall be the reasonable charge for the test (less the applicable deductible and coinsurance amounts).

"(2) If the bill or request for payment indicates that the test was performed by a laboratory, identifies the laboratory, and indicates the amount the laboratory charged the physician who submitted the bill or for whose services the request for payment was made, payment for the test shall be the lower of—

"(A) the laboratory's reasonable charge to individuals enrolled under this part of the test, or

"(B) the amount the laboratory charged the physician for the test,

plus a nominal fee (where the physician bills for such a service) to cover the physician's costs in collecting and handling the sample on which the test was performed (less the applicable deductible and coinsurance amounts).

"(3) If the bill or request for payment (A) does not indicate who performed the test, or (B) indicates that the test was performed by a laboratory but does not identify the laboratory or include the amount charged by the laboratory, payment shall be the lowest charged at which the carrier estimates the test could have been secured by a physician from a laboratory serving the locality (less the applicable deductible and coinsurance amounts).".

(2) The amendment made by paragraph (1) shall apply to bills submitted and requests for payment made on or after such date (not later than April 1, 1981) as the Secretary of Health and Human Services prescribes by a notice published in the Federal Register.

(3) Not later than 24 months after the effective date specified in paragraph (2), the Secretary shall report to the Congress—

(A) the proportion of bills and requests for payment submitted (during the 18-month period beginning on such effective date) under title XVIII of the Social Security Act for laboratory tests which did not identify who performed the tests.

(B) the proportion of bills and requests for payment submitted during such period for laboratory tests with respect to which the amount paid under such title was less than the amount that would otherwise have been payable in the absence of section 1842(h) of such Act,

(C) with respect to requests for payment described in subparagraph (B) which were submitted by patients, the average additional cost per laboratory test to patients resulting from reductions in payment that would otherwise have been made for such tests in the absence of such section 1842(h), and

(D) with respect to bills described in subparagraph (B) which were submitted by physicians, the average reduction in payment per laboratory test to physicians resulting from the application of such section 1842(h).

(4) Section 1833(a)(1)(D) of the Social Security Act is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (h)".

(b)(1) Section 1902(a) of the Social Security Act (as amended by section 914(b)(1) of this Act) is further amended—

(A) by striking out "and" at the end of paragraph (41);

(B) by striking out the period at the end of paragraph (42) and inserting in lieu thereof "; and"; and

(C) by adding after paragraph (42) the following new paragraph:

"(43) if the State plan makes provision for payment to a physician for laboratory services the performance of which such physician (or any other physician with whom he shares his practice) did not personally perform or supervise, include provision to insure that payment under the State plan for such laboratory services not exceed the payment authorized for such services by section 1842(h).".

(2)(A) The amendments made by paragraph (1) shall (except as otherwise provided in subparagraph (B)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on and after the first day of the first calendar quarter that begins more than six months after the date of the enactment of this Act.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (1), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

STUDY OF NEED FOR DUAL PARTICIPATION OF SKILLED NURSING FACILITIES

SEC. 919. (a) (1) The Secretary of Health and Human Services shall conduct a study of the availability and need for skilled nursing facility services covered under Part A of title XVIII of the Social Security Act and under State plans approved under title XIX of such Act.

(2) Such study shall include—

(A) an investigation of the desirability and feasibility of imposing a requirement that skilled nursing facilities (i) which furnish services to patients covered under State plans approved under title XIX of the Social Security Act also furnish such services to patients covered under part A of title XVIII of such Act, and (ii) which furnish services to patients covered under such title XVIII also furnish such services to patients covered under such State plans,

(B) an evaluation of the impact of existing laws and regulations on skilled nursing facilities and individuals covered under such State plans and under part A of such title XVIII, and an evaluation of the extent to which existing laws and regulations encourage skilled nursing facilities to accept only title XVIII beneficiaries or title XIX recipients, and

(C) an investigation of possible changes in regulations and legislation which would result in encouraging a greater availability of skilled nursing facility services.

(3) In developing such study, the Secretary shall consult with professional organizations, health experts, private insurers, nursing home providers, and consumers of skilled nursing facility services.

(b) Within one year after the date of the enactment of this Act, the Secretary shall complete such study and shall submit to the Congress a full and complete report thereon, together with recommendations with respect to the matters covered by such study (including any recommendations for administrative or legislative changes).

Subpart III—Provisions Relating to Professional Standards Review Organizations (PSROs)

EXPANDED MEMBERSHIP OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

SEC. 921. Section 1152(b)(1)(A) of the Social Security Act is amended—

(1) by inserting "and, if the organization so elects, of other health care practitioners engaged in the practice of their professions in such area who hold independent hospital admitting privileges," after the comma at the end of clause (ii); and

(2) by inserting "(except as otherwise provided under section 1155(c))" after "does not" in clause (vi).

REGISTERED NURSE AND DENTIST MEMBERSHIP ON STATEWIDE COUNCIL ADVISORY GROUP

SEC. 922. (a) Section 1162(e)(1) of the Social Security Act is amended by inserting "(including at least one registered professional nurse and at least one doctor of dental surgery or of dental medicine)" after "representatives".

(b) The amendment made by this section shall become effective 180 days after the date of the enactment of this Act.

NONPHYSICIAN MEMBERSHIP ON NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

SEC. 923. (a) Section 1163(a)(1) of the Social Security Act is amended by inserting "one doctor of dental surgery or of dental medicine, one registered professional nurse, and one other health practitioner (other than a physician as defined in section 1861 (r)(1))," after "physicians,".

(b) Section 1163(a)(2) of such Act is amended by striking out "four members" and inserting in lieu thereof "five members".

(c) Section 1163(a)(3) of such Act is amended by inserting "physician" before "members".

(d) Section 1163(b) of such Act is amended by striking out "Members" and inserting in lieu thereof "Physician members".

(e) Section 1173 of such Act is amended by striking out "(except sections 1155(c) and 1163)" and inserting in lieu thereof "(except section 1155(c))".

(f) The amendments made by this section shall become effective 180 days after the date of the enactment of this Act.

REQUIRED ACTIVITIES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

SEC. 924. (a) (1) Subsection (b) of section 1154 of the Social Security Act is amended—

(A) by striking out "in addition to review of health care services provided by or in institutions, only such of the duties and functions required under this part of Professional Standards Review Organization as he determines such organization to be capable of performing" in the first sentence and inserting in lieu thereof "in addition to review of health care services (other than ancillary, ambulatory care, and long-term care services) provided by or in hospitals and to review of alcohol detoxification facility services, only such of the duties and functions as he requires the organization to perform under subsection (f)(2) or subsection (f)(4) and which the organization is capable of performing"; and

(B) by striking out "only if the Secretary finds that it is substantially carrying out in a satisfactory manner, the activities and functions required of Professional Standards Review Organizations under this part with respect to the review of health care services provided by or in institutions (including ancillary services) and, in addition, review of such other health care services as the Secretary may require" in the second sentence and inserting in lieu thereof "only if the Secretary finds that it is substantially carrying out in a satisfactory manner the activities and functions required of that Professional Standards Review Organization under this part".

(2) Subsection (c) of such section is amended by inserting "of that organization" after "required under this part".

(3) Such section is further amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall establish a program (hereinafter in this subsection referred to as the 'program') for the evaluation of the cost-effectiveness of review of particular health care services by Professional Standards Review Organizations.

"(2) In order to demonstrate the cost-effectiveness of requiring review of particular health care services before such review is generally required, the program shall be designed in a manner so that the Secretary will require particular Professional Standards Review Organizations, chosen by a statistically valid method that will permit a valid evaluation of the cost-effectiveness of such review, to review particular health care services.

"(3) The program shall provide for the evaluation of cost-effectiveness of the review of particular health care services under the program, particularly in comparison with areas in which such review was not required or performed.

"(4) Based upon such evaluation, or upon an evaluation of comparable statistical validity, and a finding that review of particular health care services is cost-effective or yields other significant benefits, the Secretary shall specify such particular health care services which Professional Standards Review Organizations (either generally or under such conditions and circumstances as the Secretary may specify) have the duty and function of reviewing under this part.

"(5) For purposes of this subsection, the term 'particular health care services' does not include health care services (other than ancillary, ambulatory care, and long-term care services) provided by or in hospitals or alcohol detoxification facility services.".

(b) Section 1155(a) of such Act is amended—

(1) by striking out "at the earliest date practicable" in paragraph (1) and inserting in lieu thereof "to the extent and at the time specified by the Secretary under section 1154(f)";

(2) by inserting ", consistent with section 1154(f)," in paragraph (7)(A) after "only"; and

(3) by inserting "(consistent with section 1154(f))" in paragraph (7)(B) after "to the extent".

(c) Subsection (g) of section 1155 of such Act is repealed.

(d) Section 1155 of such Act is amended by adding at the end thereof the following new subsection:

"(h) If the Secretary has designated an organization (other than under section 1154) as a Professional Standards Review Organization, but that organization has not assumed responsibility for the review of particular activities in its area included in subsection (a)(1), the Secretary may designate another qualified Professional Standards Review Organization (in reasonable proximity to the providers and practitioners whose services are to be reviewed) to assume the responsibility for the review of some or all of those particular activities.".

EFFICIENCY IN DELEGATED REVIEW

SEC. 925. Section 1155(e) of the Social Security Act is amended by striking out "effectively and in timely fashion" and inserting in lieu thereof "effectively, efficiently, and in timely fashion".

REVIEW OF ROUTINE HOSPITAL ADMISSION SERVICES AND PREOPERATIVE HOSPITAL STAYS BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

SEC. 926. Section 1155(a)(2) of the Social Security Act is amended to read as follows:

"(2) Each Professional Standards Review Organization shall have the authority to determine, in advance, in the case of—

"(A) any elective admission to a hospital or other health care facility (including admissions occurring on weekends), and

"(B) any routine diagnostic services furnished in connection with such an admission,

whether such service, if provided, or if provided by a particular health care practitioner or by a particular hospital or other health care facility, organization, or agency, would meet the criteria specified in subparagraphs (A) and (C) of paragraph (1). Each such Organization may be directed by the Secretary to exercise such authority where the Secretary finds (consistent with section 1154 (f)) that such determinations can be made on a timely basis by the Organization and appropriate procedures will be applied to assure prompt notification of such determinations to providers, physicians, practitioners, and persons on whose behalf payment may be made under this Act for services and items.".

CONSULTATION BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS WITH HEALTH CARE PRACTITIONERS

SEC. 927. (a) Section 1155(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(8) Each Professional Standards Review Organization shall consult (with such frequency and in such manner as may be prescribed by the Secretary) with representatives of health care practitioners (other than physicians described in section 1861(r)(1)) and of institutional and noninstitutional providers of health care services, in relation to the Professional Standards Review Organization's responsibility for the review under paragraph (1) of the professional activities of such practitioners and providers.".

(b) Section 1162(e) of such Act is amended by striking out the first parenthetical material in paragraph (1) and the parenthetical material in paragraph (2).

(c) The amendments made by this section shall become effective 180 days after the date of the enactment of this Act.

RESPONSE OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS TO FREEDOM OF INFORMATION ACT REQUESTS

SEC. 928. No Professional Standards Review Organization designated (conditionally or otherwise) under part B of title XI of the Social Security Act shall be required to make available any records pursuant to a request made under section 552 of title 5, United States Code, until the later of (1) one year after the date of entry of a final court order requiring that such records be made available, or (2) the last date of the Congress during which the court order was entered.

STUDY OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS NORMS, STANDARDS, AND CRITERIA

SEC. 929. The Secretary of Health and Human Services shall, in consultation with the National Professional Standards Review Council, conduct a nationwide study of the differences in medical criteria and length-of-stay norms utilized by Professional Standards Review Organizations in the various regions of the country. The study shall include an assessment of the rationale that contributes to these regional differences. The Secretary shall report the findings and conclusions made with respect to the study to the Congress within one year after the date of the enactment of this Act.

PART B—PROVISIONS RELATING TO MEDICARE

Subpart I—Changes in Services or Benefits

HOME HEALTH SERVICES

SEC. 930 (a) Section 1811 of the Social Security Act is amended by striking out "and related post-hospital services" and inserting in lieu thereof ", related post-hospital, and home health services".

(b) Section 1812(a)(3) of such Act is amended to read as follows:

"(3) home health services.".

(c) Section 1812(d) of such Act is repealed.

(d) Section 1812(e) of such Act is amended—

(1) by striking out "(b), (c), and (d)" and inserting in lieu thereof "(b) and (c)"; and

(2) by striking out "post-hospital extended care services, and post-hospital home health services" and inserting in lieu thereof "and post-hospital extended care services".

(e) Sections 1814(a) and 1835(a) of such Act are amended by adding the following new sentence at the end of each such section: "With respect to the physician certification required by paragraph (2) for home health services furnished to any individual by a home health agency (other than an agency which is a governmental entity) and with respect to the establishment and review of a plan for such services, the Secretary shall prescribe regulations which shall become effective no later than July 1, 1981, and which prohibit a physician who has a significant ownership interest in, or a significant financial or contractual relationship with, such home health agency from performing such certification and from establishing or reviewing such plan.".

(f) Section 1814(a)(2)(D) of such Act is amended—

(1) by striking out "post-hospital home health services" and inserting in lieu thereof "home health services";

(2) by inserting ", occupational," after "or physical"; and

(3) by striking out ", for any of the conditions" and all that follows through "extended care services".

(g) Section 1832(a)(2)(A) of such Act is amended by striking out "for up to 100 visits during a calendar year".

(h) Section 1833(b) of such Act is amended—

(1) by striking out "and" at the end of clause (1) in the first sentence; and

(2) by inserting before the period at the end of the first sentence the following: ", (3) such deductible shall not apply with respect to home health services".

(i) Section 1834 of such Act is repealed.

(j) Section 1835(a)(2)(A) of such Act is amended by inserting ", occupational," after "or physical".

(k) Section 1861(e) of such Act is amended—

(1) by striking out "subsections (i) and (n)" in the material preceding paragraph (1) and inserting in lieu thereof "subsection (i)"; and

(2) by striking out "subsections (i) and (n)" in the third sentence and inserting in lieu thereof "subsection (i)".

(l) Section 1861(m)(4) of such Act is amended by inserting the following before the semicolon: "who has successfully completed a training program approved by the Secretary".

(m) Section 1861(n) of such Act is repealed.

(n) Section 1861(o) of such Act is amended—

(1) by striking out "and" at the end of paragraph (5), by inserting "and" at the end of paragraph (6), and by adding the following new paragraph after paragraph (6):

"(7) meets such additional requirements (including conditions relating to bonding or establishing of escrow accounts as the Secretary finds necessary for the financial security of the program) as the Secretary finds necessary for the effective and efficient operation of the program;"; and

(2) by striking out "except that" the first place it appears in the material following paragraph (6) and all that follows through "regulations; and".

(o) Section 1816(e) of such Act is amended—

(1) by inserting "(subject to the provisions of paragraph (4))" after "the Secretary may" in paragraph (2); and

(2) by adding the following new paragraph at the end thereof:

"(4) Notwithstanding subsections (a) and (d) and paragraphs (1), (2), and (3) of this subsection, the Secretary shall designate regional agencies or organizations which have entered into an agreement with him under this section to perform functions under such agreement with respect to home health agencies (as defined in section 1861(o)) in the region, except that in assigning such agencies to such designated regional agencies or organizations the Secretary shall assign a home health agency which is a subdivision of a hospital (and such agency and hospital are affiliated or under common control) only if, after applying such criteria relating to administrative efficiency and effectiveness as he shall promulgate, he determines that such assignment would result in the more effective and efficient administration of this title.".

(p) Section 1861(v)(1) of such Act is amended by adding after subparagraph (G) (as added by section 902(a)(1) of this title) the following new subparagraph:

"(H) In determining such reasonable cost with respect to home health agencies, the Secretary may not include—

"(i) any costs incurred in connection with bonding or establishing an escrow account by any such agency as a result of the financial security requirement described in subsection (o)(7);

"(ii) in the case of home health agencies to which the financial security requirement described in subsection (o)(7) applies, any costs attributed to interest charged such an agency in connection with amounts borrowed by the agency to repay overpayments made under this title to the agency, except that such costs may be included in reasonable cost if the Secretary determines that the agency was acting in good faith in borrowing the amounts;

"(iii) in the case of contracts entered into by a home health agency after the date of the enactment of this subparagraph for the purpose of having services furnished for or on behalf of such agency, any cost incurred by such agency pursuant to any such contract (I) which is entered into for a period exceeding five years, or (II) which determines the amount payable by the home health agency on the basis of a percentage of the agency's reimbursement or claim for reimbursement for services furnished by the agency; and

"(iv) in the case of contracts entered into by a home health agency before the date of the enactment of this subparagraph for the purpose of having services furnished for or on behalf of such agency, any cost incurred by such agency pursuant to any such contract, which determines the amount payable by the home health agency on the basis of a percentage of the agency's reimbursement or claim for reimbursement for services furnished by the agency, to the extent that such cost exceeds the reasonable value of the services furnished on behalf of such agency.".

(q) Section 226(c)(1) of such Act is amended—

(1) by striking out "and post-hospital home health services" and inserting in lieu thereof "and home health services"; and

(2) by striking out "or post-hospital home health services" in clause (B).

(r) Section 7(d)(1) of the Railroad Retirement Act of 1974 is amended by striking out "posthospital home health services" and inserting in lieu thereof "home health services".

(s)(1) The amendments made by this section shall become effective with respect to services furnished on or after July 1, 1981, except that the amendments made by subsections (n)(1) and (o) shall become effective on the date of the enactment of this Act.

(2) The Secretary of Health and Human Services shall take administrative action to assure that improvements, in accordance with the amendment made by subsection (n)(1), will be made not later than June 30, 1981.

ALCOHOL DETOXIFICATION FACILITY SERVICES

SEC. 931. (a) Section 1812 of the Social Security Act is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and by adding after paragraph (3) the following new paragraph:

"(4) alcohol detoxification facility services.".

(b) Section 1814(a)(2) of such Act is amended by striking out "or" at the end of subparagraph (D), by inserting "or" at the end of subparagraph (E), and by adding after subparagraph (E) the following new subparagraph:

"(F) in the case of alcohol detoxification facility services, such services are required on an inpatient basis (based upon an examination by such certifying physician made prior to initiation of alcohol detoxification);".

(c) Section 1861(u) of such Act is amended by inserting "detoxification facility," after "home health agency,".

(d) Section 1861 of such Act is further amended by adding after subsection (aa) the following new subsection:

"Alcohol Detoxification Facility Services

"(bb)(1) The term 'alcohol detoxification facility services' means services provided by a detoxification facility in order to reduce or eliminate the amount of alcohol in the body, but only to the extent that such services would be covered under subsection (b) if furnished as inpatient services by a hospital, or are physicians' services covered under subsection (s).

"(2) The term 'detoxification facility' means a public or voluntary community-based nonprofit facility, other than a hospital, which—

"(A) is engaged in furnishing to inpatients the services described in paragraph (1);

"(B) is accredited by the Joint Commission on the Accreditation of Hospitals as meeting the Accreditation Program for Psychiatric Facilities standards (1979 edition), or is found by the Secretary to meet such standards;

"(C) has arrangements with one or more hospitals, having agreements in effect under section 1866, for the referral and admission of patients requiring services not available at the facility; and

"(D) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by the facility.".

(e) The amendments made by subsections (a) through (d) of this section shall become effective on April 1, 1981.

(f) The Secretary of Health and Human Services shall conduct a study and make recommendations, within 18 months after the date of the enactment of this Act, concerning the appropriateness of extending medicare coverage to drug detoxification, postdetoxification rehabilitation, and to outpatient detoxification and concerning incentives for the use of lower-cost detoxification facilities.

(g) Section 1155 of the Social Security Act is amended by adding after subsection (h) (added by section 924(d) of this title) the following new subsection:

"(i) Any Professional Standards Review Organization which has assumed responsibility under this section for review of inpatient hospital services in an area shall also assume responsibility in such area for review of detoxification facility services.".

(h) Section 1158 of such Act is amended—

(1) by striking out "section 1159 and subsection (d)" in subsection (a) and inserting in lieu thereof "subsections (d) and (e) of this section and in sections 1159, 1861(v)(1)(G), and 1902(h)", and

(2) by adding after subsection (d) the following new subsection:

"(e) Subsection (a) of this section shall not apply to a determination by a Professional Standards Review Organization under section 1155(a)(1)(C) that detoxification services provided or proposed to be provided in a hospital on an inpatient basis could be more economically provided in a detoxification facility.".

PREADMISSION DIAGNOSTIC TESTING

SEC. 932. (a)(1) Section 1833(a)(1) of the Social Security Act is amended—

(A) by striking out "and (E)" and inserting in lieu thereof "(E)", and

(B) by inserting the following after "section 1881," at the end of clause (E): "(F) with respect to expenses incurred for physicians' services (furnished by a physician who has an agreement in effect with the Secretary by which the physician agrees to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all physicians' services which are preadmission diagnostic services furnished by the physician to individuals enrolled under this part) which are preadmission diagnostic services for which payment may be made under this part and which are furnished (i) in the outpatient department of a hospital within seven days of such individual's admission to the same hospital as an inpatient or, to the extent practicable as determined by regulations prescribed by the Secretary, to another hospital, or (ii) to the extent practicable as determined by regulations prescribed by the Secretary, in a physician's office within seven days of such individual's admission to a hospital as an inpatient, the amounts paid shall be equal to the reasonable charges for such services.".

(2) For amendment to section 1833(a) of the Social Security Act, with respect to the amount of payment for hospital outpatient preadmission diagnostic services, see section 942 of this title.

(b) The Secretary of Health and Human Services shall transmit to the Congress, no later than one year after the date of the enactment of this Act, a report describing the policy which has been developed and is being or will be implemented with respect to the amendments made by subsection (a)(1) of this section and by section 942 of this title as they concern expenses incurred for preadmission diagnostic testing furnished to an individual at a hospital within seven days of an individual's admission to another hospital.

COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY SERVICES

SEC. 933. (a) Section 1832(a)(2) of the Social Security Act is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon, and by adding the following new subparagraph at the end thereof:

"(E) comprehensive outpatient rehabilitation facility services; and".

(b) Section 1835(a)(2) of such Act is amended by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon, and by inserting the following new subparagraph after subparagraph (D):

"(E) in the case of comprehensive outpatient rehabilitation facility services, (i) such services are or were required because the individual needed skilled rehabilitation services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician; and".

(c) Section 1861(u) of such Act is amended by inserting "comprehensive outpatient rehabilitation facility," immediately after "skilled nursing facility,".

(d) Section 1861(z) of such Act is amended by striking out "extended care facility," and inserting in lieu thereof "skilled nursing facility, comprehensive outpatient rehabilitation facility,".

(e) Section 1861 of such Act is amended by adding after subsection (bb) (added by section 931(d) of this title) the following new subsection:

"Comprehensive Outpatient Rehabilitation Facility Services

"(cc)(1) The term 'comprehensive outpatient rehabilitation facility services' means the following items and services furnished by a physician or other qualified professional personnel (as defined in regulations by the Secretary) to an individual who is an outpatient of a comprehensive outpatient rehabilitation facility under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician—

"(A) physicians' services;

"(B) physical therapy, occupational therapy, speech pathology services, and respiratory therapy;

"(C) prosthetic and orthotic devices, including testing, fitting, or training in the use of prosthetic and orthotic devices;

"(D) social and psychological services;

"(E) nursing care provided by or under the supervision of a registered professional nurse;

"(F) drugs and biologicals which cannot, as determined in accordance with regulations, be self administered;

"(G) supplies, appliances, and equipment, including the purchase or rental of equipment; and

"(H) such other items and services as are medically necessary for the rehabilitation of the patient and are ordinarily furnished by comprehensive outpatient rehabilitation facilities,

excluding, however, any item or service if it would not be included under subsection (b) if furnished to an outpatient of a hospital.

"(2) The term 'comprehensive outpatient rehabilitation facility' means a facility which—

"(A) is primarily engaged in providing (by or under the supervision of physicians) diagnostic, therapeutic, and restorative services to outpatients for the rehabilitation of injured, disabled, or sick persons;

"(B) provides at least the following comprehensive outpatient rehabilitation services: (i) physicians' services (rendered by physicians, as defined in section 1861(r)(1), who are available at the facility on a full- or part-time basis); (ii) physical therapy; and (iii) social or psychological services;

"(C) maintains clinical records on all patients;

"(D) has policies established by a group of professional personnel (associated with the facility), including one or more physicians defined in subsection (r)(1) to govern the comprehensive outpatient rehabilitation services it furnishes, and provides for the carrying out of such policies by a full- or part-time physician referred to in subparagraph (B)(i);

"(E) has a requirement that every patient must be under the care of a physician;

"(F) in the case of a facility in any State in which State or applicable local law provides for the licensing of facilities of this nature (i) is licensed pursuant to such law, or (ii) is approved by the agency of such State or locality, responsible for licensing facilities of this nature, as meeting the standard establishment for such licensing;

"(G) has in effect a utilization review plan in accordance with regulations prescribed by the Secretary;

"(H) has in effect an overall plan and budget that meets the requirements of subsection (z); and

"(I) meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such facility, including conditions concerning qualifications of personnel in these facilities.".

(f) Section 1863 of such Act is amended by striking out "and (o)(6)" in the first sentence and inserting in lieu thereof "(o)(6), and (cc)(2)(I)".

(g) Section 1864(a) of such Act is amended—

(1) by inserting "or a comprehensive outpatient rehabilitation facility as defined in section 1861(cc)(2)" after "section 1861(aa)(2)" in the first sentence; and

(2) by inserting "comprehensive outpatient rehabilitation facility," after "rural health clinic," each place it appears in the second and fifth sentences.

(h) The amendments made by this section shall become effective with respect to a comprehensive outpatient rehabilitation facility's first accounting period which begins on or after July 1, 1981.

OUTPATIENT SURGERY

SEC. 934. (a) Section 1832(a)(2) of the Social Security Act is amended by adding after subparagraph (E) (added by section 933(a) of this title) the following new subparagraph:

"(F) facility services furnished in connection with surgical procedures specified by the Secretary—

"(i) pursuant to section 1833(i)(1)(A) and performed in an ambulatory surgical center (which meets health, safety, and other standards specified by the Secretary in regulations) if the center has an agreement in effect with the Secretary by which the center agrees to accept the amount determined under section 1833(i)(2)(A) as full payment for such services and to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all such services furnished by the center to individuals enrolled under this part, or

"(ii) pursuant to section 1833(i)(1)(B) and performed by a physician, described in section 1861(r)(1), in his office, if the Secretary has determined that—

"(I) a Professional Standards Review Organization (designated, conditionally or otherwise, under part B of title XI of this Act) is willing, able, and has agreed to carry out a review (on a sample or other reasonable basis) of the physician's performing such procedures in the physician's office,

"(II) the particular physician involved has agreed to make available to such Organization such records as the Secretary determines to be necessary to carry out the review, and

"(III) the physician is authorized to perform the procedure in a hospital located in the area in which the office is located;

and if the physician agrees to accept the amount determined under section 1833(i)(2)(B) as full payment for such services and to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all services (including all pre- and post-operative services) described in paragraphs (1) and (2)(A) of section 1861(s) and furnished in connection with such surgical procedure to individuals enrolled under this part.".

(b) Section 1833 of such Act is amended by adding at the end the following new subsection:

"(i)(1) The Secretary shall, in consultation with the National Professional Standards Review Council and appropriate medical organizations—

"(A) specify those surgical procedures which are appropriately (when considered in terms of the proper utilization of hospital inpatient facilities) performed on an inpatient basis in a hospital but which also can be performed safely on an ambulatory basis in an ambulatory surgical center (meeting the standards specified under section 1832(a)(2)(F)(i)) or hospital outpatient department, and

"(B) specify those surgical procedures which are appropriately (when considered in terms of the proper utilization of hospital inpatient facilities) performed on an inpatient basis in a hospital but which also can be performed safely on an ambulatory basis in a physician's office.

"(2)(A) The amount of payment to be made for facility services furnished in connection with a surgical procedure specified pursuant to paragraph (1)(A) and furnished to an individual in an ambulatory surgical center described in such paragraph shall be equal to a standard overhead amount established by the Secretary (with respect to each such procedure) on the basis of the Secretary's estimate of a fair fee which—

"(i) takes into account the costs incurred by such centers, or classes of centers, generally in providing services furnished in connection with the performance of such procedure, and

"(ii) takes such costs into account in such a manner as will assure that the performance of the procedure in such a center will result in substantially less amounts paid under this title than would have been paid if the procedure had been performed on an inpatient basis in a hospital.

Each amount so established shall be reviewed periodically and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.

"(B) The amount of payment to be made under this part for facility services furnished, in connection with a surgical procedure specified pursuant to paragraph (1)(B), in a physician's office shall be equal to a standard overhead amount established by the Secretary (with respect to each such procedure) on the basis of the Secretary's estimate of a fair fee which—

"(i) takes into account additional costs, not usually included in the professional fee, incurred by physicians in securing, maintaining, and staffing the facilities and ancillary services appropriate for the performance of such procedure in the physician's office, and

"(ii) takes such items into account in such a manner which will assure that the performance of such procedure in the physician's office will result in substantially less amounts paid under this title than would have been paid if the services had been furnished on an inpatient basis in a hospital. Each amount so established shall be reviewed periodically and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.

"(3) In the case of services (including all pre- and post-operative services) described in paragraphs (1) and (2)(A) of section 1861(s) and furnished in connection with surgical procedures (specified pursuant to paragraph (1) of this subsection) in a physician's office, an ambulatory surgical center described in such paragraph, or a hospital outpatient department, payment for such services shall be determined in accordance with subsection (a)(1)(G) if the physician accepts an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for such services.

"(4)(A) The Secretary is authorized to provide by regulations that in the case of a surgical procedure, specified by the Secretary pursuant to paragraph (1)(A), performed in an ambulatory surgical center described in such paragraph, there shall be paid (in lieu of any amounts otherwise payable under this part) with respect to the facility services furnished by such center and with respect to all related services (including physicians' services, laboratory, X-ray, and diagnostic services) a single all-inclusive fee established pursuant to subparagraph (B), if all parties furnishing all such services agree to accept such fee (to be divided among the parties involved in such manner as they shall have previously agreed upon) as full payment for the services furnished.

"(B) In implementing this paragraph, the Secretary shall establish with respect to each surgical procedure specified pursuant to paragraph (1)(A) the amount of the all-inclusive fee for such procedure, taking into account such factors as may be appropriate. The amount so established with respect to any surgical procedure shall be reviewed periodically and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.".

(c)(1) Section 1863 of the Social Security Act is amended by inserting "or by ambulatory surgical centers under section 1832(a)(2)(F)(i)," after "section 1861,".

(2) Section 1864(a) of such Act is amended—

(A) by inserting before the period at the end of the first sentence the following: ", or whether an ambulatory surgical center meets the standards specified under section 1832(a)(2)(F)(i)"; and

(B) by inserting "ambulatory surgical center," in the fifth sentence after "health care facility," each place it appears.

(d)(1) Section 1833(a)(1) of such Act, as amended by section 932(a)(1) of this title, is further amended by inserting after the comma at the end of clause (F) the following new clause: "and (G) with respect to expenses incurred for services described in subsection (i)(3) under the conditions specified in such subsection, the amounts paid shall be the reasonable charge for such services,".

(2) For an additional amendment to section 1833(a) of the Social Security Act with respect to the amount of payment for outpatient surgical procedures, see section 942 of this title.

(3) The first sentence of section 1833(b) of such Act, as amended by section 930(h) of this title, is further amended by adding before the period at the end the following: ", and (4) such total amount shall not include expenses incurred for services the amount of payment for which is determined under subsection (a)(1)(G) or under subsection (i)(2) or (i)(4)".

OUTPATIENT PHYSICAL THERAPY SERVICES

SEC. 935. (a) Section 1833(g) of the Social Security Act is amended by striking out "$100" and inserting in lieu thereof "$500".

(b) The amendment made by subsection (a) shall apply to expenses incurred in calendar years beginning with calendar year 1982.

DENTISTS' SERVICES

SEC. 936. (a) Clause (2) of the first sentence of section 1861(r) of the Social Security Act is amended to read as follows: "(2) a doctor of dental surgery or of dental medicine who is legally authorized to practice dentistry by the State in which he performs such function and who is acting within the scope of his license when he performs such functions,".

(b) Section 1814(a)(2)(E) of such Act is amended to read as follows:

"(E) in the case of inpatient hospital services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth, the individual, because of his underlying medical condition and clinical status or because of the severity of the dental procedure, requires hospitalization in connection with the provision of such services; or".

(c) Section 1862(a)(12) of such Act is amended by inserting "or because of the severity of the dental procedure" after "clinical status".

(d) The amendments made by this section shall apply with respect to services provided on or after July 1, 1981.

OPTOMETRISTS' SERVICES

SEC. 937. (a) Clause (4) of the first sentence of section 1861(r) of the Social Security Act is amended by striking out "but only with respect to establishing the necessity for prosthetic lenses," and inserting in lieu thereof "but only with respect to services related to the condition of aphakia,".

(b) The Secretary of Health and Human Services shall submit to the Congress by January 1, 1982, legislative recommendations with respect to reimbursement under title XVIII of the Social Security Act for services furnished by optometrists in connection with cataracts and such other services which they are legally authorized to perform.

(c) The amendment made by subsection (a) shall apply to services furnished on or after July 1, 1981.

ANTIGENS

SEC. 938. (a) Section 1861(s)(2) of the Social Security Act is amended by striking out "and" at the end of subparagraph (E), by adding "and" after the semicolon at the end of subparagraph (F), and by inserting the following new subparagraph after subparagraph (F):

"(G) antigens (subject to quantity limitations prescribed in regulations by the Secretary) prepared by a physician, as defined in section 1861(r)(1), for a particular patient, including antigens so prepared which are forwarded to another qualified person (including a rural health clinic) for administration to such patient, from time to time, by or under the supervision of another such physician;".

(b) The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1981.

TREATMENT OF PLANTAR WARTS

SEC. 939. (a) Section 1862(a)(13)(C) of the Social Security Act is amended by striking out ", warts,".

(b) The amendment made by subsection (a) shall apply with respect to services furnished on or after July 1, 1981.

Subpart II—Administrative Changes and Miscellaneous Provisions

PRESUMED COVERAGE PROVISIONS

SEC. 941. (a) Section 1814 of the Social Security Act is amended by striking out subsections (h) and (i) and by redesignating subsection (j) as subsection (h).

(b) Section 1814(c) of such Act is amended by striking out "subsection (j)" and inserting in lieu thereof "subsection (h)".

(c) The amendments made by this section shall take effect on January 1, 1981.

PAYMENT TO PROVIDERS OF SERVICES

SEC. 942. Section 1833(a) of such Act is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) in the case of services described in section 1832(a)(2) (except those services described in subparagraphs (D), (E), and (F) of such section and in paragraph (5) of this subsection and unless otherwise specified in section 1831)—

"(A) with respect to home health services, the reasonable cost of such services, as determined under section 1861(v);

"(B) with respect to other services (except those described in subparagraph (C) of this paragraph), the reasonable costs of such services, as so determined, less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such other services exceed 80 percent of such costs;

"(C) with respect to services described in the second sentence of section 1861(p), 80 percent of the reasonable charges for such services;

"(3) in the case of services described in subparagraphs (D) and (E) of section 1832 (a)(2), the costs which are reasonable and related to the cost of furnishing such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations, including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services exceed 80 percent of such costs;

"(4) in the case of facility services described in subparagraph (F) of section 1832 (a)(2), the applicable amount described in paragraph (2) of section 1833(i); and

"(5) in the case of preadmission diagnostic services described in section 1861(s)(2)(C) which are furnished to an individual by the outpatient department of a hospital within 7 days of such individual's admission to the same hospital as an inpatient or (to the extent practicable as determined by regulations prescribed by the Secretary) to another hospital, the reasonable costs for such services.".

LIMITATION ON PAYMENTS TO RADIOLOGISTS AND PATHOLOGISTS

SEC. 943. (a) Subsections (a)(1)(B) and (b)(2) of section 1833 of the Social Security Act are each amended by inserting after "pathology" the following: "who has in effect an agreement with the Secretary by which the physician agrees to accept an assignment (as provided for in section 1842(b)(3)(B) (ii)) for all physicians' services furnished by him to hospital inpatients enrolled under this part".

(b) The amendments made by subsection (a) shall apply to services furnished after the sixth calendar month beginning after the date of the enactment of this Act.

PHYSICIAN TREATMENT PLAN FOR SPEECH PATHOLOGY

SEC. 944. (a) Section 1835(a)(2)(D)(ii) of the Social Security Act is amended by inserting after "established" the following: "by a physician or by the speech pathologist providing such services".

(b) The amendment made by subsection (a) shall apply to plans for furnishing services established on or after January 1, 1981.

REENROLLMENT AND OPEN ENROLLMENT IN PART B

SEC. 945. (a) Subsection (b) of section 1837 of the Social Securtly Act is repealed.

(b)(1) Subsection (e) of such section is amended to read as follows:

"(e) There shall be a general enrollment period which is any period after the period described in subsection (d).".

(2) Subsection (g)(3) of such section is amended by striking out "the earlier of the then current" and all that follows through "subsection (e) of this section)" and inserting in lieu thereof "the month in which the individual files an application establishing such entitlement".

(c)(1) Section 1833(a)(2)(E) of such Act is amended by striking out "the July 1" and inserting in lieu thereof "the first day of the third month".

(2) The second sentence of subsection (d) of section 1839 of such Act is amended by striking out "who enrolls for the second time) (2)" and all that follows through "in which he enrolled for the second time" and inserting in lieu thereof "who reenrolls) (2) the months which elapsed between the date of termination of a previous coverage period and the month after the month in which he reenrolled".

(d) The amendments made by subsections (a), (b), and (c) shall apply to enrollments occurring on or after April 1, 1981.

(e) Section 1843 of the Social Security Act is amended by inserting "or during 1981," in subsections (a), (g)(1), and (h)(1) after "January 1, 1970," each place it appears.

DETERMINATION OF REASONABLE CHARGE

SEC. 946. (a) The third sentence of section 1842(b)(3) of the Social Security Act is amended by striking out "in which the bill is submitted or the request for payment is made" and inserting in lieu thereof "in which the service is rendered".

(b) Such section is further amended by striking out "and" at the end of subparagraph (D), by inserting "and" after the semicolon at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

"(F) will take such action as may be necessary to assure that where payment under this part for a service rendered is on a charge basis, such payment shall be determined on the basis of the charge that is determined in accordance with this section on the basis of customary and prevailing charge levels in effect at the time the service was rendered or, in the case of services rendered more than 12 months before the year (ending on June 30) in which the bill is submitted or request for payment is made, on the basis of such levels in effect for the 12-month period preceding such year;".

(c) The amendments made by subsections (a) and (b) shall become effective with respect to bills submitted or requests for payment made on or after July 1, 1981.

SHORTENED PART B TERMINATION PERIOD FOR CERTAIN INDIVIDUALS WHOSE PREMIUMS MEDICAID HAS CEASED TO PAY

SEC. 947. (a) Section 1843(e) of the Social Security Act is amended by adding at the end thereof the following: "The coverage period under this part of any such individual who (in the last month of his coverage period attributable to the State agreement or in any of the following six months) files notice that he no longer wishes to participate in the insurance program established by this part, shall terminate at the close of the month in which the notice is filed.".

(b) The second sentence of section 1838 (b) of such Act is amended by inserting "(except as otherwise provided in section 1843(e))" after "shall".

(c) Section 1843(g)(2) of such Act is amended—

(1) by adding "and" at the end of clause (A);

(2) by striking out ", and" at the end of clause (B) and inserting in lieu thereof a period; and

(3) by striking out clause (C).

(d) The amendments made by this section apply to notices filed after the third calendar month beginning after the date of the enactment of this Act.

(e) The coverage period under part B of title XVIII of the Social Security Act of an individual whose coverage period attributable to a State agreement under section 1843 of such Act is terminated and who has filed notice before the end of the third calendar month beginning after the date of the enactment of this Act that he no longer wishes to participate in the insurance program established by part B of title XVIII shall terminate on the earlier of (1) the day specified in section 1838 without the amendments made by this section, or (2) (unless the individual files notice before the day specified in this clause that he wishes his coverage period to terminate as provided in clause (1)) the day on which his coverage period would terminate if the individual filed notice in the fourth calendar month beginning after the date of the enactment of this Act.

REIMBURSEMENT OF PHYSICIANS' SERVICES IN TEACHING HOSPITALS

SEC. 948. (a)(1) Paragraph (7) of section 1861(b) of the Social Security Act is amended to read as follows:

"(7) a physician where the hospital has a teaching program approved as specified in paragraph (6), if (A) the hospital elects to receive any payment due under this title for reasonable costs of such services, and (B) all physicians in such hospital agree not to bill charges for professional services rendered in such hospital to individuals covered under the insurance program established by this title.".

(2) Section 1832(a)(2)(B)(i)(II) of such Act is amended by striking out ", unless either clause (A) or (B) of paragraph (7) of such section is met" and inserting in lieu thereof "where the conditions specified in paragraph (7) of such section are met".

(b) Section 1842(b) of the Social Security Act is amended by adding at the end the following new paragraph:

"(6)(A) In the case of physicians' services furnished to a patient in a hospital with a teaching program approved as specified in section 1861(b)(6) but which does not meet the conditions described in section 1861(b)(7), the carrier shall not provide (except on the basis described in subparagraph (C)) for payment for such services under this part—

"(i) unless—

"(I) the physician renders sufficient personal and identifiable physicians' services to the patient to exercise full, personal control over the management of the portion of the case for which the payment is sought,

"(II) the services are of the same character as the services the physician furnishes to patients not entitled to benefits under this title, and

"(III) at least 25 percent of the hospital's patients (during a representative past period, as determined by the Secretary) who were not entitled to benefits under this title and who were furnished services described in subclauses (I) and (II) paid all or a substantial part of charges (other than nominal charges) imposed for such services; and

"(ii) to the extent that the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B)).

"(B) The customary charge for such services in a hospital shall be determined in accordance with regulations issued by the Secretary and taking into account the following factors:

"(i) In the case of a physician who has a substantial practice outside the teaching setting, the carrier shall take into account the amounts the physician charges for similar services in the physician's outside practice.

"(ii) In the case of a physician who does not have a practice described in clause (i), if the hospital, its physicians, or other appropriate billing entity has established one or more schedules of charges which are collected for medical and surgical services, the carrier shall base payment under this title on the greater of—

"(I) the charges (other than nominal charges) which are most frequently collected in full or substantial part with respect to patients who were not entitled to benefits under this title and who were furnished services described in subclauses (I) and (II) of subparagraph (A)(i), or

"(II) the mean of the charges (other than nominal charges) which were collected in full or substantial part with respect to such patients.

"(C) In the case of physicians' services furnished to a patient in a hospital with a teaching program approved as specified in section 1861(b)(6) but which does not meet the conditions described in section 1861(b)(7), if the conditions described in subclauses (I) and (II) of subparagraph (A)(i) are met and if the physician elects payment to be determined under this subparagraph, the carrier shall provide for payment for such services under this part on the basis of regulations of the Secretary governing reimbursement for the services of hospital-based physicians (and not on any other basis).".

(c)(1) The amendments made by subsection (a) shall apply with respect to cost accounting periods beginning on or after October 1, 1978. A hospital's election under section 1861(b)(7)(A) of the Social Security Act (as administered in accordance with section 15 of Public Law 93-233) as of September 30, 1978, shall constitute such hospital's election under such section (as amended by subsection (a)(1)) on and after October 1, 1978, until otherwise provided by the hospital.

(2) The amendment made by subsection (b) shall apply with respect to cost accounting periods beginning on or after January 1, 1981.

FLEXIBILITY IN APPLICATION OF STANDARDS TO RURAL HOSPITALS

SEC. 949. Section 1861(e) of the Social Security Act is amended by adding the following new sentence at the end thereof: "The term 'hospital' also includes a facility of fifty beds or less which is located in an area determined by the Secretary to meet the definition relating to a rural area described in subparagraph (A) of paragraph (5) of this subsection and which meets the other requirements of this subsection, except that—

"(A) with respect to the requirements for nursing services applicable after December 31, 1978, such requirements shall provide for temporary waiver of the requirements, for such period as the Secretary deems appropriate, where (i) the facility's failure to fully comply with the requirements is attributable to a temporary shortage of qualified nursing personnel in the area in which the facility is located, (ii) a registered professional nurse is present on the premises to render or supervise the nursing service provided during at least the regular daytime shift, and (iii) the Secretary determines that the employment of such nursing personnel as are available to the facility during such temporary period will not adversely affect the health and safety of patients;

"(B) with respect to the health and safety requirements promulgated under paragraph (9), such requirements shall be applied by the Secretary to a facility herein defined in such manner as to assure that personnel requirements take into account the availability of technical personnel and the educational opportunities for technical personnel in the area in which such facility is located, and the scope of services rendered by such facility; and the Secretary, by regulations, shall provide for the continued participation of such a facility where such personnel requirements are not fully met, for such period as the Secretary determines that (i) the facility is making good faith efforts to fully comply with the personnel requirements, (ii) the employment by the facility of such personnel as are available to the facility will not adversely affect the health and safety of patients, and (iii) if the Secretary has determined that because of the facility's waiver under this subparagraph the facility should limit its scope of services in order not to adversely affect the health and safety of the facility's patients, the facility is so limiting the scope of services it provides; and

"(C) with respect to the fire and safety requirements promulgated under paragraph (9), the Secretary may (i) waive, for such period as he deems appropriate, specific provisions of such requirements which if rigidly applied would result in unreasonable hardship for such a facility and which, if not applied, would not jeopardize the health and safety of patients, and (ii) may accept a facility's compliance with all applicable State codes relating to fire and safety in lieu of compliance with the fire and safety requirements promulgated under paragraph (9), if he determines that such State has in effect fire and safety codes, imposed by State law, which adequately protect patients.".

HOSPITAL TRANSFER REQUIREMENT FOR SKILLED NURSING FACILITY COVERAGE

SEC. 950. Section 1861(i) of the Social Security Act is amended—

(1) by striking out "14 days" each place it appears and inserting in lieu thereof "30 days"; and

(2) by striking out ", or (B) within 28 days" and all that follows through "he resides, or (C)" and inserting in lieu thereof ", or (B)".

CERTIFICATION AND UTILIZATION REVIEW BY PODIATRISTS

SEC. 951. (a) Section 1861(r)(3) of the Social Security Act is amended to read as follows: "(3) a doctor of podiatric medicine for the purposes of subsection (s) of this section but only with respect to functions which he is legally authorized to perform as such by the State in which he performs them; and for the purposes of subsections (k) and (m) of this section and sections 1814(a) and 1835 but only if his performance of functions under subsections (k) and (m) and section 1814(a) and 1835 is consistent with the policy of the institution or agency with respect to which he performs them and with the functions which he is legally authorized to perform,".

(b) Section 1861(k)(2)(A) of such Act is amended by inserting after "two or more physicians" the following: "(of which at least two must be physicians described in subsection (r)(1) of this section)".

(c) The amendments made by this section shall take effect on January 1, 1981.

ACCESS TO BOOKS AND RECORDS OF SUBCONTRACTORS

SEC. 952. Section 1861(v)(1) of the Social Security Act is amended by adding after subparagraph (H) (added by section 930(p) of this title) the following new subparagraph:

"(I) In determining such reasonable cost, the Secretary may not include any costs incurred by a provider with respect to any services furnished in connection with matters for which payment may be made under this title and furnished pursuant to a contract between the provider and any of its subcontractors which is entered into after the date of the enactment of this subparagraph and the value or cost of which is $10,000 or more over a twelve-month period unless the contract contains a clause to the effect that—

"(i) until the expiration of four years after the furnishing of such services pursuant to such contract, the subcontractor shall make available, upon written request to the Secretary, or upon request to the Comptroller General, or any of their duly authorized representatives, the contract, and books, documents and records of such subcontractor that are necessary to certify the nature and extent of such costs, and

"(ii) if the subcontractor carries out any of the duties of the contract through a subcontract, with a value or cost of $10,000 or more over a twelve-month period, with a related organization, such subcontract shall contain a clause to the effect that until the expiration of four years after the furnishing of such services pursuant to such subcontract, the related organization shall make available, upon written request to the Secretary, or upon request to the Comptroller General, or any of their duly authorized representatives, the subcontract, and books, documents and records of such organization that are necessary to verify the nature and extent of such costs.

The Secretary shall prescribe in regulation criteria and procedures which the Secretary shall use in obtaining access to books, documents, and records under clauses required in contracts and subcontracts under this subparagraph.".

MEDICARE LIABILITY SECONDARY WHERE PAYMENT CAN BE MADE UNDER LIABILITY OR NO FAULT INSURANCE

SEC. 953. Section 1862(b) of the Social Security Act is amended—

(1) by inserting "or under an automobile or liability insurance policy or plan (including a self-insured plan) or under no fault insurance" before the period at the end of the first sentence;

(2) by inserting ", policy, plan, or insurance" before the period at the end of the second sentence; and

(3) by adding at the end the following new sentence: "The Secretary may waive the provisions of this subsection in the case of an individual claim if he determines that the probability of recovery or amount involved in such claim does not warrant the pursuing of the claim.".

PAYMENT FOR PHYSICIANS' SERVICES WHERE BENEFICIARY HAS DIED

SEC. 954. (a) Section 1870(f) of the Social Security Act is amended to read as follows:

"(f) If an individual who received medical and other health services for which payment may be made under section 1832(a)(1) dies, and no assignment of the right to payment for such services was made by such individual before his death, and payment for such services has not been made—

"(1) if the person or persons who furnished the services agree that the reasonable charge is the full charge for the services, payment for such services shall be made to such person or persons, and

"(2) if the person or persons who furnished the services do not agree that the reasonable charge is the full charge for the services, payment for such services shall be made on the basis of an itemized bill to the person who has agreed to assume the legal obligation to make payment for such services and files a request for payment (with such accompanying evidence of such legal obligation as may be required in regulations),

but only in such amount and subject to such conditions as would be applicable if the individual who received the services had not died.".

(b) The amendment made by this section shall apply only to claims filed on or after January 1, 1981.

PROVIDER REIMBURSEMENT REVIEW BOARD

SEC. 955. Section 1878(f)(1) of the Social Security Act is amended by inserting the following after the second sentence thereof: "Providers shall also have the right to obtain judicial review of any action of the fiscal intermediary which involves a question of law or regulations relevant to the matters in controversy whenever the Board determines (on its own motion or at the request of a provider of services as described in the following sentence) that it is without authority to decide the question, by a civil action commenced within sixty days of the date on which such determination is rendered. If a provider of services may obtain a hearing under subsection (a) and has filed a request for such a hearing, such provider may file a request for a determination by the Board of its authority to decide the question of law or regulations relevant to the matters in controversy (accompanied by such documents and materials as the Board shall require for purposes of rendering such determination). The Board shall render such determination in writing within thirty days after the Board receives the request and such accompanying documents and materials, and the determination shall be considered a final decision and not subject to review by the Secretary. If the Board fails to render such determination within such period, the provider may bring a civil action (within sixty days of the end of such period) with respect to the matter in controversy contained in such request for a hearing.".

PAYMENT WHERE BENEFICIARY NOT AT FAULT

SEC. 956. (a) Section 1879 of the Social Security Act is amended by adding the following new subsection at the end thereof:

"(e) Where payment for inpatient hospital services or extended care services may not be made under part A of this title on behalf of an individual entitled to benefits under such part solely because of an unintentional, inadvertent, or erroneous action with respect to the transfer of such individual from a hospital or skilled nursing facility that meets the requirements of sections 1861 (e) or (j) by such a provider of services acting in good faith in accordance with the advice of a utilization review committee, professional standards review organization, or fiscal intermediary, or on the basis of a clearly erroneous administrative decision by a provider of services, the Secretary shall take such action with respect to the payment of such benefits as he determines may be necessary to correct the effects of such unintentional, inadvertent, or erroneous action.".

(b) The amendment made by subsection (a) shall take effect on January 1, 1981.

TECHNICAL RENAL DISEASE AMENDMENTS

SEC. 957. (a) Section 1881(e) of the Social Security Act is amended—

(1) by striking out "and" the first place it appears in paragraph (1) and inserting a comma in lieu thereof;

(2) by inserting "and nonprofit entities which the Secretary finds can furnish equipment economically and efficiently," after "renal dialysis facilities," in paragraph (1);

(3) by striking out "such providers and facilities" and inserting in lieu thereof "such providers, facilities, and nonprofit entities"; and

(4) by striking out "or facility will—" in paragraph (2) and inserting in lieu thereof ", facility, or other entity will—".

(b) Section 1881(g) of such Act is amended by striking out "April" each place it appears and inserting in lieu thereof "July".

STUDIES AND DEMONSTRATION PROJECTS

SEC. 958. (a) The Secretary of Health and Human Services shall develop and carry out a demonstration project to determine (1) the extent to which the commencement of nutritional therapy in early renal failure, utilizing (but not limited to) controlled protein substances, can retard or arrest the progression of the disease with a resultant substantive deferment of dialysis, and (2) the administrative, financial, and other aspects of making such nutritional therapy generally available as part of the benefits received under title XVIII of the Social Security Act.

(b) The Secretary shall submit, to the Congress, within one year after the date of the enactment of this Act, a report on the demonstration projects being conducted by the Secretary with respect to waiving the applicable cost sharing amounts which beneficiaries under title XVIII of the Social Security Act have to pay for obtaining a second opinion on having surgery performed. Such report shall include any recommendations for legislative changes in such title which the Secretary finds desirable as a result of such demonstration projects.

(c) The Secretary shall conduct a study of the circumstances and conditions under which services furnished by registered dietitians should be covered as a home health benefit under title XVIII of the Social Security Act.

(d) The Secretary shall develop and carry out demonstration projects to determine the administrative, financial, and other aspects of making the services of clinical social workers more generally available as part of the benefits received under title XVIII of the Social Security Act."

(e) The Secretary shall, in consultation with appropriate professional organizations, conduct a comprehensive study of methods of providing coverage under part B of title XVIII of the Social Security Act for orthopedic shoes for individuals with disabling or deforming conditions who require special fitting considerations to help protect against increasing disability or serious medical complications or who require special shoes in conjunction with the use of an orthosis or foot support. The Secretary shall submit to the Congress, no later than July 1, 1981, a report on the findings of this study and such specific legislative recommendations as is appropriate with respect to the utilization, cost control, quality of care, and equitable and efficient administration of such an extension of coverage.

(f) The Secretary shall conduct a study of the circumstances and conditions under which services furnished with respect to respiratory therapy should be covered as a home health benefit under title XVIII of the Social Security Act.

(g) The Secretary shall conduct a study involving a comprehensive analysis of the cost effects of alternative approaches to improving coverage under title XVIII of the Social Security Act for the treatment of various types of foot conditions.

(h) The Secretary shall submit a report on each of the demonstration projects and studies described in subsections (a), (c), (d), (f), and (g). Each such report shall be submitted within twenty-four months of the date of the enactment of this Act and shall contain any recommendations for legislative changes which the Secretary finds desirable as a result of conducting the demonstration project or study with respect to which the report is submitted.

(i) Where any study or demonstration project conducted under this section relates to payments with respect to services furnished by independent practitioners, such study or project shall include an evaluation of the effect of such payments on coordination of care, cost, quality, and the organization in the provision of services and the utilization of services.

(j) Grants, payments under contracts, and other expenditures made for studies and demonstration projects under this section shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section. With respect to any such grant, payment, or other expenditure, the amount to be paid from each of such trust funds shall be determined by the Secretary, giving due regard to the purposes of the experiment or project involved.

TEMPORARY DELAY IN PERIODIC INTERIM PAYMENTS

SEC. 959. Notwithstanding section 1815(a) of the Social Security Act, in the case of a hospital which is paid periodic interim payments under such section, the Secretary of Health and Human Services shall provide that with respect to the last twenty-one days for which such payments would otherwise be made during fiscal year 1981, such payments shall be deferred until fiscal year 1982.

PART C—PROVISIONS RELATING TO MEDICAID

DISPUTED MEDICAID CLAIMS

SEC. 961. (a) Section 1903(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) In any case in which the Secretary estimates that there has been an overpayment under this section to a State on the basis of a claim by such State that has been disallowed by the Secretary under section 1116(d), and such State disputes such disallowance, the amount of the Federal payment in controversy shall, at the option of the State, be retained by such State or recovered by the Secretary pending a final determination with respect to such payment amount. If such final determination is to the effect that any amount was properly disallowed, and the State chose to retain payment of the amount in controversy, the Secretary shall offset, from any subsequent payments made to such State under this title, an amount equal to the proper amount of the disallowance plus interest on such amount disallowed for the period beginning on the date such amount was disallowed and ending on the date of such final determination (but not to exceed a period of twelve months with respect to disallowances made prior to October 1, 1981, or six months with respect to disallowances made thereafter) at a rate (determined by the Secretary) based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during such period.".

(b) The amendment made by subsection (a) shall be effective with respect to expenditures for services furnished on or after October 1, 1980.

REIMBURSEMENT RATES UNDER MEDICAID FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

SEC. 962. (a) Section 1902(a)(13)(E) of the Social Security Act is amended to read as follows:

"(E) for payment of the skilled nursing facility and intermediate care facility services provided under the plan through the use of rates (determined in accordance with methods and standards developed by the State) which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations; and quality and safety standards; and such State makes further assurances, satisfactory to the Secretary, for the filing of uniform cost reports by each skilled nursing or intermediate care facility and periodic audits by the State of such reports; and".

(b) The amendment made by subsection (a) shall become effective on October 1, 1980.

EXTENSION OF INCREASED FUNDING FOR STATE MEDICAID FRAUD CONTROL UNITS

SEC. 963. Section 1903(a)(6) of the Social Security Act is amended by striking out "an amount equal to" and all that follows through "with respect to costs incurred" and inserting in lieu thereof the following:

"an amount equal to—

"(A) 90 per centum of the sums expended during such a quarter within the twelve-quarter period beginning with the first quarter in which a payment is made to the State pursuant to this paragraph, and

"(B) 75 per centum of the sums expended during each succeeding calendar quarter,

with respect to costs incurred".

CHANGE IN CALENDAR QUARTER FOR WHICH SATISFACTORY UTILIZATION REVIEW MUST BE SHOWN TO RECEIVE WAIVER OF MEDICAID REDUCTION

SEC. 964. Section 1903(g)(3)(B) of the Social Security Act is amended—

(1) by striking out "October 1, 1977" and inserting in lieu thereof "January 1, 1978"; and

(2) by striking out "the calendar quarter ending on December 31, 1977" and inserting in lieu thereof "any calendar quarter ending on or before December 31, 1978".

REIMBURSEMENT UNDER MEDICAID FOR SERVICES FURNISHED BY NURSE-MIDWIVES

SEC. 965. (a)(1) Subsection (a) of section 1905 of the Social Security Act is amended—

(A) by striking out "and" at the end of paragraph (16);

(B) by redesignating paragraph (17) as paragraph (18); and

(C) by inserting after paragraph (16) the following new paragraph:

"(17) services furnished by a nurse-midwife (as defined in subsection (m)) which he is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not he is under the supervision of, or associated with, a physician or other health care provider; and".

(2) Such section is further amended by adding at the end thereof the following new subsection:

"(m) The term 'nurse-midwife' means a registered nurse who has successfully completed a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary, and performs services in the area of management of the care of mothers and babies (throughout the maternity cycle) which he is legally authorized to perform in the State in which he performs such services.".

(b) Section 1902(a) of such Act is amended—

(1) by striking out "clauses (1) through (5)" in paragraph (13)(B) and inserting in lieu thereof "paragraphs (1) through (5) and (17)";

(2) by striking out "clauses (1) through (5)" in paragraph (13)(C)(i) and inserting in lieu thereof "paragraphs (1) through (5) and (17)";

(3) by striking out "clauses numbered (1) through (16)" in paragraph (13)(C)(ii) and inserting in lieu thereof "paragraphs numbered (1) through (17)"; and

(4) by striking out "clauses (1) through (5) and (7)" in paragraph (14)(A)(i) and inserting in lieu thereof "paragraphs (1) through 5), (7), and (17)".

(c)(1) The amendments made by this section shall (except as provided under paragraph (2)) be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than one hundred and twenty days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

DEMONSTRATION PROJECTS RELATING TO THE TRAINING OF AFDC RECIPIENTS AS HOME HEALTH AIDS

SEC. 966. (a) The Secretary of Health and Human Services shall enter into agreements with States, selected at his discretion, for the purpose of conducting demonstration projects for the training and employment of eligible participants as homemakers or home health aides, who shall provide authorized services to elderly or disabled individuals, or other individuals in need of such services, to whom such services, are not otherwise reasonably and actually available or provided, and who would, without the availability of such services, be reasonably anticipated to require institutional care.

(b) For purposes of this section, the term "eligible participant" means an individual who has voluntarily applied for participation and who, at the time such individual enters the project established under this section, has been certified by the appropriate agency of State or local government as being eligible for financial assistance under a State plan approved under part A of title IV of the Social Security Act and as having continuously received such financial assistance during the ninety-day period which immediately precedes the date on which such individual enters such project and who, within such ninety-day period, had not been employed as a homemaker or home health aide.

(c)(1) The Secretary shall enter into agreements under this section with no more than twelve States. Priority shall be given to States which have demonstrated interest in providing services of the type authorized under this section.

(2) A State may apply to enter into an agreement under this section in such manner and at such time as the Secretary may prescribe.

(3) Any State entering into an agreement with the Secretary under this section must—

(A) provide that the demonstration project shall be administered by a State health services agency designated for this purpose by the Governor (which may be the State agency administering or responsible for the administration of the State plan for medical assistance under title XIX of the Social Security Act);

(B) provide that the agency designated pursuant to subpargraph (A) shall, to the maximum extent feasible, arrange for coordinating its activities under the agreement with activities of other State agencies having related responsibilities;

(C) establish a formal training program, which meets such standards as the Secretary may establish to assure the adequacy of such program, to prepare eligible participants to provide part-time and intermittent homemaker services or home health aide services to individuals who are elderly, disabled, or otherwise in need of such services;

(D) provide for the full-time employment of those eligible participants who successfully complete the training program with one or more public agencies (or, by contract, with private bona fide nonprofit agencies) as homemakers or home health aides, rendering authorized services, under the supervision of persons determined by the State to be qualified to supervise the performance of such services, to individuals described in subsection (a) at wage levels comparable to the prevailing wage levels in the area for similar work;

(E) provide that such services provided under subparagraph (D) shall be made available without regard to income of the individual requiring such services, but that a reasonable fee will be charged (on a sliding scale basis) for such services provided to individuals who have income in excess of 200 percent of the needs standard in such State under the State plan approved under part A of title IV of the Social Security Act for a household of the same size as such individual's household;

(F) provide for a system of continuing independent professional review by an appropriate panel, which is not affiliated with the entity providing the services involved, to assure that services are provided only to individuals reasonably determined to be in need of such supportive services;

(G) provide for evaluation of the project and review of all agencies providing services under the project;

(H) submit periodic reports to the Secretary as he may require; and

(I) meet such other requirements as the Secretary may establish for the proper and efficient implementation of the project.

(4) The number of participants in any project shall not exceed that number which the Secretary determines to be reasonable, based upon the capability of the agencies involved to train, employ, and properly utilize eligible participants. Such number may be appropriately modified, subsequently, with the approval of the Secretary.

(5) Any contract with a private bona fide nonprofit agency entered into pursuant to

paragraph (3)(D) shall provide for reasonable reimbursement of such agencies for services on a basis proportionate to the amount of time allocated to individuals eligible to receive such services under this section (and, in case such agency is an institution, the amount of the reimbursement shall not exceed the amount of reimbursement which would have been payable if the services involved had been provided by a free-standing agency).

(6) For purposes of this section, a facility of the Veterans' Administration shall, at the request of the Administrator of Veterans' Affairs, be considered to be a public agency. In the case of any such facility which is so considered to be a public agency, of the costs determined under this section which are attributable to such facility, 90 percent shall be paid by the State and 10 percent by the Veterans' Administration.

(d)(1) For purposes of this section, authorized homemaker and home health aide services include part-time or intermittent—

(A) personal care, such as bathing, grooming, and toilet care;

(B) assisting patients having limited mobility;

(C) feeding and diet assistance;

(D) home management, housekeeping, and shopping;

(E) health-oriented recordkeeping;

(F) family planning services; and

(G) simple procedures for identifying potential health problems.

(2) Such authorized services do not include any services perfomed in an institution, or any services provided under circumstances where institutionalization would be substantially more efficient as a means of providing such services.

(e)(1) Agreements shall be entered into under this section between the Secretary and the State agency designated by the Governor. Under such agreement the Secretary shall pay to the State, as an additional payment under section 1903 of the Social Security Act for each quarter, an amount equal to 90 percent of the reasonable costs incurred (less the Federal share of any related fees collected) by such State during such quarter in carrying out a demonstration project under this section, including reasonable wages and other employment costs of eligible participants employed full time under such project (and, for purposes of determining the amount of such additional payment, the 10 percent referred to in subsection (c)(6), paid by the Veterans' Administration, shall be deemed to be a cost incurred by the State in carrying out such a project).

(2) Demonstration projects under this section shall be of a maximum duration of four years, plus an additional time period of up to six months for planning and development, and up to six months for final evaluation and reporting. Federal funding under this subsection shall not be available for the employment of any eligible participant under the project after such participant has been employed for a period of three years.

(f) For purposes of title IV of the Social Security Act, any eligible participant taking part in a training program under a project authorized under this section shall be deemed to be participating in a work incentive program established by part C of such title.

(g) For the first year (and such additional immediately succeeding period as the State may specify) during which an eligible participant is employed under the project established under this section, such participant shall, notwithstanding any other provision of law, retain any eligibility for medical assistance under a State plan approved under title XIX of the Social Security Act, and any eligibility for social and supportive services provided under the State plan approved under part A of title IV of such Act, which such participant had at the time such participant entered the training program established under this section.

(h) The Secretary shall submit annual reports to the Congress evaluating the demonstration projects carried out under this section, and shall submit a final report to the Congress not more than six months after he has received the final reports from all States participating in such projects.

(i) The Secretary shall, and is hereby authorized to, waive such requirements, including formal solicitation and approval requirements, as will further expeditious and effective implementation of this section.

TITLE X—OTHER SOCIAL SECURITY ACT PROGRAMS; UNEMPLOYMENT COMPENSATION

Subtitle A—Public Assistance

FEDERAL DAY CARE REGULATIONS

SEC. 1001. (a) Section 2002(a)(9) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(D) The requirements imposed by this paragraph or by any regulations promulgated by the Department of Health and Human Services to carry out this paragraph shall be inapplicable to child day care services provided after June 30, 1980, and prior to July 1, 1981, which meet applicable standards of State and local law.".

(b) The provisions of section 3(f) of Public Law 93-647 shall not apply with respect to child day care services provided after June 30, 1980, and prior to July 1, 1981, which meet applicable standards of State and local law.

(c) The Department of Health and Human Services shall assist each State in conducting a systematic assessment of current practices in day care programs funded under title XX of the Social Security Act. Upon completion of such assessments, but not later than June 1, 1981, the Secretary shall provide a summary report of the results of such assessments to the Congress.

ADDITIONAL SAVINGS

SEC. 1002. For provisions of law which reduce spending for fiscal year 1981 under public assistance programs under the Social Security Act in satisfaction of reconciliation requirements imposed by sections 3(a)(8) and 3(a)(15) of H. Con. Res. 307 (96th Congress), see the Social Security Disability Amendments of 1980 (Public Law 96-265) and the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272).

Subtitle B—Old-Age, Survivors, and Disability Insurance Program

LIMIT ON RETROACTIVE BENEFITS

SEC. 1011. (a) The first sentence of section 202(j)(1) of the Social Security Act is amended by striking out "prior to the end of the twelfth month immediately succeeding such month." and inserting in lieu thereof the following: "prior to—

"(A) the end of the twelfth month immediately succeeding such month in any case where the individual (i) is filing application for a benefit under subsection (e) or (f), and satisfies paragraph (1)(B) of such subsection by reason of clause (ii) thereof, or (ii) is filing application for a benefit under subsection (b), (c), or (d) on the basis of the wages and self-employment income of a person entitled to disability insurance benefits, or

"(B) the end of the sixth month immediately succeeding such month in any case where subparagraph (A) does not apply.".

(b) The amendment made by subsection (a) shall be effective with respect to applications filed on or after the first day of the first month which begins 60 days or more after the date of the enactment of this Act.

ADDITIONAL SAVINGS

SEC. 1012. For provisions of law which reduce spending for fiscal year 1981 under the old-age, survivors, and disability insurance program in satisfaction of reconciliation requirements imposed by sections 3(a)(8) and 3(a)(15) of H. Con. Res. 307 (96th Congress), see section 5 of Public Law 96-473, and the Social Security Disability Amendments of 1980 (Public Law 96-265).

Subtitle C—Unemployment Compensation Provisions

TERMINATION OF PROVISIONS PROVIDING REIMBURSEMENT FOR UNEMPLOYMENT BENEFITS PAID ON THE BASIS OF PUBLIC SERVICE EMPLOYMENT

SEC. 1021. Part B of title II of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new section:

"TERMINATION

"SEC. 224. Notwithstanding any other provision of this part, the term 'public service wages' shall not include remuneration for services performed in weeks which begin after the date of the enactment of this section."

WAITING PERIOD FOR BENEFITS

SEC. 1022. (a) Section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended—

(1) By inserting "(A)" after "compensation", and

(2) by inserting immediately before the period the following: ", or (B) paid for the first week in an individual's eligibility period for which extended compensation or sharable regular compensation is paid, if the State law of such State provides for payment (at any time or under any circumstances) of regular compensation to an individual for his first week of otherwise compensable unemployment".

(b)(1) Except as provided in paragraph (2), the amendments made by this section shall apply in the case of compensation paid to individuals during eligibility periods beginning on or after the date of the enactment of this Act.

(2) In the case of a State with respect to which the Secretary of Labor has determined that State legislation is required in order to eliminate its current policy of paying regular compensation to an individual for his first week of otherwise compensable unemployment, the amendments made by this section shall apply in the case of compensation paid to individuals during eligibility periods beginning after the end of the first regularly scheduled session of the State legislature ending more than thirty days after the date of the enactment of this Act.

BENEFITS ON ACCOUNT OF FEDERAL SERVICE TO BE PAID BY EMPLOYING FEDERAL AGENCY

SEC. 1023. (a) Title IX of the Social Security Act is amended by adding at the end thereof the following new section:

"FEDERAL EMPLOYEES COMPENSATION ACCOUNT

"SEC. 909. There is hereby established in the Unemployment Trust Fund a Federal Employees Compensation Account which shall be used for the purposes specified in section 8509 of title 5, United States Code. For the purposes provided for in section 904(e), such account shall be maintained as a separate book account.".

(b) Subchapter I of chapter 85, title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8509. Federal Employees Compensation Account

"(a) The Federal Employees Compensation Account (as established by section 909 of the Social Security Act, and hereafter in this section referred to as the 'Account') in the

Unemployment Trust Fund (as established by section 904 of such Act) shall consist of—

"(1) funds appropriated to or transferred thereto, and

"(2) amounts deposited therein pursuant to subsection (c).

"(b) Moneys in the Account shall be available only for the purpose of making payments to States pursuant to agreements entered into under this subchapter and making payments of compensation under this subchapter in States which do not have in effect such an agreement.

"(c)(1) Each employing agency shall deposit into the Account amounts equal to the expenditures incurred under this subchapter on account of Federal service performed by employees and former employees of that agency.

"(2) Deposits required by paragraph (1) shall be made during each calendar quarter and the amount of the deposit to be made by any employing agency during any quarter shall be based on a determination by the Secretary of Labor as to the amounts of payments, made prior to such quarter from the Account based on Federal service performed by employees of such agency after December 31, 1980, with respect to which deposit has not previously been made. The amount to be deposited by any employing agency during any calendar quarter shall be adjusted to take account of any overpayment or underpayment of deposit during any previous quarter for which adjustment has not already been made.

"(d) The Secretary of Labor shall certify to the Secretary of the Treasury the amount of the deposit which each employing agency is required to make to the Account during any calendar quarter, and the Secretary of the Treasury shall notify the Secretary of Labor as to the date and amount of any deposit made to such Account by any such agency.

"(e) Prior to the beginning of each fiscal year (commencing with the fiscal year which begins October 1, 1981) the Secretary of Labor shall estimate—

"(1) the amount of expenditures which will be made from the Account during such year, and

"(2) the amount of funds which will be available during such year for the making of such expenditures,

and if, on the basis of such estimate, he determines that the amount described in paragraph (2) is in excess of the amount necessary—

"(3) to meet the expenditures described in paragraph (1), and

"(4) to provide a reasonable contingency fund so as to assure that there will, during all times in such year, be sufficient sums available in the Account to meet the expenditures described in paragraph (1),

he shall certify the amount of such excess to the Secretary of the Treasury and the Secretary of the Treasury shall transfer, from the Account to the general fund of the Treasury, an amount equal to such excess.

"(f) The Secretary of Labor is authorized to establish such rules and regulations as may be necessary or appropriate to carry out the provisions of this section.

"(g) Any funds appropriated after the establishment of the Account, for the making of payments for which expenditures are authorized to be made from moneys in the Account, shall be made to the Account; and there are hereby authorized to be appropriated to the Account, from time to time, such sums as may be necessary to assure that there will, at all times, be sufficient sums available in the Account to meet the expenditure authorized to be made from moneys therein.".

(c) All funds appropriated which are available for the making of payments to States after December 31, 1980, pursuant to agreements entered into under subchapter I of chapter 85 of title 5, United States Code, or for the making of payments after such date of compensation under such subchapter in States which do not have in effect such an agreement, shall be transferred on January 1, 1981, to the Federal Employees Compensation Account established by section 909 of the Social Security Act. On and after such date, all payments described in the preceding sentence shall be made from such Account as provided by section 8509 of title 5, United States Code.

LIMITATION ON EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 1024. (a) Section 202 (a) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new paragraphs:

"(3)(A) Notwithstanding the provisions of paragraph (2), payment of extended compensation under this Act shall not be made to any individual for any week of unemployment in his eligibility period—

"(i) during which he fails to accept any offer of suitable work (as defined in subparagraph (C)) or fails to apply for any suitable work to which he was referred by the State agency; or

"(ii) during which he fails to actively engage in seeking work.

"(B) If any individual is ineligible for extended compensation for any week by reason of a failure described in clause (i) or (ii) of subparagraph (A), the individual shall be ineligible to receive extended compensation for any week which begins during a period which—

"(i) begins with the week following the week in which such failure occurs, and

"(ii) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount (as determined for purposes of subsection (b)(1)(C)) for his benefit year.

"(C) For purposes of this paragraph, the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

"(D) Extended compensation shall not be denied under clause (i) of subparagraph (A) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

"(i) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

"(I) the individual's average weekly benefit amount (as determined for purposes of subsection (b)(1)(C)) for his benefit year, plus

"(II) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week;

"(ii) if the position was not offered to such individual in writing and was not listed with the State employment service;

"(iii) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of subparagraphs (C) and (E); or

"(iv) if the position pays wages less than the higher of—

"(I) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

"(II) any applicable State or local minimum wage.

"(E) For purposes of this paragraph, an individual shall be treated as actively engaged in seeking work during any week if—

"(i) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

"(ii) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

"(F) For purposes of section 3304(a)(11) of the Internal Revenue Code of 1954, a State law shall provide for referring applicants for benefits under this Act to any suitable work to which clauses (i), (ii), (iii), and (iv) of subparagraph (D) would not apply.

"(4) No provision of State law which terminates a disqualification for voluntarily leaving employment, being discharged for misconduct, or refusing suitable employment shall apply for purposes of determining eligibility for extended compensation unless such termination is based upon employment subsequent to the date of such disqualification.

"(5) No payment shall be made under this Act to any State in respect of any sharable regular compensation paid to any individual for any week if, under the rules of paragraphs (3) and (4), extended compensation would not have been payable to such individual for such week.".

(b) The amendment made by this section shall apply with respect to weeks of unemployment beginning after March 31, 1981.

CERTIFICATION OF STATE UNEMPLOYMENT LAWS

SEC. 1025. On October 31 of any taxable year after 1980, the Secretary of Labor shall not certify any State, as provided in section 3304(c) of the Internal Revenue Code of 1954, which, after reasonable notice and opportunity for a hearing to the State agency, the Secretary of Labor finds has failed to amend its laws so that it contains each of the provisions required by reason of the enactment of the preceding provisions of this part to be included therein, or has with respect to the 12-month period ending on such October 31, failed to comply substantially with any such provision.

ADDITIONAL SAVINGS

SEC. 1026. For provisions of law which reduce spending for fiscal year 1981 under the unemployment compensation program in satisfaction of reconciliation requirements imposed by sections 3(a)(8) and 3(a)(15) of H. Con. Res 307 (96th Congress), see sections 415 and 416 of the Multiemployer Pension Plan Amendments Act of 1980 (Public Law 96-364).

TITLE XI—REVENUE MEASURES

SEC. 1100. SHORT TITLE.

This title may be cited as the "Revenue Adjustments Act of 1980".

Subtitle A—Housing Bonds

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Mortgage Subsidy Bond Tax Act of 1980".

SEC. 1102. MORTGAGE SUBSIDY BONDS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting after section 103 the following new section:

"SEC. 103A. MORTGAGE SUBSIDY BONDS.

"(a) GENERAL RULE.—Except as otherwise provided in this section, any mortgage subsidy bond shall be treated as an obligation not described in subsection (a)(1) or (2) of section 103.

"(b) Mortgage Subsidy Bond Defined.—

"(1) In general.—For purposes of this title, the term 'mortgage subsidy bond' means any obligation which is issued as part of an issue a significant portion of the proceeds of which are to be used directly or indirectly for mortgages on owner-occupied residences.

"(2) Exceptions.—The following shall not be treated as mortgage subsidy bonds:

"(A) any qualified mortgage bond; and

"(B) any qualified veterans' mortgage bond.

"(c) Qualified Mortgage Bond; Qualified Mortgage Issue; Qualified Veterans' Mortgage Bond.—

"(1) Qualified mortgage bond defined.—

"(A) In general.—For purposes of this tile, the term 'qualified mortgage bond' means an obligation which is issued as part of a qualified mortgage issue.

"B) Termination December 31, 1983.—No obligation issued after December 31, 1983, may be treated as a qualified mortgage bond.

"(2) Qualified mortgage issue defined.—

"(A) Definition.—For purposes of this title, the term 'qualified mortgage issue' means an issue by a State or political subdivision thereof of 1 or more obligations, but only if—

"(i) all proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are to be used to finance owner-occupied residences, and

"(ii) such issue meets the requirements of subsections (d), (e), (f), (g), (h), (i), and (j).

"(B) Good faith effort to comply with mortgage eligibility requirements.—An issue which fails to meet 1 or more of the requirements of subsections (d), (e), and (f) and paragraphs (2) and (3) of subsection (j) shall be treated as meeting such requirements if—

"(i) the issuer in good faith attempted to meet all such requirements before the mortgages were executed,

"(ii) 95 percent or more of the proceeds devoted to owner-financing was devoted to residences with respect to which (at the time the mortgages were executed) all such requirements were met, and

"(iii) any failure to meet the requirements of such subsections and paragraphs is corrected within a reasonable period after such failure is first discovered.

"(C) Good faith effort to comply with other requirements.—An issue which fails to meet 1 or more of the requirements of subsections (g), (h), and (i) and paragraph (1) of subsection (j) shall be treated as meeting such requirements if—

"(i) the issuer in good faith attempted to meet all such requirements, and

"(ii) any failure to meet such requirements is due to inadvertent error after taking reasonable steps to comply with such requirements.

"(3) Qualified veterans' mortgage bond defined.—For purposes of this section, the term 'qualified veterans' mortgage bond' means any obligation—

"(A) which is issued in registered form as part of an issue substantially all of the proceeds of which are to be used to provide residences for veterans,

"(B) the payment of the principal and interest on which is secured by the general obligation of a State, and

"(C) which is part of an issue which meets the requirements of subsection (j)(2).

"(d) Residence Requirements.—

"(1) For a residence.—A residence meets the requirements of this subsection only if—

"(A) it is a single-family residence which can reasonably be expected to become the principal residence of the mortgagor within a reasonable time after the financing is provided, and

"(B) it is located within the jurisdiction of the authority issuing the obligation.

"(2) For an issue.—An issue meets the requirements of this subsection only if all of the residences for which owner-financing is provided under the issue meet the requirements of paragraph (1).

"(e) 3-Year Requirement.—

"(1) In general.—An issue meets the requirements of this subsection only if each mortgagor to whom financing is provided under the issue had a present ownership interest in a principal residence of such mortgagor at no time during the 3-year period ending on the date the mortgage is executed. For purposes of the preceding sentence, the mortgagor's interest in the residence with respect to which the financing is being provided shall not be taken into account.

"(2) Exceptions.—Paragraph (1) shall not apply with respect to—

"(A) any financing provided with respect to a targeted area residence,

"(B) any qualified home improvement loan, and

"(C) any qualified rehabilitation loan.

"(f) Purchase Price Requirement.—

"(1) In general.—An issue meets the requirements of this subsection only if the acquisition cost of each residence the owner-financing of which is to be provided under the issue does not exceed 90 percent of the average area purchase price applicable to such residence.

"(2) Average area purchase price.—For purposes of paragraph (1), the term 'average area purchase price' means, with respect to any residence, the average purchase price of single family residences (in the statistical area in which the residence is located) which were purchased during the most recent 12-month period for which sufficient statistical information is available. The determination under the preceding sentence shall be made as of the date on which the commitment to provide the financing is made (or, if earlier, the date of the purchase of the residence).

"(3) Separate application to new residences and old residences.—For purposes of this subsection, the determination of average area purchase price shall be made separately with respect to—

"(A) residences which have not been previously occupied, and

"(B) residences which have been previously occupied.

"(4) Special rule for 2 to 4 family residences.—For purposes of this subsection, to the extent provided in regulations, the average area purchase price shall be made separately with respect to 1 family, 2 family, 3 family, and 4 family residences.

"(5) Special rule for targeted area residences.—In the case of a targeted area residence, paragraph (1) shall be applied by substituting '110 percent' for '90 percent'.

"(6) Exception for qualified home improvement loans.—Paragraph (1) shall not apply with respect to any qualified home improvement loan.

"(g) Limitation on Aggregate Amount of Qualified Mortgage Bonds Issued During Any Calendar Year.—

"(1) In general.—An issue meets the requirements of this subsection only if the aggregate amount of bonds issued pursuant thereto, when added to the aggregate amount of qualified mortgage bonds previously issued by the issuing authority during the calendar year, does not exceed the applicable limit for such authority for such calendar year.

"(2) Applicable limit for state housing agency.—For purposes of this subsection—

"(A) In general.—The applicable limit for any State housing finance agency for any calendar year shall be 50 percent of the State ceiling for such year.

"(B) Special rule where more than 1 agency.—If any State has more than 1 State housing finance agency, all such agencies shall be treated as a single agency.

"(3) Applicable limit for other issuers.—For purposes of this subsection—

"(A) In general.—The applicable limit for any issuing authority (other than a State housing finance agency) for any calendar year is an amount which bears the same ratio to 50 percent of the State ceiling for such year as—

"(i) the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family owner-occupied residences located within the jurisdiction of such issuing authority, bears to

"(ii) an average determined in the same way for the entire State.

"(B) Overlapping jurisdictions.—For purposes of subparagraph (A)(i), if an area is within the jurisdiction of 2 or more governmental units, such area shall be treated as only within the jurisdiction of the unit having jurisdiction over the smallest geographical area unless such unit agrees to surrender all or part of such jurisdiction for such calendar year to the unit with overlapping jurisdiction which has the next smallest geographical area.

"(4) State ceiling.—For purposes of this subsection, the State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) 9 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family owner-occupied residences located within the jurisdiction of such State, or

"(B) $200,000,000.

"(5) Special rule for states with constitutional home rule cities.—For purposes of this subsection—

"(A) In general.—The applicable limit for any constitutional home rule city for any calendar year shall be determined under subparagraph (A) of paragraph (3) by substituting '100 percent' for '50 percent'.

"(B) Coordination with paragraphs (2) and (3).—In the case of any State which contains 1 or more constitutional home rule cities, for purposes of applying paragraphs (2) and (3) with respect to issuing authorities in such State other than constitutional home rule cities, the State ceiling for any calendar year shall be reduced by the aggregate applicable limits determined for such year for all constitutional home rule cities in such State.

"(C) Constitutional home rule city.—For purposes of this subsection, the term 'constitutional home rule city' means, with respect to any calendar year, any political subdivision of a State which, under a State constitution which was adopted in 1970 and effective on July 1, 1971, had home rule powers on the first day of the calendar year.

"(6) State may provide for different allocation.—

"(A) In general.—Except as provided in subparagraph (C), a State may, by law enacted after the date of the enactment of this section, provide a different formula for allocating the State ceiling among the governmental units in such State having authority to issue qualified mortgage bonds.

"(B) Interim authority for governor.—

"(i) In general.—Except as otherwise provided in subparagraph (C), the Governor of any State may proclaim a different formula for allocating the State ceiling among the governmental units in such State having authority to issue qualified mortgage bonds.

"(ii) Termination of authority.—The authority provided in clause (i) shall not apply after the earlier of—

"(I) the first day of the first calendar year beginning after the first calendar year after 1980 during which the legislature of the State met in regular session, or

"(II) the effective date of any State legislation with respect to the allocation of the State ceiling enacted after the date of the enactment of this section.

"(C) STATE MAY NOT ALTER ALLOCATION TO CONSTITUTIONAL HOME RULE CITIES.—Except as otherwise provided in a State constitutional amendment (or law changing the home rule provision adopted in the manner provided by the State constitution), the authority provided in this paragraph shall not apply to that portion of the State ceiling which is allocated to any constitutional home rule city in the State unless such city agrees to such different allocation.

"(7) TRANSITIONAL RULES.—In applying this subsection to any calendar year, there shall not be taken into account any bond which, by reason of section 1104 of the Mortgage Subsidy Bond Tax Act of 1980, receives the same tax treatment as bonds issued on or before April 24, 1979.

"(h) PORTION OF LOANS REQUIRED TO BE PLACED IN TARGETED AREAS.—

"(1) IN GENERAL.—An issue meets the requirements of this subsection only if at least 20 percent of the proceeds of the issue which are devoted to providing owner-financing is made available (with reasonable diligence) for owner-financing of targeted area residences for at least 1 year after the date on which owner-financing is first made available with respect to targeted area residences.

"(2) LIMITATION.—Nothing in paragraph (1) shall be treated as requiring the making available of an amount which exceeds 40 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family owner-occupied residences located in targeted areas within the jurisdiction of the issuing authority.

"(i) REQUIREMENTS RELATED TO ARBITRAGE.—

"(1) IN GENERAL.—An issue meets the requirements of this subsection only if such issue meets the requirements of paragraphs (2), (3), and (4) of this subsection. Such requirements shall be in addition to the requirements of section 103(c).

"(2) EFFECTIVE RATE OF MORTGAGE INTEREST CANNOT EXCEED BOND YIELD BY MORE THAN 1 PERCENTAGE POINT.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph only if the excess of—

"(i) the effective rate of interest on the mortgages provided under the issue, over

"(ii) the yield on the issue,

is not greater than 1 percentage point.

"(B) EFFECTIVE RATE OF MORTGAGE INTEREST.—

"(i) IN GENERAL.—In determining the effective rate of interest on any mortgage for purposes of this paragraph, there shall be taken into account all fees, charges, and other amounts borne by the mortgagor which are attributable to the mortgage or to the bond issue.

"(ii) SPECIFICATION OF SOME OF THE AMOUNTS TO BE TREATED AS BORNE BY THE MORTGAGOR.—For purposes of clause (i), the following items (among others) shall be treated as borne by the mortgagor:

"(I) all points or similar charges paid by the seller of the property, and

"(II) the excess of the amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable acquisition costs of a person acquiring like property where owner-financing is not provided through the use of qualified mortgage bonds.

"(iii) SPECIFICATION OF SOME OF THE AMOUNTS TO BE TREATED AS NOT BORNE BY THE MORTGAGOR.—For purposes of clause (i), the following items shall not be taken into account:

"(I) any expected rebate of arbitrage profits, and

"(II) any application fee, survey fee, credit report fee, insurance charge, or similar amount to the extent such amount does not exceed amounts charged in such area in cases where owner-financing is not provided through the use of qualified mortgage bonds.

Subclause (II) shall not apply to origination fees, points, or similar amounts.

"(iv) PREPAYMENT ASSUMPTION.—In determining the effective rate of interest, it shall be assumed that the mortgage prepayment rate will be the rate set forth in the most recent mortgage maturity experience table published by the Federal Housing Administration for the State (or, if available, the area within the State) in which the residences are located.

"(C) YIELD ON THE ISSUE.—For purposes of this subsection, the yield on the issue shall be determined on the basis of—

"(i) the issue price (within the meaning of section 1232(b)(2)), and

"(ii) an expected maturity for the bonds which is consistent with the assumption required under subparagraph (B)(iv).

"(3) NON-MORTGAGE INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—An issue meets the requirements of this paragraph only if—

"(i) at no time during any bond year may the amount invested in non-mortgage investments with a yield higher than the yield on the issue exceed 150 percent of the debt service on the issue for the bond year, and

"(ii) the aggregate amount invested as provided in clause (i) is promptly and appropriately reduced as mortgages are repaid.

"(B) EXCEPTION FOR TEMPORARY PERIODS.—Subparagraph (A) shall not apply to—

"(i) proceeds of the issue invested for an initial temporary period until such proceeds are needed for mortgages, and

"(ii) temporary investment periods related to debt service.

"(C) DEBT SERVICE DEFINED.—For purposes of subparagraph (A), the debt service on the issue for any bond year is the scheduled amount of interest and amortization of principal payable for such year with respect to such issue. For purposes of the preceding sentence, there shall not be taken into account amounts scheduled with respect to any bond which has been retired before the beginning of the bond year.

"(4) ARBITRAGE AND INVESTMENT GAINS TO BE USED TO REDUCE COSTS OF OWNER-FINANCING.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph only if an amount equal to the sum of—

"(i) the excess of—

"(I) the amount earned on all non-mortgage investments (other than investments attributable to an excess described in this clause), over

"(II) the amount which would have been earned if the investments were invested at a rate equal to the yield on the issue, plus

"(ii) any income attributable to the excess described in clause (i),

shall be paid or credited to the mortgagors as rapidly as may be practicable.

"(B) INVESTMENT GAINS AND LOSSES.—For purposes of subparagraph (A), in determining the amount earned on all non-mortgage investments, any gain or loss on the disposition of such investments shall be taken into account.

"(j) OTHER REQUIREMENTS.—

"(1) OBLIGATIONS MUST BE REGISTERED.—An issue meets the requirements of this subsection only if each obligation issued pursuant to such issue is in registered form.

"(2) MORTGAGES MUST BE NEW MORTGAGES.—

"(A) IN GENERAL.—An issue meets the requirements of this subsection only if no part of the proceeds of such issue is to be used to acquire or replace existing mortgages.

"(B) EXCEPTIONS.—Under regulations prescribed by the Secretary, the replacement of—

"(i) construction period loans,

"(ii) bridge loans or similar temporary initial financing, and

"(iii) in the case of a qualified rehabilitation, an existing mortgage,

shall not be treated as the acquisition or replacement of an existing mortgage for purposes of subparagraph (A).

"(3) CERTAIN REQUIREMENTS MUST BE MET WHERE MORTGAGE IS ASSUMED.—An issue meets the requirements of this subsection only if a mortgage with respect to which owner-financing has been provided under such issue may be assumed only if the requirements of subsections (d), (e), and (f) are met with respect to such assumption.

"(k) TARGETED AREA RESIDENCES.—

"(1) IN GENERAL.—For purposes of this section, the term 'targeted area residence' means a residence in an area which is either—

"(A) a qualified census tract, or

"(B) an area of chronic economic distress.

"(2) QUALIFIED CENSUS TRACT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified census tract' means a census tract in which 70 percent or more of the families have income which is 80 percent or less of the statewide median family income

"(B) DATA USED.—The determination under subparagraph (A) shall be made on the basis of the most recent decennial census for which data are available.

"(3) AREA OF CHRONIC ECONOMIC DISTRESS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'area of chronic economic distress' means an area of chronic economic distress—

"(i) designated by the State as meeting the standards established by the State for purposes of this subsection, and

"(ii) the designation of which has been approved by the Secretary and the Secretary of Housing and Urban Development.

"(B) CRITERIA TO BE USED IN APPROVING STATE DESIGNATIONS.—The criteria used by the Secretary and the Secretary of Housing and Urban Development in evaluating any proposed designation of an area for purposes of this subsection shall be—

"(i) the condition of the housing stock, including the age of the housing and the number of abandoned and substandard residential units,

"(ii) the need of area residents for owner-financing under this section, as indicated by low per capita income, a high percentage of families in poverty, a high number of welfare recipients, and high unemployment rates,

"(iii) the potential for use of owner-financing under this section to improve housing conditions in the area, and

"(iv) the existence of a housing assistance plan which provides a displacement program and a public improvements and services program.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MORTGAGE.—The term 'mortgage' includes any other owner-financing.

"(2) BOND.—The term "bond" includes any obligation.

"(3) STATE.—The term 'State' includes a possession of the United States and the District of Columbia.

"(4) STATISTICAL AREA.—

"(A) IN GENERAL.—The term 'statistical area' means—

"(i) a standard metropolitan statistical area, and "(ii) any county (or the portion thereof) which is not within a standard metropolitan statistical area.

"(B) STANDARD METROPOLITAN STATISTICAL AREA.—The term 'standard metropolitan statistical area' means the area in and around a city of 50,000 inhabitants or more (or equivalent area) as defined by the Secretary of Commerce.

"(C) DESIGNATION WHERE ADEQUATE STATISTICAL INFORMATION NOT AVAILABLE.—For purposes of this paragraph, if there is insufficient recent statistical information with respect to a county (or portion thereof) described in subparagraph (A)(ii), the Secretary may substitute for such county (or portion thereof) another area for which there is sufficient recent statistical information.

"(D) DESIGNATION WHERE NO COUNTY.—In the case of any portion of a State which is not within a county, subparagraphs (A)(ii) and (C) shall be applied by substituting for 'county' an area designated by the Secretary which is the equivalent of a county.

"(5) ACQUISITION COST.—

"(A) IN GENERAL.—The term 'acquisition cost' means the cost of acquiring the residence as a completed residential unit.

"(B) EXCEPTIONS.—The term 'acquisition cost' does not include—

"(i) usual and reasonable settlement or financing costs,

"(ii) the value of services performed by the mortgagor or members of his family in completing the residence, and

"(iii) the cost of land which has been owned by the mortgagor for at least 2 years before the date on which construction of the residence begins.

"(C) SPECIAL RULE FOR QUALIFIED REHABILITATION LOANS.—In the case of a qualified rehabilitation loan, for purposes of subsection (f), the term 'acquisition cost' includes the cost of the rehabilitation.

"(6) QUALIFIED HOME IMPROVEMENT LOAN.—The term 'qualified home improvement loan' means the financing (in an amount which does not exceed $15,000)—

"(A) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

"(B) only of such items as substantially protect or improve the basic livability or energy efficiency of the property.

"(7) QUALIFIED REHABILITATION LOAN.—

"(A) IN GENERAL.—The term 'qualified rehabilitation loan' means any owner-financing provided in connection with—

"(i) a qualified rehabilitation, or

"(ii) the acquisition of a residence with respect to which there has been a qualified rehabilitation,

but only if the mortgagor to whom such financing is provided is the first resident of the residence after the completion of the rehabilitation.

"(B) QUALIFIED REHABILITATION.—For purposes of subparagraph (A), the term 'qualified rehabilitation' means any rehabilitation of a building if—

"(i) there is a period of at least 20 years between the date on which the building was first used and the date on which the physical work on such rehabilitation begins,

"(ii) 75 percent or more of the existing external walls of such building are retained in place as external walls in the rehabilitation process, and

"(iii) the expenditures for such rehabilitation are 25 percent or more of the mortgagor's adjusted basis in the residence.

For purposes of clause (iii), the mortgagor's adjusted basis shall be determined as of the completion of the rehabilitation or, if later, the date on which the mortgagor acquires the residence.

"(8) DETERMINATIONS ON ACTUARIAL BASIS.—All determinations of yield, effective interest rates, and amounts required to be paid or credited to mortgagors under subsection (i)(4)(A) shall be made on an actuarial basis taking into account the present value of money.

"(9) SINGLE-FAMILY AND OWNER-OCCUPIED RESIDENCES INCLUDE CERTAIN RESIDENCES WITH 2 TO 4 UNITS.—Except for purposes of subsections (g) and (h)(2), the terms 'single-family' and 'owner-occupied', when used with respect to residences, include 2, 3, or 4 family residences—

"(A) one unit of which is occupied by the owner of the units, and

"(B) which were first occupied at least 5 years before the mortgage is executed.

"(m) SPECIAL RULE FOR ISSUE USED FOR OWNER-OCCUPIED HOUSING AND RENTAL HOUSING.—In the case of an issue—

"(1) part of the proceeds of which are to be used for mortgages on owner-occupied residences in a manner which meets the requirements of this section, and

"(2) part of the proceeds of which are to be used for rental housing which meets the requirements of section 103(b)(4)(A), under regulations prescribed by the Secretary, each such part shall be treated as a separate issue.

"(n) ADVANCE REFUNDING OF MORTGAGE SUBSIDY BONDS NOT PERMITTED.—On and after the date of the enactment of this section, no obligation may be issued for the advance refunding of a mortgage subsidy bond (determined without regard to subsection (b)(2))."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 103 the following new item:

"Sec. 103A. Mortgage subsidy bonds."

SEC. 1103. INDUSTRIAL DEVELOPMENT BONDS FOR HOUSING PURPOSES LIMITED TO LOW- OR MODERATE-INCOME RENTAL HOUSING.

(a) IN GENERAL.—Subparagraph (A) of paragraph (4) of section 103(b) of the Internal Revenue Code of 1954 (relating to industrial development bonds) is amended to read as follows:

"(A) projects for residential rental property if each obligation issued pursuant to the issue is in registered form and if—

"(i) 15 percent or more in the case of targeted area projects, or

"(ii) 20 percent or more in the case of any other project,

of the units in each project are to be occupied by individuals of low or moderate income (within the meaning of section 167(k)(3)(B)),".

(b) TARGETED AREA PROJECT DEFINED.—Paragraph (4) of section 103(b) of such Code is amended by inserting before the last sentence the following new sentence:

"For purposes of subparagraph (A), the term 'targeted area project' means a project located in a qualified census tract (within the meaning of section 103A(k)(2)) or an area of chronic economic distress (within the meaning of section 103A(k)(3))."

(c) TECHNICAL AMENDMENT.—Paragraph (6) of section 103(b) of such Code (relating to exemption for certain small issues) is amended by adding at the end thereof the following new subparagraph:

"(J) ISSUES FOR RESIDENTIAL PURPOSES.—This paragraph shall not apply to any obligation which is issued as a part of an issue a significant portion of the proceeds of which are to be used directly or indirectly to provide residential real property for family units."

SEC. 1104. EFFECTIVE DATES FOR BOND PROVISIONS.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by sections 1102 and 1103 shall apply to obligations issued after April 24, 1979.

(2) EXCEPTIONS FOR CERTAIN OBLIGATIONS ISSUED BEFORE JANUARY 1, 1981.—The amendments made by sections 1102 and 1103 shall not apply to obligations issued before January 1, 1981, if such obligations are part of an issue substantially all the proceeds of which (exclusive of issuance costs and a reasonably required reserve) are, before the date which is 1 year after the date of issue of the obligations, committed—

(A) except as provided in subparagraph (B), by firm commitment letters (similar to those used in financing not provided with tax-exempt bonds), and

(B) in the case of rental housing, by the commencement of construction of the project or by the acquisition of the project.

(b) EXCEPTION FOR OFFICIAL ACTION TAKEN BEFORE APRIL 25, 1979.—

(1) IN GENERAL.—The amendments made by sections 1102 and 1103 shall not apply to obligations if official action before April 25, 1979, of the governing body of the unit having authority to issue such obligations indicated an intent to issue such obligations.

(2) ACTION BY STAFF OF HOUSING AUTHORITY TREATED AS ACTION OF AUTHORITY IN CERTAIN CASES.—For purposes of paragraph (1), if, before April 25, 1979—

(A) the permanent professional staff of a State or local housing authority performed substantial work on a bond issue, and

(B) it was reasonable to expect that the bond issue, as developed by the staff, would be promptly approved by the governing body of the housing authority,

then such action by such staff shall be treated as the official action of such governing body.

(3) SPECIAL RULES RELATING TO SIZE OF ISSUES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an issue does not qualify for the exception provided by paragraph (1) if the issue size exceeds the intended issue size.

(B) EXCEPTION.—In the case of an issue to provide owner-financing for residences for which as of April 24, 1979, there was no documentation relating to intended issue size, paragraph (1) shall not apply unless—

(i) substantially all of the proceeds of the issue (exclusive of issuance costs and a reasonably required reserve) are to be used to provide owner-financing for one to four family residences (one unit of which is owner occupied) and not to acquire or replace existing mortgages (within the meaning of section 103A(j)(2) of the Internal Revenue Code of 1954), and

(ii) substantially all of the proceeds referred to in clause (i) are committed by firm commitment letters (similar to those used in owner-financing not provided with tax-exempt bonds) to such owner-financing before the day which is 9 months after the date of issue of the obligations.

(C) ISSUE SIZE DEFINED.—For purposes of this paragraph, the term "issue size" means the aggregate face amount of obligations issued pursuant to the issue.

(D) INTENDED ISSUE SIZE.—For purposes of this paragraph, the term "intended issue size" means the aggregate face amount of obligations which a reasonable individual would reasonably conclude from the documentation before April 25, 1979, was the issue size which the governing body of the issuing authority intended to issue.

(4) LOCAL REFERENDUM HELD BEFORE JUNE 13, 1979.

(A) IN GENERAL.—For purposes of paragraph (1), if—

(i) on April 25, 1979, legislation was pending in a State legislature,

(ii) on April 27, 1979, such legislation was amended to authorize local governmental units to issue tax-exempt obligations,

(iii) before June 13, 1979, such legislation was enacted and a local governmental unit in such State held a referendum with respect to the issuance of obligations to finance owner-occupied residences, and

(iv) any action with respect to the issuance of such obligations by the governing body of such local governmental unit would have met the requirements of paragraph (1) if such legislation had been in effect, and such referendum had been held, when that action was taken,

then such legislation shall be treated as in effect, and such referendum shall be treated as having been held, at the time when such action was taken.

(B) Dollar limit for local governmental units.—The aggregate amount of obligations which may be issued by local governmental units with respect to the area comprising any local governmental area by reason of subparagraph (A) may not exceed—

(i) $35,000,000, reduced by

(ii) the aggregate amount of obligations which are issued (before, on, or after the issue under this paragraph) by local governmental units with respect to such area after April 24, 1979, and to which the amendments made by this subtitle do not apply solely by reason of this subsection (determined without regard to the application of subparagraph (A) of this paragraph).

(C) Mortgage requirements.—Subparagraph (A) shall not apply with respect to any issue unless such issue meets the requirements of paragraph (3)(A) of subsection (c).

(5) Certain local action pursuant to legislation enacted before September 29, 1979.—

(A) In general.—For purposes of paragraph (1), if—

(i) on April 25, 1979, legislation was pending in a State legislature authorizing a local governmental unit to issue tax-exempt obligations for owner-occupied residences,

(ii) before September 29, 1979, such legislation was enacted, and

(iii) any action with respect to the issuance of such obligations by the local governing body would have met the requirements of paragraph (1) if such legislation had been in effect when that action was taken,

then such legislation shall be treated as in effect at the time when such action was taken.

(B) Dollar limit for local governmental units.—The aggregate amount of obligations which may be issued by local governmental units with respect to the area comprising any local governmental area by reason of subparagraph (A) may not exceed the lesser of—

(i) the aggregate amount authorized by the legislation referred to in subparagraph (A), or

(ii) $150,000,000.

(C) Mortgage requirements.—Subparagraph (A) shall not apply with respect to any issue unless such issue meets the requirements of paragraph (3)(A) of subsection (c).

(c) $150,000,000 Exception for State Housing Finance Agencies.—

(1) In general.—To the extent of the limit set forth in paragraph (2), the amendments made by this subtitle shall not apply to obligations issued by a State housing finance agency.

(2) Dollar limit for state housing finance agencies.—The aggregate amount of obligations which may be issued by State housing finance agencies with respect to any State by reason of paragraph (1) may not exceed—

(A) $150,000,000, reduced by

(B) the aggregate amount of obligations which are issued (before, on, or after the issue under this subsection) by the housing finance agencies of such State after April 24, 1979, to finance owner-occupied residences and to which the amendments made by this subtitle do not apply solely by reason of subsection (b).

(3) Commitments.—Paragraph (1) shall not apply with respect to any issue unless substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve)—

(A) are to be used to provide owner-financing for 1 to 4 family residences (1 unit of which is owner-occupied) and not to acquire or replace existing mortgages (within the meaning of section 103A(j)(2) of the Internal Revenue Code of 1954), and

(B) are committed by firm commitment letters (similar to those used in owner-financing not provided by tax-exempt bonds) to owner-financing before January 1, 1981.

(4) Special rule for action in 1978 pursuant to mortgage program established in 1970.—

(A) In general.—If—

(i) in 1970 State legislation established a program to issue tax-exempt obligations to finance the purchase of existing mortgages from financial institutions,

(ii) in August 1978, as a step toward issuing obligations under such program, the governing body of the housing agency administering the program made a finding that there was a shortage of mortgage funds within the State,

(iii) moneys received by any financial institution on the purchase of mortgages will be reinvested within 90 days in new mortgages, and

(iv) the issue meets the requirements of subparagraphs (B) and (C),

then paragraph (3) shall not apply with respect to an issue of obligations pursuant to the program referred to in clause (i) and the finding referred to in clause (ii).

(B) Downpayment requirement.—An issue meets the requirements of this subparagraph only if 75 percent or more of the financing provided under the issue is financing for residences where such financing constitutes 95 percent or more of the acquisition cost of the residences.

(C) Targeted area Requirement.—An issue meets the requirements of this subparagraph only if at least 20 percent of the financing provided under the issue is owner-financing of targeted area residences. For purposes of the preceding sentence, the term "targeted area residence" means a residence in an area which is a census tract in which 70 percent or more of the families have income which is 80 percent or less of the statewide median family income (determined on the basis of the most recent decennial census for which data are available).

(D) Dollar limit.—The aggregate amount of obligations which may be issued by a State housing authority by reason of subparagraph (A) may not exceed $125,000,000.

(d) Special Rules.—

(1) Court action was pending to determine scope of authorizing legislation.—

(A) In general.—If—

(i) before April 25, 1979, a State had enacted a law under which counties were authorized to establish public trusts to issue tax-exempt obligations for public purposes,

(ii) on such date the question of whether or not that law authorized the issuance of obligations to finance certain owner-occupied residences was being litigated in a court of competent jurisdiction,

(iii) before July 31, 1979, the Supreme Court of such State held that the counties were so authorized, and

(iv) there is written evidence (which was in existence before April 25, 1979) that before April 25, 1979, the governing body of a county in such State had taken action indicating an intent to issue (or to establish a program for issuing) tax-exempt obligations to finance owner-occupied residences,

then the amendments made by section 1102 shall not apply to obligations issued by the public trust for such county.

(B) Dollar limit.—The aggregate amount of obligations which may be issued with respect to any county by reason of subparagraph (A) may not exceed $50,000,000.

(2) State legislation enacted before June 8, 1979, where locality had established income limitations before April 25, 1979.—

(A) In general.—If—

(i) on April 25, 1979, legislation was pending in a State legislature authorizing a local governmental unit to issue tax-exempt obligations for owner-occupied residences,

(ii) there is written evidence (which was in existence before April 25, 1979) that before April 25, 1979, the governing body of the local governmental unit had taken action indicating to its delegation to the State legislature what the income limitation would be for individuals who would be eligible for mortgages under the program, and

(iii) before June 8, 1979, the legislation referred to in clause (i) was enacted,

then the amendments made by section 1102 shall not apply to obligations issued by the local governmental unit.

(B) Dollar limit.—The aggregate amount of obligations which may be issued with respect to any local governmental area by reason of subparagraph (A) may not exceed $150,000,000.

(3) Resolutions before city council before enactment of state authorizing legislation.—

(A) In general.—If—

(i) before April 25, 1979, 2 resolutions were submitted to a city council the first of which would create an urban residential finance authority and the second of which would authorize the appointment of the members of such authority,

(ii) at the time such resolutions were submitted, State authorizing legislation had not been enacted,

(iii) before April 25, 1979, the State authorizing legislation was enacted, and

(iv) after April 24, 1979, and before May 17, 1979, a resolution was adopted by the city council which created an urban residential finance authority and which authorized the appointment of members of the authority,

then the amendments made by section 1102 shall not apply with respect to obligations issued on behalf of such city.

(B) Dollar limit.—The aggregate amount of obligations which may be issued with respect to any city by reason of subparagraph (A) may not exceed $50,000,000.

(4) Special rule where city postponed second half of authorized issue to save interest.—If—

(A) on March 28, 1979, the council of a city adopted a resolution authorizing the issuance of not to exceed $30,000,000 of mortgage revenue bonds,

(B) on or about August 1, 1979, approximately one-half of the obligations authorized by such resolution were issued, and

(C) the reason why the remaining obligations were not issued at that time was to save interest payments until the money was actually needed,

then the amendments made by section 1102 shall not apply with respect to the issuance of the remaining obligations which were authorized by such March 28, 1979, resolution.

(5) State was in process of permitting localities to establish nonprofit corporations.—

(A) In general.—If—

(i) a State law enacted after April 24, 1979, and before June 16, 1979, provides that local governments may establish nonprofit corporations to issue tax-exempt obligations to finance owner-occupied residences,

(ii) pursuant to such State law, a local government establishes such a nonprofit corporation and designates it for purposes of this subsection, and

(iii) on November 7 or 14, 1979, an amount was specified by or for the local government as the maximum amount of obligations which the local government expected the nonprofit corporation to issue with respect to the area under any transitional authority provided by this subtitle,

then the amendments made by section 1102 shall not apply to obligations issued by the nonprofit corporation with respect to the area for which such local government has jurisdiction.

(B) Dollar limits.—The aggregate amount of obligations which may be issued with respect to any area by reason of subparagraph (A) may not exceed the amount referred to in subparagraph (A) (iii) which was specified on November 7 or 14, 1979, by or for the local government.

(C) Substitution of housing authorities, etc.—For purposes of applying so much of paragraph (7) as relates to subparagraph (A)—

(i) if the local housing authority had the intent referred to in paragraph (7), such local housing authority shall be substituted for the local government, and

(ii) if the governing body of the local government is a commissioners court, the county judge who was on April 24, 1979, the presiding officer of such court shall be treated as the governing body of such government.

(6) Obligations issued under this subsection must meet the requirements of subsection (c) (3).—No obligation may be issued under this subsection unless the issue meets the requirements of subsection (c) (3).

(7) Governing body must file affidavits showing intent on April 24, 1979.—No obligation may be issued under this subsection with respect to any area unless a majority of the members of the governing body of the local governmental unit having jurisdiction over that area file affidavits with the Secretary of the Treasury (or his delegate) indicating that it was their intent on April 24, 1979, either that tax-exempt obligations be issued to provide financing for owner-occupied residences or that a program be established to issue such obligations.

(8) Limitations reduced by certain other issues.—Any limitation on the amount of obligations which may be issued by any issuer by reason of any paragraph of this subsection shall be reduced by the aggregate amount of obligations which are issued (before, on, or after the issue under this subsection) by local governmental units with respect to the area within the jurisdiction of such issuer after April 24, 1979, and to which the amendments made by this subtitle do not apply solely by reason of subsection (b).

(e) Ongoing Local Programs for Rehabilitation Loans.—

(1) In general.—If before April 25, 1979, a local governmental unit had a qualified rehabilitation loan program, then the amendments made by this subtitle shall not apply to obligations issued by such governmental unit for qualified loans if substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are committed by firm commitment letters (similar to those used in owner financing not provided by tax-exempt bonds) to qualified loans before January 1, 1981.

(2) Limitation.—The aggregate amount of obligations which may be issued by reason of paragraph (1) by local governmental units with respect to the area comprising any local governmental area may not exceed the lesser of—

(A) $10,000,000, or

(B) the aggregate amount of loans made with respect to that area under the qualified rehabilitation loan program during the period beginning on January 1, 1977, and ending on April 24, 1979.

The limitation established by the preceding sentence shall be reduced by the aggregate amount of obligations (if any) which are issued (before, on, or after the issue under this subsection) under the qualified rehabilitation loan program after April 24, 1979, with respect to the same local government area and to which the amendments made by this subtitle do not apply solely by reason of subsection (b).

(3) Qualified rehabilitation loan program.—For purposes of this subsection, the term "qualified rehabilitation loan program" means a program for the financing—

(A) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

(B) only if such items as substantially protect or improve the basic livability of the property.

(4) Qualified loan.—For purposes of this subsection, the term "qualified loan" means the financing—

(A) of alterations, repairs, and improvements on or in connection with an existing 1 to 4 family residence (1 unit of which is owner-occupied) by the owner thereof, but

(B) only of such items as substantially protect or improve the basic livability of the property.

(5) Dollar limit on qualified loans.—For purposes of this subsection, a loan shall not be treated as a qualified loan if the financing is in an amount which exceeds $20,000 plus $2,500 for each unit in excess of 1.

(f) $50 Per Capita Exception for Local Governments.—

(1) In general.—To the extent of the limit set forth in paragraph (2), the amendments made by section 1102 shall not apply to mortgage subsidy bonds issued by local governmental units after April 24, 1979.

(2) Limit.—

(A) In general.—The aggregate amount of obligations issued with respect to any area by reason of paragraph (1) shall not exceed—

(i) the amount equal to the product of $50 and the population of that area, reduced by

(ii) the aggregate amount of obligations which are issued (before, on, or after the issue under this subsection) by local governmental units after April 24, 1979, with respect to that area and to which the amendments made by this subtitle do not apply solely by reason of subsections (b), (d), and (e).

(B) Determination of population.—For purposes of subparagraph (A), the population of any area shall be the population as of July 1, 1976, as determined for purposes of the State and Local Fiscal Assistance Act of 1972.

(3) Unit must establish that action was taken before April 25, 1979.—Paragraph (1) shall not apply with respect to any obligation issued by any local governmental unit unless—

(A) there is written evidence (which was in existence before April 25, 1979) that before April 25, 1979, the governing body of such local governmental unit had taken action indicating an intent to issue (or to establish a program for issuing) tax-exempt obligations to finance owner-occupied residences,

(B) on October 30, 1979, such local governmental unit had authority to issue obligations to finance owner-occupied residences, and

(C) a majority of the members of the governing body of the local governmental unit file with the Secretary of the Treasury (or his delegate) affidavits that the requirement of such subparagraph (A) is met.

For purposes of subparagraph (A), action of the governing body of a second local governmental unit with respect to the same area shall be treated as action of the issuing governmental unit.

(4) Commitments.—Paragraph (1) shall not apply with respect to any issue unless such issue meets the requirements of paragraph (3) of subsection (c).

(5) Overlapping jurisdictions.—For purposes of this subsection, if 2 or more local governmental units meet the requirements of paragraph (3) and have authority to issue mortgage subsidy bonds with respect to residences in the same area, only the unit having jurisdiction over the smallest geographical area shall be treated as having issuing authority with respect to such area unless such unit agrees to surrender part or all of the amount permitted under this subsection to the local governmental unit with overlapping jurisdiction which has the next smallest geographical area.

(g) Rollover of Existing Tax-Exempt Obligations.—

(1) In general.—The amendments made by sections 1102 and 1103 shall not apply to the issuance of obligations to refinance for the same purpose tax-exempt indebtedness which was outstanding on April 24, 1979 (or indebtedness which had previously been refinanced pursuant to this subsection), but only if—

(A) on April 24, 1979, there was an agreed on period for the maturity of the mortgages or other financing, and

(B) the new obligations have a maturity date which does not exceed by more than 2 years the agreed on period referred to in subparagraph (A).

(2) Amounts for reserves, issue costs, etc.—An issue which otherwise meets the requirements of paragraph (1) shall not be treated as failing to meet such requirements solely because the amount of the new indebtedness exceeds the amount of the old indebtedness by such amount as is reasonably necessary to cover construction period interest, reserves, and the costs of issuing the new indebtedness.

(h) Special Rules for Projects Under Development.—

(1) Rental housing.—The amendment made by section 1103 shall not apply to a project which was in the development stage on April 24, 1979, if—

(A) a plan specifying the number and location of rental units was approved on or before such date by a governing body of a State or local government or by a State or local housing agency or similar agency, and

(B) substantial expenditures for site improvement for the project had been incurred on or before such date.

(2) Rental housing projects approved by Secretary of HUD.—The amendment made by section 1103 shall not apply to a project which was in the development stage on April 24, 1979, if—

(A) a plan specifying the number and location of rental units was preliminarily approved by the Secretary of Housing and Urban Development pursuant to section 221(d) (4) or section 232 of the National Housing Act on or before such date, and

(B) fees for processing the project with the Department of Housing and Urban Development and other expenditures for the project had been incurred on or before such date.

(3) Owner-occupied housing.—The amendments made by section 1102 shall not apply to a project which was in the development stage on April 24, 1979, if on or before such date—

(A) substantial expenditures had been made for detailed plans and specifications, and

(B) either tax-exempt construction financing had been issued with respect to the project or there is written evidence that a governmental unit intended to issue tax-exempt obligations to finance the acquisition of the units by home buyers.

The amendment made by section 1103 shall not apply to construction or other initial temporary financing issued with respect to a project which meets the requirements of the preceding sentence if substantially all of the dwelling units in such project are to be owner-occupied residences.

(4) Certain redevelopment mortgage bond financing projects.—Subparagraph (B) of paragraph (3) shall be treated as satisfied if, before April 25, 1979—

(A) the developer of a project acquired the land for such project,

(B) there was approval by the mayor's advisory committee of a city of a comprehensive proposal (under a State law authorizing tax-exempt obligations for use only in redevelopment areas) for such project, subject to revisions to be made, and

(C) a revised proposal was submitted to the redevelopment agency and city council containing the revisions.

The aggregate amount of obligations which may be issued by local governmental units with respect to the area comprising any local governmental area by reason of this paragraph may not exceed $20,000,000.

(i) Registration Requirements.—

(1) In general.—Notwithstanding any other provision of this section, the amendments made by sections 1102 and 1103, insofar as they require obligations to be in registered form, shall apply to obligations issued after December 31, 1981.

(2) Bonds under transitional rules.—Any obligation issued after December 31, 1981, by reason of this section shall be in registered form.

(j) Advance Refunding.—Notwithstanding any other provision of this section—

(1) subsection (n) of section 103A of the Internal Revenue Code of 1954 (as added by section 1102) shall apply to obligations issued after the date of the enactment of this Act to refund obligations issued before, on, or after such date of enactment, and

(2) this section shall not apply to obligations issued after such date of enactment for the advance refunding of obligations issued before, on, or after such date of enactment.

(k) Transitional Rule for Low- and Moderate-Income Requirement.—In the case of obligations issued after April 24, 1979, and before January 1, 1984, the period for which the low- and moderate-income requirements of section 103(b)(4)(A) of the Internal Revenue Code of 1954 (as amended by section 1103 of this subtitle) is required to be met shall be 20 years.

(l) Substitution of Governmental Instrumentality for City.—

(1) In general.—If—

(A) a corporation was created on June 17, 1971, pursuant to State law to provide financing for the construction and rehabilitation of low-income housing,

(B) pursuant to a State law enacted in 1955 a city has made loans to housing developers from the proceeds of short-term bonds and notes issued by the city, and has secured 50-year mortgages from the developers, and

(C) the corporation agrees to acquire from the city certain of the loans referred to in subparagraph (B) by issuing obligations which will be secured by mortgages referred to in subparagraph (B) on 12 projects (11 of which projects are subsidized with interest-reduction subsidies under section 236 of the National Housing Act),

then the amendments made by this subtitle shall not apply to obligations issued by the corporation to acquire the loans (and mortgages) referred to in subparagraph (C).

(2) Dollar limit.—The aggregate amount of obligations to which paragraph (1) applies shall not exceed $135,000,000.

(3) Time limit.—Paragraph (1) shall not apply to any obligation issued after December 31, 1980.

(m) State Legislation Was Pending on April 1, 1979, and Enacted on April 26, 1979, Where Locality Had Taken Action To Undertake a Study of Local Mortgage Market.—

(1) In general.—If—

(A) on April 1, 1979, legislation was pending in a State legislature limiting the authority of local governments within such State to issue tax-exempt obligations for owner-occupied residence under existing home rule authority, and such legislation was enacted on April 26, 1979,

(B) there is written evidence (which was in existence before April 25, 1979) that not earlier than June 1, 1978, but before April 25, 1979, the governing body of a local government in such State had taken action authorizing the undertaking of a demographic or related study of the local mortgage market, which study was intended to serve as a basis for issuance of tax exempt obligations for owner-occupied residences,

(C) on December 20, 1979, an amount was specified by or for the local government as the range of obligations which it expected to issue with respect to the area under any transitional authority provided by the Act, and

(D) a majority of the members of the governing body of the local government certify that the city or county was waiting enactment of the legislation described in subparagraph (A) prior to determining to proceed towards the issuance of tax-exempt obligations for owner-occupied residences.

then the amendments made by section 1102 shall not apply to obligations issued by such city or county.

(2) Dollar limits.—The aggregate amount of obligations which may be issued with respect to any area by reason of subparagraph may not exceed the maximum amount referred to in paragraph (1)(C) which was specified on December 20, 1979, by or for such local government.

(3) Time limits.—Paragraph (1) shall not apply with respect to any issue unless substantially all of the proceeds of such issue (exclusive of issuance costs and a reasonably required reserve) are committed by firm commitment letters (similar to those used in owner-financing not provided by tax-exempt bonds) to owner-financing before January 1, 1982.

(n) Certain Additional Transitional Authority.—

(1) In general.—The amendments made by sections 1102 and 1103 shall not apply to issues described in the following table:

City or county	Ceiling amount	Purpose of issue
Baltimore, Md.......	$100,000,000	Financing owner-occupied residences.
Port Arthur, Tex....	175,000,000	For financing on New Town In Town project.
Minneapolis, Minn..	25,000,000	Financing owner-occupied residences.
Minneapolis-St. Paul, Minn.	235,000,000	Joint program for financing owner-occupied residences involving some UDAG grants and private financing.
Detroit, Mich........	50,000,000	To issue obligations maturing before 1986 for construction on the Riverfront West project.
Brevard County, Fla.	150,000,000	Financing owner-occupied residences.
Chicago, Ill.........	235,000,000	For financing on the Presidential Towers project.

(2) Issuing authority.—The authority granted by this subsection with respect to any city or county may be used only by the appropriate issuing authority for that city or county.

(3) Ceiling amount.—The ceiling amount specified in paragraph (1) with respect to any item shall be the maximum aggregate amount of obligations which may be issued by the appropriate issuing authority under the authority granted by such item.

(4) Purpose.—The authority under any item may be used to issue obligations only for the purpose set forth in paragraph (1) for such item.

(o) Special Rule for Loans to Lenders Program.—

(1) In general.—In the case of any obligations issued during 1981 or 1982 pursuant to a qualified loans to lender program—

(A) the amendments made by section 1103 shall not apply,

(B) subsection (i) of section 103A of the Internal Revenue Code of 1954 (other than the last sentence of paragraph (1) of such subsection) shall not apply, and

(C) the determination of whether the requirements of subsections (d), (e), (f), (h), (j)(2), and (j)(3) of such section 103A are met with respect to such issue shall be made by taking into account the loans made by the financial institutions with the funds provided by the issue (in lieu of the mortgages acquired from the financial institutions with the proceeds of the issue).

(2) Qualified loans to lender program.—For purposes of paragraph (1), the term "qualified loans to lender program" means any program established pursuant to legislation enacted by New York State in 1970 which finances the purchase of existing mortgages from financial institutions and requires any money received by a financial institution on the purchase of a mortgage to be reinvested within 90 days in new mortgages.

Subtitle B—Cash Management

Sec. 1111. Estimated Income Tax Payments by Corporations.

(a) General Rule.—Section 6655 of the Internal Revenue Code of 1954 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end thereof the following new subsection:

"(h) Large Corporations Required To Pay at Least 60 Percent of Current Year Tax.—

"(1) In general.—In the case of a large corporation, the amount treated as the estimated tax for the taxable year under paragraphs (1) and (2) of subsection (d) shall in no event be less than 60 percent of—

"(A) the tax shown on the return for the taxable year, or

"(B) if no return was filed, the tax for such year.

"(2) Large corporation.—For purposes of this subsection, the term 'large corporation' means any corporation if such corporation (or any predecessor corporation) had taxable income of $1,000,000 or more for any taxable year during the testing period.

"(3) Rules for applying paragraph (2).—

"(A) Testing period.—For purposes of this subsection, the term 'testing period' means the 3 taxable years immediately preceding the taxable year involved.

"(B) Members of controlled groups.—For purposes of applying paragraph (2) to any taxable year in the testing period with respect to corporations which are component members of a controlled group of corporations for such taxable year, the $1,000,000 amount specified in paragraph (2) shall be divided among such members under rules similar to the rules of section 1561."

(b) Technical Amendment.—Subsection (e) of section 6655 of such Code is amended by striking out "subsections (b) and (d)" and inserting in lieu thereof "subsections (b), (d), and (h)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1980.

Subtitle C—Taxation of Foreign Investment in United States Real Property

Sec. 121. Short Title.

This subtitle may be cited as the "Foreign Investment in Real Property Tax Act of 1980".

Sec. 121. Tax on Disposition of Foreign Investment in United States Real Property

(a) In General.—Subpart C of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions with respect to nonresident aliens and foreign corporations) is amended by adding at the end thereof the following new section:

"Sec. 897. Disposition of Investment in United States Real Property.

"(a) General Rule.—

"(1) Treatment as effectively connected with united states trade or business.—For purposes of this title, gain or loss of a nonresident alien individual or a foreign corporation from the disposition of a United States real property interest shall be taken into account—

"(A) in the case of a nonresident alien individual, under section 871(b)(1), or

"(B) in the case of a foreign corporation, under section 882(a)(1),

as if the taxpayer were engaged in a trade or business within the United States during the taxable year and as if such gain or loss were effectively connected with such trade or business.

"(2) 20-percent minimum tax on nonresident alien individuals.—

"(A) In general.—In the case of any nonresident alien individual, the amount determined under section 55(a)(1)(A) for the taxable year shall not be less than 20 percent of whichever of the following is the least:

"(i) the individual's alternative minimum taxable income (as defined in section 55(b)(1)) for the taxable year,

"(ii) the individual's net United States real property gain for the taxable year, or

"(iii) $60,000.

"(B) Net united states real property gain.—For purposes of subparagraph (A), the term 'net United States real property gain' means the excess of—

"(i) the aggregate of the gains for the taxable year from dispositions of United States real property interests, over

"(ii) the aggregate of the losses for the taxable year from dispositions of such interests.

"(b) Limitation on Losses of Individuals.—In the case of an individual, a loss shall be taken into account under subsection (a) only to the extent such loss would be taken into account under section 165(c) (determined without regard to subsection (a) of this section).

"(c) United States Real Property Interest.—For purposes of this section—

"(1) United states real property interest.—

"(A) In general.—Except as provided in subparagraph (B), the term 'United States real property interest' means—

"(i) an interest in real property (including an interest in a mine, well, or other natural deposit) located in the United States, and

"(ii) any interest (other than an interest solely as a creditor) in any domestic corporation unless the taxpayer establishes (at such time and in such manner as the Secretary by regulations prescribes) that such corporation was at no time a United States real property holding corporation during the shorter of—

"(I) the period after June 18, 1980, during which the taxpayer held such interest, or

"(II) the 5-year period ending on the date of the disposition of such interest.

"(B) Exclusion for interest in certain corporations.—The term 'United States real property interest' does not include any interest in a corporation if—

"(i) as of the date of the disposition of such interest, such corporation did not hold any United States real property interests, and

"(ii) all of the United States real property interests held by such corporation at any time during the shorter of the periods described in subparagraph (A)(ii)—

"(I) were disposed of in transactions in which the full amount of the gain (if any) was recognized, or

"(II) ceased to be United States real property interests by reason of the application of this subparagraph to 1 or more other corporations.

"(2) United states real property holding corporation.—The term 'United States real property holding corporation' means any corporation if—

"(A) the fair market value of its United States real property interests equals or exceeds 50 percent of

"(B) the fair market value of—

"(i) its United States real property interests,

"(ii) its interests in real property located outside the United States, plus

"(iii) any other of its assets which are used or held for use in a trade or business.

"(3) Exception for stock regularly traded on established securities markets.—If any class of stock of a corporation is regularly traded on an established securities market, stock of such class shall be treated as a United States real property interest only in the case of a person who, at some time during the shorter of the periods described in paragraph (1)(A)(ii), held more than 5 percent of such class of stock.

"(4) Interests held by foreign corporations and by partnerships, trusts, and estates.—For purposes of determining whether any corporation is a United States real property holding corporation—

"(A) Foreign corporations.—Paragraph (1)(A)(ii) shall be applied by substituting 'any corporation (whether foreign or domestic)' for 'any domestic corporation'.

"(B) Interests held by partnerships, etc.—United States real property interests held by a partnership, trust, or estate shall be treated as owned proportionately by its partners or beneficiaries.

"(5) Treatment of controlling interests.—

"(A) In general.—Under regulations, for purposes of determining whether any corporation is a United States real property holding corporation, if any corporation (hereinafter in this paragraph referred to as the 'first corporation') holds a controlling interest in a second corporation—

"(i) the stock which the first corporation holds in the second corporation shall not be taken into account.

"(ii) the first corporation shall be treated as holding a portion of each asset of the second corporation equal to the percentage of the fair market value of the stock of the second corporation represented by the stock held by the first corporation, and

"(iii) any asset treated as held by the first corporation by reason of clause (ii) which is used or held for use by the second corporation in a trade or business shall be treated as so used or held by the first corporation.

Any asset treated as held by the first corporation by reason of the preceding sentence shall be so treated for purposes of applying the preceding sentence successively to corporations which are above the first corporation in a chain of corporations.

"(B) Controlling interest.—For purposes of subparagraph (A), the term 'controlling interest' means 50 percent or more of the fair market value of all classes of stock of a corporation.

"(6) Other special rules.—

"(A) Interest in real property.—The term 'interest in real property' includes fee ownership and co-ownership of land or improvements thereon, leaseholds of land or improvements thereon, options to acquire land or improvements thereon, and options to acquire leaseholds of land or improvements thereon.

"(B) Real property includes associated personal property.—The term 'real property' includes movable walls, furnishings, and other personal property associated with the use of the real property.

"(C) Constructive ownership rules.—For purposes of determining under paragraph (3) whether any person holds more than 5 percent of any class of stock and of determining under paragraph (5) whether a person holds a controlling interest in any corporation, section 318(a) shall apply (except that paragraphs (2)(C) and (3)(C) of section 318(a) shall be applied by substituting '5 percent' for '50 percent').

"(d) Treatment of Distributions, Etc., by Foreign Corporations.—

"(1) Distributions.—

"(A) In general.—Except to the extent otherwise provided in regulations, notwithstanding any other provision of this chapter, gain shall be recognized by a foreign corporation on the distribution (including a distribution in liquidation or redemption) of a United States real property interest in an amount equal to the excess of the fair market value of such interest (as of the time of the distribution) over its adjusted basis.

"(B) Exception where there is a carryover basis.—Subparagraph (A) shall not apply if the basis of the distributed property in the hands of the distributee is the same as the adjusted basis of such property before the distribution increased by the amount of any gain recognized by the distributing corporation.

"(2) Section 337 not to apply.—Section 337 shall not apply to any sale or exchange of a United States real property interest by a foreign corporation.

"(e) Coordination With Nonrecognition Provisions.—

"(1) In general.—Except to the extent otherwise provided in subsection (d) and paragraph (2) of this subsection, any nonrecognition provision shall apply for purposes of this section to a transaction only in the case of an exchange of a United States real property interest for an interest the sale of which would be subject to taxation under this chapter.

"(2) Regulations.—The Secretary shall prescribe regulations (which are necessary or appropriate to prevent the avoidance of Federal income taxes) providing—

"(A) the extent to which nonrecognition provisions shall, and shall not, apply for purposes of this section, and

"(B) the extent to which—

"(i) transfers of property in reorganization, and

"(ii) changes in interests in, or distributions from, a partnership, trust, or estate,

shall be treated as sales of property at fair market value.

"(3) Nonrecognition provision defined.—For purposes of this subsection, the term 'nonrecognition provision' means any provision of this title for not recognizing gain or loss.

"(f) Distributions by Domestic Corporations to Foreign Shareholders.—If a domestic corporation distributes a United States real property interest to a nonresident alien individual or a foreign corporation in a distribution to which section 301 applies, notwithstanding any other provision of this chapter, the basis of such United States real property interest in the hands of such nonresident alien individual or foreign corporation shall not exceed—

"(1) the adjusted basis of such property before the distribution, increased by

"(2) the sum of—

"(A) any gain recognized by the distributing corporation on the distribution, and

"(B) any tax paid under this chapter by the distributee on such distribution.

"(g) SPECIAL RULE FOR SALES OF INTEREST IN PARTNERSHIP, TRUSTS, AND ESTATES.—Under regulations prescribed by the Secretary, the amount of any money, and the fair market value of any property, received by a nonresident alien individual or foreign corporation in exchange for all or part of its interest in a partnership, trust, or estate shall, to the extent attributable to United States real property interests, be considered as an amount received from the sale or exchange in the United States of such property.

"(h) SPECIAL RULES FOR REITS.—For purposes of this section—

"(1) LOOK-THROUGH OF DISTRIBUTIONS.—Any distribution by a REIT to a nonresident alien individual or a foreign corporation shall, to the extent attributable to gain from sales or exchanges by the REIT of United States real property interests, be treated as gain recognized by such nonresident alien individual or foreign corporation from the sale or exchange of a United States real property interest.

"(2) SALE OF STOCK IN DOMESTICALLY-CONTROLLED REIT NOT TAXED.—The term 'United States real property interests' does not include any interest in a domestically-controlled REIT.

"(3) DISTRIBUTIONS BY DOMESTICALLY-CONTROLLED REITS.—In the case of a domestically-controlled REIT, rules similar to the rules of subsection (d) shall apply to the foreign ownership percentage of any gain.

"(4) DEFINITIONS.—

"(A) REIT.—The term 'REIT' means a real estate investment trust.

"(B) DOMESTICALLY-CONTROLLED REIT.—The term 'domestically-controlled REIT' means a REIT in which at all times during the testing period less than 50 percent in value of the stock was held directly or indirectly by foreign persons.

"(C) FOREIGN OWNERSHIP PERCENTAGE.—The term 'foreign ownership percentage' means that percentage of the stock of the REIT which was held (directly or indirectly) by foreign persons at the time during the testing period during which the direct and indirect ownership of stock by foreign persons was greatest.

"(D) TESTING PERIOD.—The term 'testing period' means whichever of the following periods is the shortest:

"(i) the period beginning on June 19, 1980, and ending on the date of the disposition or of the distribution, as the case may be,

"(ii) the 5-year period ending on the date of the disposition or of the distribution, as the case may be, or

"(iii) the period during which the REIT was in existence.

"(i) ELECTION BY FOREIGN CORPORATION TO BE TREATED AS DOMESTIC CORPORATION.—

"(1) IN GENERAL.—If—

"(A) a foreign corporation has a permanent establishment in the United States, and

"(B) under any treaty, such permanent establishment may not be treated less favorably than domestic corporations carrying on the same activities,

then such foreign corporation may make an election to be treated as a domestic corporation for purposes of this section and section 6039C.

"(2) REVOCATION ONLY WITH CONSENT.—Any election under paragraph (1), once made, may be revoked only with the consent of the Secretary.

"(3) MAKING OF ELECTION.—An election under paragraph (1) may be made only subject to such conditions as may be prescribed by the Secretary."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart C is amended by adding at the end thereof the following new item:

"Sec. 897. Disposition of investment in United States real property."

(c) CROSS REFERENCES.—

(1) Subsection (g) of section 871 of such code (relating to tax on income of nonresident alien individuals) is amended by adding at the end thereof the following new paragraph:

"(8) For special tax treatment of gain or loss from the disposition by a nonresident alien individual of a United States real property interest, see section 897."

(2) Subsection (a) of section 882 of such code (relating to tax on income of foreign corporation connected with United States business) is amended by adding at the end thereof the following new paragraph:

"(3) For special tax treatment of gain or loss from the disposition by a foreign corporation of a United States real property interest, see section 897."

SEC. 1123. REPORTING REQUIREMENTS.

(a) GENERAL RULE.—Subpart A of part III of chapter 61 of the Internal Revenue Code of 1954 (relating to information returns concerning persons subject to special provisions) is amended by inserting after section 6039B the following new section:

"SEC. 6039C. RETURNS WITH RESPECT TO UNITED STATES REAL PROPERTY INTERESTS.

"(a) RETURN OF CERTAIN DOMESTIC CORPORATIONS HAVING FOREIGN SHAREHOLDERS.—

"(1) GENERAL RULE.—

"(A) RETURN REQUIREMENT.—If this subsection applies to a domestic corporation for the calendar year, such corporation shall make a return for the calendar year setting forth—

"(i) the name and address (if known by the corporation) of each person who was a shareholder at any time during the calendar year and who is known by the corporation to be a foreign person,

"(ii) such information with respect to transfers of stock in such corporation to or from foreign persons during the calendar year as the Secretary may by regulations prescribe, and

"(iii) such other information as the Secretary may by regulations prescribe.

"(B) CORPORATIONS TO WHICH SUBSECTION APPLIES.—This subsection applies to any domestic corporation for the calendar year if—

"(i) at any time during the calendar year 1 or more of the shareholders of such corporation is a foreign person, and

"(ii) at any time during the calendar year or during any of the 4 immediately preceding calendar years, such corporation was a United States real property holding corporation (as defined in section 897(c)(2)).

"(2) Subsection does not apply to publicly traded corporations.—This subsection shall not apply to a corporation the stock of which is regularly traded on an established securities market at all times during the calendar year.

"(3) STOCK HELD BY NOMINEES.—If—

"(A) a nominee holds stock in a domestic corporation for a foreign person, and

"(B) such foreign person does not furnish the information required to be furnished pursuant to paragraph (1)(A) with respect to such stock,

the nominee shall file a return under this subsection with respect to such stock.

"(b) RETURN OF CERTAIN PERSONS HOLDING UNITED STATES REAL PROPERTY INTERESTS.—

"(1) RETURN REQUIREMENT.—If any entity to which this subsection applies has at any time during the calendar year a substantial investor in United States real property, such entity shall make a return for the calendar year setting forth—

"(A) the name and address of each such substantial investor,

"(B) such information with respect to the assets of the entity during the calendar year as the Secretary may by regulations prescribe, and

"(C) such other information as the Secretary may by regulations prescribe.

"(2) EXCEPTION WHERE SECURITY FURNISHED.—This subsection shall not apply to any entity for the calendar year if such entity furnishes to the Secretary such security as the Secretary determines to be necessary to ensure that any tax imposed by chapter 1 with respect to United States real property interests held by such entity will be paid.

"(3) STATEMENTS TO BE FURNISHED TO SUBSTANTIAL INVESTOR IN UNITED STATES REAL PROPERTY.—Every entity making a return under paragraph (1) shall furnish to each substantial investor in United States real property a statement showing—

"(A) the name and address of the entity making such return,

"(B) such substantial investor's pro rata share of the United States real property interests held by such entity, and

"(C) such other information as the Secretary shall by regulations prescribe.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) Entities to which this subsection applies.—This subsection shall apply to any foreign corporation and to any partnership, trust, or estate (whether foreign or domestic).

"(B) SUBSTANTIAL INVESTOR IN UNITED STATES REAL ESTATE.—

"(i) IN GENERAL.—The term 'substantial investor in United States real property means any foreign person who at any time during the calendar year held an interest in the entity but only if the fair market value of such person's pro rata share of the United States real property interests held by such entity exceeded $50,000.

"(ii) SPECIAL RULE FOR CORPORATIONS.—In the case of any foreign corporation, clause (i) shall be applied by substituting 'person (whether foreign or domestic)' for 'foreign person'.

"(C) INDIRECT HOLDINGS.—The assets of any entity to which this subsection applies shall include its pro rata share of the United States real property interests held by any corporation in which the entity is a substantial investor in United States real property.

"(c) RETURN OF CERTAIN PERSONS HOLDING DIRECT INVESTMENTS IN UNITED STATES REAL PROPERTY INTERESTS.—

"(1) RETURN REQUIREMENT.—If this subsection applies to any foreign person for the calendar year, such person shall make a return for the calendar year setting forth—

"(A) the name and address of such person,

"(B) a description of all United States real property interests held by such person at any time during the calendar year, and

"(C) such other information as the Secretary may by regulations prescribe.

"(2) PERSONS TO WHOM THIS SUBSECTION APPLIES.—This subsection applies to any foreign person for the calendar year if—

"(A) such person did not engage in a trade or business in the United States at any time during the calendar year,

"(B) the fair market value of the United States real property interests held by such person at any time during such year equals or exceeds $50,000, and

"(C) such person is not required to file a return under subsection (b) for such year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) United States real property interest.—The term 'United States real property interest' has the meaning given to such term by section 897(c).

"(2) Foreign person.—The term 'foreign person' means any person who is not a United States person."

"(e) Special Rules.—

"(1) Attribution of ownership.—For purposes of subsections (b)(4) and (c)(2)(B)—

"(A) Interests held by partnerships, etc.—United States real property interests held by a partnership, trust, or estate shall be treated as owned proportionately by its partners or beneficiaries.

"(B) Interests held by family members.—United States real property interests held by the spouse or any minor child of an individual shall be treated as owned by such individual.

"(2) Returns, etc.—All returns, statements, and information required to be made or furnished under this section shall be made or furnished at such time and in such manner as the Secretary shall by regulations prescribe."

(b) Penalty for Failure To File Return, Etc.—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Returns, Etc., Required Under Section 6039C.—

"(1) In general.—In the case of each failure—

"(A) to make a return required by section 6039C which contains the information required by such section, or

"(B) to furnish a statement required by section 6039(b)(3),

on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, the amount determined under paragraph (2) shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to make such return or furnish such statement.

"(2) Amount of penalty.—For purposes of paragraph (1), the amount determined under this paragraph with respect to any failure shall be $25 for each day during which such failure continues.

"(3) Limitations.—

"(A) For failure to meet requirements of subsection (a) or (b) of section 609C.—The amount determined under paragraph (2) with respect to any person for failing to meet the requirements of subsection (a) or (b) of section 6039C for any calendar year shall not exceed $25,000 with respect to each such subsection.

"(B) For failure to meet requirements of section 6039C (c).—The amount determined under paragraph (2) with respect to any person for failing to meet the requirements of subsection (c) of section 6039C for any calendar year shall not exceed the lesser of $25,000 or 5 percent of the aggregate of the fair market value of the United States real property interests owned by such person at any time during such year. For purposes of the preceding sentence, fair market value shall be determined as of the end of the calendar year (or, in the case of any property disposed of during the calendar year, as of the date of such disposition)."

(c) Clerical Amendment.—The table of sections for subpart A of part III of chapter 61 of such Code is amended by inserting after the item relating to section 6029B the following new item:

"Sec. 6039C. Returns with respect to United States real property interests."

Sec. 1124. Sources Within United States.

Paragraph (5) of subsection (a) of section 861 of the Internal Revenue Code of 1954 (relating to income from sources within the United States) is amended to read as follows:

"(5) Disposition of United States real property interest.—Gains, profits, and income from the disposition of a United States real property interest (as defined in section 897(c))."

Sec. 1125. Effective Date.

(a) In General.—Except as provided in subsection (b), the amendments made by this subtitle shall apply to dispositions after June 18, 1980.

(b) Reporting.—The amendments made by section 1123 shall apply to 1980 and subsequent calendar years. In applying such amendments to 1980, such calendar year shall be treated as beginning on June 19, 1980, and ending on December 31, 1980.

(c) Special Rule for Treaties.—

(1) In general.—Except as provided in paragraph (2), after December 31, 1984, nothing in section 894(a) or 7852(d) of the Internal Revenue Code of 1954 or in any other provision of law shall be treated as requiring, by reason of any treaty obligation of the United States, an exemption from (or reduction of) any tax imposed by section 871 or 882 of such Code on a gain described in section 897 of such Code.

(2) Special rule for treaties renegotiated before 1985.—If—

(A any treaty (hereinafter in this paragraph referred to as the "old treaty") is renegotiated to resolve conflicts between such treaty and the provisions of section 897 of the Internal Revenue Code of 1954, and

(B) the new treaty is signed before January 1, 1985,

then paragraph (1) shall be applied with respect to obligations under the old treaty by substituting for "December 31, 1984" the date (not later than 2 years after the new treaty was signed) specified in the new treaty (or accompanying exchange of notes).

(d) Adjustment in Basis for Certain Transactions Between Related Persons.—

(1) In general.—In the case of any disposition after December 31, 1979, of a United States real property interest (as defined in section 897(c) of the Internal Revenue Code of 1954) to a related person (within the meaning of section 453(f)(1) of such Code), the basis of the interest in the hands of the person acquiring it shall be reduced by the amount of any nontaxed gain.

(2) Nontaxed gain.—For purposes of paragraph (1), the term "nontaxed gain" means any gain which is not subject to tax under section 871(b)(1) or 882(a)(1) of such Code—

(A) because the disposition occurred before June 19, 1980, or

(B) because of any treaty obligation of the United States.

Subtitle D—Credit Against Crude Oil Windfall Profit Tax for Royalty Owners

Sec. 1131. Credit Against Crude Oil Windfall Profit Tax for Royalty Owners.

(a) Credit Against Windfall Profit Tax for Royalty Owners.—

(1) In general.—Subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"Sec. 6429. Credit and Refund of Chapter 45 Taxes Paid by Royalty Owners.

"(a) Treatment as Overpayment.—In the case of a qualified royalty owner, that portion of the tax imposed by section 4986 which is paid in connection with qualified royalty production shall be treated as an overpayment of the tax imposed by section 4986.

"(b) Credit and Refunds.—

"(1) In general.—Under regulations prescribed by the Secretary, any amount treated as an overpayment of tax under subsection (a) shall be credited against the tax imposed by section 4986 or refunded to the qualified royalty owner.

"(2) Claim for credit or refund.—Any claim for credit or refund under this section shall be filed in such form and manner, and at such time, as the Secretary may prescribe by regulations.

"(c) $1,000 Limitation on Credit or Refund.—

"(1) In general.—The aggregate amount which may be treated as an overpayment under subsection (a) with respect to any qualified royalty owner shall not exceed $1,000.

"(2) Allocation within a family.—In the case of individuals who are members of the same family (within the meaning of section 4992(e)(3)(C) at any time during the qualified period, the $1,000 amount in paragraph (1) shall be reduced for each such individual by allocating such amount among all such individuals in proportion to their respective qualified royalty production.

"(3) Allocation between corporations and individuals.—

"(A) In general.—In the case of an individual who owns at any time during the qualified period stock in a qualified family farm corporation, the $1,000 amount in paragraph (1) applicable to such individual shall be reduced by the amount which bears the same ratio to the credit or refund allowable to the corporation under this section (determined after the application of paragraph (4)) as the fair market value of the shares owned by such individual during such period bears to the fair market value of all shares of the corporation.

"(B) Special rule for family members.—In the case of individuals who are members of the same family (within the meaning of section 4992(e)(3)(C)) at any time during the qualified period—

"(i) for purposes of subparagraph (A), all such individuals shall be treated as 1 individual, and

"(ii) the amount allocated among such individuals under paragraph (2) shall be $1,000, reduced by the amount determined under subparagraph (A).

"(4) Allocation between corporations.—If at any time after June 24, 1980, any individual owns stock in two or more qualified family farm corporations, the $1,000 amount in paragraph (1) shall be reduced for each such corporation by allocating such amount among all such corporations in proportion to their respective qualified royalty production.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Qualified royalty owner.—The term 'qualified royalty owner' means a producer (within the meaning of section 4996(a)(1)), but only if such producer is an individual, an estate, or a qualified family farm corporation.

"(2) Qualified royalty production.—The term 'qualified royalty production' means, with respect to any qualified royalty owner, taxable crude oil which—

"(A) is attributable to an economic interest of such royalty owner other than an operating mineral interest (within the meaning of section 614(d)), and

"(B) is removed from the premises during the qualified period.

"(3) Qualified period.—The term 'qualified period' means the period beginning March 1, 1980, and ending December 31, 1980.

"(4) Qualified family farm corporation.—The term 'qualified family farm corporation' means a corporation—

"(A) which was in existence on June 25, 1980, "(B) all of the outstanding shares of stock of which at all times after June 24, 1980, and before January 1, 1981, were held by members of the same family (within the meaning of section 2032A(e)(2)), and

"(C) 80 percent in value of the assets of which (other than royalty interests described in paragraph (2)(A)) were held by the corporation on such date for use for farming purposes (within the meaning of section 2032A(e)(5)).

"(e) CROSS REFERENCE.—

"For the holder of the economic interest in the case of a production payment, see section 636."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subpart B of chapter 65 of such code is amended by adding at the end thereof the following new item:

"Sec. 6429. Credit and refund of chapter 45 taxes paid by royalty owners."

(b) DENIAL OF DEDUCTION.—

(1) IN GENERAL.—Part IX of subchapter B of chapter 1 of such Code (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280D. PORTION OF CHAPTER 45 TAXES FOR WHICH CREDIT OR REFUND IS ALLOWABLE UNDER SECTION 6429.

"No deduction shall be allowed for that portion of the tax imposed by section 4986 for which a credit or refund is allowable under section 6429."

(2) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280D. Portion of chapter 45 taxes for which credit or refund is allowable under section 6429."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after February 29, 1980.

Subtitle E—Inclusion in Wages for Purposes of Social Security and Unemployment Taxes of Employer

SEC. 1141. INCLUSION IN WAGES OF EMPLOYEE TAXES PAID BY EMPLOYER.

(a) SOCIAL SECURITY TAX.—

(1) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Paragraph (5) of section 3121(a) of the Internal Revenue Code of 1954 (defining wages) is amended to read as follows:

"(6) the payment by an employer (without deduction from the remuneration of the employee)—

"(A) of the tax imposed upon an employee under section 3101, or

"(B) of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—Subsection (f) of section 209 of the Social Security Act is amended to read as follows:

"(f) The payment by an employer (without deduction from the remuneration of the employee)—

"(1) of the tax imposed upon an employee under section 3101 of the Internal Revenue Code of 1954, or

"(2) of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;".

(b) FEDERAL UNEMPLOYMENT TAX.—Paragraph (6) of section 3306(b) of the Internal Revenue Code of 1954 (defining wages) is amended to read as follows:

"(6) the payment by an employer (without deduction from the remuneration of the employee)—

"(A) of the tax imposed upon an employee under section 3101, or

"(B) of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to remuneration paid after December 31, 1980.

(2) EXCEPTION FOR STATE AND LOCAL GOVERNMENTS.—

(A) The amendments made by this section (insofar as they affect the application of section 218 of the Social Security Act) shall not apply to any payment made before January 1, 1984, by any governmental unit for positions of a kind for which all or a substantial portion of the social security employee taxes were paid by such governmental unit (without deduction from the remuneration of the employee) under the practices of such governmental unit in effect on October 1, 1980.

(B) For purposes of subparagraph (A), the term "social security employee taxes" means the amount required to be paid under section 218 of the Social Security Act as the equivalent of the taxes imposed by section 3101 of the Internal Revenue Code of 1954.

(C) For purposes of subparagraph (A), the term "governmental unit" means a State or political subdivision thereof within the meaning of section 218 of the Social Security Act.

Subtitle F—Telephone Tax

SEC. 1151. TELEPHONE TAX CONTINUED AT 2 PERCENT FOR 1981.

(a) IN GENERAL.—The table contained in paragraph (2) of section 4251(a) of the Internal Revenue Code of 1954 (relating to imposition of tax on communication services) is amended by striking out the last 2 lines of such table and inserting in lieu thereof the following:

"During 1980 or 1981	2
During 1982	1".

(b) CONFORMING AMENDMENT.—Subsection (b) of section 4251 of such Code is amended by striking out "January 1, 1982" and inserting in lieu thereof "January 1, 1983".

Subtitle G—Increase Until 1993 in the Duties on Certain Imports of Ethyl Alcohol

SEC. 1161. INCREASE UNTIL 1993 IN THE DUTIES ON ETHYL ALCOHOL IMPORTED FOR FUEL USE.

(a) AMENDMENTS TO APPENDIX TO TSUS.—

(1) FOR 1981.—Effective with respect to articles entered on or after January 1, 1981 subpart A of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

" 901.50	Ethyl alcohol (provided for in item 427.88, part 2D, schedule 4) when imported to be used in producing a mixture of gasoline and alcohol or a mixture of a special fuel and alcohol for use as fuel, or when imported to be used otherwise as fuel	10¢ per gal.	10¢ per gal.	On or before 12/31/81. ".

(2) FOR 1982.—Effective with respect to articles entered on or after January 1, 1982, item 901.50 of the Tariff Schedules of the United States (as added by paragraph (1)) is amended by striking out "10" in columns numbered 1 and 2 and inserting in lieu thereof "20"; an by striking out "12/31/81" and inserting in lieu thereof "12/31/82".

(3) AFTER 1982 AND UNTIL 1992.—Effective with respect to articles entered on or after January 1, 1983, such item 901.50 is amended by striking out "20" in columns numbered 1 and 2 and inserting in lieu thereof "40", and by striking out "12/31/82" and inserting in lieu thereof "12/31/92".

(b) DEFINITION.—For purposes of subsection (a), the term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

And the Senate agree to the same.

For consideration of the entire bill (including title I through title IX of the House bill, section 1 through title IX of the Senate amendment, and the title of the bill):

ROBERT N. GIAIMO,
THOMAS L. ASHLEY,
WILLIAM M. BRODHEAD,
LEON E. PANETTA,
Managers on the Part of the House.

For consideration of the entire bill (including title I through title IX of the House bill, section 1 through title IX of the Senate amendment, and the title of the bill):

ERNEST F. HOLLINGS,
DANIEL PATRICK MOYNIHAN,
J. JAMES EXON,
HENRY BELLMON,
PETE V. DOMENICI,
Managers on the Part of the Senate.

For title II of the Senate amendment:

From the Committee on Armed Services:

MELVIN PRICE,
BILL NICHOLS,
ROBERT H. MOLLOHAN,
LEE ASPIN,
BOB WILSON,
DONALD J. MITCHELL,
Managers on the Part of the House.

For title II of the Senate amendment:

From the Committee on Armed Services:

SAM NUNN,
HARRY F. BYRD, JR.,
ROGER JEPSEN,
Managers on the Part of the Senate.

For title II, subtitle A of the House bill and title I of the Senate amendment:

From the Committee on Education and Labor:

CARL D. PERKINS,
IKE ANDREWS,
GEORGE MILLER,
Managers on the Part of the House.

For title II, subtitle A of the House bill and title I of the Senate amendment:

From the Committee on Agriculture, Nutrition, and Forestry:

H. E. TALMADGE,
GEORGE MCGOVERN,
WALTER D. HUDDLESTON,
Managers on the Part of the Senate.

For title II, subtitle C of the House bill and title VII of the Senate amendment:

From the Committee on Education and Labor:

CARL D. PERKINS,
WILLIAM D. FORD,
JOHN BRADEMAS,
MARIO BIAGGI,
JOHN M. ASHBROOK,
JOHN BUCHANAN,
Managers on the Part of the House.

For title II, subtitle C of the House bill and title VII of the Senate amendment:

From the Committee on Labor and Human Resources:

HARRISON A. WILLIAMS, JR.,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
DICK SCHWEIKER,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

For title IV of the House bill and title VI of the Senate amendment:

From the Committee on Post Office and Civil Service:

Jim Hanley,
William D. Ford,
William L. Clay,
Edward J. Derwinski,
Gene Taylor,
Managers on the Part of the House.

For title IV of the House bill and title VI of the Senate amendment:

From the Committee on Governmental Affairs:

Abe Ribicoff,
John Glenn,
David Pryor,
Charles H. Percy,
Ted Stevens,
Managers on the Part of the Senate.

For title II, subtitle B of the House bill:

From the Committee on Education and Labor:

Carl D. Perkins,
Edward P. Beard,
Phillip Burton,
George Miller,
John M. Ashbrook,
John N. Erlenborn,
Managers on the Part of the House.

For title II, subtitle B of the House bill:

From the Committee on Labor and Human Resources:

Harrison A. Williams, Jr.,
Jennings Randolph,
Claiborne Pell,
Dick Schweiker,
Robert T. Stafford,
Managers on the Part of the Senate.

For title V, subtitle A of the House bill and section 401 of the Senate amendment:

From the Committee on Public Works and Transportation:

Harold T. Johnson,
Glenn M. Anderson,
James J. Howard,
Ray Roberts,
Bud Shuster,
Gene Snyder,
Managers on the Part of the House.

For title V, subtitle A of the House bill and section 401 of the Senate amendment:

From the Committee on Environment and Public Works:

Jennings Randolph,
Lloyd Bentsen,
Quentin N. Burdick,
Robert T. Stafford,
Larry Pressler,
Managers on the Part of the Senate.

For title V, subtitle A of the House bill and section 301 of the Senate amendment; for title V, subtitle B of the House bill and section 302 of the Senate amendment; and for section 304 of the Senate amendment:

From the Committee on Public Works and Transportation:

Harold T. Johnson,
Glenn M. Anderson,
James J. Howard,
Ray Roberts,
Bud Shuster,
Gene Snyder,
Managers on the Part of the House.

For title V, subtitle A of the House bill and section 301 of the Senate amendment; for title V, subtitle B of the House bill and section 302 of the Senate amendment; and for section 304 of the Senate amendment:

From the Committee on Commerce, Science, and Transportation:

Howard W. Cannon,
J. James Exon,
Bob Packwood,
Nancy Landon Kassebaum,
Managers on the Part of the Senate.

For title III, subtitle C of the House bill and section 303 of the Senate amendment:

From the Committee on Interstate and Foreign Commerce:

Harley O. Staggers,
Jim Santini,
J. J. Florio,
Barber B. Conable, Jr.,
Jim Broyhill,
Ed Madigan,
Managers on the Part of the House.

For title III, subtitle C of the House bill and section 303 of the Senate amendment:

From the Committee on Commerce, Science, and Transportation:

Howard W. Cannon,
J. James Exon,
Bob Packwood,
Nancy Landon Kassebaum,
Managers on the Part of the Senate.

For title VII of the House bill and title VIII of the Senate amendment:

From the Committee on Veterans' Affairs:

Ray Roberts,
David Satterfield,
G. V. Montgomery,
W. G. Hefner,
John Paul Hammerschmidt,
Margaret M. Heckler,
Managers on the Part of the House.

For title VII of the House bill and title VIII of the Senate amendment:

From the Committee on Veterans' Affairs:

Alan Cranston,
H. E. Talmadge,
Al Simpson,
Managers on the Part of the Senate.

For title III, subtitle B of the House bill:

From the Committee on Interstate and Foreign Commerce:

Harley O. Staggers,
Jim Santini,
J. J. Florio,
Barbara A. Mikulski,
Jim Broyhill,
Ed Madigan.

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
William R. Cotter,
Managers on the Part of the House.

For title III, subtitle B of the House bill:

From the Committee on Labor and Human Resources:

Harrison A. Williams, Jr.,
Jennings Randolph,
Claiborne Pell,
Dick Schweiker,
Robert T. Stafford.

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

For title III, subtitle A, and title VIII, subtitle A of the House bill, and title V, part F of the Senate amendment:

From the Committee on Interstate and Foreign Commerce:

Harley O. Staggers,
Henry A. Waxman,
David Satterfield,
Richardson Preyer,
Jim Broyhill,
Tim Lee Carter.

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
William R. Cotter,
Guy Vander Jagt,
Managers on the Part of the House.

For title III, subtitle A, and title VIII, subtitle A of the House bill, and title V, part F of the Senate amendment:

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

For title VIII, subtitles B, C, and D of the House bill and title V, parts A, B, C, D, E, and G of the Senate amendment:

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
John J. Duncan of Tennessee,
Bill Archer,
Guy Vander Jagt,
Managers on the Part of the House.

For title VIII, subtitles B, C, and D of the House bill and title V, parts A, B, C, D, E, and G of the Senate amendment:

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

For title IX of the House bill and title IX of the Senate amendment:

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
William R. Cotter,
Guy Vander Jagt,
Managers on the Part of the House.

For title IX of the House bill and title IX of the Senate amendment:

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bill Roth,

Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7765) entitled "An Act to Provide for Reconciliation Pursuant to Section 3 of the First Concurrent Resolution on the Budget for fiscal year 1981," submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below.

It should be noted that the joint statement of managers which follows was prepared by the committees of jurisdiction, but is arranged by title of the conference agreement. A general overview by the Committees on the Budget appears at the beginning.

STATEMENT OF BUDGET COMMITTEE MANAGERS

When Congress approved budget targets for fiscal year 1981, it agreed that growth in Federal spending must be restrained. If deficits accompanied by high rates of inflation are ultimately to be eliminated, the Federal Government must initiate basic reforms in its spending policies. Congress accepted the responsibility to reduce spending by approving reconciliation in the First Budget Resolution for Fiscal Year 1981.

The policy of spending restraint implicit in the First Budget Resolution made it necessary to target reductions in existing programs as well as to eliminate real growth in most discretionary programs aside from defense. A reduction in ongoing programs funded by actions of Congress in previous years is critical because existing law provides virtually automatic expenditures which now account for approximately three-fourths of the Federal budget. In other words, even if Congress voted no new appropriations for discretionary programs and approved no program expansions or new programs for fiscal year 1981, almost $475 billion would still have been spent next year because of laws passed in earlier years. It was obvious that if spending restraint was to occur, automatic expenditures resulting from existing law must be pared. Without legislative changes, spending patterns could not be reduced significantly.

Not all the "uncontrollable" items in the budget are on the spending side. Many provisions of the tax code result in continuing revenue losses to the Federal Treasury. The timing of tax collections can benefit certain categories of taxpayers over others, and has an impact on the Government's cash management. Consequently, Congress determined, on grounds of equity as well as prudent fiscal management, to require belt-tightenting on the revenue side as well as the spending side of the Federal budget.

The Budget Committee managers realize how difficult these spending reductions and tax changes are to adopt. The issue for the Congress is what spending programs and tax benefits of relatively lower priority can be dropped given current economic necessities.

The Congress took unprecedented action by directing that these legislative changes be accomplished through the reconciliation process. To implement these spending and revenue policies in the First Budget Resolution for Fiscal Year 1981, Congress directed its spending and tax-writing committees to examine the laws within their jurisdictions and to recommend legislative changes which would result in substantial savings in fiscal year 1981. Committees were provided with targets which totaled $4.95 billion of savings in budget authority, $6.4 billion of savings in outlays, and $4.2 billion in additional revenues. The Budget Committees informally suggested areas in which legislative savings could be made. However, the spending and tax-writing committees determined what provisions of law should be changed and how those changes are to be made within the overall dollar targets.

The provisions of the Omnibus Reconciliation Act of 1980 represent efforts of the various committees to comply with the reconciliation directives. Real savings have been achieved which compare favorably with the reconciliation bills as passed by the House and Senate. Many benefit increases contained in the House-passed bill have been eliminated from the conference substitute and most of the spending savings and revenue increases have been retained.

With this reconciliation bill, Congress has shown the ability to impose upon itself a discipline never before achieved. The legislative committees involved in reconciliation deserve the highest commendation for their dedication to respond to the will of Congress. The Budget Committees of both Houses recommend approval of the accompanying reconciliation conference report.

What follows in this statement of managers is a title by title explanation of the conference agreement. This explanation has been prepared by the committees which determined the provisions of the conference agreement which were in their separate jurisdictions.

SHORT TITLE AND DECLARATION OF PURPOSE (TITLE I)

Both the House bill and Senate amendment included a short title to the bill. The conference agreement adopts the short title contained in section 101 of the House-passed bill.

Section 102 of the House bill provided a general statement of purpose regarding enactment of the reconciliation bill. The Senate amendment did not contain any comparable provision. The conference agreement contains substitute language.

SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS (TITLE II)

(1) School lunch program, general reimbursement

(A) The *House* bill reduces the general cash reimbursement rate under section 4 of the National School Lunch Act, for fiscal year 1981, for all categories of lunches served (free, reduced price, and paid) by 2½ cents except in school districts in which 60 percent or more of the lunches served were served free or at reduced price during the second preceding school year.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *House* provision with amendments that (1) provide that the amount of State revenues appropriated or used for meeting the State matching requirements of section 7 of the National School Lunch Act will not be reduced because of the 2½ cent reduction in section 4 funding, (2) extend the authorization for appropriations for State administrative expense funds, which under existing law expires at the end of fiscal year 1980, through fiscal year 1984, and (3) extend through fiscal year 1984 the requirement for the Secretary to establish a date by which each State will submit a plan to the Secretary for the disbursement of State administrative expense funds for each year and for reallocation of any unused funds, as evidenced by the plans, to other States as the Secretary deems appropriate, which under existing law expires at the end of fiscal year 1980.

(B) The *House* bill defines "school food authority" for purposes of section 4 of the National School Lunch Act as the governing body that is responsible for the administration of one or more schools and has the legal authority to operate a school lunch or breakfast program.

The *Senate* amendment contains no comparable provision.

The *Conference* substitute adopts the *House* provision.

(2) Direct Federal expenditures, commodity assistance

(A) The *House* bill reduces commodity assistance in the school lunch program by 2 cents per meal for fiscal year 1981.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent beginning with the 1980–81 school year.

The *Conference* substitute adopts the *House* provision.

(B) The *House* bill prohibits the Secretary of Agriculture, for the 1980–81 school year, from offering commodity assistance to the States for the school breakfast program.

The *Senate* amendment contains no comparable provision.

The *Conference* substitute (1) permanently prohibits the Secretary of Agriculture from offering commodity assistance to the States for the school breakfast program and (2) extends the commodity purchasing authorization under section 14 of the National School Lunch Act, which under existing law expires at the end of fiscal year 1982, through fiscal year 1984.

(3) Income poverty guidelines

The *House* bill provides that for fiscal year 1981 the income poverty guidelines for the child nutrition programs will be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget for the forty-eight States adjusted annually, thereby deleting the updating of such guidelines through March of 1981.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *House* provision.

(4) Eligibility guidelines

The *House* bill changes, for fiscal year 1981, the eligibility guidelines for free and reduced-price meals from 125 and 195 percent of poverty, respectively, to 125 percent of poverty plus a standard deduction and 195 percent of poverty plus a standard deduction, respectively. The standard deduction would be the same as the standard deduction in the food stamp program.

The *Senate* amendment changes the eligibility guidelines for free and reduced-price school meals to 125 percent of poverty plus a standard deduction and 185 percent of poverty plus a standard deduction, respectively. The standard deduction would be the same as in the *House* bill.

Both the *House* bill and *Senate* amendment would, through changes in the income poverty guidelines and the eligibility guidelines, reduce the maximum income eligibility level for participation in the WIC program, which under section 17(d)(2) of the Child Nutrition Act of 1966 is the same as the income standard for reduced-price school meals.

The *Conference* substitute adopts the House provision with amendments that (1) authorize the Secretary of Agriculture to prescribe procedures for implementing the revised income poverty guidelines that allow school food authorities to make eligibility determinations based on the applications that they distributed at the beginning of the 1980–1981 school year or distribute and make eligibility determinations based on new applications containing the revised income poverty guidelines and (2) extend the authorization for appropriations for the special supplemental food program (WIC) through 1984 at such sums as may be necessary to operate the program for fiscal years 1982 through 1984. The changed income eligibility guideline for reduced-price school meals will determine the maximum income eligibility level for participation in the WIC program.

(5) Special assistance

(A) The *House* bill, for fiscal year 1981, effectively increases to 20 cents the charge for reduced-price lunches by deleting the provision allowing additional cash reimbursement equal to the free lunch reimbursement factor reduced by 10 cents or the price charged for reduced-price lunches in that State, whichever is greater, in any State where all schools charge less than 20 cents per reduced-price lunch.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *Senate* provision.

(B) The *House* bill, for fiscal year 1981, replaces the semiannual adjustments made in the school lunch program reimbursement rates with an annual adjustment made on July 1 to reflect changes for the most recent 12-month period for which such data are available.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *House* provision.

(6) *Exclusion of Job Corps centers*

The *House* bill, for fiscal year 1981, specifically excludes Job Corps centers funded by the Department of Labor from the definition of "school" in the National School Lunch Act and the Child Nutrition Act of 1966.

The *Senate* amendment contains the same provisions as the *House* bill, but makes them permanent.

The *Conference* substitute adopts the *Senate* provision.

(7) *Summer food service program for children*

(A) The *Senate* amendment precludes from participating in the program private nonprofit institutions, other than school food authorities, camps, and programs primarily serving migrants, that purchase meals from a food service management company and serve more than 2,000 children daily at more than 20 locations.

The *House* bill contains no comparable provision.

The *Conference* substitute deletes the *Senate* provision.

(B) The *House* bill, for fiscal year 1981, limits meal service in the summer program to two meals (lunch and either breakfast or a supplement) daily, except in camps and service institutions serving meals primarily to migrant children.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *Senate* provision.

(C) The Senate amendment extends the authorization for appropriations for the summer food service program for children, which under existing law expires at the end of fiscal year 1980, through fiscal year 1984.

The *House* bill contains no comparable provision.

The *Conference* substitute adopts the *Senate* provision.

(8) *Child care food program*

(A) The *House* bill includes within the term "institution," and thereby makes eligible for Federal subsidies under the child care food program, beginning in fiscal year 1981, for-profit day care facilities that receive compensation from grants to the States made under title XX of the Social Security Act.

The *Senate* amendment contains no comparable provision.

The *Conference* substitute adopts the *House* provision.

(B) The *House* bill, for fiscal year 1981, provides that adjustments in the reimbursement rates for supplements served in the child care food program will be made on an annual basis on July 1 rather than a semiannual basis.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *House* provision.

(C) The *House* bill provides that, in fiscal year 1981, the Federal cash reimbursement rate for supplements served in the child care food program will be reduced by 3 cents.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *Senate* provision.

(D) The *House* bill, for fiscal year 1981, reduces from $6 million to $4 million the amount available annually for providing equipment assistance to enable child care institutions to establish, maintain, and expand the program.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *Senate* provision.

(9) *Special milk program*

The *House* bill establishes 5 cents as the reimbursement rate for milk served in the special milk program in fiscal year 1981 to paying children in schools, institutions, or camps that participate in one of the other child nutrition programs.

The *Senate* amendment reduces and freezes the reimbursement rate for milk served in the special milk program to paying children in schools, institutions, or camps that participate in one of the other child nutrition programs to 5 cents per half-pint.

The *Conference* substitute adopts the *Senate* provision.

(10) *School breakfast program*

The *House* bill provides for a maximum free breakfast reimbursement in fiscal year 1981 of the higher of (1) the national average payment established by the Secretary plus 10 cents or (2) 45 cents, indexed annually on July 1 rather than semiannually to reflect changes in the series for food away from home of the Consumer Price Index.

The *Senate* amendment contains the same provision as the *House* bill, but makes it permanent.

The *Conference* substitute adopts the *House* provision.

(11) *Food service equipment assistance*

The *House* bill lowers the authorization for appropriations for food service equipment assistance to $15 million for fiscal year 1981. Under existing law, the authorization for appropriations for food service equipment assistance is permanent at a $75 million per fiscal year level.

The *Senate* amendment contains no comparable provision.

The Conference substitute (A) lowers the authorization for appropriations for food service equipment assistance to $15 million for fiscal year 1981, $30 million for fiscal year 1982, $35 million for fiscal year 1983, and $40 million for each fiscal year thereafter and (B) extends through fiscal year 1984 the requirement, which expires at the end of fiscal year 1980, that 40 percent of the funds appropriated for food service equipment assistance be reserved to assist schools without a school lunch or breakfast program that plan to use food service equipment to initiate such a program.

(12) *Nutrition education and training*

The *House* bill limits the authorization for appropriations for the nutrition education and training program for fiscal year 1981 to $15 million.

The *Senate* amendment contains no comparable provision.

The *Conference* substitute permanently limits the authorization for appropriations for the nutrition education and training program to $15 million and extends the authorization for appropriations for that program through fiscal year 1984.

STUDENT LOAN PROGRAMS (TITLE III)

1. The House bill and the Senate amendment both make provision for reporting student loan defaulters to credit bureau organizations for the purpose of improving student loan collection rates.

Section 416 of the Education Amendments of 1980, P.L. 96–379, achieves this purpose.

2. The House bill and the Senate amendment both limit the amount of special allowance paid to lenders for those loans made with the proceeds of State revenue bonds.

Section 438(b)(2)(D) of the Education Amendments of 1980, P.L. 96–379, achieves this purpose.

3. The House bill, but not the Senate amendment, requires that parents exhaust their eligibility under the new parental loan program before their children would be eligible to borrow in the Guaranteed Student Loan program.

The House recedes.

4. The House bill, but not the Senate amendment, permits the Internal Revenue Service to provide the current mailing addresses of student loan defaulters to the holders of loans in default status.

The Senate recedes.

5. The House bill, but not the Senate amendment, suspends the FY81 authorization to pay administrative cost allowances to state guarantee agencies in the GSL program.

The House recedes.

6. The Senate amendment, but not the House bill, contains other student loan provisions relating to creation of a National Direct Student Loan Association, changes in the interest rates charged to borrowers, and others.

Parts B and D of Title IV of the Education Amendments of 1980 make changes in the Student Loan programs including provisions for recapture of current outstanding balances of National Direct Students Loans (Section 442) and for increasing interest rates charged to borrowers (Sections 415 and 446).

The conferees note that the only legislative language contained in this conference report on H.R. 7765 is for item 4. All other reconciliation provisions contained in Section H can be found in the Education Amendments of 1980 (Public 96-374).

CIVIL SERVICE, POSTAL SERVICE, AND RELATED PROGRAMS (TITLE IV)

SUBTITLE A—THE CIVIL SERVICE

Annual cost-of-living adjustment

Section 601 of the Senate bill eliminates the September 1980 cost-of-living adjustment (COLA) for civil service annuitants and provides that the COLA due on March 1, 1981, shall be based on the change in the Consumer Price Index over the 12-month period beginning December 1979 and ending December 1980.

The House bill contains no comparable provisions. The Senate recedes to the House.

Repeal of "look-back" provision; proration of initial adjustment

Section 401 of the House bill repeals the so-called "look-back" provision of the civil service retirement law, under which employees who retire are able to receive the benefit of the previous cost-of-living adjustment. Section 401 also amends the civil service retirement law to provide for proration of a retiree's initial cost-of-living adjustment. Under proration, the employee will receive one-sixth of the applicable cost-of-living adjustment for each month the employee was on the retirement rolls prior to the effective date of the adjustment.

The Senate amendment contains no comparable provisions.

The conference report contains the House provisions. However, the conferees agree that the repeal of the "look-back" provision shall not be effective until 45 days after the date of enactment. Thus, an individual who retires before the 45th day after the date the President signs the bill will be eligible to take advantage of the "look-back" provision.

Elimination of dual pay for reservists

Section 402 of the House bill amends existing law to limit the total amount of compensation a Federal employee may receive for periods of military training as a member of the National Guard or the Reserve. Under the amendment, employees would continue to receive their military pay, but their civilian pay would be limited to the difference, if any, between their military pay and their civilian pay for the period of training.

The Senate amendment contains no comparable provision. The House recedes to the Senate.

Elimination of credit for holidays in calculating lump-sum leave payments

Section 403 of the House bill amends existing law by eliminating payment for Federal holidays that occur *after* a Federal employee retires but within the period covered by the employee's lump-sum leave payment. The amendment provides that the period of leave used for calculating the lump-sum payment shall not be extended due to any holiday occurring after the employee's separation.

There is no comparable provision in the Senate amendment. The conferees agreed to the House provision with an amendment changing the effective date from October 1, 1980, to the date of enactment.

Disability retirement eligibility

Section 404 of the House bill amends the civil service disability retirement provisions. Under this amendment, a determination must be made that the employee is not qualified for reassignment to another position in the agency at the same grade or level before the employee may be considered to be disabled. Under existing practice, the employee's ability to perform the duties of another position at the same salary level is not taken into account in determining disability.

The Senate amendment contains no comparable provision.

The conference report includes the House provision with an amendment relating to employees of the United States Postal Service. The amendment provides that employees of the Postal Service shall be considered not qualified for reassignment to a vacant position if the reassignment is to a position in a different craft or is inconsistent with the terms of a collective bargaining agreement covering the employee.

Minimum disability retirement annuity

Section 405 of the House bill amends the civil service retirement law to exclude individuals who are receiving military retirement benefits or veterans' compensation from the guaranteed minimum disability annuity provision. Under existing law, an employee who has completed at least 5 years of civilian service and becomes disabled may retire on an immediate annuity. The disability retiree is guaranteed an annuity equal to the lesser of 40 percent of his average pay or his earned annuity after projecting his service to age 60. Under this amendment, the minimum disability benefit will continue to pay to individuals who receive military retired pay on account of service-connected disabilities received in combat or caused by an instrumentality of war.

The Senate amendment contains no comparable provision.

The conferees agreed to the House provision with an amendment changing the effective date from October 1, 1980, to the date of enactment.

Exemptions of life insurance premiums from State taxation

Section 406 of the House bill amends the Federal employees' life insurance provisions by prohibiting States and the District of Columbia from imposing taxes or other fees on premiums paid to carriers under the Federal employees' life insurance program. The Senate amendment contains no comparable provision. The conference report includes the House provision.

SUBTITLE B—THE POSTAL SERVICE

The House bill contains a number of provisions relating to programs of the Postal Service. Because instructions under the First Concurrent Resolution to achieve savings in postal programs were directed to the Senate Committee on Appropriations and not to the authorizing committee, there were no comparable provisions in the Senate bill. The managers on the part of the House Committee on Post Office and Civil Service and the Senate Committee on Governmental Affairs believe that, in the future, reconciliation instructions should be directed consistently to either the authorizing or appropriations committees in order to give each House of the Congress the opportunity to fully consider and act upon proposed legislative changes.

Public service subsidy and six-day mail

Section 411 of the House bill reduces the amount authorized for public service appropriations for the Postal Service for fiscal year 1981 from $736 million to $486 million, a reduction of $250 million. A companion provision, section 412, prohibits the Postal Service from taking any action during fiscal year 1981 which would result in the elimination of six-day mail delivery. There are no comparable provisions in the Senate amendment. The conferees agreed to the House provisions.

Reduced rates

Section 413 of the House bill reduces by $100 million the authorization for appropriations to subsidize third-class nonprofit bulk mail for fiscal year 1981. Thus, it proposes an authorization of $319 million, rather than $419 million for the current fiscal year. This section also provides that the reductions may be considered a "failure of appropriation" so that the Postal Service may initiate action to increase the rates applicable to nonprofit third-class bulk mail.

Section 414 of the House bill revises existing law relating to the authority to adjust certain rates when a "failure of appropriation" has occurred. As proposed in the House bill, the Postal Service must petition the Postal Rate Commission for a recommended decision to increase rates, and the Commission must report its recommendations within 60 days. The proceedings before the Commission would be a rule-making procedure rather than a full hearing on the record.

The Senate amendment has no provisions comparable to these sections. The conference report provides for a $50 million reduction in the authorization for appropriations to subsidize third-class nonprofit bulk mail for fiscal year 1981. The conferees agree that this reduction may be considered a "failure of appropriation". The House recedes to the Senate with respect to the provision for rate adjustments when there is a "failure of appropriation".

The Managers on the part of the Senate and House have agreed that removal of section 414 from the bill should not be construed to support or oppose any interpretation of existing law made by the United States Postal Service or any other person.

Section 415 of the House bill amends existing law to specifically authorize the practice by which the Postal Service requests adjustments in appropriations previously made for revenue foregone. This section also provides that the request for a $111 million reconciliation appropriation which was submitted by the Postal Service for fiscal year 1981 shall be resubmitted for fiscal year 1982. The Senate amendment contains no comparable provisions. The conference agreement contains the House provision.

Section 416 of the House bill repeals the authorization for political parties to mail third-class mail at the nonprofit rate. The Senate amendment has no comparable provision. The House recedes to the Senate.

Effective date

The conferees agree that the provisions of this subtitle shall be effective on the date of enactment.

SUBTITLE C—FEDERAL EMPLOYEES' COMPENSATION ACT

The House bill, but not the Senate amendment, provides that cost-of-living adjustments for Federal Employees' Compensation Act (FECA) benefits for job-related accidents shall in the future be made on an annual basis.

The Senate recedes.

HIGHWAY, RAIL, AND RELATED PROGRAMS (TITLE V) SUBTITLE A—HIGHWAY PROGRAMS

With respect to savings, P.L. 96-400, section 310, has achieved the savings recommended on the part of the conferees of the House and Senate. The conferees from both the Public Works and Transportation Committee in the House and the Environment and Public Works Committee in the Senate have and continue to support the action taken in the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1981 and enthusiastically endorse the savings achieved therein.

In particular, the conferees supported the obligation constraints contained in Section 310 of the Department of Transportation Appropriations Act. That section sets a limitation on obligational authority for Fiscal Year 1981 of $8.75 billion. Our support is rooted in the understanding, shared by our colleagues on the Appropriations Committees, that no obligational constaints are to be imposed on either the emergency relief fund or on-going emergency projects funded under the discretionary bridge replacement fund, including discretionary funds set-aside from bridge replacement funds (prior to such funds being apportioned to the States) for the acceleration of bridge projects program. It has always been the intention of the Public Works conferees that both the Huntington Bridge and U.S. Grant Bridge projects be recognized as on-going emergency projects. It was the intention of the conferees to exclude these projects from the obligation ceiling. Absent such an exclusion, the projects could not be built in accordance with Congressional intent.

SUBTITLE B—OTHER PROGRAMS

National Traffic and Motor Vehicle Safety Act of 1966 (Sec. 511)

Senate provision

The Senate provision reduces the level of funding for the National Highway Traffic Safety Administration for general operations in fiscal year 1981 from the $70 million authorized in S. 1159 as it passed the Senate to $53,800,000. This reduction would result in a $5 million savings in budget authority for fiscal year 1981.

House provision

The House measure contains no similar provision.

Conference substitute

The conference substitute adopts the Senate provision with appropriate technical corrections to permit the conferees on S. 1159 to report a bill which authorizes less than $53,800,000 for the general operations of the National Highway Traffic Safety Administration for fiscal year 1981, if they wish to do so

Railroad Rehabilitation (Sec. 512)

Senate amendment

The Senate amendment recommends that the amount authorized to be expended for the railroad rehabilitation and improvement financing program established under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 pursuant to either S. 2530 or H.R. 7235 be limited to $180 million in fiscal year 1981. As originally passed by the Senate, S. 2530 provided for an increase in the authorization level of $400 million for the purchase of redeemable preference shares over a two-year period until September 30, 1982. By limiting the amount authorized to be appropriated for this program during fiscal year 1981 to $180 million, and the balance for fiscal year 1982, the Senate provision would result in an anticipated savings in budget authority of $70 million in fiscal year 1981.

House bill

The House bill contains no provision.

Conference substitute

The Conference substitute adopts the Senate provision which has since been enacted in section 405(b)(1) of the Staggers Rail Act of 1980, Public Law 96-448, which amended section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976.

It is anticipated that this already enacted reduction in the amount authorized to be appropriated for this program will result in a savings of $70 million in budget authority and $13 million in outlays in fiscal year 1981.

Airport and Railway Improvement Act (Title VI)

To date no legislation has passed the Congress to authorize obligations from the Airport and Airway Trust Fund for airport development, airport planning or noise compatibility programs. Thus both the Senate and House reconciliation measures were addressed to bills that had originated in that chamber to authorize such obligations.

The Senate provision addresses S. 1648 and directs the Secretary of the Senate to reduce the budget authority for airport development and airport planning grants for fiscal year 1981 to an amount of not less than nor more than $650,000,000. The House provision addresses H.R. 6721 and provides for an unspecified reduction of $300,000 in budget authority below levels authorized in the reported bill. If the budget authority reductions were not realized, the House provision directs the Clerk of the House to reduce the amount obligated for airport development, airport planning and noise compatibility programs for fiscal year 1981 to no more than $725,000,000.

The Conference substitute follows both the Senate and House provisions to reduce the budget authority levels in bills that have originated in each chamber. The substitute limits the amount of grants which the Secretary may be authorized to make from the Airport and Airway Trust Fund in fiscal year 1981 for airport development, airport planning, and noise compatibility programs to a level of not more than $725,000,000.

Veterans' Programs (Title VII)

The Committee of Conference concurs with the recommendation of the conferees appointed for the consideration of matters within the jurisdiction of the Veterans' Affairs Committees of the House and of the Senate. That recommendation is as follows:

Section 401 of Public Law 96-330, the Veterans' Administration Health-Care Amendments of 1980, and section 504 of Public Law 96-385, the Veterans' Disability Compensation and Housing Benefits Amendments of 1980, and sections 201, 202, 211, and 212, together with section 802(b), and title VI of Public Law 96-466, the Veterans' Rehabilitation and Education Amendments of 1980, contain provisions that incorporate in whole or with modifications all but one of the provisions of H.R. 7765 as passed by the House (title VII) and the Senate (title VIII) and will result in total savings exceeding the amounts of savings that each Committee on Veterans' Affairs was instructed in the First Concurrent Resolution on the Budget for Fiscal Year 1981 (H. Con. Res. 307) to achieve through recommended legislation.

We thus recommend that the conference report contain no provision relating to matters within the jurisdiction of the Veterans' Affairs Committees.

Also, we note that the enactment of section 401 of Public Law 96-330, limiting the circumstances under which certain veterans' oaths of inability to defray medical expenses shall be considered conclusive, constitutes appropriate disposition of legislation (H.R. 3475 and S. 759) to authorize the Veterans' Administration to recover the costs of certain non-service-connected care from health insurance carriers.

The following table shows the resolution in Public Laws 96-330, 96-385, and 96-466 of each provision included in the House or Senate version of H.R. 7765:

COMPARISON OF COST SAVING PROVISIONS UNDER THE JURISDICTION OF THE VETERANS' AFFAIRS COMMITTEES—H.R. 7765 AS PASSED BY HOUSE (TITLE VII) AND SENATE (TITLE VIII) WITH PROVISIONS OF PUBLIC LAW 96-330

[In millions of dollars; fiscal year 1981 savings]

Description of items	H.R. 7765				Disposition of items (provisions of Public Law 96-330, 96-385, and 96-466)	
	House (section number)		Senate (section number)			
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Limitations on presumption of inability to defray medical expenses	[1] 109.1	[1] 109.1			[2] 109.1	[2] 109.1
Limitation on payment of certain burial allowances	[3] 83.5	[3] 83.5			(4)	(4)
Termination (House) or modification (Senate) of flight and correspondence training	[5] 56.3	[5] 56.3	[6] 35.4	[6] 35.4	[7] 20.0	[7] 20.0
Debt-collection provisions	[8] 116.0	[8] 116.0	[9] 139.0	[9] 139.0	[10] 144.2	[10] 144.2
Repeal of PREP authority	[11] .9	[11] .9	[12] 1.0	[12] 1.0	[13] 1.0	[13] 1.0
Limitation on payment of education and rehabilitation benefits to incarcerated persons	[14] 6.2	[14] 6.0			[15] 8.7	[15] 8.7
Limitation on payment of compensation to incarcerated persons	[16] 3.0	[16] 3.0			(17)	(17)
Reduction of GI bill cost-of-living increase from 15 to 10 percent and delayed effective date			[18] 261.7	[18] 267.5	[19] 202.3	[19] 207.9
Modification of criteria for approving GI bill vocational objective courses			[20] 4.1	[20] 4.1	[21] 1.6	[21] 1.6
Total savings	375.0	374.8	441.2	447.0	486.9	492.5

[1] Sec. 701.
[2] Sec. 401 of Public Law 96-330.
[3] Sec. 702.
[4] Deleted from compromise on Public Law 96-325.
[5] Sec. 703.
[6] Sec. 802.
[7] Secs. 603 and 604 of Public Law 96-466.
[8] Secs. 704 and 705.
[9] Sec. 805.
[10] Secs. 605 and 606 of Public Law 96-466.
[11] Sec. 706.
[12] Sec. 803.
[13] Sec. 601 of Public Law 96-466.
[14] Sec. 707 (a), (b), and (c).
[15] Sec. 602 of Public Law 96-466.
[16] Sec. 707(d).
[17] Less than $500,000 (sec. 504 of Public Law 96-385).
[18] Sec. 801.
[19] Secs. 201, 202, 211, 212, and 802(b) of Public Law 96-466 (see note below).
[20] Sec. 804.
[21] Secs. 303 and 325 of Public Law 96-466.

Note: Title II of Public Law 96-466 provides a 10-percent increase in GI bill benefits—½ to be effective Oct. 1, 1980 (secs. 201, 202, and 802(b)(1)) and the remainder Jan. 1, 1981 (secs. 211, 212, and 802(b)(2)). The savings from the reduction of the increase from 15 to 10 percent ($139,800,000 in budget authority and $145,400,000 in outlays) and the delay in the effective date of the increase ($62,500,000 in budget authority and outlays) add up to the amounts Indicated.

Small Business (Title VIII)

Section 601 of the House bill acknowledges achievement of certain reconciliation savings by the House Committee on Small Business through the enactment into law of Public Law 96-302, the Small Business Development Act of 1980. The Senate amendment contains no comparable provision.

The Committees on the Budget concur that the reconciliation directive relating to small business programs has been satisfied by the enactment of Public Law 96-302.

Accordingly, the Senate recedes.

Medicare and Medicaid Related Provisions (Title IX)

I. HEALTH PROVISIONS

1. Home Health Services

House bill.—The House bill provides medicare coverage for unlimited home health visits; eliminates the 3-day prior hospital stay requirement under part A of medicare; eliminates the $60 deductible for home health benefits under part B; includes the need for occupational therapy as a qualifying criterion for home health benefits; allows proprietary home health agencies in states without licensure laws to participate in medicare; provides authority for the Secretary of Health and Human Services to require bonding or the establishing of escrow accounts to the extent he finds necessary; requires the Secretary to establish regional intermediaries for home health agencies; and requires the Secretary to take several actions to achieve the more effective administration of the home health benefit.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

The conference agreement eliminates the special licensing requirement under present medicare law relating to proprietary home health agencies and the authority of the Secretary to establish additional standards solely on the basis of the tax status of an agency. Thus, under the conference agreement, if a state has a home health agency licensing law, any home health agency, regardless of its sponsorship, must be licensed under that law or be approved by the state agency responsible for licensing home health agencies as meeting the established requirements (other than requirements relating to the tax status of the agency) in order to participate as a home health agency in the medicare program.

In requiring the designation of regional intermediaries for home health agencies, it is not the intent of the conferees that home health agencies would be precluded from contracting directly with the Health Care Financing Administration.

2. Reciprocal agreements for services furnished outside the United States

House bill.—The House bill authorizes the negotiation of reciprocal agreements with other countries for medicare benefits for beneficiaries living or traveling outside the United States.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

3. Dentists' services

House bill.—The House bill provides medicare coverage for services furnished by dentists when the services are of the kinds that are covered when furnished by physicians. The bill also covers hospital stays where the severity of the noncovered dental procedure warrants. Routine dental services would continue to be noncovered services.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

4. Treatment of plantar warts

House bill.—The House bill provides medicare coverage for the treatment of plantar warts (warts on the feet).

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

5. Community mental health centers

House bill.—The House bill provides reimbursement under part B of medicare to community mental health centers for up to 15 outpatient and 60 partial hospitalization visits per year under part B of medicare.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

6. Comprehensive outpatient rehabilitation facility services

House bill.—The House bill covers freestanding outpatient rehabilitation facilities as providers of services under medicare.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

7. Optometrists' services

House bill.—The House bill covers services furnished by optometrists related to the condition of aphakia (absence of the natural lens of the eye).

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

8. Antigens

House bill.—The House bill covers antigens prepared by one physician and forwarded to another for administration to the patient.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

9. Payment where beneficiary not at fault

House bill.—The House bill requires the Secretary to make medicare payment where a beneficiary who required a higher level of care was erroneously placed in a part of the institution providing a lower level of care.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

10. Flexibility in application of standards to to rural hospitals

House bill.—The House bill authorizes the Secretary to apply the medicare health and safety standards applicable to all hospitals more flexibly with respect to rural hospitals where such action will not jeopardize patient health and safety.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision with a modification under which the Secretary is authorized to provide for a limitation on the scope of services to be furnished by a hospital consistent with any relaxation or waiver of applicable standards.

11. Certification and utilization review by podiatrists

House bill.—The House bill allows podiatrists, acting within the scope of their practice, to be recognized as physicians for the purpose of physician certification and utilization review.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

12. Physician treatment plan for speech pathology

House bill.—The House bill allows a speech pathologist to establish the plan of treatment for speech pathology services.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

13. Payment for physicians' services where beneficiary has died

House bill.—The House bill authorizes, for physicians' services rendered to a beneficiary before his death, payment on the basis of an unpaid bill, to the person who has agreed to assume legal obligation to pay the physician.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

14. Presumed coverage provisions

House bill.—The House bill repeals medicare provisions authorizing, by type of diagnosis, presumed periods of coverage for skilled nursing facility and home health services.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

15. Payments to providers of services

House bill.—The House bill (a) repeals a provision of existing law under which medicare payments to a provider of services are limited to the lower of the provider's customary charges or the reasonable cost for services to medicare beneficiaries, and (b) provides for reimbursement under medicare Part B to providers of services on the basis of the reasonable cost minus the coinsurance amounts charged beneficiaries.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision on (a) and follows the House provision on (b).

16. Limit on premium increases due to late enrollment

House bill.—The House bill limits the late enrollment penalty under medicare part B to a maximum of 30 percent.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

17. Reenrollment and open enrollment in part B

House bill.—The House bill repeals a provision of existing law that permits beneficiaries to reenroll in medicare Part B only once (thus unlimited reenrollment would be permitted), and also permits continuous open enrollment for individuals who failed to enroll at their first opportunity (rather than open enrollment only during January through March of each year).

Senate amendment.—No provision.

Conference agreement. The conference agreement includes the House provision with a modification providing a one-year period beginning January 1, 1981, during which any State which has not already done so could enter into an agreement or modification of an agreement, with the Secretary under section 1843 of the Social Security Act for the enrollment of, and purchase of medicare Part B protection for, eligible individuals who are receiving money payments under public assistance programs or who are eligible for medical assistance under title XIX of the Social Security Act. A state currently without a buy-in agreement could enter into an agreement during 1981 covering both cash recipients and persons eligible only for medical assistance if it wished to do so.

18. Chiropractors' services

House bill.—The House bill modifies the requirement for chiropractic coverage so that a subluxation could be demonstrated to exist either by an x-ray or other chiropractic clinical findings. X-rays taken to demonstrate a subluxation would be covered.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

19. Increases in outpatient mental health benefits under part B

House bill.—The House bill increases the present limit on reimbursement for outpatient mental health services from 50 to 80 percent of reasonable charges, up to $750 in program payments per year. The bill also covers outpatient services of qualified clinical psychologists when referred by a physician.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

20. Limitation on payments to radiologists and pathologists

House bill.—The House bill limits the special 100 percent reimbursement for radiology and pathology services to physicians accepting assignment for all services furnished to hospital inpatients.

Senate amendment.—No provision.

Conference agreement.—The conference includes the House provision.

21. Shortened part B termination period for certain individuals whose premiums medicaid has ceased to pay

House bill.—The House bill permits an individual whose State buy-in coverage for part B of medicare has ended to terminate such coverage effective with the month medicare is notified that coverage is no longer wanted, rather than continuing enrollment for as long as 6 months.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

22. *Outpatient physical therapy services*

House bill.—The House bill increases the present $100 yearly limitation on outpatient physical therapy services to $500.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

23. *Reimbursement for blood*

House bill.—The House bill eliminates the medicare 3-pint blood deductible.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

24. *Medicare payment liability secondary in certain automobile insurance cases*

House bill.—The House bill provides that medicare would be the secondary payor in any case where the health care services can be paid for under an automobile insurance policy. As under present law with respect to workmen's compensation cases, medicare would pay the beneficiary's claim and recover the amounts payable from the private insurance company when liability for such payment is established.

Senate amendment.—The Senate amendment contains a similar provision except that (a) medicare would be the secondary payor in any case where care can be paid for under any liability insurance policy (including an automobile insurance policy) or under a no-fault insurance plan; and (b) the Secretary is authorized to waive this provision if he determines that the probability of recovery or the amount involved under such a policy or plan does not warrant the pursuing of the claim.

Conference agreement.—The conference agreement follows the Senate amendment with modifications to clarify that the provision (a) is also applicable to self-insurance plans, and (b) will be administered, with respect to the recovery of amounts payable under a plan or policy, as provided for in the House bill. With respect to no-fault insurance plans, the provision is applicable only to the policies or plans actually held by the individuals involved and not to any hypothetical policies or plans that an individual at one time could have opted, but did not opt, to enroll in.

25. *Hospital transfer requirement for skilled nursing facility coverage*

House bill.—The House bill provides that the 14-day period within which a medicare beneficiary must be transferred from a hospital to a skilled nursing facility in order to qualify for post-hospital extended care benefits would be extended to 30 days. The bill also extends the period during which beneficiaries can be readmitted to a skilled nursing facility without again meeting the three day prior hospitalization requirement.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

26. *Outpatient surgery*

House bill.—The House bill requires the Secretary to establish a list of procedures which, although appropriately performed on a hospital inpatient basis, can also be safely performed in an ambulatory surgical center. The costs related to the use of the ambulatory surgical center in performing such procedures would be covered in full. Medicare would also reimburse 100 percent of the physician's reasonable charge when he performs such procedures in an ambulatory surgical center or in the outpatient department of a hospital, provided the physician agrees to accept assignment.

Senate amendment.—The Senate amendment requires the Secretary to establish lists of procedures which can be safely and appropriately performed both on a hospital inpatient basis and in an ambulatory surgical center or a physician's office. The costs related to performing procedures in an ambulatory surgical center would be covered in full. An amount calculated to take account of any unusual overhead expenses would be established and paid where a physician performs the specified procedures in his office. The physician's fee for performing such procedures in an ambulatory surgical center, the outpatient department of a hospital, or in the office would be reimbursed 100 percent of the reasonable charge provided the physician agreed to accept assignment.

Conference agreement. — The conference agreement generally follows the Senate amendment with modifications. The Secretary is to establish (a) a list of procedures which are frequently performed on a hospital inpatient basis but which can be safely performed in an ambulatory surgical center and (b) a list of procedures which are frequently performed on a hospital inpatient basis but can also be safely performed in a physician's office. The purpose of this provision is to provide incentives to perform surgical procedures on a less costly outpatient basis in cases where the need to perform the procedure is routinely used as justification for admission as a hospital inpatient. Accordingly, it is not expected that the lists established by the Secretary would include procedures which are already generally recognized as more appropriately (from the standpoint of efficient utilization of inpatient services) performed on an outpatient basis.

For those procedures which can be performed in a physician's office, an amount calculated to take account of any unusual overhead expense not usually incorporated into the professional fee for equipment, supplies, space, etc., would be established and paid in full. This overhead factor is expected to be calculated on a prospective basis (and periodically updated) utilizing sample survey or similar techniques to establish reasonable estimated overhead allowances for each of the listed procedures which take account of volume (within reasonable limits). The Secretary is expected to recognize only such additional overhead expenses as are not reflected in the customary charges of physicians.

Subject to the conditions discussed below, the physician would be reimbursed 100 percent of the reasonable charge for performing the listed procedures, provided he accepts assignment, in an ambulatory surgical center, the outpatient department of a hospital, or his office.

This reimbursement would be authorized for procedures performed in the physicians' offices only where (1) a Professional Standards Review Organization is willing, able, and has agreed to carry out a review of the physician performance of such procedures and (2) the physician has agreed to make such records available to the PSRO as may be determined to be necessary. Further, physicians would be reimbursed under this section only for those procedures for which they have admitting privileges in a hospital located in the geographic area in which their office is located.

27. *Technical renal disease amendments*

House bill.—The House bill authorizes the Secretary to enter into agreements with approved non-profit organizations to assist home dialysis patients in obtaining and maintaining dialysis equipment; changes the reporting date for the renal disease program annual report from April 1 to July 1; and provides that the State health planning agency's determination, rather than the Secretary's, of the need for a new or expanded renal facility is conclusive.

Senate amendment.—No provision.

Conference agreement.—The conference follows the House provisions relating to agreements with non-profit organizations assisting home dialysis patients and to the change in the reporting date for the annual renal disease program report; but does not include the House provision relating to determinations of the need for a new or expanded renal facility.

The conferees recognize that every effort should be made to coordinate renal dialysis facility certification by the Secretary with the certificate of need approval process. Accordingly, it is expected that the Secretary will take appropriate steps to inform State health planning agencies and potential applicants of the criteria for certification of renal dialysis facilities.

28. *Preadmission diagnostic testing*

House bill.—The House bill provides 100 percent medicare reimbursement for diagnostic tests administered in the outpatient department of a hospital seven days prior to the patient's treatment as a hospital inpatient.

Senate amendment.—The Senate amendment provides for 100 percent reimbursement for those diagnostic tests which are designated by the Secretary as tests which can be performed either on an inpatient or outpatient basis if the tests are administered in the outpatient department of a hospital seven days prior to the patient's treatment as a hospital surgical inpatient.

Conference agreement.—The conference agreement follows the House provision with an amendment to cover, to the extent practicable, diagnostic tests administered in a physician's office seven days prior to admission as an inpatient. The conferees intend that, in determining whether coverage for diagnostic tests furnished in a physician's office is feasible, the Secretary is to consider whether such an arrangement is administratively practical and appropriate procedures can be established between the part A intermediary and the part B carrier, whether it contributes to the economical use of program funds, whether adequate protections against possible abuse are included, and whether there are assurances that the tests are transferable and won't be duplicated.

29. *Studies and demonstration projects*

House bill.—The House bill provides for studies with respect to medicare coverage for orthopedic shoes, respiratory therapy, second opinions for surgery, foot care, and home health services of dieticians. Demonstration projects are authorized with respect to coverage for clinical social workers and nutritional therapy for renal patients.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision with an amendment to provide that, where relevant, any study undertaken under this provision should include an evaluation of the effects of payments to independent practitioners on coordination of care, cost, quality, organized settings, and utilization of services.

30. *Provider reimbursement review board*

House bill.—The House bill requires the Board, when requested by a provider, to determine within 30 days whether it has jurisdiction over an issue brought before it by a provider; authorizes the Board to make such determinations on its own motion; and authorizes judicial review without further administrative review where the Board decides it lacks jurisdiction.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

31. *Access to books and records of subcontractors*

House bill.—The House bill provides that medicare reimbursement will include amounts paid by providers for services furnished under contracts with subcontractors whose cost or value over 12 months is at least $10,000 only if such contracts contain a provision allowing the Secretary or the Comptroller General access, upon request, to the contract, and the books, documents, and records of the subcontractor that are necessary to verify costs. Such access would need to be provided for 3 years after furnishing of the services.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision with several modifications: (1) Access to books and records would be required for 4 years rather than 3 years after furnishing of the services; (2) contracts between providers and subcontractors would require that if the subcontractor carries out any of the duties under the contract through an organization related to the subcontractor by common ownership or control, the subcontractor's contract with the related organization must provide for similar access to books and records; (3) the Secretary's request for access to books and records must be in writing; and (4) the Secretary would be required to specify in regulations the criteria and procedures for seeking and obtaining access to the relevant contracts, books, documents and records. (The intent of provisions (3) and (4) is to assure that subcontractors will not be subjected to inappropriate requests.) In addition, under the conference agreement, the provisions specifying a cost or value of at least $10,000 are intended as a measure of significant business activity between a provider and a single subcontractor (or between a subcontractor and another related subcontractor), and this measure could not be appropriately circumvented by entering into a series of smaller contracts each of which is for less than $10,000. The conferees would further note that, in the event a subcontractor or a related organization does not include the required provision in contracts to which this provision is applicable, or if they refuse to provide access under such provision, the Secretary or Comptroller General could, in addition to any other remedies available to them, initiate legal action against such subcontractor or organizations as intended third party beneficiaries.

32. Medicare coverage of pneumococcal vaccine and its administration

House bill.—The House bill authorizes medicare reimbursement for pneumococcal vaccine and its administration with no applicable deductible or coinsurance.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

33. Expanded membership of professional standards review organizations

House bill.—The House bill authorizes each PSRO to offer membership, at its own option, to nonphysician health professionals who hold independent hospital admitting privileges.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

34. Registered nurse and dentist membership on statewide council advisory group

House bill.—The House bill provides that at least one registered professional nurse and one dentist must be included in the membership of the advisory group to each Statewide PSRO Council.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

35. Nonphysician membership on National Professional Standards Review Council

House bill.—The House bill expands the membership of the National Council to include a dentist, a registered professional nurse and one other nonphysician health professional representing the recognized ancillary health care disciplines.

Senate bill.—No provision.

Conference agreement.—The conference agreement includes the House provision.

36. Efficiency in delegated review

House bill.—The House bill authorizes PSRO's to delegate review functions to hospitals only if the hospital demonstrates a capacity to carry out the required reviews effectively, efficiently and in a timely fashion.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

37. Required activities of PSRO's

House bill.—The House bill provides that, in order to obtain full designation, a conditionally designated PSRO must be satisfactorily conducting reviews of inpatient services provided by hospitals in its area, except that review of ancillary services is not required. (The House bill eliminates the requirement of present law that a PSRO must be reviewing outpatient hospital services and long-term care services to be fully designated.) The bill also directs the Secretary to establish a program for the evaluation of the cost-effectiveness of PSRO review of particular types of services and authorizes the Secretary to require PSRO's to conduct review of additional types of services only where such review has been found to be cost-effective or yields other significant benefits.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

38. Response of PSRO's to Freedom of Information Act Requests

House bill.—The House bill provides that no PSRO will be required to make available any records pursuant to a request under the Freedom of Information Act (FOIA) until 180 days after the entry of a final court order requiring such disclosure.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House provision with a modification under which a PSRO will not be required to make records available pursuant to an FOIA request until the later of: (1) one year after the entry of a final court order requiring such disclosure, or (2) the last date of the Congress during which the court order was entered. The intent of the conference agreement on this provision is not to make moot or otherwise reflect congressional intent with respect to any cases on the issue of PSRO disclosure of information under the FOIA now pending before the courts, but rather to provide time for the Congress to have the benefit of full judicial consideration of the issue.

39. Consultation by PSRO's with health care practitioners

House bill.—In lieu of the present requirement of formal advisory groups of health care practitioners to individual PSRO's, the House bill authorizes the Secretary to establish more flexible guidelines to assure appropriate operational PSRO consultation with representatives of all health care disciplines.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

40. Review of routine hospital admission services and preoperative stays by PSRO's

House bill.—The House bill authorizes PSRO's to focus preadmission review on those areas of relatively frequent overutilization—particulary routine hospital admission services and excessive preoperative stays—to assure that program payments are made only when routine tests and long preoperative stays for elective conditions are medically appropriate. The House bill also authorizes the Secretary to direct a PSRO to conduct such reviews where the Secretary determines they can be made on a timely, cost-effective basis.

Senate amendment.—The Senate amendment contains a similar provision directing PSRO's to give priority to the review of routine hospital admission services and preoperative stays.

Conference agreement.—The conference agreement includes the House provision.

41. Study of PSRO norms, standards, and criteria

House bill.—The House bill requires the Secretary to conduct, in consultation with the National Council, a nationwide study of the differences in PSRO norms and to report the findings to Congress within one year of enactment.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

42. Nonprofit hospital philanthropy

House bill.—The House bill provides that grants, gifts, and income from endowments, whether restricted by the donor or not (as well as certain income from philanthropic gifts and other funds) shall not be deducted from operating costs of nonprofit hospitals in determining reimbursement under the medicare, medicaid and Maternal and Child Health programs.

Senate amendment.—No provision.

Conference agreement.—The conference agreement modifies the House provision to specify that the following items shall not be deducted from the operating costs of nonprofit hospitals in determining reimbursement amounts: (1) grants, gifts or endowments, and the income therefrom, which have not been designated by the donor for paying any specific operating costs; (2) governmental grants or similar payments, under the terms of which the grant or payment is not available for use as operating funds; and (3) the proceeds from the sale or mortgage of any real estate or other capital assets which the hospital acquired through gift or grant and which, under the terms of the gift or grant, are not available for use as operating funds (except for recovery of the appropriate share of depreciation when gains or losses are realized from the disposal of depreciable assets.)

In determining reimbursement amounts, the Secretary would continue to have authority not to deduct from operating costs certain types of donor-designated gifts and grants (including government grants) if he or she determines that it would be in the best interest of needed health care not to make a deduction with respect to such types of grants or gifts. It is intended the exemption currently contained in regulations relating to family practice training grants would be continued.

It is the intent of the conference committee that the prohibition against deducting gifts, grants, endowments, and income therefrom, shall apply indirectly as well as directly and preclude the Secretary from taking into account the presence of charitable funds generated from gifts, grants or endowments which have not been designed by the donor for paying any specific operating costs as a reason for denying any reimbursable expense, such as interest expense.

43. Consultative services for skilled nursing facilities

House bill.—The House bill repeals the provision of present law under which the State agency responsible for determining skilled nursing facility compliance with medicare's conditions of participation may furnish consultative services to help the facility achieve or maintain compliance with the conditions of participation.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

44. Study of need for dual participation of skilled nursing facilities

House bill.—The House bill requires the Secretary to conduct a study of the reasons for the present scarcity of skilled nursing home beds, including the extent to which existing law and regulations discourage dual participation of skilled nursing facilities in the medicare and medicaid programs, and to report the results of the study to Congress within one year after enactment.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provisions.

45. Alternative to decertification of long-term care facilities out of compliance with conditions of participation; look behind authority

House bill.—The House bill authorizes the Secretary and State medicaid agencies to deny reimbursement for services furnished by a skilled nursing facility or an intermediate care facility for all medicare and medicaid beneficiaries admitted to the facility after the date the Secretary determines that such facility is substantially out of compliance with the conditions of participation. This intermediate sanction would be applicable as an alternative to decertification only in the case of a facility whose deficiencies do not immediately jeopardize the health and safety of patients; where patient health and safety is jeopardized, the Secretary and the State agency are required to take action to decertify the facility simultaneously with application of the more limited sanction. (The provision requires the Secretary to provide public notification to potentially affected beneficiaries of the date of the sanction and the fact that no benefits will be payable on behalf of a beneficiary admitted to the facility after that date.) In addition, this provision authorizes the Secretary to "look behind" a State's survery of an SNF or ICF and, where the Secretary finds that a facility does not meet the conditions of participation, to terminate that facility's participation in medicaid.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision with a modification limiting the Secretary's authority to "look behind" a State's survey of a SNF or ICF to situations in which the Secretary has cause to question the adequacy of the State's determination. It is understood that cause for questioning the State's determination could include the general performance of the State system or complaints by residents, relatives, advocates or others about the quality of care or conditions in the facility. Under the Conference agreement it is intended that Federal financial participation could be continued with respect to medicaid patients of a facility decertified by the Secretary during such reasonable time as is required to effect the transfer of medicaid patients from the facility. Further, the conferees note that it is not the intention of this provision to alter the access to a full evidentiary hearing before decertification of a facility occurs, as provided under current law.

46. Life safety code requirements

House bill.—The House bill repeals the requirement that skilled nursing facilities must be in compliance with the 1973 edition of the Life Safety Code of the National Fire Protection Association and authorizes the Secretary to determine in regulations when facilities are to be required to meet the provisions of revised editions of the Code, taking into account the capabilities of facilities and State survey agencies to accommodate the revisions.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision with a modification to provide that facilities which are in compliance with the Life Safety Code provisions of present law (and for so long as such compliance is maintained) will be considered to be in compliance with the requirements imposed in regulations with respect to the Life Safety Code provisions.

47. Criminal standards for certain medicare- and medicaid-related crimes

House bill.—The House bill provides that the criminal penalties under present law for the solicitation, payment or receipt of remuneration for referring a medicare or medicaid patient or in return for purchasing, leasing or ordering any supply or service covered under medicare or medicaid will be applicable where such conduct is undertaken knowingly or willfully.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

48. Exclusion of health care professionals convicted of medicare- or medicaid-related crimes.

House bill.—The House bill broadens the exclusion under present law from participation in medicare and medicaid of practitioners convicted of program-related crimes so as to apply this provision to all other categories of health professionals.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision with a modification that would make the provision applicable to the program under Title XX of the Social Security Act.

49. Requirements concerning reporting of financial interest

House bill.—The House bill amends the financial reporting requirements of present law (under which reporting of all interests of 5 percent or more of any obligations secured by the entity is required) to provide that an entity must report only those individual interests in mortgages or other obligations equal to at least $25,000 or 5 percent of the entity's total assets.

Senate bill.—No provision.

Conference agreement.—The conference agreement includes the House provision.

50. Withholding of Federal share of payments to medicaid providers to recover medicare overpayments

House bill.—The House bill authorizes the Secretary to withhold the Federal share of medicaid payments from providers and physicians in order to recover medicare overpayments where such overpayments cannot be recovered through the medicare program either because the provider is participating in medicare at a minimal level or the physician no longer accepts assignment for medicare claims.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

51. Hospital providers of long-term care services ("swing-beds")

House bill.—The House bill authorizes the Secretary to enter into an agreement with any participating hospital, for reimbursement purposes, to permit the hospital to use its beds on a "swing-basis" as acute or long-term care beds as needed (reimbursement in such cases would reflect the lower cost of less than acute care).

Where a hopsital does not have a "swing-bed" agreement, payment would be made at the same rate otherwise payable to a participating swing-bed hospital for a long-term care patient who cannot be transferred because of the unavailability of a long-term care bed if the hospital's occupancy rate is below 80 percent and the hospital could obtain a certificate of need to provide long-term care services.

Senate amendment.—The Senate amendment provides for reimbursement to hospitals at the SNF or ICF rates (as may be appropriate) for patients in the hospital who are determined to need non-acute services rather than hospital services and where no long-term care bed is available in the locality. This limitation would not apply in geographic areas where the planning agencies certify that there is no excess of hospital beds and there is a shortage of long-term care beds. The bill also provides medicare reimbursement (with no deductible or coinsurance) for inpatient detoxification services in free-standing facilities meeting health and safety standards.

Conference agreement.—The conference agreement follows the swing-bed provisions of the House bill with modifications so as to limit the availability of swing-bed agreements to rural hospitals of 50 beds or less, and to provide for swing-bed demonstration projects for large and urban hospitals.

Similarly, the conference agreement follows the House bill provisions relating to reimbursement for inappropriate inpatient hospital services with modifications so as to provide that where a beneficiary who no longer requires acute hospital services must remain in the hospital because no long-term care bed is available in the community, the hospital will be reimbursed a daily rate equal to the adjusted average medicaid SNF rate in the State for persons needing SNF services, and for purposes of medicaid at the ICF rate for those patients. (It should be noted that where a State has developed a system of adjustments in its long-term care rates—for example, to distinguish between urban and rural settings—such adjusted rates could be used for purposes of reimbursement under this section where appropriate.) The reduced level of reimbursement would not apply where a hospital's annual occupancy rate is equal to or greater than 80 percent. In determining the occupancy rates of public hospitals under common ownership where patients can be transferred among the related institutions, the rates can be combined (with the approval of the Secretary) for purposes of this occupancy test. Two years after enactment of this legislation, the computation of occupancy rates shall be adjusted, to the extent feasible, to exclude from the computation those long-term care patients who should not be in the hospital.

With respect to the coverage of freestanding detoxification facility services, the conference agreement follows the Senate amendment with modifications so as to limit coverage to alcohol detoxification; to provide for studies and demonstration projects on alcoholism rehabilitation, drug detoxification and incentives for the use of lower-cost free standing detoxification facilities; and to clarify that medicare payment for inpatient detoxification services furnished by participating hospitals to the extent appropriately required and provided would continue to be made as under present law, without regard to the availability of free-standing, detoxification facilities.

52. Coordinated audits under the Social Security Act

House bill.—The House bill provides for coordinated audits under medicare and medicaid, and directs the Secretary to evaluate the feasibility of creating a single coordinated appeal process to adjudicate disputes arising under coordinated audits.

Senate amendment.—The Senate amendment includes a similar provision with respect to coordinated audits under medicare and medicaid.

Conference agreement.—The conference agreement includes the House provision.

53. Demonstration projects relating to the training of AFDC recipients as home health aides

House bill.—The House bill requires the Secretary to enter into agreements with up to 12 States for the purpose of conducting demonstration projects for the training and employment of AFDC recipients as home health aides.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill. It is the conferees' intent that in selecting the States for purposes of these demonstrations, the Secretary give priority to those States which have demonstrated active interest in and support for the concept embodied in this provision. (Among the States which have demonstrated such active interest and support are California, Georgia, Hawaii, Michigan, New Jersey, New Mexico and New York.) It is expected that the Secretary will help 12 States to develop effective demonstration projects and will request an increase in the number of States that may participate if, in the Secretary's judgment, the experience with the initial demonstrations warrants such action. Projects shall be inclusive of entire States, or parts of States, depending on the plans proposed by the States; and the number of participants in each State is expected to vary as training and placement opportunities develop over time. Consistent with responsible administration, the conferees expect that the Secretary will act expeditiously in implementing this program with a minimum of regulatory delay and a maximum of formal and informal cooperative effort with applicant States. In any event, the conferees expect that any necessary guidelines (or proposed regulations) will be issued no later than April 1, 1981, and that the opportunity to begin demonstration projects in some States by July 1, 1981 will be made available to those States willing to expeditiously undertake them.

54. Quality assurance programs for clinical laboratories

House bill.—The House bill extends to December 31, 1980, the Secretary's authority to conduct a program to determine the proficiency of clinical laboratory personnel who do not meet formal educational requirements.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision, with an extension through December 31, 1981.

55. Reimbursement of clinical laboratories under medicare and medicaid

House bill.—The House bill limits program recognition of markups of bills from physicians for services performed by independent clinical laboratories; payment to a physician in such cases would be limited to the lesser of the reasonable charge of the laboratory or the amount actually charged the physician, plus a nominal fee for physician handling of the specimen. The House bill also authorizes State medicaid agencies to purchase clinical laboratory services through competitive bidding on a demonstration basis during a 3-year period beginning October 1, 1980.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill with respect to physician billings for clinical laboratory services; and does not include the House provision relating to the purchase of laboratory services by State medicaid agencies.

56. Reimbursement of physicians' services in teaching hospitals

House bill.—The House bill repeals provisions of existing law that were added by section 227 of P.L. 92–603 under which physicians' services furnished in teaching hospitals are to be treated under medicare as hospital services reimbursable on a reasonable cost basis, except where a hospital had traditionally billed for physicians' services on a charge basis and where the hospital's patients could be considered "private patients." The House bill retains the section 227 provisions of existing law under which a teaching hospital and all its physicians may elect to be paid on the basis of reasonable cost.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House provision by repealing the amendments made by section 227 of P.L. 92–603 except for the provisions allowing cost reimbursement for physicians' services to a hospital with an approved teaching program if the hospital and all its physicians so elect.

In addition, the conference agreement allows reimbursement on a charge basis under medicare part B for the services of a physician in a teaching hospital only if specified conditions are met:

(a) The physician renders sufficient personal and identifiable physician services to the patient to exercise full, personal control over the management of the portion of the case for which the payment is sought and

(b) The services are of the same character as the services the physician furnishes to patients not entitled to benefits under medicare, and

(c) At least 25 percent of the hopsital's nonmedicare patients pay all or a substantial part of charges (other than nominal charges) for such services. (In general, the conferees intend that a substantial part of the charges be interpreted as at least 50 percent; however, amounts paid by medicaid would be deemed to meet the "substantial" test.)

In specifying the requirements in (a) and (b), above, the intention of the conferees is to permit payment on a charge basis only where the physician is the patient's "attending physician." The conferees endorse (without intending to prohibit reasonable changes in the future) the attending physician requirements (a portion of which is reproduced below) contained in the existing HHS policy instruction, Intermediary Letter 372.

"To be the 'attending physician' for an entire period of hospital care, the teaching physician must as a minimum:

"a. review the patient's history, the record of examinations and tests in the institution, and make frequent reviews of the patient's progress; and

"b. personally examine the patient; and

"c. confirm or revise the diagnosis and determine the course of treatment to be followed; and

"d. either perform the physician's services required by the patient or supervise the treatment so as to assure that appropriate services are provided by interns, residents, or others and that the care meets a proper quality level; and

"e. be present and ready to perform any service performed by an attending physician in a nonteaching setting when a major surgical procedure or a complex or dangerous medical procedure is performed; for the physician to be an "attending physician" his presence as an attending physician must be necessary (not superfluous as where, for example, the resident performing the procedure is fully qualified to do so) from the medical standpoint; and

"f. be recognized by the patient as his personal physician and be personally responsible for the continuity of the patient's care, at least throughout the period of hospitalization."

Where there is an attending physician-patient relationship, as determined pursuant to the above requirements, the customary charges for the services rendered by the attending physician shall be determined in accordance with regulations of the Secretary which take into account the factors cited below:

(i) in the case of a physician who has a substantial practice outside the teaching setting, the medicare carrier shall take into account the amounts the physician charges for similar services in the physician's outside practice;

(ii) in the case of a physician who does not have such a practice as described in clause (i), if the physician, hospital, or other appropriate billing entity has established one or more schedules of charges for medical and surgical services, the carrier shall base reimbursement on the greater of—

(a) the charges (other than nominal charges) which are most frequently collected in full or substantial part from the patients of the hospital who are not entitled to benefits under this title, or

(b) the mean of the charges (other than nominal) collected in full or substantial part from such patients.

Where a physician does not qualify for reimbursement under part A for his services as an attending physician and where the physician elects not to be paid under one of the above payment procedures, the carrier shall base reimbursement on that portion of the physician's compensation from the hospital which is for services to patients determined in accordance with regulations governing reimbursement for the services of hospital-based physicians.

The conferees intend (without precluding reasonable changes in the future) that in determining the amount payable on a charge basis under medicare part B for services of physicians in teaching hospitals, the policies contained in Intermediary Letter 372 should be generally followed where these are not inconsistent with the provisions of the conference agreement.

The conferees are concerned that existing reimbursement principles on primary care internship or residency programs may work at cross purposes with some provisions of the Public Health Service Act programs which seek to encourage primary care training. The conferees encourage the Secretary of the Department of Health and Human Services, in consultation with the Public Health Service and the Health Care Financing Administration, to study this issue and to provide the appropriate committees of Congress with recommendations for administrative or statutory changes, estimates of costs to government which would be incurred by these changes, and the impact of these changes on primary care teaching programs.

57. Demonstration projects for requiring second opinions for certain elective surgical procedures under medicare and medicaid; application of informed consent to certain demonstration projects

House bill.—The House bill authorizes demonstrations to determine the cost-effectiveness and appropriateness of mandating second opinions, with 100 percent reimbursement, for certain elective surgical procedures; and also provides that no beneficiary shall be required to participate in such a demonstration unless he or she has given informed consent.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

58. Continued use of demonstration project reimbursement systems

House bill.—The House bill requires medicare to continue to reimburse hospitals located in a State which has been conducting a cost containment demonstration in accordance with the system used in the State's demonstration when the demonstration project ends, provided the State program meets certain tests of effectiveness in controlling costs and the State elects to continue the reimbursement system.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill with modifications to provide: (1) that the Secretary is authorized but not required to continue participating in the State's reimbursement system until such time as the State's reimbursement system is no longer applicable to all third-party payors or no longer meets the required tests of effectiveness in controlling costs, except that in the case of any State which has had a cost containment demonstration project reimbursement system in continuous operation since July 1, 1977 (as in the case, for example, of the State of Maryland) the Secretary is required to provide for the continuation of medicare reimbursement in accordance with the State's reimbursement system until the Secretary determines that the State's reimbursement system is no longer applicable to all third party payors or no longer meets the required tests of effectiveness in controlling costs; and (2) the Secretary may establish no more than six Statewide medicare hospital reimbursement demonstration projects, including in this limitation any such projects initiated before the enactment of this legislation.

59. Reimbursement for health maintenance organizations (HMO's)

House bill.—The House bill permits reimbursement to HMO's on the basis of a prospectively determined per capita amount equal to 5 percent of the cost of providing medicare benefits to beneficiaries outside the HMO; the difference between the HMO's community rate and medicare reimbursement would be returned to beneficiaries as additional benefits.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

60. Temporary delay in periodic interim payments (PIP)

House bill.—The House bill amends the PIP procedure for hospitals, under which hospitals may receive periodic interim payments from medicare which are not directly tied to the receipt of bills, to provide for one-time deferral during the last month of Fiscal Year 1981 of amounts equal to three weeks of medicare payments.

Senate amendment.—The Senate amendment contains a comparable provision.

Conference agreement.—The conference agreement includes the House provision.

61. Criteria for determining reasonable cost of hospital services

House bill.—No provision.

Senate amendment.—The Senate amendment specifies in detail a new reimbursement method for routine operating costs of hospitals and establishes a Health Facilities Costs Commission to recommend reimbursement refinements.

Conference agreement.—The conference agreement does not include the Senate provision.

62. Payments to promote closing and conversion of underutilized facilities

House bill.—No provision.

Senate amendment.—The Senate amendment provides for reimbursement for capital-related and increased operating costs associated with closing or conversion to approved use of underutilized beds or services in hospitals.

Conference agreement.—The conference agreement does not include the Senate provision.

63. Apportionment of provider costs

House bill.—No provision.

Senate amendment.—The Senate amendment provides for the retention, through March 1981, of the 8½ percent routine nursing salary cost differential. Beginning April 1, 1981, the bill prohibits reasonable cost reimbursement exceeding the proportional share of cost (such as the 8½ percent differential) unless the Comptroller General, with the Secretary's agreement, justifies a higher share in particular circumstances for certain facilities. The Comptroller General would report to the Secretary before October 1, 1981, on the results of a study on the extent to which higher payments are justified. After October 1, 1981, any higher payments found justified could be made, retroactive to April 1, 1981.

Conference agreement.—The conference agreement does not include the Senate provision.

64. Criteria for determining reasonable charge for physicians' services

House bill.—No provision.

Senate amendment.—The Senate amendment requires statewide median charges to be calculated for physicians' services in addition to local prevailing charges. No local prevailing charge would be increased, in the annual update, to the extent that it exceeded the statewide median by more than one third. In localities designated as physician shortage areas, a new physician could establish his customary charges at the "prevailing" level (i.e., generally, at the 75th, rather than the 50th, percentile) of customary charges in the locality.

Conference agreement.—The conference agreement does not include the Senate provision.

65. Procedures for determining reasonable cost and reasonable charge

House bill.—No provision.

Senate amendment.—The Senate amendment excludes from reimbursement under medicare, medicaid and maternal and child health programs any element of a cost or charge which represents a commission, finder's fee, or rental or lease which is based on a percentage or similar arrangement. Exceptions are provided for certain percentage arrangements in customary commercial practice; and for hospital-based physician arrangements if reimbursement does not exceed an amount that would be reasonably paid under an appropriate relative value scale. Within two years of enactment, the Secretary is to report recommendations on hospital-based physician reimbursement.

Conference agreement.—The conference agreement does not include the Senate provision.

66. Limitation on reasonable cost and reasonable charge for outpatient services

Senate amendment.—The Senate amendment requires the Secretary to establish by regulation limits on costs or charges for outpatient services provided by hospitals, community health centers or clinics and physicians utilizing these facilities. Limits are to be based on reasonableness of these costs or charges in relation to reasonable charges of physicians in same area for similar services provided in their offices.

House bill.—No provision.

Conference agreement.—The conference agreement does not include the Senate provision.

67. Home health agency reimbursement limits

House bill.—No provision.

Senate amendment.—The Senate amendment would limit medicare home health reimbursement to the 75th percentile of weighted average per visit costs. Also, skilled nursing and home health aide visit reimbursement would be limited to amounts per visit not exceeding medicaid per diem rates in the State for skilled nursing facility services.

Reimbursement would be provided for an initial patient assessment visit, and required supervisory visits would be reimbursable as home health aide visits (but not counted toward any limit on number of covered visits).

Conference agreement.—The conference does not include the Senate provision.

68. Determination of reasonable charge

House bill.—No provision.

Senate amendment.—The Senate amendment provides for medicare reasonable charges to be determined based on the fee schedules in effect as of the date the medical service was rendered rather than the date the medicare claim is processed.

Conference agreement.—The conference agreement includes the Senate provision.

II. MEDICAID—ONLY PROVISIONS

1. Reimbursement under medicaid for services furnished by nurse midwives

House bill.—The House bill requires States to provide coverage under their medicaid programs for services furnished by a nurse midwife which he or she is legally authorized to perform under State law or regulation.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

2. Continuing medicaid eligibility for certain individuals by disregarding certain involuntary increases in income

House bill.—The House bill requires States, in determining the continuing eligibility of beneficiaries of their medicaid programs, to exclude from the calculation of an individual's income any cost-of-living or annual increase in Social Security, Veterans', Railroad Retirement, or Civil Service Retirement benefits, annuities, pensions, or other compensation.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

3. Limitation on medicaid eligibility for individuals who dispose of resources

House bill.—The House bill authorizes States, under their medicaid programs, to delay eligibility for coverage for specified periods of time (up to 24 months, depending upon the amount transferred) if, within 2 years preceding application for coverage, an individual had disposed of resources with an uncompensated value of $6,000 or more for the purpose of establishing medicaid eligibility. The House bill also authorizes States to recover from the individual to whom resources are transferred for less than current market value the lesser of (1) the medicaid payments provided during the period of ineligibility to the person who transferred the assets, or (2) the amount by which the uncompensated value of the resources exceeds $6,000.

Senate amendment.—No provision specific to medicaid. (See Item 1, Public Assistance Provisions, relating to limitations on SSI eligibility for individuals who transfer resources.)

Conference agreement.—The conference agreement does not include the House provision.

4. Adjustment of dollar limitation and elimination of special limitation on medicaid payments to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands

House bill.—The House bill increases the ceilings on Federal medicaid matching payments in fiscal year 1980 to Puerto Rico, and in fiscal years 1981 and 1982 for Puerto Rico, Guam, and the Virgin Islands. The House bill also provides for an adjustment in these ceilings in subsequent fiscal years by a percent equal to the percentage increase in the Consumer Price Index, and for the determination of the Federal medicaid matching rates in these jurisdictions on the same basis as in other States. The House bill further authorizes participation in medicaid by the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands, with Federal matching payments subject to an annual ceiling with adjustments for inflation.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

5. Extension of increased funding for long-term care facility inspectors under medicaid

House bill.—The House bill extends from September 30, 1980, through September 30, 1983 the 100 percent Federal matching rate for the costs of training and compensating State personnel responsible for conducting inspections of skilled nursing facilities and intermediate care facilities participating in medicaid to assure compliance with health and safety standards.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

6. Extension of increased funding for State medicaid fraud control units

House bill.—The House bill authorizes Federal matching payments to the States for the costs of establishing and operating medicaid fraud control units meeting specified requirements at the rate of 90 percent for the initial 3-year period and 75 percent thereafter, subject to a quarterly limitation of the higher of $125,000 or one-quarter of one percent of total medicaid expenditures in the State in the previous quarter.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

7. Change in calendar quarter for which satisfactory utilization review must be shown to receive waiver of medicaid reduction

House bill.—The House bill prohibits the Secretary from assessing financial penalties against the States for failure to meet the requirements of medicaid law regarding utilization review of long-term services in institutional settings for periods prior to January, 1978.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes the House provision.

8. Expected recovery for certain disallowed medicaid claims

House bill.—The House bill provides for recovery by the Secretary of Federal matching payments for State medicaid expenditures which are disallowed on or after October 1, 1980 by offsetting payments to the State which occur subsequent to the final notice of disallowance. The House bill requires the Secretary to give a preliminary notice to the State of the intention to disallow payments at least 30 days prior to the date of the final notice of disallowance. If, upon conclusion of all appeals, the Secretary's disallowance is overturned, the House bill provides that the State be paid the amount disallowed plus interest (at a rate based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during such period).

Senate amendment.—The Senate amendment provides for recovery by the Secretary of Federal matching payments for State medicaid expenditures which are disallowed on or after enactment by offsetting payments to the State which occur subsequent to the disallowance. If, upon conclusion of all appeals, the Secretary's disallowance is overturned, the Senate amendment provides that the amount disallowed be returned to the State with interest (at a rate equal to that on obligations issued for purchase by the Federal Hospital Insurance Trust Fund).

Conference agreement.—The conference agreement follows the House bill with a modification that authorizes States, after a final notice of disallowance by the Secretary, to retain Federal matching payments for all disallowed expenditures until the conclusion of the administrative appeals process. If the final administrative determination upholds the Secretary's disallowance, the conference agreement provides that the State must return the Federal payments to the Secretary, with interest (at a rate based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during such period). With respect to notices of disallowance issued during fiscal year 1981, the States would be subject to interest penalties for no more than 12 months, regardless of the amount of time required to conclude the administrative appeals process. With respect to notices of disallowance issued after fiscal year 1981, the maximum period for which a State would be subject to interest penalties would be six months. In limiting the amount of interest recoverable by the Secretary in this manner, the conferees intend that the Secretary expedite the processing of State appeals from notices of disallowance. The provision is effective for disallowances of expenditures for services rendered on or after October 1, 1980.

9. Access to and purchase of medicaid services

House bill.—No provision. (See description of item 55, Reimbursement of Clinical Laboratories under Medicare and Medicaid, under the House bill, relating to the purchase of laboratory services under medicaid.)

Senate amendment.—The Senate amendment deletes the provision in current medicaid law that entitles beneficiaries to obtain medical assistance from any institution, agency, community pharmacy, or person qualified to perform the covered service and instead authorizes States to limit or restrict beneficiary choice of institutional providers (including clinics), laboratory services, and medical devices. Under the Senate amendment, such limitations or restrictions must be cost-effective, assure reasonable access to services, and avoid a substantially adverse effect on access to hospitals with graduate medical education programs.

Conference agreement.—The conference agreement does not include the Senate provision.

10. Reimbursement rates under medicaid for skilled nursing and intermediate care facilities

House bill.—No provision.

Senate amendment.—The Senate amendment deletes the requirement in current law that SNFs and ICFs participating in the medicaid program be reimbursed on a reasonable cost-related basis and substitutes the requirement that States reimburse SNF and ICF services at rates that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care in conformity with applicable State and Federal laws, regulations, and quality and safety standards.

Conference agreement.—The conference agreement follows the Senate amendment with a modification to clarify that, while the States have discretion to develop the methods and standards on which the rates of reimbursement are based, the Secretary retains final authority to review the rates and to disapprove those rates if they do not meet the requirements of the statute. The conferees intend that the Secretary exercise this review, in a timely fashion. If, within 90 days of receiving the rates proposed to be used by a State, the Secretary has not made a final determination that the rates proposed meet all applicable requirements of medicaid law, then the rates would be presumed to meet the medicaid law requirements for the fiscal year for which they were proposed. The conferees would further note their intent that a State not develop rates under this section solely on the basis of budgetary appropriations. In determining whether the rates proposed by a State are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities, the Secretary is not expected to approve a rate lower than the applicable legal requirements would mandate.

OTHER SOCIAL SECURITY ACT PROGRAMS; UNEMPLOYMENT COMPENSATION (TITLE X)

I. PUBLIC ASSISTANCE PROVISIONS

1. Limitation on SSI eligibility for individuals who transfer resources

House bill.—No provision.

Senate amendment.—The Senate amendment would delay SSI eligibility in the case of an individual or eligible spouse who transferred resources for less than fair market value, if retaining such resources would have made them ineligible for SSI benefits. Such a transfer would cause a delay in eligibility of 24 months from the date of the disposal of the resources.

For 24 months after the transfer of resources, it would be presumed that the transfer had been made for the purpose of establishing eligibility for benefits or assistance under the Social Security Act (e.g., SSI, medicaid) unless such individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

The provision would be effective with respect to applications for benefits filed on or after October 1, 1980.

Conference agreement.—The conference agreement does not include the Senate provision.

2. Delay in effective date of new HHS title XX child day care regulations

House bill.—No provision.

Senate amendment.—The Senate amendment provides that the standards for child day care services required under title XX of the Social Security Act, or promulgated by the Department of HHS pursuant to title XX, would not be applicable to child day care services provided during the period of July 1, 1980 to October 1, 1981, if the services meet applicable standards of State and local law.

Conference agreement.—The Conference agreement follows the Senate amendment with an amendment which provides that the standards for child day care services required under title XX law, or promulgated by the Department of HHS, would not be applicable to child day care services provided during the period of July 1, 1980 to July 1, 1981, if such services meet applicable standards of State and local law.

The agreement also provides that the Department of Health and Human Services shall assist each State in conducting a systematic assessment of current practices in title XX funded day care programs and provide a summary report of the assessments to Congress by June 1, 1981.

3. Public assistance payments to territorial jurisdictions

House bill.—No provision.

Senate amendment.—The Senate amendment would reduce the ceiling on Federal matching funds for public assistance programs in Puerto Rico, Guam and the Virgin Islands from the fiscal 1979 levels of $72.0 million (Puerto Rico), $3.3 million (Guam), and $2.4 million (Virgin Islands) to the following levels (in millions):

	Fiscal 1980	Fiscal 1981
Puerto Rico	$36.00	$48.0
Guam	1.65	2.2
Virgin Islands	1.20	1.6

Conference agreement.—The conference agreement does not include the Senate provision.

4. Additional savings from enactment legislation

House bill.—The House bill makes reference to previously enacted provisions of law which further reduce spending for fiscal year 1981 in satisfaction of the reconciliation requirements. Included in this reference are Public Law 96–265, the Social Security Disability Amendments of 1980, and Public Law 96–272, the Adoption Assistance and Child Welfare Act of 1980. Title II of Public Law 96–265 includes provisions eliminating work disincentives under the Supplemental Security Income disability program. The law also contains various provisions improving the administration of the AFDC program, authorizing demonstration projects, and establishing a voluntary certification program for medicare supplemental health insurance policies. Public Law 96–272 makes a number of improvements in both the child welfare and title XX social services programs. This legislation includes provisions that will establish a ceiling on title XX training funds, encourage employment of welfare recipients as child care workers, disallow AFDC earnings disregards in the case of any income that is reported late, and permit States to prorate AFDC benefits to children to take into account the income of certain relatives living in the household.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes reference to additional savings in fiscal year 1981 spending reductions resulting from enactment of the Social Security Disability Amendments of 1980 (Public Law 96–265) and the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96–272).

II. SOCIAL SECURITY PROVISIONS

1. Reallocation of taxes between OASI and DI trust funds

House bill.—No provision. However, the House passed separate legislation, H.R. 7670, (which contains language identical to the Senate amendment) on July 21, 1980.

Senate amendment.—The Senate amendment provides for a two year reallocation of OASDI tax revenues into the OASI and DI trust funds. The reallocation would increase revenues to the OASI trust fund and decrease them for the DI trust fund and would apply to calendar years 1980 and 1981 only.

Conference agreement.—The conference agreement does not include the Senate provision. Reallocation provisions identical to the Senate provision were passed by the Senate September 25, 1980 (H.R. 7670) and enacted into law on October 9, 1980 (P.L. 96–403).

2. Limitation on payment of retroactive social security benefits

House bill—No provision.

Senate amendment.—The Senate amendment limits the retroactive payment of social security benefits to a period of 3 months prior to the month in which application for benefits is made, decreasing the period from 12 months under present law.

Conference agreement.—The conference agreement limits benefit retroactivity to a period of 6 months prior to the month in which application for benefits is made, except for applications filed for disability benefits by disabled workers (and all family benefits thereunder) or benefits for disabled widows and widowers. Benefits applications for disabled workers, their dependents and disabled widow(er)s will continue to be made retroactive for up to 12 months as under present law. The provision is effective on the first day of the first month beginning 60 days after enactment.

3. Social security benefits for prisoners

House bill.—No provision.

Senate amendment.—The Senate amendment requires the suspension of workers and children's disability benefits to any individual who would otherwise be receiving them while he is imprisoned by reason of a felony conviction. The suspension applies except to the extent that a court of law specifically provides to the contrary as part of its approval of a plan of rehabilitation services to that individual. The exemption from suspension would last only for so long as the individual continues to participate satisfactorily in such rehabilitation program, which (as determined by the Secretary) is expected to result in his return to substantial gainful employment within a reasonable time after his release. Dependents' benefits would continue to be paid. The amendment also provides that an individual may not be considered to be a full-time student for purposes of social security student benefits while he is incarcerated. In addition, the amendment provides that disabilities to the extent that they arise from or are aggravated during the commission of a crime may not be considered in determining whether or not an individual qualifies for disability benefits. Impairments arising while an individual is in prison could not be considered for purposes of disability eligibility so long as the individual remains in prison.

Conference agreement.—The conference agreement does not include the Senate provision. However, a provision virtually identical to the Senate amendment was enacted into law separately in P.L. 96–473 (sec. 5) on October 10, 1980 (H.R. 5295).

4. Deferred transfer of certain tax collections to the trust funds

House bill.—No provision.

Senate amendment.—The Senate amendment would reduce fiscal year 1981 budget authority, pursuant to reconciliation requirements in the First Budget Resolution, by providing that $0.6 billion, which would otherwise be transferred during September 1981 from the general funds of the Treasury into the social security and medicare trust funds, would be transferred on or after October 1, 1981. Also, the Secretary of the Treasury would be authorized to transfer amounts equal to the amount of interest which would have accrued to the trust funds had the transfer not been delayed.

Conference agreement.—The conference agreement does not include the Senate provision.

5. Additional savings from enacted legislation

House bill.—The House bill makes reference to previously enacted provisions of law which further reduce spending for fiscal year 1981 in satisfaction of the reconciliation requirements. Included in this reference is Public Law 96–265 (H.R. 3236), the Social Security Disability Amendments of 1980. This law makes a number of changes in the disability insurance program designed to encourage disabled workers to return to work, increase equity among beneficiaries and strengthen the integrity of the program through provisions improving program accountability.

Senate amendment.—No provision.

Conference agreement.—The conference agreement includes reference to fiscal year 1981 spending reductions resulting from enactment of the Social Security Disability Amendments of 1980 (Public Law 96–265). Also incorporated in the conference report is reference to additional savings resulting from enactment of Public Law 96–473 (section 5) limiting the payment of social security benefits to certain incarcerated felons (See Item 3, Social Security Benefits for Prisoners, above.)

III. UNEMPLOYMENT COMPENSATION PROVISIONS

1. Termination of special Federal funding of unemployment benefits paid to CETA workers

House bill.—The House bill terminates Federal reimbursement to States from the Federal Unemployment Benefit Account (FUBA) for unemployment compensation benefits paid to former CETA workers, effective for service performed in weeks which begin after October 1, 1980.

Under current law, the Comprehensive Employment and Training Act (CETA) requires that all persons employed in CETA public service jobs be provided unemployment benefits under the same conditions, and to the same extent, as other employees doing the same type of work. Any unemployment compensation benefits paid to former CETA workers are initially paid out of the State unemployment insurance trust fund. The State is then reimbursed from general revenues contained in the FUBA account for the amount of the unemployment compensation that was based on CETA public service employment. This reimbursement from the FUBA account would be terminated under the House bill.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill, effective for services performed in weeks which begin after date of enactment.

2. Increase in the period of active duty an individual must serve in the military for unemployment compensation purposes

House bill.—The House bill increases to 365 days the period of continuous active military service an individual must have in order for his or her military service to qualify as wages or employment for unemployment compensation purposes, effective for individuals who begin active service after October 1, 1980.

Federally funded unemployment benefits are provided to former military personnel upon their separation from military service if they meet the qualifying requirements of the State in which they apply for unemployment compensation. The military service of the individual qualifies as wages or employment in the determination of eligibility under the State unemployment compensation law only if (1) the person had served continuously for 365 days (90 days prior to enactment of P.L. 96–364) or more prior to separation and (2) the individual was separated under other than dishonorable or bad-conduct circumstances. If the individual meets these requirements, the entire period of military service can be counted when determining whether the individual meets the wages or employment qualifications of the State in which he or she files an application for benefits. The 365-day continuous service requirement does not apply where separation was the result of a service-incurred injury or disability.

Senate amendment.—The Senate amendment increases the 90-day continuous service requirement to "one-year," effective for individuals filing claims on or after October 1, 1980.

Conference agreement.—The House provision was enacted as part of Public Law 96–364 and, therefore, is not included in this conference agreement. (See Item 10, Additional Savings from Enacted Legislation, below.)

3. Limitation on entitlement to extend benefits for individuals who change residence to a State in which such benefit is not "triggered on"

House bill.—The House bill limits an individual to no more than two weeks of extended benefits collected through an interstate claim filed in a State in which the extended benefits program is not "triggered on." The provision would be effective for weeks of unemployment beginning after October 1, 1980. However, this provision would not become a requirement of State law for any week which begins before June 1, 1981. Where a State legislature does not meet in

1981 in a regular session which begins before April 1, 1981, the provision would not be a requirement of State law until June 1, 1982.

Senate amendment.—The Senate amendment limits an individual to no more than two weeks of extended benefits if he or she changes residence to a State in which the extended benefits program is not "triggered on." The provision would be effective for weeks of unemployment beginning on or after October 1, 1980.

Conference agreement.—The House provision was enacted as part of Public Law 96-364 and, therefore, is not included in this conference agreement. (See Item 10, Additional Savings from Enacted Legislation, below.)

4. *Elimination of "national trigger" under extended benefits program*

House bill.—No provision.

Senate amendment.—The Senate amendment eliminates the "national trigger" in the extended benefits program. Extended benefits would then be payable only in those States that meet one of the "State triggers," effective October 1, 1980.

Under the permanent Federal/State extended benefits program, up to 13 additional weeks of unemployment compensation are payable to individuals who exhaust their regular-State benefits if they reside in a State where the insured unemployment rate (IUR) is 4.0 percent (providing the IUR is 20 percent higher than it was in the preceding two years) or, at State option, if the State IUR is 5.0 percent ("State triggers"). These additional weeks of benefits are paid in all States if the national IUR is 4.5 percent ("national trigger").

Conference agreement.—The conference agreement does not include the Senate provision.

5. *Waiting period for unemployment compensation benefits*

House bill.—No provision.

Senate amendment.—The Senate amendment eliminates the Federal share (50 percent) of the cost of the first week of extended benefits in any State which does not have a "waiting week" for regular benefits, or which has a "waiting week" for which benefits are paid retroactively. This provision would be effective for extended benefits paid to individuals during eligibility periods beginning on or after October 1, 1980. However, in the case of a State in which State legislation is required in order to establish a "waiting week" or to eliminate retroactive payment for a "waiting week," this provision would first become effective for extended benefits payable for the period that begins after the end of the first regularly scheduled session of the State legislature ending more than 30 days after enactment of this bill.

Under current law, twelve (12) States pay unemployment benefits starting with the first week of unemployment. The remaining States generally provide that benefits will become available only after the unemployed individual has served a "waiting week." Of these States, four (4) do not require a "waiting week" under certain conditions.

Nine (9) States that have a "waiting week" provision pay benefits retroactively for the "waiting week" after the individual has experienced a specific duration of unemployment.

Conference agreement.—The conference agreement follows the Senate amendment, with the October 1, 1980 effective date changed to date of enactment. The special effective date for States requiring State legislative action is retained.

6. *Optional State trigger under the extended benefits program*

House bill.—No provision.

Senate amendment.—The Senate amendment changes the current extended benefits law so that States would be allowed to set the optional State trigger rate at 5 percent or any insured unemployment rate in excess of 5 percent (e.g., 5.5 or 6 percent), effective for weeks of unemployment beginning after October 1, 1980.

Under the permanent Federal/State extended benefits program, up to a maximum of 13 additional weeks of benefits are payable to individuals who exhaust their regular State benefits if they reside in a State where the insured unemployment rate (IUR) is both 4.0 percent or higher and 20 percent above the level prevailing in the State in the 2 prior years. When the "20 percent" factor is not met, a State may, at its option, provide for the additional benefits to be payable when the State IUR equals or exceeds 5 percent. (39 States have incorporated the optional 5 percent trigger in their State law.)

Conference agreement.—The conference agreement does not include the Senate provision.

7. *Establishment of separate account in the Federal unemployment insurance trust fund for benefits paid to former federal employees*

House bill.—No provision.

Senate amendment.—The Senate amendment requires the establishment of a special account within the Unemployment Insurance Trust Fund from which States would be reimbursed for the costs of unemployment benefits based on Federal employment. Each agency would be required to reimburse that account from its appropriations for the costs attributable to its employees. The provision would be effective for services performed by individuals after September 30, 1980.

Under current law, Federal employees may receive unemployment compensation if they meet the qualifying requirements of the State in which they were last employed. States are reimbursed by the Federal government for the cost of benefit payments to former Federal employees. At present, all such costs are funded through a single appropriation account within the budget of the Department of Labor rather than being charged to the appropriations of the employing agencies.

Conference agreement.—The conference agreement follows the Senate amendment effective for services performed by individuals after December 31, 1980.

8. *Denial of extended benefits to individuals who fail to meet certain requirements related to work*

House bill.—No provision.

Senate amendment.—The Senate amendment would:

(a) Deny extended benefits to an individual during a period of unemployment for which, under State law, he or she was disqualified from receiving State benefits because of voluntarily leaving employment, discharge for misconduct, or refusal of suitable employment, even though the disqualification was subsequently lifted prior to reemployment and the person received State benefits. However, the person could receive extended benefits if the disqualification is lifted because he or she became employed and met the work or earnings requirement specified in State law.

(b)(1) Deny extended benefits to any individual who fails to accept any work that is offered in writing or is listed with the State employment service, or fails to apply for any work to which he or she is referred by the State agency, if the work: is within the person's capabilities; pays wages equal to the highest of the Federal or any State or local minimum wage; pays a gross weekly wage that exceeds the person's average weekly unemployment compensation benefit plus any supplemental unemployment compensation payable to the individual; and is consistent with the State definition of "suitable work" with regard to provisions not specifically addressed in this amendment.

States would have to refer extended benefits claimants to any work meeting these requirements. If the State, based on information provided by the individual, determines that the individual's prospects for obtaining work in his or her customary occupation within a reasonably short period are good, the determination of whether any work is "suitable work" would be made in accordance with State law rather than the above.

(2) Extended benefits would be denied to any individual for so long as he or she fails to engage in a systematic and sustained effort to obtain work and fails to provide tangible evidence to the State agency that he or she has engaged in such an effort:

(3) Any individual who is denied extended benefits because of the requirements in (b)(1) or (b)(2) would continue to be ineligible to receive extended benefits until he or she had been employed for at least four weeks after the denial and earned wages equal to four times his or her average weekly unemployment compensation payment.

(c) Deny extended benefits to any individual with less than 20 weeks of qualifying employment in the base period.

Provisions (a)(b) and (c) would be effective for weeks of unemployment beginning on or after October 1, 1980.

Conference agreement.—The conference agreement follows part (a) and (b) of the Senate amendment, effective for weeks of unemployment beginning after March 31, 1981. The conference agreement does not include part (c).

9. *Certification of State laws*

House bill.—No provision.

Senate amendment.—The Senate amendment requires the Secretary of Labor, on October 31 of each taxable year beginning with taxable year 1980, to withhold certification of State unemployment compensation programs (for purposes of providing the credit against the Federal unemployment tax or employers in the State) for any State which has failed to amend its law to comply with the preceding provisions, or which has, with respect to the 12-month period ending on such October 31, failed to comply substantially with such provisions.

Pursuant to the passage of previous Federal unemployment compensation requirements, the Secretary of Labor has been required to certify, on October 31 of each tax year, that a State has amended its laws to comply with current Federal unemployment compensation requirements. Failure of a State to receive from the Secretary such certification results in denial of the credit against Federal unemployment tax on employers in the State.

Conference agreement.—The conference agreement follows the Senate amendment, as it applies to those Senate provisions that were agreed to, beginning with taxable year 1981.

10. *Additional savings from enacted legislation*

House bill.—The House bill contains a provision (Item 2 above) which increases to 365 days the period of continuous active military service an individual must have in order for his or her military service to qualify as wages or employment for unemployment compensation purposes, effective for individuals who begin active service after October 1, 1980. On September 24, 1980, this provision was enacted in section 415 of Public Law 96-364, the Multiemployer Pension Plan Amendments Act of 1980.

The House bill also contains a provision (Item 3 above) which limits an individual to no more than two weeks of extended benefits collected through an interstate claim filed in a State in which the extended benefits program is not "triggered on." This provision is effective for weeks of unemployment beginning after October 1, 1980. On September 26, 1980, this provision was enacted in section 416 of Public Law 96–364, the Multiemployer Pension Plan Amendments Act of 1980.

Senate amendment.—The Senate amendment contained provisions similar to the House bill.

Conference agreement.—The conference agreement includes reference to sections 415 and 416 of Public Law 96–364 (H.R. 3904), the Multiemployer Pension Plan Amendments Act of 1980. These sections provide additional savings in fiscal year 1981 by (a) increasing the length of service in the Armed Forces required for ex-servicemen to be eligible for unemployment benefits and (b) by terminating extended benefits when paid under an interstate claim in a State where the extended benefits period is not in effect.

IV. TRADE ADJUSTMENT ASSISTANCE PROVISIONS

1. Trade adjustment assistance program improvements (H.R. 1543)

House bill.—The House bill would delay the effective date of H.R. 1543 from the date of enactment to September 30, 1981. H.R. 1543, which passed the House on May 30, 1979, amends Title II of the Trade Act of 1974 to improve the operation of the trade adjustment assistance programs for workers and firms. The bill corrects inequities in present program coverage, including extending benefits to adversely affected workers and firms which supply parts or services essential to the production of import-impaired end products; increases certain adjustment allowances and benefit periods; increases technical and financial assistance for firms; establishes industry-wide technical assistance.

Senate amendment.—No provision.

Conference agreement.—The conference agreement does not include the House provision.

TITLE XI—REVENUE MEASURES

A. MORTGAGE SUBSIDY BONDS

1. Single family owner-occupied residences

a. In General

House bill.—In general, the House bill is designed to direct the subsidy from the use housing to those individuals who have the greatest need for the subsidy, to increase the efficiency of the subsidy, and to restrict the overall revenue loss from the use of tax-exempt bonds for owner occupied housing. Under the House bill, interest on any bond generally is not tax-exempt if a significant portion of the proceeds are to be used for mortgages (or other financing) of owner-occupied residences. However, exceptions are provided in the case of qualified mortgage bonds and qualified veterans' mortgage bonds.

Senate amendment.—No provision.

Conference agreement.—The conference agreement adopts the House bill with various modifications. The conferees want to make it clear that it is not their intention to preempt States or localities from establishing limitations on the issuance of these bonds. However, no tax exempt mortgage subsidy bonds can be issued which do not meet the requirements of the conference agreement. Further, the conference agreement is not intended to diminish in any way the authority of a State agency or commission charged with the protection of the State's credit pursuant to State law.

b. Qualified Mortgage Bonds

(1) Principal residence requirement

House bill.—All mortgages must be for single family residences which can reasonably be expected to become the principal residences of the mortgagors. The residences must be located within the jurisdiction of the issuing authority.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill but clarifies that mortgage subsidy bonds can be used to finance the mortgage of a building which contains up to four family units if at least one of the units is owner occupied and if the building had been used as a residence for at least 5 years before the mortgage is executed, subject to the other requirements of the conference agreement. Where a building that is financed by mortgage subsidy bonds contains more than one but less than five family units, the units which are not owner occupied may be leased by the owner occupier without meeting the multi-family provisions of the conference agreement so long as the bonds are not industrial development bonds. The special rule adopted by the conference agreement for buildings which contain not more than 4 family units does not limit the use of mortgage subsidy bonds to finance mortgages on an individual unit in a condominium or a share in a cooperative housing corporation which are treated as single family residences under the conference agreement.

(2) Three-year requirement

House bill.—Each mortgagor must not have been a homeowner within the last 3 years. However, exceptions to the 3-year rule are provided for rehabilitation loans, for home improvement loans, and for mortgages or residences located in targeted areas.

A loan qualifies as a rehabilitation loan if the residence is at least 20 years old at the time of the rehabilitation, 75 percent or more of the external walls of the residence are retained, and the rehabilitation costs are 25 percent or more of the mortgagor's basis in the residence (after the rehabilitation).

Home improvement loans are loans in an amount not in excess of $15,000 for certain alterations or repairs for existing single family residences. For this purpose the conference agreement makes clear that home improvement loans include loans made for energy conservation property and solar energy equipment. In addition, the conferees intend that the guidelines used for determining eligibility for insurance under Title I are to be used on an interim basis in determining what items qualify for home improvement loans until regulations are promulgated.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

(3) Income limitations

House bill.—The income of each mortgagor must not exceed 115 percent of the median family income in the Standard Metropolitan Statistical Area (SMSA), or county, if not in an SMSA, in which the residence is located. In the case of targeted areas, no more than one-third of the mortgagors can have incomes in excess of 140 percent of median family income for the State or the SMSA where the residence is located, whichever is higher. Both in targeted and non-targeted areas, 50 percent of the mortgage funds must go to families with incomes of 90 percent or less of the median family income in the SMSA.

Senate amendment.—No provision.

Conference agreement.—The conference agreement deletes all of the income limitations of the House bill. The conferees deleted these limitations because they believe that State and local governments should have sufficient flexibility in this area to design programs for their particular needs. However, the conferees expect that State and local governments will use mortgage subsidy bonds primarily for persons of low or moderate income.

(4) Targeted areas

House bill.—Targeted areas are defined as follows:

(*a*) census tracts in which 70 percent of the families have incomes of not more than 80 percent of statewide median income, or

(*b*) areas of chronic economic distress as defined by States, subject to the approval of the Secretaries of Treasury and Housing and Urban Development. Criteria used by Treasury and HUD to evaluate a proposed targeted area designation are: (1) the condition of the housing stock, including age and number of abandoned and substandard units, (2) the need of area residents for owner-financing, as indicated by a high percentage of families in poverty, low per capita income, high numbers of welfare recipients, and high unemployment rates, (3) the potential for use of tax-exempt mortgage bonds for financing ownership to improve conditions in the area, and (4) the existence of a housing assistance plan which provides a displacement program and a public improvements and services program (similar to that required by HUD under its Community Development Block Grant program).

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

The conferees want to clarify the requirement regarding the determination of targeted areas based upon the most recent decennial census for which data are available and upon the designation of areas of chronic economic distress. With respect to any particular bond issue, that determination may be made three months prior to the date of issuance.

(5) Purchase price limitation

House bill.—The purchase price of each residence must not exceed 80 percent of the average purchase price in the preceding year in the SMSA in which the mortgage is placed. In the case of targeted areas, the percentage would be 110 percent of the average purchase price in the SMSA. Average purchase price means average purchase price of a new home in the case of a purchase of a new home and average purchase price of an existing home in the case of the purchase of an existing home. In the case of home improvement loans, the purchase price limitation would not apply.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill except that the purchase price limitation in nontargeted areas is increased from 80 percent to 90 percent of the average purchase price in the preceding year in the SMSA in which the mortgage is placed. In addition, the conference agreement adopts a special rule for determining the purchase price limitation in the case of mortgages on buildings (other than condominiums and cooperative housing corporations) that have more than one but less than 5 family units. In such a case, separate purchase price limitations are to be applied for one-family residences, two-family residences, three-family residences, and four-family residences.

(6) New mortgage requirement

House bill.—Except for construction period loans, bridge loans or similar temporary initial financing, and an existing mortgage in the case of a rehabilitation loan, none of the bond proceeds can be used to acquire or replace an existing mortgage.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

(7) Low downpayment requirement

House bill.—At least 75 percent of the lendable proceeds (other than for rehabilitation loans and home improvement loans) must be used for mortgages which have a 95-percent loan to value ratio. In addition, certain graduated payment mortgages with as low as a 90-percent loan to value ratio will qualify for purposes of the 75-percent requirement.

Senate amendment.—No provision.

Conference agreement.—The conference agreement deletes the low down payment requirement of the House bill.

(8) Assumptions of mortgages

House bill.—Individuals assuming a mortgage originally financed with tax-exempt bonds must meet the principal residence requirement, the three-year requirement, the purchase price limitation, and the income limitation.

Senate amendment.—No provision.

Conference agreement. — The conference agreement generally follows the House bill except it deletes the requirement that the person assuming the mortgage meet the income requirements of the House bill since income limits were deleted by the conference agreement.

(9) Market limitations

House bill.—The total amount of housing bonds that could be issued in a State each year would be limited to the greater of $50,000,000 or 5 percent of the average of all mortgages originated in that State in the preceding 3 years. The limit is to be allocated among governmental units within a State first on the basis of mortgages originated in the smallest jurisdiction having authority to issue housing bonds. This allocation can be changed by agreement among issuing subdivisions or by State statute.

Senate amendment.—No provision.

Conference agreement. — The conference agreement generally follows the House bill with two exceptions. First, it increases the market share limitation from the greater of $50,000,000 or 5 percent of the average of all mortgages originated in the State in the preceding 3 years to the greater of $200,000,000 or 9 percent of the average of all mortgages originated in the State in the preceding 3 years. In addition, the conference agreement modifies the way the limit is allocated among governmental units within the State.

The State ceiling is the greater of $200,000,000 or 9 percent of the average of all mortgages originated in the State in the preceding 3 years. The 9 percent State ceiling is to be computed in the same manner and using the same mortgages that were used in the House bill in computing the 5 percent limitation except the data are to be determined on a State-wide basis. Thus, only mortgages on single family residences are to be used in determining the market limitation whether or not buildings with up to four family units are financed under the mortgage bond program. In the case of mortgages on buildings with more than one family unit, the full amount of the mortgage is counted toward the market limitation and not just the portion allocable to the owner-occupied unit.

The State ceiling is then allocated among the various governmental units within the State that can issue mortgage subsidy bonds pursuant to a three step rule.

Under the first step, the State ceiling is allocated equally between State housing agencies and localities until either the governor or the legislature makes a different allocation. One-half of the State ceiling is allocated to all State agencies that have authority to issue mortgage subsidy bonds. The other one-half of the State ceiling is allocated to localities that have authority to issue mortgage subsidy bonds in the same manner as provided for allocating the ceiling in the House bill. Thus, where more than one governmental unit has authority to issue mortgage subsidy bonds to finance mortgages on residences in the same geographical area, a portion of the State ceiling is allocated to the governmental unit with jurisdiction over the smallest geographic unit. The portion is determined by multiplying the State ceiling by a fraction the numerator of which is the average amount of mortgages placed in that governmental unit during the previous 3 years and the denominator of which is the total amount of all mortgages placed in the State during the same 3 previous calendar years. As under the House bill, a small governmental unit can enter into an agreement with the governmental unit having the next largest geographical area to allocate all or a designated amount or portion of the mortgages on residences within the smaller governmental unit to the larger governmental unit for purposes of computing the amount of the State ceiling allocated to both the small governmental unit and the next larger governmental unit.

Under the second step, the governor of the State is delegated the power to allocate the State ceiling among the governmental units having authority to issue mortgage subsidy bonds in any way he determines. Under this delegation of authority, the governor may allocate all or any amount or portion of the State ceiling to any governmental unit in the State, that has authority to issue mortgage subsidy bonds. This power of the governor to allocate the State ceiling terminates at the earlier of the first day of the calendar year beginning after the first calendar year after 1980 during which the legislature of the State met in regular session or the effective date of any State legislation with respect to the allocation of the State ceiling enacted after the date of enactment of this bill.

Under the third step, the State legislature may enact a law providing for a different allocation than that provided in step one. Under this authority, the State may allocate all or any amount or portion of the State ceiling to any governmental unit in the State that has authority to issue mortgage subsidy bonds.

The conference agreement provides a special allocation rule to certain political subdivisions with home rule powers. The home rule subdivisions to which the special allocation rule applies are those home rule subdivisions that are granted home rule powers by the beginning of the calendar year in which the bonds are issued pursuant to a State constitution that was adopted in 1970 and became effective on July 1, 1971. (Illinois). In that State, the full portion of the State ceiling is allocated to each home rule subdivision. The portion is determined by multiplying the State ceiling (i.e., the greater of $200,000,000 or 9 percent of average mortgages by a fraction the numerator of which is the average amount of mortgages placed in the home rule subdivision during the 3 previous calendar years and the denominator of which is the total amount of all mortgages placed in the State during the same 3 previous calendar years. The amount so allocated to home rule subdivisions cannot be altered by—power to provide a different allocation which the conference agreement grants to the governor or the State legislature described above. However, a home rule subdivision can agree to a different allocation.

The remaining portion of the State ceiling (i.e., the State ceiling reduced by the amount allocated to home rule subdivisions) is then allocated among the other governmental units in the State that have authority to issue mortgage subsidy bonds under essentially the same three steps described above.

Thus, under the first step, one half of the remaining State ceiling is allocated to all State agencies that have authority to issue mortgage subsidy bonds. The other one half of the remaining State ceiling is allocated to the localities outside of the home rule subdivisions. The amount of the remaining State ceiling that is allocated to each governmental unit that is not a home rule subdivision is determined by multiplying the remaining State ceiling by a fraction the numerator of which is the average amount of mortgages placed in that governmental unit during the 3 previous years and the denominator of which is the total amount of all mortgages placed in the State outside of the home rule subdivisions during the same 3 previous calendar years.

Under the second and third steps described above, the governor or State legislature can allocate the remaining State ceiling to any governmental units that have authority to issue mortgage subsidy bonds (including home rule subdivisions), but they cannot allocate the amount specially allocated to the home rule subdivisions.

(10) Required targeted portion

House bill.—If an issuing jurisdiction includes a targeted area, at least 20 percent of the lendable proceeds of a bond issue must be made available for at least one year for mortgage loans in the targeted areas in the issuing jurisdiction. This amount need not exceed 40 percent of the market share of the targeted areas.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

(11) Multiple originators' requirement

House bill.—There must be more than one person who originates mortgages from the bond proceeds, unless there is only one willing and able originator or there is a sound public purpose for using only one originator.

Senate amendment.—No provision.

Conference agreement.—The conference agreement deletes the multiple originators' requirement of the House bill.

(12) Bond issue approval

House bill.—All bonds must be submitted to a State agency for the agency's opinion as to whether or not the issue meets the market limitation and targeted portion requirement. The State agency must issue an opinion within 30 days after submission.

Senate amendment.—No provision.

Conference agreement.—The conference agreement deletes the bond issue approval requirement of the House bill.

(13) Arbitrage restrictions

House bill.—The effective interest rate on mortgages to homeowners is limited to 1.0 percentage point above the yield to maturity to the purchasers of the bonds, calculated on the date of issuance. In addition, arbitrage is not permitted on reserves that exceed 150 percent of the annual debt service on the bonds. Finally, arbitrage earnings other than the 1.0 percentage point on home mortgages must be returned to the mortgagors.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill. However, the conferees wish to clarify several provisions of the conference agreement dealing with arbitrage. The first provision involves the determination of the effective rate of interest on the mortgages. The conference agreement requires that amounts that are taken into account in determining the effective rate of interest are to be discounted, from the time the amounts are received, to an amount equal to the "purchase price" of the mortgages. Because the yield on the bonds ordinarily is computed on a semi-annual basis, the conferees intend that the computation of the effective interest rate on mortgages should use the same semi-annual compounding interval as is used on the bonds. Under this method, monthly mortgage payments that are received before an interest payment date for the bonds are treated as received as of the next succeeding interest payment date.

The second point the conferees wish to clarify is that any losses on mortgage payments (after taking into account foreclosure proceedings and insurance) are taken into account in determining the effective interest rate. In determining the anticipated losses, the most recent experience of defaults for the area where the mortgages are to be placed is to be used.

The third provision the conferees desire to clarify involves the use of arbitrage on nonmortgage investments to compensate the issuer for any losses on mortgages. If the actual losses (after foreclosure proceedings and insurance payments) exceed the anticipated losses taken into account in determining the effective interest rate, the issuer may use arbitrage from nonmortgage investments to recoup the excess losses. The amount of arbitrage so used would not have to be paid or credited to the mortgagors.

The conferees also want to clarify the requirement of the conference agreement that arbitrage on nonmortgage investments be paid or credited to the mortgagors as rapidly as practicable. The conferees understand that this requirement is satisfied if the arbitrage is paid or credited to such mortgagor at the time the mortgagor discharges his mortgage. Thus, at the time of any prepayment by the mortgagor of the entire principal amount of his mortgage (or at the last regular payment which discharges the mortgage), the mortgagor must be paid or credited with his allocable share of the cumulative amount of net arbitrage. In the case of prepayments, the cumulative amount of net arbitrage may be determined as of a date before the actual prepayment, but not more than one year earlier than the date of the prepayment.

(14) Termination ("sunset")

House bill.—The issuance of qualified mortgage bonds would be permitted under the above rules only for 2 years from the date of enactment. After that time, the issuance of such bonds would be prohibited.

Senate amendment.—No provision.

Conference agreement.—The conference agreement provides that the issuance of qualified mortgage bonds would be permitted until December 31, 1983. After that date, the qualified mortgage bonds could not be issued.

(15) Registration

House bill.—All tax-exempt housing bonds issued after the date of enactment must be in registered form.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill except that it delays the effective date of the registration requirement from bonds issued after the date of enactment to bonds issued after December 31, 1981.

(16) Advance refunding

House bill.—No advance refunding of mortgage subsidy bonds will be permitted after the date of enactment.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

c. Qualified veterans' mortgage bonds

(1) Residences for veterans

House bill.—Substantially all of the proceeds from the bonds must be used to provide residences for veterans.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

(2) New mortgage requirement

House bill.—Except for construction period loans, bridge loans or similar temporary initial financing, and an existing mortgage where the residence is substantially rehabilitated, none of the proceeds of the bonds can be used to replace or acquire an existing mortgage.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

(3) General obligation requirement

House bill.—Both the principal and interest of the bond must be secured by the general obligation of a State.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

(4) Registration

House bill.—All tax-exempt housing bonds issued after the date of enactment must be in registered form.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill, except that it delays the effective date of the registration requirement from bonds issued after the date of enactment to bonds issued after December 31, 1981.

(5) Advance refunding

House bill.—No advance refunding of mortgage subsidy bonds will be permitted after the date of enactment.

Senate amendment.—No provision.

Conference agreement.—The conference agreement follows the House bill.

d. Transitional rules

House bill.—The House bill applies to bonds issued after April 24, 1979, with three major exceptions and a number of exceptions for limited cases. The three major exceptions are as follows:

a. Official action

Tax-exempt housing bonds may be issued if, prior to April 25, 1979, the governing body of the unit having authority to issue the bonds had taken official action which indicated an intent to issue such bonds. A qualifying official action would include an authorization to hire bond counsel, an authorization to hire bond underwriters, or an authorization to make a market analysis with respect to a specified bond issue. Such authorization must be a specific authorization relating to a specified bond issue.

In the case of a sized or tentatively sized bond issue, only the amount of bonds the issuer reasonably intended to issue based on the documentation that existed before April 25, 1979, will qualify under this rule.

In case of an unsized bond issue, only an amount of bonds (exclusive of issuance costs and a reasonably required reserve) equal to the amount of mortgages for which the lenders had given firm commitments to home buyers within 9 months after the bonds are issued will qualify under this rule. Bond proceeds for which commitments were not made within 9 months from the issuance date of the bonds must be used to redeem bonds.

b. Rollover rule

Tax-exempt indebtedness outstanding on April 24, 1979, may be rolled-over where the maturity date of the tax-exempt housing bonds is no longer than 2 years after the life of the initial mortgages on the properties.

c. Special rule for projects under development

Tax-exempt housing bonds for the financing of projects in the development stage may be issued where, prior to April 25, 1979,

(1) substantial expenditures had been made for detailed plans and specifications, and

(2) tax-exempt construction financing had been issued with respect to the project or there exists written evidence that a governmental unit intended to issue tax-exempt bonds to finance the acquisition of the units by home buyers.

Senate amendment.—No provision. However, the Senate adopted an amendment to the supplemental appropriations bill that indicated the sense of the Senate that any bill restricting the use of mortgage subsidy bonds would not apply to bonds issued prior to January 1, 1981, so long as the proceeds of the bonds are committed to home purchases within one year from the date of issue. The amendment was deleted from the bill in conference.

Conference agreement.—The conference agreement generally adopts the transitional rules in the House bill with several technical corrections and adds several additional special rules. In addition, the conference agreement provides a general exception for bonds issued before January 1, 1981.

General rule

Under the conference agreement, the new rules that apply to the issuance of qualified mortgage bonds shall not apply to obligations issued before January 1, 1981, if these issues meet certain other criteria. Such obligations, if issued before January 1, 1981, will qualify, if they are part of an issue from which substantially all of the proceeds are committed by firm commitment letters within one year after the date of issue of obligations. Commitment of substantially all of the proceeds allows use of a portion of the proceeds to meet issuance costs and provide a reasonable required reserve. Firm commitment letters are identical to letters of firm commitment used when financing is provided from other sources than tax-exempt bonds.

Technical corrections

The technical sections made for a conference agreement to the House transitional rule are as follows:

Section 904(b)(4) of the conference report relating to the date of a local referendum is modified to correct a technical error to show the correct date of the referendum as June 12, 1979.

Section 904(d)(3) of the conference report relating to the timing of resolutions before a city council and enactment of State authorizing legislation is modified to correct technical inaccuracies that do not affect the substance of the rule in the House-passed bill.

Section 904(d)(4) which relates to the date of a resolution that delayed completion of an issue because of interest charges is modified to insert the correct date of the solution.

Section 904(h)(2) is modified by correcting the title of the National Housing Act.

Section 904(m)(3) is modified to extend the time limit for commitment letters to December 31, 1981.

Registration requirement

Section 904(i) relating to the requirement that all obligations issued as qualified mortgage bonds under the authority of this conference agreement must be in registered form is amended to require such registration for all obligations under this agreement issued after December 31, 1981. The registration requirement applies to obligations issued under the permanent rules and the transitional rules after the effective date.

Special transitional rule for loans to lenders

The conference agreement includes a provision under which obligations may be issued during 1981 and 1982 as part of a loans to lender program. The amounts of the obligations issued under the loans to lender program will be included with the amount issued by the State housing finance agency under the limitation established by the conference agreement.

A qualified loans to lender program means any program, that has been established in accordance with legislation enacted by the State of New York in 1970, which finances the purchase of existing mortgages from financial institutions and requires that the financial institutions reinvest the proceeds in new mortgages within 90 days.

New mortgages made by financial institutions with the proceeds received from the sale of old mortgages to the State of New York Mortgage Agency (SONYMA) must meet the requirements established by the conference agreement with respect to new mortgages financed with mortgage revenue bonds. Because this is a special rule to accommodate a transitional problem, the requirements within the conference report with respect to low or moderate income rental housing and the arbitrage rules pertinent mortgage revenue bonds will not apply during 1981 and 1982 to new mortgages by financial institutions using proceeds from the SONYMA loans to lender program. No inference is implied in this conference agreement dealing with mortgage revenue bonds with respect to the arbitrage rules which are in effect in section 103(c) of the Internal Revenue Code.

Certain additional transitional rules

The conference agreement adds transitional authority to issue tax-exempt mortgage revenue bonds for seven specific projects in enumerated jurisdictions for specific purposes. In each case, the authority granted to a city or county may be used only by the appropriate issuing authority for that city. The amount specified in this subsection for a city shall be the maximum amount of obligations which may be issued by the appropriate issuing authority under the authority granted for the specific purpose of the issue. The obligations may be issued only for the purposes listed in this subsection of the conference agreement.

The areas ceiling amount for each area and the purpose of the issues are listed below.

City or county	Ceiling amount	Purpose of issue
Baltimore, Md......	$100,000,000	Financing owner-occupied residences.
Port Arthur, Tex....	175,000,000	For financing on new town in town project.
Minneapolis, Minn..	25,000,000	Financing owner-occupied residences.
Minneapolis-St. Paul, Minn.	235,000,000	Joint program for financing owner-occupied residences involving some UDAG grants and private financing.
Detroit, Mich.......	50,000,000	To issue obligations maturing before 1986 for construction on the Riverfront West project.
Brevard County, Fla.	150,000,000	Financing owner-occupied residences.
Chicago, Ill........	235,000,000	For financing on the Presidential Towers project.

2. *Multi-family rental housing*

a. General Rule

House bill.—The present exception for tax-exempt industrial development bonds would be limited to obligations substantially all the proceeds of which are to be used for multi-family rental housing projects in which at least 20 percent of the units are to be occupied by individuals of low or moderate income, determined in a manner consistent with the Leased Housing Program under Section 8 of the United States Housing Act of 1937.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill except that, in projects located in a qualified census tract or an area of chronic economic distress, at least 15 percent of the units are to be occupied by individuals of low or moderate income. For projects located in areas which are not in a qualified census tract or an area of chronic economic distress, the 20 percent requirement of the House bill is retained. The conferees want to clarify that the method for determining income in effect at the time of the bond issuance will be determinative for that issue even though they are subsequently changed.

The conference agreement adds a rule to the small issue exemption of Code section 103(b)(6) to insure that the small issue exemption is not used as a means of circumventing the multi-family rental provisions of the conference agreement. Under that rule, the small issue exemption would not apply to any obligation which is used as a part of an issue a significant portion of the proceeds of which are to be used directly or indirectly to provide residential real property for family units. In addition, the conferees want to clarify that interest on an industrial development bond a significant portion of which is used to provide residential real property for family units will be tax-exempt only if it meets the multi-family rental requirements of the conference agreement or the limited exception for the New York State Loan to Lenders Program regardless of whether the bond is a qualified mortgage bond or a qualified veterans' mortgage bond.

Also, the conference agreement provides a special rule similar to that in the House bill for bonds issued before January 1, 1984 (and which do not come within the transitional rules) under which the 20-percent requirement need be met only for a period of 20 years. The 20-year period begins on the first date that the project is available for occupancy and the tax-exempt obligations are outstanding. Under this rule, the 20-percent test will be met where the developer of the project has entered into a contract with a Federal or State agency that requires that at least 20 percent of the units be maintained for persons of low or moderate income for a period of at least 20 years and provides rent subsidies for such persons for that period.

b. Registration

House bill.—All tax-exempt bonds issued after the date of enactment must be in registered form.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill except that it delays the effective date of the registration requirement from bonds issued after the date of enactment to bonds issued after December 31, 1981.

c. Transitional Rules

House bill.—The House bill applies to bonds issued after April 24, 1979, with three major exceptions and a number of exceptions for limited cases. The three major exceptions are as follows:

a. Official action

Tax-exempt housing bonds may be issued if, prior to April 25, 1979, the governing body of the unit having authority to issue the bonds had taken official action which indicated an intent to issue such bonds. A qualifying official action would include an authorization to hire bond counsel, an authorization to hire bond underwriters, or an authorization to make a market analysis with respect to a specified bond issue. Such authorization must be a specific authorization relating to a specified bond issue.

In the case of a sized or tentatively sized bond issue, only the amount of bonds the issuer reasonably intended to issue based on the documentation that existed before April 25, 1979, will qualify under this rule.

In the case of an unsized bond issue, only an amount of bonds (exclusive of issuance costs and a reasonably required reserve) equal to the amount of mortgages for which the lenders had given firm commitments to developers for a specific project within 9 months after the bonds are issued will qualify under this rule. Bond proceeds for which commitments were not made within 9 months from the issuance date of the bonds must be used to redeem bonds.

b. Rollover rule

Tax-exempt indebtedness outstanding on April 24, 1979, may be rolled-over where the maturity date of tax-exempt housing bonds is no longer than 2 years after the life of the initial mortgages on the properties.

c. Special rule for projects under development

Tax-exempt housing bonds for financing of projects in the development stage may be issued if:

(1) a plan specifying the number and location of rental units was approved on or before April 24, 1979, by a governing body, or a State or local housing agency or a similar agency, and

(2) substantial expenditures for site improvement for the project have been incurred on or before such date.

Senate amendment.—No provision.

Conference agreement.—The conference agreement adopts the transitional provisions of the House bill with certain technical amendments (described above). In addition, the conference agreement provides that the amendment made by section 1102 and 1103 of the conference agreement shall not apply to obligations issued before January 1, 1981, where the construction of the project had begun, or the acquisition of the project occurs, before one year after the date of issuance of the obligations. Finally, the conference agreement adopts additional special transitional rules for seven specific projects set forth above.

In addition, the conferees want to clarify the application of the House transitional rule for projects under development. The conferees intend that a project would qualify under this rule even though the project plans are modified to the extent of changing the specific location of structures within the project as long as the perimeter and the overall housing density of the project are not changed.

B. Cash management provisions—estimated tax payments

House bill.—Under present law, corporations generally are required to pay 80 percent of their current year's tax liability in quarterly estimated tax payments during the taxable year. However, corporations are exempt from the penalty for underemployment of estimated tax if their estimated tax payments equal 100 percent of their prior year's tax liability.

For both corporations and individuals, the minimum tax is not subject to the estimated tax requirements.

The House bill provides, in general, that corporations whose taxable income exceeded $1 million in any of the three preceding taxable years would be required to pay estimated tax of at least 60 percent of current year's tax liability regardless of their prior year's tax liability.

Senate amendment.—Under the Senate amendment, large corporations would be required to pay at least 50 percent of current year's tax liability on a current basis. Furthermore, the proportion, the proportion of the tax shown on the return (or the actual tax if no return is filed) that is to be paid currently by any corporation not relying on the prior year exceptions would be increased from 80 percent to 85 percent. Finally, both the add-on minimum tax for corporations and individuals and the alternative minimum tax for individuals would be subject to the same estimated tax requirements as the regular income tax.

Conference agreement.—The conference agreement follows the House bill.

C. Gains from foreign investment in U.S. real estate

1. General rule

House bill.—Nonresident aliens and foreign corporations ("foreign investors") would be subject to tax on the disposition of U.S. real property. Real property is intended to have the same meaning for this purpose that it has in the U.S. Treasury's model income tax treaty and thus it includes personal property associated with real property. Foreign investors would also be taxed on gain from the disposition of an interest in a U.S. real property holding organization (RPHO). The tax would be imposed regardless of whether or not the gain was effectively connected with a U.S. business or the seller was present in the United States.

Senate amendment.—Substantially the same as House bill.

Conference agreement.—The conference agreement follows the House bill and the Senate amendment.

2. Rate of tax

House bill.—All gains and losses from the disposition of U.S. real property interests would be treated as if they were effectively connected with a U.S. trade or business. Losses attributable to the U.S. real property from years prior to the year of sale would be allowed as deductions against the foreign investor's effectively connected U.S. gross income (including gains from real property sales) if the foreign investor elects under section 871(d) or 882(d) to be taxable on a net basis on its U.S. real property investment income.

Senate amendment.—Same as House bill, except that net gains from disposition of U.S. real property interests would be subject to tax at a minimum rate of 28 percent if that tax would be higher than the tax under the general rule. No tax would be due if net gains during the taxable year from the sale of U.S. real property interests do not exceed 5,000.

Conference agreement.—The conference agreement generally follows the House bill. However, certain aspects of the Senate amendment were retained in modified form so that the tax on foreign investors would be more comparable to the tax imposed on U.S. investors in similar circumstances. The impact of the Senate amendment on foreign investors would have been greater than the tax imposed on similarly situated U.S. investors because the 28-percent minimum rate of the Senate amendment is higher than the capital gains rate imposed on long-term capital gains of U.S. investors who are not in the highest marginal tax brackets. In addition, the Senate amendment, in computing the tax, did not permit the use against U.S. real property gains of net losses which are effectively connected with another U.S. trade or business of the foreign investor or net losses from holding the U.S. real property interest which were attributable to prior years. The House bill, on the other hand, in many situations would have imposed a tax at rates lower than those imposed on similarly situated U.S. investors since the rate of tax would be determined with reference only to the foreign investor's income which was effectively connected with a U.S. trade or business. Since any other U.S. source investment income and all foreign source income of the foreign investor would not be taken into account, the rate of tax on the U.S. real estate gains of foreign investors (particularly if an installment sale were used to spread the gain over several years) would generally be lower than that imposed on U.S. investors in similar circumstances. Consequently, the conferees decided, in the case of individuals, to impose the U.S. tax at a minimum rate of 20 percent of U.S. real property gains (net of U.S. effectively connected losses) but otherwise to follow the approach of the House bill and generally to treat U.S. real property gains as gains effectively connected with a U.S. trade or business subject to the U.S. graduated capital gains rates and with full use of effectively connected losses against those gains.

3. Real Property Holding Organizations (RPHOs)

House bill.—A corporation, partnership or trust would be an RPHO if, during the taxable year, the fair market value of its U.S. real property interests was at least 50 percent of the sum of the values of its (i) U.S. real property interests, (ii) interests in foreign real property, and (iii) other assets used in the trade or business. "Look through" rules would apply where the entity had a controlling interest in another entity, and attribution rules would apply to determine whether a controlling interest existed. In general, all gains from the disposition of an interest in an RPHO would be subject to tax. However, no tax would be imposed on sale of publicly traded stock in a corporation by a person who owned 5 percent or less.

Senate amendment.—A corporation, partnership or trust would be an RPHO if (a) at least a 50 percent interest in the entity is held by 10 or fewer persons, and (b) the fair market value of its U.S. real property interests is at least 50 percent of the value of all its assets (other than liquid assets) "Look through" and attribution rules similar to the House bill would apply. All gains from disposition of an interest in an RPHO would be subject to tax.

Conference agreement.—The conference agreement generally follows the House bill with respect to domestic corporate RPHOs, but adopts different rules for other entities as set forth below. Attrition rules similar to the House bill apply to determine whether there is a controlling interest in another entity but the "look through" rules apply to such an interest only with respect to assets actually held downward through the chain of ownership. U.S. corporations would be treated as RPHOs unless they elect to file returns establishing that less than 50 percent of their assets are U.S. real property interests. U.S. tax treaties generally provide for a reduced rate of tax on dividends which might make it advantageous for a domestic corporation to distribute a U.S. real property interest to a shareholder in dividend form. To prevent this, the bill denies the recipient a basis step-up except to the extent that the corporation recognizes gain and the recipient pays U.S. income tax on the distribution.

(i) *Foreign corporations.*—Gain on the disposition of stock in a foreign corporation would not be subject to the tax imposed under the bill. Instead, the foreign corporation would be taxed on any distribution (whether or not in liquidation) of appreciated U.S. real property interests to its shareholders. Also, tax would be imposed if the property is sold in connection with a liquidation.

If the application of the provisions of section 897 or section 6039C to any foreign corporation would be barred by a treaty obligation of the United States which provides that a permanent establishment of a foreign corporation in the United States may not be treated less favorably than a domestic corporation carrying on the same activities, then that foreign corporation may elect, subject to such terms and conditions as are specified by the IRS, to be treated as a U.S. corporation for purposes of sections 897 and 6039C. The election may be revoked only with the consent of the Secretary.

Conditions imposed by the IRS on the making of the election might, for example, include a requirement that the foreign corporation notify its shareholders that the election was being made or a requirement that the IRS be satisfied that treaty relief was applicable. Ordinarily, the election would be made before the first disposition of stock in a foreign corporation which would be taxable if the election had been made before that first disposition. Where it deemed it to be appropriate, however, the IRS could permit the election to be made after the first disposition, provided satisfactory arrangements were made for the payment of an amount equal to the tax on any dispositions made prior to the election which would have been owing on the dispositions (if the election had been made prior to the first disposition) and an appropriate interest charge for the period since the time at which that tax would have been required to have been paid. In the case of dispositions of stock in foreign corporations made prior to the conference committee's action, it is contemplated that the election may be made retroactively, provided satisfactory arrangements are made for the payment of tax on the stock sale. (For example, if amounts were withheld by the buyer on the purchase of the foreign corporation's stock or were deposited in an escrow account for the satisfaction of the seller's tax liability on the stock sale, the election might be permitted if those funds were made available to satisfy the seller's tax liability.)

(ii) *Partnership, trusts, and estates.*—Gain on the disposition of an interest in these entities also would not be subject, in its entirety, to tax. Instead, a foreign investor in such an entity would be taxable on the disposition of his interest to the extent that the gain represented his pro rata share of appreciation in the value of U.S. real property interests of the entity.

(iii) *REITs.*—Distributions by a real estate investment trust (REIT) to foreign shareholders would be treated as gain on the sale of U.S. real property to the extent of the shareholders' pro rata share of the net capital gain of the REIT. In the case of REITs which are controlled by U.S. persons, sales of the REIT shares by foreign shareholders would not be subject to tax (other than in the case of a distribution by the REIT).

4. Nonregulation Rules

House bill.—The Secretary would be authorized to prescribe regulations providing the extent to which nonrecognition rules would (or would not) apply under the bill. Pending the issuance of these regulations, nonrecognition provisions of the Code would apply, but only in the case of an exchange of a U.S. real property interest for an interest the disposition of which would be taxable under the Code (as modified by any treaty pursuant to sections 894 and 7852(d)).

Senate amendment.—Similar to the House bill, but without a rule prescribing treatment prior to the issuance of regulations.

Conference agreement.—Follows the House bill, but also allows prescription of regulations determining the extent to which transfers of property in reorganizations are to be treated as sales at fair market value. Similar rules apply in the case of partnerships, trusts, and estates.

5. Withholding

House bill.—No Provision.

Senate amendment.—The withholding requirement would apply only if the purchaser knows or has received a notice that the seller is a foreign person. The seller is required to notify the purchaser that the seller is a foreign person. The seller's agent is also required to notify the purchaser that the seller is a foreign person if the agent has reason to believe that the seller may be a foreign person. The amount to be withheld is the smallest of (i) 28 percent of the sales price, (ii) the "seller's maximum tax liability" (discussed below), or (iii) the fair market value of that portion of the sale proceeds which is within the withholder's control. The "seller's maximum tax liability" is the maximum amount which the Treasury determines that the seller could owe on his gain on the sale plus any unsatisfied prior withholding tax liabilities of prior foreign owners with respect to that property.

A purchaser would not be required to withhold if: (i) the property being sold is a single family residence which is to be used by the purchaser as his principal residence and the amount realized by the seller on the sale is $150,000 or less, (ii) the property being sold is stock of a corporation and the sales transaction takes place on an established securities market or (iii) the seller obtains a "qualifying statement" from the Treasury that he is exempt from tax or he has provided adequate security or has otherwise made arrangements with Treasury for the payment of the tax. The Treasury may prescribe a reduced amount to be withheld under similar procedures.

Conference agreement.—The conference agreement follows the House bill. The Senate conferees had proposed that the tax imposed under the conference agreement be enforced by the withholding provisions contained in the Senate bill, modified in several respects.[1] The House conferees refused to agree to the withholding provisions in the conference agreement. The conferees agreed it would be necessary to structure withholding provisions carefully to ensure that they would not inadvertently disrupt the U.S. real estate market or expose U.S. buyers or U.S. agents of foreign sellers of U.S. real estate to liability where such liability would not be appropriate. Given this potential, the House conferees took the position that withholding provisions should not be adopted until they could be more fully considered by the committees and the public had adequate opportunity to consider and comment on the proposed withholding mechanism. The conferees agreed that, until and unless withholding provisions were adopted by a subsequent Congress, the tax should be enforced through information reporting as discussed below.

6. Reporting

a. Returns to identify whether an entity is an RPHO

House bill.—If, at any time during a calendar year, (i) an entity beneficially owns U.S. real property interests which constitute more than 40 percent of the fair market value of the assets taken into consideration in determining whether or not it is an RPHO and (ii) at least one foreign person has an interest (other than a portfolio interest in publicly-traded stock) in the entity, the entity is required to file an information return for the year. The return is to set forth the name and address of any foreign person who held an interest, whether the entity is an RPHO at any time during the calendar year, and any other information which the Treasury may prescribe by regulations.

Senate amendment.—If at any time during a calendar year, (i) an entity has U.S. real property interests which constitute more than 40 percent of the fair market value of its assets, (ii) 10 or fewer persons have a controlling interest in the entity, and (iii) at least one foreign person has an interest in the entity, the entity is required to file an information return for the year. The information required is similar to the information required under the House bill.

Conference agreement.—The conference agreement deletes the requirement that entities file returns establishing whether or not they are RPHOs. Under the conference agreement, an entity (or a person owning an interest in the entity) may on a voluntary basis file a return, containing such information as may be required by the IRS, establishing that the entity is not an RPHO.

b. Returns to identify foreign owners

House bill.—Foreign owners of U.S. real estate who are not subject to the return requirements described above are generally required to file returns showing (i) the name and address of the person, (ii) a description of all U.S. real property interests held by such person, and (iii) such other information as the Treasury may prescribe by regulations.

Senate amendment.—No provision.

Conference agreement.—The conference agreement generally follows the House bill with several modifications.

U.S. corporations which are U.S. real property holding corporations or which were U.S. real property holding corporations at any time during the preceding 4 years will be required to file annual returns setting forth the name and the address (if known by the corporation) of each foreign shareholder (other than shareholders owning stock which is publicly traded, any information required by the Secretary with respect to transfers of stock in the corporation by such foreign shareholders and any other information which the Secretary may prescribe by regulations. Any nominee holding stock in a U.S. corporation on behalf of a foreign person is required to file a return in the same manner as the corporation is required. No requirement for reporting with respect to publicly traded stock is imposed because information with respect to foreign shareholders holding more than 5 percent of any publicly traded class of stock in a U.S. corporation (less than 5 percent shareholders are not taxable on the disposition of their stock) should be readily available from the SEC.

Foreign corporations and partnerships, trusts, or estates (whether foreign or domestic) are required to file annual returns setting forth the name and address of each foreign person who has a substantial indirect investment in U.S. real property through the entity, such information with respect to the assets of the entity, and such other information as the Secretary may prescribe by regulations. For this purpose, a foreign person having a substantial indirect investment through the entity would include any foreign person whose pro rata share of the U.S. real property interests held by the entity exceeded $50,000 at any time during the calendar year. Any entity required to make such a return is also required to furnish each of the foreign persons holding a substantial investment in U.S. real property through that entity a statement showing the name and address of the entity, the substantial investor's pro rata share of the U.S. real property held by the entity and such other information as is required by regulations. In determining whether the pro rata share of any foreign person's beneficial interest in the real property held by the entity exceeds $50,000, the entity's pro rata share of any real property interest held by any other such entity in which the first entity holds a beneficial interest, and interests in the first entity held by the person's family, shall also be taken into account.

These reporting requirements will not apply to any entity for any calendar year where the entity furnishes the IRS with such security as the IRS determines to be necessary to ensure that any U.S. tax with respect to U.S. real property interests held by such entity will be paid. It is expected that the security which the IRS would consider to be satisfactory for this purpose would depend upon the circumstances. Thus, for example, in the case of a foreign corporation the only asset of which is a tract of undeveloped U.S. real estate, the IRS might require a recorded security interest in the real estate, a guarantee by a person from whom the IRS would be reasonably certain it could collect the unpaid tax, or some similar type of security. On the other hand, in the case of a foreign corporation engaged in a U.S. trade or business with a variety of U.S. assets and where the circumstances indicated that it was improbable that the foreign corporation would attempt to liquidate and remove its assets from the United States without satisfying its U.S. tax liability, the IRS might only require an undertaking by the foreign corporation to pay the tax in a closing agreement or some similar security. Where such an arrangement is reached with the IRS, the entity is not required to report the identity of the foreign persons holding interests in the entity and, in addition, the foreign person is not required to take its pro rata interest in the entity into account in determining its own reporting requirements. Where the foreign corporation was unable to supply the necessary information to the IRS as to the identity of its shareholders because, for example, its stock is in bearer form or was held by nominees unwilling to disclose the identity of the beneficial owner, it would be required to provide security satisfactory to the IRS.

A separate reporting requirement applies to foreign persons owning U.S. real property who are not required to file a return under section 6039C(b) for the year. Where such a foreign person did not engage in a trade or business in the United States at any time during the calendar year and the fair market value of the U.S. real property interests held by the foreign person at any time during the year equals or exceeds $50,000, the foreign person is required to file a return setting forth his (or its) name and address, a description of all U.S. real property interests held at any time during the calendar year and such other information as is required by regulations. "Look through" and family attribution rules apply to determine whether a person is a substantial investor.

c. Failure to make a return or furnish a statement

House bill.—A penalty for failure to file a tax return or to furnish a statement required under the rules described above will be imposed in an amount equal to $25 for each day during which such failure continues but not to exceed $25,000. Also, in the case of a failure by a foreign person to file a return required by the rules set forth in (b) above, the penalty for any calendar year cannot exceed 5 percent of the aggregate of (i) the fair market value of the U.S. real property interests owned by that person at any time during the year and (ii) the face amount of the U.S. real property interest installment obligations.

Senate amendment.—A penalty for failure to file a tax return or to furnish a statement will be imposed in an amount equal to the greater of (i) $25 a day during which the failure continues, but not to exceed $25,000, or (ii) the amount of the tax under the bill which is not paid and which is attributable to transfers (other than those made in an established securities market) occurring during the calendar year for which the return or statement was required.

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[1] The withholding provisions of the Senate amendment would be modified to provide that neither the purchaser nor any settlement agent would be required to withhold unless he has actual knowledge that the seller is foreign or has received a notice from a seller's agent. The seller's agent would be relieved of any responsibility to give such a notice if he relies in good faith on a statement from the seller (or, in the case of a seller's agent retained by another seller's agent, from the seller's agent who retained him) that the seller is a U.S. person or, if the seller is foreign, that the seller notified the purchaser. A second modification proposed to the Senate bill withholding provisions was that if the purchaser assumes a debt of the seller or took the property subject to a debt of the seller, which was incurred within one year prior to the sale, that amount of the consideration would also be subject to withholding. A final modification would have set forth in greater detail the circumstances under which withholding might be reduced or waived. The taxpayer would be permitted to reduce (or eliminate) the amount of withholding by filing a return stating the basis for the property and the character of the contemplated gain. The IRS would be required to accept that basis and character for withholding purposes unless the IRS responded within 30 days specifying a lower (or zero) basis or different character if the IRS were not satisfied that the amount to be withheld would be sufficient to cover the taxpayer's underlying liability.

Conference agreement.—The conference agreement generally follows the House bill. In the case of each failure to file a return containing the information required by these information reporting requirements or to furnish the statement to a beneficial owner of an interest of its pro rata share of the U.S. real property assets held by the entity, a penalty is imposed of $25 for each day during which the failure continues (but not to exceed $25,000 for the calendar year) unless it is shown that the failure is due to reasonable cause and not to willful neglect. A further limitation to the penalty applies in the case of a failure of a foreign person to disclose his U.S. real property interests (sec. 6039C(c). In the case of such a failure, the penalty is not to exceed 5 percent of the aggregate fair market value of the U.S. real property interests held by the person at any time during the year.

7. Effective Date

a. General rule

House bill.—The bill would apply to dispositions after June 18, 1980.

Senate amendment.—The Senate amendment would apply to dispositions after December 31, 1979, except those made pursuant to a contract binding at all times after December 6, 1979.

Conference agreement.—The conference agreement generally follows the House bill and would apply to dispositions after June 18, 1980. However, no step-up in basis would be allowed with respect to a disposition made to a related party (within the meaning of Code section 453(f)(1)) in a nontaxed transaction after December 31, 1979.

b. Tax treaties

House bill.—Until January 1, 1985, gain would not be taxed to the extent required by treaty obligations of the U.S. On and after that date, the provision would prevail over any conflicting treaty provisions remaining in effect.

Senate amendment.—Same as House bill.

Conference agreement.—The conference agreement generally follows the House bill and the Senate amendment, but no step-up in basis would be allowed with respect to a disposition made to a related party which is exempt from the tax imposed by the bill solely because of delays of the effective date attributable to conflicting treaty obligations. In situations where a treaty is renegotiated to resolve conflicts between the treaty and the conference agreement, the delay in the effective date of the conference agreement, can be extended in the revised treaty or an accompanying exchange of notes for a period of up to two years after the signing of the revised treaty in order to permit the Senate adequate time to consider the revised treaty.

D. Windfall profit tax

1. Royalty Owners Credit

House bill.—No provision.

Senate amendment.—The Senate amendment provides royalty owners with a credit (or refund) of up to $1,000 against the windfall profit tax imposed on the removal of their royalty oil during calendar year 1980. The credit is available only to individuals, estates, and family farm corporations and not to other corporations or to trusts. In the case of a family, the husband and wife and their minor children are treated as one taxpayer for purposes of the $1,000 limit on the credit. A qualified family farm corporation that is eligible for the credit is one which (1) was in existence on June 25, 1980, (2) all of the outstanding stock of which was held by members of the same family at all times between July 24, 1980, and January 1, 1981, and (3) 80 percent of the assets of which was used for farming purposes.

The Senate amendment also requires that in calculating the amount of income tax deduction for the windfall profit tax, net income for percentage depletion purposes, and oil related income for the minimum tax on intangible drilling costs, a taxpayer must reduce the gross amount of windfall profit tax paid or withheld during the taxable year by the amount of the credit allowable against that tax. This reduction of the income tax deduction must be made regardless of whether the taxpayer actually claims the allowable credit.

Conference agreement.—The conference agreement follows the Senate amendment.

2. Stripper Oil Exemption

House bill.—No provision.

Senate amendment.—The Senate amendment provides for an exemption from the windfall profit tax for up to 2 barrels a day of stripper well production for each stripper well from which the producer receives production. This exemption applies to oil removed in the four quarters of fiscal year 1981.

Conference agreement.—The conference agreement follows the House bill.

3. Modification of Inflation Adjustment

House bill.—No provision.

Senate amendment.—Under present law, the windfall profit tax is imposed on the difference between the selling price of each barrel of domestic crude oil and its adjusted base price for the calendar quarter during which it is removed. The adjusted base price is determined by increasing the base price to take account of inflation between the second quarter of 1979 and the second quarter prior to the quarter for which the adjusted base price is being determined. In the case of newly discovered oil, heavy oil and incremental tertiary oil, the adjusted base price is determined by using the rate of inflation plus 2 percent per year.

The Senate amendment would adjust the otherwise applicable adjusted base price for each calendar quarter in fiscal year 1981 by subtracting an amount equal to 10.9 percent of that adjusted base price.

Conference agreement.—The conference agreement follows the House bill.

E. Inclusion in wages of social security and unemployment taxes paid by employers

House bill.—Under present law, employer payment of an employee's liability for social security taxes or State unemployment compensation taxes (without deduction from the remuneration of the employee) is specifically exempted from wages for purposes of social security taxes (FICA), Federal unemployment taxes (FUTA), and social security benefits.

The House bill provides that the payment by an employer of an employee's liability for social security taxes or State unemployment compensation taxes would be included in the definition of wages for purposes of FICA, FUTA, and social security benefits. However, this provision would not apply with respect to payments for domestic service in the employer's home.

The provision generally would be effective with respect to remuneration paid after December 31, 1980. However, in the case of certain State, political subdivision, or other State or local coverage group employment under section 218 of the Social Security Act, the provision would apply with respect to remuneration paid after December 31, 1983. This later effective date would apply only to remuneration for services in positions of a kind for which all, or a substantial portion of the amounts equivalent to employee social security taxes were paid (without deduction from the wages of the employee) under the practices in effect on June 18, 1980.

Senate amendment.—The Senate amendment is similar to the House bill except that it does not apply to: (1) employer payment of employee State unemployment compensation taxes or (2) agricultural labor. In addition, the December 31, 1983, effective date for certain State and local governmental units would apply to payments of amounts equivalent to employee social security taxes if these amounts were paid (without deduction from remuneration of the employee) under practices that were in effect on July 26, 1980.

Conference agreement.—The conference agreement follows the House bill with two modifications. Under the conference agreement, agricultural labor would be excluded from the application of the provision. In addition, the later effective date with respect to certain State and local governmental units would apply to payments of amounts equivalent to employee social security taxes if these amounts were paid (without deduction from remuneration of the employee) under practices that were in effect on October 1, 1980.

Concerning the application of these amendments to State and local governments, the conferees wish to emphasize that the general rule with respect to social security taxation is that all forms of remuneration constitute wages for social security tax purposes unless specifically exempted by statute. Payments by State and local governments of the equivalent of employee social security taxes for their employees, since these payments represent a benefit to the employees from their employer, constitute "remuneration" within the meaning of the Act and the Code but for the exception which is being eliminated by this provision.

F. Telephone excise tax

House bill.—Present law imposes an excise tax on amounts paid for communications services (local telephone service, toll telephone service and teletypewriter service). The tax is 2 percent for 1980 and 1 percent for 1981. The tax is to expire on January 1, 1982.

The House bill delays the reduction and expiration of the tax by one year. Under the House bill, the tax is 2 percent for 1980 and 1981 and 1 percent for 1982. The tax is to expire on January 1, 1983.

Senate amendment.—The Senate amendment is the same as the House bill.

Conference agreement.—The conference agreement follows the House bill and the Senate amendment.

G. Increased duties on imported alcohol

House bill.—No provision.

Senate amendment.—Under present law, imports of ethyl alcohol for nonbeverage purposes are dutiable at a most-favored-nation (MFN) rate of 3 percent *ad valorem* and a non-MFN rate of 20 percent *ad valorem* under item 427.88 of the Tariff Schedules of the United States (TSUS).

The Senate amendment amends the Appendix to the TSUS to impose, in addition to the existing duty on MFN and non-MFN imports of ethyl alcohol for non-beverage purposes, an additional duty of 40 cents per gallon on imports of ethyl alcohol to be used in or as a fuel from the date of enactment through December 31, 1992.

Conference agreement.—The conference agreement amends the Appendix to the TSCS to impose, in addition to the existing duty on MFN and non-MFN imports of ethyl alcohol for non-beverage purposes, and additional duty on imports of ethyl alcohol to be used in or as a fuel. This additional duty is 10 cents per gallon in calendar year 1981, 20 cents per gallon in calendar year 1982, and 40 cents per gallon from January 1, 1983, through December 31, 1992.

H. Revenue effects of title XI

The revenue effects of the conference agreement on title IX are summarized in the two tables below. Table 1 shows the effects on budget receipts for fiscal years 1981 through 1985; table 2 depicts the effect on tax liabilities for calendar years 1980 through 1985.

The revenue gain from the provision requiring large corporations to be at least 60 percent current with estimated tax payments represents changes in timing of tax payments and does not increase their tax liability. All the other changes represent increases in tax liability.

TABLE 1.—ESTIMATED BUDGET EFFECTS OF THE REVENUE RECONCILIATION PROVISIONS OF H.R. 7765, AS APPROVED BY THE CONFERENCE, FISCAL YEARS 1981-85

[In millions of dollars]

Item	1981	1982	1983	1984	1985
A. Mortgage subsidy bonds	256	1,305	3,330	6,320	10,242
B. Cash management—estimated tax payments	3,063	475	457	394	402
C. Foreign investment in U.S. real estate	42	92	102	111	123
D. Windfall tax royalty credit	−180				
E. Payroll taxes paid by employers	44	76	118	217	328
F. Telephone excise tax	358	570	193		
G. Alcohol import duty	12	15	9	3	
Total	3,595	2,533	4,209	7,045	11,095

TABLE 2.—ESTIMATED BUDGET EFFECTS OF THE REVENUE RECONCILIATION PROVISIONS OF H.R. 7765, AS APPROVED BY THE CONFERENCE, CALENDAR YEARS 1981-85

[In millions of dollars]

Item	1980	1981	1982	1983	1984	1985
A. Mortgage subsidy bonds		618	2,275	4,821	8,432	12,794
B. Cash management—estimated for payments						
C. Foreign investment in U.S. real estate	42	92	102	111	123	135
D. Windfall tax royalty credit	−180					
E. Payroll taxes paid by employers		56	81	127	239	350
F. Telephone excise tax		358	570	193		
G. Alcohol import duty		16	15	7	2	
Total	−138	1,140	3,043	5,259	8,796	13,279

Armed Services

The Senate amendment, but not the House bill, contains a provision which provides that the current semi-annual increase in military retired pay be replaced with an annual adjustment. The Senate amendment would provide for a similar change in retirement programs for the Central Intelligence Agency, the Public Health Service, and the National Oceanographic and Atmospheric Administration. However, no changes to retired pay adjustments would be made unless similar changes are made for Federal civilian retirees.

The Senate recedes. The conferees agreed that the semi-annual increase should be retained if the semi-annual increase were retained for civilian retirees. Since the Committee of Conference agreed in title IV-A to retain such increase for civilian retirees, the conferees agree to delete this provision from the conference agreement.

Railroad retirement

House bill.—The House bill proposed seven specific benefit modifications and a .25 percent increase in the Tier II tax rate, from 9.5 percent to 9.75 percent of covered payroll, both effective for Fiscal Year 1981 only. In addition, the benefit modifications were to affect only annuitants whose annuities first began to accrue in Fiscal Year 1981. The benefit modifications were estimated to result in savings of $24.3 million and the tax rate increase was estimated to yield $27.5 million in new revenue. In addition, railroad labor and management were directed to submit a joint proposal to Congress by the end of this year. The proposal was to represent a long-term solution to the problems of the Railroad Retirement System.

Senate amendment.—No provision.

Conference substitute.—The House recedes. The Conferees do not believe the recommendations in the House bill represent an appropriate approach to solving the long-term financial problems of the Railroad Retirement System. The Conferees are aware of the serious nature of these problems and fully intend that railroad labor and management continue their negotiations aimed at developing a joint proposal for solving the financial problems of the Railroad Retirement System.

For consideration of the entire bill (including title I through title IX of the House bill, section 1 through title IX of the Senate amendment, and the title of the bill):

Robert N. Giaimo,
Thomas L. Ashley,
William M. Brodhead,
Leon E. Panetta,
Managers on the Part of the House.

For consideration of the entire bill (including title I through title IX of the House bill, section 1 through title IX of the Senate amendment, and the title of the bill):

Ernest F. Hollings,
Daniel Patrick Moynihan,
J. James Exon,
Henry Bellmon,
Pete V. Domenici,
Managers on the Part of the Senate.

For title II of the Senate amendment:
From the Committee on Armed Services:

Melvin Price,
Bill Nichols,
Robert H. Mollohan,
Lee Aspin,
Bob Wilson,
Donald J. Mitchell,
Managers on the Part of the House.

For title II of the Senate amendment:
From the Committee on Armed Services:

Sam Nunn,
Harry F. Byrd, Jr.,
Roger Jepsen,
Managers on the Part of the Senate.

For title II, subtitle A of the House bill and title I of the Senate amendment:
From the Committee on Education and Labor:

Carl D. Perkins,
Ike Andrews,
George Miller,
Managers on the Part of the House.

For title II, subtitle A of the House bill and title I of the Senate amendment:
From the Committee on Agriculture, Nutrition, and Forestry:

H. E. Talmadge,
George McGovern,
Walter D. Huddleston,
Managers on the Part of the Senate.

For title II, subtitle C of the House bill and title VII of the Senate amendment:
From the Committee on Education and Labor:

Carl D. Perkins,
William D. Ford,
John Brademas,
Mario Biaggi,
John M. Ashbrook,
John Buchanan,
Managers on the Part of the House.

For title II, subtitle C of the House bill and title VII of the Senate amendment:
From the Committee on Labor and Human Resources:

Harrison A. Williams, Jr.,
Jennings Randolph,
Claiborne Pell,
Dick Schweiker,
Robert T. Stafford,
Managers on the Part of the Senate.

For title IV of the House bill and title VI of the Senate amendment:
From the Committee on Post Office and Civil Service:

Jim Hanley,
William D. Ford,
William L. Clay,
Edward J. Derwinski,
Gene Taylor,
Managers on the Part of the House.

For title IV of the House bill and title VI of the Senate amendment:
From the Committee on Governmental Affairs:

Abe Ribicoff,
John Glenn,
David Pryor,
Charles H. Percy,
Ted Stevens,
Managers on the Part of the Senate.

For title II, subtitle B of the House bill:
From the Committee on Education and Labor:

Carl D. Perkins,
Edward P. Beard,
Phillip Burton,
George Miller,
John M. Ashbrook,
John N. Erlenborn,
Managers on the Part of the House.

For title II, subtitle B of the House bill:
From the Committee on Labor and Human Resources:

Harrison A. Williams, Jr.,
Jennings Randolph,
Claiborne Pell,
Dick Schweiker,
Robert T. Stafford,
Managers on the Part of the Senate.

For title V, subtitle A of the House bill and section 401 of the Senate amendment:
From the Committee on Public Works and Transportation:

Harold T. Johnson,
Glenn M. Anderson,
James J. Howard,
Ray Roberts,
Bud Shuster,
Gene Snyder,
Managers on the Part of the House.

For title V, subtitle A of the House bill and section 401 of the Senate amendment:
From the Committee on Environment and Public Works:

Jennings Randolph,
Lloyd Bentsen,
Quentin N. Burdick,
Robert T. Stafford,
Larry Pressler,
Managers on the Part of the Senate.

For title V, subtitle A of the House bill and section 301 of the Senate amendment; for title V, subtitle B of the House bill and section 302 of the Senate amendment; and for section 304 of the Senate amendment:

From the Committee on Public Works and Transportation:

Harold T. Johnson,
Glenn M. Anderson,
James J. Howard,
Ray Roberts,
Bud Shuster,
Gene Snyder,
Managers on the Part of the House.

For title V, subtitle A of the House bill and section 301 of the Senate amendment; for title V, subtitle B of the House bill and section 302 of the Senate amendment; and for section 304 of the Senate amendment:

From the Committee on Commerce, Science, and Transportation:

Howard W. Cannon,
J. James Exon,
Bob Packwood,
Nancy Landon Kassebaum,
Managers on the Part of the Senate.

For title III, subtitle C of the House bill and section 303 of the Senate amendment:

From the Committee on Interstate and Foreign Commerce:

Harley O. Staggers,
Jim Santini,
J. J. Florio,
Barbara A. Mikulski,
Jim Broyhill,
Ed Madigan,
Managers on the Part of the House.

For title III, subtitle C of the House bill and section 303 of the Senate amendment:

From the Committee on Commerce, Science, and Transportation:

Howard W. Cannon,
J. James Exon,
Bob Packwood,
Nancy Landon Kassebaum,
Managers on the Part of the Senate.

For title VII of the House bill and title VIII of the Senate amendment:

From the Committee on Veterans' Affairs:

Ray Roberts,
David Satterfield,
G. V. Montgomery,
W. G. Hefner,
John Paul Hammerschmidt,
Margaret M. Heckler,
Managers on the Part of the House.

For title VII of the House bill and title VIII of the Senate amendment:

From the Committee on Veterans' Affairs:

Alan Cranston,
H. E. Talmadge,
Al Simpson,
Managers on the Part of the Senate.

For title III, subtitle B of the House bill:

From the Committee on Interstate and Foreign Commerce:

Harley O. Staggers,
Jim Santini,
J. J. Florio,
Barbara A. Mikulski,
Jim Broyhill,
Ed Madigan.

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
William R. Cotter,
Managers on the Part of the House.

For title III, subtitle B of the House bill:

From the Committee on Labor and Human Resources:

Harrison A. Williams, Jr.,
Jennings Randolph,
Claiborne Pell,
Dick Schweiker,
Robert T. Stafford.

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

For title III, subtitle A, and title VIII, subtitle A of the House bill, and title V, part F of the Senate amendment:

From the Committee on Interstate and Foreign Commerce:

Harley O. Staggers,
Henry A. Waxman,
David Satterfield,
Richardson Preyer,
Jim Broyhill,
Tim Lee Carter.

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
William R. Cotter,
Guy Vander Jagt,
Managers on the Part of the House.

For title III, subtitle A, and title VIII, subtitle A of the House bill, and title V, part F of the Senate amendment:

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

For title VIII, subtitles B, C, and D of the House bill and title V, parts A, B, C, D, E, and G of the Senate amendment:

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
Guy Vander Jagt,
Managers on the Part of the House.

For title VIII, subtitles B, C, and D of the House bill and title V, parts A, B, C, D, E, and G of the Senate amendment:

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

For title IX of the House bill and title IX of the Senate amendment:

From the Committee on Ways and Means:

Al Ullman,
Dan Rostenkowski,
James C. Corman,
Sam Gibbons,
J. J. Pickle,
Charles B. Rangel,
William R. Cotter,
Guy Vander Jagt,
Managers on the Part of the House.

For title IX of the House bill and title IX of the Senate amendment:

From the Committee on Finance:

Russell B. Long,
Herman Talmadge,
David L. Boren,
Bob Dole,
Bill Roth,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Yates (at the request of Mr. Wright), for today, on account of illness.

Mrs. Collins of Illinois (at the request of Mr. Wright), for this week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Solomon), to revise and extend their remarks and to include extraneous matter to:)

Mr. Burgener, for 1 hour, today.

Mr. Porter, for 5 minutes, today.

Mr. Collins of Texas, for 45 minutes, today.

(The following Members (at the request of Mr. Weiss) to revise and extend their remarks and include extraneous material:)

Mr. Conyers, for 40 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Brown of California, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Swift, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Cotter, for 60 minutes, December 3, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Horton to revise and extend his remarks in support of H.R. 6410, Paperwork Reduction Act, immediately following statement of the gentleman from Texas (Mr. Brooks).

(The following members (at the request of Mr. Solomon), and to include extraneous matter:)

Mr. Wydler, in two instances.

Mr. Brown of Ohio.

Mr. Collins of Texas, in three instances.

Mr. Duncan of Tennessee

Mr. Rousselot, in four instances.

Mr. Shumway.

Mr. McClory.

Mr. Derwinski, in two instances.

Mr. Vander Jagt.

Mr. Shuster.

Mr. Porter.

Mr. Conable.

Mr. Hillis.

Mr. Campbell.

(The following Members (at the request of Mr. Weiss) and to include extraneous matter:)

Mr. Kildee in two instances.

Mr. Wolff in two instances.

Mr. Stokes in two instances.

Mr. Gudger.

Mr. Aspin.

Mr. Holland in three instances.

Mr. Ford of Michigan in two instances.

Mr. Montgomery.

Mr. Santini.

Mr. Coelho.

Mr. Mottl.

Mr. Anderson of California in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Ford of Tennessee.

Mr. Vanik in three instances.

Mr. Rosenthal in 10 instances.

Mrs. Bouquard in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Ms. Holtzman in 10 instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Cavanaugh in five instances.

Mr. Shannon.

Mr. Foley.

Mr. Gibbons

Mr. Roe.

Mr. Waxman.

Mr. Studds.

Mr. Murtha.

Mr. D'Amours in three instances.

Mr. Pease.

Mr. Rodino.

Mr. Fuqua.

Mr. Blanchard in two instances.

Mr. Swift.

Mr. Vento.

Mrs. Byron.

Mr. Stark in two instances.

Mr. Anthony

Mr. Phillip Burton.

Mr. de la Garza in 10 instances.

Mr. Hefner.

Mr. Long of Maryland.

Mr. Shelby.

Mr. Matsui in two instances.

Mr. Florio.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2542. An act to grant a Federal charter to the Italian American War Veterans of the United States of America; to the Committee on the Judiciary, and

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes; to the Committee on Foreign Affairs.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 885. An act to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes;

S. 1135. An act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be part of the Moapa Indian Reservation;

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1386. An act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorization of appropriations contained in such acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such act, and for other purposes;

S. 1578. An act for the relief of Dr. Halla Brown;

S. 1828. An act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes;

S. 1918. An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to the appointment, promotion, separation, and mandatory retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the permanent grade of commodore admiral in the Navy, to equalize the treatment of female commissioned officers with that of male commissioned officers, and for other purposes;

S. 2352. An act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes;

S. 2441. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes;

S. 3152. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such acts for 2 additional years;

S. 3193. An act to designate the Jacob K. Javits Federal Building; and

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week";

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 39. An act to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the national park, national wildlife refuge, national forest, national wild and scenic rivers, and national wilderness preservation systems, and for other purposes;

H.R. 2583. An act to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of unemployment as a justice or judge of the United States, and for other purposes;

H.R. 2510. An act to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system;

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934;

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native roll and to allow their enrollment with the Metlakatla Indian Community;

H.R. 5496. An act to amend the National Historic Preservation Act of 1966, and for other purposes;

H.R. 6933. An act to amend the patent and trademark laws;

H.R. 7698. An act for the relief of two mining claimants;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes; and

H.J. Res. 634. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse;

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On November 21, 1980:

H.R. 3765. An act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a 5-year food security wheat reserve, and for other purposes;

H.R. 4084. An act to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California;

H.R. 7942. An act to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development; and

H.R. 8329. An act to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period;

On November 26, 1980:

H.R. 2510. An act to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system;

H.R. 2583. An act to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of unemployment as a justice or judge of the United States, and for other purposes;

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934;

H.R. 5108. An act to provide for the removal of the names of certain Alaska Natives from the Alaska Native roll and to allow their enrollment with the Metlakatla Indian Community;

H.R. 7698. An act for the relief of two mining claimants;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes; and

H.J. Res. 634. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

ADJOURNMENT

Mr. CONYERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 813, the Chair declares the House adjourned until 12 o'clock noon tomorrow out of respect to former Speaker John W. McCormack.

Thereupon (at 8 o'clock and 50 minutes p.m.), pursuant to House Resolution 813, the House adjourned until tomorrow, Tuesday, December 2, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5678. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies and commodities provided by the Berlin Magistrate, and under the German Offset Agreement, covering the quarter ended September 30, 1980, pursuant to section 819 of Public Law 96-154; to the Committee on Appropriations.

5679. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Transportation for Saint Lawrence Seaway Development Corporation, for the fiscal year 1981, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation in accordance with 3679 (e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

5680. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the aircraft maintenance activity at Fort Hood Army Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5681. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the motor vehicle maintenance activity at Ford Hood Army Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5682. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the insect and rodent control activity at Fort Hood Army Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5683. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the vehicle operations and maintenance function at Robins Air Force Base, Ga., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5684. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the commissary shelf stocking and custodial services function at Gunter Air Force Station, Ala., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5685. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the military family housing maintenance function at Wright-Patterson Air Force Base, Ohio, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5686. A letter from the Chairman, Council of the District of Columbia, transmitting Initiative Measure No. 3, "To conduct an election for the purpose of presenting the proposition of the calling of a statehood constitutional convention, the election of delegates to the convention and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5687. A letter from the Chairman, Council of the District of Columbia, transmitting Initiative Measure No. 6, "To legalize lotteries, daily numbers games, and bingo and raffles for charitable purposes in the District of Columbia, to establish the Lottery and Charitable Games Control Board to control all authorized forms of gambling, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5688. A letter from the Secretary of Education, transmitting proposed final regulations to govern higher education programs in modern foreign language training and area studies, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

5689. A letter from the Secretary of Education, transmitting proposed final regulations to govern the Secretary's discretionary program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

5690. A communication from the President of the United States, transmitting a report on progress toward the conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 96-385); to the Committee on Foreign Affairs and ordered to be printed.

5691. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of the Netherlands for permission to transfer certain U.S.-origin defense equipment to NATO countries, pursuant to section 3 of the Arms Export Control Act, to the Committee on Foreign Affairs.

5692. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Jordan for permission to transfer certain U.S.-origin defense equipment to Lebanon, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

5693. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by H. Reiter Webb, Jr., to have rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters, and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

5694. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development and project performance audit reports or project completion reports prepared by the Asian Development Bank, pursuant to section 301 (e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5695. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to Australia (Transmittal No. 81-04), pursuant to section 36(b) of the Arms Export Control Act, to the Committee on Foreign Affairs.

5696. A letter from the Secretary of Labor, transmitting the semiannual report of the Department's Inspector General for the period ended September 30, 1980, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5697. A letter from the Secretary of Transportation transmitting the semiannual report of the Department's Inspector General for the period ended September 30, 1980, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5698. A letter from the Director, Community Services Administration, transmitting the second semiannual report of the agency's Inspector General for the period ended September 30, 1980, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5699. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the agency's Inspector General for the period ended September 30, 1980, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5700. A letter from the Assistant Secretary for Health and Surgeon General, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5701. A letter from the Chief Procurement and Property Management Branch, Community Services Administration, transmitting a negative report for the Community Services Administration on disposal of foreign excess property during fiscal year 1980, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

5702. A letter from the assistant vice president for personnel, Farm Credit Banks of St. Louis, transmitting the banks' annual pension plan report for the year ended April 30, 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

5703. A letter from the Deputy Under Secretary of the Interior for Territorial and International Affairs, transmitting the annual report for fiscal year 1979 on the financial condition of the Trust Territory of the Pacific Islands, pursuant to section 4(g) of the act of June 30, 1954, as amended; to the Committee on Interior and Insular Affairs.

5704. A letter from the Deputy Under Secretary of the Interior for Territorial and International Affairs, transmitting the annual report for fiscal year 1979 on the financial condition of the Commonwealth of the Northern Mariana Islands, pursuant to section 4(g) of the act of June 30, 1954, as amended; to the Committee on Interior and Insular Affairs.

5705. A letter from the Secretary of Health and Human Services, transmitting the eighth annual report of the National Heart, Lung, and Blood Advisory Council, pursuant to section 418(b)(2) of the Public Service Health

Act as amended; to the Committee on Interstate and Foreign Commerce.

5706. A letter from the Secretary of Transportation, transmitting a report on the study of Amtrak's tax payments to States and localities, pursuant to section 810 of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5707. A letter from the Assistant Secretary of the Treasury (Enforcement and Operations), and the Assistant Secretary for Health and Surgeon General, Department of Health and Human Services, transmitting a report on health hazards associated with alcohol and methods to inform the general public of these hazards, pursuant to section 334(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation as amended; to the Committee on Interstate and Foreign Commerce.

5708. A letter from the Administrator, Environmental Protection Agency, transmitting a report on humics, chlorination, and drinking water quality, pursuant to section 1442(a)(10) of the Public Health Service Act, as amended (91 Stat. 1394); to the Committee on Interstate and Foreign Commerce.

5709. A letter from the Secretary, Federal Energy Regulatory Commission, transmitting copies of the final valuations of properties of various carriers subject to the Interstate Commerce Act, pursuant to section 19a (d) of the act; to the Committee on Interstate and Foreign Commerce.

5710. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to complete the evidentiary record in No. 37435, *The Baltimore and Ohio Railroad Co. et al* v. *The National Motor Freight Traffic Association*, by the November 10, 1980 statutory due date, pursuant to 49 U.S.C. 10327(j); to the Committee on Interstate and Foreign Commerce.

5711. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to render a final decision in docket No. 37420, *Iron and Steel Scrap, Illinois Rate Committee Territory*, within the initially specified 7-month period, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Interstate and Foreign Commerce.

5712. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to render a final decision in docket No. 37417, *Shipments in Marine Containers on Railroad Flatcars, April 1980*, and Fourth Section Application No. 33656, *Commodity Rates East of the Rocky Mountains, F.S.O. 18982*, within the specified 7-month period, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Interstate and Foreign Commerce.

5713. A letter from the Secretary of Transportation, transmitting a report on the demonstration of vending machines at safety rest areas on the Interstate System, pursuant to section 153 of Public Law 95–599; to the Committee on Public Works and Transportation.

5714. A letter from the director, National Legislative Commission, The American Legion, transmitting the proceedings of their 61st annual national convention, a report of activities for the year preceding the convention, and a financial statement and independent audit of the organization, pursuant to section 9 of the act of September 19, 1919, and section 3 of Public Law 88–504 (H. Doc. No. 96–386); to the Committee on Veterans' Affairs and ordered to be printed.

5715. A letter from the adjutant general, United Spanish War Veterans, transmitting the proceedings of the stated convention of the 81st National Encampment, United Spanish War Veterans, Inc., held in Indianapolis, Ind., September 8–13, 1979 (H. Doc. No. 96–387); to the Committee on Veterans' Affairs and ordered to be printed.

5716. A letter from the Secretary of Health and Human Services, transmitting the plan the Department expects to use if it becomes necessary to assume the functions and operations of a State disability determination unit, pursuant to section 304(i) of Public Law 96–265; to the Committee on Ways and Means.

5717. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting the final instruments and texts of the bilateral agreements negotiated under section 102 of the Trade Act of 1974 during the Tokyo Round of the Multilateral Trade Negotiations, pursuant to section 2(b)(1) of Public Law 96–39, together with copies of other bilateral agreements negotiated during the Tokyo Round under section 101 of the Trade Act of 1974, pursuant to section 162(a) of the act; to the Committee on Ways and Means.

5718. A letter from the Acting U.S. Trade Representative, Executive Office of the President, transmitting the semiannual report on the operation and effect of the International Sugar Agreement, 1977, pursuant to section 5 of Public Law 96–236 and Executive Order 12224 of July 1, 1980; jointly, to the Committees on Agriculture, and Ways and Means.

5719. A letter from the Comptroller General of the United States, transmitting a report on the growing activity of financing rural electric generating facilities by the Rural Electrification Administration (CED–81–14, November 28, 1980); jointly, to the Committees on Government Operations and Agriculture.

5720. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the Postal Service's merit performance evaluation program (GGD–81–8, November 24, 1980); jointly, to the Committees on Government Operations and Post Office and Civil Service.

5721. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting reports on the Commission's incident response plan, emergency communications, and the acquisition of reactor data for the Commission's operations center, pursuant to sections 106, 306(b), and 305(b) of Public Law 96–295; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

5722. A letter from the Secretary of the Interior, transmitting the annual report for fiscal year 1979 on the leasing and production program in the Outer Continental Shelf and the number of safety violations, pursuant to sections 15(1) and 22(g) of the Outer Continental Shelf Lands Act, as amended; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Nov. 21, 1980, the following report was filed on Nov. 26, 1980*]

Mr. GIAIMO: Committee of conference. Conference report on H.R. 7765 (Rept. No. 96–1479). Ordered to be printed.

[*Submitted Dec. 1, 1980*]

Mr. FOLEY: Committee of conference. Conference report on H.R. 7018 (Rept. No. 96–1480). Ordered to be printed.

Mr. FOLEY: Committee on Agriculture. Report pursuant to section 302(b)(2) of the Congressional Budget Act. (Rept. No. 96–1481). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 7260. A bill to authorize the conveyance of certain Federal lands and the issuance of certain patents, and for other purposes; with amendment. (Rept. No. 96–1482). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee of conference. Conference report on S. 2728 (Rept. No. 96–1483). Ordered to be printed.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 637. Joint resolution making further continuing appropriations for the fiscal year 1981, and for other purposes; with amendment (Rept. No. 96–1484). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. FERRARO:

H.R. 8387. A bill to grant immigrant visas to certain nationals of Italy who were victims of earthquakes which occured on or about November 23, 1980, in Italy; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Rodino, Mr. Wright, Mr. Foley, Mr. Fascell, Mr. Rosenthal, Mr. Hamilton, Mr. Wolff, Mr. Bingham, Mrs. Collins of Illinois, Mr. Solarz, Mr. Bonker, Mr. Studds, Mr. Pease, Mr. Barnes, Mr. Wolpe, Mr. Bowen, Mr. Crockett, Mr. Broomfield, Mr. Derwinski, Mr. Findley, Mr. Buchanan, Mr. Winn, Mr. Gilman, Mr. Guyer, Mr. Lagomarsino, Mr. Goodling, Mr. Pritchard, Mrs. Fenwick, Mr. Annunzio, Mr. Fish, Mr. Roybal, Mr. Boland, Mr. Hyde, Mr. Price, Mr. Murphy of New York, Mr. Moakley, Mr. Miller of California, Mr. Minish, Mr. Florio, Mr. Musto, Mr. Panetta, Mr. Downey, Ms. Ferraro, Mr. Addabbo, Mr. Biaggi, Mr. Guarini, Mr. Ottinger, Mr. Vento, Mr. Conte, Mr. Lehman, Mr. Mazzoli, Mr. Fazio, Mr. Russo, Mr. Simon, Mr. Rinaldo, Mr. Oberstar, Mr. Zeferetti, Mr. Ambro, Mr. LaFalce, Mr. Yatron, Mr. Gray, Mr. Hall of Ohio, Ms. Mikulski, Mr. Cotter, and Mr. Weiss):

H.R. 8388. A bill to amend the Foreign Assistance Act of 1961, to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy; to the Committee on Foreign Affairs.

By Mr. ASPIN:

H.R. 8389. A bill to amend the Voting Rights Act of 1965; to the Committee on House Administration.

By Mr. BIAGGI:

H.R. 8390. A bill to provide relief and rehabilitation assistance to the victims of the recent earthquake in Italy; to the Committee on Foreign Affairs.

By Mr. CORMAN:

H.R. 8391. A bill to amend the Social Security Act to extend gratuitous wage credits to individuals who served in the U.S. Cadet Nurse Corps during World War II, and for other purposes; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself and Mr. Buchanan):

H.R. 8392. A bill to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 8393. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide that performance standards for the reclamation of surface coal mining operations shall not require restoration of lands to the approximate original contour where the surface owner specifies a different reclamation standard; to the Committee on Interior and Insular Affairs.

By Mr. SHANNON:

H.R. 8394. A bill to amend the Internal Revenue Code of 1954 to increase the charitable contribution deduction allowable for property constructed by the taxpayer and contributed for use for educational purposes or for the research or experimentation; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 8395. A bill to maintain and enhance the U.S. leadership in information science and technology by establishing an Institute for Information Policy and Research to address national information policy issues, and for other purposes; to the Committee on Science and Technology.

By Mr. DANIELSON:

H.R. 8396. A bill to repeal certain provisions of law relating to the procurement of advertising of the Government; to the Committee on Government Operations.

By Mr. WHITTEN:

H.J. Res. 637. Joint resolution making further continuing appropriations for the fiscal year 1981, and for other purposes; to the Committee on Appropriations.

By Mr. PORTER:

H.J. Res. 638. Joint resolution directing the President to take certain actions with respect to the Final Act of the Conference on Security and Cooperation in Europe; to the Committee on Foreign Affairs.

By Mr. BEDELL:

H. Res. 815. Resolution urging the President not to suspend limitations on imports of certain meat articles; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H. Res. 818. Resolution authorizing the printing as a House document of the report of the Committee on Small Business entitled "Conglomerate Mergers—Their Effect on Small Business and Local Communities"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 8397. A bill for the relief of Juan Esteban Ramirez; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 8398. A bill for the relief of Alick A. de Montmorency; to the Committee on the Judiciary.

By Mr. LOWRY:

H.R. 8399. A bill for the relief of Onorio Roberto Cedaro (also known as Robert Pagan); to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 8400. A bill for the relief of Andre Bartholo Eubanks; to the Committee on the Judiciary.

By Ms. HOLTZMAN:

H. Res. 816. Resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

H. Res. 817. Resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 365: Mr. Chappell.

H.R. 7338: Mr. Musto.

H.R. 8261: Mr. Butler, Mr. Derwinski, Mr. Forsythe, and Mr. Daniel B. Crane.

H.R. 8288: Mr. Dornan, Mr. Won Pat, Mr. Perkins, Mr. Mollohan, Mr. Panetta, Mr. Winn, Mr. Moorhead of California, Mr. Bevill, and Mr. Young of Missouri.

H.R. 8325: Mr. Hyde.

H.R. 8327: Mr. Mottl, Mr. Kildee, Mr. Applegate, Mr. Murphy of Pennsylvania, Mr. Roe, Mr. Lloyd, Mr. Young of Missouri, and Mr. Mitchell of Maryland.

H.R. 8368: Mr. Duncan of Tennessee.

H.R. 8379: Mr. Stockman.

H.J. Res. 579: Mr. Leach of Iowa.

H.J. Res. 611: Mr. Murphy of Pennsylvania.

H. Con. Res. 436: Mr. Alexander, Mr. Fountain, Mr. Albosta, Mr. Gilman, Mr. Young of Florida, Mr. Jeffords, Mr. Mollohan, Mr. Lee, Mrs. Collins of Illinois, Mr. Atkinson, Mr. Bevill, Mr. de la Garza, and Mr. Fish.

H. Con. Res. 445: Mr. Edgar, Mr. Edwards of Oklahoma, Mr. Brodhead, Mr. Whitehurst, Mr. Stark, and Mr. Ambro.

H. Con. Res. 447: Mr. Hughes, Mr. Patten, and Mr. Winn.

H. Con. Res. 450: Mr. Boland, Mr. Lagomarsino, Mr. Brown of California, Mr. Nolan, Mr. Cleveland, Mr. Santini, Mr. Fish, Mr. Lundine, Mr. Lederer, Mr. Solarz, Mr. Robert W. Daniel, Jr., Mr. Scheuer, Mr. Fazio, Mr. Duncan of Tennessee, Mr. Mazzoli, Ms. Oakar, Mr. Barnes, Mr. Pepper, Mr. Ottinger, Mr. Kemp, Mr. Panetta, Mr. Green, Mr. Yatron, Mr. Frenzel, Mr. Murphy of Pennsylvania, Mr. Peyser, Mr. Horton, Mr. Sebelius, Mr. McHugh, Mr. Forsythe, and Mr. Whitehurst.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

647. By the SPEAKER. Petition of the Federal Assembly of the Czechoslovak Socialist Republic, relative to bilateral relations; to the Committee on Foreign Affairs.

648. Also, petition of the board of county commissioners, Monroe County, Fla., relative to the general revenue sharing program; to the Committee on Government Operations.

649. Also, petition of the city council, Detroit, Mich., relative to the general revenue sharing program; to the Committee on Government Operations.

650. Also, petition of the board of trustees, Old Westbury, N.Y., relative to the general revenue sharing program; to the Committee on Government Operations.

651. Also, petition of the board of trustees of the Incorporated Village of Plandome Manor, N.Y., relative to the general revenue sharing program; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6417

By Mr. BEREUTER:

Amendment in the nature of a substitute.

—Page 5, line 14, delete the period after "relocation" and insert the following: "; *Provided*, That not less than fifty percent of the authorized funds appropriated to implement this subsection shall be used to construct grade separations between railroad and vehicular traffic.".

—Page 6, line 15, delete ", in any".

Page 6, line 16, delete "fiscal year," and "less than one-half of 1 per centum or".

—Page 5, line 9, change "substantial" to "increased".

Page 5, line 11, insert "increased" after "such".

Page 6, line 20, insert after "exceed" the following "$250,000,000 for the fiscal year ending September 30, 1981,".

—Page 5, line 9, change "substantial" to "increased".

Page 5, line 11, insert "increased" after "such".

Page 6, line 20, insert after "exceed" the following "$250,000,000 for the fiscal year ending September 30, 1981,".

—Page 7, line 4, delete ", in any".

Page 7, line 5, delete "fiscal year," and "less than one-half of 1 per centum or".

—Page 6, line 8, Delete the period after "relocation" and insert the following: "*Provided*, That not less than fifty percent of the authorized funds appropriated to implement this subsection shall be used to construct grade separations between railroad and vehicular traffic.".

By Mr. DUNCAN of Oregon:

—On page 29 following line 3, insert the following:

Sec. 225. Subsection (c) of section 18 of the Urban Mass Transportation Act of 1964 is amended to read as follows: "Sums apportioned under this subsection shall be available for obligation by the Governor for a period of one year following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period, shall be reapportioned on the basis of the same formula as applicable to sums apportioned for the succeeding fiscal year. Any sum made available to a State by reapportionment under this subsection shall be in addition to any funds otherwise apportioned to such State for grants under this Title during any fiscal year. States may utilize sums apportioned under this Section for any projects eligible under this Act which are appropriate for areas other than urbanized areas, including purchase of service agreements with private providers of public transportation service, to provide local transportation service, as defined by the Secretary, in areas other than urbanized areas. Eligible recipients may include State agencies, local public bodies and agencies thereof, nonprofit organizations and operators of public transportation services."

And renumber the subsequent sections accordingly.

—On page 12, strike out lines 4 through 13.

—On page 29 following line 24, insert the following:

Sec. 218. Subsection (c) of section 18 of the Urban Mass Transportation Act of 1964 is amended to read as follows: "Sums apportioned under this subsection shall be available for obligation by the Governor for a period of one year following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period, shall be reapportioned on the basis of the same formula as applicable to sums apportioned for the succeeding fiscal year. Any sum made available to a State by reapportionment under this subsection shall be in addition to any funds otherwise apportioned to such State for grants under this title during any fiscal year. States may utilize sums apportioned under this section for any projects eligible under this Act which are appropriate for areas other than urbanized areas, including purchase of service agreements with private providers of public transportation service, to provide local transportation service, as defined by the Secretary, in areas other than urbanized areas. Eligible recipients may include State agencies, local public bodies and agencies thereof, nonprofit organizations and operators of public transportation services."

And renumber the subsequent sections accordingly.

By Mr. EDGAR:

Amendments to the amendment in the nature of a substitute.

—Page 20, strike out lines 10 through 12 and insert in lieu thereof the following:

"(B) Of the sums appropriated under this paragraph for each fiscal year after fiscal year 1981, the Secretary shall first make available such amounts as are necessary for purposes of subparagraph (F) of this paragraph. The remainder of such sums shall be apportioned as follows:

Page 25, line 6, strike out the quotation marks and the final period.

Page 25, after line 6, insert the following:

"(F) For each of the fiscal years 1982 and 1983, the Secretary shall make available, in accordance with subparagraph (B) of this paragraph, to each urbanized area with a population of 750,000 or more such amount as may be necessary to ensure that the total amount made available to such urbanized area under this subparagraph and subparagraph (D) of this paragraph is not less than an amount equal to the product of—

"(i) a fraction, the numerator of which is 95 per centum of the amount which was apportioned to such area for fiscal year 1981 under paragraphs (1), (2), (3), and (4) of subsection (a) of this section, and the denominator of which is the total amount which was apportioned for all areas and States for fiscal year 1981 under such paragraphs and section 18 of this Act, multiplied by

"(ii) the amount appropriated for fiscal year 1982 or fiscal year 1983, as the case may be, under subparagraph (A) of this paragraph.

Not less than 20 per centum of the sums made available under this subparagraph shall be used only for the purchase of buses and related equipment.".

—Page 28, after line 10, insert the following:

(e) Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after "separate right-of-way" the following: "or rails", and by striking out the semicolon at the end of such paragraph (2) and inserting in lieu thereof a comma and the following: "and also means a public transportation facility which uses a fixed rail system and utilizes a right-of-way usable by other forms of transportation;".

By Mr. SIMON:

(Amendment in the nature of a substitute.)

—Page 37, line 4, strike out "and".

Page 37, line 13, strike out the period and insert in lieu thereof "; and".

Page 37, after line 13, insert the following:

"(J) provides that capacity exists so that no person who is eligible for service under an approved program shall be excluded from using that service in accordance with that approved program.

—Page 36, after line 24, insert the following:

"(H) provides that handicapped persons who reside in the area served by the transit authority and have jobs within such area are provided dependable, timely service to and from work;

Page 37, line 1, strike out "(H)" and insert in lieu thereof "(I)".

Page 37, line 5, strike out "(I)" and insert in lieu thereof "(J)".

—Page 35, line 3, before the semicolon insert the following: "who spend 30 days or more in a community and that there be no preregistration requirement for handicapped visitors who spend less than 30 days in a community".

—Page 36, line 7, strike out "six" and insert in lieu thereof "three".

—Page 35, line 24, strike out "eight" and insert in lieu thereof "six".

—Page 36, line 2, strike out "and".

Page 36, line 3, before "after the" insert "during the two-year period beginning on the day".

Page 36, line 10, after the semicolon insert "and".

Page 36, after line 10, insert the following:

"(iv) after the last day of the six-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than three hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

EXTENSIONS OF REMARKS

U.S. CONGRESS AND THE EUROPEAN PARLIAMENT MEET

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PEASE. Mr. Speaker, I had the privilege last month of leading a 13-Member delegation from Congress to the 17th meeting between the U.S. Congress and the European Parliament. Held in Copenhagen, Denmark, this biannual exchange of views was most successful. I thought it might be helpful to my colleagues if I inserted in the CONGRESSIONAL RECORD the agenda which was followed during the 2 days of plenary sessions between the two delegations. I would be more than happy to discuss with any of my colleagues in Congress the substance of the discussions on any of these topics. Needless to say, the same willingness to discuss our meetings applies to my distinguished cochairman, Hon. LARRY WINN, and to the other Members of our U.S. congressional delegation.

The agenda for the meetings is as follows:

EUROPEAN PARLIAMENT

FIRST WORKING SESSION OF DELEGATIONS

Thursday, November 13, 9 a.m. to 12:30 p.m.

Exchange of views on political matters:

(a) European Community and United States views on East-West relations (Afghanistan, Eastern Europe) and multilateral resource matters.

(b) EC and US views on how, when and to what extent they should act in concert and how, when and to what extent they should act independently.

SECOND WORKING SESSION OF DELEGATIONS

Thursday, November 13, 3 p.m. to 6 p.m.

Continuation of exchange views on political matters of mutual concern.

THIRD WORKING SESSION OF DELEGATIONS

Friday, November 14, 9 a.m. to 11:45 a.m.

Review of the Madrid Conference on the CSCE Helsinki Agreement, and in particular on human rights and humanitarian and other cooperation, and on cooperation in the field of economics, of science and technology, and of the environment.

FOURTH WORKING SESSION OF DELEGATIONS

Friday, November 14, 2:30 p.m. to 5 p.m.

Exchange of views on EC-US trade, monetary and energy matters.

Summary and conclusions.

Mr. Speaker, I was privileged to present a paper for the American delegation on the second aspect of our exchange of views on political matters; namely, European and United States views on important current issues and the degree to which the European community and the United States should pursue similar, identical, or independent policies in regard to those issues. The text of my paper follows:

THE UNITED STATES AND WESTERN EUROPE: FACING COMMON CHALLENGES

I. INTRODUCTION

Over the past year, following the seizure of American hostages in Iran and the Soviet invasion of Afghanistan, tensions have surfaced in the Atlantic Alliance, straining its cohesion.

On the American side, many perceive that the European allies have not done their share to respond to Soviet challenges to the entire Western world, that the Alliance has not adopted a coordinated strategy in confronting Soviet ventures and that our allies are pursuing independent foreign policies which could operate to the detriment of U.S. policies and of the Alliance itself.

On the European side, based on greater moves toward European unity and impressive strides in economic progress and prosperity, there is an increased feeling of assertiveness and independence.

What is clear today is that the United States and Western Europe face common challenges which must be addressed effectively and to some extent collectively.

Over the past year, political leaders, journalists and other observers of U.S.-Western European relations have pictured the Atlantic Alliance as disunited, in need of repair and revitalization, and hard put to respond effectively to threats within and outside of Europe.

This is not the first time—nor will it be the last—that the Alliance is in disarray. Disarray seems almost a natural condition of an association of democratic states often having incompatible or competitive political and economic interests and similar and common fundamental goals. As Newsweek columnist Meg Greenfield put it in May of this year: "I have been trying to think of a time when the alliance was in array. . . . I think what we are dealing with here is the essential, natural and normal condition of the alliance."

The Suez crisis of 1956, the debates over independent nuclear deterrents, the currency devaluations, monetary crises, and trade wars have been "crises" in their day. The Alliance has survived these quarrels. Looking back over the past year, it is clear that the Alliance will endure and that, once again, the U.S. and its Western European allies will be able to resolve their differences and undertake the tasks necessary to defend Western interests.

However, there can be no doubt that the world circumstances surrounding the current crisis are profoundly different than those of any other previous situation. The reasons are many. First, the perception that the United States has overwhelming military and economic power no longer exists; second, the United States can no longer exert as much pressure on key European states; third, Western Europe has developed a greater economic dependence on its trading relationships with Eastern Europe and the Third World; fourth, for the first time, the West is collectively threatened by the Soviet Union in an area of vital interest outside of NATO; fifth, Europe is more vulnerable on economic and energy grounds, because of the instability in the major oil-producing area of the world; and sixth, the image of coherent U.S. leadership is less prevalent today.

The economic dimension of the current crisis may be what gives it a special significance. The greater dependency of European states on trading relationships, particularly in regard to energy resources, with the Eastern Bloc and the Persian Gulf will naturally impact upon the character of their policies in dealing with this new threat to their overall security.

Natural tensions within the Alliance have been exacerbated by complex political, security and economic problems to which there are no simple solutions. Power relationships—between East and West, between North and South, and within the Western Alliance itself—have changed dramatically in the past decade.

II. DIAGNOSIS OF CURRENT ALLIANCE RELATIONS

1. Perception of the significance of the Soviet invasion of Afghanistan

It is important to note that there has never been a disagreement that the Soviet invasion of Afghanistan constitutes a serious threat to the Western world and to the Third World: we need to draw the line on further Soviet expansion in the area. The Soviet invasion was thoroughly and unequivocably condemned by the various Western councils as a breach of international law and the basic rules of international behaviour.

Many Europeans, it seems, have felt that the crisis in Afghanistan might best have been handled outside the East-West context and that the security and interests of the Third World were at least as much in jeopardy as those of the West because of the Soviet action. The Soviet invasion was as much an issue of "East-South relations".

2. Response to the crisis

An important element in the current rift in U.S.-Western European relations lies in the disagreements among the allies over the nature of appropriate responses to the Soviet threat and Soviet actions in the Third World (outside the NATO treaty area).

The United States has given a higher priority to the threat and use of military force than most Europeans. The priority given to military means stems from a widely-held perception in the United States that the Soviet action has "strategic," worldwide consequences for peace and stability.

On the other hand, the nations of Western Europe have reacted in a more restrained way. While recognizing that the invasion has severe implications for world peace, they have stressed that stability in the Persian Gulf and Southwest Asia can best be achieved through political and economic measures designed to demonstrate support for states in the area. In the European view, such measures would be at least as effective in resisting Soviet influence and preserving stability in the region. The nature of the American response has involved an increased physical presence in the Gulf region through agreements for access to facilities; increased deployments of naval and air forces in the region; development of an enhanced capability to move forces quickly into the region; and increased assistance to the states in the area.

This response is designed to deter further Soviet moves in the region that might threaten Western interests. The attention paid to military means in the United States does not mean that we do not consider economic and political measures necessary and useful in guaranteeing the security of the region. Of course, the United States also considers them important and uses them itself. However, the position of the United States—as the leader of the Western Alliance and its greatest military power—requires that it undertake those measures that it is best suited to undertake.

Moreover, the differing interpretations of the motivations for the Soviet invasion also had an impact on the attitudes and policies of the allies. There are basically two interpretations of Soviet motivations. One emphasizes that the invasion was an inevitable outgrowth of traditional Soviet expansionism and constitutes a serious threat to Western interests. Therefore, Soviet aggression must be dealt with firmly. The second interpretation suggests that the Soviet Union could not tolerate the disintegration of a client government on its borders, nor its replacement by an Islamic regime in close proximity to its own Muslim population. In this view, the Soviet action was characterized as being more defensive than expansionist. The greater emphasis placed on the first interpretation by the U.S. administration underpinned the American reaction and determined the U.S. response.

3. View of detente

The Soviet invasion of Afghanistan has accentuated the difference in perspective on detente and on how to conduct East-West relations. Detente brought tangible benefits to many Western Europeans through increased personal contacts between East-West and greater trade and communication. It did not have as clear an impact on Americans.

Detente was perceived in the United States as enhancing stability at the strategic nuclear level through some progress on arms control. Importantly, there was also an underlying expectation that detente would moderate Soviet behavior in the Third World. Growing Soviet influence in Asia and Africa and increasing Soviet military power in central Europe could not be reconciled with a successful detente policy in the eyes of many Americans. Thus, when the Soviets committed their egregious act in Afghanistan, the value of detente was more open to question in the United States.

The European insistence on the preservation of the achievements of detente is regarded in some U.S. circles as symptomatic of a Europe that may be succumbing to Soviet influence. In this view, the consequence could be a Europe that forsakes the Atlantic Alliance and its leader, the United States. While there are also many Americans who do not subscribe to that view, it is imperative that this impression created by European detente policy be rectified. Americans must feel confident that European detente policy does not mean any lessened commitment to the Atlantic Alliance and its principles and to the proper defense of Western Europe.

The Western European allies continue to support the common objective of deterring Soviet aggression. They have taken steps to improve their military capabilities by undertaking short- and long-term defense improvement measures, increasing defense budgets in real terms, and agreeing to adopt additional responsibilities in the European theater should U.S. forces earmarked there be needed elsewhere. Furthermore, in recent weeks, the quiet collaboration among the allies in dealing with the Iraq-Iran conflict demonstrates that the Western Alliance can pull together and agree on appropriate measures, both diplomatic and military, in moments of crisis.

While the United States can develop an understanding of the requirements and consequences of detente in Europe, it is equally important that Western Europe work with the United States in establishing a coordinated response to Soviet actions around the world, and that Western Europe be perceived as willing to participate fully in that task.

It seems that the realization that the United States must be given strong and unambiguous support is quite evident within the European Parliament, if not among national governments in the European Communities (EC). The strong resolutions adopted by the European Parliament on the seizure of hostages, the Soviet invasion of Afghanistan, and the Olympic boycott represented the "popular dimension" of European support for American policies and positions. Composed of directly-elected parliamentarians from throughout the nine-member states of the EC, the European Parliament, in response to its constituencies, expressed a "European" viewpoint and attitude that sprang from the peoples of Europe and coincided more closely to those of the American people.

III. THE ROLE OF THE UNITED STATES IN THE ALLIANCE

Discussions on how to respond to the Soviet invasion of Afghanistan and on what the consequences would be for East-West relations have highlighted both the extent and limitations of U.S. leadership within the Alliance. The complexity of the problems has impacted upon the exertion of U.S. leadership. So has the growing independence and independent power of Western Europe. The appearance of wavering American leadership does not reflect a United States unsure of its goals and capabilities. Rather, it means that the United States realizes the intractability and uncontrollability of many of the world developments to which it must respond as a superpower.

In addition, the desire to consult with and take into account allies' views on international developments has been an integral part of U.S. decision-making, as has the high regard that the United States has for the diplomatic prowess and experience of its allies.

Nevertheless, the United States' undeniable position as the Western World's leading economic and political power requires that it exercise leadership without undue interference from friends and adversaries alike. Its position as provider of Western security and of the strategic nuclear umbrella underscores that reality.

Especially in the military field, the United States is best suited to take the initiative and even act unilaterally, if need be. For example, unilateral measures initiated by the United States in the Persian Gulf and Indian Ocean areas involve the deployment of naval forces, the formation of Rapid Deployment Forces and the securing of base facilities. Only the United States can accomplish this on a grand enough scale to deter potential and actual threats to the security of the region.

The United States should try to secure the cooperation of its allies and, to some extent, listen to their views and reconcile divergent views. At times, the United States may be the only ally willing and able to act. At such times, it must have the wisdom and courage to act alone.

Consultation is not the ultimate panacea to the alleged ills of the Alliance. In some cases, proper consultation will not be possible, and the United States, or any other ally for that matter, may have to act unilaterally without prior consultation of other allies. The issue of consultation is one with which Members of the U.S. Congress are familiar. Congress wishes to be consulted by the executive branch on most, if not all, domestic and foreign policy issues. However, the press of time, the national interest, extraordinary circumstances, and even sheer inadvertence may make timely and proper consultation difficult. Such factors also apply to intra-Alliance relations.

Finally, it should be pointed out that the U.S. leaders are greatly constrained by domestic politics and that the American President cannot always act consistently and unilaterally. This fact has understandably frustrated European leaders. The American political system is unique. Constitutional structure and practice make it one which allows many actors, with Congress at the forefront, to participate in policy formulation and evaluation. The realization of the difference between the workings of a parliamentary system and a presidential system is important in understanding the American policymaking process. The President must take Congressional views into account in most of his decisions, and it is by no means certain that Congress will approve a foreign policy initiative to which the President "commits" the nation. The SALT II Treaty is a case in point.

IV. AN INDEPENDENT ROLE FOR WESTERN EUROPE

The new assertiveness and self-confidence of Western Europe is a factor in the transatlantic relationship that has evolved over the past thirty years. It is a product both of U.S. support and of Western Europe's own abilities. The economic dominance that the United States exerted over Western Europe during the first twenty five years of the post-war period has not endured. This situation has created not only new and often different economic and political interests for Europe, but also a new power balance within the Alliance. Western European nations can now assert themselves and act independently of the United States. The Western European nations have acquired and continue to acquire economic power and important technological know-how. They continue to exercise political and diplomatic influence in Europe and the Third World. Finally, several possess significant military capabilities sufficient to project power beyond their borders.

It is important that the resources of Western Europe be brought to bear in situations where the United States cannot act effectively or alone. The economic and political influence, and even military power, of Western European nations is unquestionable. It should be used in a constructive way.

Of course, Europe will act independently of the United States when it perceives that such independent action will suppport its interests. A recent example of an ambitious independent European initiative is the EC Council's declaration on the Middle East and the subsequent diplomatic activity by Mr. Gaston Thorn. In this case, the EC felt that the Camp David process had come to a stalement and that some independent action was required.

How the United States reacts in such instances is critical. However, that reaction must be measured or forceful when applicable. It is clear that independent European moves could be detrimental to U.S. policies and even U.S. interests. On the other hand, Western European states, either individually or collectively, may have more flexibility to act than the United States might have in a particular case. Chancellor Helmut Schmidt's visit to Moscow last summer, while initially considered as unhelpful, soon was regarded as a useful means of maintaining some sort of dialogue with the adversary.

However, independent European actions perceived as detrimental to U.S. interests and counter to U.S. policies could raise doubts among the American public and perhaps among some policymakers about the degree to which the United States should be committed to the Alliance and to the U.S.-Western relationship.

V. THE SEARCH FOR A CONSENSUS AND A COORDINATED NATO STRATEGY

The United States and its European allies may differ with regard to the best means of responding to challenges to Western interests. However, there is no doubt that we all share the same values and concerns and have arrived at essentially a common assessment of our problems.

The freedoms that we all enjoy and the democratic diversity that marks the Alliance will more often than not bring differing perspectives into play when considering issues of mutual concern.

The achievement of a transatlantic consensus on how to deal with the various current and future crises before the Alliance is necessary to ensure its cohesion and ability to respond effectively to those challenges.

The United States and its allies are evolving a policy of "division of labor", which seeks to accommodate both the diversity in outlook on the nature of the Soviet threat and how to deal with it as well as the diversity in capabilities among Alliance members.

Essentially a European initiative, this strategy of sharing the burdens of responding to instability in the Third World according to the special possibilities of each ally can be helpful in demonstrating a consensus among the allies over an appropriate and credible response to developments in Southwest Asia and elsewhere.

The concept of "division of labor" has evolved in order to take into account diverse attitudes and capabilities. Each nation will contribute in the way best suited to it. For example, those few nations that have the capability to project military force would do so. Others could contribute by providing economic and military assistance to certain NATO nations and states in crisis areas. Still others could increase their military contribution to NATO, through increased defense expenditures, greater responsibilities within Europe, and a more important role in certain areas of conventional defense.

The development of the division of labor concept illustrates how the United States and its Western European allies can work out responses to common challenges through an improved process of communication and consultation. Its success depends on a willingness to understand and reconcile each other's perspectives and approaches to shared problems.

The achievement of an Atlantic consensus requires a continuous process of give-and-take, recognizing that some interests will be different and fragmented while others will remain common. The United States needs to listen to its allies more. Europe needs to give the United States the benefit of the doubt and be patient with it in times of crisis.

The essence of consultation is that it can help mitigate what may be viewed as excesses or misjudgment. We must learn to recognize that it is not always easy to be rational when the perception of a threat to one's interests and even survival is so strong. Many of the problems that impact upon the Alliance's ability to coordinate properly are largely "attitudinal." We must all be willing to understand each other's point of view. When we cannot fully agree, we should strive to avoid confusion, to not emphasize our differences, and to not undermine a partner.

Some observers of the United States-Western European relationship have suggested that consultation and dialogue at the highest level would be a useful means of improving the consultation process. Such a process would entail more frequent contacts among heads of state, heads of government, and ministers. Consultation at the working levels has usually been satisfactory. However, in order to present a common front on ways to respond to crises, the leaders of the countries concerned need to meet on a regular basis, or as required by international developments, to work out differences and demonstrate the necessary unity to achieve common objectives.

VI. CONCLUDING COMMENTS

The problems of the Atlantic Alliance cannot be resolved easily. That may be the fate of an alliance of democracies. One commentator has recently remarked that "the history of the Atlantic Alliance has been a history of discord and unilateral decisions as much as it has been a history of collaboration and consultation."

We have disagreed many times in the past. However, there has always been a sense on both sides of the Atlantic that the difficulties within the Alliance could be overcome, due to the basic commitment of all the members to its principles and objectives.

The search for a consensus—or at least a coordinated strategy on how to deal with crises within and outside Europe—requires that the United States exercise the necessary leadership. At the same time, it is imperative that it demonstrate the sensitivity to conduct a transatlantic dialogue that will make the achievement of a consensus possible.

As friends and allies, we must adjust to what Secretary of State Edmund Muskie called the "new realities" of the Atlantic partnership. This recent "crisis" of the Alliance vividly brought to the fore that Soviet power is expanding and must be resisted; that Western Europe's political and economic posture is much improved; and that European and American interests are not always identical.

How we adjust to these new realities and adapt the framework of the Alliance to ensure that Western interests and goals are maintained is surely our greatest challenge for the future. Nothing less than the friendship of our peoples and the preservation of peace are at stake.●

TRIBUTE TO JACK WYDLER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1980

● Mr. GOODLING. Mr. Speaker, in the whirlwind of bills to consider and other work to accomplish during this final session of Congress, I would like to pause for a moment in recognition of my admired friend and esteemed colleague, Jack Wydler.

Over the many years Jack has served Congress, I have grown to respect and value his ideas and leadership; his work on the revenue-sharing bill is foremost in my mind. In the 8 years this bill has been up for consideration, Jack has been a leading supporter, knowing that it would encourage local decisionmaking and cut to the minimum the involvement of bureaucratic laws and regulations. I know his satisfaction must have been great when his own version of the revenue-sharing bill was passed into law last week.

In further service to his constituents Jack Wydler participated in the suburban caucus and it is there I came to know him better. By focusing in on these local concerns, Jack was able to put to use his various ideas promoting suburban causes and concerns.

Because of his wealth of talents, this House and its many committees will sorely miss this dedicated man, but he can be truly pleased with the work he has done here and recognize the great contributions he has made to the laws of this Nation. I am sure that whatever the future holds for Jack, the knowledge and skills he has acquired and perfected here in Congress, will be applied with great success.●

OTA WORLD OIL FORECAST: LET US KEEP OUR OPTIONS OPEN

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WYDLER. Mr. Speaker, the Congressional Office of Technology Assessment released a study on October 20 which points out that the world oil outlook is bleak at best. Although, I feel somewhat more bullish about future oil production than the OTA concludes, it is, nevertheless, a sobering report which indicates that even if the more optimistic projections for oil production are achieved, there is a great likelihood of increasing oil prices and incidents of supply disruption. The report is pessimistic about U.S. oil production in the year 2000 and projects no substantial increases from OPEC or non-OPEC nations in the non-Communist world. Similarly, the Communist countries may cease being net exporters of oil as a result of predicted declines in Soviet production. Any increased production in the non-OPEC, less-developed countries (LDC's) will be absorbed by the LDC's themselves.

It is indeed a bleak forecast and should be a reminder to us all that this Nation must keep all of its viable energy supply options open, that includes the need for a strong nuclear program and a prudent phase I program for the Synthetic Fuels Corporation as well as development of alternative energy technologies.

The OTA news release summary of the study follows:

World Oil Outlook Bleak at Best

Even under favorable circumstances, there will most likely be little or no increase in world oil production[1] from conventional sources over the rest of the century, according to a study released today by the Congressional Office of Technology Assessment (OTA).

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[1] Oil production includes liquids associated with the production of natural gas.

Not only will the United States be unable to expect increased imports over current levels, OTA concludes, but the United States will probably face much stiffer competition for world supplies at even lower levels of imports. That is the likely future, OTA says, that current U.S. plans and efforts to reduce our heavy dependence on oil should prepare us to meet.

Commenting on the study, Rep. Morris K. Udall (D-Ariz.), Chairman of OTA's Congressional Board, said: "The OTA report shows that, unless the United States takes immediate action, we will be in real trouble in the years ahead. The only way we can cut our oil dependence enough in that short a time is through serious and sustained efforts to increase efficiency and cut waste in our use of oil. Current events in Iran and Iraq demonstrate that the world oil situation could be far worse than suggested even by OTA's relatively low estimates, which assume continued stability in the Middle East."

Prepared partly in response to a request from the Senate Committee on Foreign Relations, the OTA study—entitled "World Petroleum Availability: 1980-2000"—critically assesses the prospects for world oil production for the rest of the century. It examines, on a country-by-country basis, current production capabilities, the likelihood of new discoveries, and the political, economic, and other factors that will affect actual production levels.

Forecasts of petroleum availability, in general, have fallen since the recent events in Iran. Nevertheless, the range of OTA estimates falls much below those of other organizations. For example, Exxon has recently forecast world petroleum availability from conventional sources in the year 2000 at 60 MBD,[2] which is at the upper end of the OTA range. Compared with earlier estimates, both the OTA study and the Exxon forecast are pessimistic on production possibilities for the United States. Exxon forecasts U.S. production at 6 MBD in the year 2000, while OTA estimates a range of 4-7 MBD. All of these estimates are considerably below the 1979 production level of 10.2 MBD.

In releasing the study, Dr. John H. Gibbons, Director of OTA, said: "If OTA's projections prove correct, the United States as well as the rest of the world will have to fuel its future industrial and economic growth without the seemingly limitless supply of oil we have had in the past. It is this prospect that lies at the heart of the challenge to science and technology in the 1980s. We must increasingly find ways of substituting human ingenuity for resources that are no longer amply and cheaply available. The replacement of rooms full of electronics hardware with a hand-held computer of the same capacity is a recent and excellent example of how we can and must increasingly meet the challenge of getting more out of energy resources."

While it may be physically possible to increase world oil production by perhaps as much as 33 percent by the 1990s, no substantial increases are likely to occur because the countries that must contribute to an increase of this size (such as the Arab OPEC countries or Mexico) have little financial or political incentive to do so and because any attempt to increase production would run into a number of practical as well as political problems.

Oil production in the non-Communist world could begin to decline by the early 1980s, according to OTA. Assuming political stability in the major exporters, and thus no interruptions in their production, OTA estimates that non-Communist world oil supply is likely to range between 45-60 MBD in 1985 and 40-60MBD in the year 2000, compared to 52 MBD in 1979. As a group, OTA projects, non-Communist industrialized countries will experience no significant increase in production, and may, in fact, experience a decrease of as much as 50 percent by the year 2000.

U.S. production, OTA says, may decline from its current level of 10.2 MBD to a level of 7.2-8.5 MBD in 1985 and to a level of 4-7 MBD in the year 2000. The high estimate of 7 MBD for the year 2000 assumes both the annual addition of one billion barrels to proven reserves and the extensive use of enhanced recovery techniques.

The Communist countries, according to the OTA study, may cease being a net exporter of oil to the free world by the early 1980s as a result of declines in Soviet production. The entry of the Eastern European countries (now more than 80 percent dependent on the Soviet Union for their imported oil) and conceivably the Soviet Union itself as buyers on the world oil market will intensify the pressure on world oil prices and have potentially serious implications for U.S. foreign policy.

OTA believes that OPEC production during the next 20 years will range around its current level of 31 MBD. Except for Iran, only Saudi Arabia, Kuwait, and United Arab Emirates have the reserves, and Iraq the estimated potential, to increase production rates. Thus, substantial dependence on Arab OPEC is likely to continue.

OTA points out that, although production in the non-OPEC less-developed countries (LDCs) will exceed current levels (mainly as a result of increases in Mexican production), much, if not all of that increase will be absorbed by increases in LDC demand.

In addition to Mexico, OTA finds that, although some large discoveries are possible outside the Middle East, there appears little possibility that giant oil fields, such as those found in the Middle East, will be discovered elsewhere. Major additions to the world's known oil supplies will likely come from additional recovery in known fields rather than from new field discoveries. These additions are not likely to alter the dominance of the Middle East, OTA believes, since over half of the new additions are expected to be in the Middle East. Moreover, experts generally agree that the world distribution of ultimately recoverable oil will not differ significantly from the known distribution today.●

TECHNICAL AMENDMENT TO THE HIGHER EDUCATION ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FORD of Michigan. Mr. Speaker, I am introducing a bill today to make a single change in the Education Amendments of 1980 Public Law 96-374. Ordinarily, I would not introduce legislation to correct one problem, but would include it with whatever other technical and correcting amendments might be necessary. But this issue is of such importance to the higher education community that I feel it necessary to introduce this bill.

Members may recall that when we brought the Higher Education Act reauthorization bill to the floor late in 1979, and when we came back to the floor twice this year with a conference report, I pointed out that the various higher education groups finally had come together on an issue which had divided them for the last 8 years. That issue was the half-cost limitation on the percentage of a student's expenses which could be covered by a basic educational opportunity grant, now named Pell grants.

Representatives of the higher education community sent me a series of letters in August and September 1979 committing their associations to a common position on half-cost and various other student grant issues. The essence of the agreement was that staged increases in the Pell grant maximum award would trigger balanced increases both in the Pell grant percentage-of-cost limitation and the floor funding levels for supplemental education opportunity grants. They stood by their agreements through the entire difficult process of reauthorizing the Higher Education Act.

During the long conference on this legislation, they got together to develop a specific proposal to settle a number of student grant differences between the House and Senate bills. I offered this proposal during the conference, and it was agreed to by the conferees from both Houses.

I recently received a letter from Dr. Jack W. Peltason, president of the American Council on Education, indicating that the final language included in Public Law 96-374 differs from the higher education community's understanding of what they had recommended with respect to this issue. The difference between the provision of the new law and the recommendation of the higher education community is subtle and technical. In fact, this variance existed in the first conference report, which was adopted by the House but rejected by the Senate. However, it was not until after the adoption of the second conference report that this problem was brought to my attention.

This is, nevertheless a very significant issue to many in the higher education community. The members of this community took me at my word to support their efforts to reach and sustain an agreement. Therefore, I believe I should follow through on that commitment and seek to amend the new law by the bill which I am introducing.

Dr. Peltason's letter follows:

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, D.C. November 13, 1980.

Hon. WILLIAM D. FORD,
Chairman, Subcommittee on Postsecondary Education, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The higher education community is deeply indebted to you for your leadership in the development and enactment of the Education Amendments of 1980 (Public Law 96-374). Your challenge to the community to reach a consensus on the student aid issues, and your championship of that consensus, were instrumental in achieving legislation that the Congress and the entire community could support wholeheartedly.

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[2] Millions of (42 gallon) barrels per day.

I understand that technical amendments to Public Law 96-374 may be drafted for submission to the post-election session of Congress to make necessary clarifications in the law. Therefore, I am writing to call your attention to an apparently inadvertent drafting error in legislative language implementing the conference agreement on modification of the BEOG percentage-of-cost limitation.

I had understood that the conferees agreed to adopt the consensus position outlined in my letter of July 17 to the conferees: namely, that the maximum authorization for the Pell Grant would rise to $1,900 in fiscal year 1981 with no change in the percentage-of-cost limitation, $2,100 in fiscal year 1982 accompanied by a change to 55 percent of cost, $2,300 in fiscal year 1983 accompanied by a change to 60 percent of cost, $2,500 in fiscal year 1984 accompanied by a change to 65 percent of cost, and $2,600 in fiscal year 1985 accompanied by a change to 70 percent of cost.

As the legislative language finally emerged, however, it overlooked the requirement that each step increase in the Pell Grant maximum be accompanied by the next change in the percentage-of-cost. Thus, the law provides that the percentage-of-cost would change from 50 to 55 percent of cost whenever the Pell Grant maximum is more than $1,900 and less than $2,100; from 55 to 60 percent whenever the Pell Grant maximum is more than $2,100 and less than $2,300; and so on. This would alter the balance of assistance provided to students at public and independent institutions, and is obviously different from the consensus position I understood the conferees agreed to, that increases in the percentage-of-cost be dependent on the next step increase of the Pell Grant maximum.

Since this was my understanding of the agreement reached by the conferees, I feel a responsibility for calling the matter to your attention.

Sincerely,

JACK W. PELTASON.●

CONGRESSIONAL SALUTE TO REPRESENTATIVE JEROME AMBRO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ROE. Mr. Speaker, I take great pride in rising today to salute JERRY AMBRO, a fine lawmaker and a good friend, who unfortunately will not be with us when the 97th Congress convenes next year.

During his 6-year stay in the House of Representatives, JERRY AMBRO has set a standard of excellence that will be very difficult to match.

His unending devotion to both the people of the Third Congressional District of New York and the needs of the Nation will be sorely missed in the Halls of Congress.

I am pleased to say that I was fortunate enough to serve with JERRY AMBRO on both the House Public Works and Transportation and Science and Technology Committees.

JERRY was a tireless crusader for improved mass transportation facilities for the urban centers of our great Nation.

As chairman of the National Resources and Environmental Subcommittee of the Science and Technology Committee, JERRY AMBRO pressed forward in seeking to develop our country's bountiful natural resources while at the same time insuring that progress did not mean the uncontrolled destruction of our environment.

JERRY AMBRO was a dedicated public servant who believed in fighting for what was right. There have been many times when his dedicated zeal made the difference in pushing through legislation that will benefit all Americans for generations to come.

I am sure that whatever field of endeavor JERRY AMBRO decides to devote his endless talent and skills to, he will achieve the same height of excellence and recognition that he did while in Congress.●

TRIBUTE TO MR. WYDLER, MR. HANLEY, MR. McEWEN, MR. WOLFF, MR. AMBRO, MR. MURPHY, AND MS. HOLTZMAN

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. UDALL. Mr. Speaker, New York may be proud of its congressional delegation, and saddened that so many good Members will not be here for the 97th Congress. JIM HANLEY and I have been close allies in many legislative battles through the 1960's and 1970's. He has been an able chairman, fair-minded and well thought of by all his colleagues. BOB MCEWEN is a conscientious, solid, and effective legislator and a credit to New York. LES WOLFF has always been a tenacious fighter against the international drug peddlers and he leaves a real mark in the House. JERRY AMBRO is a bright, tough, and realistic legislator who has been a good friend. LIZ HOLTZMAN is a brilliant legislator and I will miss her conviction. JOHN WYDLER and I served together in the Office of Technology Assessment and I admire his commonsense. JOHN MURPHY is a good chairman and I will not forget his contribution and critical role in shaping legislation dealing with the Outer Continental Shelf. I shall miss each of them.●

CONGRESSMAN MOORHEAD SPEAKS ON SYNFUELS

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BLANCHARD. Mr. Speaker, on October 21, my good friend and colleague, Hon. WILLIAM MOORHEAD of Pennsylvania, addressed the National Energy Resources Organization on a subject he knows better than anyone else in Congress—synthetic fuels. I would like to insert Congressman MOORHEAD's remarks in the RECORD at this point, for it serves not just to illustrate the importance of synthetic fuels for our Nation's energy future. It also illustrates Congressman MOORHEAD's outstanding work in shepherding the synfuels bill through Congress. Congressman MOORHEAD is retiring at the end of this session of Congress. We will all miss him. But we will never forget the outstanding work he has done during the 22 years he has been here.

Congressman MOORHEAD's remarks follow:

REMARKS OF REPRESENTATIVE WILLIAM S. MOORHEAD

I want to express my deep appreciation to the National Energy Resources Organization (NERO) for extending to me an invitation to meet with you today and to talk briefly about what some who have known me for many years now describe as my all-time favorite subject of conversation—synfuels.

I confess to the accuracy of that allegation—and with considerable pride. In my 22 years as a Member of the Congress, the enactment of the Energy Security Act into law earlier this summer is the single most important legislative action in which I have been the principal participant.

However, before I get into the subject of synfuels let me touch on a much broader subject, but one which does have an impact on the synthetic fuel industry.

I believe that a new spirit is developing in this country. I believe that the high water mark of hostility between government and business has been reached. There was a time when it was fashionable to hate the businesses that polluted our environment, endangered our workers, and gouged us with price increases. Responding to the will of the people laws were passed regulating business almost as though businesses were the enemy of the nation. Regulations were drafted which sometimes went beyond the intent of the law and were enforced with an excess of zeal. Naturally, business began to look at government as its enemy. I believe that period of hostility is now on the wane. Not only do I think hostility is on the wane I believe that there is developing a new spirit of the awareness of the need for cooperation between government and business.

Let me cite an example with which I am intimately familiar—the Chrysler Corporation. When the question of financial assistance to the Chrysler Corporation was first broached there was intense opposition from two extremes. On the one hand there were those who, reflecting the business point of view, opposed any federal assistance on the grounds that this was a violation of the free enterprise principle and that businesses should never under any circumstances seek government assistance. At the other extreme there were those who believed that government should never come to the assistance of its natural enemy—big business. Out of the center we formed a coalition of members of both houses of Congress to support the Chrysler package.

I believe this came about because of the new spirit of cooperation.

I believe that the Energy Security Act grew out of this new spirit.

When I was nursing the synthetic fuel bill through the Congress I met the same kind of opposition. On one hand there were the extreme environmentalists and those who opposed any program from which business could conceivably benefit. On the other hand there were those who opposed the legislation for traditional anti-government reasons. Again we had to form a bi-partisan coalition from the middle. The oppositions' high water mark came when a very highly respected and popular Member of Congress offered an amendment which would have precluded the 8 largest oil companies from participating in the synthetic fuel program.

At that time I said that "the author of the amendment, I think, picked the wrong enemy. The enemy is OPEC which declared economic war on us." I regret to say that 127 Members of the House had not caught the new spirit of cooperation. However, fortunately, 263 Members agreed and the amendment was defeated.

Why is that vote and this new spirit important to the synthetic fuel industry?

I think it is important because it gives some indication of how future Congresses will act.

I think it is important because it will affect the way the Energy Security Act is administered.

I think it is important because it will affect how courts will construe the law.

I think it is important because it will affect how other laws will be administered when they impinge upon the synthetic fuels program.

When you enter the synfuel industry you are not merely doing business for profit—you are attempting to help our country achieve a very important, nay even essential, national goal.

The law goes by a very significant, though simple title.

It is called the Energy Security Act. It characterizes the achievement of energy security as most essential.

Essential because the health of our national economy hangs on its meaning.

Essential because the well-being of our people is at risk without it.

Essential because the maintenance of our national security is at stake and cannot be maintained indefinitely without it.

It is to these three interdependent goals of the Energy Security Act that I wish to address the balance of my remarks today.

In many ways, these are the most difficult of times. Each day's news headlines the expansion of international conflict in the Mideast. New geographical entities such as the Strait of Hormuz have become the topic of nighttime conversation around the family dinner table. A very critical "pipeline" stretching from Abadan to the United States is threatened with interruption.

Here in Washington and elsewhere throughout our country, a great deal of concern exists about the continuing upward spiral of our fuel and energy costs. America's dependence upon foreign imports of oil is now a well established and a very frustrating fact of life. This year, we will pay between $85 and $90 billion for this most precious commodity. And, we will continue to pay out that amount, or more, over the next several years. At least that will be the case unless there is a collapse in the pricing system enforced by OPEC, or unless substitute sources at cheaper costs can be developed. By simple reckoning, we may end up spending between $450 and $500 billion on imported oil alone between now and 1985—the year we hope our first commercial synfuel plant will come on line. Such an outpouring of dollars boggles the mind. I am sure you can appreciate the even greater sense of frustration that stems from the fact when you realize that a similar amount spent on the construction of synfuel plants could lead to a significant energy production figure—from domestic sources, beyond the reach of OPEC.

Indeed, synfuels can provide us with energy security. Their production will move us away from the geo-politically motivated economics of OPEC and toward a higher level of energy independence. On that note, the need for a rapid build-up of synfuel production capacity in this country can only serve to intensify our efforts to achieve the objectives of the Energy Security Act. Commonsense and the instinct for preservation and survival lead to no other conclusion.

As for the well-being of the American people, let me point out what I believe to be a few very important elements we must exploit in order to provide for just such an opportunity.

Throughout the hearings process undertaken to prepare the synfuels legislation for eventual House and Senate action, our attention was directed, on an almost continuous note, to the allegation that American private industrial capacity would be taxed to its uppermost limits—if a massive snyfuels production effort were launched. Certainly, our experts advised us, that would be the case if we intended to attain a production goal of 2,000,000 barrels a day by 1992.

Some said it could not be done.

They said there aren't enough pipefitters, welders, and electricians.

They said we don't have sufficient numbers of engineers and other professionals who would have to be involved in the process.

They said we don't know whether the coal fields can be opened up and readied in time and that we lack a transportation system equal to our needs.

Suddenly, compressors, thick well vessels and piping, heat exchangers, draglines, and valves became items about which members of the Banking Committee knew very little but about which they quickly developed fundamental knowledge.

All of this could be viewed as a catastrophic situation. But on the other hand, it would be less than American to not view it as an opportunity to put our mobilization instincts to a true test, and that is the way I view it.

In a recent study conducted for the Department of Energy, several of your companies pulled together an imposing list of potential impediments to be dealt with, if we are to achieve a production goal of 1 million barrels per day of coal liquids by 1990. Their assessment covered everything from equipment availability and supply to financial and capital formation, water and coal supply, personnel, and other critical elements in such an accelerated program. Their conclusions are well worth repeating:

The 1990 goal of 1 million B/D can be achieved without dislocations within the economy as a whole.

Some problems can occur involving equipment, transportation and other areas, but early planning and action can minimize or even eliminate their effects.

It doesn't appear to be a problem connected with just one technology such as indirect liquefaction. It is a universal condition regardless of your choice, but it can be overcome.

None of the problems appear to be unsolvable for technological reasons.

As for cost, as far as coal liquefaction plants are concerned, they appear to be fairly constant regardless of the technology adopted.

To me the key condition to success will be early planning and action. It is one of the imperatives with which you, as professional resources persons, have learned to live with and appreciate. Getting to our 1990 goal, whether it is cast in terms of 1 million, 1.5 million, or 2 million B/D production, is going to test every bit of our ingenuity—but it can be done. Indeed, it must be done—if the well-being of the American people is to be guaranteed.

Just one additional note on this point, namely, that of our need to be more aware of the numbers and quality of technical and construction personnel that will be required over the next 10 to 15 years in order to reach our objective. In a little aside, during our most recent oversight hearing on the implementation of the Energy Security Act, I asked a Defense Department witness whether we could anticipate any shortfall areas in our labor force.

The answer was yes, but not with devastating consequences, if we move now. In fact, he noted that this program would require about 200,000 machinists we do not have at this time. That, I would feel, is a golden opportunity and one which we should quickly move to exploit.

We are talking about 200,000 jobs.

Job situations to be filled by men, women, minorities.

Job situations that will require expansion of existing on-the-job training programs as well as the broadening of new vocational training opportunities and the recruitment of new personnel.

I want to conclude my remarks by telling you about a little known but very, very important factor which led to the eventual enactment of the Energy Security Act, because it highlights the importance of our desire to help maintain our national security through this new law.

Back in February 1977, you may recall, we faced severe curtailment of gas supplies, particularly in the East and Midwest regions. I discussed the authority contained in the Defense Production Act to allocate supplies to critical areas and industries with President Carter, which he acknowledged but which he believed less of a choice than to have Congress provide him with "emergency" natural gas authorities. As you know, the Congress did just that. Nevertheless, I was intrigued with the prospect that a stable of authorities could be assembled by which a "fast-start" effort for synfuel production could be achieved, and in mid-1978, I decided to test the ability of the Defense Production Act to help us avert the already apparent effects of energy and fuel shortages.

I am sure that I do not have to tell you that since the Defense Production Act comes under the sole jurisdiction of the Banking Committee, the advantages of using that Act did not escape me.

Our hearings on a simple 5-page bill, H.R 3930, in its infancy (it grew to 14 pages by the time it passed the House and to 354 pages before it emerged from the Senate) revealed that our daily fuel needs for national defense ranged from 400 to 500 thousand barrels. If you included the amount required for our defense industrial base, the figure rose to nearly 1 million B/D. Those combined daily requirements represent that amount of fuel necessary to keep our armed forces in a state of readiness and our critical defense industrial base operational—should an allocation of fuels be necessary for those purposes.

I cannot describe for you what our scenario of needs would be if we undertook an "extended show of force" in any region of the world, or if we graduated our effort up to "limited interdiction" or what it would conceivably be like if we had to go to a war status similar to Vietnam or Korea. I will only say that none of us would appreciate the hardship such conditions would impose upon us.

Our committee's inescapable conclusion from our initial hearings was that U.S. dependence on foreign oil had increased since 1975, and there has been no change in the risks of interruption. This had resulted in an even greater threat to national security than before, and we were making no progress toward its elimination or reduction.

With that undeniable result before us, our bill passed through the Committee by a 39-1 vote, and on June 26, 1979, passed the House by an overwhelming vote of 368-25. You all know the story of what happened following that memorable date, so I will not bore you with more detail other than to say that a little over a year later, the President signed it into law, and in my judgment, America turned a corner.

Synfuels production is now possible on a fast-start basis, as well as through the device of a synfuels corporation once it is operational.

It can provide this country with the proper remedy for much that ails it in an economic sense of the word.

It can nurture a new industrial revolution through the establishment of thousands of new job opportunities and a solid boost to the well-being of millions of Americans who would follow.

And in terms of national security, we can, eventually, rest assured that that uninterruptible supply of fuel—so necessary for our daily peace of mind—is an accomplished fact.

It will be an accomplished fact because we will demonstrate that government and business can co-operate to achieve a national goal.●

TRIBUTE TO OFFICER TED SHANNON

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SHUMWAY. Mr. Speaker, at this time I ask that my colleagues join with me in paying tribute to a selfless act of heroism performed by Officer Ted Shannon of the California Highway Patrol. On November 13, Officer Shannon was awarded the State of California's highest honor for bravery, the medal of valor. This medal has been awarded only 40 times, and those upon whom it has been bestowed are indeed a select group.

Last December, Officer Shannon came upon the scene of a head-on collision involving an automobile and a pickup truck. The cab of the truck was in flames. After radioing for fire and ambulance assistance, Officer Shannon attempted to remove the occupant of the truck. Repulsed by the expanding fire, he used his patrol extinguisher to subdue the flames, then attempted again to remove the victim. He was unsuccessful. At this point, gasoline leaking from the truck's dislodged gas tank caused the fire to spread to the second vehicle. Officer Shannon then turned his attention to the three occupants of that car. He was able to pull out an unconscious young girl, and was removing a second victim from the blaze when two passersby rendered assistance. The driver of the car was pinned in the wreckage, and could not be removed. Officer Shannon applied his highway patrol emergency medical training in an effort to assist the two unconscious teenagers who were now clear of the accident, then returned again to the task of rescuing the two trapped drivers. The heat of the blaze was so intense that it melted the lens on Officer Shannon's flashlight. He suffered the effects of smoke inhalation, as well as second degree facial burns, and the threat of explosion was very real. Nonetheless, his heroic rescue efforts continued.

Despite Officer Shannon's incredible efforts, all four young victims of the accident succumbed to the massive injuries they had sustained. However, that tragic conclusion does not dilute the selfless courage and determination demonstrated by Officer Shannon. He is a 16-year veteran of the California Highway Patrol, and his outstanding performance is indicative of his dedication to his profession. Officer Shannon is a credit to his community, to the California Highway Patrol, and to humanity. Acts of bravery such as his are few and far between, and they are certainly deserving of our recognition and tribute. I know that my colleagues will share in my pride, enthusiasm, and gratitude to this outstanding individual.●

TRIBUTE TO ROBERT C. McEWEN

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. GIBBONS. Mr. Speaker, Mrs. Gibbons and I have known Bob McEwen for many years, and both of us feel that he is one of the finest gentlemen in Congress.

We hate to see Bob McEwen retire because he is a conscientious, competent Congressman who has done the job for which he was elected in an exemplary manner. We wish for Bob and the McEwen family the very finest of everything that can come from retirement from this public service.●

NO RISK, NO ENERGY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WYDLER. Mr. Speaker, our Science and Technology Committee has hammered away at certain themes in the 95th and 96th Congresses. One of the points we have stressed is the fact that no energy technology is a riskless option and that the public must be educated on the risk assessment aspects of all such technologies throughout their fuel cycles, for example, from coal mining through to sludge disposal. In the November 16 issue of the New York Times, Herbert Jaffe wrote a most interesting Long Island opinion article "No Risk, No Energy." I recommend it strongly to all my colleagues as a balanced perspective on the need to keep all our energy options open and, most especially, to treat nuclear power objectively and recognize its benefits.

No Risk, No Energy

The Shoreham blockade was a bust. The Long Island community rejected the proposition that a tiny group, elected or appointed by no one, with no mandate and no technical or legal credentials could possess a truth superior to the deliberations of the state and local government, the Public Service Commission and Lilco, which has given the people of the Island safe and dependable electric power and gas for almost a century.

The blockaders distributed a 31-page handbook that contained the following gems of arrogance:

"Our feeling is that our actions should mirror the free society we wish to create, not the oppressive one we wish to supplant."

"The Enemy is the system."

"To free society from nukes we must free the enslaved minds that created them."

The right to forcefully restrain the economic activity of part of the community is a prerogative of government. A group that tries to usurp that right has delegated a governmental role to itself. A government that permits such usurpation has abandoned its most fundamental role: the obligation to defend its citizens from extralegal attack.

Every new technology has been opposed by people who fear progress. The Edison Electric Company was besieged by a mob in the early days of electricity, after rumors spread that a woman had been drowned in electricity when she did not replace a light bulb in an empty socket.

People were killed at opening day of the Brooklyn Bridge, the world's first suspension bridge, when panic broke out that the bridge was falling down.

No form of energy is free from risk. But the possibility of a catastrophic accident in a nuclear plant can be compared to the risk of drinking New York City water. The entire population of New York City could be poisoned, diseased or killed by the introduction of poisons or disease-carrying micro-organisms into the open reservoirs that feed each household water tap.

The problem of nuclear waste would be with us even if every nuclear plant were dismantled. Most high-level nuclear waste comes from our weapons program. Most low-level nuclear waste comes from nuclear medicine and industrial processes.

In any event, three professors at the Catholic University of America have recently been awarded patent No. 4,224,177 for the permanent storage of radioactive waste. First the waste is immobilized by being absorbed in liquid form into the pores of a special glass matrix. After drying, the pores are fused at a high temperature and the radioactive atoms become part of the glass structure. According to the patent, "Such techniques produce a highly durable glass similar to tektite, a somewhat rounded, glassy body of probably meteoric origin which is said to have survived under the ocean for more than 35 million years." So much for nuclear waste disposal.

But no discussion of safety in the generation of electric power would be complete without considering the danger of dependence on imported oil. Nations belonging to the Organization of Petroleum Exporting Countries are draining our country of its wealth and are unhappy that they leave us any at all. OPEC ministers routinely make speeches that accuse the United States of exploiting them and not giving the share they would like to have. Our bill from OPEC in 1979 was $90 billion. That is almost equal to the net worth of our entire petroleum industry or the combined assets of U.S. Steel, General Motors and I.B.M.

But OPEC is more than a hemorrhage of wealth.

Saudi Arabia has announced that it will not tolerate a United States strategic oil reserve that will remove the Saudi stranglehold on our foreign policy. We should ask ourselves: "What has become of our independence?" A few thousand medieval princes presume to dictate to the leaders of the United States of America and those leaders are cowed. We do not dare discard any option for producing energy if we would remain independent.

Representatives of 80 nations gathered in Munich a few weeks ago for the 11th World Energy Conference. Delegates had their differences, but on the issue of nuclear power they spoke with a single voice: "The United States is out of step with the rest of the world."

Franz Josef Strauss of Germany said, "Whoever fails to take advantage of nuclear energy condemns himself to backwardness. The future belongs to those countries that push ahead with nuclear energy."

The poorest developing nations were the most critical. They see the United States sitting on the world's greatest supply of energy in the form of coal, oil shale, heavy oil in old wells and huge supplies of uranium and nuclear technology. In the words of Carlos Castro Madero of the Argentine Atomic Energy Commission: "Every watt of energy the United States fails to produce by nuclear energy must be produced by oil. Every barrel of oil burned in the United States is a barrel for which we must compete on the market and this means higher prices." The participants in the conference saw no near-term future for such sources of energy as wind, sun or tides.

Antinuclear forces are placing shackles on the economy. They are frustrating the needs of an expanding population and of poor people whose low consumption of energy is a reflection of their poverty.

The rest of the world sees us as gluttons, misers, hoarders and incompetents. The ecologists preach conservation and solar power. Conservation is not a policy. It is a prescription for slow death. The world's resources of oil are finite. We can and we must stretch the remaining supply to the utmost limits.

But the end of the petroleum age is already in sight and solar power is still a dream. To date there is no practical solar technology to drive our transportation system or to generate electric power. The latest solar technology for heating homes and water that is practical on the Island uses an electric heat back-up system that will increase the demand for electric power.

The elitist groups that are known as the environmentalists have paralyzed our efforts to solve the primary problem of our time—energy. They have forced us to engage in a sterile debate on how to produce the impossible, and absolutely foolproof, pollution-free energy source. We are sitting on our hands talking instead of acting. We must recapture our energy policy from the elitists and turn our attention to the many other problems of our society.●

HONORING DEPARTING MEMBERS OF THE NEW YORK DELEGATION

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. JONES of Oklahoma. Mr. Speaker, I am pleased to take this opportunity to honor the departing members of the New York delegation. However, I cannot say I am pleased that the House of Representatives is losing so much accumulated experience, legislative expertise, and devotion to duty. The State of New York, with the second largest congressional delegation, never fails to impress me with the high caliber of their representation in Congress. Today, I pay tribute to seven outstanding members of that delegation.

In my friend Jim Hanley, we lose a colleague with a long unblemished record of congressional service to his district, State, and Nation. His influence through the years has been profound, and he is especially owed a debt of gratitude by every civil servant across the United States. In large part because of his chairmanship of the Committee on Post Office and Civil Service, civil servants have grown to know job security and a standard of living that few other groups share.

Robert McEwen joined Jim Hanley as a freshman in that class of 1964. And for 16 years, he has proved a dedicated Congressman and a man who championed the interests of his district. I know him as a decent, very constructive man who has accomplished so much during his tenure in Congress. He has made a great impression on all those who have had the privilege to know him over the years.

The year 1964 was an excellent year for New York, for it also saw Lester Wolff arrive to represent the Sixth District. I have grown to respect Lester most, I think, for his chairmanship of the Asian and Pacific Affairs Subcommittee. That area of the world holds the great opportunity for closer relations and expanded trade with the United States. Lester Wolff has provided distinguished leadership in that area which has worked to the benefit of the entire country.

Elizabeth Holtzman and I entered Congress in the same freshman class. She was a classmate of my wife at Harvard Law School, and we both know her and respect her highly. She made a significant contribution to the impeachment hearings during the Watergate era as a member of the Judiciary Committee. Most recently, she served with me on the Budget Committee. I have grown to respect her judgment and I will miss the strong commitment to the budget process which she shared with me.

Mr. Speaker, during the last several years, I have come to work closely with Jerome Ambro, especially on economic matters. Jerry has always shown a commitment to spending restraint and to a tax policy encouraging capital formation. He has a grasp of the importance of these issues, and I have always found him a strong supporter of the fiscally conservative efforts to improve our economy. I will miss working with him on these matters during the coming years.

John Murphy's able chairmanship of the Committee on Merchant Marine and Fisheries has guided important legislation through that committee since I first came to Congress. His knowledge and ability in this area, and so many others, will not easily be replaced.

John Wydler and I were separated by political party. Although we disagreed on many positions, I recognize John as one of the most tenacious fighters in Congress for what he believes. Those who shared John's views knew that their viewpoint was always well-represented in him.

Mr. Speaker, I wish the best to all of these people in whatever the future holds for them.●

THE HANSONS OF TAYLOR, MICH., RETIRE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FORD of Michigan. Mr. Speaker, on December 10, two of my constituents, and good friends, Julia and Henry Hanson, will retire after 33 years of operating a food market in my home town of Taylor, Mich.

The story of their Tick Tock Market is a typical American success story. They worked hard, used the golden rule in dealing with their customers, and became prosperous and respected members of the community.

I would like to take this opportunity to pay public tribute to this truly outstanding couple, and insert in the Record at this point an article on the Hansons and their market, published November 19 in the Taylor Tribune:

HANSONS RETIRE AFTER 33 YEARS—MARKET, CITY GREW UP TOGETHER

Taylor.—When Julia and Henry Hanson opened their Tick Tock Market in 1946, Goddard Road, where they located their business, was a simple, two-lane road.

The police department consisted of two patrolmen and a chief. The fire department was a little better off: it boasted a chief and his deputy, as well as a corps of volunteers.

Those volunteers, paid $3 for each fire they worked to extinguish, also guarded prisoners brought in by the police.

In 1946, the tax bill for the Hansons' Tick Tock Market was under $50.

Times have changed, and so has the city of Taylor.

Goddard Road, upon which the community's city hall and police department complex was constructed, is now a four-lane paved highway.

Taylor's police and fire departments—although, according to some, not large enough for a community of just under 80,000 residents—are equipped with the most modern "tools of the trade" and staffed with professionally trained men and women.

And, in 1979, the Hansons' final year in the business, the government wanted $2,500 in taxes—approximately 50 times the amount the couple paid 33 years earlier.

Julia and Henry Hanson are retiring next month, Dec. 10, after more than three decades of doing business in Taylor. The Tick Tock Market, located at 21649 Goddard, grew as the city grew, consistently serving its customers under the "golden rule."

"We had a saying," Henry Hanson said, "we will treat these people like we would want to be treated if we were customers. And it paid off for us."

The Hansons expanded their store three times during the 33 years of operations, from the days when Taylor was more rural than urban to the present.

Hanson remembers what Taylor was like "in those days," as he is fond of saying.

"When we opened in 1946," he reminisced, "during the hunting season, we had to chase the pheasant hunters from the back of the store because the shots were hitting the building."

He also recalls vividly the rough and tumble days of early Taylor politics—the Harold Rippes and the Alexander Papps—as well as the "bitter, hard-fought battle" between early township supervisor Sam Grendel and his successor, Rippe, who became one of the more notorious local politicians in the city's history.

"Politics was rough in those days in Taylor," Hanson recalls.

In 1949, Hanson was elected the first president of the Taylor Businessmen's Association, whose members included such notable Taylor names as Grendel, William Ford (now Democratic congressman representing the 15th U.S. congressional district), Papp and Willard Koths, founder of the Colonial House.

"It (the association) proved to be a real good group and it grew by leaps and bounds," Hanson said, "especially with our township days at Pardee Park. The park was later sold and now is a nice subdivision."

One of the aspects of the Tick Tock Market that appealed to so many customers in Taylor was the fresh fruit and produce—some of which was grown in the Hansons' back yard.

The couple sold or gave away fruit from the 12 apple and pear trees they had planted.

One year, Hanson recalled, they planted some 250 cauliflower, broccoli and Brussels sprouts plants, and occasionally sent customers out to select their own.

"Once we had one elderly woman come in and ask for cauliflower," Hanson said, "and I gave her my jack knife and told her to go out and cut the ones she wanted. After about 20 minutes, I walked out to see why she hadn't come in.

"She remarked that we didn't have any. We had over 200 at the time, but the heads were covered with lower leaves to protect them from the sun's rays and to keep them from turning brown. She remarked she had never seen them grow. So I showed her the broccoli and Brussels sprouts. She was amazed!"

Although the Hansons are retiring they say they plan to stay in Taylor, their home.

"We plan on going to Florida for a short trip when the snow flies," Hanson said. "People ask us if we are going to move and we tell them the people of Taylor have been real nice to us, so we plan on staying right here in our retirement."●

A TRIBUTE TO DOROTHYE H. BOSWELL

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DIXON. Mr. Speaker, a decade ago the National Association for Sickle Cell Disease (NASCD) was born. Beginning with just 15 member organizations and very little money, NASCD grew to what it is today; a highly successful and thriving national association with more than 60 affiliate organizations. NASCD's meteoric rise has occurred chiefly through the dedicated and untiring efforts of Dorothye H. Boswell. For the past 8 years, Dorothye has served as executive director of the National Association for Sickle Cell Disease and on Saturday, December 6, 1980, at the Ambassador Hotel in Los Angeles, Friends United—a gathering of Dorothye's very special friends—will pay special tribute to this distinguished Los Angelean for her selfless dedication to the eradication of the insidious disease known as sickle cell anemia and also, for her many years of service to her church and other charitable causes. Dorothye's commitment to her fellow human beings is an inspiration to all in this time of strife and economic upheaval and I would, thus, like to share with my colleagues some of the more distinguished accomplishments of this outstanding humanitarian.

A native of Welch, W. Va., Dorothye attended high school in Youngstown, Ohio and went on to pursue levels of higher education at colleges and universities in Cleveland, Ohio and Los Angeles, Calif.

Prior to assuming the responsibilities as executive director of the National Sickle Cell Disease Association, Dorothye achieved an impressive 26-year career in the Federal Government; a time which also found her actively involved in community, church, and civic affairs.

From 1971 to 1972, Dorothye served as national president of the National Association for Sickle Cell Disease. Since 1960, she has served as a volunteer for the Sickle Cell Disease Research Foundation (SCDRF) of Los Angeles and in 1968, she organized the women's auxiliary of this group serving as its first president.

Ms. Boswell is a member of numerous civic and community organizations; among them: The Ad Hoc Committee for Revision of Sickle Cell Regulations, California State Department of Health; Genetic Disease Advisory Committee; Advisory Committee on Sickle Cell Counseling, Los Angeles County Department of Health Services; Los Angeles Chapters of the NAACP and Urban League, along with many others too lengthy to mention. In addition to these civic and community based affiliations, Dorothye has been an active and dedicated member of Grant AME Church where she has held various positions as trustee, program chairman of Laymen's Organization and class leader.

As one might gather from this impressive list of achievements, Dorothye has received several honors and awards. In 1964, she was awarded the Sojourner Truth Award presented by the Los Angeles Club of the National Association of Negro Business and Professional Women's Clubs, Inc. (NANB&PW), along with the Superior Truth Award given, again, by the Los Angeles Club of NANB&PW. And in 1966, Dorothye received the Service Award from the Los Angeles Urban League Guild.

Listed in Who's Who of America in the 1973-74 edition; Who's Who of Women of the World in 1974; and Who's Who in Black America in 1978, one wonders where the list ends with this unique and remarkable woman. But, there is more. In addition to all of the above, Dorothye also found the time to contribute to the book entitled, "Sickle Cell Anemia—the Neglected Disease."

During my first term in the U.S. Congress, I have had the pleasure to work closely with Dorothye in bringing about change in our Federal charities.

Through her leadership with NASCD, Dorothye often encountered hostility from chapters of the Combined Federal Campaign, which raises $75 million annually for charitable purposes. Too often, black Federal employees have not been represented in the shaping of policies and allocation of charitable resources.

With her support and involvement, I was able to testify on behalf of the Congressional Black Caucus for needed reforms to open up participation by black charitable groups within the campaign. Following months of effort, we succeeded in bringing about many needed changes which will help achieve this goal. It is a tribute to Dorothye that she was not satisfied to see NASCD's acceptance, but that she truly wanted to open the doors to other worthwhile philanthropic programs in the black community. For this and for her many fine contributions to humanity, I join with Friends United and the citizens of Los Angeles in saluting Dorothye H. Boswell.●

THE GURU OF GIZMOS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SHANNON. Mr. Speaker, I welcome this opportunity to share with my colleagues an article from Time magazine recognizing Dr. An Wang, for his significant contribution in the field of minicomputers and word processors.

Dr. An Wang is founder and president of Wang Laboratories, located in Lowell, Mass. The tremendous success of the laboratories has been and continues to be a great economic boost to the city of Lowell and to the Commonwealth of Massachusetts.

Dr. Wang's personal accomplishments extend beyond his abilities within the computer field. He is an active participant in many important civic duties, and has been cited for his efforts to retain, restore, and maintain many of Lowell's historic mills.

In tribute to this distinguished gentleman, I am proud to submit this article and insert it in the RECORD.

THE GURU OF GIZMOS

The premier peddler of the new machines showing up in business offices is neither IBM nor Xerox, but An Wang, 61 a Chinese-born inventor who founded Wang Laboratories in 1951. The Lowell, Mass., company produces state-of-the-art equipment for the office of the future. Wang Laboratories dominates the market for so-called integrated information systems. These are elaborate combinations of computerized word and data processors, high-speed printers, telecommunications hook-ins and video display terminals used by secretaries and their bosses. And such office innovations are likely to continue. Says Wang: "The cost of parts keeps getting lower, and the applications are getting wider."

The son of a Shanghai English teacher, Wang came to the U.S. in 1945 to earn a Ph.D. in applied physics at Harvard. Three years later, at age 28, he invented the magnetic core, a tiny, doughnut-shaped data storage element that remained the key to computer memory technology for more than 20 years until it was replaced by sophisticated semiconductor equipment in the late 1960s. Wang started his company in a dingy room above an electrical fixtures store on Boston's Columbus Avenue. The firm engineered one-of-a-kind products to fill special customer needs. One result was the first digital scoreboard, built for the opening of New York's Shea Stadium in 1964.

In the same year the company's reputation began to grow when it introduced one of the first desk-top electronic calculators. But eight years later Texas Instruments began selling hand-held machines made with silicon chips and stole the market. Wang then quickly shifted his company's efforts into large-scale office electronics. In 1972 the company entered the word processor market, and soon introduced the television-like screen that nearly all electronic word processing equipment now uses for displaying text. The company at present has 35% of the world market.

Nonstop innovation and a sales force that is among the best in the industry have kept Wang Laboratories expanding rapidly. The company has averaged a 75% annual growth in profits over the past five years, including an 82% increase in the fiscal year that ended June 30. In the quarter that ended Sept. 30, earnings were up 84% over the same period last year.

Further growth, though, will be more difficult. The office-of-the-future market has become so attractive that the computer giants are now aggressively going after it. IBM, for example, last summer introduced its low-priced Displaywriter that will compete with certain Wang products.

Wang, who has been an American citizen since 1955, is now about to start operation in the land of his birth. He is currently completing negotiations with the People's Republic of China on a joint venture to produce small computers in Nanjing. Having heard of Wang's spectacular record, Chinese bureaucrats are already planning on $4 million to $5 million worth of production in the project's first year, and a 60% annual growth rate thereafter.●

ENGINEERING EDUCATION—PART II

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FUQUA. Mr. Speaker, on October 2, 1980, I inserted in the CONGRESSIONAL RECORD an article from Western Engineer, published by the Professional Engineers of Colorado of the National Society of Professional Engineers. The article dealt with the problems associated with the state of engineering education in America today. The problem is indeed frightening. Many of our engineering schools are being forced to teach our computer-age students with stone-age equipment. I join with the 80,000 members of the National Society of Professional Engineers, and the Professional Engineers of Colorado, in their concern for this issue and will insert in the RECORD the second in the three article series on engineering educators.

ENGINEERING NEEDS—FACILITIES

Engineering education in Colorado has come to a crossroads, and engineering educators are faced with the frustrating realization that at present they cannot afford to follow the "correct" path.

Essentially, the problem lies with funding insufficient to handle the ever-increasing number of students.

Interest in engineering is at an all-time high. Students are literally clamoring for admission to the state's three engineering colleges—the Colorado School of Mines at Golden, Colorado State University in Fort Collins and the University of Colorado with campuses at Boulder, Denver and Colorado Springs.

Quality of the students themselves is excellent—has never been better. But enrollment ceilings, due to legislative caps and space and faculty constraints mean that qualified students are being turned away at a rate of up to five for every one admitted.

The job market for engineering graduates also is good and looks to remain so as society in general and Colorado in particular continue to move rapidly into areas of high technology.

The average graduate of Colorado engineering schools interviews with anywhere from six to 14 companies and receives several job offers at starting salaries ranging from about $17,000 to $30,000—thousands of dollars more than offered to most liberal arts graduates.

Engineering educators in the state want to serve students who desire an engineering education and employers seeking highly qualified young engineers, but they are finding it increasingly difficult to do either.

The budget situation and associated classroom and laboratory space shortages caused by ballooning enrollments are approaching crisis proportions, the three engineering deans agree. That problem is compounded by a severe shortage of engineers particularly in Colorado.

Just how serious is the engineering college budget situation? During the 1978-79 and 1979-80 period, apppropriations of state funds to higher education in Colorado increased only 12 percent, or 6 percent per year, exactly half the national average. These figures are based on a biennial study of state funds for higher education published Oct. 9, 1979 in "The Chronicle of Higher Education."

That report showed that in state and local tax dollar appropriations for higher education per student, Colorado ranked 48th in the nation—23 percent below the national average. Among the 13 western states, Colorado ranked 10th in per capita support for higher education.

What this has meant to the state's three engineering schools is an increasing student-faculty ratio (a crisis in itself in a discipline such as engineering), a very real space crunch in classroom and laboratory facilities, a shortage and obsolescence of laboratory equipment, declining expense budgets and a substantial loss of key faculty members.

At CSU, for example, upper division student FTE (full-time equivalent) is up 93 percent and for the college as a whole, up 60 percent, while the faculty FTE is up only 23 percent in the past six years. In that time period, the college has lost 63 percent of its expense budget purchasing power. Capital outlay money dropped nearly 30 percent between 1974 and 1978.

That hurts, but what hurts more is that quality of education suffers.

Enrollment at the three engineering schools is up anywhere from about 70 percent to nearly 100 percent since 1973, but additional classroom and laboratory space to accommodate the extra students amounts to virtually nothing.

Overcrowding affects both teaching and learning. In order to teach engineering design, classes should be small, because students often require individual tutoring. Engineering courses are sequential; one course follows another and courses build upon each other. A student who fails to master one subject likely will do worse in the next.

Faculty members must be able to monitor the comprehension of their classes through recitation and careful observation. Large classes preclude this.

Large class sizes in laboratory-based subjects compel professors to simplify demonstrations and examinations, causing quality to suffer dangerously. Because of being overburdened by sheer numbers of students, a professor may fail to recognize that a student is doing poorly in, say, a design course. This might well lead to an engineering error that could be costly in terms of lives and dollars.

The three engineering schools are attempting to be flexible in the face of this hardship by teaching large classes where feasible. In some cases, this means scheduling classes all over campus by matching class size to room size instead of using buildings specifically designed for engineering instruction. At CSU, students are bused to classes at the Foothills Campus west of the city, a 20-minute trip one-way—obviously a waste of valuable time that could otherwise be used for instruction and laboratory activities.

Typical engineering classrooms designed to handle 30 to 40 students now house social science classes at CSU, while 70 to 80—and sometimes up to 250 engineering students—must meet in the social sciences building.

At CSU, the Engineering Center complex, completed in 1966, has spot shortages of laboratory space but, in general, now has sufficient space for the number of students that the limitations of faculty members and classrooms impose.

At the Colorado Springs campus, there is an acute shortage of laboratory space, necessitating inefficient multiple use of such space. Apparatus must be dismantled and stored when not in actual use, a practice that is costly in terms of breakage, re-calibration, faculty and technician time and inefficient use of class time.

Current remodeling will increase the available engineering laboratory space there to about 6,000 square feet, about a third of the amount needed for current enrollment and anticipated growth.

At Mines, which is expected to reach its enrollment ceiling of 3,000 students in a few years, a new building to house the mining and basic engineering departments is nearing completion. That structure was needed because the departments it will house now are located in obsolete buildings constructed in 1900 and 1905. But, because of inadequate state support for capital construction, the school had to obtain a $4.4 million gift from the Brown Foundation of Houston, Tex., to finance the new building.

CSU's No. 1 remodeling priority is planning money for the old veterinary hospital, a 30-year-old building now virtually useless.

The middle two-thirds of the building is a maze of examination, X-ray, surgery and holding rooms for animals, in no way suited for engineering instruction. Its only desirable features are that it's vacant, basically sound and located in close proximity to the Engineering Building on the main campus.

The two-phase project, if funded by the Legislature, is expected to cost roughly $2.2 million. If detailed planning can begin by next summer, it could be ready for occupancy by engineering in the fall of 1983.

Yet another problem facing the state's engineering schools is the need to keep current. One way to accomplish this is through computer aided design activity. This new emphasis requires new hardware, equipment and work areas for students. Computer aided design was not economically feasible as recently as 10 years ago, therefore wasn't anticipated nor planned for. However, the need for engineering schools to move into such areas is critical because curricula must reflect state-of-the-art and provide students with the activities they are going to use in the profession after the turn of the century.

Engineering faculty members have reached the point of overload. Faculties have increased slightly or not at all (CU lost positions) in recent years, but they certainly haven't kept pace with enrollment. It's difficult enough to teach a subject such as composition with a class of 30 or more students, but now, in engineering, it's not unusual to find 50 to 60 students in laboratory-based situations where 20 to 30 students used to be considered unwieldy. At CSU, the student-faculty ratio in engineering now exceeds the university average in spite of the fact the college has the largest graduate program on campus.

Typically, engineering courses are problem-oriented with homework assigned on a daily basis, due the following class period. Rapid grading and return of papers to students becomes impossible with classes of 50 to 60 or more.

It's not unusual for engineering professors to work 10-hour days and work-weeks of 50–70 hours in order to keep up with class preparation, instruction, advising, paper grading and research commitments. Industry, with its better salaries and working conditions, begins to look more and more attractive.

While it's gratifying to see today's young people interested in careers in engineering, it's frustrating to have to turn away good students and to be forced to offer students who are admitted less than they deserve because of classroom and laboratory space shortages, obsolete and/or under-equipped laboratories and faculty overload.

The need for engineers is not going to lessen, nor is student demand for education in engineering. Engineering educators in the state are eager to respond. They have the raw material in the form of well-qualified students, but not in terms of the resources required to adequately accomplish the job.●

TRIBUTE TO BOBBY BROWN

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOTTL. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues a fine American who will be retiring after 37 years of officiating.

Bobby Brown has brought a great deal of class to high school football as the referee. Few officials are as respected for their knowledge of the rules and total dedication to the game. Mr. Brown, 61, sells industrial equipment to schools in a dozen northeastern Ohio counties.

Bobby began working YMCA basketball while in college and officiated his first football game in Illinois while in the Air Force and stationed at Scott Field near St. Louis. Bobby became one of greater Cleveland's best known basketball and football officials. A man with a high degree of enthusiasm and hustle.

We in Cleveland will miss his presence on the football field. He has been as inspiration to coaches as well as young football players.●

TRIBUTE TO RUTH NUSSBAUM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WAXMAN. Mr. Speaker, on November 19, 1980, Ruth Nussbaum will be honored by the State of Israel at a dinner of state at which time she will be presented with the coveted Tree of Life Award.

I am honored to have this opportunity of paying tribute to a woman who is the epitome of wisdom, warmth, and dedication.

For 32 years, Ruth Nussbaum, as the wife of the eminent Rabbi Max Nussbaum, guided the spiritual life of Temple Israel of Hollywood. The leadership and compassion which made her the beloved and respected "rebbitzin" of Temple Israel were the qualities which carried her on so notably in many other far-reaching areas of human concern. Indeed, it would be difficult to delineate where her role as Rabbi Nussbaum's partner and community leader ended and where the individual Ruth Nussbaum, world humanitarian, began. Her influence was a natural extension of her capacity for caring and doing.

Mrs. Nussbaum holds the 1979 Sword of Zion Award of the American Zionist Federation as well as serving on their regional board, and together with her husband, Rabbi Max Nussbaum, received numerous major awards over the years including the 1971 Brandeis Award of the ZOA conferred upon them by the then Vice President, Hubert Humphrey.

Among her many affiliations and past honors are: Member of the General Zionist Council of the World Zionist Organization and special delegate to its sessions in Jerusalem; member of the national board of the Union of American Hebrew Congregations, the Guardians of Courage of the Chaim Sheba Hospital and the sisterhood of Temple Israel. She was chairman of the women's division during the agonizing period of the Six Day War in 1967 and again as chairperson of the board of governors during the Yom Kippur War of 1973. She is a life member of Hadassah and the Zionist Organization of America, as well as the National Council of Jewish Women, American Jewish Congress, American Mogen David for Israel and Women's American ORT.

The tribute now being bestowed on Ruth Nussbaum is particularly fitting as this occasion marks the Bar Mitzvah year of the reunification of Jerusalem and the celebration of Shomre Yerushalaim—Guardians of Jerusalem.

I ask the Members to join me in congratulating Ruth Nussbaum for her achievements and for continuing the work begun by Rabbi Max Nussbaum. To their children Hannah Marsh and Jeremy and Charline Nussbaum go my wishes and hopes that they will carry on the work toward the ideals of peace and concern for mankind to which their parents dedicated their lives.●

MEN OF VISION

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GUDGER. Mr. Speaker, tomorrow, President Carter signs into law the Alaska National Interest Lands Conservation Act (H.R. 39). This act protects America's priceless resources in Alaska—sometimes referred to as our Nation's "crown jewels"—and hereafter classifies them as national parks, wildlife refuges, wild and scenic rivers, national forests, and wilderness areas. It also commemorates the hard work, dedication, and commitment of two outstanding legislators—Interior Committee Chairman MORRIS K. UDALL and Public Lands Subcommittee Chairman JOHN F. SEIBERLING.

One of the remarkable features of our representative form of government is its characteristic of presenting from the 535 Members of the House and Senate a sufficient number of concerned and committed leaders to deal with those issues which are of historic and national importance but may have little appeal to the Congressman's own constituents and little value in insuring his reelection. Indeed, the protection of Alaska is certainly a remote issue to the residents of Arizona and Ohio but, in time, what has been done by the gentleman from Arizona and the gentleman from Ohio may be far more important to the descendants of their constituents than anything else these gentlemen undertake. Certainly, these are men of vision.

During their outstanding terms of service here in the House of Representatives, it has been an extreme pleasure for this Congressman from North Carolina to work with them and share vicariously their love of Alaska and its treasures and their strong commitment to protect these treasures for the benefit of future generations of Americans.

Someday, I hope to be fortunate enough to visit the great State of Alaska to see the magnificent Gates of the Arctic, to watch the eagles soar in flight over Admiralty Island, and to observe the migration of the caribou through the wildlife preserves. Through the eyes of Congressman UDALL and SEIBERLING, I feel that I have already viewed these exotic wonders and know that I share with many of my colleagues on the House Interior Committee and in the House of Representatives the conviction that the Alaska National Interest Lands Conservation Act is timely, is in the national interest, and is unquestionably the most important environmental legislation of this decade.●

THE CASE AGAINST THE PLO

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BLANCHARD. Mr. Speaker, On November 26, the New York Times published an interesting and important article by Oberlin Prof. Steven Plaut on the subject of self-determination for the Palestinians in the Middle East. I would like to call my colleagues' attention to Professor Plaut's analysis of the issues involved—his cogent case against allowing a hostile PLO-dominated state on Israel's border is a much-needed contribution to our own country's debate on the Arab-Israeli conflict.

The article follows:

NO, THE PALESTINIANS ARE NOT ENTITLED TO SELF-DETERMINATION

(By Steven E. Plaut)

OBERLIN, OHIO.—One of the great platitudes of recent years is the refrain heard with Pavlovian spontaneity in virtually every debate about the Arab-Israeli conflict—that "self-determination" for the Palestinians is the key to Middle East peace. It is not. The true key to peace lies in convincing the Arabs of the futility of trying to destroy Israeli self-determination.

Why the Palestinians? There are already 22 sovereign Arab states. Surely not every group of Arabs everywhere is unconditionally entitled to the right of "self-determination," for if so, then Israel, Iran, Ethiopia, and several other countries must cease to exist. If it is unthinkable for Palestinian Arabs to live as a political minority among Jordanian Arabs or Israeli Jews, why is it less unthinkable for Galilee Arabs, Negev Arabs, Iranian and French Arabs to do so? And if Palestinian Arabs need their own state, why should not Syrian Jews, who live as a distinct ethnic minority within Israel, be similarly entitled to their own homeland in parts of Syria?

What exactly does "self-determination" mean? In the case of the Palestinians, it doesn't mean the enjoyment of civil liberties, freedom of speech, and democratic representation, since Israel is the only place in the Middle East where Arabs do have those rights. Besides, Yasir Arafat says that the Ayatollah Ruhollah Khomeini's Iran is his model of a "democratic secular state."

And if "self-determination" simply means territorial sovereignty, why is it required only for Palestinians living west of the Jordan River? There have always been more Palestinians on the East Bank than the West Bank; most of Jordan's population is Palestinian and Jordan controls two-thirds of Mandatory Palestine. And why is it that West Bank residents did not need a homeland when it was illegally held by Jordan before 1967, yet suddenly developed this need after the 1967 Arab-Israeli war? Rafiq Natshe, Palestine Liberation Organization spokesman in Saudi Arabia, was quoted in the Saudi newspaper al-Riyadh as having said: "We [the P.L.O.] were not established in 1965 in order to liberate Hebron, Nablus, and Gaza, for these were already liberated, but rather, we were established to liberate Jaffa, Haifa, Ramle and the Negev."

How curious that Palestinians only need a "homeland" when that means Israeli strategic losses and vulnerability. Israel is told not to fear the creation of a second Palestinian-Arab state (Jordan being the first), since that state would be preoccupied with internal economic and social problems, and would be thus unprepared for military adventurism. Why this should be so is unclear, since no other Arab country has ever let internal social problems get in the way of imperial ambition. It is particularly suspect in light of the regular assertions by P.L.O. leaders that the only reason they even want a West Bank state is to use it as a base for destroying Israel.

Israel is assured that Yasir Arafat would mellow once he achieved power, much like that old "terrorist" Menachem Begin. Thus Israel is asked to gamble on the basis of a non sequitur when the cost of losing the bet is certain politicide and probable genocide. For what is to prevent an unmellowed Mr. Arafat from using the West Bank to escalate tensions, terrorist atrocities, and launch a new war together with his fellow Arab states—a war that Israel would be forced to fight from indefensible borders, less than 10 miles across in some parts?

Of course, "self-determination" could be defined as a wide degree of local autonomy with external constraints on military and foreign-policy options. But that is what the Israelis have proposed, and no one else seems to think that it constitutes self-determination. The entire basis for the rejection of the Camp David agreements by the P.L.O. and its friends was that they were directed at achieving a resolution of the conflict with Israel rather than the destruction of Israel. The demand that the P.L.O. be included in the negotiation process is so that it will be scuttled; the raison d'être of the P.L.O. is the prevention of any settlement with Israel.

The fact must be faced that "Palestinian self-determination" has become a euphemism for the liquidation of Israel. Like "white power" and "states' rights" in this country, "Palestinian rights" has become a racist buzz word disguising the intention of suppressing the rights of another group. Of course, Palestinians, like white folks, do have rights. But these do not include the violent destruction of Israel—the only "right" the P.L.O. seeks to exercise.●

PATTEN TRIBUTE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. MONTGOMERY. Mr. Speaker, I regret I was not able to be present when the special order on EDDIE PATTEN was held in this Chamber a couple of weeks ago. However, I would like to take this opportunity to express my sorrow that EDDIE will not be in this body when the 97th Congress convenes.

If there is any one Member of the House who has set an example for the rest of us on how best to serve the needs and solve the problems of our constituents, I think it is EDDIE PATTEN. In all the 18 years he served in the House, EDDIE never forgot the people who made it possible for him to serve in the Congress. He always made himself available to his constituents and took a personal interest in each problem presented him. EDDIE PATTEN set an example in constituent service and concern that we all should follow.

Another hallmark of EDDIE PATTEN's distinguished career of public service was his constant devotion to improved education in America, especially vocational and adult education. Many of the people in my State of Mississippi have benefited from the funds EDDIE provided for this purpose.

Mr. Speaker, I join with my colleagues in wishing the very best for EDDIE and Ann in the years ahead and hope they will not be strangers to their many friends in the Nation's Capital.●

THE REAGAN AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 26, 1980, into the CONGRESSIONAL RECORD:

THE REAGAN AGENDA

The question in the congressional cloakrooms and in political discussions across the country is: what will Governor Reagan do as President? It may be premature for me to try to answer the question, but Ninth District residents have asked it so frequently and insistently in conversations and in letters that I should probably make an effort.

Mr. Reagan's economic program, which will aim to strengthen the economy by unleashing the forces of the free market, is the focus of intense interest. There is agreement here in Washington that Mr. Reagan will take a conservation path, trying to control government spending, reduce taxes, diminish the role of government in the economy, and stimulate savings, production, and investment. Behind this general plan, however, there is a real struggle going on among Mr. Reagan's top economic advisors. The issues are the scope and vigor of his economic policies. Some advisors want radical action: a massive tax cut to accelerate growth and an immediate return to the principles of unconstrained capitalism. Others favor a more moderate course: sizable tax cuts across the board, with business getting special attention, and substantial reductions in government spending. My judgment is that Mr. Reagan will incline toward moderate, away from radicalism.

In energy policy, Mr. Reagan may push to end all federal price controls on oil and natural gas (now set to expire on December 31, 1984). He may encourage the use of coal and nuclear power as well. Mr. Reagan has criticized the new public corporation that promotes synthetic fuels, but my guess is that he will accept it eventually. I would also expect Mr. Reagan to try to ease the burden of government by eliminating regulations. He might combine a general moratorium on new regulations with an "offset" policy to allow new ones only if old regulations are retired. Mr. Reagan will force agencies to balance the costs and benefits of regulations more carefully, and he may agree that Congress should have the power to veto any new regulations it dislikes.

As concerns national security, Mr. Reagan's primary goal will be to re-establish America's military superiority. To achieve this goal he will propose a new strategic bomber, more ships for the Navy, increased pay for military personnel, and greater numbers of land-based strategic missiles. The immediate emphasis will be on accelerated production of current weapons systems, not on development of new systems that will not be available for years. Mr. Reagan will try to counter the growing strategic power of the Soviet Union as soon as possible. Success in doing so will enable him to deal from a stronger position in negotiating a new limitation on strategic arms. Mr. Reagan has made it clear that he will withdraw SALT II from the Senate and seek new talks on limiting American and Soviet nuclear weapons. Also, he has said he believes in "linkage," which implies that disagreements with Moscow in Africa or the Middle East may have adverse effects on the new talks. Although Mr. Reagan opposed the partial grain embargo against the Soviet Union, it is not yet apparent to me whether he will act to remove it early in his administration. Mr. Reagan will probably drop his insistence on "official relations" with Taiwan as he comes to recognize China as an important potential partner in the three-cornered strategic game. It is almost certain that Mr. Reagan will not press friendly nations on internal political arrangements or violations of human rights. My overall feeling is that the new President will preside over a foreign policy more cautious than his campaign rhetoric would suggest.

Mr. Reagan will advocate several major changes in federal programs. He wants to remove the earnings limit for social security beneficiaries, transfer welfare back to the states, give broad block grants for urban renewal, and create "enterprise zones" to attract businesses to blighted neighborhoods in inner cities. I expect that Mr. Reagan will delay action to eliminate the Department of Education (one of his campaign promises), but will revive the proposal for tax credits for parents who send their children to private schools. I am uncertain how hard Mr. Reagan will press for anti-abortion and school prayer amendments. My impression is that he will regard such amendments as less important than his economic and defense programs.

Many of Mr. Reagan's objectives are worthy; my main concern is whether they are attainable. Presidents must draw up a list of priorities and then garner enough political strength to achieve the goals that are high on the list. They must not dissipate strength on a wide variety of secondary projects. As I understand Mr. Reagan's goals and the mandate he received from the voters, he will concentrate on reducing government spending, holding down inflation, lessening government interference in private and business affairs, and fortifying America's stature in the world. These will be the primary targets; others will be given less attention.

My own view is that the Reagan Administration will be flexible and pragmatic, not as tilted to the right as some expect. One of my Republican colleagues, a strong supporter of Mr. Reagan, said the other day that it is far harder to run the country than it is to criticize those who run it. Republican leaders now sprinkle their remarks with such words as "realistic," "practical," and "compromise." Mr. Reagan knows that he became President with only 27 percent of Americans supporting him. He will concentrate on trying to keep his coalition together. He will recognize that the country is so big and so diverse that he will be able to move it only gradually but, I hope, sufficiently, to give the people reason to believe that things are getting better.●

RETIREMENT OF CONGRESSMAN JEROME AMBRO

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. WALKER. Mr. Speaker, during the 96th Congress, I have had the opportunity to work very closely with JERRY AMBRO on the Subcommittee on Natural Resources and Environment. Under his chairmanship we have accomplished a number of significant things. During this year alone, we have drafted and reported seven authorizing bills which not only reflect careful legislative oversight, but which more importantly reflect the subcommittee's commitment to fiscal responsibility. Not one of those bills was 1 cent over budget; and, as the ranking Republican on the subcommittee, I am pleased to say that, on our subcommittee, fiscal responsibility is a bipartisan concern.

Early in this Congress, we in Pennsylvania were faced with impending nuclear disaster at the Three Mile Island nuclear facility. One of the greatest fears and most valid concerns of the people living in the area of Three Mile Island was the human health and environmental impacts of the disaster. Both, as the Congressman representing the district which was in danger from being both downwind and downstream, and, in my role as ranking Republican on the subcommittee having oversight responsibility for both DOE health and environmental research and EPA environmental research, I went to JERRY AMBRO and explained the problems we Pennsylvanians were facing and asked for field hearings to examine the issue. No one could have been more accommodating. We not only had field hearings, hearings which did much to reduce the fears of the community, but which also added a great deal to our understanding of the problems facing both Pennsylvania and the rest of the country if a similar incident were to occur elsewhere in the future.

I have the privilege of representing one of the finest farming areas in the entire world in the Pennsylvania Dutch Country around Lancaster, Pa. One of my most pressing concerns is the preservation of prime farmland from development and from conversion to waste dump sites. Little did I know that out on Long Island, JERRY AMBRO was plagued by the same problem and shared the same concerns. He joined me as a staunch supporter and together we convinced EPA to issue a national policy in favor of protecting farmlands.

Finally, I would like to commend JERRY AMBRO for his chairmanship of our subcommittee. We considered a great deal of legislation each year, much of which could have been made highly partisan, but the subcommittee was indeed bipartisan in its approach to issues and problems. JERRY AMBRO encouraged members of the subcommittee to develop their own interests and freely assisted Members on both sides of the aisle in their endeavors. For instance, the subcommittee addressed Congressman RITTER's and my concerns about the fact that EPA has proposed diesel particulate standards which may cripple the truck, tractor, and auto industries. When we raised this concern and asked for hearings, JERRY AMBRO not only was quick to schedule hearings for us, but was also most helpful in insuring that EPA Administrator Douglas Costle appeared before us.

I have considered it personally rewarding to work with JERRY AMBRO and his leadership of the Subcommittee on Natural Resources and Environment will be long remembered by his colleagues.●

EDDIE PATTEN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. CHAPPELL. Mr. Speaker, I would like to take this opportunity to join with my colleagues in extending my sincere best wishes and thanks to my good friend and colleague, EDDIE PATTEN, upon his retirement from Congress.

EDDIE is a gentleman as well as an outstanding legislator. Through the years we have served together, I have come to respect his legislative abilities, friendliness, great sense of humor, compassion, and his willingness to sacrifice personal recognition for party unity.

EDDIE will certainly be missed on the Appropriations Committee where he so ably served on the subcommittees of Labor-HEW, Treasury, Postal Service, and General Government. He will truly be missed by all of us for his wise counsel and advice on various legislative issues.

The people of the 15th District of New Jersey have every right to be very proud of the tremendous job EDDIE PATTEN has done for them and for his many great and lasting contributions to the Nation—particularly in the area of education. He has been a consistent and strong advocate for improving the Nation's educational system.

I truly believe EDDIE PATTEN is one of the most dedicated men to have served in the U.S. House of Representatives and I wish him all the best in the years ahead, in whatever endeavors he might undertake.●

IN HONOR OF NATHANIEL S. COLLEY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MATSUI. Mr. Speaker, on December 4, 1980, Sacramento will pay tribute to a truly outstanding individual, Mr. Nathaniel S. Colley. He is being honored by the Sacramento Valley Friends of the National Jewish Hospital and Research Center/National Asthma Center for his great humanitarian concern and unprecedented service to his community.

Each year this organization chooses an individual to receive its National Humanitarian Award. It is most befitting that Nathaniel Colley be honored in this manner. I am pleased to join with his many friends in deep appreciation of all of his good work, and share with his family the great pride they have in the success of his many accomplishments.

He was educated at Tuskegee Institute and Yale University where he received his J.D. degree. It was during this time that he received the LaRue Munsun Prize for the most significant contribution of any Yale student to the New Haven Legal Aid Society.

In 1949, he began the practice of law in Sacramento, Calif., where, for over 30 years, he has distinguished himself professionally, politically, and civically.

An attorney engaged in the private practice of law, he is also a part-time professor of law at the University of the Pacific, McGeorge School of Law. He has served as a lecturer for Continuing Education of the Bar, University of California Extension Service, and the California Trial Lawyers Association. He is an associate editor of the California Trial Lawyers Association Journal. In addition, he is the western regional counsel for the NAACP.

He is active on the boards of a number of civic and educational associations, including: The national board of directors, NAACP; the national board of directors, National Committee Against Discrimination in Housing; board of trustees, Tuskegee Institute; member, California State Board of Education; the executive committee, Yale Law School Association; board of directors, Charles F. Kettering Foundation, Dayton, Ohio; former board member of Travelers Aid, United Crusade and Lincoln Christian Centers, Sacramento, Calif.; former president, California Federation for Civic Unity; board of directors, California Journal; chairman, California Horseracing Board; and member, California Judicial Council.

Politically, Mr. Colley served on the President's Committee on Discrimination for the U.S. Armed Forces, 1961–62. As an active Democrat, he formerly served as a member of the California State Democratic Central Committee and the Sacramento County Democratic Central Committee. In 1972 he was the northern California chairman of the Humphrey for President campaign.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of an individual who has contributed so much to our Nation, State, and local community. I am honored and privileged to call to your attention these decades of public service by an exemplary citizen.

Nathaniel Colley, by his dedication and commitment to the betterment of all, has merited our respect and admiration.●

RESEARCH AND EXPERIMENTATION EQUIPMENT DONATIONS TAX ACT OF 1980

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SHANNON. Mr. Speaker, I am introducing legislation today which would amend the Internal Revenue Code to increase the tax deduction which is currently allowed for donations of newly manufactured equipment to universities, colleges, and vocational schools.

This bill would help accomplish two vital national goals. First, it will enable our educational institutions to develop and expand their programs of research and experimentation. Second, it will reduce the surprising shortage of trained technical talent which currently exists in American industry.

UNIVERSITY RESEARCH AND EXPERIMENTATION

Research which is conducted by our educational institutions is one key to developing the advanced, innovative technologies which we need to solve our productivity problems, thereby strengthening our economy.

An important means of funding these innovative efforts has been private philanthropic giving, including the contribution of state-of-the-art technical equipment, such as laboratory instrumentation and computer systems. The donation of such property by the private sector has served as an important resource to American universities and colleges for more than a century. In fact, this cooperation began when support from the Massachusetts textile industry formed Lowell Technological Institute, which is today the University of Lowell.

However, today the costs involved in creating a new technical program for research or instruction are all too often prohibitive. Specifically, the capital costs involved in acquiring the needed equipment are sometimes beyond a school's reach. The result is that advanced research projects that could yield the technological solutions to our productivity problems are hindered because the proper technical tools are not available to our researchers.

INDUSTRY PERSONNEL

American industry, on the other hand, has faced another kind of shortage over the past several years, namely, a shortage of human resources. Advanced technological fields, in particular, are expanding so quickly that the need for talented people has far exceeded supply.

For example, the high-technology electronics and computer industries are growing annually at rates of 30 percent and 40 percent, creating tens of thousands of new jobs each year. However, the potential of these industries is unnecessarily limited by the shortage of trained technical staff. Our universities, colleges, and technical schools simply are unable to meet industry's demand for trained personnel.

INCREASED EQUIPMENT DONATIONS

One promising manner of addressing the problems of both educational and industrial communities is the contribution of new equipment—such as laboratory instrumentation and computer systems—to schools to help them increase their research and development efforts and train students for competitive positions in industry.

Unfortunately, recent contributions have fallen short of the need, because the Internal Revenue Code currently limits the deduction for charitable contributions which a taxpayer can claim to the cost of manufacturing that product. This is usually substantially less than the fair market value of the product which the taxpayer would receive by selling the product.

The result of this limitation is a substantial loss for the taxpayer when he donates the product. This places an unnecessary constraint on the amount of inventory which is contributed to educational institutions each year. Companies that do make contributions limit them severely, and other firms simply choose not to make them at all.

The bill which I am introducing today would amend the Internal Revenue Code to allow corporations to deduct the fair market value of equipment which they donate to an educational institution. The equipment must be newly manufactured and must be used by the donee solely for educational, research, or experimentation purposes. If the equipment had been used by the contributing corporation prior to its donation, the deduction is reduced to recapture any previously taken depreciation deductions or investment tax credits. In addition, the educational institution must supply the corporation with a written statement stipulating the recipient's adherence to rules governing use and subsequent disposition of the equipment.

This bill is consistent with recent reforms in the Internal Revenue Code governing charitable contributions, but it would significantly increase the incentive for firms to make these valued donations. This bill will strengthen the partnership between the industrial and educational communities, a partnership which is crucial to revitalizing our economy.

I am submitting the text of this bill with my statement. I urge close attention to, and wide review of, this proposal.

The bill follows:

H. R.—

A bill to amend the Internal Revenue Code of 1954 to increase the charitable contribution deduction allowable for property constructed by the taxpayer and contributed for use for educational purposes or for research or experimentation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Research and Experimentation Equipment Donations Tax Act of 1980".

SEC. 2. CHARITABLE CONTRIBUTIONS OF PROPERTY TO BE USED FOR EDUCATIONAL PURPOSES OR FOR RESEARCH OR EXPERIMENTATION.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to deductions for charitable, etc., contributions and gifts) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR CONTRIBUTIONS OF INVENTORY AND OTHER PROPERTY TO BE USED FOR EDUCATIONAL PURPOSES OR FOR RESEARCH OR EXPERIMENTATION.—

"(A) QUALIFIED RESEARCH OR EDUCATION CONTRIBUTIONS.—For purposes of this paragraph, the term 'qualified research or education contribution' means a charitable contribution of tangible personal property described in paragraph (1) of section 1221 by a corporation, but only if—

"(i) the contribution is to—

"(I) a governmental unit referred to in subsection (c)(1), or

"(II) an organization described in section 501(c)(3) which is exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3));

"(ii) the property is constructed by the taxpayer;

"(iii) the contribution is made not later than 2 years after the date the construction of the property is substantially completed;

"(iv) the property is to be used by the donee solely for educational purposes or for research or experimentation (within the meaning of section 174);

"(v) the property is not transferred by the donee in exchange for money, other property, or services; and

"(vi) the taxpayer received from the donee a written statement representing that its use and disposition of the property will be in accordance with the provisions of clauses (iv) and (v).

"(B) AMOUNT OF CHARITABLE CONTRIBUTION NOT REDUCED FOR QUALIFIED RESEARCH OR EDUCATION CONTRIBUTIONS.—Except as provided in subparagraph (C), the reduction under paragraph (1)(A) shall not apply to any qualified research or education contribution.

"(C) SPECIAL RULES FOR INVENTORY PLACED IN SERVICE BY TAXPAYER.—For purposes of this paragraph, in the case of tangible personal property which would (but for the fact that the property is placed in service by the taxpayer) be described in paragraph (1) of section 1221 with respect to the taxpayer—

"(i) such property shall be treated as described in such paragraph (1), and

"(ii) the reduction under paragraph (1)(A) shall apply but shall not exceed the amount allowable for depreciation (or amortization in lieu of depreciation) with respect to the period before the contribution of such property.

For purposes of clause (ii), if the taxpayer can establish by adequate records of other sufficient evidence that the amount allowed as a deduction for such allowance for such period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed.

"(D) CONSTRUCTION OF PROPERTY BY TAXPAYER.—For purposes of this paragraph, under regulations prescribed by the Secretary, property shall be treated as constructed by the taxpayer if more than 50 percent of the construction expenditures are made directly by the taxpayer."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to charitable contributions made after the date of the enactment of this Act in taxable years ending after such date.●

AMERICAN HONDA BREAKS GROUND FOR NEW AUTO MANUFACTURING PLANT IN MARYSVILLE, OHIO

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BROWN of Ohio. Mr. Speaker, I am pleased to announce to my colleagues in the House that on Tuesday, December 2, 1980, ground-breaking ceremonies for construction of the first Japanese automobile manufacturing plant in the United States will take place in Marysville, Ohio, a community located in the Seventh Ohio Congressional District which I represent.

American Honda, Inc., will invest more than $200 million in this new plant which will, at its first-phase operating capacity employ 2,000 Ohio workers. Construction of the plant is expected to be completed in about 2 years—in time for production of the 1983 model Accord line—culminating a 6-year-long planning effort by American Honda to build an auto plant in the United States.

Construction of this new Japanese automobile manufacturing plant represents a bright star on the horizon of a State which has suffered the second highest unemployment rate in the Nation under the Carter administration's misguided economic policies. In addition to the 2,000 jobs to be created at this new plant, hundreds of more jobs at American supplier companies will be provided. Honda officials have indicated that a large share of the components to be included in the Accords built at Marysville, will come from U.S. suppliers.

Construction of this new auto manufacturing plant also marks the beginning of a strengthened partnership between the United States and Japan. Both the United States and Japan are free, technologically advanced, and productive nations. We can learn and benefit from working together toward the achievement of greater economic prosperity on both sides of the Pacific. The ground-breaking ceremonies which will take place tomorrow represent an important step toward attaining this goal.

I join with the citizens of Marysville, Union County, and Ohio in extending a hearty welcome to the automotive branch of American Honda, Inc.●

THE DEATH OF DOROTHY DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Ms. MIKULSKI. Mr. Speaker, I want to commemorate the life and death of Dorothy Day, the cofounder of the Catholic worker movement.

I first became aware of Dorothy Day and the Catholic worker movement when I was a student at Mt. St. Agnes in Baltimore. She, and it, changed my life. We needed then, and we need today, the spirit, the inspiration of such a person and such a movement. According to Dorothy Day:

> There is so little we can do, so little we have done, to bear one another's burdens. When we are able to bear some small share of the sufferings of the world, whether in pain of mind, body or soul, let us thank God for that.

Catholic worker houses of hospitality were set up, and are still operating across the country, to practice the corporal and spiritual works of mercy. Many thousands have passed through these houses, both as volunteers who worked there in voluntary poverty, and as victims who suffered involuntary poverty. Dorothy Day and others in the Catholic worker movement set out to comfort the afflicted and many times they afflicted the comfortable as well in raising the questions of social justice with which they felt adherents of Christianity should be concerned.

As an active woman who took the basic sharing principles of Christianity to women in their homes, she was a practical feminist who knew that wives and mothers could change the world if they acted and joined together.

We mark the passing of a remarkable woman who leaves behind a living legacy of concern and care for those in our society who might be so easily erased from our consciousness were it not for the unremitting efforts of a person named Dorothy Day.

Dorothy Day shows that one woman can and did make a difference.●

TRIBUTE TO DAWSON MATHIS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BEVILL. Mr. Speaker, the people of the Second Congressional District of Georgia have indeed been fortunate that for the past 10 years they have been represented by a unique individual who has given them the highest level of service and respect. Their Congressman, my good friend Dawson Mathis is a bright and eager young man who has given his constituents thoughtful and devoted representation in this body.

The work which Dawson has done on the Agriculture Committee has been of great benefit, not only to his constituents, but to all the people of our country, as well.

His tremendous insight into agricultural economics and the modern technologies which are used in that industry, have greatly aided the farmers and consumers of this land, by helping his committee to draft responsible legislation to address America's agricultural needs.

I shall miss Dawson's friendship in this body, but I know that he has a bright future in the days ahead, and that his abilities and energies will be of great use to his country which he loves so dearly.●

HON. DAVID SATTERFIELD

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. CHAPPELL. Mr. Speaker, I respectfully join my colleagues in paying a very special tribute to the Honorable Dave Satterfield of Virginia. As a representative of the people, Dave Satterfield must be numbered among the best. With his retirement from this great body upon the adjournment of the 96th Congress, the Republic will have lost one of its most valuable servants.

His outstanding expertise on health issues will be sorely missed. Dave distinguished himself while serving as chairman of the Subcommittee on Medical Facilities and Benefits. In this position, he fought to secure adequate funds for the Veterans' Administration health care system. He vigorously supported legislation to care for the aging veteran and because of his support the VA is pursuing innovative treatment for this Nation's aging veteran population. Indeed, our Nation's veterans are losing a true friend with Dave's departure from Congress.

His patriotism is unquestioned. A veteran himself, Dave won the Purple Heart when he was wounded at Wake Island during World War II. A Navy fighter pilot, he continued to play an active role in the U.S. Naval Air Reserve after active duty, and has been a steadfast supporter of a strong national defense.

Few men have a more profound respect for the Constitution. Dave is a strict constructionist, believing that our Constitution is the absolute foundation we must always rely on for a secure future.

Dave Satterfield chose to retire. It was not the desire of his constituents since many urged him to continue his service. He is a man of high principles and I will truly miss him as a friend and as a colleague. My best warm wishes go to Dave as he embarks on new endeavors.●

OUR FREE MARKET SYSTEM

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ROUSSELOT. Mr. Speaker, amid our current economic woes, criticisms of the free enterprise system are sometimes heard. Critics seem to be saying that the system has failed us entirely. But we must be cautious not to slap the doctor that delivered us. For it was the "invisible hand" principles of free enterprise together with the Jeffersonian freedoms which transformed a vast wilderness into a nation with a standard of living as yet unparalled in history.

Lewis H. Young, editor-in-chief of Business Week, succinctly points out, in the November 2, 1980, issue of Parade magazine, supplement to the Washington Post, how our constitutional freedoms are virtually meaningless without the freedom of choice afforded to us by the free market.

Unfortunately, the true supply/demand spirit of the free market has not been witnessed in this country for some time. Government financed inflation, pricing restrictions, and regulation inhibit these forces from their efficient operation. Nonetheless, it is my belief that the American competitive enterprise which created our Nation is the key to solving our problems of lulled productivity and development. It is for this reason I share Mr. Young's article with my colleagues in the U.S. House of Representatives.

No One Really Wants Less

ONE OF THE COUNTRY'S EMINENT FINANCIAL EDITORS TELLS WHY OUR FREEDOM BEGINS IN THE MARKETPLACE

(By Lewis H. Young)

In a free society, journalists tend to reflect the attitudes of the people they report about. Of late, more than a few writers have expressed doubts and even hostility about our free-market economy, reflecting a displeasure that many people feel. These writers citicize the free-market system and urge the government to regulate and curb it. To them, and those citizens who agree with them, "free enterprise" and "profit" and "capitalism" have become dirty words.

Curbing the free market, however, would be the first step to curbing our cherished freedom of choice, and with it freedom of speech and of the press.

The term "free market" is short-hand for an economic system in which, in theory, people can buy or sell any goods or services, invest or spend their money however they choose, with prices set by supply and demand.

In capitalism the key is choice. Producers and consumers have the right to make choices. And those choices are related: If consumers want a lot of a product, makers will produce a lot of it; if consumers do not want a product, makers will stop producing it.

Capitalism—coupled with the rich resources of the U.S., its settlers' dedication to hard work, and the constitutional freedom to make choices—gave us the highest standard of living in the world. In the mid-1950s, we had more telephones, autos, television sets, radios, clothing and food per person than any other nation on earth.

In a strange way, that affluence has contributed to the current disenchantment with the free-market system: Increasing numbers of young people who were highly educated and raised in a prosperous environment became idealistic, eschewing material gain in some cases and turning against business and its institutions because they are not perfect.

Indeed, the capitalist system has had some flaws. During the 35 years since World War II, when the U.S. was achieving some of its most substantial growth, the country also suffered half a dozen recessions. Many Americans who still remember the Depression years are more alarmed by unemployment figures than they are cheered by the 42.5 million jobs created between 1946 and 1979. Moreover, the system did not distribute these new jobs equally to every group. In varying degrees, women, blacks and Hispanics were short-changed.

Then in the 1960s, the big corporations—which had been looked upon (perhaps unwisely) as paragons of efficiency and accomplishment) began to stumble badly. The mammoth Penn-Central Railroad went bankrupt, so did the W.T. Grant Company. Equity Funding, an insurance company in California, was found guilty of massive fraud. The steel mills in Youngstown, Ohio, were closed; auto plants were shut down; and the Chrysler Corporation had to be saved by a federal loan guarantee.

Fearful of the power of big corporations and no longer respecting their accomplishments, Americans began to voice criticism of the free-market system. Some professional critics developed, ranging from consumer and environment advocates to business insiders dissatisfied with how corporations are organized. But none has come up with a workable alternative to capitalism—a system that can raise people's standard of living while guaranteeing their freedoms. Socialism cannot, and communism cannot.

The concepts of socialism are attractive on paper. The idea that the people will own the productive facilities—factories, banks, insurance companies, airlines, stores, the media—conjures up fantasies of low prices with no greedy capitalists to siphon off profits.

But in a real-life socialist or communist economy, where there is no private sector and the state (and thus the people) own the tools of production, the average person gets little benefit from his ownership. The people have nothing to say about how the factories are run, what products they produce, what salaries they receive, or even how many hours they work or what jobs they perform. Or what appears in the newspapers. There are no profits, true, but prices are set as the government chooses.

Ask the Polish workers how much they are permitted to tell the government about running the shipyards. Ask Soviet citizens how much they can influence their government to increase the production of consumer goods. Ask the Chinese how their government has responded to pleas for more new housing.

Those who are seduced by the rhetoric of socialism, which talks of worker power, forget that socialism has never been a movement of the workers. Rather, it has been a movement for the workers, conceived and pushed by intellectuals who insist they know what is best for everyone. Behind the rhetoric, socialism seems more a form of elitism.

Capitalism, on the other hand, tends to frustrate the intellectual elite. People seek to acquire what they want, not necessarily what they need—and certainly not what the intellectuals believe they need. They buy autos instead of riding mass transportation, they want television shows instead of good books; they go to baseball and football games instead of the opera.

In a socialist system, the national plan determines what products factories make and in what quantities. But to make the plan work, the government must make all the decisions. If individuals were to express personal preferences and make choices, the plan would collapse.

Such a system assumes that the government possesses the information and knowledge needed to make all the right decisions. But often it does not, and a wrong decision may contain the seeds of catastrophe. In the U.S., if Chrysler's management makes a mistake—as it did in the 1970s by ignoring the manufacture of small cars—its managers, employees and stockholders suffer.

Socialist and communist systems seem to work best in countries that are so backward economically or so underdeveloped that private capital cannot be attracted. When a country has nothing, the socialist system will produce something. But socialism runs into trouble as soon as the country's economy grows past a certain level. That happens because the system permits no feedback from consumers to producers. After World War II, the Russians were able to satisfy consumer demand by producing large quantities of shoes and watches. By the mid-1970s, factories were still turning out these items according to the national plan, even though Soviet consumers refused to buy these products because they were badly made or unattractive.

Sometimes, a socialist country makes extraordinary progress by throwing tremendous resources into a single area—but usually at great cost to the public. The Soviet Union put a man in space before the U.S. could, but it deprived its people of autos, appliances and a variety of clothing to do it.

Capitalism has given Americans a different lifestyle. Americans have sustenance and amenities. More important, people in America can aspire to great wealth with a measure of hope of obtaining it—with a little luck. People like to believe in the possibility of getting rich. When Sen. George McGovern ran for the Presidency in 1972, he was stunned when blue-collar workers rejected his proposal to tax away all inheritances. The average worker, he discovered, wants to be able to leave something to his children—and the more the better.

The spirit of capitalism is deeply rooted in the American people. They, like the nation's founders, distrust big government. One of the first steps the U.S. took as an infant nation was to pass the Bill of Rights, amending the Constitution to guarantee important freedoms. These fundamental freedoms combined with the economic engine of capitalism to make the U.S. the world's premier economy. If capitalism were to disappear, the freedoms would go with it.●

CARRIE TURNER RECEIVES REGION V HANDICAPPED CITIZEN OF THE YEAR AWARD

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STOKES. Mr. Speaker, on October 7, 1980, I had the pleasure of presenting to a constituent of mine the Handicapped Citizen of the Year Award, for region V. This award is bestowed upon outstanding men and women with disabilities who have overcome the limitations of physical handicaps and have made a significant contribution to their communities.

Mr. Speaker, I nominated Carrie Turner, a blind woman, for this award because I believed that she has not only demonstrated the qualities necessary for this award, but that her record of service and achievement sets her among the exceptional few. I am pleased that the Department of Health and Human Services agreed with my view and granted Carrie Turner this distinguished award.

Yet, Mr. Speaker, I make mention of this woman not simply on the basis of this award. Nor do I salute her because she has brought honor and pride to the people of Cleveland; nor because I am personally touched by her compassion and commitment. Rather, I honor Carrie Turner and ask my colleagues in the House of Representatives to join me because Carrie Turner is an exceptional human being.

Carrie Turner's life is distinguished from that of others in countless respects. Her loss of sight at a young age is in itself a characteristic that differentiates her from most. And, unlike most people, Carrie Turner was able to regard her impairment as a new tool with which she could better understand the needs of the people she met as a social worker. In fact, it was sudden blindness which led her to the Cleveland Society for the Blind where she worked for over 45 years. During this period, Carrie Turner gave to the society and the community her talents, her deep understanding, and her heart.

Mr. Speaker, while Carrie Turner's tenure at the society was obviously marked by her compassion and commitment, it was equally marked by her innovation and skill. Her creativeness had such an impact on the society that many of the programs she developed for her own clients have since been institutionalized. In tribute to her leadership, the most active and effective volunteer group in the society is named for this extraordinary individual.

One can only begin to name the programs designed and implemented by Carrie Turner. She created the first cooking class in this country for the blind. She developed a modeling program involving the blind for the blind. She led a number of tours throughout this country and overseas. Clearly, Carrie Turner's record is exceptional.

Even after retirement in 1968, she continued to give of herself as a volunteer at the United Way. As a member of the United Way's Speaker's Bureau, Carrie Turner earned the distinction of being Cleveland's most sought-after speaker. She conducted courses for the sighted to better understand the concerns and needs of the blind. She has, and continues to work with senior citizen groups. She is an accomplished photographer and has had her work published in Cleveland's Plain Dealer and Ebony magazine.

Clearly Carrie Turner is not only an outstanding disabled person, but a remarkable human being. Clearly, she has touched the lives of hundreds of people, both the sighted and the blind, with her compassion, her commitment, and her courage. Clearly, it is proper that the House of Representatives join me in saluting Carrie Turner.●

PROCLAMATION OF COL. W. W. ELEDGE DAY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DUNCAN of Tennessee. Mr. Speaker, recently, the town of Etowah, Tenn., which I am proud to have in my district, paid tribute to Col. W. W. Eledge. The occasion was Colonel Eledge's retirement as administrator of the Woods Memorial Hospital and the McMinn Memorial Nursing Home. On Wednesday, October 22, 1980, The Etowah Enterprise, on its editorial page, carried the full text of a proclamation which designated October 23, 1980, as Col. William W. Eledge Day in Etowah.

Because Colonel Eledge has contributed so much to the welfare of Etowah and McMinn County, Tenn., I would like to present to all of my colleagues the full text of Etowah's citation to Colonel Eledge, this in order to provide all of the Members of this body with an example of outstanding community service.

The text of the proclamation follows:

PROCLAMATION OF COL. W. W. ELEDGE DAY

Whereas, the City of Etowah is always pleased to give recognition and pay tribute to any of her oustanding citizens for their meritorious contributions to the betterment of Etowah, and

Whereas, the opportunity comes again to publicly recognize a man whose citizenship of only 12 years standing among us has brought southwide attention to the Etowah area through his deep-seated devotion to the City, and earning our eternal gratitude for the many great things he has done for our good, and for the good of his fellow man, and

Whereas, in my capacity as Mayor of the City of Etowah, I hereby proclaim the day of Thursday, October 23 as Col. William W. Eledge Day in Etowah, and ask that our citizens join me in this special recognition of Col. Eledge for what he has meant to the City of Etowah and the Southeastern section of the State. Through his efforts as Administrator of Woods Memorial Hospital and McMinn Memorial Nursing Home, these two facilities have received wide acclaim all over the South as top medical institutions which continue to receive accreditation year after year, and

Whereas, because of his ability as an exceptional hospital administrator, Col. Eledge has received additional recognition and acclaim in that he was elected President of the Mid-East Tennessee Hospital Council, Chairman of Tennessee Hospital Association Board of Directors (trustees) and was elected to membership in the Task Forces of Tennessee Hospital Association; President of Southeast Tennessee Health Education Center; member board of directors Georgia-Tennessee Regional Health Commission, and member of advisory board of Tennessee Mid-South Regional Medical Program, and

Whereas, since 1967 when Col. Eledge assumed the office of Administrator of Woods Memorial Hospital, the facility operated with only 34 beds, with 40 beds in the adjoining nursing home. Through his guidance, the hospital has outgrown the original building, and there has been added a new 40-bed west wing and an adequate professional services building for the medical staff. Plans for a much greater enlargement program have been approved and some are already being attained, and

Whereas, we not only salute Col. Eledge for his outstanding record of accomplishments at the hospital, but for his other contributions to the City of Etowah. He has been president and director of the Chamber of Commerce, president and director of the Etowah Rotary Club, president of McMinn County Historical Society, and is now serving as secretary of the Etowah Regional Planning Commission; as chairman of the Health Committee of the Chamber of Commerce, recently responsible for two outstanding bloodmobile drives; and teaches an adult Sunday School class at First Baptist Church, and

Whereas, Col. Eledge is a native McMinn Countian, born and reared in Englewood. He holds degrees from Tennessee Wesleyan College, Carson-Newman College, and attended the University of Tennessee and University of Pennsylvania (graduate work). For four years prior to World War II he was a teacher, coach and principal at schools of McMinn County, and

Whereas, he performed distinguished service in the U.S. Air Force during and after World War II, for a period of 26 years, entering the service as a private but rising to the rank of Colonel before retiring in 1967, following ten years of service as a hospital administrator in the Medical Service Corps, USAF. For his military service he holds the Legion of Merit, USAF; Commendation Medal USAF; 1 Battle Star (Okinawa), 8 service medals, both Army and Air Force, and

Whereas, Col. Eledge is married to the former Pauline Bullard. They have a son and daughter, William W. Eledge III and Margaret Eledge Lee, and several grandchildren;

Now, therefore, be it resolved, That this Proclamation be entered upon the minutes of the business meeting of the Mayor and Commissioners of October 5, 1980, and copies be sent to the Honoree and to The Etowah Enterprise for inclusion in their publication of Wednesday, October 22, 1980.

This 5th day of October 1980

Signed,

E. B. Garwood, Mayor, Edythe V. Burgress, Vice Mayor and Commissioner of Finances, Paul Roberson, Commissioner of Police and Fire, M. L. Stone, Commissioner of Streets and Sanitation, H. R. Cox, Commissioner of Education and Recreation.

Attest: Dan Ivins, Recorder.

Mr. Speaker, I wish to join all of those who know Colonel Eledge in wishing him a productive and enjoyable retirement. Even though he is no longer formally employed by the hospital and nursing home, I am confident the citizen of Etowah and McMinn County will benefit from his energy, wisdom, and abilities for years to come.

This Nation would be a much better place in which to live if every community had a Colonel Eledge as a resident.●

THE NATIONAL ALLIANCE AWARENESS WEEK

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STARK. Mr. Speaker, I would like to take this opportunity to commend the National Alliance of Postal & Federal Employees (NAPFE) for their excellent work in promoting equal employment opportunities for minorities, women, and other disadvantaged groups.

On October 5-11, 1980, the NAPFE observed their Second Annual National Alliance Awareness Week. During this special time, NAPFE members as well as the general public had the opportunity to reflect on the achievements of the NAPFE. Founded 67 years ago as the first industrial union in the Federal Government, the NAPFE advocated better working conditions, equal employment, and self-determination long before these rights were commonly recognized and addressed by the public and the Government.

In the past six decades, the NAPFE has branched out into many other areas such as education, housing, and health care. The NAPFE provides approximately $14,000 annually in scholarships, helps fund the Institute for Labor-Management Relations at Howard University, and recently launched a national housing program for the elderly.

During the awareness week NAPFE members have had the opportunity to look back on many successes. Nevertheless, the work of the national alliance continues. The gains made by minorities, women, veterans, and the handicapped must be protected, and advances for these groups must continue to insure true equality of employment in our Nation's work force.●

A CAPITOL HILL MESSAGE FROM THE HILL RAG

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. McCLORY. Mr. Speaker, a relatively new and yet highly significant journal is the Hill Rag. This publication, which appears each month with its principal circulation on Capitol Hill, is a most informative and highly readable magazine-newspaper which is gaining popularity with a growing and activist population of Capitol Hill.

It is my expectation that Members of this body will become increasingly familiar with this publication and will benefit from its news and editorial columns as well as from its advertising sections which are covered both in display ads and in narrative advertising columns.

Mr. Speaker, a most thought-provoking editorial appears in the December issue of the Hill Rag, entitled, "Labels and Liberals." This editorial commentary takes account of the recent election of Ronald Reagan as President of the United States, the election of a Republican majority to the U.S. Senate, and the effects of these developments on the attitudes and traditional political views of residents of the District of Columbia, particularly as these views relate to philosophical and political lablels.

Mr. Speaker, I am attaching this editorial commentary which appears broadly under the heading "Rag Times" and which is authored by Michael McClory. This editorial follows:

LABELS AND LIBERALS

Political reality is increasingly distorted by political labels. Liberal, conservative, left, right, radical, racist—these and other labels are applied so loosely and so inaccurately that they no longer have any real meaning.

For voters in the District of Columbia, most of whom were shocked on election day to find themselves completely out of sync with the rest of the nation, now is a good time to begin thinking clearly about political labels—not the ones they stick on Ronald Reagan, but the ones they apply to themselves.

Most Washingtonians, of course, are Democrats and tend to see themselves as liberal. But are Washingtonians liberal, or are they simply assuming a convenient label and, in the process, altering reality to create a flattering self-portrait?

Liberal has a historical meaning in American political life generally associated with Thomas Jefferson and his belief that "that government is best which governs least." This liberal view holds that freedom of the individual is most important, that big government is inherently evil, and that the nature of government is to control the lives of individuals, to suppress individual freedom. A powerful central government must, according to Jefferson, take freedom away from the individual and use the individual for its own purposes, through taxation and regulation, regardless of the stated intent of big government, i.e., to "help" people.

Yet Ronald Reagan, whose economic proposals include cutting taxes, reducing federal spending, eliminating the tangle of government regulations—all designed "to get the federal government off the backs of the American people"—is labeled a conservative. In contrast, America's best known senator, Ted Kennedy, who favors massive involvement of the federal government in the lives of individuals, is labeled a liberal.

But, one might argue, liberal also implies an active concern for or desire to help others who are different from oneself, as in the case of the whites who supported blacks in the struggle for civil rights during the 1960s. In this sense, the District's liberal white voters would currently approve of massive affirmative action programs. A liberal black voter would favor government support and greater employment opportunities for Cuban and Vietnamese refugees. Liberal Latin voters would oppose the displacement of blacks from the Adams-Morgan neighborhood, and liberal Asians would encourage the establishment of racial quotas in colleges and graduate schools.

Few in our midst espouse these liberal positions.

And there is nothing liberal in the attitude of those who regard big government, either federal or local, as a source of personal income—for themselves, their relatives and friends, people in their neighborhood, members of their church. Many fear that a new administration will means loss of employment or benefits. Such an attitude is perfectly natural, but it's essentially looking out for number one—hardly a liberal sentiment.

Finally, liberal suggests charity and good will, qualities increasingly absent in Washington's public and private sectors. The tendency is toward indifference, even rudeness, on the part of those who are paid to serve the public, whether they be government workers, drugstore clerks, bank tellers, or gas station attendants. Too often, there is a barely concealed attitude that they are doing you a big favor by even bothering to process some routine form or to return your change after a purchase (without the suggestion of a "thank you"). Does this "I'm-doing-you-a-big-favor" attitude in any way express a liberal outlook?

It would not be fair to say that the illiberal attitude is a universal state of mind in the District, any more than it would be fair to pretend that Ronald Reagan's positions against ERA and abortion are not conservative. Unfortunately, contradictions in human affairs are as common now as they were when Jefferson, the great liberal, was a slave owner who claimed his women like any Ottoman sultan.

For the present, the question is, will the District's response to the new political realities lead to the birth of a new liberal spirit? Or will we witness a willingness simply to wear the liberal label, along with a retreat to intolerance, self-interest, and bitterness?●

THE SICK MAN OF THE WEST: AMERICA IN THE EIGHTIES

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SHUSTER. Mr. Speaker, in recent years, many people including myself, have complained about how the cost of compliance with Government regulations costs the American people over $100 billion. We have all seen many businesses overwhelmed by unnecessary, excessive, and inefficient Government requirements. I submit for the RECORD an article by Paul Johnson, a noted historian and former editor of the British magazine New Stateman on the American economy. Mr. Johnson's article appeared in Policy Review, a quarterly published by the Heritage Foundation, a Washington-based, nonpartisan public policy research institution; the message in this article is worth remembering.

I should note, Mr. Speaker, that Mr. Johnson's article was written prior to November 4. It is my fervent hope that, on that date, the American people finally formed the resolve to cut Government spending and regulation and elected an administration pledged to do just that.

The article follows:

THE SICK MAN OF THE WEST: AMERICA IN THE EIGHTIES

(By Paul Johnson)

The American economy now has many of the characteristics of the British economy: slow growth, decline in savings and Research and Development investment, record trade deficits, record interest rates, record inflation, high structural unemployment, expansion of the permanent non-productive sector and steady rise in government spending as a proportion of GNP, a declining share in world trade. In per capita income the Americans have already fallen behind the Swiss, the Swedes and the Germans (not counting certain Arab oil powers), and in the 1980s are likely to be overtaken by the Japanese and possibly by the French.

Concern in the U.S. has rightly centered on the rate of prductivity growth. In the decade 1967-77, U.S. productivity in manufacturing industry grew by only 27 percent, roughly the same as Britain. The corresponding figure for West Germany was 70 percent, for France 72 percent, for Japan 107 percent. Last autumn, Professor Edward Denison published an exhaustive analysis of the productively phenomenon carried out on behalf of the U.S. Department of Commerce. The result of the Denison analysis is to suggest that the U.S. poor productivity performance is, in large part, due to political causes: failure to control the money supply, a rise in the tax burden, and excessive government intervention. The tax burden rose from 33 percent of the national income in 1966 to 39.2 percent in 1978; in the same period, consumption by government of national resources rose from 34 to 41 percent. Government regulation of business increased still more dramatically and is, in my view, the principal cause of the poor U.S. performance.

In 1976, an estimate of the total cost of government regulation of business put the total annual cost at about $66 billion—that is, a cost of $3 billion to the taxpayer to maintain the federal agencies, and $63 billion to business to carry out their requirements. In general, studies show that for every dollar Congress allocates to the regulatory agencies, business has to spend $20 on compliance. Using this method of computation, it is estimated that total costs rose to approximately $102 billion in 1979.

The cost of some of these regulatory measures will be staggering. The Federal Water Pollution Control Amendments of 1972 lay down the objective of "zero discharge" of pollutants into U.S. rivers and lakes by 1985, and "interim standards" by 1983. The cost just of meeting the latter has been estimated at $468 billion. The Occupational Safety and Health Administration has already designated between 1,500 and 2,000 chemical and other substances as "suspect carcinogens." On the small number for which OSHA has already proposed regulations, the expected average annual cost of compliance will be $267 million each. Assuming the machinery of regulation continues unchecked, the cost to business and the public in just these two areas—water pollution and carcinogen control—would rise in the 1980s to absorb between 17.5 and 27.5 of the nation's entire GNP. An estimate coming from, of all places, the White House, put the total cost of regulatory compliance to the average U.S. family at just over $2,000 a year.

Business surveys indicate that executives are forced to spend an expanding proportion of their time on meeting government requirements. A big corporation now resembles a quasi-elective social institution rather than an organization geared to maximize production and profit. As for investment, by the end of the 1970s, one-tenth of all company investment was going directly to meeting government requirements.

There has been a further impact on products. The qualification standards now imposed by government on all new products, and the difficulties raised by advertising regulations in marketing them, have severely reduced the number of new products reaching the U.S. consumer. The U.S. pharmaceutical industry, once the world's leader and a model of innovative efficiency, has been a major victim. To introduce a new drug on the U.S. market and meet all the Food and Drug Administration requirements now takes an average of ten years and costs $50-60 million. As a result new drugs are being mass-produced and marketed in Europe five or more years ahead of the U.S.

But perhaps the most serious consequence of all has been the impact on morale. One corporation chairman told me that nine out of ten letters he gets from government nowdays contain threats. The hatred expressed towards the business corporation by the environmental lobbies, academics and teachers, much of the judiciary, the churches, TV commentators and newspaper columnists is something new in U.S. experience.

During the 1980s the United States can be expected to lose its economic primacy. While in theory America's predicament can be radically improved if the right political decisions are taken quickly, in practice constitutional and institutional impediments make speedy and effective action difficult. The lamentable failure of the U.S. to deal purposefully with its energy problem, which presented itself in an acute form as long ago as 1973-74, does not inspire confidence.

Fundamentally, America's economy problem is the same kind as Britain's. In every material respect, America is better placed to achieve a rapid turnaround. But, unlike Britain, it has not yet formed the resolve to reverse course, let alone elected a government pledged and steeled to do it.●

TRIBUTE TO DAWSON MATHIS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. CHAPPELL. Mr. Speaker, it is with a feeling of admiration and sadness that I rise in tribute to Hon. DAWSON MATHIS, who is leaving us at the close of the 96th Congress.

DAWSON is an uncommon man. Elected to Congress at the age of 29, he was at that time the youngest Member. During the next 10 years, he assumed prominence on committees vital to the Nation. A member of the Agriculture Committee, DAWSON was the chief sponsor of the Agriculture Trade Act of 1978, legislation which set up trade offices throughout the world to promote American crops. He also served on the Committee on Interior and Insular Affairs—the group that oversees the development of American energy resources.

A true patriot and leader, DAWSON has consistently supported a strong military posture. He was one of the initial group of Members who supported the "Peace Through Strength" approach to international diplomacy and the importance of upgrading America's defenses in the face of an aggressive arms buildup by the Soviets.

DAWSON MATHIS' 10 years in Congress reflects a philosophy I share: the philosophy of less government interference in personal lives while supporting guarantees of freedom for all. People involved in business and free enterprise know him as a friend. He supported bills to increase the territorial fishing limit to 200 miles and he fought to deregulate the airline industry.

Although he is retiring from this body, I expect to see DAWSON MATHIS in public service again. He is too young to leave us forever. I will miss his great talents in the legislative area and I might add all Democratic baseball players will miss his great hitting on the field.●

LAW OF THE SEA TREATY WILL NOT HAMPER OCEAN ENERGY ACTIVITY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STUDDS. Mr. Speaker, earlier this year I wrote to the Honorable Elliot L. Richardson, who was at that time Ambassador at Large and the President's Special Representative for the Third United Nations Conference of the Law of the Sea. In my letter I inquired whether the Law of the Sea Treaty resulting from the negotiations still underway would be likely to create any difficulty or conflict with the jurisdictional basis of H.R. 6154, the legislation which has now been enacted to regulate the conduct of ocean thermal energy conversion (OTEC) activities.

In his reply to my letter Ambassador Richardson, speaking as head of the U.S. delegation at the negotiations, stated unequivocally that the forthcoming treaty will not limit the ability of U.S. citizens to conduct OTEC activities on the high seas or the ability of the U.S. Government to regulate the way in which those activities are conducted.

Because of the importance of emerging international law to the ability to use the oceans for energy production, I include Ambassador Richardson's reply to my letter in its entirety at this point:

DEPARTMENT OF STATE,
AMBASSADOR AT LARGE,
Washington, D.C., September 18, 1980.

HON. GERRY E. STUDDS,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR MR. STUDDS: Thank you for your letter of July 14, 1980, requesting my assessment of whether the Ocean Thermal Energy Conversion Bill (H.R. 6154) would adversely affect the Law of the Sea Convention on the development and conduct of OTEC activities.

I regret the delay in responding to your request and offer only the excuse of a frantic conference pace at Geneva which, however, yielded substantial progress. Nevertheless, I hope these comments are useful to you.

In my opinion, the enactment of H.R. 6154 has had, and will have, no adverse impact on the LOS negotiations. The eventual Convention will provide added predictability and legal certainty to OTEC activities which are being promoted by this important act. Indeed, the LOS provisions are not only consistent with the provisions of H.R. 6154 but will provide a broader internationally agreed jurisdictional basis for the regulation of these important activities.

It is not likely that the Draft Convention which emerged from the Geneva round will hereafter be changed in any respect relevant to the opinion just expressed. The Draft Convention confirms the right of a coastal state to exercise sovereignty over all activities, including OTEC activities, within its internal waters and territorial sea, subject only to the right of innocent passage of foreign flag vessels. Although the Draft Convention sets the maximum seaward limit of the territorial sea at twelve miles (currently the U.S. claims and recognizes a three mile breadth of the territorial sea) this should have little or no effect on OTEC activities. To our knowledge only one plant site is being contemplated within twelve miles of the U.S. coast. Of course, the U.S. would continue to have jurisdiction over the cables in our territorial sea connecting OTEC plants, wherever located, to our land territory.

The Draft Convention also confirms the sovereign rights of a coastal state to explore and exploit the natural resources of the continental shelf. Although OTEC facilities may be tethered to or operate in close proximity to the continental shelf, their operations, which utilize the thermal differences between warm surface water and cold subsurface water, are not activities involving the exploitation of continental shelf resources. Thus, no jurisdiction over such OTEC activities would attach from the continental shelf provisions.

The Law of the Sea Convention will provide a new jurisdictional concept which is likely to affect positively certain OTEC activities that are planned off the coasts of Florida and Hawaii. The current draft provides for the right of the coastal state to assert jurisdiction over the resources in the area beyond and adjacent to the territorial sea to a distance not to exceed 200 miles, in which it may assert, *inter alia*, "sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the . . . superjacent waters . . . and other activities for the economic exploitation . . . of the zone, such as the production of energy from the water, currents, and winds. . . ." While neither the text nor the legislative history specifically mention OTEC activities, it seems certain, and it is generally understood, that they will fall under coastal state jurisdiction. Thus, under the Convention, grazing OTEC facilities (as well as cable-connected facilities which are now subject to U.S. jurisdiction) operating within two hundred miles of shore would become subject to United States jurisdiction. Such jurisdiction over OTEC facilities would provide needed future site security as technology develops. In addition, U.S. jurisdiction under the Convention would assure a regulatory framework amenable to future technological advance which will provide uniform operational standards as well as environmental controls and safeguards.

The Draft Convention creates an International Seabed Authority to govern the exploitation of deep seabed resources beyond the limits of the continential shelf. However, the Authority will only have jurisdiction over "activities in the area," i.e., exploration for, and exploitation of, the resources of the seabed and ocean floor and subsoil thereof beyond the limits of the continental shelf. In addition, the definition of deep seabed resources over which the Authority will have jurisdiction is limited to resources *in situ.* Resources of the deep seabed cannot be construed to encompass thermal energy extracted from the water column above the ocean floor. Thus, it is clear that the regime which will govern the exploitation of deep seabed resources will have no application to OTEC.

Beyond the 200-mile economic zone the Draft Convention provides that all nations have the freedom to use the high seas with due consideration for the interests of others exercising high seas freedoms. The text states that these freedoms include "*inter alia*, . . . navigation, overflight . . . laying of submarine cables and pipelines, . . . construction of artificial islands, . . . fishing and . . . scientific research. . . ." The legislative history of this provision and the well established interpretation of a similar provision in the 1958 Geneva Convention on the High Seas make clear that the phrase "*inter alia*" was included to permit a broader range of uses than the six specifically enumerated. Thus, under both the current LOS text and existing international law the utilization of grazing and tethered OTEC facilities would be a legitimate use of the high seas.

In conclusion, the eventual LOS convention will create a stable and predictable jurisdictional framework for OTEC activities conducted within two hundred miles of the U.S. coast and will make clear that such activities can be conducted beyond the exclusive economic zone as a reasonable use of the high seas. Thus, the Convention should provide a secure investment climate under which this important new energy source can be further developed.

With warm regard,

Sincerely,

ELLIOT L. RICHARDSON.●

POLISH WORKERS SCORE A VICTORY ON HIGH-WIRE ACT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DERWINSKI. Mr. Speaker, the Daily Southtown Economist Newspapers, serving suburban Cook County, Ill., has been providing special reports on the situation in Poland to its readers. In their Friday, November 28 edition, the newspaper carried a very pertinent editorial on the repercussions throughout Eastern Europe of the activities of the Polish workers and their effective organization against the Communist tyrants. I insert this commentary into the RECORD for the Members' attention:

POLISH WORKERS SCORE A VICTORY ON HIGH-WIRE ACT

Polish workers, who have won the attention and admiration of the world with their high-wire act (sans net), have reached the safety of the other side.

That's because Poland's Supreme Court decided the labor unions' coalition, Solidarity, is free to run its own affairs without direction by the Communist Party and has the right to strike. In a spectacular victory for the labor-union coalition, the court overturned a lower court ruling and confirmed every concession wrung from the government following last summer's shipyard strikes. And how astonishing these concessions are, including the right of the union to print a weekly newspaper, brochures and books on trade union problems, and granting a 15-minute uncensored program on national radio and television.

"Justice has begun to reign in this country," exulted labor leader Lech Walesa, the new Polish hero.

How long the newly won justice will last is a dangerous uncertainty. As though to signify its limit of tolerance had been reached, Moscow acknowledged the workers' latest victory by ordering massive Polish-Soviet military maneuvers—obviously a thinly veiled threat of intervention.

Still, there is no denying that, for the moment at least, the court ruling has defused the most serious Polish crisis since the summer strikes. Solidarity, with some 10 million members, had threatened to shut down the country if the court's decision were adverse. And, inasmuch as judges behind the Iron Curtain are about as impartial as the Community Party bosses they serve, we must assume Poland's high court had been instructed by its master in Warsaw and Moscow. No doubt, the plan is the same now as it was when the government capitulated last summer in order to avoid an all-out showdown, and that is to feign agreement, but chip away later.

It would be a terrible mistake for anyone, and especially the jubilant Polish workers, to underestimate Soviet anxiety over what is happening in Poland or to minimize the possibility of violent repression. Poland is the key to Soviet dominance in Eastern Europe. It would be folly, therefore, to assume that the Kremlin will not do whatever is necessary to contain the workers' unrest and immunize other Warsaw bloc nations from Poland's destabilizing influence—whatever the cost. Already, in fact, the Soviets are jamming the Voice of America broadcasts for the first time in years in an effort to keep the Communist masses from learning about the new justice that Polish workers alone in Eastern Europe have come to enjoy.

Having reached their highwire platform on the other side, the Polish workers must now negotiate their way back. What a tragedy that we in the West have little choice but to applaud cautiously and watch with the same helplessness as spectators at a circus.●

TRIBUTE TO LACEY C. SHARP

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FOLEY. Mr. Speaker, one of the best known and best liked staff persons who ever served the House of Representatives, Lacey C. Sharp, died at his home in Shreveport, La. on Sunday morning, November 16. Born in 1910 in Mount Enterprise, Tex., Lacey served as Counsel to the House Committee on Agriculture from November 1969 to January 1973. It was during this time that I came to know Lacey and to respect his dedication and judgment.

However, before serving as counsel to the committee, Lacey had already become well known on Capitol Hill. He first came to Washington in 1937 as an aide to the late Representative Albert Thomas of Texas. He later served from 1944 to 1961 as administrative assistant to Congressman Bob Poage of Texas and it was during that period that he was one of the forces in the early years of the Congressional Secretaries Club, now known as the Congressional Staff Club. It was in 1961 that he received the Secretary of the Year Award from the editor and publisher of the Roll Call newspaper, Sid Yudain. Shortly thereafter he was named a lifetime member of the Congressional Staff Club for this longtime service and dedication to the club, and honor given only to eight others in the club's history.

Lacey spent endless hours helping his fellow staffers in countless ways. He was popular with virtually everyone on Capitol Hill—be it the lowest paid staffer or the most senior member. He became a model of service to the Congress—noted for his integrity and kindness. Lacey Sharp cannot be replaced, but his memory will remain with us all.

His death came as a shock to his hundreds of friends here in Washington and throughout the country. I know that I am joined by all other Members of the House who have had the pleasure of knowing and working with Lacey in expressing our deepest sympathy to his wife, Marie, of Shreveport and his son, Lacey (Rusty) Sharp, of Alexandria, Va., and other members of his family.●

WESTLANDS FEDERAL WATER SUBSIDY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. COELHO. Mr. Speaker, the elimination of huge Federal water subsidies to the West is a popular cause these days, manifested in a concerted effort to review the 1902 Reclamation Act. In that effort, our colleagues on the Interior Committee have reported out reclamation legislation for approval by the House.

It just so happens that my district, and Westlands Water District in particular, is a focal point in the issue of Federal reclamation water subsidies—indeed, Westlands is without doubt the favorite whipping boy for those who would reform reclamation law.

My people are constantly being put on the defensive because of the cheap Federal water they receive for their "huge, corporate" farms, and they resent the charges constantly leveled at them that imply they are getting an easy ride from the Government. They resent those charges with reason.

They are not huge, corporate farmers; they are farmers like my constituent, Larry Turnquist, who farms about 300 acres and pays more than $66,600 annually for the water his farm needs. I am proud to note that Larry is an excellent farmer and is able to make a reasonable profit on his 320 acres. He earns it, he works hard for it, and his profit does not make him a rich man, either.

The deceptiveness and duplicity of the frequent and intense charges leveled at Westlands amazes me. The fact is that Westlands pays—and has always paid—not only its attributable share of the construction and operation and maintenance costs for existing Federal Central Valley project facilities, but it pays for costs that have not been incurred yet and for facilities that have not even been built yet. In terms of actual dollars, in 10 years Westlands alone will have repaid $198 million of the capital costs of the CVP, while all the other water districts combined will have only repaid $25 million.

Considering the fact that Westlands only receives one-sixth of the CVP yield, I seriously question that credibility of those who would claim that Westlands is ripping off the Government.

Mr. Speaker, to set the record straight on Westlands' Federal water subsidy, I am making available for my colleagues the following recently published articles by the California Farmer. Hartt Porteous of the California Farmer is to be commended for his fine, factual reporting.

The articles follow:

[From the California Farmer, Nov. 1, 1980]

THE U.S. WATER SCAM

The Westlands Irrigation District has long been the favorite whipping boy of the enemies of agriculture. For years we have had the continual din of high priced antagonists screaming about the 160-acre limitation and the heavy subsidy of federal water.

Finally this editor got so tired of this continual harassment that he had Central Valley Field Editor Hartt Porteous check on the water bills of some of the people farming in the Westlands District. We will print in more detail some of his findings, but briefly let us tell you what some of these farmers pay for "cheap" water.

The first stop was the farm of a man who keeps excellent records, because of his experience as an ex-banker. He farms 300 acres out of 320, with the rest in ditches, roads and so forth. He had two-thirds of his acreage in cotton and one third in sugarbeets. Cotton takes 3.1 acre-feet a year and sugarbeets 4.3. His allotment is 2.35 acre-feet a year from Westlands, so he has to pump the rest.

His water bill from the Water and Power Resources Service, our former Bureau of Reclamation, is $8,037 per year. The pump water costs $21,666 and when he adds up all the costs of Service water, pump, pipe for distribution, ditches, interest, labor and maintenance, his total water costs for the year come to a staggering $66,609.

Hartt visited another farm, in the Westplains area, which is above the San Luis Canal, and again found a farmer who keeps excellent records. His water bill from the Service is $9,870 per year. He cannot get enough water from the Service so he also has to pump from a deep well. By the time he adds up all his water costs and water-related costs, they total $84,330, or $281 per acre.

One thing that came out of this investigation that we thought might shock you is the fact that the Water and Power Resources Service includes in its cost of water not only the cost of building the whole facility, but charges for facilities that are not yet constructed.

Westlands, which is one of the biggest water contractors with the Service, in 1977 contributed in excess of $35 million of annual CVP operating costs. By 1990 Westlands will have repaid $198 million of the capital costs of the Central Valley Project, while all other water districts combined will have repaid only $25 million.

About one third of the water rate charged by the Service is for future capital costs, and we just wonder if this is a legal procedure.

Our final word to those who scream about this huge federal water subsidy are some figures from Dr. J. Gordon Milliken, senior research economist, Denver Research Institute, University of Denver.

He says Water and Power Resources has invested $8.3 billion in reclamation in the 17 western states. He says that capital cost is repaid in taxes, federal, state and local, every three years. That is a 34 percent payback for capital invested each year. Wow, what an investment.

Our own conclusion is that for an individual or couple to go into farming in the Westlands Irrigation District, on 160 acres, or 320 for the couple, would take a pot of money, fantastic credit, and they would have to face the fact that Westlands gets a limited allocation of Service water, thanks to our anti-water-development administration. That practically forces the digging of a well, which can cost a quarter of a million dollars. The do-gooders trying to break up Westlands would be doing no one a favor.

Our second point is that one of the ploys to prevent further completion of the State Water Project is to claim that it is not economically feasible. spreading our 78 million acre-feet of natural runoff over our dry fertile acres will continue to create new wealth for hundreds of years to come. The jobs, taxes and commerce created by that new agricultural wealth will pay for the facilities a thousand times over. So while small men bicker, a fortune in fresh water continues to flow out the Golden Gate.

[From the California Farmer, Nov. 15, 1980]

WESTLANDS WATER SUBSIDY MYSTERY REVEALED

(By Hartt Porteous)

For years water users in the Westlands Irrigation District have been puzzled by the mystery of reclamation subsidies. They've been told the water they receive from federally constructed reclamation projects is subsidized, but they haven't been able to detect any subsidies.

One working farmer who's wondered about the subsidies is Larry Turnquist. Turnquist eeks out a profit on 320 acres near Tranquility, growing cotton and sugarbeets. He has the experience to farm (about 20 years) and to keep good records (he was once a banker).

Turnquist says the working farmer does not get the benefit of any supposed subsidy from a reclamation project. Those benefits go, if anywhere, to the owner of the land. In 1970 land rents were generally in the range of $10 to $20 per acre. That was shortly after water from the Water and Power Resources Service, or, as it was then known, Bureau of Reclamation, became available. Now rents have gone to $100 to $125 an acre, with the working farmer paying the taxes as well as the land rent. Turnquist says it's not difficult to see water benefits are going to the owner while the working farmer invests his dollars and his skill in farming that land.

Turnquist's figures indicate that his allotment of supplemental water (there is no other kind) from Westlands is an average 2.35 acre-feet per acre per year, except in drouth years. Two-thirds of his farm is in cotton and one-third is in sugarbeets, and he farms 300 out of his total 320 acres. The rest is in roads, ditches, pump sites and yard. Cotton takes 3.1 acre-feet of water, sugarbeets 4.3 acre-feet. He therefore needs a total of 1050 acre-feet yearly.

From Westlands he gets 705 acre-feet. From an 1,800-foot well he gets 345 acre-feet. The water lift is 500 feet. For this he has a Caterpillar diesel engine and a 900 gpm turbine pump. Fuel is 83 cents a gallon, so this water costs $54 an acre-foot. For the 345 acre-feet, cost is $18,630 a year. The 705 acre-feet from Westlands through the Water and Power Resources Service at $11.40 and acre-foot equals an additional $8,037 a year.

Repayment for the distribution system, which brings San Luis aqueduct water to the farm, runs $1,033.60 per year. Then there is the on-farm distribution system of 2.75 miles of concrete pipeline, plus gated pipe and a return water system.

Initial outlay looks like this:

Concrete pipeline cost	$77,370
Aluminum pipe	18,699
Return pump	5,185
Water well	150,000
Return water electricity	1,000

Resulting interest on water-related equipment is $30 per acre yearly; depreciation on water related equipment, $51.94 per acre yearly; labor for water and pickup, $37.85 per acre yearly; and maintenance and repairs to water equipment, $8.80 per acre-foot.

Now the cost sheet looks like this:

705 acre-feet of water at 11.40	$8,037
345 acre-feet at 62.80	21,666
Total	29,703

That $29,703 works out to $28.29 per acre-foot for crop water. Directly related costs include:

	Per acre
Labor and pickup	$37.85
Depreciation	51.95
Interest at 12 percent	30.00
Distribution repayment	3.23
Total per acre per year	123.02

Total water-related cost is $36,906.00; water cost is $29,703.00. And the grand total cost of water and related equipment per year is $66,609.00.

It would be governmental imagination to call its water cheap. In fact Westlands water is priced higher by Water and Power Resources than any other agricultural water it delivers.

THE WESTPLAINS AREA

For the same 300 acres of land in the same crops in the Westplains area (200,000 acres above the San Luis Canal), there would be added charges. Water from the San Luis Aqueduct there costs $14 per acre-foot. And water wells pump from 800 to 1,000 feet and cost about $80 per acre-foot, according to Paul Diener, who farms in that area. The added water-well cost (which would be used only in poor water years) would be $28.06 per acre-foot. And a water well there would cost $250,000. Depreciation would run $55 per acre, and interest $50 per acre.

Diener's cost would then be:

705 acre-feet of water at 14.00	$9,870
345 acre-feet at 88.80	30,636
Total	40,506

Related costs would be:

[Per acre]

Interest	$50.00
Depreciation	55.00
Labor and equipment	37.85
Repayment	3.23
Total per acre per year	147.08

That per-acre total works out to a yearly $43,824.00. Added to the water cost of $40,506.00, that makes Diener's grand total cost for water and related equipment per year $84,330.00, or $281.10 per acre.

Diener says, however, that he would not normally use a well. He would get along on the 2 acre-feet which is his allotment from the 1,150,000 acre feet contracted from the Westlands Water District. To get along with 2 acre-feet Diener has to change his cropping pattern to poorer paying crops. Every acre of cotton demands one-third acre summerfallow somewhere else. Consequently larger farms are needed to offset less income per total acre.

So how much is the government subsidy to these two kinds of farmers?

THE SUBSIDY

Water and Power Resources says its cost to deliver water to Westlands is $15.80 an acre-foot. This is $4 over the present charge of $11.80 per acre-foot (adjusted water price for Westlands and Westplains, which both come under the Westlands title).

Presumably this $4 per acre-foot would amount to $9.40 an acre yearly or $94 an acre over the 10 years that remain for owners of "excessive" land to get rid of that excess. But governmental figures have a tendency to support any contention the secretary of the interior deems to make, and few can know whether or not $15.80 per acre-foot is a valid figure.

Ernst and Ernst Company is among the few sources in a position to judge the validity of that figure. Ernst and Ernst is the nationally known accounting firm Westlands hired to review its current water cost figures.

The Ernst and Ernst report notes, "Our effort was directed at performing an objective and independent review of the rate-making principles, and not an audit of the Bureau's records." The purpose was to see if Water and Power Resources' records reasonably conformed to generally accepted rate-making standards in the utility industry in the U.S.

"It is not our intent to assess [legal questions] or affect them in any way," the report adds. Water and Power Resources techniques to develop cost-based rates are, however, vastly different from procedures historically employed to establish fixed contract rates, according to Ernst and Ernst.

Some unexplained differences:

Water and Power Resources says farmers will be charged for costs that have not been incurred, and for facilities that are not yet constructed. Costs of constructing future facilities account for $5.22 of the $15.80 rate. This violates the fundamental concept that rates must be set in such a way that the generation of users who benefit from the facility bear the burden of its cost. The cost of Auburn Dam is included in the service's water rate, and it can't be constructed for 20 years.

No provisions for any credit for prior payment of capital costs were made in calculating the rate. By 1977 irrigation contractors (water districts) had contributed $35 million in excess of annual Central Valley Project (CVP) operating costs. Approximately $28 million of this is attributable to Westlands. Over the next 50 years the government intends to collect this $28 million a second time from Westlands.

Cost-based rates have been commingled with fixed contract rates for water in a manner that will produce inequitable results among water districts receiving water from the service. By 1990 Westlands will have repaid $198 million of the capital costs of the CVP while all other water districts *combined* will have repaid only $25 million. And Westlands during all this time will receive less than one-sixth of the CVP yield.

Payment by water users of operating costs will be disproportionate to benefits received. Some water users with lower rates may continue to pay less than operating cost. Westlands and other higher rate payers will make up those undercharges with the higher payments they'll be making.

The repayment period designated by Water and Power Resources is reduced from the established 50 years to shorter periods for features added later, thus inflating operating costs.

The lawful interest-free element of reclamation project financing as authorized by Congress will be substantially reduced through the advance charging for unincurred capital costs.

Theoretical operation cost for the completed 188-mile San Luis Drain is included in the $15.80 rate, though only 82.6 miles of drain have been completed.

Ernst and Ernst finds that a more accurate rate for Water and Power Resources water would be $9.89 per acre-foot in the 600,000-acre Westlands water district.

"We believe the current [rate] proposal is not acceptable and if subjected to any federal or state regulatory authority, would be summarily rejected," the Ernst and Ernst report says.

FURTHER TESTIMONY

Another source that has looked into reclamation in the West is Dr. J. Gordon Milliken, senior research economist, Denver Research Institute, University of Denver. Milliken was contracted to do an independent research study for Water and Power Resources.

To date, Milliken found, there has been $8.3 billion invested in reclamation in the 17 western states. This capital cost, Milliken calculates, is repaid in federal, state and local taxes every three years. These taxes are paid on increased production that can be directly attributed to reclamation.

Each year, according to Milliken, $2.82 billion is collected in taxes from the improvement reclamation has brought about in the 17 western states. Few, if any, government-financed projects are so productive for everyone.

The Central Valley Project figures are just as inspiring. In 1978 the value of production due solely to the CVP came to $2.689.3 billion, and from this $418.5 million in taxes was generated. Furthermore, 128,000 jobs are the direct result of reclamation here in the state.

So what constitutes the subsidy to Westlands' farmers?

That they are paying more for their irrigation water than the cost to Water and Power Resources by $2.98 an acre-foot? That their products are resulting in 128,000 jobs in agriculture and related industries? Or that federal, state and local taxes are paying back the original cost of the CVP every 10 years? And this just from the extra products and services that can be directly attributed to reclamation?

It's difficult, if not impossible, to see how a subsidy is being paid to anyone involved.●

HELEN GAHAGAN DOUGLAS MEMORIAL SERVICE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, this past summer a truly great American passed away—Helen Gahagan Douglas. On December 2 there will be a memorial service at All Souls Unitarian Church in New York City. Although I will not be able to attend, I will be there in spirit along with the many people who were inspired, as I was, by this fine woman.●

INTERPRETATION OF S. 885, THE NORTHWEST POWER BILL

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SWIFT. Mr. Speaker, on November 17 by a vote of 284-77 the House suspended the rules and passed S. 885, the Northwest regional power bill; 2 days later, the Senate by unanimous consent accepted the bill in the form passed by the House and cleared the way for the bill to be sent to the President, who supports the bill and has indicated he will sign it.

The RECORD for the week of November 17 contains many statements interpreting the bill and its provisions. Some of these statements appear to conflict with one another, and some have created concern on the part of various interested parties and the press. It is possible, although not necessarily likely, that some of these apparent conflicts in the legislative history may even create a bit of confusion in the actual implementation of the Northwest power bill when that bill becomes an act.

I think it is important, therefore, to describe for the record the circumstances surrounding final passage of this bill. In doing so, I am mindful of the recent opinion of the U.S. Court of Appeals for the District of Columbia Circuit, in which Judge Skelly Wright stated:

> Courts in the past have been able to rely on legislative history for important insights into Congressional intent. Without implying that this is no longer the case, we note that interest groups who fail to persuade a majority of the Congress to accept particular

> statutory language often are able to have inserted in the legislative history of the statute statements favorable to their position, in the hope that they can persuade a court to construe the statutory language in light of these statements. This development underscores the importance of following unambiguous statutory language absent clear contrary evidence of legislative intent. [*National Small Shipments Traffic Conference, Inc.* v. *Civil Aeronautics Board,* 618 F.2d 819 (1980).]

In this particular bill, it was not always possible to adopt unambiguous statutory language, since the bill was already long and its subject matter highly technical and complex. There was even a clear congressional intent to rely on legislative history, particularly report language, in some instances where a definite interpretation of a particularly important provision was agreed upon. Throughout legislative consideration of this bill, however, there was also repeated discussion and concern about the difference between mandatory provisions and discretionary provisions. Therefore, the simplest point to make for the record is that where the bill uses the word "shall", it means "shall", not "may". This in itself should lay to rest some of the concerns that may have been prompted by the Senate's floor discussion of S. 885 on November 19.

More broadly, however, it is important to consider the legislative history in the actual legislative context. There is, for example, no conference report on this bill. There is no conference report because there was no conference. There was no conference not because the Senate was necessarily pleased with every provision of the House-passed bill, but because both House and Senate sponsors of the bill were very well aware that it was imperative for this bill to be signed into law this year. The luxury of a conference that might, at this stage in the session, effectively scuttle the bill, was not something that the sponsors in either House could afford. Nor could we afford to wait until 1981 to begin the legislative process again on this bill, since the crisis this bill seeks to avert—the administrative reallocation of power by the Bonneville Power Administration—would have to take place in 1981 if the bill were not enacted this year.

Under these circumstances, we did attempt in drafting the final form of the bill to consult to the extent possible with the members of the other body most likely to have strong views on this legislation. In addition, staff members from both Houses working on the bill were for a period of weeks in continual contact with one another, as part of the attempt to put in final form a bill acceptable to both Houses. It was precisely because these discussions were fruitful, and because the Senators weighed realistically the risks of a conference and the significance of their remaining concerns, that we were able to advise the Committee on Rules—and later, the whole House—that passage of S. 885 in the form in which it came to the House floor would avoid a conference. And, in fact, a conference was avoided.

What was said in the Senate on November 19 was important primarily because both the House and Senate will oversee the implementation of this act, and the Senate floor discussion helps indicate to those who implement the act the philosophies and sentiments of key Senators who will play a key role in that oversight. But it would be a mistake to attach too much legal significance to the Senate floor discussion on points that appear to be a variance with the unambiguous wording of the statute itself, or with the explanations provided by the reports of the House committees. This is particularly true, for example, on the discussion of mandatory versus discretionary provisions of the bill. The fact remains that the Senate did accept the House version of the bill, which differed from the Senate version. Even the Senate version, however, drew a distinction between mandatory and discretionary billing credits in section 6(h), so this type of distinction was certainly familiar to the Senate.

It would also be a mistake for House sponsors to attempt a point-by-point response to the comments made on the Senate floor. First, no response can change the fact that the Senate accepted the House bill, and that the interpretation of the House bill is available in the House legislative record, which can be consulted with confidence on those provisions that originated or were modified in the House. Second, we should not forget our gratitude to the Senate sponsors for agreeing to accept the House version and to forgo a conference, even though the bill was not perfect from their perspective. Finally, now that the legislative battle is over the time has come for cooperation by all Northwest interests, including the region's representatives in Congress, to insure that the bill is implemented in a timely and effective manner in order to deal with the serious energy problems the Northwest faces. We will not achieve cooperation by bickering about relatively small and arcane matters of legislative history.

This bill would not have been possible had not a large number of Members from both Houses worked closely together, despite strongly held and sometimes conflicting views, and continued working together for a period of nearly 4 years. Making the bill work well in practice will require a sustained effort by an even greater number of parties for an even longer period of time. At the moment it is essential to launch that effort in a spirit of mutual respect and support.●

TRIBUTE TO GEORGE T. FRAZIER

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ANTHONY. Mr. Speaker, at this time I would like to share with my colleagues my pride in the outstanding achievements of Mr. George T. Frazier from Hope, Ark. Mr. Frazier was recently given the Woodworth Memorial Award by the Independent Insurance Agents of America (IIAA). The Woodworth Memorial Award is the highest honor possible to receive from IIAA and is bestowed when a man of uncommon service and dedication has been found. Thus, this is an occasional, rather than annual, award.

Formerly mayor of Hope, Mr. Frazier is also past president of the Hope Chamber of Commerce and the Hempstead County Industrial Foundation.

He was president and general manager of the Anderson-Frazier Insurance Agency in Hope and has served IIAA both as president and as a member of the executive committee.

Mr. Frazier has also been acclaimed by his own State of Arkansas. In 1974, he received the Award for Exceptional Accomplishment, presented by the Arkansas Chamber of Commerce, for service to his community and to his State. Earlier recognition came in 1967 when he has given the Allan Kennedy Memorial Award by the Arkansas Association of Insurance Agents for outstanding service to his community and the industry.

Mr. Frazier's record is long and meritorious. I am pleased to add my congratulations and thanks to those of IIAA and the numerous other organizations which have honored Mr. Frazier throughout his productive career.●

A UNIFORM NATIONAL POLL CLOSING HOUR

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ASPIN. Mr. Speaker, in 1960, as a result of the widespread use of voting machines, significant election results for the first time were being broadcast before polls had closed in the West. After every election since, there has been an uproar of concern over the possible impact these broadcasts might have had on the outcome. Beginning in 1972, the networks broadcast the results of polls surveying people who had already voted, which added another wrinkle to the issue.

The uproar over the broadcasts has produced two results:

First, at least a half dozen polls and studies relating to voter behavior have been conducted since 1964. All have concluded that they found no measurable impact on Western voters from the broadcasts either in terms of their decision to go to the polls or in terms of their choice of a candidate.

There are two important qualifications, however. One analyst (Fuchs, 1964) found no impact but wondered whether projections might affect a particularly close election, especially for offices further down the ticket. That is the charge levied by Representative Al Ullman, who lost reelection by 3,000 votes in his Oregon district this year.

Officials in the village of Sturtevant, in my own congressional district, have written me that the clerks there saw people who were standing in line leave the polls and go home when they heard the television networks declare Reagan the overwhelming victor.

Another study (Tuchman-Caffin, 1968) found no impact from the projections in the really close election of 1968, noted that other studies showed no impact on the expected landslide of 1964, but pointed out that one kind of election, a "surprise landslide," had not been studied. However, this study concluded that such an election was unlikely given modern polling techniques.

The second effect of the quadrennial uproar has been an avalanche of bills. At least 26 bills have been introduced, most of them by Republicans. In an interesting sidelight, the first bill was introduced in 1961 by Barry Goldwater and one of the more recent ones was introduced by Al Ullman.

LEGISLATIVE APPROACHES

There are essentially four ways to address this.

One. Provide uniform closing hours: The Constitution gives Congress the right to set the "time of choosing" Presidential electors and the time and manner of electing Senators and Representatives. This would mean keeping east coast polls open until at least 10 p.m. e.s.t. (7 p.m. Pacific time) and possibly later. Of course, Alaska and Hawaii are still dangling out there. It would require 2 more hours of poll time in the East to cover their population centers, 3 hours to cover the Aleutians and 6 hours if Guam gets the vote. There are five ways to address the Alaska-Hawaii problem: add the hours in the East; close the polls in Hawaii and Alaska in mid-afternoon; vote from Monday afternoon to Tuesday afternoon (thus providing evening voting hours); or forget it, and let them know the results. (NBC called the 1980 Presidential election at 8:15 p.m. e.s.t.; that was 3:15 p.m. in Honolulu and Anchorage.)

If Alaska and Hawaii vote a day earlier, it is unlikely to influence national results the next day. Until a few decades ago, Maine voted in September without a national impact. The combined vote totals of Alaska and Hawaii equal only fifty-one one hundredths of 1 percent of the national turnout—hardly enough to influence voting the next day.

The organizations of town clerks do not like the idea of larger voting hours because it means very long working hours on the east coast. The Senate approved a uniform closing provision in 1972, but it did not emerge from a conference committee with the House and was never voted on the House floor.

Two. Prohibit the release of results until all polls closed: Congress could do this for Presidential and/or congressional elections. There are a lot of practical problems, however. When the polls are closed, the machines will be opened for local results, and the Federal results are there for everyone to see. As a practical matter, we would need machines that would display the Federal and local votes separately since there would be pressure from local candidates to produce their results right after closing time. Every jurisdiction that already owns machines would be displeased by the thought of buying new machines. The attractive point about keeping the polls open late is that it eliminates any hassle over different times for releasing different results. In 1973, the Senate defeated, 25 to 51, an amendment to prohibit release of results in any Federal election until midnight e.s.t. In 1974, the Senate approved, 43 to 38, an amendment to prohibit the release of any Presidential results until midnight. That provision did not emerge from the conference committee with the House and was never voted on by the House.

Three. Prohibit broadcast of results or projections until all polls closed: This is the only direct way to get at the exit polls. It could be done by an amendment to the Communications Act of 1934. The Senate Commerce Committee held hearings on the projections issue in 1967. It concluded: There is no evidence of any discernible impact on voting behavior from such broadcasts. It urged broadcasters to take appropriate steps to clearly label voting projections and predictions in a manner that the public will not be misled. And it concluded that a ban on broadcasting projections while polls are open is too drastic a step and raises grave constitutional questions of free speech. No such legislation has ever been approved by either House.

Four. Urge broadcasters to restrain themselves voluntarily: This could be done by concurrent resolution. The broadcasters, of course, would likely oppose it since they have opposed the restrictions of broadcasting discussed above in the Senate Commerce Committee. They feel they draw a large audience—and with it advertising revenue—by their evermore sophisticated techniques. However, there are indications that viewership drops off significantly once the big winner is declared. Therefore, the networks may actually have an unrecognized financial incentive to drag out election night.

WHAT TO DO

Since the studies have not yet found any impact on voter behavior, one alternative is to do nothing.

If there is a perceived need to do something, the cleanest approach is the requirement for uniform closing hours. It eliminates the practical problems created by having a different time for the release of different results and it eliminates the constitutional impediments of trying to tell broadcasters what they can and cannot say.

Uniform closing hours do not get at the issue of exit polls, however. But an exit poll is no more an election result than any other poll. In the 1940's there was an uproar against Gallup with charges that nobody bothered to vote if he predicted a landslide or that many people would change their votes to side with the predicted winner. That issue died as people began to realize that (a) many citizens do not believe polls; (b) some people do switch to go with the winner but others switch in the good old American way of supporting the underdog; and (c) there was nothing, constitutionally, you could do about it anyway.

This leaves open the "Ullman" problem: Projections of a landslide victory in the Presidential race might cause many voters to stay home and alter the results of other races.

A comprehensive attack would involve both (a) legislation for uniform closing hours and (b) an appeal to the self-interest and patriotism of the networks not to use exit polls before the real polls close.

Note also, that the networks might not even start their election broadcasts until much later if the polls were not going to close until 10 p.m. e.s.t. In other words, if the networks are not going to get actual vote count until after 10 p.m. e.s.t., it probably would not be hard to get them to delay use of the exit poll. Without results, they would not want to go on the air at 7 o'clock e.s.t. With uniform closing, all the results would come on fairly quickly—excepting paper ballot areas—and that would make for broadcasts that would be more interesting because there would be far less repetition. In other words, while a uniform closing hour law does not directly address the exit poll issue, there is a good chance it would still cure that problem.

The principal remaining problem would be Alaska-Hawaii. One solution would be to recognize the unique problem posed by those two States and give their State legislatures the right to choose from among the alternatives.●

HEISMAN TROPHY WINNER

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CAMPBELL. Mr. Speaker, I would like to call the attention of my colleagues to today's announcement that George Rogers of the University of South Carolina's Fighting Gamecocks has been chosen to receive the 1980 Heisman Trophy, the coveted award given annually since 1935 to the Nation's outstanding college football player.

This honor is well deserved by Mr. Rogers, who has had an outstanding and distinguished career in addition to being this season's premier player. During his 4 years of determined and powerful running at the University of South Carolina, George Rogers has rushed for just under 5,000 yards, placing him fourth best in college football history. He was the Nation's second leading rusher and a first-team All-American last year, and he is football's leading rusher this season with 1,781 yards. Among his amazing statistics is his string of rushing for 100 yards or more in his last 21 games against opponents including Georgia, Michigan, and Southern California.

Under his prowess and team leadership the Gamecocks have compiled their second consecutive 8-3 record and a bowl berth. Later this month South Carolina will play the highly ranked Pittsburgh Panthers in the Gator Bowl where Mr. Rogers will have the opportunity to surpass the 5,000 yard career rushing mark.

George Rogers is a winner on and off the field. A modest and humble individual who only cares about his team, not personal honor, Mr. Rogers is the first to recognize the efforts and talents of his teammates and Coach Jim Carlen and his assistants who have made this award possible for him. In fact, I know the Heisman is an honor he will share with them based on their hard work together to build a successful program at the university.

Having closely followed his playing years at South Carolina, I know that George Rogers will have an illustrious professional career and be extremely successful in all his future endeavors. My best wishes go to him and everyone at the University of South Carolina on this momentous day.●

THE TIME IS CLOSER THAN MOST THINK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DERWINSKI. Mr. Speaker, the Ukrainian Congress Committee of America (UCCA) recently held their 13th congress in Philadelphia, Pa. The keynote address was delivered by its president, Dr. Lev E. Dobriansky.

I wish to insert the remarks made by Dr. Dobriansky, who is also the president of the National Captive Nations Week Committee and a highly regarded professor of economics at Georgetown University. I believe that his remarks deserve special attention:

THE TIME IS CLOSER THAN MOST THINK

Fellow Ukrainian Americans, Activist Delegates, Ladies and Gentlemen:

Once again it is my privilege to keynote another congress of Americans of Ukrainian ancestry. This one, however, is a unique occasion. At this juncture in time, this is the 40th Anniversary of the founding of UCCA, the beginning of a fifth decade for consolidated effort on the highest plane of global activity. This moment is also on the eve of the 50th anniversary of the Soviet Russian holocaust in Ukraine, the man-made (the Kremlin-made) famine, in the early 30's, resulting in the murder of upwards of 10 million Ukrainians resisting Moscow's Russification and collectivization programs. In addition, this moment in historical time crystallizes, too, the achievement of a complete unity of all of our member organizations, church representations and individual supporters, reflecting the convictions and feelings of over 2 million Americans of Ukrainian descent—this after 30 years of varying and shortsighted conflicts is a precious achievement for this decade of the 80's.

As many of you know, I am not an alarmist and have never in the course of 34 years in the work of our UCCA proposed exaggerated or unbalanced courses of action to cope with the problems of the period. At this point, I have no hesitation, and yet with the same sense of balance, to state that this decade of the 80's will be the most perilous for America, for us, since World War II. Any analyst who has followed over the past two decades the strides made by the Soviet Russians in military arms, both strategic and conventional, cannot but honestly attest to the superior blackmail capacity of Moscow to advance its imperialism on all continents of this planet. Its advances in propaganda have made global currency of "American imperialism," and yet, as you and I know, the only real, major imperialism in this world is the Soviet Russian one. There is a reawakening in our country to this mortal threat; we are, alas, beginning to realize the comparative gaps, and the chance for Moscow to strike, one way or another, is within these next five years. These are the perilous years—the time is closer than most think.

THE 4 YEARS

Since our last convention in New York—in 1976 when the Ford gaffe riled all of us—we have pursued all the courses of action and policy to which UCCA is firmly dedicated. On human rights, which is really an old theme, we were one of the first to support the creation of the U.S. Commission on Security and Cooperation in Europe. Kissinger and the Ford Administration were opposed to it. We were the first to testify before this commission on Soviet Russian negations of human rights in the Ukraine and in the other captive nations within the USSR. On numerous fronts, including an International Conference on Human Rights in Washington, we criticized then—as we do now—the half-developed conception of human rights held by our government, which has emphasized personal and civil rights to the relative exclusion of the national rights of the captive nations within the USSR and other parts of Moscow's empire.

In these years we have also broadened our Captive Nations Week activity in this country and abroad. You will recall our battle with the White House over the President's reluctance to issue a proclamation in 1977. It was only under pressure from Congress, from our people in the states that one was issued. It was also the first time since 1959 that a President hesitated over this important issue.

For the fifth time in our U.S. Congress, this year we managed the passage of House Concurrent Resolution 233. The legislation provides for the publication of a congressional book on the 20th Anniversary of Captive Nations Week. This book is being presently prepared. These developments and many others have been publicized in detail for this concluding administration. Whether newspaper interviews, TV and radio appearances, lectures or testimonies, they are all recorded in the consciousness that the time for Russian boldness and muscle-flexing is closer than most of our fellow Americans think it to be.

GUIDELINES FOR THE 1980'S

As we look forward to the dangerous uncertainties and turbulence of this decade, let us heed the sharp reactions of our enemies. Both Moscow and Kiev continue to be strident in their invective and blasts against UCCA and some of its leading members. The totalitarians there despise our efforts for Ukrainian independence, for the captive nations, for human rights, for world freedom, and for our strong America. Just in these past few months they have staged a heavy barrage of opposition to these sustained efforts and action. It appears they fear what you and I are doing. And no amount of slander and misrepresentation will deter us from pursuing our basic objectives and goals.

Such fear on the part of the enemies of freedom cannot but lubricate the plans and goals we have for this perilous decade. Twenty years ago, after the passage of the Captive Nations Week Resolution in Congress, an eminent and perceptive professor at Princeton University—Russian by background—observed, "This is no one-shot deal; this is part of a larger, systematic program." And how right he was. Our action is precisely programmed, our objectives have always been and are clear and firm; the only thing we can't control is the contingency and climate of events. But who can? Yet we do our best to adjust to shifting circumstances because we know that the time is closer than most think.

Born of successful, past actions, our guidelines for the 1980's are crystal clear:

(1) One fundamental guideline is the heavy responsibility each of us here shares in preserving and nurturing the complete, organizational unity we have achieved. This unity is unique among national organizations in this country; this unity is a precious asset to cope with the trials and challenges of this risky decade. Any attempt out of petty differences, narrow considerations, or even possible "plants" to undermine this unity would not help us, nor our country, nor Ukraine, nor all of the captive nations. It would help only our enemies. For me it is strikingly significant that this complete unity was realized at a most propitious and critical time because the time of stepped-up Russian aggressiveness is closer than most think.

(2) In full conformance with the spirit and dominant undertakings by us—not only for the past four years but for the past quarter of a century—we must and shall press hard on the human rights issue. Not only for personal and civil rights, but most importantly for national rights. Just two weeks ago I again testified on this and had to honestly criticize the present Administration for its stark shortcomings on this vital issue. We

are definitely for the review process in Madrid and even beyond, but we are also for a completely honest review of Moscow's blatant violations of human rights.

(3) Our dedication to the eventual liberation and freedom of Ukraine and all other captive nations provides another fundamental guideline for the 1980's. Though others may not fully understand it, Moscow and its minions know the Captive Nations Week Resolution (Public Law 86-90) all too well. On record, they have demonstrated their bitter opposition to it every year since its inception in 1959. What some of our own people fail to understand is the basic fact that Public Law 86-90 is the only law on the statutes of non-totalitarian governments throughout the world that underscores the goal for freedom in Ukraine and the other captive nations. This is why we, as Americans of Ukrainian descent, have a far greater responsibility and also opportunity to pursue this goal than citizens of like background in other countries. And we must continue to demonstrate our leadership in this because, my friends, the time is closer than most think.

(4) Our fourth guideline is the firm and yet flexible maintenance of principles relating to the independence of Ukraine, Basket One of the Helsinki Accords, the Four Freedoms of World War II, the Wilsonian principle of national self-determination in World War I—indeed, the Declaration of Independence in our own country. What we stressed during our own Bicentennial four years ago—which, curiously enough, the Administration then and many of our legislators failed to perceive—we will continue to emphasize in this perilous period of the 1980's. And that is the overwhelming fact that the American Revolution, in sharp contrast to the outstanding English, French, and Russian revolutions, was and still is a revolution for national independence—independence from an empire, independence for a self-determined national existence, independence for the consummate fulfillment of national human rights by the Ukrainian people, as well as every enslaved nation in the Soviet Russian and Red Chinese empires. This is the shining symbol of America, even for the time that is closer than most think.

And (5) for this decade our solid and unique unity, our policies, our programs and actions must be constantly oriented in principle and conviction toward the realities and real developments in this world of ours and not to illusions of detent, or Ukraine and other captive nations existing in some sort of vacuum, or resurgent notions of a mythical "Soviet people," "a new federation of 'Russia'" and similar murky and old ideas of tactical or ignorant import. We have seen the 180 degree swing of a Solzhenitsyn, from his original letter to the Kremlin in the early 1970's to his Foreign Affairs article this year. On the one hand, a plea for Russian withdrawal from the non-Russian countries in the USSR to—on the other hand—a blind condemnation of the Captive Nations Week Resolution as a "notorious" piece of legislation. Like the Kerenskys, the Dallins and others, whom we fought over a generation ago, we now have to contend with Solzhenitsyn and similar types who are congenitally afflicted by the "Holy Mother Russia" complex, which can only mean another Russian empire under a new name. This is not in the American grain and it cannot win out.

And believe me, this is not the only pressure confronting us in this period—problems in Radio Liberty, in Congress, in the Administration, among activist groups, here and abroad, in the media and in academia face us along the same line. But we've had these problems before—they're not new—and we met them and we won. The day is long gone when in the 40's a Secretary of State thought Ukraine was a musical instrument—the ukelele—and our groups were largely talking to themselves, though this was necessary and important in the evolution and educational process of our efforts. Today, our position and posture are well known in our government and across the country, and we are speaking up and out in a wide spectrum of topic and activity. This is as it should be.

For this dangerous decade—marked by strategic and conventional arms imbalances, a slow reawakened American awareness of world realities, lack of strategy concerning the sole real force of Soviet Russian imperialism rather than mythitical communism, and a cultural lag pertaining to the captive non-Russian nations within the USSR (the veritable Achilles Heel of Moscow's imperialism) not to mention other factors—we must remain, as I do deeply, steadfast in our knowledge of the truth, in our firm convictions, in our principles, and in our faith. Narrow, petty differences and old conflicts have no place for the impending challenges of the 1980's. If these challenges are to be met rationally—not emotionally—but effectively and successfully, they can only be met in the broad, cosmopolitan, promethean spirit of a Shevchenko, who in his early time envisioned the freedom of Ukraine realized in the broader context of the liberation of all the oppressed nations of the Tsarist Russian Empire, which, in our day, means the freedom of the non-Russian nations in the USSR.

Let not the statute of Shevchenko in our nation's capital be just a granite monument of the past. Rather, let it serve as an everlasting source of inspiration to you and all Americans for the promethean vision of the liberation and freedom of Ukraine and all captive nations. In today's context, this is for America and its regained world leadership; it is for Ukraine, or ancestral homeland; it is for our heritage as Americans of Ukrainian descent, partaking of both the American Revolution and the identical spirit of a Shevchenko; it is for world freedom, from the last remaining empires in Eastern Europe and Asia; it is for world peace and the avoidance of a nuclear holocaust.

In solid unity, with organizational balance and fair representation, with breadth of vision and perspective, and with depth of firm principles and convictions, we can—and I for one am deeply confident—we can measure up and contribute heavily to this time of challenge that is closer than most think.●

TRIBUTE TO DEPARTING NEW YORK MEMBERS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BINGHAM. Mr. Speaker, the New York delegation suffers a grievous blow this year with the loss of seven of its most effective members, including chairmen of two committees, a select committee, and several subcommittees.

When I first came to the House, New York State had a few powerful Members, but no organized delegation. During the decade of the 1970's, this weakness was corrected, thanks in large part to the leadership of the present Governor of the State and the mayor of New York City. In this evolution, the seven Members who are leaving us this year played a major role, each in his or her own way.

Of the two Republicans, JOHN WYDLER has been vice chairman of the statewide delegation and has presided ably and fairly when our dean, Congressman STRATTON, was absent. On a previous occasion, I have spoken of JACK WYDLER's qualities as a vigorous debater in support of revenue sharing for New York State and many other favorite causes, and as a congenial traveling companion.

BOB MCEWEN has been noteworthy for his support of the north country and was especially influential in the successful effort to have the Pentagon make better use of Fort Drum. He and I served together—on different floors—in the Albany State Capitol during the Governorship of Averell Harriman and came to the House together in 1965 to serve in the notable 89th Congress. BOB has always been a friendly colleague, quick with a smile and a quip.

On the Democratic side, JIM HANLEY was another valued member of the 89th Club. He impressed me from our earliest days together with his warm cordiality for all our colleagues, and his unequaled skill in learning and using all their first names. Over the years in the Post Office and Civil Service Committee, he deservedly won the respect and affection of the millions in the Federal service and their dependents, as well as of the Federal retirees. And when the time came to mobilize the New York delegation and its friends to stave off threatening bankruptcy for New York City, he was in the forefront of the fight.

Yet another member of the celebrated 89th was LESTER WOLFF. We not only served together on the Foreign Affairs Committee, but were seat mates, and LESTER's company was always enjoyable. He served with distinction as chairman of the Subcommittee on Asia and the Far East. An expert in the media, he gave to me and to many of us welcome opportunities to appear as guests on his TV and radio shows. Of all LESTER's contributions to the workings of the U.S. Government, perhaps the most notable was his sponsorship and then chairmanship of the Select Committee on Narcotics.

JOHN MURPHY will have completed 18 years in the House at the end of this term. As an active member and then chairman of the Merchant Marine and Fisheries Committee, he was always eager to protect and improve the great port of New York and to fight for the welfare of the many thousands of men and women who make their living from the port and from the shipping industry. I worked closely with him in the development and final enactment this year of a balanced bill to regulate mining of the deep seabed pending the final negotiation and ratification of the Law of the Sea Treaty, and the process was a satisfying one.

A casualty of the political landslide that swept the country on November 4 was JEROME AMBRO who has represented New York's Third District since 1975 ably and well. Although I have not had the pleasure of serving on a committee with JERRY AMBRO, I am fully aware of the stalwart service he has performed for his district and for New York City and State. The great respect in which he has been held by his colleagues is evidenced by the unusually large number of Members who have praised his service in the CONGRESSIONAL RECORD.

In conclusion, I want to say a special word about our colleague ELIZABETH HOLTZMAN. I had hoped that at this point she would be preparing to continue her able legislative service at the other end of the Capitol, but, in spite of an effective and courageous campaign, that was not to be. She was defeated by a combination of extraordinary circumstances amounting to a run of massive bad luck.

As has been well pointed out by many of our colleagues LIZ HOLTZMAN has shown great courage, enormous energy, and deep conviction in seeking to achieve her objectives in the House of Representatives. I personally have worked with her on a number of matters, and have found this to be an inspiring experience. We did not always agree, but, whatever her stand on an issue, I knew it to be based solely on her sense of what was right and just.

Whatever Liz decides to do, I know will be in the public interest. I am sure she will be serving her city, her State and the Nation for a long time to come.

To these seven valiant New Yorkers, then, I say, in the words of the old song, "So long, it's been good to know you" and, in the words of the Irish, "May the road come up to meet you, may the wind be at your back."●

ARCHBISHOP JOHN ROBERT ROACH

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. VENTO. Mr. Speaker, I am happy and proud to report to my colleagues that Archbishop John Robert Roach, the head of the Minneapolis and Saint Paul, Archdiocese, was recently elected as president of the National Council of Catholic Bishops.

Archbishop Roach was born on July 31, 1921, in Prior Lake, Minn., and has lived most of his life in Minnesota. He attended Nazareth College and Saint Paul's Seminary, both in Saint Paul, and received a master's degree from the University of Minnesota.

Archbishop Roach is considered a private man who reserves his own counsel on many matters, but he still keeps in close touch with his Catholic constituents and has built solid ties with the entire community.

Archbishop Roach will be the Catholic bishop's national spokesman for a 3-year term. He had been the right-hand man and vice president to the former NCCB president, Archbishop John R. Quinn. As a vice president, he was an efficient administrator with moderate beliefs. He also accomplished a great deal for Catholic bishops. For example, he initiated sabbaticals, increased salaries, and created advanced study programs for them.

I wish to extend my congratulations to Archbishop John Robert Roach, the new president of the NCCB. The metropolitan area community is delighted to see this respected man achieve such an important position. I include with my remarks the article on this Catholic leader from the November 12, 1980, issue of the New York Times.

A QUIETLY OUTSPOKEN CATHOLIC LEADER—ARCHBISHOP JOHN ROBERT ROACH

(By Kenneth A. Briggs)

WASHINGTON, November 11.—After receiving a rousing round of applause at the news of his election today as president of the National Conference of Catholic Bishops, a smiling Archbishop John R. Roach quietly resumed his seat to the right of the outgoing president, Archbishop John R. Quinn.

For three years Archbishop Roach, head of the archdiocese of Minneapolis and St. Paul, has been the strong right-hand man to Archbishop Quinn as vice president and for a longer period has been a mainstay among the moderate members of the American church's hierarchy.

The squarely built, 59-year-old Archbishop has spoken out on a number of social concerns, including opposition to single-issue politics and support for civil rights for homosexuals, but he prefers to work less conspicuously toward a progressive set of church goals.

Known as a superb administrator who likes to delegate authority, the new president of the bishops' conference is described as both open and approachable by those who have worked most closely with him.

He has also gained a reputation for witty riposte that sometimes contains an acerbic edge. Shortly after his election, for example, he was asked at a news conference how he might combat growing dissent over the church's teachings on birth control and divorce. "As you know," he replied wryly, "I haven't ordered a public whipping for a long time."

When Pope Paul VI appointed him five years ago, Archbishop Roach became the first Minnesota native to head the Minneapolis archdiocese, a fact that has bolstered his popularity among the 550,000 Catholics in the 12-county region that includes the two major cities, their suburbs and more distant rural towns.

Though a private man who keeps his own counsel on many matters, he has kept in close touch with his Catholic constituents and built solid ties with Protestants and Jews. Among his most significant recent ecumenical gestures were a guest appearance in the pulpit at a Lutheran church and his presiding at a Lutheran-Catholic service to commemorate the 450th anniversary of the Protestant Augsburg Confession.

On many of the most sensitive and disputed issues among the Catholic laity, such as contraception and divorce, Archbishop Roach has not chosen to increase friction by repeatedly referring to controversial church teachings. He has worked behind the scenes against the practice of abortion. At the same time he has encouraged efforts to include divorced and separated Catholics in the church.

His moderate image stems partly from his less vocal stances on some of the sexuality issues and his more explicit support for programs to fight racism, his advocacy of civil rights of homosexuals and his willingness to examine the role of women in the church. The Archbishop started a study of the role of women three years ago, and he has appointed several women to key posts in the archdiocese.

In 1978, the city of St. Paul voted on a referendum to remove an ordinance that protected the rights of homosexuals. Archbishop Roach, in a losing cause, favored retention, while making it clear that he did not approve of homosexual relations.

The Archbishop's runner-up for the presidency of the conference, Bishop James W. Malone of Youngstown, Ohio, was elected vice president.

A QUESTION ON BIRTH CONTROL

At his news conference today, the ruddy-faced Archbishop Roach was asked whether a Catholic could remain in good standing with the church even after rejecting the church's ban on artificial birth control. With his customary respect for the rights of conscience, he said he "could expect that people can maintain integrity and union with the church and not follow the praxis of something like Humanae Vitae," referring to Pope Paul VI's 1968 encyclical barring artificial birth control. He later added that, in his view, those who practice birth control in violation of the church law must receive absolution before being admitted to communion.

Born July 31, 1921, in Prior Lake, Minn., Archbishop Roach attended Nazareth College and St. Paul's Seminary, both in St. Paul, and has a master's degree from the University of Minnesota. He was ordained June 8, 1946.

Of great importance for his three-year term as chief spokesman for the bishops is the fact that he has established himself as a good listener. He attends meetings of the Senate of Priests, for example, and, partly as a result, has instituted sabbaticals, higher salaries and programs for advanced studies for them.●

TRIBUTE TO THE NISEI VETERANS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MATSUI. Mr. Speaker, on November 11 our Nation paid tribute to the war veterans who died and sacrificed so much in defense of this great country. It is also proper that we remember and commemorate the heroic accomplishments of the Nisei veterans who served with the 442d Infantry Regimental Combat Team, the 100th Battalion in the European theater, and the military intelligence service in the Pacific.

In remembering the accomplishments of these veterans, the words of

President Franklin D. Roosevelt come to mind: "Americanism is a matter of the mind and heart. Americanism is not and never was a matter of race or ancestry."

By their many acts of heroism, these Nisei veterans demonstrated their worthiness to take their places in the foremost rank of America's immortal fighting men.

In rendering tribute to these gallant men, let us rededicate ourselves to abolish any racial prejudice and bitterness yet lingering in their homeland, to fight unrelentingly for compassion and care, and to battle for human dignity at home and abroad.●

H.R. 6417—SURFACE MASS TRANSPORTATION ACT OF 1980

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BONER of Tennessee. Mr. Speaker, earlier today I received a letter from the Paralyzed Veterans of America concerning the Surface Mass Transportation Act of 1980. This is particularly timely in that we are scheduled to debate this legislation tomorrow. At the request of the Paralyzed Veterans of America, I commend the following letter to the membership of the House of Representatives:

PARALYZED VETERANS OF AMERICA,
Washington, D.C., November 25, 1980.

HON. WILLIAM HILL BONER,
Public Works and Transportation Committee, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE BONER: The Paralyzed Veterans of America recently has learned that as a member of the House you may be appointed conferee to the House-Senate conference committee scheduled to consider differences in the House and Senate passed versions of the Surface Mass Transportation Act of 1980. On behalf of 11,000 paralyzed veterans, we urge you to support the bus accessibility provision which is presently provided in S. 2720. This Senate provision will ensure that unrestricted, integrated and multimodal transportation services will be available to all elderly and handicapped Americans.

Provisions of the Surface Mass Transportation Act of 1980, as passed in differing forms by the Senate (S. 2720) and House (H.R. 6417), contain controversial provisions that will result in a fundamental change in federally mandated programs affecting the transportation needs of handicapped Americans. Both versions of the bill provide municipalities with the opportunity to use a "local options" approach in providing transportation for the handicapped, rather than implementing accessible mass transportation systems as required by the Department of Transportation's § 504 Regulations. In the House bill, localities are permitted to utilize exclusively paratransit and special services and still be deemed in compliance with § 504 of the Rehabilitation Act of 1973, as amended.

The Senate version of the bill, however, provides a mandate for bus accessibility which has no counterpart in the House bill. The absence of a similar provision in the House bill precludes any opportunity or a multimodal transportation system. Instead, it reinforces separate, unequal and discriminatory services for handicapped citizens. The language of S. 2720, developed by Senate staff with the participation of representatives of handicapped organizations, allows an orderly phasing in of accessible public transportation. Specifically, the Senate bill provides that in cities with populations from 50,000 to 750,000, at least fifty percent (50%) of the new buses purchased must be fully accessible unless the Secretary determines that a different percent is consistent with the areas respecting transportation for the handicapped. In cities where the population is in excess of 750,000 one hundred-percent (100%) of the buses purchased must be fully accessible unless the Secretary determines otherwise.

In its haste to pass an immediate authorization bill, we urge the House and Senate not to ignore the long-term effect of this legislation. At stake are not only the immediate financial considerations, but the lasting detrimental consequences for the millions of people who will be denied their civil rights under the Rehabilitation Act of 1973, as amended.

Sincerely

R. JACK POWELL,
Executive Director.●

OUTSTANDING COMMUNITY ACCOMPLISHMENT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MURTHA. Mr. Speaker, Mr. Thomas Dembrosky of the Indiana Area Jaycees has brought to my attention the outstanding work of two of my constituents that certainly deserve public recognition.

These two men traveled nearly 20,000 miles meeting and consulting with local groups earlier this year, and meeting with hundreds of Jaycees to promote interest in local problem solving to help government agencies relate effectively to the public.

They also planned and implemented the first annual dialog on community service held in Harrisburg, Pa., which brought Jaycees and top government officials together.

Both of these men give of their time and effort to promote these goals. It is the kind of public service by individual citizens that is the hallmark of our Nation and the spirit that promises our country a great future.

One of these men is Mr. Richard Michael, who lives in Indiana, Pa., works for the Cambria County Redevelopment Authority, and was listed in 1980 as one of the Outstanding Young Men of America. The other individual is John Randolph Zapor, of Indiana, who works for the office of employment security and was listed in 1979 as one of the Outstanding Young Men of America.

Their example of sacrifice and commitment should be a model for us all, and I am very glad to recognize their effort.

INDIANA AREA JAYCEES,
Indiana, Pa., October 27, 1980.

HON. JOHN P. MURTHA,
Federal Building, Corner of Franklin and Locust Streets, Johnstown, Pa.

HON. JOHN P. MURTHA: I wish to call your attention to the extraordinary work of two of our chapter officers in service to the citizens of Pennsylvania. I believe their work merits recognition.

From May 1978 until May 1980, John Randolph Zapor and Richard Michael directed the Community Affairs Program of the Pennsylvania Jaycees. Priorities: Adult Education, Community Development, Cultural Affairs, and Historic Preservation.

They traveled nearly 20,000 miles, meeting and consulting with local groups, meeting with hundreds of Jaycees, promoting a "barn raising" approach to local problem solving. They provided not only expert advice but specific services. In addition, they helped government agencies relate effectively to the public, promoting the VITA Program of the Internal Revenue Service, the Artists-in-Schools Program of the Pennsylvania Council on the Arts, and the efforts of the National Park Service in central Pennsylvania. Their help included speeches, letters, articles, and both regional and statewide mailings.

It would be impossible to describe their efforts fully in a letter. The bound reports on their program contain over 1,000 pages of text, correspondence, sample flyers and marketing devices, and articles.

THOMAS DEMBROSKY.●

STUDENTS VISIT CAPITOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LONG of Maryland. Mr. Speaker, on Tuesday, December 2, 1980, 64 young men and women from the Seventh District Elementary School in Parkton, in northern Baltimore County, Md., will journey to Washington to augment their studies of American Government with a firsthand look at their Nation's Capitol.

These students, led by Mrs. Roberta Fox, Mrs. Lettie Bennett, and Mr. David Potter, will tour the Capitol Building, observe the House and Senate in session, and visit the Federal Bureau of Investigation as part of their day's activities.

I look forward to meeting with these students, their teachers, and parents to discuss with them the legislative process, their studies of our Government, and their questions about national issues. I am delighted that they are taking the opportunity to expand on their classroom learning.

Students who will visit us tomorrow include:

Michael Almony, Brent Bazzell, Chris Garcelon, Michael Mattheu, Thor Ramsland, Steven Townsend, Joseph D. Yingling, Timothy Alder, Wayne Barrow, Kirk Hildreth.

William Hollingshead, Robert Miller, Asha Mullen, Colt Norris, William Sandy, Joseph Weber, Trisch Bull, Michele Burrs, Karrie Cornett, Rebecca Eyler.

Sharon Poe, Dayna Schaech, Melissa Spurlock, Dana Vaartjes, Kelli Whitaker, Stephanie Wright, Brian Myrick, Sherri

Almony, Diane Borgerding, Catherine Cooper, Jamee Damron, Jarusha DeGarmo.

Sunny Hackett, Beth Kahl, Daisy Martin, Debbie Phillips, Kim Powers, Jill Schroeder, Heather Smith, Jill Whitcraft, Stoney Bull, Christopher Carr.

Michael Croft, John Freeland, Greg Goff, Paul Hagerman, Chris Kobus, Daniel Lambdin, John Poe, Jeff Steinhoff, Greg Sutton, Bo Thomas.

Jeff Welhelm, Tina Blair, Shelly Copenhaver, Betsy Dodson, Bonnie Dodson, Jennifer Dongarra, Susan Elfrey, Julie James, Robin Lawrence, Lisa Roser, Monica Troyer, Marcy Vorn Holdt.●

RUSSIAN JEWS SEEK TO EMIGRATE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GONZALEZ. Mr. Speaker, I include for the Record a copy of a news article from the New York Times which describes a further attempt by the Russian Jews seeking to emigrate to Israel to bring to the attention of the world their continued plight of harassment by the Soviet authorities.

I have written a note to Ambassador Dobrynin urging that those Jews wishing to emigrate to Israel be allowed to do so and to protest the many hardships that they must suffer after they indicate their intentions to leave the Soviet Union.

Human rights must be more than words on a piece of paper and we in Congress must continue to do everything within our power to see that those countries who have signed the Helsinki agreement live up to their commitments.

The article follows:

Soviet Jews Urge a Fast To Protest Low Emigration

(By Anthony Austin)

Moscow, November 3.—A move to call a hunger strike on the opening day of the Madrid conference on detente and human rights appears to be gaining acceptance among Jews in Moscow, Kiev and other Soviet cities in protest against the recent cutback in Jewish emigration.

Jewish activist sources reported today that they knew of 30 people with firm plans to begin a symbolic three-day fast when the conference, which will review the 1975 Helsinki accords, opens on Nov. 11. The sources were confident that the number of people taking part in the protest would grow.

"I don't think any of these people have much hope that their gesture is going to move the hearts of the Soviet authorities," said a Jew whose application to emigrate to Israel has been repeatedly denied over the years.

"We have had hunger strikes before and they didn't do any good," he said, "but large numbers of Soviet Jews today find themselves in a most difficult situation, having lost their jobs when they applied for exit visas and now living in limbo. They feel they must do something."

He said he did not plan to join the hunger strike because he is in poor health.

IDEA BEGAN IN UKRAINE

The idea of the protest apparently began recently in Kharkov, in the Ukraine, where the clampdown on emigration is being applied with particular severity. Visa offices are considering applications to emigrate to Israel only when an invitation has been received from a "direct relative." In the Ukraine, that is being interpreted to mean only parents or children. In Moscow, Leningrad and some other cities, it can mean a brother or sister as well.

In Kharkov, according to Jewish sources in Moscow, a long-time dissident, Izaak Moshkovich, met with nine other Jews who had been refused permission to emigrate, and they agreed to go on a three-day hunger strike, starting Nov. 11, in his apartment

The K.G.B., the Soviet secret police, found out about the plan and on Oct. 28, the sources reported, policemen and plainclothesmen raided the apartment of another participant in the project. They accused him of the crime of parasitism—not being gainfully employed—and tried to take him away. His shouts attracted the neighbors, according to the account, and the raiding party left.

NO WORD OF DISSIDENT'S FATE

However, on Oct. 31, Mr. Moshkovich was arrested on the street, according to these sources, who said they were still trying to determine what had happened to him.

The same 10-man group was reported to have previously asked the Kharkov city government for permission to hold a demonstration on Nov. 11. The officials were said to have replied that a demonstration would be treated as a "provocative anti-Soviet action."

The idea for a hunger strike spread to Kiev, where, the sources reported, about 20 dissidents have made known their plan to join in the fast. The idea is also being actively discussed in Moscow and the Baltic republics.

Outside the synagogue on Arkhipov Street in Moscow last Saturday, a young man showed an open letter to the Soviet leader, Leonid I. Brezhnev, demanding exit visas for all Jews wishing to emigrate and saying that 300 signers of the letter would go on a hunger strike on Nov. 11 if Mr. Brezhnev did not respond.

AN OUTGROWTH OF DESPAIR

If a hunger strike of significant proportion occurs, it will be the outgrowth, according to one Jewish veteran of the emigration and human rights movements, of growing despair.

"The annual emigration figures alone do not tell the whole story," he said. "If the number of Jews who are allowed to leave in 1980 goes over 20,000, which is possible, it will still be better than 1974, when 17,000 were able to leave.

"But in another sense it's worse. In 1974, the emigration movement was only beginning. Relatively few Jews wanted to go. But the peak figure of 1979, when 50,000 left, had a powerful effect on people's minds.

"Many who had not believed they could really emigrate realized that they could. Jews began applying in large numbers. Then, after the fall of 1979, we began witnessing wholesale rejections of applications. The number of those rejected grew from perhaps 10,000 to perhaps 50,000 or more.

"If you take the number of people whose applications have been refused or not even considered, or who have been waiting for a year or two or longer without getting an answer, or who have been told their case is hopeless, or who have not even received in the Soviet mail the invitations they know have been mailed to them—if you add all these people up, the total may be as high as 100,000.

"One hundred thousand people, maybe more, many of whom have lost their employment when they made their wish to emigrate known, none of them knowing where they stand. It's a new phenomenon, a mass phenomenon—suffering on a mass scale."●

MONROE GOLDWATER OF NEW YORK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BINGHAM. Mr. Speaker, during the recess, the long life of one of New York's great gentlemen came to a peaceful end: Monroe Goldwater died, aged 95.

As the New York Times said, Mr. Goldwater was "long a major figure in New York State politics and a leader of Jewish organizations." He was the senior partner in the well-known New York law firm of Goldwater & Flynn. The Flynn in question was Edward J. Flynn, a former chairman of the National Democratic Committee and for many years the leader of the Democratic Party in the Bronx. For 2 years, 1959 and 1960, I had the pleasure and privilege of practicing law as a member of that firm, and I have the fondest memories of working for "M.G."

Although his practice was a lucrative one, Mr. Goldwater did not believe in amassing a fortune; instead he gave with extraordinary generosity to causes he believed in.

Until fairly recently Mr. Goldwater continued in the active practice of the law. His sagacity was remarkable and continued unimpaired well into his 10th decade.

For his family, for his associates, and his many, many friends, the memory of Monroe Goldwater will be a precious possession.

I insert herewith the article that appeared in the New York Times for November 24:

Monroe Goldwater Is Dead at 95; Aided Jews During World War II

(By Alfred E. Clark)

Monroe Goldwater, long a major figure in New York State politics and a leader of Jewish organizations, died Friday at his home in Manhattan. He observed his 95th birthday on Nov. 11.

Mr. Goldwater, a former counsel to the Democratic State Committee, was the law partner of the late Edward J. Flynn, Democrat national chairman and Bronx party leader.

In his efforts to help needy Jews, Mr. Goldwater became chairman in 1944 of the War Emergency Campaign of the United Jewish Appeal of Greater New York. In that position, he raised millions of dollars. He was also president of the United Jewish Appeal.

Mr. Goldwater was a vice president of the American Jewish Joint Distribution Committee and served with the Federation of Jewish Philanthropies of New York. He helped to establish the Jewish Restitution Successor Organization, which was created to benefit victims of Nazi persecution.

During World War II, he served as an aide to the United States Attorney General in cases involving conscientious objectors.

Mr. Goldwater was born in the Yorkville section of Manhattan, the youngest of nine children. He graduated from New York University School of Law in 1906.

Mr. Flynn was an office boy in a law office operated by Mr. Goldwater's uncle, Maurice Deiches. When Mr. Deiches retired in 1928, the young men became partners.

Mr. Goldwater later became an adviser to a host of public officials. He had been a delegate or delegate-at-large to Democratic National Conventions since 1924.

In recent years, he was a trustee of the New York Shakespeare Festival, having succeeded his wife, the former Lea Prinstein, after her death in 1970. She was a founder of the festival.

He is survived by two sons, James L., of Pleasantville, N.Y., and Richard M., of New York; a daughter, Mary Abrons of New York; 10 grandchildren, and 11 great-grandchildren. A memorial will be held at a later date.●

ENERGY IN AMERICA

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SHELBY. Mr. Speaker, on November 12, the new chairman and chief executive officer of Texaco, Inc., John K. McKinley, delivered a speech on energy at the Union League Club in New York City.

Mr. McKinley is a native of Tuscaloosa, Ala., located in my district and has long had a reputation for being a perceptive leader in the energy industry. This speech, witty and profound with its insight into the Middle East and the prospect for synthetic fuels, confirms that reputation. It deserves the attention of anyone interested in finding solutions to America's energy problems.

I insert the full text in the RECORD.

REMARKS BY JOHN K. MCKINLEY

Many thanks for your warm welcome. This is the second reception the Union League has had for a president named McKinley. The first was in 1897 and was even bigger, but it could be no warmer than your generous applause. It's rare indeed in these times that oilmen rise to applause—it's more often with their right hand up ready to testify.

Of course that other McKinley was later shot. An illustrious Union League Member, Teddy Roosevelt, succeeded him.

I hope there was no connection between the two events.

In fact, probably not, since the Union League had supported President McKinley. He was in New York to dedicate Grant's tomb, and the New York Times reported that on the carriage ride uptown, "While passing the Union League Club the President was cheered by a number of early-rising members who stood in the windows and waved good morning. The President and other members of the party raised hats and bowed."

I am truly disturbed that I received no such greeting this morning. But our pollsters tell me it's pretty hard for oil company presidents to win popularity contests.

By the way, President William McKinley thought pretty highly of Grant's tomb. He said it was "all that sculpture can do to render the edifice worthy of this man."

As always, not everybody agreed. "Grant's tomb," someone else said, "is the only perfect architectural structure in the world. You couldn't alter one detail without improving it."

Significant numbers of our citizens feel that way about our Federal Government today.

William McKinley was President at a time when things were very different.

In 1897 the Federal debt was about $1.2 billion. That's less than half of Texaco's long-term debt today. In fact, Federal spending in 1897 was only about $366 million—Texaco pays that much taxes every three weeks.

Last year the Federal Government spent $579 billion. It spends three times as much each day as the McKinley administration spent each year.

Federal spending as a percentage of the GNP was 2.5 percent then. Now it's 23 percent.

There were only about 86,000 Federal employes in 1897, but 3 million today—not including the military.

We might question the effectiveness of that Federal growth. This year's Consumer Price Index went up 13½ percent.

In 1897, the increase was zero.

We're all looking forward with interest to President Reagan's inaugural address. Much of it won't be entirely new to all of us.

He will probably discuss the depressed economy. For example, he might say: "Economy is demanded in every branch of the government, but especially in periods like the present, of depression in business and distress among the people."

He could speak about the soundness of the American dollar. "Its value must not further be threatened."

And he may talk about waste and the dangers of a big Federal debt. He might even comment, "The severest economy must be observed in all public expenditures and extravagance stopped wherever it is found. . . . The Government should not be permitted to run behind or increase its debt in times like the present."

He might add, "The credit of the Government must be preserved. . . . The best way for the Government to maintain its credit is to pay as it goes."

Or, "War should never be entered upon until every agency of peace has failed."

Or, "Our naturalization and immigration laws should be further improved."

Presidential concerns don't change all that much over the years. In fact the more things seem to change the less they do. Because the words that I just read to you were direct quotes taken from William McKinley's first inaugural address in 1897.

And, since 1897, another thing has remained the same. The Union League Club is still a serious forum.

So I have a serious subject. In fact I have two that I hope will be of interest.

(1) The current Iraq-Iran situation as it affects energy.

(2) The need for the United States to produce more energy domestically and to develop alternate energy.

We do meet at a critical time.

Iran and Iraq have been at war for nearly two months. These two major exporting countries, bomb, shell, and attack each others' refineries and oil terminals. Their combined daily production of about five million barrels of crude oil has been all but shut in. Their combined exports of about four million barrels a day have been disrupted. The total free world oil consumption is about 49 million barrels a day.

So far the conflict has not seriously affected the supply of imported oil to the United States. However, with fewer nations exporting oil, America's energy future is in the hands of fewer suppliers with greater influence, greater ability to affect product volumes and prices.

Remove Iran and Iraq from the list of exporting nations and there remain only nine countries in the free world that export more than 1,000,000 barrels a day.

Imagine the leverage they can exert.

To determine volume and price they no longer need an organization of many exporters who must reach agreement—one or two can have great impact. And they can act unilaterally.

It's realistic to assume that some oil exporting nations will use this situation to advance their own best interests. They can, through higher prices, volume restrictions, or simple threats of disruption, achieve political goals—goals not achievable through what were considered to be normal peacetime relations between governments.

If large volumes of oil supply fall into the hands of fewer and fewer nations, their geopolitical options increase. Overhanging this situation is the threat of Communist domination of a volume of petroleum large enough to give them economic control of world affairs.

Escalation of the Iran-Iraq war could involve other Mid-East nations, and the crucial Straits of Hormuz. This would dramatically alter world energy supplies. The interruption of the Straits—a vital oil route—would choke off the normal peacetime flow of 17.5 million barrels a day, or about 35 percent of total free world supply.

The United States has been receiving over 10 percent of this flow, or over 20 percent of its total imports. It is obvious that this country, which for the first nine months of this year depended on imported oil for more than 40 percent of its total daily petroleum supply, would be in trouble if such a disruption took place for any significant period of time. Some of our allies, even more dependent on imported oil, would be in desperate trouble.

The free world would be perilously close to "running on empty."

It is sobering indeed to realize that none of this has been at our choosing.

The power of decision lies with others.

They can disrupt production.

They can cause the tremendous swings in petroleum prices.

They can withhold or grant supplies at will.

It must be obvious to us all that if the United States is to continue to be the leader of the free world, its energy future must be determined by decisions made by our country—not by the happenstance of history or the considered decisions of other nations.

Consequently, we're once again reminded by world events—dramatically reminded—that the energy problem of the United States must be resolved.

It can be resolved. Not easily. Not immediately. But in ways which will leave this country productive and secure.

Eight days ago, Americans elected a new President.

All Americans can readily agree that energy is one of the most important problems facing the Nation. Yet I doubt that very many of our citizens know what the Republican platform is on energy and what the President-elect says on this important subject.

The U.S. energy problem is too complex to be blamed on—or solved by—any one party or administration.

What does the Republican party platform cover specifically?

The Republican platform calls for decontrol of oil and natural gas and of prices on all oil products. It calls for substantial modifications to the windfall profits tax (which is an excise tax), including a plowback provision. These steps would let oil companies generate more of the funds they need for energy development.

President-elect Reagan in his campaign has stressed the need for a return to the free market in energy. He has stated that he is committed to solving America's economic problems from the supply side, through the free enterprise system. In his speeches, he advocates more balanced environmental policies, which protect the environment, but at the same time recognize U.S. energy needs. He has indicated his support for opening up more Federal land for domestic oil and gas exploration, for accelerated development of coal and nuclear power, and for development of alternate energies by the private sector.

The United States energy problem has three parts. First, the United States is producing less oil domestically than it consumes. Second, until last year it was using more every year. And third, it is relying on imports—imports which have increased in price more than 1,500 percent in the last decade—imports to bridge the gap between its domestic oil production and its energy requirement.

The Nation's heavy dependence on imports means the United States is not in control of its energy destiny.

Such large imports have been a major factor in weakening the United States' foreign policy position.

Have been a major factor in America's balance-of-trade deficit.

Have been a major factor in weakening the dollar.

Have aggravated inflation.

Have contributed to the current year's recession.

These large imports damage relationships with some of our allies, as they want the U.S. to use domestic resources to take the strain off the world's finite petroleum supply.

Finally, this heavy dependence on imports weakens national security.

Some steps have been taken to lessen this dependence, but much more needs to be done.

Conservation is vital. I feel I should repeat this about three times for emphasis. Conservation is vital.

Consumption patterns must reflect efficiency. And we are seeing signs of progress. Industry has been moving in the right direction. In the 1960's, energy use rose 1 percent for every 1 percent increase in the gross national product. Now energy consumption is increasing only six-tenths of a percent for every 1 percent increase in the GNP.

Gasoline consumption was down 6.5 percent for the first nine months of 1980 from the year before.

Another move is paying off for the United States: the partial decontrol of the price of domestic crude oil—which is making some additional funds available for increased exploration and production.

What does decontrol mean? It means a move toward world prices of energy—toward what it costs to replace the energy being currently used.

Decontrol means Government withdrawal from artificially controlling the price of oil in the United States at levels so low as to encourage its wasteful use.

In a competitive world there is no force for conservation as strong as price.

Partial decontrol has already stimulated domestic drilling and production—even though most of the funds go to the Federal Government as part of the revenue measure known as the windfall profits tax.

More than 3,000 drilling rigs are now in use in the United States—the most in 25 years.

Furthermore, in the first nine months of 1980 the number of oil wells completed in the United States increased 38 percent over the same period in 1979. It is predicted that, altogether, almost 60,000 new wells will be drilled this year. That would break the previous record set in 1956.

Texaco today is drilling nearly four times as many wildcats in the United States as it was in May. Its total U.S. drilling activity is up about 55 percent from this time last year.

But even with decontrol, even with conservation . . . and with a higher finding rate for domestic oil and gas . . . the U.S. will not bridge the gap between petroleum supply and petroleum demand.

We should not reduce the high level of exploration in the United States. We should continue exploration outside of the U.S., because the world is interdependent and diversification of sources strengthens all.

At the same time it is clear that the United States needs to move forward with alternate fuels and lessen the Nation's reliance on petroleum.

Alternate energy generally means alternatives to oil and gas: such as coal, nuclear power, solar, wind, geothermal—and synfuels.

America needs some alternatives more than others. Dependence on imported energy is not caused by the fuel demands of stationary plants and factories. They could use coal or nuclear power once we've resolved safety and environmental problems with those sources—and they can be resolved in time.

A major remaining problem will be the need for transportation fuels, for readily transportable fuels, and for chemical feedstocks. The alternatives for these are less clear, less certain, and more difficult.

Electric power can be generated using coal, gasified coal, lignite. It can be generated by nuclear plants.

You can replace petroleum boiler fuel, which powers factories and heats homes.

But there is no clearly viable, economic alternative to the liquid hydrocarbon fuels used for aircraft engines, for personal car transportation, for major truck transportation, and for isolated space heating requirements.

Since about 44 percent of the crude oil is used in manufacturing gasoline and 13 percent diesel and aviation fuels, synthetic transportation fuels are thus the alternates that demand attention.

Synfuels are the gas or liquid fuels created by processing such materials as coal, oil shale, tar sands, lignite, and biomass. They are hydrocarbon in type. They are similar to conventional fuel from petroleum but derived from a nonpetroleum source.

Synfuel technology has been around for a long time.

The problem with large-scale development of synfuels has always been cost relative to petroleum. Costs have been driven up by increasing investment requirements and, more recently, by environmental regulations. After World War II, U.S. industry studied coal conversion and shale oil use, but stopped its research when plentiful supplies of oil were available at more economic costs.

Now, to help stimulate a synfuels industry, Congress has created the Synthetic Fuels Corporation. It is a quasi-independent Government body able to use price and loan guarantees to encourage entrepreneurs. Twenty billion dollars has already been authorized for its use through 1984; an additional $68 billion can be authorized to carry it through 1992.

These funds are available in part because the Federal Government's general revenue fund has been augmented by the windfall profits tax.

Synthetics have the potential—Let me stress the word potential—for producing the liquid fuels we need.

The subject is too broad, too complex, for us to address it in a thorough manner in an after-lunch talk.

Investment.

Manpower.

Infrastructure.

Transportation.

Environmental laws.

All have to be handled. But in this brief period, I'm going to put only one facet—investment—into perspective.

I remember pointing out to an audience in 1974 that, while synfuels would be important to the energy future, their development would take huge investments.

To build a plant capable of producing 100,000 barrels a day of synthetic crude oil "might cost a billion dollars," I said.

Five years later, in 1979, I predicted that such a plant would cost between $3 and $5 billion.

Today, any such plant would cost well over $5 billion at present inflated construction costs.

$5 billion for one plant of 100,000-barrels-a-day capacity?

America uses 17 million barrels a day.

Out of the top 500 industrial corporations in the United States, only 42 have total assets of as much as $5 billion. Would it be prudent business judgment for any one of these successful companies to risk so much of the total value of its stockholders' property, plant, equipment, and other assets for a single plant capable of producing the equivalent of only 100,000 barrels of oil a day?

Leadtimes for securing all necessary permits and constructing these plants can range from five to ten years minimum.

Construction of a single plant means 6,000 trained workers, working about seven years to provide about six-tenths of one percent of the 17 million barrels a day America uses now.

For an investment of $5 billion, interest costs alone would amount to about $2 million a day at current bond rates.

Synfuels is a risky, untried business for the investor.

Yet even with the risks, with the long leadtimes, the high capital requirements and demands on technology, the oil industry is planning to proceed with the development of synfuels.

Some suggest it would be best if oil companies stuck to the oil business and let others handle synfuels.

I have a different view. I believe that the magnitude of the synthetic fuels business is so great that this country must encourage every corporation from whatever field to enter this major undertaking. If we eliminate any significant segment from participation it will be risky. We need technicians. We need engineers. We need planners. We need technology. We need investment. We need managerial skills. We need them properly organized for the task.

Government alone can't bring these elements together. But a lot of them presently exist in the energy industry. The task is great enough to welcome them all.

There is a future for synthetic fuels.

The work should proceed.

No one should expect miracles.

It will be expensive.

It will involve long leadtimes.

It will face serious challenges from environmental regulation.

It will tax the Nation's transportation facilities.

It will tax the Nation's ability to supply engineers and construction people.

It will certainly not produce in the near term enough synfuel to displace the conventional petroleum fuels.

Synfuel is not the answer. It is an answer.

The United States should continue its efforts to conserve, to produce more oil and gas domestically and to proceed with its conventional coal and nuclear developments while moving toward synthetic fuels. Oil and gas must bridge the gap between our present energy situation—and the future.

To sum up:

We need to increase the proportion of American energy produced at home.

We have made some progress through conservation and decontrol.

No single alternate can do the job. Yet the United States has more energy potential than any other nation. Moreover, it has the industrial and technical know-how to develop these reserves.

So what is the answer to our energy problem? Not just conservation. Not just building reserves. Not just synfuels or other alternate sources such as coal and nuclear.

It is all of them.

Thank you.●

THE 40TH ANNIVERSARY OF THE ALAMEDA NAVAL AIR REWORK FACILITY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STARK. Mr. Speaker, November 1980 marks the proud 40th anniversary of the Alameda Naval Air Rework Facility. To celebrate this event, the Naval Air Rework Facility recently held an "Open House" for employees, their families and friends to display historic photos, reworked aircrafts, aircraft components, avionics parts, missile parts, and a special balloon booth.

The Naval Air Rework Facility was begun in June 1936 when the 76th Congress authorized President Franklin D. Roosevelt to accept land from the city of Alameda for construction of a Navy base. The Alameda Naval Air Station was commissioned in November 1940 and turned over to a staff of 200 civilian employees and a small complement of naval personnel.

Alameda Naval Air Station was still only half-finished when the attack on Pearl Harbor made the Alameda Naval Air Station a vital support station for our fighting forces. Responding to the needs of the Nation, the Alameda Naval Air Station was transformed almost overnight into the aviation gateway to the Pacific. The population of Alameda ballooned as thousands of people went to work in the assembly and repair department of the Alameda Naval Air Station.

It was from Alameda Naval Air Station that the famed Gen. Jimmy Doolittle and his B-25 Mitchell bombers were loaded abroad the aircraft carrier U.S.S. *Hornet* prior to making the first attack of the war on the Japanese homeland—the hard-fought Battle of Tokyo.

The Alameda Naval Air Station continued to play an important role in our Nation's defense throughout the Korean and Vietnam wars. In 1967, the facility was commissioned as an industrial component of the Naval Air Systems Command and became known as the Naval Air Rework Facility, Alameda.

Today, the Naval Air Rework Facility continues to maintain the readiness and effectiveness of our naval air defense. I would like to commend the past and present employees of the Alameda Naval Air Rework Facility for their dedication and their priceless contribution to our Nation's defense.●

IN RECOGNITION OF MR. JOHN SHARP

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FLORIO. Mr. Speaker, I would ask my colleagues to join with me today in recognizing the service and dedication of one of my most distinguished constituents, Mr. John "Winnie" Sharp of Monroe Township, on the occasion of his retirement from public life.

A lifelong resident of Williamstown, Winnie Sharp has always exhibited a keen interest in the affairs of his community. He served 12 years on the Monroe Township Council, 4 of those years as mayor of one of the largest and fastest growing municipalities in New Jersey. During his tenure as mayor, Monroe Township undertook an aggressive program aimed at improving the quality of life in this rapidly growing community. Police and fire protection was expanded, library services were greatly improved, and services for senior citizens were enhanced with the institution of the Pfieffer Community Center and bus shuttle service.

In addition to his contributions as mayor and a member of council, Winnie Sharp has also served as a member of the Municipal Utilities Authority and as a member of the Williamstown Fire Department. He also has been an active member of numerous fraternal and service organizations such as Veterans of Foreign Wars, the American Legion, Rotary and the Fraternal Order of Masons, Lodge 166.

At this time, I would like to add my congratulations and thanks, as well as those of my colleagues, to those Winnie will be sure to receive from the people of Monroe Township. It is small compensation for the years of service to his community and country.●

A SALUTE TO MS. LAVINIA JEAN HOFFMAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STOKES. Mr. Speaker, thank you for this opportunity to salute an individual who literally has touched the hearts and minds of many children in East Cleveland—Ms. LaVinia Jean Hoffman. Lauded for her work with children, Ms. Hoffman retired from the East Cleveland Public Library on October 1, 1980, after 36 years of service.

Throughout her association with the library system in East Cleveland, Ms. Hoffman set high standards of achievement in the area of children programs. Effectively blending her skills in the arts, a strong library science background and a vibrant personality, Ms. Hoffman attracted many children to the library and to reading.

For these young people, the world of books came alive through the imagination and depictions of Ms. Hoffman. When she worked with children, she transformed into a puppeteer, a master storyteller, an entertainer, and most importantly a teacher in the truest sense of the word. For children, the time spent with Ms. Hoffman was an enjoyable educational voyage.

Mr. Speaker, her tenacity for working well with children is rooted in her strong affection for them and for her work with the library. The East Cleveland Public Library has been an integral part of Ms. Hoffman's life from the age of 4, when her grandmother first brought her into the library.

From this child's view of the library, Ms. Hoffman went on to secure training at Case Western Reserve University and the Cleveland School of Art. It was at these two institutions of higher education that she acquired the knowledge which complimented her love for children and the library. She was hired by the East Cleveland Public Library. Starting as a part-time assistant at the circulation desk, Ms. Hoffman rose through the administrative ranks to become director of children's programs and finally assistant to the director when she retired.

In the midst of her rise in the administrative levels within the East Cleveland library system. Ms. Hoffman's greatest achievements and first love has been in the area of children's programs. Ms. Hoffman's dedication to children has made her a legend in her own right amongst the children of East Cleveland as well as with many organizations.

As a result of this notoriety, she has made her talents available to many area organizations. In turn, the East Cleveland Public Library has received an overwhelming collection of complimentary materials attesting to Ms. Hoffman's success as a storyteller. These gifts along with the acquisitions made during her tenure with the library, has made the East Cleveland Library Children's Department book collection one of the best in Cuyahoga County. This, Mr. Speaker, is the greatest tribute to Ms. Hoffman.

At this time, I would like my colleagues in the House to join me in saluting Ms. LaVinia Jean Hoffman of East Cleveland, Ohio.●

CONSIDERATION OF SENATE PASSED BILL S. 1784, THE ALASKA FEDERAL-CIVILIAN ENERGY SWAP ACT OF 1980

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DINGELL. Mr. Speaker, in September the Senate passed S. 1784, the Alaska Federal-Civilian Energy Swap Act of 1980. On November 14, 1980, our subcommittee held a hearing on that bill and a companion bill, H.R. 5393, introduced by Mr. YOUNG of Alaska. Based on testimony presented at that hearing, our subcommittee staff prepared the enclosed substitute with technical assistance from the administration witnesses. The administration supports this bill primarily because it will conserve oil, encourage the use of coal, and produce additional revenue for the Treasury.

The bill also was referred to the Committee on Interior and Insular Affairs. Chairman UDALL has indicated no objection to this process or the substitute. Subcommittee Chairman KAZEN's staff advises that they believe he has no objection to the substitute. Similarly, the ranking minority members, Congressmen CLAUSEN and LUJAN, have no objection.

I am unaware of opposition to the bill. It is noncontroversial. I have scheduled a subcommittee meeting on Tuesday, December 2, 1980, to consider the bill.

Because the remaining legislative days of this session are few in number, it will clearly not be possible to hold a full committee markup of the bill and report it for floor consideration before adjournment. Chairman STAGGERS has authorized me to poll the full committee members on the legislation and that is being done.

Assuming there is a general agreement by the subcommittee and the committee to the substitute, I plan to take the bill to the floor on Wednesday, December 3, 1980, or any day thereafter. The substitute follows:

SUBSTITUTE FOR S. 1784

Strike out the text of S. 1784 and substitute the following:

SHORT TITLE

SECTION 1. This Act shall be referred to as the "Alaska Federal-Civilian Energy Efficiency Swap Act of 1980".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "non-Federal electric energy" means electric energy generated by any facility other than a federally owned electric generating facility.

(2) The term "agency" means the head of any department, agency, or instrumentality of the United States.

(3) The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by an agency.

(4) The term "non-Federal person" means any corporation, cooperative, municipality, or other non-Federal entity which generates non-Federal electric energy.

AUTHORITY TO SELL CERTAIN ELECTRIC ENERGY

SEC. 3. (a) For the purposes of conserving oil and natural gas and better utilizing coal, any agency is authorized to sell to any non-Federal person, and to enter into contracts for the sale to any non-Federal person of, electric energy generated by coal-fired electric generating facilities of such agency in Alaska without regard to any provision of law which precludes such sale where such energy is available from other local sources, if the agency determines that—

(1) such energy is generated by an existing coal-fired generating facility;

(2) such energy is surplus to such agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, any agency;

(3) the costs to the ultimate consumers of such energy is less than the costs which, in the absence of such sale, would be incurred by such consumers for the purchase of an equivalent amount of energy; and

(4) such sale will result in a reduction in the total consumption of oil or natural gas by the non-Federal person purchasing such electric energy below that consumption which would occur in the absence of such sale.

(b) Federally generated electric energy sold by an agency as provided in subsection (a) shall be priced to recover the fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation, and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

PURCHASE AUTHORITY

SEC. 4. For purposes of economy and efficiency and conserving oil and natural gas, whenever practicable and consistent with other laws applicable to any agency and whenever consistent with the requirements applicable to any agency, such agency shall endeavor to purchase electric power from any non-Federal person for consumption in Alaska by any facility of such agency where such purchase—

(1) will result in a savings to other consumers of electric energy sold by such non-Federal person without increasing the cost incurred by any agency for electric energy, or

(2) will result in a cost savings to such agency of electric energy without increasing costs to other consumers of electric energy, taking into account the remaining useful life of any facility available to such agency to generate electric energy for such agency and the cost of maintaining such facility on a standby basis.

SAVINGS PROVISIONS

SEC. 5. (a) Nothing in this Act shall be construed as requiring or authorizing the Federal Government to construct any new electric generating facility or related facility, to modify any existing facility, or to employ reserve or standby equipment in order to accommodate the needs of any non-Federal person for electric energy.

(b) Revenues received by any agency pursuant to section 3 of this Act from the sale of electricity generated from any facility of such agency shall be available to the agency without fiscal year limitation for the purchase of fuel and for operation, maintenance, and other costs associated with such facility.

(c) The authorities of this Act shall be exercised for such periods and pursuant to such terms and conditions as the agency concerned deems necessary consistent with the provisions of this Act and consistent with its responsibilities under other provisions of law.

(d) All contracts or other agreements executed under this Act, notwithstanding any other provision of law, shall be negotiated and executed by the agency selling or purchasing electric energy under this Act.

REPORTS

SEC. 6. (a) The Secretary of Energy shall biennially report to the Senate Committee on Energy and Natural Resources and the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives on the actions taken pursuant to this Act by any agency. The report shall include an analysis of the costs of electric energy purchased or sold as provided in this Act, the revenues received from such sales, and the oil and natural gas conserved as a result of any such purchases and sales. Such agencies shall cooperate with the Secretary of Energy in providing information for the purpose of such report.

(b) The Secretary of Energy shall conduct a study to determine whether and to what extent the provisions of section 3 of this Act should be extended to apply to electric power generated by coal-fired Federal electric generating facilities located in the United States outside of Alaska. The study shall identify such facilities, their capacity and purpose and other pertinent information. The Secretary shall provide by October 1, 1981, a report of such study, together with appropriate recommendations for legislation, to the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

Amend the title so as to read: "A bill to provide certain authority for the purchase and sale of electric energy by Federal departments in Alaska, and for other purposes."●

LEAVING THE HOUSE FOR HOME

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CONABLE. Mr. Speaker, many of our colleagues will not be rejoining us when the 97th Congress is sworn in next month. But few will be missed as much as my good friend from Kentucky, Dr. TIM LEE CARTER.

Dr. CARTER is retiring to the Kentucky hills which he has said many times have always called him home. The Louisville Courier-Journal today carried an article which reviewed the 16 years Dr. CARTER has served here in the House, and I include this article for the RECORD.

LEAVING THE HOUSE FOR HOME

(By Mike Brown)

WASHINGTON.—The House was debating a stringent anti-abortion amendment one day last August when Kentucky's Tim Lee Carter took the floor to speak against it, making a personal point about conservative John Ashbrook of Ohio.

"Today I was sitting with the proponent of this amendment at lunch, and he stated that, if his daughter were raped, he would pay (the medical) bill to see that she did not carry the child," said the 5th District Republican from Tompkinsville.

Ashbrook, a vocal opponent of abortion, immediately denied that he had said such a thing, prompting the Kentuckian to suggest that his colleague was being less than forthright.

That exchange, uncharacteristically strong for a body that exudes courtesies, does not appear in the written House record.

Using a lawmaker's prerogative of revising the record, it's even been erased from the official tape recording, apparently at Ashbrook's request, definitely not Carter's.

The August incident is worth telling because of what it says about Tim Lee Carter's 16-year career in Congress—a career that ends this week in voluntary retirement.

A physician by profession, the 70-year-old Carter has the soft-spoken, gentlemanly demeanor that perfectly fits a kind country practitioner.

Yet, as a public figure, Carter has often been unpredictable, sometimes colorfully so.

Take, for example, the time in 1972 when he slugged an anti-war demonstrator blocking the access to his hotel at the Republican National Convention. "I didn't mean to hurt him," he explained later.

The point is that, while Carter is generally a political conservative, he has toed no line.

The issue of abortion is a good example. He says he is opposed to it, and has never performed one. But Carter also says that, in cases of rape, incest and saving the mother's life, abortion is a necessity.

Carter was also not easy to pigeon-hole on the Vietnam War.

In 1967 he gained attention as the first Republican member of Congress to call for the outright withdrawal of U.S. troops.

One of his favorite stories is that, after a congressional trip to Vietnam in 1966, he was the only one among the 14 official travelers to tell Lyndon B. Johnson to his face: "No, Mr. President, we're not winning the war."

Yet, when there were efforts to cut off funds for the conflict, Carter voted against them, saying he didn't want to do anything that would deny American soldiers the rifles they needed to defend themselves.

And in 1972 he called for saturation bombing of Hanoi and Haiphong if it would save American lives.

Then there's federal spending.

Hanging in the reception area of Carter's Washington office is a cartoon showing the congressman grasping two big money bags.

"The trick is to have the right man in Washington," reads the caption in a reference to the federal largess that has flowed into Carter's mountainous 5th District. Money that's been used for vocational schools, water systems, hospitals, libraries, airports, roads and recreational areas.

Carter voted for Johnson's Great Society programs and asks, "How could I come from a poor area and not support them?" He also opposed Richard Nixon's efforts to cut programs for rural America.

Yet Carter considers himself a fiscal conservative and calls for a balanced federal budget. "I was for them (the social programs), but I was for enough taxes to pay for them," he said in a recent interview in his office, now littered with packing boxes.

So has Tim Lee Carter been unpredictable, a maverick? "I don't deny it," he said, "I follow my conscience."

In the early 1970s, Ralph Nader's Congress Project published reports on individual lawmakers. The report on Carter concluded that he "is more concerned about people than issues. He views his constituents as patients and not just voters who come together at election time."

The analogy is especially appropriate because it points to Carter's most active area in Congress.

He is the top Republican on the House subcommittee that handles health legislation, and it is there that he has devoted most of his efforts—efforts that Democrats say will be sorely missed.

"Tim was a very moderating influence and could carry the Republican side for moderate health legislation," said Richardson Preyer, a North Carolina Democrat and subcommittee member who was defeated for re-election this November. "It's going to be hard to replace him in that respect."

Carter may not be remembered as the lead actor in the passage of major laws for medical and dental schools, hospital planning, family planning, and research into cancer and other diseases.

But he consistently gets strong reviews for his supporting role as a Republican physician who understood the issues and sought consensus rather than headlines.

"He is the member that the subcommittee will most miss. I mean that, and I worked for Preyer," said Andrew Burness, who is now with the President's Commission on Medical Ethics.

Perhaps because medical legislation can be technical, Carter's health work didn't get a lot of attention in the Kentucky news media.

But it did among medical groups and publications. His office wall is covered with more than 50 plaques and citations, many from health and research organizations.

In 1978, the last year in which he ran, health-related groups provided more than 40 percent of the $46,400 his campaign raised.

"People have considered him our voice because of the fact he's a physician and the fact we have worked closely with him," said John Zepp, a lobbyist for the American Medical Association, one of the givers.

But the truth, Zepp said, is that Carter never hesitated to disagree with the association. Most recently they split on the controversial bill to expand health care for poor children under Medicaid. Carter supported it through House passage; the AMA did not. (It's now tied up in the Senate.)

"I certainly don't think he was regarded as any tool of the AMA," Preyer said of Carter. "But as a physician, he was seen as a spokesman who understood the physician's side of things and the delivery side of things."

Carter and his wife, Kathleen, also understood the personal, tragic side. In 1977, their only child, William Starr Carter, died of leukemia at age 22.

Carter says that only made him work harder on health legislation.

Carter has also been an active foreign traveler, taking a number of official trips. But his travels at public expense, Carter said in the interview, were always at the request of House leaders, and they were always work.

Carter's only really unfavorable publicity was a 1976 Wall Street Journal story naming him as one of several congressmen who claimed official travel funds for which he wasn't entitled.

Carter blamed it on a secretary's mistake and reimbursed the government. He said the incident hurt him deeply.

The Carters now plan to live in their Tompkinsville home, staying pretty much out of politics and spending winters in Florida or Arizona.

Carter's financial disclosure report for 1979 suggests he doesn't have to work. Investment income that year totaled at least $71,000, with assets worth $1 million to $2.5 million. (Only ranges of values must be given on a congressman's report.)

Nevertheless, Carter, who had a coronary bypass operation last year, says he will work—tending to farms he owns in Monroe County and carrying on a limited medical practice, which he never completely gave up.

"Leaving here doesn't mean I'm going to sit in a rocking chair," he said.

Immediately after Ronald Reagan's election as president, Carter was suggested by some Kentucky Republicans as secretary of Health and Human Services in the new administration.

While branding himself a long shot, Carter didn't hide his desire for the job. Late last week, however, he said he didn't believe he was on the final list of candidates, although he has been asked to serve on the department's transition team.

So is Tim Lee Carter at all sad as he returns to the ranks of regular citizenship?

"No, not really," he said, "I've had a great time."●

TRIBUTE TO JOHN H. BUCHANAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BIAGGI. Mr. Speaker, I wish to pay tribute to one of our distinguished colleagues who has served this body with honor and distinction since his election to the House in the 89th Congress—JOHN H. BUCHANAN, of Alabama.

The Sixth Congressional District of Alabama has been served by a Member who has dedicated his life to helping others with selfless devotion. JOHN BUCHANAN had began his career of public service through the ministry, as a Baptist pastor in churches in Tennessee, Virginia, and Alabama. His concern for people continued after his election to Congress where he has served on both the House Committee on Foreign Affairs and the Committee on Education and Labor.

I have been privileged to work with JOHN on our Education and Labor Committee on legislation which has provided educational opportunities to millions of Americans, young and old, here and abroad. He has been an articulate and effective spokesman for developing institutions of higher learning, the arts and humanities, and postsecondary educational opportunities for those who have been underserved by such programs in the past.

As members of the Postsecondary Education Subcommittee this session, JOHN and I worked together on the reauthorization of the Higher Education Act, a landmark piece of education legislation. As the ranking minority member of our subcommittee, John was constant in his contributions to this bill and many of its provisions bear his own mark, particularly those titles which strengthen the Federal commitment to the neediest of our students and schools. His work on this legislation will long be remembered by his colleagues on the Education and Labor Committee as well as the entire educational community in this Nation. Higher education certainly has a friend and advocate in John Buchanan.

There are many rewards which come from service in this distinguished body. One of them is the establishing of friendships with people like John Buchanan. I am certain that he will continue his record of devoted public service in whatever future activities he undertakes. I wish him all the best in both health and happiness and underscore the pleasure it has been to serve with him.●

TECHNICAL AMENDMENTS TO NORTHWEST PACIFIC POWER BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DINGELL. Mr. Speaker, I think it important to stress that S. 885 is being completely amended by the House. The amendment offered by Mr. Kazen, on behalf of both committees, is a complete substitute for S. 885 as it passed the Senate. It is our hope and expectation that the other body will accept it without change or the need for a conference, although we will ask for a conference for technical reasons.

This rewrite was initiated by Mr. Swift and myself and the subcommittee which I chair and the full Committee on Interstate and Foreign Commerce. The Committee on Interior and Insular Affairs further revised it when it reported the bill last August, although it adopted the basic framework of the bill as reported by the Commerce Committee. The substitute amendment represents a bipartisan compromise by a majority of the Members of both House committees. It was introduced on September 18, 1980, as H.R. 8157. It is, in my judgment, a much improved and a more workable version than S. 885, as passed by the other body.

Two technical or clarifying amendments to H.R. 8157 which I accepted on behalf of the Commerce Committee were adopted on September 29, 1980, during House floor consideration of S. 885. Mr. Kazen accepted them on behalf of the Interior Committee. See Congressional Record of September 29, 1980, daily issue page H9886. They were to sections 2 and 10.

THE FIRST TECHNICAL AMENDMENT TO H.R. 8157, SECTION 2(6)—PURPOSES

Mr. Speaker, the first of the amendments was the addition of the words "power generating" to section 2(6) of H.R. 8157 which is now known as the House amendment to S. 885.

Section 2(6) sets forth one of the several purposes of this bill. With this amendment, section 2(6) reads as follows:

"Sec. 2. * * *

Such purposes are:

* * * * *

"(6) *to protect, mitigate, and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries,* particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other *power generating* facilities on the Columbia River and its tributaries." (italics supplied)

As one can readily observe these words are added to the clause that begins with the words "particularly anadromous fish". That clause is not a limitation on the beginning portion of the paragraph which states that one of the purposes of the bill is to "protect, mitigate, and enhance the fish and wildlife * * * of the Columbia River and its tributaries". The clause to which the amendment was made does not in any way limit or modify the scope of the fish and wildlife provisions of the bill which apply to power the system, including storage and regulatory dams, and intakes, and outlets on the Columbia River and its tributaries that affect fish or wildlife, or both. It was a technical amendment as noted by the sponsor at page H9886 of the Congressional Record of September 29, 1980, daily issue. Without this technical amendment, it was feared that the word "facilities" would be too broadly construed to include nonpower related facilities. Since it was never the intent of either committee to consider within the ambit of this bill anything but power related facilities, Chairman Kazen and I gladly accepted this change.

SECTION 10(I)—A DISCLAIMER

Mr. Speaker, the second amendment which was also described as "technical" or "clarifying" by its sponsor in the House was to add a disclaimer to the bill which seeks to avoid any construction by the BPA, a court, or others that the bill would affect the validity of any existing Federal license, permit, or certificate. In short, it is a statement of the clear intent of the bill and the committee that valid licenses, and so forth, remain intact. Indeed, the sponsor, Mr. Symms, in explaining the amendment said:

> It adds language so it is clear that this bill does not affect the validity of any license, permit or certificate issued under any other Federal laws.

That disclaimer cannot be given a broader construction than its plain words. It has no overriding or superior effect, for example, on the provisions of section 4(h) of the bill, such as section 4(h)(11) which is as follows:

> (11)(A) The Administrator and other Federal agencies responsible for managing, operating, or regulating Federal or non-Federal hydroelectric facilities located on the Columbia River or its tributaries shall—
>
> (i) exercise such responsibilities consistent with the purposes of this Act and other applicable laws, to adequately protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by such projects or facilities in a manner that provides equitable treatment for such fish and wildlife with the other purposes for which such system and facilities are managed and operated;
>
> (ii) exercise such responsibilities, taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable, the program adopted by the Council under this subsection. If, and to the extent that, such other Federal agencies as a result of such consideration impose upon any non-Federal electric power project measures to protect, mitigate, and enhance fish and wildlife which are not attributable to the development and operation of such project, then the resulting monetary costs and power losses, if any, shall be borne by the Administrator in accordance with this subsection.
>
> (B) The Administrator and such Federal agencies shall consult with the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region, appropriate Indian tribes, and affected project operators in carrying out the provisions of this paragraph and shall, to the greatest extent practicable, coordinate their actions.

The directives of this section are applicable to FERC and other Federal agencies. They apply to the exercise of responsibilities by FERC and these other agencies. Those responsibilities include the oversight and administration by FERC of Federal licenses, permits, and certificates, including those applicable to non-Federal power facilities located on the Columbia River and its tributaries.

Acting under the Federal Power Act, FERC issues licenses, permits, and so forth, applicable to non-Federal power projects which contain provisions for their modification. Those provisions are derived from such sections of the Federal Power Act as sections 6, 10, and 18. Under those sections, FERC on its own motion or on petition of any person, including the licensee or permittee, may initiate investigations or proceedings concerning the issued Federal license, permit, or certificate. FERC's efforts under these provisions were noted by our committee in its report of last May on this bill—see House Report 96-976, supra, page 48.

Section 4(h)(11) of the bill supplements the Federal Power Act. It makes it clear that when FERC exercises its responsibilities, such as the initiation of such investigations or proceedings, it must do so "consistent with the purposes of this act and other applicable laws, to adequately protect, mitigate, and enhance fish and wildlife" affected by the covered project or facilities "in a manner that provides equitable treatment for such fish and wildlife* * *". I stress that the directive of section 4(h)(11) applies to FERC, not to a particular license, permit, or certificate, and to how FERC carries out its responsibilities under the law. The objective is that FERC use the authorities of the Federal Power Act to insure that the capabilities of each power project are fully utilized to provide operations that are compatible with the purposes of this legislation and will treat fish and wildlife as a coequal partner with other uses in the management and operation of the hydro projects of the region. The legal basis for initiating proceedings to make, and to make, any changes or modifications in a license, permit, or certificate in the Federal Power Act and the conditions of the license or permit or certificate, as supplemented by this legislation, including this section. Where there is doubt about such legal basis in the case of any particular license, and so forth, section 4(h)(11) is intended to resolve that doubt in favor of making those changes and initiating the proceedings to make such changes.

Section 10(i), on the other hand, is a disclaimer. It states:

> (i) Nothing in this Act shall be construed to *affect the validity* of any existing license, permit, or certificate issued by any Federal agency pursuant to any other Federal law. (Italics supplied.)

The use of the word "validity" in the amendment made it acceptable to Chairman KAZEN and myself. It is the key word. It expresses the common, but unstated, intent of both committees, namely that the bill not be construed to affect the validity or legal force or effect of any Federal license, permit, or certificate existing on the effective date of this bill. No license, permit, or certificate is in jeopardy by reason of enactment of this bill or any actions thereunder.

However, that is the limit of the meaning or effect of this disclaimer. It does not preclude the modification of any Federal license, permit or certificate—including the terms and conditions thereof—under the Federal Power Act, as supplemented by this bill, including section 4(h)(11). Under this supplemented authority, such a modification may ultimately be required by FERC or a court to protect, mitigate, or enhance fish and wildlife. With or without section 10(i), a Federal agency, such as FERC, may cite this act, particularly section 4(h)(11), as the legal basis for proposing, considering, or imposing such modifications in any pending proceeding or in future proceedings related to such validly existing licenses, permits, or certificates.

EFFECT OF SECTION 4(h)

Mr. Speaker, in developing a fish and wildlife program under this bill, the Council will, as appropriate and based on recommendations received, particularly those of the fish and wildlife agencies and Indian tribes, do so in a manner that seeks to protect, mitigate, and enhance fish and wildlife from future, as well as past, developmental, operational, and management actions associated with hydroelectric systems in the Columbia River and its tributaries. Clearly, the term is not just prospective. Actions of the past often have a lasting effect on the future. To the extent that such actions can be modified, reasonably, they should be, but always with the understanding that the bill cannot and should not undo the power developments of the past. Power and fish and wildlife can and should be compatible. I reiterate the Commerce Committee's understanding of the provision, pages 49, 57:

> The Committee recognizes that the Federal agencies and others in the region cannot correct past mistakes merely by enacting a new law, while many such mistakes unfortunately may be uncorrectable, others can clearly be corrected or avoided. Money, a reasonable amount of time, clear regulatory authority, and cooperative participation by the various interests will be needed to protect and rejuvenate the fish and wildlife resources of this region. It is not the Committee's intention to make fish and wildlife superior to power or other recognized needs. But it is the intention of the Committee to treat fish and wildlife as a co-equal partner with other uses in the management and operation of hydro projects of this region.
>
> The Committee also believes that BPA and others in the region, including the so-called 'power interests', concerned with meeting the power needs of the region have in recent times become more concerned about these valuable natural resources. They testified that they are anxious to accommodate fish and wildlife needs. The Committee believes that this is a hopeful sign and that this bill will help to achieve what appears to be a welcome common objective of protecting and enhancing this resource.
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> * * * * *
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> The objective is to give flexibility to all concerned to devise effective and imaginative measures that are also reasonable and will not result in unreasonable power shortages or loss of power revenues. Some power losses, with resultant loss in revenues, may be inevitable at times if these fish and wildlife objectives are to be achieved. Such losses, however, should not be a burden on the consumers of the region. The objective, however, should be to avoid, or at least minimize, losses, while meeting fish and wildlife needs. The Committee does not intend that these provisions be used to subvert the power objectives of this bill.

Finally, in developing the program, the Council and BPA should not slight wildlife needs. The fishery needs are important. Much emphasis in consideration of this legislation was on the anadromous and other fishery resources. However, from the beginning of our consideration of the bill in the House, we have stressed the need to protect, mitigate the adverse effects on, and enhance both fish and wildlife.

SECTION 10(H)—DISCLAIMER

S. 885, as reported by our committee, did not include any provisions concerning water rights or jurisdiction because we did not believe that the bill should or would be construed to affect such rights or jurisdiction. The Interior Committee adopted a very broad water provision—see section 10(f) as printed in House Report 96-976, part II, of September 16, 1980, page 62—which many construed as changing existing water law in a way that was unacceptable to the Interior Department and others. In working out a compromise, the two committees adopted section 10(h) which merely retains the status quo. It has no overriding effect. It is not superior to any other provision in the bill. It is a disclaimer or savings clause designed to placate those who somehow believe—without foundation, I am convinced—that this bill would adversely affect a person's water rights or change the existing jurisdictional situation. While there may in the future be close questions as to the effect of an operational change in flows at the dam on a person's water rights, the bill does not seek to affect adversely such rights. Such changes should be made as appropriate, but in a way that also does not change water rights. I caution, however, that no one give this provision greater meaning than intended. It is a savings clause, and nothing more.

SECTION 6(h)—BILLING CREDITS

This section was changed from the Commerce Committee version—see House Report supra, page 15—by deleting section 6(h)(2), renumbering the subsequent provisions, and rewriting section 6(h)(7) which is now section 6(h)(6). The effect of deleting section 6(h)(2) is to strike the discretionary credits provisions. The changes were adopted by the Interior Committee. Both committees discuss this section extensively in their reports—see Interior report at pages 50-51 and Commerce report at pages 66-67. Except for the discretionary credit discussion in the Commerce report, these comments are quite pertinent.

The provision is a rewrite of the comparable Senate provision of the Senate-passed bill. It is quite different.

As noted earlier, section 6(k) of the bill relates to the distribution of benefits throughout the region. I entered into a colloquy on September 29, 1980, with one of my colleagues concerning this section. That section and the colloquy, however, should not be interpreted too broadly to suggest some discretion on the part of BPA relative to section 6(h). Obviously, the BPA must insure that section 6(h) is fully complied with before granting credits and, as in all mandatory provisions, an administrative officer like BPA exercises some judgment or interpretation in determining such compliance, but that should not be stretched so far as to suggest a broad discretionary grant as was adopted by the Senate in the case of billing credits.

SECTION 5(G)—CONTRACTS

The bill contains broad provisions for contracting. Initially, BPA will offer the contracts with such terms and conditions as the BPA belives appropriate under the bill and then negotiations will begin. Contracts will be offered consistent with the bill. Not all contracts will be identical. They must reflect BPA needs, the concerns of the customers and BPA's obligations, and the bill.

Mr. Speaker, I urge approval of this bill.

Finally, Mr. Speaker, I want to stress that in the 97th Congress and thereafter the Commerce Committee, particularly myself, will be paying close attention to the actions of the Council and the BPA in implementing this legislation. I expect the BPA and the Council to administer this bill fairly, reasonably, effectively, and with expedition. I also expect that the purposes will be achieved, particularly those related to fish and wildlife and conservation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, December 2, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 3

9:30 a.m.
Judiciary
To hold hearings to examine the Federal responsibility to State and local law enforcement in the field of criminal justice.
2228 Dirksen Building

10:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings to investigate alleged contacts between Robert L. Vesco and officers and employees of the United States as contained in the Judiciary Committee resolution agreed to July 23, 1980.
5110 Dirksen Building

2:00 p.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 4

10 a.m.
Armed Services
Manpower and Personnel Subcommittee
To receive briefings on the impact of technology on military manpower requirements, readiness and operations.
212 Russell Building

Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

10:30 a.m.
Environment and Public Works
To hold hearings on proposed legislation relative to environmental portions of the Steel Tripartite proposal to modernize the steel industry.
4200 Dirksen Building

2:00 p.m.
Select on Ethics
To resume hearings to review the Senate Code of Official Conduct and the provisions for its enforcement and implementation and the procedures for the investigation of allegations of improper conduct against a Senator, officer, or employee of the U.S. Senate.
6226 Dirksen Building

DECEMBER 5

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings on the trade and economic issues confronting the United States, and on an international trade strategy for the United States.
2221 Dirksen Building

10:00 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for November.
5110 Dirksen Building

DECEMBER 11

9:30 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings to investigate alleged contacts between Robert L. Vesco and officers and employees of the United States as contained in the Judiciary Committee resolution agreed to July 23, 1980.
2228 Dirksen Building